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CONGRESSIONAL RECORD.

SIXTY-SECOND CONGRESS, SECOND SESSION.

SENATE.

MONDAY, *March 11, 1912.*

The Senate met at 2 o'clock p. m.

AUGUSTUS O. BACON, a Senator from the State of Georgia, took the chair as President pro tempore under the previous order of the Senate.

The Journal of the proceedings of Saturday last was read and approved.

COTTON GOODS IN ITALY (H. DOC. NO. 611).

The PRESIDENT pro tempore laid before the Senate a communication from the Secretary of Commerce and Labor, transmitting, pursuant to law, a report by Commercial Agent Ralph M. Odell on cotton goods in Italy which, with the accompanying paper, was referred to the Committee on Commerce and ordered to be printed.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by D. K. Hempstead, its enrolling clerk, announced that the House had passed the joint resolution (S. J. Res. 83) making appropriations to meet certain contingent expenses of the Senate.

PETITIONS AND MEMORIALS.

The PRESIDENT pro tempore presented resolutions adopted at the forty-fifth national encampment of the Grand Army of the Republic at Rochester, N. Y., favoring an appropriation for the erection of a memorial amphitheater at the Arlington National Cemetery, which were referred to the Committee on Public Buildings and Grounds.

He also presented resolutions adopted by Gettysburg Post, No. 39, Department of Indiana, Grand Army of the Republic, of Spencer, Ind., favoring the passage of the so-called dollar-a-day pension bill, which were ordered to lie on the table.

He also presented a memorial of the National Colored Personal Liberty League, remonstrating against the enactment of legislation to better regulate the traffic in intoxicating liquors in the District of Columbia, which was referred to the Committee on the District of Columbia.

He also presented a petition of the Woman's Christian Temperance Union of Salem, N. J., and a petition of the congregation of the German Evangelical Church of Augusta, Wis., praying for the adoption of an amendment to the Constitution to prohibit the manufacture, sale, and importation of intoxicating liquors, which were referred to the Committee on the Judiciary.

Mr. CULLOM presented a memorial of the Merchants' Association of New York, N. Y., remonstrating against any reduction being made in the annual appropriation for the maintenance of the Diplomatic and Consular Service, which was referred to the Committee on Appropriations.

He also presented a memorial of the Epworth League of the Methodist Episcopal Church of Naperville, Ill., remonstrating against the repeal of the anticanteen law, which was referred to the Committee on Military Affairs.

He also presented memorials of sundry citizens of San Jose, Cairo, Effingham, Rockford, and Chicago, all in the State of Illinois, remonstrating against the extension of the parcel-post system beyond its present limitations, which were referred to the Committee on Post Offices and Post Roads.

He also presented petitions of sundry citizens of Marion, West Salem, Mill Shoals, Dongola, and McLeansboro, all in the State of Illinois, praying for the establishment of a parcel-post system, which were referred to the Committee on Post Offices and Post Roads.

He also presented a petition of the Methodist Federation for Social Service, praying that an appropriation of $250,000 be made to enforce the provisions of the so-called white-slave act, which was referred to the Committee on Appropriations.

He also presented petitions of sundry citizens of Du Quoin and Chicago, in the State of Illinois, praying for the adoption of a 1-cent letter postage, which were referred to the Committee on Post Offices and Post Roads.

He also presented a petition of members of the Commercial Club, of Belleville, Ill., praying for the enactment of legislation to provide for the arbitration of threatened coal strikes, which was referred to the Committee on Education and Labor.

He also presented the memorial of the Woman's Christian Temperance Union, of Mazon, Ill., remonstrating against the use of phosphorus in the manufacture of matches, which was referred to the Committee on Finance.

He also presented petitions of sundry citizens of Decatur, Effingham, Streator, and Chicago, all in the State of Illinois, praying for the enactment of legislation to provide for the pensioning of widows and orphans of veterans of the Spanish-American War and the Philippine insurrection, which were referred to the Committee on Pensions.

He also presented a petition of sundry citizens of Borne Gap, Ill., praying for the enactment of legislation to provide for the establishment of a Bureau of Markets in the Department of Agriculture, which was referred to the Committee on Agriculture and Forestry.

He also presented a petition of Local Union No. 72, International Union of Stove Mounters and Steel Range Workers, of Belleville, Ill., praying for the passage of the so-called anti-injunction bill, which was referred to the Committee on the Judiciary.

He also presented a petition of Local Union No. 72, International Union of Stove Mounters and Steel Range Workers, of Belleville, Ill., praying for the passage of the so-called old-age pension bill, which was referred to the Committee on Pensions.

He also presented a petition of sundry citizens of Marshall, Ill., praying for the passage of the so-called dollar-a-day pension bill, which was ordered to lie on the table.

Mr. CHAMBERLAIN presented a memorial of sundry citizens of Alberson, Oreg., remonstrating against the extension of the parcel-post system beyond its present limitations, which was referred to the Committee on Post Offices and Post Roads.

Mr. CULBERSON presented a memorial of sundry citizens of D'Hanis, Tex., remonstrating against the extension of the parcel-post system beyond its present limitations, which was referred to the Committee on Post Offices and Post Roads.

Mr. MYERS presented petitions of sundry citizens of Butte, Mont., praying for the enactment of legislation to prohibit the use of phosphorus in the manufacture of matches, which were referred to the Committee on Finance.

He also presented petitions of the congregations of the First Presbyterian Church, the Christian Church, the Bethel Baptist Church, the First Baptist Church, the Bethel Methodist Episcopal Church, and of St. Paul's Methodist Church, and of sundry citizens of Butte, all in the State of Montana, praying for the enactment of an interstate liquor law to prevent the nullification of State liquor laws by outside dealers, which were referred to the Committee on the Judiciary.

He also presented a memorial of sundry citizens of Montana, remonstrating against the extension of the parcel-post system beyond its present limitations, which was referred to the Committee on Post Offices and Post Roads.

Mr. SMITH of Michigan presented petitions of the congregation of the Congregational Church of Pittsford; of the Central Epworth League, of Lansing; of the Woman's Christian Temperance Unions of Novi, Whitehall, Sanford, and Coopersville; and of sundry citizens of Pentwater, Coopersville, Whitehall, Detour, Saginaw, Dayton, Prescott, Belding, Walkersville, Shultz, Brighton, and Bendon, all in the State of Michigan, praying for the enactment of an interstate liquor law to prevent the nullification of State liquor laws by outside dealers, which were referred to the Committee on the Judiciary.

He also presented memorials of sundry citizens of Big Rapids, Laurium, and Hancock, all in the State of Michigan, remonstrating against the extension of the parcel-post system beyond its present limitations, which were referred to the Committee on Post Offices and Post Roads.

He also presented a memorial of Stevens Post, No. 66, Department of Michigan, Grand Army of the Republic, of East Jordan, Mich., remonstrating against the incorporation of the Grand Army of the Republic, which was referred to the Committee on the District of Columbia.

He also presented resolutions adopted by the Farmers' Institute, in convention at the Michigan Agricultural College, East Lansing, Mich., favoring the enactment of legislation to establish standard packages and grades for apples, which was referred to the Committee on Standards, Weights, and Measures.

He also presented a petition of members of the Medical Club of Ann Arbor, Mich., praying for the enactment of legislation providing for the establishment of a department of public health, which was referred to the Committee on Public Health and National Quarantine.

Mr. KERN presented a memorial of sundry citizens of Kokomo, Ind., remonstrating against the extension of the parcel-post system beyond its present limitations, which was referred to the Committee on Post Offices and Post Roads.

He also presented a petition of Williamson Post, No. 364, Department of Indiana, Grand Army of the Republic, of Paoli, Ind., praying for the passage of the so-called dollar-a-day pension bill, which was ordered to lie on the table.

He also presented a petition of Typographical Union No. 332, of Muncie, Ind., praying for the enactment of legislation providing for the construction of one of the proposed new battleships in the Brooklyn Navy Yard, which was referred to the Committee on Naval Affairs.

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He also presented a petition of sundry citizens of Odon, Ind., praying for the establishment of a parcel-post system, which was referred to the Committee on Post Offices and Post Roads.

Mr. LODGE presented a memorial of sundry employees of the Waltham Watch Co., of Waltham, Mass., remonstrating against any reduction of the tariff on watch movements and parts of watches, which was referred to the Committee on Finance.

He also presented a memorial of sundry employees of the George F. Blake Manufacturing Co., of East Cambridge, Mass., remonstrating against any reduction of the tariff on steam engines and other machinery, which was referred to the Committee on Finance.

Mr. WARREN presented a petition of Admiral John W. Philip Post No. 19, American Veterans of Foreign Service, of Denver, Colo., praying for the enactment of legislation providing for the payment of travel pay and allowances to certain officers and enlisted men who served during the Philippine insurrection, which was referred to the Committee on Military Affairs.

Mr. STONE presented a memorial of sundry citizens of Springfield, Mo., remonstrating against the extension of the parcel-post system beyond its present limitations, which was referred to the Committee on Post Offices and Post Roads.

Mr. CURTIS presented a petition of sundry citizens of Ashland, Kans., praying for the enactment of an interstate liquor law to prevent the nullification of State liquor laws by outside dealers, which was referred to the Committee on the Judiciary.

Mr. PAGE presented a petition of the Woman's Christian Temperance Union, of Fletcher, Vt., praying for the enactment of an interstate liquor law to prevent the nullification of State liquor laws by outside dealers, which was referred to the Committee on the Judiciary.

Mr. McLEAN presented a memorial of sundry citizens of New Britain, Conn., remonstrating against the enactment of legislation compelling manufacturers to stamp their name on all articles manufactured, which was referred to the Committee on Interstate Commerce.

He also presented a memorial of the German-American Alliance, of Connecticut, remonstrating against the enactment of an interstate liquor law to prevent the nullification of State liquor laws by outside dealers, which was referred to the Committee on the Judiciary.

He also presented a petition of the congregation of the Westville Congregational Church, of New Haven, Conn., praying for the enactment of an interstate liquor law to prevent the nullification of State liquor laws by outside dealers, which was referred to the Committee on the Judiciary.

He also presented a memorial of the Woman's Christian Temperance Union, of New Britain, Conn., remonstrating against the repeal of the anticanteen law, which was referred to the Committee on Military Affairs.

He also presented a memorial of Local Grange No. 149, Patrons of Husbandry, of Easton, Conn., remonstrating against the repeal of the oleomargarine law, which was referred to the Committee on Agriculture and Forestry.

He also presented a petition of Ward Cheney Camp, No. 13, Department of Connecticut, United Spanish War Veterans, of South Manchester, Conn., and a petition of W. S. Steele Camp, No. 19, United Spanish War Veterans, Department of Connecticut, of Torrington, Conn., praying for the enactment of legislation to pension the widow and minor children of any officer or enlisted man who served in the War with Spain or the Philippine insurrection, which were referred to the Committee on Pensions.

Mr. CRANE presented a petition of sundry citizens of Revere, Mass., praying that an investigation be made into the conditions prevailing at the Federal prison at Leavenworth, Kans., which was referred to the Committee on the Judiciary.

Mr. BOURNE presented a petition of the congregation of the Presbyterian Church of Fairmount, Oreg., praying for the enactment of an interstate liquor law to prevent the nullification of State liquor laws by outside dealers, which was referred to the Committee on the Judiciary.

Mr. BRANDEGEE presented a petition of W. S. Steele Camp, No. 19, Department of Connecticut, United Spanish War Veterans, of Torrington, Conn., praying for the enactment of legislation to pension the widow and minor children of any officer or enlisted man who served in the War with Spain or the Philippine insurrection, which was referred to the Committee on Pensions.

He also presented resolutions adopted by the Connecticut Hardware Association, in convention at New Haven, Conn., favoring the adoption of 1-cent letter postage, which were referred to the Committee on Post Offices and Post Roads.

He also presented resolutions adopted by the Connecticut Hardware Association, in convention at New Haven, Conn., remonstrating against the extension of the parcel-post system beyond its present limitations, which were referred to the Committee on Post Offices and Post Roads.

He also presented a petition of sundry citizens of Waterbury, Conn., praying for the adoption of certain amendments to the postal savings bank law, which was referred to the Committee on Post Offices and Post Roads.

Mr. DU PONT presented petitions of the congregation of the Methodist Episcopal Church of Slaughter Neck; of the Woman's Christian Temperance Union of Greenwood; and of sundry citizens of Cedar Creek Hundred, all in the State of Delaware, praying for the enactment of an interstate liquor law to prevent the nullification of State liquor laws by outside dealers, which were referred to the Committee on the Judiciary.

Mr. TOWNSEND presented memorials of sundry business firms of Pittsford, Mount Clemens, and Plymouth, all in the State of Michigan, remonstrating against the extension of the parcel-post system beyond its present limitations, which were referred to the Committee on Post Offices and Post Roads.

He also presented a petition of sundry citizens of Ann Arbor, Mich., praying for the establishment of a national department of public health, which was referred to the Committee on Public Health and National Quarantine.

He also presented a petition of the Board of Trade of Evart, Mich., praying for the adoption of 1-cent postage, which was referred to the Committee on Post Offices and Post Roads.

He also presented a memorial of the Builders and Traders' Exchange of Detroit, Mich., remonstrating against the passage of the so-called eight-hour bill, which was referred to the Committee on Education and Labor.

He also presented a memorial of Stevens Post, No. 66, Department of Michigan, Grand Army of the Republic, of Jordan, Mich., remonstrating against the incorporation of the Grand Army of the Republic, which was referred to the Committee on the District of Columbia.

He also presented a petition of Camp No. 2, Sons of Veterans, of Marshall, Mich., praying for the passage of the so-called dollar-a-day pension bill, which was ordered to lie on the table.

He also presented petitions of sundry citizens of Atlas, Tecumseh, Prattville, Pierson, Laingsburg, North Star, Brooklyn, and Drummond, all in the State of Michigan, praying for the enactment of an interstate liquor law to prevent the nullification of State liquor laws by outside dealers, which were referred to the Committee on the Judiciary.

He also presented petitions of sundry citizens of Shelby, Newberry, Honor, Traverse City, Lake Odessa, Big Bay, Bendon, and Cass City, all in the State of Michigan, praying for the establishment of a parcel-post system, which were referred to the Committee on Post Offices and Post Roads.

He also presented a petition of sundry citizens of Saginaw, Mich., praying for the ratification of the proposed treaties of arbitration between the United States, Great Britain, and France, with the so-called Root amendment, and also for the ratification of a similar treaty with Germany, which was ordered to lie on the table.

Mr. CLAPP presented petitions of sundry citizens of Minneapolis, Minn., praying for a reduction of the duty on sugar, which were referred to the Committee on Finance.

He also presented a petition of John C. McEwen Camp, No. 6, Department of Minnesota, United Spanish War Veterans, of Duluth, Minn., praying for the enactment of legislation to provide for the pensioning of widows and orphans of veterans of Spanish-American War and the Philippine insurrection, which was referred to the Committee on Pensions.

He also presented petitions of sundry citizens of Minneapolis, Blue Earth, St. Paul, Winnebago, Ada, Albert Lea, Tracy, and Montevideo, all in the State of Minnesota, praying for the enactment of an interstate liquor law to prevent the nullification of State liquor laws by outside dealers, which were referred to the Committee on the Judiciary.

He also (for Mr. LA FOLLETTE) presented petitions of sundry citizens of Sharon, Brodhead, and Endeavor, all in the State of Wisconsin, praying for the enactment of an interstate liquor law to prevent the nullification of State liquor laws by outside dealers, which were referred to the Committee on the Judiciary.

He also (for Mr. LA FOLLETTE) presented memorials of sundry citizens of Tomahawk, Reeseville, Manitowoc, Arlington, and Arcadia, all in the State of Wisconsin, remonstrating against the extension of the parcel-post system beyond its present limitations, which were referred to the Committee on Post Offices and Post Roads.

He also (for Mr. LA FOLLETTE) presented memorials of sundry citizens of Walworth and Waupaca County, in the State of Wisconsin, remonstrating against the enactment of legislation compelling the observance of Sunday as a day of rest in the District

of Columbia, which were referred to the Committee on the District of Columbia.

He also (for Mr. LA FOLLETTE) presented a memorial of the Milk Producers' Association of Wisconsin, Illinois, and Indiana, remonstrating against the repeal of the oleomargarine law, which was referred to the Committee on Agriculture and Forestry.

IMMIGRATION STATISTICS (S. DOC. NO. 401).

Mr. LODGE. I ask to have printed as a Senate document a table of statistics relating to the coming in of immigrants during the last 10 years. It is a very brief table, and it is desired for use in the debate on that subject.

The PRESIDENT pro tempore. The Senator from Massachusetts asks for the printing of a table he has indicated. It will be so ordered, without objection.

PELATIAH WEBSTER AND THE CONSTITUTION (S. DOC. NO. 402).

Mr. LODGE. I wish to ask for the printing of another brief document. Some time ago some papers were printed as a Senate document relating to Pelatiah Webster and the Constitution. This paper bears on the same matter. It will make a document of only two or three pages, and it is necessary to complete what has been printed. I ask that it may also be printed.

The PRESIDENT pro tempore. Without objection, it will be ordered accordingly.

REGULATION OF IMMIGRATION.

Mr. LODGE. I will take this opportunity to give notice that on Wednesday, immediately after the routine morning business, I shall call up the bill (S. 3175) to regulate the immigration of aliens to and the residence of aliens in the United States, as the Senator from North Carolina [Mr. SIMMONS] desires to address the Senate on that bill.

REPORTS OF COMMITTEES.

Mr. CHAMBERLAIN, from the Committee on Public Lands, to which was referred the bill (S. 2186) to set apart certain lands in the State of Oregon as a public park, to be known as the Saddle Mountain National Park, reported it with an amendment and submitted a report (No. 473) thereon.

Mr. MARTINE of New Jersey, from the Committee on Claims, to which was referred the bill (S. 4714) for the relief of Martha E. Conklin, submitted an adverse report thereon (No. 472), which was agreed to, and the bill was postponed indefinitely.

REPORT OF NATIONAL MONETARY COMMISSION.

Mr. S[illegible], from the Committee on Printing, to which was referred [illegible] concurrent resolution 28, reported it favorably without amendment, and it was considered by unanimous consent and agreed to, as follows:

Resolved by the House of Representatives (the Senate concurring), That there be printed, for the use of the House of Representatives, 30,000 copies of the report, with accompanying bill, of the National Monetary Commission, to be delivered to the superintendent of the folding room of the House of Representatives for distribution.

FERTILIZER RESOURCES OF THE UNITED STATES.

Mr. SMOOT, from the Committee on Printing, to which was referred House concurrent resolution 40, reported it favorably without amendment, and it was considered by unanimous consent and agreed to, as follows:

Resolved by the House of Representatives (the Senate concurring), That there be printed 10,000 copies of Senate Document No. 190, Fertilizer Resources of the United States, message from the President of the United States, December 18, 1911, for the use of the House.

DEVELOPMENT AND CONTROL OF WATER POWER.

Mr. SMOOT, from the Committee on Printing, to which was referred Senate resolution 238, for the printing of 500 copies of Senate Document No. 274, submitted by Mr. BURTON February 28, 1912, reported it without amendment, and it was considered by unanimous consent and agreed to, as follows:

Resolved, That there be printed 500 copies of Senate Document No. 274 for the use of the Corps of Engineers, United States Army.

WEATHER BUREAU OBSERVATORY BUILDING AT BILLINGS, MONT.

Mr. SUTHERLAND. From the Committee on Public Buildings and Grounds I report back favorably, without amendment, the bill (S. 4566) to provide for the purchase of ground and the erection of a Weather Bureau observatory building at Billings, Mont. (S. Rept. 471).

Mr. MYERS. I ask unanimous consent for the immediate consideration of the bill just reported by the Senator from Utah.

The Secretary read the bill, and, there being no objection, the Senate, as in Committee of the Whole, proceeded to its consideration. It proposes to appropriate the sum of $18,000 for the purchase of ground and the erection of a Weather Bureau observatory building at Billings, Mont., the construction to be under the supervision and control of the Chief of the Weather Bureau; plans and specifications to be approved by the Secretary of Agriculture.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

BILLS INTRODUCED.

Bills were introduced, read the first time, and, by unanimous consent, the second time, and referred as follows:

By Mr. OVERMAN:

A bill (S. 5758) for the relief of Pinkney Rollins; to the Committee on Claims.

A bill (S. 5759) to correct the military record of Timothy Edwards;

A bill (S. 5760) to correct the military record of Wilson Rice;

A bill (S. 5761) to correct the military record of William R. Shelton; and

A bill (S. 5762) to correct the military record of James Payne; to the Committee on Military Affairs.

A bill (S. 5763) granting an increase of pension to Ephriam Lunceford;

A bill (S. 5764) granting an increase of pension to Robert Lisenbee;

A bill (S. 5765) granting an increase of pension to Elijah P. Hensley;

A bill (S. 5766) granting an increase of pension to Spencer Rice;

A bill (S. 5767) granting an increase of pension to William M. Gentry;

A bill (S. 5768) granting an increase of pension to Edward Smith Tennent;

A bill (S. 5769) granting an increase of pension to Smith F. Carroll;

A bill (S. 5770) granting an increase of pension to Sophronia Roberts; and

A bill (S. 5771) granting an increase of pension to William Cody; to the Committee on Pensions.

By Mr. KERN:

A bill (S. 5772) granting an increase of pension to William E. McGee (with accompanying papers); to the Committee on Pensions.

A bill (S. 5773) for the relief of Rollo B. Oglesbee and others; to the Committee on Claims.

By Mr. CRAWFORD:

A bill (S. 5774) granting a pension to John S. Lewis (with accompanying papers); to the Committee on Pensions.

By Mr. OLIVER:

A bill (S. 5775) for the relief of William S. McCollam (with accompanying paper); to the Committee on Claims.

By Mr. JONES:

A bill (S. 5776) authorizing the Secretary of the Interior to adjust and settle the claims of the attorney of record involving certain Indian allotments, and for other purposes; to the Committee on Indian Affairs.

By Mr. CHAMBERLAIN:

A bill (S. 5777) granting a pension to Michael Quinn; to the Committee on Pensions.

By Mr. WATSON:

A bill (S. 5778) granting a pension to Francis Redmond;

A bill (S. 5779) granting an increase of pension to Nathan Vanaman; and

A bill (S. 5780) granting a pension to Ida M. Goodwin; to the Committee on Pensions.

By Mr. CURTIS:

A bill (S. 5781) granting an increase of pension to Daniel Miller;

A bill (S. 5782) granting a pension to Minnie D. Dobbins;

A bill (S. 5783) granting an increase of pension to Michael H. Dibert; and

A bill (S. 5784) granting an increase of pension to Francis M. Canfield (with accompanying paper); to the Committee on Pensions.

By Mr. BRANDEGEE:

A bill (S. 5785) granting an increase of pension to Anna M. Fowler;

A bill (S. 5786) granting an increase of pension to Anna Bond; and

A bill (S. 5787) granting an increase of pension to Welcome E. Moffitt; to the Committee on Pensions.

By Mr. RAYNER:

A bill (S. 5788) to continue and complete the Conduit Road along and over that part of the Government Aqueduct, which can not now be reached by conveyance, for a distance of about 2 miles from the Anglers' Club to the Great Falls of the Potomac River, in Maryland, in order to afford a suitable driveway for the convenience of the public; to the Committee on Military Affairs.

By Mr. THORNTON:

A bill (S. 5789) granting an increase of pension to Samuel Pincus, alias Jacob Harris (with accompanying paper); to the Committee on Pensions.

By Mr. CURTIS:

A bill (S. 5790) for the relief of C. E. Moore; to the Committee on Post Offices and Post Roads.

CONSULATE AT HANKOW, CHINA.

Mr. NELSON submittted an amendment proposing to appropriate $60,000 for the erection of a consular building for the use of the consul general at Hankow, China, intended to be proposed by him to the diplomatic and consular appropriation bill (H. R. 19212), which was ordered to be printed, and, with the accompanying papers, referred to the Committee on Foreign Relations.

PROPOSED PENSION LEGISLATION.

Mr. POMERENE. I desire to give notice that, with the permission of the Senate, I will make some remarks on proposed pension legislation on next Friday, at the conclusion of the routine morning business.

THE PRESIDENTIAL TERM.

The PRESIDENT pro tempore. The morning business is closed.

Mr. WORKS. Mr. President, I desire to submit some brief remarks upon Senate joint resolution 78, proposing an amendment to the Constitution of the United States. I will ask to have the joint resolution laid before the Senate.

The PRESIDENT pro tempore. The Chair lays before the Senate the joint resolution indicated by the Senator from California. It will be read.

The Secretary read the joint resolution, introduced by Mr. WORKS February 13, 1912, as follows:

Resolved, etc., That the following be proposed as an amendment to the first paragraph of section 1 of Article II of the Constitution of the United States, which will be valid to all intents and purposes as part of the Constitution when ratified by the legislatures of three-fourths of the States, namely: Amend said paragraph to read as follows:

"The Executive power shall be vested in a President of the United States of America. He shall hold his office during the term of six years and shall be ineligible to a second term, and, together with the Vice President, who shall hold for a like term, and shall also be ineligible to a second term, be elected as follows:"

Mr. WORKS. Mr. President, I have offered a resolution proposing an amendment to the Constitution of the United States that will fix the term of office of the President of the United States at six years instead of four years, as now provided, and making him ineligible to a second term. It was at once assumed in some quarters that this was intended as a movement for some candidate for President and against some other candidate. I assure the Senate at the outset that in proposing the amendment I was influenced by no such consideration and had no such intention. This is no place to talk politics or do politics. My purpose is to do what I can to keep politics out of the White House. I wish I might, with the help of other Members of this body, banish politics from the Halls of Congress forever and confine the Congress of the United States, one of the greatest legislative bodies in the world, to its lawful and legitimate functions, uninfluenced by the passions and sordid selfishness of politics.

I am not urging this amendment to the Constitution because of the length of time a President may serve, but to prevent his holding a second term, with all the evils resulting from the use of patronage to secure a renomination and reelection. I would not object to the holding of a second term if such second term did not follow immediately after the first. I would rather—much rather—see one term of 10 years than two terms of 4 years each in immediate succession.

Mr. President, this movement to bring about the amendment of the Constitution is not the result of a sudden impulse. It is not a personal matter. It has no connection with the coming political campaign. It is intended to correct a great evil that has grown up under the Constitution as it now is and which is growing with every political campaign. If this change were made, the American people would be spared the humiliating spectacle of a President of the United States traveling up and down the country, guarded by an Army officer and private detectives, making political speeches and urging his own reelection. The White House would not be turned into a political press gallery, managed by the Secretary to the President. The official head of this great Nation would be free from the overpowering temptation to use his office and his power as such to secure a second term. Time was when such efforts to secure the great office of President of the United States was looked upon as a disgrace to the Nation and unworthy of a candidate therefor.

It was an unfortunate day for this country when one of its distinguished, honorable, and well-beloved citizens inaugurated the system, as a candidate for President, of receiving delegates at his home and discussing political questions, ostensibly for their information but, in fact, to be sent broadcast throughout the country. That was the beginning of an evil and wholly inexcusable custom, by which the great office of President of the United States was brought down to the level of self-seeking politics and personal appeals for office. Now, and for a long time, the candidate does not wait for delegations to come to him. He goes out on the stump and discusses political questions, abuses his opponents, and urges the continuance in power of his party, involving his own reelection. To me it is a pitiful and humiliating spectacle. Who does a President represent in his official capacity during his term of office? Presumably the whole people of the country of every political faith and shade of belief. But does he, in fact, under present conditions? No, Mr. President, he does not. The President has come to be regarded as the head of his political party. Instead of laying aside politics and assuming the position of representative of the people, he becomes, if he had not been so before, a politician, the titular head and leader of his party, with all that that implies. And what does it imply and what follows? Every appointee of his, from the highest to the lowest office, considers that he owes him not official loyalty alone, but political and personal loyalty as well. He seems to feel that he must support the President in his political views and aspirations, personal and otherwise, even to supporting him for reelection, or get out of office. Few of them choose the latter course.

Mr. President, the evils of such a system are too obvious to need comment. Every thinking man sees and knows the evils of it; but what are we doing to prevent it? One President may very well say, in his justification, or by way of excuse, for nothing can justify it: "Other Presidents have done it before me. It is the custom. Why should I not secure a second term by such means as my predecessors have done?" I have lived in hopes that some time we would elect a Chief Magistrate of this Republic with moral courage and determination enough to put this pernicious and obnoxious custom under his feet. I have been disappointed. I realize that the temptation to follow the custom, and thus secure a reelection, is a tremendous temptation. So far it has been an overpowering one.

Let us look for a moment at the consequences, or some of them, that flow from this condition of things. The President has the power to appoint thousands of public officials. They are found in every city, town, and village in the [redacted]. Every one of these appointees, from a Cabinet officer down, with very rare exceptions, considers himself as owing political allegiance to the President personally. In fact, with most of them, this personal political allegiance is looked upon as far more binding than their official obligation to the public. When the presidential term of office is about to expire you will find them all from the highest to the lowest lined up for him and supporting him for a second term. If they are capable of it they take the stump in his behalf. If not stump orators, they belong to the gum-shoe brigade that works so effectually with the individual voter. The question of his fitness for a second term or his convictions on fundamental governmental questions has no weight with them. He is their political chief, as they understand, and their support is his absolute right. But there is another consideration of no little weight with the President's appointees. If he is not reelected they will lose their jobs and thereby the country be deprived of their most valuable services. Does anyone believe that the people of this country are satisfied with this condition? Certainly they are not. They do not believe in it. It is a custom that has been under public censure and condemnation from the time it was inaugurated.

It is not alone that such a system enables the President to build up a great political machine, with representatives in every county of every State in the Union, through which he may force his renomination, that it meets with public condemnation, but because it imposes a burden upon the presidential office that it should not bear. Why should the President be burdened with the appointment of the thousands of Federal officials now subject to his choice? Why should Senators and Representatives in Congress be burdened with the power of recommending applicants for appointment or given that right? Why should not these appointments be placed under the classified civil-service rules and made to stand upon merit and not on political or personal favor of Senators or anyone else. I am glad to know that the present incumbent of the office of President has recommended that this be done. It does him credit. It is evidence of the fact that he recognizes the evils of the present system and is willing to see it destroyed. I hope his recommendation in this respect may be heeded and acted upon favorably by Congress.

Mr. President, the proposed amendment to the Constitution that I have offered would, if adopted, go a long way toward removing the evils of the present system. It would take away from the President every opportunity or temptation to strive for his own reelection or to use the power or influence of the thousands of his appointees to secure his reelection or the success of his party. It is a consummation devoutly to be hoped. Congress owes it to the people of the United States to adopt this amendment and allow the legislatures of the States to pass upon it.

I am not wedded to any particular term for the President, long or short. As I have said, the length of term is not the important matter to be considered. It is the right of the President, under the present rule, to succeed himself that I am combatting.

I would have no objection to four years or eight years as the term of office. I would not be willing to go beyond eight years. What I desire to impress upon the Senate is my unalterable objection to two terms, one following the other. I hope Senators will not pass this matter over lightly. I hope they will not regard it as in any sense political or as an effort to affect the political aspirations of any individual. I do not believe in changing the Constitution except for grave reasons affecting the public interests. I am particularly averse to any effort to changes affecting the fundamental principles of government. But I consider the change I am seeking to bring about as one of profound interest and grave consequence. It will not change the principles established by the Constitution, principles that we should be careful to maintain and preserve, or invade fundamental questions. It simply destroys a condition that has afforded an opportunity to build up a vicious political system that every good citizen should deplore.

The evil of this system is accentuated when applied to the condition of the Republican Party. A Republican candidate for President must look to the votes of the Northern States for his election. As a rule, no Republican electors are chosen in the Southern States. And yet a much greater representation, in a Republican national convention, in proportion to population, is allowed the Southern States than the Northern. Under the present basis of apportionment each State is given 4 delegates at large and 2 for each congressional district, irrespective of the number of Republican votes cast in the State or district. The result is that the Southern States that never send an elector to the electoral college practically control the nomination of the candidate of the President, if a candidate for reelection, practically controls the selection of delegates to the convention from the Southern States. He controls them because the Federal officers in these States are his appointees, and, under this vicious system, his political supporters and lieutenants select the delegates. It is a notorious fact, that no one presumes to deny any more, that the Federal officers in those States dictate who shall go to the national convention as delegates. The inevitable result is that the delegates from the Southern States, with very rare exceptions, are for the President for renomination, all because of the pernicious patronage system that prevails and the power the President has as a result, when seeking a reelection. Let us look a moment at the probable outcome this year. The Republican national convention will have 1,076 delegates; necessary to the choice of a candidate, 539. Of these the 16 Southern States have 366. In these States the Republican vote is very light and has no effect on the result at the final election.

In Georgia, for instance, there are but 41,000 Republican voters, according to the last presidential election; yet those 41,000 Republican voters send 28 delegates to the national nominating convention. California, on the other hand, with 214,000 Republicans, has but 26 delegates in the nominating convention. Georgia has been Democratic ever since 1880, and has never contributed a single vote to the selection of a Republican President. California has been Republican every year with the exception of 1892, when it elected 8 Democratic electors.

Louisiana, with approximately 9,000 Republican voters, has 20 delegates in the national convention.

Mr. THORNTON. Mr. President, will the Senator from California allow me to interrupt him there?

The PRESIDENT pro tempore. Does the Senator from California yield to the Senator from Louisiana?

Mr. WORKS. Certainly.

Mr. THORNTON. The statement the Senator has just made that 9,000 Republicans vote in the State of Louisiana was doubtless taken from the statistics compiled some little time back. Just before the recent Democratic primaries in Louisiana four-fifths of them changed their party affiliation in order to vote in the Democratic primary, and there were not more than 1,500 Republican voters left. However, they will all go back again now.

Mr. WORKS. That is a little bit worse than I thought, Mr. President.

Mississippi, with 4,000 Republican voters, has 20 delegates; South Carolina, with 4,000 Republicans, has 18 delegates; Texas, with 65,000 Republicans, has 40 delegates.

All of these States are hopelessly Democratic and make no contribution whatever to Republican success. The party in these States is absolutely controlled by Federal officeholders. They control the party machinery, select delegates, and instruct them to support their political chief, as they regard him. The following data is interesting and instructive. Note the outcome.

	Republicans.	Delegates.
Virginia	52,000	24
Texas	65,000	40
South Carolina	4,000	18
Mississippi	4,000	20
Louisiana	9,000	20
Georgia	41,000	28
Florida	39,000	12
Total	214,000	162

Seven Southern Democratic States, with a Republican population of 214,000, have 162 delegates in the national nominating convention, while 214,000 Republicans in the single State of California, which is invariably Republican, have but 26 delegates. It may be said that the power to fix the basis of apportionment of delegates in the several States rests in the party and that the power of the Southern States may be reduced in that way. Yes; that is true, but unfortunately the very influences that control the Southern vote for other purposes control it to prevent such action. Efforts have been made to correct this palpable injustice, but without effect.

Mr. President, I have here a small table showing the vote and number of delegates in 16 Southern States, giving the name of the State, number of delegates, total vote, both Republican and Democratic, now forming the basis of representation in the convention, and the vote of the State, whether Republican or Democratic, at each presidential election from 1880 to 1908. I submit it for the consideration of the Senate and ask leave to incorporate it in my remarks without reading.

The PRESIDENT pro tempore. Without objection, permission to do so is granted.

The table referred to is as follows:

Southern States.	Number of delegates.	Republican.	Democratic.	1908	1904	1900	1896	1892	1888	1884	1880
1. Alabama	24	41,692	74,374	D	D	D	D	D	D	D	D
2. Arkansas	18	56,624	87,015	D	D	D	D	D	D	D	D
3. Florida	12	39,302	48,591	D	D	D	D	D	D	D	D
4. Georgia	28	41,692	72,350	D	D	D	D	D	D	D	D
5. Kentucky	26	235,711	244,092	D	D	D	R	D	D	D	D
6. Louisiana	20	8,958	63,568	D	D	D	D	D	D	D	D
7. Maryland	16	113,803	115,908	(1)	(2)	R	R	D	D	D	D
8. Mississippi	20	4,505	60,876	D	D	D	D	D	D	D	D
9. Missouri	36	347,203	346,574	R	R	D	D	D	D	D	D
10. North Carolina	24	114,887	136,928	D	D	D	D	D	D	D	D
11. Oklahoma	20	110,588	122,406	D							
12. South Carolina	18	3,963	62,283	D	D	D	D	D	D	D	D
13. Tennessee	24	118,519	135,819	D	D	D	D	D	D	D	D
14. Texas	40	65,602	216,737	D	D	D	D	D	D	D	D
15. Virginia	24	52,573	82,916	D	D	D	D	D	D	D	D
16. West Virginia	16	137,369	111,418	R	R	R	R	D	D	D	D
Total	366										

[1] 2 Republicans, 6 Democrats. [2] 1 Republican, 7 Democrats.

Mr. WORKS. It will be seen, Mr. President, that all of the 16 States, with one exception, have always gone Democratic. There is still hope for West Virginia. She has gone Republican half the time.

These 16 States, as I have pointed out, have 366 delegates out of a total of 1,076; enough, generally, to control the result.

The basis of apportionment is the fault of the Republican Party and has no excuse. The fact that a candidate for President, because he is at the time the incumbent of the office, can use this condition to insure his success is the fault of a vicious system that has grown up under that provision of the Constitution that I am seeking to have changed.

The Republican Party owes it to itself to change the basis of apportionment that results in such rank injustice. The Congress of the United States owes it to the people of this country to so change the Constitution as to remove every temptation

and opportunity to use the power or influence of the Presidential office to secure the reelection of the incumbent.

PENSIONS AND INCREASE OF PENSIONS.

The PRESIDENT pro tempore. The calendar under Rule VIII is in order.

Mr. SMOOT. I ask unanimous consent for the present consideration of the bill (S. 4623) granting pensions and increase of pensions to certain soldiers and sailors of the Civil War and certain widows and dependent relatives of such soldiers and sailors.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill. It proposes to pension the following-named persons at the rates stated:

Abel Buckingham, late of Companies I and L, First Regiment Michigan Volunteer Cavalry, $24.

Wade Beach, late of Company D, Veteran Battalion, First Regiment Colorado Volunteer Cavalry, $24.

James Goodwin, late of Company F, Third Regiment Wisconsin Volunteer Infantry, $24.

James Lynch, late of U. S. S. *Ohio* and *Howquah*, United States Navy, $30.

George I. Martin, late of Company D, Second Regiment California Volunteer Cavalry, $24.

Peter M. Bryant, late of Company B, Thirteenth Regiment Kentucky Volunteer Infantry, $24.

James Short, late of Company E, Second Regiment North Carolina Volunteer Mounted Infantry, $24.

John H. Jarrett, late of Company H, Fourth Regiment West Virginia Volunteer Infantry, $24.

John Lunsford, late of Company D, Forty-seventh Regiment Kentucky Volunteer Infantry, $30.

William F. McKellup, late of Company A, Forty-fifth Regiment Kentucky Volunteer Mounted Infantry, $24.

Lorentz Thoreson, late of Company D, Third Regiment Minnesota Volunteer Infantry, $30.

George A. Wingrove, late of Company A, Second Independent Battalion Pennsylvania Volunteer Infantry, $24.

Adam Smith, late of Company I, Sixty-second Regiment Pennsylvania Volunteer Infantry, $40.

John Leister, late of Company G, Seventy-fourth Regiment Ohio Volunteer Infantry, $30.

William F. Clark, late of Company K, Ninety-second Regiment Illinois Volunteer Infantry, $40.

William L. Goodsell, late of Company D, Fiftieth Regiment New York Volunteer Engineers, $24.

James McCue, late of Battery A, Third Regiment United States Artillery, $30.

John W. A. Lawson, late of Company B, Fourth Regiment United States Volunteer Infantry, $24.

Seth H. Tolles, late of Company E, Seventeenth Regiment Michigan Volunteer Infantry, $24.

Jeremiah H. Taylor, late of Company A, One hundred and eighteenth Regiment Indiana Volunteer Infantry, $30.

Balaam C. Hornaday, late of Company E, Thirty-sixth Regiment Indiana Volunteer Infantry, $30.

Charles W. Riggs, late of Company B, Thirty-sixth Regiment Indiana Volunteer Infantry, $30.

George H. Slightain, late of Company B, First Battalion, and Company A, Second Regiment, Nebraska Volunteer Cavalry, $24.

Samuel M. Hoover, late of Company B, One hundred and thirty-ninth Regiment Pennsylvania Volunteer Infantry, $24.

Francis M. Cox, late of Company B, Forty-fourth Regiment Indiana Volunteer Infantry, $24.

David Milford, late of Company A, Sixth Regiment Pennsylvania Volunteer Heavy Artillery, $30.

Alonzo L. Baker, late of Company K, One hundred and fifty-sixth Regiment Illinois Volunteer Infantry, $24.

Eunice A. Starr, widow of Alfred H. Starr, late of Company L, First Regiment Missouri State Militia Cavalry, $20.

Benjamin F. Spencer, late of Company B, Sixth Regiment West Virginia Volunteer Infantry, $24.

William J. Davis, late of Company D, Fourteenth Regiment West Virginia Volunteer Infantry, $24.

Archie S. Blackmer, helpless and dependent son of William A. Blackmer, late of Company A, Twenty-first Regiment Massachusetts Volunteer Infantry, and Company I, Forty-fourth Regiment Iowa Volunteer Infantry, $12.

Robert B. Nicol, late of Company I, Eleventh Regiment New York Volunteer Cavalry, $50.

Henry H. Larkin, late of Company L, Second Regiment Missouri Volunteer Cavalry, $24.

Philo S. Bartow, late of Company B, One hundred and forty-fourth Regiment New York Volunteer Infantry, $30.

Thomas D. Sheffield, late captain Companies H and E, and lieutenant colonel, Eighth Regiment Connecticut Volunteer Infantry, $30.

Fletcher S. Dewey, late of Company K, First Regiment Ohio Volunteer Heavy Artillery, $24.

Benjamin R. Chisam, late of Company B, Eleventh Regiment Kansas Volunteer Cavalry, $30.

Hiram Brooks, late of Company I, Second Regiment New York Volunteer Mounted Rifles, $24.

William G. Downs, late of Company H, Twentieth Regiment Ohio Volunteer Infantry, $30.

Louise Schenkel, widow of Leonard Schenkel, late of Companies E and A, Third Regiment Maryland Volunteer Infantry, $20.

Calvin Hitt, late of Company I, Stevenson's regiment New York Volunteers, War with Mexico, and Company B, Second Regiment Minnesota Volunteer Infantry, $30.

Nancy B. Jenness, widow of Richard Jenness, late of Company K, Fourteenth Regiment Wisconsin Volunteer Infantry, $20.

Joseph G. Marsh, late of U. S. S. *Clara Dolsen* and *Winnebago*, United States Navy, $24.

Robert H. Church, late of Company A, Eighty-first Regiment Illinois Volunteer Infantry, $30.

Paul A. Greely, late of Company G, Third Regiment Wisconsin Volunteer Cavalry, $30.

Jennie West, helpless and dependent daughter of Jacob West, late of Sixteenth Battery Indiana Volunteer Light Artillery, $12.

John Denny, late of Company C, Forty-ninth Regiment Indiana Volunteer Infantry, $30.

William F. Hart, late of Twenty-sixth Independent Battery Ohio Volunteer Light Artillery, $24.

Spencer Ford, late of Company F, Fifth Regiment United States Colored Volunteer Infantry, $50.

James A. Hibbard, late of Company K, Fiftieth Regiment Illinois Volunteer Infantry, $30.

Stoughton A. Cheever, late of Company C, Ninth Regiment Indiana Volunteer Infantry, $24.

John Busha, late of Company H, Twelfth Regiment Wisconsin Volunteer Infantry, $24.

David J. Ryan, late of Company I, Twenty-first Regiment, and Company D, Forty-first Regiment, Wisconsin Volunteer Infantry, $24.

Francis Weaver, late of Company B, Ninth Regiment Iowa Volunteer Infantry, $40.

Frederick White, late of Company D, First Regiment North Carolina Volunteer Infantry, $30.

Josiah McElroy, late of Company F, Twenty-fourth Regiment Iowa Volunteer Infantry, $24.

Simon C. Strickland, late second lieutenant Company B, Thirty-eighth Regiment Wisconsin Volunteer Infantry, $30.

Clem Reid, late of U. S. gunboat *Silvercloud*, United States Navy, $30.

Seth H. Shurtleff, late of Company K, Third Regiment Massachusetts Volunteer Infantry, $12.

Woodbury Day, alias John White, late of Company A, Twenty-eighth Regiment Massachusetts Volunteer Infantry, $24.

George L. Keach, late of Companies F and B, Third Regiment Rhode Island Volunteer Heavy Artillery, $30.

William Stoneking, late of Company I, Twentieth Regiment Iowa Volunteer Infantry, $24.

Aaron B. Mitchell, late of Company G, Twenty-first Regiment Ohio Volunteer Infantry, $30.

William E. Ross, late of Company F, Tenth Regiment Indiana Volunteer Cavalry, $24.

William Patterson, late of Company D, Ninetieth Regiment; Company I, One hundred and ninety-second Regiment; and Company I, Two hundred and fifteenth Regiment, Pennsylvania Volunteer Infantry, $24.

John Fairbanks, late of Company C, First Regiment Wisconsin Volunteer Infantry, $50.

Hiram F. Daniels, late of Company D, Twenty-second Regiment Michigan Volunteer Infantry, $30.

Isaac D. Rowden, late of Company K, Twelfth Regiment Missouri Volunteer Cavalry, $30.

David E. Banks, late of Company M, Second Regiment Illinois Volunteer Cavalry, $30.

Amon H. Johnson, late of Company K, Thirteenth Regiment Michigan Volunteer Infantry, $24.

John M. Jackson, late of Company A, Twenty-third Regiment, and Company D, Thirty-second Regiment, Maine Volunteer Infantry, $30.

William J. Frazer, late of Company K, Ninth Regiment Kansas Volunteer Cavalry, $30.

Joseph F. Smith, late of Company I, Eleventh Regiment New York Volunteer Cavalry, $30.

Victor Tracy, late of Company G, First Regiment Maryland Volunteer Infantry, $40.

Russell D. Royal, late of Company A, Seventh Regiment, and Company C, Sixteenth Regiment, Maine Volunteer Infantry, $24.

Ann J. Rouse, widow of Asa W. Rouse, late of Company H, Eleventh Regiment Connecticut Volunteer Infantry, $20.

Charles H. Senseney, late of Battery D, First Regiment West Virginia Volunteer Light Artillery, $30.

Samuel Beatty, late first lieutenant Company I, Third Regiment Pennsylvania Reserves Volunteer Infantry, $24.

George A. Chaffee, late of Company K, Tenth Regiment Vermont Volunteer Infantry, $24.

Daniel Burket, late of Company B, Eighty-fourth Regiment Indiana Volunteer Infantry, $40.

George W. Patterson, late of Battery F, First Regiment Ohio Volunteer Light Artillery, $30.

Oliver C. Morris, late of Company K, Eightieth Regiment Ohio Volunteer Infantry, $24.

Hardin T. Richardson, late captain Company C, Thirty-second Regiment Illinois Volunteer Infantry, $30.

Elizabeth Teel, widow of John C. Teel, late of Company F, Thirteenth Regiment Iowa Volunteer Infantry, $12.

Edwin D. Jones, late of Company F, Twenty-seventh Regiment Massachusetts Volunteer Infantry, $24.

Frederick M. Miller, late of Company F, Twelfth Regiment Vermont Volunteer Infantry, $12.

Edward D. Hagen, late of Company F, First Regiment Nevada Volunteer Cavalry, $24.

Henry R. Kirk, late of Company E, Tenth Regiment Kentucky Volunteer Cavalry, $24.

Joel W. Gladson, late of Company A, Eighteenth Regiment Illinois Volunteer Infantry, $24.

Catherine S. Wales, widow of William W. Wales, late of Company G, Fifth Regiment Rhode Island Volunteer Heavy Artillery, $20.

Sarah A. Peck, widow of Edward K. Peck, late of U. S. S. *Albatross*, United States Navy, $20.

Hiram B. Morey, late of Company E, Eighth Regiment Maine Volunteer Infantry, $36.

Austin J. Marsh, late of Company E, Thirty-eighth Regiment, and Company K, Thirty-fourth Regiment, Iowa Volunteer Infantry, $24.

Hiram N. Brann, late of Company D, Twenty-first Regiment Maine Volunteer Infantry, $30.

Eugene Sullivan, late of Company D, First Battalion, Seventeenth Regiment United States Infantry, $24.

Tilman H. Elrod, late of Company I, Thirteenth Regiment Iowa Volunteer Infantry, $30.

Morris Johnson, late of Company C, Thirty-fourth Regiment Illinois Volunteer Infantry, $24.

Robert Martin, late of Company I, Ninety-ninth Regiment, and Company K, Fiftieth Regiment, Ohio Volunteer Infantry, $30.

William H. Tillson, late of Company E, Eighty-fourth Regiment Illinois Volunteer Infantry, $24.

Susan Berfield, widow of Montgomery Berfield, late of Company H, Ninth Regiment Minnesota Volunteer Infantry, and former widow of Sylvanus Wakefield, late of Company B, Fourth Regiment Minnesota Volunteer Infantry, $20.

Sarah E. Cunningham, widow of Adam A. Cunningham, late of Company G, One hundred and thirty-second Regiment Indiana Volunteer Infantry, $24, and $2 per month additional on account of the minor child of said Adam A. Cunningham until he reaches the age of 16 years: *Provided*, That in the event of the death of Bertha Cunningham, helpless and dependent child of Adam A. Cunningham, the additional pension herein granted shall cease and determine: *And provided further*, That in the event of the death of Sarah E. Cunningham, the name of Bertha Cunningham be placed on the pension roll at $12.

Abijah S. Chears, late of Company K, First Regiment Ohio Volunteer Cavalry, $30.

William H. Peek, late of Company A, Second Regiment North Carolina Volunteer Mounted Infantry, $24.

Jimeson S. Tweed, late of Company M, First Regiment Tennessee Volunteer Cavalry, $24.

William Gurin, late of Company F, One hundred and sixty-first Regiment New York Volunteer Infantry, and Company E, First Regiment Louisiana Volunteer Cavalry, $30.

Sarah E. Cloud, widow of Ellis A. Cloud, late of Company G, Fifth Regiment Delaware Volunteer Infantry, $12.

William W. Gordon, late of Company H, Nineteenth Regiment Wisconsin Volunteer Infantry, $30.

Don Carlos Cameron, late of First Battery Wisconsin Volunteer Light Artillery, $36.

Anna M. Robinson, widow of Elisha J. Robinson, late of Company F, Twenty-seventh Regiment Wisconsin Volunteer Infantry, $20.

John A. George, late of Company H, Third Regiment Wisconsin Volunteer Infantry, $50.

Emmanuel Mennet, late captain Company D, Fifty-ninth Regiment Illinois Volunteer Infantry, $40.

John L. Perkins, late of Company D, Ninety-fifth Regiment Pennsylvania Volunteer Infantry, $30.

Orlando B. Douglas, late of Company C and second lieutenant Company K, Eighteenth Regiment Missouri Volunteer Infantry, $30.

George W. Dimond, late of Company H, Second Regiment United States Volunteer Sharpshooters, $30.

Adam C. Pattee, late of Company A, Fourteenth Regiment Iowa Volunteer Infantry, and Company K, Seventh Regiment Iowa Volunteer Cavalry, $24.

James H. Morris, late of Company L, Eighth Regiment Iowa Volunteer Cavalry, $30.

James G. Doran, late of Company A, Forty-sixth Regiment Missouri Volunteer Infantry, $36.

Reuben Bellows, late of Company D, One hundred and twentieth Regiment New York Volunteer Infantry, $30.

Elizabeth C. Jarrett, widow of B. Frank Jarrett, late of Company K, One hundred and fourth Regiment Pennsylvania Volunteer Infantry, $20.

David A. Buchanan, late of Company B, One hundred and thirty-fifth Regiment Pennsylvania Volunteer Infantry, $24.

Hiram S. Plummer, late assistant surgeon, One hundred and tenth Regiment, and surgeon, One hundred and fifty-second Regiment, Illinois Volunteer Infantry, $36.

Andrew McFarland, late of U. S. S. *Grampus*, *Great Western*, and *Choctaw*, United States Navy, $30.

John A. Boulger, late of U. S. S. *North Carolina*, *New Hampshire*, and *Nahant*, United States Navy, $24.

Martin V. B. Knox, late captain Company E, Twenty-third Regiment United States Colored Volunteer Infantry, $50.

Diana Christy, widow of George B. Christy, late surgeon, Ninth Regiment Illinois Volunteer Cavalry, $25.

Henry V. Leach, late of Company H, Third Regiment New York Volunteer Light Artillery, $30.

Augustus G. Winslow, late of Company B, Seventy-fourth Regiment Pennsylvania Volunteer Infantry, $20.

Henry Bucholz, late of Company C, Fifth Regiment Missouri State Militia Cavalry, $30.

Marsena R. Clark, late of Company M, Second Regiment Missouri State Militia Cavalry, and Company L, Thirteenth Regiment Missouri Volunteer Cavalry, $30.

Gustavus H. Mann, late of Company D, Seventy-fourth Regiment New York Volunteer Infantry, $30.

Gilman A. Whitman, late of Company D, Twenty-third Regiment Maine Volunteer Infantry, $24.

George A. Coverdale, late of Company C, First Regiment Delaware Volunteer Cavalry, $24.

Benjamin B. D. Derickson, late of Company H, Ninth Regiment Delaware Volunteer Infantry, $24.

Lewis Childs, late of Company D, Eleventh Regiment New Hampshire Volunteer Infantry, $30.

Charles Young, late of Company A, Thirteenth Regiment New York Volunteer Infantry, $30.

John H. Mullison, late of Company B, Twelfth Regiment Pennsylvania Reserve Volunteer Infantry, and Company H, One hundred and ninetieth Regiment Pennsylvania Volunteer Infantry, $36.

Emma E. Keyes, widow of William T. Keyes, late of Company C, Tenth Regiment, and Company D, Twenty-ninth Regiment, Maine Volunteer Infantry, $12.

Mr. McCUMBER. On page 9, I move to strike out all of lines 11 to 14, inclusive—the case of Jennie West.

The amendment was agreed to.

Mr. McCUMBER. I ask that in this case the papers be recommitted to the Senate committee.

The PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. McCUMBER. I also move to strike out all of lines 11 to 14, inclusive, on page 13—the case of Amon H. Johnson—the beneficiary having died since the bill was reported.

The amendment was agreed to.

Mr. McCUMBER. On page 16, line 1, I move to strike out the word "twenty-four" and insert in lieu thereof the word "thirty." Later evidence filed with the committee shows that

the soldier's condition has become much worse since the bill was introduced and justifies the increase.

The amendment was agreed to.

Mr. McCUMBER. On page 25, I move to strike out all of lines 11 to 14—the case of Emma E. Keyes; and I ask that the papers in the case be recommitted to the committee.

The amendment was agreed to.

The PRESIDENT pro tempore. Without objection, the papers will be recommitted to the Committee on Pensions.

Mr. SMITH of Georgia. I desire to offer an amendment to be inserted at the end of the bill.

The PRESIDENT pro tempore. If the Senator from Georgia will send his amendment to the desk it will be stated.

The SECRETARY. At the end of the bill insert the following proviso:

Provided, That no one of the said pensions shall be paid until the examination has been made in the Pension Bureau and it has been found that said party has actually served in the Army or the Navy and was engaged in some battle in connection with said service.

The PRESIDENT pro tempore. The question is on agreeing to the amendment offered by the Senator from Georgia.

Mr. SMITH of Georgia. I suggest the absence of a quorum.

The PRESIDENT pro tempore. The Senator from Georgia suggests the absence of a quorum. The Secretary will call the roll.

The Secretary proceeded to call the roll.

Mr. BRYAN (when Mr. FLETCHER'S name was called). My colleague is unavoidably detained from the Senate.

Mr. JONES (when Mr. POINDEXTER'S name was called). I desire to announce that my colleague [Mr. POINDEXTER] is detained from the Chamber on account of the death of his mother. I shall allow this announcement to stand for the rest of the day.

The following Senators answered to their names:

Bacon	Culberson	Lodge	Root
Bourne	Cullom	McCumber	Simmons
Brandegee	Cummins	Martin, Va.	Smith, Ga.
Briggs	Curtis	Martine, N. J.	Smith, Mich.
Bristow	Dillingham	Myers	Smoot
Brown	du Pont	Nixon	Sutherland
Bryan	Foster	O'Gorman	Swanson
Burnham	Gallinger	Oliver	Taylor
Burton	Gardner	Overman	Thornton
Chamberlain	Guggenheim	Page	Townsend
Chilton	Hitchcock	Percy	Warren
Clapp	Johnston, Ala.	Perkins	Watson
Clark, Wyo.	Jones	Pomerene	Williams
Clarke, Ark.	Kern	Rayner	Works
Crane	Lea	Reed	

The PRESIDENT pro tempore. Fifty-nine Senators have answered to their names. A quorum is present. The question is on agreeing to the amendment of the Senator from Georgia.

Mr. McCUMBER. On that I ask for the yeas and nays.

Mr. OVERMAN. Let the amendment be reported.

The PRESIDENT pro tempore. The Secretary will again state the amendment.

The SECRETARY. At the end of the bill add the following:

Provided, That no one of the said pensions shall be paid until the examination has been made in the Pension Bureau and it has been found that said party has actually served in the Army or the Navy and was engaged in some battle in connection with said service.

Mr. SMITH of Georgia. I wish to add what I send to the desk.

The Secretary read the amendment as follows:

Provided, That no one of the said special pensions contained in this bill shall be paid to any one of the parties herein named until the Pension Bureau has made investigation and found the said party to whom the same is to be paid did not enter the service in consideration of a bounty or for a payment made to him to serve as a substitute; and

Provided, That no one of the said pensions shall be paid until the examination has been made in the Pension Bureau and it has been found that said party has actually served in the Army or the Navy and was engaged in some battle in connection with said service.

The PRESIDENT pro tempore. Does the Senator from Georgia offer this amendment in connection with the other, or separately?

Mr. SMITH of Georgia. Together.

The PRESIDENT pro tempore. The question is on agreeing to the amendment of the Senator from Georgia.

Mr. McCUMBER. On that I ask for the yeas and nays.

The yeas and nays were ordered.

Mr. CULBERSON. I should like to inquire whether each amendment is distinct in itself—I was not completely able to hear them when they were read—and therefore divisible.

The PRESIDENT pro tempore. They are undoubtedly divisible, but the Chair asked the Senator from Georgia whether they should be taken together as one amendment, and he replied in the affirmative. Of course, upon the demand of any Senator they may be considered separately.

Mr. CULBERSON. If the Senator from Georgia has no particular reason why they should be considered together, I should like to have them considered separately.

The PRESIDENT pro tempore. The Secretary will read the first amendment.

The Secretary read as follows:

Provided, however, That no one of the said special pensions contained in this bill shall be paid to any one of the parties herein named until the Pension Bureau has made investigation and found the said party to whom the same is to be paid did not enter the service in consideration of a bounty or for a payment made to him to serve as a substitute; and

Mr. McCUMBER. On that I ask for the yeas and nays.

Mr. THORNTON. I should like to ask the Senator from Georgia whether the record shows that the party in this case actually was in the service of the United States?

Mr. McCUMBER. The records do not show either affirmatively or negatively upon the question whether he came in under a bounty or what consideration impelled him to join the ranks of the Union.

The PRESIDENT pro tempore. The question is on agreeing to the first amendment proposed by the Senator from Georgia, on which the yeas and nays have been ordered. The Secretary will call the roll.

Mr. CULBERSON. Before the roll is called, I will ask the Senator from North Dakota an additional question to that suggested by the Senator from Louisiana, and that is whether the records of the Pension Office answer the inquiry which is contained in this amendment?

Mr. McCUMBER. I do not think the records of the Pension Office would show that.

The PRESIDENT pro tempore. The Secretary will proceed with the call of the roll.

The Secretary proceeded to call the roll.

Mr. BURNHAM (when his name was called). I have a general pair with the Senator from Maryland [Mr. SMITH]. If he were present, I would vote "nay."

Mr. CLARK of Wyoming (when his name was called). I have a general pair with the senior Senator from Missouri [Mr. STONE]. I transfer that pair to the junior Senator from North Dakota [Mr. GRONNA], and vote "nay."

Mr. GUGGENHEIM (when his name was called). I have a general pair with the senior Senator from Kentucky [Mr. PAYNTER]. He is not in the Chamber, so I withhold my vote.

Mr. GARDNER (when the name of Mr. JOHNSON of Maine was called). My colleague [Mr. JOHNSON] is necessarily absent from the Senate on official business. Were he present, he would vote "nay" on this amendment.

Mr. WILLIAMS (when his name was called). I wish to announce my pair with the senior Senator from Pennsylvania [Mr. PENROSE].

The roll call was concluded.

Mr. LEA (after having voted in the negative). Has the junior Senator from Rhode Island [Mr. LIPPITT] voted?

The PRESIDENT pro tempore. The Chair is informed that he has not.

Mr. LEA. I have a general pair with the junior Senator from Rhode Island [Mr. LIPPITT]. Therefore I withdraw my vote. Were he present, I should vote "nay."

Mr. DILLINGHAM (after having voted in the affirmative). I did not observe when I voted that the senior Senator from South Carolina [Mr. TILLMAN] was not in the Chamber. I therefore withdraw my vote, having a general pair with that Senator.

Mr. JOHNSTON of Alabama (after having voted in the negative.) I was absent from the Senate on committee service when the vote was begun. I wish to know whether the question is on both provisos.

The PRESIDENT pro tempore. Only on the first one.

Mr. JOHNSTON of Alabama. I will change my vote from "nay" to "yea."

Mr. CRAWFORD. I wish to announce that my colleague [Mr. GAMBLE] is necessarily absent. He has a standing pair with the junior Senator from Arkansas [Mr. DAVIS]. If my colleague were present, he would vote "nay."

Mr. JONES. I have already announced the absence of my colleague [Mr. POINDEXTER]. If he were present, he would vote "nay" on this amendment.

Mr. CUMMINS. My colleague [Mr. KENYON] is necessarily absent. If he were present, he would vote, upon this question, "nay."

Mr. BORAH. My colleague [Mr. HEYBURN] is absent on account of illness. If he were present, he would vote "nay."

Mr. McCUMBER. I desire to state that my colleague [Mr. GRONNA] is absent. Were he present, he would vote "nay."

Mr. BORAH. I desire to add also that my colleague [Mr. HEYBURN] is paired with the Senator from Alabama [Mr. BANKHEAD].

Mr. OLIVER. My colleague [Mr. PENROSE] is necessarily absent to-day. He is paired with the Senator from Mississippi [Mr. WILLIAMS]. If my colleague were present, he would vote "nay."

The result was announced—yeas 12, nays 47, as follows:

YEAS—12.

Bacon	Culberson	Martin, Va.	Simmons
Bryan	Gore	Overman	Smith, Ga.
Clarke, Ark.	Johnston, Ala.	Percy	Swanson

NAYS—47.

Borah	Crane	Lodge	Shively
Bourne	Crawford	McCumber	Smith, Mich.
Bradley	Cullom	McLean	Smoot
Brandegee	Cummins	Martine, N. J.	Sutherland
Briggs	Curtis	Myers	Taylor
Bristow	du Pont	Nelson	Thornton
Brown	Foster	Nixon	Townsend
Burton	Gallinger	O'Gorman	Warren
Chamberlain	Gardner	Oliver	Watson
Chilton	Hitchcock	Page	Wetmore
Clapp	Jones	Perkins	Works
Clark, Wyo.	Kern	Pomerene	

NOT VOTING—32.

Bailey	Gronna	Lorimer	Richardson
Bankhead	Guggenheim	Newlands	Root
Burnham	Heyburn	Owen	Smith, Md.
Davis	Johnson, Me.	Paynter	Smith S. C.
Dillingham	Kenyon	Penrose	Stephenson
Dixon	La Follette	Poindexter	Stone
Fletcher	Lea	Rayner	Tillman
Gamble	Lippitt	Reed	Williams

So the amendment of Mr. SMITH of Georgia was rejected.

The PRESIDENT pro tempore. The question now is upon the second proviso offered by the Senator from Georgia.

Mr. SMITH of Georgia. I withdraw the second portion of the amendment, with the consent of the Senate, and I wish to offer another amendment.

The PRESIDENT pro tempore. Without objection, the amendment will be considered as withdrawn, and the amendment now sent to the desk will be read.

The SECRETARY. It is proposed to add, at the end of the bill, the following proviso:

Provided, That after the passage of this bill it shall be the duty of the Pension Bureau to investigate the record of each party named therein, and if it is found from the records of the Army or Navy that any party therein named failed to have an honorable discharge then the name of such party shall thereafter be stricken and he shall no longer receive any benefit from said bill.

Mr. McCUMBER. I do not know whether the Senator is aware of the fact that no names could be placed upon the pension roll at all unless the soldiers had had an honorable discharge. That is the existing law. The bill applies only to those who have had an honorable discharge.

Mr. SMITH of Georgia. But I could not tell, Mr. President, from looking at the bill whether it was not the purpose of the bill in some instances to remove disabilities and to give pensions to men who did not have honorable discharges.

Mr. McCUMBER. No; in any case where there is a question about the party having been honorably discharged it goes to the Committee on Military Affairs, and not to the Committee on Pensions, and the ex-soldier could not be placed upon the pension roll unless he had received an honorable discharge. If the Senator will look at the first clause of the bill he will see that it reads:

That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws—

One of the provisions and limitations of the pension laws is that the claimant must have an honorable discharge.

Mr. SMITH of Georgia. May I ask the Senator a question?

The PRESIDENT pro tempore. Does the Senator from North Dakota yield for a question?

Mr. McCUMBER. Certainly. I was through.

Mr. SMITH of Georgia. Then, in point of fact, there is not a man whose name is on this list who is having in any way the defect of an honorable discharge cured, but everyone on this list has received an honorable discharge.

Mr. McCUMBER. Everyone on this list must have received an honorable discharge.

Mr. SMITH of Georgia. Then, Mr. President, I will not insist upon the amendment. It is because I did not know the fact, and I was struck with the size of some of the pensions, that I wanted to raise the question. I withdraw the proposed amendment.

The PRESIDENT pro tempore. The amendment is withdrawn. The bill is still as in Committee of the Whole and open to amendment.

Mr. McCUMBER. Since we have been discussing this matter I have received notice of another death of one of the claimants, which compels me to ask for a further amendment. I therefore move to amend, on page 14, by striking out all of lines 20, 21, 22, and 23, the case of Samuel Beatty.

The PRESIDENT pro tempore. The Secretary will report the amendment.

The SECRETARY. Strike out lines 20 to 23, inclusive, on page 14, in the following words:

The name of Samuel Beatty, late first lieutenant Company I, Third Regiment Pennsylvania Reserves Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The amendment was agreed to.

Mr. BRYAN. Mr. President, I offer an amendment, which I send to the desk.

The PRESIDENT pro tempore. The amendment will be stated.

The SECRETARY. Amend, by striking out lines 20, 21, 22, and 23, on page 5, the following words:

The name of Francis M. Cox, late of Company B, Forty-fourth Regiment Indiana Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The PRESIDENT pro tempore. The question is on agreeing to the amendment proposed by the Senator from Florida.

Mr. BRYAN. I ask the Secretary to read what appears in the report in this case, found on page 12 of Report No. 205.

The PRESIDENT pro tempore. The Secretary will read the part indicated by the Senator from Florida.

The Secretary read as follows:

S. 562. Francis M. Cox, of Orting, Wash., served as a private in Company B, Forty-fourth Regiment Indiana Volunteer Infantry, from February 4, 1865, to September 14, 1865, and was honorably discharged. He is a pensioner at $20 per month under the service act of February 6, 1907. He never filed a claim under the general law, but formerly drew $12 per month under the act of June 27, 1890, granted him on account of total inability to earn a support by manual labor. The testimony shows that claimant is about 80 years of age, and that he is broken down from piles, hernia, and general and senile debility, and is wholly unable to earn a living by manual labor. It further appears that he is without property or means and is entirely dependent upon his pension for support. On account of his age, poverty, and total disability your committee recommend increase of pension to $24 per month; his service was little more than seven months and no greater increase is warranted.

Mr. BRYAN. Mr. President, that, as stated in the report, is an enlistment which covered a period of a little more than seven months. Yet, including the three days of the bloody battle we learned of on Saturday, the great Battle of Appomattox, he could not have served 90 days in actual warfare. He was not injured by reason of his service. He, too, has drawn about $3,400 of pension for the 64 days of service. He, too, has taken a place above all others of his age who had service ranging from one to four years in the Civil War.

I do not intend to delay the action of the Senate further than to call attention to this case, so that it may be understood by Senators as they vote for an omnibus bill, and it may be understood by the country at large just exactly what Congress is doing with reference to special pension legislation.

On Saturday the distinguished Senator from Indiana [Mr. SHIVELY] chided me for picking out from the list of names one name, and he asked me the question whether I considered that typical of the cases being provided for by special pension legislation. I did not have a fair opportunity to answer his question before I was asked another question.

I do not claim, Mr. President, that the case of Mr. Angel is typical; I do not claim that this case is typical; but I do claim that there are a number included in the omnibus bill Saturday and in this omnibus bill to-day of service during the actual continuation of the war of from 40 to 50 or 60 days.

Without taking up the time of the Senate to offer another amendment, I shall use the amendment I intended to offer after this one is voted down, for the purpose of illustrating that there are other cases here.

On page 6 of the bill and on page 13 of the report of the committee it is shown that Mr. Alonzo L. Baker enlisted February 14, 1865, and that he was honorably discharged September 20, 1865; that he, too, has drawn about $3,400; that he was not injured by reason of his service to his country; that he is only 65 years of age; yet that he, nevertheless, also is to be singled out and made an exception of and made the beneficiary of special pension legislation.

Mr. President, a few moments ago a request was made by the chairman of the committee for the yeas and nays to determine whether or not we would undertake to eliminate from the pension roll the bounty jumper. The Senate by an overwhelming vote decided it would not do so. On Saturday I asked for the yeas and nays so as to determine whether or not the name of a soldier of 46 days' service should be stricken from the bill, and I could not get enough hands raised to accomplish that purpose. If Senators believe that it is right and proper to retain the name that I have moved to strike from this list, if they believe that man ought to be elevated above the rank and file of

soldiers generally, it does seem to me that at least Senators ought not to object to having themselves so recorded in the CONGRESSIONAL RECORD. Therefore on this vote I ask for the yeas and nays.

Mr. SMITH of Michigan. Mr. President, a great deal has been said by the Senator from Florida about the war being over before these later enlistments took place in 1865. Without any intention whatever of reviving unpleasant memories, in fact, in a spirit of admiration and of the highest appreciation for their gallantry and valor, and praise for the men of the South who fought in the rebellion, I say that it was very difficult to convince them they had been whipped, although they made little permanent headway against the North and gave way only after the most stubborn resistance. I am going to read, in reply to these statements of southern Senators, the actual condition of affairs as viewed by the commander in chief of the Confederate Army more than two months after the enlistment of the men whose records are being called in question to-day.

I read an address delivered by Jefferson Davis in Danville, Va., on April 4, 1865:

DANVILLE, VA., *April 4, 1865.*

To the people of the Confederate States of America:

The general in chief of our army has found it necessary to make such movements of the troops as to uncover the capital and thus involve the withdrawal of the government from the city of Richmond.

It would be unwise, even were it possible, to conceal the great moral as well as material injury to our cause that must result from the occupation of Richmond by the enemy. It is equally unwise and unworthy of us, as patriots engaged in a most sacred cause, to allow our energies to falter, our spirits to grow faint, or our efforts to became relaxed under reverses however calamitous. While it has been to us a source of national pride that for four years of unequaled warfare we have been able, in close proximity to the center of the enemy's power, to maintain the seat of our chosen government free from the pollution of his presence; while the memories of the heroic dead who have freely given their lives to its defense must ever remain enshrined in our hearts; while the preservation of the capital, which is usually regarded as the evidence to mankind of separate national existence, was an object very dear to us, it is also true, and should not be forgotten, that the loss which we have suffered is not without compensation. For many months the largest and finest army of the Confederacy, under the command of a leader whose presence inspires equal confidence in the troops and the people, has been greatly trammeled by the necessity of keeping constant watch over the approaches to the capital, and has thus been forced to forego more than one opportunity for promising enterprise. The hopes and confidence of the enemy have been constantly excited by the belief that their possession of Richmond would be the signal for our submission to their rule, and relieve them from the burden of war, as their failing resources admonish them it must be abandoned if not speedily brought to a successful close. It is for us, my countrymen, to show by our bearing under reverses how wretched has been the self-deception of those who have believed us less able to endure misfortune with fortitude than to encounter danger with courage. We have now entered upon a new phase of a struggle, the memory of which is to endure for all ages and to shed an increasing luster upon our country

Relieved from the necessity of guarding cities and particular points, important but not vital to our defense, with an army free to move from point to point and strike in detail the detachments and garrisons of the enemy operating on the interior of our own country, where supplies are more accessible, and where the foe will be far removed from his own base and cut off from all succor in case of reverse, nothing is now needed to render our triumph certain but the exhibition of our own unquenchable resolve. Let us but will it, and we are free; and who, in the light of the past, dare doubt your purpose in the future?

Animated by the confidence in your spirit and fortitude, which never yet have failed me, I announce to you, fellow countrymen, that it is my purpose to maintain your cause with my whole heart and soul; that I will never consent to abandon to the enemy one foot of the soil of any one of the States of the Confederacy; that Virginia, noble State, whose ancient renown has been eclipsed by her still more glorious recent history, whose bosom has been bared to receive the main shock of this war, whose sons and daughters have exhibited heroism so sublime as to render her illustrious in all times to come—that Virginia, with the help of her people and by the blessing of Providence, shall be held and defended, and no peace ever be made with the infamous invaders of her homes by the sacrifice of any of her rights or territory. If by stress of numbers we should ever be compelled to a temporary withdrawal from her limits, or those of any other border State, again and again will we return, until the baffled and exhausted enemy shall abandon in despair his endless and impossible task of making slaves of a people resolved to be free.

Let us not, then, despond, my countrymen; but, relying on the never-failing mercies and protecting care of our God, let us meet the foe with fresh defiance, with unconquered and unconquerable hearts.

JEFF'N DAVIS.

Mr. President, I find no fault whatever with his optimism, although I have always felt free to criticize the patriotism of the distinguished president of the Confederacy. He was misled, undoubtedly, and had hopes that were not justified; but the war was not over when Jefferson Davis made that address to the southern people, who were dismayed but ever dauntless to the very hour of fate and went to final defeat with colors flying and the smoke of battle still heavy on the field; and it is perfectly puerile for anyone to stand in this Chamber and contend that Gen. Grant before Petersburg and Sheridan in the Shenandoah Valley and Custer at Waynesboro, annihilating Early's entire army in March, 1865, were not engaged in a titanic and royal battle for freedom against a worthy foe, but were often doubtful of victory. Gen. Custer issued an address to his command at Appomattox Court House, April 9, 1865, in which he said to his faithful comrades:

Within the past 10 days * * * you have captured 46 pieces of field artillery and 37 battle flags. You have never lost a gun, never lost a color, and have never been defeated.

Mr. President, Southern soldiers did not part with battle flags without a fight; these glorious emblems of their prowess, often tattered and torn and faded, still lured the living soldiers of Lee to battle for disunion even when the maddening current of disaster ran strongly against them; and I have heard it said of the Confederate soldiers that death was at all times preferable to defeat. Sirs, you do them little honor when you say that there was no fierce resistance after the fall of Richmond.

The Battle of Dinwiddie Courthouse, Five Forks, and Sailors Creek on April 6, where 6,000 Confederate soldiers were captured on the way to Appomattox Station, and the capture of the supply trains intended for Lee's army on the Lynchburg Pike by Gen. Custer, cutting off a possible retreat to Lynchburg, hastened events at Appomattox and brought great credit to the Union arms.

I referred on Saturday to Gen. Custer, a Michigan soldier, and his Cavalry brigade, and that his unquenchable valor and his undying heroism may always bloom in the parliamentary annals of this day, I propose to read a letter written by Gen. Sheridan to Mrs. Custer the day following the surrender of the army of Lee to the army of Grant:

APPOMATTOX COURTHOUSE,
April 10, 1865.

MY DEAR MADAM: I respectfully present to you the small writing table on which the conditions for the surrender of the Confederate Army of northern Virginia were written by Lieut. Gen. Grant; and permit me to say, Madam, that there is scarcely an individual in our service who has contributed more to bring about this desirable result than your very gallant husband.

Very respectfully,

PHIL. H. SHERIDAN.

Mrs. GEN. CUSTER,
Washington, D. C.

Mr. President, I know, of course, that no Senator on either side would question the gallantry of Custer. I know that no Senator on either side would withhold the just meed of honest praise that is due to the defenders of the Union, no matter whence they came or how long they served. Their services might have been gallant and heroic, even though they enlisted in the very last days of the war. These latter day enlistments were in obedience to the call of President Lincoln. One of the soldiers who has been referred to as having served but 47 days went immediately after Appomattox with his Cavalry comrades into the West, where they served in the Indian wars.

It is far from my purpose to enkindle any unpleasant thoughts in the heart or mind of any Senator on either side of the Chamber, and yet I remind the Senator from Georgia and the Senator from Florida that it is not enough to say that because a man enlisted in the last days of the war he did not render gallant and conspicuous service, even though the records may not show that he was wounded in battle.

Mr. BRYAN. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Michigan yield to the Senator from Florida?

Mr. SMITH of Michigan. Certainly.

Mr. BRYAN. Does the Senator from Michigan believe that it is equitable to take men who enlisted in February of 1865 and elevate them by special legislation above those who served for one, two, three, and four years in the Civil War?

Mr. SMITH of Michigan. Mr. President, I think that is a very fair inquiry, and I will say to the Senator from Florida, in reply, that I would much prefer to see it done in some other and more general way that would give all the needy soldiers of the Union what is their honest due from the Government. Now, the Senator from Florida having asked me a question and having been unswered, I will ask him——

Mr. BRYAN. Mr. President, I submit I have had no answer yet. I asked the Senator from Michigan if he thought it was fair to do that, and he has not answered the question.

Mr. SMITH of Michigan. The Senator said "equitable."

Mr. BRYAN. Well, equitable and just.

Mr. SMITH of Michigan. I consider that anything that is done for a soldier is equitable if it tends to relieve his necessities and lighten the burdens of life.

Mr. BRYAN. The Senator thinks, then, it is just to the other soldiers who, for some reason or for no reason at all, do not have special legislation for their benefit, although they may have served during the whole war, to leave them as the general law leaves them, and take these 90-day militia——

Mr. SMITH of Michigan. Oh, 90-day——

Mr. BRYAN. Well, that is this case, and it is the only case to which I have referred—and elevate them above the great body of the veterans of the Union Army?

Mr. SMITH of Michigan. Mr. President, I would prefer just and generous general laws; but we have found it impossible to get such legislation for them all. I ask the Senator from Florida if we would vote down these special bills would the Senator from Florida join me in the passage of a general pension law calculated to give these veterans their honest due, such a bill, for instance, as has recently passed the House of Representatives and is now pending in the Senate?

Mr. BRYAN. Does the Senator desire me to answer that question?

Mr. SMITH of Michigan. I do.

Mr. BRYAN. Mr. President, I have talked so much about pension legislation that I supposed anyone who desired to know my views, if they are worth considering, knew the position I have taken. I say to the Senator from Michigan that I will go as far as he will to vote pensions based upon meritorious service in the Civil War and upon need. I will vote for any pension bill that includes those two items, but, in my judgment, it is not proper legislation to vote pensions to those who do not need them. Nor is it proper to vote pensions to those who enlisted but rendered no service and suffered no injury because of their patriotism.

Mr. SMITH of Michigan. Mr. President, does the Senator from Florida indicate by his position that he would not vote to pension a soldier in the Union Army who was not wounded in action?

Mr. BRYAN. I did not say that, Mr. President.

Mr. SMITH of Michigan. The Senator says "meritorious." I should like to know what he means by "meritorious." How does he distinguish between men who composed the Army of the Union?

Mr. BRYAN. I said, Mr. President, some time ago that I believed meritorious service and need should coexist as prerequisite to a pension, but because of the fact that there were those now receiving aid of the Government who could ill afford to have that aid taken away, I would vote to pension those who suffered no injury provided they were in need of pension.

Mr. SMITH of Michigan. What should be their necessity—poverty?

Mr. BRYAN. Yes, sir.

Mr. SMITH of Michigan. Old age?

Mr. BRYAN. Does the Senator from Michigan——

Mr. SMITH of Michigan. If the Senator will permit me, I have the floor. Would poverty and old age be reasons for voting pensions to soldiers of the Union Army?

Mr. BRYAN. I think so; undoubtedly.

Mr. SMITH of Michigan. Would physical ailments, not perhaps the result of wounds, but exposure, be one of the reasons?

Mr. BRYAN. Unless due to the service; no.

Mr. SMITH of Michigan. They would not be?

Mr. BRYAN. They would not be. Simply for the reason that a man enlisted, although he rendered no actual service and can not trace any injury to the war, I would not vote to give him a pension or vote for a general bill giving him one.

Mr. SMITH of Michigan. No one else proposes to give him a pension if he did no service, but a man may have been a most efficient soldier and not have been wounded in battle. He may have been a most efficient soldier without having a hospital record. He may have been a most gallant soldier and not have suffered greatly at the time, and yet be unable because of that service to withstand its effect upon his declining years. There are hundreds and thousands of men who followed Lee, as there are those who followed Grant, who were not wounded, but the fact that they encountered the long marches, that they may have suffered in Army prisons, that they may have been called upon to brave storms and trials, entitles them to the generous consideration of the Government they helped to save.

Mr. BRYAN. Does the Senator from Michigan agree or does he not agree with a former Congressman from Michigan—I believe he was from Michigan, the Senator's State—and who has been past grand commander of the Grand Army of the Republic, in a statement——

Mr. SMITH of Michigan. I recollect what the Senator said on Saturday.

Mr. BRYAN. That over 600,000 of the latter-day enlisted men never saw service, and that it is unfair to put them on an equality with the veterans of the Army?

Mr. SMITH of Michigan. Even though they were exposed to the rain and the sleet and the snow that were incidental to their long marches and took upon themselves all the burdens and discomforts of war?

Mr. BRYAN. But received no injury from it.

Mr. SMITH of Michigan. Oh, Mr. President, many a volunteer soldier has gone to a premature grave by reason of the long marches and the suffering he endured in the South; and it will not do to say, because he happened to escape the vigilance and skill of the sharpshooter and was not picked off by a southern bullet, that he rendered no service of distinction to his country.

Mr. McCUMBER. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Michigan yield to the Senator from North Dakota?

Mr. SMITH of Michigan. I do.

Mr. McCUMBER. Mr. President, the war closed nearly 47 years ago. It has taken us, therefore, nearly 47 years to learn that the basis of our pension system has been wrong in every respect. All of our pension legislation, based upon service, has recognized the standard of 90 days' service to entitle the soldier to the consideration of his country. Up until the present time we have not changed that law. A man who served 90 days has during all these years received exactly as much for a given condition as the man who served during the entire war.

Mr. President, there must have been something in that basis of pension that appealed either to the American people or to the soldiers who are interested, or it would have been modified and disposed of very many years ago.

Mr. BRYAN. Mr. President——

The PRESIDENT pro tempore. Does the Senator from North Dakota yield to the Senator from Florida?

Mr. McCUMBER. I yield.

Mr. BRYAN. Does the Senator from North Dakota claim that prior to the act of June 27, 1890, there were any pensions paid to those who could not trace injury to their service in the war?

Mr. McCUMBER. I mean to say that since the war closed a given condition has always been the basis of the pension granted—the condition of the soldier—that service or length of service was never taken into consideration——

Mr. BRYAN. But injury was.

Mr. McCUMBER. And that since June 27, 1890, when we passed the pension bill of that date, up until the present time, there has been no demand that we should recognize a different standard than the standard of 90 days' service.

Mr. BRYAN. Prior to 1890 the beneficiary had to trace his injury to the service before he could be eligible to receive a pension?

Mr. McCUMBER. Up until 1890.

Mr. BRYAN. Then it has not been 47 years.

Mr. McCUMBER. But if prior to 1890 a man lost an arm, he would receive the same pension, whether he served one day or whether he served during the entire war.

Mr. BRYAN. Certainly; if he was injured.

Mr. McCUMBER. Congress has made no distinction because of the service origin for which the pension was given, nor has it recognized anything but 90-day service as the standard for the granting of a service pension.

I wish to close this discussion before 4 o'clock, if I can. The Senator has criticized this particular bill. Now, let us see what there is in the bill. The Senator evidently not only disagrees with the Bureau of Pensions as to when the war closed, but he disagrees with the law as to when the war closed. He disagrees with the President of the Confederacy as to when the war closed, and he disagrees with my friend, the Senator from Michigan, as to when the war closed, and with all those authorities against him, especially the authoritative statement of the President of the Confederacy and the law of the land, the Senator ought to admit that the war did not close April 9, 1865.

Mr. BRYAN. Mr. President——

The PRESIDENT pro tempore. Does the Senator from North Dakota yield to the Senator from Florida?

Mr. McCUMBER. Certainly.

Mr. BRYAN. I think after the Senator has made that statement he ought to allow me to suggest to him that on Saturday I stated that I conceded that the war was officially declared closed on August 20, 1866, but that, as I had understood, until the Senator from Michigan established his reputation as a historian, and that of the great three days' battle at Appomattox, the war closed on April 9, 1865. I would not question the accuracy of historians. But I would rather question the accuracy of the historian than to have removed from my mind the vivid description of the great battle of Appomattox of three days' standing. So I think it is hardly fair for the Senator from North Dakota to suggest that I have tried to make it appear that the war technically closed prior to August, 1866. I know it did not; and I am of the opinion that those soldiers who served after the real

fighting was over assume more the attitude of technical soldiers than of real veterans of a great war.

Mr. McCUMBER. At least we have the record of the Michigan cavalry in the CONGRESSIONAL RECORD and we have given a great deal of immortality to their history and we have done some good in the time we have taken up. But I do not want to spend any more time upon that battle. At least it is all over now, and I am ready now to get right back to this case of which the Senator complains.

The Senator says the applicant served 47 days, I think, or something of that kind, and I notice that he is now drawing a pension of $20 a month under the act of 1907. Under that act he could not draw a pension of that rate per month unless he had been held to have served 90 days. In looking over the brief record I have here I also observe that he obtained the highest pension—$12 a month—under the 1890 law. That was some time ago. A considerable time ago he made his application under the law of 1890, and was receiving under that law the highest pension that could be granted, and that pension would not have been granted unless the department found he was wholly physically disabled.

Mr. BRYAN. Mr. President——

Mr. McCUMBER. Just a moment. He is a man 80 years of age, and evidently has not very many years to live. The report shows that he is broken down from piles, hernia, and general and senile debility, and is wholly unable to earn a living by manual labor, and it further appears that he is without property or means and is entirely dependent upon his pension for support. In view of his poverty and general disability the committee recommended an increase of $4 per month. We recognize that the service was short. Had he served a year we certainly would have given him at least $30 a month upon that physical showing.

Now, the Senator complains a good deal about our giving a man who served 90 or 60 days the same amount, under a private pension bill, that we give one who served the full four years.

Mr. BRYAN. No. That is hardly a fair statement.

Mr. McCUMBER. I decline to yield, Mr. President.

The PRESIDENT pro tempore. The Senator from North Dakota declines to yield.

Mr. McCUMBER. We have to have this claimant before us. We have to, as nearly as we can, look him in the face. We have to understand his physical condition, and if his physical condition is worse than that of one who has served one year or two years, then every impulse of humanity, coupled with the sense of national gratitude, demands that we shall give this old, helpless, veteran, who served no longer than four or five months, a greater amount than we would give to a younger one, who is still in his health, who served possibly for six months. This committee is a committee that acts on the equity side, and so long as we recognize a sentiment of generosity toward the old soldier, so long as we feel that we should recognize him and his service, that sentiment should be expressed in a manner to look first after destitution; and we can not do that under a general law. If we did that, and granted every man a pension exactly in accordance with his just deserts, measured one man with the other, there would be as many different standards as there are individuals upon the pension roll.

So I think we have done nothing amiss in granting this old man, 80 years of age, $4 a month more for the balance of his life than he is receiving under the present law.

The PRESIDENT pro tempore. The question is on agreeing to the amendment offered by the Senator from Florida [Mr. BRYAN]. Upon that the Senator from Florida demands the yeas and nays.

The yeas and nays were ordered.

Mr. SMOOT. Let the amendment be again stated.

The SECRETARY. On page 5, strike out lines 20 to 23, inclusive, relative to the pension of Francis M. Cox.

The PRESIDENT pro tempore. The Secretary will call the roll.

The Secretary proceeded to call the roll.

Mr. DILLINGHAM (when his name was called). I announce my general pair with the senior Senator from South Carolina [Mr. TILLMAN] and withhold my vote.

Mr. LEA (when his name was called). I have a general pair with the junior Senator from Rhode Island [Mr. LIPPITT.] As I do not know how he would vote on this question, I withhold my vote.

Mr. JONES (when Mr. POINDEXTER's name was called). I desire to announce that if my colleague [Mr. POINDEXTER] were present, he would vote "nay."

Mr. WILLIAMS (when his name was called). I am paired with the senior Senator from Pennsylvania [Mr. PENROSE]. If he were present and I were at liberty to vote upon this particular amendment, I would vote "nay."

The roll call was concluded.

Mr. GUGGENHEIM. I have a general pair with the senior Senator from Kentucky [Mr. PAYNTER], who is not here. So I withhold my vote.

Mr. OLIVER. My colleague [Mr. PENROSE] is necessarily absent. If he were present, he would vote "nay."

Mr. CLARK of Wyoming. I have a general pair with the Senator from Missouri [Mr. STONE]. I transfer my pair to the Senator from North Dakota [Mr. GRONNA] and vote "nay."

Mr. GARDNER. My colleague [Mr. JOHNSON of Maine] is necessarily absent from the Chamber. Were he present, he would vote "nay."

Mr. CLAPP. I have a general pair with the senior Senator from North Carolina [Mr. SIMMONS]. Not knowing how he would vote, I withhold my vote. If he were present, I would vote "nay."

Mr. CUMMINS. My colleague [Mr. KENYON] is absent. If he were here, he would vote "nay."

Mr. CRAWFORD. I desire to again state and have the statement stand for all future roll calls to-day that my colleague [Mr. GAMBLE] is necessarily absent and that he has a general pair with the junior Senator from Arkansas [Mr. DAVIS]. If my colleague were present, he would vote "nay" on this question.

The result was announced—yeas 4, nays 50, as follows:

YEAS—4.

Bryan	Martin, Va.	Smith, Ga.	Swanson

NAYS—50.

Borah	Culberson	McCumber	Shively
Bourne	Cullom	McLean	Smith, Mich.
Bradley	Cummins	Martine, N. J.	Smoot
Brandegee	Curtis	Myers	Sutherland
Briggs	du Pont	Nelson	Taylor
Bristow	Foster	Nixon	Thornton
Brown	Gallinger	O'Gorman	Townsend
Burton	Gardner	Oliver	Warren
Chamberlain	Hitchcock	Overman	Watson
Chilton	Johnston, Ala.	Page	Wetmore
Clark, Wyo.	Jones	Perkins	Works
Clarke, Ark.	Kern	Pomerene	
Crawford	Lodge	Root	

NOT VOTING—37.

Bacon	Gamble	Lorimer	Simmons
Bailey	Gore	Newlands	Smith, Md.
Bankhead	Gronna	Owen	Smith, S. C.
Burnham	Guggenheim	Paynter	Stephenson
Clapp	Heyburn	Penrose	Stone
Crane	Johnson, Me.	Percy	Tillman
Davis	Kenyon	Poindexter	Williams
Dillingham	La Follette	Rayner	
Dixon	Lea	Reed	
Fletcher	Lippitt	Richardson	

So Mr. BRYAN's amendment was rejected.

SERVICE PENSIONS.

Mr. McCUMBER. I ask that the unfinished business be laid before the Senate.

The PRESIDENT pro tempore. The hour of 4 o'clock having arrived, the Chair lays before the Senate the unfinished business, which is House bill 1.

The Senate, as in Committee of the Whole, proceeded to consider the bill (H. R. 1) granting a service pension to certain defined veterans of the Civil War and the War with Mexico.

Mr. McCUMBER. The bill has not been read.

The PRESIDENT pro tempore. The Secretary will read the bill.

The SECRETARY. The Committee on Pensions proposes to strike out all after the enacting clause and insert——

Mr. WILLIAMS. I should like to ask the Senator from North Dakota a question before the reading. What bill is this? Is this the so-called McCumber bill or is it the Sherwood bill?

Mr. McCUMBER. It is the Sherwood bill amended by a substitute, which was prepared by the committee.

Mr. WILLIAMS. It is generally known in the press as the McCumber bill, is it not?

Mr. McCUMBER. It seems to be known under several names.

Mr. OVERMAN. It is the Sherwood bill that is up, with this as an amendment.

Mr. McCUMBER. A substitute for the Sherwood bill.

Mr. OVERMAN. The Sherwood bill is up, and this is a substitute offered for it.

Mr. McCUMBER. Yes.

The PRESIDENT pro tempore. The Chair would state for the information of the Senate that it is a House bill which is,

before the Senate with a substitute in the nature of an amendment proposed by the Committee on Pensions. Is it the desire of the Senate that the original bill shall be read or merely the substitute?

Mr. McCUMBER. I ask unanimous consent that the substitute, which is the amendment, be read.

Mr. CURTIS. I ask that the original bill be read, as well as the substitute.

The PRESIDENT pro tempore. The original bill will be read on the demand of the Senator from Kansas.

The Secretary read the bill (H. R. 1) granting a service pension to certain defined veterans of the Civil War and the War with Mexico, as follows:

That any person who served in the military or naval service of the United States during the late Civil War or the War with Mexico, and who has been honorably discharged therefrom, and all members of State organizations that are now pensionable under existing law, shall, upon making proof of such facts according to such rules and regulations as the Secretary of the Interior may provide, be placed on the pension roll and be entitled to receive a pension as follows: For a service of 90 days or more in the Civil War, or 60 days or more in the War with Mexico, and less than 6 months, $15 per month; for a service of 6 months or more and less than 9 months, $20 per month; for a service of 9 months or more and less than 1 year, $25 per month; for a service of 1 year or more $30 per month: *Provided*, That any such person who served in the War with Mexico shall be paid the maximum pension under this act, to wit, $30 per month.

SEC. 2. That any person who served in the military or naval service of the United States during the Civil War and received an honorable discharge, and who was wounded in battle or in line of duty and is now unfit for manual labor, through causes not due to his own vicious habits, or who from disease or other causes incurred in line of duty resulting in his disability is now unable to perform manual labor, shall be paid the maximum pension under this act, to wit, $30 per month, without regard to his length of service.

SEC. 3. That no person shall receive a pension under any other law at the same time or for the same period he is receiving a pension under the provisions of this act.

SEC. 4. That rank in the service shall not be considered in applications filed hereunder.

SEC. 5. That pensions under this act shall commence from the date of filing the application in the Bureau of Pensions after this act takes effect.

SEC. 6. That no pension attorney, claim agent, or other person shall be entitled to receive any compensation for services rendered in presenting any claim to the Bureau of Pensions or securing any pension under this act.

The PRESIDENT pro tempore. The substitute in the nature of an amendment will be read.

The SECRETARY. The committee amendment proposes to strike out the words just read and to insert:

That the act entitled "An act granting pensions to certain enlisted men, soldiers and officers, who served in the Civil War and the War with Mexico," approved February 6, 1907, be, and the same is hereby, amended to read as follows:

"SECTION 1. That any person who served 90 days or more in the military or naval service of the United States during the late Civil War, who has been honorably discharged therefrom, and who has reached the age of 62 years or over, shall, upon making proof of such facts, according to such rules and regulations as the Secretary of the Interior may provide, be placed upon the pension roll and be entitled to receive a pension as follows: In case such person has reached the age of 62 years and served 90 days, $13 per month; 6 months, $13.50 per month; 1 year, $14 per month; 1½ years, $14.50 per month; 2 years, $15 per month; 2½ years, $15.50 per month; 3 years or over, $16 per month. In case such person has reached the age of 66 years and served 90 days, $15 per month; 6 months, $15.50 per month; 1 year, $16 per month; 1½ years, $16.50 per month; 2 years, $17 per month; 2½ years, $17.50 per month; 3 years or over, $18 per month. In case such person has reached the age of 70 years and served 90 days, $18 per month; 6 months, $19 per month; 1 year, $20 per month; 1½ years, $21 per month; 2 years, $22 per month; 2½ years, $23 per month; 3 years or over, $24 per month. In case such person has reached the age of 75 years and served 90 days, $21 per month; 6 months, $22.50 per month; 1 year, $24 per month, 1½ years, $25.50; 2 years, $27 per month; 2½ years, $28.50 per month; 3 years or over, $30 per month.

"That any person who has served 60 days or more in the military or naval service of the United States in the War with Mexico and has been honorably discharged therefrom shall, upon making like proof of such service, be entitled to receive a pension of $30 per month.

"All of the aforesaid pensions shall commence from the date of filing of the applications in the Bureau of Pensions after the passage and approval of this act: *Provided*, That pensioners who are 62 years of age or over, and who are now receiving pensions under existing laws, or whose claims are pending in the Bureau of Pensions, may, by application to the Commissioner of Pensions, in such form as he may prescribe, receive the benefits of this act; and nothing herein contained shall prevent any pensioner or person entitled to a pension from prosecuting his claim and receiving a pension under any other general or special act: *Provided*, That no person shall receive a pension under any other law at the same time or for the same period that he is receiving a pension under the provisions of this act: *Provided further*, That no person who is now receiving or shall hereafter receive a greater pension under any other general or special law than he would be entitled to receive under the provisions herein shall be pensionable under this act.

"SEC. 2. That rank in the service shall not be considered in applications filed hereunder.

"SEC. 3. That no agent, attorney, or other person engaged in preparing, presenting, or prosecuting any claim under the provisions of this act shall, directly or indirectly, contract for, demand, receive, or retain for such services in preparing, presenting, or prosecuting such claim a sum greater than $5, which sum shall be payable only after the allowance of the claim and upon the order of the Commissioner of Pensions out of the amount allowed and by the pension agent making payment of such pension; and no agent, attorney, or other person shall demand or receive, directly or indirectly, any compensation in advance of such allowance, or other compensation than herein prescribed; and any person who shall violate any of the provisions of this section, or who shall wrongfully withhold from a pensioner or claimant the whole or any part of a pension or claim allowed or due such pensioner or claimant under this act, or shall wrongfully withhold any affidavits or other proofs in support of a claim, shall be deemed guilty of a misdemeanor, and upon conviction thereof shall, for each and every offense, be fined not exceeding $500 or be imprisoned at hard labor not exceeding two years, or both, in the discretion of the court: *Provided*, That no greater fee than $2 shall be allowed or paid in any claim for increase of pension under this act.

"SEC. 4. That the Commissioner of Pensions shall make, at the time of submitting his next annual report, a separate report for each county of each State, Territory, or District, containing a statement or table which shall contain the names, lengths of service, monthly rates of payment, and residences of all pensioners of the United States; and shall thereafter, as said annual reports are submitted, make separate reports similar in all respects, except that such subsequent reports shall contain only those added to the pension roll during the fiscal year for which each annual report is made."

Mr. CULBERSON. Mr. President, I do not ask that the entire report be read, but I do think it ought to appear in the RECORD. Consequently I ask that the report of the committee, as well as the views of the minority, may be printed in the CONGRESSIONAL RECORD following the reading.

The PRESIDENT pro tempore. Is there objection?

Mr. McCUMBER. Just a moment, Mr. President. The Senator wants to have the views of the minority printed? Is that his request?

Mr. CULBERSON. I want to have the entire report printed, including, first, the report of the majority. In other words, I want Report No. 355 printed in the RECORD, which includes the majority and minority reports.

Mr. McCUMBER. I have no objection to that, Mr. President.

The PRESIDENT pro tempore. Without objection, it is so ordered.

The matter referred to is as follows:

[Senate Report No. 355, Sixty-second Congress, second session.]

SERVICE PENSIONS FOR CERTAIN DEFINED SOLDIERS OF THE CIVIL WAR.

Mr. McCUMBER, from the Committee on Pensions, submitted the following report, to accompany H. R. 1:

The Committee on Pensions, to whom was referred the bill (H. R. 1) entitled "An act granting a service pension to certain defined veterans of the Civil War and the War with Mexico," beg leave to report the same back with an amendment, as follows:

Strike out all after the enacting clause and insert in lieu thereof the following:

"SECTION 1. That any person who served 90 days or more in the military or naval service of the United States during the Civil War, who has been honorably discharged therefrom, and who has reached the age of 62 years or over, shall, upon making proof of such facts, according to such rules and regulations as the Secretary of the Interior may provide, be placed upon the pension roll and be entitled to receive a pension as follows: In case such person has reached the age of 62 years and served 90 days, $13 per month; 6 months, $13.50 per month; 1 year, $14 per month; 1½ years, $14.50 per month; 2 years, $15 per month; 2½ years, $15.50 per month; 3 years or over, $16 per month. In case such person has reached the age of 66 years and served 90 days, $15 per month; 6 months, $15.50 per month; 1 year, $16 per month; 1½ years, $16.50 per month; 2 years, $17 per month; 2½ years, $17.50 per month; 3 years or over, $18 per month. In case such person has reached the age of 70 years and served 90 days, $18 per month; 6 months, $19 per month; 1 year, $20 per month; 1½ years, $21 per month; 2 years, $22 per month; 2½ years, $23 per month; 3 years or over, $24 per month. In case such person has reached the age of 75 years and served 90 days, $21 per month; 6 months, $22.50 per month; 1 year, $24 per month; 1½ years, $25.50 per month; 2 years, $27 per month; 2½ years, $28.50 per month; 3 years or over, $30 per month.

"That any person who has served 60 days or more in the military or naval service of the United States in the War with Mexico and has been honorably discharged therefrom shall, upon making like proof of such service, be entitled to receive a pension of $30 per month.

"All of the aforesaid pensions shall commence from the date of filing of the applications in the Bureau of Pensions after the passage and approval of this act: *Provided*, That pensioners who are 62 years of age or over and who are now receiving pensions under existing laws or whose claims are pending in the Bureau of Pensions may, by application to the Commissioner of Pensions, in such form as he may prescribe, receive the benefits of this act; and nothing herein contained shall prevent any pensioner or person entitled to a pension from prosecuting his claim and receiving a pension under any other general or special act: *Provided*, That no person shall receive a pension under any other law at the same time or for the same period that he is receiving a pension under the provisions of this act: *Provided further*, That no person who is now receiving or shall hereafter receive a greater pension under any other general or special law than he would be entitled to receive under the provisions herein shall be pensionable under this act.

"SEC. 2. That rank in the service shall not be considered in applications filed hereunder.

"SEC. 3. That no agent, attorney, or other person engaged in preparing, presenting, or prosecuting any claim under the provisions of this act shall, directly or indirectly, contract for, demand, receive, or retain for such services in preparing, presenting, or prosecuting such claim a sum greater than $5, which sum shall be payable only after the allowance of the claim and upon the order of the Commissioner of Pensions, out of the amount allowed, and by the pension agent making payment of such pension, and no agent, attorney, or other person shall demand or receive, directly or indirectly, any compensation in advance of such allowance, or other compensation than herein prescribed; and any person who shall violate any of the provisions of this section, or who shall wrongfully withhold from a pensioner or claimant the whole or any part of a pension or claim allowed or due such pensioner or claimant under this act, or shall wrongfully withhold any affidavits or other proofs in support of a claim, shall be deemed guilty of a misdemeanor,

and upon conviction thereof shall, for each and every offense, be fined not exceeding $500 or be imprisoned at hard labor not exceeding two years, or both, in the discretion of the court: *Provided*, That no greater fee than $2 shall be allowed or paid in any claim for increase of pension under this act.

"SEC. 4. That the Commissioner of Pensions shall make at the time of submitting his next annual report a separate report for each county of each State, Territory, or District, containing a statement or table which shall contain the names, lengths of service, monthly rates of payment, and residences of all pensioners of the United States; and shall thereafter, as said annual reports are submitted, make separate reports similar in all respects, except that such subsequent reports shall contain only those added to the pension roll during the fiscal year for which each annual report is made."

In the amendment proposed by your committee is involved the prime purpose of our pension system. A word upon that system and its purpose may therefore be proper.

Prior to 1890 all pension legislation relative to the survivors of the Civil War recognized only specific disabilities incurred in line of duty.

By the act of June 27, 1890, the requirement that a disability should be of service origin was abandoned, and there was substituted in its stead incapacity to perform manual labor, whether such incapacity was due to service or otherwise. This act provided a pension for such disability ranging from $6 to $12 per month. It required but a service of 90 days and was the first purely service pension legislation applied to the Civil War veterans.

The establishing of grades of disability to perform manual labor under this law was difficult and unsatisfactory, and as the age of the claimant advanced the difficulty increased. It finally became necessary to measure the disability by the age test, and Executive Order No. 78 was issued in March of 1904. This order provided that in the adjudication of pension claims under the act of June 27, 1890, age should be taken into consideration in determining disability; that at the age of 62 the soldier should be considered to be one-half disabled for the performance of manual labor, at the age of 65 two-thirds disabled, at the age of 68 five-sixths disabled, and at the age of 70 totally disabled, and should receive for said disabilities $6, $8, $10, and $12 per month, respectively. This order was afterwards enacted into our pension legislation and was the forerunner of the age standard in subsequent legislation.

The act of June 27, 1890, also provided a pension of $8 per month for all widows whose marriage had taken place prior to that date and (as amended by act of May 9, 1900) whose net income was not above $250 per annum.

There was no material change in our general pension laws from June 27, 1890, until February 6, 1907, a period of nearly 17 years.

By the act of February 6, 1907, a very great advance step in broadening and liberalizing our pension laws was taken. Prior to that time the youngest and the oldest veteran were treated alike, except as their pensions were graded by this order, No. 78.

By the act of February 6, 1907, we recognized advancing years as bringing with them increasing disabilities. Up to and including this period pensions were granted upon the assumption that the claimant was disabled and that the Government, in its gratitude for his great services in its time of need, should extend the hand of assistance.

The act of Feburary 6, 1907, was solely an age pension, and granted pensions to all who had served 90 days, as follows: At the age of 62 years, $12 per month; 70 years, $15 per month; and 75 years, $20 per month.

The act of April 19, 1908, abolished the income provision, which had always been of questionable propriety, and the pension of every widow included in its provisions was increased to $12 per month.

By the acts of February 6, 1907, and April 19, 1908, the services of the physical and the financial examiner were discontinued. Industry and economy were no longer penalized, and the soldier of the most extended hospital record had no advantage over him of the most extensive field record.

No pension act has ever given such general satisfaction as the act of February 6, 1907, and yet this act has of late been subject to some criticism. In all of our past pension laws the 90-day soldier stands exactly on the same footing as the 4-year soldier. House bill 1 seeks to remedy this by the enactment of a purely service-pension law.

From careful inquiry your committee believes that whatever degree of popularity this bill has obtained is due more to the amount carried by it than to the basis upon which the amount carried is distributed.

No standard can be adopted that will operate with exact justice to each and every soldier. Many soldiers of short service were hurried immediately into the desperate warfare which marked the last year of the campaign.

If a pension should be granted based upon the severity of the hardships or sufferings which the soldier endured in each case, there would be as many different amounts allowed as there are names on the pension roll.

We may ask properly here, What is the fundamental idea back of pension legislation? We believe we express the consensus of the public idea in our answer, that it is national gratitude. This gratitude seeks, in our pension laws, the most proper mode of expression. Its first and its most natural impulse is toward the relief of suffering and destitution. It recognizes that destitution flows from disability.

If our pension legislation had no deeper significance or sentiment than a sort of moral obligation to pay for services a fixed rate per month, then a pension based solely upon length of service might properly be enacted. But if such legislation springs from the sentiment we have indicated, then it is certain that length of service should not be the sole standard in fixing the rate in any particular case.

We do not claim that a pension, varied in amount according to the length of service, does not harmonize with the spirit that is back of all pension legislation. We simply claim that making it the sole standard smacks too much of the idea of hire. Other things being equal, it may very properly be said that the longer the service given in defense of the country the greater should be the gratitude of that country. The committee agree that we will more nearly approximate exact justice, and more nearly measure out to each soldier that sum which his services entitle him to receive from a given appropriation, by adopting both standards, or a double standard, which shall recognize both advancing age and length of service.

A resolution adopted by the Grand Army of the Republic at its last encampment indicates clearly the tenacity with which that organization holds to the principle of a pension law which recognizes the disability of age.

The chairman of the Senate Committee on Pensions prepared a large number of separate propositions, with varying combinations of the age and service standards, and submitted each proposition to the Interior Department to obtain the added cost of pension legislation, and also requested of the department an estimate of the added cost of House bill 1.

The eleventh proposition, containing the double standard, which was introduced in the form of a bill in Senate bill 4320, in tabulated form, is as follows:

Eleventh proposition.

Age.	90 days.	1 year.	2 years.	3 years.	4 years.
62 years	$13	$14	$15	$16	.....
66 years	15	16	17	18	.....
70 years	18	20	22	24	.....
75 years	21	24	27	30	.....

The report of the added cost of this proposition, in years, is as follows:

Report on eleventh proposition.

Age.	Length of service.	Number of pensioners.	Present rate.	Proposed rate.	Annual increase per pensioner.	Total increase per annum.
62	90 days	32,708	$12	$13	$12	$392,496
62	1 year	27,807	12	14	24	667,368
62	2 years	25,186	12	15	36	906,696
62	3 years and over	27,921	12	16	48	1,340,208
66	90 days	36,966	12	15	36	1,330,776
66	1 year	31,427	12	16	48	1,508,496
66	2 years	28,465	12	17	60	1,707,900
66	3 years and over	31,556	12	18	72	2,272,032
70	90 days	31,590	15	18	36	1,137,240
70	1 year	26,857	15	20	60	1,611,420
70	2 years	24,325	15	22	84	2,043,300
70	3 years and over	26,967	15	24	108	2,912,436
75	90 days	19,831	20	21	12	237,972
75	1 year	16,860	20	24	48	809,280
75	2 years	15,270	20	27	84	1,282,680
75	3 years and over	16,929	20	30	120	2,031,480
	Total	420,665				22,191,780

Average annual increase per pensioner $52.75

Approximate increase in disbursements for pensions:

First year	10,550,000.00
Second year	30,500,000.00
Third year	19,500,000.00
Fourth year	17,500,000.00
Fifth year	16,000,000.00

This bill (S. 4320), modified by divisions of six months' periods of service, is the one adopted by the committee as a substitute for H. R. 1.

The thirteenth proposition submitted is as follows:

Thirteenth proposition.

Age.	90 days.	1 year.	2 years.	3 years.	4 years.
62 years	$12	$15	$18	$21	.....
66 years	15	18	21	24	.....
70 years	18	21	24	27	.....
75 years	21	24	27	30	.....

The report on the thirteenth proposition is as follows:

Report on thirteenth proposition.

Age.	Length of service.	Number of pensioners.	Present rate.	Proposed rate.	Annual increase per pensioner.	Total increase per annum.
62	1 year	27,807	$12	$15	$36	$1,001,052
62	2 years	25,186	12	18	72	1,813,392
62	3 years and over	27,921	12	21	108	3,015,468
66	90 days	36,966	12	15	36	1,330,776
66	1 year	31,427	12	18	72	2,262,744
66	2 years	28,465	12	21	108	3,074,220
66	3 years and over	31,556	12	24	144	4,544,064
70	90 days	31,590	15	18	36	1,137,240
70	1 year	26,857	15	21	72	1,933,704
70	2 years	24,325	15	24	108	2,627,100
70	3 years and over	26,967	15	27	144	3,883,248
75	90 days	19,831	20	21	12	237,972
75	1 year	16,860	20	24	48	809,280
75	2 years	15,270	20	27	84	1,282,680
75	3 years and over	16,929	20	30	120	2,031,480
	Total	387,957				30,984,420

Average annual increase per pensioner $79.87

Approximate increase in disbursements for pensions:

First year	15,974,000.00
Second year	41,000,000.00
Third year	27,000,000.00

A hearing was had on all of the general pension bills on January 22, 1912, at which hearing the members of the committee on pensions of the Grand Army of the Republic testified. Prior to the giving of their testimony they had met and by resolution declared themselves in favor of the thirteenth proposition, and the testimony of each and all of these members supported the idea of the double standard.

From the hearings and from a very considerable correspondence with veterans of the Civil War it developed that while nearly all preferred the double standard, a very large number preferred to have divisions of

six months rather than one year, as contemplated in these propositions. The tables were therefore rearranged in accordance with this idea and the eleventh proposition, as rearranged, was submitted as proposition No. 16, and is as follows:

Sixteenth proposition (eleventh modified).

Age.	90 days.	6 months.	1 year.	1½ years.	2 years.	2½ years.	3 years and over.
62	$13.00	$13.50	$14.00	$14.50	$15.00	$15.50	$16.00
66	15.00	15.50	16.00	16.50	17.00	17.50	18.00
70	18.00	19.00	20.00	21.00	22.00	23.00	24.00
75	21.00	22.50	24.00	25.50	27.00	28.50	30.00

The report on the sixteenth proposition is as follows:

Proposition No. 16.

Age.	Length of service.	Number of pensioners.	Present rate.	Proposed rate.	Annual increase per pensioner.	Total increase per annum.
62	90 days	9,573	$12.00	$13.00	$12.00	$114,876.00
62	6 months	28,135	12.00	13.50	18.00	416,430.00
62	1 year	15,043	12.00	14.00	24.00	361,032.00
62	1½ years	12,764	12.00	14.50	30.00	382,920.00
62	2 years	7,294	12.00	15.00	36.00	262,584.00
62	2½ years	17,892	12.00	15.50	42.00	751,464.00
62	3 years and over	27,921	12.00	16.00	48.00	1,340,208.00
66	90 days	10,819	12.00	15.00	36.00	389,484.00
66	6 months	26,146	12.00	15.50	42.00	1,098,132.00
66	1 year	17,002	12.00	16.00	48.00	816,096.00
66	1½ years	14,426	12.00	16.50	54.00	779,004.00
66	2 years	8,243	12.00	17.00	60.00	494,580.00
66	2½ years	20,222	12.00	17.50	66.00	1,334,652.00
66	3 years and over	31,556	12.00	18.00	72.00	2,272,032.00
70	90 days	9,271	15.00	18.00	36.00	333,756.00
70	6 months	22,405	15.00	19.00	48.00	1,075,440.00
70	1 year	14,569	15.00	20.00	60.00	874,140.00
70	1½ years	12,361	15.00	21.00	72.00	889,992.00
70	2 years	7,064	15.00	22.00	84.00	593,376.00
70	2½ years	17,328	15.00	23.00	96.00	1,663,488.00
70	3 years and over	27,041	15.00	24.00	108.00	2,920,428.00
75	90 days	5,804	20.00	21.00	12.00	69,648.00
75	6 months	14,027	20.00	22.50	30.00	420,810.00
75	1 year	9,121	20.00	24.00	48.00	437,808.00
75	1½ years	7,739	20.00	25.50	66.00	510,774.00
75	2 years	4,422	20.00	27.00	84.00	371,448.00
75	2½ years	10,848	20.00	28.50	102.00	1,106,496.00
75	3 years and over	16,929	20.00	30.00	120.00	2,031,480.00
	Total	420,965				24,112,578.00

Average annual increase per pensioner $57.27

Approximate increase in disbursements for pensions:

First year	11,454,000.00
Second year	33,000,000.00
Third year	21,000,000.00
Fourth year	19,200,000.00
Fifth year	17,400,000.00

The thirteenth proposition as rearranged was submitted as the eighteenth proposition and is as follows:

Eighteenth proposition (thirteenth modified).

Age.	90 days.	6 months.	1 year.	1½ years.	2 years.	2½ years.	3 years and over.
62	$12.00	$13.50	$15.00	$16.50	$18.00	$19.50	$21.00
66	14.00	15.50	17.00	18.50	20.00	21.50	23.00
70	16.00	17.50	19.00	20.50	22.00	23.50	25.00
75	20.00	21.50	23.00	24.50	26.00	28.00	30.00

The report on the added cost to the pension appropriation, by reason of enactment of H. R. 1 as it passed the House, is as follows:

Length of service.	Number of pensioners.	Present rate per month.	Proposed rate per month.	Annual increase per pensioner.	Total increase per annum.
3 months	143	$6	$15	$108	$15,444
	205	8	15	84	17,220
	185	10	15	60	11,100
	20,422	12	15	36	735,192
	702	14	15	12	8,424
6 months	124	6	20	168	20,832
	183	8	20	144	26,352
	165	10	20	120	19,800
	18,234	12	20	96	1,750,464
	627	14	20	72	45,144
	8,255	15	20	60	495,300
	189	16	20	48	9,072
	1,908	17	20	36	68,688
9 months	206	6	25	228	46,968
	305	8	25	204	62,220
	275	10	25	180	49,500
	30,391	12	25	156	4,740,996
	1,044	14	25	132	137,808
	13,758	15	25	120	1,650,960
	315	16	25	108	34,020
	3,180	17	25	96	305,280
	8,971	20	25	60	538,260
	182	22	25	36	6,552
	3,893	24	25	12	46,716
1 year and over	1,169	$6	$20	$288	$336,672
	1,732	8	30	264	457,248
	1,564	10	30	240	375,360
	172,621	12	30	216	37,285,136
	5,932	14	30	192	1,138,944
	78,148	15	30	180	14,066,640
	1,787	16	30	168	300,216
	18,063	17	30	156	2,817,828
	[1] 52,351	20	30	120	6,282,120
	1,036	22	30	96	99,456
	22,113	24	30	72	1,592,136
	958	25	30	60	57,480
Total	471,336				75,651,548

[1] Includes 1,398 survivors of the War with Mexico.

The report on the eighteenth proposition is as follows:

Proposition No. 18.

Age.	Length of service.	Number of pensioners.	Present rate.	Proposed rate.	Annual increase per pensioner.	Total increase per annum.
62	6 months	23,135	$12.00	$13.50	$18.00	$416,430.00
62	1 year	15,043	12.00	15.00	36.00	541,548.00
62	1½ years	12,764	12.00	16.50	54.00	689,256.00
62	2 years	7,294	12.00	18.00	72.00	525,168.00
62	2½ years	17,892	12.00	19.50	90.00	1,610,280.00
62	3 years and over	27,921	12.00	21.00	108.00	3,015,468.00
66	90 days	10,819	12.00	14.00	24.00	259,656.00
66	6 months	26,146	12.00	15.50	42.00	1,098,132.00
66	1 year	17,002	12.00	17.00	60.00	1,020,120.00
66	1½ years	14,426	12.00	18.50	78.00	1,125,228.00
66	2 years	8,243	12.00	20.00	96.00	791,328.00
66	2½ years	20,222	12.00	21.50	114.00	2,305,308.00
66	3 years and over	31,556	12.00	23.00	132.00	4,165,392.00
70	90 days	9,271	15.00	16.00	12.00	111,252.00
70	6 months	22,405	15.00	17.50	30.00	672,150.00
70	1 year	14,569	15.00	19.00	48.00	699,312.00
70	1½ years	12,361	15.00	20.50	66.00	815,826.00
70	2 years	7,064	15.00	22.00	84.00	593,376.00
70	2½ years	17,328	15.00	23.50	100.00	1,767,456.00
70	3 years and over	27,041	15.00	25.00	120.00	3,244,920.00
75	6 months	14,027	20.00	21.50	18.00	252,486.00
75	1 year	9,121	20.00	23.00	36.00	328,356.00
75	1½ years	7,739	20.00	24.50	54.00	417,906.00
75	2 years	4,422	20.00	26.00	72.00	318,384.00
75	2½ years	10,848	20.00	28.00	96.00	1,041,408.00
75	3 years and over	16,929	20.00	30.00	120.00	2,031,480.00
	Total	405,568				29,857,626.00

Average increase per pensioner $73.61

Approximate increase in disbursements for pensions:

First year	14,722,000.00
Second year	40,373,907.00
Third year	26,184,034.00
Fourth year	24,000,000.00
Fifth year	22,000,000.00

Average increase per annum per pensioner is 160.50

Approximate increase in disbursements for pensions:

First year	32,000,000.00
Second year	86,500,000.00
Third year	59,000,000.00
Fourth year	54,500,000.00
Fifth year	50,000,000.00
Sixth year	45,500,000.00

The last official estimate of national income and expense for the year ending June 30, 1913, gives us a balance of income over expense, exclusive of Panama Canal disbursements, of about $30,000,000. Assuming that we will be able to maintain the relation of income to expense during the following year, with the practice of a little more rigid economy we could probably expend $33,000,000 in addition to the present cost of pensions for the year ending June 30, 1914, without the necessity of issuing bonds to cover the increased expenses.

Your committee adopted the sixteenth proposition rather than the eighteenth because of our belief that we could increase our appropriation $33,000,000 without a bond issue.

The cause of the second year's appropriation being so much greater than either the first or the third is that the bureau under ordinary conditions will handle about 200,000 applications a year; and it is safe to say that 400,000 would be filed within the first year, and therefore the second year would carry the arrears of about 200,000. Of course this depends upon what time in the year the bill becomes a law. We believe that if we can pass this amended bill before the summer months the bureau will be able to handle more than 200,000 cases the first year. We will thereby increase the estimated additional cost for the first year several million dollars and decrease the second year's estimate an equivalent amount, and thus keep clearly within our income.

Your committee, in reporting a bill which shall carry an additional average annual appropriation for pensions during the next five years of $20,410,000 per year in the place of House bill 1, which would require an additional average expenditure of $56,600,000 per annum, and which ignores what we regard as a very proper element in granting pensions, the disabilities of age, are animated by a desire to at all times maintain a strong sentiment on the part of the public toward this increase and further future increases of pensions, and which sentiment might, to some extent, at least, be jeopardized by advancing pension appropriations in a single bill so rapidly as to necessitate a bond issue to meet its requirements. We believe that the interests of the soldiers will be better subserved and that we shall in the end accomplish

more for the comfort of the veterans of the Civil War if we shall advance step by step, keeping within the Government's income under economic administration.

The provisions relating to the Mexican War veterans are the same as those contained in the House bill.

The majority of your committee supported another amendment which recognizes the right of pension attorneys to represent their clients in cases where it was thought proper that a soldier claimant should be entitled to legal service, as indicated in section 3. The amendment is carefully guarded, so that in no case can anything but a nominal charge be made. We believe that this amendment will in many instances be beneficial and that in no case can it operate to do an injustice to any veteran.

The majority of the committee deemed it advisable to further amend our general legislation with reference to publication of names of pensioners on the rolls, as indicated in the foregoing amendment, section 4.

As amended the committee report the bill favorably and recommend that it pass.

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[Senate Report No. 355, part 2, Sixty-second Congress, second session.]

SERVICE PENSION.

Mr. CURTIS (for himself, Mr. BROWN, Mr. SHIVELY, Mr. POINDEXTER, and Mr. JOHNSON), from the Committee on Pensions, submitted the following views of a minority, to accompany H. R. 1:

We, the undersigned, being a minority of the Senate Committee on Pensions, present this report after a careful consideration of the various pension bills or propositions which were presented to the committee.

We hope each Senator will duly consider the two propositions pending before the Senate, to wit: House bill 1, better known as the Sherwood bill, and the Senate proposition, known as the Smoot substitute, believing if they do they will vote down the substitute and pass the Sherwood bill.

There are many reasons why we favor the Sherwood bill. In the first place it does partial justice to a large number of Union soldiers who served one year and over, by giving them a dollar-a-day pension, and it will give an increase to a very large number of men who served less than one year, while the substitute will give a dollar a day to only those soldiers who have arrived at the age of 75 years and who had a service of three years and over.

Under the Sherwood bill most of the pension examining boards could be done away with and fewer special examiners would be required.

Under the Sherwood bill, after the new certificates are issued no expense will be incurred for the issuance of new certificates to those drawing pensions under it, but under the substitute new certificates must be issued as the pensioners below 75 years of age advance in years.

The opposition to the Sherwood bill is based upon the ground that it will carry a large appropriation, but we do not believe it just to the Union soldiers to measure their service in dollars and cents. We believe they are entitled to liberal pensions, regardless of the size of the appropriation.

But, after carefully considering the subject, we believe the estimates of the Pension Bureau as to the cost of the Sherwood bill are too high, because they are based on a report over 20 years old, while the figures given by Mr. Sherwood are based upon data taken from the records of the War Department.

We believe that if the Sherwood bill is enacted into law many of those whose pensions will be increased to $30 per month and who are now inmates of soldiers' homes will return to their own homes and firesides.

We believe its enactment into law will greatly decrease the requests for the introduction of private pension bills. While the substitute gives increases to each of the pensioners, yet we do not believe such increases are as large and substantial as they should be under all the circumstances.

We ask you, in considering this question, to remember the debt this Nation owes to the Union soldier; to remember that of that grand army of brave men who offered their lives to preserve the Union it is estimated that at least 36,000 will answer the last roll call this year, and to remember, further, that if anything is going to be done for them, now is the time to do it.

We recommend the defeat of the substitute reported by a majority of the committee, and ask for the passage of House bill 1, known as the Sherwood bill.

All of which is respectfully submitted.

CHARLES CURTIS.
NORRIS BROWN.
BENJ. F. SHIVELY.
MILES POINDEXTER.
CHARLES F. JOHNSON.

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[Senate Report No. 355, part 3, Sixty-second Congress, second session.]

SERVICE PENSION.

Mr. BRYAN, from the Committee on Pensions, submitted the following views to accompany H. R. 1.

This bill enjoys the unusual distinction of not having the support of a majority of the committee which reports it.

Of the 14 Members comprising the committee 5 have signed a minority report, because they prefer the House bill, and the Senator from Oklahoma, Mr. GORE, and myself are recorded as being opposed to both the bill reported by the committee and the House bill.

The House bill recognizes service only. The bill reported by the committee combines age with length of service.

The majority report complains that a service pension "smacks too much of the idea of hire." In the views of the minority, favoring the Sherwood bill, the idea of measuring military service by money is condemned. Yet that is exactly the thing both bills, when analyzed, undertake to do.

The central idea running through the hearings and through both reports is that we are engaged in paying a debt.

If we owe the soldiers of the Civil War a debt that can be paid in money, then the theory of the Sherwood bill is correct.

If mere enlistment for 90 days, regardless of actual service, to be more highly rewarded by "national gratitude" if the soldier enlisted at the age of 25 instead of at 20, ought to be the test, then the bill reported may be conceded to be correct in principle.

Both of these ideas have already found expression in our pension legislation—singly and in combination. It can not truthfully be said, measured by either or both of these standards, that this Government has failed in its obligation.

Mr. Samuel S. Burdett, past commander in chief of the Grand Army of the Republic, at the hearing before your Committee on Pensions made this statement: "If nothing else in our favor were ever done in our day, it never could be said, to-day or in any to-morrow, that the people of the United States were ungrateful to those who served them."

So, therefore, it is not the purpose of either the Sherwood bill or the bill reported to establish any new principle. It is not a question of principle or of "national gratitude." It is purely a question of more money. A member of the legislative committee of the Grand Army of the Republic accurately expressed the "principle" involved in this bill in the following apt language:

"Of course I think you will all concede, gentlemen, that No. 13 is a little better holdout than No. 11. Of course I should favor that myself. It was unanimous with the committee of which I have the honor to be a member."

If $150,000,000 per annum is not a sufficient expression of appreciation, would an additional annual appropriation of $25,000,000 make it so? If not, how much would?

Confessedly the only restraining influence upon the committee is the revenues of the Government, and so this bill is proposed upon the assumption that all these large professions about the reduction of our present tariff laws are not meant to be kept.

This bill undertakes to reconcile two irreconcilable elements, viz, age and length of service. Its incongruities are well illustrated by the statement of former Congressman Gardner, of Michigan, as follows:

"There were over 600,000, as I recall—I could refer to it specifically if necessary—that served three months or less—90-day militia. * * * I say to you what I know to be a fact. While many of these men fought, and fought well, the great body of them simply went to man the forts, to release the three-year men that went to the front and did the shooting. That is a fact, gentlemen. Lots of these men never got the polish off their shoes. It is no disparagement to them. They did all they were called upon to do. They wore paper collars and ate soft bread. It was no fault of theirs. Ohio had how many regiments of that kind, Col. McElroy, that never lost a man?

"Mr. MCELROY. Oh, quite a number of them never saw any fighting and never heard a cannon.

"Mr. GARDNER. Many of them never fired a gun. I say to you, gentlemen—and I am willing to defend this proposition before any Grand Army gathering in the country—that the man who went to war and served only 90 days and received no permanent disability from wounds or anything resulting from his service is not entitled to rank with the man who served two, three, or four years at the front."

It is refreshing that if the bill must pass as reported, the names of the pensioners will be made public. It is to be hoped that an aroused public sentiment may hereafter save to the meritorious and the needy pensioners the humiliation of making common cause with the undeserving whose military service was at best nominal.

If we would take thought of the people who have to pay pensions as well as of those who receive them, if we would limit payment to those who suffered injury because of service in the war and who are therefore entitled to governmental aid, we would remedy the injustices now perpetrated in the name of patriotism.

N. P. BRYAN

Mr. GALLINGER. Mr. President, if the Senator from North Dakota will give me his attention for a moment. I have a very clear recollection that in several general laws we passed increasing the pensions of soldiers there was a provision to the effect that no pension attorney, claim agent, or other person should be entitled to receive any compensation for services rendered, it being held that it was a matter that the Pension Bureau could itself attend to, and that there was no need of attorneys. I observe that in the so-called Sherwood pension bill there is a section covering that point, which reads:

That no pension attorney, claim agent, or other person shall be entitled to receive any compensation for services rendered in presenting any claim to the Bureau of Pensions, or securing any pension, under this act.

While in the substitute there is a provision that pension attorneys shall be recognized and be paid a certain sum, not a very large sum in each case, but a very large sum in the aggregate.

I take it for granted that there is some special reason why the provision in the substitute should be different from that in the original bill, and I ask simply for information as to the reason that controls the matter. Why was that change made?

Mr. MCCUMBER. Mr. President, I think I can better express that in the single paragraph which is included in my report, which reads:

The majority of your committee supported another amendment which recognizes the right of pension attorneys to represent their clients in cases where it was thought proper that a soldier claimant should be entitled to legal service, as indicated in section 3. The amendment is carefully guarded so that in no case can anything but a nominal charge be made. We believe that this amendment will in many instances be beneficial, and that in no case can it operate to do an injustice to any veteran.

Mr. GALLINGER. Mr. President, the difficulty about that is that immediately upon the passage of this bill every ex-soldier who is entitled to recognition under this law will receive a letter from 1 or 20 pension attorneys calling attention to the fact that their services are indispensable, and the soldiers will make contracts with those men. They will be anxious to get the increased allowance and thousands and tens of thousands and hundreds of thousands of dollars will be paid by these poor soldiers to the pension attorneys who are watching for every possible opportunity to get a fee in these cases.

I will ask the Senator if, in his judgment, the Pension Bureau can not adjust these claims. It is a mere question of increasing a pension in almost every instance. A man gets $12 now,

and he will get $13 or $14 under this bill. Is it necessary for a pension attorney to take up that case and prosecute the claim?

Mr. McCUMBER. In ninety-nine cases out of a hundred I would say no, it would not be necessary; but there are many cases where a question may come up as to the identity of the soldier, as to his service, and other matters where he might need legal assistance, and the fee is so small, a couple of dollars, that the majority of the committee felt that there could be no outrage, at least, perpetrated upon the soldier, and that in many instances he would get his work done more quickly. He would, in many instances, be compelled to take an appeal possibly from the Commissioner of Pensions to the Secretary of the Interior, and in cases of that kind he might need the service of an attorney.

Mr. GALLINGER. The appeal is a perfunctory matter, is it not?

Mr. McCUMBER. It may be, but there are many thousands of soldiers who would not know how to go to work to take an appeal even in a perfunctory way.

Mr. GALLINGER. Then the Senator speaks of a fee of $2. What about a $5 fee?

Mr. McCUMBER. I think it is only $2, if I remember correctly, when it is a small increase of pension, and there are not many of the $5 cases.

Mr. GALLINGER. The Senator speaks about cases arising where it is necessary to identify these people and all that. Is it not a fact that they are all on the pension roll now? Their status has been established. I remember this was fought out here several years ago on another bill which I happened to have charge of. It seems to me it is an automatic matter, and if the Commissioner of Pensions finds that a soldier is receiving $15 a month and under this bill he is to receive $16, the increase is made on the books of the Pension Bureau. I may be wrong about it, but that is the way it strikes me.

Mr. McCUMBER. We have some testimony on the subject that was given before the committee and was taken down. When we reach that part of the amendment I will present the testimony upon that proposition.

Mr. GALLINGER. The entire amendment is now before us.

Mr. POMERENE. Mr. President——

The PRESIDENT pro tempore. Does the Senator from North Dakota yield to the Senator from Ohio?

Mr. McCUMBER. I yield.

Mr. POMERENE. I was going to address myself to the Senator from New Hampshire, to ask him whether he knows what is the view of the Pension Department on this subject of allowing attorneys' fees.

Mr. GALLINGER. I simply remember, Mr. President, that on a former occasion I did consult the Commissioner of Pensions—it was several years ago—and he informed me that there was no need whatever of a pension attorney in a bill of that kind, that the bureau would take care of it. It may be different in this bill; I do not know. But I can not see that there is any difference or any need of such employment in these cases.

Mr. ROOT. Mr. President, I should like to ask a question of the Senator from North Dakota, the chairman of the committee. Is not the third section of the act of February 6, 1907, the service-pension act, still in force? That section provides:

> That no pension attorney, claim agent, or other person shall be entitled to receive any compensation for services rendered in presenting any claim to the Bureau of Pensions or securing any pensions under this act.

Have any abuses developed under it which make it desirable to change the judgment which Congress reached at the time that act was passed?

Mr. McCUMBER. There are a great many cases in which soldiers were compelled to have investigations, and have an appeal, and have explanations made to them. The department might not be quite as careful of their interest in getting a decision quickly upon any controverted question, and it might not be as desirous of giving the soldier all of the detailed information that he might want in a given case that his own attorney might suggest to him.

I have stated that in ninety-nine cases probably out of a hundred there would never be any occasion for an attorney at all, but undoubtedly there will be occasion for an attorney once in awhile, and it was simply provided that if the claimant himself desires an attorney to appear before the department to present his case for the nominal fee of $2 he shall have that right and the commissioner shall recognize him.

I have not gone into any lengthy discussion of it because, like all the other matters, it was a question in which the committee itself had diverse views.

Mr. GALLINGER. Mr. President——

Mr. ROOT. I merely wish to ask another question.

Mr. McCUMBER. I might explain the other matter about which the Senator asked. He asked if the other section is not still the law. I will say no; we amend the entire law of 1907 so that it shall read as follows.

Mr. ROOT. By the new bill?

Mr. McCUMBER. By the new bill.

Mr. ROOT. But up to this time it has been the law.

Mr. McCUMBER. Oh, yes.

Mr. ROOT. Then, I will complete my inquiry by asking whether, in the comparatively small number of exceptional cases in which an applicant for a pension needs advice and assistance, it would not be better for us to have an officer connected with the Pension Bureau whose duty it shall be to give the necessary advice to these men. I do not believe in turning loose a horde of hungry lawyers and pension agents upon these old pensioners. I am not much in favor of increasing our pension law, but I think what we are going to do we ought to do in such a way as to make the money that is paid out of the Treasury go to the utmost for the benefit of the men we intend to have it go to. It seems to me that we should seek to do this for them without requiring them to employ lawyers at all.

Mr. GALLINGER. Mr. President, I desire at this time to say that I will move to strike out section 3 of the bill at the proper time, and insert instead thereof section 6 of the bill as it came from the House of Representatives, which denies to pension attorneys any compensation for services they may render.

Mr. SMOOT. Mr. President, I was heartily in favor of the provision of the House bill, as contained in the general act of 1907, but Gen. Michener, deeply interested in the old soldiers' behalf, appeared before the committee.

Mr. BRISTOW. I wish to ask if Gen. Michener is not a pension attorney who would very largely profit by this very provision.

Mr. SMOOT. I know he is an attorney. I do not know how much he would profit by the provision.

Mr. BRISTOW. He is a pension attorney who has made more money out of the old soldiers than probably any other pension attorney.

Mr. SMOOT. I do not know as to that.

Mr. MARTINE of New Jersey. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Utah yield to the Senator from New Jersey?

Mr. SMOOT. I want to say, however, that at the time he appeared before the committee he made the statement that he is not now practicing law as a pension attorney.

The PRESIDENT pro tempore. Does the Senator from Utah yield to the Senator from New Jersey?

Mr. SMOOT. In just a moment I will be through, and then I will yield the floor.

Mr. MARTINE of New Jersey. Proceed.

Mr. SMOOT. I will yield if the Senator wishes to ask a question.

Mr. MARTINE of New Jersey. No; I have no question to ask. I thought the Senator had finished.

Mr. SMOOT. It was on the appeal that was made by Gen. Michener that I decided not to oppose the provision. He stated to the committee why this provision was necessary for the protection of the soldier. I believe it was approved by almost a unanimous vote of the committee——

Mr. CURTIS. Mr. President——

Mr. SMOOT. That it was necessary to have legal advice in certain cases such as stated by the chairman.

The PRESIDENT pro tempore. Does the Senator from Utah yield to the Senator from Kansas?

Mr. SMOOT. I yield.

Mr. CURTIS. I hope the Senator from Utah will not say that the vote on that question was unanimous or nearly unanimous. We have no right, as I understand it, to speak about what the vote was in the committee, but such a statement makes it necessary for each one of us to say that we did not or did vote for it. I want to say for one that I voted against the proposition. I think it is wrong to provide for attorneys' fees in these cases.

Mr. SMOOT. Mr. President, I did not say that it was unanimous. I said nearly so. That is the word I used.

Mr. WORKS. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Utah yield to the Senator from California?

Mr. SMOOT. Yes.

Mr. WORKS. I want to say that some time ago I proposed an amendment to the bill by way of a substitute. I am not going to press it on the Senate now, but one section in it applies to this very question. I should like to call the attention

particularly of the Senator from North Dakota to it. It was intended to meet this situation. It provides:

SEC. 8. That all pensioners now receiving pensions for service in the Civil War under an act entitled "An act granting pensions to certain enlisted men, soldiers and officers, who served in the Civil War and War with Mexico," approved February 6, 1907, shall be entitled to pensions under this act without further application or examination, and the Commissioner of Pensions is directed to list such pensioners for pensions under this act upon its taking effect, and thereafter no pensions to persons serving in the Civil War shall be granted or paid under said act approved February 6, 1907; and all pensioners now receiving pensions for such service, under special or private acts not in excess of the amount to which they would be entitled under this act, shall also be listed by the Commissioner of Pensions and paid under this act, and not otherwise.

One of the objects and purposes was to relieve the old soldier of the necessity of employing an attorney in making simply this transfer from one list to another.

Mr. McCUMBER. If the Senator from Utah will allow me to just briefly answer the Senator from California, I will say that provision in the bill would compel a soldier who is upon the present pension roll to take a higher pension whether he wanted it or not.

Mr. WORKS. That might be avoided. I will not insist upon that.

Mr. McCUMBER. And for that reason we eliminated that provision in 1907, leaving it discretionary with the soldier as to whether he would seek this additional pension if he is entitled to receive it. Another reason was that it sometimes requires months before the department can be apprised of the death of a soldier and, therefore, they would be misled in making this change and in making an additional change while the soldier might be dead. Complications then might arise in the settlement with the widow or the person entitled to the additional sum, as to what amount should be received. Inasmuch as every soldier, I think, will know that he may apply and receive an additional sum under the present bill, undoubtedly it is safe to leave the matter with him.

I thank the Senator from Utah for yielding to me.

Mr. WORKS. I only suggest at the present time that something should be done, in my judgment, to prevent raids upon these old soldiers by the pension sharks.

Mr. SMOOT. Mr. President, I am in full sympathy with the last statement made by the Senator from California [Mr. WORKS]. The only reason that the provision was reported by the committee was to take care of the old soldier and protect his interests; and so far as I am personally concerned, I have no desire for it to remain in the bill if it is not going to accomplish that purpose.

As the Senator from Kansas [Mr. CURTIS] has called attention to the fact of how he voted in committee, I might as well say that I voted against the provision in committee, but after talking with Gen. Michener I felt as though it might be necessary, so far as a few of the old soldiers are concerned, that the provision should be made.

Mr. GALLINGER. Mr. President——

The PRESIDENT pro tempore. The Senator from New Jersey [Mr. MARTINE] previously addressed the Chair.

Mr. GALLINGER. Will the Senator from New Jersey yield to me for one moment?

Mr. MARTINE of New Jersey. I yield to the Senator from New Hampshire.

Mr. GALLINGER. I now move to strike out section 3 of the substitute and to insert instead thereof section 6 of the bill as it came from the House of Representatives.

The PRESIDENT pro tempore. The amendment proposed by the Senator from New Hampshire will be stated.

The SECRETARY. It is proposed to strike out section 3 of the proposed substitute and in lieu thereof to insert the following as section 3:

SEC. 6. That no pension attorney, claim agent, or other person shall be entitled to receive any compensation for services rendered in presenting any claim to the Bureau of Pensions, or securing any pension, under this act.

Mr. MARTINE of New Jersey. Mr. President, I desire to make a few remarks on the pending bill, but I am willing that this amendment shall first be voted upon.

Mr. WILLIAMS. One word, Mr. President. I want to offer as an amendment to the amendment just offered by the Senator from New Hampshire [Mr. GALLINGER] the following language:

Nor shall anyone be entitled to a pension under this act who is possessed of an annual income of $1,200 or more.

While I am on my feet, Mr. President, I want to ask the Senator in charge of the bill a question. It seems to me—I may be inaccurate—that this bill discriminates in favor of the 90-day men.

Mr. GALLINGER. Mr. President, would the Senator from Mississippi permit the suggestion that his amendment is on an entirely different subject, and would he not let the vote first be taken upon the motion I have made?

Mr. WILLIAMS. Very well. Then I give notice that I shall offer the amendment which I have stated after the amendment which the Senator from New Hampshire refers to is voted upon.

Mr. GALLINGER. That is better, I feel sure.

Mr. WILLIAMS. Mr. President, I want to ask the Senator from North Dakota [Mr. McCUMBER] a question, if I may be permitted to do so. It seems to me—I may be wrong about it—that this bill, as compared with the bill for which it is a substitute, discriminates in favor of the 90-day men and against the long-service men, and it seems to do it simply upon the ground of age. Now, I notice in case such a person has reached the age of 62 years and has served 90 days he receives $13 per month, while if the person has reached that age and has served 3 years or over he receives only $16 per month. But the discrimination is worse when you come to men who are 70 years of age. If they served only 90 days, they receive $18 per month under the bill, whereas the men who served 3 years or over, if they happen to be only 62 years of age, receive $16 per month.

Now, I submit to the Senator in charge of the bill that the degree of pensionableness is not solely the question of age. A man of 70 may be in good health and perfectly self-keeping, while a man of 60 may not be; and the 90-day men under this bill, if they are 70 years of age, will receive $2 more than a veteran who served during the whole war—3 years or over. Does the Senator think that is a just discrimination?

Mr. McCUMBER. If the Senator wants an answer right away I will say that he will find that there are very few 62-year-old men who served only for 90 days—so very few that probably all of them within a year will be entirely eliminated from consideration.

Mr. WILLIAMS. But there are still fewer men, are there not, 62 years of age who served three years or over?

Mr. McCUMBER. Oh, no; there are a great many more 62-year-old men who served for a greater period than that short length of time. By the report we had before us it appeared that there were only 9,573 62-year-old men who served 90 days. When you get up to 6 months' service you find 23,000 of them; at 1 year's service you get 15,000 additional; at 1½ years' service you get 12,764 additional; at 2½ years you get 17,892 additional; and at 3 years and over you get 27,921.

Mr. WILLIAMS. Yes; I see all that; but the question I want to ask the Senator is: Does he think it just that a man who served only 90 days—and, for a good part, the men who served 90 days virtually did not serve at all—should receive $18 per month, whereas a man who served 3 years or over should receive only $16 per month, simply because he is 8 years younger? There is no other reason.

Mr. McCUMBER. Well, Mr. President, if you use the double standard you have to make your divisions somewhere; and you have got to make them if under a double standard, where you will recognize a certain increase on each subdivision, and you have got to divide those standards in such a way as to result in as nearly equity and justice between the parties as possible. After very thorough study and after hearing the testimony of the pension committee of the Grand Army of the Republic, the majority of the Senate Committee on Pensions adopted this present standard. If the Senator claims that service should be the dominant feature, then he must admit that this bill is far superior to the present law, because under the present law there is no distinction made between the 62-year-old man who served 90 days and the 70 or 75 year old man who served for the full 3 years' term. The 62-year-old man receives exactly as much as the 75-year-old man.

Mr. WILLIAMS. I was not comparing it, if the Senator from North Dakota will pardon me a moment, with the existing law, but with the provision for which it is a substitute.

Mr. McCUMBER. I merely want to say one word in reference to the amendment offered by the Senator from New Hampshire [Mr. GALLINGER].

Mr. LODGE. Before the Senator does that will he allow me to ask him a question in regard to the figures which he has just quoted?

Mr. McCUMBER. Yes.

Mr. LODGE. It appears that the men now 62 years of age who served three years and over in the Army number 27,921; that is, that 27,921 men entered the Union Army at the age of 12 years.

Mr. GALLINGER. Eleven years.

Mr. LODGE. At 12 years of age. Why, Mr. President, that seems incredible.

Mr. McCUMBER. The Senator from Massachusetts does not understand it. That is between 62 and 66 years of age.

Mr. LODGE. Oh!

Mr. McCUMBER. In the next subdivision they range from 62 up to 66 years.

Mr. LODGE. The question the Senator from Mississippi [Mr. WILLIAMS] asked was about the men 62 years of age, and the reply was that 27,921 had entered the Army and served three years; that is, had entered the Army when they were 11 or 12 years old. That seemed to me one of the most amazing statements that I had ever heard.

Mr. McCUMBER. I suppose that the Senator who asks the question of course recognizes the division between the 62-year-old men and the next division of 66 and the other division of 70.

Mr. LODGE. I do.

Mr. McCUMBER. I mean the Senator from Mississippi [Mr. WILLIAMS]. Therefore, in answering him I answered him assuming that he had all of that class in mind—from 62 to 66 years of age.

Mr. WILLIAMS. If the figures of the Senator from Massachusetts are correct, and if these people who are 62 would have had to enter the Army at 12 years of age, then the people who are 66 would have had to enter it under 16, would they not?

Mr. LODGE. Yes; 16 years.

Mr. SMITH of Michigan. Mr. President——

Mr. McCUMBER. Just a moment. I said to the Senator from Mississippi, and I am now stating it for the benefit of the Senator from Massachusetts, that the number who were 62 years of age and served 90 days was 9,573.

Mr. LODGE. I am taking the 3-year list men 62 years of age. The way it is printed here, of those between 62 and 63 years, there were 27,921. If they are only 62 now, they were in 1861 not far from 11 years old, and I can not believe——

Mr. WILLIAMS. If they were 60, they were not far from a little over 15 years old.

Mr. LODGE. That is surprising, and it does seem that they entered very young.

Mr. SMITH of Michigan. Will the Senator from Massachusetts yield to me?

The PRESIDENT pro tempore. Does the Senator from Massachusetts yield to the Senator from Michigan?

Mr. LODGE. I do.

Mr. SMITH of Michigan. If the Senator from Massachusetts will permit me, I will read some interesting data regarding the ages of the young men who made up the Union Army. I think it will be very interesting right at this point. There were 846,000 boys in the Union Army 16 years of age and under.

Mr. LODGE. When?

Mr. SMITH of Michigan. Altogether.

Mr. LODGE. But at what time?

Mr. SMITH of Michigan. Altogether in the Union Army.

Mr. LODGE. At what period were they 16—when they entered, or when they came out, or during their service?

Mr. SMITH of Michigan. When they entered, of course.

Mr. LODGE. When they entered, precisely.

Mr. SMITH of Michigan. There were over 2,000 boys under 14 years of age in the Army; there were 1,151,000 boys 18 years of age and under; and 2,159,778 boys at the age of 21 and under, who put down the rebellion in the bloodiest contest ever waged in the history of the world.

Mr. LODGE. Precisely.

Mr. SMITH of Michigan. One moment. I will say further there were 618,511 young men who were 22 years of age and over in the Union Army, and most of the officers were under 25 years of age. Fifty thousand of these boys were killed in battle, 40,000 of them died of wounds, 225,000 died from disease, and 280,000 boys were wounded in battle.

Mr. LODGE. Those figures, Mr. President, if the Senator will allow me, sustain precisely the position I was taking.

Mr. SMITH of Michigan. That is the reason I offered them.

Mr. LODGE. I am glad the Senator offered them, if that was his reason. They show that 2,000 boys entered the Union Army at the age of 14.

Mr. SMITH of Michigan. Exactly.

Mr. LODGE. But according to the figures which have been cited by the Senator from North Dakota, we are left to suppose that 27,000 might have entered at 11 or 12, and I find no record of so many having enlisted as young as that.

Mr. SMITH of Michigan. I noticed that the Senator from Massachusetts was not making much headway with his statement, and I thought that I could verify his contention. The figures I have given bear out that statement and are most striking, as they illustrate the extreme youth of those who composed the Army for the Union, and I dare say are a correct index to the extreme youth of the young men and boys who made up the heroic and gallant defenders of the Confederate cause.

Mr. OVERMAN. Mr. President, I inquire what is the sum total of the number of men in the Union Army according to the figures given by the Senator from Michigan?

Mr. SMITH of Michigan. Those figures, Mr. President, are cumulative and relate to different periods, but the classification is accurate.

Mr. OVERMAN. I was going to say that according to those figures there must have been about 3,000,000 men in the Union Army.

Mr. SMITH of Michigan. No. I have no doubt there were times when it seemed as though we had that many, but we did not. I dare say the soldiers of the Southern army were as young as those in the northern army and equally as dauntless.

Mr. OVERMAN. I am not talking about the ages, but I was surprised at the number of men who were in the Union Army according to the Senator's figures.

Mr. SMITH of Michigan. The Senator from North Carolina need not be surprised; the record is made up and is imperishable; these figures are cumulative and the age classification is correct. For instance, the figures given for boys of 18 years and under include the boys 16 years of age, and the figures given for young men 21 years of age include those both of 18 and 16.

Mr. LODGE. Why, Mr. President, I thought those figures showed the number who entered the Army at a given age.

Mr. McCUMBER. Oh, no; Mr. President, they have nothing to do with the age at entering the Army; they show the number now living of a given age who served a certain length of time.

Mr. LODGE. I understood the figures of the Senator from Michigan represented the number who enlisted in the Army at 14, 16, 18, 21, and 22 years of age; but I did not understand that the figures given of those who entered at 22 covered all who had entered at an earlier age.

Mr. SMITH of Michigan. No; Mr. President, the Senator from Massachusetts is correct; the figures given do not include those who enlisted at 22 or over. I was showing the total under 22, classified at 14 years of age, 16, 18, and 21 years.

Mr. LODGE. The Senator stated they were cumulative.

Mr. SMITH of Michigan. The figures are cumulative, but there were 846,000 boys in the Union Army 16 years old and under, and 2,000 boys under 14 years of age.

Mr. NELSON. Mr. President——

The PRESIDENT pro tempore. Does the Senator from North Dakota yield to the Senator from Minnesota?

Mr. McCUMBER. I do.

Mr. NELSON. I simply rose to say that the argument is so confusing that I hardly know how old I was when I went into the Army. [Laughter.]

Mr. McCUMBER. Possibly I can give the Senator some light as to how old he was when he entered the Army. Strange as these figures may seem to the Senator from Massachusetts [Mr. LODGE], if he will take the report of the cases of those who applied for pension or increase of pension under the act of 1907 he will find that at that time, five years ago now, there were of those 62 years of age who were granted pensions under that law 104,857. There are now of those 62 years of age who served for three years and over 27,921. The exact number is given of those who served 90 days, six months, and from six months up to a year, and so forth.

Mr. LODGE. Mr. President, if the Senator will allow me, I have had opportunity to examine the figures of the Senator from Michigan, and, as he has stated, they are cumulative; but what confused me was that after giving the total number for 21 years and under they then added the number 22 years and over and did not make them cumulative. However, as the figures for the age of 21 and under are cumulative—that is, cover all before that time—they harmonize entirely with my statement, which was to the effect that now there can not be practically any soldiers of 62 who served in the Union Army.

Mr. McCUMBER. Mr. President, there are some Senators who desire an executive session this evening. I will, of course, move to take this matter up again as the unfinished business to-morrow——

Mr. GALLINGER. Mr. President——

Mr. MARTINE of New Jersey. Before that motion is put——

The PRESIDENT pro tempore. Does the Senator from North Dakota yield to the Senator from New Jersey?

Mr. McCUMBER. Certainly.

Mr. MARTINE of New Jersey. Mr. President, that which I have to say may not be interesting, but at least it defines my position on this question.

I beg to say that my kin were on the other side, the side that wore the gray. They lie to-day beneath the southern sun. The little property that they had accumulated before that strife was swept away as dew before the rising sun. There was a time in my life when nothing on earth would have induced me to voice the words to which I now give utterance. At the close of that horrid strife my heart was filled with bitterness, with hate—yes, with vengeance; but, thank God, I have lived since then,

I have grown bigger, broader, more catholic, and, I trust, more Christian. My heart, then filled with hatred and vengeance, thank God, now full of charity, love, sympathy, and humanity. I see things to-day through a different lens than I then saw them, and, thank Heaven, I am brave enough to confess that change.

Mr. President, I insist if there was ever a justification for a pension, that justification is twofold. When they went into the Army the soldiers were young and generally in good health, but to-day they are decrepit, old, and infirm, and, further than that, every man's dollar to-day has been cut in two.

I presume in common with other Senators I have received many letters on this much-mooted question of the pension laws. Those letters bring to me different tales and different thoughts. Some bring to me tidings that should I vote for this measure it will be my political death. Sad, indeed! I trust Senators may press back their tears. I have heard from time to time for 40 years of my political life that this step or that step would be my political death and doom; but I am still worshipping at the same shrine, pleading and preaching the same gospel.

From some letters I learn that the country can illy stand this drain upon its purse. I received such a letter from one who has been a beneficiary of the protective tariff system, the most horrid, outrageous, unjust, and iniquitous system of taxation that ever disgraced the statute books of any country. He says that the country can ill stand the drain on its Treasury that this bill will cause, and yet for 25 years he has been pressing into his coffers the results of that unjust, outrageous system of taxation.

I have letters from another class—one from an old man, who writes: "I am 73 years old. I can no longer work and can scarcely walk. I served three and a half years in the war. I am told," says he, "that I may go to the soldiers' home, but when I ask what is to become of Betsy, they say naught, but point over the hills to the poorhouse."

Other letters also tell me that our Treasury can not withstand this drain. How, they ask, would I replenish it? I answer I would invoke an income tax; I would multiply the tariff on diamonds and foreign wines, and if further income be demanded I would place a tax on tobacco and whisky, that would not be felt by the masses of the people at large, but would yield to this country all the revenue that would be required.

In God's own time—in the nature of things it can not be but a few years—the old soldiers will go to—

> The undiscover'd country from whose bourn
> No traveler returns.

Senators, I urge you to vote for this measure, and I believe as I live that a just God and a generous people will bless and advance our country's welfare.

EXECUTIVE SESSION.

Mr. McCUMBER. I move that the Senate proceed to the consideration of executive business.

The motion was agreed to, and the Senate proceeded to the consideration of executive business. After 1 hour and 30 minutes spent in executive session the doors were reopened, and (at 6 o'clock and 30 minutes p. m.) the Senate adjourned until to-morrow, Tuesday, March 12, 1912, at 2 o'clock p. m.

HOUSE OF REPRESENTATIVES.

MONDAY, *March 11, 1912.*

The House met at 12 o'clock m.

The Chaplain, Rev. Henry N. Couden, D. D., offered the following prayer:

Eternal God, our heavenly Father, inspire us with longing eyes, brave hearts, and dauntless courage to press toward the mark for the prize of the high calling of God in Christ Jesus. Wealth, fame, power, honestly attained and wisely ministered to the good of mankind, are prizes to be sought, but a God-like character outshines them all. The former things pass away; the latter is eternal.

> "The stars shine over the earth,
> The stars shine over the sea;
> The stars look up to the mighty God,
> The stars look down on me.
> The stars have lived a million years,
> A million years and a day;
> But God and I shall love and live
> When the stars have passed away."

So inspire us, so lead us to the coveted goal, in the spirit of the Lord Jesus Christ. Amen.

The Journal of the proceedings of Saturday, March 9, 1912, was read and approved.

REMARKS OF HON. THERON AKIN.

Mr. AKIN of New York. Mr. Speaker, on Saturday, March 9, there was a resolution (No. 443) passed in the House asking that a committee be appointed to investigate certain remarks that I had made in a speech printed in the RECORD of March 7, in which speech it is claimed that I have transgressed the rules and offended the dignity of the Members of the House.

I wish to make request, by unanimous consent, that this speech, which appears in the CONGRESSIONAL RECORD of March 7, be eliminated entirely from the CONGRESSIONAL RECORD. After talking with some of my friends on the floor of the House, I wish to say that it seems that I have transgressed the rules of the House. I do not wish to transgress the rules or offend the dignity of this House by making remarks such as should not properly be made in debate. [Applause.]

The SPEAKER. Without objection, the remarks of the gentleman will be withdrawn from the RECORD. [After a pause.] The Chair hears none, and it is so ordered.

Mr. FOSTER of Illinois. Mr. Speaker, I ask unanimous consent that the order appointing a committee to investigate the matter referred to by the gentleman from New York [Mr. AKIN], be vacated.

The SPEAKER. The gentleman from Illinois asks unanimous consent that the proceedings looking toward the appointment of a committee to investigate the matter referred to be vacated. Is there objection? [After a pause.] The Chair hears none, and it is so ordered.

PHOSPHOROUS MATCHES.

Mr. HUGHES of New Jersey, by direction of the Committee on Ways and Means, reported a bill (H. R. 20842) to provide for a tax on white phosphorous matches, and for other purposes, which was read a first and second time, and, with the accompanying report (No. 406), ordered to be printed and referred to the Committee of the Whole House on the state of the Union.

Mr. HUGHES of New Jersey. Mr. Speaker, I ask unanimous consent that there be printed 500 additional copies of the report on this bill.

The SPEAKER. The gentleman from New Jersey asks unanimous consent that there be printed 500 additional copies of the report on the bill H. R. 20842. Is there objection? [After a pause.] The Chair hears none, and it is so ordered.

FREE SHIP BILL.

Mr. ALEXANDER. Mr. Speaker, this morning I filed a report on the bill H. R. 16692, known as the free ship bill. I ask unanimous consent that the minority members of the Committee on the Merchant Marine and Fisheries have seven days within which to file their views.

The SPEAKER. The gentleman from Missouri asks unanimous consent that the minority members of the Committee on the Merchant Marine and Fisheries be granted seven legislative days in which to file their views on the bill H. R. 16692, the free ship bill. Is there objection? [After a pause.] The Chair hears none, and it is so ordered (H. Rept. 405, pt. 2).

CONTINGENT EXPENSES OF THE SENATE.

Mr. FITZGERALD. Mr. Speaker, by direction of the Committee on Appropriations, I report Senate joint resolution 83, making appropriations to meet contingent expenses of the Senate, and I ask unanimous consent for the present consideration of the resolution in the House as in Committee of the Whole.

The SPEAKER. The gentleman from New York presents a privileged report on Senate joint resolution 83, and asks unanimous consent for the present consideration of the Senate joint resolution in the House as in Committee of the Whole. Is there objection?

There was no objection.

The SPEAKER. The Clerk will report the resolution.

The Clerk read as follows:

Senate joint resolution (S. J. Res. 83, H. Rept. 407) making appropriations to meet certain contingent expenses of the Senate.

Resolved, etc., That the following sums be appropriated, out of any moneys in the Treasury not otherwise appropriated, for the contingent expenses of the Senate of the United States:

For folding speeches and pamphlets, at a rate not exceeding $1 per thousand, $4,000;

For miscellaneous items, exclusive of labor, $40,000;

For expenses of inquiries and investigations ordered by the Senate, including compensation to stenographers to committees, at such rates as may be fixed by the Committee to Audit and Control the Contingent Expenses of the Senate, but not exceeding $1.25 per printed page, $25,000.

The SPEAKER. The question is on the third reading of the Senate joint resolution.

The Senate joint resolution was ordered to be read a third time, was read the third time, and passed.

On motion of Mr. FITZGERALD, a motion to reconsider the vote by which the resolution was passed was laid on the table.

INCOME TAX.

The SPEAKER laid before the House the following communication from the governor of the State of Nevada, which, with the accompanying papers, was ordered to be printed in the RECORD:

STATE OF NEVADA, EXECUTIVE DEPARTMENT,
Carson City, March 5, 1912.

To the honorable the Speaker of the House of Representatives; Washington, D. C.

SIR: I herewith transmit certified copy of assembly joint and concurrent resolution ratifying the sixteenth amendment to the Constitution of the United States of America. (Approved Feb. 8, 1911.)

Respectfully, yours,

TASKER L. ODDIE, *Governor.*

Assembly joint and concurrent resolution ratifying the sixteenth amendment to the Constitution of the United States of America. (Approved Feb. 8, 1911.)

Whereas both Houses of the Sixty-first Congress of the United States of America at its first session, by a constitutional majority of two-thirds thereof, made the following proposition to amend the Constitution of the United States of America in the following words, to wit:

A joint resolution proposing an amendment to the Constitution of the United States.

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled (two-thirds of each House concurring therein), That the following article is proposed as an amendment to the Constitution of the United States which, when ratified by the legislatures of three-fourths of the several States, shall be valid to all intents and purposes as a part of the Constitution, namely:

ART. XVI. The Congress shall have power to lay and collect taxes on incomes, from whatever source derived, without apportionment among the several States and without regard to any census or enumeration.

Therefore be it

Resolved by the assembly of the State of Nevada (the senate concurring), That the said proposed amendment to the Constitution of the United States of America be, and the same is hereby, ratified by the Legislature of the State of Nevada.

That certified copies of this preamble and joint and concurrent resolution be forwarded by the governor of this State to the President of the United States, Secretary of State of the United States, to the Presiding Officer of the United States Senate, and to the Speaker of the United States House of Representatives.

STATE OF NEVADA, *Department of State, ss:*

I, George Brodigan, the duly elected, qualified, and acting secretary of state of the State of Nevada, do hereby certify that the foregoing is a true, full, and correct copy of the original copy of assembly joint and concurrent resolution ratifying the sixteenth amendment to the Constitution of the United States of America (approved Feb. 8, 1911), now on file and of record in this office.

In witness whereof I have hereunto set my hand and affixed the great seal of State, at my office in Carson City, Nevada, this 5th day of March, A. D. 1912.

[SEAL.]

GEORGE BRODIGAN,
Secretary of State.
By GEO. W. COWING,
Deputy.

AGRICULTURE APPROPRIATION BILL.

Mr. LAMB. Mr. Speaker, I move that the House resolve itself into Committee of the Whole House on the state of the Union for the further consideration of the bill H. R. 18960, the Agriculture appropriation bill.

The motion was agreed to.

Accordingly the House resolved itself into Committee of the Whole House on the state of the Union for the further consideration of the bill H. R. 18960, with Mr. BORLAND in the chair.

Mr. LAMB. Mr. Chairman, when the committee rose Saturday evening an amendment that I offered was under consideration. I have carefully gone over that, and in order to meet the objections raised by some gentlemen, and to pass an amendment that would reach, we think, the results which the committee had in view at that time, I ask unanimous consent to withdraw that amendment and offer the one which I send to the Clerk's desk.

The CHAIRMAN. The gentleman from Virginia [Mr. LAMB] asks unanimous consent to withdraw the amendment which he offered on Saturday and offers a substitute for the same, which the Clerk will report.

The Clerk read as follows:

Insert as a new paragraph between lines 10 and 11, page 47:

"Any contract or agreement heretofore or hereafter made for the sale of timber or other forest products of the national forests may be modified by the Secretary of Agriculture as to the amount of such timber or other forest products that shall be cut or removed, and as to the time for the cutting or removal of such timber or other forest products: *Provided*, That the United States shall in all such cases be fully reimbursed for any expenses or damages incurred in connection with said contract: *Provided further*, That in no case shall the stumpage price stipulated in the contract or agreement be reduced by such modification or alteration: *And provided also*, That nothing herein shall be construed to limit the authority of the Secretary of Agriculture to modify, alter, or cancel any such contract or agreement for violation of its terms."

Mr. FITZGERALD. Mr. Chairman, I reserve a point of order on that.

Mr. LAMB. Mr. Chairman, I think if the members of the committee will examine this substitute carefully they will see at once the necessity for the legislation, and if they will turn to the CONGRESSIONAL RECORD and read the concrete cases that are referred to, but which I would not take the time to read in full as we were hurrying through Saturday evening, they will see that this matter is important, that it is specific, as I said, and that conditions arose last year in administering the sales of forest timber that necessitated just such legislation as we seek here to perfect.

Mr. HOWARD. May I ask the gentleman from Virginia [Mr. LAMB] a question?

Mr. LAMB. Certainly.

Mr. HOWARD. Was that amendment you introduced on Saturday and that you called up a committee amendment or was that an amendment of the gentleman from Virginia on his own initiative?

Mr. LAMB. It was my amendment, suggested by conversation with the Forester and recommended by the Secretary of Agriculture.

Mr. HOWARD. I mean, did the Committee on Agriculture consider your amendment before it was introduced?

Mr. LAMB. The committee did not have any opportunity to consider it, because the question did not arise when the committee was having its hearings and making up the bill.

Mr. HOWARD. As I understand, the necessity for this arose last fall, and I notice the letters to the Secretary are dated January 18 of this year. Therefore the committee was in possession of the facts from the Department of Agriculture at the time you considered this appropriation.

Mr. LAMB. They were not. It was impossible.

Mr. HAWLEY. Will the gentleman from Virginia allow me? In reply to the question of the gentleman from Georgia [Mr. HOWARD], if the chairman will permit, I will say that I have just had a conference with the Forest Service, and they could not present this matter until the decision was rendered by the comptroller's office relative to the power of the Secretary to modify a contract by which a hardship was supposed to have been worked upon the contractor. The decision has recently been rendered by the comptroller's office that the Secretary of Agriculture was without power to modify the contract and that decision was not made until recently and therefore it was made after the committee reported the bill.

Mr. HOWARD. I think there is no more right in equity or in law to abrogate that sort of a contract than there would be between two individuals, and I think the comptroller's decision was eminently correct.

Mr. FITZGERALD. Mr. Chairman, I wish to call the attention of the gentleman from Virginia to the fact that the amendment which he now proposes is much more comprehensive than the one he proposed on Saturday.

Under the amendment proposed originally, upon the application of the purchaser, whenever the purchaser shall show to the satisfaction of the Secretary that, owing to conditions beyond the purchaser's control and arising subsequent to the execution of the contract, the enforcement thereof will work serious hardship or injustice to the purchaser, the Secretary could modify, cancel, or alter the contract. In this proposed amendment the department is not required to have the purchaser show to its satisfaction that because of conditions arising subsequent to the execution of the contract a hardship would be worked, but under the provisions of the pending amendment the department could increase the amount of timber which might be taken under a contract at the price fixed therein. Without reflection upon the department or the officials, I do not believe it is either wise or necessary to give the department a power that would subject it to pressure that might result in conditions which would operate very injuriously to the public service.

Mr. MANN. Mr. Chairman, will the gentleman yield for a question?

Mr. FITZGERALD. Yes.

Mr. MANN. Would this amendment which is now offered do any more than give to the Secretary of Agriculture power to make a change in the specifications after the contract is entered into, where he would have the power if he did that before the contract was entered into? For instance, the Secretary makes a contract for the cutting of so much timber, and afterwards concludes that there ought to be a smaller quantity cut. Of course, in the first place, he would have authority to make a contract for a smaller quantity if there seemed to be occasion for it. I think myself that he would have the authority in the contract as to subsequent contracts if he would so insert it in the specifications—authority retained in him to provide for the taking of a lesser amount than is mentioned in the contract. That is a common provision in contracts that the Government enters into.

Mr. FITZGERALD. Let me call the attention of the gentleman to the manner in which the power may be abused by officials of the Government.

Mr. MANN. There is no necessity for that. We all know that; that it may be and it sometimes is.

Mr. FITZGERALD. It is very pertinent at this time. Congress authorized and ordered the sale of the old customhouse in the city of New York. Bids were invited by public advertisement and two bids were submitted, one by the National City Bank and the other by the Farmers' Loan & Trust Co. The National City Bank having submitted an offer, I think, of about $3,200,000, as against $3,125,000 by the Farmers' Loan & Trust Co., the award was made to the National City Bank. But when the contract was made provisions were inserted in it that had never been called to the attention of the respective bidders by which it was provided that all of the purchase price should not be paid until the Government was ready to abandon the property, and the Government agreed to pay 4 per cent upon the purchase price as rent to its purchaser, although it retained the title itself; and it also agreed to deposit $3,200,000, which was supposed to be paid, in the National City Bank. The result was that the National City Bank made a bookkeeping transfer of $3,200,000 on its books, the Government retained the title, it paid the National City Bank 4 per cent on the purchase price for five or six years as rent on its own property, the property remained exempt from taxation, and eventually the National City Bank practically got the property for almost the amount that the Government had paid to it in rent. That is what can be done by distinguished gentlemen under pressure.

Mr. MANN. I never justified the action in that case. But here is a case where, as I understand it, the Government proposes to sell timber, say for mining purposes, and it makes a contract for the sale of so much timber, the timber for a mine. It turns out that there is no occasion to use the timber in the mine. The mine may be abandoned. Now the man has contracted to pay for the timber. The circumstances may be such that it would be of very little value for any other purpose. There is no occasion for requiring him to cut the timber. That is not in the interest of the Government, and why should they not have the authority to modify that?

Mr. FITZGERALD. It is easy to remedy that case. It appears that there are two instances in the operation of the Forestry Service in which it is believed that some relief, some modification of existing contracts should be made. I would not object to a provision that would authorize the modification of these contracts, but I do not believe that because these two instances can be singled out it is therefore a justification for the enactment of this provision. It might be subject to abuse in administration.

Mr. MANN. Would the gentleman doubt, as a matter of fact, that hereafter the department, in advertising for bids, might put in the specifications a provision that it was within the power of the department either to increase or decrease the quantity of the timber cut under the contract, and thereby accomplish indirectly the very purpose that is proposed to be accomplished here?

Mr. FITZGERALD. Not at all. If the department puts that statement in its advertisement, prospective bidders then have knowledge that they are bidding upon an estimate which may be decreased or increased, and they all enter fairly into the arrangement. If an advertisement is issued and bidders in good faith submit their bids on the understanding that certain things are to be done, and then a contract is awarded, and the contractors depend to some extent, at least, upon the amount of pressure or influence that can be brought for relief from undesirable conditions, it makes a very great difference.

Mr. MANN. Why would it not do to insert in this amendment a provision making it the law only for the next ensuing year, or until the end of the next fiscal year, making it purely temporary?

Mr. FITZGERALD. Mr. Chairman, I believe there is so much doubt of the advisability of either of the two provisions that I shall insist on the point of order.

Mr. LAMB. Let me make this matter so plain that every gentleman here will see it in a moment. There is no analogy between this case and the cases cited by the gentleman from New York.

Mr. FITZGERALD. I did not say there was.

Mr. LAMB. The conditions are reversed. There the United States Government is contracting to have specific work done. Here the United States is selling timber, and as to these two concrete cases here, this is just the condition: A large amount of lumber was sold to the contracting parties, to be cut within five years. The railroads to which the contracting parties had agreed to furnish this lumber gave notice that they would not need any of it for a year or more, and this contractor would have had to go on and cut this lumber at his own risk, and it would have been a waste. What would have been the result to the seller? Why, the lumber was standing in the forest. All the loss that could possibly be sustained by the Government was the amount of ripe timber that might deteriorate in one or two years. That is the whole case. This amendment proposes to give the Secretary of Agriculture discretion in this matter. Where shall it be lodged, if not with the authorities that have charge of forestry? If you fail to pass this amendment the effect of this will be to check the sales of ripe timber in these forests. What we want to do is to dispose as speedily as possible of ripe timber in order to reduce the amount which we have to appropriate for this service. In my judgment, it is a plain proposition. I have considered it carefully and looked into it in all its bearings. I sent for the Forester this morning and asked him if this amendment would not do away with some of the objections made on Saturday to the amendment I first offered. He said he thought it would.

The Secretary of Agriculture can be trusted. Any other man who will follow him will be a man of high character who can be trusted. You have got to put faith in somebody in all these matters. It seems to me this technical objection to this amendment must fall to the ground when you consider the necessity for this legislation and the importance of it, and the value of it to the country and to the interests of the Forest Service.

I ask for a vote.

Mr. FITZGERALD. There is no technical objection being made to this amendment. The gentleman has submitted a provision on this bill, which is a request for unanimous consent. I do not believe the proposed provision is wise legislation. That is why I oppose it. It is not in the interest of the Forestry Service; it is in the interest of contractors who are trying to speculate at the expense of the Government.

Mr. RAKER. Mr. Chairman, will the gentleman yield?

Mr. FITZGERALD. Yes.

Mr. RAKER. This amendment that is submitted this morning is much different from the one submitted on Saturday, and I hope the gentleman will see his way clear to withdraw his opposition to it.

Mr. FITZGERALD. I shall not, if the gentleman is going to argue about it. I have made up my mind in respect to the matter.

Mr. RAKER. I desire to call the attention of the gentleman to several features of the bill, and particularly the matter as being administered by the Forestry Service.

Mr. FITZGERALD. Mr. Chairman, I have just the same confidence in the Forestry Service that I have in every other department of the Government, and no more.

Mr. RAKER. This amendment simply relates to where a private individual or a corporation has entered into a contract with the department, and the parties have given a bond that they will take so much timber at so much per thousand feet——

Mr. FITZGERALD. And the contract proves to be unprofitable and they want to get out of it.

Mr. RAKER. No; it is not a question of unprofitableness. It is a question of where in the mining districts men have contracted for an amount of timber which they actually need, but after they have worked the mine, it peters out, and there is no more gold to dig, and they can not proceed any further.

Mr. FITZGERALD. Is that the gentleman's understanding?

Mr. RAKER. That is the absolute fact of the case as now presented by the department.

Mr. FITZGERALD. Then, the gentleman has not read the department's letter, because the most important case is one where the Big Horn Timber Co. had made a contract to cut 100,000,000 in five years for the purpose of supplying railroad ties to the Burlington Railroad.

Mr. RAKER. I have not only read the letter, but have also made it my business to see the Chief Forester and the man who sells the timber for the Government, who acts as the agent for the department. They deem it necessary to have this timber cut down simply because the company has a contract. Is it not right and proper that the man should be given an extension of time? Suppose he is given an extension of time; that will relieve him. If he is given an extension of time for a year or six months, the financial situation may change and the business may be so conducted that he will be able to go on, if the department is permitted to give him that extension.

Mr. FITZGERALD. And we had better appoint a guardian for him when he is making contracts.

Mr. RAKER. That might apply to every other man on earth in making contracts. We all make contracts with the expectation of carrying them out.

Mr. FITZGERALD. And making money out of them.

Mr. RAKER. Not necessarily. Of course, every man in business expects to make money, or he would not go into it. If

the Government has made this kind of a contract, why should it not be permitted to treat the man with whom it has contracted fairly; and if his financial position has changed and his mind has changed ought not the Government to treat him so that he would not cut down the forests simply because he has a contract? It would be to the interest of the Forestry Service.

Mr. MANN. Mr. Chairman, will the gentleman yield?

The CHAIRMAN. The time of the gentleman from New York has expired.

Mr. MANN. Mr. Chairman, I ask unanimous consent that the time of the gentleman from New York be extended five minutes.

The CHAIRMAN. Is there objection?

There was no objection.

MESSAGE FROM THE SENATE.

The committee informally rose; and Mr. ESTOPINAL having taken the chair as Speaker pro tempore, a message from the Senate, by Mr. Crockett, one of its clerks, announced that the Senate had passed bill of the following title, in which the concurrence of the House of Representatives was requested:

S. 4314. An act granting pensions and increase of pensions to certain soldiers and sailors of the Civil War and certain widows and dependent relatives of such soldiers and sailors.

AGRICULTURE APPROPRIATION BILL.

The committee resumed its session.

Mr. FITZGERALD. I yield to the gentleman from Illinois.

Mr. MANN. Would the gentleman from New York [Mr. FITZGERALD] be willing to let an amendment come in providing that any contract or agreement heretofore made, and so forth, may be modified by reducing the amount of timber or other forest products to be cut, or extending the time for the cutting or the removal of the timber, and so forth, so as to make it apply only to contracts heretofore made, and only authorizing the amount of timber to be cut or an extension of the time within which to cut it as to those contracts already made?

Mr. FITZGERALD. Those are two limitations that should be incorporated in any provision that is offered, but I doubt the advisability of attempting to perfect such important legislation in this way on this bill at this time. I have no objection to passing it over in the hope that some arrangement may be reached which will take care of existing contracts, but I do not believe that it is wise with the information we have, and knowing the effect of this character of legislation, to hastily adopt such an important provision.

Mr. MANN. Mr. Chairman, I will say to the gentleman from Virginia that as far as future contracts are concerned, where they advertise for bids, it is perfectly feasible to put a provision in the contract and in the specifications authorizing the Secretary to reduce the amount or to increase the amount, for that matter.

Mr. FITZGERALD. I think that is true.

Mr. MANN. So what he wants to accomplish is simply to provide a method of removing onerous provisions in existing contracts, if that could be done.

Mr. FITZGERALD. How many more are there besides the two referred to?

Mr. MANN. I do not know. I have asked the Forester about this since Saturday, and he said that there were some contracts with mining companies and miners; but I do not know how many.

Mr. LAMB. I can not answer. I do not know how many, but there are a good many, I understand.

Mr. MANN. And if some provision was not put in the law at all it would result in the cutting of timber that would go to waste practically.

Mr. LAMB. Mr. Chairman, is the point of order made against this?

The CHAIRMAN. The point of order is reserved.

Mr. LAMB. Mr. Chairman, I ask that we pass this paragraph without prejudice now.

The CHAIRMAN. The gentleman from Virginia asks unanimous consent that the committee pass without prejudice the amendment offered by the gentleman from Virginia. Is there objection. [After a pause.] The Chair hears none.

Mr. MARTIN of Colorado. Mr. Chairman, I desire to offer an amendment.

The CHAIRMAN. The gentleman from Colorado offers an amendment, which the Clerk will report.

The Clerk read as follows:

Strike out line 10, on page 47, and insert the following: "387,500."

MESSAGE FROM THE SENATE.

The committee informally rose; and Mr. SCULLY having taken the chair as Speaker pro tempore, a message from the Senate, by Mr. Coggleshell, one of its clerks, announced that the Senate had passed the following resolution, in which the concurrence of the House of Representatives was requested:

Senate concurrent resolution 19.

Resolved by the Senate (the House of Representatives concurring), That preliminary to such legislation by Congress as may be necessary to enable the Government of the United States to be properly represented on such occasion the Secretary of War be, and he is hereby, authorized and directed to confer with the Fiftieth Anniversary of the Battle of Gettysburg Commission of the State of Pennsylvania, and,

First. To cause to be made such surveys, measurements, and estimates as will be necessary in regard to providing for a sufficient supply of good water for the use of those who shall attend the celebration.

Second. To investigate as to the necessary and proper provision required to be made for sewerage, sanitation, hospital, and policing during such celebration.

Third. To estimate upon the tents, camp equipment, supplies, and rations that, in his judgment, will be necessary to properly accommodate and provide for those who shall attend such commemoration, and to estimate what provision will be necessary to be made for local transportation and care of those who may or probably will participate in such celebration, and to give an estimate of the cost, separately stated, of the several provisions necessary to be made.

Fourth. To estimate the quantity of camp equipment, such as tents, bedding, and cooking outfits, necessary to accommodate the people attending, together with the cost per unit of a suitable ration to be issued and as to the best method of providing and issuing such rations.

Fifth. To prepare a plan of camp arrangement suitable to the occasion.

Sixth. To report to Congress upon all of these matters within 30 days after the passage of this resolution.

The message also announced that the Senate had passed without amendment resolutions of the following titles:

House concurrent resolution 28.

Resolved by the House of Representatives (the Senate concurring), That there be printed, for the use of the House of Representatives 30,000 copies of the report, with accompanying bill, of the National Monetary Commission, to be delivered to the superintendent of the folding room of the House of Representatives for distribution.

House concurrent resolution 40.

Resolved by the House of Representatives (the Senate concurring), That there be printed 10,000 copies of Senate document No. 190, "Fertilizer resources of the United States," message from the President of the United States, December 18, 1911, for the use of the House.

AGRICULTURE APPROPRIATION BILL.

The committee resumed its session.

Mr. MANN. Mr. Speaker, I call attention to the fact that an amendment is already pending to that paragraph, and the paragraph by agreement has gone over until we read line 7, page 48.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

Not to exceed 15 per cent of the total of all sums appropriated under "General expenses, Forest Service," may be used, in the discretion of the Secretary of Agriculture as provided above, for all expenses necessary for the general administration of the Forest Service.

Mr. FITZGERALD. Mr. Chairman, I reserve a point of order on the paragraph. Why is it necessary longer to have this paragraph which practically makes a lump appropriation of the whole service?

Mr. LAMB. This was only an addition of the amount paid to employees on the statutory roll.

Mr. FITZGERALD. I refer to the provision above, at the top of the page—the interchangeable item.

Mr. LAMB. That is a margin held over each year for the purpose of apportionment, so that they will not go beyond the amounts appropriated for each item here named.

Mr. FITZGERALD. This permits the increase of any single item of appropriation in the bill by transfer under this item and absolutely destroys the value of making specific appropriations in the bill.

Mr. LAMB. Does the gentleman object to it because——

Mr. FITZGERALD. I am calling the gentleman's attention to the fact that it makes possible the increase in these specific appropriations beyond the amount which the gentleman reports.

Mr. LAMB. No.

Mr. FITZGERALD. Then, what does it do?

Mr. MANN. It is an arrangement that they have down there of apportioning this amount and reserving 15 per cent for a certain time and afterwards making up the rest of it. It is a great, big work.

Mr. FITZGERALD. And it absolutely nullifies the provisions of the ante deficiency act, under which they are required to apportion these appropriations so as to avoid deficiencies.

Mr. LAMB. I will say that it has been incorporated in this bill for four or five years.

Mr. FITZGERALD. I know that; but perhaps it should come out, because it is bad administration. I would have called attention to it if I had had opportunity to examine the bill earlier, but I could not do so, because I was doing other work.

Mr. LAMB. Have we been making mistakes right along in leaving this paragraph as it is?

Mr. FITZGERALD. I have not noticed the other items.

Mr. LAMB. I mean this one to which you object.

Mr. FITZGERALD. I think, if the gentleman will permit me, that it is a mistake. The gentleman's committee deter-

mines that a specific sum be appropriated for a specified service. Under the antideficiency act the department is compelled to so apportion that appropriation as to prevent a deficiency. This item makes all the appropriations liquid, so that any item can be increased 15 per cent. Instead of having available what Congress contemplates in these appropriations, they can be increased by the use of this floating fund.

Mr. LAMB. Our attention had not been called to it, and I supposed, in looking over the bill when we were making it up, that it just gave a leeway of 15 per cent to these people in apportioning the amounts we gave them.

Mr. FITZGERALD. It was put in here, if the gentleman will recall, at the beginning of the institution of the Forest Service.

Mr. BURLESON. At the beginning of the breaking up of the lump sum for the Forest Service.

Mr. LEVER. At the beginning of the breaking up of the lump sum for that service. That system has only run three years at the most, and it is absolutely necessary to give the administrative officer some leeway by which to administer these forests. For instance, I might cite to the gentleman this example: On a given unit of the national forests this year the expense of administration may be $10,000, but next year there comes in a lumber company or a grazing concern, which requires, perhaps, a transfer of some officer, some ranger, or somebody else, to that forest in order to do the business of that forest. The work may increase.

Now, then, unless you have some leeway by which you can take from these general expenses a small amount, as limited in the bill here, that forest unit would be absolutely tied up. It is absolutely necessary to have this leeway in dealing with these great forests, 159 of them, in order that the service may be administered economically and efficiently; and this proviso was put in the bill for that very purpose and the purpose of good administration.

Mr. FITZGERALD. Any item where appropriations are made for experiments coming under the general expenses can be increased in this way.

Mr. LEVER. Undoubtedly; but it may be necessary even in a case of that kind that the appropriation shall be increased somewhat.

Mr. FITZGERALD. Oh, no. If Congress determines a specific sum should be expended in one year, for instance, for experiment and investigation of range conditions within national forests and the method of improving the ranges, and so forth, I do not believe that it is necessary or advisable that the department should have the authority, if it so desires, to increase the amount to be so expended by 15 per cent over the appropriation.

Mr. LEVER. The gentleman from New York fails to make this distinction between the Agricultural appropriation bill and other appropriation bills which come to the consideration of the House. You know how many regiments of soldiers you are appropriating for in the Army appropriation bill. You know what each soldier costs. You know what the total expense is going to be; but with reference to a department whose work is absolutely scientific and in a great many cases, as in the case of the Forester here, where a lot of emergencies arise from time to time, it is absolutely necessary, in the interests of good administration, in the interests of economy, that there be some small leeway by which the administrative officer may take care of these things as they arise from time to time. Now, as to other bureaus in this service, this item reads 10 per cent instead of 15 per cent.

Mr. FITZGERALD. I do not believe the gentleman's argument is conclusive. I believe that these scientific investigations can be conducted within the amounts fixed by Congress for a specific year—that is, an investigation up to the amount allowed. A large part of appropriations are expended for salaries—compensation of employees—and there is no reason why Congress should not determine for that department, as it does for every other department of the Government, just to what extent this work shall be carried on.

Mr. LEVER. The gentleman will recognize this fact—that the Forestry Service can not spend a dollar more than the amount of the total appropriation made for it in this bill, so that the gentleman's argument is really whether or not the Forest Service shall or shall not have the right to make these little transfers from one item to the other. It does not go to the total appropriation carried.

Mr. FITZGERALD. The gentleman seems to believe that the Forestry Service is under an obligation to spend all of the money that is appropriated to that service for every purpose.

Mr. LEVER. Not at all.

Mr. LAMB. They turn back to the Treasury what is unexpended.

Mr. FITZGERALD. Well, I am of opinion that the sum appropriated for a specific year for the service is the sum to which the department should be restricted, unless there is some reason for giving them another sum. Otherwise, what is the value of considering, or what is the use of wasting our time arguing as to whether the department shall spend one sum or another sum for a specific purpose, if at the end of the bill we destroy the effect of former provisions by such a provision as this?

Mr. FERGUSSON. Mr. Chairman, will the gentleman permit me one word?

Mr. FITZGERALD. Certainly.

Mr. FERGUSSON. Mr. Chairman, I want to call attention to what I think is an inadequate appropriation for the prevention of forest fires.

Mr. LAMB. We have not reached that provision yet.

Mr. FERGUSSON. I mention that merely for illustration upon this point, that it is absolutely necessary to have an emergency clause in the bill, especially with reference to forest fires. We have dry times in New Mexico, even in the forest regions, where for 12 months at a time there will not be a drop of rain. The dead timber and the fallen timber and the leaves and the bushes become absolutely dry. Not only that, but as the country is settling up there are many farms and farmers who have their houses and barns and haystacks in the region where a forest fire may occur. Another thing is that there is a great amount of travel in New Mexico from the fact that the settled sections of the State are scattered far and wide, and it is necessary for those who travel to camp out, and there is danger of fire on that account. It is necessary, therefore, for the department to have some leeway, certainly as to the appropriation with reference to forest fires, because if the dry season comes it may be a matter almost of life and death; not only is there danger of the destruction of the farmhouses and haystacks, but of the life of the people, the wives and children of the settlers. The whole forest is often but a dry tinder box of timber and dry leaves, which have not had a drop of water for a year. In other words, emergencies will arise when the department ought to be able to spend money freely in connection with forest fires.

Mr. HAWLEY. Mr. Chairman, will the gentleman from New York yield?

Mr. FITZGERALD. Certainly.

Mr. HAWLEY. As I recall the explanations made to the committee concerning this transfer of 15 per cent of the money herein appropriated, it was not intended that such transfer should be made to the items for investigations or experimental work or operations of that kind, but simply to meet unexpected emergencies arising in the administration of the forests. No one can tell whether you can administer a forest in any given year for the same amount of money as was required for its administration in a previous year. The probabilites are that you can do so under ordinary conditions, but fires may occur, mines may be developed, stockmen may come in there to graze their stock, or other unexpected conditions may arise that will require an additional sum of money for the care of that forest.

This provision was put in the bill so that when an unexpected emergency arises for which no provision has been made it can be dealt with through the use of a certain amount of money transferred from another item or other items. There would be no way in which to meet such emergencies unless this provision be inserted. It is not to be used for field equipment or experimental work or anything of that kind, but simply for the administration and protection of the forests.

Mr. RAKER. Mr. Chairman, may I ask the gentleman if this is the same provision that has been in the bill in previous years?

Mr. HAWLEY. Yes; for several years.

Mr. RAKER. Has it worked to the detriment of the forests?

Mr. HAWLEY. No; not to the detriment of the forests, but to their benefit.

Mr. RAKER. Has not this been really of great benefit in the administration of the forests?

Mr. HAWLEY. Yes.

Mr. LAMB. That is what we claim.

Mr. FITZGERALD. If the gentleman believes that this is to be used only in the administration of the forests themselves, I will not object. I think it should be modified so as to restrict it to that particular use. I will withdraw my point of order, Mr. Chairman.

The CHAIRMAN. The gentleman from New York [Mr. FITZGERALD] withdraws the point of order.

Mr. MANN. Mr. Chairman, I move to strike out the last word, for the purpose of asking a question concerning the language of the paragraph, where it reads, on page 48, line 3, "may be used in the discretion of the Secretary of Agriculture as provided above," and so forth. The words "as provided

above" are intended to refer to the appropriation, but apparently they would refer to the discretion, and there is no discretion provided above.

Mr. LAMB. That point is well taken.

Mr. MANN. I think those words, "as provided above," should be stricken out and what is in the current law inserted, "under general expenses, Forest Service."

Mr. LAMB. We are obliged to the gentleman. He can make the suggestion and we will agree to it. I can see the force of that at once.

Mr. MANN. Then, Mr. Chairman, I withdraw the pro forma amendment and move to amend by inserting, after the word "above," in line 4, page 48, the words "under general expenses, Forest Service."

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Amend, line 4, page 48, by inserting after word "above" the words "under general expenses, Forest Service."

Mr. LAMB. We accept the amendment.

The CHAIRMAN. The question is on agreeing to the amendment offered by the gentleman from Illinois [Mr. MANN].

The question was taken, and the amendment was agreed to.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

Total for Forest Service, $5,115,245.

Mr. MANN. Mr. Chairman, I ask unanimous consent that the Clerk may again report the paragraph that was passed over and also the pending amendment.

The CHAIRMAN. Without objection, the Clerk will again report the paragraph and the pending amendment.

The Clerk read as follows:

For the construction and maintenance of roads, trails, bridges, fire lanes, telephone lines, cabins, fences, and other improvements necessary for the proper and economical administration, protection, and development of the national forests, $275,000.

The CHAIRMAN. The Clerk will report the amendment offered by the gentleman from Illinois.

The Clerk read as follows:

Amend by striking out the words "two hundred and seventy-five" and inserting the words "five hundred."

Mr. MANN. Mr. Chairman, the current law carries $500,000 under this item for the construction and maintenance of roads, trails, and so forth, in the national forests. Of course, if we can get along with $275,000 next year, we could get along without appropriating any money except for the mere maintenance of roads there. But we have a large number of national forests, many of which would be sought and visited by the people of the country for the scenic effects afforded, as well as for other purposes of pleasure. We spend every year from our country hundreds of millions of dollars by people going to Europe, a good many of whom would spend their vacations at home visiting our national forests if there were opportunity for them to enjoy themselves in those forests.

In addition to that, we need constantly to increase the construction of fire lanes for fire protection of the forests. The greatest difficulty in the country in the raising and conservation of forests is in affording protection from fire, and the construction of these fire lanes is probably the only method by which fires can be successfully stopped without enormous expense. I do not think the National Treasury is in such a low condition that we ought to decrease the appropriation for this purpose. If I had my way about it I would increase it. The national forests are of great value. We propose to protect them from fire, in the first place, and then we ought to encourage their use by people taking their vacations in our country at home instead of spending their money abroad; and for either reason, for the protection of the forests from fire, and in order to make them accessible and enjoyable by people who use them, we ought to spend not a decreasing sum, but we should appropriate an increasing sum each year.

The amendment which I have offered simply proposes to keep the same standard for the ensuing year that we established for the current fiscal year, and to appropriate a half million dollars for the improvement and protection of forests that are worth hundreds of millions of dollars to the country.

Mr. LAMB. Mr. Chairman, the committee carefully considered all this. It is true that the current law carries $500,000, and it is likewise true that this $500,000 will run up to the 30th of June of this year. The year before the same people, shouldering the responsibility, with all the reasons that have been given and may be given on this subject, appropriated the sum of $275,000, the same that we appropriate in this bill, for this work. Possibly it was increased abnormally in the last session of Congress. There were some on that committee then who said, "Why increase this item so much?" You know how enthusiastic these foresters are. You know as well as I do how these items for forests have increased abnormally in the last few years until the appropriation has run up to such an amount that we hear criticism against it every year. We concluded that to go back to the appropriation of year before last—$275,000—for this work would give these people sufficient money to make these trails and paths through these forests. I do not believe you are going to stop the going to Europe of these pleasure seekers and hunters and turn them into our forests. My friend Mr. MANN usually makes fine arguments. He has made a fine one here, but I doubt whether the pleasure seekers he refers to will go into the forests.

Mr. MANN. Will the gentleman yield? For myself, I never have been in Europe, but I have traveled a good deal in places where I wished to goodness there were better facilities, both in the way of trails and roads, in our own country. I expect to continue that habit, if I have the opportunity.

Mr. LAMB. I hope the gentleman will enjoy himself in Europe, and after the 4th of next March perhaps he will have more opportunity to go to Europe than he has had in the last few years. [Laughter.]

Mr. MANN. I hope the gentleman does not wish for that.

Mr. LAMB. Now, Mr. Chairman, seriously, we think that $275,000, with the $500,000 they already have, will meet the necessities of this situation. We have reduced the employees by some 60 or 70. We have only reduced this in proportion to other items of reduction. I do not think anybody is going to suffer by reason of the fact that we curtailed these expenditures where we could in the Forest Service. If I thought there would be any more danger of fire by reason of not supplying the difference between $275,000 and $500,000, I would cheerfully accede to the amendment. But we can only judge the future by the past, and under this $275,000 appropriation the year before last we did not have as many fires as we did under the appropriation of $500,000.

The CHAIRMAN. The time of the gentleman has expired.

Mr. LAMB. I have never asked for any extension yet, and have tried to compress all I had to say into five minutes. Nor will I ask an extension now, and so far as I am concerned will rest the case right here.

Mr. MORSE of Wisconsin. Mr. Chairman, I call the attention of the Committee of the Whole to the fact that nearly one-half of the appropriation of $500,000 which we put in this bill last year for this purpose has been cut out. This was for roads, trails, and telephone lines, which are needed to call and get men quickly to fight fires. Of the emergency fund of $1,000,000 only $200,000 remain. These cuts are made in the face of the record of 1910, in which 79 fighters and 25 settlers were burned to death in the national forests, because we did not have these trails that we are now trying to appropriate for, and $12,000,000 worth of timber was destroyed. This cut was made in the face of the recommendation of Mr. Graves, the Forester, who is directly responsible to the people for the protection of $2,000,000,000 worth of public property in the national forests, and in the face of full knowledge that as the result of insufficient appropriations the national forests are in great danger of even worse fires. The protection of public property and the lives of settlers and their wives and children, as well as of public servants within the national forests, lies very close to the public welfare. It seems to me that in the face of the fire losses that we had, in the face of the fact that these trails and telephone lines are the very first things that are needed, it is mighty poor economy at this time to cut down the appropriation.

It is time for Congress to face the facts. Before the national forests can be made reasonably safe against fire they must have ten times the present trails and six times the telephone lines now built. It has taken six years for Congress to appropriate enough money to build this small part of what is urgently needed. The standing timber alone in our national forests is worth not less than $500,000,000. In 20 years it will probably be worth over $1,000,000,000. If Congress gave the Forest Service the $500,000 a year it asks for to build trails and telephone lines, it would give only one-tenth of 1 per cent of the value of timber standing to-day in the national forests. You can cut down any other appropriation in this bill and not hurt it half as much as you are hurting it when you cut down this particular appropriation.

Mr. LAMB. Mr. Chairman, my friend is discussing a paragraph that is not under consideration, the $1,000,000 emergency fund.

Mr. MORSE of Wisconsin. Pardon me. I am discussing that in connection with this. You are cutting down this appropriation from $500,000 to $275,000, and you are also cutting down the $1,000,000 emergency appropriation to $200,000. You under-

stand that the Forest Service is asking for this $500,000 to build trails and telephone lines, and it would amount to less than one-tenth of 1 per cent of the value of the timber standing to-day in the national forests. This is a fire-insurance policy which is costing only one-tenth of 1 per cent, if you give all the Forester asks, namely, $500,000.

The $1,000,000 asked for actual fire fighting and cut by the Agricultural Committee to one-fifth that amount, is simply a fund made available for the use of the Forest Service in times of grave emergency. It may be less necessary than the money required to build roads and bridges, telephone lines, and trails. Unless the fires occur, this money would be neither needed nor spent. But should the need arise there could be no more criminal extravagance than not to spend it. It cost $900,000 beyond the appropriation of the service to fight the great fires of 1910. If this money had not been spent, these fires would probably have wiped out the bulk of the forests of northern Idaho, Montana, and western Washington.

Fires have already broken out on national forests in the Southwest as the result of the exceptionally light precipitation this winter. It would be hardly less unpatriotic and unwise to withhold money to equip troops against an invading army than to refuse the appropriation needed to fight these fires and prevent the greater fires which may easily follow.

The National Conservation Association is fighting to get these cuts restored. I urge every friend of the national forests to help secure adequate provision for protecting this great public property.

It is time for Congress to face the facts. Before the national forests can be made reasonably safe against fire they must have 10 times the present trails and 6 times the telephone lines now built. It has taken six years for Congress to appropriate enough money to build this small part of what is urgently needed. The standing timber alone on national forests is worth not less than $500,000,000. In 20 years it will probably be worth well over $1,000,000,000. If Congress gave the Forest Service the $500,000 a year it asks for to build trails and telephone lines, it would give only one-tenth of 1 per cent of the value of timber standing to-day in the national forests.

The preservation of this standing timber controls the preservation of stream flow, whose value is many times that of all the wood which the national forests contain. The value of the range in national forests, which, again, is largely dependent upon forest preservation, is incalculable. The fees for grazing alone bring into the Public Treasury every year twice the appropriation asked for trails and telephone lines. Without these improvements the forests can not be made safe, even with 10 times the present patrol.

Mr. WILLIS. Will the gentleman yield?

Mr. MORSE of Wisconsin. With pleasure.

Mr. WILLIS. I call the attention of the gentleman to the statement made in this connection by the Forester, in which he says that to carry out the plan of trails and telephone lines and lookout stations, even with the appropriation of $500,000 a year that is asked for, it will take 15 years to complete the system, and if this is cut down it will take vastly longer.

Mr. MORSE of Wisconsin. If it is cut down to $275,000, as proposed in this bill, it practically means that we will never be able to complete that work. Fires have already broken out in the Southwest just recently as the result of lack of rain.

Every man who is familiar with the situation, every man who is a friend of the forests, is anxious to see these appropriations restored. It is poor economy, gentlemen, mighty poor economy, to cut at this particular point. It would be like preventing appropriations for building roads to get into your farms; it would be like piling the alleys full of dry-goods boxes, so that the fire fighters could not get to the building when the fire broke out. This is an absolutely necessary appropriation, and it is the height of extravagance to refuse to restore the amount asked for in this bill.

Mr. HAYDEN. Mr. Chairman, owing to the long and unnecessary delay in the admission of the State of Arizona, I was not a Member of this House at the time this bill was reported, and I had not an opportunity to appear before the Committee on Agriculture when this item was under discussion. I want to read from a letter which I received recently from Mr. Graves, the Forester, concerning this item in the bill. He says:

> The appropriation bill for the current year carries $500,000 for improvement work. This fund is for the construction of trails, fire lines, telephone lines, ranger cabins, bridges, roads, and other permanent improvements. The money is being mainly expended for the construction of such improvements as are needed for the prevention of forest fires. The national forests are still without adequate means of transportation and communication, and this is the greatest difficulty in fire prevention. At the present rate of expenditures it will take fully 15 years to complete the primary system of roads, trails, and other improvements necessary for fire prevention. A curtailment of this work is therefore exceedingly serious in the development of the national forests.

Let me also read from the hearings:

> The CHAIRMAN. The next item is:
> "For the construction and maintenance of roads, trails, bridges, fire lanes, telephone lines, cabins, fences, and other permanent improvements necessary for the proper and economical administration, protection, and development of the national forests, $500,000."
> What do you say, inasmuch as that was increased so much last year, to giving you $300,000 this year?
> Mr. GRAVES. That will be a question of consideration of public policy, of how rapidly it is desired to extend the work of the permanent improvements which are necessary to put the forests in shape for protection. In this connection I would like to call the attention of the committee to the fact that the forests are still very inaccessible; that there are vast areas we can not get into for proper patrol or to transport men; and until we do make them accessible there is always going to be the chance for fires starting at a remote point and getting such a start that before we get to them they are almost beyond control.

I ask you to note that the present amount carried in the bill is $275,000, being $25,000 less than the amount suggested by the chairman at the hearings.

As I understand it, Mr. Chairman, the primary purpose of the Forest Service is fire protection. If the forests burn, there will be no timber to sell, the regular flow of the streams will be diminished, and the value of the reserves for grazing purposes will also be cut down. The secondary purpose of the Forest Service is to make the resources of the forest available for use, such as the sale of timber, the granting of grazing permits, and the disposal of water power, and a great variety of other special uses. We may honestly disagree about the methods used by the Forest Service in carrying out its secondary purpose. We have heard on the floor of this House in the discussion of this bill complaints about the manner in which contracts are let for the sale of timber, complaints of favoritism in the granting of grazing permits, and we have also heard the complaints made by gentlemen that the development of the West is being retarded by unnecessary restrictions on the use of water power, and many of us perhaps have been provoked by the petty acts of some department official who seems to think that the regulations of the Forest Service are superior to the acts of Congress, and who, swollen by a little brief authority, attempts to make a record by harassing the settler. But I do believe that there is one thing upon which the whole American people are agreed, and that is that the remaining forests of the United States should be protected from the needless and preventable waste caused by the ravages of fire. I insist that it is false economy to make any reduction in the present appropriation. It is in the nature of an insurance of a great national asset, the value of which runs into millions of dollars, and aside from that in many places it means the protection of human life. When you reduce this appropriation you are cutting at the very heart of the conservation idea. I sincerely hope that this amendment will prevail. [Applause.]

Mr. MARTIN of Colorado. Mr. Chairman, I am very glad indeed for once to find myself in entire accord with the gentleman from Illinois [Mr. MANN] and the gentleman from Wisconsin [Mr. MORSE] on a proposition touching the forest reserves. It is my opinion—and I do not care to take up the time of the House unnecessarily—it is my opinion, based on actual knowledge of conditions, based upon the fact that I live in a State which, as I have stated repeatedly, is about one-fourth in forest reserves, that this item is the most profitable and beneficial item of expenditure in the entire bill, with the possible exception of the expenditures for fire service. Now, what does this mean? It means that out of an expenditure of more than $5,000,000 in this bill you propose to expend only $150,000 to protect the reserves from fire and only $275,000 for the construction and maintenance of roads, trails, bridges, fire lanes, telephone wires, and all the agencies for administering and protecting the forests.

Mr. Chairman, the gentleman from Wisconsin [Mr. MORSE] truly stated that the Forest Service is very anxious to secure in this bill the same amount carried in this last appropriation bill for this specific purpose, to wit, $500,000; but it is not only the Forest Service which is anxious to preserve without diminution the amount of that appropriation. This is the sole item upon which I have been addressed by my constituents—the securing of appropriations to build and improve roads and trails through the forest reserves. This is due to the fact that we have towns surrounded by these reserves which have no means of egress and ingress except through the national forests, and that we have communities separated from each other by the reserves.

In this connection I want to say that I base my support of this proposition upon a ground not thus far mentioned by gentlemen supporting the amendment, a ground, perhaps, which does not meet with approval by some gentlemen who are supporting it, and that is this:

If you are going to hold these lands out of local taxation, so that we can not locally tax them for the purpose of building

roads, bridges, and other improvements mentioned in the paragraph, then vote the Forest Service the money wherewith to make these improvements. We have got to have them. We need them in our communities. We need roads and bridges in the forest-reserve States just as badly as you need them in other States, and if you are going to deny us the only means whereby you can build roads and bridges in the other States, to wit, the taxation of the real property, then I say in all fairness you ought to appropriate the necessary amount, and Heaven knows even $500,000 would be a very small amount to expend annually to build roads and bridges upon 200,000,000 acres of land, an area five or six times as large as all the New England States combined.

Mr. WILLIS. And especially when it would take 15 years to complete the plan.

Mr. MARTIN of Colorado. I have here a number of letters and petitions upon this subject, and I have a number of communications and petitions from commercial bodies, who are not asking the Federal Government to bear all this expense, but who only ask the Government to meet them half way and contribute half the amount of building or improving a road or trail, so as to connect these different communities. We know that no more necessary and beneficial expenditure can be made, and it is the principal thing that does not all go into salaries, clerk hire, and administrative expenditures generally.

The CHAIRMAN. The time of the gentleman has expired.

Mr. MARTIN of Colorado. Under leave to extend my remarks in the RECORD, I shall attach the communications and petitions which I have referred to, showing the strong demand for road work in localities affected by the national forests:

THE ARKANSAS, RIO GRANDE, GUNNISON & GRAND RIVER HIGHWAY ASSOCIATION,
December 15, 1911.

Hon. JOHN MARTIN,
House of Representatives, Washington, D. C.

DEAR SIR: The inclosed resolutions are self-explanatory.

We believe that the concerted action of the Colorado delegation can secure for us a liberal appropriation for the improvement of the three passes indicated in the resolution.

The counties constituting the New Santa Fe Trail, Rainbow Route, and Holy Cross Way are manfully under the burden of constructing and maintaining such routes as will constitute first-class transcontinental highways across the State. The commissioners of each of the counties named have made extra levies for these purposes, and if the Forestry Department will assist in improving the routes as indicated it will be of the utmost benefit to the service, to say nothing of the help to the State of Colorado.

Yours, truly, CHAS. R. MCLAIN, *President.*

SALIDA, COLO., *November 14, 1911.*

Be it resolved by the Arkansas, Rio Grande, Gunnison & Grand River Highway Association, That the United States Forestry Bureau be requested to spend on the roads over each of Tennessee, Monarch, and Cochetopa Passes and the approaches thereto the sum of $15,000, same to be spent through their local forestry officials; be it further

Resolved, That our Senator and Representatives in Congress be requested to use all honorable means to accomplish this result; be it

Resolved, That the secretary of this association be required to furnish the United States Forestry Bureau and to our Senator and Representatives in Congress copies of this resolution.

Attest:

CHAS. R. MCLAIN, *President.*

ASPEN, COLO., *January 31, 1912.*

Hon. JOHN A. MARTIN,
National Capitol, Washington, D. C.

DEAR SIR: At a meeting of the Pitkin County Good Roads Association, held in Aspen on last evening, a resolution was unanimously adopted asking for your assistance in securing an appropriation to assist in building a road through the forest reserve from Twin Lakes to Aspen, and in which this community is vitally interested.

I am inclosing a copy of the resolutions and ask that you will give it your earnest and serious consideration.

Yours, very truly, T. S. HAWLEY,
Chairman pro tempore.

ASPEN, COLO., *January 30, 1912.*

Inasmuch as the highway across Independence Pass, from Twin Lakes to Aspen, supported by this association, lies wholly within the Mount Sopris National Forest Reserve, and has been officially declared to be a primary State road, and when built will form a link in one of the proposed transcontinental routes across the State of Colorado; and further,

As such road will furnish to the forest reserve an economical and ready way for the hauling of timber from the bordering mountains to the mining camps of Aspen, Leadville, and intermediate points, where now no timber is cut or transported on account of its inaccessibility; and as such road will give ready access for fire protection; and as

The Government, for these various reasons, will receive an equal benefit in having the same constructed, and as it appears to us that the cost of construction, approximating $60,000, is more than can be borne by the local interests to be benefited in part by this road: Now therefore be it

Resolved, That our Senator, the Hon. SIMON GUGGENHEIM, and our Representatives, the Hon. EDWARD T. TAYLOR, the Hon. JOHN A. MARTIN, and the Hon. A. W. RUCKER, be requested to use every effort to secure an appropriation from Congress of not less than $15,000 to be used in aiding the construction of this highway from Twin Lakes to Aspen over Independence Pass and across the forest reserve.

R. W. CLARK.
H. R. KOBEY.
A. J. O. LOY.
JOHN MCLAREN.
J. W. DEANE.

DURANGO, COLO., *January 22, 1912.*

Hon. JOHN A. MARTIN, M. C.,
Washington, D. C.

SIR: Inclosed herewith we beg to hand you a copy signed by the committee only of a petition by the mining men of La Plata County addressed to Senator GUGGENHEIM, asking that efforts be put forth to secure a Federal appropriation for the building of a wagon road through the Durango National Forest in this county to the La Plata Mountains, and on behalf of ourselves and all others interested in the La Plata Mountains we ask your cooperation in this effort.

The La Plata Mountain district is a long-neglected mineral empire. Ores of immense richness have recently been discovered in them. They are now being closely watched and investigated by the mining and investing public. The values are there, as has been proven. We had a road into them, but it was destroyed. They are now nearly inaccessible. We need this road, and need it badly; our county is financially unable to build it. Our opportunity for presenting to the world a great and undeveloped mineral empire is present, but we can not take advantage of it without this road. Federal assistance is our only hope.

We sincerely trust and ask that you will exercise your best efforts to secure this appropriation, and we will be pleased to promptly furnish you any information and data you may desire.

Respectfully, yours,

W. W. PARSHALL.
A. D. LEINER.
DANIEL J. KELLY.
J. J. GORMAN.
BENJ. B. RUSSELL.

COLLBRAN, COLO., *March 6, 1912.*

Hon. J. A. MARTIN,
House of Representatives, Washington, D. C.

DEAR SIR: At a mass meeting of the citizens of the Plateau Valley, held at the Georgia Mesa schoolhouse on Saturday, March 2, the inclosed resolutions were unanimously adopted, and I was directed to send copy of same to you with the request that you give the subject matter your careful attention. At this same meeting, which was attended by about 50 of the property holders of the valley, it was decided to at once commence the construction of a wagon road up Cottonwood Creek, from a point at Molina, where same will connect with the county road to Grand Junction, to the boundary of the Battlement Mesa Forest on Cottonwood Creek.

It was the unanimous feeling at this meeting that the Forest Service should undertake the construction of a road from the boundary of the reserve at least as far as Cottonwood Lakes. The people of this valley are stocking all of these lakes with fish, and this locality is the pleasure ground for all the citizens of the Grand Valley. At the present time there are no roads entering the Grand Mesa, except very primitive trails. The construction of a first-class road, suitable for all kinds of vehicles, including automobiles, is of the greatest importance to the people of this section, and we feel that the Forest Service should do its share in the construction of this road. We understand that funds are likely to be short, but if the Forest Service could be provided with $5,000 for expenditure this year on this project, it would enable them to at least carry the road to a point where people could reach the lakes, and it could be extended later.

Mr. Arthur C. Johnson, of Washington, is appointed a committee to represent our interests in this matter, and we would be glad to have you consult with him in regard thereto.

Very truly, yours, J. F. SHULTS,
Secretary, Collbran, Colo.

Whereas the people of Mesa County, Colo., are engaged upon the construction of a first-class wagon road up Plateau Creek, a tributary of the Grand River, and it is proposed to extend the said road up Cottonwood Creek to the boundary of the Battlement Mesa Forest; and

Wherens it is the desire of the citizens of said county to have the said road extended to the Cottonwood Lakes and across the Grand Mesa in said forest reserve, to a point where it will connect with a wagon road to Delta, on the south side of said mesa; and

Whereas the construction of this road will be of the greatest importance and convenience for the people of the Plateau Valley, as well as to the people of the said Mesa County and Delta County, as it will provide a means of communication between the Plateau Valley and the Gunnison River Valley, where now a detour of more than 100 miles is necessary, and will also enable the citizens of these counties to reach the pleasure grounds and fishing around the Cottonwood Lakes on said reserve: Therefore be it

Resolved, by the citizens of the Plateau Valley, in mass meeting assembled at the Georgia Mesa Schoolhouse on this Saturday, March 2, 1912, That we do respectfully urge our Senator and Representatives in Congress to take such action as will result in the Forest Service constructing a wagon road on Cottonwood Creek, in the Battlement Mesa Forest Reserve, to connect with the road now being constructed by the people of Mesa County, and that the said road be extended as far as Cottonwood Lakes at the earliest possible moment, and later be extended to the south side of the said Grand Mesa to a connection with some Delta County road.

Resolved, That the secretary of this meeting be instructed to send a copy of these resolutions to the Hon. SIMON GUGGENHEIM, Hon. E. T. TAYLOR, Hon. JOHN A. MARTIN, and Hon. A. W. RUCKER with a request that the matter be given their earnest attention.

THE BUENA VISTA BOARD OF TRADE,
Buena Vista, Colo., October 17, 1911.

Hon. JOHN A. MARTIN, *Pueblo, Colo.*

MY DEAR MARTIN: We of Colorado have a great time learning how to make roads. Would it not be possible, through you and Mr. TAYLOR, to get the Government interested enough to build a strip of road, say 3 miles, to conenct us with Taylor Park, where the Government is planning to build a large reservoir?

Buena Vista strongly desires to be the base of supplies for this enterprise, and to show our good faith we are now putting the road in good shape to the top of the range, but we want help to reconstruct the road down the other side. I understand the Government in some cases does this for the purpose of teaching the building of roads in difficult places; and besides, the road is a public one, and runs through the forest reserve.

Very truly, yours, ERNEST WILBUR.
President.

Mr. RAKER. Mr. Chairman, I want to call the attention of the committee to the fact that in the State of California alone there are 21,104,068 acres in the reserve, the largest of any

State in the Union. The total amount in the forest reserves is 168,165,163 acres. I want to call the attention of the committee particularly to the fact that in 1910 there was a loss to this Government, irretrievable, by virtue of forest fires, of $26,596,228. In the year preceding the loss amounted to a million dollars. This appropriation is for the purpose, as stated by the gentlemen who have preceded me, of building roads, for the purpose of building trails, for the purpose of building stations where the rangers may be on hand to protect these forests from fire. In the counties of California—and I have no doubt it is the same in Colorado and Arizona and other States—the local authorities are paying half of the expense for the roads through these national forests. They are expending their money side by side with the National Government that we may have public roads and public trails for the purpose of protecting the property of the Government and of protecting the individuals who are living within the reserves or the exterior boundaries as well as protecting the many towns that are within the exterior boundaries of these reserves. Only $500,000 is asked to protect property worth billions of dollars, the destruction of which in 1910 amounted to over $26,000,000. We are asking for an appropriation that the Government might assist in protecting its property, might at least be on hand to see that the private individuals who live adjacent to these forests and who live within the forests and the towns that have been built up within these forests may be protected in property and in life. We have had a history in the West of fires in 1910 where hundreds of people were destroyed simply because there were no roads, because there were no trails and no openings by which the fire could be stopped.

The Forest Service is doing splendid work in this way by opening trails for miles, cutting away the underbrush, so that if a fire should start with a man along this line you save your property, you protect the lives of your citizens. It is a small sum, $500,000, for the purpose of protecting this magnificent forest that we are all talking of conserving, and by means of which we are talking of conserving the watersheds, for the purpose of getting water for irrigation and navigation as well. Why should we stand here and refuse to give this department a sufficient amount of money to protect our property, to protect the lives of our citizens? This is not economy. We lost in one year $26,000,000 by the fire during that year. You could do no more gracious act, you could do no better thing than to give a sufficient amount of money and to give these people power to control, that you may keep that which nature has put there, and not permit it to be destroyed by the hand of man or the act of God. In investigating these fires, you will find that two-thirds, possibly three-fourths of them, are caused by lightning, and with the men on the trail, and on the road, in five minutes they are stopped, with the view stations they have on the mountains, from which they are able to see 5, 10, and 20 miles. In two hours from the time of the starting of the fire a man is there, and that fire has been stopped, whereas without the trails, without the roads, without the ranger stations, which would cost you only a hundred dollars or a thousand dollars, you will have lost in a day or in a week, a million dollars' worth of property. That is not economy.

The CHAIRMAN. The time of the gentleman from California has expired.

Mr. MONDELL. Mr. Chairman, at one time and another in years past I have criticized the expenditures of the Forestry Service. Sometimes I have criticized those expenditures, gentlemen have thought, rather severely. I think those criticisms were justified. My criticisms, however, were directed to expenditures for services I thought not directly connected with or necessary to the care and the preservation of the reserves. I want to congratulate the committee and the Forestry Service in that they have reduced this year the general expenditure under the head of salaries some $35,000.

But I want to call the attention of the committee to the fact that this is altogether a different sort of expenditure. This is the only expenditure under the Forest Service in this bill which goes directly to the present preservation and the immediate improvement of this Government property. It provides for roads, trails, bridges, fire lanes, telephone lines, cabins, fences, and other improvements necessary for the proper and economical administration, protection, and development of the national forests.

Mr. Chairman, several of these forests are from 100 to 150 miles in length and are from 25 to 50 miles in width. Portions of the reserves are heavily timbered. Portions of the reserves are occupied by settlers and people engaged in various occupations, developing the industries of the country. Those reserves must be protected, and it is absolutely essential for their protection that fire lanes or lines shall be cut. It came out in the hearings that we had—the investigations after the great fires of two years ago—that on some of the great reserves in the Northwest there were no fire lanes or lines whatever; that after a fire started there was nothing on earth but the providential interposition of a rainfall that could prevent the spread of that fire and prevent it from consuming all of the forest in which it started. It is absolutely essential for the protection of the Government's property that these fire lanes and lines should be cut. The committee has reduced an emergency appropriation of $1,000,000 for putting out fires to $200,000, I believe.

Mr. LAMB. We did not use but $22,000 of it last year.

Mr. MONDELL. It is possible that that emergency appropriation might not be needed, but the only way to so adjust these matters that the emergency appropriations shall not be needed is to increase this appropriation to the amount that the department asks, in order that we may take those measures of protection necessary to prevent the spread of fires once they are started.

Now, Mr. Chairman, I have called attention to the great extent of these reserves, stretching across the country for a hundred miles or more in some cases—an unbroken line of Government forest reserves, part forested and part unforested. The people who live in those reserves, the people who live on either side of them, find it necessary to pass through and across them continuously. If the reserves are going to be safeguarded in the interests of all the people we must have the fire lanes, we must have the telephone lines, we must have the trails, we must have the roads, we must have the bridges, and if the people living in the locality are to have the opportunity of getting across and about the reserves these roads and bridges and trails must be built. Otherwise the reserves will remain indefinitely great barriers to development, great Government reservations across which it is impossible for the people to pass in the development either of the reserves themselves or of the adjacent country. I think the committee could, perhaps, have very properly reduced the appropriation for salaries much more than they did. I believe that the present management of the Forest Service is making a very honest and intelligent effort to reduce expenditures for salaries and I have no criticism to make of what the committee did in that regard, but there is no justification from anybody's standpoint in the reduction by nearly half of the only appropriation carried in the bill which protects the Government's property, which opens the reserves for use, and which makes it possible for the people of the locality to use and enjoy them. Certainly Congress does not expect the Forest Service to protect the reserves from fire without the means of protecting them, and anyone who knows about a forest fire or a prairie fire, for that matter, knows that a fire once started and under heavy headway can not be stopped except with a back fire made against some barrier, and unless there is a noncombustible barrier like a fire lane you can not get men enough on a reserve to check the progress of a great head fire or top fire going through these forests.

The CHAIRMAN. The time of the gentleman has expired.

Mr. MONDELL. Mr. Chairman, I ask unanimous consent that I may have five minutes more.

Mr. LAMB. My dear sir, we must finish this bill some time.

The CHAIRMAN. The gentleman from Wyoming asks unanimous consent for five minutes. Is there objection? [After a pause.] The Chair hears none.

Mr. MONDELL. In view of the fact that the Forest Service states that until recently it did not have sufficient appropriations to enable it to carry on as it should the work of making fire lanes——

Mr. LAMB. My friend ought not to make this statement. We have appropriated $625,000 for this work. We appropriate $150,000 outright, we give an emergency fund of $200,000, and we give them this $275,000, which is $625,000.

Mr. MONDELL. The chairman of the committee quotes a lot of very large figures that I do not think available for the purposes of this item.

Mr. LAMB. What I have stated is the fact.

Mr. MONDELL. I repeat what I said a moment ago that this is the only appropriation in this bill that can be used for the purpose of providing measures of immediate protection and utilization. There is not another dollar in the bill that can be used directly for those important purposes. And this is, therefore, the most important of all the items in the bill. But it is the one that the committee has proceeded to cut down nearly 50 per cent.

Mr. LAMB. Does my friend bear in mind when he is making these arguments—and he has expression down fine—that we have provided for this special work the sum that was allowed two years ago, viz, $275,000.

Mr. MONDELL. When I have a good cause I can make an argument.

Mr. LAMB. Maybe that is the reason the gentleman is not doing so well now. Does he know that there have been 9,000,000 acres of this forest land turned back to the States, that there has been 1,000,000 acres of it converted into homesteads in the last two years, and that each year the necessity for larger appropriations is not so great? We claim that $275,000 is sufficient for this work.

Mr. MONDELL. Mr. Chairman, the transfer of a few millions of acres clipped from the outer edges of reserves, generally of land that ought never to have been in reserves, land that is nontimbered—for they have not excluded any timberland from the reserves—the exclusion of such land from the reserves in no manner lessens the necessity for this appropriation, and the taking of homesteads in the reserves, instead of lessening the obligation on the part of the Government or necessity on the part of the Government to do the things provided for in this item, increases the demand and the necessity, for the more you settle the reserves, the more industries you have within the reserves, the greater the danger of fire, the greater the necessity for roads, trails, and bridges and telephone lines. The service has had this appropriation for a year—the present amount. It has been impossible with this appropriation for the service to more than make a beginning, much less to complete, a systematic, orderly cutting of fire lines. They have just begun the construction of roads and trails. The work is well organized and is now under way. And I want to call the attention of the members of the committee to the fact that if the forest-reserve policy of the Government is to stand, the Government must do this work. It must do it, first, because if the forests are to be consumed Congress will not continue to pass appropriations for the protection of dead timber. And if the forested areas are not to be prepared for use, then Congress will decline to maintain in those Western States great areas that can not be used and that can not be utilized. [Applause.]

The CHAIRMAN. The time of the gentleman has expired.

Mr. LEVER. Mr. Chairman, the committee decreased the appropriation in this item $225,000 upon the theory that the work of the permanent improvement of the forests of the country was a work which must necessarily go along slowly. The testimony before the committee is to the effect that if we were to spend $500,000 a year it would take anywhere from 15 to 20 years to complete a system of trails, telephones, bridges, and roads throughout the national forests, adequate to even an approximate protection of the forests.

We figured from the standpoint of the construction of roads in our own States, many of us; I am sure I did. I figured that if we were to build a system of roads in South Carolina in one year it would practically bankrupt my State. Legislators dealing with a proposition of this kind must necessarily take into consideration the fact that a public improvement involving the appropriation of millions and millions of dollars must necessarily go along gradually. Every member of the Committee on Agriculture, every member of this Committee of the Whole House on the state of the Union, would desire it, if it were possible, that there should be placed in the national forests at one fell swoop, as it were, a complete system of roads, trails, and bridges. But there is not a man, either of this committee or of the Committee on Agriculture, who believes that such a proposition is possible at one time. It is impossible; we must go at this matter slowly and in a reasonable way.

Mr. Chairman, the appropriation for this purpose has been a variable appropriation since I have been a Member of Congress. I find that in 1909 the appropriation for the construction, maintenance of roads, bridges, fire lines, telephone lines, cabins, fences, and other improvements necessary for the proper and economical administration and the benefit of the national forests amounted to $510,000. Following that, in 1910, the Committee on Agriculture recommended an appropriation of $600,000. Then, in 1911, a more economcal spirit struck the committee, and for that purpose the appropriation was reduced to $275,000. That was the year before last. This is the amount carried in the present bill. In 1912, following that terrific fire in Montana and Idaho, a fire which for intensity has never been equaled, as we understand from the testimony, in the history of this country, the committee recommended the sum of $500,000. And this year the Forestry Bureau asks for an appropriation of $500,000.

Now, gentlemen direct attention to the great fire in 1910, and appeal to the committee on the ground that the only way to prevent a recurrence of such calamities is by making these large appropriations; that does not follow.

The CHAIRMAN. The time of the gentleman has expired.

Mr. LEVER. Mr. Chairman, I ask unanimous consent that I may proceed for five minutes more.

The CHAIRMAN. The gentleman from South Carolina [Mr. LEVER] asks unanimous consent to proceed for five minutes. Is there objection?

There was no objection.

Mr. LEVER. Mr. Graves, in his testimony before the committee, answering a question of mine, says:

> No; of course we hope we will never have another recurrence of such a fire. It was a very exceptional year, and it was to provide in the bill for an emergency of that kind, perhaps, rather than put us in a position of having to come to Congress for a deficiency, which prompted us to insert that in the bill last year for an emergency.

Mr. RAKER. Mr. Chairman, will the gentleman yield?

The CHAIRMAN. Does the gentleman from South Carolina yield to the gentleman from California?

Mr. LEVER. Certainly.

Mr. RAKER. Before the gentleman gets away from that point, will he inform us of the fact that this year the mountains are practically bare, so far as snow is concerned, and such a thing has not occurred in 40 years, and that the fires are now beginning on these national forests—something unheard of in 40 years?

Mr. LEVER. Well, Mr. Chairman, that suggestion does not answer this proposition, for the reason that if we appropriated to-day this $500,000 not one penny of it would become available until the end of this fiscal year, and not one single dollar of it could be used for the purpose of building the trails and other improvements necessary for protection against the bad conditions which seem to exist in the western forests at the present time. I believe that answers the gentleman's question.

But, reverting again to these fires, the testimony before the committee in 1911 says:

> The Weather Bureau, I think, has had records from 1870, and we base that statement on these records, and the statement is that this fire was the greatest fire in the history of this country.

Such a fire as that is not likely to occur again in the next half century, and we can not afford to be swept off our feet by the sentimental argument that by these fires millions of dollars were lost and a number of lives were lost. It is necessary for us to appropriate in a reasonable way for an adequate protection of these forests by the appropriation of a reasonable amount for trails, telephones, and the like of that.

Now, gentlemen of the committee must not fail to bear in mind that the appropriations for the national forests have been increased in the last 10 years at an enormous rate. Let us see how these have increased to show why a halt is necessary. In 1908 the appropriation, I find, was $2,400,000. It was increased in the year 1909 by $1,496,000, and in 1910 it was again increased by $750,000. In 1911 it was increased by $361,000. In 1912 it was increased by $425,000. In the course of four years the appropriation for this service has been increased $3,133,000, in round figures.

The Committee on Agriculture feels that it has dealt generously with this service, and the committee does not underestimate either the value of the national forests or the duty of Congress to provide for their adequate protection. But we believe that with $275,000 the Forestry Service can make reasonable progress in the way of protecting the forests.

Now, Mr. Chairman, I want to call your attention to the fact that——

Mr. BURKE of South Dakota. Mr. Chairman, will the gentleman yield there, before he passes from this subject?

The CHAIRMAN. Does the gentleman from South Carolina yield to the gentleman from South Dakota?

Mr. LEVER. Yes.

Mr. BURKE of South Dakota. I would say to the gentleman that I was very much interested in the statement made by him in giving the figures as to the increases of the appropriation. Can the gentleman inform us as to whether the forestry area had increased materially during these years; and if so, to what extent?

Mr. LEVER. The gentleman is absolutely correct in the idea that the area of the forests has increased, but just to what extent I am not able to say, though that information is easily available if I could put my hands upon it. Continuing, I desire to call the attention of the committee to a statement of the Chief Forester as to the length of time and the amount of work necessary to be done for the complete protection of our forests.

The CHAIRMAN. The time of the gentleman has again expired.

Mr. LAMB. Mr. Chairman, I ask that my colleague have two or three minutes more.

The CHAIRMAN. The gentleman from Virginia [Mr. LAMB] asks unanimous consent that the gentleman from South Carolina may have three minutes more. Is there objection?

There was no objection.

Mr. LEVER. Mr. Graves, in his testimony before the committee last year, makes this statement, which shows the enormity of the undertaking and the necessity of dealing with it gradually and reasonably rather than going at it in too big jumps at one time:

I have an estimate of the construction work which is necessary for the primary control of fires. That includes 6,700 miles of roads, and the testimony is to the effect that it costs about $91.31 a mile to build the kind of roads that they are building in the national forests, and 22,000 miles of trails and about 10,000 miles of fire lines and over 16,000 miles of telephone lines, and so on, which must be built before we have a grip even on the situation. This amount of work must be done before you get even the least grip upon the situation.

That statement does not bear out the theory that this amount of work will protect the forests, but does bear out the idea that the work can not be done in a day or a year. Mr. Graves is a very conservative man, and one of the ablest men in the service, in my judgment—a man who is going to grow in the esteem of this House as we come to know him better and better. [Applause.] He says further:

The entire list amounts altogether to nearly $8,000,000. Now that work can not be done in a year. I do not think it would be desirable for Congress, if it wanted to do so, to hand over to the Forest Service $8,000,000 in one year. I do not think we are organized so that we can develop the work as fast as that. It ought to be stretched over five, six, or eight years; but of course it has got to be done before you have complete access to the forests and the means of controlling fire.

Mr. MONDELL. Mr. Chairman, will the gentleman yield?

The CHAIRMAN. Does the gentleman from South Carolina yield to the gentleman from Wyoming?

Mr. LEVER. I will yield in a moment. Mr. Graves tells of a trip which he took to British India, where they have the best system of fire protection of any country except Germany, perhaps, and he says they can not control the fires over all the forests of British India at one time; that they begin on a selected list, and put them under protection, and then the next year they will take on a little more area, and the next year a little more, and so on, until the whole is covered. This is the proper system, in my judgment, and it was the idea of the committee that it was wise to follow old and established customs which prompted it to try to make this appropriation a reasonable one and in keeping with well-defined practices in forestry control. The committee had in mind the fact that the best forestry systems in the world recognize that on these propositions of the permanent improvements we must necessarily go slowly.

Mr. MONDELL. As I understand, the Forester suggests that this work could be done in a systematic and economic way in eight or nine years.

Mr. LEVER. He says in six or eight years.

Mr. MONDELL. On the basis of the amendment offered by the gentleman from Illinois [Mr. MANN] it would require 16 years to do the work. Certainly that is not unreasonable. We are proposing to spread it over nearly three times the number of years suggested by the Forester.

Mr. LEVER. That is true, and if we can complete the permanent improvement of these forests in 25 years we will have done a great service to the country and to posterity. I hope the gentleman's amendment will be voted down. [Applause.]

Mr. LAMB. I move that all debate on this paragraph and amendments thereto close in five minutes.

Mr. MANN. I ask for a division on that motion, and pending that I suggest to the gentleman that he give us a longer time than that. Several gentlemen on this side desire to speak on the subject.

Mr. LAMB. Several gentlemen may want to speak, but we can not take two or three weeks more on this bill. We have not moved a particle from where we were the other evening.

Mr. LA FOLLETTE. The people who live on these forest reserves ought to have a chance to be heard.

Mr. LAMB. They have been heard; but I will make it 10 minutes instead of 5.

Mr. LOUD. Make it 15 minutes. I want 5 minutes.

Mr. MANN. Make it 15 minutes.

Mr. LAMB. Gentlemen seem to have just begun this fight. The Lord knows what they will do if we give them too much leeway.

Mr. LEVER. I think that those on this side who represent the committee should have 2 minutes out of the 15 minutes.

Mr. MANN. Make it 17 minutes.

Mr. LAMB. No; 15 minutes.

The CHAIRMAN. The gentleman from Virginia moves that debate on this paragraph and all amendments thereto close in 15 minutes.

The question being taken, the motion was agreed to.

Mr. AUSTIN. Mr. Chairman, I do not think there will be any difference of opinion on the statement that the gentleman from Illinois [Mr. MANN], the leader of the minority in this House, has a consistent record for economy and for wise and judicious expenditure of the public money. This amendment is offered by the gentleman from Illinois [Mr. MANN] who, as I have stated, is not given to extravagance in voting for appropriations in this House. I venture the assertion that he had no other thought in mind in offering the amendment except the good of the public service, because Illinois is not interested directly in this proposition.

We have not only the testimony of the gentleman from South Carolina [Mr. LEVER], representing this committee, as to the efficiency and faithfulness of Mr. Graves, who heads the Bureau of Forestry, but it is the universal opinion on both sides of the Chamber that a more conscientious, faithful, and efficient public official is not at the head of any bureau of this Government than the present Forester. If he is efficient and has the good of the service at heart, why not follow that proposition a little further and say that he should have what he has appealed to this committee for—a sufficient amount of money to protect the Government interests in the faithful and efficient administration of his important bureau?

Shall the Members of this House accept the statements of the members of this committee, who are not charged with the direct administration of that trust, in preference to the opinion under oath of Mr. Graves, who has every detail of this work in hand, and whose reputation as a public official is for careful and effective use of the money voted by previous Congresses, to carry out the excellent and valuable work of his bureau?

I venture the assertion that if this reduced appropriation becomes a law not one dollar of it will be expended in the great area of the South, in the Appalachian region where, so far, more than 100,000 acres have been purchased at the cost of $1,200,000.

Mr. LAMB. Why does the gentleman say that?

Mr. AUSTIN. If any portion of it is used there then it must come as a sacrifice, at the cost of the efficiency of the service in the Western States, where the national reserve is scattered over thousands of miles.

Mr. LAMB. The gentleman must know that these units of forest have not yet been apportioned in the Appalachian Reserve because comparatively small areas of land have yet been purchased.

Mr. AUSTIN. I make that prediction after a talk with the gentleman's colleague, and one who is actively aiding him in putting this bill through the House, that there is no understanding and no promise and no assurance anywhere that a dollar of this money will be used for the care and protection of the Appalachian Reserve—30,000 acres in Georgia, 80,000 acres in Tennessee, 25,000 acres in North Carolina, and 25,000 acres in Virginia, scattered through four States, and in some instances 80 miles apart.

Mr. LAMB. The gentleman from South Carolina can answer on that subject. We appropriate $30,000——

Mr. AUSTIN. There is no promise, either from the committee or from the Forestry Bureau, that any part of the appropriation will be used in the construction of telephone lines, trails, roads, or bridges in the Appalachian Reserve.

Mr. LEVER. Let me say to my friend from Tennessee [Mr. AUSTIN] that the Forestry Service has full authority to use every dollar that is required to be spent in building trails, telephone lines, and all that.

Mr. AUSTIN. But to give authority and to give the money to do it are two different propositions.

Mr. LOUD. Mr. Chairman, I would that every Member on this floor could realize what a forest fire means and what the result of a forest fire can be. The gentleman from South Carolina has said that the last large forest fire occurred in 1910. I am sure he is mistaken. Let me explain. On the morning of the 11th day of last July, just eight months ago to-day, I lived in a thriving community of 3,000 people, with splendid business industries—a happy, prosperous people. The two towns comprising this community (Au Sable and Oscoda) are located on the shore of Lake Huron. We have a forest reserve right to the west of the town. On that day, eight months ago to-day, a forest fire came in from the westward, the burning embers carried by wind blowing 50 miles an hour. Our fire department did their utmost to stop it, but it was useless. The burning embers, carried by the fierce wind, were scattered over the towns, setting fire so fast that no human being could avert the danger. In only four hours the two towns of Oscoda and Au Sable, adjoining each other on opposite sides of the Au Sable River where it flows into Lake Huron, were wiped off the face of the map. Three million dollars went up in flames as the result of this forest fire. Four people were burned to death, and 2,500 people were turned out in three hours' time, homeless and destitute, many of them with nothing in the world left, not even clothing, save the scant clothing worn that summer day. All that night most of them lay on the beach of Lake Huron, un-

protected from the cold wind that had changed to the northward, and without a morsel to eat.

Would that I had time to tell the touching story of how the generous people of the neighboring towns and all over Michigan quickly and bountifully responded to alleviate the distress of the stricken community. God forbid that any one of you should ever pass through such an experience, but I would that each of you who oppose this bill could have been there to see the results of a forest fire. While I lost that day a large portion of the accumulation of 40 years' work, my home and all it contained, my loss was as nothing compared with the losses of the poor people who lost their homes and all they had in the world.

The amendment now before this House asks that for the fire protection of the entire forest reserves in the United States $500,000 be appropriated. I hope every one of you will vote for it to the end, perhaps, that no other community in the United States shall ever suffer as my home community suffered that day. I appeal to each of you that you give favorable consideration and your vote for this amendment.

Mr. LA FOLLETTE. Mr. Chairman, we have heard in the last two or three years a great deal said throughout the United States about State conservation and National conservation. Out in our Northwest country it has become, and is to-day, a leading question, a burning issue, and while, when we get down to the legal points and constitutional phases, there may not be much that can be said in favor of State conservation where National resources are concerned, yet from the viewpoint of justice we have all got to admit that there can be a great deal said. Out in the West they have set aside large areas as forest reserves. The gentleman from Colorado [Mr. MARTIN] said one-fourth of the area of his State is in forest reserves, and in other States there are almost equally as large areas. I submit that that property belongs to the Government, and admit that the Government should have a right to do what it pleases with its own; but, as a moral question, has the Government of the United States any right to go into a sovereign State and set aside large areas of forest and then not adequately provide that reserve with roads and lanes for fire protection, which would safeguard property adjacent, belonging to private individuals and the citizens of that State, from being destroyed, and making possible such a harrowing disaster as has happened in the State of my colleague from Michigan [Mr. LOUD]? In my State we have not only been troubled with forest reserves, which are under national control, but also with Indian reservations, the National Government acting so slowly in providing for roads and trails through forests and also through Indian reservations that the country's growth is actually retarded by the dilatory tactics of the National Government. This is not altogether a question of dollars and cents; it should be a question of expediency, of moral obligation. I say that you people in this Eastern country and in the Middle West can not realize what we out in that great Northwest, where the principal part of these forest reserves are located, are up against, and I sincerely hope, if you intend cutting down the emergency fund, that every dollar of it you cut off you will add to this permanent fund, which we so badly need. [Applause.]

The CHAIRMAN. The question is on the amendment offered by the gentleman from Illinois.

Mr. WILLIS. Mr. Chairman, let us have the amendment again reported.

The CHAIRMAN. Without objection, the amendment will be again reported.

There was no objection, and the Clerk again reported the amendment.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Illinois.

The question was taken; and on a division (demanded by Mr. LEVER) there were—ayes 65, noes 51.

Mr. LEVER. Mr. Chairman, I demand tellers.

Tellers were ordered; and the Chair appointed Mr. MANN and Mr. LAMB to act as tellers.

The committee again divided; and the tellers reported—ayes 74, noes 70.

So the amendment was agreed to.

BUREAU OF CHEMISTRY.

Salaries, Bureau of Chemistry: One chemist, who shall be chief of bureau, $5,000; 1 chief clerk, $2,000; 1 executive clerk, $2,000; 5 clerks, class 4; 7 clerks, class 3; 1 clerk, $1,440; 12 clerks, class 2; 1 clerk, $1,300; 18 clerks, class 1; 13 clerks, at $1,020 each; 11 clerks, at $1,000 each; 18 clerks, at $900 each; 1 clerk, $840; 1 assistant property custodian, $900; 1 chief food and drug inspector, $3,000; 1 food and drug inspector, $2,250; 9 food and drug inspectors, at $2,000 each; 13 food and drug inspectors, at $1,800 each; 1 food and drug inspector, $1,620; 11 food and drug inspectors, at $1,600 each; 8 food and drug inspectors, at $1,400 each; 2 laboratory helpers, at $1,200 each; 1 laboratory helper, $1,020; 4 laboratory helpers, at $1,000 each; 4 laboratory helpers, at $960 each; two laboratory helpers, at $900 each; 6 laboratory helpers, at $840 each; 2 laboratory helpers, at $780 each; 20 laboratory helpers, messengers, or laborers, at $720 each; 2 laboratory helpers, messengers, or laborers, at $660 each; 24 laboratory helpers, messengers, or laborers, at $600 each; 1 laboratory assistant, $1,200; 1 tool maker, $1,200; 1 janitor, $1,020; 1 student assistant, $300; 2 messengers, at $840 each; 1 skilled laborer, $1,050; 1 skilled laborer, $840; 2 messenger boys or laborers, at $540 each; 8 messenger boys or laborers, at $480 each; 3 messenger boys or laborers, at $420 each; 1 messenger boy or laborer, $360; 6 charwomen, at $240 each; in all, $254,660.

Mr. FOSTER of Illinois. Mr. Chairman, I make the point of order on page 48, line 20, to the increase of salary of the inspector from $2,760 to $3,000.

Mr. LAMB. Mr. Chairman, I will just make this statement: The services of this official fully warrant this salary, as the efficiency of the entire inspection force under the food and drugs act depends upon his executive ability and initiative. The promotion is not only justified by qualifications and high abilities demanded in the successful discharge of the duties of this office, but by the additional work imposed upon this official by increased appropriations during the last few years. Mr. Chairman, I concede the point of order.

The CHAIRMAN. The point of order is sustained.

Mr. LAMB. Mr. Chairman, I move to amend by substituting the words "two thousand seven hundred and sixty dollars" for the amount stricken out in line 20, page 48.

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Line 20, page 48, after the word "inspector" insert the words "two thousand seven hundred and sixty dollars."

The CHAIRMAN. The question is on agreeing to the amendment offered by the gentleman from Virginia.

Mr. FOWLER. Mr. Chairman, I move to amend that amendment by striking out the word "dollars." The word "dollars" is already there, and if the amendment is agreed to there will be two "dollars" following one another, which is unnecessary.

The CHAIRMAN. The point of order was made against the words "three thousand dollars," and those words were stricken out. The question is on the amendment offered by the gentleman from Virginia.

The question was taken, and the amendment was agreed to.

The Clerk read as follows:

Enforcement of the food and drugs act: For enabling the Secretary of Agriculture to carry into effect the provisions of the act of June 30, 1906, entitled "An act for preventing the manufacture, sale, or transportation of adulterated, or misbranded, or poisonous, or deleterious foods, drugs, medicines, and liquors, and for regulating traffic therein, and for other purposes," in the city of Washington and elsewhere, including chemical apparatus, chemicals and supplies, repairs to apparatus, gas, electric current, official traveling expenses, telegraph and telephone service, express and freight charges, and all other expenses, employing such assistants, clerks, and other persons as may be considered necessary for the purposes named, and rent outside of the District of Columbia, $625,000: *Provided*, That of this sum the Secretary of Agriculture is hereby authorized to expend not exceeding $5,000 for the purchase of all right, title, and interest in and to the Marsh test for detecting artificial coloring matter in whisky, the same being covered by letters patent 813728, which payment shall include full satisfaction for any and all use that may have heretofore been made of the said process by the United States.

Mr. FOSTER of Illinois. Mr. Chairman, I make the point of order on the proviso beginning on line 23, page 51.

Mr. LAMB. Mr. Chairman, I concede the point of order.

The CHAIRMAN. The point of order is sustained.

Mr. LEVER. Mr. Chairman, I move to strike out the last word. At this point in the bill it had been my intention to offer an amendment providing that no part of this sum appropriated should be expended to pay the salaries and expenses of the Referee Board. In that connection I desire to make a statement. Three years ago I made an argument upon the legality of the appointment of the Referee Board and was voted down upon the proposition by the House. I believed then and I believe now that there is no authority in law for the appointment of such a board. The Attorney General of the United States, however, has found differently. A committee of this Congress, charged with the duty of the investigation and report upon the matter to the House, has reported differently. I do not in any wise surrender my former belief as to the legality of the creation of this board, but I have felt that the amendment which I intended to offer was an amendment too important, too sweeping, too widespread in its various reachings out to be placed upon an appropriation bill, where consideration of the entire subject was necessarily limited and restricted. I do not believe in that kind of legislation. The pure-food law was enacted for the purpose of protecting the consumer against adulterations and misbrandings of the foods which the people of the country buy and eat. There was no disposition in the enactment of that law, as I understand it, to hamper the manufacturers and purveyors of foods, beyond the point of compelling them to properly brand their foods, and to prevent them from adulterating them. I do

not believe that it is the judgment of the House, and it certainly is not my judgment, that any one man in this country should be given the power over the manufacturer or consumer of the foodstuffs of the country, and I have believed for a long time that there should be created by law, and not by Executive order, as is the case of the Referee Board, a board or commission within the Department of Agriculture with functions fully set out and defined by law, and not functions or jurisdiction made by the order of the Executive or the Secretary of Agriculture. I do not believe that Congress should submit to the proposition for a moment of turning over to Executive order and Executive authority a question so large as this.

I believe it would be at this time unfortunate for the future enforcement of the pure-food law if we should abolish the Remsen Board. It is better, in my judgment, that this board shall continue until it has completed the investigations which it was called upon to investigate by the President in his order creating it. So I have concluded in my own mind, with this statement, not to offer this amendment, which at first I had intended to offer, not because I do not have confidence in the Chief of the Bureau of Chemistry—for I do have confidence in him, regarding him, as I do, as one of the great men in this country, responsible in a large measure for pure-food legislation—yet I feel the chief of the bureau himself recognizes the enormous powers put into his hands by the pure-food law. Personally and tentatively I should like to see a board created by law, with its duties set out by legal enactment and not by Executive order, which shall be the final court of appeal—the final court of scientific appeal, if you want to so term it—upon propositions of the misbranding of food and its adulteration.

[The time of Mr. LEVER having expired, by unanimous consent, at the request of Mr. MANN, his time was extended for five minutes.]

Perhaps I would not agree to the personnel of the Remsen Board, although I do not question either the integrity of that board or its great ability from an expert and scientific point of view. If I were creating the board involving this great proposition of the proper sale and branding of foodstuffs in this country, I should likely make the personnel consist of a couple of chemists, a couple of business men selected from private life, and a medical doctor—a pathologist. I would make the personnel consist of that class of men whose business has made it necessary for them to see beyond one small direction.

The personnel of the preseat board is composed of highly scientific men, who probably do not see the various phases of this question. I believe it is the duty of Congress to prepare legislation and act upon it which shall set out in detail the duties of some kind of a board or commission in the Department of Agriculture which shall have the final expert decision upon all of these disputed questions arising under the enforcement of the pure-food law. I am not willing, I say frankly, after three years of consideration of this subject, that any one man—and I am not going back on my former position when I say that—shall have the absolute power to say that a certain foodstuff shall or shall not be sold in this country. My contention three years ago, as my friend from California [Mr. KAHN] will bear out, was that this board had not been created legally, that its functions had not been set out by law, and that the proper thing for Congress to do was to put its foot upon executive orders creating commissions in this Government, the effect of whose work might be to hamper the enforcement of a law passed by the Congress of the United States. From that position I have not wavered one iota, and do not now waver upon it. I am pleading for an orderly way, set out by metes and bounds of legislative action as to how this board shall be created and what its duties, functions, and responsibilities are. That is all there is to my contention. It is the same fight I made three years ago, when this proposition was first discussed upon the floor of the House. I then protested against executive legislation, and I now protest against it as strongly as I did then. I am only keep in mind the practical effects.

Mr. COOPER. Will the gentleman permit a question?

Mr. LEVER. Yes; I will yield.

Mr. COOPER. I observe with interest that the gentleman said if he had the appointing of the board the personnel would not be as it is now, but it would include business men. Would the gentleman include as business men on the board some of the manufacturers of foodstuffs?

Mr. LEVER. I do not hesitate to say to my friend from Wisconsin that I see absolutely no objection to a manufacturer being on this board. I believe that this country is big enough to deal with this proposition in a big way.

Mr. COOPER. Will the gentleman permit me to say one thing? What would an average manufacturer know about what was in the product of any other manufacturer? How could he tell anything about it unless he were an expert chemist?

Mr. LEVER. My answer to that is that there is not a big food manufacturing concern in this country that does not have amongst its employees the highest type of and most skillful chemists.

Mr. COOPER. Exactly. Have all of these manufacturing establishments which have been putting out adulterated food expert chemists in their employ?

Mr. LEVER. I think so.

Mr. COOPER. And would you have one of those manufacturers, who employed a chemist and put out that sort of food, on a board?

Mr. LEVER. I would not. I should leave that to the discretion of the appointing power.

Mr. COOPER. If you had a business man who did not know how to ascertain the constituent elements of a product he would have to rely on the statements of somebody else, would he not?

Mr. LEVER. A business man on this board would be up against this kind of a proposition: He would listen to the advice of the chemist upon that board. He would see it, perhaps, from a broader viewpoint than the average expert in any line of work. Not only that, but it would be within the province of the business man to pass judgment upon whether or not a certain proposition was misbranded.

Mr. HELM. Mr. Chairman——

The CHAIRMAN. Does the gentleman from South Carolina yield to the gentleman from Kentucky?

Mr. LEVER. I yield.

Mr. HELM. I understood the gentleman a moment ago to say that he was in favor of a body to correspond more or less to a court of appeals in such matters as this?

Mr. LEVER. Scientific and expert appeals.

Mr. HELM. Scientific and expert. Now, we have an Interstate Commerce Commission, and a recent Congress created a Court of Commerce. Your proposition is somewhat analogous, as I understand you. Do you think that that Court of Commerce in that bureau, which corresponds very much to the court, board, or commission that I presume you have in mind, has weakened or strengthened the interstate-commerce act?

Mr. LEVER. I may say to my friend, if I may have a moment to answer his question, that I do not have in mind the creation of any kind of a court. I believe that still the courts of the United States should pass upon these matters, as is provided in the pure-food law, as to the adulteration and misbranding of food products, but I want some legislative enactment which will clearly define the relative duties and responsibilities of all who are connected with the enforcement of this great statute. I do not want any more Executive-made legislation on such an important matter as the food supply of the country, and this idea which I have in mind would be of assistance and an improvement over the court on a great many disputed questions.

Mr. HELM. Do you think the Court of Commerce has weakened or strengthened the interstate-commerce act? And may not the board or commission that you have referred to operate in like manner on the pure-food laws?

Mr. LEVER. I will say to my friend that I am not discussing that proposition now and really have not given any consideration to it.

The CHAIRMAN. The time of the gentleman from South Carolina has expired.

Mr. KAHN. Mr. Chairman, I ask unanimous consent that I may be allowed to proceed for 10 minutes.

The CHAIRMAN. The gentleman from California asks unanimous consent to be allowed to proceed for 10 minutes. Is there objection? [After a pause.] The Chair hears none.

Mr. KAHN. Mr. Chairman, I was glad to hear the gentleman from South Carolina [Mr. LEVER] say that he did not believe any one individual should be given the great power which is given under the pure food and drugs act to the Chief of the Bureau of Chemistry, without having some board of high authority to review the findings of the chief of the bureau. The Referee Board, or the Remsen Board, as it is popularly called, was appointed by President Roosevelt as a consequence of a condition that prevailed in the State of California with regard to the use of sulphur in the process of drying fruit. There were other questions that were then in controversy, notably the use of benzoate of soda as a preservative, but I believe that it was the use of sulphur in the drying of fruit that brought the Referee Board into existence.

I want to say at the outset that I have a very high regard for the Chief of the Bureau of Chemistry. I believe that he has done a great work in this country. I believe that the people of

the country appreciate it. And he is universally accorded the credit that is due him.

But in this matter of dried fruit he issued an order that the use of sulphur was deleterious to the health of the people if the quantity of the sulphur used was in excess of 350 milligrams to the kilogram of fruit. He had taken the matter up with the Solicitor of the Department of Agriculture, Mr. McCabe, and had at first held that 1,000 milligrams to the kilogram was the maximum amount that could be used with safety to the public health; that was not unsatisfactory to the fruit driers of California.

A few days afterwards he reduced the amount to 750 milligrams to the kilogram of fruit, and that was not altogether objectionable. A little later he reduced it to 500 milligrams to the kilogram of fruit, and finally to 350 milligrams of sulphur to the kilogram of fruit. Evidently the Chief of the Bureau of Chemistry was not certain as to just what amount of sulphur would be deleterious.

Germany, which probably is the most advanced country in the world so far as the science of chemistry is concerned, by statute law allows 1,250 milligrams of sulphur to be used to the kilogram of fruit in the process of drying. When an order was finally issued by the Chief of the Bureau of Chemistry that sulphur in excess of 350 milligrams to the kilogram of fruit was deleterious, the fruit driers of California realized that their industry would be ruined if such an order was enforced, and they appealed to the President of the United States and to the Secretary of Agriculture, who happened to be in California at that time, for relief against this drastic order, and as a consequence this Referee Board was appointed. Since then no further action has been taken by the Bureau of Chemistry in regard to the sulphuring of fruit, and we will be content to stand upon the findings of the Referee Board. Now, fruit is sulphured to prevent decay, to prevent the attacks of insects, and sometimes to bleach it. A small oven is built and a number of trays of fruit are put into this oven at a time, while the sulphur is kept burning at the bottom. The tray remains in the oven about an hour. When it comes out it is placed in the open air in the fields and is dried by the direct rays of the sun.

Mr. TOWNER. Will the gentleman allow a question?

Mr. KAHN. Yes.

Mr. TOWNER. I thought you intended to tell us, but omitted to do so—and, at least, I should like to know—what was the finding of the Referee Board.

Mr. KAHN. They have not yet rendered a decision in the matter. It is still pending. And, as I said, we are content to stand by whatever finding the board may make; but we realize that Germany, which, as I said a moment ago, is possibly further advanced than any other country in the world in chemical science, permits by law the use of 1,250 milligrams of sulphur to the kilogram of fruit.

Mr. TOWNER. What are your fruit growers doing now?

Mr. KAHN. They are proceeding as they did prior to the appointment of the Referee Board. The matter is in abeyance and the findings of the Referee Board will determine just what they can do in the future.

I believe that the appointment of the Remsen Board has been fully justified. The members of the board are recognized scientists, who stand high in their profession. They are conducting their experiments in a scientific manner and their findings will undoubtedly be generally accepted by the scientific world. Efforts have been made in some quarters to discredit the board. I do not think those efforts have been successful, as a rule. But that there was the absolute necessity for the appointment of the board is demonstrated by the hearings before the Committee on Expenditures in the Department of Agriculture. Let me quote from page 891 of those hearings:

Mr. HIGGINS. From your investigation into the matter of foreign referee boards, are you able to express to the committee any opinion as to the relative cost of those boards abroad and here?

Secretary WILSON. Oh, they cost more than ours, for the reason that they take far more time and they deliberate much longer. The British board on tubercular germs in animals studied about 10 years, and, I think, it cost $375,000 to pay their expenses. All those great nations do that.

Mr. HIGGINS. Some reference has been made, Mr. Secretary, to the Coca Cola case at Chattanooga. That was a case in which the Government prosecuted the makers of Coca Cola?

Secretary WILSON. Yes.

Mr. HIGGINS. Did Dr. Wiley attend that trial?

Secretary WILSON. Yes.

Mr. HIGGINS. What was the result of the case?

Secretary WILSON. We got beaten.

Mr. HIGGINS. Have you any information gained through any investigation of that matter as to Dr. Wiley's declining to testify in that case?

Secretary WILSON. There is a letter that comes up from the Assistant Attorney General down there. I could read a paragraph of that.

Mr. HIGGINS. I wish you would read the letter.

Secretary WILSON. He says:

"I have tried in vain to evolve some plan whereby Dr. Wiley can be utilized on the stand. I have conferred with Mr. McConville most intimately on this point. Dr. Wiley's presence at the argument might be of some value. The argumentative stage will probably be reached Tuesday, and if he should leave Washington about 11 a. m. Monday, he would probably reach here at 10 a. m. Tuesday. Believe me, I would have utilized him if I could, and, you know, it was my personal desire to do so; but, while Dr. Wiley was in full accord with the Government, he expressly stated he could not qualify as a physiologist, a chemist, a toxicologist, a physiological chemist, pharmacologist, or a doctor of medicine to the satisfaction of either himself or the Government. Had you been situated as we were, I am sure you would not have introduced him."

Does that answer the question?

Mr. HIGGINS. Yes.

Secretary WILSON. This is a letter from W. B. Miller, special assistant, dated April 1, 1911.

Mr. HIGGINS. He was representing the Government as assistant?

Secretary WILSON. Representing the Department of Justice.

It will be observed that the letter from the special assistant to the Attorney General of the United States informs the Secretary of Agriculture that the head of the Bureau of Chemistry expressly stated that he could not qualify as a physiologist, a chemist, a toxicologist, a physiological chemist, pharmacologist, or a doctor of medicine to the satisfaction of either himself or the Government in the case in which the Government prosecuted the manufacturers of Coca Cola. In view of that fact, I believe the appointment of a Referee Board of acknowledged scientists was not only justified, but was absolutely necessary for the protection of the consumers as well as of the producers.

Mr. Chairman, we had another experience in California in regard to the branding of sherry and port wines made in the State of California. Our wine producers there labeled them distinctly "California port" and "California sherry." There was no question about the label showing clearly where the commodity was manufactured. There was no attempt to deceive. The word "California," printed in large type, plainly indicated the place of production. The head of the Bureau of Chemistry insisted that the word "type" must follow the word "port" or "sherry," so that the label should read "California port type" and "California sherry type." The California producers, anxious to comply with the rulings of the department, printed their labels accordingly. But the consequence of that was that when the California manufacturers put that word "type" upon their labels their goods were returned by their customers, for the customers said: "We do not want a 'type' of California port; we do not want a 'type' of California sherry; we want the genuine California port; we want the genuine California sherry."

But there was the order of the Food and Drugs Board, insisting upon the word "type" being on the label. Our manufacturers and producers asked for another hearing before that board, and finally, by order of Secretary Wilson, we succeeded in getting that hearing. We contended that that board had no more right to insist upon the label reading "California port type" or "California sherry type" than the hotel and restaurant keepers of this city or of any other city in this country should be compelled to put on their menu cards the words "Frankfurter sausage type," "Irish stew type," or "Vienna bread type," and so on. It would have been just as ridiculous, and perhaps more apt, to compel hotel and restaurant keepers to put on their bills of fare the word "type" in the description of those articles, because the Irish stew surely was not made in Ireland, the frankfurter sausage was not made in Frankfurt, and the Vienna bread was not made in Vienna. Your purveyors of these foods did not have to use the word "type" on their bills of fare, although the wine growers of California were compelled to use it in describing their ports and sherries.

The CHAIRMAN. The time of the gentleman has expired.

Mr. KAHN. Mr. Chairman, I ask unanimous consent to continue for five minutes.

The CHAIRMAN. The gentleman from California [Mr. KAHN] asks unanimous consent to continue for five minutes. Is there objection?

There was no objection.

Mr. KAHN. A full hearing was had and Secretary Wilson himself was present, acting in his capacity as ex officio member of the Food and Drugs Board; and, without leaving their seats, every one of the members of that board, except the Chief of the Bureau of Chemistry, decided that the word "type" should be stricken from the label. Dr. Wiley still insisted that the labels should bear that word. Of course, the majority of the board having decided that the word should be stricken from the label, that word has been stricken from the label ever since. The fact is that the language, "California port," does not deceive a single soul. Everybody knows where that port is made. There is no attempt made to deceive. The words "California

sherry" simply show where the sherry is manufactured and produced. There is no attempt at deception.

I merely point out these instances to show that it would be a crime inflicted upon the business interests of the United States to give any one individual unlimited power in the enforcement of this law.

I am glad that the gentleman from South Carolina [Mr. LEVER] did not undertake to make a point of order against this section or to offer an amendment to it. I am glad that he concedes the fact that it is too much power to place these important questions in the hands of any one man, and that therefore this board, or some other board similar in character, ought to be appointed by the President in order that the manufacturers—the legitimate manufacturers of this country, the honest manufacturers—might have some scientific body to which they could appeal if they felt that their business interests were being seriously jeopardized without any intention on their part to violate any of the laws of the land.

Mr. LEVER. My point is, if the gentleman from California will permit, that this board shall be authorized by an act of Congress rather than be appointed by Executive authority.

Mr. KAHN. I understand the gentleman's position in the matter, of course; but heretofore serious opposition has developed in this House against the Referee Board, and I am glad to see on this occasion that it is unanimously admitted that there should be such a board in order that honest, legitimate business should not be interfered with.

Mr. LEVER. And the gentleman should be fair enough to say that Dr. Wiley has insisted upon that himself, and he is so quoted in the hearings had before our committee.

Mr. KAHN. I am glad that is so. Any fair-minded man will agree to a proposition of that kind. The manufacturers of this country, or at least those of that section of the country where I live, are trying to do a legitimate and honest business. I think that Dr. Wiley has stated repeatedly that California wines are among the purest produced anywhere, and the simple fact that our wine growers have used the word "sherry" on their labels in a generic sense should not subject them to embarrassment. Lexicographers admit that such words as "port" and "sherry" are now used in a generic sense. It is only just that our wine growers should have had an appeal from Dr. Wiley's decision in regard to the word "type" on the label, in order that they might protect their business, which, I may say, is not an inconsiderable one. [Applause.]

The CHAIRMAN. The time of the gentleman has expired.

Mr. KAHN. Mr. Chairman, I ask unanimous consent to extend my remarks in the RECORD.

The CHAIRMAN. The gentleman from California [Mr. KAHN] asks unanimous consent to extend his remarks in the RECORD. Is there objection?

There was no objection.

The CHAIRMAN. Without objection, the pro forma amendment will be withdrawn.

Mr. DUPRE. Mr. Chairman, I do not know the present head of the Bureau of Chemistry. I never have seen him. And while I have no sympathy with such vagaries as "autosuggestion," which he was reported to be advocating last summer when the thermometer was hovering around the century mark, or with the doctrine of "whole Democracy," which he announced some weeks ago, about the same time as another similarly rational blast was emitted at Columbus, Ohio [laughter], yet I do believe that he, as head of the Bureau of Chemistry, has rendered valuable services to the people of this country. I sincerely hope that he will long continue to render such services. They are infinitely more useful and beneficial than the more or less ornamental duties that a Vice President is called upon to discharge.

I will say, further, that I am not familiar with the merits of many of the controversies in which Dr. Wiley has been the central figure. I do not know much about benzoate of soda. I know little about "What is whisky?" But I do know something about the manufacture of Louisiana strup and molasses, and I know that if Dr. Wiley's proposed regulations on that subject had been carried into effect the manufacture of these products in which sulphur is an essential would have been impossible.

I feel, therefore, that as between the final "ipse dixit" of Dr. Wiley or any other head of the Bureau of Chemistry and the required approval of the Secretaries of Agriculture and Commerce and Labor and of the Treasury, these latter officials, in the nature of things, not being chemists, there ought to be some intermediate scientific board to supervise and pass upon the findings of the head of the Bureau of Chemistry and to advise the Secretaries of Agriculture, of the Treasury, and of Commerce and Labor whether such findings are scientifically sound or whether they are merely the whimsical or arbitrary views of one man. The Remsen Board meets this requirement, and I am glad that the pending bill makes possible its continuance by providing an appropriation therefor. [Applause.]

Mr. LEVER. Mr. Chairman, I understand that there are a number of gentlemen who wish to extend their remarks in the RECORD. I ask unanimous consent that permission be given to them.

Mr. MANN. That can not be done in Committee of the Whole. It can only be done by individual requests made separately.

Mr. LEVER. Then I will withdraw my request, Mr. Chairman.

Mr. MANN. Mr. Chairman, I withdraw my pro forma amendment. The gentleman from Louisiana [Mr. DUPRE] has referred to the ipse dixit of Dr. Wiley, and the gentleman from California [Mr. KAHN] used almost the same idea. There is no doubt but that there is a prevailing opinion in the country that if the Referee Board were abolished Dr. Wiley would have the say as to what would constitute a food or a drug or whether a food or a drug was misbranded or adulterated.

There is nothing further from the truth, possibly. In the pure-food law no such autocratic power was given to Dr. Wiley or to anyone else. In the first place, if it is charged that a food is misbranded or adulterated an examination is made by the Bureau of Chemistry under regulations provided by three Secretaries—the Secretary of Agriculture, the Secretary of Commerce and Labor, and the Secretary of the Treasury. The Secretary of Agriculture is in close connection with those industries which relate to the production of articles from the soil, including agricultural and horticultural products in all of their diversification, and the Secretary of Commerce and Labor is in connection and communication with the manufacturing industries of the country, while the Secretary of the Treasury is connected with all the importations into the country. It is quite well guarded to begin with. In the second place, if the Bureau of Chemistry concludes that an article is misbranded or adulterated they do not determine the matter. It is not left to the determination of an autocrat to settle the question whether the article is misbranded or adulterated.

All the Government does in any event is to have a test of the matter made by the courts, where the person who wishes to maintain that his food is properly branded, or is not adulterated, has full opportunity to present his case before an unbiased court, the same as other people settle their controversies.

Mr. HAYES. Will the gentleman yield?

Mr. MANN. Certainly.

Mr. HAYES. But in the case of such a trial in the court, the testimony of the department officials would of course be competent testimony, and in ordinary cases would be taken, would it not?

Mr. MANN. I presume it would be taken.

Mr. HAYES. Would it not be true that that testimony would outweigh, in the public mind and in the mind of an ordinary jury, any testimony that the defendant might offer?

Mr. MANN. I believe my distinguished friend from California is not a lawyer, or he would not ask that question. Of course it would not outweigh the testimony brought in behalf of the defendant, if the testimony brought in behalf of the defendant ought to prevail.

Mr. BARTLETT. Is it a fact that in the celebrated coca-cola case Dr. Wiley's opinion did not prevail?

Mr. MANN. In many cases Dr. Wiley's opinion has not prevailed. We gave the Department of Agriculture only the right to institute proceedings in court. Of course it is true, and we all realize without question, that the prosecution of a manufacturer or a wholesaler or a jobber or a retailer might do inestimable damage; but in such cases as that named by the gentleman from California, that as a rule is not true. It would have done no material damage to the producers of dried fruits to have their cases tried in court. All the damage that can be done is done by the assertion of some one——

Mr. KAHN rose.

Mr. MANN. I do not yield at present. I should like the opportunity to make a consecutive statement for a few moments.

Mr. DYER. I should like to ask the gentleman one question.

Mr. MANN. I shall be glad to answer it, if the gentleman will wait. The Department of Agriculture does not settle the question. When it takes a case into court, then it becomes a matter for the court to determine. Of course I understand the difficulty of determining, the getting of proper evidence to determine in court some of these controverting questions. The first controversy of great importance that came up was the one in relation to the blending of whisky, where there was a bitter controversy that probably is not yet disposed of. The different branches of the Government wrestled with that, from the De-

partment of Agriculture to the Attorney General and two Presidents of the United States.

When there came up the question of the use of sulphur in the drying of fruits, President Roosevelt evidently concluded that it would be preferable to have a scientific body investigate the subject rather than for the President and the Attorney General to endeavor to determine whether sulphur was deleterious or not under the circumstances, and he appointed the Referee Board. I have never believed that the Referee Board was an illegal body. It was the intention of the pure-food law to give to the Department of Agriculture, or to the three Secretaries, or to the President, who presided over all of them, authority to determine, in the mind of the Government, first, whether there should be a prosecution. The prosecution would not settle the question, but the Government ought, first, before instituting a prosecution, to be fairly well satisfied that the article was either misbranded or adulterated. Some one may determine these questions offhand, and yet after the course of centuries, and after the discussion of these subjects for years, no one yet knows how far the use of sulphur in the drying of fruit is deleterious, or how far the use of benzoic acid or benzoate of soda in the preservation of food is deleterious. No one knows a great many other of these scientific problems, and probably no one will know for years to come.

[The time of Mr. MANN having expired, by unanimous consent it was extended five minutes.]

Mr. MANN. The Supreme Court of the United States is the body which, in the ultimate conclusion, will settle the question so far as the law is concerned, and before that tribunal shall do that it is desirable to ascertain, through scientific methods, all the information that it is possible to obtain. It is not desirable to have food spoil for lack of preservative on the one hand, nor is it desirable, on the other hand, to use an article to preserve food which is distinctly injurious to the system when taken into the stomach in quantities necessary for the preservation of the food.

The original proposition in the pure-food bill was to create a board. In the Committee on Interstate and Foreign Commerce that proposition was changed so as to name the character of persons who should constitute the board, naming certain chemists, physiological and otherwise. In conference that provision went out, and the reason it was put out was not because any one opposed obtaining the information, but because gentlemen who were opposed to it believed that it gave the Government too much power when it came into court; that if we constituted a scientific body on behalf of the Government in this way to settle these questions and to fix a standard, as was provided in the bill, when they should go into court and state that they had fixed a standard it would, as suggested by the gentleman from California about another matter, have too much weight in the determination of the question; that the courts might feel that if this scientific body had investigated the subject and believed that an article was deleterious or injurious—and those are the only cases that would get into court—their opinion would have too much weight with the court, and it was thought better in the end to leave it so that the Department of Agriculture could only institute a prosecution.

Now, the duty of the Remsen Board is quite different. The Remsen Board is purely advisory to the Department of Agriculture. After it has determined that in its judgment an article used in food is not deleterious to health, the Department of Agriculture simply does not prosecute. It is no final settlement of the question. If in the course of time and the study of the subject scientists come to the conclusion that the article so used is deleterious to health, a prosecution can be commenced at any time in the future. The Remsen Board does not compel the Department of Agriculture not to prosecute. It simply advises, and the Secretary of Agriculture does not authorize the prosecution to be commenced. With 1 Remsen Board or 40 Remsen Boards we will not learn too much. I do not quite agree with my friend from South Carolina [Mr. LEVER] that there ought to be business men upon this scientific board. The duty of the board is only to determine the scientific question, the health question. The pure-food law does not prohibit any kind of food, except that it prohibits the wrong branding of articles and the addition of deleterious substances to foods and drugs. If there are no deleterious substances added, we do not prosecute, and in the end we may find out. I do not know whether the addition of sulphur in the drying of fruit is deleterious. I believe it is, when used in any considerable quantities. I do not know whether the addition of benzoate of soda is deleterious. I believe it is, when used in any considerable quantities. But I do not pretend to determine the matter. That will be determined in the course of time.

The gentleman referred to misbranding port wine. The gentleman from California [Mr. KAHN] and other gentlemen from California would be extremely quick to object to oranges being branded "Florida San Bernardino oranges," with the "Florida" in small letters and the other in large letters. Now, whether the term "port," which originally meant Oporto, a Province of Spain, has become a generic term or not, is in the end something for the courts to determine.

Dr. Wiley does not determine it. I have great confidence in Dr. Wiley. His business is to discover and stop, if possible, the wrong branding or the adulteration of foods and drugs. He does not pretend that he is an autocrat who has the power finally to determine these things. He is an administrative officer. He is doing and has done great good in that direction; but, on the other hand, the Secretary of Agriculture, whose duty it is to conserve the interests of the producers of agricultural and horticultural products, has endeavored to prevent Dr. Wiley from proceeding too rapidly and without sufficient consideration. And while they have not always agreed they both have done services which render them of great value to the country and entitle them to the esteem and the respect of their countrymen. [Applause.]

Mr. FRENCH. Mr. Chairman, just a word with respect to what has been said regarding the reasons for the maintenance of the Remsen Board. It has not been purposely said by those who have spoken, and yet, if all of the reasons for the maintenance of the Remsen Board were to be disclosed from those which have been mentioned by Members who have spoken, we would think it was wholly in the interest of the manufacturer or the producer, while the fact is the Remsen Board has just as much reason to exist on account of the consumer as it does on account of the producer or manufacturer. It may be true that in the few cases that have been submitted to the Remsen Board, differences have arisen on account of the producer not seeing things the way the Chief of the Bureau of Chemistry saw them, but it does not require much of imagination to see the Bureau of Chemistry in some future time take such a position that, in the interest of the consumer himself, it might be very advantageous to take an appeal to some board such as the Remsen Board, which could make a more extensive inquiry into the interest not of the producer, not of the manufacturer, but of the great body of consumers of this country. I mention this at this time, not that I think anyone doubts the question, but in order that it may appear alongside of the reasons for the existence of the Remsen Board, to which attention has been called by those who have spoken.

Mr. HAYES. Mr. Chairman, I move to strike out the last two words. With most of what the gentleman from Illinois [Mr. MANN] a few moments ago said I am in hearty accord. He said, however, that the Department of Agriculture does not decide these questions, but that they are presented to a court for its decision. Technically, of course, that is so, but, as I suggested, I think it is true that when the department officials have passed upon a question of this sort in the public mind it is settled by their decision. For that reason it seems to me extremely important that these questions should be not only carefully investigated and investigated extensively, as the department can not, owing to the multitude of its duties, always do, but that they should be investigated by men of the highest standing in their profession, although, technically speaking, the questions as to whether certain articles are deleterious or not have to be brought before a court and be settled by judicial determination, yet as a matter of practical effect the question is determined whenever an official board—the Remsen Board, for example—has passed upon and determined that matter as to any article. It seems to me, therefore, extremely important that this board should be continued in existence and the necessary funds appropriated for it.

My friend from Illinois [Mr. MANN] says that he believes that sulphur in the drying of fruit is deleterious to health. Unlike him, I believe that it is not. Ever since I have lived in California my family has consumed fruit that has been subjected to the fumes of sulphur in drying. My children and everybody in the household have eaten it nearly every day in the year. We have yet to discover any deleterious effect as a result of that use. On the contrary, we have found it extremely wholesome and healthful, and even invalids are able to eat it as freely as they can fresh fruit without any deleterious results.

It is true that even good things may be used to excess, and if sulphur is used to excess, of course, it might produce bad results, but used as the people of California use it, in very small quantities, in order to arrest decay in the drying of the fruit and prevent fermentation, it becomes not only wholesome, but an absolute necessity if the fruit is to be dried in a manner to be

fit for food. So far as my observation goes, fruit that has not been treated in this manner, unless it contains a very large amount of sugar, will turn black in the process of drying, and when fruit is turned black fermentation or decay has set in, and it is not fit for human food.

Mr. KAHN. The sulphur in the fruit is also used for the purpose of preventing insects from attacking the fruit.

Mr. HAYES. Yes; I was coming to that in a moment. It is also necessary to prevent production of insect life in the fruit. It prevents the laying of eggs by flies and other insects, which would otherwise infest the fruit. All insect life will keep away from fruit when drying which has been thus treated. Without the use of sulphur fumes it would be impossible for the people of California to preserve their fruits as they do, and which, as I believe, has added greatly to the pleasure and the health of all of the people of the United States.

Mr. MANN. Mr. Chairman, will the gentleman yield?

Mr. HAYES. I should be glad to.

Mr. MANN. Do I understand that sulphur enough remains in the dried fruits after they are dried to prevent any insect life in the fruit?

Mr. HAYES. No; it prevents it while it is drying.

Mr. KAHN. That is it.

Mr. MANN. There is not very much insect life that develops when it is drying.

Mr. KAHN. Oh, yes.

Mr. HAYES. The eggs are deposited while the fruit is drying if it has not been sulphured, I would say to the gentleman from Illinois.

Mr. MANN. Not if it is dried under proper conditions; there is no chance for any such thing.

Mr. HAYES. In the case of California fruits it is true. The fruit there is dried in the sun, in the open air.

Mr. MANN. I have been eating it for years, supposing that it was clean.

Mr. KAHN. The gentleman's health is remarkably good. No other man on the floor of this House could do the work that the gentleman is doing without impairing his health. [Laughter and applause.]

Mr. HAYES. Mr. Chairman, I want to say to the gentleman from Illinois that my experience—and my experience is somewhat larger than his in the matter of fruit drying—leads me to conclude that the most wholesome and cleanest dried fruit in the world is that which is dried in California under proper conditions in the sun.

Mr. MORSE of Wisconsin. Mr. Chairman, I rise to oppose the amendment offered by the gentleman from California, to strike out the last two words. The gentleman from California [Mr. KAHN] has pretty nearly convinced me of the uselessness of the Remsen Board. He says this board was appointed during the administration of President Roosevelt, which is over three years ago, for the purpose of determining the question of how much sulphur could be safely used in the drying and preservation of fruit. Dr. Wiley had prescribed a certain limit, and said that the use of more than that amount was deleterious to health, and after more experiments he cut that amount down until it got so low that the people of California could not keep the flies off the fruit with the amount of sulphur that they were permitted to use, and apparently were not able to buy screens.

What has this Remsen Board done? It has taken that matter under consideration for over three years, probably nearly five years, and what are the fruit raisers of California doing? They are using all of the sulphur they care to use, paying no attention to the amount prescribed by Dr. Wiley.

Mr. NEEDHAM. Where is the gentleman's authority for that?

Mr. MORSE of Wisconsin. I get my information from the other gentleman from California [Mr. KAHN].

Mr. KAHN. When did I say that?

Mr. MORSE of Wisconsin. Just a few moments ago on the floor of the House.

Mr. KAHN. Oh, no, indeed; I never said anything of the kind.

Mr. MORSE of Wisconsin. I will yield to the gentleman if I can get through in time.

Mr. NEEDHAM. That is not the fact.

Mr. MORSE of Wisconsin. As I understand the situation, there is no limit on the amount of sulphur that they can use at the present time.

Mr. NEEDHAM. Oh, yes; there is.

Mr. MORSE of Wisconsin. The Remsen Board has made no finding, and the amount prescribed by Dr. Wiley has been set aside, and there is just one thing that stands between us and the excessive use of this preservative in fruit, and that is the seared conscience of the man who prepares the fruit. If that is a recommendation for the Remsen Board, I fail to see the value of it. Apparently the gentleman from California is satisfied with the Remsen Board. Why? Because the Remsen Board has set aside the order of Dr. Wiley and utterly failed and refused to make an order of their own, and the fruit growers of California and other places are permitted to use all the sulphur they desire without any limitation by anybody.

Mr. HIGGINS. Mr. Chairman, will the gentleman yield?

Mr. LAMB. Mr. Chairman, I move that all debate on the paragraph and all amendments thereto close in four minutes. That will give gentlemen plenty of time.

Mr. MORSE of Wisconsin. Mr. Chairman, I hope this motion will not be taken out of my time.

The CHAIRMAN. Does the gentleman from Wisconsin yield to the gentleman from Virginia for the purpose of the motion?

Mr. MORSE of Wisconsin. I do not, Mr. Chairman.

Mr. LAMB. Mr. Chairman, I understood that the gentleman's time had expired.

Mr. MORSE of Wisconsin. Mr. Chairman, I yield to the gentleman from Connecticut.

Mr. HIGGINS. Mr. Chairman, of course the gentleman knows as a matter of fact and as a matter of administration of the pure-food law that the Referee Board makes no order at all, nor has it any power to make any order.

Mr. MORSE of Wisconsin. I know that the Referee Board made no order at all. I know from what the gentleman from California has said, if he is correct in his statement, that the Referee Board has made no finding at all, and that there can be no order made, and that there has been no order made, because the board has made no finding. Therefore I say that the people who are preserving this fruit have no limit except the limit which their consciences prescribe. I do not want to trust my stomach to the consciences of that kind of people.

Mr. HIGGINS. The gentleman understands that there are other questions that have been submitted and are now being considered by the board.

Mr. MORSE of Wisconsin. Some few questions have been submitted and some few questions have been determined.

Mr. HIGGINS. I differ with the gentleman. There are not many.

Mr. KAHN. Mr. Chairman——

Mr. LAMB. Mr. Chairman, I renew my motion now that all debate on this paragraph be closed in five minutes.

Mr. KAHN. Mr. Chairman, I yield to the gentleman from Virginia [Mr. LAMB] for the purpose of making a motion.

Mr. LAMB. Mr. Chairman, I renew my motion that in four or five minutes, anyhow, all debate on the pending paragraph be closed.

Mr. FOSTER of Illinois. This is an important subject, I will say to the gentleman.

Mr. LAMB. Yes; it is; but I must insist that we move on a little faster.

Mr. BARTLETT. How much time does the gentleman from Illinois require?

Mr. FOSTER of Illinois. Oh, say, five minutes.

Mr. LAMB. I agree, but that is the last of it. Mr. Chairman, I move that all debate on this paragraph be closed in 10 minutes.

The CHAIRMAN. Is there objection? [After a pause.] The Chair hears none.

Mr. KAHN. Mr. Chairman, the gentleman from Illinois [Mr. MANN] said that these important questions could be and should be decided by the courts. There is no doubt but that the ultimate decision will rest in the courts. As I stated before, the Remsen Board was created during the discussion of the question of the sulphuring of fruit in the process of drying it. The gentleman from Illinois states that the same result could have been obtained by the fruit growers of California if they had taken the matter into the courts. Let me assure the gentleman from Illinois [Mr. MANN] that the question was brought to a head at the very time that the fruit-drying season was about to commence. There is upward of $15,000,000 worth of dried fruit produced per year in the State of California. The fruit is set out in trays, and every traveler going over the railroads of that State will see thousands of acres of trays of fruit drying under the rays of the glorious sun that shines unobscured in California during the season from April to November. We use no kilns for the purpose of drying. It is all done in the open air. The quantity of sulphur that is used in the process is probably not as great as the quantity that is used in Germany. Germany has a board which is analogous to the Remsen Board. England has a similar board, and France has a similar board; and these boards, after conducting experiments, report their findings and then laws are predicated upon those findings. It was a case that required speedy action, and the Remsen

Board was appointed. I agree with the gentleman from Illinois that there was full warrant in the law for the appointment of this board. To have appealed to the courts for relief would have spelled ruin to a great industry. The situation required immediate action. The law's delay would have been ruinous. The gentleman from Wisconsin [Mr. MORSE] intimates that the quantity of sulphur that is used in California in the process of drying fruit is deleterious to the public health.

I stated a while ago, when the gentleman from Illinois [Mr. MANN] made the remark that he had used California dried fruit for years, that he himself is a living example of the benefits of eating California dried fruit. [Laughter and applause.] He does not show any evidence of having been seriously affected by its use. And if the quantity of sulphur used was so large that the health of individuals would be endangered, instead of the demand for California dried fruit constantly increasing from year to year, the California fruit driers would not be able to sell their products. The gentleman also complains because the board has not rendered its decision regarding the use of sulphur. The gentleman has forgotten that the board has also been conducting experiments with other preservatives, and that it has rendered a number of highly important decisions. Although the Remsen Board has not yet rendered its decision in regard to the use of sulphur in drying fruit, we feel confident, from the standing and character of the gentlemen that compose the board, that they will render such a decision as will, at least, be respected by the fruit driers of California.

The CHAIRMAN. The time of the gentleman from California has expired.

Mr. FOSTER of Illinois. Mr. Chairman, I desire to detain the committee but a moment. This matter of pure food is, to my mind, of a great deal of importance to the people of the country. The questions of misbranding foods, Dr. Wiley, and the Remsen Board have been in the newspapers almost ever since the pure-food act was passed. I imagine that a good deal of the fight on Dr. Wiley and his methods, although not all of it, has been made by people who want to misbrand and put up adulterated food. I think this Congress could well afford to throw all the safeguards possible around this Bureau of Chemistry, so that the pure-food act may not be broken down. It is possible that one man ought not to have arbitrary power, because he might do a great deal of harm, and yet I want to remind you of this fact, that in all the decisions of Dr. Wiley they have been made, as he believes, on the side of the people, to give them purer food than they have ever had before.

I was somewhat amused when I thought of my friend from California complaining a good deal about the fruit of that great and enterprising State. The enterprising men that they send here to Congress are always ready on every occasion to stand up for the State and its great industries. I have seen their fruit being dried out there in the sun, as spoken of by my good friend [Mr. KAHN]. It gathers, I suppose, the dust and dirt that flies in the atmosphere; gathers the bugs that may, perchance, light upon that food in order to eat it and to lay their eggs, and then when the fruit is sufficiently dried by the sun it is taken into the houses and there it undergoes a process in order to kill the bugs and the germs and embalm them, so that they will keep. [Laughter.] And it is of great advantage to the people of this country that they may eat embalmed bugs instead of seeing the live bugs in order that they may avoid them. And so this great enterprising State and these enterprising, smart, shrewd Representatives that they send here to this Congress advocate the fruits that are prepared in the great State of California. We ought to all be thankful, and when I look at my good friend from Wisconsin [Mr. COOPER] I know that he feels thankful in his heart that the Remsen Board has not yet excluded the use of sulphur for embalming the fruits of California. [Laughter.]

And then they are not going to misbrand their drinks that come from that great State. We can look at the label and see where that good drink has been made, and know that it is pure and know that it is just right because it comes from the great State of California. And then it is said here that they will not mix up these oranges that come from the State of Florida with the oranges that come from the State of California. I have seen upon this floor many, many times such enterprise and such great zeal and enthusiasm for the products and the people of California that I can only admire what the Representatives of that State do here, and we can well see how that State has progressed. And in spite of the fact that it is so far from the East when one of our people get out there he never comes back, because they talk to him, and their enterprise and ways of doing things keep him there, and he is so far away that he can not get money enough to return to the East. California is a great State. It is to have two exhibitions held in it at one time. I tell you we ought to be thankful for the State of California and what it is doing for us. [Laughter and applause.]

The Clerk read as follows:

BUREAU OF SOILS.

Salaries, Bureau of Soils: One soil physicist, who shall be chief of bureau, $4,000; 1 chief clerk, $2,000; 1 executive assistant, $2,000; 3 clerks, class 4; 2 clerks, class 3; 3 clerks, class 2; 1 clerk, $1,200; 8 clerks, class 1; 4 clerks, at $1,000 each; 3 clerks, at $900 each; 1 soil cartographer, $1,800; 1 soil bibliographer, $1,400; 1 photographer, $1,200; 3 draftsmen, at $1,200 each; 1 draftsman, $1,000; 1 messenger, $840; 2 messengers, messenger boys, or laborers, at $480 each; 1 laborer, $600; 1 laborer, $300; 1 charwoman or laborer, $480; in all, $50,540.

Mr. FOSTER of Illinois. Mr. Chairman, I move to strike out this paragraph.

The CHAIRMAN. The Clerk will report the amendment.

Mr. FOSTER of Illinois. Rather I make, first, a point of order upon line 18, which shows the increase of $400.

Mr. LAMB. It is a mere transfer.

Mr. FOSTER of Illinois. Is not that an increase?

Mr. LAMB. No.

Mr. FOSTER of Illinois. I beg the gentleman's pardon. I move to strike out the paragraph.

Mr. Chairman, I do this for the purpose of testing this committee upon the question of the soil survey. Not that I am opposed to the soil survey nor the head of this work, for I have confidence in his ability and honesty of purpose, because if the committee should vote to strike out this paragraph I should like to insert a similar paragraph under the Bureau of Plant Industry. But I believe, and it has been so stated by Members and in former Congresses, that this Bureau of Soils ought to be by all means in the Bureau of Plant Industry. It has been stated that we have men who go out and make investigations of the soil. They issue beautiful maps of certain sections of the country. They show what those soils may contain or may not contain, and yet when that is over it is about all there is to it.

Mr. LAMB. This is for the physical work.

Mr. FOSTER of Illinois. I want to say this, that if we had this soil survey in connection with the Bureau of Plant Industry that this plant industry might go ahead when soil surveys have been made and illustrate what is lacking in the soil and what is necessary to put there to make the soil productive of certain crops. That is what ought to be done. And I believe it can not be done successfully and that it never will be done successfully until this matter of soil survey is placed with the Department of Plant Industry. I agree that the plant industry of the country is of great value. I fully agree that the soil survey of the country is of great value, but it can be made much more effective if the two were consolidated in one bureau. Yet as to this soil survey which is made by the National Government I do not believe, so far as the benefits are concerned, that we do derive the good that we ought to receive from the expenditure of this large amount of money, but not due to any fault of the bureau. In the State of Illinois I am glad to say that every county in that great State is being looked after in the soil survey and an analysis of the soil is made by our own State.

Mr. LAMB. I am glad to hear it.

Mr. FOSTER of Illinois. And I want to say this, that when that soil survey and analysis is made there is immediately instituted the plant-industry investigation, which goes to show what can be done with plants when the proper elements are put into that soil. We do not intend in our State to make soil surveys and then stop and do no more. We expect to go ahead and demonstrate to the people along with the soil survey what that soil will do when the proper elements are placed in it and the best way to do it. I believe that if this soil survey was put into the Bureau of Plant Industry we would get much more benefit from it than we are now receiving.

Mr. RAKER. Mr. Chairman, will the gentleman yield there for a question? His time has not expired.

The CHAIRMAN. Does the gentleman from Illinois yield to the gentleman from California?

Mr. FOSTER of Illinois. Certainly.

Mr. RAKER. Does not the soil survey now make analyses of the soil and determine what plants are best adapted to the soil?

Mr. FOSTER of Illinois. Yes; to some extent, I suppose; but there is no one to come along afterwards and make the demonstration of what can be done. They do not make these chemical analyses in such a way that the people may get the greatest good out of it.

Mr. RAKER. I understood they are making these chemical analyses and determining what is best to put on the land. I am

sending hundreds of these reports to the State of California to show what can be raised on particular tracts of land.

Mr. FOSTER of Illinois. For chemical investigations we appropriate $18,135, which is insufficient to do the work in a proper manner.

Mr. RAKER. I agree with the gentleman in his opinion. I thought they were doing that now.

The CHAIRMAN. The pending motion is the amendment of the gentleman from Illinois [Mr. FOSTER] to strike out the paragraph.

The question was taken, and the amendment was rejected.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

For physical investigations of the important properties of soil which determine productivity, such as moisture relations, aeration, heat conductivity, texture, and other physical investigations of the various soil classes and soil types, $11,265.

Mr. MANN. Mr. Chairman, I reserve the point of order on that paragraph.

The CHAIRMAN. The gentleman from Illinois reserves a point of order.

Mr. MANN. What is the theory, may I ask, in changing the bill with reference to these soil items? You carried last year for the investigation of the relation of soils to climate and organic life and of the texture and composition of soils in the field and laboratory $51,600. You have segregated, I suppose, that item into three or four items. What is the purpose of that?

Mr. LAMB. That has been done. The gentleman is correct in that. The chief of the bureau states that three years ago the direction of the committee to them was that they wanted their appropriation separated in a number of items; that is, they wanted a number of items in the lump fund instead of a relatively large amount for general purposes, so that the bureau would know exactly what it should do under the law as to each of these objects. There is no purpose of changing the character of the work, but merely to give the bureau more specific authority for the work. The additional language that appears is merely for that purpose, inasmuch as nothing is being attempted that is not being done at the present time.

Mr. MANN. Have they been interfered with under the existing law?

Mr. LAMB. No. The committee asked them to segregate these items.

Mr. MANN. I did not think it was the committee. How was this estimated?

Mr. LAMB. It was estimated by the department, of course. They recommended that it be divided up.

Mr. MANN. Was it estimated separately, or was it not?

Mr. LAMB. I do not think it was.

Mr. MANN. You say the committee did it. Here was a general provision for an investigation of the relation of soils to climate and organic life and of the texture and composition of soils in the field and laboratory. The gentleman says they did not intimate that they wanted to change the work, and that they have not been interfered with under that provision. Everyone knows, however, that when you go to particularizing either one of two things happens. Either there is a restriction of authority or else an extension of it. Here you do not restrict their authority, and what I want to know is in what way you propose to extend it.

Mr. LEVER. The item of $51,600 contained in the bill last year for the investigation of the relation of soils to climate and organic life and the texture and composition of soils in the field and laboratory has been divided up as follows—divided up not by the committee, but by the bureau itself, through the Secretary of Agriculture—into three items, which, if the gentleman desires, I will read.

Mr. MANN. Oh, the items are in the bill. What is the purpose of putting all this in here—soil composition and soil minerals, the soil solution, solubility of soil, and all chemical properties of soils in their relation to soil formation, soil texture, and soil productivity, and so forth, such as is given below—the determination of the soil's productivity, such as moisture relations, aeration, heat conductivity, texture, and other physical investigations of the various soil classes and soil types? Now, if that was not included in the original language, why is it proposed to be inserted in the bill? And if it was in the original language, what is the purpose of particularizing here, so that they may run up against a decision of the comptroller pretty soon?

Mr. LEVER. Let me suggest to the gentleman from Illinois that he remembers the time when the agricultural appropriation bill was very severely criticized on the floor of the House for the reason that it did not provide for the breaking up of the lump-sum appropriations in the bill.

Mr. MANN. I recollect that, and I recollect I helped to criticize it myself. If the gentleman can explain what these different items mean, segregated, very well. I understood what the original item meant. I do not understand what this means.

Mr. LEVER. The gentleman will see that these segregated items mean no less and no more than the original language, except that they are broken up into specific projects so that the committee and the House hereafter may know exactly how much money is being expended upon each of the projects; so that we may be informed as to whether or not we desire to continue the expenditures along the lines suggested in the segregation of these amounts.

Mr. MANN. As a matter of fact, no one on earth can tell or differentiate between the work that can be done in the first two paragraphs that the gentleman refers to. One includes soil productivity; the other is for the physical investigation of the soil, which determines soil productivity. What is the difference between determining soil productivity and investigations in regard to the soil, which determines soil productivity? If anybody can find the difference between those, I will give him a new hat. [Laughter.]

Mr. LEVER. The first is an investigation of soil composition and soil minerals and soil solution and all chemical properties of soil in relation to soil formation.

Mr. TILSON. Is not this the distinction: The first is treated chemically and the second by physical investigations?

Mr. LEVER. Exactly. I was about to say that.

Mr. LAMB. One is chemical and the other is physical.

Mr. MANN. That may be.

Mr. LAMB. We give them no more money. If they choose to divide it up between chemical and physical investigations, we have no objection.

Mr. MANN. I have been around long enough to know that when these things are divided up by the department it is done either to get more jurisdiction or else it is through a mistake on the part of some clerk, who sooner or later will find that he is up against a decision of the comptroller for being too particular.

Mr. LAMB. Possibly there may be some ulterior motive in dividing this work up. I do not think so. We understand that these investigations are to be divided into chemical and physical investigations. We are not going to give them any more money.

Mr. MANN. The gentleman is concerned only about how much money we give them.

Mr. LAMB. I fail to see any harm in what they are trying to do. The physical examinations must be followed up by chemical examinations in order to reach results.

Mr. MANN. Now, while the gentleman is on his feet, I would like to ask him another question: Last year we inserted in the bill on the floor an item in relation to the supply of potash, and so forth. Is that proposed to be carried on by the item on page 54, under the head of fertilizer investigations?

Mr. LAMB. Yes.

Mr. MANN. Here it is mixed up with another item in reference to farm manures. I am decidedly opposed to that. I ask, Why should we not have that item by itself? The gentleman is talking about segregating. Instead of segregating he lumps two matters together, where nobody knows what they will be expended for. I withdraw the point of order.

The CHAIRMAN. The gentleman withdraws the point of order. The Clerk will read.

The Clerk read as follows:

For fertilizer investigations into the natural and artificial sources of supply of fertilizer material and methods of handling fertilizers and farm manures, $25,000, of which sum $10,000 shall be immediately available.

Mr. FITZGERALD. I reserve a point of order on that.

The CHAIRMAN. The gentleman from New York reserves the point of order.

Mr. MANN. May I ask the gentleman whether this is intended to cover the investigation of the sources of potash?

Mr. LAMB. Yes; that is true.

Mr. MANN. How much of it is for that purpose, and how much is for the investigation of the methods of handling farm manures? What relation is there between investigating the possible natural sources of potash supply in this country and the investigation of farm manures and the handling of farm manures? I can not imagine any two things wider apart.

Mr. FITZGERALD. The gentleman from Illinois is not an up-to-date scientist. [Laughter.]

Mr. LAMB. This is an increase of $12,500, of which sum $10,000 is to be made immediately available, and is for the purpose of continuing fertilizer investigations and methods of handling fertilizers and farm manures. Last year Congress gave an appropriation of $12,500 and directed the bureau to search the country for possible sources of supply of potash and

nitrates, and that work has been prosecuted very vigorously, and the bureau has achieved rather phenomenal success. It has searched the desert basins for possible surface deposits of potash and of nitrates, and has made an investigation of the mines and salt deposits in the salt wells and salt mines of the country. It has investigated the possibilities of obtaining supplies of potash from the sea kelp, especially on the Pacific coast, where it has been found that they are far richer in potash than on the Atlantic coast or in most other localities the bureau knows of in the world.

The following remarks by Dr. Cameron made before the committee give the result of this work in detail:

The authority granted the bureau in the wording of the appropriation was very broad, and it has interpreted it in that spirit, and has made an investigation of the three general classes of fertilizers, their sources of supply, and, to a certain extent, into the manipulation of this material to put it in form for the farmers and for use on the soil and with plants. The bureau has carried on investigations into phosphates, especially in Kentucky and Arkansas and Tennessee, following up work which they had done previously in Florida and in the western areas. The bureau has somewhat extended the area of available fields of phosphate, has investigated the cost of production and the cost of manipulation in the factory, and all of these data are included in the report which has just been completed. The bureau has also carried on investigations in regard to nitrogenous fertilizers, especially ammonium sulphate. We are coking enough coal in this country to produce something like 650,000 tons, roughly speaking, of ammonium sulphate, but we are actually producing about 35,000 tons, the rest of the ammonia being thrown away at present, and we are importing about 104,000 tons, especially from England and Belgium. Heretofore they have thrown it all away, but during the last few years they have been putting in the modern by-product oven, in contrast to the old beehive oven, and they are making ammonium sulphate.

That is what we had from the hearings, and I have read it here so as to give it to you, multum in parvo.

Mr. MANN. Do I understand that the appropriation we made last year for the investigation of possible sources of potash in this country has been diverted to these other purposes?

Mr. LAMB. No; not entirely.

Mr. MANN. What have they been making these investigations under? Not under this item.

Mr. LEVER. Let me say to the gentleman from Illinois [Mr. MANN] that the language of the item carried in last year's bill was—

For exploration and investigation within the United States to determine the possible sources of supply of potash, nitrates, and other natural fertilizers.

Mr. MANN. I understand. That does not include the manufacture of any form of ammonia from coking.

Mr. LEVER. I will say to my friend that the language of this item carried in the bill this year does not provide for that, in my judgment.

Mr. MANN. That was what the chairman read, to show how important it was. Now, last year we were confronted with this situation: Germany is the source of supply of our potash. We were dependent upon Germany for our supply of the potash which is necessary in the manufacture of fertilizers. The German Government at that time was holding up some contracts which some of our people had been able to slip in and get, one night between 12 o'clock and 10 minutes after 12, when the syndicate for that length of time was broken up. We undertook then to find whether we could discover potash supplies in this country. We put one item in the agricultural bill and one in the sundry civil bill. Mr. Tawney, chairman of the subcommittee on the sundry civil bill, made a point of order on the amendment. I was in the chair on that bill, and I asked Mr. Tawney to withdraw his point of order, because, if we could discover a supply of potash in this country which would render us free from the tribute that the rest of the world has to pay to Germany for its supply of natural potash, it would be the greatest discovery that could happen to this country for the benefit of the farming community. We put that item in last year, and apparently the purpose is to divert it to something else.

Mr. LAMB. No; I think the gentleman is mistaken.

Mr. MANN. But we had in mind the discovery of a natural supply of potash. Have they used it for something else?

Mr. LAMB. The language that has been stricken out contained the words "natural fertilizers," and in place of that we put farm manures.

Mr. MANN. We put that wording in because there might be a question as to just what the investigation was to be in the study and effort to discover natural potash. They have made an investigation on the Pacific coast of a certain kind of sea kelp, claiming that that furnishes a supply of potash. That would cover any other natural fertilizers in connection with it, but the appropriation was put there for that purpose and that purpose solely, and I do not believe the department has expended it for these other things.

Mr. LEVER. Mr. Chairman, the gentleman from Illinois [Mr. MANN] is entirely correct, not only in his recital of the history for the reason for the insertion of this paragraph in the appropriation bill, but also in his understanding of the purposes for which this appropriation was to be used. As far as I am concerned, I see absolutely no objection to amending this item so as to meet the view of the gentleman from Illinois, and I would suggest this to him as an amendment to the present language:

For exploration and investigation within the United States to determine a possible source of supply of potash, nitrate, and other natural fertilizers, $25,000, of which sum $10,000 shall be immediately available.

In connection with that I desire to say that my understanding is that none of the appropriation here asked for is to be used at all in carrying out the authority given under the words "and methods of natural fertilizers and farm manures." The purpose of the increase in the appropriation is to enable the department to extend its work in trying to discover potash deposits in this country, and in connection with that I desire to say that the department has made wonderful progress in this direction and believes that it has discovered on the Pacific coast a source of potash supply that will absolutely give to this country all of the potash it needs, and a very great deal more than it needs, and that it can be manufactured and paid for with the by-product that comes from these kelp beds, as I believe they are called. I feel a good deal of personal pride in this proposition, because it was my amendment that authorized the investigation, and the results of the investigation have been so great that it has induced the President of the United States to send the Congress a special message commending the Department of Agriculture for its splendid work.

Mr. Chairman, I would like to ask the gentleman from New York if he insists upon the point of order?

Mr. FITZGERALD. Mr. Chairman, I want to know the reason that induced the Committee on Agriculture to report a deficiency appropriation in this bill—in this item.

Mr. LEVER. We have not done that.

Mr. MANN. Oh, yes; the $10,000 to be immediately available would make it a deficiency appropriation.

Mr. LEVER. Yes; if the gentleman desires to call that a deficiency.

Mr. FITZGERALD. Mr. Chairman, if the department has expended all the funds appropriated for this year and needs additional funds, it should do as the law requires—submit an estimate for an investigation to determine whether it is necessary.

Mr. MANN. This item went into the bill last year as the gentleman now wishes to offer it from the floor and not from the department, to make these investigations concerning any natural supply of potash. I think the appropriation is not entirely exhausted, and the department is quite content to proceed, as far as it is concerned, with the money that is on hand. On the other hand, if we can discover—and it looks as though we would be able to discover—a source of potash supply in this country it is worth millions of dollars to our people both in the way of obtaining potash cheaper and obtaining the supply at home.

Mr. LEVER. And of breaking the monopoly.

Mr. MANN. Mr. Chairman, we all know that the German syndicate absolutely controls the price of potash. It completely controls the mines. We talk about trusts here, but that is an absolute syndicate over there, controlled entirely, and when it broke up for a few minutes and they got contracts, as I narrated before, the Government over there promptly put an export tax on any potash that was exported under these contracts, and they were required to go with the combination. If we can discover this, it will be of great value, and they can use this money. That is all there is to it.

Mr. FITZGERALD. Oh, yes; they could use twice as much.

Mr. MANN. I mean they could use it profitably and beneficially.

Mr. FITZGERALD. Let me say this: The gentleman has told one side of the story. It is apparent that this appropriation was made without being estimated for by the department, because this bill never carries an appropriation for any service in the Agricultural Department that is not more than sufficient for the service during the fiscal year. An examination of the unexpended balance in these appropriations shows that Congress is more than lavish, and even this department can not spend the appropriations that are made.

Mr. MANN. It shows that it is expended economically. The gentleman ought to give the department credit for that.

Mr. FITZGERALD. No. This department would render more efficient service if it had from two to three million dollars less money than it has got now.

Mr. LAMB. Where would the gentleman start to cut?

Mr. FITZGERALD. I would cut the force here in Washington.

Mr. MANN. The gentleman, of course, represents a city district like myself.

Mr. FITZGERALD. And we are scientific agriculturists. [Laughter.]

Mr. MANN. I am. I do not know that the gentleman is.

Mr. FITZGERALD. You can not walk through the offices up here in this department. The people are so crowded that they are in one another's way. They have three or four men watching one blade of grass grow, whereas if they had one man to watch half a dozen blades of grass grow it would thrive much better.

Mr. MANN. I do not know about that. I do know this: They have not only made two blades of grass grow where one grew before, but they have made many blades of grass grow where none grew before.

Mr. FITZGERALD. That might be true, but they could do it with a lot less people. The law is quite clear. If this department needs additional money for this fiscal year in this service, it should submit an estimate in conformity with the law for a deficiency appropriation. If these appropriations were not made so large in this bill, and this department was required occasionally to make a request for appropriations to supply deficiencies when they legitimately exist, we would be able to reach some of the unnecessary places in the department and effect considerable reform.

Mr. LAMB. Mr. Chairman, this is the lowest appropriation that has been made for several years.

Mr. FITZGERALD. It is the only appropriation that has ever been made for this service. Only one appropriation has been made for this work. Last year there was an appropriation of $12,500, of which $2,500 was made immediately available, for the balance of that fiscal year. They had $10,000 for this fiscal year. Now it appears that they need $15,000 for next year, and they would like to have $10,000 for the balance of this year. I do not know what the prospects of final action on the agricultural bill are; but judging from some things that men who have been here for some time can judge by, in connection with appropriation bills, it does not appear that many appropriation bills are likely to become law until just about the termination of this fiscal year. Whether this is an important work or not, there is something else just as important, and that is to have the Department of Agriculture just occasionally—just for a change, just to have it keep informed of the law, that such laws do exist—transmit some estimates in compliance with the law. As far as I am concerned, I shall do my best to prevent deficiency appropriations being carried in the agricultural appropriation bill.

Mr. LEVER. Mr. Chairman, will the gentleman yield for a moment?

Mr. FITZGERALD. Certainly.

Mr. LEVER. I am informed by officials of the department that the $10,000 asked to be made immediately available is to be used in mapping the kelp beds of the Pacific coast, in order that they may indicate to private individuals the location of the most productive and workable ones that have been discovered under the investigations carried in this item; and I want to say to my friend from New York that he can not realize the importance, I am afraid, coming from a city district, of discovering some valuable source of potash control in this country by the American people.

Mr. FITZGERALD. Mr. Chairman, let me suggest to the gentleman from South Carolina that the mere fact that people live in a city does not make them so absolutely dense that they are unable to appreciate anything whatever relating to the agriculture of the country. Some of the greatest agriculturists in our country live in the great cities.

Mr. LEVER. The gentleman from New York does not know the difference between oats and wheat until they get in the head, and I dare him to deny it.

Mr. FITZGERALD. Perhaps I have sown as many of both as has the gentleman from South Carolina.

Mr. LEVER. Yes; but the gentleman has sown them when they had been gathered. [Laughter.]

Mr. FITZGERALD. I have seen more grown than the gentleman has in his State.

Mr. LEVER. Mr. Chairman, I ask for a ruling on the point of order.

The CHAIRMAN. The Chair will ask the gentleman from New York to state the point of order.

Mr. FITZGERALD. Mr. Chairman, it is a deficiency appropriation, and the Committee on Agriculture has no jurisdiction over deficiency appropriations. It makes a part of the appropriation immediately available. If the Chair is in doubt there are a number of rulings to which I can refer the Chair.

The CHAIRMAN. If the gentleman makes the point of order to the entire paragraph the point of order to the entire paragraph must be sustained.

Mr. LEVER. Mr. Chairman, I think there is no doubt about the point of order lying against this proposition. I propose to offer an amendment to take care of the proposition as follows, to amend by inserting as a new paragraph:

For exploration and investigation within the United States, to determine a possible source of supply of potash, nitrates, and other natural fertilizers, $25,000.

The CHAIRMAN. The Clerk will report the amendment. The paragraph is stricken out on a point of order.

Mr. LEVER. I understand that, Mr. Chairman, but I am offering this proposition as a separate paragraph.

The CHAIRMAN. The Clerk will report the amendment if the gentleman will send it to the desk.

The Clerk read as follows:

For exploration and investigation within the United States, to determine a possible source of supply of potash, nitrates, and other natural fertilizers, $25,000.

The CHAIRMAN. The question is on the amendment offered by the gentleman from South Carolina [Mr. LEVER].

The question was taken, and the amendment was agreed to.

The Clerk read as follows:

For the investigation of soils and for indicating upon maps and plats, by coloring or otherwise, the results of such investigations, $155,000.

Mr. TALCOTT of New York. Mr. Chairman, I offer the following amendment.

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Page 54, line 13, strike out the words "one hundred and fifty-five thousand" and insert the words "one hundred and sixty-five thousand."

The CHAIRMAN. The question is on agreeing to the amendment offered by the gentleman from New York [Mr. TALCOTT].

The question was taken, and the amendment was agreed to.

Mr. TILSON. Mr. Chairman, I move to strike out the last word for the purpose of asking the gentleman in charge of the bill why the proviso which was included in the act of last year, "*Provided*, That no more than 10 per cent of this sum should be expended in any one State," was left out of the present bill?

Mr. LAMB. That is in the permanent law.

Mr. TILSON. It is not permanent law in the proviso as carried last year.

Mr. LAMB. The provision in last year's bill, "That not more than 10 per cent of this sum shall be expended in any one State," has also been omitted at the request of the chief of bureau.

The demand for soil-survey work is growing rapidly and is becoming more insistent. The demand comes from State legislatures which are appropriating, or propose to appropriate, money to cooperate with and support the soil surveys through various State agencies; from Federal bureaus which require soil surveys as a basis for the best prosecution of their own projects; and from municipal organizations, boards of trade, and prominent citizens in different parts of the country. Approximately $45,000 of the present appropriation is spent annually in reconnoissance surveys, mainly in the Great Plains region, and of the remaining $100,000 for detailed surveys approximately $55,000 is spent in cooperative States, leaving a balance of $45,000 for the remaining 36 States and Territories. It is considered that $10,000 additional should be appropriated for the small distribution of surveys outside of those States.

Mr. TILSON. My question was why the limitation was removed.

Mr. LAMB. I have given you the reason. It was because the bureau asked for it, and I gave you the reason why they asked for it.

Mr. TILSON. It is their purpose, if one State is willing to cooperate to a greater extent than another, to expend more than 10 per cent in one State?

Mr. LAMB. Yes.

The Clerk read as follows:

For general administrative expenses connected with the abovementioned lines of investigation, $4,280.

Mr. FITZGERALD. Mr. Chairman, I move to strike out the paragraph.

On page 53, beginning "General expenses, Bureau of Soils," the language of the bill is as follows:

General expenses, Bureau of Soils: For all necessary expenses connected with the investigation and experiments hereinafter authorized, including the employment of investigators, local and special agents, assistants, experts, clerks, draftsmen, and labor in the city of Wash-

ington and elsewhere; official traveling expenses, materials, tools, instruments, apparatus, repairs to apparatus, chemicals, furniture, office fixtures, stationery, gas, electric current, telegraph and telephone service, express and freight charges, rent outside of the District of Columbia, and for all other necessary supplies and expenses, as follows:

Then there are five or six paragraphs, authorizing certain lines of investigation and appropriating money for the purpose. And out of each one of the specific appropriations can be paid expenses of the character which I have read. The total appropriations of these various paragraphs is $236,600.

It can not be possible that any line of expenditure could have been overlooked in the language incorporated on page 53. This is what is sometimes referred to in some of the departments as a "slush fund."

Mr. LAMB. There is no "slush fund" in this bill.

Mr. FITZGERALD. I am going to define what they call it in the departments.

They have every conceivable authority for the expenditure of money out of the specific appropriations. Lest perchance the ingenuity of man has overlooked something, they put in a little additional appropriation, so that by any possibility they might not be hampered in expenditures.

Mr. LEVER. The gentleman will recognize and admit that this language has been in the bill ever since the committee adopted the plan of dividing up and segregating these various lump-sum appropriations?

Mr. FITZGERALD. This particular paragraph has been. But it is made available for the same purposes as the specific appropriations enumerate.

Mr. LEVER. The language that the gentleman read a moment ago has not been changed in the bill at all. It has been carried from year to year.

Mr. FITZGERALD. Oh, yes; there is much additional. "Telegraph and telephone service, express and freight charges, rent outside of the District of Columbia, and for all other necessary supplies and expenses," and that which follows, are in the bill for the first time, and make each of these specific appropriations available for every conceivable expense in the conduct of the investigation.

By the incorporation of the language on page 53, to which I have called attention, all of the $236,000 appropriated for these investigations is made available for general administrative purposes.

Mr. LEVER. This is the suggestion, as the gentleman must see by reading the segregated items as they appear following the general-expense items. For chemical investigation of the soil, for instance, so many dollars; for physical investigation of the important properties of the soil, so many dollars; for soil-fertility investigation, so many dollars; for investigation with reference to the potash supply, so many dollars; investigation of soils and for indicating upon maps and plats, by coloring or otherwise, so many dollars.

And then following that:

For general administrative expenses connected with the above-mentioned lines of investigations, $4,280.

These other little things that must necessarily come up in the administration of these other items are carried in this item by direction of this Congress by reason of the suggestions the committee received upon the floor of the House several years ago, as the gentleman will remember.

Mr. FITZGERALD. Does it not seem apparent to the gentleman from the way in which this bill is now prepared that out of this item for soil types, amounting to $18,135, there can be paid in connection with such investigations every conceivable form of service enumerated in that first language?

Mr. LEVER. That is very true perhaps; and yet, for administrative purposes, and in order that the Congress may be informed exactly as to how this money is being expended, all of these expenses for administrative purposes have been combined and united into one item, which we think is good economy and good administration.

Mr. FITZGERALD. It would be if none of these other appropriations could be expended for that purpose.

Mr. LAMB. Let me say to the gentleman right there that each one of these accounts is set off by the accountant of the department. He keeps a debit and credit account of the expenditures under each of these items, and he will give a voucher for the expenditures.

Mr. FITZGERALD. That is not the point I am making.

Mr. LAMB. I mention that to show that there will be no "slush fund" about this.

Mr. FITZGERALD. Well, it is.

Mr. LEVER. Is it true that the gentleman argues, as, for instance, in this first item for chemical investigation of soil types, soil composition, and so on, there can be paid any amount for expenses such as is carried in this item to which he makes objection?

In other words, what I mean to bring out is this, that in the items to which the gentleman refers—for the chemical investigation of soil types—the language of the law requires that this appropriation shall be used for this particular purpose. Now, then, on the other proposition the amount of $4,000, or whatever it is, must be used for administrative expenses, which can not be paid, under the very language used in the bill, from the items preceding that.

Mr. FITZGERALD. After they have paid the general administrative expenses of the Bureau of Soils connected with the specific investigations they are authorized to make there are no general administrative expenses. That will be very readily discovered.

Mr. LAMB. There are little items that will have to be paid with this amount of $4,000.

Mr. FITZGERALD. What are they?

Mr. LAMB. The gentleman from South Carolina mentioned them just now.

Mr. LEVER. Items of telephones, and lights, and many little things.

Mr. FITZGERALD. They may all be paid out of these other items.

Mr. LEVER. That may be, but the committee has no information upon that point and no testimony to that effect.

Mr. LAMB. The vouchers will show.

Mr. FITZGERALD. Of course the vouchers must show in order to be charged up against these appropriations; but this provision has already made available the appropriations for those services and for expenses.

Mr. LAMB. If the money is not used, it will be turned back into the Treasury.

Mr. FITZGERALD. That is no excuse. On that theory you could appropriate a million dollars—on the theory that if they did not use any more than $4,000 the remainder would be turned back into the Treasury.

Mr. LEVER. This discussion all shows how poorly a lot of ordinary farmers like the chairman and myself are fitted to cope with the shrewd Irish wit of the gentleman from Brooklyn. [Laughter.]

Mr. FITZGERALD. I assumed that the gentleman in using this language had inadvertently continued this particular paragraph in the bill.

Mr. FOWLER. Not as much is appropriated this year as was appropriated last year for administrative expenses.

Mr. HAWLEY. May I say to the gentleman from New York that all these items for investigations are intended for purely scientific work?

Mr. FITZGERALD. What is purely scientific work? In such investigations there will be incurred traveling expenses and electric-light service and telegrams and other matters. All is not paid in salaries to these experts.

Mr. LAMB. Mr. Chairman, let me ask the gentleman what he would substitute for the term "general expenses"? What would the gentleman suggest?

Mr. FITZGERALD. My own opinion is that the gentleman should either strike it out or put in a provision to the effect that these other items should not be available for these services and charges.

Mr. LAMB. The gentleman does not make a point of order against it.

Mr. FITZGERALD. Oh, I can not make a point of order against it. I have moved to strike it out.

The CHAIRMAN. The pending amendment is the amendment offered by the gentleman from New York [Mr. FITZGERALD]. The question is on agreeing to that amendment.

The question was taken, and the amendment was rejected.

Mr. CULLOP. Mr. Chairman, I would like to ask the chairman of the committee a question, and for that purpose I move to strike out the last word. Under the provisions of this act, how are these investigations conducted?

Mr. LAMB. I did not catch the gentleman's question.

Mr. CULLOP. I say, in the various investigations provided for here, how are they conducted? Are they conducted by men going out from the department here or through the several agricultural colleges of the different States?

Mr. LAMB. The soil surveys are made by soil parties, who go out into the various States and make these physical surveys.

Mr. CULLOP. Do they go out from the department here in Washington?

Mr. LAMB. Yes.

Mr. CULLOP. Then, Mr. Chairman, I wish to offer the following amendment as a new paragraph.

The CHAIRMAN. The Clerk will report the amendment offered by the gentleman from Indiana [Mr. CULLOP].

The Clerk read as follows:

That under the several amounts appropriated for the various investigations named for the Bureau of Soils the same shall be conducted by the agricultural colleges of the several States, which work shall be performed in each State under the direction of the agricultural college of such State.

Mr. LAMB. I make the point of order against that.

Mr. CULLOP. I would like the gentleman to reserve it for a moment.

Mr. LAMB. Oh, there is no use in discussing a matter of that kind, my friend. [Laughter.]

Mr. CULLOP. I think there is, when you are expending the people's money in this way.

Mr. LAMB. I can not see it. The gentleman knows as well as anybody that his amendment is subject to a point of order. If the gentleman were in the chair and were called upon to rule on the question he would laugh. [Laughter.]

The CHAIRMAN. The Chair is ready to rule. The point of order is sustained. The Clerk will read.

The Clerk read as follows:

For investigations of insects affecting southern field crops, including the cotton boll weevil and other insects injurious to cotton, insects affecting tobacco, rice, and sugar cane, the Argentine ant, and life-history studies of ticks, $35,000.

Mr. WICKLIFFE. Mr. Chairman, I desire to offer an amendment.

The CHAIRMAN. The gentleman from Louisiana [Mr. WICKLIFFE] offers an amendment, which the Clerk will report.

The Clerk read as follows:

On page 56, line 19, strike out the words "thirty-five thousand dollars" and insert the words "forty-seven thousand one hundred and sixty dollars."

Mr. WICKLIFFE. Mr. Chairman, the object of this amendment is to make the appropriation the same as it was in the preceding bill and to carry the amount that the Department of Agriculture thought was necessary for this work. The decrease contained in the present measure below the amount of the former law amounts to $12,160, so that the adoption of this amendment means only the addition of that amount.

Mr. HAWLEY. Mr. Chairman, will the gentleman yield?

The CHAIRMAN. Does the gentleman from Louisiana yield to the gentleman from Oregon?

Mr. WICKLIFFE. Certainly.

Mr. HAWLEY. Was any part of this $12,160 reduction due to the transfer of money to the lump sum?

Mr. WICKLIFFE. No; it was reduced simply and solely in the interests of economy.

Now, Mr. Chairman, this money is actually needed in this work. The Bureau of Entomology is doing a great work in the elimination of the cotton-boll weevil. The main object I have in offering the amendment is on behalf of that work with reference to the boll weevil. Unless this amendment is adopted I am reliably informed that the work that is outlined for the coming year can not be carried on as intended.

Those who are interested in the matter of the elimination of the cotton-boll weevil should be greatly interested in this amendment, because the Bureau of Entomology studies the life history of the boll weevil, the scientific end of the subject, the habits of the insect, and so forth. It is true that the Bureau of Plant Industry carries the main appropriation with reference to this matter, to wit, the demonstration work in the field. But in order that the House may clearly understand the difference, I might state that the Bureau of Entomology, the appropriations for which we are now considering, studies the scientific end of the matter with relation to the insect, its life and habits and history, and so forth; also the parasites which may be of benefit in exterminating it; and that bureau carries on these experiments not only in Washington but also in the field, as it were, studying the weevil and its habits at close range.

It gives the benefit of that study to the Bureau of Plant Industry, and the Bureau of Plant Industry in turn demonstrates the practical side of the matter by giving it to the farmer in a practical way. Therefore, I submit that this is one of the most important appropriations, so far as the cotton section of our country is concerned, and I ask every Member of the House who is interested in the matter of cotton culture to give his favorable consideration to this item.

Mr. LAMB. Mr. Chairman, I simply want to say that the committee felt there ought to be a reduction along these lines of investigation in the experimental part of this boll-weevil business, because there must be some point where these investigations will end, and they thought that to cut this item $12,000 would not cripple the department in its warfare against the boll weevil and the ticks. I do not know how much goes to the boll weevil or how much to the ticks, but I will say that we had on our economy caps and were making reductions as far as we could, and we reduced this amount, thinking the investigation had proceeded to a point where we could retrench a little.

Mr. MANN. What kind of ticks do they study?

Mr. LAMB. They study the life history of the ticks.

Mr. MANN. Is this the cattle tick?

Mr. LAMB. Yes.

Mr. MANN. Can the gentleman tell us how much of this appropriation is devoted to that study?

Mr. LAMB. I am very happy to be able to give the gentleman detailed information as to the exact amounts which have been devoted to these various subjects:

Boll-weevil investigations	$23,000
Tick life history investigations and study of transmission of pellagra	7,167
Tobacco-insect investigations in Tennessee, Kentucky and Virginia	7,000
Sugar-cane insect investigations and the investigation of the Argentine ant	5,000
Cotton red spider in South Carolina	2,500
Rice-insect investigations in Louisiana and Texas	2,500
Total	47,167

Mr. MANN. Where does the tick come in?

Mr. FOWLER. That was the second item.

Mr. LAMB. I read that—

Tick life history investigations and study of transmission of pellagra, $7,167.

Mr. MANN. Does that refer to the tick that causes Texas fever in cattle?

Mr. LAMB. Yes.

Mr. MANN. The life history of that tick is as well known as the life history of anything that can be imagined, and the Bureau of Animal Industry is expending large sums of money in driving that tick out of existence, all over the South, by taking a locality where they dip the cattle for the tick, or use some other methods of getting rid of the tick, and quarantining, until they have gotten rid of the tick in large portions of the South. Do I understand that this bureau is now engaged in studying the life history of this tick?

Mr. LEVER. Yes.

Mr. LAMB. The other bureau to which the gentleman referred is engaged in the warfare against the tick by quarantining, and this is for the study of the life history of the tick.

Mr. MANN. They discovered enough about the life history of this tick long ago to find out how to get rid of it by the methods they use, and they have found out that the only way really to get rid of it is to end its existence.

Mr. LEVER. The gentleman and I are rather together on this proposition——

Mr. MANN. It is perfectly silly to go ahead with this study.

Mr. LEVER. Except that I think he is wrong in his premises, and I am right in mine.

Mr. MANN. I freely concede that the gentleman may be right, but what are the gentleman's premises?

Mr. LEVER. In the first place, the study of the life history of the tick is a rather important proposition, and we never can reach the end of the study of the life history of any proposition.

Mr. MANN. We can if we can reach an end of the thing itself. We are now engaged in trying to end the tick.

Mr. LEVER. Because as the tick changes his habitat necessarily his life history changes.

Mr. MANN. Oh, no.

Mr. LEVER. Not only that, but we are making strenuous efforts to find some new parasite which will eradicate this tick without the enormous expenditure of a couple of hundred thousand dollars a year by the department.

Mr. MANN. We might as well try to put out a fire in the regions below. The life of the tick ends when it comes north, and then its life history ceases. They have discovered enough about it to know that the only way to get rid of it is to quarantine a locality and kill off the ticks in that locality.

Mr. LEVER. That is the only remedy so far found.

Mr. MANN. We will be rid of the ticks before they learn any other way.

Mr. LEVER. Science never stops progressing, as the gentleman knows.

Mr. MANN. They have been studying this subject ever since I was a boy. There is nothing remarkable about the Texas fever. The ticks are as thick as the leaves on the trees, and their life history is perfectly well known, and they know that the only way to dispose of them is to put something on the cattle that have them, to kill the ticks, and then to prevent tick-infested cattle from coming in from some other place.

Mr. LEVER. It is admitted that this is the only remedy now known by which they can be put out of business.

Mr. MANN. They have been put out of business in a large share of the South, I am glad to say.

Mr. BYRNS of Tennessee. Mr. Chairman, I do not intend to detain the committee more than a moment. I hope this amendment will be adopted. In my judgment, there is no appropriation in this bill which will do the farmers of the South more good than this one, taking into consideration the small amount allowed. I think I speak with some degree of accuracy, because I have personal knowledge of some of the benefits derived from this appropriation. For two or three years a portion of the appropriation has been used in what is known as the Clarksville and Hopkinsville tobacco district for the purpose of investigating injurious tobacco insects.

The two principal insects which injure tobacco are the flea beetle and the hornworm. In 1907 there was an unprecedented outbreak of the flea beetle in the Clarksville and Hopkinsville tobacco district, and it is estimated that the tobacco farmers in the Clarksville and Hopkinsville district suffered a loss of $2,000,000 in that year from the outbreak of the flea beetle. As a result of investigations that have been made in that district in the vicinity of the city of Clarksville for the last two or three years it is thought a new remedy has been found which will prevent any such outbreak in the future.

The particular work in that district has been with reference to the hornworm. This worm often becomes so numerous during the season that at times the farmers are unable to secure labor with which to "hand worm" their tobacco, and it has been necessary in the past to use Paris green. As you know, Paris green frequently burns the tobacco leaves, and the department has been making an investigation for the past three years for the purpose of discovering some other insecticide which would take the place of Paris green. It has discovered that a certain quality of arsenate of lead will serve the purpose and prove a very cheap and efficient remedy. They are now in a position where they must do some demonstration work, because the arsenate of lead requires some skill in administering it, and if this appropriation is cut off I understand that possibly they will not be able to do the necessary demonstration work in that particular district, and the results of these investigations which have been made for the last two or three years will be lost to the farmers, losing to the people thousands of dollars a year on account of the injury done by the hornworm.

I called upon the department for some information with reference to the work they have been doing in the tobacco district, and I have received this reply. It is so full and clear as to the work being done that I ask permission to insert it in the RECORD as a part of my remarks.

The CHAIRMAN. The gentleman from Tennessee asks permission to insert a letter in the RECORD. Is there objection?

There was no objection.

The letter referred to is as follows:

UNITED STATES DEPARTMENT OF AGRICULTURE,
BUREAU OF ENTOMOLOGY,
Washington, D. C., February 15, 1912.

Hon. J. W. BYRNS,
House of Representatives.

DEAR SIR: In accordance with directions from Dr. L. O. Howard, Chief of the Bureau of Entomology, I am writing you a statement in regard to the tobacco-insect work at Clarksville, Tenn., concerning which information was requested by you in your letter of the 13th instant.

The principal injurious tobacco insects in Tennessee and Kentucky are the tobacco flea beetle and the tobacco hornworms. As a result of the unprecedented outbreak of the flea beetle in the spring of 1907 the tobacco crop in these States was reduced very greatly, entailing an estimated loss of at least $2,000,000. As a result of the investigations carried on at Clarksville a very cheap and efficient remedy for these insects has been found which should prevent the recurrence of the damage inflicted in 1907.

The work at Clarksville has been principally confined to the most injurious of these insects, which are the tobacco horn worms. Until the present this work has largely been of an investigational nature. It has now, however, arrived at the stage for demonstrational work. Briefly the results obtained are as follows: It has been found that in stiff and clayey soils fall or winter plowing will almost exterminate the overwintering stage of the tobacco worm, which passes the winter in a cell a few inches below the surface of the ground. This has led to the recommendation in Circular No. 123 of this bureau to plow in the fall all land that was in tobacco during that year in preparation for the succeeding crop. Unfortunately, however, the tobacco worms feed upon certain wild plants, and many of them thus pass the winter in protected places, so that fall plowing at best can only be a partial remedy. The tobacco worms, therefore, must be fought largely in the tobacco field. Paris green has been and is largely used to combat these worms in the field. By reason of a certain percentage of free or water-soluble arsenic that is contained in all Paris greens very great damage is frequently done to tobacco by burning of the leaves. When worms become numerous tobacco growers are forced to use Paris green to combat them, because they can not secure the labor to "hand worm" the tobacco. Fearing, however, the damage which might result from burning of the tobacco, they delay the application of the Paris green until forced to apply it by the overwhelming numbers of the worms. When the Paris green is finally applied the worms have already done considerable damage to the tobacco. Last year the damage by tobacco worms in the vicinity of Clarksville varied from 3 or 4 per cent to 10 to 15 per cent. The average loss was not less than $12 per acre; a very conservative estimate would place the loss at $10 per acre. In the Clarksville and Hopkinsville districts alone the total loss was about $900,000. The energies of the investigations of these insects have been directed toward finding some insecticide that could be applied with safety to the tobacco. As a result of three years of investigation a grade of arsenate of lead has been found that will kill the tobacco worms without injuring the tobacco. Paris-green burns alone last year caused a loss in some fields of from $8 to $10 per acre. Two years' tests have demonstrated that arsenate of lead can be applied with impunity to the tobacco plant in any stage of growth. It requires some considerable care and skill to apply the arsenate of lead properly, and it is expected that these directions will be given in person to the growers in the nature of a demonstration as time permits.

I should add that the cost of keeping an acre of tobacco free of worms by the use of arsenate of lead should not exceed three or four dollars. By the present method of fighting tobacco worms the cost per acre in a year when the worms are very numerous is at least $10 per acre. Therefore by the use of arsenate of lead the saving would be $6 per acre. In the Clarksville and Hopkinsville districts alone this would amount to more than half a million dollars.

Practically all of the benefits to be derived by the tobacco growers as the result of the above investigations will be entirely lost if the work is discontinued at this stage. Large-scale, practical demonstrational work is now absolutely necessary in order to enable the growers to derive proper benefit from these investigations.

Very respectfully,
A. C. MORGAN,
Entomological Assistant.

The CHAIRMAN. The question is on the amendment of the gentleman from Louisiana [Mr. WICKLIFFE].

The question being taken, and the amendment was agreed to.

The Clerk read as follows:

For investigations of insects affecting truck crops, stored grains, and other stored products, $19,700.

Mr. BARNHART. Mr. Chairman, I move to strike out "nineteen" in line 23, page 56, and to insert "twenty-four."

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Amend, page 56, line 23, by striking out the word "nineteen" and inserting the word "twenty-four."

Mr. BARNHART. Mr. Chairman, the purpose of this amendment is to take care of a new and rapidly developing industry in northern Indiana. However, it was submitted to the committee too late for consideration before reporting the bill, through lack of knowledge both on the part of the community and the representatives thereof that the onion thrip was being scientifically fought by the Department of Agriculture in other localities without interested citizens bearing the expense of such experts as they have been doing in Indiana.

For some years the onion industry in northern Indiana has been growing by rapid strides. Five years ago there were about 300 acres in cultivation. Last year there was something like 6,000 acres in cultivation, and the crop produced was from four to seven hundred bushels per acre; but the onion thrips have come as a pest, and the people of the locality, for the last two years, have asked the Department of Agriculture to give assistance in checking the ravages. The department has each season sent a man, but the community has been asked to pay all of his expenses. Dr. Chittenden, of the bureau in charge of truck crop and stowed-product insects, says that field stations for fighting the onion thrip are being maintained at Brownsville, Tex.; Norfolk, Va.; Rocky Ford, Colo.; Sacramento, Cal.; Camden, Cal.; and Jessop, Md., six stations in all. I desire to submit that we are almost a thousand miles from any one of these investigation points, and of course the department can not afford to transfer its field men back and forth to us, and so we ask an increase in appropriation that we may have full benefit of regular service. The result of our lack of full service has been, it is estimated by persons who know, that our losses in northern Indiana last year on account of the ravages of this pest amounted to $100,000. As I said, this bill was made up before I knew all of these facts, and I am asking the committee that the previously fixed appropriation be increased $5,000, for the reason that the Agricultural Department says that this amount would make it possible to locate an entomologist in this northern Indiana field, and keep him there during the season.

Mr. Chairman, I want to say further in explanation that the onion, as such, and I are not on familiar terms, and it is quite probable we will continue to keep out of each other's immediate presence for all time; but I hope it may never be said of me that I am lacking in liberality to any legitimate industry or in gallantry to the fair sex, and therefore I am in favor of furnishing any reasonable possibility that the onion industry may be promoted, that our wives and daughters and sisters may indulge their appetities and tastes in onions, worlds without end. [Applause.] I hope the amendment will prevail.

Mr. LAMB. Mr. Chairman, we asked the chief of the bureau some questions in respect to this matter, and I will read from his testimony:

DR. HOWARD. We have stations in many different parts of the country, Mr. Chairman, where expert men are studying the difference in the various insects according to climate, and all that sort of thing, and experimenting with new remedies on a large scale in the field. One of the most important bits of work they are doing is on the onion thrips.

They began that out at Laredo, where many Texas people have gone into onion growing, as Mr. BEALL knows, and where they have had considerable trouble with the thrips.

We found out from that that this appropriation was being devoted to this onion work.

Mr. FOWLER. And the committee increased it $500 over that of last year.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Indiana.

The question was taken, and the amendment was rejected.

The Clerk read as follows:

For investigations of the Mediterranean fly in the United States and its possessions, $35,000, which sum shall be immediately available.

Mr. FITZGERALD. Mr. Chairman, I reserve the point of order on the paragraph. It was not estimated for.

Mr. LEVER. Mr. Chairman, I desire to offer an amendment to this proposition suggested by the gentleman from New York [Mr. HARRISON], who is unavoidably absent to-day. I will move to amend in line 6, at the end of the line, by inserting:

Provided, That no part of this appropriation shall be expended on the Atlantic seaboard.

The gentleman from California [Mr. KAHN] is perhaps more familiar with the reasons for this proviso than I am.

Mr. MANN. But no amendment is in order as yet. A point of order was reserved on the paragraph.

Mr. LEVER. Mr. Chairman, I desire to have the amendment pending for information.

The CHAIRMAN. The point of order is reserved on the paragraph.

Mr. FITZGERALD. I would like to know something about the excuse for this item.

Mr. KAHN. Mr. Chairman, I will give the information to the gentleman, if I can. The Mediterranean fly is now found in two or three of the islands of the Hawaiian Territory. It started, as I have been informed, originally on the island of Malta, in the Mediterranean Sea, and destroyed the fruit crops of that island. It was carried by vessels to the island of St. Helena, and has wiped out the fruit industry of that island. It was carried from there to Cape Colony, South Africa, and is doing an enormous havoc in the orchards there. It was carried thence to Australia, and has attacked the fruit crops there. It has done an enormous damage in that island. It was carried from there to New Zealand, and is devastating the fruit crops of New Zealand. It has been carried to Brazil, and is devastating the fruit crops of Brazil. It was also carried from Australia to the Hawaiian Territory. In the island of Oahu, the principal island of the Hawaiian group, this fly has attacked all of the citrus fruit, the peaches, and, by the way, it destroyed the entire peach crop of that island last year; the figs, the rose apples, the star apples, the mangoes, the white lemon guavas, the wild guavas, the alligator pears, the strawberry guavas, the papaya, the sapota, some South African fruit, and also string beans and peppers.

The female fly deposits the eggs under the skin of the fruit, and in a very short time the eggs develop into skippers, similar to the skippers in cheese, and the fruit, when opened, is found to be full of maggots. The gentleman from New York [Mr. FITZGERALD], having been in the island of Hawaii, is familiar with the large host crops of wild guavas. This fly has attacked those guavas, and it will take a large sum to eradicate the pest on that account. If it ever gets into the United States proper, it will destroy the fruit crops of the various States into which it gains an entrance. It has already destroyed the fruit crops of Hawaii. Hawaii can no longer ship her alligator pears, her papayas, her string beans, and her peppers to the mainland because of this fly. It has already caused a great loss to the people of Hawaii, although it has been present in the islands but a short time. The people themselves in the Territory raised by subscription nearly $9,000 to destroy this pest, which has just obtained a foothold there.

Its presence has been observed there only a little over a year and, unless prompt remedies be used to stamp it out, it will undoubtedly come to the mainland, and then it will cost millions of dollars to stamp it out instead of a few thousand. The State of California expends hundreds of thousands of dollars annually in keeping such pests out of that State. I understand the State of Oregon and the State of Washington expend large sums in keeping these pests out. This appropriation is for the purpose of wiping out this pest in the Territory of Hawaii. It will enable the department to send experts there to investigate the conditions under which the fly thrives, and possibly to Australia, from which the pest was brought to Hawaii.

The CHAIRMAN. The time of the gentleman has expired. The Chair will hear the gentleman from New York on the point of order.

Mr. FITZGERALD. Mr. Chairman, I just wish to speak briefly. Something that the gentleman from California [Mr. KAHN] said has made a very deep impression upon me; that is, that if this fly ever goes into California it will take millions to eradicate it instead of a few thousand dollars. Judging from the experience of the United States with the flea that affects the rat that results in the bubonic plague I am inclined to think that he is correct. My attention was called to the language providing for this investigation, to be conducted in the Hawaiian Islands, or in the possessions of the United States. It made me think that perhaps it would be advisable to make some inquiries as to whether the Department of Agriculture was still issuing commissions for investigations of various kinds without any beneficial results whatever. I have here the form of a commission issued by the Department of Agriculture. It is as follows:

The United States of America, Department of Agriculture, to all who shall see these presents, greeting:

Be it known that Mr. Alonzo H. Stewart, Assistant Sergeant at Arms of the United States Senate, and a citizen of the United States of America, is hereby appointed honorary representative of the Department of Agriculture of the United States of America in the Territory of Hawaii, the Philippine Islands, and the Empires of Japan and China, for the purpose of investigating and studying agricultural conditions in those countries.

The bearer of this commission is therefore especially commended to all persons interested in agriculture in those countries and to all friends of the United States of America, and also to the representatives of the United States Government in those countries, whose good offices on his behalf are earnestly requested.

In witness whereof I have hereunto subscribed my name and caused the seal of the Department of Agriculture to be affixed.

Done at the city of Washington, District of Columbia, this 31st day of March, 1903, and of the independence of the United States of America the one hundred and twenty-seventh.

[SEAL.] JAMES WILSON,
Secretary of Agriculture.

Then, under date of May 28, 1908, almost five years later, we find a report submitted from this minister plenipotentiary and envoy extraordinary of the Department of Agriculture in the Hawaiian and Philippine Islands and the Empires of China and Japan. He says:

SIR: In pursuance to the commission issued to me by you, dated March, 1903, I have the honor to report that I took a trip through Japan and the Philippine Islands, incidentally stopping in Hawaii and China. I left the United States on May 8, 1903, and returning I reached Washington December 7, 1903.

I wish now to read some extracts from this highly valuable report upon the conditions of agriculture in the Philippine Islands. It will illustrate the value of these special commissions, and the interesting and valuable material gathered for the benefit of our people should not be permitted to be embalmed forever in a Senate document without some reference, at least, in the House. I will take but a few moments, and I hope the gentleman from Virginia will be patient with me.

The next day—

Says this envoy or minister in his report—

I was entertained at the house of the presidente and participated in a breakfast to celebrate the birthday of his wife. No modern European house could show finer linen or table appointments of silver, glass, and china ware. The men were all dressed in European costume, the women wearing the native gala dresses. But I learned from the American school-teacher that may of these same people in their everyday life wore the native tow costume and dined in the native fashion without the use of knives or forks, eating their rice or fish from bowls with their fingers. Surely, if any people have two sides to their nature, these are they. But if they continue to associate with Europeans or those oriental nations whose domestic habits are refined, natural pride will stimulate modern usages, which will soon become a fixed habit. The force of example in daily life will do more for them than all the schools and colleges. In this deduction I have the concurrence of every well-educated native with whom I talked. It must not be forgotten that it is claimed there are no pure-blood Visayans among the progressive people of the island. It is claimed that to this is due the fact that the island of Negros is so far ahead of the other islands of this archipelago in agricultural development.

We left Silay about noon, traveling on a native steamboat which plies between that port and Iloilo. If ever anything tended to illustrate the happy-go-lucky characteristics of the race, this trip may be cited. As soon as the steamer was well away from the harbor a game of monte was started on deck in which all of the officers took a hand, the captain himself dealing. The quartermaster at the wheel now pulled up a big armchair, in which he seated himself and was soon nodding. I observed him take more than one cat nap of five minutes or more duration. The engineer left the engine room and was soon engaged in an animated conversation with some native women. It can be seen that the two Americans on board were not in a very easy frame of mind, particularly as a stiff wind was blowing and there were many dangerous passages to be traversed. The usual Filipino quarrel over the game of monte took place. One of the losers claimed that the deck was marked and grabbed the deck out of the captain's hand and threw it overboard. But for the presence of my friend and myself I think knives would have been drawn, as every Filipino carried one, though Americans and Europeans are prohibited from carrying arms of any kind. Upon our arrival at the outer harbor of Iloilo, where the doctor and pilot boarded us, our crew became quiet and a more model set of officers and men could not be found.

And further on——

Mr. MANN. Read some more of it. That is the most interesting thing I have heard you get off for a good while.

Mr. FITZGERALD. Still investigating agricultural conditions, and having passed from this particular place, we find this:

In the clubrooms at Silay I noticed a number of good paintings, the work of a native artist named Pedro Respow. This man showed marked ability. I tried to induce his friends to send to the St. Louis Exposition an allegorical work of his which deserves mention. It represented Columbia, whose failing robes were the Stars and Stripes. She was standing with one hand pointing to the rising sun while her other arm was around the waist of a timid Filipino woman dressed in native costume. At one side was another native woman also looking at the rising sun, while a little in advance of these a third Visayan woman had turned and with a look of encouragement on her face had beckoned her sisters to follow. The face of only this one woman was visible, as the rest were looking away. The proportionate size of American and Visayan was carefully followed, as were the conditions of the costumes. No better evidence of the feeling of these peaceful agricultural people of Negros toward our Government could be found than this simple painting in the clubroom of the native hacienderos of the island of Negros.

And so deep an impression did this visit to these clubrooms make upon the minister or envoy of the Department of Agriculture that he felt it necessary to set it forth at length in this most interesting, if worthless, report.

Mr. Chairman, there are many other passages, for instance, to illustrate, the peculiar conditions in agriculture that exist in the Philippine Islands which may be of special advantage to some of those engaged in agriculture in this country. For instance:

Two amusing incidents happened on the trip from Bago to where we camped for the night, which well illustrate a superstition on the one hand and their want of feeling on the other.

Going along the road we observed a native plowing with a native plow by the use of a carabao, and I stopped the team in order to take his picture. He did not observe me until I was within 20 feet of him, but when he did he gave one exclamation of terror and ran precipitously for the nearest cane field, giving no heed to the call of my driver, who tried to reassure him, evidently taking my camera for a new kind of machine gun. It turned out afterwards that in describing it to Señor Arineta my driver stated that he had gone to lay down through fear.

The other incident was in crossing the Bago River; our bullock lay down and refused to go upon the raft. After using every means to make him get up the native cooly built a fire on his back, which, of course, had the desired effect.

Assuredly this incident will be of special value to agriculturists in this country. Whenever they come to a small stream across which they will have difficulty in driving cattle, all that it will be necessary for them to remember is that by building a fire upon the backs of their cattle they will quickly obtain the desired results. [Laughter.]

Mr. Chairman, there are some passages in this book to which I should prefer to call the attention of the Members privately. I would not desire to give them too great publicity. It does seem to me that some of the criticisms that have been mildly indulged in against the Department of Agriculture are to some extent justified by the issuance of commissions such as this, and the sending of men who confess in their report embarrassment because of their unfamiliarity with the languages spoken in the country which they visit, and whose reports consist of material that would be more appropriate in a narrative of adventures than it is in a report supposedly of a scientific character. If we are to start again investigations outside of the United States, I deem it wise to call attention to the existence of this most useful report in the hope that in the expenditure of the money proposed there will not be a duplication of such incidents.

Mr. LAMB. I will respectfully say to the gentleman from New York that he is bringing this subject to the attention of the wrong committee. He ought to either take that into consideration in his own committee, which has such a right of way, or else turn it over to the committee investigating the expenditures in the Department of Agriculture.

Mr. FITZGERALD. Let me say to the gentleman that he was not in charge of the bill or at the head of the Committee on Agriculture when this commission was issued.

Mr. MANN. There were no expenditures.

Mr. FITZGERALD. I wish it brought to the attention of the department. I may discuss it more fully later on.

Mr. MANN. I never heard of this before, but I am very glad the gentleman has called it to our attention, because I notice, with some surprise, that the committee listened a great deal more attentively when the gentleman was reading from the document than when he was talking in his own right, which indicates it was very interesting, because the gentleman himself is always interesting and entertaining. I know "Lon" Stewart; and I suppose the gentleman knows him well. He used to be Deputy Sergeant at Arms of the Senate and, without exception, was the brightest man connected with a legislative body as an employee or officer that I have ever seen. He is now over in New York practicing law.

Mr. FITZGERALD. I am not reflecting on the gentleman. I was just calling the attention of the committee to the fact that no matter how well qualified he might have been as an employee in a legislative body he had none of the qualifications that fitted him as a representative of the Department of Agriculture in such an investigation.

Mr. MANN. The commission that authorized him, under the circumstances, to see what was going on and study the work of agriculture over there was proper. I would be perfectly willing to issue a commission of that sort to the gentleman from New York, who has lived in the city of Brooklyn all of his life, and probably would not know a farm if he saw it, but I would trust his acumen and judgment to get valuable and accurate information, either in the Philippine Islands or the United States if he were traveling around. And often I have availed myself of the privilege to hear him discuss matters concerning which he was not informed in advance and which he had studied at the time and about which he knew something. Now, he has brought before the House this subject and is endeavoring to criticize it on the ground that the gentleman who wrote it knew nothing about agriculture. What does the gentleman from New York know about agriculture? How does he know that Mr. Stewart was not a thorough agriculturist?

Mr. FITZGERALD. I know the description of a quarrel over a game of monte. The gentleman may be familiar with that game. He seems to know everything.

Mr. MANN. I have seen some Brooklyn fellows that played.

Mr. FITZGERALD. The game of monte might be very detrimental to the rural communities of this country. The report contains no information of value of any kind whatever, and the mere printing of it was a waste of money.

Mr. MANN. I would say it was very important to know whether on board a vessel going from one island to another the men who were in charge of the vessel sat down and played monte, that the engineer in charge came up and talked with the women, and the man at the wheel went to sleep. I think it is very important to know the class of people there and how they manage their business in the interests of agriculture outside of Brooklyn. It would not be important within the city of Brooklyn or in the limits of Chicago.

Mr. FITZGERALD. I suppose that is about the best possible defense that could be made of such a commission or such a report. The gentleman on his own experimental farm may, perhaps, be able to apply the information he has received about this quarrel over a game of monte or the advantages of transporting to Chicago or St. Louis this allegorical picture that was dreamed over in the club rooms at Silay, but it would not be of any advantage to any practical agriculturist——

Mr. MANN. Like the gentleman from Brooklyn.

Mr. FITZGERALD. Like the gentleman from Illinois.

Mr. Chairman, I withdraw the point of order.

Mr. LEVER. Mr. Chairman, I suggest that the amendment which I proposed a moment ago be read for the information of the committee.

The CHAIRMAN. The gentleman from South Carolina [Mr. LEVER] has offered an amendment, which the Clerk will report.

The Clerk read as follows:

On page 57, line 6, after the word "available," insert the words "*Provided*, That no part of this sum shall be used on the Atlantic seaboard."

Mr. MANN. Mr. Chairman, if the amendment has been agreed upon I have nothing to say in reference to it, although it would seem odd that in order to prevent the introduction of the Mediterranean fly into the United States you would prevent the expenditure of any money on the Atlantic seaboard and propose to confine it only to the Pacific seaboard. In that connection I would like to ask the gentleman this question, referring to the language, "For investigations of the Mediterranean fly in the United States and its possessions:" Does the gentleman think that Hawaii is a possession of the United States? It is a Territory of the United States. I am not sure whether it is embraced within the term "United States," but I am very sure it is not embraced within the term "its possessions." It is not one of the insular possessions of the United States, like Porto Rico or the Philippine Islands. It is a Territory of the United States.

Mr. LEVER. It should be "Territory" or "possessions."

Mr. MOORE of Pennsylvania. Mr. Chairman, may we have the amendment read again?

The CHAIRMAN. The Clerk will again report the amendment.

The Clerk read as follows:

On page 57, line 6, after the word "available," insert the words "*Provided*, That no part of this sum shall be used on the Atlantic seaboard."

Mr. MOORE of Pennsylvania. Mr. Chairman, this comes from the committee, does it?

Mr. LEVER. It does.

Mr. MOORE of Pennsylvania. Why would you prevent the expenditure on the Atlantic seaboard of an appropriation for the investigation of a pest that might infect the Atlantic seaboard?

Mr. LEVER. I would say to my friend from Pennsylvania that the California delegation and certain gentlemen on the Atlantic seaboard have conferred about this matter, and on account of the fact that there is no probability of infestation through the Atlantic seaboard and some danger that the quarantine features of this provision may be dangerous they have agreed to this proposition.

Mr. MOORE of Pennsylvania. But where does the Mediterranean fly originate?

Mr. LEVER. The Mediterranean fly is located now most largely in the Hawaiian Islands.

Mr. MOORE of Pennsylvania. You see we have vessels coming into the Atlantic ports from the Pacific. I do not think an exception should be made against Atlantic ports.

Mr. MANN. Let us be on the square with the gentleman and tell him why it is. [Laughter.] The gentleman from New York [Mr. HARRISON] was afraid that this would make an undue restriction and impose an onerous burden on the importation of Sicilian lemons, and he objected to its application to the Atlantic seaboard for that reason. I understand there is no likelihood of the fly coming in in that way, but if they did examine vessels for the fly at Atlantic ports he would object to it and make a point of order.

Mr. MOORE of Pennsylvania. I do not want to interfere with the Pacific coast getting the advantage of this investigation, but I do want to give notice that if any such pest should arise on the Atlantic seaboard we shall expect equal consideration.

Mr. LEVER. There is no question about that.

Mr. MOORE of Pennsylvania. These questions are constantly arising. There ought to be no discrimination in a matter of this kind, but I do not want to hold this matter up.

Mr. RAKER. Mr. Chairman, will the gentleman allow an interruption right there?

The CHAIRMAN. Does the gentleman from Pennsylvania yield to the gentleman from California?

Mr. MOORE of Pennsylvania. Yes.

Mr. RAKER. From the examination had before the committee it is shown that this pest is in the Hawaiian Islands, and there has been some discovered on the Pacific coast. Now, it is not in the East, and for fear that the item might go out on a point of order, is it not better to let it go as it is and make sure that the work will be actualy done where the ravages of this pest occur? I am with the gentleman as against any discrimination.

Mr. MOORE of Pennsylvania. I want the gentlemen on the Pacific coast to get anything they can that may prevent havoc such as the gentleman anticipates there, but it should be borne in mind that vessels are constantly coming from the Pacific coast to the Atlantic coast, and that a pest which may visit the Pacific coast could be transmitted to the Atlantic coast.

Mr. KAHN. Mr. Chairman, will the gentleman yield?

The CHAIRMAN. Does the gentleman from Pennsylvania yield to the gentleman from California?

Mr. MOORE of Pennsylvania. Yes.

Mr. KAHN. The purpose of this investigation is to enable the Department of Agriculture to send its experts into Hawaii Territory, where the fly has made its appearance within the last two years, and where it has done great havoc. They propose to send an expert to Australia, as I understand, to try to find a natural enemy to this fly. It is not contemplated, so far as I have been able to find out, to spend any of this money on the Atlantic seaboard in connection with this investigation. There is no fly there.

Mr. MOORE of Pennsylvania. The gentleman means on the Pacific coast?

Mr. KAHN. On the Pacific coast. The investigation is to be made only on the Pacific coast, because that is where the fly is. There is none on the Atlantic seaboard, as I understand it. The purpose is to spend all of the appropriation on the Pacific seaboard.

Mr. MOORE of Pennsylvania. Mr. Chairman, I move to strike out the last word.

Mr. HAYES. Mr. Chairman, will the gentleman yield to me for a moment?

Mr. MOORE of Pennsylvania. I will be satisfied to do that if my time is extended. This raises an important question. I do not want to hold up the course of business here, but I would like to know if we shall be prejudiced in this matter. That is all.

Mr. KAHN. Mr. Chairman, I will say to the gentleman from Pennsylvania that he need have no fear on that score. The eastern seaboard is in no danger. Vessels are constantly coming from Hawaii to the ports of the Pacific coast, and we have instances constantly where individuals have brought infected fruit to our ports, and our inspectors have kept vigilant watch and insisted on the destruction of the fruit when it has come in. Of course this proposal of amending the item so that the appropriation will not be used except on the Pacific coast comes not from the Pacific coast, but from a gentleman who represents a constituency on the Atlantic side. It comes only from the Atlantic seaboard.

Mr. MOORE of Pennsylvania. Why not leave it out? It raises a pernicious question of discrimination.

Mr. KAHN. The gentleman from New York [Mr. HARRISON] insisted that if it remained in he would make a point of order against the entire item, and we felt fearful lest the pest would come to the Pacific coast, and therefore we favored the amendment.

Mr. BOWMAN. Mr. Chairman, will the gentleman yield?

The CHAIRMAN. Does the gentleman from Pennsylvania [Mr. MOORE] yield to his colleague?

Mr. MOORE of Pennsylvania. Who has the floor, Mr. Chairman?

The CHAIRMAN. The gentleman from Pennsylvania [Mr. MOORE] has the floor.

Mr. MOORE of Pennsylvania. That is what I thought.

Mr. RAKER. Mr. Chairman, I ask unanimous consent that the gentleman from Pennsylvania [Mr. MOORE] may have five minutes additional. I understand the gentleman's time has expired.

Mr. LAMB. Mr. Chairman, I do not want to ask for a recess, and I will ask the gentleman to proceed.

Mr. MOORE of Pennsylvania. I want to hasten the business before the committee. I understand the pressure that is upon the chairman of the committee [Mr. LAMB], and I want to aid him all I can. But I want to suggest this to the chairman of the committee: What would be said if we should offer an amendment providing for an appropriation to carry on an investigation of the bubonic plague and should say that none of that money should be expended on the Pacific seaboard, simply because there has been an invasion of bubonic plague at one port on the Atlantic coast? Does not the gentleman see the unfairness of that proposition?

Mr. LEVER. The gentleman does not seem to take account of the fact that the Mediterranean fly is threatening to come into the country, not from the Atlantic seaboard, but from the Pacific seaboard.

Mr. MOORE of Pennsylvania. I take it that if a vessel sails from the Pacific coast and comes, either around the Horn or through the Panama Canal hereafter, it may bring this fly to the Atlantic coast, which is just as much a menace to us as it is to the Pacific coast.

Mr. LEVER. That would depend on the length of time it takes to make the trip.

Mr. HAYES. Mr. Chairman, although the Mediterranean fly, by its name, would seem to be infesting Italy, on the Mediterranean Sea, it is not doing so. The fly originated in the island of Malta, but instead of going to Italy, it has migrated to the islands of the Pacific, to South Africa, to Australia, and to Hawaii.

Now, the only danger of infection is from Australia or Hawaii. There is no danger of infection by importation from Italy, as I understand it. If there were any danger, I for one should be just as anxious that the money should be spent upon the Atlantic seaboard as upon the Pacific, wherever the fly might be found, but I see no danger of infection from that source at the present time.

Mr. MOORE of Pennsylvania. What is the amount of the appropriation?

Mr. HAYES. Thirty-five thousand dollars. If there is danger in the future, we can, of course, provide for it in the next bill.

Mr. MOORE of Pennsylvania. While I do not propose to offer any further objection to this amendment, it seems to me it is not good legislation. It is not fair to the country at large, and I want in a friendly way to give notice that if any such pestilence as this should make its appearance along the Atlantic seaboard we would come very promptly to the committee to call its attention to the fact that this discrimination had been made.

Mr. LAMB. If any such thing breaks out, you will get assistance.

Mr. MOORE of Pennsylvania. If Congress were in session and the present chairman were in control, we should, but if Congress were not in session, and this pestilence should break out in the interim, we would have trouble.

Mr. LAMB. I ask for a vote.

The CHAIRMAN. The question is on the amendment.

The amendment was agreed to.

Mr. HAWLEY. I offer an amendment on page 57, line 5, after the word "its," to insert the words "Territories and," so that it will read "United States and its Territories and possessions."

The Chairman. The Clerk will report the amendment.

The Clerk read as follows:

Amend, line 5, page 57, by inserting, after the word "its," the words "Territories and."

The amendment was agreed to.

Mr. BARNHART. Mr. Chairman, I ask unanimous consent to return to the paragraph included in lines 22, 23, and 24, on page 56.

The CHAIRMAN. The gentleman from Indiana asks unanimous consent to return to the paragraph beginning with line 22, on page 56. Is there objection?

There was no objection.

Mr. BARNHART. Mr. Chairman——

Mr. MANN. I think it is time to stop.

Mr. BARNHART. It will take only a moment.

Mr. MANN. Is this all agreed on?

Mr. LAMB. Yes.

Mr. BARNHART. I move to amend line 23 by striking out the word "nineteen" and inserting the word "twenty-four," and striking out the word "seven" and inserting the word "five," making the amount $24,500.

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Amend, line 23, page 56, by striking out the word "nineteen" and inserting the word "twenty-four," and striking out the word "seven" and inserting in lieu thereof the word "five."

The CHAIRMAN. The question is on the amendment of the gentleman from Indiana.

The amendment was agreed to.

Mr. MOORE of Pennsylvania. Mr. Chairman, I ask unanimous consent for leave to extend my remarks in the RECORD on the subject of the Delaware River, and also upon the subject of the Chesapeake & Delaware Canal.

Mr. MANN. I hope the gentleman will make that request in the House.

Mr. MOORE of Pennsylvania. Very well.

Mr. FOWLER. Mr. Chairman, on page 57, in line 5, an amendment was offered by the gentleman from Oregon [Mr. HAWLEY] which leaves two "ands," making it read "the United States and its Territories and possessions." I move to strike out the first word "and" after "States" and to insert a comma after "States."

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

In line 5, page 57, strike out the word "and" and insert after the word "States" a comma.

The amendment was agreed to.

The Clerk read as follows:

Total for Bureau of Entomology, $624,880.

Mr. LAMB. Mr. Chairman, I move that the committee do now rise.

The motion was agreed to.

The committee accordingly rose; and the Speaker having resumed the chair, Mr. BORLAND, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee had had under consideration the bill (H. R. 18960) making appropriations for the Department of Agriculture for the fiscal year ending June 30, 1913, and had come to no resolution thereon.

LEAVE OF ABSENCE.

By unanimous consent, leave of absence was granted—

To Mr. CLARK of Florida, indefinitely, on account of important business.

To Mr. THAYER, for 10 days, on account of important business.

LEAVE TO EXTEND REMARKS.

Mr. MOORE of Pennsylvania. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD on the subject of the Delaware River, and also on the subject of the Chesapeake & Delaware Canal.

Mr. FOSTER of Illinois. Mr. Speaker, I do not desire to object. Has this anything to do with the controversy between the gentleman and——

Mr. MOORE of Pennsylvania. Nothing whatever.

The SPEAKER. The gentleman from Pennsylvania [Mr. MOORE] asks unanimous consent to extend his remarks in the RECORD on the subject of the Delaware River, and also on the subject of the Chesapeake & Delaware Canal. Is there objection?

There was no objection.

Mr. MANN. Mr. Speaker, I ask unanimous consent that my colleague Mr. RODENBERG have leave to extend his remarks in the RECORD on the subject of the Bureau of Chemistry and the Referee Board.

Mr. LEVER. I make the same request.

The SPEAKER. The gentleman from Illinois [Mr. MANN] asks unanimous consent that his colleague [Mr. RODENBERG] have unanimous consent to extend his remarks in the RECORD on the subject of the Bureau of Chemistry and the Referee Board, and the gentleman from South Carolina [Mr. LEVER] makes the same request. Is there objection?

There was no objection.

Mr. RAKER. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD on the subject of the Mediterranean fly.

The SPEAKER. The gentleman from California asks unanimous consent to extend his remarks in the RECORD on the subject of the Mediterranean fly. Is there objection?

There was no objection.

Mr. DYER. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD on the subject of the Remsen Board.

The SPEAKER. The gentleman from Missouri asks unanimous consent to extend his remarks in the RECORD on the subject of the Remsen Board. Is there objection?

There was no objection.

SENATE CONCURRENT RESOLUTION AND BILL REFERRED.

Under clause 2 of Rule XXIV, Senate concurrent resolution No. 19 and bill of the following title were taken from the Speaker's table and referred to their appropriate committees, as indicated below:

Senate concurrent resolution 19.

Resolved by the Senate (the House of Representatives concurring), That preliminary to such legislation by Congress as may be necessary to enable the Government of the United States to be properly represented on such occasion the Secretary of War be, and he is hereby, authorized and directed to confer with the Fiftieth Anniversary of the Battle of Gettysburg Commission of the State of Pennsylvania, and,

First. To cause to be made such surveys, measurements, and estimates as will be necessary in regard to providing for a sufficient supply of good water for the use of those who shall attend the celebration.

Second. To investigate as to the necessary and proper provision required to be made for sewerage, sanitation, hospital, and policing during such celebration.

Third. To estimate upon the tents, camp equipment, supplies, and rations that, in his judgment, will be necessary to properly accommodate and provide for those who shall attend such commemoration, and to estimate what provision will be necessary to be made for local transportation and care of those who may or probably will participate in such celebration, and to give an estimate of the cost, separately stated, of the several provisions necessary to be made.

Fourth. To estimate the quantity of camp equipment, such as tents, bedding, and cooking outfits, necessary to accommodate the people attending, together with the cost per unit of a suitable ration to be issued and as to the best method of providing and issuing such rations.

Fifth. To prepare a plan of camp arrangement suitable to the occasion.

Sixth. To report to Congress upon all of these matters within 30 days after the passage of this resolution—

to the Committee on Military Affairs.

S. 4314. An act granting pensions and increase of pensions to certain soldiers and sailors of the Civil War and certain widows and dependent relatives of such soldiers and sailors; to the Committee on Invalid Pensions.

ADJOURNMENT.

Mr. LAMB. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 5 o'clock and 45 minutes p. m.) the House adjourned until to-morrow, Tuesday, March 12, 1912, at 12 o'clock noon.

EXECUTIVE COMMUNICATIONS.

Under clause 2 of Rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

1. A letter from the Secretary of the Treasury, transmitting a detailed statement of the refunds of custom duties for the fiscal year ending June 30, 1911 (H. Doc. No. 610); to the Committee on Ways and Means and ordered to be printed.

2. A letter from the Acting Secretary of Commerce and Labor, transmitting special agent's report on cotton goods in Italy (H. Doc. No. 611); to the Committee on Interstate and Foreign Commerce and ordered to be printed.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, bills and resolutions were severally reported from committees, delivered to the Clerk, and referred to the several calendars therein named, as follows:

Mr. ALEXANDER, from the Committee on the Merchant Marine and Fisheries, to which was referred the bill (H. R. 16692) to provide American registers for seagoing vessels wherever built and to be engaged only in trade with foreign countries and with the Philippine Islands and the islands of Guam and Tutuila, and for the importation into the United States free of duty of all materials for the construction and repair of vessels built in the United States, and for other purposes, reported the same with amendment, accompanied by a report (No. 405), which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. ESCH, from the Committee on Interstate and Foreign Commerce, to which was referred the bill (H. R. 19071) granting extension of time to the St. Cloud Electric Power Co. to construct a dam across the Mississippi River, reported the same with amendment, accompanied by a report (No. 408), which said bill and report were referred to the House Calendar.

CHANGE OF REFERENCE.

Under clause 2 of Rule XXII, the Committee on Invalid Pensions was discharged from the consideration of the bill (H. R. 7009) granting an increase of pension to Charles E. Benson and the same was referred to the Committee on Pensions.

PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS.

Under clause 3 of Rule XXII, bills, resolutions, and memorials were introduced and severally referred as follows:

By Mr. DAVIS of Minnesota: A bill (H. R. 21700) for the purchase of a site for a Federal building at Hastings, Minn.; to the Committee on Public Buildings and Grounds.

By Mr. BARNHART: A bill (H. R. 21701) to establish a fish hatchery in the thirteenth congressional district of Indiana; to the Committee on the Merchant Marine and Fisheries.

By Mr. CALDER: A bill (H. R. 21702) amending section 9 of the act approved June 29, 1906, entitled "An act to establish a Bureau of Immigration and Naturalization, and to provide for a uniform rule for the naturalization of aliens throughout the United States"; to the Committee on Immigration and Naturalization.

By Mr. RAKER: A bill (H. R. 21703) permitting the cooperative homesteading of public lands, and for other purposes; to the Committee on the Public Lands.

By Mr. WHITE: A bill (H. R. 21704) granting to postal employees of the United States the right to receive from it compensation for injuries sustained in the course of their employment; to the Committee on the Post Office and Post Roads.

By Mr. FLOOD of Virginia: A bill (H. R. 21705) to provide for the construction of a memorial highway, archway, and gateway in memory of Thomas Jefferson at Monticello, Albemarle County, Va.; to the Committee on the Library.

By Mr. KORBLY: A bill (H. R. 21706) providing for the retirement of officers of the Philippine Scouts, United States Army; to the Committee on Military Affairs.

By Mr. FORNES: A bill (H. R. 21707) to authorize the grading and improving of Piney Branch Road from Georgia Avenue to Butternut Street; to the Committee on the District of Columbia.

Also, a bill (H. R. 21708) to authorize the lighting of Piney Branch Road from Georgia Avenue to Butternut Street; to the Committee on the District of Columbia.

By Mr. JOHNSON of Kentucky (by request of the United States attorney for the District of Columbia): A bill (H. R. 21709) to amend section 851a of chapter 19 of subchapter 2 of the Code of Law for the District of Columbia; to the Committee on the District of Columbia.

Also (by request of the United States attorney for the District of Columbia), a bill (H. R. 21710) to amend section 842 of the Code of Law for the District of Columbia; to the Committee on the District of Columbia.

Also (by request of the United States attorney for the District of Columbia), a bill (H. R. 21711) to amend section 819 of the Code of Law for the District of Columbia; to the Committee on the District of Columbia.

Also (by request of the United States attorney for the District of Columbia), a bill (H. R. 21712) to amend section 808 of the Code of Law for the District of Columbia; to the Committee on the District of Columbia.

Also (by request of the United States attorney for the District of Columbia), a bill (H. R. 21713) to amend section 797a of chapter 18 of subchapter 15 of the Code of Law for the District of Columbia; to the Committee on the District of Columbia.

Also (by request of the United States attorney for the District of Columbia), a bill (H. R. 21714) to amend section 851b of chapter 19 of subchapter 2 of the Code of Law for the District of Columbia; to the Committee on the District of Columbia.

By Mr. GUERNSEY: A bill (H. R. 21715) to provide for the erection of a public building at Dover, Me.; to the Committee on Public Buildings and Grounds.

By Mr. RUCKER of Missouri: A bill (H. R. 21716) to provide for the enlargement, extension, remodeling, and improvement of the post-office building at Moberly, Mo., and for other purposes; to the Committee on Public Buildings and Grounds.

By Mr. LENROOT: A bill (H. R. 21717) to authorize the increase of the height of and the reconstruction or replacement of the Nevers Dam on the St. Croix River; to the Committee on Interstate and Foreign Commerce.

By Mr. RAKER: A bill (H. R. 21718) for the purchase of the Tioga Road in the Yosemite National Forest Reserve, Cal.; to the Committee on the Public Lands.

Also, a bill (H. R. 21719) for the relief of the owners of the Tioga Road in the Yosemite National Forest Reserve, Cal.; to the Committee on the Public Lands.

By Mr. STEPHENS of Texas: A bill (H. R. 21720) to amend section 3 of an act entitled "An act for the relief and civilization of the Chippewa Indians in the State of Minnesota," approved January 14, 1889; to the Committee on Indian Affairs.

By Mr. DONOHOE: A bill (H. R. 21721) granting pensions to volunteer Army nurses of the Civil War; to the Committee on Invalid Pensions.

By Mr. STERLING: A bill (H. R. 21722) to amend an act entitled "An act to codify, revise, and amend the laws relating to the judiciary," approved March 3, 1911; to the Committee on the Judiciary.

By Mr. GARNER: Joint resolution (H. J. Res. 266) amending "A joint resolution permitting Anson Mills, colonel of Third Regiment United States Cavalry, to accept and exercise the functions of boundary commissioner on the part of the United States"; to the Committee on Military Affairs.

By Mr. DUPRÉ: Resolution (H. Res. 449) referring to the publication of the CONGRESSIONAL RECORD; to the Committee on Printing.

By Mr. GALLAGHER: Resolution (H. Res. 450) authorizing an investigation of the Baseball Trust; to the Committee on Rules.

PRIVATE BILLS AND RESOLUTIONS.

Under clause 1 of Rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. AKIN of New York: A bill (H. R. 21723) for the relief of Hiram Argersinger; to the Committee on Claims.

By Mr. ALLEN: A bill (H. R. 21724) granting a pension to Almeda Cosberry; to the Committee on Invalid Pensions.

By Mr. AMES: A bill (H. R. 21725) granting an increase of pension to Orrin Bartlett; to the Committee on Invalid Pensions.

By Mr. ANDERSON of Ohio: A bill (H. R. 21726) granting a pension to Jessie E. Kerr; to the Committee on Pensions.

Also, a bill (H. R. 21727) granting a pension to Landon G. Harper; to the Committee on Invalid Pensions.

Also, a bill (H. R. 21728) granting an increase of pension to Henry Schoder; to the Committee on Invalid Pensions.

Also, a bill (H. R. 21729) granting an increase of pension to Jesse Stafford; to the Committee on Invalid Pensions.

Also, a bill (H. R. 21730) granting an increase of pension to Wedem S. Chamberlain; to the Committee on Invalid Pensions.

By Mr. CARTER: A bill (H. R. 21731) granting an increase of pension to Andrew P. Johnson; to the Committee on Invalid Pensions.

By Mr. COX of Ohio: A bill (H. R. 21732) granting a pension to Lucy J. Wells; to the Committee on Pensions.

Also, a bill (H. R. 21733) granting an increase of pension to Cincinnatus East; to the Committee on Invalid Pensions.

By Mr. CULLOP: A bill (H. R. 21734) granting an increase of pension to George W. Bastin; to the Committee on Invalid Pensions.

By Mr. DRAPER: A bill (H. R. 21735) for the relief of Peter J. Van Zandt; to the Committee on Military Affairs.

By Mr. DANIEL A. DRISCOLL: A bill (H. R. 21736) granting a pension to Katherine Bauzhaf; to the Committee on Invalid Pensions.

Also, a bill (H. R. 21737) granting an increase of pension to Nicholas Roth; to the Committee on Invalid Pensions.

By Mr. DUPRÉ: A bill (H. R. 21738) granting a pension to Theresa Kurtz; to the Committee on Invalid Pensions.

By Mr. ESCH: A bill (H. R. 21739) granting an increase of pension to Samuel W. McElderry; to the Committee on Invalid Pensions.

By Mr. GOULD: A bill (H. R. 21740) granting a pension to Hattie P. Longfellow; to the Committee on Invalid Pensions.

Also, a bill (H. R. 21741) granting an increase of pension to Levi Walker; to the Committee on Invalid Pensions.

By Mr. HAWLEY: A bill (H. R. 21742) granting an increase of pension to Alicia Herrington; to the Committee on Invalid Pensions.

By Mr. HELM: A bill (H. R. 21743) granting an increase of pension to Jesse G. Austin; to the Committee on Pensions.

Also, a bill (H. R. 21744) for the relief of Malory C. Carey; to the Committee on Military Affairs.

By Mr. HUMPHREY of Washington: A bill (H. R. 21745) to authorize the Secretary of the Interior to consider the claim of the attorney of record, and to allow said attorney such fee as found reasonable in matter of certain allotment lands to certain Indians of Cascade Band allotted on Yakima Reservation, Wash., and for other purposes; to the Committee on Indian Affairs.

By Mr. LAFEAN: A bill (H. R. 21746) to correct the military record of Charles P. Kibler; to the Committee on Military Affairs.

By Mr. LANGHAM: A bill (H. R. 21747) granting an increase of pension to George W. Wangaman; to the Committee on Invalid Pensions.

Also, a bill (H. R. 21748) granting an increase of pension to William Daily; to the Committee on Invalid Pensions.

By Mr. LEVY: A bill (H. R. 21749) to correct the military record of John Costen; to the Committee on Military Affairs.

By Mr. McHENRY: A bill (H. R. 21750) granting an increase of pension to Frederick Gray; to the Committee on Invalid Pensions.

By Mr. O'SHAUNESSY: A bill (H. R. 21751) granting a pension to Sarah Hill; to the Committee on Invalid Pensions.

By Mr. PATTON of Pennsylvania: A bill (H. R. 21752) granting an increase of pension to Dallas Patrick; to the Committee on Invalid Pensions.

Also, a bill (H. R. 21753) granting an increase of pension to George R. Fitzgerald; to the Committee on Invalid Pensions.

By Mr. POST: A bill (H. R. 21754) granting an increase of pension to Frederick Hogendobler; to the Committee on Invalid Pensions.

Also, a bill (H. R. 21755) granting an increase of pension to Elizabeth Reid; to the Committee on Invalid Pensions.

By Mr. POWERS: A bill (H. R. 21756) for the relief of Pleasant Moore; to the Committee on War Claims.

Also, a bill (H. R. 21757) granting an increase of pension to William Herron; to the Committee on Pensions.

By Mr. REDFIELD: A bill (H. R. 21758) for the relief of Philip A. Hertz; to the Committee on Military Affairs.

Also, a bill (H. R. 21759) for the relief of Martin McNamara, alias Martin Mack; to the Committee on Military Affairs.

By Mr. RANSDELL of Louisiana: A bill (H. R. 21760) for the relief of the estate of William B. Taylor; to the Committee on Claims.

By Mr. RUBEY: A bill (H. R. 21761) for the relief of the legal representatives of Solomon Wood; to the Committee on War Claims.

By Mr. SHERWOOD: A bill (H. R. 21762) granting an increase of pension to Edward Sloyer; to the Committee on Invalid Pensions.

By Mr. STONE: A bill (H. R. 21763) granting an increase of pension to Thomas H. Doane; to the Committee on Invalid Pensions.

Also, a bill (H. R. 21764) granting an increase of pension to William L. Stewart; to the Committee on Invalid Pensions.

By Mr. UTTER: A bill (H. R. 21765) granting an increase of pension to Elizabeth Sullivan; to the Committee on Invalid Pensions.

By Mr. VREELAND: A bill (H. R. 21766) granting a pension to Ruthem Brown; to the Committee on Invalid Pensions.

By Mr. YOUNG of Kansas: A bill (H. R. 21767) granting an increase of pension to Thomas O. Neal; to the Committee on Invalid Pensions.

PETITIONS, ETC.

Under clause 1 of Rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

By the SPEAKER: Memorial of the Forty-fifth National Encampment of the Grand Army of the Republic, for erection of an amphitheater at Arlington; to the Committee on the Library.

Also, memorial of the Russian River Chamber of Commerce, for improvement of Yosemite National Park; to the Committee on the Public Lands.

By Mr. AKIN of New York: Petition of citizens of Gloversville, N. Y., for an amendment to the Constitution to enable women to vote in all elections upon the same terms as men; to the Committee on the Judiciary.

Also, memorial of the United Spanish War Veterans of New York City, in favor of House bill 17470; to the Committee on Pensions.

Also, petition of citizens of Gloversville, N. Y., in favor of old-age pensions; to the Committee on Pensions.

By Mr. ANDERSON of Minnesota: Petition of I. P. Hodge and others, of Stewartville, Minn., against extension of the parcel-post system; to the Committee on the Post Office and Post Roads.

By Mr. ANDERSON of Ohio: Petition of E. J. Babcock, of the University of North Dakota, for enactment of House bill 6304; to the Committee on Mines and Mining.

Also, petition of the United Mine Workers of America, for old-age pension legislation; to the Committee on Pensions.

By Mr. ASHBROOK: Papers to accompany House bill 21296, for the relief of Wilson S. Fouts; to the Committee on Invalid Pensions.

Also, petition of the Ohio Jersey Cattle Club, opposing the reduction or removal of the tax on oleomargarine; to the Committee on Agriculture.

Also, petition of the University of North Dakota, in favor of House bill 6304, making provision for investigations and experimentations in all branches of the mining industry; to the Committee on Mines and Mining.

Also, petition of the Ohio Rake Co., in favor of House bill 18981, authorizing a modern building for the Interstate Commerce Commission; to the Committee on Public Buildings and Grounds.

By Mr. BOWMAN: Petition of certain citizens of Wilkes-Barre, Pa., and vicinity, favoring the building of one battleship in a United States navy yard; to the Committee on Naval Affairs.

Also, memorial of H. A. Kioler, Nanticoke, Pa., favoring Gardner bill (H. R. 1343); to the Committee on Immigration and Naturalization.

By Mr. BURKE of Wisconsin: Petitions of citizens of the State of Wisconsin, protesting against passage of the Lever bill (H. R. 18493) to reduce the tax on oleomargarine; to the Committee on Agriculture.

By Mr. CALDER: Petition of Western Dry Goods Co., of Seattle, Wash., against House bill 16844, requiring manufacturers to place their own names on manufactured articles; to the Committee on Interstate and Foreign Commerce.

Also, petition of Abraham Lincoln Camp, No. 91, United Spanish War Veterans, of New York, in favor of House bill 17470, to pension widows or minor children of enlisted men in the War with Spain or Philippines insurrection; to the Committee on Pensions.

By Mr. CARTER: Petitions of citizens of the State of Oklahoma, protesting against parcel-post legislation; to the Committee on the Post Office and Post Roads.

By Mr. CLARK of Florida: Petition of the Board of Trade of Jacksonville, Fla., favoring the passage of Senate bill 2117; to the Committee on Interstate and Foreign Commerce.

Also, petition of the Board of Trade of Jacksonville, Fla., opposing tariff discrimination against Florida rosin; to the Committee on Ways and Means.

By Mr. CURRY: Petition of the Christian Endeavor Society of the First Christian Church, Deming, N. Mex., in favor of Sheppard-Kenyon antiliquor bill; to the Committee on the Judiciary.

Also, petition of the Christian Endeavor Society, First Presbyterian Church, Deming, N. Mex., favoring Sheppard-Kenyon antiliquor bill; to the Committee on the Judiciary.

By Mr. DAVIS of Minnesota: Petition of J. J. Piper and others, of Faribault, Minn., protesting against parcel-post legislation; to the Committee on the Post Office and Post Roads.

Also, petitions of citizens of Le Sueur, Minn., for passage of Kenyon-Sheppard interstate liquor bill; to the Committee on the Judiciary.

By Mr. DENVER: Petitions of citizens of Salina and Mount Orab, Ohio, protesting against parcel-post legislation; to the Committee on the Post Office and Post Roads.

Also, petition of citizens of Mount Orab, Ohio, for regulation of express rates and classifications; to the Committee on Interstate and Foreign Commerce.

By Mr. DRAPER: Petition of Municipal Council, United Spanish War Veterans, New York City, for enactment of House bill 17470; to the Committee on Pensions.

Also, petition of officers and enlisted men of Company M, Mounted Infantry, National Guard of New York, for passage of the militia pay bill; to the Committee on Military Affairs.

By Mr. DANIEL A. DRISCOLL: Petition of officers and men of Company D, Sixty-fifth Infantry, Buffalo, N. Y., favoring militia pay bill for the improvement of the National Guard, with letter of Joseph Dorst, captain commanding; to the Committee on Military Affairs.

Also, petition of members of the medical and surgical staff of the Sisters' Hospital, Buffalo, N. Y., favoring bill to relieve institutions from certain alcohol taxation; to the Committee on Ways and Means.

Also, petition of Camp Merwin Carleton, No. 4, Army of the Philippines, C. T. Spear, commander, William F. Lewis, adjutant, St. Paul, Minn., favoring bill of Representative CRAGO (H. R. 18502); to the Committee on Military Affairs.

Also, petition of James L. Gallagher, James H. Carr, M. D., and 9 other members of the medical and surgical staff of the Emergency Hospital, Buffalo, N. Y., favoring bill for relief of scientific institutions of learning from certain provisions of law regarding tax on alcohol; to the Committee on Ways and Means.

By Mr. ESCH: Memorial of Union No. 8, International Association of Bridge and Structural Iron Workers, for amendment to the Constitution limiting hours of labor; to the Committee on the Judiciary.

Also, memorial of the Wisconsin Retail Lumber Dealers' Association, protesting against parcel-post legislation; to the Committee on the Post Office and Post Roads.

By Mr. FITZGERALD: Petition of Municipal Council of the Spanish War Veterans of New York, in favor of House bill 17470; to the Committee on Pensions.

Also, memorial of the Civic Club of Philadelphia, Pa., for improvement of the Philadelphia immigrant station; to the Committee on Appropriations.

By Mr. FORNES: Memorial of Admiral John W. Philip Post, No. 19, American Veterans of Foreign Service, favoring Senator JONES's bill providing pay and allowance for volunteer organizations, etc.; to the Committee on Military Affairs.

Also, petitions of Laurence T. Bologuind, of the Big Show Theater, New York, and John McNutty, of the Scenic Theater, New York, favoring House bill 20595, amending section 25 of the copyright act of 1909; to the Committee on Patents.

Also, memorial of the Postal Progress League, favoring parcel-post legislation; to the Committee on the Post Office and Post Roads.

By Mr. FRANCIS: Memorial of District No. 6, United Mine Workers of America, for legislation providing for old-age pensions; to the Committee on Pensions.

Also, petitions of citizens of the State of Ohio, for construction of one battleship in a Government navy yard; to the Committee on Naval Affairs.

By Mr. FULLER: Petition of George North Taylor, of Streator, Ill., favoring the establishment of a parcel post, etc.; to the Committee on the Post Office and Post Roads.

Also, petition of Rockford (Ill.) Central Labor Union, in favor of the passage of the Wilson bill (H. R. 11032) relating to issuance of restraining orders; to the Committee on the Judiciary.

Also, petition of Rockford (Ill.) Central Labor Union, protesting against alleged illegal and brutal acts of public officials, etc., in labor trouble at Lawrence, Mass.; to the Committee on Labor.

Also, petition of Charles P. Gaut, of Streator, Ill., favoring the passage of House bill 17470, to pension widows of Spanish War veterans; to the Committee on Pensions.

Also, petition of the Duquoin Retail Merchants' Association, of Duquoin, Ill., favoring 1-cent letter postage; to the Committee on the Post Office and Post Roads.

Also, petition of the General Federation of Women's Clubs, of St. Louis, Mo., in favor of the creation of a national children's bureau; to the Committee on Labor.

By Mr. GALLAGHER: Memorial of Lake Seamen's Union of Chicago, Ill., for enactment of House bill 11372; to the Committee on the Merchant Marine and Fisheries.

By Mr. GARDNER of Massachusetts: Memorial of the New England Shoe and Leather Association, opposing House bill 16884 with regard to marking of certain goods manufactured for interstate commerce; to the Committee on Ways and Means.

Also, petition of the New England Conference on Rural Progress, favoring Government assistance in extending agricultural teaching; to the Committee on Agriculture.

By Mr. GARNER: Petition of certain residents of Stockdale, Tex., and vicinity, favoring the Sulzer bill (H. R. 14) for a parcel post; to the Committee on the Post Office and Post Roads.

By Mr. GOULD: Petitions of Comet Grange and Woman's Christian Temperance Union of Swanville, Me., favoring the passage of the Kenyon-Sheppard interstate liquor bill; to the Committee on the Judiciary.

By Mr. HAMMOND: Petition of Ole Olson and 48 others, of Dunnell, Minn., against the Lever bill—oleomargarine; to the Committee on Agriculture.

By Mr. HAYDEN: Petitions of citizens of the State of Arizona, protesting against parcel-post legislation; to the Committee on the Post Office and Post Roads.

Also, petition of Mrs. J. I. Gardner and 32 other residents of Prescott, Ariz., in favor of the bill to establish a Federal children's bureau; to the Committee on Labor.

Also, petitions of members of Improved Order of Red Men, of the State of Arizona, for an American Indian memorial and museum building in the city of Washington, D. C.; to the Committee on Public Buildings and Grounds.

By Mr. HENRY of Connecticut: Petition of the German-American Alliance of New Britain, Conn., protesting against legislation prohibiting interstate liquor traffic; to the Committee on the Judiciary.

By Mr. HILL of Connecticut: Petition of St. Joseph's Society, of Bridgeport, Conn., in regard to Catholic Indian mission bill; to the Committee on Indian Affairs.

Also, petition of the Westville Congregational Church, of New Haven, Conn., in favor of Kenyon-Sheppard interstate liquor bill; to the Committee on the Judiciary.

Also, petition of the German-American alliance of New Britain, Conn., protesting against passage of Kenyon-Sheppard interstate liquor bill; to the Committee on the Judiciary.

By Mr. HOUSTON: Papers to accompany House bill 21563, for relief of John W. Vandergriff; to the Committee on Invalid Pensions.

By Mr. HOWELL: Petitions of the Athenian Club of Lehi and the American Woman's League of Ogden, Utah, for parcel-post legislation; to the Committee on the Post Office and Post Roads.

Also, petition of citizens of the State of Utah, against parcel-post legislation; to the Committee on the Post Office and Post Roads.

By Mr. HUGHES of New Jersey: Memorial of members of the Socialist Party of Fort Lee, N. J., for investigation of the Lawrence (Mass.) strike; to the Committee on Rules.

By Mr. KENDALL: Petitions of citizens of Hiteman and Newton, Iowa, in favor of Berger old-age pension bill; to the Committee on Pensions.

Also, petitions of citizens of Grinnell and Newbury, Iowa, against Lever bill and for Haugen bill; to the Committee on Agriculture.

By Mr. LAFEAN: Petitions of citizens of Orrtanna, Pa., for passage of Kenyon-Sheppard interstate liquor bill; to the Committee on the Judiciary.

By Mr. LANGHAM: Petitions of citizens of the State of Pennsylvania, for parcel-post legislation; to the Committee on the Post Office and Post Roads.

Also, petition of citizens of Fairmount City, Pa., in favor of Esch phosphorus bill; to the Committee on Ways and Means.

Also, petition of the Woman's Christian Temperance Union, of Grove Summit, Pa., for passage of Kenyon-Sheppard interstate liquor bill; to the Committee on the Judiciary.

Also, petition of citizens of the State of Pennsylvania, for a constitutional amendment prohibiting the sale, manufacture for sale, and importation for sale of beverages containing alcohol; to the Committee on the Judiciary.

By Mr. LEVY: Papers to accompany a bill to correct the military record of John Casten; to the Committee on Military Affairs.

Also, petitions of Central Federated Union, of Greater New York, for construction of a battleship at the Brooklyn Navy Yard, and protesting against supplanting civilian employees with enlisted men in the navy yards; to the Committee on Naval Affairs.

By Mr. LOUD: Petition of V. A. Baker and 29 other voters of Petoskey, Mich., for passage of the Kenyon-Sheppard interstate-commerce liquor bill; to the Committee on the Judiciary.

Also, petition of the Central Federated Union of Greater New York, for enactment of House bill 11032; to the Committee on the Judiciary.

Also, petition of Municipal Council, United Spanish War Veterans, of New York City, for enactment of House bill 17470; to the Committee on Pensions.

Also, petition of Fancy Leather Goods Manufacturers' Association, of New York, for enactment of House bill 5601; to the Committee on Interstate and Foreign Commerce.

By Mr. LINDSAY: Memorial of Post No. 19, American Veterans of Foreign Service, for certain legislation; to the Committee on Military Affairs.

By Mr. McDERMOTT: Petition of members of Tug Firemen and Linemen's Protective Association, for enactment of House bill 18787; to the Committee on Labor.

By Mr. McGILLICUDDY: Petitions of citizens of the State of Maine, for passage of Kenyon-Sheppard interstate liquor bill; to the Committee on the Judiciary.

By Mr. McKINNEY: Petition of Local Union No. 49, Metal Polishers, etc., of Rock Island, Ill., asking for the construction of one battleship in a Government navy yard; to the Committee on Naval Affairs.

Also, petition of the Woman's Christian Temperance Union of Aledo, Ill., for passage of the Kenyon-Sheppard interstate-commerce liquor bill; to the Committee on the Judiciary.

By Mr. MAGUIRE of Nebraska: Petition of citizens of Broken Bow and Weeping Water, Nebr., protesting against parcel-post legislation; to the Committee on the Post Office and Post Roads.

By Mr. MOON of Tennessee: Petition of citizens of Hamilton County, Tenn., for enactment of an effective interstate liquor law; to the Committee on the Judiciary.

By Mr. MORSE of Wisconsin: Petition of the Merchants of Tomahawk, Wis., protesting against the passage of any act extending the parcel post; to the Committee on the Post Office and Post Roads.

By Mr. MOTT: Petition of the Central Federated Union of Greater New York, in favor of House bill 11032, regulating the issuance of restraining orders, etc.; to the Committee on the Judiciary.

Also, petition of McCumber & Co., against the parcel post; to the Committee on the Post Office and Post Roads.

Also, petition of Palermo Grange, No. 309, Patrons of Husbandry, against the Lever oleomargarine bill; to the Committee on Agriculture.

Also, petition of Business Men's Association of Morrisville, N. Y., in favor of 1-cent postage; to the Committee on the Post Office and Post Roads.

Also, petition of International Dry Farming Congress, in favor of the Lever bill for agricultural education; to the Committee on Agriculture.

Also, petition of the Chamber of Commerce of Oswego, N. Y., favoring a readjustment of railroad freight rates; to the Committee on Interstate and Foreign Commerce.

By Mr. NEEDHAM: Memorial of the San Francisco Chamber of Commerce, against the chemical bill; to the Committee on Ways and Means.

Also, petitions of Christian Church of Denair, Cal., the Woman's Christian Temperance Union of Denair, Cal., the Friends Church of Denair, Cal., the Mission Church of Denair, Cal., and 250 members of the congregation of the Central Methodist Episcopal Church, of Stockton, Cal., for the speedy passage of the Kenyon-Sheppard interstate liquor bill (S. 4043; H. R. 16214) to withdraw from interstate-commerce protection liquors imported into dry territory for illegal use; to the Committee on the Judiciary.

By Mr. O'SHAUNESSY: Memorial of the Rhode Island Branch, American Federation of Labor, encouraging a congressional investigation of the Newport torpedo station, and having the conditions that exist at the said station compare favorably with those existing in other navy yards; to the Committee on Naval Affairs.

Also, petition of the Daughters of the American Revolution of Providence, R. I., indorsing House bill 19641; to the Committee on Appropriations.

Also, memorial of Providence (R. I.) Board of Trade, favoring park-commission plan for Lincoln memorial and opposing roadway for such memorial; to the Committee on the Library.

Also, petition of the Pawtucket (R. I.) Business Men's Association, favoring Senate bill 4308 and House bill 17736; to the Committee on the Post Office and Post Roads.

Also, petition of the Rhode Island Business Men's Association, of Providence, favoring better legislation on subject of butter; to the Committee on Agriculture.

Also, petition of Providence (R. I.) Board of Trade, favoring toll exemption for American coastwise ships through the Panama Canal; to the Committee on Interstate and Foreign Commerce.

Also, petition of Providence Board of Trade, favoring resolution by Mr. PETERS to extend governmental recognition to the Fifth International Congress of Chambers of Commerce and appropriating $50,000 for expenses of same, etc.; to the Committee on Appropriations.

Also, petition of Sidney F. Hoar Camp, United Spanish War Veterans, favoring Senate bill 291 and House bill 1235; to the Committee on Military Affairs.

Also, petition of Rhode Island Department, Spanish War Veterans, favoring Senate bill 291 and House bill 1235; to the Committee on Military Affairs.

Also, petition of Wightman & Hugh Co., Providence, R. I., urging parcel-post bill (H. R. 14); to the Committee on the Post Office and Post Roads.

Also, petition of Sidney F. Hoar Camp, United Spanish War Veterans, favoring House bill 17470; to the Committee on Pensions.

Also, petition of Providence (R. I.) Retail Grocers and Marketmen, favoring the Sulzer parcel-post bill; to the Committee on the Post Office and Post Roads.

Also, petition of board of trade, urging exemption of American vessels from Panama Canal tolls; to the Committee on Interstate and Foreign Commerce.

Also, petition of First Congregational Church of Bristol, R. I., favoring the Kenyon-Sheppard interstate-commerce liquor bill; to the Committee on the Judiciary.

Also, memorial of the United Irish Societies of Chicago, opposing the Anglo-American treaty now before the United States Senate, because it is in reality an alliance with England, which, under the cloak of peace, is "an arbitration" tax designed to strengthen England's position in European politics; to the Committee on Foreign Affairs.

Also, petition of sundry commercial associations and chambers of commerce of the State of Washington, urging no tolls for American vessels passing through the Panama Canal; to the Committee on Interstate and Foreign Commerce.

Also, memorial of San Jose Chamber of Commerce, that there should be no tolls charged through the Panama Canal to vessels flying the American flag engaged in coastwise traffic of the United States; to the Committee on Interstate and Foreign Commerce.

By Mr. OLDFIELD: Petitions of citizens of the State of Arkansas, protesting against parcel-post legislation; to the Committee on the Post Office and Post Roads.

By Mr. PATTON of Pennsylvania: Petition of Young People's Society, Swedish Lutheran Church, of Bradford, Pa., and the congregation of the Salvation Army of Bradford, Pa., favoring the passage of the Kenyon-Sheppard interstate-commerce liquor bill; to the Committee on the Judiciary.

By Mr. PAYNE: Petition of citizens of Auburn, N. Y., for passage of Berger old-age pension bill; to the Committee on Pensions.

By Mr. POWERS: Papers to accompany bill for the relief of William Herron; to the Committee on Pensions.

By Mr. RAKER: Memorial of San Francisco Center of California Civic League, favoring the enforcement of the white-slave traffic act; to the Committee on Interstate and Foreign Commerce.

Also, petition of F. Leininger, of Ione, Cal., for the immediate enactment into law of the Postal Progress League parcel-post bill (H. R. 14), by Mr. SULZER, of New York; to the Committee on the Post Office and Post Roads.

By Mr. REILLY: Petition of Oregon Retail Hardware and Implement Dealers' Association, for 1-cent letter postage; to the Committee on the Post Office and Post Roads.

Also, memorial of the New England Shoe and Leather Association, against passage of House bill 16884; to the Committee on Interstate and Foreign Commerce.

Also, petition of citizens of Naugatuck, R. I., for enactment of Berger old-age pension bill; to the Committee on Pensions.

Also, petition of the New England Conference on Rural Progress, in favor of Senate bill 4563 and House bill 18160; to the Committee on Agriculture.

Also, petitions of citizens of New Haven, Conn., for enactment of House bills 16802 and 18244; to the Committee on Indian Affairs.

Also, petition of the German-American Alliance of New Britain, Conn., protesting against legislation on prohibition of interstate liquor traffic; to the Committee on the Judiciary.

By Mr. ROBERTS of Massachusetts: Memorial of New York Board of Trade and Transportation, relative to the national harbor of refuge; to the Committee on Rivers and Harbors.

Also, memorial of the city council of Portsmouth, N. H., in opposition to abolishing the Portsmouth Navy Yard; to the Committee on Naval Affairs.

Also, memorial of citizens of Lynn, Mass., for rejection of arbitration treaties; to the Committee on Foreign Affairs.

Also, petition of members of Improved Order of Red Men, of Lynn, Mass., for an American Indian memorial and museum

building in the city of Washington, D. C.; to the Committee on Public Buildings and Grounds.

By Mr. ROUSE: Memorials of the German-American Alliance of Covington, Ky.; the German-American Alliance of the State of Kentucky; and the German-American Alliance of Newport, Ky., against Kenyon-Sheppard interstate-commerce liquor bill; to the Committee on the Judiciary.

Also, memorial of Greenwood Grange, of Hebron, Ky., in regard to House bill 18493; to the Committee on Agriculture.

Also, memorial of Newport (Ky.) Socialist Party, indorsing the Berger resolution to submit a constitutional amendment extending the right of suffrage to women; to the Committee on the Judiciary.

By Mr. SCULLY: Petitions of citizens of the State of New Jersey, for enactment of the Kenyon-Sheppard interstate liquor bill; to the Committee on the Judiciary.

By Mr. J. M. C. SMITH: Petition of Larkin Co., of Buffalo, favoring parcel-post legislation; to the Committee on the Post Office and Post Roads.

Also, petitions of 73 citizens of Comstock, Mich.; the Congregational Church, Prattville; the Congregational Aid Society of Prattville; the Woman's Christian Temperance Union of Prattville; and 29 citizens of Bronson, Mich., for passage of the Kenyon-Sheppard bill; to the Committee on the Judiciary.

Also, petition of T. L. Mills, of Hillsdale, Mich., favoring reduction of tax on raw and refined sugars; to the Committee on Ways and Means.

Also, petitions of merchants of Pittsford, Mich., and National Federation of Retail Merchants, protesting against parcel-post legislation; to the Committee on the Post Office and Post Roads.

By Mr. STEVENS of Minnesota: Petition of citizens of Windom, Minn., protesting against parcel-post legislation; to the Committee on the Post Office and Post Roads.

By Mr. THOMAS: Petition of sundry citizens of Metcalf County, Ky., protesting the passage of the Sunday-observance bill (H. R. 9433); to the Committee on the Post Office and Post Roads.

By Mr. TILSON: Memorial of New England Conference on Rural Progress, favoring Senate bill 4563 and House bill 18160; to the Committee on Agriculture.

Also, petition of the New England Shoe and Leather Association, opposing House bill 16884; to the Committee on Ways and Means.

Also, memorial of the German American Alliance, George Wessels, president; Bruno Hentschel, secretary, opposing prohibition and interstate-commerce liquor legislation; to the Committee on the Judiciary.

By Mr. TOWNER: Petition of citizens of Riverton, Essex, and New Market, Iowa, against parcel post; to the Committee on the Post Office and Post Roads.

Also, petition of citizens of Sidney, Randolph, and Van Wert, Iowa, against parcel post; to the Committee on the Post Office and Post Roads.

By Mr. UTTER: Memorial of the Business Men's Association of Pawtucket, R. I., for 1-cent postage; to the Committee on the Post Office and Post Roads.

Also, papers to accompany bill for the relief of John P. Campbell (H. R. 21472); to the Committee on Invalid Pensions.

Also, petition of Kent County (R. I.) Chapter, Sons of American Revolution, for legislation authorizing the collection and publication of military and naval records of the Revolution; to the Committee on Military Affairs.

Also, memorial of the Board of Trade of Providence, R. I., relative to Fifth International Congress of Chambers of Commerce; to the Committee on Foreign Affairs.

Also, memorial of the Boston (Mass.) Fruit and Produce Exchange, for enactment of House bill 19795; to the Committee on Interstate and Foreign Commerce.

Also, petitions of the First Baptist Church of Greenwich and the Woman's Christian Temperance Unions of Providence and Woonsocket, R. I., for passage of Kenyon-Sheppard interstate liquor bill; to the Committee on the Judiciary.

By Mr. WEEKS: Petition of the Federated Churches, Watertown, Mass., favoring Kenyon-Sheppard interstate liquor bill; to the Committee on the Judiciary.

By Mr. WILLIS: Papers to accompany House bill 18641, for the relief of Isaiah Haylin McDonald; to the Committee on Military Affairs.

Also, resolutions of Century Grange, of East Liberty, Ohio, in favor of the extension of the parcel-post service; to the Committee on the Post Office and Post Roads.

Also, memorial of the convention of District No. 6, United Mine Workers of America, in favor of the enactment of legislation to provide old-age pensions; to the Committee on Pensions.

Also, petition of S. A. Buchanan and 15 other citizens of Bellefontaine, Ohio, asking for the enactment of legislation to abolish the free distribution of garden and flower seed; to the Committee on Agriculture.

Also, papers to accompany House bill 21696, granting a pension to John Hendershott; to the Committee on Invalid Pensions.

By Mr. YOUNG of Texas: Petition of certain residents of Mabank, Tex., and vicinity, favoring Sulzer parcel-post bill (H. R. 14); to the Committee on the Post Office and Post Roads.

SENATE.

TUESDAY, *March 12, 1912.*

The Senate met at 2 o'clock p. m.

Prayer by the Chaplain, Rev. Ulysses G. B. Pierce, D. D.

The Secretary proceeded to read the Journal of yesterday's proceedings when, on request of Mr. BRANDEGEE and by unanimous consent, the further reading was dispensed with and the Journal was approved.

Mr. BRANDEGEE. Mr. President, I suggest the absence of a quorum.

The PRESIDENT pro tempore. The Senator from Connecticut suggests the absence of a quorum. The Secretary will call the roll.

The Secretary called the roll, and the following Senators answered to their names:

Bacon	Curtis	Martine, N. J.	Simmons
Bourne	Dillingham	Nelson	Smith, Ga.
Brandegee	Fletcher	Nixon	Smith, Md.
Briggs	Foster	O'Gorman	Smith, Mich.
Bristow	Gallinger	Oliver	Smith, S. C.
Brown	Gardner	Overman	Smoot
Bryan	Hitchcock	Page	Sutherland
Burnham	Johnson, Me.	Penrose	Swanson
Chamberlain	Johnston, Ala.	Percy	Taylor
Clapp	Jones	Perkins	Thornton
Clark, Wyo.	Lea	Rayner	Warren
Clarke, Ark.	Lodge	Reed	Watson
Crawford	McCumber	Richardson	Wetmore
Cullom	McLean	Root	Williams
Cummins	Martin, Va.	Shively	

Mr. JONES. I desire to state that my colleague [Mr. POINDEXTER] is absent on account of the death of his mother. This notice will stand for the rest of the day.

The PRESIDENT pro tempore. Fifty-nine Senators have answered to their names, and a quorum of the Senate is present.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by D. K. Hempstead, its enrolling clerk, announced that the House insists upon its disagreement to the amendments of the Senate to the bill (H. R. 19238) to amend section 90 of the act entitled "An act to codify, revise, and amend the laws relating to the judiciary," approved March 3, 1911; agrees to the conference asked for by the Senate on the disagreeing votes of the two Houses thereon, and had appointed Mr. CLAYTON, Mr. CARLIN, and Mr. STERLING managers at the conference on the part of the House.

ENROLLED BILLS SIGNED.

The message also announced that the Speaker of the House had signed the following enrolled bill and joint resolution, and they were thereupon signed by the President pro tempore:

S. 339. An act providing for the reappraisement and sale of certain lands in the town site of Port Angeles, Wash., and for other purposes; and

S. J. Res. 83. Joint resolution making appropriations to meet certain contingent expenses of the Senate.

REGULATION OF IMMIGRATION.

Mr. LODGE. I gave notice yesterday that on Wednesday I would call up the bill (S. 3175) to regulate the immigration of aliens to and the residence of aliens in the United States. I ask leave to change that notice to Monday next.

The PRESIDENT pro tempore. The change will be made as requested, without objection.

PETITIONS AND MEMORIALS.

The PRESIDENT pro tempore presented petitions of the congregations of the Methodist Episcopal Church of East Stroudsburg, Pa.; the Presbyterian Church of East Stroudsburg, Pa., and of the Presbyterian Church of Echo Lake Town, Pa., and of the Woman's Christian Temperance Unions of Chautauqua, N. Y., and Woburn, Mass., praying for the adoption of an amendment to the Constitution to prohibit the manufacture, sale, and importation of intoxicating liquors, which were referred to the Committee on the Judiciary.

Mr. OVERMAN presented a petition of sundry citizens of Rocky Mount, N. C., praying for the enactment of legislation authorizing the construction of one of the proposed new battleships at a Government navy yard, which was referred to the Committee on Naval Affairs.

He also presented a petition of sundry citizens of North Carolina, praying for the passage of the so-called eight-hour bill, which was referred to the Committee on Education and Labor.

He also presented petitions of sundry citizens of Jericho, Milton, Hightowers, and Salisbury, all in the State of North Carolina, praying for the establishment of a parcel-post system, which were referred to the Committee on Post Offices and Post Roads.

He also presented a memorial of sundry citizens of China Grove, N. C., remonstrating against the extension of the so-called parcel-post system beyond its present limitations, which was referred to the Committee on Post Offices and Post Roads.

Mr. CULLOM presented memorials of sundry citizens of Peoria and Amboy, in the State of Illinois, remonstrating against the repeal of the oleomargarine law, which were referred to the Committee on Agriculture and Forestry.

He also presented a petition of sundry citizens of Alton, Ill., praying for the enactment of legislation authorizing the construction of one of the proposed new battleships at the Brooklyn Navy Yard, which was referred to the Committee on Naval Affairs.

He also presented a petition of the Typographical Union No. 74, of Belleville, Ill., praying for the passage of the so-called anti-injunction bill, which was referred to the Committee on the Judiciary.

He also presented a petition of members of the Typographical Union, of Belleville, Ill., praying for the passage of the so-called old-age pension bill, which was referred to the Committee on Pensions.

Mr. SMITH of South Carolina presented petitions of sundry citizens of Scranton, Conway, Bennettsville, and Manning, all in the State of South Carolina, praying for the enactment of an interstate liquor law to prevent the nullification of State liquor laws by outside dealers, which were referred to the Committee on the Judiciary.

Mr. SWANSON presented a petition of sundry citizens of Jonesville, Va., praying for the establishment of a parcel-post system, which was referred to the Committee on Post Offices and Post Roads.

He also presented memorials of sundry citizens of Charlottesville, Danville, and Richmond, all in the State of Virginia, remonstrating against the extension of the parcel-post system beyond its present limitations, which were referred to the Committee on Post Offices and Post Roads.

Mr. WATSON presented petitions of sundry citizens of Janelew, Wellsburg, and Point Pleasant, all in the State of West Virginia, praying for the enactment of an interstate liquor law to prevent the nullification of State liquor laws by outside dealers, which were referred to the Committee on the Judiciary.

He also presented a petition of sundry citizens of Toledo, Ohio, praying for the enactment of legislation to provide for the coinage of 3-cent pieces, which was referred to the Committee on Finance.

He also presented a petition of sundry citizens of Clarksburg, W. Va., praying for the enactment of legislation authorizing the construction of one of the proposed new battleships in a Government navy yard, which was referred to the Committee on Naval Affairs.

He also presented a memorial of sundry citizens of Cameron, W. Va., remonstrating against the extension of the so-called parcel-post system beyond its present limitations, which was referred to the Committee on Post Offices and Post Roads.

He also presented a petition of the Retail Grocers' Protective Association of Wheeling, W. Va., praying for the enactment of legislation to establish standard packages and grades for apples, which was referred to the Committee on Standards, Weights, and Measures.

Mr. HITCHCOCK presented memorials of sundry citizens of Broken Bow and Scotts Bluff County, in the State of Nebraska, and of sundry citizens of Herndon, Kans., remonstrating against the extension of the parcel-post system beyond its present limitations, which were referred to the Committee on Post Offices and Post Roads.

He also presented a petition of sundry citizens of Verdon, Nebr., praying for the enactment of an interstate liquor law to prevent the nullification of State liquor laws by outside dealers, which was referred to the Committee on the Judiciary.

He also presented a petition of sundry citizens of Omaha and South Omaha, in the State of Nebraska, praying for the enactment of legislation to provide for the construction of one of the proposed new battleships in the Brooklyn Navy Yard, which was referred to the Committee on Naval Affairs.

Mr. SMITH of Maryland presented a petition of the congregation of the Zion Circuit Methodist Episcopal Church, of Northeast, Md., and a petition of the congregation of the Centenary Methodist Episcopal Church, of Westminster, Md., praying for the enactment of an interstate liquor law to prevent the nullification of State liquor laws by outside dealers, which were referred to the Committee on the Judiciary.

Mr. BRISTOW presented petitions of sundry citizens of Wichita, Pendennis, Alamota, and McCracken, all in the State of Kansas, praying for the enactment of an interstate liquor law to prevent the nullification of State liquor laws by outside dealers, which were referred to the Committee on the Judiciary.

He also presented a petition of members of the Live Stock Exchange, of Kansas City, Kans., praying for the adoption of certain amendments to the oleomargarine law, which was referred to the Committee on Agriculture and Forestry.

He also presented a petition of sundry citizens of Salina, Kans., praying for the enactment of legislation to pension widow and minor children of any officer who served in the Spanish-American War or the Philippine insurrection, which was referred to the Committee on Pensions.

He also presented a memorial of the congregation of the Waco Church of the United Brethren, of Wichita, Kans., remonstrating against the repeal of the anticanteen law, which was referred to the Committee on Military Affairs.

Mr. CRAWFORD presented a petition of sundry citizens of Pukwana, S. Dak., remonstrating against the extension of the parcel-post system beyond its present limitations, which was referred to the Committee on Post Offices and Post Roads.

He also presented petitions of sundry citizens of Mitchell and Blunt, in the State of South Dakota, praying for the enactment of an interstate liquor law to prevent the nullification of State liquor laws by outside dealers, which were referred to the Committee on the Judiciary.

He also presented memorials of sundry citizens of Douglas and Mix Counties, in the State of South Dakota, remonstrating against the enactment of legislation compelling the observance of Sunday as a day of rest in post offices, which were referred to the Committee on Post Offices and Post Roads.

Mr. PENROSE presented petitions of the congregations of the Trinity Lutheran Church, the Diamond Methodist Episcopal Church, of St. Paul's Methodist Episcopal Church, and of the Salem Evangelical Church, all of Hazleton, in the State of Pennsylvania, praying for the enactment of an interstate liquor law to prevent the nullification of State liquor laws by outside dealers, which were referred to the Committee on the Judiciary.

Mr. GALLINGER presented a petition of Captain Fred. J. Miller Camp, No. 11, Department of New Hampshire, Spanish War Veterans, of Claremont, N. H., praying for the enactment of legislation to pension widow and minor children of any officer or enlisted man who served in the Spanish-American War or the Philippine insurrection, which was referred to the Committee on Pensions.

Mr. WETMORE presented a petition of Sidney F. Hoar Camp, No. 4, Department of Rhode Island, Spanish War Veterans, of Providence, R. I., praying for the enactment of legislation providing for the retirement of petty officers and enlisted men in the United States Navy and Marine Corps, which was ordered to lie on the table.

He also presented a petition of Kent County Chapter, Sons of the American Revolution, of Rhode Island, praying for the enactment of legislation to provide for the publication of certain Revolutionary records, which was referred to the Committee on Printing.

He also presented a petition of Sidney F. Hoar Camp, No. 4, Department of Rhode Island, Spanish War Veterans, of Providence, R. I., praying for the enactment of legislation to pension widow and minor children of any officer or enlisted man who served in the War with Spain or the Philippine insurrection, which was referred to the Committee on Pensions.

Mr. LODGE presented petitions of the congregations of the Baptist Church and the Second Congregational Church, of Attleboro; of the Woman's Christian Temperance Union of Attleboro; and of Local Grange, Patrons of Husbandry, of Williamsburg, all in the State of Massachusetts, praying for the enactment of an interstate liquor law to prevent the nullification of State liquor laws by outside dealers, which were referred to the Committee on the Judiciary.

Mr. SHIVELY presented a petition of sundry citizens of Odon, Ind., praying for the establishment of a parcel-post system, which was referred to the Committee on Post Offices and Post Roads.

He also presented a memorial of members of the Retail Merchants' Association, of Columbus, Ind., remonstrating against the extension of the parcel-post system beyond its present limitations, which was referred to the Committee on Post Offices and Post Roads.

He also presented a memorial of members of the St. John's Sick Benefit Association, of Vincennes, Ind., remonstrating against the enactment of an interstate liquor law to prevent the nullification of State liquor laws by outside dealers, which was referred to the Committee on the Judiciary.

He also presented a memorial of the Building Trades Council, of Marion County, Ind., remonstrating against the enactment of legislation to regulate the pay of the Organized Militia, which was referred to the Committee on Military Affairs.

Mr. FLETCHER presented a petition of sundry citizens of Wacissa, Cody, Jacksonville, and Barton, all in the State of Florida, praying for the establishment of a parcel-post system, which was referred to the Committee on Post Offices and Post Roads.

He also presented a petition of the Retail Dealers' Association of Tampa, Fla., praying for the adoption of a 1-cent letter postage, which was referred to the Committee on Post Offices and Post Roads.

He also presented a petition of General Joe Wheeler Camp, No. 2, Department of Florida, United Spanish War Veterans, of Tampa, Fla., praying for the enactment of legislation to pension the widow and minor children of any officer or enlisted man who served in the War with Spain or the Philippine insurrection, which was referred to the Committee on Pensions.

He also presented a petition of sundry clerks employed in the Quartermaster's and Subsistence Departments of the Army, stationed at Boston, Mass., praying that the status of the clerks in the Quartermaster's and Subsistence Departments, under the proposed consolidation of the Quartermaster's, Subsistence, and Pay Departments be made the same as that of the Army Paymaster's clerks under the act of Congress approved March 3, 1911, which was referred to the Committee on Military Affairs.

Mr. CLAPP presented memorials of sundry citizens of Mora, Plainview, Dodge Center, Luverne, Jackson, Grand Rapids, Winona, Biwabik, Glencoe, Rollingstone, and Onamia, all in the State of Minnesota, remonstrating against the extension of the parcel-post system beyond its present limitations, which were referred to the Committee on Post Offices and Post Roads.

He also presented petitions of sundry citizens of Farris, Cass Lake, Puposky, Brainerd, Outing, and Buena Vista, all in the State of Minnesota, praying for the establishment of a parcel-post system, which were referred to the Committee on Post Offices and Post Roads.

Mr. REED presented petitions of sundry citizens of Senath, St. Louis, Bonne Terre, Louisiana, Independence, Columbia, Plattsburg, and Williamsville, all in the State of Missouri, praying for the enactment of an interstate liquor law to prevent the nullification of State liquor laws by outside dealers, which were referred to the Committee on the Judiciary.

He also presented a petition of the congregations of the Methodist, United Brethren, and Presbyterian Churches, and of the Woman's Christian Temperance Union, all of Raymore, in the State of Missouri, praying for the adoption of an amendment to the Constitution to prohibit the manufacture, sale, and importation of intoxicating liquors, which was referred to the Committee on the Judiciary.

He also presented memorials of sundry citizens of Fayette, Nixa, Joplin, Oak Grove, Braymer, Poplar Bluff, Brookfield, Kansas City, Wakanda, Hannibal, Armstrong, and Rondo, all in the State of Missouri, remonstrating against the extension of the parcel-post system beyond its present limitations, which were referred to the Committee on Post Offices and Post Roads.

Mr. DU PONT presented a petition of members of the Epworth League of the Mount Pleasant Methodist Episcopal Church, of Bellevue, Del., praying for the enactment of an interstate liquor law to prevent the nullification of State liquor laws by outside dealers, which was referred to the Committee on the Judiciary.

REPORTS OF COMMITTEES.

Mr. BRANDEGEE, from the Committee on the Judiciary, to which was referred the bill (S. 3925) providing for an increase of salary of the United States marshal for the district of Nevada, reported it with amendments and submitted a report (No. 474) thereon.

Mr. PERKINS, from the Committee on Appropriations, to which was referred the bill (H. R. 20111) making appropriations for fortifications and other works of defense, for the armament thereof, for the procurement of heavy ordnance for trial and service, and for other purposes, reported it with amendments and submitted a report (No. 475) thereon.

Mr. BRYAN, from the Committee on Claims, to which were referred the following bills, reported them severally without amendment:

S. 4098. A bill for the relief of the estate of Fernando Valdez, deceased;

S. 4128. A bill for the relief of the estates of Frances M. Stuart and William H. Bush;

S. 4153. A bill for the relief of the estate of Alton R. Dalrymple;

S. 4186. A bill for the relief of the estates of Milton T. Carey and others;

S. 4208. A bill for the relief of the estates of Edward Christie and Louis Feldman;

S. 4213. A bill for the relief of the estate of Harriet B. Anderson and others;

S. 4254. A bill for the relief of the estate of William H. Abbott and others;

S. 4257. A bill for the relief of the estate of Charles C. Benton and others;

S. 4456. A bill for the relief of the estate of Silas F. Baker;

S. 4552. A bill for the relief of the estate of Benjamin B. Cox and others;

S. 4564. A bill for the relief of the estate of Maurice T. Smith and Ella P. Williams;

S. 4599. A bill for the relief of Frederick Beckstein and others; and

S. 4661. A bill for the relief of the estate of T. B. Cowan and others.

Mr. JONES, from the Committee on Claims, to which was referred the bill (S. 5218) for the relief of Joshua F. Spurling, submitted an adverse report (No. 476) thereon, which was agreed to and the bill was postponed indefinitely.

Mr. BURTON, from the Committee on Foreign Relations, to which was referred the bill (S. 4930) to carry into effect the provisions of a convention for the unification of certain rules with respect to assistance and salvage at sea, reported it without amendment and submitted a report (No. 477) thereon.

H. J. RANDOLPH HEMMING.

Mr. CRAWFORD. I ask leave to withdraw the report of the Committee on Claims upon the bill (S. 3288) for the relief of H. J. Randolph Hemming, which is on the calendar. I wish to state, so that the reason may appear in the RECORD, that the committee now finds that this claim is included in an arbitration agreement, and is in a schedule in that agreement which has been made between Great Britain and the United States. The claim is in process of adjustment in that way. So we desire to have the bill recommitted.

The PRESIDENT pro tempore. Without objection, the report of the committee will be withdrawn, and the bill will be recommitted as indicated.

BILLS AND JOINT RESOLUTIONS INTRODUCED.

Bills and joint resolutions were introduced, read the first time, and, by unanimous consent, the second time, and referred as follows:

By Mr. PENROSE:

A bill (S. 5791) to correct the military record of Cyrus V. Milliman (with accompanying paper); and

(By request.) A bill (S. 5792) to consolidate the veterinary service, United States Army, and to increase its efficiency; to the Committee on Military Affairs.

A bill (S. 5793) granting an increase of pension to Henry A. Sheaff;

A bill (S. 5794) granting a pension to Elizabeth A. Sheridan;

A bill (S. 5795) granting an increase of pension to J. R. C. Fink;

A bill (S. 5796) granting an increase of pension to William D. Martin;

A bill (S. 5797) granting an increase of pension to Susan Liggins;

A bill (S. 5798) granting a pension to Susannah M. Geiss;

A bill (S. 5799) granting a pension to Margaret Bell;

A bill (S. 5800) granting a pension to Margaret Montgomery (with accompanying papers);

A bill (S. 5801) granting an increase of pension to James D. Boyles (with accompanying paper);

A bill (S. 5802) granting a pension to Annie Hewson (with accompanying paper);

A bill (S. 5803) granting an increase of pension to John G. Thompson (with accompanying paper); and

A bill (S. 5804) granting a pension to Lena Demozzi (with accompanying papers); to the Committee on Pensions.

By Mr. CULLOM:

A bill (S. 5805) granting an increase of pension to Thomas Joyce; to the Committee on Pensions.

By Mr. BROWN:

A bill (S. 5806) to correct the naval record of Franklin Pierce (with accompanying paper); to the Committee on Naval Affairs.

A bill (S. 5807) granting an increase of pension to Theodore H. Wilson; to the Committee on Pensions.

By Mr. JONES:

A bill (S. 5808) granting a right of way across Port Discovery Bay United States Military Reservation to the Seattle, Port Angeles & Lake Crescent Railway of the State of Washington; to the Committee on Military Affairs.

By Mr. CRAWFORD:

A bill (S. 5809) granting an increase of pension to Sophia Ryan (with accompanying paper); to the Committee on Pensions.

By Mr. BRANDEGEE:

A bill (S. 5810) for the relief of the estate of Andrew C. Nash; to the Committee on Claims.

By Mr. GALLINGER:

A bill (S. 5811) relating to fire insurance companies in the District of Columbia; and

A bill (S. 5812) to provide for the regulation and incorporation of insurance companies and to regulate the transaction of insurance business in the District of Columbia; to the Committee on the District of Columbia.

A bill (S. 5813) to give preference in the civil service to those persons who have been honorably discharged from the military or naval service of the United States; to the Committee on Civil Service and Retrenchment.

By Mr. WATSON:

A bill (S. 5814) to provide for the erection of a public building at Charles Town, W. Va.; to the Committee on Public Buildings and Grounds.

By Mr. POMERENE:

A bill (S. 5815) granting a pension to Catherine Huber; to the Committee on Pensions.

By Mr. WARREN:

A bill (S. 5816) granting an increase of pension to Henry H. Helphenstine; to the Committee on Pensions.

By Mr. OWEN:

A joint resolution (S. J. Res. 85) relative to patents to allotted lands in the Seminole country, and for other purposes; and

A joint resolution (S. J. Res. 86) relative to the delivery of patents to allotted lands within the limits of the Five Civilized Tribes, and for other purposes; to the Committee on Indian Affairs.

AMENDMENTS TO RIVER AND HARBOR BILL.

Mr. FLETCHER submitted an amendment providing for the survey of the St. Johns River from the outlet of Lake Harney to Lake Washington, Fla., etc., intended to be proposed by him to the river and harbor appropriation bill (H. R. 21477), which was referred to the Committee on Commerce and ordered to be printed.

He also submitted an amendment providing for a channel from Pineland on Pine Island, Lee County, Fla., etc., intended to be proposed by him to the river and harbor appropriation bill (H. R. 21477), which was referred to the Committee on Commerce and ordered to be printed.

He also submitted an amendment proposing to appropriate $100,000 for improving St. Lucie Inlet, Fla., etc., intended to be proposed by him to the river and harbor appropriation bill (H. R. 21477), which was referred to the Committee on Commerce and ordered to be printed.

Mr. PERKINS submitted an amendment proposing to appropriate $100,000 for the improvement of the Sacramento and Feather Rivers, Cal., etc., intended to be proposed by him to the river and harbor appropriation bill (H. R. 21477), which was referred to the Committee on Commerce and ordered to be printed.

THE METAL SCHEDULE.

Mr. CUMMINS. I offer a Senate resolution for which I ask immediate consideration.

The resolution (S. Res. 247) was read as follows:

Resolved, That the Secretary of the Treasury be directed to report to the Senate as soon as possible the wholesale market price in England, Germany, France, and Belgium, during the last year, of the various items and commodities named in paragraphs 117 to 140, inclusive, 144, 146, 150, 151, 159 to 163, inclusive, 169, 171, 181, 182, 193, and 194 of Schedule C of the tariff act of 1909.

Mr. GALLINGER. I ask the Senator from Iowa if that is to be by months or the average price?

Mr. CUMMINS. The Secretary of the Treasury, as I understand, has in his possession, or in one of his bureaus, the trade journals of all of these countries showing the market price of these various commodities. I have not attempted to specify as to just the time that he shall take for the report. I leave that to his own discretion.

Mr. GALLINGER. I have noticed that in consequence of the great strike that is now on in Great Britain and in France and in Germany, to some extent, the prices of those commodities have risen very greatly during the last two or three weeks.

Mr. CUMMINS. I had not, of course, intended to take into account those extraordinary fluctuations.

Mr. GALLINGER. I assume that we shall get only approximate information at best, but I think that is very valuable. I did not rise to object to the resolution at all.

The resolution was considered by unanimous consent and agreed to.

WATER RIGHTS IN HAWAII (S. DOC. NO. 403).

Mr. WARREN. I ask to have printed as a document certain papers which I send to the desk. They are from the War Department, respecting the source of the water supply for certain Army posts in the Hawaiian Islands.

The PRESIDENT pro tempore. The order will be entered, without objection.

PRINTING OF PARCEL-POST BILLS (S. DOC. NO. 430).

Mr. CLARKE of Arkansas. I ask unanimous consent to have printed together, as a Senate document, copies of all prints of bills now pending in both Houses for the establishment of a parcel post.

The PRESIDENT pro tempore. Without objection, it will be so ordered.

SEMINOLE PATENTS (S. DOC. NO. 405).

Mr. OWEN. I present certain papers relating to patents to lands of the Seminole Indians. I move that the papers be printed as a public document and referred to the Committee on Indian Affairs.

The motion was agreed to.

COTTON-MILL LIFE IN NORTH CAROLINA.

Mr. OVERMAN. I ask to have printed in the RECORD an extract from the Greensboro News of March 9 containing letters from some cotton-mill hands employed in the mills at Greensboro, N. C.

The PRESIDENT pro tempore. The Senator from North Carolina asks to have printed in the CONGRESSIONAL RECORD a paper which he sends to the desk. Without objection, it will be so ordered.

The matter referred to is as follows:

COTTON-MILL LIFE.

The Daily News some days ago expressed itself in regard to the slanderous and false report sent out from Washington dealing with the condition of operatives in southern cotton-mill towns. Attention was directed particularly to the situation at our local mills because we are more familiar with them. We have received a letter signed by three young ladies employed in the Proximity mills, giving a short, concise story of that situation from the viewpoint of the operatives themselves. They ask that the facts be printed, but do not care to have their names published. They do not object to having their names given to anybody who may be interested or who may doubt their statements. We do not accept communications for publication without the name of the author being published with them, but we make an exception in this case and quote the letter here, on the ground that we indorse the communication, knowing the facts to be true; and, further, for the interests not only of the three young women themselves but for the whole community of good people employed in the mills of this community. The letter says:

"We have read the article which was published in the papers a few days ago on southern cotton-mill life, and hereby denounce the statements as false and wish to state them as they really are.

"We three have worked in the cotton mills for 8 or 10 years, and have worked for the Proximity Manufacturing Co. for about 5 years in the weaving room.

"We have nice, kind overseers and make good wages, averaging from $1.32 to $2.64 per day. We work only 10 hours each day up to Saturday, when we quit work at 11.40 o'clock. We are never made to work when we are unable. After our expenses, we are able to save from $15 to $20 per month.

"Mr. Cone, the owner of the Proximity mill, has provided for us two nice churches, a good school, and a hall, in which our fraternal orders may meet; also an assembly hall, in which we may give receptions or entertainments. He has employed for us teachers of sewing and cooking, so that the ladies of the village may become acquainted with the art of domestic science. We also have a nice library at the school, where we can get books to read through the summer. He has provided for us a large picnic ground, where the inhabitants of the three villages—Proximity, Revolution, and White Oak—assemble on the Fourth of July to celebrate and have a good time generally. Refreshments and good things to eat are served throughout that day, while the Textile Band furnishes enlivening music. Mr. Cone bears all these expenses, and we feel that he gives this to show his love for his employees.

In the spring he furnishes every home with flower and grass seeds, and then on the Fourth of July he awards prizes for the most beautiful yards and neatly kept premises. And then, on Christmas, he presents each family with a nice, fat turkey. What more could anyone want?

The article which was published in the papers on southern cotton mill life stated that our daily fare consisted of corn bread and sirup and that the mothers wear the discarded dresses of their daughters. We say this is absolutely false. There are perhaps some very few who live very poorly, but the majority are in very good circumstances. They have plenty to eat and nice clothes to wear.

And we wish to say in the end that we are improving every day. Electric lights are now being placed in the homes and on the streets. This is an example of a southern cotton mill. We hope none of them are as bad as they are reported by some people.

What matters! On that great day to come we will not be judged by what we eat and wear, but we will all be judged alike, rich or poor. We hope this will show the author of the article concerning southern cotton mills of his mistake.

Anyone wanting proof of these statements which we have made can get our names at the office of the Daily News, and we will stand good for any of them.

THREE PROXIMITY MILL GIRLS.

That is a straight, unvarnished statement of the truth by young women who are courageous enough to resent an injustice, though that injustice be committed by the sanction of governmental authority. The departmental agents who made the slanderous report complained of should be required to call names and state emphatically where they found the conditions reported. If the truth was known, they greatly exaggerated a few isolated cases or else the whole thing was a frame-up of a vivid imagination.

AMENDMENT OF PRINTING LAWS.

Mr. SMOOT. Mr. President, the printing bill now pending before the Senate is the product of the Printing Investigation Commission. This commission, under authority of Congress, has been at work for the last seven years investigating the public printing and binding and the distribution of Government publications. From time to time the commission has made reports to Congress as to the progress of its work, and several important laws relating to printing and binding now on the statute books are due to its recommendations.

When the commission was created by Congress it was specifically directed "if, in their judgment, the conditions as they find them warrant remedial legislation, to report a bill at the next session of Congress making such reductions in the cost of printing and such changes and reductions in the distribution of said publications as they may deem expedient, with a report giving their reasons therefor." (33 Stat. L., 1249, act of Mar. 3, 1905.)

The commission found this work to be of such magnitude and importance that Congress continued and broadened its authority so that the commission might have ample time to complete its work and make a full report thereof to Congress. The act of March 4, 1907 (34 Stat. L., 1394), provides that the Printing Investigation Commission, among other duties, "shall have power to inquire into the general subject of the public printing and binding for Congress and the various executive departments, bureaus, boards, and other offices of the Government and the distribution of public documents," and to report such remedial legislation as the commission may deem proper. It is evident, therefore, that the Printing Investigation Commission in submitting the present bill is complying with the direct mandate of Congress. Whether this work has been well and faithfully done is for Congress itself to determine.

NEED TO REVISE PRINTING LAWS.

There has been no general revision of the printing laws of the Government since the act of January 12, 1895, which is now 17 years old, and is so plastered with amendments that its own authors could not recognize it as the once proud product of their efforts to reform the public printing and binding. Even the act of 1895 was not a complete revision and codification of the then existing laws relating to the public printing. To-day there are still remaining on the statute books many printing provisions that date back to the fifties and sixties. A compilation of this entangling mass of printing laws fills 142 printed pages. In 1909 an effort was made to gather together in one volume all the laws, regulations, and decisions governing the public printing and binding, the operation of the Government Printing Office, and the distribution and sale of Government publications. When this work was printed it filled more than 1,000 pages of an ordinary sized document, and even then did not contain all the laws or decisions relating to that voluminous subject. The Comptroller of the Treasury has been prolific in his decisions involving the construction of the printing laws and these decisions fill several hundred typewritten pages. The Attorney General, also, has rendered many opinions in regard to the same subject. Some of these decisions and opinions have so changed the construction of these laws that it is very difficult to ascertain what is and what is not the law on certain phases of the printing problems of the Government. Congress, in creating the Printing Investigation Commission and charging it with the duty of reporting remedial legislation, was not alone in recognizing that the time had come for a general revision of the printing laws. Every commission, committee, or expert who has investigated the subject of the public printing and binding in recent years has recommended that a complete revision of the printing laws must be undertaken by Congress before the Government Printing Office can be put upon a modern business basis and the proper economies effected which will end many of the gross extravagances that are either possible under or are caused by the antiquated and obsolete laws governing the public printing and binding. Every department and branch of the Government has urged that this work be undertaken and carried to success.

A Committee on Department Methods, appointed by President Roosevelt, in its report to him on the public printing, under date of January 2, 1906, said:

That the cost of printing in the Government Printing Office can be reduced by better administration, by better discipline, by better methods of purchasing supplies, by increased use of labor-saving machinery, and by dispensing with unnecessary employees, was admitted by the Acting Public Printer, *but for some of the shortcomings of the Printing Office the printing statutes are themselves largely responsible.* In fact, the act of 1895, providing for the public printing and binding, is a defective statute in many respects, and *a new law, covering the whole subject, should be enacted.* Not only are unrelated subjects jumbled together in the existing act in the most obscure and confusing way, but it abounds in inconsistencies and verbal defects.

The men who signed this report and concurred in its view of the present printing laws were C. H. Keep, then Assistant Secretary of the Treasury; F. H. Hitchcock, the present Postmaster General; Lawrence O. Murray, the present Comptroller of the Currency; James Rudolph Garfield, former Secretary of the Interior; and Gifford Pinchot, former Chief Forester.

A similar statement was made by Mr. George French in his report on the Government Printing Office to the senior Senator from Oregon, Mr. BOURNE, then chairman of a subcommittee of the Senate Committee on Expenditures.

In this report Mr. French, who was recognized to be one of the leading printing experts in the country, said of the printing laws:

The laws that relate to the Government Printing Office should be codified and amended. They are very voluminous, and there are among them some that only tend to confusion and waste, at this time.

Concerning the same subject, the Printing Investigation Commission said, in a report (S. Rept. No. 1044, 60th Cong., 2d sess.), to Congress:

Section 5 of a joint resolution approved June 23, 1860, formed the legislative basis of the present printing law, and upon this the law, such as it is, was constructed. The last attempt at revision is known as the "general printing act," approved January 12, 1895. This did not assume to be a complete codification, and there were no specific repeals. The ten years of its operation were characterized by an increase in expenditures for the public printing and binding, as shown by a comparison of such expenditures for the fiscal year 1905 with those of 1895, of $3,577,048, or 102 per cent. This is due in part at least to the fact that the revision of the law left remaining many conflicting provisions, but more to the fact that the amendments to this revision, many scores in number, have tended to destroy any spirit of harmony or consistency which may have characterized the revision itself. * * *

As a further result, the law can not, as it stands, be intelligently codified without thorough revision, nor can it even be efficiently indexed. These somewhat caustic comments on the existing printing law have been voiced by trained and experienced men who have attempted both, and who have confirmed the view which the commission itself has long entertained.

Again in its report (S. Doc. No. 652, 61st Cong., 2d sess.) the Printing Commission said of the laxity of the present printing laws and its plan to recommend a complete revision:

The chief cause for the abuses which have grown up with regard to this matter is found in the laxity and incompleteness of the printing laws. The act approved January 12, 1895, providing for public printing and binding and the distribution of public documents, is the principal printing act now upon the statute books. There are numerous other provisions passed prior and since this general printing act, which affect public printing and binding. There are also a great many decisions of the Comptroller of the Treasury and the Attorney General construing various printing laws. The result is that, at the present time, the printing laws are defective in a great many ways and are not sufficiently clear to serve as an intelligent guide.

The Printing Investigation Commission has, therefore, made a special effort during the present session of Congress to investigate and examine the condition of Congress, the departments, independent offices of the Government, and the Government Printing Office with reference to public printing and binding and the distribution of public documents with a view of recommending a revision, consolidation, and codification of the printing laws.

HISTORY OF GOVERNMENT PRINTING.

To more fully understand the need for undertaking this work of revising the printing laws with great care and thoroughness, it may be well for me to give the Senate a brief review of the history of printing for the Government and the importance that Congress has always attached to that work. From the very foundation of the Government Congress has insisted on direct supervision over the public printing and binding. The Public Printer was for many years called the "Congressional Printer," and the Government Printing Office was established primarily for the work of Congress and only incidentally for that of the other branches of the Government. Congress has never relinquished its control over this work and I doubt if it ever will. It is absolutely essential that the Government Printing Office should be immediately responsive to the wishes and needs of Congress, or else that publicity which is vital to good government could not be insured the people of this country.

Even the Continental Congress had its printing problems and troubles. In 1777 that Congress adopted a resolution authorizing "the Committee of Intelligence to take the most expedient

and effective measures for getting a printing press erected in Yorktown for the purpose of conveying to the public the intelligence that they may from time to time receive." This resolution providing for the first Government printing press was due to the fact that the frequent changes in the seat of government caused Congress to be without means of publishing its acts or printing its journals.

The First Congress under the Constitution required a special resolution to be passed by either House whenever it was desired to print a bill or other document. This was soon found impracticable, however, and the first Joint Printing Committee was appointed to investigate the subject and receive proposals for printing the acts and proceedings of Congress. The report of this committee, which was adopted by both Houses, provided that the Secretary of the Senate and the Clerk of the House should contract for the printing and binding for their respective Houses. Under this contract system the estimate for printing, including stationery, bookbinding, and other contingent and incidental expenses of the Senate for the first session of the First Congress, was $2,300, and for the House $3,657, a total of $5,957. The magnitude to which the public printing and binding has grown is shown by the fact that for the fiscal year 1911, which covers practically the third session of the Sixty-first Congress, the cost of printing and binding for Congress amounted to $2,036,416.79, of which $509,888.79 was for the Senate, $581,148.74 for the House, and $945,379.26 for Congress as a whole. A single Member of the Sixty-first Congress obtained more printing, by unanimous consent, than was done for the entire Congress during its first session in 1789. During the early Congresses the cost of the public printing did not increase very rapidly. In 1794 the cost was so small that it was put in the contingent expenses along with such items as firewood, and the cost in that year for both Houses of Congress and the departments amounted to only $17,461.67.

When the seat of government was removed to Washington in 1801 there was no printing office in the city of Washington of sufficient size to do the work required for Congress. John Randolph informed the House in regard to certain documents which had been ordered printed that "owing to the state of machinery in this place" (referring to the city of Washington), the printing could not be completed in less than 20 days, during which time the Committee on Ways and Means was at a standstill. During the administration of President Jefferson the "Message and Documents" when printed made an octavo volume of 100 pages, and 500 copies were ordered at a cost of $520.75. This was thought to be a gross extravagance by Mr. Bayard, of Delaware, who insisted that 150 copies were sufficient. The Message and Documents as now printed by Congress, even in abridged form, fills 2,000 printed pages, of which 12,000 copies are authorized, costing approximately $23,000.

Congress, in 1804, authorized the Secretary of the Senate and the Clerk of the House to advertise for proposals for printing, stationery, and fuel for the next Congress and to award the contract to the lowest bidder. This system for the public printing prevailed until 1819. The work was done by a force of not to exceed 40 persons and the wages paid to journeymen printers in that year were $10 a week during a session of Congress and $9 during the recess. No extra pay was allowed for overtime work. A special committee which had been appointed to inquire into the subject of the public printing made a report in 1819 that led to the passage of a joint resolution establishing a schedule of prices for the public printing and providing for the election by each House, by ballot, of a printer to execute the work of the House electing him. Under this arrangement the publishers of a Washington newspaper were elected printers for both Houses of Congress. The cost of the public printing advanced from $17,000 to $29,000 per session, and a subsequent inquiry developed the fact that the profits of these printers were about 55 per cent and that public officers had aided the printers in obtaining such profits by encouraging excessive and useless printing.

By 1828 the public printing had resulted in such extravagances owing to its use for political patronage that the House ordered an investigation of the entire subject. This investigation disclosed the fact that documents of unnecessary size and containing almost utterly useless matter were printed to swell the profits of the printer. The evidence showed that one-third of the appropriation made for the public printing at that time covered the entire expense of the printer and that two-thirds went to his personal profit.

Another investigation in 1840 showed that the estimated profit of the congressional printers employed during the seven preceding years had been $467,464.44, or an estimated annual profit of $66,780.40. These enormous profits were made possible by violating the law in reducing the size of pages and using larger type than specified and by adding useless title pages to documents and reports.

In 1842 the Senate Committee on Printing, with a desire to discontinue the use of the public printing as political patronage, recommended the establishment of a Government Printing Office. The committee, however, was unable to agree as to the proper method of putting such an office in operation.

In 1846 a joint resolution was passed by Congress establishing the contract system for the public printing, and it was thought at the time that this would solve all the problems that had perplexed Congress for many years in regard to the public printing and binding. The same year the Joint Committee on Printing was created to supervise the printing for the two Houses, and this committee has been continued in existence ever since.

The contract system of 1846 soon failed. The contracts for printing were entered into without care and exorbitant prices were generally charged. The contractors did not preserve the plates of any Government publications, and when additional copies were ordered it required that the entire matter be reset. Engravings for the Senate were afterwards used for the House and charged as original engravings, and excessive prices were paid for paper.

Several investigations followed, and in 1852 an act was passed providing for the appointment of a "Superintendent of Public Printing" who should supervise work done by printers elected by the Senate and House and be designated by the President. This resulted in politicians generally being elected printers for Congress. These printers made a practice of "farming out" the work, and the committee reported that the printers of the Senate and the House let out the work, which was intended they should do, at a profit to themselves of about $300,000 a year. It was testified that one printer contributed $100,000 for political purposes in four years, besides paying $200,000 to printers of the House and Senate whose contracts were sublet to him and $150,000 to political friends on insufficient securities. The committee which investigated these abuses reported to Congress in 1860 that the contract system of public printing was the worst that could have been adopted, that it invited profuse expenditures, and was corrupting in its tendencies. This committee found that a candidate for printer to the House made an offer to a caucus of Members of the House to give one-half the profits from printing for "the good of the cause," if he were elected. He was selected candidate for printer the same day, but was not elected.

As a consequence of the failure of the contract system the Government, in 1860, purchased a private printing plant for the sum of $135,000. The building in which this plant was located is still a part of the Government Printing Office, being located at the corner of H and North Capitol Streets. That was the beginning of the Government Printing Office. The original investment of $135,000 in this plant has grown to approximately $8,000,000. The Government Printing Office is now the finest of its kind in the world and an institution of which every American citizen should be proud. The cost of the public printing in 1860, when the Government Printing Office was established, was $866,868, while the expenditures for the public printing and binding for the fiscal year 1911 were nearly eight times that amount, or $6,581,565.08.

Congress in 1867 changed the title of the public printer from Superintendent of Public Printing to that of "Congressional Printer." This was his designation until 1874, when the present title of "Public Printer" was conferred upon that officer.

The establishment of a Government Printing Office did not end the abuses in public printing and binding. Since 1860 there have been nine investigations of the Government Printing Office authorized by Congress, four investigations conducted by direction of the President, and one by the audit system, which was itself the subject of an investigation that resulted in its being ousted from the Government Printing Office.

The first revision and codification of the printing laws was undertaken in the Revised Statutes of 1874, when printing laws dating as far back as 1813 were brought together under title 45, including sections 3756 to 3828 of the Revised Statutes.

ACT OF JANUARY 12, 1895.

Despite the numerous investigations that followed, no further revision of the printing laws was undertaken until 17 years later, when Congress passed the act of January 12, 1895. Now another period of 17 years has passed and Congress has before it a third proposed revision and codification of the printing laws.

The printing act of 1895 was the work of a special committee, consisting of Senator Hawley, of Connecticut, and Representative James D. Richardson, of Tennessee. This committee was authorized to undertake the work by a concurrent resolu-

tion of February 29, 1891. They filed a report on the proposed bill January 13, 1892. This first report, including the bill which was printed with it, consisted of only 35 pages. It was accompanied by 250 pages of testimony taken by the committee relative to the general subject of public printing and binding and 168 pages of an inquiry into departmental printing. The bill did not pass Congress that session and was reintroduced on July 24, 1894, by Senator Gorman, who was then chairman of the Senate Committee on Printing. This second bill was accompanied by a report of only 52 pages.

The act of 1895 seemed to operate satisfactorily for nearly 10 years, the longest period which Congress has permitted to pass without a printing investigation. However, during those 10 years in which Congress refrained from an investigation of the public printing and binding, the expenditures for the Government Printing Office more than doubled. In 1895, when the present printing law was enacted, the disbursements of the Public Printer amounted to $3,473,780.92. For the fiscal year ending June 30, 1904, just prior to the creation of the Printing Investigation Commission, the Public Printer expended $7,080,906.73, an increase of $3,607,125.81 for the 10-year period.

Let me state right here that the expenditures of the Government Printing Office began to decrease rapidly after the Printing Investigation Commission got to work in 1905, and for the fiscal year 1910 the expenditures for the public printing and binding were $988,468.32 less than for the year prior to the establishment of the commission. That decrease of nearly a million dollars a year was due to legislation recommended by this commission and to numerous economies which it effected in the public printing and binding. This saving in the Government printing was secured despite the fact that the volume of printing and binding increased during the same period, and it was accomplished without impairing the public service in the slightest degree. The bill now before the Senate will effect a further saving of at least $600,000 a year if it is enacted into law. This estimate does not take into consideration the saving that will be made by the use of power presses for the printing of bonds, notes, and checks at the Bureau of Engraving and Printing, as that provision has been stricken out of the present bill as reported back to the Senate. Perhaps I ought to state that the power-press provision which the Printing Committee has recommended for consideration in connection with the sundry civil appropriation bill will alone make a saving of $140,000 for the first year and effect an annual economy of $600,000 at the end of five years. Should Congress enact into law both the pending bill and the proposed amendment relating to the printing of bonds, notes, and checks, the total annual economy that could be effected as a result of the work of the Printing Investigation Commission would amount to more than $1,200,000 a year in five years' time.

EXPENDITURES FOR PRINTING.

Perhaps it would be well for me to give the Senate some idea as to the large expenditures of the Government Printing Office. In the 36 years since 1876 Congress has appropriated for the Government Printing Office and the public printing and binding a total of $147,183,815.82. This sum is almost equal to the amount that Congress now annually appropriates for pensions. It is $40,000,000 greater than the annual cost of the naval establishment of the Government and almost equal to the amount appropriated for the entire Treasury Department, including public buildings and works, for the fiscal year 1912. The expenditures of the Government Printing Office for the fiscal year 1911 were approximately two million greater than the appropriations for the State Department, and within $600,000 of all the salaries and expenses of Congress for that year.

Mr. NELSON. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Utah yield to the Senator from Minnesota?

Mr. NELSON. May I ask the Senator a question in this connection?

Mr. SMOOT. Certainly.

Mr. NELSON. Do we pay a higher rate at the Government Printing Office than is paid throughout the country at the ordinary printing offices?

Mr. SMOOT. I have those figures, and I expect to present them to the Senate, as gathered from 15 of the large cities of the United States.

Mr. BRISTOW. I should like to ask the Senator if he shows in his address what credits the Government is entitled to for documents that are sold or money that is paid in for work done?

Mr. SMOOT. Do you mean for private work?

Mr. BRISTOW. Yes. I understand the Senator shows the total cost of the printing establishment. Then there are certain receipts. Are they shown in any tabulated form?

Mr. SMOOT. I will give those figures before I get through; but, as I remember, it amounts to about $175,000 per annum.

In the fiscal year 1895 the employees of the Government Printing Office were paid $2,553,315. In 1911 they were paid $3,498,112. The salaries paid in the office of the Public Printer in 1895 amounted to $14,980, and in 1911, $192,321. Paper for the Government Printing Office in 1895 cost $420,521, and for 1911 the paper necessary for the Government printing cost $1,342,853. Material and other supplies for the Government Printing Office in 1895 cost $367,028, and for 1911, $611,573. Lithographing and engraving for the Government Printing Office cost $115,180 in 1895, and $133,362 in 1911.

In addition to the six and one-half million dollars which are disbursed by the Government Printing Office, more than a million dollars a year is spent by other branches of the Government for printing and binding done outside of the Government Printing Office.

Concerning the magnitude of the work now done by the Government Printing Office, I quote the following from the statement which the Public Printer made in a recent hearing before the Senate committee on the pending bill:

> The Government has invested approximately eight millions of dollars in the building and plant known as the Government Printing Office. The establishment of this institution was necessary in order that the printing of Congress might be performed in an economical and satisfactory manner. In order that permanent employment might be provided for a force of mechanics sufficient to perform the congressional work during the sessions of Congress, the printing and binding of all the executive departments was diverted to the Government Printing Office. During the fiscal year ended June 30, 1911, there were produced in the Government Printing Office 50,044,772 copies of publications, almost 1,000,000 copies weekly. The number of blank books with patent backs manufactured was 10,121; blank books without patent backs, 1,105,989. The value of the blank books produced was $314,261.63.

WORK OF THE COMMISSION.

It is apparent, therefore, that the task confronting the Printing Investigation Commission when it was created in 1905 was not a small one, and I am sure that a careful study of the work done by the commission in the past seven years will convince anyone that it has rendered a splendid service to the Government. Up to date the commission has cost the Government less than $35,000 and has already effected a saving of several million dollars in the public printing and binding, without considering the economies proposed in the present bill. I do not believe there is another commission in the history of the Government that has accomplished so great economies for the people of this country at such a small expenditure of the public funds. The commission has had the hearty cooperation of nearly everyone in the Government service who is in position to assist in this work. The investigation has been a most thorough and painstaking one, and the bill now submitted to Congress is the result of exhaustive research and the most careful deliberation.

Since the commission began its work of investigating the public printing and binding more than 2,000 pages of hearings, reports, and other documents relating to its work have been printed. Many of these reports already have been submitted to Congress from time to time. The bill itself has been before Congress in practically its present form for more than a year, having been first introduced on February 3, 1911, as Senate bill No. 10646, Sixty-first Congress, third session.

These [exhibiting] are the books that contain the hearings since the organization of the commission.

For the information of the Senate I want to relate just how the Printing Investigation Commission undertook the preparation of this bill and the preliminary steps that led up to the proposed revision of the printing laws. The Printing Investigation Commission, after its creation in 1905, came to the conclusion that the revision of the printing laws was not the work of a day nor a year. There were, however, glaring defects in the printing laws causing gross extravagances. The commission, therefore, undertook to remedy some of the more flagrant abuses of the public printing and binding before it went into the subject of a general revision of the printing laws.

The commission first discovered that many of the extravagances in the public printing were due to the fact that all reports transmitted to Congress by the departments were charged to the congressional allotment. Under this system the departments placed no restraint whatever on the size of reports that were sent to Congress, and they were filled with thousands of pages of matter that were utterly useless, even to the department itself. On the recommendation of the commission, Congress passed a resolution providing that the cost of printing and binding documents and reports emanating from the departments should be charged to the department in which the document or report originated, and that Congress should be charged for only the number of copies it distributed. This at once had a very satisfactory effect in restricting the size and number of the departmental reports and documents. An

other resolution adopted by Congress on recommendation of the commission was the one providing that congressional documents should be printed in two or more editions, instead of printing the entire number of copies authorized at one time. The commission, in its report to Congress, No. 1044, Sixtieth Congress, second session, stated that the edition plan of publishing congressional documents had reduced the printing in the first year following its operation by nearly 300,000,000 printed pages, and that it had effected an annual saving of approximately $400,000.

On March 1, 1907, Congress enacted a number of amendments to the printing laws of 1895 that effected a further saving. These amendments were deemed essential by the commission in advance of a general revision of the printing laws and related principally to the reprinting of Government publications.

Again at the second session of the Sixty-first Congress, a further extravagance in the public printing was abolished on recommendation of the Printing Investigation Commission in the discontinuance of the so-called Member's reserve publications. This effected an economy of more than a hundred thousand dollars a year and repealed a provision of law that had been a subject of gross abuse and wasteful extravagance for many years.

Thus having put an end to the most flagrant extravagances in the public printing and binding, the commission then began the preparation of its general revision of the printing laws. During the progress of this work numerous abuses were discovered and, as far as within its power, the commission undertook to end these abuses of its own accord. In this way it has saved many thousands of dollars for the Government, but some of these economies, I fear, are only temporary and, unless the proposed bill becomes a law, many of the old extravagances in the public printing and binding may be revived.

Before undertaking this revision, the Printing Investigation Commission conferred with practically every official in the Government service who had anything to do with printing and binding or the distribution of publications. The head of every department, independent office, and establishment of the Government was invited to suggest economies. Hundreds of letters and reports have been received from all branches of the Government service in regard to changes desired in the present printing laws or amendments which the commission itself had submitted for their consideration. More than 7,000 letters were sent to the libraries of the country alone in investigating the distribution of publications to them and the provisions of the bill relating to such distribution are based upon the reports received from several thousand of these libraries. If there is anyone in the Government service conversant with printing matters that the commission has not consulted regarding this bill, it is because he had hid himself away where the strong searchlight of the Printing Investigation Commission's inquiries could not reveal his whereabouts.

PRINTING REPORTS AND HEARINGS.

Let me enumerate in brief some of the hearings, reports, and other publications relating to the Government printing that the commission has made use of in the preparation of its bill. As I stated before, these publications consist of more than 2,000 printed pages, four-fifths of which were prepared by the commission itself:

1. Hearings and report of the Printing Investigation Commission issued in 1906. This publication consists of two volumes, making in all 1,184 printed pages. At that time about 40 witnesses were examined, principally in regard to printing and binding for Congress and the departments. In addition to the oral testimony submitted, every department was required to make extended replies to an exhaustive letter of inquiry sent out by the commission. All of this testimony has been very valuable to the commission in the preparation of the pending bill.

2. Report to the President by the Committee on Department Methods, relating to public printing, under date of January 2, 1906. This report recommends a number of provisions that have been incorporated into the bill, especially as it relates to centralizing the distribution of Government publications and the permitting of depository libraries to make selection of publications to be sent them.

3. Preliminary report of the Printing Investigation Commission, House Document No. 649, Fifty-ninth Congress, first session. This report consists of 92 printed pages. It points out defects in the present quota system of distributing publications to Members of Congress and shows in detail the cost of documents emanating from the executive departments.

4. Supplemental report of the Printing Investigation Commission, House Document No. 736, and Senate Report No. 6828, Fifty-ninth Congress, second session. This report relates to the reprinting of bills, laws, committee reports, and hearings, and to the numbering of congressional documents and reports.

5. Senate Report No. 1, Sixtieth Congress, first session, on the printing, binding, and distribution of public documents. This report proposes certain amendments relating to the numbering of congressional documents and reports.

6. Report of George C. Havenner, Chief Division of Printing, Department of Commerce and Labor, submitted to the President January 28, 1908, on the comparative cost for printing for the executive departments, which consists of 63 printed pages.

7. House Document No. 974, Sixtieth Congress, first session. "Report to the President, by William S. Rossiter, upon conditions prevailing in the Government Printing Office—Reply thereto by Charles A. Stillings, Public Printer." This report consists of 150 printed pages and contains a number of valuable suggestions that the Printing Investigation Commission has adopted in the proposed bill.

8. House Document No. 968, Sixtieth Congress, first session. Report by the Printing Investigation Commission upon its investigation of purchases and employment of cost-accounting services in the Government Printing Office. This report contains 19 printed pages.

9. Senate Report No. 932, 60th Congress, 2d session, containing recommendation of the Printing Investigation Commission relative to the publications of the Geological Survey, leaves of absence and holidays, limitations on the Public Printer's expenditures for machinery and salaries, and recommendations in regard to the inspector for the Joint Committee on Printing.

10. Senate Report No. 1044, 60th Congress, 2d session. This report consists of 31 printed pages and submits much information to Congress that has been utilized in the preparation of the pending bill. Accompanying this report is a draft of legislation recommended by the commission at that time, February 18, 1909, much of which has been incorporated in the bill now submitted to Congress.

11. Statement showing appropriations and expenditures for the public printing and binding and expenditures for printing and binding from appropriations other than those made specifically therefor. This statement consists of 70 printed pages and shows the expenditure of fully a million dollars a year for printing and binding for the Government done outside of the Government Printing Office, much of which Congress had little knowledge of until this report was prepared. On the basis of this report and other investigations made by the commission, the proposed bill provides that all printing and binding for the Government shall be done at the Government Printing Office, unless the appropriation shall, in specific terms, provide that the work is not to be done at the Government Printing Office. The commission feels certain that this centralization of the Government printing and the knowledge that Congress will then have of all this work will result in a great economy.

12. Memorandum relative to binding of publications for distribution to State and Territorial libraries and designated depositories, printed by the Printing Investigation Commission in 1908, which consists of 46 printed pages.

13. Hearings before the Appropriation Committees of the Senate and House relative to appropriations for the public printing and binding and the Government Printing Office. These hearings consist of 200 printed pages and have been especially serviceable to the Printing Investigation Commission. It would have been a useless expense and waste of time for the commission itself to have held hearings covering the same subjects. They relate particularly to the organization of the Government Printing Office and the compensation of its employees.

14. Hearings before the Printing Investigation Commission relative to branch printing offices, March 17, 1910, which consists of 45 printed pages. On these hearings the commission bases its recommendation in regard to legislation concerning the branch printing offices of the Government.

15. Hearings before the Printing Investigation Commission relative to valuation system for the distribution of publications to Senators and Representatives, May 7, 1910.

16. Senate Document No. 652, 61st Congress, 2d session, report of the Printing Investigation Commission preliminary to its preparation of the printing bill, which consists of 81 printed pages. This report discusses the following subjects in more or less detail and presents considerable statistical matter, upon which numerous proposed changes in the printing law are based: Laxity of the Printing Laws, the Congressional Reserve, Sale of Public Documents, Accumulation of Departmental Publications, Departmental Duplication of Library Lists, Distribution of Documents to Libraries, Congressional Record Indexing, Paper Stock at the Government Printing Office, Branch Printing Offices, Departmental Printing and Binding and Distribution of Documents, Engraving and Lithographing Plants of the Government, and Valuation Plan for Congressional Distribution of Documents.

17. Report by George French, expert on printing, made to the Senate Committee on Public Expenditures. This report consists of 42 typewritten pages, and is accompanied by charts and illustrations. It deals principally with the organization of the Government Printing Office.

18. Statement by Mr. John S. Leech, former Public Printer, and now Director of the Bureau of Printing for the Philippine Government at Manila. This statement deals with the organization, accounting, and scale of charges of the Government Printing Office.

19. Bulletin No. 102 of the New York State Library, entitled, United States Government Documents, by James Ingersol Wyer, jr., one of the foremost library experts in the country.

20. Hearing before the Senate Committee on Printing in regard to the manufacture of loose-leaf binders by the Public Printer in competition with the manufacturers of patented loose-leaf binding devices. This hearing was held on January 26, 1912, and fills 19 printed pages.

21. Hearing before the Senate Committee on Printing in regard to the compensation paid pressmen employed at the Government Printing Office. This hearing was held on February 2, 1912, and a statement on behalf of the pressmen was made by Mr. John F. Geckler, of Indianapolis, Ind., representing the International Printing Pressmen and Assistants' Union of North America.

22. Hearing before the Senate Committee on Printing in regard to the proposed use of power presses for the printing of bonds, notes, and checks at the Bureau of Engraving and Printing. This hearing occupied several days and fills nearly 200 printed pages, exclusive of the appendix. Every person whom the committee thought could give it information on the subject was invited to attend this hearing, including the Secretary of the Treasury, Assistant Secretary of the Treasury, Mr. Andrews, the Director of the Bureau of Engraving and Printing, Mr. Ralph, the president of the Plate Printers' Union, Mr. William Clark, accompanied by the executive committee of that organization and its attorney, Mr. Jackson H. Ralston, the president of the American Federation of Labor, Mr. Samuel Gompers, and several chiefs and foremen of the Bureau of Engraving and Printing. A dozen or more witnesses had been examined up to the time that Director Ralph and the representatives of the Plate Printers' Union entered into an agreement which was approved by the Senate Committee on Printing and recommended in its report to the Senate. In this connection I want to state that the Printing Investigation Commission, when it recommended the provision relating to the use of power presses for the printing of bonds, notes, and checks, had at hand and made a

careful study of various reports on the same subject which have been submitted to Congress from time to time. Senate Report No. 2604, made to the Fiftieth Congress, contains even better information than can be had at this time relative to the use of hand-roller and power presses for the printing of Government currency. This report was made at a time when both hand-roller and power presses were in operation at the Bureau of Engraving and Printing. It consists of 435 printed pages and contains testimony given during the most exhaustive investigation by the Finance Committee of the Senate. That committee, which consisted of such distinguished Senators as Morrill, Sherman, Jones of Nevada, Allison, Aldrich, Hiscock, Voorhees, Beck, McPherson, Harris, and Vance, reported against a bill proposing that all Government securities, bonds, notes, and internal-revenue stamps should be printed only on hand-roller presses. For the information of the Senate it has been incorporated as an appendix to the hearing on the same subject, which the Senate Committee on Printing has just concluded.

Mr. BROWN. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Utah yield to the Senator from Nebraska?

Mr. SMOOT. I yield to the Senator.

Mr. BROWN. That subject, which was covered in the original bill introduced by the Senator, as I understand it, is left out of the bill which the committee now reports.

Mr. SMOOT. That is true, Mr. President.

PREPARATION OF PRINTING BILL.

With practically all of this vast source of information at hand, the Printing Investigation Commission began in 1910 the preparation of a complete revision of the printing laws. In 1910 the commission held several hearings on the subject and invited recommendations from all branches of the Government service. On November 25 of that year the preliminary draft of the bill was submitted to the Public Printer, and in December the commission held numerous meetings at which every paragraph of the bill was discussed in detail. At these meetings the Public Printer and his attorney were present. They were invited to, and did, submit their views on the bill at great length. The commission at that time consisted of the following members in addition to myself: The senior Senator from Oregon, Mr. BOURNE; the senior Senator from Florida, Mr. FLETCHER; and Representatives COOPER of Pennsylvania, STURGISS, and FINLEY, of the House Committee on Printing.

After the bill was completed by the Printing Investigation Commission I introduced it in the Senate on February 3, 1911, as S. 10646. The bill was referred to the Senate Committee on Printing and reported back favorably on February 20, 1911. As the bill was in the nature of a report which Congress had directed the Printing Investigation Commission to make, it did not seem necessary for the Senate committee to make any further investigation of the subject than the commission itself had undertaken. The bill was put upon the Senate Calendar at that time, but no further consideration could be given to it, owing to the precedence of other business, which crowded the few remaining days of the Sixty-first Congress. The commission, however, continued its work of investigating the public printing and binding and perfected its proposed revision of the printing laws.

The bill was reintroduced by me again on June 1, 1911, as S. 2564, with such minor changes as further investigation showed were advisable. I had no thought that Congress would be able to consider the bill at the first session of the Sixty-second Congress, but the commission, which now consists of the following members, in addition to myself: The junior Senator from Vermont, Mr. PAGE; the senior Senator from Florida, Mr. FLETCHER; and Representatives FINLEY, BARNHART, and FOCHT, of the House Committee on Printing, desired its reintroduction so that the bill might continue before Congress and every publicity given to its provisions. This proved to be very helpful in that a number of valuable recommendations came from the departments relating to public printing and binding, which have been included in the bill as introduced this session of Congress, for a third time, on January 8, 1912, as Senate bill No. 4239.

The Senate Committee on Printing carefully reviewed the report on the bill as prepared by the Printing Investigation Commission, and then decided to adopt that report with only two or three minor changes and favorably recommend the passage of the bill with a few amendments, which I am sure are perfectly acceptable to the commission. The bill was reported to the Senate on January 16, 1912, but, owing to the desire of several Senators that further hearings be held in regard to certain sections of the bill, it was recommitted to the Committee on Printing on February 5, 1912. Since that date the committee has held hearings in regard to the use of hand-roller and power presses at the Bureau of Engraving and Printing, the compensation of pressmen in the Government Printing Office, and the manufacture of loose-leaf binders by the Public Printer. Neither the Senate Committee on Printing nor the Printing Investigation Commission has at any time denied the request of anyone for a hearing in regard to the provisions of this bill. It is believed now that every person who has signified a desire either directly or indirectly to appear before the committee has been heard. The committee has, therefore, reported the bill back to the Senate with such amendments as the recent hearings and additional suggestions from the various departments of the Government indicated were advisable to be recommended to the Senate.

In all, there have been 14 prints of the bill since it was first prepared by the commission nearly two years ago. Six of these prints have been submitted to Congress, and another print comparing the reported bill with the present law has been placed on the desk of every Member of the Senate. Accompanying the bill as reported to the Senate have been three reports discussing in detail every paragraph of the bill, the first report consisting of 48 pages; the second, 55 pages; and the third, 60 pages.

There has been much discussion in the public press of the Printing Investigation Commission's report and its proposed revision of the printing laws. I desire at this time to ask permission of the Senate to have included as part of my remarks several clippings from newspapers of the country showing some of the publicity that has been given to the work of the Printing Investigation Commission and the pending bill:

NEWSPAPER COMMENTS ON THE BILL.

[Washington Star, June 26, 1910.]

PRINT BILL PARING—WAYS TO ECONOMIZE DEVISED BY COMMISSION—OLD LAWS NEED REVISION—TOO LARGE EDITIONS AND DUPLICATION IN DISTRIBUTION—ABOLITION OF THE RESERVE—BRANCH OFFICES COULD BE DISCONTINUED—CONTRACT WORK COULD BE DONE BY GOVERNMENT.

Great economies in Uncle Sam's printing bill—some already accomplished and some still to be realized—are reported by the Printing Investigation Commission in a report submitted to Congress yesterday.

Reforms in the printing policy, the commission says, have already resulted in savings amounting to $110,000. A revision of the printing laws, which the committee will prepare this summer and recommend for adoption by Congress next winter, is expected to bring about a saving of several hundred thousand dollars.

It was ascertained by the commission that the chief cause of many abuses in public printing is the "laxity and incompleteness of the antiquated printing laws." Some efforts were made to correct the most glaring of the faults.

The commission reports, however, that a complete revision, consolidation, and codification of the printing laws is necessary to insure economy and modern business methods in printing, binding, and distributing public documents.

ABOLITION OF RESERVE.

The principal saving brought about by a recommendation of the commission this session was in abolishing the useless congressional reserve of documents for Senators, Members, and Delegates, which alone cost on an average $75,000 a year and generally had to be sold as waste paper by the Government Printing Office.

By the printing act of 1895 the Public Printer has had to retain in unbound form copies of all documents and reports of Congress subject to orders from the Vice President, Senators, Representatives, Delegates, the Secretary of the Senate, and the Clerk of the House, to be bound in any style they desired except full morocco. The fact is that except during a few years when orders for binding this reserve were solicited by the trade to increase work at the Government Printing Office, the great bulk of the reserve has reverted to the Superintendent of Documents, as Members of Congress have found it more convenient to take documents from either the Senate or House document rooms and have them bound instead of using their reserve.

TOO LARGE EDITIONS.

In studying the question whether the Government is now printing too large editions of its publications, the commission found that the departments and independent offices of the Government returned to the superintendent of documents in the five years, 1905–1909, inclusive, a total of 2,620,596 documents which they could not distribute, and in addition now have on hand vast accumulations of other publications that sooner or later will have to be sent to the superintendent of documents and thence to the waste-paper pile.

The Joint Committee on Printing was called upon this year to authorize the sale as waste paper of more than 900,000 useless or obsolete documents that had been unloaded on the superintendent of documents by other branches of the Government. As a result of this investigation several departments are planning to cut down the editions of their publications the coming year. This alone will effect a saving of many thousands of dollars a year.

DUPLICATION TO LIBRARIES.

Another cause of the excess in Government publications is in their duplicate distribution to libraries by the superintendent of documents, the departments, and by Members of Congress.

The commission has made a compilation of the reports of the superintendent of documents showing that in the last 15 years he has distributed a total of 7,906,892 Government publications to libraries throughout the country, of which 5,592,909 went to designated depository libraries, 1,636,091 to miscellaneous libraries, and 677,812 to geological-depository libraries. In the same 15 years the superintendent of documents has had returned from these libraries a total of 1,579,164 documents, or an average of more than 100,000 a year.

This return of documents discarded by the libraries is rapidly increasing, as the reports show that in the last three years the superintendent of documents has received 754,367 documents, on which the Government has had to pay double postage, in addition to the enormous expense of printing, and then dispose of them as waste paper.

CORRECTION OF WASTE.

To correct this vast excess in the supply of documents to depository libraries the commission first furnished each department with a copy of the mailing list of the superintendent of documents and suggested that all duplications be stricken from the departmental lists. This has resulted in the removing of the names of 2,166 libraries that had been receiving Government publications in duplication from the departments and the superintendent of documents.

The bureau of education furnishes an example of the extent of this duplication. On its mailing list were the names of 428 out of the 457

depository libraries that the superintendent of documents is required by law to supply with the annual reports of the commissioner of education. The prevention of this duplication alone in the future will save nearly $600 a year.

DEPARTMENTAL DISTRIBUTION.

An extended inquiry was made also into the subject of departmental printing and binding and the method of distributing public documents by the departments. The commission found that only two departments had continued to observe President Roosevelt's order for the centralization and standardization of departmental printing and binding as contemplated by the act of 1895.

The commission makes the following recommendations to Congress in this regard:

"1. The establishment by law of a division of printing and publications in the office of the Secretary or head of every executive department, wherein there shall be centralized the supervision of the department's printing and binding and distribution of publications.

"2. The establishment of a section of printing and publications in every independent office and establishment of the Government, wherein there shall be centralized the supervision of the printing and binding and distribution of publications of such independent offices and establishments.

"3. The enactment into law of a provision prohibiting printing and binding outside of the Government Printing Office by the Executive Office, Congress, the executive and judicial departments, independent offices and establishments of the Government, unless specifically provided for by law.

"4. The enactment of a provision of law providing that on or before December 1 of every year a committee, consisting of the chiefs of the printing divisions and sections of the executive departments and independent offices and establishments of the Government shall confer and recommend to the Public Printer a uniform stock of paper for similar classes of printing and binding work, and that the Public Printer shall take these recommendations into consideration in the preparation of a schedule of paper required for the following paper-contract year.

"5. The enactment into law of a provision prohibiting the Public Printer from using any paper for printing and binding except that purchased by him."

VALUATION PLAN PROPOSED.

Another feature of the commission's report is the statement that it is investigating a valuation plan for congressional distribution of documents. A recent report to the House of Representatives that more than 1,000,000 documents had accumulated in its folding room under the quota system, which Members had failed to distribute, gave emphasis to the fact that the present system of disposing of Government publications by allotting a certain number to each Senator and Member is extravagant and wasteful.

The valuation plan, as suggested by Representative Walter I. Smith, of Iowa, contemplates allowing each Member of Congress a certain annual credit at the Government Printing Office, which he may use to obtain such publications as are desired for his constituents. Thus a Member from an agricultural district could expend his entire credit for Agricultural Yearbooks, while under the present quota system he gets no more of these publications than does the New York City Member.

BRANCH PRINTING OFFICES.

An investigation was made of the branch printing offices maintained in several departments. Figures were obtained from the Public Printer and the departments concerned, showing that an annual saving of $38,348.24 was made by the abolishing of the printing offices in the Treasury, Interior, and Agricultural Departments last year, and that an estimate saving of $30,847.60 a year might be made by abolishing the printing offices in the State, War, and Navy Departments.

The commission also ascertained that the departments have nine separate engraving and lithographing plants in operation, not including the Bureau of Engraving and Printing of the Treasury Department. These nine plants were operated at a cost of $348,271.17 last fiscal year.

In addition to this the total awards to outside establishments for engraving and lithographing for the Government amounted to $317,664.92, making a total of $665,936.09 expended by the Government for engraving and lithographing last year, not including the work of the Bureau of Engraving and Printing, which is confined to printing currency, bank notes, stamps, and the like.

The commission is now investigating the advisability of having more of the engraving and lithographing for the Government done in its own plants, some of which are equipped to perform additional work.

[Washington Herald, June 26, 1910.]

LAX LAWS CAUSE PRINTING ABUSES—PROBING BY CONGRESS HAS SAVED $100,000—COMMISSION SO REPORTS—METHODS IN GOVERNMENT PRINTING OFFICE INVESTIGATED—MORE THAN $75,000, WHICH HAS LEAKED OUT EVERY YEAR, STOPPED BY ABOLITION OF USELESS DOCUMENTS USED AS CAMPAIGN MATERIAL BY SENATORS AND REPRESENTATIVES—TONS OF BOOKS SOLD FOR WASTE.

In a report to Congress yesterday the Printing Investigation Commission declared the reason for abuses in public printing is lax and antiquated laws, but that $110,000 had been saved Uncle Sam through the congressional probing.

The commission, through Senator Smoot of Utah, chairman, reported that $38,348.24 had been saved in one year by abolishing the printing offices in the Treasury, Interior, and Agricultural Departments.

It advised that the printing establishments in the State, War, and Navy Departments be done away with. The investigators asserted the Government would save $30,847.60 a year by it.

During this session the commission has confined itself to an investigation of methods in the Government Printing Office and its branches.

WOULD REVISE LAWS.

The commission recommended that the printing laws be revised and codified, that a law be adopted requiring all Government printing to be done by Government shops, and that the heads of the several printing divisions come to a better understanding with the Public Printer.

The principal saving brought about this session, according to the report, was in abolishing the useless printing of documents for Senators and Representatives often used as campaign material. More than $75,000 has been leaking out this way every year.

Another reform was doing away with the reserve of documents. By an antiquated law the Public Printer was forced to bind and keep every document, no matter how trivial, turned out in his plant. In 1907 nearly $125,000 was spent in useless binding. This year, under the reform ruling, less than $500 was spent.

SOLD AS WASTE PAPER.

The law made it mandatory that the reserve documents be printed in cloth, and, as a result, tons of beautifully bound books had to be sold as waste paper. More than 900,000 useless documents were sold this year.

The printing commission stated it is planning to recommend cutting down editions for the coming year. The commission discovered that the superintendent of documents has distributed 7,906,802 Government publications to libraries in 15 years, and that these books have been coming back, discarded by the libraries, at the rate of 100,000 annually.

The only way they could account for these figures was that thousands of duplicate volumes had been sent out.

Extended probing developed the fact that only two departments had carried out President Roosevelt's order for standardizing departmental printing and binding.

REMEDY FOR SYSTEM.

As a remedy for the present system of disposing of public documents by giving them to Members and Senators, which is branded as "extravagant and wasteful," the commission advised that each member of the House and Senate be given a limited credit at the Printing Office.

The commission reported that the average printing for each Senator is $2,400 a year, and the average for Representatives $1,600 annually. The new plan, it asserts, will save hundreds of thousands a year.

The commission also discovered that the departments have nine separate engraving and lithographing plants in operation, not including the Bureau of Engraving and Printing of the Treasury Department.

COST OF OPERATION.

These plants were operated at a cost of $348,271.17 the last fiscal year. In addition, the total awards to outside establishments amounted to $317,664.92, making a total of $665,936.09 expended by the Government for engraving and lithographing last year.

The Bureau of Engraving and Printing is confined to printing currency, bank notes, stamps, and the like.

The commission is now investigating the advisability of having more of the engraving and lithographing for the Government done in its own plants, some of which are equipped to perform additional work.

The members of the commission are Senator SMOOT of Utah, Senator BOURNE of Oregon, Senator FLETCHER of Florida, Representative COOPER of Pennsylvania, Representative STURGIS of West Virginia, and Representative FINLEY of South Carolina.

[Washington Post, Feb. 4, 1911.]

WOULD REFORM G. P. O.—SMOOT BILL PROVIDES A SAVING OF $1,250,000 A YEAR—IS INTRODUCED IN SENATE—DISTRIBUTION OF PUBLICATIONS BY MEMBERS OF CONGRESS TO BE MADE ON VALUATION PLAN—COMMISSION REPORTS CERTAIN INCREASES IN SALARIES—GOVERNMENT DOCUMENTS MAY BE SOLD AT COST.

Economies in the public printing, which, it is estimated, will save the Government fully $1,250,000 a year, are proposed in the printing bill which was introduced in the Senate yesterday by Senator Smoot, on behalf of the Printing Investigation Commission, of which he is chairman. In addition to a complete revision of the present printing laws, some of which date back more than half a century, the bill proposes several important changes in the printing and distribution of Government publications.

The most conspicuous feature of the bill is the valuation plan for distribution of documents to Members of Congress. The bill allows each Senator a credit of $2,500 a year and each Representative, Delegate, and Resident Commissioner a credit of $1,800, with the superintendent of documents at the Government Printing Office. Only Government publications printed for distribution by Congress can be drawn on this credit, and the unused portion lapses on March 3 of each year, Members not being allowed to turn their document credit into money.

ABOLISHES QUOTA SYSTEM.

The proposed valuation plan would supersede the present quota system of distributing documents to Members of Congress through their respective folding rooms. In other words, the folding rooms of Congress would have to be abolished, and the distribution of Government publications for Members of Congress centralized under the superintendent of documents at the Government Printing Office.

Investigation by the commission developed the fact that there has been much extravagance at the Government Printing Office. Officials of the Government Printing Office, as provided in the commission's bill, and their salaries, are as follows: The Public Printer, $6,000 per annum, an increase of $500 per anum; deputy public printer, $4,500; chief clerk, $3,000; purchasing agent, $3,600; disbursing agent, $2,500; accountant, $2,500; superintendent of buildings, $3,000, an increase of $500 per anum; foreman of printing, $2,500; foreman of binding, $2,500; foreman of presswork, $2,500; and storekeeper, $2,500.

The bill also provides that a solicitor for the Government Printing Office shall be appointed by the President, in the Department of Justice, at a salary of $4,000 per annum. This solicitor will succeed the attorney of the Government Printing Office, whose salary is $3,000 per annum.

SPECIFIC APPROPRIATION REQUIRED.

The pay of about 60 job compositors and 100 pressmen is increased from 50 to 55 cents an hour. This increase amounts to about $20,000 per annum. No other increases of pay or additional positions for the Government Printing Office are carried in the bill. The Public Printer is prohibited from paying any salary in excess of $2,000 per annum, unless the same shall have been specifically appropriated for.

On recommendation of the Secretary of the Treasury a provision has been inserted in the bill authorizing the use of power presses instead of hand-roller presses for the printing of bonds, notes, and checks, in the Bureau of Engraving and Printing. This affects several hundred employees now at work on the hand-roller presses, but the Secretary is restricted from abolishing more than one-fifth of the hand-roller presses in any one year, which will make it possible for him to transfer all these employees to other work without discharging a single one of them.

The Treasury Department estimates that the saving that can be made by using power presses instead of hand-roller presses for printing Government bonds, checks, and currency will amount to nearly $750,000 a year.

SALE OF PUBLICATIONS.

Each newspaper correspondent in the press gallery of Congress is entitled to obtain one copy of any Government publication ordered printed by Congress upon filing a request for the same with the Super-

intendent of Documents within 10 days after it has been ordered printed, according to another provision of the bill.

The growing opinion that practically all Government publications eventually will be sold for cost instead of distributed free is recognized in the proposed bill by authorizing the Superintendent of Documents to sell copies of any Government publication.

[Washington Post, editorial, Feb. 5, 1911.]

ECONOMY IN PRINTING.

A practical plan of governmental economy is proposed in the new printing bill which has been reported to the Senate by Senator Smoot, chairman of the Printing Investigation Commission. It is practical because it provides for a reduction of the expenses of the Government to the extent of fully a million and a quarter dollars without the sacrifice of any efficiency. Frequently plans for economy in the public expenditures, which mean merely a reduction in the amount of money expended, are really a false economy because they entail a sacrifice of efficiency in service. This is not such a case. According to the statement of the Printing Investigation Commission, which for more than a year has been going into every phase of the work of the Government Printing Office and the publication of public documents, the plan proposed means nothing more than the saving of what is now wasted.

The commission is composed of men of ability, conservative and careful, who have thoroughly considered the question and whose opinions and conclusions are worthy of respect. In the bill they have reported they are only applying to the printing business of the Government the business methods that would be invoked in a private concern. President Taft has established a policy of economy in the conduct of his administration, and the proposition of the Printing Investigation Commission admirably fits into that policy.

The change in the method of allotting public documents to members of Congress will appeal to all who give the subject any thought. At present the city Representative has to his credit as many documents on agricultural subjects as the rural Member has, though he has no real use for them except to exchange them for other documents that he can use, if he finds opportunity to make the trade. Under the new plan each Senator and Member will have a credit of a stated sum each year at the Government Printing Office, and he may order such documents as he wants up to the limit of his credit. In this manner alone a big saving will be effected. The bill contains many provisions that will appeal to the judgment of conservative business men.

[Philadelphia Inquirer, February 4, 1911.]

SAVES $1,250,000 TO UNITED STATES PRINTING OFFICE—SENATOR SMOOT SUBMITS BILL WHICH WOULD RESULT IN BIG ANNUAL CURTAILMENT.

WASHINGTON, D. C., *February 3.*

Senator Smoot, of Utah, as chairman of the Printing Investigation Committee, to-day submitted to Congress a printing bill which, if enacted into law, would result in a saving of fully $1,250,000 annually to the Government Printing Office and in the method of distributing public documents.

The most conspicuous feature of the proposed bill is the valuation plan for distribution of documents to Members of Congress. The bill allows each Senator a credit of $2,500 a year and each Representative, Delegate, and Resident Commissioner a credit of $1,800 with the Superintendent of Documents at the Government Printing Office.

The commission has figures to show that the proposed valuation plan will save the Government nearly a quarter of a million dollars a year. The defect in the present quota system of distributing documents to Members was clearly shown in the recent removal of more than a million useless and obsolete publications that had accumulated in the House folding room owing to inability of Members to distribute these publications. Tons of costly books had to be sold as waste paper last year, causing a loss of thousands of dollars to the Government.

On recommendation of the Secretary of the Treasury a provision has been inserted in the bill authorizing the use of power presses instead of hand-roller presses for the printing of bonds, notes and checks in the Bureau of Engraving and Printing. This affects several hundred employees now at work on the hand-roller presses, but the Secretary is restricted from abolishing more than one-fifth of the hand-roller presses in any one year, which will make it possible for him to transfer all these employees to other work without discharging a single one of them. The Treasury Department estimates that the saving that can be made here will amount to nearly three-quarters of a million dollars a year.

[Washington Post, January 17, 1912.]

G. P. O. REFORM URGED—$1,250,000 ANNUAL SAVING IS PLANNED BY COMMITTEE—INVESTIGATION REPORT FILED—BILL PROVIDING DRASTIC CHANGES IN LAWS GOVERNING PUBLIC PRINTING PRESENTED BY SENATOR SMOOT—WOULD SUBSTITUTE POWER FOR HAND PRESSES AND ABOLISH SENATE AND HOUSE FOLDING ROOMS.

The first and only comprehensive revision of the laws governing public printing ever made to Congress was submitted to the Senate yesterday, when Senator Smoot filed his report and the bill that will be pressed for enactment into law. This revision is the result of the work of the joint committee that has been engaged in investigating the affairs of the public printing office.

The report shows that an annual saving of $1,250,000 will be made. Under existing laws, many of which are obsolete, there have grown many extravagances. The most important provision in the measure perhaps is that authorizing and requiring the substitution of power for hand presses in the Bureau of Engraving and Printing. This will save $600,000 a year. Not more than one-fifth of the hand presses will be removed in any year, and the committee says that not a plate printer will be disturbed, as the increase in business will require the retention of the present force.

WOULD LIMIT DOCUMENTS.

The Senate and House folding rooms will be abolished, and all documents distributed from a central station under the control of the Superintendent of Documents. Instead of the present method of distributing documents to Members of Congress, they will be issued upon a valuation basis, the annual value of those issued to Representatives being $1,800 and Senators $2,500.

Another important feature is that which provides a fixed organization for the Government Printing Office, making it impossible for the caprice of any Public Printer to change the force at will or rearrange salaries and positions. Innumerable minor evils have been corrected and reforms inaugurated.

[Washington Times, January 17, 1912.]

REVISED PRINTING BILL SAVES OVER A MILLION.

Senator SMOOT has submitted to the Senate a favorable report from the Committee on Printing on his bill for the revision and codification of the printing laws.

The committee has made some changes, but not in the essential features. It is estimated that an annual saving of a million and a quarter dollars can be made under the proposed revision of the printing laws.

The feature of the bill which has attracted most notice is the one that provides for use of power presses instead of hand presses in the Bureau of Engraving and Printing. This will save $600,000 a year. Not over one-fifth of the hand presses will be removed in one year.

Many obsolete and extravagant features of the printing laws are wiped out. The Senate and House folding rooms will be abolished and documents distributed from a central station under the Superintendent of Documents, on a valuation basis. A fixed organization for the Printing Office is also provided.

The bill (S. 4239) consists of 115 pages, and its subject matter may be grouped into four general divisions:

1. Relating to the Joint Committee on Printing and its supervision over the public printing and binding.
2. Providing for the organization of the Government Printing Office.
3. Regulating printing and binding and distribution of publications for Congress.
4. Regulating printing and binding and distribution of publications for the departments, independent offices, and establishments of the Government.

Mr. BROWN. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Utah yield to the Senator from Nebraska?

Mr. SMOOT. Certainly.

Mr. BROWN. Before the Senator proceeds to take up the bill section by section could he give the Senate any idea about how much of this bill is new legislation? It is entitled a revision bill. About what per cent of this large bill is new legislation on the subject?

Mr. SMOOT. Mr. President, I could not say just how much is new legislation, but I will say that a great part of the bill is present law. There are changes in the method of distribution of documents, the regulating of the printing of them, and the abolishment of the folding rooms of the Senate and the House. I suppose the greatest change from the present law would be the valuation system, which I shall discuss in detail as I proceed.

Mr. BROWN. Does not the bill go further and provide for numerous new officers and the abolishment of some that are now existing?

Mr. SMOOT. If the Senator will just wait a few minutes, I will tell the Senate of every new office that is created, the amount that is to be paid to each employee, and also what is proposed to be abolished and the amount that will be saved by so doing.

Mr. BROWN. I do not care to interrupt the Senator, but I wanted to get, if I could, an outline, general in its terms, showing whether or not the proposals contained in the bill entirely change the present printing system of the Government——

Mr. SMOOT. No, Mr. President.

Mr. BROWN (continuing). And create a new one.

Mr. SMOOT. No; it does not change the present system. I will say to the Senator that under the plan which has been adopted for the reorganization of the Government Printing Office in the proposed bill the Public Printer, if the bill becomes a law, will not have the power he has had in the past to change the working organization of the Government Printing Office. But that applies only to some half dozen men whose salary is more than $2,250 per year. It does not affect a person in the Printing Office whose salary is less than $2,250 per annum. It provides for the abolishment of the folding rooms of the Senate and House. If the bill passes, that work will be done hereafter in the document rooms.

Mr. BROWN. As a matter of fact the bill abolishes the Public Printer, does it not?

Mr. SMOOT. Oh, no, Mr. President.

Mr. BROWN. And substitutes the clerk of the Senator's committee for Public Printer?

Mr. SMOOT. No, Mr. President; there is no such thought, and no such provision.

The following is a brief outline of the more important sections of the bill:

OUTLINE OF PRINTING BILL (S. 4239).

Sections 1 to 5. Joint Committee on Printing; its organization and duties.

Sections 6 to 10. Purchases of paper and material for the Government Printing Office.

Sections 11 to 22. Organization of the Government Printing Office; its principal officers.

Sections 23 and 24. Boards of inspection and condemnation of the Government Printing Office.

Sections 26 to 29. Government Printing Office employees; salaries and wages; leave provisions.

Section 38. Branch printing offices.

Sections 34 to 43. Miscellaneous provisions relating to the Public Printer.
Sections 44 to 49. Printing ordered by Congress; Senate and House documents, bills, and reports.
Section 49. Printing clerks for Senate and House.
Section 51. Allotment and charges for printing for Congress and departments.
Section 53. Edition plan for printing documents, reports, bills, etc.
Section 55. Senate and House document rooms.
Sections 58 to 62. Superintendent of documents.
Section 63. Publications for newspaper correspondents.
Section 64 and 65. Depository libraries.
Section 68. Valuation plan for Congressional distribution.
Section 69. Printing and distribution of Revised Statutes.
Section 71. Miscellaneous publications authorized to be printed by law.
Section 72. Printing and distribution of Official Register.
Section 75. Printing and distribution of Supreme Court Reports and Federal Reporter.
Section 76. Restrictions on printing and binding.
Section 77. Requirement for all printing and binding to be done at the Government Printing Office.
Section 78. Printing for the departments.
Section 79. Annual reports of departments.
Section 80. Division of publications for each department.
Section 81. Method of estimating and charging for the public printing and binding.
Section 84. Contracts for envelopes to be awarded by Postmaster General.
Section 85. Repeal of all existing printing laws.

The commission has prepared a statement showing that the estimated economies to be effected by the bill will amount to approximately $600,000 a year. The figures in this estimate have been carefully compiled and based on definite information. There are a number of other important economies proposed in the bill, which it is impossible to estimate in dollars and cents, and the commission has therefore not undertaken to do so. The estimate of $600,000 a year saving that could be made if the pending bill were enacted into law relates entirely to the economy that would be effected in printing and binding alone. In addition to this amount, the Government would save thousands of dollars that it now has to expend in transporting through the mails millions of publications that are of no use to the persons to whom they are sent and serve only to fill the wastebaskets of the Nation. The investigation of the Printing Commission developed the fact that the depository libraries of the country alone are sending back to the superintendent of documents an average of 100,000 publications a year, for which the Government has to pay the cost of transportation from Washington to the library and again from the library back to Washington. Most of these publications have to eventually be disposed of as waste paper.

Another example of the needless expense to which the Government is put in transporting useless publications is the library edition of Patent Specifications, which consists of three big volumes a month—this is only one of them [exhibiting a volume]—weighing approximately 50 pounds to the set, or 85,000 pounds for the entire annual edition. This is the heaviest single publication that the Government now sends through the mails, and the pending bill proposes to discontinue its printing as a wasteful expenditure of public funds. It is impossible to estimate, even approximately, the saving that will result to the postal service in the discontinuance of such useless publications and the present wasteful methods in distributing Government documents. I believe I am justified, however, in stating that this saving to the Post Office Department alone will amount to several hundred thousand dollars a year.

Mr. BRISTOW. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Utah yield to the Senator from Kansas?

Mr. SMOOT. I do.

Mr. BRISTOW. Did I understand the Senator to say that three volumes the size of that one are printed per month?

Mr. SMOOT. Every month, and sent to certain libraries and courts of the country.

Mr. BRISTOW. How many of them are there?

Mr. SMOOT. There are 144 possible designations under the law. If the Senator will follow me closely, I will give him the returns of these libraries and courts, stating that they do not want this publication; that they are of no use; that it only encumbers their shelf space.

Mr. CUMMINS. May I ask the Senator from Utah what that immense volume contains?

Mr. SMOOT. It is the patent specifications. I will say to the Senator that an attorney who is interested in any patent case never thinks of referring to this publication. He gets the separate specification and the Patent Office Gazette that is issued weekly. This is a compilation of all the patent specifications, issued monthly, and sent to the libraries. It is only a duplication of information already issued and received by them.

Mr. BRISTOW. Do I understand the Senator to say that three volumes of that size are gotten out monthly, and that those three volumes are sent to the libraries, making 36 volumes of that size per annum.

Mr. SMOOT. Thirty-six volumes every year are sent to State libraries, United States district courts, and the departments, and scarcely one has any use for them.

I submit herewith a detailed statement of the estimated economies and the increases proposed in the bill:

STATEMENT OF ANNUAL ECONOMIES UNDER SENATE BILL NO. 4239, BASED ON ESTIMATES SUBMITTED TO THE PRINTING INVESTIGATION COMMISSION.

Section 2, paragraph 2.—Requiring clerks of the joint committee to edit and compile memorial volumes and other compilations, including Congressional Directory, directed to be made by joint committee	$2,500
Section 3, paragraph 3.—Vesting Joint Committee on Printing with the authority of the Printing Investigation Commission and giving it power to enforce economies in the public printing and binding	100,000
Section 5.—Eliminating third edition of Congressional Directory for every long session of Congress	10,000
Section 12, paragraph 1.—Abolishing position of superintendent of work	3,600
Consolidating of estimating and jacket-writing sections, at least	2,000
Section 15, paragraph 1.—Reducing salary of purchasing agent	600
Section 17, paragraph 2.—Consolidating work of computing and cost keeping under accountant, at least	2,000
Section 19, paragraph 2.—Abolishing position of assistant superintendent of work, at least	3,000
Section 54.—Restricting distribution of Journals of the Senate and House of Representatives	2,000
Section 64, paragraph 2.—Adopting selection plan for depository libraries	110,000
Section 65, paragraph 2.—Eliminating duplicate copies of numbered congressional documents and reports of small size for distribution to depository libraries	15,000
Section 68, paragraph 1.—Adopting congressional valuation plan	200,000
Section 68, paragraph 4. Discontinuing the Abridgment of Message and Documents	23,000

Everything that is in the Abridgment of Message and Documents has been printed time and again before ever this yearly edition is issued, and, in fact, it is often two years after the information is given before these volumes are printed.

Section 68. Discontinuing Annual Report of Commissioner of Patents with list of patents	$8,000
Section 71. Restricting distribution of Decisions of the Comptroller of the Treasury	8,712
Increasing subscription price of the Official Gazette	13,360
Discontinuing Official Gazette libraries	31,900
Discontinuing library edition of Patent Specifications and Drawings	65,000
Discontinuing geological depository libraries	10,000
Discontinuing "Commercial Relations"	9,500
Section 72. Reducing size and scope of the Official Register of the United States	12,500
(Estimated saving, $25,000 biennially.)	
Total estimated saving	632,672

The following economies can not be estimated in dollars and cents, but the commission believes they will amount to several hundred thousand dollars a year:

Section 44, paragraph 1. Curtailing of present practice of wholesale printing ordered by the Senate and House of Representatives without reference to committees or reports thereon.
Section 45. Eliminating annual and serial departmental publications for distribution to document rooms of Congress.
Section 47, paragraph 4. Eliminating one print of bills and resolutions.
Section 66. Revising departmental mailing lists regularly.
Section 76, paragraph 5. Regulating congressional committee binding.
Section 79, paragraph 1. Eliminating duplication in annual reports of chiefs of divisions and bureaus and heads of departments.
Section 80, paragraph 1. Centralizing printing and binding and distribution of publications in departments.

INCREASES UNDER SENATE BILL NO. 4239.

Section 2, paragraph 1.—Clerk, Joint Committee on Printing	$3,000.00
Assistant clerk, Joint Committee on Printing	2,500.00
(These clerks would take the place of secretary and assistant secretary of the Printing Investigation Commission.)	
Increase in salary of inspector	500.00

Congress has appropriated each year for the expenses of the Printing Investigation Commission, chief of which is the employment of a secretary and an assistant secretary. The proposed bill provides a clerk and assistant clerk for the Joint Committee on Printing, in order to carry on the work that has been done in the past by the Printing Investigation Commission. If this proposed bill becomes law there need be no appropriation in the future for the investigation commission.

Section 11, paragraph 2.—Increase in salary of Public Printer	$500.00
Section 13, paragraph 1.—Increase in salary of chief clerk	500.00
Section 18, paragraph 1.—Increase in salary of superintendent of buildings	500.00
Section 19, paragraph 1.—Increase in salary of foreman of printing	500.00
Section 20, paragraph 1.—Increase in salary of foreman of binding	250.00
Section 21, paragraph 1.—Increase in salary of foreman of prosawork	250.00

Section 27.—Increase in compensation of 6 job compositors ($7,500) and 100 pressmen ($12,500)	$20,000.00
Section 46, paragraph 6.—Increase in number of publications for international exchange	----------
Section 71.—Removal of limitation upon number of copies of monthly catalogue of Government publications for free distribution	337.50
Total annual increase	28,837.50
Total estimated saving	632,672.00
Less increases	28,837.50
Net annual saving	603,834.50

The Public Printer, in a paper which he read before the Club of the Printing House Craftsmen in New York, on February 16, 1911, said of the saving that can be effected by the pending bill:

If this measure is enacted into law it will unquestionably reduce the expenditures for public printing and binding approximately a million dollars a year. It is not claimed that the cost of the job printing of the Government is excessive or unnecessary work executed. The saving to be effected is principally in the distribution of congressional and departmental reports and miscellaneous documents.

JOINT COMMITTEE OF PRINTING.

The Joint Committee on Printing, which is provided for in the first five sections of the bill, was created by a law of Congress approved August 3, 1846. The Joint Committee on Printing from that date to this has consisted of three Members of the Senate and three Members of the House, who constitute, in fact, a board of directors for the Government Printing Office. The Joint Committee on Printing, as created in 1846, directed the manner of procuring the printing for the two Houses of Congress and supervised the work of contracting printers.

The duties of the Joint Committee on Printing were further enlarged by the act of August 26, 1852, section 12, which reads as follows:

And be it further enacted, That a committee, consisting of three members of the Senate and three members of the House of Representatives, shall be appointed by the President of the Senate and Speaker of the House, to be called the Joint Committee on the Public Printing, which committee shall have a right to decide between the Superintendent of the Public Printing and the Public Printer in any dispute which may arise as to the propriety of the decisions of the Superintendent making deductions on account of work which the superintendent may refuse to receive, or which, in his opinion, may not be done with proper dispatch, as required by law; and the said committee shall pass upon the accounts of the Superintendent of the Public Printing. *Said committee shall have power to adopt such measures as may be deemed necessary to remedy any neglect or delay in the execution of the public printing,* provided that no contract, agreement, or arrangement entered into by this committee shall take effect until the same shall have been approved by that House of Congress to which the printing belongs, and when the printing delayed relates to the business of both Houses, until both Houses shall have approved of such contract or arrangement. All motions to print extra copies of any bill, report, or other public document shall be referred to the members of the Committee on Printing from the House in which the same may be made.

The act of June 23, 1860, which established the Government Printing Office, authorized the Superintendent of Printing to contract for the erection or purchase of buildings, machinery, and material, and provided that such contract should be "subject to the approval of the Joint Committee on Printing of the two Houses of Congress."

By an act of July 27, 1866, Congress provided that the "Joint Committee on Public Printing" should "fix upon standards of paper for the different descriptions of public printing," obtain proposals therefor, and award the contracts. By the act of 1852 the Superintendent of Printing was required to open the annual paper proposals in the presence of the President of the Senate and the Speaker of the House, but by the act of 1866 this has been a most important duty of the Joint Committee on Printing for nearly half a century. The cost of paper purchased under these awards of the Joint Committee on Printing amounts to approximately a million and a half dollars a year. As far as I know, the finger of scandal has never been pointed at the joint committee in its awards of paper contracts or its supervision over the Government Printing Office.

Commenting on the paper awards made by the Joint Committee on Printing last year, the correspondent of the Paper Mill and Wooden Pulp News, in its issue of January 28, 1911, said:

Take it all in all, I am free to state that I am quite proud of Uncle Sam, for I think he acted toward these paper manufacturers like a little gentleman. He treated them all with the kindest consideration and gave none of them a chance to even think, let alone utter, the two words, "He's prejudiced."

Now, it is the first time that I ever went to Washington to attend the opening of the bids, and it is the first time that I ever went there to hear the awards handed down, and I don't mind telling you that I am as proud as a peacock because I did go there and because I did sit there until the whole transaction was finished. Of course, I will admit I did see the finish of a few and the making of many, but it was no fault of Uncle Sam. It was simply a matter of price. The manufacturer was not taken into consideration. His bond was his recommendation, and Uncle Sam simply said in so many words to these manufacturers, but he did not say it loud enough for them to hear it, but he said, "So ye bid, so shall ye make; and if ye fail to make according to the specifications upon which ye bid, so shall ye be rejected and so shall ye settle." Can anything be fairer than that?

It did not make a particle of difference to Uncle Sam who the manufacturer was or how long he had been making that particular grade of paper for the Government. Years did not cut any ice; experience was not taken into consideration, or a brand-new mill just starting up or making its debut on the strength of one of these awards. His first act was to find out if the new man's bond was all right. If he was satisfied upon that point, he was ready to consider his bid and give him his award if his price was one penny a ton lower than the old and experienced paper manufacturer.

I believe that is a typical expression of the opinion which the paper trade in general holds concerning the fairness and impartiality of the Joint Committee on Printing.

While discussing the Joint Committee on Printing's control over the purchases of paper for the Government Printing Office I want to briefly invite your attention to the fact that the Joint Committee on December 20, 1911, adopted new standards, stricter specifications, and more rigid rules for the inspection of Government paper. These standards were prepared by a committee of Government experts and have already attracted widespread attention and much favorable comment. The committee was moved to adopt more definite specifications for Government paper by its discovery last summer that certain paper contractors were attempting to overload or adulterate their paper with clay or mineral filler, which had a tendency to weaken the paper and lessen its durability. It is believed, under the new specifications, that the Government will be insured as high a grade of paper as it is possible to obtain. The awards made by the Joint Committee in January of this year show that a much higher grade paper will be obtained for the Government at a less cost than heretofore paid for paper of a lower standard. I understand that the General Supply Committee is preparing to adopt similar standards of paper for all the departments of the Government. I was highly gratified to read in the President's message of January 17, 1912, in connection with the work of his Economy and Efficiency Commission, the following recommendation in regard to standard specifications for Government material, which is exactly in line with what the Joint Committee on Printing has put in effect already:

The importance of establishing and maintaining standard specifications is found not only in the possibility of very materially reducing the direct cost of Government trading, but also in insuring to the service materials, supplies, and equipment which are better adapted to its purposes. One of the results of indefiniteness of specifications is to impose contract conditions which make it extrahazardous for persons to enter into contractual relations. This not only deprives the Government of the advantage of broad competition, but causes it to pay an added margin in price to vendors who must carry the risk. The specifications which may have been worked out in one department usually differ from specifications for the same article to be used in another department. Much progress has been made toward improving this condition through the schedules of the General Supply Committee, but there are many classes of supplies not on these lists which may be standardized, and the articles which are there listed may be specified with exactness.

There are two important changes in the bill now before the Senate as it relates to the Joint Committee on Printing. One of these changes confers on the joint committee the authority now possessed by the Printing Investigation Commission. The fact that during the existence of the Printing Investigation Commission the expenditures for the Government Printing Office have been diminished fully a million dollars a year seems to me sufficient argument for a continuation of this supervision over the public printing and binding, especially when it is recalled that in the 10-year period from 1895 to 1905, during which Congress refrained from investigating the public printing, the expenditures therefor more than doubled. Another change which is necessary, if this additional authority is to be conferred on the joint committee, is that providing a permanent organization and clerical force for it. For several years past the secretary of the Printing Investigation Commission has acted as clerk of the Joint Committee on Printing without any additional compensation for this work. It is absolutely essential that, if the Joint Committee on Printing is to continue the work of the Printing Investigation Commission, it must be provided with the means to do that work.

I need to cite only an instance out of dozens of similar ones that have occurred to show the saving that can be accomplished by vesting this authority in the Joint Committee on Printing. Last July the Public Printer requested authority from the Joint Committee on Printing to reprint the annual report of the Bureau of Soils for 1907. The folding room of the House desired 1,225 copies of this report which the Public Printer estimated would cost $13,494. The clerk of the Joint Committee on Printing investigated this matter and found that the various distributing officers of the Government already had on hand more than 1,200 copies of this report, and he further ascertained that 240 of this number were included in a list of docu-

ments which the superintendent of documents had recommended to the Public Printer for condemnation. These copies were rescued from the waste-paper pile and the Government saved $13,494, or more than the entire appropriation for the expenses of the Printing Commission for the present fiscal year.

Under existing law, the jurisdiction of the Joint Committee on Printing is manifold and comprehensive, and this jurisdiction is continued by the pending bill.

The Joint Committee on Printing is already empowered by law to: (1) To remedy any neglect or delay in the execution of the public printing; (2) to reprint additional copies of Government publications within a cost of $200; (3) to establish standards of paper for the public printing; (4) to authorize advertisements for proposals for paper; (5) to establish the limit of time for which paper shall be supplied; (6) to open sealed proposals for paper and to award contracts therefor; (7) to adjudicate differences between contractors and the Public Printer; (8) to authorize purchases of paper in the open market; (9) to authorize purchases of material in the open market, within limitations; (10) to control the arrangement and style of the CONGRESSIONAL RECORD, and to provide for the publication of an index thereon; (11) to authorize contracts for lithographing, engraving, etc., and to contract therefor in the open market; (12) to appoint a member of the board of paper inspection and board of condemnation; (13) to authorize leases; (14) to compile, edit, and distribute the Congressional Directory; (15) to compile eulogies on deceased Senators and Members; (16) to establish regulations for the sale of duplicate stereotype and electrotype plates; (17) to regulate the preparation and publication of the Comprehensive Index of Public Documents, and the Consolidated Index of Congressional Documents; (18) to edit, compile, and index the Abridgment of the Annual Message and Documents; (19) to regulate the publications of the Patent Office as to methods; (20) to establish the style and form of printing of the annual reports of the executive offices of the Government; (21) to establish regulations for the printing of all public documents in editions.

The Government Printing Office stands in a different relation to Congress than any other department, bureau, or establishment of the Government. It is not under the control of any executive department. The Public Printer is responsible to the President only for his appointment, which must be confirmed by the Senate. The Government Printing Office is, and was, designed to be primarily under the control of Congress. It is therefore highly important that some committee of Congress should have full authority to supervise its operations. The Joint Committee on Printing has had more or less supervision over the public printing and binding for the past 65 years. Experience has demonstrated the fact that had the Joint Committee on Printing possessed the full authority of the Printing Investigation Commission much of the extravagances in the public printing and binding would never have occurred.

It is certain that Congress should either give the Joint Committee on Printing proper control over the Government Printing Office or else place that office under an executive department. From the fact that the Government Printing Office is essentially a congressional institution, created and maintained largely for the use of Congress, it is the firm belief of the Commission that this control should remain with Congress and be exercised by its Joint Committee on Printing, which is always subject to the direction of Congress.

In this connection, let me read from a report to President Roosevelt by William S. Rossiter, who made a special investigation of the Government Printing Office in 1908 under the direction of the President. Mr. Rossiter says:

> In view of the historic relation of Congress to the Government Printing Office, and especially because the movement of legislative business depends upon its satisfactory operation, *it seems appropriate that the Joint Committee on Printing of Congress should occupy a closer relation to the Printing Office and should exercise a more direct control over the policies of the office. This important committee should be regarded by the Public Printer as his board of directors.* He should consult them and secure their cooperation, approval, or disapproval of all important policies which he proposes to put in force or heavy expenditures which he desires to make. Such supervision ought to render impossible conditions which led to your action of February 5.

The action to which Mr. Rossiter refers here was the suspension of Public Printer Stillings following the exposé of the audit system, which extravagance cost the Government several hundred thousand dollars.

The extravagances of the audit system also demonstrated the necessity for the Joint Committee on Printing to supervise the expenditures of the Public Printer. Up to that time there was no limitation on the sums that the Public Printer might expend for machinery from the appropriations for the public printing and binding. In fact, Public Printers have expended for machinery and material more than $1,000,000 in one year without having to obtain the approval or advice of any other officer of the Government. I do not know of a single Cabinet officer who has been vested with such large discretionary power. Not even the President himself has had it, except in the emergency of war. In order to safeguard the interests of the Government in the purchases of machinery and equipment, the Joint Committee on Printing on May 25, 1908, adopted a resolution requiring the Public Printer to obtain the approval of the joint committee on all such purchases in excess of $1,000. This resolution of the committee was heartily approved by President Roosevelt, who sent the following letter to the Public Printer:

> THE WHITE HOUSE, WASHINGTON,
> *Oyster Bay, N. Y., June 20, 1908.*
>
> MY DEAR MR. LEECH: I call your attention to the inclosed letter from Congressman Landis, chairman of the House Committee on Printing, dated June 18, 1908, and to the resolution of the Joint Committee on Printing of May 25, 1908. This resolution has my entire approval. I am not willing to run the slightest risk of a repetition of the troubles that have occurred within the past few years, and I hereby direct that you govern yourself in accordance with the resolution of the Joint Committee on Printing of May 25, 1908, and comply with the requests it therein makes of the Public Printer.
>
> Sincerely, yours,
>
> (Signed) THEODORE ROOSEVELT.
>
> Hon. J. S. LEECH, *Public Printer.*

The pending bill proposes to enact into law this resolution which undoubtedly has saved the Government thousands of dollars in preventing extravagant purchases of machinery for the Government Printing Office. The bill further restricts these purchases by reducing the amount on which the Public Printer must have the approval of the joint committee from $1,000 to $500, in each instance.

Mr. GALLINGER. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Utah yield to the Senator from New Hampshire?

Mr. SMOOT. I do.

Mr. GALLINGER. I should like to ask the Senator from Utah to state who is responsible for these extravagant purchases of material in the Government Printing Office?

Mr. SMOOT. The resolution of May 25, 1908, provides that purchases exceeding $1,000 can not be made by the Public Printer without the sanction of the Joint Committee on Printing; but before that resolution was adopted by the Joint Committee on Printing the Public Printer had the authority to purchase machinery within the limits of the lump appropriation without asking anybody.

Mr. GALLINGER. And was the Public Printer responsible for purchasing machinery that was not needed in the Government Printing Office?

Mr. SMOOT. That has happened in the past.

Mr. GALLINGER. That was under a former Public Printer?

Mr. SMOOT. Oh, yes; it was under a former Public Printer. The statement does not apply to the present Public Printer. Since May 25, 1908, the resolution has been strictly complied with by the Public Printer.

Mr. GALLINGER. Under that former Public Printer, I will ask the Senator if the business of the Government Printing Office was so loosely and foolishly managed as not to have any system of audit, so that it could be known under whose responsibility those purchases were made or why they were made?

Mr. SMOOT. Up to that time that was the case, Mr. President.

Mr. GALLINGER. That was a very bad situation.

Mr. BROWN. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Utah yield to the Senator from Nebraska?

Mr. SMOOT. I yield to the Senator.

Mr. BROWN. The extravagances which occurred under a former Public Printer, and for which he was responsible, might occur under the system the Senator proposes, except that somebody else and not the Public Printer would be responsible for the extravagances. So that in the final analysis, in order to have the office administered economically and honestly, you have to depend and rely on an administrative officer, or an executive officer if it is in an executive department, whether it be the Public Printer or, under the new plan, the Joint Committee on Printing, and we could have just as many indefensible extravagances under the committee system as we could under the Public Printer system if the joint committee was careless and extravagant. So, I can not see where it follows that the Senator is curing the evils of which he complains by substituting a committee for the Public Printer.

Mr. SMOOT. Mr. President, we are substituting three representatives from the House and three representatives from the Senate in place of one man. The Public Printer may desire to establish in the Government Printing Office a new system of

printing requiring a large purchase of new machinery. The proposed bill provides that before this can be done he must secure the written consent of the Joint Committee on Printing. The necessity of such a change will be passed upon not by the Public Printer alone, but by the Joint Committee on Printing.

Mr. BROWN. Mr. President, under the present law the Public Printer is an executive officer, and he is authorized and required to perform executive duties.

Mr. SMOOT. Under the law?

Mr. BROWN. Under the existing law.

Mr. SMOOT. Well, he will be under the proposed law.

Mr. BROWN. Yes; but he will not be permitted to perform his duties in certain instances until he gets the consent of this committee.

Mr. SMOOT. It is so to-day.

Mr. BROWN. In other words, you are proposing to have the legislative branch of the Government invade the executive branch. There is no occasion for dividing the responsibility for this work. It ought to be in one branch or the other, and it has always been in the executive branch, as I recollect. The success of the service that is rendered the public through this agency of the Government depends now and always will depend, whether it is under the direction of a committee or a Public Printer, on the efficiency and capacity of either the committee or the officer administering the law.

Mr. SMOOT. Mr. President, the Joint Committee on Printing is under the control of Congress. The committee does not interfere with any right or authority that belongs to the Public Printer. If he desires to expend the public money for the purchase of machinery or supplies costing in excess of $500 he is to apply to the Joint Committee on Printing for permission to do so.

Mr. BROWN. The joint committee gives him authority, but the joint committee does not come to Congress——

Mr. SMOOT. The joint committee is created by Congress; represents Congress——

Mr. BROWN. To find out whether their action meets the approval of Congress. The joint committee becomes the master and boss of the Public Printer, and Congress will know nothing more about what the action of the joint committee is under the bill of the Senator than it knows now what the action of the Public Printer is under existing law.

Mr. SMOOT. Mr. President, I have not heard the Public Printer complain of having to obtain the consent of the Joint Committee on Printing to purchase machinery where it costs in excess of $500. Requiring such consent is taking no authority from him, and if I were the Public Printer I would welcome the division of the responsibility.

I will say that the present Public Printer has never made application to the Joint Committee on Printing for the installation of improved machinery of any kind, where he has shown the necessity for it, that the application has not been granted.

Mr. BROWN. Well, Mr. President, I am not voicing any complaint by the Public Printer; I have no brief to speak for him, and do not know of any differences existing between him and the committee.

Mr. SMOOT. There are none.

Mr. BROWN. But this is not a question of passing a law to suit the Public Printer any more than it is a question of passing a law to suit the Joint Committee on Printing. I think that law ought to be passed which will best and most efficiently protect the public interests. What I am interested now in knowing from the Senator is, why does he expect to get a better service from a public standpoint, if we trust a joint committee to determine these matters, than we would if we should trust the Public Printer, provided the Public Printer is a competent and honest official?

Mr. SMOOT. Mr. President, one might just as well say that the Public Printer should purchase all the paper, all the supplies, and everything that the Government Printing Office uses without any check on him whatever.

Mr. ROOT. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Utah yield to the Senator from New York?

Mr. SMOOT. Certainly.

Mr. ROOT. Mr. President, it occurred to me to make a suggestion, which seems to me relevant in view of the dialogue between the Senator from Utah and the Senator from Nebraska. The office of the Public Printer is an anomaly in our system of administration. All the ordinary officers of about the same grade as the Public Printer, the heads of bureaus, are under the supervision of the head of an executive department, and above the heads of the executive departments stands the President, so that there is a double supervision over each one of the bureaus, such as the Census Bureau, the Pension Bureau, the Geological Survey, and so on. There is a double executive supervision. But the Government Printing Office is not in any executive department and has no supervision, and has never had any supervision except the supervision of Congress; and Congress, as I judge from the observations of the Senator from Utah, has not created a sufficient and adequate system of supervision. Now, either Congress ought to make its own supervision adequate, if it is going to perform that duty, and create for it adequate machinery and fix upon somebody the responsibility, or else it ought to put this bureau in an executive department. Whichever Congress chooses to do is all right; but the office is to-day a lost child and has been ever since I have known anything about the administration of the Government of the United States.

Mr. SMOOT. That, in substance, is what I have already said in my speech. I call the attention of the Senator to the fact that the Bureau of Engraving, its work being somewhat similar to that of the Government Printing Office, is under the direction of the Secretary of the Treasury.

Mr. BROWN. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Utah yield to the Senator from Nebraska?

Mr. SMOOT. I yield.

Mr. BROWN. The Senator from New York says the Public Printing Office is not in the executive branch of the Government.

Mr. ROOT. I beg the Senator's pardon. I said it is not in any executive department.

Mr. BROWN. That is to say, there is no member of the Cabinet who is in charge of the printing department.

Mr. ROOT. Neither any member of the Cabinet nor the President. Congress reserves to itself control of the Public Printer, because the performance of his duties is so intimately connected with the duties of Congress itself.

Mr. SMOOT. Congress always has done so.

Mr. ROOT. He is the printer, the person who prints the records of Congress and its bills and papers, its confidential papers, and Congress can not have anybody to do that work who is not under the full control of Congress; and it has always proceeded upon that theory.

Mr. BROWN. It is true Congress has reserved to itself supervisory power over the Public Printer. The Senator from Utah does not want to abolish his office; he leaves him in charge; but he makes the Public Printer not responsible to the will of Congress, but to a committee of Congress, that gives consent to do or not to do certain things, and then the committee makes no report to Congress. Therefore, the Senator from Utah does not satisfy the Senator from New York in putting this office in either the legislative or the executive branch of the Government. He leaves him where he is, performing executive duty, and makes him responsible to a certain fraction of the legislative branch of the Government, and with no duty on the part of the committee of Congress to make any report to Congress. I say the Senator ought to do one of two things—either make him an executive officer distinctly or make him a legislative officer distinctly.

Mr. SMOOT. The Senator certainly has not read the bill, or he would not make that statement. The bill specifically states what authority the Public Printer is given. In the purchase of material at the Government Printing Office, where it exceeds $500, there must be secured the consent of the Joint Committee on Printing.

Mr. BROWN. That is it exactly. You do not get the consent of Congress. The committee, not Congress, is consulted.

Mr. SMOOT. The joint committee is a creature of Congress. It was created by Congress; and I do not see how the matter can be handled in any other way. The Public Printer can not ask every Member of the Senate and every Member of the House if a certain purchase shall be made. All the business of the Senate and the House is done through committees, and that is exactly what the proposed bill provides for.

Mr. BROWN. But those committees of Congress can not accomplish a thing on earth unless the action of the committee is ratified, but when the Printing Committee acts on the application of the Public Printer you permit that action to be final——

Mr. SMOOT. Would you rather have the action of the Public Printer final?

Mr. BROWN. I would rather have that than to have the action of a committee which makes no report at all.

Mr. SMOOT. There is a report made by the committee, subject to the action of Congress at all times.

Mr. BRISTOW. I understand from the remarks of the Senator from New York that the Executive head of the Government

has no authority over the Public Printer. Did there not a few years ago quite a controversy grow up, and was not one Public Printer removed by the President, and was there not a controversy whether the Public Printing Office should be an open or a closed shop, and was not the action then taken the action of the Executive and not of the legislative branch of the Government?

Mr. ROOT. The Executive has no authority that I know of over the Public Printer except such power as results from the fact that he appoints the Public Printer, and the Public Printer is then under the direction of Congress. Of course the power of appointment does carry a certain power of coercion, by threat, implied or expressed, that there may be a change in the appointee——

Mr. BRISTOW. Is not that true of nearly every head of a bureau in the Government——

Mr. ROOT. No.

Mr. BRISTOW. That there is a certain degree of power invested in the appointing official? Take the case of fourth-class postmasters. The President has nothing to do with them. The Postmaster General can establish any policy he may please in regard to fourth-class postmasters, and while his command would not be authoritative, there would be the same power of coercion.

Mr. ROOT. The appointee is not bound to obey it.

Mr. BRISTOW. Or get out of his office.

Mr. ROOT. I beg the Senator's pardon. He is not bound, except as he may see fit to do so in deference to the wishes of the President. The law makes some one the authority which appoints these men, and suppose that man appoints them in defiance of the President? The President can remove him.

Mr. BRISTOW. Of course, there are certain duties imposed by law upon these officers, in respect to which they are responsible under the law. There is no doubt about that. But the great body of the duties are duties which are subject to the supervision of the President, while there is none of that with regard to the Public Printer's office. The President has no authority to give orders to the Public Printer on any subject.

Mr. SMOOT. None whatever.

Mr. ROOT. He is responsible to Congress alone.

PRINTING OFFICE ORGANIZATION.

Mr. SMOOT. The second important feature of the bill is the permanent organization that it provides for the Government Printing Office. The printing act of June 23, 1860, when the Government Printing Office was established, provided a definite organization for that office and fixed the compensation of the foreman of printing at $1,800 and the foreman of binding at $1,500 per annum, respectively. The printing act of August 26, 1852, had fixed the salary of the Superintendent of Printing at $2,500 per annum. When the Federal Statutes were revised in 1878 the organization of the Government Printing Office was even more definitely fixed by law. Title 45 of the Revised Statutes relating to the public printing, advertisement, and public documents, provides for a Congressional Printer at $4,500 per annum, which salary was fixed by the act of February 22, 1867, a foreman of printing and a foreman of binding, at $2,100 per annum, respectively, as fixed by the legislative appropriation act of May 8, 1872. The Revised Statutes of 1878 also provided that the Congressional Printer might employ four clerks at $1,800 per annum each and one clerk at $1,400 per annum, "to have charge of the accounts with the departments and public offices."

The printing act of January 12, 1895, also contains a definite organization for the Government Printing Office, with a Public Printer at $4,500 per annum, a chief clerk at $2,400 per annum, a foreman of printing and a foreman of binding at $2,100 per annum, respectively, a superintendent of documents at a salary to be fixed by the Public Printer, and the following clerical force:

Two clerks of class 4, at $1,800 each; 2 clerks of class 3, at $1,600 each; 1 clerk of class 2, at $1,400.

The act of 1895 also fixed the compensation of printers, pressmen, and bookbinders. In conformity to these precedents the proposed bill likewise provides a definite organization for the Government Printing Office, but it differs from the present law in that it attempts to prevent a Public Printer from circumventing the law and establishing an organization to meet his own whim or fancy. Before deciding upon the proper organization for the Government Printing Office the commission made a careful and extended study of the different organizations that various Public Printers have installed there. The commission also studied the organization of the Bureau of Engraving and Printing, where in many respects similar conditions obtain as in the Government Printing Office. The commission also took into consideration the views of a number of experts who have studied the Government Printing Office organizations and accorded extended hearings on this subject to the present Public Printer.

Since 1905 there have been four Public Printers and two Acting Public Printers in charge of the Government Printing Office. Each one had his own views of the proper organization for that establishment, but each in turn seemed more inclined to create new positions rather than abolish useless ones established by his predecessor. As a result there are now a number of useless positions in the Government Printing Office which, I believe, the Public Printer would be glad to have abolished, but he seems to fear taking the initiative in this economy owing to the political influence which some of the persons holding these high-salaried positions have sought to exert in their behalf. The time has come, I believe, for Congress to simplify the organization of the Government Printing Office and to protect the Government from any further extravagances in that regard. Under the present law and method of making appropriations for the Government Printing Office the Public Printer has a fund of approximately $4,500,000 at his command annually, out of which he can pay unlimited salaries for such positions as he may choose to create at any time. There is not another officer in the Government who has the power to create and maintain such high positions as has the Public Printer.

As an example of extravagances to which a Public Printer may go in his organization of the printing office, let me exhibit this scheme of organization which Public Printer Stillings established in 1908. This Stillings organization was overwhelmed with high-sounding titles. The office of the Public Printer was designated as the "headquarters" of this army of officers with awe-inspiring names. The printing office was divided into so-called "grand divisions," each of which was under command of a "principal officer," so designated.

Let me enumerate for the enlightenment of the Senate the names of the "grand divisions" and the "principal officers" thereof:

1. Headquarters, office of the Public Printer.
2. Grand division of special administration, in charge of appointment and correspondence officer.
3. Grand division of statistics and accounts, in charge of statistician and accountant.
4. Grand division of purchase, in charge of chief inspector and purchasing agent.
5. Grand division of maintenance, in charge of Deputy Public Printer.
6. Grand division of public documents, in charge of superintendent of documents, and consisting of the three following divisions: Administrative, editorial, and bibliographical.
7. Grand division of manufacture, in charge of superintendent of manufactures.

Succeeding Public Printers have modified this organization somewhat, but have been unable to do little more than to cut out part of the high-sounding titles. I want to here call your attention to the organization as established by Public Printer Leech and that now in operation under the present Public Printer.

The expert who was brought here by the Senate Committee on Public Expenditures, after a study of the Government Printing Office, reported that the present organization could be much simplified. The commission made a careful study of the organization suggested by this expert, and agrees with him that the positions of superintendent of work, assistant superintendent of work, computer in charge, and separate sections for estimating and jacket writing are unnecessary places. A further study of the simple organization of the Bureau of Engraving and Printing, where an equal number of persons are employed, confirms this opinion that the present organization of the printing office is top-heavy, and should be modified in the interests of economy and efficiency.

At present a printer employed at night in the linotype section of the Government Printing Office, for instance, is under the following superabundance of supervision:

1. Assistant foreman of section.
2. Foreman of section.
3. Assistant foreman of printing.
4. Foreman of printing.
5. Assistant superintendent of work.
6. Superintendent of work.
7. Deputy Public Printer.
8. Public Printer.

The experience of the Bureau of Engraving and Printing and of large private printing establishments, and even that of the Government Printing Office prior to the Stillings's régime, has demonstrated the fact that this organization can and should be much simplified for the best interests of the Government and the workmen employed in the Government Printing Office. There is nothing in the present law or appropriation acts to prevent the Public Printer from to-morrow establishing such

a position, for instance, as "Grand exalted and most sublime commander in chief of loose-leaf binders" in the Government Printing Office and paying such an officer a salary equal to that of his own. In view of past experiences, there is no assurance either that some future Public Printer might not attempt to create some such a ridiculous situation, unless Congress places a check on him as is proposed in the pending bill.

While the bill increases the salaries of some officers, as I have enumerated before, the abolishing of useless positions more than compensates for the increases proposed. In every instance where an increase is provided for the commission felt that it was fully warranted and would materially aid the Government in securing competent men to fill these places.

I believe the bill is one of the fairest measures ever reported to Congress in behalf of the employees of the Government Printing Office. Of this fact I have been assured by scores of these employees. In this connection I want to read a resolution of thanks which I have received from Columbia Typographical Union No. 101, of Washington. This resolution, signed and sealed by the secretary of the typographical union, reads as follows:

COLUMBIA TYPOGRAPHICAL UNION, No. 101,
Washington, D. C., January 22, 1912.

DEAR MR. SMOOT: Columbia Typographical Union, No. 101, at its meeting yesterday, voted to extend its sincere thanks to the Senate Committee on Printing for its equitable action in providing 30 working days' leave of absence to employees of the Government Printing Office, thus placing them on a basis equal with employees of the Executive Departments, who are granted 30 days' leave of absence exclusive of Sundays and holidays.

Will you kindly acquaint the committee with the action of the union?

Very truly, yours, GEO. S. SEIBOLD, *Secretary.*

[SEAL.]

HON. REED SMOOT,
Chairman Senate Committee on Printing.

The PRESIDENT pro tempore. The hour of 4 o'clock having arrived, the Chair lays before the Senate the unfinished business, which will be stated.

The SECRETARY. A bill (H. R. 1) granting a service pension to certain defined veterans of the Civil War and the War with Mexico.

Mr. McCUMBER. I will ask the Senator from Utah if he desires to complete his argument to-day.

Mr. SMOOT. Several Senators have stated to me that they very much desire an executive session, and if there is no objection on the part of the Senate, I would like to have leave to finish my remarks at the close of the morning business to-morrow.

Mr. McCUMBER. I will state to the Senator that notice has been given that another bill will be called up to-morrow morning, and that some one else is to speak at that time.

Mr. SMOOT. Then, perhaps I can follow after that Senator gets through, if notice has already been given.

The PRESIDENT pro tempore. The Chair will state that the Senator from Massachusetts [Mr. LODGE] changed the notice he had previously given, transferring it to Monday next.

Mr. SMOOT. Then there will be no reason why I should not continue at the close of the morning business to-morrow.

The PRESIDENT pro tempore. There is no conflicting order, the Chair will state.

SERVICE PENSIONS.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 1) granting a service pension to certain defined veterans of the Civil War and the War with Mexico.

Mr. McCUMBER. I ask that the unfinished business be temporarily laid aside.

The PRESIDENT pro tempore. Without objection, it will be so ordered.

Mr. McCUMBER. As has been suggested by the Senator from Utah, an executive session is desired a little earlier this afternoon than usual, and I would like to state, so that Senators may have notice, that I will not call up the unfinished business this afternoon for any action upon it.

EXECUTIVE SESSION.

Mr. GALLINGER. I move that the Senate proceed to the consideration of executive business.

The motion was agreed to, and the Senate proceeded to the consideration of executive business. After three hours and five minutes spent in executive session the doors were reopened.

HOUR OF MEETING TO-MORROW.

Mr. CLARK of Wyoming. I move that when the Senate adjourns to-day it adjourn to meet at 12 o'clock to-morrow.

The motion was agreed to.

PRESIDENTIAL APPROVALS.

A message from the President of the United States, by Mr. Latta, executive clerk, announced that the President had approved and signed the following acts:

On March 11, 1912:

S. 2004. An act to amend section 1505 of the Revised Statutes of the United States providing for the suspension from promotion of officers of the Navy if not professionally qualified;

S. 4521. An act to authorize the change of the name of the steamer *William A. Hawgood;* and

S. 4728. An act to authorize the change of name of the steamer *Salt Lake City.*

PATROL SERVICE BY STATE OF TEXAS (S. DOC. NO. 404).

The PRESIDENT pro tempore laid before the Senate the following message from the President of the United States, which was read and, with the accompanying papers, referred to the Committee on Appropriations and ordered to be printed:

To the Senate and House of Representatives:

I transmit herewith statements of the amount expended by the State of Texas for the increased force of rangers required for policing and patrolling the international boundary along the Rio Grande during the months of October, November, and December of the year 1911, and during the month of January of the year 1912, together with certain correspondence bearing thereon.

The correspondence explains my reason for transmitting the accounts to Congress. The additional patrol service by the State of Texas served to save to the United States the cost which a more extended patrol of the frontier by the Army would have entailed, and I recommend that an appropriation be made to meet the amount of the increased financial burden assumed by that State.

WM. H. TAFT.

THE WHITE HOUSE, *March 12, 1912.*

Mr. SMOOT. I move that the Senate adjourn.

The motion was agreed to; and (at 7 o'clock and 6 minutes p. m.) the Senate adjourned until to-morrow, Wednesday, March 13, 1912, at 12 o'clock meridian.

NOMINATIONS.

Executive nominations received by the Senate March 12, 1912.

PROMOTIONS IN THE ARMY.

CORPS OF ENGINEERS.

First Lieut. Joseph H. Earle, Corps of Engineers, to be captain from February 27, 1912, vice Capt. James A. Woodruff, promoted.

First Lieut. Thomas M. Robins, Corps of Engineers, to be captain from February 27, 1912, vice Capt. William Kelly, promoted.

First Lieut. Roger D. Black, Corps of Engineers, to be captain from February 27, 1912, vice Capt. Horton W. Stickle, promoted.

First Lieut. Theodore H. Dillon, Corps of Engineers, to be captain from February 27, 1912, vice Capt. Lewis H. Rand, promoted.

First Lieut. De Witt C. Jones, Corps of Engineers, to be captain from February 27, 1912, vice Capt. Edward M. Markham, promoted.

First Lieut. Ernest Graves, Corps of Engineers, to be captain from March 2, 1912, vice Capt. Thomas H. Jackson, promoted.

Second Lieut. Edwin H. Marks, Corps of Engineers, to be first lieutenant from February 27, 1912, vice First Lieut. Joseph H. Earle, promoted.

Second Lieut. Earl North, Corps of Engineers, to be first lieutenant from February 27, 1912, vice First Lieut. Thomas M. Robins, promoted.

Second Lieut. Albert H. Archer, Corps of Engineers, to be first lieutenant from February 27, 1912, vice First Lieut. Roger D. Black, promoted.

Second Lieut. Gilbert Van B. Wilkes, Corps of Engineers, to be first lieutenant from February 27, 1912, vice First Lieut. Theodore H. Dillon, promoted.

Second Lieut. John C. H. Lee, Corps of Engineers, to be first lieutenant from February 27, 1912, vice First Lieut. De Witt C. Jones, promoted.

Second Lieut. Frank S. Besson, Corps of Engineers, to be first lieutenant from March 2, 1912, vice First Lieut. Ernest Graves, promoted.

SUBSISTENCE DEPARTMENT.

Capt. Theodore B. Hacker, commissary, to be commissary with the rank of major from March 11, 1912, vice Maj. George W. Ruthers, retired from active service March 10, 1912.

CAVALRY ARM.

Capt. George E. Stockle, Eighth Cavalry, to be major from March 8, 1912, vice Maj. John D. L. Hartman, Fourth Cavalry, detailed as quartermaster on that date.

First Lieut. Timothy M. Coughlan, First Cavalry, to be captain from March 8, 1912, vice Capt. George E. Stockle, Eighth Cavalry, promoted.

PROMOTIONS IN THE NAVY.

The following-named ensigns to be lieutenants (junior grade) in the Navy, from the 12th day of February, 1912, upon the completion of three years' service as ensigns:

Preston H. McCrary,
Arie A. Corwin,
Baxter H. Bruce, and
John B. Earle.

The following-named midshipmen to be ensigns in the Navy, from the 5th day of June, 1911, in accordance with the provisions of an act of Congress approved March 7, 1912:

Harold S. Burdick,
Claude S. Gillette,
Roland M. Comfort,
Comfort B. Platt,
Charles E. Reordan,
Hugo W. Koehler,
George N. Reeves, jr.,
Ralph E. Sampson,
Joseph M. Deem,
Robert H. Bennett,
Deupree J. Friedell,
Harry C. Ridgely,
George B. Keester,
Wilbur J. Carver,
Henry H. Porter,
George A. Trever,
George W. Hewlett,
Franklin H. Fowler,
Percy T. Wright,
Zachary Lansdowne,
Stanley R. Canine,
Jesse B. Oldendorf,
David H. Stuart,
Ernest L. Gunther,
Frank Slingluff, jr.,
John M. Ashley,
Clifford E. Van Hook,
Paul H. Marion,
Solomon Endel,
Joseph A. Murphy,
James R. Barry,
William N. Richardson, jr.,
Lawrence Townsend, jr.,
Edward C. Lange,
Glenn B. Strickland,
Stewart A. Manahan,
Lucius C. Dunn,
Rush S. Fay,
Ewart G. Haas,
Dennis E. Kemp,
Junius Yates, and
Francis L. Shea.

The following-named midshipmen to be ensigns in the Navy, from the 7th day of March, 1912, in accordance with the provisions of an act of Congress approved on that date:

Henry E. Rossell,
Charles M. Cook, jr.,
Mervyn Bennion,
Augustine H. Gray,
Walter E. Brown,
Charles L. Brand,
Chester C. Jersey,
Hollaway H. Frost,
Howard K. Lewis,
Robert T. Merrill,
Warren L. Moore,
Walter D. Seed, jr.,
James B. Will,
Alfred T. Clay,
Harry W. Hosford,
Clarence K. Bronson,
Franklin S. Steinwachs,
Francis G. Marsh,
Earle C. Metz,
Herbert W. Underwood,
Frederick C. Sherman,
Percy K. Robotton,
Wadleigh Capehart,
Lyal A. Davidson,
Hugh M. Branham,
Alston R. Simpson,
Robert C. Lee,
Josiah O. Hoffman, jr.,
Edwin J. Gillam,
Millington B. McComb,
Frank H. Luckel,
William M. Corry, jr.,
Melville S. Brown,
George M. Cook,
Sargent Force,
Donald B. Beary,
Joseph P. Norfleet,
Bernard O. Wills,
Elmer D. Langworthy,
Robert E. Bell,
Charles J. Moore,
Walter V. Combs,
Thomas Moran,
Frank H. Kelley, jr.,
James A. Logan,
Leslie L. Jordan,
John H. Smith,
James T. Alexander,
Francis A. LaRoche,
John L. Riheldaffer,
Francis P. Traynor,
Howard B. Berry,
John H. Wellbrock,
Ormond C. Pailthorp,
Dorsey O. Thomas,
Lewis Hancock, jr.,
Alfred Y. Lanphier,
Melvin L. Stolz,
Henry B. Cecil,
William P. Brown,
Spencer S. Lewis,
William S. Nicholas,
Walden L. Ainsworth,
Edward K. Lang,
Frank M. Harris,
Robert N. Miller,
Edwards B. Gibson,
William A. Richardson,
Charles A. Pownall,
Lorain Anderson,
Earl W. Robinson,
Murphy J. Foster,
James G. Ware,
Homer B. Gilbert,
Lawrence F. Reifsnider,
Godfrey de C. Chevalier,
Robert Gatewood,
Walter A. Edwards,
Frederick G. Reinicke,
Valentine N. Bieg,
Bolivar V. Meade,
Miles P. Refo, jr.,
Samuel W. King,
Edgar M. Williams,
Walter D. LaMont,
Earl A. McIntyre,
Howard A. Flanigan,
Robert T. Young,
George L. Dickson,
Marc A. Mitscher,
Elmer K. Niles,
Scott B. Macfarlane,
Timothy A. Parker,
George L. Weyler,
Roman B. Hammes,
Jefferson D. Smith,
Earl W. Spencer, jr.,
Clarkson J. Bright,
William D. Kilduff,
Herbert O. Roesch,
Herbert A. Ellis,
Romuald P. P. Meclewski,
John F. Donelson,
Joseph F. Crowell, jr.,

Webb Trammell,
Charlton E. Battle, jr.,
Herbert R. Hein,
Frederick S. Hatch,
Herbert H. Bouson,
Walter W. Webster,
Beirne S. Bullard,
Ole O. Hagen,
Robert M. Griffin,
Robert H. Skelton,
Ernest L. Patch,
Alfred G. Zimmerman,
Roger W. Paine,
Milton H. Anderson,
Delevan B. Downer,
Oliver L. Wolfard,
Ellis S. Stone,
Harry L. Merring,
Morris D. Gilmore,
Lybrand P. Smith,
George M. Lowry,
William D. Chandler, jr.,
Darrell B. Hawley,
William E. Baughman,
Harry W. Hill,
John A. Fletcher,
Bernard H. Bierl,
Henry F. Bruns,
Oscar C. Badger,
James C. Byrnes, jr.,
Thomas S. King, 2d,
Robert K. Awtrey,
Edward C. McGehee,
Howard S. Jeans,
Bert M. Snyder,
Scott D. McCaughey,
Edward W. Hanson,
Daniel J. Callaghan,
Cecil Y. Johnston,
Thomas Baxter,
Samuel K. Day,
Walter A. Riedel,
Aylmer L. Morgan, jr.,
Edgar R. McClung,
John R. Peterson, jr.,
John H. Magruder, jr.,
George F. Jacobs,
James L. Rodgers,
James M. Cresap,
Paul F. Foster,
Everett D. Capehart,
Frank Loftin,
Lewis W. Comstock,
Thomas S. McCloy,
Lyell St. L. Pamperin,
George B. Ashe,
Joseph L. Nielson,
Harold R. Keller,
Frank C. McCord,
Eric L. Barr,
John C. Thom,
Ralph F. Wood,
Ames Loder,
Paul M. Bates,
Walter S. Davidson,
John W. Reeves, jr.,
Henry J. Shields,
Urey W. Conway,
Guysbert B. Vroom,
Robert P. Hinrichs,
Elliot B. Nixon,
John M. Sylvester,
Lucien B. Green, 2d,
Joseph M. Blackwell,
Frank E. P. Uberroth,
Jenifer Garnett,
Charles C. Gordon,
Frank F. Reynolds,
Glenn F. Howell,
Sherwood Picking,
Norman L. Kirk,
Francis M. Collier,
Jonathan W. Anderson,
Pat Buchanan,
James H. Taylor,
Merritt Hodson,
George A. Rood,
Ralph G. Risley,
Fred Welden,
John W. McClaren,
Alexander Macomb,
Moses K. Goodridge,
William F. Callaway,
Frederick Balzly,
William C. Barnes,
Wells E. Goodhue,
Wallace B. Phillips,
Solon E. Rose,
Franz B. Melendy,
Frederick L. Riefkohl,
Joseph R. Mann, jr.,
Daniel S. McQuarrie,
Harry D. McHenry,
John F. Meigs, jr.,
John W. Gates,
Van Leer Kirkman, jr.,
Philip R. Baker,
Harvey S. Haislip,
Harrison R. Glennon,
Ralph E. Dennett,
George F. Parrott, jr.,
Charles G. McCord,
Alfred S. Wolfe,
Ralph C. Lawder,
Andes H. Butler,
Eugene T. Oates,
Harry W. Stark,
Roy W. Lewis,
Marion C. Cheek,
Richard S. Field,
Robert P. Molten, jr.,
Harry R. Bogusch,
Eugene C. Sweeney,
Samuel G. Strickland,
Jay K. Esler,
William J. Butler,
Robert H. English,
George C. Fuller,
Lambert Lamberton,
Bushrod B. Howard,
George D. Murray,
Carroll Q. Wright, jr.,
Oliver M. Read, jr.,
Joseph M. B. Smith,
George J. McMillin,
William H. O'Brien,
Howard F. Kingman,
John A. Baird,
John T. Melvin,
Howard S. Keep,
James G. B. Gromer,
William M. Quigley,
Rivers J. Carstarphen,
Albert R. Mack,
John A. L. Zenor,
Calvin H. Cobb,
Henry S. M. Clay,
William D. Ford,
Robert B. Simons,
Lee C. Carey,
John H. Holt, jr.
Norman Scott,
Glenn A. Smith,
Conrad Ridgely,
Donald C. Godwin,
Richard P. Myers,
Webb C. Hayes,
Howard Bode,
Jay L. Kerley,
Harold E. Snow,
Robert M. Doyle, jr.,
Richard H. Booth,
Morton L. Deyo,
Harold T. Bartlett, and
Robert M. Hinckley.

POSTMASTER.

OKLAHOMA.

James E. Sutton to be postmaster at Boynton, Okla. Office became presidential January 1, 1912.

HOUSE OF REPRESENTATIVES.

TUESDAY, *March 12, 1912.*

The House met at 12 o'clock m.

The Chaplain, Rev. Henry N. Couden, D. D., offered the following prayer:

Our Father in heaven, we bless Thee for the nobility of soul which Thou hast implanted down deep in the hearts of Thy children, which from time immemorial under Thy guidance has lifted men from darkness unto light, from animalism to spiritualism, from savagery to civilization, from slavery to liberty—civil, political, and religious. Grant that it may continue to assert itself until selfishness and self-seeking may give way to the broader views of fatherhood, brotherhood, illustrated in the life and character of the Jesus of Nazareth, "until we all come unto the measure of the stature of the fullness of Christ"; that Thy kingdom may come and Thy will be done to the glory and honor of Thy holy name. Amen.

The Journal of the proceedings of yesterday was read and approved.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. Crockett, one of its clerks, announced that the Senate had passed bill of the following title, in which the concurrence of the House of Representatives was requested:

S. 4566. An act to provide for the purchase of ground and the erection of a weather bureau observatory building at Billings, Mont.

AGRICULTURE APPROPRIATION BILL.

Mr. LAMB. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the state of the Union for the further consideration of the bill H. R. 18960, the Agriculture appropriation bill.

The motion was agreed to.

Accordingly the House resolved itself into the Committee of the Whole House on the state of the Union for the further consideration of the Agriculture appropriation bill, with Mr. BORLAND in the chair.

The Clerk read as follows:

For investigating the food habits of North American birds and mammals in relation to agriculture, horticulture, and forestry, including experiments and demonstrations in destroying noxious animals, $39,000.

Mr. RAKER. Mr. Chairman, I offer the following amendment, which I send to the desk and ask to have read.

The Clerk read as follows:

Amend, page 59, line 17, by striking out all after the word "animals" and inserting the following words, namely:

"Rodents and ground squirrels infected with the bubonic plague, on the national forests, $43,000, of which sum $4,000 shall be used for the destruction of ground squirrels on the national forests in California."

Mr. LAMB. Mr. Chairman, on that I reserve the point of order.

Mr. RAKER. Mr. Chairman, I have had this matter of squirrels and rodents infected with the bubonic plague under investigation with the various departments since last June, both the Department of Agriculture and the Department of Public Health and Marine-Hospital Service. At that time there was no money available in the Department of Agriculture, but there was some money available under the Public Health and Marine-Hospital Service, and by an agreement it was arranged that the Marine-Hospital Service should furnish the necessary material for the Forest Service to distribute poisons to the Forest Service to exterminate these squirrels. Last summer there were two or three boys infected with bubonic plague. They had reached into the squirrel holes and were infected because of coming in contact with them and the fleas getting on their hands and biting them. I desire now to read to the committee a statement of Dr. Blue, of the United States Public Health and Marine-Hospital Service, in regard to this service. It is found in the report of the California State Agricultural Society for the year 1910, and is as follows:

SQUIRREL ERADICATION.

(By Surg. Rupert Blue, United States Public Health and Marine-Hospital Service.)

The extermination of squirrels has become one of the serious problems of this State. The interest in the subject, prior to 1907, was almost wholly an economic and financial one. Since that date evidence has been collected which proves that this animal is responsible for the transmission of plague and the chief cause of its continuance in this country. As a result, the sanitarian has become interested in the natural history of the ground squirrel, and has joined hands with the economic interests in the war of extermination.

A statement of the annual losses due to these animals should not be necessary. The fruit growers are perhaps better informed on this subject than the general public, so I will mention only a few facts in this connection. In a recent paper Dr. Merriam, of the Biological Survey, stated that they inflict injury on all classes of crops, and rank among the most destructive of our native rodents. The amount of the annual loss to agriculture was given as $10,000,000. This we can readily believe in view of their wide distribution and great numbers on the Pacific coast.

REMEDIAL MEASURES.

The necessity for cooperation and organization in the work of squirrel destruction is fully appreciated. Without the assistance of the farmer, orchardist, and landowner generally, success will be impossible. With a view of securing the personal cooperation of property owners, a State-wide campaign of publicity and education has been inaugurated by the State health authorities. It is pointed out, in the literature issued, that the project should be taken up for the purpose of protecting the lives of the citizens and also to save the crops from destruction. The viewpoints of both the sanitarian and the agriculturist are thus considered.

A plan of campaign has been proposed which places the legal responsibility upon the shoulders of the county boards of supervisors. As they are the source of authority, all official work should be done with their consent and cooperation. It is the purpose of the health authorities, both Federal and State, to enforce the State law of March 13, 1909, called an "Act for the extermination of rodents." It is believed, however, that the landowner will willingly take up the work, in view of the benefits to be gained by destroying the pests.

I will now call the attention of the committee to the act referred to. It is found on page 311 of the Statutes of California for the year 1909. It is as follows:

CHAPTER 204.

An act declaring property infested with certain rodents to be a public nuisance; requiring owners, occupants, and persons having possession of or dominion over such property to endeavor to exterminate and destroy such rodents; providing for the inspection of property by boards of health and health officers; authorizing boards of supervisors and other governing bodies to purchase materials and employ inspectors to prosecute such work of extermination; authorizing State and local health authorities to prosecute such work in certain cases; providing for the payment of the expense thereof; making the amount of such expense a lien on the property; providing for the collection of such amount by foreclosure of such lien; and declaring any violation of the provisions thereof to be a misdemeanor.

Approved March 13, 1909.

The people of the State of California, represented in senate and assembly, do enact as follows:

SECTION 1. It shall be and is hereby declared to be the duty of every person, firm, copartnership, company, and corporation owning, leasing, occupying, possessing, or having charge of or dominion over any land, place, building, structure, wharf, pier, dock, vessel, or water craft which is infested with rats, mice, gophers, or ground squirrels, or as soon as the presence of the same shall come to his, their, or its knowledge, at once to proceed and to continue in good faith to endeavor to exterminate and destroy such rodents, by poisoning, trapping, and other appropriate means.

SEC. 2. The State board of health and inspectors appointed by such board and local health officers and inspectors appointed for the purpose, as hereinafter provided, shall have authority and shall be permitted to enter into and upon any and all lands, places, buildings, structures, wharves, piers, docks, vessels, and water craft for the purpose of ascertaining whether the same are infested with such rodents and whether the requirements of this act as to the extermination and destruction thereof are being complied with: *Provided, however,* That no building occupied as a dwelling, hotel, or rooming house shall be entered for such purpose except between the hours of 9 o'clock in the forenoon and 5 o'clock in the afternoon of any day.

SEC. 3. The board of supervisors of each county and the city council or other governing body of each city and county, city and town, whenever it may by resolution determine that it is necessary for the preservation of the public health or to prevent the spread of contagious or infectious disease, communicable to mankind, or when such board shall so determine that it is necessary to prevent great and irreparable damage to crops or other property, may appropriate moneys for the purchase of and may purchase poison, traps, and other materials for the purpose of exterminating and destroying such rodents in such county, city and county, city or town, and may employ and pay inspectors, who shall have authority to and shall prosecute such work of extermination and destruction, under the direction of such board, or of the local health officer, or board of health, on both private and public property, in such county, city and county, city or town.

SEC. 4. Whenever any person, firm, copartnership, company, or corporation owning, leasing, occupying, possessing, or having charge of or dominion over any land, place, building, structure, wharf, pier, dock, vessel, or water craft which is infested with such rodents shall fail, neglect, or refuse to proceed and to continue to endeavor to exterminate and destroy such rodents, as herein required, it shall be the duty of the State board of health, its inspectors, and the local board of health and health officer at once to cause such nuisance to be abated by exterminating and destroying such rodents. The expense thereof shall be a charge against the county, city and county, city or town wherein the work is done, and the board of supervisors or other governing body shall allow and pay the same. Thereupon the clerk of such board shall file in the office of the county recorder a notice of such payment, claiming a lien on such property for the amount of such payment. Any and all sums so paid by such county, city and county, city or town shall be a lien on the property on which said nuisance shall have been abated and may be recovered in an action against such property, which action to foreclose such lien shall be brought within 90 days after such payment, and be prosecuted by the district, city, or town attorney in the name of such county, city and county, city or town and for its benefit. When the property is sold, enough of the proceeds shall be paid into the treasury of such county, city and county, city or town to satisfy such lien and the costs, and the overplus, if any there be, shall be paid to the owner of the property, if known, and if not known shall be paid into court for use of such owner when ascertained. When it appears from the complaint in such action that the property on which such lien is to be foreclosed is likely to be removed from the jurisdiction of the court, the court may appoint a receiver to take possession of the property and hold the same while the action may be pending or until the defendant shall execute and file a bond, with sufficient sureties, conditioned for the payment of any judgment that may be recovered against him in the action and all costs.

SEC. 5. Any violation of the provisions of this act shall be deemed a misdemeanor and shall be punishable as such.

Mr. FOSTER of Illinois. Mr. Chairman, I will ask the gentleman what the State of California is doing in respect to this?

Mr. RAKER. The State of California is expending hundreds of thousands of dollars on this matter, and they ask the cooperation of the United States Government. Right alongside of the places where the State of California is expending money for the extermination of these pests, there are the national forests, which are a perfect hotbed and hive for these rodents and squirrels. I desire now to read the following letter from Secretary Wilson of the Department of Agriculture, of date December 27, 1911:

DEPARTMENT OF AGRICULTURE,
OFFICE OF THE SECRETARY,
Washington, December 27, 1911.

Hon. JOHN E. RAKER,
House of Representatives.

DEAR SIR: Your letter of December 23 inclosing resolutions by the board of supervisors of San Benito County, Cal., in relation to the extermination of ground squirrels on public lands in that county, has been received.

In reply I would say that I am much interested in the work of exterminating ground squirrels in California. I regret to state, however, that the Biological Survey of this department, in charge of such work, at present has no money available for the purpose. The survey has succeeded in effecting methods of destroying noxious rodents, which are now in general use within the United States. The experience gained on the ground would enable the survey assistants to organize and conduct an effective campaign against the pests.

Should Congress, therefore, see fit to make an appropriation to carry on this undertaking, we shall be glad to prosecute it vigorously, especially in areas adjacent to cultivated lands.

Respectfully,

JAMES WILSON, *Secretary.*

Upon the same subject I have a letter of date March 5, 1912, which is as follows:

DEPARTMENT OF AGRICULTURE,
OFFICE OF THE SECRETARY,
Washington, March 5, 1912.

Hon. JOHN E. RAKER,
House of Representatives.

DEAR SIR: I have your letter of March 4, with regard to the appropriation for exterminating rodents in national forests.

This has been an unfortunate business all along the line. There was, I understand, plenty of money appropriated for the Marine-Hospital Service at the time the bubonic plague manifested itself among the squirrels of California. It has now extended very widely. I do not suppose Congress would put money in the hands of this department with which to exterminate the squirrels, but I estimated for a sufficient amount to enable us to clear the rodents out of a national forest where they had become numerous. I am surprised that this plague has been allowed to spread over so large a part of California. I would be pleased to see enough money appropriated to clean out the forests as far as the bubonic-plague squirrel is concerned. You will have to be the judge as to whether it is wise to publish these things that I am saying.

Very truly, yours,

JAMES WILSON, *Secretary.*

Mr. LAMB. Mr. Chairman, if the gentleman from California will permit an interruption at this point, I move that the committee do now rise.

The motion was agreed to.

Accordingly the committee rose, and the Speaker having resumed the Chair, Mr. BORLAND, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee had had under consideration the bill H. R. 18960, the Agriculture appropriation bill, and had come to no resolution thereon.

THE SMELTER TRUST.

Mr. CLAYTON. Mr. Speaker, I present the following privileged resolution, together with the report, which I send to the desk and ask to have read.

The Clerk read as follows:

House resolution 419.

Resolved, That the Attorney General be, and he is hereby, directed, if not incompatible with the public service, to inform the House whether the Department of Justice has in its possession any information touching the existence of a Smelter Trust in the United States, including the American Smelting & Refining Co.; whether complaint of the existence of a Smelter Trust, or touching the operations of the American Smelting & Refining Co. as the same might be affected by the Sherman antitrust law, has reached the Department of Justice; whether any steps have been taken or are in contemplation to investigate the existence of or prosecute any Smelting Trust; together with copies of any information touching the existence and operations, if any, of such trust.

[House Report No. 409, Sixty-second Congress, second session.]

Mr. CLAYTON, from the Committee on the Judiciary, submitted the following report to accompany House resolution 419:

The Committee on the Judiciary having had under consideration House resolution 419 report the same back with a substitute, as follows, and recommend the adoption of the substitute and that the resolution as so amended do pass:

SUBSTITUTE.

Resolved, That the Attorney General be, and he is hereby, directed, if not incompatible with the public interest, to inform the House of Representatives:

(1) Whether the Department of Justice has in its possession any information touching the existence of a Smelter Trust in the United States, in violation of the act approved July 2, 1890, entitled "An act to protect trade and commerce against unlawful restraints and monopolies," and acts amendatory thereof;

(2) Whether the Department of Justice has in its possession any information tending to establish that the American Smelting & Refining Co. constitutes in itself a trust or a part of any trust, in violation of the said act and acts amendatory thereof;

(3) Whether complaint of the existence of a Smelter Trust or complaint touching the operation of the American Smelting & Refining Co. as the same might be affected by said acts, has reached the Department of Justice; and

(4) Whether any steps have been taken to investigate the existence of or to dissolve or prosecute any Smelter Trust.

Mr. CLAYTON. Mr. Speaker, just one word. The resolution as introduced is inartificial in form. I need not go further in making comment upon that than to say that in line 3 of the resolution it refers to this body as "The House." That may be the ordinary parlance used in speaking of the House of Representatives, but the legal and parliamentary way of describing this body is as "the House of Representatives." The committee in executive session undertook to amend the resolution so as to preserve substantially all that the author intended and to accomplish all that he desires to accomplish. Mr. Speaker, the committee instructed me to redraft the resolution and to offer it in the shape of a substitute. This has been done and this substitute meets the intention of the author of the original resolution. I move the adoption of the resolution.

The SPEAKER. The question is on agreeing to the substitute in the nature of an amendment.

The question was taken, and the substitute was agreed to.

The SPEAKER. The question now is on agreeing to the resolution as amended by the substitute.

The question was taken, and the resolution was agreed to.

LESLIE J. LYONS.

Mr. CLAYTON. Mr. Speaker, I offer the following privileged resolution, which I send to the Clerk's desk.

The SPEAKER. The Clerk will report the resolution:

The Clerk read as follows:

House resolution 439.

Resolved, That the Attorney General of the United States be, and he is hereby, directed, if not incompatible with public interest, to transmit forthwith to the House of Representatives a copy of the charges filed against Leslie J. Lyons, United States district attorney of the western district of Missouri, together with the report of Arthur T. Bagley, special agent detailed by the Department of Justice to investigate said charges, and a statement of the action of the Department of Justice, if any, upon said charges and report.

The SPEAKER. The Clerk will also read the report (H. Rept. 410).

The Clerk read as follows:

The Committee on the Judiciary having had under consideration House resolution 439 report the same back with the recommendation that it do pass.

The SPEAKER. The question is on agreeing to the resolution.

The question was taken, and the resolution was agreed to.

LAWS RELATING TO THE JUDICIARY.

The SPEAKER laid before the House the bill H. R. 19238, an act to amend section 90 of the act entitled "An act to codify, revise and amend the laws relating to the judiciary," approved March 3, 1911, with Senate amendments thereto, in which the concurrence of the House of Representatives was requested.

Mr. CLAYTON. Mr. Speaker, I move that the House agree to the request of the Senate for a conference.

The motion was agreed to.

The SPEAKER appointed the following conferees on the part of the House: Mr. CLAYTON, Mr. CARLIN, and Mr. STERLING.

AGRICULTURE APPROPRIATION BILL.

Mr. LAMB. Mr. Speaker, I move that the House resolve itself into Committee of the Whole House on the state of the Union for the further consideration of the bill H. R. 18960, the Agriculture appropriation bill.

The motion was agreed to.

Accordingly the House resolved itself into Committee of the Whole House on the state of the Union for the further consideration of the Agriculture appropriation bill, with Mr. BORLAND in the chair.

The CHAIRMAN. When the committee rose the gentleman from California [Mr. RAKER] had preferred a request to be allowed to continue for five minutes. Is there objection? [After a pause.] The Chair hears none.

Mr. RAKER. Mr. Chairman, in addition to what I said, I desire to read a letter and a statement from Surg. Gen. Blue, as follows:

TREASURY DEPARTMENT,
Washington, March 6, 1912.

Hon. JOHN E. RAKER,
House of Representatives, Washington, D. C.

MY DEAR MR. RAKER: In accordance with your request of yesterday I transmit herewith a memorandum regarding plague and plague-suppressive measures in rural California.

Respectfully,

RUPERT BLUE,
Surgeon General.

MEMORANDUM FOR HON. JOHN E. RAKER, REGARDING PLAGUE AND PLAGUE-SUPPRESSIVE MEASURES IN RURAL CALIFORNIA.

Plague was first discovered among ground squirrels in California in August, 1908, the first infection being found in Contra Costa County.

Since that time infected squirrels have been found in Alameda, Contra Costa, San Joaquin, Santa Clara, Merced, Stanislaus, San Benito, Santa Cruz, Monterey, Fresno, San Luis Obispo, and Los Angeles Counties.

Since July 1, 1911, no infected squirrels have been found in the following counties: Los Angeles, San Benito, San Luis Obispo, Santa Clara, Santa Cruz, and Stanislaus. On account of the thorough investigations made in Los Angeles and San Luis Obispo Counties the belief is entertained that the infection has been eradicated from these counties.

Further investigations will be needed, however, before the same belief can be had regarding the other counties mentioned.

The work in the rural district as at present carried on is as follows: Squirrel-free areas are maintained around the cities bordering upon San Francisco Bay to prevent reinfection and a similar area is being established in San Joaquin and Stanislaus Counties to prevent the spread of infection to the eastward. Other employees are engaged in the destruction of squirrels in known infected areas, and still others are engaged in the eradication of squirrels in conjunction with county supervisors and other local authorities.

For purposes of determining to what extent infection has spread, hunters are employed, who shoot squirrels and forward them to the laboratory in San Francisco for examination. For eradication, poisons, such as carbon disulphide and strychnine, are used.

Since August, 1908, approximately 500,000 squirrels have been collected; of this number 570 were found infected with plague.

Not even an approximate estimate can be made of the number of squirrels destroyed by poison and other means, but the total will amount to very many times the number collected.

Large areas have been so completely freed from squirrels that a few men suffice to prevent reinfestation.

Since the advent of the rainy season and on account of the low state of the epidemic fund the rural field force has been reduced from 117 to 67 men and the total expenditures for all purposes in the State from about $20,000 per month to $14,000 per month. According to last advices, the expenditures on the part of the State and counties amounted to about $14,000 per month. This does not include expenditures being made by farmers, ranchers, and other private individuals, the amount of which can not be estimated.

As you are aware, some work is being done in forest reserves and national parks by the Departments of the Interior and Agriculture for the extermination of ground squirrels, but as they do not have as yet specific appropriations for this purpose it is not very extensive.

Now, he made that statement on the ground that there was an appropriation in the bill, but it was not allowed. I also want to call your attention to the letter of H. W. Henshaw, Chief of the Biological Survey, as follows:

UNITED STATES DEPARTMENT OF AGRICULTURE,
BUREAU OF BIOLOGICAL SURVEY,
Washington, D. C., March 4, 1912.

Hon. JOHN E. RAKER,
House of Representatives.

DEAR SIR: In reply to your letter of March 4, just received, I beg to say that in the estimate for appropriations for the Department of Agriculture for 1913 the item for investigating the food habits of North American birds and animals in relation to agriculture, etc., carried an appropriation of $43,000, of which sum $3,000 shall be used for the destruction of ground squirrels in the national forests in California. The bill as reported to the House reduces this estimate to $39,000 and omits the clause relating to ground squirrels. If the item could be restored as set forth on page 61 of the Book of Estimates, it would enable us to make a beginning on the work of ground-squirrel destruction in California.

I should add, however, that not less than $100,000 will be necessary to secure any effective results in exterminating the squirrels over any considerable area of the national domain, and to exterminate the squirrels within the entire area covered by the national forests would require a much larger sum.

The necessity of initiating this work within the national forests arises from the fact that the task of exterminating ground squirrels now being vigorously pushed by the State can not be made permanently effective unless similar work is done within the national forests; since the latter will continue indefinitely to act as nurseries from which the adjoining State and private lands will be repopulated. The extermination of these plague-carrying rodents is of supreme importance, not only to the State of California, but to the people of the United States as a whole, since other species of ground squirrels more or less similar to the California species inhabit the States to the eastward beyond the Mississippi River. Hence the disease is likely to be transmitted at any time to these and so become endemic over a large part of the United States.

Respectfully,
H. W. HENSHAW,
Chief Biological Survey.

Also, I want to call your attention to a letter of January 4, 1912, from the Chief Forester, Mr. Graves, as follows:

DISTRICT 5—COOPERATION, PLAGUE PREVENTION.

UNITED STATES DEPARTMENT OF AGRICULTURE,
FOREST SERVICE,
Washington, January 4, 1912.

Hon. JOHN E. RAKER,
House of Representatives.

DEAR MR. RAKER: Your letter of December 29, is received.

In accordance with the request contained in your letter, I shall endeavor to outline all information in the possession of this office with reference to the extermination of ground squirrels, supposed carriers of the bubonic-plague flea, within the national forests in the State of California.

On March 20, 1911, the Secretary of Agriculture, in replying to a letter from the Secretary of the Treasury under date of March 16, 1911, asking for the assistance of forest officers in the extermination of plague-infected rodents upon the Monterey National Forest, within the State of California, assured him that every effort would be made by the Forest Service to secure the extermination of the rodents within the national forest mentioned. On March 22 the district forester at San Francisco, Cal., was instructed to cooperate with the State authorities and with the Public Health and Marine-Hospital Service in the extermination of ground squirrels and other rodents which might be infected with bubonic plague.

On March 28 the district forester at San Francisco addressed a letter to the supervisor of the Monterey National Forest, instructing him to cooperate with Surg. Rupert Blue, who was in charge of the plague-suppression measures in California, and advising the supervisor that if it was impossible for his regular force of rangers to give Dr. Blue the assistance he required additional guards should be employed, it being understood, however, that if extensive operations, such as poisoning, were found necessary the work would be under the general instructions of the Biological Survey. On April 5 the acting district forester advised the Forester that Dr. Blue had suggested the detail of a member of the Biological Survey to take charge of squirrel poisoning within the Monterey Forest. The supervisor was also authorized to employ two additional men to cooperate in the work of squirrel eradication, giving all their time to it. The men were employed and worked under Dr. Blue's instructions in collecting specimens of ground squirrels from various parts of the Monterey National Forest. In this connection it is interesting to note that none of the specimens collected within the forest was found to show any evidence of bubonic-plague infection.

At the beginning of the current fiscal year the question arose of making necessary provision for the continued employment of men engaged in this work, and on July 22 the legal aspects of the question were referred to the Solicitor of the Department of Agriculture for his consideration and opinion. On July 27 an opinion was rendered by the Solicitor as follows:

"I have had under consideration your letter of the 22d instant, asking to be advised whether there are any legal objections to the Forest Service engaging in the examination of the bubonic-infested mammals on the Monterey National Forest, in California, in cooperation with the board of health of that State. It appears that the Secretary of the Treasury is now cooperating with the State board of health and Marine-Hospital Service, and he has requested that this department render all necessary service in the extermination of the above-stated mammals within the national forests.

"The act of May 23, 1908 (35 Stats., 251), provides that officials of the Forest Service designated by the Secretary of Agriculture shall in all ways that are practicable, and with respect to national forests, aid the other Federal bureaus and departments, on request from them, in the performance of the duties imposed upon them by law. I am of the opinion that you may direct the forest officers to give such assistance to the Public Health and Marine-Hospital Service as will be practicable in the extermination of infested mammals, when such service can be rendered without interference with the regular duties of these officers. But I am further of the opinion that the Forest Service can not undertake, as an independent service, the extermination of these mammals, for the reason that Congress has not provided any appropriation to pay for such work.

"I have examined the act of the California Legislature of March 13, 1909, which requires every person owning or possessing or controlling any land which is infested with rats, mice, gophers, or ground squirrels to exterminate such rodents by poisoning, trapping, or other appropriate means. The papers before me contain several suggestions that it might possibly be obligatory upon the department to undertake the destruction of these mammals on the national forests.

"The California act provides for enforcing its provisions and in effect creates a lien upon the land for expenses incurred by the State in the extermination of the above-named mammals. In my opinion there is no authority in the State to undertake the enforcement of this law on the national forests to any greater extent, at least, than efforts at the expense of the State to destroy the mammals on the national forests. I think it is probable that the State officials should at all proper times have access to the national forests for the purpose of exterminating these mammals, and, as I have stated above, I am of the opinion that it would be proper for the forest officers to render such incidental assistance in the extermination of the pests as would be compatible with the duties for which they are employed."

In view of the Solicitor's opinion, it was decided that the Forest Service would not make any expenditures for the specific purpose of squirrel eradication but would confine its efforts to cooperation with the State authorities and the Public Health and Marine-Hospital Service, such cooperation to consist of the distribution of poisoned grain and other materials, which would be furnished by the Public Health and Marine-Hospital Service, and which could be distributed by the local forest officers in connection with their other duties and without entailing any additional expense to be met from the Forest Service appropriation.

To sum up, the attention of the Department of Agriculture was directed to the ground-squirrel question on March 16, 1911, and between that date and July 1, 1911, the Forest Service confined its plague-prevention work to the Monterey National Forest, where the regular force was supplemented by two special men, and all worked in cooperation with the Public Health and Marine-Hospital Service, under the direction of Dr. Rupert Blue. From July 1 to December 31, 1911, the Forest Service, in accordance with the terms of the solicitor's opinion, cooperated to the extent of distributing poisoned grain, etc., where such work could be done without interference with the regular duties of the forest officers and without undue expenditure of Forest Service funds. In the latter half of the calendar year, however, the work was greatly broadened in its scope and poisoned grain was distributed upon several national forests. This was the situation up to January 1, 1912.

The suppression of bubonic plague through the destruction of ground squirrels and other rodents is without doubt one of the most important sanitary problems which confronts the Government at the present time, and one which should therefore receive special attention. I believe that the work of squirrel extermination within the national forests, the national parks, and upon the unreserved public lands should be under the direction of one bureau, which should have means of carrying on the work on a scale sufficiently large to secure results comparable to those being secured by the owners of private land within the State. It follows that the Forest Service should not be charged with all or any part of the work of squirrel extermination, except to such extent as the local forest officers may be able to cooperate with the representatives of the bureau charged with the general direction of the work. In my opinion this bureau should be either the Biological Survey of the Department of Agriculture or the Public Health and Marine-Hospital Service of the Treasury Department.

Very sincerely, yours,
H. S. GRAVES,
Forester.

Also, I wish to insert herewith a resolution from the board of supervisors of the county of Tulare, State of California. This is the same that has been received from other counties:

RESOLUTION BY BOARD OF SUPERVISORS OF THE COUNTY OF TULARE, CAL.

In the matter of the extermination of ground squirrels and other rodents in Tulare County, Cal.

Whereas the county of Tulare is now engaged in conducting a campaign for the extermination of ground squirrels and other rodents within its borders and is expending a large sum of money from the county funds in such campaign; and

Whereas all owners and holders of private property throughout said county are being notified and required under the law to proceed at once to exterminate squirrels and other rodents upon their property and are now engaged actively in the work of such extermination; and

Whereas there are within the borders of said county very considerable areas of land, title to which is vested in the United States of America, the same consisting of unappropriated and unoccupied portions of the public domain under the jurisdiction of the Departments of the Interior and Agriculture; and

Whereas unless the ground squirrels and other rodents upon all lands so owned and controlled by the United States are exterminated at the same time as those upon private lands throughout the county, the said lands under the ownership and control of the United States will afford a focus for the reinfestation of neighboring private lands with the said animals, thus nullifying the effects of this county and of its citizens to exterminate these pests: Now, therefore, be it

Resolved, That the board of supervisors of said county of Tulare earnestly request the Departments of the Interior and Agriculture of the United States Government that they proceed as expeditiously as possible to cooperate on the part of the Federal Government with this county and its citizens in this campaign by exterminating the ground squirrels and other rodents upon all lands in this county owned and controlled by the United States; and be it further

Resolved, That our Representatives in Congress from California be urged to bring the matter of squirrel eradication on Government lands to the attention of Congress, and in order that the Departments of the Interior and Agriculture may prosecute this important and valuable work in an effective manner, request that the necessary appropriation be made for the eradication of ground squirrels and other rodents on all public lands in this county under the jurisdiction of the above departments; and be it further

Resolved, That copies of this resolution be forwarded to the Departments of the Interior and Agriculture herein designated and to the Members of the Senate and House of Representatives from California.

Passed at a regular meeting of the board of supervisors of said county of Tulare, held at Visalia, Cal., on the 10th day of August, 1911. Ayes 5, noes 0.

T. B. TWADDLE,
Chairman of the Board of Supervisors.

Attest:
AVON M. COBURN,
Clerk of said Board.

I hope the committee will adopt the amendment.

Mr. LAMB. Mr. Chairman, if this matter is as important as these papers which have been read would indicate, it is a great pity that my colleague could not have appeared before the committee and stated his case.

Now, let me say to the committee that this appropriation has been increased from $35,000 to $39,000—an increase of $4,000. This amount will be used for the destruction of noxious rodents in the national forests in connection with reforestation, for the destruction of ground squirrels and prairie dogs in the public forests, and for demonstrating methods for poisoning these animals on infested contiguous areas, and investigating repressive measures in connection with damage by the crawfish to cotton and corn crops in the Southern States. Eight thousand dollars was estimated for this purpose, but the committee reduced it to $4,000.

Now, your committee had this whole matter in mind, and we asked Mr. Zappone to give us an account of this money—how it was used. He said:

Mr. ZAPPONE. In detail the $8,000 is as follows: $2,000 for the destruction of noxious rodents in the national forest in connection with reforestation; $3,000 for the suppression of ground squirrels; $2,000 for destroying the prairie dogs in national forests and other public lands, and for demonstrating methods for poisoning these animals on badly infested contiguous areas; and $1,000 for investigating repressive measures in connection with damage by the crawfish to cotton and corn crops in the Southern States. These are the only changes in the general expense fund, with the exception of a transfer of $900 to the statutory roll. The actual increase in the fund is $13,500, as stated above.

I said to my friend this morning, in talking about it, that I regretted he had not come before the committee and made a statement. Of course I was compelled to make a point of order on it.

Mr. FITZGERALD. Mr. Chairman, this question does not belong to the Forest Service at all. The campaign was started in 1907 by the Public Health and Marine-Hospital Service in the city of San Francisco in order to eliminate the bubonic plague.

Mr. LAMB. This is not the Forest Service that we are considering; it is the biological service.

Mr. FITZGERALD. And since that time the Federal Government has spent $1,000,000 on this work under the control of the Public Health and Marine-Hospital Service. They have an organization now in the State of California that costs about $23,000 a month. Twelve counties of that State have in them squirrels which are infected with a flea which is supposed to communicate the bubonic plague. There is no indication and no evidence that these squirrels are found infected in any national forest outside of the State of California.

The matter was very thoroughly looked into and investigated, and the Legislature of California last year passed a bill appropriating a considerable sum of money to enable the State to cooperate with the Federal Government in this work. For some reason or other the bill was vetoed by the governor of California.

There are two distinct and conflicting theories about the value of these investigations. The Public Health and Marine-Hospital Service believes it is of great importance that these squirrels should be exterminated, while a great many other persons believe that it is useless to attempt it. It has cost a million dollars to exterminate 10,000 squirrels affected by this flea.

But whatever the importance of the work, it should be under the control of one service of the Government and not distributed among a number of the different services of the Government. This work has all been paid for out of an emergency fund put at the disposal of the Public Health and Marine-Hospital Service. Since 1897 it has expended in various works $3,350,000. It is the service to which the Government naturally looks to prevent and control and eliminate epidemics of every character. It is the service which alone should have control of the attempt to exterminate the flea or the squirrel from which the bubonic plague comes. This is no place in which to start another service along the same lines. The Public Health and Marine-Hospital Service has this work so organized that by cooperation with local authorities and individuals and localities the best results are to be attained. And if it were desirable or necessary the cooperation should be with the Department of Agriculture, we could very readily submit the request in the proper manner, so that the work should be investigated. But if this work were initiated in this department and continued in the Public Health and Marine-Hospital Service and turned over to the Department of the Interior, we would shortly have several bureaus or services engaged in the same work, without any cooperation, and accomplishing much less, with a greater expenditure, than could be accomplished if it were concentrated under the one head. It seems to me it is wholly out of place for an agricultural bill to appropriate money for the purpose of investigation of epidemics and their cause.

Mr. LAMB. Mr. Chairman, I ask for a ruling.

The CHAIRMAN. The gentleman from Virginia makes a point of order against the amendment on the grounds, the Chair takes it, that it is new legislation. The Chair is of the opinion that the first part of the amendment that extends the language "noxious animals" to include rodents and ground squirrels infected with bubonic plague is in order and germane at that point. The only portion of the amendment that the Chair has any doubt about is the limitation in the last part on the sum of $4,000 to be used for the destruction of rodents and ground squirrels in the national forests in California.

There has been some question made as to the power of the House, by amendment on an appropriation bill, to limit what is called the general discretion of the Secretary of Agriculture in expending these sums. The Chair is not unaware that there have been precedents in which dicta of various kinds have been expressed to the effect that the discretion of an executive officer could not be limited by these amendments. In the opinion of the Chair, however, that is not, as has been ruled before, a matter of parliamentary law for the Chair to decide. The question of how far the executive officer shall expend appropriations provided for him ought to be primarily in the control of this body, and the Chair is still of the opinion, expressed in former rulings, that if, in the opinion of the House, an investigation of certain scientific matters in a particular locality or respecting a particular class of animals or plants is sufficiently different in kind to warrant a separate appropriation, the House has the right to say so. Therefore, the point of order to the entire amendment is overruled.

Mr. FITZGERALD. Mr. Chairman, I think the Chair overlooks the distinction between the power of the House to do a thing and the right of this committee to legislate upon an appropriation bill, which are very distinct. There is no question but that the House has the right to limit the discretion of the Secretary. The rule of the House prohibits legislation upon an appropriation bill, and any provision purporting to limit the discretion which the head of a department has is legislation and changes the law, and under the rules of the House, adopted by the House itself, is not in order on an appropriation bill. But that does not affect the powers of the House. It affects the ability of the Committee of the Whole House to incorporate into an appropriation bill that which the rule pro-

hibits, because it is legislation. There is a long line of decisions which unquestionably sustain this contention. Not long since, when the fortifications bill was before the House, the question was considered as to whether it was in order to limit the expenditure of a certain sum for the acquisition of land at Cape Henry as a part of the coast defenses of the country. The question was whether such a limitation was in order, and inasmuch as the proposed amendment limited the power of the department to spend the money for the acquisition of sites, it was held under the rule, to which attention was called, that it was not in order. The same rule applies to this bill. This amendment would be legislation upon an appropriation bill, and to that objection is made, but not on the ground of any contention that the House itself has not the power in the manner provided by the rules to legislate.

The CHAIRMAN. The Chair has considered all that, the Chair will say to the gentleman from New York, and the logical result of that line of reasoning would be that we would simply make an appropriation of $14,000,000 for the Department of Agriculture, and stop right there.

Mr. FITZGERALD. The Chair is mistaken. The rulings are very distinct. The limitations which can be placed in an appropriation bill are not limits upon the discretion of the executive officer, but they are limitations which are well defined and understood, under the rules, upon appropriations. If the ruling of the Chair were to be followed, there is nothing under the sun in the way of legislation which is not in order upon this appropriation bill. [Cries of "Vote!" "Vote!"]

The CHAIRMAN. The point of order is overruled. The question is on the amendment offered by the gentleman from California [Mr. RAKER].

The question was taken, and the Chair announced that the noes appeared to have it.

Mr. RAKER. A division, Mr. Chairman.

The committee divided; and there were—ayes 7, noes 48.

So the amendment was rejected.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

For biological investigations, including the relations, habits, geographic distribution, and migrations of animals and plants, and the preparation of maps of the life and crop zones, $10,000.

Mr. LENROOT. Mr. Chairman, I move to amend line 21 by striking out the word "ten" and inserting the word "twenty."

The CHAIRMAN. The Clerk will report the amendment offered by the gentleman from Wisconsin [Mr. LENROOT].

The Clerk read as follows:

Amend, line 21, by striking out the word "ten" and inserting the word "twenty."

The CHAIRMAN. The question is on the amendment offered by the gentleman from Wisconsin [Mr. LENROOT].

Mr. LENROOT. Mr. Chairman, the $10,000 contained in this paragraph is a cut from the last appropriation bill of $10,000, the last appropriation having carried $20,000 for the purpose specified in the paragraph. I believe that the committee has made this cut under a misapprehension, and I hope the chairman of the committee will accept my amendment.

I will say that the present salary list under this paragraph is now $14,500, or $4,500 more than is proposed in the bill itself. The work that has been done under this paragraph is of great public importance. The maps of life and crop zones are of great benefit to the different States, and the department is being constantly called upon for assistance in that respect.

We also have pending before Congress now a number of bills looking toward the Federal regulation and supervision and care and protection of migratory birds, and the data that is secured under this paragraph is of the greatest importance in the consideration of that question. Believing that the committee acted under a misapprehension, thinking that it was a cut of $10,000 of the whole appropriation for the Biological Survey, I hope the chairman of the committee will accept the amendment.

Mr. LAMB. Mr. Chairman, this work is being done at the Smithsonian Institution, consisting principally of these maps, and we thought that the appropriation could be cut 50 per cent in the interest of economy without any injury to the service. We thought that $10,000 was enough for this work. [Cries of "Vote!" "Vote!"]

The CHAIRMAN (Mr. CULLOP). The question is on the amendment offered by the gentleman from Wisconsin [Mr. LENROOT].

The question was taken, and the amendment was rejected.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

Salaries, Division of Accounts and Disbursements: One chief of division and disbursing clerk, who shall be administrative officer of the fiscal affairs of the department, $4,000; 1 assistant chief of division, $2,750; 1 chief of office of accounts and fiscal agent, $2,500; 7 district fiscal agents, at $2,000 each; 1 supervising auditor, $2,250; 1 auditor, $2,000; 1 cashier and chief clerk, $2,000; 1 deputy disbursing clerk, $2,000; 1 accountant and bookkeeper, $2,000; 3 clerks, class 4; 11 clerks, class 3; 18 clerks, class 2; 9 clerks, class 1; 4 clerks, at $1,000 each; 6 clerks, at $900 each; 1 custodian of records and files, $1,400; 1 messenger, $720; 1 messenger or messenger boy, $600; in all, $104,620.

Mr. FOWLER. Mr. Chairman, I make the point of order on page 60, line 11, "$4,000," and in lines 11 and 12, "$2,750," and in lines 23 and 24, "$1,400." It is an increase, Mr. Chairman, of the salaries provided for by law.

Mr. LAMB. Mr. Chairman, will the gentleman reserve his point of order, so that I may make a statement?

Mr. FOWLER. Mr. Chairman, I make the point of order because I do not intend that there shall be an increase of salaries for the chiefs so long as the provisions of this bill carry only $240 a year for such labor as charwomen. I make the point of order.

Mr. LAMB. The point of order is conceded.

The CHAIRMAN. The point of order is sustained. The Clerk will read.

Mr. FOWLER. Mr. Chairman, I offer an amendment——

Mr. LAMB. Mr. Chairman, I offer an amendment to lines 11 and 12, "$3,000," which amount I ask to be changed to "$2,750." First, I move to insert, in line 11, instead of "$4,000," "$3,750."

The CHAIRMAN. The Clerk will report the amendment offered by the gentleman from Virginia [Mr. LAMB].

The Clerk read as follows:

In line 11 strike out the words "four thousand" and insert the words "three thousand seven hundred and fifty."

Mr. FITZGERALD. Mr. Chairman, I wish to inquire of the gentleman from Virginia if he will state why the committee recommended $4,000 for this official?

Mr. LAMB. I was going to do that, and ask the gentleman to reserve his point of order in case he had in mind to make one.

Mr. FITZGERALD. There is an amendment pending now, upon which debate is in order.

Mr. LAMB. I will say this, Mr. Chairman, that the entire accounting and disbursing work of the Department of Agriculture is centralized in the Division of Accounts and Disbursements under this official. The work of the division has increased about 300 per cent in the last year. The Agricultural Department is believed to be the only department where the disbursing and accounting work is centralized in one division. In the Department of Justice they a have a disbursing clerk at $2,500 and a Chief of Division of Accounts at $2,500. In the Department of the Interior they have a disbursing clerk at $2,250, who receives $1,000 additional as disbursing clerk for employees in the Capitol, making his salary $3,250.

In addition there is a financial clerk at $2,250 in the Indian Office, a financial clerk at $2,250 in the Patent Office, and a disbuprsing clerk in the Geological Survey at $2,500, all these officers being under the Interior Department.

This man is a most capable, worthy, and indefatigable employee, who renders invaluable service.

Mr. FITZGERALD. There was no estimate for an increase of his compensation.

Mr. LAMB. No; but it was the universal sentiment in the committee on both sides, in view of the services that this man had been rendering, that this recognition should be given him.

Mr. FITZGERALD. Let me call the attention of the gentleman from Virginia to this fact, which perhaps has not been called to his attention before:

As a result of the investigations of the so-called Dockery Commission, made in 1894, a system of accounting was instituted in the Government service. That was one of the most exhaustive investigations ever made, one of the most comprehensive, and as a result of it there was provided a system of accounting and auditing which, if followed, is of immense service to the Government. It contemplated the existence of disbursing offices and that an administrative audit should be made of accounts, not by the disbursing officers, but by the head of the bureau or service which has control over the expenditures of funds. If the so-called administrative audit is made by the man who pays the money, if the voucher upon which it is paid is made in his office, one of the safeguards of the entire system is broken down.

Mr. LAMB. The Treasury Department goes through all that.

Mr. FITZGERALD. I will say a word about the Treasury Department in a moment. Nearly every disbursing officer in the Government wishes also to act as an auditing officer, and he should not.

The gentleman from Virginia [Mr. LAMB] calls attention to the Treasury Department. The disbursing clerk of the Treasury Department in January, 1911, disbursed $1,316,464.22. He

issued 10,834 checks and paid 9,471 vouchers. The appropriations out of which these disbursements were made numbered 83.

In 1912 in the month of January he disbursed $2,042,050.54. He issued 11,996 checks and paid 10,581 vouchers. The number of appropriations to which they were chargeable was 449. He made 113 collections of miscellaneous receipts, amounting to $6,808. Now, if the disbursing officers in these departments were confined, as they should be, to the mere work of disbursing money, and the administrative audit were made, as it should be, by the officer under whom the disbursement takes place, there would be a very great difference in the work.

The CHAIRMAN. The time of the gentleman from Virginia has expired.

Mr. LAMB. Has my friend from New York finished what he wishes to say?

Mr. FITZGERALD. No. I ask that the time of the gentleman from Virginia [Mr. LAMB] be extended five minutes.

The CHAIRMAN. The gentleman from New York asks unanimous consent that the time of the gentleman from Virginia [Mr. LAMB] be extended five minutes. Is there objection?

There was no objection.

Mr. LAMB. I yield to the gentleman from New York [Mr. FITZGERALD].

Mr. FITZGERALD. The disbursing office in the Department of Agriculture costs $114,620, and there are 69 employees. The amount that is disbursed is $21,391,976.

The Auditor for the State and a number of other departments makes the final audit of all the disbursements for the Departments of Agriculture, State, Justice, Commerce and Labor, Congress, Government Printing Office, and other minor branches of the public service, amounting for the last fiscal year to more than $102,000,000; there are employed in the office at this time 82 persons, with salaries amounting to $118,510, and the estimates for next year call for only 80 persons, with total salaries reduced to $116,950.

The salary of the disbursing officer in the Treasury Departmen is $3,000. The total salaries in his office are $15,390. The number of persons employed is 9, and his total disbursements are $17,600,000.

In the Department of Justice the salary of the disbursing officer is $2,750, the total salaries of his office are $15,570, the number of persons employed is 10, and the total disbursements are $5,000,000.

In the Department of Commerce and Labor the salary of the disbursing officer is $3,000. The total salaries of the persons employed in his office are $35,200, the number of persons employed is 25, and the total disbursements, including the Census Office and Lighthouse Service, $14,120,540.

This office in the Department of Agriculture should be a disbursing office. The administrative audit should not be made in the office in which the vouchers, prepared when the administrative audit is made, are presented for payment. It is a great misfortune that this office has so developed and encroached upon service that does not legitimately belong in a disbursing office.

Mr. LAMB. Why has not the gentleman suggested these changes before? Why does he wait to come here when this appropriation is made? He should have suggested that a better system could be devised.

Mr. FITZGERALD. Let me suggest to the gentleman from Virginia that I first examined this bill after it was reported. It was impossible for me to do it earlier, and I am putting into the RECORD these facts where they will be of value, and where they can be used in the future for the purpose of remedying a situation which should be corrected.

Mr. LAMB. It can not be corrected until another year.

Mr. FITZGERALD. I am saying that it can be corrected in the future.

Mr. LAMB. Inasmuch as I admitted the point of order——

Mr. FITZGERALD. I simply wish to place these facts in the RECORD.

Mr. LAMB. I did not finish my remarks, because I was going to admit the point of order. This man disburses $22,000,000 or $23,000,000.

Mr. FITZGERALD. The Auditor for the State and Other Departments audits $102,000,000.

Mr. LAMB. The disbursing clerk of the Isthmian Canal Commission gets $5,000.

Mr. FITZGERALD. The compensation of everybody in the Isthmian Canal Commission is upon a higher plane than in any other department of the Government service.

Mr. LAMB. This man is exceedingly efficient. He is compelled to give a large bond, and has recently added to his other duties the disbursement of the appropriation for the purchase of land for the protection of the watersheds of navigable streams, the Appalachian project, and the appropriation for that amounts to $2,000,000 per annum.

Mr. FITZGERALD. That is merely drawing checks to pay for land purchased.

Mr. LAMB. In addition to the above duties this official is the administrative officer of the fiscal affairs of the department. He assists and works on the estimates for the appropriations for Congress and makes the annual fiscal report required to Congress. He handles all other fiscal matters pertaining to that department. Last year the committee allowed this increase that we allowed this year, but it went out on a point of order, as this one is going out on a point of order.

The CHAIRMAN. The question is on the adoption of the amendment offered by the gentleman from Virginia [Mr. LAMB].

The amendment was agreed to.

Mr. LAMB. In lines 11 and 12, I move to insert "$2,500."

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

On page 60, lines 11 and 12, after the word "division," in line 11, insert the words "two thousand five hundred dollars."

The amendment was agreed to.

Mr. LAMB. In lines 23 and 24 I move to insert "$1,200."

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Page 60, lines 23 and 24, after the word "files," in line 23, insert the words "one thousand two hundred dollars."

The amendment was agreed to.

Mr. MANN. Mr. Chairman, I move to strike out the last word, for the purpose of making an inquiry. I notice in the current law, under this paragraph where there are several fiscal agents, it authorizes their detail in or out of the city of Washington in the Forest Service. That is omitted in this bill. In the opinion of the committee, is that not required? Can they still be detailed in the Forest Service outside of the city of Washington?

Mr. LAMB. That is the construction that we put upon it. That is what we suppose.

Mr. MANN. For instance, on page 60, line 14, there are seven district fiscal agents, at $2,000 each. Under the law as it now reads there is provision for their detail to the Forest Service, in or out of the city of Washington. Without such provision, is it the opinion of the committee that they can still be so detailed?

Mr. LAMB. I think they can be detailed anywhere.

Mr. MANN. Mr. Chairman, I withdraw the pro forma amendment.

The Clerk read as follows:

General expenses, Division of Accounts and Disbursements: For the temporary employment of assistants and labor in the city of Washington and elsewhere, official traveling expenses, office fixtures, furniture, supplies, adding machines, telegraph and telephone service, freight and express charges, and all other expenses, $10,000: *Provided*, That hereafter employees of the Division of Accounts and Disbursements may be detailed by the Secretary of Agriculture for accounting and disbursing work in any of the bureaus and offices of the department for duty in or out of the city of Washington, and employees of the bureaus and offices of the department may also be detailed to the Division of Accounts and Disbursements for duty in or out of the city of Washington, traveling expenses of employees so detailed to be paid from the appropriation of the bureau or office in connection with which such travel is performed.

Mr. FITZGERALD. Mr. Chairman, on that paragraph I reserve the point of order. This is a new item.

Mr. LAMB. Mr. Chairman, this apparently involves an increase of $10,000, but in reality it is merely a transfer of this amount from the contingent fund department, which has been reduced accordingly. Heretofore all supplies, office fixtures, typewriters, adding machines, and miscellaneous materials for the use of this division have been purchased from the contingent fund. This practice originated a number of years ago when the division was very small, but it is now believed to be in the interest of good administration to have a special appropriation for that purpose. A provision similar to that enacted last year in regard to the detail of library clerks in the department has also been added to the detail of clerks to and from the division for accounting and disbursing work. As all fiscal reports and financial statements desired by Congress are prepared in this division, it is absolutely necessary that such temporary details be made from time to time, and such details can not be made unless specific authority is given by Congress. It will also permit the elimination of the general language in the statutory roll of the division relative to details to the Forest Service, and will enable the division to assist other bureaus and officers as well as the Forest Service when necessary for accounting and disbursing work. In auditing and paying the accounts of the departments, the Division of Accounts and Disbursements must necessarily cooperate with and do work for all its bureaus and officers, and this change is in the interest of good administration.

Mr. FITZGERALD. Mr. Chairman, this is a reversal of what Congress has for years been attempting to do, and that is to consolidate the contingent funds of the various bureaus of the different departments of the Government. It was disclosed some years ago that in the Navy Department, with various bureaus having separate contingent funds, the head of one bureau in one room purchased a globe of the world, costing $300. They needed one temporarily in the room next to him, and because these expenditures were made by these bureaus out of separate funds it was not known that such a globe was in the department, and they purchased another one, when the one in this other room would have done very well for those needing it in the adjacent room. Here is a Division of Accounts, and the disbursing officer is asking that he may have a contingent fund of $10,000. The entire expense of his division is $114,000. This Department of Agriculture, with this $10,000 and the $96,000 additional given farther on, has a larger contingent fund than any other department of the Government, with the exception of the Interior Department. That department, with its great ramifications and many services of every character, has a contingent fund that does not exceed $122,000. If this new fund be started, instead of tending toward economy and efficiency, it will tend very largely to looseness in administration and expenditure. This chief of division should have purchased for him whatever is required that properly would be chargeable to the contingent fund out of the contingent fund of the Department of Agriculture, and it would be a good thing if every bureau chief, or every chief of a division, were required to have the purchases made out of one central fund, so that some one in the department would know just what was being expended. This new language is intended and will result in accentuating the conditions to which I have called attention. This disbursing office should be conducted as a disbursing office, and it should in the end make administrative audit of every account which is to be paid. Otherwise there will be the anomaly in the Department of Agriculture, which does not exist in any other place in the Government, of the man who is to pay the voucher preparing the voucher to be paid in his own office, and, as a matter of fact, it should be prepared by the man responsible for the conduct of the service for which the appropriation is made available, paid by the accounting or disbursing officer when presented, providing the appropriation is not exhausted and it is shown that it is available for the purpose for which made. I know of an instance in which the head of a bureau required a meat chopper, which would have cost 85 cents, for the purpose of grinding rubber into a pulp for the purpose of certain investigations, and he made a requisition, prepared the voucher, and sent it to the disbursing officer of his department in order to have it paid. This disbursing officer, assuming that he had an obligation to make audit of these matters before he honored their requisition, sent an inspector to investigate and ascertain the need of this meat chopper by this bureau, when it was not at all within the scope of the functions of a disbursing office.

Mr. Chairman, I shall insist upon the point of order. It is legislation.

The CHAIRMAN. Does the gentleman from New York make the point of order to the entire paragraph?

Mr. FITZGERALD. I do.

The CHAIRMAN. The point of order is sustained, and the Clerk will read.

Mr. FITZGERALD. Mr. Chairman, I ask permission to have the total changed to correspond.

The CHAIRMAN. There is a general order to that effect.

The Clerk read as follows:

Total for Division of Accounts and Disbursements, $114,620.

Mr. MONDELL. Mr. Chairman, I offer the following amendment, which I send to the desk and ask to have read.

The Clerk read as follows:

To enable the Secretary of Agriculture to make an exhibit and represent the United States at the seventh annual session of the International Dry Farming Congress to be held at Lethbridge, Alberta, Canada, October 12–26, 1912, $10,000.

Mr. LAMB. Mr. Chairman, on that I make the point of order.

Mr. MONDELL. Will the gentleman reserve his point of order?

Mr. LAMB. Certainly.

Mr. MONDELL. Mr. Chairman, I offer this amendment because I believe that our Government and our people owe it not only to the good cause to be served, but to our neighbors, the Canadians, to have an exhibit and to have the Government represented at the dry farming congress to be held next fall at Lethbridge. The six sessions of the dry farming congress heretofore have all been held within continental United States. The work of the congress is a most useful and important one. It teaches and encourages scientific agriculture. The name is something of a misnomer, but it is used because it has been found possible, in the first instance, to most interest those who are meeting the semiarid conditions on the western plains and who call themselves dry famers, but the scientific methods of deep plowing, thorough cultivation, and moisture and fertility conservation are methods that would prove of very great value if used elsewhere in agriculture. These methods are peculiarly adapted to the restoration of worn-out soils. They will be of especial benefit in the restoration of the abandoned farms of the East. They will be found highly useful in bringing to a condition of fertility the worn-out soils of many parts of the country. So, while the work was inaugurated in the West to meet a condition found in the semiarid West, it is of a character which will be and has already been of very great value to American farmers in all parts of the country. At all of the sessions of the Congress heretofore held the Dominion of Canada has been represented by officials and by exhibits. The last session was held at Colorado Springs last fall. The Canadian Government made one of the finest exhibits made there. Several high officials of the Canadian Government, interested in agricultural development, were present at the meeting. This appropriation simply proposes that we shall return the compliment that the Canadians have paid us by their presence at our meetings and in the exhibits they have made at former congresses. It will also show our continued interest in this far-reaching and highly important work. I hope that the committee will accept the amendment.

Mr. LAMB. Mr. Chairman, I ask for a ruling on the point of order.

The CHAIRMAN. The point of order is sustained, and the Clerk will read.

The Clerk read as follows:

DIVISION OF PUBLICATIONS.

Salaries, Division of Publications: One editor, who shall be chief of division, $3,250; 1 editor, who shall be assistant chief of division, $2,250; 1 chief clerk, $2,000; 2 assistant editors, at $2,000 each; 1 assistant editor, $1,800; 4 assistant editors, at $1,600 each; 1 assistant editor, $1,400; 1 assistant editor in charge of indexing, $2,000; 1 indexer, $1,400; 1 assistant in charge of illustrations, $2,000; 1 draftsman or photographer, $1,500; 2 draftsmen or photographers, at $1,400 each; 6 draftsmen or photographers, at $1,200 each; 1 assistant photographer, $900; 1 assistant in charge of document section, $2,000; 1 assistant in document section, $1,600; 1 foreman, miscellaneous distribution, $1,500; 1 assistant foreman, miscellaneous distribution, $1,100; 1 foreman, Farmers' Bulletin distribution, $1,200; 1 forewoman, $1,400; 1 forewoman, $1,200; 1 clerk, class 2; 6 clerks, class 1; 14 clerks, at $1,000 each; 37 clerks, at $900 each; 25 clerks, at $840 each; 10 skilled laborers, at $840 each; 13 skilled laborers, at $780 each; 27 skilled laborers, at $720 each; 1 chief folder, $1,000; 5 folders, at $900 each; 2 skilled laborers, at $1,000 each; 2 messengers, at $840 each; 4 messengers, at $720 each; 3 messengers, at $600 each; 2 messengers or messenger boys, at $480 each; 2 messengers or messenger boys, at $420 each; 2 messengers or messenger boys, at $360 each; 2 laborers, at $660 each; one laborer, $600; 4 charwomen, at $480 each; 3 charwomen, at $240 each; in all, $184,720.

Mr. HARRISON of Mississippi. Mr. Chairman, I offer the following amendment, which I send to the desk and ask to have read.

The Clerk read as follows:

Page 62, line 25, strike out the word "ten" and insert in lieu thereof the word "twenty."

Mr. HARRISON of Mississippi. Mr. Chairman, in offering this amendment I am in hopes that the chairman of the committee and the committee itself will acquiesce in it. I understand and am reliably informed that in the Bureau of Distribution of Farmers' Bulletins there are now so many bulletins that are going out to the farmers of the country and the people generally that it is impossible for that department to get them out quickly and efficiently. In other words, I am informed that when you send your request it sometimes takes a week or more before the farmers and the people who desire the bulletins get them. There is no good reason why that condition should exist. We should not, in order to save the paltry sum of $8,400, which this amendment carries, defeat it and permit this inexcusable condition to continue to the detriment of efficiency in this particular service; but on the contrary, this amendment should be adopted, thereby contributing to the people who desire these bulletins throughout the United States prompt and efficient service.

I believe in economy, but never at the expense of efficiency in any of the various bureaus of this great Agricultural Department, a department that, with the exception of the Post Office Department, benefits more people materially and distributes greater good to all the people than any other department of the Federal Government.

I take it that when we send out our lists of bulletins to the people in our districts and they write back what bulletins they desire they have a right to get them promptly. I take it that there is no member of this committee who will controvert that

proposition. I understand that an addition of 10 skilled laborers will make an efficient service there.

Mr. Chairman, as it stands we are up against this proposition: In my district—and I suppose other Members do the same thing; in fact, I know they do—I send every voter a list that this bureau gets out of the bulletins that are published by the department and request that they indicate those bulletins which they desire. The requests come in and we send them to the department. That is a procedure which has grown popular, you will understand, and is bound to grow more popular. When the farmer or the man who requests the bulletins does not get them as quickly as he should—and every man is entitled from the public service a quick and prompt response—they write to their Congressman and want to know the reasons why they have not received the bulletins they requested. This causes, necessarily, the Congressman to write this particular correspondent; it causes him, in addition to that, to write to the department in order to ascertain whether the bulletins have been sent out or what is the reason for the delay. Necessarily, it causes the employees in that particular bureau or department to make an investigation of that particular matter and report on it, and that causes the department to use a stenographer or clerk to answer the correspondence of the Congressman. Consequently, I think it takes up as much time and causes as much expense in the department in answering the correspondence of the Congressman in making legitimate excuses in the premises as it would to put on these extra employees. I trust the chairman of the committee will accede to this amendment.

Mr. LEVER. Let me ask the gentleman if he has any report from the chief of the division as to the necessity for these clerks?

Mr. HARRISON of Mississippi. I will say to the gentleman from South Carolina [Mr. LEVER] that this matter came up by reason of several correspondents in my district wanting to know why they had not received the bulletins which they had requested. I called up the bureau, and I was informed that they did not have sufficient laborers there to do the work, and that they were in need of more of them. And I told them to furnish me the facts and I would offer this amendment. Here is a letter that I received from the editor and chief of the bureau in response to that request, that I will read to the committee:

MARCH 1, 1912.

Hon. B. P. HARRISON,
House of Representatives, Washington, D. C.

DEAR MR. HARRISON: In compliance with your request, I take pleasure in inclosing herewith a brief statement showing the necessity for additional skilled laborers to enable this division to promptly fill congressional orders for the mailing of farmers' bulletins. The use of the lists of these bulletins by Senators, Representatives, and Delegates, which just recently became very popular, and justly so, has resulted in an enormous increase of work for which the division was unprepared and which was not anticipated when the estimates were made or even when the bill was reported by the committee. Only about 40 employees are at present available for this work, and it is absolutely necessary that additional assistants be procured in order to avoid delay in the filling of congressional orders. As this method of distribution is likely to continue, some permanent provision should be made for increasing the force.

* * * * * * *

JOS. A. ARNOLD, *Editor and Chief.*

[The time of the gentleman from Mississippi [Mr. HARRISON] having expired, by unanimous consent he was granted two minutes additional.]

Mr. HARRISON of Mississippi. But, Mr. Chairman, I want to say that the committee in charge of this bill is not responsible for this condition at all, because this is a condition that arose after the committee had its hearings on this bill.

And I might advance, in this connection, Mr. Chairman, as a further argument in behalf of this additional help, that we must take into consideration the fact that there is to be an increase of 30 or more in the membership of this House on the 4th of March next, and you will have to provide for the increase, because evidently the more Congressmen there are the more bulletins will be sent out.

Mr. HAUGEN. Is it not a fact that many of these employees are working an hour overtime every day?

Mr. HARRISON of Mississippi. I think that is true, but I have no direct information on that point.

Mr. HAUGEN. I will ask the gentleman if he does not think that five additional will be sufficient? Have you investigated as to that?

Mr. HARRISON of Mississippi. I have investigated, and the editor and chief, Mr. Arnold, informs me that 10 will be necessary.

Mr. FITZGERALD. How many publications are handled in the Division of Publications?

Mr. HARRISON of Mississippi. There were handled last year 27,000,000 copies of these bulletins.

Mr. FITZGERALD. And how many employees have they?

Mr. HARRISON of Mississippi. They have 40 employees now performing that particular function.

Mr. FITZGERALD. They add 50 laborers in this bill.

Mr. HARRISON of Mississippi. No, sir; it does not add 50 at all. These 40 include clerks and stenographers and different employees for indexing and gathering them, and all that. These 10 that I provide for by my amendment will only collect the bulletins, put them together, and other men in that department will send them out.

Mr. FITZGERALD. There are 50 new places, are there not?

Mr. CANDLER. No, sir.

Mr. FITZGERALD. Is there not a considerable increase in this bill in the Division of Publications?

Mr. LAMB. No, sir. Those are not estimated for. They ought to have known the condition at that time.

Mr. FITZGERALD. I do not think that 40 people can be greatly overworked at that rate.

Mr. HARRISON of Mississippi. They handled 27,000,000 bulletins last year.

Mr. FITZGERALD. That would make 2,000 bulletins for each working day of the year—if each one did an equal amount of work.

Mr. HARRISON of Mississippi. I will say to the gentleman from New York [Mr. FITZGERALD] that I do not think that is exactly a fair statement, because all the employees in this department do not handle these bulletins. There are many clerks and stenographers there that are performing different functions than those performed by these laborers.

Mr. FITZGERALD. There are more than 40 employees in the Division of Publications, because there are 50 laborers mentioned right here in these five lines. And it seems to me from the figures given that they have a force sufficient, and that there will not be a very great burden on these employees.

Mr. MANN. Will the gentleman from Mississippi [Mr. HARRISON] yield for a question?

Mr. HARRISON of Mississippi. Yes, sir.

Mr. MANN. Has the gentleman figured out whether there is an increase or decrease of the number of employees that can be utilized for this purpose in this bill from the existing law?

Mr. HARRISON of Mississippi. I would say to the gentleman that in this bill, line 24, page 62, there are carried 25 clerks at $840 each. The last bill carried in that item 35 clerks.

Mr. MANN. In the item just before that in this bill there were 27 clerks, while in the last bill there were only 11. This was an increase in salary of a number——

Mr. HARRISON of Mississippi. In line 2, page 63, in this bill, the item carries 27 skilled laborers, and the last bill carried 50.

Mr. MANN. Yes; but that is the distinction. The last bill included skilled laborers and clerks under one item, and this bill changes it and makes in that place 20 skilled laborers, and transfers clerks who receive $720 each to the item of "27 clerks at $900 each." What I want to know is whether the gentleman has computed whether the total number of employees which can be utilized for this purpose was a decrease or increase from the existing law?

Mr. HARRISON of Mississippi. I would say to the gentleman, in figuring up this matter I find that there is an increased appropriation over the last appropriation bill of $25,400, and a decrease from the last appropriation bill in these particular items of $27,640, showing practically $2,000 of saving in this bill over the last bill.

The CHAIRMAN. The time of the gentleman from Mississippi [Mr. HARRISON] has expired.

Mr. LAMB. Mr. Chairman, I ask unanimous consent that the gentleman may have three minutes more.

The CHAIRMAN. Is there objection?

There was no objection.

Mr. LAMB. I wish to say that those to which the gentleman refers are promotions.

Mr. MANN. The gentleman realizes that where the bill covered before 50 skilled laborers that those clerks are used in the distribution of farmers' bulletins, the same as the skilled laborers are, and that the committee has segregated those two branches of the service and put them under the head of "clerks" in one place and "skilled laborers" in the other. Is there any increase or decrease in this bill of skilled laborers? It looks to me like an increase.

Mr. LAMB. Mr. Chairman, these changes were made by the committee in pursuance of their policy to increase the salaries of all low-grade positions. In addition, with the above arrangement of salaries, the titles of all employees on the roll designated as "clerks" or "skilled laborers," have been changed to either "clerks" or "skilled laborers" in order to more nearly make their titles agree to the duties performed. Under the

arrangement no clerk will be paid a salary less than $840, the lower salaries being paid to laborers, and so forth.

It is very likely that if this statement, now made by the gentleman here to-day, had been made before the committee, notwithstanding we had the "economy cap" on all the time, we would have given five or six clerks more for this work. The strongest argument made by the gentleman is that this House is to be increased in its Members—some 34?

Mr. HARRISON of Mississippi. Yes.

Mr. LAMB. And of course that will entail considerable extra work in this Division of Publications, which has the hardest work and the fewest people and lowest-paid people at this time.

Mr. CANDLER. This situation is in the nature of an emergency, because it did not exist to the extent that it exists now at the time when the committee considered this proposition. There is not an addition of a single, solitary man, so far as numbers are concerned, in this bill over what there were in the previous bill. There is some promotion in reference to some of the employees, which, of course, involves some increases of salary, but the condition that exists at this time with reference to this matter, as is clearly shown in the remarks and statement of the gentleman from Mississippi [Mr. HARRISON], who recently addressed the House, makes it necessary, in order to secure prompt service, that these skilled laborers as a matter of necessity should go in the bill. I have no doubt they would have gone into the bill if the need for them had been known when the bill was prepared, and I hope the amendment will be adopted.

Mr. HAUGEN. Mr. Chairman, I would like to ask the distinguished gentleman from New York [Mr. FITZGERALD] if I understood him aright to say that the average number of bulletins sent out is 2,000 each day by the 40 clerks? Did the gentleman mean to convey the idea that each clerk sends out 2,000 a day?

Mr. FITZGERALD. Two thousand a day was the statement made.

Mr. HAUGEN. By each clerk? In that case it would be 80,000 altogether in a day.

Mr. FITZGERALD. I understood the statement made to me was 2,000 a day.

Mr. HAUGEN. By each of the 40 clerks?

Mr. FITZGERALD. Yes.

Mr. HAUGEN. My computation is 2,000 bulletins for each clerk. That seems to be a considerable number.

Mr. FITZGERALD. Not for bulletins.

Mr. HAUGEN. An average of 2,000 bulletins a day for each clerk is a considerable number.

Mr. FITZGERALD. I do not consider that would be many in my office. If the employees in my office could not send out 2,000 a day, I would have somebody else do the work.

Mr. LEVER. I myself used to address these seed blanks and document slips; I used to be a clerk to a Member; and if I could send out 2,000 of them a day, without folding or pasting, I considered that a pretty good average day's work.

Mr. FITZGERALD. Oh, we have labor-saving machinery and devices and different matters now that gentlemen do not think about and perhaps have not had called to their attention. There are machines that fold, close, and address documents and prepare them for mailing. That would apply to a large part of these bulletins.

Mr. MANN. There are no machines that paste the labels on these envelopes, so far as I know; are there?

Mr. FITZGERALD. I understand there are.

Mr. MANN. Are there any machines that paste the labels on the envelopes?

Mr. FITZGERALD. There are machines that print the labels on the envelopes, and paste the labels, if necessary.

Mr. MANN. Has the Government provided such machinery?

Mr. LEVER. Not yet.

Mr. MANN. I never saw such a machine. I would like to see one myself.

Mr. LAMB. Mr. Chairman, I ask for a vote.

The CHAIRMAN (Mr. RAINEY). The question is on the amendment offered by the gentleman from Mississippi [Mr. HARRISON].

The question was taken, and the amendment was agreed to.

Mr. GOOD. Mr. Chairman, I move an amendment, to strike out the word "five," in line 4 of page 63, and insert the word "four," and to strike out the word "two," in line 5, and insert the word "three."

The CHAIRMAN. The Clerk will report the amendment offered by the gentleman from Iowa [Mr. GOOD].

The Clerk read as follows:

On page 63, line 4, strike out the word "five" and insert in lieu thereof the word "four," and on page 63, line 5, strike out the word "two" and insert in lieu thereof the word "three."

Mr. GOOD. Mr. Chairman, the Chief of the Publications Division calls attention in the hearings to the need of an increase in the salaries of the employees of this class. One of the persons now on the roll as a folder delivers the blank franks to the Members of the House and takes them when addressed from the Members' offices to the Division of Publications. That is part of his work. A very little of his time is given as a folder. He is doing the same kind of work and work of the same character that the other skilled laborers do who are mentioned in line 6. He is a man of a very large family, and it seems to me that, inasmuch as he is doing the work that the other skilled laborers are doing, he ought to have the same salary. The amendment simply makes a change of $100.

The CHAIRMAN (Mr. BORLAND). The question is on the amendment offered by the gentleman from Iowa [Mr. GOOD].

The question was taken, and the amendment was agreed to.

MESSAGE FROM THE PRESIDENT OF THE UNITED STATES.

The committee informally rose; and Mr. HUGHES of New Jersey having taken the chair as Speaker pro tempore, a message, in writing, from the President of the United States was communicated to the House of Representatives by Mr. Latta, one of his secretaries, who also informed the House of Representatives that the President had approved and signed bills of the following titles:

On March 4, 1912:

H. R. 18794. An act to authorize the Secretary of the Interior, the Secretary of the Treasury, and the Attorney General to deliver to the governor of the State of New Mexico, for the use of the State, certain furniture and furnishings, law books, and typewriters.

On March 11, 1912:

H. R. 13570. An act to amend an act entitled "An act granting to certain employees of the United States the right to receive from it compensation for injuries sustained in the course of their employment," approved May 30, 1908.

AGRICULTURE APPROPRIATION BILL.

The committee resumed its session.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

Contingent expenses, Department of Agriculture: For stationery, blank books, twine, paper, gum, dry goods, soap, brushes, brooms, mats, oils, paints, glass, lumber, hardware, ice, fuel, water and gas pipes, heating apparatus, furniture, carpets, and matting; for lights, freight, express charges, advertising, telegraphing, telephoning, postage, washing towels, and necessary repairs and improvements to buildings, grounds, and heating apparatus; for the purchase, subsistence, and care of horses and the purchase and repair of harness and vehicles, for official purposes only; for the payment of duties on imported articles, and the Department of Agriculture's proportionate share of the expense of the dispatch agent in New York; for official traveling expenses; and for other miscellaneous supplies and expenses not otherwise provided for, and necessary for the practical and efficient work of the department, $96,066: *Provided*, That hereafter the Secretary of Agriculture may purchase stationery, supplies, furniture, and miscellaneous materials from this appropriation and transfer the same at actual cost to the various bureaus, divisions, and offices of the Department of Agriculture in the city of Washington, reimbursement therefor to be made to this appropriation by said bureaus, divisions, and offices from their lump-fund appropriations by transfer settlements through the Treasury Department: *Provided further*, That the Secretary of Agriculture may hereafter exchange typewriters and computing, addressing, and duplicating machines purchased from any lump-fund appropriation of the Department of Agriculture.

Mr. FITZGERALD. Mr. Chairman, I make a point of order against the language on page 67, line 22, beginning with the word "provided" and down to and including the word "department," in line 5 of page 68.

Mr. LAMB. Mr. Chairman, I concede the point of order.

The CHAIRMAN. The point of order is sustained.

Mr. FITZGERALD. I will say to the gentleman from Virginia [Mr. LAMB] that the reason I insist on the point of order is this: A similar request was made by two departments of the Government at the last session of Congress, and the Comptroller of the Treasury looked into the matter very carefully and said it would absolutely destroy the efficiency of the audit of these appropriations. I read that opinion very carefully at the time, and in view of that statement of the comptroller and his familiarity with the accounting system, we deemed it wise not to have that provision incorporated in any of these bills.

The CHAIRMAN. The point of order is sustained.

Mr. LAMB. Mr. Chairman, I move, on page 67, line 21, to strike out the word "ninety-six" and insert the words "one hundred and six."

The CHAIRMAN. The Clerk will report the amendment offered by the gentleman from Virginia [Mr. LAMB].

The Clerk read as follows:

In line 21, page 67, strike out the word "ninety-six" and insert the words "one hundred and six."

The CHAIRMAN. The question is on the amendment offered by the gentleman from Virginia.

The question was taken, and the amendment was agreed to.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

In all, $95,329.

Mr. MADDEN. Mr. Chairman, I move to strike out the last word, for the purpose of asking a question.

Mr. FOWLER. I reserve a point of order against that paragraph, Mr. Chairman.

Mr. LAMB. It is not subject to a point of order.

The CHAIRMAN. The gentleman from Illinois will state his point of order.

Mr. FOWLER. I reserve the point of order against the language on page 68, after "rent in the District of Columbia;" all the remainder of that page.

Mr. LEVER. I make the point of order, Mr. Chairman, that that point of order comes too late. Each one of these items is a separate paragraph, and the point of order of the gentleman made as to those above is entirely too late.

Mr. FOWLER. Mr. Chairman, it is not a paragraph, because of the fact that each one of them depends upon the other. The punctuation is not such as to show that they are distinct paragraphs.

Mr. LEVER. As to that point, Mr. Chairman, I would say that the same punctuation to which the gentleman refers runs through the entire bill. Evidently the Chair can not hold otherwise than that each of these items is a separate item and paragraph in itself.

The CHAIRMAN. The Chair understands that is the ruling.

Mr. HAY. Mr. Chairman, will the gentleman from South Carolina [Mr. LEVER] permit me to ask him a question?

Mr. LEVER. Yes.

Mr. FOWLER. I do not understand the ruling of the Chair.

The CHAIRMAN. The Chair will state that the ruling has been that each one of these items constitutes a separate paragraph. The gentleman must make his point of order against the one which has just been read by the Clerk, otherwise it would not apply.

Mr. HAY. Mr. Chairman, I want to ask the gentleman from South Carolina if it is not the law that——

Mr. FOWLER. Mr. Chairman, I make the point of order on the last paragraph.

The CHAIRMAN. The gentleman will state his point of order.

Mr. FOWLER. Mr. Chairman, I desire to know why the chairman of the committee segregated these items, and what was the object of this segregation?

Mr. LAMB. It was for convenience in putting these rents on different pages and accounting for these rents for each bureau separately.

Mr. FOWLER. Does the gentleman think that a distinct appropriation for each one of the bureaus is more satisfactory than to have a lump sum covering them all?

Mr. LAMB. That is the reason we did it.

Mr. FOWLER. And that it will prevent extravagance and uncertainty about the means of carrying on each bureau of the department? If that is the object of this segregation I withdraw my point of order.

Mr. HAWLEY. The House has frequently demanded this information.

Mr. HAY. I reserve the point of order.

The CHAIRMAN. What is the gentleman's point of order?

Mr. HAY. The point of order is that under the law of March, 1877, the appropriation must specifically state what buildings are to be paid for out of the appropriation.

Mr. LEVER. I make the point that the gentleman's point of order comes too late, Mr. Chairman.

Mr. FOSTER of Illinois. Oh, no. The gentleman made it as soon as he could after the other point was withdrawn.

Mr. HAY. I am not making a point of order; I am simply reserving it. I want to call attention to the fact that that is the law, and that in all these appropriation bills it should be specifically stated what building is leased and how much is paid for each building.

Mr. LAMB. I know the gentleman understands something of the situation. He does not mean, does he, that the law requires that each one of these particular buildings used for all these different departments shall be described in the bill?

Mr. HAY. Undoubtedly, as they were described in the Army bill.

Mr. LAMB. There is no telling how many houses they do rent for all these departments. I undertook to go through all of them once. Many of them were built for private houses. There may be a hundred of them.

Mr. HAY. It took two pages of the Army bill to describe the buildings rented under the War Department for the use of the Army.

Mr. LAMB. Has that been going on all the time?

Mr. FITZGERALD. I understand that the gentleman from Virginia [Mr. LAMB] for the first time in this bill has segregated the rent items in the District of Columbia.

Mr. LAMB. Yes.

Mr. FITZGERALD. And provided for them specifically?

Mr. LAMB. Yes. We thought it was in the interest of economy to do that.

Mr. FITZGERALD. I think the gentleman has done wisely, and he has so framed the other provisions of this bill as to make it impossible to expend any larger appropriations for rent in the District of Columbia.

Mr. LAMB. That was the idea.

Mr. FITZGERALD. There is one paragraph here that I desire to inquire about, if the gentleman will permit me. On page 69, in lines 4 and 5, there is provision just read:

For additional rent, in cases of emergency, for any bureau, division, or office of the department, $10,000.

Mr. LAMB. Yes. We discussed that.

Mr. FITZGERALD. There is nothing in contemplation at the present time for that. Why should the Department of Agriculture have a fund available in case it desires to increase its space during the year any more than any other department of the Government?

Mr. LAMB. It was to provide for emergencies.

Mr. FITZGERALD. The department is spending, in the city of Washington, for rent $85,329.

Mr. LAMB. Yes.

Mr. FITZGERALD. And that is for accommodations in addition to the building that was authorized within seven or eight years, which cost $1,500,000. It seems to me that if, in addition to the building recently constructed, this department has $85,000 for rent in the District of Columbia we can well withhold from it an appropriation of $10,000 to be used in case somebody determines that it would be desirable to increase the available space.

Mr. HAY. I call the attention of the gentleman to the law, which is the act of March 3, 1877.

And hereafter no contract shall be made for the rent of any building or part of any building to be used for the purposes of the Government in the District of Columbia until an appropriation therefor shall have been made in terms by Congress, and that this clause be regarded as notice to all contractors and lessors of any such building or part of such building.

Mr. LAMB. We did not have that law before us.

Mr. HAY. I withdraw the point of order.

The CHAIRMAN. The point of order is withdrawn.

Mr. MADDEN. It is only two or three years since we completed two great buildings for the Department of Agriculture, at a cost of several million dollars. I think it was well understood at the time these buildings were under way that they would supply all the space needed by the Agricultural Department and that no further necessity would exist for the payment of rent for any outside buildings. I would like to ask the chairman of this committee whether he has investigated the necessity for the use of buildings outside of those that were specially constructed for the Agricultural Department and whether his committee does not believe that those buildings are adequate to all the needs of the service?

Mr. LAMB. Does the gentleman think 12,000 people can work in those buildings?

Mr. MADDEN. The buildings which are supposed to be rented are not owned by the Government. The buildings which are owned by the Government were constructed at a cost of several million dollars, with the purpose of furnishing all the space that might be needed for the proper conduct of the service. Now, I notice that the committee come in here with a recommendation for the expenditure of $85,000 per annum for rent over and above the space which should be adequate in these new buildings, and I want to know from the chairman of the committee whether he can give the Committee of the Whole any information to show any justification for the recommendation of the Committee on Agriculture, and whether the committee understands that the new buildings erected are inadequate, and whether all this outside space is needed for the proper conduct of the business of the department?

Mr. LAMB. We have not been around to inspect every one of these houses that they rent, although we have seen many of them. We must take their statement, which is to the effect that they must have this space in which to do their work. We are bound to trust them and must assume that they know what they are doing. If you go down now into some of these outside build-

ings that they rent, you will find a very crowded condition and more people working than you would like to have working with you in a room.

Mr. MADDEN. Did the committee make any sort of an investigation to ascertain the adequacy of the buildings which are owned by the Government in the District of Columbia for use by the Agriculture Department?

Mr. LAMB. We have been to them, just as the gentleman has.

Mr. MADDEN. I have not been through them at all. I am asking the gentleman in charge of the bill for information.

Mr. LAMB. I spent a month in going through them. I went through all the public buildings and all the small buildings and saw the clerks and the apparatus with which they do their experimental work. Some of the buildings are not only very crowded, but in great danger of fire.

Mr. MADDEN. It is the judgment of the gentleman from Virginia, then, that the recommendation made by the committee of this expenditure of $85,000 per annum for rent is a reasonably justified recommendation?

Mr. LAMB. It is.

Mr. HAUGEN. I should like to say to the gentleman from Illinois that the question of public buildings does not come under the jurisdiction of the Committee on Agriculture. The Committee on Public Buildings and Grounds has jurisdiction over that matter. I think the gentleman is also aware of the fact that the building of which he is now speaking has not been completed, and that only the two wings have been completed.

Mr. MADDEN. The buildings that are up are completed.

Mr. HAUGEN. Part of the buildings are up.

Mr. FITZGERALD. The law provided that a building should be constructed and completed within the authorization, and it is a notorious fact that the then President of the United States arranged to have the building constructed in the manner in which it is, and that he sent his representative before a committee of the House to contend that the law had been complied with by building two wings, leaving a space between them, with the intention of filling it in at some other time, despite the intent of Congress.

Mr. AUSTIN. What President of the United States did that?

Mr. FITZGERALD. I have no doubt that if he should ever again become President of the United States he would conduct himself in the same lawless manner.

Mr. HAUGEN. As stated to the gentleman from New York, the building is complete as far as it has gone. The two wings are completed, but the building is not completed as contemplated by some, as stated by the gentleman from New York [Mr. FITZGERALD]. I suppose at some later date the space referred to will probably be filled in.

Anyone who has investigated this matter, I think, will agree with me that all of the employees of the department—and that applies to every other department of this Government—should be housed under one roof.

Mr. BUTLER. Does the gentleman recall when the appropriation for this building was made?

Mr. HAUGEN. I do.

Mr. BUTLER. Will not the gentleman agree with me that that is not the building that Congress contemplated should be erected—a building of two wings?

Mr. HAUGEN. I do not know what Congress contemplated. I know the building was constructed according to plans and specifications.

Mr. BUTLER. But there are two buildings.

Mr. HAUGEN. It was built according to my understanding. I do not know what the gentleman's understanding was.

Mr. BUTLER. Did the gentleman understand at the time that the appropriation was made—I recall it quite distinctly—that they were to put up two wings and leave out the center part of the building?

Mr. HAUGEN. My recollection is that Congress made a certain appropriation. I am not sure about the amount. I think the first appropriation was about a million and a half dollars for a building, and a building was erected and went as far as the money would permit.

Mr. FITZGERALD. The law provided that the building should be completed for that sum.

Mr. HAUGEN. It is complete in itself. It may not be according to plans and specifications such as the gentleman might have had in mind.

Mr. FITZGERALD. It was in accordance with the plans and specifications, but it was not in accordance with the law.

Mr. BUTLER. The gentleman would not say that the building is complete.

Mr. HAUGEN. It is complete as far as it goes. We have two buildings instead of one.

Mr. MANN. Mr. Chairman, will the gentleman from Iowa yield?

Mr. HAUGEN. Certainly.

Mr. MANN. Did the appropriation and authorization for that building come from the Committee on Agriculture in the first instance?

Mr. HAUGEN. It came through the Committee on Public Buildings and Grounds; that is my recollection.

Mr. MANN. My recollection is that it came from the Committee on Agriculture.

Mr. BUTLER. They procured it, I think.

Mr. HAUGEN. It was authorized, I believe, by the Committee on Public Buildings and Grounds, and properly so. The Committee on Agriculture has no jurisdiction over the construction of buildings.

Mr. MANN. It might be properly so, if that is the case. The question is whether that is the case.

Mr. FITZGERALD. I think that is the case. My recollection is not very clear, but it is that that building was authorized by the Committee on Public Buildings and Grounds.

Mr. MANN. The gentleman may be correct. I have an impression in my mind that it came from the Committee on Agriculture.

Mr. HAUGEN. And inasmuch as this committee had no jurisdiction over the buildings, over the building of a public building, I rose more for the purpose of calling to the attention of the Committee on Public Buildings and Grounds the need of a new building to meet the needs of that department, in order that the employees of that department may be housed under one roof, and that we may do away with some of this duplication of work, with a great number of messengers and libraries and various other expenses that might be saved. I rose more for that purpose than any other.

Mr. FITZGERALD. Mr. Chairman, I move to strike out lines 4 and 5, page 69.

The CHAIRMAN. The Chair is advised that we have passed those lines.

Mr. LAMB. Why would the gentleman do that?

The CHAIRMAN. The Chair is advised that the reading is now on lines 6 and 7.

Mr. FITZGERALD. I do not understand that there is any objection.

Mr. HAWLEY. Mr. Chairman, I object to returning to that.

Mr. FITZGERALD. I wish the gentleman would listen to what I desire to say.

Mr. HAWLEY. I will reserve the objection.

Mr. FITZGERALD. It is the appropriation of money to be used as an emergency rent fund. No other department of the Government has any such fund. We are spending nearly $600,000 for rent in the city of Washington. We ought not to encourage by appropriations of this kind the renting of space unless it is absolutely necessary.

Mr. LAMB. If it had not been necessary we would not have done it.

Mr. FITZGERALD. It is not necessary.

Mr. MANN. Mr. Chairman, the gentleman from New York will remember that, for the first time, there is carried a specific appropriation for rent in the District of Columbia; that heretofore the item covering rent in the District of Columbia has been included in lump-sum appropriations, so that the exact amount for rent was not fixed by the appropriation act. I think the committee has done wisely in segregating the rent items from the ordinary lump-sum appropriation items, and providing specifically for rent, but in order to do that the committee has provided an emergency fund, very properly, it seems to me.

Mr. FITZGERALD. Mr. Chairman, the gentleman from Illinois surely does not think that is necessary. In the first place, in making these specific appropriations, $4,680 more is appropriated for the next fiscal year than is being paid for rent during the present fiscal year.

Mr. LAMB. Because rent has gone up like everything else.

Mr. FITZGERALD. They are making provision for additional appropriation, and then in addition they desire to have $10,000, so that if somebody determines he wishes more room than has been authorized by Congress he would have an appropriation equivalent to about 12 per cent of the entire appropriation for rent with which to get additional room. In addition to that, they are using buildings which cost, exclusive of the site, $1,500,000. It seems to me that if this department is given $85,000 for rent, $4,680 more than they are using this year, in addition to the buildings they are occupying, that is all that Congress should reasonably be asked to appropriate.

This department is expending about 12 per cent of the entire expenditures for rent in the District of Columbia. I think it is about time we should attempt to stop the expenditure of nearly $600,000 a year for rent in the District. It seems a very good thing to own property here and rent it to the Government.

Mr. LAMB. Mr. Chairman, it seems to me it will appeal to every man's common sense that in a department as large as this you must, when they are renting as many houses as they do rent, have an emergency fund to meet any unforeseen contingencies which might arise, such, for instance, as the burning up of some of these houses, and many other contingencies that will appear to thoughtful men.

Mr. FITZGERALD. But if the houses burn, they would have the money available for the rent of those houses with which to rent others, because the obligation to pay would cease as soon as the house was sufficiently destroyed so as to become uninhabitable.

Mr. LAMB. One can very well imagine any number of emergencies that might arise where you rent as many houses as these people do and furnish room for 12,000 people to work in. It is a big job. An emergency fund of $10,000 is a small emergency fund in view of the fact that they have to rent so many houses, and if it is not expended it will be turned back into the Treasury.

Mr. FITZGERALD. That is no excuse for making appropriations.

Mr. BEALL of Texas. Mr. Chairman, will the gentleman yield?

Mr. FITZGERALD. Yes.

Mr. BEALL of Texas. I would like to have the benefit of the gentleman's experience in matters of this kind heretofore. Has he ever known of an instance where this sort of an appropriation was made when it was not used during the year?

Mr. FITZGERALD. I could not say that, because there has never been such an appropriation made for any department of the Government to my knowledge, and I am somewhat familiar with appropriations for rents. I have gone through some of the rented buildings in the District of Columbia. I have been through storage warehouses, so-called fireproof buildings, claimed to be necessary for the Government service, where useless and obsolete public documents were thrown carelessly on the ground, occupying space for which the Government is paying excessive prices. I think if we give to the Department of Agriculture $4,680 more for rent for the next year than it is expending this year, we are doing all that it can reasonably require. If we were to grant the requests of all of the departments for rents we would add $60,000 or $70,000 additional to the almost $600,000 now being expended.

Mr. BUTLER. Is the gentleman able to recall at this time the amount that we pay in the District of Columbia at the present time for rent?

Mr. FITZGERALD. It is between $560,000 and $600,000 a year.

Mr. BEALL of Texas. Does not the gentleman think this is just an invitation to them to expend $4,680 more than is necessary?

Mr. FITZGERALD. I think it is unnecessary, and I think it is bad legislation.

Mr. MANN. Is it the intention of the gentleman's committee this year in reporting the sundry civil bill to segregate the items of rent in the District of Columbia from the lump-sum appropriation carried in the bill as ordinarily provided——

Mr. FITZGERALD. My recollection is——

Mr. MANN (continuing). So that we can ascertain what the rental really is?

Mr. FITZGERALD. So far as I know, we named the rent. The gentleman can find out the rent for any public building by taking the statement in the Book of Estimates, where it is all set forth in detail.

Mr. MANN. But that is another proposition. The gentleman's bill, unless he changes it, will carry an item under the Geological Survey, a portion of which is to be expended for rent. There will be no information to the House as to the amount expended for rent and no limitation on the amount which may be expended.

Mr. FITZGERALD. I think the gentleman is mistaken. My recollection of the bill is that it provides specifically for rent for the various bureaus, and, without having looked at the sundry civil bill, my recollection is freshened somewhat by the fact that for several months some of the departments have been pressing me to recommend legislation which would enable them to obtain additional quarters and to obtain additional property for rent. I examined into one of the proposals, and I found out that, although on several occasions the Government has been able to make arrangements by which rental has been fixed at 5 per cent of the cost of the property, these propositions would involve an expenditure running up to between 10 and 11 per cent net return to the owners.

Mr. MANN. Will the gentleman yield on that? Is it not a fact that in the last Congress we inserted an item in one of the appropriation bills requiring the department to estimate separately for rent in the District of Columbia, and that that was the only time they have ever been estimated for separately?

Mr. FITZGERALD. I do not recall. We may have done so?

Mr. HAY. It is the law anyway—the law of March 3, 1877.

Mr. MANN. It has never been done.

Mr. HAY. It may not have been executed.

Mr. MANN. I do not think it is the law.

Mr. HAY. I just read it a minute ago.

Mr. MANN. I am not going to dispute what the gentleman said, of course. I do not think it was ever done except in the case that I speak of. They have been required to carry, and I think the gentleman's bill carried, items separately for rent for the first time.

Mr. HAY. Yes.

Mr. MANN. Because they had been estimated for separately for the first time.

Mr. HAY. Under the act of March 3, 1877.

Mr. MANN. Under an act of the last Congress.

Mr. HAY. Under the act of March 3, 1877.

Mr. LAMB. We segregated these amounts for the first time, and we thought it would be in the interests of this department and in the interests of good government to have this provision in the bill. It was thoroughly gone over with Mr. Zappone. I talked with him myself, and he thought it was right. We must trust these people sometimes.

Mr. BUTLER. Mr. Chairman, what is pending?

The CHAIRMAN. The amendment of the gentleman from New York [Mr. FITZGERALD] is pending.

Mr. FITZGERALD. I can do this in a different way if the objection is made at this time.

The CHAIRMAN. The gentleman from New York [Mr. FITZGERALD] proposes an amendment to lines 4 and 5.

Mr. HAWLEY. That can not be reached except after a return to that paragraph, and I object to the return.

The CHAIRMAN. The gentleman from New York [Mr. FITZGERALD] asks unanimous consent to return to the paragraph to offer an amendment.

Mr. HAWLEY. I object.

Mr. FITZGERALD. I offer the following amendment.

The CHAIRMAN. The gentleman from New York offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amend, page 67, line 7, by adding after the word "dollars" the following:

"*Provided*, That no appropriation herein shall be expended for rent for any building not now occupied by the Department of Agriculture."

Mr. LAMB. We should not do that. These people have to have some leeway. It would throw them out of doors some time if you did that.

Mr. FITZGERALD. Mr. Chairman, this part of the bill was read hastily, so that the paragraph which I wished to strike out was passed before an opportunity was given to strike it out. If members of the committee do not wish the committee to fairly pass on that question I have to resort to another method of accomplishing the same purpose.

Here is this department, which occupies a building costing $1,500,000; in addition, specific appropriations are made for rent of buildings for them amounting to $85,329. This is $4,680 more than is expended in this fiscal year for rent. In view of these facts, it seems to me there is no excuse to give the department an emergency appropriation of $10,000 for additional rent in the District of Columbia.

Mr. RUBEY. Will the gentleman yield?

The CHAIRMAN. Does the gentleman from New York yield to the gentleman from Missouri?

Mr. FITZGERALD. I yield.

Mr. RUBEY. In case your amendment is adopted and one of the buildings should burn down, what would the Agriculture Department do for another building?

Mr. FITZGERALD. That may be adjusted in a different way. I wish to get an expression of the opinion of the House as to the propriety of giving this emergency fund. I could do it in this way, and any change necessary to take care of a situation like that can easily be made.

Mr. HAWLEY. Mr. Chairman, I wish to be heard in opposition to the amendment when the gentleman has completed his statement.

Mr. FITZGERALD. That is all I wish to say. I think if this department is given an emergency fund for rent they will

spend it, and we will soon be spending close to $700,000 for rented buildings in the District of Columbia instead of $600,000.

Mr. HAWLEY. The committee for the first time have segregated items of rent for bureaus and offices in the Department of Agriculture, so that the House might know what amount was being paid for rent in each of these bureaus and offices. The appropriation proposed was made on information furnished us. In the administration of this department its work increases rapidly from year to year, and no one can now say whether the amounts appropriated for each of these several offices and bureaus are adequate to provide reasonable accommodations for them during the fiscal year ending June 30, 1913. In addition to that, there is a new building being constructed near the location of the present buildings of the Department of Agriculture, which, I think, is a seven-story building, and is being especially constructed for the use of the Bureau of Plant Industry, in whole or in part.

Mr. BUTLER. A private institution?

Mr. HAWLEY. A private building is being erected in order to assemble in one place the work of the bureau now divided among many small buildings that are unsafe for the records, bad for the health of the employees, and which are so separated as to impair efficiency. It is proposed to assemble them all under one roof and do away with some expenses of minor character, and is in the interests of greater efficiency. It is also for the purpose of putting the records where they will be safe, and where the employees may have reasonably adequate accommodations.

Now, if the gentleman's amendment is carried this step toward increased efficiency in the department will be checked, and we will not be able to take it. We can not use any of the money for the renting of this new building. I have been in several bureaus of this department, and they are very much crowded, and if the work develops, as it must necessarily develop under the provisions we have made in this bill, they will not have places in which to house themselves. It seems to me that for this year it is entirely proper to carry in the bill, without the limitation proposed by the gentleman from New York [Mr. FITZGERALD], a sum as small as $10,000 with which to provide for emergencies that no one could tell about when the bill was prepared.

Mr. COOPER. I understood the gentleman to say in reply to the question of the gentleman from Pennsylvania [Mr. BUTLER] that some private individual is now constructing a building which will house these various bureaus?

Mr. HAWLEY. House the Bureau of Plant Industry.

Mr. COOPER. Who is the individual?

Mr. HAWLEY. I do not know.

Mr. FITZGERALD. Is the gentleman familiar with the condition of the arrangement just proposed?

Mr. COOPER. What surprised me was that a private individual was completing a structure and was arranging a contract with the Government of the United States.

Mr. HAUGEN. I will say to the gentleman that that is being done right along. We have a number of buildings in that way.

Mr. COOPER. Mr. Chairman, I want to ask another question. For how long a time will the Department of Agriculture be authorized to contract with this private individual for the use of this structure that he is now erecting?

Mr. HAWLEY. For a year at a time, but with permission to renew the lease, providing legislation warrants it, for a period of five years; but they can vacate at the end of a year.

Mr. LAMB. Mr. Chairman, I ask my friend if he will not withdraw his objection to the motion of the gentleman from New York [Mr. FITZGERALD], against his amendment striking out lines 4 and 5, and let us have a vote on this proposition.

Mr. FITZGERALD. I think that would be a fairer way.

Mr. MANN. Let us have a vote on this proposition.

Mr. RUBEY. Mr. Chairman, I would like to have two minutes.

The CHAIRMAN. The Chair is glad to recognize the gentleman from Missouri [Mr. RUBEY].

Mr. RUBEY. Mr. Chairman, I want simply to say this, that when this matter came before our committee I was absolutely surprised at the amount of money we were paying in rent. A further investigation proved to me that from a business standpoint this Government is pursuing the wrong policy in renting any buildings in the city of Washington. It ought to own its own buildings. We are now paying rent to these people for buildings all over this city, and those buildings are netting their owners all the way from 5 to 6 and 7 per cent, and so on up. It is absolutely unbusinesslike. The Government ought to own its own buildings in the District of Columbia.

We know that. That is a condition that exists, and the committee has to meet it. Therefore we necessarily had to make the appropriations to pay those rents, and we made them, and I do not think that the paragraph that has been proposed to be stricken out should be stricken out.

In connection with the statement of my opinion I want to say, Mr. Chairman, that about a year ago Congress passed a bill authorizing a commission to select a site and to erect a memorial to Mr. Lincoln. I introduced into this Congress, not long ago, a bill which authorizes that commission to erect a Lincoln memorial agricultural building, and if that were done we could put out there on the Agricultural Department grounds a splendid, great big building, where we could take care of our Department of Agriculture and put all its various bureaus under one roof. That would be far better than the present condition, where we are renting buildings here and there at enormous rates all over the city.

Mr. BUTLER. Mr. Chairman, I move to strike out the last word of the amendment.

The CHAIRMAN. The gentleman from Pennsylvania moves to strike out the last word.

Mr. BUTLER. Mr. Chairman, I know that it is useless and out of place, perhaps, to make the suggestion that we ought to complete that building for the Department of Agriculture. I recall very distinctly the pride that I had in voting for the bill, that contained a moderate sum of money to erect a building dedicated, in a way, to agriculture. To our amazement we discovered that those who were in authority—I do not know who was responsible; whoever he is ought to be charged publicly with it—seem to have diverted and misdirected the expressed intention of Congress by erecting two legs of the building and not erecting its main body.

Mr. HAWLEY. Two wings instead of two legs. [Laughter.]

Mr. BUTLER. Yes; Brother HAWLEY says "two wings of a building," and leaving the body out of it. [Laughter.] Whoever was responsible for it did it with a disregard of the wishes of Congress, because that is not a building, and I do not suppose anybody would describe it as a building. One million five hundred thousand dollars was appropriated, a modest sum of money, but sufficient in amount to have erected a handsome building complete, in which we could have housed all the people engaged in the administration of that work.

Now, we spend almost $100,000 a year in rent for this department. That is the interest on $3,000,000. It will soon be $120,000—this year—or the interest on $4,000,000.

Mr. COOPER. Mr. Chairman, will the gentleman permit a question right there?

The CHAIRMAN. Does the gentleman from Pennsylvania yield to the gentleman from Wisconsin?

Mr. BUTLER. With pleasure.

Mr. COOPER. Suppose those two wings were together. Would they house any more people than they do now?

Mr. BUTLER. They would not.

Mr. COOPER. What is the great crime, then, in putting them apart?

Mr. BUTLER. Mr. Chairman, I did not charge anybody with committing a crime, but I did charge whoever was responsible with having disregarded the plain intention of Congress, because it is not one building, but two disjointed parts of a building.

Mr. COOPER. Mr. Chairman, then the gentleman's anxiety and desire is not to complain on account of the lack of accommodation which the expenditure of $1,500,000 would have given, but to fix the crime on somebody for building the wings.

Mr. LAMB. Oh, Mr. Chairman, we can not waste time in discussing the two wings of that building. [Laughter.]

The CHAIRMAN. The time of the gentleman from Pennsylvania [Mr. BUTLER] has expired.

Mr. LAMB. Mr. Chairman, I ask for a vote on the amendment offered by the gentleman from New York [Mr. FITZGERALD], the gentleman from Pennsylvania [Mr. BUTLER] having withdrawn his amendment.

Mr. FITZGERALD. I withdraw the pending amendment and move to strike out lines 4 and 5.

The CHAIRMAN. Without objection, the pending amendment will be withdrawn. The gentleman from New York [Mr. FITZGERALD] moves to return to lines 4 and 5 for the purpose of offering an amendment. The Clerk will read the amendment.

The Clerk read as follows:

Amend page 60 by striking out lines 4 and 5.

The CHAIRMAN. The question is on the amendment offered by the gentleman from New York [Mr. FITZGERALD].

Mr. MANN. Mr. Chairman, so much has been said in reference to the existing Agricultural Department Building over here and the methods of its construction that I am going to make a slight contribution on the subject.

The Senate passed a bill for a new Agricultural Building, a bill which came to the House and was passed by the House, providing for the construction of a building to cost a million and a half dollars. That bill came from the Committee on Public Buildings and Grounds, although I was temporarily under the impression that it came from the Committee on Agriculture. There was an officer authorized in the Department of Agriculture to have charge of the matter, and my recollection is that the matter was given in charge of Dr. Galloway, now and then the head of the Bureau of Plant Industry. Plans were prepared for the construction of a building in accordance with the act of Congress. But we had had an Art Commission that had made plans for the beautification of Washington, some of which have been carried out and more of which have not been carried out, but which are constantly before us.

After those plans had practically been agreed upon for the construction of the building, some gentlemen or architects connected with the Art Commission—and the term "Art Commission" is not a proper term; it grew out of the McMillan Committee in the Senate, the committee that went abroad. Gentlemen came down here, I think Mr. McKim, of New York, was one of them, and they had a session with the persons connected with the administration. President Roosevelt took the matter up with these gentlemen connected with this fine-art proposition, and with a gentleman who was then a Member of his Cabinet and is now, I believe, a Member of Congress, and it was finally determined by the President that the recommendations of this commission should be adopted, and directions to that effect were given to the Secretary of Agriculture.

I have never objected myself to the division of the building into three parts, only two of which were constructed, but I have frequently observed here and elsewhere that no place could ever be hot enough properly to punish those gentlemen who located those buildings one story beneath the surface of the ground, where clerks in time of hot weather were compelled to work in rooms where the air was not free and generous in hot weather.

I do not know whether that blame is on the part of the architect who was a member of this commission or not. But the President—President Roosevelt then—simply felt that it was his duty to follow the recommendations of this commission, which had made an exhaustive study of the beautification of Washington and the development of the Mall at an expense of some sixty or seventy thousand dollars, paid out of the Senate contingent fund. We located the Grant Monument down here in accordance with the same proposition precisely—another mistake, in my judgment—and it is expected that we will locate the Lincoln Memorial at the other end, between here and the river, in line with the Washington Monument, on the same plan; and every plan in recent years concerning buildings to a certain extent is following the recommendations of that commission. The gentlemen here who cavil about following it in connection with the Department of Agriculture Building ought to remember their opinion when they are called upon to vote on these other propositions for the beautification of Washington and the construction of public buildings here.

Mr. DALZELL. May I ask the gentleman if the construction of these wings exhausted the million and a half dollars appropriated for the building? It was intended for a building, was it not?

Mr. MANN. It was intended for a building. It did exhaust the appropriation.

Mr. HAUGEN. I want to call the attention of gentlemen to this fact, that the construction of this building for the Department of Agriculture is not different from the construction of other buildings on similar ground. The State, War, and Navy Building, the Interior Department Buildings, and the Treasury Building are all constructed in the same way.

Mr. MANN. I do not know whether the Treasury Building was originally constructed underground or not. I know that a part of it is below the level of the ground now. But it is not underground like the Agricultural Department Building.

Mr. LAMB. Oh, yes.

Mr. MANN. The whole first story of the Agricultural Building is underground, and inaccessible, unless you go down a flight of stairs.

Mr. LAMB. I think, if I chose to do so, I could tell as much about that as any man here, because the Agricultural Committee went in a body to see the gentleman charged with the responsibility, whose name gentlemen on either side will not call. I know all about it, but I do not choose to bring it in here now for discussion. It is to a certain extent ancient history. Belonging on the other side, I do not choose to discuss the question. It was supposed by our committee that the buildings were going to be put on top of the ground; but Congress adjourned, and when we came back here the building was under the ground.

Mr. CANNON. Mr. Chairman, I should like to ask the gentleman a question. When the appropriation was made for the Agricultural Department Building, or the first wing, as I recollect—I have not looked it up lately—it was to be constructed immediately in the vicinity of the present building. Am I correct?

Mr. LAMB. It seems to me so.

Mr. CANNON. That is my recollection. In pursuance of that there was an excavation made, as the appropriation provided—a hole in the ground. Subsequently, without any legislation whatever, the east wing as it now stands was built at a place not adjacent to the present Agricultural Building. Am I correct about that?

Mr. LAMB. That is my recollection.

Mr. CANNON. And a new excavation, as I recollect in a general way, was made so as to construct that wing adjacent to the old building, then standing and still occupied, costing, if I recollect aright, to make that hole in the ground $40,000.

Mr. LAMB. I do not know how many thousand dollars it cost. I know it ought not to have been done in that way.

Mr. CANNON. But that was abandoned, and so far as I recollect, without any change in legislation, the east wing was constructed as it now stands. I have not refreshed my recollection, but I think I am not mistaken about it.

Mr. LAMB. I ask for a vote.

The CHAIRMAN. The question is on the amendment of the gentleman from New York [Mr. FITZGERALD].

The question being taken, on a division (demanded by Mr. FITZGERALD) there were—ayes 20, noes 41.

Accordingly the amendment was rejected.

Mr. LEVY. I ask unanimous consent to return to page 68, line 18, to offer an amendment.

The CHAIRMAN. The gentleman from New York [Mr. LEVY] asks unanimous consent to return to page 68, line 18, for the purpose of offering an amendment.

Mr. McLAUGHLIN. Reserving the right to object, I should like to know what the amendment is.

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Page 68, strike out the words "twenty-five thousand and seventy-five dollars" in lines 18 and 19 and insert in lieu thereof the words "fifteen thousand dollars."

Mr. McLAUGHLIN. I object.

Mr. LEVY. I should like the opportunity to explain this amendment.

The CHAIRMAN. The gentleman from Michigan objects. The Clerk will read.

The Clerk read as follows:

Salaries, Office of Experiment Stations: One director, $4,500; 1 chief clerk, $2,000; 1 computer, $2,000; 1 draftsman, $1,800; 1 clerk and proof reader, $1,800; 1 executive clerk, $1,600; 1 editorial clerk, $1,400; 1 editorial clerk, $1,200; 1 draftsman, $1,200; 2 clerks, class 3; 4 clerks, class 2; 7 clerks, class 1; 6 clerks, at $1,000 each; 12 clerks, at $900 each; 1 messenger, $840; 3 messengers, messenger boys, or laborers, at $600 each; 4 messengers, messenger boys, or laborers, at $480 each; 1 skilled laborer, $900; 5 laborers or charwomen, at $480 each; 2 laborers or charwomen, at $240 each; in all, $59,840.

Mr. FOWLER. Mr. Chairman, I reserve a point of order on page 69, line 13—

One executive clerk, $1,600.

That is new legislation.

Mr. LAMB. This is simply a new place, to take care of the additional work of the bureau. That is all there is of it.

Mr. LEVER. I should like to ask the gentleman if he insists on his point of order? If so, I should like to be heard on the point of order.

Mr. FOWLER. I reserve the point of order, if the gentleman desires to be heard upon it. I think I shall insist on the point of order unless there is some good reason offered for creating this executive place.

Mr. LEVER. Let me say to the gentleman from Illinois that the Office of Experiment Stations is one of the biggest offices in the Department of Agriculture. It deals with the distribution of the funds under the Morrill Act, under which the various agricultural colleges of the country have been established. It also deals with the expenditure of money under the Hatch Act, which created the various experiment stations in the various States of the Union. It also disburses the money available under the second Morrill Act of 1890, which was a further endowment of agricultural colleges. It also has to do with the proper disbursement of the money under the Nelson amendment and the Adams Act, and that work necessarily increases as time goes along. This new place has been added for the purpose of taking care of the increasing work of this great

office. And I will say to my friend that if he will go through this roll of the Office of Experiment Stations he will find that very few new places have been added. I think there are only two in the whole roll, and this for a bureau which expends as much money as any bureau in the Department of Agriculture except the Bureau of Forestry. It is a very important bureau.

Mr. FOWLER. Does the gentleman yield?

Mr. LEVER. Yes.

Mr. FOWLER. I desire to ask if it is not a fact that under this paragraph a number of clerks have been added for the purpose of doing the very same work which the gentleman has detailed in his argument in favor of creating this new place?

Mr. LEVER. I will say to the gentleman frankly that after looking hastily through the roll as submitted to us, and looking through the bill, I do not find that there is any new place added except the one to which he refers and one other, involving only a $900 new place.

Mr. FOWLER. In line 17 there are two clerks of class 3. I ask if they are not new?

Mr. LEVER. I think there has been an addition of perhaps one clerk at $900.

Mr. FOWLER. There are two clerks of class 3.

Mr. LEVER. That is a transfer to the statutory roll from the lump fund for drainage, in accordance with the law on the subject. The gentleman has been informed, as we have gone along in this bill, that an amendment was put on the Agriculture appropriation bill in the Senate last year, requiring that all positions of a clerical nature should be transferred from the lump fund to this statutory roll. There really have been but two new places provided, I think, in this roll. One is the place to which the gentleman refers, one executive clerk, $1,600, and the other, as I now understand it, one clerk, at $900.

Mr. FOWLER. Why can not the work be done by the two additional clerks of class 3 created by this act?

Mr. LEVER. The gentleman does not understand. These clerks to whom he refers, in class 3, are transferred from the lump fund to the statutory roll, and when transferred they will be doing the same work that they are now doing while they are paid out of the lump-sum fund.

Mr. FOWLER. What does this executive clerk do?

Mr. LEVER. I can not give the details of that. I presume he takes care of the correspondence, and various things of that kind.

Mr. FOWLER. Were there any hearings upon that question, and was any recommendation made for the creation of this new clerk?

Mr. LEVER. The department says:

> This is to take care of the additional work of the bureau, and will enable a few promotions to be made.

I should like to discuss that proposition. The difficulty with a lot of these rolls has been that we do not make any places at the top, so that there is no chance of promotion of the little fellows at the bottom. In other words, the statutory roll is absolutely air-tight, except by legislative enactment, and unless we make an occasional promotion at the top of the roll it is absolutely impossible to promote from the bottom. In other words, the promotions must go up as vacancies occur at the top of the roll.

Mr. FOWLER. This new place was created for the purpose of giving everybody a chance to make one upward step.

Mr. LEVER. Not that entirely, but that was a consideration, and I think that will be a very wise thing to do. We do not want the men who work day in and day out at the bottom to have no hope of reward for long and good service.

Mr. FOWLER. Why did you not increase the salaries of the small-paid clerks?

Mr. LEVER. We did increase the salaries of 159 of these low-grade clerks.

Mr. HAUGEN. Mr. Chairman, I wish to state that this increases the number of clerks to be employed, and, according to the ruling of the Chair the other day, it is not subject to a point of order, inasmuch as it has been previously authorized. It is a new place, but a point of order does not lie against an increase in the number of employees where an increase in number of clerks is found necessary in the administration of the affairs of the bureau.

Mr. FOWLER. Mr. Chairman, in view of the fact that no good reason has been offered for the creation of this new place, I make the point of order that it is new legislation.

The CHAIRMAN. The Chair is prepared to rule. The Chair is aware that the general act governing the department gives the head of the department power to employ additional employees, including clerks, no matter what they may be called; but the Chair understands that the compensation of these clerks must be fixed by existing law. If a new clerk is appointed to a position that had not heretofore existed, and it does not fall within the classifications covered by existing law, obviously there will be no existing law fixing his compensation. As the Chair understands it, the compensation for clerks carried on the roll under whatever designation, or employees under whatever designation, may be continued upon the theory that the compensation is fixed by the last appropriation bill, which is an exception to the general rule that an appropriation bill governs only the year for which it was enacted, but under that exception alone apparently the compensation is fixed by law for employees. It appears to the Chair if the new clerk is appointed, with a new designation to which no salary is attached, to a position not heretofore carried, then it is obnoxious to the point that there is no existing law fixing the compensation. The Chair is of the opinion that the point of order must be sustained, and therefore sustains the point of order.

The Clerk read as follows:

> To carry into effect the provisions of an act approved March 16, 1906, entitled "An act to provide for an increased annual appropriation for agricultural experiment stations and regulating the expenditure thereof," the sums apportioned to the several States and Territories to be paid quarterly in advance, $720,000: *Provided*, That not to exceed $15,000 shall be paid to each State and Territory under this act.

Mr. MANN. Mr. Chairman, I move to strike out the last word. How much of this money is now being expended by the Government? Has the money all been expended?

Mr. LAMB. Yes.

Mr. LEVER. Oh, yes; undoubtedly the money is all being expended.

Mr. MANN. It is taken by every State and Territory?

Mr. LEVER. That is our understanding of it.

Mr. LAMB. They submit a detailed statement to the Secretary of Agriculture every year. They have to do that.

Mr. MANN. I understand that. And they are asking for more now?

Mr. LAMB. They are not asking for more, but the gentleman from South Carolina [Mr. LEVER], in a bill which he has introduced, is asking for additional appropriations for another purpose—to make this educational system complete, and to have it take up from these various agricultural colleges and experiment stations the information they have been gathering since the Morrill Act in 1862 and put it out on the farms in the way of demonstration. The gentleman will agree to that bill, I am sure.

Mr. MANN. Mr. Chairman, as I understand it, there are two propositions now pending. One is that the Government shall increase the amount to be expended by the States or experimental colleges in giving primary instruction in agriculture and the other is to have an increased sum expended by the Department of Agriculture.

Mr. LEVER. In cooperation with the States, and conditioned upon the fact that the States themselves must appropriate as much to that purpose as they get from the Federal Government, and no more.

Mr. MANN. Yes; but the two propositions are entirely distinct.

Mr. LEVER. I think not.

Mr. MANN. I think so. One is to have the work under the direction of the Department of Agriculture, and the other is to have the work under the direction of the State experiment stations.

Mr. LEVER. That is not quite the fact. The latter proposition which the gentleman has in mind is a bill which I have introduced, and which has been indorsed by the various agricultural college organizations of the country, appropriating a certain sum to be expended through the agricultural colleges. Of course, the general administrative features will be under the control of the Department of Agriculture, just as they are now under the Morrill and supplementary Hatch Acts. The other proposition I do not have in mind, unless the gentleman is referring to the Page bill, which is an entirely different proposition.

Mr. MANN. I have not examined the Page bill. That may take another tack, but there are several bills pending in the House.

Mr. LEVER. Oh, yes; quite a number, involving quite a number of different ideas.

Mr. MANN. Some of which contemplate one plan and some of which contemplate the other plan. As I understand the plan of the gentleman from South Carolina [Mr. LEVER] in his bill, it is that the money shall be expended through the State experiment stations.

Mr. LEVER. Through the agricultural college of the State. That is a big difference which the educators make. That is the reason I call attention to it.

Mr. TOWNER. Mr. Chairman, will the gentleman permit another question on that point? As I understand, this appropriation refers only to carrying on the work already in existence with regard to assisting the experiment stations that are now established by the State agricultural colleges.

Mr. LEVER. That is true. This amount is appropriated each year and is a continuing appropriation.

Mr. TOWNER. And the bill which the gentleman has introduced and to which he referred a moment ago is for the purpose of a further extension of the work, but along the line of demonstration work in which the agricultural experiment stations will collaborate with the National Government in establishing experimental stations for work in the various districts of the United States.

Mr. LEVER. Hardly. The gentleman does not quite get the theory. It is not the purpose of the bill which I have introduced increasing appropriations for this purpose to establish in the various districts of the country additional experiment stations. The purpose is to give to the various States, through their agricultural colleges, a sum of money sufficient to make actual demonstration with the farmer himself, and upon his own farm, as to the advisability of putting into effect in his community the expert findings of the men whose duty it is to make these investigations and reports.

The Clerk read as follows:

To enable the Secretary of Agriculture to establish and maintain agricultural experiment stations in Alaska, Hawaii, Porto Rico, and the island of Guam, including the erection of buildings, the preparation, illustration, and distribution of reports and bulletins, and all other necessary expenses, $105,000, as follows: Alaska, $30,000; Hawaii, $30,000; Porto Rico, $30,000; and Guam, $15,000; and the Secretary of Agriculture is authorized to sell such products as are obtained on the land belonging to the agricultural experiment stations in Alaska, Hawaii, Porto Rico, and the island of Guam, and to apply the money received from the sale of such products to the maintenance of said stations, and this fund shall be available until used.

Mr. MANN. Mr. Chairman, I reserve the point of order on the paragraph. I would like to ask the gentleman from Virginia if he can give us the data as to how much these products produced at these various experimental stations have sold for? We spend $30,000 a year for experimental purposes in Alaska to maintain an experimental farm and authorize the Secretary to sell the produce of that farm. I have a curiosity to know how much we get for the produce that we raise by the expenditure of this $30,000.

Mr. LAMB. I have all that information in my room, but I have not got it here.

Mr. MANN. The gentleman ought to have it here. This is the place for it. It is of no benefit to me over in the gentleman's room.

Mr. LAMB. Exactly. I can tell the gentleman that there is not much from these foreign experimental farms, but there is something from the produce of our own farms around here; yet not so much as we hoped for when we established them.

Mr. MANN. We have been maintaining an experimental station in Alaska for a great many years.

Mr. LAMB. I do not think there is anything from that.

Mr. MANN. At an expense of $30,000. We have been maintaining another at the island of Guam at a yearly expense of $15,000 for a good many years. Guam is not very large. I do not know whether we are engaged in raising produce down there for the benefit of the natives who live in Guam or the people whom we send down there to run the government, but I would like to know whether any of our scientific farmers are able to get out of the produce which they sell one-half as much as it costs to run the station?

Mr. HAWLEY. Mr. Chairman, will the gentleman yield?

Mr. MANN. Certainly.

Mr. HAWLEY. So far as the Alaska station is concerned, they have been working up there to breed oats, wheat, and other cereal crops, and also to raise vegetable crops that will thrive in that cold region; and they have succeeded in breeding a good many and are distributing the seeds both of the cereals and the vegetables among the people there so that the people can provide themselves with vegetables and cereals without the enormous expense of transporting such supplies into that country.

Mr. MANN. I do not understand that they have been breeding up there very much. I understand that in Alaska, and I have read all the reports from the experiment station up there for years, they have been experimenting with different breeds of wheat, different kinds of small fruits——

Mr. HAWLEY. That is true also.

Mr. MANN. And different kinds of vegetables, where they procure the seed from other far north latitudes, and they give glowing stories sometimes about what they can raise, but do they raise anything?

Mr. HAWLEY. The director of the experiment station there was before the committee two years ago and he gave us some detail statements of their work there that seemed to be very useful and successful.

Mr. MANN. I suppose we shall go ahead with making the experiments. In fact, I would not stop the work, but I have read the reports of the experiment station up there. It never has struck me that they are doing anything. If it is true as some people claim that Alaska is a hidden territory, prepared to grow wheat in great quantities, they ought to be able to discover that after the course of many years. Does the gentleman from Oregon believe that anybody up there is growing anything, except the Government of the United States?

Mr. HAWLEY. I only know what was reported to us by the director and, I think, by the Secretary, that they were distributing these seeds of vegetables and cereals and encouraging the people up there to grow them, and that they were growing some.

Mr. MANN. Does anybody else grow them?

Mr. LAMB. They brought before our committee two years ago specimens of wheat and other things growing up there.

Mr. HAWLEY. Those were grown at the experiment station. The gentleman is asking for things grown by individuals.

Mr. LAMB. We asked the question if they could grow these cereals, and they said yes.

Mr. MANN. Of course, one can get specimens of wheat grown almost any place. It looks fine, but is it profitable to grow it? In the course of time have they gotten anybody else to see the benefit of these experiments, so that there is any good coming out of them?

Mr. HAWLEY. That was the understanding we had on the committee, namely, that they were inducing the residents there to use these seeds, and that they were succeeding with them.

Mr. MANN. I would like to know how much they get for the produce.

Mr. LAMB. If we had come in here with this item stricken out, we would have had a struggle.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

Nutrition investigations: To enable the Secretary of Agriculture to investigate the nutritive value of agricultural products used for human food, with special suggestions of plans and methods for the more effective utilization of such products for this purpose, with the cooperation of other bureaus of the department, and to disseminate useful information on this subject, including the employment of labor in the city of Washington and elsewhere, and all other necessary expenses, $12,000.

Mr. EVANS. Mr. Chairman, I move to strike out the word "twelve" in the last line of the paragraph and insert the word "fifteen."

The CHAIRMAN. The gentleman from Illinois offers an amendment which the Clerk will report.

The Clerk read as follows:

Page 72, line 20, strike out the word "twelve" and insert in lieu thereof the word "fifteen."

Mr. EVANS. I know that this is subject to a point of order.

Mr. LAMB. I make a point of order, Mr. Chairman.

Mr. EVANS. I ask for a few minutes. I do not take the time of this House very often, and I now ask your attention to this matter. This subject of bulletins relating to food is one of the most important things and one of the subjects that people are more generally interested in than any other subject for which bulletins are issued. I have before me a list of the distribution of farmers' bulletins on the subject of "nutrition," which shows that 9,958,000 of these bulletins have been issued.

As shown by data secured from the Division of Publications, the number of farmers' bulletins on nutrition issued up to January 19, 1912, is as follows:

The distribution of farmers' bulletins on nutrition, which summarize data from the nutrition investigations of the Office of Experiment Stations.

No.	Title.	Editions.	Number of copies.
23	Foods: Nutritive Value and Cost (replaced by No. 142)		296,000
34	Meats: Composition and Cooking	44	645,000
74	Milk as Food (replaced by No. 363)		385,000
85	Fish as Food	31	370,000
93	Sugar as Food	21	295,000
112	Bread and the Principles of Bread Making	32	475,000
121	Beans, Peas, and Other Legumes as Food	31	420,000
128	Eggs and Their Uses as Food	36	555,000
142	Principles of Nutrition and Nutritive Value of Food	28	410,000
182	Poultry as Food	27	390,000
209	Canned Fruit, Preserves, and Jellies: Household Methods of Preparation	39	762,000
234	The Guinea Fowl and Its Use as Food	11	125,000
249	Cereal Breakfast Foods	16	230,000

The distribution of farmers' bulletins on nutrition, etc.—Continued.

No.	Title.	Editions.	Number of copies.
256	Preparation of Vegetables for the Table	30	740,000
270	Modern Conveniences for the Farm Home	29	305,000
293	Use of Fruit as Food	14	200,000
295	Potatoes and Other Root Crops Used as Food	12	175,000
296	Food Value of Corn and Corn Products	11	165,000
332	Nuts and Their Uses as Food	9	105,000
363	The Use of Milk as Food	8	145,000
375	Care of Food in the Home	14	400,000
389	Bread and Bread Making	10	295,000
391	Economical Use of Meat in the Home	18	1,420,000
413	The Care of Milk and Its Use in the Home	7	100,000
	Total number of copies of all		9,468,000
391	Economical Use of Meat in the Home (reprint ordered by Congress)		500,000
	Second total		9,968,000

That is one for every four and one-half of the grown people in the United States. I am only asking for $3,000 more, because Dr. Langworthy, the head of that department, one of the ablest and one of the most devoted public servants that we have in this country, wants $3,000 more with which to continue the work. Among the things which he wishes to investigate is cottonseed oil. He wishes to investivate also a substitute for potatoes. They wish to investigate a number of things for which they have not sufficient money. I am only asking for $3,000 for a subject which is immensely important and immensely popular. There are very few things that are more interesting to the public generally to-day than food and the nutritious value of food. It is a subject that a great many people are being increasingly interested in all over the country, and schools are being formed for that purpose and men are studying it as they never studied it before. I think the little sum of $3,000 which the department asks ought to be allowed.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Illinois [Mr. EVANS].

The question was taken, and the noes seemed to have it.

Mr. EVANS. Division, Mr. Chairman.

The committee divided; and there were—ayes 13, noes 25.

So the amendment was rejected.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

Drainage investigations: To enable the Secretary of Agriculture to investigate and report upon the drainage of swamp and other wet lands and to prepare plans for the removal of surplus waters by drainage and for the preparation and illustration of reports and bulletins on drainage, including the employment of labor in the city of Washington and elsewhere, rent outside of the District of Columbia, and all necessary expenses, $96,700.

Mr. MANN. Mr. Chairman, I reserve a point of order on the paragraph. I think it is subject to a point of order——

Mr. FOSTER of Illinois. I wish to offer an amendment.

The CHAIRMAN. Subject to the point of order, the gentleman from Illinois [Mr. FOSTER] offers an amendment.

Mr. FOSTER of Illinois. Does the gentleman from Illinois wish to reserve the point?

Mr. MANN. I will reserve the point of order. There is no authorization of law for this drainage investigation, and I would like to know what we are doing and of what good it is. I will be very glad to reserve the point of order.

Mr. FOSTER of Illinois. I would like to say to my colleague that I think under this appropriation the department has gone into parts of the country where we have overflowed land, where there are lands that are necessary to drain before crops can be grown successfully, and devised ways and means where that can be done, preparing plans, and in that way this has been of great assistance to the people of those localities.

Now, my colleague will readily recognize that all over this country there is a great deal of valuable land, some of the most fertile land in the United States, and while it is true that it may be said it is largely a local matter, to be taken up by State and county and local authorities, yet the Agricultural Department is doing a great deal that is no more authorized than this. I think this appropriation has been of great value to the people living in that kind of country. And I hope my colleague will not make the point of order, if it is subject to a point of order, because it is of such great value.

Mr. HAWLEY. In one place I know there were lands that were foul or sour, and the farmers did not know how to treat them. A Government expert went in there and examined the situation. They had put expensive fertilizers on them and tried expensive methods of restoring them to a good condition of agriculture and tillage, but had been unsuccessful. The expert showed them the whole difficulty consisted in the lack of proper drainage; that the waters overflowed and remained there on account of the condition of the soil; and after proper drainage the land became very fertile and fruitful.

Mr. MANN. It does not require a drainage expert to ascertain whether land which is sour or saturated with water would be better off if drained.

Mr. FOSTER of Illinois. The drainage expert knows that is what the land needs. If he knows that, he tells the people, and they can go to work to act according to the plans proposed.

Mr. LAMB. That very question was asked Dr. True, and partly in answer he says that upward of 50 of their projects have been formed in the drainage districts and the construction work is now being carried on or about to be undertaken. He says, however, that it should be understood that the problem of draining large areas of swamp land is a complicated one, and consequently will take people a great deal of time in a number of these areas to understand what is required to be done. So far as I know personally they have made many surveys along the Chickahominy and they have taught those people how they could drain certain large tracts of land.

Mr. MANN. I have no doubt of that.

Mr. LAMB. And in South Carolina all this experimental work of draining is being carried on to a great extent.

Mr. BARNHART. Will the gentleman yield?

Mr. LAMB. Yes.

Mr. BARNHART. I want to inquire where the authority of the Government begins and where it ends in States where agricultural stations are maintained at the cost of the State?

Mr. LAMB. My friend ought to ask me something easy.

Mr. MANN. There are not any that are maintained in that way.

Mr. BARNHART. We have in the State of Indiana the Purdue University, for instance; and notwithstanding the fact that they have soil experts and surveyors, and all of that, the Government sent us a bunch of engineers down in the Kankakee region and made a survey along the stream and analyzed the soil. Why take these men from Washington if the Purdue University is maintained for that purpose right there on the ground, virtually?

Mr. LAMB. Ask me something else that is easy; it is just as difficult as the other question was.

Mr. BARNHART. The State does maintain Purdue University.

Mr. LAMB. Do not these people operate in conjunction with them?

Mr. BARNHART. Not that I know of.

Mr. MANN. That does not make any difference whether they do or not. It is there, and fully able to cope with the problems that arise. We have all had attention directed recently to drainage investigations in the Florida case, where apparently the Government starts out with a view that it is the duty of the General Government to find out how to drain the Everglades of Florida. That work is now being carried on by the State of Florida. I hope it will be done successfully. It ought to be carried on by the State. I can see no reason why the General Government should go in and advise in reference to the drainage of every swamp in the country or every large area of submerged land. The States are quite able to do it. Take the Kankakee swamps in Indiana and Illinois, and those States are quite capable of furnishing all necessary funds for the purpose of drainage, though the Agricultural Department very likely contributes some beneficial knowledge.

Mr. LAMB. Does my friend move to strike it out?

Mr. MANN. I reserve a point of order on it.

Mr. LAMB. I would like to hear the point of order discussed. Why is it subject to a point of order?

Mr. MANN. It is the gentleman's business to show authority for the existence of this provision. If the gentleman can find anything in the law anywhere that authorizes the Government to carry on drainage investigation at this time, I will subside.

Mr. LEVER. Mr. Chairman, I would like to ask the gentleman to continue to reserve his point of order a moment.

Mr. MANN. Yes.

Mr. LEVER. Mr. Chairman——

Mr. FOSTER of Illinois. Mr. Chairman, I would like to have a few minutes' time.

Mr. MANN. Let the gentleman take the floor.

Mr. LEVER. I will suspend, Mr. Chairman, until the gentleman from Illinois [Mr. FOSTER] gets through.

Mr. FOSTER of Illinois. Mr. Chairman, I hope my colleague, Mr. MANN, will not insist upon any point of order against this paragraph. While it is true that the National Government does many things which might properly be done by the States in the way of conducting investigations and examinations affecting agriculture, I am sure that if you will look through this bill

you will find a great many items concerning which the same statement might be made as that which has been made on this particular proposition. I think there is hardly a State anywhere in the Mississippi Valley in which there are not thousands of acres of land that need the right kind of drainage to make them very valuable lands for agricultural purposes.

I know that in the State of Illinois—and I think that our State is a fair sample of what the people in other States are doing for themselves—has done a great deal in the way of promoting agriculture, and yet I know that in that State there are many thousands of acres of swamp land along the river bottoms, such as the Embarrass, Wabash, and the Kaskaskia and other rivers, where, if proper investigations were made as to the drainage of those lands, they could be made more valuable and the owners could be shown methods which if put in operation they would not lose their crops through overflows at certain seasons of the year; and I am sure that it would be the means of adding thousands of dollars to the wealth of the people of that State, and if put in operation over the United States millions of dollars to the wealth of the people of the whole country.

The National Government has gone into the West—and I think properly so—and has devised plans whereby it is possible to irrigate sections of those lands in that country, and as a result of that we have seen these arid sections there that years ago grew nothing and were a barren waste now changed into the most fertile sections of the United States. And so we have spent in the western country many thousands, and even millions, of dollars. It is true that a large bulk of that money will be returned in time to the Treasury, but we have expended a great deal of money there in showing those people how properly to irrigate those lands and how properly to plant certain crops that are produced abundantly; and I am sure that there is no one in the House to-day who does not feel that the National Government has not exceeded its authority when it has gone into that section and shown those people what they can do for their own community.

It can be said with equal propriety that in the States of Utah and Wyoming and Montana and other States of the West they could have taken up those questions and settled them for themselves. But we have not done so; we have not forced them to do that. We have not held a deaf ear to them when they came to Congress and asked that some money be appropriated for those purposes. So when we come to look at the great area—I think it is stated to be an area of 75,000,000 acres in the United States—that could be greatly benefited by proper drainage, we would make of them equally as valuable lands for certain crops in those sections of the country as we have made in the country beyond the Mississippi River in those arid regions to which I have referred.

I do hope that this paragraph may be permitted to remain in the bill and that the appropriation may even be increased, so that the agents of the National Government may go out and create an interest in the matter of drainage and show the people how the work can be done by means of plans and specifications, so that this great area of land may be reclaimed for agricultural purposes. I am sure that when we do that we will add to the wealth of this country by millions, yea, by hundreds of millions of dollars. I believe that as an investment nothing in this bill could be of more value to the people than this item of drainage, which is now proposed to be stricken out on a point of order. I appeal to my good friend from the State of Illinois, Mr. MANN, that he will not insist upon this point of order against this paragraph, but that he permit it to remain in the bill. [Applause.]

The country is now complaining of the lack of land to make homes, and many of our people are going to Canada, where there is a great deal of land yet unsettled. It occurs to me that we could well take in hand the reclaiming of these overflowed and wet lands, so as to help make them productive of food products for the people. For several years now the people have seen the finest crops lost, and most times because there was lacking the proper drainage. We spend hundreds of thousands of dollars to teach the people how to get rid of injurious insects that destroy fruits and other farm products. It occurs to me it is just as legitimate a work for the Government to show the owners of land how to properly drain it as it is to show them how to get rid of insects so as to grow crops. There would be millions added to the wealth of our country each year if these lands could be properly drained.

The wet lands, in many instances, are of the most fertile in the State, and will produce abundant crops if looked after in the right way, so as to get the water off and prevent the injury to crops. The argument that the Government has no right to go into this kind of work, it seems to me, is hardly sound in view of the many other things that are now being done by this great department. Many times all that is necessary to start the work is to send some one out into those regions and show the people what is necessary and how to do it, and they will readily take hold, and in that way the proper condition is brought about. The farmer is always ready and anxious to take hold of projects that will improve his land and make it grow better crops; it is his interest to do so. If that were not true, the Agriculture Department would not to-day be the great success that it is. In Illinois our farmers are sending their boys to the State university, so they may learn how to farm in a scientific way, and as a consequence our farmers are advancing and becoming better educated in farming all the time, and our land is farmed in a more scientific manner than heretofore. The old "slipshod" way of farming in Illinois is a thing of the past, and they are to-day understanding the soil and plant life better than ever in its history.

The day of calling the farmer a back number is past. He is an intelligent man and keeps up with the times. He reads and is posted, and is as able to discuss affairs of the day as well as any other man. The cry "back to the farm" will cease to be necessary when we still carry further the work in favor of the farmer. Let us do what we can to help him, for from the man on the farm must come the necessary means of the sustenance of our people.

We hear much to-day of the high cost of living, and yet the farmer is not getting an exorbitant price for his product. There are too many people who get a profit on what the farmer produces from the time it leaves his hands until it reaches the consumer. Oftentimes the men who handle the farmer's product make more than the farmer who grows the article. The menace of great wealth in this country does not spring from the man on the farm. He is not the one who forms a monopoly, but must take what the buyer of his product desires to give him, and must pay for the necessaries of life and pay for the necessary articles used on his farm what the seller asks. It is to be hoped that this provision may remain in the bill and the amount increased, so that next year more work can be done along this line than in the past.

Mr. CANDLER. Mr. Chairman, I want to say just a word in reference to this matter, and join in the appeal of the distinguished gentleman from Illinois [Mr. FOSTER], who has just taken his seat, to his distinguished colleague over here [Mr. MANN], that he will not insist upon his point of order which he has interposed to this paragraph.

As has already been referred to by the gentleman from Illinois [Mr. FOSTER], one of the great questions in this country is to supply water to certain sections of the country and to certain lands that lie in that part of our great domain. Another great question that is pressing itself upon the attention of the people is this other question of drainage—the best way of getting water off the land when there is too much on it. That is a question that is especially interesting to the people throughout our section of the country, and I dare say throughout many other sections of this great Republic. They are very much interested in it, and while, as was suggested a moment ago by the gentleman from Indiana, certain work may be done by the States and within the States by the agricultural colleges and the experiment stations, still a greater work can be done by the Government of the United States, especially in connection with the agricultural authorities, in the way in which a great deal of this work is being done.

I know that in my own section of the country, while we have had some benefits which have arisen from the provisions of former bills on this subject, and no doubt will derive benefit from this provision, if it remains in the bill, which has been small in comparison with the work that has been done by the local authorities and at their own expense, yet somehow or other, as we well know, the people of this country have got more confidence in the Federal Government than they have in the local authorities. They have more confidence in the experts sent out by the Agricultural Department under this provision and other provisions, and they listen to those experts more intently and adopt their methods more readily than they do in taking the advice of the local authorities, with whom they come in contact frequently—more frequently, perhaps, than they do with the agents of the Federal Government.

Mr. BUTLER. And they also have more confidence in the Federal Treasury. [Laughter.]

Mr. CANDLER. Yes; they also have more confidence in the Federal Treasury. And I am glad that they possess that confidence in the Federal Treasury, and that we all possess that confidence; and I hope the day will never come when the American people will lose confidence in the Treasury of this great Republic. [Laughter and applause.]

Mr. SLAYDEN. Mr. Chairman, will the gentleman yield?

The CHAIRMAN. Does the gentleman from Mississippi yield to the gentleman from Texas?

Mr. CANDLER. With pleasure.

Mr. SLAYDEN. I would like to ask the gentleman what is there that is mysterious about the drainage of swamp lands and wet lands that is to be learned to the extent of $96,000 a year. It is a well-known system of engineering, is it not?

Mr. CANDLER. Of course, there is a plan of engineering. There is nothing mysterious in reference to it. That is very true. Nevertheless, we know that there are lands all over this country, from one end of it to the other, that need drainage. The people need aid and encouragement in many lines in connection with that work. If you are going to investigate only propositions that are mysterious, you will turn aside from some of the most practical things for the benefit of the people of this country—things in which they should be given help and aid, which would be highly to their advantage.

Mr. BOOHER. Mr. Chairman, will the gentleman yield?

The CHAIRMAN. Does the gentleman yield to the the gentleman from Missouri [Mr. BOOHER] or to the gentleman from Texas [Mr. SLAYDEN]?

Mr. CANDLER. I will yield now to the gentleman from Missouri if the gentleman from Texas has finished.

Mr. BOOHER. I would like to ask the gentleman who owns all of this swamp land. Are they private individuals or is it the Government?

Mr. CANDLER. Oh, some of it is owned by private individuals and some of it is State land and some of it Government land, probably.

Mr. BOOHER. If they are private lands, why should not the owners do the draining?

Mr. CANDLER. Just a moment. I did not hear the last remark of the gentleman from Missouri.

Mr. BOOHER. Why should not the owner of swamp lands drain them without appealing to the Government? It seems to me it may be said that some of these people in the employ of the Government want to find out whether water will run down hill. [Laughter.]

Mr. LAMB. Mr. Chairman, I think I can answer that in the words of Dr. True. He says they have different classes of enterprises brought to their attention, and that most of their work relates to the large tracts of land which can be drained only by community effort. He says that in a few instances they have prepared plans for the drainage of small tracts as examples of what could be done in certain regions to encourage communities to undertake the work of drainage. I agree with the gentleman from Missouri [Mr. BOOHER] in the main, that the owners should do some of this work themselves. De novo, I would not be in favor of doing this. I believe the States and individuals ought to do it. But if we had stricken this item out there would have been a howl all over this country.

Mr. BOOHER. I agree with the gentleman on that, but is that a good reason for this appropriation?

Mr. CANDLER. Mr. Chairman, I would like to have two minutes more.

Mr. RUBEY. I move, Mr. Chairman, that the gentleman from Mississippi be allowed two minutes more.

The CHAIRMAN. The gentleman from Missouri [Mr. RUBEY] asks unanimous consent that the time of the gentleman from Mississippi [Mr. CANDLER] be extended two minutes. Is there objection?

There was no objection.

Mr. LAMB. We must not let this discussion run away with the time of the committee.

Mr. CANDLER. I will say that the same answer made by the gentleman from Missouri [Mr. BOOHER] a moment ago could be made in reference to the arid lands of the West.

Mr. BOOHER. No; you can not make the same application, because under the irrigation laws the money will eventually get back into the Treasury of the United States. We are irrigating Government land, and the people pay for water rights.

Mr. FOSTER of Illinois. We have spent a great deal more than we have got back.

Mr. CANDLER. I dare say when the account is made up at the end of all these great irrigation projects it will be found that millions have been expended that have never come back to the Government in any direct way. But we do not spend money on behalf of the Government with a view to getting it back directly or immediately from the investigations and developments which are made, but we expect to get it back in the prosperity which follows, in the benefits which come to the people by means of the functions of the Government when they are properly directed and used.

As I said at the outset, this is an important matter. It is more important than the mere dollars and cents involved in this little item that appears in this bill. This money has been used to great advantage in the past and will be used for greater benefits in the future, and the benefits that have already been derived from it are apparent. Therefore I appeal to my friend not to insist upon the point of order, if indeed this provision is subject to the point of order, but to let it remain in the bill and let this committee pass upon it as to its merits, and let the benefits which we have already experienced go forward in the future. [Applause.]

Mr. SLAYDEN. Mr. Chairman, this item appears on its face to be a proposition to expend $96,000 in the next fiscal year to advise somebody how to do something that any capable county surveyor could instruct them very well how to do. The reason for it submitted by the chairman of the committee, my dearly beloved friend from Virginia [Mr. LAMB], is that heretofore on some occasion the department has prepared plans which have been found acceptable for the drainage of swamps and wet lands. He couples that with the statement that usually these schemes are of such magnitude that they have to be undertaken by the community; that an individual can not carry them on. If that is so, then in the name of Heaven, why should not the community do the work? The reason offered by the gentleman from Virginia in support of this item is, I believe, a quotation from the testimony of Mr. True.

Mr. LAMB. I was quoting from him. I was not giving my own opinion.

Mr. SLAYDEN. He says that it was done for some company. In other words, the corporation that owned these lands had induced the Government of the United States to employ engineers for its benefit, something which it might very well have done for itself. I can see no possible reason why the United States should go into the State of Texas, or the State of Louisiana, or Mississippi, or Illinois, or any other State and undertake to teach the people to do something in which they can be instructed by men in every community who are entirely capable of giving that instruction as to how to do the work in the most practicable and economical way. This is an effort to get the Government to do something that the communities ought to do for themselves, that the States ought to do for their State lands. Gentlemen who have any respect for the remnant of State sovereignty and dignity ought to pause and consider the trend in this House seen in the effort to have the Federal Government invade the States and even invade the counties and assume every duty and responsibility that properly lodges upon them. I sincerely hope that the gentleman will insist on his point of order, and it will be insisted on by somebody, Mr. Chairman.

[Mr. STEPHENS of Mississippi addressed the committee. See Appendix.]

Mr. LAMB. I move that all debate on this paragraph be now closed.

Mr. GREEN of Iowa. I should like a little time on this.

Mr. MADDEN. I wish five minutes on this.

Mr. LAMB. We have got to proceed with the bill.

Mr. CANNON. If I may be indulged, I make the point of order that debate on a point of order runs within the discretion of the Chair.

The CHAIRMAN. The Chair is ready to rule on the point of order.

Mr. LAMB. I yield to experience and age.

Mr. FOWLER. Mr. Chairman, this bill provides, among other things, for the appropriation of a small sum, aggregating a little more than $90,000, for the purpose of giving the Secretary of Agriculture an opportunity to examine and survey overflowed and swamp lands in order to determine what is necessary to be done for the proper drainage of such lands. The gentleman from Illinois [Mr. MANN] has raised a point of order against this paragraph of the bill. He claims that it is new legislation, not in the interest of agriculture, and ought to be stricken out. I deny that proposition. The appropriation provides for the collection of information, how to extend the area of farming lands, and how to prevent the destruction of crops in lowlands by overflow and inundation, both of which are directly in the interest of agriculture. I therefore insist, Mr. Chairman, that this appropriation is germane to the subject matter and ought not to be excluded from the bill. It can not be classed as new legislation. The point of order, in my opinion, is not well taken and ought to be overruled.

Mr. Chairman, anything which is done for the purpose of increasing either the yield or the area of the farm is in the interest of agriculture. There is now a growing and pressing demand everywhere for good farming lands, and this demand will increase in proportion to the increase of our population. When we examine the statistics of the world's crops for the last five years we are forced to the conclusion that the annual increase in the yield of the leading food products of the world has not

kept pace with the increase of population. The following table has been compiled under the authority of the Secretary of Agriculture:

Crop.	1907	1908	1909
Wheat.....bushels..	3,133,967,000	3,181,543,000	3,584,793,000
Corn.....do....	3,420,180,000	3,606,822,000	3,557,152,000
Oats.....do....	3,603,896,000	3,603,798,000	4,379,287,000
Barley.....do....	1,271,237,000	1,264,803,000	1,477,502,000
Rye.....do....	1,538,778,000	1,589,299,000	1,742,466,000
Potatoes.....do....	5,121,222,000	5,280,184,000	5,545,707,000
Rice.....pounds..	107,031,216,000	100,706,901,000	.....
Sugar.....long tons..	13,510,000	14,068,000	14,346,000

Crop.	1910	1911
Wheat.....bushels..	3,572,084,000	3,513,155,000
Corn.....do....	4,027,116,000	[1]
Oats.....do....	4,214,727,000	3,820,670,000
Barley.....do....	1,383,192,000	1,380,023,000
Rye.....do....	1,668,937,000	1,578,275,000
Potatoes.....do....	5,196,715,000	.....
Rice.....pounds..	.....	.....
Sugar.....long tons..	16,203,000	[2] 16,418,500

[1] Total production of countries from which returns have been received in 1911 is 3,013,358,000 bushels against 3,575,936,000 bushels for the same countries in 1910.
[2] This is the preliminary estimation for the crop of 1911.

This table shows that five years ago the world was raising about as much foodstuff as is raised now. What is true with the crops of the world is true with the crop yield in the United States. I submit the following table, published under the authority of the Secretary of Agriculture, which shows the yield of seven of the leading crops of the United States for the last three years in support of this proposition.

The following table, which is published under the authority of the Secretary of Agriculture, shows that there is but slight or no increase in the production of the following seven leading agricultural products during the last three years in the United States. In some instances it shows a decided decrease.

Crop.	1909	1910	1911
Corn.....bushels..	2,552,190,000	2,886,260,000	2,531,488,000
Wheat.....do....	683,350,000	635,121,000	621,338,000
Oats.....do....	1,007,129,000	1,186,341,000	922,298,000
Rye.....do....	29,520,000	34,897,000	33,119,000
Potatoes.....do....	389,195,000	349,032,000	292,732,000
Sugar (cane).....long tons..	[1] 1,072,400	1,040,804	1,108,900
Sugar (beet).....do....	380,000	447,946	456,000
Cotton.....bales..	10,005,000	11,609,000	14,885,000

[1] The above estimate for cane sugar includes the entire product raised in Hawaii and Porto Rico, which is not official.

These figures show conclusively that we are fast approaching the time when the American people will be able to consume the entire product of the American farm. The rapid falling off of the export of our bread and meat products for the last five years brings us to a realization of the problem which confronts us. I have arranged the figures in a table for the purpose of comparison and I will extend it in the RECORD.

The exports of some of the leading food products are shown by the following table, which is taken from the report of the Department of Commerce and Labor, Bureau of Statistics, for the years 1906, 1907, 1908, 1909, and 1910.

Food products.	1906	1907	1908	1909	1910
Cattle	584,229	423,051	349,210	207,542	149,430
Canned beef.....pounds..	64,533,359	15,809,826	23,376,447	14,895,527	14,804,596
Fresh beef.....do....	268,054,227	281,651,502	201,154,105	122,952,671	75,720,666
Salted or pickled beef.....do....	81,088,098	62,645,281	46,954,367	44,496,210	36,554,265
Hogs	59,170	24,262	30,818	18,655	4,410
Bacon.....pounds..	361,210,563	250,418,699	241,189,926	244,578,674	152,163,107
Canned pork.....do....	12,699,800	2,710,369	4,957,022	5,759,930	4,062,022
Pork.....do....	13,440,438	11,467,779	16,374,468	9,555,315	1,046,278
Pickled pork.....do....	141,820,720	166,427,409	149,505,987	52,354,980	40,031,599
Lard.....do....	741,516,886	627,559,660	603,413,770	528,722,933	362,927,671
Sheep	142,690	135,344	101,000	67,656	44,517
Mutton.....pounds..	516,345	822,998	1,185,040	1,498,674	1,989,472
Corn.....bushels..	117,718,657	83,300,708	52,445,800	35,853,412	36,802,374
Corn meal.....barrels..	543,794	766,880	654,515	452,907	331,531
Wheat.....bushels..	34,973,291	76,569,423	109,371,057	66,923,244	46,679,876
Flour.....barrels..	13,919,048	15,584,667	13,927,247	10,521,161	9,040,987
Oats.....bushels..	46,324,935	4,014,042	1,158,622	1,510,320	1,685,474
Oatmeal.....pounds..	37,972,903	42,701,257	24,484,199	14,822,944	15,538,535
Rye.....bushels..	1,355,528	749,455	2,419,958	1,272,559	219,756
Rye flour.....barrels..	5,383	3,577	4,106	3,857	3,751

It has been estimated that we consume annually about 7 bushels of wheat per capita in America. It has also been estimated that our wheat land is on the wane, and under present conditions we can not expect to produce more than 700,000,000 bushels annually. If this be true, when our population reaches the one-hundred-million mark we will be able to consume our entire wheat crop. Thereafter we will be compelled to go abroad for a portion of our breadstuff or find new wheat fields at home. If these tables can be relied upon, we must conclude that what is true of wheat is also true of corn, rye, and oats. The same alarming condition surrounds all of them alike. The rapid and astonishing decrease in the exportation of hogs, cattle, and sheep, and the meat and oil products thereof, as revealed by these tables, leads us to the inevitable conclusion that unless we can find some way to increase the acreage and yield of the American farm we will be compelled to go upon the markets of the world within a few years to buy bread and meat to feed at least a portion of the American people.

Much of our farming in the past has been carried on in a sort of a haphazard way, with but little thought or care for the preservation of the life of the soil. Crops have been planted indiscriminately without reference to rotation, and when one of our fields failed to produce as bountifully as we anticipated, instead of searching for the cause, with a view of renewing the soil, we kept on in the old way, planting whatever happened to come handy until the land wore out. Then it was abandoned as an "old field" and left to grow up in bushes and wash full of gullies. The remedy was to clear up a new field to take its place. Much land has been lost in this way for a time, at least, and it will require the expenditure of much time, capital, and labor to reclaim it and make it productive.

NEW FIELDS.

But the new and uncultivated lands have most all been preempted long ago, and instead of replacing our "old fields" by clearing up new ones we are confronted with the proposition that there are but little or no new lands out of which to make new fields, and it would seem that our only hope is to renew our old fields, and keep renewing them annually, so that we may be able to maintain a steady increase of production in harmony with the increase of our population. In order to do this we are compelled to abandon our old methods of farming and adopt new and more skillful methods.

SCIENTIFIC FARMING.

The Department of Agriculture, agriculture experiment stations and agricultural schools in the various States are doing much to revolutionize farming and reduce it to a science. By chemical analyses they are able to determine the properties of soils, the quantity of plant-producing force contained therein, the kind of crop to be planted thereon, and the length of time any one crop can be successfully raised on a given soil. They can also tell what ingredient or ingredients, if any, are lacking in the soil for the production of certain crops and just what kind of fertilizer must be used thereon in order to make it yield bountifully. In many States they are making these tests by counties and townships, and preparing maps showing the rich and poor lands by a system of colorings on the maps, at the same time giving the chemical analyses of the soils, the quantity of plant-producing life contained therein, which enables the farmer to tell not only what kind of crops to plant on a given piece of soil, but enables him to tell how many crops he can raise on it in succession without endangering the life of the soil.

Many farmers of late have taken a deep interest in these experiments. They have organized farmers' institutes in many States, where they meet periodically for the purpose of discussing scientific farming. They often offer premiums for the best specimens of different farm products, and procure able men, learned in plant life and the properties of soils, to lecture on topics relating to the improvement in farming. While one of these lecturers is handling his subject a system of catechism often takes place. Everybody is at liberty to ask questions. I attended one of these meetings last fall in my district, and while one of the lecturers was on the floor discussing the properties of soils and how to treat the same in order to increase the yield, we became so interested in propounding questions to elicit specific information regarding our own lands that we kept the speaker on the floor an hour overtime without knowing his time had expired. Here I learned with much interest that old fields with a crop of sage only for many years, and "sour soil," which had refused to produce anything from time immemorial, had been reclaimed by the skillful hand of science and forced to give up their long hidden wealth. Mr. Chairman, if "sick" land can be healed by the prescription of the agricultural alchemist and restored to its virgin vigor, if the sage grass of the old field and the crawfish castles of sour land can be converted into bountiful crops of corn and wheat or inviting pastures of grass and clover by the magic touch of science, we may still hope that the full capacity of the American farm has not yet been measured.

RECLAMATION OF SWAMP AND OVERFLOW LAND.

Mr. Chairman, while we are wondering what to do and where to look for an increase in the acreage of the American farm, while we see annually a decided and an alarming decrease in the exports of the products of our farms, and realize that we are rapidly approaching the time when the American people will consume all the products of the American farm, and that thereafter we will be forced to enter the markets of the world to buy at least a portion of our food supply, which will increase in quantity in proportion to the increase in our population, we must admit that our Government has been active in searching for relief.

She has given to the "worn-out" lands of the Mississippi Valley and the Appalachian Slope a new touch of life by the application of fertilizers; she has aroused the sleeping Plains of the West by a system of irrigation and converted barren wastes into fruitful fields of agricultural hope and promise.

However, there is one source of supply which seems to have been much overlooked in the past, yet it is the richest and most productive of all other lands. It is a rich alluvial deposit scattered over 41 States with a soil sufficiently rich to raise 100 bushels of corn per acre for 50 years in succession; no hillsides to wash away; no barren plains to blast our hopes, but an everlasting corn-producing soil of 75,000,000 acres—the swamp lands of America—our greatest hope of increase to the acreage of the American farm. But little has been done by the Government to reclaim these lands, but now the time has come when they must be reclaimed. I presume that most all of it belongs to citizens, and but little, if any, is owned by the Government. For the benefit of the reader I submit the following table, by States:

The reclaimable swamp area, by States, according to the Statistical Abstract of the United States for 1910, issued by the Department of Commerce and Labor.

	Acres.
Alabama	1,120,000
Arkansas	5,760,000
California	1,850,000
Connecticut	37,700
Delaware	200,000
Florida	18,500,000
Georgia	2,400,000
Illinois	2,688,000
Indiana	1,000,000
Iowa	800,000
Kansas	160,000
Kentucky	224,000
Louisiana	9,600,000
Maine	240,000
Maryland	356,000
Massachusetts	138,700
Michigan	4,400,000
Minnesota	4,500,000
Mississippi	6,173,000
Missouri	1,920,000
Nebraska	256,000
New Hampshire	43,000
New Jersey	601,900
New York	576,000
North Carolina	2,400,000
North Dakota	226,000
Ohio	200,000
Oklahoma	35,000
Oregon	500,000
Pennsylvania	96,000
Rhode Island	17,900
South Carolina	1,760,000
South Dakota	226,000
Tennessee	800,000
Texas	1,620,000
Vermont	70,000
Virginia	384,000
Washington	75,000
West Virginia	2,500
Wisconsin	2,500,000
Wyoming	25,000
Total	74,541,700

It will be seen that Illinois has more than two and one-half million acres of this swamp land. Mr. Chairman, there is still another class of land which needs the attention of the Government, and that is the overflow lands. They produce abundantly, but the crops are often destroyed entirely by destructive overflows. More than 500,000 acres of such lands lie in my district in Illinois. This district is composed of 11 counties, bounded on the east by the Big Wabash River and on the south by the Ohio River. Many streams traverse it from the north and northeast to the east and south, among which are the Little Wabash River, the Big Saline and Little Saline Rivers, Grandpier Creek, Lusk Creek, and Bay Creek, with many other smaller streams, all of whose waters empty into the Big Wabash and Ohio Rivers. All of these rivers overflow their valleys occasionally and destroy property worth millions of dollars. A lock and dam has been constructed by the Government in the Big Wabash River near Mount Carmel, Ill., but little, if any improvements have been made above this point. Nothing has been done to improve the Little Wabash River, Big Saline and Little Saline Rivers, Lusk Creek, Grandpier Creek, and Bay Creek, all of which can be made navigable streams, sufficient to give to the people of my district and other portions of southern Illinois cheap water transportation for marketing their entire crops. The district is purely agricultural and raises an immense crop of corn and wheat annually, much of which is often overflowed and destroyed. These streams are long and very crooked, narrow and shallow in places, caused by a filling-up process of deposits, which is common in all streams not cared for. In the fall of 1910 much of this valley land was inundated and a crop of corn yielding from 100 to 150 bushels per acre was destroyed. It was caused by the accumulation of headwaters, which could not find an outlet because of the narrow, shallow, and crooked condition of these streams. The Government is prepared with boats, machinery, and labor for dredging the channels of rivers, and if these streams were deepened by a system of dredging, beginning at the mouth and extending upstream for a few miles, an easy and rapid flow of the water would be attained, thereby preventing the accumulation of headwater, resulting in destructive overflows. This is what must be done before these lands can be properly reclaimed.

I am told by some of my colleagues that all of these lands are owned by citizens and that whatever improvements are made by the Government will result in the increase of the value of private property, and for this reason the owners of the lands ought to do the work and pay for it; while others who are more learned in constitutional law say that there is no power in the Constitution to appropriate money out of the Treasury to improve private property. I would do no violence to the Federal Constitution, neither would I be in favor of doing anything which would establish a dangerous precedent; but, gentlemen, you must remember that if these streams were reclaimed and made navigable, they would deal directly with interstate commerce, a subject which is directly under the jurisdiction of Congress.

Again, it must be remembered that the cost of making navigable streams and maintaining them is too big a proposition for any farmer or any number of farmers. It is unfair and unreasonable, and too late to try to shift this responsibility upon the shoulders of the farmers. The United States has taken upon herself long ago this duty.

Mr. Chairman, agriculture is fundamental in character, and its consideration ought to be of first importance throughout the world. It is the oldest as well as the most useful occupation, having commenced when Adam was driven out of the Garden of Eden because of his transgressions. Upon it all other occupations must depend for support; without it none can prosper. He who seeks to retard agriculture strikes a blow at civilization and becomes an enemy to mankind. He who seeks to extend the area of the farm or to increase its annual production is a public benefactor. The hungry must be fed, the naked must be clothed, and the shivering must be sheltered. Let no one vote against this appropriation, lest it be said of him that his action has increased the pangs of hunger among the poor and driven the helpless to despair. Let our votes be unanimous for the farmer, unanimous for larger areas and bigger crops.

Mr. HOWARD. Mr. Chairman, I rise to a point of order.

The CHAIRMAN. The gentleman will state it.

Mr. HOWARD. The gentleman from Illinois is not discussing the point of order made by his colleague, the gentleman from Illinois [Mr. MANN].

Mr. FOWLER. Mr. Chairman, I am trying to bore out the boll weevil from the cotton bolls of Georgia—the gentleman's State. [Laughter.]

Mr. HOWARD. Mr. Chairman, I again rise to a point of order. The gentleman is not discussing the point of order raised by the gentleman from Illinois.

The CHAIRMAN. The gentleman from Illinois will discuss the point of order.

Mr. FOWLER. Mr. Chairman, the distinguished gentleman from Atlanta——

Mr. HOWARD. No; Georgia.

Mr. FOWLER. Who lives in a city bigger than his State——

Mr. HOWARD. Oh, no.

Mr. FOWLER. I presume does not want anything else discussed on the floor of this House except that which pertains to his own great city.

Mr. HOWARD. Mr. Chairman, I respectfully make another point of order that the gentleman is not confining himself to the point of order under discussion.

The CHAIRMAN. The time of the gentleman from Illinois has expired.

Mr. FOWLER. Mr. Chairman, I ask unanimous consent to extend my remarks in the RECORD upon this subject.

The CHAIRMAN. The gentleman from Illinois asks unanimous consent to extend his remarks upon this subject in the RECORD. Is there objection?

There was no objection.

Mr. LAMB. Mr. Chairman, if this situation were so that I could close this debate I would do it, but I can not, and I therefore appeal to gentlemen to please let us get along as soon as possible.

Mr. MANN. Mr. Chairman, the Chair will notice that this paragraph is not for farm drainage, and is not connected with farm drainage at all. It is to enable the Secretary of Agriculture to investigate and report upon the drainage of swamp and other wet lands, and so forth. The meaning of that is the investigation of the drainage of swamps. It already has been used for the purpose of making an investigation of the drainage of the Everglades, and properly so, as covered by the language of the bill. That authority is not conferred anywhere in the act creating the Department of Agriculture, or in any law upon the subject. This matter has already been ruled upon. I do not know whether the Chair has the ruling or not. A few years ago a point of order was made upon this item and the matter was discussed at some length, and the Chair sustained the point of order. The item went out on a point of order upon the ground that it was not within the purview of the act creating the Department of Agriculture, or any other act of Congress that the department should have the authority to make investigations into the drainage of swamps throughout the country. I respectfuly insist that the former ruling ought to be followed now for the same reason, and I therefore make the point of order.

Mr. LEVER. Mr. Chairman, I desire to be heard very briefly upon the point of order. I do not at all agree with the conclusions reached by the gentleman from Illinois [Mr. MANN] as to the correctness of a former ruling of the Chair upon this proposition or upon his own deductions. It is true that a point of order some four or five years ago was made against this paragraph, and without any serious discussion, as I remember, the point of order was held to be well taken. I desire, however, to call the attention of the Chair to the fact that the decisions of committee chairmen touching items in the agricultural appropriation bill have been influenced very largely by the constructions placed upon the organic act creating the department by these chairmen. If they were liberal in construction, such propositions as these were ruled to be in order; otherwise, out of order. I desire to call the attention of the Chair to section 520 of the statutes creating the Department of Agriculture, that section being the organic act. I read:

> There shall be at the seat of government a Department of Agriculture, the general design and duties of which shall be to acquire and diffuse among the people of the United States useful information on subjects connected with agriculture in the most general and comprehensive sense of that word.

If the Chair is convinced in his mind that the purpose of these investigations primarily affect agriculture and its development, and must necessarily affect agriculture, then the Chair must hold the point of order to be not well taken.

Mr. MANN. Mr. Chairman, will the gentleman yield for a question in that connection?

Mr. LEVER. Certainly.

Mr. MANN. If the appropriation provided in this paragraph could be used under its terms for other purposes than those connected with agriculture, does the gentleman think it would be in order under that provision of law?

Mr. LEVER. On that very proposition I desire to call the gentleman's attention, and that of the Chair also, to a ruling of the Chair in a former Congress, and the Chairman of the committee at that time happened to be the gentleman's colleague, Mr. Boutell. The ruling was in this respect: I offered an amendment as a new paragraph providing "for exploration and investigation within the United States to determine a possible source of supply of potash, nitrates, and other natural fertilizers." The chairman of the Committee on Agriculture, then Mr. Scott, reserved the point of order. The merits of the proposition were discussed for some time, and finally the gentleman from Indiana [Mr. Moss] made the point of order against the amendment. The Chair ruled in this language, holding the amendment in order:

> It is quite apparent from the language of the fundamental law that the Secretary of Agriculture is given very broad powers for making different investigations here in furtherance of the interest of agriculture, and the Chair is inclined to think from a careful reading of this amendment, and especially the words "and other natural fertilizers," that it is clear the investigation as to the source of supply of potash and nitrates are clearly in furtherance of the interest of agriculture; in other words, that it comes within the broad powers given to the Secretary.

And it seems to me, following the reasoning of the Chair in this case, if the present occupant of the chair can be satisfied in his own mind that this appropriation is to be used and is being used in furtherance of agriculture, then the point of order is not well taken. That is all I desire to say upon the point of order. The conclusion on the main proposition is inevitable.

Mr. MANN. Mr. Chairman, if I remember rightly I made an argument in favor of the gentleman's amendment upon the point of order before my colleague from Illinois. That item was clearly in order, but that has nothing to do with this item at all. There is no pretense in this item that it is even for the drainage of agricultural lands. There is no pretense that it has anything to do with agricultural lands. As to the first part of the paragraph—

> To enable the Secretary of Agriculture to investigate and report upon the drainage of swamp and other wet lands—

That may have no relation to agriculture whatever. There are lots of swamp lands that are being drained for the purpose of building upon them. I own a small amount of property—not very much—in the city of Chicago which used to be a swamp. It is drained. It is not drained for agricultural purposes. This appropriation could have been used for that purpose. The potash appropriation was for agricultural purposes, quite a different proposition, and the Chair can not stop with saying that it is for the removal of surplus waters by drainage and inject into that the words "for farm purposes," and that it is to report upon the drainage of swamp and other wet lands "for farm purposes." It is not for the determination, as the gentleman suggests, of what the Chair thinks may be done with the money. The question is, What does the language of the paragraph provide?

Mr. LEVER. Mr. Chairman, the gentleman from Illinois does not contend that the potash amendment, to which he referred in terms, says that the results of those investigations would have to be used for farm purposes.

Mr. MANN. No; but there was no way by which you could discover natural sources of potash in this country without affecting the farm industry, without providing material for necessary fertilizers. This money could all be expended without a dollar of it affecting farm or agricultural industries in any direction whatever.

Mr. LEVER. It seems to me that is a point of discretion for the Chair.

Mr. MANN. It is not for the Chair to determine whether he thinks it will be expended for agricultural purposes. He does not know how it will be expended. The fact that it has been expended in the past in one direction is no criterion. The language of the amendment must control, and it is not pretended that it is confined to farm purposes in any way.

The CHAIRMAN. The Chair has given this paragraph some little attention, and has studied in connection therewith the ruling of a former Chairman of the Committee of the Whole when this identical language was under consideration. The Chair is aware that at that time the identical language was held subject to a point of order. The objection is made that the language does not limit these activities or investigations to land which would be the subject of agriculture. As far as that point is concerned, the Chair is not able to see the distinction between this paragraph and numerous other paragraphs in the bill, in-

cluding the one in regard to natural deposits of potash. It is perfectly apparent that there are a great many of the activities of the Department of Agriculture that may be advantageous in manufacturing, and some possibly in mining, but if the main purpose must necessarily be agricultural, it undoubtedly would come within the scope and powers of the Department of Agriculture.

The gentleman from Illinois [Mr. MANN] says that it is impossible to conceive of a discovery of a natural deposit of potash or other natural fertilizer which would not directly affect agriculture, and the same argument applies to the drainage of swamp lands, that it is impossible to conceive of the drainage of swamp land that would not affect agriculture, not only at that locality, but of the entire country dependent for its food supply upon agricultural land available in the market. The Chair is unable to see anything in the scope of that paragraph that removes it at all from the general jurisdiction of the Department of Agriculture, and with the exception of a very small technical point, the Chair would be entirely convinced that the paragraph was in order, and was within the powers of the Department of Agriculture.

The language of the section is that the money shall be expended for the employment of labor in the city of Washington and elsewhere and for rent outside of the District of Columbia. The language of the decisions—not one isolated decision on a particular set of words, but a long line of precedents establishing a general rule of construction in this House—has been that language in an appropriation bill attempting to give the head of a department power to employ labor is limited to the department in the city of Washington. That being a general line of precedents, and well settled by repeated decisions, the Chair feels bound to follow it. The Chair must very reluctantly, therefore, sustain the point of order.

Mr. LEVER. Mr. Chairman, I offer the following amendment.

Mr. FOSTER of Illinois. Mr. Chairman, I offer the following amendment.

The CHAIRMAN. The gentleman from South Carolina, a member of the committee, offers an amendment.

Mr. GREEN of Iowa rose.

Mr. LEVER. Mr. Chairman, my amendment is as follows:

On page 73, at the end of line 8, insert as a new paragraph the following:

"Drainage investigation: To enable the Secretary of Agriculture to investigate and report upon the drainage of swamp and other wet lands which may be made available for agricultural purposes, and to prepare plans for the removal of surplus waters by drainage from such lands, and for the preparation and illustration of reports and bulletins on drainage, including the employment of labor in the city of Washington and elsewhere, and rent outside of the District of Columbia, and all necessary expenses, $96,700."

Mr. MANN. Mr. Chairman, I make a point of order on the amendment.

Mr. LEVER. Then I offer the following amendment.

The CHAIRMAN. The gentleman will send his amendment to the desk.

The Clerk read as follows:

Amend by inserting, after line 8, the following:

"Drainage investigation: To enable the Secretary of Agriculture to investigate and report upon the drainage of swamp and other wet lands which may be made available for agricultural purposes, and to prepare plans for the removal of surplus waters by drainage from such lands, and for the preparation and illustration of reports and bulletins on drainage, including the employment of labor in the city of Washington, and all necessary expenses, $96,700."

Mr. MANN. Mr. Chairman, I make the point of order on the amendment.

The CHAIRMAN. The point of order is overruled.

Mr. FOSTER of Illinois. Mr. Chairman, I want to offer an amendment to strike out "$96,700" and make it "$200,000."

The CHAIRMAN. The gentleman from Illinois [Mr. FOSTER] offers an amendment to the amendment, which the Clerk will report.

The Clerk read as follows:

Amend the amendment by striking out the words "ninety-six thousand seven hundred" and inserting in lieu thereof "two hundred thousand."

Mr. LAMB. Mr. Chairman, I move that all debate on this paragraph and amendment thereto close in five minutes.

Mr. MADDEN. Mr. Chairman, I object. I hope the gentleman will not insist on that motion.

Mr. FOSTER of Illinois. Give me one minute.

Mr. LAMB. The gentleman from Illinois [Mr. FOSTER] has been standing up here for reduction, retrenchment, and reform, and now what is he doing? [Laughter.]

Mr. FOSTER of Illinois. Here is an important item.

Mr. MADDEN. I hope the gentleman from Virginia [Mr. LAMB] will not make that motion.

Mr. LAMB. My friend from Illinois [Mr. FOSTER] is so amiable and gentle that I move that the debate close in 10 minutes.

Mr. CANNON. Mr. Chairman, I make the point of order that that motion is not in order at this time. When an amendment is offered, the rule is specific that there shall be five minutes' debate before such a motion as the gentleman from Virginia [Mr. LAMB] is now making.

Mr. LAMB. I will make it 15 minutes, if that will be satisfactory.

Mr. MANN. Could we get an agreement to close debate?

Mr. LEVER. Mr. Chairman, I ask unanimous consent that debate on this paragraph and all amendments thereto be closed in 15 minutes.

Mr. MADDEN. Make it 30 minutes.

Mr. LEVER. Make it 20 minutes.

Mr. MADDEN. I would prefer that it be 30 minutes. There are some gentlemen on the floor here who have not taken up the time of the committee at all. I am going to object——

Mr. LEVER. Make it 20 minutes.

Mr. LAMB. Can not we agree to make it 20 minutes? I will let my friend have five minutes, and then I will make the motion at the proper time.

The CHAIRMAN. The gentleman from Iowa [Mr. GREEN] is recognized.

Mr. GREEN of Iowa. Mr. Chairman, I dislike to take up the time of the committee, although I have not, I believe, so far said one word with reference to this bill. I have listened very carefully to the arguments which have been adduced in support of the measure which is now proposed in a somewhat different form, and none of them seems to me to be valid. The Government of the United States, Mr. Chairman, may properly undertake a work which a State is not able to carry on, or which a State could not carry on in a proper manner, or to an extent which would seem necessary. But it is not proper, in my judgment, that this Government should spend money upon an undertaking which is already being carried on by the respective States and in various localities in a manner which leaves little, if anything, to be desired. If there is anything connected with this matter which is not the subject of a mathematical calculation, I know not what it is. Drainage is an exact science. It needs only a sufficient knowledge of engineering and how to apply the well-known rules of gravitation in order to put it in operation. It is already being done, as I have said, in the communities of my own State, where in the northern part there has been more than $1,000,000 spent in the reclamation of flat lands. Along the Missouri River in my own State, and in that of Missouri, the various drainage districts have undertaken this work, which they understand perfectly, and which they are carrying out in a most successful manner. Why, therefore, should the Government go into this matter? What occasion has been given? What need is there for it? What is the reason that the United States should undertake this kind of business? It needs no elaborate, scientific research in order to carry on a drainage proposition. As I have said before, it is a simple matter of engineering, which ordinarily the county surveyor is amply competent to lay out and carry through, if the necessary money is provided. It is true it will produce great benefits and great profits to the owners of the land. I have known many instances where land worth almost nothing was, after these drainage propositions had been carried through successfully, worth a hundred to one hundred and fifty dollars an acre, and sometimes more. But why should the Government contribute to it when these very parties who own this land, if the State will only provide proper laws for the creation of drainage districts, are able to carry it on? There is no trouble in their obtaining money for it. They have not had any difficulties of the kind in my region, or anywhere else of which I know. I think this provision should go out of this bill.

Mr. FOSTER of Illinois. Mr. Chairman, I offered the amendment to increase this appropriation, because, in my judgment, the appropriation is too small for the purposes for which it is intended in this bill, and I believe that the Government can well afford to appropriate the additional amount for this purpose. I believe if we do take up this subject in a more extensive way than we are now doing, in the course of a year or two we will see one of the greatest results that we have seen produced in the Department of Agriculture. I hope the amendment will prevail.

Mr. REDFIELD. Will the gentleman yield?

Mr. FOSTER of Illinois. Certainly.

Mr. REDFIELD. It is my understanding, Mr. Chairman, that there is one very strong reason why some, at least, of this work must be done by the National Government and can not be done by the States, even if they are ready and willing to do it. That is because the larger projects of this kind are directly

connected with the improvement of navigable streams. The great areas of swamp lands, involving large problems of hydraulic engineering, can not be drained by any merely local process, but they have to be drained into and form a portion of the improvement of navigable waters. That has been the case, if I am correctly informed, in the State of New York; it has been the case, I am told, in other States. And in order to get that unity of action requisite it is necessary to have the supervision of the Government engineers.

Mr. FITZGERALD. Will my colleague yield to a question?

Mr. REDFIELD. Yes.

Mr. FITZGERALD. If this work were to be done in connection with the improvement of navigable streams, could it not be more profitably done by the Army engineers who have charge of that work?

Mr. REDFIELD. I think undoubtedly it would have to be done by Army engineers. But as to this paragraph, it is for the purpose of finding out what the conditions are—whether they are such conditions as require the attention of the National Government or not—and I can see no possible objection to learning what the truth is. Now, as regards this work being done by any engineer, and being, as the gentleman said, a small task of engineering, I will agree, Mr. Chairman, it is a small task when the engineer has learned how.

But, having spent some years myself in connection with engineering plans, it is my understanding that there are very few, a very limited number, of men in this country who have the experience requisite to deal with such drainage problems on a large scale. The great examples of drainage in this world are European examples, and there is certainly one case which I recall where it has been necessary to send to Holland to find men experienced in drainage on a scale large enough to deal with the problem. It is not a matter of an acre or two, but it is a matter of draining large areas, large volumes of water, which may seriously affect navigable waters. I trust the amendment will prevail.

Mr. TALCOTT of New York. Mr. Chairman, I would like to ask the gentleman from New York to tell us what portion of the drainage of New York has been done by the General Government.

Mr. REDFIELD. In response to the question of my colleague from New York, I will say that I know of no drainage that has been done in the State of New York by the Federal Government, but one of the great jobs to be done by the State of New York might, I am informed, radically affect the improvement of the Oswego River. I think any engineer will agree that the drainage of large areas must be considered—not always, but often—in connection with the possible improvement of navigable waters.

Mr. LAMB. Mr. Chairman, I move that debate on this paragraph and all amendments thereto be closed in five minutes.

Mr. MADDEN. Mr. Chairman, I hope that the gentleman from Virginia will not press his motion at this time.

Mr. MANN. The gentleman from Virginia will give the gentleman the five minutes, if he desires it.

The CHAIRMAN. The gentleman from Virginia [Mr. LAMB] moves that debate on this paragraph and all amendments thereto be closed in five minutes. The question is on agreeing to that motion.

The motion was agreed to.

Mr. MADDEN. Mr. Chairman, it seems to me that serious objection exists to the passage of the original amendment offered by the gentleman from South Carolina [Mr. LEVER], but a still more serious objection exists to the amendment offered by my colleague [Mr. FOSTER].

The Government of the United States ought not to enter upon a work of this kind. The States of the Union are amply able to do the work of reclaiming the swamp lands, and the Federal Treasury ought not to be dipped into for a purpose such as this. It is all very well for men who own large tracts of swamp land to have the Government of the United States come to their aid to drain the land in order that the land may become more valuable, and in order that they as individuals may be able to get more money for what they have to sell; but we are entering upon a dangerous field when we undertake to say that the Government of the United States should develop the lands of the country that may be under water now. The owners of the lands themselves should pay for the drainage, and if they need any information as to how their land should be drained the States in which they live can furnish them with that information. Every State in the Union has a college of some kind in which this kind of work is done, and all of these colleges are glad to send men into every locality in their States to furnish the information and to make the investigation upon which the work can be entered upon intelligently.

If we begin by making this appropriation, we will have established a precedent under which, within a year or two, appropriations will be called for, requiring not only the expenditure of the money necessary to employ the men engaged in this work in the city of Washington, but to appropriate money required to drain the swamps and pay for the draining of the swamps out of the Federal Treasury. We ought not to do it. I protest against it. It is not wise. It is unjust. It is unbusinesslike. It ought not to be entered upon. It is a State function, and the States should be allowed to still continue to perform that function, with which they are properly charged under the law. The United States Treasury ought not to be raided for this or any similar purposes.

The CHAIRMAN (Mr. FINLEY). All debate is closed on this paragraph. The question is on the amendment of the gentleman from Illinois [Mr. FOSTER] to the amendment offered by the gentleman from South Carolina [Mr. LEVER].

Mr. FOSTER of Illinois. Mr. Chairman, I would like to have the amendment reported again.

The CHAIRMAN (Mr. BORLAND). The Clerk will again report the amendment.

The Clerk read as follows:

Amend the amendment by striking out the words "ninety-six thousand seven hundred" and inserting the words "two hundred thousand."

The CHAIRMAN. The question is on agreeing to the amendment.

The question was taken, and the amendment was rejected.

The CHAIRMAN. The question now recurs upon the amendment offered by the gentleman from South Carolina [Mr. LEVER].

The question was taken, and the Chairman announced that he was in doubt.

Mr. LEVER. A division, Mr. Chairman.

The CHAIRMAN. Those in favor of the amendment will rise and stand until they are counted. [After a pause.] The ayes will be seated and the noes will rise. On this vote the ayes are 26 and the noes are 37.

Mr. LEVER. Mr. Chairman, I ask for tellers on that.

SEVERAL MEMBERS. Oh, no!

Mr. LEVER. Gentlemen, you are voting against this whole drainage proposition.

Tellers were ordered, and the Chairman appointed Mr. LEVER and Mr. GREEN of Iowa.

The committee divided; and there were—ayes 41, noes 40.

So the amendment was agreed to.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

Total for Office of Experiment Stations, $1,866,000.

Mr. LEVY. Mr. Chairman, I move to strike out the last word.

The CHAIRMAN. The gentleman from New York [Mr. LEVY] moves to strike out the last word.

Mr. LEVY. Mr. Chairman, I think this method of renting public buildings in the District of Columbia for the use of the United States Government is a great mistake.

We ought to have some other system, and I regret exceedingly that the gentleman from Michigan [Mr. MCLAUGHLIN] should have objected to my request for unanimous consent to return to page 68. The manner in which the rentals are determined for public buildings in the District of Columbia is very crude. For instance, on page 68, line 18, of this bill there is an appropriation of $25,075 for the rent of the building occupied by the Forestry Service. This building is located at 928 and 930 F Street. The total assessed valuation of the building and land is $138,600. For the rent of the ground floor the owners of the building receive $3,600 a year, which makes the total rental $28,675 a year. The appropriation asked for is the return on a valuation of $200,000, or over 14 per cent gross to the owners. The Government occupies seven floors of this building, which was erected in 1887 and which at the present time is a very dangerous building in case of fire.

I desired to amend the section by inserting the words "fifteen thousand" instead of the words "twenty-five thousand and seventy-five dollars." I hope the gentleman from Michigan [Mr. MCLAUGHLIN] will allow me to ask unanimous consent to go back to page 68, line 18, and strike out "twenty-five thousand and seventy-five dollars" and insert "fifteen thousand dollars."

Mr. LAMB. Mr. Chairman, I object.

Mr. FITZGERALD. I understand my colleague to say we are paying $25,000 a year rent for a building which is worth $120,000?

Mr. LEVY. No. The land is assessed on the books of the assessor's office of the District of Columbia at $78,000, and the building at $60,000; but, to be fair, I think the ground is worth $125,000.

Mr. FITZGERALD. It is assessed, under the law, at two-thirds of the real valuation. The valuation would be $180,000, and for part of it they obtain $25,075?

Mr. LEVY. Yes; and the owners receive $3,600 a year for the ground floor.

Mr. FITZGERALD. That shows why it is profitable in this District to rent buildings to the Government.

Mr. LAMB. Mr. Chairman, I wish the gentleman from New York [Mr. LEVY] had stated something of that sort to Mr. Zappone, the disbursing officer of the Department of Agriculture, and to the Secretary. In that case they would have arranged these matters. We can not work them out in detail here.

The CHAIRMAN. The gentleman from New York [Mr. LEVY] asks unanimous consent to go back to the paragraph on page 68, line 18, for the purpose of offering an amendment.

Mr. LEVER. I object, Mr. Chairman.

Mr. MANN. Mr. Chairman, we could not hear anything that was said.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

For inquiries in regard to systems of road management throughout the United States and for giving expert advice on this subject, $25,000.

Mr. FRENCH. Mr. Chairman, I move to strike out the word "twenty-five," in line 6, and insert the word "fifty."

The CHAIRMAN. The gentleman from Idaho [Mr. FRENCH] moves to strike out the word "twenty-five," in line 6, and insert the word "fifty."

Mr. LAMB. What page and line is that on?

Mr. FRENCH. On page 75, line 6.

Mr. FRENCH. Mr. Chairman, I am one of the Members of this Congress who believe that the Agricultural Department does more practical service for the people of the country than probably any other department within our organization. When we think of the tremendous benefit that has come to the farmers of the country as a result of the work of the Agricultural Department in connection with animal industry, in connection with grains and fruits, in connection with the handling of the soil in order that it may produce the most with the least waste, in connection with a thousand subjects that are of vital interest to the farmers especially and the people generally of the country, we are bound to appreciate the importance that this department has assumed in our political organization.

A few days ago, while this bill was under consideration, I was one of a comparatively small number of Members who voted against the appropriation for a continuation of the distribution of free seeds throughout the United States. I believed at that time, as I have believed for a number of years, that the money that is spent in the distribution of seeds could be better spent by the Department of Agriculture in inquiry along lines of interest to the growers of live stock or experiments of interest to agriculturists or pomologists, or if not so spent could be better saved. I do not believe that the people are asking for the distribution of seeds in the manner that has been practiced by our Government, and, while I am frank to say that I believe every Member of Congress should dispose of his quota of the allotment in the spirit of the law, so long as the appropriation shall be made, I still think that in doing so he is simply helping the people of the country to make the best out of a bad bargain which is made when the Government goes into the general seed business without due regard to the quality of the seeds distributed, without due regard for the various conditions under which they may be grown, and when no reports are required from those who receive them. There is a large and important work that the department is doing when it sends out test seeds for scientific and practical experimental purposes upon the part of the farmer and when the farmer makes valuable observation and report to the Government. I do not refer to this, and this great work ought to go on. I do refer to the popular distribution of seeds that are purchased in the market and distributed by Members of Congress without any idea of report therefrom.

The amendment that I have proposed calls for an increase of $25,000 in the appropriation looking to the encouragement of better road building within the United States. This is one-tenth or less than that of the amount set apart for the purchase of seeds, and I believe that this one-tenth, if this Congress can see fit to authorize its expenditure, will be productive of more real good than the entire appropriation that will be spent for seeds to be purchased indiscriminately and to be distributed indiscriminately throughout the United States.

It must be apparent to everyone conversant with the relation of our highways to property values that good roads bear a vital relation not only to the convenience of the traveling public but to the value of farm lands and the profit that can be made upon every commodity or product that the farmer has to sell. It is a well-known fact that it costs the people of the United States more than twice as much to haul a wagonload of produce a mile as it costs the people of Europe to do the same piece of work. The reason for this is, the States of our country, as a general thing, have poor roads, while the countries of Europe, as a general thing, have splendid highways. It costs in the United States, on an average, something like 25 cents per ton per mile to bring the products of the American farmer to the markets and, where there are no markets, to the railroads or other shipping points from which the products can be sent to market. It costs 10 cents per ton per mile to our neighbors in Europe to do the same work. To-day our agricultural products aggregate more than eight billions of dollars in value every year. Just what the weight of all this vast amount of various kinds of products may be I have not the means of knowing, because, naturally, it is composed of a variety of commodities. Part of it is corn, part of it is wheat, part of it is fruit, part of it is butter and eggs, part of it is cotton in the South, but at any rate it aggregates such a vast amount that it is estimated that not less than half a billion of dollars is thrown away every year because of poor roads.

I say that half a billion of dollars is thrown away every year. I mean by that that here is an expense that no one receives profit from. There are classes of expenses that are hard to bear, but result in some good to some one, but the half billion of dollars that is spent annually in the hauling of farm products to markets over poor roads, in excess of that which the farmer would need to pay out with good roads, constitutes an item that is a total loss to him and that does not go to the profit of anyone.

When we think that half a billion of dollars is half as much as it costs us annually to run our Government; when we think that half a billion of dollars is nearly as much as has been spent in the history of the country in the improvement of our waterways and harbors; when we think that it is more than twice as much as has been expended in public buildings throughout the United States; when we think that it is equal to the estimated value of all the timber on our national forests, exclusive of Alaska, we are impressed with the waste that is going on.

Measured in another way, every farmer can figure it out for himself that it costs him on an average 25 cents per ton per mile to haul his commodities to market, and that more than half of this—that is, 15 cents per ton—is loss on account of poor roads. Let him multiply the number of tons that he has to haul by the number of miles, and then let him figure this at 15 cents per ton, and he can approximate for himself just what his individual loss is because he is compelled to haul his produce over poor roads. Of course, in some places it would be more and some places less, and I speak of average conditions only.

The amendment that I have proposed, if enacted into law, would provide only a small amount of money with which the Department of Agriculture may conduct examinations into the question of road building. The best material could be ascertained for each locality, the best kind of roads could be inquired into for each section of the country, and information that would immediately help those who are interested in every locality in good roads could be disseminated that would work incalculable good to our people. This amendment looks merely to experimental work and aid that our Government in an advisory way could give to the farmers generally.

Last summer I introduced a bill looking to cooperative road building to be carried on by the Federal Government, the States, and the several counties within the States. I shall not attempt to give in detail the terms of the bill. In brief, however, I provided in the bill that the Government appropriate annually about as much as it costs for the building of two or three battleships, $20,000,000. I provided that this money should be apportioned among the States in proportion to the population, not including the population of cities of more than 30,000 people. I provided that any State might have its share of the appropriation upon showing that the State itself and the county within the State to be benefited would each bear one-third of the expenses for the construction of a given road. I provided further that the general plan of construction and the supervision of roads should be under the direction of the Good Roads Division of the Department of Agriculture.

I want to call attention to one or two features of this plan by way of explanation. There are some who would have the money apportioned according to population. Manifestly, such an apportionment would be unfair because it would give to some States that have cities containing a million or two million population a tremendous advantage over States whose population is

scattered widely in agricultural sections. I think that the mention of this provision is enough to carry conviction that some basis of distribution must be agreed upon other than that of population. Maybe the basis that I have suggested is not the correct one, but that is a matter of detail that can be worked out, and probably the friends of Federal aid to good roads will need to give and take a little in their ideas on this question in the working out of all the features to be considered.

Another feature to which I would call especial attention is that which provides that each State and county receiving aid shall bear its third of the expenses, providing the Government will bear the other third. There are some who say, Why not have the Federal Government bear all the cost? My answer is this: The people will have to pay for road building, no matter whether the Federal Government bears all of the expense or only a portion of it, as I have proposed in my bill. So, in the long run, it will not make any great difference. I have tried, however, to provide a system by which the Government could bear its part of the responsibility without the charge being made that the Government was playing politics or favorites with this county or that county, with this locality or that locality, on account of the political pull that some person might have or think that he might have. I believe that the plan that I have proposed will safeguard this absolutely, and that in every section of the country, every county can have Federal aid under the plan that I have proposed just as soon as it can be able to satisfy the State authorities that it is ready to bear its third of the expenses and just as soon as the State would be able to assure the Federal Government that it too is ready to bear its third. This is the plan that I would provide, and I would have these roads taken up and constructed in the order of their application.

There are some who may not be ready to accept the idea of Federal aid in road building and look upon it as a novel scheme. May I suggest that every important country of Europe to-day lends federal aid to the building of good roads. We are told that France has the most satisfactory roads in the entire world; but France did not have such roads until the French Government by national aid cooperated with the localities in the construction of good roads. We are told that Germany and Italy and Great Britain have good roads, but not one of these countries had good roads until the national government took up the question of road building, instead of leaving the problem alone to the localities. More than that, the question is not necessarily a new one in our country, so far as theory is concerned. The last Republican national platform contended most emphatically for good roads in language which reads as follows:

> We recognize the social and economic advantages of good country roads, maintained more and more largely at public expense and less and less at the expense of the abutting property owner.

The last Democratic platform, which was prepared shortly after the Republican platform, is not less strong and reads as follows:

> We favor Federal aid to State and local authorities in the construction and maintenance of post roads.

I am not much surprised that the Republican Party four years ago should have declared in such straightforward language its faith in Federal assistance in road building, but it is a matter not only of some surprise but of profound congratulation that the Democratic Party, which has stood so emphatically for the doctrine of State and local rights, should have out-Heroded Herod in advocacy of Federal cooperation in road building. So, I say, both of the great political parties are fairly well committed to the idea.

But this is not all the recognition that has come to the subject by those who have been intrusted with the responsibility in the matter of making careful inquiries into the question. In 1908 Mr. Roosevelt appointed a commission that was known as the Country Life Commission, the purpose of which was to inquire into the great subject of country life, and probably the chief idea for this inquiry was the drifting of the people from rural communities to the cities. This commission made its report, and in the report the question of good roads came in for its share of consideration and elicited from the commission attention which was finally summed up in the language which I shall quote:

> The demand for good highways is general among the farmers of the entire United States. Education and good roads are the two needs most frequently mentioned in the hearings. Highways that are usable at all times of the year are now imperative not only for the marketing of produce but for the elevation of the social and intellectual status of the open country and the improvement of health by insuring better medical and surgical attendance. The advantages are so well understood that arguments for better roads are not necessary here. Our respondents are now concerned largely with the methods of organizing and financing the work. With only unimportant exceptions, the farmers who have expressed themselves to us on this question consider the Federal Government is fairly under obligation to aid in the work. We hold that the development of a fully serviceable highway system is a matter of national concern, coordinate with the development of waterways and the conservation of our native resources. It is absolutely essential to our internal development. The first thing necessary is to provide expert supervision and direction and to develop a national plan. All the work should be cooperative between the Federal Government and the States. The question of Federal appropriation for highway work in the States may well be held in abeyance until a national service is provided and tested. We suggest that the United States Government establish a highway engineering service or equivalent organization to be at the call of the States in working out effective and economical highway systems.

Again the Secretary of Agriculture, in the Yearbook for 1910, finally concluded his consideration of the problem of public highways within the United States by saying:

> In every State the sentiment is strongly in favor of effective highway legislation, and in most of the States not having adopted it new legislation, either enacted or pressed for enactment, will embrace in some form or other the principle of State aid or State supervision.

So I say the question is not new or novel from the theoretical standpoint, even though we have been slow in placing it into execution.

The Government should have part in this work of road building, because it will be an economical thing to do. The most of the roads that have been built in our country until within the last few years were built upon the responsibility of the locality interested. Most of our roads until comparatively recent years were built by volunteer work by members of the locality, which work was measurably satisfactory, and by the working out of poll taxes and road taxes, which is not satisfactory and which is condemned by the farmers from one end of our country to the other. If the same amount of money represented by the sum that is supposed to be worked out in road taxes every year could be judiciously spent upon roads receiving the benefit, probably not less than two or three times as much could be accomplished in the way of road building, even if the money was to be spent under the direction of the road supervisors, who would be elected in every community to handle the disposition of the same.

But this plan of road construction is being discarded by the various States of the Union, and our farmers are beginning to realize more and more that the parts of the country which are developing good roads are the sections where State and counties are cooperating in a large degree in the matter of road construction.

The idea of county and State cooperation in road building is one that is comparatively new, and although we have had but a few years' experience the results have been so satisfactory that many States have attempted the system and are now building their roads in large part by means of State assistance. They have found out these things—that they get better roads; that they are enabled to provide a suitable engineer, who can assist in outlining a plan for a comprehensive system of roads for a locality; and that by carrying out this general plan, and all working together for its completion, they can attain infinitely better results than where a short stretch of road is built by one community, another short stretch by another community, and so on throughout the country. Another thing that they have found out is that they get more for their money. And, after all, from the practical standpoint, when it comes to public affairs this is a prime consideration to be borne in mind by every farmer.

Finally, then, I am in favor of Federal aid in road building because our Government for a hundred years has been giving Federal aid to projects that it was believed would work to the general good of our country. Within our own time the Federal Government has spent nearly half a billion of dollars in the improvement of our rivers and harbors. Within our own time the Government has expended, and will have expended within the next few years, nearly half a billion of dollars for the construction of the Panama Canal. Within comparatively recent years the Federal Government has expended a quarter of a million of dollars for the erection of buildings to house the offices of the Government scattered throughout the United States. Within the last comparatively few years the Federal Government has donated to the railroads of the United States nearly 200,000,000 acres of land as a bonus upon condition that the railroads would construct their lines into sections of the country that it was believed it would be desirable to be opened up. We are not asking that any appropriation be made that could even be compared with anything that I have suggested here. So far as this item is concerned, it is insignificant. Even if the plan that I have mentioned of Federal aid in the general building of roads be considered, the cost would be small to the Government in comparison with the moneys that have been spent for economic reasons in the manner that I have

indicated. Yet, in spite of this, probably no sum that we could expend would net more of genuine profit in dollars and cents to the agricultural communities than that which we could expend for the development of our public highways.

The CHAIRMAN. The question is on the amendment of the gentleman from Idaho [Mr. FRENCH].

The question being taken, the amendment was rejected.

The Clerk read as follows:

For investigations of the best methods of road making and the best kinds of road-making materials, and for furnishing expert advice on road building and maintenance, $75,000.

Mr. TOWNER. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The gentleman from Iowa offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amend by striking out the words "seventy-five," in lines 9 and 10, on page 75, and inserting in lieu thereof the words "one hundred."

Mr. TOWNER. Mr. Chairman, I believe there is no subject that has been considered by this committee which is of more importance to the people of the whole country than the question of the improvement of the public roads. It is not important merely to one section. It reaches into every part of this broad land. I regret to see that the estimates made by the department for this work have been cut down by the committee in this bill over $35,000. It seems to me that there is no other item of the appropriation bill that could have been more consistently kept up to the estimates of the department than this one, and, Mr. Chairman, I desire especially——

Mr. LEVER. Mr. Chairman, we have, as a matter of fact, increased the appropriation $15,000 over the amount of last year.

Mr. TOWNER. Yes; I want to do justice to the committee in regard to that. It is true that a slight increase has been made over the appropriation of last year, but in no other line has there been such a tremendous advance, and for no other work has there been such an imperative demand, and when we consider the modest increase asked for by the department to meet this demand it would seem as if it were plainly our duty to grant it.

THE WORK OF THE DEPARTMENT.

The director in his report calls attention to the fact that the present may be considered the most important period in the history of road improvement in the United States. All over the country the old localized systems of road making and supervision have been abandoned and State or centralized systems are being substituted with higher standards and larger expenditures. This brings with it the necessity of expert investigation and greater knowledge. But the investigation and knowledge of one State can be made available for all only through the medium of the General Government. Hence this office of the Department of Agriculture has been instituted and is advising and in every way assisting the States in the accomplishment of this great work.

It has conducted laboratory and field investigation to determine the physical and chemical composition of road materials and preservations. Economic investigations are made to determine the effect of good and bad roads on the prices of lands as affecting the prices of farm products, and upon the social relations and moral welfare of rural communities. Statistical investigations are being made as to the mileage of roads of various classes and the cost of improvement of various kinds. Assignments of engineers have been made for the purpose of giving advice in special cases. Actual construction has been done in cooperation with local authorities of object lesson and experimental roads to demonstrate standard types of road construction, to introduce new methods, to experiment with new materials, and to instruct local road officials in the proper methods of road building. Competent engineers and experts are developing plans by which the entire road system of a given locality is studied, its soil, its materials for road making, its various means of construction, maintenance, and administration. Upon these plans detailed reports and estimates for the use of the local authorities can be prepared, giving all data of value, together with recommendations and detailed plans and estimates for future work. Besides this, lectures and addresses by road experts are being given, road-improvement trains are sent over the railways, and thousands of bulletins are published and circulated. It is neither true economy nor a wise policy to cut down the moderate and reasonable estimates of the department for the carrying on and developing of this important work.

THE GROWTH OF THE MOVEMENT.

The modern good-roads movement began in 1885 and was largely inspired and stimulated by the invention and use of the bicycle.

The wheelmen organized and began issuing literature calling attention to the poor condition of the country roads and the great loss occasioned thereby. The press assisted in educating public sentiment and State aid was secured in many States for permanent road improvement.

In 1893 the Office of Public Roads was organized as a bureau of the Department of Agriculture. A small appropriation was made available, and the General Government began in a small way the work of disseminating information, testing materials, and giving instruction, both theoretical and practical, in road making.

The last step and principal stimulus has come with the introduction and use of the automobile. It has created a much greater interest generally, and it has created organized effort, which is the most effective method of securing results.

A GREAT SUBJECT.

Coincident with what may be called these adventitious stimulants to progress has come an appreciation of the inherent importance which this part of the transportation problem possesses. More than 300 years ago Lord Bacon wrote:

There be three things which make a country great and prosperous—a fertile soil, busy workshops, and easy conveyance for men and things from place to place.

We possessed the first requisite, a fertile soil, in supremest measure as a gift of Providence. We acquired the second, busy workshops, under the fostering eye of wise legislation, through the energy, inventive genius, and industrial skill of American workingmen. The third and last requisite is transportation, and for the last half century our attention and efforts in this direction have been principally given to the building of railroads. We have succeeded in building the most efficient and extensive railway system the world possesses, and in that regard we have made our transportation system a great accomplishment.

But transportation, like charity, begins at home. It is a wonderful achievement to have secured the great trunk lines which gridiron the country, carrying great trains of merchandise in every direction and to every market. But when we find it takes as much time and money, on an average, to transport produce from the farm to the railroad as it costs to carry it by rail to its final destination we realize that we have been omitting in our consideration one great element of the transportation problem. When we ascertain the fact that it costs more to transport the farmer's grain and stock from the granary and feed yards to the station than to carry it from New York to Liverpool we can understand something of the importance of good roads.

NATIONAL AID.

I shall not attempt to discuss now the extent to which the National Government should aid in the work of general highway improvement except as it affects the work of this department and along lines already operative and well advanced. There are probably 40 bills now pending in Congress, carrying appropriations ranging from a few thousands to hundreds of millions of dollars for national aid in highway improvement. It is not likely action will be taken on any of these, but this work of the department can be materially extended to the manifest advantage of all.

I would not advocate lavish expenditures from the National Treasury in this work. But moderate expenditures certainly are justifiable. Indeed, such action has the highest historic and individual sanction. Early in our history a strong sentiment was developed toward the establishment of a system of national highways to be built and maintained by the National Government. Numerous appropriations were made from the National Treasury for that purpose aggregating over $14,000,000, and extending over a period of more than half a century. As early as 1753, after his return from the French forts, George Washington first introduced the subject of uniting the East and West by a system of public highways. Writing on the subject to William Irvin, he said:

For my part, I wish sincerely that every door to that country may be set wide open, that the commercial intercourse may be rendered as free and as easy as possible. This, in my judgment, is the best if not the only cement that can bind those people to us for any length of time, and we shall be deficient in forethought and wisdom if we neglect means to effect it.

In 1808 Mr. Jefferson, writing to Mr. Liepee, said:

Give us peace until our revenues are liberated from debt * * * and then during peace we can chequer our whole country with canals, roads, etc.

The General Government has aided the railways by grants of lands and other subsidies. More than 450,000 square miles, or

286,000,000 acres, of land were thus donated—an area equal to France and Germany combined, and of a value of more than $500,000,000.

We have spent over $225,000,000 in improving the Mississippi River alone, and we have for many years annually expended on an average $50,000,000 on rivers and harbors.

We have spent $2,000,000 for roads in Porto Rico, $2,000,000 more in Alaska, and $3,000,000 in the Philippines. We are spending $400,000,000 for a water highway in Panama.

It is hardly justifiable to question the right or the policy of the General Government to aid in highway improvement, and if we may judge from the popular expressions it is the desire of the people that the Nation should thus aid in this great work.

The national Democratic platform for 1908 declared:

We favor Federal aid to State and local authorities in the construction and maintenance of post roads.

The Republican platform declared:

We recognize the social and economic advantages of good country roads maintained more and more largely at public expense and less and less at the expense of the abutting property owners.

WHAT IT WILL COST.

We have approximately 2,200,000 miles of public highways in the United States. One hundred and ninety thousand miles are already well improved. But 20 per cent of the roads carry 90 per cent of the traffic. If the permanent improvement of only the most important is considered we have 440,000 miles of roads to improve. Deducting those already improved and we have 250,000 miles of highway now demanding attention. The cost of permanently improving these roads will average $6,000 per mile. This would mean the expenditure of $1,500,000,000. But it need not all be paid at one time, neither is it contemplated that the General Government should assume all the burden.

Under the old system nearly the entire cost of highway improvement was placed upon the adjoining landowners. This would put the burden of highway improvement, in the benefits of which all share, upon one class—the farmers. But if all share in the benefits all should share in the burdens. The landowner should bear his share, the township, county, and State, including the cities and towns, all these should contribute to the great work. Finally, the Nation should lend its aid. Just what part of the burden it should assume it is perhaps too early yet to wisely determine.

It should be remembered in this connection that the General Government has now a direct interest in road improvement. It has established over 40,000 rural mail routes over which every day the officers of the Nation are compelled to travel over a total mileage of nearly 1,000,000 miles. It can afford to take a direct interest in that which will best facilitate this work and increase its efficiency.

NECESSITY OF THE WORK.

But in some way this money will have to be raised and the work will have to be done. Ex-Gov. Bachelder, master of the National Grange, says good roads would save the farmers $125,000,000 annually. It would likely be much larger. Seventy-five per cent of the world's commerce starts for its destination on country roads. It is impossible to determine with accuracy the total tonnage of farm products transported from the farms to the market towns, and of the building materials, machinery, goods, wares, and merchandise transported from the towns to the farms.

But it is safe to estimate it at over 1,000,000,000 tons. The average distance from the farm to the town is 9 miles. It costs 26 cents per ton per mile to transport these products over our unimproved roads. It costs but 12 cents on our improved roads. This would mean that bad roads are costing us annually $140,000,000. The burden of this is principally on the farmer, but it is not all his. Part of the high cost of living, which is the most serious problem the workingmen of the cities have to confront, is to be attributed to the condition of our country roads, which for long periods of time are impassable for the transportation of food products raised on the farm.

The question has another and a still more important side. The movement in population from country to town, from the farm to the city, has a tremendous significance. The economic phase is interesting and important, but the social and moral is significant and sinister. For more than half a century this movement has been going on with continually accelerated force. Especially has this been true with the young. The flower of American youth have been taken from the country to the city. Vast numbers of clean country lads and sweet, pure country girls have been drawn from their homes by the lure of the cities. Tempted by the promise of better wages, shorter hours, amusements, society, the joy of living in an atmosphere of activity and gayety, they have abandoned the old farm, with its long hours, its arduous toil, its slow pay and small profits, its muddy roads, its isolation, its lack of society, its want of amusement and recreation. To brighten the life of the country and to make it pay to be a farmer would alone change all this. And there is no other single factor that will contribute so much to secure these as good roads.

From every possible standpoint the good-roads question is one of Nation-wide interest and of almost transcendent importance. To assist in the solution of its problems in even the moderate degree contemplated by this slight increase in the appropriation would appear amply justified. To aid in the accomplishment of a result so universally desired and so unquestionably necessary would seem not only a privilege but a duty.

Mr. HOWARD. Mr. Chairman, I hope that the amendment offered by the gentleman from Iowa [Mr. TOWNER] will be adopted. I do not believe that the average member of this committee has devoted any special study to the road question. I do not believe this House knows that the several States of the Union in the year 1911 expended upon the highways of the United States $142,000,000. I believe it would be safe to say that two-thirds of that $142,000,000 was wasted, because of the fact that the people in the States in which this money was expended and those in charge of road building knew nothing about the construction of permanent highways. I do not know any money that could be expended by this Government that would redound more to the real upbuilding of this country than to send, through the Office of Public Roads of the Agriculture Department, experts into the different States of the Union for the purpose of giving object lessons in good road construction. This office is doing splendid work under the administration of Hon. Logan Waller Page, the director.

For instance, we have in the United States now 2,000,000 miles of public highways. With the enormous expenditure of $142,000,000 a year we only have in the United States 190,000 miles of what may properly be termed improved highways. That shows that this amount of money which is being appropriated in the several States is being wasted and that this Government ought to send out its experts to show people how to construct permanent roads. Out of the 190,000 miles of public highways which can be called improved six States have 108,000 miles, leaving only 82,000 miles of improved highways in the remaining 42 States. This work is needed. The people in my section of the country want to be informed as to how to use the raw material at hand in the construction of good roads. They build roads which are not permanent, and build them in a haphazard way. No money could be expended more judiciously than this additional amount that my friend from Iowa [Mr. TOWNER] has asked for. I hope this committee will vote for this $25,000 increase, so that we can furnish more of these experts to extend the work of instruction that is being done by the department.

Mr. LAMB. Mr. Chairman, we have increased this appropriation $28,000. We have done well by this road-improvement work, and this educational work, and all the money that we might appropriate here would not effect the purposes that the gentleman asks for.

I ask for a vote.

Mr. BOWMAN. Mr. Chairman, I move to strike out the last word.

Mr. LAMB. I move to close all debate on this paragraph and amendments thereto in five minutes.

The CHAIRMAN. The gentleman from Virginia moves to close debate on the paragraph and amendments thereto in five minutes.

The motion was agreed to.

Mr. BOWMAN. Mr. Chairman, I wish to say just a word or two in support of the amendment offered by the gentleman from Iowa [Mr. TOWNER].

Over 35 years ago I was employed by the State of Massachusetts as a civil engineer in connection with the building of some sample roads. They, having received resurfacing as occasion required, are now in just as good condition as the day they were built. In part, as a result of the construction of these roads, the State of Massachusetts stands to-day among the first in the character of its roads and in the mileage of improved roads in proportion to the total number of miles of road in the State. If the information which might have been obtained at that time had been diffused generally throughout the United States, as provided by the paragraph under discussion, I am quite sure there would by this time have been many more roads of this character built. Information regarding this important subject, which is now obtainable in the State of Massachusetts and in other States, is not properly diffused. In this connection the following table will be of interest.

Public roads—Mileage and expenditures under specified heads, calendar year 1911, by States and Territories.

[From report of the Department of Agriculture.]

State or Territory.	Total mileage of all public roads.	Miles of road per square mile of area.	Population per mile of road.	Percentage of all roads improved.	Expenditures.		
					Total.	Per mile of public road.	Per inhabitant.
Alabama	50,089	0.97	36	3.43	$1,376,434.27	$31.47	$0.86
Arizona	5,987	.05	20	3.62	109,309.43	18.25	.89
Arkansas	36,445	.67	36	.64	1,395,342.80	38.28	1.03
California	46,653	.29	31	18.87	2,157,396.36	46.24	1.45
Colorado	30,214	.30	17	.58	707,223.63	23.40	1.31
Connecticut	14,088	2.90	64	16.75	1,195,125.01	84.83	1.32
Delaware	3,000	1.53	61	2.20	90,802.88	30.26	.49
District of Columbia	191	3.18	1,459	68.58	[1]176,000.00	921.46	.63
Florida	17,374	.34	30	5.09	577,577.10	33.24	1.09
Georgia	57,203	.96	38	2.85	2,080,872.33	36.37	.93
Idaho	18,163	.20	9	1.16	311,588.00	17.15	1.92
Illinois	94,141	1.60	51	8.41	4,210,950.23	44.73	.87
Indiana	68,306	1.90	36	34.94	4,335,108.00	63.46	1.72
Iowa	102,448	1.84	21	1.02	3,106,607.50	30.32	1.39
Kansas	101,196	1.20	14	1.26	1,232,817.45	12.18	.83
Kentucky	57,137	1.40	37	16.60	2,148,689.03	37.60	1.00
Louisiana	24,897	.54	55	.13	951,872.86	38.23	.68
Maine	25,528	.85	27	9.10	1,472,393.70	57.67	2.12
Maryland	16,773	1.70	70	9.36	873,470.50	52.07	.73
Massachusetts	17,092	2.12	164	45.89	2,871,222.47	167.98	1.02
Michigan	69,296	1.20	35	10.13	3,179,787.88	45.88	1.31
Minnesota	79,324	1.00	22	7.87	1,961,629.24	24.72	1.12
Mississippi	38,698	.83	40	.38	1,675,435.45	43.29	1.08
Missouri	108,133	1.50	28	2.52	2,368,972.79	21.90	.76
Montana	22,419	.15	10	.28	404,097.81	18.02	1.66
Nebraska	79,402	1.00	13	.02	878,547.40	11.05	.82
Nevada	12,565	.11	3	.50	45,875.85	3.72	1.10
New Hampshire	15,116	1.67	27	8.55	872,006.35	57.72	2.12
New Jersey	14,842	1.97	127	16.32	3,274,811.25	220.64	1.73
New Mexico	15,326	.12	12	.01	165,651.56	10.80	.84
New York	73,798	1.54	98	7.96	5,692,514.82	77.05	.79
North Carolina	49,763	1.00	38	2.52	1,358,687.23	27.30	.71
North Dakota	59,332	.84	5	.35	550,340.72	9.28	1.72
Ohio	69,439	1.79	59	33.78	5,706,083.61	82.17	1.37
Oklahoma	43,554	1.10	9		774,775.59	17.79	1.94
Oregon	34,258	.36	12	7.55	796,375.97	23.24	1.92
Pennsylvania	99,777	2.21	63	2.10	4,887,265.68	48.98	.77
Rhode Island	2,361	2.24	181	43.26	376,812.16	171.44	.94
South Carolina	41,830	1.30	32	4.48	745,701.50	17.82	.55
South Dakota	59,295	.70	7	.25	383,283.07	6.46	.95
Tennessee	48,989	1.17	41	8.74	1,621,777.15	33.10	.80
Texas	121,400	.46	25	1.75	4,138,157.49	34.08	1.35
Utah	7,090	.08	39	8.57	218,675.78	30.84	.79
Vermont	14,521	1.58	23	13.45	567,397.33	39.07	1.65
Virginia	51,812	1.29	35	3.08	687,751.06	13.27	.37
Washington	31,998	.48	16	6.17	1,436,070.19	44.88	2.77
West Virginia	26,178	1.06	36	.97	893,285.28	34.12	.93
Wisconsin	63,593	1.17	33	16.72	2,181,262.38	34.30	1.05
Wyoming	10,447	.10	8	1.46	345,931.73	9.45	1.04
Total	2,151,570	.73	35	7.14	79,771,417.87	37.07	1.05

[1] One half the cost of road construction and repair in the District of Columbia is paid from congressional appropriation, the other half by the District out of the general revenues from taxation of property.

The purpose of this provision under discussion is to enable the Department of Agriculture to gather information wherever obtainable and properly diffuse it throughout the States. I do not think any other portion of this agricultural bill is of more importance than this, if adequate appropriations are made and continued.

For investigations of the best methods of road making and the best kinds of road-making materials, and for furnishing expert advice on road building, and maintenance for these purposes.

The resultant improvement in the roads of the country would reduce the expense of getting material to and from the farm, the mine, and the factory, and tend, as much as any other one influence, toward the advancement of the agricultural interests of this country.

The investigations and experience of foreign countries in road making and maintenance, in connection with our own work in this direction, has given us a vast store of information. Hence the most important provision in the paragraph under discussion is that which provides "for furnishing expert advice on road building and maintenance." If this expert advice is made available, it will result in most cases in better location and construction at lower cost. Better methods of maintenance will also prevail.

As the experts travel from one section of the country to the other they will, in addition to aiding in the construction of new roads and in the maintenance of those which have recently been constructed, they will also, doubtless, be the means of conveying information from one State to the other of what is being done in the other sections. This will promote a spirit of emulation which can not but result in the general improvement of the highways of the whole country. The people of this country appreciate the waste of time and labor traveling upon a bad road and know the extra expense connected with the upkeep of animals and wagons when used on bad roads as compared with the expense when used upon a modern highway, and I am sure they will approve of any legislation which will tend to give them better roads.

I trust that the amendment providing a more liberal appropriation for this purpose will prevail.

Mr. FRENCH. Mr. Chairman, I ask unanimous consent to extend my remarks in the RECORD.

There was no objection.

Mr. BOWMAN. I should like the same privilege.

There was no objection.

Mr. CANDLER. Mr. Chairman, have the five minutes been exhausted?

The CHAIRMAN. The five minutes have been exhausted. The question is on the amendment of the gentleman from Iowa [Mr. TOWNER].

The question being taken, on a division (demanded by Mr. TOWNER), there were—ayes 24, noes 50.

Accordingly the amendment was rejected.

The Clerk read as follows:

For conducting field experiments and various methods of road construction and maintenance, and investigations concerning various road materials and preparations; for investigating and developing equipment intended for the preparation and application of bituminous and other binders; for the purchase of materials and equipment; for the employment of assistants and labor; for the erection of buildings; such experimental work to be confined as nearly as possible to one point during the fiscal year, $20,000.

Mr. MANN. Mr. Chairman, I make a point of order on the paragraph.

The CHAIRMAN. On what ground?

Mr. MANN. There is no authority of law for it, and I think even the ruling of the Chair previously made would hardly apply to the construction of roads. It certainly would not apply, unless the Chair is prepared to hold that the construction

of roads is part of a proper system of agriculture, regardless of where they are constructed.

This paragraph is for the construction of a road in some one locality, confined to one locality. By the specific terms of the paragraph it provides for experimental construction to be confined as nearly as possible to one point. It authorizes in that connection the erection of buildings. Just what occasion there is for that I do not know. I do not care to take up the time of the committee. From my point of view it is so plainly out of order that I do not think it requires discussion. If the Chair has the other point of view I do not care to delay either the Chair or the committee.

The CHAIRMAN. The Chair will ask the gentleman from Illinois if this Bureau of Public Roads was not created under a special act?

Mr. MANN. I think not. It has existed by sufferance for a great many years in the Department of Agriculture. There is no act creating it that I know of.

The CHAIRMAN. The Chair will ask the gentleman from South Carolina if there is an act creating the Bureau of Public Roads?

Mr. LEVER. There is none that I know of, as I understand it.

Mr. MANN. All of the items, I think, are subject to the point of order. I did not make the point of order on the other items.

Mr. LEVER. Mr. Chairman, I desire to be heard upon the point of order.

The CHAIRMAN. The Chair will hear the gentleman from South Carolina.

Mr. LEVER. Mr. Chairman, as I pointed out a moment ago on the drainage proposition, all of these various items in the Agriculture appropriation bill, as to whether they are in order, is a question very largely for the discretion of the Chair. If the Chair believes that the construction of roads, the improvement of the road system of the country, is in the interest of agriculture and intimately connected with it, then the Chair will hold that the point of order made by the gentleman from Illinois is not in order. If the Chair believes that the construction of roads does not affect agriculture one way or the other, primarily or secondarily, then the Chair will sustain the point of order. It is a question for the Chair as to whether or not the various items in this bill are primarily concerned with agricultural development or in the interest of agriculture, and of course the Chair is well aware what roads mean to agriculture.

Mr. MANN. Mr. Chairman, will the gentleman yield for a question?

Mr. LEVER. Certainly.

Mr. MANN. Does the gentleman think it any more necessary to have roads than to have railroads, or any more necessary to have railroads than to have harbors, or any more necessary to have harbors than to have ships, and does the gentleman think that an appropriation for the purchase of a ship line would be in order on this bill upon the ground that it is comprehended within the meaning of the organic act?

Mr. LEVER. I do not think the gentleman's point is at all analogous with the point that I am making.

Mr. MANN. I do not see any distinction.

Mr. LEVER. The point I am making is that the agricultural products of the country can not be placed in touch with the markets of the country except through a system of roads, and if this paragraph here affects agriculture one way or the other it is certainly in order.

Mr. MANN. The corn and wheat of the West is sent on the Great Lakes by vessels. Why not buy a line of vessels?

Mr. LEVER. You can not run a vessel over the dry land in Illinois.

Mr. MANN. But you can run them over the Lakes.

The CHAIRMAN. The Chair is prepared to rule. The Chair recognizes that roads, especially rural highways, are the method of communication between the farms and the markets, and agriculture, being the greatest one business in this country, the improvement of highways must necessarily be indirectly, and to some extent directly, connected with the great business of agriculture. But, as a matter of fact, it is no more connected with it than, as was intimated in the brief reference by the gentleman from Pennsylvania, is the business of mining or of manufacturing or of any other line of business. In fact, transportation is in itself in many respects a separate business. The language of the statute creating the Department of Agriculture is very broad, and yet it confines the investigation of matters that are agricultural.

The Chair, therefore, sustains the point of order, and the Clerk will read.

The Clerk read as follows:

And not to exceed 10 per cent of the foregoing amounts for the miscellaneous expenses of the work of any bureau, division, or office herein provided for shall be available interchangeably for expenditure on the objects included within the general expenses of such bureau, division, or office, but no more than 10 per cent shall be added to any one item of appropriation except in cases of extraordinary emergency, and then only upon the written order of the Secretary of Agriculture.

Mr. FITZGERALD. Mr. Chairman, I make the point of order on the paragraph. This makes all of the appropriations in this bureau interchangeable up to 10 per cent. There is absolutely no justification for such a provision. It makes them liquid appropriations, and that ought not to be permitted. No other department of the Government has any such provision. I withdrew the point of order on the item for the Forestry Service because of the peculiar conditions of the Forestry Service, but under this provision 10 per cent could be added to the total appropriations for the Forestry Service and all the other services provided for in this bill.

Mr. LAMB. Mr. Chairman, I concede the point of order.

The CHAIRMAN. The point of order is sustained.

The Clerk read as follows:

Total, Department of Agriculture, for routine and ordinary work, $15,549,976.

Mr. FITZGERALD. Mr. Chairman, I offer the following amendment, which I send to the desk and ask to have read.

The Clerk read as follows:

Add to line 16, page 76, the following:

"No part of any money appropriated in this act shall be paid to any executive officer, clerk, or employee below the grade of clerk as compensation in the Department of Agriculture who is not specifically provided for and enumerated herein."

Mr. LAMB. Mr. Chairman, on that I make the point of order.

Mr. FITZGERALD. Mr. Chairman, I ask for a ruling. It is a limitation on the appropriation.

The CHAIRMAN. That appears to the Chair to be a limitation on the appropriation, and the point of order is overruled.

Mr. FITZGERALD. Mr. Chairman, this is a matter that we discussed the other day. Under the act of May 26, 1910, the Secretary of Agriculture, for the fiscal year 1912, and annually thereafter, is required to transmit to the Secretary of the Treasury, for submission to Congress in the Book of Estimates, detailed estimates for all executive officers, clerks, and employees below the grade of clerk, indicating the salary or compensation of each, necessary to be employed by the various bureaus, offices, and divisions of the Department of Agriculture.

Mr. LAMB. We know that. We have been acting under that all the while.

Mr. FITZGERALD. Under that law the gentleman has transferred to the statutory roll, if I recollect his statements correctly, some 1,900 positions from the lump appropriations.

Mr. LAMB. No; from the Forestry Service, 1,900.

Mr. FITZGERALD. Then it is much more than I had anticipated.

Mr. LAMB. There have been numbers of them transferred from the lump sum to the statutory roll. There is no doubt about that, and that made it necessary for us to make some of these increases that were objected to here.

Mr. FITZGERALD. And under this provision the gentleman in this bill has specifically provided for all of the officers of the character indicated specifically. The intention of the Committee on Agriculture and of Congress was to stop the practice of using these lump appropriations for the payment of services to employees below the grade of clerks. Unless some such provision as this be incorporated in this bill, each year, in addition to the employees specifically authorized in the bill, the department will take on new employees out of the lump appropriations and ask to have them transferred to the statutory roll.

Mr. LAMB. The gentleman is mistaken about that. Every time an employee is transferred from the lump sum that fund is reduced accordingly.

Mr. FITZGERALD. But the intention of the act is to prevent the employment out of the lump appropriations of services of the character specified and to compel estimates to be submitted specifically for such services, to have Congress pass upon whether they will be authorized. Unless some such provision as this is incorporated in this bill it will continue an endless chain of employment of services of the character indicated out of the lump appropriations, and then they are transferred in the next bill to the statutory roll.

Mr. LAMB. There is only one case where I think the gentleman's argument applies, and I will be candid and say that in the lump-sum appropriation of $3,000,000 for the meat-inspection service, where we reduce them from that sum, it ought to be cut off, because that is a fixed amount. I would like to have the amendment again reported.

The CHAIRMAN. Without objection the Clerk will again report the amendment.

There was no objection, and the Clerk again reported the amendment of the gentleman from New York [Mr. FITZGERALD].

Mr. MANN. How would you maintain the Forest Service? You appropriate a large sum of money for each national forest. What could you do with it? You could not pay it out for anybody.

Mr. FITZGERALD. The gentleman is mistaken.

Mr. MANN. What could you pay it out for?

Mr. FITZGERALD. Pay it out for a character of service different from that indicated here. The gentleman from Virginia [Mr. LAMB] himself has made the statement that they have transferred in the Forestry Service over nineteen hundred employees.

Mr. MANN. I am not speaking of those employees.

Mr. FITZGERALD. From the lump appropriation to the statutory roll, and then there are services of an expert character that will not be affected, but otherwise it is futile to ask the department to submit detailed estimates for services of the character indicated and at the same time permit them to have authority to employ to the limit of these lump appropriations in addition.

Mr. MANN. But the gentleman's amendment says that no employee shall be employed or compensated practically unless specifically provided for and enumerated.

Mr. FITZGERALD. No; it does not. It is in the language of the provision indicated at the instance of the Committee on Agriculture, and we intended to exempt the expert services which they do not specifically cover.

Mr. MANN. It is an employee below the grade of clerk. What could be employed in one of the national forests? They are all below the grade of clerks.

Mr. FITZGERALD. I do not know whether they are or not.

Mr. MANN. They are. They are paid below the grade of clerks.

Mr. FITZGERALD. No; the gentleman is mistaken.

Mr. MANN. Certainly. The rangers are below the grade of clerks. They are paid below the grade of clerks, and they are below the grade of clerks. You can not enumerate them.

Mr. LAMB. A great many of them are temporary, you know; six months, and three months, and so forth.

Mr. FITZGERALD. I understand a great many of them are enumerated, and must be enumerated if statements that have been made here from time to time are accurate.

Mr. MANN. In the national forests none of them are enumerated.

Mr. FITZGERALD. The bill specifically provides "21 forest rangers," "78 forest rangers," "198 forest rangers," "54 forest rangers," "734 assistant forest rangers"——

Mr. MANN. But they are not paid out of the appropriation for each specific forest. We make a specific appropriation for each forest, and necessarily that money is expended in the main largely in the payment of salaries. According to the gentleman's amendment not a cent of it could be expended.

Mr. FITZGERALD. The gentleman is mistaken. It could be expended for services of the character that it should be expended for.

Mr. HAUGEN. If the gentleman will turn to pages 2, 3, and 4 he will find many of these projects are appropriated for in a lump sum. None of the money could be paid for salaries.

The CHAIRMAN. The time of the gentleman has expired. The question is on the amendment of the gentleman from New York [Mr. FITZGERALD].

The question was taken, and the amendment was rejected.

The Clerk read as follows:

And the Secretary of Agriculture is hereby authorized to continue investigations on the cost of food supplies at the farm and to the consumer, and to disseminate the results of such investigations in whatever manner he may deem best.

Mr. LEVER. Mr. Chairman, I move to strike out the last word.

Mr. CANDLER. Mr. Chairman, I ask unanimous consent that the gentleman from South Carolina be permitted to proceed for 10 minutes.

The CHAIRMAN. The gentleman from Mississippi [Mr. CANDLER] asks unanimous consent that the gentleman from South Carolina [Mr. LEVER] may proceed for 10 minutes. Is there objection? [After a pause.] The Chair hears none.

Mr. LEVER. Mr. Chairman, in the course of the consideration of this bill, carrying the appropriations for the support of the Department of Agriculture, there have been three lines of criticism of it.

It has been suggested by one class of critics that the appropriations for the various items are too large; that the Committee on Agriculture have failed to make such reductions as are warranted by the ideas of economy which the majority in this House has set for itself. To this criticism I desire to say first of all that the committee, in the preparation of this bill, did not regard the money appropriated by it as in any sense an expenditure; it has been our idea all of the time that every dollar appropriated for the Department of Agriculture is an investment of public money, rather than an expenditure, which brings back dividends in the way of increased production a hundredfold.

Mr. MANN. Will the gentleman yield for a question?

Mr. LEVER. Yes.

Mr. MANN. If that is the case, why should not we increase the investment slightly?

Mr. LEVER. Of course the gentleman understands that we must go along gradually and slowly on all of these propositions.

Mr. CANDLER. There have been no decreases in this bill in reference to the matters which involve directly and specifically the development of agriculture itself throughout the country.

Mr. LEVER. If I had the time I could demonstrate beyond the shadow of a doubt that the information which the Department of Agriculture has given to this country, through its scientific research work and through the dissemination of expert advice touching the problems of rural life, has been worth to this Nation untold millions. The work of the department under the wise and aggressive management of its great Secretary has brought about in the last dozen years almost a complete revolution in the farm methods and practices of this country. [Applause.] I am certain that this statement is true as it affects my own section of the country, and it is an unwise statesmanship which seeks to reduce the appropriations to such an extent as to unduly curtail the activities of the various bureaus of this department. The committee which prepared this bill has no apologies to make for refusing to be unduly frightened by the demands for economy. We were impressed with the fact that here was a work upon which we could not afford, as men looking beyond the present, to become economical to the extent of parsimony. There was in our minds the old thought of penny-wise and pound-foolish, and no set of men who knows the work of this department and the results thus far obtained and those which are promised accomplishment would be foolish enough to adopt such a policy. I make bold to make the statement that there is not a great nation on earth which in its history has dealt less generously with its agricultural interests than has this Nation, 36 per cent of whose population is agricultural and which depends for its balance of trade and for the larger part of its domestic trade upon this great fundamental occupation. [Applause.] Even benighted Russia, according to the latest information available to me, expends annually for her agriculture approximately $25,000,000; the Republic of France, following the chart marked out by her great Napoleon, expends upon this industry over $9,000,000, and this, too, in the face of the fact that her area is less than that of the State of Texas.

Austria, realizing the importance of encouragement and aid to agriculture, expends over $9,000,000 annually; Hungary, over $9,000,000; and Japan, approximately, $4,000,000. If we were to appropriate according to our requirements based upon area, this bill would carry more than $1,000,000 to put us upon a parity with some of the nations I have mentioned. Carrying the idea further, I desire to quote from a speech delivered by me some years ago on this subject, as follows:

To aid in increasing productiveness and its value as an asset to the nation, every acre of land devoted to agriculture in France receives an appropriation of 9⅞ cents, while Austria approximates 13⅞ cents per acre, Hungary 12⅝ cents, and Russia approximately 4 cents, while we, so generous in our care of every other industry, expend less than 2 cents for each acre of land in cultivation.

When consideration is had of such facts as these and when we know that this country must continue to be agricultural, not only to supply its own increasing industrial classes but to do its part in helping feed and clothe the teeming millions of this earth, the charge that this committee has been overgenerous with this department becomes ridiculous and falls flat.

Mr. CANDLER. It is demonstrated conclusively when we take into consideration the total appropriations made for this department from the time it was established under the commissioner up to the present time. I had upon the floor of the House the other day a detailed statement in regard to the matters and it showed the total appropriations made from 1839 down to and including 1912 amounted to only $168,000,000.

Mr. MANN. In view of what the gentleman says, I would like to ask him this: Does he think there is any other Government in the world that maintains as efficient and effective a department dealing with agriculture as the Department of Agriculture of the United States?

Mr. LEVER. Unquestionably there is not, and the wonder is that with so little money our Department of Agriculture can do such an amount of good. [Applause.]

Now, in answer to the suggestion of my friend from Mississippi [Mr. CANDLER] I desire on that very point to say this to

the country generally: The Country Gentleman, I believe the oldest agricultural paper in the United States and certainly one of the best, in its issue of last week develops the fact that only 1 per cent of the total annual appropriations of this Government goes to the aid and encouragement of agriculture. It must be borne in mind that a large part of the appropriation carried in this bill does not affect agriculture solely, but goes to the benefit of all classes of people. The smaller amount is applied solely to agricultural purposes. Oh, no; we have not been extravagant; we have dealt with this department in a broad-minded and liberal way, giving to it all we believed it needs and withholding not one dollar which we believed necessary to a continuance of its splendid efforts in behalf of the people of this country. [Applause.]

Another class of criticism is based upon the idea that we have economized too much at the expense of the department. A close examination of the various items of the bill will disclose the fact that the principal reductions over last year's appropriations are in the Forestry Service, the expenditures for which have grown enormously in the past few years.

The CHAIRMAN. The time of the gentleman has expired.

Mr. CANDLER. Mr. Chairman, I ask that the gentleman may be permitted to proceed until he concludes his remarks, which will not take much more time.

Mr. LEVER. It will take about seven minutes.

Mr. MANN. Mr. Chairman, I ask that the gentleman may have seven minutes more.

The CHAIRMAN. What is the request?

Mr. CANDLER. I ask that the gentleman may proceed until he concludes his remarks, which will not take more than seven or eight minutes.

The CHAIRMAN. Is there objection? [After a pause.] The Chair hears none.

Mr. LEVER. When I came upon this committee, 10 years ago, the appropriation for the Forest Service was less than $200,000 annually, while the appropriation for this fiscal year is $5,503,000. The committee thought it could afford, without any detriment to this service whatever, to make certain slight reductions for the coming fiscal year, believing that the service, as big as it is, with so much ahead in the way of work, must necessarily grow gradually and that too large appropriations are too great incentives for extravagance and unwise expenditures. But in no other item of the bill can there be found a single reduction which, in my judgment, will affect materially the activities now being carried on under them. The reductions have been only slight and can not seriously affect the future service of the department. Every member of the committee desired to take no action in the way of reduced appropriations which would in the least cripple the operations of the splendid machine which has been built up in the department. We desired to continue the policy of liberality in appropriations for agricultural purposes. When I became a member of this committee the total appropriation for the department was a little more than $4,500,000, while the appropriation for the present fiscal year amounts to $16,900,000. The older members of this committee—oldest in point of service—have seen the appropriations quadrupled and some of them more than quadrupled, and is there a man here who is willing to rise in his place and dispute the proposition that every dollar expended during these 10 years has not been wisely expended and fruitful in its returns in added happiness and prosperity? [Applause.] And there is not a member of the committee, especially those of use who have grown up with the service, as it were, who wishes to make any apology for our part in helping to build up this wonderfully efficient branch of the Government service. [Applause.]

Another class of criticism is that the bill is sectional in its character, giving too much to the South. When we keep in mind the fact that the question of better agriculture is not one of Texas or South Carolina alone, but equally concerns Maine and Nebraska, this line of criticism is certain to answer itself. It is true, perhaps, that southern Representatives for the past 10 years have been more than ordinarily active in directing the attention of the Department of Agriculture to the undeveloped resources and agricultural needs of the South. Gentlemen must bear in mind that a new dawn is breaking upon the agriculture of our section; we are just beginning to come to a full realization of the wonderful treasures which our rich and varied soils hold for us; we are just commencing to break away from the old system of agriculture, the outgrowth of our peculiar system of labor, and of necessity we have had more problems to solve than would be found in sections of the country where agriculture has been for a longer time conducted upon the lines we are beginning to conduct ours in the South. Gentlemen can very well understand why southern Representatives should be active when some of our problems are known to them. Let me illustrate. The best experts in the land tell us repeatedly that the presence of the cattle tick among southern cattle means an annual loss in wealth to the South of from $40,000,000 to $60,000,000. My own State, one of the smallest in area in the country, it is said upon good authority, annually loses more than a million dollars on account of this pest. We have just come to know how to fight it, and I doubt if there is a State in the South which is not appropriating money out of its own treasury to supplement the appropriation of the Federal Government. I find that for the year 1911 the total expenditures in the Southern States for tick eradication were over $200,000, and that during the past four years these same States have spent over $636,000.

We have not been asleep to our own interests, and this is shown both by the appropriations which we make for this purpose and the fact that through the cooperation of the State and Federal Governments more than 147,000 square miles of territory have been released from quarantine. This area exceeds in size the combined areas of the States of Georgia, Alabama, and Mississippi. Southern Representatives have been active, it is true, in seeking appropriations from the Federal Government to help our States deal with this proposition, and up to date the Department of Agriculture has had appropriated through it for these purposes $1,232,000. With an annual drain upon our cattle industry of $60,000,000, is there a man here who can blame us for our activity, and is there one here who will say that appropriations made for such a purpose as this can be sectional in their character? The question of the supply of beef for food for the people is not and can not be a local question. Every man, woman, and child living at any point in this great country is as vitally interested in this problem as are we of the South. It is a national question. Are we of the South to be criticized for our activity in seeking appropriations for meeting the ravages of the boll weevil? Are we to permit our modesty to overcome our judgment in the face of a calamity such as was and is threatened by the boll weevil? Does anyone imagine for a moment that the production of cotton is either local or sectional? Dr. Thompson, president of the Ohio State University—and he is one of the greatest educators and one of the most patriotic men in this country—in a statement before the Agriculture Committee last week on this very question, said:

> You may say cotton is a local issue in the South, but, bless your souls, it is becoming a mighty pressing issue in Ohio, where we are using more and more cotton every year, and the question of cost of production is bound up in the question of what we can do. The man that circumscribes the cotton area of this world to-day circumscribes a large market of the future, and there is not a man on this committee who would vote more quickly for the protection and betterment of cotton fields than the man who lives in Canada or northern America, if he had an oppotunity to vote on that question.

What a big statement from a big, broad man. Every word of it is true—cotton is no more a local problem than is sunshine or rain. Cotton is even more than a national problem, it is international in its relationship to humanity. Mr. Chairman, I might go on indefinitely, showing that in every case where an appropriation has been confined in its expenditure to the South the problem involved has been bigger than the South. The Nation, in the North, East, and West, is vitally interested in the development of a better system of agriculture in the South. With 206,000,000 acres of untouched agricultural lands, rich much of it as the Valley of the Nile, with the cost of living increasing each day, with the production of foodstuffs practically standing still, while population steadily increases, the eyes of this Nation turn more and more each day to the South, from which section relief must come if relief come at all. The clothing and food supply of the Nation in the future, in my judgment, will depend largely upon the development of the agricultural resources of my section, and the revolution going on now—the new system which we are adopting, our new practices and methods, are so greatly increasing production as that to me there is no fear for the future. The agriculture of the South, its future, is anything but a sectional problem—it is Nation-wide, even world-wide. [Loud applause.]

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

> Fighting and preventing forest fires in emergency: For fighting and preventing forest fires in cases of extraordinary emergency, $200,000.

Mr. FRENCH. Mr. Chairman——

Mr. RAKER. Mr. Chairman——

The CHAIRMAN. The gentleman from California is recognized.

Mr. RAKER. I have a small amendment which I desire to offer here. I desire to strike out the words "two hundred thousand" in line 13, page 77, and insert in lieu thereof "one million."

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Amend, line 13, page 77, by striking out the words "two hundred thousand" and inserting the words "one million."

The CHAIRMAN. The question is on the amendment of the gentleman from California.

Mr. RAKER. Just a moment. I have five minutes.

Mr. LAMB. I ask for a vote on that.

Mr. RAKER. I have five minutes.

The CHAIRMAN. The gentleman from California is entitled to five minutes.

Mr. RAKER. The only thing I have to say is that I wish to refer to the magnificent, eloquent, logical, and truthful statement made by my distinguished friend from South Carolina [Mr. LEVER] in order to carry this amendment.

Mr. MANN. Mr. Chairman, last year when the agricultural appropriation bill was reported to the House it carried an indefinite permanent appropriation for forest-fire emergencies. Being a permanent and indefinite appropriation, payable out of sums that might be collected from the national forests, and being contrary to the principles that have been adopted by Congress in connection with appropriations, a point of order was made upon the item, and it went out on the point of order. I prepared an amendment in the language that is in this bill, and which was afterwards agreed to in the House, leaving the amount blank and asking for the opinion of the members of the Committee on Agriculture. The suggestion was made that the amount be $1,000,000. It was agreed to without objection and without hesitation. It was stated in general debate the other day that if this appropriation of $1,000,000 were made it would hang up that much money in the Treasury of the United States. Nothing can be wider from the fact. The appropriation of the money does not disturb the actual money in the Treasury at all, and has no effect upon it unless it should be used. It does not affect the use of the money that is in the Treasury for other purposes.

Now, here is a case. We are carrying our own insurance against fires in national forests. We do not desire to appropriate a large sum of money for ordinary expenditure, and we provided last year that a million dollars should be appropriated for extraordinary emergencies. If a great fire or series of fires occur, then the money is there for expenditure for that purpose. The gentleman from South Carolina [Mr. LEVER] the other day stated that if these fires did occur the department would spend the money whether it was appropriated for or not. It may be that that was done once. And whether with or without authority of law, they came to Congress and asked for and obtained the authority for a previous expenditure of money. But we have no right to place that responsibility upon executive or administrative officers. If we, with knowledge beforehand, do not desire to appropriate emergency funds in case of extraordinary fires, the responsibility is upon us, and it can not be transferred to executive officers in the expectation that they will violate the law and expend the money without authority. What objection is there to making the emergency appropriation, so that if an emergency arises the money can be expended? The only excuse that can be offered is the desire of the Democratic leaders of the House to make a false play of economy and to advertise——

Mr. LAMB. Mr. Chairman, I challenge that statement——

Mr. MANN. And advertise the appropriation of less money. The gentleman can challenge that statement in his own time. It is true, and the gentleman knows it is true.

Mr. LAMB. I know it is not true.

Mr. MANN. The gentleman tries to make a record for economy by striking down an appropriation that probably would not be expended, but which, if needed, ought to be there for expenditure. [Applause on the Republican side.]

Mr. LAMB. Mr. Chairman, I will detain the committee only for a few moments, and then I will ask for a vote. I would not desire to detain the committee at all if it were not for the statement just made by the gentleman from Illinois [Mr. MANN].

Now, I want to prove out of the mouth of the Forester himself what is necessary for this emergency fund. The Chief of the Forest Service, Mr. Graves, stated in the hearing on this appropriation, under date of December 18, 1911, that it had only been necessary up to this time to draw on this appropriation to the amount of $22,000. He says:

It is not probable that there will be another such forest fire as the extraordinary forest fire of 1910, and it is thought that $200,000 in addition to the item of $150,000, which the Forest Service asked for fighting fires, will be sufficient.

Now, on this point I asked the Forester some questions——

Mr. RAKER. What page?

Mr. LAMB. On page 277. Mr. Graves said:

The past season has been drier in some localities than in a normal year, and we have been able to get along with only $22,000 more than the $150,000.

Bear in mind, gentlemen, that we not only gave him $150,000, but we gave him $200,000 as an emergency fund, which will in all human probability reach the emergency and will cover all that can be called for in any ordinary fire that may occur. Of course in case of such an extraordinary fire as that which occurred in 1910 this difficulty will be overcome in the very same way as that in which it was overcome before, by the Government coming to the rescue and the money being appropriated; and the only point in my judgment—and a good one—that my friend from Illinois [Mr. MANN] did make, is that this money is in the Treasury and not disbursed. That is true, and the fact that it is in the Treasury keeps it out of the appropriation here. There is simply that much money locked up in the Treasury, for the use of which there is no necessity, as the evidence before the committee shows beyond all peradventure of doubt. [Applause and cries of "Vote!" "Vote!]

The CHAIRMAN. The question is on the amendment offered by the gentleman from California [Mr. RAKER].

Mr. MORSE of Wisconsin. Mr. Chairman, I move to substitute "$500,000" instead of "$1,000,000," as provided in the amendment offered by the gentleman from California [Mr. RAKER].

The CHAIRMAN. The Clerk will report the amendment offered by the gentleman from Wisconsin [Mr. MORSE] to the amendment of the gentleman from California [Mr. RAKER].

The Clerk read as follows:

Amend by striking out "one million" and inserting in lieu thereof the words "five hundred thousand."

Mr. MORSE of Wisconsin. Now, Mr. Chairman, I want to call the attention of this House to the fact that in 1910 there were 79 fire fighters and 25 settlers burned to death in forest fires.

Mr. MANN. What do they care about that?

Mr. MORSE of Wisconsin. I believe they do care.

The timber on the national forests belongs to all the people of this Nation. It is worth, according to conservative estimates, $500,000,000. It seems to me that it would be the part of economy for us at this time to put aside a million dollars, the amount asked by the gentleman from California [Mr. RAKER] in his amendment, to be used as an emergency fund.

Gentlemen should remember that we are daily putting more settlers within the limits of the national forests. They are going in there continually. We cut down the appropriation for roads and telephones, although that was changed by amendment on the floor of this House. We are permitting settlers to go in there. We should protect them from fire. It is not a matter of dollars and cents alone, but it is a matter of the protection of human lives, and it seems to me that if another catastrophe occurs such as that which occurred in 1910, the blame will rest on this body, and not on the Secretary of the Interior.

I read an article in one of the magazines about a year ago, in which the then Acting Secretary of the Treasury was blamed for this loss of property and this loss of life. As a matter of fact, the blame should have been put here on this House, where it belonged. [Applause.]

The CHAIRMAN. The time of the gentleman has expired.

Mr. LAMB. Mr. Chairman, I move that debate on this paragraph and all amendments thereto be closed at once.

The CHAIRMAN. The question, first, is on the amendment offered by the gentleman from Wisconsin [Mr. MORSE].

The question was taken, and the amendment was rejected.

The CHAIRMAN. The question recurs on the amendment offered by the gentleman from California [Mr. RAKER].

The question was taken, and the Chairman announced that the noes seemed to have it.

Mr. MANN. Mr. Chairman, I ask for a division.

The committee divided; and there were—ayes 35, noes 76.

So the amendment was rejected.

Mr. FRENCH. Mr. Chairman, I move to amend line 13 by striking out the words "two hundred thousand" and inserting the words "five hundred thousand."

The CHAIRMAN. The question is on the amendment offered by the gentleman from Idaho [Mr. FRENCH], which the Clerk will report.

The Clerk read as follows:

Amend, in line 13, by striking out the words "two hundred thousand" and inserting in lieu thereof the words "five hundred thousand."

Mr. FRENCH. Mr. Chairman, in line with what has been said already and from the language on the face of this paragraph

it is apparent that this money is to be set apart and used only in an emergency. Last year a million dollars was set apart, and of that amount only about $20,000 was used, indicating the care that was exercised by the Forest Service in safe-guarding this fund against any extravagance.

It is the part of wisdom for this Congress to set apart half a million dollars, which is only half as much as was set apart a year ago to be used by the department, and remove the necessity of the department to act without authority of law as it was compelled to do in meeting the forest fires in 1910.

You do not need to look ahead in contemplation of authorizations of this character for any considerable period of time. A few days ago we increased the appropriation, so far as the Committee of the Whole is concerned, for permanent improvements in the forest reserves to half a million dollars. We are continuing the work of permanent improvements, and as they shall more and more be completed the necessity for an emergency fund will more and more pass away.

More than that, as has been suggested, settlers are acquiring lands within forest reserves. The State lands adjacent and scattered throughout the reserves are being taken care of and safeguarded against fires. Private lands are being improved and made less liable to injury by fire than they were in 1910. Because of that I believe that if this appropriation should be continued only for a few years it would cover the period of time in which the emergency appropriation would need to be considered in anything like the magnitude that is suggested here and that a smaller amount, probably, than that indicated by the bill itself would be sufficient. [Applause and cries of "Vote!" "Vote!"]

Mr. LAMB. Mr. Chairman, I ask for a vote on the amendment.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Idaho [Mr. FRENCH].

The question was taken, and the amendment was rejected.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

That hereafter, when employees of the Department of Agriculture, either on lump fund or statutory rolls, are traveling on official business in the United States, they may be allowed necessary railroad and steamboat fares, parlor car, sleeping berth, and stateroom on steamboats, livery hire and stage fare, and other means of conveyance between points not accessible by railroad, but in lieu of subsistence and all other traveling expenses they may receive a per diem allowance, to be fixed by the Secretary, in addition to their regular salaries, subject to such rules and regulations as the Secretary of Agriculture may prescribe.

Mr. MANN. Mr. Chairman, I reserve a point of order on that paragraph.

Mr. SISSON. Mr. Chairman, I make a point of order against that paragraph as being new legislation.

Mr. LAMB. The point of order is conceded.

The CHAIRMAN. The point of order is sustained. The Clerk will read.

The Clerk read as follows:

That hereafter officials and employees of the Department of Agriculture, either on lump fund or statutory rolls, may, when authorized by the Secretary of Agriculture, receive reimbursement for moneys expended for street car fares at their official headquarters when expended in the transaction of official business.

Mr. SISSON. Mr. Chairman, I make the point of order against the paragraph.

The CHAIRMAN. The point of order is sustained. The Clerk will read.

The Clerk read as follows:

Total carried by this act for the Department of Agriculture, $15,836,976.

Mr. CARLIN. Mr. Chairman, I ask unanimous consent to return to page 12 for the purpose of offering an amendment, which I send to the Clerk's desk and ask to have read.

The CHAIRMAN. The gentleman from Virginia [Mr. CARLIN] asks unanimous consent to return to page 12 for the purpose of offering an amendment.

Mr. MANN. Reserving the right to object, let us know what the amendment is.

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Amend by inserting after the word "another," at the end of line 21, page 12, the following:

"And indemnify the owners of milk cows condemned under section 2 of the act of Congress approved March 2, 1895, and the regulations of the District of Columbia in relation thereto."

Mr. LAMB. Mr. Chairman, I make the point of order on that.

Mr. LEVER. I object to returning to the paragraph.

The CHAIRMAN. Objection is heard.

Mr. LAMB. Mr. Chairman, I move that the committee do now rise and report the bill to the House with the amendments, and with a favorable recommendation.

The motion was agreed to.

The committee accordingly rose; and the Speaker having resumed the chair, Mr. BORLAND, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee had had under consideration the bill (H. R. 18960) making appropriations for the Department of Agriculture for the fiscal year ending June 30, 1913, and had directed him to report the same back to the House with sundry amendments, with the recommendation that the amendments be agreed to and that the bill as amended do pass.

Mr. LAMB. Mr. Speaker, I move the previous question on the bill and amendments thereto.

The previous question was ordered.

The SPEAKER. Is a separate vote demanded on any amendment?

Mr. LAMB. Mr. Speaker, I ask for a separate vote on the amendment on page 47, substituting $500,000 for the $275,000 carried in the bill.

Mr. MANN. Mr. Speaker, I ask for a separate vote on every amendment.

The SPEAKER. The gentleman from Illinois asks for a separate vote on every amendment. The Clerk will report the first amendment.

The Clerk read as follows:

Page 2, line 13, strike out the word "seven" after the word "thousand" and insert the word "five," and strike out in the same line the words "and fifty."

The amendment was agreed to.

The Clerk read the next amendment, as follows:

Page 3, lines 8 and 9, strike out the words "one thousand and four" and insert the word "two."

The amendment was agreed to.

The Clerk read the next amendment, as follows:

Page 4, line 14, insert after the word "Bureau" the words "three thousand dollars."

The amendment was agreed to.

The Clerk read the next amendment, as follows:

Page 4, line 21, strike out "nine hundred" and insert "eight hundred and forty."

The amendment was agreed to.

The Clerk read the next amendment, as follows:

Page 4, line 23, strike out the word "two" and insert the word "one."

The amendment was agreed to.

The Clerk read the next amendment, as follows:

Page 4, line 24, strike out the letter "e" in the word "foremen" and insert the letter "a," so that it will read "foreman."

The SPEAKER. If there be no objection, this amendment will be agreed to.

Mr. MANN. I object.

The question being taken, the amendment was agreed to.

The Clerk read the next amendment, as follows:

Page 4, line 25, after the word "dollars," insert "one assistant foreman of division, at $1,400."

The amendment was agreed to.

The Clerk read the next amendment, as follows:

Page 4, line 25, strike out the word "five" and insert the word "three."

The amendment was agreed to.

The Clerk read the next amendment, as follows:

Page 5, line 11, insert, after the word "engineer," the words "one thousand two hundred dollars."

The amendment was agreed to.

The Clerk read the next amendment, as follows:

Page 6, line 7, insert, after the word "care," the word "and."

The question being taken, the Speaker announced that the noes appeared to have it.

Mr. LAMB. Division!

The House divided; and there were—ayes 93, noes 3.

Mr. MANN. Mr. Speaker, I make the point of order that there is no quorum present.

Mr. UNDERWOOD. Mr. Speaker, I ask that the Chair count. I think there is possibly a quorum present.

The SPEAKER (after counting). One hundred and nine Members present; not a quorum. The Doorkeeper will lock the doors, the Sergeant at Arms will notify absentees, and the Clerk will call the roll.

The question was taken; and there were—yeas 217, nays, 6, answered "present" 11, not voting 159, as follows:

YEAS—217.

Adair	Ayres	Brantley	Burnett
Ainey	Barnhart	Broussard	Byrnes, S. C.
Akin, N. Y.	Bathrick	Brown	Byrns, Tenn.
Alexander	Beall, Tex.	Browning	Calder
Allen	Bell, Ga.	Buikley	Callaway
Ansberry	Blackmon	Burke, Pa.	Campbell
Ashbrook	Booher	Burke, S. Dak.	Candler
Austin	Bowman	Burleson	Carlin

Carter	Guernsey	Lobeck	Shackleford
Catlin	Hamilton, Mich.	McCall	Sherwood
Claypool	Hamilton, W. Va.	McKellar	Simmons
Clayton	Hamlin	McKinley	Sisson
Cline	Hammond	McKinney	Sloan
Collier	Hanna	McLaughlin	Small
Cooper	Hardwick	McMorran	Smith, J. M. C.
Covington	Harrison, Miss.	Maguire, Nebr.	Smith, Saml. W.
Cox, Ohio	Haugen	Mann	Smith, N. Y.
Crago	Hawley	Martin, Colo.	Smith, Tex.
Cullop	Hayden	Mays	Speer
Daugherty	Hayes	Mondell	Stedman
Davis, W. Va.	Heflin	Moon, Tenn.	Steenerson
Dent	Helgesen	Moore, Tex.	Stephens, Cal.
Denver	Helm	Morrison	Stephens, Nebr.
Dickinson	Hensley	Morse, Wis.	Stephens, Tex.
Difenderfer	Hill	Moss, Ind.	Sterling
Dixon, Ind.	Holland	Murdock	Stone
Dodds	Howard	Murray	Sulloway
Donohoe	Howell	Needham	Sweet
Doughton	Hughes, N. J.	Norris	Talcott, N. Y.
Driscoll, D. A.	Hull	Nye	Taylor, Colo.
Driscoll, M. E.	Humphreys, Miss.	Page	Thistlewood
Dupre	Jackson	Patton, Pa.	Thomas
Dwight	Jacoway	Payne	Tilson
Dyer	James	Pepper	Towner
Edwards	Johnson, Ky.	Pickett	Tribble
Esch	Jones	Porter	Turnbull
Evans	Kendall	Pou	Tuttle
Faison	Kennedy	Powers	Underhill
Farr	Kinkaid, Nebr.	Pray	Underwood
Ferris	Kinkead, N. J.	Prouty	Volstead
Finley	Kitchin	Rainey	Watkins
Fitzgerald	Konop	Raker	Wedemeyer
Flood, Va.	Korbly	Randell, Tex.	Whitacre
Floyd, Ark.	Lafferty	Ransdell, La.	White
Francis	La Follette	Rauch	Wickliffe
Garner	Lamb	Redfield	Wilder
Garrett	Lee, Pa.	Reilly	Willis
George	Legare	Roddenbery	Wilson, Pa.
Godwin, N. C.	Lenroot	Rodenberg	Witherspoon
Goodwin, Ark.	Lever	Rouse	Woods, Iowa
Graham	Levy	Rubey	Young, Kans.
Green, Iowa	Lewis	Rucker, Mo.	Young, Mich.
Greene, Mass.	Lindbergh	Russell	
Gregg, Pa.	Littleton	Sabath	
Gudger	Lloyd	Scully	

NAYS—6.

Anderson, Minn.	Dalzell	French	Roberts, Nev.
Cannon	Fowler		

ANSWERED "PRESENT"—11.

Adamson	Davis, Minn.	Gallagher	Slayden
Burgess	Fornes	Glass	Stevens, Minn.
Butler	Foster, Ill.	Olmsted	

NOT VOTING—159.

Aiken, S. C.	Fields	Kopp	Prince
Ames	Focht	Lafean	Pujo
Anderson, Ohio	Fordney	Langham	Rees
Andrus	Foss	Langley	Reyburn
Anthony	Foster, Vt.	Lawrence	Richardson
Barchfeld	Fuller	Lee, Ga.	Riordan
Bartholdt	Gardner, Mass.	Lindsay	Roberts, Mass.
Bartlett	Gardner, N. J.	Linthicum	Robinson
Bates	Gillett	Littlepage	Rothermel
Berger	Goeke	Longworth	Rucker, Colo.
Bingham	Goldfogle	Loud	Saunders
Boehne	Good	McCoy	Sells
Borland	Gould	McCreary	Sharp
Bradley	Gray	McDermott	Sheppard
Buchanan	Gregg, Tex.	McGillicuddy	Sherley
Burke, Wis.	Griest	McGuire, Okla.	Sims
Cantrill	Hamill	McHenry	Slemp
Cary	Hardy	McKenzie	Smith, Cal.
Clark, Fla.	Harris	Macon	Sparkman
Connell	Harrison, N. Y.	Madden	Stack
Conry	Hartman	Maher	Stanley
Copley	Hay	Malby	Stephens, Miss.
Cox, Ind.	Heald	Martin, S. Dak.	Sulzer
Cravens	Henry, Conn.	Matthews	Switzer
Crumpacker	Henry, Tex.	Miller	Taggart
Curley	Higgins	Moon, Pa.	Talbott, Md.
Currier	Hinds	Moore, Pa.	Taylor, Ala.
Curry	Hobson	Morgan	Taylor, Ohio
Danforth	Houston	Mott	Thayer
Davenport	Howland	Neeley	Townsend
Davidson	Hubbard	Nelson	Utter
De Forest	Hughes, Ga.	Oldfield	Vreeland
Dickson, Miss.	Hughes, W. Va.	O'Shaunessy	Warburton
Dies	Humphrey, Wash.	Padgett	Webb
Doremus	Johnson, S. C.	Palmer	Weeks
Draper	Kahn	Parran	Wilson, Ill.
Ellerbe	Kent	Patten, N. Y.	Wilson, N. Y.
Estopinal	Kindred	Peters	Wood, N. J.
Fairchild	Knowland	Plumley	Young, Tex.
Fergusson	Konig	Post	

So the amendment was agreed to.

The Clerk announced the following pairs:

For the session:

Mr. ADAMSON with Mr. STEVENS of Minnesota.

Mr. BARTLETT with Mr. BUTLER.

Mr. RIORDAN with Mr. ANDRUS.

Mr. GLASS with Mr. SLEMP.

Mr. FORNES with Mr. BRADLEY.

Mr. PUJO with Mr. MCMORRAN.

Until further notice:

Mr. TALBOTT of Maryland with Mr. PARRAN.

Mr. MACON with Mr. SMITH of California.

Mr. CLARK of Florida with Mr. LANGHAM.

Mr. SHERLEY with Mr. GILLETT.

Mr. GOULD with Mr. HINDS.

Mr. DICKSON of Mississippi with Mr. HUMPHREY of Washington.

Mr. FOSTER of Illinois with Mr. KOPP.

Mr. SPARKMAN with Mr. DAVIDSON.

Mr. PADGETT with Mr. MCGUIRE of Oklahoma.

Mr. MCDERMOTT with Mr. FOSS.

Mr. HOBSON with Mr. FAIRCHILD.

Mr. CANTRILL with Mr. MORGAN.

Mr. SHEPPARD with Mr. BATES.

Mr. OLDFIELD with Mr. BINGHAM.

Mr. GALLAGHER with Mr. FULLER.

Mr. BUCHANAN with Mr. LAFEAN.

Mr. FIELDS with Mr. LANGLEY.

Mr. AIKEN of South Carolina with Mr. ANTHONY.

Mr. ANDERSON of Ohio with Mr. BARCHFELD.

Mr. BOEHNE with Mr. BARTHOLDT.

Mr. BORLAND with Mr. CARY.

Mr. BURKE of Wisconsin with Mr. CRUMPACKER.

Mr. CONNELL with Mr. CURRIER.

Mr. CONRY with Mr. CURRY.

Mr. COX of Indiana with Mr. DANFORTH.

Mr. CRAVENS with Mr. DRAPER.

Mr. CURLEY with Mr. FOCHT.

Mr. DAVENPORT with Mr. FORDNEY.

Mr. DIES with Mr. FOSTER of Vermont.

Mr. DOREMUS with Mr. GARDNER of Massachusetts.

Mr. ELLERBE with Mr. GARDNER of New Jersey.

Mr. ESTOPINAL with Mr. GOOD.

Mr. FERGUSSON with Mr. HARRIS.

Mr. GOEKE with Mr. HARTMAN.

Mr. GOLDFOGLE with Mr. HEALD.

Mr. GRAY with Mr. HENRY of Connecticut.

Mr. GREGG of Texas with Mr. HIGGINS.

Mr. HAMILL with Mr. HOWLAND.

Mr. HARDY with Mr. HUBBARD.

Mr. HAY with Mr. HUGHES of West Virginia.

Mr. HENRY of Texas with Mr. KAHN.

Mr. HOUSTON with Mr. KENT.

Mr. HUGHES of Georgia with Mr. KNOWLAND.

Mr. KINDRED with Mr. LAWRENCE.

Mr. KONIG with Mr. LOUD.

Mr. LEE of Georgia with Mr. LONGWORTH.

Mr. LINTHICUM with Mr. MCCREARY.

Mr. LITTLEPAGE with Mr. MCKENZIE.

Mr. MCCOY with Mr. MADDEN.

Mr. MCGILLICUDDY with Mr. MALBY.

Mr. MAHER with Mr. MATTHEWS.

Mr. NEELEY with Mr. MILLER.

Mr. O'SHAUNESSY with Mr. MOON of Pennsylvania.

Mr. PALMER with Mr. MOTT.

Mr. PETERS with Mr. NELSON.

Mr. POST with Mr. PLUMLEY.

Mr. RICHARDSON with Mr. MARTIN of South Dakota.

Mr. ROTHERMEL with Mr. PRINCE.

Mr. RUCKER of Colorado with Mr. REES.

Mr. SAUNDERS with Mr. REYBURN.

Mr. SHARP with Mr. ROBERTS of Massachusetts.

Mr. SIMS with Mr. SELLS.

Mr. STANLEY with Mr. SWITZER.

Mr. STEPHENS of Mississippi with Mr. TAYLOR of Ohio.

Mr. TAYLOR of Alabama with Mr. VREELAND.

Mr. TOWNSEND with Mr. WARBURTON.

Mr. WEBB with Mr. WILSON of Illinois.

Mr. WILSON of New York with Mr. WOOD of New Jersey.

Mr. YOUNG of Texas with Mr. COPLEY.

Mr. SULZER with Mr. UTTER.

Ending April 5:

Mr. THAYER with Mr. AMES.

Ending April 2, inclusive:

Mr. BURGESS with Mr. WEEKS.

Ending March 20:

Mr. PATTEN of New York with Mr. MOORE of Pennsylvania.

Commencing March 11 and ending in one week:

Mr. DENT with Mr. DAVIS of Minnesota.

Commencing March 7 and ending March 13:

Mr. HARRISON of New York with Mr. OLMSTED.

For March 12:

Mr. SLAYDEN with Mr. GRIEST.

The result of the vote was announced as above recorded.

The SPEAKER. Two hundred and thirty-five Members are present, a quorum. The Doorkeeper will open the doors and the Clerk will report the next amendment.

The Clerk reported the next amendment, as follows:

Page 6, line 8, strike out the words "and improvement" at the beginning of the line, and after the word "grounds," insert "and the improvements of the existing public building."

The SPEAKER. The question is on agreeing to the amendment.

The amendment was agreed to.

The Clerk reported the next amendment, as follows:

Page 18, line 24, after the word "improvements," insert:
"*And provided further,* That the money already appropriated for general expenses, Bureau of Plant Industry, for the fiscal year 1912, is hereby made available for the erection of necessary farm buildings, provided that the cost of any building erected shall not exceed $1,500, and for field station expenses, including fences, drains, and other farm improvements."

The SPEAKER. The question is on agreeing to the amendment.

The question was taken, and the amendment was agreed to.

The Clerk reported the next amendment, as follows:

Page 19, line 25, strike out the words "thirty-one thousand," and insert in lieu thereof the words "thirty-three thousand three hundred."

The amendment was agreed to.

The Clerk reported the next amendment, as follows:

Page 21, lines 7 and 8, strike out the words "twenty-four thousand," and insert in lieu thereof the words "twenty-six thousand six hundred and thirty."

The amendment was agreed to.

The Clerk reported the next amendment, as follows:

Page 21, line 12, after the word "plants," insert the following: "including the testing of flax straw in cooperation with the North Dakota Agricultural College."
And in line 13, of the same page, strike out the word "seven," and insert in lieu thereof the word "twelve," so that it will read "$12,580."

The SPEAKER. The question is on agreeing to the amendment.

The question was taken, and the amendment was agreed to.

The Clerk reported the next amendment, as follows:

Page 21, lines 21 and 26, strike out the words "one hundred and eighty-six thousand and twenty" and insert in lieu thereof the words "two hundred and fifty-one thousand."

The SPEAKER. The question is on agreeing to the amendment.

The question was taken, and the amendment was agreed to.

The Clerk reported the next amendment, as follows:

Page 30, after line 16, insert:
"*And provided further,* That no part of the appropriation made by this act shall be used for the construction, repair, maintenance, or use of buildings or improvements made for forest ranger stations within the inclosed fields of bona fide homestead settlers who have established residence upon their homestead lands prior to the date of the establishment of the forest reservation in which the homestead lands are situated, without the consent of the homesteader."

The SPEAKER. The question is on agreeing to the amendment.

The amendment was agreed to.

The Clerk reported the next amendment, as follows:

Page 46, line 11, strike out the words "one hundred and fifty" and insert in lieu thereof the words "one hundred and sixty-five."

Mr. RUBEY. Mr. Speaker, I rise to a parliamentary inquiry, to get some information.

The SPEAKER. The gentleman will state it.

Mr. RUBEY. Is this not the amendment offered by the gentleman from Illinois, increasing this amount $15,000?

The SPEAKER. The Chair is not able to inform the gentleman. The question is on the amendment.

The question was taken; and on a division (demanded by Mr. MANN) there were—ayes 58, noes 110.

Mr. MANN. Mr. Speaker, I make the point of order that there is no quorum present.

Mr. JAMES. And, Mr. Speaker, I make the point of order that the point of order made by the gentleman from Illinois is dilatory.

The SPEAKER. The Chair thinks not. The Chair will count. [After counting.] One hundred and ninety-two Members present, not a quorum. The doors will be closed, the Sergeant at Arms will notify absentees. The question will be taken on agreeing to the amendment, and the Clerk will call the roll.

Mr. ANDERSON of Minnesota. Mr. Speaker, I ask unanimous consent that the amendment be again reported.

The SPEAKER. The gentleman from Minnesota asks unanimous consent that the amendment be again reported. Is there objection?

Mr. FOSTER of Illinois. Mr. Speaker, I object.

The SPEAKER. The gentleman from Illinois objects, and the Clerk will call the roll.

The question was taken; and there were—yeas 128, nays 82, answered "present" 7, not voting 176, as follows:

YEAS—128.

Ainey	Foster, Ill.	Lafferty	Roddenbery
Akin, N. Y.	Fowler	La Follette	Rodenberg
Alexander	French	Lee, Pa.	Rubey
Anderson, Minn.	George	Legare	Russell
Anderson, Ohio	Graham	Lenroot	Scully
Austin	Green, Iowa	Lever	Shackleford
Barchfeld	Greene, Mass.	Lindbergh	Simmons
Bathrick	Gregg, Pa.	Lloyd	Small
Bowman	Guernsey	Lobeck	Smith, J. M. C.
Broussard	Hamilton, Mich.	McKinney	Smith, Saml. W.
Brown	Hamilton, W. Va.	McLaughlin	Smith, N. Y.
Browning	Hanna	Maguire, Nebr.	Speer
Burke, Pa.	Hardwick	Mann	Stedman
Calder	Harrison, Miss.	Martin, Colo.	Steenerson
Campbell	Haugen	Morrison	Stephens, Cal.
Cannon	Hayden	Morse, Wis.	Sterling
Carter	Helm	Murdock	Stone
Catlin	Hill	Murray	Sulloway
Collier	Holland	Needham	Talcott, N. Y.
Cooper	Howell	Neeley.	Thistlewood
Covington	Hughes, N. J.	Norris	Tilson
Curley	Humphreys, Miss.	Patton, Pa.	Towner
Dalzell	Jackson	Pepper	Tuttle
Dodds	Jacoway	Pickett	Volstead
Donohoe	Kendall	Porter	Watkins
Driscoll, M. E.	Kennedy	Post	Wedemeyer
Dwight	Kinkaid, Nebr.	Powers	Wickliffe
Dyer	Kinkead, N. J.	Pray	Wilder
Farr	Kitchin	Prouty	Willis
Ferris	Konop	Ransdell, La.	Woods, Iowa
Flood, Va.	Kopp	Reilly	Young, Kans
Floyd, Ark.	Korbly	Roberts, Nev.	Young, Mich.

NAYS—82.

Adair	Davis, W. Va.	Hensley	Rucker, Mo.
Allen	Denver	Howard	Sabath
Ansberry	Dickinson	Hull	Sherwood
Ashbrook	Difenderfer	James	Sisson
Ayres	Dixon, Ind.	Johnson, Ky.	Smith, Tex.
Barnhart	Doughton	Jones	Stephens, Nebr.
Beall, Tex.	Driscoll, D. A.	Lamb	Stephens, Tex.
Bell, Ga.	Edwards	Levy	Sweet
Blackmon	Evans	Lewis	Taylor, Ala.
Booher	Faison	McGillicuddy	Taylor, Colo.
Bulkley	Finley	McKellar	Thomas
Byrnes, S. C.	Fitzgerald	Mays	Tribble
Byrns, Tenn.	Francis	Moore, Tex.	Turnbull
Callaway	Garner	Moss, Ind.	Underhill
Carlin	Garrett	Page	Underwood
Claypool	Godwin, N. C.	Pou	Whitacre
Cline	Goodwin, Ark.	Rainey	White
Conry	Gudger	Raker	Wilson, Pa.
Cox, Ohio	Hammond	Randell, Tex.	Witherspoon
Cullop	Hawley	Rauch	
Daugherty	Heflin	Rouse	

ANSWERED "PRESENT"—7.

Adamson	Burleson	Davis, Minn.	Glass
Burgess	Butler	Gallagher	

NOT VOTING—176.

Aiken, S. C.	Fergusson	Konig	Peters
Ames	Fields	Lafean	Plumley
Andrus	Focht	Langham	Prince
Anthony	Fordney	Langley	Pujo
Bartholdt	Fornes	Lawrence	Redfield
Bartlett	Foss	Lee, Ga.	Rees
Bates	Foster, Vt.	Lindsay	Reyburn
Berger	Fuller	Linthicum	Richardson
Bingham	Gardner, Mass.	Littlepage	Riordan
Boehne	Gardner, N. J.	Littleton	Roberts, Mass.
Borland	Gillett	Longworth	Robinson
Bradley	Goeke	Loud	Rothermel
Brantley	Goldfogle	McCall	Rucker, Colo.
Buchanan	Good	McCoy	Saunders
Burke, S. Dak.	Gould	McCreary	Sells
Burke, Wis.	Gray	McDermott	Sharp
Burnett	Gregg, Tex.	McGuire, Okla.	Sheppard
Candler	Griest	McHenry	Sherley
Cantrill	Hamill	McKenzie	Sims
Cary	Hamlin	McKinley	Slayden
Clark, Fla.	Hardy	McMorran	Slemp
Clayton	Harris	Macon	Sloan
Connell	Harrison, N. Y.	Madden	Smith, Cal.
Copley	Hartman	Maher	Sparkman
Cox, Ind.	Hay	Malby	Stack
Crago	Hayes	Martin, S. Dak.	Stanley
Cravens	Heald	Matthews	Stephens, Miss.
Crumpacker	Helgesen	Miller	Stevens, Minn.
Currier	Henry, Conn	Mondell	Sulzer
Curry	Henry, Tex.	Moon, Pa.	Switzer
Danforth	Higgins	Moon, Tenn.	Taggart
Davenport	Hinds	Moore, Pa.	Talbott, Md.
Davidson	Hobson	Morgan	Taylor, Ohio
De Forest	Houston	Mott	Thayer
Dent	Howland	Nelson	Townsend
Dickson, Miss.	Hubbard	Nye	Utter
Dies	Hughes, Ga.	Oldfield	Vreeland
Doremus	Hughes, W. Va.	Olmsted	Warburton
Draper	Humphrey, Wash.	O'Shaunessy	Webb
Dupre	Johnson, S. C.	Padgett	Weeks
Ellerbe	Kahn	Palmer	Wilson, Ill.
Esch	Kent	Parran	Wilson, N. Y.
Estopinal	Kindred	Patten, N. Y.	Wood, N. J.
Fairchild	Knowland	Payne	Young, Tex.

So the amendment was agreed to.

The Clerk announced the following additional pairs:
Until further notice:
Mr. LINDSAY with Mr. SLOAN.
Mr. ROBINSON with Mr. PAYNE.
Mr. TAGGART with Mr. PLUMLEY.
Mr. STACK with Mr. MONDELL.
Mr. REDFIELD with Mr. MILLER.
Mr. MCHENRY with Mr. MCKINLEY.
Mr. LITTLETON with Mr. ESCH.
Mr. JOHNSON of South Carolina with Mr. CURRY.
Mr. HAMLIN with Mr. FOCHT.
Mr. DUPRE with Mr. CRAGO.
Mr. CANDLER with Mr. BURKE of South Dakota.
Beginning March 12, ending March 13:
Mr. BRANTLEY with Mr. HAYES.
For to-day only:
Mr. BURNETT with Mr. HELGESON.
Mr. MOON of Tennessee with Mr. DE FOREST.
Mr. CLAYTON with Mr. NYE.
Mr. BURLESON with Mr. MCCALL.

The SPEAKER. On this vote the yeas are 128, nays 82, answered "present" 7—a quorum. The Doorkeeper will open the doors.

Mr. LEVER. Mr. Speaker, I ask unanimous consent that I may make a short statement, not covering over five minutes.

The SPEAKER. The gentleman from South Carolina asks unanimous consent to proceed for five minutes. Is there objection? [After a pause.] The Chair hears none.

Mr. LEVER. Mr. Speaker, there is some confusion about the vote which has just been taken, and I feel it is necessary I should offer some explanation of my own attitude about this matter. When this item was under consideration in the Committee of the Whole, the gentleman from Illinois [Mr. MANN] offered an amendment increasing the appropriation over the proposed bill from $150,000 to $175,000. The proposition was debated for some time, and finally I said, in the course of debate, this:

Mr. LEVER. Mr. Chairman, there is not a man on the floor of the House who does not know the expert information that the gentleman from Illinois has on this proposition. We have all admitted it here. I wonder if the gentleman would not agree, as a substitute for his amendment, to make it $165,000, and let us get along.

Mr. MANN. I would be quite willing to do that, with the understanding, expressed in debate, that the extra amount of $15,000 is put in for this purpose.

Mr. LEVER. I do not know that we could do that.

Mr. MANN. I do not mean to put it in the law, but I mean in debate, so that the Forestry Service will understand that the increase is for this purpose.

Mr. FITZGERALD. Why is it necessary to increase it?

Mr. MANN. It is absolutely essential. Mr. Chairman, I ask unanimous consent to modify my amendment by making it $165,000 instead of $175,000.

The CHAIRMAN. The Clerk will report the modification.

The Clerk read as follows:

"Strike out the word 'seventy-five' and insert in lieu thereof the word 'sixty-five.'"

The CHAIRMAN. Without objection, the modification will be made.

There was no objection.

The CHAIRMAN. The question now is on the amendment offered by the gentleman from Illinois.

Mr. FITZGERALD. Mr. Chairman, I wish to inquire of the gentleman in charge of this bill what information he has that would justify the committee in accepting the amendment?

Mr. LAMB. Mr. Chairman, we are cutting this item considerably, $26,000, and we did it over the protest of the Forester, of course.

Now, listen to that—

We had no more evidence touching this item than what I have already given. Mr. MANN has thrown some further light on the subject.

Mr. FITZGERALD. No appropriation is ever reduced except it is against the protest of the official who is to expend the money.

Mr. MANN. The official who is to expend the money has not protested, so far as I know.

Mr. FITZGERALD. The gentleman from Virginia said he did.

Mr. MANN. I did not know about that. I have made an investigation of this matter since this bill was reported and have given to the House the information I obtained.

Mr. FITZGERALD. How much of this appropriation is to be expended in these particular investigations?

Mr. MANN. Probably twenty or thirty or forty thousand dollars. I can not tell the exact amount. I do not remember.

The SPEAKER. The time of the gentleman has expired.

Mr. LEVER. Mr. Speaker, I ask unanimous consent to proceed for four minutes more.

The SPEAKER. Is there objection? [After a pause.] The Chair hears none.

Mr. LEVER. I will continue:

Mr. LAMB. I have given all the information we had. We were reducing these amounts all we could. We reduced them in proportion. I have previously stated that they had been increased too rapidly in preceding appropriation bills; at least some of us thought so.

Mr. MANN. And a large part of the expense is being paid by outside parties, the gentleman understands—as much as they are permitted to pay under the law.

Mr. LEVER. We made very serious cuts all along the line here.

Mr. LAMB. We cut the amounts over $300,000.

Mr. LEVER. I regard this as important, and the gentleman from Illinois is better informed, perhaps, on this proposition than any man in the country. I confess I have been somewhat moved by his statement in respect to the proposition, and if he is willing to make a reasonable divide I am willing to accept it, so that we may get along.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Illinois as amended.

The question was taken, and the amendment was agreed to.

Mr. LEVER. Mr. Speaker, I feel that the colloquy which I have read, between members of the Committee of the Whole, demonstrates beyond a doubt that Members entered into a gentleman's agreement with the gentleman from Illinois [Mr. MANN] on this proposition, and for one I would rather suffer that this right arm should be cut off than to go back on an agreement made on the floor of this House. Hence I have voted for the gentleman's proposition.

Mr. BEALL of Texas. Will the gentleman yield?

The SPEAKER. Does the gentleman from South Carolina yield to the gentleman from Texas?

Mr. LEVER. I do.

Mr. BEALL of Texas. I readily concede the right of the gentleman to bind himself by an agreement, but I am not willing for the impression to be created that there was any attempt to bind anyone else except the ones who made the agreement. I, together with many others here, voted against that amendment when it was pending in the bill.

Mr. LEVER. The gentleman from Texas was here on the floor of the House, and he heard the whole colloquy. He knew what was going on. The RECORD discloses the fact that the gentleman from Texas [Mr. BEALL] did not protest or open his mouth on the proposition——

Mr. BEALL of Texas. Except to vote against it.

Mr. LEVER (continuing). And in his silence concurred in the agreement that was taking place on the floor of the House.

Mr. BEALL of Texas. The gentleman has no right to assume to make any agreement for anybody except himself.

Mr. FITZGERALD. I think I remember the matter. I do not think I assented to the adoption of the amendment, and I discussed it afterwards. When we found that those who had control of the bill on the floor wanted to support the amendment, in view of what happened in the committee prior to that time it was a waste of time to demand a division.

Mr. LEVER. And by unanimous consent the whole proposition went through, as the gentleman from New York [Mr. FITZGERALD] knows.

Mr. FITZGERALD. It did not go through as a gentleman's agreement—by unanimous consent.

Mr. LEVER. As far as I am concerned, Mr. Speaker, I feel myself personally bound upon this proposition as one gentleman dealing with another, and I can not and will not go back upon the agreement entered into by consent of the Committee of the Whole.

The SPEAKER. The time of the gentleman from South Carolina has expired.

Mr. MURDOCK. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. MURDOCK. On the last vote taken some 20 or 30 gentlemen changed their vote from "no" to "aye." Will each gentleman's change of vote be found in the RECORD? Will it be printed there?

The SPEAKER. Why, no. The change of vote is shown in the record of the vote itself.

Mr. MURDOCK. And there will be absolutely no record of the fact that the gentlemen changed their vote?

The SPEAKER. No such thing as that appears in the RECORD.

Mr. LEVER. Mr. Speaker, I desire to submit another request for unanimous consent.

The SPEAKER. The gentleman will state it.

Mr. LEVER. And that is that all amendments now pending, except the one contained on line 10, page 47 of the bill, be voted on en gross, and that we proceed to vote upon the amendment on line 10, page 47, of the bill. We will save a great deal of time, and that is the only contested proposition in the bill.

The SPEAKER. The Chair thinks that we ought to dispose of the amendment now pending before the gentleman makes his request.

Mr. LEVER. I thought the amendment had been disposed of.

The SPEAKER. The Clerk will report the pending amendment.

The Clerk read as follows:

Page 46, line 16, after the word "of," insert the word "tree."

The SPEAKER. The question is on agreeing to the amendment.

The question was taken, and the amendment was agreed to.

Mr. LEVER. Now, Mr. Speaker, I renew the request that I made a moment ago—that the remaining amendments be voted upon in gross, except the one contained on line 10 of page 47.

The SPEAKER. The Clerk will report that amendment.

The Clerk read as follows:

On page 47, line 10, strike out "two hundred and seventy-five thousand" and insert in lieu thereof "five hundred thousand."

The SPEAKER. The request of the gentleman from South Carolina is that after this amendment is voted on the remaining amendments be submitted in gross. Is there objection?

Mr. LEVER. That is it, Mr. Speaker.

Mr. MANN. For the present I object.

The SPEAKER. The gentleman from Illinois [Mr. MANN] objects. The question is on agreeing to the amendment just read.

The question was taken, and the Speaker announced that the noes had it.

Mr. MANN. Mr. Speaker, I ask for a division.

The House divided; and there were—ayes 51, noes 78.

Mr. MANN. I ask for the yeas and nays, Mr. Speaker, and so that everybody can vote I make the point of no quorum at the same time.

The SPEAKER (after counting). There are 161 gentlemen present—not a quorum. The Doorkeeper will lock the doors, the Sergeant at Arms will notify absentees, and the Clerk will call the roll. When the roll is called those in favor of this amendment will answer "yea"; those opposed "nay."

The question was taken; and there were—yeas 72, nays 113, answered "present" 17, not voting 192, as follows:

YEAS—72.

Ainey	Guernsey	Mann	Smith, J. M. C.
Anderson, Minn.	Hartman	Martin, S. Dak.	Smith, Saml. W.
Austin	Hawley	Mondell	Speer
Barchfeld	Hayden	Morse, Wis.	Steenerson
Bowman	Hill	Murdock	Stephens, Cal.
Brown	Howell	Needham	Sterling
Browning	Jackson	Norris	Sulloway
Calder	Kendall	Patton, Pa.	Taylor, Colo.
Cooper	Kennedy	Pickett	Thistlewood
Dalzell	Kinkaid, Nebr.	Porter	Towner
Dodds	Konop	Pray	Tuttle
Driscoll, M. E.	Kopp	Prouty	Volstead
Esch	Lafferty	Raker	Warburton
Evans	La Follette	Rees	Wedemeyer
Farr	Lenroot	Roberts, Nev.	Wilder
French	Lindbergh	Rodenberg	Willis
Green, Iowa	Lobeck	Simmons	Woods, Iowa
Greene, Mass.	McKinney	Sloan	Young, Mich.

NAYS—113.

Adair	Driscoll, D. A.	James	Rubey
Alexander	Edwards	Johnson, Ky.	Russell
Allen	Faison	Jones	Sabath
Anderson, Ohio	Ferris	Kinkead, N. J.	Shackleford
Ashbrook	Finley	Kitchin	Sherwood
Barnhart	Fitzgerald	Korbly	Sisson
Bathrick	Flood, Va.	Lamb	Small
Beall, Tex.	Floyd, Ark.	Lee, Pa.	Smith, N. Y.
Bell, Ga.	Foster, Ill.	Lever	Smith, Tex.
Blackmon	Fowler	Levy	Stedman
Booher	Francis	Lewis	Stephens, Nebr.
Broussard	Garner	Lloyd	Stephens, Tex.
Bulkley	Garrett	McKellar	Stone
Burke, Wis.	Godwin, N. C.	Maguire, Nebr.	Sweet
Byrnes, S. C.	Goodwin, Ark.	Mays	Talcott, N. Y.
Byrns, Tenn.	Gray	Moore, Tex.	Thomas
Callaway	Gregg, Pa.	Morrison	Tribble
Candler	Gudger	Moss, Ind.	Turnbull
Collier	Hamilton, W. Va.	Murray	Underhill
Conry	Hardwick	Page	Underwood
Cullop	Harrison, Miss.	Pepper	Watkins
Curley	Heflin	Pou	Whitacre
Daugherty	Helm	Rainey	Wickliffe
Davis, W. Va.	Holland	Randell, Tex.	Wilson, Pa.
Denver	Howard	Ransdell, La.	Witherspoon
Difenderfer	Hughes, N. J.	Rauch	The Speaker
Dixon, Ind.	Hull	Reilly	
Donohoe	Humphreys, Miss.	Roddenbery	
Doughton	Jacoway	Rouse	

ANSWERED "PRESENT"—17.

Adamson	Campbell	George	Tilson
Akin, N. Y.	Carter	Glass	Young, Kans.
Burgess	Davis, Minn.	Graham	
Burleson	Dwight	Haugen	
Butler	Gallagher	Hayes	

NOT VOTING—192.

Aiken, S. C.	Burke, Pa.	Cox, Ohio	Dupre
Ames	Burke, S. Dak.	Crago	Dyer
Andrus	Burnett	Cravens	Ellerbe
Ansberry	Cannon	Crumpacker	Estopinal
Anthony	Cantrill	Currier	Fairchild
Ayres	Carlin	Curry	Fergusson
Bartholdt	Cary	Danforth	Fields
Bartlett	Catlin	Davenport	Focht
Bates	Clark, Fla.	Davidson	Fordney
Berger	Claypool	De Forest	Fornes
Bingham	Clayton	Dent	Foss
Boehne	Cline	Dickinson	Foster, Vt.
Borland	Connell	Dickson, Miss.	Fuller
Bradley	Copley	Dies	Gardner, Mass.
Brantley	Covington	Doremus	Gardner, N. J.
Buchanan	Cox, Ind.	Draper	Gillett
Goeke	Kindred	Miller	Saunders
Goldfogle	Knowland	Moon, Pa.	Scully
Good	Konig	Moon, Tenn.	Sells
Gould	Lafean	Moore, Pa.	Sharp
Gregg, Tex.	Langham	Morgan	Sheppard
Griest	Langley	Mott	Sherley
Hamill	Lawrence	Neeley	Sims
Hamilton, Mich.	Lee, Ga.	Nelson	Slayden
Hamlin	Legare	Nye	Slemp
Hammond	Lindsay	Oldfield	Smith, Cal.
Hanna	Linthicum	Olmsted	Sparkman
Hardy	Littlepage	O'Shaunessy	Stack
Harris	Littleton	Padgett	Stanley
Harrison, N. Y.	Longworth	Palmer	Stephens, Miss.
Hay	Loud	Parran	Stevens, Minn.
Heald	McCall	Patten, N. Y.	Sulzer
Helgesen	McCoy	Payne	Switzer
Henry, Conn.	McCreary	Peters	Taggart
Henry, Tex.	McDermott	Plumley	Talbott, Md.
Hensley	McGillicuddy	Post	Taylor, Ala.
Higgins	McGuire, Okla.	Powers	Taylor, Ohio.
Hinds	McHenry	Prince	Thayer
Hobson	McKenzie	Pujo	Townsend
Houston	McKinley	Redfield	Utter
Howland	McLaughlin	Reyburn	Vreeland
Hubbard	McMorran	Richardson	Webb
Hughes, Ga.	Macon	Riordan	Weeks
Hughes, W. Va.	Madden	Roberts, Mass.	White
Humphrey, Wash.	Maher	Robinson	Wilson, Ill.
Johnson, S. C.	Malby	Rothermel	Wilson, N. Y.
Kahn	Martin, Colo.	Rucker, Colo.	Wood, N. J.
Kent	Matthews	Rucker, Mo.	Young, Tex.

The SPEAKER. The Clerk will call my name.

The Clerk called the name of Mr. CLARK of Missouri, and he voted in the negative.

So the amendment was rejected.

The Clerk announced the following additional pairs:

Until further notice:

Mr. SCULLY with Mr. CURRY.

Mr. ROBINSON with Mr. CRAGO.

Mr. POST with Mr. PLUMLEY.

Mr. RICHARDSON with Mr. PAYNE.

Mr. MARTIN of Colorado with Mr. HANNA.

Mr. HENRY of Texas with Mr. BURKE of South Dakota.

Mr. HAMMOND with Mr. CANNON.

Mr. CLAYPOOL with Mr. BURKE of Pennsylvania.

Mr. LITTLETON with Mr. DWIGHT.

Mr. CARTER with Mr. KAHN.

For balance of day:

Mr. RUCKER of Missouri with Mr. DYER.

Mr. DICKINSON with Mr. YOUNG of Kansas.

Mr. CATLIN with Mr. HENSLEY.

Mr. COX of Ohio with Mr. CAMPBELL.

Mr. ANSBERRY with Mr. TILSON.

Mr. LEGARE with Mr. MCLAUGHLIN.

Mr. COVINGTON with Mr. HAMILTON of Michigan.

The result of the vote was announced as above recorded.

The SPEAKER. A quorum is present; the "nays" have it, and the amendment is lost. The Doorkeeper will open the doors.

Mr. LAMB. Mr. Speaker, I ask unanimous consent that the remaining amendments be voted on in gross.

The SPEAKER. The gentleman from Virginia [Mr. LAMB] asks unanimous consent that the remaining amendments be voted on in gross. Is there objection?

Mr. MANN. Mr. Speaker, if the gentleman from Virginia will make his request so as to except the amendment inserted on page 73, covering the drainage investigation, I will not object to the other amendments being voted on in gross.

Mr. LAMB. I agree to that, Mr. Speaker.

The SPEAKER. There is no objection to the request of the gentleman from Virginia [Mr. LAMB], except on the one amendment, which the Clerk will report. Will the gentleman from Illinois [Mr. MANN] please state it again so that the Clerk can find it?

Mr. MANN. It is the amendment which came in on page 73, for the drainage investigation.

The Clerk read as follows:

On page 73, line 9: "Drainage investigation: To enable the Secretary of Agriculture to investigate and report upon the drainage of swamp lands and other wet lands which may be made available for agricultural purposes, and to prepare plans for the removal of surplus water by drainage from such lands, and for the preparation and illustration of reports and bulletins on drainage, including the employment of labor in the city of Washington and all necessary expenses, $96,700."

The SPEAKER. The question is on agreeing to the amendment.

The question was taken, and the Speaker announced that the "noes" seemed to have it.

Mr. LEVER. A division, Mr. Speaker.

The House divided; and there were—ayes 97, noes 33.

So the amendment was agreed to.

The SPEAKER. The question is on the adoption of the remaining amendments.

The question was taken, and the amendments were agreed to.

The SPEAKER. The question is on the engrossment and third reading of the amended bill.

The bill was ordered to be engrossed and read a third time, and was read the third time.

Mr. MANN. Mr. Speaker, I offer the following motion to recommit, which I send to the desk and ask to have read.

The Clerk read as follows:

I move to recommit the bill (H. R. 18960) making appropriations for the Department of Agriculture for the fiscal year ending June 30, 1913, to the Committee on Agriculture, with directions to that committee to report said bill back to the House forthwith with the following amendment:

Amend the paragraph, on page 77 of the bill, reading as follows:

"Fighting and preventing forest fires in emergency: For fighting and preventing forest fires in cases of extraordinary emergency, $200,000."

By adding thereto the following:

"And the unexpended balance of the appropriation of $1,000,000 for fighting and preventing forest fires in cases of extraordinary emergency made in the act entitled 'An act making appropriations for the Department of Agriculture for the fiscal year ending June 30, 1912,' is hereby reappropriated and made available for the purposes named during the fiscal year 1913."

The SPEAKER. The question is on the motion to recommit.

The question was taken, and the motion was rejected.

The SPEAKER. The question is on the passage of the bill.

The question was taken, and the bill was passed.

On motion of Mr. LAMB, a motion to reconsider the vote by which the bill was passed was laid on the table.

LEAVE OF ABSENCE.

By unanimous consent, leave of absence was granted—

To Mr. BORLAND, for three weeks, on account of sickness.

To Mr. LITTLEPAGE, for five days, on account of important business.

PATROL OF MEXICAN BOUNDARY (S. DOC. NO. 404).

The SPEAKER laid before the House the following message from the President of the United States, which was read, and, with the accompanying papers, referred to the Committee on Appropriations and ordered printed:

To the Senate and House of Representatives:

I transmit herewith statements of the amount expended by the State of Texas for the increased force of rangers required for policing and patrolling the international boundary along the Rio Grande during the months of October, November, and December of the year 1911, and during the month of January of the year 1912, together with certain correspondence bearing thereon.

The correspondence explains my reason for transmitting the accounts to Congress. The additional patrol service by the State of Texas served to save to the United States the cost which a more extended patrol of the frontier by the Army would have entailed, and I recommend that an appropriation be made to meet the amount of the increased financial burden assumed by that State.

WM. H. TAFT.

THE WHITE HOUSE, *March 12, 1912.*

ENROLLED BILL AND JOINT RESOLUTION SIGNED.

The SPEAKER announced his signature to enrolled bill and joint resolution of the following titles:

S. 339. An act providing for the reappraisement and sale of certain lands in the town site of Port Angeles, Wash., and for other purposes; and

S. J. Res. 83. Joint resolution making appropriations to meet certain contingent expenses of the Senate.

SENATE BILL REFERRED.

Under clause 2, Rule XXIV, Senate bill of the following title was taken from the Speaker's table and referred to its appropriate committee, as indicated below:

S. 4566. An act to provide for the purchase of ground and the erection of a Weather Bureau observatory building at Billings, Mont.; to the Committee on Agriculture.

THREE-YEAR HOMESTEAD BILL.

Mr. TAYLOR of Colorado. Mr. Speaker, I ask unanimous consent to have printed 500 extra copies of the report submitted to-day by the Committee on Public Lands upon the bill S. 3367, known as the three-year homestead bill.

The SPEAKER. Is there objection?

There was no objection, and it was so ordered.

ADJOURNMENT.

Mr. LAMB. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; and accordingly (at 8 o'clock and 2 minutes p. m.) the House adjourned until to-morrow, Wednesday, March 13, 1912, at 12 o'clock noon.

EXECUTIVE COMMUNICATIONS.

Under clause 2 of Rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

1. A letter from the Secretary of the Treasury, transmitting copy of a communication from the Secretary of War, submitting estimate of appropriation required to meet certain claims against the United States in connection with the Engineer Department (H. Doc. No. 613); to the Committee on Appropriations and ordered to be printed.

2. A letter from the Secretary of the Treasury, submitting estimate of appropriation for expenses of collecting, assembling, etc., exhibits of the several executive departments in connection with the International Congress on Hygiene and Demography to be held at Washington, D. C., September, 1912 (H. Doc. No. 615); to the Committee on Appropriations and ordered to be printed.

3. A letter from the Secretary of the Treasury, transmitting copy of a communication from the Secretary of War, submitting estimate of an appropriation for relief of Lieut. George Ruhlen, jr., Coast Artillery Corps, United States Army (H. Doc. No. 614); to the Committee on Appropriations and ordered to be printed.

4. A letter from the Secretary of War, transmitting, with a letter from the Chief of Engineers, report of examination and survey of Red River of the North, Minn. and N. Dak. (H. Doc. No. 616); to the Committee on Rivers and Harbors and ordered to be printed with illustrations.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, bills and resolutions were severally reported from committees, delivered to the Clerk, and referred to the several calendars therein named, as follows:

Mr. RANDELL of Texas, from the Committee on Ways and Means, to which was referred the bill (H. R. 1745) to amend the revenue laws so as to provide for furnishing certified copies of certain records to officers and other persons, reported the same without amendment, accompanied by a report (No. 411), which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. STEPHENS of Mississippi, from the Committee on Expenditures in the State Department, to which was referred the bill (H. R. 21224) to amend section 291 of the Revised Statutes of the United States, reported the same without amendment, accompanied by a report (No. 412), which said bill and report were referred to the House Calendar.

Mr. TAYLOR of Colorado, from the Committee on the Public Lands, to which was referred the bill (S. 3367) to amend section 2291 and section 2297 of the Revised Statutes of the United States relating to homesteads, reported the same with amendment, accompanied by a report (No. 413), which said bill and report were referred to the House Calendar.

PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS.

Under clause 3 of Rule XXII, bills, resolutions, and memorials were introduced and severally referred as follows:

By Mr. NORRIS: A bill (H. R. 21768) to provide for a primary nominating election in the District of Columbia, at which the qualified electors of the said District shall have the opportunity to vote for their first and second choice among those aspiring to be candidates of their respective political parties for President and Vice President of the United States, to elect their party delegates to their national conventions, and to elect their national committeemen; to the Committee on the District of Columbia.

By Mr. LAFFERTY: A bill (H. R. 21769) to increase the limit of cost for the erection and completion of the United States post-office building at The Dalles, Oreg.; to the Committee on Public Buildings and Grounds.

By Mr. ESCH: A bill (H. R. 21770) to provide for a site and public building at Tomah, Wis.; to the Committee on Public Buildings and Grounds.

By Mr. DYER: A bill (H. R. 21771) to give preference in the civil service to those persons who have been honorably discharged from the military or naval service of the United States; to the Committee on Reform in the Civil Service.

By Mr. POST: A bill (H. R. 21772) to constitute Circleville, Ohio, a port of delivery in the customs collection district of New Orleans, La.; to the Committee on Ways and Means.

By Mr. WICKERSHAM: A bill (H. R. 21773) to provide assistance to persons in Alaska who are indigent and incapacitated through nonage, old age, sickness, or accident, and for other purposes; to the Committee on the Territories.

Also, a bill (H. R. 21774) to provide for the purchase of a site and the erection of a public building thereon at Cordova, in the Territory of Alaska; to the Committee on Public Buildings and Grounds.

By Mr. ROBERTS of Nevada: A bill (H. R. 21775) defining the manner in which deposits of borax, borate of lime, borate of soda, or borate material may be acquired; to the Committee on Mines and Mining.

By Mr. BARCHFELD: A bill (H. R. 21776) to amend section 5 of an act entitled "An act to amend and consolidate the acts respecting copyrights," approved March 4, 1909; to the Committee on Patents.

By Mr. STEPHENS of Nebraska: A bill (H. R. 21821) to authorize the city of South Sioux City, in the State of Nebraska, to construct a bridge across the Missouri River between the States of Nebraska and Iowa; to the Committee on Interstate and Foreign Commerce.

By Mr. RAINEY: Joint resolution (H. J. Res. 267) to remove Government dams from Illinois River; to the Committee on Interstate and Foreign Commerce.

PRIVATE BILLS AND RESOLUTIONS.

Under clause 1 of Rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. ANDERSON of Ohio: A bill (H. R. 21777) granting an increase of pension to Louis Gessner; to the Committee on Invalid Pensions.

By Mr. BRADLEY: A bill (H. R. 21778) granting an increase of pension to Henry E. Wright; to the Committee on Invalid Pensions.

By Mr. CAMPBELL: A bill (H. R. 21779) granting a pension of Edmon Boydstun; to the Committee on Pensions.

By Mr. DANIEL A. DRISCOLL: A bill (H. R. 21780) granting an increase of pension to Susan E. Bruman; to the Committee on Invalid Pensions.

By Mr. DUPRÉ: A bill (H. R. 21781) for the relief of the estate of Philip Felix Herwig, deceased; to the Committee on Claims.

By Mr. FAIRCHILD: A bill (H. R. 21782) granting an increase of pension to Josephine M. Chittenden; to the Committee on Invalid Pensions.

By Mr. FARR: A bill (H. R. 21783) granting a pension to Elvira H. Browning; to the Committee on Invalid Pensions.

By Mr. FIELDS: A bill (H. R. 21784) for the relief of Delilah Dobbins; to the Committee on War Claims.

Also, a bill (H. R. 21785) to carry out the findings of the Court of Claims in the case of Lucy C. Lee, administratrix; to the Committee on War Claims.

Also, a bill (H. R. 21786) for the relief of J. W. Kouns; to the Committee on War Claims.

Also, a bill (H. R. 21787) for the relief of G. W. Darnell; to the Committee on War Claims.

By Mr. FINLEY: A bill (H. R. 21788) for the relief of Howell H. Shute; to the Committee on War Claims.

Also, a bill (H. R. 21789) for the relief of the heirs of R. B. Cunningham; to the Committee on War Claims.

By Mr. FORDNEY: A bill (H. R. 21790) granting an increase of pension to David Ross; to the Committee on Invalid Pensions.

By Mr. GALLAGHER: A bill (H. R. 21791) granting a pension to Anna A. Engel; to the Committee on Invalid Pensions.

By Mr. GOEKE: A bill (H. R. 21792) for the relief of Godfried Zeigler; to the Committee on War Claims.

By Mr. HAWLEY: A bill (H. R. 21793) granting an increase of pension to Joseph Dunnells; to the Committee on Invalid Pensions.

By Mr. LANGLEY: A bill (H. R. 21794) granting an increase of pension to J. W. Walker; to the Committee on Invalid Pensions.

Also, a bill (H. R. 21795) granting an increase of pension to Elijah Bayes; to the Committee on Invalid Pensions.

By Mr. LAFEAN: A bill (H. R. 21796) granting an increase of pension to Landis Eicholtz; to the Committee on Invalid Pensions.

Also, a bill (H. R. 21797) granting an increase of pension to Emanuel C. Coleman; to the Committee on Invalid Pensions.

Also, a bill (H. R. 21798) to authorize the Secretary of the Treasury to make an exchange between the United States and Charles A. Keagy, of the borough of Hanover, York County, Pa., of certain parcels of land situated in said borough of Hanover, and providing the conditions upon which such exchange shall be effected; to the Committee on Public Buildings and Grounds.

By Mr. LINDBERGH: A bill (H. R. 21799) granting an increase of pension to Robert Watson; to the Committee on Pensions.

By Mr. LOBECK: A bill (H. R. 21800) granting a pension to Clara G. Stoney; to the Committee on Invalid Pensions.

Also, a bill (H. R. 21801) granting an increase of pension to William Henry Wagenseller; to the Committee on Invalid Pensions.

By Mr. McDERMOTT: A bill (H. R. 21802) granting a pension to Everett L. Stokes; to the Committee on Invalid Pensions.

Also, a bill (H. R. 21803) granting a pension to Ernest H. Hausmann; to the Committee on Invalid Pensions.

By Mr. McKELLAR: A bill (H. R. 21804) for the relief of the legal representatives of Jesse A. Brown, deceased; to the Committee on War Claims.

By Mr. MORRISON: A bill (H. R. 21805) granting an increase of pension to Samuel Robison; to the Committee on Invalid Pensions.

By Mr. NORRIS: A bill (H. R. 21806) granting a pension to Myra Joy; to the Committee on Pensions.

Also, a bill (H. R. 21807) granting an increase of pension to Ferdinand Litz; to the Committee on Invalid Pensions.

By Mr. O'SHAUNESSY: A bill (H. R. 21808) granting an increase of pension to Elizabeth P. Potter; to the Committee on Invalid Pensions.

By Mr. POWERS: A bill (H. R. 21809) granting a pension to Job M. Kerns; to the Committee on Invalid Pensions.

Also, a bill (H. R. 21810) granting an increase of pension to Merida Wilson; to the Committee on Invalid Pensions.

By Mr. RAKER: A bill (H. R. 21811) for the relief of Lieut. (Junior Grade) F. N. Eklund, United States Navy; to the Committee on Naval Affairs.

By Mr. ROTHERMEL: A bill (H. R. 21812) granting an increase of pension to Henry N. Widrig; to the Committee on Invalid Pensions.

By Mr. TAYLOR of Colorado: A bill (H. R. 21813) granting an increase of pension to Henry H. Beach; to the Committee on Invalid Pensions.

By Mr. SAMUEL W. SMITH: A bill (H. R. 21814) granting a pension to Cyrus Hicks; to the Committee on Invalid Pensions.

By Mr. THOMAS: A bill H. R. 21815) granting a pension to Joseph Dobson; to the Committee on Pensions.

Also, a bill (H. R. 21816) granting a pension to Amanda Riley, formerly Amanda Carter; to the Committee on Invalid Pensions.

Also, a bill (H. R. 21817) granting a pension to Anna Coffman; to the Committee on Pensions.

Also, a bill (H. R. 21818) for the relief of Feilding M. Chelf; to the Committee on Claims.

By Mr. ALEXANDER: A bill (H. R. 21819) for the relief of William Roney; to the Committee on War Claims.

By Mr. LOBECK: A bill (H. R. 21820) to correct the military record of George Gardels; to the Committee on Military Affairs.

By Mr. CLARK of Missouri: A bill (H. R. 21822) granting an increase of pension to Edward D. Ingersoll; to the Committee on Invalid Pensions.

PETITIONS, ETC.

Under clause 1 of Rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

By Mr. AINEY: Petition of Grange No. 165, Patrons of Husbandry, for amending the oleomargarine laws; to the Committee on Agriculture.

Also, petition of Grange No. 257, Patrons of Husbandry, for parcel-post legislation; to the Committee on the Post Office and Post Roads.

Also, petitions of the Woman's Christian Temperance Unions of Le Roy, Lynn, Sayre, and Sheshequin, Pa., for passage of the Kenyon-Sheppard interstate liquor bill; to the Committee on the Judiciary.

By Mr. ALEXANDER: Papers to accompany bill for the relief of William Roney; to the Committee on War Claims.

By Mr. ANSBERRY: Petition of Caldwell Bros., of Deshler, Ohio, in support of House bill 20595, to amend the copyright act of 1909; to the Committee on Patents.

Also, memorial of the Chamber of Commerce of the State of New York, relative to toll rates through the Panama Canal; to the Committee on Interstate and Foreign Commerce.

Also, petition of Dr. J. Whitridge Williams, of Baltimore, Md., urging continuance of appropriation to the Columbia Hospital for Women; to the Committee on the District of Columbia.

Also, petition of E. J. Babcock, of University of North Dakota, for enactment of House bill 6304; to the Committee on Mines and Mining.

By Mr. ASHBROOK: Petition of J. E. Allman and E. R. Westfall, of Canal Dover, Ohio; B. C. Kintz, of Utica, Ohio; Knepper & Son, of Wooster, Ohio; E. E. Watters, of Dennison,

Ohio; A. S. Lambrigger, of Orrville, Ohio; S. E. Beller, of Canal Dover, Ohio; and B. F. Boles, of Uhrichsville, Ohio, asking for the passage of House bill 20595, the Townsend copyright bill; to the Committee on Patents.

By Mr. BURKE of South Dakota: Petition of homesteaders in Cheyenne Reservation, in South Dakota, asking that House amendment to Senate bill 3475 be adopted; to the Committee on Indian Affairs.

Also, petition for legislation prohibiting the coloring of oleomargarine; to the Committee on Agriculture.

Also, petition of citizens of Ramona, S. Dak., protesting against enactment of House bill 9433; to the Committee on the Post Office and Post Roads.

Also, petition of citizens of Fort Pierre, S. Dak., protesting against parcel-post legislation; to the Committee on the Post Office and Post Roads.

By Mr. BOWMAN: Petition of C. J. Marshall, State veterinarian of Pennsylvania, for enactment of House bill 16843; to the Committee on Military Affairs.

By Mr. CALDER: Petition of N. Langler & Sons, of Brooklyn, N. Y., protesting against House bill 16844; to the Committee on Interstate and Foreign Commerce.

By Mr. CAMPBELL: Petition of citizens of Dennis, Kans., against parcel-post legislation; to the Committee on the Post Office and Post Roads.

Also, petition of numerous citizens of Fredonia, Kans., favoring the Berger old-age pension bill; to the Committee on Pensions.

By Mr. CRAGO: Petition of Grange No. 1052, Patrons of Husbandry, against removal of the special tax on oleomargarine; to the Committee on Agriculture.

Also, petition of Camp No. 1, Pittsburgh, Pa., favoring enactment into law of House bill 17470; to the Committee on Pensions.

By Mr. DRAPER: Memorial of the Chamber of Commerce of the State of New York, relative to toll rates through the Panama Canal; to the Committee on Interstate and Foreign Commerce.

By Mr. ESCH: Memorial of the Chamber of Commerce of the State of New York regarding Panama Canal toll rates; to the Committee on Interstate and Foreign Commerce.

By Mr. FARR: Petition of South Abington Grange, of Lackawanna County, Pa., for amending the oleomargarine laws; to the Committee on Agriculture.

By Mr. FERGUSSON: Petition of citizens of Roswell, N. Mex., favoring Owen bill for medical department; to the Committee on Interstate and Foreign Commerce.

Also, petition of citizens of Buchanan, N. Mex., favoring amending the homestead law; to the Committee on the Public Lands.

Also, petition of the Christian Endeavor Society of Santa Fe, N. Mex., favoring the Kenyon-Sheppard bill; to the Committee on the Judiciary.

By Mr. FORNES: Memorial of the Chamber of Commerce of the State of New York, relative to toll rates through the Panama Canal; to the Committee on Interstate and Foreign Commerce.

By Mr. FOSTER of Illinois: Petition of citizens of Effingham, Ill., protesting against the enactment of a parcel-post service; to the Committee on the Post Office and Post Roads.

Also, petition of Retail Merchants' Association of Duquoin, Ill., favoring Senate bill 4308, for 1-cent letter postage; to the Committee on the Post Office and Post Roads.

By Mr. FULLER: Petitions of F. L. Angier and William P. Watson, of Streator, Ill., favoring the passage of House bill 17470, to pension widows of veterans of Spanish War; to the Committee on Pensions.

Also, petition of Trades and Labor Assembly of Aurora, Ill., protesting against enlisted men performing work at Boston Navy Yard, etc., formerly done by civilian employees; to the Committee on Naval Affairs.

Also, petition of Forrest E. Gordon, of Philadelphia, Pa., favoring the passage of the Donohoe bill (H. R. 17624), for the relief of Elizabeth Kemble; to the Committee on Invalid Pensions.

Also, petition of Chapin & Gore, of Chicago, Ill., against the passage of the Webb bill (H. R. 17593), relating to interstate-commerce shipments of intoxicating liquors; to the Committee on the Judiciary.

Also, petition of Refior Hardware Co., of Ottawa, Ill., favoring 1-cent letter postage, and against the establishment of a parcel-post service; to the Committee on the Post Office and Post Roads.

Also, petition of Rockford Furniture Co., of Rockford, Ill., against the passage of the Underwood bill (H. R. 20182), relating to duty on China-nut oil in chemical schedule; to the Committee on Ways and Means.

Also, petition of Woman's Foreign Missionary Society of Mazon, Ill., favoring the passage of the Esch phosphorus bill; to the Committee on Ways and Means.

Also, petitions of the Woman's Christian Temperance Union and citizens of Gardner, Ill., for passage of Kenyon-Sheppard interstate liquor bill; to the Committee on the Judiciary.

Also, petition of the J. D. Tower & Sons Co., of Mendota, Ill., favoring the passage of House bill for the continuance of scientific shop management in the Ordnance Department of the Army and Navy; to the Committee on Naval Affairs.

Also, petition of James O. Lee and others, of the town of Manchester, Boone County, Ill., in favor of the passage of a parcel-post law, etc.; to the Committee on the Post Office and Post Roads.

Also, petition of Illinois Farmers' Institute, in opposition to the passage of the Lever oleomargarine bill; to the Committee on Agriculture.

By Mr. GARRETT: Petition of citizens of Dyer, Tenn., protesting against parcel-post legislation; to the Committee on the Post Office and Post Roads.

By Mr. GRAHAM: Memorial of Duquoin Merchants' Association, favoring Senate bill 4308 and House bill 17736, providing 1-cent letter postage; to the Committee on the Post Office and Post Roads.

Also, memorial of Association of Drainage and Levee Districts of Illinois, favoring the improvement of the Lower Illinois River; to the Committee on Rivers and Harbors.

By Mr. GREGG of Pennsylvania: Petitions of the Woman's Christian Temperance Union, South Side Methodist Episcopal Church, and Women's Missionary Society of United Presbyterian Church of Butler, and the consistory of the First Reformed Church of Mount Pleasant, Pa., for passage of Kenyon-Sheppard interstate liquor bill; to the Committee on the Judiciary.

By Mr. HAMMOND: Petition of August Ebert and others, of Truman, Minn., protesting against extension of present parcel-post system; to the Committee on the Post Office and Post Roads.

By Mr. HANNA: Petition of citizens of Gayton, N. Dak., for enactment of House bill 14; to the Committee on the Post Office and Post Roads.

Also, petition of Joe J. Lantz, of St. Anthony, N. Dak., protesting against parcel-post legislation; to the Committee on the Post Office and Post Roads.

Also, petition of the Seventh-day Adventist Church of Dogden, N. Dak., protesting against House bill 9433; to the Committee on the Post Office and Post Roads.

Also, petition of Company E, First Regiment North Dakota National Guard, for enactment of House bill 8141, militia pay bill; to the Committee on Military Affairs.

Also, petition of residents of the Williston land district in North Dakota, for changes in the public-land laws; to the Committee on the Public Lands.

Also, petition of citizens of the State of North Dakota, for old-age pensions; to the Committee on Pensions.

Also, memorial of Hettinger (N. Dak.) Commercial Club, for enactment of House bill 14928; to the Committee on Agriculture.

Also, petition of citizens of Devils Lake, N. Dak., for the construction of one battleship in a Government navy yard; to the Committee on Naval Affairs.

Also, petition of the Sheyenne Bottling Works Co., of Valley City, N. Dak., for total elimination of the tariff on sugar; to the Committee on Ways and Means.

Also, petition of Church of the Brethren of Cando, N. Dak., for passage of Kenyon-Sheppard interstate liquor bill; to the Committee on the Judiciary.

Also, petition of citizens of the State of North Dakota, protesting against legislation prohibiting interstate shipment of liquors; to the Committee on the Judiciary.

Also, petition of citizens of Barton and Rugby, N. Dak., for constitutional amendment enabling women to vote upon the same terms as men; to the Committee on the Judiciary.

By Mr. HAYDEN: Petition of the Woman's Christian Temperance Union of Temple, Ariz., for passage of Kenyon-Sheppard interstate liquor bill; to the Committee on the Judiciary.

Also, petition of T. W. Otis and 31 other citizens of Prescott, Ariz., in favor of the establishment of a Federal children's bureau; to the Committee on Labor.

By Mr. HELGESEN: Petition of Joseph F. Gall and 120 other citizens of Grand Forks, N. Dak., urging the passage of the Kenyon-Sheppard bill; to the Committee on the Judiciary.

Also, petition of residents of the towns of Leeds, St. John, Rolla, Cando, Bisbee, Perth, Crocus, Hansboro, Rock Lake, Olmstead, Crary, Lakota, Dayan, and Bartlett, all in the State of North Dakota, and of the towns of Cole and White Butte in South Dakota, asking for a reduction in the duties on raw and refined sugar; to the Committee on Ways and Means.

Also, memorial of the Women's Study Club of Wimbledon, N. Dak., and signed by 18 members thereof, favoring investigation of disease in dairy products; to the Committee on Agriculture.

Also, petition of 60 residents of the towns of Blabon, Beach, Belfield, Westhope, Milton, Osnabrock, Park River, Lankin, Adams, Fairdale, Conway, Fargo, Devils Lake, Grand Forks, Casselton, all in the State of North Dakota, and by residents of St. Paul and Moorhead, Minn.; St. Louis, Mo.; and Loyal, Wis., asking for a reduction in the duty on raw and refined sugars; to the Committee on Ways and Means.

By Mr. HIGGINS: Petition of voters and nonvoters of East Lyme, Conn., for the passage of the Kenyon-Sheppard interstate liquor bill; to the Committee on the Judiciary.

By Mr. HOBSON: Petition of W. Hugh McEniry, attorney, and 56 other voters and Kate E. Jones and 70 other citizens of Bessemer, Ala., and vicinity, asking for the speedy passage of the Kenyon-Sheppard interstate liquor bill (S. 4303; H. R. 16214) protecting "dry" territory against shipment of liquor for illegal purposes; to the Committee on the Judiciary.

Also, petition of citizens of Ambridge, Pa., favoring the Kenyon-Sheppard bill; to the Committee on the Judiciary.

Also, petitions of sundry citizens of Alabama, favoring a reduction on raw and refined sugar; to the Committee on Ways and Means.

Also, petition of 125 voters and 80 ladies of Clark County, S. Dak., favoring a constitutional amendment prohibiting the manufacture and sale of intoxicating liquors; to the Committee on the Judiciary.

Also, memorial of the Congregational Church of Clark, S. Dak., favoring the passage of the Hobson bill prohibiting the manufacture and sale of intoxicating liquors; to the Committee on the Judiciary.

By Mr. HOWELL: Petition of Bertha Meredith and others of the Utah Federation of Women's Clubs, for parcel-post legislation; to the Committee on the Post Office and Post Roads.

By Mr. HUGHES of New Jersey: Petition of the Methodist Episcopal Church of Midland Park, N. J., for passage of Kenyon-Sheppard interstate liquor bill; to the Committee on the Judiciary.

By Mr. KENDALL: Petition of voters of Keota, Iowa, in favor of the Kenyon-Sheppard interstate commerce liquor bill; to the Committee on the Judiciary.

Also, petition of citizens of Guernsey, Iowa, in favor of the Haugen bill and against the Lever bill relating to oleomargarine; to the Committee on Agriculture.

By Mr. KINKEAD of New Jersey: Petition of Rev. Robert M. Aylesworth, of Arlington, N. J., for enactment of Kenyon-Sheppard interstate liquor bill; to the Committee on the Judiciary.

By Mr. LAFEAN: Papers to accompany bill for the relief of Emanuel C. Coleman and Landis Eicholtz; to the Committee on Invalid Pensions.

Also, papers to accompany a bill to make exchange between the United States and Charles A. Keagy of certain land; to the Committee on Public Buildings and Grounds.

By Mr. LAFFERTY: Memorial of St. Joseph's Benevolent Society, of Portland, Oreg., protesting against the attitude of the Committee on Indian Affairs toward Catholic Indian missions; to the Committee on Indian Affairs.

Also, petitions of G. E. Jones and others of Hamilton and Burns, and W. R. Usher and others of Baker County, Oreg., in favor of the parcel post; to the Committee on the Post Office and Post Roads.

Also, petitions of J. H. Henderson and others of Elgin, Union County, Oreg., and Robert Joseph Deven and members of the Presbyterian Church of Portland, Oreg., for the Kenyon-Sheppard interstate-commerce liquor bill; to the Committee on the Judiciary.

Also, petition of J. L. Van Graft and others of Alberson, Oreg., against the parcel post; to the Committee on the Post Office and Post Roads.

By Mr. LINDBERGH: Petition of citizens of Annandale, Minn., protesting against the Lever bill; to the Committee on Agriculture.

Also, petition of members of Improved Order of Red Men of Long Prairie, Minn., for an American Indian memorial and museum building in the city of Washington, D. C.; to the Committee on Public Buildings and Grounds.

Also, petition of citizens of Farris, Minn., for enactment of House bill 14; to the Committee on the Post Office and Post Roads.

Also, petitions of citizens of Belgrade and Brocton, Minn., protesting against parcel-post legislation; to the Committee on the Post Office and Post Roads.

Also, petitions of citizens of Belgrade and Brocton, Minn., for regulation of express rates and classifications; to the Committee on Interstate and Foreign Commerce.

By Mr. LINDSAY: Memorial of the Chamber of Commerce of the State of New York, relative to toll rates through the Panama Canal; to the Committee on Interstate and Foreign Commerce.

Also, petition of Council of the Nautical School of the port of New York, relative to establishment of marine schools; to the Committee on the Merchant Marine and Fisheries.

Also, petition of William McCarroll, public-service commissioner of New York City, for the creation of a Federal commission on industrial relations; to the Committee on Labor.

Also, petition of a Catholic society of Brooklyn, N. Y., in regard to measures relating to Catholic Indian mission interests; to the Committee on Indian Affairs.

By Mr. LOBECK: Petition of members of Nebraska National Guard, for passage of the militia pay bill; to the Committee on Military Affairs.

Also, petition of Federation of Women's Clubs of St. Louis, Mo., for children's bureau; to the Committee on Labor.

Also, petition of E. J. Babcock, of the University of North Dakota, for enactment of House bill 6304; to the Committee on Mines and Mining.

By Mr. LOUD: Petition of John Kleber and other members of the St. Francis Society of Petoskey, Mich., for enactment of the Esch phosphorus bill; to the Committee on Ways and Means.

By Mr. MAHER: Petition of Union No. 23, International Printing Pressmen's and Assistants' Union of North America, for increased compensation to pressmen and assistants in the Government Printing Office; to the Committee on Printing.

Also, memorial of Local Union No. 68, American Federation Garment Workers' Union, of Brooklyn, N. Y., for investigation of conditions at Lawrence, Mass.; to the Committee on Rules.

Also, petition of Charles H. Levermore, of Adelphi College, Brooklyn, N. Y., for enactment of Senate bill 3; to the Committee on Agriculture.

Also, petition of Eva Perry Moore, of St. Louis, Mo., for establishment of a children's bureau; to the Committee on Labor.

Also, petition of Charles G. Boyd, of Brooklyn, N. Y., protesting against establishing a children's bureau; to the Committee on Labor.

Also, petition of William G. Bates, of New York City, for passage of the militia pay bill; to the Committee on Military Affairs.

Also, petition of Fancy Leather Goods Manufacturers' Association, of New York City, for enactment of House bill 5601; to the Committee on Interstate and Foreign Commerce.

Also, petitions of Municipal Council, United Spanish War Veterans, and Camp No. 5, United Spanish War Veterans, of New York City, for enactment of House bill 17470; to the Committee on Pensions.

Also, petition of Polish National Alliance, opposing further restriction of immigration; to the Committee on Immigration and Naturalization.

Also, petition of Local Union No. 14, United Hatters of North America, for enactment of House bill 11032; to the Committee on the Judiciary.

Also, petition of Louis M. Hart, of New York City, protesting against enactment of House bill 16844; to the Committee on Interstate and Foreign Commerce.

By Mr. MANN: Petition of Tug Firemen and Linemen's Protective Association, in favor of House bill 18787, the eight-hour bill; to the Committee on the Judiciary.

Also, petition of Lake Seamen's Union of Chicago, Ill., in favor of House bill 11372; to the Committee on the Merchant Marine and Fisheries.

Also, petition of Lodge No. 3, Shipmasters' Association, of Chicago, Ill., protesting against change in organization of the Revenue-Cutter Service; to the Committee on Interstate and Foreign Commerce.

Also, petition of the Chicago (Ill.) Association of Commerce, protesting against passage of House bill 16844; to the Committee on Interstate and Foreign Commerce.

Also, petition of C. W. Miller and others, of Chicago, Ill., favoring the construction of one battleship in a Government navy yard; to the Committee on Naval Affairs.

By Mr. McGILLICUDDY: Memorial of the New England Conference on Rural Progress, for development and extension of teaching in agriculture; to the Committee on Agriculture.

By Mr. McHENRY: Memorial of Catawissa Grange, No. 216, Patrons of Husbandry, Catawissa, Pa., favoring passage of House bill 19133, which provides for a governmental system of postal express; to the Committee on the Post Office and Post Roads.

By Mr. McKINNEY: Memorial of the Retail Merchants' Association, of Moline, Ill., in support of House bill 17936 for the standardization of apples; to the Committee on Coinage, Weights, and Measures.

By Mr. MOSS of Indiana: Petition of citizens of the State of Indiana, for old-age pensions; to the Committee on Pensions.

By Mr. NEEDHAM: Memorial of San Francisco Labor Council, relative to strike at Lawrence, Mass.; to the Committee on Rules.

Also, petitions of the Woman's Christian Temperance Union, of Lathrop, and the Methodist Episcopal and East Side Presbyterian Churches of Stockton, Cal., for passage of Kenyon-Sheppard interstate liquor bill; to the Committee on the Judiciary.

Also, petition of Sacramento Valley Development Association, for establishing a mining experiment station at Auburn, Cal.; also memorial of California State Mining Bureau relative to same; to the Committee on Mines and Mining.

Also, memorial of Civic Center of San Leandro, Cal, for more effective enforcement of the white-slave traffic act; to the Committee on the Judiciary.

Also, petition of Local No. 346, American Federation of Musicians, of Santa Cruz, Cal., for construction of one battleship in a Government navy yard; to the Committee on Naval Affairs.

Also, memorial of the San Bernardino (Cal.) Chamber of Commerce, for a domestic immigration policy; to the Committee on Immigration and Naturalization.

Also, memorials of California Club of California and council of Alameda, Cal., protesting against any change in operating the San Francisco Mint; to the Committee on Coinage, Weights, and Measures.

By Mr. NORRIS: Petition of citizens of Herndon, Kans., protesting against parcel-post legislation; to the Committee on the Post Office and Post Roads.

Also, petition of citizens of Republican, Nebr., for old-age pensions; to the Committee on Pensions.

By Mr. PICKETT: Petitions of citizens of Cascade, Fertile, and Canton, Iowa, protesting against parcel-post legislation; to the Committee on the Post Office and Post Roads.

By Mr. POWERS: Papers to accompany bills for the relief of Job M. Kerns and Merida Wilson; to the Committee on Invalid Pensions.

By Mr. RANSDELL of Louisiana: Petition of 470 members of the Woman's Christian Temperance Union of Louisiana, for passage of Kenyon-Sheppard interstate liquor bill; to the Committee on the Judiciary.

By Mr. REILLY: Memorial of the Chamber of Commerce of the State of New York, relative to toll rates through the Panama Canal; to the Committee on Interstate and Foreign Commerce.

Also, petition of the Hartford (Conn.) Gun Club, for Federal control of migratory birds; to the Committee on Agriculture.

Also, petition of R. W. Cassell, of Des Moines, Iowa, for 1-cent letter postage; to the Committee on the Post Office and Post Roads.

Also, petitions of churches and church organizations of Meriden, Conn., for passage of Kenyon-Sheppard interstate liquor bill; to the Committee on the Judiciary.

Also, petitions of citizens of Middleton, New Haven, and Wallingford, Conn., for amending the copyright act of 1909; to the Committee on Patents.

By Mr. REYBURN: Memorial of the Society for Italian Immigrants in Philadelphia, Pa., opposing further restriction of immigration; to the Committee on Immigration and Naturalization.

Also, memorial of the Chamber of Commerce of the State of New York, relative to toll rates through the Panama Canal; to the Committee on Interstate and Foreign Commerce.

By Mr. ROBERTS of Nevada: Petition of citizens of Battle Mountain, Nev., for old-age pension legislation; to the Committee on Pensions.

Also, petition of citizens of Rye Patch, Nev., for parcel-post legislation; to the Committee on the Post Office and Post Roads.

Also, petition of members of Tonopah (Nev.) Presbyterian Church, for passage of an effective interstate liquor law; to the Committee on the Judiciary.

By Mr. ROUSE: Memorial of St. Benedictus Benevolent Society and St. Joseph's Benevolent Society of Kentucky, favoring House bill 2896; to the Committee on Ways and Means.

Also, memorials of St. Joseph's and St. Benedictus's Benevolent Societies, of Kentucky, against measure relating to Catholic Indian missions; to the Committee on Indian Affairs.

Also, memorial of Improved Order of Red Men, of sixth congressional district of Kentucky, in favor of House bill 16313; to the Committee on Public Buildings and Grounds.

Also, memorials of citizens of the State of Kentucky, against House bill 11877; to the Committee on Ways and Means.

By Mr. SCULLY: Petitions of citizens of New Brunswick, New Egypt, Asbury Park, and Woodbridge, N. J., for amending the copyright act of 1909; to the Committee on Patents.

By Mr. STEPHENS of Nebraska: Petitions of citizens of Dodge and Oakland, Nebr., protesting against parcel-post legislation; to the Committee on the Post Office and Post Roads.

By Mr. STEVENS of Minnesota: Memorial of Camp Carton, Army of the Philippines, favoring House bill 18502, for the relief of certain officers and soldiers of the Volunteer Army; to the Committee on Military Affairs.

Also, memorial of Stillwater Manufacturing Co., protesting against the consideration of the eight-hour bill; to the Committee on Labor.

Also, memorial of J. W. Philip Post, No. 9, favoring the bill for the relief of certain officers and soldiers of United States Volunteer Army; to the Committee on Military Affairs.

By Mr. TILSON: Petition of Antoinette A. Rogers, of New Haven, Conn., in favor of House bills 16802 and 18244; to the Committee on Indian Affairs.

Also, petition of the Hartford (Conn.) Gun Club, for Federal control of migratory birds; to the Committee on Agriculture.

SENATE.

WEDNESDAY, *March 13, 1912.*

The Senate met at 12 o'clock m.

Prayer by the Chaplain, Rev. Ulysses G. B. Pierce, D. D.

The VICE PRESIDENT resumed the chair.

The Secretary proceeded to read the Journal of yesterday's proceedings when, on request of Mr. GALLINGER and by unanimous consent, the further reading was dispensed with and the Journal was approved.

ARMY RETIRED LIST (S. DOC. NO. 407).

The VICE PRESIDENT laid before the Senate a communication from the Secretary of War, transmitting, in response to a resolution of the 15th ultimo, a statement showing the number of officers and enlisted men on the retired list of the Army of each rank, and the total amount of yearly compensation paid to such officers and enlisted men, etc., which, with the accompanying paper, was referred to the Committee on Military Affairs and ordered to be printed.

FINDINGS OF THE COURT OF CLAIMS.

The VICE PRESIDENT laid before the Senate communications from the assistant clerk of the Court of Claims, transmitting certified copies of the findings of fact and conclusions of law filed by the court in the following causes:

James T. Moore, administrator of the estate of James L. Paul, deceased, claimant, *v.* United States (S. Doc. No. 412);

Mary B. Mitchel, administratrix of the estate of Thomas K. Ball, deceased, *v.* United States (S. Doc. No. 420);

Thomas N. Pace *v.* United States (S. Doc. No. 410);

Laurestine U. De Bolt, widow of Rezin A. De Bolt, deceased, *v.* United States (S. Doc. No. 414);

Flora L. Hovey, widow of Samuel D. Hovey, deceased, *v.* United States (S. Doc. No. 413);

Mary F. Moore, widow of Solan D. Moore, deceased, *v.* United States (S. Doc. No. 421);

Mary E. McIntyre, widow of Henry C. McIntyre, deceased, *v.* United States (S. Doc. No. 417);

Emma Ridgeway, widow of Augustus W. Ridgeway, deceased, *v.* United States (S. Doc. No. 416);

Asher Riley *v.* United States (S. Doc. No. 415);

Samuel D. Tobey *v.* United States (S. Doc. No. 418);

Henry C. Connelly *v.* United States (S. Doc. No. 419);

Marcus E. Ferguson *v.* United States (S. Doc. No. 426);

Arthur M. Greene *v.* United States (S. Doc. No. 425);

John M. Gould *v.* United States (S. Doc. No. 424);

Susan L. Goodale, widow of Rolla P. Goodale, deceased, *v.* United States (S. Doc. No. 423);

Daniel J. Gillett *v.* United States (S. Doc. No. 422);

F. G. Farrington, administrator of Stewart Hunter, deceased, *v.* United States (S. Doc. No. 428);

William D. Mann *v.* United States (S. Doc. No. 427); and

Thomas N. Pace *v.* United States (S. Doc. No. 411).

The foregoing findings were, with the accompanying papers, referred to the Committee on Claims and ordered to be printed.

PETITIONS AND MEMORIALS.

The VICE PRESIDENT presented petitions of the congregations of the Methodist Episcopal Church of Stroudsburg, Pa.; of the First Methodist Episcopal Church of Amboy, Ill.; and of the Woman's Christian Temperance Union of South Gardner, Mass., praying for the adoption of an amendment to the Constitution to prohibit the manufacture, sale, and importation of intoxicating liquors, which were referred to the Committee on the Judiciary.

He also presented petitions of the Cigar Makers' International Union, of Arecibo; the Central Labor Union of Arecibo; the Men's Protective Union of Cabo Rojo; and Carpenters and Joiners' Union No. 1833, of Fumacas, all of Porto Rico, praying for the establishment of a department of agriculture and labor in that Territory, which were referred to the Committee on Pacific Islands and Porto Rico.

He also presented petitions of Cigar Makers' International Union of America, No. 467, of Arecibo; of the Central Labor Union of Arecibo; of the Federada Labor Union, of Juncos; of the Bakers and Confectionery Workers' Union of Juncos; of the Cigar Makers' Union of Juncos; of the Carpenters and Joiners' Union of Humacas; of the Albaniles Union of San German; and of the Boot and Shoe Workers' Union of San German, all of Porto Rico, praying for the enactment of legislation providing that citizens of Porto Rico shall be citizens of the United States, which were referred to the Committee on Pacific Islands and Porto Rico.

Mr. GUGGENHEIM. I present a short resolution adopted by the Chamber of Commerce of Denver, Colo., protesting against a change in the present tariff schedule on sugar. I ask that it be read and referred to the Committee on Finance.

There being no objection, the memorial was read and referred to the Committee on Finance, as follows:

Whereas the Denver Chamber of Commerce was the father of the sugar-beet industry in Colorado, having imported to this State in 1897 the first quantity of seed that was here planted, and having also opened an active campaign to secure the building of factories in the State; and

Whereas it has watched the industry grow to its present prominent place among the industries of this State with a feeling of pride in its achievement; and

Whereas at the present time there are over 150,000 acres upon which sugar beets are grown, adding millions of dollars to the taxable value of the agricultural lands of the State; and

Whereas there are over 10,000 farmers who are dependent upon this crop as their principal source of revenue; and

Whereas there has already been invested, largely by the people of Colorado, over $20,000,000 in sugar factories within the State; and

Whereas this industry has been built up upon the assurance that there would be no changes made in the present existing tariff on sugar, and the honorable Secretary of Agriculture has repeatedly given encouragement to the further development of this great industry; and

Whereas efforts are now being made to effect a radical change in such tariff conditions, which change, if made, will make for the lasting injury to this great industry of ours, thereby retarding the development of the State: Now therefore be it

Resolved, That the Denver Chamber of Commerce goes on record as being absolutely opposed to any change whatever in the present tariff schedule on sugar, and that a copy of this resolution be sent to our Senator with the request that the same be read to the Senate of the United States.

Adopted by the board of directors and membership of the Denver Chamber of Commerce on this 8th day of March, A. D. 1912.

THE DENVER CHAMBER OF COMMERCE.
ALLISON STOCKER, *President.*

Attest:
[SEAL.]
THORNDIKE DELAND, *Secretary.*

Mr. NELSON presented a petition of members of the Commercial Club of Brainerd, Minn., praying for the adoption of 1-cent letter postage, which was referred to the Committee on Post Offices and Post Roads.

He also presented a petition of sundry citizens of Northfield, Minn., praying for the enactment of an interstate liquor law to prevent the nullification of State liquor laws by outside dealers, which was referred to the Committee on the Judiciary.

He also presented a petition of sundry citizens of Minneapolis, Minn., praying that an investigation be made into the labor strike conditions at Lawrence, Mass., which was ordered to lie on the table.

He also presented memorials of sundry citizens of Lakeville and Springfield, in the State of Minnesota, remonstrating against the establishment of a parcel-post system, which were referred to the Committee on Post Offices and Post Roads.

Mr. BRISTOW presented a petition of members of the West Side Forestry Club, of Topeka, Kans., praying for a reduction of the duty on oleomargarine, which was referred to the Committee on Agriculture and Forestry.

He also presented memorials of sundry citizens of Parsons and Concordia, in the State of Kansas, remonstrating against the establishment of a parcel-post system, which were referred to the Committee on Post Offices and Post Roads.

He also presented a petition of sundry citizens of Miltonvale, Kans., praying for the enactment of an interstate liquor law to prevent the nullification of State liquor laws by outside dealers, which was referred to the Committee on the Judiciary.

Mr. SHIVELY presented a memorial of members of the Liberal German Society, of Anderson, Ind., remonstrating against the enactment of an interstate liquor law to prevent the nullification of State liquor laws by outside dealers, which was referred to the Committee on the Judiciary.

He also presented a petition of Contract Lodge, No. 43, International Association of Machinists, of Atlanta, Ga., praying for the passage of the so-called eight-hour bill, which was referred to the Committee on Education and Labor.

Mr. O'GORMAN presented petitions of the congregation of the St. Paul Methodist Episcopal Church, of Tottenville, and of the Woman's Christian Temperance Union and of sundry citizens of Binghamton; all in the State of New York, praying for the enactment of an interstate liquor law to prevent the nullification of State liquor laws by outside dealers, which were referred to the Committee on the Judiciary.

He also presented a petition of sundry citizens of Jamaica, N. Y., praying for the repeal of the anticanteen law, which was referred to the Committee on Military Affairs.

Mr. MYERS presented a petition of sundry citizens of Billings, Mont., praying for the enactment of legislation authorizing the construction of one of the proposed new battleships in the Brooklyn Navy Yard, which was referred to the Committee on Naval Affairs.

Mr. CHILTON presented a petition of the second quarterly conference of the St. Paul's Methodist Episcopal Church, of southwestern Virginia, praying for the enactment of an interstate liquor law to prevent the nullification of State liquor laws by outside dealers, which was referred to the Committee on the Judiciary.

Mr. WORKS presented a petition of sundry citizens of Los Angeles, Cal., praying for the passage of the so-called eight-hour bill, which was referred to the Committee on Education and Labor.

Mr. McLEAN presented resolutions adopted by the Connecticut Hardware Association, in convention at New Haven, Conn., remonstrating against the extension of the parcel-post system beyond its present limitations, which were referred to the Committee on Post Offices and Post Roads.

He also presented a petition of the congregation of the Main Street Baptist Church, of Meriden, Conn., and a petition of Local Division No. 33, Sons of Temperance, of Manchester, Conn., praying for the enactment of an interstate liquor law to prevent the nullification of State liquor laws by outside dealers, which were referred to the Committee on the Judiciary.

He also presented a memorial of Group No. 513, Polish National Alliance of North America, of Wallingford, Conn., remonstrating against the enactment of legislation to further restrict immigration, which was referred to the Committee on Immigration.

Mr. BURTON presented a petition of sundry citizens of Cleveland, Lakewood, and Rockport, all in the State of Ohio, praying for the enactment of legislation to prohibit the use of phosphorus in the manufacture of matches, which was referred to the Committee on Finance.

He also presented a memorial of sundry employees of the Illinois Watch Co., Springfield, Ill., remonstrating against any reduction of the duty on watches and parts of watches, which was referred to the Committee on Finance.

Mr. PERKINS presented a petition of delegates of the Labor Council of San Francisco, Cal., praying that an investigation be made into the labor strike conditions at Lawrence, Mass., which was ordered to lie on the table.

He also presented a memorial of the City Council of Alameda, Cal., remonstrating against any reduction being made in the appropriation for the maintenance of the mint at San Francisco, Cal., which was referred to the Committee on Appropriations.

He also presented a petition of General George A. Custer Council, No. 22, Junior Order United American Mechanics, of Oakland, Cal., praying for the enactment of legislation to further

restrict immigration, which was referred to the Committee on Immigration.

He also presented a petition of Printing Pressmen's Union No. 24, of San Francisco, Cal., and a petition of Printing Pressmen and Assistants' Union No. 125, of Oakland, Cal., praying for the enactment of legislation providing for an increase in the compensation of pressmen employed in the Government Printing Office, which were ordered to lie on the table.

He also presented petitions of sundry citizens of Escalon, Ripon, Crockett, and Valona, all in the State of California, praying for the establishment of a parcel-post system, which were referred to the Committee on Post Offices and Post Roads.

He also presented petitions of sundry citizens of Cloverdale, Oakdale, Boulder Creek, Los Gatos, and Berkeley, all in the State of California, praying for the enactment of an interstate liquor law to prevent the nullification of State liquor laws by outside dealers, which were referred to the Committee on the Judiciary.

He also presented resolutions adopted by the board of directors of the California State Mining Bureau at a meeting held in San Francisco, Cal., remonstrating against the establishment of a Government experiment station at Auburn, Cal., which were referred to the Committee on Mines and Mining.

He also presented a petition of the Sacramento Valley Development Association, of California, praying that an appropriation be made for the establishment of a mining experiment station at Auburn, Cal., which was referred to the Committee on Mines and Mining.

Mr. ROOT presented petitions of sundry citizens of New Rochelle and New York City, in the State of New York, praying for the establishment of a parcel-post system, which were referred to the Committee on Post Offices and Post Roads.

He also presented petitions of sundry citizens of Castile, Kendall, Minoa, Syracuse, Skaneateles, Marcellus, Jamesville, Solvay, Horseheads, and East Syracuse, all in the State of New York, praying for the enactment of an interstate liquor law to prevent the nullification of State liquor laws by outside dealers, which were referred to the Committee on the Judiciary.

Mr. RAYNER presented a petition of the Woman's Christian Temperance Union of Aberdeen, Md., praying for the enactment of an interstate liquor law to prevent the nullification of State liquor laws by outside dealers, which was referred to the Committee on the Judiciary.

REPORTS OF COMMITTEES.

Mr. POINDEXTER, from the Committee on Public Buildings and Grounds, to which was referred the bill (S. 4960) to erect a public building in the city of Vancouver, in the State of Washington, reported it with amendments and submitted a report (No. 478) thereon.

Mr. JONES, from the Committee on Public Lands, to which was referred the bill (S. 5446) relating to partial assignments of desert-land entries within reclamation projects made since March 28, 1908, reported it with an amendment and submitted a report (No. 479) thereon.

He also, from the same committee, to which was referred the bill (S. 5465) for the relief of holders and claimants of preference right on public lands, reported it with amendments and submitted a report (No. 480) thereon.

Mr. CLAPP, from the Committee on Interstate Commerce, to which was referred the bill (S. 5474) to provide for the general welfare and to regulate commerce with foreign countries and between the several States, and to increase and enlarge the facilities and efficiency of the Post Office Department, asked to be discharged from its further consideration and that it be referred to the Committee on Post Offices and Post Roads, which was agreed to.

HUMBERTO MENCIA AND JUAN DAWSON.

Mr. DU PONT. From the Committee on Military Affairs I report a joint resolution authorizing the Secretary of War to receive for instruction at the United States Military Academy at West Point Messrs. Humberto Mencia and Juan Dawson, of Salvador, and I ask for its present consideration.

The joint resolution (S. J. Res. 87) authorizing the Secretary of War to receive for instruction at the United States Military Academy at West Point Messrs. Humberto Mencia and Juan Dawson, of Salvador, was read the first time by its title and the second time at length, as follows:

Resolved, etc., That the Secretary of War be, and hereby is, authorized to permit Messrs. Humberto Mencia and Juan Dawson, of Salvador, to receive instruction at the United States Military Academy at West Point: *Provided*, That no expense shall be caused to the United States thereby, and that the said Humberto Mencia and Juan Dawson shall agree to comply with all regulations for the police and discipline of the academy, to be studious, and to give their utmost efforts to accomplish the course in the various departments of instruction, and that the said Humberto Menica and Juan Dawson shall not be admitted to the academy until they shall have passed the mental and physical examinations prescribed for candidates from the United States, and that they, or either of them, shall be immediately withdrawn if deficient in studies or conduct and so recommended by the academic board: *And provided further*, That in the cases of the said Humberto Menica and Juan Dawson the provisions of sections 1320 and 1321 of the Revised Statutes shall be suspended.

The VICE PRESIDENT. Is there objection to the present consideration of the joint resolution?

There being no objection, the joint resolution was considered as in Committee of the Whole.

The joint resolution was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

BILLS AND JOINT RESOLUTION INTRODUCED.

Bills and a joint resolution were introduced, read the first time, and, by unanimous consent, the second time, and referred as follows:

By Mr. MYERS:

A bill (S. 5817) granting to the county of Hill, in the State of Montana, the jail building and fixtures, now upon the abandoned Fort Assiniboine Military Reservation, in the State of Montana; to the Committee on Public Lands.

By Mr. NELSON:

A bill (S. 5818) granting a pension to Annie E. Loudon; to the Committee on Pensions.

By Mr. PERKINS:

A bill (S. 5819) to amend the Criminal Code of Alaska; to the Committee on Territories.

A bill (S. 5820) for the relief of Michael Dolan and certain other Army officers and their heirs and legal representatives; to the Committee on Claims.

By Mr. TOWNSEND:

A bill (S. 5821) granting an increase of pension to Alma J. Van Winkle; to the Committee on Pensions.

By Mr. WATSON:

A bill (S. 5822) granting an increase of pension to Arthur F. McNally; to the Committee on Pensions.

(By request.) A bill (S. 5823) for the relief of the heirs of Bluford West, deceased; to the Committee on Indian Affairs.

By Mr. CHILTON:

A bill (S. 5824) to correct the military record of Cumberlain Smith; to the Committee on Military Affairs.

A bill (S. 5825) for the relief of the heirs of Timothy Adkins; to the Committee on Claims.

A bill (S. 5826) granting a pension to Richard L. Brown;

A bill (S. 5827) granting an increase of pension to Presley V. Reynolds;

A bill (S. 5828) granting an increase of pension to Austin B. Wells;

A bill (S. 5829) granting a pension to Daisy M. Watson, Frank L. Watson, Robert L. Watson, Dana B. Watson, Miran B. Watson, and Owings Watson;

A bill (S. 5830) granting an increase of pension to William W. Waters; and

A bill (S. 5831) granting an increase of pension to Josephine Robb; to the Committee on Pensions.

By Mr. GUGGENHEIM:

A bill (S. 5832) granting an increase of pension to Lois L. Badger (with accompanying papers);

A bill (S. 5833) granting an increase of pension to Delia Curry (with accompanying papers);

A bill (S. 5834) granting an increase of pension to Theodore G. Knox (with accompanying papers); and

A bill (S. 5835) granting an increase of pension to Mary McClellan (with accompanying papers); to the Committee on Pensions.

By Mr. BANKHEAD:

A bill (S. 5836) to amend section 715 of the Revised Statutes as amended by act of Congress of March 3, 1905; to the Committee on the Judiciary.

A bill (S. 5837) for the relief of the estate of Ransom Steele, deceased; and

A bill (S. 5838) for the relief of Dr. J. L. Vinyard; to the Committee on Claims.

A bill (S. 5839) granting a pension to Henry R. Fowler; and

A bill (S. 5840) granting a pension to Gertrude Walsh; to the Committee on Pensions.

By Mr. PENROSE:

A bill (S. 5841) granting an increase of pension to Mary A. Eisenhard; and

A bill (S. 5842) granting an increase of pension to Lyman A. Schriver; to the Committee on Pensions.

By Mr. MARTIN of Virginia:

A bill (S. 5843) for the relief of Edward B. Fox, administrator of the last surviving partner of the firm of Child, Pratt & Fox; to the Committee on Claims.

By Mr. KERN:

A bill (S. 5844) granting a pension to William Howell (with accompanying papers); to the Committee on Pensions.

Mr. ROOT. I introduce a joint resolution, which I ask may lie on the table and be printed.

The joint resolution (S. J. Res. 89) to amend the joint resolution to prohibit the export of coal or other material used in war from any seaport of the United States, was read twice by its title and ordered to lie on the table and to be printed.

AMENDMENTS TO SUNDRY CIVIL APPROPRIATION BILL.

Mr. GUGGENHEIM submitted an amendment proposing to appropriate $7,000 to enable the United States Geological Survey to make a thorough investigation and report thereon as to the number, character, and value for economic purposes of the various springs in the State of Colorado, etc., intended to be proposed by him to the sundry civil appropriation bill, which was referred to the Committee on Appropriations and ordered to be printed.

He also submitted an amendment proposing to appropriate $17,500 to enable the United States Geological Survey to make an adequate topographic survey and map or maps of the area surrounding Denver, Colo., etc., intended to be proposed by him to the sundry civil appropriation bill, which was referred to the Committee on Appropriations and ordered to be printed.

Mr. BANKHEAD submitted an amendment proposing to appropriate $3,653.05 to pay Rittenhouse Moore for overwidth dredging in the Potomac River below Washington, D. C., etc., intended to be proposed by him to the sundry civil appropriation bill, which was referred to the Committee on Appropriations and ordered to be printed.

He also submitted an amendment proposing to appropriate $12,092.56 to pay the Alabama Great Southern Railroad Co., being the amount of balance due for erroneous mail-pay deductions, etc., intended to be proposed by him to the sundry civil appropriation bill, which was referred to the Committee on Appropriations and ordered to be printed.

TRANSFER OF BOOKS, MAPS, ETC.

Mr. BURTON. I introduce a joint resolution and ask that it be read at length.

The joint resolution (S. J. Res. 88) relative to the transfer of all books, maps, and other documents now in the possession of the National Monetary Commission was read the first time by its title and the second time at length, as follows:

Resolved, etc., That all books, maps, and other documents now in the possession of the National Monetary Commission be, and they are hereby, transferred to and made a part of the reference library of the Committee on Finance, United States Senate, and said property shall not be disposed of as provided by section 3618 of the Revised Statutes of the United States.

The VICE PRESIDENT. Does the Senator from Ohio desire present action?

Mr. BURTON. I ask unanimous consent for the present consideration of the joint resolution.

The VICE PRESIDENT. Is there objection to its present consideration?

Mr. CULBERSON. Let the joint resolution be read again.

The joint resolution was again read.

Mr. CULBERSON. I have no objection to it.

There being no objection, the joint resolution was considered as in Committee of the Whole.

The joint resolution was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

WITHDRAWAL OF PAPERS—JOHN M. BUCKLEY.

On motion of Mr. WATSON, it was

Ordered, That the papers in the case of John M. Buckley, S. 2939, Sixty-second Congress, first session, be withdrawn from the files of the Senate, no adverse report having been made thereon.

THE INITIATIVE, REFERENDUM, AND RECALL (S. DOC. NO. 406).

Mr. GALLINGER. I ask unanimous consent that the address delivered by the senior Senator from Massachusetts [Mr. LODGE] at Princeton University, Princeton, N. J., March 8, 1912, on the compulsory initiative and referendum and the recall of judges be printed as a Senate document.

The VICE PRESIDENT. Is there objection? The Chair hears none, and the order is entered.

The order as agreed to was reduced to writing, as follows:

Ordered, That the address of the Hon. HENRY CABOT LODGE, entitled "The Compulsory Initiative and Referendum and the Recall of Judges," delivered at Princeton University, Princeton, N. J., March 8, 1912, be printed as a Senate document.

PACIFIC STEAMSHIP LINE (S. DOC. NO. 409).

Mr. BRANDEGEE. I ask unanimous consent that the report which I send to the desk, being a report of Senator BRISTOW, as special Panama Railroad commissioner, on the advisability of the establishment of a Pacific steamship line by the Isthmian Canal Commission, may be printed as a public document.

The VICE PRESIDENT. Without objection, an order therefor will be entered.

ADDRESS BY PRESIDENT TAFT (S. DOC. NO. 408).

Mr. OLIVER. I have a copy of the address by President Taft delivered at Toledo, Ohio, Friday, March 8, 1912, on the subject of the judiciary and progress. I move that the address be printed as a Senate document.

The motion was agreed to.

SIDNEY HENRY ET AL. V. THE A. B. DICK CO. (S. DOC. NO. 429).

Mr. BROWN. I ask that the opinion by Mr. Justice Lurton, delivered before the Supreme Court of the United States in the October term, 1911, in the case of Sidney Henry et al. v. The A. B. Dick Co., together with the dissenting opinion of the court handed down by the Supreme Court on last Monday, be printed as a Senate document.

The VICE PRESIDENT. Without objection, it is so ordered.

EXECUTIVE SESSION.

Mr. CLARK of Wyoming. I move that the Senate proceed to the consideration of executive business.

The motion was agreed to, and the Senate proceeded to the consideration of executive business. After 1 hour and 50 minutes spent in executive session the doors were reopened.

SERVICE PENSIONS.

The VICE PRESIDENT. The hour of 2 o'clock having arrived, the Chair lays before the Senate the unfinished business, which will be stated.

The SECRETARY. A bill (H. R. 1) granting a service pension to certain defined veterans of the Civil War and the War with Mexico.

Mr. MCCUMBER. As the Senator from Utah [Mr. SMOOT] has signified his desire to finish his address to-day, I ask that the unfinished business be temporarily laid aside.

The VICE PRESIDENT. Without objection, the unfinished business will be temporarily laid aside. The Chair hears no objection.

PERSONAL EXPLANATION—ARBITRATION TREATIES.

Mr. BRADLEY. I will ask the Senator from Utah if he will yield to me just a moment on a personal question.

Mr. SMOOT. I yield to the Senator from Kentucky.

Mr. BRADLEY. I desire to explain for the benefit of the senior Senator from Tennessee [Mr. TAYLOR], and for my own benefit as well, that we had a general pair; that when the arbitration treaties were to be voted upon, my understanding being that he favored their adoption, I caused a dispatch to be sent him inquiring how he stood on the amendments, and he answering that he was for the treaties I concluded that he opposed the amendments and I voted against the amendments. I understand, since his return, that had he been present he would have voted with the members of his party for the amendments, and I make this statement in order to set him right on the record. Had I known that such was his position I would have withheld my vote.

AMENDMENT OF PRINTING LAWS.

Mr. SMOOT. Mr. President, at the close of my remarks yesterday I had reached the question of the rate of pay for pressmen in the Government Printing Office.

The bill provides for an increase in the pay of job compositors and pressmen from 50 to 55 cents an hour. This increase applies to 60 job compositors and 100 pressmen, giving $7,500 additional compensation to the former and $12,500 to the latter, or a total wage increase of $20,000 in all. The bill also fixes definitely by law the wages that other employees of the Government Printing Office are now receiving. It likewise continues the present eight-hour provision, grants employees required to work on Sunday 50 per cent in addition to regular pay, double pay for employees required to work on regular holidays, and 20 per cent additional pay for employees required to work at night. As the resolution from the Columbia Typographical Union states, the leave-of-absence provision is highly satisfactory to the employees of the Government Printing Office. There are many other provisions in the bill very beneficial to these employees, and I can not conceive of any just ground on which they could oppose its passage.

RATE OF PAY FOR PRESSMEN.

I have been greatly surprised, however, to find that pressmen of the Government Printing Office are voicing opposition

to the bill despite the fact that it carries an increase of 5 cents an hour in their compensation, amounting to a $12,500 increase for the 100 pressmen employed. These pressmen, however, are asking for an increase of from 50 to 60 cents an hour. Before the commission finally fixed upon the wages to be recommended in the pending bill it asked the Secretary of Commerce and Labor to have the Bureau of Labor investigate the rates of wages paid job compositors and pressmen in each of the 20 largest cities of the United States, distinguishing between the rates paid in newspaper offices and job-printing offices. The Commissioner of Labor was permitted to select such cities as he desired in which to make this investigation, and his reply covered inquiries made by representatives of his bureau in the following 15 cities: New York, Chicago, Philadelphia, St. Louis, Boston, Cleveland, Baltimore, Pittsburgh, Detroit, Buffalo, Milwaukee, Cincinnati, Newark, Washington, and Jersey City. This report shows both the union scale and the rate of wages actually paid in the printing establishments investigated, together with the hours of employment. When representatives of the pressmen presented a request to the Commission for an increase in wages of from 50 to 60 cents an hour instead of from 50 to 55 cents an hour, their attention was called to this report of the Bureau of Labor, but they have not as yet presented a single statement to dispute its fairness. Let me call attention to some of the wages paid pressmen, according to this report, which the Bureau of Labor compiled in February, 1911:

The following rates apply to cylinder pressmen in book and job printing offices in the cities named. (All these rates apply to day workers.)

New York City.	Rate per hour.
Union minimum scale	$0.50
Average actual rate, including union scale	.512
Chicago.	
Union minimum scale	.50
Average actual rate, including union scale	.519
Philadelphia.	
Union minimum scale	.417
Average actual rate, including union scale	.417
St. Louis.	
Union minimum scale	.469
Average actual rate, including union scale	.472
Boston.	
Union minimum scale	.458
Average actual rate, including union scale	.467
Cleveland.	
Union minimum scale	.375
Average actual rate, including union scale	.438
Baltimore.	
Union minimum scale	.375
Average actual rate, including union scale	.386
Pittsburgh.	
Union minimum scale	.375
Average actual rate, including union scale	.433
Milwaukee.	
Union minimum scale	.438
Average actual rate, including union scale	.471
Cincinnati.	
Union minimum scale	.427
Average actual rate, including union scale	.427
Newark.	
Union minimum scale	.479
Average actual rate, including union scale	.49
Washington.	
Union minimum scale	.417
Average actual rate, including union scale	.469
Jersey City.	
Union minimum scale	.458
Average actual rate, including union scale	.521

The rates paid pressmen employed on job platen presses in the same cities were considerably lower than the wages quoted above, running as low as 27½ cents per hour in Cincinnati. The highest average wage paid platen pressmen was 48⅝ cents per hour in Chicago.

Now let me quote the rates of wages paid web pressmen for day work in newspaper offices in the same cities:

New York City.	Rate per hour.
Union minimum scale, pressman	$0.625
Union minimum scale, pressman's assistant	.50
Average actual rate, including union scale, pressman	.625
Average actual rate, including union scale, pressman's assistant	.50
Philadelphia.	
Union minimum scale, pressman	.521
Union minimum scale, pressman's assistant	.344
Average actual rate, including union scale, pressman	.521
Average actual rate, including union scale, pressman's assistant	.354
Chicago.	
Union minimum scale, pressman	.50
Union minimum scale, pressman's assistant	.406
Average actual rate, including union scale, pressman	.50
Average actual rate, including union scale, pressman's assistant	.419
Cleveland.	
Union minimum scale, pressman	$0.45
Union minimum scale, pressman's assistant	.381
Average actual rate, including union scale, pressman	.45
Average actual rate, including union scale, pressman's assistant	.349
Baltimore.	
Union minimum scale, pressman	.469
Union minimum scale, pressman's assistant	.363
Average actual rate, including union scale, pressman	.469
Average actual rate, including union scale, pressman's assistant	.342
Pittsburgh.	
Union minimum scale, pressman	.469
Union minimum scale, pressman's assistant	.406
Average actual rate, including union scale, pressman	.495
Average actual rate, including union scale, pressman's assistant	.397
Milwaukee.	
Union minimum scale, pressman	.469
Union minimum scale, pressman's assistant	.406
Average actual rate, including union scale, pressman	.469
Average actual rate, including union scale, pressman's assistant	.419
Cincinnati.	
Union minimum scale, pressman	.469
Union minimum scale, pressman's assistant	.406
Average actual rate, including union scale, pressman	.469
Average actual rate, including union scale	.580
Washington.	
Union minimum scale, pressman	.448
Average actual rate, including union scale	.58

In considering this comparison in rates it should be borne in mind that the rate proposed by the commission of 55 cents an hour is a day rate. Pressmen employed at night will receive 20 per cent in addition, which would make their rate of pay for night work 66 cents an hour. The bill provides that the pressmen in charge shall receive 60 cents an hour day, and their night rate would be 72 cents an hour. Neither the day nor the night rate proposed by the commission is equaled in any other city of the country for pressmen employed under similar conditions. Employees of the Government Printing Office receive 30 days' leave on full pay each year, a privilege that is not granted them in the commercial world.

In connection with the rate of wages proposed for pressmen, I want to call attention to the fact that the Public Printer has several times estimated for an increase for these pressmen from 50 to 55 cents an hour, but Congress has thus far refused to approve this estimate. Again, in submitting his estimates for the coming year, the Public Printer has recommended that pressmen be paid at the rate of 55 cents an hour, as provided for in the pending bill. In view of all these facts, it appears to me that the Printing Commission has been most liberal in its recommendations concerning the pressmen and all other employees of the Government Printing Office.

WASTE OF PUBLIC DOCUMENTS.

Before it undertook to revise the laws relating to the distribution of Government publications the commission made a most thorough investigation of that subject. The commission was astounded to discover that since the act of 1895 the excess accumulation of documents in Washington which neither Congress nor the departments had been able to distribute amounted, in round numbers, to 10,000,000 publications. This number, the commission believes, is really a bagatelle compared with the vast amount of Government publications that have been wasted by improper distribution and of which the commission could find no trace. It is conservative to estimate that the 10,000,000 practically worthless documents that accumulated in Washington during the last 17 years cost the Government on an average 50 cents each for their printing, binding, handling, and storage, which would indicate a net loss of $5,000,000 on these publications of which the commission had definite reports.

I believe it is a safe estimate that the actual loss due to defective distribution methods has been at least five times this sum, or not less than $25,000,000 in 17 years.

Of this 10,000,000 accumulation, 3,000,000 were listed as useless documents by the departments when the commission began its work in 1905. Since that time the departments have turned over to the superintendent of documents 3,083,981 publications which they failed to distribute. The superintendent of documents has received 1,720,299 publications which were sent broadcast to the libraries of the country and have since been returned by them, the Government having had to pay the cost of transportation both ways, in addition to the expense of printing these documents, practically all of which had to be sold as waste paper.

On January 8, 1910, a "Select Committee on Waste Paper and Documents" reported to the House of Representatives (H. Rept. No. 116, 61st Cong., 2d sess.) that it had found more than a million documents in the House folding room, a large part of which had remained undistributed for years and were therefore considered useless. This accumulation was opened up

to the Members of the House for general distribution, and yet tons of it subsequently had to be sold for waste paper, being utterly useless to anyone. Several years ago the Senate folding room had an accumulation of approximately 900,000 publications and thousands of these were turned over to the superintendent of documents owing to the lack of demand for them by Members of the Senate.

In the fiscal year 1909, the Public Printer, by direction of the Joint Committee on Printing, sold 1,435,272 Government publications as waste paper, receiving therefor the sum of $14,049.02. This accumulation weighed approximately 950 tons, which brought $\frac{1}{10}$ of a cent a pound as compared with an average of from 3½ to 7 cents a pound which the Government had paid for the plain paper before any printing or binding operations were performed on it whatever.

In 1910 the Public Printer reported a further accumulation of 959,698 publications, which he recommended for condemnation and sale as waste paper. The Printing Commission undertook to ascertain whether these publications were of use to any of the executive departments and had a complete inventory of them printed. This inventory was called to the attention of all the departments, independent offices, and establishments of the Government and, without exception, they all reported having on hand a sufficient number of the publications listed therein. Accordingly, the commission had to recommend that this accumulation, amounting to approximately 700 tons, be sold as waste paper at the rate of one-half cent a pound.

Again in 1911 the commission was called upon by the Public Printer to approve the condemnation of 473,457 documents which had accumulated in the office of the superintendent of documents and which he could not distribute. This time the commission undertook to ascertain whether any of these publications were of use to Members of Congress. Printed inventories of the accumulation were sent to every Member of Congress with letters stating that they could have such of the publications as they desired to file upon. In response to this letter the commission received requests for these documents from only 160 out of 485 Members of the House and Senate. These 160 Members took a total of only 180,714 documents out of the accumulation of approximately half a million that were placed at their disposal. The balance of this accumulation of documents had to be sold as waste paper, and, I have been informed, thousands of the documents selected by Members from the accumulation have since been thrown aside, having been found valueless. The superintendent of documents now has on hand another accumulation of several hundred thousand documents which he has been unable to distribute. Undoubtedly, the Printing Commission will sooner or later be asked to authorize the sale of this excess as waste paper.

One of the principal causes for the present waste in public documents is the extravagance with which congressional and departmental publications are duplicated in their printing and binding. I have here before me a startling example of the extent to which this duplication is practiced. I refer to the nine different forms in which volume 5 of the War Department Report for 1909 is published. This condition applies also to the War Department Report for the present and other recent years. Volume 5 of the War Department Report for 1909 (with the omission of a few appendixes) is identical with volume 1 of the Report of the Chief of Engineers for that year. As a part of the War Department Report it is House Document No. 103, and as a part of the Report of the Chief of Engineers it is House Document No. 111, both of the Sixty-first Congress, second session. In every one of the nine documents the report is published verbatim, requiring extra paper, extra printing and expense, but also imposing upon the Government the cost of postage to and, in many cases, from the libraries.

Mr. BORAH. Mr. President——

The VICE PRESIDENT. Does the Senator from Utah yield to the Senator from Idaho?

Mr. SMOOT. I yield to the Senator.

Mr. BORAH. Did I understand the Senator to say that those nine volumes are duplicates of one another?

Mr. SMOOT. I say, in each one of these nine volumes, volume 5 of the War Department report of 1909 is published.

Mr. BORAH. How did that happen?

Mr. SMOOT. It is caused by the duplication of printing. The proposed bill will do away with that practice in the future.

Mr. GALLINGER, Mr. BRISTOW, and Mr. BROWN addressed the Chair.

The VICE PRESIDENT. Does the Senator from Utah yield, and to whom?

Mr. SMOOT. I yield to the Senator from New Hampshire first.

Mr. GALLINGER. I simply desire to ask the Senator who is responsible for the duplication of printing in that form and to that extent? It seems to me most preposterous that it should be done.

Mr. SMOOT. It is the lack of system in printing public documents by the different departments.

Mr. GALLINGER. And there has been no supervision of that matter?

Mr. SMOOT. No general supervision. Under the proposed bill that practice will cease.

Mr. GALLINGER. It is certainly time something should be done to stop it. There is no doubt of that.

Mr. BRISTOW. Mr. President——

The VICE PRESIDENT. Does the Senator from Utah yield to the Senator from Kansas?

Mr. SMOOT. I yield.

Mr. BRISTOW. I should like to inquire about how much of each of those volumes is taken up with that report?

Mr. SMOOT. Some of them at least half, some of them three quarters, and some identically the same with the omission of a few appendixes. The up number of each of these documents is bound in paper covers and distributed through the congressional document rooms. Other copies of this report, printed as congressional documents, are bound in buckram with special back titles and distributed to the Library of Congress, foreign exchanges, and the Senate and House libraries.

The departmental edition of this report is printed under a plain title; that is, without the congressional document number on the title-page, as follows: In paper cover, with the title-page of the Chief of Engineers; in red cloth, as volume 5 of the War Department Report; in black cloth, as volume 1 of the Report of the Chief of Engineers, and in plain buckram, both as volume 5, War Department Report, and as volume 1 of the Report of the Chief of Engineers, for each designated depository library. The superintendent of documents informs me that all the annual reports will be found in at least two bound editions and some of the parts appear in a third form, such as the Bureau of Education and some of the reports of the District of Columbia. These are in addition to the paper-covered "up number."

Similar duplications will also be found in the following series:

Geological Survey bulletins.
Geological Survey supply papers.
Geological Survey professional papers.
Geological Survey monographs.
Pan American Union bulletins.
Monthly summary of commerce and finance.
Special consular reports.
Ethnology Bureau bulletins.
Fisheries Bureau bulletins.
Hygienic Laboratory bulletins.
Labor Bureau bulletins.
Yellow Fever Institute bulletins.

The pending bill proposes to prevent this wasteful duplication by providing—

(1) That publications of which a departmental edition is printed shall not be included in the numbered document series of Congress, but shall be designated by title.
(2) That the annual report of each department shall not exceed two volumes and shall consist of the report of the head of department and such administrative reports as are necessary and relate entirely to the transaction of public business.
(3) That the publications printed for sale or distribution by the superintendent of documents shall be identical in all respects to those printed in pursuance of the original order.

These provisions, it is believed, will eliminate much of the unnecessary and wasteful duplication in the present printing of congressional and departmental documents in their various forms.

Mr. BRISTOW. Mr. President——

The VICE PRESIDENT. Does the Senator from Utah yield further to the Senator from Kansas?

Mr. SMOOT. I yield.

Mr. BRISTOW. I should like to inquire if the Senator does not think that those bulletins he has referred to are very valuable and should be printed and given wide publicity?

Mr. SMOOT. Some are, and some are not.

Under the provisions of the proposed bill the report would receive just as wide publicity as under the present system. Take any Senator. If he wants the report he may not know that the same report is to be found in five or six or seven different publications, and he will only ask for one. Another Senator may distribute the same report and yet be a different document. The report is the same, only has another number and designated under another title.

Mr. BRISTOW. It is exactly the same thing.

Mr. SMOOT. It is exactly the same thing.

Mr. BRISTOW. Now, who is to determine under the bill the Senator has reported how many bulletins shall be issued, we will say, how many copies of the consular reports?

Mr. SMOOT. The law specifically states in every case just how many the department can print.

Mr. BROWN. Not this law, but the general statute.

Mr. SMOOT. I say, the proposed bill, if it becomes a law.

Mr. BROWN. How much reduction, for instance, does this bill make in the bulletins published by the Agricultural Department?

Mr. SMOOT. None whatever. In fact, in some cases there is an increase in the Agricultural Department allowance.

DEPOSITORY LIBRARIES.

To ascertain why the depository libraries of the country have been sending back to the superintendent of documents more than 100,000 documents a year for the last 17 years, the commission made an extended inquiry into the subject. The result of the commission's inquiry is reported in detail in a preliminary report made by it (S. Doc. No. 652, 61st Cong., 2d sess.). That inquiry showed that there were being sent to each of the 457 designated depository libraries throughout the country an average of 1,000 Government publications a year.

Mr. BRISTOW. Mr. President——

The VICE PRESIDENT. Does the Senator from Utah yield further to the Senator from Kansas?

Mr. SMOOT. I yield.

Mr. BRISTOW. The Senator will pardon me for interrupting him, but I want to get information as he goes along. The Senator has been emphasizing the large number of documents returned from the depository libraries. As I understand it, every time that a document here is made a Senate document a copy of it is sent to each one of those libraries.

Mr. SMOOT. To each one of the depository libraries.

Mr. BRISTOW. Now, we have hundreds of documents made here ourselves that the libraries do not want and they would send them back. Are we not guilty as well as other people in regard to that?

Mr. SMOOT. I will tell the Senator that the selection plan in the proposed bill will do away with all that. The libraries will select what they want, just the same as a Senator or a Member of the House. There will not be great quantities of documents printed unless there is a request for them under the plan proposed in the bill.

Mr. BRISTOW. There were two or three documents ordered printed this morning. Of course the Senators have use for them or they would not have asked for the printing. A copy of every one of those documents will be sent to these depository libraries. Does the Senator mean that if this bill should become a law, none of those documents will be sent to a library unless the library requests it?

Mr. SMOOT. If they request them, they will be sent, and if not they will not be sent to them. The libraries can sign a request for a general class of publications and they will be sent to them; but the request will not be made unless the libraries are interested in them.

Mr. BROWN. Mr. President——

The VICE PRESIDENT. Does the Senator from Utah yield to the Senator from Nebraska?

Mr. SMOOT. Certainly.

Mr. BROWN. Does the limitation in this bill reach to other publications than those which we order ourselves?

Mr. SMOOT. All publications.

Mr. BROWN. Then one of these libraries would receive nothing from the Government in the way of public documents unless they filed a request.

Mr. SMOOT. Every week there is a list printed showing every public document that is published by the Government for distribution. They are sent that list and they know exactly what they can secure. If they desire anything upon the list, all they have to do is to request that the documents be sent them.

Mr. BROWN. If the superintendent of documents does not hear from the library nothing is sent?

Mr. SMOOT. Nothing is sent unless it is requested.

Mr. GALLINGER. But, Mr. President——

Mr. SMOOT. I want to say that if the larger libraries request that every Government publication be sent them under the proposed bill, of course, they will be sent just the same as now.

Mr. BROWN. What does the Senator mean by the larger libraries? Are they classified as designated libraries?

Mr. SMOOT. There are some four hundred and odd depository libraries that receive all publications. There are different classifications.

Mr. BROWN. Under this bill?

Mr. SMOOT. Under the present law.

Mr. BROWN. Under the proposed law they will not receive anything unless they ask for it?

Mr. SMOOT. Unless they request it. Of course they can request that every publication be sent them just the same as they do to-day, and it will be sent.

Mr. GALLINGER. Mr. President——

The VICE PRESIDENT. Does the Senator from Utah yield to the Senator from New Hampshire?

Mr. SMOOT. Yes.

Mr. GALLINGER. I want to get this a little clearer in my mind than I have it now. If this list is sent to the libraries and they have no use for the documents named on it, then the documents become waste paper, do they not?

Mr. SMOOT. No; under the proposed bill there will not be printed more of any one publication than requested. They are only printed in editions now, and they would only be printed as ordered under the proposed bill. Suppose, for instance, 100,000 copies of the "Diseases of the Horse" should be ordered printed by Congress—I refer to "Diseases of the Horse," but the statement is equally true of any other public document—under the old law 100,000 copies would be printed immediately; but under the present law—that is, the law passed since the formation of the Printing Commission—they would be printed in editions, and no more would be printed than are actually called for.

Mr. GALLINGER. I know that system was adopted even before the Senator from Utah became chairman of the committee.

Mr. SMOOT. Yes.

Mr. GALLINGER. And a great saving was made.

Mr. SMOOT. A very great saving.

Mr. GALLINGER. I am quite familiar with that matter, because I somewhat cooperated in it; but what was troubling me was, is it proposed to send out this list in advance of the printing and let the libraries make their selection in advance? If that is not done and libraries do not want them, then they are in the hands of the Senate, and the Senate has not any use for them. I do not see exactly where the saving comes in unless the lists are sent out in advance.

Mr. SMOOT. The lists are sent out, as I have said, once each week. Of course, the lists reach them in most cases as quickly as the publications are ready for distribution.

Mr. GALLINGER. I think there will be great difficulty about that; but still, if the Senator's commission can make even a little saving in that direction, I shall be very glad to have it done. I think there is now an inordinate waste.

Mr. SMOOT. In the 17 years since 1895 there have been distributed to depository libraries a total of 8,998,902 documents, to miscellaneous other libraries 1,779,475, and to geological libraries 755,042, making a total of 11,533,419 volumes. This continuous flood of documents was more than the great majority of the libraries could provide with shelf room.

An investigation developed the fact that, in addition to having returned to the superintendent of documents almost one-fifth of all the publications sent them, the libraries had in storage in cellars and other inaccessible places thousands of tons of Government publications which they had no shelf room for and which they could not make available to the public. Sixty out of the 396 libraries making reply to the inquiries of the commission frankly stated they could not provide room for all the documents sent them. Of the depository libraries, 142 declared that they preferred to select the publications to be sent them instead of being required to receive all the Government issued, as under the present law. Fifty-seven other libraries were not sufficiently interested in the subject to even reply to repeated inquiries from the commission. So it is safe to assume that fully half of the libraries are not desirous of receiving all the publications that the superintendent of documents now sends them. Many of the libraries that prefer to continue getting all of the Government publications also indorsed the selection plan as proposed by the commission.

Incidental to this investigation of depository libraries, the commission ascertained that much of the excess distribution to these libraries was due to duplicate mailing lists maintained by the departments. The commission took up this question with every department of the Government, and as a result 2,166 libraries were stricken from the mailing lists of the departments that had been sending to these libraries duplicate copies of publications which they were receiving from the superintendent of documents. The report of the Chief of the Division of Publications, Department of Agriculture, for the fiscal year 1910 shows that this revision of library mailing lists resulted in an aggregate saving of more than 220,000 publications in one year for that department alone.

The following is a summary of replies made by the depository libraries to the principal questions which the commission asked them in its inquiry of 1910.

I ask the privilege of having this list, together with extracts from a few of the hundreds of letters which the commission has received from these libraries, printed as part of my remarks without reading them all.

The VICE PRESIDENT. In the absence of objection, permission is granted.

The matter referred to is as follows:

REPLIES TO LEADING QUESTIONS PROPOUNDED TO DEPOSITORY LIBRARIES BY THE PRINTING INVESTIGATION COMMISSION, MAY 20, 1910.

Are all Government publications properly shelved, etc.? Yes, 332; No, 41.
Can you provide room, etc., for them? Yes, 336; No, 60.
Do you want all publications? Yes, 205; No, prefer to select, 142.
Do you receive duplicates? Yes, 218; No, 114.
Do you want duplicates? Yes, 131; No, 207.
Are you on the mailing list of any department, etc.? Yes, 202; No, 66.
Does demand for unbound documents warrant sending them in advance of the bound edition? Yes, 153; No, 206.
Do you receive Journals of Senate and House? Yes, 258; No, 95.
Do you have frequent calls for them? Yes, 162; No, 186.
Do you have frequent calls for the daily edition of the Congressional Record? Yes, 271; No, 106.
Do you have frequent calls for the Official Register? Yes, 235; No, 146.
Do you want it continued? Yes, 313; No, 54.
Do you receive charts of the United States Coast and Geodetic Survey? Yes, 252; No, 111.
Do you have frequent calls for them? Yes, 155; No, 202.
Do you have frequent calls for the American Ephemeris and Nautical Almanac? Yes, 194; No, 173.
Do you want it continued? Yes, 270; No, 95.
Do you want the Slip Laws? Yes, 144; No, 176.
Do you want the Pamphlet Laws? Yes, 242; No, 95.
Do you want the Revised Statutes and Supplements of the United States? Yes, 341; No, 23.
Do you want the Statutes at Large? Yes, 350; No, 24.
Are there any books not received that your library has call for? Yes, 129; No, 154.

Arizona:
Carnegie Free Library.
Should be permitted to loan publications for outside perusal.

California:
California State Library, Sacramento.
Heartily approves giving libraries opportunity to select what publications they can make use of. Suggests that the entire distribution be made through the superintendent of documents.
Free Public Library, Sacramento.
Suggests giving opportunity to select. Superintendent of documents alone to distribute.
Free Public Library, San Francisco.
Let smaller libraries have opportunity to select.
Free Public Library, Stockton.
Loaning of books should be permitted.
Los Angeles Public Library.
Approves right of selection for smaller libraries.
Free Public Library, San Diego.
Wants a concise index of all departmental publications. Prefers to select books.

Colorado:
Library, State Agricultural College, Fort Collins.
Prefers selection. Libraries should be inspected.
University of Denver Library, University Park.
Warmly indorses proposition to permit selection.

Connecticut:
Silas Bronson Library, Waterbury.
Prefers to select.

Delaware:
Institute Free Library, Wilmington.
To prevent duplication all mailing should be through superintendent of documents.

District of Columbia:
Treasury Department Library, Washington.
Approves of privilege to select.

Georgia:
University of Georgia Library, Athens.
Would like to return all pamphlets to be bound.
Public Library, Savannah.
Prefers waiting for bound series. Approves of selection idea.

Illinois:
St. Ignatius College Library, Chicago.
Warmly favors right to select.
The John Crerar Library, Chicago.
Minor libraries to have right to select.
Public Library, Rockford.
Favors right to select. Circulation outside of library to be permitted.

Indiana:
Purdue University Library, Lafayette.
Favors right to select. Superintendent of Documents should inspect libraries.
Muncie Public Library, Muncie.
Favors selection. Circulation outside should be permitted.

Iowa:
State Library of Iowa, Des Moines.
Desires quicker delivery.
Free Public Library, Fairfield.
One depository library at State capitol to receive all; others to select.
State University of Iowa Library, Iowa City.
A central office from which to distribute all public documents.
Tabor College Library, Tabor.
Circulation outside should be permitted.

Kansas:
Library of the University of Kansas, Lawrence.
One person should have charge of the distribution of all public documents.
Kansas State Historical Society Library, Topeka.
Depository libraries should receive all, including duplicates when found desirable.
Fairmount College Library, Wichita.
Public documents should be accompanied by a considerable number of catalogue cards. Emphatically favors right to select. Depository libraries should each cover a separate territory.

Kentucky:
Free Public Library, Louisville.
Consolidate all mailing lists; send only what a library wants; and let it be sent from only one office.
Kentucky Wesleyan College Library, Winchester.
Permit selection after furnishing list of what may be expected.

Louisiana:
Louisiana State Library, New Orleans.
Permit selection.
New Orleans Public Library, New Orleans.
Superintendent of Documents should have charge of all shipments. Libraries to be permitted to select.
Howard Memorial Library, New Orleans.
Only one library in city should receive all Government publications.

Maine:
University of Maine Library, Orono.
Right to select approved. Quicker distribution desired; there has been improvement.
Bates College Library, Lewiston.
Strongly favors right to select as boon to smaller libraries.

Maryland:
U. S. Naval Academy Library, Annapolis.
Depositories should be able to obtain duplicates when needed.
Enoch Pratt Free Library, Baltimore.
Smaller libraries should be allowed to select. As many publications as possible should be sent in bound form.
Washington College Library, Chestertown.
Desires privilege of selection, after Superintendent of Documents has submitted list.
Frederick College Library, Frederick.
Opportunity to select is advocated on the ground of economy as well as relief to smaller libraries.

Massachusetts:
State Library of Massachusetts, Boston.
A large library, especially a State library, should have on its shelves all Government publications.
Library of Massachusetts Agricultural College, Amherst.
Librarians should be allowed to place standing order for certain publications, and also be permitted to receive special publications when desired.
Harvard College Library, Cambridge.
Superintendent of Documents should be empowered to send duplicates when desired.
Free Public Library, Worcester.
Heartily indorses suggestion that selection be permitted; also that occasionally documents be received in unbound form.
Lynn Public Library, Lynn.
Libraries should be furnished duplicates, when needed to fill out, without charge.
Boston Public Library, Boston.
Can make use of everything; want it sent promptly.
Free Public Library, Watertown.
At some length gives reasons why selection should be permitted.
Free Public Library, New Bedford.
After answering query in circular to the effect that everything is desired, qualifies that reply in a subsequent letter, favoring permission to select.

Michigan:
Michigan State Library, Lansing.
Would like to be permitted to loan out public documents.
Public Library, Detroit.
After stating categorically "would like everything," qualifies in reply that selection should be allowed.
University of Michigan General Library, Ann Arbor.
Desires duplicates of some publications.
Grand Rapids Public Library, Grand Rapids.
Would have law amended so that no depository library that complies with the law can be deprived of the privilege without its consent. Desires to receive public documents as promptly as individuals receive them.
State Normal School Library, Winona.
Government should assist libraries in cataloguing.
Public Library, Duluth.
Would like privilege to select, but also to receive others "occasionally."

Missouri:
Missouri State Library, Jefferson City.
Superintendent of documents should have sole jurisdiction in distributing. Librarians should be permitted to select. Bulletins, etc., should be bound in convenient-sized volumes by the Government.
University of Missouri Library, Columbia.
While reply to query "Do you wish to receive everything?" is in the affirmative, the privilege to select is urged as a boon to small libraries.
Free Public Library, St. Joseph.
Privilege as a depository library not to be arbitrarily revoked. Should be allowed to loan out books.
Free Public Library, Kansas City.
"Engrossed bills of national importance" should be provided.
Public Library, St. Louis.
While desirous of receiving everything, smaller libraries should be permitted to select.

Montana:
University of Montana Library, Missoula.
While desirous of receiving everything, the privilege to select on the part of smaller libraries is strongly urged.

Nebraska:
University of Nebraska Library, Lincoln.
While desirous of receiving everything, the right to select by smaller libraries is urged most earnestly. The privilege of a depository library should not be revoked unless for clearly proven noncompliance with conditions.

New Hampshire:
Laconia Public Library, Laconia.
Would like Government to furnish catalogue cards.
Dartmouth College Library, Hanover.
Would have libraries given leave to select, also to receive duplicates where required.

New Jersey:
Rutgers College Library, New Brunswick.
Libraries should be allowed to loan out Government publications; to dispose as they prefer of surplus copies; that issue in serial form be resumed, letting on back to state serial number, Congress, session, year, and title of document.
Library of Princeton University, Princeton.
Everything should come automatically through the superintendent of documents.
Free Public Library, Paterson.
Every State library should be a central Government depository. Permission to select and to loan out should be given.

New York:
New York State Library, Albany.
Suggests that libraries receive all public documents—duplicates when required—through the superintendent of documents; desires prompt service from that official; complains of delays in receiving publications; commends the improvement shown of late in that respect; recognizes the advisability of waiving requirement that all libraries care for all the output; would like to get such bills as may desire.
Colgate University Library, Hamilton.
Government publications should be accessible to readers who may wish to borrow them. Advocates right to select.
Pratt Institute Free Library, Brooklyn.
While desirous of getting everything for library, approves of suggestion that privilege of selection be accorded.
Astor Branch, New York Public Library, New York City.
Should have opportunity to receive reports of congressional hearings and reports. The designation as a depository library should not be affected by a change in congressional districts. Selection should be permitted.
Library of the College of the City of New York.
An amended list of publications, classified according to character of library and relative usefulness of same, should be furnished libraries as a guide to selections.
Union College Library, Schenectady.
While preferring to receive everything, expresses the opinion that certain publications are "totally valueless."
Troy Public Library, Troy.
Approves suggestion as to selection. A depository library should be permanent. Circulation should not be restricted.
North Dakota:
State Historical Society Library, Bismarck.
While personally desirous of receiving all publications, favors selection.
Ohio:
Ohio Wesleyan University Library, Delaware.
All documents should be distributed through the superintendent of documents. He should be permitted to supply duplicates when desired.
Toledo Public Library, Toledo.
While desirous of receiving all, suggests that smaller libraries should not be compelled to receive all.
Oregon:
University of Oregon Library, Eugene.
While categorically expressing desire to receive all, favors selection.
Pennsylvania:
Carnegie Library of the Pennsylvania State College, State College.
State libraries should receive everything; smaller libraries only what they select.
The Historical Society of Pennsylvania, Philadelphia.
Desires only what is of especial interest.
The Free Library of Philadelphia.
A depository library should be such permanently; should receive the journals and be allowed to loan public documents.
Philadelphia Museum Library.
While desirous of receiving everything, favors right to select.
Watts de Peyster Library, Lancaster.
If bound publications are sent out promptly, would prefer not to receive the unbound.
Scranton Public Library, Scranton.
Designation should be permanent. Superintendent of documents to examine periodically whether law is lived up to.
Carnegie Library of Pittsburgh.
While personally desirous of receiving everything, strongly urges the privilege of selection. Many duplicates could be used.
Rhode Island:
Rhode Island State Library, Providence.
While desirous of receiving all, advocates a classification of libraries. Commends greater promptness of late as to receipt of books.
Providence Public Library.
Only cares for department sets, because of receiving them earlier.
Westerly Public Library, Westerly.
Advocates privilege to select. Patrons should be allowed to take publications out of library.
South Dakota:
South Dakota State College Library, Brookings.
Allow selection; inspect periodically; have one complete depository, from which near-by smaller libraries could borrow.
Tennessee:
Carnegie Library of Nashville.
Strongly urges privilege of selection.
Texas:
Agricultural and Mechanical College of Texas Library, College Station.
While this library can use all, approves of selection privilege.
Texas State Library, Austin.
Disapproves distribution by Members of Congress; no sense in limiting purchase to one copy apiece.
Carnegie Public Library, Fort Worth.
The largest libraries should be made the depository libraries; a paid commission of librarians should be organized to work out a system of making public documents of most value to the people; documents should be grouped by subjects; cataloguing should be provided.
University of Texas Library, Austin.
While desirous of obtaining everything, favors privilege to select; reduce number of depositories; allow binding of but one edition of department reports and distribute them promptly; make provision for fuller and prompter index.
Virginia:
Virginia State Library, Richmond.
While desirous of receiving everything, concedes desirability of permitting small libraries to select.
Washington:
Washington State College Library, Pullman.
All documents should come from a single source; privilege to select favored.
University of Washington, Seattle.
Personally desires to receive all, but favors privilege to select for smaller libraries.
Wisconsin:
La Crosse Public Library, La Crosse.
Advocates comprehensive index to congressional set.
Wisconsin State Historical Library, Madison.
While desirous of receiving all, favors classification of depository libraries, with a view to permitting selection.

Mr. SMOOT. The fact that the superintendent of documents had on hand in his accumulation many thousands of copies of the Official Gazette of the Patent Office led the Printing Commission to make a special inquiry into this distribution. Under the present law each Member of Congress is entitled to designate 8 libraries in his district or State to receive the Official Patent Gazette, which is issued weekly. According to this provision 3,904 libraries could have been designated, but on April 16, 1910, when the commission made its investigation, only 3,201 had been named by Members of Congress. Of this number, investigation showed that 1,574 wanted to continue receiving the Gazette, 925 replied that the Gazette was of no service to them, while 702 failed to make any reply to repeated inquiries of the commission. As a result of this investigation, the commission recommended that the superintendent of documents discontinue sending the Official Gazette to 1,627 libraries, or more than half of those on his list originally. The commission is therefore firm in the belief that the distribution of the Patent Gazette should be confined to the designated depository libraries.

I ask to have printed a statement showing the result of the commission's inquiries in the distribution of the Official Patent Gazette to libraries:

The VICE PRESIDENT. In the absence of objection, permission is granted.

The statement referred to is as follows:

Patent Gazette libraries.

States or Territories.	Gazette of no service to.	Failed to answer inquiries.	Total stricken from list.	Retained on list.
Alabama	23	23	46	29
Alaska	4	2	6	2
Arizona	2	1	3	5
Arkansas	17	26	43	15
California	9	10	19	53
Colorado	7	4	11	22
Connecticut	8	6	14	40
Delaware	5	4	9	6
District of Columbia				1
Florida	3	7	10	12
Georgia	36	25	61	25
Hawaii	2	2	4	3
Idaho	9	4	13	10
Illinois	34	36	70	98
Indiana	25	22	47	57
Iowa	30	8	38	57
Kansas	17	17	34	38
Kentucky	27	25	52	20
Louisiana	13	21	34	15
Maine	14	7	21	26
Maryland	15	14	29	20
Massachusetts	10	11	21	90
Michigan	29	14	43	55
Minnesota	33	12	45	35
Mississippi	20	21	41	8
Missouri	45	26	71	50
Montana	6	2	8	15
Nebraska	24	10	34	24
Nevada	3	7	10	6
New Hampshire	4	5	9	21
New Jersey	18	20	38	44
New Mexico	5	2	7	1
New York	65	39	104	145
North Carolina	25	27	52	12
North Dakota	12	5	17	12
Ohio	32	28	60	101
Oklahoma	10	9	19	19
Oregon	12	4	16	12
Pennsylvania	55	40	95	125
Porto Rico	3	4	7	1
Rhode Island	10	5	15	17
South Carolina	21	24	45	11
South Dakota	10	3	13	13
Tennessee	32	23	55	28
Texas	44	29	73	21
Utah	4	7	11	11
Vermont	7	4	11	17
Virginia	29	21	50	26
Washington	7	9	16	20
West Virginia	12	12	24	11
Wisconsin	31	13	44	41
Wyoming	7	2	9	8
Total	925	702	1,627	1,574

Mr. SMOOT. The bill also proposes a further economy in the printing of Patent Office publications by discontinuing the expensive and useless library edition of the patent specifications which is now required by law to be sent to every United States district court, the capitol of every State, and each executive department. The library edition of patent specifications consists of three immense volumes, which are sent monthly to these courts and libraries. These three volumes average between 9,000 and 10,000 printed pages a month. The Secretary of the Interior has made a thorough investigation of the uses to which this library edition has been put and has found that it is practically of no value whatever. With one exception, judges of the United

States district and circuit courts replied that the publication was of no service to their courts, and the majority of the libraries replied that they had no practical use for it, the weekly Patent Gazette being a more serviceable publication for them. The discontinuance of the library edition will effect a saving of approximately $65,000 a year. The bill provides another method whereby libraries may obtain copies of patent specifications and drawings at far less expense to the Government.

Another investigation conducted by the commission in regard to the distribution to libraries was that relating to geological publications. Under the present law each Member of Congress is entitled to designate four libraries in his State to receive publications of the Geological Survey. On April 16, 1910, when this investigation was undertaken, but a little more than half of the total number of possible designations had been made. Of the 1,008 geological depository libraries at that time, 158 expressed a desire to be stricken from the mailing lists, having no use for geological publications; 145 preferred to make selections of the publications to be sent them; 189 failed to reply to repeated inquiries from the commission. As a result of this investigation 347 libraries were stricken from the list of geological depositories. It is apparent, therefore, that this distribution was of service only to about a fourth of the libraries that could have been designated under the present law.

I submit herewith a tabulated statement showing the result of this inquiry relating to geological depository libraries:

Geological depository libraries.

States or Territories.	Geological publications of no service to.	Failed to answer inquiries.	Total stricken from list.	Total retained on list.	Prefer to make selections.
Alabama		7	7	9	3
Alaska					
Arizona				3	
Arkansas	2	1	3	7	5
California	3	3	6	24	7
Colorado	1	1	2	13	
Connecticut	8	3	11	12	4
Delaware	2		2		
District of Columbia				3	
Florida		2	2	2	
Georgia	2	4	6	7	1
Hawaii				1	1
Idaho	1	1	2	3	
Illinois	8	15	23	41	8
Indiana	7	7	14	26	6
Iowa	5	9	14	28	6
Kansas		3	3	23	2
Kentucky	5	6	11	9	
Louisiana				9	
Maine	2	6	8	12	2
Maryland	1	3	4	7	
Massachusetts	6	9	15	33	9
Michigan	4	10	14	24	2
Minnesota	10	3	13	18	4
Mississippi	1	2	3	1	
Missouri	5	7	12	22	5
Montana	1		1	5	2
Nebraska		5	5	17	4
Nevada	1	1	2	3	1
New Hampshire	2	2	4	7	2
New Jersey	5	3	8	18	6
New Mexico		1	1	3	
New York	20	9	29	57	17
North Carolina	4	6	10	11	2
North Dakota	1	1	2	11	2
Ohio	11	10	21	35	9
Oklahoma		2	2	5	2
Oregon	2	2	4	6	2
Pennsylvania	11	9	20	52	14
Porto Rico					
Rhode Island	3	3	6	3	1
South Carolina		4	4	8	1
South Dakota	1	2	3	8	
Tennessee		8	8	9	1
Texas	4	2	6	13	3
Utah		1	1	6	
Vermont	4	1	5	6	4
Virginia	2	2	4	8	
Washington	2	1	3	10	1
West Virginia		4	4	7	1
Wisconsin	10	7	17	17	6
Wyoming	1	1	2		
Total	158	189	347	661	145

VALUATION PLAN FOR CONGRESS.

I now come to the most important part of the bill as it relates to Congress. I refer to the proposed valuation plan for the distribution of publications to Members of Congress. By this plan each Senator and Member will be accorded an annual credit with the superintendent of documents at the Government Printing Office by which he can obtain any number of publications subject to valuation distribution to the amount of his credit. At present Senators and Members are allotted a fixed quota of every publication sent to the folding rooms, whether or not these publications are of any service to them. Let me illustrate briefly: Under the quota plan the Senators from Kansas receive as many Nautical Almanacs, Reports of the Coast and Geodetic Survey, and Reports of the Commissioner of Navigation as the Senators from New Jersey. The Senators from Massachusetts get as many irrigation bulletins as the Senators from Idaho. Members of Congress from New York City each get as many agricultural yearbooks, cattle books, and horse books as Members of Congress from Nebraska.

Mr. BRISTOW. Mr. President——

The VICE PRESIDENT. Does the Senator from Utah yield to the Senator from Kansas?

Mr. SMOOT. I do.

Mr. BRISTOW. I should like to inquire if the Senator from Utah has made an inquiry as to what becomes of the horse books and cattle books, for instance, which would be assigned to Congressmen representing a city district?

Mr. SMOOT. In many cases they are transferred to Senators and Members who can make use of them, and, in turn, they transfer documents that would be of more interest to the constituents of the Senator or Member from a city district.

Mr. BRISTOW. But what publication now would a Representative from the city of New York, for instance, be greatly interested in that he could dispose of, say, 1,200 horse books for?

Mr. SMOOT. Under the proposed plan he need not take one horse book; he can have any publication or document that is printed, and take the whole $2,500 worth if he so desires.

Mr. BRISTOW. Under the present plan, though he is assigned, we will say, so many horse books—100 or 1,200, or whatever the number may be—do the 15 Representatives representing the city of New York, for instance, trade those off for some other documents? What would they want? What would they get? What would they use? What public documents are used for distribution in a city?

Mr. SMOOT. They perhaps would want the CONGRESSIONAL RECORD; a great many of them perhaps would want reports on the Navy; they would want the Nautical Almanac; they would want immigration publications; and they could take any documents of interest to the people of New York, or they could take their entire quota in one document if they so desired, under the proposed plan.

Mr. BRISTOW. But what I am trying to get at, if the Senator has the information, is as to what becomes of the books that are now assigned, but which are evidently not used?

Mr. SMOOT. Some of them are sold; in fact, most of the documents not wanted are sold as old waste paper.

Mr. BRISTOW. But valuable books that are in demand throughout the country, like the horse book, of which we had 100,000 copies reprinted not long ago, are certainly not sold as waste paper?

Mr. SMOOT. No; they are transferred to some Senator or some Representative, as the case may be, who is directly interested in that particular book; but under the proposed plan, if the Senator from Kansas wanted his full quota in horse books, he could take all horse books, or if he wanted all Agricultural Yearbooks, he could take his full quota in Agricultural Yearbooks.

Mr. BRISTOW. But, again, Mr. President, a Member of the House or a Senator is now given a certain quota, and he has this opportunity for exchange. The sum total of the documents that are assigned to him when exchanged for those he wants gives him a very desirable number for distribution. How much is that curtailed by this proposed plan?

Mr. SMOOT. None at all. If the Senator will just wait a moment I will show him the amount that is expended each year for the printing of public documents, how it is divided, and what it has been for the last six years; but under the proposed plan we have divided the amount so that every Senator will have $2,500 worth a year to his credit and every Representative will have $1,800 worth.

Mr. ROOT. How is that amount ascertained?

Mr. SMOOT. The Senator from New York asks how that amount is ascertained. I will reach the figures in a very few minutes and show just exactly how it is ascertained.

Mr. GALLINGER. Mr. President——

The VICE PRESIDENT. Does the Senator from Utah yield to the Senator from New Hampshire?

Mr. SMOOT. Certainly.

Mr. GALLINGER. Mr. President, emphasizing the wisdom of the suggested plan as it is being outlined by the Senator from Utah, I will say that I have turned to a list of documents that are to my credit at the present time, and, while I have not made an accurate calculation, I am very sure that

there are on that list at least 1,000 documents relating to irrigation. I have not a constituent who cares anything for any of those documents. There must be also on the list several thousand geological bulletins, for which there is no call from my section of the country, except in very rare instances. There are four or five hundred copies of the messages and documents, which I believe it is very wisely contemplated to abandon publishing, and so on through the list—several thousand copies of public documents printed at the expense of the taxpayers that I have not any earthly use for and should be glad to give them to any Senator who wants them.

Mr. ROOT. I should like to ask the Senator from Utah whether the entire quota for each Senator and Representative of each of these public documents is printed?

Mr. SMOOT. Once a week each Senator receives, or should receive, the published statement of the documents that are to his credit.

Mr. ROOT. But are the documents which are to the credit of each Senator all printed?

Mr. SMOOT. Under the edition system they are not all printed. That has been one of the great savings that have been made within the last few years. We print now in editions.

Mr. ROOT. There is no very great demand in my State for reports on the boll weevil, I will suggest to the Senator.

Mr. BRISTOW. Mr. President, if the Senator will permit me, I think there is possibly an opportunity for a misunderstanding as to the agricultural bulletins. The Senator from New Hampshire says that he has no use for bulletins on irrigation.

Mr. GALLINGER. Yes.

Mr. BRISTOW. And the Senator from New York [Mr. ROOT] says he has no call for bulletins on the boll weevil; but he has a certain number of bulletins from the Agricultural Department assigned to him, and he can take them all in boll-weevil bulletins, or irrigation bulletins, or bulletins on the culture of tobacco, or he can select any one or any number of these bulletins that his constituents desire.

Mr. GALLINGER. That would not apply to the geological bulletins.

Mr. BRISTOW. No; but it does to the boll-weevil bulletins and the irrigation bulletins.

Mr. GALLINGER. Yes.

Mr. BRISTOW. There are hundreds of bulletins that are never distributed in the State that I in part represent, because the people there have no use for them, but the full quota, I think, of agricultural bulletins is distributed every year by the Representatives and Senators from that State, and the publications in which the people of that State are interested are the ones that are sent, and the bulletins in which they are not interested are not sent, but are used in other States where they are of value.

Mr. SMOOT. This brief enumeration, I believe, makes fully apparent the vital defects in the present quota system of distribution for Congress. It is easy to understand how, under such a system, there has been an enormous waste in the distribution of these publications. The accumulation in the folding rooms from time to time of vast quantities of documents that Members of Congress have been unable to distribute is really only a small part of the waste caused by this system. It is in the knowledge of almost every Senator, I believe, that literally thousands of tons of Government publications have been sent into their States that have been of little or no benefit to their constituents. This distribution of useless publications has been made largely for campaign purposes and because Members of Congress did not have the means of obtaining such publications as would interest and be of value to their constituents. Under the proposed valuation plan a Senator from an agricultural State could use his entire credit, if he so desired, to obtain agricultural yearbooks for his constituents; a Senator from a mining State could use his document credit entirely for geological publications; or a Senator from a State interested in maritime affairs could use his document credit for publications relating to navigation.

For the information of the Senate I submit herewith a list of standard publications annually allotted to the folding room, with the fixed quota credited to each Senator and Member, and the total number of copies of each authorized by law for the Senate and the House of Representatives. I believe a study of this list will convince Senators of the inequality and waste in the present system.

Mr. President, I should like to have the list printed without reading, as it is somewhat long, but I will name a few. For instance, the Abridgment of the Messages and Documents, of which each Senator gets 43 copies and each Member of the House gets 19, a total of 4,000 copies being printed for the Senate and 8,000 for the House. Take the Agricultural Yearbook. Each Senator has a quota of 1,152 and each Member of the House 897. There are 110,000 copies printed for the Senate and 360,000 copies for the House.

Mr. BRISTOW. Mr. President, may I inquire how many of the Yearbooks are not distributed?

Mr. SMOOT. Mr. President, I have not the list with me, but, so far as the Agricultural Yearbooks are concerned, I will say to the Senator, they are practically all distributed. I now ask, Mr. President, that the table to which I have referred may be printed without reading.

The VICE PRESIDENT. In the absence of objection, permission is granted.

The table referred to is as follows:

Quotas for Senators and Members of standard Government publications.

Name or title.	Each Senator.	Each Member.	Total Senate.	Total House.
Abridgment Message and Documents	43	19	4,000	8,000
Agricultural Department, Annual Reports of	10	4	1,000	2,000
Agricultural Experiment Stations, Annual Reports of	10	4	1,000	2,000
Agricultural Yearbooks	1,152	897	110,000	360,000
American Historical Society, Annual Report of	10	4	1,000	2,000
Animal Industry, Annual Reports of	72	24	7,000	14,000
Army Registers	5	2	500	1,000
Attorney General, Annual Reports of	10	4	1,000	2,000
Coast Survey, Annual Reports of	2	1	200	600
Commerce and Labor, Annual Reports of	10	4	1,000	2,000
Commerce and Navigation, Annual Reports of	10	4	1,000	2,000
Commercial Relations	10	4	1,000	2,000
Comptroller of Currency, Annual Reports of	10	4	1,000	2,000
Document Catalogues	2	2	200	800
Document Indexes	2	2	200	800
Commissioner of Education, Annual Reports of	68	27	5,000	10,000
Ethnological Bulletins	15	7	1,500	3,000
Bureau of Ethnology, Annual Reports of	15	7	1,500	3,000
Finance Reports, Annual	10	4	1,000	2,000
Fish Bulletins	10	4	1,000	2,000
Geological Survey, Annual Reports of	21	9	2,000	4,000
Gold and Silver in United States	10	4	1,000	2,000
Interior Department, Annual Reports of	10	4	1,000	2,000
Interstate Commerce Commission, Annual Reports of	10	4	1,000	2,000
President's Messages	53	24	5,000	10,000
Commissioner of Labor, Annual Reports of	53	24	5,000	10,000
Session Laws	21	13	2,000	5,000
United States Maps	74	35	7,200	14,400
Memorial Addresses	21	9	2,000	4,000
Mineral Resources of United States, Annual Reports of	21	9	2,000	4,000
Nautical Almanacs	5	2	500	1,000
Naval Yearbooks	15	7	1,500	3,000
Commissioner of Navigation, Annual Reports of	10	4	1,000	2,000
Navy Department, Annual Reports of	10	4	1,000	2,000
Navy Register	5	2	500	1,000
Post-Office Department, Annual Reports of	10	4	1,000	2,000
Congressional Records	88	60	.....	.....
Annual Smithsonian Reports	10	4	1,000	2,000
Field Operations, Division of Soils, Annual Reports of	15	4	1,500	3,000
Statistical Abstracts	31	14	3,000	6,000
War Department, Annual Reports of	10	4	1,000	2,000
Weather Bureau, Annual Reports of	10	4	1,000	2,000
Civil Service Commission, Annual Reports of	10	4	1,000	2,000
Congressional Directory	40	20	3,600	7,960
Geological Bulletins	10	4	1,000	2,000
Geological Professional Papers	10	4	1,000	2,000
Geological Irrigation Bulletins	15	6	1,500	2,500
Monthly Reports on Imports and Exports	5	2	500	1,000
National Academy of Science, Annual Reports of	5	2	500	1,000
National Academy of Science, Memoirs	5	2	500	1,000

Mr. SMOOT. When the commission began to investigate the distribution of documents by Congress it held a preliminary hearing, May 7, 1910, on the valuation system which had been suggested by Hon. Walter I. Smith, then a Member of Congress from Iowa and now a judge of the United States Circuit Court.

Mr. Smith in his statement to the committee said:

My plan would be to find out what the entire senatorial and congressional quota amounts to per Member and the amount per Member in cost, and then provide that each Senator and Representative shall be credited with that amount at the office of the superintendent of documents for the year ending March 4; abolish the folding room of the Senate and the House of Representatives, and have the entire distribution through the superintendent of documents, who would furnish to each Senator and Representative upon his order any public document and charge it at the regular price ordinarily charged by the

superintendent of documents. Of course, this credit would be payable only in documents. Under this system the superintendent of documents would from time to time order an edition of any document when there were sufficient requisitions to justify it. There never would be any documents printed except as actually needed for distribution. Every Member could get exactly what his constituency wanted, and the cost to the Government, if the credit was equal to the present expenditure, would be the same as now. But, in view of the enormous waste of the present system, and the fact that every Member now receives many documents he has no use for, I think the credit in dollars at the office of the superintendent of documents could well be put very considerably below the total present cost.

I regard this plan as one of economy to the Government, of tremendous convenience to the Members, and as accomplishing the purpose sought by furnishing the various constituencies with what they both want and need. It would also stop the annoying and reprehensible practice of Members soliciting one another for transfers, whereby what the law contemplates shall go to one district is diverted to another.

The superintendent of documents, Mr. August Donath, also made an extended statement at this hearing and has since assisted the commission in working out the proposed valuation plan for distributing documents.

Dr. W. T. Wirt, of the Geological Survey, also explained to the commission how the survey has for a number of years maintained a valuation account in the distribution of its publications to Members of Congress.

The commission submitted the valuation plan to a score of the leading book publishers in the United States for advice as to its practicability or suggestions as to the proper method of putting it into operation.

I submit some of their replies for the information of the Senate.

Lewis Parkhurst, who is in charge of the Athenaeum Press in Cambridge, Mass., for the firm of Ginn & Co., of Boston, Mass., replying for that company said:

I quite agree with you that the method of printing these Congressional publications and distributing them equally among the Members of Congress, no matter what their interests or their constituents' interests may be, must have resulted in a very great waste of the people's money during these many years. I have often thought of this as various things have come in to me in which I had absolutely no interest.

Now with reference to your proposed plan called the "Valuation scheme." It would seem to me that, without any question, the Members of Congress would be better able to supply their constituents with the kind of publications that most concerned them than under the present system. Whether or not there would be any net saving to the Government would depend, of course, upon the size of your appropriation to each Member. If you know what you now expend and can take a certain portion of that, say one-half or two-thirds, and divide it equally among the Congressmen, then you will make a great saving. If, however, it is only in the kind of material and not the total amount, I can not see how you would save anything. Possibly you might be able to manufacture a little more closely than you can at present. If you have considerable excess printing now, that, I should think, would be largely done away with in future, provided you could hold your Congressmen to their original estimates.

You ask, first, "Do you think such a scheme practical for Government publications?" It seems to me thoroughly practical, provided you can agree upon the appropriation, and provided your Congressmen will give their orders all at once, so that you can know just how many of each document you will need to print.

To answer your second question, "Would it result in any economy if conducted in a businesslike manner?" I think it would.

To sum up, then, I should think by changing your method as suggested you would give much better service to your constituents for the same amount of money, and with cooperation on the part of your Congressmen and careful oversight on the part of your management you might be able to save considerable. Of this last point, however, I do not feel so sure, because I imagine your Congressmen will insist on spending about so much anyway.

Mr. G. H. Mifflin, president of the Houghton-Mifflin Co., publishers, of Boston, Mass., in his letter said, concerning the valuation scheme:

From our standpoint and experience, we can not see why this plan is not entirely practicable and why it should not result in a very material saving to the Government, for the Printing Office can invite advance orders from the Members of Congress for the publications about to be issued and can base the editions they print on the orders they thus receive precisely as a publishing house does. If the edition that is printed is exhausted by excess of orders, it is a simple matter to reprint from the electrotype plates. The cost of presswork, paper, and binding can, of course, easily be estimated in advance, so as to determine the price for quotation to Members, the only indeterminate question being the cost of the composition and electrotyping, including costs of any cuts, maps, etc., and the size of the first edition, which will determine the addition per copy to the manufacturing cost that should be allowed for the plates or plant.

We are extremely desirous of cooperating with you in saving a waste which is apparent, and if we are not sufficiently explicit or can give you any further information, please call on us freely.

F. A. Duneka, general manager of Harper & Bros., publishers, of New York, in his letter said:

In reply to your letter of May 15 asking advice as to a more economical and satisfactory method for the distribution of Government publications by Members of Congress, we beg to say that the plan you outline in general seems distinctly better than the method at present employed. It is a basic principle of all book publishing that the number of any book printed should not materially exceed the number in demand by the public. Any excessive overproduction means financial loss, of course.

This method, it seems to us, would be eminently fair to Members of Congress and to their constituents, and should certainly result in large economies. It is closely analogous to the method employed by most large publishing houses in this country.

William W. Ellsworth, secretary of the Century Co., publishers, of New York, said of the valuation scheme:

Your proposed "valuation scheme" seems practical and would certainly result in a saving to the Government. If a circular could be sent to each Member of Congress and to the departments needing books, calling for the number wanted in advance of publication, the great accumulations of books would cease. Very soon the printers would learn the average number of extra copies that would be needed.

Scott, Foresman & Co., educational publishers, of Chicago, Ill., in their reply stated:

Referring to your recent letter in regard to the printing and distribution of Government publications, we are pleased to give you what information we can, judged in the light of our experience. Our conclusions when applied to Government business, however, might be false, as our volume of printing would only be a small percentage of the amount turned out in the Government Printing Office yearly.

Replying to your questions—

First: We believe that the scheme would prove practical after a period of two or three years; at that time the Printing Office would have some data on which to base its edition of a particular document.

Second. It is our opinion that errors in forecasting the demand for any particular pamphlet, with consequent reprintings in case of a shortage, or an overstock, would nearly offset any advantages over the old system for the first two or three years, but, as stated above, a marked economy would, in our opinion, be shown after this period by the plan proposed in your letter.

Rand, McNally & Co., printers and publishers, of Chicago, Ill., in explaining their plan of printing editions said:

We believe the valuation scheme outlined in your letter will result in great economy.

E. W. Fielder, of D. Appleton & Co., publishers, of New York, in his reply said:

The present plan in vogue in the Government Printing Office by which the size of editions are fixed without any regard whatever to demand, is, as you point out, and as might have been foreseen, entirely unsatisfactory. We do not see, however, that any of the practices and customs of the publishers engaged in commercial business could assist materially in remedying matters.

You ask us whether we think the plan which you outline, by which the Superintendent of Documents must anticipate the demand for particular publications, would be practical. This, in our opinion, would depend entirely upon the amount of assistance which the Superintendent of Documents might receive. If he were obliged to depend entirely upon his own experience and judgment, we can see possibilities of confusion and much dissatisfaction. If it were possible, however, to devise a plan by which the Members of Congress should in advance state their requirements as to particular publications, it would be, we should think, comparatively easy so to manage the printing of editions as to lead to little or no waste and great economy. We make this suggestion with considerable timidity, because it is so obvious that it must have occurred to your commission, and we presume, have been rejected for some good reason not apparent to use.

J. W. Hiltman, treasurer and manager of the Edward Thompson Co., law publishers, of Northport, N. Y., said in his reply:

The "valuation scheme" suggested in your esteemed favor of May 14 we believe would work satisfactorily *providing* the Members of Congress could be prevailed upon by law or otherwise to make requisitions in advance of printing for the number of copies of every public document (current) they desire.

An advance requisition scheme would probably make a "valuation scheme" unnecessary and might to an extent prevent Members from trading their "valuation balances" (a passing thought, which please pardon). We believe it would reduce the printing office expenses to the minimum and still give to every Member of Congress as many copies of each public document as he desired.

In working out the detail for the proposed valuation plan the commission called upon the Public Printer for an itemized statement showing the estimated cost of publications allotted to Senators and Members during each of the following fiscal years, 1904, 1905, 1906, 1907, 1908, 1909, 1910, and 1911, based upon the prices charged therefor by the superintendent of documents. These prices are the same as the bill requires the superintendent of documents to charge Members of Congress under the valuation plan. The estimates submitted by the Public Printer for these fiscal years cover the sessions of Congress from the second session of the Fifty-eighth Congress to and including the third session of the Sixty-first Congress. It is believed that these estimates form an absolutely fair basis upon which to compute the valuation credit for Members. The estimates for each year include not only the standard publications to which I have already referred, the CONGRESSIONAL RECORD, and the Congressional Directory, but also every special publication that Congress ordered printed and distributed through the folding rooms, such as "Diseases of the Horse," "Diseases of Cattle," "Hinds' Precedents," "Tariff Hearings," "Jefferson's Bible," "Memorial Addresses on Lincoln, Garfield, and McKinley," "Moore's Digest of International Law," "Charters and Constitutions," and the "Conference of Governors."

The following table shows the total value of all these publications allotted to Senators and Members under the present quota system based on the prices charged by the superintendent of

documents and the total average per year, including United States maps:

Value of all publications allotted to Senators and Members based on prices charged by the superintendent of documents.

Fiscal year—	Total value.
1904	$968,114.10
1905	905,032.15
1906	1,081,234.80
1907	956,817.05
1908 (no figures obtainable)	
1909	1,368,012.91
1910	1,384,100.01
1911	1,137,916.79
Total for 7 years	7,801,227.81
Average for 1 year	1,114,461.11
United States maps	20,000.00
Total per year, including United States maps	1,134,461.11

Using this annual average of $1,134,461 as a basis, the commission proceeded to determine the credit that should be allotted Senators and Members under the valuation system. A study of the present quotas showed that Senators receive a third more CONGRESSIONAL RECORDS and Yearbooks than Members of the House and twice as many other publications, and that the quotas of CONGRESSIONAL RECORDS and Agricultural Yearbooks cost approximately two-thirds of the entire value of all the publications allotted to Congress. The commission decided therefore that the credit to be accorded each Senator and the Vice President should be a little more than one-third greater than that to be given each Member, Delegate, and Resident Commissioner of the House of Representatives.

Taking the increased membership of the Senate and the new apportionment for the House as a basis, the commission came to the conclusion that $2,500 would be an equitable annual credit for each Senator and the Vice President, and $1,800 for each Member, Delegate, and Resident Commissioner of the House. Such a credit would amount to $1,032,700. As I stated before, the total average annual value of publications allotted to Senators and Members from 1904 to 1911, inclusive, was $1,134,461. This sum, as compared with the total for the annual credit proposed, would indicate a saving of $101,761. In addition to this sum, the commission ascertained that by abolishing the present folding rooms and consolidating this distribution for Congress under the superintendent of documents, at the Government Printing Office, as would be necessary to the success of a valuation plan, a further saving of $55,975 could be effected, making the total annual saving under the valuation plan $157,736. This estimated saving is the minimum that could be made if every Senator and Member used his entire document credit. It is believed, however, that many Senators and Members will not exhaust their credit, and as the unexpended balance is not to be carried over from year to year it is thought that an estimate of $200,000 a year saving under the valuation plan is a most conservative one. This estimate does not take into consideration the far greater saving that would be made in distributing Government publications in accordance with the actual requirements of the State or district of each Senator or Member. Under the valuation plan not a single publication need be wasted, for Members of Congress will not have to distribute great quantities of documents, as at present, simply to get rid of them.

Nor does this estimate take into consideration the present expense of hauling the thousands of tons of documents to and from the Capitol folding rooms. With the centralization of this distribution in the office of the superintendent of documents, and the location of the new city post office just across the street from the Government Printing Office, adjoining the Union Station, it would be possible to have the documents carried almost direct from the Printing Office to the mail trains, thus saving from 24 to 48 hours time over the present method of hauling documents from the Printing Office to the Capitol, from the Capitol to the city post office, and back again from the city post office to the Union Station.

Mr. BRISTOW. Mr. President——

The VICE PRESIDENT. Does the Senator from Utah yield to the Senator from Kansas?

Mr. SMOOT. Certainly.

Mr. BRISTOW. Now, referring to the allowance of $2,500 of documents to each Senator, that is to expire with the year, as I understand, and of $1,800 for a Representative in Congress, some of those documents or publications have a commercial value. What system of distribution does the Senator recommend in order to avoid the possibility of the credit being cashed by the sale of these documents to secondhand bookstores? Such a thing has been done in the past.

Mr. SMOOT. That has been done in a few cases, I will admit, but I do not see how it is possible to prevent a Senator or a Member of the House drawing out these documents and selling them to a secondhand dealer. I will say to the Senator that there have been a few such cases reported—but very few.

Mr. BRISTOW. I have been advised in the years that have gone by that at times employees in the House and Senate or employees in the offices of Congressmen and Senators have dealt in this literature. Would not this credit system offer a larger opportunity for the clerks or the employees, or even the Congressman, if he were disposed to do such a thing, to realize upon these publications?

Mr. SMOOT. On the contrary, it minimizes it as compared with the present law. Under the present law the documents go from the document room to the folding room, and then from the folding room back to the document room and then to the train. Under this plan they would go direct to the superintendent of documents. Then the document room is to distribute the documents, and I think if the superintendent of documents found that any Member of Congress was ordering a book sent to a secondhand store it would be reported. But this plan in the proposed bill minimizes the chances of doing such a thing.

Mr. BRISTOW. To illustrate, a Senator whom I have in mind complained at one time that valuable documents and books which he had sent to constituents were not delivered, and an investigation showed that the Post Office Department had never received the documents. The Senator thought they had gone to his constituents. But they disappeared.

Now, in the thousands of documents and publications that are being distributed the opportunity exists for subordinates, if they are disposed to be dishonest, to sell them. Indeed, documents which Senators thought had been distributed to their constituents have been found in secondhand bookstores in this city. What system does the Senator recommend to prevent that occurring under the credit plan?

Mr. SMOOT. Of course we can not legislate to make men honest; that is impossible; but under the proposed bill the books go direct from the document room to the train, and we can not make it more direct than that. It would be impossible to do so.

Mr. BRISTOW. What accounting would there be between the orders from the Senators and the Printing Office, in order to ascertain whether the clerks in the Printing Office sent those documents as ordered?

Mr. SMOOT. A system of checking in the document room will be provided, no doubt.

Mr. BRISTOW. That would, it seems to me, be necessary. Otherwise we would simply transfer the opportunity from the Senator's office or the Senate employee to the employee of the Government Printing Office, and unless there is a check the opportunity for fraud exists. While we can not legislate to make men honest, we can perfect a system by which dishonesty may be detected.

Mr. SMOOT. Very few public documents are sent from a Senator's office. Most of them are sent direct from the folding room or the document room, and under this system I suppose the great bulk of them would go direct from the document room.

As the CONGRESSIONAL RECORD and the Agricultural Yearbooks constitute the bulk of each Member's quota at present, let me submit some figures showing the value of these and other publications allotted to Senators and Members based upon the prices that the superintendent of documents used in estimating the valuation credits:

Value of Congressional Record, Agricultural Yearbook, and all other publications allotted to Senators and Members based on charges by the superintendent of documents.

CONGRESSIONAL RECORD.

Fiscal year:	Total value.
1904	$170,275.65
1905	208,559.40
1906	214,235.55
1907	146,883.00
1909	359,429.65
1910 (extra session)	510,808.31
1911 (extra session)	442,751.96
Total	2,052,943.52

AGRICULTURAL YEARBOOK.

Fiscal year.	Total value.	Per volume.
1904	$352,500.00	$0.75
1905	306,150.00	.65
1906	470,000.00	1.00
1907	470,000.00	1.00
1909	470,000.00	1.00
1910	587,500.00	1.25
1911	470,000.00	1.00
Total	3,126,150.00	[1] 1.95

[1] Average.

ALL OTHER PUBLICATIONS.

Fiscal year:	Total value.
1904	$445,338.45
1905	390,322.75
1906	396,999.25
1907	339,934.05
1909	538,583.26
1910	285,791.70
1911	225,164.83
Total	2,622,134.29
Records and Yearbooks	5,179,093.52
Total for all	7,801,227.81

Mr. NELSON. Who is to fix the valuation?

Mr. SMOOT. The valuation is fixed by the Public Printer at actual cost, with 10 per cent added. The law so provides.

The following figures, taken from the reports of the Public Printer, show that three-fourths of each Senator's quota of 88 CONGRESSIONAL RECORDS and each Member's quota of 60 CONGRESSIONAL RECORDS are distributed in unbound daily form:

Congressional Record distribution.

(Senator's quota, 88; Member's quota, 60.)

Fiscal year.	Unbound (daily).	Bound (session).	Total.
1903	11,141	18,135	29,276
1904	18,779	12,208	30,987
1905	19,746	11,241	30,987
1906	22,652	8,335	30,987
1907	22,841	8,687	31,528
1909	24,585	7,479	32,064
1910	25,200	6,864	32,064
1911	24,986	7,078	32,064
Total, 8 years	169,930	80,027	249,957

In ascertaining the value of the present quotas of the RECORD, bound and unbound, the commission found the average price of the bound RECORD for each long session of Congress to be $16.80, and for each short session $8.17. The present law and the proposed bill fixes the price of the daily RECORD at $8 for the long session and $4 for the short session, which prices are approximately their present cost. The value of the bound RECORD for the last five sessions of Congress, as based upon the prices charged by the superintendent of documents, is as follows:

Price of bound Record.

Congress.	Long session	Short session.
Fifty-seventh	$13.50	$5.50
Fifty-eighth	10.50	7.00
Fifty-ninth	23.00	10.00
Sixtieth	20.50	8.75
Sixty-first	16.50	9.60
Total	84.00	40.85
Average	16.80	8.17

Based upon the fact that three-fourths of the CONGRESSIONAL RECORDS are distributed in daily, unbound form, and that during a fiscal year a Senator or Member distributes either (a) the daily RECORD for a long session of Congress and the bound RECORD for a short session, or (b) the daily RECORD for a short session and the bound RECORD for a long session, the commission prepared the following estimate showing the average annual value of the RECORD quota for a Senator to be $660 and for a Member $450:

VALUE OF PRESENT QUOTA OF RECORDS.

For a Senator.

(a) Daily long and bound short session:		
66 daily, at $8		$528
22 bound, at $8		176
Total		704
or		
(b) Daily short and bound long session:		
66 daily, at $4		264
22 bound, at $16		352
Total		616
Average per fiscal year		660

For a Member.

(a) Daily long and bound short session:		
45 daily, at $8		360
15 bound, at $8		120
Total		480
or		
(b) Daily short and bound long session:		
45 daily, at $4		180
15 bound, at $16		240
Total		420
Average per fiscal year		450

The following table shows the annual value of Congressional Records and Agricultural Yearbooks to the credit of each Senator and Member, based on their present quotas and the amount that would be available for other publications under the proposed valuation plan if a Senator or Member concluded to use his full quota of Records and Yearbooks:

Value of Records and Yearbooks to credit of each Senator or Member based on present annual quota.

For a Senator:		
Average value Records		$660.00
Average value Yearbooks (1,152 at 95 cents)		1,094.40
		1,754.40
Available for other publications		745.60
Annual valuation credit		2,500.00
For a Member:		
Average value Records		450.00
Average value Yearbooks (897 at 95 cents)		852.15
		1,302.15
Available for other publications		497.85
Annual valuation credit		1,800.00

Under the present quota system the increased membership of the Senate this session and of the House in the next Congress will decrease the allotment of publications to Senators and Members. For example, the allotment of Agricultural Yearbooks at present is as follows: Each Senator, 1,152; each Member, 897.

The increase of membership will reduce the allotment of Yearbooks as follows: Each Senator, 1,111 or 46 less than at present; each Representative, 818 or 79 less than at present. A proportionate reduction will result in the allotment of every publication unless Congress authorizes an increase in the editions to be printed to correspond with the larger membership of Congress. This of itself would necessitate an almost complete revision of the printing laws.

In 1895, when the number of copies to be printed of the Yearbooks and many other publications allotted to Members was fixed by law, the quota of Yearbooks for each Senator was 1,208 copies as compared with 1,152 copies at present, and 1,111 copies when the membership of the Senate is increased. In 1895 the quota of Yearbooks for each Member of the House was 991 copies. At present the House quota is 897, and under the new apportionment it will be 818. This automatic reduction of the document quota of each Senator and Member, despite the fact that the population of the country has increased from 69,471,144 in 1895 to 91,972,266 in 1911, shows the inequality of the present quota system and its failure to readily adjust itself to the increasing needs of the country. In 1895 the 500,000 Yearbooks published by the Government provided one copy for every 1,390 persons. The same number of Yearbooks in 1911 provided one copy for every 1,840 persons, an increase of nearly one-third in the population without any increase whatever in the number of Yearbooks printed.

In contrast with this rigid quota system, which can not adjust itself to the needs of the country, the valuation plan is flexible and can readily respond to the increased population as indicated by congressional reapportionments.

The saving that would be effected by consolidating the work of the folding rooms under the superintendent of documents is shown by the following table:

COST OF FOLDING ROOMS AND SAVING IN DISTRIBUTION BY SUPERINTENDENT OF DOCUMENTS.

Fiscal year 1912.

Total cost Senate folding room	$36,846.82	
Less folding speeches and material	7,046.82	
Net cost, Senate		$29,800.00
Total cost House folding room	$53,140.75	
Less folding speeches and material	7,000.00	
Net cost, House		46,140.75
Total, net cost folding rooms		75,940.75
Additional cost, superintendent of documents		19,965.00
Net saving		55,975.15

Number of employees.

Senate folding room	28
House folding room	47
Total	75
Increase, superintendent of documents	26
Net decrease	49

If Congress so desired it could continue a small force of folders for the folding of speeches, which work is not included in the estimates by the superintendent of documents in regard to the valuation plan. Congress has heretofore made specific appropriations for the folding of speeches. It would be inadvisable, also, to immediately transfer all the documents in the folding rooms back to the Government Printing Office, and a considerable force would be required for some time here at the

Capitol until the publications now in storage in the folding rooms could be distributed.

I believe the removal of the folding rooms to the Government Printing Office and the placing of these employees under the civil service will be to the best interest of the Government and to the advantage of every man employed in this work. I realize that this will eventually cause a reduction in the number of employees of Congress and thus somewhat curtail the patronage of Senators and Members, but I firmly believe, in view of the large economy that can be effected thereby, we owe this to the country. It is not fair or right that political patronage should stand in the way of such economy or better service for the people. I am sure the public will heartily commend Congress for putting the distribution of its documents on a modern business basis and for voluntarily taking this work out of the field of politics. From every point of view the valuation plan is for the best interest of the Government, Congress, and the people. It therefore comes before the Senate with the indorsement of the Printing Commission, which has made an exhaustive investigation of the subject, and the Senate Committee on Printing. I submit the plan for your earnest consideration.

As the section relating to the use of power presses for the printing of bonds, notes, and checks at the Bureau of Engraving and Printing has been stricken from the pending bill, I shall not discuss that subject at this time. I want to say, however, that I am heartily in favor of the agreement entered into by the Director of the Bureau of Engraving and Printing and the representatives of the Plate Printers' Union which the Senate Committee on Printing has recommended for the consideration of Congress in connection with the sundry civil appropriation bill. At the proper time I hope to submit some remarks in connection with that proposed amendment.

SERVICE PENSIONS.

Mr. McCUMBER. I ask that the unfinished business be laid before the Senate.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 1) granting a service pension to certain defined veterans of the Civil War and the War with Mexico.

Mr. McCUMBER. Mr. President, it has been suggested to me by those who oppose what they call excessive pension appropriations that the United States pays more than five times as much as any other country in the world to pension its soldiers and sailors. This is undoubtedly true. I believe France pays the next greatest amount, somewhere in the neighborhood of thirty-two or thirty-three millions. In the consideration of this general pension legislation it is probably proper that I should first state some reasons why we are not only justified in paying what some may call extremely liberal pensions but that it is our duty to do so.

It is true that we pay five times as much in pensions as any other single country in the world. It is equally true, in my opinion, that our reason for paying these pensions is five times greater than that of any other country for paying their pensioners.

The Civil War may clearly be distinguished from any other great war in the world. Its requirements demanded a depth of patriotism, a sense of duty, a devotion to principle which no other war in this country has demanded.

Mr. President, deep must be the sense of duty which impels a judge to pronounce the solemn sentence of the law when such sentence does violence to every impulse of his heart toward mercy and forgiveness.

Deeper and stronger still must be the sense of duty when it forces him to pronounce that sentence against a brother, a loved companion who has shared with him the vicissitudes of life, its struggles, its anxieties, the sting of its failures or the glory of its achievements.

And yet a thousand times more devoted to the sanctity of that law must be he who must not only overcome these impulses of his nature in passing that sentence, but whose own hand must strike the blow that executes it and whose own life and the happiness of those dependent upon him must be offered a sacrifice to uphold it.

And this, Mr. President, was the position occupied by every man who armed himself for the preservation of the Union and this the devotion which sustained him in all those long years of slaughter.

By his enlistment he pronounced against the constitutional right of any State or States to break the solidarity of the Union. By that enlistment he bound himself, not to battle against a foreign foe, but against his own people, his own blood, his own brothers, against those who had shared a common history, who had warred together for a common interest under a single flag. And in his devotion to that cause he offered his own life and his fortune. And as this war called for greater devotion to country than any other, it also calls for greater gratitude on the part of the people of that country. As the war preserved a country, greatest in the world, the most wealthy country in the world, that gratitude for this devotion may well be expressed in expenditures which shall mean that no man who served his country in that time of peril, that no man who suffered the severity of that war, in his declining years shall ever know the pangs of want or destitution.

I repeat that no other war in the history of the country has ever called for the same devotion to meet its demands as the war for the preservation of the Union. For 100 years prior to the Revolution we had been practically a distinct country with our own laws and our own questions to settle. The interrelation of the Colonies was very much closer than the relation between any colony and the mother country. Without those means of rapid intercommunication which to-day make peoples of all lands neighbors, there was little sentiment for the mother land. And so the Revolutionary soldier when he answered the summons to war felt himself not called upon to battle against his own people but against a foreign enemy, whose country not only denied that liberty claimed as a common heritage but whose armies were invading his own home.

The War of 1812 appealed to our national pride, and showed that we were ready to battle for that respect which was due to our country and the rights which we claimed for our citizens.

The War with Mexico demonstrated our military spirit and the willingness of our people to follow our flag even though it was pushed into a conquest for additional territory.

Our skirmish with Spain stands a record of national sympathy and demonstrates that a war may be maintained for humanity alone. Its continuance in the Philippines against the bolo men of those islands gives us assurance that, no matter what the cost, the young manhood of the country stands ready at all times to answer the demand for troops for any war which Congress may see fit to declare.

But in what other respect do we assume a greater degree of patriotism on the part of the soldiers of the Civil War?

Mr. President, I have often heard it said that after the first shot at Sumter the whole North arose as one man. I remember only the close of the Civil War, and at that time had not reached an age to comprehend either its cause or the sentiment of the average citizen concerning it. But from the sentiment which I knew of at the close of the war and that which my own investigations of the conditions during its progress have since brought to me I know that the North did not so arise. It is stated that 7 out of every 15 able-bodied men in the North were at some time in the service of the country. What were the other 8 doing? I know what a great many were doing—declaring the war a failure, demanding peace, and sympathizing with the Confederacy.

When Lincoln took the oath of office the Treasury had been looted, the troops were garrisoned in fortresses in the enemy's country, seemingly in anticipation of a possible war; officers educated by the Government to protect it in time of need deserted and used their expert knowledge, for which the Government had paid, and the sword which the Government had placed in their hands for her defense to destroy that Government. The President of the United States found himself with a formidable enemy before him and surrounded by enemies in high places around him. Copperheadism was rampant throughout the country. Riots followed drafts. Our soldiers were publicly stoned, not in the enemy's country but in the cities of the North. Along and through the border States it was more popular to favor disunion than to sympathize with the Union side.

These were the conditions that surrounded the Northern soldier, and it required great devotion to his country for him to overcome these influences and to place his life at the disposal of his country for its maintenance.

Unlike the soldiers of any other war, the soldier of the Civil War was compelled to battle against his own people—his own blood and kinsmen. He knew when he answered the summons that he must be the aggressor all along the line, and that aggressive warfare meant multiplied and disproportionate dangers. He knew that the forts and the arsenals were in the hands of the enemy; that the best-trained officers were mostly on their side; that the climatic conditions were favorable to them and unfavorable to him; that they would be battling in sight of their own firesides, in the sight of wives and daughters and mothers. He knew the sentiment of the world and that a certain degree of stigma always attaches to the invader and a corresponding degree of righteousness to the cause of the defender. He knew that many an army in maintaining an aggressive warfare in the enemy's country, however overwhelming in numbers, had gone down to defeat, while a much smaller por-

tion of the same army in its own country in defense of its own home had achieved signal victory over overwhelming odds of the enemy.

Well might he have said, "Let them go; they are of our own blood, our own people; we will not invade their lands to force them to continue a political relation with us which they desire to annul."

But when he looked upon that flag, whose every fold told of a mighty battle fought, of a mighty struggle endured that this Nation might come into the world of nations; when he thought of the destiny of that Nation, the advance guard in the great march of human civilization; when he saw in his vision the object of his patriotic devotion crumbling like an ancient ruin, its prophecy unfulfilled, its glorious destiny checked and destroyed; when he thought of a single star being torn from that field of blue, a single stripe being dragged in the dust of humiliation, I think I can comprehend to some extent the depth of his devotion when he swore that despite all of the influences which surrounded him, despite his inclination to avoid a war, he would maintain that standard, he would make the prophecy of his Nation a reality.

And this is why I honor and revere the old soldier of the Civil War with an honor and reverence far greater than that which I feel for the soldiers of any other war. This is why I declare that it called for a devotion to principle, a stronger love of country than any other war, and this is why I say that our gratitude toward those defenders might well be expressed in the appropriation of such sums of money as will assure that so long as a single one of those patriots lives he shall never know want or destitution.

As I have differentiated the soldier of the Civil War from those of all other wars, at least from every war other than the Revolution, I would make a distinction in the matter of pensions. In these other ordinary skirmishes I am inclined to agree with the Senator from Georgia [Mr. SMITH] that I would grant no purely service pension; that each soldier who should seek pension should be able to show that his disability occurred in line of service.

When I come to the regular establishment I am perfectly willing to say that I am not very favorably impressed with the law which grants any pension whatever. There is no law which compels anyone to enlist in times of peace, either in the Army or in the Navy. There is no law which compels the young man to apply for and receive an education at the expense of the Government, either at Annapolis or West Point. The man who serves as a soldier or an officer in time of peace has chosen a vocation because it better pleases him to follow that vocation. He does so out of no sense of duty which he owes to the Government, or because he feels that the Government especially needs his services. Every officer knows that there are a thousand young men who would be glad to take his place as a student at either of our academies. There is nothing in the service which appeals to me as a particular basis for expressing any gratitude on the part of the Government; and I know of no reason why the soldier or the officer should be pensioned for injury or loss of health in that very easy occupation which he has chosen any more than the same should be granted to people of every other occupation in life.

But I can see and I can feel very weighty reasons why this country with its enormous wealth might sustain in their declining years every veteran who in the days of his young manhood against all obstacles and overcoming all influences saved the life of this Nation.

Mr. President, what I personally want is legislation and legislation at this particular term. I would rather support a bill that will carry a reasonable amount and which would be a good and substantial increase and be able to pay that amount out of the income of the Government without the issuance of bonds for that purpose, keeping clearly, if possible, within our means this year. Then next year, if we fell that we can and ought to further increase pensions, I believe that we should return to our senses, conform our tariffs and internal revenues to the requirements of the country, increase the revenues, and pay the increased pensions out of that revenue.

Mr. BROWN. Mr. President——

The PRESIDING OFFICER (Mr. POMERENE in the chair). Does the Senator from North Dakota yield to the Senator from Nebraska?

Mr. McCUMBER. I yield, Mr. President.

Mr. BROWN. Does not the Senator believe that the better course to follow would be to pass a pension bill this year and at this session that is just, whether the estimated revenues give us any assurance that we exceed that appropriation or not, rather than to make the increases, which the Senator I know believes ought to be made, piecemeal a year at a time? Why should not the subject be disposed of now for all time; that is to say, by passing a bill at this session which will cover the needs and requirements and the justice of the situation?

Mr. McCUMBER. Mr. President, I believe in granting to-day a sufficient amount to reach every case of destitution. With our private pension system I believe we are attending to every case of destitution. With nearly 400 Members of Congress, each in a separate district, each personally acquainted with almost every ex-soldier in his district, I believe that there is coming to us in private pension bills practically every case of destitution, and that we are reaching those cases and reaching them without the issuance of bonds. However, I further believe that the time is coming, and coming rapidly, when destitution will grow greater and greater, and therefore I believe that we should pass general legislation granting a rate that will be sufficient to prevent any case of destitution from arising rather than by meeting them by special legislation.

Mr. BROWN rose.

Mr. McCUMBER. My answer is not complete, if the Senator will give me a few moments more.

What I say is that I do not believe, as a friend of the veteran, that it is the part of wisdom to-day, under the present fiscal conditions of the country, to advance our pension legislation so rapidly and by such enormous leaps and bounds that we are liable to create an issue, engender and invite contention and criticism on the part of any of the people of the United States.

I do not wish, Mr. President, to place pension legislation in the position where it will even improperly invite criticism. I believe that the great rank and file of the soldiers to-day, remembering the spirit of generosity that has always actuated the Government in its dealing with pension legislation, will place a higher value upon the retention of that universal national gratitude than they would upon an increase of a few dollars per month at this particular time.

I believe, further, Mr. President, that they will, as a body, be satisfied if we increase the pensions so much that a year from now we will be paying out $33,000,000 in addition to what we are paying out to-day, and there would then probably be no necessity for any bond issue.

Mr. KENYON. Mr. President——

The PRESIDING OFFICER. Does the Senator from North Dakota yield to the junior Senator from Iowa?

Mr. McCUMBER. Certainly.

Mr. KENYON. I would simply like to inquire of the Senator from North Dakota if the amount he suggests is the estimate which he makes of the increased cost under this bill?

Mr. McCUMBER. Yes; it is the increased cost. The average will be something like $20,000,000 a year for five years over the present cost of the pension legislation. The second year there will be about $33,000,000 additional cost. The first year it will be about $14,000,000. The Senator probably understands the reason for that discrepancy between the first and second year.

Mr. KENYON. Yes; and you have considered the death rate?

Mr. McCUMBER. Everything is taken into consideration. Certainly, any statement as to the future cost would be inaccurate unless it did take into consideration the death rate.

Mr. BROWN. Mr. President——

The PRESIDING OFFICER. Does the Senator from North Dakota yield further to the Senator from Nebraska?

Mr. McCUMBER. Certainly.

Mr. BROWN. I am in full accord with the Senator in desiring to avoid a bond issue, but I am at a loss to understand why that bond scarecrow need be introduced into the consideration of this bill when there are bills carrying very much more money pending and will be pending in this body where a bond issue is not mentioned.

I call the Senator's attention to this consideration. Whether or not a bond issue becomes necessary depends not altogether on the estimated revenue that may be next year in excess of the expenditures, based on those of the current year, but it depends also on that other very great factor, what the appropriations of Congress may include on other subjects than pensions. So we may be able to avoid a bond issue by curtailing other expenditures than this one.

In this connection, further, permit me to suggest to the Senator that there can be no doubt about the old soldier prizing the sentiment of love and appreciation which his country bears for him, but from our standpoint to-day we are legislating not with regard to that sentiment but with regard to the situation of the old veteran himself. If his needs and his deserts are such as to make it a just thing for the Government to give him in

this bill $80,000,000 per year, does not the Senator think we ought to vote that amount; in other words, that the merits of the measure shall determine? If the measure is just we ought to pass it, no matter how much it costs, and if it is unjust we ought not to pass it, no matter how little it costs. So, it seems to me, the standard to guide us is the situation to-day of the old soldier, his deserts, and our obligations to him.

Mr. McCUMBER. Mr. President, personally, I think the time is very near at hand when every old soldier who has reached the age of 70 years and has had a service, say, of six months, should be granted $30 per month. I believe we will reach that condition in a short time; but I do believe, Mr. President, that a bill which a year from to-day requires $87,000,000 more for pensions than at the present time, without any steps being taken or anything being done to increase the revenues of the country to meet that, and for which a bond issue would without any question have to be made, would create a sentiment of antagonism and would insure to some extent more or less criticism, and might make the question of pension legislation an issue.

I would not, Mr. President, shirk a duty in any way because I felt that we should be required to issue bonds, but, as I have stated, I believe we can meet every case of destitution by our private pension legislation until we can increase our revenue to meet a still further increase. The Senator has indicated that we might economize in some way and yet not be compelled to issue the bonds. Mr. President, I have taken that into consideration in assuming that we could vote the $33,000,000 a year at the present time. We would then even be compelled to eliminate many items in our appropriation bills to bring our expenses within our income. The estimated income has been falling off very rapidly in the last six months. It is not measuring up to the estimate that was made a few months ago, and with the present bills that are coming over from the other House, which indicate a purpose to decrease rather than increase our national income, it is hardly probable that we shall be able to increase the revenues of the country to any appreciable extent, and to keep within our income we shall undoubtedly be compelled to dispense with all of our extravagances and appropriate for nothing but the bare necessities of the Government.

Mr. President, every pension law that has ever been passed has come into existence as a glad refrain from the great national heart. And if I know the veterans of the Civil War aright I am certain that they, above all other people in this country, desire that any extension of pension legislation to meet the necessities of advancing years shall come in the future, as it has in the past, from the deepest wellsprings of national gratitude. And I know that nothing could pain them more than to feel that the pension system, emanating from the noblest and highest impulses, should at any time be made the subject for sensational journalism or that any portion of this Republic for which they offered their lives and fortunes should entertain a spirit of hostility against it.

I am certain that above all other things they would deprecate the idea that this generous system should ever be made a partisan football in any national political game.

I believe I correctly measure the sentiment of the veterans when I say that whatever they ask in the shape of recognition for the services of their fellow veterans, they want it to represent a genuine tribute to and a loving recognition of that service.

Now, Mr. President, I want to say one word as to the public feeling concerning pension legislation. I have read with interest the many resolutions that have come from the several States, and those resolutions mean that the love of the people of the State is yet strong for the old defenders.

I am well aware that it is difficult to always arrive at real public sentiment on all occasions, especially when that sentiment if expressed might be construed into something unpatriotic; but I do believe that if all of the American people to-day were to cast a deciding vote as between two propositions, "Shall we grant $33,000,000 this year, or the highest in this bill, and keep within our income, and then provide another year for a greater income to increase it another $30,000,000, or shall we increase it $60,000,000 by the issue of bonds this year," I believe the great majority would vote—and I think the great majority would include the majority of the members of the Grand Army of the Republic and the soldiers themselves—to keep within the income this year. "We battled for this country in its time of need when we were receiving but $13 a month in depreciated currency; we have never yet asked the country to issue bonds to meet its pension appropriations; and we will not to-day ask the country to go beyond its income or ability under an economic administration." I believe that to be the general sentiment of the soldiers as expressed by the representatives of the Grand Army of the Republic before the committee.

Mr. President, I desire to take up the two bills and explain them somewhat in detail. By the two bills I have reference to House bill No. 1 as it passed by the House and came to the committee, and also the substitute that was agreed upon by the majority of the Senate Committee on Pensions. But I understand that the Senator from New York [Mr. ROOT] has a matter in charge that he feels ought to have immediate consideration, and as this consideration of the two bills will take some time, I would rather close the discussion for to-night with the notice that on Friday, immediately after the completion of the morning business, I shall ask the Senate to proceed with the consideration of this particular bill that I may finish my remarks and that the Senator from Ohio [Mr. POMERENE] may also make the address of which he has already given notice.

The PRESIDING OFFICER (Mr. POMERENE in the chair). In the absence of objection, the unfinished business will be temporarily laid aside.

Mr. ROOT obtained the floor.

Mr. NEWLANDS. Mr. President, I wish to ask the Senator from North Dakota a question or two, if he is inclined to answer.

Mr. McCUMBER. I am ready to answer the Senator.

The PRESIDING OFFICER. Does the Senator from New York yield to the Senator from Nevada.

Mr. ROOT. I do.

Mr. NEWLANDS. If it inconveniences the Senator from New York, who, as I understand, has a matter that he wishes especially to bring up——

Mr. ROOT. I have a matter which I think calls for the attention of the Senate this afternoon.

Mr. NEWLANDS. Then I will postpone my questions until the bill in charge of the Senator from North Dakota is again under consideration.

Mr. McCUMBER. I will state that I expect to renew the discussion on Friday.

EXPORT OF ARMS AND MUNITIONS OF WAR.

Mr. ROOT. Mr. President, I ask unanimous consent for the present consideration of the joint resolution introduced by me this morning, and which has now been printed. It is Senate joint resolution No. 89.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the joint resolution (S. J. Res. 89) to amend the joint resolution to prohibit the export of coal or other material used in war from any seaport of the United States. It proposes to amend the joint resolution to prohibit the export of coal or other material used in war from any seaport of the United States, approved April 22, 1898, so as to read as follows:

That whenever the President shall find that in any American country conditions of domestic violence exist which are promoted by the use of arms or munitions of war procured from the United States, the President is hereby authorized, in his discretion, and with such limitations and exceptions as shall seem to him expedient, to prohibit the export of arms or munitions of war from any place in the United States to such country until otherwise ordered by the President or by Congress.

SEC. 2. That the shipment of any material prohibited by such a proclamation shall be punishable by fine not exceeding $10,000, or imprisonment not exceeding two years, or both.

Mr. ROOT. Mr. President, I will explain that the joint resolution is the outcome of a conference called by the President this morning with such members of the Texas delegation in the Senate and the House of Representatives and such members of the Committee on Foreign Relations of the Senate and the Committee on Foreign Affairs of the House of Representatives as he could conveniently reach, for the purpose of securing the extension of his power to prevent the wholesale passing of arms and munitions of war across the Texas frontier into Mexico. At that conference, in which quite a large number of gentlemen participated, there was a general expression of opinion that we ought to take up and amend our very antiquated neutrality laws; but the suggestion was made and met with general approval, although without any formal action, that that was a very large subject which would require long-continued consideration and discussion, affecting, as it must, all time, all countries in the world, and all possible contingencies. It was thought, however, that the immediate situation, which is now very pressing, indeed, could be dealt with by a slight extension of the power already conferred upon the President by an existing joint resolution passed on the 22d of April, 1898. That joint resolution is as follows:

Resolved, etc., That the President is hereby authorized, in his discretion, and with such limitations and exceptions as shall seem to him expedient, to prohibit the export of coal or other material used in war from any seaport of the United States until otherwise ordered by the President or by Congress.

The idea was to extend that joint resolution so that it would apply not only to seaports, but to exports from inland places across the border line.

The joint resolution was taken up by the Committee on Foreign Relations, was carefully considered, and, with many suggestions from different members of the committee, was perfected in such form that the Committee on Foreign Relations by unanimous vote authorized me to introduce the joint resolution in the Senate and to ask for its present consideration, with the statement that it has the approval of that commitee.

The situation in Texas is such that it does not admit of delay for the purpose of the general reform of our neutrality laws, and the people of Texas are deeply interested in having this extension of power to the President made immediately.

With the extension of the application of the joint resolution from seaports to all places in the United States, the committee thought it was advisable to put some limitations upon the power which is included in the existing law, and so the power of the President to forbid the exportation of arms and munitions has been limited to countries in which he finds that domestic violence is being promoted by the procurement of arms and munitions of war from the United States. At the same time a penalty is affixed for the violation of the prohibition.

The conditions are such that thousands of Americans in Mexico are now fleeing from their homes there and are abandoning their occupations, their mines, their manufactories, and their business because it is necessary to do so to prevent their lives from being destroyed by arms and munitions which are being sold and transported across the border from the United States. I hope that the joint resolution may be promptly passed.

Mr. CHILTON. Mr. President——

The PRESIDING OFFICER. Does the Senator from New York yield to the Senator from West Virginia?

Mr. ROOT. May I add one further word? The joint resolution has been submitted to the Senator from Texas [Mr. CULBERSON], who was present at that conference, and it meets with his approval.

Mr. CHILTON. I merely want to ask the Senator a question.

Mr. ROOT. Certainly.

Mr. CHILTON. As the subject is entirely new to me, I desire to ask what would be the status of a citizen of this country who had a coal contract, for instance, or any other kind of a contract, with some one in Mexico?

Mr. ROOT. This joint resolution eliminates coal. It does not apply to anything except arms and munitions of war.

Mr. SHIVELY. It really narrows the joint resolution that is the existing law.

Mr. LODGE. The existing law is broader than the joint resolution under consideration. The existing law covers coal specifically.

Mr. CHILTON. That is why I asked the question.

Mr. ROOT. The existing law is narrowed in every respect but one; and that is, it is applied not only to exportations from seaports, but from inland places.

Mr. BACON. Mr. President, my attention was diverted and I do not know that the Senator from New York alluded to the feature of the case that I now mention—the importance for this kind of legislation, because of the situation that now exists on our Mexican border, where there is not such a war as would justify a proclamation of neutrality——

Mr. ROOT. Precisely.

Mr. BACON. Under which our interests could be guarded, but where the situation is of sufficient importance to require that some action short of that should be taken by the Government.

Mr. ROOT. Precisely.

Mr. WILLIAMS. Mr. President, I should like to ask the Senator from New York in charge of the joint resolution, if he does not think it would be well to insert the words "by proclamation," in line 12, on the first page, after the word "prohibit"? Section 2 reads:

> That the shipment of any material prohibited by such a proclamation—

And so forth; but the first section merely says:

> The President is hereby authorized, in his discretion—

And so forth—

> To prohibit——

Mr. ROOT. Mr. President, the joint resolution follows the language of the existing law; but I think the suggestion of the Senator from Mississippi is an improvement, and I feel justified in accepting it.

The PRESIDING OFFICER. The question is on the amendment offered by the Senator from Mississippi [Mr. WILLIAMS], which will be stated.

The SECRETARY. On page 1, line 12, after the word "prohibit," it is proposed to insert the words "by proclamation."

The amendment was agreed to.

The joint resolution was reported to the Senate as amended, and the amendment was concurred in.

The joint resolution was ordered to be engrossed for a third reading, read the third time, and passed.

PENSIONS AND INCREASE OF PENSIONS.

Mr. McCUMBER. Mr. President, when we adjourned on Monday last we were considering the bill (S. 4623) granting pensions and increase of pensions to certain soldiers and sailors of the Civil War and certain widows and dependent relatives of such soldiers and sailors. I had an idea that the discussion upon that bill was closed, but we reached the hour of 4 o'clock before we came to a vote. If no Senator desires to speak further on that particular bill, as it has now been perfected, I should be glad to have it voted upon to-day so that it may go over to the other House.

Mr. SMITH of Georgia. There are a few words which I wish to say in regard to that bill.

Mr. McCUMBER. On account of the confusion in the Chamber I did not hear the Senator from Georgia.

Mr. SMITH of Georgia. I stated that I desired to occupy the Senate only a very brief time in reference to that bill, but I do wish to say something in addition to what I have already said.

Mr. McCUMBER. On Senate bill 4623?

Mr. SMITH of Georgia. Yes.

Mr. McCUMBER. Very well; if that is so, I will not press consideration of the bill to-day.

Mr. SMITH of Georgia. I will take but a very few moments, I will say to the Senator.

COST OF LIVING IN EUROPEAN COUNTRIES (H. DOC. NO. 617).

The VICE PRESIDENT laid before the Senate the following message from the President of the United States, which was read, and, with the accompanying papers, referred to the Committee on Foreign Relations and ordered to be printed:

To the Senate and House of Representatives:

I transmit herewith a letter from the Acting Secretary of State with accompanying data on cooperation and the cost of living in certain foreign countries.

The popular demand for information of this character apparently was based on the belief that some remedy or partial relief might be found for the growing burdens of the high cost of living. The immediate result of the inquiries instituted by the Department of State through the consular officers was to accentuate the fact that the increase in the prices of the common necessities of life is world-wide and that it is an absorbing question with the cooperative associations as well as with the mass of consumers as individuals. Multiplied evidences of the universal restlessness under this condition are given. Intelligence gathered and presented by the cooperative societies shows that even where there has been an advance in wages the percentage has not kept pace with the rise in the cost of food supplies. This disproportion in many cases is so marked as to be startling.

The information collected and collated by the Department of State is comprehensive and is a permanent contribution to the history of the efforts of producers and consumers, but more especially of consumers, to solve for themselves the economic problems of production, distribution, and consumption. If the cooperative associations which have been in existence for half a century and more have not been able to determine the fundamental causes of the increased cost of living or to retard the advance, the student of social progress at least may derive instruction from the account of the associations and their influence on the well-being of their members.

How far the system of cooperative organization which flourishes in various European countries may be adapted to our highly organized and individualistic social organization may perhaps only be determined by experiment, and in any case the experiment must be of a voluntary character. The practical information contained in the reports of the consular officers undoubtedly will be of much value to those who are seeking to work out this problem for themselves by means of similar associations.

In my message of February 2 I recommended an international commission to look into the cause for the high prices of the necessities of life and the possible remedies. Should such a commission be authorized by Congress, the relation of the cooperative societies to this subject would be of great interest and the reports of the consular officers would have additional utility.

WM. H. TAFT.

THE WHITE HOUSE, *March 13, 1912.*

EXECUTIVE SESSION.

Mr. CULLOM. I move that the Senate proceed to the consideration of executive business.

The motion was agreed to, and the Senate proceeded to the consideration of executive business. After 10 minutes spent in executive session the doors were reopened, and (at 4 o'clock and 25 minutes p. m.) the Senate adjourned until to-morrow, Thursday, March 14, 1912, at 2 o'clock p. m.

NOMINATIONS.

Executive nominations received by the Senate March 13, 1912.

PROMOTIONS IN THE ARMY.

COAST ARTILLERY CORPS.

Lieut. Col. John W. Ruckman, Coast Artillery Corps, to be colonel from March 7, 1912, vice Col. John A. Lundeen, retired from active service March 6, 1912.

Maj. Delamere Skerrett, Coast Artillery Corps, to be lieutenant colonel from March 7, 1912, vice Lieut. Col. Alfred M. Hunter, detailed as inspector general on that date.

Capt. William E. Cole, Coast Artillery Corps, to be major from March 7, 1912, vice Maj. Delamere Skerrett, promoted.

First Lieut. Charles R. Alley, Coast Artillery Corps, to be captain from March 7, 1912, vice Capt. William E. Cole, promoted.

Second Lieut. John W. Wallis, Coast Artillery Corps, to be first lieutenant from March 7, 1912, vice First Lieut. Charles R. Alley, promoted.

CONFIRMATIONS.

Executive nominations confirmed by the Senate March 13, 1912.

ASSOCIATE JUSTICE OF THE SUPREME COURT OF THE UNITED STATES.

Mahlon Pitney to be Associate Justice of the Supreme Court of the United States.

REGISTERS OF THE LAND OFFICE.

John L. Burke to be register of the land office at Rapid City, S. Dak.

Glenn N. Ranck to be register of the land office at Vancouver, Wash.

SURVEYOR OF CUSTOMS.

Conrad B. Scherr to be surveyor of customs for the port of Dubuque, Iowa.

CONSULS.

Harold D. Clum to be consul at Ceiba, Honduras.
Leslie A. Davis to be consul at Batum, Russia.
John Fowler to be consul at Foochow, China.
Wilbur T. Gracey to be consul at Progreso, Mexico.
Arthur A. McLean to be consul at Tapachula, Mexico.
Giles R. Taggart to be consul at Cornwall, Ontario.
Charles D. Tenney to be consul at Nanking, China.

UNITED STATES ATTORNEY.

Alexander Akerman to be United States attorney, southern district of Georgia.

PROMOTIONS IN THE ARMY.

CORPS OF ENGINEERS.

Lieut. Col. James G. Warren to be colonel.
Maj. Henry Jervey to be lieutenant colonel.
Maj. Charles H. McKinstry to be lieutenant colonel.
Capt. Amos A. Fries to be major.
Capt. James A. Woodruff to be major.
Capt. William Kelly to be major.
Capt. Horton W. Stickle to be major.
Capt. Lewis H. Rand to be major.
Capt. Edward M. Markham to be major.
First Lieut. William D. A. Anderson to be captain.
First Lieut. Ralph T. Ward to be captain.
First Lieut. John J. Kingman to be captain.
First Lieut. Robert P. Howell, jr., to be captain.
First Lieut. Henry H. Roberts to be captain.
Second Lieut. Stuart C. Godfrey to be first lieutenant.
Second Lieut. Francis C. Harrington to be first lieutenant.
Second Lieut. Cleveland C. Gee to be first lieutenant.
Second Lieut. John M. Wright to be first lieutenant.
Second Lieut. John R. D. Matheson to be first lieutenant.
Second Lieut. William H. Sage, jr., to be first lieutenant.
Second Lieut. Charles J. Taylor to be first lieutenant.

CAVALRY ARM.

Lieut. Col. Eben Swift to be colonel.
Lieut. Col. George H. G. Gale to be colonel.
Lieut. Col. Charles W. Taylor to be colonel.
Maj. Frederick S. Foltz to be lieutenant colonel.
Maj. Percy E. Trippe to be lieutenant colonel.
Maj. Joseph T. Dickman to be lieutenant colonel.
Maj. John H. Gardner to be lieutenant colonel.
Capt. Guy H. Preston to be major.
Capt. Edwin M. Suplee to be major.
Capt. John P. Ryan to be major.
Capt. Edward Anderson to be major.
First Lieut. George W. Biegler to be captain.
First Lieut. Francis W. Glover to be captain.
First Lieut. Lawrence S. Carson to be captain.
First Lieut. Alexander B. Coxe to be captain.
Second Lieut. Arthur W. Holderness to be first lieutenant.
Second Lieut. Louis A. O'Donnell to be first lieutenant.
Second Lieut. William W. West, jr., to be first lieutenant.

PROMOTIONS IN THE NAVY.

Lieut. Wilbert Smith to be a lieutenant commander.

Chaplain William H. I. Reaney, with the rank of commander, to be a chaplain.

Chaplain John F. Fleming, with the rank of lieutenant commander, to be a chaplain.

Chaplain Evan W. Scott, with the rank of lieutenant, to be a chaplain.

Lieut. (Junior Grade) Pierre L. Wilson to be a lieutenant.

Ensign Alfred W. Brown, jr., to be a lieutenant (junior grade).

To be lieutenants (junior grade):
George M. Ravenscroft,
William T. Smith,
Clarence McC. McGill,
Charles T. Blackburn,
George T. Swasey, jr.,
Albert M. Cohen,
George McC. Courts,
John S. Barleon,
Jacob L. Hydrick,
Louis F. Thibault,
Henry R. Keller,
George H. Laird,
Harold V. McKittrick,
Henry G. Shonerd,
Thomas A. Symington, and
Robert C. Giffen.

Boatswain Christopher Murray to be a chief boatswain.
Boatswain John P. Judge to be a chief boatswain.
Machinist Olav Johnson to be a chief machinist.

POSTMASTERS.

CALIFORNIA.

W. L. Brown, Corona.
Thomas E. Knox, Livermore.

IOWA.

Frank B. Tibbitts, Hopkinton.

KENTUCKY.

Everett Hitchcock, Van Lear.
James P. Hutcheson, Owenton.
Everett P. Taylor, Beaver Dam.
Eugene C. Vance, Hawesville.

MASSACHUSETTS.

George W. Cutting, Weston.
Orick H. Kelley, North Plymouth.

MINNESOTA.

Ludwig J. Andrews, Lindstrom.
Anton R. Erickson, Bemidji.
Mons Hauge, Benson.
Bernard W. Johnson, Appleton.
Charles W. Paige, Dawson.

MISSISSIPPI.

Harry B. Brooks, Merigold.
William H. Gardner, Magee.
John W. Lockhart, Durant.

NEW JERSEY.

Frank A. Esty, Clinton.
Philip H. Focer, Pitman.
Thomas E. Hunt, Penns Grove (late Penngrove).
George B. Jacobus, Caldwell.
Daniel M. Merchant, Morris Plains.
Vancleve F. Mott, Rockaway.
Lawrence W. Sickler, Glassboro.

NEW YORK.

William L. Fuller, Ellenville.
Dudley S. Mersereau, Union.
William H. Secord, Hartsdale.

OHIO.

Walter B. Johnson, Fredericktown.
John J. Roberts, Prospect.

PENNSYLVANIA.

Gilbert B. Brindle, Belleville.

SOUTH DAKOTA.

John W. Jordan, Presho.
Frank Smith, Sturgis.

UTAH.

Lorenzo W. Anderson, Brigham.
Dennis Wood, Nephis.

WEST VIRGINIA.

Wilbur H. Veach, Farmington.

HOUSE OF REPRESENTATIVES.

WEDNESDAY, *March 13, 1912.*

The House met at 12 o'clock noon.

The Chaplain, Rev. Henry N. Couden, D. D., offered the following prayer:

Our Father in heaven illumine our minds and make clean our hearts that we may be susceptible to the holy influences ever going out from Thee unto Thy children; that we may reflect Thy glory in thought, word, and deed; that no regrets may follow in the wake of this day, for Thine is the kingdom and the power and the glory forever. Amen.

The Journal of the proceedings of yesterday was read and approved.

LEAVE OF ABSENCE.

By unanimous consent leave of absence was granted to Mr. SULZER, until Tuesday next, on account of a death in his family.

LEAVE TO WITHDRAW PAPERS—SIMON NAGER.

By unanimous consent, at the request of Mr. WILSON of New York, leave was granted to withdraw from the files of the House, without leaving copies, the papers in the case of Simon Nager (H. R. 24976), Sixty-first Congress, second session, no adverse report having been made thereon.

HYDRO-ELECTRIC CO. OF CALIFORNIA.

The SPEAKER. This is Calendar Wednesday, and the call rests on the Committee on the Public Lands.

Mr. FERRIS. Mr. Speaker, pending the automatic going into Committee of the Whole on the bill H. R. 12572, the Hydro-Electric Co. bill, which was under consideration on last Calendar Wednesday, I should like to see if we can arrange for time. I will ask the gentleman from Illinois [Mr. MANN] if he does not think we can complete the debate on this bill in two hours, dividing the time equally between those who are in favor of the bill and those who are opposed to it.

Mr. MANN. There are several gentlemen who have indicated a desire to speak upon this bill at some length, as it involves a very considerable proposition.

Mr. PICKETT. Mr. Speaker, I should like to hear the request made by my colleague on the committee.

Mr. FERRIS. I ask unanimous consent that the time for general debate on this bill be fixed at two hours.

Mr. MANN. The gentleman will realize that his side has already occupied something over an hour and a half.

Mr. FERRIS. I thought only one hour had been consumed on this side.

Mr. MANN. The time of the gentleman from California [Mr. RAKER] was extended, and ran half an hour longer than that, I think.

Mr. FERRIS. How much time does the gentleman think we ought to consume on a right of way across 160 acres of land?

Mr. MANN. I do not think we ought to consume any time at all. I do not think the bill ought to be here; but it involves so much more than that that gentlemen desire to be heard. The gentleman from South Carolina [Mr. LEVER] desires some time. My colleague from Illinois [Mr. FOSTER] desires some time. The gentleman from Wisconsin [Mr. LENROOT] desires some time. The gentleman from Iowa [Mr. PICKETT], a member of the Committee on the Public Lands, desires some time, and if the Lord is willing, I should like to have two or three minutes myself.

Mr. FERRIS. What time does the gentleman suggest? Would three hours be agreeable to the gentleman? The calendar is loaded down with other bills, and I take it we do not want to consume time on this bill unnecessarily. I will ask the gentleman if three hours will be sufficient?

Mr. MANN. I do not think so.

Mr. LENROOT. Inasmuch as the other side have consumed an hour and a half, does not the gentleman think it would be fair to let the debate run on for an hour or two before any attempt is made to reach an agreement?

Mr. FERRIS. The gentleman is aware of the fact that we can not fix the time in the committee otherwise than by unanimous consent. I was hoping that we might fix a time, and not consume all of Calendar Wednesday with this bill.

Mr. LENROOT. The gentleman must realize that this is probably one of the most important bills before this Congress.

Mr. FERRIS. The gentleman and I are in wide disagreement about that.

Mr. MANN. I think we may be able to agree upon three hours on the part of those opposed to the bill and an hour and a half additional to those who are in favor of the bill, they having already consumed an hour and a half.

Mr. FERRIS. That would take the entire day.

Mr. MANN. I imagine the bill will take the entire day anyhow, although as far as I am concerned I am quite willing that at the end of the consideration of this bill the gentleman shall have an opportunity to call up another bill.

Mr. BARTLETT. I should like to know when any other bill is going to get a chance.

Mr. FERRIS. Is the gentleman willing to agree to an hour and a half additional for those who are in favor of the bill and two hours and a half for those who are opposed to the bill?

Mr. MANN. Why should gentlemen who favor the bill have more time than those who are opposed to the bill?

Mr. FERRIS. The author of the bill has consumed, perhaps, more time than he was strictly entitled to, no time having been fixed.

Mr. MANN. Oh, no.

Mr. FERRIS. I do not know that we will use all the time.

Mr. MANN. Give us three hours and take an hour and a half. That will give the gentleman an opportunity to call up another bill, and that is all he can do.

Mr. FERRIS. An hour and a half for us and three hours for those opposed to the bill?

Mr. MANN. Yes.

The SPEAKER. What is the request of the gentleman?

Mr. FERRIS. I ask unanimous consent that the time be divided between the gentleman from Illinois and myself, one hour and a half to be controlled by myself and three hours by the gentleman from Illinois.

Mr. PICKETT. I desire to enter an objection.

The SPEAKER. The Chair is about to put the request.

Mr. MANN. I hope the gentleman from Iowa will not object.

The SPEAKER. The gentleman from Oklahoma [Mr. FERRIS] asks unanimous consent that the general debate on this bill be limited to four hours and a half, one hour and a half to be controlled by himself and three hours by the gentleman from Illinois [Mr. MANN]. Is there objection?

There was no objection.

The SPEAKER. The House automatically resolves itself into the Committee of the Whole House on the state of the Union for the further consideration of the bill (H. R. 12572) for the relief of the Hydro-Electric Co. of California, and the gentleman from Missouri [Mr. RUSSELL] will take the chair.

The CHAIRMAN. The Chair will state for the information of the House that general debate has been limited to four hours and a half, three hours to be controlled by the gentleman from Illinois [Mr. MANN] and one hour and a half by the gentleman from Oklahoma [Mr. FERRIS].

Mr. FERRIS. Mr. Chairman, will the gentleman from Illinois [Mr. MANN] consume some of his time now?

Mr. MANN. Mr. Chairman, I yield 30 minutes to the gentleman from South Carolina [Mr. LEVER].

Mr. LEVER. Mr. Chairman, the bill under consideration provides relief for the Hydro-Electric Co. of California. On its face it is innocent in size, in appearance, and in the report furnished by the Committee on the Public Lands to the House, and yet it is a bill which involves a great national policy. Its very innocence is its greatest danger.

In my experience in this House I have learned that ordinarily it is a good policy for a Member to follow the lead of the committee reporting a bill. That idea has been very much more impressed upon me since this side has come to be the majority of the House. All of us understand that no man, however active and energetic or bright and intelligent, can so inform himself on all bills as to vote intelligently upon all of them. It is necessary that committee reports in a measure bind Members, and as far as I am concerned I have tried to follow the action of the committees to which matters have been referred under the rules, except when I have had information which I believe to be sufficient to warrant me in making up

my mind to the contrary. In this case I do not hesitate to act in the face of the committee reporting the bill, for the facts against their action are convincing. This is a bill containing a number of whereases, and in five lines the proposed legislation is set out. It is usual that a committee reporting a bill involving so much as does this should furnish the House some reason for its action, some facts or reasons upon which its conclusions are based. I call the attention of the House to this fact, that here is a report of the Committee on the Public Lands—and I do not criticise that committee for it, for likely it has overlooked the big issues involved—which sets out the reason for the action of that committee in less than a dozen lines. Let me read the report of the committee on this bill:

> Your committee unanimously recommend that the amendment be adopted and that the bill as amended do pass.
> This bill (H. R. 12572) was the subject of a full and careful hearing before the committee on August 4, 1911. The facts set forth in the recitals of the bill were fully established, as shown by the printed report of the hearing. The reports and testimony of the departmental officers of the Government show that no detriment to any of the interests of the Government will result from the passage of the bill.

And so in this report of less than a dozen lines upon a bill involving the future policy of the Government with respect to the use of the national forests we have its illuminating reasons—so illuminating, so exhaustive, so thorough, so complete that it is carried in less than a dozen lines. It is filled with information, we are bound to admit, because if it were not filled with information it would likely cover a little more space.

What are the facts in this case? The Hydro-Electric Co. is a corporation organized under the laws of California, a power-development company. Its purpose is to furnish power to a number of cities in that locality. They own a lot of land adjacent to forest reserves. They build a pipe line up to the forest reserves, and the forester officer, performing his duty, notified the company that it was necessary for it to get a permit from the Government to build its pipe line across the national forest. The distance is inconsiderable, 3,800 feet, I believe. The company refused to listen to the agent of the department, and there was a threat of arrest by the local forester. That threat was withdrawn by direction of the Forest Service in Washington. The case was submitted to a court in chancery. The facts were argued, the law was argued, with the result that a restraining order or injunction was issued against the company proceeding further in the matter without a permit, as is required by law of all such users of the public domain.

Mr. RAKER. Mr. Chairman, will the gentleman yield?

Mr. LEVER. Yes.

Mr. RAKER. The gentleman does not undertake to tell the committee that this case was heard by a court in chancery?

Mr. LEVER. It was heard by a master in chancery.

Mr. RAKER. Oh, that is a different thing.

Mr. LEVER. It is a distinction without a difference.

Mr. RAKER. Let me assure the gentleman it is not.

Mr. LEVER. The action of the Forestry Service, the conclusions of that service, were absolutely upheld by the master in chancery; and if I had the time I should read into the RECORD now the findings of the master in chancery, which, in effect, hold that the claims of this company are fraudulent and without legal or equitable standing. The case went on and the statement has been made on the floor of the House that the development work of this company has been stopped absolutely by the action of the Forest Service. I stand here to deny that proposition. The development work of the company has not been stopped. Their works across the forest lands have been completed under an agreement between the company and the Department of Justice. The proposition has been advanced that this company desired to use the water for irrigation purposes. I wish to call the attention of the committee to the fact that if this company desired to develop itself for irrigation purposes, it has a right under the law to do that, and there can be no necessity for its coming here to-day and asking this special legislation for that purpose.

Mr. NORRIS. And nobody has tried to prevent it from doing that.

Mr. LEVER. There has not been a single effort on the part of the Forestry Service or upon the part of any agency of this Government to prevent this company from developing into an irrigation proposition—not in the least. Why does the company, if it is an irrigation proposition, come to Congress for relief? They have all the law necessary to permit the construction of its conduit pipes under the law, and I believe that is a proposition which the gentleman from California [Mr. RAKER] will not deny.

Another proposition has been made, and that is that this company now possesses an easement over this national forest. It is true and it is not true. The company does possess an easement over this land under an act of Congress which permits a company to have such an easement over public lands for the sole purpose of developing mining concerns, but this company does not propose to do that. It is the purpose of this company to furnish power to a lot of cities—light, water, and the like of that—to cities in the immediate vicinity of this company.

Mr. ROBERTS of Nevada. Mr. Chairman, will the gentleman yield?

Mr. LEVER. Yes.

Mr. ROBERTS of Nevada. Mr. Chairman, I would like to ask the gentleman if it is not a fact that the primary purpose for which this company was formed was the development of mining property adjacent to the power plant and within 100 miles in the State of Nevada?

Mr. LEVER. That is not my understanding of the purpose of this company.

Mr. ROBERTS of Nevada. Then the gentleman does not understand the purpose for which the company is formed, and why it is contending at the present time for its right.

Mr. LEVER. But the gentleman will admit that this company in its operations, in its statements to the committee, does not carry out the idea which the gentleman has in mind.

Mr. HAYES. Mr. Chairman, will the gentleman yield?

Mr. LEVER. Yes.

Mr. HAYES. Does not the gentleman know that this company is the owner of two or three groups of mines that have been in operation in the past for many years, and that have produced many millions of dollars, and that the sole purpose or the chief purpose of its developing this water power is to furnish power to operate its mines?

Mr. LEVER. I do not think that I can agree with all of the proposition of the gentleman from California. This company perhaps does own some mines, but my understanding is—and I get it from sources which I think are reliable—that the purpose of its development in this instance is to furnish light, water, and the like of that, for some cities in the vicinity.

Mr. RAKER. Mr. Chairman, will the gentleman yield?

Mr. LEVER. Yes.

Mr. RAKER. Will the gentleman tell the House from whom he received such information, when, as a matter of fact, we have the testimony and the entire record here with the affidavits that show to the contrary, that the disposition of electric power is an incident to the furnishing of power for their own plant?

Mr. LEVER. Mr. Chairman, I will say to my friend from California that I have read the record, and that I believe I am almost—I would not say entirely, because I have too much respect for the gentleman's good judgment—as able to make up my mind as to what this company is going to do as is the gentleman from California, and I believe that this company does not intend this development for the purpose of developing its mines, but does intend to develop it for other purposes, and I get my information from the reading of the record.

Mr. SHACKLEFORD. Mr. Chairman, will the gentleman yield?

Mr. LEVER. Yes.

Mr. SHACKLEFORD. Mr. Chairman, I am not familiar with the merits of this controversy. Is it the information of the gentleman from South Carolina that this company has it in mind to engage in any unlawful purpose in the development of this power?

Mr. LEVER. Oh, I do not think there is any intention on the part of this company to engage in any unlawful purpose, but the gentleman from Missouri must remember this, that there is a law which was passed by this Congress which requires the payment of a fee and the issuance of a permit for the use of the national forest by these water-power development companies.

Mr. RAKER. Mr. Chairman, will the gentleman yield?

Mr. LEVER. Just one minute. There is not a single reason which has been placed before Congress which would permit us to reach a conclusion that there ought to be an exception made in this case from the general law.

Mr. SHACKLEFORD. In that connection I will ask if this company has not already a right of way? Is it not the fact that this company has already a right of way across that forest reserve for the conveyance of this water?

Mr. LEVER. This company has a right of way across this national forest for mining purposes only under the act of Congress passed some years ago. I do not have that act right here, but I could insert it or read it if necessary.

Mr. SHACKLEFORD. Is it limited in its purposes to using that water for mining purposes?

Mr. LEVER. We do not understand that the use of this water is to be for mining purposes. That may be an incident to it, but the principal use of this water is for other purposes.

Mr. SHACKLEFORD. The gentleman does not understand me. In the original right granted to this company across the forest reserve with this water, was the company limited to using the water for mining purposes?

Mr. LEVER. Absolutely, in my understanding.

Mr. RAKER. Mr. Chairman, I would like to ask the gentleman a question, and I shall read the act, or a portion of it, Fourteenth Statutes at Large, page 253. That statute, in part, reads as follows:

Whenever by priority of possession rights to the use of water for mining, agricultural, manufacturing, or other purposes, etc.

There is absolutely no restriction upon the words "or other purposes."

Mr. LEVER. Mr. Chairman, I can not yield further to the gentleman. My time is limited, and the citation does not reach this case anyway.

Mr. SHACKLEFORD. Mr. Chairman, I will ask the gentleman if that does not contradict what the gentleman said awhile ago, in the company being limited in its purposes?

Mr. LEVER. Contradict me or the gentleman from California?

Mr. SHACKLEFORD. The gentleman from South Carolina.

Mr. LEVER. The statement of the gentleman from California is not in accord with my conception of the law, which permits a company an easement over public lands for purposes of mining only.

Mr. RAKER. But I have read the statute to the gentleman.

Mr. SHACKLEFORD. Mr. Chairman, will the gentleman yield?

Mr. LEVER. I yield to the gentleman.

Mr. SHACKLEFORD. When I was interrogating the gentleman from South Carolina just now another gentleman, occupying a seat on the other side of the aisle, who, I think, was the gentleman from Illinois [Mr. MANN], stated that the gentleman from South Carolina should require me to speak in my time.

Mr. MANN. The gentleman is mistaken. I had no reference to the gentleman from Missouri [Mr. SHACKLEFORD] at all.

Mr. SHACKLEFORD. Very well. I heard the statement.

Mr. MANN. But it had no reference to the gentleman from Missouri at all.

Mr. LEVER. Let me say this on the very point which the gentleman from Missouri raises, that if this company were a mining company, if they had no other purpose than to develop their mines, there would be absolutely no necessity for their coming here with this special bill. They have the right under the law now to easement over public property if the use of that easement is to be in the development of mining property. The truth is that this company desires to get something for nothing. The fact is that it desires the use of the public domain without paying the ordinary fees paid by other companies. The fact is that this company has come to Congress to make itself a special favorite of this body, while other companies are taking out their permits, paying the fees, and doing the things required by law in order for them to get the use of the national forests.

We have a great area out there in the West. These gentlemen from the Pacific coast have an idea that the national forests belong to them, and to them entirely. That is absolutely untrue. Every citizen of this country has an interest in the national forest. We are spending over $5,000,000 a year to protect it. My experience in the past 10 years has been that these gentlemen from the West who protest against the regulations of the use of the forests encourage the Congress to appropriate for the protection of the forests. [Applause.]

Mr. TURNBULL. If this company had yielded to the demands of the Forest Service and obtained the permit, what would have been the fee charged?

Mr. LEVER. I understand that the stipulation entered into by the Department of Justice and the company required a conditional fee of $75 a year. I understand, and I get my information from the testimony of the company itself, that in the final fee the charge would not be over $200 or $300 a year when complete development is had.

Now, gentlemen, in that connection I want to call your attention to this fact. You look upon this as a small proposition of $75 or $200 or $300. It is small. The fee is nothing to a corporation that is going to do millions of dollars of business. It is not the fee, but the precedent over which this fight is waged.

Mr. COX of Ohio. What, in your judgment, in the way of fee should this company pay the Government?

Mr. LEVER. I think that is a matter to be regulated by the department, which the law provides shall regulate all these fees.

Mr. COX of Ohio. What is your individual judgment? You seem to know a good deal about this.

Mr. LEVER. I do not know what should be charged this company, but I take it the Department of Agriculture, through the Forestry Bureau, is going to charge this company exactly the rate which it charges other companies, namely, 10 cents per horsepower for the first year and an increasing amount of 10 cents per year for 10 years, until the total charge is $1 per horsepower, based upon the output of the company.

Mr. COX of Ohio. About what would be the fee in this case upon that base?

Mr. LEVER. I have not figured it out, I will say to my friend very candidly, but the company itself has figured it out, and the company says in no case will it amount to more than $200 or $300 a year.

Mr. LAFFERTY. Will the gentleman yield for a question?

The CHAIRMAN. Does the gentleman from South Carolina yield to the gentleman from Oregon?

Mr. LEVER. Yes; I yield.

Mr. LAFFERTY. I desire to say that I am not hostile in my questioning, but I want to know this point. Is it the object of the Forest Service in this case to demand that this permit be taken out in order that the Government may get $75 a year, or is the main object the reserving of the right in the Government to regulate charges for the commodity to be furnished the public? Which is the principal object?

Mr. LEVER. The main purpose in the attitude of the Government in this case is to protect public property against exploitation and to maintain the principle that the Government has a right to regulate and protect public property.

Mr. HAYES. Will the gentleman advise us what public property he refers to?

Mr. LEVER. The public domain—the national forests.

Mr. HAYES. What in this case?

Mr. LEVER. Three thousand eight hundred feet.

Mr. HAYES. I beg your pardon. It is all on private property except a right of way of 80 acres.

Mr. LEVER. I do not know about that.

Mr. HAYES. I do.

Mr. LEVER. And I do not admit it, because the testimony shows that this pipe line will run across 3,800 feet of Government property.

Mr. HAYES. Oh, that is true.

Mr. LEVER. But admitting the gentleman's statement to be true—and I do not care if it is 100 feet, or 200 feet, or 200 miles, it is Government property—this company has no right to come to Congress and ask for special privileges which we refuse to give other companies. [Applause.]

Mr. COOPER. Will the gentleman permit a question?

Mr. LEVER. I will.

Mr. COOPER. This bill would grant a right of way forever, would it not, to this company, without any rental at all, any charges to the Government, or anything to indicate that the Government would control, and could not that company then combine with any other company beyond the power of the Government to interfere at all?

Mr. LEVER. Let me say to my good friend from Wisconsin that if this bill passes, it means that we have set the precedent which turns over to the water-development companies of this country the entire use of the national forests without regulation by the Federal Government and without the payment of the fees for the use of the national forests.

Mr. COOPER. The gentleman has anticipated by his statement the exact question I was going to ask, and now I want to ask one other thing. Is it not a fact that the development of hydroelectric power and the possible combination of hydroelectric powers under one management is a matter of only the last six or eight years?

Mr. LEVER. That is true.

Mr. COOPER. It is a new proposition, and it threatens to be the greatest combination in the control of power that the United States has ever known. Is not that true?

Mr. LEVER. That is true. Let me say to my friend from Wisconsin this—and it is a significant fact—that somehow or other the impression has gone abroad in the country that the "gentleman from South Carolina" is opposed to this bill. I have been deluged absolutely with letters, telegrams, and statements from my own district and State beseeching and begging me to withdraw my opposition to this bill. I hold in my hand now a telegram from South Carolina, 3,500 miles away from where this company is to operate—a telegram of 800 words, at a cost of 50 cents for 10 words, which makes it cost $40.

Mr. COOPER. Who paid for it?

Mr. LEVER. Who paid for it is the important problem, but here it is. I do not desire to put it into the RECORD.

Mr. KOPP. Who is it from?

Mr. LEVER. It is from a gentleman not in my district, but a gentleman in my State, 3,500 miles away from the State of California, and it cost him $40 to send it here. There it is [exhibiting telegram].

Mr. FOSTER of Illinois. It is a good deal of money to spend on a little project that does not amount to much.

Mr. LEVER. You know, it made me feel that there must be something more back of this bill than the $75 asked to be paid by the Forestry Bureau, or even $200 as a maximum, estimated by this company as the fee.

Mr. RAKER. Will you give us the names of the men who sent the telegram?

Mr. LEVER. I do not hesitate to do it. The "gentleman from South Carolina" is never afraid to do what he thinks is right.

Mr. RAKER. I am fully satisfied of that.

Mr. LEVER. This was sent to me by F. W. Wagener & Co., of Charleston, S. C., among the biggest wholesale dealers in groceries, and so forth, in the State of South Carolina, and they are as good men as there can be found in the State. My father in his active life did much business with them.

Mr. RAKER. Will the gentleman permit a further question?

Mr. LEVER. I will.

Mr. RAKER. Why has there been over 5,000,000 copies of the statement against this bill sent out, and who has paid for that, and what is the object of it?

Mr. LEVER. In the first place, the "gentleman from South Carolina" does not know that is a fact, and in the second place, if he did know that was a fact he would hardly have information as to who paid for it.

The CHAIRMAN. The time of the gentleman from South Carolina [Mr. LEVER] has expired.

Mr. BYRNES of South Carolina. Mr. Chairman, I move that the time of the gentleman be extended 15 minutes.

Mr. MANN. Mr. Chairman, I yield two minutes more to the gentleman.

Mr. HUMPHREY of Washington. Mr. Chairman, will the gentleman yield for a question?

Mr. LEVER. I am sorry I can not.

Mr. HUMPHREY of Washington. I would just like to know why the gentleman thinks that is inspired.

The CHAIRMAN. The gentleman from South Carolina is recognized for two minutes more.

Mr. LEVER. Mr. Chairman, I am sorry that I have not had more time in which to go into the details of this proposition. I have permitted gentlemen to take up my time. But I want to close with this statement: That Secretary Wilson, of the Department of Agriculture, on March 5 of this year, writing to the Senate committee in reference to this very bill, protests against its passage. It reads as follows:

MARCH 5, 1912.

The Committee on Public Lands, United States Senate:

GENTLEMEN: Reference is made to Senate bill 5571 for the relief of the Hydro-Electric Co. of California, which you have referred to me for information as to the law and facts in relation thereto and for such suggestions as I desire to offer.

The purpose of this bill is to make the Hydro-Electric Co. an unconditional grant of a right of way over lands of the United States for a pipe line which it desires to use in connection with hydroelectric-power development. The right to occupy the land could be secured under the act of February 15, 1901 (31 Stat., 790), which is the general statute under which rights of way of this nature can be secured. The company, doubtless, does not wish to avail itself of the benefits of the general law, because that merely authorizes a permit in the nature of a license, while the company is seeking by this bill an unconditional easement.

The Department of Agriculture has had considerable difficulty with this company, the nature of which I shall briefly relate.

About two years ago the company commenced the construction of a hydroelectric-power plant on lands adjacent to the Mono National Forest in California. The power house was on private land, but a part of the conduit was to be on land of the United States. Some time before the construction of the conduit reached the boundaries of the Mono National Forest the company was informed by the local forest officers that it would be necessary to secure a permit for the conduit under the act of Congress providing for rights of way over public lands and reservations—that is, the act of February 15, 1901 (31 Stat., 790).

The company took no steps toward obtaining a permit, but it purchased several mining locations for about $10 each which had been made in such a manner as to cover the land upon which the conduit was to be constructed. It also petitioned the board of supervisors of Mono County, Cal., to declare as a public highway a certain road which the company proposed to construct, the location of which was shown on a map filed with the board of supervisors. The location of the proposed road is identical with the location of the proposed conduit.

Notwithstanding the protest of local forest officers, the company proceeded, without permit, to construct the conduit. Upon the matter being reported to the solicitor for this department it was brought to the attention of the United States attorney for the northern district of California. On his request the United States Circuit Court issued a restraining order preventing further construction and referred the matter to the master in chancery for the court. After a full hearing at which the company was represented by counsel and submitted testimony in its behalf, the master reported and recommended that a temporary injunction should be granted. With reference to the mining locations he said:

"On the question of good faith of these mining locations, I have given the evidence and arguments of counsel the most careful consideration. * * * I am entirely convinced that the great preponderance of evidence shows that they are nothing but paper claims, made with a view of obtaining a right of way for their pipe line across the forest reserve. * * * In my opinon, the seven claims mentioned are not valid mining locations at all."

As to the proposed county road he says:

"It will strike anyone as strange that a county road should be laid exactly following a power pipe line. Among other inconsistencies will be noted that in following that part of the line noted on the map as the pressure pipe line the highway would go straight up a hill at an elevation of approximately 700 feet in about one-half mile. * * * As a matter of common sense it is impossible to conclude that it is, or ever was, intended to build a highway for the county or that the proceedings taken were other than an attempt to gain the right of way against the will of the Government."

A temporary injunction was issued, restraining the company from building or operating the conduit until it had obtained a permit from the Department of Agriculture. The company then applied for a temporary permit, which was granted by me in order that it might not be prevented from completing construction of its plant pending the final adjudication of its case by the court. By its unlawful acts the company is responsible for any delay it incurred in the construction of its conduit. The company was restrained from construction only when it became evident that it intended to construct in defiance of the law. When an application for a permit was finally made one was granted by wire. It was clearly understood that the granting of the permit was contingent on the execution by the company of the usual stipulations required by this department in such cases. These were forwarded for execution. After unreasonable delay trivial objections were made to the execution of the stipulations, and finally the company refused to execute them. Thereupon the temporary permit was revoked. Before this action was taken, however, the conduit had been completed and was in operation.

Subsequent to this time a bill (H. R. 12572), which is identical with S. 5571, was introduced in the House of Representatives. On August 11, 1911, representatives of the company requested me to enter into a stipulation with the company which would allow it to proceed with the operation of its plant pending the determination of its case in the United States court. I referred them to the Attorney General, and understand that such a stipulation was entered into and subsequently filed with the court. The company is now operating its plant under this stipulation.

I think it will be clear from what I have said that the company intended to evade the law, and that when it was prevented by the United States court from doing so it then applied to Congress for relief. This case does not differ in principle from that of any other where a company desires to use the public lands or national forests in the development of hydroelectric power. At the present time there is only one general law—the act of February 15, 1901, heretofore mentioned—under which such a right of way can be acquired, and this law is applicable to the unreserved public lands as well as to national-forest lands. The fact that this conduit is within a national forest does not, therefore, affect the right of the company to obtain a right of way if the way is acquired lawfully.

The Hydro-Electric Co. is endeavoring to secure, by special legislation, a privilege which is not granted to other like users of public lands. It is not a question whether the land over which the conduit passes has any value for forest or other purposes, but whether the Government shall exercise any control over its lands which are valuable for water-power development. The proposed legislation would set a bad precedent, as it would grant, without restriction, the right to use public lands which are valuable for water-power development. In my judgment, this bill is extremely dangerous and should not become a law.

Very respectfully,

JAMES WILSON, *Secretary.*

I wish to say, further, that the only purpose of this bill is to set a precedent, by which water-power development companies can absolutely override the enactments of Congress—a precedent which will permit the exploitation of public property for private uses. I desire to say that this bill sets a precedent which will break down absolutely the conservation policy of the country; that this bill sets a precedent which would make it impossible for the Federal Government to deal with its own property, except by the way of private bills.

It is apparently a little proposition, involving only $75 or $100. It looks small. But I stand here to tell you, gentlemen, that it is one of the biggest propositions that is before the House. If you desire to turn over to the exploitation of the trusts and water-power developing companies and monopolies this great national domain of 300,000,000 acres, which is the property of the people and the heritage of the future, pass this bill, and you will do it. If you want to preserve this domain for posterity, vote down this bill and say to these companies, "You must conform to the law as everybody else is made to conform to it." [Applause.]

The CHAIRMAN. The time of the gentleman has expired.

Mr. FERRIS. Mr. Chairman, I yield 10 minutes to the gentleman from California [Mr. HAYES].

Mr. HAYES. Can not the gentleman give me more than that? I can not say anything satisfactorily in 10 minutes.

Mr. FERRIS. I will give the gentleman 15 minutes.

The CHAIRMAN. The gentleman from California [Mr. HAYES] is recognized for 15 minutes.

Mr. HAYES. Mr. Chairman, I am as firm a believer in conservation of a reasonable and a proper kind as any man on this floor, and if this were a proposition where a power company or an irrigation company or a mining company were asking to take possession of any considerable portion of the public domain for water-power sites, for reservoir sites, or even for a right of way for a ditch, as a new proposition, I would not be here advocating the passage of this bill.

But that is not the proposition. This proposition is this: This company and their predecessors have owned that reservoir site that is indicated on the map; they have owned the power site in fee indicated on the map; they have owned the entire ditch line in fee, indicated on the map, for over 20 or, perhaps, 30 years, excepting that 80-acre piece of land, and over that they have a right of way—the gentleman from South Carolina says only for mining purposes.

There are three statutes of the United States that cover every phase of water-power or irrigation companies, and there is no question but that this company has a right of way over that 80-acre tract of land for the water and the right to use it not only for mining purposes, but for irrigation purposes and for power purposes or for any other "beneficial use," in the language of the statutes. The law of 1891 supplements that of 1866, which the gentleman cites, and the law of 1905 supplements them both. There is no question about that.

Now, a great deal has been brought into this discussion that does not belong in it. It does not matter what the stipulations of this company and the Government have been, so far as they affect the litigation. That litigation will go on probably to a conclusion. The question of importance here is this: Shall a water-power company, or shall individuals who have in good faith gone in and purchased a reservoir site and paid their money for it and purchased a power site 30 years or more ago and paid their money for it, and purchased a right of way over a tract of land and paid their money for it—shall they be compelled under the arbitrary rulings of the Forest Service, and, as I believe, contrary to the spirit, if not to the letter, of the statutes which Congress has passed, to yield up that property, which has cost them, as I am advised in this case, in the neighborhood of $350,000, and take a revocable permit from the Forest Service, which means that the property will be valueless?

Mr. LEVER. Mr. Chairman, will the gentleman yield?

The CHAIRMAN. Does the gentleman from California yield to the gentleman from South Carolina?

Mr. HAYES. I yield.

Mr. LEVER. Is not the gentleman willing to admit that all the companies which use the national forests under the law are required to pay for the use of the national forests?

Mr. HAYES. Mr. Chairman, I would say, in answer to the gentleman, that if they were using the national forests, if the reservoir site were on a national forest or on Government land, and if the power site were on Government land, and if the right of way for 5 or 6 miles were on Government land, I would say yes. But that is not the case here. These people did not buy from the Government itself. If they had done so, the situation might be somewhat different. They are the owners of their property through several conveyances. They bought their property in good faith, just as a man buys a promissory note in good faith and puts his money in the note. The law protects the innocent purchaser in good faith. That is substantially this case, and the equities which the gentleman referred to do not apply in this case.

Mr. LEVER. Did not this company know at the time they planned their operations that there were laws which compelled them to get a permit and pay a fee for the use of the national forest?

Mr. HAYES. No. I will say to the gentleman that they did not understand it.

Mr. LEVER. Well, they claim to be wide-awake business men.

Mr. HAYES. Yes. I am a business man, and I do not understand it so. Does the gentleman want to say to me that he is in favor of this proposition; that where men have bought land innocently from other men, just as I have bought land from others that in the first instance came from the Government, they must give up their land and get a revocable lease from the Government?

Mr. LEVER. The gentleman from California is aware of the old rule of law that ignorance of the law excuses nobody; and especially is that true when you deal with great big business men. [Applause.]

Mr. HAYES. Mr. Chairman, I yielded to the gentleman for a question. I have not time to yield to him for a speech.

The property of this company is just as much private property as my farm is, and if that 80-acre tract were owned by a private individual the company could, under the laws of the State or under the laws of Congress, get authority to condemn that land and take it, because without that condemnation this very meritorious public improvement could not be carried on. There is no such law as the gentleman refers to that applies to this. If his contention is correct, the owner of the ditch company could not so much as take out a shovelful of dirt and put it up on the bank outside of the ditch without a permit from the Forest Service, and the present policy is that they would not give that permit unless these men in effect yielded up their property and agreed to take a revokable permit from the Government of the United States, just as though they had received their power site and their reservoir site and their right of way through the Forest Service on Government land. That is not the case here at all. This is not that kind of a case. That is why I wish gentlemen may discriminate between the cases the gentleman is talking about and this case.

Mr. CALLAWAY. Mr. Chairman, will the gentleman yield?

The CHAIRMAN. Does the gentleman from California yield to the gentleman from Texas?

Mr. HAYES. Yes.

Mr. CALLAWAY. The gentleman's objection to the enactment of present law as it is is that they hold only a revokable permit?

Mr. HAYES. No; that is what the forest officers want them to take out.

Mr. CALLAWAY. You want an irrevokable permit?

Mr. HAYES. No; I want the men who in good faith have gone on——

Mr. CALLAWAY. In this particular case they have a permit from the Government now, and they can get that under the law?

Mr. HAYES. They have a right of way for their ditch line under the law.

Mr. CALLAWAY. Now what you want is an irrevocable permit.

Mr. HAYES. No; I do not care——

Mr. LEVER. What do you want?

Mr. HAYES. I want the law as it is written in the statute books to apply to this case, and not the arbitrary, unreasonable regulations of the Forest Department, never contemplated by the law, never contemplated by the Congress of the United States when they passed it. I want men who put their money in good faith into irrigation projects, into mining projects, into projects where water is used for power—or anything else that is owned wholly or almost wholly in private right—to have the right to use that property for the beneficial use of the people of the surrounding country.

Mr. COX of Ohio. What is the difference between the law and the department regulations?

Mr. HAYES. The difference is that the law contemplates that this right of way shall be given for the purposes indicated, but the department has gone beyond the law, as I think, and has said that everybody who has a private interest in water-power sites or in rights of way or in reservoir sites like this shall be obliged to give up those rights——

Mr. COX of Ohio. Then have they not recourse to the courts? The departmental reservation can not contravene the law.

Mr. HAYES. I do not know what the court will hold, but it will probably take 10 years for this case to be decided by the Supreme Court of the United States.

Mr. LEVER. This case is pending in court now, I will say to my friend from Ohio.

Mr. HAYES. But the fact that they are fighting this in the court does not preclude them from coming to Congress for relief. This seems to be a small proposition, as the gentleman says, the $75, but that is not the question at all. The question is whether these men shall be compelled to give up their property, for which they have paid their money, and take a revocable permit from the Government for running their water across the valueless 80 acres of land, for that is all that is involved.

Mr. COX of Ohio. Does not the gentleman think the Government can be trusted to treat them fairly?

Mr. HAYES. Frankly, I will say no, not under present conditions. No Government official that was reasonable would ever exact what they try to exact for the right to cross that land. Every statute of the United States that has ever been passed unquestionably intended to give, and does give, them the right to cross this land.

Mr. LEVER. Will the gentleman yield?

The CHAIRMAN. Does the gentleman from California yield to the gentleman from South Carolina?

Mr. HAYES. For a question; not for a speech.

Mr. LEVER. Is it a fact that the company is not concerned with the $75 fee involved in this case, but that the company desires to get an irrevocable permit contrary to law, as a special favor?

Mr. HAYES. I deny the gentleman's statement. Their desire is not contrary to law at all. It is contrary to nothing except injustice.

Mr. ALEXANDER. Will the gentleman yield?

Mr. HAYES. Yes.

Mr. ALEXANDER. Is there anythiqng inequitable in their getting an irrevocable permit?

Mr. HAYES. The permit will be under the general law, and the law of course may be repealed. There might be a question whether the repeal of the laws would revoke the permit; there might be some question whether vested rights would not come in.

Mr. ALEXANDER. As I understand, this is simply to give them the right to run their pipe line across this property?

Mr. HAYES. Yes.

Mr. ALEXANDER. That right makes their present plant valuable to them?

Mr. HAYES. And without it it is worthless.

Mr. ALEXANDER. Hence they do not want a permit which may be revoked at any time by the whim of the department?

Mr. HAYES. That is it exactly. That is all there is in this.

Mr. LEVER. Not by the whim of the department, but by the regulations.

Mr. ALEXANDER. No; by the whim.

Mr. HAYES. That is the correct word to describe it.

Mr. BURKE of Pennsylvania. Will the gentleman yield?

Mr. HAYES. Yes.

Mr. BURKE of Pennsylvania. What is the issue involved in the court proceedings?

Mr. HAYES. The issue is whether these people have the right to replace their open ditch line across this particular 80 acres of land under the law, without any stipulation or permit, with a covered pipe line. They have, in fact, crossed it. Their pipe line is there and in operation, and the plant is in operation. The question is whether they shall have a right under the law to improve their property by substituting a covered pipe line for the open ditch across there and to operate it, or must they yield up all the rights that they have paid for and take in return a revocable permit from the Forest Service.

Mr. BURKE of Pennsylvania. What is the nature of that proceeding?

Mr. HAYES. It is an action for a permanent injunction.

Mr. BURKE of South Dakota. Will the gentleman yield?

Mr. HAYES. Yes.

Mr. BURKE of South Dakota. Was this 80 acres of land within the forest reservation at the time this pipe line was put across it?

Mr. HAYES. It was at the time this pipe line was put across it, yes; but not when the ditch was put across it. It has been recently taken into the forest reserve, and I will state to the gentleman from South Dakota that excepting some sagebrush there is not a tree within 10 miles of that 80 acres of land, and never can be. It is simply desert land.

Mr. SAUNDERS. Will the gentleman yield for a question?

Mr. HAYES. Yes.

Mr. SAUNDERS. Is this company developing energy now by the use of an open ditch?

Mr. HAYES. They have been doing it until recently. They replaced the open ditch with a covered pipe line.

Mr. SAUNDERS. The covered pipe line simply renders their property more valuable than the open ditch did.

Mr. HAYES. Yes; and it enables them to meet more fully the demands of the people of that section for water and water power for various uses.

Mr. SAUNDERS. In order to make their property more valuable they must get this concession from the United States?

Mr. HAYES. Perhaps it will not make it much more valuable, but it will make it more largely useful.

Mr. SAUNDERS. I asked the question whether it would make their property more valuable, and I understood the gentleman to say that it would.

Mr. HAYES. It will certainly be more valuable in this, that the water will not break out of the ditch in going around that particular point.

Mr. SAUNDERS. So that this concession which they desire from the United States is something of substantial value?

Mr. HAYES. As far as paying whatever price the United States fixes for crossing that 80 acres of land, there is no question about that.

Mr. SAUNDERS. The question I asked is whether the right which is sought from the United States Government, to carry the pipe line across Government land, will be something of substantial value to this company?

Mr. HAYES. It will be of more value than the open ditch which they paid for.

Mr. SAUNDERS. I see in these hearings certain stipulations that were submitted to this company. Will the gentleman tell the committee in the course of his remarks what objection there is to these stipulations? They seem to me to be essentially reasonable.

Mr. HAYES. There is no objection to them, but they are not involved in this proposition at all. Anybody who brings them here does it for the purpose of prejudicing the case, because they are not involved.

Mr. SAUNDERS. Why? I see that they were submitted to the company.

Mr. LENROOT. Will the gentleman yield?

Mr. HAYES. Yes.

Mr. LENROOT. Does the gentleman contend that this company has ever operated that open ditch?

Mr. HAYES. I contend that it has been operated for many, many years.

Mr. LENROOT. By this company?

Mr. HAYES. Perhaps not by this company, but by its predecessors.

Mr. LENROOT. Does not the gentleman know that it was abandoned for 10 years before this company began to operate it?

Mr. HAYES. It was used for irrigation only. But the company bought the ditch line; they bought the reservoir site and the power site. I want to say to the gentleman that I know the local situation here and the men who have put their money into this project, and there is no possibility of any monopoly or any combination with any other ditch or power company.

Mr. Chairman, I want to reiterate that the only question in this case is this: Whether or not a company or an individual who owns in fee its own power site, its own reservoir site, its own ditch line, with the exception of a very small piece of ground, shall be, under the law or under the regulations of the Department of Agriculture, obliged to give it all up and in lieu of that property for which it has paid its money take out a revocable permit, revocable at any time, at the whim of the forestry official who happens to be in charge of that service? That is the question. I believe thoroughly in conservation but not in confiscation by the Government or anyone else.

Mr. MANN. Mr. Chairman, I yield 50 minutes to the gentleman from Iowa [Mr. PICKETT].

Mr. PICKETT. Mr. Chairman, it is well at the outset to clarify the issue presented by this bill. Those who are opposed to the measure concede that the intrinsic value of the land over which the pipe lines of the Hydro-Electric Co. pass is of little, if any, value. Its value is insignificant as compared to the other issues involved. Briefly stated, the important issue presented is whether the Federal Government shall control the public domain, whether it will carry into effect or repeal the statutes heretofore enacted with the view of controlling and regulating the corporations which have secured or are securing the great water-power privileges of the West, so as to prevent a monopoly as to their use, or turn them over, as in the years past, without any restriction whatever. In brief, whether we shall stand firm upon the ground we have already secured or move backward to where we were a few years ago. There is another issue involved, and that is whether we will approve of defiance of the constituted authorities of our Government. I will undertake to prove to the satisfaction of this House, not by mere verbal assertions, as do my distinguished friends from California, but from the record, that no one can vote for this bill without approving of defiance of the constituted authorities for the enforcement of the laws which Congress has itself enacted.

The gentleman from California [Mr. HAYES], who just took his seat, made a remarkable assertion in response to an interrogatory propounded by the gentleman from South Carolina [Mr. LEVER] when he said that the Hydro-Electric Co. did not understand that it was necessary to secure a permit before crossing the Government land in question. Let me direct your attention to the record on that phase of the question.

In November, 1909, and before the company had reached the Government land, it was notified by the officers of the Government that it would be necessary for the company to secure a permit before entering upon Government land. On May 25, 1910, the company was again notified that it would be necessary to secure a permit. On June 10, 1910—and, mark you, this is before they entered upon the land—they were again notified that it would be necessary to secure a permit. Later on further notices were given the company. In order that there may be no misunderstanding as to the character of the notices or that the company was fully advised of the position taken by the Government, I will quote from one of the written notices served upon the company, as follows:

While it may be possible that the right of way which you desire to follow over this tract is covered by mining claims, you certainly know that such fact would give you no right whatever to use the land for

purposes other than that for which it has been located. To be clear, you can not make a mineral location with the intention of using the land in conveying water across it.

In other words, Mr. Chairman, when the gentleman from California [Mr. HAYES] asserted that the company did not understand the law, or they did not understand the rules or the regulations of the department, he was absolutely ignoring the record.

Mr. HAYES. Mr. Chairman, will the gentleman yield?

Mr. PICKETT. Certainly.

Mr. HAYES. Does the gentleman know that the question of whether that is the law or not is now in litigation in the courts?

Mr. PICKETT. Yes; but the gentleman stated that the company did not understand it would be necessary to obtain a permit.

Mr. HAYES. I say so now. I do not believe it is.

Mr. PICKETT. They did understand the position which the Government took in the matter.

Mr. HAYES. They did not when they began to lay their pipe line.

Mr. PICKETT. On July 13 they were again served with a written notice, from which I will quote, as follows:

District forester says construction work must not proceed over Government land on your power project without first securing regular permit. Temporary permit can not be issued. These instructions are in effect and must be observed. Am sending you papers preliminary to permit. Please acknowledge receipt of wire.

So that it appears indisputably from the record that repeated notices were given by the Government to the company that it would be necessary to obtain a permit from the Government before entering upon the occupancy of the land in controversy.

Mr. BURKE of South Dakota. Mr. Chairman, will the gentleman yield?

Mr. PICKETT. Yes.

Mr. BURKE of South Dakota. I understood that the Government had given an easement over this land at some time before the forest reservation was created, and I would like the gentleman to state what the facts are in that regard.

Mr. PICKETT. There was an old ditch that had been there for some 20 years or more, maintained, I am informed, for irrigation purposes. It had, however, been abandoned and not in use for practically 10 years prior to the time in question. I will also say to the gentleman that the representatives of the Hydro-Electric Co. make no claim, or rather did not in the hearings of the committee, to their right to cross the land predicated upon this alleged easement. The whole contention of the Hydro-Electric Co. is based upon their so-called mining claims.

Notwithstanding the repeated notices given by the Government, the Hydro-Electric Co. proceeded in its occupancy of the land. The company did this, as the record discloses, after being fully advised of the position taken by the Government, through the repeated notices stated, and acting upon the advice of its attorneys.

On August 13, 1910, one of the field agents of the Bureau of Forestry discovered that the company had, in defiance of the notices served upon it, entered upon the Government land and had laid a certain amount of its pipe lines across it. This information was conveyed to the department at Washington, and directions given to district attorney in California to apply for a temporary injunction. The temporary injunction was issued on August 10, 1910. On September 12 the defendant appeared in court and filed a motion to modify the injunction. Arguments were submitted, and the motion was overruled by the court. On September 14 the case was argued upon the legal points, and testimony submitted before the master in chancery, to whom it had been referred. The arguments consumed three days. The case was taken under advisement, and on October 14 the master's report was filed. I shall not consume time by reading the entire report, but will quote a paragraph therefrom which contains the gist of the decision, as follows:

On the question of good faith of these mining locations I have given the evidence and the arguments of counsel the most careful consideration. Giving every possible effect to the possibility that the Goleta vein may continue into these claims and with cheap power can be worked to profit, and reasoning therefrom that it may therefore be considered the intention of the respondent to locate and hold these claims as mining claims, I am entirely convinced that the great preponderance of evidence shows that they are nothing but paper locations, made with a view to obtain a right of way for their pipe line across the forest reserve. The matter must be looked at from the standpoint of common sense and by evidence presented by respondents' actions rather than by their words.

I will further state, Mr. Chairman, in corroboration of the decision of the master in chancery, that there is not in the document embodying all the correspondence and other data a single sentence which tends to negative the findings of the master or to show that the company intended to use the land for mining purposes.

If I am incorrect in this statement, I challenge anyone to point it out in the record. I repeat there is no evidence to this effect, and yet gentlemen stand here on the floor of this House and by mere assertion seek to question the findings of the master in chancery.

Mr. LAFFERTY. Mr. Chairman, will the gentleman yield for a question?

Mr. PICKETT. Certainly.

Mr. LAFFERTY. As I understand from the gentleman's argument, this Hydro-Electric Co. claimed an easement for an open ditch, and the Hydro-Electric Co. wanted to change the open ditch to a pipe line and fraudulently caused mineral locations to be made. Is that the gentleman's contention?

Mr. PICKETT. It acquired these mineral claims, which the master in chancery found were fraudulent.

Mr. LAFFERTY. I have to vote on this bill, and I want to get some information. The point I want to know is this: Is it conceded by the Forestry Department that the Hydro-Electric Co., by virtue of its purchase, did have an easement for an open ditch before it filed these alleged fraudulent mining claims?

Mr. PICKETT. The attorneys for the company, when they appeared before the committee, based their entire contention upon these mining claims.

Mr. HAYES. Mr. Chairman, will the gentleman tell us whether there is any evidence in the record of the fraudulent character of those claims?

Mr. PICKETT. If the gentleman will read the report of the master in chancery——

Mr. HAYES. I am not referring to the report, but to the evidence which was before the master.

Mr. PICKETT. I am referring to the report of the master in chancery—the judicial finding of what the evidence established.

Mr. HAYES. I have the whole record of the evidence.

Mr. PICKETT. Then, why does not the gentleman produce it?

Mr. HAYES. I will say that there was not a particle of evidence submitted to the master upon that subject that could properly be held to show that these claims were fraudulent.

Mr. LEVER. Is it not a fact that these claims were bought for four or five dollars a claim, and is not that one of the reasons they are regarded as fraudulent?

Mr. PICKETT. That is admitted.

Mr. HAYES. Does the gentleman think that the simple fact that two or three claims are taken up, parallel, is evidence of fraud in mining locations?

Mr. PICKETT. I am not telling the gentleman what I think. I am stating the findings of the master in chancery. He found that there was no evidence in the record to show that they had any intention of using the mining claims within the contemplation of the mining laws.

Mr. MANN. Mr. Chairman, will the gentleman yield?

Mr. PICKETT. Certainly.

Mr. MANN. If it turns out that these mining claims are valid mining claims, then the Government puts the company to no onerous restriction.

Mr. PICKETT. That is correct.

Mr. MANN. Because they will have acquired title to the property.

Mr. PICKETT. Absolutely.

Mr. MANN. And they will no longer be under stipulation.

Mr. PICKETT. Certainly not.

Mr. MANN. If it turns out that the mining claims are illegal because they are fraudulent, then is the company entitled to any favorable consideration from Congress?

Mr. PICKETT. The company then will be entitled to the consideration which the department gives to every similar company under similar circumstances.

Mr. MANN. I say from Congress.

Mr. PICKETT. No; not from Congress. None whatever.

Mr. MADDEN. Would it be entitled to any consideration from Congress if these claims are fraudulent?

Mr. PICKETT. In my judgment, no.

Mr. LAFFERTY. If the gentleman will permit, it seems that this old open ditch has been used there for 30 years. When were these mineral applications made?

Mr. PICKETT. It had been abandoned for 10 years. These mineral locations were made in 1910.

Mr. BURKE of South Dakota. If I understand the gentleman correctly, his contention is that before the master they only asserted their rights under these mineral and mining filings?

Mr. PICKETT. That is as I understand it, at least before the committee.

On November 17 the court issued an order continuing the temporary injunction. During all of this time negotiations were being conducted between the representatives of the company and of the Government; and I will further add that the

Government has gone to the limit of fairness in dealing with this company.

On November 14 the Washington office wired the district forester in California to prepare a draft of temporary permit between the company and the department and forward to Washington. The telegram further stated, and I quote it for the purpose of showing the fairness of the department:

If you believe the delay of mails will materially prejudice company, send essential parts of draft, including description of land, by night wire. Temporary permit will then be prepared here, and when signed will wire you to let construction proceed.

This certainly shows a spirit of fairness on the part of the department. A tentative draft was prepared, which was signed by the company and forwarded to Washington for approval.

Mr. MADDEN. And, as a matter of fact, it was no agreement until it was approved.

Mr. PICKETT. That is precisely what I am getting at. I have in my hand here a copy thereof, and I call your attention to the clause prepared in blank for the signature of the Agricultural Department, as follows:

Approved this — day of ———, 1910, and permission granted, subject to the conditions hereinbefore named.

———— ————,
Secretary of Agriculture.

It was simply a proposed agreement, not operative until signed by both parties, and therefore no rights were acquired under it. In this connection I will refer to the statement of the company's attorney, Mr. Lane.

But I will pause at this time to make an observation with reference to the statement made by the gentleman from California [Mr. RAKER]. It is true that the report from the committee bears on its face the statement that it is a unanimous report, and it may be true that at the time the report was ordered by the committee no one present entered an objection. This, however, does not justify the statement made by the gentleman from California [Mr. RAKER]. I quote as follows:

That is the unanimous report handed to me by the clerk of the Committee on the Public Lands, and after that I made out the report, took it back to the committee and read it—read the report that they were going to file in the House and in the committee—and not one living man said or made objection to it.

And I also quote from the opening of his remarks, as follows:

Until the morning of January 5, when this bill was originally called up, there seemed to be no objection whatever to it. Objection was then made to its consideration because it was on the Private Calendar.

We had hearings on this bill in August, 1911, and no one can read the hearings themselves, without any reference to the discussion that took place in the committee after the hearings were concluded, and say that there was no objection to this bill. The examination of the representatives of the company and my expressions on the subject, which appear in connection therewith, disclose my view at that time. Furthermore, after the hearings were concluded and the matter was informally discussed by the committee, I at least had the understanding that the bill would not be further considered.

I have been informed that others of the committee had the same understanding. This is supported by the fact that the committee took the affirmative action of appointing a subcommittee for the purpose of seeing whether a stipulation could be secured so that the matter would remain in status quo pending the litigation.

When I returned to Washington in December I had not fully recovered from a recent illness and was unable to attend one of the meetings of the committee, which happened to be the meeting on December 19 when this bill was reported. However, after the bill was reported and my attention called to it I stated to the committee that I was opposed to the measure and reserved the right to oppose it upon the floor. The gentleman from California [Mr. RAKER] was present at the time, and if he had been entirely frank would have stated this fact affirmatively to the House. It recalls to my mind the old adage of Benjamin Franklin that "half the truth is often a great lie."

Now, then, getting back to Mr. Lane.

Mr. KENDALL. Will my colleague yield?

Mr. PICKETT. With pleasure.

Mr. KENDALL. Was there a subcommittee appointed to negotiate the stipulation between the department and the Hydro-Electric Co. by the committee?

Mr. PICKETT. No formal action was taken by the committee. The matter was informally discussed, and three members, as I recall it, were selected to see the department with the view of ascertaining whether an arrangement could be secured whereby, as I have heretofore suggested, the company would not be disturbed in its use of the land pending the final adjudication of the case between the Government and the company.

There was nothing in the original bill which indicated the controversy or litigation between the Government and the company. When these facts developed on the hearings and when Mr. Lane, the attorney for the company, and Judge RAKER, the author of the bill, both stated that all the company desired was not to be disturbed until the case was finally decided in the courts, it was thought that a stipulation of that kind might be secured and a subcommittee was appointed for that purpose.

The gentleman from California [Mr. RAKER] had not heard of this stipulation when I questioned him in regard to it during his remarks, but later when extending and revising his remarks in the RECORD stated therein that he had knowledge of it as early as last September, but that the matter had escaped his mind when questioned during the heat of debate.

I will now return to the first alleged permit—the tentative draft submitted to the department for approval, but which was never signed—and also to the statements of Mr. Lane in respect to it. I will quote from the hearings before the committee as follows (Hearings, p. 17):

Mr. PICKETT. After the injunction was granted was any further work done on the part of your company?

Mr. LANE. Yes; but it was done under a temporary arrangement which we made with the Agricultural Department.

Mr. PICKETT. Did you make an arrangement with the Agricultural Department to proceed with the work after the temporary injunction was granted?

Mr. LANE. That is true.

Mr. PICKETT. On what page is that set forth?

Mr. LANE. The arrangement made is set forth on pages 65 and 66.

I call your attention to the direct question I propounded to Mr. Lane.

Did you make an arrangement with the Agricultural Department to proceed with the work after the temporary injunction was granted?

The question could not have been stated more directly, and it was propounded for the very purpose of ascertaining whether any arrangement had been effected between the company and the department after the temporary injunction was granted. And now note the answer which Mr. Lane made to that question, as follows: "That is true."

There is nothing equivocal about this answer. It is a direct and simple statement that an arrangement had been effected under which they could proceed with their work.

It will be observed that he further states that the arrangement which was made is set forth on pages 65 and 66, referring to House Document No. 1425, Sixty-first Congress, third session. This so-called arrangement is the tentative draft of permit to which I have already called attention, and which was not signed by the Secretary of Agriculture and was not and could not be operative until it was so signed. Notwithstanding this, Lane claimed at the outset that an arrangement was made, as his quoted statement clearly shows. In the further examination of Mr. Lane he admitted that the arrangement never became operative. I read as follows from the hearings:

Mr. PICKETT. So that arrangement never became effective?

Mr. LANE. No; it did not become effective, except that they permitted us to go ahead and finish the work.

Mr. PICKETT. Where is the agreement whereby the department consented to that?

Mr. LANE. That was done by telegram.

Mr. PICKETT. Is the correspondence referred to in this document?

Mr. LANE. The correspondence is here; I do not know what the page is.

Mr. PICKETT. What is the substance of it?

Mr. LANE. The substance was that we could go ahead. It is on page 61, at the bottom of page 61 and the top of page 62. It is just a permit to go ahead.

Mr. PICKETT. That gives you a revocable permit?

Mr. LANE. Yes; and which was subsequently revoked after the trouble came up.

Mr. PICKETT. Now, what were the grounds claimed by the Secretary of Agriculture for the subsequent revocation?

Mr. LANE. Because he said that this agreement, shown on pages 65 and 66, which we had executed, was not satisfactory. He prescribed a new agreement, which is shown on pages 59 to 61, inclusive.

Mr. PICKETT. And you did not consent to that proposition?

Mr. LANE. No, sir.

I have set forth this testimony not only for the purpose of showing that Mr. Lane was incorrect in his original statement, but also for its application to the temporary permit to which I will now refer. After refusing to approve of the form of permit submitted to which I have above referred, and still desirous not to interfere with the construction work of the company, the department prepared a new stipulation, which it thought would be satisfactory to the company, while at the same time conforming to the general rules and regulations of the department, wired the district forester that permit had been issued and that stipulation would follow for execution by the company. This was followed with a letter stating as follows:

I inclose for transmission for permittee the temporary permit and the draft of stipulations to be executed by it.

By an oversight the stipulations were not inclosed in the letter of transmittal. However, a copy of the stipulations was given to the attorney of the Hydro-Electric Co. in Washington, Mr. Pierce, who at once transmitted the stipulations to Mr. Lane in San Francisco. I want you to mark this statement that the stipulations were as a matter of fact given, on the

same day the letter was sent, to the attorney for the company here in Washingon, who transmitted them to Mr. Lane, the attorney for the company, in San Francisco.

Mr. Lane has been here advocating this bill before the committee, and those who are supporting it are asking for what they term equitable relief on the part of Congress. Ordinarily he who seeks equity should, under the old familiar rule, come into court with clean hands. And now I direct your attention to the statement of Mr. Lane. [Quoting from page 23 of hearings:]

Having signed this permit shown at the bottom of page 61, and they having telegraphed us to that effect, in the course of the mail—in fact, it was 30 days later—they came to us with this stipulation, or rather this stipulation you see there—this elaborate one which we objected to—was sent to us for us to sign.

You will notice that he here states that it was 30 days after the permit was received before the receipt of the stipulations, when, as I have stated, a copy of the stipulations was delivered to Mr. Pierce, the company's attorney in Washington, at the time the letter of transmission was sent, and that he [Mr. Pierce] promptly transmitted the stipulations to Mr. Lane in San Francisco, so that the company, through its attorney, had the stipulations in its possession with the knowledge that it would not execute them and proceeded with its construction work.

There is another important fact right in this connection. The restraining order which was issued by the court was conditioned upon the failure of the company to secure a permit from the Government. They took the permit and the stipulations, which, they state, they could not approve, and proceeded with the construction work across the Government property.

Mr. GREEN of Iowa. In violation of the injunction?

Mr. PICKETT. Certainly it was in violation of the injunction. That is the very point in the matter, for, knowing they could not approve of the stipulations, it was their duty to return them to the department and acting in good faith with the department and in compliance with the order of the court, cease construction work until they had reached an agreement.

It seems to me, Mr. Chairman, that this is a good time to establish a precedent that those who come here seeking relief from Congress must have a record of good faith behind them. [Applause.]

I now pass to another branch of the case. When the facts were disclosed at the hearings with reference to the long-pending controversy between the Hydro-Electric Co. and the Department of Agriculture, and also the litigation in the courts, which had then been pending for practically a year, it certainly seemed quite remarkable that they should ask Congress for relief, in brief, to pass a law taking the matter out of the hands of the department and settling the litigation pending in the courts. During the hearings Mr. Lane stated that they based their rights on their so-called mining claims, and that they were willing to stand upon the validity of the mining claims as determined by the court. It was further stated that all they desired was that the company be not disturbed pending the litigation. I quote from Mr. Lane as follows (Hearings, p. 12):

This bill grants a permaneat right of way as long as the beneficial use of it is made; but the main thing is merely this: The company wants to know, because it has capital invested—wants to make sure that it will run until the law is decided, because when the law is decided we certainly intend to obey.

And again he says (Hearings, p. 9):

Now, then, what we are asking is this: We do not want to be given any legal right any more than is absolutely necessary to keep this project running, but we don't want to shut down our project on a temporary injunction. We are perfectly willing to do everything that is there, and we don't care how the court finally decides the case, just so as we can keep going until the court does decide (if it reaches that conclusion) that we have no legal right, and we are willing to give bond pending that decision.

The gentleman from California [Mr. RAKER], the author of this bill, expressed the same view. I quote from the hearings:

The CHAIRMAN. Why would not the issue of a permit pending this litigation be satisfactory?
Mr. RAKER. It would.

So that, I repeat, all they asked at the conclusion of the hearings was that some arrangement could be effected whereby the company would not be disturbed until the court had finally decided the case, and now, after securing such stipulation, they are here pressing this bill.

Our friends from California and the West have a very peculiar view of the relation of the Government to its public domain. Here is a statement by my good and genial friend from California, Judge RAKER, and I quote it simply for the purpose of showing the general attitude of the West upon these matters:

Mr. RAKER. And we concede and assume, so far as this committee is concerned, that irrespective of the title to the land, and irrespective of the holding of the court conceding they have got the property in violation of the mining law—

Mark the words—

conceding they have got the property in violation of the mining law, that we are not now criticizing the department and these people, but we simply want the right to run a pipe line across this 3,800 feet of desert land.

The CHAIRMAN. Even though the courts may find that the claim is fraudulent?
Mr. RAKER. Exactly.
The CHAIRMAN. Conceding that it is fraudulent, you think this legislation ought to be enacted, and a right of way granted?
Mr. RAKER. That is our position.

Gentlemen, I was astounded that a member of the committee, a Member of this high legislative body, would say that notwithstanding this company had fraudulently attempted to enter upon the public domain, notwithstanding it had defied the authority of the Government, nevertheless he would urge the passage of this legislation.

Mr. RAKER. Mr. Chairman, will the gentleman yield right there?

The CHAIRMAN. Does the gentleman from Iowa yield to the gentleman from California?

Mr. PICKETT. Certainly; with pleasure.

Mr. RAKER. I am sure the gentleman does not want to misrepresent the facts. He does not want to put false words in my mouth, does he?

Mr. PICKETT. No; I am reading from the Hearings, page 14.

Mr. RAKER. Is it not a fact that the record shows that the corporation bought their property from three individuals, and before any notice or litigation was involved in this matter, and that my statement was in relation to the mining claims; that if the court should hold that the original locaters had violated the law, which I do not concede to-day, notwithstanding that they would deprive the company of their rights? That is, this company had the right of way for its ditch across the mining land, and any subsequent title would not affect it, and whatever the title to the mining claims might be, its title to a right of way across this particular tract of land was held under the act of 1866 and subsequent acts of Congress for over 30 years, and any subsequent owner of this land would take it subject to its prior right; the Government would be in the same position, for it made the grant over its land by the acts of Congress. I simply made it as a supposition.

The master held they were "paper claims," but this does not settle the question by any means. The record clearly shows that the mining claims are valid. But this validity or nonvalidity would not affect the company's prior right of way for its water ditch across this particular tract covered by their mining claims marked in blue on the map now before the House. They want to change from an open ditch to a closed pipe line.

This litigation now pending in the United States Circuit Court of California and the delay incident thereto brought them to Congress asking for a grant of an easement. This would settle the matter. Will the gentleman read my statement again?

Mr. PICKETT. I will read it over again for the gentleman's satisfaction:

Mr. RAKER. And we concede and assume, so far as this committee is concerned, that irrespective of the title to the land, and irrespective of the holding of the court—conceding they have got the property in violation of the mining law—that we are not now criticizing the department and these people, but we simply want the right to run a pipe line across this 380 feet of desert land.

Mr. RAKER. Right there, Mr. Chairman——

Mr. PICKETT. Let me finish reading the gentleman's statement. It goes on:

The CHAIRMAN. Even though the court may find that the claim is fraudulent?
Mr. RAKER. Exactly.
The CHAIRMAN. Conceding that it is fraudulent, you think this legislation ought to be enacted, and a right of way granted?
Mr. RAKER. That is our position.

Mr. Chairman, I am simply using the words that the gentleman from California used, as the record states them. It may be that the reporter did not take them down correctly. I hope he did not take them correctly. I am not putting into the gentleman's mouth any words that the record shows he did not say. I am simply quoting the words shown in the record.

I repeat that is a most remarkable statement, that even if the court should hold the claims were fraudulent and in violation of the law, the gentleman would still stand before the committee and the House and urge this legislation. If the gentleman can take any consolation out of that, he is welcome to it.

Mr. STEPHENS of Texas. Mr. Chairman, will the gentleman yield?

The CHAIRMAN. Does the gentleman from Iowa yield to the gentleman from Texas?

Mr. PICKETT. I do.

Mr. STEPHENS of Texas. I would like to ask the gentleman if he believes, when a man concedes for the purpose of argu-

ment that a point is well made, that he should be held to that concession?

Mr. PICKETT. This was not an argument. It was a statement before the committee of those responsible for the measure. It was a hearing on the bill introduced by the gentleman himself.

Mr. RAKER. Mr. Chairman, will the gentleman yield?

The CHAIRMAN. Does the gentleman from Iowa yield again to the gentleman from California?

Mr. PICKETT. Certainly.

Mr. RAKER. The gentleman has stated what occurred before the committee, and he has stated his position. Is it not a fact that all that occurred was in what the gentleman read to-day? Was it not taken down by the reporter in the first hearing?

Mr. PICKETT. All that occurred during the examination before the committee.

Mr. RAKER. Has the gentleman read all that occurred before the committee?

Mr. PICKETT. After the hearing was completed, and after Mr. Lane left the room, we then took up informally the question of what disposition would be made of the bill, and that of course would not appear in the printed proceedings.

Mr. RAKER. Is it not a fact that nothing was discussed as to the final disposition of the bill until after an objection was made and an article—a circular—was sent to each Member of Congress? And did not I come before the committee when the gentleman from Iowa was present at the next meeting and demand that the committee bring every man who had any knowledge before the committee and reopen the hearings, and have a full and complete hearing? And did not the gentleman say it was not necessary?

Mr. PICKETT. Certainly it was unnecessary. As far as I am concerned, we have had hearings enough. I am willing to submit the case upon the hearings we have had. I am confining myself entirely to the record or hearings.

Mr. RAKER. So am I; but I do not want the gentleman, when we had the hearings before the committee, to have made no objection and then, when some outsider makes objection, come upon the floor of the House and say he did not have an opportunity to register his objection.

Mr. PICKETT. I want to say to the gentleman that he is not stating the facts.

Mr. RAKER. I am stating the facts, and the gentleman knows that the proceedings in regard to the matter are of record.

Mr. PICKETT. I am willing for the Members of this House to read the hearings. Some of them have already called attention to the fact of my opposition as disclosed by the hearings. You can not read the examination of Mr. Lane and the questions I propounded to him—any fair-minded man can not read it without discovering that I was opposed to the bill last summer. I will submit that question to the Members who have read the hearings. And, furthermore, the gentleman knows what I stated when he came to me. I said to him, "I do not care to have the matter opened up again for further hearings. We have had hearings enough. All I desire is to reserve the right to oppose the measure on the floor."

Mr. RAKER. The only thing I am asking is this: I want the gentleman to be as frank before this committee as he was before the Committee on the Public Lands, and I do not want him to try to accuse some member of the committee in regard to the matter when a full opportunity was given for hearing; that is all.

Mr. PICKETT. There is no complaint about not having ample hearings. I do not think if we had hearings for weeks it would disclose any more material facts than were developed in these hearings. There is no doubt about that. We have sufficient facts before us.

Mr. BURKE of Pennsylvania. The question of the unanimity of this committee seems to be at issue. Will the gentleman state whether or not there are any other members of the committee who are either objecting or reserving the right to object to the passage of this bill?

Mr. PICKETT. I have heard some of them state that they would not vote for it.

Mr. BURKE of Pennsylvania. Then the gentleman does question the unanimity of this report—that is, so far as representing the individual opinions of the members of the committee?

Mr. PICKETT. I simply state what some of the Members have said to me, whether they were present at the time the bill was reported I would not say, but I will add that I make no suggestion that the bill was called up on the theory that certain Members were absent at the time. I raise no question that the gentleman from California [Mr. RAKER] acted in good faith, so far as calling up the bill was concerned.

Mr. RAKER. Will the gentleman yield?

Mr. PICKETT. Certainly.

Mr. RAKER. Is it not a fact that the gentleman from California did not call up the bill at all, but that it was called up by the chairman of the committee?

Mr. PICKETT. I do not know, and it is wholly immaterial.

Mr. RAKER. Is it not a fact that a motion was made by another Member, not myself, and seconded by another Member? I hold in my hand the original bill, with the original annotations by the clerk of the Committee on Public Lands, which says that it was unanimously adopted, and that I was then ordered to prepare the report.

Mr. PICKETT. I have raised no question about that.

Mr. RAKER. That is shown in the handwriting of the clerk.

Mr. PICKETT. The record states it was unanimously adopted by those who were present at the time. Nobody disputes that.

This will be a good place to quote again from the record, this time with the view of more fully disclosing the attitude of the Hydro-Electric Co., and incidentally to show my attitude at the time of the hearings last summer:

Mr. PICKETT. Now, then, you commenced the construction, and commenced to lay your pipes across this 160 acres?
Mr. LANE. Across the mining claim; yes.
Mr. PICKETT. And after you had proceeded some 400 feet or 500 feet——
Mr. LANE. I don't remember now.
Mr. PICKETT. After you had proceeded a short distance——
Mr. LANE. I think they had the pipe laid for 100 feet.
Mr. PICKETT (continuing). The representative of the Government notified you not to proceed any farther until you had complied with the rules and regulations of the department?
Mr. LANE. He came out and stopped the work and threatened to arrest the men.
Mr. PICKETT. You had advised your client to proceed in any event?
Mr. LANE. I advised them to submit to arrest, and as fast as these men were bailed out to put them back to work and go on.
Mr. PICKETT. In other words, you asserted your rights in opposition to the claim of the representative of the Government?
Mr. LANE. We asked this——
Mr. RAKER. Just answer the question.
Mr. LANE. That is true, but——
Mr. PICKETT. Wait a minute. So that, as I say, after the Government had notified you not to proceed, and what they claimed to be the law, and without obtaining a permit in pursuance of the rules and regulations of the department for crossing Government lands within a forest reserve, you advised your client to proceed?
Mr. LANE. I did.

It is here seen that notwithstanding the repeated notices served upon the company by the Government that the company was determined to enter upon the land in question in defiance of the Government authority, and even to the point of giving directions to put the men back to work as fast as they were bailed out if arrested.

Mr. BURKE of Pennsylvania. Who was Mr. Lane?

Mr. PICKETT. He was the attorney of the company.

Briefly summarizing this branch of the case, I assert that the following facts are clearly established; the land in question was within a national forest reserve over which the Department of Agriculture had jurisdiction; that after the company had commenced the construction of its pipe lines and before it reached the Government land it was notified by the Government that it would be necessary to obtain a permit before entering thereon. I refer to the notice in November, 1909. That after the company acquired the mining claims further notices were served by the Government questioning the validity of the mining claims and forbidding the company to enter upon the public domain. That after the temporary injunction had been granted, conditioned upon receiving a permit, the company proceeded with its construction work without a valid stipulation, doing so, as the company's attorney stated, under the proposed draft which was never signed by the Secretary. That when the department issued a temporary permit, accompanying the same with stipulations to be signed by the company, they held the stipulations, knowing at the time they would not sign them and proceeded with the work. The findings of the master in chancery that these mining claims are fraudulent at least should raise a presumption as to their fraudulent character so far as Congress is concerned.

And now after being in open controversy with the executive branch of the Government, and with litigation pending in the judicial branch of the Government, they come before the legislative branch on the specious pretext of equitable relief. Great heavens, I would like to know where they find their definition of "equitable relief." [Applause and laughter.]

Mr. BURKE of Pennsylvania. Will the gentleman yield?

Mr. PICKETT. Yes.

Mr. BURKE of Pennsylvania. This matter has been in litigation for 10 months?

Mr. PICKETT. Yes.

Mr. BURKE of Pennsylvania. The last affirmative action taken by the court was on November 17, at which time the injunction was made permanent.

Mr. PICKETT. The injunction was applied for in August, a temporary order granted August 10, and it was continued on November 17.

Mr. BURKE of Pennsylvania. With the one qualification——

Mr. PICKETT. Depending, of course, on a permit from the Government.

Mr. BURKE of Pennsylvania. What has taken place since then?

Mr. PICKETT. As far as the litigation is concerned?

Mr. BURKE of Pennsylvania. Yes.

Mr. PICKETT. Nothing has taken place since then except the stipulation which was entered into between the Department of Justice and the company, providing for leaving matters in statu quo, pendente lite. That stipulation was inserted in the RECORD by the gentleman from California [Mr. RAKER]. They are occupying the land. Their pipes are across it. They are now in the courts upon their rights, as they insist, under these mining claims. They will not be disturbed until the court decides that case. If the court decides their way, there is no necessity for this legislation. If the court decides that the mining claims are fraudulent, they will then be required to agree upon terms of a permit with the Agricultural Department under the law which Congress has passed, and under the rules and regulations of the Department applicable to such cases.

Mr. RAKER. Will the gentleman yield for a question right there?

Mr. PICKETT. I yield first to the gentleman from Pennsylvania.

Mr. BURKE of Pennsylvania. In the light of ordinary procedure, how soon would the gentleman regard it as possible for a decision to be reached?

Mr. PICKETT. I do not know. The Department of Justice informally informed me that it would be reached this spring. The gentleman understands the uncertainties of litigation.

Mr. BURKE of Pennsylvania. I assume that this legislation is somewhat of an emergency character.

Mr. PICKETT. There is no emergency character about it. The company is not suffering. Its pipes are there. The plant is in operation. The attorney for the company stated in the hearings that all they asked was to have the case tried in the courts, and in the meantime matters remain in statu quo.

Mr. Chairman, I stated in the beginning that the value of the land in controversy was of no importance as compared to the other issues involved. I have already discussed the record, showing the controversy that has been in existence between the company and the Agricultural Department and also the litigation pending in the courts. It is immaterial whether the mining claims are fraudulent or not, so far as we are now concerned. The department charged with the duty under legislative act of protecting the national domain asserts that the claims are fraudulent, and the court has thus far held that the claims are fraudulent, and I urge that it is not proper for Congress to be asked to step in at this time and settle the same through legislative enactment.

But beyond all this there rises before us the important question of Government control over the great water-power rights incident to the use of our national domain.

The control of the use of Government land for hydroelectric development was one of the reasons for the act of February 15, 1901 (31 Stat., 790). It was the very purpose of the act not to permit the acquirement of vested rights in violation of the public interest or the policy of the Government in respect to such uses. The Department of Agriculture in its dealings with the Hydro-Electric Co. has simply been obeying the clearly expressed purpose of that act. One of the means of avoiding the effect of that act on the part of hydroelectric companies is through the mining law. It is well illustrated in the case before us. The conservation of our natural resources is one of the big questions in this country. It may be true that the Government has waited longer than it should, but the fact that it has in the past permitted its valuable resources to pass into the hands of private interests or monopoly does not justify a continuance of that policy in the future. The department has simply asked the Hydro-Electric Co. in this case to accept stipulations which the department requires under its general rules and regulations of other companies under similar circumstances. I will not pause to consider in detail the provisions of the stipulation, but will call attention to one single paragraph, as follows:

That the works to be constructed and (or) maintained under said permit will not be owned, leased, trusteed, possessed, or controlled by any device permanently, temporarily, directly, indirectly, tacitly, or in any manner whatsoever so that they form part of, or in any way affect, any combination or are in anywise controlled by any combination, in the form of an unlawful trust, or form the subject of any contract or conspiracy to limit the output of electric energy, or in restraint of trade with foreign nations or between two or more States or Territories or within any one State or Territory in the generation, sale, or distribution of electric energy.

It is under this clause that the Government is seeking to prevent the use of its public domain in the interest of monopoly. The bill before us gives to the company the right to the land during the term of its beneficial use, which means perpetuity, and would take away any control whatever on the part of the Government. It would be contrary to the policy of the Government as expressed in its statutes and administered by its executive department.

Upon what theory can Congress be asked to make this exception? Why should this company be singled out for a special privilege? Is it to reward it for its defiance of the officers of the Government whom we have charged with the duty of protecting our public domain? Is it to rebuke the court for its decision thus far rendered in the case? Has not the company elected its remedy? Why should it not pursue it to a finality? If this bill passes, on what ground can Congress refuse to pass similar bills in the future? And if we adopt the legislative policy of granting these special privileges or exemptions, why not repeal the law we have and reverse the policy of our Government, that has found frequent expression during the past few years, that our public domain and its resources belong to the people?

Mr. Chairman, much has been said about the high character of the gentlemen who are connected with this company as stockholders or officers. I do not know them personally. I have received numerous letters and telegrams from friends who do know them and who bear witness to their standing and character, and I have heard nothing to the contrary and gladly accede thereto.

But the discharge of the high responsibility resting on a Member of this body can not be governed by friendship; it must rest on principle. We must act on measures according to their merits, irrespective of who favors or who opposes them.

In conclusion, Mr. Chairman, I submit, looking at this measure from every angle, the record before us, the controversy between the department and the company, the litigation pending in the courts, the laws upon our statute books, the policy of the Government, and mindful of the interest of the people and of our high responsibility as legislators, that this bill in good conscience should not pass. [Applause.]

Mr. RAKER. Mr. Chairman, I yield 20 minutes to the gentleman from Nevada [Mr. ROBERTS].

Mr. ROBERTS of Nevada. Mr. Chairman and gentlemen of the committee, I am a new Member and have seldom addressed this House, but I want to say at this time, after having listened to the very eloquent speech of the gentleman from Iowa [Mr. PICKETT], that 20 minutes is too short a time within which to get together the mass of records that are necessary in order to answer the various questions that he has raised. But I do want to say that not all of the honest men in the United States live in Iowa any more than they live in any other one section. Not all of the men in this House are to be classed as monopolists simply because they favor this measure. As far as I am concerned, I want it distinctly understood from the outset that I am not representing any corporation in any particular, manner, or form, but I am appearing here in behalf of the great agricultural and mining interests of the State of Nevada. I live very close to this power line—only a short distance from it—and I do know this, that those western people who have gone in there and put in hundreds of thousands of dollars, and who are trying to develop that country, were willing to go in there and put up that money and take a gamble long before many of those gentlemen who are opposing them here to-day were born. What is it that has materially assisted in building up New York, laid your ocean cables, built up San Francisco and a hundred other cities? It was the gold and silver produced from the great mines in Nevada. What is it we want to do to-day with this power? Is it that we want to disregard the regulations of any department of the Government? I say to you no.

We are law-abiding citizens, but we want the Government to deal with us equitably. We do not want these mining properties to stand idle, as they have stood idle for the last 40 or 50 years, depending upon this power. I know many of the men who went in there, I know them personally—the men that are interested in this concern and properties surrounding it. They went in and invested their money. They own this water power. They own it all. The Government does not own a drop of it. They own the stream that runs down here into Mono Lake, a saline lake. The Government does not own any of that. Who owns it? The company owns it. Who owns the power plant down below here? Does the Government own it? No. Who owns it, and who owns the mining properties below that power plant, only awaiting the action of electricity before they start in to produce more money to put into circulation? Who is it? The men in the West who are willing to go out there and take a gambler's chance and try to do something. Yet, if the conten-

tion of some of the gentlemen here is correct, then the Government ought to hold this up. How long will it hold it up? Nobody in God's world would ever have undertaken the storage of that water power and built that dam and built that pipe line and conveyed that power down to its plant for the purpose of using it for mining and agricultural purposes, except the people who had their money in those mines and who had to get it out. Would you do it? Would the great Government of the United States do it? Would Mr. Pinchot do it? No. Who did it? Those men whom I have known for many years, some of whom crossed the plains in 1849 and 1850—and now some of you people here in the East and South, who have no public lands and who are crowded out, want to go out there and say to us how we shall manage that which is rightfully ours.

If the Government owned this water power, if it owned this water and owned this land I would say that it was a different question, but it does not. If the Government owned the property below it, I would say that a different question was presented, but the Government does not own it. Where in the name of common sense have you ever seen a question of equity more clear than the question that is presented to this House in this matter? If it is not a question of equity, then I do not know what equity is.

Mr. COLLIER. Mr. Chairman, will the gentleman yield?

Mr. ROBERTS of Nevada. Certainly.

Mr. COLLIER. I want to know how much of the Government land this pipe line goes over?

Mr. ROBERTS of Nevada. It goes over 3,800 feet of it.

Mr. COLLIER. And how long is the pipe line supposed to be, from one end to the other, going over lands owned by individuals?

Mr. ROBERTS of Nevada. I am quite certain that it does not cross any lands owned by individuals. The lands which the pipe line crosses are owned wholly by the company.

Mr. COLLIER. How long is that line? That is what I mean.

Mr. ROBERTS of Nevada. I think it is 5 miles. I will ask the gentleman from California [Mr. RAKER].

Mr. RAKER. I forget how many miles it is.

Mr. COLLIER. And what you want is the right to go over the Government land?

Mr. ROBERTS of Nevada. All we want is this right to go over 3,800 feet of Government land. The Government has the right, the absolute control of the public domain. It can withdraw to-morrow if it wants to from the Forest Service any portion of the lands embraced therein. It has absolute control of the public domain.

Then why should it not in a case of this kind, where there are great interests at stake, grant us this right? Why should not every case rest upon its own merits? If another company comes in here and wants something, and it can put up as good a case as this, I do not care whether Rockefeller or Morgan or anybody else is behind it, I will vote for it. We want to progress; we want to develop; we want to go ahead. We do not want to be held back by some of you people because some man who believes in extreme conservation has said this thing is in the interest of a water-grabbing monopoly.

Mr. GREEN of Iowa. Mr. Chairman, will the gentleman yield?

Mr. ROBERTS of Nevada. Certainly.

Mr. GREEN of Iowa. Do I understand the gentleman to say that all the company wants is permission to cross this tract?

Mr. ROBERTS of Nevada. The company does not want to submit to a revocable permit, which may be changed at the whim of every man who comes into the department. As the gentleman from California said the other day, just before Mr. Garfield went out of office as Secretary of the Interior—and I have no fault to find with him or any other official—by virtue of a change in his ideas and policies concerning those matters, with one swipe of the pen he destroyed interests amounting to $50,000,000, and the water supply of San Francisco, for which something like half a million dollars had been expended, was absolutely made insecure. That was done just before he went out of office.

Mr. KAHN. Mr. Chairman, the gentleman from Mississippi [Mr. COLLIER] asked the gentleman how long that ditch is. I find that it is between 3 and 4 miles.

Mr. ROBERTS of Nevada. I thought it was 5 miles to the power house.

Mr. GREEN of Iowa. Will the gentleman yield for a further question?

Mr. ROBERTS of Nevada. I can not now. Would any of you as business men invest your money in any proposition where you have precedents like Mr. Garfield's action staring you in the face? Just before he went out of office he went to work and canceled 35 or more of those permits. Would you want to invest your money in a proposition where that was apt to occur? Let me tell you this: Those mining companies out there are obliged to have electricity. The rich ores on the top have been worked out. They were worked out in the early days. The town of Aurora, the town of Rawhide, the town of Lucky Boy, the town of Fairview, the town of Wonder in my own State, 100 miles away from this place, are now receiving this power. They have to enter into contracts, stock has to be sold to put into those companies, and you have to put up a pretty good business proposition nowadays before men will consent to invest their money. They want to know whether the present head of the Forestry Service or his successor will revoke the permit they have to cross these plains, and whether or not they will lose the money they have invested in it, and they have a right to inquire. You can argue all you want about the hearing before the committee and what took place there. I was present at some of those hearings myself, and with all due respect to the gentleman from Iowa [Mr. PICKETT], for whom I have the highest personal regard, I will say that I did not hear him, while the attorney for that company was present, raise any serious objection to the attorney's actions in this matter so that the attorney might answer him. Yet upon the floor of this House he will attack this company and its attorneys and those who favor this bill. These men are all reasonable men and good men, and only want to be let alone. They want to go ahead and build up the West.

The West would never be built up according to these policies. How long would it be before anybody else would go in there and put up the money? A private individual would not, because he has not the mines and interests. These people have their money invested there and they have to get it out. How long would it be before the Government of the United States would go in there and start to develop those mining properties, I ask you?

Can any of you answer? Where is the gentleman from Iowa [Mr. PICKETT]? Let him answer me where there is another company in the United States that would put up $250,000 to develop those mining properties in Nevada and California. It means, in addition to that, the turning of the water on to perhaps two or three thousand acres of land after they have used it for power and electricity, and it means the making of homes for people from your congested eastern centers. And yet some of you say that we should not go ahead with it.

Some time ago there was a circular letter sent out by the Hon. Gifford Pinchot, to which I wish to call your attention. I want to show you that he says in the very circular letter which he sent out that the permits are objectionable, and he does not blame the company for objecting to them. He says in his circular letter that the company rightfully objects to those permits, but at the same time he says that this bill is indefensible at all points. If it is indefensible at all points, I can not see why he should use the language which he did, namely, "that the company has rightfully objected to them."

Now, I want to answer one or two questions here. In Public Document No. 1424 of the Sixty-first Congress, third session, you will find all of the official correspondence bearing on the case prior to March 4, 1911. There has been a good deal said of that. It appears to me that the company has shown a willingness to have its rights adjudicated in court and to avoid any conflict with the forestry officials.

You will note on page 3 of the document a telegram of August 4, 1910, showing that some construction work had already been done upon this disputed strip of land at the time the trouble arose, and on page 5 of the same document you will see another Forest Service telegram, bearing date of August 11, 1910, showing that the company's attorney desired at that time to enter into any reasonable stipulation which would protect the interests of both parties and try the case on its merits, and, furthermore, he expressed the willingness to waive any advantage that might have accrued to the company from the fact that some construction work had already been done.

On page 26 of the public document you will find a proposition made by the company's attorney, Mr. E. A. Lane, wherein he agrees to enter into a stipulation to try the case on its merits. Is not that fair? And yet he is abused on this floor. The forest official rejected this offer, however, and rushed into court, inflicting severe financial loss upon the company and unnecessarily, it appears to me, delaying the completion of the project by a temporary restraining order secured from the court, without any opportunity for the company to be heard, as I have before stated.

That is only one of the things this company has been up against. Only a year or so ago, while I was at home, a telegram came over the wire that snowslides were coming down the high Sierras and were wiping out all the towns along the road. The power house of this plant was destroyed, and that old ditch, of which so much has been said, has been washed out by snow-

slides time and time again, and one of the reasons that old open ditch was not used continuously, and one of the very reasons that we are now asking to use this pipe line instead, was the washouts which are always occurring on those sliding mountains.

As to that little bare tract of land, I want to tell you it would not keep a grasshopper alive for six days. There is not any vegetation upon it. It is fit for nothing but horned toads, rattlesnakes, and lizards. And yet they say valuable Government property is being destroyed. I have heard these ultraconservationists stand up here and almost with tears in their eyes say that valuable Government property was being destroyed. If it were an individual's property, they would condemn it. You would go across it in a minute, but, unfortunately, you can not condemn anything that belongs to Uncle Sam.

And they say that the mining locations are valueless and throw them out of the way. That was what this master found. With respect to this master, who is he? He is a college graduate. Of course that is in his favor. I am not. But what did he find? He found certain things about which he knew nothing, except the principles of law. He did not know how to apply them to the mining conditions that exist in the West. I venture to say he did not know how to locate a mining claim to save his life; and I dare say, with due respect to the gentleman from Iowa [Mr. PICKETT], he could not tell the difference between a quartz mining claim and a placer claim. Those things are misunderstood.

But was that matter ever approved by the court based on the hearing that was taken before this master? Was there any action taken by the court to which he reported? I want to say no. His report stands, and nothing has been done with it whatever. The court never sustained his findings. They are simply as they were at the time, matters of record.

Now, in conclusion, gentlemen, let me state that there is more involved and a greater degree of public concern in this than merely the protection of this company and the men who have invested their money in it. It involves the future of thousands of acres of arid lands and the opening up of many rich mining districts in my own State.

My pockets are filled with telegrams at the present time from very prominent mining men in the western portion of my State asking that I support this measure, and I want to tell you that they are not from dishonest men, either. They believe that the passage of this bill means cheap power for the development of those properties and that the country will be benefited by it. [Applause.]

Our State is doubtless more deeply interested and concerned in the outcome of this matter than any other State in the Union. At the present time power is being supplied to the mining towns of Luckyboy, Fairview, and Wonder, and in a short time will be supplying the camps of Aurora and Rawhide, all of which are situated far remote from the source of this power and miles and miles distant from any growth of tree life that could properly be classed as a forest. These towns that I have just mentioned, and which are proven mining camps, producing thousands upon thousands of dollars to be added to the Nation's wealth, are wholly dependent upon the power that is supplied by the Hydro Electric Co. of California. Besides these mining camps and others within the State of California, there are thousands of acres of land only awaiting the proper installation of electricity from this plant to become productive homes, and without the encouragement of the enterprise of this company they will remain as they are at the present time—barren arid wastes. It would seem strange to me if this Congress should decide that a few barren acres of land embraced within a forest reserve, which never was properly intended to be such, should stand between the great undeveloped natural resources I have just mentioned and their future development.

It must be remembered and taken into the consideration of this measure that the West, and particularly the section of which I speak, is only partially developed and needs the encouragement of the Government rather than the discouragement of any particular department thereof. We have no fight with the officials of the Bureau of Forestry. They are entitled to their views and have the right to express them; but we do contend that this Congress has the absolute right, by the enactment of law, to encourage and protect the rights of this company, regardless of any order which may have been issued by any official in the Forest Service. This company owns its water rights and has a title to them which has been in existence for more than 20 years. It owns its dam and pipe lines, its power plant, and the grounds upon which the same are located in fee simple. There is a little strip of ground across which this company wants the right to convey its water power, only 3,800 feet in length, about which there is some controversy at the present time. This small tract of ground about which the controversy ranges is a barren, arid, rocky slide, upon which there is no growth of vegetation, never was, and never will be; and yet, forsooth, due to the overzealous efforts of some of those who favored the extreme conservation of our natural resources this tract of land, 10 miles distant from anything that resembles a forest, was embraced in the reserve. Many of the people behind this enterprise and deeply interested in it are known to me personally. They are pioneers and the sons of pioneers who crossed the plains in 1849 and 1850 by ox teams and have owned valuable property in that vicinity, the development of which could only be brought about by the successful installation of electric power. In order to develop these properties they invested their money in this enterprise, and I am told that their investment amounts to upward of $200,000; and yet by the simple ruling of one of the departments of the Government this great enterprise is to be practically confiscated.

In order to develop such sections of country it requires daring business enterprise, and men of means who believe in the future of such sections should certainly have the protection of the Government. Would you as business men invest your money in uncertainties? Do you believe that it is the proper policy of this Government to foster and encourage the development of our mineral and agricultural areas, or do you believe that it is the proper thing to place stumbling blocks in the way of those who are willing to take chances on their development? Capital as a general thing is cautious concerning investments, and men who are willing to invest great sums of money in such undertakings which, at most, must be considered as uncertain investments, are certainly the ones who have built up our western frontier. It was such men as these who opened up and developed the great Comstock mines in the early days, and later Goldfield, Tonopah, and other great gold and silver producers. I am not one of those opposed to reasonable conservation which redounds to the benefit of the people who now live or the generations yet to come, nor do I desire to be understood as criticizing the motives of those men in the employ of the Government who have been connected with this case, but I do now condemn the policy of the measures in this case which stand between the development of our natural resources on one hand and the undevelopment of the same resources on the other. Why, gentlemen, this power plant is at least 60 miles distant from a railroad, and in a country that would never be developed and brought into usefulness without the investment of vast sums of money by those progressive westerners who were willing to take a legitimate "gamble." It is a shame to stand for one moment for the policy of any man, or set of men, in a case of this kind, simply because the Government has entered upon a policy of conservation.

I believe in the protection of water power, and I believe in the protection of our forests, but I am in favor of voting for any measure which will tend to the further development of our country. This small strip of pipe line, which is the controversy in this case, crosses five mining claims, which it is claimed by the owners were duly and legally located by the locators and subsequently purchased by this company, and, as I have said before in my remarks, they constitute a tract of land worthless except for mining purposes, and even for that purpose they may prove to be utterly worthless. No one can tell until they have been thoroughly prospected and developed. I have seen many such locations, just as barren, apparently just as worthless, just as devoid of vegetation, become producers of great wealth. My contention is that the company is entitled to equitable relief at the hands of Congress. For years, operating under a construction of the State and United States laws, this company and its grantors have owned and operated an open ditch for precisely the same purposes it now asks this House the privilege of maintaining and operating the pipe line in question. For more than 20 years these operations were being conducted, before ever any departmental official dreamed of bringing the land which it crosses within the limits of a forest reserve. I further understand that the Forestry Department itself has admitted the right of the company to own and conduct the open ditch which I have just referred to, but in order to conduct the water more directly, more economically, and more efficiently across these lands the company did, as you or any other business man would have done, changed the course of the ditch and constructed a closed pipe line instead. The trench has been dug, the pipe laid, and the power necessary for the operation of the properties dependent upon it is being generated and used. Camps that have been lying dormant within the State of Nevada since the days when Mark Twain was writing humor and scratching for gold in the sands of the desert are now active and producing camps, and to revert unnecessarily, perhaps, but interestingly I hope, I wish to state that the camp of

Aurora, in which Mark Twain's cabin now stands, and the camp in which he tried to make his fortune long before electric power was dreamed of, is one of the camps dependent upon this act of Congress.

This company not only wants but should be granted a clear title, so that all legal doubt as to its operations may be set at rest and that no uncertainties may exist as to the status of the questions involved. No one will be harmed by the passage of the bill at this time, nor will any precedent be established inimical to the interests of the Forest Bureau. The introducer of this bill, the gentleman from California [Mr. RAKER], has specifically pointed out in a written statement which he furnished to various Members of this House, that under an act of Congress approved February 1, 1905, which grants rights of way across forest reserves for mining and municipal purposes that the company claims not only a right of way, but a vested easement for its pipe line. I believe that the laws governing the mineral lands and locations will be found upon examination to be liberal enough to warrant any person who believes in the development of such property to go ahead with his enterprise. I can not believe that Congress will seriously consider the Hon. Mr. Pinchot's argument in connection with this case. I believe that if he were as familiar with the conditions that exist in that section of the country as those of us whose good fortune it is to live there, that he would, notwithstanding his zeal concerning conservation, withdraw his objections to the passage of this bill and apologize to those pioneer business men who have devoted their entire lives to western development, for the statement which he has circulated among the Members of this House. I will not be as unkind to Mr. Pinchot as he was to the owners of this company in the criticism of their motives, nor do I for a moment impute to him any ulterior motive in his objections to this legislation, but I truly do disagree with him concerning the propriety of this legislation and concerning the propriety of the statements which reflect upon men whose lives and characters are beyond reproach and who were working for the upbuilding and development of the natural resources of this country before he was born. To develop great properties requires capital, and that capital must be guided and protected along the lines of its legitimate investments. This company, in order to proceed with its work, must have the support of the various mining and agricultural enterprises to which it intends to supply its power.

Mining and agricultural companies, as well as individuals, who look forward to the development of their properties, must have some assurance that the rights of the company with which they enter into contracts for electric power will be protected in their rights, and that those rights will not be subject to the whim of every man who might be selected to pass upon the questions involved in the maintenance of a forest reserve. Yet those who oppose this measure would give to this company, which has invested so many thousands of dollars and which is doing so much for the upbuilding of our country, a revocable permit, if you please, for the conduct of its business. If such a policy should be carried out, there would never be any material progress or advancement in the West. Would the Government, whose only claim is a disputed right in these apparently worthless acres of shale rock, undertake the development of any of these resources? No. Why, then, should a "dog in the manger" policy be pursued and those who are willing to proceed in the opening up of those great enterprises be retarded and discouraged in their undertaking? It must be remembered and seriously considered that this company early in the summer of 1910 constructed a dam upon its own land at Lake Bundy, for the purpose of storing the storm and flood waters, which would otherwise run to waste, and utilizing such waters for the generation of a small amount of electric power—approximately 1,000 horsepower—to be used in its own mine operations and for sale to other mine owners, and for other purposes; that not a foot of Government land was to be or is covered by the dam or flooded by the waters of the reservoir; that the Government does not own the land where the operations begin nor where they end.

The questions involved in this case are in a class entirely different from those in any other case to which my attention has been called. The Hon. Mr. Pinchot claims that the question at issue is a small one and that the value of the land for national forest purposes will not be seriously reduced by the construction of the pipe line. He claims, however, that the importance of the precedent involved is as great as the actual issue is small, and that the essential facts of the situation are that the company is attempting through congressional legislation to establish the right of water-power companies to take and use for their own purposes whatever national forest lands they please in spite of the Government and the courts. He claims that the bill is indefensible at all points, and yet he admits in his circular letter of January 6, 1912, that power companies very properly object to the law under which revocable permits are at present given. My understanding of the question is that Congress has the right at any time to withdraw from forest reservation any lands that it may see fit. It has absolute control of the public domain. Can it be argued that the officials of the Forest Reserve or of any of the departments of Government have more power than Congress itself? If Congress should, as I firmly believe it will, after going thoroughly into the merits of this case, in its discretion grant the relief prayed for in this bill, no harm could possibly result from it, for each case that may hereafter be presented would have to stand upon its own merits. Mr. Pinchot further contends that this bill does not make possible any development that would be impossible without it. In reply to that, I desire to state that it is improbable that any man or set of men, who were not interested in large undeveloped properties, both mining and agricultural, wholly dependent upon this project, would ever have undertaken the enterprise. These properties would remain undeveloped perhaps forever. He further states in his letter that the department is now, and has constantly, been ready to grant under the proper and customary safeguards the right which this bill proposes to grant without any safeguard at all.

My study of this case leads me to the conclusion that this statement is inconsistent with the statement previously made by the gentleman, wherein he says that the companies properly objected to the permits under the present law governing national forests. He further states, in terse language, that this bill should be killed promptly, because it "would make it harder to control monopoly and impair or destroy the right of the people to handle their own property in their own interests." In this connection I desire to state that that is the very object for which this bill is introduced, namely, to allow the company which owns this property to manage it, not only in its own interests but for the public welfare. I am just as much opposed to illegal monopolies as any man, and am opposed to impairing or destroying the rights of the people, but I am also opposed to any policy of government which stands in the way of legitimate development and progress. Furthermore, the contention of Mr. Pinchot that this bill is in the interest of "water-power grabbers" and favors monopoly, I must say that he disagrees with the local forest officers who testified before the Public Lands Committee, as will be shown in question and answer 11, on page 5, of the hearing before said committee. This question was asked, "Will the desired special use involve monopoly?" Answer, "No." On page 41 of the hearing before the committee, Mr. Williams, the Assistant Solicitor of the Department of Agriculture, testified as follows:

Mr. VOLSTEAD. But is the Government going to suffer any damage in any way that would be irreparable?

Mr. WILLIAMS. No; no individual in the United States will suffer one penny.

Now, the records show that the Hydro-Electric Co. first commenced its work in the early summer of 1910, and there was no trouble with any of the forestry officials until the latter part of July, 1910, when in the construction of its pipe line it became necessary to cross this barren tract of land, which is the source of all this trouble. In crossing this land the forest officials attempted to prevent the construction work by threatening to arrest the men in the company's employ. The officials of the forest reserve demanded that the company surrender all its property rights and its legal claim of rights under the mining laws to cross this small barren tract of land, and take out a revocable permit, containing the same terms and conditions as though it were operating exclusively on Government land instead of upon its own land held in private ownership. Shortly after the threat of arrest was made, a suit for injunction was instituted and obtained, ex parte, without any opportunity to the company for a hearing, a temporary restraining order. By virtue of this order the company's work was tied up for more than three months.

In the meantime the local master in chancery had heard evidence on the question of the issuance of the injunction pendente lite and had reported recommending the issuance of such injunction. It might be well to state, however, that this report was never confirmed by the court, and therefore no injunction pendente lite was ever issued upon the report.

Some time later, after considerable negotiation between the company and the Government officials, the Government officials granted the company a temporary permit and authorized construction to proceed, with the understanding that the company would be allowed to operate continuously, pending a final judgment by the court upon its merits. It was mutually agreed that any injunction pendente lite which should issue should con-

template this temporary permit and should not prohibit continued operation under such permit.

The company had been moved to open negotiations with the Government officials on account of the great financial loss caused by the prolonged tie-up of its construction work under the ex parte temporary restraining order. Therefore the company, in consideration of the understanding just described and of the issuance of the temporary permit which allowed construction and operation to proceed, agreed on its part to the issuance of the formal order for injunction pendente lite. This agreement the company carried out in open court.

It was not long thereafter until the officials of the Government submitted to the company for execution, and demanded that it sign, the same form of permit which it had refused to sign from the first. The company offered to sign any temporary agreement, reasonable in its terms, which would be binding pendin; litigation only and which would not jeopardize the company's legal claim, but would allow it to proceed in court. However, the officials representing the Government insisted that the company should sign the objectionable permit, which they proposed without modification in any word, syllable, or letter. The company refused to sign any such agreement, and thereupon the Government officials revoked the permit which they had previously granted and upon which the company had acted in good faith, and attempted to close down the company's plant and to force it to tear up its pipe line by invoking against the company the formal order of court for an injunction pendente lite, which had been issued by the consent of the parties.

During this time, however, the company had expended several thousand dollars and had completed its pipe line and constructed its power house and transmission lines, and was furnishing electricity for its own operations and for the operations of other miners.

During the time the construction work had been prevented the forestry officials instructed the local forest officers to grant a temporary permit to the company, provided it would make the same agreement which it had offered to make in the beginning, with the further proviso, however, that the company should in open court consent to the issuance of a temporary injunction.

The company had already been long delayed in this work, and had suffered a heavy financial loss, and winter was fast approaching. This meant another year's delay, and the company finally consented to the terms proposed, in fact, after preliminary consultation with the local officers, the company had made the offer which appears on page 69 of the document.

I will quote from that page:

Mr. Lane, attorney for the Hydro-Electric Co., has agreed that if the department will issue a temporary permit he, on behalf of the company, will go into court and state that no objection will be offered to the issuance of a temporary injunction and to the amendment of the order to include a prohibition against maintenance and operation of a pipe line or any other water conduit across all or any part of the lands in question. He will stipulate, if such temporary permit is issued, to apply for and execute a final permit in the form presented by the department whenever the company fails in its litigation. He wishes, however, to have this temporary permit run until the close of any litigation the company may care to institute—which might mean until a decision was rendered on final appeal to the Supreme Court. He is willing—in fact, prefers—that the temporary permit shall carry such charges as a final permit would; but to avoid any difficulties in making refunds if the company should be successful, that all checks shall be deposited in escrow until the completion of the litigation. In case the company is defeated the final permit would date from the beginning of the litigation

The offer which I have just quoted was communicated to the Forester by letter and also by telegram, which you will notice at the top of page 68 of the document. The telegram is addressed to the Forester, at Washington, and was sent from San Francisco on the night of the 12th of November, 1910. The Forester's reply was sent from Washington to San Francisco on the night of November 14, 1910, with direction to the local forester at San Francisco to prepare such temporary permit embodying proposed agreement to be drawn up by Mr. Lane, representing the company, and by Mr. Merrill, chief engineer of the Forest Service, the United States district attorney at San Francisco, and the local solicitor of the Department of Agriculture at San Francisco, representing the Government. The telegram just referred to will be found at the bottom of page 67 of the public document.

Acting upon, and in accordance with, these telegraphic instructions the company and the representatives of the Government drew up a temporary agreement, which is printed on pages 65, 66, and 67 of the document.

You will notice that this agreement was submitted to the forestry officials by the company after it had been executed, acknowledged, and regularly approved by the board of directors of the company. With your permission, I will read the agreement.

Now, this agreement provides for a temporary permit to be effective during the litigation, provides for payments of $75 each year to be placed in escrow by the company to await the judgment of the court, and provides also that the company will, if defeated in court, execute and abide by whatever agreement and permit might thereafter be prescribed by the Secretary of Agriculture.

After this agreement, which was drawn in accordance with the express telegraphic instructions of the officials of the Government as per telegrams which I have just cited, the Forest Service purely and simply abrogated the same without any fault on the part of the company or without any act or neglect being charged against it.

The reasons given for the refusal of the Forest Service officials to live up to their agreement are set forth in the Forester's letter to the district forester, dated November 26, 1910, and printed on pages 57, 58, and 59 of the document, which I have. I quote from the Forester's letter:

The main reason, however, for the disapproval of the proposed agreement is that the solicitor holds that power permits hereafter shall not take the form of an agreement at all and shall not contain stipulations or conditions tending, even by implication, to bind or control the discretion given by the statute to the Secretary to revoke such permits. The new form of permit and stipulations and the power part of the new code are being shaped up to carry out this idea.

After this agreement was abrogated the company was notified by the department that it must accept and agree to a new stipulation drawn by the forestry officials, and which is printed on pages 59, 60, and 61 of this document.

One peculiar thing about this agreement is that it is practically the same form of water-power permit stipulation as is required of large water-power companies which are utilizing valuable water-power sites belonging to the Government and reservoirs and pipe lines located entirely upon Government land. The only difference is in paragraph No. 1, which provides for a fixed charge of $75 per year instead of the usual graduated kilowatt hour or horsepower charge.

The company refused to sign such an agreement, upon the ground that it would involve an admission against itself of the very points at issue in the pending litigation. The company's letter, in which are its objections and requested nullifications, is printed on pages 56 and 57 of the document.

The forestry officials refused to consider the company's request, telling the company that it could "fish, cut bait, or swim ashore." These words will be found at the top of page 48 of the document. It also appears from the records, on page 47 of the same document, that the company appealed to the Secretary of Agriculture, and that the Secretary of Agriculture denied the appeal and ordered the revocation of the permit under which the company had already completely constructed and installed its ditch line and power plant.

The company can not be said to be operating on Government land, nor is it using or utilizing any water-power site belonging to the Government. It owns not only the water, but its power sites, by long-vested and unquestioned title. It also owns by unquestioned title at the present time, and has owned through itself and its predecessors for more than 20 years, an open ditch and a right of way for this open ditch across the same parcel of land that is described in the bill.

If this company were using and utilizing valuable Government lands and power sites, the case might be looked at differently, but as it is it appears to me to be clearly a case where Congress should grant relief.

Some of you may ask, and rightfully so, the necessity of granting relief. In the first place, all of the company's water rights, its reservoir site, its dam, its pipe lines, its power house, its transmission lines, and its mining properties would be rendered practically valueless, for the reason that there is positively no security of title and nothing to guarantee an investment under such a license or revocable permit as the Forest Service proposed.

Forest Service permits are issued under the act of February 15, 1901 (31 Stat. L., 790), which expressly provides. I quote from the act:

And provided further, That any permission given by the Secretary of the Interior under the provisions of this act may be revoked by him or his successor, in his discretion, or interest in, to, or over any public land, reservation, or park.

It will thus be seen that under this act the power of arbitrary revocation is supreme and that the company would be without any security whatever. No one would invest money in such an enterprise, and Mr. Pinchot himself, in his letter, as I have before stated, acknowledges that such permits are objectionable. In fact, these permits have actually kept capital from developing many valuable properties throughout the country. A permit was first granted to this company and afterwards revoked. It was revoked after it had been regularly agreed to and without notice or reason given therefor.

The company had invested considerable capital under the permit agreement and had completely constructed its plant. Then all at once, by reason of a change in policy, their investment was made insecure. Nor was the action of the Government officials in this case the only arbitrary action taken by them. I am informed that many other instances might be cited wherein valuable properties have been practically rendered valueless by revocations made subsequent to vast expenditures of capital in good faith. I believe that the water supply for the city of San Francisco has been cited here as one of the examples of change of front on the part of departmental officials. I mention these facts to show how uncertain such permits render great and meritorious undertakings.

These wholesale revocations were based upon ex post facto department regulations which required a new form of agreement and required additional and more onerous agreements on the part of the permittees.

The reason assigned in all of these cases was substantially the same as that given in the present case, which I have already quoted. I quote it again in part from House Document 1424:

> The main reason, however, for the disapproval of the proposed agreement is that the solicitor holds that power permits hereafter shall not take the form of an agrement at all, etc. * * * The new form of permit and stipulations and the power part of the new code are being shaped up to carry out this idea.

As I understand the term conservation, it means the act of preserving from decay, loss, or injury. If that be the meaning, then this company, which is characterized as a "water-grabbing monopoly" by the opposition to this bill, is engaged in carrying out the principles of conservation in the highest degree. It is engaged in preserving from loss and putting to a beneficial use vast volumes of water which have for ages gone to waste; it is saving from decay the natural resources of a rich, undeveloped country. It is providing homes for the homeseekers, opening up mines, and providing some of the necessary and useful comforts for the people in those isolated sections. If it be against the policy of this Government to encourage such enterprises, then I do not understand the principles of a progressive Government.

Mr. LENROOT. Mr. Chairman, I hope that the members of the committee distinctly heard the last statement made by the gentleman from Nevada [Mr. ROBERTS], wherein he said that at the present moment his pockets were full of telegrams from the mine owners of Nevada asking him to aid in the passage of this bill. And here, Mr. Chairman, is the real secret of the strenuous efforts that are being made to pass this bill. It is not this little 3,800 feet across the barren waste that is involved in this bill, but there is involved in it the entire question of the regulation of water powers in all of the national forests in this country and over our public domain. The purpose of this bill, Mr. Chairman, is to create an opening wedge, and if this bill is passed, making this grant to this company that has attempted to perpetrate a fraud upon the United States, then I say that this Congress can not in equity and good conscience refuse to grant to the other 250 water-power companies now holding revocable permits the same kind of legislation. Mr. Chairman, those who favor this bill have attempted to belittle its importance. They have shown to us that here is only a strip of 3,800 feet of barren land that is involved. If that were so, then, why should this bill receive attention from lobbyists who have come from across the continent to the city of Washington, lobbying for this 3,800 feet of right of way? If that is all that is involved, why have I, like the gentleman from South Carolina [Mr. LEVER], received a telegram, containing 800 words, asking for my support on the bill? Why was there an attorney sent here to Washington from my own State of Wisconsin, a friend of mine, who stated to me that he represented a certain lumber company in the city of Chicago, and asked me to support this bill, if all that was involved was a little 3,800-foot strip across a piece of barren land?

Mr. Chairman, every Member should consider these things in reference to this bill. So long as I have been a Member of this House it has been my endeavor always to study bills coming before this House impartially and, so far as in me lies, come to a just and proper conclusion with reference to them. And with reference to this bill I say—and I measure my words—that no more unjust bill has been presented to this Congress since I have been a Member of it.

The gentleman from Iowa [Mr. PICKETT] has gone over the history of it and I shall only touch upon two or three points in connection with it. And, first, let me say that it has been contended by the gentleman from California [Mr. HAYES] today that this company had been operating an open ditch, and all they desired to do was to change it into a pipe line. Why, Mr. Chairman, the record shows that this company never ran a drop of water through that open ditch. The record further shows that that open ditch has never had a drop of water run through it since the year 1902—10 years ago. It was further stated by the gentleman from California that all that they desired with reference to this bill was to have the law applied to this case. Mr. Chairman, before I get through I think I will be able to convince the committee that it is not the law they want applied to this case, but they are afraid of the law being applied to it. [Applause.] And that is why they are here seeking this legislation now.

Now, Mr. Chairman, to begin with, we have the views of the Secretary of Agriculture, Mr. Wilson, in a letter to President Taft, wherein he says of this company and this proceeding:

> This company has shown a disposition throughout this whole matter to set at defiance my authority in the administration of the national forests, so far as affected by the act of February 15, 1901.

The Solicitor of the Department of Agriculture has said:

> The report of the master in chancery is exhaustive and clearly presents the issues in the case, and this report can not be read without the conviction that this company had knowingly and intentionally set out to construct its pipe line across the lands of the United States in the Mono National Forest without a permit and in conspicuous defiance of the law and the regulations of this department.

Now, much has been said about the Government proceeding against the company arbitrarily and securing a temporary injunction against it. I want to read from the testimony of Mr. Lane, one of the company's attorneys, who has spent days and months here, and who is here to-day, as I understand, lobbying for this bill. In the hearings before the committee this was Mr. Lane's testimony:

> Mr. PICKETT. The representative of the Government notified you not to proceed any further until you had complied with the rules and regulations of the department?
> Mr. LANE. He came out and stopped the work, and threatened to arrest the men.
> Mr. PICKETT. You had advised your plant to proceed in any event?
> Mr. LANE. I advised them to submit to arrest, and as fast as these men were bailed out to put them back to work and go on.

That is the character of defiance of law that we are asked to reward by the passage of this bill. But that is not all. Shortly before this work was commenced this company secured, at a cost of $10 apiece, seven mining locations, and the gentleman from California [Mr. RAKER] contends that these mining locations were valid. He said that the master in chancery held that because they did not find lumps of gold as big as your fist on each one of these mining claims that therefore they were fraudulent and not a valid discovery.

Now, the gentleman from California must know that of these seven mining claims there is only one as to which there is any claim that there was ever a discovery of a grain of mineral on it, the one claim known as the High-grade claim. As to the other six, the master in chancery finds that they were fraudulent, not because they were bought for $10 apiece only, but because there is not a scintilla of testimony that as to six of these claims there was any discovery of mineral whatever.

And I want to read what the master in chancery found in reference to that. After describing the claims and finding that there was a claim of discovery on only one of the seven, the High Grade claim, the master says:

> On the question of the good faith of these mining locations I have given the evidence and the arguments of counsel a most careful consideration, giving every possible effect to the possibility that the Goleta vein may continue into these claims, and that cheap ore may be worked with profit thereupon. * * * I am entirely convinced that the great preponderance of evidence shows that they are nothing but paper locations, made with a view to obtaining a right of way for their pipe line across the forest reserve.

That is the finding of the master in chancery, and no one can read the record without being absolutely convinced that that finding is abundantly sustained.

The gentleman from California [Mr. RAKER] last Wednesday read a decision of the Supreme Court of California in a case in which he himself as judge had rendered the decision in the lower court, and I want to say, in reference to that decision, that we may well concede that that decision states the law absolutely as it is, and yet, under that decision, any court in the United States would be compelled to find as the master in chancery found in this case, that these mining claims were fraudulent.

But that is not the only fraud that has been perpetrated by this Hydro-Electric Co. upon the Government. When the Government officials were insisting upon compliance with the law, as it was the duty of the Government officials to do, and knowing, of course, that those mining claims were acquired by or for the purpose of perpetrating a fraud upon the Government, what did this company do—this company that is now before this Congress seeking equitable relief? They went to the county board of Mono County and there secured the passage of an ordinance laying out a highway along this entire pipe line, and agreed to construct that highway at their own expense.

Now, as the master in chancery has found, and as the fact is, there was no occasion for the laying out of any highway in

Mono County along these lands, except this 3,800 feet in controversy, for as to the balance of the lands the Hydro-Electric Co. owned them, and therefore there was no occasion for any highway being laid out over them. And the master in chancery found, in reference to this highway, that, too, was an attempt to secure a right of way across this national forest by fraudulent means, and this is what the master in chancery said:

It will strike anyone as strange that a county road should be laid exactly following the power pipe line. Among other inconsistencies will be noted the fact that following that part of the pipe line noted on the map, Exhibit 31, as the pressure pipe line, the highway would go straight up a hill, an elevation of 700 feet, and in about half a mile.

Think of it! Laying out a highway across this pipe line with an elevation of 700 feet in a half a mile! But, as can be seen from that diagram before us, there is a highway now existing just a few hundred feet below.

Mr. Chairman, is it possible that any member of this committee, in the light of these facts, can favor this bill? I understand, Mr. Chairman, and I am in sympathy with the desire for general legislation that will do away with revocable permits and authorize the Secretary of Agriculture or the Secretary of the Interior to give a permit with a fixed tenure and under reasonable regulations. But, Mr. Chairman, that is not the case here, and if the gentleman from Nevada [Mr. ROBERTS] and the gentleman from California [Mr. RAKER] would devote themselves to secure such legislation, applying to all alike, seeking to use our national forests instead of seeking to bolster up these fraudulent claims in that part of the country, they would carry more weight in the views they undertake to express before this Congress.

Now, Mr. Charman, there was some controversy here last Wednesday as to whether or not a stipulation had been entered into between the Government and this Hydro-Electric Co., permitting them to use and operate this pipe line until a final conclusion should be had of the litigation pending in the Federal courts in the State of California; and I want to take just a few moments in referring to what occurred last Wednesday during the speech of the gentleman from California [Mr. RAKER]. He was asked by the gentleman from Iowa [Mr. PICKETT] concerning this stipulation—a stipulation which, by the way, the gentleman, in inserting his remarks—put in the RECORD, and it may be found at the conclusion of his speech. The gentleman from Iowa [Mr. PICKETT] asked him if, in fact, a stipulation had not been entered into permitting this company to use this right of way until the final conclusion of the litigation. Mr. RAKER replied:

Just a moment. Let me finish. I can not tell it all in one breath. They then told me they had no power or jurisdiction over this case. I then went to the Attorney General's office, and what has been actually done since I am not able to state, as to the present condition.

And a little later on the gentleman from Illinois [Mr. MADDEN] asked Mr. RAKER these questions:

If this bill is enacted into law, it will set the injunction aside?
Mr. RAKER. Absolutely.
Mr. MADDEN. Does the gentleman think that is good legislation?
Mr. RAKER. Absolutely.
Mr. MADDEN. Is there not a prospect that the company could get a temporary permit pending the legislation?
Mr. RAKER. I do not know.

And then Mr. HAYES, the gentleman from California, interrupts and asks if Mr. RAKER will not yield to him, and he does. The gentleman from California [Mr. HAYES] said:

I will say that no such permit is possible unless this company give up all their rights. Permits have been refused.

And a little later he said:

As I understand that stipulation, they are obliged to give up their rights to that property and take it as though it was a part of the public domain.

Now, with all due respect to both of the gentlemen from California, they being the leading sponsors for this bill on the floor, I submit that they ought to have had better knowledge of the facts concerning this matter than they seemed to have had last Wednesday. For, after that debate was over, and the gentleman from California [Mr. RAKER] last Monday extended his remarks, you will find that later on in his speech he inserted an admission that there was a stipulation, that he knew of it last September, and he put that stipulation in the record, which shows that under that stipulation this Hydro-Electric Co. now has all that the gentleman from California [Mr. RAKER] was seeking to get before the Committee on the Public Lands when it had the hearing at the special session of Congress last summer. Having that, what can the gentleman say now in defense of his action? And this is the position in which the gentleman from California [Mr. RAKER] now is. The company can go on to the final conclusion of the litigation without being disturbed by the Government, but the gentleman from California [Mr. RAKER] asks this Congress to say by the passage of this bill that if the court should find that the Hydro-Electric Co. has perpetrated a fraud upon the United States, has secured fraudulent mining claims, has attempted to secure a right of way by means of a fraudulent highway, notwithstanding that, they want this Congress to give this company doing these things rights that we will not give to any other company in the land, no matter how innocent it may be.

And let me say that the recollection of the gentleman from California [Mr. RAKER] was not very clear when he issued his statement that he printed in the RECORD, and earlier in this session distributed to all of the Members, because in that statement he said:

The granting of the relief provided in this bill is necessary because, as I have before stated, the officers of the Forestry Bureau have considered it to be their duty under the law to compel the company to waive its legal claims and accept the same form of revocable permit as it would be required to accept if it were operating, not upon its own lands, but entirely upon forest-reserve lands belonging to the Government.

And this statement, made by the gentleman from California, is dated January 9, 1912. When the gentleman made this statement did he not know that there was no effort to make this company waive its legal claims and that in truth and in fact a stipulation had been entered into on the 20th day of October last year giving to this company, without waiving any rights, the full right to continue to operate its pipe line until a final decree had been entered in the litigation now pending?

Mr. RAKER. Will the gentleman yield for a question?

Mr. LENROOT. Yes.

Mr. RAKER. Is it not a fact that the Secretary of Agriculture, in his letter to Senator BURTON, which appears in the RECORD, states that if the contention of the company is right, his contention is that it would in effect waive the rights of the company to the mining claims?

Mr. LENROOT. I did no quite get the purport of the gentleman's question.

Mr. RAKER. I say, is it not a fact that in the letter from the Secretary of Agriculture, Mr. Wilson, to Senator BURTON, which appears in this document, he states that if the company's position is correct, their admitting that the Government owns the land would thereby waive their right to the mining claim?

Mr. LENROOT. I understand the question now. I will say that I have not noticed that in the letter, but if the Secretary said that, I answer the Secretary of Agriculture is not a lawyer, and it was contended by all the attorneys for the Government, as the gentleman must know from the record, that there was no waiver and no waiver desired. And, further than that, let me say to the gentleman that the record itself shows that the claim that there was a waiver was not made in good faith by the Hydro-Electric Co., because the clause that they claim was a waiver was a recital that this pipe line "being upon lands of the United States" a permit shall be granted, and so forth, while the fact is, and the record shows, that that Hydro-Electric Co. did sign a stipulation with that very language in it originally and made no objection to the clause "lands of the United States."

They did object to paying the munificent sum of $75 a year rental, when they have spent that many thousands of dollars—or somebody has—in attempting to secure the passage of this bill. [Applause.] They did object to a provision in the permit with reference to the building of weirs and gauges, and it was stated, I think, by the gentleman from California [Mr. RAKER] that this would cost several thousand dollars. Am I correct?

Mr. RAKER. I did not get the question.

Mr. LENROOT. Anyway, it was stated by the representatives of the company in the hearings that that would cost several thousand dollars.

Mr. RAKER. That is, for the weirs?

Mr. LENROOT. The weirs.

Mr. RAKER. So I have understood.

Mr. LENROOT. While in the hearings the engineer for the Forest Department—any gentleman can read it—stated that the cost of construction of weirs required under this permit would not exceed $450. The gentleman from California [Mr. RAKER] must be aware of this fact, Mr. Chairman: No one can read this record from beginning to end, and read the objections that have been made by the Hydro-Electric Co. to this permit, without being convinced that the Hydro-Electric Co. at no time wanted a permit upon this land at all; that they were seeking by force and fraud to get across that forest reserve. Failing in that, and now convinced that the Government officials, doing their duty to sustain the law passed by the Congress of the United States, insist that the Hydro-Electric Co., as well as other water-power companies, shall observe the law, they now come to Congress and ask as a reward for their fraudulent practices the granting of an irrevocable permit without conditions, something that Congress refuses to grant to anyone else

Mr. RAKER. Will the gentleman yield for a question?

Mr. LENROOT. Yes.

Mr. RAKER. The gentleman uses the words "fraudulent practices."

Mr. COOPER. That is what they are—nothing else.

Mr. RAKER. Is it not a fact that those who made these mining claims were miners and ranchers who had lived in that country and had been familiar with it for years, and they made their filings and sold to this company before the department ever asked them to obtain a permit?

Mr. LENROOT. It does not appear in this record whether the men who made these original locations were employees of the Hydro-Electric Co. or not, but from all the evidence in the case it is a fair inference that they were.

Mr. RAKER. I understood the gentleman to say that he had read the record.

Mr. LENROOT. I have read it.

Mr. RAKER. Does the gentleman know that these men testified that they were not employees of that company and that they made affidavits that they were not? And does the gentleman know that I have here a copy of the testimony and the record which shows that they filed on these claims because they believed they were valuable? They made affidavits before the court, and the department should have that testimony and should have given it to the gentleman before he made his statement upon the floor of the House.

Mr. LENROOT. If the gentleman states that to be true, I will accept it.

Mr. RAKER. I have the affidavits here.

Mr. LENROOT. I will accept the gentleman's statement if he makes it.

Mr. RAKER. Yes; I make it.

Mr. LENROOT. That they were not employees of the company; but, Mr. Chairman, I can not be unmindful of the fact that these claims could not have been considered very valuable by these gentlemen when they sold them to the Hydro-Electric Co. for $10 apiece, or a net price of $4 each, for it cost them $6 apiece to record them. [Applause.] Neither can I be unmindful of the fact that the record shows that up to the time——

Mr. RAKER. Just one moment.

Mr. LENROOT. Let me finish this statement, and then I will yield. Up to the time of the hearings on this bill last summer not one dollar's worth of development work had been done by the Hydro-Electric Co. upon these claims.

Mr. RAKER. I want to state to the gentleman that I am informed, and I think he will find, that they have performed their development work upon all these claims.

Mr. LENROOT. They may have done so since that time.

Mr. RAKER. Does the gentleman appreciate the fact that many of the valuable lands in the West have been bought for very small sums?

Mr. LENROOT. Oh, yes.

Mr. RAKER. Does the gentleman remember the fact that we purchased from the Indians for a few beads the land where the city of New York now is?

Mr. LENROOT. I can not yield for that.

Mr. RAKER. The gentleman from Wisconsin also appreciates the fact that if the Hydro-Electric Co. attempted or desired to perpetrate a fraud——

The CHAIRMAN. The time of the gentleman has expired.

Mr. MANN. Mr. Chairman, I yield two minutes more to the gentleman.

Mr. LENROOT. Mr. Chairman, if the company desired to perpetrate a fraud upon the United States, and clearly they did in the case of the highway, I know of no other way they would go about it to do it than to buy these mining claims for $10 apiece and then make the claims they are making here to-day. [Applause.]

Mr. MANN. Mr. Chairman, I yield five minutes to the gentleman from Michigan [Mr. McLAUGHLIN].

Mr. McLAUGHLIN. Mr. Chairman, the gentlemen who have preceded me, speaking in opposition to this bill, have shown conclusively, it seems to me, from the record that the measure ought not to pass. I shall not take time to speak from the record or to refer at length to the testimony as it there appears. I want to submit a few general observations. I am opposed to the measure, because I look upon it as an entering wedge, as an attempt upon the part of those who are seeking the enactment of this legislation to do away with the control of the national forests in the manner in which the Forest Service is now controlling them. The demand made by the Forest Service upon the company that is seeking this right is very moderate indeed, and it is clear that the company is seeking the passage of this bill not for the purpose of avoiding the payment of the money, but for the purpose of breaking down the policy of the Forest Service in its very efficient control of the forests for the good of the people of the entire country. A good deal has been said about unfair regulations imposed by the Forest Service upon settlers, upon individuals and companies who seek to use the land embraced within the forest limits and to make use of the timber growing there. I shall not undertake to defend those regulations, but simply to say that it is a relief, it is gratifying, to us to know that the forests are so carefully guarded, and that at last some plans have been devised for the protection of the public domain. Gentlemen who are opposing the Forest Service are heard every time an appropriation bill from the Committee on Agriculture is presented, and they talk of unfair regulations, of hardships imposed upon settlers; but it seems to me they are pleading for those who would despoil the forests, who would take, as they have taken so many times and to such great extent in the past, the public lands for their own benefit. It is true that within the national forests there are large sections of land not suitable for forestry and not covered with timber, but there are suitable regulations for withdrawing that land, and during the last five years more than 6,000,000 acres have been withdrawn and devoted to agriculture and to other purposes. There has been some delay in examining and investigating applications that have been made for the withdrawal of land under these circumstances, but it indicates clearly that careful investigation and inspection have been made and that the public domain included within the national forest limits is carefully safeguarded, and the rights of the people are now protected.

It is urged vehemently that the Forest Service has taken unfair advantage of the company seeking the right to cross Government land, and has imposed unjust burdens upon it; that the company has innocently and in good faith invested a large sum of money in the construction of property in ignorance of, and without due notice of, the demand now made by the Forest Service, and that the company has thereby gained the right to cross the land in question without restriction and without any burden whatever.

This contention on the part of the company is not supported by the facts in the case; and if the facts did not positively contradict the contention it would be idle from a legal or equitable standpoint for the company to make it. The land in question is, and always has been, Government land, and there is not now, nor was there ever, any right in the company or anyone else to use it for any purpose without first obtaining the consent of the proper officers of the Government; and it is clear the company has proceeded thus far in ignorance of its want of right in the premises, in disregard of notice or in open defiance of the assertion of right on the part of the Government.

The advocates of this bill assert the Forest Service is making demand upon the company contrary to law, and it appears that suit in equity has been begun and is now pending to determine the legality of the claim made by the Forest Service. The usual proceeding under such circumstances would be for the company to prosecute its suit and to have a determination by a competent court as to whether or not the demand made by the Forest Service is legal. The pressing of this measure seems to me evidence that the company and its attorneys have no faith in the suit, and that Congress is asked to pass this bill to override the Forest Service and to give the company rights and privileges that the law of the land and the rules and regulations of the service do not permit to be granted without compensation to the Government and without proper restriction for the purpose of enabling the Government to prevent monopoly and otherwise protect the rights and welfare of the people.

A frequent criticism of the Forest Service is that the national forests are expensive to the Government, whereas they ought to be, and the promise has been made that they would be, self-sustaining. When the promise was made by the advocates of a national forest policy, the extent of the forests was small compared with what it is now. When I began my service as a member of the Committee on Agriculture, four years ago, and took part in framing an appropriation bill which included provision for maintenance of the national forests, the total forest area in the control of the service was only 162,000,000 acres. Now more than 200,000,000 acres are included, an increase of 25 per cent in four years. Large appropriation of money is necessary to take care of extensive territory embraced within the limits of the national forests and to undertake and carry on supervision that is proper for the protection and development of the forest. The outside limits of a tract of land set aside as a forest must be surveyed, roads and trails must be laid out, telephone and telegraph lines must be put up, cabins for employees must be built, and before timber can be sold to produce money to meet expenses of the service it is necessary for officers and employees to inspect the timber and have personal

knowledge of the amount and value of it. It is true, as charged by those who are opposed to or indulge in criticism of the Forest Service and the policy of forestry undertaken by the Government, that appropriations made to carry on the work are increasing, while receipts of the forests are not growing in the same proportion; but it is not true that the forest policy has been unprofitable. Every acre included within the forests is more valuable to-day than when the land was set aside, and the value is increasing year by year and so rapidly that the Government is reaping large profit by withdrawing the land from sale and devoting it to forest purposes. And there will ultimately, soon I hope, be a direct profit for the forests. When roads and trails have been laid out, when the timber has been estimated, when information has been gained as to the nature and extent of the timber within the reserves, the plan or policy providing for the large sale of timber will be entered upon and the result will be large profits to the Government.

In some of the countries of the Old World, where a scientific forestry policy is and for many years has been followed, the forests are protected and maintained at an expense as high in some cases as $6 per acre per year, and timber is sold in such quantity and for such price as to yield a net profit of $6 or $7 per year per acre. In our country only 2½ cents per acre per year are spent in protecting our national forests and in the conduct of our policy of forestry. When we realize the value, the absolute importance, of an extensive and scientific forestry policy; when we are willing to devote money in sufficient amount to provide for proper care and protection of our forests; when we have advanced far enough to enable us by proper administration to reap the benefit certain to follow from a proper forestry policy, there will be no complaint of the expense of the service. The people of the country will congratulate themselves that the forest reserves were established, and that Congress has had the wisdom and courage to provide for their proper maintenance.

The claim made by gentlemen from States within which are forest reservations to the effect that timber and the lands upon which it stands belong to the people of the States and ought to be given up to their use and control is not sound, and the claim that the forestry policy of the Government is retarding development of their States by withholding land from settlement is not made in entire good faith. The national forests belong to the people of the entire country, and not to the people of the States in which they are located. The welfare of the people of the country demands that the lands within national forests be retained by the Federal Government; that timber be cultivated and conserved for the present and future needs of the country, and that water and waterways be controlled by the National Government in a manner or to an extent at least necessary to protect the welfare of all the people, and to prevent monopoly of these natural resources.

The gentlemen from States where forest reserves are located point to the fact that timber lands in the States of the East and Middle West were sold by the Government and are now in private ownership. It is true that timber lands in the older States have all been sold, but the wisdom of their sale by the Government, by a policy which permitted the acquisition of them by private individuals and companies, is open to serious question. The standing timber is now in the hands of a very few individuals or companies who are able to control the lumber market, and this policy has resulted in devastating land not suitable for agriculture; and whereas the Government by pursuing a proper policy might have retained large tracts of timber which, by proper administration, would be yielding large revenue and assisting materially in support of the Government, the land is unproductive.

I say the claim of the gentlemen of the West is not well founded, because a very large part of the forest reservations is in a mountainous country and above the altitude where agriculture can be profitably carried on, and because the well-understood policy of the Forest Service permits withdrawal from the reserves of land found to be more suitable for agriculture than for forestry. The law and the rules of the Forest Service permit a settler near a forest reserve to take timber for his own use without cost, and during the year last past more than 120,000,000 feet of timber was so taken. Actual settlers within or near forest reserves are also permitted to graze small flocks or herds free of cost. And the general policy of the service has been to encourage and to give material assistance to actual settlers upon lands near or taken from forest reserves. Actual settlers do not claim and have no reason to complain of the Forest Service. The only complaint is made by men who are prevented from acquiring for their own use and profit immense tracts of timber, or who would use the public domain for their own benefit and without due regard for the rights of the people in their immediate vicinity or for the welfare of the people of the country. As the gentlemen from forest States ask the privilege of despoiling the public domain or permitting its acquisition by men who would monopolize it to their own advantage, we reply that the experience in other parts of the country teaches that the welfare of the entire country justified, even demanded, the establishment of forest reservations and demands the continuance of the forestry policy upon which we have entered.

[Mr. TAYLOR of Colorado addressed the committee. See Appendix.]

Mr. MANN. Mr. Chairman, I yield 10 minutes to the gentleman from Virginia [Mr. SAUNDERS].

Mr. SAUNDERS. Mr. Chairman, this seems to be a struggle between a great principle, and a great corporation. I say a "great corporation," for I take it that no corporation can fail to be great which is able to put up so tremendous a fight in behalf of so indefensible a proposition as the one now under consideration.

We are not concerned with what may be called the intrinsic value of this land, or whether, as suggested it can support in a favorable season, one or a dozen grasshoppers. But we are concerned to determine whether, if we enact the legislation asked by this company, such legislation will be an infringement upon the great principle of conservation that we are seeking to establish? The privilege prayed by this company, is either one of great, or of little value to them. If it is of great value why should they object so strenuously to the reasonable restrictions contained in the stipulations submitted to them by the Department of Agriculture as a condition precedent to the use of the Government land sought to be taken.

If it is a trifling thing which they are asking, why is it that they do not abandon this fight, use their open ditch, and cease to harass this body and the departments in their efforts to secure this legislation, or some form of favorable action at the hands of the Congress of the United States? This issue should not be clouded by the declamation of the friends of the pending measure. No one is seeking to hinder the development of the West. No one is seeking to throw any obstacles in the way of the development of this, or of any corporation that seeks to promote in anywise within legitimate lines the great cause of national prosperity. But this is the old cry of every corporation that is opposed to the policy of governmental control, that such control will be a hindrance to the proper development of our material resources.

I fought over this proposition for 20 years in my own State. At one time there were many chartered companies that had irrepealable charters, and when the suggestion was made that a provision for amendment at the legislative will should be inserted in all charters, we were confronted with the same form of opposition now urged upon this body and charged with seeking to stay the development of Virginia, and to hinder the natural evolution of prosperity.

The fight for the right to amend, or repeal the charters of industrial companies, proceeded, until at last we wrote this principle into our latest constitution. Our charters are no longer irrepealable, but are taken subject to the right of the State to amend or repeal them at will. So far from the assertion of this right on the part of the State, proving a hindrance to our material development, or a discouragement to the formation of chartered companies, it has produced quite the opposite effect. Public-service corporations are more numerous with us than ever.

I have sought, and sought in vain to secure from the gentlemen who are advocating this proposition, why it is that they object on behalf of this company to the reasonable restrictions that are sought to be imposed by the stipulations submitted by the Department of Agriculture. They say to us: "You are seeking to destroy a great enterprise." But are we seeking to destroy the enterprise when we ask the company to pay to the Government of the United States $75 a year? Is this company so weak, so puny, that the payment of $75 a year for the privilege that we are asked to give them, will destroy its possibilities of development? What then, is the real objection to these stipulations?

I note that the Government requires four things by its stipulations. First a payment of $75 a year. Second: That the company shall furnish power to the Government at the same rate as such power is furnished to other people. Does the company object to a provision or restriction of this character? If it does, then it comes with poor grace to us to ask favorable legislation at our hands.

Third: The stipulations provide that this company shall never become a part of any great controlling water-power trust.

Is there or should there be any objection to imposing an inhibition of this sort upon any hydro-electric company or other public service company? It is sought further to provide by these stipulations, and here comes, I think, the meat in the coconut, that the books of this company shall be subject to inspection by the proper representatives, or agents of the Federal Government.

Mr. RAKER. Will the gentleman yield to a question right there?

Mr. SAUNDERS. Certainly.

Mr. RAKER. Do you contend, and are you satisfied, that the Government of the United States would have the power to examine all the books of the men in private business, or associations, or corporations, in the State of Virginia?

Mr. SAUNDERS. I have heard this argument before. It is the same argument that was urged against the principle of publicity for the books of the railroad companies. Every step of the way that we have proceeded in the effort to establish this principle of publicity with respect to the operations of giant corporations has been against arguments of this character, namely, that we were seeking to interfere with, or destroy private rights. All over this land is a rising spirit which says that the public will never adequately come into its own with respect to control of corporations and the restriction of their powers in the public interest, until the accredited representatives of the State and Federal governments shall have the right to inspect their books, and be informed as to their transactions. Why should this House hesitate to impose these reasonable restrictions upon this company, or if it declines to accept our terms, dismiss this bill?

Mr. RAKER. You have not answered my question yet.

Mr. SAUNDERS. Your question has been asked so often, and answered so often, that I did not think that it was hardly necessary to answer it in detail in this body. I do not undertake to say that the time will ever come in this country when with respect to every form of private enterprise the Government, whether State, or Federal, will assert the right to examine the books of merely private concerns.

But I do say this, and I will now answer your question, if you insist upon it, that with respect to all corporations whose transactions are on so large a scale that their operations have become a question of public concern, the principle of publicity will be insisted upon. This principle of publicity is coming in this country as sure as we stand here to-day. [Applause.] The books are certain to be opened.

Mr. RAKER. Does the gentleman realize that in the State of California they have the absolute control to-day that he says they should have?

Mr. SAUNDERS. Then why object to giving the same power to the Federal Government. We insist upon the same right. I am glad the gentleman has made this statement. It destroys the force of his argument. There has not been a moment since this company set out to secure the passage of this act and for some time theretofore, that it could not have secured the right to cross the land in question by agreeing to the reasonable terms imposed by the Government. The amount of money required of the corporation, for the privileges conferred, is a mere trifle. As to the argument advanced, that to require this corporation to submit to the reasonable terms imposed by the department will hinder the proper development of the company, and of the great West, I am almost tempted to say that it is absurd. Who believes that any great department of this Government will ever operate, or administer, those functions which are given to it in the interests of the whole people, in such a way as to retard the development of the country, and destroy legitimate commercial and industrial enterprises? On the part of this body I repudiate, and repel such a suggestion. [Applause.]

The CHAIRMAN. The time of the gentleman has expired.

Mr. MANN. Mr. Chairman, I yield 10 minutes to my colleague from Illinois [Mr. FOSTER].

Mr. FOSTER of Illinois. Mr. Chairman, I am a firm believer in the development of the West, and would not desire to hinder or impede in any way the great development that ought to come to that wonderful country and its enterprising people. And yet I do believe that there are certain restrictions that the National Government has a right to place around the national forests that have been located in different parts of that country. I have taken some little time to look through the correspondence relative to the Hydro-Electric Co. of California, which, I suppose, contains most of the communications between the Government and the attorneys and the parties who own this pipe line or this property reaching from the headwaters down to the power house and into Mono Lake, and I have been unable to discover in all this correspondence any reason why, any good reason why, this company should not have taken out their permit according to the laws and regulations as prescribed by Congress and the Department of Agriculture.

Mr. HAYES. Mr. Chairman, will the gentleman yield?

The CHAIRMAN. Does the gentleman from Illinois yield to the gentleman from California?

Mr. FOSTER of Illinois. I will yield in just a moment. I find this: That when this case was investigated by the master in chancery, who took the evidence, it was claimed that the parties who located the mining claims had not acted in good faith, and it is stated that they were nothing but paper claims. I have also observed this: That about the time these paper claims were purchased by the Hydro-Electric Co., they thereby secured for a nominal sum all the rights and titles that these people owned in these mining claims. They were preparing themselves to get just as much as possible of this land, so there would be just as little a strip of forest reserve as possible, just as little public land as possible, in order that they might get down with their pipe line so as to make their connections for their water power and sell it to the people in that vicinity.

Now I will yield to the gentleman from California.

Mr. HAYES. I wanted to ask the gentleman a question. He states that he is in favor of the development of this kind of work, and I want to ask him if he knows anybody who has ever invested any money in water-power or irrigation plants that are subject to revocable permits by the Forest Service.

Mr. FOSTER of Illinois. I do not know——

Mr. HAYES. And nobody else knows——

Mr. FOSTER of Illinois. But I know this, that so far as Congress is concerned, and I speak only for myself, I do not propose to vote away any valuable rights that will give a monopoly to people in the State of California, in the State of Nevada, or in any other State in this Union, without some power of control in the interests of the people who must depend upon that power.

Mr. RAKER. Mr. Chairman, will the gentleman yield there?

The CHAIRMAN. Does the gentleman from Illinois yield to the gentleman from California?

Mr. FOSTER of Illinois. I yield; yes, sir.

Mr. RAKER. Does not the department, according to the report and the sworn evidence before the committee, state that there is no monopoly involved in this company?

Mr. FOSTER of Illinois. Oh, my friend from California says there is no monopoly there. It may be possible that there is no monopoly there in this particular case at this particular time. But I want to remind the gentleman that many times monopolies spring up just in that way, and many times men and corporations gain control of matters of that kind and in that way, in the course of a little time, one getting control from another of some valuable right, a monopoly is gradually established. Other people will come to Congress and ask that something be given them also, because something was given to this Hydro-Electric Co., if we enact this bill, and gradually those things come along because the people's rights have been taken away from them and they are no longer able to control them.

I want to remind the gentleman from California and others, too, that monopoly in this country did not come with one fell swoop, but gradually by the progressive consolidation of the smaller and single concerns of this country; a little here and a little there, one concern imitating the action of another, following a precedent that had been set, and combining, until finally they formed the great trusts of the country, so that to-day competition in the American markets is throttled by those corporations.

Mr. HAYES. Mr. Chairman, will the gentleman yield?

The CHAIRMAN. Does the gentleman from Illinois yield to the gentleman from California?

Mr. FOSTER of Illinois. Certainly.

Mr. HAYES. I just wanted to say that if the gentleman from Illinois can satisfy me that there is anything in this proposition looking to monopoly I will be against it; but I know that this is only a local proposition.

Mr. FOSTER of Illinois. I want to suggest to the gentleman from California [Mr. HAYES] that it would be very difficult, in my opinion, to convince him in this case from what he now thinks. It is my belief that this is a grant of perpetual right of way across a forest reserve for absolutely nothing and without any restrictions.

Mr. HAYES. I will say to the gentleman that I am in favor of this because I think it is a matter of justice. If a private corporation owned this piece of land, there would be no trouble about getting the right of way by eminent domain.

Mr. JAMES. Mr. Chairman, will the gentleman yield?

The CHAIRMAN. Does the gentleman from Illinois yield to the gentleman from Kentucky?

Mr. FOSTER of Illinois. With pleasure.

Mr. JAMES. I want to say to the gentleman from Illinois that if there was no monopoly intended in this proposition, then this company would not be hurt by simply complying with the same regulations that govern everybody else. They ought to be willing to stand by the regulations that everybody else complies with.

Mr. FOSTER of Illinois. Yes; they should comply with the rules and regulations laid down by the department. If they do that and comply with the law, there will be no difficulty in this case.

Mr. COX of Ohio. Mr. Chairman, will the gentleman yield?

The CHAIRMAN. Does the gentleman from Illinois yield to the gentleman from Ohio?

Mr. FOSTER of Illinois. Yes. I yield to my genial friend from Ohio.

Mr. COX of Ohio. Referring to the suggestion of the gentleman from California, I would like to inquire if it is not true that where there is Federal or local regulation of these public-service corporations those corporations have found that their securities obtain a better sale all over the country?

Mr. FOSTER of Illinois. I think that is true.

Mr. RAKER. Mr. Chairman, will the gentleman yield again?

The CHAIRMAN. Does the gentleman from Illinois yield to the gentleman from California?

Mr. FOSTER of Illinois. I do, sir.

Mr. RAKER. In this particular matter, is it not conceded by the department and by the officials of the Government and all those interested that there never yet has been another matter of this precise kind presented to the department?

Mr. FOSTER of Illinois. The gentleman means a particular case like this?

Mr. RAKER. Yes; a case in which the party that asks for the right of way owns all the water rights and all the water involved in the matter, and owns all the land?

Mr. FOSTER of Illinois. I do not know whether that is true or not. I have not examined all those cases. I do not care, however, whether that is true or not. That is not the question involved in this particular case. The question involved here is whether we shall grant to this company a perpetual right of way across a national forest reserve, on public land, and then that we shall take into consideration a lot of mining claims that have been declared by the master in chancery who took evidence in this case to be fraudulent.

Mr. RAKER. No; he did not hold that they were fraudulent.

Mr. FOSTER of Illinois. They were paper claims. While the fellow did not steal, still he was a pilferer. [Laughter and applause.]

Mr. RAKER. Did the gentleman ever know in his life a case where——

Mr. FOSTER of Illinois. No work had been done on those claims. There is no evidence, so far as I have been informed, that those claims had been taken with the idea of making them mining claims.

Mr. RAKER. Why, on the contrary, the testimony shows that——

Mr. FOSTER of Illinois. I want to say this, that these claims were bought by this company with the idea on the part of the company of getting across that forest reserve, and they wanted to get down there just as quickly as they possibly could. I expect if they could have taken up all these claims they would not be here to-day, because they would have enough paper claims to cover every strip of ground, and it would not be necessary to come here and ask Congress for relief.

The CHAIRMAN. The time of the gentleman has expired.

Mr. FOSTER of Illinois. I would like to have five minutes more.

Mr. MANN. Mr. Chairman, I yield to the gentleman five minutes more.

The CHAIRMAN. The gentleman from Illinois is recognized for five minutes more.

Mr. COX of Ohio. Mr. Chairman, will the gentleman yield?

Mr. FOSTER of Illinois. With pleasure.

Mr. COX of Ohio. It is beyond dispute, is it not, that these lands are now used for the purpose for which they were not originally procured?

Mr. FOSTER of Illinois. That is a fact.

Mr. COX of Ohio. Is not that the gist of the whole thing?

Mr. FOSTER of Illinois. Yes; I think it is. These lands were first taken up for mining purposes, and then were sold to this company in order that the company might get its pipe line down.

Mr. RAKER. I know that the gentleman does not intend to be unfair, but here is the testimony before the court, and here are the affidavits of these men who testified that from their own knowledge of mines they took up this land because of the gold in it, and they sold it like other men sell their property.

Mr. FOSTER of Illinois. I read from the master's report. He says:

> I am entirely convinced that the great preponderance of evidence shows that they are nothing but paper locations, made with a view to obtaining a right of way for their pipe line across the forest reserve.

Why did not the gentleman from California [Mr. RAKER] make his statement to the master in chancery when he was considering this case? The representatives of this company were there before the master, as well as the representatives of the Government, and yet the master in chancery makes that kind of a statement.

Mr. RAKER. A man stated that in a letter, and the master simply had the affidavit of this man himself before the committee.

Mr. FOSTER of Illinois. Just a moment, please. I will state that the Secretary of Agriculture quotes this very language:

> After a full hearing, at which the company was represented by counsel, and submitted testimony in its behalf, the master recommended that a preliminary injunction be granted.
>
> With reference to the mining locations, he said:
>
> "On the question of good faith of these mining locations I have given the evidence and arguments of counsel the most careful consideration. I am entirely convinced that the preponderance of evidence shows that they are nothing but paper claims, made with a view of obtaining the right of way for their pipe line across the forest reserve. In my opinion the seven claims mentioned are not valid mining claims at all."

Mr. RAKER. The gentleman is reading the same thing that is in the record here.

Mr. BURKE of Pennsylvania. Will the gentleman yield?

Mr. FOSTER of Illinois. Certainly.

Mr. BURKE of Pennsylvania. If these were fraudulent claims, and that fact was known to the departmental authorities, why was this first permit granted to invest this money and make this improvement? I have not made up my mind on this bill one way or another, and I should like that information.

Mr. FOSTER of Illinois. I did not understand the question.

Mr. BURKE of Pennsylvania. If these claims on which this whole proposition is based were fraudulent in their character, it is to be presumed, I suppose, that the department had knowledge of that fact. Why, in the face of that, was the permit granted to this company to go ahead and invest its money and make these improvements?

Mr. FOSTER of Illinois. I suppose they thought they had secured the title to these mining claims.

Mr. MANN. The permit was granted under the law authorizing such companies to have rights of way through the forest reserves.

Mr. FOSTER of Illinois. They secured that permit in the ordinary way.

Mr. MANN. They could get that permit if the Government owned the property.

Mr. RAKER. I did not hear what the gentleman said about that.

Mr. BURKE of Pennsylvania. There were two permits granted in this case. There is evidently a distinction between the first and second permits. I understand the investment was made while the first permit was in existence, and before the second was asked.

Mr. FOSTER of Illinois. I think the gentleman is mistaken about that.

Mr. BURKE of Pennsylvania. Was there no investment made and no improvement during the existence of the first permit?

Mr. FOSTER of Illinois. I think not.

Mr. MANN. They laid a pipe line before any permit at all was issued.

Mr. FOSTER of Illinois. Does the gentleman mean the pipe line?

Mr. BURKE of Pennsylvania. Yes.

Mr. FOSTER of Illinois. They commenced that before they received the permit. They did not ask for it. They thought they could defy the Government and win.

Mr. HAYES. They did not think they needed it.

Mr. MANN. They thought they would absolutely disregard the law.

Mr. FOSTER of Illinois. Exactly; and they have now found themselves in trouble, so they come to Congress for relief.

Mr. HAYES. That statement is unfair.

Mr. RAKER. The gentleman is unfair in that statement. There is no fact in the record which justifies that statement.

The CHAIRMAN. The time of the gentleman from Illinois [Mr. FOSTER] has expired.

Mr. MANN. I yield 10 minutes to the gentleman from Mississippi [Mr. HUMPHREYS].

Mr. HUMPHREYS of Mississippi. Mr. Chairman, in response to the suggestion of the gentleman from Colorado [Mr.

TAYLOR], that Representatives from the North, the East, and the South are trying to throttle the development of the West, I want to read a part of the report of the Inland Waterways Commission, from which I think it will be apparent that whatever attempt there has been made to throttle the development of the West has been made not by the Representatives of the North, the East, and the South, but by the people of the West themselves.

Referring to this matter of the monopolization of water power, the report says:

A splendid illustration of the extent to which such water-power development is being monopolized is given in California, where, of numerous rights of way granted for ditches, reservoirs, pole lines, and other power purposes in three of the land districts, 65 per cent are controlled by three companies. One of the largest companies in the State is selling power in comparatively large units at 1¼ cents per kilowatt hour for 24-hour service, or at about $98 per horsepower per annum. Another consumer of over 1,500 horsepower pays 0.9 cent per kilowatt hour for 24-hour service, or at the rate of $58.83 per horsepower year. So far as known, this is their lowest rate made to a consumer.

On four of the rivers in northern California, where there is a possible development of over 800,000 horsepower, only 20,000 has been actually utilized, while speculative water rights are held on these streams from which over 566,000 horsepower could be developed, or, in other words, 75 per cent of the power possibilities on these streams have been alienated from public ownership and less than 2 per cent utilized for useful purposes.

In view of that statement, I say that if there is any attempt being made to throttle the development of the West that attempt is being made, and successfully made, by gentlemen who are engaged in these enterprises in the West, and particularly in California. [Applause.]

The extent to which the control of such plants is passing into the hands of a few of the larger companies is also well illustrated in California, where four of the largest companies have a combined capital of $55,000,000 and operate 30 hydroelectric plants and 18 steam plants. The largest one of these companies supplies power to 26 individual lighting companies and 12 electric railway companies, in addition to a number of cities and towns where it has its own substations.

North of Bakersfield, Cal., there are now in operation hydroelectric plants with a combined capacity of over 150,000 horsepower, while south of this point there are about 50,000 horsepower more, making a total of over 200,000 horsepower in the State.

And so when the Secretary of the Interior or the Secretary of Agriculture asks that these people, before they be permitted to cross this narrow strip of Government land, subject themselves to reasonable regulation in order that they may not discriminate against individuals, in order that the service and the rates may be reasonable, in order that the waste energy may be developed, in order, in other words, that there may be no throttling of development, this company comes, and it is not the only one that comes, and protests that its rights are being infringed. The gentleman asked a few minutes ago if there was a parallel case. There are many. In the hearings before the National Waterways Commission Secretary Fisher appeared, and this colloquy occurred:

The CHAIRMAN. Complaint was made yesterday of one case where a large water power was developed, but they were unable to take transmission lines over a section of land in the public domain and maintained that it was an unwarrantable hardship.

So that this is not the first time that the complaint has been made to the Secretary of the Interior. This is not the first time that complaint has been made to the officials of this Government that an unwarrantable hardship was being imposed because a company that desired to develop water power wished to cross a section of the public domain and were not permitted to do so unless it would submit to reasonable regulations.

I call attention now to Secretary Fisher's further testimony, which briefly covers this whole question, and, in my opinion, covers it much better, certainly, than I can cover it:

Secretary FISHER. I think those people were talking with me.

This is not this company. This was the Great Falls Power Co. of Montana, and that accounts for the pocketful of telegrams the gentleman had; it accounts for the telegrams the gentleman from South Carolina had and the pocketful of telegrams the gentleman from Wisconsin had, because this is not a unique case. The case here is the case in many instances, and it is the case of the interests that are behind this matter, and which hope by the passage of this bill that they will break down the law. That is the reason so much interest is being manifested here. We all know they do not care about the payment of $75 a year.

Mr. RAKER. Mr. Chairman, will the gentleman yield?

Mr. HUMPHREYS of Mississippi. Yes.

Mr. RAKER. A permit granting these people the right to use the water as provided for in the bill is not a perpetual right, as stated by the gentleman. It goes only so long as it is used for a beneficial purpose, and that only. Would the fact of giving them this right to use this property under the particular circumstances affect any other living human being on earth?

Mr. HUMPHREYS of Mississippi. Yes; it will affect all the other living human beings, in my opinion, who come within the range of the operations of this and similar enterprises.

Mr. RAKER. The gentleman does not refer to these people in regard to this project?

Mr. HUMPHREYS of Mississippi. That is what I said, and when I read this case gentlemen will see it is absolutely on all fours with the one before us, and a thousand others. Secretary Fisher said:

The situation is this: Certain individuals at a time when public opinion was not sufficiently aroused and when we were giving away nearly everything we had without regard to immediate development, located certain land at an advantageous situation on a very considerable stream, and they acquired these rights and passed them on through successive grantees, each one adding some substantial profit to it as it went along, and finally the present holders had to buy this private property at a considerable price.

There is no parallel as to price, I think. The testimony here is that these gentlemen got it for $6 and sold it for $10, perhaps.

Mr. RAKER. Mr. Chairman, the gentleman is mistaken about that. The testimony shows that they have paid $280,000 already upon this project.

Mr. HUMPHREYS of Mississippi. Then it is absolutely parallel to the case that I am reading—that is, "that they had to buy this private property at a considerable price." He continues:

We have no control over it at all; we have reserved no right of regulation; they have kept out of regulation by not occupying any street or highway. They have purchased a private right of way. Apparently, they propose to follow a policy which will free them from all effective regulation. They wanted to get from it what advantage they could, subject to commercial conditions, by their having got into this situation before proper principles regulating this matter had been adopted.

Now, I desire gentlemen to listen to what follows, and see what possible objection can be made to what the Secretary told these people, to what he said to the great Falls Power Co., in Montana, and to what he has said to the Hydro-Electric Co. here and to everybody else. He said:

That is all right; I can not interfere with that. You have certain vested rights, and you are entitled to them, and as long as you stay within them I can not correct the mistakes of the past; but you ask me if I will grant you a permit over the Federal domain, and I say yes, on one condition, that you come under the kind of regulation you should have come under from the beginning.

[Applause.]

The CHAIRMAN. The time of the gentleman has expired.

Mr. RAKER. Mr. Chairman, I yield 10 minutes to the gentleman from California [Mr. KAHN].

Mr. KAHN. Mr. Chairman, the people of the West have complained and are complaining on account of the conservation policy of this Government. The people who are interested in this particular project and who are seeking the remedial legislation provided in the pending measure have invested their money in good faith. They have the undisputed right to run an open ditch across a portion of this national forest reserve without let or hindrance. That has been repeatedly asserted upon this floor during this discussion. Some of the gentlemen, in opposing the pending bill, have stated that the matter of paying $75 a year is inconsequential, and that the company ought not to hesitate to pay it. I recall a time when a commission representing this Government abroad, proclaimed it to be the policy of our countrymen to refuse to pay a single cent for tribute while they were willing to spend millions for defense.

Mr. MANN. That still holds true.

Mr. KAHN. No doubt the owners of the Hydro-Electric Co. refuse to pay the $75 on the ground that it is equivalent to a demand for tribute. The people who are interested in this matter have been charged with being in the Water Power Trust. I know many of them personally. I know Mr. Metson, who, I believe, is the largest shareholder in the company. He is a self-made man. I shall place in the RECORD a letter which he wrote me in regard to this matter, in which he sets forth in full his connection with the company.

Mr. Chairman, I assert that the conservationists of this country are standing in with the Water Power Trust and the Coal Trust. They are intrenching monopoly in many sections of the country. They are putting obstacles in the way of the legitimate development of enterprises in the West.

Mr. MADDEN. Mr. Chairman, will the gentleman yield?

The CHAIRMAN (Mr. FOWLER). Does the gentleman from California yield to the gentleman from Illinois?

Mr. KAHN. I yield to the gentleman.

Mr. MADDEN. I just wanted to ask the gentleman if he is willing to admit that there is litigation pending between the Government of the United States and the Hydro-Electric Co.?

Mr. KAHN. I am not informed upon the subject, I will say to the gentleman.

Mr. MADDEN. Then, the gentleman does not know that there is litigation?

Mr. KAHN. I do not.

Mr. MADDEN. Does the gentleman know that there has been an injunction issued against this company?

Mr. KAHN. I have heard something of that sort, but I have not gone into that fully, and I am simply trying to speak now upon the general subject of conservation.

Mr. MADDEN. Does the gentleman know that the Government of the United States has expressed a willingness to let this company use the right to cross the Government domain pending the settlement of the litigation?

Mr. KAHN. I understand that they want $75 a year for the use of the land.

Mr. MADDEN. That the Government is willing to let them go on and use the right to cross that very piece of land, and will not interfere with their business pending the settlement of the litigation?

Mr. KAHN. I understand that is the case, provided the company pays $75 a year. The Government wants to give them a revocable permit.

Mr. MADDEN. If that is true, and the company is not willing to take its chances on whether what it claims to have is just or unjust by the settlement of the litigation, does the gentleman think that in the face of the offer of the Government of the United States to waive all rights pending the settlement of the litigation, the legislation that is sought to be enacted here ought to be passed?

Mr. KAHN. Mr. Chairman, I am not fully informed in regard to the litigation. I say that frankly to my friend from Illinois. I want to call the attention of this committee to some facts in connection with the so-called policy of conservation. A power company, for instance, has been organized in the State of California. It has expended millions of dollars in perfecting its plant. Possibly 10 years will go by before a single dividend is paid. Millions of dollars are invested, but the company started and completed its enterprise before this conservation theory had obtained a foothold in the United States. After many difficulties and hardships it is able to deliver power to the cities near the seacoast after transmitting the power upward of 200 miles, the power being developed in the foothills of the Sierra Nevada Mountains. I believe I can say truthfully that California is the pioneer State in the matter of long-distance power transmission.

Mr. COX of Ohio. Mr. Chairman, will the gentleman yield?

Mr. KAHN. Mr. Chairman, I can not yield at present, as I have not the time. This original company does not have to pay a 5-cent piece other than taxes to any State or county or to the Federal Government. It owns its own power site and its own right of way for transmitting the power to the consumers. It is not regulated by anybody. Say that 100 or 150 miles from this developed power site there is another power site equally capable of being developed. A national forest reserve has been placed around it—a forest reserve or a forest-ranger station—so that you can not deliver your power from that power site without crossing the forest reserve or the forest-ranger station. Under the conservation policy you can not get a perpetual right of way across the Government domain. You can only get a lease for a limited number of years. You must pay tribute to the Government in the shape of an annual rental. The amount of this rental is subject to a raise every time a new lease is entered into. There is no doubt in my mind but that the fixing of the amounts in the years to come will lead to friction and difficulties. What has been the consequence? Nobody has been willing to develop new power sites under such conditions, and the original company, through the misdirected efforts of the conservationists, has obtained an absolute monopoly.

Mr. JAMES. Mr. Chairman, will the gentleman yield for a question?

Mr. KAHN. I would like to yield to the gentleman, but I have not the time. There is nobody who will develop a new power site under such conditions. It is the same with your coal lands. Gentlemen who were rabid conservationists at the beginning seem to recognize this fact. Let me read this from Senator LA FOLLETTE'S weekly, recently published:

WISE USE, NOT FOOLISH DISUSE.

True conservation consists not in hoarding our resources, but in using them properly. Our water powers running night and day from year to year without turning a wheel are of no value to the public. To permit the mature trees of our forests to rot in waste is not conservation. To deny to this generation the advantage of the proper development of our coal fields and other mineral wealth is to deny to them participation in the benefits which rightly belong to them. The problem before us is not to hoard our resources, but to develop them in such a way that the benefits flowing from development will inure not to a few men, but to the rightful owners—all the people of the United States.

Mr. Chairman, it is true that there is no sense in hoarding our resources. It is true we ought to use them properly.

I do not subscribe to the doctrine of Government ownership of these utilities, however. I am opposed to that. I believe private capital ought to be allowed to develop them. I hope to see a law enacted by Congress which will allow private capital to develop these water-power sites and the coal fields, upon an express condition that if the company which is given the right shall combine with any other company, either by sale of stock or in any other way, for the purpose of limiting output, controlling prices, or dividing the territory in which the companies are to operate, the right granted by the United States for the development of those resources shall be revoked and all of the property of the company which has taken the grant under those conditions ought to be forfeited to the Government of the United States. I believe such a policy would permit development. I believe such a policy would break up the monopolies. But these power sites and coal fields should not be held up as they are held up to-day. They should be developed for the benefit of the people of the West and the people of the country generally. [Applause.]

Mr. Chairman, I am somewhat amazed at the attitude of a number of my friends from the Middle West upon this policy of conservation. They seem to forget the conditions under which their own States were settled and developed. While the Government has constantly maintained its position of trustee for all the people over the great areas of fertile lands in the Middle Western and Western States, it has welcomed the homesteader and the settler who were willing to acquire 160 acres of Government land at the nominal cost of $1.25 per acre. In that way the great West was developed and populated. In more recent years, when the supply of desirable agricultural lands became limited, Indian lands were acquired by the Government, and they were likewise thrown open to homesteaders upon easy terms. We are all proud of the upbuilding of the magnificent Commonwealths of the Mississippi Valley. We glory in their prosperity. We wish them unmeasured success. They have had a glorious past; we believe they will have a still more glorious future. But suppose, after one-half, or even two-thirds, of the rich agricultural land that is found in each one of those States had been allotted to homesteaders some conservationist crank had held up his hand and in stentorian tones had exclaimed: "Hold on! We must not grant any more of these lands to prospective settlers or homesteaders. The Government must issue no more patents to the land that is still vacant. If any more farmers want to develop this unoccupied land we will lease it in 160-acre tracts, say, for 30 years, and at the end of that period we will enter into new leases with the lessees. The Government must get revenues for these lands for the benefit of all the people of the United States."

Mr. Chairman, does a single Member on this floor believe that the development of the West would have been as rapid or as marvelous as it has been? Does anyone believe that the farmers who would have leased the lands could compete with the farmers who held their land in fee simple? I do not think so.

And yet, in my opinion, the leasing of Government land to homesteaders is exactly analogous to the proposition of leasing power sites or coal fields to prospective developers.

Sir, the owners of the Hydro-Electric Co. ought not to be burdened with unnecessary expenses in the development of their enterprise. They are not identified with any power-site monopoly. They have invested their money in good faith, as I stated at the outset. They have an absolute right of way in an open ditch. Surely the interests of the Government will not be affected adversely if the open ditch give way to a covered pipe line. In conclusion, I desire to offer the following letter from William H. Metson, Esq., who states the position of himself and his colleagues in regard to the pending legislation:

SAN FRANCISCO, CAL., *January 12, 1912.*

Hon. JULIUS KAHN,
House of Representatives, Washington, D. C.

DEAR SIR: I note that the newspapers quote Mr. Gifford Pinchot as saying the Hydro-Electric Co. is dominated by a trust and that House bill No. 12572 is in the interests of the water-power grabbers. Therefore this letter.

I am mainly responsible for the Hydro-Electric Co. and have invested all the money I could raise in it.

In my childhood I spent some years in Esmeralda County, Nev., and Mono County, Cal.; then lived in Gold Hill, Nev., until I graduated from the high school there. In 1880 I went to Senator Patrick Reddy at Bodie, Mono County, Cal. There I became acquainted with a young man named J. S. Cain. Later I came to San Francisco with Senator Reddy, Cain remaining in Bodie.

In the late eighties Cain and I made investments in mining property in Bodie and continuously thereafter extended our investments in mines at Bodie and Aurora, Nev., and also in other properties near there.

Our mines were so low in values that using wood as fuel no profit could be made. Therefore, for more than 20 years these mining properties remained unworked. Interest was eating us up and we had to do something to extract and work the ores. Finally we purchased the

Goleta property, near Mono Lake, about 30 miles from Bodie, paying about $40,000 for it.

This Goleta property had been operated in 1879 or 1880 and the years thereafter by water from Lundy Lake and Mill Creek, carried through a ditch, mainly over patented lands owned by the Goleta Co., but partly through the Government domain, through a ditch along a steep hillside. This ditch was constantly breaking and making big cuts and washes down the mountain side at each break.

We changed the plans slightly and shortened the line and inclosed the water in a pipe, which was buried beneath the surface of the soil. This pipe for about 3,800 feet crosses mining locations on public lands which were then and are now owned by the Hydro-Electric Co.

That is the crime (?) for which I understand I have been and am to be denounced by Mr. Pinchot and his friends.

Upon the completion of our plant last year it was, within a few days after commencing operations, completely destroyed by a snowslide, and eight men were killed in the calamity. We pocketed our losses, rebuilt it, and have carried the wires to Bodie, Aurora, Lucky Boy, and other mines in Nevada.

This whole plant has been built on and across a country barren of vegetation and desert in character. With electricity we are getting these mines producing and can and have created taxable property for ourselves, and the surplus power we are trying to sell to other miners who, like us, will be unable to operate except because of our plant, or some similar one.

Nothing was further from our thoughts than to violate any principles of "conservation." Nothing was further from the fact, and you know it, and that I am not or ever have been in any trust, subservient to any trust or anyone else. You have known me since I was a boy and know of the struggles and hardships that I have undergone. You, as well as anyone, know that I never have been afraid or ashamed to look any man in the eye; that I have my own pronounced opinions and that I never have evaded an issue; that I never have been charged with dishonesty, being subservient, or crooked.

I have never run for office, but have for years and am now in an office of honor and trust. I have been appointed by different governors, both Republican and Democratic; by mayors, Republican, Democratic, and union labor, and all without solicitation. Two of the governors, James H. Budd and James N. Gillette, were Members of Congress.

For the other end of this controversy, as I understand it, the law of Congress is that forest reserves may be laid down over timbered land or land covered with undergrowth, or to protect watersheds, and none other. The original forest reserve went to the eastern extremity of the timbered land and the headwaters of streams. Later, for a strip about 150 miles long, extended easterly over the easterly slope of the Sierra Nevada Mountains, over a country that is not timbered, over a country where no protection could be had under the law, but where a force of about 30 forest rangers are drawing their pay from the Government and ruining the sheep, cattle, and mining industries, charging sheep and cattle so much per head and charging miners for the stumps of pinyon trees that were cut in the sixties a dollar and a half per cord. These men are drawing their pay from the Government and imposing upon these industries for part of their pay, the balance coming out of the general fund. What credit is it to an officer of the Government who takes an oath to obey the law to thus violate the law? What credit is it, too, for these men who should be in the timber where there are fires (for the purpose of preventing and putting out fires), instead of building up a bureau to ride people who have been endeavoring to keep within the law, and have been putting their money and talents to create taxable property?

In many counties of this State so much land has been withdrawn under these forest reserves, is now tied up with the Federal Government. Under the new taxation laws in California, God knows how the poor farmer or rancher is going to live.

As for Mono County, isolated as it is from transportation, the farmer subsists, depends upon his sales to mines and those dependent upon the mines, and the mines are taxed harder than is any other property in the State; and yet the Federal Government, playing the dog in the manger, acts in direct violation of the law, and because they have put a forest reserve over that which is not a forest reserve, as a pretense and a sham, are pretending that their principles are being violated. Their principles! God save the mark!

But I have no right to impose thus upon you, and I want to say to you that I am not asking a favor from Mr. Pinchot or anyone with his opinions. I want that which is right, and if I am wrong will take my medicine. I would rather get licked fighting for what I consider is conscientious and proper than to win hiding behind false pretext and shams which are put forward masked as if they were really justice and the law.

Very respectfully, yours, W. C. METSON.

Mr. MANN. Mr. Chairman, how much time is there remaining on the two sides?

The CHAIRMAN. There are 27 minutes remaining on the side of the gentleman from Illinois.

Mr. MANN. How much on the other side?

The CHAIRMAN. Thirty-four minutes.

Mr. MANN. I hope the gentleman from California [Mr. RAKER] will use some of his time.

Mr. RAKER. I yield 10 minutes to the gentleman from Wyoming [Mr. MONDELL].

Mr. MONDELL. Mr. Chairman, I did not expect to discuss this bill. The time had all been allotted, and I only obtained the opportunity because a gentleman who was to have spoken has not appeared. I hesitate to discuss it for 10 minutes, because it is utterly impossible in that length of time to present the matter before the House as it should be.

The gentleman from North Carolina [Mr. GUDGER] just a moment ago asked the gentleman from California [Mr. RAKER] why these people were asking a special act for a right of way if there is a general act which gave them the right? That question was very pertinent, and upon the answer to that question the entire matter before the House hangs. The fact is that there are four laws on the statute books of the United States under either of which these people may justly claim a right of way. The question has been asked repeatedly why they did not accept the revocable permit. The revocable permit only lays reasonable restraints and conditions upon them, it is said. Why not accept it? The restraints and conditions contained in the revocable permit may not be objectionable from anybody's standpoint if they are required by the proper authority.

Mr. LENROOT. Will the gentleman yield?

Mr. MONDELL. I am sorry, but I have only 10 minutes. No restraints are placed upon them that are not under the State's statutes. But it is a revocable permit. Any Secretary may at any moment of time—by reason of the fact that the pipe line runs 3,000 feet across an alleged national forest—take away all their rights, paralyze their industry, occupying, as it does, many miles of territory and with great lines reaching 50, 60, and 75 miles in various directions. That is why they do not want to accept a revocable permit.

The question before the House in this case is this: Does the Congress desire that the citizens of the United States shall have the rights which Congress itself has granted them, or does the Congress desire to put itself in the attitude that because a peculiar condition has arisen with regard to an effort to secure the rights which the law grants, whereby people have been denied those rights, the Congress shall place itself in the attitude of aiding and upholding those who have been instrumental in denying the right which the Congress itself has granted? That is the situation. Do you want these people to have the rights which Congress said they should have, and all others like them under similar conditions and circumstances, or do you unite with those who say that a condition having arisen and construction having been given to the statutes under which they may be denied those rights, we shall join in that denial?

The act of 1866 clearly gives these people their right of way, and the predecessors of the present company could at any time have asserted that right prior to the time when the forest reserve was flung across the narrow section of this ditch line. Then there came the act of 1891, which clearly gave these people or their predecessors a right of way beyond a question, but there was a peculiar construction of that law to the effect that if the party asking for the right of way was not a company wholly engaged in irrigation that the right of way might be denied.

The Supreme Court remedied that kind of a decision, and Congress, following the Supreme Court, passed another act intending to give the right to those who might not be wholly engaged in the business of irrigating land. The company may be guilty of laches for not having asserted its rights under these acts, but they felt that the right having been denied others, it was useless for them to attempt to secure it. Then came the law of 1905, the act transferring the forest reserves from the Interior Department to the Agricultural Department, providing for rights of way for those engaged in the mining and milling of ores, but rights under this act are denied because some of the power is to be used for the same purpose by others. And so, first on one pretext and then on another, the will of Congress, as clearly expressed, is from time to time so thwarted by departmental decisions that these people are denied the rights which the Congress intended they should have. And how, finally? By an act which in itself was illegal; for the inclusion within a forest reserve of lands untimbered, unfit for forest growth, not necessary or useful for the conservation of water supply, is an illegal act, and whoever includes such lands within a forest reserve is doing it in violation of law. And yet a limb of this forest reserve was thrown across this barren, untimbered land, just far enough, and not an inch further, to take in the only tract of land along the company's entire line with regard to which there could be any question as to the right of way.

I do not know whether these are bona fide mining claims or not. It is said that they had a road laid out which ran up a hill. That only illustrates the desperation, if it illustrates anything, of men endeavoring to carry out an industry and who find themselves interfered with, their industry halted, by a departmental denial of their rights. If the forest reserve had not been thrown across this section of their ditch line, this case never would have been here. It never ought to have been thrown across their land. It is not properly included in the forest reserve.

There is no question of monopoly involved, much as gentlemen may endeavor to make it appear that there is; no question of proper public control, but just the simple question, Do you propose to give these people the rights they are now entitled to under the law?

The CHAIRMAN. The time of the gentleman has expired.

Mr. FERRIS. Mr. Chairman, I suggest that the gentleman from Illinois [Mr. MANN] use the rest of his time.

Mr. MANN. I expect there will be only one speech further on this side, and I do not care to have several on the other side follow. The gentleman may proceed.

Mr. FERRIS. Is there any further debate?

Mr. MANN. Yes; there is to be further debate. I have only 20 minutes left. I expect to conclude with one speech.

Mr. FERRIS. I hope the gentleman will make that speech.

Mr. MANN. I do not want two or three people to follow.

Mr. FERRIS. The gentleman has had twice as much time to-day as we have had.

Mr. MANN. We did not have nearly as much last Wednesday as you had.

Mr. FERRIS. That is true.

Mr. MANN. It is customary for the gentleman to proceed at this juncture, and if he has several speakers, to let them in. We are perfectly willing to let the gentleman close the debate.

Mr. FERRIS. I yield 10 minutes to the gentleman from California [Mr. RAKER].

Mr. RAKER. Mr. Chairman and gentlemen of the committee, there have been some matters stated here with regard to the position of this company and with regard to the facts that are not borne out by the record. They have been widely stated and seriously stated, and I base that by the record that lies upon the table. Now, it is easy to make statements, but it is not always easy to prove them.

In reference to these men who made the mining claims, I want to call your attention to an affidavit. It is the only evidence with the testimony before the commissioner that would support the commissioner in chancery, and it is the evidence of these men themselves. He only took the evidence of the corporation in this case of the owners, and because, as I have stated, they filed on these mining claims, because they tried to build a public road, ipso facto, and for that reason alone this man who never tried a water case or a mining case, according to the record, in his life, because the Government was pressing the case, decided contrary to every rule of law, contrary to every decision that has ever been rendered, that these men for that reason had lost their rights. We have a right to criticize this ruling, and without any reflection to the honorable gentleman who was the commissioner. This I say in all good faith.

It has been stated here that these men were interlopers there. I hold a copy of the affidavit of Frederick B. Mattly, who has lived in that country for years, who states that he has been familiar with that particular tract of land since 1880; that he has been a practical miner and a farmer, living down on the eastern side of this region; that there are tunnels in this mining land to-day, made by older prospectors; that, by virtue of the conditions that happen in that country, they moved out and moved away. The best mines that exist in the world to-day are those that have been discovered and worked, upon which men have spent fortunes and then left those mines to others who have taken up the work in their places. These men go there and make these filings, and from the affidavit, a copy of which I hold in my hand, Mr. Mattly states that there is a sufficient amount of mineral in place and afloat to justify a reasonable and prudent man in spending his money upon these claims; that they might be developed and made valuable. I ask leave to submit this affidavit as part of my statement at this time—that is, to go into the RECORD and not to be read in my time.

The CHAIRMAN. The gentleman from California [Mr. RAKER] asks unanimous consent to insert an affidavit in the RECORD as a part of his remarks. Is there objection?

There was no objection.

Following is the affidavit referred to:

IN THE CIRCUIT COURT OF THE UNITED STATES, NINTH CIRCUIT, NORTHERN DISTRICT OF CALIFORNIA.

AFFIDAVIT IN RESPONSE TO ORDER TO SHOW CAUSE.

United States of America, complainant, *v.* Hydro-Electric Co., a corporation, defendant.

UNITED STATES OF AMERICA,
Northern District of California, County of Mono, ss:

Frederick D. Mattly, being first duly sworn, deposes and says:

Affiant is a resident of Jordan, Mono County, Cal., and not a party to nor interested in the above-entitled suit.

Affiant has been a practical miner in and around Mono County since 1888, and is, and for many years last past has been, thoroughly familiar with the mining industry and mineral deposits and the development thereof in and around Bodie, and Lake Lundy, and Mono Lake, and the territory between those places in Mono County, Cal., and particularly with all the lands described in the bill of complaint in the above-entitled suit; and affiant says that he is thoroughly familiar with said lands and the lands immediately them surrounding, by reason of having many times prospected and examined the same.

Affiant is familiar with the mining tunnels and underground workings upon the Golden Eagle, Apex, Paraclete, and Iron Mountain mining claims, which are now patented and which lie immediately northward of said lands in said bill of complaint described, and affiant says that such tunnels and underground workings have there been opened and operated extensively upon three different levels, and such workings there disclosed valuable deposits of gold, silver, and copper in rock in place.

Affiant says further that he has examined and is familiar with Exhibit A attached to and filed with the above-named defendant's response to the order to show cause in the above-entitled suit, and that on the 1st day of January, 1910, he (affiant) located claims as follows: "Mattly mining claims, Nos. 1 to 10, inclusive, as shown upon said Exhibit A, and upon said day plainly marked the boundaries of each of said claims upon the ground and posted thereon and upon each thereof notices of such location and the description thereof, and within five days thereafter filed for record and caused to be recorded with the county recorder of the county of Mono, State of California, full, true, and accurate copies of each and all said locations.

Affiant says that prior to the making of said locations he prospected and examined all said land, and that said locations were made because of the fact that affiant found and discovered upon such locations float and other evidences of mineral and of valuable deposits of gold in place sufficient to justify a reasonably prudent miner in the expenditure of his time and money thereon in the hope of developing thereon and upon each thereof a paying mine.

And affiant says further that from his training and experience as a practical miner, and from his examination and study and discoveries upon all said mining locations, and by reason of his knowledge and study of the said Golden Eagle, Apex, Paraclete, and Iron Mountain patented claims, and by reason of his prospecting, study, and examination of the Halley, Wolf, Eagle, Lone Pine (also designated and known as Pine Tree), High Grade, Johnnie Con, and Sunlit mining claims as designated upon said Exhibit A, and by reason of his knowledge, study, prospecting, and examination of the formation and mineral evidences and mining operations in and around said territory, affiant is of the opinon that one or more lodes or veins bearing valuable deposits of gold in place passes across, through, and under all said claims; and affiant is further of the opinion that all said claims contain valuable deposits of gold in ample quantities and quality to justify a reasonably prudent miner in the expenditure of his time and money upon each thereof in the hope of developing a paying mine thereon.

Affiant says further that in making each and every of the locations made by him as above set forth he acted upon his own initiative for the reasons above set forth, and not at the request or suggestion of any other person whomsoever.

Affiant says further that he has thoroughly examined the dotted ditch line indicated upon said Exhibit A, and marked and designated "Old Coleta power ditch"; and affiant says that he saw, knew of, and well remembers the construction and use of said ditch; that said ditch was constructed by the Coleta Consolidated Mining Co. about the year 1893 or 1894; that such of the lands crossed by said ditch as are described in the bill of complaint in the above-entitled suit were then, and were for many years thereafter, open, unappropriated, unreserved public lands of the United States; that said ditch was used and utilized for the transmission of water as a canal and ditch almost continuously from about the year 1894 until about the year 1902 or 1903; that during said time said ditch was used continuously and was continuously filled with water, which water was utilized and used for the purpose of irrigation, and for the purpose of generating power (not electrical power), and for mining, milling, and the reduction of ores.

FREDERICK D. MATTLY.

Subscribed and sworn to before me this 31st day of August, 1910.

[SEAL.] W. H. SMITH,
Deputy County Clerk in and for the County of Mono, State of California.

Mr. RAKER. I do not permit any man to stand stronger than I do on the question of conservation, the protection of our natural resources, the protection of the timber that is in the mountains, in order that the property may be used in the interest of the common mass of the people. There is no man who stands any stronger than I do and have done since I have been in public life and in private life as against the corporations controlling this country. It is all right to make a statement and bring facts before the country and make them applicable to cases, and then come upon the floor of this House and upon the public platform and characterize them as buncombe, to try and make the people believe that you are in favor of controlling monopolies, while yet you are in favor of giving them anything they ask. There is no man within the sound of my voice to-day that would vote for a law that would direct or authorize the Federal Government to go into every State and district ad libitum and examine the books and papers of the concerns in control and fix the prices upon utilities. There is no man in this Congress who believes in that.

Mr. JAMES. Mr. Chairman, will the gentleman yield?

The CHAIRMAN. Does the gentleman from California yield to the gentleman from Kentucky?

Mr. RAKER. I do.

Mr. JAMES. In the bill that is now under consideration, which the gentleman introduced, you have no provision to the effect that this land should revert to the Government in case this water-power company should form any unlawful trust or combination.

Mr. RAKER. Yes; absolutely.

Mr. JAMES. Where is it?

Mr. RAKER. Let me have the bill. Here it is. I state this as an attorney who has given this subject his experience, and all that I have had is in mining matters and water rights for over 30 years. It is upon lines 5, 6, and 7, "for its pipe line during the period of its beneficial use only."

Mr. JAMES. What is that? The gentleman does not think that that——

Mr. RAKER. I have not got through. Now, added to that and as a part of this, the State of California passed a constitutional amendment and the legislature passed its bills, by which the State itself makes a physical examination of every corpora-

tion's property and regulates the price at which they sell their commodities and determines whether or not they shall issue stock, and that there shall be no monopoly involved in regard to any public-utility matters.

Mr. JAMES. Mr. Chairman, I would like to know if the gentleman seriously contends before this committee that the words that he has just read, "for its pipe line during the period of its beneficial use only," would be construed to prohibit or prevent monopoly or would make this land revert back to the Government when they should create a monopoly? And I confidently assert that there is nothing in the gentleman's bill, either the part that he read or otherwise in the bill, that would make this property revert back to the Government in case a monopoly was established or which prevents a monopoly or trust.

Mr. RAKER. Well, if it is not used for the beneficial use of the public it reverts. Next, the State of California has passed a law, as I stated, that covers the situation. There is no question of doubt on earth about it.

I want the gentleman's answer, before I get through, upon this question: These people own the water right, all of it. These people own all of the land except the 3,800 feet which they desire to cross. Is there any law at any time or under any circumstances that provides that the National Government desires to tax private individuals for using their own water rights and using their own land?

Yet in this case the water has been running to waste. This company desires to utilize it, conserve it, by putting it in a closed pipe and conserving it to the extent of 15 to 25 per cent, then putting it in a power-pressure pipe, in order that they may directly divert it to their mills and return it back for use in their mines. It is held that therefore they must pay a tax for the land that they own, for the water rights that they own, to use the property that they now own, because they desire to run across this land from an open ditch to a closed pipe line sunk into the ground and covered from 1 to 5 feet deep.

Now I yield to the gentleman from Kentucky.

Mr. JAMES. Is there such a water company in the State of California as the General Electric Power Co.?

Mr. RAKER. I do not know.

Mr. JAMES. Is there not a water company of California that is understood to have a monopoly of the water power of all of northern California?

Mr. RAKER. I do not know. This is an independent company. There is no possibility of a monopoly. The Government officials have so reported.

Mr. JAMES. I am asking the gentleman: Is there a company known as the General Electric Power Co.?

Mr. RAKER. I do not know.

Mr. JAMES. Does the gentleman know whether or not the Hydro-Electric Power Co. is owned in any part by this company?

Mr. RAKER. All I know of it is from a telegram and a statement from a party here. I was informed that they were interested and I made inquiry, and I have the answer here that it is absolutely not the fact.

Mr. JAMES. That is merely a telegram that the gentleman has received, but the gentleman can give the committee no statement upon authority such as that of the stockholders?

Mr. RAKER. Yes; I can.

Mr. JAMES. That this company is not part of a monopoly already in existence in California?

Mr. RAKER. Yes; I can answer that by stating the record of the attorneys of the company, that there is no monopoly in it, and that the character of these people is excellent.

The CHAIRMAN. The time of the gentleman has expired.

Mr. MANN. Mr. Chairman, if there is no objection, I wish to yield five minutes to the gentleman from Wisconsin [Mr. COOPER].

Mr. FERRIS. I yield first three minutes more to the gentleman from California [Mr. RAKER].

The CHAIRMAN. The gentleman from California [Mr. RAKER] is recognized for three minutes more.

Mr. JAMES. Is it not true that the gentlemen concerned in this bill are asking us to enact a particular law that will give them exemption from the law of the United States that applies to every other power company in this land and are asking us to give to this company a privilege that is denied to every other corporation in the United States?

Mr. RAKER. No. If that were the fact, I would be opposed to the bill. If it gave them any right different from what is given to any other company, I would not be here advocating the enactment of this bill, although I have introduced it.

Mr. JAMES. Is it not true that the chief objection of this company to a compliance with the law as it now stands and the chief reason for the passing of this bill is that section 12 of the permit issued by the Government provides that if they go into a trust or a monopoly or a combination, this pipe line shall cease to be their property and the right to use it shall be denied?

Mr. RAKER. Oh, no.

Mr. JAMES. And the further right under that permit is reserved to the Secretary of Agriculture to examine their books and see whether a monopoly has been attempted by them, or whether there is oppression used upon the public in the charge for water?

Mr. RAKER. Oh, no.

Mr. JAMES. Those things are in the permit which the gentleman's company wishes to avoid.

Mr. RAKER. The gentleman may have stated the substance of it, but not the language accurately.

Mr. JAMES. Of course, those stipulations are expressed in a better form, no doubt. I was stating them offhand.

Mr. RAKER. Mr. Chairman, it is charged that there is monopoly involved in this company, when, as a matter of fact, this plant is 60 miles away from a railroad and it runs its own business. The Government has determined that there is no monopoly in it and——

Mr. JAMES. In order that there may be no dispute between the gentleman and myself as to these provisions in the permit which the Government requires, Nos. 12 and 13, I ask unanimous consent, Mr. Chairman, that they be inserted in the RECORD, following the remarks of the gentleman, so that it can be seen which of us is right.

Mr. RAKER. The gentleman did not give quite the purport of them, and I think the best way is to give them entirely.

Mr. JAMES. I simply tried to give the gist of them. I ask unanimous consent, Mr. Chairman, that sections 12 and 13 of these water-power stipulations be inserted in the RECORD.

The CHAIRMAN. The gentleman from Kentucky asks unanimous consent to insert the provisions he has named in the RECORD. Is there objection?

There was no objection.

Following is the stipulation referred to:

[United States Department of Agriculture; Forest Service.]

WATER-POWER STIPULATION.

The Hydro-Electric Co., hereinafter called the permittee, a corporation organized and existing under and by virtue of the laws of California, and having its office and principal place of business at San Francisco, having applied for a temporary permit to occupy and use certain lands of the United States within the Mono National Forest for the construction and use of a conduit or pipe line to conduct water for the generation of electric energy, under the provisions of the act of Congress approved February 15, 1901, does hereby, in consideration of the granting of the said permit, stipulate and agree as follows, to wit:

1. To pay in advance on the 1st day of January, 1911, and on the 1st day of January of each year thereafter, to the First National Bank of San Francisco (United States depositary), or such other Government depositary or officer as may hereafter be legally designated, to be placed to the credit of the United States, the sum of $75; and in case this temporary permit shall be superseded by a final permit, in such form as the Secretary of Agriculture may prescribe, such payments shall be credited to the permittee and be applied to the charges due or to become due under the said final permit.

2. To pay in advance, as required by the district forester, to the said national bank, or other United States depositary, to be placed to the credit of the United States, the full value of all merchantable, live, and dead timber to be cut, injured, or destroyed, in the construction of said works, title to which, at the time of said cutting, injury, or destruction, is in the United States, such full value to be deemed and taken to be the value fixed by the district forester, according to the scale, count, or estimate of the forest officer or other agent of the United States in charge of said scale, count, or estimate, and at the price which shall be the prevailing stumpage price for similar material on said national forest at the time of said cutting, injury, or destruction.

3. To pay, on demand of the district forester or other duly authorized officer or agent of the United States, to the said United States depositary, or other authorized officer as above set forth, full value as fixed by said district forester, or other duly authorized officer or agent, for all damage to the national forests resulting from the breaking of, or the overflowing, leaking, or seepage of water from the works constructed, maintained, and [or] operated under the permission applied for, and for all other damage to the national forests caused by the neglect of the permittee or of its employees, contractors, or employees of contractors.

4. To dispose of all brush and other refuse resulting from the necessary clearing of or cutting of timber on the lands occupied and [or] used under the permission applied for, as may be required by the forest officer in charge.

5. To protect all Forest Service and other telephone lines at crossings of and at all places of proximity to the transmission line in a standard manner and satisfactory to the forest officers and to maintain the line in such a manner as not to injure stock grazing on the forest.

6. To do all within its power and that of its employees, contractors, and employees of contractors, both independently and upon the request of the forest officers, to prevent and suppress forest fires.

7. To build and repair roads and trails as required by the forest officer, or other duly authorized officer or agent of the United States whenever any roads or trails are destroyed or injured by the construction work or flooding under the permission applied for, and to build and maintain suitable crossings as required by the forest officer, or other duly authorized officer or agent of the United States, for all roads and trails which intersect the conduit, if any, constructed, operated, and [or] maintained on the lands the occupancy and use of

which have been applied for and to secure which this stipulation is filed with the district forester.

8. To install and maintain in good operating condition, free of all expense to the United States, accurate measuring weirs, gauges, and [or] other devices approved by the Secretary of Agriculture, adequate for the determination of the natural flow of the stream or streams from which water is diverted for the operation of said works, and of the amount of water used from the natural flow in the operation of said works, and of the amounts of water held in and drawn from storage, and to keep accurate and sufficient records, to the satisfaction of the Secretary of Agriculture of the above-named measurements.

9. To sell electric energy to the United States, when requested, at as low a rate as is given to any other purchaser for a like use at the same time: *Provided*, That the permittee can furnish the same to the United States without diminishing the measured quantity of energy sold before such request to any other consumer by a binding contract of sale: *And provided further*, That nothing in this clause shall be construed to require the permittee to increase its permanent works or to install additional generating machinery.

10. That the said permit shall be subject to all prior valid claims and permits which are not subject to the occupancy and use authorized by said permit.

11. That except when prevented by the act of God or by the public enemy or by unavoidable accidents or contingencies, the permittee will, after the beginning of operation, continuously operate for the generation of electric energy the works constructed and [or] maintained in whole or in part, under said permit, unless upon a full and satisfactory showing of the reasons therefor this requirement shall be temporarily waived by the written consent of the Secretary of Agriculture.

12. That the works to be constructed and [or] maintained under said permit will not be owned, leased, trusteed, possessed, or controlled by any device permanently, temporarily, directly, indirectly, tacitly, or in any manner whatsoever so that they form part of, or in any way effect, any combination or are in anywise controlled by any combination, in the form of an unlawful trust, or form the subject of any contract or conspiracy to limit the output of electric energy, or in restraint of trade with foreign nations or between two or more States or Territories or within any one State or Territory in the generation, sale, or distribution of electric energy.

13. That the books and records of the permittee, in so far as they show the amount of electric energy generated by the works constructed and [or] maintained, in whole or in part, under said permit, or the amounts of water held in or used from storage, or the stream flow or any other data of the watershed furnishing the water used in the generation of said energy, shall be open at all times to the inspection and examination of the Secretary of Agriculture, or his duly appointed representative; and the permittee will during January of each year, unless the time therefor is extended by the written consent of the Secretary of Agriculture, make a return to said Secretary, certified under oath, in such form as may be prescribed by the said Secretary, of such of the measurements of records made by or in the possession of the permittee, as may be required by the said Secretary, concerning the matters in this clause above named, and for the year ending on December 31 preceding.

Mr. MANN. I yield five minutes to the gentleman from Wisconsin [Mr. COOPER].

Mr. COOPER. Mr. Chairman, this bill, after the enacting clause, is as follows:

That the said Hydro-Electric Co. is hereby granted a right of way over the said northeast quarter of section 14, township 2 north, range 25 east, Mount Diablo meridian, California, for its said pipe line during the period of its beneficial use only.

This is a short bill, but it is long enough. It grants an easement practically in perpetuity, for it is fair to presume that that water is going to run forever and will be beneficial to somebody all the time that it is running.

Then we have this remarkable report—very remarkable in view of the question before us, for the situation developed here is very complex—protracted litigation, many incidents, important correspondence, conflicting testimony, and denunciation of lawyers who, it is said, have violated stipulations. It is a very difficult, complicated affair, and yet they get rid of it in a report of 12 lines.

The committee had a hearing of only one day, and at the end of the hearing moved to stop further proceedings and to report the bill unanimously by those Members who were present, and it is presented here as a unanimous report. Yet it is not a unanimous report, for one of the very strongest speeches that has been made against the bill, one of the very strongest speeches possible to be made against it, was made this afternoon by the distinguished gentleman from Iowa [Mr. PICKETT], a member of the committee.

Now, the gentleman from California [Mr. HAYES] and the gentleman from California [Mr. RAKER] and the gentleman from Colorado [Mr. TAYLOR] asked if we, the people of the East, are going to keep on stopping the development of the industries of California. Whereupon the gentleman from Mississippi [Mr. HUMPHREYS] arose here and read from the report of the United States Inland Waterways Commission, showing that there is 800,000 hydroelectric horsepower in the State of California which has been picked up practically by four companies, and that these have developed only 2 or 3 per cent of it and are holding the rest for speculative purposes. In view of this startling fact, who is holding up the development of California? Is it the people of the East or is it some of the great corporations that propose to hold these 800,000 horsepower until they get ready to develop it and then to solidify it under one management?

The general industrial development by means of hydroelectric power is a subject which has been brought to the attention of the American people within comparatively very few years last past, not more than six or seven. It was first brought powerfully to their attention by a Republican President. During these years public sentiment has become crystallized and is practically unanimous upon the proposition that hereafter no corporation of this kind shall be granted a privilege in the national domain without the Government of the United States in some form retaining control over it; not to be arbitrary and oppressive, but so that it can not be used for the purposes of monopoly.

What is attempted by this bill is to give this corporation an absolute grant of an easement forever, beyond the possibility of public control. It is a grant of an easement forever without conditions. Are we, the trustees for the American people who own that property, justified in giving away that easement, so that we can not control it hereafter? The gentleman said that this company does not belong to the General Electric Co. But that means nothing. Is there anything in this bill or in the charter of the company to prevent its being purchased by the General Electric Co. after we enact this bill into law? Certainly not; and nobody knows it better than the gentleman from California who has championed this bill. Of course it does not belong to the General Electric Co. now. But does the gentleman deny that if we pass this bill and make it a law the General Electric Co. could purchase all these rights within 10 minutes afterwards? And does the gentleman doubt that they will make the purchase?

Mr. RAKER. What rights does the gentleman refer to?

Mr. COOPER. I mean the property of the company named in this bill.

The CHAIRMAN. The time of the gentleman from Wisconsin has expired.

Mr. MANN. How much time have I remaining?

The CHAIRMAN. The gentleman has 22 minutes remaining.

Mr. MANN. Mr. Chairman, if I may have the attention of the committee, in 1909 the Hydro-Electric Co. had in contemplation the construction of the power plant which has been referred to in the debate, and it had communication with the Forest Service in reference to the laying of the pipe line which has been referred to. That company was informed by the Forest Service that under the law of 1901, passed by this Congress, the Forest Service would issue a permit upon application made by the company for the construction of this pipe line through this forest reserve. That was in 1909.

The company declined to make the application, and on March 5, 1910, one Francis Burke located some mining claims on the forest reserve where the pipe line was to run. On May 10, one J. A. Conway located some additional mining claims on this forest reserve; so that between the locations of the two gentlemen they located mining claims over the entire strip in the forest reserve where the pipe line was to run. We had passed a law in 1901 authorizing the Secretary of the Interior to grant permits for the construction of hydroelectric lines over the public domain. In 1905 we transferred that authority with the national forests from the Secretary of the Interior to the Secretary of Agriculture. There still remained on the public domain outside of the national forests the right of these companies to secure the title to land by locating upon the land and obtaining the title to property necessary for the development of electric power. It became so threatening that the President of the United States issued an order reserving from location great quantities of land that might be profitably used for the development of water power, but the authority to obtain title to the land was never given in the forest reserve, except through the medium of locating mining claims. Having found that they could not obtain permission to lay this pipe line through this forest reserve without making an application, they resorted to the expedient of locating the mining claims a few months later and then bought the mining claims from the locators at $10 apiece. It became the duty of the Agricultural Department to examine the mining claims to ascertain whether they were located in good faith.

If those mining claims are located in good faith, the gentlemen who locate them, or the Hydro-Electric Co., which now owns them, will in the course of a short period of time become the absolute owners of the property. They will obtain patents to the property, and they do not need to ask or receive any concession of rights from the General Government. But the Agriculture Department found that the mining claims were fraudulently located. I hold in my hand a letter from the Secretary of the Interior with reference to this bill, in which he says:

Inside of national forest scrip could not be used nor could any adverse claim upon the lands be initiated otherwise than under color of the mining laws. * * *

Experience has shown the necessity of vigilance to prevent the fraudulent use of the mining law obtaining private title to water-power sites in national forests. * * *

If the claims—

Referring to these mining claims—

so located should be patented before the construction of the conduit the possibility of control by the Federal Government would be destroyed. * * * The usual examination of the claims on the ground satisfied the Department of Agriculture that they were fraudulent. * * *

In accordance with the practice above described the company, when it applies to this department for patent to these claims, will be met by proceedings to determine the validity of the claims. If, upon such proceedings, it appears that the claims are valid, they will be patented and the company may proceed with its construction free of control by the Federal Government. If, on the other hand, the claims are found to be fraudulent they will be declared invalid, and Federal control of water-power development on the lands embraced therein will be perpetuated. One necessary effect of the pending bill would be to anticipate this adjudication in favor of the company and against the public.

Mr. RAKER. What does the gentleman read from?

Mr. MANN. I read from a letter from the Secretary of the Interior.

Mr. RAKER. Written when?

Mr. MANN. March 9, 1912; a very recent communication.

Mr. RAKER. Well, why will not the gentleman insert it in the RECORD?

Mr. MANN. Perhaps I will; but I do not yield my time to the gentleman now. I have not much time. That being the situation, Mr. Chairman, the Forest Service was still willing, under the law of 1901, to grant the permit. It is still willing now to grant the permit. All the talk about this company not being able to go ahead with its construction is pure balderdash. The pipe is down in the ground; the company has gone ahead; it obtained the power and has constructed a pipe line. The only question is upon what terms it shall retain the pipe line. The Department of Agriculture issued a temporary permit, permitting the construction of this pipe line after the temporary injunction had been issued, or in connection with it, and at the same time it issued a permanent permit.

Under the law of 1901 the general permit which they issue, which they call a stipulation, to be signed by the permittee—in this case the Hydro-Electric Co.—is very broad. I will defy any gentleman in this House to draw a permit to any company in the land to authorize the use of the public domain and make it more liberal than was the permit issued by the Department of Agriculture. To what did the company take exception? First, it took exception to the statement in the permit that this land was the land of the United States. No one denies that. It was subject to the location of mining claims, which, if they prove valid, transfers the title to the Hydro-Electric Co., but the land was still the land of the United States. Next, they took exception to a provision in the permit that they should sell electric power to the United States as cheaply as they did to anyone else, not that they should give electric power to the United States, not that they should sell it any cheaper than they did to anyone else, but that they should sell electric energy to the United States when requested at as low a rate as was given to any other purchaser for a like use at the same time. The company objected to it. It said it wanted the power to sell electric energy to other people at a cheaper rate than it sold it to the United States. Next, it objected to the provision in reference to some gauges.

Mr. Chairman, I am going to call the attention of the committee now to a provision in the stipulation to which they did not object, but which is the reason they are here to-day asking for this permit from Congress. They gave trivial objections to the stipulations. No reasonable man will sustain them in the objections which they made. It would not have cost them a tithe—I doubt whether it would have cost them a hundredth part—if they had obeyed the conditions of what it has cost them trying to pass this bill. I have been annoyed myself with telegrams and letters, with high-priced lawyers, both from Washington and Chicago, urging the passage of this bill, because the Government proposed to exact the enormous sum of $75 a year so long as the title to this property remained in the Government, they claiming that they would soon own the title themselves. To what do they object? First, they objected because the law provided for a revocable permit. They objected to being classed with everybody else who obtained similar permits. Mr. Chairman, during my service in this House I think we have never passed a bill of any character giving special permits without the power to revoke them. We have passed bills for dams, for water-power purposes, under the general dam law, and the Secretary of War is authorized under that law to order a reconstruction of the dam at any time, and Congress reserves the power to wipe it out by repeal at any time. Every railroad company that builds a bridge across a navigable stream does it with the express provision in the statute that the Secretary of War may order it removed at any time, and Congress reserves the power to repeal the law at any time. Every time we grant permission to cross a military reservation we do the same thing.

Up to date this power has not been abused; but, Mr. Chairman, there was one stipulation to which this company, while not nominally doing it, really objected. Some time ago we ordered the Bureau of Corporations to make an investigation of the water-power resources of the United States and of the possible monopolization of those powers. I venture to state from my own knowledge of the subject that the State of California is now within the control, so far as hydroelectric power is concerned, of not to exceed four companies, and that northern California, where this project is proposed, is in the absolute domination of one company. [Applause.] When it was proposed in this stipulation to insert this item, which I will read, it was all off:

12. That the works to be constructed and [or] maintained under said permit will not be owned, leased, trusteed, possessed, or controlled by any device permanently, temporarily, directly, indirectly, tacitly, or in any manner whatsoever so that they form part of, or in any way effect, *any combination or are in any wise controlled by any combination, in the form of an unlawful trust, or form the subject of any contract or conspiracy to limit the output of electric energy, or in restraint of trade with foreign nations or between two or more States or Territories or within any one State or Territory in the generation, sale, or distribution of electric energy.*

Mr. Chairman, it took a very bright lawyer to write that, and he wrote it so that it meant something. If, under this stipulation, this company was granted this power, it could not transfer it to the company that now controls the hydroelectric power in that part of the State. It could not sell out to the combination that is seeking to control the development of water power all over the United States; and when the Department of Agriculture put that provision into the stipulation, as it does into all other stipulations relating to the development of this power in the national forests, this company found an excuse that they did not wish to construct a water gauge, something that would not cost them more than $100, and they have spent thousands of dollars trying to lobby and intimidate Members of Congress to break down the fundamental principles that we have established—that those permits which were granted by the Government shall remain under the control of the Federal Government. [Applause.]

Mr. FERRIS. Mr. Chairman and gentlemen of the committee, this bill, in my judgment, has been given unnecessary importance by both sides of the House, by the members of the committee, and by entirely too many people. This bill was submitted to the Committee on the Public Lands and a unanimous report had thereon. It gives a right of way across one quarter section of rocky, worthless, hilly land. This company has enjoyed a right of way across this identical quarter section of rocky and worthless land for 30 years under law that no man questions or attacks. That law is still in full force and effect, and they still enjoy that full right, and could to-day and indefinitely enjoy the same right through an open ditch. What do they elect to do? They elect to improve their water system, owning all the water themselves. They elect to improve their ditch, owning all the land themselves excepting this quarter section. They elect to move their pipe line just a little west and bury it in the ground. What confronts them? Here comes the Federal Government and says that even though you own every bit of the water, even though you own every bit of the land, even though you own a right of way for an open ditch and have enjoyed that for 30 years, even though you own 3½ miles of pipe line, because we own 3,800 feet of worthless land which you desire to cross you must submit to have your books left open for inspection; you must submit to an annual charge; you must submit to every sort of regulation that Gifford Pinchot and his tribe can conjure up.

Mr. Chairman, I am not one of those who are here to assert that Gifford Pinchot or Gifford Pinchotism is always wrong. I think in the past—and it will probably be true in the future—that he has and will render good and faithful service to the people of this Republic, but I do say that in this instance it is simply a case of conservation run mad. The best friend that conservation has had better go up and take Gifford Pinchot and his people in hand on this proposition to the end that they do not render themselves absolutely ridiculous. Here we are spending days and days of debate, when, if this bill is defeated, not one penny's worth of property is saved. I assert that there is no such thing as conservation when there is nothing to conserve. If this bill is defeated, we have saved nothing. If this bill is passed, we have surrendered nothing. If this bill is passed, we simply let the Hydro-Electric people enjoy the right by a covered pipe line that they now enjoy and have enjoyed for 30 years by an open ditch under existing law. I ask with what consistency can this side of the Chamber, with what con-

sistency can that side of the Chamber, and with what consistency can you oversensitive and supersensitive conservationists uphold Gifford Pinchot and his tribe in such a contention? Why do you come in here and grow to fever heat over nothing? Why do not you allow yourselves to be overwrought up when the public land is really involved? What is involved here? Worthless, worse than worthless, land and only the right of way across 160 acres. I have examined the photographs of that quarter section of land, and it is not worth 5 cents for 10 miles square. This company owns every bit of water, owns every bit of land on both sides, and they have owned it for 30 years, and now, because they want to move an open ditch up here and lay a pipe [pointing to the map], run a few feet away from the former open ditch across the identical land that they have the right of way across now by an open ditch, Congress is thrown into fever heat over nothing. My friends, only day before yesterday I had a long conversation with the Director of the Reclamation Service, and what did he say?

He told me that in the reclamation and irrigation of arid lands he had expended $60,000,000 out of the Federal Treasury in the last 10 years.

Mr. FOSTER of Illinois. Will the gentleman yield?

Mr. FERRIS. I have but a few moments of time.

Mr. FOSTER of Illinois. It is a very short question.

Mr. FERRIS. I will yield.

Mr. FOSTER of Illinois. Why did you not put an antimonopoly provision in this bill?

Mr. FERRIS. Oh, there is no monopoly in a man's own individual property. I am glad the gentleman asked me that. They own every drop of the water; they own 3½ miles of pipe line; they own all the land. I want to ask you where there is a man so sensitive that he can think that a man could have a monopoly of his individually owned property?

Mr. FOSTER of Illinois. They might sell it to a monopoly.

Mr. FERRIS. I will ask you with what propriety can the Federal Government say that because they own 3,000 feet of worthless land they have the right to come in here and adopt rules and regulations for a man who owns 3½ miles of pipe line and has owned it for 30 years?

Mr. BURKE of Pennsylvania. Will the gentleman yield for one question? Is the issue now pending in the courts broad enough, if decided in favor of this company, to absolve it from any responsibility to the United States Government?

Mr. FERRIS. I can not answer the gentleman entirely on that proposition, because I have not gone into that. This company owns some mineral claims covering this identical land, and whether they be valid or invalid, so far as I am concerned, I am not going to grow insane over the regulation of property that this Government does not own.

Mr. BURKE of Pennsylvania. Do they object to signing this stipulation for the reason that in the event of the decision of the court being in their favor ultimately they will meanwhile have assigned away their rights? Is that one of the gentleman's contentions?

Mr. FERRIS. I have not advanced that.

Mr. BURKE of Pennsylvania. Those seem to me to be the issues in this case, but they have not been asked about.

Mr. FERRIS. There are flying around this House cries of "monopoly." Men have been excited and wrought up on the theory that there is going to be some monopoly here. I assert that there can be no monopoly when a man is simply enjoying the fruits of his own property and his own labor. These men and their predecessors have owned this property for 30 years. They are out there trying to furnish those little towns and communities with light, water, and power, in order to develop the country without help from the reclamation fund of the Federal Government. Here comes the Federal Government, expending in the last 10 years $60,000,000 for irrigation and reclamation, and now they are unwilling to give to this company, which is willing to irrigate this land themselves, a right of way across one quarter section of worthless land. Gentlemen over on the other side have asserted that a great fundamental principle was involved here. I deny that. No principle is involved.

My good friend, I want to be one person that asserts that no matter whether it be the Hydro-Electric Co. or any individual or corporation, each are entitled to common, decent treatment, and anyone who grows excited over the granting of a right of way across one quarter section of land is striking a severe blow to conservation. It is simply branding contempt for a policy that is productive of much good.

I want to leave one question with you, and want to impress it on you with all the earnestness I have. Only last year we issued $20,000,000 for bonds to irrigate the West. Here is a company trying to irrigate land itself. What do they ask at the hands of this Government? Nothing except the right to move their pipe line from right here up to this line [indicating], a distance of less than 200 yards, and proposing to convert an open ditch into a covered pipe line. No one objects to their present holdings, founded and attached under existing law. I ask you if it is not all unnecessary, if it is not all unusual, if it is not all wholly outside the range of any form of conservation, if it is not folly, if it is not practicing gross obstinacy in the name of conservation? Conservation—ah! how many wrongs are committed in thy name. If the bill is defeated, nothing is saved or conserved; if it is passed, nothing but justice is done. This bill ought to pass by unanimous consent, and would if properly understood, without the stress of excitement and the cry of the demagogue who knows not what he says and cares not what havoc his undigested words inflict.

The CHAIRMAN. The time of the gentleman has expired. The Clerk will read.

The Clerk proceeded with and concluded the reading of the bill, as follows:

A bill (H. R. 12572) for the relief of the Hydro-Electric Co. of California.

Whereas the Hydro-Electric Co., a corporation of California, has constructed and is now operating a water-power plant for the generation of electric energy in Mono County, Cal., such electric energy being for use in the operation of its own mining properties and for sale for mining, manufacturing, and domestic purposes in the vicinity, and the water being available for the irrigation of otherwise arid and barren desert land; and

Whereas a small portion, approximately 3,800 feet only, of the water-pipe line of the said project is located upon unpatented land in the northeast quarter of section 14, township 2 north, range 25 east, Mount Diablo meridian, within the Mono National Forest, in California, such unpatented land being treeless, arid, and barren, and not susceptible of forestation, and being claimed by said company under the mining laws of the United States: Therefore

Be it enacted, etc., That the said Hydro-Electric Co. is hereby granted a right of way over the said northeast quarter of section 14, township 2 north, range 25 east, Mount Diablo meridian, California, for its said pipe line during the period of its beneficial use.

With the following committee amendment:

In line 7, after the word "use" insert the word "only."

Mr. JAMES. Mr. Chairman, I move to strike out the enacting clause.

The CHAIRMAN. The gentleman from Kentucky [Mr. JAMES] moves to strike out the enacting clause.

Mr. FERRIS. Mr. Chairman, the question is debatable, I believe. I do not know what the views of the House on this proposition may be, but I hope this action will not be taken. I never was as positive in my life that a bill was so absolutely free from fault and absolutely the victim of overexcitement as this one. But if this proposition is voted down, and if amendments can be made, if thought necessary—and I do not think any amendment is necessary—if it is the wisdom of the House to amend it, let that be the course rather than any drastic motion to kill the bill. Of course, if the motion to strike out the enacting clause prevails, there will be no chance to do anything further.

Mr. MANN. If the motion should prevail the company would still have an opportunity to obtain a permit from the Agriculture Department on the same terms as any other company has on the public reserve.

Mr. FERRIS. I do not know whether they would have or not, in the face of that letter. They have had the property for 30 years. The land is worth nothing.

Mr. JAMES. Mr. Chairman, I made the motion simply because it was a quick way in which to kill the bill. They did have the opportunity that every other corporation has that crosses Government land to comply with Government regulations. They have refused to do it, and I believe it is because they want a monopoly; and the reason I oppose the bill is because I am opposed to monopolies; and I hope my motion will prevail, which means the defeat of the bill. I ask for a vote.

The CHAIRMAN. The question is on the motion of the gentleman from Kentucky [Mr. JAMES] to strike out the enacting clause.

The question was taken, and the Chair announced that the ayes seemed to have it.

Mr. FERRIS. Division, Mr. Chairman.

The committee divided; and there were—ayes 98, noes 27.

So the motion to strike out the enacting clause was agreed to.

Mr. MANN. Mr. Chairman, I move that the committee do now rise and report the bill to the House with the recommendation that the enacting clause be stricken out.

The motion was agreed to.

Accordingly the committee rose; and the Speaker having resumed the chair, Mr. RUSSELL, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee had had under consideration the bill H. R. 12572, and

had directed him to report the same to the House with the recommendation that the enacting clause be stricken out.

The SPEAKER. The question is on agreeing to the motion to strike out the enacting clause.

The question was taken, and the Chair announced that the ayes seemed to have it.

Mr. KAHN. Mr. Speaker, I make the point of no quorum.

The SPEAKER. The Chair will count.

The Chair proceeded to count.

Mr. KAHN. Mr. Speaker, I withdraw the point of no quorum.

The SPEAKER. The gentleman from California withdraws the point of no quorum. The ayes have it, and the motion to strike out the enacting clause is agreed to.

HOMESTEAD ENTRIES.

Mr. FERRIS. Mr. Speaker, by direction of the Committee on the Public Lands I call up the bill S. 3367.

The SPEAKER. The Clerk will report the bill.

The Clerk read as follows:

An act (S. 3367) to amend section 2291 and section 2297 of the Revised Statutes of the United States, relating to homesteads.

Be it enacted, etc., That section 2291 and section 2297 of the Revised Statutes of the United States be amended to read as follows:

"SEC. 2291. No certificate, however, shall be given or patent issued therefor until the expiration of three years from the date of such entry; and if at the expiration of such time, or at any time within two years thereafter, the person making such entry, or if he be dead his widow, or in case of her death his heirs or devisee, or in case of a widow making such entry her heirs or devisee, in case of her death, proves by two credible witnesses that he, she, or they have resided upon or cultivated the same for the term of three years immediately succeeding the time of filing the affidavit, and makes affidavit that no part of such land has been alienated, except as provided in section 2288, and that he, she, or they will bear true allegiance to the Government of the United States, then in such case he, she, or they, if at any time citizens of the United States, shall be entitled to a patent as in other cases provided by law: *Provided*, That the absence of said entryman or of his family from the land for a period not exceeding 6 months in any one calendar year shall not be held or construed as interrupting the continuity of the 3 years' residence required by this section, but in case of commutation the 14 months' actual residence as now required by law must be shown.

"SEC. 2297. If, at any time after the filing of the affidavit as required in section 2290 and before the expiration of the three years mentioned in section 2291, it is proved, after due notice to the settler, to the satisfaction of the register of the land office that the person having filed such affidavit has actually changed his residence after establishing the same, or abandoned the land for more than six months at any time, then and in that event the land so entered shall revert to the Government: *Provided*, That the three years' period of residence herein fixed shall date from the time of establishing actual permanent residence upon the land."

SEC. 2. That all existing pending entries perfected under and according to the terms of this act, except entries under section 6 of an act passed and approved February 19, 1909, and section 6 of an act passed and approved June 17, 1910, providing for an enlarged homestead, and that as to entries under said sections this act shall not in any wise apply, except that the provision allowing a six months' residence during any calendar year shall apply to all homesteads.

Also the following committee amendments:

Line 5, page 2, after the word "have," insert "a habitable house upon the land and have."

Lines 6 and 7, page 2, strike out the word "immediately."

Line 14, page 2, strike out the word "absence" and insert in lieu thereof the word "presence."

Line 15, page 2, strike out the word "from" and insert in lieu thereof the word "on"; and in the same line strike out the words "a period not exceeding."

Line 16, page 2, strike out the word "six" and insert in lieu thereof the word "seven"; and in the same line strike out the words "any one" and insert in lieu thereof the word "each"; and in the same line strike out the words "not" and "or."

Strike out all of line 17, page 2, and insert in lieu thereof the words "sufficient to constitute the."

Line 20, page 2, after the word "shown," add the following:

"*Provided*, That where the person making the entry dies before the offer of final proof those succeeding to the entry must show that the entryman had complied with the law in all respects to the date of his death and that they have since complied with the law in all respects, as would have been required of the entryman had he lived, excepting that they are relieved from any requirement of residence upon the land."

Page 3, lines 2 and 3, strike out the words "actually changed his residence after establishing the same" and insert in lieu thereof the words "failed to establish residence within six months after the date of entry."

Page 3, line 9, after the word "entries," insert the words "requiring residence upon the land under the homestead laws."

Page 3, line 10, change the comma after the word "Act" to a period and strike out all the remainder of section 2, beginning with the word "except" in line 10 and ending with the word "homesteads" in line 18.

Mr. FERRIS. Mr. Speaker, it is apparent that we can not dispose of this bill to-night. I therefore ask unanimous consent that the first reading of the bill be dispensed with.

Mr. MANN. This is not the first reading of the bill. Mr. Speaker, this bill ought to be on the Union Calendar. I have no objection to calling it up. I think it is a Union Calendar bill, providing as it does for the taking of homesteads and the disposition of the public domain. If it is a Union Calendar bill I was going to make a request for unanimous consent that it be transferred to the Union Calendar without affecting its being called up to-day.

Mr. FERRIS. I have no objection to that, Mr. Speaker.

The SPEAKER. Without objection, this bill will be transferred to the Union Calendar, and it will be the unfinished business next Wednesday.

COST OF LIVING (H. DOC. NO. 617).

The SPEAKER laid before the House the following message from the President of the United States, which was read, and, with the accompanying documents, was referred to the Committee on Ways and Means and ordered to be printed:

To the Senate and House of Representatives:

I transmit herewith a letter from the Acting Secretary of State with accompanying data on cooperation and the cost of living in certain foreign countries.

The popular demand for information of this character apparently was based on the belief that some remedy or partial relief might be found for the growing burdens of the high cost of living. The immediate result of the inquiries instituted by the Department of State through the consular officers was to accentuate the fact that the increase in the prices of the common necessities of life is world-wide and that it is an absorbing question with the cooperative associations as well as with the mass of consumers as individuals. Multiplied evidences of the universal restlessness under this condition are given. Intelligence gathered and presented by the cooperative societies shows that even where there has been an advance in wages the percentage has not kept pace with the rise in the cost of food supplies. This disproportion in many cases is so marked as to be startling.

The information collected and collated by the Department of State is comprehensive and is a permanent contribution to the history of the efforts of producers and consumers, but more especially of consumers, to solve for themselves the economic problems of production, distribution, and consumption. If the cooperative associations which have been in existence for half a century and more have not been able to determine the fundamental causes of the increased cost of living or to retard the advance, the student of social progress at least may derive instruction from the account of the associations and their influence on the well-being of their members.

How far the system of cooperative organization which flourishes in various European countries may be adapted to our highly organized and individualistic social organization may perhaps only be determined by experiment, and in any case the experiment must be of a voluntary character. The practical information contained in the reports of the consular officers undoubtedly will be of much value to those who are seeking to work out this problem for themselves by means of similar associations.

In my message of February 2 I recommended an international commission to look into the cause for the high prices of the necessities of life and the possible remedies. Should such a commission be authorized by Congress, the relation of the cooperative societies to this subject would be of great interest and the reports of the consular officers would have additional utility.

WM. H. TAFT.

THE WHITE HOUSE, *March 13, 1912.*

ORDER OF BUSINESS.

Mr. UNDERWOOD. Mr. Speaker, by unanimous consent, I would like to see if I can make an arrangement with the gentlemen on the other side of the House in reference to the consideration of the bill (H. R. 21213) revising the sugar schedule to-morrow. If I could make a satisfactory arrangement with the gentlemen on the other side of the House, I would like to have the House meet by unanimous consent at 11 o'clock to-morrow and let the debate run all day and into the night, if necessary, if they are willing that at the end of to-morrow's debate the previous question shall be considered as ordered and we can vote on the bill Friday morning.

Mr. MANN. Does the gentleman mean the previous question?

Mr. UNDERWOOD. I mean that general debate shall be closed.

Mr. PAYNE. Mr. Speaker, of course this is the most important bill, so far as the revenues are concerned, that can be brought into the House under the present methods, involving $53,000,000 of revenue in an off year, and more, usually, as the years run. It also involves a great agricultural industry in the Southern and Northern and Western sections of the country. It involves all our insular possessions and their prosperity. It involves our treaty with Cuba and removes the prop by which we have been able to use our influence with that island, preventing an open outbreak there and thus preserving its Government.

There is a great desire to debate this bill on both sides of the House, and especially upon this side. I have simply taken the names of those who came to me, and the list which I have now calls for 12 hours' debate on one side. The gentlemen all seem anxious to debate the subject, and they are men to whom the House listens when they speak and men who speak intelligently upon any subject.

Now, we have hours of debate on trivial matters here in this House; days are given to unimportant matters. Why, I sat here and witnessed three hours wasted the other day by gentlemen making—I want to be parliamentary—buncombe speeches for the free distribution of seed. The time was utterly wasted, so far as the country is concerned, or so far as the good of the country is concerned. It is not now late in the session. There is time to talk about these important matters. Why not give time to the important matters?

Mr. UNDERWOOD. Mr. Speaker——

Mr. PAYNE. I am willing, Mr. Speaker, that debate, both general and five-minute debate, shall be closed in time on Saturday to take a vote on this bill and dispose of it Saturday afternoon.

Mr. UNDERWOOD. Mr. Speaker, the gentleman names a number of very important problems and reasons, from his standpoint, why this bill should be delayed, but he overlooks the proposition that there are 90,000,000 people being taxed $115,000,000, and we would like to get this bill to the Senate in time to have it enacted into law at this session of Congress.

Mr. PAYNE. Now, my friend knows that the bill will not be enacted into law. He knows that it is simply a political proposition when he talks about the 90,000,000 people being taxed. They have got to be taxed for something, and they might as well be taxed for sugar as for pepper and the other like things that the gentleman put upon his other bill. The gentleman will not gain anything toward the election of a President this year by passing this bill, and especially if he does it without deliberation and debate to a reasonable extent.

Mr. UNDERWOOD. The gentleman last year advised me that we would not pass the wool bill through the Senate, but it went through the Senate nevertheless, and if somebody is going to prevent the passage of this bill and prevent its becoming a law we want ample time to find out who is going to stop it. [Applause on the Democratic side.]

But what I wanted to say to the gentleman is this: Ordinarily a day's debate is about four or five hours. I intended to propose that we should start at 11 o'clock and run until 10 o'clock to-morrow night, which would be more than two days' debate, and give the same length of time practically that the gentleman asks for.

And let it be understood that to-morrow is to be devoted entirely to the debate. Everybody will have the same opportunity to say what he wants to, and the work of the House will not be delayed by one day.

Mr. PAYNE. I meant to include in my proposition the meeting at 11 o'clock on all of these days, which would add three hours more. The gentleman knows that debate after 6 o'clock upon a measure like this, or any measure in the House, is no debate at all. People will not stay here for such a debate. They will go out to their dinner, and when they know there will be no vote, they will not come back.

Mr. UNDERWOOD. There are more men in this House right now than you will find at 3 or 4 o'clock in the afternoon, and there will be more men here at a night session than in the daytime.

Mr. MANN. Does the gentleman think Members of the House ought to be subjected to the strain of 11 hours' solid debate?

Mr. UNDERWOOD. I do not know that it is a strain. The gentleman from Illinois [Mr. MANN] and myself have often tried 11 hours' strain, and it has not injured either of us.

Mr. MANN. Oh, well, when it comes to listening to a debate for 11 hours on a stretch, everyone knows that no human being can keep his mind acute during that length of time on a general debate, I do not care who he is. Meeting at 11 o'clock will interfere with the work of the committees of the House and will really put back the work of the House.

Mr. UNDERWOOD. I desired to find out whether I could come to an agreement with gentlemen on that side.

Mr. MANN. Why can we not have an agreement, as the gentleman from New York [Mr. PAYNE] suggests, and vote Saturday afternoon?

Mr. UNDERWOOD. I hope we can pass both tariff bills this week.

Mr. PAYNE. Does the gentleman mean this so-called income-tax bill? A tax on activities is, I believe, what he denominates it.

Mr. MANN. Has the bill been reported yet?

Mr. PAYNE. It has not been.

Mr. UNDERWOOD. It will be reported to-morrow.

Mr. MANN. I should think that on a bill that is going to pass this week, that affects the taxes on everybody in the country, possibly, we ought to have more than a day in which to study the report.

Mr. PAYNE. I think that after a reasonable debate on this last bill the gentleman himself will see the folly of it, and will look around for revenue somewhere else.

Mr. UNDERWOOD. The gentleman need not worry about either of these bills, from his standpoint. The responsibility of their passage rests with this side of the House. If there is any merit in the bills, we shall claim the credit for them.

Mr. MANN. You will have it.

Mr. PAYNE. And the responsibility for showing the demerit of these bills rests upon this side of the House, and with reasonable time we can do it.

Mr. UNDERWOOD. There may be some special interests that are opposed to these bills, but so far as the verdict of the American people is concerned upon them, I have no doubt as to that verdict. [Applause on the Democratic side.]

Mr. PAYNE. The gentleman is fooling himself on that proposition. He will get the general verdict, so that he will understand it, along in November next, and it will not be in favor of these bills.

Mr. UNDERWOOD. Mr. Speaker, I understand the gentleman does not desire to come to an agreement about the debate to-morrow.

Mr. MANN. Why, yes.

Mr. PAYNE. Not on the proposition the gentleman makes. I am willing to come to a reasonable agreement.

ADJOURNMENT.

Mr. UNDERWOOD. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 5 o'clock and 17 minutes p. m.) the House adjourned until to-morrow, Thursday, March 14, 1912, at 12 o'clock noon.

EXECUTIVE COMMUNICATIONS.

Under clause 2 of Rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

1. A letter from the Secretary of War, transmitting by the direction of the President of the United States, in response to House resolution No. 415, copies of all records on file in the War Department bearing on the extracts quoted from communications of The Adjutant General of the Army in order of February 14, 1912, relieving him from duty (H. Doc. No. 619); to the Committee on Military Affairs and letter ordered to be printed.

2. A letter from the Secretary of the Treasury, submitting supplemental estimate of appropriation for the Public Health and Marine-Hospital Service for the fiscal year ending June 30, 1913 (H. Doc. No. 618); to the Committee on Appropriations and ordered to be printed.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, bills and resolutions were severally reported from committees, delivered to the Clerk, and referred to the several calendars therein named, as follows:

Mr. HAY, from the Committee on Military Affairs, to which was referred the bill (H. R. 21170) granting to El Paso & Southwestern Railroad Co., a corporation organized and existing under the laws of the Territory and State of Arizona, a right of way through the Fort Huachuca Military Reservation, in the State of Arizona, and authorizing said corporation and its successors or assigns to construct and operate a railway through said Fort Huachuca Military Reservation, and for other purposes, reported the same without amendment, accompanied by a report (No. 414), which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. CARLIN, from the Committee on the Judiciary, to which was referred the bill (H. R. 16450) to punish the unlawful breaking of seals of railroad cars containing interstate or foreign shipments, the unlawful entering of such cars, the stealing of freight and express packages, or baggage, or articles in process of transportation in interstate shipment, and the felonious transportation of such freight or express packages or baggage, or articles therefrom, into another district of the United States and the felonious reception or possession of the same, reported the same with amendment, accompanied by a report (No. 415), which said bill and report were referred to the House Calendar.

CHANGE OF REFERENCE.

Under clause 2 of Rule XXII, committees were discharged from the consideration of the following bills, which were referred as follows:

A bill (H. R. 11131) granting a pension to Stanley S. Stout; Committee on Invalid Pensions discharged, and referred to the Committee on Pensions.

A bill (H. R. 16765) granting a pension to Wilmot Stevens; Committee on Invalid Pensions discharged, and referred to the Committee on Pensions.

A bill (H. R. 15142) granting a pension to Herman Siegel; Committee on Invalid Pensions discharged, and referred to the Committee on Pensions.

A bill (H. R. 12309) granting a pension to Margaret B. Sheridan; Committee on Invalid Pensions discharged, and referred to the Committee on Pensions.

A bill (H. R. 18563) granting a pension to Cascinda Greene; Committee on Invalid Pensions discharged, and referred to the Committee on Pensions.

A bill (H. R. 14555) granting a pension to Theodore Hansen; Committee on Invalid Pensions discharged, and referred to the Committee on Pensions.

A bill (H. R. 5277) granting a pension to Arthur B. Brooks; Committee on Invalid Pensions discharged, and referred to the Committee on Pensions.

A bill (H. R. 18275) granting a pension to Sinclair R. Boone; Committee on Invalid Pensions discharged, and referred to the Committee on Pensions.

A bill (H. R. 18170) granting a pension to Aubrey P. Lawrence; Committee on Invalid Pensions discharged, and referred to the Committee on Pensions.

A bill (H. R. 18620) granting a pension to William L. Lehman; Committee on Invalid Pensions discharged, and referred to the Committee on Pensions.

A bill (H. R. 18673) granting a pension to Albert Albright; Committee on Invalid Pensions discharged, and referred to the Committee on Pensions.

A bill (H. R. 20975) granting a pension to Z. L. Ramsey; Committee on Invalid Pensions discharged, and referred to the Committee on Pensions.

A bill (H. R. 19512) granting a pension to Norman Devol; Committee on Invalid Pensions discharged, and referred to the Committee on Pensions.

A bill (H. R. 14561) granting an increase of pension to Jen Rody Chauncey; Committee on Invalid Pensions discharged, and referred to the Committee on Pensions.

A bill (H. R. 14423) granting an increase of pension to Dominick Roach; Committee on Invalid Pensions discharged, and referred to the Committee on Pensions.

A bill (H. R. 18454) granting an increase of pension to John J. Driscoll; Committee on Invalid Pensions discharged, and referred to the Committee on Pensions.

A bill (H. R. 20698) granting an increase of pension to Lydia A. Smiley; Committee on Invalid Pensions discharged, and referred to the Committee on Pensions.

A bill (H. R. 13782) granting an increase of pension to Rhoda M. Le Gros; Committee on Invalid Pensions discharged, and referred to the Committee on Pensions.

A bill (H. R. 19510) granting an increase of pension to Samuel R. Price; Committee on Invalid Pensions discharged, and referred to the Committee on Pensions.

A bill (H. R. 3628) granting an increase of pension to William H. Packwood, sr.; Committee on Invalid Pensions discharged, and referred to the Committee on Pensions.

A bill (H. R. 6243) granting an increase of pension to David S. King; Committee on Invalid Pensions discharged, and referred to the Committee on Pensions.

A bill (H. R. 20933) granting an increase of pension to Charles W. Willis; Committee on Invalid Pensions discharged, and referred to the Committee on Pensions.

A bill (H. R. 19658) granting an increase of pension to Sarah Brandon; Committee on Pensions discharged, and referred to the Committee on Invalid Pensions.

PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS.

Under clause 3 of Rule XXII, bills, resolutions, and memorials were introduced and severally referred as follows:

By Mr. CARTER (by request): A bill (H. R. 21823) providing for the payment of judgment against certain Mississippi Choctaw Indians; to the Committee on Indian Affairs.

By Mr. ANSBERRY: A bill (H. R. 21824) to provide for the construction of a military and post road through Williams, Defiance, Putnam, Pauiding, Henry, and Van Wert Counties, in the State of Ohio; to the Committee on Agriculture.

By Mr. SMITH of New York: A bill (H. R. 21825) for the suppression of lobbying and for the regulation of duly accredited representatives of persons, firms, corporations, and associations interested in legislation before Congress; to the Committee on the Judiciary.

By Mr. PRAY: A bill (H. R. 21826) validating certain homestead entries; to the Committee on the Public Lands.

By Mr. BURNETT: A bill (H. R. 21827) to amend section 4875 of the Revised Statutes, to provide a compensation for superintendents of national cemeteries; to the Committee on Military Affairs.

By Mr. KORBLY: A bill (H. R. 21828) providing for the retirement of officers of the Philippine Scouts, United States Army; to the Committee on Military Affairs.

By Mr. DAVIS of West Virginia: A bill (H. R. 21829) to amend paragraph 265 of Schedule G of section 1 of "An act to provide revenue, equalize duties, encourage the industries of the United States, and for other purposes," approved August 5, 1909; to the Committee on Ways and Means.

By Mr. LITTLETON: Joint resolution (H. J. Res. 268) to amend the joint resolution to prohibit the export of coal or other material used in war from any seaport of the United States; to the Committee on Interstate and Foreign Commerce.

PRIVATE BILLS AND RESOLUTIONS.

Under clause 1 of Rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. AKIN of New York: A bill (H. R. 21830) granting a pension to Silas W. Lincoln; to the Committee on Invalid Pensions.

By Mr. AUSTIN: A bill (H. R. 21831) granting an increase of pension to William M. Ivans; to the Committee on Invalid Pensions.

By Mr. BOEHNE: A bill (H. R. 21832) granting a pension to Eliza Laroge; to the Committee on Invalid Pensions.

By Mr. BROWN: A bill (H. R. 21833) granting an increase of pension to William E. McKee; to the Committee on Invalid Pensions.

Also, a bill (H. R. 21834) for the relief of F. J. James; to the Committee on War Claims.

Also, a bill (H. R. 21835) for the relief of the heirs of Edmon Hill; to the Committee on War Claims.

Also, a bill (H. R. 21836) for the relief of the heirs of Benjamin Grayson; to the Committee on Military Affairs.

By Mr. CALDER: A bill (H. R. 21837) for the relief of Paul Puttnam; to the Committee on Ways and Means.

By Mr. CULLOP: A bill (H. R. 21838) granting an increase of pension to William B. Ridgeway; to the Committee on Invalid Pensions.

By Mr. DAVIS of West Virginia: A bill (H. R. 21839) granting a pension to Harriet A. Glasscock; to the Committee on Invalid Pensions.

Also, a bill (H. R. 21840) for the relief of the heirs of E. C. Trimble; to the Committee on War Claims.

By Mr. DANIEL A. DRISCOLL: A bill (H. R. 21841) granting a pension to Charles Rosenkranz; to the Committee on Invalid Pensions.

By Mr. DUPRÉ: A bill (H. R. 21842) granting an increase of pension to Annie Elizabeth Boyle; to the Committee on Invalid Pensions.

By Mr. DYER: A bill (H. R. 21843) granting a pension to Joseph Moore; to the Committee on Invalid Pensions.

By Mr. EDWARDS: A bill (H. R. 21844) for the relief of the heirs of Benedict Bourquin; to the Committee on War Claims.

Also, a bill (H. R. 21845) for the relief of the estate of Rev. Moses N. McCall; to the Committee on War Claims.

By Mr. FOCHT: A bill (H. R. 21846) granting an increase of pension to John H. Civits; to the Committee on Invalid Pensions.

By Mr. FORDNEY: A bill (H. R. 21847) granting an increase of pension to Forrest J. Raymond; to the Committee on Invalid Pensions.

Also, a bill (H. R. 21848) granting a pension to Laura A. Fowler; to the Committee on Invalid Pensions.

By Mr. HAMILTON of West Virginia: A bill (H. R. 21849) for the relief of Felix Morgan; to the Committee on Claims.

Also, a bill (H. R. 21850) granting a pension to Basil Peterson; to the Committee on Invalid Pensions.

Also, a bill (H. R. 21851) granting a pension to Kate Pennybacker; to the Committee on Invalid Pensions.

Also, a bill (H. R. 21852) granting an increase of pension to Israel Dotson; to the Committee on Invalid Pensions.

By Mr. HANNA: A bill (H. R. 21853) granting an increase of pension to Adam S. Haas; to the Committee on Invalid Pensions.

By Mr. HARTMAN: A bill (H. R. 21854) granting an increase of pension to Charles Traynor; to the Committee on Invalid Pensions.

By Mr. HAY: A bill (H. R. 21855) for the relief of the heirs of Casper Rinker, deceased; to the Committee on War Claims.

By Mr. HEALD: A bill (H. R. 21856) granting an increase of pension to John Guthrie; to the Committee on Pensions.

By Mr. HUGHES of Georgia: A bill (H. R. 21857) granting a pension to Crowell Lisenby; to the Committee on Pensions.

Also, a bill (H. R. 21858) granting a pension to George W. Sanders; to the Committee on Pensions.

By Mr. KOPP: A bill (H. R. 21859) for the relief of S. R. Bentley; to the Committee on Claims.

By Mr. LITTLEPAGE: A bill (H. R. 21860) granting an increase of pension to John Welcher; to the Committee on Invalid Pensions.

Also, a bill (H. R. 21861) for the relief of the legal representatives of Henry Lane, deceased; to the Committee on War Claims.

Also, a bill (H. R. 21862) for the relief of the legal representatives of Patrick D. Eagan, deceased; to the Committee on War Claims.

By Mr. LOUD: A bill (H. R. 21863) granting an increase of pension to Malcolm Dunning; to the Committee on Invalid Pensions.

By Mr. McHENRY: A bill (H. R. 21864) granting an increase of pension to Jacob F. Hoffman; to the Committee on Invalid Pensions.

By Mr. MANN: A bill (H. R. 21865) granting an increase of pension to Simpson Robinson; to the Committee on Invalid Pensions.

By Mr. MOON of Tennessee: A bill (H. R. 21866) granting an increase of pension to Thomas Casey; to the Committee on Invalid Pensions.

By Mr. MURDOCK: A bill (H. R. 21867) granting an increase of pension to J. B. Carlile; to the Committee on Invalid Pensions.

By Mr. OLMSTED: A bill (H. R. 21868) granting an increase of pension to Mina A. Pilcher; to the Committee on Pensions.

By Mr. PATTON of Pennsylvania: A bill (H. R. 21869) granting an increase of pension to Alfred N. Heard; to the Committee on Invalid Pensions.

Also, a bill (H. R. 21870) granting an increase of pension to Arthur B. Straw; to the Committee on Invalid Pensions.

By Mr. PORTER: A bill (H. R. 21871) granting a pension to Elizabeth Loefstrom; to the Committee on Invalid Pensions.

Also, a bill (H. R. 21872) granting an increase of pension to Alexander St. Clair; to the Committee on Invalid Pensions.

Also, a bill (H. R. 21873) granting an increase of pension to William Arbogast; to the Committee on Invalid Pensions.

By Mr. POST: A bill (H. R. 21874) granting an increase of pension to Joseph C. Carmean; to the Committee on Invalid Pensions.

By Mr. REYBURN: A bill (H. R. 21875) for the relief of Charles H. Large; to the Committee on Military Affairs.

By Mr. RUCKER of Colorado: A bill (H. R. 21876) granting an increase of pension to David R. Hunter; to the Committee on Invalid Pensions.

By Mr. SLOAN: A bill (H. R. 21877) granting a pension to Emma Hiles; to the Committee on Invalid Pensions.

By Mr. SPARKMAN: A bill (H. R. 21878) granting an increase of pension to Andrew Ogle; to the Committee on Invalid Pensions.

By Mr. TAYLOR of Colorado: A bill (H. R. 21879) granting an increase of pension to Albert S. Tracy; to the Committee on Invalid Pensions.

Also, a bill (H. R. 21880) granting a pension to Mary A. Chase; to the Committee on Invalid Pensions.

By Mr. TAYLOR of Ohio: A bill (H. R. 21881) granting commissions as captain, with honorable discharges and medals, to Rev. Howard B. Westervelt and Joseph O. Gregg; to the Committee on Military Affairs.

By Mr. TILSON: A bill (H. R. 21882) granting an increase of pension to Mary E. Hubbard; to the Committee on Invalid Pensions.

PETITIONS, ETC.

Under clause 1 of Rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

By the SPEAKER: Petitions of labor organizations in Porto Rico, asking that citizens of that island be granted American citizenship; to the Committee on Insular Affairs.

Also, petitions of labor organizations in the island of Porto Rico, for creation in Porto Rico of a department of labor and agriculture; to the Committee on Insular Affairs.

Also, petition of Illinois Branch, National German-American Alliance, protesting against further restriction of immigration; to the Committee on Immigration and Naturalization.

By Mr. AMES: Petition of the Reading (Mass.) Woman's Club, for investigation of the causes of diseases originating in dairy products; to the Committee on Agriculture.

By Mr. ANDERSON of Minnesota: Petition of George Smith and others, of St. Charles, Minn., against extension of the parcel-post service; to the Committee on the Post Office and Post Roads.

By Mr. ANSBERRY: Petitions of E. R. Manning, W. A. Mavis, and C. M. Stevenson, theater managers of Pioneer, Edgerton, and Defiance, Ohio, respectively, favoring House bill 20595, to amend section 25 of the copyright act of 1909; to the Committee on Patents.

By Mr. ASHBROOK: Petition of E. G. Glaggett and others, of Newark, Ohio, protesting against prohibition or interstate liquor legislation; to the Committee on the Judiciary.

Also, memorial of the United Mine Workers of America, asking Congress to pass legislation for old-age pensions; to the Committee on Pensions.

By Mr. BEALL of Texas: Petitions of Grand Prairie, Hubbard, and Waxahachie, Tex., protesting against parcel-post legislation; to the Committee on the Post Office and Post Roads.

By Mr. BOWMAN: Petitions of citizens of the State of Pennsylvania, for amending the copyright act of 1909; to the Committee on Patents.

Also, petition of a Catholic society of Hazleton, Pa., in regard to measures relating to Catholic Indian mission interests; to the Committee on Indian Affairs.

By Mr. BROUSSARD: Petition of the American Boiler Makers' Association, protesting against bill putting sugar on the free list; to the Committee on Ways and Means.

By Mr. BURKE of Pennsylvania: Petition of merchants of Pittsburgh, Pa., protesting against House bill 16844, requiring manufacturers to stamp their names upon articles manufactured; to the Committee on Interstate and Foreign Commerce.

By Mr. BURKE of Wisconsin: Petitions of citizens of the State of Wisconsin, protesting against the Lever Agricultural bill, providing for a reduction in the tax on oleomargarine; to the Committee on Agriculture.

Also, petition of Fred Hinze and 22 other members of the Cigarmakers' Union of Watertown, Wis., favoring the including in this year's naval appropriation bill a provision for the building of one battleship in a Government navy yard; to the Committee on Naval Affairs.

By Mr. COX of Ohio: Memorial of Camp No. 37, United Spanish War Veterans, for enactment of House bill 17470; to the Committee on Pensions.

Also, petition of citizens of Hamilton, Ohio, for construction of one battleship in a Government navy yard; to the Committee on Naval Affairs.

Also, petition of the German Catholic Society of Dayton, Ohio, for passage of House bill 2896; to the Committee on Ways and Means.

Also, petition of the Montgomery County (Ohio) Horticultural Society, for parcel-post legislation; to the Committee on the Post Office and Post Roads.

By Mr. CRAVENS: Petition of citizens of Mena, Ark., protesting against any change in rates on second-class mail matter; to the Committee on the Post Office and Post Roads.

By Mr. DAVIS of West Virginia: Petitions of citizens of Hancock County, W. Va., praying for a reduction in the duty on raw and refined sugars; to the Committee on Ways and Means.

Also, petitions of sundry citizens of Clarksburg and Wheeling, W. Va., and vicinity, praying that a clause be inserted in this year's naval appropriation bill providing for the building of one battleship in a Government navy yard; to the Committee on Naval Affairs.

Also, petition of citizens of Cameron, W. Va., protesting against parcel-post legislation; to the Committee on the Post Office and Post Roads.

Also, petitions of citizens of the State of West Virginia, for illiteracy test in immigration laws; to the Committee on Immigration and Naturalization.

Also, petitions of citizens of the State of West Virginia, protesting against increase of postage on second-class mail matter; to the Committee on the Post Office and Post Roads.

Also, petitions of citizens of the State of West Virginia, relative to investigation of conditions at Lawrence, Mass.; to the Committee on Rules.

By Mr. DRAPER: Petition of Camp No. 2, Department of New York, United Spanish War Veterans, for enactment of House bill 17470; to the Committee on Pensions.

Also, petition of East Greenbush (N. Y.) Grange, Patrons of Husbandry, for parcel-post legislation; to the Committee on the Post Office and Post Roads.

By Mr. DANIEL A. DRISCOLL: Petition of citizens of the State of New York, for construction of one battleship in a Government navy yard; to the Committee on Naval Affairs.

Also, petition of William C. Schutt, of Buffalo, N. Y., for amending the copyright act of 1909; to the Committee on Patents.

Also, memorial of the Equal Rights Association of Kentucky, for constitutional amendment granting women the right of suffrage; to the Committee on the Judiciary.

Also, papers to accompany bill for the relief of Charles Rosenkranz; to the Committee on Invalid Pensions.

By Mr. DYER: Petitions of the Woman's Christian Temperance Union and Compton Heights Christian Church, of St. Louis, Mo., for passage of Kenyon-Sheppard interstate liquor bill; to the Committee on the Judiciary.

Also, petitions of United Spanish War Veterans, Department of Missouri, for enactment of House bills 17040 and 17470; to the Committee on Pensions.

Also, petition of George D. Barnard & Co., of St. Louis, Mo., for 1-cent letter postage; to the Committee on the Post Office and Post Roads.

Also, memorial of the Northwest Missouri Press Association, protesting against proposal to double second-class postal rates, etc.; to the Committee on the Post Office and Post Roads.

Also, memorial of Chamber of Commerce of the State of New York, relative to toll rates through the Panama Canal; to the Committee on Interstate and Foreign Commerce.

Also, petition of Northwestern Retail Coal Dealers' Association, for passage of House bill 19795; to the Committee on Interstate and Foreign Commerce.

Also, petition of E. J. Babcock, of the University of North Dakota, for enactment of House bill 6304; to the Committee on Mines and Mining.

Also, petition of Eva Perry Moore, president general of the Federation of Women's Clubs, for a children's bureau; to the Committee on Labor.

Also, petition of citizens of St. Louis, Mo., for enactment of House bill 20281, providing for 1 cent tax on margarin, etc.; to the Committee on Agriculture.

Also, petitions of citizens of St. Louis, Mo., for amending the copyright act of 1909; to the Committee on Patents.

Also, petition of Equal Rights Association of Kentucky, for amending Constitution to give women right of suffrage; to the Committee on the Judiciary.

Also, petition of Kansas City (Mo.) Live Stock Exchange, for reduction of tax on oleomargarine; to the Committee on Agriculture.

Also, petition of Pendleton Grain Co., of St. Louis, Mo., for reduced postal rates; to the Committee on the Post Office and Post Roads.

Also, petition of Koken Barber Supply Co., of St. Louis, Mo., protesting against passage of House bill 16844; to the Committee on Interstate and Foreign Commerce.

Also, petition of the American Association for Labor Legislation, for passage of House bill 20842; to the Committee on Ways and Means.

Also, memorial of Garrison No. 134, Army and Navy Union, for enactment of House bill 18230; to the Committee on Reform in the Civil Service.

By Mr. ESCH: Petition of citizens of Rockland, Wis., protesting against parcel-post legislation; to the Committee on the Post Office and Post Roads.

Also, petitions of citizens of La Crosse, Wis., for construction of one battleship in a Government navy yard; to the Committee on Naval Affairs.

By Mr. FLOYD of Arkansas: Papers to accompany bill for the relief of George L. Barner (H. R. 20310); to the Committee on Invalid Pensions.

By Mr. FOCHT: Papers to accompany bill for the relief of George W. Bard (H. R. 17952); to the Committee on Military Affairs.

By Mr. FOSS: Memorial of Lake Seaman's Union, of Chicago, Ill., in favor of House bill 11372; to the Committee on Naval Affairs.

Also, memorial of Chicago Grocers and Butchers' Association, favoring 1-cent letter postage; to the Committee on the Post Office and Post Roads.

By Mr. FRENCH: Petition of Royce J. Patterson, of Wendell, Idaho, asking that the duties on raw and refined sugars be reduced; to the Committee on Ways and Means.

Also, petitions of citizens of the State of Idaho, for parcel-post legislation; to the Committee on the Post Office and Post Roads.

Also, petition of citizens of Nampa, Idaho, protesting against parcel-post legislation; to the Committee on the Post Office and Post Roads.

Also, petition of citizens of Washington and Idaho, for legislation preventing gambling in farm products; to the Committee on Agriculture.

Also, petition of citizens of Genesee, Idaho, for amending the public-land laws; to the Committee on the Public Lands.

Also, petition of members of Improved Order of Red Men of Burke, Idaho, for an American Indian memorial and museum building in the city of Washington, D. C.; to the Committee on Public Buildings and Grounds.

By Mr. FULLER: Petitions of L. D. Howe and D. C. Murray & Co., of Streator, Ill., in opposition to the proposed extension of the parcel-post service, etc.; to the Committee on the Post Office and Post Roads.

Also, petition of E. B. Thomas, of Plano, Ill., in favor of the passage of House bill No. 20595, to amend section 25 of the copyright act; to the Committee on Patents.

Also, petition of the German Republican Club of Rockford, Ill., in opposition to the passage of any prohibition or interstate-commerce liquor measure now pending; to the Committee on the Judiciary.

Also, petition of William Hennessey, of Rural Free Delivery No. 7, Streator, Ill., favoring the passage of House bill 17470, to pension widows of Spanish War veterans; to the Committee on Pensions.

Also, petition of the Association of Army Nurses of the Civil War, in favor of the passage of Senate bill 5251, to pension Army nurses; to the Committee on Invalid Pensions.

Also, petition of the Madero County Chamber of Commerce, of Madero, Cal., favoring the construction of a flood-water canal and reservoir system from the San Joaquin River, etc.; to the Committee on Irrigation of Arid Lands.

Also, petition of St. Benedict Court, No. 782, Catholic Order of Foresters, of Peru, Ill., concerning the Catholic Indian mission bill., etc.; to the Committee on Indian Affairs.

Also, petition of Larkin & Co., of Buffalo, N. Y., for parcel-post legislation; to the Committee on the Post Office and Post Roads.

By Mr. GALLAGHER: Memorial of Local Union No. 194, Brotherhood of Painters, Decorators, and Paperhangers of America, for constitutional amendment granting women the same political rights as are now enjoyed by men; to the Committee on the Judiciary.

By Mr. GARDNER of Massachusetts: Memorial of Walter S. Hogdon, of Haverhill, Mass., containing certain statements; to the Committee on Immigration and Naturalization.

Also, memorial of the New England Fish Exchange, of Boston, Mass., opposing House bill 18788; to the Committee on the Merchant Marine and Fisheries.

By Mr. GRIEST: Petitions of Christ Reformed and United Brethren Churches, of Elizabethtown, Pa., for passage of Kenyon-Sheppard interstate liquor bill; to the Committee on the Judiciary.

Also, petition of the Association of Army Nurses of the Civil War, for legislation granting pensions to Volunteer Army nurses of the Civil War; to the Committee on Invalid Pensions.

By Mr. HAMILTON of West Virginia: Memorial of the Conference of St. Paul's Methodist Episcopal Church, of Parkersburg, W. Va., for passage of Kenyon-Sheppard interstate liquor bill; to the Committee on the Judiciary.

By Mr. HARTMAN: Petition of Grange No. 1124, Patrons of Husbandry, for amending the laws governing the traffic in oleomargarine; to the Committee on Agriculture.

By Mr. HEALD: Petition of numerous citizens of Newcastle County, Del., favoring reduction of duty on sugar; to the Committee on Ways and Means.

By Mr. HENSLEY: Petition of the Catholic Society of Leopold, Mo., protesting against resolution of inquiry concerning Government institutions in which American citizens wearing the habit of various religious orders are employed; to the Committee on Indian Affairs.

By Mr. HOWELL: Petition of L. B. McCormick and others, of Salt Lake City, Utah, for Federal protection of migratory game birds; to the Committee on Agriculture.

Also, memorial of the American Veterans of Foreign Service, in favor of granting to Philippine reenlisted volunteers the same travel pay and allowances as given to volunteers not reenlisted; to the Committee on Military Affairs.

By Mr. HUGHES of New Jersey: Memorial of Camp No. 2, United Spanish War Veterans, of Passaic, N. J., for enactment of House bill 17470; to the Committee on Pensions.

Also, petition of citizens of the State of New Jersey, for passage of Berger old-age pension bill; to the Committee on Pensions.

By Mr. KINKEAD of New Jersey: Memorial of the Chamber of Commerce of the State of New York, protesting against proposed reduction in appropriation for Diplomatic and Consular Service; to the Committee on Appropriations.

Also, petition of the Chamber of Commerce of the State of New York, for establishment of nautical schools; to the Committee on the Merchant Marine and Fisheries.

By Mr. KOPP: Petitions of citizens of Vernon and Grant Counties, Wis., protesting against the reduction of the tax on oleomargarine; to the Committee on Agriculture.

Also, petition of citizens of Richland County, Wis., in favor of a parcel post; to the Committee on the Post Office and Post Roads.

By Mr. LINDSAY: Petitions of citizens of Brooklyn, N. Y., for amending the copyright act of 1909; to the Committee on Patents.

Also, petition of Camp No. 10, Department of New York, United Spanish War Veterans, for enactment of House bill 17470; to the Committee on Pensions.

By Mr. LOUD: Papers to accompany bill for the relief of Malcolm Dunning; to the Committee on Invalid Pensions.

By Mr. McHENRY: Petitions of citizens of Milton, Pa., asking for a reduction in the duty on sugar; to the Committee on Ways and Means.

By Mr. McKINNEY: Petition of the Retail Merchants' Association of Moline, Ill., opposing extension of the parcel-post system; to the Committee on the Post Office and Post Roads.

Also, petition of residents of Watertown, Ill., for a constitutional amendment allowing women the right of suffrage; to the Committee on the Judiciary.

By Mr. MAHER: Memorial of the Chamber of Commerce of the State of New York, relative to toll rates through the Panama Canal; to the Committee on Interstate and Foreign Commerce.

Also, petition of the Chamber of Commerce of the State of New York, for establishment of marine schools, etc.; to the Committee on the Merchant Marine and Fisheries.

Also, petitions of citizens of Brooklyn, N. Y., for amending the copyright act of 1909; to the Committee on Patents.

Also, petition of Camp No. 10, Department of New York, United Spanish War Veterans, for enactment of House bill 17470; to the Committee on Pensions.

By Mr. MANN: Petitions of the Woman's Alliance of the First Unitarian Church of Oakland, Cal., and Woman's Suffrage Study Club of New York City, favoring appropriation of $250,000 for enforcement of white-slave traffic act; to the Committee on Appropriations.

Also, petition of Legislative League of New York, urging the appropriation of $250,000 for enforcement of white-slave traffic law; to the Committee on Appropriations.

Also, petition of members of Local Union No. 194, Painters, Paperhangers, and Decorators, of Chicago, Ill., indorsing amendment to Constitution giving women the same political rights enjoyed by men; to the Committee on the Judiciary.

Also, petition of Elgin (Ill.) Board of Trade, favoring retention of 10-cent tax on oleomargarine; to the Committee on Agriculture.

Also, petition of the Association of Commerce, in favor of House bill 8141—National Guard pay bill; to the Committee on Military Affairs.

By Mr. MOON of Tennessee: Petition of the Woman's Christian Temperance Union of Chattanooga, Tenn., for passage of an effective interstate liquor law; to the Committee on the Judiciary.

Also, papers to accompany bill for the relief of Thomas Carley; to the Committee on Invalid Pensions.

By Mr. MOTT: Petitions of Patrons of Husbandry, Granges of Orwell and Port Leyden, N. Y., protesting against the Lever oleomargarine bill; to the Committtee on Agriculture.

By Mr. NEELEY: Petition of C. L. Ely, of Turon, Kans., asking that the duties on raw and refined sugars be reduced; to the Committee on Ways and Means.

Also, petition of citizens of Deerfield, Kans., protesting against proposed repeal of duties on sugar; to the Committee on Ways and Means.

Also, petition of citizens of Garfield, Kans., for passage of Kenyon-Sheppard interstate liquor bill; to the Committee on the Judiciary.

By Mr. NELSON: Petition of 176 citizens of the second congressional district of Wisconsin, asking for the passage of the Berger old-age pension bill; to the Committee on Pensions.

Also, petition of sundry citizens of Watertown, Wis., favoring the insertion of a clause in naval appropriation bill for the building of one battleship in a Government navy yard; to the Committee on Naval Affairs.

Also, petitions of citizens of the State of Wisconsin, protesting against the Lever agricultural bill; to the Committee on Agriculture.

By Mr. NYE: Memorial of Minnesota State Grange, favoring parcel post; to the Committee on the Post Office and Post Roads.

Also, resolutions of the Minnesota State Grange Association, favoring measure to prohibit manufacture and sale of colored oleomargarine; to the Committee on Agriculture.

By Mr. PATTON of Pennsylvania: Petition of Grange No. 1146, Patrons of Husbandry, for enactment of parcel-post legislation; to the Committee on the Post Office and Post Roads.

By Mr. RAINEY: Petition of Mrs. Rebecca Sigsworth and others of the Woman's Christian Temperance Union of New Salem, Pike County, Ill., in favor of Kenyon-Sheppard interstate liquor shipping bill; to the Committee on the Judiciary.

Also, petition of J. S. Mikesell and others, of Jacksonville, Ill., favoring votes for women; to the Committee on the Judiciary.

Also, petition of J. F. Mikesell and others, of Jacksonville, Ill., favoring old-age pensions; to the Committee on Pensions.

By Mr. ROUSE: Petitions of Improved Order of Red Men of the sixth congressional district of Kentucky, favoring House bill 16313; to the Committee on Public Buildings and Grounds.

Also, memorial of mechanics of Kentucky, against the Taylor system of shop management; to the Committee on Labor.

By Mr. SABATH: Petitions of the Chicago Grocers and Butchers' Association and Duqoin Retail Merchants' Association, for 1-cent letter postage; to the Committee on the Post Office and Post Roads.

Also, petition of Trades and Labor Assembly of Aurora, Ill., protesting against supplanting civilian employees with enlisted men in the navy yards; to the Committee on Naval Affairs.

Also, petition of Tug Firemen and Linemen's Protective Association, for passage of House bill 18787; to the Committee on Labor.

By Mr. J. M. C. SMITH: Petitions of W. C. Caldwell, Battle Creek; W. H. Johnson, Kalamazoo; William Koons, Vicksburg; Sam Robinson, Charlotte; W. J. Wilson, Waldron; J. E. Luskot, Albion; Horton Davis, Charlotte, all in the State of Michigan, for passage of House bill 20595, to amend section 25 of the copyright act of 1909; to the Committee on Patents.

Also, petition of citizens of Quincy, Ill., protesting against passage of House bill 9433; to the Committee on the Post Office and Post Roads.

Also, petition of Butler Grange, of Butler, Mich., for passage of Kenyon-Sheppard interstate liquor bill; to the Committee on the Judiciary.

Also, petition of Hillsdale Creamery Co., of Hillsdale, Mich.; of 65 citizens of Marshall, Mich.; and of 72 citizens of Litchfield, Mich., protesting against the Lever oleomargarine bill; to the Committee on Agriculture.

By Mr. SMITH of New York: Petition of residents of Buffalo, N. Y., in opposition to legislation providing for observance of Sunday in post offices; to the Committee on the Post Office and Post Roads.

Also, memorial of the Carriage, Wagon & Automobile Workers' International Union of North America, for investigation of conditions at Lawrence, Mass.; to the Committee on Rules.

By Mr. SPARKMAN: Memorial of Camp No. 1514, United Confederate Veterans, relative to the cotton tax collected by the Government; to the Committee on Claims.

Also, memorial of Jacksonville (Fla.) Board of Trade, for legislation increasing the efficiency of the Public Health and Marine-Hospital Service; to the Committee on Appropriations.

Also, memorial of the Jacksonville (Fla.) Board of Trade, relative to tariff duty on rosin; to the Committee on Ways and Means.

By Mr. STEPHENS of California: Memorial of the City Council of Alameda, Cal., protesting against reduction in the appropriation for the San Francisco Mint; to the Committee on Appropriations.

Also, memorial of Los Angeles (Cal.) Osteopathic Society, favoring a separate osteopathic board; to the Committee on Interstate and Foreign Commerce.

Also, petition of citizens of the State of California, favoring the building of one battleship in a Government navy yard; to the Committee on Naval Affairs.

By Mr. TAYLOR of Colorado: Petition of Colbran, Colo., for construction of a road through the Battlement Mesa National Forest; to the Committee on Agriculture.

By Mr. TAYLOR of Ohio: Memorial of Columbus Camp, No. 49, Department of Ohio, Spanish War Veterans, urging passage of House bill 17470; to the Committee on Pensions.

Also, petition of citizens of Ohio, favoring the building of one battleship in a Government navy yard; to the Committee on Naval Affairs.

Also, petition of Right Rev. Joseph Soentgerath and other citizens of Columbus, Ohio, protesting against the attitude of the House Committee on Indian Affairs relating to Catholic Indian mission interests, etc.; to the Committee on Indian Affairs.

By Mr. TOWNER: Petition of J. L. Franklin and other citizens of Creston, Iowa, favoring House bill 16214; to the Committee on the Judiciary.

Also, petitions of citizens of the State of Iowa, protesting against parcel-post legislation; to the Committee on the Post Office and Post Roads.

By Mr. TUTTLE: Petitions of the Young Men's Christian Association of Plainfield, N. J.; A. J. Petty, Jewel Theater, Washington, N. J.; J. H. Nunn, Lyric Theater, Morristown, N. J.; Thomas Cavanaugh, Bright Spot Theater, Netcong, N. J.; and Widenor Bros., Belvidere Theater, Belvidere, N. J., favoring House bill 20595, to amend section 25 of the copyright act of 1909; to the Committee on Patents.

Also, memorial of John J. Brereton Camp, United Spanish War Veterans, of Paterson, N. J., favoring House bill 17470; to the Committee on Pensions.

Also, memorial of Polish National Alliance of the United States of North America, protesting against educational test in immigration bill; to the Committee on Immigration and Naturalization.

Also, memorial of Downtown Democratic Club, of Elizabeth, N. J., favoring House bill 9242; to the Committee on Reform in the Civil Service.

Also, petitions of the Christian Church of Vienna, N. J., and the Methodist Episcopal Church of Mendham (borough), N. J., favoring the passage of the Kenyon-Sheppard bill; to the Committee on the Judiciary.

By Mr. WEDEMEYER: Petition of citizens of Brooklyn, Mich., in favor of the Kenyon-Sheppard interstate liquor bill; to the Committee on the Judiciary.

By Mr. WHITE: Petition of citizens of Washington County, Ohio, for passage of Sulzer parcel-post bill; to the Committee on the Post Office and Post Roads.

By Mr. WILDER (by request): Memorial of the Woman's Christian Temperance Union and 52 members, of Gardner, Mass., in behalf of House joint resolution 163; to the Committee on the Judiciary.

By Mr. WILSON of New York: Petition of Iowa Retail Hardware Association, protesting against parcel-post legislation and for 1-cent letter postage; to the Committee on the Post Office and Post Roads.

Also, memorial of Post No. 19, American Veterans of Foreign Service, for certain legislation; to the Committee on Military Affairs.

Also, memorial of the Chamber of Commerce of the State of New York, relative to toll rates through the Panama Canal; to the Committee on Interstate and Foreign Commerce.

Also, petitions of citizens of Oakland, Cal., and of the State of New York, for enactment of House bill 14, to extend the parcel-post system; to the Committee on the Post Office and Post Roads.

By Mr. WOOD of New Jersey: Petition of citizens of Clinton, N. J.; the consistory of the Reformed Church of Blawenburg, N. J.; Rev. B. V. D. Wyckoff, of Readington, N. J.; official board of Methodist Episcopal Church of Clinton, N. J.; the Temperance Section of Philadelphia Meeting Philanthropic Committee; Methodist Episcopal Church of Somerville, N. J.; and First Baptist Church of Ringoes, N. J., urging passage of the Kenyon-Sheppard bill; to the Committee on the Judiciary.

Also, memorial of Trenton Lodge, No. 398, International Association of Machinists, of Trenton, N. J., protesting against the acts of violence of the militia and police in Lawrence, Mass., strike; to the Committee on Rules.

SENATE.

THURSDAY, *March 14, 1912.*

The Senate met at 2 o'clock p. m.

The Chaplain, Rev. Ulysses G. B. Pierce, D. D., offered the following prayer:

Almighty God, our heavenly Father, with whom do live the spirits of those who depart hence, we thank Thee that Thou hast brought us to this day of tender and reverent memory. Unto Thee, who art the bountiful source of all goodness, we render thanks for the long and honorable public ministry of him whom we this day commemorate. As in memory we again see his face and hear his voice, and as of yore we seem to behold him sharing the counsels of this body and laboring by our side, we pray Thee to consecrate to us the service of this day and to make us worthy of this fellowship. Because of such, life is the richer and nobler for us all. Death is robbed of its sting and the grave loses its victory as we contemplate the peace and the joy that await those who faithfully serve Thee.

We remember, now and here, those whose sorrow is most deep. Comfort them by Thy heavenly grace and uphold them by Thy spirit. Bid the light of Thy countenance to shine upon them in their darkness and let the assurance of Thine unfailing love be their hope and stay. Thou hast given and Thou hast taken away; blessed be Thy name, O Lord of life and of death.

In the name of Him who abolished death and brought life and immortality to light, receive our prayer. Amen.

The Journal of yesterday's proceedings was read and approved.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by D. K. Hempstead, its enrolling clerk, announced that the House had passed the joint resolution (S. J. Res. 89) to amend the joint resolution to prohibit the export of coal or other material used in war from any seaport of the United States, with amendments, in which it requested the concurrence of the Senate.

EXPORT OF ARMS AND MUNITIONS OF WAR.

The VICE PRESIDENT laid before the Senate the amendments of the House of Representatives to the joint resolution (S. J. Res. 89) to amend the joint resolution to prohibit the export of coal or other material used in war from any seaport of the United States, which were, on page 1, line 10, to strike out "the President is hereby authorized, in his discretion and with such limitations and exceptions as shall seem to him expedient, to prohibit by proclamation the export of" and insert "and shall make proclamation thereof, it shall be unlawful to export, except under such limitations and exceptions as the President shall prescribe, any," and on page 2, line 3, to strike out "the shipment of any material prohibited by" and insert "any shipment of material hereby declared unlawful after."

Mr. ROOT. I move that the Senate concur in the amendments of the House.

The motion was agreed to.

PETITIONS AND MEMORIALS.

The VICE PRESIDENT presented resolutions adopted by members of the Sons of Veterans' Association of Philadelphia, Pa., and resolutions adopted by members of the Sons of Veterans' Club of Philadelphia, Pa., favoring the passage of the so-called dollar-a-day pension bill, which were ordered to lie on the table.

He also presented a memorial of sundry citizens of Cazenovia, Wis., remonstrating against the extension of the parcel-post system beyond its present limitations, which was referred to the Committee on Post Offices and Post Roads.

He also presented memorials of sundry citizens of Alma, Wis., remonstrating against the repeal of the oleomargarine law, which was referred to the Committee on Agriculture and Forestry.

He also presented petitions of the congregation of the Methodist Episcopal Church of Augusta, Wis.; of the Woman's Christian Temperance Unions of Roxbury and Pittsfield, Mass., praying for the adoption of an amendment to the Constitution to prohibit the manufacture, sale, or importation of intoxicating liquors, which were referred to the Committee on the Judiciary.

Mr. CULLOM presented petitions of Frank B. Killefer Camp, No. 33, Department of Illinois, United Spanish War Veterans, of Streator; of Local Camp No. 54, Department of Illinois, United Spanish War Veterans, of Chicago; and of John C. Snyder, of Dwight, all in the State of Illinois, praying for the enactment of legislation to pension widow and minor children of any officer or enlisted man who served in the War with Spain or

the Philippine insurrection, which were referred to the Committee on Pensions.

He also presented petitions of sundry citizens of Browns, Fairfield, West Salem, Wolf Creek, Pinckneyville, and Elkville, all in the State of Illinois, praying for the enactment of legislation to further restrict immigration, which were referred to the Committee on Immigration.

He also presented a memorial of sundry citizens of Georgetown, Ill., remonstrating against the extension of the parcel-post system beyond its present limitations, which was referred to the Committee on Post Offices and Post Roads.

He also presented a memorial of Woodland Grange, No. 1736, Patrons of Husbandry, of Mascoutah, Ill., remonstrating against the repeal of the oleomargarine law, which was referred to the Committee on Agriculture and Forestry.

He also presented petitions of sundry citizens of Thompsonville and New Salem, in the State of Illinois, praying for the enactment of an interstate liquor law to prevent the nullification of State liquor laws by outside dealers, which were referred to the Committee on the Judiciary.

He also presented a memorial of sundry citizens of Peru, Ill., remonstrating against the enactment of an interstate liquor law to prevent the nullification of State liquor laws by outside dealers, which was referred to the Committee on the Judiciary.

He also presented a petition of Local Union No. 21, International Union of the United Brewery Workmen of America, of Belleville, Ill., praying for the passage of the so-called anti-injunction bill, which was referred to the Committee on the Judiciary.

He also presented petitions of sundry citizens of Mount Vernon, Centralia, Fairfield, and Chicago, all in the State of Illinois, praying for the enactment of legislation to punish the unlawful breaking of seals of railroad cars containing interstate or foreign shipments, which were referred to the Committee on Interstate Commerce.

Mr. BROWN presented a petition of sundry citizens of Odessa, Nebr., praying for the enactment of legislation providing for the legalizing of certain conveyances heretofore made by the Union Pacific Railroad Co., which was referred to the Committee on Pacific Railroads.

He also presented a petition of sundry citizens of Verdon, Nebr., praying for the enactment of an interstate liquor law to prevent the nullification of State liquor laws by outside dealers, which was referred to the Committee on the Judiciary.

Mr. WARREN presented a petition of sundry citizens of Greub, Wyo., praying for the establishment of a parcel-post system, which was referred to the Committee on Post Offices and Post Roads.

Mr. OLIVER presented petitions of sundry citizens of Duquesne, Mount Pleasant, Elizabethtown, Lancaster, Meadville, Orrtanna, Ephrata, and Darlington, all in the State of Pennsylvania, praying for the enactment of an interstate liquor law to prevent the nullification of State liquor laws by outside dealers, which were referred to the Committee on the Judiciary.

He also presented a petition of Local Grange No. 1475, Patrons of Husbandry, of Carbon Center, Pa., praying for the establishment of a parcel-post system, which was referred to the Committee on Post Offices and Post Roads.

He also presented a petition of Cross Roads Grange, No. 1124, Patrons of Husbandry, of Hastings, Pa., praying for the adoption of certain amendments to the oleomargarine law, which was referred to the Committee on Agriculture and Forestry.

He also presented a petition of Printing Pressmen and Assistants' Local Union No. 73, of Erie, Pa., praying for the enactment of legislation providing for an increase in the compensation of pressmen employed in the Government Printing Office, which was ordered to lie on the table.

He also presented a petition of Merrill W. Allen Camp, No. 15, Department of Pennsylvania, United Spanish War Veterans, of Pittsburgh, Pa., and a petition of Captain Alfred E. Hunt Camp, No. 1, United Spanish War Veterans, of Pittsburgh, Pa., praying for the enactment of legislation to pension widow and minor children of any officer or enlisted man who served in the War with Spain or the Philippine insurrection, which were referred to the Committee on Pensions.

Mr. LIPPITT presented a petition of the congregation of the First Baptist Church of East Greenwich, R. I., praying for the enactment of an interstate liquor law to prevent the nullification of State liquor laws by outside dealers, which was referred to the Committee on the Judiciary.

He also presented a petition of Sidney F. Hoar Camp, No. 4, Department of Rhode Island, United Spanish War Veterans, of Providence, R. I., praying for the enactment of legislation to pension widow and minor children of any officer or enlisted man who served in the War with Spain or the Philippine insurrection, which was referred to the Committee on Pensions.

He also presented a petition of Sidney F. Hoar Camp, No. 4, Department of Rhode Island, United Spanish War Veterans, of Providence, R. I., praying for the enactment of legislation providing for the retirement of petty officers or enlisted men of the United States Navy or Marine Corps, which was ordered to lie on the table.

Mr. FLETCHER presented resolutions adopted by the City Council of Jacksonville, Fla., favoring the enactment of legislation providing for the coinage of 3-cent pieces, which were referred to the Committee on Finance.

He also presented a memorial of sundry citizens of Callahan, Fla., remonstrating against the extension of the parcel-post system beyond its present limitations, which was referred to the Committee on Post Offices and Post Roads.

He also presented resolutions adopted by the executive committee of the Turpentine Operators' Association, favoring a continuance of the appropriation for the collecting and publishing of statistics of naval stores, which were referred to the Committee on Finance.

He also presented resolutions adopted by the executive committee of the Turpentine Operators' Association, favoring the imposition of a duty upon rosins in all its forms imported into the United States equal to the duty imposed by other countries upon the same product exported from the United States, etc., which were referred to the Committee on Finance.

Mr. JOHNSON of Maine presented a petition of the Woman's Christian Temperance Union of Dennysville, Me., praying for the enactment of an interstate liquor law to prevent the nullification of State liquor laws by outside dealers, which was referred to the Committee on the Judiciary.

Mr. KERN presented a petition of the Commercial and Improvement Association of Edinburg, Ind., praying for the enactment of legislation authorizing the free delivery of mail in towns of not less than 1,000 population, which was referred to the Committee on Post Offices and Post Roads.

He also presented a petition of sundry citizens of La Grange, Ontario, Howe, and Wolcottville, all in the State of Indiana, praying for the establishment of a parcel-post system, which was referred to the Committee on Post Offices and Post Roads.

He also presented a petition of Frank Britton Camp, No. 16, United Spanish War Veterans, of Crawfordsville, Ind., praying for the enactment of legislation to pension the widow and minor children of any officer or enlisted man who served in the Spanish-American War or the Philippine insurrection, which was referred to the Committee on Pensions.

He also presented petitions of sundry citizens of Tell City, Huntingburg, Oakland, and Georgetown, all in the State of Indiana, praying for the enactment of legislation to punish the unlawful breaking of seals of railroad cars containing interstate or foreign shipments, which were referred to the Committee on Interstate Commerce.

Mr. TOWNSEND presented petitions of sundry citizens of Richmond, Columbus, and Detroit, all in the State of Michigan, praying for the enactment of an interstate liquor law to prevent the nullification of State liquor laws by outside dealers, which were referred to the Committee on the Judiciary.

He also presented petitions of sundry citizens of Bloomingdale, Schoolcraft, Hanover, Greenville, Travers City, Dimondale, Bradley, Adrian, South Haven, Sunfield, Belding, Powers, East Jordan, and Thompsonville, all in the State of Michigan, praying for the establishment of a parcel-post system, which were referred to the Committee on Post Offices and Post Roads.

He also presented a memorial of sundry citizens of Cassopolis, Mich., remonstrating against the establishment of a parcel-post system, which was referred to the Committee on Post Offices and Post Roads.

He also presented a petition of Lodge No. 95, International Association of Machinists, of Jackson, Mich., praying for the enactment of legislation authorizing the building of one of the proposed new battleships at the Brooklyn Navy Yard, which was referred to the Committee on Naval Affairs.

He also presented memorials of sundry citizens of Charlotte, North Adams, Hartford, Litchfield, and Shelby, all in the State of Michigan, remonstrating against the enactment of legislation to provide for the coloring of oleomargarine in imitation of butter, which were referred to the Committee on Agriculture and Forestry.

He also presented the petition of Foote & Jenks, of Jackson, Mich., praying for the enactment of legislation to amend section 25, paragraph 718, of the tariff law, relating to medicinal preparations and toilet articles, which was referred to the Committee on Finance.

Mr. CURTIS presented a petition of sundry citizens of Meade, Kans., praying for the enactment of an interstate liquor law to prevent the nullification of State liquor laws by outside dealers, which was referred to the Committee on the Judiciary.

He also presented memorials of sundry citizens of Wichita and Parsons, in the State of Kansas, remonstrating against the establishment of a parcel-post system, which were referred to the Committee on Post Offices and Post Roads.

Mr. SMITH of Maryland presented a petition of the Woman's Christian Temperance Union of Winchester, Md., praying for the enactment of an interstate liquor law to prevent the nullification of State liquor laws by outside dealers, which was referred to the Committee on the Judiciary.

Mr. SHIVELY presented a petition of the Frances Willard Woman's Christian Temperance Union of Fort Wayne, Ind., praying for the enactment of an interstate liquor law to prevent the nullification of State liquor laws by outside dealers, which was referred to the Committee on the Judiciary.

He also presented a petition of Brazil Council, No. 234, Junior Order United American Mechanics, of Brazil, Ind., praying for the enactment of legislation to further restrict immigration, which was referred to the Committee on Immigration.

REPORTS OF COMMITTEES.

Mr. BROWN (for Mr. DIXON), from the Committee on Indian Affairs, to which was referred the bill (S. 5206) to amend that portion of the act of Congress approved March 3, 1911 (36 Stat. L., 1066), relating to the reservation of an easement in lands bordering Flathead Lake, reported it without amendment and submitted a report (No. 481) thereon.

Mr. OLIVER, from the Committee on Commerce, to which was referred the bill (S. 5757) to abolish the penalty of imprisonment for desertion of seamen from vessels of the United States, reported it without amendment and submitted a report (No. 482) thereon.

BILLS AND JOINT RESOLUTION INTRODUCED.

Bills and a joint resolution were introduced, read the first time, and, by unanimous consent, the second time, and referred as follows:

By Mr. JOHNSON of Maine:

A bill (S. 5845) granting an increase of pension to Mary J. White (with accompanying paper); to the Committee on Pensions.

A bill (S. 5846) to correct the naval record of Thomas Taylor; to the Committee on Naval Affairs.

By Mr. CLARKE of Arkansas:

A bill (S. 5847) granting an increase of pension to Mary E. Franklin (with accompanying paper); to the Committee on Pensions.

By Mr. OLIVER:

A bill (S. 5848) granting an increase of pension to John W. Shear (with accompanying papers); to the Committee on Pensions.

By Mr. PENROSE:

A bill (S. 5849) granting a pension to William G. Seemüller; and

A bill (S. 5850) granting an increase of pension to Charles Breyer; to the Committee on Pensions.

By Mr. TOWNSEND:

A bill (S. 5851) to increase the appropriation for the addition to the post-office building at Detroit, Mich.; to the Committee on Public Buildings and Grounds.

By Mr. GUGGENHEIM:

A bill (S. 5852) granting an increase of pension to Mary S. Hull (with accompanying papers); to the Committee on Pensions.

By Mr. CLAPP (by request):

A bill (S. 5853) providing for the payment of judgments against certain Mississippi Choctaw Indians; to the Committee on Indian Affairs.

By Mr. CRANE:

A bill (S. 5854) to place in the classified civil service certain subordinate employees in the customs service; to the Committee on Finance.

By Mr. CULLOM:

A joint resolution (S. J. Res. 90) to authorize Capt. John W. Gulick, United States Army, to accept a position under the Government of the Republic of Chile; to the Committee on Foreign Relations.

AMENDMENT TO ARMY APPROPRIATION BILL.

Mr. DU PONT submitted an amendment providing that hereafter in time of peace no officer shall be detached or permitted to remain detached from his regiment or corps who has not served for at least two years of the preceding period of six years with the regiment or regiments of Cavalry, Light Artillery, or Infantry to which he shall have been assigned by the War Department, etc., intended to be proposed by him to the Army appropriation bill (H. R. 18956), which was referred to the Committee on Military Affairs and ordered to be printed.

OMNIBUS CLAIMS BILL.

Mr. PENROSE submitted an amendment intended to be proposed by him to the bill (H. R. 19115) making an appropriation for the payment of certain claims in accordance with findings of the Court of Claims reported under the provisions of the acts approved March 3, 1883, and March 3, 1887, and commonly known as the Bowman and the Tucker Acts, which was ordered to be printed and, with the accompanying paper, referred to the Committee on Claims.

Mr. BACON submitted an amendment intended to be proposed by him to the bill (H. R. 19115) making an appropriation for the payment of certain claims in accordance with findings of the Court of Claims reported under the provisions of the acts approved March 3, 1883, and March 3, 1887, and commonly known as the Bowman and the Tucker Acts, which was referred to the Committee on Claims and ordered to be printed.

ENROLLED JOINT RESOLUTION SIGNED.

A message from the House of Representatives, by D. K. Hempstead, its enrolling clerk, announced that the Speaker of the House had signed the enrolled joint resolution (S. J. Res. 89) to amend the joint resolution to prohibit the export of coal or other material used in war from any seaport of the United States, and it was thereupon signed by the Vice President.

MEMORIAL ADDRESSES ON THE LATE SENATOR WILLIAM PIERCE FRYE.

Mr. JOHNSON of Maine. Mr. President, I submit the resolutions which I send to the desk, and I ask that the same be read and adopted.

The VICE PRESIDENT. The Senator from Maine asks for the present consideration of resolutions, which will be read.

The resolutions (S. Res. 248) were read, considered by unanimous consent, and unanimously agreed to, as follows:

Resolved, That the Senate has heard with profound sorrow of the death of the Hon. WILLIAM PIERCE FRYE, late a Senator from the State of Maine.

Resolved, That as a mark of respect to the memory of the deceased the business of the Senate be now suspended to enable his associates to pay proper tribute to his high character and distinguished public services.

Resolved, That the Secretary communicate a copy of these resolutions to the family of the deceased.

Mr. JOHNSON of Maine. Mr. President, I appreciate that a duty has fallen upon me which could be performed much better and more appropriately by one who could speak of Mr. FRYE from long and intimate association with him in this distinguished body. But, although I never knew him intimately nor enjoyed his friendship, and my service with him here began with the first session of this Congress, yet his life and his character, because of his long, most important, and honorable public service, have been a part of the household knowledge of the citizens of Maine for many years.

It may not be altogether inappropriate, therefore, that, speaking for that great citizenship which he so long and ably represented, and served most faithfully, reflecting honor upon them, I should attempt on this occasion to express their appreciation of him, not only as a faithful public servant of lofty patriotism shown in his devotion to the Nation and the State, but also of him as a citizen, neighbor, and friend. I do this most gladly, because none of the long list of illustrious men whom Maine has given to the Nation enjoyed more fully the confidence of all her citizens than Mr. FRYE, whose rugged honesty, simplicity of life, broad sympathies, and loyalty to conviction drew their affection to him most naturally.

I shall leave to those long associated with him here the broad field over which such intercourse took them by his side, where ample opportunity was afforded of observing his abilities and traits of character under the load of heavy responsibilities. In what I may say I am certain that I shall not be led into extravagant eulogy, but my only fear is that I may not be able to bring the full measure of tribute which the State expects and which I wish to bear.

Mr. FRYE well represented in his character, tastes, and sturdy Americanism those hardy Puritans who, leaving the mother colony, found their adventuresome spirit best satisfied in a contest with the austerer conditions to be met in the most northeastern section of the country, upon whose pine-clad hills and rocky coast nature if conquered would yield only after a stubborn resistance, but where, nevertheless, a large return awaited those who had the courage and endurance to grapple with and overcome her forces, employing keenness of brain and accuracy of foresight as well as physical strength. Because he descended from one of the most noted of these early pioneers,

he possessed their mental and physical characteristics, a vigorous constitution, and a strong mind capable of deep conviction and tenacity, but his buoyant optimism saved him from the narrowness of the Puritan. His ancestry was of good old English stock, which emigrated from the county of Hants, England, in 1654 to the Massachusetts Colony, and some of whose descendants found a home in Maine. His great great-grandfather, Gen. Joseph M. Frye, was a colonel in the English Army, and fought in the French and Indian wars, and afterwards becoming a general in the American Army in the Revolutionary War, for his services was awarded a township of land near the New Hampshire boundary, which was named after him, Fryeburg, where there is now a pretty, prosperous village of that name. His father, Col. John M. Frye, was one of the early settlers of Lewiston, now a busy manufacturing city on the banks of the Androscoggin River, whose splendid water power has been the city's source of growth. Here Mr. FRYE was born September 2, 1830. He graduated from Bowdoin College in 1850, where he had as associates late Chief Justice Melville W. Fuller, Gen. O. O. Howard, and Gen. Joshua L. Chamberlain. In his college course there was nothing to mark him as a precocious youth or to forecast his eminent career, as he had not then bent himself to the serious purposes of life and was fond of sport; but he had then the power of making friends and keeping them.

After his graduation from college he became a law student in the office of William Pitt Fessenden, one of Maine's great Senators, eminent as a lawyer and a statesman, whose clear mind and eloquent tongue had already brought him fame which was afterwards to be largely increased during his service as United States Senator and as a member of the Cabinet. The relations of lawyer and student in those days permitted an intimate acquaintance. It was most fortunate that a young man of Mr. FRYE's talents had the opportunity thus afforded of placing before himself as an ideal the absolute integrity of such a man as William Pitt Fessenden, whose whole life, intellectual and moral, was raised to the highest level of human standards and whose attainments as a lawyer were of the same character. In 1853 he entered upon the practice of his profession in the city of Rockland, in his State, and two years later removed to his native city of Lewiston, where he made rapid progress. He had a clear, analytical mind; a fine physique; an attractive manner; a musical, well-modulated voice; imagination; earnestness; and always courage. This is the picture drawn of him by those who knew him then and which has been handed down to us.

He became a powerful jury advocate, capable of grasping the salient points of a case and presenting them with fervid eloquence. He wasted no time or effort upon the immaterial, but had the priceless gift of courage to discard it. He was a member of the State legislature in 1861, 1862, and 1867, exciting periods in the history of every State, whether North or South, and which called for men of strong convictions and force. In 1867 he was elected attorney general of his State and reelected in 1868 and in 1869, and in the meantime he had served his city as mayor two terms, in 1866 and 1867. Those who remember him in the conduct of his office of attorney general state that his reputation as a lawyer was largely increased, and he had become a master of cross-examination, that most dangerous weapon to the wielder himself in the hands of the unskilled. In 1871 he was elected to the Forty-second Congress and seldom appeared in the courts afterwards. The profession lost a great advocate at just the time when his powers were reaching their expansion, and the universal opinion of its members who then knew him is that, had he continued in it, he would have become one of the most eminent lawyers. When he entered Congress James G. Blaine was Speaker and ex-Senator Hale, for 30 years his associate in this body, was just entering upon his second term.

His ability was at once recognized and he was assigned to important committees, serving as chairman of the Library Committee and as a member of the Committee on Ways and Means and the Judiciary Committee and in three Congresses as chairman of the Committee on Rules. He was a ready debater, an uncompromising believer in the principles of his party, and willing and ready to defend them most forcibly. Many difficult questions were pressing for solution before the passion and prejudice excited by the Civil War had abated and party spirit was a most powerful influence. While in all the controversies that engaged his party in this period of its history, it never had a more consistent and abler advocate, it can be truthfully said that the country did not have a more honest or faithful legislator. The district which he represented had large shipping interests, and he made these interests the subject of careful study, which made him an expert in them. He was equally interested in all matters affecting the welfare of his State, particularly its manufacturing interests. The CONGRESSIONAL RECORD, during the period of his service in the House of Representatives, will show that he assisted in the passage of many important acts and took part in nearly all the great debates. He had the power of concise statement and clear analysis of a question, and with his magnificent voice and commanding presence he became a forcible and eloquent debater, and his services as a campaign orator were in great demand in every section of the country. It is said upon good authority that if his service in the House had not been terminated by his election to the Senate he would have been elected Speaker of the Forty-seventh Congress.

His service in the Senate began March 15, 1881, when he succeeded Hon. James G. Blaine, who had been called to the Cabinet of President Garfield. Of his service in this Chamber I shall not attempt to speak, but shall leave the task to those who were long associated with him, and from whom he will doubtless receive the tribute which his long and distinguished public service merits, and which close and intimate friendship with a kind and generous nature will gladly bestow, for I was forcibly impressed with the evidence of affectionate regard manifested by many Senators at his death. The citizens of his State knew that he became a great Senator, of large influence in shaping the affairs of the Nation; that he was the chairman of the Committee on Commerce, a member of the Committees on Foreign Relations and Appropriations; that for 15 years he was the President pro tempore of the Senate and for 7 years of this time Acting Vice President, and felt honored by the distinction which he had achieved.

His appointment as a member of the Paris Commission to arrange the terms of the treaty of peace with Spain testified to the confidence reposed in him, and was highly gratifying to him because unexpected and tendered to him by President McKinley on account of his stalwart Americanism, which had characterized his whole public life.

The last years of his life were marked by failing health, but he continued courageously at his post, performing easily all the duties of his important office, because of his familiarity with the work. A long and eventful public life was closed at his death August 8, 1911, surpassed in its length by but few and by none in the faithfulness of the service rendered and the importance of the benefits conferred. From his State came an Evans in its early history, and later a Hamlin, Fessenden, Blaine, Morrill, and Reed, all of whom rendered great services to the Nation, bringing honor to themselves and the State, but none rendered greater service than he to the Nation nor more faithfully served his State, and his name will always be recorded with theirs as Maine's great gifts to the Nation. This much, at least, can be truthfully said, bearing in mind what I know would be the wish of his honest mind.

> After my death I wish no other herald,
> No other speaker of my living actions,
> To keep mine honor from corruption
> Save an honest chronicler.

We can not now think of him as dead, so long did he exercise a potent influence over the minds of our citizens, with whom he was always simple and unaffected in his manner and from whom he never grew away by reason of the eminence which he attained, but when he returned to them he brought the same courteous, kindly, sincere greeting, and was again one of them. His simplicity of manner gave him a personal charm, because it was like the simplicity of marble, whose polished surface needs no adornment. His nature was of such purity that it needed only to show itself to command not only respect, but love. It seemed an easy thing for him to be influential, to sway men, whether as an orator in legislative halls or before a popular assembly or as a pleasing companion, because this power appeared to be what was expected of him. In political campaigns, in which he took an active part, not only in his own State, but in nearly every Northern and Western State, he was one of the most eloquent and forcible speakers. His magnificent voice and impressive manner, with his imagination, retentive memory, clear reasoning, keen sense of humor, and power of apt illustration drawn from familiar incidents made a splendid equipment for campaign oratory; and when in the possession of his full physical powers he was ever ready to use it in the exposition or defense of the principles of his party. He always kept before his mind that it was to be used not for the gratification of his personal pride, but to carry conviction to the minds of his hearers, and while his imagination suggested to his mind brilliant rhetorical passages and word imagery he never allowed it to lead him so far into the realm of fancy as to forget that facts were to be presented. These he could marshal in his clear, incisive manner, hurling them in battalions against the opposi-

tion, and turning aside now and then to brighten his more serious talk with flashes of humor and anecdote. But through every speech his hearers were convinced that he spoke with serious purpose and honest conviction. For many years he had a national reputation as one of the most brilliant and effective campaign orators in either party. His great influence, however, came not so much from his powers of oratory, great as they were, as from the settled belief in the minds of his hearers that he was sincere, that beneath his strong partisanship there were patriotism and deep conviction that the principles he advocated were best for the Nation. While he was an extreme party man—and would most willingly have made this admission—his innate honesty raised him above the partisan in the common acceptance of the word, and would not permit him to debase himself by the use of the means commonly employed for partisan advantage. Through a long public life, begun in his own State in 1861 and continued in the service of the Nation until his death last August, he carried himself so that no taint of corruption touched him and no suspicion that any reached him was ever entertained to cause the foul mouth of slander to hurl its venomous words at him. In the midst of the most exciting political controversies, an active and uncompromising participant, he employed no low or mean devices, his weapon was always a shining rapier and never a bludgeon. For 40 years going in and out, where avarice and greed are fed by the display of wealth and social distinction builds itself upon its sustaining power, he led his simple, quiet, faithful life, performing great duties with a high and patriotic purpose.

Beneath all the coverings which honors, social position, or other conditions can place above character, it is, after all, the most satisfactory thing in life, and one that makes it really worth the living, that men look for true manhood, and in forming their judgments tear away these coverings and search for the hidden treasure.

In Mr. FRYE's life there never were any coverings to be discarded before arriving at the true man, for beneath the honors he wore and his strong, aggressive party spirit his true, honest manhood showed clear to every observing gaze. It was because of this that he was loved and honored by all classes of citizens in his State, and why here affectionate regard overflowed the banks that would confine it to party associates and poured itself about him in one common tribute to the man.

He was not, however, one who endeavored to make friends. He selected friends from those who were congenial and for whom he had respect, and when once selected he never wavered in his loyalty to them. He ever bore in mind the advice of old Polonius:

> The friends thou hast and their adoption tried
> Grapple them to thy soul with hoops of steel;
> But do not dull thy palm with entertainment
> Of each new-hatched unfledged comrade.

Mr. FRYE made strong friendships at home and everywhere. His nature was an intense one, and if it showed itself in strong and forcible utterances, it also manifested itself in his strong attachment for his friends, and they reciprocated. As he despised the sham and artificial, it is easy to understand why he loved nature so well. Every summer, as soon as he could get away from his duties, found him at his cottage beside one of Maine's beautiful lakes where he loved to fish and reflect upon great public questions; or he found rest and recreation at his seaside home on the Maine coast among his neighbors and friends. According to some standards he might not be accounted a religious man, but he was most truly one, for nature made him so. As he looked from his cottage over the placid waters of the lake before him or strolled beneath the bending trees upon its wooded shores and caught the sound of waterfalls in the brooks that fed it, he could say:

> And this our life exempt from public haunt
> Finds tongues in trees, books in the running brooks,
> Sermons in stones, and good in everything.

One of the grand things in Mr. FRYE was his optimism, and this he manifested in every relation in life. He believed in a magnificent future for the Nation and the State. He believed in mankind and that it was marching forward, and, therefore, men believed in him and trusted him. He believed in his friends and, therefore, they believed in him. If at times he seemed austere and somewhat brusque, it was because his nature was impetuous and active and he wished to come at once to the subject. I venture to say, from my knowledge of him, that he never wasted the time of this body with the discussion of technicalities or immaterial things, but that when he addressed the Senate he had something to say, and to the point.

No sketch of Mr. FRYE, however brief, would record a just description without a reference to his home life, and here we pause at the threshold of this innermost sacred sanctuary, where the profane may not and should not enter, but can not fail to notice the purity, serenity, and sweetness of the home which was his and which he made radiant and happy by his presence, for he was never greater than here, and in all the relations of husband and father all the noble qualities of his generous affectionate nature were revealed, and from these relations he drew inspiration and courage.

Highly fortunate in his great natural powers, in the satisfaction of his ambition, in the acquisition of honors, in his host of true and loyal friends, he was still more fortunate in the choice of her who became his wife, a lady of rare character and intellectual attainments and of sweet and engaging personality, gracious in manner, and most sympathetic by nature. Her death, which preceded his by about 10 years, was a most severe blow to him; one support upon which he had leaned had been removed, and none know, whatever their station, how much they have been supported by the companionship and love of a noble, high-minded, sympathetic woman. Heroically he set himself to his work, cheered and consoled by the loving care and tender administrations of his affectionate daughters. But now was the beginning of the end. Nature must have her way, and so his step grew faltering and the tongue, which had formerly so readily sounded the brilliant thoughts that flew to it from his active brain, became more silent. Beneath the heavy load of years to which his sorrow added he manfully bore himself faithful and loyal to the last.

It was evident that the tide of his life, which in its fullness had expanded so that it touched and eddied around the pillars of a great nation and made its influence felt even on foreign shores, had now turned and was slowly but surely returning to its home in that great deep from which it had mysteriously flowed. And so last summer, from these scences where for 40 years he had been a prominent actor on the stage of a great nation's capital, he returned to home, to kindred and friends. The courage which had always been his characteristic never deserted him; never by look or word did he show impatience with those who ministered to his wants nor resentment at his fate; but with the same courage, kindliness, and consideration of others with which he had fought all the battles of life he endured all the pain and suffering incident to his weakened condition. His buoyant and courteous manner never deserted him, and when the end came we are glad to know that he passed peacefully away, hopeful to the last, loving life and desiring to live, but perfectly resigned.

> Like a shadow thrown softly and sweetly
> From a passing cloud, death fell upon him.

A great and useful life was ended, measured by correct standards. It is true that he had not spent it in amassing wealth, which in this commercial age too often measures the success of life, and to the hackneyed, and it seems to me most foolish, question often asked, "What did he leave?" the answer might be unsatisfactory to some. It is true that he did not leave wealth, but he left more. He left a grander and nobler heritage—a spotless name, a record of achievement, an influence for good, and ever-enduring evidences of his patriotic character and high ideals in the fabric of republican government, which is being woven not only for the citizens of this Republic, but also for the elevation of the whole human race. His active work has ended, but its influences will live forever, for we confidently believe that the same loyalty to truth, faithfulness to duty, dauntless courage and unselfish consideration of life's mission and purposes which he displayed throughout his long and memorable life still live and will bear their fruit elsewhere.

> The day has come, not gone;
> The sun has risen, not set;
> His life is now beyond
> The reach of death or change;
> Not ended, but begun.

Mr. LODGE. Mr. President, almost from the time when I began to take an interest in public affairs I was familiar with Senator FRYE's name as that of one of the leaders among the younger men of that day in New England politics. But he became a real and vivid personality to me for the first time at the national convention of 1880. The name of Mr. Blaine had not been placed before the convention in a very effective or successful manner, and the presentation was in strong contrast to the brilliant speech of Ingersoll on a like occasion four years before. The gentleman who moved Mr. Blaine's nomination began by an expression of regret that he had been selected for that duty and ended by making a mistake as to the initials of his candidate. The seconder of the nomination had talked about the land of the pineapple and the palm and of Mr. Blaine's popularity in the Territories, which gave rise to a telling retort from Mr. Conkling. The result of these efforts was distinctly depressing, and Mr. FRYE was brought in—it was said

at the time on the spur of the moment—to save the situation. It was a rescue not easy to effect. I recall well the slight figure in evening dress which came rapidly upon the stage. In a few minutes the atmosphere changed. The vitality and energy of the speaker, as he described Mr. Blaine in the trying days of the contested election of Maine's governor, were communicated to the delegates. They roused from the depression which had fallen upon them, and as Mr. FRYE rose to his climax there was no longer any doubt that the situation had been saved and Mr. Blaine's name fittingly presented. It seemed to me at the time an unusual feat of oratory, carried to success under most trying circumstances.

Two years later I had a nearer view Mr. FRYE, both as man and orator. In the campaign of 1882 he came to Lynn and spoke there at a great meeting in behalf of the Republican candidate for Congress. I spoke just before him and was then very untried and unskilled in public speaking. Mr. FRYE's subject was that one which is always with us—the tariff. I had endeavored to speak on the same subject in an interesting way and, as it seemed to me, had failed dismally. I listened to Senator FRYE with wonder as he proceeded and with despair in my heart at the contrast which he presented to my own efforts. He made the dry question of rates of duty glow with interest as he went on from one topic to another. I recall particularly, after he had closed an exciting discussion of the cotton schedule, the manner in which he paused and walked slowly across the stage, looking at his audience, and then began in a low and impressive voice by saying, "Now, there is pottery." His audience seemed transfixed by his manner, as if he had appealed to them in behalf of their lives, their property, and their sacred honor. They behaved as if the duties on pottery was the one interest of their existence, although in that particular city there was nothing resembling a pottery industry. There followed a brilliant and intelligent presentation of a dry and difficult subject, set forth in such a way that everybody understood it, and it was all fused together by the warmth and energy of the speaker's manner and by the enthusiam which he seemed able to impart to his hearers. I heard him many times afterwards, but never was I more impressed by his remarkable qualities as a public speaker than on that occasion.

He possessed in perfection the great art of making his hearers feel that he was expressing exactly what each one of them thought, but which they were unable to put into words. He was always master of the subject which he discussed. He stated his case with great precision and clearness, but above and beyond these qualities was a genuine eloquence to a degree and of a kind not often met with. He was profoundly sympathetic, and it was that attribute above all others which gave him such power with a popular audience. He was equally effective in the Senate, although of late years, owing to his long service in the chair and then to ill health, he spoke but seldom. But when I first entered the Senate he spoke frequently, and I have never seen anyone who, when aroused, could stir the Senate more than he. He was also as a Senator a very industrious and a most excellent legislator. The work of his great Committee on Commerce was always most admirably done and he was complete master of it in all its details. He was also one of the best presiding officers that I ever saw. The death of Vice President Hobart, followed so soon afterwards by the death of President McKinley, made Mr. FRYE the permanent presiding officer of the Senate for nearly six years, and I do not think that high position was ever better filled by any man. He was very kind and considerate and also very fair. The quality of sympathy, however, to which I have alluded in trying to describe his power with a great audience, seemed to me the dominant note in his character. I have never known a Senator in this body who commanded so entirely the affection of all the Members, without the slightest regard to party lines. I do not recall in all my service here any Senator whom the Senate was so ready to oblige as it was to oblige Senator FRYE. Anything that he wanted was pretty sure to be done.

He was, of course, a very distinguished public servant throughout his long career, one of the most distinguished Senators of recent times, and one of the ablest men ever sent to Washington by a State which has been generally conspicuous for the ability and character of its representatives. His public services are a part of the history of his time. The affectionate sympathy which made him so beloved in this body is better understood by us who lived with him from day to day than it can be by any others, and for that reason his associates here have mourned his death with a deep sense of personal loss and with grief for the departure of one whose presence was always a happiness to all who knew him.

Mr. BACON. Mr. President, it has been well said by another, when commenting upon his friendships in the Senate, that some of the sweetest fruits found in the experiences of political life are those which hang over the party wall.

To those who witness our daily proceedings in this Chamber, with its sharp collisions in the ardor and heat of debate, and also to the great public who are only reached by the echoes of the strife within these walls, the realization is difficult that there are not only cordial relations, but frequently the closest ties of personal friendship between those who sit respectively on the different sides of the aisle that divides us. But the fact is well known to those more nearly familiar with conditions here. Aside from the general cordiality of these relations the noted instances of close personal friendship between Senators of opposing political parties have been in a measure historic. While, with possibly the exception of our honored colleague from Illinois [Mr. CULLOM], all the Senators of that day have passed from these scenes, it is a pleasing tradition which has come down to us of the devoted friendship and daily associations of Senator Thurman, of Ohio, and Senator Edmunds, of Vermont, the one a partisan Democrat and the other a no less partisan Republican, daily in the collision of debate with each other in this Chamber, but yet with a congeniality of tastes, intellectual, temperamental, and otherwise which drew them into the most genial and continuous personal association when they passed without its doors.

And coming down to a later date, about the time I entered the Senate, there was the intimacy so generally observed between Senator Butler, of South Carolina, and Senator Cameron, of Pennsylvania. And there are a number of Senators still with us who will recall the cordial friendship with its consequent association daily, and frequently nightly, between Senator Vest, of Missouri, and Senator Quay, of Pennsylvania. Many other instances of like character could be mentioned, some of them happily existing at present in the Senate.

This thought, Mr. President, has come into my mind as I offer a brief tribute to the memory of our late associate and friend.

For more than 16 years I was associated with him here, and it gives me unfeigned pleasure to bear testimony to the uniformly cordial esteem and friendship with which Senators on this side of the Chamber regarded him. He was a Republican of the straightest sect, prompt at all times to avow its principles and support and defend its measures in a degree, perhaps, in which no other Senator of his party was more pronounced; and yet there was withal a sincerity, a kindliness of heart, a courtesy of demeanor, and a generous consideration of others which drew to him in the bonds of friendship, not only those of his political party, but as well all of his associates of opposing political views and affiliation.

One fact brought him into closer personal relationship with all the Democrats of the Senate than, as a body, they enjoyed with any other single Republican Senator. That was the fact that he was for 15 consecutive years the President pro tempore of the Senate. This was a longer time than any other ever held the office either of President of the Senate or that of its President pro tempore. Not only so, but through the death of Vice President Hobart, and in the succeeding administration the promotion of Vice President Roosevelt to the Presidency, Senator FRYE, as President pro tempore, was the actual presiding officer of the Senate for more than five years. That threw him into direct close official relationship with the Democrats as well as with the Republicans of this body. During all of that time, although there were then often periods of partisan heat and strenuous political contentions in the Senate, by his uniform courtesy to all and his unvarying impartiality in the discharge of his duties as its presiding officer, he won and enjoyed in ever increasing measure the esteem and friendship of all Senators, Democrats as well as Republicans. A marked manifestation of this was given at the close of the Fifty-sixth Congress, when a Vice President had been elected whose term as the President of the Senate would begin with the succeeding Congress. As the final session of the Fifty-sixth Congress was drawing to a close the Democratic Senators, on their own initiative, began the movement to have the Senate present to Senator FRYE a testimonial in recognition of the fidelity, courtesy, fairness, and impartiality with which he had discharged the duties of its presiding officer. The Republican Senators, gratified as they were that the movement had originated with the Democratic Senators, joined with them, and, as a pleasing testimonial from all the Senate, a large, handsome silver loving cup was procured and presented to Senator FRYE. The gift was made in the marble room of the Senate, practically all of the Senators being there assembled, while a happy presentation address was made in their behalf by the venerable and honored Senator from Massachusetts, Mr. Hoar.

But this was not to be his final service as the actual presiding officer of the Senate. Upon the death of President McKinley

and the consequent promotion of the Vice President to the Presidency, he again became the actual presiding officer of the Senate, and so remained during all of the sessions of the Fifty-seventh and Fifty-eighth Congresses.

Mention has already in these proceedings been made of this fact, and I only repeat it that I may have opportunity to say from this side of the Chamber that during this enlarged service as the presiding officer of the Senate it was true, as it had been in the former briefer service, that his discharge of his duties in that difficult and often trying service was characterized in the most signal and marked degree not only by efficiency, but also by the most unvarying courtesy, fairness, and impartiality. During my service here there have been, including himself, six presiding officers of the Senate, and without instituting comparisons where each has been so acceptable and excellent in this high office, it is but simple justice to him to say that he was fully the equal of either of the others in the qualities which make an able, efficient, and satisfactory presiding officer.

There is nothing hazarded in saying that as a presiding officer, as well as in his senatorial and personal relations, he enjoyed, as he richly merited, the unqualified confidence and esteem of all his associates here, regardless of differences in political views and party affiliations.

For years preceding his death he and I were by mutual agreement each the pair of the other during the temporary absence of either from the Chamber. But our relationship was still closer. To me personally it was then no small gratification to know, and it is now to me a valued recollection, that he numbered me among his chosen friends, although perhaps no two Senators differed more radically and more widely in many political views. By that friendship I was greatly honored, and it is with me among the garnered memories which one treasures and preserves.

He had a long and distinguished career in the Senate. That he enjoyed the unstinted confidence of his State was shown by the fact, stated to me by him, that he took no heed and had little recollection of when there would end his several recurring terms as a Senator, as his elections were without opposition and went as a matter of course, and that upon one occasion he had entirely, for a time, forgotten the fact as one term was about to end and another about to begin, until summoned by a telegram to the capital of his State to make his acknowledgments to the legislature for the renewed term as Senator, to which, while he overlooked the date, they had just already elected him.

Mr. President, such a career as his, so long, so full of accomplishment, it is impossible to even touch upon in detail in the limited time which either of us can to-day properly occupy, and I shall not attempt to do so. It is only practicable, as we severally offer our tribute of esteem and affection to our late friend and comrade, to each furnish, as it were, one leaf to the garland which we to-day lovingly lay upon his bier; and with this view I have sought to speak briefly of my personal affection for him, and to bear testimony for my political associates on this side of the Chamber to the fact that he had so borne himself as a presiding officer and as a Senator, that he had in his long service won the esteem, the confidence, and the affection not only of his party fellows but as well of the Senators of opposing political faith.

It is comparatively easy for one to be in personal accord with those actuated by the same motives and animated by the same views and purposes, but it is the golden heart, the generous mind, the knightly soul that inspires friendship and trust and confidence in the antagonist with whom he strives in fair and honorable combat.

Mr. GALLINGER. Mr. President, of the 88 Members of the Senate when I entered this body in the year 1891 the only remaining one is the distinguished and lovable senior Senator from Illinois [Mr. CULLOM]. Of the entire number, 60 are dead. The Senate had in its membership at that time many men of great distinction, and special mention may properly be made of the following:

John T. Morgan and James L. Pugh, of Alabama; James K. Jones and James H. Berry, of Arkansas; Leland Stanford, of California; Henry M. Teller and E. O. Wolcott, of Colorado; Joseph R. Hawley and Orville H. Platt of Connecticut; George Gray, of Delaware; A. H. Colquitt and John B. Gordon, of Georgia; John M. Palmer, of Illinois; Daniel W. Voorhees and David Turpie, of Indiana; William B. Allison and James F. Wilson, of Iowa; Preston B. Plumb, of Kansas; John G. Carlisle and J. C. S. Blackburn, of Kentucky; R. L. Gibson and Edward D. White, of Louisiana; Eugene Hale and William P. Frye, of Maine; Arthur P. Gorman, of Maryland; Henry L. Dawes and George F. Hoar, of Massachusetts; James McMillan, of Michigan; Cushman K. Davis, of Minnesota; James Z. George and Edward C. Walthall, of Mississippi; Francis M. Cockrell and George G. Vest, of Missouri; Charles F. Manderson, of Nebraska; John P. Jones and William M. Stewart, of Nevada; William E. Chandler, of New Hampshire; John R. McPherson, of New Jersey; Frank Hiscock and David B. Hill, of New York; Matt W. Ransom and Zebulon B. Vance, of North Carolina; Henry C. Hansbrough, of North Dakota; John Sherman, of Ohio; Joseph N. Dolph, of Oregon; Matthew S. Quay and J. D. Cameron, of Pennsylvania; Nelson W. Aldrich, of Rhode Island; Matthew C. Butler, of South Carolina; Isham G. Harris and William B. Bate, of Tennessee; Richard Coke, of Texas; Justin S. Morrill and Redfield Proctor, of Vermont; John W. Daniel, of Virginia; Charles J. Faulkner, of West Virginia; and Philetus Sawyer and William F. Vilas, of Wisconsin.

Probably at no period in the history of the country has there been a larger proportion of able men in the Senate than at that time, and I recall with pride and satisfaction the fact that my service in the Senate was begun with such an array of distinguished Senators as my associates. Their presence was to me an inspiration and an incentive to do the best possible work that I was capable of in this great legislative forum.

Mr. President, WILLIAM PIERCE FRYE had a most wonderful career, which will be discussed at length by other Senators. It is sufficient for me to say that no man with whom I have been associated in public life commanded my admiration and esteem to a greater extent than did Mr. FRYE. He was literally idolized by the State of Maine, and for more than a quarter of a century was a favorite with the people of New Hampshire. Recognized as perhaps the most effective political orator of his time, he participated in the campaigns of our State for a great many years and won the regard and esteem of our citizens generally. An earnest and uncompromising believer in the principles of the Republican Party and an eloquent advocate of the doctrine of protection, his speeches were always free from personalities and denunciations of his political opponents. He argued the views he held in a calm, dispassionate, sincere manner, appealing to the judgment and the intelligence of his audience. He was also a firm believer in the upbuilding of the American merchant marine, an earnest advocate of the Navy, and especially devoted to the interests of the Revenue-Cutter and the Life-Saving Services.

As chairman of the great Committee on Commerce, Senator FRYE rendered the country a service that will never be forgotten, and I count among the special privileges of my public life that I was permitted for many years to serve under him as a member of that committee. He presided over the committee with an ease, a courtesy, and a kindliness that won him the affectionate esteem of the entire membership. He was especially proud of the fact that with rare exceptions the reports of the committee were unanimous.

As President pro tempore of the Senate, covering a period of 15 years, the same urbanity and impartiality characterized his conduct. He was an accomplished parliamentarian, and his decisions were seldom disputed and never reversed by the Senate.

All in all the country has had few such men. Correct in his habits, devoted to his family, true to his friends and loyal to his convictions, he was an upright, conscientious, high-minded public servant. In his death not only the State that honored him and the Senate which trusted and loved him, but the Nation as well, sustained a great loss. He served in the House of Representatives 12 years and in this body 30 years, covering a period, with but one exception, greater than that with which any man in our history is credited, and the record of his public service is absolutely free from blemish of any kind.

Senator FRYE was a Christian in the best sense of the word. Devoted to his church, he was neither bigoted nor narrow. Generous and charitable, his benefactions were unostentatious and liberal. Wherever he went the sunlight of good cheer and the wholesomeness of genuine friendship were there. The world was the better for his having lived in it, and the influence of his good deeds will never die. He has left us to join the majority, but we still claim him, for—

> There is
> One great society alone on earth—
> The noble living and the noble dead.

Mr. President, I will not indulge in any preachment, yet can not refrain from quoting from an address of the late Senator Wolcott, of Colorado, so well remembered by some of us for his eloquence and genius. These were his words:

> We can none of us know what awaits us in that hereafter, in that unknown to which we in our turn shall go, as a bird flies from the lighted room out into the darkness of the night. It may be that we shall realize the Buddhist hope, and spend the illimitable future in calm and passionless contemplation of the worlds below us, without longing and without desire. Perhaps there awaits us the heavens of Mohammed, with their barbaric splendors; or it yet may be, as so many of us hope and believe, that, redeemed and sanctified, we shall sit at the feet of the

crucified Savior, the Christ, no longer bearing upon his body the marks of the spear that pierced Him or of the cruel nails or the crown of thorns, but rehabilitated in His majesty and resplendent in the ineffable glory of His divine presence. It is not given us to know of these things, but it is given us to realize and to remember until we go to join the silent majority, silent to all human ears, we dwell in the living present; that to our times and to this generation is confided, in the government of men, the one hope of the world; that to us is intrusted the manhood, the equal manhood, and the liberty, the equal liberty, of mankind. Our eyes are turned upward; our feet press forward. Armed with these resolves, we can never be dislodged, for our feet are planted upon the eternal rock.

Mr. President, those of us who knew Senator FRYE believe that in that great unknown land, freed from the cares, the perplexities, and the sorrows of this life, he still lives, steadily growing in all the attributes of knowledge, truth, and justice. His life furnishes a lesson to us all, which we may well learn. It is a great thing for a man to leave behind him such a record as did Senator FRYE. Remembering him as we do, we can truthfully say:

None knew him but to love,
None knew him but to praise.

What more, Mr. President, could be said of any man?

Mr. BURTON. Mr. President, I am altogether unable to express in words a fitting tribute to the memory of Senator FRYE. I knew him well. For 20 years I was more closely associated with him in matters pertaining to public business than with any Member of the House or Senate outside of my own State. In all those years I cherished for him an increasing fondness and respect.

It is very difficult when the life record of a public servant is made up to determine exactly the features which will give him a place in history. In the case of Senator FRYE there were several distinctive characteristics of his career which will give him an honored place in the annals of this body. In the first place, his long service exceeded, I think, with one exception, the legislative career of any other Member of Congress. He was elected to the House of Representatives when about 40 years of age. Prior to that time he had enjoyed a varied experience as a member of the legislature of his State and as its attorney general, and a large experience as a lawyer. For 40 years, without interruption, he represented either a district of the State of Maine in the House of Representatives or that State in the Senate. Until almost the very close of his life he was possessed of a degree of health and energy which gave the greatest effectiveness to his efforts.

I remember calling upon him two years ago this winter, at a time when he was confined to his apartment, and he stated that then for the first time in his life he had found it necessary to have his meals brought to his room. He had not suffered until then from ill health, with its handicap or its caves of gloom. He was always alert and ready for the performance of any duty, and until very near the age of fourscore years retained an unusual degree of vigor.

It would be but natural to expect that in so long a career in Congress he would leave a lasting impress upon the legislation of the country. He was especially associated with its commercial interests and for a long time the chairman of the great Committee on Commerce. The ports, rivers, and channels of the country were always to him a matter of the most sedulous care. He stood for a policy of progressiveness, of liberality in appropriations, but of stern rejection of unworthy projects. There is hardly a harbor or a river in the country in which he did not take a very sincere interest and in the improvement of which he did not bear a leading part, and he was equally active in advocating the construction of the Panama Canal. He had a constant interest in the merchant marine of the country; not merely in the ships, not merely in our commerce at home and abroad, but the humblest sailor could always evoke his interest.

In the great questions pertaining to the tariff, to finance, in brief, all the great questions which have awakened the interest of the country, he bore always an influential part, and in all those 40 years no one could question his sincerity or patriotism in any view that he expressed.

If there is any one thing which caused him to have the confidence of those of all parties and all localities which has been ascribed to him to-day, and which belonged to him always, it was his sincerity and broad-mindedness. The Atlantic as well as the Pacific were within the purview of his thought. He stood for commerce at home and abroad, for national expansion, for patriotism; and these great ideas are written in every line of his speeches.

Mr. President, in the present day there is a disposition to look with some degree of disparagement upon the legislator. Publicists speak of legislative bodies as losing their influence. Means are being devised and widely advocated to diminish or even take away the power of Senates and Houses of Representatives. It seems to me that the life of Senator FRYE is one which stands as a monument for the greatness, the usefulness of legislative activity, and as a protest against so changing our opinions or our policies as to destroy the prerogatives which must belong to the national and to State legislatures. For, true it is, that wherever human aspiration has found a voice or human weakness has uplifted its hands for help, there some legislative body or some legislator has been found sometimes expressing himself in language that is sublime, sometimes building institutions and framing statutes which are pillars of hope and of strength all along the world's pathway. It is well for us, when we review this public life of 40 years, to point to the usefulness of those who have to do with the making of laws and the shaping of policies in order to encourage others who feel that this is not a proper career to adopt it with the hope that if in patriotism and with due regard for the interests of all they do their duty they shall find a field of usefulness unsurpassed anywhere.

I would gladly speak of the beauty of the life of Senator FRYE, for after all the supreme test of a man's greatness is the loveliness of his character. He was a model husband and a model father. Whatever be our creed, or whether we have any creed at all, it is pleasant for us to recall that his life was actuated by Christian principle, and in death he was encouraged and sustained by Christian hope.

The life of anyone who chooses a public career is perhaps more or less ephemeral in its influence. In the whirling currents of this time especially new subjects awaken attention, new ideas gain credence and support. But in the great framework of things which we now enjoy no small part of the creative forces must be ascribed to the work of men like Senator FRYE.

We may say now of him: Rest, noble spirit, in the cemetery at Lewiston, where he loved to dwell in the State which honored and loved him, and in the country which he served so faithfully and so well. Whenever days are dark, when patriotism seems to wane, and the tocsin of alarm is sounded, thousands will point to his life, and although he has gone from us, will find in his career an inspiration to patriotism and for all that is inspiring and helpful to the State, to the country, and to humanity.

Mr. SIMMONS. Mr. President, it is a mournful privilege to pay tribute at the bier of an associate.

The human heart responds when in sympathy we recall the departure from our midst of those with whom we have enjoyed friendly relations and agreeable intercourse.

When I first came to the Senate, Senator FRYE had already served 20 years in this body. To him a certain position was accorded, not only because of his length of service, but because of his personality, his ability, and faithful public service. He was a man of few but exact words; of strong convictions, thoughtful, and of business habits; mindful of the great affairs that claimed his attention as a Senator.

Some years elapsed before we were thrown together by committee assignments, but when we were I came to know him well. He had a warm heart and a generous nature. There was a magnanimity about him that quickly won my esteem, and as the years passed, and he admitted me more and more to his innermost self, the greater became my regard for and the warmer my attachment to him.

He had a manhood that was of the finest texture, a nobility of soul that adorns sterling character, and personal traits that evoked admiration.

It was a pleasure to be with him, and I enjoyed much gratification when it became my fortune to be more closely associated with him at each recurring session of the Senate. Our friendship ripened on my part into an affectionate regard, and on his part he gave me many evidences of his sympathetic friendship and regard for me, and I have missed his presence with real regret and mourn his departure with sincere sorrow.

Speaking from my knowledge of his simple taste and modest disposition, I am sure, if he whom we mourn could order these ceremonies, it would be more agreeable to him for me in a few words to give expression to my affectionate remembrance and my grief at his death, than were I to essay any studied eulogy or indulge in extended remarks of commendation and praise.

Mr. President, Senator FRYE was my friend, and I heard the tidings of his death not only with deep sorrow, but with a feeling of personal loss.

Mr. NELSON. Mr. President, Senator FRYE passed away on the 8th day of August last, in the eighty-first year of his age, at the city of Lewiston, Me., the place of his birth, after a most

illustrious and notable career, such as has been allotted to but few men in the lifetime of our Nation.

He was highly equipped at the outset for the great work which he assumed and which became his lot. He was born of good Anglo-Saxon stock, he had a collegiate education, and he possessed natural gifts, moral and intellectual, of an unusually high order. At the age of 25 he entered upon the practice of the law, and soon became one of the most prominent lawyers of his State. But his knowledge of public affairs, his great energy and zeal, and his notable gift of oratory soon diverted him into the field of a legislator, which became his great life work, and which offered him the best sphere for his abilities, his gifts, and his attainments. And in this field his value, his enterprise, and his usefulness was most pronounced and second to none.

His preliminary training as a legislator he received in his State legislature, to which he was elected in 1861 and in which he occupied a prominent and leading place. After three years' service in that body, and after three years' service as attorney general of his State, he was elected, in 1870, a Member of the House of Representatives in the Forty-second Congress, and was thereafter reelected for five additional terms. In March, 1881, before his last term in the House of Representatives had expired, he was elected a Member of this body, and continued as such from that time till the day of his death. Forty-one years measures the time of his Federal legislative career—a period of greater evolutionary legislation than in all our prior legislative history since the foundation of the Government, a period in which many dormant powers of the Constitution have been enacted and developed into much-needed, efficient, and far-reaching regulative legislation, notable among which may be menttioned railway rate regulation, antitrust legislation, pure-food and meat-inspection legislation, and Federal employees' compensation legislation.

At an early date, even before he entered Congress, Senator FRYE became noted as a most eloquent, effective, and persuasive political campaign orator, second to none in the country, always in great demand, East and West, in every big political campaign of his party. And there was no abatement in such campaign work on his part till the last few years of his life. It was not only the eloquent and the rhetorical character of his speeches that made them so effective, but they derived their most convincing and persuasive force from the great sincerity and the intense earnestness with which he spoke. There may have been campaign orators as eloquent as he, but certainly none that were more convincing or that left a more permanent effect and impression. He not only convinced his hearers, but he engendered an enthusiasm in them that made them zealous missionaries in the cause.

In the House of Representatives he became at once prominent and one of the leaders of his party from the outset. On the floor and in committee he was equally ready and always in his place. He was as ready in preparing and formulating great measures as in debating and advocating them on the floor. He was a great debater, and in a running debate, in giving and taking blows, he was at his best. He could be merciless, incisive, and most exhaustive in exposing the defects or vices of a bad or questionable measure, and equally so in promoting the passage of a good and proper measure. He was ever watchful and on the alert, with his ear, eye, and mind on the entire legislative field. He was not one of those legislators who are content, and exhaust themselves in delivering one, or perhaps two, set speeches during a session and, as to everything else, seem entirely listless and oblivious, and who regard all else in the legislative field as mere drudgery beneath their notice and attention. In short, he was an attentive, ever-present, ever-active, and vigilant legislator.

He became, at an early stage in his legislative career, well versed in the intricacies of the tariff, and on the stump there was no more effective expounder than he of the nature and value of a protective tariff. The industries of his own New England, and for that matter of the entire country, had in him one of their most vigorous expounders and defenders. At an early day, too, he took a great interest in the welfare of our sailors in our merchant marine, in improving our waterways and harbors, and in securing aids to navigation; and in the end this became, to a large extent, his great life work as a constructive legislator and statesman.

In 1881 he became a Member of the Senate as the successor of James G. Blaine. He entered this body in the full vigor and maturity of his powers, better versed and better equipped for the great task of national legislation than most men who enter this Chamber. His training as a Member of the House, coupled with his great energy and native ability, made him a most valuable acquisition to this body. He became a leader from the start, not one of those self-seeking leaders, but rather one of those leaders whom we all with one accord unite in impressing into that service.

In 1896 he was elected President pro tempore of the Senate, and continued to serve as such until the time of his death. He was an excellent parliamentarian, well versed in parliamentary law and in the rules, precedents, and customs of the Senate, and this, supplemented by his keen sense of justice and fairness, made him unexcelled as a presiding officer, both in expediting the business of the Senate and in passing upon and applying the proper rules of procedure.

He was a most active member of that important commission that negotiated the final treaty of peace with Spain in 1898, under which we acquired the Philippine Islands, Porto Rico, and the island of Guam, and besides were given a sort of a supervisory control over the affairs of Cuba to the extent of enabling the people of that island to maintain a stable government.

While as a member of the Committee on Foreign Relations he took an active and effective interest in our foreign affairs, yet his interest in our merchant marine and shipping and all that pertained and related to these matters, as well as his interest in the improvement of our rivers and harbors, was so great and so near and dear to him that when he could have had the chairmanship of the Committee on Foreign Relations he preferred to relinquish that in favor of retaining the chairmanship of the Committee on Commerce. And to the varied and far-reaching work of this committee he gave much of his time and energy. The welfare of our merchant marine, of our sailors, of our Revenue-Cutter Service, and of our Life-Saving and Lighthouse Services was given much of his time and his zealous care and attention. And on all these subjects he was an expert, better qualified to pass upon the wants of the service than anyone else, and ever ready to secure progressive and remedial legislation for the benefit and improvement of the service.

He labored zealously and hard, in season and out of season, for developing and increasing our merchant marine engaged in foreign commerce. His efforts met to a large extent with success in this body, and though not always successful in the other legislative branch, yet he never abandoned his efforts on this account. He felt and he believed that the products of this country shipped abroad should be carried in American bottoms and under the American flag. To him any other course seemed intolerable and unpatriotic. He made special efforts to promote the efficiency and welfare of the Life-Saving Service by providing for a system of retiring disabled and superannuated employees, and met with success in his endeavors in this body. The welfare of our sailors was ever near and dear to him, and he was largely instrumental in abolishing the vicious system of allotting wages under which our sailors were so frequently "shanghaied" aboard our merchant ships. He was also, to a great extent, instrumental in securing legislation providing better quarters, better accommodations, and better food for the sailors on American ships. In short, our sailors, our life-saving men, and our lighthouse keepers had in him a constant, watchful, and most efficient friend.

He was a model committee chairman in considering and dispatching all measures that came before his committee. Everything was given due attention, and all parties entitled to be heard were given a hearing, and he had the happy faculty of so treating and so interesting the members of his committee that, as a rule, they were faithful in their attendance at committee meetings; and those who have had experience in such matters know how important this is. A slack or negligent chairman can oftentimes demoralize his committee and render it apathetic and inattentive; a working chairman makes a working committee; an indolent and listless chairman sets an example that is discouraging and demoralizing to the rank and file of his committee.

Senator FRYE was emphatically a man of work. To him his legislative duties, of whatsoever kind, were a most serious matter, to which he was devoted and to which he gave his undivided attention. He was not here for social pleasures or social functions; he had no time to spare for these. His life was a life of work in the public service and for the public good. His country's weal and welfare was ever uppermost in his heart and his affection. How useful such a man is in a legislative body, especially in such a one as this, legislating for more than 100,000,000 people.

Senator FRYE was more than a mere legislator in this body; he was a teacher for the new and inexperienced Senator, teaching by precept and example as few, if any other, could teach, and he was ever helpful and kind to his associates, ready to guide them and to extricate them from legislative difficulties and embarrassments. His aim in this, as in all else, was not to patronize, to court popularity, but rather to be useful, to be

helpful and encouraging. Though a son of New England, and true to her welfare and interests, yet his heart, his instincts, his aspirations, and his work were national and cosmopolitan in the truest and best sense. Our great country has never had a more faithful or more useful public servant than Senator FRYE—faithful and useful to the uttermost in public and private life. We have lost him as a colaborer in this body, but we have not lost him as an example of all that is truest and best in a Senator, in a great public servant. As such an example he will continue to guide us and to inspire us to follow in the path which he blazed and followed throughout his career. If we can be guided by his spirit and follow his example we shall indeed be most fortunate—fortunate for ourselves and fortunate for our common country.

Mr. PERKINS. Mr. President, in the death of WILLIAM P. FRYE our country lost a typical American. He was of that old stock which was distinguished for its sturdy and unselfish patriotism, which religiously believed in the principles of free government by the people and for the people, and which deemed self-seeking under the guise of public service to be a sort of treason to the State.

In his long career no word or deed of his gave rise to suspicion that he had ambition to be other than a true representative of the best thought of his time. His aims were high, his methods straightforward and manly, and his efforts constantly directed to securing the greatest good for the greatest number.

His earnestness and honesty made themselves felt when he first entered upon his career. These qualities were recognized very early. Through them he was forced into public life, and they remained his prominent characteristics until the end, gaining for him at the bar, as a public official, as a member of the Maine Legislature, and as a Representative of his State in Congress that high respect and confidence which are given so willingly to all honest, earnest, and courageous men.

The ability, force of character, and eloquence of the rising young Maine lawyer very soon brought him into the field of national politics where he at once became a power, and where his influence was directed to the promotion of public good through the doctrines of the party in whose principles he firmly believed. So he naturally came to the House of Representatives, and on the retirement of Blaine as Senator took his place in this body.

During his long service here his work was along the same lines which had marked his earlier efforts—the greatest good to the greatest number. His committee assignments placed it within his power to exert his great ability in the directions he found most to his taste, particularly that to the Committee on Commerce, where I was his colleague for 17 years, and where I learned to realize how broad was his mind, how untiring his work for the great objects he had in view, and how sincere was his desire to promote legislation that would be of lasting benefit to his country.

His long struggle in behalf of the American merchant marine is well known to everyone here. As member of the Committee on Commerce he was in a position to make himself thoroughly familiar with the subject, and coming from a State where once the maritime interests predominated, and which had built up cities which decayed with their death, he was able to realize and gauge what had been our country's loss when our great fleets were swept from the sea. Senator FRYE's fight for legislation which would encourage the growth of the American merchant marine was long and strenuous. From the time when the postal subsidy bill of 1891 was brought forward he was a consistent advocate of legislation that would encourage the construction of American ships for the foreign trade. This bill, in the passage of which his influence was great, was not sufficient to give that stimulus to shipbuilding that all friends of the deep-sea sailor desired, and he resumed the struggle with other bills which he believed to be calculated to induce the investment of capital in American ships for foreign traffic.

In 1900 a bill on which he had labored long and earnestly was introduced in the Senate by him. It was again revived in the following Congresses and was earnestly debated.

In 1902 the Hanna-Frye bill was passed by the Senate, but was not acted on by the House, and the failure is said to have occasioned the greatest disappointment of its author's long political career.

He had made a brave, stubborn, and brilliant struggle for the resurrection of one of the former glories of his country, and at a time when age was beginning to be felt the failure of his hopes brought discouragement. Since then there has been no vigorous movement to again place the American flag on the high seas and to make it a sign in foreign ports of the commercial enterprise and greatness of the American Republic.

As chairman of the Committee on Commerce, Senator FRYE has done more than any other man for the safety and well-being of the tens of thousands of men who gain their livelihood upon the sea. No measure affecting them failed to receive the most careful scrutiny, and wherever a real benefit would be conferred that bill had his most hearty support. The Revenue-Cutter Service, Lighthouse Service, and Life-Saving Service have grown in extent and efficiency under his fostering care, and the loss of life and property which they have prevented is incalculable.

It was in connection with great navigation problems of the country that Senator FRYE did the greater part of his congressional work, but he was intensely interested in all matters of broad scope and great importance. He was early placed on the Committee on Foreign Relations, where he performed notable work at various times, and where his rare ability as a diplomat was so readily recognized that he was chosen one of the commission to determine the terms of peace between this country and Spain. And it was this habit of fair and courteous dealing on all occasions which made him the most available man for the high post of President pro tempore of the Senate, and which gained for him the warm support of his political opponents and the sincere respect and absolute confidence of every Member of this body.

No man who has held that high office was ever missed more than Senator FRYE will be by those who were his colleagues. In all his public work Senator FRYE was absolutely unselfish. No thought of personal gain ever occurred to him in his long career. Although, as he said, he had opportunities for making money legitimately, he never availed himself of them, for the reason that he feared at some future time the obligations acceptance would put him under might conflict with what he believed to be his duty to the country.

He therefore died a comparatively poor man.

And in politics his only ambition was to serve faithfully the best interests of the people. Advancement to higher dignities he refused, and though he was a power in the Republican Party and used his strength and ability freely in all campaigns, his object was solely the party good and the success of the policies which it had adopted and in which he believed.

The only advancement which, I think, he was glad to have was his election, term after term, to the position of President pro tempore of the Senate, and this chiefly because it was evidence of the high personal esteem in which he was held by his colleagues on both sides of this Chamber. That he received this mark of confidence and respect all of us are more than glad, and we all know that it was fully appreciated.

Senator FRYE was a type of the class of men whom New England has sent to Congress for over a century. Strong, sturdy, independent, honest, and energetic, he exerted a powerful influence for good in all matters affecting the well-being of the American people. The broadness of his views caused him to consider the welfare of the entire country and not of a particular section.

The advancement of the whole country was his aim and was the motive for his long and strenuous struggle for a bill which would again launch upon the ocean an American merchant marine commensurate with the greatness of the United States. His life should be an inspiration to all who sit, or may hereafter sit, in this Chamber to do unselfishly and without fear the work which comes to their hands and to keep before themselves that great central idea which was the mainspring of his every action—the greatest good to the greatest number and the advancement of our country in prosperity and happiness.

With faith, hope, and confidence he had no fear in crossing the bar.

Sunset and evening star,
And one clear call for me;
And may there be no moaning of the bar
When I put out to sea.

Twilight and evening bell,
And after that the dark;
And may there be no sadness of farewell
When I embark.

For though from out our bourne of time and place
The flood may bear me far,
I hope to see my Pilot face to face
When I have crossed the bar.

Mr. GARDNER. Mr. President, as we stop the work of the session to pay tribute to our honored dead, I am impressed with the fact that within this Chamber many illustrious men have served their country, made history, and passed into the great beyond. It embarrasses me more than I care to admit that I am so poorly equipped to pay a proper tribute to my illustrious predecessor.

Mr. President, WILLIAM PIERCE FRYE, statesman, orator, diplomat, was the product of Maine ancestry, associations, environ-

ment, and education. I think he most fittingly represents what he so well said of another—

> Maine's rugged and dangerous seacoast, her sterile soil and rocky farms, her cold climate and long winters have somehow been productive of strong, vigorous, and successful men. The secret undoubtedly lies in the fact that life there from early boyhood onward is a struggle, that economy, patience, self-reliance, and habits of industry are its acquirements.

If we may attribute personal character to influence of climate, soil, and rough and rugged natural scenery, then he certainly is the type of citizen in which Maine may take just pride. He loved nature with an enthusiasm never waning, and was happiest when in the seclusion of her forest he could "hold communion with her visible forms," and to him "she spoke a various language." Her mountains, rivers, lakes, and streams filled his soul with graud and noble thoughts and influenced the great qualities of his genius. How much of it appeared in that serious face. How much in that cool, deliberate manner, responsive to his natural disposition of kindness and cheerfulness which made him so beloved by his many friends. How much in his conversation and oratory, in which he had few equals when at his best. The cool, perhaps austere, manner, speaking of the influence of nature's rougher side, was often touched as with the mellowing influence of the summer or autumn breeze, and gave us the free display of all his faculties in all their various modulations. It was then he sounded the heights and depths of oratory with the art of a Demosthenes. I have heard him before an audience of the people he loved and knew the best, the people of his beloved State, and none who have never heard him on such occasions can realize the marvelous power of his eloquence in its entirety. He could tell a story with inimitable grace, or he could astonish his audience with a burst of oratory like to the majestic sweep of the storm over mountains and valleys and lakes, or he could carry his audience along in his argument as cool and calm as the broad rivers of Maine flow through her fields and valleys to meet the sea.

I regret I have not at hand more specimens of his style. But, regretful as it is, he made no collection of his speeches, and they are in the most part to be found in the files of the newspapers which reported them. With him, after serving their purpose, they were forgotten; but some one, I hope, will bring to light some of his addresses, and I am confident they will rank high as specimens of American oratory.

I think it eminently fitting at this time to include in my address this extract from an address delivered by Senator FRYE on the occasion of a celebration of the birthday of Robert Burns. I introduce it here for two reasons: First, as a good specimen of his style, and, second, because of the application of the views so eloquently expressed to our own country and the love of liberty among its people. The selection is as follows:

> Scotland for more than a thousand years, for liberty and the right to worship God according to the dictates of conscience, fought the whole power of England until the blood of her brave sons washed every mountain side, drenched every valley, tinged every lake and river. You know well that the cause a nation espouses and fights for has reflex action upon her people. Spain fought for conquest and slavery and to-day is bankrupt, a beggar among the nations, impotent to hold in subjection one little island of the sea. Rome fought for glory and empire, and she is only known in history. Our Republic fought for liberty, equal rights, and humanity, and this year the world joins in her centennial. Scotland came out of her fiery furnace of war purified. Those savage, idolatrous tribes of Caledonia gradually grew into brave, intelligent, God-fearing soldiers, who, just before entering the battle of Bannockburn, to a man knelt and with uplifted hearts and hands asked help from the god of battles. King Edward seeing them, cried, "The cravens already ask for mercy," to whom an English baron replied, "Sir, they ask no mercy from us; they pray for help from God. They will conquer or die." And they conquered.
>
> In the arts, sciences, agriculture, and manufactures she has no occasion to hide her face. Such a country, so cold, so barren, so mountainous, so torn and distracted by worthless wars, only 300 miles long and 200 miles wide, with such glorious fruits of the highest civilization. Whence did it come? From the perpetual contest for liberty and equal rights and religion, the schoolbook and the Bible. This civilization, indigenous to cold countries of the north, crossed the ocean, landed on the bleak, barren coast of Massachusetts, toiled, suffered, and fought until, 100 years ago, it declared in words that shall live forever, making glad the hearts of toiling millions: "All men are created free and equal," and a clarion voice from Scotia's shore replied, "A man's a man for a' that." Under its inspiration independence was achieved, and England lost from her diadem one of her brightest jewels. More than a century ago this glorious old Scotland, inspired by such civilization, labored and brought forth a child, laid him in a mud-covered hut, gave him to a mother who loved the "dear God" and to a father who feared him. Then the boy, with no lingering step, with satchel and book, went to the humble school, while at home the master and mistress taught:
>
> "An' O be sure to fear the Lord alway
> And mind your duty duly morn and night,
> Lest in temptation's path ye gang estray.
> Implore His counsel an' assisting might—
> They never sought in vain that sought the Lord aright."

Senator FRYE was born in Lewiston, Me., September 2, 1830. His ancestors were Quakers, and it is said by those who knew him best, his immediate family, that in many ways the early influence of family religious teaching manifested itself all through his life. He had much of the stern faith of his religious forefathers regarding God and His creation and man's duty to God. During a life which passed four score years he enjoyed all the honors he desired. Mayor of his native city, member of the legislature, attorney general of his State, Member of Congress in the House of Representatives, United States Senator, and had he so chosen, he might have been President of the Republic. The story is authentically reported that President McKinley desired him to go on the ticket with him in 1900, but that Mr. FRYE declined to consider the proposition. "Why, no, Mr. President," he said, "what if anything should happen to you?" "Why then you would be President," said Mr. McKinley, "and no man is better fitted to fill that place than you, Senator." "No," Mr. FRYE replied, "I will not take the chance, for I wouldn't be President if it were handed to me on a plate of gold. In fact, I would rather be Senator from Maine than to occupy any office in the gift of the President or the people."

Senator FRYE was a partisan. As he once said upon the floor of the Senate:

> I have little faith in a man connected with a political party who really and honestly believes in its principles who is not ready at all times to defend and maintain them.

He was that kind of a partisan who would always make his politics express his honest opinions. He was a partisan who wins the admiration of his associates and commands the respect of his opponents.

In the Senate he occupied a prominent and leading position for more than 30 years, respected and loved by all. Never once have I heard his personal integrity questioned or doubted. As President pro tempore of this body he long presided over the Senate with distinguished courtesy and with equity and justice to all. In this connection Senator Hoar in his Reminiscences says:

> Vice Presidents Wheeler, Morton, Stevenson, and more lately Mr. FRYE, asserted authority with as little show of force as if they were presiding over a party of guests at their own table, but the order and dignity of the body have been preserved.

Maine has furnished many men renowned in the affairs of the Nation, but none more beloved by her people than was WILLIAM PIERCE FRYE. We did not all agree with him upon many political questions, but none ever doubted his honesty and integrity. The friendships he enjoyed among all her people is demonstrated by the fact that for 30 years he had no opposition in his own party for reelection to this body, and by one legislature he was unanimously elected, a Democratic minority uniting with a Republican majority in voting for him—an incident which touched his heart more than I ever saw it touched before when he addressed the legislature upon that occasion.

Senator FRYE was an idealist. This characteristic manifested itself in many ways. He did not limit his activities to politics nor narrow his thoughts by immersing himself in politics. He loved to contemplate nature in her multitudinous phases; loved the grandeur of her high mountains, deep valleys, lakes, and streams, the forests of pine and spruce. And he found the temple of his pleasure in the beautiful Rangeley region, where he loved to go from the busy haunts of man to dwell close to the scenes he loved, with family and friends about him. As he once said:

> Everybody thinks me a great fisherman, but, as a matter of fact, fishing with me is a mere incident of camp life. I love the woods and its solitude.
>
> Like the poet Byron, he found
>
> A pleasure in the pathless woods, a rapture on the lonely shore.

I have given just a few thoughts which have come to me from my acquaintance with my illustrious predecessor.

It has not been my intention to pronounce a eulogy upon his life. He needs none. Every good and great man builds his own monument to fame in his daily life and rule of action. Living, he can not add one cubit to his stature; dead, none can add to the memorial of his life. Friend or foe can not change what life has wrought, and one's truthful epitaph each chisels deep into the memorial he leaves behind for posterity to contemplate. With firm and not uncertain hand WILLIAM PIERCE FRYE wrought in simplicity and truth his own epitaph. Let it be—

> He lived in honor, and with patience and ability wrought with fidelity the duties life brought him.

How fortunate the man. As he slowly went into the shadows of the twilight of his life's departing day, with loving children and friends about him, sustained by the thought of duty done, and knowing that he had the confidence of his fellow citizens in a life of integrity as a public servant in the service of his country.

Who could have or desire more?

Mr. President, in behalf of my colleague and myself I offer the following resolution, which I desire to have read at the desk.

The VICE PRESIDENT. The Senator from Maine offers a resolution for adoption, which the Secretary will read:

The Secretary read the resolution (S. Res. 249), as follows:

Resolved, That as a further mark of respect to the memory of WILLIAM PIERCE FRYE the Senate do now adjourn.

The VICE PRESIDENT. The question is on agreeing to the resolution submitted by the Senator from Maine.

The resolution was unanimously agreed to; and (at 4 o'clock and 10 minutes p. m.) the Senate adjourned until to-morrow, Friday, March 15, 1912, at 2 o'clock p. m.

HOUSE OF REPRESENTATIVES.

THURSDAY, *March 14, 1912.*

The House met at 12 o'clock noon.

The Chaplain, Rev. Henry N. Couden, D. D., offered the following prayer:

Our Father in heaven,
We can not always trace the way
Where Thou, Almighty One, dost move;
But we can always, always say
That God is love.

There are no errors in the great eternal plan,
And all things work together
For the final good of man.

Yet we know that wrong is wrong and right is right, and Thou hast laid upon us the stupendous responsibility of the power of choice. To do wrong is to retard the coming of Thy kingdom; to do right is to hasten the final good of man. Help us, therefore, as rational beings, to work together with Thee that we may hasten the coming of Thy kingdom. In the spirit of the Lord Jesus Christ. Amen.

The Journal of the proceedings of yesterday was read and approved.

TAX ON INDIVIDUAL AND COPARTNERSHIP BUSINESS.

Mr. UNDERWOOD, from the Committee on Ways and Means, reported a bill (H. R. 21214) to extend the special excise tax now levied with respect to doing business by corporations to persons, and to provide revenue for the Government by levying a special excise tax with respect to doing business by individuals and copartnerships, which was read a first and second time, referred to the Committee of the Whole House on the state of the Union, and, with the accompanying report (No. 416) ordered to be printed.

Mr. LONGWORTH. Mr. Speaker, I desire to present the views of the minority on the same measure, and I ask unanimous consent that they be printed with the report (H. Rept. 416, pt. 2).

The SPEAKER. The gentleman from Ohio asks unanimous consent to have the views of the minority printed with the report. Is there objection?

There was no objection.

MESSAGE FROM THE SENATE.

A message from the Senate by Mr. Crockett, one of its clerks, announced that the Senate had passed joint resolutions of the following titles, in which the concurrence of the House of Representatives was requested:

S. J. Res. 89. Joint resolution to amend the joint resolution to prohibit the export of coal or other materials used in war from any seaport of the United States;

S. J. Res. 87. Joint resolution authorizing the Secretary of War to receive for instruction at the United States Military Academy at West Point Messrs. Humberto Mencia and Juan Dawson, of Salvador; and

S. J. Res. 88. Joint resolution relative to the transfer of all books, maps, and other documents now in the possession of the National Monetary Commission.

SENATE JOINT RESOLUTIONS REFERRED.

Under clause 2 of Rule XXIV, joint resolutions of the following titles were taken from the Speaker's table and referred to their appropriate committees as indicated below:

S. J. Res. 87. Joint resolution authorizing the Secretary of War to receive for instruction at the United States Military Academy at West Point Messrs. Humberto Mencia and Juan Dawson, of Salvador; to the Committee on Military Affairs.

S. J. Res. 88. Joint resolution relative to the transfer of all books, maps, and other documents now in the possession of the National Monetary Commission; to the Committee on Banking and Currency.

EXPORTATION OF COAL, ARMS, ETC.

Mr. GARNER. Mr. Speaker, I ask unanimous consent for the immediate consideration of Senate joint resolution 89, and I ask the Speaker to lay it before the House for the action of the House.

The SPEAKER. The gentleman from Texas asks unanimous consent for the present consideration of Senate joint resolution 89. Is there objection?

Mr. PAYNE. Let the resolution be read, Mr. Speaker.

Mr. MANN. Let it be read for information.

The SPEAKER. The Clerk will report the resolution.

The Clerk read as follows:

Joint resolution (S. J. Res. 89) to amend the joint resolution to prohibit the export of coal or other material used in war from any seaport of the United States.

Resolved, etc., That the joint resolution to prohibit the export of coal or other material used in war from any seaport of the United States, approved April 22, 1898, be, and hereby is, amended to read as follows:

That whenever the President shall find that in any American country conditions of domestic violence exist which are promoted by the use of arms or munitions of war procured from the United States, the President is hereby authorized, in his discretion, and with such limitations and exceptions as shall seem to him expedient, to prohibit by proclamation the export of arms or munitions of war from any place in the United States to such country until otherwise ordered by the President or by Congress.

SEC. 2. That the shipment of any material prohibited by such a proclamation shall be punishable by fine not exceeding $10,000, or imprisonment not exceeding two years, or both.

Mr. ADAMSON. Mr. Speaker, reserving the right to object, I should like to say that my attention was called to a similar resolution referred to the Committee on Interstate and Foreign Commerce by the distinguished gentleman from New York [Mr. LITTLETON], and the illustrious chairman of the Judiciary Committee, Mr. CLAYTON.

I examined the bill and reached the conclusion, which I think is a correct one, that it is not a matter which should be held up for consideration by our committee, and that I have no objection to the action suggested by the gentleman from Texas, that the matter be taken up and considered immediately.

The SPEAKER. Is there objection?

Mr. MANN. Mr. Speaker, reserving the right to object, it is unusual under the recent practice of the House—the rules now providing for a Unanimous Consent Calendar—to give recognition to ask unanimous consent for the consideration of a measure. This measure could, if reported, be placed upon the Unanimous Consent Calendar for Monday, and whether reported or not, might be passed under suspension of the rules on Monday if recognition were given for that purpose. But in consideration of the emergency in this case, and without intending that it shall create a precedent for ordinary bills, I shall not object.

The SPEAKER. The Chair is obliged to the gentleman from Illinois for making that statement. If he had not made it, the Chair would have made it himself. Is there objection?

There was no objection.

Mr. GARNER. Mr. Speaker, I yield to the gentleman from Alabama [Mr. CLAYTON].

Mr. CLAYTON. Mr. Speaker, the Committee on the Judiciary had the subject matter of this resolution under consideration at its meeting this morning, and that committee instructed me, in anticipation of the coming of this resolution to the House to-day from the Senate, to ask unanimous consent for the consideration of the resolution and that it be amended in two particulars—that the amendments be agreed to and that the Senate joint resolution as so amended be passed. And it is in pursuance of that resolution and the direction of the Committee on the Judiciary that I join in the request for unanimous consent for the present consideration of the resolution. Mr. Speaker, unanimous consent having been given for the present consideration of the resolution, I now move the following amendments.

Beginning in line 10, page 1, strike out the following:

The President is hereby authorized, in his discretion and with such limitations and exceptions as shall seem to him expedient, to prohibit by proclamation the export of.

And insert in lieu thereof the following:

And shall make proclamation thereof, it shall be unlawful to export, except under such limitations and exceptions as the President shall prescribe, any.

Beginning in line 3, page 2, strike out the following:

The shipment of any material prohibited by.

And insert in lieu thereof the following:

Any shipment of material hereby declared unlawful after.

So that the resolution as amended will read as follows:

Resolved, That the joint resolution to prohibit the export of coal or other material used in war from any seaport of the United States, approved April 22, 1898, be, and hereby is, amended to read as follows:

That whenever the President shall find that conditions of domestic violence exist in any American country which are promoted by the use of arms or munitions of war procured from the United States, and shall make proclamation thereof, it shall be unlawful to export, except under such limitations and exceptions as the President shall prescribe, any arms or munitions of war from any place in the United States to such country until otherwise ordered by the President or by Congress.

SEC. 2. That any shipment of material hereby declared unlawful after such a proclamation shall be punishable by fine not exceeding $10,000, or imprisonment not exceeding two years, or both.

Mr. BURLESON. Mr. Speaker, will the gentleman yield?

Mr. CLAYTON. Yes.

Mr. BURLESON. As I understand it, the two amendments suggested by the gentleman from Alabama meet with the approval of the author of the resolution, the senior Senator from New York [Mr. ROOT].

Mr. CLAYTON. They do. The Committee on the Judiciary accorded a hearing this morning to the author of the Senate joint resolution 89, and these amendments, I may say, are the result of the joint labor of the Senator from New York [Mr. ROOT] and of the gentleman from New York [Mr. LITTLETON], each of whom introduced a resolution upon this subject, one in the Senate and one in the House. These amendments are the joint product of those two gentlemen, and meet with the approval of the Committee on the Judiciary.

Mr. MANN. Mr. Speaker, will the gentleman yield for a question?

Mr. CLAYTON. Yes.

Mr. MANN. The amended resolution as suggested by the chairman of the Committee on the Judiciary does not change in any way the substantive effect of the resolution, does it? Is it a mere change of the language?

Mr. CLAYTON. It does not change the substantive effect of the resolution. It is a change in the language. It does not change the intention of the resolution or its substance. It merely makes it more clear and free from criticism.

Mr. MANN. In what respect does it make it more clear?

Mr. GARNER. It makes it a little bit more grammatical, I take it.

Mr. NORRIS. No; it does more than that.

Mr. CLAYTON. Mr. Speaker, it takes away from it possible criticism of the language in the original resolution. The gentleman from Illinois [Mr. MANN], I am quite sure, has read the case of Field *v.* Clark (143 U. S.), where the objection was made to the act there under consideration by the court, that the language employed in the act was a delegation of congressional power to the President of the United States. The court did not agree with that view or with that criticism of the act there under consideration. The amendments make the language entirely free from the criticism which might be suggested; that is, that the unamended resolution would be a delegation of certain legislative powers to the President of the United States, whereas these amendments make it clear that it is not a delegation of any legislative power to the President, but confers a mere administrative function upon him.

Mr. MANN. When the gentleman's amendment was first reported I got the impression, which, I think, was a mistaken impression, that this required the President to make a proclamation whenever disorder existed, which was promoted by arms, and so forth——

Mr. CLAYTON. It relates to an administrative matter.

Mr. MANN. As I understand the resolution, as now suggested, it would not take effect until the President had made a proclamation, and he is not required to make the proclamation unless he chooses to do so.

Mr. CLAYTON. That is correct.

Mr. MANN. What I had in mind was this. I do not believe that it should be required that the President shall make proclamation against the shipment of arms and munitions of war whenever some local disorder happens in any of the American States. The President ought to have the right to say whether that disorder has reached the point where he is required to make a proclamation.

Mr. GARNER. This resolution, as amended, gives him that entire discretion.

Mr. CLAYTON. I think that latitude is left with the President.

Mr. GARNER. And if I understand it, it meets the approval of both the Senator from New York [Mr. ROOT] and the gentleman from New York [Mr. LITTLETON].

Mr. CLAYTON. It does. With the permission of the gentleman from Texas [Mr. GARNER], I will ask that the gentleman from New York [Mr. LITTLETON] be heard.

Mr. LITTLETON. Mr. Speaker, the change in the resolution as between the Senate resolution and the one now proposed with the amendments is simply this: In the original resolution, as passed by the Senate, provision was made that the President—

is hereby authorized, in his discretion and with such limitations and exceptions as shall seem to him expedient, to prohibit by proclamation the export of arms, etc.

As amended we propose that it shall read:

That whenever the President shall find that conditions of domestic violence exist in any American country which are promoted by the use of arms or munitions of war, procured from the United States, and shall make proclamation thereof, it shall be unlawful to export, except under such limitations and exceptions as the President shall prescribe, any arms or munitions of war, etc.

In other words, the resolution as it came from the Senate made a violation of the President's prohibition a crime, whereas as now amended it makes the violation of the act of Congress a crime when the President shall have proclaimed a certain state of facts to exist. It therefore avoids the criticism which has heretofore been made upon those acts.

Mr. GARNER. Mr. Speaker, I do not desire to discuss the amendments. What I want is the immediate passage of the resolution; so I suggest that the amendments be adopted and the resolution do pass.

The SPEAKER. The Clerk will report the amendments.

The Clerk read as follows:

Beginning in line 10, page 1, strike out the following:
"The President is hereby authorized, in his discretion and with such limitations and exceptions as shall seem to him expedient, to prohibit by proclamation the export of."
And insert in lieu thereof the following:
"And shall make proclamation thereof, it shall be unlawful to export, except under such limitations and exceptions as the President shall prescribe, any."

The SPEAKER. The question is on agreeing to the amendment.

The question was taken, and the amendment was agreed to.

The Clerk read as follows:

Beginning in line 3, page 2, strike out the following:
"The shipment of any material prohibited by,"
And insert in lieu thereof the following:
"Any shipment of material hereby declared unlawful after."

The SPEAKER. The question is on agreeing to the amendment.

The question was taken, and the amendment was agreed to.

The SPEAKER. The question now is on the third reading of the amended Senate joint resolution.

The Senate joint resolution was ordered to be read a third time, was read the third time, and passed.

On motion of Mr. GARNER, a motion to reconsider the vote by which the resolution was passed was laid on the table.

THE SUGAR SCHEDULE.

Mr. UNDERWOOD. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the state of the Union for the consideration of the bill (H. R. 21213) to amend an act entitled "An act to provide revenue, equalize duties, and encourage the industries of the United States, and for other purposes," approved August 5, 1909.

The SPEAKER. The question is on agreeing to the motion of the gentleman from Alabama that the House resolve itself into the Committee of the Whole House on the state of the Union for the consideration of the bill H. R. 21213.

The question was taken; and there were on a division (demanded by Mr. MANN)—ayes 104, noes 83.

So the motion was agreed to.

Accordingly the House resolved itself into the Committee of the Whole House on the state of the Union for the consideration of the bill (H. R. 21213) to revise the sugar schedule, with Mr. ADAIR in the chair.

The CHAIRMAN. The Clerk will report the bill.

The Clerk read as follows:

A bill (H. R. 21213) to amend an act entitled "An act to provide revenue, equalize duties, and encourage the industries of the United States, and for other purposes," approved August 5, 1909.

Mr. UNDERWOOD. Mr. Chairman, I ask unanimous consent to dispense with the first reading of the bill.

The CHAIRMAN. The gentleman from Alabama asks unanimous consent that the first reading of the bill be dispensed with. Is there objection? [After a pause.] The Chair hears none.

Mr. UNDERWOOD. Mr. Chairman, this bill makes an entire change in the present law relating to the tax on sugar. The Government of the United States since almost the beginning of its history has levied an import tax on sugar, except when the McKinley bill was enacted into law. It is true that the Wilson bill, when it passed this House, provided for free sugar, but that bill was amended in the Senate, and in conference a tax was placed on sugar imported in the United States. At the time the Republican Party placed sugar on the free list, through the McKinley bill, they provided for a bounty to be paid to the sugar manufacturers, recognizing, from their standpoint, that the sugar manufacturer and producer had a vested right in tariff taxation.

Mr. Chairman, I do not believe any bill has been presented to this House or will be presented to it that more clearly marks

the dividing line between the two great political parties of this country than does the bill now presented for consideration. The minority members of the Ways and Means Committee, in their report on this bill, contend that we are about to destroy a great industry of the United States; that this industry has a vested right in the taxes levied at the customhouse. Mr. Chairman, the position the Republican Party has always taken in reference to taxes levied at the customhouse is that such taxes are for the benefit of industries, and, going one step further, it is but natural for them to recognize a vested interest in the power to tax the American people for special privileges. On the other hand, the party that I represent on this floor has never, from the beginning of its history, contended that it was legitimate to levy taxation for any other purpose than that of raising revenues to support the Government of the United States. [Applause on the Democratic side.]

We have never recognized any man or any industry as owning the vested right in their power to tax the American people. Your party, the descendant of the Federalists and Whigs, have attempted to engraft, and have engrafted, on the legislative history of this country those principles brought here from the English Crown.

Not many years ago I recall having a gentleman in the city of London tell me that one of the great lords of that realm possessed the right to tax every man that went to a certain market of London to sell to the people of that great city their daily food, and that he had a vested right to that privilege; that one of his sainted and decorated ancestors in the days of Queen Elizabeth had been granted that privilege, and the present peer had inherited from his ancestors the right to levy a tax on the sale of food in one of the great marts of London.

Now, there are some gentlemen on that side of the House who pretend that we are committing an unjustifiable act, because we are willing to say and to enact into law the repeal of a tax on food, and to deny that any industry or any man in the United States has a vested right in the privilege of taxing the American people. [Applause on the Democratic side.] This bill, if it becomes a law, will admit free of duty sugar of every kind and description from all the markets of the world. It is contended that if we pass this bill we will destroy an American industry. I do not believe that true, so far as the American sugar-refining companies are concerned; that is, the cane-sugar refining companies. I want to call your attention to what it costs in the various countries of the world to refine sugar in bond, where no tax is levied and where the result is not affected by taxation, and make the comparison as to whether the American refinery is enabled to face free competition with the markets of the world.

These average quotations as to the cost of refining are net cash, in cents per pound, for the year 1910, and relate to sugar in bond in the various countries of the world. They are as follows.

In England refined sugar in bond is quoted for 1910 at 3.706 cents; in Germany, 3.640 cents; in Austria, 3.800 cents; in France, 4.070 cents; and in the United States, 3.532 cents. The result is that sugar is quoted in bond in the United States for the year 1910 cheaper than untaxed sugar in bond was quoted in any of the great European countries that produce sugar.

Now, if that is the case, is it possible that any man can contend that placing sugar on the free list is going to destroy the industry of refining cane sugar in America? I think not. But it is contended that cane sugar is only a portion of the product and that the untaxing of the sugar of the American people might destroy the beet-sugar industry of America.

I want to call your attention to this fact, that the total cost of producing 501,700 tons of beet sugar and the associated by-products in the year 1909 by the beet-sugar factories of America was $37,353,000; that the value of products as shown by the census returns was $48,122,000, showing a total profit to the beet-sugar manufacturers of the United States in that year of $11,000,000, according to the census figures. Their total capital invested amounted to $129,000,000. It is recognized by all that probably one-half of that capital represents watered stock. Yet, as shown by the census figures, they made a profit on their total capital stock of 9 per cent during the year 1909. That does not look as if this infant industry was struggling for an existence. But they may say, "If you repeal the tax that protects their market you will destroy their profits." But I want to tell you that the investigations made by this House show that the beets in the United States cost the factories here less than in Germany, its competitor.

Mr. FORDNEY. Can the gentleman show official figures for that, please?

Mr. UNDERWOOD. I have not the official figures, but they are contained in the Hardwick report. The report states it, the witnesses so stated it, and I have not seen it denied. The gentleman publishes in his minority views a lot of ancient figures that are not up to date. Only day before yesterday a man who came from Germany and knew the facts stated to me that during last year the cost in Germany was $7.50 a ton for beets. The gentleman does not contend that it cost more than $5 or $6 in America to-day. There is no one who contends for one moment that the beets of this country have not higher sugar content than the beets of Germany, our principal competitor.

Mr. FORDNEY. Will the gentleman pardon me for a question?

Mr. UNDERWOOD. Yes.

Mr. FORDNEY. I wish the gentleman would kindly show statistics for that.

Mr. UNDERWOOD. I will refer you to the Hardwick report.

Mr. FORDNEY. I think I can show from that it is right the reverse.

Mr. UNDERWOOD. Of course I know there are some beet fields in the United States where the beets are raised under humid conditions and a great deal of water is in them, and that under such conditions there is a low percentage of sugar in the beets. But in Colorado and Utah and portions of California, which are arid sections, I contend that it can not be contradicted that the percentage of actual sugar in the beet is greater than in the beets of any country of Europe.

Mr. HARDWICK. If the gentleman will pardon me, Dr. Wiley swore that before the committee.

Mr. UNDERWOOD. There is no question as to that fact. Now, what is the result? The beet-sugar interests of this country have a cheaper beet at the factory, with a higher sugar content. They have as good machinery to produce the result, and probably better machinery, than their foreign competitor. Yet, although the labor cost at the beet-sugar factories in Europe may be less, the cost of coal in the European countries is far greater, and certainly equalizes the difference in labor cost.

Mr. PICKETT. Will the gentleman yield to a question?

Mr. UNDERWOOD. Certainly.

Mr. PICKETT. I wish to call the attention of the gentleman to the report of the majority, on page 5, where it says that the cost of sugar would average 2.415 cents, and then goes on and observes that it is also ascertained that the cost to the United States is 3.54 cents, or a difference of practically 1.13 cents. In view of the statement the gentleman has made, I thought I would direct his attention to these figures and ask for an explanation.

Mr. UNDERWOOD. That is a quotation from the Hardwick committee. I am stating why I believe that the cost of producing sugar at the American factories is no greater than it is in Germany. I will repeat the statement that the sugar content of the beet in this country on an average is greater and costs less at the mill; and although the labor cost is less in Europe the expense for fuel is greater, and this to a large extent makes up the difference in labor cost.

But, aside from that, the testimony before the Hardwick committee and before the Committee on Ways and Means three years ago is that for a large portion of the American market the beet-sugar refiner of the West has a railroad freight rate that absolutely protects his market. In their report the minority themselves call your attention to the fact that the beet-sugar industry of the United States can not come farther eastward with its product than Pittsburgh and Buffalo and farther south than Arkansas.

Now, what does that mean? They can not come farther than that into the markets of the cane-sugar refiner, because the freight rate becomes prohibitive and drives them back.

That same freight rate that prohibits them from coming into the eastern market also prohibits the foreign sugar, or the refiner of cane sugar, from going westward into their markets, so that they have a market, although not as large probably as they want; not as large as the minority members of the Committee on Ways and Means would like to give them, because they say in their report:

> If you extend this tax and continue this tax on the American people, you can create a market for the big beet-sugar refiners that will extend to a territory far beyond what it does at present by reason of the tax.

There is no question about that. If you put a prohibitive import tax on cane sugar and also a prohibitive tax on beet sugar, I have no doubt that you could turn over the entire market of the United States to those who make beet sugar in the western mountains.

But there is no doubt about the fact that if you put sugar on the free list, as designed by this bill, the freight rate will

afford protection for a reasonable market for these beet-sugar refineries in the West. You are not going to destroy the cane refiner, because, according to the report, he is selling his sugar cheaper in the East to-day than his competitors. You are not going to destroy the beet-sugar manufacturer, because he has a freight rate that protects his market just as the freight rate protects the iron and steel market of the Mississippi Valley.

Mr. NORRIS. Mr. Chairman, will the gentleman yield there?

The CHAIRMAN. Does the gentleman from Alabama yield to the gentleman from Nebraska?

Mr. UNDERWOOD. For a question.

Mr. NORRIS. Does the gentleman contend that the present market of the beet-sugar factories could be retained on account of this freight-rate protection?

Mr. UNDERWOOD. No; I did not say that. Of course I recognize the fact that the beet-sugar man may not be able to retain his market all the way to Pittsburgh and Buffalo, but there is a western market that he can retain.

Mr. NORRIS. Can the gentleman tell what that is?

Mr. UNDERWOOD. No; I can not; neither can you.

Mr. NORRIS. I admit I can not.

Mr. MURDOCK. At present prices?

Mr. UNDERWOOD. Certainly not at present prices.

Mr. MURDOCK. While the gentleman says that the western manufacturer of beet sugar will be protected by the freight rates, he means protected in what? In the present level of prices?

Mr. UNDERWOOD. Oh, no. He ought not to be protected in the present level of prices. [Applause on the Democratic side.]

Mr. MURDOCK. But will he be?

Mr. UNDERWOOD. I say he ought not to be, and I do not think he will be. He is making to-day, according to the census, 9 per cent on his capitalization, and half of his capitalization is water. He is making 18 per cent on his real capitalization, and that profit is being dragged out of the American people by taxation. [Applause on the Democratic side.]

Mr. MURDOCK. As a matter of fact, the beet-sugar people made 16 per cent last year.

Mr. UNDERWOOD. Well, I am talking about the last census year and giving the gentleman census figures. I have no doubt that the gentleman from Kansas is right and that my figures are conservative and his progressive. [Applause on the Democratic side.]

Mr. FORDNEY. Mr. Chairman, will the gentleman yield?

The CHAIRMAN. Does the gentleman from Alabama yield to the gentleman from Michigan?

Mr. UNDERWOOD. Yes.

Mr. FORDNEY. The gentleman has just stated that he is not in favor of dragging out of the people the present price of sugar. Will the gentleman explain to the House what caused the high price of sugar during the months of August and September and October in the year 1911, when there was no domestic crop on the market?

Mr. UNDERWOOD. It was due, to a large extent, to the Payne-Aldrich Tariff Act, which the gentleman helped to put into law. [Applause on the Democratic side.]

Mr. FORDNEY. That is your answer—if that is satisfactory to you.

Mr. MARTIN of Colorado. Mr. Chairman, will the gentleman yield?

The CHAIRMAN. Does the gentleman from Alabama yield to the gentleman from Colorado?

Mr. UNDERWOOD. Yes.

Mr. MARTIN of Colorado. I would like to ask the gentleman if he can name to the House a single large American industry that is not dragging enormous and unjust profits out of the American people, without any reference to the question as to whether it has a tariff on its products or not. Such industries, for instance, as the Oil Trust or the Steel Trust, which latter was shown the other day by a report of one of the committees of the House to be making a profit of 240 per cent annually——

Mr. BARTLETT. Oh, no; that was only on one railroad that it owns.

Mr. UNDERWOOD. That does not justify it; but as a fact there are some industries in this country that do not exist as a result of protection by taxation. One of them is the cotton-growing industry in my own Southland. [Applause on the Democratic side.]

Mr. MARTIN of Colorado. I want to know if the gentleman's statement about dragging the profits out of the people is not altogether begging this question?

Mr. UNDERWOOD. Well, if my friend will allow me to go on I will give my reasons for it. I recognize that we have got to levy taxes at the customhouse in order to produce revenue. I wish we did not have to levy any taxes at the customhouse. But I do say this, that when you come to levying customhouse taxes the most unjust tax that can be levied on a people is that on the food they consume. [Applause on the Democratic side.]

Now, I want to call your attention to the reason why I say this tax is unjust, and why I say it is dragging money out of the American people to support this industry. The original theory of the Republican Party in favor of protection was not in favor of continuing forever a protective tariff. They contended in the days of Henry Clay—the protectionists of that day contended—that they levied a tariff for protection in order to build up infant industries; but they never contended that the protection should be maintained forever—a burden kept on the people continuously for the purpose of benefiting one man by taxing another.

Now, you should test this case according to the theory of the Republican fathers, not the theory of the standpat Republicans of to-day, who believe in the right to tax the American for the sake of special privilege; but try this case according to the theory of your fathers. You have maintained a tax on sugar almost from the beginning of the Government. When at one time you took it off you taxed the American people in another way and gave a bounty to the sugar producer.

But what is the result of your taxation? We find to-day that it is not building up an industry necessary to supply the American people with sugar. You are hothousing, or attempting to hothouse, a plant where it was not intended to grow. The beet-sugar industry of the United States to-day produces only about one-seventh of the quantity of sugar consumed annually by the American people. The cane-sugar industry in the United States produces to-day only one-tenth of the American consumption. The total sugar that is produced in the United States, both cane and beet, amounts to 1,717,000,000 pounds, or less than one-fourth of the sugar annually consumed by the American people. The total production of beet sugar in the Western States and of cane sugar in Louisiana furnishes the American people with only one-fourth of the amount of sugar that is necessary to supply their needs.

Now you want to continue to maintain a tax of over 1¼ cents a pound on every pound of sugar consumed by the American people for the purpose of fostering the growth of an industry that has been protected for generations and still has not developed to the point of independence.

Mr. RUCKER of Colorado. Mr. Chairman, will the gentleman yield right there?

Mr. UNDERWOOD. In just a moment. I want to finish this statement.

Now, what is this costing the American people? The tariff adds $115,000,000 to the cost of the total annual American sugar supply. Now, as the production here amounts to only 1,717,000,000 pounds, the American people are forced to pay the equivalent of 6.7 cents a pound to foster every pound of American-grown sugar—I mean sugar produced in continental America.

Now, are you going to stand on that? Is that a proposition which you gentlemen propose to take back to your constituents, that wherever the American people are a tax is to be levied on them amounting to the equivalent of 6.7 cents upon every pound of American sugar produced? Are they ready to justify that tax, or to pay it? I think not. I think that when an American industry, after years of experiment, has to be fostered and held up under such conditions, it is time to remove the tax and give the American people a chance for themselves. [Applause on the Democratic side.]

Mr. RUCKER of Colorado. Is the gentleman in favor of giving any protection to any infant industry in the country?

Mr. UNDERWOOD. I will answer the gentleman very candidly. I am surprised that it is necessary for him to ask me that question, after the number of speeches that he has heard me make on the tariff. I do not believe that any tariff for the sake of protection is justified. [Applause on the Democratic side.]

Mr. RUCKER of Colorado. I will ask the gentleman, since when has that become the doctrine of our party.

Mr. UNDERWOOD. It has always been the doctrine of the Democratic Party. [Applause on the Democratic side.] The doctrine of the Democratic Party from the beginning has been that there is no justification to tax the American people except to raise the revenue that is necessary to support the Government. [Applause on the Democratic side.]

Mr. RUCKER of Colorado. One more question. Where does the gentleman draw the line when he speaks of the Republican side of this House being in favor of protection upon the theory that an industry is an infant one? When does the industry become an adult, speaking now with reference to the beet-sugar industry?

Mr. BARTLETT. Never, under a Republican tariff.

Mr. UNDERWOOD. I will say to the gentleman that the time when these infant industries were really infants runs to a time when the memory of the present generation runneth not to the contrary.

Mr. RUCKER of Colorado. But that is not so with the beet industry.

Mr. JAMES. They are all "beat" industries—beating the American people out of money. [Applause on the Democratic side.]

Mr. UNDERWOOD. The beet industry has been in existence 45 years.

Now, Mr. Chairman, I do not intend to detain the committee much longer with this argument. It is contended in the minority report that the American people will not get the benefit of the reduction of this tariff. If you do not reduce the price of sugar to the American people by reducing the tariff, how are your beet-sugar people in the West going to be hurt by the tariff reduction? [Applause on the Democratic side.] If you are going to keep up the price of sugar and the American people will not get the benefit of it, how is competition going to hurt you? But I contend that the American people will get the benefit of this reduction. It is one of the few articles in the entire tariff list where a reduction in tariff duties will be accompanied by a reduction in the price of the commodity.

I want to call your attention to the difference in the wholesale price of sugar at Hamburg, the open market of the world, and the wholesale price at New York. Although, as I pointed out some time ago, sugar in bond in Germany—that is, untaxed—sold in 1910 for more than it did in the United States, while the wholesale price of taxed sugar in Hamburg for 1911 was 2.82 per pound on raw sugar, compared with 4.45 per pound in New York, a difference of 1.63 cents per pound.

Mr. FORDNEY. Will the gentleman permit? Is not that the quotation on European raws, from which we drew not a single pound?

Mr. UNDERWOOD. I will give the gentleman the quotations on granulated, if he is not satisfied.

Mr. FORDNEY. No; I am speaking of raw sugar.

Mr. UNDERWOOD. Oh, certainly; but it is the price, whether they come from there or not.

Mr. FORDNEY. Oh, no.

Mr. UNDERWOOD. Here is your granulated sugar. In 1911 the wholesale price of granulated sugar in Hamburg was 3.20 cents per pound, while in New York it was 5.34 cents, a difference of 2.14 cents per pound, or more than the difference in the tariff with the freight rate added. Yet the gentleman contends that if we take away this tariff tax it will not affect the market.

Mr. FORDNEY. What will be the effect on domestic sugar, of the sugar refined by the trust that you propose now to aid?

Mr. UNDERWOOD. It is refined sugar in New York. Whether it is Louisiana sugar, Cuban sugar, or Philippine sugar makes no difference to the American people. It is the price of sugar.

Mr. FORDNEY. That was the price fixed by the institution that you propose in your bill to aid—the Sugar Trust.

Mr. UNDERWOOD. Now, Mr. Chairman, the gentleman brings this argument down to a point where he stands behind his last breastwork. Think of the beet-sugar industry of this country contending that the Democratic Party is in favor of free sugar for the purpose of aiding the American Sugar Refining Co., or the Sugar Trust!

Mr. FORDNEY. Absolutely, that is my contention.

Mr. UNDERWOOD. Just let me present a picture to you. Who maintains this American Sugar Refining Co.? Who is it that votes for the Republican Party? Who were in partnership with the Sugar Trust when, by a secret spring, it robbed this Government of millions of dollars? Republican officials in the State of New York. [Applause on the Democratic side.] You never could trace the trail of the Sugar Trust into the Democratic camp. [Applause on the Democratic side.] Talk about our putting sugar on the free list for the benefit of the American Sugar Trust! Democratic hands have been clean since the beginning, so far as that trust is concerned.

Mr. PAYNE. Did not the Sugar Trust contribute a large amount to the gentleman's party, campaign after campaign?

Mr. UNDERWOOD. I have never known it.

Mr. PAYNE. Everybody else in the United States has known it. I do not know whether the gentleman can find it out. The Democratic officers of the Sugar Trust said so. They are on record.

Mr. UNDERWOOD. I should like to have the gentleman produce his proof. I have never seen it or heard it.

Mr. HINDS. Does the gentleman from Alabama yield?

Mr. UNDERWOOD. I will.

Mr. HINDS. I will say, on my own——

Mr. UNDERWOOD. I yield for a question; not for a speech.

Mr. HINDS. I thought the gentleman asked if anyone could produce evidence, and said he had not seen the evidence.

Mr. UNDERWOOD. I do say so. I never have seen it, and I do not believe there is any.

Mr. HINDS. If the gentleman will go to the office of the American Sugar Refining Co., in New York City, and ask for their ledger and look at the special account, he will find that on the same day large sums of money were paid to men identified first with the Republican Party and next with the Democratic Party as managers and treasurers of their organizations.

Mr. HARDWICK. And the gentleman will also find that the check sent to the Democratic Party was returned and the check sent to the Republican Party was cashed and spent in the election. [Applause on the Democratic side.]

Mr. HINDS. We traced that out. The check sent to the Democratic Party was deposited in the bank, and after being deposited in the bank was withdrawn and the top of it torn off; and if you will study contemporary literature you will see that no motive of virtue inspired that Democratic campaign manager. [Cries of "Oh!" on the Democratic side.]

Mr. UNDERWOOD. Nevertheless the Democratic Party did not get the money and the Republican Party did. [Applause on the Democratic side.]

Mr. HINDS. Possibly there may be some virtue in a man in that situation who is compelled to disgorge, but I can not see it. [Cries of "Oh!" on the Democratic side.]

Mr. UNDERWOOD. Mr. Chairman, I will tell you why the American Sugar Refining Co. is not in favor of free sugar here. It is not to their interest to be. They get to-day a 20 per cent reduction on all sugar that comes from Cuba, and more than one-half of the raw sugar that comes into this country is from Cuba. The American Refining Co. gets that reduction. This is to their advantage in facing competition with the world. It is not the differential on sugar that is their protection. The greatest protection that the American sugar refiner gets to-day is the reduction of 20 per cent in the duty on sugar imported from Cuba. Now, if you put sugar on the free list, the American refiner is deprived of that advantage over the foreign producer.

The result of giving them that 20 per cent reduction on the cost of raw sugars has been so effective in the past that there is practically no refined sugar imported into this country, but when you take all taxes off and give the refiner no advantage over his foreign competitor, in reference to Cuban sugar, he is deprived of that protection just as well as the beet-sugar man is deprived of his protection.

Mr. AUSTIN. Mr. Chairman, may I ask the gentleman a question?

Mr. UNDERWOOD. I will say to the gentleman that I am anxious to conclude.

Mr. AUSTIN. I really want to vote for the gentleman's bill, but I want a certain matter cleared up to my satisfaction.

Mr. UNDERWOOD. My time is nearly up, and I will ask the gentleman to hasten with his question.

Mr AUSTIN. We put hides on the free list, and yet there was no reduction in the price of leather or the price of shoes. If I believed—and I am a standpat Republican on the tariff—that the consumer was going to get a reduction of a cent and a half a pound——

Mr. LANGLEY. Or any substantial reduction.

Mr. AUSTIN. Or any substantial reduction, I would vote for the bill; and if the gentleman will amend the bill so that in the event there is not a substantial reduction to the consumer the present tariff on sugar shall be restored, I will support the bill, if so amended.

Mr. LANGLEY. And so will I.

Mr. UNDERWOOD. Mr. Chairman, my friend is very hard to convince, but I desire to call his attention to what Mr. Claus Spreckels, one of the independent refiners of sugar, stated in the hearings before the Committee on Ways and Means in the consideration of the Payne bill.

Mr. Spreckels testified that the price of refined sugar to the American consumer is affected to the full extent of the duty. Further, in reply to the inquiry as to whether the exemption of sugar from duty would reduce the price by the amount of the duty Mr. Spreckels replied, "By the amount of the duty." Further confirmation of the fact that the full amount of the tariff tax on sugar is transferred to the consumer in the form of increased prices is found in the evidence of Mr. Wallace P. Willett, a recognized sugar statistical expert, in his testimony before the special Hardwick committee, page 3547, where he says:

Whenever duty is taken off, the consumer gets the full benefit of the amount of duty taken off and also a part of the lower cost of refining.

Mr. Chairman, there is no doubt but that if you take the duty off sugar the consumer will get the benefit. That was demon-

strated when the Republican Party passed the McKinley bill. Almost immediately after the enactment of the McKinley bill into law the price of sugar dropped about 2 cents a pound to the American consumer.

Mr. FORDNEY. Mr. Chairman, will the gentleman yield for a question? I want to ask him if he does not know that on page 3977 and on page 3978 Mr. Willett takes back every word that the gentleman has quoted him as having said?

Mr. UNDERWOOD. Mr. Chairman, I have not been advised to that effect, and if he does, I have overlooked it.

Mr. MARTIN of Colorado. Mr. Chairman, I dislike to interrupt the gentleman from Alabama, but I am very anxious to ask him a question on the point that he is just making. I am not sure that the figures which I have are correct, I am not authority for them, but I have been informed that for the 4 years during the operation of the McKinley bill, under free sugar, the average wholesale price of sugar in New York City was $4.84 per hundred, and that during the 16 years since that time, excluding last year, the price ranged about $4.60 per hundred; in other words, the average price for the 4 years under the McKinley bill, the wholesale price, ranged slightly higher than it did during the 14 years succeeding, under the Dingley law.

Mr. UNDERWOOD. Mr. Chairman, the gentleman is mistaken. Here are the figures:

Average American prices of raw and refined sugars before and after formation of the trust (terms net cash).

[Bureau of Statistics, Department of Commerce and Labor.]

Years.	Raw 96°-test centrifugals (cents).	Tariff changes.	Refined granulated (cents).	Margin between raw and refined (cents).
1885	5.729	June 1, 1883: 90°, 2.24; 4 cents per degree; refined, 3½. Apr. 1, 1891: Raws free; refined, ½ cent; bounty on domestics. Aug. 28, 1894: Raws, 40 per cent; ½ cent added for refined; ⅛ cent countervailing duty. July 24, 1897: 1.685, 3½ cents per degree; refined, 1.95.	6.441	0.712
1886	5.336		6.117	.781
1887	5.245		6.013	.768
1888	5.749		7.007	1.258
1889	6.433		7.640	1.207
1890	5.451		6.171	.720
1891	3.863		4.691	.828
1892	3.311		4.346	1.035
1893	3.689		4.842	1.153
1894	3.240		4.120	.880
1895	3.270		4.152	.882
1896	3.624		4.532	.908
1897	3.557		4.503	.946
1898	4.235		4.965	.730
1899	4.419		4.919	.500
1900	4.566		5.320	.754
1901	4.047		5.050	1.003
1902	3.542		4.455	.913
1903	3.720		4.638	.918
1904	3.974	Jan. 1, 1904: Cuban sugar, raw, 1.348.	4.772	.798
1905[3]	4.278		5.256	.978
1906[2]	3.686		4.515	.829
1907	3.756		4.649	.893
1908[1]	4.073		4.957	.884
1909	4.007	Aug. 6, 1909: Refined, 1.90.	4.765	.758
1910[4]	4.188		4.972	.784

[1] Decrease in European crop supply of 1,000,000 tons. [3] Short crop in Cuba.
[2] Increase in European crop supply of 2,000,000 tons. [4] Short crop in Europe.

Mr. MARTIN of Colorado. I propose to follow up this matter. I will say that I am not sponsor for those figures, but they were given to me by a well-informed gentleman who is usually very accurate.

Mr. UNDERWOOD. I will say to the gentleman that I have the official prices of sugar.

Mr. MARTIN of Colorado. I do not question the drop at the beginning, but I take the full average for the whole 14 years.

Mr. UNDERWOOD. As shown in this table of prices, the enactment of the McKinley law putting sugar on the free list reduced the price of sugar about 2 cents a pound.

Mr. BROUSSARD. Mr. Chairman, will the gentleman yield?

Mr. UNDERWOOD. Certainly.

Mr. BROUSSARD. Is it not a fact that during the four years that the McKinley law was in force and when sugar was on the free list the average price paid by the American consumer for sugar was practically the same as it was for the four preceding years and the four succeeding years?

Mr. UNDERWOOD. I do not think so.

Mr. BROUSSARD. That is the fact.

Mr. UNDERWOOD. The gentleman is mistaken. I consulted the figures only yesterday, and I know that when the McKinley bill was enacted into law sugar dropped about 2 cents a pound.

Mr. BROUSSARD. I am talking about the price to the consumer. We are speaking of the consumer.

Mr. UNDERWOOD. And I am talking of the wholesale price of sugar.

Mr. BROUSSARD. The gentleman's bill intends to reduce the price to the consumer.

Mr. UNDERWOOD. Certainly it will.

Mr. BROUSSARD. Is it not a fact that the consumer paid just as much and above and beyond the price he formerly paid when sugar was not on the free list, and contributed 2 cents a pound for every pound of sugar produced in the United States?

Mr. UNDERWOOD. I do not think he did.

Mr. BROUSSARD. I am certain that he did.

Mr. UNDERWOOD. I quote the wholesale prices. If some corner groceryman held up the price to his customers, that is another matter. I do not know whether that is so or not.

Mr. BROUSSARD. Will he not do it again?

Mr. UNDERWOOD. No; he will not.

Mr. BROUSSARD. Why will he not?

Mr. UNDERWOOD. Because when you fix the policy of the United States to put sugar on the free list, and have absolute competition with the markets of the world, that world-wide competition will bring down the price.

Mr. BROUSSARD. But it was on the free list under the McKinley bill, and that opened this market to the markets of the world.

Mr. UNDERWOOD. And it brought down the price.

Mr. BROUSSARD. I would like to see the gentleman's figures.

Mr. RANSDELL of Louisiana. Mr. Chairman, I would like to ask the gentleman from Alabama a question, and I will ask unanimous consent that his time be extended in order that I might ask that question. He has entirely ignored Louisiana. I want to ask him something about Louisiana sugar.

Mr. UNDERWOOD. I have only five minutes remaining.

Mr. RANSDELL of Louisiana. I ask unanimous consent that the gentleman's time be extended for five minutes.

The CHAIRMAN. The gentleman declines to yield.

Mr. UNDERWOOD. If the gentleman will ask his question I will try to answer it.

Mr. BROUSSARD. I desire to ask the gentleman another question.

Mr. UNDERWOOD. I have not the time.

Mr. RANSDELL of Louisiana. I notice the gentleman entirely failed in his report upon this bill to say anything of the effect of the bill upon Louisiana sugar. He discussed the effect on beet sugar, but says nothing about its effect on Louisiana sugar. I have followed the gentleman's speech very carefully, and he has not alluded to the possible effect of the bill upon the Louisiana industry. I would like to have him now explain that, if he will.

Mr. UNDERWOOD. Certainly, if the gentleman will allow me to proceed to close, I will. Mr. Chairman, the gentleman brings me to the point with which I desire to conclude. He says that I have not referred to Louisiana nor given statistics as to whether the Louisiana industry can survive or not. I will say to the gentleman candidly that I do not know. I do not know whether it can or not. I hope it can, but I want to say this, that of the total amount of sugar that is consumed by the American people, the State of Louisiana produces about one-tenth. The American people were taxed $52,000,000 at the customhouses in 1911, and over $60,000,000 by the refiners and producers of sugar to maintain this industry. I am not prepared to say that the Louisiana industry can survive, but I can say, that there is no principle in the Democratic Party that justifies any man in saying that we should maintain a tax of $115,000,000 upon the bellies of the poor people of America in order to maintain an industry in Louisiana which can not produce one-tenth of the sugar used by the American people. [Applause.]

Mr. RANSDELL of Louisiana. Is it not a fact that we have maintained a very considerable duty on this Louisiana industry since 1789 without one single moment of delay, and is it not a further fact that the Democratic Party in its last expression of opinion at Denver declared for a gradual reduction of the tariff, to reduce it to a revenue basis, and never has declared for complete and absolute destruction of any great business which has been fostered for all of these years? [Applause.]

Mr. UNDERWOOD. Mr. Chairman, answering the gentleman's question, as I stated, I do not know whether the removal of this tax will destroy the sugar industry in Louisiana or not. I hope it will not, but I do say that with sugar in Porto Rico, sugar in the Philippines, sugar in our continental possessions, it does not represent an economic truth for the gentleman from Louisiana or myself to stand for a position that necessitates the American people to be taxed over $100,000,000 in order to foster an industry, which the gentleman in his own statement admits has been fostered for a hundred years and which he says can not survive without the protecting hand of the Government of the United States. [Applause.]

The CHAIRMAN. The time of the gentleman has expired.

Mr. MANN. Mr. Chairman, does the gentleman desire more time so that he can answer questions of gentlemen on the floor?

Mr. UNDERWOOD. Mr. Chairman, I will say to the gentleman from Illinois that, as the time will be limited, I do not think any gentleman ought to occupy more than an hour. I would object to any other gentleman occupying more than an hour, and I shall not ask it myself.

Mr. MANN. As the gentleman himself introduces the bill and undertakes to explain it, it seems to me he ought to have time enough in which to answer any questions which any gentleman may desire to ask.

Mr. UNDERWOOD. I think I have fully explained the bill to those who want an explanation.

Mr. MANN. I want an explanation. Perhaps I am not intelligent enough to understand the gentleman's explanation.

Mr. JAMES. Mr. Chairman, I demand the regular order.

Mr. MANN. There are many gentlemen who require more time. If the gentleman does not want to answer or give information, we will not compel him to.

Mr. McCALL. Mr. Chairman, I do not know the purpose of the incursion that the gentleman from Alabama made into American history, but its effect clearly was to prove that this bill was in violation of every Democratic precedent which has ever been set upon the subject of sugar. He demonstrated absolutely that we have had a tax upon sugar in this country ever since the formation of the Constitution, except during two or three years under the operation of a Republican tariff bill. He now announces a theory which is novel in the history of his party and which is violated by every chancellor of the exchequer in the civilized world, and claims that sugar should be put absolutely upon the free list. I submit that the distinguished gentleman has entirely failed to give any reason in a broad discussion of the financial aspect of this bill why we should depart from the almost uniform practice in the United States and from the uniform custom of foreign nations and put sugar upon the free list.

The gentleman from Alabama [Mr. UNDERWOOD], who is the very worthy leader of his party, yesterday had a colloquy with the gentleman from New York [Mr. PAYNE], the ranking Republican member upon the Committee on Ways and Means, and it seemed to me that their attitude at that time very clearly illustrated the difference in the methods of those gentlemen with regard to dealing with tariff matters. The gentleman from New York [Mr. PAYNE] was in favor of discussing a question of this great importance and the gentleman from Alabama was suddenly possessed with a notion that it was necessary to pass it practically without debate.

The gentleman from New York [Mr. PAYNE] has shown himself a very prudent steward of the Treasury. When he brought in his tariff bill two years ago he found a great deficit in the Treasury, and he had in mind to meet the main purpose of a tariff bill, and under the operation of the law which bears his name that deficit was dispelled and gave way to a surplus of something like $30,000,000 a year. He did this by virtue of a law which under its first full year of operation has shown that it levied a lower average ad valorem upon all imports coming into the country than that of any fiscal year since 1843, when the fiscal year was established, with the exception of those four omnious and abnormal years preceding the Civil War.

The gentleman from Alabama [Mr. UNDERWOOD] brings in this bill, airily dispensing with this $53,000,000 of revenue which the country to-day is enjoying under the Payne tariff bill. And if you add to that the breach that he has made in the Treasury wall by previous tariff bills, you will find that in the aggregate he has taken by all his bills, if they should become laws, something like a hundred million dollars from the Treasury, and he proposes to repair this breach by the passage of another bill which he has just reported to the House.

I do not propose to discuss at any length the economic features of the sugar tariff. That will be done by others of my colleagues. But there has been no proof brought to show that any of the sugar duty which is to be remitted would escape the importer, the refiner, the jobber, the retailer, and the foreign producer, and reach the ultimate consumer of sugar in the United States. The gentleman from Alabama displays a good deal of courage in view of our experience in the very recent past in removing tariff duties, when he assumes to prophesy that the total amount of the reduction which he makes by the proposed bill will reach the consumers of American sugars. Undoubtedly by opening up our markets and by removing obstacles which exist to the importation of foreign sugar, foreign countries could not put their surplus here as easily as they do now. But by the removal of these obstacles there would be a rise in the outside world's price of sugar. And then when you take into acccount the enterprising gentlemen who stand between the customs house and the man who consumes, you can easily see that no great amount of this reduction of duty is likely to reach the consumer.

I wish to say a word with reference to the operation of this bill upon Cuba. We are under peculiar obligations with regard to Cuba. In 1903 we gave to the sugar of that island a preferential entrance into our market of 20 per cent from our general duty, and that has been a great boon to the island. It has stood between her and revolution. It has added to her prosperity. We are under obligations to her not to admit sugar free of duty, because she agreed if we would admit her sugar at 20 per cent from our regular rate, she in turn would admit the products of the United States at a reduction of from 20 to 40 per cent below her general tariff rates. The result of that arrangement has been that in 1903 the imports into Cuba from the United States amounted to some $21,000,000, and in the year just closed they amounted to $60,000,000. That is, they have increased about 300 per cent under the operation of this treaty. The two largest items in the exports of the United States and Cuba are the items of breadstuffs and meat, so that if we terminate this arrangement by taking away the preference which Cuba has in our market, we necessarily take away at the same time the preference which Cuba has given us as a consideration for that. We shall thus especially strike the American farmer. He will get it "coming and going." He will be harmed by the removal of the duty on sugar, and also by the destruction of this very important item in our trade with Cuba.

The same thing might be said, although perhaps it is not so important, in the case of Porto Rico. The remission of duty which we made to Porto Rico has contributed materially to the welfare of that island, and if her sugar is to be upon the same basis as the sugar of all the world it will to that extent be an injury to Porto Rico.

But what I particularly wish to discuss during the few minutes in which I shall engage the attention of the committee is the substitute which the gentleman from Alabama [Mr. UNDERWOOD] offers for the sugar duty. As the gentleman from New York [Mr. PAYNE] terms it, these two bills are twins. They came into the world together, and you can not consider the one without considering the other.

Mr. KITCHEN. Before you get on the other bill, in regard to the excise tax, if it would not interrupt you, I would like to ask you one question.

Mr. McCALL. Go ahead.

Mr. KITCHIN. I believe you say you are against free sugar. When you were a young Member of this House, in the Fifty-third Congress, did you not vote to free the people from the tax on sugar and relieve them from that burden?

Mr. McCALL. I can look up my record and tell the gentleman how I voted on any bill; but I do not remember how I voted on the amendments that were offered to the Wilson tariff bill. I was about to say a word with regard to the substitute that is proposed by the gentleman from Alabama [Mr. UNDERWOOD]. He says that he has a bill which he estimates, with a great deal of optimism, is going to produce some $60,000,000 of revenue a year, or $8,000,000 more than the amount we are now deriving from sugar. I think those who will take the pains to read the views of the minority, which were presented to the House to-day by the gentleman from Ohio [Mr. LONGWORTH], will see clearly demonstrated there that this excise bill, or income bill, or whatever it may be, will not yield above $20,000,000 a year.

Why, gentlemen have made no investigation. They have relied entirely upon the imagination. In the minority views you will find a discussion of that question, and upon the best available authority given I doubt, even if it could be enforced in every particular, that it would yield as much as $20,000,000 a year. But this tax which is proposed to take the place of the sugar duty is framed with reference to the decision of the Supreme Court upon the corporation tax imposed by the Payne bill. And they endeavor to phrase this law so as to apply to an individual almost in the same nomenclature as the decision applies to a corporation.

Why, the purpose is transparent. It is a bold attempt to violate the Constitution of the United States. They could much better have accomplished their purpose if they had put into this bill a declaration that "every inhabitant of the United States is hereby made a body politic and a corporation subject to all the provisions of the corporation tax of 1909."

But let us look at this tax for a moment. In the first place, to whom would it apply? It is ostensibly directed to the doing of business. To any individual or firm who has an annual income from doing business of $5,000 this income tax would apply. What is doing business? That has been adjudicated by the Supreme Court by a decision in a case rendered on the

same day that the corporation-tax law was upheld. In the case of the Minneapolis Syndicate the Supreme Court held that a corporation existing simply to hold the title to real estate and to receive the income from it and to distribute that income among its stockholders was not doing business within the meaning of the act.

Now, if a corporation doing those things at which this law was leveled was not doing business, much less is an individual doing business who simply draws income from his rents, from bonds, from mortgages, and in the usual way in which men get income, without any effort, from inherited wealth; so that if you look at this bill closely you will find it is not a tax upon accumulated wealth at all. Andrew Carnegie would pay nothing under this bill. James J. Hill, John D. Rockefeller, and others would pay nothing under it. None of those gentlemen would pay anything under it who have made life merry in the last few months before the committee of which our great and good friend from Kentucky [Mr. STANLEY] is the chairman. Accumulated wealth is excepted from the operation of this law, and it is purely a tax upon industry.

To call a man who is cutting off coupons and receiving the payment of interest money "a man in business" is doing violence to the term. He is no more doing business than a little bird is doing business which holds out its bill and receives a worm from the bill of its mother bird. [Applause on the Republican side.]

Mr. COOPER. Mr. Chairman, will the gentleman yield?

The CHAIRMAN. Does the gentleman from Massachusetts yield to the gentleman from Wisconsin?

Mr. McCALL. With pleasure.

Mr. COOPER. As to the point of doing business, would it not be said that Mr. Carnegie has retired from business?

Mr. McCALL. Yes. Of him it would be said that he had retired from business. Now, what they are trying to do in this bill, and what I am trying to point out, is simply that they level a tax against industry, against the right to work, against the men who are following out the command, or the curse, or whatever it may be called, to earn their bread by the sweat of their brow, and they take and segregate a comparatively small class of men for purposes of taxation.

This bill is not broadly framed, as is the income tax of England, where incomes of £160 are taxed. But they segregate a relatively small number of men, one or two or three hundred thousand, and they take and carefully remove to a place of safety from that group those who are living upon inherited or accumulated wealth; and they tax the men whose shoulders are to the wheel and who are pushing forward the industries of the country and furnishing means of livelihood to millions.

There is another thing that the gentleman from Alabama [Mr. UNDERWOOD], I think, has neglected to consider in proposing this bill. He has ignored the history of his party by removing the tax upon sugar. He is also ignoring the traditional position of his party with reference to the importance of the local governments under our system. The States and the counties and municipalities bear the great burdens of government. They maintain the police, they make the roads, they protect against fire, they educate the children. They have reason to spend $5 where this great central authority at Washington has the need to spend $1. In the town in which I live, which has less than 10,000 people, our appropriations for the expenditures this year amount to about $27 a head for every one of the population. The appropriations and expenditures of the National Government, omitting the postal receipts, where special service is rendered, are only about $7 a head. That is, we spend about four times as much in maintaining our local government there, four times as much per capita, as it costs to run the Government of the United States.

Now, this central Government has the sole power to levy duties upon imports. That power has been taken away from the States. The central Government has other great sources of revenue. It can impose direct taxes, providing it follows the rule of apportionment, and yet it goes galloping through all the fields of revenue, and in so doing it attacks sources that heretofore have been especially reserved for the States. It would make it much more difficult for the States and the counties and the cities to secure in the future the money that is necessary to run them.

It can hardly be contended that so much of this tax as is a tax upon the income of real estate is constitutional. That would be directly in the teeth of a decision of the Supreme Court. When you exclude the income from real estate, when you take away the income from stocks, which are now taxed under the corporation act or corporation tax law, and which by the terms of this bill are not taxable, it is not possible for you to figure up $10,000,000 that you are going to get out of the pending bill instead of the magnificent sum of $60,000,000 which the gentleman from Alabama proposes, and that is such a material part of the bill that upon the decision of the court upon the Wilson income-tax provision it would probably vitiate the whole bill and make it all unconstitutional.

This bill is sure to be followed by an increase in the force of Federal inspectors, who will exercise an inquisition over the affairs of every man in the country. The corporations keep books. They are public institutions. It is a simple thing for them to make a return. It is a simple thing to inspect their books. But under this law every man in the United States is liable to have the sources of his income revealed; his books, if he keeps them—and most of us do not keep them—and all his affairs inquired into by inspectors sent out from Washington, and this would produce an inquisition. [Applause on the Republican side.]

The CHAIRMAN. The gentleman's time has expired.

Mr. McCALL. Mr. Chairman, I should like to have leave to put in the RECORD some papers received from the Department of State; a letter from Mr. Huntington Wilson and from Mr. C. M. Pepper, giving the details of our trade with Cuba and Porto Rico. I should like to have leave to extend my remarks in the RECORD.

The CHAIRMAN. The gentleman from Massachusetts [Mr. McCALL] asks leave to extend his remarks in the RECORD by the insertion of certain papers named. Is there objection?

There was no objection.

Following are the documents referred to:

DEPARTMENT OF STATE,
Washington, March 6, 1912.

Hon. S. W. McCALL,
House of Representatives.

DEAR MR. McCALL: The department is transmitting under separate cover various data relating to sugar and the Cuban reciprocity treaty in the form in which it can be printed without causing confusion. As you will see the statistics show a steady growth in our percentage of Cuban trade since the reciprocity treaty went into effect. Unfortunately the Cuban official detailed statistics are very much behind in date. They are, nevertheless, the necessary basis of measuring the exact imports of the various articles and the preference which is given to them. I think it quite allowable, however, to measure the total of our trade with Cuba, which is favorably affected by the treaty and which would lose the preference under free sugar, by our own export statistics, and, accordingly, have included the table. While the figures based on the latest Cuban table would show a little less than $40,000,000 worth of goods the actual amount at the present time is $60,000,000. As you will see by running through the articles all sections of the country are benefited under the preference, the South in relation to cotton goods, cottonseed oil, and various other articles of local production.

Canada would benefit very materially at our expense by the Cuban preference on flour, fish, and lumber being removed; Belgium and Great Britain by the removal of the preference on sugar machinery. A good many of the articles which come under machinery are manufactured in the South. I have been told that a southern concern, located I think at Atlanta, has the best chance for sugar machinery, but have not had an opportunity to verify this fact. Boots and shoes are of special interest to the trade which centers in St. Louis, and which probably does much more business with Cuba than do your New England factories.

Sincerely, yours,

CHARLES M. PEPPER.

DEPARTMENT OF STATE,
Washington, March 6, 1912.

Hon. S. W. McCALL,
House of Representatives.

SIR: Replying to your request for information relative to the trade of Cuba with the United States and other countries since the reciprocity treaty between the United States and Cuba became effective, I have the honor to state that this treaty has been in force since December 27, 1903. The fiscal year ending June 30, 1905, is, therefore, the first full year in which its operations can be given and, consequently, this period is taken as the basis in the comparative statement showing the share of Cuba's import trade enjoyed by leading nations. From these statistics it appears that in 1905 the United States share in the total Cuban imports was 40.7 per cent and in 1910, 50.6 per cent.

The commerce of Cuba with the United States and with the world as related to articles by countries of origin and destination is indicated in the summarized table, which also shows the preponderant share of Cuban exports taken by the United States.

Relative to the preferential rates of duty accorded to the United States by Cuba under the treaty a statement is submitted showing the class of commodities admitted at a reduction of 20 per cent from general duties, 25 per cent, 30 per cent, and 40 per cent, and the value of these imports for the year ended June 30, 1909. From this it appears that the value of the American imports for the year given admitted at 20 per cent reduction was approximately $22,357,000; at 25 per cent reduction, $3,321,000; at 30 per cent reduction, $11,849,000; at 40 per cent reduction, $680,000; or a total of $38,207,000.

The detailed official Cuban statistics since 1909 are not yet available. The growth in American imports into Cuba since 1909 may, however, be determined relatively from the statistics of domestic exports from the United States to Cuba during the fiscal year ended June 30, 1911. It appears from this statement that the total domestic exports from the United States to Cuba in that year amounted to $59,963,000.

In accordance with your request for data concerning the exports of sugar and coffee from Porto Rico, tabular statements are submitted covering those subjects. I have the honor to be, sir,

Your obedient servant,

HUNTINGTON WILSON,
Acting Secretary of State.

(Inclosure: (A) Cuba's import trade by leading nations; (B) Commerce of Cuba with the United States and with the world; (C) United States commerce with Cuba; (D) Imports into Cuba from the United States; (E) United States exports to Cuba; (F) Exports of sugar from Porto Rico; (G) Exports of coffee from Porto Rico.)

A.

Statement showing the share of Cuba's import trade enjoyed by leading nations, fiscal years 1905 to 1910.

[Prepared by the Bureau of Trade Relations, Department of State.]

[From Boletin Oficial de la Secretaria de Hacienda (statistical section), Vol. IV, No. 2, Habana, Jan. 15, 1911. Values are Cuban pesos.]

Years ended June 30—	Imports from United States.	Per cent of all imports.	Imports from United Kingdom.	Per cent of all imports.	Imports from Germany.	Per cent of all imports.	Imports from France.	Per cent of all imports.	Imports from Spain.	Per cent of all imports.	Imports from all other countries.	Per cent of all imports.	Total imports.	Per cent.
1905	$37,825,000	40.7	$12,500,000	13.4	$5,108,000	5.5	$12,920,000	13.9	$10,413,000	11.2	$14,191,000	15.3	$92,957,000	100
1906	49,384,000	46.4	14,987,000	14.1	6,593,000	6.2	6,841,000	6.4	10,927,000	10.3	17,773,000	16.6	106,505,000	100
1907	48,200,000	49.5	13,639,000	14.0	6,434,000	6.6	6,421,000	6.6	8,306,000	8.6	14,334,000	14.7	97,334,000	100
1908	46,537,000	47.2	14,551,000	14.7	7,763,000	7.8	7,072,000	7.2	9,298,000	9.4	13,558,000	13.7	98,829,000	100
1909	42,912,000	49.1	10,639,000	12.3	6,351,000	7.3	7,577,000	8.7	7,391,000	8.5	12,221,000	14.1	86,791,000	100
1910	49,981,000	48.3	12,539,000	12.1	6,851,000	6.6	10,680,000	10.3	8,857,000	8.6	14,538,000	14.1	103,446,000	100
1910 [1]	54,597,043	50.6	12,292,219	11.4	6,542,760	6.1	9,761,932	9.0	8,689,230	8.0	16,076,014	14.9	107,959,198	100

[1] Calendar year, including six months of the period covered by the figures for fiscal year 1910.

B.

Commerce of Cuba with the United States and with the world.

[Compiled by the Bureau of Trade Relations, Department of State.]

CUBAN STATISTICS, 1910.

	Trade with the world.	Trade with the United States.	Percentage with United States.
			Per cent.
Imports	$107,959,198	$54,597,043	50.55
Exports	151,270,558	129,755,058	85.77
Total	259,229,756	184,352,101	

IMPORTS BY ARTICLES, 1910.

	From the world.	From the United States.	Other sources.
Breadstuffs	$13,358,362	$6,757,850	Germany, Great Britain (rice).
Meats	11,476,515	8,931,902	American countries.
Machinery	8,381,763	5,861,980	Great Britain, Germany.
Cotton manufactures	8,527,821	1,302,959	Great Britain, Spain, United States.
Iron and steel manufactures	6,163,754	4,221,105	Great Britain, Germany.
Vegetables	4,522,049	1,135,471	American countries.
Leather manufactures, etc.	4,453,299	3,336,110	Spain.

EXPORTS BY ARTICLES, 1910.

	To the world.	To the United States.	Other destinations.
Sugar	$108,762,632	$102,445,805	Great Britain.
Leaf tobacco	15,450,943	12,785,047	Germany.
Tobacco manufactures	12,423,007	3,047,834	Great Britain, United States.
Fruits	2,008,089	2,002,245	
Hides and skins	1,894,738	522,112	Germany, France.
Molasses	1,477,756	960,904	Great Britain.

United States statistics.

	Value, fiscal year 1910.
Imports into United States from Cuba:	
Sugar, not over 16 Dutch Standard, dutiable	$93,543,397
Leaf tobacco, dutiable	14,128,780
Iron ore, dutiable	3,997,497
Tobacco manufactures, dutiable	3,835,406
Fruit, free and dutiable	2,271,477
Molasses, dutiable	1,035,705
Woods, etc., free and dutiable	896,305
Hides and skins, free and dutiable	665,516
All other, free and dutiable	2,151,454
Total free (3.03 per cent)	3,705,045
Total dutiable	118,822,992
Total imports	122,528,037
Exports from United States into Cuba:	
Wheat flour	4,638,414
Lard	4,094,352
Boots and shoes	2,958,103
Coffee	2,463,585
Boards, planks, etc.	2,315,446
Lard compounds	2,275,912
Bituminous coal	2,125,794
Maize	1,661,144
All other	30,326,008
Total exports	52,858,758

Other exports are iron and steel, cotton manufactures, meat and dairy articles, mineral oils, etc.

	United States imports from Cuba.	United States exports to Cuba.
Fiscal years—		
1900	$31,371,704	$26,513,400
1901	43,423,088	25,964,801
1902	34,694,084	26,623,500
1903	62,942,790	21,761,638
1904	76,983,418	27,377,465
1905	86,304,259	38,380,601
1906	84,979,821	47,763,688
1907	97,441,690	49,305,274
1908	83,284,692	47,161,306
1909	96,722,193	43,913,356
1910	122,528,037	52,858,758
1911	110,309,468	60,709,062

C.

United States commerce with Cuba, year ended June 30, 1911.

[Prepared by the Bureau of Trade Relations, Department of State.]

IMPORTS FROM CUBA.

	Amount.	Per cent.
Free of duty	$4,001,275	3.63
Dutiable	106,308,193	96.37
Total imports	110,309,468	100.00

Cuba ranked fourth among the sources of American imports in fiscal year 1911, supplying 7.22 per cent of all importations into the United States.

EXPORTS TO CUBA.

Domestic	$59,962,955
Foreign	746,107
Total exports	60,709,062

Cuba ranked seventh among the destinations of American exports in fiscal year 1911, receiving 2.96 per cent of all exportations from the United States.

D.

Imports into Cuba from the United States—year ended June 30, 1910.

[Compiled by the Bureau of Trade Relations, Department of State.]

DUTIABLE.

Admitted at 20 per cent less than the general duties:	
Marble, worked	$3,748
Building stone	1,822
Other stone	18,549
Lime	2,562
Cement	533,918
Gypsum	21,917
Other earths	13,358
Crude petroleum	570,650
Petroleum for gas making	85,738
Other crude oils	68,016
Oil of jarcia	21,668
Benzine	2,222
Naphtha	2,060
Refined petroleum	35,323
Other refined oils	236,143
Tar	1,143
Asphalt	262
Similar products	1,881
Square tiles	4,863
Bricks	1,928
Roof tiles	213
Hollow tiles	81,895
Other rough-clay products	48,454
Gold jewelry	10,301
Silver jewelry	1,398
Other manufactures of silver and gold	13,573
Firearms	18,565
Fine tools and implements	115,070
Other tools and implements	30,878
Nails	150,982
Tin plate, unmanufactured	25,093
Tin plate, manufactured	142,286
Copper in sheets	20,253
Copper wire	131,949
Copper-wire cloth	882
Tin	10,868

Admitted at 20 per cent less than the general duties—Contd.	
Nickel	$2,019
Zinc in sheets	1,604
Zinc manufactures	12,809
Lead in bars	11,082
Lead pipe	2,821
Other manufactures of lead	17,874
Other unworked metals	147
Other manufactured metals	10,726
Slag	7
Varnishes	39,518
Oils for soap manufacture	100,200
Other vegetable oils	28,115
Cod oil	893
Other animal oils	612
Glycerine, olein, etc	17,186
Other animal fats	83,162
Wax	635
Candles	133,559
Other wax manufactures	8,393
Soap grease	170,595
Starch	7,325
Other fecula	528
Glue	25,121
Gelatine	1,030
Horsehair	1,846
Bristles	17,640
Hairs, etc	9,696
Print paper	190,710
Common wood, unworked	357,485
Fine wood	3,746
Other woods	100,177
Wooden articles	165,821
Wooden moldings and ornaments	710
Furniture of fine wood	2,831
Furniture of common wood	388,905
Other manufactures of wood	1,990
Boxes	204,900
Barrels and hogsheads	252,099
Charcoal	33
Cork, crude	1,336
Corks, manufactured	737
Cork, other manufactures	3,699
Wicker and rushes	5,128
Manufactures of wicker, etc	17,190
Stallions below standard height, etc	145
Horses—	
Above standard height, etc	40,005
Below standard height, etc	21,303
Mares—	
Suitable for breeding	2,835
Other	4,922
Mules—	
Above standard height	43,544
Below standard height	55,975
Goats	25
Swine	113,193
Other animals	2,743
Fancy feathers	301
Other feathers	4,251
Other animal by-products	70
Hides and skins, salted	212,965
Hides and skins, dry	110
Fine skins	15,058
Varnished or enameled hides	128,857
Cut leather	1,187
Other hides and leather	158
Harness and mountings	32,247
Other manufactures of leather, n. e. s	89,398
Clocks	10,946
Parts of clocks, etc	15,966
Sugar-making machinery	909,873
Agricultural machinery (dutiable)	24,265
Electric machinery	93,703
Pumps	8,784
Boilers	69,342
Locomotives	231,192
Motors	63,328
Other machines	947,435
Parts and accessories of the above	915,029
Sewing machines	183,819
Typewriters	31,327
Bicycles, etc	19,856
Scales and balances	41,285
Other apparatus	24,951
Railway cars	1,088
Vehicles and accessories	240,498
Other cars, etc. (automobiles)	465,327
Steam vessels	42,326
Sailing vessels	70,464
Birds and small game	23,312
Salt beef	2,005
Fresh beef	26,454
Canned beef	8,611
Jerked beef	182
Salt pork	1,143,253
Hams and shoulders	501,981
Lard	4,846,260
Bacon	5,405
Mutton	9,294
Preserved meat products	306,302
Other meats and meat products	2,863
Fresh pork	28,563
Condensed milk	699,888
Oats	114,737
Barley	225
Oatmeal	183
Other flour or meal, n. e. s	248
Crackers (fancy)	7,622
Other crackers	18,912
Macaroni	36,930
Alimentary pastes	32,654
Other cereal manufactures	8,082
Hay	188,106
Other forage	88,688

Admitted at 20 per cent less than the general duties—Contd.	
Plums (fresh)	$10,300
Apples (fresh)	77,754
Grapes	13,402
Other fresh fruits	34,552
Almonds	373
Prunes	3,674
Dried apples	765
Raisins	1,128
Other dried fruits	25,635
Onions	50,030
Peas	42,133
Beans	237,677
Potatoes	346,339
Other vegetables (fresh or dried)	59,217
Olive oil	43,548
Cottonseed oil	62,250
Beer in barrels	429
Beer in other containers (not bottles)	5,613
Alcohol	158
Sugar (crude)	74
Sugar (refined)	1,830
Saccharine	771
Cocoa	31,866
Coffee	584,340
Chocolate	2,315
Other confectionery	41,193
Pepper	3,211
Other spices	4,761
Honey	169
Vanilla	7,193
Oleomargarine	30,856
Eggs	656,819
Fans	2,650
Amber, etc	2,856
Horn	12,441
Whalebone	107
Celluloid	11,023
Oilskins	2,371
Oilcloth	56,541
Matches	391
Rubber manufactures	81,501
Gloves	1,231
Games, etc	18,851
Sticks for umbrellas, etc	760
Hats	113,716
Waterproof cloth	101,680
Overshoes	720
Tobacco	86,234
All articles not elsewhere specified	1,343,315
Total admitted at 20 per cent reduction	22,356,628
Admitted at 25 per cent less than the general duties:	
Mirrors	7,770
Bottles	38,907
Electric lamps	47,996
Other glass (except window)	149,895
Faience	9,368
Miscellaneous silverware, etc	2,505
Cast iron—	
In masses	2,795
In bars	479,740
Other manufactures	116,175
Iron and steel bars and rods	198,046
Sheets	311,665
Cables and wire	174,834
Iron and steel and prices	463,937
Wire cloth	4,270
Pipes and fittings	203,940
Other manufactures of iron and steel	23,880
Miscellaneous manufactures of copper	211,890
Codfish	8,474
Herring	14,337
Mackerel	470
Salmon	167
Tinned salmon	2,926
Tinned sardines	8,032
Other preserved fish	6,719
Oysters	3,262
Other shellfish	9,505
Ardent liquors	19,219
Total admitted at 25 per cent reduction	3,320,724
Admitted at 30 per cent less than the general duties:	
Window glass	1,064
Gold and silver plated ware	62,889
Table cutlery	13,762
Surgical instruments	8,705
Other cutlery	22,697
Turpentine, oil of	53,413
Caoutchouc and gutta-percha	68
Resin	29,476
Opium	427
Roots, herbs, and seeds	12,356
Other simple drugs	84,496
Colors—	
Natural	2,677
Metallic base	180,998
Other	50,340
Acids	82,733
Oxides	75,650
Salt and salts	190,794
Alkaloids	533
Other chemicals	123,264
Patent medicines	161,955
Other pharmaceutical products	322,823
Common soaps	85,102
Miscellaneous soaps	35,474
Cotton—	
Raw	43,138
Thread	21,008
Cloth, plain	954,667

Admitted at 30 per cent less than the general duties—Contd.	
Cotton—Continued.	
Cloth, twilled	$355,862
Carpets	192
Laces	1,277
Passamenterie	16,829
Piqué	2,829
Clothing	122,253
Plush	11,348
Tulle	2,389
Other manufactures	20,134
Writing ink	5,054
Printing ink	7,704
Natural ink	102
Other ink	5,864
Fibers—	
Thread	1,371
Twine	7,305
Cordage	87,428
Bags, for sugar	21,428
Linen cloths	16,434
Linen, etc., knit	33
Linen carpets	560
Linen passamenterie	2,203
Linen clothing	3,839
Linen plush	74
Linen, table	2,240
Linen, other manufactures	7,619
Paper—	
Wrapping, etc	117,371
Wall	242
Other, except in sheets	106,186
Blank books	16,978
Paper with letterheads	50,572
Books	38,885
Photos, stamps, maps, etc	18,179
Pasteboard—	
Sheets	37,870
Boxes	15,114
Other	87,859
Pulp and carton pierre—	
Unmanufactured	531
Manufactured	1,158
Boots and shoes—	
For men	1,046,321
For women	1,207,590
For children	376,577
Boots, riding	26
Sandals	3,040
Other shoes, etc	23
Pianos	26,463
Organs, etc	830
Other musical instruments	3,805
Butter	60,140
Maize	1,386,388
Corn meal	41,796
Wheat flour	3,661,093
Preserved vegetables	16,560
Pickled and salted vegetables	60,234
White wines—	
Barreled	462
Other, except bottled	647
Red wines—	
Barreled	761
Bottled	52
Other	1,201
Beer, bottled	137,183
Cider—	
Barreled	249
Bottled	399
In other coverings	62
Champagne	3,787
Total admitted at 30 per cent reduction	11,849,314
Admitted at 40 per cent less than the general duties:	
Porcelain wares	13,732
Fine soaps	24,373
Perfumery and essences	49,036
Cotton knit goods	125,085
Wool, raw	4,091
Woolen cloth	29,160
Woolen carpets	599
Woolen clothing	71,895
Other manufactures of wool	18,717
Silk, raw	5,191
Silk, spooled	3,193
Silk cloth	41,698
Knitted silk	24
Silk clothing	36,628
Other manufactures of silk	32,337
Venezuelan cattle	140
Thin cattle	17,078
Cattle not suitable for reproduction	8,350
Cattle, miscellaneous	15,475
Watches	3,336
Cheese	41,098
Rice	23,030
Tinned fruits	87,780
Other preserved fruits	8,300
Umbrellas and parasols	1,697
Glucose	17,678
Total admitted at 40 per cent reduction	679,721

RECAPITULATION.

Admitted at 20 per cent reduction	22,356,628
Admitted at 25 per cent reduction	3,320,724
Admitted at 30 per cent reduction	11,849,314
Admitted at 40 per cent reduction	679,721
Total dutiable imports from the United States	38,206,387

FREE OF DUTY.

Natural fertilizer	$26,546
Beehives	2,779
Other bee apparatus	545
Farm implements, plows, etc	60,649
Scythes and hoes	8,940
Other farm implements	81,230
Trees, plants, etc	20,787
Anthracite coal	54,593
Bituminous coal	2,076,706
Coke	59,844
Henequen fiber, etc	70,243
Flax, etc	216
Books, maps, etc., for schools	2,736
Other books	12,183
Pulp and print paper	148,916
Pine wood, not planed	1,236,745
Furniture, used	37,445
Copper coin	140
Fresh fish	6,341
Quinine	153
Mineral waters	10,638
Cheesecloth	78,510
Barbed wire	242,014
Bulls for breeding	220
Cattle, special	40
Other articles free of duty	158,816
Total free imports from the United States	4,397,975
Total dutiable imports from the United States	38,206,387
Total imports from the United States	42,604,362

(Compiled from Estadistica General, Comercio Exterior de Cuba, Año Fiscal de 1908 á 1909, Secretaria de Hacienda.)

NOTE.—Imports of coffee into Cuba from Porto Rico are not included above.

E.

United States exports to Cuba (domestic products only), year ended June 30, 1911.

[Statistics drawn from advance sheets of Commerce and Navigation, 1911. Prepared by the Bureau of Trade Relations, Department of State.]

Article.	Quantity.	Unit.	Value.
Mowers, reapers, and parts			$5,015
Plows, cultivators, and parts			198,245
Other agricultural implements			141,679
Aluminum and manufactures			13,559
Cattle	335	Head	12,330
Swine	8,023	do	65,213
Horses	308	do	44,235
Mules	1,366	do	209,330
Sheep	91	do	644
All other animals			12,511
Art works			3,102
Asbestos manufactures			45,116
Asphalt, crude	4	Tons	154
Asphalt, manufactures of			51
Babbitt metal	96,364	Pounds	17,718
Blacking			27,346
Bones, hoofs, horns, etc			1,255
Brass and manufactures			164,213
Bread and biscuit	389,931	Pounds	33,494
Maize	2,225,073	Bushels	1,322,095
Corn meal	8,369	Barrels	24,709
Oats	246,419	Bushels	100,688
Oatmeal	61,427	Pounds	2,716
Rice	2,277,617	do	52,687
Rye	25	Bushels	26
Rye flour	15	Barrels	70
Wheat	11,915	Bushels	13,213
Wheat flour	846,685	Barrels	4,268,658
Miscellaneous breadstuff preparations			97,638
Bran, middlings, etc	3,609	Tons	103,065
Dried grain and malt sprouts	70	do	1,906
Other cereal animal feed			21,495
Broom corn			53,650
Brooms and brushes			27,774
Buttons			12,064
Candles	1,759,532	Pounds	135,415
Automobiles	157	Cars	208,960
Parts of automobiles			31,323
Railway cars:			
For steam railways			791,555
For other railways			549,189
Bicycles, and parts			30,355
Wheelbarrows, trucks, etc			20,332
All other carriages and parts			119,435
Celluloid and manufactures			7,279
Cement	428,704	Barrels	611,195
Chalks, crayons, etc			2,731
Charcoal			603
Sulphuric acid	831,945	Pounds	9,144
Other acids			57,969
Wood alcohol	299	Gallons	161
Baking powder	26,357	Pounds	7,148
Calcium carbide	15,308,472	do	392,676
Copper sulphate	44,085	do	1,888
Dyes and dyestuffs			897
Lime, acetate	7,970	Pounds	197
Patent medicines			476,466
Roots, herbs, etc			1,937
Sulphur or brimstone, crude	263	Tons	5,729
Washing powder and fluid	256,203	Pounds	11,935
Other chemicals, drugs, etc			652,303
Chewing gum			4,529
Cider	62	Gallons	29
Fire clay			10,741
Clocks and parts of			46,758

United States exports to Cuba, etc.—Continued.

Article.	Quantity.	Unit.	Value.
Watches and parts of			$2,846
Anthracite coal	38,112	Tons	160,971
Bituminous coal	945,394	do	2,546,841
Coke	5,023	do	21,741
Coal tar	61	Barrels	277
Cocoa, prepared, and chocolate			29,735
Coffee:			
Green or raw	20,243,247	Pounds	2,978,369
Roasted or prepared	195,954	do	38,269
Copper pigs, ingots, etc	57,358	do	8,205
Other copper manufactures			108,537
Cork, manufactures of			12,155
Raw upland and other cotton	21,273	Pounds	1,254
Cotton cloths:			
Unbleached	3,434,009	Yards	323,728
Bleached	2,997,051	do	187,687
Dyed, etc	12,720,486	do	834,668
Cotton knit goods			154,722
Other cotton clothing			376,100
Waste cotton	626,187	Pounds	46,987
Cotton yarn			5,153
All other cotton manufactures			306,305
Dental goods			21,578
Fire bricks			46,457
Other brick and tile			19,948
Earthen and stone ware			127,150
Chinaware			2,948
Eggs	4,490,211	Dozen	948,442
Emery and other abrasives			7,308
Cartridges			244,758
Dynamite	805,450	Pounds	86,181
Gunpowder	64,000	do	10,634
Other explosives			63,638
Feathers			4,072
Felt, etc., for roofing			78,726
Fertilizers, other than phosphate	21,418	Tons	882,952
Fiber bags			30,017
Fiber cordage	817,287	Pounds	70,649
Binder twine	2,421	do	155
Other twine			12,745
Other manufactures of fibers			35,957
Cod, haddock, etc., not fresh	76,064	Pounds	4,857
Herring, other than fresh	47,174	do	2,262
Other fish, other than fresh	134,015	do	6,344
Pickled fish	251	Barrels	2,223
Salmon:			
Canned	78,814	Pounds	7,817
Fresh or cured			778
Canned fish, other than salmon and shellfish			4,221
Oysters			5,991
Shellfish, other			26,726
All other fish and fish products			29,033
Flavoring extracts and fruit juices			9,265
Fly paper			788
Dried apples	5,600	Pounds	592
Fresh apples	21,928	Barrels	93,337
Apricots, dried	3,540	Pounds	455
Oranges	650	Boxes	2,335
Dried peaches	16,013	Pounds	1,257
Pears, fresh			35,772
Prunes	188,844	Pounds	17,409
Raisins	57,953	do	3,800
Other fruits, fresh or dried			73,307
Fruits:			
Canned			91,241
Preserved, other than canned			6,472
Peanuts	47,398		2,520
Other nuts			1,615
Metal furniture			50,267
Furs and skins			36,930
Cylinder, crown, and window glass			5,137
Plate glass	4,644	Square feet	1,687
Other glass			191,743
Glucose	656,826	Pounds	14,675
Grape sugar	5,859	do	146
Glue	94,432	do	10,773
Gold and silver manufactures			4,562
Graphite, crude	10,519	Pounds	732
Graphite, manufactured			4,453
Grease and soap stock, etc			496,343
Hair and manufactures			16,242
Hay	564	Tons	10,772
Hides and skins, not fur skins	1,580	Pounds	190
Hops	1,346	do	226
Household goods and effects			61,860
Rubber belting, hose and packing			153,374
Rubber boots and shoes	5,015	Pair	5,493
Rubber tires for automobiles			27,072
Other rubber tires			112,763
Other rubber manufactures			131,596
Printer's ink			31,840
Other ink			12,456
Electrical appliances, telephones, etc			656,548
Other instruments and apparatus			51,414
Pig iron	1,175	Tons	18,767
Bar iron	7,415,885	Pounds	122,889
Wire rods, iron, etc	4,060	do	87
All other bars or rods, iron, etc	5,267,368	do	99,941
Steel rails for railways	30,991	Tons	904,028
Sheets and plates:			
Iron	16,968,097	Pounds	450,974
Steel	6,375,728	do	131,394
Tin and terne plate	1,654,370	do	64,336
Structural iron and steel	15,657	Tons	814,697
Barbed wire	17,285,613	Pounds	396,659
Other wire	6,824,373	do	206,268
Locks, hinges, etc			222,722
Saws			35,391

United States exports to Cuba, etc.—Continued.

Article.	Quantity.	Unit.	Value.
Tools, n. e. s			$308,668
Car wheels	2,841	Wheels	21,957
Castings, n. e. s			83,132
Cutlery			52,304
Firearms			87,269
Adding machines			6,991
Brewer's machinery			8,308
Cash registers	1,069	Number	62,767
Electrical machinery			184,810
Laundry machinery			6,004
Metal-working machinery			66,470
Mining machinery			37,292
Printing presses, etc			31,857
Pumps and pumping machinery			335,426
Refrigerating machinery			38,393
Sewing machines and parts			364,030
Shoe machinery			6,333
Locomotive engines	23	Number	153,967
Stationary engines	316	do	144,671
Traction engines	4	do	10,212
All other engines and parts			655,798
Sugar-mill machinery			1,262,647
Typewriters and parts			108,799
Windmills and parts			22,877
Woodworking machinery			56,971
All other machinery			1,139,794
Cut nails and spikes	5,213,958	Pounds	102,559
Wire nails and spikes	3,847,842	do	85,923
Other nails and tacks	3,479,303	do	94,480
Pipes and fittings	51,181,326	Pounds	1,105,121
Radiators, etc	600	do	15
Safes	970	Number	79,899
Scales and balances			100,238
Stoves, ranges, etc			12,773
All other manufactures of iron and steel			1,667,598
Ivory and manufactures			63
Jewelry			18,724
Lamps, etc			93,788
Lead, manufactures of			45,669
Sole leather	83,572	Pounds	20,681
Belting, leather			101,203
Calf upper leather	238,070	Square feet	45,446
Glazed kid	240,647	do	53,647
All other upper leather			170,010
Carriage and automobile leather			1,962
Patent leather			59,997
All other leather			99,357
Boots and shoes	3,031,896	Pairs	3,390,693
Harness and saddles			146,996
All other manufactures of leather			69,175
Lime	2,457	Barrels	4,158
Unmanufactured stone			944
Other stone			30,602
Matches			1,054
Canned beef	282,744	Pounds	33,627
Fresh beef	42,058	do	4,904
Beef, pickled, salted, etc	232,980	do	24,402
Oleo oil	181,978	do	18,185
Oleomargarine	253,874	do	27,896
Tallow	969,377	do	56,182
Bacon	6,223,775	do	748,361
Hams and shoulders, cured	3,876,362	do	568,763
Canned pork	15,619	do	2,291
Fresh pork	88,987	do	12,575
Pickled pork	7,382,763	do	824,403
Lard	34,968,597	do	3,992,092
Neutral lard	83,243	do	9,243
Lard compounds, etc	25,175,162	do	2,388,812
Mutton	39,454	do	5,078
Poultry and game			9,279
Sausage and sausage meats	2,105,230	Pounds	261,474
Sausage casings	10,291	do	1,981
All other meats, etc., canned			17,603
All other meat products			15,513
Butter	328,734	Pounds	78,604
Cheese	167,509	do	31,081
Condensed milk	4,257,387	do	323,833
Metal polish			10,290
Mica, crude	291	Pounds	339
Mica, manufactured			3
Mineral specimens			330
Motor boats	17	Number	12,463
Mucilage			4,030
Organs	20	Number	1,117
Pianos	275	do	42,343
Piano players	24	do	6,750
All other musical instruments			4,500
Natural-history specimens			80
Rosin	23,810	Barrels	159,250
Tar, turpentine, and pitch	3,221	do	18,204
Spirits of turpentine	60,984	Gallons	46,109
Manufactures of nickel			8,526
Nursery stock			20,872
Oakum	42,784	Pounds	1,963
Corn oil cake, and meal of	8,000	do	120
Cottonseed oil cake, etc	275,270	do	3,583
Oilcloth for floors			49,946
Other oilcloth			10,754
Fish oil, except whale	392	Gallons	219
Lard oil	868	do	706
Other animal oil	5,735	do	3,992
Crude mineral oil	5,228,400	do	333,621
Naphthas	206,128	do	53,439
Illuminating oil	1,669,532	do	119,938
Lubricating and similar oil	1,301,981	do	374,669
Residuum	1,000,264	do	23,904
Corn oil	8,799	Pounds	590
Cottonseed oil	2,819,122	do	214,271

United States exports to Cuba, etc.—Continued.

Article.	Quantity.	Unit.	Value.
Linseed oil	12,389	Gallons	$12,406
Other fixed or expressed vegetable oils			15,612
Volatile or essential oils			12,328
Lampblack, carbon black, etc			3,560
Varnish	51,378	Gallons	41,986
Zinc, oxide of	1,340	Pounds	73
All other paints, pigments, and varnishes			323,744
Books, maps, etc			209,301
Paper hangings			1,470
Playing cards			11,553
News-print paper	4,958,333	Pounds	120,378
All other printing paper	5,293,074	do	236,033
Writing paper and envelopes			117,319
All other paper, and manufactures of			377,957
Paraffin and paraffin wax	275,413	Pounds	13,958
Paste			7,587
Pencils, lead and slate			49,554
Pens and penholders			11,434
Perfumeries, cosmetics, etc			31,624
Phonographs, etc			66,138
Photographic goods			96,740
Plaster, builder's and common			13,649
Plated ware			29,993
Plates, stereotype and electrotype			1,943
Platinum, manufactures of			25
Salt	39,116,676	Pounds	155,073
Sand			1,991
Seeds, cotton	200	Pounds	3
Flaxseed or linseed	273	Bushels	678
Other grass seeds			1,070
Seeds, all other			7,153
Shells			58
Silk, manufactures of			130,944
Soap, toilet or fancy			62,091
Soap, all other	1,793,811	Pounds	104,180
Spermaceti and spermaceti wax	562	do	146
Spices			3,320
Malt liquors, in bottles	50,755	Dozen qts	71,872
Malt liquors, in other coverings	800	Gallons	392
Spirits, distilled:			
Alcohol, etc	140	Proof gallons	97
Whisky, rye	3,411	do	6,860
All other	826	do	1,754
Wines	24,040	Gallons	10,678
Sponges	317	Pounds	339
Starch	237,286	do	6,241
Straw	26	Tons	378
Straw, etc., manufactures of			50,716

United States exports to Cuba, etc.—Continued.

Article.	Quantity.	Unit.	Value.
Molasses	268	Gallons	$64
Sirup	1,837	do	871
Refined sugar	119,000	Pounds	5,364
Confectionery			62,336
Theatrical effects			980
Manufactures of tin			150,797
Cigars	2	Thousand	63
Cigarettes	113	do	775
Plug tobacco	248,908	Pounds	46,084
Smoking tobacco	34,572	do	12,244
All other tobacco			1,889
Toys			40,415
Trunks, valises, etc			8,997
Type	56,037	Pounds	19,649
Beans and dried peas	109,764	Bushels	305,589
Onions	27,367	do	20,171
Potatoes, other than sweet	1,594,395	do	928,755
Canned vegetables			52,804
All other vegetables, pickles, etc			42,595
Vinegar	9,183	Gallons	1,063
Beeswax	113	Pounds	43
Manufactures of wax			1,554
Logs and round timber			30,104
Hewn timber	227,071	Cubic feet	45,037
Sawed timber	849	1,000 feet	17,057
Boards, planks, and deals	130,006	do	2,198,197
Joists and scantling	1,765	do	22,736
Shingles	1,491	Thousand	5,828
Shooks, box			248,134
Shooks, other	177,244	Number	83,000
Staves	7,424	do	642
Heading			6,136
All other lumber			74,802
Doors, sash, and blinds			4,963
Furniture			757,653
Trimmings, moldings, etc			6,512
Woodenware			4,687
Wood pulp	50,031	Pounds	1,096
All other manufactures of wood			282,561
Woolen wearing apparel			19,565
All other manufactures of wool			13,340
Yeast			9,808
Zinc—pigs, bars, etc	31,581	Pounds	3,172
All other manufactures of zinc			9,825
All other articles exported			41,437
Total domestic exports to Cuba			59,962,955

F.

Exports of brown sugar from Porto Rico, years ended June 30, 1907–1910.

[Compiled by the Bureau of Trade Relations, Department of State, from Commerce and Navigation, 1907, 1908, 1909, and 1910.]

Exported to—	1907		1908		1909		1910	
	Quantity.	Value.	Quantity.	Value.	Quantity.	Value.	Quantity.	Value.
	Pounds.		*Pounds.*		*Pounds.*		*Pounds.*	
Spain	7,486	$321	5,638	$269	7,527	$330	2,756	$154
France	218	7					213	11
Germany			2,267	90			2,298	92
Dutch West Indies			580	20				
Italy					2,180	116		
Danish West Indies					50,000	1,250		
Total foreign countries	7,704	328	8,485	379	59,707	1,696	5,267	257
United States	408,149,992	14,770,354	469,205,082	18,690,149	488,452,733	18,430,750	569,039,881	23,545,665

NOTE.—Exports of refined sugar from Porto Rico have been negligible; in 1910 there were none.

G.

Exports of coffee from Porto Rico, 12 months ending June 30, 1908, 1909, and 1910.

Countries.	1908		1909		1910	
	Quantity.	Value.	Quantity.	Value.	Quantity.	Value.
	Pounds.		*Pounds.*		*Pounds.*	
Cuba	13,022,500	$1,464,958	11,291,964	$1,423,502	20,635,182	$2,455,639
Austria-Hungary	4,835,903	626,578	3,325,524	445,783	6,326,126	833,604
France	5,362,129	664,440	4,076,502	531,333	4,227,936	552,511
Germany	2,051,615	260,238	547,688	72,788	1,780,383	231,630
Italy	2,397,509	319,467	2,976,898	401,602	2,834,781	377,517
Spain	6,466,532	837,966	5,644,703	757,454	8,070,935	1,050,070
Other countries	990,979	124,805	499,456	65,981	1,071,099	146,755
Total foreign	35,127,167	4,298,452	28,362,825	3,698,503	45,046,442	5,647,726
United States	129,322	16,157	126,684	17,241	163,350	21,876
Grand total	35,256,489	4,304,609	28,489,509	3,715,744	45,209,792	5,669,602

Imports of coffee into Cuba, 12 months ending June 30, 1908, 1909, and 1910.

Countries.	1908		1909		1910	
	Quantity.	Value.	Quantity.	Value.	Quantity.	Value.
	Pounds.		*Pounds.*		*Pounds.*	
Porto Rico	14,400,790	$1,613,735	12,543,117	$1,577,388	18,448,367	$2,184,316
United States	2,571,526	292,558	6,641,936	584,340	1,585,643	160,148
Brazil	2,835,013	238,842	2,737,654	307,827	3,309,296	298,017
Venezuela	2,680,581	217,438	1,674,018	166,500	1,665,965	133,684
Other countries	112,739	9,728	152,656	12,601	188,173	13,114
Total	22,600,649	2,312,301	24,740,381	2,648,655	25,197,444	2,789,279

Mr. PAYNE. Mr. Chairman, I reserve the balance of my time.

Mr. FORDNEY. Mr. Chairman and gentlemen, about 30 days ago, in the city of Paris, the people of France celebrated the one hundredth anniversary of the establishment of the beet-sugar industry of that country. Only a few days ago the people of England celebrated the establishment of the first beet-sugar factory built in England. To-day the House of Representatives of the United States is celebrating the first serious attempt to destroy that magnificent industry in the United States. [Applause on the Republican side.]

The Republican Party for the past 52 years have controlled the legislation of the Federal Government of the United States, and the only two years that our Democratic friends have had absolute control of Federal legislation in this country were the only two poor, lean years that we have experienced in that time.

Mr. Chairman, I want to call the attention of Members of this House to the splendid compliment paid by the majority members of the Ways and Means Committee in their report to this magnificent beet-sugar industry.

On the first page of their report they say:

The growth of the beet-sugar industry in this country during the decade ended with 1909 is shown in Table 1 to have increased 117 per cent in number of establishments, 399 per cent in the quantity of beets used in the manufacture of sugar, and the value of the products has increased almost sevenfold.

What greater compliment could be paid to this great beet-sugar industry in this country, even by its friends?

On page 5 of the same report they say:

In the report of the same investigating committee (p. 22) we find that the cost of manufacturing beet sugar is lowest in Germany, and, according to the best-known sugar experts, the cost of producing a pound of raw sugar there ranged from 1.96 to 2.07 cents. Adding a refining cost of four-tenths of a cent per pound, the cost of producing refined beet sugar in Germany would average 2.415 cents per pound. The average cost of producing beet sugar as computed from the returns of the 11 plants in which the American Sugar Refining Co. is interested is shown not to exceed 3.54 cents per pound. This difference between the German and American costs more than offsets the freight charges from Germany to the United States. In this connection the following price figures for the countries named lend considerable interest.

Mr. Chairman, after showing the cost of production of refined beet sugar in Germany to be $2.41¼ per hundred pounds, and adding the freight from Germany to New York, 12 cents per hundred pounds, which sum totals $2.53¼ per 100 pounds, and deducting this sum from $3.54, which is the cost of production of beet sugar in this country, we have a difference of a fraction over 1 cent per pound. Yet in another paragraph in their report they say that this bill, if enacted into law, will not, in the slightest, injure the beet-sugar industry of the United States.

Mr. Chairman, they quote from Mr. Willett of the firm of Willett & Gray, of New York, the greatest sugar statisticians in this country and perhaps the greatest in the world.

Mr. Willett was called before the Sugar Investigating Committee by the gentleman from Georgia [Mr. HARDWICK], the chairman of the committee. Mr. Willett is an estimable gentleman and perhaps the greatest sugar statistician in the world. I have great admiration for the gentleman. If in the majority report the next two lines of Mr. Willett's statement had not been omitted they would, in a sense, contradict the two lines quoted.

Later on I shall call attention to a question or two put to Mr. Willett by myself when that gentleman was before our committee. I asked him whether he had not hastily made the statement that the duty is added to the cost to the consumers of sugar in this country. I called his attention to a report made by the Tariff Board, wherein the board shows where they had purchased in England 16 samples of goods and paid for those goods $41.84, and that the duty as provided for in existing law on those 16 samples was $76.80. Adding the duty to the foreign cost, those goods laid down in our markets would cost $118.64. I called Mr. Willett's attention to the fact that the Tariff Board reports that similar articles produced in this country are selling, not for $118.64, but for $69.75, a sum far below the foreign cost with the duty added. Assuming that statement to be correct, can you say that the duty is added to the cost of the article when consumed in this country? He asked to be given time to consider that question. I gladly consented, and the gentleman took a week to file his answer. When he came back, let me show you what he said. On page 3977 he answered that question, as follows:

The consumer in 1910 paid $1.151 per 100 pounds of the $1.348 duty on Cuban sugar. By Table No. 6B, page 3551, similar comparisons can be made for each year, showing that the consumer has not paid full duty in any year of reciprocity, while in the years preceding reciprocity the consumer naturally paid the full duty.

The effect of giving reciprocity to Cuba appears to have been to change the old statement that "the consumer pays the full duty" on sugar except in such cases as the consumer insists upon a certain specified sugar that he can not get without paying the full duty assessed upon it and which, as a matter of fact, is imported to a very small extent.

As exists in the woolen fabric trade, may not—at the time when the production of domestic and insular and Cuban sugars exceed the requirements for consumption—a fierce competition between these interests reduce the price of sugar to the consumer far below the full tariff protection if it remains unchanged?

In all these analyses I reach the same conclusion—that to decrease the price of sugar to the consumer, increase the domestic production as rapidly as possible.

[Applause on the Republican side.]

Mr. Claus Spreckels is the president of the Federal Sugar Refining Co. of New York, of which Mr. Frank C. Lowery is the sales agent. He has been sending broadcast, through barrels and packages of sugar, the yellow journal which I hold in my hand, asking consumers of sugar to appeal to their Congressmen to save the poor suffering consumer from the ravages of the trusts. He asks us to remove the duty from foreign imported sugar and save the suffering people, the consumers. Mr. HINDS, a member of the sugar investigating committee, asked Mr. Spreckels the following questions:

Mr. HINDS. In other words, perhaps, you would take it [the tariff] all off, would you not, and have free trade?
Mr. SPRECKELS. I would have free trade. (Part 27, p. 2277 of hearings.)
Mr. HINDS. You would have free trade in sugar?
Mr. SPRECKELS. Absolutely. (Part 27, p. 2278 of hearings.)

I am quoting the testimony given by nearly every man who appeared before that investigating committee interested in the refining of foreign imported sugar to show you whether or not they are in favor of this free-sugar bill introduced here by our Democratic friends, and I propose to prove it. This testimony was all taken under oath.

Now comes Mr. Gilmore, a representative of the Arbuckle Bros. Sugar Refining Co., which is reported by that committee to be an ally of the great American Sugar Refining Co.:

Mr. MADISON. In other words, you think the thing to do is to take off the duty, and that it would be to your advantage to take it off as a refiner of cane sugar?
Mr. GILMORE. Yes, sir.
Mr. MADISON. And you would advocate the taking off of the duty?
Mr. GILMORE. I would personally. I am only speaking now personally. (Part 14, p. 1169, of hearings.)

Then Mr. Jamison, also a partner of Arbuckle Bros., testified as follows:

Mr. RAKER. How would it affect you if there was no tax on the importation of sugar—raw sugar?
Mr. JAMISON. I think it would enable us to run more constantly.
Mr. RAKER. What do you mean by that, now?
Mr. JAMISON. To keep up the capacity.
Mr. RAKER. Will you explain it?
Mr. JAMISON. I mean we would be able to sell more sugar.
Mr. RAKER. Do you not have a supply all the time?
Mr. JAMISON. Well, we are not able to run full at all times.
Mr. RAKER. Because of the way raw sugar is shipped into the United States?
Mr. JAMISON. Oh, no; on account of the beet product.

[Applause on the Republican side.]

That is one of the firms that this bill evidently is in the interest of. At this point our good chairman, an estimable, pleasant gentleman, very courteous, the gentleman from Georgia [Mr. HARDWICK], became interested and he said:

Is it really on account of the competition, Mr. Atkins?

I will say that Mr. Atkins is the present vice president of the American Sugar Refining Co., and its real manager. He owns a sugar plantation in Cuba from which he produced 30,000 tons of raw sugar last year, which he sent to this country and which was refined by the firm of which he is the vice president and manager.

Mr. ATKINS. I think so. There is very much larger capacity than is required, and the beet sugars are taking away the trade of the refiners year by year.
Mr. MADISON. So you can hardly ascribe it to the fierce competition by the beet-sugar people?
Mr. ATKINS. Certainly. All that beet sugar gets on the market at a certain season of the year. It is all produced in about three months' time.

Now, gentlemen, listen to what follows:

They all want to market it just as rapidly as possible, and in order to do that, they come to the eastern points. California sugar goes into Chicago, and Michigan sugar into Buffalo and Pittsburgh, and eastern refineries, not only the American Sugar Refining Co. but the others, have to reduce their output or close down until the beet sugars are out of the way.

[Applause on the Republican side.]

This is the vice president of the American Sugar Refining Co. testifying, which company you propose to relieve of their portion of this $52,800,000 of revenue now collected by the Federal Government.

I want to say here that more than one of the great sugar trusts of the Atlantic coast in the last two years have been prosecuted by the Federal Government, and through confession or by decisions of the courts have disgorged millions of dollars of which they robbed the Federal Government in underweighing and in misrepresenting the values of sugar. Those

are the people, those are the only people this bill will aid, if enacted into law. [Applause on the Republican side.] Mr. Atkins continues:

Any refining that is done between the 1st of October and the 1st of January is done without any profit, and very often at a loss.

That is when they are competing with domestic sugars.

Mr. MADISON. You stated a moment ago, Mr. Atkins, or this morning, that you decidedly opposed going into the beet-sugar business. What was the reason of that?

Listen to Mr. Atkins's reply. I will show you, if I have the time, that the American Sugar Refining Co. owns stock in several of the beet-sugar factories of this country, some in Michigan, some in Colorado, some in Utah and Idaho, and some in California, but in this connection the fact was developed that in no case are they dominating the management or the production or controlling the territory in which beets are raised or where sugar is disposed of. Here is Mr. Atkins's complaint and his reason for wanting to sell their stock and get out of the beet-sugar business:

The beet-sugar business was a competitive business. It is produced in the western territories where our markets lay. That is, I say our markets—

He caught himself there—

I mean the markets of the refiners—the various refiners. As that industry grew—and I foresaw that it would grow rapidly—I believed that it would reduce the volume of business, not only of the American Sugar Refining Co., but of all the refiners on the Atlantic coast. And, although we had millions of dollars invested in the business there, we were building up a competitive business, one that would compete with ourselves and one which was bound to get away from us. We could not control it in the end. [Applause on Republican side.]

Therefore they wanted to sell their stock in the company. An industry that they could not control they wanted to dispose of.

Mr. Chairman, Dr. Wiley, a gentleman well known to us all, the expert from the Agricultural Department, was called upon to give testimony before that committee, and I want to read just a portion of his testimony. At great length the committee questioned him upon the necessity of having remain in the law this sixteen Dutch standard color test, and so on. He brought before the committee a polariscope, which he produced to demonstrate to us what was being done in the matter of testing sugar values by the polariscope. On the question being asked him about the importance of this great industry, Dr. Wiley said:

But the point I am making is this: That under the present system we are absolutely dependent upon the refiners of this country for our sugar. They have taught us to use white sugar, and we will not take any other kind, and, therefore, they can fix any price thereon they please. I will say, on the question of price, that I think they are reasonable about it, and do not try to squeeze us so very much, but at the same time whenever the Louisiana sugar comes in the price of sugar drops, and whenever the crop of beet sugar comes in the price of sugar drops. Again, as soon as the Louisiana and beet-sugar men sell all they have to sell, the price of sugar goes up again.

[Applause on Republican side.]

And yet, my friends, after the majority members of the Committee on Ways and Means have shown conclusively that the cost of production of beet sugar in this country, as compared with Europe, is more than 1 cent per pound, and after reviewing such testimony as has been given by experts which was at their disposal, they say that the industry is not going to be injured. I asked the gentleman from Alabama [Mr. UNDERWOOD] a while ago a question, if their contention—the Democrats—were true, why it was that the price of sugar last summer during the months of July, August, September, and October had advanced away beyond all reasonable price? He answered that it was undoubtedly due to the Payne tariff law, for which I stood. I wish now to call the gentleman's attention to the fact that the Payne law has not changed in any respect since 1909, and prior to July the price of sugar in this country was fixed by the competitive industry, the domestic industry, and during those four months, when there was no domestic sugar upon the market, the American Sugar Refining Co. advanced their prices to $6.75 per hundred pounds on refined sugar, free on board, New York, and the Federal Sugar Refining Co., of which Mr. Spreckels is the president, and this yellow-journal man the sales agent, Lowry, advanced their price to $7.25 per hundred pounds for refined sugar, while the Arbuckle Bros. advanced their price to $7.50 per hundred pounds. My friends, these refiners stated that their prices were based upon the quotations of European raws on the markets of New York.

Who made those prices on European raws in the city of New York? Why, the refiners. I will show you what the facts are in respect to that. I went to the Bureau of Statisics and secured from that office a list of all sugars imported into this country for the fiscal year ended June 30, 1911, and for the months of July, August, September, and October, 1911. They gave me the importations in quantities and values, taken from the invoices on those imports of sugar coming into every port of entry in the United States from every country in the world at a time when those high prices prevailed, which I have stated were as high as $7.50 per 100 pounds. It was shown that in the month of September the highest price prevailed for raw sugar f. o. b. New York, the price being $2.74 per 100 pounds. The highest price of imported sugar during the whole year, I say, was in September, and instead of being as quoted by the refiners of New York, $6.40, European quotations, they were purchasing their raw sugar for an average of $2.74 per 100 pounds. Add to this the Cuban duty, because the largest portion of that sugar came from Cuba, and the major portion of the balance of it came from our insular possessions—add to $2.74 $1.348, which is the duty on Cuban sugar, and to that add 40 cents per 100 pounds for refining and 60 cents per 100 pounds for profit, and that sugar could have been sold to the consumers of this country for 5 cents a pound, and yet some of the refiners were asking the American people $7.50 per 100 pounds wholesale. What happened in October?

In October our beet-sugar crop in the State of Michigan came onto the market and was sold at $5.55 per 100 pounds, and in less than 30 days those hydra-headed monsters over there in New York were obliged to lower their price and quote refined foreign-made sugars at $5.75, or 20 points above the price of beet sugar. I will say that from 20 to 40 points difference is maintained by them at all times between the price obtained for domestic sugar and the price obtained for refined sugar made from imported sugars.

Mr. GARRETT. Mr. Chairman, will the gentleman yield?

Mr. FORDNEY. Certainly.

Mr. GARRETT. Is it not fair to state that those sales of beet sugar had been made from 20 to 40 days in advance?

Mr. FORDNEY. It is fair to say that all sugars are sold on 30 days' delivery, and it was stated by this man Lowry—and I want to call your attention to some of his testimony and leave it to you as to whether or not he appeared to be a fair-minded man and an honest witness—that the beet-sugar people had sold ahead and had been caught in a trap and had not received the full benefit of the advance in the price of sugar. This statement is contradicted by the beet-sugar men, and I have here, if I have the time to show you, the figures where the Michigan Sugar Co. had sold up to the 20th day of November. I went to their office in the city of Detroit and examined their sales book and their invoices—they turned them over to me for examination—and another gentleman and myself took from their records their total sales made up to that date, the 18th of November, 1911.

And out of about 850 cars sold by them 809 cars had been sold at $5.55 per hundred pounds, and the balance at a slight advance. They deny Lowry's statement that they had sold ahead. They deny that they were caught in a trap on prices. I have in my possession a letter from the general manager of that company and two citizens of my home town, whom I know, Mr. George B. Morley, a banker, and Mr. Benton Hanchett, one of our high-class lawyers of the State, who state that the directors of the Michigan Sugar Co., on the 11th day of September, met in the company's office at Detroit and discussed the question as to the price at which they should sell their sugar; and it was agreed there and then by 16 out of 17 directors that the price of $5.55 per hundred pounds should be their selling price, which price would give them a reasonable profit, and they should pay no attention at all to the wildcat prices asked by the refiners in New York.

Mr. J. M. C. SMITH. While you are upon the question of the high price of sugar during the fall of 1911, will you please give us your opinion of, or the reason for, the increase of the price of sugar last fall?

Mr. FORDNEY. I will be pleased to say this, gentlemen, that the increased price asked by the refiners of this country was based upon the statements made by them that the world's production of sugar was short about one million and a half tons, and on that report, I say, they based their prices. They were quoting European raws as offered on the New York market, but none came in from Europe. Search the records, to which I have referred, the importation from all the countries of the world, and you will not find a pound of sugar during these 16 months coming from Europe, except confectionery and high-priced sugar. What transpired? There was no change in the condition of the world's crop of sugar between July and November, except, my friends—and bear this in mind—the domestic crop of the United States had come onto the market.

Mr. WARBURTON. May I interrupt the gentleman?

Mr. FORDNEY. Yes, sir.

Mr. WARBURTON. At the same time that the domestic beet sugar comes on the market, is it not true that there comes on the market from Europe the full beet-sugar crop there, which amounts to about 8,000,000,000 pounds?

Mr. FORDNEY. I will ask a question in answer to the gentleman's question. Are you for or against this Democratic free-trade bill?

Mr. WARBURTON. I am for this bill. I introduced it myself.

Mr. FORDNEY. I have known you for about a year, my friend, and I will answer your question before I get through. Your home is in Tacoma, Wash., in which city no more loyal Republicans ever lived than are to be found there, and during the year I have known you I have never heard a word from your lips supporting a Republican policy or a Republican measure. [Applause.]

Mr. WARBURTON. May I suggest, in answer to the gentleman——

Mr. FORDNEY. You can do it in your own time.

Mr. WARBURTON. I have not any time, but I would like to answer the gentleman's one question there.

Mr. FORDNEY. I decline to yield. I will say to the gentleman that the crops from the sections from which our supply comes, from Porto Rico, Hawaii, the Philippine Islands, Cuba, Louisiana, and the domestic beet-sugar crop, come onto the market practically all at the same time.

And in answer to the gentleman's question, let me say that in 1897, a little over a decade ago, we imported from Europe and from other foreign countries full duty-paying sugar to the amount of 74.1 per cent of our consumption.

In the year of 1910 we imported full duty-paying sugar to the extent of but 2.1 per cent.

Mr. WARBURTON. Mr. Chairman——

Mr. FORDNEY. I decline to yield to the gentleman. In 1897, when the Dingley law was adopted, it gave adequate protection to this domestic-sugar industry. We then produced from beets only 2 per cent of our total consumption in the United States. Four years later, in 1901 or 1902, or a little over a decade ago, we produced 7 per cent of the consumption of sugar in this country from beets, and this year, gentlemen, based on this year's consumption, we are producing from beets in this country 15 per cent of the consumption of sugar in the United States. In the last decade the total consumption of sugar in the United States has increased 30 per cent.

Mr. WARBURTON rose.

The CHAIRMAN. Does the gentleman from Michigan yield to the gentleman from Washington?

Mr. FORDNEY. I will.

Mr. WARBURTON. I do not think the gentleman has answered my question, but I want to ask another. He just stated that our per cent of production equals 15 per cent of our consumption. I have it from the Bureau of Statistics that this year our production will be 1,026,000,000 pounds, and our consumption almost equal to it.

Mr. FORDNEY. Get that out of your system in your own time, if you please.

Mr. WARBURTON. Is that correct?

Mr. FORDNEY. The gentleman quotes in pounds. I have never studied sugar statistics in anything but tons.

Mr. KITCHIN. In the Statistical Abstract, issued by the Department of Commerce and Labor, it is stated in pounds.

Mr. RUCKER of Colorado. Will the gentleman yield?

Mr. FORDNEY. Yes.

Mr. RUCKER of Colorado. Will the gentleman explain how it is there is such a discrepancy between the gentleman's statement and that of the gentleman from Alabama [Mr. UNDERWOOD], our leader, concerning the amount of production of beet sugar in this country in 1911? I understand you claim there is twice as much as he claimed.

Mr. FORDNEY. I will give you the production in 1911. The production of beet sugar in the United States in 1911 was 455,000 long tons. The crop this year is estimated at 540,000 long tons, and the crop of Louisiana sugar 325,000 long tons. We will import from Cuba this year about one-half of the sugar consumed in the United States, as we did last year, and the balance of our consumption from our insular possessions. Since we have had Porto Rico, the Philippines, and Hawaii under the control of the United States and given them free trade on their sugar their crop has increased as follows: In Porto Rico from 38,000 tons to 300,000 tons this year; from the Philippines last year we imported 168,000 tons, if I have it correctly; and in the neighborhood of 500,000 tons from the Hawaiian Islands.

I have it here, and I can show it very quickly, the importations of sugar. Here I have the quantity of sugar produced in the United States from 1891 and 1892 down to 1912. In long tons it is as follows: Beginning with 6,000 tons, the next year it is 13,500; the next year, 22,500; the next year, 22,500; then, 33,000 tons, 42,000 tons, 45,000 tons; the next year year we drop back to 36,000 tons; next year, 82,000 tons; 86,000 tons; 192,000 tons; 219,000 tons; 232,000; 235,000 tons; 316,000 tons; 433,000 tons; 463,000 tons; 504,000 tons; and now, 540,000 tons. That is the production of beet sugar in the United States since 1891 and 1892.

Gentlemen, while we are producing from beets this year in the United States 15 per cent of our total consumption of sugar, that sugar is on the market only about four or five months of the year. Therefore, my friends, it constitutes about 36 per cent of our consumption in the United States during those four or five months. And as the territory in which beet sugar is sold is limited to a territory not east of Buffalo or Pittsburgh, but little south of the Ohio River, or southwest beyond St. Louis, Mo., during the time the beet sugar is on the market in that territory it supplies or furnishes the people of the United States 70 per cent of their consumption during those months. And do you think for an instant, my friends, that the American Sugar Refining Co., and the Arbuckle Bros., and the Federal Sugar Refining Co., and the Warner Sugar Refining Co., which constitute nearly all the refineries on the Atlantic coast, and the small producers on the Pacific coast can fix different prices in the territories to which beet sugar does not go? No, my friends. Beet sugar supplies 70 per cent of the consumption during those four or five months in the territory in which it is marketed, and it fixes the price of sugar for all the consumers in the United States during that period of time?

Mr. SAMUEL W. SMITH. May I ask a question?

Mr. FORDNEY. Yes.

Mr. SAMUEL W. SMITH. In your opinion, what effect would this bill have on the sugar industry of the country?

Mr. FORDNEY. If this bill becomes a law, there is one of two things must happen, gentlemen. If the domestic industry is permitted to exist, then the Sugar Trust of this country, which refines the balance of our sugar, must hold the price up where it is to-day and receive themselves the benefit of this reduction of duty, and if they put the price down where they can still make a reasonable profit after the duty is removed, the domestic industry must cease at once and go out of existence.

There is invested in the beet-sugar industry of the United States about $100,000,000, and a like amount is invested in the cane-sugar industry in the South.

Mr. LONGWORTH. Mr. Chairman, will the gentleman yield?

The CHAIRMAN. Does the gentleman from Michigan yield to the gentleman from Ohio?

Mr. FORDNEY. Yes, sir.

Mr. LONGWORTH. I do not know whether the gentleman has stated this or not, but I would like to know how the price of sugar in this country to the consumer compares with the price in other countries, if the gentleman can state?

Mr. FORDNEY. I have a table here, prepared by Secretary Knox, which is very interesting. It is a public document. I am sorry that I have not the average rates figured out. But offhand I would state to the gentleman from Ohio that, taking all Europe, which is the chief beet-sugar country outside the United States, a dollar in money will buy more sugar in United States markets than in any other country, with the single exception of England, except at stated times, when our price is abnormally high, as was the case last summer, when the price in Germany and Sweden was lower. But only at a time when our sugar prices are abnormally high can the purchaser of sugar get as many pounds for a dollar in any country under the sun as he can in the United States, with the exception of England; and England has a duty of 40 cents on 100 pounds.

Mr. HAUGEN. Mr. Chairman, will the gentleman yield?

Mr. FORDNEY. Let me go a little further. Taking the report of a gentleman who came here, representing the London Board of Trade, to study labor conditions in the United States as compared with those in England, he reports that where an Englishman earns $1 an American laborer engaged at the same class of labor earns $2.40, and where the Englishman spends $1 for his living the American, at the same standard of living in this country, spends $1.38 and has a profit of $1.02 remaining.

But taking the price of refined sugar as quoted in New York on the 15th day of February last and as quoted on the same day in England and comparing those two prices, the Englishman can purchase 21 pounds of sugar for $1 while the American can purchase for his $2.40 43 pounds of sugar, or, in other words, he can purchase more than twice as much sugar with his day's earnings in the United States as an Englishman can who buys sugar at a less rate per pound than our consumers pay for sugar here,

Now I will yield to the gentleman.

Mr. HAUGEN. The gentleman stated a moment ago that there was $100,000,000 invested in the beet-sugar industry in this country. Can the gentleman give the amount that is held by the so-called Sugar Trust?

Mr. FORDNEY. I can come pretty near it. I will not attempt to be absolutely correct. In the State of Michigan we have the Michigan Sugar Co., which company owns 6 out of the 17 factories in that State. The testimony taken before the sugar investigating committee shows that the American Sugar Refining Co., acting in accordance with the policy advocated by Mr. Atkins, its vice president, is disposing of its beet-sugar interests, and, at the time we made our report, that company owned in Michigan factories 34.9 per cent of the total stock of that company. In Colorado, if I am correct, they owned something like 50 per cent of the stock of the Great Western Sugar Co. I think the gentleman from Georgia [Mr. HARDWICK] can give those figures more accurately than I. In California the holdings of the American Sugar Refining Co. bear another and smaller ratio to the total amount of stock. They have sold their interest in the Carver County Sugar Co. in Minnesota, and they have sold all their interest in the company that was formed out of the purchase of the Oxnard factory in California—as I remember it, the California Sugar Co. All those interests have been disposed of. In fact, they seem to be disposing of all the interests in all the beet-sugar factories in which they have been interested, as I have said, under the policy advocated by Mr. Atkins. In the factories in Utah alone they had, I think, about 50 per cent of the stock.

Mr. HAUGEN. Is it a fact that they are disposing of their interests and have disposed of their stock and they are not interested in the sugar-beet industry to the extent that they were?

Mr. FORDNEY. That is a fact. In addition to that, gentlemen, I have here a list of the cities in which all of these beet-sugar companies have disposed of their entire product, showing that each year they have reached out and captured more and more territory which has heretofore been absolutely controlled by the refining companies. In some instances, in small amounts, Michigan has sold sugar in the States of New York, Pennsylvania, and Maryland, and as far south as Tennessee, taking away from the trust, as Mr. Atkins said, their territory for the disposition of refined sugar.

Mr. RUCKER of Colorado. Will the gentleman yield?

The CHAIRMAN. Does the gentleman from Michigan yield to the gentleman from Colorado?

Mr. FORDNEY. I yield with pleasure.

Mr. RUCKER of Colorado. I want to say to the gentleman that my best information is that the Sugar Trust commenced to buy the stock of the beet-sugar factories because they thought that was the easiest way to get control of them and close them up, but that they stopped buying and began to sell their interests in those factories as soon as they thought they would get such legislation as this in Congress—closing up the beet-sugar factories. [Applause on the Republican side.]

Mr. FORDNEY. Let me say to the gentleman that he is correct. When Cuban reciprocity was advocated in this House in 1901 and in 1902 and 1903, and before Cuban reciprocity became a law in December, 1903, I have the record of 86 projects—86 firms, in this country—which had organized and paid in more or less capital to build beet-sugar factories, and 80 of them immediately suspended, sir, and only 6 were built. Why? Because the American Sugar Refining Co. and other refining companies sent lobbyists here who brought great pressure to bear on Representatives in Congress urging the adoption of the Cuban treaty, claiming its adoption would be of great benefit to our people, the consumers; and they at that time purchased some interest in our beet-sugar factories and discouraged further opposition (from those companies in which they purchased stock) to Cuban reciprocity, which the Sugar Trust was advocating.

That is the result, my friends—a destruction of 80 factories all at one blow, all at one fell swoop, by reducing the duty on imported sugar from Cuba 20 per cent below the Dingley rate.

Mr. KITCHIN. Mr. Chairman, will the gentleman yield?

The CHAIRMAN. Does the gentleman from Michigan yield to the gentleman from North Carolina?

Mr. FORDNEY. I do.

Mr. KITCHIN. The gentleman was in Congress then?

Mr. FORDNEY. Yes, I was; and all the Democratic Members in the House except the Louisiana Members voted for that proposition. With you, it is true, there were some Republican Members who voted for the law, but that number did not include myself.

Mr. KITCHIN. Your Republican President signed it, and the bill would not have become a law if you gentlemen in control of the House had not passed it. [Applause on the Democratic side.]

Mr. FORDNEY. I think some of my Republican friends are subject to criticism for voting for that bill. But they could not possibly have enacted that bill into law if you Democrats on that side had not helped them and voted almost solidly with them to do it.

Mr. RUCKER of Colorado. As to the point of suspending the beet-sugar factories in this country, I am advised now by the Democratic press, and of course that has reliable information always [laughter], that in Colorado to-day there is a suspension in the building of 10 sugar factories in the southern part of the State, brought about by this threatened legislation.

Mr. FORDNEY. Yes, my friend; and I have to-day a list of factories in which construction was recently begun east of the Mississippi River that have suspended operations pending the consideration and the outcome of this proposed law.

Mr. JAMES. Are they afraid of the Republican Senate and the Republican President on free sugar? [Laughter.]

Mr. FORDNEY. You are starting the ball rolling. You are breeding the free-trade theory. Let me say here that a producer of sugar from Louisiana came before the sugar investigating committee, and while testifying he spoke of the ravages of the boll weevil in that country which had caused the people of Louisiana to abandon the production of cotton and to turn their attention to the production of sugar. I asked him, "My friend, you are a Democrat?"

Yes.
You are a protectionist on sugar?
Yes.
Which of the two evils do you consider the greater in Louisiana, the boll weevil or the free trader?

He said:

My friend, the free trader, a thousand times over.

[Laughter on the Republican side.]

Mr. JAMES. Does the gentleman mean to class the Republican Senate and President in the boll-weevil class? [Laughter.]

Mr. FORDNEY. My friend, I have great hope that when in the Congress of the United States we are compelled to fall back to our second trench—the Senate of the United States—we will flay the life out of you free traders. [Applause on the Republican side.] If not, I have confidence in our good President who was elected on the Republican platform of 1908, which declares for protection sufficient to offset the difference in cost here and abroad, and, in addition thereto, a reasonable profit. I have confidence in him that he has the stamina, the courage, and the intelligence to place his stamp of disapproval upon that bill if it comes up to him. [Applause on the Republican side.]

Mr. Chairman, how much time have I remaining?

The CHAIRMAN. The gentleman has seven minutes.

Mr. RUCKER of Colorado. Four years ago President Taft lost the State of Colorado because we thought he was an advocate of free sugar.

Mr. FORDNEY. Yes; and I have in my scrapbook a copy of the President's speech made at Denver, where he pledged himself to protect that industry if elected, and you can bank on it that he will stand by that pledge.

Now, gentlemen, Mr. UNDERWOOD has said the raising of sugar is a hothouse industry. Let me call your attention to this fact: Last year in the production of beet sugar we had less than one-half million acres of land in the United States planted to sugar beets. The Secretary of Agriculture, after careful investigation, shows that we have in this country soil well adapted to the production of beet sugar, in area 274,000,000 acres of land. For the last five years Germany's crop of beets has covered 1,107,000 acres, a territory equal only to about 48 of our townships, on which she produced over 2,000,000 long tons of sugar, or about two-thirds of the quantity we consume annually. Instead of this being a hothouse industry, if you will only give this domestic industry adequate protection to offset the difference in cost in this country and abroad, so as to maintain our high standard of wages, and give it that measure of protection required against foreign countries which have the cheapest labor on earth, we will in a short time produce all the sugar in this country that all the people consume.

The Secretary of Agriculture goes further and says that if but one crop of beets were planted on these 274,000,000 acres of soil well adapted to the production of beets and a crop was raised such as we raised per acre last year we could produce from that one single crop more sugar than has been consumed by all the people of the whole world since the birth of Christ. Then talk about it being a hothouse industry and our territory limited! Such folderol is about the maximum of wisdom displayed by the friends of this bill. [Applause on the Republican side.]

Again, the gentleman has said that our beet-sugar industry has the protection of a freight handicap which protects it sufficiently against free sugar. I have here a list, which I have not the time to read, showing that the highest rate of protection that the freight rate gives to any beet-sugar industry in the United States is that afforded to the Michigan and Ohio fac-

tories, which receive an advantage of 5.82 cents per hundred pounds, or less than 6 cents per hundred pounds advantage out of the freight rate. Going farther on to the west, there is a handicap of as much as 30 to 35 cents a hundred pounds instead of an advantage.

But let me quote just for a minute my beloved free-trade friend, Mr. Lowry. Mr. Lowry testified here before our sugar committee at much length. I can state the substance of his testimony without reading it. Mr. Lowry poses as the secretary and treasurer of a groceryman's association—a committee of wholesale grocers representing a large number of wholesale grocers in this country. Under oath, Mr. Lowry admitted that this association never had a meeting, even of two or more members; that the association had never paid a single penny of dues, initiation fees, or anything else in the shape of money. Mr. Lowry admits that he elected himself secretary and treasurer of that fictitious committee or association, and when asked where he got the money to send out this yellow journal he admitted that Mr. Spreckels, the president of the Federal Sugar Refining Co., contributed it all, $12,000. [Applause on the Republican side.] Now, gentlemen, enact your bill into law. Let me be just a little sarcastic, my brother KITCHIN. The gentleman is a member of the Ways and Means Committee.

Mr. KITCHIN. Go ahead.

Mr. FORDNEY. Enact this bill into law and Mr. Lowry and Mr. Spreckels will no longer find it necessary to spend $12,000 a year in sending out yellow journals. In my opinion it looks very much like a contribution to the Democratic campaign fund. [Laughter on the Republican side.]

Mr. KITCHIN. When did these people stop contributing to the Republican campaign fund? It must have been since 1910, for I see by the sworn reports that they contributed to the Republican campaign fund then.

Mr. FORDNEY. If my friends, the Republican Party, will call on me for contributions to advance Republican principles, I will go the limit at all times to help them out.

Mr. Lowry testified before the committee that the rate of duty on German, French, Belgian, and Austro-Hungarian sugar was 47 and 48 cents. He testified under oath that the duty on German sugar was 47 cents per hundred pounds and on refined sugar 52 cents per hundred pounds. The fact is that the duty on raw sugar imported into Germany, instead of being 47 cents is $1.99, and on refined sugar, instead of being 52 cents, as Lowry testifies, it is $2.03 per hundred pounds. On French sugar the duty, instead of being 48 cents, as the gentleman states it, is $2.67 per hundred pounds, and on refined sugar, $2.90. The duty on sugar imported into Austria-Hungary, instead of being 47 cents per hundred pounds, is $3.99 per hundred pounds, and on refined sugar, $4.03.

In closing, Mr. Chairman, let me say the maintenance or the destruction or even the retarding of the growth of our domestic sugar industry, both beet and cane, in the United States is a question of greater importance to the American people, in my judgment, than some of us will admit. If adequate protection and a settled policy in this direction is given to this industry, it will go forward with leaps and bounds, and in the next decade, under such protection, beet-sugar factories would be built all over the territory in which beets can be successfully raised, and within that decade from one-half to three-fourths of the sugar consumed by the people of the United States will be produced in this country. Give our industry such protection as all other beet-sugar-producing countries give to theirs and we can in a very short time say to the whole world, so far as our sugar is concerned, "We can get along within our own borders." But put this free-trade measure into law, and before half a decade has expired every pound of sugar consumed by the people of the United States will come through the melting kettles of the Sugar Trust.

I repeat, Mr. Chairman, that this measure might well be entitled "An act to surrender revenue, destroy competition, and create monopoly."

The CHAIRMAN. The time of the gentleman from Michigan has expired.

Mr. MANN. I ask unanimous consent that the gentleman have 10 minutes more.

The CHAIRMAN. The gentleman from Illinois asks unanimous consent that the gentleman from Michigan be given 10 minutes' more time. Is there objection?

Mr. JAMES. Mr. Chairman, in the absence of the gentleman from Alabama [Mr. UNDERWOOD], the chairman of the committee, I shall have to object. He said he would object to the extension of any gentleman's time beyond an hour. That was all the time he consumed. While he is not on the floor I feel constrained to object.

The CHAIRMAN. Objection is made.

Mr. FORDNEY. I ask unanimous consent to extend my remarks in the RECORD.

The CHAIRMAN. The gentleman from Michigan asks unanimous consent to extend his remarks in the RECORD. Is there objection?

There was no objection.

Mr. PAYNE. Mr. Chairman, by arrangement with the gentleman from Georgia [Mr. HARDWICK], I yield five minutes to the gentleman from New York [Mr. MALBY].

Mr. MALBY. Mr. Chairman, in May last I was appointed a member of the special committee on the investigation of the American Sugar Refining Co. and others, under a resolution giving that committee a broad scope of inquiry. The committee sat in practically continuous session from June 12, 1911, to August 11, 1911, and from December 5, 1911, with an adjournment at the holidays, until January 16, 1912. During that time there appeared before us representatives of practically every branch of the sugar industry in America. The heads of most of the great refineries, both on the Atlantic and Pacific coasts, were witnesses, as well as the officers of beet-sugar manufactories in various States, farmers who grow beets, and the producers of cane sugar in Louisiana. In addition to these, the committee employed the most expert sugar statistician in the United States, Mr. Wallace P. Willett, both to give expert testimony and statistics and to digest and arrange information from foreign countries. The result of this could not fail to give the members of that committee a comprehensive view of the present status of the sugar industry of the United States. The question of the tariff, although not strictly within the jurisdiction of the committee, was extensively gone into by the various witnesses, as it seemed inseparable from any practical consideration of the questions at issue.

GROWTH OF DOMESTIC SUGAR INDUSTRY.

The testimony before that committee disclosed that under the policy of protection continuously in force since the beginning of this Government—the period of the McKinley bill not excepted—the production of domestic beet and cane sugar has become a great industry. Others have given detailed statistics of this marvelous growth. It will suffice for me to say that at present 16 States are engaged in the cultivation and manufacture of beet sugar, and 2 States, together with Hawaii, Porto Rico, and the Philippines, in the production of cane sugar. On the continent of the United States there are 257 separate establishments in the industry, valued, according to the census estimate, at over $80,000,000. The production of beet sugar has risen from 3,000 tons in 1890 and 78,000 tons in 1900 to 530,000 tons during the past year. The sugar now produced in continental United States, Hawaii, and our insular possessions supplies over half our total consumption, while that admitted under Cuban reciprocity brought the total in 1910 up to 97 per cent, and this year will in all probability supply our total needs.

Considering our beet-sugar industry alone, the following table, prepared for the committee by Willett & Gray, gives an idea of its recent expansion:

Beet-sugar industry progress in United States during the past 24 years.

[The production stated for the present season (1911–12) is necessarily estimated, as some factories have not yet completed their run.]

	Sugar produced (tons of 2,240 pounds).	Factories operated.
1911–12	540,000	63
1910–11	455,220	64
1909–10	450,495	65
1908–9	384,010	63
1907–8	440,200	63
1906–7	433,010	63
1905–6	283,717	53
1904–5	209,722	51
1903–4	208,135	53
1902–3	195,463	44
1901–2	163,126	39
1900–1901	76,859	34
1899–1900	72,944	31
1898–99	32,471	15
1897–98	40,399	9
1896–97	37,536	7
1895–96	29,220	6
1894–95	20,092	5
1893–94	19,550	6
1892–93	12,018	6
1891–92	5,356	4
1890–91	3,459	3
1889–90	2,203	2
1888–89	1,861	2

The corresponding effect of the stimulation of the cane-sugar industry by tariff concessions is shown in the following table:

EXHIBIT "PALMER No. 4."

United States tariff and tariff concessions as affecting sugar production.

[Compiled by Truman G. Palmer.]

Year.	Hawaii cane sugar.	United States beet sugar.	Louisiana cane sugar.	Porto Rico cane sugar.	Cuba cane sugar.	Philippines cane sugar.
	Long tons.	*Long tons.*	*Long tons.*	*Metric tons.*	*Long tons.*	*Long tons.*
1877.....	[1] 11,417	100	85,122	57,742	520,000	122,786
1878.....	17,156	100	65,671	77,271	533,000	117,932
1879.....	21,884	200	106,910	69,489	670,000	134,805
1880.....	28,386	1,200	76,654	52,492	530,000	180,723
1881.....	41,870	500	121,867	56,778	493,000	211,417
1882.....	50,972	500	71,373	89,066	595,000	152,230
1883.....	50,940	500	135,297	77,635	460,397	215,236
1884.....	63,685	535	128,443	96,868	558,937	122,675
1885.....	76,455	965	94,376	88,960	631,000	202,791
1886.....	96,528	600	127,958	77,635	731,723	185,799
1887.....	94,983	800	80,859	96,868	646,573	179,149
1888.....	105,307	2,055	157,971	60,067	656,719	185,308
1889.....	108,170	1,861	144,877	62,403	560,333	218,926
1890.....	115,979	2,203	130,413	58,167	632,368	147,526
1891.....	122,760	3,459	215,844	51,210	816,960	166,410
1892.....	119,034	5,356	160,937	41,866	976,960	246,941
1893.....	147,688	12,018	217,525	.....	815,894	261,518
1894.....	136,917	19,950	265,836	48,423	1,054,214	194,320
1895.....	131,600	20,092	317,351	59,958	1,004,264	230,922
1896.....	198,022	29,220	237,720	55,783	225,221	229,944
1897.....	232,213	[2] 37,536	282,009	.....	212,051	202,092
1897–98..	204,833	40,399	310,447	54,000	[3] 314,009	178,000
1898–99..	252,506	32,471	245,511	53,825	345,261	76,000
1899–1900	258,521	72,944	132,000	[4] 35,080	308,543	62,785
1900–1901	321,461	76,859	270,000	[5] 80,000	635,856	55,400
1901–2...	317,509	163,126	310,000	85,000	850,181	[6] 78,637
1902–3...	391,662	195,463	300,000	85,000	[7] 998,878	90,000
1903–4...	328,103	208,135	215,000	130,000	1,040,228	84,000
1904–5...	380,576	209,722	335,000	145,000	1,163,258	106,875
1905–6...	383,225	283,717	330,000	213,000	1,178,749	145,525
1906–7...	392,871	433,010	230,000	210,000	1,427,673	145,500
1907–8...	465,288	440,200	340,000	200,000	961,958	135,374
1908–9...	477,317	384,010	355,000	245,000	1,513,582	[8] 150,000
1909–10..	462,613	450,595	335,000	308,000	1,804.349	126,000
1910–11..	485,000	445,000	311,000	320,000	1,900,000	150,000

[1] Sept. 9, 1876, Hawaiian reciprocity, admitting Hawaiian sugar to the United States free of duty, subject to termination after seven years by one year's notice.

[2] July 24, 1897, Dingley tariff bill passed, affording protection to home sugar industry.

[3] 1897–1910, long tons. 1898 Hawaii annexed. Free-trade relations permanently assured.

[4] May 1, 1900, Porto Rican sugar admitted to United States at 85 per cent reduction of duty.

[5] July 26, 1901, Porto Rican sugar admitted to United States free of duty.

[6] July 1, 1902, Philippine sugar admitted to United States at 25 per cent reduction of duty.

[7] Dec. 27, 1903, Cuban sugar admitted to United States at 20 per cent reduction of duty.

[8] Aug. 5, 1909, Philippine sugar to extent of 300,000 tons annually admitted to United States free of duty.

Statistics 1877–1897, except United States beet and Louisiana cane from Summary of Commerce and Finance, July, 1902, Hawaii, p. 2665; Porto Rico, p. 2737; Cuba, p. 2651; Philippines, pp. 2753–2754; statistics for Louisiana cane sugar and United States beet sugar 1877–1897 from 1908 Statistical Abstract, p. 199; Statistics for 1897–1909 from Willett & Gray's Statistical Sugar Trade Journal; 1910–11 estimated by W. & G. Louisiana cane and United States beet-sugar figures are "production"; all others are "exports."

FURTHER EXPANSION OF DOMESTIC INDUSTRY.

Further than this, the testimony shows that this industry is capable of indefinite expansion. While Hawaii and Porto Rico have about reached their natural limit of production, the production of cane in the Philippines is capable of expansion to practically any limit to which we will admit its product free into the United States. It is, however, in the production of beet sugar on the mainland that we may look for the greatest expansion if the present policy of protection is continued. In a recent report the Secretary of Agriculture says:

During the past five years our average production of beets per acre has been 10 tons, and the average extraction of sugar by the factories 12 per cent. The average production of sugar per acre has, therefore, been 2,400 pounds, or 1¼ short tons. During the fiscal year 1907–8 we imported from strictly foreign sources (not including the island possessions of the United States) 1,666,795 short tons of sugar.

To have produced this sugar at the average rate of 1¼ tons per acre in 1907 would have required 1,389,000 acres of sugar beets. In other words, if our beet acreage for 1907 had been increased by 1,389,000 acres, yielding at the average rate for the past five years, and we had possessed factories to work up the beets, we would have produced enough sugar to supply the entire home demand.

Dividing, now, the 274,000,000 acres lying within and adjacent to the sugar-beet belt, having soil and climatic conditions adapted to the production of satisfactory beets, by 1,389,000 acres we find the quotient to be 197. If, therefore, beets had been grown only 1 acre out of every 197 acres of adapted area, the beets produced would have yielded enough sugar to replace all the foreign sugar we used. Speaking in round numbers, we would at the present time have to grow beets on only one two-hundredth part of our demonstrated sugar-beet areas (in addition to the area already in use) to make this country self-sustaining in the matter of sugar. If we suppose but one-fourth of the sugar-beet area to be actually devoted to crops, the growing beets on but 1 acre out of every 50 tilled acres would enable us to stop using foreign sugar. (Report of Secretary of Agriculture, Senate Document 22; Hearings, special committee, p. 2705.)

WHO WANTS FREE SUGAR.

Among all of the different interests represented at the hearings before the special committee, it might well be expected that there would be a great difference of opinion on many subjects. On two vital questions, however, there was a practical unanimity of opinion, both among those who opposed and those who would benefit by a reduction or the removal of the tariff. The first was that removal of the tariff would be greatly to the advantage of the interest controlling the great refineries, and the second was that the removal of the tariff would result in the utter destruction of the domestic sugar industries of the United States, both cane and beet.

Both of these propositions would seem to be easily demonstrable, but since there has been an effort to becloud the issue upon this point I shall quote some, though by no means all, of the evidence upon these points from the witnesses representing the various interests, the references, of course, being to the hearings before the special committee.

REFINERS WANT FREE SUGAR.

CLAUS A. SPRECKELS, PRESIDENT FEDERAL SUGAR REFINING CO.

Mr. HINDS. In other words, perhaps, you would take it (the tariff) all off, would you not, and have free trade?

Mr. SPRECKELS. I would have free trade. (Pt. 27, p. 2277 of Hearings.)

Mr. HINDS. You would have free trade in sugar?

Mr. SPRECKELS. Absolutely. (Pt. 27, p. 2278 of Hearings.)

CHARLES R. HEIKE, SECRETARY AMERICAN SUGAR REFINING CO. FROM 1887 TO 1910.

Mr. FORDNEY. Now, if the duty were removed absolutely on sugar, could we produce either cane or beets in this country?

Mr. HEIKE. I doubt it very much.

Mr. FORDNEY. Then that would destroy the industry absolutely in this country?

Mr. HEIKE. Yes.

Mr. FORDNEY. And you would approve of that?

Mr. HEIKE. Yes. (Pt. 4, p. 292 of Hearings.)

WILLIAM G. GILMORE, PARTNER, ARBUCKLE BROS., SUGAR REFINERS.

Mr. MADISON. In other words, you think the thing to do is to take off the duty, and that it would be to your advantage to take it off as a refiner of cane sugar?

Mr. GILMORE. Yes, sir.

Mr. MADISON. And you would advocate the taking off of the duty?

Mr. GILMORE. I would, personally. I am only speaking now personally. (Pt. 14, p. 1169 of Hearings.)

JAMES H. POST, PRESIDENT NATIONAL SUGAR REFINING CO.

Mr. POST. If Congress did not need the revenue from sugar. That is a different proposition. But they have to have it from something, and sugar seems to be the thing that has paid a part of it for a great many years. As far as I personally am concerned, I would like to see free sugar. As we look at the country at large, however, I think it would be a very unfair proposition. (Pt. 6, p. 527 of Hearings.)

WILLIAM A. J. JAMISON, PARTNER, ARBUCKLE BROS.

Mr. RAKER. How would it affect you if there was no tax on the importation of sugar—raw sugar?

Mr. JAMISON. I think it would enable us to run more constantly.

Mr. RAKER. What do you mean by that, now?

Mr. JAMISON. To keep up the capacity.

Mr. RAKER. Will you explain it?

Mr. JAMISON. I mean we would be able to sell more sugar.

Mr. RAKER. Do you not have a supply all the time?

Mr. JAMISON. Well, we are not able to run full at all times.

Mr. RAKER. Because of the way raw sugar is shipped into the United States?

Mr. JAMISON. Oh, no; on account of the beet product. If there was no duty, I do not think the beet would be so prosperous, and we would probably sell more sugar; if the duty was removed, I mean to say. * * *

Mr. RAKER. * * * What would you think would be a fair compensation [reduction]?

Mr. JAMISON. I think there should be a cent a pound taken off at the present time at least, and later——

Mr. RAKER. A little more?

Mr. JAMISON. Yes; until it is entirely removed. (Pt. 14, p. 1195–1196 of Hearings.)

EDWIN F. ATKINS, VICE PRESIDENT AND ACTING PRESIDENT AMERICAN SUGAR REFINING CO.

Mr. HINDS. So that a reduction of the tariff, passing beyond a moderate amount, would tend to the prosperity of the refiners and to the detriment of the beet-sugar people?

Mr. ATKINS. Take the independent refiners, outside of our concern at all, that represent more than half the supply of the United States. They say—and I think they say truly—that it is for the refiners' interest to have a low rate of duty rather than a high rate of duty and reduce the basis of value upon which they can sell. The lower the price of the refined sugar the greater is the consumption. I think their position is well taken. (Pt. 2, p. 174 of Hearings.)

EFFECT OF FREE SUGAR ON THE DOMESTIC INDUSTRY.

Edwin F. Atkins, vice president and acting president American Sugar Refining Co.:

(Hearings, p. 144.)

Mr. ATKINS. I think the taking off of all the tariff would so cripple the beet-sugar industry in this country and so cripple the Louisiana industry that the effect would be to put up the basis of value of the imported raw sugars. A moderate reduction in the tariff, which would not cripple those industries, would reduce the cost of refined sugar to the consumer. There is a great deal between a reduction in your tariff rates and an abolition of your duties.

(Hearings, p. 145.)

Mr. HINDS. You think that the taking the tariff off would cripple the beet-sugar industry?

Mr. ATKINS. Undoubtedly.

Mr. HINDS. That is, you mean drive them out as competitors?

Mr. ATKINS. It would cripple a great many of them.
Mr. HINDS. And what would it do to the Louisiana and Texas people?
Mr. ATKINS. I do not think they could produce in Louisiana without some protection.

(Hearings, p. 165.)

Mr. MADISON. Suppose we were to have absolute free trade in sugars in this country; suppose we just simply took down the bars and absolutely eliminated our tariff duties on sugar. You said a while ago that it would destroy the beet-sugar man, did you not?
Mr. ATKINS. Absolute free trade would destroy very many of the beet factories; not all of them.
Mr. MADISON. It would practically destroy them all, would it not?
Mr. ATKINS. It would injure the industry—absolute free trade.
Mr. MADISON. I just want to get the fact of the matter, whatever it may be. Would it injure it materially or only slightly?
Mr. ATKINS. Under absolute free trade there are very many beet factories in the country that could not operate at all. Some of them could. Some of the factories that are protected by 1,000 and 1,500 miles of freight rates could get along, where they get their beets cheap and produce at a very low cost, as in California; they could survive, in my opinion. They saw they could not. But absolute free trade would cripple many of the beet-sugar manufacturers. It would cripple the Louisiana people by bringing prices down to a point below their cost of production. That would not be the case with a little reduction in the tariff. They would go on and reduce their expenses where they could and continue producing. If you wipe out a large source of supplies temporarily, you are going to advance the price of that merchandise.
Mr. MADISON. What would be the effect on the Hawaiian and the Porto Rican producers of sugar?
Mr. ATKINS. It would reduce their price.
Mr. MADISON. What effect would it have on the industry, as to whether it would materially impair and injure it or not?
Mr. ATKINS. They would tell you that it would destroy the industry completely. And I will tell you no; that it would not. The better of them would go on.

(Hearings, p. 173.)

Mr. HINDS. If we should reduce in this country the tariff on sugar, if we should wipe it out, you say it would almost destroy the cane-sugar industry in this country and the beet-sugar industry?
Mr. ATKINS. Why, I think it would; because $1.34 a hundred is a great part of the price, you know.

CHARLES B. HEIKE, SECRETARY AMERICAN SUGAR REFINING CO. FROM 1887 TO 1910.

(Hearings, p. 208.)

Mr. FORDNEY. If the duty were removed on foreign imported sugar, would the benefits inure to the beet-sugar industry and not to the refiners that refine foreign imported raw sugar?
Mr. HEIKE. The refiners would have the advantage.
Mr. FORDNEY. That is what I meant.
Mr. HEIKE. The beet-sugar companies probably would find great difficulty in making beet sugars at all.

(Hearings, p. 238.)

Mr. FORDNEY. Mr. Heike, I do not know that I made myself fully clear in one question this morning. I think we agreed on the same point, which is the reason I want to be clear. I think you stated to me a reduction of the duty on imported raw sugar would quite surely be disastrous to the domestic beet and cane industry and would inure to the benefit of the refineries?
Mr. HEIKE. Yes, sir; I think the disaster depends upon the extent.
Mr. FORDNEY. If we were to have free trade on sugar, the beet-sugar industries would be obliged to cease?
Mr. HEIKE. Yes; except the favored localities.
Mr. FORDNEY. That is, if the price of raw——
The CHAIRMAN. What is the answer, Mr. Heike?
Mr. HEIKE. I say yes; except the favored localities; for instance, California; I guess they could.
Mr. FORDNEY. If the price of raw sugar were to be reduced to the extent of the duty?
Mr. HEIKE. Yes; and if we had absolute free trade.
Mr. FORDNEY. The beet-sugar industry would have to go out of business?
Mr. HEIKE. At least the Michigan, I think, would. Perhaps not. For that reason, if there was a reduction, it should be very slowly made.

(Hearings, p. 292.)

Mr. FORDNEY. Now, if the duty were removed absolutely on sugar, could we produce either cane or beets in this country?
Mr. HEIKE. I doubt it very much.
Mr. FORDNEY. Then that would destroy the industry absolutely in this country?
Mr. HEIKE. Yes.
Mr. FORDNEY. And you would approve of that?
Mr. HEIKE. Yes.

HENRY T. OXNARD, BEET AND CANE SUGAR MANUFACTURER.

(Hearings, p. 440.)

Mr. RAKER. How much do you say the duty could be reduced?
Mr. OXNARD. Not a bit, not one farthing. If you reduce it, you are going to knock out the beet business. The beet business has not yet developed to that point where it is time to talk of reducing the duty on sugar if you are going to build it up. If you want to stop it, reduce the duty.

JAMES H. POST, PRESIDENT NATIONAL SUGAR REFINING CO.

(Hearings, p. 525.)

Mr. SULZER. If the duty was taken off raw sugar entirely, what reduction in price to the consumer would that bring about, in your opinion.
Mr. POST. In a few years it probably would reduce it a cent a pound. It would materially curtail, of course, the production of sugar in this country—Louisiana and Hawaii.

(Hearings, p. 536.)

The CHAIRMAN. You said that if we had all sugar, raw and refined, free, that within a year you thought it would reduce the price of sugar to the consumer about a cent a pound?
Mr. POST. It would not reduce it the full amount of the duty. It would put some out of business. It would take two or three years to adjust the business.

(Hearings, p. 542.)

Mr. FORDNEY. If we were to deduct the duty from the sugar—abolish the duty altogether on sugar—you would then be able to lay down in our markets refined sugar at 2.86$\frac{1}{2}$ cents?
Mr. POST. Yes.
Mr. FORDNEY. And with those prices your profits would be just as great as they are at the present time?
Mr. POST. Yes.
Mr. FORDNEY. Or more, because you would not have to use that capital for the payment of duties?
Mr. POST. Yes.
Mr. FORDNEY. At that price can any domestic cane or beet sugar industry in this country survive?
Mr. POST. It can not, in my opinion, except at a few places—in Colorado, California, and Utah.
Mr. FORDNEY. They would be wiped out at one stroke of the pen by that kind of a law, would they not?
Mr. POST. Yes, sir.

HORACE HAVEMEYER, FORMERLY DIRECTOR AMERICAN SUGAR REFINING CO., NOW SUING FOR CONTROL OF NATIONAL SUGAR REFINING CO.

(Hearings, p. 597.)

Mr. FORDNEY. Mr. Havemeyer, let me put it in this way: If the duty were removed on all imported raw sugars right now—it has been clearly brought out here by several witnesses that the domestic industry can not survive without protection—and if the duty were removed right now, there is no question in your mind that the beet and cane industry of this country would have to cease doing business?
Mr. HAVEMEYER. Yes; that is my belief—if it were removed.

CHARLES B. WARREN, PRESIDENT MICHIGAN BEET SUGAR CO.

(Hearings, p. 721.)

Mr. GARRETT. Free sugar would reduce the price?
Mr. WARREN. You gave the Cubans a concession, you know——
Mr. GARRETT. Free sugar would reduce the price?
Mr. WARREN. Certainly, for awhile, until they drove us out of business, and then the Germans would take care of the price of dry granulated in Germany, and the Russians in Russia, and the French in France, and they would put the price on raw sugar up, and you would pay the price, and they would get it easier. That is what would happen to the United States.

THOMAS R. CUTLER, PRESIDENT UTAH-IDAHO BEET SUGAR CO.

(Hearings, p. 810.)

Mr. CUTLER. I think they ought to be inquired into further. You are asking a question, and I will elaborate on it a little bit. The refiners are clamoring, of course, no doubt, for a reduction of the tariff. Who would be benefited by a reduction of the tariff? Why, the refiners, as against the beet-sugar factories. The refiners, if they can buy their sugar for two-thirds of what they are paying to-day will, of course, be benefited.
Mr. MALBY. Raw sugars, you mean?
Mr. CUTLER. Yes; raw sugars. They will continue in business and they will sell more sugars. Sugar will become cheaper. They will sell more sugar because sugar is cheaper. They will have less money invested in their business. There is a greater opportunity to make profits when sugars are low than when they are high. It is all in favor of the refiners. There is a great howl for free trade on sugars, but they will kill the beet-sugar industry, sure.

(Hearings, p. 851.)

The CHAIRMAN. You said this morning, during the progress of the examination, that the beet-sugar people could not get along without the present tariff. Am I quoting you correctly on that?
Mr. CUTLER. I feel that way—that they could not and pay dividends.
The CHAIRMAN. And pay dividends; and you also said charge off the proper amount for depreciation of the plant?
Mr. CUTLER. I said I could not. I did not apply it to anyone else. I let everybody else make their own statements.

CHESTER S. MOREY, PRESIDENT GREAT WESTERN (BEET) SUGAR CO.

(Hearings, p. 894.)

Mr. MALBY. Something has been said with respect to the effect upon the beet industry in case of the repeal of the present tariff. Is that found to be advantageous?
Mr. MOREY. We could not live without the present tariff. I do not believe there would be a beet factory in the United States if the tariff were removed. That is my honest opinion.

JOHN D. SPRECKELS, PRESIDENT WESTERN SUGAR REFINING CO. AND SPRECKELS SUGAR CO.

(Hearings, p. 957.)

Mr. SPRECKELS. Take the tariff off of the sugar, and it means the death of the beet-sugar industry in this country. They employ lots of labor in the factories. Of course, they will have to seek other employment if those factories are closed.

(Hearings, p. 991.)

Mr. SPRECKELS. My statement is that if the duty was taken off that would mean the annihilation of the beet-sugar interests in this country.
Mr. MADISON. Yes.
Mr. SPRECKELS. I mean the utter destruction of it.

(Hearings, p. 1018.)

Mr. HINDS. So it is not absolutely certain that by doing as this circular advises—taking off the protection from the beet-sugar companies and turning it to the refineries, the trust, and the other refineries—you would get cheaper sugar?
Mr. SPRECKELS. No; not at all; because you are going to drive out the beet business, and, of course, there will be that amount of deficiency; and the question is, Can that deficiency be made up elsewhere? And if it can not be made up, of course there will be a shortage, and then the law of supply and demand is going to rule.

CHARLES W. NIBLEY, DIRECTOR, UTAH-IDAHO SUGAR CO.

(Hearings, p. 1107.)

Mr. SULZER. I say, so you believe that there is no legislation that Congress can enact in regard to the product of sugar and the price of sugar to the people that would cheapen the cost of sugar to the consumer thereof?
Mr. NIBLEY. Oh, yes; I think they could. If they took the tariff off of sugar entirely I think it would probably—probably cheapen the price

a little temporarily, but it would be at the ruin of the great beet-sugar industry—the utter ruin.

Mr. SULZER. You are pretty sure of that, in your judgment.

Mr. NIBLEY. I am.

(Hearings, pp. 1107–1108.)

Mr. RAKER. There is one other question I would like to ask Mr. Nibley. He has been very positive in one answer, and I would like to have him take his time and get it in the record as he understands it. You say, if the tariff was taken off of sugar, the importation of sugar, raw and refined—I understand both—or either, that it would ruin the beet-sugar industry?

Mr. NIBLEY. Yes.

Mr. RAKER. Will you explain, Mr. Nibley, why it would?

Mr. NIBLEY. Because sugar would be temporarily, for a year or two or three, cheaper, so much cheaper that it would ruin that industry, and my opinion is—of course, that can only be a matter of opinion with you or I or anybody—my opinion is that in a little while the price would come back to about where it was before, and that it might be fixed up in some way so that it would be even more.

Mr. RAKER. But you did not get the purport of my question, and when I get that I am through. You say it would ruin the beet industry?

Mr. NIBLEY. Yes.

Mr. RAKER. Which means the cultivation of the beets, the beet manufactories, and those engaged in either of them?

Mr. NIBLEY. That is what it means.

Mr. RAKER. It would ruin their business?

Mr. NIBLEY. Certainly it would.

Mr. RAKER. They could not stand a reduction of half a cent?

Mr. NIBLEY. No, no. I think some of the factories now are not making half a dollar a bag, on an average, where they have to ship it to the river.

WILLIAM F. GILMORE, PARTNER IN ARBUCKLE BROS.

(Hearings, p. 1168.)

Mr. MADISON. Suppose we just went to work and took the duty off, then what would occur?

Mr. GILMORE. There would be cheaper sugar.

Mr. MADISON. What would be the effect as to your people—beneficial or otherwise?

Mr. GILMORE. It would be beneficial in so much that we would have only about half the money invested in the job.

Mr. MADISON. It would be beneficial inasmuch as it would destroy the beet-sugar people?

Mr. GILMORE. It would keep them at home.

Mr. MADISON. Keep them in a limited locality?

Mr. GILMORE. Yes.

Mr. MADISON. And leave the field to you people that is naturally yours, as you feel?

Mr. GILMORE. Our natural field; yes.

WILLIAM A. JAMISON, PARTNER IN ARBUCKLE BROS.

(Hearings, p. 1195.)

Mr. JAMISON. If there was no duty, I do not think the beet would be so prosperous, and we would probably sell more sugar. If the duty was removed, I mean to say.

F. C. LOWRY, SALES AGENT, FEDERAL SUGAR REFINING CO.

(Hearings, p. 1612.)

Mr. FORDNEY. You do not care a snap about the domestic industry, do you, in reference to this statement, if your statement just now is true?

Mr. LOWRY. You say I do not care a snap about the domestic industry?

Mr. FORDNEY. No. You do not care whether it succeeds or not. You are not interested in the welfare of the beet and cane sugar industry of this country.

Mr. LOWRY. Not particularly; no.

Mr. FORDNEY. You, then, would be willing to have sugar put upon the free list, even though it crushed out this domestic industry?

Mr. LOWRY. No, sir; I do not think it woud be quite fair to put sugar on the free list. I think it would be very desirable from the consumer's standpoint, but I am frank to say that I do not think it would be quite fair at this time.

(Hearings, p. 1735.)

Mr. FORDNEY. If taking off the duty would destroy the industry, you would destroy it, would you?

Mr. LOWRY. How is that?

Mr. FORDNEY. If by putting imported raw sugars on the free list the domestic beet and cane industries in this country would perish, you would destroy them, would you?

Mr. LOWRY. I testified yesterday that I did not think it would be fair to the domestic industry to put sugar on the free list.

JOHN DYMOND, LOUISIANA SUGAR PLANTERS' ASSOCIATION.

(Hearings, pp. 1792–1793.)

Mr. RAKER. Will you just tell me how it will affect the Louisiana planters, supposing we should reduce the tariff by about one-half on the importation of sugar, raw sugar and refined sugar?

Mr. DYMOND. I should say they would not be able to pay their debts, if they had any.

Mr. RAKER. Why?

Mr. DYMOND. Simply from the fact that they would get still less for their sugar than they now do, and they are right on the fighting line now, and it is only the most enterprising, skillful ones who are successful.

THEODORE S. WILKINSON, LOUISIANA CANE PLANTER AND MANUFACTURER.

(Hearings, p. 1814.)

Mr. FORDNEY. Now, Mr. Wilkinson, you are familiar with our tariff laws and know what the duty is on sugar. The bulk of our raw import sugars that pay duty come from Cuba, and the duty on Cuban sugar is 1.348 cents per pound. If that duty were removed and it were possible for refiners to buy foreign sugar for just that much less, how long would your sugar industry in Louisiana continue to do business?

Mr. WILKINSON. It would go out very soon. Of course there would be intermediate steps. The first step would be to grind up our stock in hand, but that would go out very soon.

Mr. FORDNEY. The refiners could refine foreign sugar and undersell you and drive you out of business?

Mr. WILKINSON. Yes.

J. B. BURGUIERES, VICE PRESIDENT NEW ORLEANS SUGAR PLANTERS' ASSOCIATION.

(Hearings, p. 1872.)

Mr. MADISON. Do you think a material cut could be made in the tariff without seriously injuring your industry?

Mr. BURGUIERES. I maintain, and our records will prove it, that no cut could be made without seriously hampering the industry and withholding any further developments.

Mr. MADISON. Suppose the sugar tariff was cut in two?

Mr. BURGUIERES. If the sugar tariff was cut in two, it would completely and immediately annihilate the sugar industry of Louisiana.

Mr. MADISON. Wipe it off of the face of the earth?

Mr. BURGUIERES. Wipe it off of the face of the earth.

(Hearings, p. 1876.)

Mr. FORDNEY. Mr. Burguieres, you have stated that one-half of the people of the State of Louisiana, if I am correct in my assertion, are engaged in the production of sugar. You have also stated that the boll weevil is a great menace to the cotton industry of your State.

Mr. BURGUIERES. It has reduced it 75 per cent in the last two or three years.

Mr. FORDNEY. Is it not true, sir, that the agitation of men who believe in free trade on sugar or a material reduction in the duty on sugar are a greater menace to the people of the State of Louisiana and the sugar industry than the boll weevil is to the cotton industry?

Mr. BURGUIERES. I have never had a doubt about that, sir.

Mr. FORDNEY. I agree with you. They are worse, ten times over, than the boll weevil.

Mr. BURGUIERES. I think ten times would be putting it very mildly, sir.

Mr. FORDNEY. I agree with you, sir.

Mr. BURGUIERES. A million times would not be too many times.

WILLIAM C. STUBBS, LOUISIANA SCIENTIFIC AND AGRICULTURAL ASSOCIATION.

(Hearings, p. 1910.)

Mr. FORDNEY. Doctor, in calling you back here to testify further, is it not your opinion right now that they might just as well right now as ever dissipate any idea they may have that they can get any opinion out of you that this industry can live without a tariff?

Mr. STUBBS. I want to say, Mr. HARDWICK, it is only a question of this: If you, as a Democratic Party here, are willing to sacrifice the beet-sugar industry of the United States and the cane-sugar industry, all you have to do on earth is to take the tariff off.

Mr. FORDNEY. Good.

Mr. STUBBS. And I want to say another thing. It takes three years to go out of the sugar industry and it takes three years to go back. If you were to come to Louisiana to-morrow and start cane growing, it would be three years before you would have a product for sale. When you abolish this tariff or interfere with it in such a manner as to make sugar growing unprofitable, we would live two or three years, because it would take us that long to get out of the industry. Then you can expect our biggest factories to go to Cuba and Porto Rico and our small ones to go to the junk heap.

If you are willing to destroy an industry like our sugar industry in Louisiana and to destroy this beet-sugar industry, and I do not know how much that is worth, and do not want the revenue from sugar, all you have to do is to do that, and you can write our obituary the day you do it.

The CHAIRMAN. That is what every beneficiary of the tariff says, from California to Maine.

WASHINGTON B. THOMAS, CHAIRMAN BOARD OF DIRECTORS AMERICAN SUGAR REFINING CO.

(Hearings, p. 2025.)

Mr. THOMAS. Yes; I think a material reduction in the tariff would possibly increase the business of the refineries on the eastern seaboard.

Mr. HINDS. That is, of the cane refineries?

Mr. THOMAS. Of the cane refineries, and would adversely affect the beet-sugar factories.

Mr. HINDS. So that in the grand strategy of the sugar situation a little lowering of the tariff would tend, probably, to help the cane refineries and check, perhaps, the beet-sugar refineries?

Mr. THOMAS. To some extent. That would be the tendency, I think.

TRUMAN G. PALMER, BEET-SUGAR STATISTICIAN.

(Hearings, p. 2785.)

Mr. PALMER. Not only would our eight or nine hundred thousand tons be wiped out, but the wonderful stimulus that free entry into our market has had on the sugar produced in Hawaii and in Porto Rico would be gone, and those countries not only would not increase, but, in my judgment, would decrease their production.

The CHAIRMAN. Can not those prominent countries hold their own with the beet countries of Europe?

Mr. MALBY. The difficulty is they did not do it before.

The CHAIRMAN. They are built up now; they are established and on their feet.

Mr. MALBY. I think they could help.

Mr. PALMER. Porto Rico can not produce as cheaply as Cuba.

WALLACE P. WILLETT, EXPERT SUGAR STATISTICIAN.

(Hearings, p. 3087.)

Mr. HINDS. You would not think, then, that free sugar is compatible with the conditions of the beet-sugar industry?

Mr. WILLETT. Decidedly not.

Mr. HINDS. Decidedly not. So that, if you had free sugar, you would have to have some other method of encouraging the beet-sugar industry?

Mr. WILLETT. Well, yes, sir. You mean a bounty?

Mr. HINDS. You would have to have something of that sort, would you not, unless you wished to let the beet-sugar industry go?

Mr. WILLETT. Yes; you would have to have something of that kind. There would be none of the domestic industry that could live under free sugar.

Mr. HINDS. I just wanted to find out exactly what was in your mind on that question, which I thought was a very important question.

Mr. WILLETT. Yes. All the evidence shows that, I think, before the committee or anywhere.

(Hearings, p. 3752.)

Mr. MALBY. When we assemble ourselves and say "If it were not for the tariff we would get sugar 1¼ cents per pound less," I sincerely doubt it, because of the fact that if our expectations were realized, and it was reduced 1¼ cents per pound, I venture the suggestion there would be no sugar produced in the United States; and if no sugar were produced in the United States, which production now amounts to 850,000 tons, the price of sugar would not be reduced 1¼ cents, but by reason of that quantity being taken from the world's supply the chances are more than equal the price to the consumer under those conditions would be the full amount of the duty now paid. Now, those are matters which I want to submit to you and ask you whether or not they are entitled to very careful consideration at all times when we are dealing with this subject.

Mr. WILLETT. I think, Judge MALBY, you are absolutely correct in every statement you have made, in the event of the entire duty being taken off of sugar.

THE TWO CONFLICTING INTERESTS.

It thus appeared from the testimony before the special committee that the sugar industry was divided into two branches, whose interest would be diametrically affected by a reduction or the removal of the duty. On the one hand are the great refineries, which import large quantities of raw sugar of an average basis of, say, 96 per cent of purity and whose sole business is to transform this into pure granulated sugar. On the other hand are the sugar producers of the country, who raise the sugar from the soil. Of these, the cane producers sell their raw sugar to refiners or, as in the case of the large part of the Hawaiian crop, refine it in a refinery which they control. In the case of beet growers, however, no raw sugar is manufactured, but the product leaves the factories as pure granulated sugar equal for every practical purpose to that refined by the refiners.

It is not difficult to discover the underlying reason for the desire of the refiners for the abolition of the duty. They will get their raw material cheaper and, consequently, will have less capital invested in their raw material, or, as they express it, tied up in the tariff. They will lose less money in the 7 pounds of raw sugar which is lost in the manufacture of 100 pounds of refined sugar. They will be able to make the same, or a greater, margin of profit upon the difference in prices between raw and refined, and will, therefore, make a larger percentage on their decreased capital. (Testimony of Edwin F. Atkins, 174; Chas. R. Heike, 287; James H. Post, 542; Wm. G. Gilmore, 1168; Wm. A. Jamison, 1211; F. C. Lowry, 1611–1612; C. A. Spreckels; 2249–2250, 2277.) They claim, and I see no reason to doubt their contention, that their differential, or difference, of 7½ cents per hundred pounds in the duty between pure raw sugar and refined sugar is of no practical benefit to them, and that they will cheerfully sacrifice it for the sake of the advantages to be gained by a removal of the duty. (Testimony of Edwin F. Atkins, 130, 132; Chas. R. Heike, 257; Wm. G. Gilmore, 1141; Wm. A. Jamison, 1212; C. A. Spreckels, 2255. See also Dr. H. W. Wiley, 3446.)

All these facts are so well understood that it is difficult to conceive of the sincerity of the claim that the refiners are benefiting by the tariff and would be injured by its abolition. Yet this claim is a popular one among those who are seeking political capital out of the present bill, particularly so far as the interests of the American Sugar Refining Co., commonly known as the Sugar Trust, are concerned. The testimony before the committee, however, shows that the interests of the American are substantially identical with those of the other refiners doing a similar business. It is true that the founder of the corporation, H. O. Havemeyer, after vainly attempting to get a reduction of the tariff (Hearings, p. 79), conceived the brilliant idea of making large investments in beet sugar so that the American would be on both sides of the tariff fence (Hearings, p. 2036), but if his plans contemplated a domination of the beet-sugar industry, they proved abortive, for that industry, as foreseen by the present acting president (Hearings, p. 86), grew beyond his control, and since his death the beet-sugar holdings of the corporation have been steadily reduced. At present the profits of the American from refining are $3,000,000 a year. (Hearings, p. 50.) So that the interests of the corporation are overwhelmingly with the other refiners in favor of a reduction or removal of the tariff.

THE CHIEF REASON WHY REFINERS WANT FREE SUGAR.

The reasons above given by the refiners as to the benefits to be derived from free sugar seem to be sufficient, but there is another and more cogent reason for their anxiety in this behalf. It appears that the competition of the beet-sugar producers is making serious inroads upon the profits of the refiners and that a reduction or removal of the tariff is looked forward to as a means of checking or destroying this active and growing competition and restoring the complete supremacy of the refining interests. On this point I will let the refiners speak for themselves:

The CHAIRMAN. Is it really on account of the competition, Mr. Atkins?

Mr. ATKINS. I think so. * * * There is very much larger capacity than is required, and the beet sugars are taking away the trade of the refiners year by year. (Atkins, 48.)

Mr. MADISON. So you can hardly ascribe it to the fierce competition by the beet-sugar people?

Mr. ATKINS. Certainly. All that beet sugar comes on the market at a certain season of the year. It is all produced in about three months' time. They all want to market it just as rapidly as possible, and in order to do that they come to the eastern points. California sugar comes into Chicago and the Michigan sugar into Buffalo and Pittsburgh, and eastern refineries—not only the American Sugar Refining Co., but the others—have to reduce or close down until the beet sugars are out of the way. Any refining that is done between the 1st of October and the 1st of January is done without any profit and very often at a loss.

Mr. MADISON. Then, as a matter of fact, your competition with the beet-sugar people only exists during a few months of the year?

Mr. ATKINS. Three months, and that is 25 per cent of the whole time. (Atkins, 49.)

Mr. MADISON. You stated a moment ago, Mr. Atkins, or this morning, that you decidedly opposed going into the beet-sugar business. What was the reason of that? * * *

Mr. ATKINS. The beet-sugar business was a competitive business. It produced in the western territories, where our market lay. That is, I say our market, I mean the market of the refiners, the various refiners. As that industry grew, and I foresaw that it would grow rapidly, I believed that it would reduce the volume of business, not only of the American Sugar Refining Co., but of all the refiners on the Atlantic coast, and although we had millions of dollars invested in the business there we were building up a competitive business, one that would compete with ourselves and one which was bound to get away from us—we could not control it in the end. I say we. I had no connection whatever with it; that was simply a business man's opinion. (Atkins, 85–86.)

Mr. GARRETT. Do you know whether last year, at the time that beet-sugar manufactories began operations, any of the refining plants belonging to the American Sugar Refining Co. received instructions to, or did, without instructions, withdraw from the territory usually covered by the beet-sugar trade?

Mr. ATKINS. No; not through any instructions. They were forced to withdraw from the territory owing to the cutting of prices. We could not pay duty on imported sugars and get them so far west as would enable us to sell in competition with these beet sugars. (Atkins, 94.)

Mr. RAKER. How far west do you ship?

Mr. ATKINS. We ship, when we are able to do so, out to Omaha and Kansas City.

Mr. RAKER. You ship no farther than those points?

Mr. ATKINS. We would if we could, but we can not get in there owing to the competition of the beet factories. * * * (Atkins, 99.)

Mr. HINDS. You think that the taking the tariff off would cripple the beet-sugar industry?

Mr. ATKINS. Undoubtedly.

Mr. HINDS. That is, you mean drive them out as competitors?

Mr. ATKINS. It would cripple a great many of them.

Mr. HINDS. And what would it do to the Louisiana and Texas people?

Mr. ATKINS. I do not think they could produce in Louisiana without some protection.

Mr. HINDS. If those people were eliminated, of whom would the American people buy their sugar?

Mr. ATKINS. They would buy sugars abroad. They could get a little more from Cuba; probably Germany.

Mr. HINDS. You think the Sugar Trust would still be in business selling to them?

Mr. ATKINS. Buying from them?

Mr. HINDS. No; selling to the American people.

Mr. ATKINS. In all probability. (Atkins, 145.)

Mr. FORDNEY. Mr. Heike, you spoke about the duty on sugar being an advantage to the refineries?

Mr. HEIKE. Of the beet-sugar companies, did I not?

Mr. FORDNEY. As against the beet-sugar industry?

Mr. HEIKE. No; in favor of the beet-sugar industry, the duty is.

Mr. FORDNEY. If the duty were removed on foreign imported sugar, would the benefits inure to the beet-sugar industry and not the refiners that refine foreign imported raw sugar?

Mr. HEIKE. The refiners would have the advantage.

Mr. FORDNEY. That is what I meant.

Mr. HEIKE. The beet-sugar companies probably would find great difficulty in making beet sugars at all. (Heike, 208.)

Mr. MADISON. It would be beneficial (removing the duty from raw sugar), inasmuch as it would destroy the beet-sugar people?

Mr. GILMORE. It would keep them at home.

Mr. MADISON. Keep them in a limited locality?

Mr. GILMORE. Yes.

Mr. MADISON. And leave the field to you people that is naturally yours, as you feel?

Mr. GILMORE. Our natural field. Yes.

Mr. MADISON. In other words, you feel that all east of the Mississippi River, where they can not very well produce sugar beets, is the natural field of the cane-sugar refiners, while the plains and mountain States, where conditions are favorable to the production of beet sugar, is the natural field for the beet-sugar people?

Mr. GILMORE. Yes; I think so. (Gilmore, 1168.)

Mr. RAKER. Michigan sugar, you say, competes with yours in New York?

Mr. JAMISON. Yes; the Michigan sugar has been down to New York State and all through there. It has interfered with us very largely in sales in Ohio and Pennsylvania.

Mr. RAKER. And West Virginia?

Mr. JAMISON. Yes.

Mr. RAKER. How would it affect you if there was no tax on the importation of sugar—raw sugar?

Mr. JAMISON. I think it would enable us to run more constantly.

Mr. RAKER. What do you mean by that, now?
Mr. JAMISON. To keep up the capacity.
Mr. RAKER. Will you explain it?
Mr. JAMISON. I mean we would be able to sell more sugar.
Mr. RAKER. Do you not have a supply all the time?
Mr. JAMISON. Well, we are not able to run full at all times.
Mr. RAKER. Because of the way raw sugar is shipped into the United States?
Mr. JAMISON. Oh, no; on account of the beet product. If there was no duty, I do not think the beet would be so prosperous, and we would probably sell more sugar. If the duty was removed, I mean to say. (Jamison, 1195.)
Mr. SULZER. I understood you to say that you believed the tariff on raw sugar should be materially reduced.
Mr. JAMISON. Yes.
Mr. SULZER. Just to what extent, in your judgment, should it be reduced?
Mr. JAMISON. I should think it should certainly be reduced 1 cent a pound.
Mr. SULZER. One cent a pound?
Mr. JAMISON. Yes.
Mr. SULZER. If it were reduced by legislation 1 cent a pound what, in your opinion, would be the result?
Mr. JAMISON. Well, I think it would confine the sale of beets very largely into their own territory instead of permitting them to absorb freight rates and sell their product about 10 or 20 points under the eastern granulated coming into this territory. It costs them anywhere from half a cent to three-quarters of a cent per pound freight to get it here. (Jamison, 1201.)
Mr. HINDS. Can you tell me how far in the East the beet-sugar people are able to market their sugar?
Mr. SPRECKELS. There is the dividing line on the Missouri River. They sometimes come as far as Pittsburgh. I think the American Beet Sugar Co. has come once as far as New York City.
Mr. HINDS. Have they not come into New England, Mr. Spreckels?
Mr. SPRECKELS. They have come into the State of New York.
Mr. HINDS. Have they not also come into New England some?
Mr. SPRECKELS. I think so.
Mr. HINDS. One member of the firm of Arbuckles testified that they had come into New England.
Mr. SPRECKELS. Yes, sir.
Mr. HINDS. Are they showing a tendency to come farther east all the time?
Mr. SPRECKELS. They are.
Mr. HINDS. And they make the competition severer, if it is competition?
Mr. SPRECKELS. Yes.
Mr. HINDS. Continually?
Mr. SPRECKELS. Yes, sir. They have frequently come as far as Pittsburgh. (C. A. Spreckels, 2267.)
Mr. HINDS. Mr. Spreckels, you have been carrying on a campaign to reduce the tariff as beneficial to the cane-sugar refiners?
Mr. SPRECKELS. I have.
Mr. HINDS. Of course, that will be damaging to the beet-sugar refiners?
Mr. SPRECKELS. To some extent it will. (C. A. Spreckels, 2275.)
Mr. HINDS. In other words, perhaps, you would take it (the tariff) off, would you not, and have free trade?
Mr. SPRECKELS. I would have free trade.
Mr. HINDS. You would have free trade in sugar?
Mr. SPRECKELS. Absolutely. (C. A. Spreckels, 2277, 2278.)

With the interests of the two great branches of the sugar industry thus diametrically opposed, the present bill proposes to sacrifice one absolutely and leave the field in the possession of the other, the reason being as stated in the report of the Committee on Ways and Means accompanying this bill:

Beet sugar leaves the first manufacturing establishment in a refined condition, but all cane sugar, which constitutes about four-fifths of our consumption, must be refined; consequently the refining interest is the most important factor connected with sugar manufacturing in the United States. Therefore the industrial position of refining requires primary consideration. (Majority report, Committee on Ways and Means, p. 5.)

I can not subscribe to this conclusion. I do not think the mere magnitude of the refining interest output requires that it be given primary consideration in the struggle for control of the American market now in progress between the refiners and the beet-sugar producers. I would not wantonly attack either of these great industries, preferring to hold the scales of justice even, but I say, unhesitatingly, that if it becomes necessary to sacrifice one to the other it should not be the beet-sugar industry that should be sacrificed, provided the best interests of the whole country are to be considered.

VALUE OF BEET-SUGAR INDUSTRY.

The whole history of the culture of the sugar beet shows that low prices for sugar throughout the world began when men turned their backs on the plausible theory that the world's supply could be most cheaply raised by the cheap labor of the Tropical Zone and began to raise sugar in the Temperate Zone by the cultivation of beets. The history of the world further shows that in every country this has been regarded as a new and untried experiment, that all sorts of protective tariffs, bounties, and other forms of so-called "hothousing" were necessary before farmers could be educated, capital interested, manufactories established, and consumers converted, but that in the end that production could be stimulated until the age-long supremacy of tropical cane sugar was successfully challenged and beet sugar established as an equal competitor in the race. The story of this struggle is interesting even in the figures of a statistical table. (Hearings, p. 3613.)

Cane and beet sugar production of the world, 1812 to 1910.
[Compiled by Truman G. Palmer.]

Year.	Tons of 2,240 pounds.			Per cent.	
	Total.	Cane.	Beet.	Cane.	Beet.
1812-13	(1)	(1)	[2] 3,437		
1836-37	(1)	(1)	[2] 36,408		
1840-41	1,150,000	1,100,000	50,000	95.65	4.35
1850-51	1,400,000	1,200,000	200,000	85.8	14.2
1853-54	1,420,558	1,219,558	201,000	85.9	14.1
1854-55	1,381,817	1,202,817	179,000	87.0	13.0
1855-56	1,413,498	1,176,498	237,000	83.2	16.8
1856-57	1,509,214	1,259,214	250,000	83.4	16.6
1857-58	1,662,253	1,300,253	362,000	78.2	21.8
1858-59	1,893,504	1,510,504	383,000	79.8	20.2
1859-60	1,674,316	1,291,316	383,000	77.1	22.9
1860-61	1,841,264	1,496,264	345,000	81.3	18.7
1861-62	2,006,226	1,601,226	405,000	79.8	20.2
1862-63	1,944,193	1,486,193	458,000	76.4	23.6
1863-64	1,869,664	1,433,664	436,000	76.7	23.3
1864-65	1,958,413	1,417,413	541,000	72.4	27.6
1865-66	2,168,872	1,488,872	680,000	68.6	31.4
1866-67	2,022,407	1,378,407	644,000	68.2	31.8
1867-68	2,264,871	1,636,096	628,775	72.3	27.8
1868-69	2,233,130	1,585,309	647,821	71.0	29.0
1869-70	2,495,285	1,662,239	833,046	66.6	33.4
1870-71	2,527,181	1,599,488	927,693	63.3	36.7
1871-72	2,650,663	1,791,184	859,479	67.6	32.4
1872-73	2,965,329	1,840,986	1,124,243	62.1	37.9
1873-74	2,857,612	1,711,763	1,145,849	59.9	40.1
1874-75	2,922,017	1,756,681	1,165,336	60.1	39.9
1875-76	3,043,749	1,692,828	1,350,921	55.6	44.4
1876-77	2,766,270	1,682,531	1,083,739	60.8	39.2
1877-78	3,114,273	1,715,900	1,398,373	55.1	44.9
1878-79	3,515,266	1,965,990	1,549,276	55.9	44.1
1879-80	3,334,268	1,903,316	1,430,952	57.1	42.9
1880-81	3,648,847	1,902,346	1,746,501	52.1	47.9
1881-82	3,847,668	2,016,084	1,831,584	52.4	47.6
1882-83	4,217,142	2,104,072	2,113,070	49.9	50.1
1883-84	4,871,079	2,547,531	2,323,548	52.3	47.7
1884-85	5,099,255	2,592,647	2,506,608	50.8	49.2
1885-86	4,888,340	2,702,850	2,185,490	55.3	44.7
1886-87	5,513,278	2,805,735	2,707,543	50.9	49.1
1887-88	5,084,981	2,642,000	2,442,981	52.0	48.0
1888-89	5,224,379	2,480,700	2,743,679	47.5	52.5
1889-90	6,054,209	2,475,800	3,578,409	40.9	59.1
1890-91	6,524,609	2,868,900	3,655,709	44.0	56.0
1891-92	6,683,497	3,231,561	3,451,936	48.3	51.7
1892-93	6,431,609	3,045,186	3,386,426	47.3	52.7
1893-94	7,379,862	3,531,621	3,848,241	47.9	52.1
1894-95	8,247,553	3,510,670	4,736,883	42.6	57.4
1895-96	7,056,401	2,809,477	4,246,924	39.8	60.2
1896-97	7,718,279	2,841,857	4,876,422	36.8	63.2
1897-98	7,660,068	2,864,255	4,795,813	37.4	62.6
1898-99	7,931,275	2,995,438	4,935,837	37.8	62.2
1899-1900	8,560,109	3,056,294	5,503,815	35.7	64.3
1900-1901	9,618,333	3,646,059	5,972,274	37.9	62.1
1901-2	10,895,588	4,078,944	6,816,644	37.4	62.6
1902-3	9,804,330	4,144,453	5,659,886	42.3	57.7
1903-4	10,333,674	4,244,206	6,089,468	41.1	58.9
1904-5	9,552,635	4,629,937	4,922,698	48.5	51.5
1905-6	13,950,992	6,733,626	7,217,366	48.2	51.8
1906-7	14,486,073	7,342,255	7,143,818	50.7	49.3
1907-8	13,886,681	6,914,481	6,972,200	49.8	50.2
1908-9	14,565,944	7,638,069	6,927,875	52.4	47.6
1909-10	14,920,548	8,333,042	6,587,506	55.8	44.2
1910-11	16,929,398	8,371,178	8,555,220	49.5	50.5

[1] No data. [2] French product. [3] France, 35,000 tons; Germany, 1,408 tons.

Not only have the European nations which have protected the beet-sugar industry become self-supporting and exporters of sugar, but the cultivation of the sugar beet has had an extraordinary effect upon their general agricultural prosperity. Not only does it necessitate careful farming, but the beet itself by breaking up the deep soil with its tap-root and innumerable rootlets greatly increases the yield of cereal crops planted in rotation with it. (Hearings, pp. 2497–2498.)

The effect in Germany was thus described:

(Hearings, p. 2506.)

Mr. PALMER. This is showing what Germany has done in the way of increasing her yield. In wheat in 25 years Germany increased her yield per acre 58.8 per cent. During that time the price of wheat increased 53.5 per cent. But Germany reduced her acreage of wheat notwithstanding that 4.5 per cent. On rye she increased her yield 85.1 per cent; the price of rye increased 42.4 per cent, and she increased her acreage but 5.1 per cent. Of barley she increased her yield 64.8 per cent; the price of barley increased 13.3 per cent; she reduced her acreage of barley 5.4 per cent. Of oats she increased her yield 77.4 per cent; the price of oats increased 46.2 per cent; she increased her oat acreage 14.2 per cent. Of those four cereals the average increase in yield in Germany was 78.5 per cent; the increase in price per bushel was 39.2; and Germany's increase in acreage of those was 5 per cent. Of potatoes she increased her yield 65.6 per cent per acre; the price of potatoes advanced 38.6 per cent; and she increased her area 14.3 per cent, making of these five crops an increase in yield of 88.6 per cent, an increase in price per bushel average, of 45.4 per cent, and an increase in area of 6.7 per cent. Now we come to sugar beets. Her sugar-beet yield per acre increased but 7.1 per cent, as against 88.6 of all these other crops that she has not increased any in her area. The price of sugar on the Magdeburg Exchange during that time instead of going up to 45.4 per cent, as these other crops have, dropped 53.3, and yet she increased her sugar-beet area 60.4 per cent. Why did she do it?

The CHAIRMAN. That is what we would like to hear you explain about; why do you think she did it?

Mr. PALMER. On account of the indirect advantages, nothing else.

The CHAIRMAN. Indirect agricultural benefit to the land?

Mr. PALMER. Yes, sir.

In America a case was cited where a farmer in Utah increased his yield of wheat from 25 bushels to 45 bushels to the acre by planting it after sugar beets. (Hearings, p. 2498.) In Germany a like experiment on 135 farms showed an increase in wheat of 24 per cent, in rye 15 per cent, in barley 25 per cent, in oats 41½ per cent, and in potatoes 102 per cent. (Hearings, p. 2787.) That our Department of Agriculture does not believe that the refining interest requires primary consideration is shown by the following testimony of Dr. Wiley:

(Hearings, p. 3455.)

The CHAIRMAN. Let us see how far you will go in this matter of protection. Suppose the truth is that it costs about 4 cents a pound to produce every pound of beet and cane sugar in the United States, while other countries may, on account of their condition, method of production, labor, or other causes, produce cane sugar for 1 cent per pound and beet sugar for 2 cents per pound, do you still think the American consumer ought to pay the difference in price?

Dr. WILEY. That is a pretty difficult proposition; you are asking me to consider a good many things.

The CHAIRMAN. I just want to see how far you are a protectionist.

Dr. WILEY. I will tell you very frankly how far I will go. When I consider the beneficial effect of this sugar industry on other agricultural industries I would go as far as it would be profitable to the farmers of the United States to maintain that industry.

The CHAIRMAN. No matter how much it cost the people who consumed that sugar?

Dr. WILEY. Yes; no matter how much it cost. If it were a benefit to the agricultural interests of this country as a whole, then I am for it. If I look at it simply from a standpoint of the interest of the man making the sugar, as I stated before, I would not want to tax myself as a consumer too much, but if I see by paying a little more for my sugar the great agricultural industry in this country is benefited, I am willing to pay it. I would go just that far.

There are still other matters which should be taken into consideration in determining which interest deserves primary consideration. For economic reasons refineries must be located on the seacoast (Hearings, pp. 595, 1012), where the supply of raw sugar is available. Their history shows a large percentage of failures while they were split into small, competing concerns, and their officers claimed emphatically that only through combination into a few large concerns were they able to effect those economies necessary to successful operation. (Hearings, pp. 20, 180, 2022.) Beet-sugar factories, on the other hand, are established at numerous points in the interior in comparatively small and independent units, where combination on a large scale does not seem to be necessary or possible to produce efficiency. (Hearings, pp. 1090, 1101.)

THE INTERESTS OF THE CONSUMER.

Where, then, are we to seek for the reason for this sudden and unexpected solicitude on the part of the majority of this House for the interests controlling the refining of foreign raw sugar? It is stated as a convenient makeshift that the removal of duty is in the interest of the consumer.

Who has spoken for the consumer? It is true that the mails of every Member of this House have been flooded with petitions on yellow, perforated paper, praying for a reduction or removal of the duty. Some members of the special committee, during the early stages of the hearing, showed that they had mistaken this for the voice of the people. One of the most important results of the committee's investigation, however, was to disclose the source of this agitation. Mr. Frank C. Lowry, whose name has extensively appeared as "secretary of the committee of wholesale grocers," was summoned before the committee. It soon developed that Mr. Lowry was the sales agent of the Federal Sugar Refining Co., one of the concerns vitally interested in the reduction of the tariff. It was further shown that his "committee of wholesale grocers" was a hollow sham, having no organization, no dues, and no meetings, even to the extent that no two had ever met together. (Hearings, pp. 1607–1611.) The entire initiative in the matter had come from the Federal Sugar Refining Co. and its president, Mr. Claus A. Spreckels. The money for this campaign had been contributed solely by the Federal Sugar Refining Co. (Hearings, pp. 2276, 3379), no grocer or consumer having paid a dollar for the cause (Hearings, p. 1608). The yellow petitions had been sent out, together with a circular which was shown upon cross-examination to abound in misstatements of fact and erroneous conclusions. Seldom has a bubble blown to such proportions as to resemble a popular demand been so effectually pricked by a little cross-examination as were the statements in this circular when its author appeared before the committee. (See particularly pp. 1634–1637 and testimony of T. G. Palmer, pp. 2003, 2021, 2070, 2675–2677.)

The real position of the consumer in this country is not difficult to discover. To one who appreciates the significance of actions as compared with words, it can be found summarized in the following table:

American and European per capita consumption.

Otto Licht's monthly report, dated Magdeburg, December 9, 1910, gives the following table, showing the per capita consumption in Europe:

Countries.	Population.	Consumption of sugar per head.	
		Kilograms.	*Pounds.*
Germany	64,724,000	19.75	43.45
Austria-Hungary	51,018,000	11.43	25.14
France	39,450,000	17.18	37.80
Russia	128,171,000	10.39	22.82
Belgium	7,186,000	14.71	32.36
Holland	5,826,000	19.79	43.53
Sweden	5,476,000	24.50	53.90
Norway	2,350,000	18.90	41.78
Denmark	2,726,000	35.34	77.75
Italy	34,270,000	4.24	9.33
Spain	19,750,000	6.45	14.20
Roumania	6,860,000	4.31	9.50
Finland	2,969,000	14.75	32.45
Bulgaria	4,253,000	3.20	7.05
Greece	2,636,000	3.42	7.52
Servia	2,821,000	3.44	7.58
Turkey in Asia	24,050,000	5.86	12.89
Portugal and Madeira	5,760,000	6.42	14.12
Switzerland	3,559,000	29.14	64.10
England	45,472,000	39.23	86.30
Total Europe	459,527,000	14.82	32.60
United States (Willett & Gray, 1910)	91,972,266	37.05	81.60

The position of the American consumer in consuming more sugar per capita than any other nation in the world except England, more than twice as much as the inhabitant of France, Austria, Russia, and Belgium, and more than four times as much as the inhabitant of Italy, Spain, and Portugal, is deeply significant of his satisfaction with the price of sugar as compared with the wages he earns and the standard of living which he is able to maintain.

This per capita consumption is a sensitive barometer. During the last five months of the year 1911 the price of sugar was abnormally high, with the result that the consumption for the entire year was brought down from 81 pounds per capita to 79 pounds per capita. Except for such temporary checks, however, the following table from Willett & Gray's Statistical Journal for January 4, 1912, shows that the satisfaction of the American consumer has been expressed by a steadily increasing per capita allowance for himself and his family.

Year.	Total consumption.	Per capita.	Increase or decrease.
	Tons.	*Pounds.*	*Per cent.*
1911	3,351,391	79.2	[1] 0.031
1910	3,350,355	81.6	[1] 2.845
1909	3,257,660	81.8	[1] 2.256
1908	3,185,789	81.17	[1] 6.406
1907	2,993,979	77.54	[1] 4.538
1906	2,864,013	76.1	[1] 8.806
1905	2,632,216	70.5	[2] 4.876
1904	2,767,162	75.3	[1] 8.531
1903	2,549,643	70.9	[2] 0.642
1902	2,566,108	72.8	[1] 8.169
1901	2,372,316	69.7	[1] 6.868
1900	2,219,847	66.6	[1] 6.826
1899	2,078,068	61.0	[1] 3.750
1898	2,002,902	60.3	[2] 3.287
1897	2,070,978	63.5	[1] 6.747
1896	1,940,086	60.9	[2] 0.495
1895	1,949,744	64.23	[2] 3.129
1894	2,012,714	66.64	[1] 5.606
1893	1,905,862	63.83	[1] 2.832
1892	1,853,370	63.76	[2] 1.016
1891	1,872,400	67.46	[1] 22.963
1890	1,522,731	54.56	[1] 5.767
1889	1,439,701	52.64	[2] 1.205
1888	1,457,264	54.23	[1] 4.620
1887	1,392,909	53.11	[1] 2.736
1886	1,355,809	52.55	[1] 8.109
1885	1,254,116	49.95	[1] 0.140
1884	1,252,366	51.00	[1] 7.006
1883	1,170,375	.....	[1] 10.286
1882	1,061,220	.....	[1] 6.813
1881	993,532	.....	.....

[1] Increase. [2] Decrease.

Average increase in total consumption for 30 years, 4.267 per cent.

RESULT OF FREE SUGAR.

The removal of the duty on sugar being ostensibly for the benefit of the consumer, ordinary regard for his interest should seem to demand that before such a radical departure from the system existing in every civilized country is made the probable effects should be carefully studied. So far as the testimony taken before the special committee is concerned, it indicates neither the certainty nor even the probability that the total abolition of the duty will be of any ultimate benefit to the consumer whatever.

The assertion is made that this bill will reduce the price of sugar to the consumer by 1½ cents a pound. Even if the statement were given full weight, it must be remembered that certainly not more than 50 pounds per capita, and probably not much more than 30 pounds, is consumed directly as sugar (Hearings, pp. 613, 915, 1165, 2652, 3158), while the rest finds its way into a thousand different forms of manufacture, from candy and condensed milk to chewing gum and tobacco, where the saving of a fraction of a cent per unit can not conceivably make any material difference in the retail price to the consumer. Accepting the saving to the consumer at its full value, therefore, the destruction of the domestic industry is to be purchased at the magnificent price of a saving of 75 cents a year to each inhabitant.

The truth of the assertion, however, finds no support from the testimony taken before the special committee. On the contrary, the indications are strong that after a temporary drop in price has put the American producer out of business the shortage in the world's supply thus created will force the price above the original level.

THE WORLD'S SUPPLY OF SUGAR.

The great fallacy in the proposition is the underlying assumption, seldom expressed but necessarily implied, that if our tariff is removed our markets will be opened to a large or practically inexhaustible supply of sugar which is waiting on the outside ready to come in at a low price. No testimony before the committee showed the existence of any such continuous source of supply. It is true that at the present moment Russia has nearly 1,000,000 tons of surplus sugar locked up under the artificial arrangements of the Brussels Convention, which govern European production and distribution. (Hearings, pp. 3543, 3562.) This sugar is entitled to the equivalent of an export bounty at present reckoned by the United States Treasury Department at 72 cents a hundred pounds (Hearings, p. 3588), and as the present bill does not even save the countervailing duty this sugar would be freed to swamp our beet-sugar industry during the first year.

After that, however, we are met with the portentous fact that in the face of an increasing world's consumption the world's production fell from 16,900,000 tons in 1910–11 to 15,500,000 tons estimated for the coming year, a decrease of 1,400,000 tons. (Hearings, p. 3585.) In other words, there is no great quantity of sugar permanently available for the American consumer above that already required for the world's consumption. I have no doubt that, in addition to the immediate dumping of the Russian surplus upon us, every effort possible will be made to lower the price of sugar until the American producer is driven out of the business; but the fact that the resulting shortage of nearly 1,000,000 tons in the world's supply will permanently increase the price to the American consumer appears as reasonably certain as any forecast of market conditions can be.

THE WORLD'S PRICE OF SUGAR.

Besides throwing the American consumer upon the mercy of a world's production, which does not exist in quantities adequate to his needs, we are further throwing him upon the mercy of the most artificially controlled price of a staple article in the world. It is a matter of congratulation that the speculative features of buying and selling which are so prevalent with respect to wheat, cotton, and other crops are absent from the sugar industry in America. (Hearings, p. 3072.) In Europe, however, where the world's market and world's prices are controlled, the situation is quite otherwise. Not only was Europe described as a network of sugarhouses and exchanges, facilitating constant specification (Hearings, pp. 3067, 3583), but the very Governments of European countries, acting through the Brussels Convention, exercise an artificial control over sugar which can at any time affect the world's price. The situation as regards Russia, already referred to, is a case in point. During the past six months the price of sugar in Europe has been determined not by the law of supply and demand, but by the action of a committee which was called to determine how much, if any, additional sugar Russia should be allowed to export and by the predictions of the speculators as to the action of that committee. (Hearings, p. 3584.) Under the Brussels Convention Russia is allowed to export only 200,000 tons of sugar a year to convention countries. In view of the world-wide prevalence of high prices during last fall Russia applied for permission to export 500,000 tons, but after much delay and negotiation the amount was finally fixed at 350,000 tons, an amount not sufficient to relieve the present shortage.

Should the present bill become a law, it is to the artificial conditions of this kind, of which the American consumer knows little and over which he has no control, that his interests are to be intrusted.

Under these circumstances it would apparently be the duty of those seeking to serve the interests of the consumer to inquire most carefully if any other form of relief, if relief is needed, would be more likely to give more permanent benefit to the object of their solicitude. Here again the testimony before the special committee would seem to indicate that such a method is readily available. It was pointed out by Mr. W. P. Willett, the sugar expert, in the following language:

(Willett, pp. 3083–3084.)

Mr. SULZER. What, in your judgment as an expert, would bring about a permanent reduction of the cost of manufactured sugar to the consumers of the United States?

Mr. WILLETT. By increasing the amount of domestic production and in Porto Rico and Hawaii—that is, by increasing the quantity of sugar within the United States to the extent that we would be required to purchase no sugar whatever at world prices. Last year we bought only 77,000 tons at the world price. We were as near as that to that condition in 1910. We did come within 77,000 tons of being entirely free and independent of the world's prices, whereas a few years before we had been importing 6,700,000 tons. (Misprint; should be 670,000.)

Mr. SULZER. In other words, you think it advisable for the Government of the United States to do everything within its legitimate scope to encourage the growth of cane and beet sugar in the United States?

Mr. WILLETT. Yes, sir.

Mr. SULZER. And in our insular possessions?

Mr. WILLETT. Yes, sir; in our insular possessions.

(Willett, p. 3589.)

Mr. HINDS. Then, Mr. Willett, the world's price for sugar is not a supply-and-demand price entirely, is it?

Mr. WILLETT. What reference has that to Russia?

Mr. HINDS. With all these arrangements of bounty and these other arrangements, it results that the supply and demand of sugars——

Mr. WILLETT (interposing). You mean it is not free to seek a proper level?

Mr. HINDS. Yes.

Mr. WILLETT. No; it is not free throughout the world to seek a proper level of price.

Mr. HINDS. And the world's price is an artificial price?

Mr. WILLETT. To the extent that the trade of the world is not free and open and clear and it is subject to bounties and restrictions and conditions. What we want to do is to get independent of all that, and we can do it.

Mr. HINDS. Suppose we increase considerably in the Philippines and Cuba increases considerably and the beet-sugar supply in this country doubles, will not that make a revolution in sugar?

Mr. WILLETT. Most decidedly. That is what I say—increase the Cuban, Porto Rican, Hawaiian, Philippine, and domestic cane and beet sugar industry to a point above our requirements for consumption up to 500,000 tons, so that if Cuba should give out some year and not produce much sugar we would still have enough for our consumption. Then we would be independent of the world, and we would make our own (world's) price.

Mr. HINDS. And what ought that price to be in the United States?

Mr. WILLETT. That price, after equalizing the production to consumption, will depend upon the competition between the different interests—between Cuba, Porto Rico, Hawaii, and the domestic beet and cane industry. They will all be working to get our market, and the consumer then will get the advantage.

Mr. HINDS. And probably we would get the cheapest sugar on earth?

Mr. WILLETT. We would get the cheapest sugar on earth under those conditions. There is no doubt about that.

Mr. HINDS. And is that situation really in sight, do you think?

Mr. WILLETT. We came within 74,000 tons of it in 1910, and this year, according to the outlook of the Cuban crop at the present moment, we will come—I should say that we might meet it, provided that the shortage in Europe does not infringe upon our Cuban reserve. Already the United Kingdom has bought 140,000 tons away from our supply in Cuba, but they are reselling to, or trying to.

(Willett, pp. 3556–3557.)

Mr. WILLETT. * * * This promotion of our industry is a much more vital point (from the consumers' standpoint included) than is a reduction of tariff to a point that lets in foreign sugar and thereby diminishes the home protection. Whenever we reach the condition indicated, competition between our free and partially free duty producers will begin and the consumers will benefit thereby and the United States will be entirely free from the speculative and other influences which control the world's price, and it is not unreasonable to expect that, under the conditions indicated, the United States will become a considerable exporter of its surplus production to the foreign countries which may be short of supplies, as under present conditions abroad.

As showing the ultimate effect of home production equal to or surpassing home consumption, I call attention specially for earnest consideration to the fact that in 1910 we reached this desired consummation within 74,000 tons, and as a result we were almost independent of Europe; so much so, in fact, that we got our supplies from Cuba at over one-half cent per pound under world's prices, during which time one man (Santa Maria) was carrying on a big bull speculation in Europe in which we would certainly have been involved but for this limited amount we required that year. In 1911 the Cuban crop fell short of 1910 by 320,898 tons, and we required 212,182 tons from abroad to complete our supplies; hence we were involved in the world's prices in 1911, and the result was a hue and cry against the high prices of sugar. I am not making an argument, but am simply pointing to the facts that appear to me to make the consideration of the increase in our local supplies of greater importance in legislation than a reduction of duties beyond certain limits, those limits to be such as will positively exclude all sugars outside those of our States and dependencies.

(Willett, p. 3978.)

In all these analyses I reach the same conclusion—that to decrease the price of sugar to the consumer, increase the domestic production as rapidly as possible.

In view of this testimony the present bill seems to have been framed and presented with deplorable ignorance of the actual conditions existing within and outside of the United States, or else as a deliberate attempt to make political capital out of the popular misapprehension as to the ultimate effects of free sugar.

Mr. HARDWICK. Mr. Chairman, in the year 1910, which was a normal year in both sugar consumption and sugar production, the total consumption of the United States of refined sugar was about 3,350,000 long tons. Of this amount we produced 330,000 tons of domestic cane in Louisiana and Texas, 457,000 tons of domestic beet in the West, and 15,000 tons of domestic maple and molasses in Louisiana, Texas, and the West, thus making the total sugar production in continental United States 805,000 tons.

From our insular possessions we get the following amounts, free of duty: From Hawaii, 459,000 tons; from Porto Rico, 217,000 tons; from the Philippines, 96,000 tons—a total from our insular possessions of 832,000 tons.

From Cuba we import 1,640,000 tons and from all other countries, except Cuba, 73,000 tons, making up the total consumption of 3,350,000 tons.

It is thus apparent, Mr. Chairman, that Continental United States is now producing about 25 per cent of the country's consumption of sugar; that our insular possessions are producing another 25 per cent of that consumption, and that the island of Cuba produces almost all of the other 50 per cent. To-day Continental United States is only producing one-fourth of the sugar that we consume. We have not failed to do better than this because of the absence of sufficient stimulation to the industry in the way of tariff duties on sugar, for since the very beginning of this Government heavy tariff duties have been levied on sugar with the exception of one brief period, that from 1890 to 1894. The act of 1879 carried a sugar tax of 3 cents per pound and in 1790 the tariff was 5 cents per pound; in 1794, 4 cents per pound; in 1816, 3 cents per pound on brown or raw sugar, 4 cents per pound on white or refined sugar, 10 cents per pound on lump sugar, and 12 cents per pound on loaf sugar In 1832 the tax was 2½ cents per pound on brown sugar and 3½ on refined sugar; in 1842 it was 2½ cents per pound on brown sugar and 6 cents per pound on refined sugar; in 1846, three-fourths of a cent per pound on raw sugar and 2 cents per pound on refined sugar; in 1861, 2 cents per pound; in 1862, 2½ cents per pound; in 1864, 3 cents per pound; in 1870, 4 cents per pound; in 1883, 2.24 cents per pound on raw sugar and 3½ cents per pound on refined sugar; in 1890, five-tenths of a cent per pound on refined sugar; and all other sugar under 16 Dutch standard in color, free, with a bounty of 2 cents per pound on domestic production; in 1894, 40 cents ad valorem and an additional tax of one-eighth of a cent per pound on refined sugar; in 1897, 1.685 cents per pound on raw sugar and 1.95 cents per pound on refined sugar; in 1909, 1.685 cents per pound on raw sugar and 1.90 cents per pound on refined sugar.

So, Mr. Chairman, the truth of the statement that the production of sugar has been substantially and almost uniformly stimulated by our tariff laws must be apparent to all, and if, during all the years that have elapsed since 1789, we have been unable to produce in this country the sugar that we consume, it is not because of a failure to grant long, permanent, and excesssive "protection" to sugar.

I next invite the attention of the committee to a table showing the total consumption of sugar in the United States and the percentage of that consumption produced in the United States, beginning with the year 1830 and ending with the year 1911:

Consumption and production of sugar in the United States in certain years, in long tons.

Year.	Total consumption.	Production in continental United States.	Per cent of consumption produced in continental United States.
1830	69,711	34,321	49
1840	107,177	51,556	48
1850	239,409	111,787	47
1860	428,785	120,845	28
1870	607,834	63,200	10.5
1880	936,784	151,736	16
1890	1,522,731	265,439	18
1894	2,012,714	312,079	15
1897	2,070,978	355,371	17
1898	2,002,902	293,905	14.5
1899	2,078,068	233,426	11
1900	2,219,847	269,833	12
1901	2,372,316	439,986	18
1902	2,571,359	473,126	18
1903	2,529,421	496,463	19
1904	2,678,060	423,135	16
1905	2,566,680	544,722	21
1906	2,525,343	613,717	21
1907	2,913,928	663,610	23
1908	3,097,153	780,200	25
1909	3,190,430	739,010	23
1910	3,302,938	785,595	24
1911	3,351,000	756,000	25

In the last column of this table I have figured the percentage of our consumption that the domestic industry has supplied in each of the years for which the figures are given. You will observe that as far back as the year 1830 we were producing 49 per cent of our sugar consumption; that the percentage remained practically unaltered until the beginning of our Civil War, when it fell to 28 per cent. You will also observe that in the year 1890, the year of the McKinley bill, it was 18 per cent. In 1894, the year of the Wilson bill, it was 17 per cent, and the last year for which the figures are given, 1911, it was 25 per cent. Since the passage of the Dingley bill, in 1897, consumption of sugar in the United States has increased from 2,070,978 tons to 3,351,000 tons in 1911, or an increase in consumption of 1,280,000 tons. During that same time production of sugar in continental United States increased from 353,371 tons to 756,000 tons, an increase in production of 420,629 tons as against the enormous increase in consumption of 1,280,000 tons, to which I have just alluded.

In 1830 we produced 49 per cent of the sugar we consumed; in 1897, 17 per cent; in 1911, 25 per cent; so that it does seem to me that, looking at this question solely from the standpoint of the ability of this country to produce its own sugar, there is any reasonable ground upon which to base the hope that the time will ever come when it can be done in our continental territory at least.

Mr. Chairman, in presenting this bill to the committee I am compelled, on account of the somewhat limited time at my command, to take up the subject in a rather desultory way. The question is so large a one and there are so many angles from which it ought to be considered that I can only hope, as I shall endeavor, to cover the whole ground as best I can and to discuss it from as many of those angles as possible. I shall discuss it first from the standpoint of the beet-sugar production, because that production is greater than cane-sugar production, and because so far during this debate we have heard more about beet-sugar production than about cane-sugar production, although I do not know but that that will be remedied at a later period in the debate.

Mr. WICKLIFFE. Will the gentleman yield for a question?

Mr. HARDWICK. Not now.

Mr. WICKLIFFE. It is right on this particular point.

Mr. HARDWICK. I am going to discuss the cane-sugar question a little later.

Mr. WICKLIFFE. If the gentleman will only permit me——

Mr. HARDWICK. No; I can not.

Mr. WICKLIFFE. It is right on this point.

Mr. HARDWICK. Very well; make it short.

Mr. WICKLIFFE. From the initial pound produced in Louisiana down to the year 1857, or the year 1859, the eve of the Civil War, the production of cane sugar in Louisiana went from that initial pound up to over a quarter of a million tons. With the coming on of the war, as the gentleman well knows——

Mr. HARDWICK. Mr. Chairman, I can not yield further.

Mr. WICKLIFFE (continuing). It went down to practically nothing, but by 1879, as they were coming out of the reconstruction period and out of the effects of that war, the cane production had got up to 79,000 tons, and by 1889 it was 189,000 tons——

Mr. HARDWICK. Mr. Chairman, I can not yield any further.

Mr. WICKLIFFE. Mr. Chairman, I think out of courtesy the gentleman ought to yield to me further.

Mr. HARDWICK. The gentleman from Louisiana frames with his own lips the strongest indictment that can be made against the sugar-cane industry in Louisiana. He says its production was over a quarter of a million tons at the beginning of the Civil War, and yet from 1861 up to the present moment it has only reached 330,000 tons.

Mr. WICKLIFFE. But do not these figures show that it went down in 1870 as the effect of the war?

Mr. HARDWICK. That may be true, but, in my judgment, you will never be able to recover——

Mr. WICKLIFFE. From the war?

Mr. HARDWICK. No; you will never be able to recover the lost ground, because your industry has been hothoused from the very beginning, artificially stimulated from its inception, because it can not continue to exist except at the continued and tremendous expense of the American consumers, and, in my judgment, they are not going to stand it any longer. [Applause on the Democratic side.]

Mr. Chairman, how much is invested in the beet-sugar industry of the country? How much real money has been put in it and is in it to-day? In this connection I call attention to the report of the special committee that investigated the great sugar industry of the country, a report unanimous in its findings, and according to that report—page 26—the real investment in the beet-sugar industry of the country is about $60,000,000, although their capitalization, according to the evidence taken

by the committee, was about $104,000,000, and is claimed to be $129,000,000, according to one of the census reports referred to by the gentleman from Alabama [Mr. UNDERWOOD].

Pardon me, Mr. Chairman, if I digress for just a moment to discuss a somewhat tangential question. How much interest has the American Sugar Refining Co., commonly known as the Sugar Trust, in the beet-sugar companies of the country; to what extent are the latter real independents and actual competitors of the trusts? The beet-sugar companies produce 14 per cent of the country's consumption of sugar, and of those companies the trust owns the majority of the stock or is the largest and most influential and, I believe, the controlling stockholder in companies that produce more than one-half of the total beet-sugar production of the country. And yet the contention is seriously made to this House and to the country that the beet-sugar producers are real independents; that they are engaged in a battle royal with their largest stockholder and strongest ally; that they can not stand the removal of the "protection" that they have so long enjoyed. It is contended for them that they are the only real competitors of the trust, that their margin of profit is small, and that they can not live without continued governmental favor and unabated tariff protection; and my friend from Michigan [Mr. FORDNEY], who preceded me in this debate, sings their death wail upon this floor, as he tells this House and the American people that the beet-sugar industry of this country is doomed to destruction if this bill should become a law.

It is well to weigh with some care the soundness of this appeal; it is well to consider with some caution the accuracy of this claim. Let us take the great beet-sugar company from the gentleman's own State, the Michigan Beet Sugar Co., in which the trust is the largest and most potent stockholder, exercising what I believe to be a dominating and controlling influence over its business and its policy.

On May 25, 1910, the company held its annual meeting at the Eddy Building, Detroit, Mich. Let me quote to you briefly from the Beet Sugar Journal of June, 1910:

> The Michigan Sugar Co. reports a profitable year. The regular annual meeting of stockholders of the Michigan Sugar Co. was held at the Eddy Building, Detroit, Mich., Wednesday afternoon, May 25, 1910. There was a representative attendance to hear the statement of the officers as to the year's business. The year was a profitable one, the company being able to show a surplus of $3,025,000 after expending $3,500,000 for labor and beets, and also paying regular dividends not only on the preferred, but on the common stock as well. As the Wednesday meeting was the regular annual meeting, no dividend was declared.

I next invite your attention to an extract from the Beet Sugar Journal of July 6, 1910:

> Offers of 121 for stock in the Michigan Sugar Co. have been made within the last month, and the stock is now considered one of the best on the Detroit or, for that matter, any market. The enormous profits, coupled with the favorable prospects, are the causes for the increase in interest and price in stock. The net profits of the Michigan Sugar Co. in 1909 exceeded $1,500,000, and the financial statement submitted at the annual meeting last month showed a surplus of $3,000,000. By a person in close touch with the workings of the company it is stated that the earnings from the sale of the by-products is almost enough to meet the dividend payments. The stock has trebled in value in little more than a year.
>
> "Michigan sugar stock is now one of the best investments possible," says a local broker who has been prominent in handling the stock; "there are more buyers for it than there is stock for sale, and probabilities are an even higher mark than already touched will be reached before the break comes. All Michigan sugar companies are prospering. When the 'trust' came into the State some years ago it smashed many independent companies, but in recent years, due to the improved methods of growing and manufacturing, which permits large profits to the farmer and extraordinary profits to the factory, several independent companies have been rehabilitated and are now sharing in the general prosperity."

This company was chartered with a capital stock of about $9,000,000, one-half common and one-half preferred. The combined daily slicing capacity of its six factories is very little in excess of 4,000 tons of beets per day. Measured by the standard of cost given us by beet-sugar factory men themselves, the six factories of the Michigan Sugar Co. do not represent an actual investment of more than $4,500,000, or about the amount of its preferred stock. The four and one-half millions of common stock was water, promoter's profit, and tariff capitalization, nothing more and nothing less, and yet it has increased its capital stock from $9,000,000 to $12,000,000 out of its earnings, and from 1906, when it was organized, to 1910, if we may believe the Beet Sugar Journal, it has more than trebled the value of its stock, until to-day the stock that was originally water is selling at $121 per share, and yet this selfsame Michigan Sugar Co. is one of the loudest of all in its protest against tariff reduction, and especially against free sugar, pleading the baby act and crying that it can not stand without protection from the Government.

Let us take another specific case. I refer next to the Great Western Sugar Co., "a corporation under the laws of New Jersey," operating in Colorado, and in which the American Sugar Refining Co. is again the largest and, I believe, the controlling stockholder. It is capitalized at $30,000,000, one-half common and one-half preferred stock; possibly one-half value and certainly at least one-half water.

Mr. HUGHES of New Jersey. Is the gentleman sure that it is only half water?

Mr. HARDWICK. Testimony at the hearings indicated that, to my mind. It is capitalized at $30,000,000; its slicing capacity is 9,700 tons of beets daily. Tested by the standard of cost given us by the beet-sugar factory people themselves, this would make a total real value for the nine factories of the Great Western Sugar Co. of about $12,000,000, and, as the gentleman from New Jersey [Mr. HUGHES] has suggested, it would seem to be true that even a little more than one-half of the total capitalization of $30,000,000 is water. At any rate, when we say that only one-half is water we think we have been more than fair to the company. This great sugar company long has reaped a rich, golden harvest from the patient and long-suffering people; and yet how much do you suppose that this great sugar company values its property for taxation when it comes to make its tax returns to the State of Colorado? Two and one-half million dollars. You ask me how much water there is in its stock? Under oath to the tax officers of the State of Colorado, its officers claimed that its property is worth about two and one-half millions, and yet it is capitalized at $30,000,000 and is crying aloud to-day because we are unwilling to let them declare dividends on water for all the years to come at the expense of every housewife and every grocery-bill payer in the land.

Mr. MARTIN of Colorado. It seems to me that the gentleman is making an awfully poor showing as to the sugar company, if it has an actual value of only $2,500,000 and is capitalized at $30,000,000. They ought to take example from the Standard Oil Co.——

Mr. HARDWICK. I do not claim that this mania for overcapitalization is peculiar to the sugar industry alone. I admit that it is everywhere, in every line of industry, but I am opposed to it all, and I especially object to it when they seek to capitalize the tariff and lay the heavy burden of continued dividends on watered stock upon the backs and stomachs of the American people.

Now, let us take another of these puling infants—the American Beet Sugar Co. This company is capitalized at $20,000,000—$5,000,000 preferred and $15,000,000 common; $5,000,000 value and $15,000,000 water. With a slicing capacity of about 4,000 tons per day, the real value of its five plants, four in Colorado and one in Washington, can not exceed $5,000,000, according to the standard of value fixed by one of its chief owners, Mr. Oxnard, and yet to-day preferred stock of the American Beet Co. is above par and the common is above 50. They have capitalized the tariff to the extent that they have made seven and one-half million dollars' profit in 12 years, besides paying 6 per cent on their actual investment. I invite your attention to a statement in the Beet Sugar Journal of April, 1911, in reference to the profits of this company:

> "American Beet Sugar Co. sets new high record. The report of the American Sugar Co. for the year ended March 31, 1911, shows total income of $8,357,012, an increase of $1,347,368 over the previous year, and a surplus, after preferred-stock dividends, of $1,643,659, equal to 10.95 per cent earned on the $15,000,000 of common stock, compared with $1,097,252, or 7.31 per cent, earned in the previous year. The common stock has not yet paid any dividends. The preferred pays 6 per cent. Comparative results for the past three years follow."
>
> Then are given the figures for 1911, 1910, and 1909. For 1909 the gross receipts were $7,135,326; total income, $7,156,855; expenses, interest, tax, etc., $5,863,713; balance, $1,293,143. Well, now, we will take 1910: Gross receipts, $6,983,772; total income, $7,009,644; expenses, tax, interest, etc., $5,612,391; balance, $1,397,252. For 1911: Gross receipts, $8,344,792; total income, $8,357,012; expenses, interest tax, etc., $6,413,353; balance, $1,943,659. Preferred dividends, $300,000 in each of the years 1911 and 1910 and $245,400 in the year 1909, leaving a surplus of $1,643,659 in the year 1911, $1,097,252 in the year 1910, and $1,047,743 in the year 1909. "The general balance sheet as of March 31 shows total assets of $22,577,371."
>
> "The reserve for working capital is $1,825,637, against $832,151 a year ago, and there is a reserve for betterments and improvements of $377,246, a new item. Bills payable to the amount of $1,266,000, which appeared in the previous balance sheet, have been paid off. H. R. Duval, president, says: 'The surplus has been applied to working capital, which is now adequate for ordinary operations. The company is now free of all debt. There was an increased production of 196,741 bags, exceeding that of any former year. The increase was principally due to California, though Grand Island increased 31,704 bags. In Colorado the decrease was 88,624 bags. Due largely to increased efficiency of the plants, the cost of making sugar, as compared with previous campaigns, was somewhat diminished. Taxes increased $30,989, of which $25,500 was the Federal corporation income tax. Depreciation and maintenance cost $344,842—was $13,119 less than last year.' The design of this expenditure (included in the above statement in expenses) is to keep the plants up to their original condition."

I next invite your attention to a statement in the American Sugar Industry of March, 1912, in reference to the profits of

this same company—the American Beet Sugar Co.—for the year ending March 30, 1912:

The net earnings of the American Beet Sugar Co. for the fiscal year ending March 31, 1912, will probably not exceed 12 per cent, instead of the 15 per cent estimated last December. The reason assigned for this is that the company began to sell its 1911 crop too early. Sales were made in advance of production in order to take advantage of what seemed a very flattering profit. Sugar prices advanced, and it is estimated the difference to the company amounted to between $300,000 and $500,000. The company then went to the other extreme and held back the remainder of the 1911 crop on a declining market.

And yet this American Beet Sugar Co. protests that it can not exist without protection, and urges that it should be allowed to continue to extort excessive profits on watered capitalization from the pockets of the American consumer.

Let me cite one more example of exactly the sort of "protection" we are urged to continue at the expense of the American consumer for the benefit of these lusty "infants." Probably the first beet factory in the country in recent years was established about 1887 by Mr. C. A. Spreckels, sr., at Watsonville, Cal. According to the sworn evidence of Mr. C. A. Spreckels, jr., a son of the man who built it and owned it, this factory made 12 per cent the first year of its operation. The following year it made 80 per cent. It was capitalized at $500,000, of which only $400,000 was paid in actual cash, so that its owners got back more than its entire capital from two years of its operation, and finally suspended because the Sugar Trust had then acquired an interest in it and would not pay more than $4 per ton for beets, and by this niggardly policy caused the farmers to plant fruit orchards instead of beets.

This brings me next, Mr. Chairman, to the discussion of another important phase of the beet-sugar question. Our good friends from the beet-sugar regions, where the sunshine of God is very bright and is so easily coined into sugar, protest against this bill in the name of the American farmer. Mr. Chairman, it is my experience that there have been more appeals to demagogy, more appeals to prejudice, more appeals to ignorance, in this House and in Congress in the name of the American farmer than in almost any other name that I can think of, except possibly the American laborer, and it does seem to me that this particular appeal is the most unjustifiable I have ever heard, and I protest against it as emphatically as I can in the name of the great masses of American farmers throughout the country who constitute in a very large measure the backbone of its prosperity and well-being and who demand no more than a square deal and an even chance to earn their living by the sweat of their own brows in the sunshine of the Almighty unhampered by excessive and unnecessary burdens and unfair discriminations against them and demanding neither discrimination in their favor against other people nor special privileges of any kind whatsoever.

It is contended, in the first place, that the American farmer is paid more for his beets than the European farmer, and must be paid less if the tariff on sugar is removed. I dispute both propositions. First, I say the American is not paid more for his beets than the European farmer. In connection with that proposition I desire to first cite an extract from Willett & Gray's Sugar Journal of June 12, 1901, when that journal was advocating Cuban reciprocity:

The heavy protection now granted to beet-sugar producers all goes to the manufacturers, who do not pay the farmers any more than is received by the farmers in Germany for beets. German factories produce refined sugar at a cost of less than 2½ cents per pound, exclusive of bounty, and American factories suitably located and ably managed should be able to do as well. American manufacturers have already demonstrated their ability to produce sugar at 3 cents per pound; therefore the heavy protection now granted is not needed and the removal of duty on Cuban raw sugar will neither ruin the business of the beet-sugar manufacturers nor injuriously affect the farmer.

In answer to the tables furnished by the gentleman from Michigan [Mr. FORDNEY] on this subject, I wish to invite attention to the fact that the tables cited by that gentleman contain prices paid in Germany throughout a series of years, and that they have not been compared by the gentleman with any similar tables giving averages in prices paid for beets in this country during the same period of years. On the contrary, the gentleman undertook to compare them with American prices paid in the year 1911. This is manifestly unfair, because the prices paid for beets were higher in 1911 than they were in 1902, for instance, both in this country and in Germany. It would seem to me that the fairer comparison would be to take the year 1911 and compare the prices for that year in Europe and America. In 1911 the prices of beets, according to the findings of the special committee, were $5.30 per ton in California, $5 per ton in Utah and Idaho, from $5.50 to $6.50 per ton in Colorado and Nebraska, and between $5 and $6 in Michigan. Compare these prices with the prices paid in Europe. Mr. Czarnikaw, of London, one of the most eminent authorities on sugar conditions in the whole world, states that the usual price paid for beets in countries that are parties to the Brussels convention—and that includes most of the beet-sugar producing countries in Europe—was $5.11 to $5.48 per ton. Messrs. L. Behrens & Son, of Hamburg, fix the price at from $5.32 to $6.70 per ton. Messrs. H. J. Merck & Co., of Hamburg, reporting for the district of Stettin, fix the average price at $5.78 per ton. In Posen the price varied from $5.59 to $6.49, the average being $6.27 per ton. In Belgium and Holland the average in 1911 was $5.79 per ton.

In addition to the above, in Denmark at least, and probably in Germany and other European countries, besides receiving payment for his beets according to the agreed scale, the farmer is also given in payment for his beets a percentage of the factory profits. So it seems to me, Mr. Chairman, that the American farmer is not well treated by our beet factories in comparison with the treatment the European farmers receive from the European beet factories, and that the American farmer is not as well paid for his beets as the European farmer. It seems to me that the "protection" that has been so bounteously given the beet-sugar people has gone to swell profits of overcapitalized factories rather than to increase the profits of American farmers. In this connection I wish to read you a telegram that I have just received this morning and that bears directly on this subject:

NEW YORK, *March 14, 1912.*

THOMAS W. HARDWICK,
House of Representatives, Washington, D. C.:

Referring to our conversation of the other day, I am unable to ascertain the name of the gentleman whom I met on the train coming East on March 2 last. He stated in the presence of a number of witnesses that he had been to California for the purpose of selling beet-sugar seed, and was on his way to see Mr. Joseph Smith, head of the Mormon Church, and exhibited a telegram stating arrangements were made for him to lunch with Mr. Smith on March 4. He was met at Ogden by a number of gentlemen, indicating his being of some importance. He claimed to be a manufacturer of beet sugar in Germany, and stated that he and manufacturers of beet sugar in general had to pay about $7.50 per ton this year for sugar beets, while during the last year they paid only from $5.50 to $6 per ton. The reason for this was that farmers were dissatisfied and could no longer be induced to raise them for less. He stated, further, that the manufacturing cost was about the same; labor in Europe, perhaps, being less, but fuel, on the other hand, higher.

C. A. SPRECKELS.

Mr. MONDELL. I would like to ask the gentleman from Georgia who is this man who is being quoted?

Mr. HARDWICK. Mr. C. A. Spreckels.

Mr. MONDELL. But the gentleman who made this statement, who is he?

Mr. HARDWICK. If the gentleman from Wyoming had listened to the reading of the telegram, he would not have asked the question.

Mr. MONDELL. It seems to have been some gentleman whose name is unknown. His identity is unknown.

Mr. HARDWICK. That is just what the telegram says.

Now, I want to make this one other suggestion along the line of the hypocrisy of this cry that this tax on American consumption ought to be retained to "protect" the American farmer. Let me suggest to the gentlemen who raise that cry, who are so solicitous of the interest of the American farmer, that it is rather wonderful to recall that when they and their party came to protect the American farmer from competition with his Canadian neighbor they imposed the low tax of "10 per cent ad valorem on sugar beets," and that in 1909, 37,731 tons of sugar beets were imported from Canada into the United States, and in 1910, 57,950 tons, all of this importation being sold to the Michigan Sugar Co. and the Mount Clemmons Sugar Co.

I next invite your attention to another phase of this question. It appeared from the testimony of many of the witnesses who were engaged as farmers in the production of sugar beets in the various Western States that the net profits per acre of the sugar-beet farmers varied from $19.20 to $76. Taking the average of the figures given by the first 14 witnesses on this subject, it would appear that the average net profit per acre of the sugar-beet farmer throughout the West was about $43.37 in the year 1911. According to the figures of the Department of Agriculture, the average net profit of the American farmer in the production of wheat was $3.07 per acre, and the average net profit of the American farmer engaged in the production of corn was $8.15 per acre. The above averages do not include any allowances whatever for rent of land. These are given by the department for the year 1909, but I do not believe that the figures of 1911 or 1912 will materially vary from them. The estimate of the average net profit of the American farmer engaged in the production of cotton is not above $6 per acre. It is often much less, but certainly never much larger. Now, is the American farmer who makes $3.07 on his acre of wheat, or $6 on his acre of cotton, or $8.15 on his acre of corn, to be taxed

in order that other American farmers, infinitely smaller in number, shall be allowed to make $43.37 on an acre of beets? Such a contention does not appeal to my sense of justice, nor do I believe that it will ever be indorsed by the people of America, if any party should have the temerity to present it.

As I have already stated, I firmly believe that sugar can be put on the free list without a cent's reduction to the farmer who raises sugar beets, if the beet-sugar factories will simply be content to accept a fair and reasonable return on their actual and legitimate investment; but in any event, I am unwilling to tax all of the American people in order to give a few thousand American farmers a better price for their sugar-beets.

Mr. Chairman, I next wish to invite your attention to a comparison between the cost of production of beet sugar in the United States and in Germany. According to the findings of the special committee on sugar, the average American cost of production of refined beet sugar was 3.54 cents per pound, against the German average cost of production of 2.415 cents per pound. It must be remembered, however, that the American figures were given by witnesses who are interested in making the cost of production here appear as high as possible, so as to give greater force to their demand for continued protection; and it is worthy of note that, according to their own admissions, the Spreckels Sugar Co., of California, is producing beet sugar at 2.71 cents per pound, and the Oxnard factory of the American Beet Sugar Co. at 2.81 cents per pound, and according to the testimony of Mr. Coombs, of Colorado, the Great Western is producing it at 2.59 cents per pound. I quite firmly believe that the best equipped and most favorably located of our beet-sugar factories are to-day producing beet sugar at nearly if not quite as low a cost as their European competitors and that they can stand alone against Germany without any tariff protection whatever, pay the farmer the present price for his beets, and make a fair and reasonable profit on their actual investments, although I think it quite probable that without tariff aid they will find it difficult, if not impossible, to continue to pay huge dividends on excessively watered stock.

I call the attention of the committee to the fact that in 1910 the export price of granulated sugar at Hamburg (first marks) was 3.21 cents per pound. Add 0.12 cent per pound for freight to New York and 0.18 cent per pound for difference in grade, and this makes a price of 3½ cents per pound, which the American beet-sugar factories would have to meet at the Atlantic coast. When the freight rate of 0.38 cent per pound from New York to Missouri River points, which are the principal competitive points, is added, then this makes a price of 3.88 cents per pound, which the beet-sugar factories must meet in Missouri River territory. In addition to this, it must be remembered that the freight rate from New York to Michigan, Colorado, Utah, Idaho, California, Minnesota, Ohio, and Iowa points is much greater in all instances than 0.38 cent per pound and that German sugar could not get into the home territory of the beet-sugar factories under 4 cents per pound.

It is thus evident that almost every beet factory that is willing to take a reasonable profit on honest capitalization can live under free sugar and do fairly well at that.

Mr. HOWELL. While there is that margin, do you suppose that the German producer is going to sell his sugar at the bare cost of manufacture any more than the Americans?

Mr. HARDWICK. No; the cheapest price, exclusive of duty, at which German beet sugar got into New York in the year 1910 was 3.5 cents per pound, and the cheapest price at which it could have gotten into Missouri territory was 3.88 cents per pound.

Mr. MONDELL. Mr. Chairman, will the gentleman yield?

Mr. HARDWICK. Yes.

Mr. MONDELL. The gentleman has said that the average German cost is about 1½ cents less than the American cost?

Mr. HARDWICK. I have given the committee the figures.

Mr. MONDELL. Can the gentleman, on the face of that, contend that the American can live at that rate?

Mr. HARDWICK. Mr. Chairman, I can not yield further on that point, as I have already shown the committee how he can live and do fairly well at that if he will only be content to take a reasonable profit on the capital really invested in his business. I earnestly contend that he will get along if he will do that, and I earnestly contend that the Congress of the United States ought to require him to do that for the benefit of the American consumer. I will now yield to the gentleman from Utah.

Mr. HOWELL. Mr. Chairman, I want the gentleman to state what are the freight charges from the factories of Utah, Colorado, and California to the Missouri River points.

Mr. HARDWICK. From Michigan it is 38 cents per hundred pounds, or the same as the rate from New York; from Colorado it is 25 cents per hundred pounds; from Utah it is 50 cents per hundred pounds, as I understand and remember the figures.

Now, as I have already stated, there is a large scope of territory where imported sugar could not come at all without paying a freight rate of 78 to 80 cents per hundred pounds. It would cost them at least that to get into Colorado, and possibly more to get into Utah. They could not get into California unless they absorbed an even greater freight rate, unless the operation of the Panama Canal should make a difference.

Now, Mr. Chairman, it is contended for the beet-sugar people that they have been philanthropists and public benefactors in more than one respect. They contend, and the gentleman from Michigan [Mr. FORDNEY] has made an elaborate effort to sustain that contention, that they are responsible for the decline from the high price which sugar touched during September, 1911. Such is not the case, in my judgment, nor does the testimony taken before the committee on sugar substantiate the contention. That the beet-sugar factories would have taken a lower price than the prevailing and current market price is too ridiculous a contention to merit serious argument. I believe it is almost, if not quite universally, true that the seller of an article gets the highest possible price therefor. I am sure that this is true of the producer of cotton, corn, and wheat, and everything else that I know anything about, and I am sure that it is equally true in the manufacturer of beet sugar. It is quite true that they sold it at a lower price on some occasions, but only when they had sold it in advance of the market and before the rise in the market. Quotations for beet sugar f. o. b. Hamburg fell 2 shillings and 9 pence between the high-water mark in September and December 4, 1911, a reaction of 0.66 cent per pound; in the meantime, the American beet-sugar factories sold their product in September for 6.5 cents per pound, and on December 4 it declined to 5.9 cents per pound, a reduction of 0.60 cent per pound. Over 500,000 tons of domestic sugar had begun to come on the market in July—before the sharp advance—and was in no way responsible for the decline in the price of sugar which came after the 1st of October, 1911. It seems more reasonable to conclude that the 6,500,000 tons produced in Europe and coming into the market about the 1st of October was responsible for that reaction in price. As an indication of what the American consumer may expect from the American beet-sugar industry, let me call the attention of the committee and of the country to a recent occurrence. About the middle of February, in anticipation of higher prices, the beet-sugar factories with one accord withdrew their product from the market, although 25 per cent of their production was then unsold. On February 29, 1912, Willett & Gray's Statistical Trade Journal contains this statement: "The beet-sugar factories are still quoting 5.90 cents less 2 per cent, and thus practically withdrawn from the general market." When it is remembered that the cane refineries were then selling at 5.80 cents and that the beet-sugar factories suddenly withdrew from the market, with one-fourth of their product unsold, in an effort to force higher prices, although the price was then nearly 2½ cents per pound above the figure that they had themselves fixed as their cost of production, their philanthropy and public-spirited generosity to the consuming public will be well understood and properly appreciated.

Now, let me refer to just one other proof that these highly protected beet-sugar factories are real "philanthropists" and sell sugar cheaper than the market price simply to benefit the American consumer. They all admit that they add to the price of every pound of sugar sold at their factory doors the freight rate from New York to that factory door, and so far as even giving to the local consumers and their own neighbors the benefits that should accrue from the location of these beet factories among them, they simply say to their neighbors and local consumers, "If we were not here you would have to pay the freight on your sugar from New York, so you must pay us that freight rate, too, although the sugar we sell you never travels a mile."

Mr. HELGESEN. Mr. Chairman, will the gentleman yield?

The CHAIRMAN. Does the gentleman from Georgia yield to the gentleman from North Dakota?

Mr. HARDWICK. Yes.

Mr. HELGESEN. As to the prices which the gentleman gave as German prices, the Germans will not sell without a profit, will they?

Mr. HARDWICK. No.

Mr. HELGESEN. Therefore the price of sugar landed in New York from Germany must include a profit to the manufacturer?

Mr. HARDWICK. Yes; you can rely on the figures I have given because they are the export prices in Hamburg.

Mr. HELGESEN. If they are export prices, they must be the cost plus their profit?

Mr. HARDWICK. Yes; but even after meeting the transportation charge they will have half a cent profit.

Mr. HOWELL. I did not understand it was so.

Mr. HARDWICK. You will find it so when you examine the record.

Mr. GOOD. Mr. Chairman, will the gentleman yield for a question?

The CHAIRMAN. Will the gentleman from Georgia yield to the gentleman from Iowa?

Mr. HARDWICK. Is the question right on this point?

Mr. GOOD. No; on the point the gentleman was just leaving.

Mr. HARDWICK. All right.

Mr. GOOD. I do not understand from the report whether the average cost that the committee found in Germany was 2.41. I thought the average cost was 3.24 cents per pound. I would like to ask whether that included the interest on the capital and the depreciation?

Mr. HARDWICK. I think it does in both cases.

Mr. HAUGEN. Mr. Chairman, will the gentleman yield?

Mr. HARDWICK. I do.

Mr. HAUGEN. The gentleman has given this subject a great deal of investigation. I would like to ask him if he can inform the House as to the number of tons of sugar beets required to make a ton of sugar?

Mr. HARDWICK. About 250 pounds of sugar, I believe, are made out of a ton of sugar beets.

Mr. HAUGEN. Can the gentleman give me information as to what the cost is of manufacturing a ton of sugar, outside of the sugar beet?

Mr. HARDWICK. Yes; I will attempt to do that later, if I have the time.

Mr. MONDELL. I have just come in. Will the gentleman show how the beet sugar of the West could bear competition with the cane sugar of foreign countries?

Mr. HARDWICK. I can not let the gentlemen take all of my time. I think I have covered that. I am sure the gentleman will not think me discourteous when I say I have not the time to yield to him further.

Mr. MONDELL. Will the gentleman show how beet sugar can compete with cane sugar produced abroad at a cost of 1½ cents a pound?

Mr. HARDWICK. I regret that I am unable to go into that question further just at this juncture. I am sorry the gentleman did not hear all of my argument.

Now, Mr. Chairman, I am coming next to the cane-sugar situation. In the first place, let us inquire what amount of money is invested in that industry in Louisiana. The interest in Texas is relatively small and need not be considered, as the total investment in Texas does not materially increase the size of the investment in cane sugar in the South. Mr. John Dymond, one of the most intelligent of the sugar planters of Louisiana, stated before the special committee that he estimated the total investment in Louisiana, "directly and indirectly," to be from $150,000,000 to $175,000,000. We have, however, much more recent and an even more authoritative estimate as to the nature, extent, and details of this investment. In the body of the resolution adopted by certain citizens and representative sugar planters of Louisiana and New Orleans at a public meeting held in New Orleans, La., on February 12, 1912, the following statement was made:

> There is invested in this great agricultural industry in Louisiana alone, to say nothing of the other 17 or more sugar-producing States, in lands, with buildings and field improvements, $70,000,000; in factories, $35,000,000; in mules, $10,000,000; in implements, $2,000,000; in plantation railroad equipment, $2,000,000; making a total of $119,000,000.

It will be observed that neither the $70,000,000 in lands nor the $10,000,000 in mules can be fairly charged up as an investment in the sugar industry, for the reason that the land can be used for other and doubtless equally as profitable crops, and the mules can be used in cotton or in other fields as well as in the sugar fields. Taking these two items, amounting to $80,000,000, from the total of $119,000,000 given by the Louisiana planters, it will be seen that the total investment in the industry in Louisiana is not placed at more than $39,000,000, even by the people who are engaged in the industry. The sugar planters of Louisiana, who appear to be most intelligent and courteous gentlemen, appointed a committee to appear before the special committee of the House and to make a statement in behalf of the sugar industry of Louisiana. These gentlemen fixed the cost of producing a pound of 96-degree cane sugar in Louisiana at 3¾ cents per pound. To-day the island of Java makes it at 1½ cents a pound, Cuba at 1⅞ cents per pound, and the greatest sugar experts in the world contend that the Philippines can do better even than Cuba or Java with sufficient capital and modern machinery. The world figure of the cost of producing a pound of 96-degree cane sugar has already reached 1½ cents per pound, and it is gradually, if not rapidly, approaching 1 cent per pound. Yet we are asked, in the name of a great southern industry, to keep this tariff up so that we may produce in Louisiana about $29,000,000 worth of sugar a year that can not be produced there for less than 3¾ cents per pound, and in order to do so to force the people of the United States to pay the difference—fully $150,000,000 a year—in the cost of sugar.

I love my friends from Louisiana. I have the greatest respect for them. I love Louisiana and glory in its history. I would not willingly lay—though some of my Louisiana friends may think otherwise—a hard hand upon one of their industries unless my conscience and sense of public duty compelled me to do so; but, gentlemen, the time will never come when I will vote to protect a hothoused industry, whether that industry is in Georgia or Louisiana. [Applause on the Democratic side.] It is not right, and it costs the people too much.

Mr. HOWELL. Mr. Chairman, does the gentleman yield?

Mr. HARDWICK. Yes.

Mr. HOWELL. The gentleman has given a great deal of consideration to the sugar question. I want to ask him in this connection if he believes beet sugar can be produced in competition with the figures which he has named for cane sugar?

Mr. HARDWICK. No.

Mr. HOWELL. One cent a pound?

Mr. HARDWICK. No. I will tell the gentleman right now that I believe beet sugar is hothoused all over the world. The industry does not live anywhere on earth, either on this continent or in Europe, except where it is protected by high tariff laws that unduly and unfairly burden the consumers of those countries.

Mr. HOWELL. Does the gentleman believe the beet-sugar industry is a benefit to this country?

Mr. HARDWICK. I believe a reduction of the price of sugar will be a benefit to the men, women, and children who eat it. I believe that it will be beneficial to the whole country. [Applause on the Democratic side.]

Mr. HOWELL. Is there a civilized nation on the face of the globe where beet sugar is produced that does not offer it some encouragement?

Mr. HARDWICK. If every civilized nation on earth does wrong, that is no reason why we should follow them. [Applause on the Democratic side.]

Mr. MANN. Will the gentleman yield for a question?

Mr. HARDWICK. I yield to the gentleman from Illinois.

Mr. MANN. In the judgment of the gentleman, if all the nations which now foster the beet-sugar industry should cease to do so, and the world should become dependent upon the cane-sugar industry, would those countries that now produce cane sugar at a low rate be able to produce a sufficient amount of sugar for the world's consumption at the low price?

Mr. HARDWICK. The best experts on earth say that in the Philippine Islands alone enough sugar can be produced to supply the wants of the civilized world, and at the lowest cost in the world. They can make it now at 1½ cents per pound, and, finally, I believe, at 1 cent a pound. It is my judgment that we should not stay out of a lunatic asylum if we continue to pay 4 cents for making it over here.

Mr. MANN. If that be the case, does the gentleman believe that this country should aid the Philippines financially so as to develop the industry there, in order that the world may have cheap sugar, as the gentleman desires?

Mr. HARDWICK. In the confusion I did not hear the conclusion of the gentleman's question.

Mr. MANN. If the Philippine Islands can produce sufficient sugar for the world, provided they are given financial aid, does the gentleman believe that we ought to furnish that financial aid, so that the world may enjoy the benefit of cheap sugar produced in the Philippine Islands?

Mr. HARDWICK. We have been doing a great deal for them already, and under the policy inaugurated by the gentleman's own party I suppose it will be difficult to get rid of them. As they have already been such a source of burden, I would have no objection to deriving some benefit from them, and we will get that benefit, in my judgment, without any governmental aid whatever, as soon as the capital of the world begins to understand the splendid advantages in the Philippine Islands for the production of sugar.

Mr. FITZGERALD. In the establishment of the Philippine Agricultural Bank we did provide the means for financing these operations.

Mr. MANN. But they have not been financed.

Mr. FITZGERALD. That is because they did not find it a good proposition.

Mr. HARDWICK. The gentleman from New York [Mr. FITZGERALD] of course does not mean "that sugar in the Philippines is not a good proposition." But, Mr. Chairman, following still the line suggested by the gentleman from Illinois [Mr. MANN], I invite the attention of the committee to the fact that besides the Philippines the United States has other and exceed-

ingly rich sugar storehouses among her insular possessions where cane sugar can be produced at an exceedingly low cost. I refer to Hawaii, which imported into the United States about 500,000 tons in the year 1911, and to Porto Rico, which gave us about 300,000 tons in the same year. Besides these two islands, we have lying at our very door, connected with us by the closest ties, geographical, strategic, sentimental, and political, the island of Cuba, long termed by the Spaniards "the sugar bowl of the world." With sufficient capital, sound and progressive business methods, with the latest and most improved machinery, and with stable conditions, it is probable that Cuba alone can produce all the sugar we consume, and produce it at a cost of between 1 cent and 1½ cents per pound.

The next question to which I wish to invite the attention of the committee is the question as to what extent the removal of the duty on sugar will affect its price to the consumer.

At the outset of my discussion of this question I wish to invite attention to the remarkable attitude in which the opponents of this bill put themselves. In one breath they assert that the removal of duty from sugar will ruin the producer by lowering the price of his product, and in the next breath they assert that the removal of the duty will not lower the price of sugar to the consumer. If not, what harm can it do them and why do they oppose the bill?

I next invite your attention to the table of sugar prices that is printed on page 6 of the report by the Ways and Means Committee on this bill.

Comparison of export price of sugar at Hamburg and wholesale price of same at New York, 1900 to 1911.

[Cents per pound.]

Year.	Raw sugar.			Granulated sugar.		
	Export price Hamburg.	Wholesale price New York.	Difference between export price at Hamburg and wholesale price at New York.	Export price Hamburg.	Wholesale price New York.	Difference between export price at Hamburg and wholesale price at New York.
1900	2.24	4.56	2.32	2.64	5.32	2.68
1901	1.88	4.04	2.16	2.29	5.05	2.76
1902	1.43	3.54	2.11	1.79	4.45	2.66
1903	1.81	3.72	1.91	2.11	4.63	2.52
1904	2.14	3.97	1.83	2.55	4.77	2.22
1905	2.55	4.27	1.72	3.00	5.25	2.25
1906	1.87	3.68	1.81	2.31	4.51	2.20
1907	2.05	3.75	1.70	2.40	4.65	2.25
1908	2.29	4.07	1.78	2.63	4.95	2.32
1909	2.35	4.00	1.65	2.78	4.76	1.98
1910	2.74	4.18	1.44	3.22	4.97	1.75
1911	2.82	4.45	1.63	3.20	5.34	2.14
Average	2.18	4.02	1.84	2.58	4.89	2.32

The figures contained in the above report can not be questioned. They are taken from the statements, before the special committee, of Mr. E. F. Adkins, vice president of the American Sugar Refining Co., and of Mr. Truman G. Palmer, secretary of an association of American beet-sugar factories. The figures presented by these gentlemen are from authoritative and unquestioned sources—the records of the standard trades journals of the sugar industry. They show that during the 12 years for which the figures are given the average difference between the export price of raw sugar at Hamburg and the New York wholesale price of raw sugar averaged 1.84 cents per pound, whereas the tariff on raw sugar was 1.685 cents per pound, and the insurance and freight from Hamburg to New York 1.2 cents per pound, a total of 1.805 cents per pound. They also show that during this same period of years the average difference between the export price of granulated sugar at Hamburg and the wholesale price of granulated sugar at New York was 2.32 cents per pound, whereas the tariff during three-fourths of this period was 1.95 cents per pound—and during the last three years 1.90 cents per pound—and the cost of insurance and freight from Hamburg to New York 0.12 cent per pound, to which should be added 0.18 cent per pound for difference in grade, making a total of 2.25 cents per pound. In other words, the table demonstrates conclusively that during the 12 years that it covers the American consumer paid every penny of the duty on sugar and could have bought his sugar almost 2 cents per pound cheaper but for the existence of the tariff tax. Let me call your attention to another specific proof that the consumer pays every penny of this tax and that the removal of the tax will cheapen the price of sugar by the amount of the tax. When the sugar schedule of the McKinley bill went into operation, on April 1, 1891, the effect of the removal of the duty on sugar was made instantaneously apparent. Granulated was quoted in New York on March 26, 1891, at 6¼ cents per pound, and on April 2, 1891, the day after the tariff change went into effect, it fell from 6¼ to 4½ cents per pound, and by May 14, 1891, it had fallen to 4⅛ cents per pound.

In this connection I invite your attention to the tables furnished the special committee by Mr. Wallace P. Willett, of the firm of Willett & Gray, the greatest sugar statistician in America, and one of the very greatest in the world. Mr. Willett furnished the special committee with a number of tables in proof of his statement to the committee that every one of our tariff changes in sugar have been followed by a corresponding change in the price of sugar to the American consumer. He contended that, other conditions being equal, such as crop conditions and the world-wide law of supply and demand, that any increase in duty necessarily increased the price of sugar to the consumer by the amount of such increase, and any decrease in duty, with the same qualification, necessarily decreased the price of sugar to the consumer. These tables will be found on pages 3548 to 3552 of the hearings before the special committee, and they show some very interesting facts. For instance, Mr. Willett states that, comparing the three years and three months preceding free sugar—January 1, 1888, to April 1, 1891—with the three years and five months of free sugar—April 1, 1891, to August 1, 1894—the consumer paid 2.512 cents per pound less for his sugar in the last period of time, when there was no duty, than in the first period, when there was a duty of 2.24 cents per pound.

Next Mr. Willett shows, in Table No. 4, on page 3548 of the hearings before the special committee, that the effect of the imposition of the 40 per cent ad valorem duty on sugar carried in the Wilson bill, which he says was equivalent to a duty of 0.979 cent per pound, was to raise the price of refined sugar 0.834 cent per pound, and that the effect of the Dingley law of 1897, which still further increased the Wilson duty by 0.824 cent per pound, was to increase the price of sugar to the consumer 0.586 cent per pound, and he accounts for the fact that the price did not increase to the full extent of the increase in duty, in these periods, by stating that it did not so include "because of the lower range of prices for raws, owing to overproduction of supplies." Of course, Mr. Chairman, the committee will understand that as to sugar, and as to all other commodities, prices are affected by causes that are entirely independent of changes in the tariff. For instance, in September, 1911, our price of sugar advanced about 2 cents per pound because of a reported, though possibly somewhat exaggerated, report of more than a million tons shortage in the German beet crop, and this advance occurred without any tariff change whatever, but the point is that whatever change is made in the price because of crop conditions, and in obedience to the law of supply and demand, we pay the tariff tax just the same, whether the crop is short and price rises or whether the crop is long and the price falls. In other words, while sugar went up 2 cents a pound in September last, entirely independent of the tariff, yet even then we would have gotten our sugar at 2 cents a pound cheaper than we did get it if it had not been for the duty on sugar.

After analyzing the changes in our tariff laws on sugar to which I have just referred, Mr. Willett summed up the situation in the following striking and significant statement:

The chairman remarked (p. 3072, at bottom of page), "and the less will be the worth of the sugar lost in refining." All the analyses of changing from duty to free sugar show that whenever duty is taken off the cost of refining decreases and when duty is added the cost of refining increases, but these analyses also show that whenever duty is taken off the consumer gets the full benefit of the amount of duty taken off and also a part of the lower cost of refining.

Mr. Henry C. Mott, buyer of raw sugar for the American Sugar Refining Co., testified (Hearings, pp. 2451, 2452) that the amount of duty is always charged to the consumer.

Mr. C. A. Spreckels, president of the Federal Sugar Refining Co., testified (Hearings, pp. 2245, 2246) that to place sugar on the free list would reduce the price of sugar to the consumer—

by the amount of the duty, approximately 2 cents a pound.

Mr. Edwin F. Adkins, vice president of the American Sugar Refining Co., testified (Hearings, p. 142) that if we reduce the tariff on sugar the effect would be to reduce the price of refined sugar—

practically by the amount of the reduction, always subject to the fluctuations of supply and demand for raw sugar.

Mr. Frank C. Lowry, when asked the question (Hearings, p. 1721) as to whether or not the removal of the duty on sugar would guarantee to the consumer the full benefit of such removal, replied:

Exactly, because then there would be no combination of dealers in this country, because they would have to compete with the dealers in other countries, and you can not get the dealers in the entire world into a combination.

Mr. Henry T. Oxnard, of the American Beet-Sugar Refining Co., testified (Hearings, p. 406) that by admitting Hawaiian and Philippine sugar free the advantage was given to the Hawaiians and Filipinos rather than to anyone in the United States, because the sugar people in Hawaii and the Philippines had simply "increased their price just the amount of duty removed," and following that statement he had a very interesting colloquy with the distinguished gentleman from Michigan [Mr. FORDNEY], who preceded me in this debate, to which I wish to invite special attention:

Mr. FORDNEY. Would not Europe do that to-day if we were to take the duty off of European sugar, and Cuba?
Mr. OXNARD. They would to a certain extent; but they could not, because they would be competing against the world.
Mr. FORDNEY. Suppose the duty was removed to the whole world. Suppose we removed the duty on all imported sugar from all countries of the world; would they not take advantage of it?
Mr. OXNARD. They would compete with the other countries.

So, Mr. Chairman, it seems to me to be both demonstrated by history and proven by the testimony, without conflict or dispute, that the removal of duty will reduce the price of sugar by the amount of the duty, and we present this bill to the American people, to the overburdened American consumer, with the confident hope that we have demonstrated the contention and that the enactment of the bill into law will reduce the price of every pound of sugar consumed in this country to the extent of about 2 cents.

Mr. Chairman, the remarkable contention is made on this floor by men who ought to know better, and who could know better if they took the trouble to inform themselves and to read the testimony taken before the special committee, that the American Sugar Refining Co., commonly known as the Sugar Trust, favors free sugar. The fact is precisely otherwise. It is true that the Federal Sugar Refining Co. and Arbuckle Bros., the former of which is the most active and independent competitor of the trust, favor free sugar, but it is not true that the American Sugar Refining Co. also favors free sugar. On page 144 of the Hearings Mr. Edwin F. Adkins, vice president of the American Sugar Refining Co., expressed himself as in favor of the moderate reduction of the tariff and as opposed to an abolition of duties.

Mr. Washington B. Thomas, president of the American Sugar Refining Co., stated (Hearings, pp. 2036–2037) that some of the directors of the trust favor a reduction of the duties on sugar, others opposed any reduction, while none of them favored free sugar.

It will be remembered also that when the Payne-Aldrich tariff bill was enacted the American Sugar Refining Co. sent to the Ways and Means Committee of the House of Representatives a statement signed by its secretary, Charles H. Heike, earnestly protesting against any reduction in the duty on sugar, and that is absolutely the last and official position that the trust has taken in reference to this matter.

In testifying before the special committee, Mr. Charles H. Heike called attention to the fact that he was "speaking as a private citizen throughout and not as an officer of the American Sugar Refining Co."; that he had had no connection with the company since July, 1910. Mr. Heike frankly stated that his personal opinion as a citizen was in favor of free sugar, making the following statement on that subject:

Mr. HEIKE. Each country should produce that which it can produce best. The beet-sugar industry can only sustain itself on a tariff of nearly 100 per cent, and we should have no industry that can not stand on its own feet. A high tariff will do that. I remember a very clever Congressman who remarked once that we might have orange groves in New Hampshire if the duty was only high enough.

It must be remembered that this is the same man who favored a retention of every cent of duty so long as he was connected with the Sugar Trust, and filed the company's statement before the Ways and Means Committee in 1909, urging the retention of duty on sugar. Nor can it be forgotten that the famous architect of the Sugar Trust, Henry O. Havemeyer, told the Industrial Commission, years ago, that the "Tariff is the mother of trusts." In view of the record, in view of what the whole truth is, is it not simply remarkable that our Republican friends stand here to-day shedding crocodile tears over a wholly imaginary partnership between the Sugar Trust and the Democratic Party?

It seems to me that the only partnership there is is between the Sugar Trust and the Republican Party.

Mr. HINDS. Will the gentleman yield?

Mr. HARDWICK. Certainly.

Mr. HINDS. The gentleman spoke of this side of the Chamber being in partnership with the Sugar Trust. In our colloquy a few moments ago one specific instance was brought up where it is true—that is, I suppose it is true; there are circumstances to indicate it—that a contribution to the Democratic Party was returned. I did not wish at that time to go further because I wished to refresh my memory by consultation with my colleague, Mr. MALBY, who went over those books with me. There is another instance where that account shows that in the same campaign the Sugar Trust contributed both to the Democratic and the Republican campaign funds.

Mr. HARDWICK. To what campaign does the gentleman refer?

Mr. HINDS. I would ask the gentleman from New York [Mr. MALBY] to answer that.

Mr. HARDWICK. I regret I have not the time to go more fully into this matter. I did not see the books the gentleman refers to. I took the gentleman's statement about them. I understood the gentleman to say, as I still understand the gentleman to admit, that the check sent to the Democratic committee was returned. I will say, in justice to the gentleman and his party, as I should have said during the previous colloquy between us, that had it been in any way involved in the precise question then at issue that I do recall that Mr. John E. Parsons, counsel for the Sugar Trust, did state that at various times the Sugar Trust had made political contributions to the several parties, but my recollection of Mr. Parsons's statement was that he had limited it, so far as the Democratic Party was concerned, to contributions made to Tammany Hall at various times; but in reference to the check sent to the national committees of the two parties in the campaign of 1904, there is no doubt that the check sent to the Democratic committee was returned. Not only that, I think the gentleman will find that, if he will refresh his memory, the check was never deposited in the bank and was not indorsed, but merely had a hole in it where it appeared to have been stuck on the file of some gentleman's desk; that when those in charge of the committee and responsible heard of the matter the check was returned to the Sugar Trust.

Mr. MALBY. Mr. Chairman, will the gentleman yield for a moment there?

Mr. HARDWICK. I have not the time.

Mr. MALBY. I happen to have seen the check.

Mr. HARDWICK. The gentleman has already addressed the committee and can no doubt get further time in order to make any statement that he desires about the check or he can put any statement that he likes about it in the RECORD. My time is so limited that I can not take up more of it with this matter.

Mr. MANN. Will the gentleman yield?

Mr. HARDWICK. I regret that I have not the time to yield again.

Mr. MANN. I was not going to ask the gentleman a question, but was going to ask unanimous consent that the gentleman who was the chairman of a special committee, which cost considerable money, might have a little more time so that he would not be pressed at this time.

Mr. HARDWICK. I would be glad to yield to everybody if I had the time.

Mr. MANN. Mr. Chairman, I ask unanimous consent that the gentleman from Georgia may have 20 minutes after the expiration of his hour.

Mr. HARDWICK. Mr. Chairman, I hope the gentleman will not press the request. I do not want to ask for it. I thank the gentleman, of course, for his courtesy.

Mr. MANN. It cost a good deal of money to get the gentleman's information, and I think we ought to have it.

Mr. RANSDELL of Louisiana. Mr. Chairman, the Louisiana people would like to ask a few questions if we could get some time.

Mr. MANN. Mr. Chairman, I made the request and I desire that the Chair put it.

The CHAIRMAN. The gentleman from Illinois asks unanimous consent that the time of the gentleman from Georgia be extended 20 minutes. Is there objection?

Mr. UNDERWOOD. Mr. Chairman, reserving the right to object, I understood the gentleman from Georgia to say that he did not care to have his time extended.

Mr. HARDWICK. That is true.

Mr. UNDERWOOD. Then I object.

The CHAIRMAN. Objection is heard.

Mr. HARDWICK. Mr. Chairman, before I proceed to a discussion of another branch of this question, I wish to insert in the record, as a matter of simple justice to him, a letter from a gentleman who has been previously assailed in this debate by opponents of this bill, and who has been severely criticized all over the country by the beneficiaries of the sugar tax. It seems to me that these gentlemen think that it is perfectly proper for any gentleman to favor a retention of duties for the "protection" of the industry in which he is interested and conduct as active and as aggressive a propaganda to save his "protection" as he may desire, but that it is hardly short

of a crime for anybody who speaks for the millions of American consumers and urges a reduction of tariff burdens to conduct a propaganda in support of that view. The gentleman to whom I refer has, in my judgment, done a great work for the people of the country by his aggressive and forceful advocacy of the removal of the duty on sugar, and while he has necessarily earned the ill will of the protected interest, because of his aggressive fight, he is undoubtedly entitled to the gratitude and the good will of every American consumer who has a grocery bill to pay. I refer to Mr. Frank C. Lowry, of New York, sales agent for the Federal Sugar Refining Co., and secretary of the Committee of Wholesale Grocers, and I invite the attention of the committee to the letter from him, which follows:

NEW YORK, *March 18, 1912.*

Hon. THOMAS W. HARDWICK,
Chairman Special Committee on Investigation of
The American Sugar Refining Co., and others,
House of Representatives, Washington, D. C.

MY DEAR SIR: Those opposed to any reduction in the tariff on sugar have endeavored to besmirch the standing of the Committee of Wholesale Grocers, of which I have served as secretary, because I am also in charge of the sales department of the Federal Sugar Refining Co., an independent refinery. There has at no time been any mystery as to who I was or where I stood on this important matter. Certainly I was very glad to have the opportunity to state it clearly to your committee when I appeared before them last July. The Wholesale Grocers' Committee was formed in 1909 for the purpose, as stated on our letterheads, of "obtaining cheaper sugar for consumers through reduction of duties on raw and refined sugars." I believed in the principle advocated, was instrumental in forming this committee, and have served as its secretary, without any remuneration, direct or indirect, because the other members desired it. My name, and that of the other members of the committee, has appeared on all our stationary. We have been particularly careful about this, so that all might know exactly who was behind the movement. Had there been any desire on my part, or that of the other members of the committee, to conceal the fact that I was interested in this work, this would not have been done.

With the exception of myself, all our members are actively engaged in the wholesale grocery business. They are: Carl Schuster, Koenig & Schuster, New York City; W. H. Baker, Baker & Co., Winchester, Va.; B. F. Persons, Patsone & Scoville Co., Evansville, Ind.; H. C. Beggs, Dilworth Bros. & Co., Pittsburgh, Pa.; R. E. Collins, Collins & Co., Birmingham, Ala.; A. S. Hammond, Monypeny Hammond Co., Columbus, Ohio; G. Thalheimer, Syracuse, N. Y.; Henry Baden, Henry Baden & Co., Independence, Kans.; F. J. Dessoir, R. C. Williams & Co., New York City; H. T. Gates, E. W. Gates & Co., Richmond, Va.; W. E. Small, the A. B. Small Co., Macon, Ga.; E. L. Woodward, E. L. Woodward & Co., Norfolk, Va.; A. Blanton, A. Blanton Grocery Co., Marion, N. C.; Jacob Zinsmeister, J. Zinsmeister & Bro., Louisville, Ky.; A. Brinkley, A. Brinkley & Co., Norfolk, Va.; R. E. Bentley, Bentley, Shriver & Co., Baltimore, Md.; John E. Talmadge, jr., Talmadge Bros. & Co., Athens, Ga.; Isaac Horner, Henry Horner & Co., Chicago, Ill.; Edward Cumpson, T. & E. Cumpson, Buffalo, N. Y.; E. P. McKinney, McKinney & Co., Binghamton, N. Y.; H. Y. McCord, McCord-Stuart Co., Atlanta, Ga.; A. S. Webster, Webster Grocery Co., Danville, Ill.

These gentlemen are from 14 different States, and the firms represented have a total rating of nearly $8,000,000.

In the work we have been doing we have had the cooperation of a great many wholesale and retail grocery houses that are not members of the committee, but who would be glad to become members of it were it desirable to have the number increased. Furthermore, I am firmly convinced that 90 per cent of the wholesale grocery trade of the country is in sympathy with our efforts. The National Wholesale Grocers' Association, as an organization, has not take any action regarding the tariff on sugar, for the reason, as they have repeatedly stated, "As an organization we do not deal with political questions of any kind." They leave matters of this kind to be dealt with separately by the various local organizations and individual members, and the petitions now filed with the Ways and Means Committee show how thoroughly this has been done. I might mention, however, that the National Canners' Association, with a membership of over 3,000 firms, does not feel this way about it, but passed resolutions favoring a lower duty on sugar, and have instructed the chairman of their committee on legislation, Mr. Bert N. Fernald, to use his best efforts to bring about such a reduction. The National Bottlers' Protective Association have acted in a similar way, the only difference being that their resolution calls for "free sugar."

Previous to the time this committee was formed, in 1909, the general public knew little regarding the details of the sugar tariff, and all our efforts have been along the lines of publishing the facts, feeling satisfied that if the people were informed what the tax was and its effect they would demand and receive the relief from the excessive rate to which they are clearly entitled. As a result of our efforts thousands of petitions asking for a reduction in the tariff on sugar have been sent to Congressmen signed by individuals, firms, corporations, granges, civic associations, etc. Through these the signers have spoken for themselves and others who are in sympathy with the movement. These are the people who will hold their Congressman responsible for what he does or does not do to secure a lower tax rate on sugar.

To distribute this information, besides requiring effort on the part of this committee, required funds, and the Federal Sugar Refining Co. has helped us financially. Investigation by your committee disclosed that the Federal Sugar Refining Co. was absolutely independent, having no affiliation, directly or indirectly, with the Sugar Trust. Consequently their interest in the lower duties is identical with that of the consumer. A lower tariff rate will reduce the price of sugar, resulting in an increased consumption, so that a larger business can be done at a reduced expense.

The American Sugar Refining Co. is clearly on record as desiring no change in the present tariff, as reference to the Payne-Aldrich tariff hearings of 1909, pages 3430–3440, will disclose a letter and a brief filed by them, urging that the present tariff rate be maintained. Thus the line is clearly established with consumers, manufacturers, dealers, and independent refiners desiring lower duties, and opposed to this is the Sugar Trust and their allies, the domestic sugar producers.

As this committee think it should be clearly stated exactly who we are and also that the work we have done has been because we believe in the principles advocated, and for no other reason, we would appreciate if you can arrange to have this printed in the RECORD.

Very respectfully, yours,

FRANK C. LOWRY, *Secretary.*

Mr. Chairman, I next wish to invite the attention of the committee to the enormous expense to which the consumers of the United States have been put in order to make an unsuccessful attempt to produce our own sugar in this country, and the enormous burden we have placed upon American consumption in order to support and protect a relatively unimportant industry.

Granulated sugar is to-day quoted at wholesale in New York at 5.90 cents per pound. Mr. Palmer, secretary of the Beet Sugar Association, has shown from the figures for a number of years that the retail price in the United States has averaged 0.88 cent per pound above the New York wholesale price. This would make the present average retail price in the United States 6.78 cents per pound, or $151.87 per long ton. The consumption of the United States for 1912, as estimated by Willett & Gray, is three and a half million long tons. Multiply $151.87 by three and a half million tons and you have the enormous sum of $531,545,000 as the Nation's sugar bill for the year 1912, if the present high price of sugar is maintained. Multiply the consumption of three and a half million tons by the duty of $42.76 per ton (1.90 cents per pound) and you have $149,660,000—the saving that this bill would make to the American consumer in the year 1912 alone.

Again, to look at it from another angle, from 1897 to 1911, inclusive, the total consumption of refined sugar in the United States was 39,770,423 long tons. The duty of 1.90 cents per pound, or $42.76 per ton, has been added during all these years to the price of every pound of sugar we have consumed, whether it was produced at home, in our insular possessions, or in any foreign land. This represents an addition of more than $1,700,000,000 to the sugar bill of the country within the last 15 years, since the passage of the Dingley bill. It is even a few millions over that, because in all those years, except the last two, the duty has been 1.95 cents per pound instead of 1.90. Against this stupendous addition to the Nation's sugar bill, contrast the relatively small amounts invested in the industry in the United States, about $60,000,000 in beet sugar and about $39,000,000 in cane, less than $100,000,000 in both. So that, to weigh the burden for the last 15 years only, in order to protect an industry in which about $99,000,000 is invested, we have added 17 times as much as the total investment in that industry to the sugar bill of the country.

No wonder that this once appalled even our Republican friends of the protection faith and order, so that in 1890 the Republican Party proposed to pension off the sugar producers with a bounty. No wonder that the Democrats of the country are no longer willing to stand it and to-day repudiate the whole thing, bounty and all. Highly as we respect our friends from Louisiana and Colorado, much as we love them, we find their sugar industry entirely too costly an investment for the people of the country.

Upon this subject let me quote from two eminent authorities:

Mr. William Bayard Cutting, one of the first in this country to engage in the production of beet sugar, stated "That the beet-sugar industry is profitable under conditions of absolutely free trade, and that the United States, being an agricultural country, the industry has nothing to fear even from the annexation of Cuba."

Prof. F. W. Taussig, Henry Lee professor of economics at Harvard University, in the February, 1912, issue of the Quarterly Journal of Economics, says, regarding the beet-sugar industry: "If protection to young industries was needed, it has been given. The initial stages of trial and unfamiliarity are certainly passed. The industry in the far West has certainly passed the infant stage. Its difficulties in the farming region proper seem to be due to the competition of the other kinds of agriculture, which under the typical American conditions are more profitable. If this kind of agriculture needs protection, and if the familiar grain growing, cattle fattening, and dairying of the corn-wheat belt do not, the explanation is still to be found in the principle of comparative cost."

Mr. Chairman, just a word in reference to the contention advanced by my friend from Michigan [Mr. FORDNEY] that the removal of the duty on sugar will be in violation of the reciprocal trade agreement of 1903 with the Republic of Cuba. I deny absolutely the soundness of that contention. Neither the Fifty-eighth Congress nor the then President of the United States had the power, or assumed to exercise the power, to make an agreement with the Republic of Cuba that future Congresses would continue to levy a duty on sugar. The agreement was simply to the effect that as long as we levy a duty on sugar Cuba should have a 20 per cent reduction on the same. As I have already shown, of this 20 per cent Cuban sugar planters get but one-fourth anyway, and it seems to me that the larger and better market that this country will afford them under

free sugar will more than compensate for the slight advantage that Cuban reciprocity has conferred upon them.

Mr. Chairman, in concluding my remarks, I wish to say that the proposition that the Democratic Party presents to-day is neither new nor novel in this body. In the last Democratic House that ever sat in this Chamber before the present one the Wilson bill left that door, on its way across this Capitol, with free sugar written in it. It was in the Senate of the United States that the will of the people was defeated and the American consumer denied the relief to which he was so justly entitled.

Mr. WARBURTON. Mr. Chairman, did not all the Republicans vote for that?

Mr. HARDWICK. Not in 1894. They voted against it then, but I want to read you some arguments that were delivered on this floor and elsewhere for free sugar in 1890, and one or two in more recent years. I read first from the speech of William McKinley, delivered on this floor on May 20, 1890, when that distinguished gentleman presented the McKinley bill.

> I would have preferred, Mr. Chairman, if the article of sugar could have been left in the tariff schedule upon the dutiable list. This, however, was not practicable in the presence of an almost universal sentiment in favor of the removal of the entire duties upon this article of universal family use.

I want to read you from the speech of the Hon. Nelson Dingley, of Maine, delivered on this floor on May 10, 1890:

> The duty collected on sugar and molasses the last fiscal year was $55,975 610, or nearly 2 cents per pound. Adding to this the increased cost of 275,000,000 pounds of sugar produced in this country, equivalent to the duty of 2 cents per pound, and the duty imposed on these articles was practically a tax of $63,500,000, or $1 per head, on the people of this country.
>
> Inasmuch as there is scarcely another article of common use not now on the free list which can not be promptly produced or made here nearly or substantially to the extent of our wants, the transfer of sugar and molasses to the free list will afford conspicuous relief to the people of this country.

I next read you from a speech of the distinguished gentleman who has had a long and illustrious career in this House, and who still sits in this Chamber on the Republican side. I refer to the Hon. JOSEPH G. CANNON, of Illinois, who on May 20, 1890, said:

> Mr. Chairman, the placing of sugar on the free list will relieve each inhabitant, rich and poor, of $1 per annum of tax, and at least 50 cents of extortion levied by the sugar refiners.
>
> The gentleman from California asks, Why give a bounty to the producers of sugar in the United States? Well, I answer my friend, I am not anxious to give a bounty if you do not want it. My principal anxiety is to place sugar on the free list and relieve the people from this great burden of taxation.

Mr. CANNON. Mr. Chairman, will the gentleman yield?

Mr. HARDWICK. With pleasure.

Mr. CANNON. I have no time. I presume I shall have none; but I want to say to the gentleman——

Mr. HARDWICK. I will ask the gentleman to please ask his question.

Mr. CANNON. I will put it in the form of a question.

Mr. HARDWICK. I have only two or three minutes.

Mr. CANNON. I shall ask to have the gentleman's time extended.

Mr. HARDWICK. But that will not be allowed.

Mr. CANNON. Oh, I think they will allow it. That was a condition when we were getting over $100,000,000 of surplus. The gentleman does not state that.

Now, the whole truth is the whole truth. We passed a law giving 2 cents bounty——

Mr. HARDWICK. You said you did not care anything about that at all.

Mr. CANNON. And every Democrat, substantially, except Louisiana Democrats, if I recollect, voted against free sugar.

Mr. HARDWICK. We have gotten better and you have gotten worse, then. That is all there is to it.

Now, Mr. Chairman, I will call your attention again to the remarks of a gentleman, once a distinguished Member of another body, made in this Capitol on June 8, 1904. He said:

> If I had my way I would strike from this bill every vestige which provides a duty on sugar.

The gentleman who uttered that Democratic sentiment was the late distinguished Senator from Iowa, Mr. Allison. This same Republican Senator also stated, on July 11, 1897, "whatever duty we place on sugar must, in the very nature of things, be added to the price."

Another distinguished gentleman, long a leader in another legislative body, said in this Capitol on June 5, 1894:

> They have signalized that friendship to-day by joining their Democratic allies in forcing upon the people of the United States this unjustifiable, indefensible, and infamous sugar tax. I said this tax was infamous and if I could employ any stronger word than that I should be glad to do so.

The gentleman who uttered that sentiment was Senator Nelson W. Aldrich, of Rhode Island.

And yet Republicans say to-day that this bill presents a radical proposition and denounce the Democratic Party for attempting to destroy a great industry. These gentlemen are forgetful now, as always, of the great masses of the people, of the American consumer, and assert that the American consumer is not entitled to this relief, although the cost of living mounts higher and higher under Republican rule.

Mr. Chairman, it is my deliberate judgment that the one great reason why we have this Democratic House is because the American people are determined to reduce the cost of living so far as same can be reduced through tariff legislation, and I firmly believe that in presenting this bill for free sugar the Democratic Party is responsive to the will of the vast majority of American people and plants itself on impregnable ground when it asserts that it is unwilling to continue this burdensome tax on one of the great food necessities of life. [Loud applause.]

Mr. DALZELL. Mr. Chairman, I yield 55 minutes to the gentleman from Maine [Mr. HINDS]. [Applause.]

Mr. HINDS. Mr. Chairman, under ordinary circumstances I would not take part in this debate on a subject which belongs so exclusively to the Ways and Means Committee, but this House honored me last summer with a place on the committee for investigating the American Sugar Refining Co., and I feel under obligations to lay before the Members such conclusions as I may have reached in the course of that inquiry and such facts as may be pertinent to this discussion.

The Ways and Means Committee have not given to us any testimony or any conclusions based on any investigation of their own. But the conclusions which they have given are based on the investigation made by our committee. Now, to the candor, industry, and fairness of the gentleman from Georgia [Mr. HARDWICK], who presided over the investigation then undertaken, and of the Members associated with him, I pay every tribute of respect. But, in spite of that, the fact still remains that our committee was not instructed or expected to examine the question of the tariff on sugar, and such examination as was made by it on that subject was wholly incidental, imperfect, and inadequate. Perhaps the most striking proof of that fact is that our deductions as to the cost of the beet sugar in Germany and in the United States, showing over a cent difference in the cost of production, are antagonized by the distinguished chairman of the Ways and Means Committee, who gives reasonings of his own to indicate that the difference can not be of such harmful extent as those figures would indicate.

TARIFF BOARD INQUIRY NEEDED.

There is only one inquiry adequate to a subject so vast as this, and that would have to be made either by an examination longer than any committee of this House would be able to give or by an examination by a tariff board unencumbered by the general legislative duties resting upon members of committees here [applause], an examination that could be conducted with business thoroughness into the books of the companies and into the cost of production. That alone can give us the definite information needed for a subject so vast as this.

Do gentlemen realize how extensive this subject is and what a wide range it covers? The labor question alone concerns the toil of brown men under the suns of Java, of black men in the canebrakes of Louisiana, of white farmers in Michigan and Utah, of light-haired Norsemen who till the beet fields of Sweden on the extreme northern frontier of the Temperate Zone. Any determination of what may be done by this country must go into that great question of labor.

THE EUROPEAN SYNDICATE.

Any determination of what must be done by this country must also go into the question of the control of sugar production in Europe. Sugar on the Continent of Europe is not produced under the laws of trade as we understand them as to other commodities, and as we understand them as to sugar on this continent. There exists a great international syndicate which presides over the sugar industry as a board of directors might preside over a corporation, with a minuteness that often goes to the control of the supply of sugar that may come upon the European market. That great international combination grew up not on the initiative of the protectionist countries of the Continent, but on the suggestion of the one great free-trade nation of the world—England. It grew up at her suggestion, and is maintained with her concurrence, because the conditions of the sugar market are so abnormal that even she could not stand, with all her free-trade ideas, the cheapness of the sugar that was forced on her until it disarranged her industrial system.

Go beyond the syndicated nations of the Continent of Europe, and you come to Russia, which is outside the circle of the Brussels conference. We have made no investigation of the capacity of Russia or what she may do. And yet this bill before us to-day, by repealing, or, perhaps, a better word would be avoiding, the countervailing duty established in section 7 of the existing tariff law, as it certainly seems to do, opens our market to the bounty-fed sugar of Europe, which is exported to countries that will receive it with a premium paid to the exporter. We have not investigated that subject.

But the effect of bounty-fed sugar is notoriously so disastrous that no great civilized country is allowing it in its markets except in limited amounts, and even free-trade England is included in the list. Yet by this bill we would turn the bounty-fed sugar of Russia and Argentina onto the markets of the United States, in competition with the cane growers of Louisiana and the beet-sugar producers of the West.

PRICE OF SUGAR WOULD BE INCREASED.

We are opposed to this bill to-day; first, because there has been no adequate examination of a question so important; and, secondly, because we believe the facts of the situation show indisputably that the effects of the bill will not be to reduce the price of sugar to the consumer for any great length of time, but to increase it. We are opposed to it not only because it will increase the price to the consumer ultimately, but because it will prostrate the domestic sugar industry of Continental United States and the industries of those dependencies which within a few years have been united to us, Porto Rico, the Philippines, and Hawaii, and will disorder the finances and economic condition of that young Nation of which we are the guardian—Cuba.

THOSE WHO ADVISE CHANGES OF DUTIES.

I have said that our inquiry was not intended to cover the tariff question and from this point of view was inadequate. Many people came before us, but they represented the "interests" almost entirely. The managers of the great company called the trust, the other refiners of cane sugar, the manufacturers of beet sugar, the owners of cane plantations in Louisiana and Cuba, the farmers who raise beets in the West, all came and stated the case from their point of view. I do not think they intended to misrepresent, but no one could expect of them absolute fairness of perspective. The "ultimate" consumer did not come. He is too busy with his daily vocation to study so complex a problem. He seemed to have arrived one day when a gentleman appeared who drew a golden picture of the wealth coming to the consumer from the removal of the sugar duty. But we found, when we examined him under oath, that he was the agent of a great refinery, capitalized at $10,000,000, and that the refinery was financing the literary portion of the movement in favor of this bill. Out of all these conflicting conditions it is very difficult to reach a conclusion as to the real interests of the absent consumer.

A GREAT INDUSTRIAL CONTEST.

While the inquiry made by our investigating committee was entirely inadequate as to the tariff question, it did show certain great basic conditions which we must take into account. It seems that the first and most important of those basic conditions is that there is existing at this time a great contest between two branches of the sugar industry, the cane refiners of the seaboard and the beet-sugar producers of the interior. When I speak of the cane refiners of the seaboard I am speaking almost entirely of the great American Sugar Refining Co., which is called the "trust." With it are a few rivals, who, to use an expression given by a witness before our committee, go along "under the umbrella" of the "trust" in the matter of prices to the consumer. This is probably true as to most, if not all, of the independent refiners.

Now, I have stated that there is that condition of antagonism between those two great branches of our sugar industry. I think it is abundantly proved by our testimony. For instance, on page 1158 of the testimony, Mr. Gilmore, representing the sugar refiner Arbuckle, said of the beet-sugar industry that its product came as far east as Massachusetts, and, to use his own words, "did a lot of damage" in the market.

That testimony proves that there is a real competition in the sugar business, and that the cane refiners of the seaboard fear the rivalry of the western industry. Mr. Gilmore further said:

When they—that is, the sellers of beet sugar—come with hothouse protection and invade my territory, I do not like it.

Mr. Jamison, of the same firm, on page 1195, said:

If there was no duty, I do not think the beet would be so prosperous, and we would probably sell more sugar. It would enable us to run more constantly.

Mr. Jamison wished the duty entirely removed, but he was willing to say that he thought it ought to be removed by degrees. Against the reasonings of the gentleman from Georgia [Mr. HARDWICK] that the removal of this duty will not tend to kill out the beet-sugar industry in the West, I cite the opinion of this practical business man, daily engaged in the selling of sugar, who knows thoroughly what competition is and what it does.

Mr. Atkins, of Boston, the vice president of the American Sugar Refining Co., on pages 144, 145, and 173 of our hearings, favored a reduction of the duty, and said that his company could get along under free sugar, inasmuch as the advantage from the present differential on refined sugar was of so little advantage to the refiner that it was not worth discussing.

Mr. Thomas, on page 2033 of the testimony, shows that a cane refinery that has no interest in the beet-sugar industry is in favor of reducing the duty, and in so far as the American Sugar Refining Co. was engaged in the cane-refining business—and that is by far the greater part of its business—it was undoubtedly interested in the reduction of the tariff. I call the attention of gentlemen——

Mr. STERLING. Mr. Chairman, will the gentleman yield?

Mr. HINDS. Yes.

Mr. STERLING. Who is Mr. Thomas?

Mr. HINDS. He is one of the directors of the American Sugar Refining Co. He is a director and possibly an officer otherwise.

I will call the attention of gentlemen here to the fact that the American Sugar Refining Co. holds about $15,000,000 of the stock of the western beet-sugar companies. I will also call attention to the fact that this property was acquired under the old domination of the company by militant monopolists. The men who waged that campaign to control the beet-sugar industry have passed out of its management and no others of similar purposes appear to succeed them. So far as I have been able to discover from the testimony—and I think the testimony of Mr. Atkins bears out this idea—they are anxious to get rid of that entangling property as fast as they can.

Mr. MURDOCK. Mr. Chairman, will the gentleman yield?

The CHAIRMAN. Does the gentleman from Maine yield to the gentleman from Kansas?

Mr. HINDS. Certainly.

Mr. MURDOCK. I would like to ask the gentleman what per cent of the total is $15,000,000? What per cent of the whole sugar-beet capitalization is that $15,000,000?

Mr. HINDS. The $15,000,000 represents the book value, the face value of the stock is considerably larger. I think it is something like thirty-odd millions. That thirty-odd million, as I understand it, would represent less than a half of the capitalization of the total beet-sugar industry.

Mr. MADDEN. The total capitalization is over $100,000,000, is it not?

Mr. HINDS. I believe it is so stated.

Mr. MARTIN of Colorado. Mr. Chairman, will the gentleman permit me to state it in this way——

Mr. HINDS. Yes.

Mr. MARTIN of Colorado. I understand that the showing of the trustized condition, so called, of the beet-sugar industry, is arrived at from a consideration of the fact that the Sugar Trust owns 41 per cent of the stock in those companies, which produced 54 per cent of the product.

Mr. HINDS. I think that is a fair statement.

Mr. MARTIN of Colorado. So that, as a matter of fact, the Sugar Trust owns only 20 per cent of the entire sugar product. I may say, further, that my congressional district contains eight beet-sugar factories, and the Sugar Trust never owned a dollar in any one of them or had any connection with them whatever.

Mr. HINDS. Undoubtedly the proportion of the beet-sugar factories outside of the dominion of the trust is large—over one-half—and is growing all the time, because the trust is disposing of its beet-sugar property as fast as it can, apparently.

Mr. FORDNEY. It should not be understood that the amount of stock that the American Sugar Refining Co. holds in the subsidiary companies is more than one-half of the stock of those companies. It is not so. They do not own one-half of the stock of any company, with the single exception of one concern.

Mr. HINDS. Is not the gentleman informed of the fact that that has been disposed of since the Government suit came on?

Mr. FORDNEY. I do not know. I knew the situation before that.

Mr. HINDS. The United States Government is prosecuting the American Sugar Refining Co. under the Sherman antitrust law, and the ownership of stock in the beet-sugar factories is one of the conditions on which a conviction would be likely to be based. They can not dispose of all that property at once. They will have to dispose of it by degrees, and I think the testimony of Mr. Atkins indicates that that is the purpose of his company.

The two industries are naturally antagonistic. On any scheme of economical production the beet-sugar industry should not be connected with the cane-refining industry. They are naturally opposed. On the Continent of Europe the beet-sugar industry has entirely driven out the cane-refining industry, and there is a probability that if the cane refiners of this country do not receive some such advantage as is contemplated in this bill they will find a constant and growing competition with the beet-sugar industry. Of course such competition, if not carried to destructive extremes, is of advantage to the consumer.

Mr. J. M. C. SMITH. Mr. Chairman, will the gentleman yield for a question?

Mr. HINDS. Surely.

Mr. J. M. C. SMITH The gentleman is on the Sugar Investigating Committee, is he not?

Mr. HINDS. I was.

Mr. J. M. C. SMITH. Will the gentleman please give us his reason for the rise in the price of sugar last year, if he is able to say?

Mr. HINDS. I will get to that presently.

THE HOUSE SHOULD CONSIDER THE CONSUMER.

Now, it is not the business of this House to become the champion or the partisan of either of those two branches of industry. I do not quite agree with the sentence in the report of the majority of the Committee on Ways and Means which states that the cane refiners are to receive a superior or a more important consideration than any other branch of this industry. We should not shape our legislation for the purpose of favoring one or the other or even for the purpose of umpiring the contest between them. We should look at but one thing, and that is what legislation by us, what imposition of conditions by us, will result in the long run in enabling the American consumer to get his sugar at the least expenditure—I am not going to say expenditure in dollars and cents, but I am going back to that older currency of humanity, that currency which is the only real test of value, the effort put out by the man who acquires the commodity by his labor. There are a great multitude of consumers to be considered. But we must not consider them entirely as consumers. It is essential for us to consider nearly every consumer—and in the case of the great mass of consumers it is so—as a producer also, and on his ability to get a fair return on what he produces depends his ability to become a consumer. [Applause on the Republican side.]

That is the key to the whole question before us. What does an American care if in the Empire of China he can be shaved for a cent and a half, get his hair cut for two cents, and his shoulders rubbed and queue braided free in addition? [Laughter and applause.] It amounts to nothing to a man on the soil of America. The question here in all these things is, What is the relation of the price to the money that you have in your pocket and your opportunities for replenishing the pocket? It seems to me that that question is at the foundation of this discussion.

SUGAR REALLY CHEAPER IN AMERICA THAN ELSEWHERE.

The sugar cost in this country is not the expense that cries most loudly for attention. Anyone who cares to examine this question for himself can readily see, from page 18 of the report made by the sugar investigating committee (H. Rept. No. 331, 2d sess. 62d Cong.), that the American people get refined sugar at wholesale—and the wholesale price is the real test in tariff matters—cheaper in terms of money than the people of any other great nation except England. [Applause on the Republican side.] I will insert as a part of my remarks the table given in the report of the sugar investigating committee, giving the wholesale prices of sugar in the five great nations and showing that England's price is 4.1 cents, approximately, and our price is 4.97 cents wholesale. I give the wholesale prices, because it is not fair in a tariff discussion to bring in the local and peculiar conditions that affect retail prices:

Year 1910, average quotations, net cash, in cents per pound.

WHOLESALE REFINED, TAX PAID.

England	4.101
Germany	5.150
Austria	7.298
France	6.450
United States	4.972

In the year 1910, the last available year, the American got his sugar for an average price of about nine-tenths of a cent more than the English consumer paid. Now, gentlemen will say, why should not the American have the cheapest sugar? I contend that he does have the cheapest sugar on earth when all conditions are taken into account. In proving to you that the American enjoys the cheapest sugar on earth, I want to call your attention to a very interesting document (S. Doc. No. 38, 62d Cong., 1st sess.), containing a report put out by the British Board of Trade. They made an investigation of conditions in this country and in England. It was part of a wide series of investigations, undertaken to determine the economic condition of England with reference to competitor nations, and that investigation carries in every line of it evidence of its truthfulness. It shows that the average family of a laboring man in America uses 5¼ pounds of sugar a week. You will have glowing pictures painted to you of the total saving to the American people on the sugar we consume. I submit to this House that the only true criterion is the amount of sugar consumed directly in the average family. This 5¼ pounds of sugar a week is almost the same amount used by the English family. The figures are based on actual inquiries conducted in many cities. As a statement of the sugar situation as related to the family it is far more reliable than deductions made from dividing the total sugar production with the population of the Nation. Much sugar is used in manufacturing, in tobacco, soda water, candy, canned milk, and so forth; but in the problem of saving to the ultimate consumer it is not necessary to consider the sugar used in manufactures, unless we believe that the tobacco man, the soda-water man, and the candy man will pass along to the family the almost infinitesimal percentage which he may save on the plug of tobacco or the pound of candy.

Taking, then, 5¼ pounds of sugar, the weekly portion of an American family, how much does that sugar cost in the world's oldest and truest currency, the labor of the father of the family? The British Board of Trade has compared many kinds of American labor with many kinds of English labor. I believe it is the best and most impartial comparison we have. On pages 13 and 16 of the Senate document to which I have referred there is a comparison of wages and hours of labor. I will take the wages of the hod carrier as fairly illustrative of the difference between the two countries, because the hod carrier applies natural labor and not machine-aided labor. This comparison shows that the English hod carrier can earn the week's supply of sugar for his family by working 108 minutes, if he can buy at the wholesale prices cited by the Sugar Investigating Committee, and the American hod carrier can earn the week's sugar for his family, buying also at wholesale prices, in 45 minutes. [Applause on the Republican side.] That is, the week's sugar costs the American laborer 45 minutes and costs the English laborer 108 minutes. [Applause.] I have given wholesale prices because in a discussion it is not fair to charge to the tariff the profit that the retailer may take.

Based on retail prices in the two countries, as found in the board of trade investigation and at a different period of time, the Englishman works 102 minutes for his sugar, the American 53 minutes.

I have examined carefully, and I believe the difference between the incomes of hod carriers in this country and England is fairly expressive of the general difference in incomes, not only as to laborers, but as to professional men, clerks, and other employees in general. Where the Englishman earns a dollar the American earns $2.30.

A PENNY-WISE POLICY NOT DESIRABLE.

To take the duty off raw sugar is not to save the consumer in price in the long run.

Mr. OLMSTED. If it will not interrupt the gentleman, I should like to ask him one question. Perhaps he can answer it. That is, whether the price of sugar is cheaper or dearer in this country to-day than it was during the short period when we had no tariff whatever on sugar?

Mr. HINDS. I am coming to that in a moment. Bearing continually in mind that our main object should be to give to the consumer, the man with a family, the maximum sugar with the minimum of labor cost, we must not in our legislation here adopt a penurious and pound-foolish policy. I am going to admit that theoretically gentlemen can show that this bill ought to save the consumers a cent or a cent and a third on a pound of sugar, but the whole history of sugar prices for the last 40 years negatives the idea that this theoretical saving will be an actual saving. The ultimate consumer is not concerned directly with the prices of raw sugar abroad, with differentials, or with parities. What concerns him is the concrete fact of the price of sugar at the store where he buys it. As we can not know the varying retail prices, our best guide in consulting the consumer's interest is the wholesale price of refined sugar, and the wholesale price of sugar in the last 40 years shows with a conclusiveness not to be denied by any fair man that something beside the tariff makes sugar cheap or dear to the consumer.

On page 44 of the testimony taken by the sugar investigating committee are given the average wholesale prices for each year from 1870 until 1909. What does this show?

That from 1870 to 1882, and there was no change in the tariff for those years, the price dropped from 13½ cents a pound to 9½ cents. Something besides the tariff affected the price of sugar in those years.

In 1883 the tariff was reduced by about half a cent a pound, and in the next seven years on this basis sugar oscillated between 7.8 cents a pound and 6.2 cents a pound, entirely negativing the idea that the tariff was a primary factor in the price, because the oscillation of the sugar was several times the change of tariff.

In 1890, from a tariff of 2.24 per pound, sugar became free, with a bounty of 2 cents a pound to encourage domestic production. Now, the effect of bounties has always been to reduce the price of sugar below a fair market price, and it is not surprising that the taking off of the duty and the adding of the bounty, too, should have made a substantial reduction in the price of sugar in 1890. I do not attempt to deny that a part of that was due to the taking off of the tariff, because I do not deny that such would be the immediate effect on the price of sugar. It is on the long run, of two, three, or four years, that I am arguing here. The advocates of this bill will not fail to point out that for the three years of free sugar the wholesale price was lowered, and that is true; but it is a curious fact that, when in 1894 an ad valorem duty of nearly a cent a pound was put on, the consumer for the next three years got sugar even cheaper than he got it under free sugar with a bounty. Evidently then something besides the tariff interests the consumer of sugar.

The gentleman from Georgia [Mr. HARDWICK] has quoted Mr. Dingley, of Maine, as speaking in 1890 in favor of free sugar. He did undoubtedly, if the gentleman so quotes him, but I have no doubt that Mr. Dingley in 1897 remembered the effect of putting on the 1 cent ad valorem duty in 1894, and that may explain why, when he made the bill for which he was responsible, he did not give free sugar, but put on a tariff of nearly one cent and three-quarters.

Mr. STERLING. Mr. Chairman, will the gentleman yield?

Mr. HINDS. Certainly.

Mr. STERLING. Has the gentleman any figures to show what effect the change in the tariff of 1890, the taking off of the duty and adding the bounty——

Mr. HINDS. I just said that the price of sugar fell at that time.

Mr. STERLING. That is not the question—then adding 1 cent a pound in 1894; will the gentleman state what effect it had on the American production of sugar?

Mr. HINDS. I do not remember the effect on the American production of sugar. I did not examine that in that connection. Something happened, because sugar was cheaper.

In 1897 the Dingley law raised the duty on sugar to about 1⅜ cents a pound, yet for the six years of the full Dingley tariff the wholesale price of sugar ranged only a fifth of a cent a pound over the average of the free-sugar years. Some great force other than the tariff was evidently working on the price of sugar.

In 1903 a 20 per cent reduction in Dingley rates was made on sugars from Cuba, yet in the next six years the price to the consumer was slightly higher than for the six years before the duty was reduced. Some condition other than tariff rates must have been operating on the price of sugar.

In 1909 the Payne tariff law, without changing the raw-sugar duty, reduced slightly the tariff on refined sugar, but last September the wholesale price of refined sugar in New York soared to 7¼ cents a pound, a price far above the average of any year for the last 20 years. Evidently something besides the tariff made that rise in price to the consumer.

THE SUGAR SUPPLY THE GREAT FACTOR.

That mysterious something that neutralized the tariff increase of 1894, that sent sugar prices skyward last September without any change of the duties, can be but one thing—the supply of sugar.

The supply, not the particular tariff rate, is the great thing to the consumer. And the real and important rises and falls in the price of sugar are brought about by the supply. Last September it was believed in Europe that the drought in the beet fields would cause a shortage of a million tons of sugar. That shortage sent sugar beyond the price levels of the last 20 years. The crushing out of the beet industry of the West and the cane industry of Louisiana would make a shortage of nearly a million tons, and this shortage would be a more vital thing to the consumer than any slight increase because of a tariff.

Of course, it is possible to demonstrate on a narrow view of any given time that the taking off of 1½ cents of duty on a pound would make an immediate saving to the consumer.

It would be possible to demonstrate to the owner of any orchard in the Nation that he could cheapen the price of his apples for any given year by stopping his expenditure for the chemicals that fertilize the trees. He might do it for a series of years. But there is not an orchardist in the world who would not drive out the mathematician who should propose such a course of action, destructive of future supplies.

Our tariff on sugar preserves our domestic supply of sugar and nearly 1,000,000 tons from our beet fields and Louisiana is of vastly more benefit to the consumer than a theoretical saving by a free-trade arrangement.

OUR OWN SUPPLY A CAUSE OF LOW PRICES.

If gentlemen will examine for a moment this question of supply they can not fail to see where the true interests of the consumer lie. We use in the United States in a year three and one-third million tons of sugar. Our supply for this year comes chiefly from the following sources (Testimony, p. 3585), and is estimated:

	Tons.
American beet sugar	540,000
Louisiana cane sugar	300,000
Texas cane sugar	8,000
Porto Rico cane sugar	350,000
Hawaii cane sugar	500,000
Cuba cane sugar	1,800,000
Philippines cane sugar	200,000
Total	3,698,000

All this sugar is raised here or comes free into the United States except that from Cuba, which pays 1⅜ cents a pound duty where other outside countries pay 1⅜ cents.

Thus, with the encouragement which we have given to our domestic industry and to Cuba we will produce our supply within our own circle. We go abroad for very little sugar, so little that there is an internal competition which forces the Cuban planters to give to our consumers the tariff concession which they would be glad to keep for themselves.

We have taken Porto Rico and Hawaii into our national family. We have raised the standard of their labor and living, and they in turn have become great purchasers in our markets. Now, we are proposing to turn them over to the free competition of Java, where a man gets 25 cents a day and a woman 12 cents. If we paralyze those islands, take away from Cuba the preferential she now enjoys, at the same time extinguishing the Louisiana and domestic-beet industry, where are we to turn for sugar?

WHAT THE WORLD'S MARKET FOR SUGAR IS.

Why, we will turn to that great and indefinite refuge of antique economic theories, the world's market. On that we will depend.

What is that world's market? It is a great international combination of which we are not a part, and which is controlled by a committee in which we have no membership. When sugar soared skyward last September that committee might have remedied the price by letting more sugar into the world's market, but it did not do it then, although it has since taken action. As we within our own circle did not quite supply ourselves, we had to come nearly to their high prices. We were saved from going entirely to their prices by our beet production. (Testimony, p. 3581–3585.)

This branch of the subject is important enough for me to read to you from the testimony before our committee of the sugar expert who has been so often quoted in this debate, Mr. Willett, of New York. He said that to a great extent the sugar trade of the world is not free and open and clear, and is subject to bounties and restrictions and conditions. He gives this advice:

> I say increase the Cuban, Porto Rican, Hawaiian, Philippine, and domestic cane-sugar industry to a point above all requirements for consumption, up to 500,000 tons, so that if Cuba should give out some year and not produce much sugar we would still have enough for our consumption. Then we would be independent of the world and we would make our own price. That price will depend upon the competition between the different interests, between Cuba, Porto Rico, Hawaii, and the domestic beet and cane industry. They will be all working to get our market and the consumer, then, will get the advantage.

THE MODERN SUPPLY AND ITS EFFECT ON PRICES.

What makes sugar so cheap in the world to-day is the great modern supply of sugar. In the earliest times sugar cane was the source of the world's sugar supply, and that cane supply was subject to all the conditions of the hectic, fitful civilizations of tropical and oriental islands. In Europe sugar was, until the beginning of the eighteenth century, a costly luxury and a medicine. In 1319 the Lord Chamberlain of Scotland paid about 40 cents a pound for sugar. In the middle of the eighteenth century Peter Faneuil, the great Boston merchant, was paying about the same price. If we had waited for those tropical islands to supply us with all of our sugar we would

to-day be paying a price for sugar that would make the price paid by the Lord Chamberlain of Scotland six or eight centuries ago seem like a bargain-counter sacrifice. [Laughter.]

In 1840, near the middle of the nineteenth century, the world used but 1,150,000 tons of sugar, hardly more than a third of what the United States uses now in a year. It was nearly all cane sugar, but beet sugar was then just coming forward in Germany and France. The gentleman from Georgia [Mr. HARDWICK] has argued to-day that because our domestic industry has been coming up so slowly, therefore, it is of no account, and should be disregarded. Is he aware how long it has taken to develop the beet-sugar industry, started in the time of Napoleon? Even before 1840 it was doing little or nothing in Germany. What developed it to its present position was not entirely its status as a sugar-producing process. It was the fact that the agriculturists of Germany, in their wise plan to make agriculture as profitable as possible, in order that they might stop the drift to the cities, hit upon the beet-sugar industry as one of the greatest features of their agricultural system; and I believe—and I think the facts will bear me out—that the progress that the United States has made in the production of beet sugar has not been so much due to the American demand for sugar here as to the fact that our Agricultural Department for a series of years conducted a campaign of education to introduce that industry, not for the sugar we would get, but for the advantage it would be to our agriculture. [Applause on Republican side.] Beet-sugar production is so used in every one of those countries on the Continent of Europe that are endeavoring to preserve the normal balance of their civilization. The great question to-day which is troubling European countries and which does not trouble us, because our rapid pioneer growth has obscured our vision as to what is going on, is the great drift of the people from the country to the cities. One of the most interesting studies in contemporaneous statesmanship to-day is the effort that the nations of Europe have made to stop that. As one instance, the little nation of Denmark, which has had the greatest success, has a law that any land once peasant land shall never be sold into large allotments. Denmark to-day has a less proportion of her people in the cities than any other nation. Interesting as that subject is, however, I shall not further digress.

In 1840 beet sugar was coming into use in France and Germany. In the 30 years following 1840 the world supply of sugar had trebled, and nearly half of this increased amount was beet sugar. To-day, after 40 years more, a little over half the world's supply is beet sugar. Its development has been most rapid. In 1900 the cane fields of the world were producing a little over three times as much sugar as they had been producing in 1840, or 60 years before; but the beet fields, with nearly 6,000,000 tons that year, were producing over a hundred times as much sugar as they produced in 1840. In the last 10 years the cane growers have awakened from their lethargy, and the production of both cane and beet sugar has marched ahead with surprising swiftness, until to-day it amounts for each kind to over 8,000,000 tons a year, giving the world a total production of almost 17,000,000 tons.

It is this great supply that makes sugar so cheap in these modern times. Without the beet sugar, which supplies the whole Continent of Europe and two-thirds of England's consumption, the price of cane sugar would rise to a point undreamed of by any person in this generation. In the United States the consumption of sugar doubles in 20 years, and yet, with this growing demand staring us in the face, this bill proposes to strike down our portion of the beet-sugar industry, and the report of the majority of the Ways and Means Committee tells us demurely that the business of cane refining is the first thing to be considered. In 1900 we produced 75,000 tons of beet sugar in the United States. This year we produced 540,000 tons.

SMALL INCREASE OF SUGAR PRICES.

What is the necessity of moving at once upon the sugar tariff as a means of reducing the cost of living, when there is so much to show us that we shall increase it, that the supply of sugar and not the tariff rate is what counts? I want to call your attention to a recent comparison made by a great financial journal of England as to the rise of prices in the eight years preceding 1910, a phenomenal and world-wide rise in prices, due in large measure probably to the increased production of gold under the stimulus of the new cyanide process, a process which last year resulted in trebling the amount of gold produced in a year if we compare last year with 20 years ago. That index of prices shows that in the last 8 years in this country sugar has risen only 8 per cent in price. Beef has risen 31 per cent in price; wheat, 38 per cent in price; potatoes, 38 per cent; butter, 41 per cent; pork, 74 per cent; corn, 77 per cent; and oats, 86 per cent. I will say that those rises in prices of commodities have gone on not only in this country, but in England and in her free-trade market. They have not oscillated so violently, because her standard is lower in prices for everything, but the same distinction between sugar and other commodities is shown in the markets of England. I want to call attention now to the fact that sugar, which has held its own level better than any other commodity, is, at the same time, the commodity which is produced and marketed under conditions that are further removed from the laissez faire, or free-trade policy, than the conditions surrounding the production of any other commodity of similar nature.

CHEAP SUGAR NOT A PRODUCT OF FREE TRADE.

No other commodity is so surrounded by tariffs and restrictions as is sugar. Even free-trade England puts a tariff duty on it. On the Continent of Europe sugar is watched over and guarded by all the devices criticized by the laissez faire school and condemned by the platforms and historic policy of the Democratic Party. And yet in the world-wide and troublesome rise of prices in the eight years preceding 1910 sugar in this market only went up 8 per cent, while other similar commodities went up from 31 to 74 per cent. There can be only one thing to account for it—that there is a better and more constant supply of sugar in the world than of the other commodities.

Now, I have assumed, as I have gone along, that this bill would destroy our cane and beet industry. I have told you that this bill avoids the countervailing clause of our tariff law. That would result——

The CHAIRMAN. The time of the gentleman has expired.

Mr. DALZELL. Mr. Chairman, I yield the remaining five minutes of my time to the gentleman from Maine.

Mr. HINDS. This bill will let in the bounty-fed sugar of Russia and Argentina. The sugar of Russia is not only bounty fed, but it is absolutely controlled by the autocratic Russian Government. They determine what sugar shall be produced, what prices it shall be sold for; they provide that a surplus shall be stored up; and they provide for the sending of that surplus to foreign markets. The Continent of Europe, free-trade England, Germany, and other countries, have not permitted more than 300,000 tons of Russian sugar to come upon their market. This year they have lengthened that out temporarily by 150,000 tons. This bill proposes to give to the Empire of Russia, if I construe its effects aright, a free and open market in the United States for all the sugar that may be produced by her partnership with the sugar factories and her control of the industry under her ancient despotism.

I believe that this, in conjunction with general free trade, would be sufficient in a few years to injure seriously the domestic sugar industry in the United States and seriously interfere with it in our colonial possessions. And I believe it because when bounty-fed sugar came into the general market of Europe it caused such destruction of the cane-sugar production of England's colonies that she—the one free-trade nation of Europe and not the protectionist nations—called a European council to stop the bounty-fed sugar from coming to their market. And yet what they can not stand we are proposing to turn against our growing and prosperous industry.

THE LABOR QUESTION.

Another reason why we should foster the beet-sugar industry is that it is a Temperate Zone industry with Temperate Zone labor. The industry of cane refining contemplates in one branch great tropical plantations tilled by many landless men working under tropical conditions for great proprietors, and in the other branch huge refineries on our seaboard largely controlled by a great trust. I have nothing against the cane refineries and would not injure them, but do insist that we should have a scientific inquiry by the Tariff Board before we do what they want. We should not so act as to benefit them at the expense of cutting out the domestic sugar production, of which the feature is less expensive, factories scattered in many places instead of in a few great cities, with the accompanying organization of many owners or tillers of small farms who work, live, and consume the products of other laborers after the manner of the Temperate Zone.

We should keep both branches of industry, but if we must choose between the plantations of Java and the farms of American, I would say, as the great poet of England said—

Better fifty years of Europe than a cycle of Cathay.

[Loud applause.]

Mr. Chairman, I ask unanimous consent to extend my remarks in the RECORD.

The CHAIRMAN. Is there objection?

There was no objection.

Mr. RAINEY. Mr. Chairman, I yield five minutes to the gentleman from New York [Mr. CONNELL].

THE JOLLY TAXPAYER.

Mr. CONNELL. Mr. Chairman, I desire to introduce to the House an old and constant friend of mine, and indeed of all of us. Not only is he constant, but his patience is superb, until exhausted—whereupon he proceeded to do things which become especially and pointedly interesting to Congressmen and others in public life.

This jolly old friend of ours is ubiquitous in the political life of to-day in the United States, and, sir, when I heard a message read in this House yesterday from the President of the United States which convinced me that if the Chief Executive had ever met this particular old chap he failed to consult him on the subject of his message—the high cost of living, I was surprised, for the President could have learned much from him. But even the President shall not get by this friend of whom I speak, and whose familiar figure I could picture, had I the time, literally skipping up and down these aisles, kicking his heels in glee as he realized that something is to be done in the way of lifting from the shoulders of the millions burdens which they should never have been made to carry.

He may not be handsome, but the cares of life have multiplied for him so that there is reason for his homespun appearance. He may be less youthful than we should like to see him, but since he has grown old in carrying the weight and paying the expenses of a régime that coined his very blood and sweat that the coffers of the "malefactors of great wealth" might be filled to overflowing and that trusts might have the sinister power of corrupting government and fostering unrest by the gospel of greed, he may be pardoned his shoulder stoop and be tolerated even for the whisker which scoffing cartoonists so love to present with his pictures. This old friend of mine has kept enough of youth and agility to be jolly, and he always develops a special brand of jollity as he sets sail for public men who have deceived him and political parties that have robbed him in the name of prosperity. Behold him as he trudges over the hills to make himself felt in the election. See him as he makes his way to the grange meeting, or down the road to the village store, there to find out if possible why it always happened in late years that he received the smallest share of the value produced by his labor. See him gladly paying his share of the cost of great buildings in which his public servants may spend hours of comfort, while he saws wood, perhaps in some shed, through the cracks of which the snow scampers with chilling regularity. See him with his cattle, his horses, his harness, and his silo, never complaining of hard work, never stopping between sun and sun, and can you wonder that now that he has been awakened to the fact that he has been the victim for years of a system that promised him relief only to increase his burden, he is about to take a day off and do some political housecleaning, which for thoroughness and industry has never been equaled?

I said he was ubiquitous, this old friend of mine, because you meet him not only in the furrow and the meadow, but in the city street, the tenement block, and on the wharves by the seas and rivers. He spends his days in the sweatshop and his nights dreaming of better days to come. You find him in the factory, the ditch, the locomotive, and the airship. High up where men risk life, building for human comfort, and down where the miners toil and suffer and die, you will find him. Yes, you will meet this jolly friend taking from the clutch of the rocks the treasures which yield only to labor, and you will even find him in Congress in spirit, if not in person, especially through these days of promise and of dawning hope, and this is his day, for his name is "The Jolly Taxpayer."

And who has a better right to be here than he? Has he not made our country possible? Go back through the years and see him in the days of war, and behold how bravely he fought in the face of death, and where in history has the taxpayer of America been equaled in days of peace? That any party of political power should have been found in this land equal to deceiving this old friend of us all is more than passing strange. But, sir, he has discovered that he was being cheated. He saw his Representatives in Congress pass bills for his relief—the free list that would have lifted from his business the shackles of unnecessary taxation, the wool bill that would have made his clothing cheaper and maintained the Treasury at the same time, but he saw the bills vetoed in the interests of standpatters, which he has come to recognize as the epitome of all of his economic troubles. And now, sir, he stands at the door, he speaks on the corner, he is heard in the country, and his voice goes up from the metropolis, and everywhere he is saying, "Take every unnecessary burden from my table, make clothing cheaper, strike from my implements the taxes by which great trusts are strengthened, and woe betide the public man, the political party, that shall attempt to strangle democracy in the household of its friends, as was once done before."

Mr. Chairman, I have introduced my old friend in this debate because men in public life may as well begin now to get used to the old fellow, for hereafter he intends to be around when things are being done. It may be that he will ask strange questions, and at times he may say some tart things, but, after all that he has suffered and all that he has paid for the suffering, which has been his in so many varieties, he has a right to be on hand when Congress is debating. It may also happen that the jolly taxpayer may not see the fine threads in some of the closely woven arguments in which defenders of special privilege deal, but you may trust him to see the point of a situation which came out to-day in this debate when the distinguished gentleman from Maine [Mr. HINDS] essayed to enlighten the distinguished gentleman from Alabama [Mr. UNDERWOOD] as to where could be found in the journal of the Sugar Trust how on the same day a check was given to the Republican national committee and a check to the Democratic committee, the statement purporting to show with what exquisite impartiality the Sugar Trust worked the political game. Especially would the jolly taxpayer have caught the point when, just at that juncture, the distinguished gentleman from Georgia [Mr. HARDWICK] reminded the gentleman from Maine that it would also be found that the check given to the Democratic committee by the Sugar Trust was sent back, while the check given to the Republican committee by the Sugar Trust was spent to carry the election.

It is such things as this that have aroused the old man who pays the shot and that have started him on the warpath for a reduction in the cost of living. No use trying to sidetrack him from that issue. He took up that trail when he swept the Payne-Aldrich Congress into political oblivion, and he is fully bent upon completing the reform by placing in the White House a President who will know and honor the command of the overburdened American public when he hears it.

There was a time when tariff champions appealed to the masses of Americans in prophecies of calamity. They are still at it, not realizing that their occupation, like that of Othello, is gone. For instance, did anybody ever fancy such disaster as a result of the will of the people as has been predicted by standpatters in this Congress. I have often heard the prophets of disaster in various parts of the country, but I did not dream that Congress was the place where all the horrors of destruction were instituted and developed. If half of what we have heard in this House of late be half true, I conjure up now visions of bats simply hovering and dodging around the sugar-beet chimneys of Colorado, and the white frost of blight just waiting to fall upon and freeze the business of Louisiana, just as soon as the Democratic majority here shall have done that for which the American people sent it here—relieve the tables of the land from being victimized in taxation for the support of special interests.

Believe me, Mr. Chairman, the taxpayer of America becomes more jolly day by day instead of being frightened by this everlasting cry of blue ruin, which men who ought to be equal to statesmanship and to the common interests of over 90,000,000 people have been reveling in.

I am not unmindful of the fact that there are members of this majority who live in sections that have grown used to having Government, with its special power, aid their industries; nor is the taxpayer unmindful of such a situation. He remembers how the Wilson bill emerged from the House, made as the people intended it should be made, only to be protectionized and therefore robbed of its power to help the masses. Never again can that operation be repeated, for special privilege, long and terrible as has been its reign, shall not longer be permitted to stand in the way of that kind of progress which means cheaper living and genuine revision of the tariff downward.

Then, what an awakening has there been on the part of the taxpayers in the matter of business. Time was when the cry of the party in power was destruction of business in case the electorate should venture to make a change in government; and we have heard some dreadful roaring of business disaster in this House as a consequence of legislation in the interests of the people, some gentlemen facetiously calling them the "peepill," when we have dared to mention those by whose commands we are here.

Make no mistake, gentlemen; the taxpayer is no longer a joke. He is a live wire in human business and governmental capacity. He does not want to injure business, nor will he permit any party to do harm to any legitimate business in the land. He does mean that the instrumentalities of a free government shall not be used in the nefarious art of taxing the many for the enrichment of the few. He does mean that no business, no matter how able to swell campaign funds, shall use its millions in the debauchery of the electorate, and that so

long as business shall keep its hand off government there will be no interference whatsoever with it, except it be to encourage it under the law and assure to it the fullest opportunities of the Republic. [Applause.]

As this is a bill to place sugar on the free list, I desire to incorporate in my remarks the closing argument of the Committee on Ways and Means on this bill:

TRUST SITUATION.

Probably no industry in this country has been more closely controlled by industrial combination than the manufacture and refining of sugar, and this condition exists to-day.

Much is said of "independent" sugar producers and of competition between refiners and cane producers, but little weight can be given to such statements. The House investigating committee, which made an elaborate inquiry into the competitive situation in sugar during the past year, gave special attention to the relations between beet and cane producers, and reached the conclusion (Report, p.16) that—

"To the 42.14 per cent of the production of sugar in the United States that the American Sugar Refining Co. admits is its own should be added, by any fair rule, 10 per cent, the National's production; 7 per cent, the production of the beet-sugar companies, in which the American is interested; and probably 3.25 per cent, the McCahan production. This makes a total of 20.25 per cent, which, added to the 42.14 per cent, makes a total of 62.39 per cent of the sugar manufacturing and refining industry of the United States which is either directly or indirectly controlled or influenced by the American, and we may add further that the evidence discloses that competitors not within the direct influence of the American are cautious about entering into active competition with it, and usually fix their prices in a comfortable vicinity to those of the American."

These findings fully explain how it was possible recently for sugar prices to the consumer to be so easily increased. In further discussing the trust feature the committee says:

"But the effect of combination among the refiners and manufacturers of raw sugar and the presence or absence of healthy competition is surely reflected in the variation of the margin between the prices of raw and refined sugar. During the nine years prior to the formation of the 'sugar refineries' combination the margin had averaged nearly $1.10 per 100 pounds, but in the four years preceding the formation of that organization severe competition among the refineries had reduced it to an average of 79.6 per 100. In 1885 it was 71.2 cents and in 1886 it was 78.1 cents per 100 pounds. (Testimony of Mr. Atkins, Hearings, p. 125.) In 1887, prior to the formation of the 'trust,' 76.8 cents; in 1888, when the Refiners' Trust had become well organized, it was $1.25; in 1889 it was $1.207. In 1890, because of the competition of Philadelphia independents (testimony of Atkins, Hearings, p. 126, and of Spreckels), it fell to 72 cents, rising to 82.8 cents in 1891 and to $1.035 in 1892, after the Philadelphia independents were purchased by the American. In 1893 it was $1.153; in 1894 it was 88 cents; 1895, 88.2 cents; in 1896, 90.8 cents; in 1897, 94.6 cents. The drop between 1893 and 1894 and the years immediately following can probably be accounted for because of the higher price of raw sugar during those years and the consequent greater value of the 5 per cent of waste in refining.

"In 1898 the refiner's margin fell rapidly to 73 cents and in 1899 to 50 cents, the effect of the sharp competition of Arbuckle. In 1900, when the Arbuckle 'war' was not quite so fierce, it rose to 75.4 cents. In 1901, when there was practical peace with Arbuckle, it rose to $1.003. It was 91.3 cents in 1902, 91.8 in 1903, 79.8 in 1904, the probable effect of beet-sugar production, relatively slight, being shown particularly in the last year. In 1905, by which time the American had acquired a large interest in beet sugar, it rose to 97.8 cents; in 1908, 88.4 cents; 1909, 75.8 cents; in 1910 it was 78.4 cents; and in 1911 it was 89.2 cents. It is worthy of note in connection with the figures for the years 1904 to 1909, inclusive, during which the refiner's margin ranged lower, with the exception of the year 1905, than the years immediately preceding them, that the American was subjected to the active and progressive competition of independents.

"It is especially worthy of note that in 1889, when the refiner's margin was $1.25, the Sugar Refineries Co. had a practical monopoly, controlling 75 per cent of the production. By 1903 it will be remembered that the American had secured control of nearly 90 per cent of the industry, and during that year the refiner's difference was the highest in the history of the industry since 1889, being $1.153.

"The climax of the Arbuckle competition is reflected in the margin of 50 cents for the year 1899, the lowest in the history of the industry.

"The influence, both of the beet-sugar companies and of the Federal and of Warner's, is reflected in the somewhat lower margins prevailing since 1904, and including that year.

"That the price of refined sugar had been kept up in order to pay dividends on bounteously watered stocks is also evident when we come to consider overcapitalization. * * *

"That the overcapitalization of these corporations and the payment of dividends on watered stocks, so that the same might acquire a market value, has necessitated excessive profits on the real capital invested, and has consequently occasioned higher prices for the product and heavier taxation of the consumer, can hardly be questioned by anyone who conscientiously investigates conditions in this great industry. To what exact extent this has increased the price of refined sugar to the consumer it is absolutely impossible to accurately estimate or exactly state, but that the increase for that reason is considerable can not be disputed.

"The contention of the American Sugar Refining Co. that because sugar costs the consumer less to-day than it did when that corporation was organized, therefore the existence and operation of the corporation has benefited rather than injured the consumer we regard as unsound. Such a contention entirely ignores most important considerations, such as improvement in the processes and reduction in the cost of refining and manufacturing during that period of time; the greater supply of raw material; improved methods of cultivating sugar cane and sugar beets; and a perfect host of conditions that are entirely independent of the existence of the American or any other sugar refining or manufacturing company.

"Besides, in the last 20 years the reduction in price has been world-wide, embracing in its scope all the countries of the earth, from the most enlightened to the most barbarous, and surely no American corporation can claim that it accomplished this result in countries where it has no business and where its very name is practically unknown. In the opinion of your committee, the reduction in the price of sugar in the last 20 years to the American consumer did not come because of the organization and operation of the American Sugar Refining Co."

Simultaneously with the increase in price of sugar to the consumer there has been a decided decrease in the price paid to the producer for the raw material. Louisiana cane growers have never received fair treatment from the sugar manufacturers. The well-organized condition of the industry, its rapid development, admitted profits, an environment permitting the increase of prices to the consumer and the payment of less to the producer for the raw material, are valid and effective reasons for the removal of the tariff protection, which aids in maintaining this undesirable condition.

REVENUE LOSS PROVIDED FOR.

The chief argument which has heretofore been made for the retention of the tariff on sugar is its importance as a revenue producer. The committee has given a great deal of time and consideration to this special feature of the sugar schedule. Their labor and effort has been to accede to the very general and persistent public demand for free sugar. The committee earnestly desires to assist the people in acquiring this important food product at reduced prices and so lighten the burdens of the present high cost of living. However, the committee has not been willing to recommend that sugar be exempted from import duty without suggesting another source of revenue which would make good the loss to the Treasury from the sugar schedule and at the same time more equitably distribute the tax burden without inflicting hardship at any point. After a very thorough investigation of the entire field of revenue possibilities the most practicable and just solution of the problem appeared to be to extend the operations of the corporation-tax law of 1909, and this the committee is doing by reporting simultaneously H. R. 21213, placing sugar on the free list, and H. R. 21214, extending the excise law to individuals and copartnerships. The law as applied to corporations brought to the Treasury $33,511,525 in 1911, and by extending this measure to business conducted by individuals and copartnerships it is believed that the loss in revenue of the sugar schedule will be fully cared for. The very desirable end sought by this legislation is to remove the duty from an article necessary to the existence of every individual and in lieu of the revenue source thus surrendered to levy a very small tax against the business of individuals and copartnerships where the income of the year exceeds $5,000. The recommendation is that the tax on a food product necessary to existence be shifted from those who now struggle with tax burdens on the necessaries of life to the shoulders of those who through good fortune and comfortable means are amply able to assume a relatively insignificant tax. To illustrate the equitable adjustment of the excise tax recommended, a person having an income of less than $5,000 per year would pay nothing, while a person whose business brings $10,000 net would pay no tax on the first $5,000 and on the second $5,000 would pay only $50 a year.

THE TARIFF AND THE CONSUMER.

It was clearly brought out by the special committee investigating the American Sugar Refining Co. and others that the full amount of the import tax on sugar is borne by the consumer. Mr. Claus Spreckels (Hearings, p. 2245) testified that the price of refined sugar to the American consumer is affected to the full extent of the duty. Further, in reply to the inquiry as to whether the exempting of sugar from duty would reduce the price by the amount of the duty, Mr. Spreckels replied, "By the amount of the duty."

Further confirmation of the fact that the full amount of the tariff tax on sugar is transferred to the consumer in the form of increased prices is found in the evidence of Mr. Wallace P. Willett, a recognized sugar statistical expert, before the special committee referred to, who says (Hearings, p. 3547): "Whenever duty is taken off the consumer gets the full benefit of the amount of duty taken off and also a part of the lower cost of refining."

The tariff tax amounts to about 1½ cents per pound on sugar. As this entire tax enters into the price of sugar to the consumer it is easy to estimate the consumer's burden because of tariff duties on sugar. The consumption of sugar in continental United States amounted in 1911 to about 7,663,000,000 pounds, and the application of 1½ cents per pound to this consumption affords an estimated saving to the American consumers from placing sugar on the free list of not less than $115,000,000.

Mr. Chairman, the committee of wholesale grocers, formed to assist in obtaining cheaper sugar for consumers through reduction of duties on raw and refined sugars, of New York City, sends me the following, which I desire to incorporate in my remarks. The subject is the sugar tariff and the Sugar Trust:

The "free-sugar" bill, introduced into the House of Representatives by OSCAR W. UNDERWOOD, chairman of the Ways and Means Committee, brought forth the usual wail from the domestic sugar interests, who claim that "ruination" stares them in the face if this bill becomes a law. For the present tariff on sugar to be reduced 1 mill would bring forth the same outcry.

Hoping to confuse the issue, they endeavor to make the people believe that the Sugar Trust wants the rate of duty reduced so as to crush out their competitors, the beet-sugar producers. The sugar trade knows how ridiculous is this contention. The Sugar Trust is distinctly on record to the contrary. Reference to the Payne-Aldrich Tariff Hearings of 1909 discloses a letter and a brief (pp. 3430–3440) filed by the American Sugar Refining Co. urging that the present tariff rate be maintained. To insure this, they have worked mainly through their beet-sugar allies. The trust's interest in the matter is clear. The Hardwick investigating committee developed the Sugar Trust's control of the beet-sugar industry. (Hardwick Hearings, pp. 58, 100, 2884, and 2992.) This industry secures a heavy indirect bounty through our present high tariff on sugar, and the trust becoming fond of this Government "pap," which is being fed to its offspring, naturally desires it to be continued.

The beet-sugar lobbyist makes much of the fact that Mr. Atkins, vice president of the American Sugar Refining Co., when on the stand before the Hardwick investigating committee, stated that he was in favor of lower duties on sugar. He also distinctly stated that he spoke as an individual. Mr. Atkins, before he became connected with the American Sugar Refining Co., after the death of Mr. H. O. Havemeyer, had for years been working for lower duties on sugar, and he could not very well reverse himself after he became connected with the trust.

The few independent cane-sugar refiners have declared themselves in favor of lower duties. Their interest is identical with that of the consumer. A lower tariff rate would reduce the price of sugar, resulting in an increased consumption, so that a larger business could be done at a reduced expense. In addition, they would no doubt be very glad to have the Government discontinue subsidizing their competitor, the Sugar Trust, through the high protection now given to the trust's beet-sugar factories. The line is clearly established, with consumers,

manufacturers, dealers, and independent refiners desiring lower duties, and opposed to this the Sugar Trust and their allies, the domestic sugar producers.

The domestic beet-sugar men make the claim that they were responsible for the decline from the high price touched last September. Instead, they simply followed the market. (Hardwick Hearings, p. 3372.) Quotations for beet sugar f. o. b. Hamburg touched 18s. 9d. in September, declining to 16s. by December 4, a reaction of 66 cents a hundred pounds. American beet-sugar factories sold their product in September at 6.50 cents, and by December 4 had declined to 5.90 cents, a reaction of 60 cents a hundred. Our 500,000 tons of domestic beet sugar which began to come on the market in July in California and before the sharp advance was not responsible for the decline, which came after the 1st of October. This six and a half million tons produced in Europe, coming on the market around the 1st of October, was responsible for the reaction.

As an indication of what the American consumer may expect from the domestic beet-sugar industry, let us refer to a recent occurrence. About the middle of February, in anticipation of higher prices, the beet-sugar factories with one accord withdrew their product from the market, although 25 per cent of their production remained unsold. Willett & Gray's Statistical Sugar Trade Journal of February 29 covers the situation. They say:

"The beet-sugar factories are still quoting 5.90 cents less 2 per cent, and thus practically withdrawn from the general market."

New York cane-sugar refiners were then, and are still, selling granulated at 5.80 cents. The beet-sugar factories suddenly withdrew their product, in an endeavor to force higher prices, in face of the fact that sugar was then a half a cent higher than the lowest price touched since the 1st of January, 1912, and fully 2½ cents a pound above the cost of producing beet sugar. As a result of the figures furnished by the beet-sugar men the Hardwick committee showed that beet sugar could be produced at less than 3 cents a pound, and taking competent and incompetent factories, properly and improperly located, the average cost was only 3½ cents a pound. On the latter basis, which is known to be high, prices quoted above show a profit of 70 per cent over the cost of production. It is possible, therefore, that the dividends of 33½ per cent paid by the Michigan Beet Sugar Co., and 100 per cent paid by the Union Sugar Co., of California, last year will be bettered this year. Yet these are the people who cry "ruination" if the present tariff is reduced. Any attempt to show that these gentlemen are in business for the purpose of philanthropy only proves that the one making the claim is either not familiar with the situation or is willfully attempting to mislead.

Testimony taken by the Ways and Means Committee and the Hardwick investigating committee shows that the tariff increases the price of sugar to consumers nearly 2 cents a pound, and it is estimated that this tax amounts to $104,000,000 annually. Some estimates run as high as $140,000,000, but all are agreed on the former as a minimum. Of this the Government collects $52,000,000 from import duties, or 17 per cent of the entire customs revenue, but only 50 per cent of the sugar which we consume shares in producing this revenue, as the imports from our insular possessions—Porto Rico, Hawaii, and the Philippines—being inside of our tariff wall, pay no duty and share in dividing the profits from our tariff, or the remaining $52,000,000 or more, with the producers of cane and beet sugar in the States.

Our Government has once made the mistake of attempting to foster the production of sugar under abnormal conditions in Louisiana. We can not afford to repeat this mistake in a larger way with beet sugar. The production of cane sugar (a tropical plant) in Louisiana can never be a success, yet the American people have been required to spend hundreds of millions of dollars on the industry, now 100 years old, and this "infant" is crying just as loudly as ever for tariff favors. Under the "hothousing" process the maximum production has been reached, with only 8½ per cent of our requirements being filled, so that the American people can never hope to secure any permanent benefit from the production of cane sugar in Louisiana, which is dependent on "special-privilege legislation." The farseeing men in Louisiana admit that it would have been a great blessing to their State if the tariff on sugar had been removed 25 years ago, as in that event their lands would now be producing more suitable and remunerative crops. The Hardwick committee report (p. 26) shows that the present tariff is so high that it encourages overcapitalization of beet-sugar plants. It also encourages the improper location of factories where natural conditions are not such as to produce the best results. The industry would be on a much better footing if the tariff were revised, so as to prevent both of these conditions, which are fundamentally so unsound.

Mr. William Bayard Cutting, one of the first in this country to engage in the production of beet sugar, stated "that the beet-sugar industry is profitable under conditions of absolutely free trade, and that the United States being an agricultural country, the industry has nothing to fear even from the annexation of Cuba." Prof. F. W. Taussig, Henry Lee professor of economics at Harvard University, in the February issue of the Quarterly Journal of Economics, says regarding the beet-sugar industry: "If protection to young industries was needed, it has been given. The initial stages of trial and unfamiliarity are certainly passed. The industry in the far West has certainly passed the infant stage. Its difficulties in the farming region proper seem to be due to the competition of the other kinds of agriculture, which, under the typical American conditions, are more profitable. If this kind of agriculture needs protection and if the familiar grain growing, cattle fattening, and dairying of the corn-wheat belt do not, the explanation is still to be found in the principle of comparative cost." Therefore, if the tariff is materially reduced or removed, only the unnatural development of the industry is stopped, while its natural growth is unhampered, and the result will be of material benefit to all of our people.

Let those who claim that the public will not receive the benefit of a reduced tariff refer to the year 1891, when the tariff law reducing the duty 2 cents a pound became effective April 1. Refiners' quotations fell 1⅛ cents in one week—from 6¼ cents, the quotation of March 26, to 4⅛ cents, the quotation of April 2. By May 14 granulated sugar had reached 4⅛ cents. Let them also refer to the testimony taken by the Hardwick investigating committee (pp. 35–47). Absolutely free trade on sugar would mean foreign competition for our refiners, making it impossible for them to advance prices beyond world's values.

The country has been taxed heavily for many years for the benefit of the domestic sugar industry, and the time has come when the public's interests rather than the profits of promoters should be considered.

Mr. RAINEY. Mr. Chairman, I yield one minute to the gentleman from Tennessee [Mr. GARRETT].

Mr. GARRETT. Mr. Chairman, I wish simply to ask permission to extend my remarks in the RECORD.

The CHAIRMAN. Is there objection?

Mr. MANN. Reserving the right to object, why should the gentleman not make his remarks on the floor on this very important bill? I would like to hear the gentleman.

The CHAIRMAN. Is there objection?

Mr. MANN. I reserve the right to object until I ascertain the information. What is the intention in reference to further debate?

Mr. RAINEY. I have an hour, and I have a number of gentlemen on my list who want to speak from 5 to 25 minutes.

Mr. MANN. I am not going to consent to the gentleman yielding out his hour one minute at a time and have each gentleman get leave to extend his remarks until I know what the general debate really is to be.

Mr. RAINEY. I do not know but one other gentleman during the hour who desires to extend his remarks in the RECORD. The others to whom I shall yield expect to speak, and I presume, then, they expect to take some time to extend also.

Mr. MANN. I shall not object at present, in the absence of the gentleman from Alabama [Mr. UNDERWOOD], but I give notice that I am not going to permit, by unanimous consent, everybody in the House to extend remarks in the RECORD when we do not know how long the debate is going to run.

Mr. GARRETT. If the gentleman desires to know the subject on which I propose to extend my remarks, I will say that it is on the subject of the bill under consideration.

Mr. MANN. That was not the point.

The CHAIRMAN. Is there objection to the gentleman from Tennessee [Mr. GARRETT] extending his remarks in the RECORD? Is there objection? [After a pause.] The Chair hears none.

Mr. RAINEY. Mr. Chairman, I yield one minute to the gentleman from Maryland [Mr. LINTHICUM].

Mr. LINTHICUM. Mr. Chairman, I ask unanimous consent to extend my remarks in the RECORD.

Mr. MANN. Reserving the right to object, I shall object unless we can ascertain as to whether or not we are to have debate cut off. I wish to hear what the gentlemen have to say on this subject.

Mr. UNDERWOOD. Mr. Chairman, I will say to the gentleman from Illinois [Mr. MANN] that there have been requests coming to me from his side of the House for general leave to print on this bill, and I intended when we got back into the House—inasmuch as we can not ask for it in the committee—to ask for a general leave for everyone who has spoken on the bill to extend his remarks, and for those who have not spoken leave to print for five legislative days, if it meets with the approval of the Members of the House.

Mr. MANN. I have listened to every speech that has been made on the floor of this House to-day, and I hope I will listen to others. I am still lacking a great deal of information on this subject. I think it is important enough that the House should hear the gentlemen who have information on it, and not merely let them insert speeches in the RECORD that I certainly will not have the opportunity to read, and I presume other Members will not read, in the busy session of Congress.

The CHAIRMAN. Is there objection to the request of the gentleman from Maryland [Mr. LINTHICUM] to extending his remarks in the RECORD?

Mr. MANN. Mr. Chairman, for the present I shall object.

Mr. RAINEY. Mr. Chairman, I yield five minutes to the gentleman from New York [Mr. AYRES].

Mr. AYRES. Mr. Chairman, I rise, not so much to make remarks upon the sugar tariff, as to read to our stand-pat friends across the aisle a few of the many letters that have lately been coming from the Republicans of my district. As I have sat here through the discussions upon three tariff bills this session and watched these gentlemen voting stolidly against every proposal to lighten the burden of taxation from which the people are suffering, I have wondered whether they ever consult the voters and taxpayers in their districts, and if they do, whether they really believe in representative government.

My notion of the duty of a Representative, Mr. Speaker, is very simple. It is that upon the great questions of the day he shall learn what his constituents desire him to do, and that then he shall do it.

About three weeks ago I began to send to the voters of my district many thousands of letters asking them to give me their views upon a dozen of the leading subjects which come before us at this session, and, if they desired to do so, their presidential preferences. These letters are going out to all the voters, irrespective of party, and the answers are coming in freely, now somewhat less than 100 a day.

Mr. BURKE of Pennsylvania. Will the gentleman yield for a question?

Mr. AYRES. Certainly.

Mr. BURKE of Pennsylvania. The gentleman is proposing to discuss the duties of Members of Congress. Does he believe that in the face of the fact that it has been announced here, or given generally to be understood, that debate on a bill effecting $53,000,000 of revenue is to be cut off, and Members of this House are to be denied free expression of their opinions with reference to that bill—does he believe that he is acting the part of the high standard of a Member of Congress by taking up the time in delivering a lecture in the midst of this discussion, the lecture not having any connection whatever with the bill under discussion?

Mr. AYRES. I think the gentleman, before I finish, will consider that I have discussed the tariff question. The results have been tabulated up to last Saturday, March 9, when 1,783 replies had been received, and while that number can not be considered a complete referendum of the district, the decisions are so plain that he who runs may read. When, on election night, upon the illuminated board in front of some great newspaper is flashed the bulletin: "One hundred and seventy-five election districts out of 850 in Brooklyn give John Smith 4,891 plurality over Thomas Brown," everybody knows that John Smith is elected, and that the complete returns will only make his majority the greater.

The district which I have the honor to represent is the Bronx, the northern part of New York City, a great manufacturing center, and separated from Manhattan by the Harlem River. Our citizens mostly live in detached houses, with yards and gardens, although we also have many flats and apartments. The northeasterly corner of my district is just 11 miles from the westerly line of the district represented by the gentleman from Connecticut [Mr. HILL]. In many respects these two districts are alike. Each has a frontage on Long Island Sound, and is interested in marine affairs, each contains numerous and diversified manufacturing industries, in each the growth of population is largely caused by the overflow from Manhattan, and in each the sentiments of the people upon the tariff are much the same.

One of the first letters that came was the following:

We should have all our Congressmen real representatives of the people; but as it is now our so-called Representatives are, in a great many instances, the clerks of the big business interests. Hoping that this idea will give you something to think about, I am,

Yours, very truly, DAVID ROUSSEAU.

Mr. DALZELL. That is an insult to the House.

The CHAIRMAN. The time of the gentleman from New York [Mr. AYRES] has expired.

Mr. AYRES. Mr. Chairman, I would like to have five minutes more.

Mr. RAINEY. I will yield two minutes to the gentleman.

Mr. AYRES. It did give me something to think about, something that I have thought about many times before. Now, Mr. Chairman, let me especially disclaim making a charge against any one of my stand-pat friends across the aisle that he is a "clerk of the big business interests" in what might be deemed a personal or unpleasant way. But the fact remains that each one of these gentlemen who resist so stoutly the lowering of the outrageous tariffs is a representative of certain big manufacturing interests and of them alone; for these big manufacturing interests and the gentlemen across the aisle are practically the only American citizens remaining who believe in maintaining the present tariffs. It is certain that the great bulk of honest, thinking Republicans do not believe in the tariffs of the Payne-Aldrich bill.

And may I offer to my stand-pat friends a bit of advice—my stand-pat friends who think they are leading the Republican Party. It is, indeed, a noble and inspiring thing to lead a united and harmonious army against the enemy, but it is dangerous to the leaders when the army decides not to follow. It is glorious to be in the van carrying the colors, but it is sad, indeed, to have your own army shoot you in the back. And it would be much safer for my friends on the other side of this Chamber if they would take the advice offered by another Republican of my district, who writes this:

MARCH 6, 1912.

I appreciate your courtesy in asking my views on the questions submitted. I will only suggest that I think Republicans and Democrats, in a spirit of lofty patriotism and statesmanship, should compromise on moderate tariff bills.

Very sincerely, D. C. MCKAY.

The tariff bills that have been offered by our Ways and Means Committee—the wool bill, the steel bill, the chemical schedule—are moderate bills. They are reasonable and gradual reductions of the tariff. And a certain section of the Republicans in this Chamber, realizing that fact, have cooperated with us in giving their support to each of these measures. We welcome the help of these Progressives. We believe them, in respect to the tariff, actuated by an earnest desire to meet the wishes of their constituents. And in voting for lower duties they are displaying courage, honor, and statesmanship.

We believe that these Progressives represent the real sentiment of the bulk of the Republican Party on the tariff question, and it is to show them that in the East, also, the voters in their party are for lower duties that I wish to read some letters from the plain Republicans, not the politicians, of my district.

Mr. Chairman, the first two questions on the list asked the voters were about the tariff. Did they think it should be lowered? Up to last Saturday 636 Republicans have written their views on this subject, and of this number 533 said they believed the Payne-Aldrich tariff is too high and only 103 wanted it left alone. The Democrats and Independents who sent letters were almost unanimous in desiring the duties cut, so that of the 1,680 letters on this point received in the past two weeks 1,504 were for lower duties and only 176 for the present rates. Here are a few of these Republican letters, so that you stand-patters across the aisle may know what your party really wants:

J. P. CHAMBERLAIN & CO.,
Manufacturers' Agents for Foreign and Domestic Woolens.

The reduction of the woolen tariff most interests me. The ad valorem principle of the last Democratic tariff bill is right, and 50 per cent ad valorem, with no specific duty, is conservative. * * * Pass such a bill, and we will have a settled condition of business in textiles such as we have not had since 1907.

J. P. CHAMBERLAIN,
900 Summit Avenue.

—

I am decidedly of the opinion that the present wool schedule is shamefully high and should be lowered. I feel equally strong that judgment should be used in its correction. * * * I mean that it should be done by degrees. I am a dyed-in-the-wool Republican, but I am not in sympathy with their practices as applied to tariff legislation and feel there are many more in the party who agree with me.

HARRY W. KING.

MARCH 7, 1912.

—

Tariff and protection (God save the mark) are widely different things, the former being all right if properly levied, but the latter covers a multitude of sins, because it works to the advantage of the few who do not need it as against the many who do need it. Tariff for revenue only, and levy it on the luxuries of life.

JNO. HENRY FISHER.

—

I do not think that the tariff on wool, steel, and cotton should be reduced to such an extent as to destroy a legitimate profit on domestic production; but I believe there is now a sufficient margin to permit a lowering of the tariff without injury to our interests. Of the Republican candidates in the field I do not think I shall vote for either if nominated.

A. ANSWATER.

—

With regard to the tariff question, I believe that the present duty is too high, and while I favor a protective tariff I believe that it should be based upon domestic and foreign costs, so as to place our manufacturers merely upon an equality.

JOHN EWEN,
Spuyten Duyvil.

—

I would suggest that the reduction on general lines take place at the earliest possible time. Reduction to be on all the absolute necessities, such as food and wearing apparel. Not for the benefit of the wealthy, but of benefit to the medium and poorer classes.

JOHN S. LINN,
2712 Heath Avenue.

—

I am led to favor a gradual reduction in the tariff, not from any conviction that there is merit in a low duty, but simply as an experiment. Although I have grave doubts concerning the method, it may nevertheless prove advantageous despite my opinion to the contrary, and I am willing to have a trial made.

CHARLES E. W. HELLERSON.
406 West 26lst Street.

—

Labor is not benefited by protection. It simply helps to rob the people. All duties should be for revenue only. Free materials and free ships will put us way ahead of both England and Germany.

I am pleased to answer your inquiries and to express to you the thoughts of the citizen and the taxpayer. I would state that I have always been an independent Republican. It is self-evident to all thinking men that party lines are pretty nearly wiped out. We have been done up brown by both parties, and it is time we forgot them. What we need is just such work as your letter indicates—a closer understanding between the Representatives and the people.

FELIX HOFFMAN.

—

I would like to see some Democrat as President, for I believe some tariff revision is necessary.

LOUIS GREY,
441 East One hundred and fortieth Street.

—

I also believe that your idea of getting the opinion of the voters of your district is the proper one, and while I am a Republican all my life I am opposed to the present protective tariff and believe it should be revised. Will be very happy to promise you my vote if you support tariff revision, regardless of your position on other questions.

A. E. FULLER.

—

I do believe that some changes in our tariff are needed, and where certain things now protected can compete in the foreign markets, it is about time we in America got the benefit.

BEVERLY A. SMITH,
53 Marble Hill Avenue.

MARCH 4, 1912.

With regard to the tariff, I believe this question should be taken out of politics entirely and handled by a commission and scientifically revised. It is my opinion there should not be a wholesale reduction, but as the tariff now stands it prohibits competition between this and foreign countries to a great extent, and by protecting the trusts keeps the cost of necessary commodities almost beyond the reach of people with modest incomes.

L. J. CHILDS.

—

While I have always voted the Republican national ticket because I believed in the principle of a high tariff, my belief to-day is that after sufficient revenue is provided for Government maintenance, that the tariff be entirely abolished.

MORRIS ROSENBAUM.

—

I have always voted the Republican ticket, but have turned independent, as I do not believe we need any high tariff any more.

ISIDOR LASH.

—

I am in favor of a revision of the tariff. I think all duties should be removed except as needed for revenue and to protect new industries which are worth while protecting.

F. H. WEEKES.

—

In regard to tariff revision, I am holding the same opinion as nearly all business men I am coming in contact with, viz, reduce it to a revenue basis and have it over with as soon as possible, in order that we may know where we stand. The uncertainty is killing.

CHRISTIAN H. WERNER,
2979 Marion Avenue.

—

When a child is toddling we help it along with apron strings, etc. When it is full grown it is able and aggressive enough to fight its own way. * * * Now, while some tariff is needed, the apron-string period is long since past. However, I do not believe in free trade, but a reduction in existing high tariff.

GEORGE E. CUTTLE.

—

I consider that it is the bounden duty of Mr. OSCAR UNDERWOOD and his colleagues to report a bill immediately that will afford immediate and substantial relief to business people from the payment of unjust, exorbitant, and prohibitive duties on the first necessary of life after foodstuffs. We devour food to keep the inner man warm. Congress has denied and is denying the right of every human being to possess clothing that will keep them warm without having to pay tribute to manufacturing interests.

HALLECK D. VAN PELT,
Corner Fieldston Avenue and Two Hundred and Sixty-first Street.

—

I have your polite note to a Republican, which I appreciate very much. I think this tariff needs pruning on many sides. * * * We should now be beyond the phase of revolutionary legislation on the tariff, but at the same time the old method of swapping tariff favors violates the rules of common decency.

E. K. MARTIN.

—

You ask why I think the tariff should be reduced. For years I have read * * * that American goods manufactured here could be bought cheaper in Europe than here. Two articles probably mentioned the most are watches and harvesting machinery. I am a firm believer in the protection of new industries until firmly established, and then a reduction by commission, if possible.

WILLIAM HODGSON,
153 East One Hundred and Seventy-ninth Street.

—

I would say, in brief, that in my opinion, and also in that of some others I know, the present tariff is unfair to the people, who are compelled to pay more for inferior articles. This is especially true of clothes. By the present tariff it is the manufacturer who receives the benefit; not the people. Wages have been going down in many trades instead of up. It is getting harder for native Americans to get a job every year. * * * Take the apartments I have been living in for the past six years. I have never yet seen a native American do any painting in them. It has all been done by foreigners who can hardly speak English. The strike at Lawrence is a good example of what manufacturers consider "living wages." * * * We need some kind of change, and I firmly believe taking off the tariff would help the masses.

CHARLES J. LEACH.

—

The reason I have for desiring a reduction in tariff is that this will tend to reduce living expenses by bringing competition and thus stopping the trusts from creating artificial prices. I can assure you as a wage earner that it is difficult to-day to make both ends meet.

E. M. MAHER.

—

As to giving you my reasons for believing that the tariff should be lowered, there are so many details that I should like to refer to and so many abuses that I have seen that I could hardly state my reasons in 10 lines as you suggest. I might state generally, however, that my particular grievance against the present tariff, while of course due fundamentally to the enormous rates on some of the articles, is more particularly on account of the outrageous subterfuges employed to hide these rates.

BENJAMIN A. LEVITT.

Here is a letter from the president of one of the largest manufacturing institutions in the Bronx, the Morris Heights Gas Engine & Power Co., which makes steam and gasoline power boats. It perhaps turns out each year more gasoline launches than any other concern in the United States. Its president, Mr. John J. Amory, is a lifelong Republican and a most intelligent and useful citizen. After stating that he believes the tariffs should be lowered, he says:

Most reluctantly I confess, man to man, a lamentable ignorance on the subject in question. I have heard the matter discussed pro and con to such an extent that my brain whirls, dizzy with doubt. Broadly speaking, I am of the opinion that high tariff or low tariff, or no tariff, should be fixed as the result of careful and unprejudiced investigation, by a competent committee appointed for that subject as to each of the different commodities.

It appears to me that the recent investigation of Schedule K, the wool tariff, proved conclusively the desirability of treating the whole tariff proposition along like lines.

JOHN J. AMORY.

One of the industries which have grown up in our district is the making of pianos. More musical instruments are made in the Bronx than in any other similar area in the United States. We now have 51 piano factories, among them the makers of many instruments which bear well-known names. Experts say that the air of the Bronx gives a superior tone. This may well be so, because the east wind, careering in from the ocean across the plains of Long Island, hovers above that little suburb just across the upper East River called Oyster Bay, and thus comes into our borough freighted with sound. The tariff affects all of these manufacturers, and here are letters from two of them:

THE BOGART PIANO CO.

We are pleased to acknowledge receipt of yours of the 15th with copy of House bill 18642 (the steel bill), and we have failed to find therein anything that would be a detriment to our business in any way, shape, or form. * * * Answering your question as to whether we believe the schedules of the Payne-Aldrich law are too high and could be safely reduced without interfering with our business, we believe that they could.

E. B. BOGART, *President.*

—

LUDWIG & CO., GRAND AND UPRIGHT PIANOS.

I am in receipt of your letter, with inclosure of House bill No. 20182 (chemical schedule), and after * * * seeing the very small duty to be put on Chinese nut oil, I can not feel that this is an exorbitant duty, and do not doubt but what it would be perfectly right. * * * Have also looked over bill No. 18642 (metal schedule), * * * and must say that I would not consider that our business would suffer any. * * *

L. D. PERRY, *Treasurer.*

Now, Mr. Chairman, if there were time I could read hundreds of these letters, but the fact I wish to emphasize is that five out of six of the Republicans are in favor of lower tariffs. Why, then, will not you gentlemen who assume to represent them vote as they want you to do?

The next question asked of the voters was their opinion as to the parcel post. The committee of the House which has charge of postal matters has just brought in the annual appropriation bill and incorporated in it a provision for a rural parcel post and a reduction of fourth-class rates on packages of 1 pound and upward. This is a most conservative provision, and, in my judgment, does not meet the demand of the people for a real parcel post. I sincerely hope section 8 will be amended and made more liberal before it is enacted into law. The wish of the people of our district was indicated unmistakably by their letters. The vote is 1,678 for and but 69 against it. Such unanimity shows that it is favored by voters of all parties. More than this, no question asked was so enthusiastically answered in the affirmative. The people want the parcel post.

The question as to the initiative, the referendum, and the recall, especially of the recall of judges, brought forth many interesting letters. The votes cast to the date mentioned are as follows:

	For.	Against.	Not voting.
Initiative	878	449	456
Referendum	955	426	402
Recall	831	609	343
Recall of judges	763	686	332

It is evident that many do not understand what is meant by these propositions. In fact, many frankly confessed that they did not know and some said they did not want to know, believing that the old style of representative government was good enough for them. Some of the comments made are full of valuable suggestion and furnish food for thought. Here are a few of them:

I have answered some of the questions, * * * but I think many such questions can not be answered by the constituent, and the fact that they can not is, to my mind, the one convincing argument for representative government—the government established by the Constitution. We send a Representative to Congress, who sits in committee, which either knows about the subject or has power or means for obtaining the knowledge. I take the liberty of saying these things only to explain why I am against the "initiative, the referendum, and the recall." Those things may belong to some other form of government. They may be possible in some small Commonwealth like ancient Athens or modern Switzerland, but they are foreign to our constitutional form of representative government and would be destructive of it if attempted. * * * Although I am a protectionist, it is impossible for me to say whether the tariff rates are too high. I have a suspicion, however, that they are in instances and I believe this impression is general throughout the country.

LOUIS O. VAN DOREN.

DEAR MR. AYRES: I will support no candidate for President who favors and advocates the revolutionary doctrine of the "initiative, referendum, and recall." That scheme would produce turmoil, strife, violence, anarchy, and mob rule all over our country. It is a dangerous, wicked doctrine.

HENRY L. SMITH.

NEW YORK LIFE INSURANCE CO.

MY DEAR MR. AYRES: As my Representative, I expect you to exercise your judgment and a knowledge which in the nature of things must be better than I can have, on all questions which affect the country as a whole. Your duty to your district is only a fractional part of your whole duty.

D. P. KINGSLEY.

The votes on the other questions of current interest were as follows:

Shall civil-service employees be retired upon pensions after faithful service?

In favor	1,211
Opposed	432

Shall the United States retain the title to the Alaska coal deposits and own and operate the railroads to tide water?

In favor	1,325
Opposed	281

Shall the Army be increased and kept in a state of efficiency?

In favor	871
Opposed	802

Shall the Navy be increased—two battleships a year?

In favor	1,194
Opposed	405

The Sherwood (dollar-a-day) pension bill:

In favor	821
Opposed	820

Election of United States Senators by direct vote of the people:

In favor	1,556
Opposed	182

It was suggested that such as desired might express their preferences of presidential candidates. Many did not wish to do so. But of the Republicans who voted this is the summary:

William H. Taft	338
Theodore Roosevelt	209
Charles E. Hughes	27
ROBERT LA FOLLETTE	17
Scattering	90

A review of the letters from Democrats shows a large number who express a preference either for CHAMP CLARK or for OSCAR UNDERWOOD. Scarcely a letter arrived that did not contain the name of one or the other of these distinguished gentlemen as either first or second choice. And this is convincing proof that the work of this Democratic House in its efforts to reduce the tariff has met the enthusiastic approval of the Democrats of the Nation.

Many of the comments made by voters as to presidential candidates are unique and ingenious. Here are a few of them, given without the names of the authors, but with the party to which they belong:

Harmon and harmony; that's my ticket. (A Democrat.)

I believe Taft's work embodies democratic principles. (A Republican.)

My first choice is Roosevelt; second choice LA FOLLETTE, because of "past performances." I think he would make an able and efficient Executive; third choice Wilson. * * * Eliminating Roosevelt and LA FOLLETTE from the Republican side, I would cast my vote for him, and know at least 25 Republicans among my friends who would also vote for him. * * * (A Republican.)

Will work for Gov. Wilson;
Will vote for CLARK or Harmon;
Will stay home for Taft;
And go fishing for T. R.

(An Independent.)

Here's to CHAMP CLARK;
Hear the hounds bark;
The people are coming to town.
Hark! Hark! Hark!
What a fine lark;
They dassen't kick us aroun'.

(A Democrat.)

UNDERWOOD and SULZER. Well, nobody objects to SULZER, and his bullhead luck can't be beat. If he picked up a piece of coal in the Pennsylvania Station, it would turn into a diamond by the time he got to Washington. (A Democrat.)

I think your idea of sending out these letters a very good one, worthy of a Socialist. While I am not in favor of an increase of the Army, I do not believe in a decrease in any part of the service. (A Socialist.)

At first I wrote Roosevelt as my first choice, but as I have always been conservative, though I have only voted six times, I feel he is too uncertain. There is no need of remaking the Constitution, nor of exploiting the people by inciting their hatred of those in better circumstances. * * * Let us run along on the old lines, with just a little more individual honesty. (A Republican, written the day after the Columbus speech.)

And here are two more letters that have come, each one showing that the author has definite views as to wise governmental policies:

I would like to say that I am only a boy of 12 years of age, but I think I can judge what is good for the country. About the Army and Navy, I think the United States ought to build a couple of war ships each year. I read in the papers how other nations are building ships one right after each other.

JAMES GIFFEN.

Why not have fewer orations and more deeds in Congress?

BARNET HOUSE.

The CHAIRMAN. The time of the gentleman has expired.

Mr. DALZELL. Will the gentleman yield for a question?

Mr. AYRES. Certainly.

Mr. DALZELL. Are these forms of questions all alike?

Mr. AYRES. They are all alike.

Mr. DALZELL. I observe you did not ask your constituents what their views are on the tariff on sugar.

Mr. AYRES. I will say to the gentleman that the reason for that is that the sugar matter came up after the blanks were printed.

Mr. DALZELL. The sentiment is the same as to that?

Mr. AYRES. Entirely. Mr. Chairman, I ask unanimous consent to extend my remarks in the RECORD.

The CHAIRMAN. The gentleman from New York [Mr. AYRES] asks unanimous consent to extend his remarks in the RECORD. Is there objection?

There was no objection.

Mr. RAINEY. Mr. Chairman, I yield to the gentleman from Louisiana [Mr. DUPRE].

Mr. DUPRE. Mr. Chairman, it is very fair on the part of the gentleman from Illinois [Mr. RAINEY], with full knowledge of my opposition to the pending bill, to yield me time out of his allowance, and I am grateful. I only wish that some such spirit of fairness had animated the majority members of the Committee on Ways and Means in the preparation and submission of this bill, which is so unfair to the district that I represent and to the people of the whole State of Louisiana. [Applause on the Republican side.]

My tenure in this body has been brief, dating back only to the third session of the Sixty-first Congress. It has been my pleasure and privilege in that time to witness the dying gasps of a repudiated Republican majority and to hail the advent into power of a reunited Democracy in this House. Since December, 1910, I have sought in an humble and unobtrusive way to cooperate with my party leaders in this body and to vote with them on all party measures. The record will disclose no contrary vote. I have yielded my own ideas to their more sensoned judgment at times when I thought that they were wrong, and I have not hesitated, at the risk of serious political jeopardy to myself, to follow them when I believed they were right.

For instance, in the last Congress when Canadian reciprocity was first proposed and at a time when sentiment thereon had not crystallized in my district, but, on the contrary, was widely divergent, I voted in the Democratic caucus and in the House for Canadian reciprocity. I did not believe that a Tariff Board was necessary to revise the tariff, and, accordingly, in the Sixty-first Congress I voted "present" when the roll was called on that measure, pairing, as a matter of convenience to him, with the gentleman from Illinois, my friend Mr. RODENBERG, who favored such a board. I was in most excellent Democratic company. That my view was correct and that no Tariff Board is necessary has since been shown by the many admirable measures which the majority members of the Ways and Means Committee have heretofore presented to this House without the assistance of any Tariff Board.

I favored the publicity of campaign expenses, not only in theory but in practice, and so when the gentleman from Kansas [Mr. JACKSON], in the present Congress, presented an amendment to include within the provisions of the pending bill publicity of expenses incurred in primaries as well as general elections, I voted for his amendment. It was only at the urgent solicitation of those high in authority in this House that I consented to reverse myself and voted for the motion to recommit, and I have noted with satisfaction the vindication of my original attitude as shown by the subsequent action of the Democratic majority of the House in agreeing to the conference report, which substantially incorporated the Jackson amendment. I voted against the Sherwood pension bill, and I believe that in so doing I was acting with the best Democratic thought in this House and in this country. I advert to these matters in no spirit of criticism of others, in no spirit of laudation of myself, and certainly in no desire to apologize for my present attitude, but merely to emphasize the regret which I feel now that the parting of the ways has come.

I confess, however, that the poignancy of my regret is greatly tempered by the conviction that it is not I who am leaving the reservation, but that it is the Democratic majority of this House that is abandoning it and leaving six Democrats from Louisiana and three Democrats from Colorado to hold the fort. It is not I who am departing from the traditions of the Democratic Party for more than half a century, so far as free sugar is concerned. It is not I who am violating the provisions of the Denver platform—the last authoritative pronouncement of the Democratic Party. It is not I who am repudiating the prece-

dents set by the Democratic majority in this Congress when it fathered and supported bills for the gradual reduction of wool and steel and textile fabrics and chemicals, and so forth.

From the Democratic viewpoint, sugar has always been regarded as the ideal revenue producer, and so has always been subject to an import duty. Even when the Republicans enacted the McKinley tariff law, and sugar for the first time was put upon the free list, the injustice that would be worked was recognized by the award of a bounty, a subsidy, to which I am absolutely opposed, as my people were at that time. The Denver platform, as we all know, declared for a gradual reduction of tariff duties, and when it meant to single out a particular industry to be put upon the free list that industry was specifically mentioned, as, for instance, in the case of lumber. It contained no plank for free sugar. The majority of this House has, in other tariff legislation submitted, adhered to the Denver platform and provided for a gradual reduction of duties. Why is sugar alone picked out to be put upon the free list? Why has the sugar industry been marked for destruction?

We are told in explanation that there is a tremendous sentiment in this country in favor of free sugar, as shown by the thousands and tens of thousands of petitions on file with the Ways and Means Committee and sent to individual Members of Congress.

I believe, in the first place, that many of these are of artificial growth and are the results of the agitation conducted by one Frank Lowry, self-styled secretary of the Wholesale Grocers' Association and self-admitted representative of Spreckels, the sugar king.

And, in the second place, I want to say that I do not believe in government by initiative but in representative government, with due consideration of the wishes not only of a certain part of the people but with a view to meting out justice to all the people. This legislation is sought to be justified by the present high cost of living and the corresponding necessity of reducing the duty on food products. Living should be made cheaper; but I, for one, have not seen in this body any serious attempt since Canadian reciprocity was defeated by the action of the Dominion, to reduce the duty on meat or flour or other food products. It is further contended that sugar should be placed upon the free list because of the rapacity of the Sugar Trust, whose illegal methods and operations are undoubtedly one of the greatest scandals of latter-day business. I have absolutely no sympathy for or interest in the Sugar Trust, nor have the cane growers and sugar manufacturers of Louisiana. Why should they be ruined in order to punish the Sugar Trust? The recent hearings before the Hardwick investigating committee disclosed conclusively that there is no collusion between the sugar interests of Louisiana and the American Sugar Refining Co.—no connection at all between them, except such connection as exists when a highwayman holds up a wayfarer on a lonely road and at the peril of his life makes him stand and deliver. Even the Columbus of the Sugar Trust, the gentleman from Georgia [Mr. HARDWICK], rabid advocate of free sugar as he is, will admit that the hearings before his committee showed that the cane growers and sugar manufacturers of Louisiana have no greater enemy than the Sugar Trust, except possibly the gentlemen who are about to vote for this bill.

Mr. Chairman, the sugar industry of Louisiana represents an investment of hundreds of millions of dollars—money invested on the faith of a consistent course of fair dealing adopted by the Congress of the United States to that industry. The Louisiana sugar crop means from ten to twenty millions of dollars per annum to the people of the city of New Orleans, whom I represent in part on this floor. I for one do not propose to see the State of Louisiana and the people of my district garroted and crucified in any such manner as is proposed by this free-sugar bill if I can prevent it. I will not, under the persuasive argument of party fealty, vote for a measure which contravenes the principles and platforms of that party and at the same time imports ruin and disaster to my constituency. I much prefer to receive the sneers and taunts of those self-sufficient gentlemen who question the sincerity of the Louisiana Democracy and who would seek to read Democratic Representatives from Louisiana out of the Democratic Party. I do not intend to and I will not be read out of the Democratic Party. I propose to stay in the Democratic Party, doing what I can to prevent it from making such tremendous economic and political blunders as the majority of this House is about to commit.

In conclusion I wish to make it clear that my unalterable opposition to this measure is not coupled with any hostility to the proposed excise tax. I shall vote for that measure, and I hope that it will accomplish the objects desired by its champions and sponsors and that it will stand the tests of the courts. I trust that it will reach those persons whom it should first reach—those persons who unquestionably would be made to disgorge under the operation of an income tax sanctioned by constitutional warrant. I believe in an income tax. I stand now where I did when a member of the General Assembly of Louisiana. I was speaker of the house of representatives of my State when the question of ratifying the income-tax amendment was presented and with a large majority of that body I voted for its ratification. Soon may the day come when it will receive the approval of a sufficient number of States to give Congress the authority and permission to impose, if necessary, an undisguised income tax that will reach all classes of our population and not depend for its legality on speculations and predictions as to the attitude of the Supreme Court of the United States as presently or hereafter constituted.

Mr. RAINEY. Mr. Chairman, I yield two minutes to the gentleman from Pennsylvania [Mr. GREGG].

Mr. GREGG of Pennsylvania. Mr. Chairman, I rise to say that I intend to support this bill. However, I expect that I shall be absent to-morrow when the vote is taken, and therefore I desire to go on record now in favor of the bill.

I support this measure, first, because I believe it is right, because it is in keeping with the desires and sentiment of the people of my district, who are in favor of removing all taxes from the necessaries of life; the Federal Government has neither legal nor moral right to tax the food that goes on the table or the clothing that covers the bodies of the people; and, secondly, because the people of my district, by petitions numbering into the thousands, have requested me so to vote. [Applause on the Democratic side.]

Mr. O'SHAUNESSY. Mr. Chairman, I favor this bill. It is an assault upon the Sugar Trust and a corresponding help to the American people who have suffered for years from the burdens of taxation in order that millions might be multiplied in the hands of a few men. This Democratic House, under the inspiring leadership of its distinguished Speaker, CHAMP CLARK, and OSCAR W. UNDERWOOD, has endeavored to put upon the statute books laws that would lift the burden of taxation from the backs of those least able to bear it and place it on the shoulders of those fortunate enough to have comfortable means and who would never feel any burden from the imposition of an insignificant tax. We want to make possible a decent living for the average man. Nothing that the Democratic majority in this House has attempted to do deserves such plaudits from the American people as the bill now under consideration which, if made into law, will bring home to the tables of every family in the land the blessings of real tariff revision downward. The Payne-Aldrich tariff law and high prices are still with us, and are as much an issue in 1912 as they were in 1910. This legislation is designed to cut down the high cost of living, and on that issue a Republican majority was converted into a Democratic majority in this House. [Applause on the Democratic side.] And we will continue this fight for the people, though we have a Republican Senate and President to challenge our efforts.

The Sugar Trust formerly competed with the beet-sugar industry, of which we have heard so much on the floor of this House, and which has its champions from the States where that industry is paramount, demonstrating again the old saying that "Congress is but a convention of local envoys." I understand that when it was in competition with the beet-sugar industry it was vociferous in its demands for free sugar; but now that it controls the beet-sugar industry, its voice is not heard for free sugar; but a greater voice than that of the trust is heard for free sugar, and that is the voice of the American people, crying out against the domination of this corporation. [Applause on the Democratic side.]

The Sugar Trust furnishes an example of unparalleled greed in the history of protection. Not satisfied with the levy imposed upon the American people through the allowance and the sufferance of the Republican Party, it proceeded to rob the Government of millions by false weights, and since that robbery it has disgorged over $2,000,000, in all probability but a modicum of its ill-gotten gains. To-day the spectacle is presented of directors and ex-directors of the Sugar Trust standing at the criminal bar of the United States courts, pleading to an indictment of a violation of the anti-trust laws, and I take occasion to call the attention of this House to the language of the United States district attorney, who characterized them as sneaks, as conspirators, and as breakers of the tenth commandment: "Thou shalt not covet thy neighbor's house."

The testimony taken before the special committee of investigation makes positively plain the fact that the consumer pays the tax. More than $130,000,000 are taken from the pockets of the American people annually to satisfy the insatiable greed

of this sugar corporation. It is well at this time to dwell upon the taxes levied on some commodities, some necessaries, and some luxuries under the Payne-Aldrich tariff. Sugar bears a tax of 78.87 per cent, while diamonds are taxed but 10 per cent. I do not know how any advocate of protection, no matter if he were mad in its advocacy, could justify such a system of taxation. [Applause.] Statuary and rare paintings are taxed but 15 per cent, while the sweet necessity of the men who work and toil, the only quasi luxury in fact that some of them ever enjoy, sugar, is taxed at this exorbitant rate of 78.87 per cent.

The following table well illustrates the tremendous difference in taxation on sugar, used by all, and the many luxuries used by the few:

Duty on—	Per cent.
Sugar	78.87
Champagne	70
Automobiles	45
Furs	50
Rare paintings and statuary	15
Diamonds	10

If this bill becomes a law, and, of course, it has to run the gantlet of the much-used veto of President Taft, it would effect a saving of about 2 cents per pound to the American people on the amount of sugar they consumed last year. This Democratic free-sugar bill means that the housewife purchasing 10 pounds of sugar, for which she now pays 60 cents, could buy the same quantity for 40 cents. The saving to a family of five persons, figuring the consumption for each person at 81.6 pounds, would be over $8 per year.

Free sugar would stimulate the industry of canned and preserved fruits, and it is well to remember that at the time the Payne-Aldrich tariff law was being enacted the National Canners' Association—which numbers nearly 3,000 firms—at their annual convention in Louisville, Ky., passed a resolution urging Congress to abolish the duty on raw and refined sugar because, as stated in their resolution:

> It is greatly desired to offer the product of our factories to the consumer at the lowest possible cost.

The National Food Manufacturers adopted a similar resolution.

Free sugar would develop our export trade in jellies, jams, and other preserved fruits and would increase the demand for labor. Other industries which enter into the canning and preserving industry would be correspondingly benefited. In this class might be enumerated tin plate, glassware, labels, and cases.

That the consumer would get the benefit of the removal of the tax on sugar is established by expert testimony before the special committee. Mr. Wallace P. Willett, a recognized sugar-statistical expert (Hearings, p. 3547), said:

> Whenever duty is taken off, the consumer gets the full benefit of the amount of duty taken off and also a part of the lower cost of refining.

Mr. Claus A. Spreckels, president of the Federal Sugar Refining Co., an independent refinery (Hearings, p. 2245), said:

> I believe that if you were to make sugar free it would reduce the price of the sugar by the amount of duty.

To foster the beet-sugar and cane industry in the United States, which produces 1,717,000,000 pounds, less than one-quarter of the sugar annually consumed by the American people, we are asked to continue this extortionate tariff to the injury and detriment of 90,000,000 people.

The Payne-Aldrich Tariff Act levies these taxes:

Fresh beef, 1½ cents per pound.
Fresh mutton, 1½ cents per pound.
Fresh pork, 1½ cents per pound.
Hams, 4 cents per pound.
Bacon, 4 cents per pound.
Lard and compounds, 1½ cents per pound.
Sausage (except bologna), 25 per cent.
Flour, 25 per cent.
Bread, biscuits, wafers, 20 per cent.
Buckwheat flour, 25 per cent.
Oatmeal, 1 cent per pound.
Salt, 33 to 80 per cent.
Shoes, 10 per cent.
Sewing machines, 30 per cent.
Harness and saddlery, 20 to 35 per cent.
Wagons and carts, 45 per cent.
Lumber (average on rough and dressed), $2 per thousand feet.

This Democratic House placed these articles upon the free list in response to the demand of the American people for relief from excessive tariff taxation. Between the adverse vote of the Republican Senate and the veto of a Republican President this beneficent measure met its doom. A further effort on the part of the Democratic Party to relieve the people of the payment of over $50,000,000 annually in tariff taxes on cotton and woolen goods, including everything worn from a sock to a hat, met the same fate. In spite of the President's own declaration that the woolen schedule was indefensible, the President saw fit to veto a measure which passed both the House and Senate, and which was designed to correct the very abuses which he himself criticized. The same Executive disapproval was given to the cotton bill, designed to give cheaper clothing to the people, and providing a tariff rate sufficient to meet the difference in the wage cost between this country and Europe. The trusts demanded that no reduction be made, and the President vetoed these beneficent measures. The common people have no rights or interests which tariff-fed industries are bound to respect. The stand-patters say of them:

> "Take them up tenderly,
> Touch them with care;
> Tax them but slenderly,
> Funds come from there."

[Laughter and applause.]

The people who use sugar have paid these taxes from 1897 to 1910 (date of latest Statistical Abstract of the United States):

1897	$41,000,000
1898	29,000,000
1899	61,000,000
1900	57,000,000
1901	63,000,000
1902	53,000,000
1903	63,000,000
1904	58,000,000
1905	51,000,000
1906	53,000,000
1907	60,000,000
1908	50,000,000
1909	56,000,000
1910	53,000,000

A tax of $750,000,000 paid on sugar in 14 short years!

Is it any wonder that the cost of living is high and that the great body of the people are poor? This tax is equal to $53,000,000 per year, duty actually paid into the Treasury of the United States upon imported dutiable sugar. But this is not our entire load of sugar taxation. We have sugar which pays the Government no tax, as follows:

	Pounds.
Beet sugar	1,024,938,000
Cane sugar	750,400,000
Hawaiian sugar	1,110,594,466
Porto Rican sugar	569,039,881
Philippine sugar	175,869,739
Total	3,630,842,086

On this quantity of raw sugar, untaxed by the Government, there is placed a tax of 1.9 cents per pound by the refiners, who take advantage of the import tax of 1.9 cents on refined sugar, little or none of which is imported into this country, to increase the price to the consumer. This refined-sugar tax keeps the American sugar market in possession of the Sugar Trust.

From Cuba and other countries come 3,918,593,677 pounds, which are taxed at the customhouse. Our domestic sugar, together with the sugar of our insular possessions, when added to the sugar imported from Cuba and other countries, makes a total of 7,549,435,763 pounds. Deduct from this total the amount exported, 189,308,952 pounds, and we have left for American consumption 7,360,126,811 pounds, every pound of which is taxed at the rate of 1.9 cents per pound, so far as the consumer is concerned, making a grand total of more than $139,000,000 paid annually as a sugar tax by the American people. The United States Treasury gets but $53,000,000 of this money, and the balance, about $86,000,000, is paid to the sugar manufacturers of Louisiana, the beet-sugar manufacturers of the West, the rich planters of Porto Rico, Hawaii, the Philippine Islands, and, last but not least, to the American sugar refiners, commonly known as the Sugar Trust, which, it is needless to say, gets the lion's share.

All of this money can be saved to the people by this Democratic free-sugar bill, which will reduce the price of sugar to all the people 2 cents a pound. Sugar is one of the necessities of life and should be free from all taxation. Let the tax-gatherer reach out his hand to the swollen fortunes of those who have more than plenty and give the ordinary consumer a chance. We ask as a substitute revenue measure for the sugar tax a tax on all incomes over $5,000 a year. Such a tax will be just, equitable, and fair. Poor indeed must be the patriotism of the man who, making from his business over $5,000 per year, would begrudge the Government a tax of 1 per cent on all over $5,000. A person having an income of less than $5,000 per year would pay nothing.

Mr. Chairman, in conclusion let me say that in the State of Rhode Island, one of the districts of which I have the honor to represent, there is a registration law which compels men to register on or before the 30th day of June in order to be qualified for voting in November. I believe that all the legislation that has been enacted by the Democratic majority of this House, including this legislation, will appeal to my constituents, and in order that they may be fully qualified to discharge their duties in November I appeal to the voters of Rhode Island to register on or before June 30, 1912, so that they may cast their

ballots for the Democratic ticket in November. [Applause on the Democratic side.]

Mr. RAINEY. I yield two minutes to the gentleman from Maryland [Mr. LINTHICUM].

Mr. LINTHICUM. Mr. Chairman, I have the honor to represent that portion of the State of Maryland embracing the northern section of the city of Baltimore. In Maryland we nominate our candidates by direct vote of the people by a method known to us as the Crawford County system, which gives to the voters the choice of their candidates for office. In this way our officials stand close to the people they represent, looking to them for selection as well as election. Under this system it is customary for the various candidates for nomination to issue a statement or platform, setting forth their attitude toward the subjects of public importance confronting the people and pledging their policy in the solution of these questions.

The high cost of living is a subject which the people of my district regard as of paramount importance, and, representing, as I do, both the wealthy and the plain people of our city and State, it was my pledge to them when seeking nomination as a Representative in this Congress that I would, in so far as the power lay in me, by work, action, and vote, endeavor to relieve from taxation as fast as the revenues of the Government would permit those articles termed the necessaries of life, and thereby remove from their stomachs and backs this unrighteous, unwarranted, and inhuman burden. In accordance with that pledge to my constituency I welcome the opportunity now afforded this House to say whether or not sugar shall be placed on the free list; and in voting for the removal of the present tax, as I shall do, I desire to submit to this Chamber a statement of the causes which influence me to this action.

RESULTS OF PROTECTION.

In his interesting account Dean Swift tells us how Capt. Gulliver, that illustrious voyager, cast by chance upon the shores of Lilliput, fell into a sleep, from which he awoke to discover himself the captive of a diminutive people by comparison with whom he was an immense giant. Despite his massive bulk and overtowering strength, he found that during his interval of unconsciousness he had been securely bound, the victim of those who, in the rage of his predicament, he fain would have destroyed.

To-day we behold the most prosperous Nation in the world aroused from a period of political adolescence to find itself in the historic predicament of Capt. Gulliver. Awakened at last, the people of these United States discover themselves the prostrate victims of law-defying trusts, illegal combines, and tariff-created monopolies, whose ensnaring meshes render them powerless to escape their exactions; and though, like Gulliver, they possess the strength to tear their enemies asunder, they are for the moment unable to move and can utter only a roar.

This spectacle is the legitimate product of a fair trial of years' duration of the protective-tariff policy of the Republican Party. Within that period, which might properly be termed the "golden age" of trusts, combines, and monopolies, the domination of Congress in the interest of the great industrial organizations of this country was so nearly absolute as to fairly warrant the inference that we were deteriorating from a government of man to a government by property. It is true that in the rearrangement of affairs made necessary by changed conditions the wages of labor have advanced, but nowhere in proportion to the increased cost of living. The balance is on the wrong side of the ledger.

TARIFF AND TRUSTS.

I do not believe my Republican friends will deny that the fertile soil of tariff protection has given root to those industrial consolidations termed "trusts." Likewise, I do not believe that my friends on the other side of this House will deny the statement that accompanying the advent of trusts has come the increase in the cost of the necessities of life. Investigations conducted by agents of this Government reveal these conditions and expose to the public the well-oiled machinery by which the people have been systematically plundered through arbitrary advances in price dictated by no other reason than the desire to secure abnormal profits. It is said, Mr. Chairman, "Though the mills of God grind slowly, yet they grind exceeding small." It is a hopeful augury of the return of better conditions that the Sugar Trust, the Tobacco Trust, and the Oil Trust have been haled into the courts and punished to some extent for their iniquitous and illegal acts, and that the Steel Trust is now awaiting its turn.

But the punishment they have sustained will hardly deter them from a renewal of their guilt if conditions are to remain such as to make possible a repetition of their offenses. It has been said, "Opportunity makes the thief," and I believe that it is admitted as equally truthful that the "tariff breeds monopoly and monopoly creates trusts." Therefore to strike at the root of the evil we must remove the primary cause, and that is the tariff.

THE SUGAR TRUST.

Of all trusts that have reared their heads under the vicious principle of tariff protection, no other one has so completely embraced all classes of the American people as the Sugar Trust. Its remorseless tentacles exact tribute from every age of mankind, ranging from the infant in the cradle to the feeble patriarch on the brink of the grave. I am glad that in this Congress we are to-day taking the first and most important step toward protecting the American people from a continuance of its rapacity.

In defense of the sugar industry the Republican Party contends that if we deprive it of tariff protection we will destroy one of the country's valuable industrial assets. They believe that such an industry has a right to protection, even though such protection may involve the taxation of the whole American people. The Democratic Party denies this right. It holds that the power to tax was incorporated in our Constitution for the sole purpose of producing revenue to run this Government, economically administered, and that taxation for any other object is not within the purview and intent of those who framed our Constitution. It does not believe that the people of these United States should be taxed in order that special privileges may be extended to any business, any industry, or any class of people.

Special privilege is the rock upon which monarchies are founded. It is incompatible with the theory of our form of government.

Let us examine briefly the operation of the present law under which the sugar industry is protected by the tariff.

The present annual consumption in the United States is set down at 3,500,000 tons, derived from the following sources:

	Tons.
Raw cane, duty paying, chiefly from Cuba	1,800,000
Raw cane, domestic, from Porto Rico	300,000
Raw cane, domestic, from Louisiana	300,000
Raw cane, domestic, from Hawaiian Islands	500,000
Total cane sugar	2,900,000
Beet sugar produced in United States	600,000
Total	3,500,000

If the Government got the benefit of this protective tariff in its entirety and received about 1½ cents from each pound which the consumer buys, then conditions would not be quite so inequitable; but the fact is that while the duty destroys all possibility of foreign competition the Sugar Trust—which controls the market—fixes the selling price of all its product at an amount not less than the price of the foreign product plus the tariff. In this way the Sugar Trust collects on the 3,500,000 tons it sells to the American people an amount aggregating about $115,000,000. It pays duty only on the 1,800,000 tons imported from Cuba, amounting to about $53,000,000. Thus by this transaction it is enabled to put the remaining $62,000,000 into its pockets as profits.

But some will say—and may I say it is good Republican doctrine—"We should foster and protect the Louisiana planters and the beet-sugar growers." Let us consider them. These planters and growers furnish about one-fourth of the sugar consumed in the United State. As the duty is over 1½ cents per pound, it means that our Republican friends would continue to saddle the American people with a tax equivalent to over 6 cents per pound to benefit the limited few and foster these two American industries.

THE LOUISIANA PLANTERS.

The Louisiana planters of sugar cane have received the fostering care of the Government through protection or bounty for over a hundred years, at a cost to the American people of hundreds of millions of dollars. Yet this industrial infant is crying as lustily as ever for tariff favors. Though this industry has been the recipient of this hothousing process for a century, it is to-day producing only about 8½ per cent of the sugar we require. Surely it is high time that we should return to that Jeffersonian doctrine of equal rights to all and special privileges to none.

BEET-SUGAR INDUSTRY.

Upward of 80 per cent of the property of the beet-sugar industry is owned or controlled by the Sugar Trust. Last year the beet-sugar industries earned about 16 per cent on their stock, one-half of which is watered, earnings equivalent, therefore, to 32 per cent on the actual money invested. It is consequently apparent that the removal of the tariff on sugar is not likely to greatly affect them.

Mr. Chairman, our esteemed leader, Mr. UNDERWOOD, in answer to Mr. RUCKER's question, "When does an industry be-

come an adult?" speaking in reference to the beet-sugar industry, replied: "The time when these industries were really infants runs to a time when the memory of the present generation runneth not to the contrary."

"But that is not so with the beet industry," said Mr. RUCKER.

"They are all 'beat' industries," interjected Mr. JAMES, "beating the American people out of money."

This recalls the inordinate greed of the Sugar Trust and the truthfulness of Mr. JAMES's remark.

THE AMERICAN SUGAR REFINING CO.

This gigantic trust, the American Sugar Refining Co., has grown rich and opulent upon the special privileges and benefits dispensed to it under a system of protection promulgated by and sacred to the Republican Party, by means of which it has been enabled to exploit the American people and filch from them hundreds of millions of dollars. This trust, which stifles competition, closes down and dismantles refineries—as it has done at my own city of Baltimore—throwing out of employment hundreds of unfortunates who have secured homes in the vicinity, expecting permanent employment, is controlled by such insatiate greed that it stoops to tricks and devices to which the poorest dealer would spurn to resort. Not satisfied with the advantages obtained, its dupes criminally underweigh imported sugar so that its profits might be even greater than a beneficent Government allows.

It seems, however, that the old adage, "It's an ill wind that blows nobody any good," is especially applicable here. I have heard it said that the San Jose scale was a blessing to the fruit growers in that it compelled them to spray their trees and thereby obtain perfect fruit, which spraying they should have been doing always.

I have heard that the boll weevil was not as disastrous to the prosperity of Texas as at first feared. It compelled the farmers to grow a diversity of crops instead of placing their entire dependence in one crop. Having produced articles for home use, they were not compelled to send outside to buy.

Great political investigations, while disastrous to the immediate participants, have benefited the community at large in that they have cleared the political atmosphere and caused the passage of salutary laws, rendering repetition impossible in the future.

And so I believe that the outrageous fraud perpetrated against the Government by which the pockets of the Sugar Trust were crammed with ill-gotten gain has done as much to awaken the people of this country to a full realization of the true character of that corrupt organization as any other one thing. It helped to place the control of this House in our party, and the people of this country are looking to the Democratic Party to see whether or not it will redeem the pledges by which it came into power and whether they will be given relief from this burden they are now bearing.

I think, Mr. Chairman, that the operation of trusts must have begun during the very early days of the history of man. Matthew, in his scriptural writing, xxiii, 4, uses language that so vividly describes the modern trust that he could have well had it in contemplation when he wrote:

> For they bind heavy burdens and grievous to be borne, and lay them on men's shoulders; but they themselves will not move them with one of their fingers.

And that indictment is still true. The trusts, combines, and monopolies which have grown fat under the fostering care of protection will never move a finger to lift this grievous burden of taxation from the shoulders of the American people. Free sugar will lift one of these burdens. That was demonstrated under the McKinley tariff, when the duty was removed, and sugar immediately dropped 2 cents per pound, to the great relief of our people.

We are told, Mr. Chairman, by the patron saints of protection that sugar has always been regarded as one of the natural revenue producers of Government and that the present tax on sugar should therefore be retained in order that the Government may continue to receive the $53,000,000 now produced by such importation. The Democratic Party proposes to remove this duty from sugar, thereby lifting at the same time $115,000,000 taxes off the American people. They propose to replace this revenue through the imposition of an excise tax levied against those doing business as individuals and copartnerships whose incomes are in excess of $5,000 annually.

WHERE THE TAX BELONGS.

I have always believed that the bulk of taxation should be borne by those of large means and great incomes, and that those of limited means, earning their living by the sweat of their brow and by their brawn and muscle creating the wealth of the world, should be freed from this burden as far as possible. It was for this reason that I took pleasure in voting, when a member of the legislature of my State, for that resolution providing an amendment to the Constitution of the United States known as the income amendment, giving to the National Government the right to tax incomes.

And why is this not the true principle of taxation? Is not a very large part of the revenues of Government expended in the protection of property and property rights from which these incomes are derived? And does not this protection inure to the benefit of the owners of the property?

An excise tax upon the corporate business of the country has been declared constitutional by the Supreme Court, and now the Democratic Party proposes to create an excise tax upon all individual and copartnership business whose incomes are in excess of $5,000 annually, which merely extends and makes more complete and equitable the corporation-tax law by applying it to all business, whether conducted by a corporation, individual, or firm. Certainly there can be no objection nor any constitutional prohibition. A corporation is nothing more or less than a combination of individuals doing business, and if constitutional to tax the business of a corporation, the same rule would apply with equal force to business when conducted by an individual or firm.

God in His wise providence has seen fit to endow our land with vast natural resources, such as gold, silver, copper, and iron. Mines producing untold wealth, oil wells from which fabulous fortunes have been amassed, have contributed in part to the material blessings of our people. Waterfalls and fast-flowing streams have been harnessed by the inventive genius of man, and the hydroelectric power thus secured used to light cities and towns and villages for miles around, furnishing the substitute by which is relieved the muscles of many toilers and making possible illuminating effects that have become the wonder of the age.

These things has nature given us. Man has merely preempted them. Through this acquisition of easy wealth, as well as through other channels, tremendous fortunes have accumulated that are steadily growing in magnitude year by year, yet failing to pay to Government by way of tax their just proportion for that protection and security which makes possible their peaceful enjoyment.

Justice is the greatest charity that man can give. To take the burden of taxation off the income of the man of small means and place it upon this great accumulation of idle wealth is manifestly right and proper.

PLEDGES FULFILLED.

Reviewing the activities of the Democratic Party during the year it has been in power, I find ample in that record to sustain the confidence of the people. In accordance with its pledges to reduce the cost of living it has passed bills providing for a lower tariff on wool and cotton, a farmers' free list bill, a steel bill, a revision of the chemical schedule, and a number of other important measures essential to the general welfare of the country. There can be no doubt that the one big issue before the country to-day is that of the tariff. So far the Democratic Party has promptly and courageously discharged every obligation in the platform on which it came into power. It is on this record, fully and faithfully carried out, that it will seek a continuation of the people's good will in order that it may finish the work so well begun.

Mr. Chairman, since I have been a member of this Congress I have endeavored to take an active part in its proceedings and to fully and fairly and impartially represent all the people of my district. When this session is ended I shall be able to return to them with a record of votes cast, measures enacted into law, and things accomplished for my district from which they can determine for themselves whether I have proven a worthy representative of their interests, entitled to a continuance of their suffrage.

I will be able to tell them that I have secured the authorization of the necessary survey preliminary to the widening of the important York Spit channel leading to the port of Baltimore; that I am practically assured a change of the present undesirable site for our immigration station and the erection of adequate buildings fully in harmony with the important position of Baltimore as a port of immigrant entry; that I have taken a prominent part in that great national movement under way for good roads, my bill setting forth my ideas as to the treatment of that subject being accorded particular commendation by such national journals as Colliers and the Saturday Evening Post; that I have advocated that the memorial authorized by Congress to Abraham Lincoln be in the form of a great highway from Washington to Gettysburg, a practical and enduring tribute to his memory; that as an active participant in the work of the Atlantic Deeper Waterways Association I have helped direct the attention of the country to Maryland's intense interest in its plan of waterway improvement; that through the bill

which I introduced in the House of Representatives many hospitals of Baltimore, maintained largely through charitable donations, will have had remitted fines imposed for the technical violation of the alcohol-tax law, amounting to many thousands of dollars, while the hospitals of the country at large will profit to the extent of upward of a million dollars or more; that I have made extensive distribution among my constituents of the valuable and instructive literature issued by the Government. In this record, relating particularly to my district, I take pride. But all this I count as naught in comparison with my support of those measures designed to relieve the people of the tax on their stomachs and backs, and particularly of my support of this bill, which, if passed by the Senate and signed by the President, will relieve the 92,000,000 people of our country from that daily and almost hourly burden.

PROTECTION OF OUR MERCHANT MARINE.

The Panama Canal—that engineering wonder of the world—will soon be finished and opened to the commerce of all nations. Great functions are being arranged to celebrate its opening, and I hope to be there. But I fear I shall be much disappointed when I see great ships plowing through its channels bearing the flags of all nations and behold the absence of many bearing the Star-Spangled Banner, because a tariff system inaugurated and maintained by the Republican Party has practically driven our merchant marine from the high seas. I want to see the policy of the Democratic Party adopted by legislating for the masses and not for the classes and special interests. I want to see the harbor of Baltimore filled as it was under the old régime with ships of burden from every clime; her factories busy producing goods and wares for the markets of the world and not restricted to production for home consumption alone.

Carved in granite on the front of Union Station in Washington is the motto:

He that would bring home the wealth of the Indies, must carry the wealth of the Indies with him.

And so it is. If we would sell to the world, we must destroy our obsolete protective tariff walls and enter into trade relations with all nations, thereby requiring the production of more goods and giving employment to more workmen and more producers. We must be willing to buy from them and to use the goods and wares which they have to exchange if we would have them use the products of American labor.

Mr. RAINEY. Mr. Chairman, how much time have I left?

The CHAIRMAN. The gentleman has 23 minutes.

Mr. RAINEY. I yield the balance of my time to the gentleman from Louisiana [Mr. WICKLIFFE].

Mr. WICKLIFFE. Mr. Chairman, for the first time during my two terms of service in this House I feel it incumbent upon me to oppose in part the action of the Democratic caucus of Friday, March 1, last, to wit, in so far as its recommendation of H. R. 21213, a measure to place sugar upon the free list, is concerned.

It gives me pleasure to state that, in so far as the other measure recommended by that caucus is concerned—H. R. 21214, a measure to levy a special excise tax on incomes—it meets with my hearty approval, and I shall vote for it with great satisfaction, though possibly some of the "committee of wholesale grocers," of which Mr. Frank C. Lowrey is pseudo secretary, may prefer that I should refrain from so doing.

In failing to abide by the caucus action of my party on this occasion, I am in no sense transgressing the rules of our party organization in this House, as such rules very wisely provide that where a member of our party has made pledges to his constituents prior to his election, which pledges would be contravened were such Member to vote as the caucus has directed, he may, after proper notice given of his intentions so to do, refuse to abide by such caucus action. I have complied with the rules of the Democratic caucus in that respect, and as my friends and colleagues on this side of the Chamber well know, I am still "on the reservation."

Mr. Chairman, I wish to register at this time and in this place my most vigorous protest against the passage of the measure first referred to—H. R. 21213—a bill which at one "fell swoop" places sugar upon the free list.

The enactment into law at this time of such a measure, coming as it does without notice or warning of any kind to the producers of that article save since the caucus action of March 1, finding all those engaged in the culture of sugar cane in my State totally unprepared therefor, would for these and many other reasons work ruin to the uttermost in the cane-growing section of my State and my district. The State of Louisiana produced in the year 1910 a crop of 325,000 tons of cane sugar, in round numbers, of a gross value, including the by-products of the cane, of approximately $30,000,000.

Five of the twelve parishes composing the district which I have the honor to represent produced in that same year approximately 60,000 tons of sugar, nearly one-fifth of all the cane sugar produced in the United States in that year, and of a gross value of over $5,000,000. I take the year 1910, as that is the last year for which the most accurate figures are now available by parishes.

In addition to the land cultivated in cane in my district, there are situated therein not less than 50 mills engaged in the manufacture of cane sugar or cane sirup. To give an accurate estimate of the value of these mills would be a difficult matter, and I have no figures from any reliable source available at this time so that I could give same in detail. It is safe to say, however, bearing in mind the above limitations on the estimate, that these mills alone, separate from the surrounding lands, represent an outlay of from seven to ten million dollars, exclusive of land values.

Should this measure become a law it would mean the end of cane culture in my district, and the consequential abandonment of all these costly buildings and the surrendering of them to "bats and owls." And however it may be contended that these lands can be turned into other crops, it must be remembered that leaving out the entire matter of improvements referred to, it takes three years to get into cane culture, and it takes three years to go out of cane culture.

To say that this great agricultural industry would not be wiped out by such a law as this enacted at this time is to urge a most illogical proposition; for you would thereby place the cane grower in a position where he must buy, as he has hitherto bought, in a protected market practically everything which he consumes, and must sell in a free-trade market all that he produces.

Every article of importance which he requires, from the plow in the field, which turns the furrow for planting, to the centrifugal in the sugar mill, which ultimately yields up the manufactured product, is on the dutiable list. Every chain in the carrier, every boiler, flywheel, engine, crusher, roller, vacuum pan, filter press, and centrifugal, and the innumerable other parts of the machinery, and so forth, that go to make up the total essentials of the modern sugar mill were purchased in a protected market; and now you would force the cane grower, not by a gradual reduction of the duty, as called for in the Democratic platform, but at one stroke of the free-trade pen, to compete with all the world, with Java, where labor is paid 12 cents per day, and with Cuba, Russia, Germany, and other countries given an equal footing in the American market, and at the same time enjoying many artificial advantages in addition to whatever natural advantages as to climate they may possess over the American cane grower.

I believe the enactment into law of this measure at this time would be as harsh a policy, or even more harsh, than any civilized country has ever adopted toward its citizens or subjects.

The Democratic leaders in the last national convention must have given due consideration to the effect of such legislation, and must have had same in mind when they took the broad and generous view that however contrary to their ideas of economics may have been the method of fostering industries by a protective tariff, they realized that many industries of this country had been so fostered, and however wrong and repugnant to their ideas of taxation the system may have been, nevertheless, realizing that to suddenly and radically change to anything like a free-trade basis would mean ruin and disaster for the time being at least, they very wisely adopted a plank at the Denver convention in 1908 declaring for gradual reduction and not for free trade.

Hence, whatever may be the criticism of the protective tariff system and however indefensible our leaders in that convention may have considered the system by which different industries of the country had been fostered, the Democratic Party gave its solemn pledge to the country that gradual reduction and not sudden and radical free trade would be the policy of our party. Therefore I assert that this measure is directly in contradiction of the letter and spirit of the last national Democratic platform. [Applause.]

I am not contending that the platform of the Democratic Party under any interpretation whatsoever can be construed into meaning that the sugar schedule should not be revised. From a strictly Democratic point of view it is difficult to defend either the duty on refined sugar or the Dutch standard, as contained in the present schedule, as revenue producers. I realize fully that the Democratic members of the Ways and Means Committee look upon this matter almost solely from the standpoint of the revenue which the duty on an article produces. Their ideal maxim has hitherto seemed to be: "A minimum of duty consistent with a maximum of revenue." Therefore I submit that,

in view of the Democratic platform of 1908 and the Democratic ideal just defined, and so often advocated by Democrats upon this floor, that the pending measure is absolutely repugnant to the above doctrine. The Dutch standard and the duty on refined sugar do not result in the production of revenue to the Government, about $60,000 being collected from the duty on refined sugar last year. But the duty on what is commonly known as raw sugar is right now at a point where it is the most ideal revenue producer of the entire dutiable list, from agate to zinc, the revenue derived therefrom adding annually to the Treasury between fifty and sixty millions of dollars, the amount for the years ending June 30, 1909, June 30, 1910, and June 30, 1911, for example, being, in round numbers, $56,000,000, $52,600,000, and $52,000,000, respectively.

This enormous revenue is derived almost entirely from importations of 96° test sugars, the duty thereon being 1.68½; that is to say, 1.68 cents per pound, importations from Cuba enjoying a 20 per cent reduction.

Now, let us see if this has been practically demonstrated to come within the definition of "A minimum of duty consistent with a maximum of revenue." Under the provisions of the last Democratic tariff measure to become law, the Wilson bill, the duty was 40 per cent ad valorem, and the importations during the three years' existence of that law were, respectively, for the fiscal year ending June 30, 1895, 563,639 tons; for the fiscal year ending June 30, 1896, 1,772,081 tons; and for the fiscal year ending June 30, 1897, 2,243,854 tons, none of which was either free or preferential; and the revenues therefrom for these years were, respectively, $15,000,000, $30,000,000, and $41,000,000, in round numbers, the average being $29,000,000 per annum, which was yielded from a duty of 40 per cent ad valorem. Under the present duty on raw sugar the importations for the fiscal year ending June 30, 1908, amounted to 1,685,000 tons; for the succeeding year, 2,094,000 tons; and for the succeeding year, 1,900,000 tons, in round numbers, and the revenues derived therefrom were $50,000,000, $56,000,000, and $53,000,000, respectively, notwithstanding the free sugar coming from Porto Rico and Hawaii, amounting to, approximately, an average of 700,000 tons annually for each of those respective years, and the duty-free sugar from the Philippines, which has been coming in since 1909 at the average rate of, say, 200,000 tons per annum. Yet, notwithstanding the enormous percentage of Cuban importations, averaging approximately 1,600,000 tons during the last four years, all of which enjoyed a preferential reduction of duty of 20 per cent, we find the National Treasury to be the recipient of larger revenues from the existing duty on raw sugars than ever before under any former duty. [Applause.]

Now, reducing, theoretically—for the purpose of this illustration—the present specific rate on raw or, rather, 96 test sugar, from 1.68½ specific to its equivalent ad valorem, we find it to amount to a duty of 53 per cent ad valorem. Therefore, we have tried in the most practical manner during the last 17 years both the 40 per cent ad valorem and the equivalent of a 53 per cent ad valorem, respectively, and we find that the former, even when favored by no free nor preferential importation interfering therewith, falls annually more than $24,000,000 below the 53 per cent equivalent, which yields a total of $53,000,000 annually. The difference is in reality greater than I have set forth here, as in many years the revenue has been over $60,000,000.

So we have before us not a mere theoretical idea, but the actual demonstration in recent years that a specific duty of 1.68½—the equivalent of 53 per cent ad valorem—is an ideal Democratic revenue duty, yielding a revenue most ample, and in thorough accord with the Democratic principle, "A minimum of duty consistent with a maximum of revenue," not building a tariff wall so high that none other may come in, nor constructing the fence so low that revenue to run the expenses of the Government will not be yielded amply. [Applause.]

Mr. Chairman, in addition to the reasons which I have just given, there are further reasons that may be urged from the standpoint of our party and its declarations in the platform referred to which have recently been given emphasis in part by our distinguished chairman of the Ways and Means Committee, which, according to my view, furnish strong argument why this measure should not pass this body.

The distinguished chairman of the Ways and Means Committee [Mr. UNDERWOOD] has stated with reference to the effect of the passage of this measure upon the products of domestic sugar:

> Placing sugar on the free list will reduce their profits, but it will not destroy the industry in the United States—

thereby demonstrating that it is not the intention of the Democratic leaders to designedly destroy any industry in our country. In considering this an element to be taken into consideration, the gentleman from Alabama [Mr. UNDERWOOD] evidently had in mind that plank of the Democratic platform referred to, which reprobates the radical swing of the pendulum from protection to free trade.

By the above declaration the gentleman from Alabama at once opens the way to the discussion of the evil effects vel non which this radical legislation will have upon those interested in cane culture and sugar making.

The distinguished chairman of the Ways and Means Committee is, however, wholly in error with regard to the ultimate effect of this legislation. For instance, the Hardwick committee finds that the testimony before them from the cane growers of Louisana is to the effect that the cost of producing raw cane sugar in Louisiana—96 test—is 3¾ cents per pound. Now, the gentleman from Alabama claims that the placing of sugar upon the free list will cheapen the cost to the consumer 1½ cents per pound. As the average price even for granulated sugar during the past 10 years has been 5 cents, approximately, and as the cost of refining and passing through the refiner's hand must be added to the 3¾ cents cost of producing raw sugar, in making up the price of granulated it clearly appears that, taking the contention of the gentleman from Alabama [Mr. UNDERWOOD], we find by analyzing the figures that the enactment of this measure into law would reduce the price of raw sugar so that it would be below the cost of production. Thus the immediate prostration and ruin of the entire agricultural section of my State and district in which sugar cane is grown, would follow. This measure, should it become a law at this particular time, would possibly result in more injury and disaster than anything which could happen in the cane-growing section of my district and State, for the following reasons:

With the advent of the cotton-boll weevil into my State our cotton crop went down from 1,000,000 bales, in round numbers, produced in the year 1904 to as low as one-quarter million bales in 1910; and in the 12 parishes which I have the honor to represent our yield dropped from 180,000 bales in the year 1904 to 10,000 bales in 1910. The relief from this appalling situation was in the main the diversification of crops, especially in so far as the alluvial section of my district was concerned. In the parishes of Pointe Coupee, West Baton Rouge, Iberville, Ascension, and parts of East Baton Rouge, where cane culture had been followed in part for many years with as fair profits as from the usual agricultural avocations, the cotton farmers in great numbers went into cane growing to a more or less extent. Thousands of small farmers owning 50 and 100 and 200 acre farms planted cane and with satisfactory results, selling their cane by tonnage or else on a basis of sugar content, to the different growers who operated mills, until to-day the small farmer is as vitally interested in this legislation as the man who owns many hundred acres. Take the parish of Pointe Coupee as an example—a parish which produced 60,000 bales of cotton in 1904 and only 7,000 bales in 1910—while the transition from cotton to cane is somewhat costly and necessitates different cultural methods, the culture of cane in the parish mentioned last, as well as those heretofore referred to, has been found to be a relief from the present inability of our people to raise cotton under boll-weevil conditions in the alluvial sections of my State and district.

While cane culture in the district which I represent is in the main confined to the western portion thereof, our farmers, not only in the parishes referred to, but all over the remainder of the 12, even in the upland parishes, are following, as one of the avenues of diversification, sirup making on a small scale, and while sirup is not made in large quantities, save in the alluvial section where the larger mills are situated, yet the smaller mills are to-day engaged in making some sirup for sale to local consumers as well as for home use in every parish of my district, while in the alluvial section brands of sirups, famous throughout the land, are made under most modern improved methods and by costly machinery.

However small the outfit of the humblest sirup maker in the pine lands of Louisiana may be, the passage of this measure will affect him in proportion to his circumstances and the amount of his product just as much as it will affect the owner and grower on the large plantations in proportion to investment, for sirups as well as sugar are placed on the free list by the provisions of this measure.

Mr. Chairman, I desire to disabuse the minds of the Members of this House of the false impression that many seem to have, to the effect that only a few large landed proprietors would be adversely affected by the passage of this legislation. Whatever of truth there may have been in such a statement with reference to conditions in former years, the facts are to-day as I have stated them, and thousands of our farmers in the alluvial

sections of our State, who formerly grew cotton, are now growing cane as their staple product.

You are not striking down solely the large landed proprietors; you are including in the tumbrels of this revolutionary measure thousands of hard-working and industrious farmers who, when their cotton crops had been distroyed by the cotton-boll weevil, bravely turned to this avenue of agriculture instead of giving up in despair as some might have done, until to-day, all over the alluvial sections of Louisiana, the culture of cane has greatly increased. I admit that there are some men of large means who are engaged in this industry, though they are few in numbers in comparison with the number of individuals of small means who grow sugar cane.

There are men engaged in this pursuit who have been successful, and there are those similarly engaged upon whom fortune has not smiled; some have been successful through their own efforts, industry and thrift counting in this calling just as in any other, and likewise there have been those who, through no fault of their own, have been less fortunate than the first. But so it is with regard to every avocation which man may follow.

In considering the disaster resulting to my State, in the event this measure should become a law, it must be remembered that, in addition to the actual cane growers whom it would ruin, there will be also cut off from both common and skilled labor an important avenue of employment, while those who have made a specialty or profession of this important avenue of agriculture, such as sugar makers, sugar chemists, and so forth, will find themselves with no field for employment in the land of their nativity.

Thus coming right upon the heels of the boll-weevil disaster, which reduced Louisiana's cotton crop 75 per cent, the ruin of the cane-growing industry would see our State with her two main agricultural pursuits prostrate at the same time. In opposing this measure I am acting in no wise from any private selfish motive for gain to myself individually, but am serving the best interest of the people whom I represent.

In so far as any private interests of my own are concerned, I will say that I am not engaged in cane growing and have no moneyed interests whatsoever therein. I was reared on a cotton farm and still reside in the uplands of Louisiana. The parish of West Feliciana, where I reside, is only partially alluvial, though in those sections which are alluvial cane is grown as successfully as in any portion of the State.

The State farm, which is in my parish, has in recent years been placed under cane culture, changing from cotton to that industry for the reasons I have heretofore described, and only last year a sugar factory was erected by the State of Louisiana thereon at a cost of nearly $400,000. This represents an investment toward which every taxpayer in Louisiana has contributed, and on their behalf, also, I wish to again reiterate my protest against this legislation which once effective will mean a practically total loss of the large sum so expended.

A great deal has been said here upon this floor with reference to free-sugar legislation being a good way to get rid of the American Sugar Refining Co.'s monopoly.

Let me state right here that the American Sugar Refining Co., more familiarly known as the Sugar Trust, is the worst enemy the Louisiana cane grower has ever known. Not only has this grasping monopoly exacted for years from the Louisiana sugar producer 15 cents per 100 pounds on all sales made to that company, without warrant, consideration, or valid reason, other than its insatiable greed to exact tribute from those who are helpless to protect themselves, but they have in every covert and, in my opinion, illegal way known to the most artful dodger of the Sherman antitrust law, ground underfoot the Louisiana sugar producer for the trust's own private gain.

The methods of the American Tobacco Co. in the past toward the tobacco growers of Tennessee and other sections were not more reprehensible than those of the Sugar Trust toward the Louisiana producer; and as a crowning infamy we find this corporation caught red-handed in the act of smuggling sugar into the United States, thereby indirectly robbing the Federal Treasury of millions of dollars in just import duties and at the same time illegally bringing into the American market their raw material in direct competition with and in order to further beat down the price of the Louisiana producer of 96-test sugar. And now the Ways and Means Committee of the Democratic Party in this House, while honestly and sincerely believing that they were acting against the selfish interest of this gigantic monopoly, have innocently allowed themselves to be deceived into doing exactly what the Sugar Trust wanted them to do, namely, to admit their raw material duty free, so that they may have to resort to smuggling no more and thus avoid the toils of the law in the days to come, in so far as that particular offense is concerned.

Mr. Chairman, I have read of the bold and daring, though heartless acts of the buccaneers of the Spanish main; I have listened as a child to the pathetic story of the death of the beautiful Theodosia Burr at the impious hands of the heartless outlaws of the high seas; I have as one of the earliest recollections of my childhood days in my Louisiana home still engraved upon my memory the story I learned at my parents' knee of Lafitte, the pirate and his daring band of bold bad men; I have never forgotten the story of Robin Hood and his brave man, Little John, who under the greenwood tree filched the pockets of the rich nobles and opulent merchants of merry England. But in all these men, while there may have been a preponderance of bad, there is some point somewhere in their careers that at least, to some extent, tempers our condemnation of their acts with admiration for their courage and magnanimity; there are some acts for good, or there is some day of repentence, somewhere in their history which causes one to draw the mantle of Christian charity over their faults and their crimes, and at times not only to forgive but even to admire them. Henry Morgan may have been a buccaneer in its true sense of the word, but he had courage and was at least a bold bad man who risked his life in the open; the heartless pirates who took the life of Theodosia Burr sailed in open defiance of all the civilized nations of the world, flying the flag of no country and committing depredations upon all, but their methods were those of the daring robber and not the methods of the sneak thief; Lafitte, whatever infamy may have attached to his early career, wiped out all stain upon his name by joining with old Andrew Jackson and risking his life in defense of yonder flag against a foreign foe, on January 8, 1815; Robin Hood may have robbed the rich traveler and despoiled the nobility wending their way through the forests of Nottinghamshire; but there was the good Friar Tuck to distribute the questionably acquired gate receipts among the poor and lowly according to their needs; but in all the career of this twentieth century smuggler there is but one trait that was ever disclosed, and that trait is insatiable greed for gold, and neither moral nor statute law could stay its hand. Those guilty individuals who doubtless profited most by its illegal acts, came not into the open nor bared their breasts to deadly weapon, as did the buccaneers of old; but calmly seated in some magnificently appointed office suite, had their nefarious work accomplished according to their subtle plans, by causing, forsooth, a number of poor miserable dupes to underweigh imported sugars, by means of spirals or springs as completely and artistically concealed as were the main beneficiaries of this resultant infamy. To those who would study the causes of the present social unrest, the spirit of seeming revolt against almost all organized authority, as well as against the existing order of things in our country, I would recommend the history of the American Sugar Refining Co., and the study of its treatment not only of those with whom it has had business relations, but also its ungrateful conduct toward the Government of these United States without the protecting arm of whose laws this nefarious corporation could not have existed for a moment. Here was a corporation, the officers of which stood most high in the business world. Officers who were men who either by education or environment had had the greatest opportunity to represent and typify the highest and most enlightened business ideals in the great metropolis of our country; men who financially, socially, and mentally stood upon the topmost pinnacle of twentieth century business; and the consequence was that their position necessitated their following a course of rectitude possibly even more than the average man. Not that it is to be contended that any man, be he rich or poor, high or low, should not respect and obey the law. All men should obey the law of God and man alike; but I do contend without justifying the guilt of the one or the other, that he who has amassed a great fortune is far less excusable in violating the law for the sake of further financial gain, in the eyes of all right-thinking men, than was Jean Valjean when he stole a baker's loaf to keep starvation from those whom he loved.

What, then, must be the impression upon the minds of those of socialistic tendencies when they see men who need not one ducat more for their necessary or even their luxurious wants, and desire more for no other purpose save that of gratifying the insatiate maw of money-mad men, stoop to the lowest depths of avarice till in the broad daylight of our modern civilization they will even throw down the challenge of Danton as the gage to battle in such an unholy cause.

And yet the American Sugar Refining Co., whose history is an open book of violations of the law, must now be rewarded by getting their raw material duty free, and together with their associate refining companies they will bring same in from their extensive Cuban holdings without contributing one cent of duty for the support of the Government. Such is the merited hatred of the American people and their Representatives in Congress

for this corporation that whenever you mention the "sugar schedule" their first idea is to make all sugar duty free as a mode of penalizing "the trust." But permit me to respectfully suggest to them that if they wish to penalize through the sugar schedule this trust, which so deeply merits punishment, that the mode of procedure would be to take the duty off their finished product, and not to give them their raw material duty free; but this method of punishment might also catch the Federal Sugar Refining Co., and incidentally "the secretary" of the "committee of wholesale grocers formed for the reduction of the duties on sugar," and as the said "secretary" has been the Moses who has so philanthropically organized himself into a benefactor of the American consumer, such action might appear ungrateful—to some persons.

My view of the way of punishing the Sugar Trust for their violations of the law is by prosecutions in the courts and by sending the guilty officials to a Federal prison, when they have been condemned by the verdict of 12 of their fellow men, and not by rewarding monopoly, as the committee does in this measure, however honest and commendable, though misguided, their intentions may have been.

So this delusive measure is the result in part of the just and righteous indignation of the Democratic Members of this House against the American Sugar Refining Co., who have been caught red-handed in the act of smuggling. And the method of punishment, strange to say, without our Democratic colleagues even being aware of it and totally innocent of all knowledge of the source, has been selected by the refiners themselves, through their agent, one Frank C. Lowrey, who, disguised in the character of a self-constituted committee of wholesale grocers, has by means not only of the well-known yellow slip and other devices aroused the consumers of the country to a pitch of bitter hatred of all domestic producers of sugar, but has also circularized every Member of this body until a majority thereof are sincerely believing that the giving of the refineries their raw material duty free will be the salvation of the ultimate consumers of the land.

Mr. Chairman, in conclusion, let me reiterate, most respectfully, that this measure is beyond a doubt the most indefensible tariff bill ever proposed by our party.

Totally oblivious of the action of all the most enlightened nations of the world in recognizing the revenue-producing powers of a duty on sugar, the great revenue committee of this House recommends this measure. Even free-trade England, the country which is ever held up as par excellence, the ideal of the free trader, has to-day, after years of experiments, been compelled to change its policy, in so far as this article of commerce is concerned, and place a duty for revenue thereon; and such is the revenue law of England to-day. And Lloyd-George and his able associates are not asking for its repeal. Both the income tax and the duty on sugar go hand in hand, even in England, and side by side on the statute book they stand, yielding between them the great bulk of the revenue so necessary to carry on the expenses of that nation, however honestly and economically administered may be her Government.

The CHAIRMAN. The time of the gentleman from Louisiana has expired.

Mr. WICKLIFFE. Mr. Chairman, I will ask the gentleman to yield me five minutes more.

Mr. MANN. The gentleman can not yield any more. He yielded all the time to the gentleman, but I ask unanimous consent that the gentleman have five minutes more.

Mr. UNDERWOOD. Mr. Chairman, I would like to grant the gentleman more time, but I shall ask unanimous consent when we get back into the House that all gentlemen may have the privilege of extending their remarks in the RECORD. As the debate is limited, I felt that it would be unjust to take more than an hour's time, and I feel that it would be unjust——

Mr. MANN. But debate has not been limited as yet.

Mr. UNDERWOOD. I feel that it would be unjust for anyone else to take more than an hour's time. Therefore I must object to any further extension of time in this way.

Mr. WICKLIFFE. Mr. Chairman, I ask unanimous consent to revise and extend my remarks in the RECORD.

The CHAIRMAN. Is there objection?

There was no objection.

Mr. BURKE of Pennsylvania. Mr. Chairman, how many minutes was the gentleman from Louisiana yielded?

The CHAIRMAN. Twenty-three minutes.

Mr. BURKE of Pennsylvania. I simply wanted to know the exact time given the gentleman, and, having learned it, I suggest that inasmuch as this bill is to wipe out a great industry of his State it was peculiarly fitting that the number of minutes given him by the Democratic Party to speak at its demise was 23. [Laughter.]

Mr. WICKLIFFE. Mr. Chairman, to conclude my remarks, examine this measure from whatever angle you may it is found to be un-Democratic to the core.

The principles of Jefferson can never be twisted into such corkscrew proportions as to command us as his disciples of a later day and generation to write a schedule on our statute books which, becoming a law to-day, would say to those who have up to this hour been defended by a 50 per cent or 60 per cent duty shall to-morrow sell their product in the free-trade markets of the world while they continue to buy all they consume in the highly protected markets of America. It may be that in opposing this measure I may be considered by some as not so good a party man as others, but come what may, I shall never cast my vote nor lift my voice in favor of any measure which, in addition to being both discriminatory and unjust, is in direct contravention of the welfare of those whom I represent, as well as a measure which is totally repugnant to the solemn pledges made by me to my constituency prior to election.

I know it sounds well upon this floor to hear a Member of this body eulogize the ideal of legislating in the interest of 90,000,000 people instead of looking to the interests of the 190,000 in each of their respective districts. But however meritorious such ideal may be—and none can dispute its broad-mindedness—I for one shall never vote to sacrifice my own people who have reposed a confidence in me, under the plea of the benefits to be derived from this bill to all of the consumers of the Nation, when I know, or at least honestly believe, that instead of redounding to the ultimate benefit of the consumers of the land that the chief beneficiaries of this legislation would be the millionaire sugar refiners who to-day sit in their magnificent offices somewhere around 138 Front Street, New York City, and smilingly await this punishment which my Democratic brethren are meting out to them, much as the proverbial rabbit regarded the briar patch just before the little boy threw him in.

I reiterate, Mr. Chairman, my solemn and sincere opposition to this measure, and I now declare that I shall never accept as Democratic a measure, which says to my people who repose their confidence in me, "You must buy in a protected market all that you consume and you must sell in the free-trade markets, open to the world, all that you produce."

Mr. UNDERWOOD. Mr. Chairman, I move that the committee do now rise.

The motion was agreed to.

Accordingly the committee rose; and Mr. ADAIR, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee had had under consideration the bill H. R. 21213, to revise the sugar schedule, and had come to no resolution thereon.

WITHDRAWAL OF PAPERS.

By unanimous consent leave was granted—

To Mr. ALEXANDER to withdraw from the files of the House, without leaving copies, papers in the case of Thomas Brewer, H. R. 6842, Fifty-eighth Congress, no adverse report having been made thereon.

To Mr. MORRISON, to withdraw from the files of the House, without leaving copies, papers in the case of Milton F. Davenport, H. R. 6528, Fifty-second Congress, no adverse report having been made thereon.

ENROLLED JOINT RESOLUTION SIGNED.

The SPEAKER announced his signature to enrolled joint resolution of the following title:

S. J. Res. 89. Joint resolution to amend the joint resolution to prohibit the export of coal or other material used in war from any seaport of the United States.

THE SUGAR SCHEDULE.

Mr. UNDERWOOD. Mr. Speaker, at the request of gentlemen on both sides of the House, I ask unanimous consent that all gentlemen who have spoken upon this bill may extend and revise their remarks in the RECORD, and that all other Members in the House may have five legislative days after the passage of the bill within which to print in reference to the subject matter of the bill.

The SPEAKER. Is there objection to the request of the gentleman from Alabama?

Mr. MANN. Mr. Speaker, reserving the right to object, why does the gentleman make the request at this time, when the House is still continuing in debate on the bill and gentlemen are still entitled to debate the bill in the committee, where it is far more important and educating to hear the speeches than it is to have them printed—to "can" them?

Mr. UNDERWOOD. Mr. Speaker, I stated to the House that I made this request at the desire of gentlemen on both sides of the House.

The SPEAKER. Is there objection?

Mr. MANN. At least until debate has been limited, I shall object.

The SPEAKER. The gentleman from Illinois objects.

Mr. UNDERWOOD. Mr. Speaker, I wish to state to the House that if the House desires to do so, by unanimous consent—and I address my remarks to the leader of the minority—I shall ask unanimous consent that the House take a recess at this time until half past 7, and that from half past 7 until 11 o'clock to-night there shall be a session for debate only upon this bill.

Mr. MANN. Mr. Speaker, reserving the right to object, I desire to state that I have been listening to speeches very carefully and attentively, and I hope beneficially, from both sides of this House for about six hours. While I shall not object to the request of the gentleman, if the House takes a recess until half past 7, when it reconvenes I shall insist upon the presence of a quorum of the House and the presence of a quorum of the committee during the continuance of the debate on a bill so important as this, at this time in the session, when we have plenty of time to really debate the subject for the real information of the House.

ADJOURNMENT.

Mr. UNDERWOOD. Mr. Speaker, the gentleman's statement makes it apparent that we would spend most of the night getting a quorum. Therefore I shall not renew the request. I therefore move that the House do now adjourn.

The motion was agreed to; and accordingly (at 6 o'clock and 10 minutes p. m.) the House adjourned until Friday, March 15, 1912, at 12 o'clock noon.

EXECUTIVE COMMUNICATIONS.

Under clause 2 of Rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

1. A letter from the Secretary of the Treasury, transmitting copy of a communication from the Acting Secretary of Commerce and Labor, submitting an estimate of appropriation for the purchase of additional land contiguous to the site owned by the United States used for the Bureau of Standards (H. Doc. No. 621); to the Committee on Appropriations and ordered to be printed.

2. A letter from the Attorney General of the United States, responding to House resolution asking for copy of charges filed against Leslie J. Lyons, United States district attorney for the western district of Missouri, saying, by direction of the President, in his opinion it is not compatible with the public interest to furnish the information desired (H. Doc. No. 620); to the Committee on the Judiciary and ordered to be printed.

3. A letter from the Secretary of War, transmitting, with a letter from the Chief of Engineers, report of examination and survey of Carvers Harbor, Vinalhaven, Me. (H. Doc. No. 624); to the Committee on Rivers and Harbors and ordered to be printed with illustrations.

4. A letter from the Secretary of War, transmitting, with a letter from the Chief of Engineers, report of examination and survey of Nehalem Bar and entrance to Nehalem Bay, Oreg. (H. Doc. No. 623); to the Committee on Rivers and Harbors and ordered to be printed with illustrations.

5. A letter from the Secretary of War, transmitting, with a letter from the Chief of Engineers, report of examination and survey of ship canal between Port Townsend Bay and Oak Harbor (H. Doc. No. 625); to the Committee on Rivers and Harbors and ordered to be printed.

6. A letter from the Secretary of War, transmitting, with a letter from the Chief of Engineers, report of examination and survey of Carrabelle Harbor, Fla. (H. Doc. No. 622); to the Committee on Rivers and Harbors and ordered to be printed.

PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS.

Under clause 3 of Rule XXII, bills, resolutions, and memorials were introduced and severally referred as follows:

By Mr. PRAY: A bill (H. R. 21883) for the purchase of a site for a Federal building for the United States post office at Glendive, Mont.; to the Committee on Public Buildings and Grounds.

Also, a bill (H. R. 21884) for the purchase of a site for a Federal building for the United States post office at Anaconda, Mont.; to the Committee on Public Buildings and Grounds.

Also, a bill (H. R. 21885) to provide for the erection of a public building at Kalispell, in the State of Montana; to the Committee on Public Buildings and Grounds.

By Mr. STEPHENS of Texas: A bill (H. R. 21886) pensioning the surviving officers and enlisted men of the Texas Volunteers employed in the defense of the frontier of that State against Mexican marauders and Indian depredations from January 1, 1851, to January 1, 1861, and from 1866 to 1876, inclusive, and for other purposes; to the Committee on Pensions.

By Mr. STEPHENS of Nebraska: A bill (H. R. 21887) for the restoration of annuities to the Medawakanton and Wahpakoota (Santee) Sioux Indians declared forfeited by the act of February 16, 1863; to the Committee on Indian Affairs.

By Mr. SCULLY: A bill (H. R. 21888) providing for the sale of the United States unused post-office site at Perth Amboy, N. J.; to the Committee on Public Buildings and Grounds.

By Mr. COVINGTON: A bill (H. R. 21889) to amend the act to regulate commerce, approved February 4, 1887, as heretofore amended; to the Committee on Interstate and Foreign Commerce.

By Mr. SPARKMAN: A bill (H. R. 21890) to provide for a site and public building at Key West, Fla.; to the Committee on Public Buildings and Grounds.

By Mr. FERRIS: A bill (H. R. 21891) authorizing the Secretary of the Interior to withdraw certain funds for the support and maintenance of the Kiowa, Comanche, and Apache Indians in Oklahoma; to the Committee on Indian Affairs.

Also, a bill (H. R. 21892) for the relief of the Wichita and affiliated bands of Indians; to the Committee on Indian Affairs.

By Mr. GARNER: A bill (H. R. 21893) to provide for the acquisition of a site and the erection of a public building thereon at Seguin, Tex.; to the Committee on Public Buildings and Grounds.

By Mr. McLAUGHLIN: A bill (H. R. 21894) to provide additional appropriation for Federal building at Cadillac, Mich.; to the Committee on Public Buildings and Grounds.

By Mr. LINDBERGH: A bill (H. R. 21895) requiring the Government to furnish post-office boxes free to regular patrons of post offices in towns, villages, and cities in which there is no free delivery; to the Committee on the Post Office and Post Roads.

By Mr. THOMAS: A bill (H. R. 21896) for the erection of a public building at Russellville, Logan County, Ky.; to the Committee on Public Buildings and Grounds.

By Mr. O'SHAUNESSY: A bill (H. R. 21897) making appropriation for the improvement of the harbor of refuge, Block Island, in the State of Rhode Island; to the Committee on Rivers and Harbors.

By Mr. WILSON of Pennsylvania: A bill (H. R. 21898) to create a department of agriculture and labor in Porto Rico, the head of which shall be a member of the executive council of Porto Rico; to the Committee on Insular Affairs.

By Mr. ADAMSON: A bill (H. R. 21899) to authorize additional aids to navigation in the Lighthouse Establishment, and for other purposes; to the Committee on Interstate and Foreign Commerce.

By Mr. LENROOT: A bill (H. R. 21953) for the erection of a public building at Merrill, Wis.; to the Committee on Public Buildings and Grounds.

By Mr. RAKER: A bill (H. R. 21954) to amend an act entitled "An act to set apart a certain tract of land in the State of California as forest reservations," approved October 1, 1890, by changing the north and west boundaries of said tract and excluding therefrom certain lands, and to attach and include said excluded lands in the Stanislaus National Forest; to the Committee on the Public Lands.

By Mr. STEPHENS of Texas: Joint resolution (H. J. Res. 269) concerning contracts with Indian tribes or individual Indians; to the Committee on Indian Affairs.

By Mr. NEELEY: Joint resolution (H. J. Res. 270) proposing an amendment to the Constitution providing that judges of the inferior courts shall hold their offices during a term of eight years; to the Committee on the Judiciary.

PRIVATE BILLS AND RESOLUTIONS.

Under clause 1 of Rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. AKIN of New York: A bill (H. R. 21900) granting a pension to Charles La Marsh; to the Committee on Invalid Pensions.

By Mr. CALLAWAY (by request): A bill (H. R. 21901) for the relief of S. E. Harris; to the Committee on War Claims.

Also (by request), a bill (H. R. 21902) for the relief of Lemuel J. Ward; to the Committee on Claims.

Also (by request), a bill (H. R. 21903) for the relief of Ophelia V. Worsham, sole heir of Mary E. Buchanan, deceased; to the Committee on War Claims.

Also (by request), a bill (H. R. 21904) for the relief of the heirs of Rufus L. Watt, sr., deceased; to the Committee on War Claims.

Also (by request), a bill (H. R. 21905) for the relief of the heirs of Daniel Prigmore, deceased; to the Committee on War Claims.

Also (by request), a bill (H. R. 21906) for the relief of the heirs of Obadiah Fatherree, deceased; to the Committee on War Claims.

Also (by request), a bill (H. R. 21907) for the relief of the heirs of James N. Harrell, deceased; to the Committee on War Claims.

Also (by request), a bill (H. R. 21908) for the relief of the widow and the heirs of George F. Parker, deceased; to the Committee on War Claims.

By Mr. CARLIN: A bill (H. R. 21909) granting a pension to George Wood; to the Committee on Pensions.

Also, a bill (H. R. 21910) granting a pension to Martha A. Gee; to the Committee on Pensions.

By Mr. CLINE: A bill (H. R. 21911) granting an increase of pension to Sarah J. Colwell; to the Committee on Invalid Pensions.

Also, a bill (H. R. 21912) granting an increase of pension to John Walter; to the Committee on Invalid Pensions.

Also, a bill (H. R. 21913) granting an increase of pension to Uriah Clark; to the Committee on Invalid Pensions.

Also, a bill (H. R. 21914) granting an increase of pension to Peter S. Hess, guardian of John E. Hess; to the Committee on Invalid Pensions.

Also, a bill (H. R. 21915) to correct the military record of James Hennessy; to the Committee on Military Affairs.

By Mr. DAUGHERTY: A bill (H. R. 21916) granting a pension to James M. Robinson; to the Committee on Invalid Pensions.

By Mr. DIFENDERFER: A bill (H. R. 21917) granting a pension to Joseph V. Wilkinson; to the Committee on Invalid Pensions.

By Mr. DIXON of Indiana: A bill (H. R. 21918) granting a pension to Harriet Todd; to the Committee on Invalid Pensions.

Also, a bill (H. R. 21919) granting a pension to Isaac Stroude; to the Committee on Invalid Pensions.

Also, a bill (H. R. 21920) granting a pension to William Wright; to the Committee on Pensions.

Also, a bill (H. R. 21921) granting a pension to James H. Sale; to the Committee on Invalid Pensions.

Also, a bill (H. R. 21922) granting an increase of pension to Harvey Deputy; to the Committee on Invalid Pensions.

Also, a bill (H. R. 21923) granting an increase of pension to John A. Alfie; to the Committee on Invalid Pensions.

Also, a bill (H. R. 21924) granting an increase of pension to John C. Moncrief; to the Committee on Invalid Pensions.

Also, a bill (H. R. 21925) granting an increase of pension to Henry Daum; to the Committee on Invalid Pensions.

Also, a bill (H. R. 21926) granting an increase of pension to John Files; to the Committee on Invalid Pensions.

Also, a bill (H. R. 21927) granting an increase of pension to Alexander Hancher; to the Committee on Invalid Pensions.

Also, a bill (H. R. 21928) granting an increase of pension to Mary A. Caplinger; to the Committee on Invalid Pensions.

Also, a bill (H. R. 21929) to restore Willis Hampton to the pension roll; to the Committee on Invalid Pensions.

By Mr. ESCH: A bill (H. R. 21930) granting a pension to Chris Sletteland; to the Committee on Pensions.

By Mr. FERRIS: A bill (H. R. 21931) granting an increase of pension to Robert McCleary; to the Committee on Invalid Pensions.

By Mr. FIELDS: A bill (H. R. 21932) granting a pension to William Praterer; to the Committee on Invalid Pensions.

Also, a bill (H. R. 21933) granting a pension to Sarah J. Davis; to the Committee on Invalid Pensions.

Also, a bill (H. R. 21934) granting an increase of pension to James M. Woods; to the Committee on Invalid Pensions.

By Mr. GALLAGHER: A bill (H. R. 21935) granting a pension to Luke Condron; to the Committee on Invalid Pensions.

By Mr. GLASS: A bill (H. R. 21936) granting a pension to Hiram C. Howard; to the Committee on Pensions.

By Mr. GOEKE: A bill (H. R. 21937) granting a pension to John Howell; to the Committee on Invalid Pensions.

By Mr. KINKAID of Nebraska: A bill (H. R. 21938) granting an increase of pension to Lester Walker; to the Committee on Invalid Pensions.

By Mr. KONOP: A bill (H. R. 21939) granting an increase of pension to Joseph Feldhausen; to the Committee on Invalid Pensions.

By Mr. LEWIS: A bill (H. R. 21940) granting an increase of pension to John Wiebel; to the Committee on Invalid Pensions.

By Mr. McKELLAR: A bill (H. R. 21941) for the relief of Capt. John Briggs; to the Committee on Claims.

By Mr. NEELEY: A bill (H. R. 21942) granting a pension to William R. Burch; to the Committee on Invalid Pensions.

Also, a bill (H. R. 21943) granting a pension to Mary A. Blake; to the Committee on Invalid Pensions.

Also, a bill (H. R. 21944) granting an increase of pension to Clinton Black; to the Committee on Invalid Pensions.

Also, a bill (H. R. 21945) granting an increase of pension to Henry Cleveland; to the Committee on Invalid Pensions.

By Mr. POWERS: A bill (H. R. 21946) granting a pension to John Storms; to the Committee on Pensions.

Also, a bill (H. R. 21947) granting a pension to Robert Ashurt; to the Committee on Invalid Pensions.

Also, a bill (H. R. 21948) granting a pension to John Bazel; to the Committee on Invalid Pensions.

Also, a bill (H. R. 21949) granting an increase of pension to George W. McFarland; to the Committee on Invalid Pensions.

By Mr. SLAYDEN: A bill (H. R. 21950) for the relief of Julius E. Mugge; to the Committee on Claims.

By Mr. STEPHENS of Texas: A bill (H. R. 21951) granting a pension to William C. Farrington; to the Committee on Pensions.

By Mr. TALBOTT of Maryland: A bill (H. R. 21952) for the relief of James S. Baer; to the Committee on Military Affairs.

By Mr. CLAYPOOL: A bill (H. R. 21955) granting an increase of pension to Fred F. Runion; to the Committee on Invalid Pensions.

Also, a bill (H. R. 21956) granting an increase of pension to William H. Wilson; to the Committee on Invalid Pensions.

Also, a bill (H. R. 21957) granting an increase of pension to Benjamin F. Fellows; to the Committee on Invalid Pensions.

PETITIONS, ETC.

Under clause 1 of Rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

By Mr. ANDERSON of Minnesota: Petition of C. H. White and 13 others, of Chatfield, Minn., against extension of the parcel-post system; to the Committee on the Post Office and Post Roads.

By Mr. ANSBERRY: Petitions of A. R. Fawley, of Bryan, and H. Brown & Co., of Holgate, Ohio, for amending the copyright act of 1909; to the Committee on Patents.

By Mr. ASHBROOK: Petitions of A. L. Thomas, of Newark, Ohio; H. A. Ackey and Ackey & Tallman, of New Philadelphia, Ohio, theater managers, asking for the passage of House bill 20595, the Townsend copyright bill; to the Committee on Patents.

By Mr. BROWNING: Petition of citizens of the State of New Jersey, for a suffrage amendment to the Constitution; to the Committee on the Judiciary.

Also, petition of the Society of Friends of Woodstown, N. J., for passage of House joint resolution 163; to the Committee on the Judiciary.

By Mr. CALDER: Petition of the Chamber of Commerce of Pittsburgh, Pa., also indorsed by various other bodies, protesting against the passage of House bill 21292, to amend "An act to authorize the construction of a bridge across the Monongahela River in the State of Pennsylvania by the Liberty Bridge Co."; to the Committee on Interstate and Foreign Commerce.

Also, petition of the president of the Idson Amusement Co., Arcade Theater, 350 Myrtle Avenue, Brooklyn, N. Y., favoring the amendment known as House bill 20595 to section 25 of the copyright act of 1909; to the Committee on Patents.

Also, petition of J. Malaghan, Franklin Airdome Theater, Brooklyn, N. Y., favoring the amendment known as House bill 20595 to section 25 of the copyright act of 1909; to the Committee on Patents.

Also, petition of N. P. Heffley, president of the Heffley School, of Brooklyn, N. Y., favoring the amendment known as House bill 20595 to section 25 of the copyright act of 1909; to the Committee on Patents.

By Mr. CLINE: Petition of the Woman's Christian Temperance Union of Ray, Ind., for passage of an effective interstate liquor law; to the Committee on the Judiciary.

Also, petition of citizens of La Grange, Ind., protesting against parcel-post legislation; to the Committee on the Post Office and Post Roads.

Also, petitions of citizens of the State of Indiana, for construction of one battleship in a Government navy yard; to the Committee on Naval Affairs.

Also, petitions of citizens of the State of Indiana, for amending the copyright act of 1909; to the Committee on Patents.

By Mr. COVINGTON: Petition of the Woman's Christian Temperance Union of Aberdeen, Md., for passage of the Kenyon-Sheppard interstate liquor bill; to the Committee on the Judiciary.

By Mr. DRAPER: Petition of the Woman's Christian Temperance Union of Polstenkill, N. Y., for passage of Kenyon-Sheppard interstate liquor bill; to the Committee on the Judiciary.

By Mr. DANIEL A. DRISCOLL: Petitions of citizens of the State of New York, for amending the copyright act of 1909; to the Committee on Patents.

Also, memorial of the Tompkins County (N. Y.) Pomona Grange, relative to oleomargarine legislation; to the Committee on Agriculture.

Also, petition of Local Union No. 128, International Brotherhood of Blacksmiths, of Buffalo, N. Y., for construction of one battleship in a Government navy yard; to the Committee on Naval Affairs.

By Mr. DOREMUS: Petitions of citizens of East Lake, Mich., protesting against parcel-post legislation; to the Committee on the Post Office and Post Roads.

By Mr. ESCH: Petitions of citizens of La Crosse, Neilsville, and Black River Falls, Wis., protesting against the Lever oleomargarine bill; to the Committee on Agriculture.

Also, papers to accompany bill for the relief of Chris Sletteland; to the Committee on Pensions.

Also, petition of the Woman's Christian Temperance Union of Loyal, Wis., for passage of Kenyon-Sheppard interstate liquor bill; to the Committee on the Judiciary.

By Mr. FITZGERALD: Petitions of citizens of New York City, for construction of one battleship in a Government navy yard; to the Committee on Naval Affairs.

Also, petitions of the California Club, of California, and council of the city of Alameda, Cal., protesting against a reduction in appropriation for the operation of the San Francisco Mint; to the Committee on Appropriations.

Also, memorial of the First Unitarian Church of Oakland, Cal., for increased appropriation to more effectively enforce the white-slave traffic act; to the Committee on Appropriations.

Also, petition of the Chamber of Commerce of the State of New York, relative to toll rates through the Panama Canal; to the Committee on Interstate and Foreign Commerce.

Also, memorial of the board of directors of the Syracuse (N. Y.) Chamber of Commerce, relative to appropriation for the Fifth International Congress of Chambers of Commerce; to the Committee on Appropriations.

Also, memorial of the Chamber of Commerce of the State of New York, protesting against proposed reduction in appropriation for the Diplomatic and Consular Service; to the Committee on Appropriations.

By Mr. FORNES: Petition of Phil Sampson, of New York City, for amending the copyright act of 1909; to the Committee on Patents.

Also, memorial of the Chamber of Commerce of the State of New York, urging establishment of marine schools; to the Committee on the Merchant Marine and Fisheries.

Also, petition of a Catholic society of New York City, in regard to measures relating to Catholic Indian mission interests; to the Committee on Indian Affairs.

By Mr. FOSTER of Illinois: Petition of citizens of Marion County, Ill., in favor of House bill 14—parcel post; to the Committee on the Post Office and Post Roads.

Also, petition of citizens of New Baden, Ill., in favor of House bill 16450, to protect shipments from one State to another; to the Committee on the Judiciary.

By Mr. FULLER: Petition of Mike Donahue, of Streator, Ill., in favor of the passage of House bill 17470, to pension widows of Spanish War veterans; to the Committee on Pensions.

Also, petition of Manley Munson, of Manchester, and A. H. Young, of Sheridan, Ill., in favor of the passage of a parcel-post law; to the Committee on the Post Office and Post Roads.

Also, petition of E. N. Howell, of Dixon, Ill., against the establishment of a parcel post; to the Committee on the Post Office and Post Roads.

Also, petition of the Illinois Wholesale Grocers' Association, of Peoria, Ill., favoring 1-cent letter postage; to the Committee on the Post Office and Post Roads.

Also, petitions of Charles Bukenbend and Murray & Kings, of La Salle, Ill.; E. E. Johnson and H. Noben, of Rockford, Ill.; Clapp & Jewett, of Mazon, Ill.; and Charles A. Schaefer, of Sycamore, Ill., all in favor of the passage of the Townsend bill (H. R. 20595) to amend section 25 of the copyright act of 1909, etc.; to the Committee on Patents.

By Mr. HAMILTON of Michigan: Petitions of the Woman's Christian Temperance Unions, churches, and church organizations in the State of Michigan, for passage of Kenyon-Sheppard interstate liquor bill; to the Committee on the Judiciary.

Also, petitions of citizens of Cloverdale and Niles, Mich., urging the enactment of parcel-post legislation; to the Committee on the Post Office and Post Roads.

By Mr. HAMMOND: Petition of Mr. Feece Lewis and 42 others, of Lake Crystal, Minn., in opposition to the Lever bill; to the Committee on Agriculture.

By Mr. HELGESEN: Petition of 75 citizens of Devils Lake, Burnstad, Martin, Overly, Dunseith, Throne, and Marshall, all in the State of North Dakota, asking for a reduction in the duty on raw and refined sugar; to the Committee on Ways and Means.

Also, petitions of 25 residents of Edinburg, Park River, Anamoose, Hillsboro, Drayton, Blue Grass, Buffalo, Minot, Maddock, and Milton, all in the State of North Dakota, asking for a reduction in the duty on raw and refined sugar; to the Committee on Ways and Means.

Also, petition of G. O. Frank, of Minot, N. Dak, and 120 other business men of the State, protesting against the passage of any parcel-post bill; to the Committee on the Post Office and Post Roads.

By Mr. HILL: Petition of members of North Cornwall Grange, protesting against the reestablishment of the canteen; to the Committee on Military Affairs.

Also, petition of citizens of South Norwalk, Conn., favoring the construction of one battleship in a Government navy yard; to the Committee on Naval Affairs.

Also, petition of Concord Division, No. 2, Sons of Temperance, Norwalk, Conn., for passage of the Kenyon-Sheppard interstate liquor bill to remove the Federal shield of interstate commerce from liquors shipped into any State for illegal use; to the Committee on the Judiciary.

Also, petitions of citizens of Bridgeport and Danbury, Conn., favoring the construction of one battleship in a Government navy yard; to the Committee on Naval Affairs.

By Mr. HOWELL: Petition of the Woman's Christian Temperance Union of Ogden, Utah, urging passage of Kenyon-Sheppard interstate liquor bill; to the Committee on the Judiciary.

Also, petition of Ogden (Utah) Lodge, International Association of Machinists, against the so-called Taylor system of scientific management in Government arsenals and navy yards; to the Committee on Labor.

By Mr. KENDALL: Petition of citizens of Montezuma, Iowa, for passage of the Haugen bill; to the Committee on Agriculture.

By Mr. McHENRY: Petition of citizens of Exchange, Strawberry Ridge, and Turbotville, Pa., asking for the immediate passage of parcel-post bill (H. R. 14); to the Committee on the Post Office and Post Roads.

By Mr. McMORRAN: Petition of citizens of Port Huron, Mich., with reference to the Hobson prohibition bill; to the Committee on the Judiciary.

Also, petition of citizens of Port Huron, Mich., with reference to the Kenyon-Sheppard bill; to the Committee on the Judiciary.

By Mr. MAHER: Petition of Herman Mayer, of Brooklyn, N. Y., for amending the copyright act of 1909; to the Committee on Patents.

By Mr. MONDELL: Petition of various merchants of Casper, Wyo., protesting against the enactment of any legislation extending the parcel-post system in the United States; to the Committee on the Post Office and Post Roads.

Also, petition of citizens of the State of Wyoming, urging an appropriation for the building of at least one battleship in a Government navy yard; to the Committee on Naval Affairs.

Also, petitions of citizens of Alcova, Grueb, and Mayoworth, Wyo., in favor of parcel-post legislation; to the Committee on the Post Office and Post Roads.

By Mr. MOTT: Petitions of Granges Nos. 19 and 59, Patrons of Husbandry, against the Lever oleomargarine bill; to the Committee on Agriculture.

By Mr. LEWIS: Memorial of citizens of Crellin, Md., praying the passage of laws preventing the shipment of intoxicating liquors from States permitting the sale of intoxicating liquors into States wherein the sale and license for such liquors is denied; to the Committee on the Judiciary.

Also, petition of the Seventh-day Adventist Church of Takoma Park, Md., praying the passage of the Kenyon-Sheppard interstate liquor bill; to the Committee on the Judiciary.

Also, petition of members of the Woman's Christian Temperance Union of Thurmont, Md., praying the speedy passage of the Kenyon-Sheppard interstate liquor bill; to the Committee on the Judiciary.

Also, petition of Walter R. Lynch, general secretary of Central Young Men's Christian Association, and 67 other citizens of Cumberland, Md., praying the speedy passage of the Kenyon-Sheppard interstate liquor bill; to the Committee on the Judiciary.

By Mr. LINDSAY: Petition of Cleve H. Flanigan, of Philadelphia, Pa., for passage of special pension bill H. R. 17624; to the Committee on Invalid Pensions.

Also, petitions of citizens of Brooklyn, N. Y., for amending the copyright act of 1909; to the Committee on Patents.

By Mr. LANGLEY: Petitions of members of Improved Order of Red Men of tenth congressional district of Kentucky, for an American Indian memorial and museum building in the city of Washington, D. C.; to the Committee on Public Buildings and Grounds.

Also, petition of members of the International Brotherhood of Maintenance-of-Way Employees, Chesapeake & Ohio Railway, for construction of one battleship in a Government navy yard; to the Committee on Naval Affairs.

By Mr. LOUD: Petition of William Wilson and 30 other residents of Beaverton, Mich., favoring parcel post; to the Committee on the Post Office and Post Roads.

By Mr. NEEDHAM: Petitions of the Woman's Christian Temperance Unions of Fresno and Oakdale, Cal., for passage of Kenyon-Sheppard interstate-liquor bill; to the Committee on the Judiciary.

Also, petition of Oakland (Cal.) Center of the California Civic League, for more effective enforcement of the white-slave traffic act; to the Committee on the Judiciary.

Also, petition of citizens of Parkfield, Cal., for enactment of parcel-post legislation; to the Committee on the Post Office and Post Roads.

Also, memorial of the Steam Schooner Association of San Francisco, Cal., protesting against any change in present administration of the Revenue-Cutter Service; to the Committee on Interstate and Foreign Commerce.

Also, memorial of the Yreka (Cal.) Improvement Club, for appropriation to improve Yosemite National Park; to the Committee on Appropriations.

By Mr. NYE: Petition of citizens of St. Bonifacius, Minn., favoring Haugen oleomargarine bill; to the Committee on Agriculture.

Also, memorial of Practical Stonemasons' Local No. 5, of Minnesota, for enactment of House bill 11032; to the Committee on the Judiciary.

By Mr. RAKER: Memorials of the Sacramento Valley Development Association and San Francisco Mining and Scientific Press, relative to House bill 17033; to the Committee on Mines and Mining.

Also, memorial of San Francisco (Cal.) Chamber of Commerce, protesting against reduction in duty on olive oil; to the Committee on Ways and Means.

Also, memorial of the Civic Center of San Leandro, Cal., for a more effective enforcement of the white-slave traffic act; to the Committee on Appropriations.

Also, petition of Dunham, Carrigan & Hayden Co., of San Francisco, Cal., in opposition to House bill 16844; to the Committee on Interstate and Foreign Commerce.

By Mr. REILLY: Petition of Henkle & Joyce Hardware Co., of Lincoln, Nebr., and the Sieg Iron Co., of Davenport, Iowa, in favor of 1-cent postage; to the Committee on the Post Office and Post Roads.

Also, petition of the Woman's Christian Temperance Union of Meriden, Conn., in favor of the Kenyon-Sheppard bill to withdraw from interstate-commerce protection liquors imported into dry territory for illegal use; to the Committee on the Judiciary.

Also, petition of American Association for Labor Legislation, of New York City, in favor of House bill 20842, to tax white phosphorus matches; to the Committee on Ways and Means.

Also, petition of Group 513 of the Polish National Alliance of Wallingford, Conn., against a bill to further regulate the immigration of aliens; to the Committee on Immigration and Naturalization.

Also, petition of Albert McC. Mathewson, of New Haven, Conn., in favor of House bills 16802 and 18244, to make appropriations for increased educational facilities for the Navajo Indians, etc.; to the Committee on Indian Affairs.

Also, petition of Milford Theater, of Milford; Gem Opera House, of Naugatuck; White City Theater, New Haven; Wyo. Poli Theater, Meriden; Star Theater, Meriden; Star San Carlino Theater, New Haven; Bijou Theater, Derby; Queumpiag Theater, New Haven; Crystal Theater, Meriden, all in the State of Connecticut, in favor of House bill 20595 to amend section 25 of the copyright law; to the Committee on Patents.

Also, petition of St. Boniface Society, New Haven, Conn., against the proposed inquiry concerning Government institutions in which American citizens wearing the habit of various religious orders are employed; to the Committee on Indian Affairs.

By Mr. RODENBERG: Petition of numerous citizens of Nameoki, Ill., favoring extension of the parcel post; to the Committee on the Post Office and Post Roads.

Also, memorial of Local Union No. 250, Cigarmakers' International Union of America, favoring House bill 17253; to the Committee on Ways and Means.

Also, memorial of International Brick, Tile, and Terra Cotta Workers' Alliance, Belleville, Ill.; Stove Mounters' International Union, Belleville, Ill.; Stove Mounters and Steel Range Workers of Belleville, Ill., favoring the old-age pension bill; to the Committee on Pensions.

Also, memorial of International Association of Machinists, St. Clair Lodge, No. 353, of Belleville, Ill., favoring the Berger old-age pension bill; to the Committee on Pensions.

Also, memorial of Brotherhood of Carpenters and Joiners, Edwardsville, Ill., Local No. 378, favoring House bill 11032; to the Committee on the Judiciary.

Also, memorial of International Union, Local No. 72, Stove Mounters and Steel Range Workers, of Belleville, Ill., favoring House bill 11032; to the Committee on the Judiciary.

By Mr. SHACKLEFORD: Petitions of C. E. Gross and A. E. Holton, of Booneville, and O. B. Wilson, of Columbia, Mo., for amending the copyright act of 1909; to the Committee on Patents.

By Mr. SCULLY: Petitions of citizens of the State of New Jersey, for amending the copyright act of 1909; to the Committee on Patents.

By Mr. SIMS: Petitions of citizens of Parson, Tenn., and Farmers' Educational and Cooperative Union of America, Local No. 294, of Henderson County, Tenn., favoring the parcel post; to the Committee on the Post Office and Post Roads.

By Mr. SMALL: Petition of J. A. Leigh and other citizens of Belhaven, N. C., favoring House bill 16819, extending free mail delivery in towns of less than 10,000 population; to the Committee on the Post Office and Post Roads.

By Mr. STEPHENS of California: Petition of F. A. McBurney, of Hollywood, Cal., for passage of Kenyon-Sheppard interstate liquor bill; to the Committee on the Judiciary.

By Mr. TALBOTT of Maryland: Petitions of merchants of Carroll County, Md., asking that the duties on raw and refined sugars be reduced; to the Committee on Ways and Means.

Also, petitions of churches in Carroll County, Md., for passage of Kenyon-Sheppard interstate liquor bill; to the Committee on the Judiciary.

By Mr. THISTLEWOOD: Petition of the Woman's Christian Temperance Union, of Thomsonville, Ill., favoring the Kenyon-Sheppard liquor bill; to the Committee on the Judiciary.

Also, petition of citizens of Cambria, Ill., favoring Senate bill 3953 and House bill 16313; to the Committee on Public Buildings and Grounds.

Also, petition of Retail Merchants' Association of Duquoin, Ill., favoring Senate bill 4308 and House bill 17736; to the Committee on the Post Office and Post Roads.

Also, petitions of citizens of Cairo, Ill., against extension of the parcel post; to the Committee on the Post Office and Post Roads.

Also, memorial of Illinois Farmers Institute, favoring the Haugen oleomargarine bill; to the Committee on Agriculture.

By Mr. TOWNER: Petition of C. V. Drew and 26 other citizens of Creston, Iowa, favoring the passage of House bill 16214; to the Committee on the Judiciary.

By Mr. WHITACRE: Petition of Lodge No. 40, A. A. of I. S. and T. W., of Youngstown, Ohio, for removal of tax on oleomargarine; to the Committee on Agriculture.

By Mr. YOUNG of Kansas: Petitions of citizens of Ellis, Russell, and Trego Counties, Kans., protesting against the passage of parcel-post legislation; to the Committee on the Post Office and Post Roads.

Also, petitions of citizens of Ellis, Russell, and Trego Counties, Kans., for regulation of express rates and classification; to the Committee on Interstate and Foreign Commerce.

SENATE.

FRIDAY, *March 15, 1912.*

The Senate met at 2 o'clock p. m.

Prayer by the Chaplain, Rev. Ulysses G. B. Pierce, D. D.

The Secretary proceeded to read the Journal of yesterday's proceedings when, on request of Mr. MCCUMBER and by unanimous consent, the further reading was dispensed with and the Journal was approved.

USE OF AUTOMOBILES IN NATIONAL PARKS (S. DOC. NO. 433).

The VICE PRESIDENT laid before the Senate a communication from the Secretary of the Interior, transmitting, in response to a resolution of the 9th instant, certain information relative to automobiles and motor cycles admitted to the Mt. Ranier National Park, Wash.; the General Grant National Park, Cal.; and the Crater Lake National Park, Oreg., under regulations enforced during the season of 1911, etc., which, with the accompanying paper, was referred to the Committee on Appropriations and ordered to be printed.

INQUIRY CONCERNING APACHE INDIANS (S. DOC. NO. 432).

The VICE PRESIDENT laid before the Senate a communication from the Secretary of War, transmitting, in response to a resolution of the 26th ultimo, certain information as to the number of Apache Indians now held as prisoners of war at the Fort Sill (Okla.) Reservation, etc., which, with the accompanying paper, was referred to the Committee on Indian Affairs and ordered to be printed.

THE METAL SCHEDULE (S. DOC. NO. 434).

The VICE PRESIDENT laid before the Senate a communication from the Secretary of the Treasury, stating, in response to a resolution of the 12th instant, that the information relative to the wholesale market price in England, France, and Belgium of the various items and commodities named in the several paragraphs of Schedule C of the tariff act of 1909 will be transmitted to the Senate when obtained from the appraising officers at New York, which was referred to the Committee on Finance and ordered to be printed.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by D. K. Hempstead, its enrolling clerk, announced that the House had passed a bill (H. R. 18960) making appropriations for the Department of Agriculture for the fiscal year ending June 30, 1913, in which it requested the concurrence of the Senate.

PETITIONS AND MEMORIALS.

The VICE PRESIDENT presented petitions of the congregation of the Baptist Church of Amboy, Ill., and of the Woman's Christian Temperance Unions of Sharon, Pa., Detroit, Ill., and Springfield, Mass., praying for the adoption of an amendment to the Constitution to prohibit the manufacture, sale, and importation of intoxicating liquors, which were referred to the Committee on the Judiciary.

He also presented a petition of the American Federation of Labor, praying that the citizens of Porto Rico may become citizens of the United States, which was referred to the Committee on Pacific Islands and Porto Rico.

Mr. JONES. I have received a telegram from the Public Service Commission of the State of Washington. I ask that it may be read into the RECORD.

There being no objection, the telegram was read and referred to the Committee on Interstate Commerce, as follows:

[Telegram.]

SEATTLE, WASH., *March 18, 1912.*

Hon. W. L. JONES,
United States Senate, Washington, D. C.:

The Public Service Commission of the State of Washington is unalterably opposed to the operation through the Panama Canal of any steamship line owned, operated, or controlled directly or indirectly by a railroad engaged in interstate commerce. We trust every effort will be used to prevent it. If permitted, the canal will be useless in connection with transcontinental rates, and will in nowise benefit interstate commerce between States bordering on United States littoral.

GEORGE A. LEE, *Chairman.*
JESSE S. JOHNS.
HARRY E. WILSON.

Mr. GALLINGER presented a petition of the Society of Christian Endeavor of the Union Congregational Church, of Peterboro, N. H., praying for the enactment of an interstate liquor law to prevent the nullification of State liquor laws by outside dealers, which was referred to the Committee on the Judiciary.

He also presented a petition of the Public School and Home Association of Chevy Chase, Md., praying for the enactment of legislation to better regulate the traffic in intoxicating liquors in the District of Columbia, which was referred to the Committee on the District of Columbia.

Mr. TOWNSEND. I present a resolution of the Legislature of Michigan, which I desire to have read and printed in the RECORD.

The VICE PRESIDENT. A memorial of a legislature is printed in the RECORD as a matter of right. Without objection, the Secretary will read the memorial.

The memorial was read, and referred to the Committee on Forest Reservations and the Protection of Game, as follows:

Senate resolution 18.

Whereas three bills (H. R. 36, H. R. 4428, and S. 2367) to afford Federal protection to migratory game birds have been introduced in Congress; and

Whereas it is believed there is a general sentiment in this State in favor of such protection: Now therefore be it

Resolved by the senate (the house of representatives concurring), That Congress be, and hereby is, requested to enact a law giving ample protection to migratory game birds.

Resolved further, That the secretary of state be, and hereby is, directed to transmit copies of this resolution to the Senate and House of Representatives of the United States.

Mr. CULLOM presented a petition of the Tri-City Trades Council, Illinois, praying for the enactment of legislation to provide for an investigation into the causes of unemployment in the States of Illinois, Indiana, Ohio, Michigan, Wisconsin, Iowa, and Missouri, which was referred to the Committee on Education and Labor.

He also presented a petition of Local Grange No. 1757, Patrons of Husbandry, of Farmdale, Ill., praying for the establishment of a parcel-post system, which was referred to the Committee on Post Offices and Post Roads.

He also presented petitions of sundry citizens of Detroit and of the congregations of the Methodist Episcopal Churches of the Hillsdale circuit, in the State of Illinois, praying for the enactment of an interstate liquor law to prevent the nullification of State liquor laws by outside dealers, which were referred to the Committee on the Judiciary.

Mr. WETMORE presented a petition of members of the Thimble Club of Providence, R. I., praying that an appropriation of $250,000 be made to enable the Department of Justice to carry out the provisions of the so-called white slave act, which was referred to the Committee on Appropriations.

Mr. OLIVER presented petitions of Washington Camps, No. 208, of Hazleton; No. 171, of Carlisle; No. 627, of Salina; No. 739, of Mount Pleasant; No. 784, of Flourtown; No. 114, of Norristown; No. 560, of Reading; No. 185, of Saxton; No. 99, of Wernersville; No. 1, of Philadelphia; No. 15, of Philadelphia; No. 521, of Salona; No. 472, of Loganville; No. 788, of Upland; No. 359, of Philadelphia; No. 112, of Shenandoah; No. 98, of Beavertown; No. 333, of Scranton; No. 533, of Philadelphia; No. 272, of Sayre; and No. 332, of Fontain Hall, all of the Patriotic Order Sons of America, in the State of Pennsylvania, praying for the enactment of legislation to further restrict immigration, which were referred to the Committee on Immigration.

Mr. NELSON presented a petition of sundry citizens of Sprucedell, Minn., praying for the establishment of a parcel-post system, which was referred to the Committee on Post Offices and Post Roads.

He also presented a petition of sundry citizens of North Mankato, Minn., praying for the enactment of an interstate liquor law to prevent the nullification of State liquor laws by outside dealers, which was referred to the Committee on the Judiciary.

He also presented a memorial of the Minnesota Retail Hardware Association and a memorial of sundry citizens of Granite Falls, Minn., remonstrating against the extension of the parcel-post system beyond its present limitations, which were referred to the Committee on Post Offices and Post Roads.

He also presented a petition of Charles A. Van Duzee Camp, No. 3, Department of Minnesota, United Spanish War Veterans, of Fergus Falls, Minn., praying for the enactment of legislation to pension the widow and minor children of any officer or enlisted man who served in the War with Spain or the Philippine insurrection, which was referred to the Committee on Pensions.

He also presented a memorial of the board of managers of the Farmers' Cooperative Creamery, of Milaca, Minn., remonstrating against the repeal of the oleomargarine law, which was referred to the Committee on Agriculture and Forestry.

He also presented a petition of members of the Live Stock Exchange, of South St. Paul, Minn., praying for the adoption of certain amendments to the oleomargarine law, which was referred to the Committee on Agriculture and Forestry.

He also presented a memorial of sundry citizens of St. Paul, Minn., remonstrating against the ratification of the proposed treaties of arbitration between the United States, Great Britain, and France, which was ordered to lie on the table.

He also presented a memorial of the Stockholm Cooperative Creamery Association, of Cokato, Minn., and a memorial of

sundry citizens of Milaca, Minn., remonstrating against the repeal of the oleomargarine law, which were referred to the Committee on Agriculture and Forestry.

Mr. CUMMINS presented a memorial of sundry citizens of Mitchell, Iowa, remonstrating against the enactment of legislation authorizing the coloring of oleomargarine in imitation of butter, which was referred to the Committee on Agriculture and Forestry.

Mr. CULBERSON presented a memorial of sundry citizens of McGregor, Tex., remonstrating against the establishment of a parcel-post system, which was referred to the Committee on Post Offices and Post Roads.

Mr. FLETCHER presented a memorial of sundry citizens of Taylorville, Fla., remonstrating against the extension of the parcel-post system beyond its present limitations, which was referred to the Committee on Post Offices and Post Roads.

He also presented a petition of the Riverside Woman's Christian Temperance Union, of Jacksonville, Fla., praying for the enactment of an interstate liquor law to prevent the nullification of State liquor laws by outside dealers, which was referred to the Committee on the Judiciary.

He also presented a petition of the Chamber of Commerce of Beardstown, Ill., praying for the enactment of legislation to regulate the flow of water from Lake Michigan into the Illinois River, which was referred to the Committee on Commerce.

Mr. SMITH of South Carolina. I present a concurrent resolution adopted by the General Assembly of the State of South Carolina, which I ask may be printed in the RECORD and referred to the Committee on the Library.

The concurrent resolution was referred to the Committee on the Library and ordered to be printed in the RECORD, as follows:

A concurrent resolution.

Whereas bills are now pending in both Houses of our National Congress looking to the erection of monuments at the National Capital in commemoration of the signers of the Declaration of Independence and of the heroes of the American Revolution; and

Whereas South Carolina, by eminent representatives, took an active part in the adoption of the Declaration of Independence; and

Whereas more than a hundred battles were fought upon her soil in the historic struggle to establish the same, her people would have a share and interest in both of said monuments: Therefore be it

Resolved by the house of representatives (the senate concurring):

First. That this general assembly indorse and approve the proposed bills to erect a monument to the signers of the Declaration of Independence and a monument to the heroes of the American Revolution at the National Capital, and express the hope that the Representatives from this State in both Houses of Congress will support said proposition.

Second. That copies of this resolution, signed by the clerks of the house and senate, be mailed by them to the United States Senators and Members of the House of Representatives from this State in Congress.

IN THE HOUSE,
Columbia, S. C., February 2, 1912.

The house agrees to the resolution and orders that it be sent to the senate for concurrence.

By order of the house.

JAS. A. HOYT,
Clerk of the House.

IN THE SENATE,
Columbia, S. C., February 2, 1912.

The senate agrees to the resolution and orders that it be returned to the house with concurrence.

By order of the senate.

M. M. MANN,
Clerk of the Senate.

Mr. SMITH of South Carolina presented petitions of sundry citizens of Elliott, Manning, Brookland, and New Brookland, all in the State of South Carolina, praying for the enactment of an interstate liquor law to prevent the nullification of State liquor laws by outside dealers, which were referred to the Committee on the Judiciary.

He also presented a petition of the Central Labor Union of Charleston, S. C., praying for the enactment of legislation providing for the construction of one of the proposed new battleships in the Brooklyn Navy Yard, which was referred to the Committee on Naval Affairs.

Mr. BOURNE presented a petition of sundry citizens of North Bend, Oreg., praying for the enactment of an interstate liquor law to prevent the nullification of State liquor laws by outside dealers, which was referred to the Committee on the Judiciary.

Mr. BRISTOW presented a memorial of sundry citizens of Enterprise, Kans., remonstrating against the establishment of a parcel-post system, which was referred to the Committee on Post Offices and Post Roads.

He also presented petitions of the congregations of the Methodist Episcopal Church and the Evangelical Church of Halstead, Kans., praying for the enactment of an interstate liquor law to prevent the nullification of State liquor laws by outside dealers, which were referred to the Committee on the Judiciary.

Mr. CRANE. I present a resolution adopted by the House of Representatives of the Commonwealth of Massachusetts, which I ask may be printed in the RECORD and referred to the Committee on Naval Affairs.

The resolution was referred to the Committee on Naval Affairs and ordered to be printed in the RECORD, as follows:

THE COMMONWEALTH OF MASSACHUSETTS,
House of Representatives, March 8, 1912.

Whereas it is proposed to remove or abolish the United States navy yard in the Charlestown district of the city of Boston; and

Whereas in the opinion of the House of Representatives of the Commonwealth of Massachusetts such a step would be detrimental to the interests of Charlestown, of the port of Boston, and of the entire Commonwealth: Therefore be it

Ordered, That the Senators and Representatives in Congress from this Commonwealth be requested to use their best endeavors to prevent such removal or abolishment; and be it further

Ordered, That a copy of this order be sent by the clerk of the house of representatives to the Senators and Representatives in Congress from this Commonwealth.

JAMES W. KIMBALL, *Clerk.*

A true copy.
Attest:

JAMES W. KIMBALL,
Clerk of the House of Representatives.

Mr. McLEAN presented petitions of the Woman's Christian Temperance Unions of Meriden and Stamford, and of Concord Division, No. 2, Sons of Temperance, of Norwalk, all in the State of Connecticut, praying for the enactment of an interstate liquor law to prevent the nullification of State liquor laws by outside dealers, which were referred to the Committee on the Judiciary.

He also presented a petition of sundry citizens of Bridgeport, Conn., praying for the passage of the so-called eight-hour bill, which was referred to the Committee on Education and Labor.

Mr. BRADLEY presented a petition of sundry ex-slaves and their children, residents of Darbun, Miss., praying that an appropriation of $250,000 be made for the purpose of an exposition celebrating the fiftieth anniversary of the Emancipation Proclamation, which was ordered to lie on the table.

He also presented the petition of Amos L. Griffith, a veteran of the Civil War, praying that he be granted an increase of pension, which was referred to the Committee on Pensions.

REPORTS OF COMMITTEES.

Mr. SUTHERLAND, from the Committee on Public Buildings and Grounds, to which was referred the bill (S. 4310) to provide for the erection of a public building at North Topeka, Kans., reported it with an amendment and submitted a report (No. 483) thereon.

Mr. OWEN, from the Committee on Indian Affairs, to which was referred the bill (S. 5728) conferring jurisdiction on the Court of Claims to hear, determine, and render judgment in claims of the Osage Nation of Indians against the United States, reported it with amendments and submitted a report (No. 484) thereon.

A. G. STRAIN.

Mr. WORKS. I report back favorably from the Committee on Public Lands with amendments the bill (S. 2427) for the relief of the legal heirs of A. G. Strain, and I submit a report (No. 485) thereon. I ask for the present consideration of the bill.

The VICE PRESIDENT. The bill will be read for the information of the Senate.

The Secretary read the bill; and there being no objection, the Senate, as in Committee of the Whole, proceeded to its consideration.

The amendments were, on page 1, line 4, before the word "to" where it occurs the second time, to strike out "reconvey" and insert "relinquish," and in line 10, before the word "meridian," to strike out the words "Santa Barbara" and insert "San Bernardino," so as to make the bill read:

Be it enacted, etc., That the Commissioner of the General Land Office be, and he is hereby, authorized to relinquish to the legal heirs of A. G. Strain, by proper deed of conveyance, all title which the said A. G. Strain had vested in the United States Government to the following-described lands: North half northeast quarter and north half northwest quarter, section 22, township 4 north, range 15 west, San Bernardino meridian, in the county of Los Angeles, State of California: *Provided*, That the said heirs of A. G. Strain make satisfactory proof of such conveyance to the United States of said land by the submission of an abstract of title, together with the deed of conveyance to the United States of the same, which said deed and abstract or abstracts shall be retained in the files of the General Land Office.

The amendments were agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

LAND AT POND CREEK, OKLA.

Mr. SMOOT. From the Committee on Public Lands I report back favorably, without amendment, the bill (H. R. 17119) granting the courthouse reserve at Pond Creek, Okla., to the

city of Pond Creek for school and municipal purposes, and I submit a report (No. 486) thereon.

Mr. OWEN. I ask for the immediate consideration of the bill. It simply allows a square for municipal and school purposes.

The Secretary read the bill; and there being no objection, the Senate, as in Committee of the Whole, proceeded to its consideration.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

HUDSON RIVER BRIDGE.

Mr. NELSON. From the Committee on Commerce I report back favorably, with amendments, the bill (S. 5659) to supplement and amend an act entitled "An act to authorize the New York and New Jersey Bridge Cos. to construct and maintain a bridge across the Hudson River between New York City and the State of New Jersey," approved June 7, 1894, and I submit a report (No. 487) thereon. I call the attention of the Senator from New York [Mr. O'GORMAN] to the bill.

Mr. O'GORMAN. I ask for the present consideration of the bill.

The Secretary read the bill; and there being no objection, the Senate, as in Committee of the Whole, proceeded to its consideration.

The amendments were, on page 1, line 6, after the words "New Jersey," to insert "approved June 7, 1894 (28 Stats., 89)," and to add at the end of the bill the following proviso:

Provided, That this act shall not be construed as authorizing the building of said bridge in accordance with plans heretofore approved by the Secretary of War, but drawings showing the location and plans of said structure shall again be submitted to him for his consideration and approval before construction shall be entered upon.

And to add an additional section, as follows:

SEC. 2. That the right to alter, amend, or repeal this act is hereby expressly reserved.

So as to make the bill read:

Be it enacted, etc., That the act of Congress entitled "An act to authorize the New York and New Jersey Bridge Cos. to construct and maintain a bridge across the Hudson River between New York City and the State of New Jersey," approved June 7, 1894 (28 Stats., 89), be, and the same is hereby, so supplemented and amended as to extend the time for the completion of the said bridge and approaches to March 15, 1922; and said companies are hereby granted the rights and privileges and shall be subject to the conditions enumerated in and conferred upon said New York and New Jersey Bridge Cos. by said act of Congress approved June 7, 1894, aforesaid, and by the acts of incorporation of said companies heretofore enacted by the States of New York and New Jersey, respectively: *Provided*, That this act shall not be construed as authorizing the building of said bridge in accordance with plans heretofore approved by the Secretary of War, but drawings showing the location and plans of said structure shall again be submitted to him for his consideration and approval before construction shall be entered upon.

SEC. 2. That the right to alter, amend, or repeal this act is hereby expressly reserved.

The amendments were agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

DRAINAGE OF LANDS IN OKLAHOMA.

Mr. OWEN. I report back favorably with amendments from the Committee on Indian Affairs the bill (S. 4913) to enable the Indians allotted lands in severalty within the boundaries of Little River drainage district No. 1, in Pottawatomie County, Okla., to cooperate with the officials of said State in the protection of their lands from overflow, and I submit a report (No. 488) thereon. I ask for the present consideration of the bill.

The VICE PRESIDENT. The Secretary will read the bill for the information of the Senate.

The Secretary read the bill.

The VICE PRESIDENT. Is there objection to the present consideration of the bill?

Mr. SMOOT. I should like to ask the Senator from Oklahoma if there is a report accompanying the bill?

Mr. OWEN. Yes; there is. The bill is reported from the Committee on Indian Affairs. It simply provides that these Indians who have allotted lands within a drainage district may cooperate with other citizens in having the lands properly drained.

Mr. SMOOT. Is there also a report from the department?

Mr. OWEN. There is a favorable report from the department.

There being no objection, the bill was considered as in Committee of the Whole.

The amendments of the Committee on Indians Affairs were, on page 1, line 8, after the word "and," to strike out the word "citizen" and insert "Citizen," and on page 2, at the end of section 3, to insert "That the Secretary of the Interior is hereby authorized to approve the assessments upon all other restricted allotments located within any proposed drainage district located and made under the laws of the State of Oklahoma," so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized, in his discretion, to approve the assessments, together with maps showing right of way and definite location of a proposed drainage ditch, made under the laws of the State of Oklahoma upon the allotments of certain Absentee Shawnee and Citizen Pottawatomie allottees in Little River drainage district No. 1, in Pottawatomie County, Okla.

SEC. 2. That the Secretary of the Interior be, and he is hereby, authorized, in his discretion, to pay three-fourths of the total amount assessed against each of said allotments: *Provided*, That said total assessment shall not exceed $15 per acre on any allotment or portion thereof; and there is hereby appropriated for said purpose, out of any money in the Treasury not otherwise appropriated, the sum of $16,863.67, to be immediately available, the remaining one-fourth of such assessment to be paid under direction of the Secretary of the Interior from the rents of the allotments affected, and under such rules and regulations as he may prescribe.

SEC. 3. That the Secretary of the Interior be, and he is hereby, authorized, in his discretion, to approve deeds for right of way from such of said allottees or their heirs as may be necessary to permit the construction and maintenance of said drainage ditch upon the payment of adequate damages therefor.

That the Secretary of the Interior is hereby authorized to approve the assessments upon all other restricted allotments located within any proposed drainage district located and made under the laws of the State of Oklahoma.

SEC. 4. That the Secretary of the Interior is hereby authorized to perform any and all acts and to make such rules and regulations as may be necessary and proper for the purpose of carrying the provisions of this act into full force and effect.

The amendments were agreed to.

The bill was reported to the Senate as amended and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

The title was amended so as to read: "A bill to enable the Indians allotted lands in severalty within the boundaries of Little River drainage district No. 1, Pottawatomie County, Okla., to cooperate with the officials of said State in the protection of their lands from overflow, and for other purposes."

THE TURNER HARDWARE CO.

Mr. OWEN. I am directed by the Committee on Indian Affairs, to which was referred the bill (S. 458) for the relief of the Turner Hardware Co., to report it with an amendment, and I submit a report (No. 489) thereon. As it is a small bill, allowing $86 to the company, I ask unanimous consent that it may be immediately considered.

The VICE PRESIDENT. The Secretary will read the bill for the information of the Senate.

The Secretary read the bill, and there being no objection, the Senate, as in Committee of the Whole, proceeded to its consideration.

The amendment was, in line 7, after the word "of," to strike out "$109.94, in full payment of accounts for certain supplies purchased by the superintendents of the Tullahassee Mission, Pecan Creek Mission, and the Colored Orphan Home in the years 1902 and 1907," and insert "$86.81 in full payment of an account for supplies purchased by the superintendent of the Colored Orphans' Home in the year 1902," so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he hereby is, authorized and directed to pay, out of any available funds in the Treasury of the United States belonging to the Creek Nation of Indians, to the Turner Hardware Co., of Muskogee, Okla., the sum of $86.81 in full payment of an account for supplies purchased by the superintendent of the Colored Orphans' Home in the year 1902.

The amendment was agreed to.

Mr. SMOOT. Mr. President, has this bill been reported from the Committee on Claims?

The VICE PRESIDENT. The bill has been reported from the Committee on Indian Affairs.

Mr. OWEN. The bill has been reported from the Committee on Indian Affairs. It only involves $86.81 due for certain supplies purchased by the superintendents of Indian schools in the Indian Territory.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

CHOCTAW, CREEK, AND CHICKASAW INDIAN RESERVES.

Mr. CURTIS. Some days ago there was a report made from the Committee on Indian Affairs on the bill (S. 3306) to authorize the Secretary of the Interior to investigate the status of the Indian reserves set aside under the Choctaw treaty of 1830 and the Creek and Chickasaw treaties of 1832, for which no patents have been issued and the ownership of which is in question, and appropriating money therefor.

The bill was reported with amendments. By mistake the bill has been printed as if it had been reported without amendment. I ask that the record be corrected and that the bill be reprinted showing the amendments in accordance with the report.

The VICE PRESIDENT. Without objection, an order therefor will be entered.

BILLS INTRODUCED.

Bills were introduced, read the first time, and, by unanimous consent, the second time, and referred as follows:

By Mr. WETMORE:

A bill (S. 5855) granting an increase of pension to Amanda M. Gaskill (with accompanying papers); to the Committee on Pensions.

By Mr. JONES:

A bill (S. 5856) to amend an act for the protection and regulation of the fisheries of Alaska; to the Committee on Fisheries.

A bill (S. 5857) providing for the survey and commencement of construction of a road in the Olympic Forest Reserve; to the Committee on Agriculture and Forestry.

A bill (S. 5858) granting a pension to Blanche Packard; to the Committee on Pensions.

By Mr. SMOOT:

A bill (S. 5859) to amend section 3 of an act entitled "An act making appropriations for sundry civil expenses of the Government for the fiscal year ending June 30, 1902, and for other purposes," approved March 3, 1901 (31 Stat. L., p. 1133); and

A bill (S. 5860) to provide for agricultural entries on coal lands in Alaska; to the Committee on Public Lands.

By Mr. BURNHAM:

A bill (S. 5862) for the relief of Martha Cutts Almy and others (with accompanying paper); to the Committee on Claims.

By Mr. CUMMINS:

A bill (S. 5863) for the retirement of employees in the civil service, and for other purposes; to the Committee on Civil Service and Retrenchment.

By Mr. O'GORMAN:

A bill (S. 5864) for the relief of the estate of Alexander Stoddart, deceased; and

A bill (S. 5865) for the relief of claimants who have paid money into the United States Treasury under compulsion of an unconstitutional statute; to the Committee on Claims.

A bill (S. 5866) providing for the appointment of an additional professor of mathematics in the Navy; to the Committee on Naval Affairs.

By Mr. WATSON:

A bill (S. 5867) authorizing the purchase of a site for a post office and public building at Benwood, Marshall County, W. Va.; to the Committee on Public Buildings and Grounds.

By Mr. DILLINGHAM:

A bill (S. 5868) granting an increase of pension to Grace Harrington (with accompanying papers); to the Committee on Pensions.

By Mr. McLEAN:

A bill (S. 5869) granting an increase of pension to Henry Stowe (with accompanying papers); to the Committee on Pensions.

By Mr. CLARKE of Arkansas:

A bill (S. 5870) for the relief of Mary A. Russell and others (with accompanying papers); to the Committee on Claims.

A bill (S. 5871) for the relief of Calvin G. Linville (with accompanying papers); to the Committee on Military Affairs.

By Mr. OWEN:

A bill (S. 5872) to authorize the municipality of Atoka, Okla., to acquire full legal title to certain lands for municipal waterworks purposes; to the Committee on Indian Affairs.

A bill (S. 5873) granting an increase of pension to Joseph F. Kendall (with accompanying papers); to the Committee on Pensions.

By Mr. CHAMBERLAIN:

A bill (S. 5874) to increase the limit of cost for the erection and completion of the United States post-office building at Albany, Oreg.; to the Committee on Public Buildings and Grounds.

A bill (S. 5875) providing for the adjustment of the claims of the States and Territories to lands within national forests; to the Committee on Public Lands.

A bill (S. 5876) granting an increase of pension to Edward M. Hitchcock (with accompanying papers); to the Committee on Pensions.

By Mr. BOURNE:

A bill (S. 5877) to increase the limit of cost for the erection and completion of the post-office building at The Dalles, Oreg.; to the Committee on Public Buildings and Grounds.

By Mr. BRADLEY:

A bill (S. 5878) granting an increase of pension to Edward Stapleton (with accompanying paper); and

A bill (S. 5879) granting an increase of pension to David Crockett Collins (with accompanying papers); to the Committee on Pensions.

PROPOSED INJUNCTION AND ABATEMENT LAW.

By Mr. KENYON:

A bill (S. 5861) to enjoin and abate houses of lewdness, assignation, and prostitution, to declare the same to be nuisances, to enjoin the person or persons who conduct or maintain the same and the owner or agent of any building used for such purpose, and to assess a tax against the person maintaining said nuisance and against the building and owner thereof; to the Committee on the District of Columbia.

Mr. KENYON. In connection with the bill I should like consent to have printed as a public document a letter from the attorney general of Iowa, stating the purpose of a similar bill; an article by Mr. John B. Hammond, of Iowa, who has had much to do with the enforcement of the Iowa law; and a speech by Senator T. J. Brooks, of the Tennessee Senate, which fully explains the law, together with a copy of the law.

I ask to have these papers printed as a document (S. Doc. No. 435) and referred to the Committee on the District of Columbia.

The VICE PRESIDENT. Without objection, an order therefor will be entered.

IMPROVEMENT OF ALLEGHENY RIVER, PA.

Mr. OLIVER submitted an amendment proposing to appropriate $300,000 for the improvement of the Allegheny River, Pa., etc., intended to be proposed by him to the river and harbor appropriation bill (H. R. 21477), which was referred to the Committee on Commerce and ordered to be printed.

THE INTERNATIONAL HARVESTER CO.

Mr. LEA. I submit a resolution, which I ask to have read.

The Secretary read the resolution (S. Res. 250), as follows:

Whereas it is reported that there is pending before the Department of Justice a settlement between the United States and the International Harvester Co., by which the so-called Harvester Trust may be permitted to reorganize and to bring its organization and business within the Sherman antitrust law as construed by the Supreme Court: Be it

Resolved by the Senate of the United States, That the Attorney General be, and he is hereby, instructed to lay before the Senate all correspondence and information it may have upon this subject, together with any and all correspondence, information, and reports of the Bureau of Corporations relating thereto, from January 1, 1904, to the present time.

Mr. LEA. I ask for the present consideration of the resolution.

Mr. GALLINGER. I ask that the resolution may go over.

The VICE PRESIDENT. Objection is made, and the resolution, under the rule, will go over.

EXPENSES OF CITY SCHOOL SYSTEMS (S. DOC. NO. 431).

Mr. GALLINGER. I have an interesting document, being tables, quotations, and facts compiled by Harlan Updegraff, of the Bureau of Education, and recently published, being a study of the expenses of city school systems. I ask that the matter be printed as a public document, and that 500 additional copies be printed for the use of the Senate document room.

The VICE PRESIDENT. Without objection, the order will be entered.

The order as agreed to was reduced to writing, as follows:

Ordered, That there be printed 500 additional copies of the document "Expenses of City School Systems, Tables, Quotations, and Facts, etc.," by Harlan Updegraff, of the Bureau of Education, for the use of the Senate document room.

PRESIDENTIAL APPROVALS.

A message from the President of the United States, by Mr. Latta, executive clerk, announced that the President had approved and signed the following act and joint resolutions:

On March 12, 1912:

S. J. Res. 83. Joint resolution making appropriations to meet certain contingent expenses of the Senate; and

S. 4151. An act to authorize the Minnesota & International Railway Co. to construct a bridge across the Mississippi River at or near Bemidji, in the State of Minnesota.

On March 14, 1912:

S. J. Res. 80. Joint resolution to amend the joint resolution to prohibit the export of coal or other material used in war from any seaport of the United States.

HOUSE BILL REFERRED.

H. R. 18960. An act making appropriations for the Department of Agriculture for the fiscal year ending June 30, 1913, was read twice by its title and referred to the Committee on Agriculture and Forestry.

SERVICE PENSIONS.

The VICE PRESIDENT. Morning business is closed. The calendar under Rule VIII is in order. The Secretary will state the first bill on the calendar.

Mr. McCUMBER. Mr. President, I gave notice the other day that immediately after the close of morning business to-day I should move that the Senate take up the general pension bill.

The VICE PRESIDENT. The Chair was merely waiting for the Senator to make the motion.

Mr. McCUMBER. I am giving my reason for asking that that bill be now taken up. There are two Senators who desire to speak on that subject to-day, as I am informed, and I also desire to complete my remarks. That being the case, I now move that the Senate proceed to the consideration of the service pension, which is House bill No. 1.

Mr. GALLINGER. Will the Senator withhold his motion for a moment, though I know it is not debatable?

Mr. McCUMBER. Certainly.

The VICE PRESIDENT. The Senator withholds his motion temporarily.

Mr. GALLINGER. I want to express the hope that the business of the Senate may be so arranged that at an early day we shall get to the calendar under Rule VIII. It is getting to be rather voluminous; and while the bills are not extremely important, I think we ought to take them up for consideration before long.

The VICE PRESIDENT. The question is on the motion of the Senator from North Dakota [Mr. McCUMBER].

The motion was agreed to; and the Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 1) granting a service pension to certain defined veterans of the Civil War and the War with Mexico.

Mr. McCUMBER. Mr. President, before proceeding with the comparison of the two bills that are before the Senate it may be profitable to glance for a moment at what the Congress has been doing during the last few years in the matter of extending the benefit of the pension legislation and increasing the amount of our appropriations.

The last general pension legislation prior to 1907 was passed June 27, 1890. That was the first service-pension legislation applicable to veterans of the Civil War. For 17 years following no particular change was made in our pension laws. On February 6, 1907, we enacted a law making age the standard for fixing the amount of pension. By that act we increased our annual pensions for the next five years in an amount, as I now remember, aggregating about $15,000,000 per year.

The very next year after that, in the year of 1908, on April 19, we amended the law of 1890 and placed at $12 per month the pension of every widow entitled to receive a pension under that law. Previously such pension was $8 per month. We added very materially also to the number of widows who could be placed upon that roll by repealing that section of the law which provided that in order to obtain its benefits the claimant must be able to show that she did not have an annual income of $250 per year.

The increase under that law, I think, was about $12,000,000 a year. If we again amend the pension laws in the year 1912 by the measure now proposed by the Committee on Pensions, we will be required to increase our pension appropriation bill on an average for the next five years by, say, $20,000,000 a year. So the Senate will see that the Government has not been remiss in its duty to the veterans, but has attempted to meet the disabilities incident to increasing years by very materially increased pensions.

Mr. OVERMAN. Mr. President, right there I should like to ask the Senator if the bill as reported to the Senate by the Committee on Pensions should become a law, what would be the total amount of appropriation required?

Mr. McCUMBER. The present amount is about $152,000,000 a year, I believe, and the passage of the bill as reported by the committee would add an average of about $20,000,000 a year—$14,000,000 the first year and about $33,000,000 the second year.

Mr. OVERMAN. But an average for five years of about $20,000,000?

Mr. McCUMBER. The average for five years, after making the proper allowance for the death rate, would be about $20,000,000 a year.

Mr. OVERMAN. So that the total amount of pension appropriations would be, then, about $175,000,000?

Mr. McCUMBER. About that, in case the bill as reported by the Committee on Pensions should be enacted into law.

Further than this, by the act of February 6, 1907, as it applies to the survivors of the war, and again by the act of April 19, 1908, as it applies to the widows, we have made the pension roll a roll of honor only, and not the mere measurement of financial or physical distress; and it is my own firm opinion and unalterable conviction that there should be no reaction along that line. Under the law as it now stands we have eliminated all questions of financial condition, all questions of physical condition, and all questions as to whether present ailments of claimants resulted from service or otherwise. An application under the later laws needs no investigation along that line. The law tempts no one to expand his conscience beyond normal limits in order to come within its provisions; it causes the cheek of no claimant to redden when he makes his application to become a pensioner by compelling him to declare that he is in his dotage, that he is enfeebled, or that he is poverty stricken.

Mr. President, I think there has been considerable economy under the operation of these laws. By the two acts to which I have particularly referred we have eliminated the services of the physician and the financial examiner. By those acts industry and economy are no longer penalized. The soldier of the most extended hospital record to-day has no advantage in proving his claim over the soldier who has the most extended field record. What we have accomplished in that direction, Mr. President, we ought not to lose by any subsequent legislation.

Mr. President, two bills were before the Committee on Pensions. One bill would require an appropriation for the second year at least $86,500,000 over present appropriations. The bill as recommended by the committee will require at least $33,000,000 in additional appropriations the second year. The one will average, I believe, from $56,000,000 to $60,000,000 a year for the next five years, and the other will average about $20,000,000 a year for the next five years.

I can not help but feel that the pension bill which passed the House and came before the committee, known as House bill No. 1, received many votes through a misapprehension or a misunderstanding on the part of the several Members of the House who voted in its favor as to the total amount which it would be necessary to raise to meet the requirements of that bill. It may be that it would have passed the House if there had been no error in the report, but it is certainly true that the report upon which I have a right to assume the vote was based is most grossly erroneous. I am not saying, and would not for a moment intimate, that it was intentionally erroneous, but I am inclined to believe that the chairman of the House committee having the matter in charge must have turned over some of the computations to some other person who was not very accurate in his figures, and probably because of the great amount of labor imposed upon him he did not have the time carefully to analyze the statement before it was presented as the report of that committee. Ordinarily, Mr. President, I would say that whenever we desire to get an estimate of the additional cost involved in an increase of pensions it is far safer to go to the Bureau of Pensions and obtain from them a very careful estimate. I am not certain whether the committee who reported the House bill did that or not. I am certain, however, that if they did they must have abandoned the information which they received and proceeded to make their own calculations as to what the additional cost of House bill No. 1 would be.

We ought not to allow our enthusiasm to run away with our judgment in the matter of such computations. If we feel that we should appropriate $87,000,000 a year from to-day in order to meet pension demands, then we ought to admit the amount and proceed to raise the money either by the issuance of bonds or by some other method.

I wish to call attention now to the very first proposition that is made in the report in support of House bill No. 1 in relation to the amount required to pay for the additional pensions.

Senators will remember that under House bill No. 1, which is purely a service-pension bill, the soldier who served for 90 days receives a pension of $15 per month; if he served 6 months, he receives $20 per month; if he served 9 months, he receives $25 per month; if he served 1 year or over, he receives $30 per month.

Mr. BROWN. Mr. President——

The PRESIDING OFFICER (Mr. LIPPITT in the chair). Does the Senator from North Dakota yield to the Senator from Nebraska?

Mr. McCUMBER. Certainly.

Mr. BROWN. The bill also provides that a soldier whose term of service was cut short by injuries received in the service shall get $30 a month without regard to how long he served.

Mr. McCUMBER. I presume the Senator refers to section 2, which reads as follows, in addition to the sums I have mentioned:

SEC. 2. That any person who * * * received an honorable discharge and who was wounded in battle or in line of duty, and is now unfit for manual labor through causes not due to his own vicious habits, or who, from disease or other causes incurred in line of duty resulting in his disability, is now unable to perform manual labor, shall be paid the maximum pension under this act, to wit, $30 per month, without regard to his length of service.

I assume that is what the Senator refers to.

Mr. BROWN. That section is left out of the bill which the Senator has reported.

Mr. McCUMBER. Yes; because those who received injuries in line of service and have become disabled are already provided for in the general law in accordance with the provisions relating to different disabilities, and if the soldier under the proposed law would receive less than he would under the law which grants pensions for specific disability he can apply under the latter.

Mr. BROWN. But the general law which gives him a pension without regard to the length of service does not fix a rate as high as $30 per month.

Mr. McCUMBER. Some pensions are not as high and some pensions are many times higher.

Mr. BROWN. I know there are some injuries, for instance, the loss of both legs or both hands, which constitute an exception, but generally under existing laws the pension does not reach as high a rate as $30 per month.

Mr. McCUMBER. The Senator is correct in that.

Mr. BROWN. Does not the Senator think there is equity and justice in the proposition to give to the old soldier a pension of $30 a month when he was wounded in the service and received injuries in service, notwithstanding the fact that he received that injury before he served 90 days?

Mr. McCUMBER. It is unnecessary for the Senator to argue that question, because he knows I agree with him. I agree, and that is the general law, that although he may not have served more than one day, if he was actually injured in the service he should receive a pension. We have a general law relating to those who received injuries in service, and if the Senator wants to raise all those who were injured in the service, without regard to the character of the injury, to $30 per month, that would be entirely another proposition. The vast majority of those who are now drawing pensions are not receiving them because of any disability received in the line of service. A general pension law must necessarily be made for the benefit of the great majority, whether it is based upon age or service, or both. If the general law in any case does not grant as much as it ought to for a specific injury, we should increase the amount for that specific injury.

Mr. CULLOM. May I ask the Senator from North Dakota a question?

Mr. McCUMBER. Certainly.

Mr. CULLOM. Is the committee unanimously in favor of the bill before the Senate?

Mr. McCUMBER. I will say to the Senator from Illinois there is a majority report and there are also the views of the minority, the minority reporting what is known as the Sherwood bill, or House bill No. 1.

Now, the important question that has divided the members of the committee, and that which will undoubtedly divide the Senators in their opinions as to which bill should receive their support, is the question of the additional amount that will be required to be appropriated under either of these bills, and also the question which is the better standard as a basis for fixing the amount to be awarded in each case—the service standard or the age standard.

I have my own convictions upon that. My belief is and always has been that the pension given to soldiers of the Civil War other than those who received injury during the war is based upon the great national gratitude felt toward all those soldiers, and, as that gratitude is the basis of the grant, it should find its expression in a direction which will do the greatest amount of good. Our observation, as well as the experience of mankind, is that the length of service in the Civil War affects present physicial condition far less than advancing age; that the age is a far more important factor in the matter of disability than length of service. Therefore, if it is our purpose to reach by pension benefits those cases in which there is the greatest amount of disability, we will look to the question of age rather than the question of service.

If our gratitude is to be measured solely by length of service, without reference to the condition of the claimant, then we might as well base our pension legislation wholly upon length of service. But, as I stated in my report, that seems to me to smack too much of the idea of wage rather than the grant of pensions to meet what we all believe to be the growing disabilities of the soldier.

Mr. BROWN. Mr. President——

The PRESIDING OFFICER. Does the Senator from North Dakota yield to the Senator from Nebraska?

Mr. McCUMBER. Certainly.

Mr. BROWN. I think there would be a great deal of force in the position the Senator takes if there was a very great disparity in the ages of these men, but it must be remembered that it is more than 50 years since the war began, and the average age, as I understand, of the soldiers on the pension rolls reaches about 70 years. When you get men above the 70-year mark they are all old men, and to measure the disability in years and consider it as a factor after they reach 70 is simply to deal in small fractions, in my judgment. It seems to me that the age as a test of disability disappears as we become more and more removed from the war times.

Mr. SMOOT. Mr. President——

Mr. McCUMBER. The Senator from Nebraska is in error in his figures, but I understand the Senator from Utah has them.

Mr. SMOOT. I desire to call the attention of the Senator to the fact that there are 420,965 soldiers who would be affected by the present bill, and the ages of these soldiers are as follows: Between the ages of 62 and 66 there are 113,622, between the ages of 66 and 70 there are 128,414, between the ages of 70 and 75 there are 110,039, and of those 75 and over there are 68,890. So the Senator will observe that there are over one-half of the men under the 70-year age limit.

Mr. BROWN. That corroborates my estimate; approximately 70 years.

Mr. KENYON. Mr. President——

The PRESIDING OFFICER. Does the Senator from North Dakota yield to the Senator from Iowa?

Mr. McCUMBER. Certainly.

Mr. KENYON. I should like to inquire of the Senator from North Dakota whether the bill reported by the committee is the same as that known in common parlance as the Smoot substitute?

Mr. McCUMBER. It is one of the tables prepared by me, and I submitted some 18 of them, with different combinations of age and service. The one reported is known as No. 16.

Mr. KENYON. No. 16?

Mr. McCUMBER. Yes. The whole question of the cost of House bill No. 1 is determined by the number of soldiers who will receive the $30 benefit—that is, the number who served more than one year—and it is on this point that there seems to be the greatest diversity of opinion and the greatest amount of error in the record. I wish to call attention to the report on House bill No. 1. I will take just a brief portion from this particular provision:

"House bill 1 provides four classes—$15 per month, $20 per month, $25 per month, and $30 per month—rated on the length of service. The average rate is therefore $22.50 per month, or $270 per year. The average rate per man during the year ended July 1, 1911, was (official) $191.41. The increase under House bill 1 would therefore be $78.59. Apply this increase to 446,000 soldiers and the amount is, in round numbers, a little over $34,000,000. The Pension Bureau estimate on the cost of the disability section (section 2) of House bill 1 will add a trifle over $3,000,000, making the aggregate not far from $37,000,000."

Now, notice that it is asserted that the increase under the House bill would amount to $78.59 a year. If there are 446,000 soldiers, and this estimate is not one-half of what the annual increase to each soldier would be, the Senate can very quickly understand how enormous must be the error when you multiply more than $78.59 by 446,000. In other words, you have to multiply more than double this amount by 446,000 in order to get the correct figures.

Now, let us give the Senator a simple illustration of this method of computation. Suppose a dealer sells 10 barrels of apples at $5 per barrel, and 2 barrels at $1 per barrel. He will receive $50 for the first lot and $2 for the second, or $52 in all. But, according to the arithmetic in this report, as he received $5 per barrel for one lot and $1 per barrel for the other lot, by adding the $5 and $1 together, which would be $6, and dividing that by 2 you would get $3 as the average received, and multiplying the 12 barrels sold by this average, $3, and you have $36 instead of $52. That is pretty good arithmetic for the buyer, but rather tough on the seller.

It will be noticed here that in order to arrive at this $22.50 per month that each soldier would receive under the new bill—No. 1—we must take the several items, $15, $20, $25, and $30 per month and add them together and divide the sum by four, which would give us the $22.50 per month.

When we observe such an error as that we may well suppose that this bill passed the House through a misunderstanding as to the added appropriation which would be required.

I am further justified in the presumption that there must have been a misunderstanding, because not a single step has been taken by the other House to raise the necessary funds. No suggestion has been made that we will have to raise next year about $87,000,000 extra; that we will be compelled to add to our revenues and will have to adopt means for raising that

additional revenue; but, on the contrary, the only bills that are coming over from the House dealing with the revenues reduce rather than increase them. So there is a fair presumption that this error influenced the vote very much upon that question.

Mr. BROWN. Mr. President——

The PRESIDING OFFICER. Does the Senator from North Dakota yield to the Senator from Nebraska?

Mr. McCUMBER. Certainly.

Mr. BROWN. Of course, the Senator will concede that it is of very little vital interest what actuated the House in passing the bill. It throws very little light on our duty here. I do not like to see——

Mr. McCUMBER. I have stated that, and I simply desire to follow up what I have said and to bring out the fact that if we pass the bill for $87,000,000 we certainly must adopt some means of raising the revenue to pay it.

Mr. BROWN. That is very true, but I do not like to see a good measure, even though it passed the House through an error or misunderstanding, put on that ground.

Mr. McCUMBER. If the Senator will allow me, if we believe we ought to grant the bill as it passed the House, without reference to the amount, we should vote for it, and then should proceed to consider the ways and means to pay it. So the Senator is doing nothing further than repeating what I have already stated.

Mr. WILLIAMS. Mr. President——

The PRESIDING OFFICER. Does the Senator from North Dakota yield to the Senator from Mississippi?

Mr. McCUMBER. I yield.

Mr. WILLIAMS. I was much interested a moment ago in the Senator's statement, and his seeming demonstration of it, that the figures which were used in arriving at a conclusion as to what would be the increase under the Sherwood bill were inaccurate. I have heard it asserted, and I want to ask the Senator whether it be true or not, that under the bill which you are reporting as a substitute you have your calculations put upon the basis of figures that were issued five years ago?

Mr. McCUMBER. The Senator is mistaken. The Senator probably has reference to the statement that it is based upon figures that were obtained 20 years ago.

Mr. WILLIAMS. No; I——

Mr. McCUMBER. I have not heard the other statement, that it is based upon anything obtained five years ago.

Mr. WILLIAMS. You reason from your figures, and by that I mean the tables here, which you claim——

Mr. McCUMBER. The table we have is brought right up to date. Every table I have seen is brought up to very near the date of reporting.

Mr. WILLIAMS. I asked the Senator the question because, of course, the amount depends in your bill altogether upon the age classification under which the soldiers would fall.

Mr. McCUMBER. Oh, no; both age and length of service.

Mr. WILLIAMS. But in substance it is age, because a man who served three years and a half under the 62-year class would receive less than a man who had served 90 days under the 70-year class. But the Senator says, as I understand him, that that is a mistake and that the tables upon which he bases his calculation were furnished by the Pension Office and were brought right up to date.

Mr. McCUMBER. Yes, sir; right up to date.

Mr. President, I want to see how much this error amounts to, because it is stated that the increase under the bill, exclusive of section 2 of House bill No. 1, will be $34,000,000. Making the computation upon the figures which are correct, I find that there is an error of $81.91 on each soldier's yearly income from the pensions under House bill No. 1. If we multiply that by 446,000, the number that is used in the report, we find that it will take $36,531,860 more than the $34,000,000. In other words, it would be over $70,000,000 a year instead of the $34,000,000 per year.

I do not wish to rest this entirely upon my own statement. I had the expert from the Bureau of Pensions, Mr. Thompson, go carefully over this report and give his testimony before the committee. He was subject to cross-examination. He answers this proposition in the House bill, which I have already given, as follows:

> Mr. THOMPSON. The average here is reached by adding together the four rates—$15, $20, $25, and $30—and dividing the total by 4. In that way you get $22.50. Multiplying that by 12 you get $270, the yearly average.

I might say the present yearly average is $191.41, and, subtracting that from the $270, gives the $79.59 which the report says will be the average increase.

> That would be the average rate of pension to which they would be entitled if those averages were correct—if there were as many at $15 as there were at $30. But, as I have said, our statistics show that 71 per cent would be entitled to $30, and, of course, that changes the general average, so many more being entitled to the larger rate. It makes the increase $160.50 instead of $78.59. The cost the first year is based on that average. If you issue 200,000 certificates during the first year, and the average increase is $160, you have $32,000,000. But if it is only $78, you have only a little over $15,000,000. The only question is, Who is right?

But, Mr. President, the 446,000 which is used as a multiplier is also inaccurate. It should be considerably larger. If the right number was adopted, it would make the figures so much greater in the result. The House report says:

> The number of deaths during the year ending July 1, 1911, was 35,243, or an average of almost 3,000 a month. The number of soldiers who will be available for pensions on the 1st day of January, 1912, is estimated to be about 509,000. Of this number over 63,000 are now drawing pensions of $25 per month and $30 per month and over.

I especially call attention to this statement of this number. Sixty-three thousand are now drawing pensions at $25 per month and $30 per month. Why those two sets of figures are combined I can scarcely understand, because in this the author is attempting to take a certain number of them without the operation of this bill, and, of course, those who are already receiving $30 a month and over would not be computed in determining the amount of increase. But many of those who are receiving $25 should be computed; and why he takes 25 and 30 together I certainly am unable to understand. But he is in error even upon those two.

Hence—

He says—

> in estimating the increased cost for pensions (should House bill 1 be enacted) we must deduct 63,000 from the entire number of pensioners, leaving the number of soldiers available for the increase on January 1, 1912, 446,000.

Mr. BROWN. Mr. President, may I ask the Senator if he knows how many soldiers are receiving the $25 rate?

Mr. McCUMBER. I have it right here. I have the two together here. I can get from the report those who are receiving the $25 rate. They are both given in the report of the Commissioner of Pensions.

Mr. BROWN. It is a very small number, is it not?

Mr. McCUMBER. I will give the total, and then the Senator can see. But if we were to deduct those receiving $25, we might as well deduct those receiving $22.50 and those receiving $20, and so on. I am simply speaking now as to the accuracy of the report.

Mr. BROWN. The $25 class should not be deducted. I think the Senator is right about that. What I wanted to show was that that is a very small class.

Mr. McCUMBER. It is enough to make quite a little difference in the multiplier. Dr. Thompson answers this as follows:

> On page 5 of this report it is stated that 63,000 survivors of the Civil War are now drawing pensions of $25 and $30 per month and over. The number of Civil War survivors on the roll June 30, 1911, who were receiving $25 per month and over was less than 30,000. The only pensioners on the roll who can properly be excluded from consideration in making estimates on this bill are those receiving $30 per month and over—the maximum rate fixed by this bill. On June 30, 1911, there were 26,172 survivors on the roll at $30 per month and over.

It makes quite a little difference, then, whether you deduct $26,173 from your multiplier or whether you deduct 63,000 from it. So while it may not be great compared with the whole, still it makes several million dollars difference.

Again, Mr. President, it is claimed that under House bill No. 1 there will be considerable saving in the expenses paid out for special examiners. I have tried to ascertain what that saving is based on, and I confess I can not see that there will be anything saved; but, on the contrary, it is quite certain that under this bill there will be an increase.

The vast majority of the soldiers, as I have stated, I think about 357,000, are now drawing their pensions under the act of February 6, 1907, and under that act age alone is made the basis of the amount received. It takes no special examiner, ordinarily at least, to ascertain the age of the claimant. It requires no more a special examiner under the present law to ascertain the age than it would, except in a very few cases, to ascertain the length of his service, because where he has enlisted several times, even in obtaining the length of service you have to go over all the records and ascertain how long he served under each one of those enlistments.

Mr. GALLINGER. Mr. President——

Mr. McCUMBER. Therefore, under the present law we are not using the special examiners for the purpose of assisting us in granting pensions to those 357,000, and we will not be using them in the future, of course, in granting the pensions to the same number upon the basis of service. I yield to the Senator from New Hampshire.

Mr. GALLINGER. The Senator, I think, has answered the very question I was going to propound. The age of these soldiers was determined when they received the increase——

Mr. McCUMBER. Certainly.

Mr. GALLINGER. Under the law the Senator cites?

Mr. McCUMBER. Yes; under the law of 1907.

Mr. GALLINGER. Of course, it is a mere matter of addition as to the present age. The bureau will do that, of course.

Mr. McCUMBER. Now, what is the duty performed by these special examiners? Generally, we are now paying out about $700,000 a year altogether for the special examiners, and so forth. They are making examinations of the widows' cases; they are making their examinations of cases under the regular establishment and in the Spanish War cases.

Mr. GALLINGER. And in cases of alleged fraud, I will say.

Mr. McCUMBER. Yes; and in cases of alleged fraud, as the Senator has stated.

In the case of the widows it is often quite difficult to ascertain whether the first husband is dead, where there has been a second marriage to a soldier; so also where the soldier has been twice married; so also in cases of divorce, whether or not the divorce was actually obtained as claimed, in order to establish the marital status of the parties. For that we require quite an army of examiners.

Now, here is what the report on House bill No. 1 says on that, and this is not the only error:

> Here is another very valuable consideration: Last year the Government paid out over $700,000 for medical boards and special examiners. Under House bill 1 nearly all these boards can be abolished without detriment to the service, as under House bill 1 there will be no occasion for a medical examination, as every soldier will paid on his service, with the exception of only one section of the bill.

Under the present law they are all paid according to their age. Under House bill No. 1 they will be paid according to their service. There will be no greater expense in the one than in the other and, therefore, there will be no saving.

> We also paid out last year over $300,000 for special pension examiners, making in all considerably over $1,000,000.

Mr. President, that is an error again. The $300,000 is a part of the $700,000, and it seems by some way to have been added to it in order to make the million dollars.

Mr. CURTIS. May I interrupt the Senator?

Mr. McCUMBER. I will just finish the reading, then I will yield—

> Nearly all of which can be saved and the money paid direct to the soldiers, because there will be no necessity whatever for examining boards, as the exact status of every soldier is fixed by this law; it is fixed on his service and can not be either raised or reduced by the action of any medical board or special pension examiners.

That is true, but that applies also to those who are obtaining their pensions under the present law.

> This is an important feature, as a million dollars now spent on useless boards can be paid direct to the old soldiers.

I yield to the Senator from Kansas.

Mr. CURTIS. The Senator said a moment ago that the amount expended for special examiners was $700,000, as I remember it.

Mr. McCUMBER. Yes.

Mr. CURTIS. The report of the commissioner shows that there was expended only $283,000.

Mr. McCUMBER. That is not for all of the service referred to. I include the medical boards.

Mr. BROWN. And the detective force.

Mr. McCUMBER. Those are special examiners; they are all detectives. Now, let us take the reply that is given by the expert from the Bureau of Pensions, Mr. Thompson. He says:

> Referring again to the report accompanying House bill No. 1, attention is invited to the statement on page 3, that the Government last year paid out over $700,000 for medical boards and special examiners; that under this bill all these boards can be abolished; that there will be no occasion for a medical examination; and, further, that there was also paid out last year over $300,000 for special pension examiners, making in all considerably over $1,000,000—all of which can be saved and the money paid direct to the soldiers. As I have previously stated, a medical examination will be required in each claim filed under section 2 of this bill wherein it is alleged that the claimant is wholly disabled for manual labor, before the claim can be allowed. Under this section, as before stated, there will be an increase in the cost of medical examinations of $200,000 per annum if this bill should become a law.

Note that, instead of decreasing, according to the estimate there will be an increase of $200,000 a year, to comply with section 2 of House bill No. 1.

> You will observe that it is stated that $700,000 was paid for medical boards and special examiners, and later that over $300,000 was paid last year for special pension examiners, making in all considerably over $1,000,000. The cost of the special examiners was included in the $700,000 item, and then again added to the $700,000 to make up the $1,000,000. One question which now arises in invalid claims which requires the aid of the special examiners is that of the identity of the claimant with the soldier. This question is absolutely necessary to determine, under any bill, before a claim is allowed. Special examiners are largely engaged upon the investigation of claims arising on account of service during the Spanish War and on account of service in the Regular Army and Navy since the close of the Civil War. It is also necessary to determine the merits of a large number of claims filed by Civil War widows. Many widows are unable to secure satisfactory evidence showing either their marriage to the soldier or the death of the soldier's former wife or of their own former husband. Special examiners are also engaged in the work of investigating charges which may be filed against pensioners, from various sources, in order to determine whether the pensioner is legally entitled to the pension received. It will thus be seen that the enactment of House bill No. 1 would have no effect whatever upon the number of special examiners engaged in field work.

This is a very considerable error; and I am calling attention to these errors, so that the Senate in voting for either one of these bills may have at least accurate data upon which they can base their judgment.

Again, it is stated:

> The report of the Commissioner of Pensions for 1911 shows, on page 14, that since the act of February 6, 1907—that is, the age-pension law—629,605 applications for pensions have been filed in the Pension Office under that law.

Of course, you can naturally see that would carry the idea that many different soldiers had filed applications under the 1907 act, when as a matter of fact there are not so many survivors living.

> And during the last year 55,167 certificates for new pensions were issued by the Pension Bureau under this age-pension law.

There is an error again, if we understand by the words "new pensions" that they are "original" pensions, and taking the whole clause, I assume that is what was intended.

Again, he says:

> How many of these 629,605 applicants for increased pensions under this law were long and short term soldiers is not stated; but it is a fair conclusion that most of these claimants were short-term soldiers.

Well, Mr. President, was it a fair conclusion that they were "short-term soldiers"? Why should it be supposed that they were short-term any more than long-term soldiers? As soon as we passed the law of 1890 those who had served 90 days and who desired to obtain a pension were just as ready to make applications then as those who to-day are for the first time making their applications. An actual test and examination show that there is no reason for the supposition that they were short-service men. Some of these 629,605 applications will be found to be duplicates; a soldier will often make his application and then, thinking he had not made it correctly, will send in another application. There will be thousands and thousands of them who will make them over again.

Each application, of course, will be numbered, and there may be serial numbers running up to the figures quoted, but a third or half may be duplicates. As a matter of fact, only 356,830 are upon the pension roll to-day under that act.

In explanation of this change, Mr. Thompson says:

> It has been said that the short-service men came in under the act of February, 1907, after the age-pension law was passed. What are the facts? Only 21,771 original claims under that act have been allowed since it was passed.

So that there are not 55,167 new cases—that is, new in the sense of being original in the last year—but in all of the five years which have elapsed there have been only 21,771 original applications for pension under this particular law. I assume, Mr. President, that most of these are soldiers who during all of the previous period have felt that their condition was not such that it would justify them in demanding a pension; but as their physical disabilities increased with age it is but natural that they should now have applied as original claimants.

Now, I wish to answer very briefly the question asked by the Senator from Mississippi [Mr. WILLIAMS], who inquired if this data were not compiled from estimates that were made several years ago. Well, Mr. President, so far as they relate to the length of service of the veterans the data were taken from estimates of some 20 years ago, but as everyone, of course, will comprehend, the moment he gives the subject any consideration, the length of service of soldiers of the Civil War does not increase with years, but is an unchangeable fact. Out of a given number of soldiers now drawing pensions there would be no change in their average length of service; and while it is possible that those of longer service might die more rapidly than those of shorter service and thereby decrease to some limited extent the number who served more than one year, the chances are that there is no material change whatever. A very careful investigation, as careful as can be made without taking several months in going over the rolls and getting the service of every individual soldier, shows that the rate is about the same, and that is that about 71 per cent of the soldiers now upon the pensions rolls would, under House bill No. 1 as passed by that body, be entitled to $30 per month. If that is true, as can be established beyond any question whatever, the estimate of cost made by whoever reported House bill No. 1 will have to be increased.

It might be well right here, Mr. President, to suggest the method adopted to arrive at the length of service of each soldier. I thought I had the method here in detail, but I can state it generally. In 1890, after the passage of the act of June 27,

1890, Gen. Raum, then Commissioner of Pensions, adopted a card-index plan covering every case in which an application was made. He had cards filed in more than 475,000 cases. The cards gave the age of the soldier, the length of service, and other data which were necessary at that time. From those cards he obtained the figures that more than 71 per cent of the soldiers served more than one year. Since that time several estimates have been made. A short time ago some 12,000 names of soldiers were drawn at random, and it was found that of those 12,000 the number of those who had served a year or more averaged 71.5 per cent.

Again, since we have been discussing this subject some 5,400 additional claims have been adjudicated, and of those 5,400 claims it has been found that about 72 per cent served more than one year. So I think we can safely rely on the estimate that 71 per cent of the total number of the survivors of the Civil War will, under House bill No. 1, be entitled to receive a pension of $30 per month.

Mr. CULLOM. Mr. President, I will ask the Senator what would the same class of pensioners receive under the bill which his committee has reported?

Mr. McCUMBER. I think the estimate is in the neighborhood of from $18 to $20 per month. They will receive different amounts.

Dr. Thompson, again referring to this matter, says:

Within the last two days—

And this testimony was given a short time ago—

Within the last two days I have found some statistics relating to the Civil War soldiers who were pensioned under the general law. While there were only 12,000, I have had their length of service tabulated, and what does it show? It bears out the length of service of these 475,000 men. That is, 70.7 per cent of those pensioned under the general law served one year and more; 12.6 per cent served nine months and less than a year; 7.7 per cent served six months and less than nine; and 8.1 per cent served three months and less than six months.

Mr. President, before closing my remarks upon this subject, I wish to state some reasons why the committee adopted the double standard. Ever since the act of June 27, 1890, at every encampment of the Grand Army of the Republic, the question of the standard which should govern the granting of pensions has been considered, and in every instance, with the exception of one, I believe, the representatives of the soldier element of the country have unfalteringly stood by the standard of age rather than the standard of service. In the last encampment, that of 1911, the question came up again because of the bill which had been introduced in the House. After listening to an argument by the chairman of the Committee on Pensions in the House, the committee again took that subject under consideration, and after very considerable debate they adhered practically to their old standard. They were perfectly willing, of course, to take the extra amount that would be carried by the House bill, but they recommended that the Representative in charge of that bill should so modify it that it would more nearly conform to what was known as the Sulloway bill. The Sulloway bill was an age bill pure and simple, and, of course, it is an impossibility to conform age and length of service so they will more nearly equal each other. All that we could possibly do would be to adopt both of those standards. Thereafter I attempted to arrive at the sentiment of the members of the Grand Army of the Republic, or at least the officers of that body, as to their preference if we were compelled to decide finally between a pension which should be based only upon length of service and one based wholly upon age. From everyone I received the same reply, that the members of the Grand Army of the Republic preferred the age standard rather than the length-of-service standard, but they desired that we should adopt a double standard.

Mr. President, without taking any time to read them, I will ask to have inserted in my remarks the resolution adopted by the Grand Army of the Republic at its last encampment; also the statement of Mr. Torrance, who is past commander in chief of the Grand Army of the Republic; the statement of Mr. Washington Gardner, who is a member of the pension committee of the Grand Army of the Republic; the statement of Mr. Henry S. Redman, also a member; the statement of Mr. Samuel S. Burdette, also a member; and a rather late report which I have from Mr. Redman where he has submitted the question to his particular post. I think I will read what he states:

MYRON ADAMS POST, No. 84,
DEPARTMENT OF NEW YORK, GRAND ARMY OF THE REPUBLIC,
Rochester, N. Y., February 19, 1912.

Hon. P. J. McCUMBER,
United States Senate, Washington, D. C.

DEAR SENATOR: Have read proposition No. 16, which was adopted by your honorable committee a few days ago. I am pleased to say that it has met with favorable indorsement by a large majority of the comrades in this part of the State.

While not as liberal as they expected, they will be satisfied at this time. Speaking for myself, as one of the Grand Army of the Republic pension committee, I fully indorse No. 16, and most earnestly hope it will become a law and will meet with the approval of a majority of the people and the veterans of the Civil War. Will you please send me two or three copies of the bill, and oblige?

Sincerely, yours,
H. S. REDMAN.

The PRESIDING OFFICER (Mr. CURTIS in the chair). Without objection, it is ordered that the other documents be printed in the RECORD as a part of the speech of the Senator from North Dakota.

The matters referred to are as follows:

The only action on the subject of pensions taken by the forty-fifth national encampment, which was held at Rochester last August, was embodied in the following resolution:

"*Resolved*, That it is the sense of this Forty-fifth National Encampment of the Grand Army that the time has come to-day, 50 years after the outbreak of the great Civil War, to deal generously with the survivors of that war; and we unite in asking our comrade, Gen. ISAAC R. SHERWOOD, chairman of the Pensions Committee of the House of Representatives, to so modify his House bill No. 1 as to make it more nearly conform in general features to the Sulloway bill, which passed the House at the last regular session by an immense majority, which was indorsed by the legislatures of 27 States of the Union, and which is understood and approved by a majority of our comrades. And we further urge early action by Congress, as our comrades are dying at the rate of 50,000 per year."

STATEMENT OF MR. ELL TORRANCE, OF MINNEAPOLIS, MINN., PAST COMMANDER IN CHIEF OF THE GRAND ARMY OF THE REPUBLIC AND CHAIRMAN OF THE NATIONAL PENSION COMMITTEE OF THE GRAND ARMY OF THE REPUBLIC.

Mr. ELL TORRANCE. I am past commander in chief of the Grand Army of the Republic and chairman of the national pension committee of the Grand Army of the Republic.

This committee is the only body authorized to officially represent and speak for the Grand Army of the Republic on the subject of pensions.

Early in December last the committee met in this city, all members being present, with the exception of Comrade Kelly, of Emporia, Kans. In addition to the members of the committee, the present commander in chief, Harvey M. Trimble, of Princeton, Ill., was present. We conferred upon the subject of pensions, went over the matter thoroughly, and adopted the following resolution, which expresses the sense of the committee upon what we regarded as an important matter relating to this subject:

"*Resolved*, That it is the sense of this committee that the age and service standards should be combined in any pension measure enacted by the present Congress, to the end that justice and equity be done to all classes of our comrades."

That was agreed upon by the six members present and approved by the commander in chief.

—

STATEMENT OF MR. WASHINGTON GARDNER, PAST DEPARTMENT COMMANDER OF THE DEPARTMENT OF MICHIGAN, GRAND ARMY OF THE REPUBLIC.

Now, as to the two bills: I speak the unanimous voice of our committee when I say that we are heartily in accord with the principles of the McCumber or Senate bill in regard to the joint standard—age and service.

—

STATEMENT OF MR. HENRY S. REDMAN, COMMANDER OF POST 84, DEPARTMENT OF NEW YORK, GRAND ARMY OF THE REPUBLIC.

Mr. REDMAN. Mr. Chairman and gentlemen of the committee, I am from the great State of New York. Since the 1st of January, practically speaking, I have done nothing but talk about pensions. I have visited some 12 posts in the western part of the State, installing the officers in 10 of them, and in each case I have taken from 30 to 45 minutes to talk upon the question of pensions, explaining to them the difference in the different bills and then getting their expression after the meetings.

I find that 95 per cent of the veterans in western New York to whom I have talked—I assume 5,000 or 6,000 altogether—are unanimous in favor of a double-standard bill. They will be perfectly satisfied with such a bill.

I had a copy of proposition No. 11 with me at nearly every meeting. Last Friday night I was in Buffalo, where I addressed the largest post in the world, with something over 700 members. Over 400 of them were present. I had there a copy of the McCumber Senate bill. I read it and talked upon the bill for 30 minutes. I failed to find one comrade in that gathering that was not absolutely satisfied with a bill of that character.

—

STATEMENT OF MR. SAMUEL S. BURDETTE, PAST COMMANDER IN CHIEF OF THE GRAND ARMY OF THE REPUBLIC.

If I should say anything at all, it would only be to add my voice in urging the sort of bill that has been prepared in this committee—you may call it, if you please, the McCumber bill or the committee bill—that groups age and service.

I believe that the principle and method of the bill Senator McCUMBER has introduced will appeal, and does appeal, most heartily and thoroughly to the whole body of the surviving comrades of the Civil War.

Mr. McCUMBER. I will defer any further explanation of this bill at present, as the Senator from Ohio [Mr. POMERENE] has given notice of his desire to speak on the subject.

Mr. KENYON. May I ask the Senator from North Dakota a question?

The PRESIDING OFFICER. Does the Senator from North Dakota yield to the Senator from Iowa?

Mr. McCUMBER. I yield.

Mr. KENYON. Has the Senator estimated in any way how many soldiers now living ever would receive the maximum of $30 per month under this bill as reported by the committee?

Mr. McCUMBER. They could not, any of them, unless they lived to be 75 years of age.

Mr. KENYON. Have you estimated with the aid of tables of mortality?

Mr. McCUMBER. I have not.

Mr. POMERENE obtained the floor.

Mr. SMOOT. I suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. CURTIS in the chair). The Secretary will call the roll.

The Secretary called the roll, and the following Senators answered to their names:

Bacon	Cullom	Kenyon	Poindexter
Bourne	Curtis	Kern	Pomerene
Brandegee	Dillingham	Lea	Rayner
Bristow	du Pont	Lippitt	Richardson
Brown	Fletcher	McCumber	Root
Bryan	Foster	Martine, N. J.	Simmons
Burnham	Gallinger	Myers	Smith, Ga.
Burton	Gardner	Nelson	Smoot
Chilton	Gore	Oliver	Townsend
Clark, Wyo.	Guggenheim	Overman	Warren
Clarke, Ark.	Hitchcock	Page	Watson
Crane	Johnston, Ala.	Percy	Williams
Culberson	Jones	Perkins	Works

Mr. NELSON. My colleague [Mr. CLAPP] is unavoidably absent on a committee hearing.

The PRESIDING OFFICER. Fifty-two Senators have answered to their names. A quorum is present. The Senator from Ohio will proceed.

Mr. POMERENE. Mr. President, I have always favored and I will always favor just, liberal, nay, generous pensions to the old soldiers who went to their country's aid in time of sore distress, and who have been disabled by wound or accident or disease, or who, by other misfortune, may not be possessed of the comforts of life. I favor extending the country's bounty to their widows and to their dependent children. The old soldiers and their loved ones have always appealed to my heart—they always will.

This country is now more liberal in the bestowal of pensions upon its defenders than it ever was before in its history, and it is more generous than any nation on the face of the globe. I would not have it otherwise. It pays more pensions to its soldiers than the Governments of Great Britain, Germany, France, and Austria-Hungary combined. I want the Government to go into this matter just as far as the finances of the country or the merits of the situation will permit or require. No soldier who is in want can appeal to me while I occupy a legislative position in vain. But I am not in sympathy with the thought that the soldiers who are in good health or who have a competency should receive the same compensation as those who are wounded or diseased or in want of the common comforts of life. I do not believe that when the Government pays $30 to the old soldier "who hath not where to lay his head," that it should at the same time give the same amount to his comrade who may be sound in body and in health and have all the reasonable comforts of life. Especially is this my position when I remember that the money is contributed largely by the laboring and struggling masses of our country.

There is not a dollar paid out for pensions which does not represent a dollar of taxes which some man must pay, and the great portion of the taxes of this country is paid by those who can ill afford to do so.

Much has been said of late about the "dollar-a-day pension." There is more magic in the words than there is merit in this bill, when we come to consider the amount we are already paying, the state of the revenues of the Government, and the injustices which the bill itself perpetrates as among the soldiers themselves.

If, in the discussion of the pension question, I may seem to inject into it some things of a personal nature, I hope that my colleagues in the Senate, and my constituents in Ohio, will attribute it to a desire to set myself right where my position has been misrepresented by a seemingly studied effort.

I desire to call attention to the history of this bill.

HISTORY OF THE SHERWOOD BILL.

During the first session of the Sixtieth Congress, on December 3, 1907, Gen. SHERWOOD introduced H. R. 7625, to authorize "the creation of the volunteer service roll."

It is commonly known as the dollar-a-day pension bill. It provided that the volunteer soldier of the Civil War should be entered upon the "volunteer service roll," provided he had served with credit as an enlisted man not less than 18 months in the field with the troops between July 15, 1861, and July 15, 1865. If he served for 18 months, or if he was wounded in line of duty and so disabled as not to be able to serve the 18 months, he would be entitled to a pension of $1 per day during his natural life, from the date of his application for pension under the act.

On January 29, 1908, Gen. SHERWOOD made a speech (CONGRESSIONAL RECORD, vol. 42, pt. 2, p. 1289) on the bill, and gave this estimate of the cost to the Government. He said:

I have been consulting the experts of the Pension Office, and so near as I can ascertain it will take the first year about $17,500,000. The amount will be reduced every year by 15 per cent; and the experts in the Pension Office say that by the end of nine years there will be practically no appropriation called for, because the veterans who will be benefited by this bill are the older class of soldiers and will practically all be dead in nine years. It is estimated in the Pension Office that about 175,000 soldiers will be included under the provisions of this bill. The estimates of the Pension Office differ as to the average amount the veterans are receiving now. It varies from $17.50 a month to $20 per month. I have estimated it at $20, and from this estimate it will take $17,500,000 the first year.

Again, on February 26, 1908, Gen. SHERWOOD spoke upon this bill (CONGRESSIONAL RECORD, vol. 42, pt. 3, p. 2550), and, among other things, said:

This pension bill will only take about $17,500,000 the first year and 15 per cent less every year for nine years, when the veterans who belong to the older class of soldiers will practically all be gone.

On December 14, 1909, in the Sixty-first Congress, second session, Gen. SHERWOOD introduced his second bill, H. R. 5439, entitled "A bill for the enactment of a veteran volunteer roll." In substance this bill provided that every surviving volunteer of the Civil War should be entered upon the roll who served with credit not less than one year with troops in said Volunteer Army between April 20, 1861, and July 15, 1866. It also provided that if wounded in line of duty and thereby disabled from serving one year, or was discharged for disability contracted in the service, or was enlisted for one year or more, or was mustered out because of the close of the war, or if captured in battle or in the line of duty and served in a Confederate prison, his name should be entered upon this roll, and all such soldiers would receive $1 per day from the date of his application during his natural life.

On February 26, 1910, at the second session of the Sixty-first Congress he introduced his third bill, H. R. 21902, entitled "A bill to pension certain disabled veterans of the Civil War." In substance it provided that each volunteer officer and soldier in the Volunteer Army of the Civil War who served with credit not less than 90 days between April 20, 1861, and July 15, 1865, whose physical or mental condition was such as to require frequent and periodical aid and attention of another person, should be paid $30 per month during such disability.

On March 22, 1910 (CONGRESSIONAL RECORD, vol. 45, pt. 4, p. 3584), he again discussed the cost to the Government of these several bills, and said:

I simply desire to state what my original bill—$1-a-day bill—provided for, how much it would have taken out of the Treasury in 1908, when first introduced.

The PRESIDING OFFICER (Mr. CURTIS in the chair). The Senator from Ohio will suspend for a moment. The rules of the Senate prohibit a Senator from referring to what was said in the other House by a Member of that body when the point has been made. The Chair thinks it is only proper to call the Senator's attention to the fact.

Mr. POMERENE. Mr. President, I have no desire to trespass upon the rules, and I did not think I was doing so. This matter is somewhat of a personal privilege with me, and the statements made here go to the question of the cost of the bill.

Mr. McCUMBER. Mr. President, I rise to a point of order. I should like to have the rule read and see if it applies so that it prohibits a Senator from quoting what appears in the CONGRESSIONAL RECORD.

Mr. NELSON. I think a Senator is entitled to quote what appears in the CONGRESSIONAL RECORD. I do not think that violates the rule.

The PRESIDING OFFICER. The Chair will ask the Secretary to read the order of procedure from Jefferson's Manual and also the Precedents.

Mr. POINDEXTER. Mr. President, will the Chair state the number?

The PRESIDING OFFICER. That the Chair has just directed the Secretary to read.

Mr. POINDEXTER. What I was inquiring was the number of the rule.

The PRESIDING OFFICER. The Secretary will state the rule.

The Secretary read as follows:

HOUSE OF REPRESENTATIVES.

1. In order to refer to proceedings in.

Jefferson's Manual, section XVII, order in debate, page 96, we have—

It is a breach of order in debate to notice what has been said on the same subject in the other House, or the particular votes or majorities on it there, because the opinion of each House should be left to its own independency, not to be influenced by the proceedings of the other, and the quoting them might beget reflections leading to a misunderstanding between the two Houses.

Mr. ROOT and Mr. GALLINGER addressed the Chair.

The PRESIDING OFFICER. The Secretary will read further.

The Secretary read as follows:

[47th Cong., 2d sess., Journal, p. 439.]

FEBRUARY 28, 1883.

The President pro tempore (Mr. David Davis) decided that it was not in order to refer to any action had in the House of Representatives upon any question not officially communicated to the Senate, and the Senate refused to lay an appeal on the table—yeas 24, nays 26.

The question of order was withdrawn. (See CONGRESSIONAL RECORD, pp. 3368, 3369, 3371.)

2. Not in order to refer to proceedings of the other House.

[53d Cong., 2d sess., Journal, p. 166.]

APRIL 25, 1894.

Mr. Dolph, while addressing the Senate, proceeded to read an extract from a speech delivered in the House of Representatives upon the pending bill. Mr. Gray raised a question of order that it was not in order to quote and comment upon a speech made during the same Congress by a Member of the other House upon the same bill. The Vice President (Mr. Stevenson) sustained the point of order, and decided that it was out of order in debate to notice what had been said on the same subject in the other House upon the bill.

An appeal from the decision was laid on the table—yeas 43, nays 2. (See CONGRESSIONAL RECORD, pp. 4081–4082.)

Mr. ROOT. Mr. President——

Mr. POINDEXTER. Will the Senator from New York yield to me for just a moment?

Mr. ROOT. I yield to the Senator from Washington.

Mr. POINDEXTER. I did not hear the Secretary state the paragraph or page from which he was reading, and I should like to know it.

Mr. ROOT. He first read from page 96 of Jefferson's Manual.

Mr. BACON. Mr. President, I think it is the fault both of the clerk and Senators on the floor. None of them speak loud enough to be heard. I heard neither the clerk nor the Senator from Washington.

Mr. POINDEXTER. I was simply inquiring as to the number of the page and paragraph which was read.

The SECRETARY. Page 366, "Precedents—Decisions on points of order in the United States Senate—1789–1909, Gilfry."

The PRESIDING OFFICER. The Chair wishes to state that he simply made the announcement because reference was made to what was said in the other House. No point has been made on it, and there is no use to take up the time of the Senate unless some Senator makes the point.

Mr. CULBERSON. Do I understand that the Chair holds it not to be in order?

The PRESIDING OFFICER. The Chair made no ruling. The Chair was simply calling attention to the rule, because reference was being made as to what had been said or done in the other House. The Chair announced that no point had been made, but he thought it only fair to call the attention of the Senator from Ohio to the rule. There has been no intimation on the part of the Chair that the Senator was without the rule, but as the Senator was referring to what had occurred in the House he thought it only proper that the rule be read; that is all.

Mr. ROOT. Mr. President, I wish to suggest that the Senator from Ohio was not addressing himself to anything that was said upon the bill which is now under consideration, but he was giving an interesting historical review of what had happened upon previous bills, and surely we can revert to the parliamentary history of our country so far as the other House has taken part in it. If we can not go back to 1910 we can not go back to 1810, and we would be cut off entirely from the parliamentary history of the country.

The PRESIDING OFFICER. The Senator from Ohio will proceed.

Mr. POMERENE. Mr. President, as I stated before, I feel that I would be the last man or one of the last men in this body to trespass upon the rules of the Senate. I think I understand what decorum in debate ought to be. But there is a question before the country now as to what pension legislation we shall have, what we ought to have, what the cost of this legislation is going to be. There has been a contention in behalf of House bill No. 1 that it would cost a given amount, and a given amount only, on the one side. It is contended on the other side that it would cost a given other amount. Now, may I not be permitted to show what these several contentions are and what the reasons for those contentions are and the conclusions to which each side of the controversy arrive? It was with that end in mind that I was quoting from these speeches to show what it was believed the estimated cost of the several bills would be.

In speaking further upon this subject, Gen. SHERWOOD said:

Also what my second bill, the dollar-a-day bill of 1909, which included soldiers who served one year, provided for.

Also what my last bill of February 26, 1910, which is really not my bill, provides for.

The last bill includes an amendment offered by a member of the Committee on Invalid Pensions, the gentleman from New York [Mr. BRADLEY], who is also on the Military Committee. I simply introduced it on the suggestion that, owing to the condition of the Treasury, it was not thought possible to pass the dollar-a-day bill during this session for all veterans who served one year. It is estimated that it would take the first year out of the Treasury about $22,500,000, with a decrease every succeeding year of 15 per cent for seven years, when all old veterans would have passed from earth.

The last bill only applies to about 20,000 soldiers, and I have the authority of the Pension Office, confirmed by the Secretary of the Interior, Mr. Ballinger, that that bill would take about $3,600,000 out of the Treasury the first year, and this amount would decrease every year 15 per cent for seven years, when all of the totally disabled soldiers who are taken care of by this legislation would be dead.

Ohio played her part during the great Civil War, and played it well. Her men and her women, inspired by patriotic love of the flag, made great sacrifices. It is the desire of her people, irrespective of party, that those soldiers and their widows, who sacrificed and suffered during the war, or are decrepit, diseased, or lacking in the comforts of life, as well as their minor children, shall be the objects of governmental care, and her people favor giving them liberal pensions.

In recognition of this sentiment the Democratic State convention at Dayton, Ohio, in June, 1910, declared in its platform:

We favor the immediate enactment of the dollar-a-day pension bill, introduced and championed in both the Sixtieth and Sixty-first Congresses by that Democratic veteran, Gen. ISAAC R. SHERWOOD, of Ohio.

Only one inference can be drawn from the language just quoted, namely, that it was regarded to be one and the same bill, and it would naturally follow that the expense would be one and the same, making due allowance for decreases due to death.

I had the honor to be named as the candidate of the Democratic Party for lieutenant governor upon that platform. It pledged the party in favor of the dollar-a-day pension bill, which would cost the Government from $17,500,000 to $22,500,000. Would that justify my voting for a new and a different bill, which was drawn and introduced into Congress more than nine months later, because it bears the same name, and which the Pension Bureau says will cost, and which I believe will cost, $75,000,000 yearly in addition to the $150,000,000 and more now required for the pension roll?

Personally I do not believe that any pension measure which embodies the principle of age alone or of service alone will work out equitably. My judgment is that a combination of the two elements ought to be taken into consideration. But while this is my personal opinion, in view of the action of the Ohio Democratic State convention and of the representations which were made as to the cost of the measure—if we call it one and the same—I would vote for it if such a measure were now before the Senate and the appropriation required did not materially exceed the amount represented.

On April 4, 1911, at the first session of the Sixty-second Congress, more than nine months after the Dayton convention, Gen. SHERWOOD introduced his fourth bill, H. R. 1, entitled "A bill granting a service pension to certain defined veterans of the Civil War." It provided that any person who served in the military or naval service during the Civil War and who was honorably discharged should receive a pension as follows:

For 90 days' service or more, and less than 6 months, $15 per month.

For service of 6 months or more, and less than 9 months, $20 per month.

For service of 9 months or more, and less than 1 year, $25 per month; and

For a service of 1 year or more, $30 per month.

And every soldier who was wounded in battle or on duty, and thereby disabled, or who suffered from disease in line of duty, was to be given $30 per month pension, irrespective of his length of service, provided that no one who was receiving $25 per month or more under the act should be entitled to admission to any national soldier's home, and no State home should receive any governmental aid on account of any person who was in receipt of a pension of $25 a month or more.

The second section of the bill provided that any soldier of the Civil War wounded in battle or on duty and who was thereby unfit for manual labor, or who from disease or other causes incurred in line of duty, resulting in disability, is unable to perform manual labor, should be paid $30 per month without regard to the length of service.

Section 3 provided that no one should be entitled to a pension under the act who was in receipt of an annual income of $1,000 or more.

ESTIMATE OF THE SECRETARY OF THE INTERIOR.

On April 11, 1911, when the Sherwood bill, No. 1, was pending, the Secretary of the Interior, in reply to a letter of inquiry from Gen. SHERWOOD, advised him that under his bill the actual increase in the annual value of the pension roll, based on the num-

ber of pensioners on the roll June 30, 1910, would be $75,671,880, but he did not make any deductions for those who might be inmates of the national homes, and as there was no data available showing the number of survivors of the Civil War who had incomes of $1,000 or over, no deduction was made because of this exception in the bill. (CONGRESSIONAL RECORD, vol. 48, 62d Cong., 2d sess., p. 146.)

In August, 1911, the chairman of the Committee on Invalid Pensions made a report on the cost of H. R. 1. In this report he did not give the estimated cost of the bill furnished by the Secretary of the Interior, but referred to the report, and said with respect to it, on page 5:

> The chairman of the committee asked the Pension Bureau for the estimated cost of House bill 1, but owing to the section which excludes soldiers with a net income per year of $1,000 or over from the benefits of this act, the Pension Bureau refused to make any estimate of the aggregate cost of the bill. This refusal was based on the ground that the bureau has no data upon which to make such estimate. After a poll of some 20 Grand Army of the Republic posts the estimate runs from 20 to 30 per cent.

Apparently this means that from 20 per cent to 30 per cent of the members of those posts have an annual income of $1,000 or more. The chairman of the committee then proceeds to make an estimate of the cost of the bill, and by his method reaches the conclusion that the aggregate cost would be $28,858,000, and that because the Pension Bureau could only handle 200,000 cases the first year, it would take from the Treasury during that year only $15,718,000. But a careful reading of the methods of computation will fairly demonstrate that it is wholly unreliable.

To illustrate: He calls attention to the fact that the House bill provides for four classes of pensions—$15 per month, $20 per month, $25 per month, and $30 per month, rated on the length of service. He then strikes the average as being $22.50 per month, or $270 per year, and multiplies this by the number of soldiers estimated by him to be in the service, and arrives at a total of a little over $34,000,000, to which he adds $3,000,000 as being the cost of the disability section of the bill, and then deducts 22 per cent (what this is I do not know, unless it be that it is an attempt to deduct the proportion of those who have incomes exceeding $1,000), and arrives at his net estimate of $28,858,000. It is quite apparent that it is unfair to say that the average rate per month is $22.50, unless it should also appear that the number of soldiers in each of the four classes was the same. Or, to make it still plainer, if there were two of each class, then the average would be right; but if there were two in each of the first three classes and six in the last class, then the average would be wrong.

And this error is clearly indicated on page 6 of the report, when it says:

> There are, however, more surviving soldiers who served more than one year than for a less period.

It is said that a poll of 20 Grand Army posts was made, and from these it is "estimated that from 20 to 30 per cent" of the members receive a net income of $1,000 and over per year. While the Secretary of the Interior made the total cost of the bill $75,671,880 and made no deduction for those who had an income of $1,000 per year and over, if the estimate of 20 to 30 per cent as the proportion of the soldiers who have an income of $1,000 per year and over is correct, it would have been an easy matter to deduct from the total given by the Secretary of the Interior this 20 or 30 per cent and thereby arrive at the actual cost to the Government of the bill as it was originally introduced.

The information contained in the letter of the Secretary of the Interior as to the cost of the Sherwood bill was not disclosed to the House of Representatives until it was read by Hon. LYNDEN EVANS, a Member of the House from Illinois, on December 9, 1911, nearly eight months after the letter was written.

On December 13, 1911, H. R. 1, introduced April 4, 1911, was passed by the House after it had been amended to give a $30-per-month pension to all who served in the Mexican War; to strike out that part of the bill which provided that no one in receipt of a pension of $25 per month, or more, should be entitled to admission or residence in a national soldiers' home; to strike out that part of the bill which provided that no State or Territorial home should receive Government aid for those soldiers who were in receipt of $25 or more per month; and to strike out section 3 of the bill, which excluded from its provisions those who had an income of $1,000 per year or more.

The bill, therefore, as it passed the House, contained all of those provisions which were the basis of the estimate of the Secretary of the Interior, struck out all the elements which were not included in the estimate, and added thereto the increase of pensions to be paid to the soldiers of the Mexican War, and to that extent increased the total cost above the Secretary's figures.

CRITICISMS OF THE ESTIMATE OF THE SECRETARY OF THE INTERIOR.

On January 8, 1912, after House bill No. 1 had passed the House and reports were sent out to the effect that it was estimated by the Pension Bureau that the bill would add $75,000,000 to the pension roll the author of the bill made a speech in the House severely criticizing this estimate. It was made on April 11, 1911. It showed the annual increase to which the pensioners on the roll on January 30, 1910, would be entitled if the bill should become a law.

In the speech to which I have referred, it was said that 52,000 soldiers had died between the date upon which the Bureau of Pensions based its estimate and January 8, 1912, and that, therefore, the report was excessive to the amount of $18,720,000, if the soldiers received $30 per month under House bill No. 1, and if those who served one year and over were three times as many as those who served under one year, and the latter were averaged at "$240 per year," he then draws the conclusion that "the report of the Pension Bureau is wrong by $12,480,000."

While not conceding, I will assume that these figures are correct for the sake of this argument. In making his computation he accepts the figures of the Pension Bureau in its annual report for the fiscal year ended June 30, 1911, as to the number of men who served six months and under one year as 107,566, and the number who served three months and less than six months as 44,510 men—designated in his speech as hundred-day men—and the number who served for a less period 1,590, making an aggregate of 153,666. But he does not accept the total given by the Pension Bureau of all soldiers on the pension roll as 529,884. Waiving this, however, he estimates that there are 335,046 soldiers who, at the rate of $30 per month, would receive $120,616,560, and 153,666 short-term men who, at the rate of $20 per month, would receive $36,879,840. This totals $157,496,400. He then deducts $104,980,110, the amount paid Civil War soldiers last year, according to official reports, which leaves $52,516,290 as the cost of the bill.

It clearly appears that this estimate is not correct; first, because it does not contain any account of the Mexican soldiers or the pensions to be paid to them; and, secondly, the $104,983,110 includes both the pensions paid during the last year to the soldiers now living, as well as to the soldiers who died within that time. Hence, it must follow that in order to show the actual cost of the Sherwood bill it is necessary to deduct from the amount paid last year the amount of pensions which have lapsed by death. Or, to look at this in another way, the appropriations by the Sherwood bill, so called, include, for the living soldiers first, pensions at the rate paid them during the last year; secondly, all of the pensions which were paid to their comrades who died during the last year; and, third, increases provided in the present bill.

Or, in other words, if $12,480,000 was paid to 52,000 soldiers who died since the date which makes the basis of the report of the Pension Bureau, then this amount, or at least so much of it as represents pensions which lapsed during the last year, ought to be added to the total of $52,516,290 in order to arrive at the total cost of the Sherwood bill. I am assuming, without admitting, that the figures given by him as a basis of his computation are correct. Later on in his speech of January 8, 1912, the conclusion is reached that the bill as it passed the House will cost only $43,056,210.

On January 22, 1912, in his testimony before the Senate Committee on Pensions, he said, (P. 26 of Hearings before the Committee on Pensions in the United States Senate), his bill in the original form as reported to the House would cost $34,250,000, and that as it passed the House and was then pending in the Senate, it would cost $45,730,890.

I have the very greatest respect for Gen. SHERWOOD because of the great services he rendered his country during the war, and I know his love for the old comrades, but it does seem to me that he can not be very clear as to the cost of his bill, in view of the varying estimates he has given.

His first bill he thought would cost $17,500,000; his second bill, $22,500,000; his third, the disability bill, $3,000,000; and his fourth bill, according to his report to the House on August 11, 1911, would cost $28,858,000. In his speech on January 8, 1912, he estimated the cost of this bill as it passed the House at $43,056,210. In his testimony before the Senate Committee on Pensions (p. 26) he thought the cost of the original bill, as reported to the House, would be $34,250,000, and as the bill then stood in the Senate he believed it would cost $45,730,000.

ELEMENTS OF UNCERTAINTY.

One of the elements of uncertainty in the estimated cost of the bill is the ratio of the number of soldiers now living and drawing pensions who served less than a year to those who served one year and over. An examination of the speech of January 8, 1912, will show that the conclusion reached was based not upon actual statistics of any reliability, but purely

upon probabilities. Without presuming to go into details it was then attempted to show that the number of men who served under one year is materially greater than that contended for by the Bureau of Pensions, and that the number who served one year and over is proportionately less. This computation is arrived at on the assumption that none of those who enlisted for short terms ever reenlisted, when, as a matter of fact, there were many soldiers who enlisted twice and three times in the service.

After this speech was made I called the attention of the Pension Bureau to the estimated cost of the Sherwood bill, as contained in the department's letter of April 11, 1911, to Gen. SHERWOOD, chairman of the Committee on Invalid Pensions, and also to the criticisms of this report as contained in the speech by Gen. SHERWOOD under date of January 8, 1912, and asked what, if any, modifications they might desire to make. Under date of January 25, 1912, the Secretary of the Interior answered my letter, and I ask that it may be printed as an appendix to my remarks.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. POMERENE. From this letter the following facts may be gleaned:

On June 30, 1911, there were on the pension roll 471,336 soldiers who would be entitled to the increased rates of the bill. From this is deducted 15,000, being the deaths from July 1, 1911, to January 1, 1912, leaving 456,336 soldiers who would be entitled to the increase under the Sherwood bill. Under the form of computation hereafter given the cost under section 1 of the bill is $73,244,048. Under section 2 of the bill, which is for disability pensions, the estimate is $2,500,000, making a total of $75,744,048. There are no figures now in the Pension Bureau from which the officials can give to a mathematical certainty the exact number of the long-term or of the short-term soldiers, but they reach the number with substantial accuracy in the way I now give.

MODE OF ESTIMATING COST.

On June 27, 1890, a law was passed granting pensions to soldiers and sailors of the Civil War who were incapacitated from the performance of manual labor. Under this act 669,463 invalid claims were filed.

The Commissioner of Pensions at that time adopted the practice of making out and placing with the files in each case a statistical card, upon which was entered the name of the soldier or sailor who applied for the pension, the date of his enlistment and date of his discharge, together with other data. Some cards contained data only with reference to one enlistment, when there may have been two enlistments, or even three enlistments. The pensions under the act of June 27, 1890, depended upon the disability to perform manual labor and not upon the length of service.

These cards were later withdrawn from the files and were tabulated. At that time it appeared that 71 per cent of those who had filed their claims under this law served one year and over; 12.5 per cent served nine months and less than one year; 7.5 per cent served six months and less than nine months; and 8.4 per cent served three months and less than six months.

Gen. SHERWOOD (see his testimony on page 34 of the hearings before the Committee on Pensions of the United States Senate, Sixty-second Congress, given January 22, 1912) and others who criticized these figures contend that the ratio of those who served one year and more to those who served less than one year is materially less than the figures of the department, and that at the close of the war 45 per cent of the soldiers were short-term soldiers, serving less than one year. His estimate is based upon the figures contained in the roster of the War Department, which gives the number and term of enlistment. But this roster fails to show what was the fact, namely, that many of those who are included in the short-term enlistments reenlisted a second and even a third term, so that the ratio of those who served less than one year to those who served one year and over is materially different from the ratio deducible from the figures giving merely the numbers and term of enlistment. Hence these figures can not be relied upon. As a matter of fact, the authorities differ as to the number of such reenlistments and variously estimate them at from 370,000 to 716,787, and in a published memorandum of the War Department, issued in 1896, it is estimated that the mean between these two extremes is a fair approximation of those who rendered two or more services during the Civil War, and this estimate makes the number 543,393. Dr. Thompson, the statistician of the Pension Bureau, is of the opinion that 135,848 survivors of the Civil War are now on the pension roll who served two or more enlistments.

As further showing the correctness of the figures of the department and the unreliability of the figures of those who estimate the third-term soldiers at 45 per cent of the total number, Dr. Thompson, in his testimony before the Senate committee on January 22, 1912, states:

> Within the last two days I have found some statistics relating to the Civil War soldiers who were pensioned under the general law. While there were only 12,000, I have had their length of service tabulated, and what does it show? It bears out the length of service of these 475,000 men. That is, 70.7 per cent of those pensioned under the general law served one year and more; 12.6 per cent served nine months and less than a year; 7.7 per cent served six months and less than nine; and 8.1 per cent served three months and less than six months.

In the testimony before the Senate Committee on Pensions, January 22, 1912, Mr. Washington Gardner, past department commander of the Department of Michigan, disputed the figures given by Dr. Thompson, and said (p. 48):

> I can not understand how my good friend here can figure that 71 per cent served one year or more, when the figures I have just read amount to 861,873 out of a total number of enlistments of 2,700,000 plus.

That is, 861,873 was given by Mr. Gardner as the number of the short-term soldiers.

Assuming these figures are correct, they show that the ratio of the long-term men is 68.1 per cent of the total, making a variation of but 2.9 per cent from the estimate of Dr. Thompson.

Further, since this controversy arose the department has been tabulating the cases which came up for review and allowance, beginning January 23, and these figures are furnished me by the department. Between January 23 and 31, inclusive, the total number of cases examined was 1,351. Of these cases 71.5 per cent served one year and over. During the month of February, from 1st to 29th, inclusive, the department reviewed and allowed 4,453 claims. Of this number 73.6 per cent served one year and over. The exact figures furnished are contained in the following table:

Tabulation in Bureau of Pensions, January 23–31, inclusive.

Three months	138
Six months	105
Nine months	142
One year	234
Two years	317
Three years	343
Four years	72
Total	1,351
Per cent for one year and over	71.5

February 1–29, inclusive.

Three months	377
Six months	290
Nine months	482
One year	870
Two years	1,025
Three years	1,097
Four years	212
Total	4,353
Per cent for one year and over	73.6

These tables show with reasonable certainty the correctness of the department's figures. The only uncertainty about them is due to the fact that no record has been kept of the length of service of those who have passed away. The department assumes that the long-service and short-service men have been dying in the same ratio. This is borne out by the statistics which the department has gathered from year to year. And again, the records show that the average age of those who enlisted during the latter part of the war for short terms was greater than the average of those who enlisted during the earlier part of the war and who served for longer periods.

Those who criticize the figures of the department attempt to make much capital out of the fact that its estimates are based upon cards and records more than 20 years old, and therefore are said to be unreliable. A little consideration will show that such criticism is scarcely worthy of notice. It must be conceded that the length of service is an unchangeable quantity. Time can not efface it. The day of muster in and the day of muster out are the same. The length of service of a soldier is the same yesterday, to-day, and forever. If the record is to be questioned because of its age, it must follow with equal force that when a man marries and makes a record of his marriage and afterwards of the birth of his children, as he is blessed with each arrival, and a period of 20 years or more elapses, it would be wholly unreliable because of its age. As a matter of fact, as well as of law, the age of a record adds to rather than detracts from its force.

COST OF HOUSE BILL NO. 1.

The estimated increase of House bill No. 1, as shown by the letter of the Secretary of the Interior under date of April 11, 1911, was $75,671,880. By a reference to the letter addressed to me by the Secretary of the Interior under date of January 25, 1912, it will appear that the former estimate was an understatement rather than an overstatement of the cost.

In the first place, it was based upon a proposed bill that did not have the nine-month rate of $25 per month. If this had been included, it would have increased the sum total by $3,345,480.

In the second place, the number of pensioners given in that estimate was 472,603. The total number of survivors on the roll June 30, 1910, was 562,615. In other words, the number of beneficiaries given in the estimate was 90,012 less than the number of survivors on the roll June 30, 1910. The figures used did not include those survivors who were on the pension roll at odd rates, such as $6, $10, $12, $16, $22, and $25 per month. But they were offset by the statistician by the number of those who had been dropped by death from the roll between June 30, 1910, and April 11, 1911.

In the third place, the survivors of the Mexican War were not included, of whom on December 16, 1911, there were 1,398. The beneficiaries not included in this estimate were 21,795. The decrease in the number of survivors on the roll between July 1, 1910, and April 1, 1911, was 24,019. Had the 21,795 soldiers been included the estimated cost would have been in excess of $80,000,000.

On December 16, 1911, the Secretary of the Interior furnished the chairman of the Committee on Pensions of the United States Senate the following statement of the cost of House bill No. 1 (Sherwood bill). With the permission of the Senate I should like to insert the statement.

The PRESIDING OFFICER. Without objection, permission to do so is granted.

The statement referred to is as follows:

Length of service.	Number of pensioners.	Present rate per month.	Proposed rate per month.	Annual increase per pensioner.	Total increase per annum.
3 months	143	$6	$15	$108	$15,444
	205	8	15	84	17,220
	185	10	15	60	11,100
	20,422	12	15	36	735,192
	702	14	15	12	8,424
6 months	124	6	20	168	20,832
	183	8	20	144	26,352
	165	10	20	120	19,800
	18,234	12	20	96	1,750,464
	627	14	20	72	45,144
	8,255	15	20	60	495,300
	189	16	20	48	9,072
	1,908	17	20	36	68,688
9 months	206	6	25	228	46,968
	305	8	25	204	62,220
	275	10	25	180	49,500
	30,391	12	25	156	4,740,996
	1,044	14	25	132	137,808
	13,758	15	25	120	1,650,960
	315	16	25	108	34,020
	3,180	17	25	96	305,280
	8,971	20	25	60	538,260
	182	22	25	36	6,552
	3,893	24	25	12	46,716
1 year and over	1,169	6	20	288	336,672
	1,732	8	30	264	457,248
	1,564	10	30	240	375,360
	172,621	12	30	216	37,285,136
	5,932	14	30	192	1,138,944
	78,148	15	30	180	14,066,640
	1,787	16	30	168	300,216
	18,063	17	30	156	2,817,828
	[1] 52,351	20	30	120	6,282,120
	1,036	22	30	96	99,456
	22,113	24	30	72	1,592,136
	958	25	30	60	57,480
Total	471,336				75,651,543

[1] Includes 1,398 survivors of the War with Mexico.

Mr. POMERENE. This shows the number on the pension roll June 30, 1911, to have been 471,336. The decrease due to death from July 1, 1911, to January 1, 1912, was about 15,000. The average increased cost per pensioner is $160.50. Multiplying this by the number of deaths (15,000) would decrease the estimate $2,407,500, leaving the net increase in the value of the pension roll at $73,244,048.

I believe these figures are not very far from the exact increase in cost. There is, however, likely to be a probable increase, as will appear from the following facts.

Some time ago a comparison of the reports of the Pension Bureau with the records of the War Department showed 60,000 soldiers listed in the War Department whose names did not appear in the records of the Pension Office. They are designated in the Pension Department as the "unknown army." Since then a very substantial number of these have applied for pensions, and their names now appear upon the pension roll. It is not improbable that additional applications may be made by those who are included in this "unknown army" still surviving. If so, to that extent the cost of the bill, if it should become a law, would be increased.

PENSION LEGISLATION.

Up to June 30, 1911, the Government paid in pensions to Civil War veterans $3,985,719,836.93. Since that date it has paid out approximately another $100,000,000. Last year alone it paid out $157,325,160.35. I do not refer to these figures complainingly. I am glad the old soldiers got the pensions. It is not a question of how much we want to pay; the question is, How much can we pay?

Mr. BROWN. Mr. President——

The PRESIDING OFFICER. Does the Senator from Ohio yield to the Senator from Nebraska?

Mr. POMERENE. Certainly, I yield.

Mr. BROWN. Is not the question rather what we ought to pay?

Mr. POMERENE. Mr. President, in one sense of the word that is true, but when it comes to what constitutes the "ought" or the "duty" in the premises we must look at it from two viewpoints—one from the standpoint of the soldiers and the other from the standpoint of the men who pay the taxes.

Mr. KENYON. Mr. President——

The PRESIDING OFFICER. Does the Senator from Ohio yield to the Senator from Iowa?

Mr. POMERENE. I yield.

Mr. KENYON. The Senator from Ohio says we should pay what we can pay. Is not the proposition that we can pay what we ought to pay?

Mr. POMERENE. Mr. President, I do not know that we can pause, when it comes to a question of this kind, to analyze to a hair's breadth the nicety of the proposition. I believe in liberal pensions—very liberal pensions—but when it comes to a question as to what we ought to do, let me submit this suggestion: Two men appear before us; one man is poor in this world's goods; he is decrepit; he is aged; and we give to him a $30-a-month pension. I want to say that if it is necessary to his comfort that he shall have $50 per month I am willing to give it to him; but I would treat that man differently from the other soldier, who perhaps may have rendered an equal service to his country, but who has been blessed with a goodly portion of this world's goods, who is himself in good health, and is surrounded by the comforts of life. That is my way of looking at the proposition.

Mr. BROWN. Mr. President——

The PRESIDING OFFICER. Does the Senator from Ohio yield to the Senator from Nebraska?

Mr. POMERENE. I yield.

Mr. BROWN. As I understand the position of the Senator from Ohio, he is in favor of the substitute bill that the majority of the committee reported?

Mr. POMERENE. I am.

Mr. BROWN. That bill nowhere makes it necessary to inquire into the property or the condition of the soldier. It fixes two standards, those of age and service alone; that is the only test made in the bill which the Senator now favors. Now, why does he urge that we give consideration to another factor, and that, the condition of each man and his particular needs?

Mr. POMERENE. Mr. President, I fear the Senator's question does not address itself to the answer which I made to the Senator from Iowa [Mr. KENYON]. As a matter of fact, if it were left to me alone, I would discriminate between the man who should receive a bounty from the Government and who is rich and the man who is in poverty-stricken circumstances. I am told that there is one pensioner in the State of Ohio who is worth $8,000,000. Let me suggest that, if I am very far wrong in taking into consideration the pensioner's financial condition, I have fallen into the same error that the distinguished author of House bill No. 1 fell into when he inserted in his bill a provision excepting from its bounty those who had an income of $1,000 per year and over.

Mr. BRYAN. Mr. President——

The PRESIDING OFFICER. Does the Senator from Ohio yield to the Senator from Florida?

Mr. POMERENE. I yield.

Mr. BRYAN. May I suggest to the Senator from Ohio that it was attempted in the Committee on Pensions to place back into this substitute bill the same provision exempting from the benefits of the act those who had an income of $1,000 per annum?

Mr. POMERENE. The Senator from Florida is correct.

Mr. BROWN. But the committee voted adversely on that proposition.

Mr. POMERENE. The Senator from Nebraska is correct in that statement.

Mr. BROWN. And by an overwhelming majority the House struck that provision out of the bill.

Mr. POMERENE. I think the Senator is again correct.

Mr. BROWN. And, as a matter of fact, it ought to be stricken out. I am correct again, am I not?

Mr. POMERENE. In that respect the Senator from Nebraska, in my judgment, is entirely wrong.

Ought we now to add to the pension roll $73,244,048? The original estimates of the Treasury Department showed that the receipts during the present fiscal year would be $33,000,000 in excess of the expenditures. But the receipts have so fallen off within the last few months that it is believed they will not exceed the expenditures for the fiscal year more than about $15,000,000. If so, and the receipts and expenditures for purposes other than the new pension legislation remain about the same during the next year, there would be a deficit at the end of the year due to this bill of the difference between $73,244,048 and the $15,000,000, amounting to $58,244,048. How shall this be met? It must be in one of two ways—either by immediately increasing taxation or by issuing bonds which must be paid by future taxation. Should this be done? We all want to be generous to the old soldier, but we must not be unjust to those who pay the taxes, many of whom are neighbors of the old soldier, and many of whom are deserving sons of his comrades who have passed away.

I do not believe that the great body of the old soldiers, when they understand the situation, will ask the Government to be unduly embarrassed, or to increase taxes, or to issue bonds. That they expect some additional pension legislation I do not doubt. That Congress is willing to give them a reasonable increase is apparent. The only question is, How much?

Mr. KENYON. Mr. President——

The PRESIDING OFFICER. Does the Senator from Ohio yield to the Senator from Iowa?

Mr. POMERENE. I yield to the Senator.

Mr. KENYON. Is there not another way that this expenditure could be met? Does the Senator not believe that the Government could be administered much more economically, at least for a few years, until the increased pensions were paid?

Mr. WILLIAMS. It could be; but it will not be.

Mr. POMERENE. Mr. President, that is a very pertinent inquiry, and I want to say to the Senator from Iowa that I will join with him in every effort that he may make to economize in every line of expenditure by our Government.

Mr. KENYON. Mr. President——

The PRESIDING OFFICER. Does the Senator from Ohio yield further to the Senator from Iowa?

Mr. POMERENE. I yield.

Mr. KENYON. I have introduced a bill to reduce mileage. Will the Senator join in that?

Mr. POMERENE. I will join in that.

Mr. KENYON. I am glad to have some support for it.

Mr. WILLIAMS. That would not pay many pensions.

Mr. TOWNSEND and Mr. NELSON addressed the Chair.

The PRESIDING OFFICER. Does the Senator from Ohio yield, and to whom?

Mr. POMERENE. I yield first to the Senator from Michigan. I can not resist him.

Mr. TOWNSEND. I thank the Senator. I have thought many times of another means of economy which might be practiced, and I was wondering if the Senator from Ohio had taken it into consideration. We have been in the habit for years of passing what is known as a public-buildings bill, carrying many millions of dollars for the erection of public buildings in places where there has been no demand for them whatever and at several times the cost for which private enterprise would have put up buildings. I was wondering if it would not be better for the Government to spend a little more money on pensions and less on public buildings, in view of the fact that we can obtain offices at a rental price through private enterprise, get just as good buildings as we get now, and make a saving of many millions a year?

Mr. POMERENE. Mr. President, from the long service of the Senator from Michigan in the other House and the vigor with which he looks after the interests of his constituents, I feel quite sure, considering the short term of my public service, that he has, perhaps, asked for many public buildings where I have asked for one, but I am entirely willing to join hands with him now in order to economize in that direction. May I add that before this session began I was advised that the House had already economized in that behalf by reducing the appropriation for public buildings by $16,000,000 in order that they might to some extent help to pay these pensions.

Mr. TOWNSEND and Mr. BROWN addressed the Chair.

The PRESIDING OFFICER. To whom does the Senator from Ohio yield?

Mr. POMERENE. I yield, first, to the Senator from Michigan.

Mr. TOWNSEND. I was going to suggest further, in that connection, that while the House may have reduced appropriations for public buildings, the Senator from Ohio ought to reserve his judgment as to the saving accomplished until the bill finally becomes a law, because it is quite certain before it gets through it will carry an appropriation quite equal to the usual amount.

Mr. POMERENE. Mr. President, when it comes to a matter of economy in the public expenditures, I will be under great obligations to the Senator from Michigan if he will call my attention to the particulars in which we can save, and I will help to hold up his hands.

Mr. BROWN. Mr. President——

The PRESIDING OFFICER. Does the Senator from Ohio yield to the Senator from Nebraska?

Mr. POMERENE. I yield to the Senator from Nebraska.

Mr. BROWN. With all these economies accomplished, of course the Senator then would be willing to pass the bill in the form carrying the larger amount for the old soldiers?

Mr. POMERENE. Mr. President, I would save the money before I attempted to expend it.

Mr. NEWLANDS. Mr. President——

The PRESIDING OFFICER. Does the Senator from Ohio yield to the Senator from Nevada?

Mr. POMERENE. I yield to the Senator from Nevada.

Mr. NEWLANDS. I would suggest to the Senator from Ohio that, instead of halting the great constructive work of the country on our waterways, our public buildings, and in cooperation with the States in the making of good roads, and so forth, it might be well for Senators who are pressing this bill to provide us with an additional tax upon wealth, so that the great constructive work of the country will go on, and a great and powerful Nation like this, one of the wealthiest in the world, may not plead inability to go on with its constructive work simply because it is proposed to give a few million dollars more to the pensioners of the country.

Mr. POMERENE. The Senator's suggestion is well worthy of consideration. I think, Mr. President, that I owe an apology to the Senator from Minnesota [Mr. NELSON]. I believe he desired to interrupt me.

Mr. NELSON. Not at all. It is not a serious matter, Mr. President. It was in connection with the question asked by the Senator from Iowa [Mr. KENYON] about reducing mileage. I desire to call the attention of the Senator from Ohio to the fact that I believe there is also pending a bill to abolish the Senate barber shop in the interest of economy.

Mr. KENYON. And also the Senate bathrooms.

Mr. BROWN. There is also a proposition——

The PRESIDING OFFICER. Senators must address the Chair and get the consent of the Senator who has the floor before interrupting him.

Mr. BROWN. I simply want——

The PRESIDING OFFICER. Does the Senator from Ohio yield to the Senator from Nebraska?

Mr. POMERENE. Yes, Mr. President, I yield.

Mr. BROWN. If the Senator will permit me, I simply want to say that there is another proposition which would effect a very great economy, and that is the suggestion that the Senate be abolished; and I am not so certain but what that suggestion is a good one.

Mr. POMERENE. Well, Mr. President, if we are going on to expend millions upon millions without any reference whatsoever to the burdens that will be placed upon the taxpayers of this country, it may be that at some time the Senate will be abolished.

The representatives of the Grand Army of the Republic recognize the true situation. Past Commander Eli Torrence, when before the Committee on Pensions of the Senate, said—and I commend these words to the Senator from Nebraska:

> Of course, if the Government is not able to do what we ask, I do not think any old soldier wants the Government to do it. I would be sorry if any old soldier felt that way.

And Past Commander Samuel S. Burdett, in speaking about what the Government had done, said:

> If nothing else in our favor were ever done in our day, it never could be said, to-day or in any to-morrow, that the people of the United States were ungrateful to those who served them.

These are statements of true patriots and true citizens, who appreciate their responsibility both to the soldiers and to the public at large.

Before considering what increase shall be made let us pause to consider for one moment what is now being done for these gallant defenders of the Union. Last year the soldiers were paid in pensions $157,325,160.35, not including the $2,517,127.06

expended in the cost and maintenance of the Pension Bureau. And that we may be able to appreciate this a little more fully let me refer especially to my own State.

In Ohio last year there were 86,474 pensioners who received $15,638,286.83 in pensions. The population of Ohio, according to the census of 1910, was 4,767,121. In other words, there was paid as pensions in Ohio an amount equal to a tax upon every man, woman, and child therein, $3.28, or for each average family of five in the State, $16.40. It is now proposed to add approximately $75,000,000 more to the national pension roll, and as about 10 per cent of this amount would go to the State of Ohio, it would add $7.85 more per family, thus raising the total amount from $16.40 to $24.25; and if this is done it must be by an increase in revenues to be raised by taxation, and it is a tax whether it be collected by direct or indirect methods.

SERVICE AND OLD-AGE PENSIONS.

Thus far I have only considered the question from the standpoint of whether or not the Government has the necessary revenues with which to pay this increase. But there is still another side to it. Last year there was pending before Congress the Sulloway pension bill, which was known as an old-age pension bill. The Sherwood bill is called a service pension bill. Much has been said, and with reason, about the injustice of basing a pension wholly upon age. It is pointed out that under an old-age bill the short-term soldier and the long-service veteran would be pensioned at the same rate. A man who served 90 days would get more pension than the veteran who served 4 years if he happened to be older. I do not believe, therefore, that it is just, as among the soldiers themselves, to adopt the old-age principle alone. But, on the other hand, it is just as inequitable to adopt the present Sherwood bill, even though it is called a service bill. Under its provisions the man who spent one year in camp would get the same pension as the old veteran who gave four years of hard service in the field. The man who may be 62 years old, who served 1 year in camp, is now in good health, and has a competency, would get the same pension as the old veteran of 80 years, who served 4 years and over in the field, fought 50 battles, and may now be in poor health, infirm, and without enough to satisfy his hunger or to clothe his nakedness.

Again, the man who enlisted for 90 days and never saw any service would get one-half as much as the old man of 80 years who served his country 4 years in the thick of the strife. Is this equitable and just, as among the old soldiers themselves?

Or let us look at it from another standpoint. It is called a service pension bill. Is it? Under its provisions the man who served 90 days gets $15 per month, or $180 per year. In other words, for each year in the future he will get $2 per day for every day he was in the service.

If he served six months, he gets $20 per month, or $240 per year, or for each year in the future he will get $1.33 per day for every day he was in the service.

If he served nine months, he gets $25 per month, or $300 per year, or for each year in the future he will get $1.11 per day for every day he was in the service.

If he served 1 year, or 360 days, he gets $30 per month, or $360 per year, or for each year in the future he will get $1 per day for every day he was in the service.

If he served two years, he gets $30 per month, or $360 per year, or for each year in the future he will get 50 cents per day for every day he was in the service.

If he served three years, he gets $30 per month, or $360 per year, or for each year in the future he will get 33⅓ cents per day for every day he was in the service.

If he served four years, he gets $30 per month, or $360 per year, or for each year in the future he will get 25 cents per day for every day he was in the service.

Now, I appeal to the old soldiers themselves. Is it a just service pension bill that will each year in the future pay to the 90-day man $2 per day for every day of service he rendered his country, to the 6 months' man $1.33 per day for his service, to the 9 months' man $1.11 per day for his service, to the 1-year man $1 per day for his service, to the 2-year man 50 cents per day for his service, to the 3-year man 33⅓ cents per day for his service, and to the 4-year veteran 25 cents per day for his service? The proposition needs only to be stated to carry its own answer.

It seems to me, therefore, that if any legislation is to be based upon either the principle of old age alone or of service alone we are going to do a very great injustice among the soldiers themselves. It was the belief of the majority of the committee that any pension legislation should combine both the elements of service and of old age. With this purpose in mind the substitute bill was prepared and presented to the Senate. It is based upon what is known as proposition No. 16, contained in the report of the Committee on Pensions to the Senate upon House bill No. 1. It recognizes the element of service and fixes the rates in proportion to the service in the following classes: 90 days, 6 months, 1 year, 1½ years, 2 years, 2½ years, 3 years and over. It also recognizes the element of age and increases the pension according to the age of the soldier. If he is 62 years and less than 66 years of age he gets one rate in proportion to the service he has rendered; if he is 66 years old and less than 70 he gets another rate; if he is 70 years old and less than 75 he gets still a higher rate; and if he is 75 years or older he gets the maximum rate.

Under the provisions of this bill—taking into consideration both age and time of service—the soldiers are divided into 28 different classes. The rate of pension for these several classes appears in the following table:

Age.	90 days.	6 months.	1 year.	1½ years.	2 years.	2½ years.	3 years and over.
62	$13.00	$13.50	$14.00	$14.50	$15.00	$15.50	$16.00
66	15.00	15.50	16.00	16.50	17.00	17.50	18.00
70	18.00	19.00	20.00	21.00	22.00	23.00	24.00
75	21.00	22.50	24.00	25.50	27.00	28.50	30.00

Now, is it not more just to divide this into 28 different classes, based upon age and service, than it is to distinguish to the extent of $5 per month between the 90-day man and the 6-months man, or between the 6-months man and the 9-months man, or $5 per month between the 9-months man and the 1-year man, and to make no distinction between the 1-year man and the 4-year man?

I also ask to insert in my remarks a table showing the age, length of service, number of pensioners, present rate of pension, proposed rate of pension under the new bill, the annual increase per pensioner, and the total increase per annum under the bill.

Proposition No. 16.

Age.	Length of service.	Number of pensioners.	Present rate.	Proposed rate.	Annual increase per pensioner.	Total increase per annum.
62	90 days	9,573	$12.00	$13.00	$12.00	$114,876.00
62	6 months	23,135	12.00	13.50	18.00	416,430.00
62	1 year	15,043	12.00	14.00	24.00	361,032.00
62	1½ years	12,764	12.00	14.50	30.00	382,920.00
62	2 years	7,294	12.00	15.00	36.00	262,584.00
62	2½ years	17,892	12.00	15.50	42.00	751,464.00
62	3 years and over	27,921	12.00	16.00	48.00	1,340,208.00
66	90 days	10,819	12.00	15.00	36.00	389,484.00
66	6 months	26,146	12.00	15.50	42.00	1,098,132.00
66	1 year	17,002	12.00	16.00	48.00	816,096.00
66	1½ years	14,426	12.00	16.50	54.00	779,004.00
66	2 years	8,243	12.00	17.00	60.00	494,580.00
66	2½ years	20,222	12.00	17.50	66.00	1,334,652.00
66	3 years and over	31,556	12.00	18.00	72.00	2,272,032.00
70	90 days	9,271	15.00	18.00	36.00	333,756.00
70	6 months	22,405	15.00	19.00	48.00	1,075,440.00
70	1 year	14,569	15.00	20.00	60.00	874,140.00
70	1½ years	12,361	15.00	21.00	72.00	889,992.00
70	2 years	7,064	15.00	22.00	84.00	593,376.00
70	2½ years	17,328	15.00	23.00	96.00	1,663,488.00
70	3 years and over	27,041	15.00	24.00	108.00	2,920,428.00
75	90 days	5,804	20.00	21.00	12.00	69,648.00
75	6 months	14,027	20.00	22.50	30.00	420,810.00
75	1 year	9,121	20.00	24.00	48.00	437,808.00
75	1½ years	7,739	20.00	25.50	66.00	510,774.00
75	2 years	4,422	20.00	27.00	84.00	371,448.00
75	2½ years	10,848	20.00	28.50	102.00	1,106,496.00
75	3 years and over	16,929	20.00	30.00	120.00	2,031,480.00
	Total	420,965				24,112,578.00

From this table, which was prepared by the department and submitted to the committee February 2, 1912, it will appear that the number of soldiers estimated to receive the increase of pension is 420,965; the annual increase to the pension roll will be $24,112,578, which is somewhat in excess of the estimate of the cost to the Government under each of the Sherwood pension bills introduced prior to the presentation of House bill No. 1, April 4, 1911. Under this bill the average increase per pensioner will be $57.27. The increase and disbursement for the pensions will be the first year $11,454,000; the second year, $33,000,000; the third year, $21,000,000; the fourth year, $19,200,000; and the fifth year, $17,400,000.

The majority of the committee, who favor this bill, will concede that it will not do even and exact justice in its administration to all of the old soldiers. But we claim for it:

First. Looking at it from the standpoint of the Government, it carries as great an expenditure as the revenues will justify.

Second. As among the soldiers themselves, we insist that it is more equitable than the Sulloway bill, in that while the Sulloway bill recognizes age as the only basis under its provisions for the allowance and grading of a pension and fails to take any account of the service of the soldier, the substitute bill recognizes the service of the soldier and grades his pension according to his age, disability, and the length of his service.

Third. It is better than the Sherwood bill, which takes no account of the age of the soldier as an element of disability, gives to the 90-day man one-half as much as the 4-year veteran, and makes no distinction whatsoever between the man who served one year and the man who served two years, three years, four years, or longer. It pays both according to the service he rendered and according to the disability of his advancing years.

Mr. President, the Sherwood bill has its friends and the Sulloway bill its friends. The one is based upon service and the other upon old age. If the Sherwood bill does not become a law, its friends will be disappointed. If the Sulloway bill does not pass, its friends will feel somewhat aggrieved. All legislation is a compromise. It is always more gratifying to grant favors by legislation than it is to deny them.

Mr. KERN. Mr. President——

The PRESIDING OFFICER. Does the Senator from Ohio yield to the Senator from Indiana?

Mr. POMERENE. Certainly.

Mr. KERN. To what bill does the Senator refer when he mentions the Sulloway bill?

Mr. POMERENE. I refer to the one introduced in the House. I think it was introduced on the same day that House bill 1 was introduced.

Mr. McCUMBER. Mr. President——

The PRESIDING OFFICER. Does the Senator from Ohio yield to the Senator from North Dakota?

Mr. POMERENE. Just one moment, until I may answer the inquiry of the Senator from Indiana.

Mr. McCUMBER. I was about to suggest to the Senator that the same bill has been introduced in the Senate, also, and was one of the bills under consideration.

Mr. POMERENE. I thank the Senator for the information. The Sulloway bill was introduced in the House April 4, 1911.

Mr. GALLINGER. If I remember correctly—Mr. SULLOWAY comes from my State—the Sulloway bill passed the House during the last Congress.

Mr. POMERENE. I think the Senator from New Hampshire is correct.

The bill which is reported out by the committee and is sometimes known as the McCumber or Smoot bill, will not grant all that the friends of either the Sulloway or Sherwood bill desire. But, in my judgment, it grants every dollar the Government can now pay, having due regard to the amount of its revenues and to its other obligations. If it passes, I am sure that it will be reasonably satisfactory to the soldiers themselves, and it will cause no adverse criticism among the people. They will approve it, and I believe that when the old soldiers fairly understand the situation they, too, will approve it.

I hope that it may speedily become a law, in order that the soldiers may get the benefit thereof.

Mr. President, when this matter was before the Senate committee I favored placing in the bill a section which would provide for the payment of certain attorneys' fees. I did that because it seemed to be the consensus of opinion among those who testified before the committee on that day there was a real need for it, and that it would materially aid the department in allowing the claims to the old soldiers and thereby hasten the day when they could get the benefit of the pensions allowed under this bill.

The other day the distinguished Senator from New Hampshire and the distinguished Senator from New York both called attention to the fact that in their judgment it was unnecessary, and I am willing to accept their judgment in that behalf; and for that reason I favor striking out that provision which is in the McCumber bill.

APPENDIX.

DEPARTMENT OF THE INTERIOR,
Washington, January 25, 1912.

Hon. ATLEE POMERENE, *United States Senate.*

SIR: I have the honor to acknowledge the receipt of your inquiry of the 13th instant, relative to the increase in the cost of pensions should the bill H. R. 1 be enacted into law.

Inclosed you will find a copy of a letter addressed to the chairman of the Committee on Pensions, United States Senate, December 16, 1911, embracing the latest estimates made by the department on this bill.

The letter referred to is as follows:

DEPARTMENT OF THE INTERIOR,
Washington, December 16, 1911.

Hon. P. J. McCUMBER,
Chairman Committee on Pensions,
United States Senate.

SIR: I have the honor to acknowledge the receipt of your inquiries of the 11th and 13th instant, relative to the cost of the bill Hr. R. No. 1, entitled "An act granting a service pension to certain defined veterans of the Civil War and the War with Mexico."

The number of pensioners, together with the length of service, present rate of pension, proposed rate per month, annual increase per pensioner, and total increase per annum, as regards the survivors of the Civil War and the War with Mexico, should the proposed bill be enacted into law, is as follows:

Length of service.	Number of pensioners.	Present rate per month.	Proposed rate per month.	Annual increase per pensioner.	Total increase per annum.
3 months	143	$6	$15	$108	$15,444
	205	8	15	84	17,220
	185	10	15	60	11,100
	20,422	12	15	36	735,192
	702	14	15	12	8,424
6 months	124	6	20	168	20,832
	183	8	20	144	26,352
	165	10	20	120	19,800
	18,234	12	20	96	1,750,464
	627	14	20	72	45,144
	8,255	15	20	60	495,300
	189	16	20	48	9,072
	1,908	17	20	36	68,688
9 months	206	6	25	228	46,968
	305	8	25	204	62,220
	275	10	25	180	49,500
	30,391	12	25	156	4,740,996
	1,044	14	25	132	137,808
	13,758	15	25	120	1,650,960
	315	16	25	108	34,020
	3,180	17	25	96	305,280
	8,971	20	25	60	538,260
	182	22	25	36	6,552
	3,893	24	25	12	46,716
1 year and over	1,169	6	30	288	336,672
	1,732	8	30	264	457,248
	1,564	10	30	240	375,360
	172,621	12	30	216	37,285,136
	5,932	14	30	192	1,138,944
	78,148	15	30	180	14,066,640
	1,787	16	30	168	300,216
	18,063	17	30	156	2,817,828
	[1] 52,351	20	30	120	6,282,120
	1,036	22	30	96	99,456
	22,113	24	30	72	1,592,136
	958	25	30	60	57,480
Total	471,336				75,651,548

[1] Includes 1,398 survivors of the War with Mexico.

The total number who would be entitled to the benefits of the proposed bill, based upon the roll as it existed June 30, 1911, is 471,336. The estimated decrease in this number due to deaths from July 1, 1911, to January 1, 1912, is about 15,000.

The average increase per annum per pensioner is $160.50.

This would cause a reduction in the above estimate, due to deaths, of $2,407,500, leaving the net increase in the value of the roll $73,244,048.

The following summary shows the number of pensioners on the roll who would be entitled to the respective rates provided in this bill:

	Amount per annum.
21,657 pensioners, at $15 per month	$3,898,260
29,685 pensioners, at $20 per month	7,124,400
62,520 pensioners, at $25 per month	18,756,000
357,474 pensioners, at $30 per month	128,690,640
471,336	158,469,300
Average annual value of each pensioner under this act, $336.21.	
Deduct $336.21 × 15,000	5,043,150
	153,426,150

It will be observed that the foregoing estimate does not differ materially from that furnished by the department to the chairman of the Committee on Invalid Pensions of the House of Representatives under date of April 11, 1911. The estimate at that time was based upon a copy of a proposed bill which did not provide a rate of $25 per month for those who served nine months and less than one year. The bill as it passed the House makes provision for nine months' service at $25 per month, and the increased cost due to this provision practically overcomes any reduction which would naturally be expected on account of deaths among the survivors of the Civil War since July 1, 1910.

In the former estimate the pensioners who were receiving less than $12 per month were omitted because of the small number involved, as were likewise those pensioned at odd rates, such as $16, $22, and $25 per month, for the same reason. However, in order to make this estimate as accurate as possible, it has been thought advisable to include as nearly as practicable all those pensioners on the roll who may have title under this bill. The former estimate did not include the survivors of the War with Mexico, as the bill then under consideration made no provision for that class of pensioners.

The actual cost of the bill for the first year after its passage would depend upon the number of certificates issued. If 200,000 should be issued within the first year, the increase in the disbursements for pensions would reach approximately $32,100,000 and make the total expenditures for pensions amount to about $184,000,000 for the first year. The maximum cost of the bill would occur in the second year after its enactment, provided the Bureau of Pensions would be able to settle all claims filed under the act in that time. The claims allowed the second year would carry on an average about one year's arrears, the increased rate commencing from the date of filing the application in the Bureau of Pensions. The cost for the second year after the enactment of the bill would very largely exceed that of the first year, being about $87,000,000, which would make necessary a total appropriation for pensions for that year of probably $236,000,000. However, the estimates for the third year would show a marked decrease, as the arrears carried by the claims adjudicated the second year would no longer appear as a factor. This, in connection with the death rate, would cause a probable reduction in the disbursements for the third year of $30,000,000.

In the estimated cost of this bill the death rate for the first, second, and third years has been fully taken into consideration.

The enactment of this bill into law would not, by implication, repeal any existing law or cause a reduction in the rate of any pensioner.

In regard to section 2, you are advised that under the act of March 3, 1883, any person who is so disabled by reason of any wound or injury received or disease contracted while in the military or naval service of the United States and in line of duty as to be incapacitated for performing any manual labor is entitled to a pension of $30 per month, while under section 2 of House bill 1 any person who served in the military or naval service of the United States during the Civil War and received an honorable discharge and who was wounded in battle or in line of duty and is now unfit for manual labor through causes not due to his own vicious habits or who from disease or other causes incurred in line of duty resulting in his disability is now unable to perform manual labor would be entitled to a pension of $30 per month.

It is a very difficult matter to give any accurate estimate as to the increased cost which would result from the second section of this bill, in view of the fact that each person to be entitled to the $30 rate thereunder must have been wounded in battle or in line of duty or must have been disabled from some disease or other cause incurred in the line of duty and be unfit for or unable to perform manual labor. It is not believed, however, that the number of beneficiaries under this section would exceed 15,000. The increase in the disbursements due to this section would probably, therefore, not exceed $2,500,000 per annum. Before the allowance of a claim under this section it would be necessary to have the applicant examined by an examining surgeon or board of examining surgeons, and the increased cost due to such medical examinations would probably reach about $200,000 per annum.

Very respectfully,

WALTER L. FISHER, *Secretary.*

You will see that under section 1 the number of pensioners on the roll June 30, 1911, who would be entitled to the increased rates provided in this bill was 471,336. From this is deducted 15,000 on account of deaths from July 1, 1911, to December 30, 1911, leaving 456,336. The increase under this section, with the deaths deducted, is $73,244,048 per annum.

The increase per annum under the second section of the bill is estimated at $2,500,000, which added to the increase under section 1 gives a total of $75,744,048. This is the increase per annum to which the survivors of the Civil War on the pension roll January 1, 1912, would be entitled if this bill should be enacted into law. As a matter of fact, the 15,000 deducted on account of death is slightly in excess of the actual figures. The actual decrease in the number of survivors of the Civil War on the pension roll, ascertained since the estimate was made, is 15,197. However, the number of beneficiaries under the bill is 88.9 per cent, which would make a decrease in the number of beneficiaries of 13,510, instead of 15,000.

These estimates are based upon the actual condition of the pension roll as shown by the records of the Bureau of Pensions. The rate received by each pensioner included in the estimates is a known quantity. The length of service of the survivors of the Civil War is approximate, but it is believed to be based upon the most reliable data which can be obtained from any source. On June 27, 1890, an act was passed granting pensions to soldiers and sailors of the Civil War who are incapacitated for the performance of manual labor, and providing for pensions to widows, minor children, and dependent parents. Under this act a large number of claims were filed based on service during the Civil War. The Bureau of Pensions at that time devised statistical cards. A card was made out for each case in which a certificate was issued. This card gave the name of the soldier or sailor who was an applicant for pension, the date of his enlistment, and the date of his discharge, together with other data. When the certificate was issued the card was completed and withdrawn from the other papers. Four hundred and seventy-five thousand two hundred and thirty-seven statistical cards were thus obtained relative to the survivors of the Civil War.

A copy of the annual report of the Commissioner of Pensions will be forwarded to you, under separate cover, and on page 18 thereof you will find the estimated length of service of the survivors of the Civil War on the pension roll June 30, 1911, based upon the percentages obtained from the data compiled as above described. From this data it appears that 71 per cent of the soldiers of the Civil War served one year or more, 12.5 per cent served nine months and less than one year, 7.5 per cent served six months and less than nine months, and 8.4 per cent served three months and less than six months.

On account of the large number of cases from which the data were obtained relative to length of service of survivors of the Civil War, it is believed, as before stated, that this data may be accepted with absolute confidence.

The statement has been made that these statistics were compiled from reports made 20 years ago and that such statistics are of no present value; that there were only 283,734 claims filed under the act of June 27, 1890, to June 30, 1892; that these claims represented the long-service veterans; and that comparatively few claimants under this law were short-term soldiers. It is further contended that the whole body of short-term soldiers who filed their claims under the age pension law of February 6, 1907, are not included in the latest table of the Commissioner of Pensions, upon which was based the estimated cost of House bill No. 1.

The annual report of the Commissioner of Pensions for the fiscal year ended June 30, 1892, has been quoted to show that only 283,734 new pension claims were filed up to and including June 30, 1892.

As a matter of record, there were 493,599 invalid claims filed under the act of June 27, 1890, during the fiscal year 1891 and 175,864 invalid claims filed during the fiscal year 1892, making the total number of invalid claims filed under the act of June 27, 1890, to June 30, 1892, 669,463 instead of 283,734.

The table quoted to show that 283,734 new pension claims were filed up to and including June 30, 1892, refers to the number of Army invalid pensioners under the act of June 27, 1890, at the close of the fiscal year 1892. On that date there were, in addition to the 283,734 Army invalid pensioners, 9,334 Navy invalid pensioners under that act, making the total number of survivors of the Civil War on the pension roll under the act of June 27, 1890, at the close of the fiscal year 1892, 293,068; while, as before stated, the number of claims filed by those who participated in the Civil War under this act to June 30, 1892, was 669,463.

Under the act of June 27, 1890, it was not necessary that the disability from which a claimant was suffering be shown to be due to his military service. A man who served 90 days and was honorably discharged and who was wholly disabled for the performance of manual labor was entitled to $12 per month—the maximum rate provided by that bill—and the person with a long service had no advantage whatever under this bill over the person with a service of 90 days.

There is no data whatever available to show that the persons who filed claims under the act of June 27, 1890, on account of service in the Civil War were long-service veterans.

The length of service during the Civil War is an unchanging quantity. It is the same to-day as it was when the statistics which have been used were compiled.

During the first few years after the passage of the act of June 27, 1890, a very large number of claimants did not allege more than one service. It was not the practice at that time to call upon claimants for data as to other service than that alleged; hence the cards from which this data was compiled show in many instances but one service. It has since been discovered that the claimants in thousands of cases had either a prior or a subsequent service during the Civil War to the one upon which the pension was granted. It has been estimated by different authorities that there were from 370,000 to 716,787 reenlistments during the Civil War. In a published memorandum by the War Department in 1896 it is estimated that the mean between these two extremes is a fair approximation of the number of persons having two or more services during the Civil War. The number of such persons, therefore, is estimated by the War Department as 543,393. From this estimate it is believed that there are at least 135,848 survivors of the Civil War now on the pension roll who had two or more services during the Civil War.

The figures obtained from an examination of the rosters of different regiments to show the length of service are therefore wholly unreliable, because such rosters do not show any other service which may have been rendered by the members of any particular regiment. No data could therefore be obtained from the rosters relative to the additional service rendered by the 543,393 persons who reenlisted.

The average length of service as obtained from the statistical cards in the Bureau of Pensions is too low rather than too high, due, as before stated, to the fact of no reference being made to prior or subsequent service in thousands of the claims adjudicated during the first few years after the passage of the act of June 27, 1890.

The statistical cards which have been referred to related to all classes—enlisted men as well as officers. Within the last two years, however, the papers in the pension case of each surviving officer of the Civil War on the roll have been drawn from the files and the length of service of each officer obtained therefrom and noted on cards. From the data thus secured it is shown that of the number of officers who served in the Civil War who are still living 36 per cent served three years and over, 25.9 per cent served two years and less than three years, 18.4 per cent served one year and less than two years, or 81 per cent served one year and over, and that only 18.8 per cent served three months and less than one year. While the average length of service of all pensioned survivors of the Civil War (enlisted men and officers) shows that 71 per cent served one year and more, it is shown that 81 per cent of the officers served one year and over. The average length of service of the surviving officers of the Civil War, as such officers, has not been used in estimating the cost of this bill.

The first estimate made by the department on the bill H. R. No. 1 was under date of April 11, 1911, in a communication addressed to the chairman of the Committee on Invalid Pensions of the House of Representatives. The estimate at that time was based upon a copy of a proposed bill—which did not provide a rate of $25 per month for those who served nine months and less than one year. In that estimate, therefore, all persons who served six months and less than one year were embraced in the $20 rate provided for six months' service. It has been stated that so far as could be learned no regiment of nine months' men was ever enlisted during the Civil War. The records show that on August 4, 1862, a call was made for 300,000 militia to serve nine months. Under this call the number of men furnished by the different States was 87,588. The State of Massachusetts furnished 16,685 men under this call, the State of New Jersey 10,787, and the State of Pennsylvania 32,215.

If the estimate had been made at the $25 rate for those who served nine months and less than one year, there would have been an increase in the estimate of $3,345,480.

It has also been claimed that the estimate of April 11, 1911, did not take into consideration the number of survivors who had been dropped from the roll on account of death between June 30, 1910, and that date. The number of beneficiaries given in the estimate of April 11, 1911, was 472,603. The total number of survivors on the roll June 30, 1910, was 562,615. The number of beneficiaries, therefore, given in the estimate was 90,012 less than the number of survivors on the roll June 30, 1910.

In the estimate of April 11, 1911, the survivors of the Civil War on the roll at such rates as $6, $8, $10, $16, $22, and $25 per month, as well as a large number of others at odd rates, were omitted, there being such a small number at each of said rates. It was then considered that the number at the rates above given would be offset by the number of survivors dropped from the roll on account of death between June 30, 1910, and April 11, 1911.

The survivors of the Mexican War were not included in the estimate of April 11, 1911, as no provision for them was made in the bill at that time.

If the survivors at the various odd rates given above had been included in the estimate the number of beneficiaries under the bill would have been increased by 21,795. Had such beneficiaries been included, together with those who served nine months and less than one year—at the increased rate for such service—the estimate then made would have been in excess of $80,000,000.

The decrease in the number of survivors on the roll between July 1, 1910, and April 1, 1911, was 24,019. The number of beneficiaries under the bill as given in the estimate of April 11, 1911, was 84 per cent of the total number of survivors on the roll. Had a deduction been made in the number of beneficiaries on account of death there would have been a decrease of 20,176 at that time. To offset the number dropped on account of death, however, as heretofore stated, there were 21,795 pensioners at odd rates not included in the estimate, which would make practically no change in the result obtained.

The chairman of the Committee on Pensions of the United States Senate, in his letter asking for an estimate on the bill H. R. 1 after it had been passed by the House of Representatives, requested that the fact appear that the number dropped on account of death had been taken into consideration in such estimate. In this estimate the survivors of the Civil War on the roll June 30, 1911, at such rates as $6, $8, $10, $16, $22, and $25 per month were included, and as has heretofore been shown, 15,000 deducted on account of the number dropped for death between June 30, 1911, and January 1, 1912.

The average increase per pensioner to those entitled to the benefits of this bill is given as $160 in the estimate made April 11, 1911, while in the estimate made December 16, 1911, the average increase per pensioner for those entitled to the increased rates is $160.50. This slight increase in the average rate is due to two causes: Those who served 9 months and less than 1 year have been figured on a basis of $25 per

month in the last-named estimate instead of $20 per month as in the former one, and the pensioners at the lower and odd rates have been included, which was not done in the former estimate. The rate of increase to those pensioned at the lower rates is of course considerably higher than the rate of increase to those pensioned at the higher rates. There has been no statement made in any of the estimates that the average increase for all the survivors of the Civil War on the roll would be $160.50; this average relates exclusively to those who would be entitled to the rates provided in the bill.

Referring to the statement that the whole body of short-term soldiers who filed their claims under the age pension law (act of Feb. 6, 1907) are not included in the latest table, you are advised that since the passage of the act of February 6, 1907, the number of original claims allowed under that act is only 21,771. All the other claims allowed under that act have been in behalf of persons previously pensioned under the act of June 27, 1890, or under the general pension laws for disabilities contracted in the service, and represent largely the pensioners from whose cases the records as to length of service were obtained.

You will appreciate that the foregoing statements, as well as those in the estimates of April 11 and December 16, 1911, are based upon the reports made to me by the regular officers and employees of the Bureau of Pensions, who have no interest in either side of the controversy so far as I am aware, and who have received no suggestions or instructions except to report the facts exactly as they find them from the records.

It is believed that the estimates made by the department on this bill are as accurate and trustworthy as it is possible to make them under such circumstances. They are not based upon the opinion or judgment of any officer or employee of the department, but upon actual calculations derived from the official records, and in order to overcome them the burden of proof rests entirely upon those who deny their correctness. No criticism has been observed from any source which after full investigation is considered of sufficient weight to warrant a single change being made in these estimates. Upon the contrary, the Commissioner of Pensions now assures me that the estimate submitted April 11, 1911, was in exact accord with the records as they existed on that date; the estimate of December 16, 1911, was in exact accord with the records as they were at the later date. The two estimates were prepared upon a slightly different basis, but there is no discrepancy between the two; they are both correct.

Very respectfully,

WALTER L. FISHER, *Secretary.*

Mr. KERN. Mr. President, I had hoped to be able this afternoon to address the Senate on the pending question, but on account of——

Mr. McCUMBER. Mr. President——

The PRESIDING OFFICER. Does the Senator from Indiana yield to the Senator from North Dakota?

Mr. KERN. Certainly.

Mr. GALLINGER. Would the Senator prefer to go on to-morrow?

Mr. KERN. Yes.

Mr. McCUMBER. I move that when the Senate adjourns to-day it adjourn to meet to-morrow at 12 o'clock, so that we may to-morrow adjourn earlier in the afternoon.

The motion was agreed to.

Mr. KERN. It has been suggested to me that, on account of the lateness of the hour, I give notice that I shall proceed with my remarks to-morrow immediately upon the conclusion of the routine morning business.

The PRESIDING OFFICER. Notice thereof will be entered.

Mr. McCUMBER. I desire to announce that I shall call up the pending bill immediately after the close of the routine morning business to-morrow, so that the Senator from Indiana may proceed.

Mr. KERN. I am obliged to leave the city to-morrow evening.

Mr. GALLINGER. Inasmuch as it has been agreed that we shall meet at noon to-morrow, I hope the Senator in charge of the pending bill will allow us about one hour upon the calendar under Rule VIII.

I move that the Senate adjourn.

The motion was agreed to, and (at 5 o'clock and 15 minutes p. m.) the Senate adjourned until to-morrow, Saturday, March 16, 1912, at 12 o'clock meridian.

HOUSE OF REPRESENTATIVES.

FRIDAY, *March 15, 1912.*

The House met at 12 o'clock noon.

The Chaplain, Rev. Henry N. Couden, D. D., offered the following prayer:

Our Father in heaven possess, we beseech Thee, our minds and hearts, that our motives may be pure, our aspirations noble, our acts just; that we may harmonize our lives with the highest conceptions of right and truth and duty; that our ways may be ways of pleasantness and all our paths be paths of peace. And Thine be the praise. Amen.

The Journal of the proceedings of yesterday was read and approved.

THE SUGAR SCHEDULE.

Mr. UNDERWOOD. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the state of the Union for the further consideration of the bill (H. R. 21213) to revise the sugar schedule, and pending that motion I will state to gentlemen on the other side of the House that if it is agreeable I shall ask unanimous consent that general debate may continue on the pending bill for two hours, one-half to be controlled by the gentleman from New York [Mr. PAYNE] and one-half by myself, at the end of which time the bill shall be taken up under the five-minute rule.

The SPEAKER. The gentleman from Alabama moves that the House resolve itself into the Committee of the Whole House on the state of the Union for the further consideration of the bill H. R. 21213, and pending that asks unanimous consent that general debate be limited to two hours, one hour to be controlled by himself and one hour by the gentleman from New York [Mr. PAYNE]. Is there objection?

Mr. MANN. Mr. Speaker, reserving the right to object, will not the gentleman allow longer debate than that?

Mr. UNDERWOOD. No. I desire to finish the bill to-day, and I desire to allow some latitude for discussion under the five-minute rule, as it gives more opportunity for Members to extend their remarks in the RECORD. I think two hours is sufficient.

Mr. GARNER. It will take three hours to pass the bill under the five-minute rule.

Mr. MANN. Mr. Speaker, I think we ought to have more time than that. There are many gentlemen here who are very much interested in this bill.

Mr. UNDERWOOD. Mr. Speaker, if the gentleman is willing to cut out the debate under the five-minute rule and let the bill come to a vote directly after the close of general debate, I am willing to allow further time for general debate.

Mr. LONGWORTH. Mr. Speaker, will the gentleman yield?

Mr. UNDERWOOD. I yield to the gentleman from Ohio.

Mr. LONGWORTH. I will ask the gentleman what his purpose is with reference to debate on the income-tax bill?

Mr. UNDERWOOD. Mr. Speaker, I hope to take that bill up late this evening or to-morrow morning.

Mr. LONGWORTH. Is it the idea of the gentleman to finish that bill to-morrow?

Mr. UNDERWOOD. I am not prepared to say at this time until this bill is passed.

Mr. WARBURTON. Mr. Speaker, I would like to say that I have been unable as yet to get any time. I introduced this bill last summer. That is, I introduced a bill placing sugar on the free list. This is my bill.

Mr. UNDERWOOD. Mr. Chairman, I do not yield the floor to the gentleman to appropriate a Democratic measure. [Laughter.] This is not his bill. There are a number of bills which have been introduced placing sugar on the free list. The gentleman from Washington is assuming the position of a great many other Members on the floor of this House.

Mr. WARBURTON. Mr. Chairman, I have looked over the RECORD, and the only bill placing sugar on the free list, which was introduced last session, was the bill introduced by myself. Be that as it may, having introduced this bill, I want to ask an opportunity of addressing this House for at least half an hour on this bill. I desire to get that much time. I can not get it from the gentleman who controls the time on the Republican side, because he does not like the language that I shall use. [Laughter.]

Mr. CANNON. Mr. Speaker, I hope the gentleman from Washington will have that opportunity. It will bankrupt anybody who does it, and I have no objection to his being bankrupted.

The SPEAKER. Is there objection?

Mr. PAYNE. Mr. Speaker, reserving the right to object, the gentleman from Washington [Mr. WARBURTON] knows that there are gentlemen upon this side who are opposed to the bill who desire to consume 10 or 12 hours in general debate. Of course, as far as I can control it, I shall not let in any gentleman, no matter what colors he may claim to sail under, who is in favor of the bill. We shall have a perfect understanding on that score. I want to make one further suggestion. The time yesterday was not evenly divided. I think those in favor of the bill must have consumed an hour more in general debate. The Clerk at the Speaker's desk can tell.

The SPEAKER. Those in favor of the bill consumed 38 mintues more than those opposed to the bill.

Mr. PAYNE. And here is a generous proposal from the gentleman from Alabama [Mr. UNDERWOOD] for two hours more of general debate, and the gentleman desires to appropriate 38 minutes more upon that side than we have consumed upon this side.

Mr. UNDERWOOD. Mr. Speaker, I will say to the gentleman from New York that on day before yesterday I attempted to divide the time equally and allow 11 hours' debate in consideration of this bill on yesterday. Yesterday afternoon before the House adjourned I proposed to have a night session and

equalize debate at that time. The objection to doing so came from the leader of the minority [Mr. MANN].

Mr. MANN. I made no objection to a night session.

Mr. GARNER. You made the condition so we could not do it.

Mr. UNDERWOOD. The gentleman from Illinois gave notice that he would demand a quorum.

Mr. MANN. A quorum ought always to be present in the House in the consideration of an important bill.

Mr. UNDERWOOD. The gentleman knows as well as I do that the demand for a quorum meant we would spend the night calling the roll in order to get a quorum here.

Mr. MANN. That shows it was not the time for the debate if you could not have a quorum here.

Mr. WARBURTON. Mr. Speaker, in response to the suggestion made by the gentleman from New York [Mr. PAYNE], while I am not going to support the bill, I am going to make the same argument he made in 1890 and 1894 on the sugar proposition.

Mr. PAYNE. If the gentleman makes the argument I made then, he will not support the bill.

Mr. MANN. Mr. Speaker, I ask unanimous consent that debate close on this bill at 3 o'clock to-morrow.

Mr. UNDERWOOD. Mr. Speaker, I object to that. I ask the Speaker to put my request to the House.

The SPEAKER. Is there objection to the request of the gentleman from Alabama [Mr. UNDERWOOD]?

Mr. MANN. I object.

Mr. UNDERWOOD. Mr. Speaker, pending the motion to go into the Committee of the Whole House on the state of the Union, I move that all general debate on this bill close in 10 minutes, and on that motion I move the previous question. [Applause on the Democratic side.]

The SPEAKER. The question is on ordering the previous question.

The question was taken, and the Chair announced that the ayes seemed to have it.

Mr. MANN. Mr. Speaker, I demand the yeas and nays.

The yeas and nays were ordered.

The question was taken; and there were—yeas 163, nays 131, answered "present" 12, not voting 87, as follows:

YEAS—163.

Adair	Difenderfer	Hensley	Rauch
Adamson	Dixon, Ind.	Holland	Redfield
Alexander	Donohoe	Houston	Reilly
Allen	Doremus	Howard	Roddenbery
Anderson, Ohio	Doughton	Hughes, N. J.	Rouse
Ansberry	Driscoll, D. A.	Hull	Rubey
Ashbrook	Edwards	Humphreys, Miss.	Rucker, Mo.
Ayres	Ellerbe	Jacoway	Russell
Barnhart	Evans	Johnson, Ky.	Sabath
Bathrick	Faison	Johnson, S. C.	Saunders
Bell, Ga.	Fergusson	Jones	Scully
Blackmon	Ferris	Kinkead, N. J.	Shackleford
Boehne	Finley	Kitchin	Sharp
Booher	Fitzgerald	Konop	Sherwood
Buchanan	Floyd, Ark.	Korbly	Sims
Bulkley	Foster, Ill.	Lamb	Sisson
Burke, Wis.	Fowler	Lee, Ga.	Slayden
Burleson	Francis	Legare	Small
Burnett	Garner	Lever	Smith, N. Y.
Byrnes, S. C.	George	Lewis	Smith, Tex.
Byrns, Tenn.	Glass	Lloyd	Sparkman
Callaway	Godwin, N. C.	Lobeck	Stedman
Candler	Goldfogle	McGillicuddy	Stephens, Miss.
Carter	Goodwin, Ark.	McKellar	Stephens, Nebr.
Claypool	Gould	Maguire, Nebr.	Stephens, Tex.
Clayton	Graham	Mays	Stone
Cline	Gregg, Pa.	Moon, Tenn.	Sweet
Collier	Gregg, Tex.	Moore, Tex.	Talbott, Md.
Connell	Gudger	Morrison	Talcott, N. Y.
Conry	Hamilton, W. Va.	Moss, Ind.	Thomas
Covington	Hamlin	Murray	Tribble
Cox, Ohio	Hammond	Neeley	Turnbull
Cravens	Hardwick	O'Shaunessy	Tuttle
Cullop	Hardy	Page	Underhill
Curley	Harrison, Miss.	Pepper	Underwood
Daugherty	Harrison, N. Y.	Peters	Webb
Davenport	Hay	Post	White
Davis, W. Va.	Hayden	Pou	Wilson, N. Y.
Denver	Heflin	Rainey	Wilson, Pa.
Dickinson	Helm	Raker	Witherspoon
Dies	Henry, Tex.	Randell, Tex.	

NAYS—131.

Ainey	Davidson	Hanna	Knowland
Anderson, Minn.	Dodds	Harris	Kopp
Austin	Draper	Hartman	Lafferty
Bowman	Driscoll, M. E.	Haugen	La Follette
Broussard	Dupre	Hayes	Lawrence
Browning	Dyer	Helgesen	Lee, Pa.
Burke, Pa.	Esch	Henry, Conn.	Lenroot
Burke, S. Dak.	Estopinal	Higgins	Lindbergh
Butler	Farr	Hinds	Longworth
Calder	Focht	Howell	Loud
Campbell	Fordney	Howland	McCreary
Cannon	French	Hughes, W. Va.	McKenzie
Catlin	Gardner, N. J.	Humphrey, Wash.	McKinley
Cooper	Good	Jackson	McKinney
Crago	Gray	Kahn	McLaughlin
Currier	Green, Iowa	Kent	McMorran
Dalzell	Greene, Mass.	Kendall	Madden
Danforth	Guernsey	Kennedy	Malby
Mann	Patton, Pa.	Rucker, Colo.	Tilson
Martin, Colo.	Payne	Sells	Towner
Matthews	Pickett	Simmons	Utter
Miller	Plumley	Sloan	Volstead
Mondell	Porter	Smith, J. M. C.	Warburton
Moon, Pa.	Powers	Smith, Saml. W.	Watkins
Morse, Wis.	Pray	Steenerson	Wedemeyer
Mott	Prince	Stephens, Cal.	Wickliffe
Murdock	Prouty	Sterling	Wilder
Needham	Ransdell, La.	Stevens, Minn.	Willis
Nelson	Rees	Sulloway	Wood, N. J.
Norris	Reyburn	Switzer	Woods, Iowa
Nye	Roberts, Mass.	Taylor, Colo.	Young, Kans.
Olmsted	Roberts, Nev.	Taylor, Ohio	Young, Mich.
Parran	Rodenberg	Thistlewood	

ANSWERED "PRESENT"—12.

Bartlett	Davis, Minn.	Fornes	Hawley
Brantley	Dwight	Gallagher	James
Burgess	Fairchild	Garrett	Slemp

NOT VOTING—87.

Aiken, S. C.	De Forest	Lafean	Pujo
Akin, N. Y.	Dent	Langham	Richardson
Ames	Dickson, Miss.	Langley	Riordan
Andrus	Fields	Levy	Robinson
Anthony	Flood, Va.	Lindsay	Rothermel
Barchfeld	Foss	Linthicum	Sheppard
Bartholdt	Foster, Vt.	Littlepage	Sherley
Bates	Fuller	Littleton	Smith, Cal.
Beall, Tex.	Gardner, Mass.	McCall	Speer
Berger	Gillett	McCoy	Stack
Bingham	Goeke	McDermott	Stanley
Borland	Griest	McGuire, Okla.	Sulzer
Bradley	Hamill	McHenry	Taggart
Brown	Hamilton, Mich.	Macon	Taylor, Ala.
Cantrill	Heald	Maher	Thayer
Carlin	Hill	Martin, S. Dak.	Townsend
Cary	Hobson	Moore, Pa.	Vreeland
Clark, Fla.	Hubbard	Morgan	Weeks
Copley	Hughes, Ga.	Oldfield	Whitacre
Cox, Ind.	Kindred	Padgett	Wilson, Ill.
Crumpacker	Kinkaid, Nebr.	Palmer	Young, Tex.
Curry	Konig	Patten, N. Y.	

So the previous question was ordered.

The Clerk announced the following pairs:

On this vote:

Mr. SULZER (for the previous question) with Mr. PUJO (against).

Until March 20:

Mr. PATTEN of New York with Mr. MOORE of Pennsylvania.

Until March 23:

Mr. AIKEN of South Carolina with Mr. BARTHOLDT.

Until March 24:

Mr. JAMES with Mr. MCCALL.

Until April 2, inclusive:

Mr. BURGESS with Mr. WEEKS.

Until April 5:

Mr. THAYER with Mr. AMES.

Until further notice:

Mr. DICKSON of Mississippi with Mr. ANTHONY.

Mr. MCCOY with Mr. SPEER.

Mr. PALMER with Mr. HILL.

Mr. HUGHES of Georgia with Mr. GRIEST.

Mr. LITTLETON with Mr. DWIGHT.

Mr. FIELDS with Mr. LANGLEY.

Mr. GALLAGHER with Mr. FULLER.

Mr. OLDFIELD with Mr. BINGHAM.

Mr. SHEPPARD with Mr. BATES.

Mr. HOBSON with Mr. FAIRCHILD.

Mr. MCDERMOTT with Mr. FOSS.

Mr. SHERLEY with Mr. GILLETT.

Mr. CLARK of Florida with Mr. LANGHAM.

Mr. MACON with Mr. SMITH of California.

Mr. BEALL of Texas with Mr. HAWLEY (on all bills except income tax).

Mr. DENT with Mr. DAVIS of Minnesota.

Mr. BROWN with Mr. BARCHFELD.

Mr. CARLIN with Mr. CARY.

Mr. FLOOD of Virginia with Mr. COPLEY.

Mr. KINDRED with Mr. CRUMPACKER.

Mr. KONIG with Mr. CURRY.

Mr. LINTHICUM with Mr. FOSTER of Vermont.

Mr. LITTLEPAGE with Mr. GARDNER of Massachusetts.

Mr. PADGETT with Mr. HAMILTON of Michigan.

Mr. ROTHERMEL with Mr. HUBBARD.

Mr. STANLEY with Mr. KINKAID of Nebraska.

Mr. TOWNSEND with Mr. LAFEAN.

Mr. YOUNG of Texas with Mr. MCGUIRE of Oklahoma.

Mr. MCHENRY with Mr. MARTIN of South Dakota.

Mr. HAMILL with Mr. VREELAND.

Mr. TAYLOR of Alabama with Mr. WILSON of Illinois.

Mr. LINDSAY with Mr. HEALD.

For the session:

Mr. RIORDAN with Mr. ANDRUS.

Mr. GLASS with Mr. SLEMP.

Mr. FORNES with Mr. BRADLEY.

Mr. JAMES. Mr. Speaker, I desire to inquire if the gentleman from Massachusetts, Mr. McCALL, is recorded as voting.

The SPEAKER. He is not recorded.

Mr. JAMES. I have a general pair with him for 10 days, and I desire to withdraw my vote in the affirmative and vote "present."

The result of the vote was announced as above recorded.

The SPEAKER. The question is on the motion to close general debate on the pending bill in 10 minutes. Those in favor will say "aye"; those opposed, "no."

The question was taken, and the Speaker announced that the ayes seemed to have it.

Mr. MANN. Mr. Speaker, I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER. The Clerk will call the roll. Those in favor of closing general debate on the pending bill in 10 minutes will answer "yea" when their names are called, and those opposed will answer "nay."

The question was taken; and there were—yeas 157, nays 124, answered "present" 11, not voting 101, as follows:

YEAS—157.

Adair	Donohoe	Houston	Reilly
Adamson	Doremus	Howard	Roddenbery
Alexander	Doughton	Hughes, N. J.	Rouse
Allen	Edwards	Hull	Rubey
Anderson, Ohio	Ellerbe	Humphreys, Miss.	Rucker, Mo.
Ashbrook	Evans	Jacoway	Russell
Ayres	Faison	Johnson, Ky.	Sabath
Barnhart	Fergusson	Johnson, S. C.	Saunders
Bathrick	Ferris	Jones	Scully
Bell, Ga.	Finley	Kinkead, N. J.	Shackleford
Blackmon	Fitzgerald	Kitchin	Sharp
Boehne	Floyd, Ark.	Konop	Sherwood
Booher	Foster, Ill.	Korbly	Sims
Buchanan	Fowler	Lamb	Sisson
Bulkley	Francis	Lee, Ga.	Slayden
Burke, Wis.	Garner	Lever	Small
Burleson	George	Levy	Smith, N. Y.
Burnett	Glass	Lewis	Smith, Tex.
Byrnes, S. C.	Godwin, N. C.	Linthicum	Sparkman
Byrns, Tenn.	Goldfogle	Lloyd	Stedman
Callaway	Goodwin, Ark.	Lobeck	Stephens, Miss.
Candler	Gould	McGillicuddy	Stephens, Nebr.
Carlin	Graham	McKellar	Stephens, Tex.
Clayton	Gregg, Pa.	Maguire, Nebr.	Stone
Cline	Gregg, Tex.	Mays	Sweet
Collier	Gudger	Moon, Tenn.	Talbott, Md.
Connell	Hamilton, W. Va.	Moore, Tex.	Taylor, Ala.
Conry	Hamlin	Morrison	Thomas
Covington	Hammond	Moss, Ind.	Tribble
Cravens	Hardwick	Murray	Turnbull
Cullop	Hardy	Neeley	Tuttle
Curley	Harrison, Miss.	O'Shaunessy	Underhill
Daugherty	Harrison, N. Y.	Page	Underwood
Davenport	Hay	Pepper	Webb
Davis, W. Va.	Hayden	Peters	Wilson, N. Y.
Denver	Heflin	Pou	Wilson, Pa.
Dickinson	Helm	Rainey	Witherspoon
Dies	Henry, Tex.	Raker	
Difenderfer	Hensley	Randell, Tex.	
Dixon, Ind.	Holland	Rauch	

NAYS—124.

Ainey	Green, Iowa	McCreary	Rodenberg
Anderson, Minn.	Greene, Mass.	McKenzie	Rucker, Colo.
Bartlett	Guernsey	McKinley	Sells
Bowman	Hanna	McKinney	Simmons
Broussard	Harris	McLaughlin	Slemp
Browning	Hartman	McMorran	Sloan
Burke, Pa.	Haugen	Malby	Smith, J. M. C.
Burke, S. Dak.	Hayes	Mann	Smith, Saml. W.
Butler	Helgesen	Martin, Colo.	Steenerson
Calder	Henry, Conn.	Mondell	Stephens, Cal.
Campbell	Higgins	Moon, Pa.	Sterling
Cannon	Hinds	Morse, Wis.	Stevens, Minn.
Cooper	Howell	Mott	Sulloway
Crago	Howland	Murdock	Switzer
Currier	Hughes, W. Va.	Needham	Taylor, Colo.
Dalzell	Humphrey, Wash.	Nelson	Taylor, Ohio
Danforth	Jackson	Norris	Thistlewood
Davidson	Kahn	Nye	Tilson
Dodds	Kendall	Parran	Utter
Draper	Kennedy	Patton, Pa.	Volstead
Driscoll, M. E.	Kent	Payne	Vreeland
Dupre	Kinkaid, Nebr.	Pickett	Warburton
Dyer	Knowland	Plumley	Watkins
Esch	Kopp	Powers	Wedemeyer
Estopinal	La Follette	Pray	Wickliffe
Farr	Lawrence	Prince	Wilder
Focht	Lee, Pa.	Ransdell, La.	Willis
Fordney	Lenroot	Rees	Wood, N. J.
French	Lindbergh	Reyburn	Woods, Iowa
Gardner, N. J.	Longworth	Roberts, Mass.	Young, Kans.
Gray	Loud	Roberts, Nev.	Young, Mich.

ANSWERED "PRESENT"—11.

Akin, N. Y.	Davis, Minn.	Gallagher	James
Burgess	Dwight	Garrett	Olmsted
Carter	Fornes	Hawley	

NOT VOTING—101.

Aiken, S. C.	Bates	Cantrill	Crumpacker
Ames	Beall, Tex.	Cary	Curry
Andrus	Berger	Catlin	De Forest
Ansberry	Bingham	Clark, Fla.	Dent
Anthony	Borland	Claypool	Dickson, Miss.
Austin	Bradley	Copley	Driscoll, D. A.
Barchfeld	Brantley	Cox, Ind.	Fairchild
Bartholdt	Brown	Cox, Ohio	Fields
Flood, Va.	Lafean	Miller	Smith, Cal.
Foss	Lafferty	Moore, Pa.	Speer
Foster, Vt.	Langham	Morgan	Stack
Fuller	Langley	Oldfield	Stanley
Gardner, Mass.	Legare	Padgett	Sulzer
Gillett	Lindsay	Palmer	Taggart
Goeke	Littlepage	Patten, N. Y.	Talcott, N. Y.
Good	Littleton	Porter	Thayer
Griest	McCall	Post	Towner
Hamill	McCoy	Prouty	Townsend
Hamilton, Mich.	McDermott	Pujo	Weeks
Heald	McGuire, Okla.	Redfield	Whitacre
Hill	McHenry	Richardson	White
Hobson	Macon	Riordan	Wilson, Ill.
Hubbard	Madden	Robinson	Young, Tex.
Hughes, Ga.	Maher	Rothermel	
Kindred	Martin, S. Dak.	Sheppard	
Konig	Matthews	Sherley	

So the motion was agreed to.

The Clerk announced the following additional pairs:

Until further notice:

Mr. Cox of Indiana with Mr. TOWNER.

Mr. RICHARDSON with Mr. WILSON of Illinois.

Mr. ANSBERRY with Mr. PROUTY.

Mr. YOUNG of Texas with Mr. PATTEN of New York.

Mr. WHITE with Mr. MILLER.

Mr. TALCOTT of New York with Mr. MATTHEWS.

Mr. REDFIELD with Mr. MADDEN.

Mr. POST with Mr. LAFFERTY.

Mr. LEGARE with Mr. FOSTER of Vermont.

Mr. GOEKE with Mr. GOOD.

Mr. DANIEL A. DRISCOLL with Mr. COPLEY.

Mr. COX of Ohio with Mr. CATLIN.

Mr. CLAYPOOL with Mr. AUSTIN.

Mr. FLOOD of Virginia with Mr. OLMSTED.

Mr. CARTER with Mr. MCGUIRE of Oklahoma.

Mr. OLMSTED. Mr. Speaker, I find that I am paired with the gentleman from Virginia, Mr. FLOOD, who did not vote. I desire to change my vote from "nay" to "present."

The result of the vote was announced as above recorded.

The SPEAKER. The question is on agreeing to the motion to go into Committee of the Whole House on the state of the Union for the further consideration of the bill (H. R. 21213) to amend an act entitled "An act to provide revenue, equalize duties, and encourage the industries of the United States, and for other purposes," approved August 5, 1909.

The motion was agreed to.

Accordingly the House resolved itself into Committee of the Whole House on the state of the Union for the further consideration of the bill H. R. 21213, with Mr. ADAIR in the chair.

The CHAIRMAN. The House is now in Committee of the Whole House on the state of the Union for the further consideration of the bill H. R. 21213, which the Clerk will report.

The Clerk read as follows:

A bill (H. R. 21213) to amend an act entitled "An act to provide revenue, equalize duties, and encourage the industries of the United States, and for other purposes," approved August 5, 1909.

Mr. UNDERWOOD and Mr. PAYNE rose.

The CHAIRMAN. By order of the House, general debate is limited to 10 minutes.

Mr. UNDERWOOD. Mr. Chairman, I will say to the gentleman from New York [Mr. PAYNE] that I will yield him half of my time.

Mr. PAYNE. Mr. Chairman, I desire to take the floor in my own right, inasmuch as the other side of the House has already consumed 38 minutes more time than this side. My desire is in accordance with the usual rule and practice of the House.

Mr. UNDERWOOD. Mr. Chairman, I will state to the gentleman from New York that I offered a liberal amount of time for debate on this bill, and now offer an equal division of the time between the gentleman and myself. The proponents of this bill are entitled to close, according to all the precedents of the House. If the gentleman from New York desires half of the remaining time, I will yield it to him.

Mr. PAYNE. If the gentleman from Alabama has not opportunity to close the debate, it is his own fault, because he made the motion to close this debate in 10 minutes from now, and his attention was called to it by me, and the figures were given from the desk showing that his side had consumed 38 minutes more than our side. Under all parliamentary law and the practice of the House since I have been a Member of this body I am entitled to these 10 minutes.

Mr. UNDERWOOD. The excess time of which the gentleman complains as used by this side was yielded to gentlemen who spoke in opposition to the bill on this side of the House, so that more time has been consumed in opposition to this bill than in favor of it.

I will state to the gentleman from New York that I propose to close this debate, but if the gentleman desires one-half of the time remaining I will yield it to him.

Mr. MANN. Mr. Chairman, a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. MANN. The Chair recognized yesterday first a gentleman on the Democratic side of the House for an hour and next a gentleman on the Republican side, following the usual custom of recognizing first one side and then the other. The last gentleman who was recognized was a member of the committee, my colleague from Illinois [Mr. RAINEY], who consumed one hour. Is not a gentleman on this side of the House entitled now to be given recognition?

The CHAIRMAN. The Chair would answer the gentleman from Illinois by stating that general debate on this bill has been limited to 10 minutes, and the Chair feels that it is only right and proper, in view of that fact, to recognize the gentleman who is in charge of the bill——

Mr. MANN. Breaking over the custom heretofore of giving the recognition first to one side and then to the other?

Mr. JAMES. Mr. Chairman, much of the time which the gentleman from Illinois [Mr. RAINEY] controlled yesterday was yielded to gentlemen who spoke in opposition to the bill.

Mr. MANN. I am talking about recognition. He was recognized by the Chair.

The CHAIRMAN. He was recognized by the Chair, but he yielded most all of his time to gentlemen who spoke in opposition to the bill. The Chair recognizes the fact that those opposing the bill have consumed the major part of the time devoted to debate on the bill.

Mr. MANN. If general debate has not been closed, I think it would be clear that the Chair would recognize gentlemen on this side of the House. Do I understand that because the gentleman from Alabama moved to close debate that takes away the right of recognition from this side of the House and transfers it to the other side of the House?

The CHAIRMAN. The Chair did not make that statement. The Chair holds that, in view of the limited debate, it is right and proper to recognize the gentleman in charge of the bill.

Mr. UNDERWOOD. Does the gentleman desire me to yield half the time?

Mr. PAYNE. I desire to get all the time I can.

Mr. UNDERWOOD. I decline to yield to that proposition, but I am willing, if the gentleman wants it, to yield him half the time. I yield five minutes to the gentleman from New York [Mr. PAYNE].

Mr. PAYNE. Mr. Chairman, I have been a Member of the House now for about 28 years, and this beats all the performances that have ever been exhibited here by any party, by any leader, by any gentleman who is a Member of the House. We are not only confined to five hours' debate on this important measure, but this morning, after offering us an hour's debate in addition to what had already been had, and asking us to consent to yield half of that time to them, when they had had 40 minutes' more time than we had in the debate yesterday, and because we would not accept that monstrous proposition in regard to debate, the gentleman from Alabama immediately moved that general debate be closed in 10 minutes.

Well, now, it is the duty of the Chair, protecting the minority of the House according to the rules and practice of the House, and it is the duty of every gentleman on that side of the House to see to it that I have the 10 minutes. But, no; the gentleman from Alabama [Mr. UNDERWOOD] comes in here and refuses that. "Upon what meat doth this our Cæsar feed that he is grown so great?" [Laughter on the Republican side.]

He not only regulates that side of the House and robs us, his own side agreeing to it, of 40 minutes of debate, but also insists that he must have half of the liberal allowance of 10 minutes in which to close all debate.

Why, Mr. Chairman, the campaign of a year ago last fall was carried on the hypothesis that we on this side of the House had exercised the powers of a Czar, that we had been displaying our power and depriving the minority of their rights. With what face will the gentleman go to the people next fall and say that he has not only equaled our record, but he has gone so far beyond it in playing the Czar that there is no comparison between the two? [Applause on the Republican side.]

He seems to think that anything that the gentleman from Alabama says is going down with the American people. He comes in here with propositions that frighten people to death in the business world, and the only reason that business is not entirely paralyzed is because the business world recognizes the impotency of the gentleman from Alabama to enact any of these measures into law.

He may stand behind the caucus; he may deprive us of our rights on the floor; but there is another tribunal to judge his acts and judge of the measures which he brings in here, and no bland smile, no waving of the hand, no repeating of the parrot cry that "the business people of the country need not be alarmed" will reach the people of the country when they come to cast up the account with the Democratic Party in November next. [Applause on the Republican side.] Go on and walk over us. We are willing to suffer what little martyrdom there is in it for the time being. We are willing you should go on and legislate in caucus. We are willing you should go on and bring in tariff bills here that you dare not submit to the decent discussion and debate that has hitherto taken place in the House of Representatives. You say that no business interests will be affected when you lay the ax at the root of the tree of the prosperity of the country, with the idea that your assurance will be accepted by the American people. There is a forum where we can discuss these questions, and we are willing to discuss them and submit them to the people of the United States, and in that forum there is no gentleman from Alabama to cut us down to five minutes' debate. [Applause on the Republican side.]

Mr. UNDERWOOD. Mr. Chairman [applause on the Democratic side], it is evident from the remarks of the gentleman from New York [Mr. PAYNE] that he did not desire time to discuss the bill before the House. [Applause on the Democratic side.] No man on that side of the House can justly lay the charge at the door of the controlling party in this House that it has not been fair in the consideration of the great measures that have come before the House of Representatives. We have discarded your cloture rule, and by your dilatory tactics to-day you are trying to congest legislation by consuming time, so that at the end of this session you will force us to adopt your drastic Republican rules to pass legislation before this Congress adjourns. Nobody in the country is misled by the tactics you are playing. We propose to show to the American people that we can pass the legislation that this country demands without drastic rules or stifling legitimate debate. [Applause on the Democratic side.] I offered to the gentleman from New York [Mr. PAYNE] the day before yesterday 11 hours' debate on this bill. He declined to accept it.

Mr. PAYNE. I made a proposition to vote on Saturday, and I have had no reply to that, except the gentleman's motion. [Cries of "Regular order!"]

Mr. UNDERWOOD. The gentleman from New York declined, and his colleague from Illinois [Mr. MANN] declined the proposition. Eleven hours' debate on this schedule, that only contains four paragraphs, was more in proportion than all the time you allowed for debate on the Payne tariff bill when you brought it before this House. [Applause on the Democratic side.]

Last night I again offered that side of the House the privilege of debating this bill in a night session, and your leader put us on notice that he would demand a quorum. The gentleman from New York [Mr. PAYNE] knows as well as I do, and the country knows, that most of the debate that is carried on in this House is carried on when a quorum is not present, and that if we had come here under the demand for a quorum last night it would have been necessary to call the roll most of the evening to obtain a quorum. This morning I again offered liberality in debate, and proposed to allow two hours' debate on this bill before it was voted on; and now, when the general debate is closed, I propose to allow every Member of this House to have an opportunity, within reasonable limitations, to present amendments to this bill and to consider it legitimately.

When the Payne tariff bill was before this House for consideration, did the gentleman from New York [Mr. PAYNE] allow any man on this floor to propose to put sugar on the free list or to cut down the high-tariff duties that he was putting on the bellies of the American people? [Applause on the Democratic side.] He brought in a rule here under which there was no opportunity whatever to amend this schedule or to consider it. He drove it through by a party majority. Now, Mr. Speaker, I was willing to have reasonable and liberal debate on this bill, but it does not need debate. The main question involved in this bill is one simple proposition, and that is as to whether you are going to remove the burden of $115,000,000 of taxation that you are levying to-day on the consuming masses of the American people, or whether you are willing to vote to put this schedule on the free list and to tax to a reasonable extent the great idle wealth of America. [Applause on the Democratic side.]

The CHAIRMAN. All time having expired, the Clerk will read the bill.

The Clerk read as follows:

Be it enacted, etc., That on and after the day following the passage of this act, there shall be levied, collected, and paid the rates of duty which are prescribed in the paragraphs of this act upon the articles hereinafter enumerated, when imported from any foreign country into the United States or into any of its possessions (except the Philippine Islands and the islands of Guam and Tutuila), and the said paragraphs and sections shall constitute and be a substitute for paragraphs 216 to 219, inclusive, of section 1 of an act entitled "An act to provide revenue, equalize duties, and encourage the industries of the United States, and for other purposes," approved August 5, 1909.

Mr. WARBURTON. Mr. Chairman, I have an amendment.

The CHAIRMAN. The gentleman from Washington offers an amendment, which the Clerk will report.

The Clerk read as follows:

Strike out all of line 3, page 1, and insert in lieu thereof the words: "That on and after the 1st day of October, 1912."

Mr. WARBURTON. Mr. Chairman, I want to congratulate the Democratic majority of this House for having reported out of the committee one of the features of a bill introduced by me at the last session. I introduced a bill last session placing sugar on the free list. It was the first bill to place sugar on the free list that has been introduced in 10 years. I coupled with it another very important provision which I think ought to have been reported with and as a part of this bill. My bill provided for an increase of internal-revenue tax on tobacco, cigars, and so forth, that would raise our revenue from that source about eighty to ninety million dollars—considerably more than double the present internal-revenue tax on tobacco. There is no doubt about the constitutionality of my proposed tobacco legislation or the amount of revenue that it would bring to the Treasury. If the committee does not agree with me as to the proposed increase of internal-revenue tax on tobacco as a whole, it certainly does at least as to one item—snuff.

The present rate on snuff is about 8 per cent of the retail price. The present rate on sugar is from 36 to 40 per cent of the average retail price. If you will raise the revenue tax on snuff to 40 or 50 cents a pound, it will be paying then about the same rate of tax as our tariff on woolen goods or our present rate of sugar. If you increase the tax on snuff to 50 cents a pound, you can raise about $12,000,000 in revenue from this one item, where you now raise about $2,000,000. Certainly, snuff is a luxury. It can not be classed by anyone as a necessity. No one needs to use it. To most people it is a disgusting habit, and if a man or woman persist in using it he or she ought to be willing to pay a high tax upon it. I say take the tax off of sugar and at the same time raise the tax on snuff. Let the man or woman who wants to use snuff pay as large a percentage on the retail price as a poor woman does when she is compelled to buy sugar for herself and her children. I hope the Ways and Means Committee will report my bill on tobacco, but, if not, certainly you can report it on snuff.

THE PRICE OF SUGAR TO EVERY CONSUMER IS INCREASED THE FULL AMOUNT OF THE TARIFF—SUGAR WOULD RETAIL FOR AT LEAST 1.9 CENTS LESS PER POUND THAN IT NOW DOES IF THE TARIFF WERE REMOVED.

In the discussion of the bill before us the first and most important point to be determined is the effect that the law will have, if enacted, on the price of sugar to the consumer. Will the consumer get the full benefit of the reduction of the tariff? Is the price of sugar to the consumer at the present time increased by the full amount of the tariff? I say, without fear of successful contradiction, that the consumer does pay $1.90 a hundred pounds, or 1.9 cents a pound (the amount of our tariff), more for sugar now than we would if this bill were to become a law. This can easily be shown by undisputed statistics available to anyone.

The Statistical Abstract for the United States for the year 1910 gives the price of raw sugar in foreign countries for many years; also the wholesale price of granulated sugar in New York for the same years, which figures in part I give in the first and second columns below.

I add another column, which shows the difference between the raw sugar mentioned in the first column and the wholesale price in New York. In the fourth column I will place the tariff for the same years.

Table of prices of foreign raw sugar; wholesale prices of refined sugar in New York, etc., from 1897 to 1910, inclusive.

Year.	Average cost per pound in foreign countries.	Wholesale price of granulated sugar at New York (per pound).	Difference in cost of foreign sugar and wholesale price in New York.	Tariff on refined sugar.
	Column 1.	Column 2.	Column 3.	Column 4.
1897	2.01	4.50	2.49	1.95
1898	2.25	4.97	2.72	1.95
1899	2.39	4.92	2.53	1.95
1900	2.49	5.32	2.83	1.95
1901	2.28	2.55	2.77	1.95
1902	1.82	4.46	2.64	1.95
1903	1.71	4.64	2.93	1.95
1904	1.94	4.77	2.83	1.95
1905	2.65	5.26	2.61	1.95
1906	2.15	4.52	2.37	1.95
1907	2.11	4.65	2.54	1.95
1908	2.38	4.96	2.58	1.95
1909	2.80	4.76	2.46	1.95
1910	2.60	4.97	2.37	1.90

The usual cost given for refining sugar is 40 cents per hundred pounds. I am certain that this is equal to the actual cost. If we add to the cost price of foreign raw sugar each year, as mentioned in column 1, the cost of 40 cents for refining and the $1.95 tariff for the same year, we will find that this sum is from 10 cents to 98 cents less than the wholesale price of sugar in New York. This table could be run back for 40 years, and in no case would we find a single year where the wholesale price of sugar in New York was not larger than the price of raw sugar abroad, plus the cost of refining, plus the full tariff duty for each year. I would like to have some opponent of this bill explain this table on the theory that sugar has not cost the consumer the full amount of the tariff more than it otherwise would cost if the tariff was eliminated. In fact, the wholesale price of granulated sugar in New York during the 14 years given in the table averages 28 cents per hundred pounds plus the full tariff above the cost of like sugar in Hamburg.

On page 6 of the report of the majority members of the Ways and Means Committee on the proposed bill is given a comparative table of the price of raw and refined sugar from 1900 to 1911, inclusive. I quote below that part of the table which relates to granulated sugar at the different places.

Granulated sugar.

Year.	Export price at Hamburg.	Wholesale price at New York.	Difference between export price at Hamburg and wholesale price at New York.
1900	2.64	5.32	2.68
1901	2.29	5.05	2.76
1902	1.79	4.45	2.66
1903	2.11	4.63	2.52
1904	2.55	4.77	2.22
1905	3.00	5.25	2.25
1906	2.31	4.51	2.20
1907	2.40	4.65	2.25
1908	2.63	4.95	2.32
1909	2.78	4.76	1.98
1910	3.22	4.97	1.75
1911	3.20	5.34	2.14

It will be noticed that in every year but one—1910—the price of granulated sugar in New York was from 8 to 86 cents plus our full tariff higher in New York than in Hamburg. In 1910 raw sugar in Hamburg was 20 cents a 100 pounds higher than in foreign countries generally. This accounts for the fact that in 1910 there was not quite the full tariff difference between the price of sugar in Hamburg and in New York.

Again, I ask any Member of the House who is opposed to this bill to explain why the wholesale price of sugar in New York is the full tariff rate, and then some, above the price of like sugar in Hamburg if it is not our tariff that makes the difference. Certain it is that during all these years we could have purchased our refined sugar in the markets of Europe for more than the full tariff rate less than the wholesale price in New York. But we would not have been compelled to go to Europe for our sugar. We can always buy it cheaper in Cuba than we can buy it in Europe. The price of sugar in Cuba is regulated by the market price in Europe. It is equal to the market price in Europe less the freight from Cuba. We need no facts or figures to prove this. Cuba must sell her sugar abroad, and naturally she sells it to the country that lies nearest to her. As this country is the nearest, we will always get the Cuban sugar for as much less than the European price as the freight rate to our ports is less than the freight rate from Cuban ports to European ports.

The following table in column 1 shows the price of raw beet sugar at the ports in Great Britain, with the transportation and insurance included at the ports, as shown by the Statistical Abstract of Great Britain, to which I have added 40 cents for refining. The second column shows the wholesale price of granulated sugar in New York. The third column shows the difference between the wholesale price in New York and the import price in Great Britain plus the refining cost of 40 cents per 100 pounds.

Granulated sugar.

Years.	Export price Great Britain, tariff unpaid.	Wholesale price in New York.	Difference between export price in Great Britain and wholesale price in New York.
1900	2.58	5.32	2.74
1901	2.17	5.05	2.75
1902	1.46	4.45	2.49
1903	2.24	4.63	2.39
1904	2.59	4.77	2.18
1905	2.72	5.25	2.53
1906	2.32	4.51	2.19
1907	2.49	4.65	2.16
1908	2.69	4.95	2.42
1909	2.33	4.76	1.93
1910	2.94	4.97	2.03

The average wholesale price in New York for refined sugar for the 11 years mentioned in the above table is $4.84 per hundred pounds, or the difference between the wholesale price in England and New York for the 11 years mentioned in the table is $2.10 per hundred pounds. In the table above I have included 40 cents per hundred pounds for refining over the cost price of raw sugar in England. The Statistical Abstract for Great Britain also gives the export price—the wholesale price—of refined sugar for the years from 1900 to 1911, inclusive, which are as follows:

1900	2.89
1901	2.64
1902	2.30
1903	2.33
1904	2.67
1905	3.23
1906	2.52
1907	2.61
1908	2.82
1909	2.91
1910	3.39

This makes the average price for the 11 years $2.75 per hundred pounds, the difference between the price in Great Britain and New York averages $2.00 per hundred pounds for the 11 years. The average price in New York, then, is 14 cents per hundred more than the full tariff rate. This would more than pay the cost of transporting the sugar from London to New York.

I might add that frequent confusion occurs in tables by the word "wholesale" price in different countries. The wholesale price as mentioned here in the table I have given is the wholesale price of refined sugar at the refiners' and not the price of the wholesalers, as the word is ordinarily used. The price quoted in England can be absolutely relied upon. It is the price of sugar on board the vessel at the port where it is received, and the price on which duty is paid to the British Government. The price is accurate. No importer could fool the English officer if he tried, and if he did the penitentiary would be opening to him the next day. These prices are more reliable than any you can get from a trade book or trade journal or from the testimony of interested parties before a committee of Congress.

These facts show conclusively that sugar costs the consumer the full amount of the tariff above what he would otherwise pay; but if other evidence were needed, I have here an authority which, I assume, to at least all of the doubting Republicans, will be overwhelmingly convincing. The Committee on Ways and Means that reported the McKinley bill, placing all sugar up to No. 16 Dutch standard on the free list and only placing a half a cent a pound on refined sugar, in its report says:

In 1888 the consumption of sugar in the United States was 1,469,997 tons, or 53.1 pounds per inhabitant. Of this only 189,814 tons (375,904,197 pounds) were produced in the United States, and 1,280,183 tons, or seven-eighths of our consumption, were imported. We have not at hand the statistics of sugar consumption and production for 1889, but the relative proportion of domestic to foreign production was substantially the same. So large a portion of sugar is imported that the home production of sugar does not materially affect the price, and the duty is therefore a tax which is added to the price not only of the imported, but of the domestic product, which is not true of the duties imposed on articles produced or made here substantially to the extent of our wants.

In 1889 the duties collected on imported sugar and molasses amounted to $55,975,610. Add to this the increase of price of domestic sugar arising from the duty and it is clear that the duty on sugar and molasses made the cost of sugar and molasses consumed by the people of this country at least $64,000,000, or about $1 for each man, woman, and child in the United States more than it would have been if no such duties had been levied and the domestic product had remained the same.

This report was made by such eminent Republicans as Messrs. McKinley, Bayne, Dingley, PAYNE, LA FOLLETTE, and Gear.

Notice this language:

So large a portion of sugar is imported that the home production of sugar does not materially affect the price, and the duty is therefore a tax which is added to the price not only of the imported, but of the domestic product, which is not true of duties imposed on articles produced or made here substantially to the extent of our wants.

We do not produce substantially sugar to the full extent of our wants; in fact, we produce but a slight proportion of it. It is stated in the report, as above mentioned, that in 1890 we were producing only one-eighth, or 12½ per cent, of the amount we consumed. With 22 years of an enormously burdensome tariff enacted to promote the production of sugar in the United States, we, for the fiscal year ending 1912, will produce only 20.7 per cent of the amount we consume. This is not a guess, but the percentage as given to me by the Bureau of Statistics. We have only increased in the 22 years since this report was made the proportion of production to a consumption 8 per cent. I will show later that this slight increase in production has cost the people almost $2,000,000,000 to secure it.

That the McKinley law saved the people the full amount of the reduction in the tariff made by it is supported by the minority report of the Ways and Means Committee on the Wilson bill. This report was made two and a half years after the McKinley law went into effect. It reads in part as follows:

The Fifty-first Congress was a protective Congress, and not believing in a tariff for revenue only, wisely repealed the old law, and for the first time in the history of the country sugar came free to the people. This has resulted in a direct saving to the American people of over $200,000,000, less $16,717,726 paid for bounty and $11,000,000 estimated to be due to the producers for this year, which would aggregate $27,717,000, being a direct saving of over $1.25 per year for each person in the United States.

This report was signed by Thomas B. Reed, Julius C. Burrows, SERENO E. PAYNE, JOHN DALZELL, Albert J. Johnson, and John H. Gear.

This enormous saving was made in two and one-half years. These figures can only be true on the theory that there was saved to the people every penny the tariff was reduced.

Congressman Gear, of Iowa, when discussing the McKinley law, said:

It also proves conclusively to my mind that the duty on sugar is not a protective duty, but that it is a purely revenue duty to the extent of 90 per cent of every dollar collected from the people. Sir, this duty in the place of being protective is a bastard revenue which has crept in under the wing of protection and has held a place in our tariff schedules to which it is not entitled by reason of the fact that we can only produce 10 per cent of our consumption, and that all probability of producing sugar equal to our annual increased consumption is an impossibility for the cane growers of this country to accomplish.

We are absolutely, as I have said, at the mercy of the refiners, and how much mercy can the people expect of that patriotic institution called the Sugar Trust? We can from our past experience readily imagine. Why, sir, within a short space of time the sugar refiners, not content with the measure of protection given them by the tariff schedules, have organized a "trust" which embraces within its limits about 70 per cent of all the sugar refiners in the United States.

Congressman Burrows, of Michigan, expressed his views as follows during the debate on the Wilson bill:

Seventy-five millions of people are to be burdened with a tax on sugar in order to hold the votes of the sugar-producing State of Louisiana, and the Sugar Trust has had to have its demands satisfied in order to insure liberal contributions to the Democratic campaign fund; while Republican Senators had but to threaten interminable debate to secure full protection to the industries of their State.

Hon. SERENO E. PAYNE, of New York, said during the debate on the Wilson bill:

I shall vote against each of these popgun bills except that providing for free sugar, and I shall be very glad to join in voting for free sugar, because I believe in it on principle. I shall vote for it, not for the purpose, as you gentlemen claim, of benefiting the Democratic Party, or helping you to masquerade before the people, because every man of you on that side of the House knows that you will not get any from sugar in this Fifty third Congress.

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I am in favor of free sugar because I believe that the refiner does not need a duty to refine sugar profitably in this country.

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This is one of the most disgraceful acts of all the long history of tariff legislation. The so-called McKinley bill found this article bearing a heavy duty. This was a revenue duty, because only one-tenth of our consumption was produced in this country and the other nine-tenths was purchased abroad. The tariff became a direct tax upon the consumer and it was paid by him.

* * * * * * *

And so free raw materials have vanished from the bill. Then they have got sugar in. They have adopted my friend's "ad valorem," a rate of 40 per cent on sugar. They have adopted it because it is such a rate as the importer always wants—an ad valorem rate. The importer in this instance was the great Sugar Trust; and the Sugar Trust demanded an ad valorem, and, of course, the Sugar Trust got it—a rate of 40 per cent on raw sugar, 40 per cent on refined sugar, and because the trust does not import refined sugar an additional rate of one-eighth of a cent a pound on that.

ROBERT M. LA FOLLETTE, now a Senator, said in a speech on the McKinley bill:

This difference in policy is strikingly illustrated in the way the two bills have dealt with two most important articles of import—sugar and wool. It having been shown after years of experiment that we could only produce about one-tenth of our sugar from cane, the Republican bill has reduced the revenue $54,000,000 by placing sugar on the free list.

Congressman Charles H. Grosvenor, of Ohio, said of the McKinley bill:

This bill puts sugar, for the purpose of the consumer, absolutely upon the free list.

* * * * * * *

The country will save $45,000,000 at least the first year, and it may be more than that, and the industry will not be discouraged thereby. In doing this we test the question, moreover, of the effect of protective duties upon trusts and combinations, for the most flagrant and oppressive trust in the United States to-day is the trust in sugar. If it be true, as our Democratic friends claim, that a protective tariff promotes trusts, then we shall strike down this great trust in this way.

Senator Allison:

My answer to that is that we have encouraged under the tariff the production of sugar nearly since the foundation of the Government, and the result has been that there is about as much sugar produced now as there was in 1850, with a consumption largely in excess of the consumption of any other country in the world. Upon other items where we have the capacity to produce an article to the full amount of the consumption we have found by experiment that the price has been reduced. That is notably so of iron and steel, but it has not been thus far with sugar.

Senator Spooner stated his views in this language:

There has not been a year since 1860 that if the people of the United States (but for the revenue which the war made necessary they should have to carry on the Government and pay the debts which had been entailed) had bought the entire Louisiana sugar produce and dumped it into the Gulf they would not have made from $35,000,000 to $45,000,000.

When the McKinley bill was under discussion Senator CULLOM said:

Whether placing sugar on the free list will cheapen the article to the consumer is doubted by some. I believe it will cheapen it. If it does cheapen it to the people it should never be taken off the free list unless it shall become necessary for revenue purposes.

Hon. Mark H. Dunnell, of Minnesota, said:

The country will applaud the provisions of the bill that places all sugars under No. 16 in color upon the free list, saving annually to the consumers of the article of universal use not less than $56,000,000.

WILL THE CONSUMER GET THE FULL BENEFIT IF THE TARIFF IS REMOVED OR REDUCED?

It is strenuously insisted by those who desire to maintain the present tariff on sugar that if we do remove the tariff the consumer will not get the benefit. I am certain that this claim is not well founded. It certainly has no basis of fact in the history of our tariff on sugar to sustain it. If the proposed law does not reduce the price of sugar to the consumer, why should the sugar industry so strenuously oppose the reduction? If the removal of the tariff will not reduce the price of sugar, it certainly will not hurt the producer. But the truth is the men engaged in the sugar industry knows full well that every penny we reduce the tariff a like penny will go off of the price of sugar to the consumer and they will get a penny less for their products. This has been the case in every reduction of the tariff we have made affecting sugar. In March, 1870, we reduced the price on refined sugar from 5 cents to 4 cents. The following year sugar dropped a full cent a pound as compared with the preceding year. In March, 1883, we further reduced the price of refined sugar a half cent a pound and the next year raw sugar fell about seven-tenths of a cent a pound and refined about 1.2 cents a pound. In 1890, under the McKinley law, the price of refined sugar was reduced 3 cents a pound, and I will later show that the consumer got the full benefit of this 3 cents a pound reduction. In August, 1894, under the Wilson law, the tariff was increased a little over a half cent a pound. If we will compare the two years preceding the date that this law went into effect with the two years following, and take into account the difference in the cost of raw sugar, we will see that the price of sugar was increased the full amount of the tariff. In 1897, by the Dingley Act the tariff on refined sugar was increased by about six-tenths of a cent a pound. If we compare the three years after the Dingley law went into effect with the three years preceding under the Wilson law we will find that sugar advanced the full amount of the increased tariff under the Dingley law over the Wilson law. These facts show beyond dispute that the wholesale price of sugar in New York during 48 years has responded in all instances to the change in the rate of the tariff. It can not be otherwise so long as the United States does not produce practically all of the sugar that it consumes. As long as we do not produce within 10 per cent of the amount that we consume the wholesale price of sugar will equal the import price plus the tariff duty. It is my conviction that the price of sugar will always be the price of imported refined sugar plus the tariff.

I have just said that the McKinley law reduced the price of sugar the full amount that it reduced the tariff. The McKinley bill was introduced in this House in the spring of 1890. In fact, it was well known in the business world for some months prior to that time that such a law was proposed and would probably be enacted. The McKinley Act went into effect in October, 1891. By its provisions the schedule affecting sugar did not become operative until April 1, 1891; so for a year prior to the McKinley Act's taking effect it was known that such a law would probably be enacted and known to a certainty six months before it became operative. This had the effect for a full year or more before it became a law of reducing enormously the importations of sugar and consequently lowering the price of sugar generally at least 1 cent per pound during this time. During March and February, 1891, preceding the 1st of April, the price of sugar averaged about $6.13 a hundred. This was the price in New York on the 25th day of March, 1891. On the 1st day of April, 1891, when the McKinley Act took effect, sugar dropped to $4.50 per hundred, or dropped $1.63 per hundred pounds. In order to determine the effect of the McKinley law on the price of sugar. If we examine the prices for three years immediately preceding April 1, 1891, the day the McKinley Act went into effect, and for three years immediately following April 1, 1891, this will show fairly, but not fully, the amount saved the consumers of this country by the McKinley law. It will be found that the average price of sugar for the three years immediately preceding April 1, 1891, was $7.06 per hundred pounds. This amount would be at least 30 cents per hundred pounds more except for the effect of the McKinley law on sugar the year preceding its enactment, as I have mentioned.

The average price for sugar for the three years succeeding April 1 was $4.42 per hundred; or, the price of sugar for the three years immediately following the McKinley law was, on the market of New York, $2.42 per hundred less than the three years immediately preceding the date the McKinley law took effect. To better and more clearly show you the actual results of the McKinley law and its great saving to the people for the three years following the fiscal year beginning June 30, 1891, I want to give you its results in dollars and cents. During the three years mentioned this country consumed 13,117,000,000 pounds of sugar. By reason of removing the tariff on raw sugar and reducing it to one-half cent per pound on refined sugar by the McKinley Act there was saved to the consumers of this country 2.62 cents per pound, according to the market price in New York, for every pound consumed. Or, if we multiply 13,117,000,000 pounds by 2½ cents per pound we have $327,925,000 saved to the people of this country by the McKinley Act. The expenditures of our Government for the three years immediately following June 30, 1891, were $1,093,000,000. The reduction of tariff on sugar by the McKinley Act saved the people of the United States a sum equal to 30 per cent of this amount, or 30 per cent of the entire cost of running this Government during those three years.

If the McKinley law had provided for free sugar, refined or unrefined, the people during those three years would have saved $70,000,000 more. These figures which I have just given are not based on theory. They are not guesswork. They show exactly the saving that was made, and anyone can get the statistics and verify these figures if he desires to do so.

That sugar was sold at a cheaper price under the McKinley law than it would if a tariff on this commodity was in effect was stated by Congressman Tom L. Johnson, afterwards mayor of Cleveland, Ohio, in a speech in the House on the Wilson tariff, in which he said:

But every man, woman, and child uses sugar. It is one of the prime necessaries of life. And there is not a housewife in the land who will not feel that she is robbed by our "Democratic tariff reform" when she finds that where she got 3 pounds of sugar under the McKinley bill she now, under the Gorman bill, for the same money, gets but 2. You and I, with our official incomes of $5,000 a year, may not feel this tax; Mr. Cleveland, with his official income of $50,000 a year, may not feel it; our colleagues of the Senate, especially those who may have bought sugar front stock at the right time, may not feel it; but the great mass of the people, by whose votes we are here—the great mass of the people who must count every penny of income not sufficient to enable them to live in halfway decent comfort—they will feel it; they will feel it at once, and feel it bitterly. Again will they get an object lesson—that the tariff is a tax. Will you dare to go to them and point to sugar as a sample of the way in which you have carried out your pledges to reduce taxation?

And when they ask you what this tax is for, what will you tell them? Will you quote to them Mr. Cleveland's letter to Mr. Wilson on the propriety of taxing sugar? Will you quote to them Mr. Carlisle's letter that the needs of the Treasurer require the taxation of sugar? I know, and you know, and the people know—I was about to say that every dog that barks in the streets of the capital knows—that the real purpose of imposing this tax is not to give revenue to the Government, but revenue to the boodlers. You can not disguise it from the people, for the people know it already, that the purpose of this sugar tax is to put millions and millions in the pockets of men who are already millionaires by robbing the people. They know that this tax on sugar has been bought through every step of its way, carried by such open, undisguised corruption as has never been flaunted in their faces before. They know that the Sugar Trust has purchased this privilege of taxing them, and that, though the price it may have paid may be millions, it will receive back millions and millions before the Treasury gets one cent.

Congressman Andrew J. Hunter, in speaking before the House on the Wilson bill, quoted from a speech made by William McKinley during the campaign in Ohio, as follows:

We took the tariff off of sugar and now you do not have to pay it. See how we have relieved you from taxation by taking the tariff off of raw sugar and reducing your expenses.

A big saving was made to the people of the United States by the McKinley law, according to JOSEPH G. CANNON in a speech in the House on the Wilson bill, according to the following statement by him made during the discussion:

Mr. Chairman, the discussion that led to the placing of sugar on the free list commenced with the so-called Mills bill in 1888. The matter was considered by the House at length, and under the leadership of the other side the sugar schedule in the Mills bill remained substantially as it had been, with all its inequalities and iniquities, and was retained although this side of the House, I being at that time a Member, made the best fight they could to place on the free list this universal necessity, nine-tenths of which was then, as it is now, produced outside of our own borders. The Democratic Party refused to place it upon the free list then, with full revenues and when it might well have been done. In 1890, there still being necessity for the reduction of the revenues, the Republican Party in the McKinley Act wrote sugar upon the free list, and has saved annually from that time to this from $1.25 per capita alike to the rich and the poor throughout this country.

During the debate on the Wilson bill, after its return from the Senate, Congressman Charles H. Grosvenor, of Ohio, pre-

dicted that the price of sugar would advance. Subsequent events proved the prediction. Mr. Grosvenor said in part:

Every man in the United States who buys sugar for the use of his family will find himself called upon to pay something like $1.45 to $1.50 for that which he could hitherto buy for $1.

By the removal of the tariff on sugar in the McKinley law sugar was reduced in price, and the reduction was a great benefit to every citizen in this country. According to Congressman Dingley the duty has to be borne by the consumer, and in the debate on the Wilson bill he said:

I am opposed to raising revenue by means of taxation of 1 or 2 cents a pound on the imports of sugar, because sugar is an article of food as important as flour; so important, indeed, that the amount of money expended by every family in the course of a year for sugar is substantially as great as that expended for flour; and the production in this country is so small, only one-tenth the amount necessary for consumption, that the price here must be fixed by the foreign price plus the duty at the time; that, therefore, the duty must have unavoidably been imposed upon consumption and as much upon the poor man's family as upon the rich man's family.

I believe the experiment which has been tried now for nearly three years of placing sugar on the free list, on the ground that nearly all of our consumption must be imported, has resulted in so cheapening sugar and so reducing the cost of living as to be of advantage to every citizen in this country. A tax of 2 cents a pound is practically a tax of $1.38 for every man, woman, and child, and about $7 on each family, for the reason that there is so little production that the foreign cost and duty determine its price. Such a tax can not be justified on any ground for revenue, because it is clearly an imposition of a tax upon an article of food that distributes itself to every individual; not on account of protection, because experience has shown that it has not developed production of sugar in this country to a sufficient extent to make sugar production a proper subject for the application of that policy.

Hon. SERENO E. PAYNE, of New York:

Mr. Chairman, I oppose the restoration of the duty upon sugar, because it is putting a tax upon every man's breakfast table of at least a dollar a year for each person who sits down to that table. We took the duty off in 1890 and reduced the price of sugar because we produced but 10 per cent of the sugar we used and imported 90 per cent, and I hope that fact will get to the understanding some time of my friend from Kansas [Mr. Simpson].

William B. Allison, for many years Senator from Iowa, said:

We have encouraged the production of sugar abroad to this extent, and this only, that by reducing the price of sugar to our consumers we have encouraged a larger consumption in our own country than would prevail under a duty system such as we have had hitherto, because I take it that all these arguments from beginning to end disclose that everybody now believes that to the extent we have taken this duty off sugar we intend to reduce the price, and the result will be the reduction of the price to the consumer.

A DUTY CAN NOT BE DEFENDED UNLESS THE GOVERNMENT OR THE FARMERS IN THE UNITED STATES GET THE BENEFIT.

I do not believe that a tax on sugar can be justified on the ground that it produces a revenue. If we look upon it as a revenue producer, we can not defend it unless the Government receives the full revenue. I do not believe that we can justify a tariff on any food product that is a necessity on the table of every man, rich or poor; but be that as it may, if we are going to tax the importation of sugar a penny the Government ought to get that penny. If we are going to tax refined sugar $1.90 a hundred pounds, the Government should get the full $1.90. Of course, under our law sugar is imported raw and pays nothing like this tax of $1.90 a hundred pounds, but when the refinery gets through with it it costs the consumer the full $1.90 a hundred pounds for his sugar. The difference between our tariff law on raw and refined sugar is so high that no refined sugar is imported, but the consumer always pays a price for his sugar equal to the price he would pay if the imported sugar was refined, and pays the full tariff of $1.90 a hundred pounds.

One of the many vicious features of our tariff is that the difference between the rate on raw sugar and refined sugar is so fixed that the refinery can get an enormous profit for the refining. This year we will consume 7,760,000,000 pounds of sugar, which will cost the consumer the highest tariff rate of 1.9 cents a pound more than it would have cost him if sugar had been on the free list. If we multiply this number of pounds by 1.9 cents a pound, we will find that our sugar will cost us for the fiscal year 1912 $147,000,000 more than it would have cost us if sugar had been on the free list. Last year the Government received $53,000,000 in revenue on sugar. It will cost the people of our country this year $147,000,000 for sugar more than it ought to cost, of which the Government will get $53,000,000 in revenue. That is to say, that out of every 147 cents that sugar costs the people on account of the tariff the Government will get 53 cents. It is certainly bad enough to collect this $53,000,000 from a tax on sugar. How utterly wrong it is to collect this sum in such a way and by such a method that every time a man pays 53 cents to the Government he must pay 94 cents additional for the benefit of those people engaged in the raising and manufacture of sugar, most of it going to the owners of sugar plantations in Hawaii, Porto Rico, the Philippine Islands, and the great Sugar Trust monopoly, which is the largest beneficiary.

I do not think that it will be denied that a poor man and the man of moderate means and the ordinary workingman and their families consume practically as large a proportion of sugar consumed in this country as the rich man and his family does. The man who depends upon his wages for the care of his family finds it hard enough to feed, clothe, and educate them without being compelled to pay to the Sugar Trust and to the planters of our island possessions 94 cents every time he pays the Government 53 cents. Then, looking at this tariff from a revenue or a financial point of view, what can be more idiotic than this manner of collecting revenue? I think it far from wise to tax this food product, even though the Government got all the return from it; but what a useless and criminal waste of money to levy a tax of this kind on the people when the Government gets only 35½ per cent of the tax so imposed. If all of our $600,000,000—the revenue that we collect annually—were raised by a similar process, it would cost us more than one billion and a half annually to do so. We would soon become a bankrupt Nation. Nothing but a change to a sane and wise method of raising our revenues could save us. Looking upon this tax, then, simply as a manner of raising revenue, it is an economical failure.

OUR ENORMOUSLY HIGH TARIFF HAS BEEN A FAILURE IN FOSTERING THE SUGAR INDUSTRY, THOUGH IT HAS COST US IN 21 YEARS $1,982,000,000.

The McKinley law granted a bounty to the sugar producer for the purpose of maintaining and fostering the industry. The Wilson law provided for a tariff of 1.3 cents a pound for the same purpose. The Dingley law fixed the tariff rate at 1.95 cents a pound for the same purpose. In fact, for 120 years a high tariff has been maintained for the same purpose.

Mr. CANNON, speaking in favor of the McKinley law in 1890, said:

Yet it is claimed we have not had a fair chance to establish the sugar industry in the United States. My friend from Iowa, Gov. Gear, answered that proposition the other day when he said that for 100 years no article has been protected like sugar. In that time we have collected, in round numbers, $1,500,000,000 of duty upon sugar, and all the time the tariff was high enough for ample protection.

Let us see what it has cost the Government since that time to foster this same industry.

During the four years that the McKinley law was in operation the Government paid in bounties the sum of $36,106,000, or approximately $9,000,000 a year.

When the Democratic Party came into power in 1894 it repealed the bounty on sugar and levied a tariff of 40 per cent ad valorem on all sugar imported except Hawaiian sugar, and one-eighth of 1 per cent on all sugar above No. 16 Dutch standard. This tariff amounted to 1.3 cents a pound more than it would have otherwise cost us if we could have purchased our sugar in the open markets of the world. Had we no duty, the American people would have purchased their sugar for $187,391,345 less than we did.

In 1897 the Dingley bill was enacted, increasing the tariff to 1.95 cents a pound, or increasing it to $1.95 a hundred pounds. The duty on sugar was reduced under the Payne-Aldrich bill to 1.9 cents a pound, or $1.90 per hundred. While the Dingley and Payne-Aldrich bills were in force, from 1897 to June 1, 1912, we will have consumed 91,020,352,914 pounds of sugar. This sugar cost the consumer $1.90 and $1.95 per hundred pounds more than it would have otherwise cost if we had purchased our sugar in the open markets of the world. To recapitulate, our sugar cost us during the four years the McKinley Act was in force $36,000,000 more than it would have cost had we purchased our sugar in the open market. During the three years the Wilson Act was in force, $187,391,345, and during the time the Dingley and Payne-Aldrich bills were in force up to June 1, 1910, $1,759,585,830 more, making a total cost since the McKinley law went into effect of $1,982,000,000.

When I say the sugar cost us during this time $1,942,000,000 more than it would have cost us in the open market, I am figuring on the basis of the bounty we paid during the time the McKinley law was in effect and on the basis that every 100 pounds of domestic and imported sugar cost us the full tariff duty imposed on sugar the year that it was bought for consumption.

Now, I want to ask you, What have the people of this country to show for this enormous sum of money they have expended to promote the culture of sugar beets? What has it accomplished toward this end? In 1890, the date of the McKinley law, we raised of cane and beet sugar 306,000,000 pounds. This amount was increased in 1910 to 1,775,000,000 pounds. Or, our increased production amounted to 1,400,000,000 pounds. This may be said to be a large increase, but let us compare this with our increased consumption. In 1890 we consumed 3,192,000,000 pounds. In 1912 we consumed 7,760,000,000 pounds. So our increased production, brought about by our tariff in 20 years,

amounted to 1,400,000,000 pounds, but our increased consumption amounted to more than 4,568,000,000 pounds. So by spending this enormous sum we have been able to foster the beet-sugar industry in this country to the extent of increasing our production nearly 1 pound for every 3 pounds of our increased consumption. Will anyone contend that on this showing, even if we maintain our present enormous tariff, there is any hope or prospect of supplying our home market with home-grown sugar?

So at most, if we should maintain our present high tariff on sugar, we could not hope to increase our production more than 1 pound to every 3 pounds of increased consumption, but during the last 10 years we have not been able to anywhere near maintain this proportion, and the last 5 years we have not increased our production at all, while our consumption is increasing by leaps and bounds.

In 1902 we produced of beet and cane sugar, in round numbers, 1,097,000,000 pounds. We consumed the same year 5,018,000,000 pounds. This year we will produce, as given me by the Bureau of Statistics, of cane and beet sugar 1,715,000,000 pounds, and our consumption will be 7,760,000,000 pounds. It will be seen that during the last 10 years our increased production of cane and beet sugar amounts to 618,000,000 pounds, and our increased consumption amounts to 2,742,000,000 pounds. So in the last 10 years our increased production has been to our increased consumption as the ratio of 1 pound to 4½ pounds.

In 1908 we produced of cane and beet sugar 1,715,000,000 pounds. For the fiscal year 1912 we will produce 1,715,000,000 pounds, or our increased production of cane and beet sugar has been nothing.

In 1908 we consumed 6,590,000,000 pounds of sugar. In 1912 we will consume 7,760,000,000 pounds. In the last five years our increased consumption has been 1,170,000,000 pounds, and our increased production of cane sugar and beet sugar has been nothing.

It will be noticed for the 10 years mentioned our cane and sugar-beet production shows an increase of 56 per cent. Our increased consumption in the 10 years mentioned shows an increase of 54 per cent. In the last 5 years our sugar and cane production has not increased at all, not even by 1 per cent, while our increased consumption is 17 per cent.

I want you Members of Congress who have been talking about the marvelous growth of our sugar industry to stop and ponder on these figures for a moment. Can you find anything in these figures to justify the continuance of this tariff in order to promote or encourage the industry?

While our high protective tariff has not been able to increase our production of sugar in five years by a single pound, it has cost the people of this country an enormous sum. There is no bill that the people of this country have been compelled to pay for which they have received so little.

During this five years we have consumed, according to the Statistical Abstract, 36,213,000,000 pounds. If we multiply this by the 1⅞ cents a pound you will observe that within the last five years our present tariff, which is defended on the ground that it will promote our cane and sugar-beet industry, has cost us $687,000,000, without increasing the production of cane and beet sugar one pound.

There have been so many wild statements made in the House in reference to the growth of the production of cane and beet sugar that I will add here a table showing the production of cane and beet sugar for the last 10 years and the consumption of sugar in the last 10 years. This will include the fiscal year which ends in June, 1912. The figures for 1912 are estimated by the Bureau of Statistics, which has given me the figures, stating that they are reasonably accurate and the final figures will vary very slightly, if any, from them. I want to ask the most enthusiastice defender of our present tariff on sugar if he really thinks, in the light of these figures, that if we maintain our present tariff indefinitely we can hope to produce in continental United States more than but a small fraction of the sugar that we consume? On the contrary, do not the facts show our utter failure to promote the sugar-beet industry by this frightful tariff? The table shows:

			Total	Retained for consumption in United States (continental).
1902	728,650,448	369,211,733	1,097,862,181	5,018,972,657
1903	745,805,875	436,811,685	1,182,617,560	6,380,165,502
1904	525,932,000	481,209,087	1,007,161,087	5,661,900,411
1905	784,000,000	484,236,430	1,268,236,430	6,025,772,362
1906	766,080,000	625,841,228	1,391,921,228	6,491,294,803
1907	544,320,000	967,224,000	1,511,544,000	7,089,068,935
1908	788,480,000	927,256,430	1,715,736,430	6,590,822,991
1909	828,800,000	851,768,000	1,680,568,000	7,283,363,552
1910	750,400,000	1,024,938,000	1,775,338,000	7,360,126,811
1911	696,240,000	1,020,340,000	1,716,580,000	7,222,532,000
1912	689,000,000	1,026,000,000	1,715,000,000	7,760,000,000

HISTORY OF SUGAR LEGISLATION SINCE 1890.

I think it would be instructive as well as entertaining to give a brief history of sugar legislation, commencing with the McKinley law. The McKinley Act, as heretofore stated, reduced the rate on refined sugar from 3½ to 3 cents per pound and admitted all the sugars free of duty under No. 16 Dutch standard. It also provided a bounty of 2 cents on sugar grown in the United States. This law, so far as it affected sugar, went into effect April 1, 1891. Early in December, 1893, the Wilson bill was reported from the Ways and Means Committee. As reported, it reduced the rate on refined sugar from one-half cent to one-fourth of a cent per pound and provided for a sliding scale downward of the McKinley bounty, to the effect that after July 1, 1895, the bounty should be reduced each year one-eighth of a cent until July 1, 1901, when it should cease and terminate. The provision for the continuance of the bounty and the provision fixing the duty at one-fourth of a cent per pound went out of the bill. The result of this was the placing of all sugar on the free list. This was done by a solid Republican vote, assisted by a sufficient number of independent Democrats to give a majority. So, in 1894 the Republican Party in Congress went on record as a unit in favor of free sugar.

I will print at the end of these remarks a copy of the Wilson bill as it left the House for the Senate as it related to the sugar schedule.

Mr. PAYNE vigorously denounced the Senate for amending the Wilson bill by placing a tariff on sugar, with one-eighth of a cent added for refined sugar. He declares that this was done by the Democratic Senators, assisted by two or three Republican Senators. He calls attention to the fact that it was the Republican Members of the House, assisted by a few Democrats, that placed sugar on the free list in the Wilson bill before it went to the Senate. Following is a brief extract from his speech:

But the Sugar Trust in 1890 was stronger than we knew. It has gradually absorbed the outside refiners, until now it controls practically the entire refining business and dictates the price to the American consumer. It is said to control the price of the raw product in Louisiana, it being the only purchaser at one-fourth of a cent a pound below the New York market price. It is said to have a contract with the producers of Hawaii, which has three years yet to run, by which it controls the entire output of these islands at the same rate of one-fourth cent below the New York price. Being the greatest customer for Cuban sugar, it is said to have forced down the price of that market so that this commodity brings there one-fourth of a cent less than the same class of goods in the markets of France and Germany.

* * * * * * *

The time came for the preparation of a tariff bill. It came to the House from the Ways and Means Committee with a protective duty for the trust and free sugar for the producer. The Democratic House, aided by a solid Republican vote, made sugar free in the bill, and in that form it went to the Senate. Then the State of Louisiana demanded the fulfillment of Democratic pledges. The Louisiana interests demanded a specific rate of duty. These are the interests to whom the pledges were made—the men who had votes in the Senate.

But the Sugar Trust appeared and demanded an ad valorem rate on both raw and refined sugars, with an additional discriminating duty on the refined. The Secretary of the Treasury drew the sugar schedule and it is drawn exactly as the trust demanded.

This bill went through the Senate exactly as the trust demanded it. Over six weeks were spent by the Democratic conferees upon this measure and no concession was made as against the Sugar Trust. A proposed change was accepted which, I believe, from the language published in the papers, would have given the same discrimination in the ad valorem rate and an additional differential duty of one-fifth cent per pound instead of one-eighth; of 20 cents per hundred instead of 12½. The Louisiana interests, according to the published reports, never denied, were demanding the bounty for this year. There was no thought of yielding to them; even the pledges of the Democratic campaign managers and the Senate caucus did not seem to be powerful in their behalf, while the protection to the Sugar Trust remained as firmly in the bill as though the contract had been made in writing as well as consideration paid in 1892.

The Wilson bill went to the Senate. The duties were raised generally in the Senate. Some 600 amendments were made increasing the duties on various items. The combination that finally voted these amendments into law included the Senators from Louisiana and other sugar-producing States and all the votes that the Sugar Trust could muster. The Wilson bill came back to the House and was concurred in by the House. The only bill that ever passed the House, as far as I have been able to learn, placing sugar on the free list, was the sugar schedule in the Wilson bill as it passed the House in the first instance supported by a unanimous Republican vote. If a Republican protectionist could have voted for free sugar in 1894, why can not a Republican who believes generally in the protective theory vote for it in 1912? If it was good Republican doctrine then it must be good Republican doctrine now. When the Republicans came into power it was necessary again to revise the tariff. It was necessary to raise the rate on wool; people interested in the metal schedule demanded a raise on it; people engaged in the manufacture of cotton goods demanded a raise on cotton, and in order to get the votes from the sugar States and the support of the Sugar Trust Senators, it was necessary to raise the rate on sugar. The friends of free sugar had no oppor-

tunity to vote on the sugar schedule as a separate schedule, and I venture the assertion that there would be no chance to place sugar on the free list now if we were taking up the tariff law as a whole. Men who are in favor of free sugar now are given an opportunity to vote their convictions.

All the provisions contained in the Wilson bill as passed and enacted into law which had the effect of firmly establishing and maintaining the sugar monopoly remains in the law at the present time, which this bill proposes to repeal. If Mr. PAYNE was sincere and right in maintaining that the Wilson bill would put the people of the United States in the grasp of the Sugar Trust—and I think he was; the subsequent history has proved that his prophecy was correct—he has the opportunity to assist in undoing the wrong now that was perpetrated then. A vote in favor of the present bill will take us out of the hands of the Sugar Trust monopoly.

Mr. CANNON was of the same opinion. He asserted that if the Wilson bill was enacted that it would further increase the hold of the great Sugar Trust upon the people. He said:

But when you come, gentlemen, and demand not only that you shall be protected, but insist that we shall further sustain this sugar anaconda by a continuance of the present schedule, you ask too much; we draw the line there.

It was most strenously claimed by Mr. PAYNE, Mr. DALZELL, Mr. Dingley, and by every Republican who spoke on the subject in 1894 that to place a tariff on sugar with a preferential rate in favor of refined sugar would put the people of this country at the mercy of the Sugar Trust. The solid Republican vote that succeeded in voting out the preferential as well as the duty on refined sugar voted it out on the theory that to leave it in would be in the interest of the great sugar monopoly. It is claimed now that to repeal the law giving a preferential to refined sugars or to the sugar refinery would be in favor of the great Sugar Trust or monopoly. One of two things is certain, the position taken by the Republican Party in 1894, led by the eminent men above mentioned, was in favor of the Sugar Trust or else the position that is taken now by the majority of the Republican Members is in favor of the Sugar Trust. We can not blow hot and cold on this proposition.

IS THE SUGAR TRUST IN FAVOR OF FREE SUGAR AS PROPOSED BY THE PRESENT BILL?

It is claimed and will be strenuously argued that the Sugar Trust is in favor of free sugar. How anyone who is at all conversant with the situation can seriously contend this is more than I can understand. It is an admitted fact that the Sugar Trust refines 91 per cent of all the raw sugar that is consumed in the United States outside of the sugar that is produced and refined by the beet-sugar industry. The beet-sugar plants refine in every instance their own sugar. Every pound of sugar that is imported from abroad—and it amounts to more than one-half of what we consume—is raw cane sugar. Something over 4,000,000,000 pounds of raw cane sugar are imported into this country annually, and 91 per cent of this enters the back door of the American Sugar Refining Co. to be refined. Our present schedule on sugar makes it utterly impossible to import successfully refined sugar. If we opened the door, as we will by placing sugar on the free list, to importations of refined sugar, their monopoly will be at an end. It is probably true that in that case the sugar-refining company will refine most of the sugar that is consumed, but the refined sugar will be in direct competition then with every sugar refinery in the world. Most of our sugar cane comes from the West Indies. We have a lower freight rate from that point than Europe. It would be impossible for the European refiners of sugar to buy their sugar in the West Indies, transport it to Europe, refine it, and then transport it back and compete with our home factories, but the sugar refiner will be compelled to sell his refined sugar at a price but a trifle above the price of refined sugar in England or Europe. Under the present law the refiner is enabled to charge an exorbitant profit for his refined sugar.

The American Sugar Refining Co. has been able for the last 10 years to purchase its raw sugar at about $2.19 a hundred. The average price at which it has sold it for the same 10 years, at wholesale, New York, is $4.84 a hundred. Most of this raw sugar is bought in Cuba, and the American Sugar Refining Co. has paid on an average about $2.19 for its raw sugar. The tariff on this sugar has been about $1.35 a hundred, so when we add the tariff to the price of the raw product its sugar has cost it about $3.54. If we add 15 cents a hundred, the cost of transporting sugar in cargo from the West Indies, we add a larger price for transportation than it has cost the company. This would make raw sugar cost the American Sugar Refining Co. $3.69 in New York. This company has placed this sugar on the market on an average for 10 years at $4.84 a hundred; or it has charged the difference between $3.69, its cost, and $4.84, its selling price, for refining the same. It has charged for refining and profit for refining, $1.15. If we assume that this is an exorbitant price, as we will readily see if we compare this cost with the cost of refining light sugar in England. Raw cane sugar has cost the refiner in England, on board of ship at the ports of England, for the last 10 years an average of $2.37 a hundred. This was bought in the open market of the world and in competition with the American Sugar Refining Co. in New York. The average price of refined sugar in England for the past 10 years is $2.75 a hundred; or, the English refiner has bought sugar in competition with the American Sugar Refining Co., refined the sugar, and placed it on the market for 38 cents a hundred, as opposed to $1.15 a hundred grabbed by the Sugar Trust by means of our protective tariff. The American Sugar Refining Co. has been able to make a profit under our tariff of 77 cents per hundred more than an Englishman has who has refined the same grade of sugar. We have paid three times as much for the refining of our sugar as the Englishman has paid.

No doubt one or two of the independent sugar-refining companies desire free sugar, but it is utterly absurd to undertake to show that the American Sugar Refining Co., which refines 91 per cent of the raw sugar in this country, desires free sugar. If anything will tend to burst the monopoly they hold on the refining business, it will be free sugar. I am supported in this by very many eminent Republicans who made a very gallant fight for free sugar when the McKinley bill was before the House and likewise when the Wilson bill was before the House; also many prominent Democrats.

Hon. SERENO E. PAYNE, of New York, speaking further on the Wilson law, said:

In addition to this the Senate bill provides that Hawaiian sugar shall be admitted free of duty. The product amounts to 300,000,000 pounds, which would result in a bonanza of $6,000,000 per year to be divided between the Hawaiian planters and the Sugar Trust, which takes the entire production from them.

In order to take away a bounty of $13,000,000 to the sugar planter you vote a bonus of $18,000,000 to the trust on the sugar in sight, one-half a cent per pound differential on the four billions annually consumed, or $20,000,000 per annum, and a further bounty of $6,000,000 per annum on Hawaiian sugar. At the same time you place a grievous tax on every man's breakfast table. Verily, as the President says, "this is a delicate subject."

Continuing, Mr. PAYNE said:

A vote for the restoration of a duty on sugar is a vote of $5,000,000 a year to the gentlemen who own the sugar plantations in the Hawaiian Islands; it is a vote of $10,000,000 a year to those who own the sugar plantations in Louisiana and other plantations in the South and West, and therefore I am opposed to voting that tariff upon sugar. I am opposed to the scheme contained in the present bill of the majority of the Committee on Ways and Means, because it is simply voting a gratuity to the producers of sugar without any prospect of a public benefit. No man is sanguine enough to hope, or dare express the hope, that the effect of this bounty in this bill will benefit the sugar industry or establish it upon a permanent basis. On the other hand, it will destroy the industry, and that very quickly and simply. The people of the United States are called upon to expend $35,000,000 for a class comprising a few individuals, a small class—legislation for a few people in the United States.

I am in favor of keeping in operation the present law not only because it has been held out to the people who would produce this sugar that they would have this bounty, but because by a similar bounty Germany and France were able to build up the beet-sugar industry, and that we shall be able under it to build up that industry in a few years sufficiently to supply the whole consumption of our own country.

Continuing, Mr. PAYNE said:

The time came for the preparation of a tariff bill. It came to the House from the Ways and Means Committee with a protective duty for the trust and free sugar for the producer. The Democratic House, aided by a solid Republican vote, made sugar free in the bill, and in that form it went to the Senate. Then the State of Louisiana demanded a specific rate of duty. These are the interests to whom the pledges were made—the man who had votes in the Senate.

But the Sugar Trust appeared and demanded an ad valorem rate on both raw and refined sugars, with an additional discriminating duty on the refined. The Secretary of the Treasury drew the sugar schedule, and it is drawn exactly as the trust demanded.

This bill went through the Senate exactly as the trust demanded it. Over six weeks were spent by the Democratic conferees upon this measure and no concession was made as against the Sugar Trust.

During the discussion of the Wilson bill JOSEPH G. CANNON said:

The Republican Party in writing sugar upon the free list also relieved the country from embarrassment under a treaty with the Sandwich Islands which had been running for over 20 years and which permitted the product of those islands to come in free, whereas sugar coming from other countries paid 2 cents a pound, and the fact that the 95 per cent of the other sugar paid 2 cents gave a profit of 2 cents a pound on the Sandwich Island sugar and put into the pockets of Claus Spreckels and other Pacific coast people $5,000,000 a year. The legislation of the Republican Party cut off that tax, not one cent of which has been paid by the people since, and not one cent of which relief the Democracy proposed in 1888 or at any other time to grant to the people.

While an effort was being made in the Senate to put sugar back on a dutiable list in the McKinley bill, Senator Vest, of Missouri, said:

What does this proposed taxation do? It puts $20,000,000 a year into the pockets of this enormous trust and gives them their raw material, the sugars under 13, free. It is done in the interest of the people of this country, and Senators will go upon the hustings and denounce the trusts and combines and declare that they look upon them

as accursed things that ought to be wiped out if any legislation can accomplish it—and this in the face of the fact that Mr. Havemeyer says if he gets his raw sugars free he can beat the English refiners.

Congressman Charles H. Grosvenor, of Ohio, speaking of the Wilson bill after it went to conference, said:

When the Wilson bill passed in the House of Representatives the stock of the great Sugar Trust, which has been watered up from nine millions to sixty-odd millions, was worth in the markets of the country 17; to-day it is worth 107; and when this bill goes into effect, and there is no longer any danger of unfriendly legislation, it will doubtless forge even way up to 120. Already you had added to the value of this stock from thirty to thirty-five millions of dollars, and you propose by this bill, in the interest of this trust, as admitted by Mr. Wilson, to take from the people of the United States forty-odd million dollars in sugar taxation and put every cent of it into the pockets of this enormous combination. (Vol. 26, pt. 10, Appendix, pt. 2 (23), p. 1356.)

When the Wilson bill was under consideration Congressman Gear said:

Let me call the attention of the House and the country to the real facts in the case. In the Fifty-first Congress every Democrat, under the lead of Mr. Carlisle, voted against the free-sugar schedule. The House passed the schedule with free sugar up to No. 16. The bill went to the Senate and the Finance Committee of that body reported it back to the Senate with No. 16, which is a good table and culinary sugar, stricken out, and inserted No. 13, which is as black as my coat.

The Senate, under the lead of Senator Carlisle, with the aid of two or three Republican Members, passed the bill in this shape. The bill went to conference. Then, as now, sugar was the pivotal point in the bill. But, Mr. Speaker, the conferees on the part of the House, different from the House conferees on this bill, were patriotic and loyal to the interest of the people. They stood out and caused the Senate to surrender.

Sir, they gained a signal victory; a victory for the people as distinguished as a surrender of the House is to-day disgraceful. Who are the friends of the Sugar Trust? Why, the Democratic Party. Why do I say that? Sir, it is in evidence that Secretary Carlisle, with the consent of the President, practically drew the schedule of this bill we have just passed, a schedule that has put many millions of dollars, as I have shown, into the coffers of the Sugar Trust and given them, by way of differential duties, large profits in addition.

Continuing, Mr. Grosvenor said:

There is not a Democrat of intelligence in the United States who does not to-day blush for his country. There is not a Democrat on this floor who does not know that this schedule was suggested, improved, amended, put into shape, and absolutely dominated by the representatives of the Sugar Trust. It was done in their interest, and out of it they will make a sum of money that is dazzling and bewildering in figures during the current year. It is stated and admitted upon the floor here that, pending this very legislation, they have plied up almost a year's supply of raw sugar in the warehouses of New York. They import it free of duty and will call it, duty added, to the people of the United States, and all this has been made possible by this Democratic administration.

WHAT IT COSTS TO MAINTAIN THE PRODUCTION OF SUGAR IN PORTO RICO, HAWAII, AND THE UNITED STATES.

I think I have demonstrated that we would pay 1.9 cents per pound on sugar that we consume from Hawaii, Cuba, and the Philippines, as well as that produced in the United States, more than we would pay if the proposed bill becomes a law. The Bureau of Statistics informs me that this year our importations from Porto Rico will amount to 689,000,000 pounds. By using a little mathematics we will see that we pay the Porto Ricans a bonus of $12,000,000 annually. This equals $12 for every man, woman, and child in Porto Rico. Porto Rico farmed in 1910 145,000 acres to cane sugar. This bonus or subsidy that we pay them amounts to $80 an acre for every acre of land cultivated to cane sugar. The wages paid in Porto Rico are probably as light as in any place in the world. We do not need a tariff board to inform us that the wage scale in Porto Rico is less than in any country in Continental Europe that produces beet sugar. I venture the assertion that $80 an acre will pay the entire cost of producing cane sugar in Porto Rico and transport it to the city of New York. Why should we tax the man that works in the mines, in the rolling mill, or on the farm for the benefit of the cheap labor of Porto Rico? Last year Hawaii produced 1,110,000,000 pounds of sugar. Our bonus, or tariff, on this amount makes a total of $20,000,000 we paid to the people of Hawaii as a gratuity for raising sugar. The population of Hawaii is 191,000. This amounts to $105 to every, man, woman, and child in Hawaii, or it amounts to $525 for every family.

The labor employed for producing cane sugar is imported coolie labor from Japan and China. Scarcely a penny goes to the employment of native Hawaiians in the raising of sugar; scarcely a penny goes to a man of Anglo-Saxon descent for the raising of cane sugar. The wages paid this coolie labor by the Hawaiian planters average $16 to $20 per month, the laborers boarding themselves. Again, I say we need no tariff board to inform us that the labor cost in Hawaii is no more than it is in Continental Europe. Those $20,000,000 that are taken from the pockets of the American people to pay this gratuity to Hawaii does not go to the labor employed; it does not go to the Hawaiians generally; but it goes to the four or five corporations that own the land in Hawaii that is cultivated to cane sugar and which corporations are said to be very closely allied to the great Sugar Trust, the American Sugar Refining Co. Last year there were 185,000 acres planted to cane sugar in Hawaii. This 1.9 cents bounty per pound we paid on every pound of sugar consumed from Hawaii equals $107 an acre. This $107 an acre will pay for every dollar of expense of raising sugar in Hawaii and transporting it to the refiners in New York, and this $20,000,000 that we give as a gratuity to the sugar planters in Hawaii and the Sugar Trust is wrung in a large measure from the laboring man, the poor man, and the man of ordinary means in America. What is true of Hawaii is true of the Philippine Islands, except that labor is paid even less in the Philippine Islands than it is in Hawaii. It is common knowledge that the wages paid the negroes on Louisiana plantations is the very lightest wage paid in America, and I doubt if it much exceeds the wages paid in Germany and France. The sugar raised in Porto Rico, Hawaii, the Philippine Islands, and in the South amounts to about three-fourths of all the sugar produced in the United States and its island possessions.

A trifle over one-fourth of our sugar is produced from sugar beets. Then only one-fourth of the sugar industry pays anything like American wages. The ordinary acre of sugar beets will produce about 2,400 pounds of sugar to the acre. At $1\frac{8}{10}$ cents per pound we pay $43 an acre for every acre planted to sugar beets in this country. Is there any other branch of our farming that receives such encouragement or one-tenth part of such encouragement? Yet the beet-sugar man, paying the high wages that he pays in America, does not get one-half as many dollars gratuity per acre from the people in this country as the sugar planter in Porto Rico, about 40 per cent as much as the sugar planter in Hawaii, and one-half as much as the planter in the Philippine Islands. We farm the beet sugar in this country on about 440,000 acres. The farmer can not possibly make on an average over $15 an acre profit, so the total profit to the farmer on the beet-sugar industry can not be over $6,500,000. If we follow the arguments of the supporters of our present tariff to its legitimate conclusion, it amounts to this: That it is a wise policy to pay a bonus of $20,000,000 to the Hawaiian Islands, $12,000,000 to Porto Rico, and $9,000,000 to the Philippine Islands in order to give our American sugar-beet farmers $6,000,000 profit. This is only half the story. I have shown that the sugar bill of the United States is $147,000,000 more than it otherwise would be on account of our tariff. If we deduct from this $53,000,000 that the Treasury receives, we compel our people to pay $94,000,000 more for their sugar than necessary, in order that our sugar-beet farmers may get a profit of $6,500,000 for raising sugar beets. I do not know how the recital of these undisputed facts may affect the other Members of the House, but if they are true, and I solemnly assert that they are true, I do not see how any man can see his way clear to vote against this bill. Our tariff on sugar is the most iniquitous, inexcusable thing in our whole tariff bill. There is nothing in the tariff law that calls as loudly for a revision as does the sugar schedule.

WILSON BILL.

The sugar schedule of the Wilson bill as introduced in the House December 19, 1893, was as follows:

Sec. 180. That the bounties authorized to be paid to producers of sugar by section 231 of the act entitled "An act to reduce revenue, equalize duties, and for other purposes," approved October 1, 1890, shall be reduced one-eighth part of their respective amounts as prescribed in said act each year, beginning with July 1, 1895, and extending to July 1, 1901, inclusive, and shall thereafter cease and determine.

Sec. 181. All sugars above No. 16 Dutch standard in color shall pay a duty of five-twentieths of 1 cent per pound.

Sec. 182. Sugar candy and all confectionery made wholly or in part of sugar, and on sugars after being refined, when tinctured, colored, or in any way adulterated, 30 per cent ad valorem; glucose, or grape sugar, 15 per cent ad valorem.

The sugar schedule in the Wilson bill was changed in the House to read as follows:

Sec. 182. That so much of the act entitled "An act to reduce revenue, equalize duties, and for other purposes," approved October 1, 1890, as provides for and authorizes the issue of licenses to produce sugar, and for the payment of a bounty to the producers of sugar from beets, sorghum, or sugar cane grown in the United States, or from maple sap produced within the United States, be, and the same is hereby, repealed, to take effect July 1, 1894, and thereafter it shall be unlawful to issue any license to produce sugar or to pay any bounty for the production of sugar of any kind under the said act.

Sec. 183. Sugar candy and all confectionery made wholly or in part of sugar, and on sugars after being refined, when tinctured, colored, or in any way adulterated, 30 per cent ad valorem; glucose, or grape sugar, 15 per cent ad valorem.

Sugar schedule of the Wilson bill as amended by the Senate, concurred in by the House, and enacted into law:

182. That so much of the act entitled "An act to reduce revenue, equalize duties, and for other purposes," approved October 1, 1890, as provides for and authorizes the issue of licenses to produce sugar, and for the payment of a bounty to the producers of sugar from beets, sorghum, or sugar cane grown in the United States, or from maple sap produced within the United States, be, and the same is hereby, repealed, and hereafter it shall be unlawful to issue any license to produce sugar or to pay any bounty for the production of sugar of any kind under the said act.

182½. There shall be levied, collected, and paid on all sugars, and on all tank bottoms, sirups of cane juice or of beet juice, melada, concen-

trated melada, concrete and concentrated molasses, a duty of 40 per cent ad valorem, and upon all sugars above No. 16 Dutch standard in color and upon all sugars which have been discolored there shall be levied, collected, and paid a duty of one-eighth of 1 cent per pound in addition to the said duty of 40 per cent ad valorem, and all sugars, tank bottoms, sirups of cane juice or of beet juice, melada, concentrated melada, concrete or concentrated molasses which are imported from or are the product of any country which at the time the same are exported therefrom pays, directly or indirectly, a bounty on the export thereof shall pay a duty of one-tenth of 1 cent per pound in addition to the foregoing rates: *Provided*, That the importer of sugar produced in a foreign country the Government of which grants such direct or indirect bounties may be relieved from this additional duty under such regulations as the Secretary of the Treasury may prescribe in case said importer produces a certificate of said Government that no indirect bounty has been received upon said sugar in excess of the tax collected upon the beet or cane from which it was produced and that no direct bounty has been or shall be paid: *Provided further*, That nothing herein contained shall be so construed as to abrogate or in any manner impair or affect the provisions of the treaty of commercial reciprocity concluded between the United States and the King of the Hawaiian Islands on the 30th day of January, 1875, or the provisions of any act of Congress heretofore passed for the execution of the same. That there shall be levied, collected, and paid on molasses testing above 40 degrees and not above 56 degrees polariscope a duty of 2 cents per gallon; if testing above 56 degrees polariscope, a duty of 4 cents per gallon.

183. Sugar candy and all confectionery, made wholly or in part of sugar, and on sugars after being refined, when tinctured, colored, or in any way adulterated, 35 per cent ad valorem; glucose, or grape sugar, 15 per cent ad valorem; saccharine, 25 per cent ad valorem.

The CHAIRMAN. The time of the gentleman has expired.

Mr. WARBURTON. As I proposed this bill originally, I ask permission to consume 10 minutes.

Mr. UNDERWOOD. Mr. Chairman, I do not like to object to extending the gentleman's time, but if one gentleman's time is extended, another one's will have to be, and, in order that each Member may have a chance under the five-minute rule, I must insist on the speeches being limited to five minutes.

The CHAIRMAN. Objection is heard.

Mr. WARBURTON. I ask unanimous consent to extend my remarks in the RECORD.

There was no objection.

Mr. FORDNEY. Mr. Chairman, I made a statement yesterday that, so far as I am concerned, read the gentleman from Washington [Mr. WARBURTON] out of the Republican Party, and this morning he has certified to that statement. I am opposed to the amendment, and I am opposed to any reduction of the duty on sugar that will not furnish adequate protection between the cost of production of sugar in this country and abroad.

Yesterday the gentleman from Alabama [Mr. UNDERWOOD] stated that the evidence before the sugar investigating committee showed that the cost of beets in this country was less than that paid by the factories in Germany. I think that is a correct statement of the gentleman's remarks. I have here the record to show the testimony before that committee, taken from a record furnished by the Bureau of Statistics, giving the cost price paid by the factories in France for beets for eight years to be $4.05 per ton.

Mr. HARDWICK. What years were those?

Mr. FORDNEY. The years 1902–3, 1903–4, and the five succeeding years; and for the last seven years in Germany the price has been $4.45 a ton.

The records show the price paid by the factories in this country to be far above that, and in the State of Michigan last year $6.91 per ton was paid; but the main point is this: The chairman of the committee stated that the purity of sugar in the foreign beet is of less degree than in the beet in this country. It is just to the contrary, as testified to and as shown in the record that I have before me.

Here is the evidence furnished by the official statistics obtained from the Bureau of Statistics, which obtained them from the bureaus of statistics in France and Germany. Mr. Willett testified, and I have a letter and a telegram from him certifying to the statement made by him, that beets in Germany testing 17½ per cent, as compared with beets of the same test in this country, produced from 1 to 2 per cent more sugar than the beets raised in this country. Let me tell you what that means. The difference between 1 and 2 per cent, say an average of 1½ per cent, means 30 pounds of sugar more per ton extracted from the beets in Germany and France having the same percentage of test than in this country. Thirty pounds of sugar per ton, at 3 cents per pound, means 90 cents per ton more value to the product of the factories in France and Germany for beets of the same percentage or test. Or, put in another way, it means that a 17½ per cent beet in Germany or France produces 30 to 40 pounds more sugar per ton than does the 17½ per cent beet of the United States.

The CHAIRMAN. The time of the gentleman has expired.

Mr. DONOHOE. Mr. Chairman, I am in favor of this bill which places sugar on the free list. I regard it as the most important measure that has come before the House during the present session. Its enactment into law will reduce the cost of sugar about 1½ cents per pound, and by far the greater part of the saving of more than $100,000,000 will come to those who most need it—the plain people.

It is inequitable that the millionaire or the multimillionaire, with all his comforts and luxuries, should pay only about the same amount of taxes on his requirements in sugar as does the laborer or the artisan, whose scanty wage is often insufficient to enable him to make ends meet in the ever-increasing struggle for existence. It is unreasonable to hold that the man with a very large income should not pay a larger share of the cost of government than the man with a very small income.

The good people of my district with few exceptions and with no regard to political affiliations—for I am striving to represent all of them—demand free sugar and a fairer distribution of the burden of taxation incident to the cost of maintaining the Government. Most people feel keenly the high cost of living. Those who never experience its pinch should be willing, nay, should be glad, to assist in relieving some of the pressure from those who can ill afford to bear it. And because the industrious and intelligent people of my district demand it, I would support this measure regardless of my own opinion in the matter.

It is not so much my purpose to dwell on the merits of the pending bill as it is to touch briefly on the position of a Member of this House with reference to the views of his constituents. I contend that a Representative should reflect as far as possible the wishes of those who selected him as their Representative. [Applause.]

In thus stating my position I feel, Mr. Chairman, that I am on what some regard as dangerous ground. I know that this is regarded as positively heretical by a certain class of statesman whose reputation as champions of big business, vested interests, and corporate control is nation wide. I have already "suffered the slings and arrows" of one of the mighty warriors of standpatism in the person of Hon. Leslie M. Shaw, former Secretary of the Treasury and now titular head of sundry financial schemes. In an address before the Jewelers' Club of Philadelphia, on Saturday evening, February 26 of this year, Mr. Shaw made this remarkable statement:

> Our Representatives are supposed to be more intelligent and better in every way than the average voter. That is why they are Representatives. Never has there been such a cowardly body of men in Congress as there is to-day. A Member from this city recently read a telegram from a Kensington workingman asking him to vote against a certain measure. He said, "I will vote 'no' because of what this constituent requests." Such a Congressman is worth only as much as that workman. He is only a $1.50 per day man.

And one Philadelphia newspaper that reported Mr. Shaw's speech added:

> It was generally understood that this shot was aimed at Congressman DONOHOE, who represents the Kensington district.

Of course Mr. Shaw, former Secretary of the Treasury, is entitled to his opinions as to the value of a Representative and the cowardice of the present-day Members of Congress; but when he gives voice to those opinions in after-dinner speeches even he is liable to be questioned as to their accuracy and the motives that prompted them.

As to my action in this House, on which the learned gentleman bases his estimate of my worth as a Representative, I quote from the CONGRESSIONAL RECORD of August 3, 1911, page 3673, a few remarks which I made on the cotton bill (H. R. 12812) then under discussion:

> Mr. Chairman, before this bill came before the House for consideration I felt that the conditions in my district, as well as the pledges which I had made in my campaign, justified my being in a position to vote for or against it according as my constituents might desire, and therefore I took steps to exempt myself from caucus action.
>
> In the six congressional districts comprising the city of Philadelphia we have upward of 200 cotton mills, one-half of which I understand are in my district. In order to test the sentiment of those most interested and best informed in the textile industry, I sent the following letter to a gentleman whom I have known for many years as an honest labor leader and one of the most active in promoting the well-being of his fellow workers:
>
> "Inclosed please find copy of the Underwood cotton bill, which is now before the House. I wish you would have a talk with a number of your friends—both manufacturers and workers—as early as possible and advise me as to how they regard the proposed measure. In such matters I feel that as their Representative in Congress I should be governed by the wishes of the people, and so if those who know the textile business better than I do declare that the bill would be injurious to the textile industries, I will not only vote against it but, regardless of my personal opinion, do whatever is in my power in opposition to its passage."
>
> In answer to that letter I received this morning a telegram which reads: "Vote for Underwood bill; instructions from Upholstery Weavers, No. 25."
>
> Having received this request from faithful representatives of the operatives in the cotton mills of my district, and having received no contrary word from anyone in that district, I will gladly vote in favor of the bill.

This, then, was "the head and front of my offending." I requested an intelligent American mechanic to consult his friends, "both manufacturers and workers," and to advise me as to their wishes regarding a pending measure which I felt was of

interest to them. Had the telegram brought me the request to vote against the bill I would have done so. Would this have been unsatisfactory to Mr. Shaw?

Former Secretary Shaw may be right when he says that the Congressman who accepts the opinion of a workingman is worth only $1.50 per day. Is that Mr. Shaw's estimate of the value of a skilled mechanic in the textile industry in Kensington? If so, I want to say here and now, and with all the earnestness of which I am capable, that such is not my estimate of the value of any skilled mechanic or any workingman in my district. I know that during the past three or four years the mill operatives have not made full time, and that they have not had even moderate incomes; but I will say to-day, what I said before I was elected a Member of this House, that if my wish could accomplish it there would not be an idle mill nor an idle man in all that great industrial center, and that my earnest hope is that I may be able to render such service here as will tend to lighten the burden and better the lot of every worker everywhere. [Applause.]

But Mr. Shaw knows nothing about Kensington workingmen. He certainly knows nothing about the man to whom he referred in his recent address. I admit—and I am not ashamed to say it—that many operatives in the textile mills know more about the textile industry than I do. And the same holds good in other lines of industry as well. And why not? An intelligent mechanic who has spent 10 or 15 years in his trade, who has made a life study of conditions affecting it, and who depends upon it for his livelihood, should, and, as a matter of fact, does, know more about it in all its phases than even the average high-toned, glib-tongued, after-dinner doctrinaire. And whatever be the shortcomings or limitations of such mechanic few will deny that he is more vitally interested in the prosperity and general betterment of his particular industry than the man who estimates the value of his services at $1.50 per day.

As a striking illustration of his concern for the American workingman, and for the legitimate manufacturer, I quote from a recent prospectus of the American Fiber Reed Co., of which Mr. Shaw is, or was until recently, chairman of the board of directors:

> The American Fiber Reed Co. manufactures fiber and reed furniture with prison labor. Its factories are located inside prison walls and it has at the present time 800 prisoners under contract in Maine, Illinois, and Kentucky. * * * Prison contracts are usually made for eight years and generally continue indefinitely. * * * This company pays for its labor 52 cents per man per day; its competitors, who employ free labor, pay an average wage of about $2 per day. * * * There are no strikes or labor troubles in prisons. * * * These are ideal conditions for profitable manufacturing.

Those whose chief interest is in the great combinations of capital have little concern for the plain people. Everything, it seems, must give way to that which best insures big dividends, and, hence, those vast aggregations of capital whose baneful influence on our industrial life is felt at every turn. The independent manufacturer, squeezed for higher prices of trust-controlled raw materials, finds it more and more difficult to meet competition, and yet has no redress. The mills that form part of the consolidation of interests are operated or closed as the new policy may warrant without consideration for the employees or the people of the locality in which those mills are located. In this way the normal trade of districts is subject to fluctuations and contingencies that, year after year, make it more difficult for the local storekeeper to exist. And thus are the independent manufacturer, the dealer, the mechanic, and the laborer all hurt in turn by the system of which vast wealth is the center and inordinate greed the cohesive force.

While such men are ever alert to the needs of timid capital their chief concern about labor appears to be in seeing that it shall not be overpaid at the expense of big dividends and that those who consult intelligent mechanics on matters of legislation shall be branded as cheap Representatives. And yet these, or such as these, are the ones who will appear on the stump next fall professing their deep interest in and trying to fool again those whose votes they need to continue and, if possible, increase the sway of the system.

I would ask, in passing, what per diem value Mr. Shaw would place on the Congressman who would consult on matters of moment such great financiers as himself or Mr. Morgan or Mr. Rockefeller? Would he be worth, say, a million dollars per month, which is said to be the income of some of these worthy men?

Never—

Says Mr. Shaw—

> has there been such a cowardly body of men in Congress as there is to-day.

And Mr. Shaw finds proof sufficient for himself in the fact that some of the Members of this body have fallen so low as to accept suggestions from American mechanics. It would seem as if Mr. Shaw's lofty idea of courageous statesmanship is personified in the Congressman who, not deigning to listen to a representative of the toiling masses, takes his orders from a big political boss or a corrupt machine whose power is founded on intimidation, bribery, and other forms of election fraud.

In spite of a powerful machine the intelligent people of my district sent me here, and until those people change their mind they will be represented in Congress by one who will be glad to consult them on matters of legislation affecting their material interests. [Applause.]

Mr. SAMUEL W. SMITH. Mr. Chairman, once more our Democratic friends, being clothed with authority in the House of Representatives, are bent upon favoring foreign capital, foreign labor, and the foreign farmer to the injury of American capital, American labor, and the American farmer, as is clearly shown by this bill placing sugar on the free list.

I do not favor this bill, and such is the attitude of Republicans generally, and this feeling is shared by many Democrats, and the method of its creation is also criticized, as is shown by the statement of Hon. ROBERT F. BROUSSARD, in the Washington Post, of March 1:

"Representative BROUSSARD, of Louisiana, after attempting to find out directly from Mr. UNDERWOOD what the report would be, issued a statement attacking the Ways and Means Committee for the secrecy.

"'The secret caucus—the dark-room operations—the blindman's buff method of legislation,' said Representative BROUSSARD, 'will not answer modern thought on matters affecting the public welfare. I fail to see the force of this. If a man is doing a right thing he should invite criticism. This is legislation by caucus, with every Member blindfolded. I informed Mr. UNDERWOOD that that system of legislating would not do. I, for one, will not stand for it. The people of the country have a right to know what is going on here.'"

This able and distinguished Democrat has been elected to the House of Representatives eight times, and at the coming session of the general assembly of his State he will be elected to the Senate for six years, beginning March 4, 1915.

Mr. BROUSSARD is correct. During this Congress, so far, our opponents have been legislating by caucus; so much so that many of their Members are bound to such an extent by the caucus that they dare not express their own views upon many questions affecting the public welfare.

Is there any wonder that only 5 hours and 40 minutes general debate was allowed on this bill; one of the most important that will be introduced in this Congress, of which the Republicans had only 2 hours and 20 minutes; a bill which will cause a loss of revenue annually in round numbers of $55,000,000 and a loss of practically $10,000,000 for every hour of general discussion.

It seems a shame that any party should feel called upon to legislate so as to destroy the leading industry and one which for years has been encouraged both by the Republican and Democratic Parties, in a State in which there is invested in round numbers $120,000,000, producing an annual crop worth approximately $30,000,000 and employing 60,000 laborers, but the Democratic Party is repeating, in part, the legislation which brought about the dreadful conditions from 1893 to 1897. To be consistent they should put wool on the free list, but they dare not do it, fearing the further wrath and indignation of the farmer.

ALWAYS A SUGAR DUTY.

The first tariff bill, before sugar was ever made in this country, levied a sugar duty, and in all recent years has furnished millions of revenue, varying from fifty millions or more, toward the support of the Government. What a contrast this Democratic House presents as to sugar as compared to every other Congress since the foundation of the Government, ever bearing in mind that the Government has been levying duties on sugar for 123 years.

At a great mass meeting held in New Orleans March 12 the attempt of the committee to place sugar on the free list was severely denounced. The meeting was composed of men of all political parties—Republicans and Democrats, laborers, sugar planters, and men engaged in the manufacture of sugar machinery. It was a notable gathering of the financial, business, professional, political, and laboring interests of the State. It was shown at this meeting that the destruction of the sugar industry would involve a loss of 1,000,000 tons, worth $100,000,000, annually to the world's supply, and as a result necessitate the importation of additional sugars into the United States, and that ultimately the price of sugar would be raised to increase the profits of the refiners, and as a further result it must be evident that when the refiners, only six in number, are able to control the market the consumer will not be bene-

fited, as the claim is made by many, but, upon the contrary, the price to the consumer will be increased.

At this meeting Mr. H. N. Pharr, one of the leading sugar men of the State, is quoted in the Daily Picayune of March 13 as saying:

"History is about to repeat itself in the sugar industry. In 1894 there assembled in New Orleans a convention of a large and representative body of citizens of Louisiana interested in the welfare of the sugar industry. There had been an upheaval of parties, and that party to which Louisiana had always yielded allegiance had been intrusted with the affairs of the Government. There was agitation for tariff reduction, and sugar was made the target. The bounty on sugar that had been established was considered by Louisiana and the beet-sugar people binding as a contract at least for 15 years. The industry in Louisiana had nearly doubled in the time that the bounty had been in force, but the bounty was annulled and a tariff of 40 per cent placed on sugar. The convention in this city protested against that action. There were many present who are here now, and they remember of scenes and the gloomy conditions that succeeded the passage of the Wilson bill. Thousands of tons of cane were left in the fields because it did not pay to handle it, and many mills were closed, never to open again; properties changed hands or were mortgaged.

"There was political confusion and chaos in the State. Life-long connections were severed, and there came near being fraternal strife, and the State was shaken to the center.

"After 18 years we meet again to oppose an act which, if passed and allowed to become a law, will cause the conditions of 1896 to pale in importance. Sugar is to be placed on the free list by that act. It seems especially unfortunate that men of our neighboring States lead in the movement—UNDERWOOD of Alabama and HARDWICK of Georgia."

Mr. Pharr said that he did not speak as a politicial partisan, and those who remembered him in the place he occupied as a man without party would not accuse him of it. He said that the act was neither Democratic nor protectionist and sacrificed the domestic sugar industry ostensibly for the benefit of the laborer but really for the American Sugar Refining Co., which would get the most benefit. He said that, laying aside tariff features, he believed that the majority of the American people would agreet that the committee at Washington had shown a lack of statesmanship in destroying an industry in which $300,000,000 or $400,000,000 is invested.

It was being condemned by the press all over the country and should be denounced as buncombe of the most detestable kind, as the Democrats advocating it expect the President to veto the bill and are merely doing it for political capital.

If the Government for years fosters an industry and then at once withdraws its support, the rankest free trader would recoil from such vandalism. The speaker said he thought that Cox's army marching on Washington and the financial depression of those times would not be forgotten, but the present committee in its egotism has forgotten it.

Mr. Pharr said that the Underwood bill, if it did all that it was claimed it could, would do it at a dreadful price to Louisiana, Texas, and the West. It would result in destroying $50,000,000 of interstate trade, $100,000,000 of foreign trade, take away $53,000,000 of internal revenue, and, worst of all, would compel the Nation to depend on foreign nations for sugar in peace and war, and would perpetuate monopoly and enable the Sugar Trust to fix prices as it pleased. How any sane man, seeing the two sides of the ledger, could strike a balance for free trade I can not understand.

The only argument is the cost to the wage earner. That reduction would be temporary—only long enough to destroy the local sugar industry—and then the prices would resume their level or go higher. The result to the wage earner would be negligible, and what would free sugar mean to Louisiana? It would mean that 30,000 wage earners and 150,000 other people would be out of work, and the loss in the beet country in the West would be greater. The loss of employment would more than double this in the grinding season, and a half million people in New Orleans and Louisiana would be seriously crippled and many bankrupted. A million acres of land would be placed on the market and break down prices. It would stop reclamation and stop the large immigration that is coming into the State. The financial panic would cause others to pale into insignificance. It would result in reducing population and setting back the progress of the State 25 years.

What is taken for the cultivation of the soil, for machinery, and factory supplies from the other parts of the country would be wiped out, and the farms would have to be planted in cotton, corn, hay, truck, and so forth, to compete with the overstocked market.

Every man, woman, and child in south Louisiana would be seriously affected and almost every important industry in the United States would suffer. Every intelligent man knows that it is absurd to say that free sugar will not destroy the manufacture of sugar in Louisiana.

They claim that it will reduce the price 1½ cents, and we know that the refiner and grocer will have their profit, and with 4 cents as the price for the last 10 years, taking off 1½, it will leave 2½, or a reduction of not less than 1 to 1½ cents in Louisiana. The result is so simple that I marvel that an intelligent man could sign such a document.

Mr. Parr said he wished to emphasize, what was admitted, that the sugar ringers had spent $12,000 creating sentiment for free sugar; they wish to crush domestic sugar, as it is a dangerous competitor, and its destruction would enable the trust to increase on its investment.

Mr. R. E. Lee, former labor commissioner of Louisiana, is quoted in the same paper as saying that he spoke from the standpoint of a laboring man solely and only. He said as a workingman to workingmen, that they do not object to being legislated out of a political job, but that they do object to being legislated out of a living.

If this free-trade bill passes, said Mr. Lee, I say that every workingman will be reduced to the point of starvation within two weeks after it becomes a law.

He declared that free trade in operation means rust and decay, and that honest protection means prosperity and happiness.

If they want to establish free trade, why do not they tear down the immigration laws, queried Mr. Lee, and let the cheap labor come in with the free goods?

IMMIGRATION AND PROTECTION LAWS GO HAND IN HAND.

He referred to the Mills bill under the first administration of President Cleveland, and said that under the bill he had his first experience with free trade. He said he walked the streets of New Orleans for six months without a job, and that the people who know him know that he is a skillful mechanic. He pointed out that under the operation of the Wilson bill there were millions of unemployed, and that this country can not live under free trade.

FIVE HUNDRED YEARS OF PROTECTION IN ENGLAND.

When they try to foist a free-trade bill in this country, said Mr. Lee, let them remember that England gave 500 years of protection before the free-trade laws of that nation were enacted. He pointed out that the average industry in America is but 66 years old, and that even now prominent English statesmen are advocating a protective policy for England for the betterment of the laboring classes of the country.

FREE SUGAR AND RAW MATERIAL MEAN UTTER DAMNATION IN LOUISIANA.

Mr. James W. Porch is quoted in the same paper as saying, "Free sugar and raw material mean utter damnation," and explained how jute bagging was saved by President Taft vetoing the bill that had passed both Houses. I tell you this is un-American and against our institutions—something we can not tolerate, nor will we stand it. He showed the error of trying to put the United States on the level with the Mexicans and advocating keeping up conditions in this country. The reason why the United States surpasses other countries is that it has protected its industries and believes in the intelligent masses and not the intelligent few. There is no country that has felt direct taxation less than here, and there is no more ideal way of getting revenue than by the slight tax on sugar. He spoke of the enrichment of the refineries that would follow and of the fight of the people to save themselves from the legislators. The country is not in a position to experiment.

The foreign steamship agents would control the importation of sugar and would send it when they chose, and the refineries would own ships and manipulate the trade as they chose.

The business could be so developed here that the country could export sugar. Mr. Porch said it was reported that UNDERWOOD wanted to make Birmingham the steel center of the world. God save us from such statesmen.

He said that the saving feature was that there was a sane man in the President's chair who will put across the bill the stamp of disapproval, as he saved the jute industry.

Other distinguished and eloquent men addressed the meeting, and all condemned in severe terms the placing of sugar on the free list.

While those engaged in the sugar business are familiar with the following facts, the general public are not. The present rates of duty are, viz:

On refined sugar, $1.90 per 100 pounds.
On raw sugar of 96°, $1.68½ per 100 pounds.
On raw sugar from Cuba (20 per cent less), $1.35 per 100 pounds.

Refined sugar is not imported.

The world's production and consumption of sugar are about 16,000,000 tons, nearly evenly balanced, as you will see.

The annual consumption in the United States is 3,500,000 tons, derived from the following sources:

	Tons.
Raw cane, duty paying, chiefly from Cuba	1,800,000
Raw cane, domestic, from Porto Rico	300,000
Raw cane, domestic, from Louisiana	300,000
Raw cane, domestic, Hawaiian Islands	500,000
Total cane sugar	2,900,000
Beet sugar produced in the United States	600,000
Total	3,500,000

From the above figures you will see that about one-half of the consumption is produced in the United States and her colonies, but Porto Rico, Louisiana, and the Hawaiian Islands have practically reached the limit of their productive capacity, but not so in the United States, for there is a great undeveloped acreage that can be utilized for the raising of sugar beets sufficient to supply every pound of sugar that can be consumed in the United States, and I believe we can yet export sugar with a profit even after reducing the present price to the consumer, and, in a word, this is to be done by the expansion of the sugar-beet industry, but it can not and will not be done so long as our Democratic opponents insist upon tinkering with the tariff.

What we must try to do, and will do, is to produce the 1,800,000 tons of sugar which are now purchased in foreign countries and enough more for our increasing populatfon.

The output of beet sugar in the United States in 1890 was 2,203 tons. In 1897 it was 45,000 tons, and in 1911, 600,000 tons, which is about one-sixth of the Nation's consumption—3,500,000 tons.

Who is there beside our Democratic opponents that wants to destroy the cane and sugar-beet industry in the United States? I will tell you. The refiners of sugar, six in number, located at New York, Philadelphia, Baltimore, Brooklyn, San Francisco, and New Orleans. And why do they want to destroy the sugar-beet industry? Because the refiners import the raw sugar and refine it and want to control the whole, not a part, of the splendid sugar market of the United States, for we are the greatest sugar-consuming country in the world, using about one-fifth of the world's entire output of sugar.

They raise sugar beets in Germany and other countries in Europe. The reports from the Department of Agriculture in Washington will convince anyone that the soil and climatic conditions necessary to the production of beet sugar in the United States are equal to the best districts in Europe.

I read an article a short time ago to the effect that the reports from the Department of Agriculture show that there is enough land in the United States adapted to beet culture to produce as much sugar in one year as the entire world has consumed since the birth of Christ. I believe this is so, for I believe that we are just beginning to learn about the raising of sugar beets and the lands that are adapted to the same. Where are these lands referred to? They are located in Michigan, Iowa, Wisconsin, Minnesota, Colorado, Utah, California, and other States, 16 in all, that we know about. I believe that in the State of Michigan alone we have available sugar-beet lands sufficient to raise every pound of sugar that is consumed in the United States. The honorable Secretary of Agriculture, James Wilson, has said more than once that there were sufficient lands for this purpose in Iowa and that the farmer ought to raise double the tons per acre that he is now doing, and no doubt as he becomes more familiar and understands better about the production of sugar beets that such will be the case.

I was agreeably pleased and astonished to be told a short time ago by Mr. George McCormick, superintendent of the sugar-beet factory at Menominee, Mich., that the best sugar beets in this country were raised in the Upper Peninsula of Michigan, and that if one-half of the available sugar-beet lands in the upper peninsular could be used for raising beets it would supply all the sugar each year that is needed in this country. What a field for sugar-beet factories!

The truth of this fact is further apparent when we consider that the amount of land devoted to beets in Germany any one year is only 10 per cent greater than the area of my own county—Oakland, in the State of Michigan—and that Germany on such an area produces in any one year two-thirds as much sugar as the United States consumes.

At a recent interview which I had with Dr. Orr, of the Agricultural Department, who spent last summer in the sugar-beet fields of Germany, he told me that the German farmer did not raise sugar beets so much for the profits from the beets as to improve and prepare the soil for the crops which were to follow. That is not the rule in this country at this time, so far as I am acquainted; but, on the other hand, the farmer is raising beets primarily for the profit which is in the beets, and the preparation of the soil for the coming crop is secondary.

We must bear in mind that although the sugar-beet industry is yet an infant one in this country, thousands of people who have been trained in the beet fields of Europe have come to this country to make a home. Many of them have settled in the city. Many of them gladly avail themselves of the opportunity to go into our beet fields and have proven the most valuable help that the farmers can get in raising beets, and in many cases have been able to secure these laborers for the balance of the year in doing other work upon the farm. In these days when there are so many abandoned farms, largely because the farmer is unable to secure the necessary help, is it not better to encourage these people to become tillers of the soil, either as laborers for others or in their own right as owners of farms, rather than to remain in congested centers of population?

WAGES.

I want to call your attention to the matter of wages. "The lowest wages paid in the beet-sugar factories of the United States for common laborers, such as sweepers, loaders, and so forth, is $2.10 per day. The average rate of wages in these American factories is between $2.40 and $2.50 per day. In other words, the wage rate in the American beet-sugar factories is more than three times as great as in the European beet-sugar factories.

In a word, it will be readily seen that we have not only the proper soil and climatic conditions for producing our own sugar, but we have the workmen skilled in raising the beets and an abundance of capital right at home to build the necessary factories for producing all the sugar that can be consumed in this country, and I again want to assert, without fear of successful contradiction, that by reasonable encouragement the price of sugar can be reduced to the consumer and the United States become an exporter of the same.

PROTECTIVE TARIFF.

Now, "the necessity for a protective tariff to build up the domestic beet-sugar industry is apparent from the fact that the Michigan manufacturer of sugar pays the farmer 2½ cents per pound for all the sugar he is able to extract from the beets delivered by the farmer to the factory; that is, when the farmer delivers his beets to the factory he receives for them the equivalent of 2½ cents for each pound of sugar the factory is able to extract from those beets."

This is more than the average price of the European raw sugar laid down in bond in New York for the 10 years preceding January 1, 1911.

Now, again, "if the American manufacturer of beet sugar is to compete with European sugar without the protection of the tariff, it must be apparent that the farmer must sell his beets at not to exceed two-thirds the price he now receives for them, and the workmen in the factories must work for European wages.

"In Michigan alone there are now 30,000 farmers raising beets for the 17 factories in this State. It is needless to say that they will not raise these beets unless they can make money in so doing. It is true that they can turn their attention to some other lines of agriculture less profitable to them than the present beet crop, but the farmer is constantly being urged to diversify his crop.

"Such being the case, the beet-sugar factories would have nothing to do, and the investors in those factories would lose the $70,000,000 now invested in the sugar-beet factories of the United States. This fact accounts for the manufacturer's interest in the tariff on sugar.

"There are in the United States 71 sugar-beet factories, producing in round numbers 600,000 tons of beet sugar per year, or, practically speaking, about one-fifth of all the sugar consumed in the United States."

Those who are familiar with the development of the sugar-beet industry in Michigan know that as a result of the establishment of this industry farm values have increased in the beet-sugar districts manyfold. I am able to speak advisedly when I say that I know that lands which I could have purchased 16 years ago in Huron County, Mich., for $10 per acre are now selling for from $100 to $125 and $150 per acre, and those who pay these prices are reaping a fine reward for their investment in using these lands for the raising of sugar beets.

The fertility of the soil is being improved, and the farmer is raising better crops of all kinds than before this industry was established. Farm buildings are being improved and many new ones built. In the last two campaigns throughout my district it was a matter of daily comment that so many new, large red barns were being built, owing to the prosperous condition of the farmer. Farm mortgages are being paid, and in the

sugar-beet district, where the industry has been carried on, it is the exception to find a farmer with a mortgage on his farm, and it is becoming the exception to find the farmer who is extensively engaged in the sugar-beet industry not to find him owning at least one automobile, or abundantly able to do so if he desired. In a word, a general air of prosperity exists from the fact that the farmers are being paid by the Michigan factories in Michigan $8,000,000 annually or more for their beets.

FOUR HUNDRED BEET-SUGAR FACTORIES.

To produce in this country all the sugar that is needed would mean the erection of at least 400 beet-sugar factories in the Eastern, Central, Southern, and Western States, requiring an outlay of $400,000,000.

If this industry can be properly encouraged, the interior of the country would be improved as conditions have improved in Michigan, and the beneficent blessings of the industry would be distributed throughout the whole country.

If it were not for the present agitation to put sugar on the free list, I am informed that this year there would have been eight more beet-sugar factories built east and nine west of the Mississippi River.

Our Democratic opponents are forever talking about destroying the trusts. I want to suggest, first, that it would be better to regulate them, but if they sincerely desire to destroy the Sugar Trust, let them join with the Republicans in encouraging the building of a sugar mill in every congressional district throughout the Union, wherever there are sufficient lands to warrant the building of a mill to manufacture either cane or beet sugar, and the Sugar Trust will be a thing of the past.

Destroy the cane and beet sugar industries in this country and how easy it will be for the six refineries to combine and control the price of sugar, and who is there so dense that can not see it?

Let me plead with you Democrats that you do not persist in destroying the cane-sugar industry in Louisiana and Texas and the beet-sugar industry in Michigan and other States. We have 17 factories in Michigan, built at a cost of many millions of dollars, and more will be built if the industry can be encouraged. It affords employment for many laborers in the field and in the factory at splendid wages. More than 30,000 farmers in Michigan are engaged in raising sugar beets, and they have expended many thousands of dollars in purchasing machinery adapted to this work, which would be practically of no value for any other purpose. Why not by your legislation seem to appreciate the needs of this country, and by so doing encourage as rapidly as possible the building of enough sugar factories to produce not only all the sugar that we consume in this country, but let us as we can become exporters of the same?

FREE SUGAR V. FREE WOOL.

Of course you will be consistent and put wool on the free list, as you have sugar. At the extraordinary session of this Congress you advocated a duty on wool for revenue purposes only. Wool produces, in round numbers, an annual revenue of $21,000,000; sugar fifty-odd millions. You have sought to make up the deficiency in the case of sugar by an income tax. By the same course of reasoning, why not increase the income tax and make up for the $21,000,000 to be lost on wool? When the campaign is on, you will be telling the voter how necessary it is for him to have cheap blankets and cheap winter clothing. Now is your opportunity to practice what you preach and give it to him. Free sugar and free wool go hand in hand.

Mr. UNDERWOOD. Mr. Speaker, I desire to state to members of the committee that I have come to an understanding with the gentleman from Illinois [Mr. MANN] that we will agree to a general leave to print when we get back into the House. It will be unnecessary to ask for any extension of time, as when we get back in the House I will ask for general leave to print for five legislative days.

Mr. WEDEMEYER. Mr. Chairman, California, Colorado, and Michigan are neck and neck in the race for first place in the beet-sugar production of the United States.

In my own district many farmers are engaged in raising beets for the factory located at Blissfield, in Lenawee County, one of the greatest agricultural counties in the entire country, as well as for other factories within Michigan, among them those of Lansing, Owosso, and Mount Clemens, and also for those Ohio factories just over the line in Ohio at Fremont, Paulding, and Toledo.

The beet-sugar business gives employment to many men in my own district and State. It is estimated that 34,000 Michigan farmers raise sugar beets, about 2,000 for every factory. Sugar-beet raising has increased the value of much farm land, not only in counties of my own district but throughout the State, and has come to be an important business in Michigan. Then, too, the 17 Michigan factories employ an average of 350 men each during the active season.

So much for the producer and manufacturer.

Now, as to the consumer. When sugar was especially high last summer it was the domestic crop, the beet-sugar crop, that reduced the price about 2 cents a pound. In fact, this domestic beet-sugar production, being all refined sugar, furnishes the only competition to the output of the refiners themselves. Without the beet-sugar competition the people have absolutely no shield against the refiners' monopoly.

In view of the advantage, then, of beet-sugar production to the consumer as well as to the producer, I am utterly at a loss to understand this proposed legislation. And when I look over the history of the country in this regard, I am still more at a loss.

The first Congress that met under the Constitution in 1789 placed a duty on sugar. If at any time since then sugar has been on the free list, a careful search of the statutes has failed to reveal the fact to me. The nearest approach to free sugar was under the McKinley bill, when refined sugar paid a duty of half a cent per pound, and the interest of the domestic producers—at that time almost exclusively located in Louisiana—was guarded by a bounty of 2 cents per pound. The Walker tariff of 1846, always pointed to as the model Democratic tariff, placed a 30 per cent ad valorem duty on sugar, while the Wilson bill of 1894 made the ad valorem rate 40 per cent.

Nor is the United States alone in adopting this policy. Every civilized nation in the world maintains a duty on sugar. Even free-trade England, which does not produce a pound of sugar, places a duty of about 40 cents per hundred pounds on this commodity. The great sugar-producing countries in Europe maintain a higher duty on sugar than does the United States. Every important beet-sugar producing country in the world has a higher rate of duty on sugar than we now have.

Why this reversal of a governmental policy we have followed for over a hundred years? Why this abandonment of the precedent established by the civilized world? Is the wisdom of the gentlemen constituting the present Ways and Means Committee greater than that of all the Ways and Means Committees that have preceded them? Will you, on the other side of this Chamber, disregard the advice of such Democrats as Alexander J. Dallas, Daniel Manning, and John G. Carlisle in order that you may sit at the feet of the gentlemen who have framed this new fiscal policy? Is your wisdom so keen, your acumen so sure, your wisdom so profound that you can build more surely the foundation of national prosperity than did Bismarck, for example, who, by high tariff legislation, built up the great beet-sugar industry in Germany under natural conditions not anywhere near as favorable as those in this country?

No! The answer is not here. To such claims you make no pretense. You have not the slightest expectation that this bill will ever become a law. No responsibility attaches to the introduction of this measure. If such responsibility did follow, this measure would probably not be here. Even as it is, the opposition to it, down in the hearts of many of the Members on the other side, is so bitter that I have no doubt enough would gladly break away to defeat it if it were not for the lash of the party caucus. If you really thought this would become a law, you would not lightly wipe out $53,000,000 of sure revenue with the probability, nay, the moral certainty, that very little, if any, ultimately, of the remitted duty will go to the benefit of the consumer.

The real reason why this free-sugar bill has been brought forth is the fact that a general election is to be held next November.

"Free sugar" is to be a campaign watchword. It is to be used in loud grand-stand oratory about lowering the cost of living. I freely admit that for a time, until effective competition is destroyed, the refiners might possibly, for their own selfish purposes, make a temporary reduction in the cost of sugar, only to recoup many times over as soon as they have secured control of the market. In the end there will be no reduction whatever—simply the destruction of a great industry giving employment to tens of thousands of men all over the country. With beet sugar removed as a competitor the refiners would have the field to themselves. The beet-sugar industry once destroyed is not easily revived, because of the length of time it takes to raise a crop and manufacture sugar.

For six months a congressional committee has been investigating the sugar industry of the United States. Three weeks ago they submitted a unanimous report to the House wherein they find that there is a Sugar Trust, against which they lay 21 distinct counts for violations of the laws of the land, and for these violations the Government is now seeking to dissolve that trust.

An analysis of the Hardwick committee report, on pages 14 and 15, discloses the fact that only about 12 per cent of the refining business in the United States is in the hands of companies conclusively shown to be independents. That leaves about 88 per cent of the refining business to the trust.

Legislation beneficial to the refining interests and detrimental to their competitors necessarily assists the Sugar Trust more than $7 to every $1 that it helps the independent refiners.

In that most remarkable report which the majority members of the Ways and Means Committee make upon this free-sugar bill we are now considering they say:

> The refining interest is the most important factor connected with sugar manufacturing in the United States. Therefore the industrial position of refining requires primary consideration.

Now, as about 88 per cent of the refining industry of the country is undoubtedly controlled by the Sugar Trust, this declaration of policy means but one thing, namely, that the interests of the Sugar Trust are considered of primary importance by the Democratic Party in framing a sugar tariff. We have long wondered who it is that wears the mask with which the Sugar Trust decorates the copyrighted trade-mark on its most attractive brand—the Crystal Domino. Can it be possible that it is dear old Miss Democracy? Who would have thought two years ago, when the newspapers were filled with the revelations of the "case with the 17 holes," when the officers and employees of the Sugar Trust were being tried and convicted for stealing from the National Government, that in order to win votes in the coming election any party would dare declare that the interest of the Sugar Trust requires primary consideration in framing a sugar tariff?

This is no idle claim of those on the other side of the aisle. They are acting in accordance with this avowed policy. Three weeks ago you passed a chemical bill taking bone black from a schedule where it pays 25 per cent ad valorem duty and placed it on the free list. This material is one of the principal items of expense in refining sugar and practically no one uses it except the refiners. To-day you would pass a bill which places raw sugar on the free list and thereby relieve these same refiners from paying $53,000,000 annually into the National Treasury. If these refiners give the consumer the benefit of every dollar of the tariff removed, you have saved the refiner $1,000,000 a year in interest charges and cost of bone black. Remember that 88 per cent of this saving goes into the coffers of the Sugar Trust. If the refiners do not permanently give to the consumer the full benefit of the tariff removal, and no one believes they will, then 88 per cent of the amount thus retained by the refiners also goes into the coffers of the Sugar Trust.

Nor does the subserviency to the Sugar Trust stop here.

In the first two lines on page 5 of the majority report of the Ways and Means Committee it is plainly admitted that our domestic beet sugar offers the only competition to the refining industry. It is practically the only sugar in the United States that does not pay tribute to the refining industry, 88 per cent of which is controlled by the Sugar Trust. On the first page of this same report the committee states that during the decade ending with 1909 the number of our beet factories increased 117 per cent, the quantity of beets used increased 399 per cent, and the value of the products increased almost 700 per cent. Our domestic beet crop now constitutes our greatest source of supply other than Cuba. Here lies the real trouble. The Democratic majority cite this wonderful development of domestic beet sugar, not as a cause for congratulation but as a cause for alarm. They called before the Hardwick committee every leading refiner in the United States.

These men testified under oath as to the keenness of the competition given them by the domestic beet sugar and unanimously demanded that the duty on sugar be greatly lowered or removed entirely to check the growth of the domestic industry or destroy it completely. The Democratic Party not only listened to this proposal, but acceded to the demand of the most radical of these refiners, and their committee now reports a bill, the first of its kind in the history of the United States, in which all kinds of sugar are placed on the free list. That this bill will accomplish the end sought is freely admitted by the committee framing the measure. On page 5 of their report they give the cost of producing refined sugar in Germany as $2.415 per 100 pounds, and on the top of the next page the cost of producing domestic beet sugar as $3.54 per 100 pounds. As the freight from Europe to New York is only 12 cents per 100 pounds, it follows inevitably that the European manufacturer could make 1 cent per pound on his sugar and still sell it at the price it costs our manufacturer to produce this commodity. The European sugar producer will close our factories and then the refiners who plainly told the Hardwick committee that they were not afraid of world competition under free sugar will have an absolute monopoly in the United States. And of this refining monopoly the Sugar Trust controls 88 per cent. That which the Sugar Trust obtained by a warfare as ruthless as any waged by a robber baron of the sixteenth century, the Democratic Party would maintain unto them even to the third and fourth generation more effectually than by the law of primogeniture and entail.

Search the pages of our history and you will not find such another abject surrender to the grasping power of a monopoly. The Democratic Party, which proclaims from the housetops that it is the friend of the masses and believes in competition, says to the thousands of planters raising cane in the South, to the thousands of farmers raising beets in the North, to the thousands of workmen employed in the sugar factories of the South and the sugar factories of the North, you must give up your occupation and enter other employment unless you are willing to accept the compensation paid for similar effort in Java and Cuba and Europe. It says to the men who have invested $100,000,000 in the domestic beet-sugar industry and to the men who have invested a similar amount in the domestic cane industry, you must close these factories and abandon these fields. It says to the people of Porto Rico and Hawaii and the Philippines, we will reverse our government policy toward you and deprive you of your greatest source of prosperity. It says to Cuba, we will repudiate our treaty obligations and destroy your preferential market. It says to the economist, it is better to nurture an industry which spends $1 at home and $6 abroad, rather than one that spends $7 at home and none abroad, in producing the same commodity. It says to the historian, we disregard the wisdom of all the statesmen, Democratic and Republican, who have framed our fiscal policy during the 123 years of our national life. It says to the civilized nations of the world, we have a keener insight and a truer understanding of the principles of national prosperity than have you. All this our political opponents now say—and why? Because their leaders have listened in awe to the refiners—to Messrs. Spreckels, and Lowry, and Post, and Heike, and Arbuckle, and Gilmore, and Jamison, and Atkins, and have learned that the industrial position of the Sugar Trust requires primary consideration in framing a sugar tariff.

Gentlemen, I congratulate you. The Democratic donkey and the Sugar Trust will make a great team to haul any presidential band wagon.

In closing, let me say that very little, if anything, that might be called a general demand, has come to me from my district for any such legislation. It is true there have been some petitions on the yellow printed sheets so familiar to every Member. These sheets, I believe it is well understood, were circulated in the alleged interest of the consumer by a direct representative of the refiners. You all know the testimony.

From my old home section, from the country neighborhood where I was brought up, there came to me a resolution, which I desire to read:

> Whereas a revenue is necessary to successfully carry on the Government, we, the members of the Lafayette Grange, residents of the village of Chelsea, and of Lima, Sylvan, and Sharon Townships, politically, Republicans and Democrats, do protest against the lowering of the tariff on anything raised, produced, or manufactured in this country that under the present law brings in a revenue to the Government.
>
> Believing that to lower such duties would be to lower the earning ability of our citizens that earn their living with their hands, whether they reside in the city or on country farm.

This resolution just read is the answer of these constituents of mine to the blank petition sent to them for signature by the committee of wholesale grocers. How familiar that sounds in connection with the name of Lowry.

A very intelligent letter from one of my prominent constituents states that in my own district there is owned $15,000,000 worth of real estate in sugar-beet land; that this industry has increased the value of large tracts of land, and that to disturb the tariff would destroy this important branch of agriculture and manufacture.

Beyond this, it would leave the consumer absolutely at the mercy of the refiner—absolutely at the mercy of the Sugar Trust—as already indicated. It would destroy one of the greatest sources of revenue, and for all these reasons it seems utterly impossible to figure out any ground on which a representative of the American people can base his support of this bill. [Applause.]

Mr. CANNON. Mr. Speaker, I make the pro forma amendment for the purpose of saying a word in five minutes. I am against this bill. It is true that in 1890 I voted for free sugar; but at the same time I voted for a bounty of 2 cents a pound on all American-produced sugar. [Applause.] We did not need the revenue from sugar at that time. In 1888, if I recollect right, $160,000,000 of the national debt was retired and paid. Revenues were coming in at the rate of a hundred millions surplus a year, and our friends, the enemy, attacked us, saying that we were growing extravagant and collecting too

much revenue. It is true that we were collecting too much, and we put sugar on the free list under those conditions, leaving ample revenue to carry on the Government and at the same time giving protection to the American industry. Under similar conditions I would cast a similar vote. Now, when we need the revenue, not getting a large overplus, you propose to dispense with nearly $60,000,000 of revenue. You do not propose any protection to the American industry. We Republicans stand for protection, whether we grow cane sugar, as they do in Louisiana, or beet sugar, as they do in Michigan, Wisconsin, Utah, California, and elsewhere. [Applause.] We stand for the protective policy for every practical American industry. Having but barely scratched this country with 90,000,000 people, to be multiplied many times in the coming generations, we would utilize American labor and promote American production from the broad standpoint of the whole 90,000,000 people instead of dividing into squads, and protecting rice because we happen to grow rice, but letting everything else that we do not happen to grow go to the devil. We consume one-fourth of the world's product of sugar.

Mr. HARDWICK. One-fifth.

Mr. CANNON. One-fifth, the gentleman says. Perhaps he is more nearly correct than I. I am speaking in general terms. We produce in the United States and our dependencies and colonies one-half of all that we consume. You put it on the free list. You say you do this to relieve the consumer. By putting it upon the free list without bounty you kill the industry. I wonder how much longer Louisiana will kiss the hand that smites her. I shall not vote to smite you. You are part and parcel of the country. So with the beet producers. [Applause.]

The CHAIRMAN. The time of the gentleman has expired.

Mr. UNDERWOOD. Mr. Chairman, I ask unanimous consent that debate on the pending amendment, not the paragraph, close, so that it may be disposed of.

The CHAIRMAN. The gentleman from Alabama asks unanimous consent that all debate on the pending amendment now close. Is there objection?

There was no objection.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Washington.

The question was taken, and the amendment was rejected.

Mr. MONDELL. Mr. Chairman, I offer the following amendment, which I send to the desk and ask to have read.

The Clerk read as follows:

Page 1, line 3, after the word "following," insert:
"The date when the President shall declare by proclamation that a report of the Tariff Board shows conclusively that the production of sugar in the United States will not be jeopardized by "——

Mr. MONDELL. Mr. Chairman, my amendment proposes to postpone the date when this act shall take effect until that time when the President of the United States shall by proclamation declare that a report of the Tariff Board shows conclusively that the passage of this legislation will not jeopardize the sugar-growing interests of this country. I do not anticipate that any such time would ever come, but I think that that would be quite soon enough for the passage of this legislation.

In their report on this bill the Democratic members of the Ways and Means Committee state that the industrial position of the refining interests require primary consideration. This bill, which would destroy the only competition which the Refiners' Trust has, certainly gives the refining interest primary consideration with a vengeance. Evidently that is understood by those who deal in market securities. I note from the Washington Times of last evening and the Washington Post of this morning that the stocks of the American Sugar Refining Co.—the "Sugar Trust"—are quoted at 123¼. From other reliable sources I find that the stocks of the Sugar Trust range from 116 on December 31, 1911, to 118½ on March 12, 1912, three days ago. Yesterday they were worth, as I have said, 123¼.

On the capitalization of the Sugar Trust—forty-five million common and forty-five million preferred stock, or ninety million in all—this increase from 118½ to 123¼ makes a difference of $5.37½ per share, or an advance in value of $4,837,500 in the stocks of the Sugar Trust since this bill was reported. The interests of the Sugar Trust have evidently received that primary consideration to which the committee said it was entitled.

Mr. HARDWICK. Mr. Chairman, will the gentleman yield?

Mr. MONDELL. That is protecting the Sugar Trust with a vengeance.

Mr. HARDWICK. Does the gentleman not know that on the 13th of March the American Sugar Refining Co. held its annual meeting and made its annual statement and declared dividends showing that they had made $14,000,000 that year, and that that is the reason the stock went up—after that statement was made.

Mr. MONDELL. That is probably in the gentleman's mind.

Mr. HARDWICK. And that is under the present tariff law.

Mr. MONDELL. The stock of the American Sugar Refining Co. has been advancing steadily ever since the Democratic Party took up the consideration of this legislation.

Mr. HARDWICK. Under your own tariff law.

Mr. MONDELL. The advance has been steady since last December, when the price was 114; and if the gentleman wants to go back a little further than the date that I first stated, to wit, to the time when his party took up the consideration of this legislation, he will find that Sugar Trust stock has increased in value since that time over $10,000,000. Surely the Democratic Party has given consideration to this great interest. [Applause on the Republican side.]

Mr. KAHN. Mr. Chairman, I am opposed to the pending measure. I do not believe that the removal of the duty on sugar is going to cheapen the cost to the ultimate consumer by the fraction of a cent. In my opinion the only practical and feasible manner in which the price of sugar can be lowered to the consumer of this country is to increase domestic production. The sooner we make ourselves independent of the sordid speculators who manipulate the foreign supply, in order to control foreign prices, the better it will be for the consumers of this country, for foreign prices affect the home market always. That was amply demonstrated last summer, when sugar went up to 7½ cents per pound in this country. We obtained a taste of the fruit of this speculation at that time. During the months of August, September, and October, 1911, sugar steadily advanced in this country, owing to an alleged shortage in the foreign crop, until it reached a price of 7½ cents per pound to the consumer. And then domestic beet sugar came upon the market. Prices dropped immediately. Sugar was soon selling at 5¾ cents per pound. The competition caused by the marketing of American beet sugar was alone responsible for this reduction. It has been the unvarying experience of many years that the refiners of this country immediately raise the price of sugar to the consumer the moment the domestic supply of beet sugar—and likewise of domestic cane sugar—has been disposed of. And I firmly believe that the adoption of the pending legislation will ultimately destroy all domestic competition, for it is bound to destroy the domestic industry.

Mr. Chairman, during the discussion of the pending measure yesterday afternoon this colloquy occurred between the gentleman from Alabama [Mr. UNDERWOOD] and the gentleman from Michigan [Mr. FORDNEY]. It is found on pages 3440 and 3441 of the CONGRESSIONAL RECORD:

Mr. FORDNEY. The gentleman has just stated that he is not in favor of dragging out of the people the present price of sugar. Will the gentleman explain to the House what caused the high price of sugar during the months of August and September and October in the year 1911, when there was no domestic crop on the market?

Mr. UNDERWOOD. It was due, to a large extent, to the Payne-Aldrich Tariff Act, which the gentleman helped to put into law. [Applause on the Democratic side.]

Sir, I think the answer of the gentleman from Alabama [Mr. UNDERWOOD] is entirely unworthy of him. He is the leader of the Democratic majority on this floor. He is an open and avowed candidate for the nomination for President of the United States at the hands of his party. I have long admired his ability, even though frequently I have not been able to follow his reasoning. But to attribute the rise of the price of sugar last summer to the Payne-Aldrich Tariff Act is as fallacious as it is indefensible. The Payne law had been in effect many months prior to August or September or October, 1911, and yet there was no abnormal change in the cost of sugar to the consumer during the two years that intervened from the date of its passage, August 5, 1909, till the speculative increase of last summer began. The Payne law has also been in existence from November, 1911, until the present time, and the price of sugar is again normal. Judging from the ill-considered answer of my friend from Alabama [Mr. UNDERWOOD] to the gentleman from Michigan [Mr. FORDNEY], I am led to the belief that all of his reasoning upon this question is equally ill-considered and equally fallacious.

Nor is the gentleman at all consistent in his attitude toward tariff rates on foodstuffs. In a burst of perfervid oratory, while explaining the pending bill, the gentleman uttered a sentiment to the effect that the most unjust tax that can be levied on a people through their customhouses is a tax that is levied on the food they consume. It sounds mighty well, and when uttered in the orotund tones, with befitting gesture, so characteristic of the gentleman from Alabama, small wonder that all of his colleagues on the Democratic side of the House broke forth with rapturous applause. Evidently they have short memories. Pepper is an article that is found on every table

in this country. It is used by the poor as well as the rich. Under the Payne law it is on the free list. But the Democratic majority of this House only a few days ago voted, practically unanimously, that this article of universal consumption must go upon the dutiable list; that the customhouses of the country must be utilized to collect a tax from the people of the United States upon a product that is found on every dinner table in the land. "Consistency, thou art a jewel," but thou dost not adorn the Democratic leadership or the Democratic membership of this House.

The gentlemen on the Democratic side of this Chamber contend that the removal of the duty on sugar is going to benefit the consumers of the country to the extent of the duty. The report of the majority of the Ways and Means Committee, quoting Mr. Spreckels as authority for the statement, adopt it as their own. The distinguished leader of the Democratic majority, quoting the same authority, also adopts it. But we have heard that siren song before. Those of us who were here in the Sixty-first Congress remember the fight for free hides. Putting hides upon the free list was going to make leather cheaper, and making leather cheaper was going to reduce the cost of shoes to the consumers. And hides went on the free list under the Payne law. What has been the result? Neither hides nor leather nor shoes have become cheaper; on the contrary, they have advanced in price. Why has not the consumer received the benefit of this reduction in the tariff, at least to the extent of the former duty? If the theories now promulgated by the Democratic side of this House are correct, that is precisely what should have happened; and I feel confident that if their theories in regard to the reduction of the duty on sugar were, unfortunately, put into effect, they would prove to be as equally unsound.

Mr. Chairman, we have had one experience in recent years in reducing the duty on sugar. In the month of December, 1903, the Cuban reciprocity law was passed, and the duty on sugar was reduced 20 per cent.

If the contention of the gentleman from Alabama [Mr. UNDERWOOD] be true, and he quoted Mr. Claus Spreckels as his authority that the reduction of the duty on sugar will inure to the benefit of the consumers, then the consumers of this country should have received the benefit of the 20 per cent reduction that was given under the Cuban reciprocity law. But what are the facts? I have here a letter from Mr. Truman G. Palmer, in which he gives me the exact figures in regard to the retail and wholesale price of sugar for several years before and several years after the Cuban reciprocity law was enacted.

Mr. Palmer's letter reads as follows:

WASHINGTON, D. C., *March 7, 1912.*

Hon. JULIUS KAHN,

House of Representatives, Washington, D. C.

MY DEAR SIR: I beg to acknowledge receipt of your favor of yesterday, and in reply I hand you herewith the New York wholesale price of refined sugar for four years prior to Cuban reciprocity (December, 1903) and four years subsequent, as given by Messrs. Willett & Gray. Also, the United States retail price of granulated sugar for the same years, as given by the Bureau of Labor. The figures are as follows, the first column being the New York wholesale price and the second column the average United States retail price:

	New York wholesale price.	Average retail price, United States.
1900	5.32	5.97
1901	5.05	5.86
1902	4.46	5.47
1903	4.64	5.47
Average, 4 years	4.87	5.69
1904	4.77	5.80
1905	5.26	5.92
1906	4.52	5.59
1907	4.65	5.67
Average, 4 years	4.80	5.74

* * * * * * *

Trusting that this will serve your purpose, I am,
Yours, very truly,

TRUMAN G. PALMER.

So we see that in 1900 the wholesale price was 5.32 cents per pound; the retail price was 5.97 cents; in 1901 the wholesale price was 5.05 cents, the retail price 5.86 cents; in 1902 the wholesale price was 4.46 cents, the retail price 5.47 cents; in 1903 the wholesale price was 4.64 cents, the retail price 5.47 cents. The average price for the four years was, wholesale, 4.87 cents per pound; retail, 5.69 cents. And then the Cuban reciprocity law went into effect, and in 1904, the very year in which it became operative and the duty was reduced 20 per cent on Cuban sugar, the price to the consumer went up from 5.47 cents to 5.80 cents per pound; in 1905 it went up to 5.92 cents; in 1906 it was 5.59 cents; and in 1907 it was 5.67 cents.

Mr. HARDWICK. Mr. Chairman——

Mr. KAHN. I can not yield. I have not the time.

Mr. HARDWICK. All right.

Mr KAHN. So that it shows conclusively that the retail price of sugar to the consumer went up after the passage of the Cuban reciprocity law instead of coming down.

Of course, Mr. Chairman, it will be contended that this reduction of 20 per cent was made in order to help Cuba; that there was no suggestion of a reduction of the price to the consumer at the time that law went into effect. But I doubt whether anyone will contend that the American consumer has ever received any material benefit from the 20 per cent reduction in Cuban sugar, although the quantity of sugar imported from the island of Cuba under the reciprocity law has increased from 998,878 long tons in 1902–3 to approximately 1,900,000 long tons in 1910–11.

In addition to the reduction of duty on Cuban sugar, Porto Rican sugar has been admitted free, and the production has increased from 85,000 metric tons in 1902 to 320,000 metric tons in 1910–11. Philippine sugar to the extent of 300,000 tons per annum is now admitted free, and the production in the Philippines has increased from 90,000 long tons in 1902–3 to 150,000 long tons in 1910–11. And yet, notwithstanding all these reductions of duty, the average American prices of raw and refined sugar have been uniformly higher during the past five years than during the preceding five years. That fact is further proof that the reduction of the duty does not inure to the benefit of the consumer to the extent of the duty. And why does not the consumer get this benefit? Because extraneous matters affect the price of sugar, just as they affect the price of all other commodities. The laws of supply and demand, the conditions of the crops; as they are affected by rain, drought, and flood; the efforts of speculators to control output; the strength of the refiners and the poverty of the planters, all have a bearing on the question of price of sugar, and we ought to be honest enough to say so. We ought not to try to delude the American consumer into the belief that he will get his sugar cheaper to the extent of the duty when the duty is removed. Past experience shows that that is not so, and on account of the reasons I have just stated I am satisfied it never will be so.

But, sir, what happened to Sugar Trust stock after the Cuban reciprocity law went into effect? In 1902 the common stock of the American Sugar Refining Co. reached a maximum of $135\frac{1}{2}$ per share; in 1903 it fell to $134\frac{1}{4}$ as the maximum price. In December of that year the Cuban reciprocity law was enacted. In 1904 Sugar Trust stock jumped to $153 per share, in 1905 to $154\frac{1}{4}$, and in 1906 it attained a maximum of $157 per share. So we see that Sugar Trust stock jumped upward of $20 per share as a result of that legislation, while the American consumer is still waiting for a reduction on the cost of Cuban sugar to the extent of the differential of 20 per cent. And, according to the logic of the Democratic majority of this House, he ought to have had that reduction from the time of the enactment of the Cuban reciprocity law.

Mr. Chairman, do the gentlemen on the Democratic side expect the Sugar Trust barons, who for years have been robbing the Government of the United States by bribing officials in New York City to underweigh the amount of sugar actually arriving at that port, and who last summer manipulated the American market on account of an alleged shortage of the European crop so as to increase the price to the consumer 2 cents per pound, to immediately become public philanthropists? Do they expect these refiners to reduce the cost of sugar to the consumer to the extent of the duty, if the present tariff be taken off? It is idle to dream of such a thing.

The effect of this legislation will be to kill off domestic production, and having killed it off we will be absolutely and entirely at the mercy of the sugar-refining barons. They will then be able to raise the cost to the consumer not alone 2 cents but 3 or 4 or 5 cents per pound at their own sweet will. The effect of this legislation will be to decrease our revenues by $53,000,000 per annum. Instead of raising this great sum by an indirect tax, as is done under existing law, gentlemen on the other side propose to levy a direct tax on the people of this country. Direct taxation has never been popular in this country from the very beginning of our Government. It has generally been resorted to only as a war measure, and as soon as our wars have been over the people have clamored for the repeal of direct taxes. The temper of the American people has not changed in that regard. You of the majority may try to delude yourselves into the belief that you are fooling the peo-

ple, but you are not. They understand, and they will show their resentment at the ballot box next November.

Mr. HARDWICK. I just want to make this remark. I have debated this question at length, but I wish to say that such a speech as the gentleman from California [Mr. KAHN] has made does not do any credit to his opinion of the intelligence of this House. He does not show us in that statement whether the Cuban crop was already high or whether there was a drought that year or not.

Mr. KAHN. Will the gentleman yield?

Mr. HARDWICK. I decline to yield. The gentleman declined to yield to me.

Mr. KAHN. Mr. Chairman——

Mr. HARDWICK. I decline to yield. The gentleman would not yield to me. I want to say this to the gentleman, that he must have a poor opinion of the intelligence of this House if he does not produce the figures as to the crop shortage or excesses, the figures as to the rain and the drought and the floods. Does not the gentleman know that, for instance, as to the cotton crop, entirely unaffected as it is by any tariff, if there is a shortage in that crop the price goes up, and if there is an excess in the cotton crop the price goes down? And those things affected the Cuban prices, and as to the effect of Cuban reciprocity, the testimony is undisputed and indisputable that the Cuban prices were affected as to the American consumer to just one-half of the reduction in duty. The American consumer got one-half of the Cuban reciprocity differential; the American refiner got one-fourth of it; and the Cuban planter got one-fourth.

It never was thought, Mr. Chairman, by anybody who understood the situation, that to give Cuba a 20 per cent differential would reduce the price of sugar to the American consumer, because it simply put the Cuban planter within the tariff wall and let him levy that much tax on American consumption. The purpose of the bill was entirely different from that. It was to help Cuba, and the only reason he did not get it all was because the refiners were so strong; it was because American capital was so largely invested there; and because the people there were so poor and needy that the planters and the producers had to sell it quickly and throw it on the market all at once. The gentleman's figures are entirely misleading. He does not put in substantial facts that must be put in in order to understand the figures he quotes from Mr. Palmer.

I now yield to the gentleman from California.

Mr. KAHN. The gentleman's side had refused debate on the matter. I had only five minutes' of time. I might have gone into the thing fully if your side had given us ample time to discuss the matter.

Mr. HARDWICK. I want you to print your speech, and if you want it to appeal to the intelligence of this country, put in it the figures in reference to Cuban crop conditions and as to the size of the Cuban crop and the world's crop for each year.

Mr. KAHN. I intend to put them in, and I intend to put in what happened when Hawaiian reciprocity was enacted. I shall print my speech in full, and it will convict the gentleman and his party of the absolute injustice to the American people and the American producer.

Mr. UNDERWOOD. Mr. Chairman, I ask unanimous consent that all debate on the pending amendment to this paragraph close in 10 minutes.

The CHAIRMAN. Is there objection to the request of the gentleman from Alabama?

There was no objection.

PROTEST AGAINST THE REMOVAL OF THE PRESENT DUTY ON SUGAR.

Mr. LOUD. Mr. Chairman, 45 years ago I left what I then believed to be the finest city in the United States, the only city which I then supposed any self-respecting American would really select as his permanent home—the city of Boston. My father had made investment in the pine lands of Michigan, and our only hope was that we might be able to make enough money in the next 10 or 15 years to enable us to get back to that city of Boston to spend the remainder of our days.

As we became interested in the cutting and manufacturing of pine timber the dream faded away and we were glad to be identified with that splendid State of Michigan, a portion of which it is my good fortune to represent on this floor.

When we landed in what is now the tenth district of Michigan, the railroad had reached only to its boundary. There were no railroads within the district, and its 200 miles of length and nearly 100 miles of width was a frontier country and an undeveloped wilderness. In those early years I have spent winters in lumber camps 60 miles distant from any town or hamlet.

Then pine was king, and that great wilderness was thinly populated with the sturdy pioneer lumbermen, some from Maine, some from Pennsylvania, other from the French and Scotch settlements of Canada, but all of hardy, virile manhood, physically and mentally—splendid specimens of American manhood.

As the years rolled by there came an end to the harvesting of the pine. The splendid lands upon which the forests of white pine had grown were cleared by the hardy settlers who came in in those years, and what had been a wilderness rapidly developed into a magnificent farming country. It was thought by many that when the cutting of the pine was finished the cities and towns that had grown up as a result of the lumbering industry would, like the busted boom towns of the West, be depopulated and forgotten. That has proved far from the truth. Those stalwart, pioneer lumbermen who had made a reasonable competence keenly watched for and sought other industries wherein their capital and their energies might be with profit employed. Among other industries, it was found that the lands in that part of Michigan were favorably adapted to the growing of the sugar beet, and in 1898—only 14 years ago—the first beet-sugar factory was erected, and we now have three large sugar factories in active operation in my district.

These factories in my district have been a great boon to the farming element in that locality, consuming, as they do, 3,000 tons of beets daily during the working season.

These three factories sliced this year 307,106 tons of beets. Can you realize what this means? These beets loaded on standard freight cars would make 12,284 carloads, and if put into one continuous train would make a train 100 miles long, all loaded with sugar beets. It means that 7,848 farmers within my district each had a part in producing this great bulk of raw material, for which they received $1,750,000, or an average of $5.70 per ton.

The raising of sugar beets is not an easy matter. It requires industry and intelligence. The progressive farmer is willing to enter new fields and to develop new lines, and the farmers of my district, by their industry and intelligence, have made a splendid success of sugar-beet raising, as these figures indicate.

The output of these three factories was 58,364,000 pounds, or 182,400 barrels, of granulated sugar. The average price obtained was $5.45 per hundred pounds, which is about 1 cent per pound more than the average price that the factories have received in all the preceding years of their existence. While the price was higher this year, it was by no means a profitable season, owing to climatic conditions more adverse this year than has ever been known in the history of the business. Continuous and heavy rainfall in September, October, and November made the harvesting of the beets exceedingly expensive for the farmers in the rain and mud. But, worse than this, in November there came three weeks of excessively frosty winter weather, freezing solid the beets as they were delivered in the bins of the factories. This would have worked no harm had they remained frozen; but the three weeks of winter weather were followed by a week or 10 days of warm, thawing weather, drawing the frost out of the beets entirely, so that at least one-half of the beets handled this year were handled at a loss to the factory.

This, however, was an exceptional year. On the average the industry has been satisfactory and profitable. That it has been satisfactory to the farmers is evidenced by the fact that the factories are able to contract for acreage beyond their slicing capacity, and it will soon be a question of the enlargement of factories or building new ones. One of the factories was increased last year from 900 to 1,400 tons daily slicing capacity, and the other two factories have increased their capacity from 600 to 800 tons per day.

In connection with these three beet-sugar factories in my district there is, at Bay City, the Michigan Chemical Co., who manufacture from the refuse molasses from these three factories high-grade alcohol, from which the Government has derived a direct revenue of upward of $5,000,000 in the last two years. The destruction of the beet-sugar industry, which will result should this bill under consideration become a law, would entail a loss to the Government annually of $2,500,000 now derived from the output of this chemical company.

I have in this statement tried to show to you that conditions in my district pertaining to this industry are at present prosperous and satisfactory to both farmers and manufacturers. Precisely similar conditions pertain to the industry in the factories of Congressman FORDNEY's district, where 5 factories are located, and, in fact, over the entire State of Michigan, with its 17 factories at work this year.

These Michigan factories this year sliced 1,400,000 tons of beets. By the same measure just employed to show what this great bulk means, these sugar beets sliced in our Michigan factories this year would load 70,000 cars, and would make a continuous train 560 miles long. For these beets the farmers of

Michigan received $8,000,000 in cash. The output of sugar this year from these Michigan factories will amount to about 350,000,000 pounds, or 1,000,000 barrels of sugar.

This splendid industry in Michigan, as shown by this statement, is only a sample of this growing industry shared by 17 States of the Union, where the growing of sugar beets and the production of sugar is obtaining a vigorous foothold, producing this last year 530,000 tons, or 3,312,500 barrels, of sugar—one-sixth of our entire consumption.

How was it possible to establish this splendid agricultural industry? There is but one answer—it is the result of Republican protective tariff. It is the result of the policy advocated by James G. Blaine and William McKinley, who believed that the $100,000,000 or more which we were then paying yearly to foreign countries for sugar—it would be over $200,000,000 to-day—could just as well be retained at home and employment to that amount given to our own people. This policy was not shared by our Democratic friends, for we find in the St. Louis platform of the Republican Party, June 18, 1896, this declaration:

> We condemn the present Democratic administration for not keeping faith with the sugar producers of this country. The Republican Party favors such protection as will hold the production on American soil of all the sugar which the American people use and for which they pay other countries more than $100,000,000 annually.

This protection, so promised, was given by the provision in the Dingley bill on the instant when the Republicans returned to power in 1897, and has harmed no one, for sugar is as cheap to the consumer, and in fact cheaper, than it was prior to the time when this protection was granted. Its result has been the building up of 71 factories now in operation in this country, producing this year 530,000 long tons of beet sugar, paying out in its production to American labor upward of $44,000,000.

These factories require to operate them 25,000 factory laborers, while from 110,000 to 125,000 farmers are engaged in growing the beets on the farms, which does not include the laborers employed by the farmers.

Now, what is proposed? By the bill before the House it is proposed to remove the protective duty on sugar and admit free of duty the sugar produced by the cheap labor of other lands. It is claimed by those who are favoring this bill that it will reduce the price to the consumer 1½ cents per pound, which is more than the amount of duty levied on sugar as it is imported into the country from Cuba to-day. In this I believe they are entirely mistaken. With the duty removed, the cane and beet sugar industries, supplying nearly a million tons of sugar in this country to-day, annihilated; not only that, but our own island possession, Hawaii, now furnishing 500,000 tons of sugar for our use this year, practically ruined; Porto Rico and the Philippines, if not ruined, the industry greatly retarded, what can we expect as inevitable? Surely that those who now supply to us our sugar from Cuba and Europe will ask and obtain a higher price from us than they are now receiving. The refiners of raw sugar in the United States are clamoring for this measure, with but one motive, as a matter of course—that they can make more money by using the sugars imported from other countries when our own production is effectually stopped. They may reduce the price temporarily, until our home industry is effaced; but then watch for higher prices, which will surely follow. With the beet-sugar industry out of the way, they can dictate the price absolutely to the consumers, and, what is more certain, that instead of the consumer getting the benefit of that 1½ cents reduction of duty, a goodly share of it will be absorbed by the higher price demanded by the foreign producers of raw sugar and by the absorbing of a portion of this reduction by the sugar refiners. I can not bring myself to believe that the consumer in this country will obtain his sugar at more than one-half or, at the utmost, 1 cent per pound below the normal average price in the last 10 years.

Those favoring this proposition try to make us believe that this reduction of 1½ cents per pound would apply to the 80 pounds per capita consumed by each individual in this country—actual amount 81.60 for 1910 and 79.2 for 1911. Many suppose that this 80 pounds per capita means the average amount consumed in the family by each person. That is far from the truth. In the evidence brought out in the hearings of the Hardwick committee it was shown that only 30 pounds of the 80 were really used in the household. That 50 pounds of the 80, or five-eighths of our total sugar consumption, was absorbed in manufactures, from which the consumer would get no benefit whatever. These lines of manufacture in which sugar are used are of great number, among the larger of which we find candies of all kinds, canned fruits and preserves, condensed milk, bakers, as well as in the manufacture of whisky and tobacco. An enormous amount of sugar is used in the manufacture of sirups used for soda water and in chewing gums.

It needs no argument to indicate that no benefit to the consumer would be obtained in this five-eighths of the sugar consumption. The soda fountains would not enlarge the size of their glass or diminish the quantity of froth because sugar is half a cent or 1 cent less per pound. Twenty-five million pounds of sugar are annually used in chewing gum in this country, and while sugar costs the manufacturer about 5 cents per pound, the consumer pays $1 per pound for the sugar contained in chewing gum. Is it supposable that a stick of gum will be enlarged or any benefit come to the consumer because of the abolition of the duty on the sugar used in it? The utmost benefit to be derived by bringing in for our entire consumption sugar produced by the cheap labor of other countries—for the wages are about one-third of those paid to labor in this country—is that the average consumer on his 30 pounds' annual consumption will save somewhere between 15 to 30 cents a year.

Here let me say that this removal of duty on sugar does not come from any clamor of the consuming public. Sugar is and has been one of the cheapest commodities of household consumption. In all the cry from the public, and especially those who toil, because of the increased cost of living, no part of any increased cost of living pertains to sugar. Notwithstanding the price has been in large measure controlled by the sugar refiners or the trust, the price of sugar has remained the same, or practically a dead level, for the last 20 years. There was a time, from the date of the Civil War down to about 30 years ago—when sugar ranged from 22.56 cents wholesale in 1864 to 9.35 cents per pound in 1882—that sugar was an expensive commodity; but that is past and gone, and the American consumer has no reason to complain and is not complaining at the price paid for sugar during the last 20 years. He gets his sugar, by money value, cheaper than the consumers of any other country in the world, save England, and there it is about half a cent to 1 cent per pound cheaper than it is here. In not a single nation on the globe is sugar free. In every nation it is subject either to an import duty or an excise or internal-revenue tax. In every country sugar is one of the articles on which duty is levied to produce revenue for the running expenses of the Government—just the same as it is here. But the real measure of cheapness of sugar to the American consumer is not in its money value, but in its labor value, and by that I mean to say that a day's labor in the United States will buy twice as much sugar as in any other country in the world, even including England. A day's wage in America will buy four times as much sugar as a day's wage in Germany or France, while in Spain, Portugal, Italy, and other cheap-labor countries, like China and Japan, a day's wages here will buy ten to twenty times as much sugar as it will in those countries. When we notice by the statistics that the per capita consumption of sugar in Spain and Portugal is only 14.2 pounds, it is easy to know the reason why. It is because the people are so poorly paid and the price of sugar so high—Madrid, Spain, 12 cents; Rome, Italy, 14 cents—that they can not afford sugar at all as a common article of use in their daily lives. In five European countries the annual consumption of sugar is under 10 pounds per capita.

Remove this duty and two grave dangers confront you:

First. The exporting countries may levy an export tax on sugar coming to the United States equal to the duty you now remove, just the same as Brazil did on coffee when we placed it on the free list years ago. That means that the exporting countries will profit by your foolishness by fifty or sixty million dollars annually, which our Treasury now receives from the duty on sugar.

Second. By your annihilation of the beet-sugar and cane-sugar industries in the United States you destroy the only competition of the sugar refiners, six or eight in number. These refiners will then control the price to the consumer absolutely. Do not forget that only four months ago, when the refiners had forced the price up to 7½ cents per pound, the coming in of the home crop of beet sugar forced that price down to 5½ cents, and this when the European price has not declined, owing to their 2,000,000 tons shortage in this year's crop.

Do you claim that the beet-sugar industry is under trust control? It is untrue. Of the beet-sugar crop of 1910, from the 71 factories, 457,000 tons, the interest of the American Sugar Refining Co. in 33 of these factories was only 96,221 tons, or 21 per cent.

I am pleading for the business men of my district, who have invested their capital in this industry and whose ruin will be certain; for the 7,848 farmers whose welfare is deeply concerned in this measure; and for the 225,000 population of my district, who indirectly are keenly interested.

The illustration recently used by my colleague from Ohio [Mr. LONGWORTH] expresses exactly the situation. As the wounded gladiator in the Roman amphitheater looked with appealing

eyes to Cæsar, he by his thumb pointing upward could give life and hope, or by pointing it downward bring sure death.

In behalf of the people of my district I appeal to you on the Democratic side of this House, that by your vote—as quick and effective as Cæsar's thumb—you do not annihilate a magnificent agricultural industry, but give to it life and hope. [Applause.]

[From the Bay City Times, Feb. 23, 1912.]

SUGAR MEN SAFE—HIGH PRICE GIVES THEM A PROFIT ON POOR QUALITY BEETS.

LANSING, MICH., *February 23, 1912.*

Wednesday afternoon the Lansing factory of the Owosso Sugar Co. concluded the longest and biggest run it has ever known, having in 126 days sliced 74,000 tons of sugar beets, or enough to make 16,600,000 pounds of sugar, and having paid over $500,000 to farmers. Another week will be required in which to transform the sliced beets into sugar. Despite the fact that this has been a record season for the Lansing factory, Manager George L. Wall says:

"The sugar-beet men of Michigan would certainly lose money on this year's run if it were not for the high price of sugar. The season was the most unsatisfactory that factories in general throughout the State have ever known.

"In the first place, the weather has been such that the beets have been delivered in bad condition. There was much rain in the fall, unusually warm weather in December, and extremely low temperature in January and February. The factories have used the farmers very well indeed, accepting their beets, although the percentage of sugar has been very low, and many were actually rotten, having been frozen."

[From United States Statistical Abstract.]

AVERAGE NEW YORK WHOLESALE PRICE OF GRANULATED SUGAR PER POUND.

	Cents.
1860	9.78
1861	8.75
1862	11.16
1863	14.28
1864	22.56
1865	21.56
1866	16.88
1867	15.78
1868	16.47
1869	16.19
1870	13.51
1871	13.12
1872	12.37
1873	11.36
1874	10.50
1875	10.61
1876	10.51
1877	10.73
1878	9.07
1879	8.81
1880	9.80
1881	9.70
1882	9.35
1883	8.65
1884	6.75
1885	6.53
1886	6.23
1887	6.02
1888	7.18
1889	7.89
1890	6.27
1891	4.65
1892	4.35
1893	4.84
1894	4.12
1895	4.12
1896	4.53
1897	4.50
1898	4.97
1899	4.92
1900	5.32
1901	5.05
1902	4.46
1903	4.64
1904	4.77
1905	5.26
1906	4.52
1907	4.65
1908	4.96
1909	4.76
1910	4.97
1911	5.345

Average price for last 21 years, 4.7 cents per pound.

[From Document No. 510, Sixty-second Congress, second session.]

RETAIL PRICES OF GRANULATED SUGAR PER POUND IN FOREIGN COUNTRIES.

JULY, 1911.

	Cents.
Great Britain	4.08
Germany	5.4
France	6.55
Italy	13.74
Austria-Hungary	7.6
Russia	7.9
The Netherlands	8.45
Sweden	7.85
Norway	6.3
Spain	10.54
Roumania	10.1
Greece	12.3
Servia	8.7
Canada	5.61

NOVEMBER, 1911.

Great Britain	5.5
Germany	7.05
France	8.6
Italy	14.24
Austria-Hungary	9.05
Russia	7.9
The Netherlands	10.9
Sweden	8.4
Norway	8
Spain	10.06
Roumania	11.8
Greece	13.3
Servia	9.7
Canada	7

AVERAGE NEW YORK WHOLESALE PRICE GRANULATED SUGAR IN BARRELS.

Willett & Gray table, page 3564, Hardwick hearing. For the last 21 years, 1891 to the present time, 4.7 cents per pound.

PER CAPITA CONSUMPTION OF SUGAR.

	Pounds.
Germany	43.45
Austria-Hungary	25.14
France	37.80
Russia	22.82
Belgium	32.36
Holland	43.53
Sweden	53.90
Norway	41.78
Denmark	77.75
Italy	9.33
Spain	14.20
Roumania	9.50
Finland	32.45
Bulgaria	7.05
Greece	7.52
Servia	7.58
Turkey and Asia	12.89
Portugal and Madeira	14.12
Switzerland	64.10
England	86.30
Total Europe	32.60
United States	81.60

[By unanimous consent Mr. LOUD was granted leave to extend his remarks in the RECORD.]

Mr. PICKETT. Mr. Chairman, fortunately for this House, and the country as well, the issue presented by this measure is clearly defined. There is no attempt to conceal its effect on the domestic industry of this country of either beet or cane sugar. The majority of the Ways and Means Committee have reported their findings of certain ultimate facts back of which they can not go. These facts show a difference of 1.125 cents per pound in the cost of producing beet sugar in this country and Germany.

Yesterday when the distinguished leader of the majority [Mr. UNDERWOOD] was addressing the House and attempting to show that there was no difference in the cost of production, I asked him to reconcile his position with the findings of the Ways and Means Committee as well as of the Hardwick committee. He waived the question aside with the remark that those were the findings of the Hardwick committee. They were, however, accepted by the Ways and Means Committee and incorporated in their committee report. When a Representative from Louisiana asked the gentleman from Alabama [Mr. UNDERWOOD] what would be the probable effect of this measure upon the cane-sugar industry in the South, he was frank enough to reply that he did not know.

Mr. Chairman, I have examined with care the voluminous hearings of the Hardwick committee, comprising 4,000 pages. The committee covered a wide range of investigation. The testimony taken by the committee shows conclusively that the sugar refiners have carried on and financed a well-organized campaign to create a demand for this legislation. They are bending every energy to destroy their competitor, the beet-sugar industry, for the evidence established without contradiction that beet sugar has forced the Sugar Trust and refiners to lower their prices to the consumer, and during three months of the year, when beet sugar is being marketed, has driven them out of the Middle West because they could not meet beet-sugar prices; that this competition has been growing more severe year by year; that the competition between beet sugar and the refiners has brought lower prices to the consumer; that during last summer and fall, when the refiners had control of the market, they shot the price of sugar up as high as 7½ cents per pound, and held the price up until beet sugar came on the market.

Every refiner who was examined by the committee admitted their desire for either a material reduction in the duty on sugar or absolute free trade in the expressed hope and belief that such action would wipe out the beet-sugar industry, and it clearly appears that the Sugar Trust and refiners will be the greatest beneficiaries of this measure.

The hearings absolutely disprove the extravagant claims as to the benefit which the consumer will receive and shows that in a broad economic sense it will not benefit the consumer. The expert employed by the committee, the greatest authority on the sugar subject in this country, if not in the world, stated emphatically that a decrease in the price of sugar could only be hoped for through an increase in home production.

It is shown that the beet-sugar industry has gone forward with leaps and bounds, notwithstanding there has scarcely been a year since the Dingley law was passed when the industry has not been embarrassed by the uncertainty of legislation and that if it is afforded protection measured by the difference in the cost of production at home and abroad it will continue to grow until every pound of sugar used in this country is raised on American soil and sold to the consumer under the law of actual competition.

The encouragement of the beet-sugar industry will aid the agricultural development of this country through its indirect benefits in the increased yield of other crops, which has been demonstrated in Germany and France as well as in this country—in brief, wherever tried.

If this measure passes it will benefit, first, the Sugar Trust and refiners; second, the manufacturers who use sugar; and, third, and in the least degree, the consumer, conceding everything that is claimed for it. It can not be sustained from an economic or political standpoint.

Up to this time the country has been flooded with the literature sent out and paid for by the masked agencies of the Sugar Trust and refiners, but when the true facts are known it will find few defenders. The claims that are made for it by its Democratic sponsors are repudiated by the findings of their own committees. [Applause on the Republican side.]

With a view of setting forth more fully the facts and reasons in support of my position, I will avail myself of the privilege granted of extending my remarks in the RECORD.

Before taking up the merits of the measure I will refer to the influences that have been most active in urging it—in short, disclose the real parties in interest. It is certainly pertinent to know who is back of the agitation on the subject—who will be its greatest beneficiaries. Fortunately, the facts are susceptible of proof.

During the past year a vast amount of literature has been disseminated, reciting in harrowing terms the burden resting upon the people through the duty on sugar; that the duty has been retained for the express benefit of the sugar refiners—a tribute, so to speak, levied on the consumer for the sugar barons—and appealing to the people to remove the duty and thereby strike a blow at the Sugar Trust. Figures, veritably appalling, but without any regard to truth, have been cited as the price the American people have been paying for the maintenance of the beet-sugar industry. Coming apparently from some philanthropic source, this literature has had its effect, as is evidenced by the petitions received, mostly on the forms sent out by the promoters of the movement.

It now appears that this movement was started, carried on, and financed by the sugar refiners for the express purpose of eliminating their only competition—the beet-sugar industry. This fact is established by the evidence taken before the Sugar Trust investigating committee, known by the name of its distinguished chairman, Mr. HARDWICK. I have in my files several of the circulars to which I refer. Here is one purporting to come from "a committee of wholesale grocers," Mr. F. C. Lowry, secretary and treasurer, headed as follows:

Formed to assist in obtaining cheaper sugar for consumers through reduction of duties on raw and refined sugars.

And in large type, "our high sugar tariff."

Listen to this:

We are, therefore, being taxed solely for the benefit of the Lousiana and domestic beet-sugar producers, who supply only 25 per cent of our requirements. The former for many years catered to the interests of the Sugar Trust, and the domestic beet-sugar industry is controlled by the trust. As a matter of fact, the Sugar Trust and their friends have been the sole beneficiaries of this excessive tariff.

Here is another:

It now remains to be seen whether the Sugar Trust will still have more influence with our legislators than the interests of the 93,000,000 consumers in the United States.

It concludes with the following plea:

So that you may assist in this work, we have prepared the inclosed petitions, which we wish you would have signed and sent to your Representative in Washington at the earliest date possible. An excellent plan would be to paste one of these petitions on the top of a sheet of paper and have as many men as possible sign under it.

Of course the reader assumed that the author of the circular was some charitable gentleman working in the interest of the consumer, and many of these petitions were signed as requested.

Who is this F. C. Lowry? He is the sales agent of the Federal Sugar Refining Co. Under whose direction were these circulars prepared and sent out? The Federal Sugar Refining Co. Who paid the bills? The Federal Sugar Refining Co. These are the facts as they appear of record in the hearings before the Hardwick committee. He admitted that he was sales agent for the Federal Sugar Refining Co.; that the so-called committee was purely a fictitious creation; that it never held a meeting; that he was working solely for the Federal Sugar Refining Co., which was the only subscriber, and whose contribution was the modest sum of $12,000.

I will quote briefly from his testimony as it appears on pages 1608 and 1609 of the hearings, so that the RECORD will show his admission in his own words:

Mr. FORDNEY. So that the Federal Sugar Refining Co. have paid in this $12,000 for the distribution of the literature?
Mr. LOWRY. Yes.
Mr. FORDNEY. And no other concern has paid in any sums of money?
Mr. LOWRY. No other concern; no.
Mr. FORDNEY. The Federal Sugar Refining Co., then, are interested in the so-called committee and its work, are they not?
Mr. LOWRY. They are unquestionably interested in its work; yes.
Mr. FORDNEY. You have said that they contributed all of the money.
Mr. LOWRY. They contributed the money that enabled us to carry on that campaign.
Mr. FORDNEY. The Federal Sugar Refining Co. has paid, then, for the distribution of all this literature?
Mr. LOWRY. Yes; so far they have.

Mr. John Arbuckle, in an interview last fall, came out in the open and said:

I purpose to devote all my time and all my ability and all my strength to the abolition of all import duties on raw sugar.

Every refiner who was before the committee admitted, under oath, the interest of the refiners in securing a material reduction in or removal of the duty. While the activity of other refiners was not disclosed, does anyone doubt that their influence was exerted. Every one knows that these great interests reach out in many and devious ways to accomplish their aims. Having established their interest in certain legislation, it is reasonably safe to infer their activity in accomplishing it. After a careful examination of the hearings, I fail to find any evidence or claim that any influence, other than the refiners, was engaged in carrying on the campaign which has resulted in this bill.

Deeming it important that the relationship of the sugar refiners to this legislation, their keen desire for and interest in its passage, be clearly understood I will quote briefly from the testimony of their representatives before the Hardwick committee. It will not do for the sponsors for this measure to charge that they are aiming at the sugar refiners, for the facts do not sustain them, but, on the contrary, show that the sugar refiners will be its beneficiaries and are intensely interested in its passage.

Mr. Edward F. Atkins, acting president of the American Sugar Refining Co., testified as follows (Hearings, vol. 1, p. 174):

Mr. HINDS. So that a serious check to that industry (beet sugar) by lowering the tariff would tend to increase greatly the business of the refining companies?
Mr. ATKINS. It would increase the business of the refining companies.
Mr. HINDS. So that a reduction of the tariff passing beyond a moderate amount would tend to the prosperity of the refiners and to the detriment of the beet-sugar people?
Mr. ATKINS. They say, and I think they say truly, that it is for the refiners' interest to have a low rate of duty rather than a high rate of duty.

Charles R. Heike, formerly secretary of the American Sugar Refining Co., testified as follows (Hearings, vol. 1, p. 292):

Mr. FORDNEY. Now, if the duty were removed absolutely on sugar could we produce either cane or beets in this country?
Mr. HEIKE. I doubt it very much.
Mr. FORDNEY. Then that would destroy the industry absolutely in this country?
Mr. HEIKE. Yes.

Here is admitted their desire to absolutely destroy the beet-sugar industry and that free sugar will do it—that they know what they are about is quite manifest.

Mr. James H. Post, president of the National Sugar Co., testifies as follows (Hearings, vol. 1, p. 527):

As far as I personally am concerned, I would like to see free sugar.

Of course he would like to see free sugar. Why not, if it will kill beet-sugar competition and enlarge their market?

Mr. William A. Jamison, one of the partners of Arbuckle Bros., says (Hearings, vol. 2, p. 1195):

Mr. RAKER. How would it affect you if there was no tax on the importation of raw sugar?
Mr. JAMISON. I think it would enable us to run more constantly.
Mr. RAKER. What do you mean by that now?
Mr. JAMISON. To keep up the capacity.
Mr. RAKER. Will you explain it?
Mr. JAMISON. I mean we would be able to sell more sugar.
Mr. RAKER. Do you not have a supply all the time?
Mr. JAMISON. Well, we are not able to run full at all times.
Mr. RAKER. Because of the way raw sugar is shipped into the United States?
Mr. JAMISON. Oh, no; on account of the beet product. If there was no duty, I do not think the beet would be so prosperous, and we would probably sell more sugar; if the duty were removed, I mean to say.

A very frank as well as truthful admission.

Mr. Claus A. Spreckels, president of the Federal Sugar Refining Co., which contributed $12,000 for carrying on the campaign

which has resulted in the introduction of this bill, says (Hearings, vol. 3, p. 2277):

Mr. HINDS. In other words, perhaps, you would take it (the duty) all off, would you not, and have free trade?
Mr. SPRECKELS. I would have free trade.
Mr. HINDS. You would have free trade in sugar?
Mr. SPRECKELS. Absolutely.

Does anyone suppose that these gentlemen who have built up colossal fortunes in refining sugar do not know their business? Is anyone guileless enough to think that they have organized a sort of eleemosynary club for the benefit of the consumer? They know their business. They understand market conditions. They realize when they have a competitor.

If there is any fact established by the record beyond the possibility of contradiction, it is the vital interest which the sugar refiners have in the passage of this bill. They know what the future of the beet-sugar industry will be. They see it now just at the point of emerging from infancy into the virility of manhood, an active and effective competitor, and that unless this measure passes and the industry is destroyed, the time is not far distant when the beet-sugar industry will furnish substantially all the sugar that is consumed by our people.

Let us consider briefly the history of the beet-sugar industry and its future as bearing on the reason why the refiners both feel and fear its competition, and from the further standpoint of the Republican policy of protection to ascertain if it justifies protection. If it does, I can not see how any Republican can vote for this measure.

The Republican national platform in 1896 declared as follows:

We condemn the present administration for not keeping faith with the sugar producers of this country, and the Republican Party favors such protection as will lead to the production on American soil of all the sugar which the American people use and for which they pay other countries more than $100,000,000 annually.

The people were in a receptive mood for the doctrine of protection at that time. They had just experienced an object lesson under the Wilson bill—a lesson so disastrous that the Democratic Party was driven from power in an overwhelming defeat which ushered in the splendid administration of William McKinley.

The last Republican national convention reasserted its interest in the sugar industry.

In all tariff legislation the true principle of protection is best maintained by the imposition of such duties as will equal the difference between the cost of production at home and abroad, together with a reasonable profit to American industries, * * * the aim and purpose of the Republican policy being not only to preserve, without excessive duties, that security against foreign competition to which American manufacturers, farmers, and producers are entitled, but also to maintain the high standard of living of the wage earners of this country, who are the most direct beneficiaries of the protective system. Between the United States and the Philippines we believe in a free interchange of products with such limitations as to sugar and tobacco as will afford adequate protection to domestic interests.

Upon what theory can any Republican claim that the sugar industry should be exempt from the protection for which our party stands, and particularly in view of its specific indorsement of that industry?

The Dingley law went into effect in 1897. In 1896 there were 6 beet-sugar factories in the United States. Now there are 71. In 1896 there were 22,948 acres planted in beets; in 1910, 429,014. In 1896 the number of pounds produced was 65,453,000; in 1910, 1,019,692,800.

I submit that this is a remarkable record and that it has few parallels in our industrial history. But, remarkable as these figures are, they become even more remarkable when we look at the legislative history on the sugar question during the intervening period. Everyone knows that stability in legislation is necessary to encourage investment. There has hardly been a year since the Dingley law was placed on the statute books when legislation relating to sugar has not been either agitated or under consideration. Is there any wonder that it has not developed more rapidly? The wonder is that it has grown as rapidly as it has. The year after the Dingley law went into effect the Hawaiian Islands were annexed, which gave permanency to our relations with those islands, which, in turn, is reflected in the increased importation of Hawaiian sugar from 204,833 long tons in 1897 to 506,096 long tons in 1910.

As a result of the Spanish War we acquired Porto Rico, and in a short time thereafter free trade was granted to that island. Its sugar crop has increased from 85,000 long tons in 1902 to 295,000 long tons in 1910.

From 1897 to 1901 the beet-sugar industry increased rapidly, 32 new factories being added during that brief period. But in the year 1901 the agitation for Cuban reciprocity commenced. The possibility for increased sugar production in Cuba was realized. The fears of the domestic producers were well grounded as to the effect reciprocity would have on Cuban production.

The reciprocity agreement became effective in December, 1903. The year preceding there were 998,878 long tons produced in Cuba, which increased in nine years to 1,900,000 long tons, with admission into the United States at 20 per cent reduction in duty. The natural and logical effect of Cuban reciprocity was to halt the development of the beet-sugar industry for a time. It was a severe shock. The Secretary of Agriculture submitted a report in 1902 on "The progress of the beet-sugar industry of the United States in 1901." On page 27, under the heading, "Proposed new factories," the report says:

Below is given a list showing location, daily capacity, and estimated cost of construction and equipment of the beet-sugar projects now under consideration. These projects are in different stages of discussion, organization, and capitalization. Some concerns are fully organized and capitalized; in other cases conditions have been canvassed and organization seems probable. Nearly all these projects are likely to materialize in the future, provided questions affecting the beet-sugar industry are settled.

This list includes only such projects as came to my attention during my investigations of the past year, and is authentic as far as it goes. There are doubtless others of which I have no definite information. To install these factories would require an investment of $49,000,000. In addition they would require annually a working capital of $9,080,000. They would purchase from the farmers annually beets to the amount of $14,700,000, besides a great many other crude materials, and would employ a large number of laborers.

Then follows a list of 86 projects or factories that would have been built. Of these 86 projects, 1 was completed in 1902; 6 others in 1903, before the treaty went into effect; and the remaining 79 were permanently abandoned. Such was the effect on the industry of putting into effect Cuban reciprocity.

Next came the concession of 25 per cent to the Philippines, and finally came the revision of the tariff in 1909 with the further concession of 300,000 tons free of duty from the Philippines and the slight reduction in the duty on refined sugar of 5 cents. At the time the Payne bill was under consideration there was a very active discussion over the duty on sugar, and since then the Sugar Trust and refiners have been carrying on a well-organized campaign against the sugar duty.

So that I say there has scarcely been a year since the beet-sugar industry was actually started under the Dingley law down to the present time when the duty on sugar has not been, in one form or another, under consideration. It has been a period of uncertainty. What acts would be passed and their effect could not be foreseen. There was lacking that element of permanency in legislation necessary to encourage the highest developments of the industry. Notwithstanding all this, the beet-sugar industry has developed with leaps and bounds and demonstrated its power as a competitor of the sugar refiners.

There is no claim that the beet-sugar interests have ever entered into any combination in restraint of trade or attempted to violate the antitrust laws of the land. It is conceded that there is actual competition between the beet-sugar companies themselves and between them and the refiners. I assert without fear of successful contradiction that, if undisturbed now, with the assurance of permanency as to legislation, with sufficient duty to offset the difference in the cost of production at home and abroad, this industry will furnish the most splendid example in this country of the success of the protective policy.

Does anyone marvel that the Sugar Trust and the great refiners are anxious to have this bill passed and wipe out the beet-sugar industry? It may be, and I think it is, with the sugar refiners a case of self-preservation. I for one would prefer to see a duty in conformity with the Republican policy retained and witness the industry grow, as it will grow, until every pound of sugar that is consumed by the American people will be raised on American soil and sold to the consumer under the severe competition which must naturally follow rather than destroy the industry and leave the consumer to the mercy of the trusts.

I come now to the question of whether there is real competition between the beet-sugar people and the refiners. I have pointed out from the record that the refiners were back of the propoganda sent broadcast through the country with the view of creating a popular demand for a repeal of the duty on sugar. This ought in itself to disclose their interest in the legislation, but I desire to show from the record the further fact that there is actual competition. If this can be established, it is an irresistible argument in favor of the encouragement of industry. If competition exists, the duty of Congress to preserve and encourage the industry surely follows. What we need in this country more than anything else, as a solution of our economic problems, is competition.

I will again quote the admissions of the representatives of the Sugar Trust and refiners who were subpœnaed before the Hardwick committee.

Mr. Atkins, the acting president of the American Sugar Refining Co., testified that he was a stockholder in the American

Sugar Refining Co. at the time Mr. Havemeyer commenced his policy of investing in beet-sugar factories. That he disagreed with this policy for the reason that it was building up a competitor and therefore disposed of all his holdings in the company, and did not reinvest until the company adopted the policy of disposing of its beet-sugar holdings. When examined on the question of competition with the beet-sugar people, he testified as follows (Hearings, vol. 1, p. 49):

All that beet sugar comes on the market at a certain season of the year. It is all produced in about three months' time. They all want to market it just as rapidly as possible, and in order to do that they come to the eastern points. California sugar comes into Chicago and Michigan sugar into Buffalo and Pittsburgh and eastern refineries; not only the American Sugar Refining Co., but the others, have to reduce or close down until the beet sugars are out of the way. Any refining that is done between the 1st of October and the 1st of January is done without any profit, and very often at a loss.

I call particular attention to the language of the witness that during the three months when beet sugar is marketed the American Sugar Refining Co. "is forced to reduce or close down until the beet sugars are out of the way." This is certainly a significant fact. It demonstrates that there is effective competition during three months of the year. It is pertinent to inquire what would be the effect if the beet-sugar industry developed so that this competition would exist for half or three-fourths or perhaps all of the year, as I believe it would?

Mr. Gillmore, of Arbuckle Bros., testified as follows (Hearings, vol. 2, pp. 1158, 1159):

Mr. RAKER. This beet-sugar industry, and the competition between that and you, is more of an imagination than it is of a reality, is it not?
Mr. GILLMORE. No; I think it is an actuality.
Mr. RAKER. Can you name any concrete case of place or time when you came into actual competition; in other words, when you found the beet sugar in the same point where you were handling your cane sugar?
Mr. GILLMORE. In the last two years, very seriously, in Pittsburgh, Pa.
Mr. RAKER. The beet-sugar people got in Pittsburgh, Pa.?
Mr. GILLMORE. Yes.
Mr. RAKER. From where?
Mr. GILLMORE. I do not know where from. I do not know what the brand was, or anything about it. I know the fact.
Mr. RAKER. What time of the year was it?
Mr. GILLMORE. I know that it was so much so that a house owned by Arbuckle Bros. there was compelled to take the beet-sugar business in and buy it and sell in competition. That is bringing coals home to Newcastle.

I agree with the witness that it was "bringing coals home to Newcastle" when the great house of Arbuckle Bros. was compelled to buy beet sugar and sell it through one of their own branches.

Mr. Jamison, of Arbuckle Bros., says, in substance, that Michigan sugar has interfered with them very largely in Ohio and Pennsylvania and has been down as far as New York and West Virginia. (Hearings, vol. 2, p. 1193.)

Robert M. Parker, president of the Brooklyn Cooperage Co., owned by the American Sugar Refining Co., and a director of the latter company, says (Hearings, vol. 2, pp. 1463–1464):

Mr. MALBY. Does the American Sugar Refining Co. at the present time ship any granulated sugar to the various States in the Mississippi Valley and in the Missouri region?
Mr. PARKER. Yes, sir; a very great deal.
Mr. MALBY. And at all times of the year?
Mr. PARKER. Yes, sir; until the price is so low that it is impossible to ship at a profit.
Mr. MALBY. Who makes the prices low, or creates the condition to which you refer?
Mr. PARKER. The San Francisco cane and the beet sugars from Colorado and Utah and Michigan.

Here is the vital admission that the beet-sugar product makes "the prices so low" that the refiners can not compete in the Mississippi and Missouri Valleys. In other words, that the people of the Missouri and Mississippi Valleys get the benefit of prices fixed by a competition that drives the American Sugar Refining Co. out of the territory so long as beet sugar lasts.

Mr. Spreckels, of the Federal Sugar Refining Co., testified as follows (Hearings, vol. 3, p. 2269):

Mr. HINDS. Can you tell me how far in the East the beet-sugar people are able to market their sugar?
Mr. SPRECKELS. There is the dividing line on the Missouri River. They sometimes come as far as Pittsburgh. I think the American Beet Sugar Co. has come once as far as New York.
Mr. HINDS. Are they showing a tendency to come farther east all the time?
Mr. SPRECKELS. They are.
Mr. HINDS. And make the competition severer, if it is competition?
Mr. SPRECKELS. Yes.
Mr. HINDS. Continually?
Mr. SPRECKELS. Yes, sir. They have frequently come as far as Pittsburgh.

Is it any wonder that Mr. Spreckels was willing to contribute $12,000 for circularizing the people with a view of driving out this competition through legislation?

In fact, every representative of the sugar refiners who appeared before the Hardwick committee was forced to admit that beet sugar furnished an active and severe competition. That it has been extending, even encroaching on the East, within the very shadow of the refineries themselves.

But I pass from the admission of the refiners to consider it from another angle. Mr. Willett, of Willett & Gray, publishers of the Weekly Statistical Trade Journal on Sugar, appeared before the committee.

He was engaged by the committee as an expert, and his opinion should therefore carry great weight. He is regarded as the greatest expert in this country if not in the world. I will only refer to the gist of his testimony, which may be summed up in the following question and answer relative to the rapid rise in sugar last summer and fall and the reason for its decline:

Mr. FORDNEY. The beet-sugar industry has certainly had a beneficial influence upon the price of sugar.
Mr. WILETT. Yes; an enormous influence. If it were not for the domestic sugar industry sugars in this country would be to-day very considerably higher. I would not be surprised if it would not be a cent a pound more but for the beet and cane sugar produced in this country.

And again:

There is no question whatever, Mr. Chairman, that the coming into the market in October of the Michigan sugars and other domestic sugars dropped the price from 6.57 in October down to 6.11 in November and in December to 5.63.

This is the expert employed by the committee, one trained in the sugar market, who unqualifiedly says that it was the beet sugar which reduced the price of sugar about a cent a pound.

Willett & Gray's Weekly Statistical Sugar Trade Journal of September 23, 1911, has this to say:

Already the citizens of the States in which beet-sugar factories are located are being granted concessions in prices from those of States that must find their sugar supplies from the world's markets. It is somewhat beyond our present understanding to realize what high prices would have to be paid for sugar in all the States if our 500,000-ton beet factories were not in existence with the present world conditions of unknown short supplies supplemented by a strong and aggressive syndicate speculation in Europe.

There is no higher authority in this country on the question of sugar prices and market conditions than Willett & Gray, and what they say is entitled to great weight.

Let us take the question of competition from another angle and see just where beet sugar is sold. The following table taken from the hearings shows the distribution of the Michigan Sugar Co. for the past five years:

States.	1906–7	1907–8	1908–9	1909–10	1910–11
	Pounds.	*Pounds.*	*Pounds.*	*Pounds.*	*Pounds.*
Illinois	15,893,042	7,924,294	11,239,340	12,540,100	19,900,490
Iowa	2,590,705	709,863	1,043,141	1,214,492	3,381,374
Indiana	3,357,359	5,330,310	4,326,595	6,907,666	6,007,949
Kentucky	35,053	1,860,909	1,102,316	2,489,080	4,678,524
Maryland	67,924			37,660	
Michigan	18,388,579	17,861,228	22,813,578	23,211,393	21,193,882
Minnesota	8,572,893	4,730,839	4,170,189	4,552,871	4,253,187
Missouri	1,297,516	2,218,516	3,824,789	1,598,742	6,218,586
North Dakota	707,436	202,567	92,878	180,000	128,565
New York	1,026,056	2,501,582	1,677,592	4,034,643	6,259,027
Ohio	7,901,539	16,919,105	17,201,379	29,344,522	31,138,809
Pennsylvania	1,723,251	7,464,412	5,252,330	9,046,739	15,618,109
South Dakota			86,517		
Tennessee		35,309			73,559
Virginia			57,321	73,592	404,234
West Virginia	72,131	266,325	223,768	137,290	362,741
Wisconsin	9,946,120	2,742,530	3,792,875	3,608,056	3,583,958
Total	71,579,140	70,767,789	76,834,610	99,066,846	133,202,958

The foregoing table shows that the National Sugar Co. has invaded New York, Ohio, Pennsylvania, Virginia, and West Virginia. Here is another table taken from the hearings (p. 895) showing the distribution of the Great Western Sugar Co. of Colorado. It is given in number of bags of 100 pounds each.

States.	Number of bags, season of—				
	1909–10	1908–9	1907–8	1906–7	1905–6
Arkansas	10,200	2,290	18,340	2,260	
California					250
Colorado	265,295	286,414	196,438	241,179	230,973
Illinois	259,666	192,143	513,484	204,979	99,891
Indiana	8,611	7,200	70,486	12,000	
Iowa	247,826	194,720	306,720	340,674	249,510
Indian Territory			4,460	80,830	18,150
Kansas	277,810	233,058	117,285	156,671	111,659
Kentucky	600	3,000	28,120	3,325	
Michigan	14,400	10,200	82,547	2,850	
Minnesota	122,984	141,310	190,579	369,890	285,000
Missouri	383,468	293,102	293,102	389,869	246,350
Montana					300
Nebraska	139,908	246,802	46,603	106,119	56,666
New Mexico			10		

States.	Number of bags, season of—				
	1909-10	1908-9	1907-8	1906-7	1905-6
New York		600	15,904	600	
North Dakota	1,800	2,150	3,000	7,100	36,001
Ohio	21,091	19,200	64,300	16,402	
Oklahoma	96,770	39,885	193,777	123,340	22,400
Pennsylvania	37,885	7,200	43,500	10,862	
South Dakota	75,115	51,310	32,926	32,580	51,100
Tennessee			50		
Texas	119,280	40,800	189,170	80,531	23,071
West Virginia			4,245	400	
Wisconsin	43,300	18,729	137,277	52,532	21,335
Wyoming	20,930	17,840	11,230	25,495	21,290
Total	2,146,939	1,808,553	2,659,675	2,301,973	1,473,937

It appears from this statement that the beet sugar of Colorado has entered the markets of Illinois, Indiana, Missouri, Ohio, and Pennsylvania; that the beet-sugar industry has been extending its market to the East year by year. No wonder the refiners are alarmed over their control of the markets.

Last summer on the reported shortage in the beet sugar of Europe the sugar refiners made an advance of from 1¼ to 2½ cents per pound, and at the time they did so they were using the raw sugar for which they had contracted at the low prices prevailing prior to the reported shortage. Arbuckle Bros. advanced the price of sugar at one time to 7½ cents per pound f. o. b. New York. The high prices prevailed during the months of July, August, September, and October, and during all of that time the refiners were making a profit of at least 2 cents per pound above what would be considered a reasonable profit.

Two cents per pound is on the basis of $7 per barrel. We are consuming in this country about 75,000 barrels per day, so that they were exacting of the people about $500,000 per day during this period because they had the control of the market, the very thing they are striving to secure permanently by the destruction of the beet-sugar industry.

They maintained their high prices until the American beet sugar came on the market in October. There had been no change so far as the world's output or market were concerned, but they were then compelled to meet beet-sugar prices.

There is a beet-sugar factory in Waverly, in my district. I have it on the authority of the manager that no beet sugar was sold in Iowa at a higher figure than 5.78½, and this was considerably less than the prices charged by the refiners.

At this point it might be interesting to quote once more from Mr. Lowry, who has been posing in his circulars as a friend of the consumer, who, after telling the history of jumping the price of sugar from 5 to 7.25, admitted that it was their policy (the Federal Sugar Refining Co.) to exact "all the traffic would bear."

For the purpose of showing the actual facts—that is to say, the prices at which the refiners sold sugar during the months of September, October, and November, and also the prices at which the beet-sugar factories sold their output—I will insert some tables taken from the hearings before the Hardwick committee. These tables show that beet sugar was sold at considerably less than the prices fixed by the refiners. (Hearings, p. 656.) The following table shows the prices of the refiners for the months of August, September, and October.

		American Sugar Refining Co.	National Sugar Co.	Warner.	Federal Sugar Co.	Arbuckle Bros.
	1911.					
Sept.	1	$6.25	$6.35	$6.35	$6.35	$6.35
	3	6.25	6.35	6.35	6.45	6.50
	6	6.40	6.50	6.50	6.60	6.50
	7	6.50			6.75	6.60
	8	6.60			6.75	6.75
	9	6.70			7.00	7.00
	11	6.75			7.00	7.00
	13	6.75			7.25	7.25
	19	6.75			7.25	7.50
	26	6.75			7.25	6.75
	28	6.75	6.75		7.25	6.75
Oct.	2	6.75	6.75		6.75	6.75
	3	6.75	6.75	6.75	6.75	6.75
	23	6.75	6.75	6.75	6.50	6.75
	24	6.70	6.70	6.70	6.50	6.70
	25	6.70	6.70	6.70		6.70
	30	6.60	6.60	6.60		6.60
Nov.	2	6.50	6.50	6.50		6.50
	6	6.40	6.40	6.40		6.40
	9	6.30	6.30	6.30		6.30
	13	6.20	6.20	6.20		6.20
	20	6.10	6.10	6.10	6.10	6.10

The following statement (Hearings, p. 3149) gives the prices at which 43 beet-sugar factories sold their output up to November 1, 1911:

Companies.	Factories.	Average net wholesale price.
Great Western Sugar Co	11	$5.327
Wisconsin Sugar Co	3	5.55
American Beet Sugar Co	6	5.20
Continental Sugar Co	3	5.55
German-American Sugar Co	2	5.50
Owosso Sugar Co	2	5.55
Western Sugar & Land Co	1	5.45
Sacramento Valley Sugar Co	1	4.80
Carver County Sugar Co	1	5.637
Charles Pope	1	5.70
Los Alamitos Sugar Co	1	4.85
Southern California Sugar Co	1	5.40
National Sugar Refining Co	1	5.60
Holland-St. Louis Sugar Co	2	5.635
Iowa Sugar Co	1	5.73
Michigan Sugar Co	6	5.554
Total (16 companies)	43	

These figures speak for themselves, and they show beyond a possibility of contradiction two vital facts: First, that the beet-sugar industry furnishes an active and effective competition against the refiners; second, they have lowered the prices of sugar to the consumer.

And now I come to the consumer who has caused the sugar refiners so much solicitude. The Mr. Lowry, to whom I have referred, in one of his remarkable circulars figured that the duty added 2 cents per pound to the price of sugar, from which he computed that every family of five persons, on the basis of 80 pounds per capita, pays $8 per year on account of the duty. This is a fair sample of his utter disregard of facts, or, I might say, of his deliberate intention to deceive.

Others have taken 1.90, the present duty on refined sugar, as the basis for their computation, and have added the entire amount of the duty to the cost of sugar. These statements are erroneous in the very nature of the case. In the first place there is only a negligible quantity of refined sugar imported. In the year 1910 the importation of refined sugar amounted to only 1,405 tons, so that it is manifestly unfair and misleading to take the duty on refined sugar as a basis.

The duty on refined sugar is 1.90. The duty on raw sugar is 1.68¼. There is a 20 per cent reduction to Cuba, which leaves the Cuban duty 1.348. The large per cent of our importations of raw sugar come from Cuba. The effective duty is the duty actually collected on dutiable sugar.

During the year 1911 there was 3,899,932,335.08 pounds of dutiable sugar imported into the United States. The duty collected was $51,496,559.12, which makes the average duty collected per 100 pounds of dutiable sugar $1.3461.

The gentlemen who made the computations I have referred to have made another serious mistake. They have taken the total per capita consumption as a basis and have assumed that all of the sugar consumed will be affected by the removal of the duty. This is not true. They failed to consider the large amount—in fact, the greater portion—used other than on the table. It enters into many varieties of products. Here are some of the articles in which it is used: Condensed milk, candies, etc., chewing gum, corn products, liquors and wines, preserves, soda-water sirups, desiccated coconuts, Quaker oats, jelly, gelatin, etc., candied fruits, rock candy and rock-candy sirups, drugs, medicines, chemicals, cocoa, ice cream, infants' food, fruit sirups, mincemeat, ginger ale, biscuits, crackers, and bakery articles. In all of these and many others sugar is used, and it is all included in the total amount consumed, on which the per capita consumption is figured.

It is estimated that 140,000,000 pounds of sugar is used annually in condensed milk. On a basis of 4½ cents a pound there is about 1½ cents' worth of sugar in a pound of condensed milk, and if the price were lowered 1 cent a pound it would make a difference of two-fifths of a cent on a 15-cent can. Would the consumer receive the benefit of this reduction of two-fifths cent per can? One hundred and twenty-six million pounds are used annually by the biscuit, pie, and cake bakers. About 612,000,000 pounds are used by confectioners. Twenty-five million pounds are used in making chewing gum. No one can seriously claim that the consumer will receive any concession either in the price or as to the quantity in any of the articles into which sugar enters.

This phase of the question, as well as the percentage of the total amount of sugar consumed that actually enters the home for use on the table, is so rarely discussed, while at the same time has such an important bearing, that I will quote from

the testimony of Mr. Horace Havemeyer before the Hardwick committee. Mr. Havemeyer was the sales agent of the American Sugar Refining Co., and therefore in a position not only to impart information, but to form a fair estimate as to the relative uses of sugar (Hearings, vol. 1, p. 612):

Mr. FORDNEY. Mr. Havemeyer, do you know anything about how much of the 80 or 90 pounds of sugar per capita is consumed in this country directly in sugar by the people of this country and how much goes into manufacture?

Mr. HAVEMEYER. That is a very difficult question to answer. I know it in a general way. There is a great deal of sugar used in various articles of manufacture. Take condensed milk, crackers, jelly, preserves of all kinds, tobacco, whisky, chewing gum, candy, and a great many other things that you would not think of at the moment. I should estimate of the 80 pounds that is annually consumed that about 50 pounds goes into sugar-containing manufactured products and that about 30 goes to the consumer and is used on his table direct.

Mr. FORDNEY. Then the price of sugar in chewing gum would not make very much difference to the consumer, would it?

Mr. HAVEMEYER. I understand that chewing gum consists of 75 per cent sugar, and the sugar in it is sold for from 50 cents to $1.50 a pound, while the refiner's price for sugar is about 5 cents, or a little less.

Mr. FORDNEY. That is, in chewing gum?

Mr. HAVEMEYER. Yes; it is sold at from 50 cents to $1.50 a pound.

Mr. FORDNEY. Then sugar is a pretty small portion of the price of chewing gum.

I only wanted to get, Mr. Havemeyer, an idea of about how much sugar directly is consumed by the people of the country outside of that in manufactured articles.

Mr. HAVEMEYER. I should say 30 pounds per capita. I do not believe there is anyone who can give you those figures to a dot. I do not believe there are any statistics which could prove that. It is an estimate. I have thought over it a great deal because, being a salesman of the American Sugar Refining Co., I naturally had more charge of that end of the business than any other.

Mr. FORDNEY. Then the consumers of these manufactured articles are not very much interested as to which way the price of sugar goes, inasmuch as sugar is such a small item of the cost?

Mr. HAVEMEYER. Sugar is infinitesimal in all those items—very small.

As Mr. Havemeyer well observes, the price of sugar that enters into these articles is infinitesimal, although the aggregate use is large. While Mr. Havemeyer places the amount which is used on the table at about 30 pounds per capita, it is fair to state that the British Board of Trade, in their recent report on conditions in America as well as in England, state that there is about 5¼ pounds used on the table of the average American family per week. On the basis stated by the English Board of Trade, it would amount to 54 pounds per capita; and if the full amount of the effective duty (1½ cents per pound) were added to the price, it would mean 72 cents a year per capita, or 6 cents per month. If we take the basis of Mr. Havemeyer, or 30 pounds per capita, it would be 40 cents per year, or 3½ cents per month. If we take the average between the amount fixed by Mr. Havemeyer and that fixed by the British Board of Trade, it would mean 56 cents per year, or about 4¾ cents per month, and this is conceding, for the purpose of argument merely, that the amount of the effective duty, that is to say the duty actually collected on dutiable sugar, would be added to the price.

I do not believe that the removal of the duty will lower the price of sugar. It may temporarily, but in the end, I doubt it. If we destroy the beet-sugar industry, which gives real competition to the beet-sugar refiners, and destroy our domestic cane sugar, the refiners will then have a monopoly, and they will do exactly as they did last summer and fall—in the language of Mr. Lowry, "Exact all the traffic will bear."

The Hardwick committee report that the price of sugar is lower in this country than in any European country except England. In the year 1910 the average price of sugar was about nine-tenths of a cent less in England than in this country. It is relatively lower in this country than in England, when you consider the wages paid in the two countries—that is to say, the purchasing power of labor. A day's wage in this country will purchase forty-three and a fraction pounds of sugar, while a day's wage in England will purchase twenty-one and a fraction pounds of sugar. In other words, a day's wage in this country will purchase twice as much sugar as a day's wage in England.

It is a well-known fact that from 1890 to 1907 there was a material rise in the price of nearly all food products. Sugar is one of the exceptions. If we are looking for an illustration of how a few men can control the market when an article is on the free list and there is no home competition, it is necessary to go no further than the house of Arbuckle Bros. and the way they have boosted the price of coffee during the past two or three years, and these are the men who are now clamoring for either free sugar or a duty so low as to destroy the beet-sugar industry.

But will the removal of the duty give us lower sugar? In December, 1903, Cuban reciprocity went into effect, granting a reduction of 20 per cent on sugar to Cuba, and if the argument holds good, there should have been a reduction of 20 per cent in the price of sugar. The Statistical Abstract for 1910, on page 713, gives the wholesale price of granulated sugar at New York, per pound, as follows:

1902	4.46
1903	4.64
1904	4.77
1905	5.26
1906	4.52
1907	4.65
1908	4.96
1909	4.76
1910	4.97

It will be noted that in only one year has sugar been lower than it was in 1903, and that one year only twelve one-hundredths of a cent per pound. On page 44 of the hearings is a table giving the New York market price from 1870 to 1909, inclusive. It is interesting to note that the price of sugar drops from 13.51 cents per pound in 1870 to 4.76 cents per pound in 1909, and it is also interesting to note that the price of sugar during the few years when it was on the free list was only about one-fifth of a cent a pound less than during the six years when the full Dingley tariff was operative.

Economic conditions, however, have changed since then. In those days we were not confronted with the trust problem that now confronts us, and with no production in this country we would stand a good chance of having permanently the same conditions we had last fall when the sugar refiners shot the price up as high as 7½ cents per pound.

Mr. Willett, the expert employed by the Hardwick committee, who has made a life study of the sugar question, and particularly its relation to prices, sums up his entire testimony and his investigation and study of the subject as follows:

In all these analyses I reach the same conclusion, that to decrease the price of sugar to the consumer, increase the domestic production as rapidly as possible.

This conclusion appears on page 3978 of the hearings—the last page—and it was very fittingly placed there, for it sums up in one sentence what the entire hearings for 11 weeks, conducted by able men, with the power of the Government back of them, establishes beyond dispute, that the consumer can only be protected by the increase in home production.

There are now 71 beet-sugar factories in the United States actively engaged in refining sugar, with an estimated cost of construction of about $100,000,000. They pay out for beets, fuel, salaries, wages, and for other items about $45,000,000 per year, every dollar being paid out in this country.

I do not believe that any fair-minded consumer or laboring man will wish to destroy this industry, throw out of employment the wage earners who are engaged in it, and take the chance of putting themselves in the clutches of the Sugar Trust and refiners for the small advantage, conceding everything that can be claimed, that they might temporarily receive.

It is unnecessary to discuss the effect of this measure on the beet-sugar industry. That it will be destroyed is conceded. The majority make no effort to conceal this fact. They are frank about it and are entitled to credit for their frankness. Some Republicans who have expressed their intention of voting for the measure admit it will destroy the beet-sugar industry and openly affirm that it ought to be destroyed, while others, in an effort to square themselves with the Republican platform on which they were elected, express the opinion that it will not injure the beet-sugar industry, and find refuge behind some quotations in favor of free sugar, expressed by Republican leaders a quarter of a century ago. The conditions which justified free sugar then do not exist now. Since then the beet-sugar industry has developed and is furnishing actual competition for the refiners. It is growing and the competition becoming severer each year. They forget that the Republican Party adjudicated that question in 1896, as I have shown from the platform adopted that year—the platform upon which William McKinley was a candidate for President and which represented the best thought of the Republican leaders of that time, and a policy that has never been retracted by any Republican leader since, and stands to-day as the definitely announced policy of the party.

On the question of the effect of this measure on the beet-sugar industry I will quote from the report of the majority members of the Ways and Means Committee, as follows:

In the report of the same investigating committee (p. 22) we find that the cost of manufacturing beet sugar is lowest in Germany, and according to the best-known sugar experts the cost of producing a pound of raw sugar there ranged from 1.96 to 2.07 cents. Adding a refining cost of four-tenths of a cent per pound, the cost of producing refined beet sugar in Germany would average 2.415 cents per pound. The average cost of producing beet sugar as computed from the returns of the 11 plants in which the American Sugar Refining Co. is interested is shown not to exceed 3.54 cents per pound. This difference between the German and American costs more than offsets the freight charges from Germany to the United States.

In brief, the committee finds that it costs 1.12½ cents more per pound to produce beet sugar in the United States than in Germany. The freight rate from Hamburg to New York is 12 cents per 100 pounds, or twelve one-hundredths cent per pound, so that, according to the figures of the committee, it will be impossible for the beet-sugar industry of this country to compete with Germany. Moreover, the figures cited in this country do not include selling expense, which includes brokerage, insurance, storage, and so forth, nor interest on the investment, nor depreciation. The figures stated by the committee are taken from the testimony of Mr. Freeman, and a reference to his testimony on page 2379 of the hearings will confirm my statement.

Therefore those who vote to have this bill become a law do so with the knowledge in advance of its effect on the beet-sugar industry.

I will refer briefly to the relationship between the Sugar Trust and the beet-sugar companies. When Mr. Havemeyer was at the head of the American Sugar Refining Co. he started the policy of investing in beet-sugar factories. At the time he did this Mr. Atkins, now acting president of the American Sugar Refining Co., who was at that time a large stockholder in the American Sugar Co., differed with Mr. Havemeyer as to the policy, on the ground that it was building up a competitor for the refiners, and therefore sold all the stock he held in the American Sugar Refining Co. Afterwards others who were interested in the American Sugar Refining Co. discovered that Mr. Atkins was right and that the beet-sugar industry was developing into a dangerous competitor. This policy of the company was then reversed. The Hardwick committee in its report says:

Since 1907 new influences have controlled the company, and the testimony does not show a continuance of the policy of investing in competing concerns, but does show that some of the properties previously acquired have been sold.

The company has sold all of its stock in beet-sugar factories that was listed on the market. Speaking of the sale of its entire holdings in the American Beet Sugar Co., Mr. Atkins testified:

That stock was all sold, because it was a listed stock and there was a market for it. We have not got a share of it now.

Since the new policy was adopted the American Sugar Refining Co. has disposed from time to time of its holdings in various companies and recently sold its entire holdings in the Carver County Sugar Co., in Minnesota.

The report of the Hardwick committee states that the American Sugar Refining Co. owns 41 per cent of the stock of 11 companies, but it also states that as to the remaining beet-sugar companies "they are real competitors of the American Sugar Refining Co." If the suit of the Government now pending in the courts is sustained, it will compel the American Sugar Refining Co. to dispose of its entire holdings in beet-sugar companies.

There is this observation, however, that after the Hardwick committee had conducted its hearings for 11 weeks and made an exhaustive examination of the whole subject, that nowhere is it claimed by the committee that the American Sugar Refining Co. has controlled the selling price of the beet-sugar factories in which it was interested.

It is singular that one of the most important phases of the subject is seldom mentioned, and that is the indirect benefits of sugar-beet culture.

During the past few years the question of increasing our yield has been widely discussed. Our Government is spending millions of dollars in this cause. Nearly every State is doing the same thing. I am in hearty accord with what has been done and in sympathy with any movement that will improve agricultural conditions, and this is one of the reasons why I am opposed to the present measure.

There is perhaps no more practical, efficient, or economical method of increasing our production than encouraging the raising of sugar beets. It is no longer a matter of theory or speculation. It rests on facts ascertained by actual experience. We know what it has done for France. We know what it has done for Germany. We know what it has done in the sections of this country where beet-sugar factories have been located. We know what the Agricultural Department says about it, and perhaps there is no more ardent advocate of beet-sugar culture than the Agricultural Department. We know what our leading agricultural scientists say about it. All concur in the great benefits derived from raising sugar beets through the increased yield of other crops. Dr. Wiley, when he was before the Hardwick committee, said:

I believe it (referring to beet sugar) would be one of the best things for the agriculture of this country that could possibly exist.

In Germany, where the soil has been tilled since the time of the Roman invasion, they are to-day producing greater yields per acre than they are in the United States, where our soil may yet be termed almost virgin. They are raising more in Germany than we are on the black loam soil of Iowa, the best agricultural State in the Union. Here is a table showing the German acreage and yield of the five principal crops in 1910:

	Acreage.	Bushels.	Per cent.
Wheat	4,800,900	141,884,000	29.5
Oats	10,599,100	544,287,000	51.3
Barley	2,880,500	133,330,000	24.3
Rye	15,287,500	413,802,000	27.0
Potatoes	8,209,621	1,715,676,300	208.9

The following table was compiled from the Agricultural Yearbook and gives the average yield and value of the same crops in Iowa in 1910:

	Acres.	Bushels.	Yield per acre.	Value per bushel Dec. 1.	Value of crops.	
					Per acre.	For the State.
			Bushels.	*Cents.*		
Wheat	530,000	11,131,000	21.0	85	$17.85	$9,462,000
Oats	4,800,000	181,440,000	37.8	27	10.21	48,989,000
Barley	510,000	15,045,000	29.5	56	16.52	8,425,000
Rye	32,000	592,000	18.5	64	11.84	379,000
Potatoes	170,000	12,240,000	72.0	60	43.20	7,344,000
Total	6,042,000	220,448,000				74,590,000

The following table shows the yield and the value of yield of a like acreage in Germany—that is to say, the same number of acres used in Iowa for the five crops stated—based on United States farm value of products:

	Acres.	Bushels.	Yield per acre.	Value per bushel Dec. 1.	Value of crops.	
					Per acre.	For the State.
			Bushels.	*Cents.*		
Wheat	530,000	15,635,000	29.5	85	$25.07	$13,289,000
Oats	4,800,000	246,240,000	51.3	27	13.85	66,484,800
Barley	510,000	17,493,000	34.3	56	19.20	9,796,080
Rye	32,000	864,000	27.0	64	17.28	552,960
Potatoes	170,000	35,513,000	208.9	60	125.34	21,307,800
Total	6,042,000	315,745,000				111,431,390

It will be seen from the foregoing table that if we had raised in Iowa as much per acre as was raised in Germany, the farmers of Iowa would have received $36,800,000 more for these five crops.

Those who have investigated the conditions in Germany assert and establish that the increased yield in Germany is due largely to the raising of sugar beets and the rotation of their crops. Although the German farmers do not realize as much for their beets as American farmers do, and make less profit out of it, they are nevertheless willing to plant for the indirect benefit which they receive in the increased yield of other crops. The experience in Germany in this respect is found true in this country. H. C. Wallace, one of the editors of the Wallace Farmer, published in Des Moines, Iowa, one of the best agricultural papers in the entire country, published a serial article last December on the subject of the sugar beet in Iowa after he had made a visit to the factory of the Iowa Sugar Co., at Waverly, and talked personally with the farmers who were raising sugar beets. Here is a brief quotation from his article:

It is interesting to note that of the ten or a dozen farmers to whom I talked who had grown sugar beets for the past several years all agreed unanimously that the yield of small grain, grown after sugar beets was greatly increased.

He closed his article with the following significant statement:

The culture of sugar beets, as it spreads, will revolutionize the agriculture of the northern part of the corn belt.

The Secretary of Agriculture states that there are 274,000,000 acres of land in this country suitable for raising beets. There is no reason why we should not produce every pound of sugar we consume. With the progress of the industry and the improvements which experience have brought about beet sugar has shown a decreasing cost of production, and there is reason to believe that with its further development there will be a further decrease, and the people will receive the direct benefit of prices fixed by actual competition. Besides, we will receive the indirect benefit of increased production of other farm products, which has its relation to the prices of such products, influenced always by the law of supply and demand.

While I am opposed to the present measure, I would favor a revision of this schedule that would remove the Dutch standard test and the preferential on refined sugar, and fix the duty in accordance with the measure of protection for which the Republican Party stands—the difference between the cost of production at home and abroad. This measure has no chance of becoming a law. This fact was well understood when it was introduced. It is purely political buncombe. It has met the just criticism of the Democratic press. The Washington Times, a prominent Democratic paper, that has been making a fight for the last two or three years for a revision of the sugar schedule, and particularly on the Dutch standard test, criticizes this bill in severest language. In its issue of March 2 in its editorial columns it says:

All that is good politics, as it is played, but it is not dealing fairly with the people. The insincerity of the House project is proved by the fact that for months the Democrats have been utterly unable to agree what should be done about sugar. So long as they considered plans that were intended to have a chance of becoming law and giving the people some real advantage, they were hopelessly unable to agree. It was only on a fantastic proposal that could not possibly have a ghost of a show of enactment that they could get together.

And in its issue of March 3, in another editorial, severely attacking the measure, it states as follows:

From the beginning the present Ways and Means Committee has pretended to favor moderate, gradual tariff changes. It would not have free wool, lest that ruin an industry. Yet it turns squarely around and proposes free sugar, absolutely certain to ruin an industry, if free sugar should come.

There is gratification in the knowledge that some Democrats declined to accept the buncombe free-sugar income-tax plan, and have announced their purpose to expose the cheap plot. The Democrats can not afford to play so flimsy a game, and if they go ahead with it, they will discover that the people are a deal wiser than the framers of this plot imagine them to be. The project that is intended to satisfy everybody will be found to satisfy and to fool nobody.

Mr. Charles W. Miller, of Iowa, for three terms a Democratic member of the State Legislature of Iowa, and for several years chairman of the Democratic State central committee, concludes a long article, published in the Waterloo Times-Tribune—a Democratic paper—upon the subject, which I will print as an appendix, but whose view of the measure is summed up in the following sentence:

All things considered, I have decided that there are occasions when even a fundamental free trader can consistently oppose tariff reduction, and that this is one of them.

In brief, this measure will fool no one. It certainly is in violation of Republican doctrine, and is even claimed by Democrats to be a violation of the policy of gradual revision downward, of the Democratic Party.

Supplemental to the letter of Mr. Miller I will insert a letter from Mr. George E. Lichty, published in the Waterloo Evening Courier, written to Mr. Miller in response to the above article. Mr. Lichty is president of Smith, Lichty & Hilman, wholesale grocers, of Waterloo, Iowa, and a member of the executive committee of the National Wholesale Grocers' Association. I insert it because of his high standing in commercial circles, because he knows the subject, and for the further reason of showing how the real wholesale grocers feel in respect to the measure, as distinguished from the fictitious committee represented by Mr. Lowry, the employee of the refiners.

In conclusion, I have endeavored to review the questions involved in this measure fairly, confining myself almost wholly to the facts developed before the Hardwick committee, a committee created at the instance of the majority party in the House, and its work at all times under the control of the Democratic Members who comprised a majority thereof. I bear willing testimony to the ability with which the committee performed its work. The report of the committee is unanimous. The hearings and the report establish the propositions I have advanced.

APPENDIX.

[Public letter written by Mr. C. W. Miller, of Waverly, Iowa.]

WAVERLY, IOWA, *February 12.*

"Greater Iowa" is a slogan that appears to be in everybody's mouth these days, and indicating, as it does, a State-wide desire on the part of our people to push Iowa forward to a front place in the galaxy of American Commonwealths, a place to which her natural endowments richly entitle her, it seems probable that some good must result therefrom.

But since in all of the discussion there seems to be a dearth of suggestion as to ways and means, I am tempted to submit something along that line and invite attention to the fact that an industry at Waverly is pointing the way to at least one avenue by which Iowa may add much to her population, wealth, and general prosperity.

Before proceeding to my elucidation, however, let me suggest that Iowa at the present time has all the people necessary to do the work that comes to their hands, and the unusual amount of poverty in our cities the present winter indicates that we have some to spare.

This being indisputable, as it manifestly is, it follows that the first step in the direction of a greater Iowa must be in the way of more jobs. Manifestly also, these jobs must almost necessarily relate to the soil in comparison with which all other sources of wealth in this State must ever be infinitesimally small.

An industry born of the soil, therefore, which combines the benefaction of multiplying jobs with that of "making two blades of grass grow where there grew but one before" would seem to fit into Iowa's plan for a greater future as nothing else could do and merit the special attention and consideration of every loyal Iowan in sympathy with the booster movement.

Such an industry is the beet-sugar industry, which, barring the possibility of adverse tariff legislation, may now be counted, not only as a permanent Iowa institution, but also as the forerunner of many similar establishments throughout the northern counties of the State.

That the Waverly beet-sugar factory is a veritable prosperity breeder is well known to the people of this section of the State, but that others may know what a stream of wealth it pours into the channels of industry and trade I cite the amounts in round numbers which were disbursed by its treasurer during the "campaign" just brought to a close, giving also the purposes for which they were applied:

Beet tonnage	$240,000
Freight	34,000
Securing and transporting laborers	7,000
Superintendency	13,999
Receiving and taring	9,000
Factory labor	71,000
Office salaries and office expenses	15,000
Barrels and bags	10,000
Coke	2,000
Limestone	5,000
Additions and repairs	41,000
Miscellaneous	8,000
Total	455,000

I have no doubt that these figures will be a revelation to many before whose eyes they will come, and if they wonder thereat I know their wonder will grow when I tell them that all of these substantial sums, along with the modest profit of the sugar company, were, primarily, wrung from 4,806 acres of land, or an area of but slightly in excess of one-fifth of a single township.

But this isn't the end of my prosperity story by any means. The most important addition to it is that next year, as demonstrated by the experience of former years, every one of these acres is destined to give a yield of 25 to 50 per cent in excess of an average crop of grain, this being a direct result of the deep plowing, intensive cultivation, and weed extermination incident to the beet crop of the year before.

Nor is it necessary to stop here in enumerating the rewards of the beet grower, for in the beet tops he has a fodder of an estimated value of from $8 to $10 per acre. These tops, however, if left in the field, restore most of the plant nourishment that has been taken from it, and if the beet pulp could also be restored in its entirety the soil would be just about even, since sugar has no value as a plant food, and, in fact, is not so much a product of the soil as of the air and sunshine. The beet pulp, however, has a great value as a food for cattle, and none is permitted to go to waste. Beet growers in the neighborhood of the factory have access to it without expense to them, and for the past three winters J. H. Letts, of Letts, Iowa, has drawn upon it for the fattening of several hundred steers, kept in yards adjoining the factory.

Another valuable by-product of the factory is the lime cake which results from the vast quantities of lime used in the purifying process. It has a distinct value as a fertilizer, and is especially valuable for the correction of soil acidity.

IOWA SOIL IDEAL.

That northern Iowa soil and climate are well adapted to profitable sugar-beet culture is now assured beyond a doubt, but the early years of the factory's existence were uncertain and troublous. Farmers were slow to take hold of the proposition, and to secure acreage was a task both expensive and arduous. The first season's crop was satisfactory only here and there, but it was observed that the German farmers who had had experience on their native soil got splendid returns. Profiting by this demonstration, after the second year the company arranged to provide reluctant growers with field workers of experience. These were found in the cities of adjoining States, being mainly German-Russian families lately arrived from the beet-growing sections of their native country. The rewards offered in the Iowa beet fields were so much greater than they had been accustomed to that they were easily persuaded to exchange their slum environment for the fresh air and sunshine of Iowa farms. A large percentage of these families have found permanent homes in the localities where they were employed, and not a few, gratified at the results of their labor for others, have bought or rented small pieces of land. The other day Secretary Moore showed me 21 contracts signed by the heads of such families who, for the first time in their existence, are going to experience the delight of not having a landlord over them. They are prodigious workers, thrifty, fairly intelligent, and law-abiding, and that they will make good citizens in their new environment is beyond question.

What the ultimate destiny of these impressionable children of the Old World would have been were they left in the haunts of vice from which they were taken admits of enough doubt to make me secure in counting some measure of benefit to our social condition as yet another benign attribute of the beet-sugar industry.

And still another incidental benefit of this industry is the solving of the hired-man problem. The beet workers above alluded to are skilled farm laborers and they are not afraid of work. Neither do they make it a condition of their employment that they be provided with a horse and buggy to go gallivanting o'nights. During the haying, the oat harvest, and the corn husking the beet fields do not require their attention, and during these periods the farmers in the sugar-beet sections are never up a stump for help, as they so frequently were before the advent of this new industry.

SOME OF THE BENEFITS.

As to the benefit conferred upon the soil by sugar-beet culture I have previously alluded, but my attention has been called to a specific case which I believe is worthy of particular mention. Two years ago last fall Moses Ackies, a successful Michigan grower, went to Osage to grow beets for the Waverly factory. After he had rented a 94-acre tract of land for the purpose he learned that it had been in the hands of a long series of renters and was badly run down; also that it was seriously afflicted with quack grass. Nothing daunted he went ahead and raised a crop of beets, securing 9 tons to the acre. The following year, 1911, he seeded it down to clover, planting a cover crop of oats. The oats yielded 50 bushels an acre, topping anything in the neighborhood, and later he cut what proved to be the only good stand of clover in Mitchell County. One thousand dollars was offered but refused for it. Another reward was the complete elimination of the quack grass.

If the incidental rewards of a sugar-beet crop are taken into consideration, 7 or 8 tons per acre may be regarded as better than the return of an average corn crop, but that such a yield can readily be doubled is shown by the results attained by the following widely scattered growers:

	Acres.	Tons per acre.
A. R. Stokes, Clear Lake	20.71	16.40
W. D. Rung, Osage	83.71	15.14
F. M. Williams, Steamboat Rock	33.50	14.63
J. S. Besterby, Ottoson	32.62	12.76
L. L. Latham, Kanawha	18.58	14.55
Nat P. Ellis, Waverly	18	17

It will be observed that the above were all large growers. Some of the smaller growers secured even a larger tonnage per acre, and Lee Campbell, of Osage, makes affidavit to the remarkable yield of over 28 tons from a measured acre.

TONNAGE INCREASES.

The fact that tonnage per acre has increased year by year until last year it was better than 50 per cent better than the first year beets were grown here shows what increased knowledge of beet culture has accomplished. The campaign of education and supervision has been an expensive one, however, and along with the expense of securing acreage, has dug deep into what might otherwise have been added to the company's profits, but the fact that the necessary acreage for next season was secured practically without solicitation shows that sugar-beet culture in northern Iowa is past the experimental stage, and that it now would be no difficult matter to secure tonnage enough to operate several factories of the capacity of that at Waverly.

On the horizon of this promising industry there is now but one cloud, but that is rather an ominous one. It takes the shape of an energetic and well-financed propaganda on the part of the refiners to take the tariff off of raw sugar. Ostensibly this propaganda is conducted by a "committee of wholesale grocers" and in the interest of the consumers, but one day while I was present at the Hardwick committee investigation in Washington I saw a witness put through a sweating process that brought out the illuminating fact that he in himself constituted this entire committee, and that the refiners had put up every dollar for the tons of literature with which the country has been flooded. When I learned that this gentleman was Frank C. Lowry, sales agent of the Federal Spreckels Refining Co., I began to suspect that refiners not only expect to reap the full financial benefit of the proposed tariff reduction, the immense sum of $50,000,000, which is now collected by the Government, but that their still greater ambition is to be able to manipulate prices so as to destroy or at least check the competition of domestic sugar, grown from a production of 40,000 to 600,000 tons since 1896 and which undersells the refinery product every day in the year. Another important disclosure at the hearing was that Arbuckle Bros., who now have the country by the throat with reference to coffee, are leaders in the fight for free raw sugar, undoubtedly with the expectation of eventually inaugurating a second process of high-handed robbery upon the consuming public. All things considered, I have decided that there are occasions when even a fundamental free trader can consistently oppose tariff reduction and that this is one of them. But aside from my personal views as to this matter, and because I feel that the beet-sugar industry of Iowa could not withstand the assaults the refiners would make upon it, I feel that the people of this State should be advised of its present status and future possibilities, and for that purpose this article is penned.

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(Public letter of Mr. George E. Lichty to Mr. Miller.)

DEAR MR. MILLER: I read your article on the beet-sugar situation in Iowa, and I want to congratulate you on the splendid manner in which the same was presented.

For a long time I have known something of the so-called Wholesale Grocers' Association, which, in fact, almost entirely means Frank C. Lowrey and Arbuckle Bros. When western wholesale grocers, however, attempted to explain the situation and to contend that they were not a part of the organization they immediately became objects of suspicion. Your article, I am pleased to state, relieves the jobber of that embarrassment.

I believe that when the people thoroughly understand the sugar situation, particularly in the State of Iowa, it will mean that we will produce more sugar than the State of Louisiana and of a quality that will be just as good if not better. The product of the Iowa sugar factory this year has been most satisfactory. We have never sold cane sugar that was any better, and we are only sorry that it is impossible to have the splendid product of the Waverly factory to sell throughout the entire 12 months of the year.

I am writing this to you to say that very few jobbers are in sympathy with the movement you have so thoroughly ventilated.

With personal regards, I am, very truly, yours,

GEO. E. LICHTY.

WATERLOO, *February 14*.

The CHAIRMAN. The time of the gentleman has expired. All time has expired on this paragraph. The question is on agreeing to the amendment offered by the gentleman from Wyoming.

The question was taken, and the amendment was rejected.

The CHAIRMAN. The Clerk will read.

Mr. GOOD. Mr. Chairman——

The CHAIRMAN. For what purpose does the gentleman rise?

Mr. GOOD. For the purpose of offering an amendment.

Mr. MANN. To the first paragraph?

Mr. GOOD. Yes.

The CHAIRMAN. The gentleman from Iowa offers an amendment to the first paragraph, which the Clerk will report.

Mr. GOOD. It is on line 10.

The CHAIRMAN. We have not reached that yet. The Clerk will read.

The Clerk read as follows:

1. Sugars, tank bottoms, sirups of cane juice, melada, concentrated melada, concrete and concentrated molasses, and molasses, maple sugar, maple sirup, refined sirups, glucose or grape sugar, and sugar cane shall be admitted free of duty.

Mr. NORRIS. Mr. Chairman, I offer the following amendment, which I send to the Clerk's desk.

The CHAIRMAN. The gentleman from Nebraska offers an amendment, which the Clerk will read.

The Clerk read as follows:

On page 2, line 10, after the word "cane," strike out the balance of the paragraph and insert in lieu thereof the following: "One-half cent per pound: *Provided*, That on and after the 1st day of July, 1912, and until the 1st day of July 1917, there shall be paid from any moneys in the Treasury not otherwise appropriated to the producers of sugar testing not less than 96° by the polariscope, from beets or sugar cane grown within any of the States of the Union, a bounty of one-half cent per pound: *And provided further*, That on and after the said 1st day of July, 1917, and for five years thereafter, the said bounty shall be reduced to one-quarter of 1 cent per pound, and after the expiration of said five years no further bounty shall be paid. Said bounty shall be paid under such rules and regulations as the Commissioner of Internal Revenue, with the approval of the Secretary of the Treasury, shall prescribe."

Mr. NORRIS. Mr. Chairman, I think it will be admitted by all candid-thinking men that if the bill is passed without amendment the result will be that all the beet-sugar factories in the United States will have to suspend operation and go out of business. We have at the present time in the United States 71 beet-sugar factories. They produced this year, in round numbers, something more than a half million tons of sugar. They have been increasing in number and steadily increasing in their output. This increase has not been as rapid as the advocates of this policy in the past had hoped and expected. I confess that I have been disappointed in this development, and yet I believe that there are a great many reasons why we should not so legislate as to entirely wipe out this industry. There are a great many reasons why we should not be dependent entirely upon the foreign supply for the sugar which we must necessarily consume. There is no doubt but what the Sugar Trust is in favor of free sugar. If the beet-sugar industry could be destroyed they would expect to gain an entire monopoly of the sugar trade of the country and thus control its price. The testimony taken before the committee appointed to investigate the Sugar Trust, I think, shows without doubt that the production of beet sugar has had a tendency to keep down the price of sugar to the consumer. The Sugar Trust practically controlled all the supply outside of that made from beets. This evidence shows that each year when the product of the beet-sugar factories was put upon the market the price of sugar to the consumer invariably went down. Before the supply from the beet-sugar factories was put upon the market the Sugar Trust was enabled to control the importation of sugar and to arbitrarily raise the price. No one doubts but what the Sugar Trust could control and would control the cane-sugar product, because that sugar is imported in its raw state. It is not marketable to the dealer or the consumer, but the only buyers are the refiners of sugar, and because the Sugar Trust controls the refining of sugar it can easily be seen why they want the tariff removed so that their raw material will be absolutely free. I know it is claimed that free sugar would permit beet sugar to be imported from Germany and that for this reason the Sugar Trust would not have a monopoly. This would be true if there were an overproduction of sugar, but when we remember that there is seldom a surplus and often a shortage of the world's supply it can easily be seen that even if beet sugar were imported the importers of such sugar, naturally being desirous of obtaining the largest price possible for their product, would raise the price up to the standard fixed by the Sugar Trust. They could do this, because neither the beet-sugar people nor the Sugar Trust would have enough product to supply the market, and as long as there was market enough to take the supply of both beet and cane sugar the beet-sugar importers would naturally raise their price up to the standard fixed by the Sugar Trust just the same as under present conditions the independent refiners of sugar raise their price up to the level of the price fixed by the Sugar Trust.

The Sugar Trust a few years ago purchased considerable stock in some of the beet-sugar factories of this country. Some of this has been disposed of, but some is still owned by the trust. They would be very glad, however, to lose their comparatively small investment in beet-sugar factories if they could drive the beet-sugar producers in America out of the field, if in doing so they could obtain a monopoly of the market. Their profits by such a monopoly in six months would be vastly greater than the losses they would sustain by the destruction of beet-sugar factories, and when we consider that this monopoly would last indefinitely we can easily see why it is that the Sugar Trust is anxious to annihilate the beet-sugar industry of

this country. If our beet-sugar factories did nothing else than to have the effect that I believe history shows they have had, of preventing an entire monopoly of the sugar trade by the Sugar Trust, we can well afford to levy a small duty and to pay a small bounty to keep them in existence and to save the American people from the evils that will come from an arbitrary and tyrannical control of the price of sugar by this great monopoly. If the beet-sugar industry were wiped out, we would be dependent entirely upon the foreign sugar for our domestic supply. In case of a war between our country and any foreign nation, particularly if such foreign nation was any one of the great countries that had a reasonably large navy, our supply of sugar would be practically cut off, and we would be absolutely and completely helpless. If not entirely cut off, the dangers of importing sugar across the ocean and bringing it into the United States would be so increased on account of the hazard that the price would go away beyond reason and away beyond the ability of the ordinary citizen to purchase. Many millions of dollars have been invested in beet-sugar factories. It would be an injustice, it seems to me, by one stroke of the legislative pen, to wipe them off of the map. The amendment which I have proposed would give the consumer practically the benefit of free sugar, and at the same time it would save the beet-sugar factories. For five years the bounty would be only one-half cent per pound, for the next five years the bounty would be only one-quarter of 1 cent per pound, and then it would entirely disappear. It is believed that within that time the development of the beet-sugar industry would be such that it would be able to exist without the protecting benefit of this bounty. I am not defending the present sugar schedule. It is not only unfair, but it is absolutely iniquitous. The infamous Dutch standard color test contained in the present law and that has for a great many years been included in the sugar tariff, is, in my judgment, absolutely indefensible and wicked.

By its unjust provisions the effect has been to keep out of the American market a cheaper grade of sugar that the poorer classes of people would have been able to purchase at a reduced price. This grade of sugar is just as good in quality as refined sugar and, for some purposes, perhaps better. It lacks only the color. To deprive our people of the ability to purchase this grade of sugar at a lower price than refined sugar has been an injustice that has been tolerated entirely too long. Since the invention of the polariscope, a scientific method of testing sugar, there has been no possible excuse to retain in the law the old Dutch standard color test. We ought to legislate so as to make the price of sugar to the American consumer just as cheap as possible. At the same time, I believe that it would be unwise to take any step that would place the American consumer of sugar entirely within the grasp of the Sugar Trust, or to drive the producers of American sugar entirely out of business and thus place the American market entirely under the control of foreign producers of sugar. I think we can all agree that the present tariff on sugar is entirely too high, and yet the desirability of developing sugar production in the United States must be admitted by all. This bill is proposed by men who do not expect to see it enacted into law. It is only a politician's move in the great political game. It is known by those who have brought this bill in that it can not become a law in the form in which it is introduced. Indeed, it is doubtful if many of those who are behind it really want to see it enacted into law in the form in which it now is. It is the product of politicians and not of statesmen.

We are presented, however, with a peculiar parliamentary situation. Under the Constitution a bill like this must originate in the House of Representatives. The Senate has no constitutional authority to originate this kind of legislation. It can only consider it after it has passed the House. If, therefore, under the Constitution we are to secure a revision of the sugar schedule, the bill must pass the House before it can be considered in the Senate. Unless some bill revising this schedule does pass the House, the sugar schedule can not be revised. I believe, therefore, that even though the amendment which I have offered, or some similar amendment, be not agreed to here, that those who believe in a revision of the sugar schedule would be justified in voting even for the original bill as introduced, because only in that way can a revision be had and relief be obtained from the iniquity of the present unreasonable and unfair sugar tariff. The only hope of real revision is that the Senate will so amend the bill that it will give the proper and legitimate relief. If the Senate in its consideration of the subject, properly amends the bill, as I believe it will, there is some hope that in conference a result may be reached that will give relief to the American consumer of sugar and at the same time protect the American citizenship from the cruel monopoly of the Sugar Trust and the domination and control of our market by the foreign producers of sugar. For these reasons I shall vote for the bill now pending, even though all amendments are voted down.

Mr. DODDS. Mr. Chairman, the sugar question is one in which we are all interested. From the very smallest consumer to the highest sugar magnate all are interested in our sugar supply and in its prices. We have come to be known, and really are, the great sugar-consuming nation of the world. Fully one-fifth of all the world's supply is consumed within our borders. In the year 1911 our actual consumption of this product reached the immense aggregate of 3,351,391 long tons. In comparison with this Great Britain consumes but 1,831,388 tons; France, 653,269 tons; Germany, 1,134,071 tons; and Russia, 1,021,519 tons—showing that we alone consume nearly twice as much as Great Britain and much more than France, Germany and Russia combined. Now, of this large amount which we consume, it is known that nearly one-fourth is produced within the United States proper; that slightly more than one-fourth comes to us from our insular possessions—the Philippines, Hawaii and Porto Rico—and that all of the balance except a small portion—about 200,000 long tons—comes to us from the Island of Cuba. Under our present regulations all of the sugar that comes to us from our insular possessions comes into the country duty free, and what comes to us from the Island of Cuba comes to us subject to only four-fifths of the full duty charged the foreign product; so that all of the sugar that comes into the country bearing full duty—out of the large amount that we consume—is only about one-seventeenth of what we really use. Of the sugar that we ourselves produce about three-eighths is cane and maple—there being but a small quantity of maple, about 8,000 long tons—and the balance is made of the beet.

It will be well for us to remember, too, that in late years—and co-existent with the life of the beet-sugar industry—the prices of sugar have in nowise increased. Varying conditions and different tariff regulations have produced changes in prices; but the prices of sugar, both at wholesale and at retail, are less to-day than they were in 1889, when the beet-sugar industry was really commenced.

OUR CANE-SUGAR INDUSTRY.

While our cane-sugar industry is not and—from the present outlook—never can be of anything like the importance to us that our beet-sugar industry is and will continue to be, nevertheless it is an industry that means much to that portion of the country in which sugar cane can be raised. According to the majority report of the committee, submitted on this bill, nearly 5,000 persons—besides those engaged in the production of material on the plantations, estimated at 60,000 during harvest and 30,000 for the remainder of the year—are given employment through this industry; the average number of wage earners employed during the year being about 4,000 and the remainder being salaried officials and clerks.

From the same report it will be seen that the amount of capital now invested in the industry is upwards of $36,000,000; that the salaries and wages of the officials and wage earners aggregate more than two and one-half million dollars yearly; and that the value of its yearly products is almost $30,000,000. Surely this is an industry in which we may all be interested and upon which the blighting influences of this bill should not be laid, since the effect of the legislation proposed would be to crush it out of existence. And why will it not do so?

If we examine the same report—Table 4, page 3—we will find that the total quantity of cane sugar produced in Louisiana and Texas in 1909 was 334,100 tons, and that the total cost of production was $25,039,000—equivalent to $74.944 per ton, or $3.747 per 100 pounds. Now, at this cost of production, how could the southern producer afford to produce his product in competition with foreign sugars that can be delivered in New York, if duty free, for $2.443 per 100 pounds, that being the average cost of raw sugar during the past 11 years? Surely he could not do so and pay for material and labor what he is now paying. So, if this bill should become a law, he would have to do one of two things: He would have to pay much less for labor employed and for materials used, or he would have to discontinue his business. Do our friends on the other side of the House want him to grind down the wage of the laborer in the factory and on the plantation to meet this difference? Or do they want him to stop the manufacturing of his product, so that we may have the privilege of investing the $25,039,000, which he pays out yearly for labor and materials, in the products of foreign countries? Is this "a consummation devoutly to be wished," my southern friends? Remember that there will be just that amount of money less in your "Sunny South Land", at the end of each year, if he does.

Would it not be a cruel shame for you to compel him to do so? Think of it, my friends; and—if I may be allowed to use Biblical language—you may yet "repent of the evil which you were about to do unto your people." [Applause.]

OUR BEET-SUGAR INDUSTRY.

The position which the Republican party has always taken in connection with the beet-sugar industry is easily ascertained. Up to the year 1891—the year in which the McKinley law went into effect—there had been manufactured in this country, in the aggregate, less than 17,000 tons of beet sugar. The law referred to placed raw sugar up to No. 16 Dutch standard, in color, on the free list, and provided for a duty of only one-half a cent per pound above that. Under this law the industry was fostered by way of bounty—the producer being given 2 cents for each pound of sugar produced—and under it the industry flourished: the aggregate for the years 1891 and 1892 being more than the production of all previous years combined, and the product of each of the years 1893 and 1894 being much greater than such aggregate.

So well was this industry intrenched in 1894, when the Wilson law was enacted, that it continued to grow and prosper until in 1897, when the quantity produced more than doubled that of 1894—the sugar produced in the later year being 40,398 long tons. The following year the quantity produced dropped back to 32,471 long tons; but since then the increase has been rapid—dropping back slightly in each of the years 1907 and 1908 because of weather conditions—until in the year 1911 we produced 506,825 long tons, and now have in prospect for the present year an estimated production of something like 540,000 long tons.

Since the year 1897 the tariff duties on sugar coming into the United States have been changed materially:

First. The product of Porto Rico—increased from 38,663 long tons in that year to 280,622 long tons in 1911—comes in duty free.

Second. The product of the Philippines—increased from 32,394 long tons in that year to 168,408 long tons in 1911—comes in duty free.

Third. Under our reciprocity treaty with Cuba, in 1903, her product comes in at 80 per cent of the regular duty. In 1910 we obtained from her, under this treaty, 1,640,182 long tons; but in 1911—because of shortness of crop, there—we obtained but 1,409,259. Had there been no short crop last year it is plain, under the facts already stated, that we would not have had to pay full duty on any sugar imported in that year; for such shortness of crop—230,923 long tons—was much more in amount than the full-duty-paying sugar—199,062 long tons—that we had to buy.

Fourth. Under the Payne law, passed in 1909, the duty on refined sugar was reduced 5 cents on each 100 pounds.

That these changes in rates, actually taking place, and other changes constantly being threatened have kept the sugar question in the air, and have greatly retarded the growth of the beet-sugar industry, no one having a knowledge of the subject will gainsay and few will even question.

Situate in my own home town, in the heart of the Michigan beet-producing territory, are the walls of a partially constructed sugar factory: abandoned in 1903, when we granted the preferential rates to Cuba under our treaty with her. Few, indeed, are claiming that the duties now existing are not high enough; but let it once be known that the regulations are to be left as they are for a reasonable term of years and the sugar-beet industry will go ahead by leaps and bounds; and the production of sugar will so increase that we will in our time, and this before long, see the United States in connection with her insular possessions producing all of the sugar necessary to supply our full demands; and those who follow us will be blessing the foresight that will be keeping them from dependence upon other countries for their supply of that commodity which they will have to have even though it shall take their hundreds of millions yearly to obtain it.

But we are told by some that our increase of supply is not keeping pace with our increase of demand; that while our yearly supply of beet sugar has increased only 466,427 long tons since 1897, our yearly demand has increased 1,100,300 long tons; but how illogical and misleading is this when we consider that while the demand has increased only about 49 per cent the beet-sugar supply has increased about 1,155 per cent; the increase in the one case being only arithmetical while in the other it has been geometrical increase. Given energy and material and geometrical increase is the law of growth. Given American energy and enterprise, with a practically limitless field, then geometrical increase will be the law of sugar production. Therefore the end of the next 15-year period—1927—would show 6,237,000 tons produced, while the consumption, increasing at the established rate of 49 per cent, would show 4,993,592 tons; so that production would not only have overtaken consumption, but we would have about one and one-fourth million tons for export, and this resulting from the growth of the beet-sugar industry alone. [Applause.]

Now, Mr. Chairman, situated as we are respecting this industry, what is the course which we should pursue? It is a matter settled—as well as such a matter can be settled—that the cost of producing beet sugar in this country is now about $3.50 per hundred pounds. This is disclosed by the proofs taken in the Hardwick committee investigations, pages 2379 and 2380; and it is as well established that the average cost of raw sugar at the port of New York during the past 11 years has been, as before stated, $2.443 per hundred pounds—same hearings, page 3350. Add to this the cost of refining—not more than 50 cents per hundred pounds—and we have the actual cost of refined cane sugar, in the hands of the refiner, as being $2.943 per hundred pounds. Now, with the actual cost of beet sugar to the producer, $3.50 per hundred pounds, and with the actual cost of refined sugar in the hands of the refiner not more than $2.95 per hundred pounds—which would actually be the condition should this bill become a law—what would the beet-sugar producer have to do?

The answer is inevitable, and must be the same as that given in the discussion of the cane-sugar question; his labor and his materials—the latter being largely the labor of the beet producer—would have to be much reduced or he would have to engage in some other business that could be conducted at a profit.

No need to repeat this question to Republicans, for the real Republican always wants to stand by his party's teachings and carry out his party's promises. Republicans voiced what were their sentiments upon this question when in 1890 they provided for the bounty given to the sugar producer by the McKinley law; and in their national platform of 1896 they denounced in no uncertain terms the action of the Cleveland administration because of its not keeping faith with the sugar producer. The language of that platform is well worth repeating, well worth remembering:

> We condemn the present administration for not keeping faith with the sugar producers of this country. The Republican Party favors such protection as will lead to the production on American soil of all the sugar which the American people use, and for which they pay other countries more than $100,000,000 annually.

What would be the declaration in a party platform at this day, if made by the great men who made that one, when—after taking in free the products of Porto Rico and the Philippines—the expense to our people for foreign sugar is still nearly $90,000,000 annually?

Are we going to continue to pay out this immense amount of money each year, or are we going to stand firmly upon the ground we occupy and let it be known that we are to stand by the producer of sugar in our land until our industry becomes so developed that we can supply our own demands? But one question should be raised in opposition to this, and that question is, Can we do it? And to this question but one answer will be given by the man who understands the sugar question, and that answer is, Of course we can. [Applause.]

And why not? In his annual report, published in Willett & Gray's Weekly Statistical Sugar Trade Journal on January 12, 1912, F. O. Licht, the great German statistician, states that acreage in beets in that country during the past three years has not averaged more than 1,107,000 acres—equivalent in area to but two of our ordinary counties in the Middle West—and this is not more than one-two hundred and fiftieth of the land adapted to beet raising in this country, the official statement of the Secretary of Agriculture—to be found in Senate Document No. 22, Sixty-first Congress, first session, page 27—showing that we have at least 274,000,000 acres of land in this country, all of which is adapted to beet culture. And in a recent annual report he also states that—

> If we only consider those localities in this country that have the best facilities for taking up the beet-sugar industry and limit the territory to that portion capable of producing our own consumption of sugar, it might be said that the United States possesses some material advantage over Europe.

With these facts before us, and knowing that with this small—in comparison—acreage Germany produces over 2,000,000 long tons of sugar each year—nearly two-thirds of our consumption—why should we hesitate to embark upon the project of producing entirely our own sugar? Surely, with matters as they are, nothing stands in our way except our indetermination. [Applause.]

To be sure we can not now produce either the quantity or the quality of beets upon our lands that the Germans can produce upon theirs; but neither could they produce, in either respect, when they first commenced what they can now produce. The fact of the case is that the longer the land is used for

beet-producing purposes—being properly rotated with other crops—the better it becomes for the particular purpose, and the better it becomes for all other purposes; the cultivation that has to be given it for this one purpose adding to its worth for all purposes. In our beet-producing territory in Michigan we find that the lands used for this purpose become greatly improved, and that the yield of other crops afterwards gathered from them are greatly in excess of the yield of the same crops from other lands in all respects as good.

Eventually, if we can rely upon the best information that we have, our land will be as productive, both as to quantity and quality, as are the German lands; and when that period shall be reached all the handicap the American producer will have will be the difference between the price paid labor here and the price paid labor there, and this every American should stand for. It is this difference between the price paid labor here and paid it elsewhere that makes our country what it is; and no American with the right kind of blood in his veins will want to lessen that difference, except it be through the uplift of those competing with us—which we should always have in mind and aid—and not by the lowering of our own conditions to meet the level of theirs. [Applause.]

In conclusion, Mr. Chairman, let me ask who are the parties principally interested in the lowering of duties on sugar in this country, and who are the parties who will be benefited? Trace almost any effort in this direction and it will lead you to the refineries—the giant sugar institutions that want to get sugar in their hands as completely as oil is in the hands of the Standard Oil Co., as coffee is in the hands of the Coffee Trust, and as steel is in the hands of the Steel Trust. They see, as those like them always can see, that when competition shall be crushed out matters will be wholly in their own hands, and they will be in a position to say "Up," and the price will go up, there to remain as suits their own sweet will. The consumer will have to pay the price; the $52,000,000 now collected by the Government will be lost to it, and will find its way eventually into the pockets of the refiners. They know this, and what they ask of Congress is the removal of the duties on sugar so that the beet-sugar industry may be destroyed—thus leaving them in the field alone. They want to have matters in their hands always, as they had them last year for a time—and until the producers of beet sugar came into the market with their products: the testimony of Mr. Wallace P. Willett, of the firm of Willett & Gray, before referred to, a sugar expert engaged by the Hardwick Committee, on page 3581 of hearings, being as follows:

> There is no question whatever, Mr. Chairman, that the coming onto the market in October of the Michigan sugars and other domestic sugars dropped the price from $6.57 in October down to $6.11 in November and December $5.63.

And see, further, his testimony on pages 3153-3154 of same hearings:

> If it were not for the domestic sugar industry, sugar in this country would be to-day very considerably higher. * * * I would not be surprised if it would not be a cent a pound more but for the beet and cane sugar produced in this country.

And, again, page 3978 of hearings:

> In all these analyses I reach the same conclusion—that to decrease the price of sugar to the consumer, increase the domestic production as rapidly as possible.

It seems useless, Mr. Chairman, to cite testimony as to this matter. We already know these truths without testimony; but if anything had been necessary to show us the attitude of the refiners, and what we might expect should we get absolutely into their hands, the object lesson of last year should have opened our eyes, and we should have become cognizant of the fact that we are "skating on thin ice"; and if we desire to keep the price of sugar where it is, and if we desire to build up our own sugar industry—and thus keep ourselves out of the hands of the few refiners who want the duty on sugar removed, so that this industry may be destroyed—then we must see to it that the wishes of these men are not complied with. No one who wants competition destroyed is either directly or indirectly looking out for the interest of the consumer. The desire to destroy competition is always interested, and always points to self. This we should keep in mind and ever heed.

Mr. Chairman, I am against the provisions of this bill, and I shall be against the provisions of any other bill in which the duties on sugar, either raw or refined, shall not equal the difference between the cost of production at home and abroad. We should build up our home industry, so that when we buy we will buy of ourselves, and thus at the end of the transaction have both the sugar purchased and what we shall have paid for it. This was the sentiment expressed by Lincoln in his memorable discussion of the tariff, and is as true to-day as when he uttered it. [Applause.]

Mr. BROUSSARD. Mr. Chairman, a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. BROUSSARD. I want to offer an amendment to page 2, line 10. May I do so now at this stage of the proceedings, or must I wait until that paragraph is read?

The CHAIRMAN. The paragraph will have to be read first.

Mr. UNDERWOOD. Does the gentleman from Louisiana want to offer an amendment to the sugar paragraph?

Mr. BROUSSARD. Yes.

Mr. UNDERWOOD. Then, Mr. Chairman, I will ask that all debate on the pending amendment be closed with that on the amendment offered by the gentleman from Nebraska [Mr. NORRIS].

The CHAIRMAN. Is there objection to the request of the gentleman from Alabama? [After a pause.] The Chair hears none, and it is so ordered. The question is on the amendment offered by the gentleman from Nebraska [Mr. NORRIS].

The question was taken, and the Chairman announced that the noes seemed to have it.

Mr. NORRIS. A division, Mr. Chairman.

The committee divided; and there were—ayes 48, noes 83.

So the amendment was rejected.

Mr. BROUSSARD. Mr. Chairman, I offer an amendment, which I send to the Clerk's desk.

The CHAIRMAN. The gentleman from Louisiana [Mr. BROUSSARD] offers an amendment, which the Clerk will report.

The Clerk read as follows:

> On page 2, line 10, strike out the words "free of duty" and insert the words "at the prevailing rate of duty, omitting the differential and abrogating the Cuban preferential."

Mr. BROUSSARD. Mr. Chairman, if my Democratic colleagues on this side of the House really intended to reduce the price of sugar to the consumers of this country, this is the proposition that they should have presented for the consideration of the House.

There is nothing in the Democratic platform calling for the destruction of any industry in this country. There is, however, a provision in the Democratic platform calling for the placing on the free list of articles manufactured by a trust, and those familiar with the sugar question in this country know full well that the producers of sugar, those engaged in cultivating beets in the West and those engaged in cultivating sugar cane in Louisiana and our island possessions, are not engaged in any trust. They know full well that the sugar manufacturers of this country who import their raw sugar from tropical countries alone are responsible for the conditions that exist in this country with respect to the price of sugar.

I would like to have been allowed an hour in which to discuss this proposition, but the management on this side of the House have seen fit to deprive me of an opportunity to be heard on this question. I am permitted in my own right to use but five minutes. I want to say to the gentlemen on this side that if they were not engaged in a game of buncombe on the American people they would reject the proposition in the bill now pending before the House and adopt this provision which I have offered, which would put the Sugar Trust out of business and permit the people of this country to enjoy the benefits of cheaper sugar. [Applause.]

But they are not willing to do that. The very evidence on which they predicate this bill, the very statement of the expert employed by the committee that has been investigating the Sugar Trust, negatives the proposition put forth by the leader of the majority and by the gentleman from Georgia [Mr. HARDWICK]. Those gentlemen concede that Mr. Willett is the best expert in this country on sugar, and I confirm that statement. In my judgment, he is the best expert upon the price of sugar not only in this country but in the world.

He lays down this proposition, that the best way in which to reduce the price of sugar to the consumer is to increase the domestic production of sugar as quickly as possible. He made that statement on as many as six different occasions during those hearings, and yet gentlemen come into this House and submit this proposition, that in order to decrease the price of sugar to the consumer in this country you must destroy, they say, the domestic production. They have taken a position just opposite from that of the expert who they claim knows more about this subject of sugar than anyone else in this country.

Now, the chairman of the committee on yesterday in his address dealt extensively with the world's price of sugar; dealt at some length on the effect of this legislation upon the beet-sugar industry of the West; but he passed by almost unnoticed the question of the production of sugar from cane in Louisiana and our island possessions, and when one of my colleagues [Mr. RANSDELL of Louisiana] asked if the effect of this bill would not be to destroy the sugar industry of Louisiana, he frankly admitted that he was not informed on that question. He comes here with a proposition by which it is proposed to destroy $150,000,000 of values in the State of Louisiana—with a propo-

sition in which it is intended to take investments and property and throw them into the scrap pile. He comes here with this proposition and frankly admits that the committee itself has not even given consideration to so important a matter as to be able to inform the House whether he proposes to destroy all of this property or not. He comes before this House, and I undertook to ask him a question in regard to the fact of whether or not when sugar was free under the McKinley bill the price to the consumer was not even higher during the four years of its operation while that law was in force than it is to-day, even though bearing a duty equivalent to nearly 64 per cent ad valorem, but I could not get an answer to that question, except that he denied it and said that he would furnish the figures. I went out and obtained the figures and came back, and the gentleman from Georgia [Mr. HARDWICK] was speaking. I asked the privilege of interrupting him and of propounding the same question, holding these figures in my hand, but the gentleman had no time to yield to me. What is the reason for all this haste about legislation that will destroy so much of American wealth, so much of American labor, and which will cast upon a Louisiana community so much disaster as is contemplated in this bill?

The CHAIRMAN. The time of the gentleman from Louisiana has expired.

Mr. BROUSSARD. Mr. Chairman, I ask unanimous consent that I may be permitted to proceed for five minutes more.

The CHAIRMAN. The gentleman from Louisiana asks unanimous consent to continue for five minutes. Is there objection?

Mr. UNDERWOOD. Mr. Chairman, I stated in the beginning that I disliked to object to the request of gentlemen for unanimous consent to proceed, but in order that everybody may get in under the five-minute rule I shall have to insist upon a strict observance of the rule, which requires that only five minutes be allotted to each speaker.

Mr. BROUSSARD. Why, I was allowed an hour on yesterday, and the gentleman's motion took it away from me. The gentleman ought to be fair enough to permit me, when he proposes to destroy the prosperity of the State that I represent on this floor, to at least speak for five minutes, in order that I may present the facts to this Congress. [Applause on the Republican side.]

The CHAIRMAN. Objection is heard.

Mr. UNDERWOOD. Mr. Chairman, I simply wish in my own time, in response to the statement of the gentleman——

Mr. BROUSSARD. Mr. Chairman, a parliamentary inquiry?

The CHAIRMAN. The gentleman will state it.

Mr. BROUSSARD. Is the gentleman speaking in his own time, recognized now?

The CHAIRMAN. He is.

Mr. BROUSSARD. By the Chair or by unanimous consent?

The CHAIRMAN. The gentleman from Alabama is recognized by the Chair.

Mr. UNDERWOOD. Mr. Chairman, being in charge of a bill reported here by one of the committees of the House, it was not my duty to parcel out the time to those in the House who are opposed to the bill. I did desire that the gentleman from Louisiana [Mr. BROUSSARD] should have an opportunity to debate the bill. I endeavored to arrange that he might have that opportunity.

Mr. BROUSSARD. Will the gentleman yield?

Mr. UNDERWOOD. I yield.

Mr. BROUSSARD. No one else has objected to my having that opportunity but the gentleman from Alabama. [Applause on the Republican side.]

Mr. UNDERWOOD. The gentleman is mistaken.

Mr. BROUSSARD. I have heard no other objector.

Mr. UNDERWOOD. The gentleman from Alabama can not lay aside his duties to this House and to the legislation of which he is in charge to accommodate any one gentleman on the floor of this House. [Applause on the Democratic side.]

Mr. BROUSSARD. Will the gentleman permit a question?

Mr. UNDERWOOD. I will ask the gentleman to wait until I finish my statement.

Mr. BROUSSARD. Right upon this point I should like to ask the gentleman if he did not abandon his duty as leader of this House, in charge of this measure, when he says he did not control the time in the matter of the discussion of the bill?

Mr. UNDERWOOD. Why, certainly not. The time of this House was controlled, under the rules of the House, by the Chairman of the Committee of the Whole House on the state of the Union. I made an offer to abrogate the rule, as is customary here, and asked unanimous consent——

Mr. BROUSSARD. I did not object to it.

Mr. UNDERWOOD (continuing). For 11 hours of general debate, to be equally controlled by the gentleman from New York [Mr. PAYNE] and by myself. If I had controlled the time, I would have given the gentleman the time that he desired, but when objection was made and the bill was interfered with, it became my duty, then, to see that the House had an opportunity to vote on the bill in a reasonable time. There was no desire on my part to prevent the gentleman from Louisiana having an opportunity to debate, and the gentleman from Louisiana——

Mr. BROUSSARD. Mr. Chairman, the gentleman does not want me to speak, and I make the point of order that the gentleman limit his remarks to the amendment which I have offered.

Mr. UNDERWOOD. Mr. Chairman, the gentleman has challenged my position upon the floor, has reflected on what I was attempting to do for him, and it was the exigencies of the case that arose——

Mr. BROUSSARD. Mr. Chairman, I rise to a point of order.

Mr. UNDERWOOD (continuing). That prevented my doing so.

Mr. BROUSSARD. Mr. Chairman, I make the point of order that the gentleman is not speaking to the amendment that I have offered.

The CHAIRMAN. The gentleman from Alabama will proceed in order.

Mr. UNDERWOOD. Mr. Chairman, I will state that the gentleman did not speak to his amendment either, but I shall obey the rules of the House and submit. [Applause on the Democratic side.]

Mr. ROBERTS of Nevada and Mr. MANN rose.

The CHAIRMAN. The Chair will recognize the gentleman from Nevada [Mr. ROBERTS].

Mr. MANN. Mr. Chairman, I hope the gentleman will recognize me for a part of the time.

Mr. ROBERTS of Nevada. I yield.

Mr. MANN. And that the Chair will then recognize the gentleman from Nevada for the remaining portion of the five minutes. What I shall say will not be in order, and if any gentleman desires to call me to order I shall stop. The gentleman from Alabama [Mr. UNDERWOOD] has repeated on several occasions that he offered to have 11 hours of general debate upon this bill, but the gentleman from Alabama is mistaken in his recollection. He never made such an offer.

Mr. HOWARD. Mr. Chairman, I rise to a point of order that the gentleman from Illinois is not discussing the amendment offered by the gentleman from Louisiana.

Mr. MANN. If gentlemen are afraid to debate the bill and afraid to have the method of debate discussed, I am satisfied to sit down.

The CHAIRMAN. The gentleman from Illinois will proceed in order.

Mr. MANN. They are afraid of both things. Fraidy-cat! [Laughter.]

Mr. ROBERTS of Nevada. Mr. Chairman, the loud protest that comes from the State of Louisiana through its Representatives at this time reminds me of the fact that I have in my office three machines, all Underwoods. Two of them are typewriters and the other is a duplicator. All perform their functions in a thoroughly satisfactory manner, and the dispatch with which the work is turned out is a wonder; but when it comes down to the question of easy political expediency, they are as naught compared with the great machine in this House, commonly known as the Underwood political machine. [Laughter and applause on the Republican side.] It has presented to this House a bill affecting thousands upon thousands of our people and their interests, and it intends putting through the measure in the space of a few short hours, a measure which will strike a death blow to one of the greatest agricultural interests of this country.

Mr. HOWARD. Mr. Chairman, I rise to a point of order.

The CHAIRMAN. The gentleman will state it.

Mr. HOWARD. I make the point of order that the gentleman from Nevada is not discussing the amendment under consideration.

Mr. ROBERTS of Nevada. I am discussing the amendment.

The CHAIRMAN. The gentleman will proceed in order.

Mr. ROBERTS of Nevada. I am coming to it. [Laughter.]

Mr. HOWARD. Mr. Chairman, the point of order is that he come to it now.

The CHAIRMAN. The gentleman will proceed in order.

Mr. ROBERTS of Nevada. Yes, it is a wonderful machine; an Underwood machine, and it turns out much pernicious and promiscuous legislation, and I might add, if permitted to continue, will succeed in turning out of employment thousands of workingmen in this country and in destroying——

Mr. HOWARD. Mr. Chairman, I make the point of order that the gentleman is not discussing the amendment.

Mr. ROBERTS of Nevada (continuing). In destroying our greatest industries.

Mr. MANN. Mr. Chairman, I insist that the gentleman is discussing the amendment.

Mr. HOWARD. He is not discussing the amendment.

Mr. MANN. I do not think the gentleman from Georgia knows what the amendment is.

Mr. HOWARD. I think I do, and I think I have about as much power of conception as has the gentleman from Illinois.

Mr. MANN. Then the gentleman ought to display it.

The CHAIRMAN. The committee will be in order. The gentleman from Nevada will proceed in order.

Mr. ROBERTS of Nevada. Mr. Chairman, I can not sit idly by without protesting against the destruction of an infant industry in the State I represent, at Fallon, in Churchill County, the center of the great Truckee irrigation project, where hundreds of thousands of dollars are being expended in the beet-sugar industry, which gives promise of becoming one of the most stable industries in the State. The Government has expended millions of dollars in that reclamation project, and now that those settlers who have taken up land in that section, struggling under the most adverse conditions and regulations, have extensively engaged in the culture of sugar beets, which are adapted to that soil, it is proposed to strike down their industry without time for an open and free consideration of the questions involved. If ever an infant industry needed protection it is the beet-sugar industry in this country, and I emphatically protest against the passage of this measure, which is so framed as to leave out entirely the element of protection. Many measures of like importance have heretofore been rushed through this House in the same manner, and I verily believe that the Underwood Ways and Means Committee might properly be termed the "Underwood Free-Trade Duplicator." [Applause on the Republican side.]

Mr. RUCKER of Colorado. Mr. Chairman, I would hesitate to impose upon the indulgence of the House at this time were it not for the fact that I am notoriously a timid man and am apprehensive as to the fate of my scalp should I return to my constituency without having given voice to my protest against this measure and venturing to suggest what seem to me good and substantial reasons for my opposition.

It is indeed deplorable that this great economic question should be exposed to the miasmatic and contaminating influences of petty politics, yet it is not to be wondered at when we stop to consider its many angles and the inducements offered the politician to reach the unsophisticated through an appeal to their cupidity. The mere words "free sugar" cunningly whispered into the ear are sufficient to deaden the trumpet sound that breaks its fulfillment to the heart. Of a truth can it be said—

> And be these juggling fiends no more believed,
> That palter us in a double sense;
> That keep the word of promise to our ear
> And break it to our hope.

No measure has been introduced into this body since I became a member of it that has offered a higher bid for demagoguery, and at the same time an incentive for exalted patriotism and nonpartisanship. It is an industry which, tracing it back to its earliest infancy, has never as yet reached the age when it could stand alone without the fostering care of legislation. There has never been an hour in the history of any civilized country when in its struggles for honorable existence it has been without that crutch. Human laws have apparently been more prodigal of help than scientific. The latter factor has but recently appeared upon the scene, and yet with these combined agencies, the world's increasing population and our consequent increasing consumption, the industry is subjected to other and newer enemies. Land is becoming scarcer. It must fight its way through the phalanx of such seared and lusty veterans as cotton, tobacco, corn, wheat, and legions of others for a footing, and the result in the final contest will be the survival of the fittest.

A BRIEF HISTORY OF SUGAR.

A short review of the history of sugar may not be inappropriate at this juncture, and may, perchance, prove instructive by way of pointing a moral as well as adorning a tale.

Up to the sixth century the saccharine substance was obtained principally through the industry of the busy bee. The first sugar obtained otherwise than as the product of this innocent benefactor of mankind was from the bamboo, but for many centuries its use was principally medicinal, and the ancient simile, "Like an apothecary without sugar," thus had its origin. In passing I may observe that this ancient saw has no peculiar application to the "shop" of the Committee on Ways and Means, for there seems to be no appreciable lack of medicine issued to us people of the West, and, similarly, on this occasion, to our friends from Louisiana. It has been administered to us persistently in allopathic doses from day to day and from night to night.

If there is any virtue in the old axiom, "Misery loves company," I should have consolation in the fact that my distinguished friend from Louisiana [Mr. BROUSSARD] and his colleagues are made just now to take their medicine along with us. There is a difference, however, in our lachrymose condition. My wells are dry from exhaustion, whilst his are full to overflowing, the pump having just started. But his will soon dry and we shall, I regret to say, shortly find him on the other side of the table, enjoying my discomfort in the company of the majority.

THE FIRST TRUST.

There seems to be as much confusion of tongues concerning this schedule as there was upon the plain of Shinar, when the last brick was placed on the tower of Babel. Some place the blame for the high price of sugar upon the trust; others attribute it to the tariff, and some seem to recognize the trust as of modern origin as applied to this industry. But as far back as 1420 was born the first sugar trust. A certain Venetian evolved a new method of refining sugar and received 100,000 crowns ($120,000) for his invention from the Venetian Government. Her fleet was then the mistress of the seas. She controlled the world price of sugar for more than 60 years.

She ran the price up in 1482 on the London market to $275 a hundred, and by the close of the fifteenth century the price of sugar on the London market had decreased to only $53 per hundred. Then, by accident, the West Indies were discovered, and through a cooperation of the English and Spanish the production of sugar was so stimulated by heavy import taxes and liberal bounties that the price gradually fell, and it was not until the year 1515 that cane sugar was first introduced into Haiti. Spain and Portugal in the sixteenth century dominated the industry in Europe, and it was not until 1585 that London became an important refining center of sugar for the European trade, and it is a singular fact that she did not capture the trade until she went into the slave traffic and populated the British West Indies with captured negroes from Africa. In 1662 a company known as The Royal Adventures Co. Trading to Africa, was chartered and entered into a contract with the English Government to deliver 3,000 negroes annually to the British West Indies. It is also a notable fact that her supremacy waned when she declared against the slave trade. In 1828, and she completely lost it when the slaves were emancipated in the British colonies, in 1833. Then the business gravitated to the Spanish, Portuguese, and French, who still maintained slavery, and at that time more than one-half of the world's sugar was produced by slave labor in Cuba, Porto Rico, Brazil, the French colonies, Dutch Guiana, and Louisiana. In fact, the first negroes ever sent to this country were from Santo Domingo, in the year 1751, accompanied by sugar cane sent by the Jesuit Fathers of Santo Domingo to the Jesuits of Louisiana. As sugar had been the cause of the most intense commercial wars in Europe since the tenth century, and as it only prospered where negro slavery was introduced, and found its lodgment in Louisiana for the sole purpose of the cultivation of the cane, it is not too great a flight of imagination to say that the war of 1861 is traceable to the introduction of cane sugar upon this continent. It should be borne in mind also that coincident with the discontinuance of the slave trade and the emancipation of the negroes by the English the beet-sugar industry began its greatest strides.

THE SECOND AND PRESENT TRUST.

I have referred to the first Sugar Trust recorded by history. I now invite your attention to the next trust which history gives any account of, and which was born upon our own shores.

The first sugar refinery in the United States was established in 1689 on Liberty Street in New York, but the business did not assume importance until the middle of the succeeding century. At the close of the seventeenth century Philadelphia was the largest refining center, and Boston was holding second place. It was not until about the year 1805 or 1806 when this country received two German immigrants named Frederick and William Havemeyer, and the name, as you know, is now the synonym of "Sugar Trust." They started a small refinery in the village of Greenwich, which is now a part of the city of New York. They were well qualified, having had valuable experience in the method of refining sugar in Germany. They controlled but a small capital with which to inaugurate their enterprise, but it was not long before they had dominated the refining business of this country and they and their descendants have controlled it ever since, and the latter are now the dominating influence behind the Sugar Trust.

I am tempted here to digress for a moment to refer to a colloquy which occurred between our distinguished leader [Mr. UNDERWOOD] and myself upon the floor—which evoked considerable applause, in answer to my inquiry to the effect that, "Since when had the Democratic Party omitted to foster infant industries by a protective tariff?" He answered in effect, it never had; it was wholly a Republican policy. I am reminded that sugar producers and sugar refiners have been protected by duties upon imports of sugar since the formation of the Government, and we Democrats take special pride in the fact that up to the Civil War the Democratic Party was in power, and that therefore these must have been Democratic measures.

I have no doubt, however, he would answer that it was for revenue purposes only, and yet the facts are that under the administration of Mr. Madison in 1812 these two Havemeyers and the Louisiana planters were the beneficiaries of the raise of duty from 9 to 18 cents per pound on refined sugar, when the duty upon raw sugar was only 3 cents a pound, and this tariff was not for revenue, for it was absolutely prohibitory. It gave these American refiners a complete monopoly on refined sugar and the Louisiana planters a complete monopoly on raw sugar, and the duty was not placed below 10 cents per pound until 1842. There was, over this period, that long list of Presidents—Madison, Monroe, Adams, Jackson, Van Buren, and Harrison—some very sound Democrats, we must admit; and more than that, from 1816 to 1842, a refundment was allowed on all refined sugar exported in excess of the duty on raw sugar.

This historical résumé is pertinent, because I was undertaking to demonstrate by my inquiries of the committee chairman that the Democratic Party had not always turned its back upon the petition of infant industries, and that this legislation was enacted solely upon the theory of protection to what was then regarded as such an industry; and it must be borne in mind that over that period of time the consumer was paying the maximum price for his sugar.

ANOTHER TRUST.

This reminds me of another trust, namely, the one known as the Klaus Spreckels trust, on the Pacific coast. Spreckels obtained his raw sugar from Hawaii, and, by reason of his geographical position, he controlled the whole Pacific coast country. Apparently for his special benefit reciprocity relations were entered into with Hawaii in 1875, by which sugar was admitted free. Everyone can understand that theoretically this meant the lowering of the cost of sugar to the consumer; but the fact is—and it is within the common knowledge of all—that it had the very opposite effect. The price was raised to the consumer. The man who carried his sack of sugar upon his back from Spreckels's sugar factory in San Francisco across the street paid a higher price for it than did the man in Denver or in Kansas City.

Mr. Chairman, the purpose of this bill is to place sugar upon the free list. Its proponents contend that it will lower the price of sugar to the consumer in the amount of the duty, namely, 1½ cents per pound. Some, and possibly a majority, of those who are opposed to the measure maintain that would be but the temporary effect. I am convinced that the measure would have but few supporters if its present advocates could be brought to a realizing sense of the great probability of its being but temporary, and can any thinking man after a careful investigation doubt for one moment that the ultimate—and not very ultimate—effect will be to drive out of business the producers of both cane and beet sugar in the United States?

It is contended by the opposition that the refiners—the Sugar Trust—will be the direct and indirect beneficaries of the enactment of the measure, because in addition to the immense advantage they will have in the control of the entire imports they will have the indirect profit represented by a much smaller investment of capital by reason of not being subjected to a revenue tax.

The proponents, on the contrary, maintain that they will be deprived of this advantage because of the importation of refined sugar, and, of course, it is conceded, if that were possible, the consumer could be benefited.

I shall not undertake to discuss, as some have, the effect of this bill upon the industry in Hawaii, the Philippines, Porto Rico, and our reciprocity agreement with Cuba, except to say, as regards the latter, that the farmers, especially of this country, are largely interested in exports to Cuba under the preferential agreement, the benefit of which will be denied them by the passage of the bill under consideration, and that the receipt of Cuban sugar free must necessarily displace some of that home product.

Our exports of farm and other products to Cuba since our treaty of 1903 have doubled. I will only mention a few items: In 1910 we sent there horses and mules amounting to $299,643; flour, $4,632,000; coal, $2,166,502; hennery products, $750,000; fertilizer, $559,000; meats and dairy products, $7,018,858; forest products, $2,704,684; potatoes, 1,041,152 bushels. The growth of this trade is shown by its steady climb. In 1909 the exports amounted to $48,217,689; in 1910, to $57,780,617; and in 1911, to $62,280,509. Our farmers' market there will be transferred to Canada, which now stands ready to take advantage of the abrogation of this treaty which this bill compasses.

I especially desire to call attention to the marvelously rapid and profitable growth and development of the beet-sugar industry in this country since its comparatively recent introduction as contradistinguished from the many centuries of energetic and diligent effort that have been devoted to the upbuilding of the cane-sugar industry.

Take my own State as an illustration. It has only been 11 years since the first beet-sugar factory was built, whereas there are now 17, and there are a number of others in course of construction. The acreage sown in beets has increased over one hundred and fifty fold. Its cultivation yields a revenue to our farmers and laborers of over $15,000,000 per annum. This enterprise affords employment to thousands of our citizens and its by-product furnishes fattening food for an immense number of cattle and sheep. It assures the farmer a greater profit from his labor than any other crop, and if, as is claimed, free sugar will destroy the industry, he will be compelled to turn his activities in another and possibly unknown and less profitable direction. Fidelity to our promised protection of infant industries, and as well our stewardship of the best interests of the American farmer, should prompt us to pause before we inflict such a possible calamity upon a great domestic enterprise.

The rule of the greatest good to the greatest number can not be successfully invoked in this instance, for not only has it no application, but we are confronted with a proposition directly the reverse. That there will be no refined sugar imported into this country is quite manifest from the fact that under the present duty, and because of the world's demand for refined sugar, there have thus far been no importations, and there is no reason to believe that refined sugar will come to us in preference to raw sugar, and that raw sugar will be imported in greater abundance goes without saying, and that it must pass through the hands of the trust is equally certain.

The domestic sugar producer can only expect to stay in business because of the trust's maintaining the present prices irrespective of the duty, which, without doubt, it is enabled to do. But it is very evident that for a time it will not do so, because its only competitor, the beet-sugar manufacturer, must be put out of business to complete its monopoly.

THE REAL BENEFICIARIES.

I am reminded in this connection of a very significant statement made by our distinguished leader, Mr. UNDERWOOD, as follows:

> This bill, if it becomes a law, will admit free of duty sugar of every kind and description from all of the markets of the world. It is contended that if we pass this bill we will destroy an American industry. I do not believe that is true, so far as the American sugar-refining companies are concerned—that is, the cane-sugar refining companies.

We need go no further for authority to the effect that the beet growers' and the cane growers' industry will be destroyed, and that the refiners (the Sugar Trust) will be protected. And yet there is a discordance even with this declaration in another part of his speech, and in which he elicited great applause from the House, when he said that $60,000,000 was being taken by the refiners and the producers of sugar to maintain the sugar industry, which, added to the $52,000,000, amounted to over $115,000,000, as he said, which rested upon the bellies of the poor people of America; and the wonder to my mind, when he made that statement, was how the people were going to receive the benefit of that $60,000,000 that the refiners got, when the refiners at the same time were not going to be injured.

But be that as it may, my greatest wonder is that he should have indulged in any argument to show that the refiners, or the trust, were not to be injured. It was the very first intimation coming from any source that anybody entertained any misgivings in that direction. The investigating committee, known as the Hardwick committee, had all the captains of the Sugar Trust before it, and I quote at length from the testimony given by them as well as from some of the so-called independents and some manufacturers of the beet sugar.

Among all of the different interests represented at the hearings before the special committee, it might well be expected that there would be a great difference of opinion on many subjects. On two vital questions, however, there was a practical unanimity of opinion. The first was that removal of the tariff would be greatly to the advantage of the interest controlling the great refineries, and the second was that the re-

moval of the tariff would result in the utter destruction of the domestic sugar industries of the United States, both cane and beet.

Both of these propositions would seem to be easily demonstrable, but since there has been an effort to becloud the issue upon this point, let the testimony settle the question.

REFINERS WANT FREE SUGAR.

CLAUS A. SPRECKELS, PRESIDENT FEDERAL SUGAR REFINING CO.

Mr. HINDS. In other words, perhaps, you would take it (the tariff) all off, would you not, and have free trade?

Mr. SPRECKELS. I would have free trade. (Pt. 27, p. 2277 of Hearings.)

Mr. HINDS. You would have free trade in sugar?

Mr. SPRECKELS. Absolutely. (Pt. 27, p. 2278 of Hearings.)

CHARLES R. HEIKE, SECRETARY AMERICAN SUGAR REFINING CO. FROM 1887 TO 1910.

Mr. FORDNEY. Now, if the duty were removed absolutely on sugar, could we produce either cane or beets in this country?

Mr. HEIKE. I doubt it very much.

Mr. FORDNEY. Then that would destroy the industry absolutely in this country?

Mr. HEIKE. Yes.

Mr. FORDNEY. And you would approve of that?

Mr. HEIKE. Yes. (Pt. 4, p. 292 of Hearings.)

WILLIAM G. GILMORE, PARTNER, ARBUCKLE BROS., SUGAR REFINERS.

Mr. MADISON. In other words, you think the thing to do is to take off the duty, and that it would be to your advantage to take it off as a refiner of cane sugar?

Mr. GILMORE. Yes, sir.

Mr. MADISON. And you would advocate the taking off of the duty?

Mr. GILMORE. I would, personally. I am only speaking now personally. (Pt. 14, p. 1169 of Hearings.)

JAMES H. POST, PRESIDENT NATIONAL SUGAR REFINING CO.

Mr. POST. If Congress did not need the revenue from sugar. That is a different proposition. But they have to have it from something, and sugar seems to be the thing that has paid a part of it for a great many years. As far as I personally am concerned, I would like to see free sugar. As we look at the country at large, however, I think it would be a very unfair proposition. (Pt. 6, p. 527 of Hearings.)

WILLIAM A. J. JAMISON, PARTNER, ARBUCKLE BROS.

Mr. RAKER. How would it affect you if there was no tax on the importation of sugar—raw sugar?

Mr. JAMISON. I think it would enable us to run more constantly.

Mr. RAKER. What do you mean by that, now?

Mr. JAMISON. To keep up the capacity.

Mr. RAKER. Will you explain it?

Mr. JAMISON. I mean we would be able to sell more sugar.

Mr. RAKER. Do you not have a supply all the time?

Mr. JAMISON. Well, we are not able to run full at all times.

Mr. RAKER. Because of the way raw sugar is shipped into the United States?

Mr. JAMISON. Oh, no; on account of the beet product. If there was no duty, I do not think the beet would be so prosperous, and we would probably sell more sugar; if the duty was removed, I mean to say. * * *

Mr. RAKER. * * * What would you think would be a fair compensation [reduction]?

Mr. JAMISON. I think there should be a cent a pound taken off at the present time at least, and later——

Mr. RAKER. A little more?

Mr. JAMISON. Yes; until it is entirely removed. (Pt. 14, p. 1195–1196 of Hearings.)

EFFECT OF FREE SUGAR ON THE DOMESTIC INDUSTRY.

Edwin F. Atkins, vice president and acting president American Sugar Refining Co.:

(Hearings, p. 145.)

Mr. HINDS. You think that the taking the tariff off would cripple the beet-sugar industry?

Mr. ATKINS. Undoubtedly.

Mr. HINDS. That is, you mean drive them out as competitors?

Mr. ATKINS. It would cripple a great many of them.

Mr. HINDS. And what would it do to the Louisiana and Texas people?

Mr. ATKINS. I do not think they could produce in Louisiana without some protection.

(Hearings, p. 165.)

Mr. MADISON. Suppose we were to have absolute free trade in sugars in this country; suppose we just simply took down the bars and absolutely eliminated our tariff duties on sugar. You said a while ago that it would destroy the beet-sugar man, did you not?

Mr. ATKINS. Absolute free trade would destroy very many of the beet factories; not all of them.

Mr. MADISON. It would practically destroy them all, would it not?

Mr. ATKINS. It would injure the industry—absolute free trade.

Mr. MADISON. I just want to get the fact of the matter, whatever it may be. Would it injure it materially or only slightly?

Mr. ATKINS. Under absolute free trade there are very many beet factories in the country that could not operate at all. Some of them could. Some of the factories that are protected by 1,000 and 1,500 miles of freight rates could get along, where they get their beets cheap and produce at a very law cost, as in California; they could survive, in my opinion. They say they could not. But absolute free trade would cripple many of the beet-sugar manufacturers. It would cripple the Louisiana people by bringing prices down to a point below their cost of production. That would not be the case with a little reduction in the tariff. They would go on and reduce their expenses where they could and continue producing. If you wipe out a large source of supplies temporarily, you are going to advance the price of that merchandise.

(Hearings, p. 173.)

Mr. HINDS. If we should reduce in this country the tariff on sugar, if we should wipe it out, you say it would almost destroy the cane-sugar industry in this country and the beet-sugar industry?

Mr. ATKINS. Why, I think it would; because $1.34 a hundred is a great part of the price, you know.

CHARLES R. HEIKE, SECRETARY AMERICAN SUGAR REFINING CO. FROM 1887 TO 1910.

(Hearings, p. 208.)

Mr. FORDNEY. If the duty were removed on foreign imported sugar, would the benefits inure to the beet-sugar industry and not to the refiners that refine foreign imported raw sugar?

Mr. HEIKE. The refiners would have the advantage.

Mr. FORDNEY. That is what I meant.

Mr. HEIKE. The beet-sugar companies probably would find great difficulty in making beet sugars at all.

(Hearings, p. 238.)

Mr. FORDNEY. Mr. Heike, I do not know that I made myself fully clear in one question this morning. I think we agreed on the same point, which is the reason I want to be clear. I think you stated to me a reduction of the duty on imported raw sugar would quite surely be disastrous to the domestic beet and cane industry and would inure to the benefit of the refineries?

Mr. HEIKE. Yes, sir; I think the disaster depends upon the extent.

Mr. FORDNEY. If we were to have free trade on sugar, the beet-sugar industries would be obliged to cease?

Mr. HEIKE. Yes; except the favored localities.

Mr. FORDNEY. That is, if the price of raw——

The CHAIRMAN. What is the answer, Mr. Heike?

Mr. HEIKE. I say yes; except the favored localities; for instance, California; I guess they could.

Mr. FORDNEY. If the price of raw sugar were to be reduced to the extent of the duty?

Mr. HEIKE. Yes; and if we had absolute free trade.

Mr. FORDNEY. The beet-sugar industry would have to go out of business?

Mr. HEIKE. At least the Michigan, I think, would. Perhaps not. For that reason, if there was a reduction, it should be very slowly made.

Mr. FORDNEY. Now, if the duty were removed absolutely on sugar, could we produce either cane or beets in this country?

Mr. HEIKE. I doubt it very much.

Mr. FORDNEY. Then that would destroy the industry absolutely in this country?

Mr. HEIKE. Yes.

Mr. FORDNEY. And you would approve of that?

Mr. HEIKE. Yes.

HENRY T. OXNARD, BEET AND CANE SUGAR MANUFACTURER.

(Hearings, p. 440.)

Mr. RAKER. How much do you say the duty could be reduced?

Mr. OXNARD. Not a bit, not one farthing. If you reduce it, you are going to knock out the beet business. The beet business has not yet developed to that point where it is time to talk of reducing the duty on sugar if you are going to build it up. If you want to stop it, reduce the duty.

HORACE HAVEMEYER, FORMERLY DIRECTOR AMERICAN SUGAR REFINING CO., NOW SUING FOR CONTROL OF NATIONAL SUGAR REFINING CO.

(Hearings, p. 597.)

Mr. FORDNEY. Mr. Havemeyer, let me put it in this way: If the duty were removed on all imported raw sugars right now—it has been clearly brought out here by several witnesses that the domestic industry can not survive without protection—and if the duty were removed right now, there is no question in your mind that the beet and cane industry of this country would have to cease doing business?

Mr. HAVEMEYER. Yes; that is my belief—if it were removed.

CHARLES B. WARREN, PRESIDENT MICHIGAN BEET SUGAR CO.

(Hearings, p. 721.)

Mr. GARRETT. Free sugar would reduce the price?

Mr. WARREN. You gave the Cubans a concession, you know——

Mr. GARRETT. Free sugar would reduce the price?

Mr. WARREN. Certainly, for awhile, until they drove us out of business, and then the Germans would take care of the price of dry granulated in Germany, and the Russians in Russia, and the French in France, and they would put the price on raw sugar up, and you would pay the price, and they would get it easier. That is what would happen to the United States.

THOMAS R. CUTLER, PRESIDENT UTAH-IDAHO BEET SUGAR CO.

(Hearing, p. 810.)

Mr. CUTLER. I think they ought to be inquired into further. You are asking a question, and I will elaborate on it a little bit. The refiners are clamoring, of course, no doubt, for a reduction of the tariff. Who would be benefited by a reduction of the tariff? Why, the refiners, as against the beet-sugar factories. The refiners, if they can buy their sugar for two-thirds of what they are paying to-day will, of course, be benefited.

Mr. MALBY. Raw sugars, you mean?

Mr. CUTLER. Yes; raw sugars. They will continue in business and they will sell more sugars. Sugar will become cheaper. They will sell more sugar because sugar is cheaper. They will have less money invested in their business. There is a greater opportunity to make profits when sugars are low than when they are high. It is all in favor of the refiners. There is a great howl for free trade on sugars, but they will kill the beet-sugar industry sure.

(Hearings, p. 851.)

The CHAIRMAN. You said this morning, during the progress of the examination, that the beet-sugar people could not get along without the present tariff. Am I quoting you correctly on that?

Mr. CUTLER. I feel that way—that they could not and pay dividends.

The CHAIRMAN. And pay dividends; and you also said charge off the proper amount for depreciation of the plant?

Mr. CUTLER. I said I could not. I did not apply it to anyone else. I let everybody else make their own statements.

CHESTER S. MOREY, PRESIDENT GREAT WESTERN (BEET) SUGAR CO.

(Hearings, p. 894.)

Mr. MALBY. Something has been said with respect to the effect upon the beet industry in case of the repeal of the present tariff. Is that found to be advantageous?

Mr. MOREY. We could not live without the present tariff. I do not believe there would be a beet factory in the United States if the tariff were removed. That is my honest opinion.

JOHN D. SPRECKELS, PRESIDENT WESTERN SUGAR REFINING CO. AND SPRECKELS SUGAR CO.

(Hearings, p. 957.)

Mr. SPRECKELS. Take the tariff off of the sugar, and it means the death of the beet-sugar industry in this country. They employ lots of labor in the factories. Of course, they will have to seek other employment if those factories are closed.

(Hearings, p. 991.)

Mr. SPRECKELS. My statement is that if the duty was taken off that would mean the annihilation of the beet-sugar interests in this country.
Mr. MADISON. Yes.
Mr. SPRECKELS. I mean the utter destruction of it.

(Hearings, p. 1018.)

Mr. HINDS. So it is not absolutely certain that by doing as this circular advises—taking off the protection from the beet-sugar companies and turning it to the refineries, the trust, and the other refineries—you would get cheaper sugar?
Mr. SPRECKELS. No; not at all; because you are going to drive out the beet business, and, of course, there will be that amount of deficiency; and the question is, Can that deficiency be made up elsewhere? And if it can not be made up, of course there will be a shortage, and then the law of supply and demand is going to rule.

CHARLES W. NIBLEY, DIRECTOR, UTAH-IDAHO SUGAR CO.

(Hearings, p. 1107.)

Mr. SULZER. I say, so you believe that there is no legislation that Congress can enact in regard to the product of sugar and the price of sugar to the people that would cheapen the cost of sugar to the consumer thereof?
Mr. NIBLEY. Oh, yes; I think they could. If they took the tariff off of sugar entirely I think it would probably—probably cheapen the price a little temporarily, but it would be at the ruin of the great beet-sugar industry—the utter ruin.
Mr. SULZER. You are pretty sure of that, in your judgment.
Mr. NIBLEY. I am.

(Hearings, pp. 1107–1108.)

Mr. RAKER. There is one other question I would like to ask Mr. Nibley. He has been very positive in one answer, and I would like to have him take his time and get it in the record as he understands it. You say, if the tariff was taken off of sugar, the importation of sugar, raw and refined—I understand both—or either, that it would ruin the beet-sugar industry?
Mr. NIBLEY. Yes.
Mr. RAKER. Will you explain, Mr. Nibley, why it would?
Mr. NIBLEY. Because sugar would be temporarily, for a year or two or three, cheaper, so much cheaper that it would ruin that industry, and my opinion is—of course, that can only be a matter of opinion with you or I or anybody—my opinion is that in a little while the price would come back to about where it was before, and that it might be fixed up in some way so that it would be even more.
Mr. RAKER. But you did not get the purport of my question, and when I get that I am through. You say it would ruin the beet industry?
Mr. NIBLEY. Yes.
Mr. RAKER. Which means the cultivation of the beets, the beet manufactories, and those engaged in either of them?
Mr. NIBLEY. That is what it means.
Mr. RAKER. It would ruin their business?
Mr. NIBLEY. Certainly it would.
Mr. RAKER. They could not stand a reduction of half a cent?
Mr. NIBLEY. No, no. I think some of the factories now are not making half a dollar a bag, on an average, where they have to ship it to the river.

WILLIAM F. GILMORE, PARTNER IN ARBUCKLE BROS.

(Hearings, p. 1168.)

Mr. MADISON. Suppose we just went to work and took the duty off, then what would occur?
Mr. GILMORE. There would be cheaper sugar.
Mr. MADISON. What would be the effect as to your people—beneficial or otherwise?
Mr. GILMORE. It would be beneficial in so much that we would have only about half the money invested in the job.
Mr. MADISON. It would be beneficial inasmuch as it would destroy the beet-sugar people?
Mr. GILMORE. It would keep them at home.
Mr. MADISON. Keep them in a limited locality?
Mr. GILMORE. Yes.
Mr. MADISON. And leave the field to you people that is naturally yours, as you feel?
Mr. GILMORE. Our natural field; yes.

WILLIAM A. JAMISON, PARTNER IN ARBUCKLE BROS.

(Hearings, p. 1195.)

Mr. JAMISON. If there was no duty, I do not think the beet would be so prosperous, and we would probably sell more sugar. If the duty was removed, I mean to say.

F. C. LOWRY, SALES AGENT, FEDERAL SUGAR REFINING CO.

(Hearings, p. 1612.)

Mr. FORDNEY. You do not care a snap about the domestic industry, do you, in reference to this statement, if your statement just now is true?
Mr. LOWRY. You say I do not care a snap about the domestic industry?
Mr. FORDNEY. No. You do not care whether it succeeds or not. You are not interested in the welfare of the beet and cane sugar industry of this country.
Mr. LOWRY. Not particularly; no.
Mr. FORDNEY. You, then, would be willing to have sugar put upon the free list, even though it crushed out this domestic industry?
Mr. LOWRY. No, sir. I do not think it would be quite fair to put sugar on the free list. I think it would be very desirable from the consumer's standpoint, but I am frank to say that I do not think it would be quite fair at this time.

(Hearings, p. 1735.)

Mr. FORDNEY. If taking off the duty would destroy the industry, you would destroy it, would you?
Mr. LOWRY. How is that?
Mr. FORDNEY. If by putting imported raw sugars on the free list the domestic beet and cane industries in this country would perish, you would destroy them, would you?
Mr. LOWRY. I testified yesterday that I did not think it would be fair to the domestic industry to put sugar on the free list.
The CHAIRMAN. Is it really on account of the competition, Mr. Atkins?
Mr. ATKINS. I think so. * * * There is very much larger capacity than is required, and the beet sugars are taking away the trade of the refiners year by year. (Atkins, 48.)
Mr. MADISON. So you can hardly ascribe it to the fierce competition by the beet-sugar people?
Mr. ATKINS. Certainly. All that beet sugar comes on the market at a certain season of the year. It is all produced in about three months' time. They all want to market it just as rapidly as possible, and in order to do that they come to the eastern points. California sugar comes into Chicago and the Michigan sugar into Buffalo and Pittsburgh, and eastern refineries—not only the American Sugar Refining Co., but the others—have to reduce or close down until the beet sugars are out of the way. Any refining that is done between the 1st of October and the 1st of January is done without any profit and very often at a loss.
Mr. MADISON. Then, as a matter of fact, your competition with the beet-sugar people only exists during a few months of the year?
Mr. ATKINS. Three months, and that is 25 per cent of the whole time. (Atkins, 49.)
Mr. MADISON. You stated a moment ago, Mr. Atkins, or this morning, that you decidedly opposed going into the beet-sugar business. What was the reason of that? * * *
Mr. ATKINS. The beet-sugar business was a competitive business. It produced in the western territories, where our market lay. That is, I say our market, I mean the market of the refiners, the various refiners. As that industry grew, and I foresaw that it would grow rapidly, I believed that it would reduce the volume of business, not only of the American Sugar Refining Co. but of all the refiners on the Atlantic coast, and although we had millions of dollars invested in the business there we were building up a competitive business, one that would compete with ourselves and one which was bound to get away from us—we could not control it in the end. I say we. I had no connection whatever with it; that was simply a business man's opinion. (Atkins, 85–86.)
Mr. GARRETT. Do you know whether last year, at the time that beet-sugar manufactories began operations, any of the refining plants belonging to the American Sugar refining Co. received instructions to, or did, without instructions, withdraw from the territory usually covered by the beet-sugar trade?
Mr. ATKINS. No; not through any instructions. They were forced to withdraw from the territory, owing to the cutting of prices. We could not pay duty on imported sugars and get them so far west as would enable us to sell in competition with these beet sugars. (Atkins, 94.)
Mr. RAKER. How far west do you ship?
Mr. ATKINS. We ship, when we are able to do so, out to Omaha and Kansas City.
Mr. RAKER. You ship no farther than those points?
Mr. ATKINS. We would if we could, but we can not get in there owing to the competition of the beet factories. * * * (Atkins, 99.)
Mr. HINDS. You think that the taking the tariff off would cripple the beet-sugar industry?
Mr. ATKINS. Undoubtedly.
Mr. HINDS. That is, you mean drive them out as competitors?
Mr. ATKINS. It would cripple a great many of them.
Mr. HINDS. And what would it do to the Louisiana and Texas people?
Mr. ATKINS. I do not think they could produce in Louisiana without some protection.
Mr. HINDS. If those people were eliminated, of whom would the American people buy their sugar?
Mr. ATKINS. They would buy sugars abroad. They could get a little more from Cuba; probably Germany.
Mr. HINDS. You think the Sugar Trust would still be in business selling to them?
Mr. ATKINS. Buying from them?
Mr. HINDS. No; selling to the American people.
Mr. ATKINS. In all probability. (Atkins, 145.)
Mr. FORDNEY. Mr. Heike, you spoke about the duty on sugar being an advantage to the refineries?
Mr. HEIKE. Of the beet-sugar companies, did I not?
Mr. FORDNEY. As against the beet-sugar industry?
Mr. HEIKE. No; in favor of the beet-sugar industry, the duty is.
Mr. FORDNEY. If the duty were removed on foreign imported sugar, would the benefits inure to the beet-sugar industry and not the refiners that refine foreign imported raw sugar?
Mr. HEIKE. The refiners would have the advantage.
Mr. FORDNEY. That is what I meant.
Mr. HEIKE. The beet-sugar companies probably would find great difficulty in making beet sugars at all. (Heike, 208.)
Mr. MADISON. It would be beneficial (removing the duty from raw sugar), inasmuch as it would destroy the beet-sugar people?
Mr. GILMORE. It would keep them at home.
Mr. MADISON. Keep them in a limited locality?
Mr. GILMORE. Yes.
Mr. MADISON. And leave the field to you people that is naturally yours, as you feel?
Mr. GILMORE. Our natural field. Yes.
Mr. MADISON. In other words, you feel that all east of the Mississippi River, where they can not very well produce sugar beets, is the natural field of the cane-sugar refiners, while the plains and mountain States, where conditions are favorable to the production of beet sugar, is the natural field for the beet-sugar people?
Mr. GILMORE. Yes; I think so. (Gilmore, 1168.)
Mr. RAKER. Michigan sugar, you say, competes with yours in New York?
Mr. JAMISON. Yes; the Michigan sugar has been down to New York State and all through there. It has interfered with us very largely in sales in Ohio and Pennsylvania.
Mr. RAKER. And West Virginia?
Mr. JAMISON. Yes.
Mr. RAKER. How would it affect you if there was no tax on the importation of sugar—raw sugar?
Mr. JAMISON. I think it would enable us to run more constantly.
Mr. RAKER. What do you mean by that, now?
Mr. JAMISON. To keep up the capacity.
Mr. RAKER. Will you explain it?
Mr. JAMISON. I mean we would be able to sell more sugar.
Mr. RAKER. Do you not have a supply all the time?

Mr. JAMISON. Well, we are not able to run full at all times.
Mr. RAKER. Because of the way raw sugar is shipped into the United States?
Mr. JAMISON. Oh, no; on account of the beet product. If there was no duty, I do not think the beet would be so prosperous, and we would probably sell more sugar. If the duty was removed, I mean to say. (Jamison, 1195.)
Mr. SULZER. I understood you to say that you believed the tariff on raw sugar should be materially reduced.
Mr. JAMISON. Yes.
Mr. SULZER. Just to what extent, in your judgment, should it be reduced?
Mr. JAMISON. I should think it should certainly be reduced 1 cent a pound.
Mr. SULZER. One cent a pound?
Mr. JAMISON. Yes.
Mr. SULZER. If it were reduced by legislation 1 cent a pound what, in your opinion, would be the result?
Mr. JAMISON. Well, I think it would confine the sale of beets very largely into their own territory instead of permitting them to absorb freight rates and sell their product about 10 or 20 points under the eastern granulated coming into this territory. It costs them anywhere from half a cent to three-quarters of a cent per pound freight to get it here. (Jamison, 1201.)
Mr. HINDS. Can you tell me how far in the East the beet-sugar people are able to market their sugar?
Mr. SPRECKELS. There is the dividing line on the Missouri River. They sometimes come as far as Pittsburgh. I think the American Beet Sugar Co. has come once as far as New York City.
Mr. HINDS. Have they not come into New England, Mr. Spreckels?
Mr. SPRECKELS. They have come into the State of New York.
Mr. HINDS. Have they not also come into New England some?
Mr. SPRECKELS. I think so.
Mr. HINDS. One member of the firm of Arbuckles testified that they had come into New England.
Mr. SPRECKELS. Yes, sir.
Mr. HINDS. Are they showing a tendency to come farther east all the time?
Mr. SPRECKELS. They are.
Mr. HINDS. And they make the competition severer, if it is competition?
Mr. SPRECKELS. Yes.
Mr. HINDS. Continually?
Mr. SPRECKELS. Yes, sir. They have frequently come as far as Pittsburgh. (C. A. Spreckels, 2267.)
Mr. HINDS. Mr. Spreckels, you have been carrying on a campaign to reduce the tariff as beneficial to the cane-sugar refiners?
Mr. SPRECKELS. I have.
Mr. HINDS. Of course, that will be damaging to the beet-sugar refiners?
Mr. SPRECKELS. To some extent it will. (C. A. Spreckels, 2275.)
Mr. HINDS. In other words, perhaps, you would take it (the tariff) off, would you not, and have free trade?
Mr. SPRECKELS. I would have free trade.
Mr. HINDS. You would have free trade in sugar?
Mr. SPRECKELS. Absolutely. (C. A. Spreckels, 2277, 2278.)

It not only appears from that testimony that the Sugar Trust is not to be hurt by the passage of this bill, but it appears that unless it is passed the beet-sugar industry will seriously interfere with the trust monopoly; and it has been their effort, and it is their present desire, to get rid of this rival, and everyone knows what it means to get rid of a rival. It certainly bodes no good to the consumer of the product of the survivor.

STATUS OF THE CONSUMER.

But let us inquire what are the naked facts regarding the status of the ultimate consumer. It is estimated we will produce from beets this year 540,000 tons of sugar. This is 15 per cent of our total consumption. Does it strike the ordinary mathematical mind that if you subtract 15 per cent from the total of our consumption it will make sugar cheaper? On the contrary, does it not impress the mind exactly the contrary?

That is not all. The market for this sugar only lasts about three months of the year. During those three months it constitutes 36 per cent of our consumption, and as the market is circumscribed to a territory not farther east than Buffalo or Pittsburgh, and not farther than south of the Ohio River, say St. Louis, during those months it supplies 70 per cent of their consumption. Our Secretary of Agriculture states that at least 274,000,000 acres in the United States are suitable for the production of sugar beets. Had beets been raised thereon last year, and the crop been an average of last year's yield, and had it been converted into sugar, the supply, at the present rate of consumption, would meet the demands for 2,000 years. There is less than one-half of a million of this acreage now in cultivation, and yet we produce 15 per cent of our entire consumption.

So it is demonstrable that in order to get cheaper sugar it is necessary to raise more sugar from our limitless resources. I quote Mr. Willetts, the most eminent authority upon that subject, from the testimony taken before the Hardwick committee. But, first, let Mr. HARDWICK, the gentleman in charge of this bill and the chairman of the Hardwick committee, introduce Mr. Willetts, his chosen expert. He says Mr. Willetts is the "greatest sugar statistician in America and among the very greatest in the world":

(Willett, pp. 3083–3084.)

Mr. SULZER. What, in your judgment as an expert, would bring about a permanent reduction of the cost of manufactured sugar to the consumers of the United States?
Mr. WILLETT. By increasing the amount of domestic production and in Porto Rico and Hawaii—that is, by increasing the quantity of sugar within the United States to the extent that we would be required to purchase no sugar whatever at world prices. Last year we bought only 77,000 tons at the world price. We were as near as that to that condition in 1910. We did come within 77,000 tons of being entirely free and independent of the world's prices, whereas a few years before we had been importing 6,700,000 tons. (Misprint; should be 670,000.)
Mr. SULZER. In other words, you think it advisable for the Government of the United States to do everything within its legitimate scope to encourage the growth of cane and beet sugar in the United States?
Mr. WILLETT. Yes, sir.
Mr. SULZER. And in our insular possessions?
Mr. WILLETT. Yes, sir; in our insular possessions.

(Willett, p. 3589.)

Mr. HINDS. Then, Mr. Willett, the world's price for sugar is not a supply-and-demand price entirely, is it?
Mr. WILLETT. What reference has that to Russia?
Mr. HINDS. With all these arrangements of bounty and these other arrangements, it results that the supply and demand of sugars——
Mr. WILLETT (interposing). You mean it is not free to seek a proper level?
Mr. HINDS. Yes.
Mr. WILLETT. No; it is not free throughout the world to seek a proper level of price.
Mr. HINDS. And the world's price is an artificial price?
Mr. WILLETT. To the extent that the trade of the world is not free and open and clear and it is subject to bounties and restrictions and conditions. What we want to do is to get independent of all that, and we can do it.
Mr. HINDS. Suppose we increase considerably in the Philippines and Cuba increases considerably and the beet-sugar supply in this country doubles, will not that make a revolution in sugar?
Mr. WILLETT. Most decidedly. That is what I say—increase the Cuban, Porto Rican, Hawaiian, Philippine, and domestic cane and beet sugar industry to a point above our requirements for consumption up to 500,000 tons, so that if Cuba should give out some year and not produce much sugar we would still have enough for our consumption. Then we would be independent of the world, and we would make our own (world's) price.
Mr. HINDS. And what ought that price to be in the United States?
Mr. WILLETT. That price, after equalizing the production to consumption, will depend upon the competition between the different interests—between Cuba, Porto Rico, Hawaii, and the domestic beet and cane industry. They will all be working to get our market, and the consumer then will get the advantage.
Mr. HINDS. And probably we would get the cheapest sugar on earth?
Mr. WILLETT. We would get the cheapest sugar on earth under those conditions. There is no doubt about that.
Mr. HINDS. And is that situation really in sight, do you think?
Mr. WILLETT. We came within 74,000 tons of it in 1910, and this year, according to the outlook of the Cuban crop at the present moment, we will come—I should say that we might meet it, provided that the shortage in Europe does not infringe upon our Cuban reserve. Already the United Kingdom has bought 140,000 tons away from our supply in Cuba, but they are reselling it, or trying to.

(Willett, pp. 3556–3557.)

Mr. WILLETT. * * * This promotion of our industry is a much more vital point—from the consumers' standpoint included—than is a reduction of tariff to a point that lets in foreign sugar and thereby diminishes the home protection. Whenever we reach the condition indicated, competition between our free and partially free duty producers will begin and the consumers will benefit thereby and the United States will be entirely free from the speculative and other influences which control the world's price, and it is not unreasonable to expect that, under the conditions indicated, the United States will become a considerable exporter of its surplus production to the foreign countries which may be short of supplies, as under present conditions abroad.
As showing the ultimate effect of home production equal to or surpassing home consumption, I call attention specially for earnest consideration to the fact that in 1910 we reached this desired consummation within 74,000 tons, and as a result we were almost independent of Europe; so much so, in fact, that we got our supplies from Cuba at over one-half cent per pound under world's prices, during which time one man (Santa Maria) was carrying on a big bull speculation in Europe, in which we would certainly have been involved but for this limited amount we required that year. In 1911 the Cuban crop fell short of 1910 by 320,898 tons, and we required 212,182 tons from abroad to complete our supplies; hence we were involved in the world's prices in 1911, and the result was a hue and cry against the high prices of sugar. I am not making an argument, but am simply pointing to the facts that appear to me to make the consideration of the increase in our local supplies of greater importance in legislation than a reduction of duties beyond certain limits, those limits to be such as will positively exclude all sugars outside those of our States and dependencies.

(Hearings, p. 3752.)

Mr. MALBY. When we assemble ourselves and say "If it were not for the tariff we would get sugar 1¼ cents per pound less," I sincerely doubt it, because of the fact that if our expectations were realized, and it was reduced 1¼ cents per pound, I venture the suggestion there would be no sugar produced in the United States; and if no sugar were produced in the United States, which production now amounts to 850,000 tons, the price of sugar would not be reduced 1¼ cents, but by reason of that quantity being taken from the world's supply the chances are more than equal the price to the consumer under those conditions would be the full amount of the duty now paid. Now, those are matters which I want to submit to you, and ask you whether or not they are entitled to very careful consideration at all times when we are dealing with this subject.
Mr. WILLETT. I think, Judge MALBY, you are absolutely correct in every statement you have made, in the event of the entire duty being taken off of sugar.

(Willett, p. 3978.)

In all these analyses I reach the same conclusion—that to decrease the price of sugar to the consumer, increase the domestic production as rapidly as possible.

No one denies that the temporary effect will be to lower the wholesale price of sugar, but the testimony is of too meager a character to predict that the taking off of the duty will cause a reduction to the consumer even temporarily. But everyone will agree that we will put it in the power of the refiner, or the

Sugar Trust, to control the price, and he may or may not lower the price, depending upon how his interest may be best subserved. The testimony shows that he unquestionably will first put all of the sugar men out of the business by lowering the price, after which he will manipulate the price in his own individual interests.

It must be known that these captains of industry—the heads of these refineries—who have been so persistently knocking at the penitentiary doors for years in their criminal practices at the ports of entry, will not be overscrupulous in further impositions upon the public by any means within their power.

WHAT IS THIS OLD COUNTRY FIT FOR?

But it is said by my friend Mr. HARDWICK, the chairman of the Hardwick committee, and who must be congratulated upon his brutal frankness in predicting the downfall of the domestic sugar industry, that all the sugar this country will need for consumption can be raised in the Philippines cheaper than here, and I could not but remember while he was speaking that from time to time during this and the last session there have been declarations made upon this floor to the effect that wheat was at too high a price and that Canadian wheat should be allowed to come in free because it could be raised cheaper there; meats were too high, and the meats of Argentina should be allowed to come in free; wool was too high; our markets should be thrown open to the New Zealander and the hatless, shoeless, and breechclouted bushmen of Australia for the same reason; that lead and zinc could be mined cheaper somewhere else; and now it has been found that sugar could be grown somewhere else cheaper and it should be brought in to supplant another home industry, and I seriously wondered to what advantageous uses this old worthless country of ours could be turned to after we had surrendered to these far-off people our markets for all their products.

As I look about me now and observe so many of the seats of members of the Ways and Means Committee vacant, I am wondering whether they are in that "apothecary shop" compounding more medicine for us western people, or whether they are not to be found upon some near-by promontory with powerful telescopes diligently investigating the deltas of Mars in a frantic effort to discover what may be grown by the Martians at a less price than we can grow it here, anticipating a draft upon that country for cheaper soil productions.

CONCRETE FACTS.

But, seriously speaking, Mr. Chairman, it has been estimated that only 30 pounds of sugar per capita are used in this country, coming across the grocer's counter. This, at the price of 1½ cents, the amount of the duty, would be 45 cents per head, assuming that each person got the full benefit of the duty; and that, as I have said, if at all, could only be for a brief period, when the pendulum would swing the other way. The other 50 pounds of sugar goes into manufactured products, prominently among which—and I have only time to mention a few—are condensed milk, biscuits, crackers, confectionery, chewing gum, tobacco, and the like. On a 15-cent can of condensed milk at the present price of sugar, if the duty were taken off and the manufacturer got the full benefit of it, he would make two-fifths of a cent on his 15-cent can. Does anybody believe that any part of that two-fifths of a cent would pass to the consumer? And yet condensed-milk companies used last year 140,000,000 pounds, and the Government, by the loss of its duty, would lose $1,866,000. In biscuits and crackers there are 127,750,000 pounds of sugar used per annum. In all the fluctuations in the price of sugar the price of biscuits and condensed milk have not been influenced in the least. The price of a package of Uneeda biscuits will remain as it has remained, at 5 cents, but the Government would lose $1,700,000 per annum revenue. So with reference to candy; the price has never fluctuated by reason of the change in price of sugar. The yearly consumption of sugar by the manufacturers of candy is 612,500,000 pounds. The Government would lose in revenue $8,166,700 per annum without the least benefit to the consumer.

Take chewing gum, for instance. Last year there were 25,000,000 pounds of sugar used in the making of this article, the duty upon which would be $350,000 per annum, which the Government would lose, and no one can truthfully claim that the chewer of the gum would be benefited.

So we have those four branches of manufacture into which sugar largely enters, viz, condensed milk, biscuits, confectionery, and chewing gum, representing a duty of $12,000,000 per annum—an absolute loss to the Treasury of the United States with no benefit to the consumer whatever; but this amount must be paid by the consumer through some form of taxation.

The tobacco manufacturers use sugar by cargo loads, and yet it would be as difficult to find even an infinitesimal saving to the chewer of tobacco as it would be to find a corresponding advantage to the chewer of gum, yet it is very easy to trace the needless loss to the Treasury.

EFFORTS TO PREJUDICE THE PUBLIC.

It has been stated that the beet-sugar manufacturers are realizing too great a profit. Our distinguished leader, Mr. UNDERWOOD, informs us that they are making 9 per cent on their investment. Why, Mr. Chairman, how utterly insignificant is that profit when compared with the enormous profits of the Sugar Trust, the beneficiaries of this measure, and of the Steel Trust, whose profits from one single railroad last year amounted to over 240 per cent. I am really surprised that the percentage of profit to the beet-sugar manufacturers is so small. I had thought it was larger. It should not be regarded as excessive in any quarter, but should be a potential argument in its favor. They are the pioneers of an infant industry, in new and untried fields, and are entitled to a profit commensurate with their natural risks.

Mr. HARDWICK, with an adroitness worthy of a better cause, endeavors to prejudice the beet raiser against the millman, intimating the latter does not pay him a proportionate part of the profits. Then he especially appeals to the prejudices of other farmers by showing how much more the beet grower makes than they. He then appeals to the prejudices of the consumers of sugar against—and it is I who put the words in his mouth, for he is too polite and courteous to say so—the "deadbeat" beet growers.

I wish to admonish these toilers of the soil thus appealed to that this is one of the many tocsin notes reverberating in the political campaign. You will soon be awakened by an alarm drawing your attention to your own specialty, whether it be in the domain of grain or stock growing. You will be asked to farm your lands and breed your stock on shares with alien people. And you, dear susceptible people who only consume, will be asked to look to the foreign producer for merciful prices. Not since the days of the fathers of the Republic has there been a greater incentive for our husbandmen to stand together to avoid falling separately. Stand idle, any one of the group of producers, and see another fall and you open wide the gates making for your own downfall.

But there is a consideration which recommends itself that Brother HARDWICK overlooks. The farmer is not always treated fairly in his dealings with the purchasers of his products, but as respects the sugar-beet farmer the manufacturer is completely at his mercy, and it is the only instance wherein the farmer holds the balance of power. Consequently when you strike at this particular industry you strike directly at the farmer. My position with respect to this product of his labor is the same as it is with respect to all of his products—I am unalterably opposed to any invasion of his rights, either from within or from without.

We who appreciate and sympathize with his hardships and trials, under so many unfavoring conditions, will refuse to bow to the action of any caucus which is, in our judgment, inimical to his interests, nor be bewitched by any party expedient to betray him. He bears the heat and burden of the day. From the rising of the sun to the going down thereof his is ceaseless toil. He is subjected to all the vicissitudes of the elements, and even when he sows the reaping may not be his. The devastating cannonade of hail, the unseasonable frosts, the relentless rain, or the dreadful siroccos often intervene and bring disappointment to his worthy ambition to provide food, clothing, and education for his dear ones. The visitations of sickness and death do not accommodate themselves to his condition, circumstances, or convenience, and the grim shadow of the tax collector periodically slants athwart the threshold of his humble home.

Mr. Chairman, as long as my voice shall be heard in these halls it will ever be raised in sincere and earnest appeal for the alleviation of the burdens of the farmer, and for the promotion of his well-being, which should be the first consideration of every American legislator, for he is the bulwark of our national greatness.

Again, it has been charged that the Sugar Trust is a large owner in the beet-sugar factories. While it is true that it does own some of their stock, it is nevertheless true that it does not, directly or indirectly, control one single factory or field. The trust first sought to dominate the industry for the purpose of destroying it. This is abundantly shown by the testimony I have quoted, and it is undisputed that they are getting rid of their stock as fast as possible in anticipation of legislation making it worthless.

The enactment of this measure at this time will violate the plainest principles of economic laws. The further you investigate it the plainer it is shown that the consumers of sugar in this country, who now have it at a cheaper price than any other

people outside of England, will soon be compelled to pay more than any other people. I know of no greater solecism than to maintain that to decrease the product will increase the supply; to subtract from means to add to; to divide means to multiply; the less the supply the greater the demand; the greater the demand the less the price; the greater the supply the higher the price. Eliminate competition to lower prices, corner the market and give the consumer a chance, but by all means do not favor novices in the distribution of favors. Give the monopoly to those whose long experience in exploiting the people will afford the least danger of miscarriage.

WHEN WILL BOMBARDMENT CEASE?

Are we of the West never to enjoy the surcease of Federal enfilading of our industries? Our silver mining was long since shot to death. Nearly one-third of our public domain has been apparently forever withdrawn from occupation and the taxing power. The prospector has been booted from the trail. The homeseeker has been driven to Canada. Our watersheds have been denuded of their forests, thus destroying our natural reservoirs, which rapidly makes way for a modern Sahara. Our valuable coal deposits and water-power sites are covered into the Federal Treasury. Our flockmasters are driven from the ranges. And now we are threatened with having our cereal, meat, wool, metal, and sugar markets turned bodily over to our foreign competitors. The wrongs we have suffered and those with which we are threatened are chargeable to both political parties. Yesterday one took a slice off, to-day the other a slice, and it is only the demagogue who will claim that one of the parties is less censurable than the other. It all comes from the insatiable greed for more commercial power to our eastern neighbors, assisted by an inexperienced and unwise coterie of politicians who would adopt a policy which makes for the country's woe in order to bring about a political advantage, even though of doubtful character.

Mr. Chairman, I hold no brief from the manufacturers of sugar beets. Nine out of the seventeen factories in our State are located in my district. Their owners did not support me in 1908 nor 1910. With the possible exception of one of the counties wherein they are located, there came the largest majorities against my election to this body, although my position was as well known then as it is now. Therefore in giving voice to my position in this matter I am not paying a political debt, nor am I actuated by any hope of future political reward. My footsteps are following the pathway which, I believe, leads to just and proper dealing with both the consumer and the American farmer. I believe in adequately protecting the product of the "tillers of the soil." The industries of these worthy citizens should be sanctuaried against every human foe. If this bill becomes a law, the Government will be departing from a settled and time-honored policy, coincident with the birth of the Nation, and flying in the face of the approved policy of the world. It will be breaking faith with those who, on the strength of tradition and existing law, have invested over $2,000,000 of capital, throw out of employment over 300,000 laborers, disturb in general the equilibrium of supply, and, in addition, this confiscatory proceeding will destroy the only safeguard of the people against the practices of a band of commercial plunderers as powerful, unrestrained, and merciless as were the buccaneers when their black-flag frigates were mistresses of the high seas.

Mr. HOWELL. Mr. Chairman, from whence comes the doctrine on which this destructive bill is based? What national policy demands this wanton and disastrous blow to the sugar industry of this country? Can it be possible that this legislation points out the new course which the Democratic Party is to follow? Or is this a piece of unadulterated political buncombe to ensnare the unthinking by the attractive but fallacious plea that you will lighten the burdens of the poor and transfer them to the rich? When the Democratic hosts accepted the royal hospitality of Colorado's proud capital and in its last convention, assembled in 1908, announced its tariff policy little did the enthusiastic representatives of that and other thriving Commonwealths anticipate this violent attempt to throttle their industry. No such construction was ever given to that platform in the campaign discussion, but on the contrary we were solemnly assured by Democratic advocates and orators that the Democratic Party, if intrusted with power, would not injure any legitimate industry. These strong assurances sound strangely incongruous and ridiculous in the presence of recent performances. Where, then, can we find the authority for the present tariff program? Can we find it in the doctrine laid down in the historic but obsolete Confederate constitution, which denounced the right of government to lay duties which would encourage or foster any domestic industry? I read from section 7, article 1, the constitution of the Confederate States:

Congress shall have power to lay and collect taxes, duties, imposts, and excises for the revenue necessary to pay the debts and provide for the common defense and carry on the Government of the Confederate States; but no bounties shall be granted from the treasury; nor shall any duties or taxes on importations from foreign nations be laid to promote or foster any branch of industry.

Is the Democratic Party wedded to this doctrine? Is its future tariff policy to be in harmony with the principle therein declared? Evidently the present Democratic majority is deeply inbued with the free-trade idea. Whenever you get beneath the surface of the "tariff-for-revenue-only" reformer you at once uncover a genuine and hereditary free trader. The gentleman from Alabama [Mr. UNDERWOOD] in bringing in these bills has been perfectly frank in announcing his ultimate purpose, but the bills so far presented by his committee have only shown a veiled form of free trade. In this bill, however, the mask is thrown aside and a bold and audacious attempt is made to institute free trade in this country. But why should an industry of such promise and importance as the sugar industry be the first victim of this ruinous policy? The gentleman from Alabama [Mr. UNDERWOOD], in his speech yesterday, tells us that, with the exception of brief interruptions, it has been the unbroken policy of our Government from the beginning to raise a considerable revenue from a tariff on sugar. In his report on this bill, which strikes the death blow to the industry, he states:

The growth of the beet-sugar industry in this country during the decade ended with 1909 is shown, in Table 1, to have increased 117 per cent in number of establishments, 399 per cent in the quantity of beets used in the manufacture of sugar, and the value of the products has increased almost sevenfold.

Does this furnish a justification for the reversal of this century-old, settled tariff policy now at a time when the rapid growth and development of our sugar production seems assured? Why this hostility to this important and rapidly growing industry?

The gentleman from Georgia [Mr. HARDWICK], who has given great research to the production of cane sugar in the Tropics and beet sugar where produced, to my inquiry very frankly and candidly admitted that the beet-sugar production of the world can not withstand the competition of the cane sugar of the Tropics, declaring that beet-sugar production was a hothouse industry wherever it is found.

We are not building for an hour or for a day. It is our patriotic duty to lay a sound and safe foundation upon which to erect the structure of our national security, prosperity, and greatness. Sugar is one of the necessaries of life. We expend vast sums of money in obtaining a supply for our people. Under existing conditions our country and its possessions supply one-half our needs. The remainder of our supply, excepting an insignificant quantity, is derived from Cuba, over which we exercise a sort of benign guardianship. Thus one-half of our present supply—our own production and that of our possessions—is duty free, while Cuban sugar, in pursuance of treaty stipulations, pays only 80 per cent of a full duty. The present bill also strikes a severe blow at the prosperity of our island possessions, whose well-being we are under moral and just obligations to promote. Again, we are called upon to instantly sever our relations with Cuba in violation of our solemn treaty stipulations, and thereby seriously unsettle conditions in that unhappy country, for whose welfare we should and must ever entertain a feeling of friendly and intimate concern. Speaking of beet sugar in the United States, we find that our country is admirably adapted for the production of beet sugar. We need only utilize 1 acre in every 250 acres in our country adapted for sugar beets, added to our cane production, to fully supply our entire market. The beet crop is a new and distinct source of wealth to the farmer. The raising of beets demands intelligent methods of soil cultivation and results in improving the fertility of the soil. It naturally encourages the division of land into small holdings and insures the most intensive cultivation. In the neighborhood of beet-sugar factories you will find the most handsome and well-ordered farm homes and a high state of soil tillage. Under the system of irrigation in the West beet culture has proven highly successful. The farsighted and benevolent policy which the Government has undertaken of reclaiming the waste places by a series of irrigation projects will open to settlement vast areas especially adapted to beet-sugar production. The sugar beet requires much sunshine to yield the best results, and in the West, as a friend expresses it, "We have 365 days of sunshine, and the balance of the year is bright and fair." My State is vitally interested in this industry. I saw it start, I have watched its growth, and I realize how much it means to the agricultural development of our country, for, after all is said, the production of beet sugar is an agricultural industry.

The sugar factory bears the same relation to the growers of beets as does the flour mill to the grower of wheat. This industry has made rapid strides in the face of adverse conditions. But while we are so splendidly fitted for sugar production, when we seek the markets of the East we are confronted with a distance and freight charges that operate as a handicap to marketing our surplus production. Any fair estimate to determine our fate under free-trade conditions must take this factor into the calculation. Now, I am not going to load my speech with columns of figures. The life of statistics is comparatively short, as we live in a world of constant change. I intend only to make an appeal to the broad patriotism, plain common sense, and intelligence of those who believe it to be the legitimate province of government to exercise its powers so as to promote our national welfare in the broadest sense, to make our people prosperous and independent, especially for food and raiment, and the means of national defense. The beet-sugar industry in this country has abundantly fulfilled the most sanguine expectations of its advocates and has strikingly vindicated the wisdom of the protective policy. It is now firmly established in 16 States, with 71 factories in operation, and representing a capital of approximately $100,000,000. Unfortunately, in the past it has been the child of doubt and uncertainty. A cloud has hung upon it since we embarked upon the enterprise; it has been retarded by apprehensions over free cane sugar from our island possessions, by the Cuban preferential, and the uncertainty of our Government policy concerning it. It has survived the croakers and knockers, who, at its inception, declared we could not make sugar in this country. It has survived the unfriendly doubts of some men in high places in the house of its friends, but notwithstanding these drawbacks it has grown amazingly in recent years.

I have already cited the tribute to its growth contained in the majority report by Mr. UNDERWOOD. I will now refer to the report of Mr. FORDNEY in behalf of the minority of the Committee on Ways and Means, which displays far more thorough and searching study of the question. I read from page 12 of that report:

> The real development of the beet-sugar industry in the United States dates from the passage of the Dingley Tariff Act, in 1897, at which time there were only 6 beet-sugar factories in this country, producing 37,500 long tons of sugar per year. In the fall of 1911 there were 71 sugar factories in active operation, which will produce this season approximately 525,000 long tons of sugar from 429,000 acres of beets. There is thus a gain of over 1,200 per cent since the passage of the Dingley law.

Now, in the face of this splendid growth and extension why, in the name of common sense, should we pursue a policy to utterly despoil it? No other nation in the world has ever undertaken such a shortsighted, suicidal policy. It is true the great refining interests, recognizing the rapid growth of beet-sugar production and its steady and rapid encroachment upon their business, are united in urging free sugar. This is clearly proven to be their position, as disclosed in the testimony taken before the sugar investigating committee. Every New York refiner who testified before that committee, and practically all of them did testify, came out in favor of free sugar, or such drastic cut in the present duty as would cripple the domestic industry. Mr. Atkins, vice president and acting president of the American Sugar Refining Co., tells us of quarreling with Mr. Havemeyer when the latter proposed to acquire interest in beet-sugar concerns, and in giving his reasons for objecting said:

> The beet-sugar business is a competitive business. It is produced in the western territories, where our market lay. That is, I say "our market." I mean the market of the refiners, the various refiners. As that industry grew, and I foresaw that it would grow rapidly, I believed that it would reduce the volume of business not only of the American Sugar Refining Co., but of all the refiners on the Atlantic coast, and although we had millions of dollars invested in the business there, we were building up a competitive business, one that would compete with ourselves, and one which was bound to get away from us; we could not control it in the end. I say "we"—I had no connection whatever with it; that was simply a business man's opinion. (Hardwick Hearings, pp. 85–86.)

Mr. Jamison, a partner of "friend of the people" Arbuckle, that great philanthropist who has done so much toward reducing the price of coffee, which is now on the free list, and who is apparently anxious to duplicate this performance in sugar for the benefit of the great consuming public, testified that—

> The Michigan sugar has been down to New York State and all through there. It has interfered with us very largely in sales in Ohio and Pennsylvania.

He goes on to say that he wants the duty taken off of sugar "on account of the beet product," and adds:

> If there was no duty, I do not think the beet would be so prosperous, and we would probably sell more sugar. If the duty was removed, I mean to say. (Hardwick Hearings, p. 1195.)

Every refiner who went on the stand—Claus A. Spreckels, president of the Federal Sugar Refining Co.; Charles R. Heike, former secretary of the American Sugar Refining Co.; William G. Gilmore, partner of Arbuckle Bros., sugar refiners; James H. Post, president of the Brooklyn Cooperage Co., a subsidiary of the American Sugar Refining Co.—all had the same tale of woe to tell concerning the hardships they were suffering on account of the beet-sugar competition, and all expressing the desire that this young rival should be wiped out by the removal of the duty on sugar. Beet sugar is the competitor they fear most will loosen their grip upon the markets of this country. This bill gives effect to the selfish propaganda they have been engaged in for free sugar. It is in their interests, and a death blow to that most beneficent agricultural auxiliary—beet-sugar production. You are sacrificing an industry that can be carried on by limited capital, and from the nature of it not capable of control by a trust, to swell the profits of the Sugar Trust and perpetuate the power of this lawless and grasping monopoly. The assurance that the same friendly and permanent policy toward beet sugar on the part of our Government that the countries of Europe have shown toward this industry would witness a mighty advance in the production of beet sugar in this country. New factories would spring up all over the land. These factories would be constructed of American material and machinery and erected by American workmen. Lands that now produce $10 or $20 per acre would contribute to our wealth at the rate of from $50 to $100 an acre, every dollar being the product of our own people and every dollar expended in exchange for other products of American labor.

What a fallacy and a cheat it is to attempt to make the producers in this country believe they are benefited by buying sugar from Java or some other tropical country, that buys little from us and in whose civilization and traditions we have no part, because of its cheapness, when thereby they limit and diminish the purchasing power of their best customers. After all, in the final analysis the people most entitled to the solicitude of the Government have only the products of their labor to exchange for the commodities they require produced by other labor. The sugar producer in this country simply exchanges his labor for the labor of his American craftsman in another line. The question of "cheap" or "dear" depends solely upon the fairness of this exchange of labor. The interest gatherer and coupon clipper and the creditor class may be benefited by cheapening the products of toil, but such a condition bears with cruel severity and crushing effect upon the debtor class. Now, what has been our uniform experience in dealing with foreign countries? The moment we are dependent for any staple article, controlled as sugar is by European syndicate, and all domestic competition is removed, up goes the price. The removal of the duty may bring about a temporary reduction in price, but, oh, at what a cost! When the industry is destroyed in this country our own trusts and foreign syndicates will lay such tribute upon us as their own sweet unconscionable will may determine. You surrender fifty-three millions of certain revenue and subject the Treasury to the risk and doubt of a method of recouping the loss of extremely doubtful validity and of wholly unknown revenue-yielding power. You boast of relieving the people of fifty-three millions of taxation annually. As a practical question you do not. You absolutely ignore the fact and refuse to say that a large part of the sugar consumed in this country is used in various lines of manufacture where the duty is imperceptible and does not enter into the computation in fixing the price of the manufactured article. It has been carefully estimated that at least 40 per cent of the sugar consumed is used in various manufactures. I will print at the close of my remarks this estimate, but will enumerate some of them here: Condensed milk, biscuit, pie and cake bakers, confectioners, chewing gum, corn products refining companies, liquors and wines, preserves, soda-water sirups, desiccated cocoanuts, Quaker Oats, jelly manufactures, such as gelatin, Jell-O, Deserta Co., candied fruits, rock candy and rock-candy sirups, drugs, medicines, chemicals, cocoa manufacturers, ice-cream manufacturers, infants' food, packing houses, distilled wines, champagne, fruit sirups, and mincemeat. How much will the consumer benefit from the reduction in these articles? Not one penny. You simply take from the Treasury $10,000,000 to place it in the private coffers of these manufacturers. This bold and desperate free-trade bill will serve one useful purpose, and that is to emphasize before the country the reckless, ruinous character of the legislation that the Democratic Party might enact if clothed with full national power. Thousands whose prosperity is menaced shudder at the prospect and are fervently grateful that the citadels of power are still manned by Republicans who will be true to their pledges and principles and repel

these blighting onslaughts. While I have heard and deeply sympathized with the earnest appeals and protests against the ruin and destruction of various industries throughout the country involved in the tariff program thus far brought out, I want to say that the Mountain States are singled out upon which to inflict the most severe and crushing injury. Our industries seem to be especially singled out for sacrifice under the present régime. What lot or parcel can the people have with the Democratic Party? The mining industry, the stock-growing industry, the sugar industry, prime factors in our prosperity, all marked for slaughter by this free-trade policy. You may temporarily impede our growth and impair our prosperity, but "Westward the course of empire takes its way," and the Democratic Party can not retard it. This suicidal policy will not continue to prevail in this country. There is one consoling thought in all the anxiety and solicitude caused by these cruel assaults on our prosperity, and that is that the antics of the party now clothed with a little brief authority will serve to focus the attention of the country on the awful calamity that would follow complete Democratic supremacy. The attention of the people will be drawn from the political side shows and various political vagaries with which they have been flirting to the serious consideration of statesmanlike policies necessary to insure that prosperity and peace upon which our stability as a nation depends. The wreckers will be driven from place and power and the Republican Party with all its pristine vigor and statesmanship given supreme command. [Applause.]

SUGAR USED IN MANUFACTURES.

Even those who denounce the Payne-Aldrich tariff law as unjust, unfair, and oppressive and framed in the interests of the trusts and monopolies must agree that the sole purpose of a downward revision should be either to benefit the Government or the consumer, or both. Undoubtedly the lowering of duties on certain articles would result in great general benefit, while a reduction on other articles would simply deprive the Government of the income without benefiting the consumer.

From what I have heard and read it seems that as far as the general public is concerned the effect which a reduction of the duty on certain articles would have is thoroughly misunderstood.

This refers especially to sugar. People are made to believe that because the consumption of sugar is 80 pounds per capita per year the removal of the duty, say, 1½ cents per pound, would mean a saving of $1.07 for each individual per year, or about $5.35 per family per year. As far as I have been able to ascertain no special efforts are being made to draw attention to the absurdity of such a theory.

Only a comparatively small portion of the total quantity of sugar consumed is purchased by the consumer from his grocer "in the shape of sugar." The balance is used as ingredients for candy, condensed milk, crackers, biscuits, bakers' products, preserves, ice cream, and for hundreds of other purposes too numerous to mention. In order to realize to what an enormous extent sugar enters into the manufacture of mixtures and compounds it is only necessary to mention a few items.

CONDENSED MILK.

I understand that the Borden's Condensed Milk Co. and their Michigan branch use about 200,000 barrels of sugar per year, and that they manufacture about 50 per cent of all the condensed milk produced in this country. Thus 400,000 barrels of sugar, equal to about 140,000,000 pounds, are annually used for condensed milk alone.

The retail price of a 1-pound can is about 15 cents. This pound of condensed milk contains about 40 per cent of sugar. The wholesale price of granulated sugar is 4½ cents. Therefore the cost of all the sugar contained in 1 pound of condensed milk is only 1⅘ cents. Now, let us suppose that a reduction in duty would lower the price of sugar 1 cent per pound, making the price of granulated 3½ cents per pound. The cost of all the sugar contained in 1 pound of milk would then be 1⅖ cents. In other words, it would make a difference of two-fifths of a cent on a 15-cent can.

Statistics will show that the wholesale price of condensed milk is not influenced by the fluctuations in the price of sugar. It is therefore evident that it would not have any effect on the retail price.

What would be the result if the duty would be removed? The Government would lose, say, 1½ cents per pound in duty on 140,000,000 pounds, or $1,866,000; the consumer would gain nothing. It would merely benefit a few manufacturers of condensed milk.

BISCUITS AND CRACKERS.

It is of course impossible to ascertain the exact quantity of sugar used by all the biscuit manufacturers in this country, but, considering that the National Biscuit Co. alone uses over 120,000 barrels per year, it is more than probable that at least 1,000 barrels of sugar per day are required by the entire biscuit and cracker industry of this country. This would represent 350,000 pounds per day, or 127,750,000 pounds of sugar per year. It is a well-known fact that the price of biscuits is not influenced by the fluctuation in the price of sugar. For example, the price of a "package" of "Uneeda Biscuits" will remain 5 cents whether the comparatively small percentage of sugar it contains cost 4½ cents or 3½ cents per pound. What would, therefore, be the result if the duty on sugar should be removed? The Government would lose, say, 1½ cents per pound on 127,750,000 pounds, or over $1,700,000 per year; the consumer would gain nothing by it. It would only benefit the manufacturers.

CONFECTIONERY.

Most people are acquainted with the enormous advance in the candy industry, and few people realize the immense volume of this trade in the United States. The latter is really the greatest candy-making and candy-eating country in the world. In fact, the census returns reveal the astonishing fact that the United States produces more candy than England, France, and Germany combined.

The census for 1905 gives the number of establishments as 1,348, capital invested $43,125,408, and the value of the products $87,087,253.

By act of Congress of March, 1902, under which the census of 1905 was taken, it was provided that the enumeration should be confined to manufacturing establishments conducted under what is known as the factory system. Therefore all of the small establishments included in the Twelfth Census—1900—were omitted.

In order to make the statistics of the census of 1900 and 1905 comparable, it was necessary to retabulate the reports of 1900. In that year there were 947 establishments in the trade classified under the new plan of tabulation as factories and 3,350 establishments doing a smaller business and not properly considered as factories. The report of 1905 discloses that in the five years following the previous census the number of factory plants increased about 42 per cent and the capital increased about 65 per cent. The increase in output was about 43 per cent.

The number of small shops which figure as factories in the 1900 census, which were eliminated from the census of 1900, produced annually goods to the value of over $20,000,000, this being an average of a little more than $6,000 for each establishment. As the number of small shops doubtless increased in the same ratio as the factories, it was figured that their output was equal to $29,525,633, which amount added to the value of the product accredited to manufacturing establishments gave a total of products of $116,612,886. This was five years ago. The census of 1910 is under way, and of course there are as yet no available figures. It is likely that they will show a value in goods of fully $150,000,000, not including the small factories.

It is therefore probable that the total value of candy made in factories in 1910 will exceed $200,000,000. This represents the cost of goods at the factory—the jobbing price. Now comes the cost of distributing the manufacturers', middlemen's, and retailers' profits.

As the standard of varieties is not fixed by any accepted or acknowledged test, the profits are naturally very great, and it is safe to say that the consumers of the United States pay at least $350,000,000 per year for confectionery made in factories. It is, of course, difficult to ascertain the exact quantity of candy this represents, as the price varies greatly—from 10 cents to $1 per pound.

If we take 20 cents per pound as the average retail price, the above would represent 1,750,000,000 pounds of confectionery per year. It would require an expert to give even an approximate estimate of the quantity of sugar required to produce this candy. Some varieties consist almost entirely of sugar, while others contain a smaller percentage. The use of glucose in candy making is, according to my informants, much less than generally supposed. Some of the better grades contain no glucose at all. According to one authority, for every 30 pounds of glucose 100 pounds of sugar is used. Let us suppose that the average candy contains only 35 per cent sugar. This would mean that 612,500,000 pounds of sugar are used per year by candy manufacturers. It goes without saying that whether sugar costs 4½ cents or 3½ cents per pound the retail price of an article like candy, selling as high as $1 per pound, will remain the same. To the manufacturer a difference of 1 cent per pound in the price of sugar would only make a difference of a small fraction of a cent per pound of candy. Example: Let us suppose that a certain grade of Huyler's candy contains even as high as 50 per cent of sugar and costs 80 cents per pound. One cent difference in the price of sugar would there-

fore "theoretically" change the price of this candy from 80 cents to 79½ cents per pound.

It will be found that the retail price of candy has never changed, owing to fluctuation in the price of sugar. In 1905 the price of granulated sugar was 5½ cents; to-day it is 4½ cents; but the retail price of candy has not changed.

An article like candy, a luxury in the true sense of the word, which is even sold "by the piece" and "by the stick," can not be affected by a small change in the value of such a low-priced ingredient as sugar.

The above would show that the Government would lose the duty of, say, 1½ cents per pound on 612,500,000 pounds of sugar, or $8,166,700 per year, without benefiting the consumer. The manufacturers would be the only ones to benefit by it.

In connection with the above I wish to say that my estimates and figures only refer to "manufactured" candy, and do not include home-made candy made with sugar bought by the consumer from his retail grocer.

CHEWING GUM.

As far as I have been able to ascertain, there are approximately 6,500,000 pounds of chicle (the gum substance used for chewing gum) imported into this country annually. This substance forms about 20 per cent of the chewing gum which is put on the market. Consequently it is estimated that about 32,500,000 pounds of chewing gum are annually consumed in the United States. The analysis of the samples which I had analyzed (Chiclets, Spearmint, and Adams's) shows that this article contains about 75 per cent of cane sugar. This would mean that about 25,000,000 pounds of sugar are annually used in the manufacture of chewing gum. Although chewing gum contains 75 per cent of sugar, which costs only 4½ cents per pound, the retail prices of chewing gum are as follows:

Chiclets, 5 cents per package of 1½ ounces, or 53 cents per pound.
Spearmint, 5 cents per package of one-half ounce, or $1.60 per pound.
Adams's, 5 cents per package of one-half ounce, or $1.60 per pound.

If chewing-gum manufacturers would get their sugar at 1 cent per pound less they would save three-fourths of a cent per pound of chewing gum, the retail price of which is $1.60. It goes without saying that even if sugar cost them nothing, it would not affect the retail price of chewing gum.

I believe that the American Chiclet Co. (Chiclets, Adams's, and so forth) controls about 60 per cent of the total business; the William Wrigley, jr., & Co. (Spearmint) about 15 per cent, and the balance is divided among numerous smaller independents, a list of which I have on file.

The duty on the 25,000,000 pounds of sugar used in connection with this luxury—chewing gum—amounts to about $350,000 per year, which amount the Government would lose without benefiting anybody except the manufacturers.

According to the above estimates, the quantity of sugar required in only four branches of manufacture, viz, condensed milk, biscuits, confectionery, and chewing gum, is over 900,000,000 pounds, representing a duty of over $12,000,000 per year.

The principal object of this letter is to point out in a general way the absurdity of the claim that the amount of money which the Government would lose by reducing the duty on sugar would go into the pockets of the consumers.

I have confined myself to only a few products which, however, should suffice to draw attention to the enormous extent to which sugar enters into the manufacture of compounds and mixtures, the retail prices of which would not be affected by the downward revision of the tariff.

Sugar is used in connection with hundreds of other products. The manufacturers of ice cream, preserves, bakers' products (not including biscuits), pies, medicines, and so forth, must use enormous quantities of sugar. Even the tobacco manufacturers use sugar. The American Tobacco Co. buys its raw sugar by the cargo.

I believe that a careful study of a thorough investigation by acknowledged experts would reveal the fact that but a comparatively small percentage of the sugar used is purchased in the shape of sugar by the consumer from his grocer.

I wish to state that I do not claim my estimates to be accurate, and in order to be of any real value they should have to be revised and corrected by statistical experts who are thoroughly posted in the respective branches.

How much of the entire consumption of sugar is purchased by the consumer as sugar from his grocer can, of course, not be accurately determined, but it seems to me that 30 pounds per year per person would be an exceedingly high estimate. This would mean 150 pounds of sugar per family, or almost a pound of sugar every other day per family. If the reduction in duty would cheapen sugar 1 cent a pound, each person would save 30 cents a year, or 2½ cents per month—a sum so insignificant that it would not affect even the poorest classes.

This would leave the balance of 50 pounds per capita which is used in compounds, the prices of which would not be guided by the price of the comparatively small percentage of sugar they contain. This could be verified by comparing the fluctuations in the price of sugar with the prices of the respective compounds.

A lowering of the sugar duties would affect the agricultural interests of over 15 States, besides Porto Rico, the Philippine Islands, and so forth. The entire cane-sugar and beet-sugar industries would be crippled or destroyed. The Government would lose about $60,000,000 per year and the consumer would not be perceptibly benefited. Practically the only beneficiaries would be the manufacturers of sugar-containing compounds.

It seems that those who favor the present duty should come together and take steps to acquaint the people as well as the Tariff Board with the fundamental facts relating to the sugar industry in this country. This should be done, not merely by presenting opinions and arguments, but by furnishing reliable data and statistics.

Wide publication should be given to this subject in order to enable the people to arrive at a just conclusion as to the existing conditions in this industry and at the same time to render the Tariff Board all possible assistance. I believe that only in this way can the public be convinced that the now existing unjust criticism has no reasonable basis.

That an undertaking of this kind should be placed into the hands of acknowledged and absolutely reliable experts goes without saying. The investigation, in order to be of real value, should be as thorough and imperial as if made by the Government itself, so that it could be used in meeting whatever demands for information might be made by the Tariff Board. The result of such investigation could be published in pamphlet form and arrangements made to give it a very wide distribution. As this tariff question is one of vital importance to all the beet and cane growers in this country it should not be difficult to raise sufficient funds to conduct such investigation on a liberal scale and to provide for a large distribution.

The best available talent should be engaged and their names should be a guaranty of their impartiality and reliability.

The Tariff Board should be consulted and any information it requires should be furnished. There should be no secrecy, no newspaper campaign, no "influential agencies," and so forth. The work should be conducted on a strictly scientific basis and the sole object should be to collect fundamental facts and statistics and thus to assist the Tariff Board and the people to come to intelligent conclusions, instead of being influenced or misled by unfounded statements and assertions made by the "free-sugar" advocates.

Mr. UNDERWOOD. Mr. Chairman, I ask unanimous consent that debate on the pending amendment—not the paragraph, but the pending amendment—be now closed.

The CHAIRMAN. Is there objection to the request of the gentleman from Alabama that debate on the pending amendment be now closed?

Mr. RANSDELL of Louisiana. I object. I want to speak on that amendment.

Mr. UNDERWOOD. Then, Mr. Chairman, I ask unanimous consent that debate on the pending amendment close in five minutes.

Mr. ESTOPINAL rose.

Mr. UNDERWOOD. Does the gentleman from Louisiana [Mr. ESTOPINAL] desire to be heard?

Mr. ESTOPINAL. I do.

Mr. UNDERWOOD. Then I ask unanimous consent that debate on the pending amendment close in 10 minutes, so that gentlemen who desire to be heard on this amendment may be recognized for 5 minutes each.

The CHAIRMAN. Is there objection to the request of the gentleman from Alabama?

There was no objection.

Mr. RANSDELL of Louisiana. Mr. Chairman, the pending bill proposes to place sugar on the free list, and the effect thereof will be to deprive the Government of between $50,000,000 and $60,000,000 of revenue annually derived from importations on sugar. As a Representative from the State of Louisiana, which produces most of the cane sugar in this country, I wish to voice an earnest protest against the enactment of this bill into law. If passed, it will result, in my judgment, in the ruin of both the cane and beet industries of continental United States, and I do not believe that the great masses of the citizens of the Republic would receive countervailing benefits to warrant the destruction of such a large amount of property and so much suffering and loss to so many of our people.

In Louisiana and Texas considerably over $100,000,000 is invested in the growth and manufacture of cane sugar, and a

larger sum in several of the Northern and Western States in beet sugar. It is difficult to give the exact figures in regard to either one of these industries because so many factors enter therein, but from the best information obtainable I am sure the above estimates are conservative. Moreover, there is no doubt, in my opinion, that the cultivation of both cane and beet sugar on a large scale would cease in this country if this bill becomes a law.

The report accompanying the bill (see p. 5) shows that the cost of producing beet sugar in the United States averages about 3.54 cents per pound, and in Germany about 2.42, or if one-tenth of a cent for freight from Germany to the United States be added, it makes the German sugar laid down in New York cost its producer 2.52 cents. This gives the German beet grower an advantage of 1.02 cents a pound over his American competitor, and surely no one could withstand such opposition as that.

The report does not deign to discuss the cost of producing cane sugar in Louisiana and Texas, nor the effect upon our southern industry of free sugar. However, the report of the Hardwick special committee on the American Sugar Refining Co. and others (see p. 23) shows that it costs an average of 3.75 cents per pound to produce cane sugar in Louisiana and one-half cent to refine it, or 4.25 cents per pound for refined sugar; also, that unrefined sugar is made in Java for 1.50 cents, in the Philippines for 1.75 cents, and in Cuba for 2 cents, so that when half a cent is added for refining, the cost of cane sugar in these countries would be 2, 2¼, and 2½ cents per pound, respectively. It is true, it would cost probably one-eighth of a cent per pound additional to transport sugar from Java and the Philippines into the markets of this country in excess of the cost from Cuba and Louisiana, but that would still give Java, the Philippines, and Cuba an advantage of more than 1½ cents per pound over our Louisiana and Texas producers. It is impossible for them to compete under such conditions and their business would be completely destroyed.

Fully half a million people in Louisiana and Texas are dependent for their daily bread upon the sugar industry, directly or indirectly; upward of $100,000,000 are invested in it; the annual crop of sugar and molasses sells for $25,000,000 to $30,000,000, and its destruction would mean terrible suffering and loss to thousands of people who have never been engaged in any other kind of business, and who can not change the avocation of generations in a moment. If their great industry is to be destroyed they should be given fair warning and allowed time to prepare for the change, and make at least a good beginning in some different line of endeavor. If we must have legislation in regard to sugar there should be a gradual reduction in the duty rather than a radical change from an import rate of nearly 2 cents a pound to free trade. The passage of such a bill as this would give a blow to my State from which it would take many years to recover. The wealthiest parishes are in the sugar belt. The great city of New Orleans is more dependent upon the sugar industry than any other branch of business. A very large percentage of the assessed property wealth of the State is derived from sugar, directly and indirectly, and to destroy it would reduce values enormously. While north Louisiana does not produce sugar, it is vitally interested in it, for we receive very large sums for levees and schools from taxes collected in the rich sugar sections and New Orleans. A tide of immigration is pouring into Louisiana, and property in every locality is rapidly increasing in value. Destroy sugar and it will require many years to establish new industries to take its place. In the meantime immigration will look elsewhere. Development will cease temporarily—we can not say how long. Other States will forge ahead of us, and every Louisianian would be seriously injured.

Moreover, a great many people besides those in Louisiana and the beet-sugar States are directly interested in domestic sugar. It is estimated that in Louisiana alone it costs a million dollars every year to renew the supply of mules, and the sugar planters constitute the best market for the high-priced mules of Kentucky, Tennessee, Illinois, Missouri, Texas, and Kansas. Factory machinery and supplies, implements, railroad equipment, oil and coal, feedstuffs, peas, and commercial fertilizers, insurance on factories, freights on factory products, and so forth, run annually into several millions in Louisiana, and all these items, except oil and a portion of the insurance, are furnished at profitable prices by the manufacturers, farmers, railroads, and business men of 20 or more States. The twenty-five to thirty millions a year for which the Louisiana sugar crop sells is widely scattered and its benefits divided among a large number of people throughout the Union, who will feel the loss appreciably if this industry be destroyed. The sugar planter is obliged to buy heavily away from home, and everything he consumes is favored by a high tariff. If his product is to be free, then his purchases should be free also.

The platform of my party enacted at the Denver convention did not declare for free trade, but for a gradual reduction of the tariff wherever necessary to reduce it to a revenue basis, and in the preparation of the great wool and steel schedules this course was adopted.

The average reduction on articles of steel and iron in the bill recently passed by the House and now pending in the Senate, below the rates in the Payne-Aldrich bill, was 30 per cent, and the reduction below existing law on manufactures of wool in the bill which passed this House several months ago, during the present Congress, was about 52 per cent. Why make this great distinction against the products of the farm, leaving still a heavy rate of duty on articles made of iron, steel, and wool, but placing sugar on the free list, and thereby destroying it?

In my opinion the laws of supply and demand have far greater influence in fixing the price of food products than the tariff, and it is a fact, so clearly established none can deny it, that whenever there is a scarcity of any great article of food, like meat, flour, or sugar, there is a corresponding rise in prices. We had this forcibly demonstrated last year in the case of sugar, when, as a result of the scarcity in the crop of 1910-11, both in Cuba and Europe, the price of sugar on our markets last summer and fall, before the domestic beet and cane crops of last year became available, was very high, reaching the extreme point of 7½ cents per pound by wholesale in the city of New York, whereas shortly after our beet and cane sugar began to move freely this price dropped nearly 2 cents a pound. Surely the tariff had nothing to do with that. The rise was caused by scarcity of sugar, and the drop by the good crops of last year, which gave ample supply.

Mr. W. P. Willett, of Willett & Gray, New York, who was engaged as an expert by the Hardwick committee because, as stated by Chairman HARDWICK, he is "probably the greatest living American authority on sugar prices," gave some very interesting testimony on this subject, from which I quote:

Congressman SULZER, of New York. What, in your judgment as an expert, could bring about a permanent reduction of the cost of manufactured sugar to the consumers of the United States?

Mr. WILLETT. By increasing the amount of domestic production, and in Porto Rico and Hawaii; that is, by increasing the quantity of sugar within the United States to the extent that we would be required to purchase no sugar whatever at world prices.

Congressman HINDS, of Maine. How much beet sugar did they produce in this country this year?

Mr. WILLETT. Five hundred and fifty thousand tons.

Congressman HINDS. How much do you think that they ought to produce in order to maintain a proper equilibrium of prices here?

Mr. WILLETT. Well, just double that amount will do it. I believe that amount, a million tons, would carry us well below any excess in the world's prices.

Congressman HINDS. And would be a great advantage in giving us independence of Europe?

Mr. WILLETT. Yes, sir; and that is a tremendous advantage. (Pt. 37, p. 3086, of Hearings, et seq.)

And again Mr. Willett said:

* * * This promotion of our industry is a much more vital point (from the consumers' standpoint included) than is a reduction of tariff to a point that lets in foreign sugar and thereby diminishes the home production. Whenever we reach the condition indicated, competition between our free and partially free duty producers will begin and the consumers will benefit thereby and the United States will be entirely free from the speculative and other influences which control the world's price, and it is not unreasonable to expect that under the conditions indicated the United States will become a considerable exporter of its surplus production to the foreign countries which may be short of supplies, as under present conditions abroad.

As showing the ultimate effect of home production equal to or surpassing home consumption, I call attention specially for earnest consideration to the fact that in 1910 we reached this desired consummation within 74,000 tons, and as a result we were almost independent of Europe—so much so, in fact, that we got our supplies from Cuba at over one-half cent per pound under world's prices—during which time one man, Santa Maria, was carrying on a big bull speculation in Europe in which we would certainly have been involved but for this limited amount we required that year. In 1911 the Cuban crop fell short of 1910 by 320,898 tons, and we required 212,182 tons from abroad to complete our supplies; hence we were involved in the world's prices in 1911, and the result was a hue and cry against the high prices of sugar. I am not making an argument but am simply pointing to the facts that appear to me to make the consideration of the increase in our local supplies of greater importance in legislation than a reduction of duties beyond certain limits, those limits to be such as will positively exclude all sugars outside those of our States and dependencies. (Part 43, pp. 3556–57 of hearings.)

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In all these analyses I reach the same conclusion—that to decrease the price of sugar to the consumer increase the domestic production as rapidly as possible. (Part 48, p. 3978, of hearings.)

Dr. Harvey W. Wiley, Chief of the Bureau of Chemistry of the Department of Agriculture, also testified before the Hardwick committee in part as follows:

But the point I am giving is this: That under the present system we are absolutely dependent upon the refiners of this country for our sugar. They have taught us to use white sugar and we will not take any other kind, and therefore they can fix any price thereon they please. I will say, on the question of price, that I think they are very reasonable about

it and do not try to squeeze us very much. At the same time, whenever the Louisiana sugar comes in the price of sugar drops, and whenever the crop of beet sugar comes in the price of sugar drops. Again, as soon as the Louisiana and beet sugar men sell all they have to sell the price of sugar goes up again.

Congressman FORDNEY. That is true of last summer, I believe.

Dr. WILEY. Yes; and when the price of sugar went up to 7 cents retail, I said, "Watch out; when the sugar crop comes in it will go down," and it did; and there was no sugar in the country even then. (Part 42, p. 3446, of Hearings.)

It will thus be seen that according to Mr. Willett and Dr. Wiley, two very able and disinterested witnesses who are neither refiners nor growers of sugar, the only safe way to secure cheap sugar for the consumer is to encourage and build up a large production of sugar here at home so as to make us independent of foreign markets. To a great extent this has been done, and we now produce in the States about 900,000 tons, or more than one-fourth of our total consumption, while our island possessions produce another one-fourth.

One proof of the correctness of this theory is found in the fact that sugar is and has been reasonable in price for many years. It is the cheapest article of our ordinary food, and the rate of consumption has grown rapidly, until it is about 80 pounds per capita, and we now consume more sugar than any other people except the Britons, who use about 86 pounds per capita per annum. A careful comparison of prices of foodstuffs for the years from 1890 to 1907—the lastest available statistics—shows that while nearly everything, such as butter, cheese, eggs, meats, lard, flour, meal, and so forth, went up materially, the increases ranging from 17 per cent to 57 per cent, sugar was gradually reduced in price, and was actually 20 per cent cheaper in 1907 than in 1890. (Statistical Abstract, United States, for 1910, p. 528.)

Another interesting fact is that sugar is sold to the consumer cheaper in the United States than anywhere on earth, except possibly in Great Britain. We learn from House Document No. 510, Sixty-second Congress, second session, that in November, 1911, sugar retailed abroad at the following prices: Great Britain, 5.5 to 6.3 cents; Germany, 6.5 to 7.8; France, 7.4 to 8.9; Italy, 12.7 to 14.9; Austria, 8.3 to 9.1; Russia, 7.2 to 8.7; the Netherlands, 10.9; and Canada, 6.5 to 7.5 cents. These statistics demonstrate that our tariff on sugar has not made it even keep pace in price with articles whose supply is produced almost wholly in the United States, and that our citizens buy their sugar nearly as cheap per pound as the people of free-trade Great Britain, where wages are lower than with us, and much cheaper than those of any other country. Surely the sugar tariff can not be such a bad thing when a showing like this can be made.

Let us seek now to ascertain the probable effect of free trade in sugar on its cost to the consumer by examining the facts in regard to coffee—another article of practically universal consumption. From 1865 to 1870 coffee paid a duty of 5 cents per pound, when it was reduced to 3 cents, and in May, 1872, it was placed on the free list, where it has since remained. The wholesale prices of coffee on the New York market have been as follows: For the seven years—1865 to 1871, inclusive—19.33. 17.19. 16.14, 10.62, 9.31, 10, and 12.81 cents per pound, respectively—an average price of 13.34 cents. During the first five years of this period the duty was 5 cents a pound and for the other two it was 3 cents. There were big promises of a cheap breakfast table when the act of 1872 placing coffee on the free list was passed, but we find, on the contrary, the following range of prices for coffee for the next seven years—1873 to 1879, inclusive—18.37, 21.25, 18.06, 17.38, 19.44, 16.38, and 14.31, respectively, being an average for the first seven years under free coffee of 17.88 cents per pound as compared with 13.34 cents during the preceding period, or 4.54 cents per pound higher under free trade than before the duty was removed. During the 10 years—1887 to 1896—the price of coffee was 17.85 cents—not much cheap breakfast table in that. For the past 10 years the average wholesale price of coffee has been 9.78 cents. Its price was 6.75 cents in 1902 and 14.35, or more than twice as high, in 1911. Evidently the price of coffee has been affected by causes independent of the import duty thereon.

It is well known that Brazil and other countries impose a heavy export duty on coffee shipped abroad, and I have no doubt that when we removed our import duty on coffee it enabled these countries to collect much higher export rates, thereby benefiting their governments but not giving our people any cheaper coffee. The same thing may happen in regard to sugar in such countries as Cuba and Java, which produce it in very large quantities and so cheaply, if we destroy our home sugar and become entirely dependent for this great necessary on outside markets.

I recall with much interest a visit to Costa Rica several years ago. Many fine coffee plantations were pointed out and we were told that it was one of the principal products of the country. In the capital city, San Jose, is a magnificent theater, said to be excelled by only two others on earth, and it was constructed by the National Government out of the proceeds of an export tax on coffee. We admit coffee free of customs duty into the United States, but the Costa Ricans make our coffee drinkers pay them an export duty on every pound that leaves that country. Suppose Cuba remains independent and produces six to eight million tons of sugar per annum, as some predict it will. What is to prevent it, after our domestic sugar industries have been destroyed by the pending bill, from imposing a heavy export duty on sugar similar to that laid on coffee by Brazil and Costa Rica? In that event there would be no more benefit to us from free sugar than we received from free coffee—none at all.

We have discussed the effect of free sugar on our domestic industries, but what about Porto Rico and Hawaii? What about Cuba, which enjoys such favorable reciprocal treaties with us? Exact data in regard to Porto Rico and Hawaii are difficult to obtain, but I am informed by well-posted men that a very serious blow would be given to both of these islands if sugar be made free. Porto Rico now produces nearly 300,000 tons of sugar—almost as much as Louisiana—and the industry is a thriving one; but conditions for growing cane in that island are not as favorable as in Cuba, and if the Cuban sugar can come in free, profits on the Porto Rican article will be very much reduced. Moreover, Porto Rico now enjoys a fine trade in coffee with Cuba, selling there nearly one-half of its entire production of coffee at our preferential rate of 20 per cent less duty than that which coffee from other countries has to pay. Coffee is the principal product of Porto Rico and Cuba her best customer. Brazil can raise coffee cheaper than Porto Rico; and if our reciprocal trade with Cuba be destroyed by this bill, a result which must necessarily follow if sugar becomes free, Brazilian coffee would drive the Porto Rican article out of the Cuban market. Hence, both the sugar and coffee trade of Porto Rico will be badly injured.

I am assured by representatives of the Hawaiian people that while a few of their best improved plantations may be able to raise sugar in competition with the beet sugar of Germany and the cane of Java and Cuba, the great mass of Hawaiian cane growers will be forced to quit business if sugar is admitted free.

A most serious situation arises in connection with Cuba, and one which gives me, as a southern man, very deep concern. Close students of affairs on the island—men who have lived there for many years and are thoroughly posted—question very seriously whether or not the Cubans can raise and export sugar as cheap as the Germans, especially when one considers the magnificent railroads, waterways, and terminal facilities in Germany and the power of that great Government, through its State ownership of railroads, to assist the exports it is trying to exploit by extraordinarily cheap freights. We are now buyers of all the Cuban sugar, which comes in at an import rate 20 per cent lower than their foreign competitors have to pay, and this gives them a great advantage in selling to us. Moreover, we sell to them annually about $60,000,000 of various kinds of merchandise under a treaty which favors us between 20 and 40 per cent. The fact that we buy from them all of their great sugar crop and sell them such a large percentage of what they need makes very close relation between the two countries and enables us to keep in close touch with them. If our treaty with Cuba be abrogated by this bill—and there can be no other result—if other countries, particularly Java and Germany, can send their sugars here on exactly the same terms as Cuba; if the world can trade with Cuba on the same terms as ourselves, then the best market for their sugar will be taken from them; and this, together with the hurly-burly of competing rivalry among the merchants of many lands striving for the Cuban trade, is liable to cause much dissension, confusion, and national loss. In this event there is very apt to be such intestinal trouble as to create revolution, which will render it necessary for us to intervene, and our flag will never be lowered if it is ever again raised there at the head of a hostile force.

I would regard the annexation of Cuba as a terrible calamity to the Caucasian race in this country. We already have not only in the South but in many other parts of the Union a very difficult and complex race problem. In the Southern States every effort is being made to maintain the purity of Caucasian blood, and strenuous laws exist everywhere to prevent admixture of the races. In Cuba there is no racial distinction. Genuine Caucasians and people of negro blood intermingle in the freest manner, intermarry at will, and one race socially and otherwise is just as good as the other. If Cuba be annexed we may reasonably expect to see it become a sovereign State of the Union with a few years, equal in every respect to all

others. What then would become of our boasted racial purity and social distinctions on account thereof, with such conditions in one of our sister States as prevail universally in Cuba today? God forbid that such a situation should ever confront us!

Let us take a hasty glance at the history of our sugar-tariff legislation. In 1789, when the first tariff act of the new Republic was passed, a duty of 1 to 3 cents per pound was laid on importations of foreign sugar, and in every successive tariff act, with but one exception, from that day to this a duty has been imposed on sugar. The exception was the McKinley Act of 1890, which in lieu of a duty gave a bounty of 2 cents a pound, and even in that act there was a duty of half a cent per pound on sugar above No. 16 Dutch standard.

In 1790 the rate was fixed at 1½ to 5 cents per pound; 1½ to 3 cents in 1795; large ad valorem additions thereto in 1800 and 1812; 3 to 12 cents in 1816; 2½ to 3½ cents in 1832; 2½ to 6 cents in 1842; 30 per cent ad valorem in 1846 (the Walker tariff); 24 per cent in 1857; 2½ to 8 cents and upward in the war tariffs of 1861, 1862, and 1864; 1⅜ to 4 cents in 1870; 25 per cent in addition to pending rate in 1875; 1.40 to 3.50 cents in 1883; under No. 16 Dutch standard, free, one-half cent per pound duty on sugar above No. 16 Dutch standard, and a bounty of 2 cents a pound on all sugar in 1890 (McKinley); 40 per cent ad valorem and one-eighth cent a pound additional on sugar above No. 16 Dutch standard in 1894 (Wilson); 0.95 to 1.95 cents in 1897 (Dingley); and 0.95 to 1.90 cents in 1909—the present Payne-Aldrich law.

During the 8 years that Thomas Jefferson, the Father of Democracy, occupied the White House—1801 to 1809—the duty on sugar was 1½ to 3 cents a pound; in the 16 years' incumbency of those two great Democrats, Madison and Monroe—1809 to 1825—it was from 3 to 12 cents; when Old Hickory, the Democrat of Democrats, ruled supreme, followed by his special pet, Van Buren—1829 to 1841—it was 3 to 12 cents and then 2½ to 3½ cents; the Walker 30 per cent ad valorem of 1846 came under the Democrat, Polk—1845 to 1849; the second ad valorem, 24 per cent, was during the régime of Buchanan; and under Cleveland we had the 40 per cent of the Wilson Act, with one-eighth cent a pound additional on sugars above No. 16 Dutch standard. During this long period of 124 years the Democrats have held the Presidency for 56 years, and never under a Democrat has there been free sugar, but always a duty on it which brought large revenues and incidentally gave sufficient protection to materially assist the struggling industry.

At the present time sugar is our best revenue producer, yielding annually about fifty-two millions, and it is the fairest and most uniformly distributed of all national taxes. Every citizen contributes his share, for everyone eats sugar from the babe in its cradle to the old man tottering on the grave. The cardinal principle of taxation is equality and uniformity, and it is hard to find anything that more truly embodies this principle than our customs duty on sugar.

Having shown the disastrous effects of free trade in sugar upon our domestic industry, our insular possessions, and Cuba; having proved that the price of sugar is cheaper in proportion than most articles of food, and that no just complaint can be made on that score; and having pointed out the consistent national policy of a good rate of duty on sugar since the birth of the Republic, I now wish to ask whence comes the great agitation to have sugar placed on the free list? Is it the bona fide action of the American consumer who believes he is oppressed by the price of this commodity and hopes to get relief from Congress, or is it the result of a well-planned scheme by the sugar refiners? The Ways and Means Committee, and a great many other Members of Congress have been flooded by petitions and telegrams asking for free sugar, but it is significant that all of these petitions appear to be on prepared sheets of perforated yellow paper, sent out by Frank C. Lowry, sales agent of the Federal Sugar Refining Co. Mr. Lowry has been carrying on a systematic campaign in the interest of free sugar, pretending to represent a committee of wholesale grocers, but when questioned in regard to it (see part 19, Hardwick Hearings, pp. 16 and 17, et seq.) he admitted there was no such organization, and that the sum of $12,000 spent in the distribution of free-sugar literature was furnished by the Federal Sugar Refining Co.

Mr. Claus A. Spreckels, president of this company, testified as follows:

Mr. HINDS. Mr. Spreckels, you have been carrying on a campaign to reduce the tariff as beneficial to the cane-sugar refiners.

Mr. SPRECKELS. I have.

Mr. HINDS. Of course, that will be damaging to the beet-sugar refiners?

Mr. SPRECKELS. To some extent it will. (Pt. 27, p. 2275 of hearings.)

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Mr. HINDS. Now, Mr. Spreckels, it was testified in Washington that the movement for lowering the tariff on sugar, the movement which is going on now and in which you were interested, that your company had expended $12,000 for literature, etc.

Mr. SPRECKELS. Possibly. I do not know what the amount is. I dare say we have. (Pt. 27, p. 2276 of hearings.)

One of my colleagues from the South told me that just before this bill came up in the Democratic caucus he received 19 telegrams from business men in his city urging him to support a big reduction in the tariff duties on sugar and that they were induced to wire him by Frank C. Lowry. This is another case of the Greeks bearing gifts, and, just as the Trojans found the Grecian horse to be their ruin, so will the American people who expect cheap sugar from these Sugar Trust advocates of free trade be sadly disappointed. It is like the devil quoting Scripture for the multimillionaire sugar refiner, Claus Spreckels, and his agents to spend $12,000 of money, wrung from the public by exorbitant prices when sugar crops were short, to fool innocent citizens into believing they are injured by the sugar tariff. It is a scurvy trick, but it seems to have deceived a good many Congressmen.

I am greatly surprised at the apparent solicitude of the Ways and Means Committee for the sugar refiners. On page 5 of the report attached to the pending bill the committee says:

Beet sugar leaves the first manufacturing establishment in a refined condition, but all cane sugar, which constitutes about four-fifths of our consumption must be refined; consequently the refining interest is the most important factor connected with sugar manufacturing in the United States. Therefore the industrial position of refining requires primary consideration. The ability of the refiners to compete with other countries without the aid of tariff protection can not be successfully denied.

They prove this statement by a long quotation from the testimony of this same Mr. Claus A. Spreckels; and although they attempt to show that the sugar-refining business constitutes a great trust, their conclusion, in substance, is that the refiners need protection from the rapacity of the beet-sugar producers, and therefore sugar must be placed on the free list. Take it all in all, this report is the most remarkable document I ever perused, and it is sad for a Democrat to see his party thus playing into the hands of a gigantic trust and destroying a business in which hundreds of thousands of American farmers and manufacturers are engaged in order to give heavier profits to a set of refiners who are already overburdened with wealth.

I can not believe such a thing was intended by my fellow Democrats on the Ways and Means Committee, but beyond question that will be the result if this bill becomes a law. There will probably be a heavy reduction in the retail price of sugar for three or four years, until all our domestic growers of beets and cane have been driven into other pursuits, and then the refiners will charge what they please, for we will be entirely at their mercy. Nearly four-fifths of the sugar we use is made from cane, and most of it is not really a merchantable article until it has passed through the processes of these big refiners. We are beginning to refine in our Louisiana mills, and all beet sugar is refined at the local factories. Put these two agencies out of business and the Sugar Trust will have no competition. Small wonder that the refiners are so anxious for sugar to be on the free list!

In conclusion I desire to say that the proposed measure is un-Democratic and revolutionary. Our great Democratic Party, which has been in existence since the beginning of this Government, has never stood for any such wholesale destruction of private interests and complete ruin to farming communities and such gross injustice to hundreds of thousands of our best citizens in the interest of a few dozen rich men as the enactment of this measure at the behest of the sugar refiners would mean. We have never stood for free trade, nor have any of our party platforms so declared, but always for a tariff for revenue, and if incidental protection accompanied such a tariff there was no objection to it.

The Denver platform was very specific for a gradual reduction of such tariff schedules as is necessary to reduce them to a revenue basis; and there has been so much reduction in the sugar tariff during recent years by the free admission of 300,000 tons of Philippine sugar, the 20 per cent reduction in favor of Cuba, and the lowering of duties in the Payne-Aldrich bill that the present tariff, so far as sugar is concerned, is on an ideal revenue basis, which can not be improved upon; hence there is no reason for any further change in it. If the extreme view be taken, however, that sugar is a hothouse plant, as some are pleased to call it, then it has been fostered for 124 years by every party that has controlled this Government, and to remove this fatherly care at one fell swoop would be heartless in the extreme, for it means quick and certain death. I can not believe that the majority of my party stands for any such act of vandalism. It is not required by any platform pledge, but, on the contrary, violates the implied promise of our leaders

at Denver not to make radical changes, but only gradual reductions in tariff schedules. If we hope to elect a President next fall, we must convince the American people that we are sane, constructive statesmen and not rash destroyers of conditions that have existed since the Republic was born. We should make haste slowly in measures of such far-reaching magnitude.

The CHAIRMAN. The gentleman from Louisiana [Mr. ESTOPINAL] is recognized.

Mr. ESTOPINAL. Mr. Chairman, this is probably the first time in the history of American legislation that we have sought to pass a law to deliberately wipe out a planting industry, and in this particular case it is one of large importance now, with a promise of future development limited only by a great and increasing demand. And, moreover, in this particular case we propose to destroy an industry which wields more influence on other industries and other productions than it directly benefits those who are engaged in it. To produce and haul cane and manufacture it into marketable sugar requires costly machinery and large numbers of mules and horses, making it a source of splendid trade stimulation to both the manufacturer of costly machinery and the farmer who raises stock for the market. In a report on beet sugar made by the Secretary of Agriculture, Hon. James Wilson, in 1909, he says:

> As this industry develops in the West, it is the main feature, attracting and supporting many things and uniting them in an intensive agricultural husbandry. As it works out in the West, it is the "mother lode" of agricultural development.

Which shows that beet-sugar production has the same stimulating effect.

But, Mr. Chairman, the whole trend of modern political thought and action in this country seems to be to hit something. This tendency runs, I will say in exemplification, the whole gamut of abysmal energy, from the "big stick" of the United States to the bigwig committee of this House; and as "death loves a shining mark," this bigwig committee has hit out at a mark which shines as luminously, as warmingly, and as growingly on the present and future prosperity of this country as the noonday sun shines on the fine and fallow and fertile farms of our charming Pelican State. And we are called upon to strike down these "mother lodes" of domestic sugar production, which permeate so fruitfully every feature of American industrial life and which promises multiplied commercial effects as the stream of domestic output grows larger and larger.

Of all the sugar we consume—more than three and one-third million tons—less than 200,000 tons are imported from countries which pay to us the full existing rate of duty. We are fostering a magnificent trade by giving free entrance of sugar from Hawaii, Porto Rico, and the Philippine Islands, and we are giving a differential to Cuba which is expanding our trade with that fertile island. Our total exports to these noncontiguous territories and Cuba were last year more than $140,000,000, having grown with great rapidity under the impulse of this favored legislation regarding sugar.

Thus, Mr. Chairman, it is impossible to estimate the influence which the development of sugar production and our sugar traffic is having on other productions and on the industries of the country. As I have just said, it reaches out into every avenue of trade as a vitalizing and sustaining influence. In addition to our cane-sugar production of nearly 800,000,000 pounds we have grown from a small output of beet sugar, which 20 years ago required but 7,155 acres, to a total in 1910 of over 1,000,000,000 pounds, requiring almost 500,000 acres of land. If we destroy this domestic production and disorganize our trade with the islands of the eastern and western oceans, we shall have struck a blow at our national prosperity far beyond any good effects to the country that the saving of 1½ cents a pound would have even at this time. And if we place our large demand for sugar at the mercy of foreign raisers and the big refineries on the seaboard, even a small apparent good may be wiped out by some process of combination, which would leave us without our industry, with its stimulation and ramifications, and compel us to pay more for our sugar than we are now paying.

When it is known that we have in the United States, as estimated by the Secretary of Agriculture, at least 274,000,000 acres of land adapted to the cultivation of the sugar beet, and that of the three and one-third million tons we consume we are now producing of beet sugar considerably more than 1,000,000,000 pounds, or over one-seventh of our consumption, from less than 500,000 acres, we gain a faint idea of what we are called upon to sacrifice in the way of possible national energies in production in this bill.

Then, Mr. Chairman, in considering this effort for a microscopic contribution to a free breakfast table we must remember that there are other features of our national consumption which must be considered in this connection. The raising of beets to produce sugar contributes largely to the cattle-raising industry of this country. With the development of the beet-sugar industry, the decrease in the price of meats, so earnestly desired, might easily mean more to the average citizen than the saving on the small amount of sugar which he consumes. The report of the Secretary of Agriculture, Hon. James Wilson, in 1909, bears convincingly on this point. He says in that report:

> The sugar industry has had a remarkable influence in the stimulation, elevation, and improvement generally of the live-stock interests. This has occurred in bettering the breeds, increasing the number of stock, and multiplying the productive resources of the stock industry. It has turned vast areas from simple grazing to stock production for all purposes, from producing the "stocker" to producing a good quality of meat for consumption, also dairy and creamery products and breeding fine blooded animals of different kinds.

Note that he speaks also of its stimulating effects to increase dairy and creamery products, another article of universal use, for which the people have been suffering for the lack of larger production.

It is true, Mr. Chairman, that, even with the domestic output reaching to a total of more than one and three-quarters billions of pounds, we are but in the bridle path, yet this bridle path leads out, unerringly, into the broad highway of national progress if we destroy not the bridges which must afford the means of reaching it. And for what gain do we seek to burn these bridges which enable us to reach and travel this highway of national progress? Our total consumption of sugar per capita is a little over 80 pounds. Of this it is estimated that 50 pounds goes into manufacturing, which is sold to the consumer at prices which preclude the idea of reduction in the price of the manufactured article on account of the small tariff saving. This leaves 30 pounds per capita used in the family as sugar. Granted that we save the 1½ cents per pound, which is shown to be the increase which the tariff causes, we have a total apparent saving of 45 cents per capita, or $2.25 for a family of five persons, per annum, and with the wiping out of nearly one-fifth of our consumption, and one-seventeenth of the world's supply, by the destruction of this local production of beet and cane sugar there is bound to be an appreciable effect in the rise of prices, somewhat akin to the disturbance of last year.

But assuming that the saving to the consumer be the full 1½ cents per pound, or $2.25 for the average family; when we know the economic liberality, in expenditure, of the average American family, and reckon the tremendous effects which the national increase in sugar production would inevitably exert on the industrial and economic situation of this country in the next 10 or 12 years, this supposed gain might easily prove to be a most disastrous loss. Substantial relief to the consumer of the country from such trifling saving which involves so many national losses, in so many ways, is out of the question, and we will be but playing to the galleries if we try it.

Sugar is the one product of the farms of the country which has not engaged in the race for the goal of high prices. It is the one product which has consistently maintained its friendship for the men of moderate means, for it has gone lower and lower, decade after decade. Mr. Truman G. Palmer furnishes us with the following figures:

> In 1870 the average New York wholesale price of standard granulated sugar was 10.7 cents per pound; in 1880, 8.81 cents; 1890, 6.27 cents; 1900, 5.32 cents; 1910, 4.97 cents.

Why slaughter such an amiable and consistent friend? Why not take him by the hand and give him support in his efforts to be the Santa Claus to both the commercial progress of the country and to the consumer, that he may continue to shower gifts on both?

Why, Mr. Chairman, I have known him since I was a small boy. He has grown immensely in size since then, but kinder and kinder to the people. And in addition to his unremitting efforts to serve the people more equitably than his brothers in production, he has paid since I have known him, nearly $2,000,000,000 toward the support of our Government. Surely he deserves not this attack in the house of his friends. I say in the house of his friends advisedly, for an import duty on sugar has ever been a Democratic duty, for it has always been one which has afforded a maximum of revenue with a minimum of protection.

Now, let me say another thing, Mr. Chairman, for the thoughtful consideration of the Members on this side from the cotton-growing South. If we destroy the cane-sugar industry of Louisiana to what must we turn? Inevitably it must be cotton, for the sugar lands of my State are ideal cotton lands which will produce a bale to the acre. Already we have heard a Member state on this floor that he had plowed under a part of his crop, it not being profitable to even gather it at the prices prevailing at that time. What would be the effect of adding a half of a million bales to our present enormous production;

and how would the possible saving of $2.25 for each family balance against the certain lowering of the price on 14,000,000 bales of cotton?

Mr. Chairman, the stream of money that the enacting of this bill into law would take from this country, and the loss of the developing and prosperity-bringing influence which the production of sugar is having now, and which it will have more largely if not disturbed, means much to our future, and there can be no real offset to these certain losses. [Applause.]

[By unanimous consent Mr. ESTOPINAL was granted leave to extend his remarks in the RECORD].

The CHAIRMAN. The time for debate on this amendment has expired.

The question is on the amendment of the gentleman from Louisiana [Mr. BROUSSARD].

The question was taken, and the Chair announced that the noes seemed to have it.

Mr. BROUSSARD. Division, Mr. Chairman.

The committee divided; and there were—ayes 54, noes 89.

So the amendment was rejected.

Mr. PROUTY, Mr. BURKE of Pennsylvania, Mr. MORSE of Wisconsin, and Mr. LENROOT rose.

The CHAIRMAN. The gentleman from Iowa [Mr. PROUTY] is recognized.

Mr. PROUTY. Mr. Chairman, I offer an amendment, which I send to the Clerk's desk.

The CHAIRMAN. The gentleman from Iowa offers an amendment, which the Clerk will report.

The Clerk read as follows:

On page 2, line 10, strike out the words "free of duty" and insert in lieu thereof the words "at a duty of 1½ cents per pound."

Mr. PROUTY. Mr. Chairman, I have been reading for some two weeks every article of literature I could get on the sugar question. I have been listening for two days patiently to the arguments upon this floor for the single purpose of determining in my own mind one question, and that is, How low a duty could be placed upon sugar without destroying the American industries? I have reached a conclusion in my own mind as a result of all the arguments that the American industries could be preserved with a tariff of 1½ cents per pound. I know there has been a little conflict in the testimony given on this floor, but I accept substantially the statement made by the chairman of the committee that has been investigating the sugar question [Mr. HARDWICK]. Last evening, in response to a direct question, he stated that if this bill went into effect, in his judgment it would wipe out the beet-sugar industry in this country.

Mr. HARDWICK. I hope the gentleman will not misquote me.

Mr. PROUTY. All I have to say in regard to that is that I ask him to put it in the RECORD. All I ask of him now is to put it in the RECORD just as the shorthand notes show it, and I will appeal to the House as to whether he is right or whether I am right.

Mr. HARDWICK. The gentleman is entirely mistaken. The shorthand notes will not be changed to even the dotting of an "i."

Mr. PROUTY. Then it is a question of your memory and mine.

Mr. HARDWICK. You are wrong.

Mr. PROUTY. I sat behind you and listened to you myself, and I will stake my reputation upon this floor that you stated substantially just what I have said.

Mr. HARDWICK. Substantially?

Mr. PROUTY. I do not claim to quote the exact words; but you said, in response to a question by a gentleman on this side of the House, that, in your opinion, it would wipe out the sugar industry, or words to that effect. In reply to a question as to cane sugar, you said you did not know whether it could survive or not.

Mr. HARDWICK. The gentleman from Alabama [Mr. UNDERWOOD] said that, and not me. I think it will probably wipe out Louisiana sugar.

Mr. PROUTY. That is what I said.

Mr. HARDWICK. You said "beet sugar" just now. You can not keep your own statements together. It will wipe out cane sugar, or most of it.

Mr. PROUTY. You said, substantially, that, in your opinion, it would ultimately wipe out both. Well, everybody who knows me is aware of the fact that I have for years believed we ought to have a tariff in this country just as low as possible in order to protect American labor and American industries.

I am frank to say that I have felt that some of my brethren with whom I agree absolutely on the theory of protection have placed a tariff on some things too high, but I never have and I never will stand in this House and vote for any measure that I believe will wipe out American industries and leave us absolutely at the mercy of Europe. [Applause on the Republican side.] Everybody who is familiar with the situation knows that there is a great international syndicate that controls sugar in the Old World, and they limit absolutely the amount that may be exported. Now, suppose there happens just what these gentlemen substantially admit will happen, that this industry will be wiped out in this country, and that syndicate says it will not allow any more sugar to be shipped over here. How are you going to feed the hungry people in this country?

A MEMBER. Raise more beets.

Mr. PROUTY. Raise more beets? The industry is gone. I still adhere to the old doctrine of Abraham Lincoln, that if we buy our sugar in Germany they will have our money and we will have the sugar, but if you raise it in this country we will have both the money and the sugar. The Democratic theory would enrich Germany but impoverish America. I am for America. [Applause.]

The CHAIRMAN. The time of the gentleman has expired.

Mr. BURKE of Pennsylvania, Mr. GUERNSEY, Mr. GOOD, and Mr. RIVERA rose.

The CHAIRMAN. The gentleman from Porto Rico [Mr. RIVERA] is recognized.

Mr. RIVERA. Mr. Chairman, the place which my country holds in this debate is really singular. If the Congress should approve the complete suppression of the sugar tariff, the sugar-producing States such as Louisiana, Colorado, and others would suffer more or less in their interests, and their business would diminish to some extent; but they would, nevertheless, continue their commercial life and the development of their economical resources, and so compensate the loss which they would suffer. Porto Rico is in a very different position. The inclusion of sugar in the free list is equivalent to the immediate ruin of an industry that, within a conservative estimation, represents three-quarters of the agricultural production and the commercial movement of the island.

Under the favorable conditions created by free trade between the United States and Porto Rico, the sugar plantations and sugar-manufacturing industries grew with extraordinary rapidity during the last decade. In 1901, 68,909 tons of raw sugar were exported. In 1910, 284,522 tons were exported. I ask unanimous consent to insert in the CONGRESSIONAL RECORD a brief statistical note which shall show the growth of the exportation of this article during the period to which I am referring:

Sugar exports.

Fiscal year.	Tons.	Value.	Average price per ton.
1901	68,909	$4,715,611	$68.43
1902	91,912	5,890,302	64.08
1903	113,106	7,470,122	66.04
1904	129,647	8,690,814	67.03
1905	135,663	11,925,804	87.90
1906	205,277	14,184,667	69.10
1907	204,079	14,770,682	72.37
1908	234,607	18,090,504	76.52
1909	244,257	18,432,446	75.46
1910	284,522	23,545,922	82.75

From this statistical summary it appears that the total amount of sugar exported grew fourfold in 10 years, while the value of this product was fivefold more by reason of the rise in the prices, which in 1901 was, as an average, that of $66.43 and in 1910 that of $82.75 per ton. In 1901 the raw sugar of Porto Rico in its total output was sold for $4,715,611. In 1910 it was sold for $23,545,922. And as the duties per hundred pounds are $1.65 and per ton $33, as a result we find that in the total exportation of the island in 1910 was benefited in the sum of $9,389,226.

The value of the total exportation of products from Porto Rico to the United States during the year 1910 was that of $32,095,897. So $23,545,922 in sugar were exported, and in other products, such as tobacco, coffee, fruits, and so forth, $8,549,975 were exported; we here, as I said before, find that the total amount produced by sugar is three-quarters of the total amount of the whole production of the island.

Now, then, the average cost of production of sugar per hundred pounds is estimated at $2.50 and the average price of sale for 10 years, according to the most exact statistics, is $72.96 per ton and $3.65 per hundred pounds; if we deduct $1.65, which is the benefit derived from the present tariff, the agriculturist receives only $2 per hundred pounds, or, in other words, 50 cents less than it costs him to produce them. A loss of this kind means absolute impossibility of continuing the cultivation of sugar cane and the manufacture of sugar. And the absolute certainty that in a very short period the prosperity which

Porto Rico had reached within the last 10 years in virtue of its perseverent efforts and its wonderful activities, which had forced an island of 3,600 square miles to reach a commercial importance of $80,000,000, and thus to occupy the seventh place in commerce among the Latin-American, would disappear.

In the year 1899 a modern factory was established in the southern valleys, between Ponce and Guayama—the Central Aguirre; in the year 1890 another large factory was established in the plains to the southeast, between Ponce and Mayaguez. These were followed a few years later by a third factory, in Fajardo, at the northeast. The three of them owe their existence to American capital, and they are valued at more than $10,000,000. Simultaneously and encouraged by the example, native capital commenced to be invested in the sugar business until it was converted into an unextinguishable source of life and progress. At present, it may be assured without exaggeration of any sort, that the Porto Rican and American capital invested in this manufacture is over $80,000,000, one-half of which is invested in lands and plantations, the other in buildings and machineries. The $37,000,000 corresponding to the investment in machinery would be irredeemably lost if any paralyzation should occur, and this would happen if sugar were included in the free list.

The $38,000,000 corresponding to the inversion made in lands and plantations would decrease by from 40 to 70 per cent. Acres of land which are now sold and bought at $200 would then be worth from $80 to $100. Therefore no less than $56,000,000 would be the cost to the American and Porto Rican capitalists of the measures which I am now discussing in this House. The gentlemen who are to decide with their votes such a serious matter as this is will readily understand that it is necessary to meditate and weigh the pros and cons of this subject very calmly before deciding the fate of an industry on which is based the welfare of a people to whom even the right of voting is denied, while the subject of the discussion is its principal element of vitality.

But there is something more important still. As in the course of 10 years the industry developed and the production quadruplicated, there was more labor required, and wages were raised. The laborer who before 1901 earned 40 cents for his day's work now, in 1912, receives 60 cents and 70 cents. If the field of activity is limited and the type of wages decreased, 100,000 laborers will be without work, and the doors of emigration or beggary will be opened for them; another 100,000 would continue working, perhaps, but under the old rate of wages, without the cost of living—which in 1912 is much more expensive—being reduced parallelly. Free sugar, therefore, signifies, in so far as the laborer of the island is concerned, not a possibility nor a probability, but a certainty of future conflicts and terrible sufferings.

It is convenient to note, on the other hand, the circumstance that the reduction in exportation would be accompanied by a reduction in importation. Porto Rico has an annual income of $10,000,000 on account of the tariff, which opens in the United States an excellent market for its raw sugar, its tobacco, its fruits, for all its products excepting coffee, which already figures in the free list and has no protection whatever. But the merchandise imported during 1911 from the United States into Porto Rico amounted to $34,671,958, and, naturally, the national industries obtain a benefit not less than that obtained by the island. Therefore we are not receiving any gift; it is a transaction of mutual benefit that is no more than just. If Porto Rico should sell less and buy less, the national agriculture and commerce would be greatly affected when the $35,000,000 which they now sell to the Porto Ricans were reduced to $10,000,000 or $12,000,000. The following statistic notes demonstrate the rise of our purchases in the American markets:

From the United States:

1901	$6,965,408
1902	10,882,653
1903	12,245,845
1904	11,210,069
1905	13,974,074
1906	19,124,881
1907	25,686,285
1908	22,677,378
1909	23,618,545
1910	22,097,654

As is seen, the increase is progressive and incessant. Porto Rico, if existing conditions do not vary, will buy of the United States $50,000,000 annually in 1915. If existing conditions do change, then it will buy one-quarter of what it now purchases. And the American producers will undoubtedly suffer the consequences and be prejudiced.

I am obliged to call the attention of the House to another view of the problem—to its political aspect. It is 14 years since the American people occupied the island of Porto Rico and 12 years from the date of the approval of the Foraker Act. This act, as its own title demonstrates, was of temporary character; but, nevertheless, it is still the constitution by which the island is governed, although the Porto Ricans insistently and in all forms, year after year, have been asking Congress to vote for their country a more liberal organic law, which should be more in harmony with the advance of contemporaneous progress and the character of democracy in America.

In Porto Rico the legislative power works under the control of a sort of insular senate, which is called Executive Council, and whose members are appointed by the President of the United States. The efforts of the representatives of the people are always met and crushed by the resistance from this semi-bureaucratical body, which first makes the laws and afterwards apply them if they believe it convenient, or do not apply them if it is deemed better to overlook or forget them.

The executive power is wholly exercised by the governor and his cabinet. The people do not know the tribute they pay, nor are they able to enforce a correct application of the law; and when they protest and make any claim against such conditions they are answered that they are not prepared, because such is the information given to the Federal Government by its agents in the island, who are not disposed to lose the absolute control which the Foraker Act gives them.

The disgust is great, and must be so, among those who are under such regimen, which would be applied and maintained only by a military and aristocratic nation, but which no federation of free and democratic states would apply and uphold.

A party for the independence of the island is at present being organized, and it is based on the growing political discontentment and on the well-founded discouragement of the people. If to this political uneasiness we add the bankruptcy which the ruin of the sugar industry would bring, the country would raise its unanimous protestation to Congress requesting one of the two following solutions:

An ample system of self-government which will enable the country not only to organize its own administration and vote its own laws but also to make its own treaties with other nations and provide good markets for its products.

Or a complete national independence, with or without the protectorate of the United States, which will permit the country, free from all economical or political restrictions, to unfold its own initiatives and to develop its own resources—in one word, to become the owner of itself, as our neighbor, the island of Cuba, is.

The Porto Ricans, even the most ardent lovers of independence, confide in the American people and know that the Congress of the United States will not commit the great injustice of depriving them of the advantages of a protective tariff for the insular products which the island exports and which are consumed here so long as the protective tariff for the products that are exported from here and are there consumed be continued.

By suppressing the duties on sugar the annual benefit of $10,000,000 which our industries now receive would also be suppressed and the United States would then receive $10,000,000 without giving anything in exchange.

Porto Rico expectantly awaits that Congress give one more proof of its high capacity and noble rectitude by avoiding the ruin of a country almost without hope and which has no means of defense. [Applause.]

I ask unanimous consent to be allowed to extend my remarks in the RECORD.

The CHAIRMAN. The gentleman from Porto Rico asks unanimous consent to extend his remarks in the RECORD. Is there objection?

There was no objection.

Mr. UNDERWOOD. Mr. Chairman, I ask unanimous consent that all debate on the pending amendment to the paragraph be now closed.

The CHAIRMAN. Is there objection to the request of the gentleman from Alabama?

Mr. UNDERWOOD. Not on the paragraph, but on the pending amendment.

Mr. GREEN of Iowa. Mr. Chairman, I wish to speak on the pending amendment.

Mr. UNDERWOOD. Then I ask unanimous consent, Mr. Chairman, to close debate on the pending amendment in five minutes, so that the gentleman can come in.

Mr. FOWLER. Mr. Chairman, I would like to speak against the amendment.

Mr. UNDERWOOD. Then, Mr. Chairman, I ask that debate close on the pending amendment in 10 minutes.

The CHAIRMAN. Is there objection? [After a pause.] The Chair hears none, and it is so ordered. The gentleman from Illinois [Mr. FOWLER] is recognized.

[Mr. FOWLER addressed the committee. See Appendix.]

Mr. GREEN of Iowa. Mr. Chairman, it is idle for the gentleman from Georgia [Mr. HARDWICK] to quibble about the statement he has made here on the floor. That distinguished gentleman sat for months at the head of an important committee of this House, taking testimony, and with what result? Every line of that report, every table that is contained in it, every statement that is found therein, not even excepting those of the employees of the Sugar Trust itself, contradicts the statements that have been made by the gentleman and his colleagues upon the floor.

Mr. HARDWICK. Mr. Chairman, I want to congratulate the gentleman on his familiarity with the subject. He evidently knows nothing about it.

Mr. GREEN of Iowa. O Mr. Chairman, I have read the report.

Mr. HARDWICK. Has the gentleman read any page of the record? Will the gentleman cite any statement that I have made on this floor that is not substantiated by that record?

Mr. GREEN of Iowa. I will cite the gentleman's statement here that the beet-sugar industry would not be wiped out, together with the statement in his report that sugar could be raised in Java at a cost of 1½ cents. My colleague from Iowa [Mr. PICKETT] has shown from this report that beet sugar could be produced in Germany at more than a cent a pound less than in the United States. Yet the gentleman from Georgia says now on the floor, after taking testimony to the contrary on that subject, "such will not be the result." Out of your own mouth you are convicted.

And this explains, Mr. Chairman, why it is that our friends on the other side are not ready now to have any hearings or any testimony taken on the subject. They never intended to get it at this time. They started in with the purpose and intent of investigating something else, something entirely different, and they have incidentally gotten facts which they do not want and which they now undertake to repudiate upon this floor.

I want to quote here again from the testimony taken before the committee of which the gentleman from Georgia [Mr. HARDWICK] was the chairman, to contradict a statement to the effect that the full amount of duty was paid by the American consumer. This is taken from the record that the gentleman himself has made, and, inasmuch as there is some dispute about the figures and computations on this matter, I propose to establish the contrary beyond all controversy by citing an actual trade sale.

On the 31st day of March, 1910, or during the two weeks prior to that time 25,000,000 pounds of granulated sugar were sold for export to London at the price of $3.60 per hundred in bond f. o. b. at New York. Upon that there was a drawback which is given upon granulated sugar, amounting to $1.90, making the total price which was received for the sugar $5.55 per hundred pounds. During the two weeks in which that sugar was sold the price on the New York market, as given by the reports filed by the gentleman from Georgia and submitted by his own committee here to us, ranged from $5.10 to $5.20, so that the price below the European parity at that time was from 40 to 45 cents.

Mr. HARDWICK. Does the gentleman think that one transaction settles the prices?

Mr. GREEN of Iowa. I am glad the gentleman has asked that question, because if I had time I would read from the gentleman's own report a statement that that condition continued for all but two months of that year, and only during two months was the price here above the European parity. I favor this amendment because I believe it gives a fair and reasonable protection to the American producer. [Applause on the Republican side].

The CHAIRMAN. Debate on this amendment is closed. The question is on the amendment offered by the gentleman from Iowa [Mr. PROUTY].

The question being taken, on a division (demanded by Mr. GREEN of Iowa and Mr. MORSE of Wisconsin) there were—ayes 45, noes 76.

Accordingly the amendment was rejected.

Mr. UNDERWOOD. Mr. Chairman, I should like to inquire how many Members there are on that side of the House who desire to offer amendments to the paragraph.

Mr. BURKE of Pennsylvania. I desire to offer an amendment.

The CHAIRMAN. The gentleman from Pennsylvania offers an amendment, which the Clerk will report:

Mr. BURKE of Pennsylvania. I move to strike out the paragraph.

Mr. UNDERWOOD. Before the gentleman proceeds, I should like to ask how many real amendments there are which gentlemen desire to offer.

Mr. GOOD. I have one.

Mr. LENROOT rose.

Mr. J. M. C. SMITH. Mr. Chairman, I should like to be heard on the amendment

Mr. UNDERWOOD. Mr. Chairman, I ask unanimous consent that debate on the amendments to this paragraph close at a quarter after 4 o'clock.

Mr. LENROOT. Mr. Chairman, I hope gentlemen who have indicated their desire to offer amendments will not be cut off.

Mr. UNDERWOOD. I will ask unanimous consent, if the gentleman does not have an opportunity otherwise, that he may do so.

Mr. WARBURTON. I should like to be heard.

Mr. MONDELL. Can not the gentleman make the time a little later and close debate at half past 4 on this paragraph?

Mr. UNDERWOOD. Then, Mr. Chairman, I will make the request that the debate on this paragraph close at half past 4, and that a vote be taken then on all pending amendments, and that gentlemen may be recognized to offer amendments when they speak.

Mr. MANN. The amendments to be pending.

Mr. UNDERWOOD. Yes.

The CHAIRMAN. Is there objection to the request of the gentleman from Alabama [Mr. UNDERWOOD]?

There was no objection.

Mr. BURKE of Pennsylvania. Mr. Chairman, I move to strike out this paragraph, for the reason that the manner in which this bill has been brought into this House indicates that it should not receive the support of any Member on either side of the aisle.

On the 2d day of this month the gentleman from Alabama [Mr. UNDERWOOD], chairman of the Ways and Means Committee, introduced into this House the present bill. That was on Saturday afternoon. Sunday intervened, and Monday was the next working day, that being the 4th of March. On the morning of Tuesday the bill was reported back to this House, accompanied by a report, after the lapse of one single working day, with the statement that—

The Committee on Ways and Means have given a great deal of time and consideration to this special feature of the sugar schedule—

A bill involving $53,000,000 of revenue, a bill affecting thousands of employees and $200,000,000 of invested American capital, a bill affecting the people of the United States everywhere under the American flag, introduced in the House and with the lapse of a single working day shot back into the House and then forced through under motions stifling debate. On the 4th of March, one year before their Waterloo, the men behind this bill met, and, according to the committee report, disposed not only of this bill in the Ways and Means Committee, but also of a bill affecting the incomes and business of the American people. The gentleman from Alabama also states, in the report on the income-tax bill, that it is made—

After a very thorough investigation of the field of revenue possibilities—

A very thorough investigation being made between Saturday night and Tuesday morning, and, as I understand it, in harmony with the proceeding on the sugar bill, this income-tax bill, which is called its twin companion, was introduced into the Democratic caucus and adopted without even being read. And these are the gentlemen who have been temporarily swept into power on the cry of "gag rule" in the Congress of the United States. Are we to legislate by Congress or by political party caucus, in which you do not permit even the reading of proposed legislation affecting the American people?

Your committee report further states, or rather the gentleman from Alabama [Mr. UNDERWOOD] stated in the debate, that they would make up this deficiency of $53,000,000 by taxing what he called the "grand idle capital" of the United States. And yet the declared purpose of your revenue bill is to tax business. When did idle capital become business?

I say to you that if this legislation and the other bills which have been introduced by gentlemen on that side of the House become laws there will be plenty of future discussion of idle capital and idle labor on this floor. The American Republic will have an abundance of both. From one end of it to the other distress and disaster will follow if these measures, introduced and driven through the House in this undigested form, become law. [Applause on the Republican side.]

Haphazard methods of legislation, such as this, are repugnant to the entire country. The preponderance of opinion among the American people to-day is in favor of the revision of tariff schedules in the future after and in pursuance of a scientific investigation of the subject by a high-minded, efficient, bipartisan tariff board, such as we have found in the present body in charge of that important governmental work.

Mr. DOUGHTON. Mr. Chairman, I shall vote for this bill, because I believe it will afford a considerable measure of relief to the American people who are staggering under the heavy burden of excessive Federal taxation; and also because we have found a fairer, more equitable, and less burdensome method of raising the revenue which will be lost by the passage of this bill; that is, by taxing wealth by what is known as the excise tax, a tax on net incomes of more than $5,000. By the passage of these two bills the burden will be shifted from the shoulders of the weak to those of the strong. It is a cardinal principle of the Democratic Party that the expense of maintaining the Government, both Federal and State, should be divided in proportion to the ability to pay of those who are taxed. It has been clearly shown and conclusively proven by members of the Ways and Means Committee who have discussed and explained this bill that it will reduce the price of sugar to the consumer to the amount of the present duties about 2 cents per pound, which will save to the people on this article alone more than $100,000,000 annually. And yet the gentleman frm Illinois, the distinguished minority leader, Mr. MANN, still desires information and continues to call for more light on this measure. The sober truth is, that it is not so much light and information that the gentleman needs as it is to have the scales of prejudice removed from his understanding [applause on the Democratic side]; and that is something which no one can be expected to do for a man who believes that the special interests have vested and sacred rights to tax the people, and that one man should be taxed in order to guarantee prosperity to another.

In my opinion, the man who discovers and puts into successful operation and practical use perpetual motion will have passed from the earth more than a thousand years before the man will be born who can convince a stand-pat Republican that the tariff is a tax. [Applause on the Democratic side.] If the information and explanations furnished do not convince him, then he could not be convinced though one rose from the dead.

When at the extra session of Congress last summer the distinguished ex-Speaker of the House, Mr. CANNON, rose in his seat and asked the minority leader to spell for him the word "innocence," that inspired the hope in my mind that both he and his followers had been taught a lesson by the chastisement administered by the American people, and that, though late in life, he desired to atone for the many wrongs committed against the American people and bring forth fruits worthy of repentance by at least allowing some measure of relief to be afforded without bitter opposition and protest. But, alas, my fairest hopes were soon dashed to the ground as I saw the stand-pat element of that party arrayed in solid phalanx and breathing out cursings and threatenings against the Democratic Party for every attempt made to keep faith with the people. Like Pharaoh of old, they continued to harden their hearts, and the sow that seemed to have been washed returned again to her wallow in the mire. [Laughter on the Democratic side.]

What is now bringing the greatest distress to the Republican camp, what is wormwood and gall to its very soul, is the fact that the Democratic Party is keeping the faith by redeeming its pledges made to the American people. The national Democratic platform of 1908 declared for a gradual, not a radical, reduction of the tariff to a revenue basis; but it also declared that articles which come in competition with trust-made articles should be placed on the free list. And the Sugar Trust is one of the most diabolical, arrogant monopolies that ever preyed upon the American people. It has not only plundered and pillaged the people of many millions of dollars, but has robbed the Federal Treasury of equally large amounts by means of false weights, secret springs, etc., which is too fresh in the minds of the people to need discussion at this time.

In 1908 the Republican Party promulgated a new doctrine. It for the first time admitted in its platform that tariff taxes were too high, and pledged that, if again trusted with power, a revision would be had by special session of Congress immediately after the inauguration of the new President. Hitherto the Republican Party had always taught that the tariff was not a tax, or if a tax at all it was paid by the foreigner, and if we continued the high protective system that prosperity would be guaranteed to every line of American industry; that capital would be rewarded by liberal dividends; that labor would be employed on full time at a remunerative wage; and that we would be entirely immune from all financial disturbances, and that prosperity would abide forever. Then why did they abandon this position, which they had taken for a generation, and promise a revision of the tariff—mark you, that they ingeniously used the word revision instead of reduction. Their reason was apparent to everyone; it was born of necessity.

The guaranty which had been given by that party in all of its platforms by all of its candidates from President down to township constable, in all of its newspapers, both daily and weekly, that a continued high tariff meant prosperity had come to naught. The Roosevelt panic, which started in 1907, was in full sweep, banks were closed, factories idle, labor unemployed, and distress abroad in the land, and that at a time when the earth had brought forth abundant crops and when no unusual symptoms of financial distress were being felt in any other part of the globe. Soup houses were the only institutions which were doing a thriving business; the "full dinner pail" had disappeared from the land, and old General Prosperity, that famous old knight, had departed to the realm of the unknown. Under these embarrassing and distressing conditions the Republican Party was forced, if it should have any chance at all of success, to admit what it had always denied—that the tariff was a tax—and promise what it had no intention to perform, a reduction of high tariff taxes. The Democratic Party, still torn by internal strife and dissensions, was unable to marshal all of its fighting strength and the Republican Party was again successful and continued in control of every department of the Federal Government. Pursuant to promise, President Taft, shortly after his inauguration, convened Congress into extraordinary session and recommended a revision of the tariff. And so the dance started, all was merry, joy was unconfined; the gentleman from Illinois [Mr. CANNON] was made Speaker, the gentleman from New York [Mr. PAYNE] chairman of the Ways and Means Committee, the Senator from Rhode Island, Mr. Aldrich, was in charge at the north end of the Capitol. Everyone realized that nothing more than a hollow mockery was to be expected under such leadership.

The work had progressed but a short way till the Democrats and Progressive Republicans began to protest that the schedules, as they were being made, were not reductions but rather increases. Such patriotic Republicans in the House as NORRIS, MURDOCK, WOODS, LENROOT, LINDBERGH, COOPER, and others, and at the other end of the Capitol such distinguished Republicans as Senators Dolliver, CUMMINS, LA FOLLETTE, Beveridge, and BRISTOW voted against the measure and denounced it as a violation of the platform pledges and promises and a betrayal of the American people. It was such a flagrant violation of the Republican platform that the present distinguished minority leader, Mr. MANN, refused to give it his support on the final passage. However, CANNON, Aldrich, PAYNE and company had their way, the President joyfully gave it his indorsement and bestowed upon it his blessing by calling it the "best tariff law ever enacted." During this battle in the House, while the Democrats were unable to prevent the passage of this iniquitous law, they were able, under the leadership of our present wise and distinguished Speaker, to unite themselves into a solid, compact, aggressive party.

In the first two preliminary skirmishes following the enactment of the Payne-Aldrich law, in Massachusetts and New York, where special elections were held, in strong Republican districts the Republican Party was completely routed on its tariff record and Democrats were elected. In the general election of 1910 a Republican majority of 40 in the House was changed to a Democratic majority of 66; Democratic governors were elected in New York, New Jersey, Connecticut, Ohio, Indiana, and even in the rock-ribbed old State of Maine, where for 40 years the Democrats had wandered in the wilderness, a Democratic governor was chosen and a legislature which sent two stalwart Democrats to the United States Senate.

And to-day the Democratic Party is united as it has not been in 20 years; the Republican Party is divided, discordant, belligerent, rent with family feuds, and soiled with fraternal blood, and even President Taft is having to fight with desperation and resort to all the tactics of a ward politician for an indorsement and renomination, which he is by no means certain to receive. His predecessor in office, the man who brought about his nomination and election, is declaring that the President has not kept faith; yet their party will perhaps be forced to give him the nomination, well knowing that if the Democrats still continue to stand together during the remainder of this session of Congress and to fulfill their pledges and keep faith with the people, that he can no more be elected than the law of gravitation can be suspended.

But while President Taft has signally failed as the great heralded reformer, he has more than made good as an agitator, and will go down in history as the greatest agitator ever elected to the exalted position of the Presidency. Our political enemies have often taunted us with the charge that we do too much agitating and that the business interests of the country have been greatly damaged by too much agitation; but what can they say now when it is an undeniable fact that from the time of his inauguration down to the present our distinguished President has kept up a continuous agitation of the tariff question; first, by calling the Sixty-first Congress into extra session immediately

after his inauguration and agitating the tariff; then, by numerous speeches throughout the country after the enactment of the Payne-Aldrich law, trying to placate the people, but finding that the damage was too great and the people too indignant and sore he subsequently admitted that the Payne-Aldrich Act was not a full compliance with the Republican platform, and admitted in the most significant way possible the failure and untrustworthiness of his own party by convening the Sixty-second Congress into extraordinary session and again agitating the question of tariff taxation, as he had done throughout the whole of the Sixty-first Congress, admitting, as no other President had ever done, that his party, after having been in unbroken power for 14 years, had been so derelict in duty that he was forced to renew the agitation by calling the Sixty-second Congress together and appealing to the Democrats for help.

If confession is the strongest possible testimony as to guilt, then what more need be added in this case. Furthermore, at the close of the extra session of the present Congress, after having vetoed the measures of reform passed by the people's representatives, he again served notice on Congress that he would continue to agitate the tariff question again at this present session, which he has faithfully done, knowing at the same time that he would again veto all measures of reform which the people's representatives might enact. When the Republican Party again goes before the people in the approaching campaign with this famous agitator as its candidate, or, perchance, with the apostle of new nationalism, which can mean anything or nothing, to suit the fancy of its author, the man who was such a great terror to the lions of Africa, but at whose feet the lion of monopoly could always sleep with the feeling of utmost security, I say with either of these candidates, representing as they do diametrically opposing views, each denouncing the policies and views of the other, and with its record of extravagance, of broken promises, and unfulfilled pledges, the verdict of the American people will doubtless be, "Depart, ye workers of political injustice and iniquity, we regret that we ever knew you."

On the other hand, the Democratic Party will go before the people—it may be with the distinguished governor of Ohio, who swept that Republican State into the Democratic ranks with a majority of over 100,000; or with the great educational governor of New Jersey, who was elected by an overwhelming majority in that hitherto strongly Republican State; or, perhaps, with one of our dearly beloved sons of this House, with whose public services the country is so well pleased, our distinguished Speaker or the majority floor leader, the chairman of the Ways and Means Committee—and with either of these men as our nominee, with a record of fidelity to the people, political promises redeemed, and pledges faithfully kept, standing for economy and justice, a fair race in life for every man, and for equal opportunities for all and special advantages to none, the people will respond by saying, "Well done, good and faithful servants, ye have been faithful over a few things, ye shall be made ruler over many things." [Applause on the Democratic side.]

[Mr. GOLDFOGLE addressed the committee. See Appendix.]

Mr. J. M. C. SMITH. Mr. Chairman, in the short time allotted to me I wish to speak upon the purpose of this bill, its effect, and why I shall oppose it.

The purpose of this bill is to reduce the cost of sugar. I can not look at it as a reasonable business proposition that the cost of an article will be reduced when the production is curtailed or when the manufacturing industry is destroyed. If the price of sugar is to be reduced, how or where is it to be lowered? If this industry is to be destroyed in the United States, which seems to be almost admitted here, where are we to look for the establishment of the price of sugar? Is it to be in Europe, where the Brussels convention seems to be a monopoly and has full power to direct and control the price and the output of sugar? Do you expect to get your supply from Europe under such an arrangement as they have in Europe now for the output of their sugar? Can a man rise on the floor of this House and say that we are not now getting our sugar cheaper than any country in Europe save England? And if sugar can be sold in other countries for more than it sells for in this country, how do you expect to import from Europe?

During the six weeks of taking testimony and the great agitation upon the subject of the tariff on sugar in this country, I have received but one letter, out of a constituency of more than 200,000, asking me to vote for free sugar, and one letter stating that the writer was opposed to free sugar.

From the minority report of the Ways and Means Committee I find that during the calendar year of 1897—the first calendar year after the passage of the Dingley bill—the amount of sugar consumed in the United States was 2,002,902 long tons. Of this amount 1,483,544 long tons, or 74.1 per cent, paid full duty. During the calendar year 1910 the total consumption of sugar in the United States was 3,350,355 tons, of which amount 72,393 long tons, or 2.1 per cent, paid full duty; and that of the total consumption of sugar in the United States during the calendar year 1910, 2.1 per cent paid full duty, 48.9 per cent paid 80 per cent of the full duty, and the balance, or 49 per cent, paid no duty.

I leave it to any gentleman, as a fair business proposition, whether this magnificent industry ought to be destroyed. I have never been more charmed with the conditions of my country than when I have heard Member after Member rise upon this floor and tell of the development of the production of sugar in this country. Every other nation has aided and protected and built up its sugar industry. The effort now is to wipe it out in this country and to close the factories. A few years ago we had the furnaces put out by the Wilson bill, and now you are going to put out the fires in this magnificent industry by one fell swoop. Who then will fix the price of sugar in America if the beet-sugar industry is destroyed? It will be the Sugar Trust. What has been our experience with the Sugar Trust in the last few years? They have paid in judgments and fines to the Government more than $4,000,000 as penalties for their chicanery, and now we are asked to destroy the industry that is the only competitor of the trust. [Applause on the Republican side.]

Mr. Chairman, it has been said here that the greatest authority, not only in the United States but in the world, upon the sugar industry is Mr. Willett, of the firm of Willett & Gray, of New York. What does he say? He says that when the sugar of the sugar-beet industry comes upon the market the price of sugar immediately falls. I quote from the hearings this testimony of Mr. Willett:

Mr. WILLETT. There is no question whatever, Mr. Chairman, that the coming onto the market in October of the Michigan sugars and other domestic sugars dropped the price from 6.57 in October down to 6.11 in November, and December 5.63.

Will not the price of sugar, then, immediately rise if we destroy the competition? Is it not a plain business proposition to any man here, and will he not say, that we should not destroy this industry which regulates and keeps down the price of sugar, a necessary article of food for every man, woman, and child in the country? We should not turn the sugar-beet industry over to other countries and then pay to those foreign countries between fifty and sixty millions of dollars a year for sugar that we could have produced here. That is no small item. We need to support this Government. We are sent here to vote and to legislate for a great Nation. Is it our duty to cripple and weaken the industries of the country and to receive no benefit thereby? [Applause.]

Mr. Chairman, I am opposed to the passage of this sugar bill because it puts sugar upon the free list. No other civilized nation has sugar on the free list. I am opposed to putting sugar on the free list because it will not only prejudice but utterly destroy one of the most valuable industries of the American farmer and the American people. I am opposed to the passage of the bill because it is against the principles of the Republican Party, which elected me to Congress. I am opposed to the passage of the bill because it is in violation of the principles of the Republican national platform. I am opposed to the bill because, if anything is proven by the hearings and testimony taken by the committee upon the sugar schedule, it is that we can not produce sugar as cheaply in the United States as they can in foreign countries; that the cost of labor there is only one-third what it is in this country. It could not be established more strongly by the testimony, which to me is quite equivalent to an admitted fact, that the free importation of sugar would destroy the industry in this country. The beet-sugar industry in the United States, although scarcely two decades old, has proven one of the most beneficial, prosperous, and satisfactory of all our industries. This bill would deprive our Treasury of $52,000,000 revenue annually and turn our valuable market over to foreign countries.

I was not elected upon a free-trade platform. I was not elected to destroy or cripple the industries of the United States. I was not elected to legislate for the industries or peoples of foreign countries. I was not elected to aid the trusts or build up monopolies. I voted against the Canadian reciprocity treaty because it discriminated against the American farmer and was not a measure that came within the tenets of the party I represent.

The passage of this bill will not only jeopardize but will destroy the sugar-beet industry of the United States. This industry has grown to one of large magnitude in recent years and is the only competitor of the sugar refineries and Sugar Trust in our Republic. If it had not been for the beet-sugar industry, the arbitrary rise in the price of sugar in the fall of 1911 undoubtedly would have continued through the whole season.

It was demonstrated by the testimony taken at the hearings of the committee that the price of sugar established by the American sugar-refining companies—the so-called Sugar Trust—dropped almost immediately after the beet-sugar factories put beet sugar upon the market. The sugar industry is of the utmost importance to our national prosperity. It furnishes a market for one of the most remunerative crops raised by the farmers of the North, of the East, and of the West, as well as to the cane growers of the South.

If the sugar-beet industry of the United States is destroyed, we have only to look to the great sugar refiners for our supply. They then would fix the price—we import no sugar of consequence from Europe. The price of sugar is higher in every country in Europe except England, where it is only a fraction of a cent less, than the price in the United States. The world's price of sugar is not fixed by competition, but by manipulation by the Brussels convention in Europe and by the Sugar Trust in the United States. It would be a good business policy for us to keep at home the millions of dollars paid by us annually to foreign countries for sugar.

Mr. Chairman, I am in favor of such a reduction of the tariff on sugar as will equalize the difference in the cost of production in this country and in foreign countries, so that our American farmers and laboring men will be protected against the cheap labor of other sugar-producing countries. I am in favor of a Tariff Board or Tariff Commission and a scientific revision of all our tariff laws based upon the report of such a nonpartisan scientific board of experts appointed to investigate the cost of production in this country and in foreign countries. The people are in full accord with this or a similar commission, and to abolish the same would meet with their disapproval.

The Ways and Means Committee have reported that it costs 3.54 cents per pound to manufacture beet sugar in the United States and 2.415 cents per pound in Germany. It costs practically the same to manufacture cane as beet sugar in the United States. This shows that it costs 1.125 cents per pound less to produce sugar in Germany than in the United States, and in the absence of the report of the Tariff Commission I would favor a reduction of the tariff on sugar to meet this difference.

The people of the United States consumed 7,663,000,000 pounds of sugar in the year 1911, equivalent to 3,821,000 short tons. Of this vast amount sugar beets produced 550,000 tons from 35,000,000 tons of sugar beets raised by the American farmers. Sugar beets are grown in 16 different States of the Union. There were in operation 71 beet-sugar factories in the year 1911, and at the present time there are many new factories awaiting the action of Congress on this schedule. The factories are located as follows:

Arizona	1
California	10
Colorado	17
Idaho	4
Illinois	1
Kansas	1
Michigan	17
Minnesota	1
Montana	1
Nebraska	2
Nevada	1
Ohio	3
Oregon	1
Utah	6
Iowa	1
Wisconsin	4

The following is a practical estimate of the condition of the sugar-beet industry in the United States in the year 1910–11:

Number of acres of sugar beets raised	400,000
Amount paid to American farmers for sugar beets	$21,000,000
Amount invested in various factories in the United States	$100,000,000
Amount paid for labor in the growing of beets and the manufacture of the sugar	$23,000,000
Tons of sugar consumed in the United States	3,500,000
Tons of beet sugar grown and manufactured in the United States	550,000
Tons of cane sugar from Texas and Louisiana	350,000
Tons of sugar imported from our colonial possessions, duty free	1,000,000
Short tons imported from Cuba	1,600,000

This magnificent industry has grown up in recent years, receiving its first real impetus from the Dingley tariff law of 1897.

In Michigan raising sugar beets is an industry especially valuable to the farmer. In the year 1911 there were grown in Michigan 152,000 acres of sugar beets, which produced about 140,000 tons of sugar. There was paid out to the Michigan farmers last year for sugar beets the sum of $8,000,000. The capital invested in factories in Michigan alone is approximately $17,000,000, and there was paid out for labor to operate the factories more than $2,000,000. The destruction of the sugar-beet industry will be a great injury to Michigan and the Michigan farmers and prove costly to the consuming public. The sugar-beet industry in Michigan reaches out and affects other allied business, and in its production consumed last year 250,000 tons of Michigan coal, 100,000 tons of Michigan limestone, and 420,000 barrels made by Michigan workmen. All this in addition to the benefits accruing to the farmers engaged in raising beets and the workmen employed at good wages in Michigan sugar factories.

The effective tariff is that levied on Cuban sugar, and is $1.34 to the hundred pounds. The United States is not the only country that charges a tariff upon imported sugar. The tariff charged is for the double purpose of raising revenue and encouraging and protecting the home industry in the production of beet sugar, except in the case of England, which produces no sugar and has a tariff purely for revenue. The following table shows the duty charged in the different countries per hundred pounds:

England	$0.40
Germany	2.00
France	2.19
Russia	5.50
Austria-Hungary	3.99
United States duty on Cuban sugar	1.34

So it is readily seen that the United States by imposing a duty upon imported sugar is only following the custom of the principal sugar-producing countries of the world in protecting its sugar industry and raising revenue.

The effect of putting sugar on the free list in the United States would be to destroy the sugar-beet industry and turn that industry over to the uncertainty of conditions in foreign countries and the Sugar Refining Trust of the United States. The farmers and sugar-beet growers are actual producers of property and wealth. The refiners are not. They only change the condition of raw sugar into its refined state.

Senator BRISTOW, of Kansas, during the course of debate in regard to free raw sugar had this to say in the Senate:

> The only competitors of any consequence that the American refiners have in this country are the American beet-sugar producers, and free raw sugar from the West Indies would, as the Senator from Utah knows, destroy the beet-sugar industry in the United States and thereby destroy the only competitor that the American sugar refiner has. If he can have free raw sugar, so that he could get it from the West Indies without paying any duty, it would then cost him $1.34 a hundred less than it does now. Having a monopoly of the refining business in the United States, he would be able to crush the beet-sugar industry in this country. Therefore he is now engaged in a propaganda to induce the American Congress to repeal all sugar duties.

And the gentleman from Nebraska, Judge NORRIS, in opening his remarks in the House to-day on the sugar schedule, said:

> Mr. Chairman, I think it will be admitted by all candid-thinking men that if the bill is passed without amendment the result will be that all the beet-sugar factories in the United States will have to suspend operation and go out of business.

Mr. Chairman, the price of sugar has steadily fallen in this country during the last 40 years, and I believe, if our sugar industry is properly protected by a reasonable import duty that it will fall still lower, as the farmer and the manufacturer become more efficient in growing the crops and manufacturing the sugar. In 1870 we were paying 13.51 cents per pound wholesale for our sugar; in 1880 we paid 9.8 cents; in 1890, 6.27 cents; in 1900, 5.32 cents; and in 1909 it had fallen to 4.76 cents per pound wholesale. At the present time it is around 5.5 cents.

Taking the tariff off hides did not reduce the price of harness, shoes, or leather goods to the consumer, and taking the tariff off sugar will not permanently reduce the price, because the price is not now fixed by competition, but in Europe is controlled by the Brussels convention and in America by the Sugar Trust, based upon European quotations, except where the American sugar refiners are brought in competition with the domestic product.

The following table, taken from the majority report of the Ways and Means Committee, shows the growth of the industry in the United States and the production and imports from 1879 to 1909, inclusive:

Production, imports, exports, and consumption of sugar in continental United States for selected years: 1879 to 1909.

Year.	Production.			Imports.			Exports.	Retained for consumption.
	Total (tons).	Cane (tons).	Beet (tons).	Total (tons).	From noncontiguous United States (tons).	From all other countries (tons).		
1909	835,800	334,100	501,700	2,887,100	927,800	1,959,300	94,600	3,628,300
1904	668,900	415,000	253,900	2,392,500	591,000	1,801,100	13,700	3,047,700
1899	243,000	161,300	81,700	2,009,000	313,400	1,695,600	13,500	2,238,500
1889	153,100	150,600	2,500	1,467,000	280,600	1,186,400	23,700	1,596,400
1879	90,800	89,400	1,400	914,600	139,200	775,400	20,300	985,100

All the sugar we consume could be grown and produced from sugar beets raised by the American farmer. The Secretary of Agriculture officially states—Senate Document No. 22, Sixty-first Congress, first session, page 28—that there are 274,000,000 acres of sugar-beet land in the United States, and that if 1 acre in 50 suitable for beet culture were put out to sugar beets it would supply all the sugar used in the United States in any one year, and that in some parts of the United States the soil and climatic conditions possess material advantages over those of Europe.

The reason the United States can not compete with foreign countries in the production of sugar is that our farmers are paid more for their beets and our laborers are paid more for their work.

Germany in the last three years produced an average of 2,082,000 tons of sugar each year on 1,107,000 acres of land. This is nearly two-thirds of the sugar consumed annually in the United States. In the United States we have 274,000,000 acres of land suitable for beet culture, so there is no question but that we have a sufficient area to supply the United States many times over if a small part of the sugar area were planted with beets and we had the sugar factories and sugar-factory capacity to do the manufacturing.

Before the Ways and Means Committee in 1909 Mr. W. H. Baird, who had made an inspection of the American and European factories for that purpose, testified as to the wages paid in the different countries. I incorporate his statement as to the wages paid in this country and in foreign countries.

American wages.	European wages.
General foreman, $150 to $160 per month	Germany, $22 to $37.50 per month.
Beet shed men, 22½ cents per hour	Germany, 5 cents per hour; Austria, 7 cents per hour.
Flume feeders, 17½ cents per hour	Germany, 6½ cents per hour; Austria, 7 cents per hour.
At the beet washers, 17½ cents per hour	Germany, 5 cents per hour; Austria, 5½ cents per hour.
At the beet cutters, 20 to 25 cents per hour	France, 8 to 10 cents per hour.
Sharpening knives, 22½ to 27½ cents per hour	France, 5.7 to 10 cents per hour.
At the diffusion battery, 25 cents per hour	Germany, 6 to 10 cents per hour; Austria, 4 to 5 cents per hour; France, 9 to 10 cents per hour.
Battery helpers, 20 cents per hour	Germany, 4 cents per hour; Austria, 4 to 6 cents per hour; France, 9 to 10 cents per hour.
Carbonation men, 25 cents per hour	Germany, 5 cents per hour; Austria, 5 cents per hour; France, 8 cents per hour.
At the filter presses, 17½ to 25 cents per hour	Germany, 4 to 5 cents per hour; Austria, 5 cents per hour; France, 7 to 8 cents per hour
Evaporation men, 25 cents per hour	Germany, 4.4 cents per hour; Austria, 5.8 cents per hour; France, 8 cents per hour.
Vacuum-pan boilers, $100 to $125 per month	Germany, $18 to $22 per month; Austria, $18 per month.
Firemen, 25 cents per hour	6½ to 7 cents per hour.
Boiler cleaners, 20 cents per hour	France, 6 cents per hour
Blacksmiths, 40 cents per hour	Germany, 7½ cents per hour; Austria, 7 cents per hour; France, 8 cents per hour.

Factory wages per day in the United States.

California:	
White	$2.00 to $2.75
Asiatics	2.10 to 2.50
Colorado:	
Whites	2.50 to 2.75
Asiatics	2.50
Utah, whites	2.50
Field labor	1.65 to 2.50

Just how the American beet-sugar companies can produce sugar as cheaply as it is produced in foreign countries while paying so much more for their beets and higher wages to their workmen, is not quite so apparent; but, as in the case of tin plate, pearl buttons, steel rails, picture cards, and other manufactured articles, if given an opportunity and a reasonable protection, there can be no question but that, with our superior machinery and the permanent investment of American capital and the application of American skill and workmanship, in another decade or two, at the furthest, we will produce in the United States all the sugar we consume, and the price will be reduced and kept down by fair competition.

The report of the committee seems to have given great importance to the testimony of Mr. Claus A. Spreckels, who is the president of the Federal Sugar Refining Co., and who testified before the committee that beet-sugar factories located in proper localities, such as Colorado, California, Utah, Idaho, and Oregon, should and, he was informed, did produce granulated sugar at 2.5 cents per pound.

The committee reports that the average cost of producing beet sugar in 11 plants in the United States is shown to be 3.54 cents per pound. This is a fair average of the cost of producing a pound of beet sugar. Of this amount there is paid to the farmer 2.4 cents per pound for the sugar in the beets before refining and to the manufacturer 1.14 cents per pound for manufacturing the beets into sugar.

The beet-sugar factories pay $6 per ton for beets that produce 250 pounds of sugar to the ton. This is 2.4 cents a pound to the farmer for the sugar in his beets, and allows 1.14 cents for manufacturing, providing the total cost is 3.54 cents per pound.

In the committee hearings it was shown that the cost of producing beet sugar for the season of 1910–11 for each of the following companies was as follows:

	Per 100 pounds.
Michigan Sugar Co	$3.48
Great Western Sugar Co	3.43
Billings Sugar Co	3.49
Scott's Bluff Sugar Co	3.85
Amalgamated Sugar Co	3.05
Lewiston Sugar Co	3.03
Utah-Idaho Sugar Co	3.53
Alameda Sugar Co	4.32
Spreckels Sugar Co	2.70
Menominee Sugar Co	4.39
Continental Sugar Co	4.08
Iowa Sugar Co	5.14
Carver County Sugar Co	3.75

These are the figures for the year 1910–11, and they do not cover the items of selling expense, including brokerage, discount, insurance, and storage, nor do they include any charge for plant depreciation or interest on the investment.

The price of sugar is shown by the following table taken from the majority report of the committee, and shows that even in the United States, with a tariff, the price of sugar is lower than in any of the principal countries of Europe except England, which does not produce sugar, but levies a duty of 40 cents per hundredweight for revenue.

Average quotations, net cash, in cents per pound, in 1910.

Country.	Raw in bond.	Tax refined.	Wholesale refined tax paid.	Refined in bond.
England	2.843	0.400	4.101	3.705
Germany	2.656	1.510	5.150	3.640
Austria	2.593	3.498	7.298	3.800
France	3.134	2.380	6.450	4.070
United States	2.840	1.900	4.972	3.532

Another table which I wish to incorporate in my remarks is taken from the same committee report, and is a comparison of the export price of sugar at Hamburg and the wholesale price of the same at New York, from 1900 to 1911, inclusive:

Year.	Raw sugar.			Granulated sugar.		
	Export price at Hamburg.	Wholesale price at New York.	Difference between export price at Hamburg and wholesale price at New York.	Export price at Hamburg.	Wholesale price at New York.	Difference between export price at Hamburg and wholesale price at New York.
	Per 100 lbs.	*Per 100 lbs.*	*Per 100 lbs.*	*Per 100 lbs.*	*Per 100 lbs.*	*Per 100 lbs.*
1900	$2.24	$4.56	$2.32	$2.64	$5.32	$2.68
1901	1.88	4.04	2.16	2.20	5.05	2.76
1902	1.43	3.54	2.11	1.79	4.45	2.66
1903	1.81	3.72	1.91	2.11	4.63	2.52
1904	2.14	3.97	1.83	2.55	4.77	2.22
1905	2.55	4.27	1.72	3.00	5.25	2.25
1906	1.87	3.68	1.81	2.31	4.51	2.20
1907	2.05	3.75	1.70	2.40	4.65	2.25
1908	2.29	4.07	1.78	2.63	4.95	2.32
1909	2.35	4.00	1.65	2.78	4.76	1.98
1910	2.74	4.18	1.44	3.22	4.97	1.75
1911	2.82	4.45	1.63	3.20	5.34	2.14

I call attention to the fact that this table gives the market price, but not what the refiners paid for their sugar during 1911 or what was the occasion of the sharp rise in the price during the fall of that year.

I have received from the Bureau of Statistics a statement showing the imports of sugar into the United States from Cuba and the Philippines and the domestic shipments of sugar to the United States from Hawaii and Porto Rico during the calendar years 1909, 1910, and 1911. The statement proves conclusively that there was no shortage in the sugar crop to warrant the arbitrary rise in prices last fall, and is as follows:

	1909	1910	1911
	Pounds.	*Pounds.*	*Pounds.*
Cuba	3,250,337,047	3,673,173,609	3,192,697,935
Philippine Islands	108,498,523	217,771,700	401,748,935
Hawaii:			
Unrefined sugar	1,032,082,985	981,143,651	1,106,409,289
Refined sugar	33,927,400	27,575,800	29,305,650
Porto Rico	502,568,682	625,982,342	653,819,797

The question arises as to how much the refiners paid last year for their raw material, all of which was imported from our insular possessions and Cuba except 200,000 tons imported from foreign countries. The shortage was not sufficient to warrant a rise in price of 2 to 3 cents a pound. If it be claimed that the tariff was the cause of the increase in the price of sugar, it no place appears that the refineries paid more for their raw sugar during the year 1911 than during previous years. It seems that the increase in the price of the sugar during the year 1911 was an arbitrary raise on the part of the sugar refineries and that the price was reduced only when the beet-sugar companies put their sugar upon the market, in October, 1911. If the beet-sugar manufacturers were able to reduce the price in the year 1911, they can do so any other year, and in this will greatly benefit the consumer.

How much the beet-sugar companies of the country reduce the prices of the refiners is not known, but if it had not been for the beet-sugar companies the consuming public undoubtedly would have had to pay an increased price of at least 2 cents per pound indefinitely. This was a direct saving to the public of more than the whole tariff duty and an object lesson to the Sugar Trust. It is estimated that the consumption of sugar in the United States amounts to 70,000 barrels of sugar a day. A barrel of sugar weighs 350 pounds, and an increase of 2 cents a pound, or $7 a barrel, would amount to $490,000 a day. The unjust, arbitrary, and unwarranted advance in the price of sugar last fall shows the avariciousness of the trust and its disregard of fair dealing.

The reason given for the increase in the price of sugar last fall was the shortage of the crop in Europe on account of the drought. This argument loses weight when it is known that we imported practically no sugar from Europe during the year 1911 and that we found a full supply for our needs in the United States and from our insular possessions and Cuba. If the mere rumor of a shortage of crop in Europe is sufficient to increase the price abnormally 2 to 3 cents a pound, it can readily be seen how sensitive the sugar market is to mere rumors, and in no instance can the sugar business of this country become stable when the price is subjected to fluctuation from mere talk. What will be the rumor next year? Will it be floods or drought? We ought not to subject this important industry to the mere caprice of foreign conditions, but it should be established on a firm basis, an American policy, a permanent condition, and, above all, we should manufacture our own sugar and assert our own independence in that regard.

That the refiners will take advantage of every condition to benefit themselves, with small thought as to the welfare of the country or the rights of the public, is abundantly proven by a reading of the history of the proceedings had against them in our courts in recent years. And even now the Government is pushing its prosecution of them for illegal practices, notwithstanding that these same sugar refiners have been repeatedly convicted of defrauding the Government, by short weights and otherwise, and have paid vast sums into the Treasury of the United States as penalties for their misdeeds and sharp practices.

In New York alone the sugar companies have been made to disgorge the following amounts from their store of ill-gotten gains:

American Sugar Refining Co.:	
March, 1909, judgment for penalties	$135,486.32
April, 1909, settlement of other penalties and duties	2,000,000.00
Jan. 30, 1911, amount collected for drawbacks fraudulently withheld	700,000.00
Arbuckle Bros.:	
Dec. 4, 1909, duties and penalties	695,573.19
National Sugar Refining Co.:	
Feb. 19, 1910, duties and penalties	604,304.37

And will it be claimed that the consuming public will receive just treatment, fair prices, or a square deal at the hands of these great sugar-refining companies if all competition is destroyed and our American beet-sugar industry put out of business?

From a business standpoint there is every reason why we should give support to and encourage the beet-sugar industry in the United States. We have in this country favorable conditions for sugar-beet culture, and by American ingenuity and the efficiency of our more intelligent laborers we ought to overcome the handicap of lower wages in foreign countries in due time.

It has been testified to by a number of expert witnesses at the hearings of the committee that removing the tariff on sugar would destroy the beet-sugar industry of the United States. If this is correct, and we are to rely on or believe such testimony, is it possible that any Member of this body believes that the consumers of sugar in this country would get a square deal from the Sugar Trust in the matter of prices when all competition from the beet-sugar companies had been swept away? Judging the future by the past, we have no ground for such a faith.

Mr. Chairman, I am loath to think that there are any who would be in favor of the destruction of this industry for the benefit of the Sugar Trust, and I submit from the testimony that such would be the effect.

Mr. Willett testified during the hearings:

We had a very present example—

This year—

that the moment our American beet-sugar production became available on the market the rise stopped, and, owing entire and totally to this American production, refined sugars were a cent and a half lower than they were at the highest point. But for that American production we to-day would be buying sugar at the world's prices. We can not get rid of it. There is no other source from which we could get sugar.

Mr. SULZER. And another way to get cheaper sugar for the people of the United States would be to encourage the production of beet and cane sugar in the United States and in our insular possessions?

Mr. WILLETT. Yes, sir.

Now, let us see who it is that wants the duty taken off raw sugar. According to the hearings before the committee the gentlemen who were the most insistent that this action be taken were the following philanthropists and benefactors of the poor: Claus A. Spreckels, president of the Federal Sugar Refining Co.; Charles Heike, secretary of the American Sugar Refining Co. from 1887 to 1910; William G. Gilmore, a partner of Arbuckle Bros., sugar refiners; James H. Post, president of the National Sugar Refining Co.; William A. Jameson, another partner of Arbuckle Bros., sugar refiners; Edwin F. Atkins, vice president and acting president of the American Sugar Refining Co.

And Mr. Heike testified that if the duty were removed on sugar we could produce neither cane nor beet sugar in this country, the following being his reply to an inquiry of Congressman FORDNEY:

Mr. FORDNEY. Now, if the duty were removed absolutely on sugar could we produce either cane or beets in this country?

Mr. HEIKE. I doubt it very much.

Mr. FORDNEY. Then that would destroy the industry absolutely in this country?

Mr. HEIKE. Yes.

Now, Mr. Chairman, I wish to incorporate in my remarks a little testimony at first hand from some of the farmers of my own State in regard to the great benefit to the soil of raising sugar beets, and also a statement showing the cost per acre of raising and marketing the crop:

I wish to say that I have grown sugar beets for the last three years and I can truthfully say that the growing of sugar beets is a benefit to the soil if the crop is given proper rotation. I have received the best results by following the crop with a crop of oats. This season (1909) I thrashed from 5 acres of measured ground, which was in sugar beets last season, 270 bushels of oats, or an average of 54 bushels per acre. The balance of my oat crop which was on ground following a corn crop (equally as good soil) is yielding about 40 bushels per acre. Therefore I feel that I am justified in making this statement. (Alex. Larkins, Carleton.)

I have raised beets for the last seven years and have averaged about 16 tons per acre. I also find that oats will do better on the ground where I raise beets than they will on other ground. This year the oats on my beet ground produced 75 bushels per acre, while the others only produced about 60 bushels per acre. (Sam Seizert, Blissfield.)

In regard to beet culture, I wish to say that I have raised sugar beets for six years and consider it one of the most profitable crops that a farmer can raise. Not only because he gets the greater return for his labor, when they are properly cared for, but because the ground is left in the best possible condition for the next crop, for since raising sugar beets my land has been gradually increasing her yield per acre. The increase in yield of oats has been from 15 to 25 per cent, or from 40 or 45 to 55 bushels per acre, and on wheat the increase has been about the same. When I have raised beets two consecutive years on the same piece of ground and then sowed oats they were extra. We as farmers are satisfied that we get better crops since raising beets. (S. S. Teed, Middleton.)

In regard to the condition of ground that beets have been grown on, will say that I have grown beets quite extensively and find that it is an improvement rather than a detriment to the soil. In 1901 I grew 2 acres of beets; went about 18 tons per acre; followed with beets, besides adding 29 acres, making 31 acres for 1902, average yield, about 11½ tons. Out of 31 acres, 17 acres to beans following, yielding 14 bushels per acre. Same 12 acres to wheat, yielding 37 bushels per acre, following with the biggest crop of hay ever cut in the neighborhood, and 5 acres of 17-acre bean ground went to oats the following spring, yielding 53 bushels besides one-third loss on account of being lodged, average for year in neighborhood being about 27 bushels. In 1904 had 2½ acres of beets, yielding about 9 tons, following with oats yielding 45 bushels per acre; average in neighborhood, about 30 bushels per acre. In 1905 had 40 acres of beets, 8 tons; following 8 acres to beets again, yielding about 10 tons second year; following next with oats yielding 51 bushels per acre. Balance of 40 acres, 12 acres went to beans; balance of 20 acres were sown to oats, yielding about 47 bushels per acre; following same with wheat, yielding about 28 bushels, when average in neighborhood was about 13 bushels. In 1906 had 14 acres to beets, about 10 tons yield, following same with 14 acres to oats, yielding about 47 bushels per acre; then to wheat, yielding 28 bushels per acre; average for wheat that year in neighborhood about 13 bushels per acre. In 1907 had 17 acres in beets, average about 11 tons. Of 17 acres 3 acres went to oats, and seeded 6 acres to beets again, yielding about the same, and balance of 17 acres, or 8 acres, went to oats, yielding 68 bushels per acre; then to wheat, yielding this year 38 bushels per acre, and good seeding in sight. In 1908 had 15 acres of beets, about 10 tons average yield; 12 acres now to oats with a prospect for a bumper crop, and balance of 15 acres, or 3 acres, are to beets again this year. This year have 26 acres to beets with good prospect for 11 or 12 tons. This report was made and kept on one of my "eighties." On the other have grown in the last four seasons, including 13 acres this year, 71 acres, with about the same results in regard to following crops, although have no record of different fields and yield. (W. J. Davis, Sunfield.)

It gives me great pleasure in having a chance to show to my brother farmers the little I know about sugar beets placing the soil in a better chemical condition for other grain crops than any other crop in the rotation. On a 6-acre lot of beets I harvested 11 tons per acre of beets. I followed the beets with barley and got 50 bushels per acre, an increase of 50 per cent as compared with crops raised by my neighbors and myself formerly. The above 6 acres was put to wheat after the barley and made 35 bushels per acre, and the stand of clover is good for sore eyes. I am more than satisfied with the beets, not alone for the money crop, but also the permanent good to the land. (W. L. Huber, Charlotte.)

The following shows the average cost of raising an acre of sugar beets and marketing the crop, and shows that a large part of the expense is labor. And I submit that it is better for our domestic prosperity that this money should be earned and spent in this country than that we should turn to foreign lands for our sugar:

Fall plowing	$1.50
Harrowing, disking, and planking	2.00
Seed, 20 pounds, at 10 cents per pound	2.00
Drilling the seed	.75
Hand labor, which consists of blocking and thinning, weeding twice, pulling, and cutting off the tops	20.00
Six horse cultivations	3.00
Hauling (varies with the tonnage and distance to the factory or beet dump)	6.00
Rent	5.00
Incidentals, including depreciation of machinery and interest on the investment	1.00
Fertilizer, 125 pounds	1.75
Total	43.00

Mr. Chairman, this is a contest between the beet and cane growers of the United States on the one side, and the sugar refiners on the other. For me I cast my lot with the producers, believing that by removing the tariff there will be a great American industry ruined and no permanent, substantial reduction in the price of sugar to the ultimate consumer. Europe is the great sugar-producing country of the world. It has built up its sugar industry by tariffs and bounties. The price of sugar in Europe is controlled by the Brussels convention, and the proceedings in the United States courts against the sugar refineries in our own country are based upon the fact that they are a trust. The industry outside of America and its possessions is guided and directed by a combined agreement which limits the output in Russia, which stifles competition in England, and manipulates the trade of the great countries of Germany, France, Austria, and Holland.

I ask every Member of this great law-making body to protect by his vote this American industry in the interest of the producer, the consumer, and the country as a whole.

Mr. MARTIN of Colorado. Mr. Chairman, I think I can understand, if I can not sympathize with, the desire of gentlemen to rush this legislation through this House with just as little noise as possible. I have no doubt they would like to deliver this measure out of this body as silently and expeditiously as it was conceived in the committee and ratified in the caucus, and that, I think, Mr. Chairman, was a record in such legislation, considering the fact that this measure involved the certain wiping out of between fifty and sixty millions of dollars of revenue and the certain crippling and possible wiping out of a great American industry. Confronted with a situation such as that, I think that any time for the consideration of this bill would be too much time for those gentlemen who favor it. But perhaps I ought not to be too severe in my observations about the manner of enacting such important legislation, because I am perfectly well aware of the fact, notwithstanding what the vote on this bill will be, that there are many gentlemen on this side of the House whose position with reference to this legislation differs from mine only by reason of the fact that I am knocking it publicly as well as privately. I know full well, Mr. Chairman, that they are just as relieved as I am by the knowledge that it will soon be on its way, destined neither to reach its destination nor to return to its origin.

Mr. Chairman, while five minutes may be ample time for gentlemen who have anything to say in favor of this bill [laughter], it is very little time indeed for a man who has many things to say against it. I can not consume the balance of my few precious minutes in general observations, but I want gentlemen here present who listened to the opening statement of the majority leader on yesterday to take their CONGRESSIONAL RECORDS and turn to page 3442 and follow what I have to say. The following colloquy appears near the bottom of the second column on that page:

Mr. MARTIN of Colorado. Mr. Chairman, I dislike to interrupt the gentleman from Alabama, but I am very anxious to ask him a question on the point that he is just making. I am not sure that the figures which I have are correct, I am not authority for them, but I have been informed that for the 4 years during the operation of the McKinley bill, under free sugar, the average wholesale price of sugar in New York City was $4.84 per hundred, and that during the 16 years since that time, excluding last year, the price ranged about $4.60 per hundred; in other words, the average price for the 4 years under the McKinley bill, the wholesale price, ranged slightly higher than it did during the 14 years succeeding, under the Dingley law.

Mr. UNDERWOOD. Mr. Chairman, the gentleman is mistaken. Here are the figures:

Average American prices of raw and refined sugars before and after formation of the trust (terms net cash).

[Bureau of Statistics, Department of Commerce and Labor.]

Years.	Raw 96° test centrifugals.	Tariff changes.	Refined granulated.	Margin between raw and refined.
	Cents.		*Cents.*	*Cents.*
1885	5.729	June 1, 1883: 90°, 2.24; 4 cents per degree; refined, 3½. Apr. 1, 1891: Raws free; refined, ½ cent; bounty on domestics. Aug. 28, 1894: Raws, 40 per cent; ½ cent added for refined; 1/10 cent countervailing duty. July 24, 1897: 1.685, 3½ cents per degree; refined, 1.95.	6.441	0.712
1886	5.336		6.117	.781
1887	5.245		6.013	.768
1888	5.749		7.007	1.258
1889	6.433		7.640	1.207
1890	5.451		6.171	.720
1891	3.863		4.691	.828
1892	3.311		4.346	1.035
1893	3.689		4.842	1.153
1894	3.240		4.120	.880
1895	3.270		4.152	.882
1896	3.624		4.532	.908
1897	3.557		4.503	.946
1898	4.235		4.965	.730
1899	4.419		4.919	.500
1900	4.566		5.320	.754
1901	4.047		5.050	1.003
1902	3.542		4.455	.913
1903	3.720		4.638	.918
1904	3.974	Jan. 1, 1904: Cuban sugar, raw, 1.348	4.772	.798
1905[1]	4.278		5.256	.978
1906[2]	3.686		4.515	.829
1907	3.756		4.649	.893
1908[3]	4.073		4.957	.884
1909	4.007	Aug. 6, 1909: Refined, 1.90	4.765	.758
1910[4]	4.188		4.972	.784

[1] Decrease in European crop supply of 1,000,000 tons.
[2] Increase in European crop supply of 2,000,000 tons.
[3] Short crop in Cuba.
[4] Short crop in Europe.

Mr. Chairman, the figures were not available to me at that time, but they have been put into the RECORD since, and I have analyzed them and I have done some adding and dividing, and I find, according to the gentleman's own figures, this result: That while during the four years of free sugar under the McKinley bill the average wholesale price of sugar in New York was $4.50 per hundred pounds, during the 16 succeeding years, under a duty of $1.95 per hundred on refined sugar, the average wholesale price was only $4.77½. What does that mean? It means that under a duty of $1.95 per hundred pounds the wholesale price advanced only 27½ cents per hundred pounds.

Mr. Chairman, if there has been any one statement vociferated on this floor since this debate began yesterday noon, it is the proposition that upon sugar, above all other things, was it demonstrated that the tariff was an exact addition to or an exact subtraction from the price of the article; that just as the tariff went down the price of sugar went down, and just as the tariff went up the price of sugar went up.

But that is not all. Mr. UNDERWOOD's table shows, in the footnotes, a shortage of 1,000,000 tons in the European sugar crop in 1905, a short crop in Cuba in 1908, and a short crop in Europe in 1910; and these notations are given to explain the increase in prices for those three years, which, of course, increased the average of prices for the 16 years under the Dingley law.

Assuming that with normal crops the price of sugar in each of these three years would have remained the same as in the preceding year, and deducting accordingly, we find the wholesale price of sugar for the 16-year period averages $4.71, an increase over the free-sugar period of only 21 cents per 100 pounds.

There can be no doubt the tariff duty adds to the price of sugar in this country, but that it adds the full duty, or half the duty, is clearly refuted by the table of prices furnished by the chairman.

The CHAIRMAN. The time of the gentleman from Colorado has expired.

Mr. MARTIN of Colorado. I ask permission to extend my remarks in the RECORD.

There was no objection.

THE SPRECKELS CANE-SUGAR REFINERIES CARRIED ON THE FREE-SUGAR PROPAGANDA.

Mr. MARTIN of Colorado. I am opposed to the pending free-sugar bill for several substantial reasons:

First. I am not a free trader, and the pending measure affords neither protection nor revenue, but is a free-trade measure pure and simple.

Second. I pledged myself to my constituents and was pledged by my party State platform against free trade in sugar, which will seriously injure, if not destroy, our beet-sugar industry.

Third. This bill is in clear violation of the last Democratic national platform, which declared for material reductions in the tariff on the necessaries of life and for free trade only upon wood pulp, print paper, lumber, timber, and logs.

If you say that sugar is a trustized product and ought to go upon the free list, then I reply that you are discriminating against this industry when you leave upon manufactures of steel rates of duty which you admit are just as prohibitive as the existing rates and in addition give the Steel Trust free iron ore and a 50 per cent reduction on pig iron, thereby actually increasing its margin of profit.

The steel industry is trustized; it is shown by the reports of the Stanley steel committee and the Hardwick sugar committee to be much worse trustized than sugar; therefore put steel on the free list. The woolen and cotton manufacturing industries are trustized, therefore put manufactures of wool and cotton on the free list. Be consistent or be silent.

Fourth. The propaganda for free sugar was instigated by the Sugar Trust, whose principal refiners have appeared before the Hardwick sugar committee and advocated free sugar, and this propaganda has been carried on by the wholesale patrons of the Sugar Trust in the United States. I shall insert in my remarks an editorial from the New York American approving this bill, for the reason, among other things, that the Sugar Trust has heretofore written the sugar schedules, both Republican and Democratic, under Cleveland as well as McKinley; and I shall place in juxtaposition the testimony of the Sugar Trust refiners, including its criminally convicted secretary, before the Hardwick committee, advocating at this time free sugar, as well as the testimony before that committee showing the persistent and consistent efforts of the Sugar Trust, which consists of the cane-sugar refiners of the United States, to destroy or control its only competitor in this country, the beet-sugar industry.

Some gentlemen on this side profess to attach great weight to the flood of sugar petitions prepared by one F. C. Lowry, the paid agent of the Spreckels refineries, and circulated by him under the name of a fake committee of 24 wholesale grocers, who naturally expect to divide with the refiners the hog's share of the tariff.

I have here a bunch of these petitions inclosed to me in a letter from Mr. Lowry, written on his fake committee letterhead, which I shall insert in my remarks and which letter reads as follows:

COMMITTEE OF WHOLESALE GROCERS,
New York, January 5, 1912.

Hon. JOHN A. MARTIN,
House of Representatives, Washington, D. C.

Dear Sir: Constituents of yours have mailed me the inclosed petitions, duly signed, and have asked me to have same forwarded to you with the request that they be properly filed with the Ways and Means Committee of the House of Representatives.

Trusting to have your valuable cooperation in the effort which we are making to secure a reduction in the present duties on raw and refined sugars, I am,

Yours, respectfully, *F. C. Lowry,*
Secretary.

I desire to call particular attention to a sheet of 12 of these petitions which the circulator did not even take the trouble to detach from each other and which I shall insert in my remarks just as I received it. One of the striking features of this sheet of petitions is that probably a majority of the signers can not read or write the English language. I am satisfied that Juan de Jesus Galegos can not, because Juan de Jesus has not even spelled his name right.

To the honorable the House of Representatives, Washington, D. C.:

The undersigned respectfully ask for a reduction in the duty on raw and refined sugars, in the interest both of the 80,000,000 consumers of the country and the manufacturing industries in which it is an important material. This tax amounts to 2 cents per pound on refined sugar, equivalent to an 80 per cent ad valorem duty.

This exorbitant tax is not justified by the conditions relating to the production or refining of sugar in this country. Leading sugar refiners have testified that they need no tariff protection against foreign refiners, and there is no good reason why all the people should be heavily taxed in the interest of one industry.

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E. GIRARD, *Capulin, Colo.*

MAY 27, 1911.

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JOSE A. VALDEZ, *Capulin, Colo.*

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DAVID MARTINEZ, *Capulin, Colo.*

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JULIAN GOMEZ, *Capulin, Colo.*

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JOSÉ A. GARCIA, *Capulin, Colo.*

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I. V. DE HERRERA, *Capulin, Colo.*

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MELQUIADES VALDEZ, *Capulin, Colo.*

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PEDRO A. DOMINGUEZ, *Capulin, Colo.*

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LUCAS DE J. CHAVES, *Capulin, Colo.*

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JUAN DE JESUS GALLGAS, *Capulin, Colo.*

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P. G. ROYEST, *Capulin, Colo.*

MAY 27, 1911.

MR. LOWRY BEFORE THE HARDWICK COMMITTEE.

Frank C. Lowry, agent Federal Sugar Refining Co., secretary committee of wholesale grocers.

Mr. FORDNEY. How much money has been spent in distributing literature by that committee?

Mr. LOWRY. Somewhere in the neighborhood of $12,000.

Mr. FORDNEY. Who paid that money?

Mr. LOWRY. When the committee was first formed I wrote to a number of importers—*not refiners*, but importers of sugar—and said that this committee would be formed, and stated its objects and solicited subscriptions from them. They had great faith in the political activities and abilities of the domestic sugar producers and said that they were in sympathy with me, but that I was pounding my head against a stone wall to try to get a reduction in the tariff; and the only one that subscribed was the *Federal Sugar Refining Co.*

Mr. FORDNEY. So that the Federal Sugar Refining Co. have paid in this $12,000 for the distribution of the literature?

Mr. LOWRY. Yes. (P. 1608, Hearings.)

It will be noted in the foregoing answer (see italics) that while Mr. Lowry wrote only to importers for contributions, his sole contributor was the Spreckels Co.

Mr. FORDNEY. So the committee itself has never done anything?

Mr. LOWRY. Oh, yes. The members of the committee have done a great deal of work. *All of these men have been instrumental in circulating information about the tariff, and in writing to their Congressmen and Senators, and getting petitions signed.* Perhaps some of you have gotten petitions asking for a reduction of the duties on sugar. They have helped very materially in that work. They have given their services, but not their money.

Mr. FORDNEY. That was all done at your request, was it not, and the literature sent out by you to them?

Mr. LOWRY. How is that question?

Mr. FORDNEY. Did not each and every member of the committee that has done any work in the way of soliciting the aid of the Members of Congress send that literature to the Members of Congress at your request, through this literature that you have sent out?

Mr. LOWRY. At my suggestion; yes.

Mr. FORDNEY. You first sent to them the literature and requested them to communicate with their Congressmen?

Mr. LOWRY. That was the nature of the work we did.

Mr. FORDNEY. *That was all at the expense of the Federal Sugar Refining Co., was it?* You have said that they contributed all of the money.

Mr. LOWRY. *They contributed the money that enabled us to carry on that campaign.*

Mr. FORDNEY. *The Federal Sugar Refining Co. has paid, then, for the distribution of all this literature?*

Mr. LOWRY. *Yes; so far they have.* (Hearings, p. 1609.)

REFINERS BEFORE THE HARDWICK COMMITTEE—BEET SUGAR A DANGEROUS COMPETITOR.

The Sugar Trust officials and allied refiners testified before the Hardwick Sugar Investigating Committee that domestic beet sugar is a strong, growing, and dangerous competitor of the cane-sugar refiners in the United States.

Copious extracts (not mere garbled quotations) of the testimony of these gentlemen before that committee are herewith given. The list comprises:

Edwin F. Atkins, vice president and acting president of the American Sugar Refining Co.; William G. Gilmore, general manager of the Arbuckle Bros.; Robert M. Parker, president of the Brooklyn Cooperage Co.; Washington B. Thomas, former president of the American Sugar Refining Co.; Claus Spreckels, president of the Federal Sugar Refining Co.

The companies represented by these men own and control all of the cane-sugar refineries and do all of the cane-sugar refining in the United States, and their business comprises all of the cane sugar consumed in this country.

References are to pages of the Hardwick hearings.

EDWIN F. ATKINS, VICE PRESIDENT AND ACTING PRESIDENT AMERICAN SUGAR REFINING CO.

Mr. HINDS. Is the condition of the sugar business in this country, the refining business, in your judgment, such as to induce men who know about the sugar business as practical men to come back or attempt to go back into the business?

Mr. ATKINS. Not at the present time; the margin is too small. It has been very slight for the past two or three years.

Mr. HINDS. That is, the sugar business of the country is to-day in such shape that those who know about it think it ought to be held by the individuals?

Mr. ATKINS. I judge so. The competition is so sharp that people who know about the business are willing to keep out.

The CHAIRMAN. Is it really on account of the competition, Mr. Atkins? Is it not a fact that the sugar business, as held to-day, is held at a price that practical men would shrink from, considering the physical valuation of the property, and all that, would practical men wish to go in and buy it at $120 on its existing capitalization?

Mr. ATKINS. I think so. I do not think it is owing to that, but owing to the general business condition, the overproduction of refined sugar. There is very much larger capacity than is required, *and the beet sugars are taking away the trade of the refiners year by year.* (P. 48.)

* * * * * * *

Mr. MADISON. Is it not also true that the beet-sugar people only produce one kind of sugar—granulated sugar?

Mr. ATKINS. Exactly.

Mr. MADISON. So you can hardly ascribe it to the fierce competition by the beet-sugar people?

Mr. ATKINS. Certainly. All that beet sugar comes on the market at a certain season of the year. It is all produced in about three months' time. They all want to market it just as rapidly as possible, and in order to do that they come to the eastern points. California sugar comes into Chicago, and the Michigan sugar into Buffalo and Pittsburgh and eastern refineries; *not only the American Sugar Refining Co., but the others, have to reduce or close down until the beet sugars are out of the way.* Any refining that is done between the 1st of October and the 1st of January is done without any profit and very often at a loss.

Mr. MADISON. Then, as a matter of fact, your competition with the beet-sugar people only exists during the few months of the year?

Mr. ATKINS. Three months, and that is 25 per cent of the whole time. (Page 49.)

* * * * * * *

Mr. MADISON. You stated a moment ago, Mr. Atkins, or this morning, that you decidedly opposed going into the beet-sugar business. What was the reason of that? Why was it that you opposed that at the time when you went to Mr. Havemeyer and called on him and said: "Now, if you are going into that business I am going to quit; I am going to sell my holdings"?

Mr. ATKINS. Yes, I did. This company was organized for the purpose of refining sugars.

Mr. MADISON. Yes.

Mr. ATKINS. The beet-sugar business was a competitive business. It produced in the western territories where our market lay. That is, I say "our market"—I mean the market of the refiners, the various refiners. As that industry grew—*and I foresaw that it would grow rapidly—I believed that it would reduce the volume of business, not only of the American Sugar Refining Co., but of all the refiners on the Atlantic coast;* and, although we had millions of dollars invested in the business there, we were building up a competitive business, *one that would compete with ourselves, and one which was bound to get away from us; we could not control it in the end.* I say "we"—I had no connection whatever with it; that was simply a business man's opinion. (Pages 85–86.)

* * * * * * *

Mr. GARRETT. Do you know whether last year, at the time the beet-sugar manufactories began operations, any of the refining plants belonging to the American Sugar Refining Co. received instructions to, or did, without instructions, withdraw from the territory usually covered by the beet-sugar trade?

Mr. ATKINS. No; not through any instructions. They were forced to withdraw from the territory, owing to the cutting of prices. *We could not pay duty on imported sugars and get them so far west as would enable us to sell in competition with those beet sugars.* (Page 94.)

* * * * * * *

Mr. RAKER. How far west do you ship?

Mr. ATKINS. We ship, when we are able to do so, out to Omaha and Kansas City.

Mr. RAKER. You ship no farther than those points?

Mr. ATKINS. We would if we could, *but we can not get in there, owing to the competition of the beet factories.* If you will allow me to explain, I will tell you that the country west of the Missouri River produces an excess of sugar.

Mr. RAKER. That is not what I want now. I am trying to get the exportations from the East to the West.

Mr. ATKINS. They are very light.

Mr. RAKER. If we will just confine ourselves to that, there will not be any conflict.

Mr. ATKINS. They are very light.

Mr. RAKER. How much do you ship west of the Missouri River?

Mr. ATKINS. A very small quantity.

Mr. RAKER. Can you give me an idea in barrels?

Mr. ATKINS. I can not give you any idea at all.

Mr. RAKER. Can you furnish that before we get through?

Mr. ATKINS. We used to have a large number before beet-sugar competition. (Page 99.)

WILLIAM G. GILMORE, GENERAL MANAGER ARBUCKLE BROS.

Mr. RAKER. *This beet-sugar industry and the competition between that and you is more of an imagination than it is of a reality, is it not?*

Mr. GILMORE. *No; I think it is an actuality.*

Mr. RAKER. Can you name any concrete case or place or time when you came into actual competition; in other words, when you found the beet sugar in the same point where you were handling your cane sugar?

Mr. GILMORE. *In the last two years very seriously in Pittsburgh, Pa.*

Mr. RAKER. *The beet-sugar people got in Pittsburgh, Pa.?*

Mr. GILMORE. *Yes.*

Mr. RAKER. From where?

Mr. GILMORE. I do not know where from. I do not know what the brand was or anything about it. I know the fact.

Mr. RAKER. What time of the year was it?

Mr. GILMORE. I know that it was so much so that a house owned by Arbuckle Bros. there was compelled to take the beet-sugar business in and buy it and sell it in competition. That is bringing coals home to Newcastle.

Mr. RAKER. Pretty close, if it is a fact.

Mr. MADISON. They did what, you say?

Mr. GILMORE. A house in Pittsburgh——

Mr. DYKMAN. Give the name of it.

Mr. GILMORE. Arbuckle & Co., a wholesale grocery house, were obliged to buy beet sugar there. This is offered in explanation of the fact——

Mr. MADISON. I just did not hear you, that is all. I beg your pardon.

Mr. RAKER. That is all right. What was the name of this firm that did this?

Mr. GILMORE. That did which?
Mr. RAKER. That had to take in the beet sugar?
Mr. GILMORE. Arbuckle & Co.
Mr. RAKER. Arbuckle & Co., located in Pittsburgh?
Mr. GILMORE. Yes.
Mr. RAKER. That was two years ago?
Mr. GILMORE. Last year and year before, I think—both.
Mr. RAKER. 1910 and 1909?
Mr. GILMORE. Yes. (Pages 1158–1159.)

ROBERT M. PARKER, PRESIDENT BROOKLYN COOPERAGE CO.

Mr. MALBY. Does the American Sugar Refining Co. at the present time ship any granulated sugar to the various States in the Mississippi Valley and in the Missouri region?
Mr. PARKER. Yes, sir; a very great deal.
Mr. MALBY. And at all times of the year?
Mr. PARKER. Yes, sir; until the price is so low that it is impossible to ship it at a profit.
Mr. MALBY. Who makes the prices low or creates the condition to which you refer?
Mr. PARKER. The San Francisco cane *and the beet sugars from Colorado and Utah and Michigan.*
Mr. MALBY. When the competition becomes sharp or gets to that point where it ceases to yield a profit, of course you cease to ship?
Mr. PARKER. Probably; yes, sir. (Pages 1463–1464.)

WASHINGTON B. THOMAS, FORMER PRESIDENT AMERICAN SUGAR REFINING CO.

Mr. MALBY. *You have to-day competition among the beet-sugar industries of the United States, have you not?*
Mr. THOMAS. *We have.*
Mr. MALBY. *And good, sharp competition, say, with the Michigan Sugar Refining Co.?*
Mr. THOMAS. *We have.*
Mr. MALBY. Notwithstanding the fact you have an interest in that company?
Mr. THOMAS. Yes; notwithstanding that fact.
Mr. MALBY. The fact is the beet sugar usually sells for about 20 cents per hundredweight below what the refined sugar sells for, does it not?
Mr. THOMAS. Cane sugar—10 to 20 per cent.
Mr. MALBY. I think the evidence is substantially 20, although sometimes 10.
Mr. THOMAS. Yes.
Mr. MALBY. During the time you were putting your sugar upon the market they were putting their sugar upon the market—I mean the beet-sugar men? The American Sugar Refining Co. scarcely ever attempts to invade their territory, do they?
Mr. THOMAS. Oh, yes; we go into any territory, whenever the price permits us to.
Mr. MALBY. I know; and that is just what I am inquiring about. Does the price permit you to go into Michigan territory when they are attempting to sell their sugar?
Mr. THOMAS. Only to a small extent; but they invade our territory here in the East during the same period.
Mr. MALBY. They do, because they can undersell you or sell at a price which you do not want to take. *You find also competition in Colorado beet-sugar men, do you not?*
Mr. THOMAS. *We do.*
Mr. MALBY. And those in Utah and more in California?
Mr. THOMAS. We do not reach quite as far west as that.
Mr. MALBY. Why do you not sell in California?
Mr. THOMAS. Because their prices there are such and the freight is so against us that we can not reach there.
Mr. MALBY. That is to say, they can sell sugar to the consumer cheaper than you can afford to sell?
Mr. THOMAS. We can not reach there on account of the freight. The freight is prohibitive.
Mr. MALBY. You do not sell on the Pacific slope for two reasons, probably; one is the freight rate. That is, your cost would be greater than that on the Pacific slope?
Mr. THOMAS. Yes.
Mr. MALBY. Does that same reason hold good with reference to Utah, Colorado, and Michigan?
Mr. THOMAS. I think so.
Mr. MALBY. So that, reverting to the question once more, *if the beet-sugar industry was wholly destroyed, then you would get in there, would you not?*
Mr. THOMAS. *We would extend our sales, undoubtedly.*
Mr. MALBY. *Let us be frank about it. You would extend your sales to every single household where beet sugar is now sold which would pay the price, would you not?*
Mr. THOMAS. *Oh, yes; it would take the place of beet sugar.*
Mr. MALBY. And the purchasers in such localities, if no refineries existed there to-day, would be obliged, from the very nature of things, to pay you such additional cost and expense as would be necessary to put your sugar into their market?
Mr. THOMAS. I would hardly say "us," meaning the American Sugar Refining Co., because they would deal with our competitors as well.
Mr. MALBY. I mean you, if you put any in there. You understand my statement, I assume? Suppose the beet-sugar interest of Utah, Colorado, and Michigan were wiped out, the territory in which you now sell but little, would the consumer not have to pay the additional price on account of their disappearing as a competitive company or factor, whether to you or somebody else, I do not care whom?
Mr. THOMAS. That would depend largely on the price of sugar throughout the world.
Mr. MALBY. I am speaking of the present situation, so we will not have any question about what is going on throughout the world.
Mr. THOMAS. Will you please repeat your question or have the stenographer read it to me?
Mr. MALBY. I ask, *in case of the beet-sugar industry being wiped out in Colorado, Michigan, and Utah to-day, whether or not the consumer in the localities supplied by such beet-sugar companies would not have to pay a higher price than they do to-day?*
Mr. THOMAS. *I can not answer that question.*
Mr. MALBY. There would be so much less sugar in the world, if they did not manufacture it, would there not?
Mr. THOMAS. Yes.
Mr. MALBY. You have very readily answered me that a diminution of a million tons did actually very greatly increase the price, although the million tons was a million tons in the world's supply. You have answered that that affected the American market?
Mr. THOMAS. Yes.
Mr. MALBY. You have also answered that a 2,000,000-ton surplus greatly decreased the market, have you not?
Mr. THOMAS. Yes.
Mr. MALBY. Why have you any hesitation in saying that if the beet-sugar industry in this country were wiped out that would not have a like effect upon it?
Mr. THOMAS. I think it would have an effect to a certain extent. How much of an extent I can not tell you.
Mr. MALBY. I did not ask how much effect. I asked whether it would increase the price of sugar to the consumer, and you told me you did not know. Do you want to change that?
Mr. THOMAS. I think it possibly might increase, but to what extent I can not tell you.
Mr. MALBY. I am not asking about the extent; I know perfectly well you do not know to what extent.
Something has been said—and I think I will close with this—*about the directors of your company desiring to sell certain beet-sugar stock. Is that a fact?*
Mr. THOMAS. *Yes; that is correct.*
Mr. MALBY. *Are the members, likewise, who want to sell the beet-sugar stock, also in favor of a lower tariff on sugar?*
Mr. THOMAS. *Yes.*
Mr. MALBY. *They do not want to hold the beet-sugar stock if the tariff is to be lowered, in other words?*
Mr. THOMAS. *I think that is their position.* (Pages 2013, 2014, 2015.)

CLAUS SPRECKELS, PRESIDENT FEDERAL SUGAR REFINING CO.

Mr. HINDS. Mr. Spreckels, you testified this morning as to how far in the South and the West you were able to market cane sugar.
Mr. SPRECKELS. Yes, sir.
Mr. HINDS. Can you tell me how far in the East the beet-sugar people are able to market their sugar?
Mr. SPRECKELS. There is the dividing line on the Missouri River. They sometimes come as far as Pittsburgh. I think the American Beet Sugar Co. has come once as far as New York City.
Mr. HINDS. Have they not come into New England, Mr. Spreckels?
Mr. SPRECKELS. They have come into the State of New York.
Mr. HINDS. Have they not also come into New England some?
Mr. SPRECKELS. I think so.
Mr. HINDS. One member of the firm of Arbuckles testified that they had come into New England.
Mr. SPRECKLES. Yes, sir.
Mr. HINDS. *Are they showing a tendency to come farther east all the time?*
Mr. SPRECKELS. *They are.*
Mr. HINDS. *And make the competition severer, if it is competition?*
Mr. SPRECKELS. *Yes.*
Mr. HINDS. *Continually?*
Mr. SPRECKELS. *Yes, sir. They have frequently come as far as Pittsburgh.* (Page 2269.)

REFINERS BEFORE THE HARDWICK COMMITTEE—FREE TRADE OR LOW DUTIES AS A "REMEDY" FOR BEET-SUGAR COMPETITION.

The Sugar Trust officials and allied refiners advocated free sugar before the Hardwick sugar investigating committee and advocated it as a means of crippling or destroying their domestic beet-sugar competitor.

Copious extracts (not mere garbled quotations) of the testimony of these gentlemen before that committee are herewith given. The list comprises:

Edwin F. Atkins, vice president and acting president of the American Sugar Refining Co.; Charles R. Heike, former secretary American Sugar Refining Co.; James H. Post, president National Sugar Refining Co. of New Jersey; William A. Jamison, manager of Arbuckle Bros.; William G. Gilmore, general manager Arbuckle Bros.; Claus Spreckels, president Federal Sugar Refining Co.

Particular attention is directed to the statements of Mr. Post, Mr. Jamison, and Mr. Gilmore, although it would be a mere juggler of words who would pretend that the hostile meaning of either Mr. Atkins, of the Sugar Trust, or of Mr. Spreckels, the "angel" of the Hardwick committee, is any less clear and manifest.

References are to pages of the Hardwick hearings.

EDWIN F. ATKINS, VICE PRESIDENT AND ACTING PRESIDENT AMERICAN SUGAR REFINING CO.

Mr. HINDS. *If we should reduce in this country the tariff on sugar, if we should wipe it out, you say it would almost destroy the cane-sugar industry in this country and the beet-sugar industry?*
Mr. ATKINS. *Why, I think it would, because $1.34 a hundred is a great part of the price, you know.*
Mr. HINDS. And I suppose a reduction of the duty would tend proportionately to check the industry?
Mr. ATKINS. I think that a moderate reduction could be made without any serious injury.
Mr. HINDS. But *if it went beyond a moderate reduction it would check the industry?*
Mr. ATKINS. *It would.*
Mr. HINDS. *If our best beet-sugar and cane-sugar industry was checked, where would we look for the sugar to make up the difference?*
Mr. ATKINS. *Russia is increasing at the rate of about a million tons a year. There are rafts and rafts of sugars all over the world. I think the world's production is 17,000,000 tons.*
Mr. HINDS. Where should you say we would get it? Would Cuba be able to furnish part of it?
Mr. ATKINS. Cuba would increase somewhat. Java, probably, would be the country to make up the deficiency.
Mr. HINDS. What would they send to us—what kind of sugar?
Mr. ATKINS. They send sugar that tests about 96, the same as the Cuban sugars.
Mr. HINDS. That would be raw sugar?
Mr. ATKINS. Raw sugar.
Mr. HINDS. How would that get to the American people? That would come to New York to be refined, or to New Orleans, would it?
Mr. ATKINS. To all of the Atlantic ports and Gulf ports; yes.
Mr. HINDS. And there it would be refined?
Mr. ATKINS. Yes. Every year, now, we import Javan sugars late in the season, after the Cuban sugars give out.

Mr. HINDS. That is, there would be a considerable increase of the cane sugar to take the place of the beet sugar that would go out under a lowering of the tariff?

Mr. ATKINS. If you wiped out the domestic production.

Mr. HINDS. Yes; or if you checked it?

Mr. ATKINS. Yes; if you seriously checked it.

Mr. HINDS. Yes.

Mr. ATKINS. But a moderate reduction would not check it.

Mr. HINDS. So that a serious check to that industry by lowering the tariff would tend to increase greatly the business of the refining companies?

Mr. ATKINS. It would increase the business of the refining companies.

Mr. HINDS. So that a reduction of the tariff passing beyond a moderate amount would tend to the prosperity of the refiners and to the detriment of the beet-sugar people?

Mr. ATKINS. Take the independent refiners, outside of our concern at all, that represent more than half the supply of the United States. They say, and I think they say truly, *that it is for the refiners' interest to have a low rate of duty rather than a high rate of duty*, and reduce the basis of value upon which they can sell. The lower the price of the refined sugar the greater is the consumption. I think their position is well taken. (Pages 173–174.)

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CHARLES R. HEIKE, FORMER SECRETARY AMERICAN SUGAR REFINING CO.

Mr. FORDNEY. Now, *if the duty were removed absolutely on sugar could we produce either cane or beets in this country?*

Mr. HEIKE. *I doubt it very much.*

Mr. FORDNEY. *Then, that would destroy the industry absolutely in this country?*

Mr. HEIKE. *Yes.*

Mr. FORDNEY. *And you would approve of that?*

Mr. HEIKE. *Yes.*

Mr. FORDNEY. As a refiner and an importer of raw sugars, you would approve of that?

Mr. HEIKE. As a private citizen; yes.

Mr. FORDNEY. But as a manufacturer?

Mr. HEIKE. Yes; but I would take 20 years to do it in. Louisiana, for instance, would have to grow cotton and stop growing sugar cane (p. 292).

—

JAMES H. POST, PRESIDENT NATIONAL SUGAR REFINING CO. OF NEW JERSEY.

Mr. SULZER. *Do you consider the beet-sugar industry a competitive industry?*

Mr. POST. *It certainly is; yes, sir.*

Mr. SULZER. The beet-sugar prices and the cane-sugar prices are about the same?

Mr. POST. About 10 cents a hundred difference only. That is a condition that has arisen from custom for a great many years.

Mr. SULZER. It is so small that it does not amount to anything to the consumer?

Mr. POST. No; but it amounts to a good deal to the manufacturer.

Mr. SULZER. I am especially interested in the consumer.

Mr. POST. Yes; but he is not worrying about the price he pays for sugar.

Mr. SULZER. The consumer is not?

Mr. POST. No; he is not.

Mr. SULZER. Why do you say that?

Mr. POST. Because the price has been so terrifically low for years as compared with the cost of producing it.

Mr. SULZER. Do you mean to say that the consumers of this country are satisfied with the prices they are paying to-day for sugar?

Mr. POST. They seem to be.

Mr. SULZER. You have not heard any complaints?

Mr. POST. Not where I come from; no.

Mr. SULZER. You have heard no complaints at all?

Mr. POST. No.

Mr. SULZER. If you were a Member of Congress you would hear complaints, I think.

Mr. POST. If Congress did not need the revenue from sugar. That is a different proposition. But they have to have it from something, and sugar seems to be the thing that has paid a part of it for a great many years. *As far as I personally am concerned, I would like to see free sugar.* As we look at the country at large, however, I think it would be a very unfair proposition.

Mr. SULZER. But you do say that free sugar would give the people of the country sugar at least a cent a pound cheaper?

Mr. POST. Oh, yes; that is, 80 cents to each person throughout the country every year (p. 527).

Mr. Post, it may be noted, gave the qualification to his testimoney which enables members of the Hardwick Committee and others to deny that the Sugar Trust officials or its allies advocated free sugar. Mr. Post said: "As far as I am personally concerned I would like to see free sugar." Seizing upon the use of the word "personally" Members pretend that Mr. Post does not speak with authority. How anxious they are to escape the appearance of acting in this matter in a way pleasing to the Sugar Trust. Of course nobody will be so obtuse as to contend that if Mr. Post and his refining interests were not anxious for free sugar he would "personally" suggest anything that could be distorted into free sugar.

WILLIAM A. JAMISON, MEMBER OF ARBUCKLE BROS.

Mr. RAKER. You people are not affected in any way by the sugar-beet industry in the West, are you? Leave out Michigan to start with. I mean out in Utah, Colorado, and California.

Mr. JAMISON. We are only affected so far as they come East to interfere with the distribution of sugar in the fall and spring. They come pretty well east.

Mr. RAKER. Are you in any wise affected by the cane-sugar people in Louisiana and Texas, so far as prices are concerned?

Mr. JAMISON. We are a competitor with New Orleans.

Mr. RAKER. To what territory?

Mr. JAMISON. Chicago is the principal point.

Mr. RAKER. The Louisiana cane sugar goes to Chicago?

Mr. JAMISON. Yes; at times.

Mr. RAKER. There is not much, though, is there?

Mr. JAMISON. I think the rate is the same to both points. Cincinnati——

Mr. RAKER. Michigan sugar, you say, competes with yours in New York?

Mr. JAMISON. Yes; the Michigan sugar has been down to New York State and all through there. It has interfered with us very largely in sales in Ohio and Pennsylvania.

Mr. RAKER. And West Virginia?

Mr. JAMISON. Yes.

Mr. RAKER. *How would it affect you if there was no tax on the importation of sugar—raw sugar?*

Mr. JAMISON. *I think it would enable us to run more constantly.*

Mr. RAKER. *What do you mean by that, now?*

Mr. JAMISON. *To keep up the capacity.*

Mr. RAKER. *Will you explain it?*

Mr. JAMISON. *I mean we would be able to sell more sugar.*

Mr. RAKER. *Do you not have a supply all the time?*

Mr. JAMISON. *Well, we are not able to run full at all times.*

Mr. RAKER. *Because of the way raw sugar is shipped into the United States?*

Mr. JAMISON. *Oh, no; on account of the beet product. If there was no duty, I do not think the beet would be so prosperous and we would probably sell more sugar. If the duty was removed, I mean to say.*

Mr. RAKER. *Suppose the duty was taken off. Where would the beet-sugar man land?*

Mr. JAMISON. *Some of them, I suppose, would still be able to compete. Others would have to*——

Mr. RAKER. Have you investigated that subject so as to be able to inform the committee on it from a fairly close analysis of the matter?

Mr. JAMISON. No; I hardly think I could give you much information on that subject.

Mr. RAKER. You are not prepared to give us any?

Mr. JAMISON. No.

Mr. RAKER. You do not know whether that is simply a clear bonus or not, and whether or not they could get along just as well without it as with it, do you?

Mr. JAMISON. I do not think they could.

Mr. RAKER. You do not think they could?

Mr. JAMISON. No, sir.

Mr. RAKER. Have you anything on which you could base that statement? I am seeking information. Of course, several men have said so, but when you get right down to asking them to explain it, they say, "You can not do it, because you can not." That may be a good explanation, but it never appeals to me very strongly.

Mr. JAMISON. I do not think I could give any information that would be authentic or that would help the committee in any way.

Mr. RAKER. Then we shall have to leave it at that. Do you know anybody that could?

Mr. JAMISON. I guess a good many beet-sugar men would be able to give you all the inside information you want.

Mr. RAKER. But that comes from an interested source, you know. I wanted some one who had made a study of the sugar business but was not interested in that particular line.

Mr. JAMISON. Well, we certainly believe that they do need the protection that they have to-day.

Mr. RAKER. Well, from your investigation and analysis of the subject, from a clean-cut business point of view, considering not only the manufacturer, but the consumer—and I think both of them ought to be treated fairly—with that idea in view, what would you think would be a fair compensation?

Mr. JAMISON. I think there should be a cent a pound taken off at the present time at least; and later——

Mr. RAKER. A little more?

Mr. JAMISON. Yes; until it is entirely removed.

Mr. RAKER. Can the sugar-beet men come back and say that you make this statement because you are not interested in the beet-sugar industry, and therefore are prejudiced against them?

Mr. JAMISON. I do not think that would be the correct way of putting it.

Mr. RAKER. I put it strongly in that way, so as to give you a chance to explain it. That is the reason I do that.

Mr. JAMISON. *An industry that does not promise to be able to take care of itself, as I have gathered from them they would not be, with free sugar is not worthy of saddling on the American people to the extent of the enormous amount they have to pay in the way of duties.*

Mr. RAKER. You mean, then, that the American consumer is paying entirely too much for giving a few men an opportunity to be engaged in one small business?

Mr. JAMISON. That is exactly it.

Mr. RAKER. Do I use that word offensively in any way.

Mr. JAMISON. No.

Mr. RAKER. Is it small compared to the amount of sugar produced and used?

Mr. JAMISON. About 450,000 tons, approximately, I guess. (Pages 1195–1197.)

It may be said for Mr. Jamison that he did not speak "personally" or as an "individual." He simply advocated free trade as a means of killing off beet sugar and permitting the poor, harassed, cane-sugar refining trust a clear field, and the ultimate enlargement of its ability to plunder the consumer. Surely, in the case of the Sugar Trust one may ask, Can any good thing come out of Nazareth?

WILLIAM G. GILMORE, GENERAL MANAGER ARBUCKLE BROS.

Mr. MADISON. *I was very much interested in your expression awhile ago that the beet-sugar people got into the New England trade at one time*, and while the gentleman minimized it, you seemed to feel that they caused some damage. When was that, and what was the extent of the injury?

Mr. GILMORE. *The actual injury was not as great, perhaps, as the fright.* It was an unheard-of condition, and we thought an untoward condition. If they had margin enough to land and absorb the differential in freight and bring it from the source of its production into New England, we thought that was a very fat margin that would stand that.

Mr. MADISON. What effect did it have on prices?

Mr. GILMORE. It did not have any effect, except that it displaced that much eastern sugar.

Mr. MADISON. *Suppose, as a matter of fact, they get to a point where, instead of producing about 600,000 tons of sugar a year, they actually produce a million and a half tons of sugar, what effect would that have?*

Mr. GILMORE. *It would shut down most of the eastern refineries for a part of the season.*

Mr. MADISON. *You would have to quit the business?*

Mr. GILMORE. *Yes.*

Mr. MADISON. Then, as a matter of fact, do you regard them as a very serious element of competition in this country?

Mr. GILMORE. As they are now protected?

Mr. MADISON. As they are now protected.

Mr. GILMORE. Yes.

Mr. MADISON. Suppose we just went to work and took the duty off, then what would occur?

Mr. GILMORE. There would be cheaper sugar.

Mr. MADISON. What would be the effect as to you people—beneficial or otherwise?

Mr. GILMORE. It would be beneficial insomuch that we would have only about half the money invested in the job.

Mr. MADISON. *It would be beneficial inasmuch as it would destroy the beet-sugar people?*

Mr. GILMORE. *It would keep them at home.*

Mr. MADISON. Keep them in a limited locality?

Mr. GILMORE. Yes.

Mr. MADISON. And leave the field to you people that is naturally yours, as you feel?

Mr. GILMORE. Our natural field; yes.

Mr. MADISON. In other words, you feel that all east of the Mississippi River, where they can not very well produce sugar beets, is the natural field of the cane-sugar refiner, while the plains and Mountain States, where conditions are favorable to the production of beet sugar, is the natural field for the beet-sugar people?

Mr. GILMORE. Yes; I think so.

Mr. MADISON. And you think they ought to stay there?

Mr. GILMORE. I do not object to their coming on as they are able to do on a commercial basis, but when they come with bothouse protection and invade my territory, I do not like it.

Mr. MADISON. That is the thing that causes you a feeling of resentment against them?

Mr. GILMORE. *Of course I would feel that way about it; yes.*

Mr. MADISON. *In other words, you think the thing to do is to take off the duty, and that it would be to your advantage to take it off as a refiner of cane sugar?*

Mr. GILMORE. *Yes, sir.*

Mr. MADISON. *And you would advocate the taking off of the duty?*

Mr. GILMORE. *I would personally. I am only speaking now personally.*

Mr. MADISON. *Oh, certainly.*

Mr. GILMORE. *I am not involving any other of my associates in business.*

Mr. MADISON. *Certainly; I understand that. You are answering as one student of the proposition.*

Mr. GILMORE. *As an individual; yes, sir.*

Mr. MADISON. That would leave these people in their territory and would leave you east of the Mississippi River in possession of the field?

Mr. GILMORE. Yes. (Pages 1168–1169.)

Mr. Gilmore, general manager of the Arbuckle's refineries, one of the closest allies of the Sugar Trust, it will be observed, also spoke "personally" and as an "individual" in favor of free sugar, from which fact, as in the case of Mr. Post and others, the Hardwick committee and others are able to say the trust is not in favor of free sugar:

CLAUS SPRECKELS, PRESIDENT FEDERAL SUGAR REFINING CO., YONKERS, N. Y.

Mr. HINDS. Now, Mr. Spreckels, it was testified in Washington that the movement for lowering the tariff on sugar, the movement which is going on now and in which you are interested, that your company had expended $12,000 for literature, etc.

Mr. SPRECKELS. Possibly. I do not know what the amount is. I dare say we have.

Mr. HINDS. I am not criticizing that expenditure. If you have a belief in a certain policy as beneficial to a certain industry, it is perfectly legitimate for you to propagate that idea and the arguments which sustain it. What I want to get at is this: Whether or not your willingness to take trouble and expense in this matter—what the object of that is? Why do you go to so great an expense to accomplish it?

Mr. SPRECKELS. Because it has an advantage in many ways.

Mr. HINDS. To the cane-refining business?

Mr. SPRECKELS. *And ultimately to the consumer.* Now, if I may answer the question——

Mr. HINDS. Yes.

Mr. SPRECKELS. It gives a larger market not alone for ourselves, but for the beet industry and everybody else.

Mr. HINDS. Now, what I want to get at is, I think we are all interested that the consumer should get sugar as cheaply as possible, consistent with such demands as the Government may have for revenue. What we want to get at is in what method he is going to get sugar the cheapest in the long run.

Mr. SPRECKELS. Well, my answer to that is, *remove the tariff absolutely.*

Mr. HINDS. Yes; but what I want to get at is this: Whether in doing that you are having in mind a judicious consideration of the interests of the consumer in the long run or whether, possibly, you may not be a little swerved, as we all are, by this imminence of the danger to the cane-sugar industry?

Mr. SPRECKELS. Cane sugar down in Louisiana?

Mr. HINDS. Danger to cane-sugar refining in your refinery and other similar refineries, whether or not you may feel that cane-sugar refining in the United States is menaced as it is in Europe or has been in Europe. It is nearly obsolete there now.

Mr. SPRECKELS. In other words, you want to find out the motive that inspires me?

Mr. HINDS. I think, perhaps, that would be a proper subject of inquiry.

Mr. SPRECKELS. Very well; I will tell you. The larger and the more we can refine, the cheaper the cost per unit. We have less capital invested. We have capital, practically half of it, tied up in tariffs. The interest on that money is worth something, and all that will be eliminated, and we can produce double the quantity with the same capital then that we can now.

Mr. HINDS. Well, that is a legitimate business interest.

Mr. SPRECKELS. And ultimately, the consumer gets the benefit of it.

Mr. HINDS. Now, what I would like to get at, Mr. Spreckels, is whether the Sugar Trust sympathizes with you in this matter—whether they are with you in this view and idea.

Mr. SPRECKELS. I do not think they are. I do not know

Mr. HINDS. Have you had any consultation with any of them?

Mr. SPRECKELS. I have talked in a general way, but I do not think they and I agree. I have talked with Mr. Atkins about it. He is the only man I have talked with.

Mr. HINDS. Well, Mr. Atkins is favorable to a reduction of the duty on sugar?

Mr. SPRECKELS. I do not think quite in the same way I am.

Mr. HINDS. In other words, perhaps *you would take it all off, would you not, and have free trade?*

Mr. SPRECKELS. *I would have free trade.*

Mr. HINDS. *You would have free trade in sugar?*

Mr. SPRECKELS. *Absolutely.* (Pages 2276–2278.)

SPRECKELS, THE ANGEL.

Mr. Spreckels may be considered the "angel" of the Hardwick committee, the chairman of which piloted the Ways and Means Committee of the House through the tangled labyrinth of sugar tariff reduction into the clear footing of free trade. Mr. Spreckels it was that financed the propaganda for free trade that ultimately brought in many yellow petitions signed by John De Jesus Galegos and others.

While the sugar-refining business in the United States has been nearly as crooked as the moonshine whisky industry, Mr. Spreckels has remained pure and undefiled, and now appears in the guise of the one altogether unselfish and philanthropic sugar refiner, who is deeply concerned, not so much for his own profit as for the pocketbook of the consumer. It will be noted, however, that free trade will only be an "ultimate" advantage to the consumer. Says Mr. Spreckels, "And ultimately to the consumer. Why "ultimately"? Why will not free trade be an immediate advantage to the consumer? Is it possible Mr. Spreckels, the one pure, clean, unselfish, philanthropic cane-sugar refiner, proposes to recover all his expense money before slicing the melon with the consumer? According to Mr. Spreckels, the poor "ultimate consumer" will "ultimately" derive an advantage from free sugar. Obviously Mr. Spreckels does not contemplate anything rash in the way of knocking the bottom out of the sugar market, else the ultimate consumer, being always at the bottom himself, would get in on the ground floor and begin absorbing benefits even before the philanthropic Mr. Spreckels and his fellow refiners.

Obviously, also, Mr. Spreckels, in saying that he did not think the Sugar Trust sympathized with him in his free-sugar ideas, was in ignorance of the same views, already expressed to the Hardwick committee by Mr. Jamison, of the Arbuckles; Mr. Gilmore, of the Arbuckles; Mr. Heike, of the American; Mr. Post, of the National, as well as Mr. Atkins, of the American—all Sugar Trust officials and its allies, and all of them for free sugar.

BEET SUGAR NOT TRUSTIZED.

Fifth. The alleged saving of $107,000,000 per annum will not be passed on to the consumers. One-half of this sum must be taken out of their pockets in some form of taxation to replace the lost sugar revenues and so much of the other half will be absorbed by the cane-sugar refiners, no longer hampered by beet-sugar competition and by the middlemen, that the minor portion net to the consumer may be fully offset and more by the loss of the domestic beet-sugar supply, to say nothing of the loss of that industry, which is yet only in its infancy in this country.

Sixth. The Hardwick committee reported, and I quote the report:

That the evidence as taken does not disclose combinations between manufacturers in the beet-sugar industry that have caused or had a tendency to cause a decrease in the cost of sugar beets—

Which means that the farmer is getting paid for his beets; and the alleged showing of the committee that the beet-sugar industry is trustized consists of the following mathematical legerdemain, to wit: The Sugar Trust owns 41 per cent of the stock of those beet-sugar companies that produce 54 per cent of all the beet sugar in the United States.

The Sugar Trust, therefore, controls only about 20 per cent of the total beet-sugar output in the United States, and it is not trustized even under Mr. Bryan's trust plank in the Democratic national platform in 1908, which provides that a corporation shall—

take out a Federal license before it shall be permitted to control as much as 25 per cent of the product—

And shall be prohibited from controlling more than 50 per cent of the total amount of the product consumed.

But may I inquire, even though the Sugar Trust had a monopolizing control of the American sugar market, is your remedy the destruction of the trust, or the destruction of the domestic sugar industry?

And where is your justification, and where is the benefit of striking down the wholly independent beet-sugar companies producing one-half of the domestic beet sugar, which companies, in the language of the Hardwick report, "are real competitors of the American Sugar Refining Co."?

HARDWICK REPORT ANALYSIS—CONCLUSION DISPROVED.

The pending bill, being the aftermath of the Hardwick report, I want to give some attention to a report which has played such an important part in this tariff legislation.

It is claimed in the Hardwick report that—

The influence of combination upon the price of refined sugar must be found in the margin between the price of raw sugar and that of refined sugar.

At this point in my remarks I shall insert an analysis of the figures set out on pages 16 and 17 of the Hardwick report in support of the statement I have just quoted, which analysis will clearly show that the figures quoted in the report instead of proving the contention of the report absolutely disprove it. I lay stress upon this analysis because this section of the Hardwick report has been incorporated bodily in the majority report of the Ways and Means Committee, appearing on pages 7 and 8 of that report, and the statement and figures of the Hardwick report is strongly relied upon in the Ways and Means report in support of free sugar.

But in passing let me direct your careful attention to a few of the figures which disprove the proposition said in the Hardwick report and in the Ways and Means report to be proven by them.

The Hardwick report, on page 16, says:

In the four years preceding the formation of that organization—the Sugar Trust—severe competition among the refiners had reduced it—the margin between raw and refined sugar—to an average of 79.6 cents per hundred. In 1885 it was 71.2 cents, and in 1886 it was 78.1 cents per hundred pounds. In 1887, prior to the formation of the trust, 76.8 cents.

Now, mind you, this was in the years preceding the formation or organization of any refiners' trust or combine, and was in the language of the report itself, in the era of "severe competition among the refiners."

Yet, turning now to page 17, and to the year 1909, when trust control had become supreme, even including a sufficient control of the leading beet-sugar companies to support the committee's proposition that this industry is trustized, we find that in that year of grace the margin between raw and refined sugar was only 75.8 cents, that in 1910 it was 74.8 cents, and that in 1911 it was only 89.2 cents, an average of 80.9 cents, as against 75.4 for the antetrust period.

In other words, an analysis of these figures shows that in the era before the Sugar Trust was organized and during a time of severe competition among refiners, and in the present era, when the industry is so trustized that it can only be cured by free trade, the marginal difference of prices between raw and refined sugar was absolutely the same.

But let us look even closer at these figures. In 1886 it was 78.1 cents per hundred pounds and in 1910 it was 78.4 cents per hundred pounds. Further analysis of these figures is unnecessary. You can take the three years preceding the first formation of a sugar combine and you can take the three years preceding the present year of 1912 and you will find, so far as the contention of the committees based on these figures is concerned, *an absolutely fatal lack of material difference.* I shall, however, for the sake of simplifying the study of them in the RECORD, set down each of these three-year periods in parallel columns:

1885	71.2	1909	75.8
1886	78.1	1910	78.4
1887	76.8	1911	89.2
Average	75.4	Average	80.9

Or a microscopic and wholly negligible difference of 5½ cents per hundred pounds.

Nor are the committee's explanations or lack of explanations as to variations that actually did occur altogether satisfactory. For instance, the drop in the marginal differences between raw and refined sugar for the years 1898, 1899, and 1900 are attributed to a sugar war between Arbuckles and the Sugar Trust, but no explanation is given for an almost equally marked falling in marginal differences in 1894 and 1895, following the absorption of the Philadelphia independents by the Sugar Trust.

Nor is any reference made to any of the extraneous causes which may have affected the sugar market, such as war, big crops, short crops, and so forth.

The Hardwick report also says, and it is quoted in the Ways and Means report:

It is worthy of note in connection with the figures for the years 1904 to 1909, inclusive, during which the refiners' margin ranged lower, with the exception of the year 1905, than the years immediately preceding them, that the American (the trust) was subjected to the active and progressive competition of independents.

Now, then, may I inquire if the "active and progressive competition of independents" held the margin in 1909 down to 75.8 cents per hundred, what held it down in 1910 to 78.4 cents? And what held it down in 1911 to 89.2 cents? The report saith not.

But these are not the only regards in which this feature of this report falls short. Why the committee saw fit to begin at the year 1885 I do not know, but I do know that the marginal differences between raw and refined sugar for a period of years prior to that year were greater than any that have occurred since that year, the differences being:

	Cents per hundred.
1879	1.88
1880	1.92
1881	2.08
1882	2.06
1883	1.86
1884	1.46

I know there is a Sugar Trust. I know there is a Sugar Trust which has robbed the Government and the people of the United States, and which dictates prices both to the producers and the consumers of sugar, and that it has been aided in its career of oppression and extortion both by excessive tariffs and by tricks and jokers in the law. But when a committee undertakes legislation vitally affecting the national revenues and a great national industry and bases its action upon statistics, then I say it ought to quote all the figures and properly analyze them.

The following are the years and marginal differences given in the Hardwick report, arranged in tabular form and followed by the reason given in the report for such variation:

Variation of margin in raw and refined sugar.

Year.	Marginal difference.	Reason.
1885	0.71½	No trust.
1886	.78	Do.
1887	.76⅞	Do.
1888	1.25	Refiners trust organized.
1889	1.20¼	
1890	.72	Spreckels's competition.
1891	.82⅛	
1892	1.53½	Philadelphia independents bought up.
1893	1.15½	
1894	.88	Why this drop?
1895	.88½	Do.
1896	.90⅝	
1897	.94½	
1898	.73	Arbuckles' competition.
1899	.50	Do.
1900	.75½	War letting up.
1901	1.00½	Peace with Arbuckles.
1902	.91½	Beet sugar competition.
1903	.91½	Do.
1904	.79½	Competition of independents.
1905	.97⅛	Do.
1906	.....	Omitted.
1907	.....	
1908	.88½	Competition of independents.
1909	.75⅛	Do.
1910	.78½	
1911	.89½	

EFFORTS OF THE SUGAR TRUST TO DESTROY AND CONTROL BEET SUGAR.

I am well aware of the fact that the majority wish and intend this bill to be considered by the great mass of the people in this country as an attack in their behalf upon the Sugar Trust. I am aware of the further fact that this view is taken of this bill by some of my own constituents, and I have read in the public press of my own State the bald assertion that the Sugar Trust was the sole beneficiary of the tariff. So that opposition to this bill may put one in the false attitude of opposing legislation aimed at the Sugar Trust.

I have already incorporated in my remarks the testimony of Sugar Trust officials and refiners before the Hardwick committee in favor of free trade in sugar, and the testimony of the refiners showing that they all regard beet sugar as a strong, dangerous, and growing competitor.

I have already referred to and proven the fact that the petition propaganda for free sugar was instigated, carried on, and paid for by cane-sugar refiners.

And I shall insert here the summarized findings by the Hardwick committee of the repeated efforts of the Sugar Trust to destroy its beet-sugar competitor. I am at a loss to understand how any member of that committee can vote for free sugar. He must do it knowing that he is playing into the hands of the Sugar Trust.

BEET-SUGAR OPERATIONS OF THE SUGAR TRUST.

[Copied verbatim from Hardwick report.]

(9) The trade war waged in September, 1901, by the American Co. and its allies upon the beet-sugar companies in order to obtain control of them and destroy competition.

(10) The appointment, in December, 1901, by the directors of the American Co. of a committee of four, consisting of Messrs. Havemeyer, Thomas, Palmer, and Donner, for the express purpose of acquiring a large interest and influence in the beet-sugar interests of the United

States, the beet-sugar factories having by that time become serious competitors of the cane-sugar refiners.

(11) The purchase by the American Sugar Refining Co., in December, 1902, of $7,500,000 of the capital stock of the American Beet Sugar Co. This has since been sold.

(12) The contract of December, 1902, between the American Sugar Refining Co. and the American Beet Sugar Co. by which the latter company constituted the former its factor or agent for the disposal of its product, agreeing to "avoid the markets of the Refining Co." This agreement has not been in force since 1905.

(13) The agreement in August, 1894, between the Western Beet Sugar Co. and the Western Sugar Refining Co. (American) by which the beet-sugar company agreed to cease to manufacture and sell refined sugar and to manufacture raw sugar only, which the refining company agreed to buy.

(14) The purchase in 1897 by the American Sugar Refining Co. of one-half of the capital stock of the Spreckels Sugar (beet) Co. of California.

(15) The purchase of large blocks of stock from 1902 to 1906 by the American Sugar Refining Co. in the Michigan Sugar Co.

(16) The acquisition by the American Sugar Refining Co., between 1902 and 1906, of large interests in the Great Western Sugar Co., a corporation under the laws of New Jersey, which is influenced by the American Co., through its stock ownership therein.

(17) The acquisition by the American Sugar Refining Co., in 1901, 1902, and 1903, of one-half interest in "The Utah-Idaho Sugar Co."

(18) The purchase by the American Sugar Refining Co., in 1902, of one-half of the capital stock of the Amalgamated Sugar Co.

(19) The acquisition, in 1903, by the American Sugar Refining Co. of a large interest in the Lewiston (Utah) Sugar Co., a projected competitor.

(20) The purchase, in February, 1903, by the American Co. of a large interest in its competitor, the Alameda (Cal.) Sugar Co.

(21) An unlawful agreement of February 19, 1903, between the Alameda Sugar Co. and the American Sugar Refining Co. by which the former company constituted the latter company its factor or agent for the disposal of its product, agreeing to "avoid the markets of the refining company."

Indeed, it seems to us that from its organization, on January 10, 1891, until 1907, at least, almost every step in the industrial development of the American Sugar Refining Co. was a well-considered part of a carefully planned campaign to secure and maintain a monopoly in interstate trade in sugar, to obtain complete control thereof, and *to forestall, destroy, or weaken competition therein*. Since 1907 new influences have controlled the company, and the testimony does not show a continuation of the policy in investing in competing concerns, but does show that some of the properties previously acquired have been sold.

HOW THE FREE-SUGAR BILL AFFECTED SUGAR-TRUST STOCKS.

But I want now to direct special attention to facts which expose the utter fallacy of any pretense that this legislation is aimed at the Sugar Trust or is regarded by the Sugar Trust or the investing public with any apprehension whatever.

It has been said in explanation of the secrecy in which this bill was evolved, that it was desired to avoid disturbance on the stock exchange, and that this was the reason this proposed legislation was not made public until 5 o'clock p. m., the hour of the convening of the caucus. One would think that as a result of this terrific and unprecedented attack upon the Sugar Trust they would be throwing Sugar Trust stocks into New York Harbor. But what are the facts?

The facts are these—and I quote from the reports of the New York Stock Exchange in the Washington daily papers—the facts are these:

That when the New York Stock Exchange closed on Friday, March 1, 1912, which was before the hour this trust-busting piece of legislation was thundered into the ear of a startled world, the stock of the American Sugar Refining Co. closed at 118⅛; and that on the following day, to wit, Saturday, March 2, 1912, after this wreck of matter and crash of worlds, the stock of the American Sugar Refining Co. opened on the New York Stock Exchange at 118⅛, an advance of one point. This stock closed on March 9, one week after the publication of this bill at 118¼, and on March 12 it reached 119⅝.

On March 14, 1912, the day before the passage of the free-sugar bill in the House of Representatives and while the bill was under debate and when it was known to a certainty that it would pass by an overwhelming majority, the stock of the American Sugar Refining Co. reached 123¼ on the New York Stock Exchange, *which was the highest point reached by that stock during the years 1911 and 1912.*

The highest point reached by the stock of the American Sugar Refining Co. during the year 1911 was 122½ per share.

The highest point reached by the stock of the American Sugar Refining Co. during the year 1912 and prior to Sunday, March 10, 1912, was 120⅜.

By March 14 it had jumped to 123¼, as stated.

Between the time, therefore, of the closing of the New York Stock Exchange on March 1, 1912, an hour before the publication of the free-sugar bill, and March 14, 1912, the day before its passage, the stock of the American Sugar Refining Co. advanced from 118⅛ to 123¼, an increase of $5[1] *per share.*

So this proposed legislation is busting the Sugar Trust like the Supreme Court busted the Oil and Tobacco Trusts, by increasing the market value of their stocks.

[1] NOTE: During the last week of March, 1912, this stock reached 129⅛, an increase of $11 per share.

Some severe things will be said about this proposed legislation, but nothing so crushing and unanswerable as the stock quotations of the concern at which this legislation is supposed to be aimed. And it is no exaggeration to say that if the pending bill simply provided for the removal of the Dutch standard and nothing else, it would give vastly greater concern to the Sugar Trust than the proposition to wipe out not only the Dutch standard and all other tests, but the tariff as well.

SOME ADDITIONAL REASONS ASSIGNED IN FAVOR OF FREE SUGAR AND ANSWERS THERETO—THE LARGE PROFIT IN SUGAR BEETS.

The alleged large profits in the raising of sugar beets is one of the reasons advanced why sugar can go upon the free list without destroying or badly crippling the domestic beet-sugar industry. I have already referred to the specific finding of the Hardwick committee that—

> The evidence as taken does not disclose combinations between manufacturers in the beet-sugar industry that have caused or had a tendency to cause a decrease in the cost of sugar beets.

I have commented upon this finding as indicating that the farmer gets a fair price for his sugar beets. This was the testimony before the committee of Mr. John H. Riley, of Fowler, Colo., Mr. John W. Edgar, of Rocky Ford, Colo., and other beet-sugar raisers in Colorado, who stated that they had no interest whatever in any beet-sugar company. It is true that the fact that farmers, according to the testimony of these witnesses, receive a fair price for their beets is largely due to organized or independent efforts among the farmers themselves, who by reason of the rich and varied crop possibilities of their land may profitably raise other than sugar-beet crops, and who, therefore, are able to negotiate for a fair price for their sugar beets and enforce the same.

Now, these gentlemen testified, and so did other witnesses in the same line, that after paying out $35 and $40 per acre in the production of sugar beets they received $75 or $80 for the product, leaving a net profit of $35 or $40 per acre, and there is some testimony in the hearings showing that sugar-beet farmers have realized more than $50 per acre for their output.

But what Members do not understand is the very limited tracts or areas owned by the beet-sugar farmers and upon which this plant is produced. They do not understand that one man probably could not cultivate and entirely care for more than 5 or 6 acres of sugar beets in a season, which, even at $50 per acre, would yield him very little for his year's work. They do not understand that sugar beets must be produced by hard scientific work and with the aid of floating labor, going from field to field, and that after two or three or four such crops there must be a rotation of crops. To one who knows there is much that is very deceptive in this seeming large profit in sugar beets; there is much hazard in the raising of them; and, taking the proposition by and large, many deductions must be made to arrive at the true profits of the business.

BEET SUGAR AS AN "EXOTIC."

In the same speech in which the foregoing argument is found will also be found the paradoxical statement that beet sugar is an exotic in this country; that it does not belong here; that it is not indigenous; that it is a hothouse proposition, fostered by high tariffs at too great an expense to the American people. The cane lands of the Tropics—of Java and the West Indies and Hawaii and the Philippines—will be described as the natural sugar-producing regions of the earth. Let nature have its own is the substance of this plea.

Yet on page 19 of the Hardwick Report appears the following:

> In the year 1910 the world's production of sugar was almost 17,000,000 tons. Of this amount almost one-half (49.5 per cent) was cane and just a little over one-half (50.5 per cent) was beet sugar.

Europe alone produced 8,000,000 tons of beet sugar. Furthermore, beet sugar is rapidly overtaking and forging ahead of cane sugar. Investigations and reports of the Department of Agriculture show that the United States possesses more than 200 times the beet-sugar land of Europe. In the face, therefore, of all the facts, and I have barely touched upon them, the argument that beet sugar is an exotic falls to the ground. I believe the time will come when the United States will produce its own sugar, and that the time may come when it can produce it without the assistance of a bounty from the Government, but that time, in my judgment, has not yet come.

And there is absolutely no reason in statesmanship or economy why sugar should not bear some of the burdens of government, *as it has done throughout the entire history of this Government, and as it does in every civilized government on earth*, especially when a moderate tax upon it will materially assist in sustaining a national industry, which is an item of great value in the national economy.

DOMESTIC SUGAR CAN NOT WITHSTAND FREE TRADE.

It has been well said that no man ever makes a tariff argument without contradicting himself, and it may be especially noted in the sugar tariff debates that Members blow hot and blow cold with the same breath. In one moment a Member will exclaim that the farmers are making too much money out of sugar beets, and in the next moment he will exclaim that the sugar beet is an exotic, not suited to the conditions in this country. The Member will also make it equally clear in one and the same breath that the large profits of the beet growers and beet manufacturers indicate that they can still profitably continue in business under free sugar, and that the cost of production here is so high that in the general interest the gates ought to be thrown down and the industry swept away in the flood of free sugar. That it would be so swept away there can be little doubt.

The Hardwick report contains the following figures on the cost of beet-sugar production in the United States:

	Per hundred.
Michigan Sugar Co.	$3.48
Great Western Sugar Co. (Colorado)	3.42
Billings Sugar Co.	3.49
Scottsbluff Sugar Co.	3.85
Amalgamated	3.05
Lewiston	3.03
Utah-Idaho	3.53
Alameda	4.32
Spreckels	2.70
Menominee	4.39
Continental	4.08
Iowa	5.14
Carver County	3.75

An average cost of $3.54 per hundred.

The report then proceeds to state that—

Some territory, best adapted to the cultivation of sugar cane, produces raw cane sugar at a cost of about 1½ cents per pound.

And gives the following figures as the cost of producing raw sugar in the countries named: Java, 1½ cents per pound; Philippine Islands, 84 per cent raw cane sugar, three-fourths of a cent per pound; Cuba, 2 cents per pound. To these figures must be added the cost of refining, which is about one-half cent per pound.

With this cost added, therefore, Java can produce refined sugar at 2 cents per pound and Cuba for 2½ cents per pound and the Philippine Islands for 2¼ cents per pound. There can be little doubt that Cuba and the Philippine Islands can produce refined sugar for less than these figures.

Mr. William L. Bass, a sugar planter of Santo Domingo, testified before the Hardwick committee, with reference to his raw sugar, as follows:

I deliver it for 2 cents to the United States. (P. 3931.)

The Hardwick hearings also show that the cost of producing refined beet sugar in Germany averages about $2.40 per hundred, and the ocean freight rate upon this sugar from Hamburg to New York City is only about 12 cents per hundred. From all of the foregoing it is plain that the refined beet sugars of Europe and the refined cane sugars of the Tropics can be laid down in New York at $2.50 per hundred.

The problem therefore confronting us is a simple one. It is this: CAN THE BEET-SUGAR PRODUCERS OF THE UNITED STATES COMPETE WITH $2.50 PER HUNDRED REFINED SUGAR?

On an average it will require 8 tons of 12½ per cent beets, or 6⅔ tons of 15 per cent beets—and I use these two grades only by way of illustration—to produce a ton of sugar, costing the sugar company in either case between $40 and $45 per ton of sugar content. I believe there are exact figures showing that the per ton cost of beet-sugar content to the manufacturer is at the very bottom $2.20 per hundred, or $44 per short ton of 2,000 pounds. This leaves a margin of 30 cents per hundred between what the sugar in the beet costs the manufacturer, say in Colorado, and the price for which imported refined cane or beet sugar can be laid down in New York. Out of this 30 cents the manufacturer must make a profit on the million-dollar investment ordinarily represented by a sugar plant. He must meet depreciation, improvement, and repairs, and all labor and operating expenses. He must also pay freight rates to his markets. What is the freight rate on sugar from Colorado manufacturing points to Kansas City, to St. Louis, to Chicago? Will less than 50 cents per hundred meet this charge?

It does not entirely meet the situation to say that Hamburg sugar could be laid down in New York for 12 cents per hundred. If Hamburg sugar can be laid down in New York for 12 cents per hundred, it can be laid down in Chicago for 12 cents per hundred. Under foreign steamship and American railroad freight traffic and rate arrangements there would be no such thing as an American railroad freight rate on the imported sugar. I mean substantially speaking. I mean that the railroad freight rate would be a wholly negligible quantity. It is a well-known fact that wool can be shipped from Australia to England and from England back to Chicago cheaper than it can be shipped from Denver to Chicago. Any freight-rate expert could fill pages of such instances. Let no mistake be made upon this proposition. The freight rate would afford very little protection and that of the most uncertain and unreliable character. It is a well-known fact in freight traffic that the local freight and its local rate bear the major burden. If the cost of sugar production at Hamburg and Denver were the same, Denver sugar could never get to Chicago. It could never get to St. Louis. It is doubtful if it could ever get to Kansas City. Under such equality of conditions in the cost of production there would be only a local market for the domestic product, and it would not and could not be produced under such conditions. It would simply be another case of the big outside interests killing off the little local concern. The cane-sugar refiners made this so clear to the Hardwick committee that he who runs may read.

The only tenable ground that can be taken and sustained in behalf of free sugar; the only ground that is taken by its advocates in private and also as publicly as they dare, is that the preservation of the domestic industry is not worth the price; therefore let it perish. It is foolish and assinine to deny this. It is flying in the face of all the figures, and in the face of all the contentions of the advocates of this measure, that with free sugar the market price will instantly drop 1½ to 2 cents per pound. If it does it will close every sugar factory in the United States.

DOUBTFUL BENEFITS.

Even under the Wilson bill raw sugar carried a duty of 40 per cent ad valorem, which, with the price of raw sugar 2 cents per pound on the New York market, would be a duty of 80 cents per hundred, plus a differential duty of one-eighth of a cent per pound, or 12½ cents per hundred on refined sugar. There is no precedent in this country to which to appeal in behalf of this legislation. The only issue presented by this legislation is whether, in the belief that we will get domestic sugar a cent and a half per pound cheaper, we will destroy the domestic supply and throw ourselves wholly upon foreign production and place ourselves under the mercy of the International Sugar Syndicate, which fixes the world's sugar prices and determines not only to what countries shall sugar be exported but in what quantities.

And it is not unlikely that we will repeat the experiment on coffee. It will be remembered that at one time the United States derived a considerable revenue from the tariff taxation of coffee, and as the result of an agitation for the "poor man's breakfast table" coffee was placed on the free list. Immediately Brazil laid a heavy export duty on coffee, and from that day to this, we have paid the revenue in the shape of the increased price caused by Brazil's export tax, and Brazil has collected the revenue. There are export duties on Russian sugar. There may be export duties placed upon other sugars. It is not likely that other countries will overlook the opportunity to get their bit out of the great free-trade market of which they are to be made a present in the United States. So that between export duties, the International Sugar Syndicate, the American refiners, wholesalers, and other middle men, we will eventually find ourselves paying nearly as much for sugar as we do now. But meanwhile the domestic industry will have been stricken down and must go through another slow and painful process of rehabilitation.

Members have asked, what do you fear, if the International Syndicate and foreign countries and the refiners and wholesalers and retailers and other things are going to absorb all of this proposed reduction, so that the price of sugar will remain the same; what have you to fear in such an emergency? A nice catch question, but nothing in it. The damage will be done. The cane-sugar refiners will have stricken down their domestic foe, knowing full well that it can not be rehabilitated in many years. Taken all in all, there is more than a possibility, there is a strong probability that free sugar will not be worth the price. These free things seldom are. In the last Congress we threw hides on the free list. We threw away three millions of annual revenues and the price of leather and all manufactures of leather immediately went up and have remained up ever since. Twenty years ago the coffee that is now selling in the grocery stores of this country for 30 cents per pound could be bought for 10 cents per pound.

REFINERS ENTITLED TO NO CONSIDERATION.

The Ways and Means Committee says the refining interest is the most important factor connected with sugar manufacturing in the United States, and requires primary consideration, whereas it is of no importance and requires no consideration.

What is the cane-sugar refiner? What does he make? What does he produce? What does he contribute to the national wealth? Why, he is nothing more than a sort of middle man. He merely puts the raw sugar through a finishing process, which could be as well given it by the maker of the raw sugar, if it were not for the Dutch standard. What difference does it make to the people of the United States whether the sugar refineries are on the East River in New York or in Habana? It simply makes the difference of a few large plants and their employees. For the Committee on Ways and Means to assign to this handful of sugar refiners and their handful of refining plants the place of first importance and entitled to primary consideration in the American sugar question, evinces a fundamental lack of knowledge on the subject, which is about on a par with its scheme of crushing the Smelter Trust by taking zinc ore, carrying a duty of $20 per ton, and throwing it on the free list. The Smelter Trust will be thankful for small favors. It may be pleaded, however, in extenuation of the action of the committee with reference to zinc, that this product is a necessary of life, and that the poor man is entitled to his daily zinc unburdened by tariff taxation. Zinc is a very large item in the poor man's cost of living. Therefore let it be free. The poor man, it is true, may not be aware of the great burden of zinc taxation he is staggering under; he may not know what a large part of the crushing load of the high cost of living is due to the existing duty on zinc ore; but he shall have his zinc free, whether or no.

HIGH SUGAR AT HOME.

The business practice of sugar manufacturers in shipping their product long distances and there selling it cheaper than at the point of production is a much-used argument against domestic sugar concerns since the pending bill came up. In the estimation of many such a condition is an all-sufficient reason for free sugar.

I remember when I was a boy, living in a small Missouri town, hearing my father complain that the flour ground in the near-by mill could be bought cheaper in St. Louis than at home. I have heard this complaint against home industries ever since. I have heard it said that the apples and peaches grown upon the great western slope of the Rocky Mountains in Colorado could be bought in Denver and elsewhere cheaper than in the orchard towns. I have heard it complained that the fruits of California could be bought cheapest in New York; that the watches of Elgin, Ill., can be bought cheapest in Europe; that the John Deere plow can be bought cheapest in South Africa; that the products of the Steel Trust can be bought cheaper any place in the world than in the United States. There seems to be some universal law of trade productive of these results. I do not know what it is. I simply know it is not the tariff, because if it was the tariff, then I should expect it to be confined only to protected industries and only to subjects of import taxes and only to things coming into the United States from some other country, whereas I find it in all things everywhere and whether taxed or untaxed.

THE REMEDY?

Are the beet-sugar manufacturers making undue profits? Perhaps they are. The advocates of this bill have produced figures to prove that they are.

Are the beet-sugar growers getting too much for their beets? Perhaps they are. The advocates of this bill have produced figures to prove that they are.

Do the sugar makers charge the home folks more for sugar than they charge outsiders? Perhaps they do. And, so far as I am informed, I believe they do.

Is the price of sugar too high? I believe it is, although this is due not to one cause but to many causes. Like the high cost of living generally, it is made up of a multitude of things, whether these things are under high tariff, low tariff, or no tariff, and whether produced in this country or other countries.

All of the foregoing things being true, what are you going to do about it? Close the sugar factories? Is this the remedy? The patient having a number of bad symptoms, must he therefore be killed? Do not take a good slice off the tariff and off the refiners and off the beet growers and off the wholesalers and off the retailers, but just take it all off in one place.

I have studied this question a great deal. I have sought information from every source. I have felt the force and justice of the general demand for substantial reductions in tariff duties and that each industry and each section of the country must contribute to the common cause. And I stood ready to do my part and vote to cause the State I represent and its products and industries to make their just contribution. And when I voted for a reduction of 50 per cent in the duties on raw wool I cast a vote that met with the approval of my conscience, whether it met with the approval of the woolgrower or not, and enabled me with a clear conscience to vote for similar reductions in cotton manufactures, of which my State has none.

But I did not know that when I returned to the regular session of Congress I would be called upon to make contributions as follows: Tungsten, 100 per cent; zinc ore, 100 per cent; zinc pig, 60 per cent; lead ore, 60 per cent; lead pig, 70 per cent; sugar, 100 per cent; and now, in all probability, wool, 100 per cent.

I repeat, I did not know that I would be called upon to make such contributions as these in order that the majority in the House of Representatives would be able to show the country that it was making *average reductions of 35 per cent* all along the line.

And I do not believe that when the record is finally made up I will be called upon, or that my State will be called upon, to make any such contributions. The voice of the West is weak in the House of Representatives. Its numerical strength is small. But elsewhere, and by virtue of that constitutional equality of representation which was intended to guarantee each section of the Republic, and the interests of each section, equality of representation, the matters of which I complain will receive consideration which they have not received here; and when this is done I shall confidently anticipate a result which will not strike down any industry or which will make any industry, by reason of its locality or by reason of the numerical weakness of its representatives, contribute more than its share to the general welfare in order that more widely distributed industries or industries more powerfully represented numerically may contribute less than their share.

Mr. GUERNSEY. Mr. Chairman, during the discussion of the agricultural bill I tried to call attention to the fact that tariff legislation enacted by the majority party so far, as well as proposed legislation, was unfavorable to the agricultural interests of the country. The proposed bill, it seems to me, is against the agricultural interests of the country. It surrenders an important market for American products in Cuba. The Spanish-American War brought us into closer relations with the Cuban people, and as a result a preferential treaty was negotiated which gave the products of the soil of the United States admission into Cuba at 20 per cent under the regular custom rates, and the chief product of Cuba, which is sugar, was admitted to this country at 20 per cent preferential rates as against the world. If this bill passes admitting sugar of the world free, there will no longer be a reason for the continuance of the preferential treaty between this country and Cuba, as the sugar rebate is the Cuban end of the treaty. Since that treaty went into effect our trade with Cuba has doubled. In 1909 we sold there $48,000,000 worth of American products. During the calendar year of 1911 the sales amounted to $62,000,000. The cancellation of that treaty will not only affect the beet-sugar farmer, but it will affect the wheat fields of the West, the products of which go to Cuba in the shape of a million barrels of flour annually. Not only that, but the potato growers of the Northern States, from Maine to the Dakotas, sent in 1910 to Cuba potatoes to the amount of more than a million bushels, and during the calendar year of 1911 they sent to Cuba potatoes to the amount of a million and a half bushels. That does not take into account shipload after shipload of Maine potatoes that went to Cuba and were sold in that market through the port of St. John, New Brunswick. It seems to me that we should not trifle with so important a market.

If we pass this bill, in my judgment, the result will be that we will simply turn a sixty-two million dollar Cuban market over to Canada. Canada is already negotiating with the British West Indies for the purpose of securing the flour trade now controlled by the United States in those islands, amounting to millions and millions of dollars. By giving Canada a preferential rate of 24 per cent, her flour would go in there to the exclusion of ours. The New York Produce Exchange is raising its voice at the present time trying to engage the Government in activities to prevent the enactment of that treaty. If we pass legislation which results in the cancellation of the Cuban treaty, Canada, naturally, will at once seek to get control of a far better market in Cuba than the British West Indies would be to her. I do not believe that we can afford to throw away so good a market, which has been won through war and is practically the only commercial result of the Spanish-American War, in which we expended lives and treasure.

The CHAIRMAN. The time of the gentleman from Maine has expired.

MESSAGE FROM THE SENATE.

The committee informally rose; and Mr. BULKLEY having taken the chair as Speaker pro tempore, a message from the

Senate, by Mr. Crockett, one of its clerks, announced that the Senate had passed the following resolutions:

Resolved, That the Senate has heard with profound sorrow of the death of the Hon. WILLIAM PIERCE FRYE, late a Senator from the State of Maine.

Resolved, That as a mark of respect to the memory of the deceased the business of the Senate be now suspended to enable his associates to pay proper tribute to his high character and distinguished public services.

Resolved, That the Secretary communicate a copy of these resolutions to the family of the deceased.

Resolved, That as a further mark of respect to the memory of WILLIAM PIERCE FRYE the Senate do now adjourn.

The message also announced that the Senate had agreed to the amendments of the House of Representatives to the joint resolution (S. J. Res. 89) to amend joint resolution to prohibit the export of coal or other material used in war from any seaport of the United States.

THE SUGAR SCHEDULE.

The committee resumed its session.

Mr. GOOD. Mr. Chairman, I offer the following amendment, which I send to the desk and ask to have read:

The Clerk read as follows:

Strike out the words "shall be admitted free of duty," line 10, page 2, and insert in lieu thereof the following: "Ninety-five and one-half hundredths of one cent per pound."

Mr. GOOD. Mr. Chairman, the amendment which I have offered and which I hope will prevail will reduce the present duty on sugar one-half. I offer this amendment not because I believe the sugar industry is in need of protection, for I do not believe that it needs any protection, but I offer it because the Government is in need of revenue until some change is made in our revenue laws which will more safely permit the removal of all the duty on sugar. I believe we find ourselves in about the same condition, except with reference to revenue, which existed in this country when the McKinley act was under consideration. The author of that measure, when that bill was before the House, made use of the following language:

I would have preferred, Mr. Chairman, if the article of sugar could have been left in the tariff schedule upon the dutiable list. This, however, was not practicable in the presence of an almost universal sentiment in favor of the removal of the entire duty upon this great article of universal family use.

Public sentiment is and should be back of every statute. It should be the foundation of every great reform. If our acts are to be truly representative of those whom we represent, we should, in the determination of these questions, give heed to the public sentiment. When the McKinley bill was passed there was a universal demand for the removal of the duty on sugar. There is a universal demand now for the removal of this duty, if I read public sentiment aright, and I for one believe that this sentiment is founded upon a sound governmental policy.

Four years after the passage of the McKinley bill, and at the time the House was considering the Wilson bill, the distinguished gentleman from New York [Mr. PAYNE], who is an authority on all tariff questions, made use of this language:

The so-called McKinley bill found this article (sugar) bearing a heavy duty. It was a revenue duty, because only one-tenth of our entire consumption was produced in this country and the other nine-tenths was produced abroad. The tariff became a direct tax upon the consumer and was paid by him.

[Applause.]

For more than 100 years we have been giving protection to this industry—first by tariff duties, then by bounties, and again by tariff duties—and yet to-day we produce in continental United States only about 20 per cent of our entire consumption of sugar and import from our insular possessions and foreign countries about 80 per cent of our consumption. The present duty of $1.90 per hundred pounds on refined sugar I believe is as much of a tax on the consumer to-day, and he has to pay it just as truly as he had to pay it when we produced but 10 per cent of what we consumed. [Applause.]

Mr. Chairman, I am in favor of that degree of protection that measures the difference in the cost of production at home and abroad, but I do not believe there is any material difference in the cost of producing sugar at home and abroad. It is a well-known fact that we receive every year from the Hawaiian Islands about $40,000,000 worth of sugar. This sugar is produced in the cane fields of those islands by Chinese and Japanese laborers, who work at from $16 to $20 per month. These laborers board themselves and commence work at 4 o'clock in the morning and quit work at 4 o'clock in the afternoon, with only one-half hour for noon. I understand that practically the same conditions surround the production of sugar in Porto Rico and the Philippine Islands, and we all know that the conditions of labor in the cane fields of Louisiana are but little better than slavery.

The great policy of protection has been maintained in the past and is maintained to-day on the broad principle of protecting American labor and maintaining an American wage scale; but here we are asked to vote protection to an industry that does not employ American labor, nor does it pay an American wage scale. That is protection run mad. So far as cane sugar is concerned, therefore, I am satisfied that the cost of production in this country does not exceed the cost of production abroad, and that, measured by the rule of the Chicago platform, the cane-sugar industry is not entitled to any protection whatever.

But the beet-sugar industry presents a more difficult problem. While the report of the Hardwick investigating committee contains the statement that it costs more to produce beet sugar in this country than it does abroad, that committee was not commissioned to, and did not carefully consider, the question of the cost of producing beet sugar either at home or abroad. It made no such investigation of the cost of the production of beet sugar as the Tariff Board made on the woolen and cotton schedules. While I have no desire to minimize the work of that committee, yet I submit there are not sufficient facts in the report to warrant the statement which is contained therein with regard to the cost of producing beet sugar at home and abroad. This statement is largely made from the statements sent to the committee by the various beet-sugar companies of this country, the publication of which statements, for some unaccountable reason, has been suppressed. That this investigating committee did not go carefully into the question of the cost of production, but rather accepted these statements made by the various managers of beet-sugar factories, who were interested in showing large production costs, is apparent from the following table:

Cost of producing beet sugar in 13 factories for 1910–11, as claimed by such factories.

	COST PER 100 POUNDS.
Michigan Sugar Co.	$3.48
Great Western Sugar Co.	3.43
Billings Sugar Co.	3.49
Scott's Bluff Sugar Co.	3.85
Amalgamated Sugar Co.	3.05
Lewiston Sugar Co.	3.03
Utah-Idaho Sugar Co.	3.53
Alameda Sugar Co.	4.32
Spreckels Sugar Co.	2.70
Menominee Sugar Co.	4.39
Continental Sugar Co.	4.08
Iowa Sugar Co.	5.14
Carver County Sugar Co.	3.75

Certainly no important legislation should be predicated on such a basis as this. If we examine this showing, we find that for the same year it cost the Spreckels Sugar Co. $2.70 per 100 pounds to manufacture beet sugar, while it cost the Iowa Sugar Co. $5.14 per 100 pounds to manufactufe beet sugar. The Iowa Sugar Co. is a prosperous concern, making about $16,000 during the year; and if it can make money on a production cost of $5.14 per 100 pounds, obviously beet-sugar factories like the Spreckels Sugar Co., with an annual capacity of 70,000,000 pounds, can net a fabulous return on a productive cost of $2.70 per 100 pounds. The admitted difference in the cost of production of these two factories is $2.44 per 100 pounds, or $0.0244 per pound. This multiplied by 68,452,800 pounds, the product of the Spreckels Sugar Co. for the year 1910–11, equals $1,670,980.32 in profits to the Spreckels Sugar Co., if its profits were limited to what it saved in the cost of making sugar, as compared with the cost of the Iowa Sugar Co. If the Iowa Sugar Co. can make money on a production cost of $5.14 per 100 pounds, obviously the Spreckels Co.'s profits exceed $1,670,982.32 on a capital stock, the book value of which is shown to be but $2,450,077.48.

Considering the beet-sugar industry, therefore, in the light of the evidence produced before the investigating committee, I am unable to see that the industry needs protection. I do not believe that it does.

But some one may say that the removal of the duty on sugar operates in the interest of the American Sugar Refining Co., the Sugar Trust. Is this true? In times past who appeared before the Ways and Means Committee demanding the retention of the duty on sugar? Was it not the beet-sugar manufacturers? The beet-sugar manufacturer has been loudest in his demand for the retention of the duty on sugar. But who owns the stock in the beet-sugar factories of the United States? Officials of the American Sugar Refining Co., commonly known as the Sugar Trust, appeared before the Hardwick investigating committee and admitted that they owned 41 per cent of the stock in 11 of the principal beet-sugar companies of the United States. These 11 companies produce more than 50 per cent of the beet sugar made in this country. The following information was furnished the committee by the Sugar Trust.

The American Sugar Refining Co.'s interest in beet-sugar companies, May 23, 1911.

Names of companies.	Kind of stock.	Par value of shares.	Capital stock.			Per cent owned by American Sugar Refining Co.	Production campaign 1910–11.
			Total issued.	Owned by American Sugar Refining Co.	Total book value.		
							Pounds.
Alameda Sugar Co.	Common	$25.00	$745,825	$371,250	$203,874.93	+49	12,482,400
Spreckels Sugar Co.	do	100.00	5,000,000	2,500,000	2,450,077.48	50	68,452,800
Utah-Idaho Sugar Co.	Preferred	10.00	9,449,090	4,650,500	3,014,076.88	+49	70,965,900
	Common	10.00	1,470				
Amalgamated Sugar Co.	Preferred	100.00	2,551,400	1,275,700	705,433.50	50	25,801,300
Lewiston Sugar Co.	Common	10.00	606,430	225,000	225,000.00	+37	10,619,300
Great Western Sugar Co., including Billings Sugar Co., and Scottsbluff.	do	100.00	10,544,000	2,735,500	4,052,287.07	26	191,810,800
	Preferred	100.00	13,630,000	5,159,200		38	
Michigan Sugar Co.	Common	100.00	7,471,107	2,607,400	2,428,958.21	35	123,130,991
	Preferred	100.00	3,703,500	2,043,800		55	
Iowa Sugar Co.	Common	100.00	550,000	416,500	405,650.00	+75	7,486,333
Carver County Sugar Co.	do	100.00	600,000	483,700	459,515.00	+80	5,003,696
Menominee River Sugar Co.	do	10.00	825,000	309,000	285,000.00	+36	6,135,588
Continental Sugar Co.	do	100.00	1,200,000	415,440	505,440.00	−35	24,160,176
			56,883,617	23,183,990	14,735,313.07	−41	546,049,181

If, as suggested, the Sugar Trust is the party demanding the removal of the duty on sugar, we have this very anomalous situation. The Sugar Trust wants free sugar. The beet-sugar manufacturers want the tariff on sugar retained. The Sugar Trust owns 41 per cent of the capital stock of the beet-sugar factories, which produce over one-half of the entire beet-sugar production. The hyprocrisy of such a claim is apparent on its face. It may be that the American people will continue to pay the tax on such a theory without protest, but I doubt it. Certainly legislation as important as this should not be predicated upon such a hypothesis.

That the Sugar Trust is anxious to retain the duty of $1.90 per hundred pounds on sugar is apparent when we remember that it has scattered beet-sugar factories over 17 States, interested local capital in them in order to give the investment local color, that it may make its demands through that capital to the Members of Congress in support of what seems to me to be an indefensible tax upon the American people. The tariff on sugar yields to the Government about $53,000,000 annually. The sugar consumed in the United States is largely imported, and as the gentleman from New York [Mr. PAYNE] said in 1894:

> The tariff on sugar became a direct tax upon the consumer, and it was paid by him.

But the $53,000,000 annually is not all that the consumer of sugar pays because of this tax. This amount is collected on imported sugar only. The Sugar Trust and the beet-sugar factories, instead of the Government, collects an additional amount, equal to the tariff, on every pound of sugar which is produced in continental United States, the Hawaiian Islands, the Philippine Islands, and in Porto Rico. The total consumption of sugar in the United States for the year 1910 was about 3,350,000 tons.

We received sugar from our insular possessions upon which we did not pay duty, as follows:

From Porto Rico, 569,039,881 pounds; from the Hawaiian Islands, 1,110,594,466 pounds; from the Philippine Islands, 175,869,739 pounds; or, 1,855,504,086 pounds of sugar from our insular possessions upon which no duty was collected. In addition to this, we produced in continental United States of cane and beet sugar 1,775,338,000 pounds, on which no tariff duty was paid. Last year we consumed in the United States 7,360,126,811 pounds of sugar, on only 3,918,593,677 pounds of which was a duty paid. We consume more than 22 per cent of the world's production of sugar, or 80 pounds of sugar for every man, woman, and child in the United States.

The heavy tax on these consumers of almost 2 cents per pound for all the sugar they consume is unreasonable.

For 10 years the Sugar Trust has been able to purchase raw sugar from Cuba and the West Indies for less than $2.20 per 100 pounds, and the average freight on the same to New York has not exceeded 15 cents per 100 pounds, making the average cost of raw sugar to the Sugar Trust for the last 10 years of less than $2.35 per 100 pounds. During this same period the English refiners purchased raw sugar in the open market on board ship in English ports at $2.37 per 100 pounds. The English refiners refined sugar and, for a period of 10 years, sold it at wholesale at an average of $2.75 per 100 pounds. The Sugar Trust in the United States during the same period has maintained an average wholesale price of $4.84 per 100 pounds. The net result is that the wholesalers in this country have been obliged to pay an average of $2.09 more per 100 pounds than was paid by the English wholesalers for refined sugar. During all that time we have maintained a tariff of $1.95 per 100 pounds on refined sugar, except for the year 1910, when the tariff was $1.90 per 100 pounds.

In this connection the following table, compiled from the Statistical Abstract for 1910, completely demonstrates the proposition laid down by the gentleman from New York [Mr. PAYNE], that the duty on sugar is a direct tax on the consumer and is paid by him.

Wholesale price of granulated sugar per 100 pounds in New York, Hamburg, and Great Britain.

Year.	Export price at Hamburg.	Export price at Great Britain, tariff unpaid.	Wholesale price at New York.	Difference in wholesale price New York and export price Hamburg.	Difference in wholesale price New York and export price Great Britain.	Tariff in United States per 100 pounds.
1900	$2.64	$2.58	$5.32	$2.68	$2.74	$1.95
1901	2.29	2.17	5.05	2.76	2.75	1.95
1902	1.79	1.46	4.45	2.66	2.49	1.95
1903	2.11	2.24	4.63	2.52	2.39	1.95
1904	2.55	2.59	4.77	2.22	2.18	1.95
1905	3.00	2.72	5.25	2.25	2.53	1.95
1906	3.31	2.32	4.57	2.20	2.19	1.95
1907	2.40	2.49	4.65	2.25	2.16	1.95
1908	2.63	2.69	4.95	2.32	2.42	1.95
1909	2.78	2.33	4.70	1.98	1.93	1.95
1910	3.22	2.49	4.97	1.75	2.03	1.90

It seems to me that an examination of this table can not fail to convince one that the tariff on sugar is a consumption tax, and that the consumer pays it. For each year from 1900 to 1910, inclusive, it is demonstrated that the difference in the price of sugar at Hamburg and New York and Great Britain and New York was the amount of our tariff plus freight charges, insurance, and other expenses. It is obvious, therefore, that the increased cost to the consumers of sugar in the United States by reason of the protection that has been maintained on sugar for the past 10 years amounts to at least the amount of the tariff.

But it is said we are developing an industry in the United States. In 1902 we produced in continental United States 1,097,862,181 pounds of sugar, but we consumed that year 5,018,972,657 pounds of sugar. In 1910 we produced in continental United States 1,775,338,000 pounds of sugar and consumed 7,360,126,811 pounds of sugar. In other words, during the last eight years we have increased our production of sugar 677,475,819 pounds, while our consumption of sugar during the same period has increased 2,341,154,154 pounds, or our consumption has increased four times as fast as has our production. Eighty years ago we produced 49 per cent of the sugar we consumed; 70 years ago we produced 48 per cent of our consumption; 60 years ago we produced 47 per cent of our consumption; and to-day, after a century of protection to the sugar industry, we are producing in continental United States only about 20 per cent of our consumption. At this rate, how long will it take to establish the sugar industry? It ought to occur to us that it is too costly to maintain this industry by taxing the consumers of sugar.

In 1883 the Government was collecting in the neighborhood of $80,000,000 annually more revenue than it could expend, and, over the protest of the Commissioner of Internal Revenue, Congress made a reduction of 8 cents per pound on tobacco. The suggestion of the gentleman from Washington [Mr. WARBURTON] that if the Government faced a deficit by the removal of the duty on sugar the internal-revenue tax on tobacco be increased 8 cents per pound, is a good one. Such policy would more than secure the Treasury against a deficit by reason of the removal of this obnoxious tax.

The gentleman from New York [Mr. PAYNE] is no more a protectionist now than he was in 1894. When the Wilson bill was before the House, he said:

We took the duty off in 1890, and reduced the price of sugar, because we produced but 10 per cent of the sugar we used and imported 90 per cent, and I hope that fact will get to the understanding of my friend from Kansas [Mr. Simpson.]

A vote for the restoration of the duty on sugar is a vote of $5,000,000 a year to the gentlemen who own the sugar plantations in the Hawaiian Islands; it is a vote of $10,000,000 a year to those who own the sugar plantations in Louisiana and other places in the South and West; and therefore I am opposed to voting a tariff on sugar.

But in all justice to the gentleman from New York [Mr. PAYNE] I should say that he argued at that time for the retention of a bounty on sugar. While I am opposed to a tariff on sugar, if that industry needs assistance it should be extended in the way of a bounty raised by a tax on incomes, or a revenue tax upon luxuries, and not by a tax upon the necessities of life, which in the end must be paid by the man that toils. It is high time that we adopt a policy that will compel those who enjoy the luxuries of life to pay their just proportion of the cost of building and maintaining American industries. The tax to maintain such industries should be borne by the people according to their ability to pay it. The duty on sugar is a tax on hunger; if it is maintained it must, in a large measure, be paid by the man who can least afford to pay it—the man that toils. Let us remove this tax from a prime necessity and place it upon a luxury.

I find myself in complete sympathy with the sentiments expressed by the gentleman from New York [Mr. PAYNE] and the late Senator Allison, when the Wilson bill was before Congress. If the duty on sugar was indefensible then, it is indefensible now. I agree with the gentleman from New York [Mr. PAYNE] when he said:

I oppose the restoration of the duty upon sugar, because it is putting a tax on every man's breakfast of at least $1 a year for each person who sits down to that table.

And I most heartily concur in what was said by the late Senator Allison:

If I had my way about it I would strike from this bill every vestige which provides for a duty on sugar, * * * and if additional revenue was required, I would look around among the luxuries that are consumed by our people and find that revenue.

Mr. LENROOT. Mr. Chairman, I wish to offer an amendment.

The CHAIRMAN. The gentleman from Wisconsin offers an amendment, which the Clerk will report.

The Clerk read as follows:

Strike out the words "shall be admitted free of duty," in line 10, page 2, and insert in lieu thereof the words "1 cent per pound."

Mr. LENROOT. As I listened to the remarks a few moments ago of the gentleman from Colorado [Mr. MARTIN] I wondered if the distinguished Speaker of this House [Mr. CLARK] or the distinguished leader of the majority [Mr. UNDERWOOD] should be the nominee of the Democratic Party for President of the United States—I wondered if either of those gentlemen would visit the State of Colorado in the next campaign. [Applause on the Republican side.]

Mr. Chairman, I have voted for a number of tariff bills since the Democratic Party has come into power in this House, bills proposed by the Democratic majority, but, Mr. Chairman, I have never voted for a tariff bill that in my judgment would strike down a single industry in the United States. [Applause on the Republican side.] And because, Mr. Chairman, it is shown by all of the information at hand that this bill now pending, if enacted into law, will strike down the beet-sugar industry in the United States, I can not support the bill.

But, Mr. Chairman, I do believe, and the evidence does show, that we can and ought to reduce the duty upon sugar, and we can reduce it very substantially without any injury to either the cane-sugar industry or the beet-sugar industry. The report of the Democratic special committee, as has been shown to-day, states that the cost of producing beet sugar in Germany—the lowest cost, the report states, in the world—is $2.41½ a hundred, while in this country it is $3.54 per hundred, a difference of $1.12½ a hundred pounds.

And who is there on that side of the House who will say that that difference of $1.12½ per hundred pounds will not wipe out the industry? But, Mr. Chairman, a tariff rate of $1 per hundred pounds, such as is proposed in the amendment I have sent to the desk, will give relief to the consumers in this country and at the same time do no injury to either the beet-sugar men or the cane-sugar men in this country. It will reduce their exorbitant profits, but we ought to reduce them.

Mr. Chairman, we have four sugar-beet factories in my State, Wisconsin, but I am not pleading that because we have four large factories in my State that we should stand pat on an unjust sugar duty. I believe in giving them a square deal; in giving them such a rate of duty as will enable them to exist and make a fair profit, but not one penny more. And I know, Mr. Chairman, that they are making an excessive profit now, because when their representative called upon me a few days ago he admitted that while he was sending sugar to New York based upon the New York price, the consumers of Wisconsin and the Middle West, Minnesota and Illinois, buying sugar from his factory, were compelled to pay the New York price plus the freight rate back to the State of Wisconsin.

Mr. PAYNE. Mr. Chairman, allusion has been made to the fact that sugar was made free by the McKinley bill some 22 years ago. I made the motion in that committee to put sugar on the free list, and I did make the remark just read. What were the facts? In 1890 we were producing of Louisiana cane sugar 130,413 tons. We produced of beet sugar 2,203 tons only. We consumed about 1,500,000 tons. So that we produced in this country about 10 per cent of what we consumed. Everybody knows in sober, reflective moments, and even the other side would acknowledge, that where we put a duty upon an article and only 10 per cent of that article is produced here it would have no appreciable effect on the price. I do not mean the duty; I mean the production. And I admitted then, as I admit now, that under those circumstances the duty was substantially added to the price. What is the difference?

Mr. WARBURTON. Mr. Chairman——

Mr. PAYNE. The "boss" only allows me five minutes, and I can not yield. But, Mr. Chairman, what is the condition now? Why, we produce in this country 1,711,000 tons of sugar, sugar that is free of duty, in this country, and produced here, in Porto Rico, and in the Hawaiian and Philippine Islands.

We produce in this country, that pays no duty, nearly half of the sugar that we consume. Cuban sugar paid only 80 per cent of the full duty. Only 75,000 tons came from Europe and paid the full duty. Is there any gentleman here so simple-minded as to believe that that reduction has no influence on the price? If so, let him read the testimony before the Hardwick committee, that when the beet-sugar crop came in it reduced the price of sugar, and when the Porto Rican crop came in it reduced the price of sugar, and when the crop came in from Cuba, with a 20 per cent reduction of duty, it reduced the price of sugar in this country and reduced it below the price of foreign sugar and the duty added. It has been demonstrated by the Tariff Board that the duty does not add to the price where there is competition, and there are cases in that report where not half of the duty was added to the price. But we are not in the same position we were in 20 years ago, when the Republican Party removed this duty and still kept up ample protection by a 2-cent-per-pound bounty paid to the producer. The gentleman from Washington [Mr. WARBURTON] and the gentleman from Alabama [Mr. UNDERWOOD] are quarreling over the paternity of this act.

Mr. WARBURTON. May I ask the gentleman a question?

Mr. PAYNE. Why, Mr. Chairman, I remember only a short time ago the gentleman from Alabama was interrupted in debate here by a colleague [Mr. CLAYTON] and asked why he did not bring in a bill for free sugar, and he said:

When we want to play fast and loose with the Treasury of the United States, we will bring in a bill for free sugar.

It is currently reported that two weeks ago the gentleman from Alabama wanted a duty of a cent a pound on sugar, and he wanted an excise tax of a quarter of a cent a pound. He thinks he has discovered something now whereby he can get $20,000,000 on an income tax, provided he can get the Supreme Court of the United States to follow out the decision of those two gentlemen who went out from the committee to decide that point, and so reverse themselves. Whether they got the information in the corridors of the House Office Building or not, or wherever they got it, they came back and reported that there was no doubt of its being constitutional, and hence they voted it in. [Applause and laughter on the Republican side.]

The gentleman from Washington [Mr. WARBURTON] is entitled to credit if he desires it, but I want to put in my claim that 22 years ago I moved in committee to put sugar on the free list, at a time, Mr. Chairman, when we did not have the magnificent sugar industry in this country that we have to-day, and when the sugar refiners did not ask for free sugar and were not the

only people in the United States that seemed really to want it. [Applause on the Republican side.]

Mr. Chairman, it seems remarkable how our Democratic friends simply skim over the surface and give no thought or study to the very important questions connected with the tariff and the revenue. They seem to think that if it was justifiable in 1890 to put sugar on the free list, it is justifiable to-day. They take no thought whatever of the changed conditions that have come about in the production and consumption of sugar in the last 22 years. In 1890 we had revenue laws that produced $100,000,000 annually and more of surplus revenue. We had used it in purchasing all the outstanding bonds in sight that could be bought, at a high premium, and still the revenue was coming in. The committee looked about to cut out some revenue producer in our revenue laws that would offset the greater part of this $100,000,000 and bring our revenues down more nearly to the point of the demands that could legitimately come upon them. Here was sugar producing $48,000,000 annually of revenue, and by cutting that off, together with other revenues cut out by the bill, we largely accomplished the object. But to-day, so well balanced was the tariff act of 1909, that the annual revenue is just about equal to the annual expenditure. No more evenly balanced revenue measure, in proportion to our annual expenditures, was ever devised.

Our friends do not seem to realize that cutting off from $52,000,000 to $60,000,000 annually by putting sugar on the free list will inevitably produce a deficit, or if they do, they have failed most painfully in substituting anything that will produce $60,000,000 of revenue to take the place of the sugar duty. They cut off the revenue sure enough, but they enact a lawsuit in the way of an income tax, when the United States Supreme Court has already decided against it. In the expressive language of the chairman to his colleague [Mr. CLAYTON], they no longer hesitate to "play fast and loose" with the United States Treasury. They say that their measure is constitutional, notwithstanding the decision of the Supreme Court, and they say, with equal assurance and with no more foundation in fact, that their measure will produce $60,000,000 in revenue. They produce no calculation, no facts from which one can judge of the amount of revenue which such an act would produce if constitutional and in good working order. They can not answer the statement made by the gentleman from Ohio [Mr. LONGWORTH], which shows conclusively that the proposed act, working at its best, would not produce $20,000,000 annually.

But they assert that putting sugar on the free list would save annually to the consumer here from 1½ to 2 cents a pound. In the light of facts that assertion is utterly absurd. It is true that the removal of the duty in 1890 removed nearly 2 cents a pound on the wholesale price of sugar. It had some effect on the retail price, but the ultimate consumer got a disappointing amount of good out of it. But then we produced only 10 per cent of what we consumed; the other 90 per cent paid the full duty. Of course in that case the entire duty was added to the price. But it is well known to people who have made any study of economic questions that wherever any substantial part of the consumption of a duty-paid article is produced in the country duty free, the price goes down, often to the whole amount of the duty; but there is always a substantial reduction. Since the report on wool, it takes a very brave and brazen-faced man to deny this proposition.

I will place in the RECORD the annual production of sugar from 1877 to 1911, showing the production in Hawaii, continental United States, beet and cane stated separately, Porto Rico, Cuba, and the Philippine Islands. This table shows the production in the United States of beet and cane sugar in the year 1890, the date of the McKinley law, 132,616 long tons. The following table shows the sugar produced in United States and Cuba and consumed in United States:

Production of sugar, 1877 to 1911.

Year.	Hawaii cane sugar.	United States beet sugar.	Louisiana cane sugar.	Porto Rico cane sugar.	Cuba cane sugar.	Philippines cane sugar.
	Long tons.	*Long tons.*	*Long tons.*	*Metric tons.*	*Long tons.*	*Long tons.*
1877.....	[1]11,417	100	35,122	57,742	530,000	122,786
1878.....	17,156	100	65,671	77,271	533,000	117,932
1879.....	21,884	200	106,910	69,489	670,000	134,805
1880.....	28,386	1,200	76,654	52,492	530,000	180,723
1881.....	41,870	500	121,867	56,778	493,000	211,417
1882.....	50,972	500	71,373	80,066	595,300	152,230
1883.....	50,940	500	135,297	77,635	460,397	215,236
1884.....	63,685	535	128,443	96,868	558,937	122,675
1885.....	76,495	948	94,376	88,960	631,000	202,791
1886.....	96,528	600	127,968	77,635	731,723	185,799
1887.....	94,983	800	80,859	96,868	646,578	179,149
1888.....	105,307	2,055	157,971	60,087	656,719	185,308
1889.....	108,170	1,861	144,877	63,403	560,333	218,926
1890.....	115,979	2,203	180,413	58,167	632,368	147,526

[1] Sept. 9, 1876, Hawaiian reciprocity, admitting Hawaiian sugar to the United States free of duty, subject to termination after 7 years by 1 year's notice.

Production of sugar, 1877 to 1911—Continued.

Year.	Hawaii cane sugar.	United States beet sugar.	Louisiana cane sugar.	Porto Rico cane sugar.	Cuba cane sugar.	Philippines cane sugar.
	Long tons.	*Long tons.*	*Long tons.*	*Metric tons.*	*Long tons.*	*Long tons.*
1891.....	122,760	3,459	215,844	51,210	816,980	166,410
1892.....	119,034	5,356	160,937	41,866	976,960	246,941
1893.....	147,688	12,018	217,525	.....	815,894	261,518
1894.....	136,917	19,950	265,836	48,423	1,054,214	194,320
1895.....	131,600	20,092	317,351	59,958	1,004,264	230,922
1896.....	198,022[1]	29,220	237,720	55,783	225,221	229,944
1897.....	232,213	[1]37,536	282,009	.....	212,051	202,092
1897–98..	204,333	40,399	310,447	54,000	[2]314,009	178,000
1898–99..	252,508	32,471	245,511	53,825	345,261	76,000
1899–1900	258,521	72,944	132,000	[3]35,000	308,543	62,755
1900–1901	321,461	76,859	270,000	[4]80,000	635,856	55,400
1901–2....	317,509	163,126	310,000	85,000	850,181	[5]78,537
1902–3....	391,062	195,463	300,000	85,000	[6]998,878	90,000
1903–4....	328,103	208,135	215,000	130,000	1,040,223	84,000
1904–5....	380,576	209,722	335,000	145,000	1,163,258	108,575
1905–6....	383,225	283,717	330,000	213,000	1,178,749	146,535
1906–7....	392,871	433,010	230,000	210,000	1,427,673	145,000
1907–8....	465,288	440,200	340,000	200,000	961,958	135,374
1908–9....	477,817	384,010	355,000	245,000	1,513,582	[7]150,000
1909–10..	462,613	450,595	335,000	308,000	1,804,349	120,000
1910–11..	485,000	445,000	311,000	320,000	1,900,000	150,000

[1] July 24, 1897, Dingley tariff bill passed, affording protection to home sugar industry.

[2] 1897–1910, long tons. 1898 Hawaii annexed. Free-trade relations permanently assured.

[3] May 1, 1900, Porto Rican sugar admitted to United States at 85 per cent reduction of duty.

[4] July 26, 1901, Porto Rican sugar admitted to United States free of duty.

[5] July 1, 1902, Philippine sugar admitted to United States at 25 per cent reduction of duty.

[6] Dec. 27, 1903, Cuban sugar admitted to United States at 20 per cent reduction of duty.

[7] Aug. 5, 1909, Philippine sugar to extent of 300,000 tons annually admitted to United States free of duty.

Statistics 1877–1897, except United States beet and Louisiana cane, from Summary of Commerce and Finance, July, 1902, Hawaii, p. 2865; Porto Rico, p. 2737; Cuba, p. 2651; Philippines, pp. 2753–2754; statistics for Louisiana cane sugar and United States beet sugar 1877–1897 from 1908 Statistical Abstract, p. 199; statistics for 1897–1909 from Willett & Gray's Statistical Sugar Trade Journal; 1910–11 estimated by Willett & Gray. Louisiana cane and United States beet sugar figures are "production"; all others are "exports."

Last year, of the sugar consumed in the United States, there was produced as follows—the figures being in long tons, except Porto Rico, where it is metric tons—

Hawaii	485,000
United States:	
Beet sugar	445,000
Cane sugar	311,000
Porto Rico	320,000
Philippine Islands	150,000

making a total of 1,711,000 tons of sugar that entered into consumption in the United States, duty free. There was also produced in Cuba 1,900,000 tons that entered into consumption, paying a duty equal to only 80 per cent of the duty on other sugars imported from abroad. The total of the sugars thus entering into consumption free of duty or with a reduction of 20 per cent lacked only 75,000 tons of supplying all the sugar consumed in the United States. It is evident that during the next year the natural growth and increase of production will give us all the sugar which we consume either free or paying 80 per cent of the duty under the present law. One-half the sugar entering into consumption will pay no duty and the other half will pay 80 per cent of the present rates; or the average on the entire crop will pay an amount equal to only 40 per cent of the duty provided against foreign sugar. This is equivalent to sixtenths of 1 cent per pound.

Certainly with the laws remaining as they are to-day it is a good deal more likely that the duty collected will not exceed 40 per cent of the duties prescribed on all sugars consumed in this country than it is to prove that the passage of this bill would be followed by a reduction of 2 cents a pound or of 1½ cents a pound on sugar. All the authorities agree that free sugar, equaling more than one-half our consumption, has a marked effect in lowering prices here from year to year.

Who are asking for free sugar? The refiners of the country. Refiner Claus Sprockels, president of the Federal Sugar Refining Co., said before the Hardwick committee:

I would have free trade—absolutely (p. 2277 and 2278 of the hearings).

Charles R. Heike, secretary American Sugar Refining Co.:

That (free trade) would destroy the industry absolutely in this country, and I would approve of that (p. 292.)

William G. Gilmore, of Arbuckle Bros., refiners:

The thing to do is to take off the duty, and personally I would advocate it (p. 1169).

James H. Post, president National Sugar Refining Co.:

If Congress did not need the revenue from sugar, I would like to see free sugar (p. 527).

William A. J. Jamison, of Arbuckle Bros.:

If there was no tax on the importation of sugar, we would be able to run more constantly and sell more sugar. I think a cent a pound should be taken off at present, and later a little more, until the duty is entirely removed (pp. 1195, 1196).

Edwin F. Atkins, vice president American Sugar Refining Co.:

I think the independent refiners say truly that it is for the refiners' interest to have a low rate of duty rather than a high rate of duty, and reduce the basis of value upon which they can sell (p. 174). Beet sugars are taking away the trade of the refiners year by year (p. 48).

The testimony before the Hardwick committee shows conclusively that if sugar was made free neither Louisiana with her cane sugar nor the Western States with their beet sugar could continue in the business. The loss would be too great. There would be no duty to make up the difference in the costs of producing sugar here and abroad. If this result should follow there would be an actual shortage in the world's supply of sugar of 445,000 tons of beet sugar and the 311,000 tons of the Louisiana cane sugar, to say nothing of its effect upon the 485,000 tons of Hawaiian sugar and the 320,000 tons of Porto Rican sugar. The price of sugar would inevitably advance.

Another potent lesson is to be gathered from the experience of the past year. An alarm was sounded that the world's beet-sugar crop would be 1,000,000 tons short last year, and on the strength of that alarm as to the world's supply, prices went up to 7½ cents a pound, almost doubling. The alarm afterwards proved groundless, founded on a fake or a mistaken report, and the price of sugar promptly went down in the markets of the world to the price prevailing before the scare.

But when they actually strike down the production of sugar in the United States and take it from the world's supply sugar will not only go up to 7½ cents, but will stay there until common sense prevails and the sugar factories of the United States are again opened.

When we put sugar on the free list under the McKinley law we provided against any such collapse of American industries as would have followed by giving a bounty of 2 cents a pound upon all sugar produced here. This bounty acted not only as protection, but as a very active stimulus to the production of cane sugar in Louisiana, and the crop increased rapidly while the bounty law was in force. The gentleman from Alabama provides nothing to save the industry of producing sugar in this country from the blow it will receive if this bill should become a law. The producers of sugar get no encouragement from him except the everlasting smile of assurance that no business interests will be affected by this radical revolution of the policy of 125 years under the tariff on sugar; by this radical departure from the policy of every nation under the sun, each of which has as great or greater duty upon sugar than the United States has now. Let them no longer cite the act of 1890 as a precedent for this action. We did not "play fast and loose" with the Treasury of the United States. We did not make a bill which created a deficit in the revenues of $60,000,000, and we were careful to guard and protect the sugar interests in the State of Louisiana.

We gave them something besides a smile and an assurance in words. We gave them a bounty fully equal to the difference in cost.

Gentlemen of the majority, you intended one of two things when you introduced these two bills. Of course, you had no hope whatever that either would become a law during this Congress, and you put them in hoping that they might help in the next presidential election; and I am bound to consider you as possessed with the idea that if you should get the three branches of the Government you would enact into law not only these two bills but all the other bills which have been introduced in this Congress. If you could write them on the statute book now your fond hopes would be turned into the ashes of disappointment. And yet I could hardly wish you to get as overwhelming a defeat as we did following the passage of the McKinley bill when we put sugar on the free list.

I rejoice in the bills that you have offered and in the work which you have done during this Congress. The people do not believe your empty promises. They see that you are ruining business; that your policy would destroy not only the capitalist but the labor interests of the country. The people are becoming alarmed, and you will hear and feel the rise of indignation of the people of the United States in November next.

Mr. CONNELL. Mr. Chairman, a little while ago the distinguished gentleman from Iowa [Mr. PROUTY] made one of the characteristic remarks, that have been so plentiful in this debate, when he propounded this proposition: "Suppose," said he, "that the sugar syndicate of Europe should make up its mind not to let America have any sugar. What would we do then?" The inference then must be that he believes that American enterprise, American agriculture, American success, and American industry would go out of business rather than go to work and feed and keep the people of the United States out of the resources of this wonderful country. Did ever masked selfishness grin so mockingly? [Applause on the Democratic side.]

Now, that is typical of the logic of the gentlemen on the other side. It is just about as logical as all the arguments that we have heard here about the silent mills, the rusting machinery, the smokeless chimneys, the gathering of bats in the mining shafts, and so on, because a majority of this House dares to stick up for a program that will carry out the will of the American people as expressed in the elections. [Applause on the Democratic side.]

Now, gentlemen, you might as well face the fact that with all your calamity howling, the time has come when neither the standpatters, the representatives of special privilege on that side of the House, or their allies on this side of the House, will ever again be permitted to do with this tariff bill what they did to the Wilson bill [loud applause], and never again will the Democracy be throttled in the household of its friends by the forces of special privilege, and those who have practiced and built up power under the rule of gentlemen who have nothing but the wail of ruin left in their statesmanship. A party that had so long the confidence and trust of the American people, and which in its day did such magnificent work for liberty, a party that has now no higher statesmanship than references to calamity, silent spindles, drawn fires, stopped locomotives, and all else in that line with which to emphasize their arguments must be pitied indeed. You are in the wrong day now, because there is a new generation in the field, and you shall not be permitted to thwart Democracy in the work it has to do in lifting unnecessary burdens from the shoulders of the people. [Applause on the Democratic side.]

Mr. WARBURTON. Mr. Chairman——

The CHAIRMAN. The gentleman from Washington [Mr. WARBURTON] is recognized for two minutes.

Mr. WARBURTON. May I not have five minutes?

The CHAIRMAN. All debate on the pending amendment is exhausted in two minutes.

Mr. WARBURTON. I want to give a short history of the Wilson bill, Mr. Chairman, and I can not give it in two minutes. [Laughter.]

The McKinley bill placed a duty of one-half a cent on refined sugar, one-half a cent a pound, and gave a bounty of 2 cents a pound. The Wilson bill, as it came into the House from the committee, placed the duty on refined sugar at a quarter of a cent a pound, with a sliding scale on the bounty. By the motion, I think, of the gentleman from New York, the one-quarter of a cent was stricken out, and all reference to the bounty provision was also stricken out.

Mr. PAYNE. What gentleman from New York?

Mr. WARBURTON. The gentleman who is addressing me now. [Laughter.]. I will read his own words.

Mr. MANN. Read his amendment.

Mr. WARBURTON. I will read his words. He said:

The time came for the preparation of a tariff bill. It came to the House from the Ways and Means Committee with a protective duty for the trust and free sugar for the producer. The Democratic House, aided by a solid Republican vote, made sugar free in the bill, and in that way it went to the Senate. Then the State of Louisiana demanded the fulfillment of the Democratic pledge.

Mr. PAYNE a moment ago said that the sugar industry had not increased much from 1890 to 1894. When he made his speech the cane-sugar industry had more than doubled. It had run up from 300,000,000 pounds to 610,000,000 pounds. The beet-sugar industry had increased from 4,000,000 pounds to 44,000,000 pounds.

The CHAIRMAN. The time of the gentleman has expired. All time on the pending amendment has expired. The Clerk will report the amendment offered by the gentleman from Iowa [Mr. GOOD].

The Clerk read as follows:

Strike out the words "shall be admitted free of duty," line 10, page 2, and insert in lieu thereof the following: "ninety-five and one-half hundredths of 1 cent per pound."

The CHAIRMAN. The question is on agreeing to the amendment of the gentleman from Iowa.

The question was taken, and the amendment was rejected.

The CHAIRMAN. The Clerk will now report the amendment offered by the gentleman from Wisconsin [Mr. LENROOT].

The Clerk read as follows:

Strike out the words "shall be admitted free of duty," in line 10, on page 2, and insert in lieu thereof the words "1 cent per pound."

The CHAIRMAN. The question is on agreeing to the amendment offered by the gentleman from Wisconsin.

The question was taken, and the amendment was rejected.

Mr. POWERS. Mr. Chairman, I call for a division on that amendment.

The CHAIRMAN. The request of the gentleman comes too late. The Clerk will report the amendment offered by the gentleman from Pennsylvania [Mr. BURKE].

The Clerk read as follows:

Strike out the paragraph from line 7 to line 10, both inclusive, on page 2.

The CHAIRMAN. The question is on agreeing to the amendment.

The question was taken, and the amendment was rejected.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

2. Saccharine, 65 cents per pound.

Mr. MONDELL and Mr. WARBURTON rose.

The CHAIRMAN. The gentleman from Wyoming [Mr. MONDELL] is recognized.

Mr. MONDELL. Mr. Chairman, I move to strike out the last word. I am not sure whether this is a sufficient tariff on saccharine or not, but I am quite confident that the amounts proposed in the last two amendments would not be sufficient to protect sugar.

Mr. Chairman, it may be possible that the present duty on sugar might be lowered somewhat without the destruction of the American sugar industry, but we have not at this time sufficient information on the subject to enable us intelligently to pass upon that question. But when gentlemen say, as one gentleman said on this side a moment ago, that he did not know and scarcely believed that any duty was necessary for the maintenance of the sugar industry in this country, it seems that he and other gentlemen making such statements have failed to read the record.

The gentleman from Georgia [Mr. HARDWICK] stated the facts in his exhaustive speech on yesterday. He spent some time in trying to prove that we might be able to compete with the beet-sugar industry of Germany, and then, in answer to the query of the gentleman from Utah [Mr. HOWELL] as to the effect on the sugar industry of the United States of free importations of cane sugar from the Tropics, he threw his hands up and said in substance: "Of course, no beet-sugar industry, either here or in Europe, can stand the competition of tropical-grown cane sugar." And he stated the facts.

It is not altogether a question of competition with the beet sugars of Germany and Europe, although our beet-sugar industry would be put out of business by that competition. But the destruction of the industry in this country would come from the competition of the great tropical cane-growing regions that can produce cane sugar at a price not to exceed 1½ cents a pound. Nobody denies that, and does anybody believe that you can make sugar either from the cane or from the beet in the United States and pay American wages at any such price?

I want to say to my friends on this side who propose to vote for this bill that they can not be on both sides of this question at one and the same time. Members may justify themselves in voting for this bill on the ground that, without regard to its effect on American industries, there should be cheaper sugar in this country, and that it may be for a time, at least, secured by this legislation. But men can not take at one time both horns of the dilemma. Free sugar means the wiping out of the sugar industry in the United States, and the man who votes for free sugar votes to wipe out the American sugar industry. Anyone who is prepared to do that can vote for this bill, but no one can vote for this bill and lay the flattering unction on his soul that we can maintain the sugar industry of this country and still put sugar on the free list.

This bill means destruction to the sugar industry of this country, just as much as if we should issue letters of marque and reprisal for the destruction of sugar property to the value of $200,000,000. [Applause on the Republican side.]

Mr. UNDERWOOD. Mr. Chairman, I ask unanimous consent that all debate on this particular paragraph close in five minutes.

Mr. LLOYD. Mr. Chairman, I ask leave to extend my remarks in the RECORD and insert therein an address made by the Hon. CHAMP CLARK at Frankfort, Ky., before the members of the legislature of that State.

The CHAIRMAN. The gentleman from Missouri [Mr. LLOYD] asks unanimous consent to extend his remarks in the RECORD by the insertion of the address named. Is there objection?

There was no objection.

Following is the address referred to:

ADDRESS OF HON. CHAMP CLARK BEFORE THE KENTUCKY LEGISLATURE, FRANKFORT, KY., MARCH 8, 1912.

"I am profoundly grateful to the members of the Kentucky Legislature for their cordial invitation to address them. I was born within 14 miles of the spot where I now stand. There is an old saying, 'Once a Kentuckian, always a Kentuckian,' and, while I am ineffably proud of the imperial Commonwealth of Missouri, which has honored me so often and so highly, I never come within sight of the Kentucky hills or hear the name of the State without a pleasant palpitation of the heart. Here as a boy and youth I worked on a farm, clerked in a country store, taught school, and secured the principal part of my education. Neither time nor absence has diminished my affection for the dear old Commonwealth where I first looked forth upon this glorious world, and where my mother's people have dwelt since the first white settlement. For this reason and for a great many others it is a great pleasure for me to be with you here to-day.

"To-day I came through Lexington, where I attended the university for more than three years—pleasant and profitable years.

"Still o'er these scenes my memory wakes,
And fondly broods with miser care,
Time but the impression deeper makes
As streams their channels deeper wear.

DEMOCRATS IN FIGHTING FETTLE.

"The Democrats are in the finest fighting fettle they have been in since the campaign of 1892. From the convening of the extraordinary session of Congress in 1893 till the 19th of March, 1910, the day on which we completely upset and demolished the standpat Republican machine in the House, the Democrats put in most of their time fighting each other, and constituted a weak, wrangling, jangling, dispirited, despised minority, always expecting defeat. But a change came over the spirit of their dream. They got together on the 19th of March, 1910. Every Democrat toed the mark on that historic occasion. 'Twas worth 10 years of peaceful life, one glance at that array,' and they have been together ever since. The getting together of the Democrats after so many years of wandering in the wilderness will constitute one of the most interesting and instructive chapters in parliamentary history. It was a work of infinite toil, patience, and forbearance. To use a common expression, it was accomplished by constantly rubbing the hair the right way of the hide. Though I was minority leader at that time, I do not deserve all of the credit by a long shot. Every Democratic Member of the House of the Sixty-first Congress is entitled to his full share of the honor. In the words of Admiral Schley, after his famous victory, 'There's glory enough for all.' We not only remodeled and liberalized the rules and restored to each Member his quantum of power, which had been gradually usurped by the House machine, but we put up such a fight against the iniquities of the Payne-Aldrich tariff bill as to challenge the attention of the entire country.

"The splendid record of the Democrats of the House in the Sixty-first Congress elected the Democratic House in the Sixty-second Congress, and also elected several Democratic United States Senators and six Democratic governors to replace Republican Senators and governors. I undertake to say without fear of successful contradiction that no minority in any parliamentary body of the world ever made such a record. On that record and on the magnificent record of the Democratic House and the Democrats of the Senate in this Congress we must make the fight this year, not only for the Presidency, but also for the House and Senate.

"In all fairness it should be stated that the insurgent Republicans who helped us win our victories in the Sixty-first Congress acted nobly and deserve their share of the honor. They took their political lives in their hands and fought courageously and patriotically.

KEPT FAITH WITH PEOPLE.

"We have absolutely kept faith with the people. We have redeemed or are in process of redeeming every promise that we made in order to win the election. The people deserve to be treated honestly, fairly, candidly, and courageously. In seeking office men should say what they mean and mean what they say. Pledges made in order to win an election should be religiously fulfilled after the election. The people are entitled to that square deal of which we hear so much and see so little. We achieved the success of 1910 on six principal promises:

"First, to liberalize the rules of the House, which we have done.

"Second, to submit a constitutional amendment for the election of United States Senators by popular vote. This the House did so far as it is possible for the House to do anything. The Senate added certain amendments which threw it into conference; but I have faith that before the session ends the conferees will agree and the amendment will be submitted.

"Third, we promised to economize, and we are doing it.

"Fourth, we promised to pass a bill compelling the publication of campaign contributions and disbursements before the election, and we did that.

"Fifth, we promised to admit New Mexico and Arizona as two separate States, and that has been done. Full-fledged Representatives from these two Commonwealths now sit in the House. It was a great pleasure for me to swear them in.

"Sixth, we promised to revise the tariff downward. There was nothing equivocal about our pledge in that regard. We are fulfilling that pledge as rapidly as possible. We determined to pass one bill for each schedule instead of one blanket revision of the 14 schedules in one bill for three reasons: First, because some schedules are essentially worse than the others; second, because the plan of one bill for one schedule reduces logrolling to the minimum; third, because we thought we had better chances of getting the bills through the Senate, which turned out to be true, for it must never be forgotten that we have not a Democratic majority in the Senate. We also thought we would have a better chance of getting the bills past the President. It turned out that in this we were mistaken, for the President vetoed all our bills, thereby precipitating a tariff fight, which is still on.

TARIFF BILLS PASSED.

"The tariff bills which we passed at the extraordinary session of Congress would have saved to the American people about $500,000,000 a year, and at the same time they would have raised about as much revenue as the Payne tariff bill raises. Five hundred million dollars a year is about $5 a head for every man, woman, and child betwixt the two seas. On an average a family in the United States, which is the unit of civilization, contains five and a half persons. That would have been a saving of about $27.50 to the family. To some people this may seem like a small economy, but the average head of a family in the United States receives only about $400 per annum, and it is a cruel outrage to take from him $27.50 of his meager income and hand it over to the tariff barons. President Taft's veto of our tariff bills at the extraordinary session will prolong the present session for at least two months. Some people think that we went too far in the tariff bills; others think we did not go far enough. That the average citizen indorses our action is demonstrated beyond even the shadow of a doubt by the fact that in the elections last year where the tariff was made the principal issue we won. That was the case in Massachusetts, where Gov. Foss made his fight on the tariff issue almost entirely, and at the by-elections for Congressmen in Nebraska and Kansas. In the latter State we elected two Democratic Congressmen to take the place of two Republicans, the first Democrats to sit in the House from the Sunflower State for a decade. We are now engaged in passing more tariff bills. We have already passed bills revising the metal schedule and the chemical schedule. In a few days we will pass one putting sugar on the free list, and in order to raise the revenues which we lose on sugar we are extending the corporation tax so as to include individuals on net incomes above $5,000, which is to all intents and purposes an income tax, which the consensus of opinion among lawyers holds to be constitutional. We substitute a tax on the incomes of those who are best able to pay taxes for a tax on consumption, which bears heaviest on those least able to pay taxes. We relieve the people of about $150,000,000 of taxes which are paid on sugar, an article of prime necessity, $53,000,000 of which went into the Treasury of the United States and a large part of the rest into the coffers of the Sugar Trust; but the corporation tax will raise about $52,000,000, every cent of which goes into the Treasury of the United States. I feel reasonably certain that the vast majority of the American people will indorse these measures. In my judgment a graduated income tax, with reasonable exemptions, is the fairest and most just tax that was ever levied. It seems that the constitutional amendment authorizing an income tax will be ratified at no distant day by the requisite number of States. Then we will levy a graduated income tax, which will bring into the Treasury of the United States something over $100,000,000 per annum, which will give us a freer hand in revising the tariff. In the passage of the bills which I have mentioned we have literally obeyed the mandate of the Democratic platform adopted at Denver, which declared in favor of an income tax and in favor of reducing the tariff gradually. It must be taken and accepted that no good American citizen wants to see any legitimate industry in the country injured. Under the hothouse process of the high protective tariff business in the United States has been for many years on an artificial basis. Clearly the makers of the Denver platform recognized this fact. Hence they advocated the reduction of the tariff gradually, so that business could readjust itself to the new order of things.

TARIFF MOTHER OF TRUSTS.

"That the tariff is the mother of trusts there can be no question. Cutting the tariff down to a reasonable basis approximating the revenue standard as nearly as possible will have a very strong tendency to put the trusts out of business, a result which is desired by a very large majority of the American people. The truth is that if they had been honestly and vigorously prosecuted since the enactment of the antitrust law, there would not be a trust in America to-day. The antitrust law should be enforced in all its features. There is no reason why a small criminal should be prosecuted and a great criminal should go scot free. There is no reason why small criminals should be sent to prison and big criminals let off with a fine. When Thomas Jefferson delivered his first inaugural address, which has become a classic, he enunciated the Democratic creed. One proposition in that creed runs in this wise, 'Equal and exact justice to all men, of whatever state or persuasion, religious or political.' Wiser words never fell from human lips, and the Democrats stand pledged, if intrusted with power in all the branches of government, to execute all the laws, including the antitrust law. If that law can not be used to punish all criminals that it is intended to punish, we stand pledged to amend it so that it will reach them all.

TARIFF AND TRUST ISSUES.

"In my judgment, while there are many important questions pending before the American people in one form or another, the tariff question and the cognate question of abolishing the trusts will be the overshadowing issue in the impending campaign. It has been given out in a manner which seems authoritative that President Taft proposes to veto any tariff bills that we pass. We welcome the issue. We do not believe that it can be blinked, postponed, minimized, or shunted out of the way. The present tariff law raises about $330,000,000 a year, which goes into the Treasury of the United States. It is estimated by statisticians that every time $1 goes into Uncle Sam's coffers under the high protective system about $5 goes into the pockets of the tariff barons. If that be true, then the high protective tariff system costs the people of the United States about a billion and a half a year. It is a gross outrage and a cruelty upon the taxpayers of the land. The Democratic theory is and always has been that in adjusting the tariff in order to raise the requisite amount of revenue the highest rates ought to be levied on luxuries and the lowest or none at all on the necessaries of life, and that is precisely the kind of a bill and bills on the tariff which we will pass if we ever get possession of the White House, the House of Representatives, and the Senate all at once.

"Of course, in the short time which I can consume on this occasion it is impossible to give many of the particulars of the enormities and iniquities of the Payne tariff bill. One or two must suffice for the purposes of this address. In this changeable climate blankets and woolen clothing are absolutely necessary to comfort and good health. The rich and the poor alike must have them, and yet on blankets 9 feet long, valued at not over 40 cents per pound, the rates of the Payne-Aldrich bill are 33 cents per pound specific plus 50 per cent of ad valorem. When worked out into ad valorem rates they amounted in 1904 to a tax of 182½ per cent. To make it still plainer, when you go to a store and buy a blanket for $2.82½, $1 is what the blanket is worth, and all that it is worth; the other $1.82½ is what you pay for the poor privilege of paying $1 for a blanket that is only worth $1. To show how nearly prohibitive these rates are, it is only necessary to state that in 1907, the last year for which I have the figures, there was imported into the United States only $40.20 worth of that sort of blankets, on which the Government collected a tariff of $60.53. During that year millions of dollars worth of that sort of blankets were used in the United States—domestic blankets to the value of which was added the tariff, not one cent of which went into the United States Treasury but every cent of which went into the pockets of the tariff barons. Anybody who wants to can vote for that outrageous sort of a law. I will not do it. I will go out of public life forever before I will do it. My public career may be long or it may be short, but whenever I retire or am retired to private life it will be with my own self-respect intact.

"The history of Congress for the last three years demonstrates beyond all cavil that there is no hope of relief from burdensome tariff taxes at the hands of the Republicans. They carried the election of 1908 on the promise to revise the tariff downward. Having gotten in they revised it upward. They revised it up and passed a bill so bad that though the roster of the House showed a Republican majority of 47 we lacked only 5 votes of recommiting it, which would have killed it as dead as the men who lived before the flood. For raising the tariff when they had promised to lower it the Republicans were overthrown in 1910. When in the Sixty-second Congress we passed bills to make moderate reductions in certain schedules the President vetoed them, notwithstanding the fact that he had himself de-

cleared that the rates of the woolen schedule were too high and ought to be revised. We took him at his word, and the first tariff bill we passed was the one to scale down the tariff rates of Schedule K. His vetoes demonstrated the fact that he has gone over to the standpatters, bag and baggage. They have absolute control of the party machinery.

"There is no hope of any relief at their hands. How, then, can relief from these tariff burdens which have become intolerable be secured? The only remedy is to elect a Democratic President, a Democratic Senate, and a Democratic House. The newspapers, the magazines, and stump speeches are full of theories and generalizations, but an ounce of performance is worth a ton of theory. I propose to state bluntly and frankly how I believe we can achieve success, which is the great desideratum. The words 'progressive' and 'remedial' as applied to legislation are used interchangeably in popular parlance, and I will so use them here.

"Progress is the law of life. To stand still is to stagnate and to stagnate is to perish.

"Democrats desire progressive legislation. Independents and divers Republicans want it. The majority of the American people favor it. The only way to achieve it is at the hands of the Democrats. The Insurgent Republicans would, no doubt, enact some remedial legislation if they could, but the standpatters are in the majority in that party, and it looks as though they will continue to dominate it indefinitely. It may be for years, and it may be forever. They have control of the Republican machine and they will run it over the Insurgents ruthlessly.

SCANT SHOW FOR INDEPENDENTS.

"The Independents, having no separate party organization, will make their influence felt at the polls by voting for those candidates who appear to most nearly approximate their standard, but as they can entertain no reasonable hope of remedial legislation from the Republican Party so long as it is dominated by the standpatters, it is to be hoped that they will give us their aid and comfort by voting for Democratic candidates this year.

"As the insurgent Republicans can achieve nothing except when working in conjunction with the Democrats, they would most easily and most certainly accomplish their purpose by voting for Democrats all along the line. That is the only chance for the independents and insurgent Republicans to secure progressive or remedial legislation.

"The famous old receipt for cooking a hare applies with peculiar force to those desirous of progressive legislation—first catch your hare. In this exigency first elect a Democratic House, a Democratic Senate, and a Democratic President. That is the sine qua non of progressive or remedial legislation.

"In order to reach this consummation so devoutly to be wished, all those who are opposed to the standpatters and to stand-pat policies must stand together. If they do this, they will triumph together; otherwise they will go down to defeat together.

"We are politically somewhat in the same condition which wise old Ben Franklin described himself and his compatriots to be in when, after signing the Declaration of Independence, he exclaimed, 'Now, we must all hang together or we will all hang separately.'

"Consequently, holding the highest office that any Democrat has held in 15 years, I cordially invite all who desire to remedy existing evils to cooperate with us in our efforts to rescue the Government from the hands of the standpatters.

ISSUE MUST NOT BE BEFOGGED.

"I repeat that, in my judgment, the tariff and the cognate question of the trusts will constitute the overshadowing issues in the coming campaign. The Republicans will undoubtedly undertake to befog these issues and lure us away from the tariff question and the trust question, because they realize the fact that on the tariff question and the trust question we will defeat them most decisively. Of course, there are subsidiary questions of more or less importance, some of them of great importance, but the battle for tariff reform and the destruction of the trusts must be fought to a finish. On these questions we are undoubtedly in the right. We have justice on our side, and on them we should win a sweeping triumph.

"'By their fruits ye shall know them' is a rule established by highest authority. It is grounded in wisdom and in justice. By that rule we are ready to be judged.

"In his speech nominating Gen. Grant for a third term, Roscoe Conkling said 'Gen. Grant's fame rests not only on things spoken and things written but upon the arduous greatness of things done.' That sentence fits the Democrats of Congress like a glove.

"The Republicans seem to be utterly demoralized and split to pieces. The gulf which separates President Taft and his adherents from Col. Roosevelt and his advocates is as deep and wide and impassable as the gulf which separated Dives from Lazarus. Senator La Follette has declared their differences to be fundamental, and fundamental differences can not be reconciled or compromised. It looks as though nothing short of a miracle will reunite them. It is not, however, the part of wisdom for us to rely for success upon their dissensions, for they may accidentally get together.

"That their quarrels, unless composed, will help us there can be no doubt. But our chief reliance for success is to give to the people such a record for honest, intelligent, courageous, constructive, progressive statesmanship as to convince the country beyond the shadow of a doubt that we are worthy of the continued and enlarged confidence of the public. To do this we must lead in the enactment of all remedial legislation. That is our duty to our country and our kind.

"That is the straightest, plainest, shortest, and easiest road to complete success. Pursuing that line of conduct, victory will perch upon our banners whether the Republicans patch up their differences or not. We hold our own fate absolutely in our own hands. Let us not lose our golden opportunity through overconfidence or upon ill-advised reliance upon the quarrels and factional fights among our opponents.

"There is a tide in the affairs of men,
Which, taken at the flood, leads on to fortune;
Omitted, all the voyage of their life
Is bound in shallows and in miseries:
On such a full sea are we now afloat;
And we must take the current when it serves,
Or lose our ventures."

Mr. KAHN. Will not the gentleman make it 20 minutes?

Mr. HAYES. I should like five minutes.

Mr. UNDERWOOD. I will ask unanimous consent, Mr. Chairman, that debate on this paragraph close in 10 minutes and on the next paragraph in 10 minutes. Then gentlemen will get the time they want.

The CHAIRMAN. Is there objection?

Mr. MANN. Let us know what the request is. Let the Chair state it so that we will see how the Chair understands it.

The CHAIRMAN. The gentleman from Alabama [Mr. UNDERWOOD] asks unanimous consent that all debate on this paragraph close in 10 minutes and on the next paragraph in 10 minutes.

Mr. MANN. That is, that only 10 minutes debate be allowed on this paragraph and 10 minutes debate on the next paragraph.

The CHAIRMAN That is the effect of the request.

Mr. MANN. The effect as first stated would be to close all debate in 10 minutes on both paragraphs.

Mr. UNDERWOOD. I do not mean that. I mean that there shall be 10 minutes debate on this paragraph and 10 minutes debate on the next paragraph.

The CHAIRMAN. Is there objection?

There was no objection.

Mr. HAYES. Mr. Chairman, I doubt if the Members of this House understand the extent to which our sugar industry has developed in the last 10 years under the influence of the protective tariff. This great increase is a striking example of the results of protection. I have collected a few figures from the Bureau of Statistics which show this phenomenal increase. The years that I have compared are 1901 and 1911. They are as follows:

Domestic production of sugar.

	1901	1911	Increase.	Per cent of increase.
	Tons.	*Tons.*		
Hawaii	347,500	568,000	220,500	63½
Porto Rico	81,500	327,000	245,500	301
Philippines (1908)	51,500	201,000	149,500	290
Continental United States:				
Cane sugar	311,887	350,000	38,113	12
Beet sugar	86,082	552,500	476,472	553½
Total domestic	976,992	1,998,000	1,026,008	105

Beet-sugar production in California.

	Tons.
1900	43,370
1910	127,270
Increase	93,900
Per cent of increase	216½

Total consumption of sugar in the United States.

	Tons.
1901	2,750,000
1911	3,835,000
Increase	1,026,008
Per cent of increase	39½

These figures, expressed in short tons, show that cane-sugar production in Hawaii increased from 347,500 tons in 1901 to 568,000 tons in 1911, an increase of 220,500 tons, or 63½ per cent.

In Porto Rico the production in 1901 was 81,500 tons, and in 1911 it was 327,000 tons, an increase of 245,500 tons, or 301 per cent.

In the Philippine Islands, in 1908, the year when the Philippine tariff act went into effect, the production was 51,500 tons. In 1911 it was 201,000 tons, an increase of 149,500 tons, or 290 per cent, in four years.

The cane-sugar industry of Continental United States increased from 311,887 tons in 1901 to 350,000 tons, in round numbers, in 1911, an increase of 38,113 tons, or 12 per cent.

The beet-sugar production of this country in 1901 was 86,082 tons. In 1911 it was 552,500 tons, an increase of 476,472 tons, or 553½ per cent. As we have millions of acres of land adapted to the cultivation of beets, the possible production of beet sugar in this country is almost unlimited.

Our total production of sugar increased from 976,992 tons in 1901 to 1,998,000 tons in 1911, an increase of 1,026,008 tons, or 105 per cent.

If the present conditions were to continue, how long would it take for our production to overtake our consumption of sugar in this country? It seems to be clear that in 10 or 15 years we should be supplying our own demands by the production of sugar in the United States and its Territories and possessions. Our total consumption increased from 2,750,000 tons in 1901 to 3,835,000 tons in 1911, an increase of only 39½ per cent, while the increase in our total domestic production was 105 per cent.

Mr. AUSTIN. How many people are engaged in the cultivation of sugar in this country?

Mr. HAYES. I can not state offhand, but it runs up into the tens of thousands, of course.

In my own district I have three sugar factories in operation, one of which is the largest beet-sugar factory in the world. The production of sugar in California increased from 43,370 tons in 1900 to 127,270 in 1910, an increase of 93,900 tons, or 216½ per cent, although the factories were only increased by 2, 10 being now in operation. Last year the farmers of California were paid $6,000,000 for 1,000,000 tons of beets.

There are now in process of development in California two new beet-sugar factories which, of course, if this legislation is to become a law, will not be built, but must wait until the people of the United States come to the conclusion that it is better for them to produce the sugar that they consume than it is to pay the $100,000,000, which we now annually send out of the country, to the tropical islands or to Germany or France or some other foreign country to buy the sugar which our people consume. The following letter is self-explanatory:

MARYSVILLE, CAL., *March 7, 1912.*

Hon. E. A. HAYES, *Washington, D. C.:*

Sutter County is interested in a protective duty upon beet sugar. Before the end of the season, if the duty is retained, the beet-sugar industry there will have assumed large proportions. Outside capital has come to the county and the farmers have in contemplation the planting of a large acreage to beets. The Alameda Sugar Co. is about to begin the construction at Meridian of one of the largest sugar plants in the United States, but it is very doubtful if it will proceed if the duty is removed. I am voicing the wishes of the farming interest in Sacramento Valley in requesting you to use your influence to have the present duty retained.

A. H. HEWITT,
Speaker of the Assembly.

Mr. WILLIS. Some gentleman upon the other side stated in debate yesterday that the German farmer got more for his beets than the American farmer received, and that the American beets had a higher percentage of sugar than the German beets. Can the gentleman give us any information upon that?

Mr. HAYES. Mr. Chairman, I will say to the gentleman that the German farmer receives about $4.50 per ton for his beets; the French farmer a little over $4 per ton for his. Last year the farmers in California received $6 per ton for their beets. The price in this country varies from $5.50 to $7 per ton. The beets in Germany produce about 17½ per cent of sugar; they produced 17.61 per cent in California last year, not enough to account for any considerable part of the difference in the price.

There is another consideration that should appeal strongly to every Member of this House, and that is the highly beneficial effect upon the soil produced by rotating beets with cereal and other crops. It has been demonstrated repeatedly in this country, as well as in Germany and France, that raising on land a crop of beets once in three to five years will increase the crops of cereals in the intervening years fully 100 per cent after a few years of this rotation. A crop of beets is better than fertilizer for this purpose.

And yet, in spite of this fact, the gentlemen on the other side of the aisle are willing to put sugar on the free list, when it is perfectly apparent to anyone who gives the subject unbiased consideration that the result must be to stop the growing of beets and to totally destroy one of the great and rapidly growing industries of this country.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

3. Sugar candy and all confectionery not specially provided for in this act or in the first section of the act cited for amendment, valued at 15 cents per pound or less, and sugars after being refined, when tinctured, colored, or in any way adulterated, 2 cents per pound; valued at more than 15 cents per pound, 25 per cent ad valorem. The weight and the value of the immediate coverings, other than the outer packing case or other covering, shall be included in the dutiable weight and the value of the merchandise.

Mr. LA FOLLETTE. Mr. Chairman, when the tariff rate on sugar was raised under the Dingley bill 65 cents per hundredweight the tariff on beets to protect the farmer was under the same bill reduced from 25 per cent ad valorem per ton to 10 per cent ad valorem per ton, thus showing great love for the farmer. Ten per cent ad valorem may be protection enough for the farmer, as there were only some 35,000 tons shipped in here under this rate the past year from the fertile fields of Canada, where they have, according to the report of the Tariff Board, a cheaper average wage than in the United States. We presume those importations will increase from year to year to the satisfaction of the sugar factories. The farmer we hear so much of here is supposed to receive his benefits from the tariff second hand through the 1.95 cents per hundred pounds tariff on the finished product. Mr. Chairman, if the beet-sugar factories of this country were honestly capitalized and only striving to earn a fair return on an honest investment, and could show that they could not do so in competition with foreign countries, I would stand with Members on this side in trying to protect those interests to that extent.

But, Mr. Chairman, the sugar investigation and the speeches of various Members in this House show gross overcapitalization of those industries and that enormous earnings and dividends are being made and paid on not only cane refineries, but on overcapitalized sugar-beet factories throughout the United States.

Mr. Chairman, I think the time has arrived when the Congress of the United States should refuse longer by tariffs to foster and protect any industries the large majority of which are overcapitalized, and who are attempting to make the public pay interest and dividends on the same. Mr. Chairman, I think it is time the ultimate consumer should receive some consideration as well as pampered manufacturers, under the specious plea of protection to the farmers.

Next to flour the most important food element and product known to man is sugar, and it has the most intimate relation with his physical well-being, and I submit that we should treat this universal necessity with the greatest degree of liberality possible.

Mr. KAHN. Mr. Chairman, my good friend from Iowa [Mr. GOOD] in speaking of the production of sugar in the islands of the Hawaiian group made the statement, in substance, that the workmen in the cane fields there were Chinese and Japanese, and that therefore he did not believe the measure of protection that is now afforded should be allowed. As a matter of fact, the number of Chinese and Japanese in the Hawaiian cane fields has been materially reduced within the last two or three years. Chinese coolies are no longer admitted to the islands, and after the experience of the planters during the strike of the Japanese about two years ago the latter were put into the class of undesirable citizens in the Territory. Almost all of the workmen in the cane fields of Hawaii to-day are Caucasians. Twenty dollars a month is the amount of wage that is given to the Orientals, said the gentleman from Iowa. I think that is approximately true. The Caucasians receive at least 50 per cent more than that; but they all receive in addition to the cash wage house rent free, medical attendance free, fuel free, gardens with irrigation ditches and water running through them free. Some of the plantations maintain free nurseries for the children. So that when you figure together the value of these various allowances it makes a much more considerable wage than the gentleman from Iowa indicated.

But what is the condition in regard to the growing of cane sugar in Hawaii? Practically every sugar plantation has to pump millions of gallons of water every day for irrigation purposes. One plantation alone, the Ewa plantation, uses 80,000,000 gallons of water per day in irrigating its plantation. The cost of lifting that amount of water to the surface is no small sum. A number of pumping stations are installed. Their cost is not inconsiderable. In addition to that, the cost of carrying the sugar to the mills in Hawaii is generally much greater than it is in the tropical countries that produce sugar. Many of the plantations were run for years over there before they paid a single cent of dividend, and yet people imagine that the raising of sugar cane in Hawaii is an enormously profitable business. The Olaa plantation near Hilo, on the island of Hawaii, has never to this day paid a dividend, although millions

of dollars are invested in the enterprise. So it is with others. There is about one plantation in six that makes any considerable profit on the investment.

The question of labor in Hawaii is a very serious one. It has been difficult to get the right kind of field labor. The producers of sugar in the islands are perfectly willing to pay a proper wage if they can get the right kind of labor; but even at the present time, with the existing duty, they are not able to compete with sugar raised in tropical countries. If the duty be removed, the industry will perish in the islands. Sugar cane planted in the island of Cuba does not have to be replanted for six or seven years. The ratoon crops, as the volunteer crops are called, come up every year for six or seven years. In Hawaii if they get two ratoon crops they are doing very well, indeed. Almost invariably in the fourth year they have to replant, and that is always a very considerable item of expense. Therefore I want to call attention to the fact that the statement made by my friend from Iowa is somewhat misleading as to the cost of production of sugar in the Hawaiian Islands. [Applause on the Republican side.]

[Mr. JAMES addressed the committee. See Appendix.]

Mr. UNDERWOOD. Mr. Chairman, I move that the committee do now rise and report the bill to the House——

Mr. LENROOT. Mr. Chairman, I desire to offer an amendment.

Mr. UNDERWOOD. I will permit the gentleman to offer an amendment.

The CHAIRMAN. The gentleman from Wisconsin [Mr. LENROOT] offers an amendment, which the Clerk will report.

The Clerk read as follows:

Add a new section, to be numbered section 4, to read as follows:
"SEC. 4. This act shall take effect from and after the 1st day of February, 1913."

Mr. LENROOT. Mr. Chairman, the effect of the amendment I have proposed is to postpone the operation of this bill, if it should become a law, until February 1, 1913. Mr. Chairman, I assert that as a general rule every Member of this House ought to vote upon a bill exactly as if his vote would either put that law upon the statute book if he voted for it, or mean its defeat if he voted against it. And, Mr. Chairman, I believe that there is a sufficient sense of justice and fair play in the membership of this House that if they would apply that principle to this bill this amendment that I have now proposed would be adopted.

Gentlemen who are familiar with the situation in this country know that contracts have now been made and signed between the beet-sugar manufacturers and the farmers for the crop of this coming year, binding contracts upon the beet-sugar manufacturer that they can under the law be compelled to carry out. Now, gentlemen upon the other side, is it not enough that you penalize the beet-sugar manufacturer by destroying his industry without at the same time making him liable under the law to the farmers of this country for contracts made with them upon the theory and the basis that a reasonable protection would still be accorded him? There was nothing in your platform that declared for free sugar. You did declare for gradual reduction in tariff rates, and I believe that a reduction ought to be made with reference to sugar. But nowhere have you declared for free sugar, and it is not fair, it is not just, it is not equitable, in view of these contracts that are made and existing now to insist that this drastic law that you propose shall immediately go into operation.

Mr. UNDERWOOD. Mr. Chairman, I ask for a vote on the amendment.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Wisconsin [Mr. LENROOT].

The question was taken, and the amendment was rejected.

Mr. UNDERWOOD. Mr. Chairman, I move that the committee do now rise and report the bill to the House with a favorable recommendation.

Mr. AUSTIN. Mr. Chairman, I wish to offer an amendment. I do not care to discuss it.

Mr. UNDERWOOD. I must insist on my motion to rise.

Mr. AUSTIN. I have not had an opportunity to discuss this bill or offer an amendment to it.

Mr. MANN. Mr. Chairman, a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. MANN. Is not the right to offer an amendment a preferential motion over a right to rise and report the bill? The gentleman can move to rise at any time, of course.

Mr. UNDERWOOD. Mr. Chairman, I do not think it is a preferential motion, but as the gentleman says he does not care to discuss the amendment, I will call for a vote.

The CHAIRMAN. The Clerk will report the amendment of the gentleman from Tennessee [Mr. AUSTIN].

The Clerk read as follows:

SEC. 4. That six months after the approval of this act if there is not a reduction in the cost of sugar to the consumer equal to the present duty this act shall become void, and the existing duty on sugar shall become effective.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Tennessee [Mr. AUSTIN].

The question was taken, and the amendment was rejected.

Mr. UNDERWOOD. Mr. Chairman, I move that the committee do now rise and report the bill H. R. 21213 back to the House, with the recommendation that the bill do pass.

The motion was agreed to.

Accordingly, the Speaker having resumed the chair, Mr. ADAIR, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee had had under consideration the bill (H. R. 21213) to amend an act entitled "An act to provide revenue, equalize duties, and encourage the industries of the United States, and for other purposes," and had directed him to report the same to the House with the recommendation that the bill do pass.

Mr. UNDERWOOD. Mr. Speaker, I move the previous question on the bill to its final passage.

The previous question was ordered.

The SPEAKER. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time.

Mr. PAYNE. Mr. Speaker, I offer the following motion to recommit.

The SPEAKER. The gentleman from New York offers a motion to recommit, which the Clerk will report.

The Clerk read as follows:

Mr. PAYNE moves:
To recommit the bill to the Committee on Ways and Means with instructions to report the same back to the House amended so as to eliminate from the sugar schedule the Dutch standard color test, the differential on refined sugar, provide for a tariff on sugar that shall measure the difference between the cost of production at home and abroad, and not in conflict with the terms of the treaty with Cuba, such cost of production to be ascertained by scientific investigation and report to be made by the Tariff Board or some similar body.

The SPEAKER. The question is on the motion to recommit with instructions.

The question was taken, and the Chair announced that the noes seemed to have it.

Mr. MANN. Mr. Speaker, I demand the yeas and nays.

The yeas and nays were ordered.

The question was taken; and there were—yeas 102, nays 200, answered "present" 5, not voting 87, as follows:

YEAS—102.

Ainey	Gardner, N. J.	McCreary	Sells
Austin	Good	McKinley	Simmons
Bowman	Green, Iowa	McKinney	Slemp
Browning	Greene, Mass.	McLaughlin	Sloan
Burke, Pa.	Hanna	McMorran	Smith, J. M. C.
Burke, S. Dak.	Harris	Madden	Smith, Saml. W.
Butler	Hartman	Malby	Stephens, Cal.
Campbell	Haugen	Mann	Sterling
Cannon	Hayes	Miller	Stevens, Minn.
Catlin	Henry, Conn.	Mondell	Sulloway
Crago	Higgins	Moon, Pa.	Switzer
Currier	Hinds	Mott	Taylor, Ohio
Dalzell	Howell	Needham	Thistlewood
Danforth	Howland	Parran	Tilson
Davidson	Hughes, W. Va.	Patton, Pa.	Towner
Dodds	Humphrey, Wash.	Payne	Utter
Draper	Jackson	Pickett	Vreeland
Driscoll, M. E.	Kahn	Plumley	Wedemeyer
Dwight	Kendall	Porter	Wilder
Dyer	Kennedy	Powers	Willis
Esch	Kinkaid, Nebr.	Pray	Wood, N. J.
Farr	Knowland	Rees	Woods, Iowa
Focht	Kopp	Reyburn	Young, Kans.
Fordney	Lawrence	Roberts, Mass.	Young, Mich.
French	Longworth	Roberts, Nev.	
Gardner, Mass.	Loud	Rodenberg	

NAYS—200.

Adair	Burnett	Denver	Garrett
Adamson	Byrnes, S. C.	Dickinson	George
Aiken, S. C.	Byrns, Tenn.	Dies	Glass
Akin, N. Y.	Callaway	Difenderfer	Godwin, N. C.
Alexander	Candler	Dixon, Ind.	Goldfogle
Allen	Carlin	Donohoe	Goodwin, Ark.
Anderson, Minn.	Carter	Doremus	Gould
Anderson, Ohio	Claypool	Doughton	Graham
Ansberry	Clayton	Dupre	Gray
Ashbrook	Cline	Edwards	Gregg, Pa.
Ayres	Collier	Ellerbe	Gregg, Tex.
Barnhart	Connell	Estopinal	Gudger
Bartlett	Conry	Evans	Hamilton, W. Va.
Bathrick	Cooper	Faison	Hamlin
Bell, Ga.	Covington	Fergusson	Hammond
Blackmon	Cox, Ohio	Ferris	Hardwick
Boehne	Cravens	Finley	Hardy
Booher	Cullop	Fitzgerald	Harrison, Miss.
Brantley	Curley	Floyd, Ark.	Harrison, N. Y.
Buchanan	Daugherty	Foster, Ill.	Hay
Bulkley	Davenport	Fowler	Hayden
Burke, Wis.	Davis, Minn.	Francis	Heflin
Burleson	Davis, W. Va.	Garner	Helgesen

Helm	Lewis	Prince	Stedman
Henry, Tex.	Lindbergh	Rainey	Steenerson
Hensley	Linthicum	Raker	Stephens, Miss.
Holland	Littleton	Randell, Tex.	Stephens, Nebr.
Houston	Lloyd	Ransdell, La.	Stephens, Tex.
Howard	Lobeck	Rauch	Stone
Hughes, N. J.	McKellar	Redfield	Sweet
Hull	McKenzie	Reilly	Talbott, Md.
Humphreys, Miss.	Maguire, Nebr.	Roddenbery	Talcott, N. Y.
Jacoway	Martin, Colo.	Rouse	Taylor, Ala.
Johnson, Ky.	Mays	Rubey	Taylor, Colo.
Johnson, S. C.	Moon, Tenn.	Rucker, Mo.	Thomas
Jones	Moore, Tex.	Russell	Tribble
Kent	Morrison	Sabath	Turnbull
Kinkead, N. J.	Morse, Wis.	Saunders	Tuttle
Kitchin	Moss, Ind.	Scully	Underhill
Konop	Murdock	Shackleford	Underwood
Korbly	Murray	Sharp	Volstead
Lafferty	Neeley	Sherwood	Warburton
La Follette	Nelson	Sims	Watkins
Lamb	Norris	Sisson	Webb
Lee, Ga.	Nye	Slayden	White
Lee, Pa.	Page	Small	Wickliffe
Legare	Pepper	Smith, N. Y.	Wilson, N. Y.
Lenroot	Peters	Smith, Tex.	Wilson, Pa.
Lever	Post	Sparkman	Witherspoon
Levy	Pou	Stanley	The Speaker

ANSWERED "PRESENT"—5.

Burgess	Hawley	James	Langley
Gallagher			

NOT VOTING—87.

Ames	Dent	Konig	Patten, N. Y.
Andrus	Dickson, Miss.	Lafean	Prouty
Anthony	Driscoll, D. A.	Langham	Pujo
Barchfeld	Fairchild	Lindsay	Richardson
Bartholdt	Fields	Littlepage	Riordan
Bates	Flood, Va.	McCall	Robinson
Beall, Tex.	Fornes	McCoy	Rothermel
Berger	Foss	McDermott	Rucker, Colo.
Bingham	Foster, Vt.	McGillicuddy	Sheppard
Borland	Fuller	McGuire, Okla.	Sherley
Bradley	Gillett	McHenry	Smith, Cal.
Broussard	Goeke	Macon	Speer
Brown	Griest	Maher	Stack
Calder	Guernsey	Martin, S. Dak.	Sulzer
Cantrill	Hamill	Matthews	Taggart
Cary	Hamilton, Mich.	Moore, Pa.	Thayer
Clark, Fla.	Heald	Morgan	Townsend
Copley	Hill	Oldfield	Weeks
Cox, Ind.	Hobson	Olmsted	Whitacre
Crumpacker	Hubbard	O'Shaunessy	Wilson, Ill.
Curry	Hughes, Ga.	Padgett	Young, Tex.
De Forest	Kindred	Palmer	

The SPEAKER. The Clerk will call my name.

The Clerk called the name of Mr. CLARK of Missouri, and he voted in the negative, as above recorded.

So the motion to recommit with instructions was rejected.

The Clerk announced the following additional pairs:

On the vote to recommit:

Mr. PUJO (for recommittal) with Mr. TOWNSEND (against recommittal).

Mr. SPEER (for recommittal) with Mr. McCOY (against recommittal).

Mr. O'SHAUNESSY (against recommittal) with Mr. BARTHOLDT (for recommittal).

Until further notice:

Mr. McGILLICUDDY with Mr. GUERNSEY.

Mr. MAHER with Mr. CALDER.

Mr. RUCKER of Colorado with Mr. CARY.

Mr. SULZER with Mr. MATTHEWS.

Mr. DENT (against recommittal) with Mr. FOSTER of Vermont (for recommittal).

Mr. JAMES. Mr. Speaker, I desire to inquire if the gentleman from Massachusetts, Mr. McCALL, is recorded as voting?

The SPEAKER. He is not.

Mr. JAMES. Then I desire to withdraw my vote in the negative and answer "present."

The result of the vote was announced as above recorded.

The SPEAKER. The question is, Shall the bill pass? Those in favor will say aye——

Mr. UNDERWOOD. Mr. Speaker, I ask for the yeas and nays.

Mr. MANN. I demand the yeas and nays, Mr. Speaker.

The yeas and nays were ordered.

The SPEAKER. Those in favor of passing the bill will answer "yea" when their names are called; those opposed will answer "nay."

The question was taken; and there were—yeas 199, nays 104, answered "present" 5, not voting 86, as follows:

YEAS—199.

Adair	Ashbrook	Brantley	Candler
Adamson	Ayres	Buchanan	Carlin
Aiken, S. C.	Barnhart	Bulkley	Carter
Akin, N. Y.	Bartlett	Burke, Wis.	Claypool
Alexander	Bathrick	Burleson	Clayton
Allen	Bell, Ga.	Burnett	Cline
Anderson, Minn.	Blackmon	Byrnes, S. C.	Collier
Anderson, Ohio	Boehne	Byrns, Tenn.	Connell
Ansberry	Booher	Callaway	Conry
Covington	Gregg, Pa.	Lever	Scully
Cox, Ohio	Gregg, Tex.	Levy	Sells
Cravens	Gudger	Lewis	Shackleford
Cullop	Hamilton, W. Va.	Lindbergh	Sharp
Curley	Hamlin	Linthicum	Sherwood
Daugherty	Hammond	Littleton	Sims
Davenport	Hanna	Lloyd	Sisson
Davis, Minn.	Hardwick	Lobeck	Slayden
Davis, W. Va.	Hardy	McKellar	Small
Denver	Harrison, Miss.	McKenzie	Smith, N. Y.
Dickinson	Harrison, N. Y.	Maguire, Nebr.	Smith, Tex.
Dies	Hay	Mays	Sparkman
Difenderfer	Hayden	Miller	Stanley
Dixon, Ind.	Heflin	Moon, Tenn.	Stedman
Donohoe	Helgesen	Moore, Tex.	Steenerson
Doremus	Helm	Morrison	Stephens, Miss.
Doughton	Henry, Tex.	Moss, Ind.	Stephens, Nebr.
Dyer	Hensley	Murdock	Stephens, Tex.
Edwards	Holland	Murray	Stone
Ellerbe	Houston	Neeley	Sweet
Evans	Howard	Norris	Talbott, Md.
Faison	Howland	Nye	Talcott, N. Y.
Fergusson	Hughes, N. J.	O'Shaunessy	Taylor, Ala.
Ferris	Hull	Page	Thomas
Finley	Humphreys, Miss.	Pepper	Tribble
Fitzgerald	Jacoway	Peters	Turnbull
Floyd, Ark.	Johnson, Ky.	Post	Tuttle
Foster, Ill.	Johnson, S. C.	Pou	Underhill
Fowler	Jones	Prince	Underwood
Francis	Kendall	Rainey	Volstead
Garner	Kent	Raker	Warburton
Garrett	Kinkead, N. J.	Randell, Tex.	Watkins
George	Kitchin	Rauch	Webb
Glass	Konop	Redfield	White
Godwin, N. C.	Korbly	Reilly	Wilson, N. Y.
Goldfogle	Lafferty	Roddenbery	Wilson, Pa.
Good	La Follette	Rouse	Witherspoon
Goodwin, Ark.	Lamb	Rubey	Woods, Iowa
Gould	Lee, Ga.	Rucker, Mo.	Young, Kans.
Graham	Lee, Pa.	Russell	The Speaker
Gray	Legare	Sabath	

NAYS—104.

Ainey	Fordney	McCreary	Roberts, Mass.
Austin	French	McKinley	Roberts, Nev.
Bowman	Gardner, Mass.	McKinney	Rodenberg
Broussard	Gardner, N. J.	McLaughlin	Simmons
Browning	Green, Iowa	McMorran	Slemp
Burke, Pa.	Greene, Mass.	Madden	Sloan
Burke, S. Dak.	Harris	Malby	Smith, J. M. C.
Butler	Hartman	Mann	Smith, Saml. W.
Campbell	Haugen	Martin, Colo.	Stephens, Cal.
Cannon	Hayes	Mondell	Sterling
Catlin	Henry, Conn.	Moon, Pa.	Stevens, Minn.
Cooper	Higgins	Morse, Wis.	Sulloway
Crago	Hinds	Mott	Switzer
Currier	Howell	Needham	Taylor, Colo.
Dalzell	Hughes, W. Va.	Nelson	Taylor, Ohio
Danforth	Humphrey, Wash.	Parran	Thistlewood
Dodds	Jackson	Patton, Pa.	Tilson
Draper	Kahn	Payne	Towner
Driscoll, M. E.	Kennedy	Pickett	Utter
Dupre	Kinkaid, Nebr.	Porter	Vreeland
Dwight	Knowland	Powers	Wedemeyer
Esch	Kopp	Pray	Wickliffe
Estopinal	Lawrence	Prouty	Wilder
Fairchild	Lenroot	Ransdell, La.	Willis
Farr	Longworth	Rees	Wood, N. J.
Focht	Loud	Reyburn	Young, Mich.

ANSWERED "PRESENT"—5.

Burgess	Hawley	James	Langley
Gallagher			

NOT VOTING—86.

Ames	Dent	Lafean	Pujo
Andrus	Dickson, Miss.	Langham	Richardson
Anthony	Driscoll, D. A.	Lindsay	Riordan
Barchfeld	Fields	Littlepage	Robinson
Bartholdt	Flood, Va.	McCall	Rothermel
Bates	Fornes	McCoy	Rucker, Colo.
Beall, Tex.	Foss	McDermott	Saunders
Berger	Foster, Vt.	McGillicuddy	Sheppard
Bingham	Fuller	McGuire, Okla.	Sherley
Borland	Gillett	McHenry	Smith, Cal.
Bradley	Goeke	Macon	Speer
Brown	Griest	Maher	Stack
Calder	Guernsey	Martin, S. Dak.	Sulzer
Cantrill	Hamill	Matthews	Taggart
Cary	Hamilton, Mich.	Moore, Pa.	Thayer
Clark, Fla.	Heald	Morgan	Townsend
Copley	Hill	Oldfield	Weeks
Cox, Ind.	Hobson	Olmsted	Whitacre
Crumpacker	Hubbard	Padgett	Wilson, Ill.
Curry	Hughes, Ga.	Palmer	Young, Tex.
Davidson	Kindred	Patten, N. Y.	
De Forest	Konig	Plumley	

The SPEAKER. The Clerk will call my name.

The Clerk called the name of Mr. CLARK of Missouri, and he voted in the affirmative, as above recorded.

So the bill was passed.

The Clerk announced the following additional pairs:

For the vote:

Mr. McCOY (for the bill) with Mr. SPEER (against the bill).

Mr. TOWNSEND (for the bill) with Mr. PUJO (against the bill).

Mr. JAMES (for the bill) with Mr. McCALL (against the bill).

Mr. FLOOD of Virginia (for the bill) with Mr. OLMSTED against the bill).

Mr. DENT (for the bill) with Mr. FOSTER of Vermont (against the bill).

Until further notice:
Mr. COX of Indiana with Mr. HEALD.
Mr. HOBSON with Mr. BARTHOLDT.
Mr. STACK with Mr. MCGUIRE of Oklahoma.
Mr. GOEKE with Mr. MARTIN of South Dakota.
Mr. LITTLEPAGE with Mr. PLUMLEY.
Mr. SAUNDERS with Mr. TOWNER.

The result of the vote was announced as above recorded.

The announcement of the result was received with cheers on the Democratic side.

On motion of Mr. UNDERWOOD, a motion to reconsider the last vote was laid on the table.

EXTENSION OF REMARKS.

Mr. JAMES. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD.

The SPEAKER. The gentleman from Kentucky [Mr. JAMES] asks unanimous consent to extend his remarks in the RECORD. Is there objection?

There was no objection.

Mr. UNDERWOOD. Mr. Speaker, I desire to ask unanimous consent that all gentlemen who have spoken on this bill may have leave to extend their remarks in the RECORD, and that all other gentlemen in the House may have leave for five legislative days to print on the subject matter of the bill that has just passed.

The SPEAKER. The gentleman from Alabama asks unanimous consent that all gentlemen who have spoken on this bill have leave to extend their remarks in the RECORD, and that those who have not spoken shall have the privilege of printing on this subject for five legislative days. Is there objection?

There was no objection.

LEAVE OF ABSENCE.

By unanimous consent, leave of absence was granted—

To Mr. GREGG of Pennsylvania, for 4 days, on account of important business.

To Mr. MCHENRY, for 10 days, on account of important business.

To Mr. HUGHES of Georgia, for to-day, on account of sickness.

SPEECH OF HON. WILLIAM C. REDFIELD.

Mr. FOSTER of Illinois. Mr. Speaker, I ask unanimous consent to insert in the RECORD a speech delivered by Hon. WILLIAM C. REDFIELD before the National Democratic Club of New York on January 3, 1912.

The SPEAKER. The gentleman from Illinois [Mr. FOSTER] asks unanimous consent to print in the RECORD the speech made by the gentleman from New York [Mr. REDFIELD] on the occasion stated by him. Is there objection?

There was no objection.

The remarks referred to are as follows:

ADDRESS OF HON. WILLIAM C. REDFIELD BEFORE THE NATIONAL DEMOCRATIC CLUB JANUARY 3, 1912.

"Just as in Alaska natives set up totem poles and worship spirits, and as in the Philippines the nipa huts are tightly closed to keep out the night-flying demons, so most American manufacturers have belonged to a sort of industrial Shut-in Society devoted largely to a cult of fears of things that are not so. Meanwhile, dreading the phantoms without, they have nurtured demons within. They have adopted and cultivated a mental attitude that has sterilized all initiative, and the fear of the ghosts that do not exist has deprived them of the vision to see and deal with the real demons who injure them.

"Two among the ghosts loom large in our industrial horizons. The first of these is called Rate of Wages. Dire evils are laid to his charge. Books have been written about him, and he has filled the mouths of orators in many places and through many years. What he has done to hold back our poor American industries has been vividly told. He is pictured in part as a handicap upon domestic trade, as part of the high cost of living, as the foe of export business, as a general and serious disturber, and to him is charged both the excessive cost of what we buy at home and of what some of us do not sell abroad.

"A second ghost is called Cost of Production. Most of us know very little about this ghost, but we talk of him volubly and tell how bad he is and how he is related by blood and behavior to the first ghost I have named. Men say how hard they have striven to control the influences of this evil spirit, and declare that only protection from some source stronger than themselves will keep them from serious injury at the hands of these phantoms. For phantoms both these ghosts are. Their dreadful names have hung like shadows over many a shop, but men who have faced them boldly have found they are not what they are thought to be; that instead of direful ghosts filled with possibilities of disaster, they are friendly spirits carrying much possibility of good, and offering harm only to those who do not understand how to treat them.

"But the demons within are real, many, and vigorous, four of them especially so. There is one demon called Waste, who is omnipresent. His brother is Ignorance, and they walk hand in hand through many a shop. Closely related is an evil spirit called Neglect, and the fourth member of the devilish group is Blindness. These baneful four are no dreams, but real destroyers. It is against them that protection is needed. Those strong men among our industries who have learned that the Rate of Wages is a friendly spirit have found him powerful also in overcoming the demon called Waste, and just as with clear minds and fixed purpose they study into the true nature of the Rate of Wages and the Cost of Production do the demons of Neglect, Ignorance, and Blindness cease to trouble.

"In this brief preface I have tried to sketch the fundamentals of our industrial problem as it relates to the tariff. We have been too long ghost fearers and devil conservers. Let us face about, look firmly at the ghosts and squarely at the devils. The ghosts will be found helpful friends and the devils—

"Shall fold their tents like the Arabs,
And silently steal away."

"American manufacturers need tariff reform for certain definite, specific purposes. Among these are:

"1. To enlarge their mental and moral vision.

"2. To increase their efficiency.

"3. To teach them the gospel of self-help.

"I am tempted to add a fourth reason—to get rid of ghosts; but when the vision mental and moral shall have been enlarged and efficiency shall have been learned and self-help acquired, the ghosts will have gone.

"Our manufacturers need to have their mental vision enlarged, because ignorance is a limiting factor. It has always been true that 'a little knowledge is a dangerous thing.' They have been fed on untruths. It is not true, for example, that because a man is paid $3 per day his product necessarily costs more than that of a man paid $2 per day. It is not true that goods cost so much of necessity in an American shop that they can not meet foreign competition. It is not true that our industries would be injured, much less destroyed, by a reduction of the tariff wall. It is more true, far, that this very tariff wall is in danger of creating a sort of industrial "Paresis club." It is true that product is a far more important thing in cost than the rate of wage. It is true that direct labor cost is a small part of the total cost of making goods. It is true that the burden charge is often heavier than the direct labor charge; it is true that the selling expense is often heavier than the direct labor charge; it is true that when comparison is made between the rate of wage in America and the rate of wage abroad, such a comparison is meaningless and silly unless the rate of production and its conditions be stated. It is true that when the difference between the rate of wage at home and abroad is given it is a difference which relates to but a small part of the cost of making goods, and in no sense a major part. For example, if the somewhat mysterious synopsis of the report of the Tariff Board may be quoted, there is said to be a difference in labor cost in making yarn between England and the United States of 100 per cent; but this 100 per cent does not sound so large, even if it be always true, which I doubt, when the report shows that the total proportion of labor cost in making yarn is but 9¼ per cent, and the 100 per cent difference, therefore, is but a difference of 4⅝ per cent of the total cost of the yarn. Other plain truths are: The differences in cost between two American concerns in the same line are often greater than the difference in cost between a concern abroad and one at home in the same line. The difference in direct labor cost between a foreign and a domestic concern in the same line may be entirely overcome by differences in the burden charge.

"I am told, and believe it to be true, that but few American manufacturers really know the cost of their goods, and but very few the cost of each operation in making their goods. An examiner for the Tariff Board told me that in 16 shops he visited they did not know what their goods cost and had no systematic, accurate way of finding out. One of the first and most beneficial results of the removal of artificial protection would be to make our manufacturers learn these facts, to enlarge their mental vision along the line of the old Jewish proverb, 'Physician, heal thyself.'

"But there would be a moral enlargement of vision also, for among our industrial shut-ins strange moral growths occur. For example, what think you of men in control of a large industry buying for their personal gain other factories whose product must be used by the larger one and then arranging to have the output of the one they own purchased at high prices by the other which they control? What think you of concerns employing men at large salaries whose duty in large part it is to copy as nearly as they dare patents having value which

are submitted to them for purchase or of which they learn in order that they may themselves benefit by the inventor's skill without his profiting by it? Or what is your view of their using a department of patent law to protect them against the righteous claims of those whose property they have taken, and what of the morals of a large concern telling a small one that unless they cease suing them for the misuse of patents the little will be driven out of business by the big? Under the genial influence of a reduction of duties some of these processes would become too expensive and legitimate competition would at least offer a larger field for dealing with those whose sense of honor was higher and would open a broader market to the inventor.

"A reduction of tariff would increase the efficiency of the American manufacturer and therefore add to the profits of his business. The fetish of having to cut wages to keep cost down is dead or dying. Even the Tariff Board admits that. It is output that counts. An experienced manufacturer said to me a few days ago: 'The tariff kills initiative and raises the cost.' You have no doubt noticed that the cry as to the inefficiency of their labor comes from those industries that are most highly protected. Provide a profitable market for a manufacturer and why should he spur himself. Like the rest of us he will be as lazy as he dares, and if through the grace of law he may sell, as our wool men are said by the Tariff Board to do, at prices 67 per cent higher than those prevailing abroad, why should he strive to improve himself so long as it pays not to do so? While obsessed with the belief that high wages mean high labor cost and imbued with a conviction of his own helplessness, how can a man become efficient? For efficiency means keen self-criticism. It means to go out into the shop and find nothing there that is sacred or fixed. It means that in that shop six months ago shall be ancient history. It means the dropping of tradition, the forgetting of ghosts, the questioning of everything. It means the old Scripture doctrine, 'Prove all things, hold fast that which is good,' and only that. This means serious, constant, patient study and toil, and it needs a spur to bring men to that labor. True, the men with vision in our industries, who have the sense of the industrial seer, and especially in those industries which have been less protected from the ghosts by law, have done this labor and have found it amazingly lucrative. Here note one vital but not obvious fact. What of the concerns whose names do not appear in our tariff fights.

"Has anyone thought to make a list of the houses that are silent on the tariff? Has it occurred to anyone that a reason for this silence may be that some of these houses feel so competent to meet any tariff situation that they are fearless about it? I have the best of reasons for thinking this is true of two large worsted manufacturers, and I know it is true of other concerns. They do not care to advertise the fact that by keener management, finer equipment, and better methods they are doing so well that the tariff is to them an indifferent thing, because, so to speak, they would put their competitors "onto the game." Look among the names of the manufacturers in our great industries who do not make Washington their Mecca and see what you find. Tariff reduction will bring to the American manufacturer everywhere that spur from legitimate competition which will make him criticize and study his own methods, which will force him to drive out the devils of ignorance, waste, neglect, and blindness.

"And with a larger and purer vision, and with higher efficiency, he will have gone far on the road to the third gain from tariff reduction, namely, he will have begun to learn self-help. And to substitute self-help for dependence, courage for fear, hope for doubt, manliness for cowardice, is the noble task in which the Democratic Party is engaged in its campaign for tariff reform. But self-help means more than anything we have yet said. It means, after doing all we have suggested, stopping the greatest waste in industry and utilizing the greatest force in industry, which waste is now sadly great and which force is too little used.

"Look at the elements in the cost of production—material, that is an inert, dead thing; selling expense, that produces nothing; burden charge, truly described by its name of a burden; labor cost, here you have the one productive element. Is it treated productively? Your building, your machinery, your material, these are investments. Your men—are their wages an investment or an expense? Look at the question squarely. Your whole industrial efficiency rests on the answer.

"If the wages of these men are an expense, then the less of it the better. If your men are an expense, then cutting wages becomes normal and proper. They rank like waste of any kind. They are a thing to be reduced to the lowest limit if you think that pays. But if the wages of these men are an investment, if this one productive element in industry has in the very fact of its productiveness something that separates it from all other kinds of cost, then it is worth conserving. For your investments you cultivate, you develop, you improve, you study their nature, you are deeply interested in their management, you wish them to be efficient, helpful, reliable, steady. Indeed, you look for a growing return from them. It pays to study investments. It does not pay to treat an investment contrary to the laws of the thing in which you invest. It is better, cheaper, more profitable to work with the laws of your investment than against its laws. Self-help means a new outlook on labor for a manufacturer. It means that he has got to cease to profit by it and learn to profit with it. It means that the pay roll is an investment and not an expense, and a chasm of thought divides the two. It means that the old ghost of the rate of wages has turned into a friendly spirit that says to him, 'The more I grow, the larger I am, the more I should produce for you and yours'; and it says to the cost of production, 'The more I produce the smaller you get and the less influence you have.' It says to the man whose vision has been enlarged, 'Do not worry about your rate of wages; think, rather, of your rate of output; get rid of the devil of waste, stop the devil of neglect of your burden charges and blindness to the inefficiency of your equipment and ignorance of your handling expense. Drive out the devil of neglect of your own costs and blindness to your selling charges. Get rid of the things that don't produce and make the most, the utmost, of the one element in your shop that does produce, and above all things do nothing in blindness, ignorance, or neglect, or waste to cramp or antagonize or hamper the only productive element, the only responsive element in the cost of the goods you make.' And so the Democratic position is one that is not negative but affirmative, it is not destructive but constructive, it is in line with all the forces of uplift in our land. It is the gospel of hope and not of doubt, the gospel of courage and not of fear, the gospel of moderation and not of rashness, it is the teaching of that same self-help to our manufacturers which we try to cultivate in our children. It does not let 'I dare not wait upon I would,' but says 'you can.' It is the teaching of industrial freedom, a strong and not a weak faith.

"Let me close with the statement of certain truths which form at least a part of the Democratic declaration of industrial independence and which the Democratic Party believes to be evident.

"There is in the strict sense of language no such thing as the cost (meaning the fixed cost) of production, and the phrase as often used misleads.

"Since there is and can be no such thing as a fixed or uniform cost of producing an article, to base a fixed tax thereon is absurd and impossible.

"The nature of cost being variable, a tax actually based on such differences between cost in Europe and America as might be found to exist would vary constantly. If based on the cost records of an inefficient American shop it might at times be high; if based on best American practice it might not exist at all.

"The difference in cost between American shops in the same industry are as great as or greater than the average differences in cost between America and Europe. The same is to a degree true in each industry of Europe. The relations of these costs each to the other both within and without any industrial country constantly change. The statements, therefore, seriously made by some about basing a tariff on the differences in labor cost between this country and Europe are ridiculous. It would involve preferences in favor of one European country as against another, and if it were to be maintained at the actual differences in cost, it would have to be adjusted frequently to meet changes in efficiency, methods, or invention in the various countries affected by it.

"A tariff based on the difference in the cost of production must, if it be correct, be a different tariff against every country producing like goods for costs in these countries vary. Not only so, but logic requires that a separate tariff be made against separate factories in so far as their costs differ.

"A tariff based on differences in cost of production is a logical and industrial absurdity.

"It is a normal thing that the most highly protected industries should be the most backward.

"The cost of labor is but a minor part of total cost and rarely the controlling element therein.

"The differences in wages between America and Europe affect but a small part of the total cost of manufacture, and is itself so modified by many other conditions affecting cost as to be valueless as a basis for argument.

"The chief controlling factor in production is the rate of output. Other factors therein are burden charge, selling expense, material cost, and lastly, and often least, labor cost. It may therefore pay, often does pay, to increase the wage rate

to induce output and therefore to reduce the relative burden and selling charge.

"The reduction of the wage rate as a means of economy is the foolish resort of the inefficient and the ill-informed.

"Differences in cost may have no relation to labor. In A's shop where total cost is least, labor cost may be most. In B's shop where total cost is greatest, labor cost may be least.

"The possible saving in total cost through eliminating the element of waste in its many forms may amount to one-half even while the daily rate of wage will increase. Under these conditions, despite the increase in wage, the output may so enlarge that profits would be greatly increased even though selling prices were reduced to meet competition.

"The Republican Party undertakes to insure 'a reasonable profit' by law. A reasonable profit has never been defined nor its conditions made known. Such a profit may vary, that being reasonable in one place being unreasonable in another; that which is fair under some conditions would be unfair under others; that which is righteous in some industries would be unrighteous in others; that which is normal in some places, abnormal in others. What are the limits? Who is to decide what a reasonable profit is?

"The Democratic Party believes that the policy of a tariff for revenue only is not only a policy free from the logical absurdities of a tariff based upon the alleged cost of production, but that it is a policy which opens to our industries the way to development on normal and permanent lines where brains, character, and energy may work out their natural results to the profit of the manufacturer, to the advantage of the worker, and to the gain of the consumer.

"The Democratic Party would substitute industrial self-help for tarif protection. By this it does not mean rash, hasty, or even radical removals of existing duties, but reducing them with moderation to a revenue basis. By self-help it means that our manufacturers shall exercise that constant and searching self-criticism into their own plans, methods, and management, which should mark every progressive producer, but which is little likely to exist, and has in many cases not existed, whereas by reason of the tariff a profit has been assured by law. But self-help in industry means more than this. It means replacing doubt with hope and fear with courage. Protection is the gospel of security for the incompetent and inefficient at the national cost. Self-help is the gospel of competence and efficiency to the general gain. But self-help means yet more. It means an altered attitude on the part of manufacturers toward labor. It means the spirit of cooperation between employer and his workman. It means a recognition of the law that a well-paid and well-treated employee is the cheapest producer. It means a true industrial democracy in which owner, workmen, and consumer pull together with greater profit to the first, larger wages with shorter hours and less strenuous labor for the second, and lower prices for the third. This is the aim and the outcome of industrial self-help. It is a teaching opposed to all narrow selfishness, hostile to much of our accepted business economy, but it is in fundamental accord with the laws of human nature and with enlightened self-interest on the part of all dependent on our industries."

ORDER OF BUSINESS.

Mr. UNDERWOOD. Mr. Speaker, it is my desire to call up the excise tax bill (H. R. 21214) to-morrow morning. I would like to make an arrangement with the gentleman from New York [Mr. PAYNE], if I can do so, about the consideration of that bill.

Mr. PAYNE. What does the gentleman suggest?

Mr. UNDERWOOD. How much time does the gentleman think will be required for general debate on the bill?

Mr. PAYNE. There is not so much pressure for debate on that bill as there was on this. A good many gentlemen who wanted to speak on this bill, 20 or more, have taken five minutes and obtained leave to print. Now, I do not know whether some of these gentlemen will come in and want to speak in the open House on the income-tax bill or not. The gentleman will excuse me for not falling into his terms. There are only four or five gentlemen who have indicated to me as yet a desire to speak on that bill.

Mr. MANN. Why not let that remain unsettled and make the other suggestion which the gentleman has in mind, which will give us an opportunity to ascertain better how many gentlemen desire to speak.

Mr. UNDERWOOD. My only purpose in making this suggestion at this time is that to-morrow being Saturday, if we can let the general debate run over until Monday that would enable some gentlemen to go home over Sunday. That is my purpose in making the request. I would say to the gentleman from New York [Mr. PAYNE] that if it is satisfactory to him, and we can arrange to do so, I will be willing to agree to have general debate on this bill to-morrow and Monday, and take it up under the five-minute rule immediately after the reading of the Journal on Tuesday, if we can agree to put Monday's business over until Thursday.

Mr. MANN. I have no doubt that arrangement would be satisfactory, but why not make that request without fixing the absolute time for general debate?

Mr. UNDERWOOD. Then, I ask unanimous consent that the business for next Monday, which is suspension day, be transferred to Thursday, so that the excise bill may be considered on Monday as well as on Saturday.

The SPEAKER. The gentleman from Alabama [Mr. UNDERWOOD] asks unanimous consent that business in order, under the rule, for next Monday be transferred to Thursday. Is there objection?

Mr. MARTIN of Colorado. I object.

The SPEAKER. Objection is made.

ADJOURNMENT.

Mr. UNDERWOOD. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 6 o'clock and 17 minutes p. m.) the House adjourned until to-morrow, Saturday, March 16, 1912, at 12 o'clock noon.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, bills and resolutions were severally reported from committees, delivered to the Clerk, and referred to the several calendars therein named, as follows:

Mr. STEPHENS of Texas, from the Committee on Indian Affairs, to which was referred the bill (S. 3686) authorizing the Secretary of the Interior to permit the Missouri, Kansas & Texas Coal Co. and the Eastern Coal & Mining Co. to exchange certain lands embraced within their existing coal leases in the Choctaw and Chickasaw Nation for other lands within said nation, reported the same without amendment, accompanied by a report (No. 417), which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. BURKE of South Dakota, from the Committee on Indian Affairs, to which was referred the bill (H. R. 18661) to provide for an extension of payment of all unpaid payments due from homesteads on the Coeur d'Alene Indian Reservation, as provided for under an act of Congress approved June 21, 1906, reported the same with amendment, accompanied by a report (No. 418), which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. BURKE of Pennsylvania, from the Committee on Military Affairs, to which was referred the concurrent resolution (S. Con. Res. 19) relating to the fiftieth anniversary of the battle of Gettysburg, reported the same without amendment, accompanied by a report (No. 419), which said bill and report were referred to the Commmittee of the Whole House on the state of the Union.

Mr. JACOWAY, from the Committee on Indian Affairs, to which was referred the bill (H. R. 45) affecting the town sites of Timber Lake and Dupree, in South Dakota, reported the same with amendment, accompanied by a report (No. 420), which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. FERRIS, from the Committee on Indian Affairs, to which was referred the bill (H. R. 1332) regulating Indian allotments disposed of by will, reported the same with amendment, accompanied by a report (No. 421), which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. KNOWLAND, from the Committee on Interstate and Foreign Commerce, to which was referred the bill (H. R. 20486) authorizing the construction of a bridge across the Willamette River at or near Newberg, Oreg., reported the same with amendment, accompanied by a report (No. 422), which said bill and report were referred to the House Calendar.

PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS.

Under clause 3 of Rule XXII, bills, resolutions, and memorials were introduced and severally referred as follows:

By Mr. GRIEST: A bill (H. R. 21958) to exempt cigar manufacturers from payment of internal-revenue taxes on cigars supplied employees for personal consumption; to the Committee on Ways and Means.

By Mr. HAY: A bill (H. R. 21959) to amend an act entitled "An act making appropriations for sundry civil expenses of the Government for the fiscal year 1901, and for other purposes"; to the Committee on Appropriations.

By Mr. DIES: A bill (H. R. 21960) to authorize the Port Arthur Pleasure Pier Co. to construct a bridge across the Sabine-Neches Canal in front of the town of Port Arthur; to the Committee on Interstate and Foreign Commerce.

By Mr. KOPP: A bill (H. R. 21961) for the acquisition of a site and the erection of a building thereon at Lancaster, Wis.; to the Committee on Public Buildings and Grounds.

By Mr. SABATH: A bill (H. R. 21962) to provide a system of compensation for injuries, resulting in disability or death, to employees of common carriers subject to the regulative power of Congress, to civil employees of the United States Government, and for other purposes; to the Committee on Interstate and Foreign Commerce.

By Mr. MALBY: A bill (H. R. 21963) to make Fort Covington, N. Y., a subport of entry; to the Committee on Ways and Means.

Also, a bill (H. R. 21964) for the purchase of a site and the erection thereon of a public building at Canton, N. Y.; to the Committee on Public Buildings and Grounds.

Also, a bill (H. R. 21965) for the purchase of a site and the erection thereon of a public building at Potsdam, N. Y.; to the Committee on Public Buildings and Grounds.

Also, a bill (H. R. 21966) for the purchase of a site and the erection thereon of a public building at Saranac Lake, N. Y.; to the Committee on Public Buildings and Grounds.

By Mr. LOUD: A bill (H. R. 21967) to increase the pay of the secretary to the Admiral of the Navy; to the Committee on Naval Affairs.

By Mr. YOUNG of Michigan: A bill (H. R. 21968) to fix the terms of the district court for the western district of Michigan; to the Committee on the Judiciary.

By Mr. ADAMSON: A bill (H. R. 21969) to provide for the opening, maintenance, protection, and operation of the Panama Canal, and the sanitation and government of the Canal Zone; to the Committee on Interstate and Foreign Commerce.

By Mr. SABATH: A bill (H. R. 21970) to provide for a trial by jury of persons charged with contempt; to the Committee on the Judiciary.

By Mr. WILSON of Pennsylvania: A bill (H. R. 21971) to create a department of agriculture and labor in Porto Rico, the head of which shall be a member of the Executive Council of Porto Rico; to the Committee on Insular Affairs.

By Mr. TAYLOR of Ohio: A bill (H. R. 21972) authorizing an appropriation of $100,000 to defray the expenses of the Ohio-Columbus centennial celebration to be held on August 27, 1912, and continuing two weeks thereafter; to the Committee on Appropriations.

By Mr. LAFFERTY: A bill (H. R. 22002) supplementing the joint resolution of Congress approved April 30, 1908, entitled "Joint resolution instructing the Attorney General to institute certain suits," etc.; to the Committee on the Public Lands.

By Mr. HARRISON of Mississippi: Joint resolution (H. J. Res. 271) directing the Secretary of War to permit emblems or insignias to be inscribed on monuments, tombstones, slabs, or markers in the national cemeteries of the United States; to the Committee on Military Affairs.

By Mr. KORBLY: Joint resolution (H. J. Res. 272) relative to the transfer of all books, maps, and other documents now in the possession of the National Monetary Commission; to the Committee on Banking and Currency.

By Mr. PETERS: Memorial from the Massachusetts Legislature, protesting against the removal or abolishment of the United States navy yard in the Charlestown district of the city of Boston, Mass.; to the Committee on Naval Affairs.

By Mr. CURLEY: Memorial from the Legislature of Massachusetts, protesting against the removal or abolishment of the United States navy yard in the Charlestown district of the city of Boston, Mass.; to the Committee on Naval Affairs.

By Mr. MURRAY: Memorial from the House of Representatives of Massachusetts, against the removal or abolishment of the United States navy yard in the Charlestown district in the city of Boston; to the Committee on Naval Affairs.

By Mr. ROBERTS of Massachusetts: Memorial from the House of Representatives of Massachusetts, against the removal or abolishment of the United States navy yard in the Charlestown district in the city of Boston; to the Committee on Naval Affairs.

PRIVATE BILLS AND RESOLUTIONS.

Under clause 1 of Rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. ANDERSON of Ohio: A bill (H. R. 21973) granting a pension to John Quinn; to the Committee on Invalid Pensions.

Also, a bill (H. R. 21974) granting an increase of pension to Philip Reiter; to the Committee on Invalid Pensions.

Also, a bill (H. R. 21975) granting an increase of pension to Joseph Worthington; to the Committee on Invalid Pensions.

Also, a bill (H. R. 21976) granting an increase of pension to Jacob W. Shoemaker; to the Committee on Invalid Pensions.

Also, a bill (H. R. 21977) granting an increase of pension to William Stevenson; to the Committee on Invalid Pensions.

Also, a bill (H. R. 21978) granting an increase of pension to Daniel Williams; to the Committee on Invalid Pensions.

Also, a bill (H. R. 21979) granting an increase of pension to James H. Buchanan; to the Committee on Invalid Pensions.

By Mr. ASHBROOK: A bill (H. R. 21980) granting an increase of pension to Thomas M. Walker; to the Committee on Invalid Pensions.

By Mr. CAMPBELL: A bill (H. R. 21981) granting a pension to Thomas Howey; to the Committee on Invalid Pensions.

By Mr. DIFENDERFER: A bill (H. R. 21982) granting an increase of pension to Franklin B. Detwiler; to the Committee on Invalid Pensions.

By Mr. DONOHOE: A bill (H. R. 21983) retiring James J. O'Reilly, a clerk in the Frankford Arsenal, and for other purposes; to the Committee on Military Affairs.

By Mr. GALLAGHER: A bill (H. R. 21984) granting an increase of pension to Peter J. Shanley; to the Committee on Invalid Pensions.

Also, a bill (H. R. 21985) granting an increase of pension to James R. Hewlett; to the Committee on Invalid Pensions.

By Mr. GOULD: A bill (H. R. 21986) granting a pension to Lurena A. White; to the Committee on Pensions.

By Mr. HAWLEY: A bill (H. R. 21987) granting an increase of pension to Delia R. Goss; to the Committee on Invalid Pensions.

By Mr. HAYES: A bill (H. R. 21988) for the relief of John Brodie; to the Committee on Claims.

By Mr. MARTIN of South Dakota: A bill (H. R. 21989) granting an increase of pension to George A. Howell; to the Committee on Invalid Pensions.

By Mr. PATTON of Pennsylvania: A bill (H. R. 21990) granting a pension to Alfred N. Heard; to the Committee on Invalid Pensions.

By Mr. REYBURN: A bill (H. R. 21991) granting a pension to Delia White; to the Committee on Invalid Pensions.

By Mr. RQUSE: A bill (H. R. 21992) granting a pension to Orla W. Robinson; to the Committee on Invalid Pensions.

Also, a bill (H. R. 21993) granting an increase of pension to Emily L. Brown; to the Committee on Invalid Pensions.

Also, a bill (H. R. 21994) granting an increase of pension to Francis M. Ryder; to the Committee on Invalid Pensions.

Also, a bill (H. R. 21995) granting an increase of pension to Addison Waggaman; to the Committee on Invalid Pensions.

By Mr. RUCKER of Colorado: A bill (H. R. 21996) granting an increase of pension to Jacob Stevens; to the Committee on Invalid Pensions.

By Mr. RUSSELL: A bill (H. R. 21997) granting an increase of pension to Benjamin F. Williams; to the Committee on Invalid Pensions.

By Mr. SIMS: A bill (H. R. 21998) for the relief of the legal representatives of T. E. Robison, deceased; to the Committee on War Claims.

By Mr. SMITH of California: A bill (H. R. 21999) granting a pension to George Tillapaugh; to the Committee on Invalid Pensions.

By Mr. WHITE: A bill (H. R. 22000) granting an increase of pension to Otho M. Shipley; to the Committee on Invalid Pensions.

By Mr. WILLIS: A bill (H. R. 22001) granting an increase of pension to Thomas N. Maple; to the Committee on Invalid Pensions.

By Mr. DAUGHERTY: A bill (H. R. 22003) granting an increase of pension to Clara W. Morgan; to the Committee on Invalid Pensions.

By Mr. GUERNSEY: A bill (H. R. 22004) granting an increase of pension to Seth J. Swanton; to the Committee on Invalid Pensions.

By Mr. WHITE: A bill (H. R. 22005) for the relief of Carl J. Lehnhard; to the Committee on Military Affairs.

PETITIONS, ETC.

Under clause 1 of Rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

By Mr. ANDERSON of Minnesota: Petition of Langlie-Olson-Fladager Co. and 10 others, of Lanesboro, Minn., against extension of parcel-post service; to the Committee on the Post Office and Post Roads.

By Mr. ASHBROOK: Petition of Samuel J. White and others, of Newark, Ohio, protesting against legislation tending

to prohibit interstate commerce in liquors; to the Committee on the Judiciary.

Also, petitions of J. D. Bader, of Newark, and Louis Van Dennis, of Utica, Ill., for passage of House bill 20595, to amend the copyright act of 1909; to the Committee on Patents.

By Mr. AYRES: Petition of Griffin Engineers Camp, No. 31, Department of New York, United Spanish War Veterans, for passage of House bill 17470; to the Committee on Pensions.

Also, memorial of Branch No. 9, Socialists of the Bronx, in favor of woman suffrage; to the Committee on the Judiciary.

By Mr. BARCHFELD: Petition of the Master Plumbers' Association of Pittsburgh, Pa., in favor of reduction of postage on first-class mail matter; to the Committee on the Post Office and Post Roads.

Also, petitions of the Men and Religion Forward Movement, of Duquesne, and the Methodist Episcopal Churches of Duquesne and Lebanon, Pa., for passage of Kenyon-Sheppard interstate liquor bill; to the Committee on the Judiciary.

By Mr. BOWMAN: Petition of Grange No. 308, Patrons of Husbandry, of Wapwallopen, Pa., in opposition to the Lever oleomargarine bill; to the Committee on Agriculture.

Also, petition of Council No. 281, Junior Order United American Mechanics, in favor of the passage of House bill 1343; to the Committee on Immigration and Naturalization.

Also, petitions of Harvey Eggleston, of Edwardsville; J. S. Thomas, of Plymouth; and Clark S. Chapin, of Shickshinny, Pa., for enactment of House bill 20595, amending the copyright act of 1909; to the Committee on Patents.

By Mr. BURKE of Wisconsin: Petitions of citizens of the State of Wisconsin, protesting against passage of the Lever oleomargarine bill (H. R. 18493); to the Committee on Agriculture.

By Mr. BUTLER: Petitions of the Methodist Episcopal Church of Honey Brook, the Woman's Christian Temperance Union of Kennett Square, and Allen African Methodist Episcopal Church, of Oxford, Pa., for passage of Kenyon-Sheppard interstate liquor bill; to the Committee on the Judiciary.

Also, petition of citizens of Chester County, Pa., for parcel-post legislation; to the Committee on the Post Office and Post Roads.

Also, petition of Grange No. 91, Patrons of Husbandry, for amending the oleomargarine laws; to the Committee on Agriculture.

By Mr. CALDER: Petition of Nathan Leihson, of Brooklyn, N. Y., for enactment of House bill 20595, amending the copyright act of 1909; to the Committee on Patents.

Also, petition of McKesson & Robbins, of New York City, for certain amendment to the proposed sugar schedule; to the Committee on Ways and Means.

By Mr. CAMPBELL: Petition of citizens of Coyville, Kans., for enactment of parcel-post legislation; to the Committee on the Post Office and Post Roads.

Also, petition of citizens of the State of Kansas, for passage of Berger old-age pension bill; to the Committee on Pensions.

By Mr. CLINE: Petitions of Joe Brokaw, of Angolo, and C. Freeland, of Fremont, Ind., for enactment of House bill 20595, amending the copyright act of 1909; to the Committee on Patents.

Also, papers to accompany bills for relief of John Walter, Uriah Clark, Peter S. Hess, and James Hennessy (H. R. 21912, 21913, 21914, and 21915); to the Committee on Invalid Pensions.

By Mr. DANFORTH: Petitions of St. Anthony Benevolent Society, of Rochester, N. Y., and of Branch No. 131, Catholic Mutual Benefit Association, of Rochester, N. Y., relative to House resolution 216, calling upon the Secretary of the Interior for information as to Indian schools; to the Committee on Indian Affairs.

By Mr. DONOHOE: Memorial of the board of directors of the Philadelphia Bourse, for continuance of the Tariff Board; to the Committee on Ways and Means.

Also, memorial of the board of directors of the Philadelphia Bourse, for passage of House bill 9242, providing for retirement of employees in the civil service; to the Committee on Reform in the Civil Service.

By Mr. DANIEL A. DRISCOLL: Petitions of residents of Buffalo, N. Y., for enactment of House bill 20595, amending the copyright act of 1909; to the Committee on Patents.

By Mr. ESCH: Memorial of the members of the St. Joseph Society and citizens of La Crosse, Wis., protesting against the attitude of the chairman of the House Committee on Indian Affairs regarding measures relating to Catholic Indian mission interests, and particularly his resolution of inquiry regarding Government institutions in which American citizens wearing the habit of various religious orders are employed, signed by S. Streicker, president, and C. B. Fries, recording secretary, with membership of 278; to the Committee on Indian Affairs.

Also, petition by John A. Sievert and 26 other dairymen and citizens of Withee, Wis., protesting against Lever oleomargarine bill (H. R. 18493) and favoring, in preference, the Haugen bill (H. R. 19338), except that provision which authorizes the change of the name from oleomargarine to margarine; to the Committee on Agriculture.

Also, petition of Lars Nelson and 38 other dairymen and citizens, of Holmen, Wis., and vicinity, protesting against the Lever bill (H. R. 18493) and favoring the Haugen bill (H. R. 19338), except the provision to change the name of oleomargarine to margarin; to the Committee on Agriculture.

Also, petition of G. H. Voight and 27 other dairymen and citizens, of Spokeville, Clark County, Wis., and of Spencer and Loyal, Wis., opposing the Lever oleomargarine bill (H. R. 18493) and favoring the Haugen bill (H. R. 19338), except that provision to change the name of oleomargarine to margarin; to the Committee on Agriculture.

Also, petition of Anton Nachtwey and 31 other citizens and dairymen, of Dorchester, Clark County, Wis., opposing the Lever oleomargarine bill (H. R. 18493) and favoring, with the exception of the provision to change name of oleomargarine to margarin, the Haugen bill (H. R. 19338); to the Committee on Agriculture.

Also, petition of O. A. Peterson and 12 other dairymen and citizens, of Dorchester, Clark County, Wis., opposing the Lever oleomargarine bill (H. R. 18493) and favoring, with exception of the provision to change the name of oleomargarine to margarin, the Haugen bill (H. R. 19338); to the Committee on Agriculture.

By Mr. FLOYD of Arkansas: Papers to accompany bill for the relief of James Fanning (H. R. 11250); to the Committee on Military Affairs.

By Mr. FOCHT: Petition of citizens of Laurelton, Pa., for amending the present oleomargarine laws; to the Committee on Agriculture.

By Mr. FRANCIS: Petitions of citizens of Steubenville and Jefferson County, Ohio, for parcel-post legislation; to the Committee on the Post Office and Post Roads.

By Mr. FORNES: Petition of McKesson & Robbins, of New York City, for certain amendment to the proposed sugar schedule; to the Committee on Ways and Means.

Also, petition of Camp No. 10, Department of New York, United Spanish War Veterans, in favor of passage of House bill 17470; to the Committee on Pensions.

Also, petition of citizens of Toronto, Ohio, for passage of Berger old-age pension bill; to the Committee on Pensions.

Also, petition of citizens of Flushing, Ohio, for passage of Kenyon-Sheppard interstate liquor bill; to the Committee on the Judiciary.

By Mr. FRENCH: Petitions of citizens of the State of Idaho, urging passage of old-age pension bill; to the Committee on Pensions.

Also, petition of citizens of Bonner County, Idaho, for passage of Kenyon-Sheppard interstate liquor bill; to the Committee on the Judiciary.

By Mr. FULLER: Petition of Nelson Bros., of Rockford, Ill., favoring the passage of the Townsend bill (H. R. 20595) to amend section 25 of the copyright act of 1909; to the Committee on Patents.

Also, petition of H. S. Hosler, of Streator, Ill., favoring the passage of House bill 17470, to pension widows of Spanish War veterans; to the Committee on Pensions.

Also, petition of Nelson Morley, of Yorkville, Ill., favoring the passage of Kenyon-Sheppard bill, relating to interstate-commerce shipments of intoxicating liquor; to the Committee on the Judiciary.

Also, petition of Ottawa Deutsche Unterhaltungs Verein, of Ottawa, Ill., in opposition to the passage of pending prohibition or interstate-commerce liquor measures; to the Committee on the Judiciary.

Also, petition of Larkin Co., of Buffalo, N. Y., in favor of the passage of the Sulzer parcel-post bill; to the Committee on the Post Office and Post Roads.

Also, petition of Rockford Merchants and Business Men's Association, of Rockford, Ill., favoring 1-cent letter postage and against the extension of the parcel-post service, etc.; to the Committee on the Post Office and Post Roads.

By Mr. GARDNER of New Jersey: Petitions of owners and managers of moving-picture theaters in the second congressional district of New Jersey, favoring House bill 20595, to amend the copyright act of 1909; to the Committee on Patents.

Also, petitions of individuals and church and other organizations in the second congressional district of New Jersey, favoring passage of the Kenyon-Sheppard bill; to the Committee on the Judiciary.

By Mr. GARNER: Petition of citizens of Floresville, Tex., for enactment of House bill 14, providing for a general parcel-post service; to the Committee on the Post Office and Post Roads.

By Mr. GOOD: Petition of citizens of Cedar Rapids, Iowa, asking that one battleship be constructed in a Government navy yard; to the Committee on Naval Affairs.

Also, petition of the Woman's Christian Temperance Union of Cedar Rapids, Iowa, for passage of Kenyon-Sheppard interstate liquor bill; to the Committee on the Judiciary.

Also, petitions of citizens of the State of Iowa, protesting against enactment of the Lever oleomargarine bill; to the Committee on Agriculture.

By Mr. GRIEST: Petitions of the Woman's Christian Temperance Union of Ephrata and Young Men's Christian Association of Lancaster, Pa., for passage of Kenyon-Sheppard interstate liquor bill; to the Committee on the Judiciary.

By Mr. HAMLIN: Petitions of citizens of the State of Missouri protesting against the Lever oleomargarine bill; to the Committee on Agriculture.

By Mr. HAMMOND: Petition of P. J. Ward and others, of Murray County, Minn., protesting against the Lever oleomargarine bill; to the Committee on Agriculture.

By Mr. HARRIS: Petitions of the Baptist, Methodist Episcopal, and Second Congregational Churches and the Woman's Christian Temperance Union of Attleboro, Mass., for passage of Kenyon-Sheppard interstate liquor bill; to the Committee on the Judiciary.

By Mr. HAYES: Petitions of citizens of the State of California, favoring the building of one battleship in a Government navy yard; to the Committee on Naval Affairs.

Also, petitions of the First Methodist Church of Boulder Creek, Cal.; Mr. and Mrs. A. C. Covert, of Los Gatos, Cal.; the Woman's Christian Temperance Union of Los Gatos, Cal.; Methodist Church of Santa Clara, Cal.; and the Christian Endeavor Society of the Methodist Episcopal Church of Boulder Creek, Cal., favoring the passage of the Kenyon-Sheppard interstate liquor bill; to the Committee on the Judiciary.

By Mr. HENRY of Connecticut: Petition of the Baptist Church of Stafford Springs, Conn., favoring the Kenyon-Sheppard bill; to the Committee on the Judiciary.

Also, memorial of Connecticut Dairymen's Association, favoring parcel-post legislation; to the Committee on the Post Office and Post Roads.

Also, memorial of Connecticut Dairymen's Association, protesting against the repeal of the oleomargarine law; to the Committee on Agriculture.

By Mr. HENSLEY: Petitions of Harry E. Miller, Idle Hour Theater, Festus, Mo.; L. H. Jones, Fairyland Theater, Herculaneum, Mo.; T. V. Brown, Amusement Theater, Farmington, Mo.; and J. S. Jarnagin, City Hall Theater, Knob Lick, Mo., favoring House bill 20695, to amend section 25 of the copyright act of 1909; to the Committee on Patents.

By Mr. HINDS: Petitions of the Woman's Missionary Society of North Berwick, the Woman's Christian Temperance Union of Lebanon, and Cumberland District Lodge, No. 4, Independent Order of Good Templars, of Portland, Me., urging legislation to restrict the interstate traffic in intoxicating liquors; to the Committee on the Judiciary.

Also, memorial of Green Mountain Pomona Grange, of Hancock, Me., for parcel-post legislation; to the Committee on the Post Office and Post Roads.

By Mr. HUGHES of New Jersey: Petition of residents of Ramsey, N. J., for enactment of House bill 16819; to the Committee on the Post Office and Post Roads.

Also, memorial of New Jersey Chapter of the American Institute of Architects, for a Lincoln memorial as recommended by the National Fine Arts Commission; to the Committee on the Library.

By Mr. JACOWAY: Petition of Lellard Gould and others, of Little Rock, Ark., for passage of Berger old-age pension bill; to the Committee on Pensions.

By Mr. KINKEAD of New Jersey: Petition of New Jersey Chapter of the American Institute of Architects, for a Lincoln memorial as recommended by the National Fine Arts Commission; to the Committee on the Library.

By Mr. LINDSAY: Petition of Tompkins County Pomona Grange, in favor of the Lever bill; to the Committee on Agriculture.

Also, petition of International Association of Machinists, District Lodge No. 15, favoring building a battleship at the Brooklyn Navy Yard; to the Committee on Naval Affairs.

By Mr. LLOYD: Petition of citizens of Macon County, Mo., for parcel-post legislation; to the Committee on the Post Office and Post Roads.

Also, petition of citizens of New Cambria, Mo., protesting against parcel-post legislation; to the Committee on the Post Office and Post Roads.

By Mr. LOUD: Petition of Post No. 44, Grand Army of the Republic, of Averill, Mich., protesting against passage of Senate bill 4652, for relief of certain Confederate officers; to the Committee on War Claims.

By Mr. McKENZIE: Petition of the Woman's Christian Temperance Union of Leaf River, Ill., for passage of Kenyon-Sheppard interstate liquor bill; to the Committee on the Judiciary.

Also, petitions of citizens of the State of Illinois, protesting against the Lever oleomargarine bill; to the Committee on Agriculture.

Also, memorial of committee of wholesale grocers, relative to tariff on sugar; to the Committee on Ways and Means.

By Mr. McKINNEY: Petition of the Methodist Episcopal Church of Hillsdale, Ill., for passage of Kenyon-Sheppard interstate liquor bill; to the Committee on the Judiciary.

By Mr. MADDEN: Petition of Post No. 91, Department of Illinois, Grand Army of the Republic, for a Lincoln memorial highway; to the Committee on the Library.

By Mr. MALBY: Petitions of granges of Patrons of Husbandry, against repeal of tax on oleomargarine; to the Committee on Agriculture.

By Mr. MARTIN of South Dakota: Petition of citizens of Clark County, S. Dak., for parcel-post legislation and repeal of the Canadian reciprocity treaty; to the Committee on the Post Office and Post Roads.

By Mr. MOTT: Petition of Tompkins County Pomona Grange, Patrons of Husbandry, of Ithaca, N. Y., against the Lever bill; to the Committee on Agriculture.

Also, memorial of the Chamber of Commerce of the State of New York, relative to tolls on the Panama Canal; to the Committee on Interstate and Foreign Commerce.

By Mr. PATTON of Pennsylvania: Petition of Grange No. 1146, Patrons of Husbandry, for amending the laws governing the traffic in oleomargarine; to the Committee on Agriculture.

By Mr. RANSDELL of Louisiana: Petitions of citizens of Monroe and Reyville, La., for passage of Kenyon-Sheppard interstate liquor bill; to the Committee on the Judiciary.

By Mr. REILLY: Petition of Leaver & Busby, of Meriden, Conn., for enactment of House bill 20595, amending the copyright act of 1909; to the Committee on Patents.

By Mr. REYBURN: Petition of the Central Labor Union of Philadelphia, Pa., for enactment of House bill 11372; to the Committee on the Merchant Marine and Fisheries.

By Mr. SCULLY: Petition of New Jersey Chapter of the American Institute of Architects, for a Lincoln memorial as recommended by the National Fine Arts Commission; to the Committee on the Library.

Also, petitions of G. L. Sanford, of Lakewood, and William Brown, of Perth Amboy, N. J., for enactment of House bill 20595, amending the copyright act of 1909; to the Committee on Patents.

By Mr. SIMS: Petition of citizens of Carroll County, Tenn., for enactment of an effective interstate liquor law; to the Committee on the Judiciary.

By Mr. STEPHENS of California: Petition of the First Baptist Church of Covina, Cal., for passage of Kenyon-Sheppard interstate liquor bill; to the Committee on the Judiciary.

Also, petition of citizens of the county of Los Angeles, Cal., for enactment of House bill 13500, amending the present immigration laws; to the Committee on Immigration and Naturalization.

By Mr. TUTTLE: Memorial of New Jersey Chapter of the American Institute of Architects, favoring erection of memorial to Abraham Lincoln on site on Mall recommended by National Fine Arts Commission; to the Committee on the Library.

Also, petitions of Howell & McDavit, of Dover, N. J., and of M. J. Wycsoff, of Morristown, N. J., favoring House bill 20595, to amend section 25 of the copyright act of 1909; to the Committee on Patents.

By Mr. VOLSTEAD: Petition of citizens of Glenwood, Minn., for regulation of express rates and classifications; to the Committee on Interstate and Foreign Commerce.

Also, petition of a Catholic society of St. Leo, Minn., in regard to measures relating to Catholic Indian mission interests; to the Committee on Indian Affairs.

Also, petition of citizens of the State of Minnesota, protesting against parcel-post legislation; to the Committee on the Post Office and Post Roads.

By Mr. WILLIS: Papers to accompany House bill 21696, for the relief of John Hendershott; to the Committee on Invalid Pensions.

SENATE.

SATURDAY, *March 16, 1912.*

The Senate met at 12 o'clock m.

Prayer by the Chaplain, Rev. Ulysses G. B. Pierce, D. D.

The Secretary proceeded to read the Journal of yesterday's proceedings when, on request of Mr. CULLOM and by unanimous consent, the further reading was dispensed with and the Journal was approved.

QUARTERMASTER'S AND SUBSISTENCE DEPARTMENTS (S. DOC. NO. 436).

The VICE PRESIDENT laid before the Senate a communication from the Secretary of War, transmitting a petition of sundry clerks employed in the Quartermaster's and Subsistence Departments of the Army residing in Boston, Mass., praying that the status of clerks in the Quartermaster's and Subsistence Departments under the proposed consolidation of those departments be made the same as that of the Army paymaster's clerks under the act of Congress approved March 3, 1911, which, with the accompanying paper, was referred to the Committee on Military Affairs and ordered to be printed.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by D. K. Hempstead, its enrolling clerk, announced that the House had passed a bill (H. R. 21213) to amend an act entitled "An act to provide revenue, equalize duties, and encourage the industries of the United States, and for other purposes," approved August 5, 1909, in which it requested the concurrence of the Senate.

PETITIONS AND MEMORIALS.

The VICE PRESIDENT presented a cablegram signed by Jose de Diego, speaker of the House of Delegates of the Legislature of Porto Rico, which was referred to the Committee on Pacific Islands and Porto Rico and ordered to be printed in the RECORD, as follows:

SAN JUAN, P. R., *March 12, 1912.*

PRESIDENT OF SENATE, *Washington:*

Legislature passed a sanitary act perfectly satisfactory with approval of Secretary of War; also enacted election bill securing legislative representation to minority parties, providing secret ballot, and requiring candidates to be residents in their districts; another act establishing bureau of labor; many other excellent laws also passed. House of Delegates did and will make all patriotic efforts and sacrifices to obtain liberal legislation from Congress. In closing its session house unanimously asks highest protection of Congress, President, and Secretary of War to secure kind justice to capacity and loyalty of Porto Ricans.

JOSE DE DIEGO, *Speaker.*

He also presented a petition of sundry citizens of Rhea County, Tenn., praying for the enactment of an interstate liquor law to prevent the nullification of State liquor laws by outside dealers, which was referred to the Committee on the Judiciary.

He also presented petitions of the congregation of the Baptist Church of Augusta, Wis.; of sundry citizens of Mifflintown, Pa.; and of the Farmers' Club of West Brookfield, Mass., praying for the adoption of an amendment to the Constitution to prohibit the manufacture, sale, and importation of intoxicating liquors, which were referred to the Committee on the Judiciary.

He also presented a petition of members of the Merchants' Exchange of St. Louis, Mo., praying for the ratification of the proposed Nicaraguan and Honduran treaties, which was referred to the Committee on Foreign Relations.

He also presented petitions of Bricklayers' Local Union No. 11659, of Arecibo; of Agricolas Union, No. 11827, of Juncos; and of Local Union No. 1696, United Brotherhood of Carpenters and Joiners, of Juncos, all of Porto Rico, praying that citizens of Porto Rico be permitted to become citizens of the United States, which were referred to the Committee on Pacific Islands and Porto Rico.

He also presented petitions of Bricklayers' Local Union No. 11659, of Arecibo; of the Women Laborers Protective Union No. 12721, of San Lorenzo; of Local Union No. 1301, United Brotherhood of Carpenters and Joiners of America, of San Lorenzo; of the Federal Labor Local Union No. 12967, of San Lorenzo; of the Men's Protective Union No. 1455, of Cabo Rojo; and of Cigarmakers' Local Union No. 333, of San Lorenzo, all of Porto Rico, praying for the creation of a department of agriculture and labor in that Territory, which were referred to the Committee on Pacific Islands and Porto Rico.

Mr. CULLOM presented a petition of the Retail Merchants' Association of Shawneetown, Ill., praying for the establishment of free mail delivery in towns, cities, and villages with a population of over 1,000, which was referred to the Committee on Post Offices and Post Roads.

He also presented resolutions adopted by the Live Stock Exchange of St. Louis, Mo., favoring the repeal of the oleomargarine law, which were referred to the Committee on Post Offices and Post Roads.

He also presented petitions of sundry citizens of Bone Gap, New Haven, and America, all in the State of Illinois, praying for the enactment of legislation to further restrict immigration, which were referred to the Committee on Immigration.

He also presented a petition of Local Union No. 474, United Mine Workers of America, of Edgemont Station, East St. Louis, Ill., praying for the passage of the so-called anti-injunction bill, which was referred to the Committee on the Judiciary.

He also presented a petition of Local Union No. 474, United Mine Workers of America, of Edgemont Station, East St. Louis, Ill., praying for the passage of the so-called old-age pension bill, which was referred to the Committee on Pensions.

He also presented resolutions adopted by the Illinois State Dairymen's Association, in convention at Effingham, Ill., remonstrating against the repeal of the oleomargarine law, which were referred to the Committee on Agriculture and Forestry.

He also presented a petition of Local Council, Department of Illinois, United Spanish War Veterans, of Streator, Ill., praying for the enactment of legislation to pension widow and minor children of any officer or enlisted man who served in the War with Spain or the Philippine insurrection, which was referred to the Committee on Pensions.

Mr. BRISTOW presented a memorial of the congregation of the Grace Presbyterian Church, of Wichita, Kans., remonstrating against the repeal of the anticanteen law, which was referred to the Committee on Military Affairs.

He also presented a petition of the congregation of the Grace Presbyterian Church, of Wichita, Kans., praying for the enactment of an interstate liquor law to prevent the nullification of State liquor laws by outside dealers, which was referred to the Committee on the Judiciary.

He also presented a memorial of sundry citizens of Nickerson, Kans., remonstrating against the extension of the parcel-post system beyond its present limitations, which was referred to the Committee on Post Offices and Post Roads.

He also presented memorials of sundry citizens of Great Bend, Scott City, and Hutchinson, all in the State of Kansas, remonstrating against the removal of the duty on raw and refined sugars, which were referred to the Committee on Finance.

Mr. GALLINGER presented a memorial of Local Grange, Patrons of Husbandry, of Plymouth, N. H., remonstrating against the repeal of the oleomargarine law, which was referred to the Committee on Agriculture and Forestry.

Mr. CURTIS presented memorials of sundry citizens of Denton, Russell, Agenda, and Enterprise, all in the State of Kansas, remonstrating against the establishment of a parcel-post system, which were referred to the Committee on Post Offices and Post Roads.

He also presented a petition of the congregation of the Plymouth Congregational Church, of Wichita, Kans., praying for the enactment of an interstate liquor law to prevent the nullification of State liquor laws by outside dealers, which was referred to the Committee on the Judiciary.

Mr. TOWNSEND presented a petition of Local Lodge No. 7, Shipmasters' Association, of Detroit, Mich., praying for the enactment of legislation to increase the salaries of officers in the Steamboat-Inspection Service, which was referred to the Committee on Commerce.

He also presented a petition of Local Grange No. 265, Patrons of Husbandry, of Mason, Mich., praying for the enactment of an interstate liquor law to prevent the nullification of State liquor laws by outside dealers, which was referred to the Committee on the Judiciary.

He also presented a petition of Major John C. Durst Camp, No. 27, United Spanish War Veterans, of Lansing, Mich., praying for the enactment of legislation to pension widow and minor children of any officer or man who served in the Spanish-American War or the Philippine insurrection, which was referred to the Committee on Pensions.

He also presented a petition of members of the Western Michigan Round Table, praying that the increased appropriations asked for by the Commissioner of Education be made in the educational interests of the country, which was referred to the Committee on Education and Labor.

He also presented petitions of sundry citizens of Laurium, Big Rapids, East Saugatuck, Owosso, East Jordan, Sault Ste. Marie, Gaylord, Allenville, Sunfield, Mason, Adrian, St. Johns, and Flat Rock, all in the State of Michigan, praying for the establishment of a parcel-post system, which were referred to the Committee on Post Offices and Post Roads.

He also presented a memorial of sundry citizens of Athens, Mich., remonstrating against the extension of the parcel-post

system beyond its present limitations, which was referred to the Committee on Post Offices and Post Roads.

He also presented a memorial of Local Grange No. 265, Patrons of Husbandry, of Mason, Mich., and a memorial of sundry citizens of Coleman, Mich., remonstrating against the repeal of the oleomargarine law, which were referred to the Committee on Agriculture and Forestry.

Mr. BROWN presented a memorial of the Retailers' Association of Broken Bow, Nebr., remonstrating against the extension of the parcel-post system beyond its present limitations, which was referred to the Committee on Post Offices and Post Roads.

Mr. OWEN presented a petition of sundry citizens of Keene, Okla., praying for the enactment of an interstate liquor law to prevent the nullification of State liquor laws by outside dealers, which was referred to the Committee on the Judiciary.

Mr. POINDEXTER presented a petition of sundry citizens of Elma, Wash., praying that an appropriation be made to provide for the further dredging of Willapa Harbor, near Raymond, in that State, which was referred to the Committee on Commerce.

He also presented a memorial of the executive board of the Farmers' Educational and Cooperative Union of America for Washington and northern Idaho, remonstrating against the free distribution of seed by the Government, which was referred to the Committee on Agriculture and Forestry.

IMPROVEMENT OF THE MISSISSIPPI RIVER.

Mr. WILLIAMS, from the Committee on Claims, to which was referred the bill (S. 5683) to confer jurisdiction on the Court of Claims to hear, determine, and adjudicate claims for the taking of private property and damages thereto as the result of the improvement of the Mississippi River for navigation, asked to be discharged from its further consideration and that it be referred to the Committee on Commerce, which was agreed to.

MISSISSIPPI RIVER BRIDGE.

Mr. CLARKE of Arkansas. I ask unanimous consent that the bill (H. R. 17239) to authorize the Arkansas & Memphis Railway Bridge & Terminal Co. to construct, maintain, and operate a bridge across the Mississippi River, Order of Business 393, be recommitted to the Committee on Commerce.

The VICE PRESIDENT. Without objection, an order is entered recommitting the bill to the Committee on Commerce.

BILLS INTRODUCED.

Bills were introduced, read the first time, and, by unanimous consent, the second time, and referred as follows:

By Mr. GALLINGER:

A bill (S. 5880) granting pensions to volunteer Army nurses of the Civil War (with accompanying paper); to the Committee on Pensions.

By Mr. BROWN:

A bill (S. 5881) granting an increase of pension to Jacob S. Robey; to the Committee on Pensions.

By Mr. BROWN (for Mr. GAMBLE):

A bill (S. 5882) to extend the time for the completion of a bridge across the Missouri River at or near Yankton, S. Dak., by the Winnipeg, Yankton & Gulf Railroad Co.; and

A bill (S. 5883) to extend the time for the completion of a bridge across the Missouri River at Yankton, S. Dak., by the Yankton, Norfolk & Southern Railway Co.; to the Committee on Commerce.

A bill (S. 5884) to amend section 3 of an act entitled "An act for the relief and civilization of the Chippewa Indians in the State of Minnesota," approved January 14, 1889; to the Committee on Indian Affairs.

By Mr. BOURNE:

A bill (S. 5885) supplementing the joint resolution of Congress approved April 30, 1908, entitled "Joint resolution instructing the Attorney General to institute certain suits, etc.; to the Committee on Public Lands.

By Mr. CLARKE of Arkansas:

A bill (S. 5886) for the relief of Calvin G. Linville; to the Committee on Military Affairs.

By Mr. NELSON (for Mr. CLAPP):

A bill (S. 5887) granting an increase of pension to Silas M. Finch (with accompanying papers);

A bill (S. 5888) granting an increase of pension to Eben Kneeland (with accompanying papers); and

A bill (S. 5889) granting an increase of pension to Clement Lovely (with accompanying papers); to the Committee on Pensions.

By Mr. BRADLEY:

A bill (S. 5890) for the relief of the estate of Ben Whitaker, sr., deceased (with accompanying paper); and

A bill (S. 5891) for the relief of the estate of David W. Settle, deceased (with accompanying paper); to the Committee on Claims.

A bill (S. 5892) granting a pension to Elizabeth Polly (with accompanying papers); to the Committee on Pensions.

By Mr. POINDEXTER:

A bill (S. 5893) granting a pension to Elizabeth E. Donaldson; to the Committee on Pensions.

WITHDRAWAL OF PAPERS—SAMUEL COLE.

On motion of Mr. POMERENE, it was

Ordered, That the papers in the case of Samuel Cole (S. 5997, 61st Cong.) be withdrawn from the files of the Senate, no adverse report having been made thereon.

PUBLIC BUILDING AT DENVER, COLO.

Mr. GUGGENHEIM. I ask unanimous consent for the present consideration of the bill (S. 3974) to increase the limit of cost of the United States public building at Denver, Colo.

The VICE PRESIDENT. The Secretary will read the bill for the information of the Senate.

The Secretary read the bill, and there being no objection, the Senate, as in Committee of the Whole, proceeded to its consideration.

The bill was reported from the Committee on Public Buildings and Grounds with an amendment, in line 9, before the word "hundred," to strike out "five" and insert "four," so as to make the bill read:

Be it enacted, etc., That the limit of cost fixed by the act of Congress approved May 30, 1908 (35 Stats., 545), for the new public building at Denver, Colo., for the accommodation of the post office, United States courts, and other governmental offices, be, and the same is hereby increased $400,000.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

THE INTERNATIONAL HARVESTER CO.

Mr. McCUMBER. I move that the Senate proceed to the consideration of House bill No. 1. I observe that the Senator from Indiana [Mr. KERN] is now present, and he gave notice that he would desire to speak on the bill immediately after the close of the morning business.

Mr. GALLINGER. If the Senator from North Dakota will withhold his motion for one moment, I will state that on yesterday the Senator from Tennessee [Mr. LEA] offered a resolution which I asked might go over. I have examined it and see no objection to it. I presume the Senator from Tennessee may want to have it considered.

Mr. LEA. I ask for the present consideration of the resolution.

Mr. McCUMBER. I withhold my motion until the resolution is disposed of.

The VICE PRESIDENT. The Secretary will read the resolution submitted yesterday by the Senator from Tennessee.

Senate resolution 250, submitted yesterday by Mr. LEA, was read and agreed to, as follows:

Whereas it is reported that there is pending before the Department of Justice a settlement between the United States and the International Harvester Co., by which the so-called Harvester Trust may be permitted to reorganize and to bring its organization and business within the Sherman antitrust law as construed by the Supreme Court: Be it

Resolved by the Senate of the United States, That the Attorney General be, and he is hereby, instructed to lay before the Senate all correspondence and information he may have upon this subject, together with any and all correspondence, information, and reports of the Bureau of Corporations relating thereto, from January 1, 1904, to the present time.

HOUSE BILL REFERRED.

H. R. 21213. An act to amend an act entitled "An act to provide revenue, equalize duties, and encourage the industries of the United States, and for other purposes," approved August 5, 1909, was read twice by its title and referred to the Committee on Finance.

SERVICE PENSIONS.

Mr. McCUMBER. I renew my motion.

The VICE PRESIDENT. The Senator from North Dakota moves that the Senate proceed to the consideration of House bill No. 1.

The motion was agreed to; and the Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 1) granting a service pension to certain defined veterans of the Civil War and the War with Mexico.

Mr. KERN. Mr. President, I rise to speak in favor of a pension bill that will settle the pension question for all time to come; that will forever put an end to special pension legislation; that will, when once put into operation, enable the Gov-

ernment to dispense with the services of thousands of examiners and special agents, spies and detectives—a measure which has the support of the great majority of the soldiers of the Nation who served in the ranks of the Union Army as privates during the Civil War and who by the thousand are registering their protest against the McCumber or Smoot substitute now under consideration.

Mr. President, the last Democratic State convention of Indiana, held on April 28, 1910, was made up of more than 1,500 delegates representing every township in each of the 92 counties of the State. By a unanimous vote it adopted a platform of principles in which it pledged the honor of the party that the candidates that day nominated should, if successful, carry out and perform, in so far as they were able, the promises therein made. One of those platform declarations was as follows:

We favor the immediate enactment of a pension law by Congress providing for a pension of not less than $1 a day for all Union veterans of the Civil War.

Mr. President, that convention also, by a unanimous vote, nominated me as the party's candidate for the position I now hold. I accepted that nomination, fully advised as to the declaration of principles theretofore made by the convention, and without hesitation or mental reservation agreed that, if elected, I would honestly and faithfully do what I could to carry out my party promises.

That convention was not made up of mere politicians, but was composed for the most part of earnest, serious-minded men from every walk of life, who for the time had left the plow, the anvil, the shop, the office, and the store and assembled to declare their political faith, to express themselves upon public questions, and as patriotic citizens organize their party for the contest for better government and more equal and beneficial laws.

The platform declaration for a dollar-a-day pension was not made as a mere empty promise to catch votes—a promise to be ignored and violated in the event of party success, but an expression of the conscientious conviction of that great body of men that such legislation as that promised was justly due to the survivors of the war not only as a mark of gratitude, but as an act of plain and simple justice to the men who in time of national stress and peril had proved their love of country by offering their lives in its defense.

It was in line with the promise of "generous pensions" made in the last Democratic national platform adopted at Denver in 1908 and with the promises made in the platforms of all political parties since the commencement of the Civil War.

Every delegate in that Indiana State convention at the time he cast his vote for that platform declaration had in mind scores of his neighbors who had served their country in the hour of its distress now grown so old and infirm as to be unable to win bread by their labor and anxious and distressed because of their inability to provide for their necessities.

They knew that the pensions of eight, twelve, and even twenty dollars per month doled out by the Government with sparing and cautious hand to these veterans were utterly inadequate to provide for their actual wants, and recognizing, on the one hand, the great value of the services of these men to their country, and, on the other hand, the vast wealth and great ability of the Nation to deal generously with its defenders, could see no reason why the few remaining years of these men should not be made at least tolerable by granting their request for a pension of a dollar a day.

The Republican State platform of the same year declared with the same unanimity that "we believe the time has come for the enactment of what is known as a dollar-a-day pension plan for the relief of the necessities of Civil War veterans."

It will be seen that in the great central State of Indiana, which contributes its full share of taxes toward the support of the National Government, there is absolute unanimity of sentiment on the question of full and ample justice to the veterans of the Civil War, so that in advocating the Sherwood pension bill here I am representing no party nor faction of a party but the whole people of a great Commonwealth, who, without regard to political differences, demand that the obligations of the Government to its defenders be fully, amply, and generously discharged.

And yet, Mr. President, our people are in favor of economical government, and unalterably opposed to extravagant and needless appropriations of the moneys collected from them by any form of Federal or State taxation. But in Indiana we do not regard any appropriation as extravagant which is necessary to maintain the honor of the State or to discharge its honest obligations.

It has sometimes happened that the burdens of taxation became onerous and oppressive when appropriations were necessary for the payment of our State indebtedness and the interest thereon; but when it was known that the honor of the State was involved there was no murmur of discontent, and no man thought of charging extravagance to the legislature making the appropriation.

Then, again, the taxes levied for the purpose of providing for the care and education of our unfortunate people—the blind, the deaf and dumb, the soldiers' orphans, and others of that class—that their lives might be brightened a little, seemed heavy and burdensome, but they were paid cheerfully, because the common instincts of humanity required it.

And so here, whether the claim of the old soldiers rests upon the contract obligation of the Government or upon the ground of gratitude and common humanity, our people can never be brought to the belief that there can be extravagance in any appropriation of public moneys for the purpose of providing for the necessities of the old men whose services in that great War between the States made disunion impossible and the Union perpetual, and made possible that great development of the material resources of our country which has made us the richest and most powerful of all the nations of the earth.

AN OBLIGATION OF HONOR.

Measured by its dealings with other creditors, this Government has utterly failed to carry out the plain provisions of its contract with the soldiers of the Civil War.

The armies of the Union were made up almost entirely of poor men. Business men, as a rule, remained at home and made money while clerks and employees went to war. Men who owned farms, especially those who owned large farms, operated them with great profit throughout the struggle, while the tenants and farm hands were urged to volunteer. Great fortunes were made by many of those who took no part in the conflict, for the necessities of the Government were great and the opportunities for making money unparalleled. Contractors for supplies of every kind waxed fat, and the manufacturers who were subject to war taxes were given special tariff legislation, enacted for the avowed purpose of offsetting the amounts paid by them for the support of the Government, but for the real purpose of enriching them at the expense of the people.

The Government promised to pay the soldiers $13 per month, which was afterwards increased to $16. The contract was to pay them in dollars. They were paid in currency so depreciated as to be worth on the average less than 50 cents on the dollar, so that instead of receiving the contract price of $13 and $16, they actually received from about $6 to $7 per month. Prices for the necessaries of life were correspondingly high, and as a result the families of the soldiers in many instances were supported largely by public and private charity.

Sir, we heard much in a recent campaign about 50-cent dollars and the infamy of a government that would discharge a contract obligation calling for the payment of dollars with money worth only 50 cents on the dollar. The mere prospect or prophecy that Government creditors would be compelled to receive silver dollars in payment of their claims stirred the financiers of the Nation into frenzied action, and resulted in a great crusade in behalf of the national honor, which was at once grotesque and tragic. On every stump and through the great newspapers it was declared that the payment of a just debt in depreciated money was the acme of national perfidy.

Yet to-day these same financiers, with the same earnestness and zeal with which they shouted for national honor in 1896, are denouncing as a raid on the Treasury a proposition to pay to old soldiers who saved their country for them the pittance of a dollar a day, that they may have food and shelter in their old age, and that some measure of justice be done them because in those dreadful days of civil war they were paid dollars worth less than 50 cents for their heroic work.

Mr. President, during and at the close of that war there were two general classes of Government creditors—the holders of the Government bonds and the men who had given up the best part of their lives on the march, in camp, in prison, and in battle for the restoration of the Union. The first class had remained at home engaged in the pleasant pursuit of money making, while the second class had endured during all those long years all the privations incident to the greatest war of modern times. The bonds issued by the Government were, for the most part, bought with greenbacks. The bonded debt of $2,049,975,700 cost the purchasers of the bonds at the time they were issued only $1,371,424,238 in money of gold value, the kind of money in which they were paid. There was no question but that the bonds for which greenbacks were paid were payable in the lawful money of the country.

John Sherman so held, and the Republican Party of Indiana, then led by Oliver P. Morton, so declared in its State platform in 1868. And yet, sir, the Government was so jealous of its honor that in March, 1869, by the famous coin act, all such

bonds were made payable in coin, thereby giving to the bondholders a clear profit of more than $678,000,000—a naked speculation—something for nothing.

When, a little later, a measure was offered in Congress to protect the national honor by paying to the soldiers the difference between the amounts which the Government agreed to pay them and the amounts actually received by them from the Government, it failed of a respectful hearing, its author being denounced as a demagogue for bringing a proposition so preposterous into the halls of national legislation.

Mr. President, I now call upon all those men who were so solicitous for the national honor in 1896, and whose consciences were so quickened at the mere prophecy of 50-cent dollars, to rally to the support of the Sherwood pension bill to the end that the old soldiers of the Union who made hundred-cent dollars, or dollars of any kind, possible in this country, and who were paid for their gallant services in 40-cent dollars, may have before they die some measure of justice at the hands of a Government penitent for its one act of debt repudiation.

TOO LATE FOR DISCRIMINATION.

It was in June, 1825—mark the date, for it is important—that the cornerstone of the Bunker Hill Monument was laid. The ceremonies were so impressive and imposing that the event has been ever since regarded as one of the most notable in our history. La Fayette, flushed with such a series of welcomes never before or since accorded to any foreigner coming to these shores, was there, the guest of the Nation, participating in the ceremonies. A vast concourse of patriotic people had assembled. The wealth and the learning of New England were present, and so it seemed were all the people. But the seats of honor were occupied by the old survivors of the revolution, the men who had followed Washington and his generals in that war for independence, and some of whom had witnessed with swelling hearts the surrender of Cornwallis. Daniel Webster was the orator of the day. The day, the place, the occasion, the audience, the surroundings! What inspiration for the greatest of all American orators! And Webster rose grandly to the occasion and delivered an oration that will live as long as men and women who love liberty read our language. Who has read his words addressed directly to the venerable men of the revolution, recounting their sacrifices in the cause of liberty, and expressing the everlasting gratitude of the beneficiaries of their valorous deeds, without such emotions as bring the tears unbidden to the eyes?

And the sentiments he expressed touched a responsive chord in every heart in that great audience and in all the land. For these were the men who had offered their lives to the end that this people might be free, and had made possible all the blessings which, under a republican form of government, they enjoyed—the blessings which under the providence of God will be enjoyed by the countless generations which follow them.

Did Webster on that historic day in that hallowed place stop to draw a line of distinction between the old gray-haired veterans, who sat with streaming eyes looking into his face as there poured from his lips those eloquent words of tribute to their valor and sacrifice? There were before him men who had served throughout those seven dreadful years of war. Others there were who, too young for battle at the beginning, had joined the army only a year or perhaps a month before the end at Yorktown. Some had rendered service as scouts on the frontier without participating in important engagements. Doubtless some had been braver than others and had borne more willingly the burdens and dangers of battle. Was refcrence made to that? No, no; the war had ended 42 years before. It was too late for discrimination then. The time had long gone by for nice discriminations. Webster only saw—the people only recognized this body of survivors in the mass—rapidly diminishing, year by year as death called, and, before it might be too late, all sought to do honor to all lest discrimination might work injustice to some.

Who was there on that historic occasion to sound a note of discord by protesting against the tribute of the great orator because it was paid to all of the survivors? Who, on that great occasion, had it in his heart to say, "No, Webster, you are mistaken. In the rapidly thinning ranks of these old gray-haired soldiers there are men who faltered in the hour of danger—men who served only months instead of years—men who do not deserve to be honored by this people." There was no such thought in any mind, and the harmony of the occasion was not marred by such utterance, and no old soldier who heard that great oration returned to his home that day heavy of heart because of any intimation that he was less deserving than his comrades who had served longer or even better.

Mr. President, the great war for the preservation of the Union ended 47 years ago. The average age of the survivors of the Army of the Republic is five years greater than the average age of the Revolutionary heroes who, at Bunker Hill in June, 1825, heard Webster deliver his immortal utterances.

Almost half a century has elapsed since the armies of Grant and Sherman marched down Pennsylvania Avenue in Washington, passing in grand review before the dignitaries of the Nation.

In those great armies on that day there was every grade of soldier—heroes of an hundred battles and striplings who had, for lack of opportunity, only participated in two or three or perhaps only one. In those ranks were men of sublime courage and others weakened by disease and privation, who did not possess great physical courage. Some had served from Bull Run to Appomattox and others whose service was shorter and of less value, but beneath every blue uniform there beat a patriotic heart, and each in his way and according to his opportunty had served his country and rendered some service in restoring the Union and maintaining the honor of the old flag.

On that proud day of review, in May, 1865, the men of that army were in the vigor of young manhood, full of joy that their efforts for the Union had been crowned with success—full of hope for the future of the Republic for which they had sacrificed so much. Laying aside arms and uniform they returned to the peaceful walks of life and took upon themselves the duties of citizenship.

Forty-seven years have rolled by. Within that time hundreds of thousands of those brave men have answered their last roll call and have been called to their reward. Each day witnesses the final departure of many, and the ranks of the survivors are in this way being broken day by day. Those who remain are bowed beneath the weight of years, for nearly all have reached or passed man's allotted span of three score and ten.

A few years more and the grandest army the world ever saw will have disappeared, and the men who, at Gettysburg, and Antietam, and Chancellorsville, and Lookout, won imperishable glory for themselves and their country will live only in the memories of the younger generations, who will in the years to come enjoy the blessings of a free Government which these old men perlled life to maintain.

Mr. President, these venerable soldiers of the Union to whom we owe so much of our greatness and prosperity make no unreasonable demands, for they only demand that the plighted faith of the Nation be kept and that they have just treatment.

In this age of luxury they demand no luxuries, nor do they ask to be indulged in any extravagant tastes. They only ask that out of our abundance they be allowed a sum which will provide humble homes, beds on which to rest and to die, raiment that will protect their aged bodies from the cold, and food sufficient to sustain them in their declining years.

Who will grudge these old veterans a dollar a day? Their days for earning money are past. The road to the grave is a short one.

And the men in or out of Congress who go about with microscope peering into the individual records of the few, to discover a defect here and there—the men on the hunt for excuses to justify them in refusing justice to the great mass, will not command more attention than would a man at Bunker Hill who had tried to break the force of the great oration by reading records showing that a few of the old Revolutionary soldiers before him were unworthy of the tribute which Webster had paid to all.

Sir, in the county in which I was born and reared there was a solitary grave near the roadside, said to have been that of a soldier of the Revolution who had died in the early pioneer days of that county. I remember the veneration in which that grave was held by me and my youthful associates. The question as to whether he had served months or years, whether he had been the best soldier or the worst, never entered our minds. We only remembered that he had worn the uniform of the Continental Army and had contributed something to the cause of American liberty.

Mr. President, I grant freely that there was a time when discrimination would have been proper. During the years immediately following the conflict when the first pension legislation was being enacted for the benefit of the Civil War veterans the pensions should have been graded according to the length and character of service, the extent of disability, and the pecuniary condition of the applicant. The incidents of the war were then fresh in the minds of all and little difficulty would have been experienced in ascertaining the true record of every soldier.

But after the lapse of a half century it is too late. We now can only deal with this rapidy disappearing army as a mass. We can only remember that they wore the uniform and that all did something for the preservation of this matchless governmental fabric. We only see the bent and tottering forms and realize that many of them are in distress, approaching their

near-by graves with hearts made heavy by a Nation's neglect. And then we recall the promises that were made in the hour of national stress and storm to induce them to leave their homes and peril their lives and sacrifice health to the end that the Nation might not perish from the earth, not forgetting the pledge of the Nation made by the immortal Lincoln in his second inaugural address, delivered a month before the fall of Richmond and five weeks before his tragic death, that we would "bind up the Nation's wounds and care for him who shall have borne the battle and for his widow and orphan."

Mr. President, let there be no more delay in caring for those who bore the battle, their widows and orphans. If we have not the desire as patriots to do so, let us as a Christian people have compassion upon them, because they need the Nation's comforting aid.

THE PROPOSED SUBSTITUTE.

Sir, I am opposed to the pending bill, known as the McCumber or Smoot substitute, because it does not meet the just demands of the Union soldiers.

Under its provisions but a few thousand of the surviving veterans could ever receive a dollar a day, and it is so full of inequalities and unjust discrimination that it has received unstinted condemnation at the hands of the soldiers of the country. I desire to quote from Gen. SHERWOOD, chairman of the Invalid Pensions Committee of the House of Representatives, a gallant soldier, who enlisted as a private in April, 1861, participated in 42 battles, and mustered out as a brigadier general, having been promoted to that position by President Lincoln for long and faithful service and conspicuous gallantry at the battles of Resaca, Franklin, and Nashville, a record which entitles his words to consideration. He says:

> First, let me call your attention to the fact that no soldier out of the 600,000 called out by President Lincoln in 1862 will ever be able to get the maximum pension of $30 per month under the Smoot substitute should he live to be 100 years old. According to the official roster of the War Office, 421,465 men were mustered into the service under Lincoln's call of July 2, 1862, for 300,000 men. Under the call of August 4, 1862, for 300,000 men 87,588 were furnished; 15,000 militia were called out in May and June, making a total of volunteers furnished in 1862 of 522,053. Of this number 421,465 were mustered into the service for three years—none of them so mustered in until August, 1862. The war closed in April, 1865. All of these regiments were mustered out before they had served three years. Hence, not a man of any of these veteran regiments that fought the greatest and fiercest battles of the bloodiest war in all history could ever get a dollar-a-day pension under the Smoot substitute bill should he live to be 100 years old. * * * I do not believe that over 9,000 soldiers out of the over 511,000 now living would ever be able to draw the maximum pension of $30 per month under this substitute bill.
>
> Let me illustrate the Smoot substitute: It proposes to pension a 90-day man who is 75 years old at $21 per month, while a veteran of 40 battles who enlisted in 1862 at the age of 16 years only gets $15.50 per month, because he was mustered out a few months short of three years on account of the close of the war. The Smoot substitute pensions a 90-day man of 70 years at $18 per month, while a 3-year veteran who served in 36 of the signal battles of the war and is now less than 66 years old and who has a service record at the front of 3½ years with a veteran reenlistment only gets $18 per month.
>
> Let me further illustrate: Here is Samuel Barnhart, Forty-sixth Ohio, who enlisted in 1862, when 16 years old, for three years, and served in 20 battles, mustered out June 4, 1865.
>
> Here is another soldier, David Gillespie, One hundred and seventy-seventh Ohio, who enlisted for 100 days, in August, 1864, at the age of 28 years.
>
> Barnhart is now 65 years old, and under the Smoot substitute would draw a pension of $15.50 per month, while Gillespie, the 100-day soldier, who is now 75 years old, would draw $21 per month.
>
> Here is another specimen: George W. Davis was mustered in Company A, One hundred and thirty-first Ohio, a 100-day regiment, at the age of 27. James C. Reiber, same company, enlisted at 16 years. Davis is now 75 years old and under the Smoot substitute would receive $21 per month, while Reiber, who is now 64, would get only $13 per month. Both rendered the same service and touched elbows in the same company.

He also calls attention to the fact, which must not be overlooked, that the Smoot substitute has no disability clause, and that it contains no provision which will put a stop to the ever-increasing number of private pension bills of which so much complaint has been made upon the floor of the Senate.

Mr. President, I favor House bill No. 1—the Sherwood bill—because it is the nearest approach to a dollar-a-day pension that is attainable and because it settles once and for all this much-mooted pension question.

Mr. SMOOT. Mr. President——

The PRESIDING OFFICER (Mr. BROWN in the chair). Does the Senator from Indiana yield to the Senator from Utah?

Mr. KERN. Certainly.

Mr. SMOOT. I simply desire to call the attention of the Senator from Indiana to the language of the Sherwood bill. The soldier with a service of less than six months gets but $15 per month, and under the bill, no matter how long he lives, he does not get an increase. Under the substitute proposed by me he does get an increase, and if he lives to be 75 years of age he gets the full $30 per month.

Mr. KERN. Provided he served a certain length of time.

Mr. SMOOT. Yes; a certain length of time.

Mr. KERN. How long?

Mr. KENYON. Three years.

Mr. SMOOT. Three years.

Mr. KERN. That is the point I was making here.

Mr. SMOOT. But under the substitute if he served only 90 days as his age increases so does his pension increase. In other words, a 90-day man 62 years old gets $12, a 90-day man at 66 gets $15, a 90-day man at 70 gets $18, and a 90-day man at 75 gets $21.

Mr. KERN. No matter what his disabilities may be, whereas under the Sherwood bill——

Mr. SMOOT. No matter what his disabilities are?

Mr. KERN. Yes.

Mr. SMOOT. But wherever there are disabilities the present law provides for them, and special acts have always been passed providing for disabilities such as spoken of by the Senator.

Mr. KERN. We are trying to get away from special pension legislation.

Mr. SMOOT. In my opinion, we never will get away from it, and so far as I personally am concerned I want to say this——

Mr. KERN. I yielded for a question. If the remarks are not too long, I will yield for that purpose.

Mr. SMOOT. I want to say this——

The PRESIDING OFFICER. Does the Senator from Indiana yield further?

Mr. KERN. I yield.

Mr. SMOOT. When an old soldier has arrived at a point where he is utterly helpless and has no means of providing for himself or those dependent upon him, I believe he ought to be taken care of by special pension bill, and I shall always vote for it under such circumstances.

Mr. KERN. There is a radical difference between the Senator and myself on that proposition. I want a pension bill passed now that will settle the pension question for all time to come, and which will make no longer necessary special pension legislation. That I believe——

Mr. SMOOT. Mr. President——

Mr. KERN. I do not yield to the Senator to reply to my speech now, but I will yield for a question. The Senator must remember this is my first speech——

Mr. SMOOT. Just a question, then. Do I understand the Senator to mean that if the Sherwood bill becomes a law that a soldier who served less than six months is never to receive more than $15?

Mr. KERN. Under the Sherwood bill, as I understand it, the total disability of a soldier gives him $30 a month, if he served six months.

Mr. SMOOT. Or if wounded in battle.

Mr. KERN. If wounded in battle or if he served more than six months.

Mr. McCUMBER. The Senator is wrong there. Or unless the disability is of service origin.

Mr. KERN. I have not time to stop and discuss the bill. Senators can read the bill. It speaks for itself.

Mr. SMOOT. I will not further take the time of the Senator from Indiana. As he says, the bill speaks for itself.

Mr. KERN. The purpose of the bill is to determine automatically the status of every soldier in the country, and then we will have no need for a vast army of men in its execution.

Because the pending measure—the Smoot or McCumber substitute—is so full of glaring inequalities, it is satisfactory to but few, and allows the agitation for increase to continue without limit. It continues in operation all the expensive and complicated machinery of the Pension Office, including medical examining boards in every part of the country, while the Sherwood bill, which the great mass of the soldiers demands, working automatically, will dispense with the thousands of examining boards, the hundreds of special agents and spies now employed by the department, will stop all special pension legislation, and at the same time be a distinct and positive proof of the gratitude of the Nation to its defenders.

It has been loosely asserted that the Sherwood bill will add $75,000,000 to the expenses of the Government. This extraordinary statement, coming from the Pension Office, was based upon computations shown to have been utterly without merit. It has been satisfactorily demonstrated by Gen. SHERWOOD, by computations made from the official records of the War Department, that the total increase of expense resulting from the Sherwood bill as passed by the House of Representatives could not exceed $45,000,000, while under the provisions of the original bill as introduced in the House, denying the benefit of its provisions to soldiers having an income of $1,000 per year, the increase of expenditure would not exceed thirty-five millions.

MISPLACED ECONOMY.

The chief objection to the Sherwood bill is based upon the charge that it calls for an extravagant expenditure of public money and violates the promise of economy in the administration of the Government.

I have not been greatly interested in the discussion as to what this or that bill will cost. It is a reflection upon the integrity, the honor, and the financial ability of this Nation to consider a question of that kind in that light.

Sir, I have already shown that to pay an honest debt, or to follow the common instincts of humanity by caring for the defenders of the Republic in their old age, is not an extravagance and violates no pledge of economy in government.

But, sir, this cry of economy in governmental expenditures has a new and strange sound. It has been seldom heard during the past 12 years, while the expenses of government have nearly doubled and climbed up to the enormous figure of a thousand million dollars a year.

It was not heard in connection with the appropriation of hundreds of millions of dollars for the Panama Canal, nor has it been insisted upon during the time that the taxpayers of the Nation have been contributing a half billion dollars or more in carrying out the work of subjugating the Philippine Islands and benevolently assimilating the Filipino people.

It was not urged while 200,000 new offices were being created or while the salaries of all the principal officeholders in the United States were being largely increased because of the high cost of living.

It is a cry that is only heard when the proposition is made to care for the soldiers of the Nation, and is only heard then because they have grown too old to hold official station and because it is thought that on account of old age and decrepitude they can no longer exert great influence in the political affairs of the country.

Distinguished Senators here have, with great labor, added up all the miserable pittances received by each of these old veterans during the past 47 years, and with a horror-stricken air hold up before us the enormous total of nearly $4,000,000,000. When the proposition was made to double the salary of the President of the United States and then add $25,000 per annum for traveling expenses, did anyone take the time to give to the public the total sum of all the moneys paid to all the Presidents since the formation of the Government?

Or when the proposition was made a few years ago to increase the salaries of Senators and Congressmen, was any computation exhibited of the total amount paid to the Members of the two Houses during the century and a quarter of our national life?

The salaries of the postmasters throughout the country are increased steadily year by year, yet we have heard from no source the vast amount of money that has been paid to these patriotic, self-sacrificing officials during the years of the past.

When pork-barrel appropriations are asked and made for costly public buildings at crossroads and county seats and for the improvement of streams too small for flatboat navigation, no Senator has ever thought of undertaking the mathematical feat of calculating the enormous amount of public money that has been thus wasted during the last half century.

These mathematical prodigies of the Senate never let loose their restrained energies except when the heroes of Gettysburg and Antietam, Chancellorsville and Lookout call the attention of the Government to its broken pledges and its inexcusable ingratitude to the men who saved its life.

Mr. President, in the course of the debate here on yesterday, while Senators were suggesting economy in other departments of Government as a means of providing sufficient revenue for liberal pensions, something was said in the way of jest about the free barber shop and free baths in marble rooms provided for Senators.

These are trifling matters, and I shall not consume any time in discussing them. But, sir, when the old soldier and his wife read in the newspapers that Senators and Congressmen are complaining that they can not live respectably in Washington on salaries of more than $20 a day, with free barber shops, free baths, free Apollinaris water, and free office rent—when they read of the Senators riding in free Government automobiles between their offices and the Capitol, only a square in distance, they can not but marvel at the claim made by some of these same gentlemen that the soldier's request for a pension of a paltry dollar a day is an impertinent demand, to grant which would be gross and intolerable extravagance.

This old soldier, who must pay house rent, pay exorbitant prices for everything he eats and wears, and pay for all out of a pension of $15 or $20 per month, with fond remembrance of the beefsteak now only a memory, must sympathize deeply with his unfortunate representatives in Washington, who are compelled to eke out a miserable existence on $625 per month, with all the little accessories furnished by an unsympathetic Government. The distinguished Senator from Ohio impressed us all on yesterday with his fervid declaration that he would be rejoiced to support a measure giving the old soldier a dollar a day if this poor Government could only afford it. How natural it will be for him as a patriotic American to cover back into the Treasury a part of his next month's salary to aid an impoverished Nation in its struggle with adversity.

It is said that our pension list is larger than that of any nation in the world. I have not examined the statistics, but I hope it is. It ought to be. There was no such war in modern times, and no war ever accomplished such beneficent results.

There is no nation in the world so rich as this, nor has any nation so patriotic a people, nor a people so ready and willing to rally to their country's standard in time of danger, or to make sacrifices, if need be, to contribute of their substance for the care and support of its defenders when by reason of service or age they need such care and support.

Mr. GALLINGER. Will the Senator permit me a word?

Mr. KERN. Certainly.

Mr. GALLINGER. The Senator has just suggested that the pension appropriation of this Government is greater than that of any other government in the world. That is certainly true. It goes further than that. A few years ago I took occasion to call through the State Department for the pension laws of all the countries of the world. They are now on file in the office of the Commissioner of Pensions. The fact was revealed that our pension appropriation is larger than that of all the other nations of the world combined. Of course the Senator knows that we do not have an immense standing army such as those countries have and that their expenditure goes in that direction. I think it is better it should go to the ex-soldiers than go to sustaining great armies, as is the case in Europe.

Mr. KERN. The American soldier, who has periled life and sacrificed health for his country, and who can no longer earn a livelihood, still deserves to live—not as an Italian or French or Russian or Turkish peasant, but as an American citizen—and in caring for these veterans we should have in mind the American standard of living, and not that of European or Asiatic countries. Surely those patriotic gentlemen who are clamoring for palatial residences for our ministers and ambassadors abroad, that they maintain our national dignity and prestige, would not advocate a policy respecting the soldiers of the Republic which would place them upon a par with the half-fed and poorly clad people of the world's poorest nations.

Mr. President, I hope I may be permitted to address some words to my brethren of the South, who represent their several States in this body with such distinguished ability.

AN APPEAL FOR JUSTICE.

I know how you venerate the memories of the great leaders of the Confederacy, who with the great leaders of the Army of the Union have crossed the great river and are fraternizing on the farther shore. The differences of the past are happily ended—settled on the basis of fraternity and perpetual union—never more to recur. A common hope, a common destiny, and a common country, with a single flag, bind us in the ties of a common brotherhood.

Your interests are the same as the interests of those of us born under northern skies, and I would subject you to no penalties or burdens which I would not willingly share. My ancestors, even to the first American generation, were born in old Virginia. My father having removed to the North long before the Civil War, was a Douglas Democrat and for the Union, and yet, after the war was over, he so longed for the mountains and valleys of his native State that he returned there, and after a citizenship of 30 years, died at a ripe old age and peacefully sleeps in the bosom of the dear old State that he loved so well.

I state this only to show that in my advocacy of this measure I am prompted by no sectional prejudice nor actuated by any spirit of antagonism.

If you say that you have patiently and uncomplainingly borne the burdens entailed by the war for nearly half a century, I agree with you, but remind you that we have carried our full share of the same burden and at the same time have contributed something to the development of the new South, in every way so marvelous a transformation of a Nation laid waste by war into a rich, prosperous land that blossoms as the rose.

For many years after the Civil War there was widespread distrust of your loyalty in the North—a feeling which, with all my ability, I combated since my boyhood, for I knew you and believed in you and trusted you. But that distrust has been dispelled forever. When the men and women of the North,

who were still poisoned by the spirit of war, saw that Worth Bagley, the gallant young son of North Carolina, was the first to give up his life for the honor of his country in the Spanish-American War, when they witnessed the unequaled heroism of HOBSON, of Alabama, at Santiago, when they read of brave old Joe Wheeler's charge at San Juan, and saw the sons of South Carolina and Massachusetts, the sons of Indiana and Georgia, marching side by side under the old flag in defense of the honor of the Nation, then were all doubts removed, and then the union of hearts and of hands was truly consummated.

The war has been ended so long ago that there are only eight men in this body who participated in the conflict—four who fought with the Confederacy and an equal number who fought beneath the Stars and Stripes—all now engaged in generous rivalry as to who shall render the best service for the country they all love alike.

You have borne your burdens with such cheerfulness and acquiesced in the results of the war so generously and loyally that when we ask you to share with us an additional burden, to the end that the old and broken men who fought for the Republic may have the necessities of life during their few remaining days and that their short journey to the grave may be not altogether a cheerless one, we can not but hope that your generous hearts will respond to our appeal.

If I could carry you with me into some of the homes of the Central West where these old soldiers abide, I am sure your hearts would be so touched that you would agree to the liberal provisions of the Sherwood bill. I have in mind the case of an old white-haired veteran, who served his country faithfully and well, and who, with his old wife, the sweetheart of war times, is waiting for the summons of the Master. They have been always poor, for he has earned his bread with his hands, but has not had the money-making instinct. They can no longer work, but are trying to live on a pension of $16 per month. Half of that sum goes for the rent of an humble cottage; out of the other $8 per month must come food, fuel, clothing, medicines, and medical treatment. The cost of living is such that, of course, they can no longer live on that amount. And the alternative—there are only two places open to them—the soldiers' home for the old soldier and the poorhouse for the sweet-faced old wife, for she is not allowed to accompany him to the home. God forbid that in a rich Nation like this such a tragedy should be possible in the life of any of its defenders.

But there is another alternative, and that is the passage of the Sherwood bill, that will dry the tears in thousands of eyes, bring hope and joy and happiness into scores of thousands of humble homes, and cheer the hearts and quicken the steps of the hundreds of thousands of old soldiers, who during their few remaining years will be living monuments to the generosity of a grateful country, which in the days of its greatest wealth and power did not forget the men whose valor made glorious so many pages of its history.

Mr. McCUMBER. Mr. President, in every expression made by the Senator from Indiana [Mr. KERN], glorying in the acts of heroism of our soldiers, in every expression concerning the duty of this Government toward those soldiers, he has found a hearty response in the hearts of Senators on both sides of the Chamber. But in belittling the efforts of this Government in behalf of the great Army of the Union in the past years by an unfair comparison of the sentiment of the Government toward the soldiers of the Revolution he does a rank injustice not only to the American people and the American Congress to-day, but a still ranker injustice to historical facts.

As every year I read the resolutions of the Grand Army of the Republic, in which resolutions they express their satisfaction and their gratitude for the generosity of the American people in the granting of pension legislation, I feel that the Senator hardly expresses the sentiment of the soldiers of the American Union when he would have us for a moment understand that the Government has been niggardly in the appropriations that have been given for pension purposes.

That there may be no historical inaccuracy upon this great subject, I desire to call the attention of the Senator from Indiana to the condition of our pension laws on the very day in which Daniel Webster made his famous address to the old soldiers of the Revolution. The Senator says in glowing words that the people of that day drew no fine distinctions as to age, as to poverty, as to length of service, but considered only the single question, Did those old men serve the country in that struggle for independence? Ah, Mr. President, does not the Senator know that at that very time, so many years after the war, in order to draw a pension under the service-pension act of that day the Revolutionary soldier must have served at least 9 months. Ever since 1890 the soldier of the Civil War needed only a service of 90 days.

Does the Senator understand that under the law at the time Webster was making his address the Revolutionary soldier who had served 9 months received only the meager sum of $8 per month, and does he also understand that there was a distinction drawn between the soldier of the rank and the commander or the commissioned officers?

Mr. KERN. Mr. President——

Mr. McCUMBER. The soldiers of the rank received only $8 per month and a commissioned officer received two and a half times as much, while under the existing general law no distinction whatever is made between the man who made the charge and fought the battle and the man who commanded him to make the charge and to fight the battles of the Union.

I yield to the Senator from Indiana.

Mr. KERN. I only wanted to ask the Senator whether $8 per month pension in those primitive days was not really more than $30 a month would be now?

Mr. McCUMBER. Scarcely as much as $30 would be now. There is no question but that it would be more than $8 would be now, although for a great many of the things which are common necessities now, if they had been able to purchase them at all, they would have had to pay five or ten times as much as we pay for the same article at the present time. What was a luxury to them is a common necessity for us.

But this is not all, Mr. President. At the time this great address of Webster was made the man who had served in the Revolutionary War must have been in indigent circumstances before he could receive one single dollar. And what was an indigent condition at that time? Our forefathers felt that there would be such a raid made upon the Treasury, in those good old patriotic days referred to by the Senator from Indiana, that just prior to this great meeting in Boston they had enacted a law which cut off from the rolls every man who was not in indigent circumstances, and if he had $150 worth of property he went off the rolls. No man worth over $150 at that time could have drawn any pension whatever under the service act.

I ask the Senator from Indiana in all good faith if he is justified in criticizing the Government of the United States to-day in a comparison of its pension legislation and the generosity that actuates it and actuates the people of the United States with the generosity that actuated the people in 1820 when that legislation was passed?

Again, the Senator says that this will put a stop to private pension bills. Mr. President, I state again, let not our enthusiasm on any proposition run away with our judgment and blind our calculations. As a matter of fact, next year, whether we have this bill or whether we have any other bill, if we find some old indigent soldier who is paralyzed, who requires a constant attendant, the Senator from Indiana will agree with me that $30 a month will not answer his requirements, and he will vote with me to raise it to $50 a month. He knows, Mr. President, to-day that he will do that and that there will be private pension bills in the future as there have been in the past. If he will look at those that are introduced day after day he will be surprised to find the number that call for more than $30 a month.

The Senator from Indiana did not answer the criticism of the Senator from Utah [Mr. SMOOT] when he asked if under the Sherwood bill a soldier who had served less than one year would ever have an increase in his pension. If under that bill, if he served 90 days and less than 6 months, he should get $15, no matter how old he may be, he will never get a cent more, and the Senator from Indiana, whether the Sherwood bill passes this body or whatever bill may become a law, will join with me again in securing the enactment of a private pension bill to give this man a greater sum of money. Under the Sherwood bill the soldier who has served 6 months and less than 9 months will receive $20 per month, and though he live to be 90 years of age he will never receive another dollar from the Government, unless we reach him by a private pension bill; and the Senator from Indiana again will join with me and other Senators in recommending for him, as the exigencies of the case may demand, a higher rate than that provided under the law.

Mr. President, when we passed the law of February 6, 1907, it was stated by many Senators on the floor that if we should pass that bill it would be the end of special pension legislation. I warned them at that time that such a statement was without due consideration, that we should have just as many private pension bills introduced after the act of February 6, 1907, as we had before; and my prophecy has been fulfilled; aye, and fulfilled several times over. Private pension bills will continue to be introduced and will continue to be acted upon so long as the necessitous conditions of a single soldier who fought for the Government in its time of need shall require an amount of pension greater than the general law allows him; and whenever he

has reached an advanced age, has no property, and is unable to take care of himself he will be entitled to receive, and he will receive, from this Government a greater sum of money than is provided in the Sherwood bill.

Under the bill that has been recommended by the committee every soldier will feel that if he lives three or four years longer, as he becomes more feeble he will receive a greater amount of pension. He will know that when he is 66 years old he will receive more than he did when he was 62 years of age; that when he is 70 years of age, by the operation of the act itself, he will receive a greater amount than when he was 66; and that when he is 75 years of age he will receive a greater amount than when he was 70 years of age; but, Mr. President, under the Sherwood bill his status is fixed, not matter what his age, and, instead of there being a decrease of private pension bills, there must necessarily be an increase of private pension bills.

Mr. President, I think the Senator from Indiana agrees with me upon one proposition, namely, that we should reach the $30 limit at least as soon as we can. I stated the other day in my argument that I believed the time was near at hand when any soldier who had served six months and had reached the age of 70 years should receive the maximum of $30 per month by a general law enacted by Congress; but if I can not reach that plane in one step, I am willing to take two steps to attain it. I would prefer, Mr. President, to offer a man who was hungry one loaf of bread and let him have it than to offer him two loaves and pull them back. A year from to-day I may be asking the Senator from Indiana to join me in increasing pensions possibly by another $30,000,000 in addition to what this bill calls for; but at the same time I ask him to do that I will also ask him to join me in raising the funds to meet that requirement. Nowhere in any of the arguments which have been made has any Senator who has spoken in favor of the Sherwood bill indicated how we are going to pay the additional expense of its operation. I can be mighty liberal, Mr. President, with a dollar which I have not got in my pocket; I can say what I would do with it if I did have it; but before I do so much talking of what I am going to do with that dollar I think it is my duty first to earn the dollar and then see whether I will make good my statements as to what I would do with it.

Let us be fair to the soldier, fair to the country, say what we mean, and mean what we say.

I will ask the Senator from Indiana to join me not only in a reduction of the expenses of the Government, but in an increase of the revenue to further increase our pensions; for, Mr. President, we all know that it will require both to be able to meet the Sherwood bill or another bill which a year from to-day may still further add to pension appropriations.

Mr. President, I hope that whatever the final outcome may be, the Senate will attempt to pass a bill that will give satisfaction to the soldiers of the Civil War, that will meet the conditions of advancing age, and at the same time that we shall return to our senses and be able to pass a revenue bill that will raise the necessary funds to meet the expenses that will thereby be incurred.

Mr. SWANSON. Mr. President, there is no legislation pending before this Congress deserving of more serious and thoughtful consideration than that proposed for increased pensions to the Federal soldiers who served in the late War between the States. Its importance arises not only on account of the greatly increased burdens which it necessarily imposes upon the taxpayers, but also from the fact that the enactment of this legislation, carrying a largely increased appropriation, would preclude the Government from undertaking many measures of reform and of betterment, long delayed but badly needed for the progress and prosperity of this Nation. The prospects of many policies of far-reaching consequence and benefits to all sections of this great Republic are absolutely dependent upon the fate of this measure. Fully realizing this, I have overcome the reluctance which a southern man necessarily feels in discussing this matter, and have concluded to present for the consideration of the Senate reasons why I think this legislation should not be enacted. I hope to do this not in a narrow, sectional, or prejudicial spirit, but from a broad and national standpoint.

I believe, sir, that a flag disgraces the sunshine in which it flaunts if it will not make generous provisions for its brave and valiant defenders. I fully recognize this obligation on the part of the Federal Government toward the soldiers who sustained it during the great war extending from 1861 to 1865. This debt of the Government is great and should be discharged graciously and generously. In saying this I voice the sentiments of the people of my section. The gallant Confederate soldier, however great may be his own want and distress, does not begrudge a generous pension to the Federal soldier for loss and injury sustained by him in rendering service to his Government. These are debts of honor, which no nation can fail to discharge without being discredited and disgraced.

Mr. President, conscious of this great obligation, feeling it deeply and sensibly, let us fairly and dispassionately consider the provisions that the Federal Government has already made for the soldiers who served it during the great Civil War, and ascertain whether the Government has not dealt with these soldiers so generously as to obviate the occasion for the greatly increased pensions as proposed in the pending legislation.

In order to obtain volunteers, and to let the soldiers know what they could expect from the Federal Government, Congress passed and the President approved, on July 14, 1862, an act providing pensions for all disabilities which had been incurred since March 4, 1861, or should thereafter be incurred by reason of wounds received or disease contracted while in the service of the United States and in the line of duty. The rates for total disability ranged, according to rank, from $30 to $8 per month. This law applied to Army and Navy alike, including Regulars, Volunteers, Militia, and the Marine Corps. Appropriate pensions were to be allowed in each rank for partial disability. The pensions were to continue during the existence of the disability. On death of husband or father the pension went to the widow, or if there were no widow, to the child or children under 16 years of age. Where the deceased officer or soldier left no widow or legitimate child, but a dependent mother, the mother was given the pension. Where the dependent deceased left neither widow nor child nor mother, but an orphan sister or sisters under 16 years of age who were dependent upon him for support, the pension went to such sister or sisters until they severally attained the age of 16 years.

This act was amended on July 4, 1864, by granting $25 per month for the loss of both eyes and $20 for the loss of both feet. It was further amended on March 3, 1865, by making the loss of one foot and one hand to be rated the same as the loss of both feet. These constituted the pension laws upon which the war was conducted and contained the promises of the Government to its soldiers.

In speaking of the liberality of these laws, Commissioner Barrett, in his report of 1864, says:

> No other nation has provided so liberally for its disabled soldiers and seamen or for the dependent relatives of the fallen.

These laws were the most liberal and generous that any nation had ever before enacted. They were the pledges and promises made by the Federal Government to its soldiers during the continuance of this great conflict. They were all that were expected or demanded by the soldiers in these dark hours of suffering, distress, and sacrifice. The only objections heard to these provisions during these years of war were those often made that they were too liberal and would entail too great an expense upon the Government. Every promise, every obligation contained in these acts have been faithfully and completely fulfilled. No person claims that the slightest promise made by the Government has not been more than discharged. Hence, the Government can not be charged with having broken any of its pledges or promises. The Federal Government stands fully acquitted of any dereliction in this respect. Not only has the Federal Government fulfilled every promise, but, as I shall now proceed to show, has far exceeded it in a most generous and magnanimous spirit.

By act of June 8, 1866, the pension laws were amended so as to include orphan brothers under 16 years of age, as well as sisters, and to include dependent fathers, as well as mothers.

An act was passed July 26, 1866, increasing the pension of widows at the rate of $2 per month for each child of the deceased soldier or sailor under the age of 16 years.

These increases were so generous and liberal that Commissioner Barrett expressed a belief that no important extension of the very liberal pension laws would now be contemplated by Congress.

In 1868 an act was passed allowing pensioners arrears of pensions on account of death, wounds, or disease, provided the application was filed within five years after the date of death or discharge on whose account the pension had been or might be granted.

In 1870 laws were passed granting to every soldier who lost a limb during the war an artificial limb or apparatus once in every five years; or, if he elected, money commutation therefor.

In 1868 Senator Sherman, of Ohio, in speaking in the Senate in opposition to an amendment offered to a bill for an increase in pensions, said:

> At a time when we are endeavoring to lower all expenses of the Government, when we have reduced all our appropriations, when we have thrown off $1,000,000 of taxes, and yet when taxes are still very burdensome on our people, when the pension fund is now $33,000,000 a year,

twice as much as any nation in the world ever paid before, I ask whether it is worth while for us to increase our pension list on the mere amendment of a bill of this kind.

To-day tax burdens are more than twice as heavy as they were at the time Senator Sherman made this speech, and pension appropriations are now more than four times as great; yet we are called upon to increase the present pension appropriation, amounting to $157,000,000, by $75,000,000 more annually. If Senator Sherman were living to-day this progressive pension extravagance would shock and surprise him beyond measure.

On January 25, 1879, was enacted the arrears act, which was amended by an act of March 3, 1879. These acts provided that all pensions which had been granted under the general laws regulating pensions, or which should thereafter be granted in consequence of death from a cause which originated in the United States service during the Civil War, or in consequence of wounds, injuries, or diseases received or contracted in that service, should commence from the date of the death or actual disability of the person on whose account the pension had been or should thereafter be granted. The rate of pension for the intervening time for which arrears were granted was to be that provided in the pension laws in force for this period.

The laws provided that arrears of pensions should be granted where application for the pension had been or should thereafter be filed with the Commissioner of Pensions prior to the 1st day of July, 1880; otherwise the pension was to commence from the date of filing the application. This extraordinary piece of legislation produced immediately an amazing effect. The opportunity thus given the pensioners of receiving at once thousands of dollars stimulated the discovery of disease and disability which had remained dormant and unknown and had not been discovered for almost 15 years. The number of claims filed for pensions in 1878, prior to the enactment of this law, was 26,304. In 1879, after the enactment of this law for that year, there were filed 47,416 new claims. In the single month of June, 1880, just before the limitation upon the allowance of arrears went into effect, there were 44,532 original Civil War claims filed with the Commissioner of Pensions. This arrears act seems to have carried with it a contagion of disease and disability extending from 1861 to June 30, 1880. It seems to have been more disastrous to the health and comfort of the Union soldiers than had been the armies of the Confederacy. The medical history of the world can show nowhere such a sudden and extensive discovery of disease and disability. This interesting fact presents a fertile field for the investigation of the psychologist. The payments occasioned by this act were enormous.

Under date of January 25, 1886, Gen. J. C. Black, Commissioner of Pensions, estimated that up to June 30, 1885, the aggregate of arrears paid under the act of 1879 was $179,400,000. This leaves out of consideration the cost to the Government resulting from the extraordinary stimulus afforded by the arrears act to the presentation of new claims.

The act of March 19, 1886, provided that the pensions of all widows, minor children, and dependent relatives already on the pensions rolls, or who might thereafter be placed upon the pension rolls, should be increased from $8 to $12 per month. The existing allowance of $2 per month for each child under the age of 16 years was continued.

By act of July 7, 1888, the limitation contained in the arrears act of 1879 was repealed so far as widows were concerned, and widows who were already drawing pensions and who should hereafter obtain pensions were given pensions under this act from the date of the death of the husband. This act involved the payment of large arrears of pensions in cases already on the rolls as well as cases to arise in the future. This act enabled widows who had failed to apply for pensions during widowhood and afterwards remarried to receive in a lump sum pensions for the full period of widowhood. The pernicious character of this act is strikingly illustrated by Commissioner Evans in his report of 1898, in which he gives the case of the widow of a captain of volunteer infantry. The commissioner says:

> In 1871 this captain died. He was not a pensioner and never had filed a claim for pension. His widow remained a widow until March 30, 1887, when she remarried, having filed no claim, and, having remarried, had no pensionable status. In 1893, 5 years after the act of June 7, 1888, had passed, 6 years after her remarriage, and 22 years after the death of her soldier husband, she files her claim for a pension as a widow from the date of the death of her soldier husband in 1871 to the date of her remarriage in 1887—16 years—and gets nearly $4,000, practically for the use and benefit of her second husband.

Commissioner Evans, in discussing the evil effects of the arrears pension act, says:

> The records of national cemeteries have been brought into use for the purpose of determining the names and service of those buried there. Women are then hunted up, who are induced to execute applications for pensions on account of the service and death of these soldiers. These women become pliant tools in the hands of the operators. A prima facie case is made out by means of stock witnesses, and the originator of the fraud pockets the amount of the first payment, leaving the fraudulent claimant to reap the benefit of the future payments. Great difficulty is often experienced by this bureau in disproving a marriage or marriage relations alleged to have occurred 30 or 40 years ago.

This criticism emanates from Commissioner Evans, a Republican selected by President McKinley to administer the Pension Office.

Thus Congress had, by continuously increasing favorable legislation, generously provided for every soldier of the Civil War who had received any wound or injury or contracted any disease or suffered any disability while in the service of the United States. It had also generously provided for the widows, children, and dependent mothers, fathers, brothers, and sisters of all dead soldiers. It had paid arrears of pensions for diseases and disabilities, which the pensioners themselves had not felt or discovered in many years. No limitation was or has ever been made when an application may be filed for injury, disability, or disease incurred. Since war was first waged no other Government of the world has even remotely approached in generosity the legislation that the Federal Government has conferred upon the volunteer soldiers of the Civil War. It stands out preeminently as the most liberal in the world's history.

The assertion so often made, that this Government has acted niggardly toward its volunteer soldiers, is an unworthy slander from which I desire to defend it and those who administered its affairs, from President Grant until to-day.

Mr. President, as broad, as liberal as is the legislation which I have already stated that has been enacted in behalf of the volunteer soldiers of the Civil War, it but half measures the extent of the Government's generosity.

On June 27, 1890, was passed an act known as the "dependent pension law." This act did not repeal any of the liberal legislation which I have already pointed out to the Senate. This act provides that all persons who served 90 days or more in the military or naval service of the United States during the Civil War, and who have been honorably discharged therefrom, and who are now suffering or may hereafter be suffering from mental or physical disability of a permanent character, not the result of their own vicious habits, which incapacitates them from the performance of manual labor in such a degree as to render them unable to earn a support, shall receive a pension not exceeding $12 per month and not less than $6 per month, proportioned to the degree of inability to earn a support, the pension to commence from the date of filing the application in the Pension Office and to continue during the continuance of the disability to earn a support. Widows of those who served 90 days during the Civil War and were honorably discharged, and who married the soldier prior to June 27, 1890, and are dependent upon daily labor for support and have not remarried, are granted pensions at the rate of $8 per month without proving the soldier's death to be the result of his Army service. The law also provides for an additional allowance of $2 per month for each child of the deceased soldier under the age of 16 years. If the widow remarries, she forfeits her pension and the pension is paid to any surviving children of the soldier until they reach the age of 16 years. Under this law all that is required for a claimant to prove in order to obtain a pension is that he served 90 days in the Union Army and to furnish adequate medical evidence that he has a physical or mental disability that disqualifies him in whole or in part for earning a support by manual labor. The pension is granted no matter what may be the cause of the disability, provided it is not the result of the claimant's vicious habits.

A rich man may suffer injury by an accident having no connection whatever with his military service, and which renders him unable to earn a support by manual labor, yet he would receive a pension under this law. This act pensions alike the rich and the poor. It grants pensions to widows of soldiers who were born many years after the Civil War had ceased. It grants pensions to thousands of soldiers whose service was mere nominal, who had never been in a battle, had never seen an enemy's flag, had never incurred the slightest danger, and had never suffered the slightest injury or disability. It treated alike the holiday soldiers, with their 90 days' jaunt, and the brave and gallant veterans who fought in hundreds of fierce battles, and whose courage and valor brought success to the Union cause.

No precedent exists in the history of the human race that can exceed this law for its indiscriminate and promiscuous giving, and for the vast amount of money appropriated. This law more than doubled the number of pensions. The number of pensioners under this act continuously increased, and on June 30, 1906, there were 640,756 persons pensioned under it, and the amount of disbursements for the fiscal year ending at that time was in excess of $74,000,000.

On March 15, 1904, an Executive order was issued directing that age should be taken into consideration in determining disability to make a living by manual labor, and that at the age of 62 years the soldier should be considered to be one-half disabled for the performance of manual labor and be entitled to the rate of $6 per month; at 65 years of age, $8 per month; at 68 years of age, $10 per month; and at 70 years of age, $12 per month, the maximum total disability under the law. This order continued in force until, by acts of April 24, 1906, and March 4, 1907, it was provided that at the age of 62 years and over it shall be construed as a permanent specific disability within the meaning of the pension laws. By this law all pensioners at the age of 62 years were paid the maximum. This order and laws increased the pension appropriation about $5,000,000 annually.

By act of February 6, 1907, a pension was granted to persons who served 90 days in the Civil War or 60 days in the Mexican War at the rate of $12 per month for those who were 62 years old, $15 per month to those 70 years old, and $20 per month to those 75 years old. This law added about $15,000,000 annually to the pension appropriation.

By act of April 19, 1908, the widows and minor and helpless children who were pensioned in their own right and who were then on the pension rolls, or who might thereafter be placed on the pension rolls at a lower rate, should receive a pension of $12 per month. This act removed all restrictions as to the amount of income that a widow might possess. Thus wealthy widows under it could become pensioners of the Government. These widows might be born many years after the termination of the Civil War. This act increased the pension appropriation about $12,000,000 annually.

Thus in the last five years legislation has been passed increasing the appropriations for pensions to the large amounts named. The liberality and generosity of the Government in these recent years have, indeed, been marked and striking. During these five years the Government has expended in pensions, in the aggregate, $770,521,427. The census of 1910 shows that all the property—real, personal, money, improvements, crops, railroads, manufactures, and all property of every kind and description—in the State of North Carolina amounted to $681,982,120. Thus in the last five years the Government has given to its pensioners $88,000,000 more than all the wealth possessed by all the people in the great and rich State of North Carolina.

In 1866, immediately following the conclusion of the Civil War, and when deaths, wounds, injuries, and disabilities incident thereto were fresh and numerous, the number of pensioners was 126,722, and the amount appropriated for pensions $15,450,549.88.

In 1911, 45 years after the conclusion of the war, the pensioners numbered 892,098, and the appropriation for pensions amounted to $157,325,160.35.

In 1866 the average paid pensioners was about $122 each annually. In 1911 the average paid each pensioner was $176 annually. The pensioners of 1911 received, per capita, over 40 per cent more than the pensioners of 1866.

Look what a contrast between the pension rolls of 1866 and the pension rolls of 1911. The pension rolls of 1866 consisted of soldiers who had received wounds, injuries, and disabilities in the more than 2,000 battles fought during the great Civil War, and whose valor and courage had been exhibited on many hotly contested fields. Included in these were soldiers who had contracted disease producing disability by service to country. Upon these rolls were the widows who had given a husband to their country's cause, and had experienced all the anxiety, terror, and distress incident to war, with all of its vicissitudes and horrors. Included upon them were fatherless children, mothers, and sisters who had been left dependent and destitute by the death of some soldier who was their main support. Yet the appropriation to this most deserving class of pensioners in 1866 averaged about $122 each annually. The pension rolls of 1911 include, it is stated, about 96 per cent of all the survivors of the soldiers of the Civil War. Upon them are all soldiers 62 years of age who served 90 days in the Army. Upon them are women and children who were born a great many years after the Civil War was terminated. More than half of those receiving pensions under this law never received an injury, never contracted a disease, nor sustained a disability in the Government's service. Upon them is a large part of the 35,987 persons put there by special acts of Congress because they were unable to obtain a pension under the liberal, general pension laws which I have previously stated to the Senate.

By general legislation and special acts many charges of desertion have been removed, and upon them are found many soldiers who failed their country in the hour of battle and need. Upon them are found thousands of soldiers who were never in a battle, never in the slightest danger, and never near nor in sight of an enemy. The pensioners on the rolls of 1911 received an average each of $54 per year more than those most deserving ones on the rolls of 1866, immediately succeeding the war. It is difficult to convince a thoughtful public that the present pensioners, who are receiving 40 per cent more than those contained on the rolls of 1866, are at this time deserving of the proposed great increases.

The pension legislation of 1866 was enacted by the masterful men of the Union side, who successfully conducted the great Civil War and who endeavored to extend proper governmental aid to the deserving and worthy. They were controlled in their measures by patriotic and not political considerations. To denounce their policy as niggardly is to asperse the character and motives of great soldiers and great men who founded and guided the Republican Party and directed the affairs of this Government during four years of storm and stress—men who were devoted to the Union Army and desirous of being liberal and generous to its soldiers.

But, Mr. President, we are told that the present pensioners are poorly and most inadequately provided for. Hence we have pending in the Senate bills providing for greatly increased appropriations to them. We are also told that the time has now arrived for the Government to give some substantial recognition to the demands of the Union soldiers, and that this has already been too long delayed. Despite the fact that in the last five years Congress has passed legislation increasing pensions to the extent of $27,000,000 annually, we have these pending bills proposing to make further great increases. The measure known as the Sherwood bill, which passed the House of Representatives, if enacted into law, the Secretary of the Interior estimates, would increase the present pensions to the extent of $75,651,548 annually. The bill known as the McCumber bill, and which is recommended for passage by a majority of the Committee on Pensions of this body, it is estimated, if passed, would increase the pensions to the extent of $24,112,578. If either of these bills become law, the appropriations necessary to carry them into effect would far exceed the estimates. This has been the experience of every general pension bill yet passed. It will be repeated if either of these bills should become law. I do not purpose to discuss the relative merits of these two measures, each of which has its supporters. Between the two I favor the McCumber bill, as it carries a far less appropriation; but I am opposed to the passage of either. I do not believe there is any occasion at this time for any increased pension appropriations. I believe that the Federal Government has acted so liberally and generously to the Union soldier that no further legislation at this time is needed. The amount that has been already given by the Federal Government to the Union soldiers of the Civil War is unexampled in the world's history.

This Government, since its beginning, has expended in pensions to its soldiers $4,230,381,730.16. Of this amount $3,985,719,836.93 has been expended in pensions on account of the Civil War. The amount expended for the Seven Years' War of the Revolution, in which this country established its independence, was about $70,000,000. Thus we have already given to the Union soldiers over 50 times more than was given to the soldiers who won our independence. We now pay to the Union soldiers twice as much each year as was given to all the soldiers of the Revolutionary War.

The Sherwood bill, if passed, would give to the present pensioners annually increases exceeding what this Government gave in pensions on account of the entire Revolutionary War.

Pensions that have been paid to the soldiers of the Civil War are already eighteen times more than this Government has paid in pensions on account of all of its other wars from 1776 to the present time.

The pensions on account of the Civil War, as previously stated, aggregate about $4,000,000,000. The amount is so large that it is almost beyond the comprehension of the human mind.

Let us endeavor, by comparison, to form an idea of the size of this vast amount and what it could purchase. The census of 1870 shows that the value of all property, real and personal, money, crops, railroads, improvements, and property of every kind and character, in the 11 Confederate States which seceded, consisting of Virginia, North Carolina, South Carolina, Georgia, Florida, Alabama, Mississippi, Louisiana, Texas, Arkansas, and Tennessee, aggregate only $2,686,078,782. Thus, the pensioners of the Civil War have already received about $1,300,000,000 more than all the real and personal property, of every kind and description, contained in the 11 seceded States by the census of 1870. If all the property, real and personal, of every kind and description, in the 2 great and rich border States of Kentucky and Maryland, as shown by the census of 1870, were added to all the property of every kind contained in the 11 seceded States it would not equal what has already been paid to the

pensioners of the Civil War. The value of property had greatly increased in these States from 1866 to 1870. This is not the assessed value, which is far less, but the true value of all property in these States as disclosed by this census. This can give us some conception of the generous aid extended by this Government to the soldiers of the Civil War. It stands without a parallel in the world's history. Not only has the Federal Govment appropriated this vast sum in pensions, but it has provided 10 national homes, which are now accommodating about 25,000 survivors, and maintained at the expense of the Government. It has also, by law, given marked preference to soldiers in civil appointments.

With this long record of liberal and generous legislation, it can not be argued that this Government has been in any respect unfair or neglectful of its soldiers. If the Government is deserving of criticism for its past action, it is rather on account of the heavy burdens of taxes which it has imposed upon the people in order to pay these pensions. Our annual expenditures for all purposes now exceed $1,000,000,000. This burden of taxation is so heavy that the people are scarcely able to bear its weight.

The Secretary of the Treasury, in his annual report, estimates that the receipts for the coming year will exceed the ordinary expenditures by only $30,000,000. But the receipts have fallen far below his estimates. If any of the bills for increased pensions should be passed, we would be confronted with a deficit. This would mean an increase of taxes. It is useless for us to close our eyes to this fact. I do not believe the people of this country are willing to be further burdened with taxes in order to give increased pensions. If either of these bills is passed, it means that there can be no reduction, no retrenchment, in governmental expenditures. It means that there can be no reduction in the present exorbitant tariff taxes, which have greatly increased the cost of living and produced great suffering and distress. It means an abandonment of the progressive increase of our Navy, which has become indispensable to national safety and prosperity. It lessens our ability to construct needed public buildings, to improve our rivers and harbors, in order to give increased commercial facilities and opportunities, and to improve our public roads and highways, in order to develop the rural sections of our country.

If the pending legislation is passed, it would be soon followed by other legislation providing for further increases. The rates then given will in a few years be greatly increased. The retired volunteer officers' pension bill is but waiting the enactment of this legislation to make its appearance in Congress, which, when passed, will cost the Government many million dollars. The passage of a general pension bill has always been marked by the claim that it would be the last legislation of this kind and was all that was needed to give relief. Experience has demonstrated that each was but the precursor of others providing for greater increases. If our pension policy of the past, with constant increases, is continued, the day is not far distant when our annual appropriation for pensions will exceed $250,000,000.

Being persuaded that the great mass of American people is now more in need of relief from the heavy burdens of taxes and the high cost of living than are the pensioners in need of greater pensions, I shall vote against the bills now pending proposing an increase in pensions. The whole people is deserving of more consideration than is any special class, and especially when that class has already been and is the present recipient of Government favors unexcelled.

I am opposed to this legislation because I believe its enactment would be prejudicial to the best interests of all sections of this country alike. There is no section of the country in which the burdens imposed by these bills upon the masses would not exceed the benefits derived.

Mr. McCUMBER. I ask that the unfinished business be temporarily laid aside and that the Senate proceed to the consideration of the calendar under Rule VIII.

The PRESIDING OFFICER (Mr. CURTIS in the chair). Without objection, it will be so ordered. The Secretary will announce the first bill on the calendar.

THE CALENDAR.

The bill (S. 2518) to provide for raising the volunteer forces of the United States in time of actual or threatened war was announced as first in order on the calendar.

Mr. GALLINGER. Let that go over.

The PRESIDING OFFICER. It will go over.

Senate concurrent resolution No. 4, instructing the Attorney General of the United States to prosecute the Standard Oil Co. and the American Tobacco Co., was announced as next in order.

Mr. GALLINGER. Let that also go over.

The PRESIDING OFFICER. The concurrent resolution will go over.

The bill (S. 290) to authorize the appointment of dental surgeons in the United States Navy was announced as next in order.

Mr. BRISTOW. I ask that the bill may go over.

The PRESIDING OFFICER. It will go over.

Mr. PERKINS. This bill has been on the calendar for two months, and I should like to have it disposed of, either for or against.

Mr. BRISTOW. Of course we can not take it up and consider it under the five-minute rule.

Mr. PERKINS. Then let it be passed over, retaining its place on the calendar.

The PRESIDING OFFICER. The bill will be passed over.

The bill (S. 2493) authorizing the Secretary of the Treasury to make an examination of certain claims of the State of Missouri was announced as next in order.

Mr. SMOOT. Let the bill go over.

The PRESIDING OFFICER. It will go over.

The next business on the calendar was Senate resolution No. 176 requesting the President to make certain inquiries of the Governments of Great Britain and France, touching the arbitration of justiciable controversies or disputes.

Mr. GALLINGER. Let the resolution go over.

The PRESIDING OFFICER. It will go over.

PENSIONS AND INCREASE OF PENSIONS.

The bill (S. 4623) granting pensions and increase of pensions to certain soldiers and sailors of the Civil War and certain widows and dependent relatives of such soldiers and sailors was considered as in Committee of the Whole.

Mr. GALLINGER and Mr. McCUMBER. The bill has been read.

The PRESIDING OFFICER. The bill has been read and amended.

Mr. SMITH of Georgia. Mr. President, last Saturday when this bill was under consideration the Senator from Kansas [Mr. CURTIS] called attention to certain reductions in the pension pay roll made by the Pension Bureau in 1893. The same day from memory I explained that those reductions were principally due to a decision rendered by the department construing the act of June 27, 1890, and setting aside an order which had formerly been issued by the Pension Bureau which had incorrectly construed the act of June 27, 1890. I was unable to recall the name of the case in which this corrected construction, as I maintained, of the act of June 27, 1890, was rendered, and the Senator from Kansas also was unable to recall it.

On Monday I sent for the decisions, and I find that the case is found in volume 7 of the Pension Decisions, page 1, and it is known as the case of Charles T. Bennett. I have desired since that time to call attention to this case that the case might be embodied in the RECORD, and I wish now to call attention to the case and to ask that it be embodied in the RECORD, and also that a report of the commissioner explaining his conduct under this case be embodied in the RECORD. I will indicate the parts to be inserted.

The VICE PRESIDENT. Is there objection? The Chair hears none.

Mr. SMITH of Georgia. I desire to explain to the Senate very briefly, in connection with embodying this case in the RECORD, the exact point that was under consideration.

The act of June 27, 1890, provided for pensions to certain soldiers who were not injured in the line of service. The prior law provided for pensions for service injuries or service disabilities. Under the prior law, where the disability was one of service origin, specific sums had been fixed for each particular injury and those sums appeared without reference to the ability or lack of ability of the soldier to perform manual labor or to earn a livelihood.

The act of June 27, 1890, expressly limited the pensioners to inability to perform manual labor and to inability to earn a livelihood, or rather the pensions were to be based upon the condition in which the soldier was left with reference to his ability to perform manual labor and with reference to his ability to earn a livelihood.

These provisions in the act of June 27, 1890, upon which the amount of his pension was to be fixed, were not found in the prior law, but were applicable solely to those soldiers whose injuries were not of service origin or whose disabilities were not of service origin. Reading from the act of June 27, 1890, we have—

which incapacitates them for the performance of manual labor in such a degree as to render them unable to earn a support.

And again, the pension was to range from $12 to $6, "proportioned to the degree of inability to earn a support."

For the year ending June 30, 1893, the pension pay roll went up to $156,908,000. For the prior year, ending June 30, 1892,

the pension pay roll was $139,394,000. So the pension pay roll went up for the fiscal year ending June 30, 1893, in round numbers $17,000,000, and under the construction of the act of June 27, 1890, which the bureau had put upon it, it was estimated that the pension pay roll for the fiscal year to end June 30, 1894, would be $165,000,000. In consequence of this Bennett decision and the subsequent procedure by the bureau under this decision the pension pay roll for the year ending June 30, 1894, was $139,394,000, and for 12 years thereafter it averaged about $139,000,000.

The bureau prior to the Bennett decision had confused in its application of the amount to be paid for each disability the rule prescribed in the act of June 27, 1890, and the rule prescribed in the old law, which applied to injuries of service origin, and had practically abolished the provision of the act of June 27, 1890, which required the disability to be one which affected the applicant's capacity to perform manual labor and which fixed the amount of his pension proportioned to his capacity to perform manual labor.

The decision in the Bennett case only required the bureau to come back to the statute as it was drawn by Congress, and it required that the amount to be paid to each pensioner under the act of June 27, 1890, should be that prescribed by Congress and not that prescribed by the bureau, which set aside the act of Congress.

The difference between the two acts and the error of the bureau can be illustrated in the Bennett case. Bennett had two disabilities, a slight deafness in each ear. He could hear a watch tick half an inch from his ear. Under the evidence it did not affect his ability to earn a support at all. It did not affect his ability to perform manual labor. Yet he had been awarded under the act of June 27, 1890, $12 a month which could only go to him under that act for total disability. Under the law applicable to an injury of service origin, slight deafness in either ear was rated at $6, and for partial deafness in both ears it was $12. The bureau applied to this pensioner who was asking a pension under the act of June 27, 1890, the classification of pension provided for under the law fixing injuries of service origin, although his disabilities were in no sense of service origin.

Before the Bennett opinion was filed it was submitted to the Attorney General's Department for approval, and I wish to embody the opinion in the RECORD and also to embody some extracts from the report of the Commissioner of Pensions in the RECORD.

There may have been and there were some other suspensions, but the bulk of the reduction of pensions and the bulk of the suspension of pensions followed this Bennett decision, and were simply for the purpose of bringing the administration of the bureau into complete compliance with the act of June 27, 1890.

The rule in the Bennett case was followed after Judge Lochren ceased to be commissioner and after I ceased to have any connection with the department—at least I understand it was followed; it certainly ought to have been followed, because it was the law. The amount of the pay roll subsequently having remained for years practically at the figures to which Judge Lochren reduced it clearly indicates that the ruling in the Bennett case must have been followed by the successors to Judge Lochren.

The matter referred to is as follows:

ASSISTANT SECRETARY JOHN M. REYNOLDS TO THE COMMISSIONER OF PENSIONS, MAY 27, 1893.

Charles T. Bennett, late private Company F, Thirteenth Indiana Volunteers, filed his original application for an invalid pension under the provisions of the Revised Statutes, on July 5, 1886, alleging that while in the service and in line of duty at Raleigh, N. C., about June 1, 1865, he was prostrated by a sunstroke, from which resulted a disease of the head and loss of hearing.

The claim was rejected by your bureau February 18, 1892, upon the ground that the evidence failed to establish the existence of any disability due to the claimant's Army service.

From said action the claimant appealed March 19, 1892. The evidence shows that the appellant enlisted September 14, 1864, and was discharged June 23, 1865; but the records of the War Department, in evidence, show neither treatment for any disability during said period nor the existence of any disabling cause, but that he was carried on all rolls and returns as "present for duty" from enlistment to discharge.

The affidavits furnished in support of his claim do not satisfactorily establish the origin of the alleged disability, and in the certificate made by the board of examining surgeons at Vincennes, Ind., on November 3, 1886, the following language is found: "This man seems to be in vigorous health, and we discover no evidence of a diseased nervous system, not tremulous, but in good flesh, and looks as if he was never afflicted by any great nervous prostration. * * * We would state that he has slight deafness in both ears, but not of sufficient character to warrant us in making a rating." The rejection of the applicant's claim for invalid pension, for the reasons given, was proper and is affirmed.

This appeal brought up, also, the application made by the same claimant for a pension under the provisions of the second section of the act of June 27, 1890. Under this second section your bureau, on January 20, 1891, granted to the claimant the maximum rating of $12 a month.

The only disability found to exist upon medical examination, as declared by your bureau, was "slight deafness of both ears." This deafness was so slight, according to the certificate of the board of examiners, that he could hear a watch tick in each ear when it was within one-half inch of each.

To entitle the claimant to a pension under the provisions of the second section of the act of June 27, 1890, it was necessary that he should be suffering from a mental or physical disability of a permanent character, not the result of his own vicious habits, which incapacitates him for the performance of manual labor in such a degree as to render him unable to earn a support, in which event he might be entitled to receive a pension not exceeding $12 per month and not less than $6 per month. As the claimant was suffering simply from "slight deafness," according to your finding, which was so slight that he could hear a watch tick one-half inch from each ear, the physical disability clearly failed to come within the requirements of the law. Such "slight deafness," of necessity, could not incapacitate for the performance of manual labor, and yet the claimant was allowed the largest sum provided for under this section of the act of June 27, 1890.

In order to ascertain with certainty the basis upon which this pension was rated, the following communication was addressed to the Commissioner of Pensions:

DEPARTMENT OF THE INTERIOR,
Washington, D. C., May 23, 1893.

To the Commissioner of Pensions:

SIR: I herewith return to you the papers in the case of Charles T. Bennett, late private, Company F, Thirteenth Indiana Volunteers, certificate No. 533762.

Please furnish me at your earliest convenience the basis of rating in this case, which places "slight deafness" of both ears, under the act of June 27, 1890, at the rate of $12 per month.

Very respectfully,

JNO. M. REYNOLDS,
Assistant Secretary.

To which the following answer was furnished through the Commissioner of Pensions:

DEPARTMENT OF THE INTERIOR,
BUREAU OF PENSIONS,
Washington, D. C., May 23, 1893.

Hon. WILLIAM LOCHREN,
Commissioner of Pensions.

SIR: In response to your request that I prepare an answer to the communication of this date addressed you by the honorable Assistant Secretary concerning the basis of rating in this case for a slight deafness of both ears at $12 per month, under the act of June 27, 1890, I have to say that this rate was allowed in accordance with Order No. 164, which directed "that all cases showing a pensionable disability which, if of service origin, would be rated at or above $12 per month, shall be rated at $12 per month." The inability of the applicant to perform manual labor was not taken into consideration.

At the time of the action taken in this claim, January 20, 1891, the schedule rate for slight deafness of both ears was $15; hence the rate of $12 was allowed. Since December 4, 1891, the schedule rate for slight deafness of both ears has been $6, and such cases have been allowed at this rate since the above date. I have recently suspended action in this class of cases.

Very respectfully,

THOS. D. INGRAM,
Medical Referee.

The department will now consider whether the method of rating followed in this case is in accordance with the law.

The second section of the act of June 27, 1890, provides as follows:

"SEC. 2. That all persons who served 90 days or more in the military or naval service of the United States during the late War of the Rebellion and who have been honorably discharged therefrom, and who are now or who may hereafter be suffering from a mental or physical disability of a permanent character, not the result of their own vicious habits, which incapacitates them for the performance of manual labor in such a degree as to render them unable to earn a support, shall, upon making due proof of the fact according to such rules and regulations as the Secretary of the Interior may provide, be placed upon the list of invalid pensioners of the United States, and be entitled to receive a pension not exceeding $12 per month and not less than $6 per month, proportioned to the degree of inability to earn a support; and such pension shall commence from the date of the filing of the application in the Pension Office after the passage of this act, upon proof that the disability then existed, and shall continue during the existence of the same."

It will be seen that this section only provides for a pension where the applicant has been incapacitated for earning a support by manual labor. Incapacity to perform manual labor, to a degree which produces inability to earn a support, is the basis of pension under this section; yet the report of the medical referee shows that the pension was allowed by your bureau in this case in pursuance of Order No. 164, and the inability of the applicant to perform manual labor was not taken into consideration.

The following is a copy of Order No. 164:

In regard to fixing rates of pensions under act of June 27, 1890.

That all claimants under the act of June 27, 1890, showing a mental or physical disability or disabilities of a permanent character not the result of their own vicious habits and which incapacitate them for the performance of manual labor, rendering them unable to earn a support in such a degree as would be rated under former laws at or above $6 and less than $12, shall be rated the same as like disabilities of service origin; and that all cases showing a pensionable disability which, if of service origin, would be rated at or above $12 per month shall be rated at $12 per month.

GREEN B. RAUM, *Commissioner.*

Approved.

CYRUS BUSSEY, *Assistant Secretary.*

It will be seen that this order required that all cases showing a pensionable disability under the act of June 27, 1890, should be rated as if of service origin.

The law applicable to pensions of service origin is found in the Revised Statutes, and is as follows:

"Any officer of the Army, including Regulars, Volunteers, and militia, or any officer in the Navy or Marine Corps, or any enlisted man however employed in the military or naval service of the United States, or in its Marine Corps, whether regularly mustered or not, disabled by reason of any wound or injury received or disease contracted while in the service of the United States and in the line of duty," etc.

The only requirement to obtain a pension under this act is disability by reason of wound or injury received or disease contracted while in the service and in line of duty.

Incapacity to perform manual labor, which is the foundation to the right to pension under the act of June 27, 1890, fixes an entirely different standard of disability from that just mentioned, contained in the Revised Statutes, covering injuries of service origin. Disabilities incurred while in actual service and incapacity, upon applicant long after service ceased, are made by the law to stand upon an entirely different footing. Those incurred during service and in line of duty are pensionable without regard to capacity to earn a support, and are graded without reference to this condition. Disabilities resulting from causes other than of service origin are only pensionable when incapacity to labor joins with incapacity to earn a support, and the grades of rating are dependent upon these two conditions. When by Order No. 164 it was declared that disabilities under the act of June 27, 1890, should be rated as of service origin, the very principle which governed the rating under the act of June 27, 1890, was displaced and a rule applicable to a different act was substituted.

This case illustrates the effect of the departure by your bureau from the terms of the act of 1890:

1. The applicant was awarded for "slight deafness" not of service origin, $12. The award was made under the act of 1890. It was given by your bureau for "slight deafness," because under an entirely different act, applicable to disabilities of service origin alone, $15 was the lowest rating for "slight deafness."

2. "The inability of the applicant to perform manual labor was not taken into consideration." Yet the act of 1890, under which the applicant sought and was allowed a pension, made inability of the applicant to perform manual labor, in such a degree as to prevent him from earning a support, the foundation of his claim.

It is, therefore, clear that the rating under the Revised Statutes for disabilities of service origin was substituted by Order No. 164 for the rating provided under the act of 1890.

The order having resulted in one error, a second error naturally followed, and the inability of the applicant to perform manual labor was not taken into consideration. In a word, the act of June 27, 1890, was changed and superseded by Order No. 164, as construed by your bureau, and by a practice that neglected to take into consideration the ability of the applicant to perform manual labor.

It is hardly necessary to present argument or to support by authority the proposition that neither the Secretary nor the commissioner can by order or practice supersede an act of Congress. The power of the department, so far as orders and practice are concerned, is limited to an execution of the law; it ceases when an effort is made to supersede the law.

You will, therefore, take such steps as are necessary to reopen this case and to pass upon it in accordance with the provisions of the act of Congress approved June 27, 1890, disregarding any order or practice which is in conflict with the plain letter of the law.

The foregoing decision was approved by the honorable Secretary of the Interior, and was by him submitted to the honorable Attorney General, who also approved it. After this concurrence the following order was made revoking the one dated October 15, 1890, No. 164, referred to therein:

DEPARTMENT OF THE INTERIOR,
Washington, D. C., May 27, 1893.

To the Commissioner of Pensions.

SIR: Order No. 164, signed, "Green B. Raum, Commissioner of Pensions," and approved, "Cyrus Bussey, Assistant Secretary," of date, October 15, 1890, is hereby revoked.

You will prepare, for approval of the Secretary, new rules and regulations covering the proof of the right to pensions and rates of same in accordance with the provisions of section 2 of the act of Congress approved June 27, 1890.

Your attention is directed to the fact that the disabilities which are pensionable under this section must be of a permanent character, incapacitating for the performance of manual labor to such a degree as to produce inability to earn a support. You will observe, also, that the rate of pension is fixed at not less than $6 nor more than $12 per month, proportioned to the degree of inability to earn a support.

You will have an examination made to determine what pensions have heretofore been allowed under section 2 of the act approved June 27, 1890, in disregard of the terms of said act and in conflict with the ruling of this department in the case of Charles T. Bennett, this day transmitted to you.

Respectfully, HOKE SMITH, *Secretary.*

[From the report of the Commissioner of Pensions for the year ending June 30, 1892.]

ACT OF JUNE 27, 1890.

But recognizing the difficulty of tracing disabilities to service origin after a long lapse of time and the fact that deserving soldiers, who in their advancing years were incurring disabilities not of service origin unfitting them from earning a support by manual labor, were proper objects of the national bounty, the act of June 27, 1890, was passed, providing that all persons who had served in the military or naval service of the United States in that war 90 days or more, and had been honorably discharged therefrom, and who were suffering from a mental or physical disability of a permanent character not the result of their own vicious habits which incapacitates them from earning a support by manual labor, shall be pensioned at not more than $12 nor less than $6 per month, proportioned to the degree of inability to earn a support.

Under this act, aside from the requisite service and honorable discharge, there is but one condition that can give any right to pensions, viz, "a mental or physical disability of a permanent character, not the result of their own vicious habits, which incapacitates them from the performance of manual labor in such a degree as to render them unable to earn a support." But by Order 164, issued October 15, 1890, the commissioner, with the approval of the Assistant Secretary, directed that specific disabilities should be rated in applications under this act as they would have been rated under the schedules then in force, if of service origin, up to $12 per month. The medical referee stated in answer to inquiry that under this order the capacity of a claimant under the act of June 27, 1890, to perform manual labor was no longer even considered in adjudicating his claim, but that his disabilities were rated, up to $12 per month, as if his claim had been made under prior laws for like disabilities of service origin.

It is perfectly clear that under this Order 164 in granting pensions under this act of June 27, 1890, the act itself was set aside and disregarded, with the result of granting pensions not authorized by any law. This was shown in the Bennett case, which called your attention to this order and to the practice under it. There the claimant, applying under this act of June 27, 1890, was pensioned at $12 per month for slight deafness not of service origin. This slight deafness could not interfere with his capacity to perform manual labor, and such a pension has no warrant to sustain it in any law. It is absolutely void. The statement of the medical referee, above mentioned, made it appear probable that under Order 164 many pensions were illegally granted, and, pursuant to your order of May 27, 1893, a board of revision was formed of the ablest and most experienced men of the bureau to examine the cases allowed under that act and cull out such as had no legal basis to rest upon, but with instructions to disturb no case where, by the most liberal construction of the evidence, the right to the pension could be sustained under any law. In cases where it was believed that pension could not be sustained and another medical examination was thought necessary, the payment of the pension was ordered to be suspended pending investigation, according to the practice of the bureau from the beginning; and at the proper time the usual 60-day notice was given the pensioner within which he could ask for a medical examination or supply further evidence of his right to his pension.

This practice of the bureau, always followed, is the correct practice. It is not the withdrawal or taking away of a pension, but the temporary withholding of its payment where it appears to be unlawful, pending a proper inquiry. Upon your suggestion that even this temporary withholding might work hardship where upon the face of the papers it appears that the pensioner is entitled to at least some less rating, the practice has been modified and changed as to the cases under this act so far that suspensions of payment pending the 60 days are only ordered when on the face of the papers it appears prima facie that the pensioner is not entitled to any pension. It is certain that there are many cases like the Bennett case, where persons not entitled to any pension will be removed from the rolls, but the work has not yet proceeded far enough to enable me to forecast the result. Undoubtedly under the system of adjudication which followed the promulgation of Order No. 164 many persons perfectly able to perform manual labor, under the persuasion of claim agents familiar with the effect of that order, applied for and received pension for specific disabilities not of service origin and not properly pensionable under the act of June 27, 1890. This also accounts for the large proportion of late claims under that act, comprising the aftermath in the work of claim agents, which are now being properly rejected.

Mr. CURTIS. Mr. President, I am glad the Senator from Georgia has called attention to the case upon which he based the order. The only regret the friend of the soldier can have is that in rendering that decision or in order to get a case that would be satisfactory the Pension Bureau picked out a case that was perhaps the most unfair case that could be selected in all the bureau. A man had been given a pension, as stated by the Senator from Georgia, upon two disabilities, and I shall read the finding. I desire to comment upon this because it is my purpose to call attention to another decision later on.

As the claimant was suffering simply from "slight deafness," according to your finding, which was so slight that he could hear a watch tick one-half inch from each ear, the physical disability clearly failed to come within the requirements of the law. Such "slight deafness," of necessity, could not incapacitate for the performance of manual labor, and yet the claimant was allowed the largest sum provided for under this section of the act of June 27, 1890.

Upon that decision an order was entered, and my complaint is that they made that order, based upon a case where the man had no disabilities that incapacitated him from the performance of manual labor, apply to some 31,000 cases where perhaps the soldiers had special disabilities that might prevent them from performing manual labor, and a decision based upon this one case was used to take away from eight thousand and over pensioners their pensions and to reduce 23,000 pensions, and that, too, without giving them an opportunity to be heard and without giving a chance to furnish one word of evidence.

Mr. SMITH of Georgia. Let me ask the Senator a question.

The VICE PRESIDENT. Does the Senator from Kansas yield to the Senator from Georgia?

Mr. CURTIS. Certainly.

Mr. SMITH of Georgia. Was not the suspension for 60 days, and were they not notified and invited to bring up additional evidence?

Mr. CURTIS. Their pensions were taken away immediately afterwards. After their pensions were suspended, they filed evidence, many of them, and had their cases reinstated. To show how unfair the ruling was, I remember having over 100 cases reinstated in the Pension Bureau upon the testimony that was on file when the pensions had been reduced from the fourth Kansas district alone.

I contend that this question was decided before, and it was unnecessary for the Reynolds decision, because Assistant Secretary Bussey had passed upon the same order, No. 164, in a case that was taken before the Secretary.

I want to call the Senate's attention to the language used by Assistant Secretary Bussey where he construes this law, and properly construes it. If the Secretary or the commissioner had followed this ruling there would have been no trouble. I read from page 194, volume 6, Decisions of the Interior Department in Appealed Pension Claims, 1892–93:

The basis of rates under the act of June 27, 1890, is inability to earn support by reason of incapacity for manual labor, due to a permanent mental or physical disability not the result of vicious habits. In determining whether an applicant is entitled to a rate under said act for the character of disability aforementioned, the only question is: Is he, from the cause or causes involved—be they one or many—disabled for the performance of manual labor to the extent represented by the fractional rate of six-eighteenths? If so, he is entitled to the minimum rate of $6, and so on, until the maximum rate of $12 is reached.

That was the construction of the law placed upon it by Assistant Secretary Bussey.

Mr. SMITH of Georgia. What was the date of that?

Mr. CURTIS. January 7, 1893. That was the true construction of the law, and if it had been followed there would have been no complaint.

In addition to securing the decision, or having the decision rendered upon the case, that was unfair to the soldier, and after the order was issued under which so many suspensions were made, a new order was issued by the department leaving the ratings in the hands of the medical referee; and surely the distinguished Senator will admit that that order was wrong, because——

Mr. SMITH of Georgia. That order was very promptly modified, was it not?

Mr. CURTIS. I was going to say such a storm of protest went up from one end of the country to the other against the ruling and the action of the department under it that they had to withdraw it.

Mr. SMITH of Georgia. Does the Senator remember how long was that order in force? Was it not withdrawn as soon as it was brought to my attention?

Mr. CURTIS. The Order 225 was issued June 9, 1893, and was withdrawn by Order 241, which was issued September 2, 1893; so Order 225, the one of which I complain, was followed several months. I am very glad to have the Senator state that he had referred the matter to the Attorney General, and that he depended upon the Commissioner of Pensions in this matter; but I say, and I believe the facts justify me in making the statement, that the administration of the Pension Office during Judge Lochren's administration and that of the distinguished Senator from Georgia was unfair to the Union soldier. It was based upon——

Mr. SMITH of Georgia. I should like to ask the Senator a question.

Mr. CURTIS. Certainly.

Mr. SMITH of Georgia. Is it not true that when they first began after the Bennett decision to suspend the cases that had been improperly given pensions under Mr. Raum's erroneous construction of the statute, they suspended them all, but that that lasted only a few days, and that the change took place to simply reducing the size of the pension where they had any evidence in the record to justify any pension. Does not the Senator recall the fact that Judge Lochren in his first report mentions that those complete suspensions only lasted for a few days, and that after conferring with me I requested, if there was any evidence at all to suspend a pension, to leave the pension; and I should like to ask the Senator's attention to the report of Commissioner Lochren in 1893. He is quite familiar with this matter; really he is more familiar with the details, I suppose, than I am; he has kept up with it:

> This practice of the bureau, always followed, is the correct practice. It is not the withdrawal or taking away of a pension, but the temporary withholding of its payment, where it appears to be unlawful, pending a proper inquiry. Upon your suggestion that even this temporary withholding might work hardship where upon the face of the papers it appears that the pensioner is entitled to at least some less rating, the practice has been modified and changed as to the cases under this act, so far that suspensions of payment pending the 60 days are only ordered when on the face of the papers it appears prima facie that the pensioner is not entitled to any pension.

Mr. CURTIS. Mr. President——

Mr. SMITH of Georgia. I just wanted to call the Senator's attention to the language read from the report of Judge Lochren as commissioner.

Mr. CURTIS. I can not agree with the Senator that it was a temporary matter, because I did not arrive in Washington until August, 1893, to attend the extra session of Congress, and the practice was then going on in the department. The order had been issued several months before.

Mr. SMITH of Georgia. What practice do you mean?

Mr. CURTIS. The practice of reducing pensions and of withdrawing pensions without giving the pensioners an opportunity to be heard. So it must have been in existence several months.

Mr. SMITH of Georgia. I should like to ask the Senator if it had not always been the practice in the bureau, where it was found that the evidence submitted did not justify a pension, to suspend it and notify the pensioner?

Mr. CURTIS. I never heard of any such action until the action by the Secretary of the Interior while the distinguished Senator from Georgia was then Secretary.

Mr. WILLIAMS. That was the first term in Congress of the Senator from Kansas?

Mr. CURTIS. It was my first term.

Mr. WILLIAMS. He had never heard of anything until that time.

Mr. CURTIS. I had heard of a good many things before I came to Congress.

Mr. SMITH of Georgia. I should like to ask the Senator another question.

Mr. CURTIS. Certainly.

Mr. SMITH of Georgia. Was not the board of review that Judge Lochren appointed with the approval of the Secretary composed almost exclusively of Republicans and old soldiers?

Mr. CURTIS. I can not agree with the Senator upon that statement. I looked up their record at one time. My recollection is that a majority of them belonged to the other side.

Mr. SMITH of Georgia. But let me ask——

Mr. CURTIS. I do not care who they were, but since the Senator referred to the board, the fact remains that they held up the cases just as long as they could, and they did it against the interest of the soldier. If the distinguished Senator will look over the record he will find, I think it was in 1894 or 1895, there were 104,000 cases examined by that board and they found something wrong to delay action in nearly every case. To be exact, they found cause for delaying action in 103,000 cases. Do you tell me that such conduct as that is fair to the soldier?

Mr. SMITH of Georgia. I wish to ask the Senator a question.

The VICE PRESIDENT. Does the Senator from Kansas further yield to the Senator from Georgia?

Mr. CURTIS. Certainly.

Mr. SMITH of Georgia. Were they not simply enforcing the act of June 27, 1890, and is it not true that records had been made by applicants who were not entitled to pensions under the act of June 27, 1890, and they were misled as to their rights by the erroneous order issued by the bureau under Raum?

Mr. CURTIS. That would not affect the case.

Mr. SMITH of Georgia. One moment. Therefore the record and the evidence they had when examined showed that they were not entitled to a pension under the law.

Mr. CURTIS. That would make no difference if the case had not been allowed, but if the case had been allowed the presumption was in favor of the soldier, and the soldier should have been given an opportunity to file his testimony, as afterwards was permitted by law of Congress. After this order was issued, in December, 1893, Congress enacted a law giving them a chance to be heard before their pensions should be taken away from them, and it was not until that act was passed that the practice was discontinued in the department.

Mr. SMITH of Georgia. Mr. President——

The VICE PRESIDENT. Does the Senator from Kansas yield further to the Senator from Georgia?

Mr. CURTIS. Certainly.

Mr. SMITH of Georgia. Would the presumption be that the record showed that the soldier was entitled to a pension when the whole procedure of the bureau had been under an order by the commissioner utterly disregarding the provisions of the law and changing the law and dispensing with the requirements of the law? Would not the presumption be that the proof did not make a case that entitled the soldier to a pension under the law?

Mr. CURTIS. The difficulty is that the Senator does not state the fact. The truth of it is that as soon as the Bussey decision was rendered the then Commissioner of Pensions continued to pass upon cases under that decision, and it seems as though the new Commissioner of Pensions, after the order was issued by the distinguished Secretary of the Interior, suspended all the cases upon a hasty examination, 23,000 of them, and dropped 8,000 of them. As I said to the distinguished Senator, they must have been careless, because thousands of those cases were afterwards restored to the pension roll upon the papers that were on file when their pensions had been reduced and when their pensions had been taken away. As I said before, I remember in the one district that I had the honor to represent 100 of the men who had had their pensions reduced or taken away had been restored by the bureau upon the evidence that was on file when the former action had been taken by the commissioner, which to me is conclusive evidence.

Let me call the attention of the distinguished Senator to a case I mentioned the other day, the case of an old soldier at Emporia, Kans., where the pension was taken away upon an anonymous letter. I said to the commissioner then, "Are you going to take a man's pension away simply because some man writes a letter to which he has not the manhood to sign his name?" He said, "That soldier is not entitled to a pension"; and they took it away, and I was over three months getting that man back on the pension roll.

Mr. SMITH of Georgia. I have not undertaken, I will say to the Senator, to defend such an order. As I said a moment ago, I have no doubt that there were mistakes made. But I was insisting that the general procedure was in consequence of an utter misconception of the law by the predecessor of Judge

Lochren, and that the difficulty which surrounded the change was due to that misconception of the law or the confusing of the two statutes, and that the bulk of what took place was simply in conformity with bringing the bureau to an administration of the law as Congress had written it.

Mr. CURTIS. My answer to that is that it was at the beginning that the Assistant Secretary, Mr. Bussey, had construed this law, and the Reynolds decision was absolutely unnecessary, and the Reynolds decision was unfair to the soldier. The Reynolds decision was based upon an unfair case, and it should never have been rendered.

Mr. SMITH of Georgia. I desire to ask the Senator from Kansas a question.

The VICE PRESIDENT. Does the Senator from Kansas yield further?

Mr. CURTIS. Certainly.

Mr. SMITH of Georgia. How was the Bennett decision unfair to the soldier?

Mr. CURTIS. I did not mean to that one soldier, but to soldiers at large. I say it was unfair, because the department officials picked out a case to decide where no disability existed which prevented the man from performing manual labor, and taking that unfair case a general order was issued to apply to all cases. As a result of the general order, they reduced the pensions of 23,000 soldiers and took pensions away from over 8,000.

Mr. SMITH of Georgia. I should like to ask the Senator another question.

The VICE PRESIDENT. Does the Senator from Kansas yield to the Senator from Georgia?

Mr. CURTIS. Certainly.

Mr. SMITH of Georgia. Does the Senator know how many cases there were just as strong as the Bennett case?

Mr. CURTIS. I could not tell that.

Mr. SMITH of Georgia. I should like to ask the Senator one more specific question.

Mr. CURTIS. Certainly.

Mr. SMITH of Georgia. The Senator agrees, does he not, that the rule prescribed by Commissioner Raum was a misconstruction of the act?

Mr. CURTIS. I agree that the officers of the department who passed upon the rule gave it a more liberal construction than the law at that time justified; but I claim, further, that Assistant Secretary Bussey corrected that by rendering his decision in the case to which I have called attention. I might say—because perhaps all Senators know it—that it is an unfortunate practice in the departments that whenever the head of a department indicates that he wants to follow one certain line of decision the employees of the department go to the extreme in that way, and if there is a change made and a new head wants to pursue another course, the officers usually go to the extreme in that way. The Senator knows that to be true. It is the practice in the departments here, and has been ever since I have been in Washington. I regret it, for I think the officers should perform their duty honestly and fairly, regardless of the wishes of the head of the department.

Mr. SMITH of Georgia. I ask the Senator from Kansas what time in January did Assistant Secretary Bussey make his ruling?

Mr. CURTIS. On January 7, 1893.

Mr. SMITH of Georgia. Does the Senator know whether that rule had been put into active operation in the bureau before March 3, 1893, or whether the examiners were merely continuing under the order of Commissioner Raum?

Mr. CURTIS. I will say to the Senator that they were proceeding under this decision, because he passed upon Order 164 in the decision, and naturally, as his opinion controlled and governed the department, it is reasonable to suppose that they proceeded thereafter to construe the order according to that decision.

Mr. SMITH of Georgia. He did not revoke the order of Commissioner Raum, did he?

Mr. CURTIS. It reads as follows:

> It appears, however, that said order, as understood by the department when approving it, may have been misconstrued by your bureau so far as it has been your practice to add the separate nominal and schedule rates allowed for several disabilities in making a rate under this act. * * * It is directed that the views herein expressed be observed in future adjudications of claims under the act of June 27, 1890.

So it was the direct order or decision repealing order 164 and directing the bureau to construe the law as indicated in Assistant Secretary Bussey's decision, as I have shown.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

The bill (S. 4624) granting pensions and increase of pensions to certain soldiers and sailors of the Regular Army and Navy and certain soldiers and sailors of wars other than the Civil War, and to certain widows and dependent relatives of such soldiers and sailors, was announced as next in order.

Mr. McCUMBER. Mr. President, I understand that certain Senators may desire to have some amendments made to the other private pension bills on the calendar, or, at least, desire to examine them, and therefore I ask that all the private pension bills on the calendar go over.

The VICE PRESIDENT. In the absence of objection, it will be so ordered, and the next bill on the calendar, being a private pension bill, will be passed over. The Secretary will state the next bill on the calendar.

REGULATION OF IMMIGRATION.

The bill (S. 3175) to regulate the immigration of aliens to and the residence of aliens in the United States was announced as next in order.

Mr. SMOOT. Let that go over, Mr. President.

The VICE PRESIDENT. The bill goes over.

JOHN L. O'MARA.

The bill (S. 2243) to correct the military record of John L. O'Mara and grant him an honorable discharge was considered as in Committee of the Whole.

The bill had been reported from the Committee on Military Affairs with an amendment to strike out all after the enacting clause and to insert:

> That in the administration of the pension laws John L. O'Mara, late of Company I, Thirteenth Regiment Maine Volunteer Infantry, shall hereafter be held and considered to have been discharged honorably from the military service of the United States as a member of said company and regiment on August 16, 1865.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

The title was amended so as to read: "A bill for the relief of John L. O'Mara."

AGRICULTURAL ENTRIES ON OIL LANDS.

The bill (S. 3045) to provide for agricultural entries on oil lands was announced as next in order, and the Senate, as in Committee of the Whole, resumed its consideration.

The VICE PRESIDENT. The bill has been heretofore read, and an amendment, which was offered by the senior Senator from Idaho [Mr. HEYBURN], is pending.

Mr. SMOOT. Mr. President, I ask that the amendment proposed by the Senator from Idaho may be stated.

The VICE PRESIDENT. The Secretary will state the amendment proposed by the Senator from Idaho.

The SECRETARY. In section 1, on page 1, line 6, after the word "entry," it is proposed to insert "under the mining laws of the United States and," so as to read:

> That from and after the passage of this act unreserved public lands of the United States, exclusive of Alaska, which have been withdrawn or classified as oil lands, or are valuable for oil, shall be subject to appropriate entry under the mining laws of the United States and under the homestead laws by actual settlers only, etc.

Mr. SMOOT. Mr. President, I will state that under the general withdrawal act of June 27, 1910, that is already provided for. I think, therefore, the amendment is absolutely unnecessary.

The VICE PRESIDENT. The question is on agreeing to the amendment.

The amendment was rejected.

Mr. WATSON. I offer the amendments which I send to the desk.

The VICE PRESIDENT. The amendments proposed by the Senator from West Virginia will be stated in their order.

The SECRETARY. In section 1, page 2, line 2, after the word "oil," it is proposed to insert the words "and gas."

Mr. SMOOT. Mr. President, I observe the effect of the amendment is that it reserves gas, and I have no objection to it.

The amendment was agreed to.

The VICE PRESIDENT. The next amendment proposed by the Senator from West Virginia will be stated.

The SECRETARY. In section 3, page 3, line 7, after the word "oil," it is proposed to insert the words "and gas."

The amendment was agreed to.

The VICE PRESIDENT. The next amendment proposed by the Senator from West Virginia will be stated.

The SECRETARY. In section 3, page 4, line 4, after the word "oil," it is proposed to insert the words "and gas."

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

Mr. HITCHCOCK. I should like to ask the Senator from Utah to express in a few words the exact effect of this bill.

Mr. SMOOT. Mr. President, in many of the Western States there are certain lands that have been withdrawn from settlement as oil lands, though they are agricultural in their character. This bill simply provides that in the future there may be homestead entries made upon such lands, reserving, however, the right of the Government to the oil and gas underneath. The entries are made with that reservation. It will allow great districts in the western country to be entered under the homestead law, reserving, however, as I have said, the oil and gas to the Government.

Mr. SMITH of Georgia. Will the Senator allow me to ask him a question?

The VICE PRESIDENT. Does the Senator from Utah yield to the Senator from Georgia?

Mr. SMOOT. Yes.

Mr. SMITH of Georgia. There has been some work going on in the department, has there not, to perfect a bill which would allow agricultural entries on a considerable class of land?

Mr. SMOOT. A bill has already been passed allowing these same entries upon coal lands withdrawn, and this is following that out exactly.

Mr. SMITH of Georgia. When was that bill passed?

Mr. SMOOT. It was passed some time in 1910; but it was after the withdrawal order of January 27, 1910.

Mr. SMITH of Georgia. Is there not now a bill pending from the department providing a way to make agricultural entries?

Mr. SMOOT. There is none that I know of, Mr. President. This is the only bill of the kind which is now before Congress. This is simply extending the reservation to oil and gas lands, the same as the general law applies to coal lands. I wish to say that the department is in hearty accord with this bill and recommends its passage.

Mr. SMITH of Georgia. Does the bill amply preserve the facilities for the Government, or anyone at the instance of the Government, to bore for oil?

Mr. SMOOT. The bill specifically provides that—

The reserved oil deposits in such lands shall be disposed of only as shall be hereafter expressly directed by law.

I call the Senator's attention to that provision.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

Mr. SMOOT. I suggest that the title of the bill should be amended so as to include the word "gas."

The VICE PRESIDENT. The Secretary will state the proposed amendment to the title.

The SECRETARY. After the word "oil" and before the word "lands" it is proposed to amend the title by inserting the words "and gas," so as to read: "A bill to provide for agricultural entries on oil and gas lands."

The VICE PRESIDENT. The title will be so amended.

BILLS PASSED OVER.

The VICE PRESIDENT. The next bill on the calendar, Senate bill 5045, being a pension bill, will be passed over.

The bill (S. 1505) for the relief of certain officers on the retired list of the United States Navy was announced as next in order.

Mr. SMOOT and Mr. BRISTOW. Let that bill go over.

The VICE PRESIDENT. The bill will go over. The two bills which are next on the calendar, being House bill 14918 and House bill 17671, are pension bills, and under the previous order of the Senate they will be passed over.

The bill (S. 180) providing for the celebration of the semicentennial anniversary of the act of emancipation, and for other purposes, was announced as next in order.

Mr. SMOOT. Mr. President, I think the Senator from Kentucky [Mr. BRADLEY], who is not now present, desires to be heard upon that bill, and I ask that it go over on that account.

The VICE PRESIDENT. The bill will be passed over.

The bill (S. 3116) to amend section 1 of the act of Congress of June 22, 1910, entitled "An act to provide for agricultural entries on coal lands," so as to include State land selections, indemnity school and educational lands, was announced as next in order.

Mr. CLARK of Wyoming. I ask that that bill go over for the present.

The VICE PRESIDENT. The bill will be passed over at the request of the Senator from Wyoming.

The bill (S. 2151) to authorize the Secretary of the Treasury to use at his discretion surplus moneys in the Treasury in the purchase or redemption of the outstanding interest-bearing obligations of the United States was announced as next in order.

Mr. GALLINGER and Mr. SMOOT. That bill has been read in full.

The VICE PRESIDENT. The bill has heretofore been read in full, but, without objection, the Secretary will reread the bill, as it has been some little time since it was read.

The Secretary again read the bill.

Mr. BACON. Mr. President, that is a matter of very considerable importance. I do not suppose the Senator in charge of it is prepared to go through the detailed explanation that some of us would desire before the bill is passed upon.

Mr. SMOOT. Perhaps not to-day, and, if the Senator so desires, I will ask that the bill go over.

Mr. BACON. That will be satisfactory to me.

The VICE PRESIDENT. The bill will be passed over at the request of the Senator from Utah.

DISPOSAL OF INDIAN LANDS IN TOWN SITES.

The bill (S. 256) affecting the sale and disposal of public or Indian lands in town sites, and for other purposes, was announced as next in order.

The VICE PRESIDENT. The bill has been heretofore read twice and the amendments reported by the committee have been agreed to. If there are no further amendments, the bill will be reported to the Senate.

The bill was reported to the Senate as amended.

Mr. BACON. Mr. President, if I recollect correctly, that bill embraces exactly the same provisions as those contained in the bill which was reported by the Senator from South Dakota [Mr. GAMBLE] with reference to the withdrawal of certain lands in that State. It provides, as I understand, a general law, giving to communities in former Indian reservations where town sites may be laid off a certain percentage—I have forgotten how much, but a very liberal percentage—of the proceeds of the sale of the lots, and also devoting 10 acres to the purposes of public buildings, parks, and so forth. The Senate, after very elaborate debate, I may say, in the case of the particular bill that I have mentioned, affecting certain lands in South Dakota, determined that that was an injustice to the Indians; that the original enabling act for each of the States affected by the bill was liberal to them in reserving a certain proportion of the public lands to the public education of the State; and that the effect of this further provision would be to take that much more from the Indians. If I recollect aright, I have correctly stated the proposition. The Senate then passed upon it.

Mr. CURTIS rose.

Mr. BACON. I will inquire if this is not of the class of bills to which I refer?

Mr. CURTIS. That is what I was going to ask the Senator.

Mr. BACON. I understand this to be a general bill of that kind.

Mr. ROOT. Mr. President, in conversation with the Senator from South Dakota [Mr. GAMBLE], who had charge of the bill to which the Senator from Georgia [Mr. BACON] refers, after the bill was laid aside I understood him to say that the committee would probably make a change in the bill in accordance with the informally expressed view——

Mr. BACON. That was done.

Mr. ROOT. I think this bill retains that same provision that we expected would be cut out.

Mr. CURTIS. Mr. President——

Mr. BACON. Pardon me a moment, so that I can reply to the Senator from New York. The Senator is correct in that statement, and on that account the bill was defeated in the Senate; but on the motion of the Senator from South Dakota, who changed his vote for the purpose, it was reconsidered; then it was again brought before the Senate with that objectionable feature eliminated, and the bill was passed in that form. If I understand this bill correctly, it would not only restore that feature as to South Dakota, but it would restore it as to all of the States, and I think it has been certainly indicated by the Senate that they thought that would be an injustice to the Indians, and it has been condemned.

Mr. CURTIS. Mr. President——

The VICE PRESIDENT. Does the Senator from Georgia yield to the Senator from Kansas?

Mr. BACON. Yes.

Mr. CURTIS. I have examined the calendar, and I find that it is the bill to which the Senator from Georgia referred, and does cover the same proposition. I suggest that the bill go over.

Mr. GALLINGER. Let the bill go over.

The VICE PRESIDENT. The bill will be passed over.

BILLS PASSED OVER.

The bill (S. 4762) to amend an act approved February 6, 1905, entitled "An act to amend an act approved July 1, 1902,

entitled 'An act temporarily to provide for the administration of the affairs of civil government in the Philippine Islands, and for other purposes,' and to amend an act approved March 8, 1902, entitled 'An act temporarily to provide revenue for the Philippine Islands, and for other purposes,' and to amend an act approved March 2, 1903, entitled 'An act to establish a standard of value and to provide for a coinage system in the Philippine Islands,' and to provide for the more efficient administration of civil government in the Philippine Islands, and for other purposes," was announced as next in order.

Mr. GALLINGER. Let that bill go over.

The VICE PRESIDENT. The bill will be passed over, and the next two bills on the calendar, Senate bill 5193 and Senate bill 5194, being pension bills, will be passed over under the previous order.

The resolution (S. Res. 136) directing the Committee on Privileges and Elections to investigate certain charges relative to the election of ISAAC STEPHENSON was announced as next in order.

Mr. SMOOT. Let that go over.

The VICE PRESIDENT. The resolution will be passed over.

ALICE V. HOUGHTON.

The bill (S. 5137) for the relief of Alice V. Houghton was announced as next in order.

Mr. SMOOT. Mr. President, from friends of Miss Houghton I understand that the amount carried by the bill, which I think is $3,500, is not satisfactory, and they would very much prefer to wait until the House of Representatives acts in this particular case. There is a bill now pending in that body for her relief, and from what was told me by her closest friend, I think she desires that bill to be acted upon before the Senate bill is considered. For that reason I ask that it go to the calendar under Rule IX.

The VICE PRESIDENT. Without objection, the bill will be transferred to the calendar under Rule IX.

JAMES ANDERSON.

The bill (S. 1043) to correct the military record of James Anderson was announced as next in order.

Mr. OVERMAN. Mr. President, I ask to have the report read in that case.

The VICE PRESIDENT. The Secretary will read the report of the committee, as requested by the Senator from North Carolina.

Mr. OVERMAN. If any Senator will explain the bill I will not ask for the reading of the report; but it is now 50 years after the close of the war, and I think we ought to be very careful about passing bills of this character. When a man has been dishonorably discharged from the service and after 50 years comes here and asks for a correction of his record, I think some one ought to explain it. I should be glad to hear such an explanation.

Mr. CURTIS. The report is very complete and explains the case fully. The case was examined by the Senator from Arkansas [Mr. CLARKE], and the bill was unanimously reported by the committee. They found that a great injustice had been done to the soldier. I hope the Senator will not object to the consideration of the bill.

Mr. OVERMAN. I will ask that it go over for the present, so that I may examine it.

The VICE PRESIDENT. The bill will go over at the request of the Senator from North Carolina.

SERVICE PENSIONS.

The bill (H. R. 1) granting a service pension to certain defined veterans of the Civil War and the War with Mexico was announced as next in order.

The VICE PRESIDENT. That bill, being the unfinished business, will be passed over.

NORTHERN PACIFIC RAILWAY CO.

The bill (H. R. 17242) to authorize the Northern Pacific Railway Co. to cross the Government right of way along and adjacent to canal connecting the waters of Puget Sound with Lake Washington at Seattle, in the State of Washington, was considered as in Committee of the Whole. It authorizes the Northern Pacific Railway Co., a corporation organized under the laws of Wisconsin, and having authority to construct, maintain, and operate a bridge and approaches thereto across the waterway connecting Puget Sound with Lakes Union and Washington at Seattle, in the State of Washington, at a point at or near the head of Salmon Bay, to cross and occupy the right of way owned by the United States adjacent to and along that waterway, under such terms and conditions as the Secretary of War may deem equitable and fair to the public, in accordance with the provisions of the act entitled "An act to regulate the construction of bridges over navigable waters," approved March 23, 1906.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

LEWIS F. WALSH.

The bill (S. 3873) for the relief of Lewis F. Walsh was announced as next in order, and the Secretary read the bill.

Mr. OVERMAN. Mr. President, that is one of the bills proposing to correct a military record, and while I do not know that I shall have any objection to it, I should like to have some Senator explain the bill, or I will ask that it go over.

The VICE PRESIDENT. The bill will go over at the request of the Senator from North Carolina.

Mr. WARREN subsequently said: Mr. President, I was necessarily detained from the Chamber and in committee when the bill (S. 3873) for the relief of Lewis F. Walsh came up on the calendar and was passed over. I should like now to call it up. It is a very short military record bill.

Mr. OVERMAN. I merely asked that it be passed over because I wanted to know what are the facts.

Mr. WARREN. It is merely to give a poor widow who has a number of children, the pension that would come to her, her husband being dead, if his record were clear, and the report shows that the record ought to be cleared.

Mr. OVERMAN. Was he a deserter?

Mr. WARREN. He was.

The VICE PRESIDENT. Is there objection to the present consideration of the bill?

Mr. OVERMAN. If that is true why——

Mr. WARREN. I ask unanimous consent that the bill be taken up. I do not care to debate it until it is taken up.

Mr. OVERMAN. I shall not object to its being taken up, but I should like to hear an explanation of it.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill. It proposes: That in the administration of the pension laws Lewis F. Walsh, who was a private in Company C, Third Regiment Michigan Volunteer Cavalry, shall hereafter be held and considered to have been honorably discharged from the military service of the United States as a member of that organization on the 25th day of November, 1864, but that no pension shall accrue prior to the approval of the bill.

Mr. WARREN. As will be seen from the official report of The Adjutant General of the Army, quoted in the committee report on this bill, Lewis F. Walsh was mustered into service September 17, 1861, as a private of Company C, Third Michigan Volunteer Cavalry, to serve three years. He was promoted in the following May to sergeant; later to first sergeant, and then to sergeant major with transfer to the noncommissioned staff. He was captured by the enemy in May, 1863, and after parole rejoined his regiment, received honorable discharge from his first enlistment, and reenlisted as a veteran volunteer. Three months after his second enlistment he was reduced to the ranks on a charge of intoxication and assigned to his former company, C, the rolls of which show him deserted November 25, 1864.

It seems to me that the Government can afford to overlook this soldier's fault at this late date, in view of his long and faithful service throughout almost the entire war and up to a date less than six months prior to the close of the war, and that the triviality of the offense for which the soldier was reduced to the ranks and humiliated, which action was the cause of his quitting the Army without leave, and the privations and sufferings which he endured in Libby Prison, make this an exceptionally appealing case.

The purpose of this bill is to give a pensionable status to the soldier's widow, the mother of his five children, who, with her children, is in destitute circumstances and has no means whatever except her earnings from laundry work. The soldier died in November, 1911, after many years' suffering from paralysis.

To sum up the case, the soldier served throughout almost the entire war under two enlistments. In his first enlistment he rose from the ranks through successive promotions to noncommissioned offices up to sergeant major, and served on the noncommissioned staff. He had been in Libby Prison, and it is probable that the effects of his imprisonment brought about the one fault of an otherwise good soldier—that of becoming intoxicated. He was a high-spirited man, and, having been reduced to the ranks for intoxication, all of his high spirit, which had made him an exemplary soldier, rebelled against the disgrace that had overtaken him, and in anger, suffering from humiliation and the taunts of his comrades, he deserted. But regardless of his long and valuable service to almost the close of the war he received nothing from his country in way of pension, and

the pending bill, if enacted, will simply give a small pension for a few years to his widow.

Mr. OVERMAN. When was he married?

Mr. WARREN. The information that comes to me—and I may say that the family lives in Springfield, Mass.—is that this is an aged woman; that she is obliged to earn her support by doing laundry work.

Mr. OVERMAN. They would not be the soldier's children?

Mr. WARREN. Why not? As a matter of fact, they are his children.

Mr. OVERMAN. They would be over the pensionable age.

Mr. WARREN. They may be over the pensionable age, but if they are unable to support themselves they would have to be supported by her.

Mr. OVERMAN. Would the children be entitled to a pension?

Mr. WARREN. Oh, no.

Mr. OVERMAN. I thought the Senator said "a widow and children."

Mr. WARREN. It is merely to enable her to receive a widow's pension. I did not intend to convey the idea that additional pension would be granted the children.

Mr. OVERMAN. But the Senator spoke of the "widow and children."

Mr. WARREN. I spoke more particularly of her destitution. She is in destitute circumstances. I have nothing further to say about the case.

Mr. OVERMAN. I shall make no objection to the consideration of the bill, but I shall not vote for its passage.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

BILLS PASSED OVER.

The bill (S. 4778) to correct the military record of John P. Haines was announced as next in order.

Mr. OVERMAN. That is a bill to correct a military record.

The VICE PRESIDENT. Does the Senator from North Carolina desire that bill to go over?

Mr. OVERMAN. Yes.

The VICE PRESIDENT. At the request of the Senator from North Carolina the bill will be passed over.

The bill (S. 1337) authorizing the President to nominate and, by and with the advice and consent of the Senate, appoint Lloyd L. R. Krebs, late a captain in the Medical Corps of the United States Army, a major in the Medical Corps on the retired list, and increasing the retired list by one for the purposes of this act, was announced as next in order.

Mr. NELSON. I should like to have that bill go over.

The VICE PRESIDENT. The bill will be passed over at the request of the Senator from Minnesota.

SALE OF BURNT TIMBER ON PUBLIC LANDS.

The bill (H. R. 9845) to authorize the sale of burnt timber on the public lands, and for other purposes, was considered as in Committee of the Whole.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

CIVIL GOVERNMENT IN THE PHILIPPINES.

The bill (H. R. 17837) to amend an act approved July 1, 1902, entitled "An act temporarily to provide for the administration of the affairs of civil government in the Philippine Islands, and for other purposes," was considered as in the Committee of the Whole.

It proposes to amend section 4 of the act referred to so as to read as follows:

SEC. 4. That all inhabitants of the Philippine Islands continuing to reside therein who were Spanish subjects on the 11th day of April, 1899, and then resided in said islands, and their children born subsequent thereto, shall be deemed and held to be citizens of the Philippine Islands and as such entitled to the protection of the United States, except such as shall have elected to preserve their allegiance to the Crown of Spain in accordance with the provisions of the treaty of peace between the United States and Spain signed at Paris December 10, 1898: *Provided*, That the Philippine Legislature is hereby authorized to provide by law for the acquisition of Philippine citizenship by those natives of the Philippine Islands who do not come within the foregoing provisions, the natives of other insular possessions of the United States, and such other persons residing in the Philippine Islands who could become citizens of the United States under the laws of the United States if residing therein.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

HOMESTEAD ENTRIES.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (S. 2194) to amend section 2288 of the Revised Statutes of the United States relating to homestead entries.

The bill had been reported from the Committee on Public Lands with an amendment to insert at the end of the bill the following proviso:

Provided, That if such settler shall fail to perfect title to such claim his transferee of any portion thereof shall not by virtue of such transfer be deemed to have acquired any right, title, or interest in the land or right of way across it as against the United States, unless he comply with the laws governing the acquisition of such rights of way upon the public lands.

The amendment was agreed to.

The VICE PRESIDENT. One other amendment has previously been agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

POINT LOMA LIGHT STATION, CAL.

The bill (S. 5072) to establish a fog signal and additional quarters at Point Loma Light Station, San Diego, Cal., was considered as in Committee of the Whole. It proposes to appropriate $17,500 for establishing a fog signal and additional quarters at Point Loma Light Station, San Diego, Cal.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

SANTA BARBARA LIGHT STATION, CAL.

The bill (S. 5074) to authorize the improvement of Santa Barbara Light Station, Cal., including a fog signal and a keeper's dwelling was considered as in Committee of the Whole. It proposes to improve the Santa Barbara Light Station, Cal., including a fog signal and a keeper's dwelling, at a cost not to exceed $23,000.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

PUBLIC BUILDING AT NEWCASTLE, WYO.

The bill (S. 318) to provide for the acquisition of a site and the erection of a public building thereon at Newcastle, Wyo., was considered as in Committee of the Whole.

The bill had been reported from the Committee on Public Buildings and Grounds, with an amendment, on page 2, line 2, to strike out "seventy-five thousand" and insert "sixty-seven thousand five hundred," so as to make the bill read:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to acquire, by purchase, condemnation, or otherwise, a site, and cause to be erected thereon a suitable building, including fireproof vaults, heating and ventilating apparatus, elevators, and approaches, for the use and accommodation of the United States post office and other governmental offices in the city of Newcastle and State of Wyoming, the cost of said site and building, including said vaults, heating and ventilating apparatus, elevators, and approaches, not to exceed the sum of $67,500.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

PUBLIC BUILDING AT THERMOPOLIS, WYO.

The bill (S. 4493) to provide for the purchase of a site and the erection of a public building thereon at Thermopolis, in the State of Wyoming, was considered as in Committee of the Whole.

The bill had been reported from the Committee on Public Buildings and Grounds with an amendment, on page 2, line 2, to strike out "sixty" and insert "sixty-five," so as to make the bill read:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to acquire, by purchase, condemnation, or otherwise, a site, and cause to be erected thereon a suitable building, including fireproof vaults, heating and ventilating apparatus, elevators, and approaches, for the use and accommodation of the United States post office and other governmental offices, in the city of Thermopolis and State of Wyoming, the cost of said site and building, including said vaults, heating and ventilating apparatus, elevators, and approaches, not to exceed the sum of $65,000.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

SITE FOR PUBLIC BUILDING AT VERMILION, S. DAK.

The bill (S. 406) for the purchase of a site and the erection of a public building thereon at Vermilion, in the State of South Dakota, was considered as in Committee of the Whole.

The bill had been reported from the Committee on Public Buildings and Grounds with an amendment, on page 1, line 5,

after the words "a site," to strike out all down to the word "sites," in line 19, on page 2, and insert:

On which to erect a suitable building, including fireproof vaults, heating and ventilating apparatus, and approaches, complete, for the use and accommodation of the United States post office and other Government offices in Vermilion, S. Dak., at a cost not to exceed the sum of $7,500.

So as to read:

That the Secretary of the Treasury be, and he is hereby, authorized and directed to acquire, by purchase, condemnation, or otherwise, a site on which to erect a suitable building, including fireproof vaults, heating and ventilating apparatus, and approaches, complete, for the use and accommodation of the United States post office and other Government offices in Vermilion, S. Dak., at a cost not to exceed the sum of $7,500.

The amendment was agreed to.

The bill was reported to the Senate as amended and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

The title was amended so as to read: "A bill to provide for the acquisition of a site on which to erect a public building at Vermilion, S. Dak."

PUBLIC BUILDING AT MADISON, S. DAK.

The bill (S. 407) to provide for the erection of a public building in the city of Madison, S. Dak., was considered as in Committee of the Whole.

The bill had been reported from the Committee on Public Buildings and Grounds with an amendment, on page 1, line 11, before the word "thousand," to strike out the words "one hundred" and insert "sixty-five," so as to read:

That the Secretary of the Treasury be, and he is hereby, authorized and directed to cause to be erected upon the site already selected and purchased by him in the city of Madison, S. Dak., a suitable building, including fireproof vaults, heating and ventilating apparatus, and approaches, for the use and accommodation of the United States post office and other Government offices at the said city of Madison, S. Dak., which said building shall cost, complete, not to exceed the sum of $65,000.

The amendment was agreed to.

The bill was reported as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

SITE FOR PUBLIC BUILDING AT GILMER, TEX.

The bill (S. 954) for the acquisition of a site on which to erect a public building at Gilmer, Tex., was considered as in Committee of the Whole.

The bill had been reported from the Committee on Public Buildings and Grounds with an amendment, on page 1, line 9, before the word "thousand," to strike out "ten" and insert "six," so as to read:

That the Secretary of the Treasury be, and he is hereby, authorized and directed to acquire, by purchase, condemnation, or otherwise, a site on which to erect a suitable building, including fireproof vaults, heating and ventilating apparatus, and approaches, complete, for the use and accommodation of the United States post office in Gilmer, Tex., at a cost not to exceed the sum of $6,000.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engroseed for a third reading, read the third time, and passed.

PUBLIC BUILDING AT DENTON, TEX.

The bill (S. 3831) to provide for the purchase of a site and the erection of a public building thereon at Denton, Tex., was considered as in Committee of the Whole.

The bill had been reported from the Committee on Public Buildings and Grounds with an amendment, on page 1, line 8, after the word "cost," to strike out "and site" and to insert "of site and," so as to make the bill read:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to acquire, by purchase, condemnation, or otherwise, a site and cause to be erected thereon a suitable building for the use and accommodation of the post office and other offices of the Government at Denton, in the county of Denton, Tex., the cost of site and of said building not to exceed $75,000.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

PUBLIC BUILDING AT NEW BRAUNFELS, TEX.

The bill (S. 4042) to provide for the erection of a public building at New Braunfels, Tex., was considered as in Committee of the Whole. It directs the Secretary of the Treasury to cause to be erected at New Braunfels, Tex., on the site now owned by the United States, a suitable building for the use and accommodation of the United States post office in that city, the cost of the building, exclusive of site, not to exceed $60,000, which sum the bill appropriates for that purpose.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

PUBLIC BUILDING AT ASTORIA, OREG.

The bill (S. 1175) to authorize the purchase of a site and erection of a public building at Astoria, Oreg., was considered as in Committee of the Whole.

The bill had been reported from the Committee on Public Buildings and Grounds with an amendment, on page 1, line 10, before the word "thousand" to strike out "fifty" and insert "eighty-five," so as to make the bill read:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to acquire, by purchase, condemnation, or otherwise, a site, and cause to be erected thereon a suitable building, including fireproof vaults, heating and ventilating apparatus, and approaches, for the use and accommodation of the United States post office and other Federal offices at Astoria, in the State of Oregon, the cost of same not to exceed $185,000.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

PUBLIC BUILDING AT OREGON CITY, OREG.

The bill (S. 1712) to provide for the purchase of a site and for the erection of a public building thereon at Oregon City, Oreg., was considered as in Committee of the Whole. It directs the Secretary of the Treasury to acquire, by purchase, condemnation, or otherwise, a site, and cause to be erected thereon a suitable building for the use and accommodation of the United States post office and other Federal offices at Oregon City, Oreg., the cost not to exceed $75,000.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

SUBPORTS OF ENTRY IN NORTH DAKOTA.

The bill (S. 4572) to designate Walhalla, Neche, and St. John, in the State of North Dakota, subports of entry, and to extend the privileges of the first section of the act of Congress approved June 10, 1880, to said subports, was considered as in Committee of the Whole.

The bill had been reported from the Committee on Commerce with an amendment to insert as a new section the following:

SEC. 3. That the Secretary of the Treasury is hereby authorized to discontinue the said subports of entry or to withdraw the privileges of the first section of the act of June 10, 1880, therefrom, at any time when he shall be satisfied that the interests of commerce or of the revenue no longer require their continuance.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

NORTHERN CHEYENNE INDIANS.

The bill (S. 4004) to authorize the use of the funds of certain northern Cheyenne Indians was considered as in Committee of the Whole.

The bill had been reported from the Committee on Indian Affairs with amendments, on page 1, line 9, after the word "and," to strike out "to pay the same out to the members entitled thereto;" and on page 2, line 2, before the word "stock," to strike out "horses," so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior is hereby authorized, in his discretion, to withdraw from the Treasury the entire share of the Northern Cheyenne Indians in the permanent fund created under section 17 of the act of Congress, approved March 2, 1889 (U. S. Stats. L., vol. 25, p. 888), and to expend it for the benefit of said Northern Cheyenne Indians in the purchase of stock cattle, or such articles as in his judgment will best advance said Indians in civilization and self-support.

The amendments were agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

YUMA INDIAN RESERVATION, CAL.

The bill (S. 4488) authorizing the setting aside of a tract of land for a school site and school farm on the Yuma Indian Reservation, in the State of California, was considered as in Committee of the Whole.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

FRANCIS M. MALONE.

The bill (S. 4999) for the relief of Francis M. Malone, was considered as in Committee of the Whole.

The bill had been reported from the Committee on Military Affairs with an amendment, on page 1, line 7, after the word "pay," to insert "increase of pay," so as to make the bill read:

Be it enacted, etc., That Francis M. Malone shall hereafter be held and considered to have been mustered into the military service of the United States as colonel of the Seventh Regiment Kansas Volunteer Cavalry on September 1, 1865, to have held that grade in the organization mentioned until September 29, 1865, and to have been honorably discharged from service as such on the last-named date: *Provided*, That no bounty, pay, increase of pay, or other allowance shall become due and payable by reason of the passage of this act.

Mr. OVERMAN. I shall not object to the consideration of the bill, although it makes the beneficiary a colonel, inasmuch as there are incorporated in the bill the words "That no bounty, pay, increase of pay, or other allowance shall become due and payable by reason of the passage of this act."

Mr. GALLINGER. This officer had a very distinguished service.

Mr. OVERMAN. I do not object to the consideration of the bill.

The VICE PRESIDENT. The question is on agreeing to the amendment proposed by the Committee on Military Affairs.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

PUBLIC BUILDING AT MOUNDSVILLE, W. VA.

The bill (S. 4222) to increase the limit of cost of the public building at Moundsville, W. Va., was considered as in Committee of the Whole.

The bill had been reported from the Committee on Public Buildings and Grounds with an amendment, in line 6, before the word "thousand," to strike out "one hundred and fourteen" and insert "ninety," so as to make the bill read:

Be it enacted, etc., That the limit of the cost of the public building at Moundsville, W. Va., be, and is hereby, increased from $65,000, as heretofore fixed by Congress, to $90,000.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

POST-OFFICE BUILDING AT PLAINFIELD, N. J.

The bill (S. 2698) increasing the cost of erecting a post-office building at Plainfield, N. J., was considered as in Committee of the Whole. It proposes to increase the limit of cost heretofore fixed from $100,000 to $150,000.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

GEORGE OWENS, JOHN J. BRADLEY, AND OTHERS.

The bill (S. 2014) for the relief of George Owens, John J. Bradley, William M. Godfrey, Rudolph G. Ebert, Herschel Tupes, William H. Sage, Charles L. Tostevin, Alta B. Spaulding, and Grace E. Lewis was read.

Mr. ROOT. I see, looking at the report on this bill, that it appears to have been disapproved of by the Department of the Interior and by the Department of Agriculture. It seems to me there ought to be some explanation of it.

Mr. SMOOT. It has been approved.

Mr. ROOT. I think it had better go over.

The VICE PRESIDENT. The bill will go over.

AFFAIRS OF THE FIVE CIVILIZED TRIBES.

The bill (S. 4753) to amend an act entitled "An act to provide for the final disposition of the affairs of the Five Civilized Tribes in the Indian Territory, and for other purposes," approved April 26, 1906 (34 Stat. L., p. 137), was considered as in Committee of the Whole. It authorizes the Secretary of the Interior to sell the land and timber, together or separately, reserved from allotment under the provisions of section 7 of the act referred to.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

PUBLIC BUILDING AT EUREKA, UTAH.

The bill (S. 1752) to provide for the erection of a public building at Eureka, Utah, was considered as in Committee of the Whole.

The bill had been reported from the Committee on Public Buildings and Grounds with an amendment, in line 9, before the word "thousand," to strike out "thirty" and insert "sixty," so as to read:

That the Secretary of the Treasury be, and he is hereby, authorized and directed to acquire, by purchase, condemnation, or otherwise, a site and cause to be erected thereon a suitable building for the use and accommodation of the post office and other offices of the Government at Eureka, Utah, the cost of said site and building not to exceed $60,000.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

PUBLIC BUILDING AT SOUTH BETHLEHEM, PA.

The bill (S. 4585) to provide for the erection of a public building on a site already acquired at South Bethlehem, Pa., was considered as in Committee of the Whole.

The bill had been reported from the Committee on Public Buildings and Grounds with an amendment, on page 2, line 2, after the words "'sum of," to strike out "one hundred and fifty" and insert "eighty-five," so as to read:

That the Secretary of the Treasury be, and he is hereby, authorized and directed to have erected a suitable building for the use and accommodation of the United States post office and other Government offices upon the site heretofore acquired by the United States Government at the corner of Fourth Street and Broadhead Avenue, in the borough of South Bethlehem, county of Northampton, and State of Pennsylvania, the cost of said building, including fireproof vaults, heating and ventilating system, office equipment, and approaches, complete, not to exceed the sum of $85,000.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

PUBLIC BUILDING AT SALT LAKE CITY, UTAH.

The bill (S. 4245) to increase the limit of cost of the additions to the public building at Salt Lake City, Utah, was considered as in Committee of the Whole. It proposes to increase the limit of cost from $205,000 to $225,000.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

PUBLIC BUILDING AT ST. GEORGE, UTAH.

The bill (S. 3716) for the erection of a public building at St. George, Utah, was considered as in Committee of the Whole.

It directs the Secretary of the Treasury to cause to be erected, on a site to be donated to the Government, a suitable building for the use of the United States post office and other Government offices in the city of St. George, Utah, the cost of the building, complete, not to exceed $50,000.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

PUBLIC BUILDING, FRANKLIN, PA.

The bill (S. 4619) to provide for the purchase of a site and the erection of a public building thereon in the city of Franklin, State of Pennsylvania, was considered as in Committee of the Whole.

The bill had been reported from the Committee on Public Buildings and Grounds with amendments, on page 2, line 2, before the word "thousand," to strike out "fifty" and insert "twenty-five"; in line 3, before the word "thousand," to strike out "twenty-five" and insert "fifteen"; in line 6, before the word "thousand," to strike out "twenty-five" and insert "ten"; and to strike out all of lines 8 to 17, inclusive, so as to make the bill read:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to purchase or otherwise provide a site and cause to be constructed thereon a substantial and commodious building, with fireproof vaults and suitable fixtures, for the use and accommodation of the United States post office and other Government offices in the city of Franklin, State of Pennsylvania.

The site and building thereon, when completed upon plans and specifications to be previously made and approved by the Secretary of the Treasury, shall not exceed in cost the sum of $125,000, as follows: The sum of $15,000, or as much thereof as is needed, for the purchase of a site for the building, and the balance, $110,000, or as much thereof as is necessary, for the erection of the building.

The amendments were agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

CATHERINE GRIMM.

The bill (S. 4520) for the relief of Catherine Grimm was considered as in Committee of the Whole. It proposes to pay to Catherine Grimm, of Cleveland, Ohio, mother of Otto B. Grimm, late first lieutenant, Signal Corps, United States Army,

$1,200, in full compensation of all claims or demands of the estate of the late Otto B. Grimm.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

SITE FOR PUBLIC BUILDING AT CANTON, S. DAK.

The bill (S. 408) to provide for the purchase of a site and the erection of a public building thereon at Canton, in the State of South Dakota, was considered as in Committee of the Whole.

The bill had been reported from the Committee on Public Buildings and Grounds with an amendment, on page 1, line 5, after the words "a site," to strike out down to the word "sites" in line 18, page 2, and to insert in lieu thereof the following:

On which to erect a suitable building, including fireproof vaults, heating and ventilating apparatus, and approaches, complete, for the use and accommodation of the United States post office and other Government offices in Canton, S. Dak., at a cost not to exceed the sum of $7,500.

The amendment was agreed to.

Mr. SUTHERLAND. Lines 1, 2, and 3, on page 3, should be stricken out.

The VICE PRESIDENT. The Senator from Utah offers an amendment which will be stated.

The SECRETARY. It is proposed to strike out the paragraph, on page 3, reading as follows:

The building shall be unexposed to danger from fire by an open space of at least 40 feet on each side, including streets and alleys.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

The title was amended so as to read: "A bill to provide for the acquisition of a site on which to erect a public building at Canton, S. Dak."

SITE FOR PUBLIC BUILDING AT MILBANK, S. DAK.

The bill (S. 410) to provide for the acquisition of a site on which to erect a public building at Milbank, S. Dak., was considered as in Committee of the Whole.

The bill had been reported from the Committee on Public Buildings and Grounds with amendments, on page 1, line 8, after the word "office," to insert "and other Government offices," and in line 10, before the word "dollars," to strike out "ten thousand" and insert "seven thousand five hundred," so as to read:

That the Secretary of the Treasury be, and he is hereby, authorized and directed to acquire, by purchase, condemnation, or otherwise, a site on which to erect a suitable building, including fireproof vaults, heating and ventilating apparatus, and approaches, complete, for the use and accommodation of the United States post office and other Government offices in Milbank, S. Dak., at a cost not to exceed the sum of $7,500.

The amendments were agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

PUBLIC BUILDING AT BELLEFOURCHE, S. DAK.

The bill (S. 876) to provide for the purchase of a site and the erection of a public building thereon at Bellefourche, in the State of South Dakota, was considered as in Committee of the Whole.

The bill had been reported from the Committee on Public Buildings and Grounds with amendments on page 1, line 5, after the word "site," to strike out all down to and including the word "sites" in line 18, on page 2, and in lieu thereof to insert:

On which to erect a suitable building, including fireproof vaults, heating and ventilating apparatus, and approaches, complete, for the use and accommodation of the United States post office and other Government offices in Bellefouche, S. Dak., at a cost not to exceed the sum of $7,500.

The amendment was agreed to.

Mr. SUTHERLAND. I move to strike out the three lines on page 3.

The VICE PRESIDENT. The Senator from Utah proposes an amendment, which will be stated.

The SECRETARY. It is proposed to strike out lines 1, 2, and 3 on page 3, as follows:

The building shall be unexposed to danger from fire by an open space of at least 40 feet on each side, including streets and alleys.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

The title was amended so as to read: "A bill to provide for the acquisition of a site on which to erect a public building at Bellefourche, S. Dak."

GEORGE IVERS, ADMINISTRATOR.

The bill (S. 100) to carry into effect the findings of the military board of officers in the case of George Ivers, administrator, was considered as in Committee of the Whole.

The bill was reported from the Committee on Claims with amendments, on page 1, line 9, after the words "compensation for," to strike out "rent, use, and occupation" and insert "destruction"; in line 10, before the word "appropriated," to strike out "and"; in the same line, after the word "appropriated" to insert "and destroyed"; and in line 12, after the words "Civil War," to strike out the comma and the remainder of the bill and insert a period, so as to make the bill read:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury of the United States not otherwise appropriated, to George Ivers, of Boone, Pueblo County, Colo., administrator of William Ivers, deceased, late of Santa Fe, N. Mex., or his legal representative, the sum of $1,500, in full compensation for destruction of property leased, appropriated, and destroyed by the United States authorities during the Civil War.

The amendments were agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

RITTENHOUSE MOORE.

The bill (S. 2414) for the relief of Rittenhouse Moore was considered as in Committee of the Whole. It proposes to pay to Rittenhouse Moore $3,650.05, being the amount stated and claimed by him, as set forth in House Document No. 100, Fifty-eighth Congress, second session, for overwidth dredging in the Potomac River below Washington, D. C., and recommended by the Secretary of War, as therein shown.

Mr. SMOOT. I notice in the report Charles J. Allen, lieutenant colonel, Corps of Engineers, makes this statement:

I also think that in case the allowance should be made Mr. Moore on account of this claim of his, he should be required, before being paid, to accept the same as in full for any and all claims against the United States on account of both overwidth and overdepth dredging done by him under the said contract of November 1, 1899, and the said two supplemental contracts thereto.

I remember something of the claim. I am not going to object to the passage of the bill, but I wanted to have the following proviso put in:

Provided, That this sum shall be deemed to be and shall be accepted as full and final settlement for any and all claims against the United States on account of both overwidth and overdepth dredging done by the said Rittenhouse Moore under the said contract of November 1, 1899, and the said two supplemental contracts thereto, as stated in the said House document.

Mr. GALLINGER. If the Senator inserts that proviso, I suggest to him that the word "overwidth" ought to be taken out in line 9, before "dredging," and then the proviso provides for both overwidth and overdepth dredging. The Senator will perceive in the body of the bill it is for overwidth dredging. Let that word go out.

Mr. SMOOT. In the claim it is for overwidth and for overdepth.

Mr. GALLINGER. But the Senator will observe that the proviso covers both.

Mr. SMOOT. That is true.

Mr. GALLINGER. I move to strike out the word "overwidth" in line 9.

Mr. SMOOT. Very well; let that amendment be agreed to.

The SECRETARY. On page 1, line 9, before the word "dredging," strike out "overwidth."

The amendment was agreed to.

Mr. GALLINGER. In looking at the bill, I suggest that in line 7 the word "being" should be stricken out and the words in his own statement inserted, "in full settlement for."

Mr. SMOOT. That is true.

The VICE PRESIDENT. The amendment will be stated.

The SECRETARY. On page 1, line 7, strike out the word "being" and in lieu insert "in full settlement for."

The amendment was agreed to.

The VICE PRESIDENT. Without objection, the amendment offered by the Senator from Utah is agreed to. If there be no further amendments the bill will be reported to the Senate.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

PUBLIC BUILDINGS AT SUNDANCE, WYO.

The bill (S. 317) to provide for the purchase of a site and the erection of a public building thereon at Sundance, in the

State of Wyoming, was considered as in Committee of the Whole. It directs the Secretary of the Treasury to acquire, by purchase, condemnation, or otherwise, a site, and cause to be erected thereon a suitable building, including fireproof vaults, heating and ventilating apparatus, elevators, and approaches, for the use and accommodation of the United States post office and other governmental offices in the city of Sundance and State of Wyoming, the cost of said site and building, including vaults, heating and ventilating apparatus, elevators, and approaches, not to exceed $75,000.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

UMATILLA INDIAN LANDS IN OREGON.

The bill (S. 3225) providing when patents shall issue to the purchaser or heirs of certain lands in the State of Oregon was considered as in Committee of the Whole. It provides that all persons who have heretofore purchased any of the lands of the Umatilla Indian Reservation, in the State of Oregon, and have made or shall make full and final payment therefor in conformity with the acts of Congress of March 3, 1885, and of July 1, 1902, respecting the sale of such lands, shall be entitled to receive patent therefor upon submitting satisfactory proof to the Secretary of the Interior that the untimbered lands so purchased are not susceptible of cultivation or residence, and are exclusively grazing lands, incapable of any profitable use other than for grazing purposes.

Section 2 provides that where a party entitled to claim the benefits of this act dies before securing a patent therefor it shall be competent for the executor or administrator of the estate of such party, or one of the heirs, to make the necessary proofs and payments therefor to complete the same; and the patent in such cases shall be made in favor of the heirs of the deceased purchaser and the title to said lands shall inure to such heirs, as if their names had been especially mentioned.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

GEORGE OWENS, JOHN J. BRADLEY, AND OTHERS.

Mr. CHAMBERLAIN. I should like very much to have the Senate return to Senate bill 2014, which was passed over in my absence.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill (S. 2014) for the relief of George Owens, John J. Bradley, William M. Godfrey, Rudolph G. Ebert, Herschel Tupes, William H. Sage, Charles L. Tostevin, Alta B. Spaulding, and Grace E. Lewis, which had been reported from the Committee on Public Lands with amendments.

The VICE PRESIDENT. The bill has been read in full within a few moments.

Mr. ROOT. I wanted an explanation of it; that is all.

The VICE PRESIDENT. The amendments will be stated.

The SECRETARY. In section 1, page 3, after line 6, insert:

Parcel No. 10. The south half southwest quarter of section 17, and the north half northwest quarter of section 20, township 25 north, range 11 west.

Mr. CHAMBERLAIN. Mr. President, I understood that the Senator from New York [Mr. ROOT] objected to the bill because there was an adverse report from the Secretary of the Interior, or the Assistant Secretary of the Interior, in reference to the measure.

Mr. ROOT. I did not object to the bill. I felt unwilling to let the bill pass in view of what I saw in the report as coming from the department without some reason being given for overruling the department, and there was no one to explain the bill.

Mr. CHAMBERLAIN. In reference to this particular measure I desire to say that the parties who are named in the bill were, most of them, residents of Oregon. I believe one of them was an officer in the United States Army, Capt. Bradley, stationed at Vancouver Barracks, in the State of Washington. All these parties, at a very large expenditure, took up some lands under the timber and stone act in the State of California. They went down there in compliance with the law and went upon the lands and took them up and completed the payments, and finally a certificate was issued.

Now, it seems that after—possibly before—these entries were made the lands were withdrawn from entry, but instead of sending the notice of withdrawal to the land office in the district where the land was situated, it was sent to another district; and these people, after the withdrawal had been made and after they located the land and paid out this money, still had no notice of it. The Government knew they had filed on it and issued final receipts in accordance with the location. After the final receipts were issued, after they had completed the purchase, they found the notice of withdrawal had been sent to a land office in another district. The locators never had any notice of the withdrawal of the lands for forest-reserve purposes or any other purposes.

The Secretary of the Interior, in making his report on this claim, concedes the justice and equity as to several of the parties, notwithstanding he approved the recommendation of the Secretary of Agriculture that the claims be not approved. The letters here are quite extensive. They show the exact condition of this land and the expenses to which all the parties went. The Public Lands Committee of the Senate were unanimously in favor of reporting the bill favorably, notwithstanding the adverse decision. It is a case which appeals very strongly to the equitable side of any court, because the people not only located on the land, but they paid the money, and the entries had been approved by the Commissioner of the General Land Office, and final receipts were issued.

Mr. BRISTOW. Let me inquire if the amount which is to be paid to each individual is the amount which he paid into the Treasury?

Mr. CHAMBERLAIN. It is not for a payment at all. No method is provided for repayment, as it is simply to allow the location of these people to stand; that is all.

The VICE PRESIDENT. The question is on agreeing to the amendment of the committee.

The amendment was agreed to.

The next amendment was, on page 4, after line 8, to insert:

To Dolly Neely a patent for the parcel designated in the foregoing section as No. 10.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

The title was amended so as to read: "A bill for the relief of George Owens, John J. Bradley, William M. Godfrey, Rudolph G. Ebert, Herschel Tupes, William H. Sage, Charles L. Tostevin, Alta B. Spaulding, Grace E. Lewis, and Dolly Neely."

MARY G. BROWN AND OTHERS.

The bill (S. 4734) for the relief of Mary G. Brown and others was considered as in Committee of the Whole.

The bill was reported from the Committee on Indian Affairs with an amendment, in line 4, after the word "appropriated," to strike out:

The following sums to the following persons: To Mary G. Brown, $157; to Thomas Brown, $157; to Lily Brown, $157; to Levina Cordier, $157; to Josephine Cordier, $157.

And to insert:

The sum of $157.40 each, for payment to the following-named persons, said sums being the pro rata shares due said persons in the payment made to the Sisseton and Wahpeton Bands of Sioux Indians, under the provisions of the act of Congress approved June 21, 1906 (34 Stat. L., p. 372), namely: Mary G. Brown, Thomas Brown, Lily Brown, Levina Cordier, Josephine Cordier.

So as to make the bill read:

Be it enacted, etc., That there is hereby appropriated, out of any moneys in the Treasury not otherwise appropriated, the sum of $157.40 each, for payment to the following-named persons, said sums being the pro rata shares due said persons in the payment made to the Sisseton and Wahpeton Bands of Sioux Indians, under the provisions of the act of Congress approved June 21, 1906 (34 Stat. L., p. 372), namely: Mary G. Brown, Thomas Brown, Lily Brown, Levina Cordier, Josephine Cordier. And the Secretary of the Treasury is authorized to pay said sums to said persons, taking their receipts therefor.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

SHAWNEE INDIAN CLAIMS.

The bill (S. 459) to adjust and settle the claims of the loyal Shawnee and loyal Absentee Shawnee Tribe of Indians was announced as next in order.

Mr. OVERMAN. Let that bill go over. I should like to examine it.

The VICE PRESIDENT. The bill will go over.

PUGET SOUND COLLECTION DISTRICT, WASHINGTON.

The bill (S. 5255) increasing the compensation of the collector of customs, district of Puget Sound, State of Washington, was considered as in Committee of the Whole.

The bill was reported from the Committee on Commerce with an amendment, in line 5, before the word "thousand," to strike out "seven" and insert "six"; and in line 6, after the word "annum," to insert "which shall be full compensation for all

services rendered and in lieu of all fees and allowances," so as to make the bill read:

Be it enacted, etc., That from and after the passage of this act the compensation of the collector of customs for the district of Puget Sound, State of Washington, shall be $6,000 per annum, which shall be full compensation for all services rendered and in lieu of all fees and allowances.

SEC. 2. That all acts and parts of acts in conflict herewith are hereby repealed.

The amendments were agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

AGRICULTURE AND MECHANIC ARTS.

The bill (S. 3) to cooperate with the States in encouraging instruction in agriculture, the trades and industries, and home economics in secondary schools; in maintaining instruction in these vocational subjects in State normal schools; in maintaining extension departments in State colleges of agriculture and mechanic arts; and to appropriate money and regulate its expenditure was announced as next in order.

Mr. SMOOT. Let the bill go over.

The VICE PRESIDENT. The bill will go over.

Mr. PAGE. Do I understand that the Senator will object to the reading of the bill? It has not been read.

Mr. SMOOT. It is a long bill and I am positive it can not be passed to-day. There are a number of bills that I should like to get off the calendar to-day, and it is for that reason I have objected.

Mr. PAGE. I had no expectation of the bill being considered to-night, but I did think the Senator would consent to the formal reading. It has not been read as yet.

Mr. SMOOT. It is a long bill; it is now after 4 o'clock, and I should like to get along as far as possible with the calendar.

The VICE PRESIDENT. The next bill will be announced.

Mr. WILLIAMS. What was done with Order of Business No. 348?

The VICE PRESIDENT. The bill went over.

Mr. SMOOT. It just went over.

Mr. WILLIAMS. Why did it go over?

Mr. SMOOT. There was objection to taking it up for consideration under the five minute rule.

Mr. SMITH of Georgia. It is a very lengthy bill.

Mr. WILLIAMS. It is a bill of some importance to the country, and most of the other bills are just to give some place a public building. It seems to me the bill might be considered.

MARY J. WEBSTER.

The bill (S. 4839) for the relief of Mary J. Webster was announced as next in order.

Mr. BRISTOW. Let the bill go over.

The VICE PRESIDENT. The bill will go over.

PUBLIC BUILDING AT WENATCHEE, WASH.

The bill (S. 4470) to provide for the erection of a public building at Wenatchee, Wash., was considered as in Committee of the Whole. It directs the Secretary of the Treasury to cause to be erected at Wenatchee, Wash., on the site owned and possessed by the United States, a suitable building for the use and accommodation of the United States post office and other Government offices in the said city, the cost of the said building, including necessary and suitable heating and ventilating apparatus, vaults, and approaches, not to exceed $85,000, which sum is hereby appropriated for that purpose. Plans, specifications, drawings, and detailed estimates for the building shall be made and approved according to law.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

PUBLIC BUILDING AT WALLA WALLA, WASH.

The bill (S. 2347) increasing the cost of erecting a post-office and courthouse building at Walla Walla, Wash., was considered as in Committee of the Whole.

The bill was reported from the Committee on Public Buildings and Grounds with an amendment, on page 1, line 7, before the word "thousand," to strike out "fifty" and insert "five," so as to make the bill read:

Be it enacted, etc., That the limit of cost heretofore fixed for the erection of a post-office and courthouse building at Walla Walla, Wash., be, and the same is hereby, increased from $140,000 to $305,000.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

PENSIONS AND INCREASE OF PENSIONS.

The bill (S. 5493) granting pensions and increase of pensions to certain soldiers and sailors of the Civil War and certain widows and dependent relatives of such soldiers and sailors was announced as next in order on the Calendar.

The VICE PRESIDENT. The bill will go over.

JOEL J. PARKER.

The bill (S. 836) for the relief of Joel J. Parker was announced as next in order.

Mr. CHAMBERLAIN. This bill was introduced by me, but I desire to have it go over for the present.

The VICE PRESIDENT. The bill will go over.

CHOCTAW AND CREEK TREATY LANDS.

The bill (S. 3306) to authorize the Secretary of the Interior to investigate the status of the Indian reserves set aside under the Choctaw treaty of 1830 and the Creek and Chickasaw treaties of 1832, for which no patents have been issued and the ownership of which is in question, and appropriating money therefor, was announced as next in order.

Mr. CURTIS. That bill was introduced by the Senator from Alabama [Mr. JOHNSTON] and should pass, but since its report a bill covering the same question has passed the House, and the Committee on Indian Affairs has authorized a favorable report. I believe if the Senator from Alabama were here he would ask to have this bill go over until the House bill is reported. I think it had better go over.

The VICE PRESIDENT. The bill will go over.

THE LAWRENCE (MASS.) STRIKE.

The next business on the calendar was Senate resolution 231, for the investigation and report by the Secretary of Commerce and Labor regarding certain labor conditions in Lawrence, Mass., submitted by Mr. POINDEXTER February 26, 1912.

Mr. GALLINGER. Mr. President, I do not propose to make any factious opposition to this resolution, but I want to say to the Senator from Washington that the Senator from Massachusetts [Mr. LODGE] desires to make some observations about it, and if it is to be seriously considered I have some matter that I desire to put into the RECORD. I will read at this time a letter received from the Secretary of the Department of Commerce and Labor in response to an inquiry I made of him:

DEPARTMENT OF COMMERCE AND LABOR,
Washington, March 6, 1912.

Hon. J. H. GALLINGER,
United States Senate, Washington, D. C.

MY DEAR SIR: In response to your telegram of to-day inquiring if the Bureau of Labor is now investigating the Lawrence strike; and if so, how thorough the investigation will be, I beg to say that the Commissioner of Labor, with several assistants, left Washington for Lawrence on February 28 for the purpose of making an investigation into the conditions surrounding the strike in that city. In a matter of this kind it is, of course, impossible to make in advance of the actual investigation an outline of the matters to be covered, but it is expected that the Commissioner of Labor will make his inquiry a thorough one. Definite information will doubtless be secured regarding the wages, hours of labor, and other conditions of employment of the operatives in the mills, as well as information as to their standard of living and the cost of the principal items of their cost of living.

Very truly, yours,

CHARLES NAGEL, *Secretary.*

Now, Mr. President——

Mr. POINDEXTER. Mr. President——

The VICE PRESIDENT. Does the Senator from New Hampshire yield?

Mr. GALLINGER. Just an additional word, Mr. President. In view of this letter from the Secretary of the Department of Commerce and Labor, which informs the Senate that an investigation is now going on, and in view of the further fact that the strike is practically ended in Lawrence and the operatives are returning to their work with increased wages, it seems to me we ought not to agitate the matter further. That is my impression.

Mr. POINDEXTER. It is not my desire, Mr. President, to agitate the matter further at all. The fact disclosed by the letter which has been read by the Senator from New Hampshire seems to me simply to add an additional reason why the resolution should be adopted. If this investigation has been made, whatever expense is attached to it has already been incurred; and what objection there could be to reporting the result of it to the Senate is beyond conception. The effect of the resolution would be, substantially, if the investigation has already been made, simply to call upon the Secretary of Commerce and Labor to transmit the results of that investigation here.

The matter has been discussed several times. There are a great many things that might be said about the conditions which justified the Senate in having this information, but it seems to me unnecessary to say them. Some amendments have been offered, and if they are presented, I have no objection to

either one of the pending amendments. I think the amendments and the resolution could be passed without affecting anyone's rights or calling for anybody's presence, or discussion.

Mr. GALLINGER. In view of the fact that the senior Senator from Massachusetts is interested in this matter, I ask that the resolution may go over until he is present.

The PRESIDING OFFICER (Mr. BRANDEGEE in the chair). The resolution will go over.

ISOLATED TRACTS OF PUBLIC LAND.

The bill (H. R. 19342) to amend section 2455 of the Revised Statutes of the United States, relating to isolated tracts of public land was considered as in Committee of the Whole.

The bill was reported from the Committee on Public Lands with an amendment, on page 2, line 8, after the word "owns" to insert "lands," so as to make the bill read:

Be it enacted, etc., That section 2455 of the Revised Statutes of the United States be amended to read as follows:

"SEC. 2455. It shall be lawful for the Commissioner of the General Land Office to order into market and sell at public auction, at the land office of the district in which the land is situated, for not less than $1.25 an acre, any isolated or disconnected tract or parcel of the public domain not exceeding one quarter section which, in his judgment it would be proper to expose for sale after at least 30 days' notice by the land officers of the district in which such land may be situated: *Provided*, That any legal subdivisions of the public land, not exceeding one quarter section, the greater part of which is mountainous or too rough for cultivation, may, in the discretion of said commissioner, be ordered into the market and sold pursuant to this act upon the application of any person who owns lands or holds a valid entry of lands adjoining such tract, regardless of the fact that such tract may not be isolated or disconnected within the meaning of this act: *Provided further*, That this act shall not defeat any vested right which has already attached under any pending entry or location."

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The amendment was ordered to be engrossed and the bill to be read a third time.

The bill was read the third time, and passed.

AMENDMENT OF PRINTING LAWS.

The bill (S. 4239) to amend, revise, and codify the laws relating to the public printing and binding and the distribution of Government publications, was announced as next in order.

Mr. SMOOT. For the same reason that I asked that Senate bill 3 be passed over I ask that this bill may also go over.

The PRESIDING OFFICER. The bill will go over.

WHITE RIVER BRIDGE, ARK.

The bill (H. R. 16680) to authorize the board of county commissioners of Baxter County and the board of county commissioners of Marion County, in the State of Arkansas, acting together for the two counties as bridge commissioners, to construct a bridge across the White River at or near the town of Cotter, Ark., was considered as in Committee of the Whole.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

MISSISSIPPI RIVER BRIDGE AT GRAND RAPIDS, MINN.

The bill (H. R. 18155) authorizing the town of Grand Rapids to construct a bridge across the Mississippi River in Itasca County, State of Minnesota, was considered as in Committee of the Whole.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

CHOCTAW AND CREEK TREATY LANDS.

Mr. JOHNSTON of Alabama. Mr. President, I was out of the Senate attending a meeting of a committee when Order of Business 356, being Senate bill 3306, was passed over. That bill has been reported unanimously from the Committee on Indian Affairs.

The PRESIDING OFFICER. The Chair has that bill marked as having been passed over.

Mr. JOHNSTON of Alabama. I suppose it was passed over because I was absent.

Mr. SMOOT. I will state that the Senator from Kansas [Mr. CURTIS] made a statement to the Senate that a similar bill had already been passed by the other House, which was expected over here in a day or two, and that if the Senator from Alabama [Mr. JOHNSTON] were present, no doubt he would ask that the bill go over.

Mr. JOHNSTON of Alabama. The House bill is here. It is practically the same bill, and I want to ask that that bill be substituted for the Senate bill and be now considered and passed.

Mr. SMOOT. That is all right.

The PRESIDING OFFICER. The Senator from Alabama asks unanimous consent for the present consideration of Senate bill 3306, the title of which will be stated.

The SECRETARY. A bill (S. 3306) to authorize the Secretary of the Interior to investigate the status of the Indian reserves set aside under the Choctaw treaty of 1830 and the Creek and Chickasaw treaties of 1832, for which no patents have been issued and the ownership of which is in question, and appropriating money therefor.

The PRESIDING OFFICER. As the Chair understands, the Senator from Alabama offers an amendment to that bill in the nature of a substitute.

Mr. JOHNSTON of Alabama. I have moved that House bill 16661, which is in language almost the same and in effect exactly the same as Senate bill 3306, be substituted for that bill.

The PRESIDING OFFICER. The Senator from Alabama asks unanimous consent that the House bill as passed by the House be substituted for the Senate bill named by him.

Mr. GALLINGER. And that it now be considered.

Mr. JOHNSTON of Alabama. Yes; and that it now be considered.

The PRESIDING OFFICER. The Secretary will state the House bill by title.

The SECRETARY. A bill (H. R. 16661) to relinquish, release, remise, and quitclaim all right, title, and interest of the United States of America in and to all the lands held under claim or color of title by individuals or private ownership or municipal ownership situated in the State of Alabama which were reserved, retained, or set apart to or for the Creek Tribe or Nation of Indians under or by virtue of the treaty entered into between the United States of America and the Creek Tribe or Nation of Indians on March 24, 1832.

The PRESIDING OFFICER. The Secretary will read the bill.

The Secretary read the bill.

The PRESIDING OFFICER. The Chair is informed that this bill passed the other House on the 4th instant and was referred to the Senate Committee on Indian Affairs. If the Senator from Alabama should offer that as an amendment, it would still be a Senate bill and have to be returned to the other House.

Mr. JOHNSTON of Alabama. I move that the committee be discharged from further consideration of the bill.

The PRESIDING OFFICER. The Senator from Alabama moves that the Committee on Indian Affairs be discharged from further consideration of the bill just read.

Mr. CLARK of Wyoming. Mr. President, I desire the attention of the Senator from Alabama for a moment. I suppose he seeks to accomplish the same purpose by both bills; and I want to suggest the inqury to him whether the Senate bill does or does not cover a larger ground than the House bill? I notice the Senate bill refers to all the lands set apart and allotted to Indians under two treaties.

Mr. JOHNSTON of Alabama. Yes.

Mr. CLARK of Wyoming. One by the Choctaw treaty of September 27, 1830, and the other the Creek treaty which is mentioned in the House bill. The House bill seems to carry but one. Of course, if the Senator from Alabama is satisfied, all right.

Mr. JOHNSTON of Alabama. The House bill strikes out the lands that were conveyed to the Choctaw Nation and limits them to the Creeks.

Mr. SMOOT. Mr. President——

The PRESIDING OFFICER. Does the Senator from Alabama yield to the Senator from Utah?

Mr. JOHNSTON of Alabama. I do.

Mr. SMOOT. The Senator from Kansas [Mr. CURTIS] is necessarily detained from the Chamber for a few moments, and has just sent word that he would like this bill to be considered when he is present. I trust the Senator from Alabama will consent to it going over until the Senator from Kansas arrives.

Mr. JOHNSTON of Alabama. Certainly; let the bill go over under the circumstances.

Mr. CURTIS subsequently said: Mr. President, when the bill (S. 3306) to authorize the Secretary of the Interior to investigate the status of the Indian reserves set aside under the Choctaw treaty of 1830 and the Creek and Chickasaw treaties of 1832, for which no patents have been issued and the ownership of which is in question, and appropriating money therefor, was reached on the calendar the Senator from Alabama [Mr. JOHNSTON] was absent, and I asked that the bill go over, believing that he would desire to have substituted and passed a bill which has passed the House on the same subject. With the permission of the Chair and the Senate, I will say that I am directed by the Committee on Indian Affairs, to which was referred the bill (H. R. 16661) to relinquish, release, remise, and quitclaim all right, title, and interest of the United States of America in and to all the lands held under claim or color of title by individuals or private ownership or municipal ownership situated in the State of Alabama which were reserved, retained, or set

apart to or for the Creek Tribe or Nation of Indians under or by virtue of the treaty entered into between the United States of America and the Creek Tribe or Nation of Indians on March 24, 1832, to report it with an amendment and to submit a report (No. 490) thereon.

The PRESIDING OFFICER. The committee having reported the bill, the Chair assumes that the Senator from Alabama will not press his motion to discharge the committee from the further consideration of the House bill.

Mr. JOHNSTON of Alabama. I withdraw that motion and ask unanimous consent that the bill be now considered.

The PRESIDING OFFICER. The Senator from Alabama asks unanimous consent for the present consideration of the House bill just reported.

Mr. JOHNSTON of Alabama. The bill, as I understand, has been reported with an amendment.

Mr. CURTIS. I suggest that the Secretary read only the substitute.

The PRESIDING OFFICER. The Secretary a few moments ago read the House bill.

Mr. CURTIS. The committee has reported a substitute for the House bill, which is the Senate bill.

Mr. GALLINGER and Mr. OVERMAN. That has been read.

The PRESIDING OFFICER. Is there objection to the present consideration of the bill?

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill, which had been reported from the Committee on Indian Affairs with an amendment to strike out all after the enacting clause and insert:

That the United States hereby relinquishes all of its right, title, and interest in and to the lands set apart or allotted to the Indians under the Choctaw treaty of September 27, 1830, and the Creek treaty of March 24, 1832, and the Secretary of the Interior is authorized to issue patents, without awaiting applications therefor, to those shown by the records of that department to be entitled thereto: *Provided*, That this act shall not be construed to affect any right of the original Indian owners of said land or their heirs.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The amendment was ordered to be engrossed and the bill to be read a third time.

The bill was read the third time and passed.

Mr. JOHNSTON of Alabama. I move that the Senate bill on the calendar on the same subject, being Calendar No. 356, Senate bill 3306, be indefinitely postponed.

The motion was agreed to.

PUBLIC BUILDING AT FRANKLIN, N. H.

Mr. GALLINGER. I ask unanimous consent for the present consideration of the bill (S. 4655) to provide for the purchase of a site and the erection of a public building thereon at Franklin, in the State of New Hampshire.

The PRESIDING OFFICER. Is there objection to the request of the Senator from New Hampshire?

Mr. BORAH. What is the necessity for skipping a part of these measures on the calendar, Mr. President?

Mr. GALLINGER. Of course the Senator from Idaho can object.

Mr. BORAH. I do not desire to object.

Mr. GALLINGER. One purpose I had in view was, thinking we had been here long enough to-day, to move to adjourn.

Mr. BORAH. For fear the Senator might move to adjourn after he gets his bill through, I think it would be better for us to run along a little further in order that we may get some other measures through.

Mr. GALLINGER. That is all right, if the Senator objects.

Mr. BORAH. I do not desire to object, if the Senator will not move to adjourn until we pass other bills on the calendar.

Mr. GALLINGER. I certainly will not if the Senator from Idaho desires that other bills shall be passed.

Mr. OVERMAN. Before I agree to such an arrangement, I should like to know how far down on the calendar is the bill of the Senator from New Hampshire?

The PRESIDING OFFICER. Is there objection to the request of the Senator from New Hampshire to proceed to the consideration of the bill named by him?

Mr. BORAH. I do not object.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill (S. 4655) to provide for the purchase of a site and the erection of a public building thereon at Franklin, in the State of New Hampshire.

The bill had been reported from the Committee on Public Buildings and Grounds with an amendment, on page 2, line 3, after the words "sum of," to strike out "one hundred" and to insert "ninety," and in line 4, after the word "dollars," to strike out "which said sum of $100,000 is hereby appropriated for said purpose out of any money in the United States Treasury not otherwise appropriated," so as to read:

That the Secretary of the Treasury be, and he is hereby, authorized and directed to acquire, by purchase, condemnation, or otherwise, a site and cause to be erected thereon a suitable building, including fireproof vaults, heating and ventilating apparatus, elevators, and approaches, for the use and accommodation of the United States post office and other Government offices, in the city of Franklin and State of New Hampshire, the cost of said site and building, including said vaults, heating and ventilating apparatus, elevators, and approaches, complete, not to exceed the sum of $90,000.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

SENATOR FROM DELAWARE.

The resolution (S. Res. 230) authorizing and directing the Committee on Privileges and Elections to investigate certain charges against HENRY ALGERNON DU PONT, a Senator from the State of Delaware, was announced as next in order.

Mr. SMOOT. Let that go over, Mr. President.

The PRESIDING OFFICER. The resolution goes over.

PROTECTION OF VALDEZ, ALASKA.

The bill (S. 5272) appropriating $75,000 for the protection of Valdez, Alaska, from glacial floods was considered as in Committee of the Whole.

The bill had been reported from the Committee on Commerce with an amendment, on page 1, line 3, after the words "sum of," to strike out "seventy-five" and to insert "fifty-five," so as to make the bill read:

Be it enacted, etc., That the sum of $55,000, or so much thereof as may be necessary, be, and it is hereby, appropriated, out of any funds in the Treasury of the United States not otherwise appropriated, to be expended under the direction of the War Department for the protection of Valdez, Alaska, and adjacent territory from glacial floods.

The amendment was agreed to.

Mr. HITCHCOCK. Mr. President, I notice that this bill comes from the Committee on Commerce. It appears to have been originally for the purpose of protecting property belonging to the United States, but in the report from the Adjutant General the statement is made that it is not deemed necessary for the protection of property belonging to the Government of the United States. It seems to me we ought to have some kind of a statement as to the necessity for this work. We are appropriating, through the Committee on Military Affairs, a sum of $125,000 a year for the development of Alaskan roads; we are appropriating, through the Committee on Territories, I believe, annually something like $120,000 or $130,000 of the Alaskan revenues for the same purpose; and here is an appropriation apparently for the protection of the town of Valdez, not of Government property, but for the protection of town property. As I understand, those towns have their own revenues and their own means of looking after matters of this kind. This is not for navigation; it is purely for the protection of a town from a local danger. If we once set the precedent of beginning to use money in the Treasury for the protection of a town, I do not know where we are going to end.

Mr. BOURNE. Mr. President, for the information of the Senator from Nebraska I will state that this is a bill which, as I recollect, was prepared in the War Department and presented at their request before the Committee on Commerce. There is a printed report accompanying the bill. There is a specific statement in a letter from the Secretary of War to the effect that the appropriation is desired for the preservation of a number of public buildings at Valdez.

Mr. HITCHCOCK. I should like to read to the Senator the letter from The Adjutant General, in which he states:

"DEAR SIR: I have the honor to invite your attention to the inclosed report made by Maj. J. B. Cavanaugh, Corps of Engineers, United States Army, with reference to the protection of the town of Valdez from damage due to glacial flood waters, and also to the indorsements thereon by Lieut. Col. Richardson, president Board of Road Commissioners for Alaska, the Acting Chief of Engineers, and the Quartermaster General. While the necessity for this protective work appears to be clearly shown, the interests of the War Department involved do not warrant an application to Congress for the necessary funds. It has occurred to me that you might care to personally take up this matter with a view to securing an appropriation, in which event the department would be glad to render assistance in carrying out any project that might be undertaken."

There is an abstract of Maj. Cavanaugh's report, but not a full copy of it, on file in this office.

HENRY P. MCCAIN,
Adjutant General.

FEBRUARY 23, 1912.

That seems to me to indicate that, so far as the Government is concerned, there is no necessity for this work; that it is purely for the benefit of that town, which has its own revenues.

Mr. POINDEXTER. Mr. President, I should simply like to suggest to the Senator from Nebraska that the same condition with relation to the Federal Government does not obtain in

Alaska which obtains in any other Territory of the United States. Consequently the objection to aid by the Federal Government in a case of this kind that might apply to any State or to any Territory does not apply there.

The remarkable condition exists there that, although it is an American population of intelligent pioneers, they have never been allowed any degree whatever of self-government, and they have no opportunity to raise taxes to protect themselves against conditions of this kind. Alaska is an appanage of the United States, absolutely subject and tributary to the United States in every way, and the obligation, I think, rests upon the United States to assume the responsibilities which go with the government of a Territory.

The town of Valdez is situated immediately in front of a glacier. It is a comparatively old town, having been in existence for a long time, and the buildings, the institutions, and the settlement there have become permanent. The danger from this glacial stream can be avoided by the expenditure of a reasonable amount of money, and it seems to me the appropriation is a perfectly proper one.

Mr. NELSON. Mr. President——

The PRESIDING OFFICER. Des the Senator from Oregon yield to the Senator from Minnesota?

Mr. BOURNE. With pleasure.

Mr. NELSON. I call attention to page 2 of the report, where it is stated:

> On August 3, 1911, Maj. Richardson was directed by telegraph to report specifically and in detail what he would recommend for protection of the public interests. He replied August 5, giving the location and situation of the public buildings—Signal Corps buildings and terminals of telegraph line and road, district court and Federal jail buildings and post office—and setting forth the work done from time to time by the citizens for their protection against floods. He expressed the opinion that permanent protection could be given to public buildings and property at an expenditure not to exceed $50,000 or $60,000.

Valdez is situated at head of Valdez Bay, which is a tributary of Prince William Sound. It is at the foot of a great big glacier—Valdez Glacier. The Government has a military post there, and it is the terminus of the military road leading from there to Fairbanks on the Tanana River. It is, as I have said, right at the foot of a glacier, which is continually thawing. The town and the public buildings, the telegraph office, the post office, the signal station, and other buildings there are threatened and in danger. I might say that Valdez is also a terminal station of the telegraph-cable system of Alaska. The whole telegraph and cable service in that country is under the control of the Federal Government, and not in private hands. This case comes clearly under the claim of protecting property of the United States. The committee have reported that the amount be reduced from $75,000 to $55,000, as recommended by the Government officers.

Mr. GALLINGER. I wish to ask the Senator from Oregon, as well as the Senator from Minnesota, if it would not be well to put in the body of the bill the words "public buildings" or the words "public property of the United States." When I read this bill I inquired of myself, naturally, why we should be making an appropriation of this kind for a town in Alaska any more than we would make an appropriation for a town anywhere else where there happened to be a flood. Now, if after the words "to be expended under the direction of the War Department for the protection of," there should be inserted the words "public property at," I think it would improve the bill.

Mr. BOURNE. That is perfectly satisfactory.

Mr. GALLINGER. I move that amendment.

The PRESIDING OFFICER. The Secretary will state the amendment proposed by the Senator from New Hampshire.

The SECRETARY. In line 7, after the words "protection of," it is proposed to insert "public property at," so as to read:

> That the sum of $55,000, or so much thereof as may be necessary, be, and it is hereby, appropriated, out of any funds in the Treasury of the United States not otherwise appropriated, to be expended under the direction of the War Department for the protection of public property at Valdez, Alaska, and adjacent territory from glacial floods.

Mr. OVERMAN. Mr. President, I notice in reading the letter of The Adjutant General, as set forth in the report, beyond the point where the Senator from Minnesota read, that Maj. Richardson recommended that an engineer of the War Department be sent there to acquaint the department with the facts and ascertain whether the department would be warranted in sending a recommendation to Congress. So Maj. Cavanaugh went there, investigated the situation, and made a report to the War Department, and the War Department does not recommend this bill. I therefore think that we ought not at this late hour on Saturday evening take up this matter, for if the War Department has not reported in favor of this bill and is really not in favor of it, but against it, the bill ought to go over.

Mr. ROOT. Mr. President, before the bill goes over let me say a word. After what the Senator from Washington [Mr. POINDEXTER] has said. I dare say the Senator from Nebraska [Mr. HITCHCOCK] will realize that there is a great difference between our action regarding this town in Alaska and our action generally. Not only is there Government property at Valdez, not only are the telegraph and the cable lines there under the control of the Government, but we are the legislature for that Territory. The people there have not a self-government; we are their government. Alaska is the property of the United States, regarding which we are to make rules and regulations. We built the cable. Congress for a series of years made liberal appropriations to build the cable to this point; to build the land telegraph line; and to build the military road which comes down to Valdez; and this is nothing more than an additional appropriation, following the settled policy of the Government for the development of that unorganized Territory of the United States, which is without any Territorial government, and following the recognized and established policy for the development of that region, and insuring communication.

I think the position taken by the War Department was not justified. I think the interests of the War Department—that is, the interests that have long been under the charge of the War Department—called upon them to ask for this appropriation. The Assistant Secretary expressed his approval of the measure, only he wishes the Delegate for Alaska to make the application, rather than that the War Department should do so.

Mr. OVERMAN. But he declined to send the estimate. Maj. Richardson requested him to send an estimate to the appropriate committee for this purpose, but he declined to do so. I take it for granted, therefore, that the Secretary of War, from Maj. Cavanaugh's report, has ascertained that the public buildings at Valdez are not in danger, and that this appropriation is really needed to protect the town rather than to protect public property.

Mr. ROOT. What he says is this:

> While the necessity for this protective work appears to be clearly shown, the interests of the War Department involved do not warrant an application to Congress for the necessary funds.

Mr. OVERMAN. Yes; clearly showing that the appropriation is sought for the protection of the people of the town and not to protect the Government's interests.

Mr. ROOT. Then he goes on:

> It has occurred to me that you might care to personally take up this matter with a view to securing an appropriation, in which event the department would be glad to render assistance in carrying out any project that might be undertaken.

Mr. BROWN. In other words, the War Department is in favor of the appropriation.

Mr. ROOT. It is in favor of the appropriation, but it does not consider—and very likely it is correct—that the buildings at Valdez are so under its control that it is a part of the business of the War Department to send in an estimate for the purpose indicated. Probably it was not; but Congress has from time to time, as it has wanted to do things in Alaska, directed the War Department to do them, each piece of business by itself. It directed the War Department to build a cable, and under the Signal Corps the cable was constructed; it directed the War Department to build a land telegraph line, and it directed it to build the military road coming down to Valdez; but, nevertheless, the War Department is not charged by law with taking care of the buildings in the town of Valdez, and therefore——

Mr. BROWN. Such as the post office.

Mr. ROOT. The post office and other buildings—and therefore they do not consider that they ought to send in an estimate, but that they approve of the money being spent.

Mr. OVERMAN. But they declined to send an estimate.

Mr. ROOT. Yes.

Mr. OVERMAN. I object to the bill.

The PRESIDING OFFICER. Objection being made, the bill will be passed over.

Mr. POINDEXTER subsequently said: Mr. President, referring again to the bill (S. 5272) appropriating $75,000 for the protection of Valdez, Alaska, from glacial floods, I move that that bill be taken up and considered, notwithstanding the objection which has been interposed by the Senator from North Carolina [Mr. OVERMAN].

I should like to say in that connection that the impression that would be gained from the statement of the Senator from North Carolina that the War Department was unfavorable to this measure is not justified by the War Department's report. On the contrary, the report of the War Department indicates that it is favorably disposed toward the appropriation. In some correspondence—probably in some controversy with the Delegate from Alaska, probably because of some feeling between the War Department and the Delegate as to which

should act in this matter—the War Department declined to take the initiative and insisted on the Delegate from Alaska taking it. That was all the expression of the War Department amounted to.

Mr. OVERMAN. Will the Senator from Washington yield to me for a moment?

Mr. POINDEXTER. Certainly.

Mr. OVERMAN. I desire to say that if we get full information from the War Department, which we have not—the report does not even tell us what the engineer's report was—and if I am satisfied this money is needed for the protection of any interest of the Government, I shall not object to the bill. But it can not pass this evening. So there is no use to take any further action about it now.

The PRESIDING OFFICER. The bill has gone over on the objection of the Senator from North Carolina. A motion to proceed to the consideration of the bill, notwithstanding the objection, is not now in order, because the Senate is now, by unanimous consent, proceeding under Rule VIII with the consideration of unobjected matters on the calendar. This bill is objected to.

Mr. POINDEXTER. So far as that is concerned, I will not insist upon the motion I have made, but my understanding is that a motion to proceed to the consideration of a bill, notwithstanding objection, is in order.

The PRESIDING OFFICER. The Senator from Washington is mistaken. A motion to proceed to the consideration of a bill, notwithstanding objection, is not in order when the Senate is proceeding, by unanimous consent, to consider unobjected matters on the calendar under the five-minute rule. There is objection to this bill, and a motion to proceed to its consideration, notwithstanding the objection, is not in order at this time.

GRAND ARMY ENCAMPMENT AT PULLMAN, WASH.

The joint resolution (S. J. Res. 77) authorizing the Secretary of War to loan certain tents for the use of the Grand Army of the Republic encampment, to be held at Pullman, Wash., in June, 1912, was considered as in Committee of the Whole.

The joint resolution was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

STEAMER "OCEANA."

The bill (S. 5207) to provide an American register for the steamer *Oceana* was considered as in Committee of the Whole.

The bill had been reported from the Committee on Commerce with an amendment, to insert at the end of the bill the following:

Provided, That said steamer shall not have the right to engage in the coastwise trade or enjoy the tolls in the use of the Panama Canal that may be limited by law to American-built ships engaged in the coastwise trade: *Provided further*, That all repairs or alterations made upon the said vessel shall be made in the United States.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

JAMES W. CHRISMAN.

Mr. GALLINGER. I move that the Senate adjourn.

Mr. CLARK of Wyoming. Will the Senator from New Hampshire withhold the motion for a moment.

Mr. GALLINGER. I will for a moment.

Mr. CLARK of Wyoming. I ask him to withhold it in order to afford me the opportunity to call up the bill (S. 5198) to authorize the issuance of patent to James W. Chrisman for the southeast quarter of the northeast quarter, the southeast quarter, and the southeast quarter of the southwest quarter of section 13, and the north half of the northeast quarter of section 24, township 29 north, range 113 west of the sixth principal meridian.

Mr. GALLINGER. I withhold the motion for that purpose.

Mr. CLARK of Wyoming. I ask unanimous consent for the present consideration of the bill I have indicated.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

HENRY R. DRAKE.

Mr. GALLINGER. The Senator from Nebraska [Mr. HITCHCOCK] a moment ago asked me to withhold the motion that he might call up a bill, and I do so.

Mr. HITCHCOCK. I should like to call up the next order on the calendar.

Mr. BRISTOW. If we are going ahead, let us go ahead in order.

Mr. HITCHCOCK. It is the next in order.

Mr. BRISTOW. If we are going to adjourn, let us adjourn. If not, let us take up the calendar and complete it in order.

Mr. HITCHCOCK. I will say to the Senator from Kansas that it is the next order of business.

Mr. BRISTOW. All right.

The PRESIDING OFFICER. The Senator from New Hampshire withholds the motion to adjourn only by unanimous consent.

Mr. GALLINGER. Certainly; and I desire, when I have the opportunity, to change it to a motion to proceed to the consideration of executive business. Immediately after the disposition of the matter which the Senator from Nebraska has called up I will move that the Senate proceed to the consideration of executive business.

The PRESIDING OFFICER. The Senator from Nebraska asks unanimous consent for the consideration of the following bill.

The SECRETARY. Calendar No. 366, a bill (S. 4663) to authorize and empower the Secretary of War to locate a right of way for and to grant the same and the right to operate and maintain a line of railroad, telephone, telegraph, and electric transmission lines through Vancouver Barracks and Military Reservation, in the State of Washington, to Washington-Oregon Corporation, its successors and assigns.

Mr. HITCHCOCK. I am in error. My bill is not the next in order. It is the next but one.

The SECRETARY. Calendar No. 367, a bill (S. 3917) for the retirement of Henry R. Drake, captain, Philippine Scouts.

The PRESIDING OFFICER. Is there objection to the present consideration of the bill?

Mr. ROOT. Mr. President, I think the bill involves some inequality of treatment compared with some other bills relating to the officers of the Scouts.

Mr. HITCHCOCK. If the Senator from New York will permit me to make a statement, I think the whole matter can be cleared up.

This is a bill which was introduced by the Senator from Massachusetts [Mr. LODGE] for the retirement in a very extraordinary case of a man who has been in the military service something like 27 years. He was the victim of an accident and later of malpractice. He has been continuously in the hospital for two years. He is crippled for life.

The Committee on Military Affairs was unanimous in the opinion that it presents an extraordinary case warranting his retirement at the rank provided in the bill. He is now a captain in the Philippine Scouts. His retirement as a captain in the Regular Army, I think, is unusual, but it is also an unusual case.

He was injured and taken to the hospital with a broken hip, and the bandages or the splints were prematurely removed. Under order of the surgeon he was subjected to X-ray treatment, which instead of being 30 seconds in length was 25 minutes, the result being severe burns, which have necessitated several operations within the period of two years. His hip is fractured for life, and he is still in the hospital at San Francisco.

If the Senator from New York still desires to object to the consideration of the bill after these statements, I leave the matter with him.

Mr. ROOT. Mr. President, I think the treatment of the officers of the Philippine Scouts is a pretty large subject, and I dislike very much to have any steps taken which may seem to confer upon those officers a right or lead them to think they have a right to retirement on the same basis as officers of the Regular Army. Some bills, I believe, have been reported and perhaps passed providing for the retirement of officers of the Scouts as of a lower grade than the commissions which they hold in the Scouts, and I think the subject ought to be taken up with an idea of producing equality. I prefer to have the bill go over in order that that kind of consideration may be given to it.

The PRESIDING OFFICER. The bill goes over.

EXECUTIVE SESSION.

Mr. GALLINGER. I move that the Senate proceed to the consideration of executive business.

The motion was agreed to, and the Senate proceeded to the consideration of executive business. After seven minutes spent in executive session, the doors were reopened, and (at 4 o'clock and 47 minutes p. m.) the Senate adjourned until Monday, March 18, 1912, at 2 o'clock p. m.

HOUSE OF REPRESENTATIVES.

SATURDAY, *March 16, 1912.*

The House met at 12 o'clock noon.

The Chaplain, Rev. Henry N. Couden, D. D., offered the following prayer:

Almighty God, our heavenly Father, be graciously near to us as we thus enter upon a new congressional day that these Thy servants may be inspired and guided in the way of righteousness, truth, and justice; that their enactments may be in consonance with Thy holy will; that the dignity of law may be respected and upheld by the people, and lawlessness disappear; that life and property may be rendered more secure; in the spirit of the Lord Jesus Christ. Amen.

The Journal of the proceedings of yesterday was read and approved.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. Crockett, one of its clerks, announced that the Senate had passed bills of the following titles, in which the concurrence of the House of Representatives was requested:

S. 458. An act for the relief of the Turner Hardware Co.;

S. 2427. An act for the relief of the legal heirs of A. G. Strain;

S. 4913. An act to enable the Indians allotted lands in severalty within the boundaries of Little River drainage district No. 1, in Pottawatomie County, Okla., to cooperate with the officials of said State in the protection of their lands from overflow, and for other purposes; and

S. 5659. An act to supplement and amend an act entitled "An act to authorize the New York & New Jersey Bridge Cos. to construct and maintain a bridge across the Hudson River between New York City and the State of New Jersey," approved June 7, 1894.

The message also announced that the Senate had passed without amendment bill of the following title:

H. R. 17119. An act granting the courthouse reserve at Pond Creek, Okla., to the city of Pond Creek for school and municipal purposes.

SENATE BILLS REFERRED.

Under clause 2, Rule XXIV, Senate bills of the following titles were taken from the Speaker's table and referred to their appropriate committees, as indicated below:

S. 458. An act for the relief of the Turner Hardware Co.; to the Committee on Indian Affairs.

S. 2427. An act for the relief of the legal heirs of A. G. Strain; to the Committee on the Public Lands.

S. 4913. An act to enable the Indians allotted lands in severalty within the boundaries of Little River drainage district No. 1, in Pottawatomie County, Okla., to cooperate with the officials of said State in the protection of their lands from overflow, and for other purposes; to the Committee on Indian Affairs.

S. 5659. An act to supplement and amend an act entitled "An act to authorize the New York & New Jersey Bridge Cos. to construct and maintain a bridge across the Hudson River between New York City and the State of New Jersey," approved June 7, 1894; to the Committee on Interstate and Foreign Commerce.

ENROLLED BILL SIGNED.

Mr. CRAVENS, from the Committee on Enrolled Bills, reported that they had examined and found truly enrolled bill of the following title; when the Speaker signed the same:

H. R. 17119. An act granting the courthouse reserve at Pond Creek, Okla., to the city of Pond Creek for school and municipal purposes.

THE ISTHMIAN CANAL.

Mr. ADAMSON. Mr. Speaker, I have placed in the box in the usual way a report (No. 423) upon the bill (H. R. 21969) to provide for the opening, maintenance, protection, and operation of the Isthmian Canal and the sanitation and government of the Canal Zone. I understand that several members of the committee wish to present minority views (H. Rept. 423, pt. 2). I ask unanimous consent that five legislative days be allowed for that purpose.

The SPEAKER. The gentleman from Georgia [Mr. ADAMSON] asks unanimous consent that the minority of the Committee on Interstate and Foreign Commerce have five legislative days in which to present their views on the bill referred to. Does the gentleman desire to have the bill and report printed in the RECORD?

Mr. ADAMSON. I should like to print the bill and the report in the RECORD, if there be no objection.

The SPEAKER. Does this include the printing of the views of the minority in the RECORD?

Mr. ADAMSON. They can ask that when they present the views of the minority, which have not yet been presented. I have no objection.

The SPEAKER. The difficulty is that the views of the minority will be presented through the box.

Mr. ADAMSON. Yes; but I have no objection to the printing in the RECORD.

The SPEAKER. The gentleman from Georgia [Mr. ADAMSON] asks unanimous consent that the bill and report be printed in the RECORD. Is there objection?

Mr. KNOWLAND. Reserving the right to object, is it understood that there will be no objection to the printing of the views of the minority in the RECORD also?

Mr. ADAMSON. There is no objection at all.

The SPEAKER. The gentleman from Georgia [Mr. ADAMSON] asks unanimous consent that the Panama Canal bill, together with the report of the majority and the views of the minority, be printed in the RECORD, and that the minority have five legislative days in which to file their views. Is there objection?

There was no objection.

The bill and report are as follows:

A bill (H. R. 21969) to provide for the opening, maintenance, protection, and operation of the Panama Canal, and the sanitation and government of the Canal Zone.

Be it enacted, etc., That the zone of land and land under water of the width of 10 miles extending to the distance of 5 miles on each side of the center line of the route of the canal now being constructed thereon, which zone begins in the Caribbean Sea 3 marine miles from mean low-water mark and extends to and across the Isthmus of Panama into the Pacific Ocean to the distance of 3 marine miles from mean low-water mark, excepting and excluding therefrom the cities of Panama and Colon and their adjacent harbors located within said zone, as excepted in the treaty with the Republic of Panama dated November 18, 1903, but including all islands within said described zone, and in addition thereto the group of islands in the Bay of Panama named Perico, Naos, Culebra, and Falmenco, and any lands and waters outside of said limits above described which are necessary or convenient or from time to time may become necessary or convenient for the construction, maintenance, operation, sanitation, or protection of the said canal or of any auxiliary canals, lakes, or other works necessary or convenient for the construction, maintenance, operation, sanitation, or protection of said canal, the use, occupancy, or control whereof were granted to the United States by the treaty between the United States and the Republic of Panama, the ratifications of which were exchanged on the 26th day of February, 1904, shall be known and designated as the Canal Zone, and the canal now being constructed thereon shall hereafter be known and designated as the Panama Canal. The President is authorized ot acquire by treaty with the Republic of Panama any additional land or land under water not already granted, or which was excepted from the grant, that he may deem necessary for the operation, maintenance, sanitation, or protection of the Panama Canal, and may, in like manner, exchange any land or land under water not deemed necessary for such purposes for other land or land under water which may be deemed necessary for such purposes, which additional land or land under water so acquired shall become part of the Canal Zone.

SEC. 2. That all laws, orders, regulations, and ordinances adopted and promulgated in the Canal Zone by order of the President for the government and sanitation of the Canal Zone and the construction of the Panama Canal are hereby ratified and confirmed as valid and binding until Congress shall otherwise provide. The existing courts established in the Canal Zone by Executive order are recognized and confirmed to continue in operation until Congress shall otherwise provide.

SEC. 3. That the President is authorized to declare by Executive order that all land and land under water within the limits of the Canal Zone is necessary for the construction, maintenance, operation, sanitation, or protection of the Panama Canal, and to extinguish, by agreement when advisable, all claims and titles of adverse claimants and occupants. Upon failure to secure by agreement title to any such parcel of land or land under water the adverse claim or occupancy shall be disposed of and title thereto secured in the United States and compensation therefor fixed and paid in the manner provided in the aforesaid treaty with the Republic of Panama, or such modification of such treaty as may hereafter be made.

SEC. 4. That when in the judgment of the President the construction of the Panama Canal shall be sufficiently advanced toward completion to render the further services of the Isthmian Canal Commission unnecessary the President is authorized by Executive order to discontinue the Isthmian Canal Commission, which, together with the present organization, shall then cease to exist; and the President is authorized thereafter to complete and operate the Panama Canal or cause it to be completed and operated through a governor of the Panama Canal and such other persons as he may deem competent to discharge the various duties connected with the completion, care, maintenance, sanitation, operation, and protection of the canal. The governor of the Panama Canal shall be appointed by the President, by and with the advice and consent of the Senate, commissioned for a term of four years, and until his successor shall be appointed and qualified. He shall receive a salary of $10,000 a year. Vacancies shall be filled in the same manner, except that in the recess of the Senate the President may make an ad interim appointment. All other persons necessary for the completion, care, management, maintenance, sanitation, and operation of the Panama Canal shall be appointed by the President, removable at his pleasure, with salaries to be fixed by him. That upon the completion of the Panama Canal the President shall cause the same to be officially and formally opened for use and operation.

SEC. 5. That the President is hereby authorized to prescribe, and from time to time change, toll charges for the use of the Panama Canal by all vessels, except those belonging to the Government of the United States (including those of the Panama Railroad Co.) and the Government of the Republic of Panama, which excepted vessels shall be charged no tolls. Charges may be based upon gross or net registered tonnage, displacement tonnage, or otherwise, and may be based on one form of tonnage for warships and another for ships of commerce, but the tolls shall not exceed $1.25 per ton, based upon net registered ton-

nage for ships of commerce, nor be less than the estimated proportionate cost of the actual maintenance and operation of the canal: *Provided, however*, That under regulations prescribed by the President a vessel paying toll going through the canal in ballast shall, on its return trip through the canal laden with cargo, be entitled to receive a rebate of 50 per cent of the tolls just previously paid going through in the opposite direction without cargo. No preference shall be given nor discrimination shown, directly or indirectly, to the vessels of any nation, its citizens or subjects, other than vessels belonging to the Government of the United States (including those belonging to the Panama Railroad Co.) and the Government of the Republic of Panama, observing the rules and regulations of the Panama Canal. The toll for each passenger shall be not more than $1.50. The President is authorized to make, and from time to time amend, regulations governing the operation of the Panama Canal and the passage and control of vessels passing through the same or any part thereof, including the locks and approaches thereto, and all rules and regulations affecting lighting, pilots, and pilotage in the canal or the approaches thereto through the adjacent waters.

Such rules and regulations shall expressly deny and forbid the use of the Panama Canal to all the classes of vessels the passage of which through the Panama Canal, or any part thereof, is made and declared unlawful by section 11 of this act.

Such regulations shall provide for prompt adjustment by agreement and immediate payment of claims for damages which may arise from alleged injury to vessels, cargo, or passengers from the passing of vessels through the locks under the control of those operating them under such rules and regulations. In case of disagreement, suit may be brought in the district court of the Canal Zone against the governor of the Panama Canal. The hearing and disposition of such cases shall be expedited and the judgment shall be immediately paid off without proceeding to execution. All such claims, whether by agreement or after judgment, shall be paid out of any moneys appropriated or allotted for canal operation.

SEC. 6. That the President is authorized to cause to be erected, maintained, and operated, at suitable places along the Panama Canal and the coast adjacent to its two terminals, in connection with the operation of said canal, such wireless telegraphic installations as he may deem necessary for the operation, maintenance, sanitation, and protection of said canal. If it is found necessary to locate such installations upon territory of the Republic of Panama, the President is authorized to make such agreement with said Government as may be necessary, and also to provide for the acceptance and transmission, by said system, of all private and commercial messages, and those of the Government of Panama, on such terms and for such tolls as the President may prescribe: *Provided*, That the messages of the Government of the United States and the departments thereof, and the management of the Panama Canal, shall always be given precedence over all other messages. The President is also authorized to establish, maintain, and operate dry docks, repairs shops, yards, docks, wharves, warehouses, storehouses, and other necessary facilities and appurtenances for the purpose of providing coal and other materials, labor, repairs, and supplies for its own vessels, and, incidentally, for supplying such at reasonable prices to passing vessels, in accordance with appropriations hereby authorized to be made from time to time by Congress as a part of the maintenance and operation of the said canal. Moneys received in the ordinary course of business from the conduct of said business may be expended and reinvested for such purposes without being covered into the Treasury of the United States; and such moneys are hereby appropriated for such purposes, but all deposits of such funds shall be subject to the provisions of existing law relating to the deposit of other public funds of the United States, and any net profits accruing from such business shall annually be covered into the Treasury of the United States. Monthly reports of such receipts and expenditures shall be made to the President by the persons in charge, and annual reports shall be made to the Congress.

SEC. 7. That the governor of the Panama Canal shall, in connection with the operation of such canal, have official control and jurisdiction over the Canal Zone and shall perform all duties in connection with the civil government of the Canal Zone, which is to be held, treated, and governed as an adjunct of such Panama Canal. Unless in this act otherwise provided all existing laws of the Canal Zone referring to the civil governor or the civil administration of the Canal Zone shall be applicable to the governor of the Panama Canal, who shall perform all such executive and administrative duties required by existing law. The President is authorized to determine or cause to be determined what towns shall exist in the Canal Zone and subdivide said Canal Zone into subdivisions, to be designated by name or number, so that there shall be situated one town in each subdivision, and the boundaries of each subdivision shall be clearly defined. In each town there shall be a magistrate's court with exclusive original jurisdiction coextensive with the subdivision in which it is situated of all civil cases of every character in which the principal sum claimed does not exceed $300, and all criminal cases wherein the fine that can be imposed could not exceed $25, imprisonment could not exceed 30 days, or both, and all violations of police regulations and ordinances and all actions involving possession or title to personal property or the forcible entry and detainer of real estate, and all other matters and proceedings which are now within the jurisdiction of the municipal judge or the municipal courts. Such magistrates shall also hold preliminary investigations in charges of felony and commit or bail in bailable cases to the district court. A sufficient number of magistrates and constables, who must be citizens of the United States, to conduct the business of such courts, shall be appointed by the governor of the Panama Canal for terms of four years and until their successors are appointed and qualified with salaries to be fixed by the President. The rules governing said courts and prescribing the duties of said magistrates and constables, oaths and bonds, the times and places of holding such courts, the disposition of fines, costs, forfeitures, enforcements of judgments, appeals therefrom to the district court, and the disposition, treatment, and pardon of misdemeanor convicts shall be established by order of the President. The governor of the Panama Canal shall appoint all notaries public, prescribe their powers and duties, their official seal, and the fees to be charged and collected by them.

SEC. 8. That there shall be in the Canal Zone one district court with two divisions, one including Balboa and the other including Cristobal; and one district judge of the said district, who shall hold his court in both divisions at such time as he may designate by order, at least once a month in each division. The rules of practice in such district court shall be prescribed or amended by order of the President. The said district court shall have original jurdisdiction of all felony cases and of all causes in equity and admiralty and all cases at law involving principal sums exceeding $300 and of all appeals from judgments rendered in magistrates' courts. The jurisdiction in admiralty herein conferred upon the district judge and the district court shall be the same that is exercised by the United States district judges and the United States district courts, and the procedure and practice shall also be the same. The district judge shall also have jurisdiction of all other matters and proceedings not herein provided for which are now within the jurisdiction of the Supreme Court of the Canal Zone, of the Circuit Court of the Canal Zone, or the District Court of the Canal Zone, or the judges thereof. Said judge shall provide for the selection, summoning, serving, and compensation of jurors from among the citizens of the United States, to be subject to jury duty in either division of such district, and a jury shall be had in any criminal case or civil case at law originating in said court on the demand of either party. There shall be a district attorney and a marshal for said court. It shall be the duty of the district attorney to conduct all business, civil and criminal, for the Government, and to advise the governor of the Panama Canal on all legal questions touching the operation of the canal and the administration of civil affairs. It shall be the duty of the marshal to execute all process of the court, preserve order therein, and do all things incident to the office of marshal. The district judge, the district attorney, and the marshal shall be appointed by the President, by and with the advice and consent of the Senate, for terms of four years each, or until their successors are appointed and qualified, and during their terms of office shall reside within the Canal Zone, and shall hold no other office nor serve on any official board or commission nor receive any emoluments except their salaries. The district judge shall receive the same salary paid the district judges of the United States, and shall appoint the clerk of said court, who shall receive a salary to be fixed by the President. The district judge shall be entitled to six weeks' leave of absence each year with pay. During his absence or during any period of disability or disqualification from sickness or otherwise to discharge his duties the same shall be temporarily performed by any circuit or district judge of the United States who may be designated by the President, and who, during such service, shall receive the additional mileage and per diem allowed by law to district judges of the United States when holding court away from their homes. The district attorney and the marshal shall be paid each a salary of $5,000 per annum.

SEC. 9. That the records of the existing courts and all causes, proceedings, and criminal prosecutions pending therein as shown by the dockets thereof, except as herein otherwise provided, shall immediately upon the organization of the courts created by this act be transferred to such new courts having jurisdiction of like cases, be entered upon the dockets thereof, and proceed as if they had originally been brought therein, whereupon all the existing courts, except the Supreme Court of the Canal Zone, shall cease to exist. The President may continue the Supreme Court of the Canal Zone and retain the judges thereof in office for such time as to him may seem necessary to determine finally any causes and proceedings which may be pending therein. All laws of the Canal Zone imposing duties upon the clerks or ministerial officers of existing courts shall apply and impose such duties upon the clerks and ministerial officers of the new courts created by this act having jurisdiction of like cases, matters, and duties.

All existing laws in the Canal Zone governing practice and procedure in existing courts shall be applicable and adapted to the practice and procedure in the new courts.

The Circuit Court of Appeals of the Fifth Circuit of the United States shall have jurisdiction to review, revise, modify, reverse, or affirm the final judgments and decrees of the district court of the Canal Zone and to render such judgments as in the opinion of the said appellate court should have been rendered by the trial court in all actions and proceedings in which the Constitution, or any statute, treaty, title, right, or privilege of the United States, is involved and a right thereunder denied, and in cases in which the value in controversy exceeds $1,000, or which involves the title or possession of real estate exceeding in value the sum of $1,000, to be ascertained by the oath of either party, or by other competent evidence, and also in criminal causes wherein the offense charged is punishable as a felony. And such appellate jurisdiction may be exercised by said circuit court of appeals in the same manner, under the same regulations, and by the same procedure as nearly as practicable as is done in reviewing the final judgments and decrees of the district courts of the United States.

SEC. 10. That after the Panama Canal shall have been completed and opened for operation it shall not be lawful for any person to go, be, or remain upon or pass over any part of the Canal Zone without the permission of the governor of the Panama Canal, except United States soldiers, sailors, and marines and their officers, and the employees operating the Panama Canal. Any person violating this provision shall be guilty of a misdemeanor, and on conviction in the magistrate's court of the subdivision in which the violation occurred shall be punished by a fine not exceeding $500 or by imprisonment not exceeding one year, or both, in the discretion of the court. It shall be unlawful for any person, by any means or in any way, to injure or obstruct, or attempt to injure or obstruct, any part of the Panama Canal or the locks thereof or the approaches thereto. Any person violating this provision shall be guilty of a felony, and on conviction in the District Court of the Canal Zone shall be punished by a fine not exceeding $10,000 or by imprisonment not exceeding 10 years, or both, in the discretion of the court. If the act shall cause the death of any person within a year and a day thereafter, the person so convicted shall be guilty of murder and shall be punished accordingly.

SEC. 11. That section 5 of the act to regulate commerce, approved February 4, 1887, as heretofore amended, is hereby amended by adding thereto a new paragraph at the end thereof, as follows:

"From and after the 1st day of July, 1913, it shall be unlawful for any railroad company or other common carrier subject to the act to regulate commerce to own, lease, operate, control, or have any interest whatsoever (by stock ownership or otherwise, either directly, indirectly, through any holding company, or in any other manner) in any common carrier by water with which said railroad or other carrier aforesaid does or may compete for traffic; and in case of the violation of this provision each day in which such violation continues shall be deemed a separate offense."

That section 6 of said act to regulate commerce, as heretofore amended, is hereby amended by adding a new paragraph at the end thereof, as follows:

"Within three months after the taking effect of this act any common carrier subject to the provisions of the act to regulate commerce which, alone or in connection with any other common carrier, transports passengers or property in connection with a water carrier to or from a foreign country from or to any State or Territory of the United States or the District of Columbia and makes or participates in joint through rates for such transportation, shall, upon the request of any water carrier engaged in the lake, river, or coastwise trade of

the United States, including trade through the Panama Canal, provide like port facilities, connections, and joint through rates from one State or Territory of the United States or the District of Columbia to any other State or Territory of the United States or the District of Columbia for and in connection with such water carrier; and the charge for such share of such joint through rate shall be no greater sum of money than such common carrier alone, or in connection with any other common carrier, receives for the same service for transportation of passengers or property in connection with any water carrier to or from a foreign country from or to any State or Territory of the United States or the District of Columbia."

SEC. 12. That all laws and treaties relating to the extradition of persons accused of crime in force in the United States, to the extent that they may not be in conflict with or superseded by any special treaty entered into between the United States and the Republic of Panama with respect to the Canal Zone, and all laws relating to the rendition of fugitives from justice as between the several States and Territories of the United States, shall extend to and be considered in force in the Canal Zone, and for such purposes and such purposes only the Canal Zone shall be considered and treated as an organized Territory of the United States.

SEC. 13. That in time of war in which the United States shall be engaged, or when, in the opinion of the President, war is imminent, such officer of the Army as the President may designate shall, upon the order of the President, assume and have exclusive authority and jurisdiction over the operation of the Panama Canal and all of its adjuncts, appendants, and appurtenances, including the entire control and government of the Canal Zone, and during a continuance of such condition the governor of the Panama Canal shall, in all respects and particulars as to the operation of such Panama Canal, and all duties, matters, and transactions affecting the Canal Zone, be subject to the order and direction of such officer of the Army.

SEC. 14. That this act shall be known as, and referred to as, the Panama Canal Act.

[House Report No. 423, Sixty-second Congress, second session.]

Mr. ADAMSON, from the Committee on Interstate and Foreign Commerce, submitted the following report, to accompany bill H. R. 21969:

The Committee on Interstate and Foreign Commerce, to whom was referred the bill (H. R. 21969) to provide for the opening, maintenance, protection, and operation of the Panama Canal and the sanitation and government of the Canal Zone, having considered the same, report thereon with a recommendation that it pass.

The Panama Canal is unique in all respects, and at every stage presents novel problems. Its initiation involved intricate questions, requiring skillful diplomacy and tactful legislation. Its construction encountered untried difficulties and invented original methods and processes without the aid of model or previous suggestion. Likewise, legislation to operate and govern the gigantic institution, with its adjuncts and incidents, must, in the absence of precedent, rely upon basic principles, with analogy and reason as the only guide.

As there was no available route for the construction of the canal through our own territory, and under the terms of the Clayton-Bulwer treaty were prevented from constructing a Government-owned canal at public expense for use of the Government, we were compelled, first, to secure a modification of the treaty, which authorized us, under stipulated conditions, to arrange with some Central American Government for the route and terms of constructing such a canal. Then Congress passed the canal act, pursuant to which the Canal Zone was acquired through a treaty establishing the mutual and reciprocal rights and obligations to obtain between the United States and the Republic of Panama, mentioning and adopting the essential features of our modified treaty with Great Britain.

Section 1: This section of the bill describes and names the Canal Zone and the Panama Canal in accordance with the aforesaid treaties and the canal act, and also authorizes the President to acquire, by treaty, jurisdiction over any additional territory which may be found necessary to effectuate the purposes of the original grant. This may be necessary in connection with the harbor lines about Colon and the boundaries between Colon and the Canal Zone, Colon having been exempted from the grant.

Section 2: This section is intended to ratify and confirm existing laws and organizations under which the Canal Zone is governed and the canal is being constructed. The existing judicial system is likewise recognized and confirmed. While not regarded as absolutely essential, all this is deemed appropriate for the reason that at the end of the Fifty-eighth Congress, in default of renewed legislation, the law for the temporary government lapsed, and the President not only preserved the status established under the temporary provision but also extended and continued the exercise of all necessary authority and functions of government de facto in so far and whenever necessary authority was found not to have been conferred by the canal act and various subsequent acts of Congress. The committee approves of the course pursued by the Executive and recommends legislative approval thereof as appropriate.

Section 3: This section provides for acquiring title and possession of all lands in the Canal Zone not already acquired by the United States. It is not thought advisable for sanitary purposes to permit any permanent population in that part of the Canal Zone between the two dams which make the summit level, nor is it safe to permit unfriendly or uncertain population in the neighborhood of the canal. Very little land suitable for habitation or cultivation will be left unflooded when the lakes and the summit level are filled with water. In fact, there will be no more available land than may be required for barracks, exercise and drill grounds, and other purposes connected with maintaining such military police as may be necessary. It should be observed that our authority and qualified sovereignty over such canal is limited by the canal act and by treaty to such territory as is necessary to the construction, sanitation, maintenance, operation, and protection of such canal. If we now have or should hereafter acquire authority and deem it wise to colonize the zone, we at least have the right in all events to acquire the property rights and possession and hold all the lands until we open the canal and put it in operation. Then we can be guided by developments in determining our policy in the premises.

Section 4: We now come to the second division of the bill. As the canal nears completion the working force is gradually decreased. In order to secure the best results it is wise to select, retain, and train for the operation of the canal those employees who may be found best suited therefor. By that means a competent force to man the locks and operate the canal will be present and available when the canal is ready to be opened and all the other employees shall have been discharged and returned to their homes. To this end the President is authorized, when in his opinion advisable, to discontinue the Isthmian Canal Commission and relieve from duty the present organization. It is not contemplated by the committee that this will involve the separation from the service before the canal is finished of any of the eminent engineer heads of divisions nor the illustrious head of the sanitary department nor the very efficient chief subsistence and commissary officials. In fact, we have reason to believe that all these illustrious officials are acceptable to the administration, that their services are desired, and will not be dispensed with though the commission should be abolished. While we deem it wise to vest the operation of the canal in a single responsible head and make the President himself responsible for the conduct of affairs, it is believed that Congress should retain control over the appointment, conduct, and term of office and salary of the governor of the Panama Canal by requiring the advice and consent of the Senate to the selection of that officer and providing a definite tenure of office. In a subsequent section a similar provision is applied to the district judge, the district attorney, and the marshal. It seems to be the opinion of experts familiar with the subject who appeared before the committee that it is not only safe and expedient but also essential to securing the best results that plenary authority over the appointment, salary, service, and removal of all other employees of every degree be vested in the President. This section also provides that upon the completion of the canal the President shall cause it to be officially and formally opened for use and operation, the details of which are left to his discretion.

Section 5: This section authorizes the President to fix and change toll charges, not to exceed $1.25 per ton based on net registered tonnage nor be less than the proportionate part of the estimated cost for maintenance and operation. As to vessels of war, tolls may be based on a different form of tonnage, but it is intended that a substantial equivalent shall be fixed for the tolls. Under rules to be prescribed by the President, who is vested with authority to provide all regulations, a ship in ballast paying tolls may, on its return laden with cargo, be refunded 50 per cent of the tolls paid when empty. The tolls for each passenger shall be not more than $1.50. The President is also authorized to prescribe regulations as to lighting, pilots, and pilotage in the canal or the approaches thereto. This section requires that tolls shall be imposed and operate uniformly without preference of discrimination upon all vessels of all peoples and all nations, except vessels belonging to the Government of Panama and the Government of the United States, which include those of the Panama Railroad, all the stock of which is owned by the Government of the United States. These exceptions are made because the "United States enjoys all the rights incident to construction as well as the exclusive right of providing for the regulation and management of the canal." As such it is entitled to all the benefits and profits resulting from ownership and operation thereof. As tolls paid out of the common Treasury would instantly return to the same common Treasury, such performance would be entirely useless, and in the exercise of common sense will be omitted. We charge other vessels because it is our canal and our service. We pass those belonging to our own Government free because the canal belongs to the Government. The ship and the tolls also belong to the Government. The exemption covers the ships belonging to the Government of Panama because, under the facts and the terms of the treaty with her, which by our treaties with Great Britain we were authorized to make, she became a quasi party to the construction and operation. The canal traversing that Republic we could construct only by making terms with the Republic of Panama with conditions imposed in terms, which render her situation akin and analogous to a constructor of the canal. Without her consent it could not have been done, and the exemption of her Government-owned ships conforms to both treaties, and fairly and rightly so.

While many members of our committee believe that by the terms of our treaties with Great Britain we are prevented from allowing preferential or free tolls to ships of American registry, either coastwise or foreign, the majority of the committee voting for uniform tolls authorize and request the statement—positive, plain, and unequivocal—that no language of this section was chosen or used for the purpose of foreclosing discussion and differing opinions on that question. They authorize the express affirmation that this provision is adopted for present use, disclaiming all intention to declare in this section any construction of the language of the treaty or to establish any precedent or permanent legislative policy or to bind any future Congress should it be deemed expedient or adjudged competent to adopt a different basis. This statement of the committee may be clearly understood by reference to the original and committee prints of the bill, from which the committee adopting this section eliminated all reference to treaties. The language beginning on page 6 with the words "No preference shall be given," etc., which has been criticized as an attempt to construe the treaty and thereby estop us from future consideration of the question, was not quoted from the treaty at all, but was taken from bills introduced by advocates of free or preferential tolls. One containing the same language has been introduced by the leading champion and signer of the minority views. Not deeming it necessary at this time nor for this purpose to make a legislative declaration as to the construction of that part of the treaty, the majority of the committee recommend uniform tolls for reasons which they regard as good and sufficient. First, the financial success of the canal is of prime importance, and its operation is the main object of this bill. Financial returns in the beginning are in doubt. The operation of the canal will be not only experimental, but the patronage and revenues are conjectural. We know it will require $4,000,000 or $5,000,000 a year to maintain and operate the canal and administer its adjuncts. English capitalists are large stockholders in the Suez Canal, and also in the leading ships and ship lines belonging to English subjects. Some of them are directors in the canal and ship companies. The same is true of several other leading European countries. It is therefore taken for granted that time, distance, and cost of operating being anything like equal, most of the ships of those countries will adopt the Suez route.

There is prospect of very little traffic within the competitive or twilight zone. To reduce the level of tolls low enough to secure that traffic might forfeit more revenue certain to be derived from territory naturally belonging to the Panama traffic. Much of that competitive traffic, unless unreasonably low tolls are fixed, will take the route by the Cape of Good Hope or through Magellan or around Cape Horn, thus avoiding tolls entirely. If the maximum toll rate is prescribed it will be about 6 cents per ton under the Suez rate, but the Suez rate will probably soon be reduced to $1, which we will have to meet. There will undoubtedly be some shipping through the canal between our Atlantic coast and the Orient, and some between Europe and the Pacific coast, as well as occasional vessels between Europe and various Pacific ports not touching at American ports at all. Our own coastwise ships and Canadian coastwise ships may constitute the great body of that Panama traffic which is at all certain. The majority of the committee believe that for the first few years we will need the tolls of all these ships and that it is right and just to open the canal and demonstrate

what the financial returns will be and what success we will realize in securing and handling traffic before taking up the question of exempting any vessels. We also believe that in opening so vast an enterprise we have that right in order to justify its construction and existence by operating it for awhile untrammeled and unshackled by any other issues and interests. We love the American flag and desire the prosperity of American shipping. Most of us disapprove of the methods by which our foreign shipping was driven from the ocean, but Congress is here always and can adopt methods to restore the shipping without hampering the canal operation with that problem. If American ships need the aid of Government, either in foreign or coastwise trade, it ought to be considered as an independent proposition, entirely divorced from the canal subject, so as to avoid all embarrassment in the management of that great project. It is neither fair nor wise to attach the proposition as a condition of canal operation, when separate bills can deal with the matter at any time, expressing the will of Congress much more fairly and distributing the assistance provided by extending it to all coastwise ships rather than by limiting it to the small per cent of them which will go through the canal. We found from the hearings that the coastwise ships which will pass through the canal do not need the remission of the tolls.

Some promoters and speculators, tickling the cupidity of financiers who wish to finance new enterprises, are willing to build new ships provided the Government in advance will assure them bounty or subsidy to the amount of the tolls. Not satisfied with that and the advantages of an exclusive monopoly of the coastwise business, they suggest still other concessions and gratuities from the Government, and have sent out flashing prospectuses of the immense profit promised by the operation of their new ships by the grace of the Government through preferential tolls, and solicit subscriptions for stock with assurances of tremendous dividends. Several companies are already doing an extensive coastwise business with a large number of ships, and some of them building additional ships. They are all prosperous. Many of their ships will use the canal to the full extent justified by the traffic, and there will never be wanting ships to do the business if traffic invites. The shortening of distance and time of voyages will insure such reduction in coast-to-coast freight rates as to render the small toll charges we authorize immaterial as affecting competition by the transcontinental railroads or by the Magellan or Cape Horn route unless the coastwise ships themselves keep up the freight rates through the canal. In that event the tolls would alike be immaterial. The operators of coastwise ships and ship lines are very shifty and discreet. They have an eye ever open to the main chance, just like foreign ships and interstate railroads. Of course, it is purely by accident and through inadvertence that they never get in one another's way. Although human, they would scorn combinations. In fact, combinations are unnecessary as well as bad. But these ship companies somehow contrive that lines grow up between certain ports and other lines grow up between other ports, each route between two ports being served by a different line of ships from those running between two other ports, so that it is very rare that any two ports are embarrassed by having to choose between two lines or two ships competing for their business. It is even said that sometimes an irresistible longing arises, spontaneous, it is true, but almost as unerring as if by compulsion, to limit the patronage of the business men of a port to a particular line without encouraging any other. These companies frankly admit that the same courtesy and prudence will be observed among them as to running ships through the Panama Canal.

We further believe that, whether a governmental gratuity is considered as a charity to an unprofitable and dying business or as a bounty to prosperous shipping, the Government should in fairness treat all of the same class alike. All interstate coastwise ships are important. The cities of the Atlantic coast interchange more business with one another than will ever go through both the Panama and the Suez Canals. More business now passes through the Soo Canal between the Great Lakes than will ever patronize both the Panama and the Suez Canals. The constwise traffic between the Pacific coast cities that will never pass through the canal at all is very important. Ninety per cent of the coastwise ships, busy all the time in interstate business, will never approach the canal at all. Less than 10 per cent of all these coastwise ships will use the canal, making longer journeys, charging correspondingly more freight and passenger rates, and making infinitely more money, yet it is selfishly demanded that those few ships (for only a few will be needed) shall be given their tolls in the interests of interstate trade, while the 90 per cent rendering service just as valuable in interstate commerce would not participate in the contribution. When we go to voting away the Government's money and credit to special interests, we prefer some method more fair and equitable. This small shipping interest has secured indorsements and recommendations from some trade organizations in various coast cities of the country on the erroneous theory that shippers would secure the benefits of the remitted tolls through reduced freight rates. This is a delusion, pure and simple, as we have already shown It is also demonstrated by history, observation, and experience. But suppose the shippers did secure the benefit of the remitted tolls. They would not and could not pass it to their customers. It would be impossible of division, apportionment, and distribution among them. Being impossible, it is admittedly never attempted. Only a small per cent of the American people will ship freight in considerable quantities through the canal. It is a catchy phrase, plausible, sophistical, and misleading, that "we can use our canal for our own benefit," which is the slogan of the small special interest demanding preferential tolls.

In principle and theory the Government and the people are identical and their interests the same. But the 1 per cent or less of our population financially interested in ships can hardly be regarded as identical with the whole people nor the sole beneficiaries of the Treasury. All the people own the Treasury, and the Treasury may be replenished by compulsory contributions from all the people. We may rightfully appropriate from the Treasury for the benefit of all the people, but giving public funds to special interests would be an unauthorized diversion, and in politics and morals amount to a misappropriation of the people's money. But it is said that it is so easy just to remit the tolls before they go into the Treasury. It amounts to the same thing as taking it out of the Treasury, where all the tolls belong, and we should not divert any from going in. It is different from prohibitory tariff protection which establishes a condition for transacting business. It is different from excluding foreign competition from the coastwise trade, practiced, not for the reason that, incidentally, it helps to enrich shipowners, but in the interests of sound public policy, not always, however, realized, that aliens should not operate in our domestic commerce and become familiar with our internal affairs. That exclusion also stops with making a condition for highly profitable business. But the remission or refunding of tolls means taking money already ascertained to belong to all the people and giving it to a favored few. It is also urged that remission should be allowed because it is apprehended that some foreign nations may pay tolls for their ships. We can not understand how that can affect the coastwise ships at all, inasmuch as no foreign ship can participate in the coastwise trade. At once the most plausible and most erroneous contention is that the canal being an American waterway it would be a departure from our traditional policy of free waterways if we should charge tolls for coastwise ships. Based on false premises, that argument proves too much. If the canal is a purely domestic waterway we should not charge tolls to any vessel. There is no discrimination in the use of American waterways. Ships of all nationalities may use them alike. As shown in the beginning of this report, the Panama Canal is in a foreign country, our authority to construct and operate the canal with certain limitations and conditions was secured by treaties with two foreign countries, and we must act within those limitations and conditions.

There are two other canals which we use under treaty stipulations with our neighbor to the north—the Welland Canal, built and operated by Canada, and the Soo Canal, built and operated by us. Those two canals are on the line between the two countries. No tolls are charged on either; not because they are American canals or Canadian canals, but because mutual and reciprocal treaty stipulations provide that both shall be free. If the Panama Canal is an American waterway, so is the Soo; and it is equally true that the Welland is a Canadian waterway. The use of all depends on treaties. There is nothing in our treaty, however, to forbid universal remission of all tolls; but under the existing circumstances it would be an unwise thing to do and could hardly be expected to receive the approval of the American people. While they wish to be fair and honorable, they do not feel called upon to operate the Panama Canal as an eleemosynary institution. While the majority of the committee based action favoring universal tolls upon economic reasons and financial necessity, expressly disclaiming any purpose or attempt to construe the toll references in the treaty, yet the terms of the treaty remain of force and must be remembered and regarded until modified or set aside. It is urged that the stipulations for equality do not prevent preference for coastwise ships, because they are not in competition with foreign ships, which can not enter coastwise trade. In effect, the argument is that, being already protected against competition, one discrimination in their favor demands another. Being protected against all competition, they would be also exempt from tolls and place in their coffers the amount saved thereby. We think the treaty stipulations for equality of treatment mean treatment at the canal and nothing else. It is limited to "conditions and charges of traffic," which "conditions and charges of traffic shall be just and equitable." By that stipulation we are bound to levy such charges and establish and maintain such conditions of traffic at the canal as in those respects only will maintain it "free and open without discrimination in these respects."

We are not permitted to consider discrimination made in other respects and elsewhere in connection with the shipping of any country, but are bound by the language and intent of the treaties to preserve fairness and equality without discrimination in respect of "conditions and charges of traffic" at the canal; therefore, the case of Olsen *v.* Smith (195 U. S., 332), relied on by the advocates of preferential tolls, can have no application to the situation with which we are dealing. Whether two ships of diverse nationality are treated alike or differently in the home ports of either can have no effect or bearing on our treaty obligations to treat them both alike at the canal as to charges and conditions of traffic.

We are neither required nor authorized to use the canal nor its operation as a pretext to attempt the regulation of the commerce of the world nor meddle with any details or conditions of trade away from the canal. There are other methods of dealing with all other subjects. The highest authorities among the advocates of Government aid to domestic ships have recognized that fact by recommending that tolls be collected and refunded, and bills have been introduced for the purpose of refunding its tolls. Let those bills be considered as separate propositions. The only parties as yet to the treaties under which the canal is being constructed are Great Britain, the Republic of Panama, and the United States. If, under the treaty, our ships can be allowed preferential tolls, the other two parties to the treaties will claim similar consideration. If, as we believe, the treaties do not permit such treatment, it is highly probable that both England and Panama would consent to such modification as would permit it. The territory of Panama, as that of Canada, extends from coast to coast, just as in our own case, and both Canada and Panama have coastwise trade and coastwise vessels. With such a modification it would be possible, if our Government wished to inaugurate such an unfair system—that is, unfair to our own citizens—to adopt preferential tolls on such terms as may be provided by the modified treaty. Then the great majority of the ships of the world could and would, easily and promptly, enter the coastwise trade of Canada, the United States, or Panama. As coastwise ships are not prohibited from extending their activities into the foreign trade, the ships of these three countries would immediately monopolize the use of the canal and it would automatically become a free canal. There would be no competing ships to pay the tolls. It may be interesting to note that when the Hay-Pauncefote treaty was pending in the Senate, December 13, 1900, the following amendment was proposed:

"Strike out article 3 and substitute 'The United States reserves the right in the regulation and management of the canal to discriminate in respect of the charges of traffic in favor of vessels of its own citizens engaged in the coastwise trade.'"

The amendment was rejected on roll call—yeas 27, nays 43.

Those who demand this preference make protestations of patriotism and love for the flag both loud and profuse, but those professions are all that they offer for the largess demanded, and experience demonstrates that they would do business under a foreign flag just as readily if more profits were guaranteed thereby. No quid pro quo in the shape of valuable consideration is tendered in return for the concession claimed. There is no offer to carry free for the Government its men or supplies or munitions of war or any kind of freight or passengers. For all that full pay, if not more, is expected from the Government. The only pretense at offering a return for the preference demanded is that in case of war the Government would have the option to buy the subsidized vessels at a high price. If the Government refused to pay the price demanded, arbitration would be relied on to fix a price high enough to satisfy the most aggravated cupidity. As all the optimistic doctrinaires and publicists prophesy a long period of peace, and in view of the fact that the most modern and up-to-date ships go out of fashion and become obsolete in a few years, this proposition offers little inducement for intelligent and faithful Representatives to vote tolls away from the Treasury. It is not probable that the United States will ever find itself in such emergent condition that with the cash it can not purchase such ships, both chief and auxiliary, as it may need—ships fully adapted to its purpose and in sufficient numbers. The demand for discrimination in favor of American ships presents a square

issue between a small fraction of the coastwise shipping interests and the entire population of the United States. The question which our committee decides in the negative, practically and substantially stated, is, Shall we, as representatives of the people, take from them, without consideration, return, or recompense, their money and give it to the small special interests operating but a small per cent of the coastwise trade, who have no right to the money and do not need it, as their business is prosperous—certainly do not need it more than the other 90 per cent of the coastwise trade against whom the discrimination in refusing to divide the subsidy with them would be as gross as the discrimination claimed against the people who in the aggregate are as patriotic as those few claiming preference?

Reference is had in this section to prescribing rules for the enforcement of section 11, which will be further discussed in connection with that section. It is also provided in section 5 that the rules prescribed shall permit and require prompt adjustment and settlement for injuries sustained by vessels which the canal management will take in charge and carry through the locks. It is absolutely necessary for the safety of the locks, as well as of the vessel, that it should be under the entire control and handled exclusively by the canal authorities through the locks. It is only right that, in case the canal authorities should commit any injury an ample and adequate arrangement should be provided for prompt reparation. If accord and satisfaction fail to adjust the case, the claimant may sue the governor of the Panama Canal in the district court, which must expedite the proceedings to an early conclusion.

Section 6: This section authorizes the President to install necessary wireless stations and is drawn in accordance with the desire of the Government and the departments chiefly concerned in the wireless installation. This section also authorizes the President to establish and operate dry docks, repair shops, docks, wharves, warehouses, storehouses, and other facilities for accommodating commerce and navigation and supplying material, labor, and repairs, and all kinds of ship stores, primarily, of course, for the use of our own vessels, but incidentally to supply, at reasonable prices, passing vessels. It being absolutely necessary to provide for the necessities of our own ships, it is regarded as an excellent inducement to entice travel and traffic to use the Panama route. We already have valuable plants for supplying a great many of these facilities. To abandon them and rely upon other methods of supplying our own ships would entail great loss, and we might suffer great inconvenience in securing supplies. If we should utilize that facility and convenience to make the Panama route attractive to vessels of commerce and of war, the supply must be certain and reliable. The quality must be good and the prices known to be reasonable. Furnishing those facilities will present an instance illustrating what the treaty means by conditions of traffic. If one of the conditions of traffic through the canal is to be furnishing supplies and repairs, they must be furnished to all vessels alike on demand, without discrimination or preference. This section also prescribes the manner of bookkeeping, making reports, reinvesting funds, and depositing the net profits.

Section 7: With section 6 the bill might appropriately end, as it will probably be three years and several sessions of Congress will convene before the canal is put in operation, but for the necessity of transforming and reducing the present force into a small and efficient operating force and the fact that the present organization, including the Canal Commission, is to be discontinued, which will carry out of existence the civil government and judicial system, therefore it is not premature at this time to prescribe the method of transition from the existing régime to the new system of management, civil control, and judicial courts and procedure. Accordingly, we provide in this section that when, in the fullness of time, the change is made from the present organization to the new that the new system shall be in shape ready for the transition of conditions and the changed organization and system. It is not intended that there shall be much population in the Canal Zone, and it shall be of a high order. American citizens of high character employed to operate the canal, with their families, together with soldiers, sailors, and marines, and their officers, will be the only constant residents. Authorized tourists and visitors will also be people of good character. So it is confidently believed that the civil government and judicial system may be of a simple, limited, and economical kind. In order to secure homogeneous authority and uniform administration, we recommend that the governor of the Panama Canal shall exercise all authority as governor of the Canal Zone, which is declared to be merely an adjunct thereof. The section also provides for the subdivision of the Canal Zone into territorial jurisdictions of magistrates' courts, which shall have jurisdiction of all minor offenses and of civil cases in sums not exceeding $300, with right of appeal. It provides for the appointment of constables; defines the duties and jurisdiction of the magistrates and constables; gives the magistrates jurisdiction of possessory warrants, trover cases, forcible entry and detainer, and preliminary trials. The magistrates and constables must be citizens of the United States, and the President shall prescribe the rules of the court, oaths, bonds, times and places of holding court, disposition of fines, costs, forfeitures, enforcing judgments, appeals therefrom, and the disposition, treatment, and pardon of misdemeanor convicts. It also provides for the appointment of notaries public.

Section 8: This section would establish a district court in the Canal Zone, to be held in two divisions, one at each terminal of the canal, and defines the jurisdiction of the court, the powers, duties, and salary of the judge thereof, which include appeals from the magistrates' courts, and all cases, civil and criminal, above the jurisdiction of the magistrate's court. It is expected, however, that the principal business before the district court and the district judge will be causes in equity and admiralty. A clerk, marshal, and district attorney are provided for this court by this section. The rules of practice are to be prescribed by the President, but the district judge shall make provision for juries in said court. In addition to his other duties the district attorney will advise the governor of the Panama Canal on all legal questions touching the operation of the canal and the administration of civil affairs. The district attorney and marshal as well as the district judge are to be appointed by the President, by and with the advice and consent of the Senate, for terms of four years each. They must reside within the Canal Zone and hold no other office nor receive any other emoluments than their salaries. The section fixes for the district judge the same salary received by district judges in the United States and the salaries of the district attorney and the marshal at $5,000 each. Provision is made for six weeks' leave of absence each year for the judge and for the discharge of his duties during his absence, disability, or disqualification. A jury may be had on the demand of either party in any criminal case or case at law. The admiralty jurisdiction conferred and the procedure and practice shall be the same as that in force before the district judges and district courts of the United States.

Section 9: This section provides for the transfer of the records of existing courts, with all pending causes, proceedings, and criminal prosecutions, to the new courts created by this act as soon as they are organized, and abolishes all existing courts, except the supreme court of the Canal Zone, which the President may permit to exist until all pending causes are disposed of. Jurisdiction is given to the Circuit Court of Appeals of the Fifth Circuit of the United States to review certain cases, actions, and proceedings determined by the district court of the Canal Zone under certain limitations and restrictions.

Section 10: This section provides necessary protection for the canal itself, and its importance can not be overestimated. It excludes from the Canal Zone all persons having no permission from the governor of the Panama Canal except United States soldiers, sailors, and marines and their officers, and the employees of the United States operating the canal. It likewise defines and prohibits injuring or obstructing or attempting to injure or obstruct any part of the Panama Canal, the locks thereof, or the approaches thereto, and provides adequate punishment for each of such crimes.

Section 11: Believing that the function of the canal management to maintain equality and fairness in respect of conditions and charges of traffic is limited to the operation and supply and must be applied at the canal itself, and there only, without attempting to adjust inequalities or equalize conditions in different countries of the world, the committee nevertheless recognizes that the coast-to-coast business through the canal, under existing navigation laws, will be a part of our coastwise trade. It is competent in this or an independent bill to legislate concerning coastwise traffic. It would not be fair to discriminate among our coastwise vessels, all of which are important. The apprehension of railroad-owned vessels driving competition from the canal may or may not be exaggerated, but it is certain that the evil, which is only anticipated there, already exists in the coastwise trade on both coasts, as well as on our lakes and rivers. The evil is prevalent, recognized, and complained of. The proper function of a railroad corporation is to operate trains on its tracks, not to occupy the waters with ships in mock competition with itself, which in reality operate to the extinction of all genuine competition. In answering demands for the exclusion of railroad-owned ships from the canal, which in this bill or any other would simply amount to an amendment of the act to regulate commerce, the committee thinks it wise, just, and opportune to broaden the amendment so as to serve the higher, wider, more pressing, and more necessary purpose of excluding the railroads from operating vessels in competition with their tracks anywhere in the coastwise trade generally or in the lakes and rivers. This section also provides for the connection of railroads in through routes and joint rates with water carriers in all domestic traffic in accordance with their practices in connection with vessels engaged in the foreign trade. By that means the benefits of the canal can be distributed through the interior and enable the entire country to enjoy some good therefrom. Instead of competing with themselves by running vessels through the canal the railroads can perform the more noble and valuable service of connecting on either coast with coastwise vessels passing through the canal, and by joint rates and through routes afford convenient schedules and fair rates and conditions of commerce to the people living many hundreds of miles inland from both coasts.

Section 12: This section makes adequate provision for extradition of criminals and fugitives from justice.

Section 13: This section provides for the transfer of authority and jurisdiction over the Panama Canal with all its adjuncts, appendants, and appurtenances to Army officers to be designated by the President upon the approach of war, and during the war, or when war is imminent the canal shall be operated and all affairs administered according to the order of such Army officer.

Section 14: This section denominates this act as the Panama Canal act.

The Committee on Interstate and Foreign Commerce has labored unremittingly for a long time to work out the problems involved, and to present legislation adequate to meet the requirements of all conditions, existing or anticipated in connection with the maintenance, sanitation, and operation of the canal and the incidental civil administration. The important question of protection belongs to the jurisdiction of another committee. We have visited the Isthmus several times at the various stages of progress in constructing the canal. We have provided and reported necessary legislation at different times during the period of its construction. At various times we have had hearings concerning different phases of the subject. During the past three months we have heard expert witnesses in every line of life, and in every learned profession, and in every line of business, commerce, and navigation who in any wise could be interested in the construction and operation of the canal or were able by their information to throw light upon the questions involved. As a result we have acquired for the use of Congress and the public through those hearings several volumes of valuable if not exhaustive information covering the canal subject in all its phases, origin, stages, progress, and future. We trust that the results of our labors now laid before the Congress may prove of some value in assisting Congress to enact adequate legislation for the successful operation of this great and glorious enterprise and the satisfactory government and administration of all its adjuncts and appurtenances.

Respectfully submitted, by order of the committee.

COTTON.

Mr. STEDMAN. Mr. Speaker, I ask unanimous consent to address the House for 15 minutes.

The CHAIRMAN. The gentleman from North Carolina [Mr. STEDMAN] asks unanimous consent to address the House for 15 minutes. Is there objection?

There was no objection.

Mr. STEDMAN. Mr. Speaker, it is not my purpose to address the House at length. I only desire to make a statement, correcting a false and scandalous report recently made, emanating from the Bureau of Commerce and Labor, founded on a so-called investigation of one of its agents, a report not justified by facts as they exist, which reflects injuriously upon the management of cotton mills located in the immediate section in which I live and which does great injustice to those who earn their daily bread by work in those mills. It has been my wish for some days to call attention to this report. I have not done so hitherto, because of the great pressure of public and important business demanding the attention of this House. But I

can not allow this libel to longer go unchallenged. The conclusions in the report to which I allude have as their basis a so-called investigation of the condition of 21 families of cotton-mill workers in the South. Ten of these families live in or near Atlanta, Ga., six just outside of Greensboro, N. C., my home, and five near Burlington, N. C., a town in my district, only a few miles from Greensboro. In this report, amongst other statements, will be found the following, which, by permission, will be printed with my remarks:

The opportunities offered the people to improve their condition are limited. They rarely have a choice as to the kind of house they must live in. Overcrowding is as likely, or even more likely, to occur in a family with a large income than with one with a small income, for a large income usually means a large family, always a large number of workers. Certain other factors, less tangible, perhaps, have a bearing upon the prevailing standard of living. These may be referred to as limitation of ideals. Often where the income is large the home is most unattractive, with bare floors and a few necessary articles of furniture. Nothing appears comfortable, nothing beautiful. The casual observer would say that the family was living in poverty, yet they might have plenty of good food, plenty of fire, and the children might be well dressed. The explanation for this state of affairs is simple. It is not that these mill girls and boys are vain, extravagant creatures, thinking only of personal adornment. Most of them have never seen a well-furnished house. Their friends live as they do. There is no shame in inviting them to a house that is bare. They see, however, in the shop windows and on the people they pass in the street a display of clothing that sets for them a higher standard as regards clothing than they have in other respects. One other important feature enters into the lives of most of these people. Relatively few of them live in large cities. In a city there are a great many things that enrich the poor man's life that he does not have to pay for directly out of his income. There are parks and playgrounds, baths, libraries, art galleries, public lectures, etc. But the cotton-mill family has none of these.

Falsehood travels fast and its journeys are long. Yesterday I received a newspaper containing a marked copy of this libel. I have also received recently a paper in which is published a letter from three worthy young women who for five years have worked in the weaving room of the Proximity Manufacturing Co., representing one of the four mills near Greensboro, N. C. The letter reads as follows, and by permission will also be printed with my remarks:

We have read the article which was published in the papers a few days ago on Southern cotton-mill life and hereby denounce the statements as false and wish to state them as they really are.

We 3 have worked in the cotton mills for 8 or 10 years and have worked for the Proximity Manufacturing Co. for about 5 years in the weaving room.

We have nice, kind overseers and make good wages, averaging from $1.32 to $2.64 per day. We work only 10 hours each day up to Saturday, when we quit work at 11.40 o'clock. We are never made to work when we are unable. After our expenses we are able to save from $15 to $20 per month.

Mr. Cone, the owner of the Proximity mill, has provided for us two nice churches, a good school, and a hall, in which our fraternal orders may meet; also an assembly hall, in which we may give receptions or entertainments. He has employed for us teachers of sewing and cooking, so that the ladies of the village may become acquainted with the art of domestic science. We also have a nice library at the school, where we can get books to read through the summer. He has provided for us a large picnic ground, where the inhabitants of the three villages—Proximity, Revolution, and White Oak—assemble on the Fourth of July to celebrate and have a good time generally. Refreshments and good things to eat are served throughout that day, while the textile band furnishes enlivening music. Mr. Cone bears all these expenses, and we feel that he gives this to show his love for his employees.

In the spring he furnishes every home with flower and grass seeds, and then on the Fourth of July he awards prizes for the most beautiful yards and neatly kept premises. And then on Christmas he presents each family with a nice fat turkey. What more could anyone want?

The article which was published in the paper on Southern cotton-mill life stated that our daily fare consisted of corn bread and sirup and that the mothers wear the discarded dresses of their daughters. We say this is absolutely false. There are, perhaps, some very few who live very poorly, but the majority are in very good circumstances. They have plenty to eat and nice clothes to wear.

And we wish to say in the end that we are improving every day. Electric lights are now being placed in the homes and on the streets. This is an example of a Southern cotton mill. We hope none of them are as bad as they are reported by some people.

What matters; on that great day to come we will not be judged by what we eat and wear, but we will all be judged alike, rich or poor. We hope this will show the author of the article concerning Southern cotton mills of his mistake.

Anyone wanting proof of these statements which we have made can get our names at the office of the Daily News, and we will stand good for any of them.

THREE PROXIMITY MILL GIRLS.

It is a complete and truthful statement of the general conditions existing amongst the families who work in three of the four mills near Greensboro controlled by Mr. Cæsar Cone, who is the gentleman alluded to in the letter just read. I have a personal knowledge of many of the methods and means adopted by Mr. Cone to enhance the happiness and prosperity of those who labor in the mills of which he is the master spirit. It is my good fortune to know him intimately. I do not think I have ever met any man whose heart is more imbued with the spirit of humanity. Wherever there is distress, and the knowledge comes to him, he is ever ready to render assistance to all who deserve it. In very many instances his help has been given to persons entirely unknown by him. A man of the highest order of business ability with a heart so kind would never allow the conditions to exist as represented in the report to which I have alluded. Neither squalid poverty nor vice with its hideous mien finds a resting place amongst families working for him. I know that he regards himself not only as their employer but as the trustee for their prosperity and advancement in life. I am not personally cognizant of the condition existing in the fourth mill located near Greensboro, N. C., but I know well those who control it. They are kind, humane, and honorable men, who would never tolerate such a state of affairs as set out in the report heretofore alluded to. I can say the same as to conditions in the mills near Burlington, N. C. I believe that I know their true status, not of my own personal knowledge but from information derived from those with whom I have been acquainted for many years and whose words are entitled to full and absolute credit.

I know nothing whatever of my own personal knowledge of the conditions existing in the mill settlement near Atlanta, Ga.; but taking the false statements made as to conditions near Greensboro, N. C., and Burlington, N. C., as a guide, I assume, and think I have a right to do so, that the statements in the report as to conditions near Atlanta are also false. In truth and in fact, I am morally certain that no such conditions exist in any mill settlement anywhere in the South as are described in this report. [Applause.]

Mr. BARTLETT. Will the gentleman yield?

Mr. STEDMAN. Certainly.

Mr. BARTLETT. The gentleman can, with equal assurance, make the same statement with reference to the mills not only in Atlanta, but in the State of Georgia also, because, if the gentleman will permit me, this very report in its details shows that these mill operatives, by the menu that they publish for each meal, fare better in many instances and in most instances than do people at the boarding houses in the city of Washington.

Mr. ADAMSON. Will the gentleman from North Carolina yield?

Mr. STEDMAN. I will.

Mr. ADAMSON. I have the honor to represent a district that produces a great deal of cotton, and manufactures more than it produces, and while I have not read the report carefully to find what slander, if any, is leveled against the people of that particular district, I want to say that every factory village in the district that I represent is a model community. The people who work in the factories have good houses, good churches, good schools, all necessary opportunities and facilities for entertainment and recreation; every form of vice is debarred; the people live well and receive good wages. The best Fourth of July barbecues, some of the best home dinners I have ever enjoyed I partook of with these good mill people. I want to say, as my friend the gentleman from Georgia, Judge BARTLETT, has just said, that I had rather risk getting a good wholesome meal with any of these people than I would in Washington at the ordinary boarding house or American-plan hotel.

Mr. TRIBBLE. Will the gentleman from North Carolina yield?

Mr. STEDMAN. If the gentleman will excuse me, I have but a few minutes remaining.

The agent who is responsible for this report, for it must have had as a basis his so-called investigation, is unfortunate in one of the reasons he gives for the conditions described, when he attributes the dreary hours passed by these employees and their lack of opportunity for enjoyment and pleasure to the fact that few of them live in large cities. He, perhaps, has learned something if he attended the hearings recently had before the Committee on Rules of this House with reference to conditions existing amongst mill operatives who work in cities far from the southern section of this great country.

When this agent is better informed he will know that whilst the life near great cities has some advantages, at the same time it has also disadvantages. Many of the anxieties and vices incident to city life are unknown to the happy and contented people who dwell in agricultural districts.

In conclusion, Mr. Speaker, in describing the forlorn condition of one of the families working in a mill near Greensboro, N. C., this wonderful investigating agent says: "Their chief diversion is going to preaching and Sunday school." This habit of "going to preaching and Sunday school" belongs not to this family alone but from time immemorial to all who have dwelt in North Carolina. It has formed the basis of the character of the great people amongst whom I live and whom I have the honor in part to represent. It has impressed them with a supreme sense of duty. It has made the men of North Carolina renowned in war as well as illustrious in the brighter and happier days of peace. [Applause.]

I urge the agent of the Bureau of Commerce and Labor to cultivate this habit of the family near Greensboro, to whom he

has given so much publicity. If for "diversion" any time he should happen to be present at "preaching" or "Sunday school," I trust it may so happen that his especial attention may be directed to the divine command which he will find in the twentieth chapter of Exodus—"Thou shalt not bear false witness against thy neighbor." [Applause.]

PLACING NAMES OF MANUFACTURERS ON MANUFACTURED ARTICLES.

Mr. CAMPBELL. Mr. Speaker, I ask unanimous consent for a reprint of the bill (H. R. 16844) requiring manufacturers to place their names on articles they manufacture. The print of the bill has been exhausted, and there are many demands for the bill.

The SPEAKER. The gentleman from Kansas asks unanimous consent for a reprint of the bill H. R. 16844. Is there objection?

There was no objection.

GOOD-ROADS CONVENTION.

Mr. SABATH. Mr. Speaker, I ask unanimous consent to print in the RECORD a short article which pertains to the good-roads convention.

The SPEAKER. The gentleman from Illinois asks unanimous consent to print in the RECORD a short article respecting the good-roads convention. Is there objection?

There was no objection.

The article referred to is as follows:

OFFICIAL CALL FOR A WOMEN'S STATE GOOD-ROADS CONVENTION AT THE AUDITORIUM HOTEL APRIL 3 AND 4, 1912.

At the recent Illinois State good-roads convention, on Lincoln's birthday, it was unanimously resolved to seek the aid of the women of Illinois for the great movement for good roads and streets.

An Illinois woman's good roads convention is hereby called to meet at the Auditorium Hotel on April 3 and 4 for the promotion of a more general interest among women in the good-roads movement.

The importance of this movement for good roads is being recognized as never before, and it is felt that when the women of the State add their influence to that of the press and clergy a victory will have been won, greater and more far-reaching in effect than any other within a generation. For it is a matter of tremendous import that in the United States bad roads are directly responsible for the loss of a billion dollars a year, and the saving of this stupendous sum surely constitutes an economic question of vast importance.

When the agricultural production alone of the United States for the past 11 years totals more than $70,000,000,000, a sum to stagger the imagination, and it cost more to take this product from the farm to the railway station than from such station to the American and European markets, and when the saving in cost of moving this product of agriculture over good roads instead of bad would have built a million miles of good roads, the incalculable waste of bad roads in this country is shown to be of such enormous proportions as to demand immediate reformation and the wisest and best statesmanship.

Great as is the loss to transportation, mercantile, industrial, and farming interests incomparably greater is the loss to women and children and social life, a matter as important as civilization itself, and the truth of the declaration of Charles Sumner 50 years ago, that "The two greatest forces for the advancement of civilization are the schoolmaster and good roads," is emphasized by the experience of the intervening years and points to the wisdom of a union of educational forces for aggressive action for permanent roads and streets.

Women who are interested are urged to be present from every town and county in the State.

THE ILLINOIS STATE GOOD ROADS ASSOCIATION.
ARTHUR C. JACKSON, *President.*
DAN NORMAN, *Treasurer.*
MAUDE E. JONES, *Secretary.*

CONSTITUTION OF THE ILLINOIS STATE GOOD ROADS' ASSOCIATION.

ARTICLE 1. The name of this organization shall be the Illinois State Good Roads' Association.

ART. 2. Its objects shall be to secure good roads and streets in Illinois, and cooperate with the National Good Roads' Association and the National Good Roads' Congress in the promotion of the objects of those organizations.

ART. 3. The official headquarters shall be in Chicago, Ill., and such other places as the board of directors may determine.

ART. 4. Only residents of Illinois who are members of the National Good Roads' Association or the National Good Roads' Congress are eligible for membership in this association, and all such are members by virtue of such membership without further fees, dues, or obligations of any kind.

ART. 5. The association shall meet annually on the second Wednesday of November at the offices of the association in Chicago, Ill., for the purpose of electing officers and for the transaction of any other business in the interest of the association. All classes of members—honorary, life, or annual—may vote upon all questions at all meetings of the association, in person or by proxy, and those present shall constitute a quorum. The president may call special meetings at any time or place, and may appoint a vice president, secretary, treasurer, consulting engineer, and organizer for each county of the State, with a view of securing a more extended and perfect organization of the association in all the counties of the State and to secure the affiliation of all possible organizations and interests, which appointments shall continue for the calendar year for which they are severally appointed.

ART. 6. The elective officers of the association shall be a president, two or more vice presidents, a secretary, a treasurer, and one other from each of the 102 counties of the State, who, with the foregoing, shall constitute the board of directors. They shall be elected by the association at the annual meeting by ballot and shall hold their respective offices for one year, or until their successors are duly elected and qualified. All vacancies may be filled by the board of directors. The president, first and second vice presidents, secretary, and treasurer shall constitute the executive committee.

ART. 7. The board of directors and executive committee shall aggressively promote the objects of the association by every means in their power. The president shall preside at all meetings of the association, the board of directors, and executive committee, sign all certificates of membership and all warrants for the disbursement of the funds of the association, name all committees not otherwise provided for, and be ex officio chairman of the same. The secretary and assistants shall make and keep on file at the offices of the association an accurate record of all members, meetings, and transactions of the association. The treasurer shall be the custodian of the funds of the association and make disbursements only for accounts properly vouchered and by warrants signed by the president, and shall give bonds for the faithful discharge of the duties of the office in such amount as the board of directors may determine. A meeting of the board of directors or executive committee may be called at any time by the president upon notice to all members, and when not so called meetings of each shall be held, when possible, on the first Tuesday of each month at the association offices. Those present shall constitute a quorum. The president, secretary, and treasurer shall each submit written reports to the association at its annual meeting, covering the transactions of their respective offices.

ART. 8. These articles may be amended only at the annual meeting herein provided for the election of officers. If a proposed amendment be published by the president and secretary in an official call for the annual meeting, a majority vote shall adopt, but any amendment not so published may only be adopted by a three-fourths vote.

ARTHUR C. JACKSON, *President.*
MAUDE E. JONES, *Secretary.*

CHICAGO, ILL., *March 14, 1912.*

Hon. A. J. SABATH,
House of Representatives, Washington, D. C.:

Please personally urge upon Speaker CLARK the importance of his addressing women's good roads' convention April 3 or 4.

ADELA PARKER KENDALL,
Chairman Program Committee.

THE EXCISE-TAX BILL.

Mr. UNDERWOOD. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the state of the Union for the consideration of the bill (H. R. 21214) to extend the special excise tax now levied with respect to doing business by corporations to persons, and to provide revenue for the Government by levying a special excise tax with respect to doing business by individuals and copartnerships. Pending that motion, I desire to ascertain if I can reach some agreement with the gentleman from New York [Mr. PAYNE] with reference to the time to be allowed for general debate and the consideration of the bill.

Mr. PAYNE. Mr. Chairman, I will say to the gentleman from Alabama that, so far as I know, gentlemen upon this side desire between five and six hours of general debate.

Mr. UNDERWOOD. Would the gentleman be willing to debate the bill to-day, and if we can get an agreement to transfer the business in order on Monday to Thursday to continue general debate on Monday, and at 4 o'clock Monday to take up the bill for consideration under the five-minute rule?

Mr. MANN. I suggest that we take it up on Tuesday.

Mr. UNDERWOOD. The reason I ask is that there are a number of gentlemen who desire to leave the city on Tuesday, and I would like to accommodate them if I can.

Mr. MANN. I suggest to the gentleman that Monday will probably be celebrated quite extensively as St. Patrick's day, and a good many Members will be away on that day on that account.

Mr. UNDERWOOD. To-morrow, Sunday, is St. Patrick's day, but I suppose it will be celebrated on Monday.

Mr. MANN. Yes; and I think a number of gentlemen from both sides of the House will be away on account of that celebration.

Mr. UNDERWOOD. Then the gentleman is not willing to take it up for consideration under the five-minute rule at 4 o'clock on Monday?

Mr. MANN. As a matter of convenience to Members I do not think it would be well to do that.

Mr. UNDERWOOD. My request is that we close general debate on Monday at 4 o'clock and then take it up for consideration under the five-minute rule.

Mr. PAYNE. Mr. Speaker, if in the meantime we can get in 10 hours of general debate, by meeting, say, at 11 o'clock on Monday, if the gentleman is in a hurry to get a vote, perhaps that would be satisfactory. Let us say that we take five hours and a half to-day, up until 6 o'clock, and then take up the bill at 11 o'clock on Monday, if he desires to close general debate on Monday.

Mr. MANN. Mr. Speaker, there are a good many gentlemen going away on account of the celebration of St. Patrick's day on Monday. They have made engagements to speak.

Mr. UNDERWOOD. Mr. Speaker, I would ask gentlemen on the other side whether they desire to consider the bill under the five-minute rule or will they be willing to offer a substitute for the bill?

Mr. MANN. I think gentlemen would wish to consider it under the five-minute rule for a short time, probably.

Mr. PAYNE. Mr. Speaker, I will say to the gentleman from Alabama that I am not anxious to consider the bill under the

five-minute rule, because it is simply a perfunctory matter of offering amendments. Still, there may be some gentlemen who are unable to speak in the time allotted for general debate who would like to get in for a while under the five-minute rule. I think some little time might be spent in that way in debate under the five-minute rule.

Mr. UNDERWOOD. Mr. Speaker, I will make this proposition to gentlemen: That business which is in order on Monday be transferred to Thursday; that this bill shall be debated under general debate to-day and on Monday; and that on Tuesday morning, immediately after the reading of the Journal, it shall be taken up under the five-minute rule for amendments and be debated for two hours, at the end of which time the committee shall rise and report the bill to the House with amendments, if any, and that the previous question shall then be considered as ordered on the bill and amendments to final passage.

Mr. PAYNE. That is, after two hours of debate under the five-minute rule on Tuesday?

Mr. UNDERWOOD. Yes.

Mr. PAYNE. I see no objection to that, with the understanding that the time is to be used on this bill to-day and on Monday in general debate, and that we are not to have something else intervening to take the place of it.

Mr. JAMES. That is the proposition.

Mr. UNDERWOOD. Of course, that is the understanding, and that the time shall be equally divided between the gentleman from New York and myself.

Mr. PAYNE. I am content with that.

Mr. UNDERWOOD. Then, Mr. Speaker, I make this request: That business which is in order on Monday next shall be transferred to Thursday; that this bill—H. R. 21214—shall be taken up when we go into the committee for general debate to-day and on Monday; that the general debate shall close when the House adjourns on Monday, and that the bill shall be considered for two hours under the five-minute rule on Tuesday; that at the expiration of those two hours the committee shall rise and report the bill to the House with any pending amendments that are adopted; and that the previous question shall then be considered as ordered on the bill and amendments to final passage.

The SPEAKER. The gentleman from Alabama asks unanimous consent that the business in order on Monday next be transferred to Thursday; that when the House resolves itself into the Committee of the Whole House on the state of the Union on the bill H. R. 21214, general debate shall run to-day and on Monday; that general debate shall close Monday evening, the time to be controlled on one side by himself and upon the other by the gentleman from New York [Mr. PAYNE]; that on Tuesday, after the reading of the Journal, debate upon the bill under the five-minute rule shall continue for two hours, at the end of which time the committee shall rise and report the bill to the House with amendments, if any, with the further agreement that the previous question shall then be considered as ordered on the bill and amendments to final passage. Is there objection? [After a pause.] The Chair hears none, and it is so ordered. The question is on the motion of the gentleman from Alabama that the House resolve itself into the Committee of the Whole House on the state of the Union for the consideration of the bill H. R. 21214.

The motion was agreed to.

Accordingly the House resolved itself into Committee of the Whole House on the state of the Union for the consideration of the bill H. R. 21214, the excise tax bill.

The SPEAKER. The gentleman from Tennessee [Mr. MOON] will take the chair.

Mr. MOON of Tennessee assumed the chair amidst general applause.

The CHAIRMAN. The Clerk will report the bill.

The Clerk read as follows:

A bill (H. R. 21214) to extend the special excise tax now levied with respect to doing business by corporations, to persons, and to provide revenue for the Government by levying a special excise tax with respect to doing business by individuals and copartnerships.

Be it enacted, etc., That every person, firm, or copartnership residing in the United States, any Territory thereof, or in Alaska or the District of Columbia, shall be subject to pay annually a special excise tax with respect to the carrying on or doing business by such person equivalent to 1 per cent upon the entire net income over and above $5,000 received by such person from all sources during each year; or, if a nonresident, such nonresident person shall likewise be subject to pay annually a special excise tax with respect to the carrying on or doing business by such person equivalent to 1 per cent upon the amount of net income over and above $5,000 received by such person from business transacted and capital invested within the United States and its Territories, etc.

Mr. UNDERWOOD. Mr. Chairman, I ask unanimous consent that the first reading of the bill be dispensed with.

The CHAIRMAN. The gentleman from Alabama asks unanimous consent that the first reading of the bill be dispensed with. Is there objection? [After a pause.] The Chair hears none.

Mr. UNDERWOOD. Mr. Chairman, a number of months ago the gentleman from Tennessee [Mr. HULL] introduced the first draft of this bill and is entitled to much and most of the credit for its authorship. The present bill does not conform entirely to the lines introduced by the gentleman, but in the main it does.

I therefore yield one hour to the gentleman from Tennessee [Mr. HULL] to present the bill to the House. [Applause.]

Mr. HULL. Mr. Chairman, whenever it is proposed to modify our existing system of class taxation and to add or substitute in part an honest and wholesome method, we are always met with that old cry of privilege, that the method proposed is unconstitutional or inoperative or unproductive. I desire to discuss this bill and these stock objections that have been urged against it.

Mr. Chairman, in addition to revenue the prime purpose of the pending measure is to secure justice in taxation. I therefore favor the excise tax proposed as a bona fide means of raising adequate revenue and equalizing existing tax burdens. There is no sounder rule than to require the citizen annually to pay a tax, measured by a fair and just proportion of his net gains. This golden rule of taxation has been written as nearly as possible in the measure now under consideration. This bill assumes that every American citizen is honest enough and patriotic enough to willingly bear his fair share of the tax burdens. It is expected, therefore, that this measure will encounter the opposition of those who, claiming and enjoying all the benefits of government, would shirk its burdens. The blessings and the burdens of government go hand in hand. No good citizen will invoke the one and evade the other.

Mr. Chairman, the gross inequality of our present system of taxation constitutes a severe reflection on the intelligence and the fairness of the American people. That system, unequal as it is indefensible, is the mightiest engine of oppression imposed upon an honest yeomanry since the feudal ages. The chief burden of all tariff and local taxes now falls upon the middle and poorer classes. Only those more able to pay escape it. The people of small annual earnings, not exceeding $1,500 to $2,000, including the small landowner, pay the great bulk of our local and customhouse taxation. The manner in which those of large means escape even local tax burdens is well shown in the report of the special tax commission of New York in 1907, headed by ex-Senator Warner Miller, in part as follows:

First. That the assessed value of all personal property is (in New York State) approximately $800,000,000.

Second. That the value of all personal property owned by citizens of this State is not less than $25,000,000,000.

Third. That the richer a person grows the less he pays in relation to his property or income.

Fourth. Experience has shown that under the present system personal property practically escapes taxation for either local or State purposes.

Mr. Chairman, it may be safely said that this condition exists in the State and local tax systems, in relative proportion, throughout the Union. Most large owners of real estate and concealed personalty pay nominal taxes in proportion to their ability.

Turning again to our Federal taxes, it may be said that while our internal-revenue taxes are not subject to criticism, our system of high protective-tariff taxation is an outrage in its operation and effects. It is conceived upon the idea that the people should be taxed according to their needs and practically according to their poverty. [Applause.] It is the personification of avarice and selfishness. Under it the manufacturer "taxes the masses to the limit of his ability to extort or of their ability to pay." No civilized or humane people can longer tolerate this system of diabolical extortion. In contributing $314,000,000 to the Federal Treasury, the American consumer is compelled at the same time to hand over at least $1,500,000,000 to those individuals given special favors by the high protective tariff tax. The excise tax proposes to displace customhouse revenues to the extent of at least $60,000,000, shift the burden to those having annual net profits exceeding $5,000, and, at the same time, save to the people the relative sum of $300,000,000 now collected as toll by the manufacturer for the privilege of payment by the people of high protective tariff taxes.

Edmund Burke said:

You can tax the shirt off a man's back by indirect tariff taxation without serious complaint on his part.

[Applause.]

This system has yielded fortunes to the few, but it has imposed great hardships and privations upon the many. Whichever way the middle and the poorer classes turn they are confronted with the unjust distribution of wealth and tax burdens. This system places a high premium on wealth and a severe penalty on poverty. Everywhere the complaint goes up that

the masses are burdened with Federal, State, county, and municipal taxation far beyond their just proportion and their ability to pay, while those of larger means continue to augment them with little or no disturbance from the tax gatherer. We thus have presented not alone a question of popular unrest and discontent, but of rankest injustice.

Mr. Chairman, what is the remedy? Congress should lop off all the inequalities and injustices in the present system of high-protective tariff taxation, placing it on a sound revenue basis, imposing maximum rates on luxuries and minimum rates, or none at all, on necessities, and in the absence of power to lay a comprehensive income tax impose a general excise tax on the doing of business, measured by annual net income. [Applause.] This latter method will take care of the revenue and, more nearly than any other available remedy, will equalize tax burdens.

In 1909, when the Payne bill was drafted, revenue necessities moved the Republicans to add a tax on tea, coffee, and inheritances. The tax on inheritances reached the Senate. While the Payne bill was pending there it was discovered that the adoption of a general income-tax amendment was imminent. Thereupon, in some haste, the corporation-tax amendment was brought in and adopted in lieu of the proposed tax on inheritances and incomes.

Mr. LONGWORTH. Will my colleague yield for a question?

Mr. HULL. I hope the gentleman will allow me to proceed a little further first.

Mr. LONGWORTH. Just on that question to which the gentleman is referring.

Mr. HULL. I am familiar with the statement that the gentleman made as to this in his speech two years ago.

The pending bill merely extends and makes more complete and equitable the corporation-tax law. It may be here remarked that in 1911 customs revenues fell off $19,000,000 from those of the previous year, and thus far in the fiscal year 1912 they show a still further decline of nearly $9,000,000.

Mr. Chairman, I desire to discuss the proposed excise tax, not as a tax by itself, but as a permanent part of our whole revenue system. No one method of taxation should be considered singly, but as a part of a complete system which all taxes combine to form. For the purposes I have stated, this, or a similar method of taxation, has been adopted and made a permanent part of the fiscal system in almost every other civilized government of the world. The tax which this bill proposes contains no doctrine nor method new to this country. It contains the principle and really the method embraced in the present corporation-tax act and section 27 of the excise-tax act of 1898. Each essential feature of this bill is taken almost bodily, either from the excise act of 1898 or from the present corporation-tax law, or both. The Supreme Court has, in all respects, upheld the doctrine of both acts, as well as the validity of their administrative features, in the cases of Spreckels Sugar Refining Co. against McClain (192 U. S.) and Flint *v.* Stone Tracy Co. (220 U. S.). No one can successfully attack the validity of the proposed tax without first having secured a reversal of the two decisions I have named. Congress has no right to assume or fear that the Supreme Court would reverse or even modify either of these decisions as they affect the proposed tax. For, in the language of Mr. Justice Brown in the income-tax cases—

> Congress ought never to legislate in raising the revenues of the Government in fear that important laws like this shall encounter the veto of this court through a change in its opinion or be crippled in great political crises by its inability to raise a revenue for immediate use.

The question, and the only question, that might be raised against the validity of this tax is of easy determination in the light of recent Supreme Court decisions. Those who seek the defeat of indirect-tax measures usually offer the stereotyped objection that the tax proposed is a direct tax and therefore comes within the rule of apportionment, under the decision in the case of Pollock *v.* Farmers' Loan & Trust Co. (157 and 158 U. S.). But the court, in the Spreckels and the Flint cases, clearly differentiated and distinguished between this excise tax and the taxes held invalid without apportionment in the Pollock case. The Spreckels case clearly established the principle that a tax such as this bill proposes is an excise tax upon the doing of business and not a direct tax on property or its income, and therefore within the power of Congress to impose without apportionment according to population. In this decision the Supreme Court, after citing a number of cases in point, said:

> In view of these and other decided cases we can not hold that the tax imposed on the plaintiff expressly with reference to its "carrying on or doing the business of refining sugar," and which was to be measured by its gross annual receipts in excess of a named sum, is other than is described in the act of Congress, a special excise tax and not a direct one to be apportioned among the States according to their respective numbers. This conclusion is inevitable from the judgments in prior cases, etc.

Mr. Chairman, this excise tax avoids the Pollock decision and in its effects, closely approximates a general income tax. The applicable provisions of the Constitution of the United States in this connection are found in Article I, section 8, clause 1, and in Article I, section 2, clause 3, and Article I, section 9, clause 4. They are, respectively:

> The Congress shall have power to lay and collect taxes, duties, imposts, and excises, to pay the debts and provide for the common defense and general welfare of the United States; but all duties, imposts, and excises shall be uniform throughout the United States.
>
> Representatives and direct taxes shall be apportioned among the several States which may be included within this Union, according to their respective numbers.
>
> No capitation or other direct tax shall be laid, unless in proportion to the census or enumeration hereinbefore directed to be taken.

From the decision of the Supreme Court in the case of Hylton *v.* United States (3 Dall), in 1796, down to the decision in the Pollock case in 1894, it had been uniformly held that under the Constitution there were only two kinds of direct taxes, namely, a capitation or poll tax and a tax on land. In 1894 Congress enacted a law imposing a tax on the net annual income of all persons and corporations. The validity of this act was involved in the Pollock case. The Supreme Court held certain provisions of the act invalid and disposed of the remaining provisions in the following language:

> We have considered the act only in respect of the tax on income derived from real estate and from invested personal property, and have not commented on so much of it as bears on gains or profits from business, privileges, or employments, in view of the instances in which taxation on business, privileges, or employments has assumed the guise of an excise tax and been sustained as such. (158 U. S., 635.)

And as to the excise taxes, the Chief Justice said:

> We do not mean to say that an act laying by apportionment a direct tax on all real estate or personal property, or the income thereof, might not also lay excise taxes on business, privileges, employments, and vocations. (P. 637.)

I may say here that I do not consider the decision in the Pollock case sound. I believe the weight of reasoning is in the dissenting opinions. But the proposed tax in nowise conflicts with the Pollock decision in the light of subsequent holdings of the court. In this decision the court merely held for the first time that, in addition to the two kinds of direct taxes I have named, there are two other kinds, viz, a tax on incomes derived from real estate and a tax on incomes derived from invested personalty. Furthermore, the language I have just read clearly conveys the understanding that those provisions of the Wilson law which levied a tax on incomes derived from businesses, trades, professions, employments, privileges, and vocations were considered free from constitutional objection. In harmony with this view the court has also held that a tax on the income of business—which is property in a sense—was an excise and not a direct tax, in the following cases:

> Pacific Insurance Company *v.* Soule (7 Wall., 433).
> Railroad Company *v.* Collector (100 U. S., 595).
> United States *v.* Erie Railroad Co. (106 U. S., 327).
> Springer *v.* United States (102 U. S., 586).

It must be conceded that, since a tax on the income of business, as above held, is not a direct tax, a tax on business itself is still further removed from the field of direct taxation.

In the license-tax cases (5 Wall.) and in the Flint case the Supreme Court thus defines the taxing power of Congress:

> Congress can not tax exports, and it must impose direct taxes by the rule of apportionment and indirect taxes by the rule of uniformity. Thus limited, and thus only, it reaches every subject and may be exercised at discretion.

In the case of Knowlton *v.* Moore (178 U. S.) the court referred to the Pollock decision, holding a tax on incomes derived from real estate or invested personalty to be direct, and then proceeded to draw a clear line between the field of direct and indirect taxation as the latter relates to this bill in the following language:

> These conclusions, however, lend no support to the contention that it was decided that duties, imposts, and excises, which are not the essential equivalents of a tax on property generally, real or personal, solely because of its ownership, must be converted into direct taxes, because it is conceived that it would be demonstrated by a close analysis that they could not be shifted from the person upon whom they first fall.

Under its excise power, as more definitely defined in the Pollock case, Congress in 1898 imposed an excise tax upon the doing of either of three designated businesses by persons, firms, or corporations, the tax to be measured by a percentage of the earnings derived from the business carried on. Construing this act in the Spreckels case the Supreme Court not only said this was a tax on "the doing or carrying on of business," and not a tax on the income derived therefrom, but that the tax was not payable unless there was a carrying on of business as designated. It is important also to note the holding of the court in this case that the measure of such tax may be the income from the business, although a part of the income is derived from real estate, which is nontaxable without apportionment, either in itself or as to its income.

It will be seen, also, that this excise act of 1898 laid an excise tax simply on "the doing or carrying on of business," without regard to the capacity in which it might be carried on, alike on all persons, companies, and corporations. Mr. Chairman, the pending bill contains the identical language of section 27 of the act cited as to the subject of the tax, viz, "The doing or carrying on of business." In the act of 1898 Congress desired to limit the subject of the tax, with the result that it provided a basis of classification by designating the doing of three kinds of business on which the tax should fall. Since this tax applied to "every person, firm, or corporation," without exemption of either, no basis of classification as to the persons taxed was necessary, and the addition of the words "doing business in a corporate capacity" after the word "corporations" would have been surplusage. This term was properly used in the corporation-tax act, however, as a basis for classifying corporations for taxation and thereby exempting individuals and firms.

Mr. Chairman, Congress may lay an excise tax on business by almost innumerable methods both as to the subject of the tax and the person taxed. This tax might be applied to one designated business, or to a limited number of designated businesses, or to all kinds of business without special designation of either. The tax might likewise be applied to all persons, firms, and corporations, or to either, or to certain classes of either.

In the Flint case the Supreme Court said:

> In levying excise taxes the most ample authority has been recognized from the beginning to select some and omit other possible subjects of taxation, to select one calling and omit another, to tax one class of property and to forbear to tax another.

The court went on to cite 14 decisions upholding as many different excise-tax levies by Congress. In the Pollock case it was agreed by both counsel and the court that Congress had the unquestioned power to tax corporations and individuals in the same manner and at the same rate. Nothing to the contrary was even intimated by either the court or counsel in the Spreckels and Flint cases; in fact, it was assumed.

In the Flint case the court held that this tax could be measured not alone by the net income derived from a particular business source but from all sources, including net income from real estate or State and municipal bonds. Yet, I repeat, Congress has no power to levy a tax on either real estate or the net income therefrom without apportionment; and it has no power to levy a tax at all directly or indirectly on State or municipal bonds nor the income therefrom.

Mr. Chairman, to further discuss the validity of the proposed bill largely involves a repetition of the legal controversies, now settled, which were had with respect to the validity of the excise acts of 1898 and 1900, and I shall therefore proceed to discuss other phases of the bill. The controlling purpose of many countries in adopting this or a similar tax has been to equalize the tax burdens by reaching those paying the least taxes but most able to pay. In no other way has it been found possible to keep down the rising tide of popular discontent, unrest, and criticism due to tax systems which, like ours, imposed grossly disproportionate burdens upon the people. I insist that this or an income tax is the only efficient method of equalizing taxation in this country. Republicans in the main, obeying the behest of the protected and other special interests, have long looked with disfavor upon such a tax. They now do. [Applause on the Democratic side.] They support a measure tending in this direction only when writhing under the lash of public sentiment or as a means of defeating a like measure more comprehensive. In their zeal to perpetuate their system of high protective tariff taxation and the trusts, most Republicans contend that a general excise or income tax ought not to be levied save in times of great emergency and that it should be only a temporary tax. President Taft in various utterances has indicated this view. In other words, the Republican doctrine is that our present high taxes on food, clothing, shelter—on all the prime necessaries of life—should be made permanent, but that all taxes measured by the great incomes derived from colossal wealth should be very temporary. [Applause.] The gentleman from Massachusetts [Mr. MCCALL] stated the stock argument of privilege always made against this kind of indirect taxation when he wrote in his minority report on the sugar bill that this proposed tax was "a direct tax and probably unconstitutional." But since this view has proven so untenable, the opposition falls back upon the plan of attempting to discredit this bill by the plea that its scope is not broad enough to apply to that class of persons possessing large wealth and income. This objection is not based upon a desire to see this tax reach the few persons to whom this bill will not apply, but it springs from an overweening desire to discredit this entire method of taxation. Every device that privilege could conjure up has always been thrown in the way of this and income taxation. Many opponents of this and the income method of taxation now urge against this measure the sinister plea that it is invalid and inoperative and that it is necessary indefinitely to delay this wholesome legislation until the ratification of the pending income-tax amendment. At the same time others most active in their opposition to the income-tax amendment say that Congress already has practically the same power and facility of taxation, viz, the excise tax. On page 26 of the memorial presented to the New York Legislature in 1910 by Joseph H. Choate, John G. Milburn, William D. Guthrie, Francis L. Stetson, and others, protesting against the ratification of the income-tax amendment, I find this language:

> The corporation tax law of 1909 is an income tax on the business of corporations and is not apportioned, because an excise, and it will ultimately produce a very large revenue. Every business, every source of production can be similarly reached. A competent commission, such as would be appointed in England, would in a few months devise a complete and equitable system of excise taxation, provided, of course, political considerations did not paralyze them.

We see that when one of these kindred methods of taxation is proposed the opponents of both methods play the other against it as the best available means of defeating both. I say the proposed legislation will hasten the ratification of the income-tax amendment.

Mr. Chairman, the scope of the application of the proposed tax must necessarily be determined by the comprehensiveness of the term "business" as defined in the act. The Supreme Court has laid down its tax-meaning definition as follows:

> Everything about which a person can be employed; all activities which occupy the time, attention, and labor of persons for the purpose of a livelihood or profit.

How could this definition be more comprehensive? The Supreme Court thus wrote into the Flint decision the broadest meaning of the term "business" for the purpose of making it the subject of an excise tax. No definition of business given in any other sense is so wide in its scope. First, it embraces "everything about which a person can be employed"; second, it embraces all activities engaged in by a person "for the purpose of a livelihood or profit." All the court decisions and textbook writers say that the term "business," as correctly defined in this bill "in its broadest sense includes nearly all the affairs in which either an individual or a corporation can be actors." (Cyclopedia of Law and Procedure and citations therein, vol. 6, p. 260.)

In ascertaining whether the proposed tax applies to a person the only inquiry is whether that person is engaged in such activities as come within the phrase "carrying on or doing business." If so, he is liable for the tax whether such activities are few or many, frequent or infrequent, narrow or broad, or relate to real estate or invested personalty which can not be taxed in itself or as to its income. Whether a person is "doing business" must depend on the special facts of each case. I agree that the mere ownership of property unaccompanied by any activities in the sense above defined would not bring such owner within the application of the proposed law. However, the most casual reflection must convince one that the number or class of persons who would thus escape taxation would be remote.

The opposition to this bill—deliberately disregarding the plain holding of both the Spreckels and the Flint cases—seem to contend that this tax is in legal effect an income tax and can not therefore be measured by incomes derived from real estate and invested personalty, because the Pollock decision held that a tax could not be laid directly upon such incomes, and because the court held, in the case of Zonne v. Minneapolis Syndicate (220 U. S.), that under the particular facts of that case a realty corporation was not liable for an excise business tax. This view entirely overlooks the fact that in the Minnesota case the court merely held that since the corporation was not performing a single activity in respect to the real estate to which it merely held title, nor a single business activity in any other respect, the company, therefore, was not "doing business" and so not subject to any tax. If, entirely apart from its ownership of this real estate, this corporation had been engaged in any other kind of business activities within the meaning of the term "business," the tax would have applied and been measured by the income from all sources, including the real estate in question. This latter rule would apply to all persons merely owning real estate or invested personalty and performing no activity in respect thereto, but at the same time performing business activities entirely disconnected therefrom. This Minnesota case does not embrace those large holders of real estate, mortgages on realty and personalty, bonds, and other securities who devote their activities in person or through numerous agents and employees, or both, to the work of looking after and managing their property and guarding their mortgage and other rights

and collecting interest or other compensation with respect thereto.

It can not be conceived that when the Supreme Court in the Pollock case removed from the field of income taxation, except by the utterly impractical method of apportionment, that great class of wealth embraced in the terms "real estate and invested personality," the court intended thereby to place the bulk of the country's wealth beyond the efficient taxing power of Congress. That decision, in the light of the Spreckels and Flint decisions, necessarily contemplated that there still rests in Congress the undoubted power to accomplish practically the same revenue purposes by other feasible methods of taxation and which is now well established, including an excise tax on business. In applying this tax we must also keep in mind the fact that under our modern industrial, financial, and commercial conditions an individual may limit his personal business activities to a very narrow scope, employing only at occasional intervals but little of his time, attention, or labor, and yet that person may, by means of his wealth, by general direction or supervision, be a tremendous factor or agency in placing or keeping in operation immense business activities.

To be engaged in business under this bill it is not necessary that one should in his physical person, or in a strictly official capacity, be immediately and proximately connected with the business carried on. To better illustrate: The bondholders of corporations are not subject to the corporation tax. The bonded debt of a corporation is a part of its capital, even more so than the stock at times, because the latter is often watered. Interest on such bonds is usually preferred in payment to the dividends to stockholders. The bondholder is interested in keeping his bonds at a fair market value and in the certain payment of proper interest thereon. The result is that they are usually given, or at least they exercise, authority to maintain, in an organized or other capacity, a general supervision over the conduct and management of the corporate business, although they are neither officers nor stockholders therein. The time, attention, and labor thus bestowed would clearly subject such bondholders to this tax. This business fact should also be applied to the holders of mortgages on realty and personalty and considered in connection with their other activities, including those of loooking after and protecting their property and collecting interest thereon. Furthermore, when we consider the ramifications and complexities of modern business, the innumerable forms of wealth and its countless uses, the close business relationship and connection existing between the large holders of mortgages, bonds, and other securities and those actively conducting great business enterprises, their interdependency of interests, and their frequent and continuing business cooperation, and so forth, it would, in my judgment, be difficult to find but a limited number of the former to whom this tax would not apply.

Mr. Chairman, it is admitted that in a case where an owner of real estate, for a fixed rental, leases the same for a long term of years, and thereby parting with the entire control, care, and management of the same, and ceasing to perform any activity in respect thereto, merely receiving the rentals, this tax, in the absence of other business activities, would not apply. However, these exceptions would not embrace that large field of activities consisting of short-term leases of realty under such terms or conditions as that the owner continues a factor, directly or indirectly, or in a general way, either in furnishing supplies, equipments, or repairs during or at the beginning of each rental period, or in the care, management, or general supervision or control of the same.

Mr. CANNON. Will the gentleman allow me right there to ask him a question? I am following him with much interest.

Mr. HULL. I yield to the gentleman.

Mr. CANNON. If a man has an income on a lease of one year or five years or any number of years of $5,000, that would not come, according to the gentleman's contention, within the provisions of the act and be liable to a tax, provided he was doing nothing else? Is that the gentleman's statement?

Mr. HULL. I will say to the gentleman from Illinois that I am undertaking to set out what I consider the general rules applicable to the different phases of the operation of this bill. There are 10,000 business conditions existing in this country. I am undertaking to use here terms that are well settled both in the court decisions and in the law books. As to the application of the rules which this proposed legislation embodies, that is a matter that would naturally be left to the administrative officials. I am about to make a further statement in connection with the inquiry of the gentleman which will shed some more light.

Mr. CANNON. If the gentleman will allow me just there, I am not controverting his conclusions, but I wanted to see what they were. I would be glad to know if a man has $6,000 worth of income on a lease, running for a number of years, and is doing nothing else in the world, if the gentleman is inclined to the opinion that that would not be subject to taxation under the proposed law, but if he was making a hundred dollars keeping a candy shop or doing anything else that would bring him within the law and make the $6,000 of rent taxable? In making up the statement is the $100 or the $1,000 he might have from an activity wholly dissociated from the income from the leasehold?

Mr. HULL. That statement that when the tax once lodges on any business it is measured by the income from all sources is correct, and it would be true in nine-tenths of the cases, in my judgment, that income from a lease, as the gentleman suggests, would be embraced in measuring the tax, even though it should be true in some instances that no business activities were engaged in with respect to the use of such property, but in other respects.

Passing to another phase, Mr. Chairman, this bill would reach all the individual bondholders and practically all the individual stockholders of holding corporations in this country. The corporation-tax law exempts from its provisions all "amounts received by a corporation as dividends upon stock of other corporations subject to the tax." This practically exempts all holding companies from the corporation tax, for the reason that virtually all their stock is invested in their subsidiary companies. Many States prohibit the organization of these holding companies on grounds of public policy. In the Northern Securities case the Supreme Court held one great holding corporation illegal. The purpose of many large holding companies is to control and monopolize production in different lines. In the circumstances both their stock and bond holders can well afford and ought to pay this tax.

Mr. Chairman, the conclusion is therefore inevitable that when we consider the laws, rules, methods, and conditions of modern business, but a limited number of the holders of great wealth would escape this tax.

As I stated to the gentleman from Illinois [Mr. CANNON] a few moments ago, in 9 cases out of 10 it would be found that that same person, even if he is not performing a single business activity with respect to that property, is engaged in business in the sense of this bill with respect to other property or in some other respect as defined by the term "business."

The gentleman from Massachusetts [Mr. MCCALL] in his report on the sugar bill makes the following statement concerning the proposed bill:

> It would treat the right to work and its necessity as a franchise, the exercise of which should be taxed.

If this statement emanated from any other source less high and respectable I should characterize it as pure buncombe, the sole purpose of which is to divert attention from the real facts and merits of this bill. This is the same objection, differently phrased, that has so long done service for privilege against an income tax. Since Congress can not tax all incomes, it becomes necessary, in order to accomplish the same revenue purposes, to lodge the tax elsewhere and measure it by the income. In determining the merits of this tax the people will look at the results. Besides, this tax confers no right or privilege as to business which does not otherwise exist. The people know that all Government taxes fall on them. Of what concern to them is the name of a particular tax or of any tax? Their sole concern is that all taxes shall be for revenue and shall be imposed justly and fairly and according to ability to pay.

Let us compare for a moment the proposed tax with the present unspeakable Republican high-tariff tax. Our Republican tariff tax, for the benefit of the Sugar Trust, the Steel Trust, the Beef Trust, the Woolen Trust, and hundreds of other favored and fattened creatures of privilege, ruthlessly exacts of every citizen, including the millions who are in a state of poverty and hunger, a tax upon every bite of food he eats and upon every garment of clothing he wears. According to the logic of the gentleman from Massachusetts, the Republican high-tariff tax treats the right to "eat" and to "wear clothes" as a franchise and places a heavy tax on its exercise, thereby creating the present high cost of living. [Applause on the Democratic side.]

On the other hand, the pending measure does not tax poverty or want; does not tax any human being unless he is "doing business" and has net annual earnings exceeding $5,000. This amount, when capitalized at the current rate of interest, is equivalent to property of more than $80,000. This method of tax lightens the burdens of those now so greatly overburdened by displacing pro tanto the odious protective tariff tax I have just described.

Mr. Chairman, I now desire briefly to discuss the administrative features of this bill. In drafting its administrative provisions the most desirable and practical features of similar tax

laws were utilized. Under it no person becomes subject to any tax unless there is a remainder of his annual earnings left after deducting necessary expenses incurred in carrying on his business, all interest paid within the year on existing indebtedness, all national, State, county, school, and municipal taxes, all losses actually sustained during the year, incurred in trade, or arising from fires, storms, or shipwreck, and not compensated for by insurance or otherwise, and debts warranted to be worthless, and also $5,000. Suitable and adequate provisions are contained in this measure requiring the making of returns in all proper cases; likewise suitable and adequate remedies in case of the making of false or fraudulent return by any person or an inadequate return. This act conforms to the corporation-tax law as to the time of making assessments, tax returns, and collections thereon. In addition to the remedies of both the Government and the taxpayer contained in this bill, the general law relating to the assessment and collection of internal revenue will be in force wherever applicable. Section 3167, for example, prohibits, under severe penalty, the divulging or making known in any manner not provided by law any phase of the business or other affairs of a taxpayer as set forth or disclosed in his tax returns, or in other manner. Notwithstanding these features which are intended to reduce the inquisitorial provisions to the minimum of annoyance or objection on the part of the taxpayer, it is contended by the opposition to this tax that its inquisitorialness constitutes a fatal objection to the tax.

I challenge a comparison of the methods of assessing and collecting this tax with those relating to both our State and National taxes. The inquisitorial features of our State tax laws are most rigid. They require the taxpayer to disclose, under both civil and criminal penalties, every kind and item of property possessed, even including heirlooms, trinkets, and jewelry belonging to members of the taxpayer's family. In many States these tax returns are made public and kept open for public inspection, notably in New York, Connecticut, Maryland, Pennsylvania, and New Hampshire. The right of personal search and seizure prevades our customs system of taxation, and the machinery of assessment and collection is necessarily intricate and exacting in a high degree.

I here call attention, Mr. Chairman, to section 3064 of the Revised Statutes, giving ample warrant for personal search and seizure:

> The Secretary of the Treasury may from time to time prescribe regulations for the search of persons and baggage and for the employment of female inspectors for the examination and search of persons of their own sex, and all persons coming into the United States from foreign countries shall be liable to detention and search by authorized officers and agents of the Government under such regulations.

Under this statute the newspapers of March, 1911, contained an account of the personal seizure and search of an American lady of the highest standing and character. Similar cases often arise. It seems that some irresponsible person in Europe wired an American customs agent that this lady was suspected of bringing in a diamond necklace. The following newspaper extract discloses the method of dealing with cases based upon such information. I omit the name:

> After the five trunks had been ordered sent away, Mrs. ——— was asked by Special Agent Wilson if she had a diamond necklace, and she declared that she knew nothing about any necklace. Wilson thereupon ordered a woman inspector to take Mrs. ——— and her daughter into a stateroom and search them thoroughly. Mrs. ——— said later, with tears, that she had been compelled to remove even her stockings. The search brought forth nothing dutiable.

I challenge the opposition to this tax to point out any features relating to its collection which compares with the workings of our customs-tax law with respect to inquisitorialness, search, and seizure. [Applause in the Democratic side.]

Furthermore, no honest person has a right to complain about reasonable regulations designed to prevent dishonesty. Neither have dishonest persons a right to make such complaint. I do not believe the proposed law would to a material extent increase dishonesty or falsehood in making tax returns, as opponents of this tax charge. Until the contrary is proven, I consider this intimation a slander against the possessors of large incomes in this country. I believe they now realize the wisdom and necessity, if they do not concede the justice, of bearing their fair share of burdens. However, if the objection offered be true in any measure it should not militate against the enactment and enforcement of this tax. To any dishonest taxpayer there should be applied the thumbscrews of the law. I both despise and pity those who place selfishness above morality, greed above honesty, and perjury above patriotism. [Applause on the Democratic side.]

Mr. Chairman, the chief difficulty originally experienced in the enactment of excise or income tax laws has been in their administration. However, other countries during recent years have developed the administrative features to a most satisfactory extent.

Mr. JACKSON. Mr. Chairman, will the gentleman permit a question?

The CHAIRMAN. Does the gentleman from Tennessee yield to the gentleman from Kansas?

Mr. HULL. If the gentleman will let me make this statement I will be glad to yield to him later.

The proposed law contains in its administrative provisions a new feature known as "collection at the source." This method of levying and collecting the income tax resulted in doubling the revenue in England the first year after its adoption. England collects nearly $200,000,000 from an income tax. The law with its modernized administrative features works admirably.

The chief reason for its splendid success is its justice as a tax and the system of collection at the source. Its inquisitorial features are thus minimized and afford little cause for complaint. Under this stoppage at the source plan more than two-thirds of this tax is collected in England. It may be said that there is a vast difference between the antiquated income-tax machinery formerly in operation in this country and that contained in the pending bill by reason of the stoppage at the source feature.

The CHAIRMAN. The time of the gentleman has again expired.

Mr. UNDERWOOD. Mr. Chairman, I yield to the gentleman 10 minutes more.

The CHAIRMAN. The gentleman from Tennessee [Mr. HULL] is recognized for 10 minutes more.

Mr. HULL. This provision of collection at the source is based upon the fact that all persons receive an income from some source. It is therefore provided that, wherever possible, the payer of the income shall withhold the tax due thereon and make payment to the Government. As to all incomes by which the tax is thus measured and paid the individual taxpayer is not required to make personal return. For example, the Government, corporations, copartnerships, and persons paying annual earnings to employees or other persons in excess of $5,000 would deduct and withhold the tax and pay to the Government. This method would likewise apply to mortgagors and lessees of real or personal property. By this method the taxpayer would not come in contact with a revenue official, nor would he have the opportunity or temptation to make a false or inadequate return of his income. This largely obviates the objection of inquisitorialness. As I have stated, comparatively little intangible personalty is reached and assessed for taxation. This stoppage-at-the-source method intercepts income therefrom. In my judgment, three-fourths of the tax derived under the proposed law would thus be collected. The United States affords excellent conditions for the successful operation of this system of collection. Unlike Great Britain and France, most of our wealth is kept at home. And the great number of firms, corporations, and other large business agencies peculiarly adapt this country to the easy collection of this excise tax at the source.

Mr. JACKSON. Mr. Chairman, will the gentleman now permit a question?

The CHAIRMAN. Does the gentleman from Tennessee yield to the gentleman from Kansas?

Mr. HULL. Yes.

Mr. JACKSON. This law does adopt, does it not, the general machinery for the collection of our present excise or internal revenue?

Mr. HULL. I just stated that, so far as they are applicable, the features of the general administrative internal revenue would be brought into use.

Mr. JACKSON. Does not the gentleman think that the severity of some of those methods compare very favorably with those of the internal-revenue machinery and with the processes that he has just described in the carrying out of the proposed law?

Mr. HULL. Well, Mr. Chairman, in answer to the gentleman from Kansas, I do not know whether he is opposed to this kind of taxation or not, but I will be candid in saying to him that under the proposed measure, in my judgment, at least three-fourths of the taxes would be collected at the source of the income, so that the taxpayer would not even see an assessment or a revenue official.

And there is another provision which, under the most severe penalties, prohibits any Government official from disclosing any kind or character of information relative to the facts embraced within the tax returns of those officials. Ample provision is made for appeal in all cases from the decision of the lower revenue officials to the higher ones. Objections of a captious nature can be offered to any tax law when applied to the taxpayer who is undertaking to avoid the payment of his full taxes.

Mr. JACKSON. I wanted to call the attention of the gentleman, if he will permit, to one phase of the corporation-tax

law. That law, as the gentleman will remember, provided for the same exemptions that this proposed law does, and the collector held that all corporations were compelled to report, and then he dug down and found a statute which permitted him to compromise penalties, and under these two provisions he has collected a penalty of from $15 to $35 from every corporation in the country which failed to file its report before the 1st of March. What I want to know of the gentleman is, Would not that same provision apply to this proposed law?

Mr. HULL. This bill provides that no person shall make an income return unless his income is over $4,500. There is no such exemption of corporations.

Mr. JACKSON. It was conceded that these corporations were not within the exemption.

Mr. HULL. I hope the gentleman will pardon me for not yielding further.

In conclusion, Mr. Chairman, I wish Congress now had the power to enact a comprehensive graduated income tax with lower rates on earned and higher rates on unearned income. In the absence of such power Congress can only seek by a similar enactment to approximate that much-desired end. The present bill is not as I should have drafted it as an original proposition; but it was deemed wise, if not necessary, that in its terms it should conform to the corporation-tax law. This bill would impose just instead of unjust, honest instead of dishonest, taxation. More than any other agency it would equalize the burdens of Government, State, county, and municipal taxation. The tax is productive, cheap of collection, and the fairest and least burdensome of all taxes. This bill should become a law. The minds of the people are made up. They have determined to have fiscal reform in this country. In this behalf they propose to go on record next November. I have recently said in this House, and I repeat it now:

This country is approaching a tax revolution. The defenders of privilege, so long triumphant, can not turn back the tide of fiscal reform. Their opposition is a challenge to the civilization and representative government of our twentieth century. [Applause on the Democratic side.] Is our present hideous, monstrous system of taxation to go down in history as the culmination of centuries of Anglo-Saxon legislation? No. Some Pitt or Cobden, some Peel or Gladstone, will rise up and engage its champions in a battle to the death. And their ardent followers will constitute the best manhood and patriotism of this country—the type of citizenship that wrought out this Government, that has safely guided it through the trials and vicissitudes of more than 100 years, that has been its mainstay in the past and will be its glory in the future. [Applause on the Democratic side.]

Mr. PAYNE. Mr. Chairman, I yield one hour to the gentleman from Ohio [Mr. LONGWORTH].

The CHAIRMAN. The gentleman from Ohio [Mr. LONGWORTH] is recognized.

Mr. LONGWORTH. Mr. Chairman, we have just emerged from a battle in which the foes of protection are for the moment triumphant, and two great American industries lie bleeding in the dust.

But that is not all. Had the damage stopped there it would have been bad enough, but in the wake of the carnage follows also the destruction of one-fifth of our customs revenues. Sixty million dollars of the annual income of the Treasury has been thrown away, and it is the bill before us to-day that its proponents say is expected to make it up.

This is the twin, Mr. Chairman, that was born on the same day and conceived by the same brains as its brother, which has just emerged from its swaddling clothes so far as this House is concerned.

Can this bill do the work for which it was designed? That is the question which confronts us. By so much as it shall fall short of making good, by so much must it be adjudged a failure. If it shall not succeed in making good in any respect, then it were better that it had never been born.

I do not know, Mr. Chairman, who is entitled to the laurel wreath as the victor of this battle. Of course, if the gentleman from Alabama [Mr. UNDERWOOD] should lay claim to it, there is no one on that side, I assume, who would dispute him. But I can not help thinking that free sugar tastes more bitter than sweet to the gentleman from Alabama, and if he shall not claim the crown of victory, then the title of another gentleman on that side of the House is clear.

I doubt not that the gentleman from Alabama [Mr. UNDERWOOD] views with some complacency the high tribute paid to him the other day by a distinguished ex-Senator of the United States. It falls to the lot of a few men nowadays to hear themselves likened to Napoleon. But possibly this ex-Senator may have been wrong. It is clear to me that the gentleman from Georgia [Mr. HARDWICK] in this case is entitled to call himself not only in fact but in theory "the Little Corporal." He has run over the gentleman from Alabama. He has forced him to abandon every principle that he has stood for since the gentleman from Alabama became chairman of the Committee on Ways and Means.

Up to this time the gentleman from Alabama has opposed free trade constantly and consistently. He has maintained that practically every import should bear a duty for revenue purposes. He would not allow even pepper to remain on the free list, where it rightfully belongs, and where it has been since the Republican Party has been in control of legislation in this House. But when he came to sugar the gentleman from Georgia [Mr. HARDWICK] and his cohorts overwhelmed him, and all his plans for revenue duties have been swept away.

Not again in this Congress can the gentleman from Alabama maintain his former position. If it is unjust to tax sugar for revenue purposes, where is the justice in taxing pepper and other articles that have an equal place with sugar on the table of the average American citizen? The gentleman from Alabama voted for a duty of 29 per cent on wool, as did his followers on that side of the House. If a revenue duty on sugar is unjust, if it is unjust to tax some of the poor man's food, is it not equally unjust to tax his clothing? Every civilized country considers sugar as a legitimate revenue-producing article. Every other country but this, if this bill should be enacted, would still have a duty on sugar.

No country but this imposes a duty on raw wool. Does the majority of the Ways and Means Committee intend to bring in a bill to place wool on the free list? If not, why not? If this alleged excise income tax has the powers that you say it has of producing revenue, if it is going to pay for free sugar, why should you not make it pay for free wool? If, as you say, this excise tax of 1 per cent will raise $60,000,000, why not make the rate 2 per cent and raise $120,000,000? Then you can put on the free list wool and most articles of daily necessity, and perhaps we could even induce you to remove the duty on pepper. Why not make it 3 per cent or 4 per cent or 5 per cent, at which point you could afford to abolish the customhouses of this country altogether?

Gentlemen, why do you not make this tax higher if by doing so you can produce a revenue sufficient for the purposes I have named? It is because in your hearts you know that it will not raise the revenue you say it will or even a small fraction of it. You are not treating the American people fairly in this case, gentlemen. This bill is introduced purely for political purposes, and so far as the production of $60,000,000 revenue is concerned it is a fake pure and simple. The American people have intrusted you with control of legislation upon the floor of this House. They are entitled to expect at least serious constructive effort from you. This bill is not serious constructive effort. It is a farce upon its face, and it is a farce that may turn out in your case, gentleman, to be a tragedy.

The gentleman from Tennessee [Mr. HULL] who has just taken his seat made a very plausible and able argument upon the constitutionality of this bill. But did any one of you hear him say a word about the figures upon which estimates of the majority were based? Not one word or figure appears in their report to show that this bill will raise the revenue they say it will. It is pure guesswork and it is bad guesswork. In our report we have given you the figures and the facts to prove the figures. We have laid our cards face up on the table. Why do you not do likewise? It is because you know that an investigation of this question by any fairly intelligent man will prove beyond any conceivable shadow of doubt that if your bill is constitutional in every single respect, which it is not, you could not raise 1 cent more than $20,000,000 a year. And when you eliminate the evidently unconstitutional features of this bill, those features admitted by the gentleman from Tennessee [Mr. HULL] to be unconstitutional, you will not raise more than ten, or at the outside fifteen, millions dollars under this bill.

Mr. KITCHIN. The gentleman from Tennessee [Mr. HULL] is not here, having just stepped out. I do not recall his admitting that there was any unconstitutional feature in this bill.

Mr. LONGWORTH. The gentleman from Tennessee in his speech admitted that the tax upon the income received from real estate was not constitutional.

Mr. KITCHIN. Oh, no. He made an argument exactly to the contrary and showed that the Supreme Court had decided in the Flint and other corporation tax cases that any income from any source, real estate or otherwise, would be taxable, and he read the language of the Flint case, in which it declared that the point made as to the unconstitutionality of an income tax from real estate was not sound, and that we could tax incomes from real estate of corporations, although the real estate was not employed in the business at all. That is one of the main points decided by the Supreme Court.

Mr. LONGWORTH. I regret that the gentleman from Tennessee [Mr. HULL] is not here, as I should dislike very much to misrepresent him, but I heard the gentleman quote with approval the decision of the Supreme of the United States in the Zonne case, in which the court held specifically that a corporation organized for the purpose of receiving rents from real estate and distributing them among its stockholders was not doing business within the terms of the act.

Mr. KITCHIN. I beg the gentleman's pardon. The Supreme Court does not hold that at all. The Supreme Court declared in the very case cited by the gentleman from Ohio, the Zonne case, that a corporation organized for the purpose of owning and renting real estate would be taxable as to its income from such real estate; but that case went off on the point that the corporation had surrendered its corporate powers by amended charter, and had conveyed its property to individuals, and the court held it was no longer a corporation under the meaning of the act of 1909, because it had "wholly parted with control and management of the property"—these are the words of the court—of this source of income; that "the corporation had practically gone out of business with respect to the property and had disqualified itself by the terms of reorganization from any activity in connection with it," having conveyed it to individuals or trustees, and therefore the individuals or trustees were holding and renting it, and that the income from such real estate could not be taxed as income of a corporation.

Mr. LONGWORTH. I will have to ask the gentleman not to take up quite so much time.

Mr. KITCHIN. The gentleman from Tennessee [Mr. HULL] is not here, and I wanted to keep the gentleman straight as to his contention and argument. I know the gentleman does not want to misrepresent the gentleman from Tennessee, and would not do it.

Mr. LONGWORTH. Of course not.

Mr. KITCHIN. I think the gentleman has not misrepresented him, but has misconstrued his position.

Mr. PAYNE. Now, the gentleman from North Carolina takes up more time to apologize for what he took up before.

Mr. KITCHIN. I will yield to the gentleman from Ohio some of my time, then.

Mr. LONGWORTH. Under the decision quoted with approval by the gentleman from Tennessee [Mr. HULL] it was held that a corporation which received rents from real estate and distributed them among its stockholders was not doing business as contemplated by the act. How much more would that be true of an individual? How could you tax an individual under this act one cent upon his income received from real estate? The Supreme Court has held specifically that this is not "business" when done by a corporation. How much less could it be construed as "business" in the case of an individual?

Why, Mr. Chairman, in their own report the majority of this committee say that idle wealth held by idle persons will escape taxation under this bill. No man can be taxed one cent upon the income he receives from a mortgage or a bond or a ground rent. I do not care whether you call it "business" income or what you call it; that is idle wealth in the hands of idle persons, and is exempt from taxation according to the report of the majority.

Now, I had not intended to discuss at this point the constitutionality of this bill. Before doing so I want to say a word about the revenue features of it. The constitutionality of this bill is not the most important question to be decided by this House. If this bill can not raise the revenue made necessary by the passage of the sugar bill, it makes little difference whether it be constitutional or not. If this bill can not raise over $20,000,000 revenue why should we pass it, whether it is constitutional or not? I challenge any gentleman upon that side of the House to show in any way, by any figures, that this bill will raise at the most as much as $20,000,000 a year. The mere supposition that there would remain in this country incomes, after eliminating the incomes specifically exempted, like those received from corporations netting more than $5,000 a year, incomes from State, municipal, and county bonds sufficient to raise this $60,000,000 is utterly and absolutely absurd.

Think of it for a moment, Mr. Chairman. You are forced to presuppose, and this bill presupposes, that there are in this country incomes, not including the income of anyone who has less than $5,000 a year, not including any incomes received from State, county, and municipal bonds, not including incomes received from stock in corporations that net more than $5,000 a year, amounting to the terrific total of $6,000,000,000.

Mr. KITCHIN. Would it interrupt the gentleman to read the case that the gentleman cited a little while ago, or about five lines of it?

Mr. LONGWORTH. I will be glad to do so a little later.

Mr. YOUNG of Michigan. Will the gentleman permit a suggestion right there?

Mr. LONGWORTH. Certainly.

Mr. YOUNG of Michigan. Has not the gentleman forgotten one other exception, and a very large one—and that is those incomes derived by individuals from corporate stock that he did not mention?

Mr. LONGWORTH. I included in the statement I have just made incomes received by persons having investments in stock of corporations which earn more than $5,000 a year. I certainly intended to do so, and think that I did.

To state the proposition in another way: If this bill is expected to reach incomes amounting to $6,000,000,000 a year we are forced to suppose that there is wealth in this country not touched by the corporation tax, not specifically exempted by this bill, that amounts to $150,000,000,000.

The immense amount of property owned by railroads, mining corporations, and the like; all the vast accumulations of wealth owned by individuals through any form of corporate organization; the total debt of all States, counties, and municipalities; every dollar's worth of property owned by any American citizen who has a "business" income of less than $5,000 a year—all these forms of wealth must be eliminated from our calculations of the sources from which the tax provided in this bill must be derived.

Is the proposition that there still remains $150,000,000,000 worth of property, producing on an average a net income of 4 per cent, to be taken seriously?

The last complete census figures I have been able to find show that the total national wealth of this country in 1904 was $107,000,000. The highest limit that I have heard placed upon our national wealth to-day is $130,000,000. Bear in mind that this includes every form of property owned by corporations as well as individuals, every form of property owned by individuals having incomes of less than $5,000 a year as well as those who are more prosperous.

And yet we are asked by the proponents of this bill to believe that the total wealth that will be reached by it, with all of its exemptions, exceeds the total wealth of the country by $30,000,000,000.

The majority of the Ways and Means Committee, in making their revenue estimate, say in the report:

> Due consideration has also been taken of the results of the experience of other countries in raising revenue from similar taxes.

A few moments ago the gentleman from Tennessee [Mr. HULL] said that the British income tax produces nearly $200,000,000 a year. As a matter of fact, he slightly swelled the figures. The largest amount ever raised under the British income-tax law was $180,000,000 a year. But he neglected to state that the rate in Great Britain is 6 per cent and not 1 per cent, and that all incomes are taxed which exceed $800 a year and not $5,000 a year, as in this bill.

I have taken the pains to calculate the amount that this tax would raise if applied to Great Britain. The gentleman from Tennessee has told us of the marvelous machinery that Great Britain has for determining the incomes of her citizens in such a way that "no guilty man may escape."

Let us take the case of Great Britain. Let us see what revenue would be produced there under the tax proposed in this bill. The total incomes of Great Britain in 1910 from all sources amounted to £1,000,000,000, in round numbers, or $5,000,000,000. Of that one billion, $400,000, or about 28 per cent, was income from real estate; $240,000,000, or 5 per cent, was income from Government securities, foreign and domestic; and $3,340,000,000, or 67 per cent, was income from business corporations, professions, employments, and so forth, the sort of income that this bill seeks to tax.

The figures are not available to show what deductions can be made in the incomes between $800 and $5,000 in relation to real estate, but they are available as relates to all other incomes in Great Britain. They show that the total income of persons having not less than $800 a year and not over $5,000 a year was $400,000,000. The total income of firms was $75,000,000; of officials, $5,000,000; and employees, $625,000,000. In addition to this sum of $105,000,000 we must also deduct the income from corporations having more than $5,000 a year. That amounts to $1,275,000,000, so that there is remaining, of incomes in Great Britain which would be subject to this tax, $960,000,000, on which this tax would raise a revenue of $9,600,000 a year. Adding the amount which could reasonably be expected from the remaining 33 per cent, including incomes from real estate and Government securities, we would have then a total sum upon which this tax could be assessed of $1,400,000,000, on which this tax would raise a total revenue of $14,000,000 a year. Can it be reasonably supposed that the

tax proposed in this bill will raise more than four times as much here as it would in Great Britain? Merely to state the proposition is to show its absurdity. Mr. Chairman, this $60,000,000 of revenue is a pipe dream. When we see in the colored supplements of the papers to-morrow pictures illustrating Little Nemo's adventures in Slumberland, we shall not see anything more absurd than these figures.

"The jabberwock," which, "with eyes of flame
Went whiffling through the tulgy wood and burbled as it came,"

was no more a figment of a vivid imagination than these $60,000,000 a year are. [Applause on the Republican side.]

Let us take another example of the utter farcicality of the estimates of the majority of the Committee on Ways and Means. If we are to assume that $6,000,000,000 a year is the income upon which this tax could be levied, we would have to assume that the number of individuals having an income of $10,000 a year was 1,200,000. Is there anyone that would not laugh if it was said seriously to him that there were 1,200,000 people in this country—one-ninetieth or more of our population—who have incomes of $10,000 a year each? We would have to assume that there are 133,000 people who have an income of over $50,000 a year; that there are 6,000 American citizens who have an income of over a million dollars a year, or that there were 600 persons in this country who had an income of $10,000,000 a year.

Mr. POWERS. Mr. Chairman, will the gentleman yield for a question?

Mr. LONGWORTH. Yes.

Mr. POWERS. If under the terms of this bill it will not raise more revenue than $14,000,000, who is the bill going to hurt, if passed?

Mr. LONGWORTH. Mr. Chairman, I am sorry the gentleman does not apprehend the argument I am making a little better than that. I am not talking about who it is going to hurt. I am talking about whether it is going to help the country. I am arguing against the advisability of passing such legislation as this to make up a deficit in the revenues of $60,000,000 a year.

Mr. POWERS. I would like to ask another question, if the gentleman will yield?

Mr. LONGWORTH. I will tell the gentleman, though, whom it will hurt. It will hurt simply the active, energetic men of this country who by their brains and energy are making a livelihood for themselves and for their families. It will not hurt any single idle holder of idle wealth, whether Mr. Carnegie, Mr. Rockefeller, or Mr. Astor, or whoever he may be, who is living on the income of his invested capital. It will not hurt them, if that is what the gentleman wants to know.

Mr. POWERS. I am seeking information, and I would like to have the gentleman's reasons for failing to increase the excise tax from 1 per cent to 2 per cent. He has based his argument largely upon the proposition that a tax of 1 per cent is not sufficient to raise sufficient revenue to justify the bill. I would like to have some argument produced showing that the excise tax in itself is a wrong principle.

Mr. LONGWORTH. Mr. Chairman, I am coming to that later, if the gentleman will wait. I ask not to be interrupted any more for the present. We have proved, and we have proved beyond the shadow of a doubt, and nobody has denied it, and nobody is going to deny it, I think, that this bill will not, even if constitutional in every respect, raise over $20,000,000 a year. That is on the assumption that the Supreme Court would uphold the tax on every income that it assumes to impose. From that sum must be eliminated what will go through the loopholes of this bill, and there are many loopholes. I shall not take time to go into that question except to ask that gentlemen read the letter from the Commissioner of Internal Revenue, which is quoted on page 5 of the minority report, and which I append here. The tables to which Mr. Cabell refers are to be found in the minority report.

TREASURY DEPARTMENT,
Washington, March 9, 1912.

Hon. NICHOLAS LONGWORTH,
House of Representatives, Washington, D. C.

MY DEAR MR. LONGWORTH: Referring to our conversation this morning relative to the Democratic caucus bill extending the provisions of the excise-tax law to all individuals, firms, etc., engaged in business, I beg to state that I have read this bill with considerable care and great interest.

This office had its first information relative to the bill in the newspaper reports announcing its adoption, and I have made considerable efforts to locate any data based on which the receipts from the bill could be estimated. After making inquiry from every source that I could think of, I have reached the conclusion that there is no very comprehensive data in existence. I had certain persons who are experienced in work of this nature make estimates from the data obtainable as to the probable tax-producing properties of the bill, without raising any question as to probable exemptions, exceptions, defects in language, apparent opportunities afforded to evade the tax, etc. I inclose herein a memorandum giving a brief synopsis of these estimates. You will note that the largest amount believed possible to be collected under this measure is $26,500,000 a year. If the bill is adopted in its present language, this possible amount appears certain to be reduced very greatly; in my judgment, below $20,000,000 per annum.

My principal criticisms of the language of the bill would be that the definition of the word "person" is not sufficiently embracive; the language would appear to except trusts, trustees, and associations, and then, most important of all, it does not embrace families. Taken in connection with a later paragraph of the bill, which states that no person receiving less than $4,500 need make a return, this definition would permit a man to divide his income, unless it were in the shape of a salary or something which attached purely to himself personally, among all of the members of his family, each receiving less than $4,500, and no one of these members would be required to make a return. He himself then would only have to report what would be left over and would be allowed a deduction of $5,000 from that. I am of opinion that this would afford an open door through which probably 25 per cent of the tax, which would otherwise be collected, would slip out.

Again, it is provided that the question of tax liability, or liability to make a return, shall be determined by the deputy collector or collectors, and it would appear that a decision in favor of a taxpayer by a deputy collector would be binding and final. I am of opinion that any provision such as this would make any law incapable of satisfactory administration.

If the proposed measure is to be enacted into law, I am of opinion that provision should be made for each "person" liable thereunder to make the return at the close of the fiscal year of the business conducted by such person rather than at the close of the calendar year.

There are numbers of other matters in the bill of more or less importance that appear to be subject to criticism, but I am giving you only what I consider the most vital administrative propositions, not touching at all the many interesting and complicated legal questions involved in this proposed legislation.

With highest regards, I am,
Respectfully, R. E. CABELL, *Commissioner.*

Mr. Chairman, I am not prepared to discuss, and I do not intend to discuss at any length, the constitutionality of this measure. I am not prepared to say it is unconstitutional in every respect, though I think a fair argument could be made to show that it is, but I do claim that so much of it as levies a tax, call it a business tax or by whatever other name you wish, upon the income derived from real estate or from invested capital is unconstitutional. The Zonne case, to which the gentleman from North Carolina [Mr. KITCHIN] referred, was a case where a corporation originally was chartered for the purpose of improving and holding real estate and erecting buildings thereon. Subsequently it leased the property to trustees and reserved merely the right to collect that income and distribute it among its stockholders.

Mr. LITTLETON. The lease ran for 130 years.

Mr. LONGWORTH. Yes; for 130 years. The court held that that corporation was not doing business in a way that would bring it under the provisions of the corporation-tax law. Without going at any length into this question I desire to refer to a case decided by the Supreme Court of Alabama, which is precisely in point. That is the case of State *v.* Anniston Rolling Mills (125 Ala., 121).

The rolling mill company was organized to manufacture and deal in iron products. It leased its plant to another corporation. It still collected rent, paid taxes, loaned money, and collected interest, and did certain other things looking to the preservation of its property. It was held by the court not to be liable to a license tax, upon the theory that it was not doing business, and the court said:

Not one of the several acts of the corporation done by it in the year 1897, as shown by the record, constituted a doing of the business or any part of the business for which it was created, and were incidents to the preservation of its property.

Mr. MADDEN. Would the lessees be liable for the tax in that case?

Mr. LONGWORTH. I do not see how they could be under this bill.

Mr. LITTLETON. That was an occupation tax by a license.

Mr. LONGWORTH. Yes. I quote it only as showing what a proper definition of the term "business" is. I do not think that anyone will claim that under this law the receipt of income from a ground rent would be taxable. Take a case where a man leases real estate perpetually, or for some stated period under a lease which provides that the lessee shall pay the taxes, assessments, and so forth. Will anyone claim that under this bill his income from the lease could be taxed? That is the kind of investment that many persons make when they retire from business. It is a form of investment which men leave to their families.

The income from this sort of investment would amount to many million dollars a year, and under this law such incomes would be absolutely exempt from taxation. So that if the courts should hold, as we think they undoubtedly would, that incomes from real estate and permanent investments can not be taxed under this bill, a large deduction would have to be made from even the comparatively paltry sum that any reasonable estimate will show its revenue-producing powers to be. The more carefully we examine the figures the more the revenues shrink. It is doubtful whether this bill, after being submitted to the

scrutiny of the courts, would yield as much as $15,000,000 a year, and it is not beyond the bounds of reasonable probability that the whole fabric might fall to the ground.

Mr. MANN. The gentleman speaks of income from real estate. Did not the Supreme Court hold in the rehearing in the Pollock case that the same rule was to be applied on income from real estate as income from personal property? At the rehearing they made no distinction.

Mr. LONGWORTH. The gentleman is correct.

Mr. MANN. The question would be in every case whether the person was transacting business.

Mr. LONGWORTH. If he was actually transacting business he would probably be taxed under this bill. If he was not transacting business he could not be taxed under this bill.

Mr. MANN. Under the corporation-tax case, if he is transacting business he might be taxed on his total income, whatever the sources of the income might be. The question, then, is, What is the transaction of business? Has the gentleman gone into that? Is collecting interest due him on a loan, business? Is living in a house, business? Is living on earth at all, business?

Mr. LONGWORTH. I put a case to a gentleman on the other side a few days ago who believed that the receipt of income from real estate was doing business. He claimed that the opening of an envelope that contained a check constituted a doing of business in real estate. I put to him this case, "Supposing a woman secures a divorce from her husband and is allowed under the decision of the court $10,000 a year alimony, is she to be compelled to pay a tax under this bill for doing business; and, if so, what business?" The answer was vague. [Laughter.]

Mr. SHACKLEFORD. Well, the question was vague. [Laughter.]

Mr. LONGWORTH. At the very best, and assuming that this bill is all that its proponents claim it is, so far as revenue producing is concerned, it is foreordained to failure. And while I dislike to say anything disagreeable or sarcastic about any measure brought in here by my colleagues of the majority of the Ways and Means Committee, whom I regard and respect most highly, I feel absolutely justified in saying that this bill is a total and absolute fraud.

Mr. CANNON. Yes; but will the gentleman allow me to say that, admitting that to be true——

Mr. LONGWORTH. And as the gentleman does admit, I hope.

Mr. CANNON. I think so. But take the other side of the House—the majority—do you not think that they think it is "a good enough Morgan until after the election"? [Laughter.]

Mr. LONGWORTH. Without answering the gentleman specifically, I think there is some politics in this bill.

Mr. SHACKLEFORD. Is it not likely to be "a good enough Morgan after the election" for some who vote against it?

Mr. LONGWORTH. I would be quite willing that the only issue between the two parties should be this bill. If it were, we would not see the gentleman from Missouri [Mr. SHACKLEFORD] here after the election.

Mr. ALEXANDER. I hope the gentleman will not conclude without answering the question asked by the gentleman from Kentucky [Mr. POWERS].

Mr. LONGWORTH. I am about to come to that feature of the discussion, which I think I can answer to the satisfaction of the gentleman from Missouri [Mr. ALEXANDER]. While the majority say this measure is not on its face an income tax, the whole burden of their argument is to prove that it is one in effect, and that it will lead up to a perhaps more carefully considered income-tax law so soon as the necessary number of States shall have ratified the constitutional amendment submitted to them by the last Congress.

But what kind of an income tax do they mean? For what sort of a law can this be regarded as a precedent? Is it the intention of the majority to pass a law which shall exempt from any share in the taxation 95 per cent of the American people and include in that exemption the rich, who live in idleness upon their income from invested property? Is it intended that only those who are using their energies and brains shall pay the tax and that the drones and the idlers go free?

Mr. SHACKLEFORD. Mr. Chairman, I would like to ask the gentleman if that is not precisely what the Payne-Aldrich bill did with reference to the corporations?

Mr. LONGWORTH. Not at all. There are very few corporations worth considering which have an income less than $5,000 a year, as the returns show; but there are thousands of people in this country who have incomes of less than $5,000 a year. Now, I am coming to that precise point in just a moment.

Mr. BARTLETT. Will you allow me a question?

Mr. LONGWORTH. The gentleman will pardon me for a moment. I am going to speak first about the precedent for the exemption of incomes, and then I will be glad to yield.

This bill exempts incomes of $5,000 a year and under. Gentlemen speak with praise of the income tax in Great Britain and of its fairness and effectiveness in that and other countries in producing revenue. There is not another civilized country in the world, Mr. Chairman, that exempts incomes of more than $1,000 a year.

In Australia the exemption is $1,000; in Great Britain, $800; in Germany, $750; in India, $666; in Denmark, $214; in Japan, $150; and in Switzerland, which many speak of as the ideal Republic, the exemption is $120 a year. In other words, it has been found just in those countries which have tried the income tax that a fair share of the population should be called upon to pay it. In my judgment, an exemption as high as $5,000 is essentially unrepublican and undemocratic. I believe that the mass of the people in any Republic, or a large portion of them at least, should have a direct interest in keeping down the expenditures of their Government. I do not mean to say that I believe that the small man should pay as much as the big man, even proportionately. I would tax those who receive large incomes at a higher rate than those who receive small incomes, but I would not exempt incomes of a reasonable size from all taxation whatever. In my judgment, an exemption of as high as $5,000 a year is essentially class legislation.

Mr. LITTLETON. I would like to ask a question for information. Did you find out how many corporations there were that did not report under the corporation act? I could not find out.

Mr. LONGWORTH. Under our corporation tax?

Mr. LITTLETON. Yes.

Mr. LONGWORTH. No; but I think it is believed that practically every corporation of any size made report. The total of reports last year showed an income of $3,336,000,000, if I rightly remember.

Mr. LITTLETON. They paid on that?

Mr. LONGWORTH. The tax collected was something over $29,000,000, showing that those not taxed were corporations that were exempt for one reason or another, either for holding real estate or having incomes less than $5,000. The amount was relatively insignificant.

But gentlemen say that a high exemption will be "popular." Of course, the higher you put the exemption, the more popular the tax will be.

Any tax is always popular with those who do not have to pay it, and it is unpopular in a certain sense with those who do have to pay it. But, following the logic of that argument, it would be wiser and more popular to exempt incomes of $10,000 a year, or $15,000 a year, and so on up. But that is not the kind of popularity that a statesman should seek to attain for an income tax or any other tax. The test should be not popularity, but fairness. I do not believe that the average American citizen objects to paying his fair share of the burden of supporting his Government. He does not ask to be entirely exempted. He simply asks to be fairly treated. He does not ask for charity; he asks for a square deal.

Now, there is another feature of this bill to which I have as serious objection as I have to the size of the exemption, and that is the quality of the exemption. I mean the proposition that energy and enterprise are to be taxed and that idleness is to go free. In many enlightened countries a substantial distinction is made between earned and unearned incomes. In Great Britain professional incomes, incomes that are earned by activity, pay a tax 25 per cent less than unearned incomes or incomes derived from invested property.

In Australia the difference is even greater. I find that in Australia the taxation on incomes derived from "personal exertions" is only one-half that on incomes derived from investments. That is a proper and just distinction, and should be made in any income tax law, in my judgment. The man who earns his income by the exercise of his brains or by the sweat of his brow is all the time exhausting his capital. In the nature of things his earning capacity is limited by the fund of energy upon which he must draw, and at some time or other that fund must become depleted and eventually entirely exhausted. On the other hand, the man whose income is derived from property, comes to him without any energy or activity on his part, and does not impair his capital, which in some cases not only does not decrease, but increases in value. It is not fair that he should not pay more from his annual income than his neighbor, whose earning power may be soon exhausted.

This bill adopts precisely the opposite policy. Not only does it not distinguish in favor of the earner, as against the idler, but it actually penalizes him. It taxes the earner and lets the

idler go free. Under this bill not a cent of tax could be collected from a man who has inherited property and lives on the income derived from it. Not a cent of tax could be collected from the man who has retired from business and is living on the income from his invested gains.

What can be said in favor of a tax law which lets the Rockefellers and the Carnegies and the Astors go free, but which taxes the man who in the full maturity of his powers is devoting his best energies to the service of his Government, like, for instance, the honored Speaker of this House; which taxes the men who are devoting their lives to the preservation of the integrity and honor of their country, like the officers of the Army and Navy; which taxes the lawyer and the physician and the clergyman and every man who is earning his bread by his brains or the sweat of his brow?

I see no justification for the passage, either as a revenue measure or for any other purpose, of a law which makes such unjust discriminations as does this bill.

I am opposed to this bill, and I am opposed to any proposition for which it might be regarded as a legitimate precedent. If we are to have an income tax, let us have one that is modeled——

The CHAIRMAN. The time of the gentleman has expired.

Mr. PAYNE. Mr. Chairman, I yield the gentleman five minutes' additional time.

The CHAIRMAN. The gentleman from Ohio [Mr. LONGWORTH] is recognized for five minutes more.

Mr. LONGWORTH. If we are to have an income tax, Mr. Chairman, let us have one that is modeled on the laws of other countries, where it is an integral part of their revenue system, and where it has been shown by experience to be fair and just. Let us in the meantime oppose such measures as this, invented upon the spur of the moment, brought in for political reasons only, evidently not effective to carry out the purposes for which it was intended, and which from any point of view is unjust, unfair, and inequitable. [Applause on the Republican side.]

Mr. Chairman, I yield back the balance of my time, and ask unanimous consent to be allowed to extend my remarks in the RECORD.

The CHAIRMAN. The gentleman from Ohio [Mr. LONGWORTH] asks unanimous consent to extend his remarks in the RECORD. Is there objection?

There was no objection.

Mr. UNDERWOOD. Mr. Chairman, I yield 20 minutes to the gentleman from Missouri [Mr. DICKINSON].

Mr. DICKINSON. Mr. Chairman, it was not my purpose to speak so early on this bill, but opportunity having been given me by the majority leader [Mr. UNDERWOOD] to speak this afternoon rather than later in the debate, I desire to say that I am heartily in favor of this bill, which seeks "to extend the special excise tax now levied with respect to doing business by corporations to persons, so that every person, firm, or copartnership residing in the United States, any Territory thereof, or in Alaska or the District of Columbia shall be subject to pay annually a special excise tax with respect to the carrying on or doing business by such person, equivalent to 1 per cent upon the entire net income over and above $5,000 received by such person from all sources during each year," and I hope that the bill will be permitted to become a law and that it will stand the test in the courts, and that before very long the general income tax amendment will be adopted and a general income tax become a part of the law of the land.

In orderly society, secured by well-organized government and just laws, peculiar benefits come to those possessed of large means and incomes flowing therefrom. The peculiar benefits that government secures to wealth are in addition to those benefits that are common to all the people, who are supposed to enjoy under the law equal protection as to life, liberty, and pursuit of happiness. Great property interests are especially favored, and a large proportion of the expenses of government is for the protection of property owned and controlled by the wealthier classes, who invest their surplus means at home and abroad, understanding that the strong arm of the Government will be used to protect their property interests and investments wherever situate, and it is not unreasonable to insist that a fair share of the burdens of government shall be borne by the wealth of the country, and a moderate tax levied upon large incomes is both fair and just, and should be paid without complaint by those who reap and enjoy the greatest benefits of government.

This country stands almost alone among the so-called civilized nations in failing to tax incomes for the support of the Government. In the year 1908—and I have not before me later figures—the amount of income tax collected was, in round numbers, $413,000,000. In this respect England stands at the head of the list with $165,000,000. Other countries stood as follows:

Prussia	$88,000,000
Italy	50,000,000
Spain	18,000,000
Japan	13,800,000
Saxony	12,275,000
Austria	12,000,000
Holland, India, Norway, each nearly	7,000,000

England reached the sum of $180,000,000. However, it seems the per cent was greater, and levied upon sums exceeding a smaller amount, than named in this bill—so moderate in its exactions that none ought to complain.

In 1866 corporations paid more than one-eighth of the whole income tax, under the last existing income-tax law of the United States, which was repealed nearly 40 years ago.

In 1910 a 1 per cent tax on corporations yielded $27,000,000.

If the proportion between individual and corporate wealth

Later, the amount of revenues raised by tax on incomes in were substantially the same now as then, a Federal income tax of 1 per cent might be expected to yield $200,000,000. Yet I doubt the proportion being the same in 1910 and now as in 1866, corporations having multiplied more rapidly in later years.

How enormous is the wealth of this country, and untaxed for support of the Federal Government, and more than half of this wealth owned by a very small per cent of the population of the country enjoying large incomes free from taxation for Federal purposes.

The advocates of a general income tax have hoped that the day was not far distant when three-fourths of the States of the Union would ratify the proposed income-tax resolution, thereby amending the Constitution of the United States so that a law might be enacted by Congress whereby a general income tax might become the law of the land and whereby the burdens of taxation would be more evenly distributed. With a changed attitude on the part of the President toward income-tax legislation in time of peace, the adoption by the States of the income-tax amendment is discouraged by the very utterances of the President, finding active response among the leaders of his party in the several States, even going so far as to attempt to reverse the prior action of the State of New York, the wealthiest of all the States, and thereby, if successful, to prevent, possibly, any further progress toward the amendment of the Constitution of the United States for income-tax purposes.

I will quote a press dispatch:

RESCINDS INCOME-TAX VOTE—NEW YORK ASSEMBLY NOW REVERSES APPROVAL OF A YEAR AGO.

ALBANY, N. Y., *March 13.*

The assembly to-day, by a vote of 85 to 58, passed the Hinman bill, rescinding New York State's action of last year advocating a Federal income tax.

Arguments closely followed those of a year ago, when the legislature went on record as favoring the proposed constitutional amendment.

It takes three-fourths of the States of the Union, acting through their legislatures, to amend the Federal Constitution. Progress had so far been made in the States toward the adoption of this income-tax amendment that it required affirmative action of only 5 more States prior to the admission of Arizona and New Mexico into the Union of States, and by reason of their admission into the Union at this time it will now require 6 more States to ratify this amendment before it can be adopted as a part of the Constitution of the United States. Prior to their admission there were 46 States, and it was necessary that 35 States adopt the amendment in order to have the necessary three-fourths. The legislatures of 30 States have acted affirmatively. Sixteen States had either rejected the amendment or had failed to act. Mexico and Arizona admitted into the Union increases the number of States to 48 and increases the number of States which have not adopted the amendment to 18. Thirty-six States now constitute three-fourths of all the States. If 6 of these 18 States shall ratify the amendment, it will make the necessary three-fourths of 48, or 36 to 12.

The adoption of this constitutional amendment would hasten the beginning of a new fiscal policy—a policy of gradual reduction of tariff taxation made possible by resorting to income taxation. It will end the high protective-tariff system of this country and give to the people lower tariff laws and ultimately a tariff for revenue only—the goal of Democratic effort—and the country will readily understand why the highly protected interests seek to defeat income-tax legislation, and why Republican advocates of the high protection policy join hands with special interests in their efforts to postpone the day of the adoption of a general income-tax law as a permanent part of our fiscal policy.

The President of the United States, by his more recent utterances, lends his great voice and the influence of his administration to the delay in the adoption of this constitutional amend-

ment. Such is the action of those who control the policies of the Republican Party. A large standing Army on land, and a fleet of monster battlements plow the waters of the seas, all in time of peace, costing annually hundreds of millions of dollars, to protect the property and wealth of those who would swell the annual appropriations for their protection, and yet not willing to bear a reasonable income tax in time of peace—this Republic standing alone of the civilized nations of the world in avoiding the levying an income tax.

We are preparing for war in time of peace, and why should not this annual burden of preparation for war be borne in part by those who admittedly should help bear the burden in time of peace?

The Democratic Party, now in control of the House of Representatives, wearied with long waiting, anxious to hasten the day for lower taxation, anxious to make an honest effort to balance the weight of taxation on consumers of the country, who have heretofore borne all the burdens of taxation, seeks now to so extend the present corporation tax to persons, firms, and copartnerships that there may shortly be raised revenue from large incomes, while at the same time an effort is made to give cheaper sugar to all consumers of this great necessity that enters into the daily consumption of every household in the land. And this income tax should not be opposed as class legislation, but rather indorsed as an effort to equalize the burdens of Government.

I have called attention to the recent action of the New York Assembly, seeking to reverse the prior action of the legislature of that State in 1911 in adopting the income-tax amendment. I desire to say in this connection that when the State of New York, in 1911, ratified that amendment, the legislature was Democratic, and that the present assembly, or lower house, of the legislature of that State is Republican, and one of its first acts was the introduction of a resolution seeking to rescind the former action by a Democratic legislature. It has been understood that a vote against ratification does not preclude a ratification at a later date, but that a vote in favor of ratification is final and can not be recalled or rescinded; and that there is no limit upon the period within which an amendment to the Constitution may be ratified, and that it is beyond the power of Congress to recall an amendment which has once been submitted to the States.

As against this doctrine that a vote in favor of ratification is final, and can not be recalled or rescinded, in January, 1912, a concurrent resolution rescinding the action of the New York Legislature of 1911 in ratifying the proposed income-tax amendment to the Federal Constitution was introduced by Assemblyman Hinman, chairman of the judiciary committee. It asked the Federal Secretary of State to return the copy of last year's resolution now on file in Washington, and recites, that as the amendment has not been ratified by three-fourths of the States, it has not become part of the Constitution. The resolution declares there is no emergency calling for the immediate passage of the proposed amendment. Mr. Hinman says that an investigation of precedents for rescinding of action reveals the fact that there has never been a real test in court.

On March 6 the Hinman resolution rescinding New York State's approval of the Federal income-tax resolution was reported favorably by the assembly judiciary committee, and Mr. Hinman issued a statement saying that there was no precedent against rescinding which can be said to have determined that a State has no such right—and further says Congress can not decide this question, nor can the secretary of state, by the adoption of a resolution, declare that New York has irrevocably given its assent or by any kind of promulgation, that it is not a political question but a judicial one for the court. Such is the recent utterance of this Republican leader in the Republican Assembly of the State of New York. And on March 13—three days ago—the Hinman resolution passed the assembly by a vote of 85 to 58.

Mr. BARTLETT. Will my friend permit an interruption?

Mr. DICKINSON. Yes.

Mr. BARTLETT. The gentleman doubtless recalls the historical fact that when the fourteenth and fifteenth amendments were up for ratification by the States, the States of Ohio and New Jersey ratified the amendments and then withdrew that ratification, and the Secretary of State and Congress refused to recognize such later action of the legislatures of the two States.

Mr. DICKINSON. Mr. Chairman, I am familiar in part with that history. I recollect when I came here, nearly two years ago, being over in the other body and listening to a distinguished Senator, now an ex-Senator, from Mississippi, Senator Money, in an address before the Senate, in which he referred to that fact while discussing a joint resolution directing the Attorney General to submit to the Supreme Court all information available bearing on the validity of the fourteenth amendment to the Constitution of the United States, seeking to test whether the fourteenth amendment was adopted according to the requirements of the Constitution and whether or not this is a judicial question. By the action of the New York Assembly they seek to bring that question anew before the courts of the land for the purpose of taking New York out of the list of those States that have ratified the income-tax amendment.

So, while the party of which I am an humble member is seeking, with a percentage of the Republicans of the country, to press forward the enactment of an income-tax amendment and to secure the ratification of this amendment by three-fourths of the States of this Union, an effort is being made in at least one State, the wealthiest of all, to recede from that position, thereby, if successful, retarding and delaying the time, if not preventing the time from ever coming, when an income-tax-amendment resolution shall become a part of the fundamental law of the land.

There are to-day in this country two great contending forces, the masses on the one hand, the overwhelming majority of the people, who are pressing forward the thought that an income tax ought to be a part of the law of this Republic, as in all other of the most civilized countries of the world; but the thought has been in my mind, and doubtless in the minds of some of you at least, that the time, perhaps, is far distant when three-fourths of the States possibly will ratify this amendment to the end that it will become a part of the Constitution of the United States. When they do, then litigation will come, and the question raised in New York may be before the courts for judicial determination. The question is even suggested in a letter that I received this morning from the Secretary of State, when I inquired as to the number of States and the names of those that had ratified this amendment. I have here his letter naming 29 States, out of which the State of Kentucky is left, on the idea that there is some doubt about its having legally adopted it.

Mr. WITHERSPOON. Kentucky or New York?

Mr. DICKINSON. Kentucky. The question arose, with which this House is somewhat familiar, that in the State of Arkansas the governor saw fit to veto the action of the legislature; though I will say that in the list furnished me by the Secretary of State the State of Arkansas is included as one of the 29 States. I do not believe that any lawyer in this body has any reasonable doubt but that the action of the legislature is the final and only necessary action required for the purpose of ratifying the income-tax amendment or other amendment to the Constitution and not subject to the veto of the governor.

If the President of these United States has less interest in the adoption of an income-tax amendment to the Constitution than he had prior to his election, it is a source of regret; but it is significant that only a few months ago he declared that he does not favor the enactment of an income tax except for raising revenue in time of war; that he is opposed to the collection of an income tax in time of peace. In this position the President is not in accord with the majority sentiment of the country.

Mr. TOWNER. Will the gentleman yield for a question?

Mr. DICKINSON. I will.

Mr. TOWNER. I should like to ask the gentleman to give his idea as to what would likely be the effect upon the States that have not yet ratified the constitutional amendment should Congress pass the law which is now under consideration?

Mr. DICKINSON. What would be the legal effect?

Mr. TOWNER. No; what would be the likely effect on the States that have not yet acted?

Mr. DICKINSON. I was about to reach that question. I thank the gentleman for asking it. I was about to congratulate the majority members of the Ways and Means Committee for having brought forward this measure at this time when the country is becoming wearied by reason of the fact that the general income-tax amendment proposition is lagging because of inaction on the part of some of the States. [Applause on the Democratic side.] I have reached the conclusion in my own mind that the action of this House and of this Congress in pressing forward as far as they can, by reason of the limitations resulting from the decision of the Supreme Court, and attempting to extend the excise tax to persons as well as corporations, will renew again the interest of all the people favoring a general income tax, and will tend to quicken action in the several States that have not yet acted, to the end that a sufficient number of them will more speedily, through their legislatures, ratify this amendment, so that three-fourths will ratify more quickly than if this Congress showed no interest in pressing forward in favor of levying taxes upon incomes. [Applause on the Democratic side.]

I believe that the action of Congress on this bill will quicken the interest of the people everywhere, and a renewed demand will be made for an early ratification of the general income-tax amendment, so that the large incomes from every source may be reached, some of which can not be reached by this proposed law, by reason of the decision of the Supreme Court of the United States declaring unconstitutional a general income-tax law.

Mr. TOWNER. If the gentleman will permit me——

Mr. DICKINSON. I will yield to the gentleman.

Mr. TOWNER. Does not the gentleman think that really encouraging progress is being made when he realizes that during the year 1910 nine States ratified, and during the year 1911 20 or 21 more States have ratified that constitutional amendment? Does not the gentleman think it is commendable progress in that direction?

Mr. DICKINSON. Yes; we are making progress; but I have always believed that the progress toward the end would be so slow, the opposition in several States would be so strong, that it might take a longer time to gain the last half dozen States than it did to gain the 30 that have ratified it. I have believed that by reason of the opposition of the great interests, and those in high authority losing their interest in favor of the enactment of the proposed income-tax amendment, that the delay would be increased. I want to say here, from the history of this present law now upon the statute books, that it was understood that the corporation-tax law was brought forward and enacted into law primarily for the purpose of defeating the general income-tax law sought by Democrats to be enacted at that time, and I shall print with my remarks a partial history of the passage of said law.

Such were the utterances of a distinguished leader in the Senate of the United States when this was being discussed; such was the frank admission of Republican leaders at that time.

Mr. BOWMAN. But this bill was not brought forward for that purpose?

Mr. DICKINSON. I am talking about the law now on the statute books, the corporation-tax law, which we are seeking to extend to persons. A law passed as a temporary measure, with the hope of its advocates that it would be adandoned after a brief while, though stated by others at the time that if this corporation-tax law went on the statute books, it was there to stay. The action of the Democratic Party in this House emphasizes the thought that it will not be abandoned, but that the law will be extended by levying a tax upon the net incomes over $5,000 of persons, as well as corporations, and remain as the law, at least, until a general income tax can be enacted. We are pressing forward here and before the country the idea that the Democratic Party is in favor of taxing large incomes, and this legislation is brought forward now because a general income-tax law has not been ratified by a sufficient number of States, and the tax sought to be taken off of sugar is sought to be put on incomes—taken off of the stomachs of the people and placed on large incomes, and easily paid.

Mr. CAMPBELL. Will the gentleman yield?

Mr. DICKINSON. I do yield.

Mr. CAMPBELL. Does the gentleman find any opposition in his State to the levying of an income tax, either upon corporations or individuals, by the General Government?

Mr. DICKINSON. I suppose there is opposition in every State, but my views are so well known on the subject of income taxes that no one has seen fit to express this opposition to me. There are always those who do not want to pay taxes. Nobody is anxious to pay taxes. Those enjoying large incomes, as a rule, doubtless prefer exemption from taxation and that the burden be upon consumers, but those who enjoy the protection of the Government and just laws should be willing to pay reasonable taxes, whether by reason of the property they own or by reason of protection of life and liberty.

Mr. CAMPBELL. I have had much objection along this line, if the gentleman will permit me. There is a great demand in our State for improvement in roads and for pensions and all that sort of thing, and all sources of taxation are being resorted to that are possible. They have protested against the corporation tax and against our appropriating an income tax. They want to levy that income tax for the State as a source of revenue.

Mr. DICKINSON. That may be true in a measure in the State of Kansas, but I do not believe there is very much difference on this subject between your State and mine. Both Missouri and Kansas have ratified the general income-tax amendment, and I believe that the large majority of the people in both States favor the levying of an income tax upon both corporations and persons by the General Government.

Those who seek to avoid a Federal income tax by appealing to the States to reserve to themselves the exclusive right of income taxation know full well how easily those enjoying large incomes can escape State taxation, and know that the Federal Government would have a distinct advantage in that, the tax being uniform throughout the United States, there would be no escape from it by moving from one State to another, and a collection of it be more thorough and efficient; and so much of the business of importance transcends States lines that collection from such business would be more effective by the General Government, which is now compelled to rely almost exclusively upon customs and excises for its revenues. It needs income taxes if it would reduce excessive custom duties and more equally distribute the burdens of taxation. The appeal to the States is a selfish appeal by those seeking to avoid all taxation of such wealth as they can place beyond the reach of the tax collector.

The Democratic Party favors a general income-tax law, as shown by its national platform and by the record of its representatives here and elsewhere.

I have spoken of the changed attitude of President Taft regarding a general income tax, which logically would interfere with high-tariff laws. When Mr. Taft accepted the nomination for President, he declared his belief that an income tax properly drawn would be declared constitutional by the Supreme Court of the United States and that in his judgment an amendment to the Constitution for an income tax was not necessary.

We sincerely hope that this bill, proposed by the Democratic majority of the Ways and Means Committee and indorsed by the Democratic caucus, will be passed by so large a majority vote in both Houses of the Congress that the President will sign the bill, so that it may become a law.

In the magazine known as The Outlook, in its issue of December 2, 1911, appears an authorized interview with President Taft, given out at the Virginia Hot Springs, where he had gone for a rest after his notable tour of the West, lasting "49 days, with 306 speeches to his credit." In this interview President Taft was asked the following question:

> Now that you have launched your project for a constitutional amendment, you probably have in mind some particular form of general income tax to recommend to Congress when it is free to act?

To which question he replied:

> In a way; yes. I believe, on principle, in a general income tax. The only good arguments against it are that it is inquisitorial and that it offers a temptation to perjury. But I would not resort to the ordinary income tax except in an emergency like war, when I would have it graduated, so that those citizens who had most at stake should bear a correspondingly large share of the burden of the common defense. In time of peace I would avoid temptation to perjury and would confine the Government to taxes that do not involve such inquisitorial methods in their collection.

Fresh in the recollection of the American public is another and far different utterance by Mr. Taft when asking for the confidence and suffrages of the American people in the presidential campaign of 1908. After his nomination for President by the Republican national convention, June 18, 1908, which made no mention of the income tax in its platform, the Democratic national convention, held at Denver in July, 1908, adopted the following plank:

> We favor an income tax as part of our revenue system, and we urge the submission of a constitutional amendment specifically authorizing Congress to levy and collect a tax upon individual and corporate incomes, to the end that wealth may bear its proportionate share of the burdens of the Federal Government.

In his speech of acceptance at Cincinnati, July 28, 1908, President Taft expressed the same idea as follows:

> The Democratic platform demands two constitutional amendments, one providing for an income tax and the other for an election of Senators by the people. In my judgment an amendment to the Constitution for an income tax is not necessary. I believe that an income tax, when the protective system of customs shall not furnish income enough for governmental needs, can and should be devised which, under the decisions of the Supreme Court, will conform to the Constitution.

This was his utterance before election, speaking to the American people.

In his inaugural address, however, President Taft made the following recommendation:

> Should it be impossible to do so (secure sufficient revenue) from import duties, new kinds of taxation must be adopted, and among these I recommend a graduated inheritance tax as correct in principle and as certain and easy of collection.

It was in accordance with this recommendation that the Ways and Means Committee reported an inheritance-tax law as part of the Payne tariff bill, and this was subsequently passed by the House and sent to the Senate for concurrence.

On June 16, 1909, President Taft transmitted a special message to Congress from which the following is an extract:

I recommend a graduated-inheritance tax as correct in principle and as certain and easy of collection. The House of Representatives has adopted the suggestion and has provided in the bill it passed for the collection of such a tax. In the Senate the action of its Finance Committee and the course of debate indicate that it may not agree to this provision, and it is now proposed to make up the deficit by the imposition of a general-income tax in form and substance of almost exactly the same character as that which, in the case of Pollock *v.* the Farmers' Loan & Trust Co. (157 U. S., 429), was held by the Supreme Court to be a direct tax, and therefore not within the power of the General Government to impose unless apportioned among the States according to their population.

The decision in the Pollock case left power in the National Government to levy an excise tax which accomplished the same purpose as a corporation income tax, but is free from certain objections urged to the proposed income-tax measure. I therefore recommend an amendment to the tariff bill imposing upon all corporations and joint-stock companies for profit, except national banks (otherwise taxed), savings banks, and building and loan associations, an excise tax measured by 2 per cent on the net income of such corporations. This is an excise tax upon the privilege of doing business as an artificial entity and of freedom from a general partnership liability enjoyed by those who own stock.

As a result of this special message the present corporation-tax law was enacted, which provides for a tax rate of 1 per cent levied on the net income of certain corporations, as follows:

An act to provide revenue, equalize duties, and encourage the industries of the United States, and for other purposes, provided that certain corporations, joint-stock companies, and insurance companies should be subject to pay annually a special excise tax with respect to carrying on or doing business by such corporation, joint-stock company or association, or insurance company equivalent to 1 per cent upon the entire net income over and above $5,000 received by it from all sources during such year.

I desire and ask leave to insert here as a part of my remarks an extract from Kennan's work on Income Taxation, commencing on page 279 and ending on page 282 of said work:

Early in the history of the Payne tariff bill Senator BAILEY, of Texas, introduced an amendment which provided for a general income tax. This amendment followed very closely the income-tax law of 1894, except that it provided for a fixed rate of 3 per cent on all incomes in excess of $5,000, and contained special provisions for a corporation tax, an inheritance tax, and a tax on gifts, devises, and bequests.

At the same time Senator CUMMINS, of Iowa, presented an amendment proposing a graduated tax upon all incomes over $5,000 a year. The scale of rates proposed by him was as follows:

On incomes not exceeding $10,000, 2 per cent.
On incomes not exceeding $20,000, 2½ per cent.
On incomes not exceeding $40,000, 3 per cent.
On incomes not exceeding $60,000, 3½ per cent.
On incomes not exceeding $80,000, 4 per cent.
On incomes not exceeding $100,000, 5 per cent.
On incomes of more than $100,000, 6 per cent.

These two amendments were eventually consolidated, mainly in the form of the Bailey bill, and strenuous efforts were made to secure the adoption of the "Bailey-Cummins amendment" before proceeding to revise the tariff. It was urged that if there was a prospect of raising $150,000,000 or $200,000,000 by a tax on incomes much larger reductions could be made in the tariff schedules. The Republican leaders, however, took alarm at this plan as involving a menace to the whole protective system, and succeeded in postponing action on the income-tax amendments until the revision of the tariff should be completed and the amount of the resulting deficit definitely known.

The position taken by the administration forces of the Senate is shown by the following colloquy which occurred June 29, 1909, between Senator Clay, of Georgia, and Senator Aldrich, of Rhode Island:

"Mr. CLAY. I want to ask the Senator a question. If we are to raise $50,000,000 per year by a tax on corporation dividends, does the Senator think that such a tax is a vicious assault upon the protective system; and, second, if this bill as it stands will produce enough revenue to support the Government and we adopt the corporation tax raising $50,000,000, does not the Senator think we ought to take up some of the other schedules and reduce the duty in proportion to the amount that we raise by the corporation tax?

"Mr. ALDRICH. Does the Senator from Georgia want an answer?

"Mr. CLAY. I would not have asked the question if I did not.

"Mr. ALDRICH. I shall vote for the corporation tax as a means to defeat the income tax.

"Mr. CLAY. I think that is an honest statement.

"Mr. ALDRICH. I will be perfectly frank with the Senator in that respect. I shall vote for it for another reason. The statement which I made shows a deficit for this year and for next year. This year I estimated $69,000,000. It will be $60,000,000. And next year I estimate a deficit of $45,000,000. I am willing that that deficit shall be taken care of by a corporation tax. That corporation tax, however, at the end of two years, if my estimate should be correct, should be reduced to a nominal amount or repealed. It can be reduced to a nominal amount, and the feature of the corporation tax that commends it to many Senators and a great many other people is that the corporation tax, if it is adopted, will certainly be very largely reduced, if not repealed at the end of two years.

"So I am willing to accept a proposition of this kind for the purpose of avoiding what to my mind is a great evil and the imposition of a tax in time of peace when there is no emergency, a tax which is sure in the end to destroy the protective system."

So you will understand that the corporation-tax law was brought forward and enacted into law primarily for the purpose of defeating a general income tax, and President Taft readily assented to this proposition, and then only to be abandoned after a brief while, the main purpose being to do nothing that would interfere with high tariff laws.

A different view as to the probable permanency of the law was entertained by Senator Flint of California, who said:

"If the amendment is adopted by Congress it will remain permanently on the statute books until such time as the people of this country, through their legislatures, shall ratify the constitutional amendment, and then there will be added to it an income tax."

Senator ROOT of New York, in his speech advocating the passage of the corporation-tax amendment, expressed himself as follows:

"Gentlemen may say I am for the corporation tax to beat the income tax. I care not. I am for the corporation tax because I think it is better policy, better patriotism, higher wisdom than the general income tax at this time and under these circumstances. I wish to beat the income-tax provision because I think it is unwise, and I wish to pass the corporation-tax provision because I think it is wise."

These extracts will, perhaps, suffice to show that the corporation tax was not proposed and passed as an important and desirable addition to our fiscal system; nor was any attempt made to justify it from an economic or scientific standpoint. The avowed purpose of its advocates was to defeat the general income tax and incidentally to raise money to meet a temporary deficiency. This was fully understood by the Democrats, but they were in a position where they could not oppose the bill without seeming to favor the corporations and to be acting in opposition to an income-tax law. When the vote was taken on Senator BAILEY'S motion to substitute the income-tax amendment for the corporation-tax law there were 28 yeas and 47 nays, 17 not voting. There were only 5 Republicans, namely, Senators BORAH, BRISTOW, CLAPP, CUMMINS, and LA FOLLETTE, who voted for the income tax and no Democrats who voted against it.

Review of Reviews (vol. 40, p. 136, Aug. 1, 1910), referring to the corporation-tax law, says:

Its coming into being is one of the most remarkable of recent legislative events. It was not discussed during the campaign; it was not mentioned in President Taft's inaugural; it was not proposed in the compact and deliberate program laid down by the President in his message at the opening of the special session, nor was it brought forward as any part of the pending revenue measure by any Member of Congress.

I desire to insert here another quotation, taken from LA FOLLETTE, is my recollection:

During the campaign the President had said that "in my judgment an amendment to the Constitution for an income tax is not necessary. I believe that an income tax * * * can and should be devised which, under the decisions of the Supreme Court, will conform to the Constitution." An amendment to the tariff bill providing for such an income tax was prepared and approved by the best constitutional lawyers in both parties. In a recent authorized interview the President said:

"There was strong pressure from the Democrats and some of the Republicans, including all of the 'insurgents,' for the revival of the old income tax on the principle that the personnel of the Supreme Court had been changed since its decision that the act of 1894 was unconstitutional. * * * I have always been in favor of an income-tax-laying power, because it may some time be needed to save the Nation, but I did not think this the proper way to secure it, having a due regard for the prestige of the Supreme Court. * * * I did not wish to see it placed in the position of reversing itself as long as there was another way of reaching the desired end by a constitutional amendment." Senator Aldrich objected to the income tax and joined with the President in substituting for it the corporation tax. The President reversed himself on the income tax.

The constitutional amendment submitted is as follows:

ART. XVI. The Congress shall have power to lay and collect taxes on income, from whatever source derived, without apportionment among the several States and without regard to any census or enumeration.

And it has been ratified by 30 States.

When the income-tax amendment was first presented to the New York Legislature, ratification by the assembly was defeated by a close vote, and one of the explanations offered against its adoption was:

The reason the amendment failed was because a majority of the assemblymen were unwilling to have the great wealth of the State of New York taxed for the benefit of the South and West, whose Congressmen are in the majority and whose people would bear but little of the burden.

In the State of Virginia where ratification failed in the house, as charged by reason of the opposition of the speaker, it was claimed by the speaker that the proposed amendment—

is a voluntary invitation to the Federal Government to invade and occupy the innermost citadel of what remains of the reserved rights of the States.

In the State of Louisiana the income-tax amendment has not been ratified, though the lower house on July 2, 1910, by a vote of 77 to 31 voted for ratification. Gov. Sanders opposed the amendment, and it failed to pass the senate, and in his race before the people for United States Senator that fact was used against him and he was defeated.

High protective laws are doomed, and the growth of sentiment in favor of income taxation will compel the enactment of income-tax laws. It is said that no foreign country which has adopted an income tax within the past 25 years has seen fit to abandon it. It was the failure of President Taft to make good his pledges for tariff reduction, his failure to use his influence in behalf of an honest tariff revision, his surrender to the high-tariff interests, and his indorsement of the Payne-Aldrich tariff bill that helped to weaken him before the country and to bring defeat to his party in 1910.

It has very recently been charged in the opposition Republican press that an income-tax measure would have been written into the tariff of 1909 but for the President's combination with the Aldrich-Cannon forces to prevent it, as a result of which the income tax was kept out of the law and the corporation tax substituted, the Democrats with some insurgents

trying to put an income-tax amendment onto the bill, as shown earlier in my remarks, and thereby prevented a general income-tax measure being put up again to the Supreme Court, for the reasons heretofore stated.

The income tax, which had been held constitutional by the Supreme Court for a hundred years, by a sudden change of vote by one judge was held unconstitutional, nullified, and set at naught though it had passed by a nearly unanimous vote of both Houses of Congress, and had been approved by the President and voiced the will of the people. The decision was by a divided court of five to four. This decision, brought about by the vote of one judge changing his opinion, the four dissenting judges have denounced it in vigorous language, excerpts from which I will here insert.

Mr. Justice Harlan said:

This decision may well excite the gravest apprehension—it may provoke a contest in this country from which the American people would have been spared if the court had not overturned its former adjudications and had adhered to the principles of taxation under which our Government has always been administered. It can not be regarded otherwise than as a disaster to the country.

And, concluding, says:

If the decision of the majority had stricken down all the income-tax sections, either because of unauthorized exemptions or because of defects that could have been remedied by subsequent legislation, the result would not have been one to cause anxiety or regret; for, in such a case, Congress could have enacted a new statute that would not have been liable to constitutional objections. But the serious aspect of the present decision is that by a new interpretation of the Constitution it so ties the hands of the legislative branch of the Government that without an amendment of that instrument, or unless this court at some future time should return to the old theory of the Constitution, Congress can not subject to taxation—however great the needs or pressing the necessities of the Government—either the invested personal property of the country, bonds, stocks, and investments of all kinds, or the income arising from the renting of real estate, or from the yield of personal property, except by the grossly unequal and unjust rule of apportionment among the States. Thus, undue and disproportioned burdens are placed upon the many, while the few, safely intrenched behind the rule of apportionment among the States on the basis of numbers, are permitted to evade their share of responsibility for the support of the Government ordained for the protection of the rights of all.

I can not assent to an interpretation of the Constitution that impairs and cripples the just powers of the National Government in the essential matter of taxation and at the same time discriminates against the greater part of the people of our country.

The practical effect of the decision to-day is to give to certain kinds of property a position of favoritism and advantage inconsistent with the fundamental principles of our social organization, and to invest them with power and influence that may be perilous to that portion of the American people upon whom rests the larger part of the burdens of the Government, and who ought not to be subjected to the dominion of aggregated wealth any more than the property of the country should be at the mercy of the lawless.

Mr. Justice Brown concluded his dissenting opinion in the following language:

It is difficult to overestimate the importance of these cases. I certainly can not overstate the regret I feel at the disposition made of them by the court. It is never a light thing to set aside the deliberate will of the legislature, and in my opinion it should never be done except upon the clearest proof of its conflict with the fundamental law. Respect for the Constitution will not be inspired by a narrow and technical construction which shall limit or impair the necessary powers of Congress. Did the reversal of these cases involve merely the striking down of the inequitable features of this law, or even the whole law, for its want of uniformity, the consequences would be less serious; but as it implies a declaration that every income tax must be laid according to the rule of apportionment, the decision involves nothing less than a surrender of the taxing power to the moneyed class. By resuscitating an argument that was exploded in the Hylton case, and has lain practically dormant for a hundred years, it is made to do duty in nullifying, not this law alone, but every similar law that is not based upon an impossible theory of apportionment. Even the specter of socialism is conjured up to frighten Congress from laying taxes upon the people in proportion to their ability to pay them. It is certainly a strange commentary upon the Constitution of the United States and upon a democratic government that Congress has no power to lay a tax which is one of the main sources of revenue of nearly every civilized state. It is a confession of feebleness in which I find myself wholly unable to join.

While I have no doubt that Congress will find some means of surmounting the present crisis, my fear is that in some moment of national peril this decision will rise up to frustrate its will and paralyze its arm. I hope it may not prove the first step toward the submergence of the liberties of the people in a sordid despotism of wealth.

As I can not escape the conviction that the decision of the court in this great case is fraught with immeasurable danger to the future of the country and that it approaches the proportions of a national calamity, I feel it a duty to enter my protest against it.

Mr. Justice Jackson, in dissenting, concludes as follows:

The practical operation of the decision is not only to disregard the great principles of equality in taxation, but the further principle that in the imposition of taxes for the benefit of the Government the burdens thereof should be imposed upon those having most ability to bear them. This decision, in effect, works out a directly opposite result in relieving the citizens having the greater ability, while the burdens of taxation are made to fall most heavily and oppressively upon those having the least ability. It lightens the burden upon the larger number in some States subject to the tax and places it most unequally and disproportionately on the smaller number in other States. Considered in all its bearings, this decision is, in my judgment, the most disastrous blow ever struck at the constitutional power of Congress. It strikes down an important portion of the most vital and essential power of the Government in practically excluding any recourse to incomes from real and personal estate for the purpose of raising needed revenue to meet the Government's wants and necessities under any circumstances.

Mr. Justice White, now Chief Justice of the United States, dissenting, says of the majority opinion:

The injustice of the conclusion points to the error of adopting it. It takes invested wealth and reads it into the Constitution as a favored and protected class of property, which can not be taxed without apportionment, whilst it leaves the occupation of the minister, the doctor, the professor, the lawyer, the inventor, the author, the merchant, the mechanic, and all other forms of industry upon which the prosperity of the people must depend, subject to taxation without that condition. A rule which works out this result, which, it seems to me, stultifies the Constitution by making it an instrument of most grievous wrong, should not be adopted, especially when, in order to do so, the decisions of this court, the opinions of the law writers and publicists, tradition, practice, and the settled policy of the Government must be overthrown.

And concluding his able dissenting opinion says:

It is, I submit, greatly to be deplored that, after more than 100 years of our national existence, after the Government has withstood the strain of foreign wars and the dread ordeal of civil strife, and its people have become united and powerful, this court should consider itself compelled to go back to a long repudiated and rejected theory of the Constitution, by which the Government is deprived of an inherent attribute of its being, a necessary power of taxation.

The patriotic utterances of the dissenting judges in the income-tax decision will live in the minds and hearts of the American people, and in my judgment at an early date their opinions will be regarded as the law and the majority opinion will be discarded and set aside as the mistaken judgment of this high court.

Judge Walter Clark, chief justice of the Supreme Court of North Carolina, one of the ablest judges of the South and of the country, in an address to the law department of the University of Pennsylvania, April 27, 1906, in discussing the action of the Supreme Court in declaring acts of Congress unconstitutional, says:

Such power does not exist in any other country and never has. It is therefore not essential to our security. It is not conferred by the Constitution; but, on the contrary, the convention, as we have seen, after the fullest debate, four times, on four several days, refused by a decisive vote to confer such power. The judges not only have never exercised such power in England, where there is no written constitution, but they do not exercise it in France, Germany, Austria, Denmark, or in any other country which, like them, has a written constitution.

A more complete denial of popular control of this Government could not have been conceived than the placing of such unreviewable power in the hands of men not elected by the people and holding office for life. The legal-tender act, the financial policy of the Government, was invalidated by one court and then validated by another, after a change in its personnel. Then the income tax, which had been held constitutional by the court for a hundred years, was again so held, and then by a sudden change of vote by one judge it was held unconstitutional, nullified, and set at naught, though it had passed by a nearly unanimous vote both Houses of Congress, containing many lawyers who were the equals, if not the superiors, of the vacillating judge, and had been approved by the President and voiced the will of the people. This was all negatived (without any warrant in the Constitution for the court to set aside an act of Congress) by the vote of one judge; and thus $100,000,000 and more of annual taxation was transferred from those most able to bear it and placed upon the backs of those who already carried more than their fair share of the burdens of government. Under an untrue assumption of authority given by 39 dead men one man nullified the action of Congress and the President and the will of 75,000,000 of living people, and in the 13 years since has taxed the property and labor of the country, by his sole vote, $1,300,000,000, which Congress, in compliance with the public will and relying on previous decisions of the court, had decreed should be paid out of the excessive incomes of the rich.

In England one-third of the revenue is derived from the superfluities of the very wealthy by the levy of a graduated income tax and a graduated inheritance tax, increasing the per cent with the size of the income. The same system is in force in all other civilized countries. In not one of them would the heriditary monarch venture to veto or declare null such a tax. In this country alone the people, speaking through their Congress and with the approval of their Executive, can not put in force a single measure of any nature whatever with assurance that it shall meet with the approval of the courts; and its failure to receive such approval is fatal, for, unlike the veto of the Executive, the unanimous vote of Congress (and the income tax came near receiving such vote) can not prevail against it. Of what avail shall it be if Congress shall conform to the popular demand and enact a "rate-regulation" bill and the President shall approve it if five lawyers, holding office for life and not elected by the people, shall see fit to destroy it, as they did the income-tax law? Is such a government a reasonable one, and can it be longer tolerated after 120 years of experience have demonstrated the capacity of the people for self-government? If five lawyers can negative the will of 100,000,000 of men, then the art of government is reduced to the selection of those five lawyers.

A power without limit, except in the shifting views of the court, lies in the construction placed upon the fourteenth amendment, which passed, as everyone knows, solely to prevent discrimination against the colored race, has been construed by the court to confer upon it jurisdiction to hold any provision of any statute whatever "not due process of law." This draws the whole body of the reserved rights of the States into the maelstrom of the Federal courts, subject only to such forbearance as the Federal Supreme Court of the day or in any particular case may see fit to exercise. The limits between State and Federal jurisdiction depend upon the views of five men at any given time, and we have a government of men and not a government of laws, prescribed beforehand.

At first the court generously exempted from its veto the police power of the several States. But since then it has proceeded to set aside an act of the Legislature of New York restricting excessive hours of labor, which act had been sustained by the highest court in that great State. Thus labor can obtain no benefit from the growing humanity of the age, expressed by the popular will in any State, if such statute does not meet the views of five elderly lawyers, selected by influences naturally antagonistic to the laboring classes and whose training and daily associa-

tions certainly can not incline them in favor of restrictions upon the power of the employer.

The vast political power now asserted and exercised by the court to set aside public policies, after their full determination by Congress, can not safely be left in the hands of any body of men without supervision or control by any other authority whatever. If the President errs, his mandate expires in four years, and his party as well as himself is accountable to the people at the ballot box for his stewardship. If Members of Congress err, they, too, must account to their constituents. But the Federal judiciary hold for life, and though popular sentiment should change the entire personnel of the other two great departments of government, a whole generation must pass away before the people could get control of the judiciary, which possesses an irresponsible and unrestricted veto upon the action of the other departments—irresponsible because impeachment has become impossible, and if it were possible it could not be invoked as to erroneous decisions unless corruption were shown.

The control of the policy of government is thus not in the hands of the people, but in the power of a small body of men not chosen by the people and holding for life. In many cases which might be mentioned, had the court been elective, men not biased in favor of colossal wealth would have filled more seats upon the bench, and if there had been such decision as in the Income Tax case, long ere this, under the tenure of a term of years, new incumbents would have been chosen, who, returning to the former line of decisions, would have upheld the right of Congress to control the financial policy of the Government in accordance with the will of the people of this day and age, and not according to the shifting views which the court has imputed to language used by the majority of the 55 men who met in Philadelphia in 1787.

It may be that this power in the courts, however illegally grasped originally, has been too long acquiesced in to be now questioned. If so, the only remedy which can be applied is to make the judges elective and for a term of years, for no people can permit its will to be denied and its destinies shaped by men it did not choose and over whose conduct it has no control, by reason of its having no power to change them and select other agents at the close of a fixed term.

As far back as 1820 Mr. Jefferson had discovered the "sapping and mining," as he termed it, of the life-tenure, appointive Federal judiciary, owing no gratitude to the people for their appointment and fearing no inconvenience from their conduct, however arbitrary, in the discharge of such office. In short, they possess the autocratic power of absolute irresponsibility. "Step by step, one goes very far," says the French proverb. This is true of the Federal judiciary. Compare their jurisdiction in 1801, when Marshall ascended the bench, and their jurisdiction in 1906. The Constitution has been remade and rewritten by the judicial glosses put upon it. Had it been understood in 1787 to mean what it is construed to mean to-day, it is safe to say not a single State would have ratified it.

As was said by a great lawyer lately deceased, Judge Seymour D. Thompson, in 1891 (25 Am. Law Review, 288): "If the proposition to make the Federal judiciary elective instead of appointive is once seriously discussed before the people, nothing can stay the growth of that sentiment, and it is almost certain that every session of the Federal Supreme Court will furnish material to stimulate that growth."

Great aggregations of wealth know their own interests, and it is very certain that there is no reform and no constitutional amendment that they will oppose more bitterly than this. What, then, is the interest of all others in regard to it?

For my part, I believe in popular government. The remedy for the halting, halfway popular government which we have is more power to the people. When some one observed to Mr. Gladstone that the "people are not always right," he replied, "No; but they are rarely wrong." When they are wrong their intelligence and their interests combine to make them correct the wrong. But when rulers, whether kings or life judges, or great corporations, commit an error against the interests of the masses, there is no such certainty of correction.

The time may not be ripe when the election of supreme Federal judges should be written in the Federal Constitution, but the time has come when the Constitution of the United States should be so amended as to forbid the appointment of Federal judges for life and a limitation be put upon their tenure of office; and at least the judges of the inferior or district Federal courts should be either elected or appointed for a limited term of years. If the public is in that condition of mind in which it is ready to strike down life tenure in office, that condition is due in a large measure to appointments of men whose leanings are toward corporate wealth rather than the public will, and to the arbitrary abuse of power by Federal judges.

Is it any wonder that there is a growing prejudice among the masses of the people against life tenure in office and against Federal courts, when by them the laws of the States and of the Nation are so readily set aside and declared null and void, ofttimes at the instance of great corporate interests that in their greed for gain forget the public welfare and bid defiance to the popular will? The unrest in the country is the outgrowth of accumulated wrongs unredressed. A change is demanded. A political revolution is abroad in the land. The conscience of the Nation has been quickened. A mighty protest against further domination by special interests is heard in all sections of the country. The rule of privilege is doomed. The day of the reactionary is drawing to a close, and the appeal for progressive and constructive legislation is finding a response in the halls of legislation. The cry of the masses for relief against the burdens of taxation, unequally distributed, is being heard and heeded by that party which alone can and will restore as an actual fact a government of the people, for the people, by the people.

The Republic must be preserved by Democratic effort or socialism, the logical result of Republican misrule, will try its hand and new and untried doctrines and mere experiments in government be thrust to the front, and individual responsibility and self-reliance will give place to communism with all its attendant confusion. But if Democratic effort fail, the dawn of socialism will not be so forbidding as the further rule of selfish privilege. Corporate domination must end or Government ownership of all public utilities will come. Before we go from one extreme to the other let us restore to power that party whose great history gives evidence and confidence to the country that in the triumph of Democratic principles lies the safety of the Republic.

Mr. UNDERWOOD. Mr. Chairman, I will ask the gentleman from New York to use some of his time.

Mr. PAYNE. Is the gentleman from Alabama going to use the balance of this hour he has entered upon?

Mr. UNDERWOOD. I have no one on the floor now that cares to go on, and I prefer that the gentleman from New York should use some of his time.

Mr. PAYNE. I have some difficulty in keeping my orators on the floor, but I will yield one hour to the gentleman from Iowa [Mr. PROUTY].

Mr. PROUTY. Mr. Chairman, this is not a political question, or, at least, it is not a partisan question. I apprehend that every man will find his alignment in this matter determined very much by his early surroundings, his natural sympathies, and his early education. I am going to discuss this question for the time that has been allotted to me freely, frankly, as I see it, without any reference to what anybody else thinks or without reference to what criticism it may bring to me.

Now, as I said, the alignments in this case will rest very largely on our early surroundings. I remember when a boy my father and myself used to saw logs in the timber, and when we got ready to go home at night we put the tools in a sack and strung them on a handspike and carried them home. I always noticed that my good old father gave me the long end of the handspike, and I honor to this day his memory for that thing. There are people in this world who, when they find that one man is a little bit weaker than another, insist on giving him the short end of the handspike and make him carry the heavier part of the load. I am not in favor of that policy.

Taxes are the involuntary contribution made by the citizens to their government for the protection of their persons and their property. All agree that these contributions should be in proportion to the protection received, and every humane man will concede that it ought to bear some relation to the ability to contribute. A rich man ought to contribute more than a poor man, because he has more property to protect and is better able to contribute.

Keeping these propositions clearly in mind, let us analyze our system of national taxation.

There are two systems of taxation in general use in this country and in foreign countries. One is known as direct taxation, in which men are taxed either in proportion to the property they own or the income they receive; the other, an indirect or consumption tax. When our forefathers were shaping our Constitution they chose, in a general way, the indirect method of taxation for the Federal Government and gave to the States the direct method. This was done at the time largely on account of the fact that indirect taxes can be collected without knowledge by the donor of the amount that he is paying, and hence it can be collected usually without friction, while by the direct method of taxation the taxpayer knows the amount and usually pays it all at a time, and therefore feels its burden. And this method is apt to create friction and irritation. As the Federal Government had not then been formed, and as it was feared the people would not have the same loyalty toward the new Federal Government that they had toward their State government, it was deliberately designed that this indirect method of taxation should be largely preserved for the Nation. It was thought that the people would not feel heavily the burden of this taxation. So wisely did they choose and so successfully has this propaganda been taught that many have now been led to believe that this method of taxation enriches instead of impoverishes. It may as a protection but never as a revenue measure.

I might as well say here, for the benefit of my Democratic friends, that there is no possible application of their theory of a tariff for revenue only which can relieve itself from the criticism that it is nothing in the world but a burden, without any benefit in return for it. My Republican friends on this side, while admitting, I think, as freely as I do the burden of this taxation, at the same time, by their very ingenious and wise method of making it a protection to the man who pays it, make it, in a sense, an equation that is at least tolerable.

It is true that under the Constitution the Federal Government has power to levy direct taxes, provided they are distributed among the States in proportion to population. But the inevitable inequalities resulting from such a plan of taxation are so gross and flagrant as to absolutely debar any use

whatever of that method. So practically the only taxing power the Federal Government has is that allowing it to collect duties, imposts, and excises. Practically all the money collected by the Government is from two sources—custom duties and internal revenue. These taxes are paid by the individual, not in proportion to his property nor in proportion to his ability to pay them, but, barring negligible quantities and a few exceptional instances, they are paid in direct proportion to the amount consumed by the taxpayer and those dependent upon him. The poor man pays as much as the rich man if he uses as many of the taxed goods, and he pays more if he uses more. I know there are those who claim the consumer does not pay the tax, and there are a few instances in which that is true, but, on the whole and as a general rule, the man who consumes the article pays the tax, and there is not a writer on political economy who does not now both recognize and announce this rule. It is easily demonstrable both as to our income and our duty tax. Take, for instance, the internal revenue on cigars.

The man who makes the cigars, after computing the cost of material and labor, adds the Federal revenue tax and then sells them to the wholesaler at enough to equal these items and a reasonable profit to himself. It is true he pays the tax in the first instance, but when he sells them to the wholesaler he gets it back. It is true, then, that at that time the wholesaler pays it, but when he sells them to the retailer he gets his money back, and then the retailer has paid it. The retailer then sells them to the consumer, and he gets his money back, so the retailer has not paid it.; it is passed on to the consumer. When he smokes the cigar he has nobody to get the tax back from, and he is the man who has finally paid the tax.

And this is true of every article upon which an internal-revenue tax is levied. This is equally true of customs duties.

We have just been discussing the sugar schedule on which there is a tariff duty of $1.95 outside of that coming from Cuba. When the importer brings this sugar into this country he has to pay this tax, and for the time being it may be said that he has paid it, but when he sells it to the wholesaler he includes this item in the price and gets it back, so, then, he hasn't paid the tax, but the wholesaler has. The wholesaler then sells it to the retailer, including this item in the price. Then the wholesaler gets back the tax, and the retailer has paid it. The retailer then sells it to the consumer, and he includes this tax in the price. Then he gets back the taxes he has paid when the consumer has paid him. But the consumer and his family eats up the sugar and they have got no one from whom they can get back the tax they have paid. And, therefore, the ultimate consumer is the one who has actually paid the tax.

Mr. COX of Ohio. The gentleman should direct his remarks to the other side of the House.

Mr. PROUTY. No; my good friends on the Democratic side of the House, some of them, need it just as badly as they do on the other side. When you levy a tax based upon revenue, you are collecting in the same proportion from the rich and the poor as do these gentlemen on the Republican side, so far as that is concerned.

Take, again, the imported cloth in a suit of clothes. The importer brings it in and pays the duty or tax; he sells it to the wholesale merchant and includes in the price the duty. He has then got back the tax and has not paid it. He is out nothing on account of the tax. The wholesaler sells it to the merchant tailor, and in the sale includes the duty. He has got the tax back and is therefore out nothing, but the merchant tailor has paid it. The merchant tailor makes a suit of clothes, and in the price of the suit he figures in the cost of the cloth, the duty included. So, he has got back his money and has not paid the tax. The fellow that has bought the suit of clothes has paid it, and as he wears out the clothes he has no one from whom he can be reimbursed, and he therefore pays the tax.

And this is true of pepper and every other item upon which a tariff is levied, whether for revenue or protection, barring, of course, a few negligible quantities and phenomenal cases.

From this it will be seen that so far as the Federal Government is concerned its vast revenues are gathered in from the people who finally consume the articles upon which an internal or tariff duty is levied. And that, too, without the slightest reference to the ability to pay or to the protection of the property owned.

I assert that on the whole the moderately poor of the country pay more per capita for the support and defense of this Government than do the opulent rich. Why? The opulent rich seldom have big families. The moderately poor usually raise large families and therefore are the larger consumers. I assert that this method of taxation is grossly unfair and unjust, and I am quite surprised that my Democratic friends desire to perpetuate this system, when its sole and only purpose, according to their doctrine, is the collecting of revenue. It is the most unjust, unfair, and inequitable system that has ever been devised by mortal man. It was apparently designed to collect the expenses of the Government off of the poor without letting them know it.

I hold in my hand the names of 51 multimillionaires, with the amount of their reputed wealth, as follows:

List from Munsey's Scrap Book of June, 1906, presenting the property owned by 51 of the very richest persons of the United States.

Rank.	Name.	How made.	Total fortune.
1	John D. Rockefeller	Oil	$600,000,000
2	Andrew Carnegie	Steel	300,000,000
3	W. W. Astor	Real estate	300,000,000
4	J. Pierpont Morgan	Finance	150,000,000
5	William Rockefeller	Oil	100,000,000
6	H. H. Rogers	do	100,000,000
7	W. K. Vanderbilt	Railroads	100,000,000
8	Senator Clark	Copper	100,000,000
9	John Jacob Astor	Real estate	100,000,000
10	Russell Sage	Finance	80,000,000
11	H. C. Frick	Steel and coke	80,000,000
12	D. O. Mills	Banker	75,000,000
13	Marshall Field, jr	Inherited	75,000,000
14	Henry M. Flagler	Oil	60,000,000
15	J. J. Hill	Railroads	60,000,000
16	John D. Archbold	Oil	50,000,000
17	Oliver Payne	do	50,000,000
18	J. B. Haggin	Gold	50,000,000
19	Harry Field	Inherited	50,000,000
20	James Henry Smith	do	40,000,000
21	Henry Phipps	Steel	40,000,000
22	Alfred G. Vanderbilt	Railroads	40,000,000
23	H. O. Havemeyer	Sugar	40,000,000
24	Mrs. Hetty Green	Finance	40,000,000
25	Thomas F. Ryan	do	40,000,000
26	Mrs. W. Walker	Inherited	35,000,000
27	George Gould	Railroads	35,000,000
28	J. Ogden Armour	Meat	30,000,000
29	E. T. Gerry	Inherited	30,000,000
30	Robert W. Goelet	Real estate	30,000,000
31	J. H. Flagler	Finance	30,000,000
32	Claus Spreckels	Sugar	30,000,000
33	W. F. Havemeyer	do	30,000,000
34	Jacob H. Schiff	Banker	25,000,000
35	P. A. B. Widener	Street cars	25,000,000
36	George F. Baker	Banker	25,000,000
37	August Belmont	Finance	20,000,000
38	James Stillman	Banker	20,000,000
39	John W. Gates	Finance	20,000,000
40	Norman B. Ream	do	20,000,000
41	Joseph Pulitzer	Journalism	20,000,000
42	James G. Bennett	do	20,000,000
43	John G. Moore	Finance	20,000,000
44	D. G. Reid	Steel	20,000,000
45	Frederick Pabst	Brewer	20,000,000
46	William D. Sloane	Inherited	20,000,000
47	William B. Leeds	Railroads	20,000,000
48	James P. Duke	Tobacco	20,000,000
49	Anthony N. Brady	Finance	20,000,000
50	George W. Vanderbilt	Railroads	20,000,000
51	Fred W. Vanderbilt	do	20,000,000
	Total		3,295,000,000

These men own in the aggregate about $3,500,000,000 of property, and it is said that they control about $35,000,000,000. The report of the Bureau of Commerce and Labor of the same date showed that the approximate wealth of the United States was $107,000,000,000, so these 51 people own and control practically one-third of the entire wealth of the United States. Now, I will venture the statement that these men, with their vast wealth, do not pay the Federal Government for its support and for its defense of their persons and vast properties as much as an equal number of section hands on the Pennsylvania Railroad, who are heads of families.

Take the first man on the list—John D. Rockefeller, at that time reputed to be worth $600,000,000, with a reputed income of $60,000,000 a year.

I have living near me at home a section man that has eight children with an actual income of $504 a year. Now, I will wager everything I have that this section man pays more for the support of the Federal Government than does John D. Rockefeller.

Now, let us analyze for a minute. Where do our taxes come from to support the Federal Government? From internal revenue and tariff duties.

Now, what are the items from which we collect internal-revenue duties principally? Spirits, tobacco, and oleomargarine.

Now, my friend, Rockefeller does not smoke, he does not chew, he does not drink, he does not take snuff, and he does not eat oleomargarine, and therefore he does not pay a cent to the Federal Government on its internal-revenue tax. I am sorry to say that my section hand friend uses a small amount of all of those items and therefore pays the tax on them.

Mr. BURLESON. I do not know about that. What is the gentleman's authority for his statement? Oleomargarine is one of the most wholesome and nutritious food products which is being manufactured.

Mr. PROUTY. I am glad to find somebody on that side of the House who is ready to stand up here and defend the Oleomargarine Trust. I am not.

Mr. BURLESON. The gentleman will find an overwhelming majority on this side who are ready to defend untaxed oleomargarine——

Mr. PROUTY. I have already learned, to my sorrow, that I may expect anything from the stupendous majority of that side of the House.

Mr. BURLESON. Which will be largely supplemented by votes on your side of the Chamber.

Mr. PROUTY. That may be prediction only. I have seen men on that side make predictions that failed to come true.

Mr. BURLESON. This particular one will be justified, however, and that, too, in the near future.

Mr. FOWLER. Will the gentleman yield?

Mr. PROUTY. Just as soon as I finish the sentence I will yield to the gentleman.

Mr. BOWMAN. That is one reason why he is there.

Mr. PROUTY. There are fellows who do not do any of those things who are just as poor.

Mr. BOWMAN. Not many that I know of.

Mr. PROUTY. You live in a mighty prosperous country, if that is true.

Mr. BOWMAN. I surely do.

Mr. PROUTY. I live in a country where very few men partake of one of the articles which I have named.

Mr. CANNON. Will the gentleman yield there?

Mr. PROUTY. Certainly.

Mr. CANNON. The statistics show that the gentleman's State has a larger per capita wealth than any other State in the Union.

Mr. PROUTY. I agree with you on that, sir, and yet the same statistics, I am sorry to say, show that the average income of the people of my State is only a little over $600. And yet I am prepared to say that the people of my State, with an average income of $600 a year, pay more per capita than does John D. Rockefeller for the support of this great Government that lends its entire power in the support of his vast property. The Armies and Navies of the United States are always held in readiness to defend his holdings in every quarter of the globe.

Now, I am going to take up the other proposition.

Mr. DYER. I would like to ask the gentleman how he figures that the people of his State pay so much more than the average of the Federal revenue tax?

Mr. PROUTY. I have not said that. I said that they paid more on an average than John D. Rockefeller did. That is all I said. I am going to stand on that proposition until somebody knocks me down with a hard fact. [Laughter.]

Mr. POWERS. Will the gentleman yield for a question?

Mr. PROUTY. Certainly, but do not take too much of my time.

Mr. POWERS. Do you not favor the tax on whisky, and tobacco, and oleomargarine, and is not the tax on those articles levied, for one reason, to discourage their use because of the fact that they are detrimental to morals and health?

Mr. PROUTY. I am not going to turn from this discussion in order to deliver a temperance lecture, although I can. I am discussing a revenue policy, pure and simple, and not temperance.

Now, take the articles upon which tariff duties are levied. There is sugar. I venture the assertion that my section hand and his family use 10 pounds of sugar to 1 used by the dyspeptic Rockefeller and his good wife, and therefore he pays 10 times as much tax to the Federal Government. And this is true of pepper and every other article of food on the tax lists, and this is largely true of wearing apparel.

My section man and his good wife and eight boys and girls wear out more boots and shoes, more hats, more pants, more coats, more dresses, more neckties, more collars than does my peripatetic friend J. D. and his good wife. If the reports in the newspapers are to be credited, J. D. has most of his clothes made for himself and his wife in Paris, which he brings in duty free; and I saw by the papers that the last time he was in Paris he bought wigs enough to last him the rest of his life. [Laughter.]

Now, I will yield to the gentleman from Illinois.

Mr. FOWLER. Mr. Chairman, I desire to ask the gentleman whether, in making the comparison of the section hand with John D. Rockefeller, wherein he makes the section man pay more for the support of the Government than John D. Rockefeller—I want to know if he means to say that the difference is brought about because the section man that he speaks of chews and drinks? [Laughter.]

Mr. PROUTY. Everything that he consumes and eats and drinks on which there is a duty or revenue tax.

Mr. FOWLER. Now, I ask if it is not a fact that the section man pays more because of what he eats and wears to the General Government for its support than John D. Rockefeller?

Mr. PROUTY. Oh, I have just covered that point. If the gentleman does not understand it I can not afford to take time to repeat it.

Mr. FOWLER. Yes; but you wound up with his chewing and smoking in making the distinction. I want to separate them. [Laughter.]

Mr. PROUTY. Well, take your time and separate them. Do not take that out of my time. [Laughter.]

Mr. FOWLER. Now, if the gentleman will vote as he talks, he will be all right. [Laughter and applause.]

Mr. PROUTY. The gentleman should not undertake to make a speech in my time.

So I repeat the statement that I made a few minutes ago, that J. D. Rockefeller does not pay to the Federal Government for his own protection, or the protection of his vast properties, as much as does this poor section man with his big family. John D. Rockefeller does not pay as much out of his income of $60,000,000 as does this man out of his income of $504.

Mr. JACKSON. Will the gentleman yield?

The CHAIRMAN. Does the gentleman from Iowa yield to the gentleman from Kansas?

Mr. PROUTY. Certainly.

Mr. JACKSON. Of course the gentleman from Iowa does not include the corporate tax paid under the last Republican law?

Mr. PROUTY. Yes; I do.

Mr. JACKSON. The gentleman would not contend that the scheme——

Mr. PROUTY. Oh, I have not time to let the gentleman make an argument. The gentleman can get as much time for himself as I have.

Mr. JACKSON. Oh, the gentleman need not be uneasy about his position——

Mr. PROUTY. I am not. Take for example the case of John D. Rockefeller. Practically every bit of money that he gets—all his income—has been tithed first for the revenue tax on the corporate income before it reaches him. In other words, take the Standard Oil Co.; before he gets his dividends the company has been compelled to pay a revenue tax. Where did that company get the money with which to pay not only his dividends but the tax? I answer, from the people that used his coal oil. [Applause.]

Mr. JACKSON. Yes; but the gentleman surely——

Mr. PROUTY. Pardon me, Mr. Jackson. I can not afford to stop in order that you may make an argument, but I will yield for a question.

Mr. JACKSON. The gentleman will not let me ask him a question. The gentleman should be fair enough to admit that Mr. Rockefeller's revenues are diminished by the amount of the tax given to the Federal Government?

Mr. PROUTY. No. His amount is not diminished by the tax. Any man who has been watching this matter can see easily that if it is from Standard Oil enough is collected from the people that use oil to cover expense, tax, and dividends. Having as they do a practical monopoly, they do not allow the tax to interfere with dividends. They just raise the price to the consumer enough to equal the tax. If the dividends are from railroad stocks or other public-service corporations it is just as true. The public pays the fares that cover the tax to the Government and the dividend to Rockefeller. If there was no tax the fares could be less. The public therefore pays the corporation tax—not Rockefeller.

Mr. MADDEN. Mr. Chairman, will the gentleman let me ask him a question?

The CHAIRMAN. Does the gentleman from Iowa yield to the gentleman from Illinois?

Mr. PROUTY. Yes; I will yield for a question.

Mr. MADDEN. Does this bill provide that an individual drawing dividends from a corporation which pays the corporation tax shall be exempted from the tax provided to be collected under the bill?

Mr. PROUTY. Oh, if the gentleman has followed me correctly, he will have noticed that I am not either criticizing or championing this bill. I am discussing the principles upon which we should base an income tax and the reasons why it should be done.

Mr. MADDEN. I am asking you whether the bill itself so provides.

Mr. PROUTY. Oh, I have not stopped to consider that.

Mr. MADDEN. Then you have not read the bill?

Mr. PROUTY. Oh, yes; I have. But it would take me half an hour to go over the authorities and decisions of the Supreme Court of the United States to give you a fair discussion on that; and I have not the time for that.

Mr. MADDEN. Does not the bill now under discussion say this——

Mr. PROUTY. No; I have answered the gentleman's question. I can not stop for a debate. What I said was this——

Mr. JACKSON. Mr. Chairman, will the gentleman yield?

The CHAIRMAN. Does the gentleman from Iowa yield to the gentleman from Kansas?

Mr. PROUTY. No; I can not stop, Mr. JACKSON. I know you can never stop asking questions; otherwise I would yield. [Laughter.]

Now, what I was trying to say is this: That we ought to have a system that would enable the Congress to pass a law that would distribute the burdens of taxation with some reference and some relation to the amount of property that a man has, or at least the amount of protection he has received from the Government, and, according to my theory, in accordance with his ability to bear the burdens of the Federal Government. [Applause.]

Mr. BOWMAN. Now, you are getting down to bedrock.

Mr. PROUTY. Now, when our forefathers started on this system it was not a bad one. Our people were none of them very poor and none of them were very rich. But with the advancement of our civilization, with the vast accumulations of property, with the enormous incomes that some have, with the corresponding poverty brought to others, the present system is made practically intolerable, whether you found it upon the basis of a protective tariff or upon the basis of a tariff for revenue only. [Applause.]

Mr. MCCALL stated on the floor of the House the other day that the per capita tax for the Federal Government was about $7. That is about correct. This makes my section hand pay $70 per year as taxes for the support of the Federal Government. My friend J. D. possibly pays $14, but I seriously doubt that. If we had an income tax of 1 per cent on incomes above $5,000, J. D. would pay $599,950, which I submit is not out of proportion to the protection received for his vast properties. But not a dollar of this comes out of his necessities or even luxuries. But when you take $70 out of the meager income of the poor man, with his large family, you take it out of the necessities of life. It means privation and want. It means children poorly fed and thinly clad. It means children going to school with holes in their shoes, holes in their stockings and in their pants fore and aft. It means the taking of the children out of school at tender years and crowding them into the factory to help splice out the family living. It means sick children and no doctor. It means that the wan, gaunt specter of dread and want accompanies the holy stork. It means real pinching, poverty, and distress.

Such a system as that is intolerable and indefensible as a just system of collecting a revenue. It violates every principle of equity and equality. It puts the burdens upon those least able to bear them and practically relieves those who are best able to carry them. And I am simply shocked at the statements so frequently made on that side of the Chamber that they are going to convert this system of tariff duties into a pure revenue measure. I, for one, am prepared to say that when this system is no longer needed to protect American labor against competition from the cheap labor of Europe and Asia, when it is no longer needed to protect American industries from the ruinous competition of the Old World, when it is no longer needed to protect American manhood and womanhood and American standard of living, when it is no longer needed to prevent American labor from becoming "Japanesed" or "Chinesed," I am prepared to abolish it and substitute a system that will approximate justice—one that will levy burdens with some reference, at least, to the benefits received and the ability to pay.

Now, what is the system that will approximate these conditions? In my opinion a well graduated income tax levied on the excess above a fair living income. Such a tax would be just.

First. Because it only requires the payment of a small per cent of that portion of the income above that which is fairly necessary for the support of oneself and family.

Second. The effect of such a tax is to levy it upon every man substantially in proportion to the amount of his productive property.

Third. It places the burden of taxation upon the shoulders of those best able to bear them.

No one can feel seriously the burden of taxation when he is only required to pay into the Federal Treasury a small per cent of the amount of his income above a fair living price. Under our system now, the poor man has to take from the necessities of life to pay his share to the support of the Federal Government. Under the income tax suggested, no man would have to pay any tax until his necessities were fairly provided for. If I have an income of $10,000 a year, and myself and family can live comfortably and respectably on $5,000 a year, what possible harm can it do me or my family to pay a part of that $5,000 to the support of the Government that furnishes me and my property protection?

How different would be the burden imposed upon John D. Rockefeller if he had to pay 1 per cent on $60,000,000, which would be $600,000, to that of the section man who now pays out $70 out of his $504. John D. Rockefeller would still have left to live on during the whole year the sum of $59,400,000, while the section hand would only have $434 with which to feed, clothe, educate, and care for his family of 10. I repeat that no man can be oppressed with a fair income tax. If he does not make $5,000 a year he can not be compelled to pay anything. If Providence and his country are so good to him as to enable him to make more, it can not possibly be a burden to him to pay part of it in support of his Government.

But this brings us to the legal question. Some believe that under the Constitution and the decisions of our Supreme Court that Congress has no power to pass a revenue measure like the one now under consideration, and that the only way that this matter can be reached is by an amendment to the Federal Constitution, expressly conferring that authority on Congress. There are others, however, who believe there is room under the Constitution, as interpreted by our Supreme Court, to allow Congress to levy a tax of this character, and I understand our distinguished President to be one of that number. In his letter of acceptance of July 28, 1908, he said:

> The Democratic platform demands two constitutional amendments, one providing for an income tax and the other for the election of Senators by the people. In my judgment an amendment to the Constitution for an income tax is not necessary. I believe that an income tax, when the protective system of customs and the internal-revenue tax shall not furnish income enough for governmental need, can and should be devised which, under the decision of the Supreme Court, will conform to the Constitution.

In the case of Pollock against The Farmers' Loan & Trust Co., decided in the One hundred and fifty-seventh United States, page 429, the Supreme Court of the United States held the income tax of 1904 invalid and unconstitutional, because, as they construed it, it levied a direct tax on the rents or income of real estate, and because it levied a tax upon the income derived from municipal bonds. At that hearing the court was equally divided, four and four, upon the question as to whether Congress could levy an income tax derived from other sources.

Subsequently attorneys for the appellants filed a motion for a rehearing in that case for the final determination of the unsettled questions. And the Government, through the Attorney General, Mr. Olney, entered an appearance and asked that the whole case be reopened and reargued, not only upon the points undecided, but upon the whole question, which petition for a rehearing was granted on the part of the Supreme Court.

In the meantime the vacancy in the court had been filled by the recovery of Justice Jackson, making the full bench of nine members present. As the court had stood four to four in the first decision, it was generally supposed that Justice Jackson would be the controlling factor in the decision. And while in the final case he voted with Harlan, White, and Brown to support the constitutionality of the tax, one of the judges that had formerly voted with them turned over and voted with Chief Justice Fuller, thus making the court stand five for the unconstitutionality and four for the constitutionality of the act.

The opinions in this case appear in One hundred and fifty-eighth United States Reports, beginning on page 601 and ending on page 715. These pages, including, as they do, the briefs of counsel, the opinion of Chief Justice Fuller, and the dissenting opinions of Harlan, White, Brown, and Jackson, constitute, in my opinion, a record of the greatest legal battle that was ever fought in American jurisprudence. It was a battle of legal giants.

In that struggle, as he always did, Justice Harlan put upon the Constitution such a construction as he believed would protect the rights of the masses of people against the force and advantage of accumulated wealth. On page 684–685 he says:

> But the court takes care to say that there is no question as to the validity of any part of the Wilson Act, except those sections providing for a tax on incomes. Thus something is saved for the support and maintenance of the Government. It nevertheless results that those parts of the Wilson Act that survive the new theory of the Constitution evolved by these cases are those imposing burdens on the great body of the American people who derive no rents from real estate and who are not so fortunate as to own invested personal property, such as the bonds or stocks of corporations that hold within their control almost the entire business of the country.

Such a result is one to be deeply deplored. It can not be regarded otherwise than as a disaster to the country. The decree now passed dislocates—principally, for reasons of an economical nature—a sovereign power expressly granted to the General Government and long recognized and fully established by judicial decisions and legislative actions. It so interprets constitutional provisions originally designed to protect the slave property against oppressive taxation as to give privileges and immunities never contemplated by the founders of the Government.

If the decision of the majority had stricken down all the income-tax sections, either because of unauthorized exemptions or because of defects that could have been remedied by subsequent legislation, the result would not have been one to cause anxiety or regret, for in such a case Congress could have enacted a new statute that would not have been liable to constitutional objections. But the serious aspect of the present decision is that by a new interpretation of the Constitution it so ties the hands of the legislative branch of the Government that without an amendment of that instrument, or unless this court at some future time should return to the old theory of the Constitution, Congress can not subject to taxation, however great the needs or pressing the necessities of the Government, either the invested personal property of the country, stocks, bonds, and investments of all kinds, or the income arising from the renting of real estate, or from the yield of personal property, except by the grossly unequal and unjust rule of apportionment among the States. Thus undue and disproportioned burdens are placed upon the many, while the few, safely intrenched behind the rule of apportionment among the States on the basis of numbers, are permitted to evade their share of the responsibility for the support of the Government ordained for the protection of the rights of all.

I can not assent to an interpretation of the Constitution that impairs and cripples the just powers of the National Government in the essential matter of taxation and at the same time discriminates against the greater part of the people of our country.

The practical effect of the decision to-day is to give to certain kinds of property a position of favoritism and advantage inconsistent with the fundamental principles of our social organization and to invest them with power and influence that may be perilous to that portion of the American people upon whom rests the larger part of the burdens of the Government and who ought not to be subjected to the dominion of aggregated wealth any more than the property of the country should be at the mercy of the lawless.

Under the interpretation given the Constitution by the decision of the majority of the court, a man might own a million acres of productive real estate, or a thousand business blocks and skyscrapers, and yet could not be made to pay a cent for the support of the General Government by the application of any practical method. He might own all the stocks and bonds of all the railways of the United States; he might own all the bonds—State, county, and municipal—of the United States, and yet under that interpretation could not be made to pay a cent to the support of the Federal Government. I thought then, and I think now, that the decision of the majority of the court was wrong, and that the dissenting opinions of Harlan, Brown, White, and Jackson were right.

Justice Brown, in his dissenting opinion, says:

Even the specter of socialism is conjured up to frighten Congress from laying taxes upon the people in proportion to their ability to pay them. * * * While I have no doubt that Congress will find some means of surmounting the present crisis, my fear is that in some moment of national peril this decision will rise up to frustrate its will and paralyze its arm. I hope it may not prove the first step toward the submergence of the liberties of the people in a sordid despotism of wealth.

Justice Jackson, in his dissenting opinion, on page 705, says:

The practical operation of the decision is not only to disregard the great principle of equality in taxation, but the further principle that in the imposition of taxes for the benefit of the Government the burdens thereof should be imposed upon those having the most ability to bear them. This decision, in effect, works out a directly opposite result in relieving the citizens having the greater ability, while the burdens of taxation are made to fall most heavily and oppressively upon those having the least ability to pay.

Justice White, in his dissenting opinion, on page 712, said:

The injustice of the decision points to the error of adopting it. It takes invested wealth and reads it into the Constitution as a favored and protected class of property which can not be taxed without apportionment.

Mr. BARTLETT. May I interrupt the gentleman?

Mr. PROUTY. I will yield to the gentleman from Georgia.

Mr. BARTLETT. The gentleman will find the report of that case where one of the judges, now the chief justice of the court, declared that that decision of the Supreme Court was an additional amendment to the Constitution of the United States.

Mr. PROUTY. Yes; that runs through all the dissenting opinions. That decision, however, ended the efforts of the Federal Government to reach that class of property for taxation until 1909, when Congress inserted in the Payne-Aldrich bill section 38, providing for an income tax on corporations. This act was attacked in the same manner and for the same reasons as the act of 1894.

But the Supreme Court, in the case of Flint *v.* The Stone-Tracy Co., reported in the Two hundred and twentieth United States Reports, page 107, sustained the constitutionality of that section. It is now claimed by supporters of this bill that the Supreme Court in that case laid down a rule broad enough to support the income provision of this bill. I wish that I could concur in that opinion, but I can not after a most careful study of the case.

It is true that the Supreme Court in the Flint case holds that section 38 levies an income or occupation tax, and does not sustain the tax on the ground that it is a franchise tax.

Mr. HULL. Will the gentleman yield?

Mr. PROUTY. Will the gentleman from New York give me 10 minutes more time?

Mr. PAYNE. I suppose so if the gentleman is going to yield it all away.

Mr. PROUTY. Well, I will yield to the gentleman from Tennessee; I like to discuss legal questions.

Mr. HULL. Did the gentleman read the Spreckels decision in connection with the suit on which it was based and also in connection with the Flynt case?

Mr. PROUTY. Yes; I have read them.

Mr. HULL. The basis of the doctrine on which this bill is predicated was the holding in the Spreckels case.

Mr. PROUTY. There is where lawyers will disagree, as they seem to in the Pollock case. But in the Pollock case the court held that the income-tax law was invalid largely because it was a tax upon property owned, the income from owned property.

Mr. GREEN of Iowa. Mr. Chairman, will the gentleman yield?

Mr. PROUTY. Certainly.

Mr. GREEN of Iowa. Has not the Supreme Court always held that an occupation tax was valid?

Mr. PROUTY. Yes; a pure occupation tax; but anyone who will candidly study this bill can hardly say it is a pure occupation tax.

If you will turn again to page 161 of the same report you will find the distinction clearly and accurately made. The court says:

The thing taxed is not the mere dealing in merchandise—

As is undertaken to be done in this case—

in which the actual transactions may be the same, whether conducted by individuals or corporations, but the tax is laid upon the privileges which exist in conducting business with the advantages which inhere in the corporate capacity of those taxed, which are not enjoyed by private firms or individuals.

Mr. HULL. Mr. Chairman, will the gentleman yield?

Mr. PROUTY. Yes; for a question.

Mr. HULL. I want to ask the gentleman if the court, in saying that, was not simply combating the contention of the complaining party to the effect that the classification was a harsh and arbitrary one which imposed this tax on corporations, while it exempted individuals and copartnerships doing the same business in the same manner, and the Supreme Court answered by saying that Congress found the basis of classification and wrote it into the statute.

Mr. PROUTY. Pardon me, but I can not submit for a speech. I will answer the gentleman's question by referring down to a latter part of the same paragraph, from which I read:

In the Pollock case, as we have seen, the tax was held unconstitutional, because it was in effect a direct tax on the property solely because of its ownership.

I am not going to discuss whether the Supreme Court, in the Flint case, was right or wrong.

On page 150 the Supreme Court says:

In the present case the tax is not payable unless there be a carrying on or doing of business in the designated capacity, and this is made the occasion for the tax, measured by the standard prescribed. The difference between the acts is not merely nominal, but rests upon substantial differences between the mere ownership of property and the actual doing of business in a certain way.

Then, again, on page 151, the court says:

The tax under consideration, as we have construed the statutes, may be described as an excise upon the particular privilege of doing business in a corporate capacity.

I am wholly unable to understand how any lawyer can claim that the language of the Supreme Court in the case of Flint *v.* the Stone-Tracy Co. would uphold the provisions of the present bill. But I am nevertheless in favor of the passage of the bill and putting it squarely up to the Supreme Court again. Chief Justice White is now the only one upon the bench who was on the bench at the time of the hearing of the Pollock case. There are eight new members now on that bench, and I do not believe that it would be judicial sacrilege to express the hope, or even the belief, that enough of those new members of the court entertain the broad views so forcefully expressed by Justices Harlan, White, Brown, and Jackson, and would gladly unite with Chief Justice White in "restoring to the Constitution its old-time interpretation," giving Congress power to levy burdens with some reference to ability to bear them. But in the meantime I profoundly hope the States will ratify the constitutional amendment now proposed. That would clothe Congress with power to pass a law reaching all classes of incomes. The present bill does not reach fully the situation. Hampered by the

decision of the Supreme Court in the Pollock case, even as limited by the Flint and Spreckels cases, the framers of this bill have been compelled to leave untouched for taxation the individual incomes derived from real estate, municipal bonds, and other fixed investments. I hope soon to be able to vote for a bill that will tax all incomes from whatever source derived.

Mr. GARRETT. Mr. Chairman, I desire at the outset to congratulate my distinguished friend and colleague, the gentleman from Tennessee [Mr. HULL], the author of this bill, upon the excellence of the work which by patient toil and profound study he has wrought and laid before this House. It marks a distinct advance in the use of the taxing power of the Federal Government. It is true progressiveism, moving along intelligent, conservative, and well-defined lines.

It is not surprising that we find many of those on the Republican side of the Chamber standing in opposition to this method of taxation. In so doing they are entirely consistent with their party's course throughout its history. They are thoroughly in line with their platform of 1888, wherein that party declared that before it would trench upon the protective tariff system of the country it would reduce the excise tax upon dealing in tobacco and intoxicating liquors.

. It is proper to say, I think, that different motives control the Republican Members who are in opposition to this measure.

Some of them are opposed to it because it is abhorrent to them to tax wealth, but, I think, the great majority of those who are opposed to the bill are opposed to it because it threatens the protective tariff system which their party has nurtured so long.

Mr. Chairman, it is not strange that the question of taxation has always been a central one throughout our Government's history. The question of taxation—the taking of the substance accumulated by the people in order to sustain and support organized society—is and must be the chief concern of the members of that society.

The taxing function of a government is at once its most delicate and its most tremendous power. The Democratic Party has stood consistently by the principle that this delicate, dangerous but essential power was given for one purpose and one only—that is to enable the Government to live. We believe that it may justly collect from the citizen in return for the protection it assures him such of his substance (equality with his fellows in benefits and burdens to be maintained) as is essential to sustain the Government and enable it to perform those duties necessary to the preservation of his rights and liberties and the promotion of his well-being under the law and the Constitution, but not one penny more. The Republican Party has taught, and wrought into law the teaching, that this power may be so manipulated as not only to collect revenues for the Government, but also insure profits to individuals.

The Republican Party organized as a sectional party, and gaining control of the country as such became early in its history the subservient agent of special interests and dedicated itself to their service. That party was the direct descendant of the Whig and Federal organizations. The Whig Party was its father; the Federal Party was its grandfather. It has developed few of the virtues of its father, and in its very infancy it showed an inheritance of all the vices of its grandparent. It seized the taxing power of the Government, and to an extent far greater than its forbears dared to go it has exercised that power, not primarily to raise just sufficient revenue to sustain and support an economically administered Government, but in order to enable a few men to gather into their private coffers the substance of many.

Mr. Chairman, it was the custom of ancient Rome to "farm out" the taxes imposed upon those who were subject to her imperial sway. For so much paid into her coffers an individual was granted the right to collect and retain the taxes of a province, and he in turn would sell to others the rights to this subdivision, and to that and behind these tax gatherers was thrown the force of Roman law and the power of Roman arms to grind from subject peoples the fruitage of their labor. Through long centuries she spread her sway and wrought her iron will, but the time came when she sought to cross the Rhine and bring beneath the Roman eagles the tribute of the tribes of ancient Germany. The world knows the result. To the north of the Lippe that proud Germanic race lured the legions of Varus and destroyed them utterly. They broke the force of Roman power and brought her prestige to the dust. They would not pay to a satrap of even mighty Rome.

Those men who in the depths of the German wilderness spurned Rome and all her glory, humbled her pride, and broke the circle of her world-engulfing power were the progenitors of the mighty race which has builded and peopled this Republic. And yet to-day we see a great political party committed to the doctrine of farming out the taxes, as it were, of exerting the taxing power for the benefit of individuals, and we see that party supported by intelligent, honest men.

Mr. Chairman, the protective-tariff system has had behind it the most ingenious and insidious influences that ever backed a cause. No political principle, no economic policy, no religious creed has ever drawn into the arena of debate and disputation nimbler, keener, or more incisive intellects than has this.

When the Nation was young and but an agricultural country—it having been England's policy to discourage manufactures in the colonies for the sake of her own trade—it was said that the Nation must stimulate its manufactories and that the people could well afford to make the sacrifices required in order to develop her resources as a war measure. This was the soundest basis, let it be said, upon which the system ever rested, but long, long ago that ceased to be a reason. Then came the plea of minority.

The people were told that they must protect infant industries; that the Government must be ward for newborn babes. This was plausible for a time, but at length they began to see whiskers creeping out from beneath the swaddling clothes. The infants had become careless about shaving, and there was no infant's clothing to be seen hanging out on the wash line. A gentle hint was given to the powers that were that the public did not feel called upon to support these industries through a second childhood. [Applause on the Democratic side.]

Then the ingenuity of Republican leadership developed another idea, and we were gravely informed that the protection was costing us nothing; that the foreigner paid the tax. Why, I remember when every Republican orator in the land taught that, asserting it with a gravity and a seriousness that was astounding. No one thinks of teaching that to-day. The man who would make that statement to an intermediate class in the public schools of the country would be laughed to scorn.

When the utter nonsense of this had become apparent there was developed the beautiful theory that by reason of prohibiting foreign importations our domestic production would be so stimulated that competition among the home manufacturers would reduce prices to the home consumer. The people listened and pondered; they said, "Now, that seems reasonable; that is assuredly economic wisdom; at last the touchstone has been located; the economic truth of the ages has been discovered; the secret of the sphinx is ours." They voted the Republican ticket, the Republican leadership smiled and hoisted the tariff some more. The masters of the Republican Party chuckled in their glee. The people settled down to await the coming competition, the farmer plowed and the carpenter drove his nails, the shoemaker plied his awl and the blacksmith wrought his daily task while the mothers of the land chanted their babies to slumber and to dreams with the new-found melody of—

Bye o' baby, don't you cry,
The tariff'll cheapen things by and by.

The days passed and the years went by, and the consumer began to get impatient; he began to look about him. Some things were cheapened indeed, but when he compared them with world prices he found they had not cheapened enough. He sought for that promised competition and suddenly awoke to the fact that there was none. The day of the trust had come, and we were informed that the old aphorisms about competition were antiquated and absurd in this modern day of Republican economics. "Why," they said, "competition is ruinous; combination is the only hope of industrial integrity."

Given a tariff high enough to prevent the influx of foreign-made goods, the domestic producers proceeded to organize themselves into divers corporations; then these corporations proceeded to organize holding corporations and transfer the stock, which in most instances was pumped full of water, to these latter, in trust, and the "trustees" fixed the prices, often at both the buying and selling ends of the line, and with competition at home checked and foreign competition shut out by the tariff wall, the consumer stood "at the mercy of Tiberius."

Not only this, but the consumer awoke to another fact—that is, that the producer, whom he was taxing himself to favor, had one price upon his products for home folks, whose taxes he was getting, and a lesser price for that foreigner who once—in his dreams—paid the tax.

His indignation began to creep up to the danger point, and once again the ingenious spirits in the Republican Party turned to their splendid imaginations for inspiration. It came. "'Tis true," they said, with an affectation of candor, "that the tariff is no longer necessary as a war measure; 'tis true that the infant industries are full-grown bearded men; 'tis true we were mistaken about the foreigner paying the tax; ''tis true, 'tis pity, and pity 'tis 'tis true' that we were deceived as to the

efficacy of domestic competition; but, O citizens of the Republic, we must maintain the tariff for the benefit of American labor."

I heard of an American laborer who sought to buy a machine and wrote to an American manufacturer for the price. A stupid clerk by mistake sent him the export instead of the domestic price list. He did not notice this, and was surprised and delighted to find that he could obtain it cheaper than his neighbors had purchased by almost half. He sent in his order, and by return mail was advised of the error, and the domestic price was quoted nearly twice as great as that which it was proposed to charge the man abroad. Quite naturally he was puzzled, and he went to his protectionist Representative in Congress for an explanation. "Why is this?" he said. "Why should I be compelled to give twice as much labor—for my labor is my sole purchasing power—for that machine as the foreigner gives?" And his Representative responded, "Why, my dear fellow, you must do that to protect American labor." [Laughter.]

When Madame Roland was being led to the scaffold she gazed about her, and, divining the sordid and selfish ambitions which, in the name of liberty, were sending her and others to their deaths, exclaimed, "O Liberty! Liberty! how many crimes are committed in thy name!"

Looking around us at the sordid selfishness and grasping greed which has held this Republic with a strangle hold for near half a century, are we not tempted to copy her pathetic remark and exclaim, "O American Labor! American Labor! how many crimes are committed in thy name!" [Applause on the Democratic side.]

The grim humor of the situation began to dawn upon the American consumer, and the masters, quick to catch the first note of alarm, took up the American-labor cry, the full-dinner-pail argument, and to cap it all cried out in anguish: "Oh, men, think of all these things and think then of that awful panic of 1891, induced by the Democrats going into power two years after that, in 1893!" I am waiting with some interest to see how long it will be after the Democratic victory, which is coming this year, before Republican orators will be charging the Democratic Party with responsibility for the Roosevelt panic of 1907. [Applause and laughter.]

"You shall have relief," they said. "We can not touch the tariff, it is true, because of labor, but rely upon the Republican Party. We will find a way. Assuredly, oh, most assuredly! A new figure has arisen in this world; within him are blended all the virtues and all the wisdom of the ages. Constitutions are nothing in his sight; before his tread all barriers fall; at his behest the rivers will run from the seas; the laws of supply and demand be restored or discontinued, as he may choose; the sun will stand still while he fights the battles of the Lord, and within four brief years you shall see the millennium; it is believed that T. Roosevelt may himself hold the proxy of the Messiah and represent him at the second coming. Who knows but that he is himself the Messiah reincarnated? He has not denied it. [Laughter.] At any rate he will punish these cruel malefactors of great wealth who have been guilty of exercising the business opportunities which our laws, by their favoritism, have offered them. Will you not, Teddy?" "Will I," said Teddy, "will I? Watch me; I shall be delighted." [Laughter.]

We have observed, of course, that Mr. T. Roosevelt, amid all his multitudinous activities, did not touch the tariff. Mr. Roosevelt was a wise man in his day and generation. He was able to assail "My dear Harriman," but the tariff barons—not he. He unloaded the tariff proposition upon the expansive shoulders of the good-natured gentleman whom he selected to succeed him—for one term.

Mr. Taft having been informed by Mr. Roosevelt that he was to take his place laughed in his good-natured way and went forth to make some speeches in 1907. The mutterings of the people had become a rumble. "There must be a revision of the tariff in the interest of the consumers," they said. "Why certainly," responded the wise men of the East. "Why certainly," responded the leaders of the Republican Party. The gentleman from New York, Mr. SERENO E. PAYNE, was then the chairman of the Committee on Ways and Means, to which tariff bills are referred in the House. He is not now, but he was then. [Laughter and applause on the Democratic side.] "Why certainly," said Mr. PAYNE, "we will revise the tariff"; and sometimes I think he really meant it. The distinguished Senator from Rhode Island, Mr. Nelson W. Aldrich, was then the chairman of the Committee on Finance, to which tariff bills are referred in the Senate. He is not now, but he was then. Under the Constitution revenue measures must originate in the House, but the Senate can amend them. I can not positively vouch for it, but I have no doubt that Mr. Aldrich looked over the Senate and carefully took note of those who had been and were sure to be elected as Senators to the Sixty-first Congress, and then, "Why certainly," said Mr. Aldrich, "there must be a revision—a revision—of the tariff; strange I had not thought of that before; why certainly," and he smiled. He met Mr. Taft and they talked awhile, and they both smiled. I imagine, also, that Mr. SMOOT, of Utah, not then, but soon to go, upon the Senate Finance Committee, met them and they all three smiled. "Why certainly, certainly; Calpurnia hath had her sweeter dreams, and we must revise the tariff."

Mr. Taft, as I have said, went forth to make some speeches, and in the very heart of New England indicated that he favored revision downward. New England smiled and smiled and smiled.

The Republican convention met and adopted a platform. Had the voters read it in the light of past experiences I do not believe they would have permitted themselves to have been again deceived by campaign promises and stump-speech platitudes. When I was a schoolboy and studied logic I remember something of a figure or a principle called "reductio ad absurdum." The Republican Party's platitudes often reminded me of it, but never was it brought as forcibly home to me as when I read the tariff plank of the Republican platform of 1908. If it had been serious it would have been ridiculous; being not serious, it was a criminal trifling with the hopes and aspirations and rights of a generous and patient people. It declared for a revision, but with no promise of reduction. It said the protective principle must be maintained, and that it could be best maintained by laying a duty sufficient to equal the cost of production at home and abroad and maintain a reasonable profit to the American producer.

For sheer absurdity, among all the utterances of political platforms since parties began, I am committed to that.

Difference in the cost of production at home and abroad, forsooth! Why, gentlemen, Mr. Charles Emery, of that famous Tariff Board upon which the President relies, speaking at a banquet of the American Association of Woolen and Worsted Manufacturers in New York some time ago, is reported to have said:

> There are certain things that are very difficult to get, and one thing that, according to the platform of the Republican Party—and, incidentally, that does not mean anything to me except that I have been given the job according to that platform—is to try to get the cost of production. I thank you all, gentlemen, that you did not laugh. I frankly say right here that this idea of settling things on cost alone is all nonsense.

If cost could be obtained, what country would you take as the standard for the cost abroad in order to calculate the difference? Germany, Japan, China, India, with all their different standards of labor? And, having settled upon a country, what factory in that country and in this would you make the basis? What elements are to be considered?

And a guaranty of "reasonable profits," indeed! What right, legal or ethical, has a party to take this Government of a whole people and pledge itself to use its taxing power so as guarantee to individuals a reasonable profit? [Applause on the Democratic side.] And yet I know some Republicans who smile at the Socialist as a dreamer or a crank.

I claim no powers of divination, but I am going to venture one prophecy, and that is that in the Republican platform to be adopted at Chicago this year you will not find that expression about guaranteeing "a reasonable profit." The gentleman from New York [Mr. PAYNE] on yesterday had an opportunity to present that expression of the platform to this House in a legislative way. He made a motion to recommit the sugar bill with instructions, and the instructions were:

> To report the same back to the House amended so as to eliminate from the sugar schedule the Dutch standard color test, the differential on refined sugar—

Which two things, by the way, he might have eliminated in the Payne-Aldrich bill, but did not—

> provide for a tariff on sugar that shall measure the difference between the cost of production at home and abroad.

But not one word did the gentleman from New York have in his motion about guaranteeing the "reasonable profit."

Has the gentleman from New York [Mr. PAYNE] in this short time deserted his party platform of 1908?

But I digress. In 1908 the people trusted them once more. Mr. Taft and his party were triumphant, a special session of Congress was called, and the farce began. The history is so recent I need not repeat it.

The farce ended August 5, 1909, when the President attached his signature to the Payne-Aldrich bill and accompanied that signature with a public apology to the people of the United States. The people accepted the bill because they had to, but they declined to accept the apology. Congress adjourned, and the President started shortly afterwards on that first funeral march to the western coast. He stopped long enough at Winona,

Minn., to apologize again. I have not his exact words before me, but I can quote them in substance. He said the bill was the best tariff bill ever written. He did not smile. Neither did the people. They ha-imed, and when November, 1910, came, the earliest opportunity presented, the worm turned and a mighty people arose in their wrath and swept from power in the only positions they could then reach—the House of Representatives and certain seats in the Senate—that party which had deceived them so often with its hypocritical cant and its disingenuous pretensions.

Mr. Taft said something else in that Winona speech. I give him credit for being a candid, honest man. Discussing the woolen schedule, he frankly admitted that it failed to measure up to the platform promises of his party, and he made the astounding statement that when an effort was attempted to give the people relief from the exactions of the woolen tariff that it was found that the interests in the Republican Party brought about by a combination of woolgrowers and woolen manufacturers in 1867 was so strong that his party could not stand against it; that they dictated terms to it and compelled the woolen tariff to stand, with the alternative of no legislation at all if they touched it. [Applause on the Democratic side.] How pitiful! The party of Abraham Lincoln held up with a sandbag and forced to stand and deliver! This upon the authority of the first citizen of the United States. Forced to violate its plighted faith, forced to disregard its solemn word.

Mr. Chairman, I am a believer in Democratic principles. I am a partisan, but I try to be a polite one. Notwithstanding my opposition to the fundamental principles of the Republican Party, I recognize that its has chapters in its history of which the future will take favorable note; but because I am a patriot before I am a partisan I say to you that I hung my head in shame when I read and realized the truth of that expression of the President. [Applause on the Democratic side.]

It does not reflect upon the honesty of the masses of the Republican Party or of the people of the United States, because. let it be said in candor, they did not know it. Those interests had obtained their strangle hold unawares to them. But they know it now. The President himself has vouched for it. What will they do? I think I know what they will do. They will arise in their wrath and smite as they have smitten. They will cleanse the temple of this Republic.

But there is more to the history. In 1910 a people, indignant at their betrayal, turned to the Democratic Party and elected a Democratic House of Representatives, as well as a number of Senators. That Congress was called in special session and met in April, 1911, and a Democratic House proceeded with the revision of that schedule which the President had denounced. [Applause on the Democratic side.] We remembered what the President had said about the woolen schedule, and at the earliest opportunity there was laid before him by a Democratic House and a close Senate a new woolen schedule, moderate in its character, conservative in its items, but constructed so as to preserve the revenues and at the same time bring relief to the people. We demonstrated that there was a party which the woolen interests could not control and make to eat from their hand. That bill, the just answer to a people's just demand, went to that President who had freely acknowledged the violation of faith by his own party on that schedule, and he vetoed it upon the sole ground that he himself was ignorant. He would not take the judgment of the Representatives fresh from the people, commissioned to do what he regretted his own party had not done, notwithstanding they had all the information and more than his party had when it framed the Payne-Aldrich bill. He must wait until Calpurnia had dreamed again. He must wait for the cunning genius of a tariff board to flower and fruit, though he needed it not when he signed the Payne bill.

And this was repeated as to other matters and other schedules of the tariff.

Mr. Chairman, I should gladly support this excise bill now before us upon its own merits, even if it is were not necessary as a measure to supply the revenues that will be lost to the Government if sugar be placed upon the free list, because I believe that it is essential to the preservation of the institutions of Government in this Republic that there should be laid in some manner or in some form a direct tax, a tax which the people will feel and which they will realize they are paying.

I believe that one of the dangers to our Federal Government's stability is that under our present system the people do not realize when they pay the Federal taxes. The hand of the taxgatherer is hidden. We know quite well when we pay tribute to State or county or municipality, because we pay directly, hand over the cash and receive nothing but a tax receipt in return. The Federal stipend is wrapped up in the coat or the blanket that you buy for yourself, the dress you purchase for your wife, the shoes for your child, concealed in the plow and the hoe and the ax, in the food which the laboring man buys; and the trouble of it is that the consumer pays this tax whether what he buys is imported or made in this country. If it is imported the Treasury gets the tax. If manufactured here the manufacturer gets it.

My friends, the growth of socialism in this country within recent years has been such as to cause all thoughful men to pause and ponder. Even I can remember when socialism was regarded as an incoherent, meaningless passion; but the vote has grown by leaps and bounds, and to-day a representative of that doctrine sits in the House of Representatives of the United States. I do not profess to understand the creed in all its refinements and ramifications, but I understand in a general way that one of its principles is common ownership of property; that no man shall own anything but all men shall own all things. That is not of itself a popular doctrine; there is a principle implanted in the heart of every man which leads him to wish to be able to say, "This is mine, the fruit of my labor, the increment of my toil." Why, then, has the party of that doctrine gathered such momentum? Perhaps it is true that the rapid introduction into our population of a foreign element, some of whom know nothing of, and many of whom care nothing for, our constitutional limitations and restrictions has been in part responsible.

But more than all else I believe that it is due to the fact that men have looked about them; have seen the inequalities imposed by the special interests that have so long been in control of the taxing power of this Republic; have seen the great forces of the Government manipulated so that one man might live in the sweat of other men's brows; and restless and discontent, disgusted with such legislative legerdemain they have rushed to the other extreme and embraced a doctrine foreign to our governmental hopes and aspirations.

If a system of direct taxation such as is proposed by this bill be established the citizens of this country will feel Federal taxation, and when they feel that taxation they will begin to guard Federal expenditures.

I think it was Edmund Burke who said that if you would hide the hand of the taxgatherer in the intricacies of a tariff you could tax even an Englishman down to his last loaf of bread and his last rag of clothing without evoking protest, and that philosophy holds good, in a measure, even unto this day.

Because the people of this country have not realized when they were paying Federal taxes extravagance in Federal expenditures has resulted. They have come all too often to regard an appropriation from the Federal Treasury as so much "picked up," not as so much spent. The popular thing for a member of a State legislature to do is to save in expenditures. Why? Because the State tax is a direct tax. Sometimes it seems that the most popular thing a Representative in Congress can do is to get an appropriation. Why? Because the Federal tax is indirect and the constituency, though it is composed of the same people represented by the State legislator, does not realize that it is paying.

But they do pay, Mr. Chairman. Aye, sir, not only do they pay to the Federal Treasury, but for every dollar which they pay through the tariff laws into the till of the Treasury they pay from $5 to $7, according to best estimates, that go not for governmental purposes, but into the pocket of some domestic producer.

Not only has this indirect system of taxation resulted in extravagance in Federal expenditures, but it has resulted in the centralization of governmental powers in the Federal entity.

Why, sir, the tendency is constantly growing for the States and local communities to shift upon the Federal Government duties that they should perform. How often are we urged to support Federal appropriations for the construction of highways?

How often does this demand come from citizens who would not think of voting to bond their county for that purpose? Why? The county tax is direct; the Federal tax is indirect. And yet if the Federal Government did it, it would cost from two to three times as much as for the community to do it. And so of many matters.

Mr. Chairman, this is a good bill; it is a splendid bill; it is in accord wth soundest governmental principles and best and bravest Democratic policies. The criticisms of it seem to me to be almost puerile. The gentleman from Ohio [Mr. LONGWORTH] thinks it will not reach men like Mr. Carnegie or Mr. Rockefeller. I think he is mistaken; but suppose he is correct; suppose, under the decision in the income-tax case—the Pollock case—this bill can not reach them. Shall we for that reason refuse to use our legitimate powers to tax others who are able to pay? For shame!

I believe the people will approve this bill, and will indorse our party for proposing and passing it. Mr. Chairman, the

Democratic Party has wandered long in the wilderness. Internal dissensions have dissipated our forces and disheartened our followers, yet, turning neither to the right nor to the left, but holding fast to the faith of the fathers and walking ever in the light of living issues, we have moved out from the swamp with its tangled thickets and its fetid waters, and standing to-day upon the mountain top we gaze with rapt vision into the promised land. We have the House of Representatives now, and I believe the people of this country indorse its actions and approve the profert of intention which it has made and that next November they will say unto our party—

Well done, good and faithful servant. Thou hast been faithful over a few things; I will make thee ruler over many things. Enter thou into the joy of thy Lord.

[Applause on the Democratic side.]

Mr. PAYNE. I yield 20 minutes to the gentleman from Kansas [Mr. JACKSON].

Mr. JACKSON. Mr. Chairman, I certainly shall not attempt to flatter myself by thinking that what I shall say upon this question will be of any particular interest to the Members of this House or to the country; but I wish to say a few words upon it because I regard the bill, connected with its companion piece, as the most stupendous piece of demagoguery and fraud that has ever been attempted to be perpetrated upon the American people in the name of American politics. [Applause on the Republican side.]

I characterize it as possessing the element of fraud, as it pretends to relieve the people from taxation, but, in fact, adds to their burdens. I call it demagoguery because it will be called before the public an income tax, when in fact it is not. It is wholly unscientific and moves away from that class of wealth a true income tax would reach. By its terms it exempts corporate and idle wealth and the swollen fortunes of the country. Can the "revivified" Democratic Party afford to stand for a makeshift measure which will discourage the adoption of a true income tax at a time when we need only the ratification of the constitutional amendment by six additional States to make it effective, and we have two new States ready to reduce the required number to four?

Mr. Chairman, I do not think any gentleman on that side of the House can charge me with being extremely partisan.

Mr. HUGHES of New Jersey. Oh, no; no.

Mr. JACKSON. The gentleman may well repeat out of order, "Oh, no; no"; but when the gentleman has stood here and voted against the measures adopted by the oath-bound caucus on that side of the House as often as I have voted for measures not approved by our caucuses and conferences, he may then shake his gory locks at me for being a partisan.

The truth is that I have promised myself, at least, that I shall speak out against fraud and demagoguery wherever I find it, whether it be in our party or in your party. I have long ago made up my mind that the statement so often heard, especially on that side of the House, that this country is a government of political parties, is not correct. This Government is, or ought to be, a government by the people; and I say to you, Members of this House, that, taking the last 20 years of the history of this country, every great national question that has received the sanction of Congress or of any considerable number of the State legislatures has come about by the organization of the people of this country almost independently of the political organizations.

I do not mean to condemn political organizations by that statement, but I mean to say that political organizations follow and do not lead in expressing the public will in this country, and so I deny the statement that we have a government of political parties.

I have voted for every tariff bill that has been brought out by the Ways and Means Committee on that side of the House, with the exception of the chemical bill and the sugar bill. I did not vote for the chemical bill because I regarded it as an honest Democratic measure. It was not an attempt to reduce the tariff; it was rather an attempt to raise it by levying duties upon noncompetitive articles, and therefore I voted against it. I voted against the sugar bill because I believed that you gentlemen on that side did not believe in it. There is scarcely a single Member on that side of the House who would have voted for it if he thought there was any chance of its becoming a law. I voted for the other bills because there was an honest difference of opinion as to whether or not the protection carried by them would destroy American industries. Indeed, the distinguished chairman of the Ways and Means Committee, who, I see, has now left the Hall, on every occasion made the statement that the duties carried in these bills equaled the difference in the cost of production at home and abroad, making this statement, I assume, in the joy of that new-found definition of his of a tariff for revenue. Taking his word for it, having the same confidence in a Republican Senate and a Republican President that the Democratic Party always evidences when confronted with a real responsibility, I voted for the bills in the hope that a Republican Senate would reframe them to make them into fairly acceptable tariff bills.

But here, gentlemen, we are face to face with this bill and its sister bill, that proposes not to place a duty upon a revenue basis, but absolutely to destroy the public revenues and at the same time to destroy one of the great American industries. Three or four facts stand out undisputed in all the investigations which you gentlemen have conducted here and in all of the information which has been gathered and in all the discussion of these two bills. The first is—

(*a*) That we are producing through the beet-sugar factories and the cane sugar of Louisiana fully one-third of all the sugar that we consume in the country.

(*b*) The next fact admitted by the Hardwick investigation and the Ways and Means Committee is that this is the only independent sugar industry that exists in the country or in the world, and that this constitutes the only competition that we have by which prices may be reduced.

(*c*) It is admitted that this competition did within the last year serve to lower the price of sugar to the American consumer almost 1 cent per pound.

(*d*) It is admitted but for this competition the price of sugar in this country is largely controlled by the Sugar Trust, and that control failing at any time the fixing of prices passes to the great foreign syndicate, which, by means of the Brussels conference, controls the prices of sugar on the world's market as certainly as does the board of directors of the Sugar Trust control the affairs of that corporation. Still, back of this combination stands Russia, by her bounty fed and highly protected pauper-labor industry, dominating the sugar market, as does Argentina the coffee market, of the world.

Now, if that is true, I say to you that this sugar bill is a fraud and a deception, because you hope to go out with it and purchase the votes of the American people under the promise of cheaper sugar when you must know that when this home competition is destroyed that sugar will not be lower than it is now, but will be higher.

Is it not clear that by free sugar in this country you place it in the power of the European syndicate and Russia to cover into their treasury the duties you propose to remove from American importations? This was England's experience, and she was forced to restore her duties to protect her own treasury. It had been our own experience in the coffee trade. The gentleman from Nebraska [Mr. NORRIS] has presented at this session of Congress an almost unanswerable argument that we shall be compelled to restore a duty on coffee to prevent our people from paying the expenses of the Argentina Government exacted through the high prices of coffee by the Government monopoly of the Argentina Republic. The remedy for this condition of affairs, the way to bring cheaper sugar for the American consumers, is pointed out by the greatest sugar statistician of the world, a man who all admit to be disinterested and fair and able. In his evidence in the hearings Mr. W. P. Willet said (pp. 3556–57):

As showing the ultimate effect of home production equal to or surpassing home consumption, I call attention specially for earnest consideration to the fact that in 1910 we reached this desired consummation within 74,000 tons, and as a result we were almost independent of Europe; so much so, in fact, that we got our supplies from Cuba at over one-half cent per pound under world's prices, during which time one man (Santa Maria) was carrying on a big bull speculation in Europe in which we would certainly have been involved but for this limited amount we required that year. In 1911 the Cuban crop fell short of 1910 by 320,898 tons, and we required 212,182 tons from abroad to complete our supplies; hence we were involved in the world's prices in 1911, and the result was a hue and cry against the high prices of sugar. I am not making an argument, but am simply pointing to the facts that appear to me to make the consideration of the increase in our local supplies of greater importance in legislation than a reduction of duties beyond certain limits, those limits to be such as will positively exclude all sugars outside those of our States and dependencies.

In all these analyses I reach the same conclusion—that to decrease the price of sugar to the consumer, increase the domestic production as rapidly as possible (p. 3978).

The domestic industry in the western part of the country represents an investment of over a hundred million dollars, made under the promise not alone of our party, but of your party, because do not forget that under the free trade in sugar which you gentlemen seem to be so proud of throwing in the faces of certain leaders on this side, when that condition of affairs existed your party put a duty of 40 per cent on sugar.

Now, then, following that line of legislation, not only has a hundred million dollars been invested in this industry in this country, but hundreds of thousands of American farmers have taken their effects and property and camped under the shadow of irrigation works and gone into the business of producing sugar to feed the American people.

Now, if there is anything in this country that deserves the praise and the pride of the American people it is the hopefulness of the western farmer. In a few weeks he will take his plow from out of the shed, if he has any shed, and will bring into action the farm implements of his business, and step forward with his heart full of hope—God bless him—to produce another crop. Does any man on this floor think that a single acre of sugar beets will be planted this next year if your bill becomes a law? You told us that the price of sugar went above 7 cents last year because of the failure of something like a quarter of a million tons of sugar in Cuba. What kind of a price would sugar be next year if it were given out that the great product of the western fields in this country of ours were to be cut off next year? It permits of not a shadow of doubt that sugar, under such circumstances, would be higher and not lower.

But, Mr. Chairman, I refuse to consider this subject alone from the viewpoint of saving a few cents per year to each American family in the purchase of sugar. The interest of every American citizen is broader than that. The production of 600,000 to 700,000 tons of sugar to continental United States involves large financial transactions and the employment of many laborers. To meet these expenses the bankers of the communities where such industries exist have stood by the farmers and factories to assist them in meeting temporarily these expenditures. The destruction of the industry means an unsettling of credits that may threaten the very financial quiet and stability of the country. Absolute free trade in sugar also means great disturbance of the industry in our island dependencies and Cuba and a lessening of their capacity to buy and consume American goods.

This is a trade, consisting in the main of flour and meats, in which the West is directly interested. I wish to set forth here a view of Porto Rico Progress. On February 1 this prominent Porto Rico paper stated the following editorially:

The consumer asks himself, "How does the tariff affect me?" It increases the daily cost of his sugar one-half cent. But does the American consumer know that, practically due to the tariff on sugar alone, a market for American goods has been developed in Porto Rico which will amount to $50,000,000 a year in another 12 months? This is where the great factor, human nature, otherwise known as selfishness, enters the equation.

Since 1898 (the year of the American occupation), the sugar industry of Porto Rico has increased from about $2,500,000 to $24,000,000. In the same period the purchases of Porto Rico from the United States have increased from about $1,500,000 to $34,600,000. In other words, the production of sugar in Porto Rico has become 10 times greater, and our purchases from the mainland are 22 times greater.

One-third of the wage earners in manufactories in this island (according to official data furnished by the Census Bureau) depend upon the sugar and molasses industry. The number of persons dependent upon each wage earner for support and the number of business establishments and minor industries which owe their existence to the sugar business are not known. To say that 50 per cent of the population is directly and vitally interested would be conservative. Any alteration in the tariff on sugar will immediately impair the purchasing power of 600,000 people who now buy from the United States and will ultimately affect 600,000 more.

In 1901 we bought from the United States $7,000,000 worth of goods. Last year we spent in her markets $34,600,000. Next year, if the tariff is not changed, the figure should be $50,000,000.

If the tariff on sugar is eliminated, the consumer in the United States may possibly save $1.25 a year, but the business men of the Nation will lose in the end half of their market in Porto Rico, meaning an annual loss of about $25,000,000.

Apart from the fact that the American consumer may get his sugar for $1.25 less a year, no one will benefit by putting sugar on the free list so much as Cuba. She now buys her machinery in the cheaper markets of Europe. She will continue doing so unless absolute free trade is granted, and this is too remote a possibility to be considered. In short, Cuba will fatten on the American sugar market and will spend the profits in Europe. Porto Rico, on the other hand, spends her earnings in the United States.

It is unnecessary to elaborate on this argument. Human nature is the same the world over, even in the United States Congress; and that supreme commander of human actions, Selfishness, will doubtless govern in this case as in all others.

The only point to be borne in mind is that by taking away the protection given us by the sugar tariff the United States will seriously injure one of her best customers. Porto Rico buys more from the United States than Russia, Spain, Austria, Japan, Turkey, and all of the East Indies. The United States sells more to this island than she does to any other country of South and Central America, except the Argentine. Porto Rico occupies twelfth place in the list of the markets of the United States. Her purchases from the mainland are greater than those of any other noncontiguous territory, exceeding those of the Philippine Islands by $10,000,000, Alaska by $9,000,000, and Hawaii by $7,000,000.

As a cold-blooded business proposition, will it pay the United States to throttle Porto Rico to benefit Cuba?

What is true of Porto Rico is also true to a large extent of Hawaii and the Philippines. While the effect on American trade with Cuba is not so direct as with Porto Rico, the 20 per cent preferential tariff, which reciprocity with that island gave her, has caused our trade to increase as rapidly in volume as with Porto Rico.

So the blow of destruction is not alone at the industry of the beet-sugar farmers of the West, but also at the market and the prices of the western farmer who produces wheat, flour, and meats.

There are some amusing things about this legislation. One of the most amusing things, gentlemen of the committee, is the argument that has been made on that side of the House that you are doing this to relieve the American people of taxation. I sat here and heard the very interesting and eloquent description of the eminent chairman of the Ways and Means Committee of the great wrong that was done by the British Government by conferring upon some earl or some one else the privilege of taxing the right to do business in a certain market in London. You remember that, do you not, how eloquent he waxed about the wrong theory of government, that would tax the people by giving anyone the privilege of taxing the right to do business upon a certain market?

Then he proceeded to liken the protective duties or the revenue duties of America to the same thing as taxing the right to do business in the American markets. He then said, "We are going to take the $53,000,000 of taxes off the American market, away from the bellies of the American people." Mr. Chairman, where is he going to put the $53,000,000 tax? Can it be possible that this same man proposes to put the $53,000,000 of tax on the right of every man, every individual in the United States, to do any business at all? The proposition is preposterous and positively humorous. Is it wrong to tax the importer to do business in America? Then certainly it is wrong to tax an American citizen on the right to do business at home. [Applause.]

Mr. Chairman, there is a good deal of demagoguery and nonsense indulged in in cavilling at the revenue taxes of this Government raised by duties upon imports. So far as I am concerned, I am a protectionist; I have never pretended to be anything else.

I regard the doctrine of American protection as one of the cardinal principles of taxation in America. It has existed for many years, and the same gentleman who described this pathetic picture in London at the beginning of the debate upon the sugar bill before he sat down said that we must continue to collect a large amount of our taxes from the customs. It is not only a cardinal principle of the American system of taxation and of every party in this country, but of every country in the world. The time has arrived in the history and development of commerce predicted long ago by that great statesman of England, Lord Salisbury, when he said that the future commerce of the world was to be a war between tariffs. That time is here, and no subject could better illustrate it than this subject of the tax upon sugar, because we are confronted with the fact that every great government of the world, including even free-trade England, recognizes it as a fit subject for taxation. Oh, but gentlemen say we are going to take off this $53,000,000 of tax, because you levy it back on the people. Not only that, but it so raises the prices of commodities that you treble it and make it $150,000,000. Let us see how you propose to do it. You propose to do it by taxing the people who do business in this country with that same $53,000,000. Will the man who imports sugar pay the tax? Of course he will; not by this bill perhaps, because he is already taxed under the Republican bill, which provides for a corporation tax, but if he is not a corporation he will be taxed under this bill. Will the man who sells sugar at wholesale be taxed under your law? Yes. Will the jobber who sells it to the retail merchant be taxed? Yes, if the business is a corporation or has a net income of $5,000 or more. Then, in the name of common sense, what is to prevent all of these men from putting this tax back on the commodities which they sell in their business and thus making the consumer pay for it all? You have just listened here to a very able and eloquent speech by the gentleman from Iowa [Mr. PROUTY], who shows you how all of this tax, whether levied by internal revenue or by customs duties, is eventually placed back upon the consumer. Will there be any difference in this tax and the tariff tax?

Oh, but you say the tariff is only paid by the man who imports and that he adds the tariff and that brings all local prices up to the same level with the foreign price with the tariff added. But you do not propose to tax everybody under this law. It is only the large concerns, the concerns of the country which fix the prices, the wholesale houses, the great department stores, the mail-order houses, and things of that sort which make the prices. They are the concerns who are to pay this tax unless they are incorporated. I should like you to tell me what would prevent them from putting this tax back upon the consumer, and when they do, do you think the small dealers will offer their goods at a lower price than the big concerns? And if you do, I will be willing to support your law. So I say that your scheme of relieving taxation is absolutely deceptive, and

you would not be for it if you knew that you could pass it. Not only that, but the very distinction between a direct tax and an excise tax rests on the very proposition that the direct tax can not be shifted, while the excise tax and the indirect tax can be shifted. I do not ask you to take my word for it. I want to read to you here from the language of this Pollock decision.

The CHAIRMAN. The time of the gentleman from Kansas has expired.

Mr. PAYNE. Mr. Chairman, I yield 10 minutes more to the gentleman.

Mr. JACKSON. This is a quotation from the eminent statesman, Albert Gallatin, for whom I believe Democrats have some respect. This is what he said in his sketch of the finances of the United States, published in November, 1796:

> The most generally received opinion, however, is that by direct taxes in the Constitution those are meant which are raised on the capital or revenue of the people; by indirect, such as are raised on their expense.

Again, the court itself in this decision said:

> Ordinarily all taxes paid primarily by persons who can shift the burden upon some one else, or who are under no compulsion to pay them are considered indirect taxes, but a tax upon property holders in respect of their estates, whether real or personal, or of the income yielded by such estates, and the payment of which can not be avoided, are direct taxes. (P. 558.)

You propose to sustain this law in the Supreme Court upon the proposition that it is a tax upon the expenditures or the expenses of the people and therefore one which can be shifted from the payee to some one else, and yet you say that you are relieving the people from taxation. There is a difference in the operation of this law and in the operation of a tariff law, and I will tell you what it is, in my judgment. The hearings before us on the two bills show this state of affairs, that in England, where they have only 40 per cent tax on sugar, the price of sugar has been eight-tenths of a cent less, on an average, per pound than it is in this country where we have a tax of 1.90. How do you escape the conclusion, then, that the exporter, or some one else than the consumer, pays about half of that tax?

Mr. WARBURTON. Mr. Chairman, I would like to ask the gentleman a question.

Mr. JACKSON. In a moment. Then the difference is this, that we do have some opportunity of shifting a tax that is levied as a customs duty on to some one else than the consumer, but when we levy an internal-revenue tax, such as we do upon tobacco and liquors, there is no opportunity to do it, but the consumer must pay the tax. So you have taken off the $53,000,000 of tax, half of which—according to the figures I have just quoted, and they are your figures—is not paid by the consumer, and you have put it back again in the form of a tax all of which must be paid by the consumer.

Mr. WARBURTON. I find from the English Statistical Abstract that the price of refined sugar plus the tariff averages about $1.70 per hundred. I would like to know where the gentleman gets his figures.

Mr. JACKSON. I quoted the figures from the report. The gentleman will find them there. I quoted them from the majority report. The same figures have been quoted over and over again by both sides in this debate. There can be no question about their correctness. Here is what Mr. UNDERWOOD himself says:

> In England refined sugar in bond is quoted for 1910 at 3.706 cents; in Germany, 3.640 cents; in Austria, 3.800 cents; in France, 4.070 cents; and in the United States, 3.582 cents. The result is that sugar is quoted in bond in the United States for the year 1910 cheaper than untaxed sugar in bond was quoted in any of the great European countries that produce sugar.

Mr. BATHRICK. Mr. Chairman, I would like to ask the gentleman if in his discussion of where this tax will lie he is not overlooking the fact that under the law proposed and under discussion this afternoon the tax will not be placed upon those people who have under $5,000 a year income. Is that not true?

Mr. JACKSON. Yes, that is true; and I am glad the gentleman called my attention to that, because I want to discuss it now. The gentleman calls my attention to the fact that those who have an income of less than $5,000 per annum are exempt from this law. Of course, the gentleman will understand that I have just tried to explain why I think everyone who buys sugar will pay this tax.

Mr. BATHRICK. The gentleman stated that the wholesaler, the manufacturer, and the importer would pass this tax down in the price of sugar to the consumer. Is that not true?

Mr. JACKSON. I did.

Mr. BATHRICK. Does the gentleman suppose that the wholesaler will pass it all down and charge it up, notwithstanding the fact that he handles many other lines of goods?

Mr. JACKSON. Oh, I did not mean that.

Mr. BATHRICK. Consequently not so much will be passed to the consumer as under the tariff, would it?

Mr. JACKSON. I think that is true as to the price of sugar alone. I am glad the gentleman asked that question, because it permits me to complete my argument upon that subject. Of course, the tax now being distributed over a number of articles, instead of upon sugar alone, the entire tax will not be placed upon sugar, but it will be placed upon all the articles the merchant handles, and therefore upon all the articles which we buy, and the people will pay it just as they now pay a part of it.

It will be handed along to the banker. It will be handed along to the dealer in clothing and other goods; to the dealer in groceries. When the outcome is figured up the American people will have paid this tax just the same as they pay any other revenue or customs tax. It is perfectly idle to argue that the tax of every section of the Payne-Aldrich bill is paid by the consumer, except the tax levied by section 38 of that law.

Mr. BATHRICK. Will not the gentleman concede that a tax was levied on the American people far in excess of the revenue collected by the tax on sugar? Was not the tax levied on the American people just in that proportion that the rate bears to the consumption?

Mr. JACKSON. I am perfectly willing to concede that the tariff is too high.

Mr. BATHRICK. The rest of the tax will be on the backs of the American consumer, if you take this tax off, even though it passes from the wholesaler down to the consumer.

Mr. JACKSON. That depends entirely on how much more tax you put on. I am willing to concede the tax on sugar is too high. I hope, and I believe the gentleman and his party hope, that the Republican Senate will send the bill back here with a duty of 1 or 1½ cents per pound on sugar.

Mr. BATHRICK. I do not hope so at all. I am for free sugar.

Mr. JACKSON (continuing). Abolishing the differential and the Dutch standard. I will vote for it, and I hope the gentleman will vote for it, because then he would show his sincerity before the American people in advocating a lower tax, and one that will mean lower prices to the consumer and at the same time sufficient protection to our domestic sugar industry.

Mr. BATHRICK. I will vote for the best I can get, and as near to it as I can get.

Mr. WILLIS. Will the gentleman from Kansas [Mr. JACKSON] permit me to ask my colleague from Ohio [Mr. BATHRICK] a question?

Mr. JACKSON. Yes.

Mr. WILLIS. I wish to ask the gentleman from Ohio [Mr. BATHRICK], my colleague, whether he is also in favor of free wheat? I understand that he voted against reciprocity, as I did, upon that question.

Mr. BATHRICK. Yes; I certainly would do it if it redounded to the benefit of the people in the State and would make flour free also. I understand my colleague voted to prevent flour from being free.

Mr. LONGWORTH. Will my colleague include in his question free wool? I would like to be enlightened.

Mr. WILLIS. I am coming to that. My colleague is saying that he is in favor of free sugar because he thinks sugar will be cheaper to the consumer. Is my friend from Ohio in favor of free wheat on the same theory?

Mr. BATHRICK. The bill you voted for puts flour on the free list.

Mr. WILLIS. But I voted against reciprocity and also the free-list bill.

Mr. UNDERWOOD. Mr. Chairman, I was absent from the Chamber for a moment, and I understand the gentleman from Kansas [Mr. JACKSON] stated that I brought this bill into the House knowing that it would not become a law and could not pass. I am here now, and I would like the gentleman to repeat his statement, so that I may understand.

Mr. JACKSON. I think I made no stronger statement than when I opened my remarks, which was that I think the entire measure, including free sugar, is a piece of rank demagoguery.

Mr. UNDERWOOD. I would like to understand what the gentleman said.

Mr. JACKSON. I remember no such remark as he quotes, except that.

Mr. UNDERWOOD. Then I did not understand it correctly.

Mr. JACKSON. I think I did say this, Mr. Chairman, and I am willing to repeat it, that neither he nor any other Member on that side of the House expects this bill to become a law, and that I believe no man on that side would vote for it if he did expect it to become a law.

Mr. UNDERWOOD. I will say to the gentleman from Kansas, if he will allow me to interrupt him——

Mr. JACKSON. Certainly.

Mr. UNDERWOOD (continuing). That he has no warrant whatever for making any statement of that kind. This side of

the House passed a wool bill that your side said could not pass, and we sent it to the President of the United States. It would be a law to-day if he had put his signature to it. We can not control the President of the United States. I believe that this bill will pass the Senate as well as the House, and that the President of the United States will not dare to veto it. [Applause on the Democratic side.] I want it to become a law.

Mr. JACKSON. Mr. Chairman, mere assertion and statement is very cheap, although it is hard sometimes, under the rule on the other side of the House, to get opportunity to make them from the minority side. But, Mr. Chairman, I voted for the gentleman's wool bill——

The CHAIRMAN. The time of the gentleman from Kansas [Mr. JACKSON] has again expired.

Mr. PAYNE. Mr. Chairman, I will yield to the gentleman from Kansas five minutes more.

Mr. JACKSON. I voted for the gentleman's wool bill, because, as I stated a moment ago, he told the House in the joy of his new-found definition of a tariff for revenue that the Government was in dire need of revenue, and that it was necessary to keep the tariff on raw wool, notwithstanding that his party had promised the people of the country that they would take the duty off of raw material. [Applause on the Republican side.]

Now then, Mr. Chairman, the revenues have so increased within the year that that party can disregard the fact that they were willing to put a duty of 20 per cent on raw wool.

Mr. UNDERWOOD. Will the gentleman allow me to ask him a question?

Mr. JACKSON. Just wait a moment, please. The revenues of the Government have become so opulent since that time, less than a year ago, that they can now disregard $53,000,000 of revenue and trade it off for a lawsuit.

This is the first time in the history of the country that any party has attempted to make a lawsuit legal tender or has attempted to coin a lawsuit into gold with which to pay the public expenditures; and so, notwithstanding the gentleman's statement that I was not authorized to state what I did a moment ago, I think I am fully warranted when I say that such legislation as that is an imposition and a deception upon the American Republic. [Applause on the Republican side.]

Mr. UNDERWOOD. Mr. Chairman, I want to ask the gentleman on what authority he states that the Democratic Party had pledged itself to free wool?

Mr. JACKSON. Well, Mr. Chairman, I did not state that, in the first place, and——

Mr. UNDERWOOD. I understood the gentleman to state it.

Mr. JACKSON. Well, the gentleman's understanding is at fault. I did state that your party had long pledged itself to free raw materials, and that, not many years ago, it had declared for free wool.

Mr. SHACKLEFORD. Mr. Chairman, may I ask the gentleman a question?

Mr. CULLOP. Will the gentleman permit a question right there?

The CHAIRMAN. Does the gentleman yield?

Mr. JACKSON. It depends on whether I shall get more time or not.

Mr. CULLOP. Can the gentleman point to a single Democratic national platform that ever promised free raw materials? If so, will the gentleman name it? There never has been one.

Mr. MANN. Ask him if they are in favor of free raw materials.

Mr. JACKSON. Are you in favor of them now?

Mr. CULLOP. No. My party stands for a revenue tariff. I am in favor of a tariff for revenue, and you can not point to a single Democratic national platform that ever pledged the party to the doctrine of free raw materials.

Mr. PAYNE. I would like to know if the gentleman from Indiana over there knows everything——

Mr. CULLOP. No. I do not claim any such distinction.

Mr. PAYNE. I mean about the Democratic Party. I did not mean any offense to the gentleman. I would like to know if the Democratic Party did not vote for free wool and stand for it? Will some one of you over there answer that, if you can? [Applause on the Republican side.]

Mr. CULLOP. I do know that no Democratic national platform ever declared for free raw materials, and you can not find it in any of them.

Mr. JACKSON. Now, Mr. Chairman, on the subject of the constitutionality of this law——

Mr. SHACKLEFORD. Mr. Chairman, I would like to ask the gentleman just one question.

The CHAIRMAN. Does the gentleman from Kansas yield to the gentleman from Missouri?

Mr. JACKSON. Just wait until I find out whether I can get more time. I have not discussed all I want to say about this proposed law. I decline to yield.

Mr. PAYNE. Mr. Chairman, I yield five minutes more to the gentleman.

The CHAIRMAN. The gentleman from Kansas is recognized for five minutes more.

Mr. SHACKLEFORD. What I want to know of the gentleman is whether, when he voted for the wool bill, he expected it to become a law? [Laughter on the Democratic side.]

Mr. JACKSON. No; I did not.

Mr. SHACKLEFORD. That is frank.

Mr. JACKSON. Now, Mr. Chairman, I was about to say something as to whom this law would affect. In my judgment, if it is ever held to be constitutional, being levied upon the capital and industry employed in any business in this country, it will apply to every merchant, every business man in this country who has a capital equal to $25,000, and I would like to know why you propose to take off this tax on sugar and place it upon the man who hands out the sugar to the consumers and still think that he will not put it back upon that sugar?

Why, gentlemen, the very last clause of this bill adopts the internal-revenue laws of the present time. I congratulate the Democratic Party upon extending the machinery, which was made for the purpose of collecting the tax on the illicit distilleries of the South, over the legitimate business interests of the country all over the United States; and I have no doubt that certain parts of Virginia that are at present under arms will welcome such extension of the Federal power on the part of the Democratic Party.

Mr. SHACKLEFORD. That is a Republican county to which the gentleman refers. [Laughter.]

Mr. JACKSON. Well, it is said that there is an illicit distillery behind each pine tree in it.

Under the present corporation-tax law there was collected as penalties from the small corporations not subject to the tax at all $25 or $15 from each corporation. Does the gentleman expect the army of Federal inspectors, described here in Mr. Cabell's letter, which is included in the minority report, to go riding over the country and levy taxes of from $15 to $25 upon each firm and each individual engaged in business, under the authority of the Federal Government, and at the same time meet the approval of your southern brethren who are so jealous of the Federal Government's powers of taxation?

This law will never be held to be constitutional. It is worded almost in the identical language that was used in the act of 1894; and will the gentleman expect that the words which levied a tax upon the "income from property and rents and profits" will mean substantially anything different from the words that seek to levy a tax upon the "income of property used in business"? The courts will never say that there is any substantial difference between the two propositions. And so I say you propose to trade off $53,000,000 of Government revenue for a mere lawsuit. That is what your bill means.

Now, something was said on that side about the Republicans on this side refusing to tax the wealth of the country. But here you are face to face with the proposition that the last Congress placed a similar tax of 1 per cent upon the corporate wealth of the country, and that instead of attempting to increase that tax or to pass an inheritance tax, which would reach some of the idle wealth of the country, you have undertaken to spread this tax upon the active middle-class business men of the country. You have left all of that wealth, you have exempted under the terms of this law all of that kind of wealth which should be taxed, including the bonds and the notes that are issued by these great corporations.

The gentleman from Ohio [Mr. LONGWORTH] stated here that the entire wealth of the country amounted to $107,000,000,000.

I will read here from John Moody, "The Truth about the Trusts":

> Thus it will be seen that including industrial, franchise, transportation, and miscellaneous about 445 active trusts are represented in the book, with a total capitalization of $20,379,162,551. They embrace in all about 8,664 original companies.
>
> In fact, the only gigantic interests or groups which can in any sense be considered as on the same plane are the Rockefeller and Morgan groups.
>
> The Morgan domination, like the Standard Oil, makes itself felt through the means and influence of large metropolitan financial institutions and great banks, such as the National Bank of Commerce, First National Bank, Chase National Bank, and Liberty National Bank. The great life insurance companies, such as the New York Life, and trust companies, such as the Mercantile, Guaranty, and Central Trust, are generally rated as being at least partially under the Morgan control.
>
> It should not be supposed, however, that these two great groups of capitalists and financiers are in any real sense rivals or competitors for power, or that such a thing as "war" exists between them. For, as a matter of fact, they are not only friendly, but they are allied to each other by many close ties, and it would probably only require a little stretch of the imagination to describe them as a single great Rockefeller-

Morgan group. It is felt and recognized on every hand in Wall Street to-day that they are harmonious in nearly all particulars, and that instead of there being danger of their relations ever becoming strained it will be only a matter of a brief period when one will be more or less completely absorbed by the other, and a grand close alliance will be the natural outcome of conditions which, so far as human foresight can see, can logically have no other result.

Therefore, viewed as a whole, we find the dominating influences in the trusts to be made up of an intricate network of large and small groups of capitalists, many allied to one another by ties of more or less importance, but all being appendages to or parts of the greater groups, which are themselves dependent on and allied with the two mammoth, or Rockefeller and Morgan, groups. These two mammoth groups jointly—for as pointed out they really may be regarded as one—constitute the heart of the business and commercial life of the Nation, the others all being the arteries which permeate in a thousand ways our whole national life, making their influence felt in every home and hamlet, yet all connected with and dependent on this great central source, the influence and policy of which dominates them all.

The following statement appears in the Government's brief in the Corporation Tax case:

Two hundred and sixty-two thousand four hundred and ninety corporations made returns under the corporation-tax law. They had a capital stock of $52,371,626,752, bonded and other debt of $31,333,952,696, and a net income upon stock of $3,125,481,101. If this capitalization is substantial, they have absorbed the major part of the taxable wealth of the country.

Indeed, a writer in one of the newspapers published in this city, with more frankness than is shown by some of his fellow advocates of this bill, in predicting that it will eventually pass the Senate, says:

Advocates of the measure declare that the so-called special interests are not opposing the bill, but are perfectly willing that it should become law. They are already covered by the corporation tax, and its extension to persons may be to their advantage, if it ever becomes necessary to greatly increase taxation, as in the event of war.

It is thus seen that this law exempts by its terms the corporate wealth of the country, as well as the idle and fixed income property of the country. The vast amount of wealth amounting to more than one-third of the entire wealth of the country it is proposed to leave free of taxation, except as to taxes imposed by the last Republican Congress.

If it is a measure intended to benefit all the people, why did you not increase this corporation tax and levy a graduated inheritance tax? This would have taxed wealth and idleness and not industry alone. You could have increased the internal-revenue tax on beer and tobacco to have raised the sum needed and still the taxes on tobacco would be less than it is in England and the beer tax less than it was during the Spanish War. These taxes would have been legal, and therefore sure to be collected. But as it is you are sure of nothing.

In my humble judgment the whole law must go down as unconstitutional when it comes before the courts for trial. Of course I understand that the reputed author of this bill [Mr. HULL] argues that once a man engages in business his entire income from every source, whether from the business or from some such source as interest on United States bonds or income from real estate, will become taxable. And this is the very rock upon which the whole structure will go to pieces.

In order to arrive at once at what I wish to say, allow me to read from the Corporation Tax case what the court in its opinion said upon these words. The court said:

It is true that in the Spreckels case (192 U. S., supra) the excise tax, for the privilege of doing business, was based upon the business assets in use by the company, but this was because of the express terms of the statute which thus limited the measure of the excise. The statute now under consideration bears internal evidence that its draftsman had in mind language used in the opinion in the Spreckels case, and the measure of taxation, the income from all sources, was doubtless inserted to prevent the limitation of the measurement of the tax to the income from business assets alone.

It is evident from the speech of the gentleman from Alabama [Mr. UNDERWOOD] and the others who have talked upon that side of this proposition that they expect that the same measurement of this tax which was applied by the Supreme Court to the measurement of a corporation income can be applied to the measurement of an individual's income; and I assert that position overlooks the fundamental proposition in the corporation-tax case, namely, that the decision rests on the right to tax the use of a corporate franchise in business. I know gentlemen quote it here as though it had rested on the proposition of taxing business alone, but they do not notice that in every instance where the court used this language it emphasizes the fact that the thing taxed is the privilege of the corporation to do business as a corporation. This is important upon the question of the measure of the tax.

It was held that the tax on a corporation might include all its income from every source, including income from property which, considered alone and unconnected with the business, would not be taxable, but the court did not hold, and never will hold, that such a rule could be applied to individuals. The court rested this ruling squarely on the very fact that all the property of a corporation must be necessarily related to and connected with its business. The Government in the brief on this case said:

Besides, the property held by a corporation, whether actively employed in its principal business or not, does serve as an aid to that business, adding to its financial strength and credit.

When the court came to pass on that question, in the opinion it used this language:

In the case at bar we have already discussed the limitations which the Constitution imposed upon the right to levy excise taxes, and it could not be said, even if the principles of the fourteenth amendment were applicable to the present case, that there is no substantial difference between the carrying on of business by the corporation taxed and the same business when conducted by a private firm or individual. The thing taxed is not the mere dealing in merchandise, in which the actual transactions may be the same, whether conducted by individuals or corporations, but the tax is laid upon the privileges which exist in conducting business with the advantages which inhere in the corporate capacity of those taxed, and which are not enjoyed by private firms or individuals. These advantages are obvious and have led to the formation of such companies in nearly all branches of trade. * * *

It is this distinctive privilege which is the subject of taxation, not the mere buying or selling or handling of goods, which may be the same, whether done by corporations or individuals.

Then on this very question the court further said:

It is contended that the measurement of the tax by the net income of the corporation or the company received by it from all sources was not only unequal, but so arbitrary and baseless as to fall outside the authority of the taxing power. But is this so? Conceding the power of Congress to tax the business activities of private corporations, including, as in this case, the privilege of carrying on business in a corporate capacity, the tax must be measured by some standard, and none can be chosen which will operate with absolute justice and equality on all corporations.

Some corporations do a large business upon a small amount of capital; others with a small business may have a large capital.

The tax upon the amount of business done might operate as unequally as a measure of excise as it is alleged the measure of income from all sources does.

Now, again:

Nor can it be justly said that investments have no real relation to the business transaction by a corporation. The possession of large assets is a business advantage of great value; it may give credit which will result in more economical business methods; it may give a standing which shall facilitate purchases; it may enable the corporation to enlarge the field of its activities and in many ways give it business standing and prestige.

So this bill incorporates in its provision a measure of taxation which, under the corporation-tax cases, is clearly unconstitutional and can not be upheld. Broadening the provisions of the corporation-tax law to include all individual incomes brings the law within the rule declared in the Pollock case and annuls it in its entirety.

In the first Employers' Liability case (207 U. S., 463) Congress used language which could be construed to include intrastate as well as interstate commerce, and intrastate commerce not being with the regulative power of Congress the entire law was declared unconstitutional. Again, in Western Union against Kansas (216 U. S., 1)—a case in which I was unfortunate enough to be on the wrong side as counsel—the court held that a State law attempting to tax all the capital stock of a foreign corporation was unconstitutional as an unlawful restriction on interstate commerce.

As this bill boldly and unequivocally attempts to measure a tax by including in its provisions sources of incomes not within the power of Congress to tax constitutionally I believe it will be stricken down by the courts as a whole.

It is also clear that when you extend the measure of tax to include all the income from every source of a man who engages in business, regardless of whether the income is received from the business, you thereby include within the letter of the law incomes from real property and invested personal property wholly unconnected with the business sought to be taxed. This penalizes or taxes the mere ownership of property and is squarely within the prohibitions declared in the income-tax cases and therefore void.

Mr. UNDERWOOD. Mr. Chairman, I intended to move that the committee rise at this time, but I wish to detain the committee for a moment, in order to congratulate the country on the fact that we know where the distinguished gentleman representing the Progressive Republican Party of Kansas stands on the great political issues of the day. From my association in past Congresses and in this Congress I had reason to believe that even if our progressive brethren belonging to the Republican Party had not as yet entirely approached the position taken by the Democratic Party in times past in favor of honest legislation for the American people, yet that on many questions those gentlemen who style themselves Progressive Republicans were working away from the domination of the wealth of the country and seeking legislation that would relieve the American people of many of their burdens. But the gentleman from Kansas [Mr. JACKSON], in addressing himself to this House on a bill which of all bills is intended to place on the wealth of this country a portion of the taxes wrung from the American

people, opens his address by declaring to this House that such a bill is buncombe.

Mr. JACKSON. Mr. Chairman, will the gentleman yield?

Mr. UNDERWOOD. I yield.

Mr. JACKSON. Does the gentleman mean to say that this tax will reach, in any degree at all, the idle wealth, or the corporate interests of the country?

Mr. UNDERWOOD. I will tell the gentleman what it means.

Mr. JACKSON. Will the gentleman answer my question?

Mr. UNDERWOOD. I am going to. The gentleman's colleagues have already told him what it means. The distinguished gentleman from Iowa [Mr. PROUTY] who preceded him in a very able speech, declared this evening that the purpose of this bill to tax the great wealth of this country was along lines that he could approve of.

Mr. JACKSON. Mr. Chairman, if the gentleman will yield——

Mr. UNDERWOOD. Oh, yes.

Mr. JACKSON. I did not understand the gentleman from Iowa to make such a statement. I understood him to say that this law was unconstitutional, in his calm judgment, and that the present Federal laws, including this one, would not compel Rockefeller to pay as much tax as a section hand. [Applause on the Republican side.]

Mr. UNDERWOOD. The gentleman clearly stated that he believed that the Supreme Court of the United States would reverse the Pollock case. The gentleman from Iowa proposes to vote for this bill. He would not vote for a bill that he believed to be in violation of the Constitution of the United States. But the gentleman from Kansas [Mr. JACKSON] proposes to cast his vote against an attempt to send a bill back to the Supreme Court, and let the highest tribunal of this land determine whether the great wealth of this country shall pay a portion of the taxes that the American people have to bear.

Mr. JACKSON. Will the gentleman yield for a correction?

Mr. UNDERWOOD. Certainly.

Mr. JACKSON. I have not said I intended to vote against this bill. [Laughter on the Democratic side.]

Mr. UNDERWOOD. The gentleman has made a speech against it. The gentleman has declared that the bill is buncombe. The gentleman has declared that it is a fraud.

Mr. JACKSON. I think it is.

Mr. UNDERWOOD. The gentleman has declared that it is unconstitutional.

Mr. JACKSON. Yes.

Mr. UNDERWOOD. But I shall certainly welcome the gentleman's vote for the bill, notwithstanding that statement. [Applause on the Democratic side.]

Mr. JACKSON. The gentleman need not be too foxy about that proposition, if he will pardon the language. I shall not vote for the bill. The responsibility is yours. I shall vote "present" upon the bill, because I believe it is unconstitutional.

Mr. FOSTER of Illinois. That is dodging.

Mr. JACKSON. If gentlemen will restrain their mirth——

Mr. UNDERWOOD. I did not yield for a speech. I yielded for a question.

Mr. JACKSON. If the gentleman criticizes my position, I take it he will allow me to explain it.

Mr. UNDERWOOD. Certainly.

Mr. JACKSON. I shall not vote against it, because if any part of it should ever be held constitutional I might be compelled to pay a slight tax, and I shall not cast my vote against it. I realize, as the gentleman does, that I can not prevent the passage of the bill.

And if the gentleman will say to me that the passage of this bill could in any wise procure a reversal of the Pollock case, if the gentleman will say that the bill is presented under the pretext that it is in opposition to the Pollock case and not in conformity to it, I will vote for it, because I favor an income tax, and my opposition to this bill is that it is not an income tax.

Mr. UNDERWOOD. Then the gentleman can vote for the bill for this reason: The bill is not presented for the purpose of a reversal of the Pollock case. The bill is presented in conformity to the present decisions of the Supreme Court.

Mr. JACKSON. That is the way I understood it.

Mr. UNDERWOOD. But the gentleman's colleagues on that side of the House have already said, and gentlemen on this side of the House have said, that the probability is that the present Supreme Court, presided over by a man who dissented from the Pollock case, even if it had to go so far as to reverse the Pollock case to declare this bill constitutional, the probabilities are that it would. Even the distinguished gentleman from Ohio [Mr. LONGWORTH] did not go so far as to declare this bill unconstitutional in its terms. The distinguished gentleman from Ohio limited his criticism of this bill, presenting the case of his Republican colleagues on the Ways and Means Committee, to the criticism that the court, after holding it constitutional, would differentiate as to how far the bill would reach the wealth of this country.

Mr. LONGWORTH. Will the gentleman permit me?

Mr. UNDERWOOD. Certainly.

Mr. LONGWORTH. I understood the gentleman who led off so ably in debate, the gentleman from Tennessee [Mr. HULL], to admit that the majority of the Ways and Means Committee have no idea that the Supreme Court would reverse the decision in the Pollock case, but rested their contention on the question as to their understanding of the corporation-tax decision to cover this tax.

Mr. UNDERWOOD. The gentleman from Ohio knows as well as I do that there is a conflict between the Pollock case and the corporation-tax case, and the Supreme Court, instead of directly reversing the Pollock case, differentiated as between the two cases, and it may do so in this case.

Mr. JACKSON. Do I understand the gentleman from Alabama to be arguing that if the Pollock case is upheld this law must fall?

Mr. UNDERWOOD. No; I do not argue that at all. I am not entering into an argument in this case now, but I simply want to congratulate the country on the fact that we have found out where the Representative of the progressive Republicans from Kansas stands. We have found, Mr. Chairman, that he does not stand anywhere. [Laughter.] The gentleman from Kansas is willing to vote for the reduction on wool; he is willing to vote for a bill reducing the duty on iron and steel, because it does not affect his constituency. But he says himself that he may be taxed under this bill, and he says himself that there are industries in his State that this bill may affect. He says himself that this may affect the enactment of a bill putting sugar on the free list, in which his State is interested, and therefore, instead of taking a stand on this bill that it is constitutional and therefore he will vote for it, or that it is unconstitutional and under his oath he will vote against it, he prefers to announce to the country that as the representative of the progressive sentiment of the Republican Party in the State of Kansas he will stand on the fence and let the procession go by on the other side without taking any part in it. [Laughter.] [Applause on the Democratic side.]

Mr. JACKSON. Mr. Chairman, I ask unanimous consent to address the House for three minutes, if the gentleman from Alabama has finished.

Mr. UNDERWOOD. The gentleman from New York has control of the time, and I am willing for him to yield to the gentleman.

Mr. PAYNE. I will yield to the gentleman from Kansas three minutes, and that is the last three minutes I will yield to-night. [Laughter.] We are wasting time here.

Mr. JACKSON. Mr. Chairman, the distinguished gentleman from Alabama does me entirely too much honor in crediting me with being the leader of the progressives of our State. I have never assumed to be the leader of any faction or any party. But, Mr. Chairman, so far as he attributes to me an uncertainty as to where I stand, let me say to the distinguished gentleman that my tariff position is fully as well understood in the country as is that of the gentleman from Alabama. If the gentleman from Alabama would do the country the same service that he has accredited me with doing, and tell them whether he is a protectionist or free trader, he would, indeed, do the country a great service. If he would tell the country when he declared in a magazine article, which he circulated all over the country, that he was in favor of a tariff which equaled the difference in the cost of production at home and abroad, whether he made that statement as a Republican or as a Democrat, he would do the country a very valuable service. [Laughter and applause on the Republican side.]

Mr. UNDERWOOD. Mr. Chairman, the gentleman from Kansas has made so many misquotations that I am not surprised at the last one. He can not find in any article that I have ever given authority for, that ever went out under my name, where I said that I believed in a tariff that equaled the difference in the cost of the production at home and abroad. I have repeatedly said that the high-water mark of revenue tariff was the difference in cost at home and abroad, and that from that high-water mark it went downward according to the necessities of the Government. I have said that the low-water mark of the Republican tariff was above the difference between the cost at home and abroad, because they declare in favor of a reasonable profit after having fixed the difference in cost at home and abroad. That is all I have ever said, and any quotation to the contrary does not represent my views.

Mr. JACKSON. That is entirely satisfactory as far as I am concerned, and I welcome the gentleman into the Republican Party. [Laughter and applause on the Republican side.]

Mr. UNDERWOOD. Mr. Chairman, I move that the committee do now rise.

The motion was agreed to.

Accordingly the committee rose; and the Speaker having resumed the chair, Mr. MOON of Tennessee, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee had had under consideration the bill H. R. 21214 and had come to no resolution thereon.

LEAVE OF ABSENCE.

Mr. SHEPPARD, by unanimous consent, was given leave of absence indefinitely, on account of illness.

EXTENSION OF REMARKS AND LEAVE TO PRINT.

Mr. UNDERWOOD. Mr. Speaker, I ask unanimous consent that all gentlemen who speak on the bill may revise and extend their remarks in the RECORD, and that all gentlemen who may desire to do so may have five legislative days after the passage of the bill to print remarks on the bill in the RECORD whether they speak or not.

The SPEAKER. The gentleman from Alabama asks unanimous consent that all gentlemen who have spoken on the bill may have leave to extend their remarks in the RECORD, and that all other gentlemen shall have five legislative days after the bill is passed to print remarks on the bill. Is there objection?

There was no objection.

ADJOURNMENT.

Mr. UNDERWOOD. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 5 o'clock and 54 minutes p. m.) the House adjourned until Monday, March 18, 1912, at 12 o'clock noon.

EXECUTIVE COMMUNICATIONS.

Under clause 2 of Rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

1. A letter from the Secretary of War, transmitting, with a letter from the Chief of Engineers, report of examination and survey of Little River, Del. (H. Doc. No. 626); to the Committee on Rivers and Harbors and ordered to be printed.

2. A letter from the Secretary of the Treasury, submitting deficiency estimate of appropriations required by the Interior Department (H. Doc. No. 627); to the Committee on Appropriations and ordered to be printed.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, bills and resolutions were severally reported from committees, delivered to the Clerk, and referred to the several calendars therein named, as follows:

Mr. ADAMSON, from the Committee on Interstate and Foreign Commerce, to which was referred the bill (H. R. 21969) to provide for the opening, maintenance, protection, and operation of the Panama Canal and the sanitation and government of the Canal Zone, reported the same without amendment, accompanied by a report (No. 423), which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. WILSON of Pennsylvania, from the Committee on Labor, to which was referred the bill (S. 252) to establish in the Department of Commerce and Labor a bureau to be known as the children's bureau, reported the same with amendment, accompanied by a report (No. 424), which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. CLAYTON, from the Committee on the Judiciary, to which was referred the bill (H. R. 21226) providing for compensation of clerks of United States district courts, and for other purposes, reported the same with amendment, accompanied by a report (No. 425), which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. BURNETT, from the Committee on Immigration and Naturalization, to which was referred the bill (H. R. 21489) to amend the immigration law relative to alien seamen and stowaways, reported the same without amendment, accompanied by a report (No. 426), which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. HUMPHREYS of Mississippi, from the Committee on Rivers and Harbors, to which was referred the concurrent resolution (S. Con. Res. 18) requesting a supplemental report from the War Department, reported the same without amendment, accompanied by a report (No. 427), which said bill and report were referred to the House Calendar.

CHANGE OF REFERENCE.

Under clause 2 of Rule XXII, the Committee on Pensions was discharged from the consideration of the bill (H. R. 19820) granting an increase of pension to Sue B. Merrill, and the same was referred to the Committee on Invalid Pensions.

PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS.

Under clause 3 of Rule XXII, bills, resolutions, and memorials were introduced and severally referred as follows:

By Mr. CLAYTON: A bill (H. R. 22006) authorizing the Choctawhatchee River Light & Power Co. to erect a dam across the Choctawhatchee River, in Dale County, Ala.; to the Committee on Interstate and Foreign Commerce.

By Mr. LINDBERGH: A bill (H. R. 22007) requiring the Government to furnish post-office boxes free to regular patrons of post offices in towns, villages, and cities in which there is no free delivery; to the Committee on the Post Office and Post Roads.

By Mr. COX of Ohio: A bill (H. R. 22008) to provide for the erection of a public building at Middletown, Ohio; to the Committee on Public Buildings and Grounds.

By Mr. CARLIN: A bill (H. R. 22009) for the construction of a public building at Warrenton, Va.; to the Committee on Public Buildings and Grounds.

By Mr. JOHNSON of Kentucky (by request): A bill (H. R. 22010) to amend the license law approved July 1, 1902, with respect to licenses of drivers of passenger vehicles for hire; to the Committee on the District of Columbia.

By Mr. PRAY: A bill (H. R. 22011) providing for second homestead entries; to the Committee on the Public Lands.

By Mr. LEE of Pennsylvania: A bill (H. R. 22012) concerning carriers engaged in interstate commerce and owners of coal mines the products of which enter into interstate commerce and their employees; to the Committee on Interstate and Foreign Commerce.

By Mr. HAY: Joint resolution (H. J. Res. 273) authorizing the Secretary of War to receive for instruction at the United States Military Academy Manuel Agüero y Junqué, of Cuba; to the Committee on Military Affairs.

By Mr. GARDNER of Massachusetts: Joint resolution (H. J. Res. 274) providing for the establishment of a hospital ship in connection with the American fisheries; to the Committee on the Merchant Marine and Fisheries.

By Mr. DANIEL A. DRISCOLL: Memorial from the Assembly of the State of New York, dated March 11, 1912, asking that the United States improve and enlarge to barge-canal dimensions that portion of Lake Champlain known as the inlet of said lake which is under Federal jurisdiction and control, in order that the improvement and development of the Champlain Canal being done by the State may be supplemented and made effective by the improvement of this section under national control and jurisdiction; to the Committee on Rivers and Harbors.

By Mr. LINDSAY: Memorial from the Assembly of the State of New York, dated March 11, 1912, asking that the United States improve and enlarge to barge-canal dimensions that portion of Lake Champlain known as the inlet of said lake which is under Federal jurisdiction and control, in order that the improvement and development of the Champlain Canal being done by the State may be supplemented and made effective by the improvement of this section under national control and jurisdiction; to the Committee on Rivers and Harbors.

By Mr. MOTT: Memorial of the Legislature of the State of New York, favoring the improvement of the inlet of Lake Champlain; to the Committee on Rivers and Harbors.

PRIVATE BILLS AND RESOLUTIONS.

Under clause 1 of Rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. ANSBERRY: A bill (H. R. 22013) granting an increase of pension to Augustus Fortney; to the Committee on Invalid Pensions.

By Mr. AUSTIN: A bill (H. R. 22014) for the relief of Salada Moses; to the Committee on Invalid Pensions.

Also, a bill (H. R. 22015) granting an increase of pension to Frazier McDonald; to the Committee on Pensions.

By Mr CAMPBELL: A bill (H. R. 22016) granting an increase of pension to John D. Mohler; to the Committee on Pensions.

By Mr. CARLIN: A bill (H. R. 22017) for the relief of the heirs or estate of John Sullivan, deceased; to the Committee on War Claims.

Also, a bill (H. R. 22018) for the relief of the heirs or estate of John C. Newton, deceased; to the Committee on War Claims.

By Mr. CULLOP: A bill (H. R. 22019) granting an increase of pension to Thomas C. Whisnaud; to the Committee on Invalid Pensions.

By Mr. CURRIER: A bill (H. R. 22020) to correct the military record of Albert Heath; to the Committee on Military Affairs.

By Mr. DICKINSON: A bill (H. R. 22021) granting a pension to Martha J. Collier; to the Committee on Invalid Pensions.

By Mr. DANIEL A. DRISCOLL: A bill (H. R. 22022) granting an increase of pension to Alonzo Sidman; to the Committee on Invalid Pensions.

By Mr. FARR: A bill (H. R. 22023) granting a pension to Mary Daniels; to the Committee on Invalid Pensions.

By Mr. FULLER: A bill (H. R. 22024) granting an increase of pension to Albert H. Cleaveland; to the Committee on Invalid Pensions.

By Mr. HAMILTON of West Virginia: A bill (H. R. 22025) granting an increase of pension to John M. Buckley; to the Committee on Invalid Pensions.

Also, a bill (H. R. 22026) granting an increase of pension to Robert F. Evans; to the Committee on Invalid Pensions.

By Mr. HAYES: A bill (H. R. 22027) for the relief of R. S. Thornton; to the Committee on Claims.

By Mr. HELM: A bill (H. R. 22028) for the relief of G. W. Martin, administrator of the estate of James Madison Martin, deceased; to the Committee on War Claims.

By Mr. HUGHES of West Virginia: A bill (H. R. 22029) granting an increase of pension to Joshua Suiter; to the Committee on Invalid Pensions.

By Mr. JACOWAY: A bill (H. R. 22030) granting a pension to Nannie McPike; to the Committee on Invalid Pensions.

By Mr. JAMES: A bill (H. R. 22031) for the relief of the estate of David W. Settle, deceased; to the Committee on War Claims.

By Mr. KENDALL: A bill (H. R. 22032) granting an increase of pension to Charles W. Matthews; to the Committee on Invalid Pensions.

By Mr. LANGLEY: A bill (H. R. 22033) for the relief of Sophia Nesbitt; to the Committee on War Claims.

By Mr. McHENRY: A bill (H. R. 22034) granting an increase of pension to Joseph R. Patton; to the Committee on Invalid Pensions.

By Mr. MAYS: A bill (H. R. 22035) granting a pension to Nathaniel C. Turner; to the Committee on Pensions.

Also, a bill (H. R. 22036) granting a pension to Samuel M. Baggett; to the Committee on Pensions.

Also, a bill (H. R. 22037) granting a pension to Obie L. Crocker; to the Committee on Pensions.

By Mr. POWERS: A bill (H. R. 22038) granting a pension to John Storms; to the Committee on Pensions.

Also, a bill (H. R. 22039) to remove the charge of desertion from the military record of James Marlow; to the Committee on Military Affairs.

By Mr. RUSSELL: A bill (H. R. 22040) granting an increase of pension to Carroll B. Beasley; to the Committee on Invalid Pensions.

By Mr. STEENERSON: A bill (H. R. 22041) granting an increase of pension to Susan Isabelle Keene; to the Committee on Invalid Pensions.

PETITIONS, ETC.

Under clause 1 of Rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

By the SPEAKER: Petitions of labor organizations in the island of Porto Rico, asking that citizens of that island be granted American citizenship; to the Committee on Insular Affairs.

Also, petitions of labor organizations in the island of Porto Rico, for the creation in Porto Rico of a department of labor and agriculture; to the Committee on Insular Affairs.

Also, petition of citizens of Union, Mo., protesting against passage of the Lever oleomargarine bill (H. R. 18493); to the Committee on Agriculture.

By Mr. ANDERSON of Minnesota: Petition of R. D. Sprague and 15 others, of Caledonia, Minn., against extension of the parcel-post system; to the Committee on the Post Office and Post Roads.

By Mr. ANSBERRY: Resolutions of Pleasant Hill Grange, No. 1724, of Montpelier, Williams County, Ohio, against any change in the oleomargarine tax and in favor of a general parcel-post service; to the Committee on the Post Office and Post Roads.

Also, petition of George E. Hepler, of the Elite Theater, Defiance, Ohio, favoring House bill 20595, to amend section 25 of the copyright act of 1909, relating to penalty for violation of copyright in exhibition of motion pictures; to the Committee on Patents.

By Mr. ASHBROOK: Petition of August Meier and 20 other citizens of Newark, Ohio, protesting against the enactment of legislation prohibiting the interstate commerce of liquors; to the Committee on the Judiciary.

By Mr. AYRES: Petition of citizens of Brooklyn, N. Y., for passage of the Berger old-age pension bill; to the Committee on Pensions.

By Mr. BARTLETT: Petition of Lodge No. 226, Brotherhood of Railway Carmen of America, for construction of one battleship in a Government navy yard; to the Committee on Naval Affairs.

Also, petition of the Turpentine Operators' Association of Georgia, favoring tariff duty on rosin; to the Committee on Ways and Means.

By Mr. BURKE of South Dakota: Petition of citizens of Beresford, S. Dak., for parcel-post legislation; to the Committee on the Post Office and Post Roads.

Also, petition of the Woman's Christian Temperance Union of Northville, S. Dak., for passage of Kenyon-Sheppard interstate liquor bill; to the Committee on the Judiciary.

Also, petition of Boaz Grange, No. 45, of Columbia, Brown County, S. Dak., favoring passage of the parcel-post law; to the Committee on the Post Office and Post Roads.

By Mr. CAMPBELL: Petition of citizens of Coyville, Kans., protesting against parcel-post legislation; to the Committee on the Post Office and Post Roads.

By Mr. CARLIN: Papers to accompany a bill for the relief of the estate of John Sullivan, deceased; to the Committee on War Claims.

By Mr. CRAGO: Petitions of Granges Nos. 1022 and 1444, Patrons of Husbandry, for enactment of House bill 19133; to the Committee on Interstate and Foreign Commerce.

By Mr. CURRIER: Petition of the Union Congregational Church of Peterborough, N. H., for passage of Kenyon-Sheppard interstate liquor bill; to the Committee on the Judiciary.

Also, petition of Bion L. Nutting and other citizens of Concord, N. H., for enactment into law of the Berger bill providing for old-age pensions; to the Committee on Pensions.

By Mr. DAVENPORT: Petition of citizens of Wagoner, Okla., for passage of the Berger old-age pension bill; to the Committee on Pensions.

By Mr. DRAPER: Memorial of the Assembly of the State of New York, for improvement of the Lake Champlain Inlet; to the Committee on Interstate and Foreign Commerce.

Also, petition of Naval Camp, No. 49, Department of New York, United Spanish War Veterans, for passage of House bill 17470; to the Committee on Pensions.

By Mr. DANIEL A. DRISCOLL: Memorial of Naval Camp, No. 49, United Spanish War Veterans, of Brooklyn, N. Y., favoring House bill 17470; to the Committee on Pensions.

Also, memorial of the Chamber of Commerce and Manufacturers' Club, urging amendment of the corporation-tax law; to the Committee on Ways and Means.

Also, petition of the National Business League of America, favoring the Nelson-Foss consular bill; to the Committee on Foreign Affairs.

By Mr. DYER: Petition of Chicago Mill & Lumber Co., protesting against House bill 17593; to the Committe on the Judiciary.

Also, petition of the Parker-Russell Mining & Manufacturing Co., of St. Louis, Mo., against proposed reduction in duties on sugar; to the Committee on Ways and Means.

Also, petition of the Mexico (Mo.) Commercial Club, for reduction in postal rates of first-class mail matter; to the Committee on the Post Office and Post Roads.

Also, memorial of the Merchants' Exchange of St. Louis, Mo., for an appropriation of $100,000 per annum for the Bureau of Grain Standardization; to the Committee on Agriculture.

Also, petition of the Scudders-Gale Grocer Co., of St. Louis, Mo., protesting against passage of House bill 16844; to the Committee on Interstate and Foreign Commerce.

Also, petitions of residents of St. Louis, Mo., for enactment of House bill 20595, amending the copyright act of 1909; to the Committee on Patents.

By Mr. ESCH: Petition of sundry citizens of Thorp, Sparta, Rockton, Disco, and Tomah, Wis., protesting against the pas-

sage of the Lever bill (H. R. 18493) and in favor of the Haugen bill (H. R. 19338), with exception of change of the name of oleomargarine to margarin; to the Committee on Agriculture.

Also, petition of the Federated Trades Council of Milwaukee, Wis., in favor of building battleships in Government navy yards; to the Committee on Naval Affairs.

By Mr. FULLER: Petition of the Germania Club, of Peru, Ill., opposing the passage of pending bills relating to interstate-commerce shipments of intoxicating liquors; to the Committee on the Judiciary.

Also, papers to accompany bill for the relief of Albert H. Cleaveland; to the Committee on Invalid Pensions.

Also, petition of Mrs. Nancy Keutzer, of Dimmick, Ill., favoring the establishment of a parcel post; to the Committee on the Post Office and Post Roads.

Also, petitions of C. A. Stevenson, of Capron, Ill., and of A. J. Shimp and Lew R. R. Goldberg, of Rockford, Ill., favoring the passage of the Townsend bill (H. R. 20595) to amend section 25 of the copyright act of 1909; to the Committee on Patents.

By Mr. GARDNER of Massachusetts: Memorial of the House of Representatives of the State of Massachusetts, protesting against removal or abolishment of the present United States navy yard at Charlestown, Mass.; to the Committee on Naval Affairs.

By Mr. GOEKE: Petition of 107 citizens of the fourth congressional district of Ohio, for passage of House joint resolution 163; to the Committee on the Judiciary.

By Mr. GRAHAM: Petition of citizens of Springfield, Ill., for construction of one battleship in a Government navy yard; to the Committee on Naval Affairs.

By Mr. GRAY: Papers to accompany bill for the relief of Edward Payton, alias Edward Padden; to the Committee on Military Affairs.

By Mr. HANNA: Petitions of Alice May Goheen, of Sherwood, N. Dak., for enactment of Kenyon-Sheppard interstate liquor bill; to the Committee on the Judiciary.

Also, petition of the Seventh-day Adventist Church of Squires, N. Dak., protesting against Senate bill 237; to the Committee on the District of Columbia.

Also, petition of citizens of the State of North Dakota, for passage of House bill 14; to the Committee on the Post Office and Post Roads.

Also, petition of citizens of Clyde, N. Dak., protesting against parcel-post legislation; to the Committee on the Post Office and Post Roads.

Also, petition of citizens of Glenville, N. Dak., against passage of Lever oleomargarine bill; to the Committee on Agriculture.

Also, petition of citizens of Buford, N. Dak., for old-age pension legislation; to the Committee on Pensions.

Also, petition of Zeeds Bottling Works, of Zeeds, N. Dak., for total elimination of the duty on sugar; to the Committee on Ways and Means.

Also, petition of Conlee (N. Dak.) Commercial Club, urging that the State agricultural colleges be aided by appropriations; to the Committee on Agriculture.

Also, petition of citizens of Lee, N. Dak., for repeal of the Canadian reciprocity treaty; to the Committee on Ways and Means.

Also, memorial of Post No. 19, American Veterans of Foreign Service, for certain legislation; to the Committee on Claims.

By Mr. HAYES: Petition of R. S. Thornton filed with bill for the relief of R. S. Thornton; to the Committee on Claims.

By Mr. HELM: Papers to accompany a bill for the relief of G. W. Martin, administrator of the estate of James Madison Martin, deceased; to the Committee on War Claims.

By Mr. HILL: Petition of the Connecticut Dairymen's Association, for retaining the tax on oleomargarine; to the Committee on Agriculture.

Also, petition of the Connecticut Dairymen's Association, for parcel-post legislation; to the Committee on the Post Offices and Post Roads.

Also, petition of business men of Newton, Conn., protesting against parcel-post legislation; to the Committee on the Post Office and Post Roads.

Also, petition of the Woman's Christian Temperance Union of Stamford, Conn., for passage of Kenyon-Sheppard interstate liquor bill; to the Committee on the Judiciary.

Also, petition of the Central Labor Union of Danbury, Conn., favoring the passage of House bill 11032; to the Committee on the Judiciary.

By Mr. HUGHES of West Virginia: Petition of members of Improved Order of Red Men of fifth congressional district of West Virginia, for an American Indian memorial and museum building in the city of Washington, D. C.; to the Committee on Public Buildings and Grounds.

By Mr. JACOWAY: Petition of members of the First Baptist Church of Little Rock, Ark., for enactment of the Kenyon-Sheppard interstate liquor bill; to the Committee on the Judiciary.

Also, petition of J. W. Daniel and other citizens of Russellville, Ark., for parcel-post legislation, etc.; to the Committee on the Post Office and Post Roads.

By Mr. JAMES: Papers to accompany a bill for the relief of the estate of David W. Settle, deceased; to the Committee on War Claims.

By Mr. KENT: Petition of 105 citizens of Winters, Cal., in favor of the Kenyon-Sheppard bill, to withdraw from interstate commerce protection liquors imported into "dry" territory for illegal use; to the Committee on the Judiciary.

Also, petition of residents of Sacramento and Santa Rosa, Cal., in favor of Berger old-age pension bill; to the Committee on Pensions.

By Mr. LANGHAM: Memorial of Burrell Grange, No. 515, Patrons of Husbandry, of Burrell, Armstrong County, Pa., favoring House bill 19133, which provides for a governmental system of postal express, and declaring that the proposed alternative of extension of limit to 11 pounds weight and reducing rate on third-class matter from 16 to 12 cents a pound will be inadequate and a delay of the needed legislation; to the Committee on the Post Office and Post Roads.

Also, petition of the Men's Bible Class of the Methodist Episcopal Church of Indiana, Pa., favoring the passage of the Kenyon-Sheppard interstate liquor bill (H. R. 16214) to withdraw from interstate-commerce protection liquors imported into "dry" territory for illegal purposes; to the Committee on the Judiciary.

Also, petition of the men's adult Bible classes of the Presbyterian Church of Indiana, Pa., favoring the passage of the Kenyon-Sheppard interstate liquor bill (H. R. 16214) to withdraw from interstate-commerce protection liquors imported into "dry" territory for illegal purposes; to the Committee on the Judiciary.

Also, memorial of Clover Grange, No. 1172, Patrons of Husbandry, of Clover, Jefferson County, Pa., favoring House bill 19133, which provides for a governmental system of postal express, and declaring that the proposed alternative of extension of the limit to 11 pounds weight and reducing rate on third-class matter from 16 to 12 cents a pound will be inadequate and a delay of the needed legislation; to the Committee on the Post Office and Post Roads.

By Mr. LINDSAY: Petition of the National Business Men's League of America, favoring the Nelson-Foss consular bill; to the Committee on Foreign Affairs.

Also, petition of Pathe Freres Motion Pictures, of New York, favoring House bill 15263; to the Committee on Patents.

Also, memorial of Naval Camp, No. 49, United Spanish War Veterans, of Brooklyn, N. Y., favoring House bill 17470; to the Committee on Pensions.

By Mr. LOUD: Petition of members of St. John's Society, of Bay City, Mich., in regard to measures relating to Catholic Indian mission interests; to the Committee on Indian Affairs.

By Mr. McHENRY: Petition of Good Hope Grange, No. 1354, Patrons of Husbandry, of Jerseytown, Pa., asking for certain changes in the Federal oleomargarine law as set forth in said petition; to the Committee on Agriculture.

By Mr. McKELLAR: Petition of citizens of Memphis, Tenn., for construction of one battleship in a Government navy yard; to the Committee on Naval Affairs.

By Mr. MOTT: Petition of dairymen of Woodville, N. Y., against the Lever oleomargarine bill; to the Committee on Agriculture.

Also, memorial of Ontario Chapter, Daughters of the American Revolution, in favor of printing Revolutionary records; to the Committee on Appropriations.

Also, memorial of Naval Camp, No. 49, United Spanish War Veterans, in favor of the Crago pension bill; to the Committee on Pensions.

Also, memorial of Madison County Pomona Grange, Patrons of Husbandry, against the Lever oleomargarine bill; to the Committee on Agriculture.

Also, memorial of Business Men's League of America, in favor of Nelson-Foss consular bill; to the Committee on Foreign Affairs.

By Mr. PRAY: Petition of citizens of Meagher County, Mont., favoring establishment of parcel-post system; to the Committee on the Post Office and Post Roads.

Also, petition of Joseph Strouf and other residents of Fergus County, Mont., for enactment of Senate bill 3367; to the Committee on the Public Lands.

By Mr. RAINEY: Petition of the Woman's Christian Temperance Union of Detroit, Ill., for passage of Kenyon-Sheppard interstate liquor bill; to the Committee on the Judiciary.

By Mr. REILLY: Petition of Hartford (Conn.) Yacht Club, against House bill 15786; to the Committee on the Merchant Marine and Fisheries.

Also, petition of Center Congregational Church, of Meriden, Conn., in favor of passage of the Kenyon-Sheppard interstate commerce liquor bill; to the Committee on the Judiciary.

Also, petition of residents of New Haven, Conn., for enactment of House bills 16802 and 18244; to the Committee on Indian Affairs.

By Mr. SHERWOOD: Petition of citizens of Wood County, Ohio, favoring parcel-post legislation; to the Committee on the Post Office and Post Roads.

Also, petition of citizens of Swanton and Delta, Ohio, against the Johnson Sunday bill (S. 237); to the Committee on the District of Columbia.

Also, petition of dairymen of Richfield, Lucas County, Ohio, against the Lever oleomargarine bill; to the Committee on Agriculture.

Also, petition of numerous citizens of Ohio, favoring the retention of duty on sugar; to the Committee on Ways and Means.

By Mr. SPARKMAN: Petitions of citizens of the State of Florida, protesting against parcel-post legislation; to the Committee on the Post Office and Post Roads.

Also, petitions of citizens of the State of Florida, for regulation of express rates and classifications; to the Committee on Interstate and Foreign Commerce.

Also, memorial of the executive committee of the Turpentine Operators' Association, requesting the enaction of legislation providing a duty on rosins in all its forms equal to the duty imposed on exported rosins by foreign countries; to the Committee on Ways and Means.

Also, memorial of the executive committee of the Turpentine Operators' Association, requesting the enaction of legislation providing for the gathering and publishing of statistics relating to the production and consumption of naval stores in America; to the Committee on Printing.

Also, petition of the Mount Dora (Fla.) Citrus Growers' Association, requesting the enactment into law of the Lever agricultural bill; to the Committee on Agriculture.

Also, petition of business men of the towns of Plant City, Zephyrhills, Williston, McIntosh, Ocala, Hernando, and Morriston, in the State of Florida, against the enaction of legislation providing for the establishment of a parcel-post system; to the Committee on the Post Office and Post Roads.

Also, petitions of business men of the towns of Plant City, Zephyrhills, Williston, McIntosh, Ocala, Hernando, and Morriston, in the State of Florida, requesting the enaction of laws empowering the Interstate Commerce Commission to regulate express rates and express classifications; to the Committee on Interstate and Foreign Commerce.

By Mr. THOMAS: Petition of sundry citizens of Barren County, Ky., against the passage of a parcel-post law; to the Committee on the Post Office and Post Roads.

Also, petitions of sundry citizens of Kentucky, asking for a reduction of the duty on sugar; to the Committee on Ways and Means.

By Mr. TILSON: Petition of the Connecticut Dairymen's Association, for parcel-post legislation; to the Committee on the Post Office and Post Roads.

Also, petition of the Connecticut Dairymen's Association, for retaining the present tax of 10 cents per pound on oleomargarine; to the Committee on Agriculture.

By Mr. TOWNER: Petition of Salinger & Goldstein and 50 other citizens of Centerville, Iowa, against the parcel-post law; to the Committee on the Post Office and Post Roads.

By Mr. UNDERHILL: Memorial of the Chamber of Commerce of the State of New York, relative to toll rates through the Panama Canal; to the Committee on Interstate and Foreign Commerce.

Also, petition of citizens of Corning, N. Y., for construction of one battleship in a Government navy yard; to the Committee on Naval Affairs.

Also, petition of citizens of Elmira, N. Y., protesting against parcel-post legislation; to the Committee on the Post Office and Post Roads.

By Mr. WILDER: Petition of residents of Westford, Mass., for old-age pensions; to the Committee on Pensions.

Also, petition of Ranhan Aarre Temperance Society, of Gardner, Mass., for passage of Kenyon-Sheppard interstate liquor bill; to the Committee on the Judiciary.

By Mr. WILLIS: Papers to accompany bill for the relief of Thomas N. Maple (H. R. 22001); to the Committee on Invalid Pensions.

SENATE.

MONDAY, *March 18, 1912.*

The Senate met at 2 o'clock p. m.

Prayer by the Chaplain, Rev. Ulysses G. B. Pierce, D. D.

The Secretary proceeded to read the Journal of the proceedings of Saturday last when, on request of Mr. GALLINGER and by unanimous consent, the further reading was dispensed with and the Journal was approved.

MEMORIAL SERVICE FOR THE DEAD OF THE "MAINE" (H. DOC. NO. 630).

The VICE PRESIDENT. The Chair lays before the Senate a letter from the President of the United States, which will be read.

The Secretary read as follows:

THE WHITE HOUSE,
Washington, March 16, 1912.

Hon. JAMES S. SHERMAN,
The Vice President.

MY DEAR MR. VICE PRESIDENT: A memorial service for the dead of the (old) U. S. S. *Maine* will be held at the south front of the State, War, and Navy Department Building, Washington, at 2.30 o'clock p. m., Saturday, March 23, 1912, and immediately thereafter the remains of the men lately recovered from the wreck of that vessel at Habana will be interred with full military honors at Arlington National Cemetery.

I deem it desirable and fitting that the proposed ceremonies should be regarded as a national tribute to the ill-fated *Maine* and to the officers and enlisted men of her crew who lost their lives in the service of our country, and I have the honor to suggest that the Congress take such action as it may deem appropriate, with a view to attending the memorial service and to making formal recognition of the occasion.

Sincerely, yours, WM. H. TAFT.

The VICE PRESIDENT. The letter will be referred to the Committee on Naval Affairs.

HIGH PRESSURE FIRE SERVICE SYSTEM (S. DOC. NO. 437).

The VICE PRESIDENT laid before the Senate a communication from the Commissioners of the District of Columbia, transmitting, pursuant to law, a report of the investigation relative to the installment of a high-pressure fire-service system in the business section of the city of Washington, which, with the accompanying papers, was referred to the Committee on the District of Columbia and ordered to be printed.

WILLIS D. CADDELL V. UNITED STATES (S. DOC. NO. 438).

The VICE PRESIDENT laid before the Senate a communication from the assistant clerk of the Court of Claims, transmitting a certified copy of the findings of fact and conclusion of law filed by the court in the cause of Willis D. Caddell *v.* United States, which, with the accompanying paper, was referred to the Committee on Claims and ordered to be printed.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by D. K. Hempstead, its enrolling clerk, announced that the House had agreed to the concurrent resolution (No. 18) of the Senate requesting the Secretary of War to make a supplemental or additional report or estimate concerning the work of levee construction in the improvement of the navigability of the Mississippi River on the east bank thereof from Vicksburg to Bayou Sara.

ENROLLED BILL SIGNED.

The message also announced that the Speaker of the House had signed the enrolled bill (H. R. 17119) granting the courthouse reserve at Pond Creek, Okla., to the city of Pond Creek for school and municipal purposes, and it was thereupon signed by the Vice President.

PETITIONS AND MEMORIALS.

The VICE PRESIDENT presented petitions of the Woman's Christian Temperance Unions of Linden, N. Y.; North Loup, Nebr.; Hillsboro, N. Dak.; and Thompson, Pa.; of the congregation of the Methodist Church of Pratt City, Ala., and of sundry citizens of the United States, praying for the adoption of an amendment to the Constitution to prohibit the manufacture, sale, and importation of intoxicating liquors, which were referred to the Committee on the Judiciary.

He also presented memorials of sundry citizens of Seattle, Wash.; Brocket, N. Dak.; Asherton, Tex., and Tifton, Ga., remonstrating against the extension of the parcel-post system beyond its present limitations, which were referred to the Committee on Post Offices and Post Roads.

Mr. GALLINGER presented petitions of the Christian Endeavor Union, and of the conference of trustees of the Anti-Saloon League of Concord, N. H., praying for the enactment of an interstate liquor law to prevent the nullification of State liquor laws by outside dealers, which were referred to the Committee on the Judiciary.

He also presented a petition of the Woodburn Citizens' Association, of the District of Columbia, praying for the enactment of legislation providing for the extension of New Hampshire Avenue in a straight line, which was ordered to lie on the table.

He also presented petitions of sundry citizens of Keene, Wolfboro, Rindge, Milford, and Francestown, all in the State of New Hampshire, praying for the establishment of a parcel-post system, which were referred to the Committee on Post Offices and Post Roads.

Mr. WETMORE presented a petition of the official board of the Local Council of Women of Rhode Island, praying that an appropriation of $250,000 be made to enable the Department of Justice to carry into effect the provisions of the so-called white-slave act, which was referred to the Committee on Appropriations.

He also presented a petition of Local Grange, Patrons of Husbandry, of Warwick, R. I., praying for the establishment of a parcel-post system, which was referred to the Committee on Post Offices and Post Roads.

Mr. CUMMINS presented a memorial of sundry citizens of Des Moines, Iowa, remonstrating against the removal of the duty on glue, which was referred to the Committee on Finance.

Mr. BRISTOW presented memorials of sundry citizens of Mount Hope, Dover, Council Grove, Clyde, Herrington, Vassar, Junction City, Salina, Topeka, Waverly, Agricola, and Halls Summit, all in the State of Kansas, remonstrating against the enactment of legislation to provide for the coloring of oleomargarine in imitation of butter, which were referred to the Committee on Agriculture and Forestry.

He also presented a memorial of James B. McPherson Post, No. 37, Grand Army of the Republic, Department of Kansas, remonstrating against the incorporation of the Grand Army of the Republic, which was referred to the Committee on the District of Columbia.

He also presented a memorial of sundry citizens of Hollenberg and Axtell, in the State of Kansas, remonstrating against the establishment of a parcel-post system, which was referred to the Committee on Post Offices and Post Roads.

He also presented a petition of the congregation of the First Presbyterian Church of Halstead, Kans., praying for the enactment of an interstate liquor law to prevent the nullification of State liquor laws by outside dealers, which was referred to the Committee on the Judiciary.

Mr. KENYON presented petitions of sundry citizens of Okoboje, Colfax, Cedar Falls, Spaulding, Arnolds Park, Mount Vernon, Waterloo, and Orient, all in the State of Iowa, and of Santa Fe, N. Mex., praying for the enactment of an interstate liquor law to prevent the nullification of State liquor laws by outside dealers, which were referred to the Committee on the Judiciary.

Mr. NELSON presented a petition of sundry citizens of Henderson Township, Sibley County, Minn., praying for the enactment of an interstate liquor law to prevent the nullification of State liquor laws by outside dealers, which was referred to the Committee on the Judiciary.

He also presented memorials of sundry citizens of Wylie and Winona, in the State of Minnesota, remonstrating against the extension of the parcel-post system beyond its present limitations, which were referred to the Committee on Post Offices and Post Roads.

He also presented petitions of sundry citizens of Elk Creek and Steele County, in the State of Kansas, praying for the establishment of a parcel-post system, which were referred to the Committee on Post Offices and Post Roads.

He also presented a petition of the Cooperative Dairies' Association of Minnesota, praying for the enactment of legislation to provide for the protection of dairy products, which was referred to the Committee on Agriculture and Forestry.

Mr. TOWNSEND presented memorials of sundry citizens of Litchfield, Bay City, Jackson, Kalamazoo, and Coldwater, all in the State of Michigan, remonstrating against the establishment of a parcel-post system, which were referred to the Committee on Post Offices and Post Roads.

He also presented the memorial of Frederick Stearns & Co., of Detroit, Mich., remonstrating against the adoption of certain amendments to sections 6, 7, and 8 of the food and drug act, which was referred to the Committee on Manufactures.

He also presented a petition of sundry citizens of Pontiac, Mich., praying for the establishment of a national department of public health, which was referred to the Committee on Public Health and National Quarantine.

He also presented a petition of Byington Camp, No. 55, Sons of Veterans, of Battle Creek, Mich., praying for the passage of the so-called dollar-a-day pension bill, which was ordered to lie on the table.

He also presented petitions of sundry citizens of Owosso, Farmington, Gobleville, Brooklyn, Berlin, Alpena, Cassopolis, Hudson, Albion, Middleville, Jackson, Flint, Litchfield, Marshall, Glennie, Adrian, Benzonia, Vulcan, Traverse City, Addison, Pittsford, Elk Rapids, and Vanderbilt, all in the State of Michigan, praying for the establishment of a parcel-post system, which were referred to the Committee on Post Offices and Post Roads.

Mr. SHIVELY presented a petition of the Commercial and Improvement Association of Edinburg, Ind., praying for the establishment of free mail delivery in towns, cities, and villages with a population of over 1,000, which was referred to the Committee on Post Offices and Post Roads.

He also presented memorials of sundry citizens of Vincennes and Hamlet, in the State of Indiana, remonstrating against the extension of the parcel-post system beyond its present limitations, which were referred to the Committee on Post Offices and Post Roads.

He also presented petitions of Local Grange No. 2142, Patrons of Husbandry, of Seymour; of Honey Creek Grange, No. 1, Patrons of Husbandry, of Terre Haute; of Local Grange No. 2109, Patrons of Husbandry, of Hamilton; and of sundry citizens of Switz City, La Grange, Ontario, Howe, Wolcottville, and Shelby County, all in the State of Indiana, praying for the establishment of a parcel-post system, which were referred to the Committee on Post Offices and Post Roads.

He also presented memorials of Local Grange No. 2142, Patrons of Husbandry, of Seymour, and of sundry citizens of Osceola and Napanee, all in the State of Indiana, remonstrating against the enactment of legislation authorizing the coloring of oleomargarine in imitation of butter, which were referred to the Committee on Agriculture and Forestry.

He also presented resolutions adopted by the Marion County Fish and Game Protective Association, in convention at Indianapolis, Ind., favoring the enactment of legislation providing for the protection of migratory game, which were referred to the Committee on Forest Reservations and the Protection of Game.

He also presented a petition of Champion Hill Post, No. 171, Department of Indiana, Grand Army of the Republic, of Brookston, Ind., praying for the passage of the so-called dollar-a-day pension bill, which was ordered to lie on the table.

He also presented a petition of sundry citizens of Peru, Ind., praying for the passage of the so-called eight-hour bill, which was referred to the Committee on Education and Labor.

He also presented a petition of Frank Britton Camp, No. 16, Department of Indiana, United Spanish War Veterans, of Crawfordsville, Ind., praying for the enactment of legislation to pension widow and minor children of any officer or enlisted man who served in the War with Spain or the Philippine insurrection, which was referred to the Committee on Pensions.

Mr. SMITH of South Carolina, presented memorials of sundry citizens of Norway, Charleston, Chester, Varsville, and Seneca, all in the State of South Carolina, remonstrating against the establishment of a parcel-post system, which were referred to the Committee on Post Offices and Post Roads.

He also presented a petition of the congregation of the Green Street Methodist Church, of Columbia, S. C., praying for the enactment of an interstate liquor law to prevent the nullification of State liquor laws by outside dealers, which was referred to the Committee on the Judiciary.

He also presented the petition of William C. Hilson, of Charleston, S. C., praying for the passage of the so-called old-age pension bill, which was ordered to lie on the table.

Mr. ROOT presented a petition of the Woman's Christian Temperance Union of Poestenkill, N. Y., and a petition of sundry citizens of Chili, N. Y., praying for the enactment of an interstate liquor law to prevent the nullification of State liquor laws by outside dealers, which were referred to the Committee on the Judiciary.

He also presented a petition of sundry citizens of Manlius, N. Y., praying for the enactment of legislation to prohibit the manufacture, sale, and importation of intoxicating liquors, which was referred to the Committee on the Judiciary.

He also presented a memorial of Gibbs Post, Grand Army of the Republic Relief Corps, of Warsaw, N. Y., remonstrating against the repeal of the anticanteen law, which was referred to the Committee on Military Affairs.

Mr. RAYNER presented petitions of sundry citizens of Relay, La Plata, Faulkner, and Bel Alton, all in the State of Maryland, praying for the establishment of a parcel-post system, which were referred to the Committee on Post Offices and Post Roads.

He also presented a petition of the St. Paul's Woman's Christian Temperance Union, of Baltimore, Md., praying for the enactment of an interstate liquor law to prevent the nullification of State liquor laws by outside dealers, which was referred to the Committee on the Judiciary.

He also presented a petition of sundry citizens of Baltimore, Md., praying for the enactment of legislation authorizing the construction of one of the proposed new battleships in the Brooklyn Navy Yard, which was referred to the Committee on Naval Affairs.

Mr. SMOOT presented a petition of the Woman's Christian Temperance Union of Ogden, Utah, praying for the enactment of an interstate liquor law to prevent the nullification of State

liquor laws by outside dealers, which was referred to the Committee on the Judiciary.

Mr. OVERMAN presented a petition of sundry citizens of Price, N. C., praying for the establishment of a parcel-post system, which was referred to the Committee on Post Offices and Post Roads.

Mr. CULBERSON presented a memorial of sundry citizens of Dallas, Tex., remonstrating against the extension of the parcel-post system beyond its present limitations, which was referred to the Committee on Post Offices and Post Roads.

Mr. SIMMONS presented petitions of members of the Patriotic Order Sons of America, of Minneapolis, Unionville, Winston Salem, Old Fort, Saginaw, Hughes, Albemarle, and Raleigh, all in the State of North Carolina; of Philadelphia, Reading, Delano, Oil City, Brisbin, Ringtown, and Allemans, all in the State of Pennsylvania; of Chicago, Ill.; of Wilmington, Del.; of New Britain and Meriden, Conn.; of Alexandria, Va.; of Brooklyn, New York City, and Binghamton, in the State of New York; of members of the Junior Order United American Mechanics of Cumberland, Hagerstown, Baltimore, and Havre de Grace, in the State of Maryland; of Kingston, Slocum, Wilkes-Barre, York, Pittsburgh, Nanticoke, Newtown, Toughkenamon, Wyoming, Scranton, West Abington, Penns Park, Glen Riddle, Ferndale, Jermyn, Dunmore, Philadelphia, Plymouth, Almont, Riegelsville, Wanamie, Fleetville, Luzerne, New London, Spring City, and Dalton, in the State of Pennsylvania; of Wheeling, W. Va.; Savannah, Ga.; Manassas, Va.; Charleston, S. C.; Cincinnati, Ohio; Meridian, Miss.; Leavenworth, Kans.; Macon and Augusta, Ga.; Colorado Springs, Colo.; Oakley, Kans.; Red Oak, Okla.; New York City, N. Y.; Norfolk, Va.; Yazoo City, Miss.; Portland, Ind.; Newport, Tenn.; Huntington, W. Va.; Media, Pa.; Denver, Colo.; St. Louis, Mo.; Lexington and Louisville, Ky.; Pueblo, Colo.; East Burke, Vt.; Frankfort, Ky.; Alton, Ill.; Wyandotte, Mich.; Milwaukee and Stevens Point, Wis.; Kansas City, Mo.; Weeks, Ark.; New Orleans, La.; Jacksonville, Fla.; Jackson, Miss.; Springfield, Ohio; Nashville, Tenn.; Gafney, S. C.; Rochester, N. Y.; Wakefield and Providence, R. I.; Brooklyn, N. Y.; Savannah, Ga.; Amityville, N. Y.; Newport, Vt.; Plymouth and Hampstead, N. H.; Rome and Syracuse, N. Y.; Terre Haute, Ind.; Bridgeport, Conn.; Selbyville, Del; Richmond, Va.; Grantsburg, Ill.; Charlestown, W. Va.; Chattanooga, Tenn.; Butte, Mont.; San Francisco, Cal.; Minneapolis, Minn.; Los Angeles and San Jose, Cal.; Stamford, Conn.; Haverhill, Mass.; Plaiston, N. H.; New Britain and Bridgeport, Conn.; Montpelier, Vt.; Lynn, Mass.; Bethel, Conn.; West Newberry, Mass.; Wilmington, Del.; Concord, N. H.; Valley Falls, R. I.; Springfield, Vt.; Portland, Me.; St. Johnsbury, Vt.; Danbury, Conn.; Springvale, Me.; Atkinson, N. H.; Georgetown, Del.; Tampa, Fla.; Lynchburg, Va.; Little Rock, Ark.; Phillips, Me.; Dallas, Tex.; Nashville, Hillsboro, Powells Point, Pittsboro, Raleigh, Wadesboro, Charlotte, Wendell, Vandemore, Andrews, Weeksville, Lexington, Summerfield, Mooresville, Spring Hope, Carthage, Sanford, Belmont, Smithfield, Kernersville, Roper, Salisbury, Winterville, Germanton, Madison, Graham, Hemp, Clyde, Stokesdale, Elon College, Winston Salem, Rhodiss, Walnut Cove, Ripling, Henrietta, Duke, Gold Hill, Columbia, Stony Point, Asheboro, Mount Ulla, Goldsboro, Trinity, Greensboro, Vale, Spring Hope, Locust, Goldston, Rockwell, Durham, Cedar Falls, Liberty, Ruffin, Biscoe, Boonville, Youngsville, Selma, Gastonia, Spray, Tarboro, Auburn, Elizabeth City, Lowell, Cornelius, Hickory, Concord, Roberdel, Climax, Burlington, Wilsons Mills, Bailey, Albemarle, Sea Grove, Jamestown, Spencer, McAdenville, Oxford, Middlesex, Youngsville, Drexel, Altapass, Long Island, Waynesville, Shelby, Rocky Mount, Winfall, Bakersville, Coleridge, Highlands, Asheville, Excelsior, Elkins, Denton, Chapel Hill, and Carthage, in the State of North Carolina, praying for the adoption of the so-called Simmons illiteracy test amendment to the immigration bill, which were ordered to lie on the table.

BILLS INTRODUCED.

Bills were introduced, read the first time, and, by unanimous consent, the second time, and referred as follows:

By Mr. CUMMINS:

A bill (S. 5894) to establish a primary election for the nomination by political parties of candidates for President, Vice President, and electors for President and Vice President, and for other purposes; to the Committee on Privileges and Elections.

By Mr. POMERENE:

A bill (S. 5895) for the relief of Chester D. Swift; to the Committee on Claims.

By Mr. CURTIS:

A bill (S. 5896) for the relief of Edward Duffin; to the Committee on Claims.

By Mr. PAGE:

A bill (S. 5897) granting an increase of pension to James A. Morgan (with accompanying paper); to the Committee on Pensions.

By Mr. BOURNE:

A bill (S. 5898) granting an increase of pension to Jesse H. Conrad (with accompanying papers); and

A bill (S. 5899) granting an increase of pension to Noah A. Decker (with accompanying papers); to the Committee on Pensions.

By Mr. NELSON (for Mr. CLAPP):

A bill (S. 5900) granting an increase of pension to Frederick W. Zwickey (with accompanying papers); to the Committee on Pensions.

THE INCOME TAX.

Mr. BORAH submitted the following resolution (S. Res. 251), which was read, considered by unanimous consent, and agreed to:

Resolved, That the Secretary of State be, and is hereby, directed to report to the Senate the number of States which have taken action relative to the ratification of the proposed amendment to the Constitution of the United States giving Congress power to levy an income tax, showing how many States have ratified said amendment, how many have rejected it, and what States have failed as yet to act upon said proposed amendment in any manner.

HEARINGS BEFORE THE COMMITTEE ON FISHERIES.

Mr. JONES submitted the following resolution (S. Res. 252), which was read and referred to the Committee to Audit and Control the Contingent Expenses of the Senate:

Resolved, That the Committee on Fisheries or any subcommittee thereof is hereby authorized, during the Sixty-second Congress, to send for persons and papers, to administer oaths, to employ stenographers from time to time, to report such hearings as may be had during the present session of Congress in connection with any subject that may be pending before said committee, and to have the testimony and proceedings of such hearings printed for the use of the committee. The expense of such hearings shall be paid out of the contingent fund of the Senate, and said committee and subcommittees thereof may sit during the session of the Senate.

DISTRICT OF COLUMBIA APPROPRIATION BILL—HOUR OF MEETING TO-MORROW.

Mr. GALLINGER. Mr. President, I desire to give notice that at the conclusion of the routine morning business to-morrow I will ask the Senate to proceed to the consideration of House bill 17681, the District of Columbia appropriation bill.

As there seems to be a good deal of business accumulating before the Senate now, I move that when the Senate adjourns to-day it be to meet at 12 o'clock to-morrow.

The motion was agreed to.

REGULATION OF IMMIGRATION.

Mr. DILLINGHAM. I ask that the bill (S. 3175) to regulate the immigration of aliens to and the residence of aliens in the United States be laid before the Senate at this time, to enable the Senator from North Carolina [Mr. SIMMONS] to speak upon it.

There being no objection, the Senate, as in Committee of the Whole, resumed the consideration of the bill (S. 3175) to regulate the immigration of aliens to and the residence of aliens in the United States.

Mr. SIMMONS. Mr. President, I send to the desk, and request that it be read, the following amendment offered by myself to the bill.

The VICE PRESIDENT. The Senator from North Carolina offers the amendment, or submits it for future offering?

Mr. SIMMONS. For future offering. I ask that it be read.

The VICE PRESIDENT. The Secretary will read the proposed amendment.

The SECRETARY. On page 7, line 5, after the word "prescribe," insert the following:

All persons over 16 years of age and physically capable of reading who can not read the English language or some other language; but an admissible immigrant or person now in or hereafter admitted to this country may bring in or send for his wife, his children under 18 years of age, and his parents or grandparents over 50 years of age, if they are otherwise admissible, whether they are so able to read or not.

That for the purpose of testing the ability of the immigrant to read, the inspection officer shall be furnished with copies of the Constitution of the United States, printed on uniform pasteboard slips, each containing no less than 20 nor more than 25 words of said Constitution printed in the various languages of the immigrant in double small pica type. Each immigrant may designate the language in which he prefers the test shall be made, and shall be required to read the words printed on a slip in such language. No two immigrants listed on the same manifest shall be tested with the same slip. An immigrant failing to read as above provided shall not be admitted, but shall be returned to the country from which he came at the expense of the steamship or railroad company which brought him: *Provided*, That all persons, whether able to read the English language or some other language or not able to do so, who shall enter the United States except at the seaports thereof, or at such other place or places as the Secretary of Commerce and Labor may from time to time designate, shall be adjudged to have entered the country unlawfully, and shall be deported as by law provided.

Mr. SIMMONS. Ex-President Roosevelt, Mr. President, in his various discussions of our national problems, has said that with the possible exception of the conservation of our natural resources immigration is our most important problem. While not altogether agreeing with this declaration of the ex-President, considered from the standpoint of social, political, and economic effect upon our people and our country, I do think immigration is at least one of the most important questions now confronting the American people.

Until recently, from a lack of full statistical information on the subject of immigration, most of our discussions of that subject have been largely based upon conjectures derived from the personal observation of individuals and inadequate official data and information. That difficulty does not longer exist. The abundant data and statistical information collected by the Immigration Commission during its four years' investigation, conducted not only in this country but in Europe, have supplied us with full and conclusive official information from which we may reach a reasonably accurate judgment with regard to the evils and the remedies.

In my discussion to-day I shall not undertake to cover every important aspect of the immigration question. I shall confine myself almost entirely to a discussion of the amendment, which I have just caused to be read from the Clerk's desk, providing the educational test as a means of excluding undesirable immigrants.

The educational or illiteracy test for the purpose of excluding objectionable foreigners is not a new proposition either in our public discussions or in our legislation. It has for many years been the subject of comment in the press of the country. It has received the indorsement of national party platforms. It has more than once been recommended in the messages of our Presidents. It has repeatedly been recommended by immigration officials, who are thoroughly acquainted with the needs of our immigration conditions, and it has passed one or the other branch of Congress seven or eight times.

In the Fifty-fourth Congress a proposition to apply an educational test passed both Houses. In the House the vote in favor of the bill was 195 to 20. In the Senate it was passed by the decisive vote of 52 to 10. That bill did not become a law by reason of the fact that President Cleveland vetoed it. Right here, Mr. President, I want to say that I have been informed—I do not know whether reliably so or not—that Mr. Cleveland subsequently expressed regret on account of that veto.

Again, in the Fifty-fifth Congress, a bill embodying the educational test passed the Senate by a vote of 45 to 28, and, again, in the Fifty-seventh Congress, a bill applying this test, in the form of an amendment to House bill 12191, was adopted by a vote of 87 to 7.

So it will be seen that every time this proposition has been before either branch of Congress it has been adopted, and always by a most decisive majority, sometimes five or ten to one.

Mr. President, as far back as 1896, when the evils of immigration were not so great as now, when these evils did not call as loudly for a remedy as now, the Republican national convention of that year, not in general terms, not inferentially, but in direct and specific terms, indorsed the educational test as the best and most effective method of keeping out undesirable foreigners. I want to read to the Senate this plank in the Republican platform of that year. It is as follows:

> For the protection of the quality of our American citizenship and of the wages of our workingmen against the fatal competition of low-priced labor we demand that the immigration laws be thoroughly enforced and so extended as to exclude from entrance to the United States those who can neither read nor write.

The Democratic platform of that year indorsed the principle, although it was not so specific as the Republican platform. It went to the root of the evil in so far as it affects economic conditions in this country, and that is the most acute phase of the evils of the present enormous immigration. It declared:

> We hold that the most efficient way of protecting American labor is to prevent the importation of foreign pauper labor to compete with it in the home market.

Shortly after the declaration I have read from the Republican platform, Mr. McKinley, who was elected President that year, in his inaugural address, in forceful terms declared himself in favor of the application of an intelligence test by which those who were not capable of understanding and appreciating the responsibilities and duties of American citizenship might be excluded from our shores.

In his first message to Congress in 1901 Mr. Roosevelt, in more direct terms than Mr. McKinley, dealing not with the subject generally, but dealing with the specific proposition of an illiteracy test, gave expression to his views in no uncertain terms. After discussing the subject at some length, he said:

> The second object of a proper immigration law ought to be to secure by a careful, and not merely perfunctory, educational test some intelligent capacity to appreciate American institutions and act sanely as American citizens.

In his message to Congress in December, 1902, Mr. Roosevelt reiterated his recommendation of the previous year and declared himself in favor of a certain specific amendment that he said had already passed the House of Representatives. That amendment was one introduced by Mr. UNDERWOOD, of Alabama, the present Democratic leader of the House, and which in substance and effect was identical with the amendment which I have offered and to which I am now addressing myself.

Mr. President, I need not take the time of the Senate in reading the many recommendations of the Commissioner General of Immigration upon this subject or those of Commissioner William Williams, stationed at Ellis Island, New York City, our chief immigration port, who is thrown more directly in contact with the newly arrived immigrant than anyone else in the country, for the Senate knows and the country knows how persistently the immigration officials, whose duty it is to administer our immigration laws, have advocated and recommended to Congress legislation of this character.

When the present immigration law was pending before the Senate in 1906, I offered an amendment providing for an educational test, which, with certain modifications suggested by the Senator from Massachusetts [Mr. LODGE] and accepted by myself, was adopted by the Senate. That is the last time the Senate acted upon this subject, an investigation intervening. The amendment which I then offered, with the modifications to which I have referred, and which then passed the Senate after a brief discussion—I think no one speaking in opposition, and no vote being cast against it—I have offered again to the bill now pending before the Senate. There was never a direct vote upon that amendment in the House. I have every reason to believe that if there had been a direct vote upon it it would have passed the House with a decisive majority. Similar amendments had frequently passed the House before, but there were in that body then those who were opposed to that amendment, just as there are now, and we understand perfectly well when the opponents of legislation find themselves in a minority and unable to defeat legislation they generally resort to the device of an investigation.

So in the other House when this amendment came up it was antagonized by a proposition to substitute for it a provision for a thoroughgoing investigation, in order that we might have full information, although at that time and for more than 10 years there had been these expressions of expert opinion and of strong public sentiment for the measure, which I have recounted. That opposition resulted in the adoption of a substitute section for the illiteracy-test amendment creating the immigration commission. That commission was created specifically, therefore, and definitely for the purpose of investigating this very proposition, with a view to advising Congress as to whether it would be wise to pass such a provision as was then and is now proposed. That commission was composed of nine members—three Members of the Senate, three Members of the House, and of three civilians appointed by the President. That commission made the most exhaustive and thoroughgoing investigation of the whole immigration question that has ever been made in the history of our Government of any single legislative or administrative subject. Its investigations were begun in Europe. The members went to the very homes of those whom it is sought to exclude from our shores as undesirable. They studied them from their childhood up to the time when they arrived at manhood, investigated the means resorted to for inducing them to emigrate, ascertained the motives which lead them to come here, and looked into their qualifications for citizenship both in their native land and in this country. Then they followed them across the Atlantic Ocean, placing agents and experts in the steerage of the great steamships, in order that they might study the immigrants at close range, and when they arrived in this country they and their experts followed them into the slums of the great cities, where many of them go and remain to become hotbeds, sometimes, of anarchy and disorder. They followed them into the factories, into the coal mines, and into the railroad camps, where more than half of them go, and studied their lives, the way they live, and every fact and circumstance connected with them as laborers and as citizens.

There was expended upon this investigation the enormous sum of about $1,000,000. A large corps of experts and agents were employed to travel over the country gathering facts, and a large force of clerks were employed here at headquarters to compile the data. Probably the entire force provided and employed in connection with this investigation was as large as that of many of the bureaus in the great departments of our Government.

This investigation extended through a period of over four years. At the head of that investigation was the Commissioner of Labor and two of the leading professors of political economy in this country—one, Prof. Jenks, of Cornell University, and

the other, Prof. Lauck, of Washington and Lee University, now the chief expert examiner of the Tariff Board. The results of that long and thorough investigation have been published in 42 big volumes, and Profs. Lauck and Jenks, who had so much to do with it, have written an elaborate volume, which I have here, entitled The Immigration Problem, which is nothing more than a study of the immigration problem based upon the information and the data obtained by the commission, together with their conclusions.

Mr. President, as the result of that investigation inaugurated by the Government for the specific purpose of passing upon the need for and feasibility of the educational test, we have the voluminous report of and definite findings and conclusions of that commission, composed of nine distinguished men and scholars. That report, after setting forth the facts and showing the conditions of labor generally, reaches the conclusion that there is in this country at this time a large "oversupply of unskilled labor"; it points out that the immigrants who are now coming here are largely unskilled laborers, causing a plethora in the labor markets, and concludes that "substantial restriction" is demanded by the conditions and that this present enormous immigration should be limited in the interest of the public welfare. After discussing the different methods that had been suggested for accomplishing this purpose, the commission declares:

All these methods would be effective in one way or another in securing restrictions in a greater or less degree.

But that—

A majority of the commission favor the reading and writing test as the most feasible single method of restricting undesirable immigration.

And that—

The commission as a whole recommends restriction as demanded by economic, moral, and social considerations.

Mr. President, the report says "a majority of the commission" recommends the illiteracy test as the "most feasible." That majority was eight of the nine. There was only one member of that commission who dissented from that specific finding, and he was Mr. Bennet, a Member of Congress at that time from the State of New York. I do not know, but I understand that the district he then represented was a Republican stronghold; certainly he was a Republican and a Member of the House as such. I do not know, but I have read in the House committee hearings that his attitude upon this very question was one of the leading issues in his last campaign. However that may be, the fact remains that when the election came off—I refer to the last congressional campaign—though representing a strong Republican district, Mr. Bennet was defeated by a majority of about 2,400 and a Democrat was elected in his stead, although his party associates carried the district.

That this recommendation of the commission meets with the overwhelming indorsement of public sentiment in this country is attested not only by the attitude of the press of the country but by the number of resolutions and memorials of large and powerful bodies, representing agriculture, commerce, labor, education, charity, patriotism, and the like. I do not think that there ever has been presented to the Congress a more formidable array of petitions in favor of any specific legislative proposition than has come to Congress in support of the illiteracy test. At the time that the Senate passed this amendment, in 1906, I remember distinctly there was then on file in the archives of Congress between forty-five and fifty thousand petitions in favor of this particular legislation. I have not investigated the matter, but I am told that that number of petitions probably has almost doubled by this time. I know that the CONGRESSIONAL RECORD shows that over 1,500 came in one year ago last February, when the House committee reported an illiteracy test bill. There must be in the files and in the archives of Congress at this time between 75,000 and 80,000 petitions in favor of this proposition.

Mr. President, in its effect upon the vital interests of the country, this is one of the most important public questions that has ever been before the American people—at least since I have been a Member of this body—and its importance must be my justification for taking the time of the Senate to lay before it and the country the facts in detail in so far as I can, without trespassing too much upon the patience of my associates. I want to present the facts, so that if this proposition fails again to become a law it may be understood that its failure is a sin against the light.

Probably the most potential force in our industrial life is represented by agriculture. A larger percentage of the people of this country are engaged in agriculture—over a half—than in any other line or lines of industry. So, first, I wish to present the views of the farmers of the country upon this question, and I shall be able to do so without taking up much of the time of the Senate, because they have put their views in statements before congressional committees and in resolutions which have been passed by the great conventions and congresses which they are now holding, I am glad to say, every year. There are several different farmers' organizations in this country that meet and speak for the farmers of the country. These great conventions meet each year, and in those meetings the farmers give expression to their views upon public questions. I desire to read to the Senate, first, the resolutions of the Farmers' National Congress; but before doing so I want to explain what that organization is. It is not what might be called a strictly farmers organization. It is a great national gathering in which there are representatives—farmers, students of agriculture, agricultural workers, and others interested in practical and scientific farming—are selected as delegates by agricultural bodies and by the governors of the various States and Territories from among the most prominent and influential persons representing agriculture in those States and Territories. Consequently it will be readily understood that the Farmers' National Congress represents in a broad sense the agricultural sentiment of the country, and that whatever declaration it may make about a question of public importance is entitled to confidence and respect. Here is what the last congress said:

Whereas the congressional Immigration Commission's report of 40 volumes has just been published and recommends the very measures which this organization has been advocating in its resolutions for years to judiciously restrict undesirable immigration;

Resolved, That we enthusiastically approve the commission's legislative recommendations that the head tax be increased, the illiteracy test be enacted, the foreign steamships be fined for bringing undesirables, and that other judicious measures be adopted, which are hereby urged upon the Congress of the United States.

Mr. President, I have here—and I propose to read it, or a part, at least—a letter addressed to me from Kendalia, W. Va., dated February 27, signed by one of the secretaries of the Farmers' National Congress, Mr. O. D. Hill, in which he says:

It was with regret that I learned S. 3175 had been reported with the illiteracy test stricken out, with no increase in the head tax provided for, and with section 31 extending the work of the division engaged in "beneficially distributing aliens."

The farmers of the country are opposed to the present kind and quantity of immigration. The subject of proper restrictions and their enforcement by means of an efficient administrative policy, such as Canada has, have been discussed every year and resolutions passed every year for some time at our annual congresses. The above farmers' organization is representative. It held its thirty-first annual session at Columbus, Ohio, last October. The meeting lasted one week, and there were over 2,000 delegates from all parts of the country present.

At that meeting the following resolution was adopted—

There he incorporates in his letter the same resolution I have just read, and goes on to say:

I see that you have offered an illiteracy test amendment to the bill S. 3175, and I am taking the liberty of writing you this letter to assure you that it meets with the approval of the Farmers' National Congress and that your efforts will be appreciated by its extensive membership.

I now present to the Senate a resolution passed last September by the Farmers' Educational and Cooperative Union. The farmers' union is the largest and most compact farmers' organization of any time or place, and claims over 3,000,000 members. This organization has been petitioning Congress for years to enact a literacy test. I am only going to read some of the whereases of this resolution, because they state the reasons for their attitude far more forcefully and tersely than I am able to state them:

Whereas the Immigration Commission, after a four years' investigation at home and abroad, involving an expenditure of a million dollars, reports that "many undeniably undesirable persons are admitted every year"; that "there is a growing criminal element in this country, due to foreign immigration"; and that "substantial restriction is demanded by economic, moral, and social considerations"; and

Whereas that commission recommends increasing the head tax, excluding illiterate adults, requiring some visible means of support, fining the foreign steamships for bringing undesirables that could be rejected on the other side, and other measures, law in other new countries, and urged for years by this organization in its resolutions, before congressional committees, and otherwise; and

Whereas it is proposed to relieve the Northeast of its intolerable immigration evils and to continue the unloading of undesirables upon this country by diverting and distributing the incoming, ever-increasing influx from southern Europe, Asia, and northern Africa over the agricultural sections of the South and West:

Resolved, That the Farmers' Educational and Cooperative Union of America—

I desire to state right here that that is the strongest farmers' organization we have ever had in my State. I do not know whether it exists to such an extent up North. I believe the grange takes its place up there. The Senator from New Hampshire [Mr. GALLINGER] indicates by a nod that that is true, but the union is the great farmers' organization of the South and West.

Resolved, That the Farmers' Educational and Cooperative Union of America in national convention assembled this 6th day of September, 1911, at Shawnee, Okla., reiterate and reaffirm our previous immigration restriction resolutions, indorse most heartily the findings and legislative recommendations of the Immigration Commission, approve of the effort

of Commissioner General Keefe and Commissioner Williams to enforce the law, and earnestly urge upon Congress the enactment next winter—

This past winter—

of an increased head tax, some such money requirement as Canada has, some such illiteracy test as is law in Australia, and other needed restrictive legislation that will check the coming of undesirables to the Atlantic as well as the Pacific slope.

Mr. GALLINGER. Mr. President——

The VICE PRESIDENT. Does the Senator from North Carolina yield to the Senator from New Hampshire?

Mr. SIMMONS. Certainly.

Mr. GALLINGER. If the Senator from North Carolina is familiar with the Australian requirements, I wish he would state what they are.

Mr. SIMMONS. I will state that I am not.

Mr. GALLINGER. I ought to know myself, but my work has been in other directions. Does the proposed illiteracy test require that immigrants shall speak the English language?

Mr. SIMMONS. No; but to read and write——

Mr. GALLINGER. In the English language?

Mr. SIMMONS. Not the English language, but to be able to read and write in some language.

Mr. GALLINGER. If they can do so, is there any further test?

Mr. SIMMONS. That would cover the test.

Mr. GALLINGER. I would be glad to join the Senator in having such a test provided.

Mr. SIMMONS. I was very sure the Senator would. I traveled through Europe with the Senator a few years ago and happen to know his views upon many important questions.

Now, Mr. President, I want to read to the Senate a letter that I have just received from the president of the National Farmers' Union and the secretary of the union. It is dated March 15, 1912, and is addressed to myself:

Inclosed please find the statement of our committee's spokesman before the House Committee on Immigration—

They refer to Mr. Brooks, who is the head of the legislative committee of the farmers' union, located at Washington, and who a few days ago appeared before the House Committee on Immigration and made a very exhaustive and, I think, a very illuminating statement in favor of an illiteracy test amendment—

Inclosed please find the statement of our committee's spokesman before the House Committee on Immigration. We beg to call this and also Senate Document No. 251 to your attention in connection with Senate bill No. 3175, now on the Senate calendar and to be voted upon next Monday.

These two documents fully explain our interest and attitude with reference to this legislation. They show that interest and attitude to be deep-seated and of long standing. From these documents you will see that our organization and its extensive membership are unalterably opposed to section 31 of the bill extending the work of the so-called division of information, and that we have been for a number of years urging the enactment of the very legislation, such as the educational test, recently recommended by the congressional Immigration Commission.

This letter is signed, as I said, by Mr. Charles S. Barrett, the national president, and Mr. A. C. Davis, the national secretary, of the farmers' union.

Mr. President, the American Federation of Labor has spoken in no uncertain tone upon this subject. That organization, as I understand, embraces a number of other labor organizations, and is truly a federation. It is a kind of labor clearing house in its purposes and objects. Undoubtedly it is by far the most powerful labor organization in this country. For 10 years the American Federation of Labor and organized labor in general, including the railroad brotherhoods, have been petitioning Congress to enact this very illiteracy test amendment. The last resolution that I have before me passed by the American Federation of Labor is the one of 1909. It is very short and very strong:

Whereas the illiteracy test is the most practical means for restricting the present stimulated influx of cheap labor, whose competition is so ruinous to the workers already here, whether native or foreign born:

Resolved by the American Federation of Labor in twenty-ninth annual convention assembled, That we demand the enactment of the illiteracy test, the money test, an increased head tax, and the abolition of the distribution bureau.

The head of that organization, Mr. Gompers, appeared before the House committee on the 29th of February and entered into a most exhaustive, vigorous, and earnest discussion of this question. I wish the Members of the Senate would read the statement made by Mr. Gompers on that occasion, because there is no clearer, no more forceful or able presentation of this question, and it shows that on the part of labor there is a most earnest and insistent demand for this legislation, and that that demand will not down at our bidding, and that that demand can not be hushed up by such a device, as it was when this amendment passed the Senate and went to the House the last time. The issue has to be squarely met, so far as that organization is concerned.

Now, I have here a letter, received this morning, dated March 18. It is signed by the secretary of the American Federation of Labor, Mr. Frank Morrison, who is well known to Senators. I am not going to take up the time of the Senate to read the whole of it, and will merely say that it is a specific indorsement on the part of this general official, speaking for that organization, of the amendment I am now discussing. The letter is, in part, as follows:

AMERICAN FEDERATION OF LABOR,
Washington, D. C., March 18, 1912.

Hon. F. M. SIMMONS,
United States Senate, Washington, D. C.

DEAR SIR: I see by the CONGRESSIONAL RECORD that you will speak before the United States Senate on the amendment offered by yourself to the immigration bill, S. 3175, and that you will deal specifically with the subject of the restriction by means of the illiteracy test.

Thinking perhaps it may be helpful to you in your discussion, I herewith call to your attention the statement made by our legislative committeeman, Mr. Arthur E. Holder, before the House Committee on Immigration in the last Congress. His statement may be found on page 111 of the hearings before that committee, and in it Mr. Holder presented to the committee resolutions that had been adopted by the conventions of the American Federation of Labor for several years past, commencing in 1905, all of which you will find incorporated on pages 112 and 113.

It may also be advisable to say that the American Federation of Labor has gone on record in behalf of an illiteracy test practically every year at its conventions since the year 1897.

In order that you may also know the latest action of the American Federation of Labor on the subject of immigration, I hand you herewith copy of the proceedings of the thirty-first annual convention, held at Atlanta, Ga., last November (1911), on page 66 of which you will find a statement by President Gompers on the subject of immigration, showing the Immigration Commission to have completely indorsed the attitude of the American Federation of Labor upon the general subject matter of immigration, particularly that of the requirement of an educational test. On page 287 of the same report you will find the report of the committee on president's report, reaffirming former actions of the conventions of the American Federation of Labor, and instructing the legislative committee to continue their efforts to secure the passage of either the Gardner or the Burnett bill, or, for that matter, any other suitable measure providing for the educational test. This report was unanimously adopted by the convention.

Hoping that this may be of service, and with best wishes for your every success on this important question, I remain,

Yours, very truly,

FRANK MORRISON,
Secretary American Federation of Labor.

I also present a resolution of the railroad employees, of whom there are some 400,000 in the United States, included in four great brotherhoods. This resolution is a specific declaration in favor of the illiteracy test:

Whereas we approve the restrictive recommendations made by Commissioner General Keefe in his last annual report; and

Whereas we are heartily in accord with the demand of organized labor for restriction: Therefore be it

Resolved by the Grand International Brotherhood of Locomotive Engineers in ninth biennial convention assembled at Detroit, Mich., this 2d day of June, 1910, That we urge upon Congress the enactment of the literacy test, an increased tax, a money requirement, and such other measures as will materially lessen the present enormous artificially stimulated immigration of cheap labor.

In this connection I present to the Senate a letter from Mr. H. E. Wills, joint national representative of the Brotherhood of Locomotive Engineers, the Order of Railway Conductors, and the Brotherhood of Railroad Trainmen, indorsing this amendment in the most direct and specific terms. He says:

I am writing to say that the railroad organizations which I represent are deeply interested in the further limitation of the present enormous influx of labor by means of the reading and writing test proposed by your amendment and so strongly recommended by the Immigration Commission. As I brought out recently in a statement before the House Committee on Immigration, which has voted to report such a measure, the Brotherhood of Locomotive Engineers, the Order of Railway Conductors, and the Brotherhood of Railroad Trainmen have for a number of years discussed in their conventions and publications the need of such legislation and have passed resolutions urging it.

Mr. President, I want to put in the RECORD a few of the letters typical of those I have received from the general officers of State camps of the Patriotic Order Sons of America and from State councils of the Junior Order United American Mechanics.

The letters referred to are as follows:

CRYSTAL LAKE COUNCIL,
Weld, Me., March 1, 1912.

Hon. F. M. SIMMONS,
Washington, D. C.

DEAR SIR: The State Council of Maine, Junior Order United American Mechanics, heartily indorses the amendment offered by you to regulate the immigration of aliens.

Sincerely,

H. H. SKOLFIELD,
State Councilor.

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OFFICE OF STATE COUNCIL OF DELAWARE,
JUNIOR ORDER UNITED AMERICAN MECHANICS,
Selbyville, Del., March 3, 1912.

Senator F. M. SIMMONS,
Washington, D. C.

DEAR SIR: The State Council of Delaware indorses the amendment offered by Senator SIMMONS and favor the passage of the same.

W. A. LAW,
State Councilor.

Attest:
[SEAL.]

W. J. MORELAND,
State Secretary.

STATE COUNCIL OF FLORIDA,
JUNIOR ORDER UNITED AMERICAN MECHANICS,
Tampa, Fla., February 23, 1912.

Senator F. M. SIMMONS,
Washington, D. C.

DEAR SIR: The Florida State Council, Junior Order United American Mechanics, most heartily indorses the illiteracy test amendment to immigration bill and urges its passage.

Yours, sincerely,

D. L. ROBINSON,
State Secretary.

STATE COUNCIL OF KENTUCKY,
JUNIOR ORDER UNITED AMERICAN MECHANICS,
Louisville, Ky., February 24, 1912.

F. M. SIMMONS,
United States Senator, Washington, D. C.

DEAR SIR: By direction of the immigration committee of Junior Order United American Mechanics of Kentucky, I write you as a patriotic citizen to push your illiteracy test amendment to the present immigration bill. By doing this you will have taken a forward step in protecting the American home and safeguarding the American people from the vicious and ignorant horde of immigrants now flowing into this country from southern and southeastern Europe.

Respectfully,

J. N. ASHCRAFT, *Secretary.*

STATE COUNCIL OF RHODE ISLAND,
JUNIOR ORDER UNITED AMERICAN MECHANICS,
Providence, R. I., February 26, 1912.

Senator F. M. SIMMONS,
Washington, D. C.:

Whereas the Immigration Commission after a four years' investigation recommends the illiteracy test as "the most feasible single method for excluding undesirable immigration" and restricting the present enormous stimulated influx of cheap labor, so ruinous to workers already here, whether native or foreign, and so impossible of assimilation; and

Whereas an immigration bill is now pending before the Senate, and Senator SIMMONS has offered an illiteracy test amendment to the same: Therefore be it

Resolved by the State Board of the State Council of Rhode Island, Junior Order United American Mechanics, That we enthusiastically indorse Senator SIMMONS's patriotic efforts and urge upon the Senate the adoption of this needed legislation.

Attest:
[SEAL.]

ARTHUR W. BARRUS,
State Council Secretary.

BETHEL, CONN., *February 26, 1912.*

Hon. F. M. SIMMONS,
United States Senator, Washington, D. C.

SIR: The State Council of Connecticut indorses the amendment offered by Senator SIMMONS and urges the passage of the same.

Respectfully, yours,

CYRUS E. RYDER,
State Councilor Junior Order United American Mechanics.

STATE COUNCIL OF MASSACHUSETTS,
JUNIOR ORDER UNITED AMERICAN MECHANICS,
Groveland, Mass., February 27, 1912.

Senator SIMMONS.

DEAR SIR: I wish, in behalf of the State Board of the Junior Order United American Mechanics of Massachusetts, to say that we are very much interested in your bill, which includes the illiteracy test, and wish it might become a law. This organization has spent a great amount of money to get a bill of this nature started. Put us down as heartily in favor of your bill, S. 3175.

Yours,
[SEAL.]

STANLEY P. LADD, *State Councilor.*

EXECUTIVE DEPARTMENT, STATE COUNCIL OF VERMONT,
JUNIOR ORDER UNITED AMERICAN MECHANICS,
East Burke, Vt., March 1, 1912.

Hon. F. M. SIMMONS,
United States Senate, Washington, D. C.

DEAR SENATOR: I have the honor to represent more than 5,000 of the citizens of Vermont as the State councilor of the Junior Order United American Mechanics, and as a united body of Americans, ever watchful of the best interest of our citizens, we do most thoroughly approve of the illiteracy test amendment proposed by you, and urge you to do everything possible to have it made a part of the law of the land. Our State council believe it to be the one best restrictive measure than can be proposed, and, in the form proposed by you, will be of great benefit to the country.

Very truly, yours,

WILLIAM H. JEFFREY,
State Councilor of Vermont.

STATE EXECUTIVE COMMITTEE,
OFFICE OF THE STATE SECRETARY,
Oak Grove, Va., March 2, 1912.

Hon. F. M. SIMMONS,
United States Senate, Washington, D. C.

DEAR SIR: One hundred camps of the Patriotic Order Sons of America in this State, representing over 5,000 citizens of old Virginia, heartily approve the Simmons illiteracy test amendment to the immigration bill, S. 3175, now pending, and urge its adoption.

Very truly,

F. W. ALEXANDER,
State Secretary of the Order in Virginia.

Mr. SIMMONS. Mr. President, I ask unanimous consent to present out of order about 500 petitions and resolutions, which I send to the Clerk's desk, adopted during the last month by the Junior Order United American Mechanics, by farmers' unions, by the Patriotic Order Sons of America, and others. There are nearly 500 of them. These petitions came to me from 36 States, from Maine to California, from one end of the country to the other, and each of them, not in general terms but naming this particular amendment, asks for its adoption by Congress.

The VICE PRESIDENT. The petitions will be received and will lie on the table.

Mr. SIMMONS. Mr. President, I now present a letter, a part of which I will read, from John H. Noyes, of the national legislative committee of the Junior Order United American Mechanics. Speaking for his order he says:

I see by the CONGRESSIONAL RECORD that you are to speak next Monday on your illiteracy test amendment to the immigration bill, S. 3175, now pending before the Senate, and I beg to say that there are over 400,000 members of the above patriotic society that have been urging for several years with more and more emphasis the adoption of such a test for adult aliens.

The membership feels that there is quite too much illiteracy in the country already, and that we ought to require of our own, by means of compulsory school attendance laws, that they be able to read and write—as well as of foreigners entering the country—on the ground that a rudimentary education better fits one for the struggle for life and for citizenship in this country.

Mr. President, in nearly every State we are expending annually enormous sums of money to educate the boys and the girls who are to be the citizens of the future, who are to control the destiny of this country and its institutions. In many States there are compulsory-attendance laws. The taxpayers are assuming this great financial burden, they are insisting upon this higher degree of education for our boys and girls, because they appreciate and thoroughly understand the fact that in an enlightened democracy such as ours, a country where we have sovereignty citizenship, the safety of our institutions, nay, the perpetuity of those institutions, depends upon the measure of intelligence of its people.

Here, sir, we are spending annually upon our boys hundreds of millions of dollars to fit them for citizenship, because we know that that better fits them for participation in a government like ours. Yet, Mr. President, in the face of this fact, in the face of this large expenditure of money for this purpose, when the Nation as a whole comes to act we open the doors and admit every year to our citizenship between two and three hundred thousand of as densely ignorant and illiterate peoples as live under God's sun. Why should we do this? Is it not a contradiction in policy? Is it not inconsistent with our whole educational history, especially of the last 25 or 30 years?

As pertinent to this phase of the question, I now present a letter that I have just received from the vice councillor of the New York State Council of the Junior Order of United American Mechanics. He is Mr. William B. Griffith. I shall read only a portion of Mr. Griffith's letter. He says:

On behalf of some 30,000 members of the above patriotic organization in the Empire State I beg to say that the adoption of the reading test for adult aliens, as proposed by your amendment to S. 3175, will meet with universal favor, because we firmly believe that an elementary education makes our own native born better and fitter producers as well as citizens.

While the proper restriction of immigration will be opposed by the foreign steamship companies, the large employers and padrones—

Mr. President, it is this subtle opposition, this interested, this selfish, this unholy opposition, an opposition that considers not the rights nor the interests of the American citizen or of American labor, whether native or foreign born, that in the past has prevented the adoption of this legislation, in my opinion, although every vote ever taken upon it shows that both branches of Congress are overwhelmingly, and have been for 10 years overwhelmingly, in favor of it. Continuing, Mr. Griffith says:

While the proper restriction of immigration will be opposed by the foreign steamship companies, the large employers and padrones, certain importers who fear an increase in freight rates as a result of restriction, and other selfish and misguided interests and influences, the great majority of people in this State, and particularly the farmers—

Mr. President, I want to say right here that I believe the farmers of my section of the country are more opposed and more earnestly opposed to this immigration than even the laborers—laborers, and patriotic persons that are organized are not only in favor of the legislation, but are very much aroused over the laxness of our immigration laws and the feebleness of our administrative policy, as compared with those of Canada, Australia, and some other new countries.

Mr. President, I have here a similar letter from Mr. Charles H. Stees, national secretary of the Patriotic Order Sons of America. He says:

The extensive membership of the above patriotic society which has, for instance, over 100,000 active members, all voters, in my State (Pennsylvania), and has thousands in every State east of the Mississippi and in some States west of the Mississippi, are very much in favor of your illiteracy test amendment to S. 3175, and the 30,000 members in the Old North State will appreciate your efforts in behalf of that measure, which is in keeping with our public-school system and which would merely require of adult aliens coming here what our public-school system and compulsory school attendance laws exact or ought to of our own native born.

I also present a letter from the general master workman of the Knights of Labor, written to me from Washington, dated March 15, 1912. He says:

As you know, the order of the Knights of Labor has long favored the exclusion of undesirable immigrants, and as a means of doing so

has also favored the illiteracy test and still continues to favor such a policy. We hope that you will be successful in securing the passage of your amendment to the Dillingham bill as it now stands—the illiteracy test having been stricken out by the committee. We think this is one of the most important measures to be considered by this Congress—the exclusion of undesirables by the illiteracy test as recommended by the Immigration Commission.

Mr. President, it is well known that, beginning in the year 1905 and extending to 1906, 1907, and 1908, there were held in various parts of the South pro-immigration conventions, so-called. They were generally gotten up by people interested in transportation, in land schemes and development projects. But notwithstanding the purpose for which those gatherings were called, every single one of them, I believe, because of the strong sentiment in the South upon the question, passed resolutions demanding effective restrictions, and some of them specifically declaring for the illiteracy test.

The first meeting was known as the "Alabama immigration conference," and was held at Birmingham, June 13, 1905. It adopted a resolution as follows:

Resolved, That we express to the Representatives in the Federal Congress from this State our earnest desire that they support any reasonable measure looking to the elevation of the standard of foreign immigration, to the end that criminals, paupers, and illiterates be excluded.

That conference, I repeat, was called for boosting immigration. The transportation and real estate interests were there in full force.

Then came the famous Chattanooga conference on immigration and quarantine. It was a similar gathering, but it indorsed President Roosevelt's messages recommending an economic test and the educational or "literacy" test.

There was a similar outcome to the Nashville conference of November, 1907. There was also one at Tampa, Fla., where a convention of various persons from many States and representing different societies, commercial clubs, unions, associations, corporations, railroads, and the like, met February 13, 1908, and a number of resolutions were adopted, among which will be found the following:

Resolved, That the several States carefully consider the question of foreign immigration as a national question, and that our Representatives in Congress be asked to urge upon Congress the enactment of such Federal legislation as will effectively stem the tide of undesirable immigration now pouring into this country.

The last public meeting of this kind held in the South was year before last, and was held at Jackson, Miss. That convention, having a large representation from the different States of the South, passed the following resolution:

Resolved, That this convention does hereby respectfully memorialize Congress to pass legislation restricting the present alien influx of ignorant, thriftless, and undesirable people now pouring into the United States from southern Europe and western Asia.

Mr. President, the chief opposition to legislation carrying out the recommendations of the commission comes from those selfishly interested in maintaining and increasing this foreign influx, chiefly the foreign steamship companies and the railroad companies which profit in hauling them in their ceaseless migrations to and from our shores and certain manufacturers and miners who are interested in securing cheaper labor than the American standard of living will allow.

Yet, Mr. President, in the face of this recommendation of the immigration commission, made after four years of exhaustive investigation at an expense to the people of a million dollars, and made for the express purpose of determining whether conditions require an illiteracy test, in the face of this overwhelming demand coming from the great economic, industrial, and patriotic forces of the country, with practically no opposition except that prompted by selfishness, the Committee on Immigration have reported to the Senate a bill which confines itself to another codification of our present immigration laws, with the addition of a few amendments to the administrative features of our present utterly inadequate and ineffective immigration laws.

Mr. DILLINGHAM. Mr. President——

The VICE PRESIDENT. Does the Senator from North Carolina yield to the Senator from Vermont?

Mr. SIMMONS. Certainly.

Mr. DILLINGHAM. I think the Senator would not like to do injustice to the Senate Committee on Immigration. He knows, of course, that the members of that committee who were also members of the immigration commission are heartily in favor of the retention in the bill of the educational test, and of the other members of that committee I suppose it is true that they also favor it. There were those who thought that the retention of that provision in the bill would endanger its passage, and there are administrative features of the bill which are so important that they thought it would be better to drop this particular feature from the bill and present it as an independent measure, which has been done by the Senator from Massachusetts [Mr. LODGE].

I did not want the impression to go out from the Senator's remarks that the Senate committee, as a committee, are opposed necessarily or as a whole, at least, to this feature of the bill, and I did not want anyone to think that I am opposed to it, because I put it into the original bill and I favor it now. I shall be glad to cooperate with the Senator from North Carolina in all his efforts to retain it in the bill.

Mr. SIMMONS. Mr. President, the gist of the whole inquiry and the crux of the findings and recommendations of the commission appointed to investigate this whole question was the recommendation that the evil of which the country was complaining could be best remedied by an educational test. Yet, Mr. President, when that committee acted upon this great public question—and there was no necessity for action except in accordance with the recommendations of the commission, the action growing out of that inquiry and out of the recommendations of the commission—we have a bill without that important provision.

The Senator from Vermont says that it was left out because the committee thought it might endanger the passage of the bill. Why should the committee think that it would defeat the bill when this identical proposition has passed one or the other branches of Congress seven or eight times and that it has never failed to receive a majority of from two-thirds to three-fourths of the vote in either branch of Congress?

Mr. DILLINGHAM. I hope the Senator from North Carolina does not think that I was afraid personally.

Mr. SIMMONS. I understand the Senator's personal position in the matter.

Mr. DILLINGHAM. I want it distinctly understood also that there was introduced contemporaneously with the report of the committee upon this question an independent bill providing for the educational test in the admission of all European immigrants.

Mr. SIMMONS. Mr. President, when—when, I say—that independent bill comes up we shall find these selfish interests about which I have spoken—the steamship companies and the employers of cheap labor in the mines, in the factories, and on the railroads—arrayed against it. Why not put it in this bill? It would be the strongest single provision in the bill. More people in the United States have declared themselves in favor of this specific provision, which the committee has left out because, as the Senator explains, they were afraid it might imperil the passage of the bill—more people in this country are interested in it and more people are demanding its passage than are interested in any other or all the other features of that bill. So far from weighting down or endangering that bill, this provision would have immensely strengthened it.

Mr. President, this legislation, in my judgment, can not be postponed any longer by legerdemain or device of one character or another. The time has come when it has got to be met squarely. When the Senate passed an amendment identical with this amendment, without a dissenting vote recorded against it, six years ago, and it went over to the other House, there they said, "Oh, we must have further investigation," and an investigation was, by a narrow majority, substituted for it. It has been charged that that was nothing but a pretext and a device to prevent it from coming to a vote, because they knew that if it came to a direct vote it would be passed by an overwhelming majority and would go to the President, and that he dared not veto it. So, Mr. President, the enemies of this legislation sought to defeat it indirectly, knowing they could not do so directly; and by processes, familiar to the country, but which I, for parliamentary reasons, am not permitted to speak of more in detail here, they were able to prevent an expression of the will in the popular branch of the Government upon this vital question and to get this investigation substituted for it.

Now, after we have had this commission, costing a million dollars, its findings and its facts filling 42 volumes and extending over a period of four years, boiling down the result of all these four years of labor in this one specific finding, when the report of the commission is made the Committee on Immigration contents itself with reporting a bill making modifications and administrative changes in the present law, and when asked the reason for this omission they tell us that they did not put the illiteracy test in the bill because they were afraid it might weight it down. Weight it down, indeed! Has it ever failed when put to a vote in either branch of Congress? When did it become so weak as to justify these fears of the committee? Strong as it was before, it is now buttressed by the indorsement of this great commission, three of whose members are also members of the Senate Committee on Immigration. I do not say that this is a device, but I say that it is not dealing with this question bravely and squarely. Therefore I shall, when the bill reported by the committee comes up, urge the adoption of the amendment which I have introduced, and take no chances of action upon it as a separate measure.

Mr. President, if we were dealing with immigration conditions in this country prior to 1880, our present law and the amend-

ments now proposed by the committee's bill to that law would be all that was needed, but, Mr. President, in the last 25 or 30 years the character of our immigration has not only entirely changed but has also been accompanied by a terrific increase in quantity, and that change and increase have created new conditions, brought about new problems, and the restrictions which existing laws provide and which the bill under consideration proposes do not reach the root of the evil evolved out of these changed conditions.

From 1819 to 1882 immigration to this country was practically unrestricted. None was needed.

As late as 1880, 64.5 per cent of the immigrants to this country came from northern and western Europe. They came chiefly from England, Scotland, Ireland, Germany, Norway, Sweden, and Denmark.

They were an intelligent, sturdy, industrious, and thrifty people. The rate of illiteracy among them was less than half that which to-day obtains in this country. They represented the best and the hardiest element of the nationalities from which they came. They were not adventurers, but men who sought better conditions and higher opportunities under more liberal institutions and laws. They were in large part descendants of the same stock of people who originally settled this country.

The governments under which they had been reared, while monarchical in form, were in substance in the main representative.

By heredity and training they understood the principles of freedom and of government by the people. They were fitted to become good citizens of the Republic. Those of them who did not speak our language quickly learned to speak it. They came with the purpose of finding and making a permanent home for themselves and their children. They readily adjusted themselves to our habits and customs, threw off and dismissed forever all thought of their old allegiance, came under our flag, fell in love with our institutions, mingled and intermarried with our people, and were rapidly assimilated and Americanized.

In 1869, of the entire immigration to this country only nine-tenths of 1 per cent came from southern and eastern Europe. In the year 1880 only 8.5 per cent of the entire immigration to this country came that section of Europe.

The few who came during this period from southern and eastern Europe were representatives of the best element of their nationalities. They came as bona fide citizens, with the purpose of becoming permanent citizens of the Republic, and soon became Americanized in habits and customs, thought, and aspirations.

Mr. President, those conditions have changed. I can not better describe that change than to read from the book to which I have referred, written by Messrs. Jenks and Lauck, members of the Immigration Commission. At page 24 these authors say:

> During the last 25 to 30 years so marked is the change in the type of immigrants that it is convenient to classify our immigration as the old, that is, the immigrants coming before 1883, and the new, namely, those coming since that date. The former class includes primarily immigrants from England, Ireland, Scotland, Wales, Belgium, Denmark, France, Germany, the Netherlands, Norway, Sweden, and Switzerland. These countries furnished some 95 per cent of the total number of immigrants coming into this country before 1883. From 1883 to 1907, 81 per cent—

Nearly reversing the figures.

> 81 per cent of the total number of European immigrants came from Austria-Hungary, Bulgaria, Greece, Italy, Montenegro, Poland, Portugal, Roumania, Russia, Servia, Spain, Syria, and Turkey.

Total European immigration (including Syrians) to the United States in years specified by class of immigrants.

Class.	Year.		Per cent of total immigration.	
	1882	1907	1882	1907
Old immigration	563,170	227,851	87.1	19.0
New immigration	83,320	971,608	12.9	81.0
Not specified	274	107	.....	.....
Total	646,764	1,199,566	.....	.....

The percentage of illiteracy among the old immigrants, that is, those who antedated 1883, was only 2.7 per cent, far below that of our native population. The rate of illiteracy among the new immigrants, that which has been coming here since 1883, is on an average about 36 per cent, and the bulk of this immigration, the most undesirable portion of it, is of a much higher degree of illiteracy than the general average. Of the 1,500,000 south Italians that came to America from 1899 to 1909, over 800,000, or 54 per cent, could neither read nor write; 54 per cent of the Syrians who came during that period could neither read nor write; 35 per cent of the Poles who came during that period could neither read nor write; 68 per cent of the Portuguese; 38 per cent of the Ruthenians; 51 per cent of the Russians; 58 per cent of the Turks; 27 per cent of the Greeks, and 41 per cent of the Bulgarians and Servians and Montenegrins could neither read nor write. In short, Mr. President, something over three-fourths of this entire new immigration is made up of a people the large part of whom are densely ignorant and illiterate.

But this is not the worst. They are people who have grown up under surroundings which unfit them for the responsibilities of citizenship in a country like ours, where the people rule, and where every man is a sovereign. They have learned nothing of the duties and responsibilities of citizenship from early study and training, and their environment from youth in their native country has been such that they have learned nothing from contact or by absorption. They represent a different civilization from ours; they come, as I said before, from the backward nations of the world; they know nothing of freedom or its responsibilities and its blessings, and they are incapable of learning or understanding them. Assimilation would be a difficult task if they came to stay. But they come not to make their home here and to cast their lot with us, like the old immigrant settlers did, but to gather up the fragments and crumbs that fall from the overflowing table of our prosperity. Mr. President, fully 40 per cent of those who now come, according to the report of the Immigration Commission, remain only a short time and soon return to their homes, with whatever they can save. As a matter of fact, a much larger percentage, if you take the figures of the last census, go back because that census shows——

Mr. DILLINGHAM. Mr. President——

The VICE PRESIDENT. Does the Senator from North Carolina yield to the Senator from Vermont?

Mr. SIMMONS. Certainly.

Mr. DILLINGHAM. I do not know that I understood the Senator. What did he say was the percentage of those who returned?

Mr. SIMMONS. According to the report of the Immigration Commission, it is 40 per cent.

Mr. DILLINGHAM. My recollection is that the percentage is substantially one-third of all, but that among certain nationalities it runs above that. However, I am only speaking from recollection.

Mr. SIMMONS. The Immigration Commission's report states that at least 40 per cent of those coming to this country return. The census figures for the decade ending with 1910 show that a much larger per cent must return, because while during those 10 years there arrived in this country about 9,787,000 aliens, the census report shows that during that time the increase in the foreign-born population of this country was only a little over 3,000,000, so that something in the neighborhood of half or more than half of those who came, if those figures be true, must have returned.

Mr. DILLINGHAM. Mr. President, will the Senator permit me to interrupt him there for just a moment?

The VICE PRESIDENT. Does the Senator from North Carolina yield to the Senator from Vermont?

Mr. SIMMONS. Certainly.

Mr. DILLINGHAM. The Senator is substantially correct in what he is saying, but I would remind him that until the act of 1907 there was no law requiring the steamship companies to keep a record of the returning immigrants. The figures down to that time were based upon estimates, but it was thought that about one-third of the total number of immigrants returned. In the last two or three years records have been kept, and the number of returning immigrants has varied according to industrial conditions in this country. After the panic of 1907, I think there were more aliens leaving this country than there were admitted for a considerable length of time; but I presume the average which the Senator has stated is correct, that, taking it altogether, perhaps 40 per cent of them have returned.

Mr. SIMMONS. It is certainly true that the average is a little larger than would appear from the report of the steamship companies.

Mr. DILLINGHAM. That average has been raised from substantially 33 per cent, undoubtedly, through the great exodus there was after the panic of 1907.

Mr. SIMMONS. I think that is true—about 70 per cent returned that year. Now, Mr. President, the question naturally arises in the analysis of this immigration situation, by whom and how are these people brought here, and for what purpose are they brought here—I mean this ignorant mass that comes every year from the southern and the eastern shores of Europe and the western part of Asia? They do not come here upon their own initiative. The bulk of those who are brought here

do not know anything about the United States. Generally speaking, they know nothing about any place in the United States, except the place where they are tagged for.

I need not stop here, I think, to enter into a discussion of the methods by which these people are corraled, so to speak, and brought here. The methods are familiar to the country; they are methods that are in violation of the spirit if not the letter of our immigration laws, and in many instances violate the laws of the emigrant country. They are secret, clandestine methods, and the responsibility for them largely rests upon the steamship transportation companies with the connivance of certain great railway systems and the people who employ them after they are brought here.

These steamship companies have thousands of agents. I am told that in some foreign countries they are found everywhere. They are the people who control and direct this mass of illiterates whom they can most easily take advantage of. It is not necessary that I should go into a discussion of those methods. They are too well understood. The Immigration Commission in its report and the annual reports of the Bureau of Immigration repeatedly call attention to them. In answer to my inquiry, "Who brings these people here and for whom and for what purpose are they brought here?" I desire to call attention to a statement by the Commissioner General of Immigration in his last annual report:

SOURCES OF AND INDUCEMENTS TO IMMIGRATION.

Considerable space has been devoted in previous reports to this important and interesting subject. It has been shown that (1) the sources of our immigration have undergone a decided change in recent years, one which is of great significance to the country and its people, and (2) much of the immigration which we now receive is artificial, in that it is induced or stimulated and encouraged by persons and corporations whose principal interest is to increase the steerage-passenger business of their lines, to introduce into the United States an overabundant and therefore cheap supply of common labor, or to exploit the poor ignorant immigrant to their own advantage by loaning him money at usurious rates; or, as now so frequently happens, in the organized and systematized state of the business, a combination of the three elements, so that money lenders and ticket agents abroad, the transportation companies, and the labor brokers and large employers of common labor here each receive their portion of the benefits and proceeds.

I want also, for the same purpose, to read a statement of Marcus Braun, who was sent abroad a few years ago to investigate and report upon the question of artificially stimulated immigration. He says:

I found a condition of things which convinced me beyond any doubt that some European Governments, agencies, and private individuals are continuing to regard this country as the dumping ground for thousands of their undesirable people. These conditions, coupled with the arrogant and widespread assumption that this country is but an asset of a large number of Europeans, subject only to their desires and orders, is such that if universally known in this country would drive the blood of humiliation into the face of every good American, and a description of which would defy the pen of a Macaulay.

Mr. Braun in his report also tells of seeing tons of literature and other evidence in southeast Europe, showing the efforts that were being made by the steamship companies through their agents and subagents to stimulate emigration to the United States.

Mr. President, I have no sectional or race prejudice in this matter. I have nothing to say but what is good of the people as a whole—of Italy, Austria-Hungary, Russia, and so forth. Many of the immigrants coming here from these countries make good citizens and are desirable, but a large part of them—that part which I would exclude and which, I think, this amendment will exclude—are not representative of the people of the countries from which they come. They are a class who would never come to this country but for the methods employed to bring them here. Representative people of these races are not the kind of people that the agencies who are stimulating immigration to this country want. Representative people of these races could not be induced to come by the methods that are successful in getting this undesirable class to come, nor would they answer the purposes for which they are brought here, namely, to furnish cheap labor for our mines, factories, and the railroads.

Now, Mr. President, for whom are these people being brought here? Who employs them when they come? The steamship companies know for whom they are bringing them here. They know who wants them, and the people who employ this class of labor know that it comes here virtually in violation of our immigration laws. The Immigration Commission says from one-third to a half of them come with their passage paid.

Where do these people go to find employment? The old immigration went to the farms. The new does not go to the rural districts, and will not stay when taken or put there. The book by Mr. Jenks and Mr. Lauck, from which I quoted before, under the head of "Occupation of European immigrants," shows that of the immigrants to the United States from 1899 to 1909 only 23 per cent were farm laborers, 36 per cent were common laborers—designated so—21 per cent had no occupation at all, making 80 per cent of the immigration during that period seek employment largely not upon the farms, but, as I shall show hereafter—excepting those who settle in the slums of our great cities—in the mines, factories, railroads, and sweatshops of the country.

I have here a table showing the occupations of immigrants coming to this country during 1911. That year 1,030,300 aliens entered, and of that enormous number only 13,496 were farmers; 160,000 were farm laborers in their own country, but they did not seek farm employment here; 175,000 were common laborers, 122,000 were servants, 246,000 had no occupation at all, making in that year 735,000, or three-fourths of the entire immigration, who found their homes either in the slums of the great cities or were employed, as I have indicated, not upon the farms but in the industries of the country in congested centers.

I wish to present a statement made by the Commissioner General of Immigration as to the occupation of these immigrants after coming here. It is from page 29 of his last annual report, where he states:

A large proportion of the southern and eastern European immigration of the past 25 years has entered the manufacturing and mining industries of the Eastern and Middle Western States, mostly in the capacity of unskilled laborers. There is no basic industry in which they are not largely represented, and in many cases they compose more than 50 per cent of the total number of persons employed in such industries.

In this same connection I want to read to the Senate a statement by the chairman of the House Committee on Immigration, the Hon. JOHN L. BURNETT, who said in the course of the recent hearings before the House committee upon this subject:

Mr. BURNETT. I was talking last year to a coal operator in Alabama, and I said: "Whom do you work?" He said, "Welsh, Americans, Negroes, South Italians, and English." I said, "What is the sorriest labor you have?" He said, "The South Italians." I said, "Worse than the Negroes?" He answered, "Yes." I said, "What do you want with them, then?" He said, "For the purpose of keeping down the price of wages." The operators and owners of mines and other great industrial institutions are the ones who are keeping agents in New York to employ this low-class labor.

Mr. President, I wish to present here a statement made by Mr. Joseph J. Ettor, taken from the Haverhill (Mass.) Evening Gazette of January 23, 1912, in regard to the strike and strikers at Lawrence, which is as follows:

In portions of Syria, Galilea, and Russia people know only Lawrence, United States. Who told them? The agents of the textile industry. * * * They have cards with a picture of a mill and a house—a real mansion—with the people heading from the mill to the house, and then a bank with workers with big pay bags. Yet 75 per cent of the textile workers in Lawrence would not know a $20 bill if they should meet one coming down the street.

The conditions which exist in Lawrence, Mass., illustrate the truth of my statement that these people are being brought here in the interest of American manufacturers to take the place of our American laborers, because they can live cheaper, and therefore can afford to work cheaper and do work cheaper.

I have here an article, written by Mr. Lauck, of the Immigration Commission, which appeared in the February issue of the Survey, a New York magazine, discussing the Lawrence strike, which is as follows:

THE SIGNIFICANCE OF THE SITUATION AT LAWRENCE—THE CONDITION OF THE NEW ENGLAND WOOLEN-MILL OPERATIVE.

[By W. J. Lauck, formerly in charge of the industrial investigations of the United States Immigration Commission.]

The labor dispute at Lawrence, Mass., affords an instructive insight into existing industrial conditions. Probably the most significant feature of the situation has been the attitude displayed by the southern and eastern European wage earners. Strange to say, the disturbance at Lawrence has been mainly due to their protest against a curtailment by legal enactment of the weekly hours of labor, under the impression that it would lead to a decline in their weekly earnings. In other words, they have resisted an improvement in conditions of employment because of their lack of permanent interest in the industry in which they are engaged.

The Lawrence labor troubles have also been of unusual interest for the reason that the industry around which they have centered is one of the chief beneficiaries of our protective system. The argument has long been made that the woolen and worsted goods manufacturing industry needed a high tariff in order to protect its wage earners from the products of the pauper labor of Europe. The recent development at Lawrence, however, has disclosed the fact that the so-called American wage earner, whose standard of living, it is claimed, must be upheld by the tariff, is largely a myth, and that in reality the American woolen-mill operatives are made up of "pauper workmen" of almost half a hundred of the immigrant races from the south and east of Europe and from Asia.

As a matter of fact, the term American wage earner is a misnomer, and in no industrial locality is this better illustrated than in Lawrence, the principal center of our worsted-goods mills. * * *

The numerical importance of the Polish, Portuguese, Italian, Syrian, Armenian, and Lithuanian races, all of recent arrival in the United States, is in strong contrast to racial conditions of a generation back.

* * * * * * *

The racial composition of Lawrence and the racial displacements which have occurred in the worsted and woolen mills there are typical of other woolen goods manufacturing centers in New England. This has recently been disclosed by the United States Immigration Commission and the Tariff Board.

Only about one-eighth of the woolen and worsted mill operatives at the present time are native Americans. Slightly more than three-fifths are foreign born, chiefly recent immigrants from southern and eastern

Europe. The remainder are the native-born children of parents who were born abroad. During the past 20 years the American and the British and northern European immigrants have been rapidly leaving the mills, owing to the pressure of the competition of the recent immigrant. The south Italian, Polish, and north Italian are the three principal races of southern and eastern Europe engaged in the industry, while the English, Irish, and German of the races of past immigration are represented in the largest numbers.

Of the foreign-born employees about one-fifth of the males and two-fifths of the females have had experience in the same kind of work before coming to this country, while two-fifths of the male employees and one-third of the female have been farmers or farm laborers in their native countries. The average weekly wage of the male operatives 18 years of age or over is only $10.49, and of the female employees $8.18. The average annual earnings of male heads of families employed in the industry are only $400, and of all males 18 years of age or over $346.

* * * * * * *

The effect of these low earnings is shown in the bad living conditions and the high degree of congestion which prevails in the households of the operatives. * * *

Very little political or civic interest is manifested by the southern and eastern Europeans. Only 3 out of every 10 males eligible to citizenship have taken out naturalization papers.

* * * * * * *

Such are the conditions out of which have grown the recent disturbances in Lawrence. They are distinctly at variance with the claim that unrestricted immigration is an advantage and a protective tariff a necessity to the American wage earner.

I want to say, in passing, that Lawrence is typical of many of the industrial towns that have grown up as the fruit of the liberality of our present immigration laws. It is a foreign city on American soil. There are 85,000 inhabitants in the mill town of Lawrence, and less than 12,000 of them are Americans. It is a great industrial town. It is a center for the manufacture of woolens and worsteds. There are employed, I believe, in this industry in that town something like 30,000 people.

Mr. President, 92 per cent of them are foreign born, and that part coming from southeastern Europe does not live in the American quarters of that city. They live segregated, in colonies. They have practically no contact or association with our people. They cling to the habits of their old countries. They do not speak our language. Fifty per cent of them can neither read nor write in any language.

Mr. DILLINGHAM. Mr. President——

The VICE PRESIDENT. Does the Senator from North Carolina yield to the Senator from Vermont?

Mr. SIMMONS. Certainly.

Mr. DILLINGHAM. I think the Senator has fallen into a little inaccuracy as to the degree of illiteracy existing in the city of Lawrence.

Mr. SIMMONS. I was not speaking of the degree of illiteracy in the city of Lawrence. I was speaking of the degree existing among the recently arrived immigrants employed in the textile mills there.

Mr. DILLINGHAM. The report of the commission, page 515, volume 1, gives the number of Irish in that city, and those are American Irish, as 21,000; and the Irish race reads and writes, as the Senator knows. I think only 2.7 per cent are illiterate. With the English, of whom there are 9,000, the percentage of illiteracy is only 1.1 per cent. Among the Scotch seven-tenths of 1 per cent are illiterate, and there are 2,300 of them in Lawrence. Of French Canadians there are 12,000. I do not remember the percentage. Of Germans there are in Lawrence 6,500, and only 5.1 per cent ordinarily are illiterate. Then there are 12,000 Americans.

Mr. SIMMONS. I was not speaking of that class.

Mr. DILLINGHAM. That would make about 62,000 out of the 85,000.

Mr. SIMMONS. Will the Senator from Vermont do me the favor, inasmuch as he has before him the report of the commission, to read the statement as to the number of Italians there?

Mr. DILLINGHAM. Of the Polish there are 2,100.

Mr. SIMMONS. How many of them are illiterate?

Mr. DILLINGHAM. Thirty-five and four-tenths per cent are illiterate.

Mr. SIMMONS. Yes.

Mr. DILLINGHAM. Of the Portuguese there are only 700 in the city, and of those—that is, the Portuguese as a rule; I am not speaking of the Portuguese in the city of Lawrence—68.2 per cent——

Mr. SIMMONS. Are illiterate.

Mr. DILLINGHAM. Wait just a moment, Senator. I am speaking of our experience in receiving European immigrants during the last 20 years. In those years 68 per cent of the Portuguese have been illiterate. Of Hebrews there are 2,500 in Lawrence, and the general percentage of illiteracy is 25.7. Of Italians there are in Lawrence 8,000, and of those we may expect to find, as the Senator has said, 54.2 per cent illiterate. Of the Syrians there are 2,700 in Lawrence, and their percentage of illiteracy is 54.1. Of the Armenians there are a smaller number, 600, in Lawrence, and 24.1 per cent of them are supposed to be illiterate. Of Lithuanians there are 3,000 in Lawrence, with 48.8 per cent illiterate.

That furnishes a very good illustration of what the provisions of the amendment proposed by the Senator from North Carolina would do in reducing the number of aliens coming to this country.

Mr. SIMMONS. I was referring, when giving the figures as to illiteracy, to the new immigration from southern and eastern Europe, who constitute the bulk of the unskilled laborers in these mills. Of course I was not referring to that from northern Europe.

Mr. GALLINGER. Mr. President——

The VICE PRESIDENT. Does the Senator from North Carolina yield to the Senator from New Hampshire?

Mr. SIMMONS. Certainly.

Mr. GALLINGER. I am very glad the Senator from Vermont has put in the statistics for the city of Lawrence——

Mr. SIMMONS. So am I.

Mr. GALLINGER. Because the Senator from North Carolina made a pretty broad statement, which would——

Mr. SIMMONS. Probably my statement was not understood by the Senator from New Hampshire as being limited, as I intended it to be, to immigrants from the countries of southeastern Europe. As understood by the Senator the statement would be, as he says, too broad.

Mr. GALLINGER. I think the Senator made it too broad.

Mr. SIMMONS. As a general statement it would be; but I meant to limit it as stated before.

Mr. GALLINGER. We must give credit to those to whom credit is due. The mill owners of Lawrence, at their own expense, are conducting night schools to educate these people to higher points. I am with the Senator from North Carolina, so far as being for a test, either in this bill or some other bill, but Senators should not make statements so broad that the facts will not sustain them.

Mr. SIMMONS. I suppose the Senate understood perfectly well that in discussing illiteracy I have been talking all the time of immigration from southern and eastern Europe. I think I have stated before that the immigrants from northern Europe are highly educated; less than 3 per cent are illiterate; and, of course, my remarks in that respect should have been taken in connection with what I have been stating.

Mr. GALLINGER. The Senator is right in that view, but I think if he will examine what he has said he will correct it to some extent.

Mr. SIMMONS. Yes; I will, if necessary.

Mr. President, I have here a statement about the situation in Lawrence that I want to put into the RECORD. It is from the North American. It seems that the North American sent some one down there to investigate the conditions. The writer says:

Under the plea that the standard of living in the United States is higher than in any other country in the world, that the class of labor itself is better and that therefore greater wages must be paid, the manufacturers of textile products have succeeded for many years in buttressing themselves about with a tariff that is not only protective but exorbitant.

They have held the threat over the country that should the tariff be made lower the present high standard of living made possible by the lucrative wages now being paid must be lowered also. Quite a reverse picture is revealed by the situation at Lawrence.

We find upon investigation that the textile manufacturers have at these mills as squalid labor as can be found in the four corners of the earth. They pared down the wages of these people, not to meet the standard of living in the United States, but to the barest possible margin of existence.

In one miserable tenement building I found 54 persons living. Twenty-two of them worked in the mills at an average pay of $6.67 per week. This is $2.75 per week with which to buy food, clothes, light and fuel, and pay rent for each one of the 54. These are luxuries which the mill laborers enjoy under the rich picking of a high protective tariff.

Mr. GALLINGER. Mr. President——

Mr. SIMMONS. But I do not desire to make a tariff speech. I am making an immigration speech. If the Senator objects to that I will leave it out.

Mr. GALLINGER. I will not object to a tariff discussion either.

Mr. SIMMONS. I do not intend to get into a tariff discussion.

Mr. GALLINGER. That will be thrashed out later on. But when the North American says they sent an agent there who discovered these conditions——

Mr. SIMMONS. I did not say the North American sent an agent; I said I assumed they had sent an agent, from the character of the article.

Mr. GALLINGER. If he means they are working at $6.50 a week, it is not true. We all know the North American wants to have a sensation regularly once a day. I think the fact is that they gathered about such information as the junior Senator from North Carolina [Mr. OVERMAN] says the agents of the Department of Commerce and Labor reported from your own State. There are exaggerations floating around about these matters that the facts will not justify. They are paying, and

have been paying, a little higher wage at Lawrence than in some other of the industrial cities of the country, as I can readily show; and there is no reason why those people should live in the way they do. They live in that way and accumulate their money, as the Senator has said, and take it away to southern Europe after a while. If they do that it is their own fault.

Mr. SIMMONS. Mr. President, of course the article I read did not pretend to give the average rate of wages, but it said the rate of wages of the particular household described. I judge, from their being crowded into such close quarters, the household described did not represent high-class laborers.

I want to call the Senator's attention to the fact that Mr. Lauck, who was a member of the Immigration Commission and is now the chief examiner of the Tariff Board, in his article which I have just read, gives the average wage paid to the unskilled and skilled laborers in the factories of Lawrence. The average weekly wage of the operatives 18 years of age or over is $10.49; and for females, $8.18. That is the average, and, of course, a considerable number receive a much lower wage.

Mr. GALLINGER. That is higher pay, perhaps——

Mr. SIMMONS. That is not so much higher. The Senator is speaking of an average, and there must be some who receive more and some who receive less than the average.

Mr. GALLINGER. The Senator says that $10 is not much higher than the statement he made?

Mr. SIMMONS. The average is two or three dollars higher.

Mr. GALLINGER. It is a good deal higher than $6.

Mr. SIMMONS. The case referred to by the North American is below the average given by Mr. Lauck. It is shown from the context that it is somewhat exceptional.

Mr. GALLINGER. Certainly. Would the Senator be willing to state the wage paid in the textile industries in his own State?

Mr. SIMMONS. I have not investigated the wage rate in the textile industries of my State, and regret I am unable to state the average. These people are not employed there. We have few foreigners in North Carolina. As I said, I am not making a tariff speech; I am making an immigration speech; and naturally I went to the sections and the industries in which foreigners are employed to investigate the conditions. I do not think that the wages in dollars and cents in the cotton mills of the South or New England are high.

Mr. GALLINGER. They are not much higher than in Lawrence.

Mr. SIMMONS. I think they are higher. The money wages may not be much higher, but the real wages are. I will say to the Senator that I think they are much higher relatively, because around nearly every cotton mill in the South there is a little mill-town village; rents are low, and each house has about it a garden, wherein they raise their vegetables; they have their chickens, their eggs, their cow; they get their wood, fuel, and other necessaries cheaper; and consequently their net returns are much greater.

Mr. GALLINGER. I am very glad, Mr. President, if the Senator will permit, that the mill operatives in the Senator's States are so prosperous. When it comes to the matter of wages they are not any higher than in the industrial centers of the North, and in addition to that they work longer hours than they do in the North.

Mr. SIMMONS. I should challenge the statement about their working longer hours, but I have not the data before me, and I do not care to enter into that discussion. I would suggest also that their work is not so intensive.

Now, Mr. President, in the Haverhill Gazette, of Massachusetts, there was published an article that I am going to read. It is set out in the hearings before the House committee in the testimony of Mr. Brooks, of the farmers' union, who quotes in his statement what I shall read. I read only two paragraphs of it. After describing the conditions at Lawrence, the article says:

> Worse than all else, the central figures in this whirlwind, the men and women who are fighting for what they claim to be their rights, are people who but yesterday were herding like cattle under another sun and sky—races with which the English-speaking people have never hitherto assimilated and who are most alien to the great body of people of the United States. They are illiterates, cheap, low-class labor, taking not only lower wages, but accepting a standard of life and living so low that the American workingman can not compete with it.
>
> Thousands of the strikers know nothing of the language or the land in which they live. To these men and women the customs and the characteristics of American people and American institutions are an unknown quantity. They have come in by shiploads from the dark and forbidding byways of Italy, Russia, Austria-Hungary, Belgium, Poland, Greece—anywhere and everywhere that the industrial procurers could plant their alluring banners in defiance to all the laws of God and man.

Mr. President, the same thing is true about the railroads. In this book to which I have referred so repeatedly to-day, on page 167, speaking about railroads and construction work, it is said.

> Disregarding geographical considerations, it may be said in general that foreign-born wage earners constitute slightly more than three-fourths of the entire number of persons now engaged in railway and other construction work.

Referring to the earning capacity of the foreign employees on railroad and construction work, page 169, I find the following statement, which I will read for the benefit of the Senator from New Hampshire:

> A study of more than 5,000 wage earners in all sections of the country showed that the average daily earnings of native white Americans were $2.43 and of immigrants $1.68. The highest average daily earnings of any race of southern and eastern Europe were shown by the north Italians, the members of this race earning on an average $1.86 each day, while no other recent immigrants had average daily earnings in excess of $1.59.

Mr. GALLINGER. I will ask the Senator what is the book?

Mr. SIMMONS. It is the work of W. Jett Lauck and Jeremiah W. Jenks, entitled "The Immigration Problem."

Mr. McCUMBER. I should like to ask the Senator from North Carolina a question.

The PRESIDING OFFICER. Does the Senator from North Carolina yield to the Senator from North Dakota?

Mr. SIMMONS. Certainly.

Mr. McCUMBER. On the matter of wages that the Senator is speaking of, is it not a fact that the women who are working in those mills in Lawrence and other places, who come from Armenia and other sections of southern Europe, are to-day receiving a weekly wage for their labor very far in excess of what women are receiving who are clerks in the great department stores in the city of Washington—women who have been educated, who have graduated from our public schools and our high schools, and are of as good families as we have in the whole city?

Mr. SIMMONS. I have not investigated that particular question. No doubt the "oversupply" of labor reported by the commission as due to unrestricted immigration affects other occupations, as the commission points out.

Mr. McCUMBER. I think they receive from six to eight dollars a week here.

Mr. SIMMONS. That is an entirely different class of work. In Washington, I suppose, there are many applicants for positions of this kind, due to peculiar and well-known conditions in the Capital City.

Mr. McCUMBER. And they receive about $9 a week on an average in Lawrence, as I have looked over the figures.

Mr. SIMMONS. I would be very glad, if the Senator has the amount paid clerks in the department stores of this city, to incorporate it in my remarks. I have heard they are excessively low. I do not think, however, the two propositions are analogous.

Mr. McCUMBER. I want to suggest to the Senator that I think they are scarcely in a position to make any complaint when they are receiving a greater wage than is received by educated women in this city.

Mr. SIMMONS. When the Senator says they are not in a position to complain, does he mean the laborers or the clerks in the city of Washington?

Mr. McCUMBER. I mean those who come here from foreign countries.

Mr. SIMMONS. I do not know, as I said before, what the women employees in the department stores of Washington are receiving. I have heard it is low. That is due partly, at least, to the fact that conditions here are somewhat exceptional and that there is, on account of these conditions, a greater oversupply of this class of job seekers than in some other cities. But the argument that the laborers in the factories and mines that I have been talking about should not complain when they get as much or a little more than is paid women and girls in the department stores of Washington does not strike me with much force, in view of the fact that the argument is constantly made when tariff bills are under consideration that the wages in our industries are so high that we can not compete with the labor of the chief industrial countries of the world.

Mr. President, the point I am seeking to make, and it is the crux of the question under discussion, is that the bulk of immigration coming to this country in recent years is from the low-wage countries of Europe, where wages are much lower than in industrial countries like England and Germany, and when they come here they are not only willing to work for less, but they do work for less and live for less than the American laborer, and so they are displacing in the industries, where employed, the American labor, whether native or of the older immigrant class, reducing both the American standard of wage and living.

That these recent immigrants do underbid and are paid, in the industries employing them, less wages than the American is conclusively shown by the facts found by the Immigration Commission.

Undoubtedly the class of immigrants now coming here represents the cheapest labor of Europe, far cheaper than that of Germany and France, and, underbidding American labor, they are employed in the very industries that are complaining that they can not compete with Germany and France because of the low wage scale which obtains in those countries.

The same conditions with reference to the employment of foreigners which I have described as existing in the factories and in railroad and construction work prevail in the coal mines of Pennsylvania. In corroboration of this I wish to read a statement from the recent hearings of the House Committee on Immigration, based upon the report of the Immigration Commission, showing that something like 76 per cent, slightly more than three-fourths of the laborers in the bituminous coal mines of Pennsylvania, are of foreign birth. The statement is as follows:

Of the employees in the bituminous mines of Pennsylvania in 1909 only 15 per cent were native Americans or born of native father and 9 per cent native born of foreign father, while 76 per cent, or slightly more than three-fourths, were of foreign birth. What is more significant is that less than 8 per cent of the foreign-born mineworkers were English, Irish, Scotch, German, or Welsh. The majority were from southern or eastern Europe, with the Italians, Magyars, Poles, and Slovaks predominating. The term "American miner," so far as the western Pennsylvania field is concerned, is largely a misnomer. When they work these miners average, as in the case of the Roumanians, as low as $1.85 a day, while in the greater number of cases the range is close to $2; more than one-tenth of the Ruthenians, Roumanians, Poles, and Croatians earn on an average under $1.50 a day. But unemployment in the course of the year brings down the general average for heads of families to $431. The south Italians earn only $399 and the Poles $324.

Mr. DILLINGHAM. Mr. President——

The PRESIDING OFFICER. Does the Senator from North Carolina yield to the Senator from Vermont?

Mr. SIMMONS. Certainly.

Mr. DILLINGHAM. I simply want to call the Senator's attention to a table that will be found in volume 1 of the commission's report, page 412. It gives all the households studied by the commission the annual family income in this country. It gives the average amount and the range of the amount of the annual income of families. It shows the wage earnings in mines and manufacturing establishments; it gives the percentage earning under $300, the percentage of those earning under $500, under $750, under $1,000, and under $1,500 annually, and shows to what race the laborers belong. If the Senator desires to use that information, he will find it there.

Mr. SIMMONS. That very feature of this matter is discussed in one of the articles that I have called attention to before.

The average annual earnings of male heads of families employed in the industry—

That is, the Lawrence industry—

are only $400, and of all males 18 years of age or over, $346.

Mr. President, think of $346 being the total yearly earnings of a male adult, many of whom have dependent upon them wife and children, and you have an idea of the manner in which they have to live.

Mr. DILLINGHAM. Mr. President——

The PRESIDING OFFICER. Does the Senator from North Carolina yield to the Senator from Vermont?

Mr. SIMMONS. In just a moment I will yield.

Mr. Lauck, speaking about the standard of living in these factories, says:

The standards of living of the recent industrial workers—

And I am talking about them—

from the south and east of Europe have also been very low. Furthermore, the recent immigrants being usually single or, if married, having left their wives abroad, have in large measure adopted a group instead of a family living arrangement, and thereby have reduced their cost of living to a point far below that of the American or of the older immigrant in the same industry.

Then he says:

Under this general method of living, which prevails among the greater proportion of the immigrant households, the entire outlay for necessary living expenses of each adult member ranges from $9 to $15 each month.

That is, from $2.25 to $3.75 a week.

Mr. DILLINGHAM. Mr. President——

The PRESIDING OFFICER. Does the Senator from North Carolina yield to the Senator from Vermont?

Mr. SIMMONS. Certainly.

Mr. DILLINGHAM. The table giving the annual family income of the family studied by the commission, to which I referred a few moments ago, names every nationality, and gives the percentage of those who are earning less than $300 or less than $500, etc., but take the total native born, it appears that only 8.4 per cent of the whole of them are receiving under $300 a year; that there are only 33.2 per cent of them who are earning under $500 a year; and that there are about 66 per cent of them who fail to get up to $750 a year.

Mr. SIMMONS. What industry is the Senator speaking about?

Mr. DILLINGHAM. I am speaking about the annual income of families, the heads of which were wage earners in mines and manufacturing establishments, which are shown in this table. Those are the families studied by the commission, and the table gives the grand result of the foreign element.

Mr. SIMMONS. I want to ask the Senator who was the chairman of the Immigration Commission if he thinks this influx of ignorant labor from the southern part of Europe is not depressing the wages of unskilled labor in this country? If he means to argue that it has not had that effect, I ask him how he accounts for the fact that the foreign laborers in the mines and bituminous-coal fields of Pennsylvania are receiving 42 cents a day less than native miners employed in the mines of the West and Southwest? And how does he explain the finding of the commission that the oversupply of unskilled labor brought about by excessive immigration has depressed wages in the basic industries of the country?

Mr. DILLINGHAM. I have not argued. I simply read from the report of the commission.

Mr. SIMMONS. The commission found the hours of labor longer in these mines and the general working conditions poorer in Pennsylvania, and that the average wage of the bituminous-coal workers in Pennsylvania is 42 cents below the average wage of similar workers in the Middle West and Southwest.

Mr. DILLINGHAM. I do not want to be put in the position of advocating any theory here. I have not broken into this debate for that purpose. The Senator from North Carolina was giving the figures in isolated cases. I called his attention——

Mr. SIMMONS. No; I was not giving figures in isolated cases. I was giving the figures as applied to specific industries.

Mr. DILLINGHAM. I was calling attention to what we found to be the average wages received in each household, from all the households studied by the commission. Now, in answer to what the Senator said, let me say that I stand upon the report and I can not be driven from it.

Mr. SIMMONS. I am glad to hear that.

Mr. DILLINGHAM. The commission found that the great mass of common labor coming into this country in the last 10 years has overstocked the market for common labor; that the great majority of that class of immigrants have gone into those sections of the country where the basic industries are carried on, like those which the Senator has mentioned, coal mining and other classes of mining, meat packing, and various other industries. We found that in many of those communities there were vastly more unmarried men who had come from the sections the Senator mentioned, largely from southeastern Europe, more than could be employed permanently, and that in many instances they would be employed four days in a week instead of six. The commission found that there was an overnumber of those who were classed among common laborers, and they thought it had a depressing influence, as the Senator has suggested, upon the labor market of the United States, and with the exception of one member of the commission they agreed that some method should be adopted to restrict that class of immigration. They recommended that the educational test was perhaps the most feasible method of cutting down the number who would come from those sections of the Old World and seek employment in the basic industries of this country.

Now, I am heartily in favor of the educational test for that particular reason, and because I have interrupted the Senator to give him figures which I thought were fair to state this case I would not want to have him think that I was in any way opposing the amendment which he has offered to this bill. I put this very matter in the bill when I drew it, and it was in the bill when it was introduced in the Senate.

Mr. SIMMONS. I am very much obliged to the Senator from Vermont for some of his statements, showing that he stands by the report of the commission from which I have read so elaborately, and that he is in favor of the educational test as a means of meeting the evil of which I have complained and which I have attempted to point out. The only difference between the Senator and myself with respect to that is that I think the provision originally in the bill to accomplish that purpose ought to have been kept in the bill when reported here, and as it was stricken out I insist that it ought to be put in by amendment, and I hope the Senator will support that proposition.

Mr. DILLINGHAM. I quite agree with the Senator, and I will say that I was not present at the meeting of the committee when it was decided to report against it.

Mr. SIMMONS. I hope, then, this amendment, in substance, will receive the support of the Senator when the bill comes up for action.

Now, Mr. President, I shall not read further, because I know I am trespassing upon the patience of the Senate. My only purpose in making this speech was to get the facts before the Senate and before the country, and not to indulge in any particular discussion of the facts but simply to state them.

I have here statements which I think show the same conditions, as I have described in connection with the industries discussed, exist in the iron and steel industry with respect to the employment of unskilled labor. It shows the per cent of foreigners who are engaged in that industry. The statement is by Mr. Brandeis, with reference to the Steel Corporation, and is based on a Senate document containing the report of the United States Bureau of Labor on the Bethlehem steel strike. Mr. Brandeis says:

Sixty-five per cent of the employees of the United States Steel Corporation in the Pittsburgh district earn less than the actual cost of subsistence of the average American family in Pittsburgh.

This calculation was made at the Steel Trust hearing by Louis D. Brandeis.

The average wage of 65 per cent of the employees of the steel corporation is 17½ cents an hour. The Associated Charities of Pittsburgh has computed the cost of bare existence of a family of a husband, a wife, and three children in that city at $768 a year. By working 12 hours a day, 365 days a year—

I am sorry to say in certain departments of the iron and steel industry they do work men 365 days a year; that is, 7 days a week and 12 hours a day. This fact was recently shown in the hearings before the Senate Finance Committee—

By working 12 hours a day, 365 days a year, 65 per cent of the steel-mill workers earn $1.50 less than the amount actually required as the bare cost of living.

Mr. President, in the face of this record, representatives of the wool and iron and steel industries at every opportunity come to Congress asking protection because of alleged difference between the cost of labor here and abroad. Especially do they want protection against German, English, French, and Belgian labor, and yet the unskilled labor they employ comes not from these European countries, but from that part of Europe where a much lower wage scale prevails. They not only come from countries of the lowest wage, but a large part of them represent the lowest wage earners of these low-wage countries.

The result is that the product of the factory is protected against foreign competition, while the labor which makes that product is unprotected not only against German labor and English labor, and so forth, but against the far cheaper labor of southern and eastern Europe.

Mr. President, I have here some statements taken from this work on immigration, by Profs. Jeremiah W. Jenks, of Cornell, and W. Jett Lauck, of Washington and Lee, giving the conclusions of those two eminent authorities, its authors, and the fundamental facts gathered by the Immigration Commission with respect to recent immigration, and which, I think, will be very interesting to the country and possibly might be of much interest to the Senate.

At the outset the authors say, as I have already indicated, that "they were associated with the commission from the beginning," and that it "has been their purpose" to put in shape for the public, in such a manner that its significance may be readily understood by the thoughtful reader, the gist of the information collected in the 42 volumes of original material published by the commission.

The writers say they are not advocates but interpreters of fact, and that such opinions as they have expressed in this volume are the result of careful deliberation after a study of the facts gathered by the commission.

ILLITERACY.

On page 34 of this book, speaking of illiteracy generally, there is a table showing the number and per cent of illiterates of each class of European immigration—that is, the old immigration and the new immigration—arriving in the fiscal years between 1899 and 1909, inclusive. Of the old immigration 2.7 per cent could not read and write, and of the new immigration 35 per cent could not read and write. The table is as follows:

Number and per cent of illiterates 14 years of age or over in each class of European immigration, including Syrian, in fiscal years 1899 to 1909, inclusive.

Class.	Total number 14 years or over.	Persons 14 years or over who do not read and write.	
		Number.	Per cent.
Old immigration	1,963,618	52,833	2.7
New immigration	5,215,442	1,859,298	35.6
Total	7,199,060	1,912,131	26.3

Speaking of the more recent immigrant laborers and the "characteristics" of the present immigrant "labor supply" in this country the authors say, on page 170:

The recent immigrant laborers are marked by a high degree of illiteracy. More than two-fifths (44 per cent) could not read or write. The greatest illiteracy was exhibited by the south Italians, of whom one-half in the East and three-fifths in the South and West could not read in any language.

RACIAL DISPLACEMENT AS A RESULT OF IMMIGRANT COMPETITION.

Competition of the southern and eastern European has led to a voluntary or involuntary displacement in certain occupations and industries of the native American and of the older immigrant employees from Great Britain and northern Europe.

On page 184, with reference to "standards of living," they say:

The standards of living of the recent industrial workers from the south and east of Europe have also been very low. Furthermore, the recent immigrants, being usually single, or, if married, having left their wives abroad, have in large measure adopted a group instead of a family living arrangement, and thereby have reduced their cost of living to a point far below that of the American or of the older immigrant in the same industry.

LIVING EXPENSES.

Under this general method of living which prevails among the greater proportion of the immigrant households, the entire outlay for necessary living expenses of each adult member ranges from $9 to $15 each month.

LACK OF PERMANENT INTEREST.

With regard to their transient and migratory character, the following, from page 185, shows that the new immigration comes, as a rule, merely to pick up what it can find and carry it away:

Another salient characteristic of recent immigrants who have sought work in American industries has been that, as a whole, they have manifested but a small degree of permanent interest in their employment or in the industry. They have constituted a mobile, migratory, and disturbing wage-earning class, constrained mainly by their economic interest, and moving readily from place to place according to changes in working conditions or fluctuations in the demand for labor.

The effect of our too liberal immigration laws upon the efforts of organized labor to bring about better sanitation, reasonable hours, and other improved conditions of employment is pointed out on page 191 under the heading:

THE IMMIGRANT AND LABOR ORGANIZATIONS.

The entrance into the operating forces of the mines and manufacturing establishments in such large numbers of the races of recent immigration has also had the effect of weakening the labor organizations of the original employees, and in some of the industries has caused their entire demoralization and disruption.

And there is one of a number of conclusions as to "The immigrant as a dynamic factor in industry" that I wish to quote, as follows, from page 195:

The conclusion of greatest significance developed by the general industrial investigation of the United States Immigration Commission is that the point of complete saturation has already been reached in the employment of recent immigrants in mining and manufacturing establishments. Owing to the rapid expansion in industry which has taken place during the past 30 years, and the constantly increasing employment of southern and eastern Europeans, it has been impossible to assimilate the newcomers, politically or socially, or to educate them to American standards of compensation, efficiency, or conditions of employment.

Throughout the entire field of the commission's inquiry, and in every phase of the question investigated, the mistake of longer allowing several hundred thousand adult illiterates to be brought here annually, in addition to the hundreds of thousands of literates that are injected every year into our labor supply, is made most clear and conclusive in this valuable work of Profs. Jenks and Lauck.

The last Congress created a Federal Bureau of Mines to see if something could not be done to check the ever-increasing number of mine accidents and explosions and other catastrophes that have been occurring with more and more frequency in the basic industries of the country. The investigations of the commission throw much light on one of the primary causes, if not the primary cause, of these awful losses of life that have been continually shocking the public. For it is into these basic industries that this new influx has gone and displaced the workers there whether they were native or foreign born. According to this book:

IMMIGRATION HAS PRODUCED UNSATISFACTORY CONDITIONS OF EMPLOYMENT.

Relative to the effect of recent immigration upon native American and older immigrant wage earners in the United States, it may be stated, in the first place, that the lack of industrial training and experience of the recent immigrant before coming to the United States, together with his illiteracy and inability to speak English, has had the effect of exposing the original employees to unsafe and insanitary working conditions, or has led to the imposition of conditions of employment which the native American or older immigrant employees have considered unsatisfactory and in some cases unbearable. * * * There seems to be a direct causal relation between the extensive employment of recent immigrants in American mines and the extraordinary increase within recent years in the number of mining accidents.

It is effects of this kind, as well as the depressing effects upon wages and the standard of living, that has made organized labor appeal more and more each year for restrictive legislation.

And the investigations of the commission, according to this book, completely bear out the testimony of workingmen in the matter, for on pages 190 and 195 the authors say:

LOW STANDARD OF LIVING.

The extensive employment of recent immigrants has brought about living conditions and a standard of living with which the older employees have been unable or have found it extremely difficult to compete. This fact may be readily inferred from what has already been said relative to the methods of domestic economy of immigrant households and the cost of living of their members.

CHECKED INCREASE IN WAGES.

The low standards of the southern and eastern European, his ready acceptance of a low wage and existing working conditions, his lack of permanent interest in the occupation and community in which he has been employed, his attitude toward labor organizations, his slow progress toward assimilation, and his willingness seemingly to accept indefinitely without protest certain wages and conditions of employment have rendered it extremely difficult for the older classes of employees to secure improvements in conditions or advancement in wages since the arrival in considerable numbers of southern and eastern European wage earners.

FINAL CONCLUSION.

After considering the industrial effect of this recent immigration from every standpoint on pages 339 and 340 these distinguished authorities reach the conclusion that the effect is to lower the American standard of living and that some effective limitation of numbers is demanded, for they say:

The preceding chapters indicate, beyond possibility of contradiction, that tendencies toward lowering the American standard of living are at work at the present time in this country through our large immigration, and that therefore it is desirable that by some wisely effective method we restrict such immigration.

In this connection I want to read a statement made by John Mitchell, at one time head of the mine workers of the country, at present one of the vice presidents of the American Federation of Labor, and always a foremost and distinguished representative of labor, whose opinion is entitled to the greatest weight and consideration.

Writing on this very question of immigration restriction in the Outlook one year ago last August he said:

The American workman recognizes the necessity of reasonable restrictions upon the admission of future immigrants; he realizes that his own welfare depends upon being able to work and to live in harmony and fellowship with those who have been admitted and are now a part of our industrial and social life.

The American wage earner, be he native or immigrant, entertains no prejudice against his fellow from other lands; but, as self-preservation is the first law of nature, our workmen believe and contend that their labor should be protected against the competition of an induced immigration comprised largely of men whose standards and ideals are lower than our own. The demand for the exclusion of Asiatics, especially the Chinese and the Hindus, is based solely upon the fact that as a race their standard of living is extremely low and their assimilation by Americans impossible. The American wage earner is not an advocate of the principle of indiscriminate exclusion which finds favor in some quarters, and he is not likely to become an advocate of such a policy unless he is driven to this extreme as a matter of self-preservation. He fails, however, to see the consistency of a legislative protective policy which does not, at the same time that it protects industry, give equal protection to American labor. If the products of our mills and factories are to be protected by a tariff on articles manufactured abroad, then, by the same token, labor should be protected against an unreasonable competition from a stimulated and excessive immigration. * * *

If we are going to regulate immigration at all we should prescribe by law definite conditions, the application of which would result in securing only those immigrants whose standards and ideals compare favorably with our own. To that end wage earners believe—

First. That, in addition to the restrictions imposed by the laws at present in force, the head tax of $4 now collected should be increased to $10.

Second. That each immigrant, unless he be a political refugee, should bring with him not less than $25, in addition to the amount required to pay transportation to the point where he expects to find employment.

Third. That immigrants between the ages of 14 and 50 years should be able to read a section of the Constitution of the United States, either in our language, in their own language, or in the language of the country from which they come.

Mr. President, in conclusion, I do not want to be understood in advocating an illiteracy test for the exclusion of immigrants as meaning that an unlettered man is necessarily and always an ignorant man in the sense of his not being intelligently informed in matters of general knowledge and that he is not under certain conditions a good citizen.

I know as a matter of fact, coming within my own knowledge and experience, that some of the best citizens of this country, certainly some of the best in my own State, some of the thriftiest, most honest, and, in a general way, most intelligent, are men who do not know a letter in the book. Speaking broadly, it is untrue than an American because he is unlettered is ignorant. Under our system, with our churches, our courts, our hustings debates and speeches, the elimination of class distinction, bringing the unlettered man in constant contact with the educated element of his community, he may by contact and absorption become a well-informed and intelligent citizen, frequently of the highest thrift, with an intelligent understanding of the duties and responsibilities of sovereign citizenship.

But this is not true of the illiterates coming to us from southern and eastern Europe. They have enjoyed none of these advantages. They learn nothing of the genius of our institutions and life by contact and absorption. Their ignorance is dense. They know nothing about freedom or its blessings or burdens. They know nothing about the responsibilities of citizenship in a self-governed country. They are unfit for citizens when they come, and they remain so.

It is this element who come here unfitted for citizenship who, after they get here, segregate themselves in the slums of the great cities or in colonies of our manufacturing and mining centers, who learn nothing by contact and make assimilation practically impossible, who are willing to live on less and work for less than the native American or old class of immigrants, who are unsettling the labor conditions of the country and making an advance in the conditions of unskilled labor as compared with that of skilled labor impossible, I would exclude.

In taking this position I do not mean to reflect upon the countries of their origin, because, beyond dispute, the class that I seek to exclude are not representative of the people of their own country. They are in the main undesirable there as well as they are undesirable here.

Mr. President, we have to have some standard to exclude this undesirable element. The standard of literacy is proposed as an appropriate device to this end, a device based on fundamental principles in the affairs of men and government.

I do not believe that anybody is interested in bringing this ignorant horde here except the great corporations, who want cheap labor, and oftentimes are indifferent as to where they get it, and the steamship companies, who want the profits accruing from their transportation, with little regard for the consequences to this country. These are largely responsible for their coming. Profit is the motive on their part for bringing them. The motives of the average immigrant of the nationalities I have referred to in coming here are not the motives which prompted the old immigrant settlers.

They came, Mr. President, largely to escape political and religious persecution in their own countries; they came in search of the higher liberty of our republican institutions; they brought their families, and came to make this land their home. We did not shut our doors to them; and to this class of men, who come here for those purposes, men who come here because they have a longing to secure the advantages and opportunities of an enlarged individual liberty, we shall not shut our doors; but, Mr. President, a large part of those who are coming here now come for no such purpose. They come in the main to make a stake and carry it away; and in coming they inject into our citizenship an element which tends to lower it economically and socially, and which tends to disturb and unsettle not only the social and political but especially the economic conditions of the country. Only a small per cent of those representing these nationalities ever become naturalized. Many of them come with the fixed purpose of soon returning to their old homes. They are brought here for the purpose of competition with American labor, and the competition which follows is a ruinous competition that tends to undermine the wage and living conditions of our labor here whether native or foreign born, and to prevent wonted betterment in their conditions.

In what I have said I have confined myself largely to the discussion of the economic aspects of our immigration problem, because it is largely economic considerations that have stimulated the present influx, and it is in this direction that the evil is now most acute, as conclusively shown by the commission's report. There is a political and social aspect of this question which I would like to discuss, but I do not feel that I can trespass so long upon the patience of the Senate.

Mr. President, in final conclusion I trust that the amendment which I have offered, buttressed as it is by a powerful public sentiment and by practically the unanimous verdict and finding of the Immigration Commission, will, when that bill is taken up for consideration, receive the indorsement of the Senate.

During the delivery of Mr. SIMMONS's speech,

The VICE PRESIDENT. The Senator from North Carolina will suspend for a moment. The Chair lays before the Senate the unfinished business, which will be stated.

The SECRETARY. A bill (H. R. 1) granting a service pension to certain defined veterans of the Civil War and the War with Mexico.

Mr. McCUMBER. I ask that the unfinished business may be temporarily laid aside.

The VICE PRESIDENT. Without objection, on the request of the Senator from North Dakota, the unfinished business will be temporarily laid aside. The Senator from North Carolina will proceed.

At the conclusion of Mr. SIMMONS's speech,

Mr. GALLINGER. Mr. President, it has not been my privilege to hear the entire speech of the Senator from North Caro-

lina [Mr. SIMMONS]. I was interested in his discussion of the immigration question, and I have very great sympathy with the position the Senator takes, as the Senator knows from conversation with me, and I shall be glad, indeed, to cooperate with the Senator in bring about better laws and a better condition in all parts of the country.

I regret, however, that in his speech the Senator thought it was necessary to revive the discussion about the condition of things in the industrial centers of New England, particularly in the city of Lawrence, and that he, I think somewhat inadvertently, perhaps, introduced the tariff question into the debate. I do not propose to say a word about the tariff at the present time; that is a question that we probably shall have up for discussion in the near future, and then we can all express our views, and I apprehend they will be very diverse views when we come to the consideration of that very important subject; but I do want, Mr. President, to enter something of a protest against the picture the Senator has drawn of New England industrial towns and cities.

The wage paid in the city of Lawrence to operatives in the textile mills is larger than the wage paid in the city of Washington to common laborers. The wage paid in those mills, as the Senator from North Dakota [Mr. MCCUMBER] has very properly stated, is larger than the wage paid in the great department stores of this city and of every other city in this country.

I am not going to occupy the attention of the Senate, but I want to ask permission, Mr. President—the Senator from North Carolina has put in a great mass of matter without reading—to introduce a statement from the Citizens' Association of Lawrence, Mass., touching the condition of things in that much-discussed city. I shall only read two paragraphs from this interesting statement, and then ask permission to insert the remainder of it. The Citizens' Association says:

> In the savings banks of Lawrence alone, which are mainly patronized by the mill operatives, there are $20,000,000 on deposit. The cooperative savings banks have several millions more.
>
> One-quarter of the real estate of Lawrence is owned by mill operatives or former mill operatives, and the valuation of the real estate of Lawrence is well up beyond the $53,000,000 mark.

After reading those two paragraphs, I ask permission to insert the entire statement in the RECORD.

The PRESIDING OFFICER (Mr. CURTIS in the chair). Without objection, permission to do so is granted.

The statement referred to is as follows:

LAWRENCE AS IT REALLY IS—NOT AS SYNDICALISTS, ANARCHISTS, SOCIALISTS, SUFFRAGISTS, PSEUDO PHILANTHROPISTS, AND MUCKRAKING YELLOW JOURNALISTS HAVE PAINTED IT.

LAWRENCE, *March*.

The average citizen of this typical Massachusetts industrial city doesn't really know yet whether to get mad with the average citizen of all the other American cities or laugh at him for the absurd conceptions he has formed during the past six weeks of Lawrence. One moment the average Lawrencian is ready to groan aloud at the ease with which so many of his fellow citizens, in spite of all the advantages they enjoy of free education, a free press, free speech, etc., can be duped into believing the most outrageous imaginings of any gang of clever schemers. The next moment he is almost ready to double up with laughter as he looks in that mirror of fleeting time, the daily press, and sees what a misshapen thing has been labeled Lawrence.

Possibly it will be even more of a caricature when the monthly magazines have solemnly gone over the rubbish heap of the daily press imaginings and added a few of their own special brands of darkness.

But it is, after all, something more than a laughing matter for Lawrence, as it is almost certainly something than concerns not only Lawrence and Massachusetts but every American city.

Consider what really happened in Lawrence, and then consider what the great American public was made to believe happened there and that it is still being made to believe is happening there.

The morning after January 12 of this year the good people of Lawrence woke up—that is, those of them who had kept informed of what had been going on in certain cities of France, Belgium, Italy, Spain, Portugal, and Russia during the past decade—to the fact that a syndicalist strike had been started in their city.

It started in with all the usual accompaniments of a full-fledged syndicalist strike. There was the sudden desertion of their work by several hundred employees of the Washington mill early in the morning of January 12 and the immediate cutting of the belts that connected the various pieces of machinery with the power plant, the breaking of machinery, the flourishing of knives and revolvers, with threats to kill the overseers if they interfered, and the ordering of women and girls to join in the strike under penalty of immediate wounding and killing—all strictly syndicalistic.

This irruption of the employees in one of the departments resulted in practically all the help in that department rushing out of the mill, some because they had planned the strike and many others through a panic fear that the wild actions of the leaders and the sight of drawn stilettos and revolvers inspired.

When outside the Washington, the strikers rushed across the river to the Wood mill, pushed aside the gateman, and hurried, yelling madly and still flourishing daggers and revolvers, through the rooms of this mill, calling upon all to join a strike that up to that moment few of those at work in that mill had the slightest inkling of. Here, too, belts were cut, valuable warps of yarn destroyed, and motors attached to looms put out of commission. An attempt was also made here to reach and wreck the great power plant of this big mill, which was on that day giving employment to 6,800 persons.

In some of the rooms reached by this mob from the other mill the overseers, seeing what unreasonable and dangerously excited people they had to deal with, and to prevent their being assaulted, suggested to their employees that they stop work and quietly leave the mill. This was done, with the result that thousands were soon out in the street that runs between the Wood and Ayer mills. The leaders of the strike then turned their attention to the Ayer mill. They forced a massive gate off its hinges and managed to get into some of the rooms of that mill, creating the same sort of panic as in the other mills visited. Some joined them from this mill, but not many.

They soon came out of it and headed back to the north side of the river, where they had started from. When they reached the Duck mill—the other three mills visited belong to the American Woolen Co.—the mob, then about 1,200 strong, tried to break in through the big gates of that mill But the gates withstood their efforts. Here a small force of police made a determined stand.

This force of police bravely faced all these strikers, who were now worked up to a dangerous pitch by the leaders of the movement, many of whom did not work in any mill but had been waiting for just such an outbreak to join it.

Ice, snowballs, sticks of wood, and any kind of missiles that came to hand were hurled through the windows of this mill at the operatives who could be seen at work. After keeping up this sort of thing for half an hour or so, taunting the policemen, who only numbered a round dozen, a rush was made at the little band of representatives of law and order. They withstood it bravely and, laying about vigorously with their clubs, drove this big mob of men, many of them armed with knives, stilettos, and revolvers, up the street and into their own quarter of the city.

That all happened during the forenoon of the 12th. It was so sudden, no notice of any kind from the regular organization of workers having been given to the mill owners of any intention to strike, that even after this ominous raising of the head of sabotage—or "giving the boot," as the French syndicalists say in defining the strike a revolutionary, anarchistic, and destructive kind—that few in Lawrence thought it would amount to much more than ordinary strikes of the past wherein an organized body of workers present in an orderly manner their demands, and then representatives from both sides, after the usual amount of bargaining, reach a settlement satisfactory to both sides.

But the following morning, with its spread of the strike to other mills and the announcement that on Sunday one Ettor, national organizer of the Industrial Workers of the World, an organization that few in Lawrence had ever heard of before, would be in Lawrence, lifted the veil for even the dullest. Sunday came and with it a meeting in the city hall, at which Joseph Ettor, direct from Brooklyn, was present. He made a fiery address, in the course of which the city government, the State government, and the National Government were denounced as enemies of the workingmen, fit only to be wiped out of existence, along with capitalism, religion of all kinds, authority of all kinds.

In a word, he avowed himself an advocate of the doctrine of "direct action," of violence, as a believer in the philosophy of force, for he proclaimed time and again, apparently trying to drill it into the brain fiber of his hearers, that "he who has force on his side has the law on his side." He also advocated destroying the machinery of employers who did not grant all the demands of the strikers.

This is the man who took charge of the strike in Lawrence the third day after its inception. He had a personality that was winning in its way. He spoke English and Italian fluently. He soon had all the active spirits in the strike believing in him absolutely and ready to do his slightest bidding.

From his entrance upon the scene terrorism of an undefined, widespread, all-pervasive kind spread throughout the city. In a few days more than 20,000 operatives were out of work, most of them through sheer fear of the knives and revolvers flourished by so many of the strikers and from fear inspired by the sinister reports industriously circulated of what happened to "scabs."

As a large proportion of the mill operatives in Lawrence, like in all textile cities, are girls from 15 years of age up and women, it is easy to understand how effective such a reign of terror would be in keeping them out of the mills.

Picket lines were stretched all around the mill district by the strikers, and every one that passed them on the way to work in the morning had to bear the brunt of scowling looks, opprobrious epithets, and the threats, "I will kill you."

In the course of that second week hundreds of windows were broken in the mills and thousands of dollars' worth of valuable calico printing plates were ruined by drawing files across the etched copper rolls.

The situation became so threatening, with a great mob of 5,000 or more non-English-speaking people parading where they pleased around the city, that the local companies of the State militia were called out to help the police to preserve order.

The Monday morning beginning the third week of the strike the most serious rioting occurred. Every street car in that city that was nearing workers to the mills was stoned, the windows broken, the passengers driven out, their lunch boxes taken away from them, and their clothes torn from their backs. Fully 5,000 persons were concerned in the attack on the street cars all over the city. It was evidently a concerted move, one deliberately planned to add to the terror of the inhabitants of the city, and to be looked upon as a step toward even more serious breaches of the liberties of the peaceable inhabitants unless the demands of the strike leaders were granted.

The governor's representative was in the city and saw what had occurred. When he returned to the statehouse in Boston his advice was the same as that of the civic rulers and the leading citizens of Lawrence—that a large additional force of militia was needed in Lawrence at once.

It was hurried here that very night, and by noon of the next day there were nearly 2,200 militiamen in Lawrence, including two troops of the State Cavalry.

Quiet reigned in Lawrence thenceforth. With the exception of a woman, who was shot by a rioter who aimed at a policeman, and a young Syrian, who was accidentally bayoneted by a militiaman, there were no deaths as a result of the strike, which at its height kept 25,000 persons out of work, many of whom could not understand a word of English and to most of whom English was not the language of their native land.

This meager death list must look startlingly small to the readers of the sensational press, even to the readers of the fairly conservative daily press, outside Lawrence.

The papers were so monopolized day after day, especially around New England and New York, with great headlines blazoning forth some supposedly sensational fact regarding the great strike in Lawrence that unconsciously most of the readers of the daily press outside of Lawrence imbibed the idea that it was a city whose streets had been bathed in the blood of hundreds of strikers slaughtered by a ruthless capital-controlled militia. The very name of Lawrence conjured up in their minds a vision of a beleaguered city ringed round by the gleaming bayonets of soldiers—one in which death stalked every minute and where gaunt skeletons of men, women, and children strikers besieged soup kitchens for the scanty dole of sympathizing contributors to their cause.

Why is it and how is it that the reality is so far different from that pictured for the benefit of newspaper readers all over the country?

There are many reasons for it. The main reasons, however, are few but interesting. The chief reason is not only interesting, but highly significant and pregnant with issues more vital and far-reaching in their consequences to the country at large than even a half hundred strikes as great as that in Lawrence.

Among the main reasons for hitting up the Lawrence strike in a sensational way is the common one which makes politics the bane of the country on so many occasions. It is a presidential year, and the tariff could be hammered.

Another main reason for the strike in Lawrence being kept on the first page of the newspapers so long and getting scare heads so constantly is the growth during the past few years of that form of newspaper that caters to the neurasthenic or hysterical, which sees only the unusual, the extraordinary, and where the unusual and the extraordinary do not exist proceeds straightway to invent them.

To such newspapers, with their screaming headlines and their lack of the sense of proportion the Lawrence strike, with its militia on guard, its cosmopolitan strikers, about every nation in Europe being represented, besides a few of the nations of Asia, was a veritable treasure trove. They could "play it up" to the limit. And they did.

One of them is even suspected of having foreknowledge of the plot to "plant" a lot of dynamite with the idea of further terrorizing the city. It had startling stories of dynamite plots to blow up all the mill buildings, the city buildings, the homes of the governor of the State and of Col. Sweetser of the militia for several successive days before the "planted" dynamite was found by the police just where it had been left.

And when that carefully "planted" dynamite was found what a shiver went through the country as the wild-eyed yellow journals in all the big cities covered their front pages with great headlines about enough dynamite being found to blow the entire city of Lawrence off the map. One New York paper even went to the extent of having the Lawrence city hall and other public buildings blown up by dynamite and 50 persons killed. When one youth was slightly wounded by the bayonet of a militiaman, another New York paper had a picture made and run on its first page showing a group of savage-looking soldiers shoving their bayonets through a lot of women who were lying on the street, which was strewn with other women and children, who had presumably just been killed by the same soldiers or their comrades. Such was the imaginary rot that a free and untrammeled American press fed out day after day to the intelligent public of our leading American cities.

But these hysterical newspapers, even those of them that are deliberately engaged in exploiting the gullibility of the American public, were not the main cause of the widespread, persistent, and diabolically clever way in which the Lawrence strike was kept before the public all over the country, and in a manner calculated to prejudice the public, not only against the mill owners and city authorities of Lawrence, but against our State and National Governments, and against any government or any regularly instituted authority.

That was done and made possible by the fact that the "direct action" socialists, the believers, like Ettor and Haywood, in the doctrine of force, the syndicalists, are able to exert an overwhelming directing force on the Socialist Party as it exists to-day in this country. They have boodwinked the older, theorizing, peace-loving socialists. They pull the wires now. Therefore, every move they made in Lawrence calculated to advance the cause of opposition to the present form of society, calculated to lead to its overthrow, was heralded in every city in the Union where they control the socialistic societies as a great step taken toward breaking the "slave's chains," that, according to them, still bind the American workingman. Simultaneously various socialistic and anarchistic societies in Boston, New York, Chicago, San Francisco, and dozens of smaller cities would send resolutions to the leading officials in their cities and States and their representatives in Congress and to the newspapers, calling attention to some new alleged atrocity committed in Lawrence by the police or the militia or capitalists, and demanding immediate action, either in the way of denunciation or an investigation by Congress.

In the same way newspapers all over the country received letters demanding that Ettor and Haywood be indorsed, that the Lawrence mill owners be denounced, and something done toward dividing up the property of the country among the "proletariat," the favorite word of the socialists. The strikers in the Lawrence mills who had only been in the country six months or less were among the most ardent advocates of Ettor's ideas regarding a division of the wealth of the country.

The fellow feeling that makes us wondrous kind was in evidence in Lawrence constantly as soon as the strike had become a full-blown and sensational one of the violently syndicalist type. Shoals of the theorizing socialists from the pseudophilanthropic societies of New York, those under salary especially, writers of modern studies of the unclean, absinthe-drinking frequenters of the imitation cabarets of New York, those Bohemian writers, whose fate it is, according to Brunetiere, to foolishly idle away their youth and wake up to find that they have an old age of poverty and ill health before them, paid investigators for faddist hunting rich men of New York came on, looked over the ground for half an hour, and declared that the syndicalists were everlastingly right and everyone else everlastingly wrong in their ideas of the proper way in which to run society.

But in all the great sea of ink spread over the miles of paper printed about the Lawrence strike, in the midst of all the vast volume of fakes, of panegyrics of Ettor, Haywood, and other leaders from out of the city, there was seldom a word of sympathy for the strikers of workers who were marching gallantly to work morning after morning in the face of threats, assaults, curses, tearing of clothes, throwing of pepper in their eyes, stoning of their homes when they happened to live in any sparsely settled portion of the city. Not a word for those thousands of breadwinners, women many of them, widows some of them, who, not having gone on strike, not having belonged to any union, not believing in the revolutionary and violent doctrines preached by the Industrial Workers of the World, felt that they still lived in a free country and had a right to work if they wanted to.

If it had not been for the militia, they would not have dared to go to work, for they certainly would have been murdered, if the temper shown by the rioters before the militia was strengthened was given free rein by the opportunity a lack of police and militia would have afforded.

Yet one will search the papers of the big cities that gave a large amount of space to the Lawrence strike in vain for any kindly reference to these workers who returned in increasing numbers to their work every day when it was shown that the murderous mob spirit was held in leash by the display of military and police force.

Terrorism was the strongest weapon that the Industrial Workers of the World used in Lawrence. When it was partially taken from their grasp and the reign of ordered liberty restored, their strength waned rapidly. And only as that terror survived, nursed and cultivated by the methods of the Black Hand and the Mafia did any of the strength of the syndicalist strike survive.

It should be understood, though, that Lawrence people as a whole, clergymen, business men, professional men; in fact, all classes, were heartily in sympathy with the attempts of the mill workers to get an increase in wages. They were, in fact, solidly with them until they saw the dangerously destructive and subversive nature of the society that had assumed charge of the strike.

They would have nothing to do with it any more than any men in any city will have anything to do with it if they believe in the opposite to anarchy. But they did not desert the cause of the mill operatives.

They gave practical aid to those among them who were in need of aid. And they labored steadily to secure for them some advance in wages from the mill managers, in which they were successful, as on March 1 practically all the mills in Lawrence, ignoring completely the Industrial Workers of the World, granted an increase in wages ranging from 5 per cent upward.

When those outside of Massachusetts understand that the mills of this State, under a law passed last year, may work only 54 hours a week, while the same kind of mills in New Hampshire and other States may work 58 hours a week, and in New York and some other States 60 hours a week, running exactly the same kind of machinery, the handicap which Massachusetts mills labor under when there is no national labor law may be easily understood.

Not only is Lawrence not a blood-soaked city, or a dynamite-riddled city, but it is not a bankrupt city and not a city of working people without bank accounts.

A United States Senator—POINDEXTER—in discussing Lawrence in the National Capital the other day, said he could not see how the people of Lawrence could have any bank accounts on an average wage of $6 a week. Well, they do not have bank accounts on $6 a week, which he said was the average wages paid in the mills of Lawrence. Their average pay is much higher, being for all the mill workers, including women and minors and excluding the salaried men in the mills, $9.20 a week. The average yearly income of the workingman the country over is, according to Congressman BERGEN, Socialist, $476. The average yearly income of the mill operatives of Lawrence, according to the United States census of 1910, is $478.40, so that it is slightly higher than the average wages the country over.

In the saving banks of Lawrence alone, which are mainly patronized by the mill operatives, there are $20,000,000 on deposit. The cooperative savings banks have several millions more.

One quarter of the real estate of Lawrence is owned by mill operatives or former mill operatives, and the valuation of the real estate of Lawrence is well up beyond the $53,000,000 mark.

There is no brighter looking, more up-to-date looking industrial city in the country than Lawrence with its 85,000 people. In the last 10-year period it made a 37 per cent gain in population. Perhaps it gained too rapidly. Perhaps there wasn't time for a proper assimilation of the newcomers from Europe. Perhaps the mills are to blame for encouraging too rapid an influx of people from parts of Europe and Asia Minor where there has been no chance to acquire skill that will be helpful in the textile industries, with the consequent result that they have to glut the labor market with unskilled and consequently poorly paid labor.

But, perchance, the steamship companies have done more than they ought in stimulating immigration. In either case the Immigration Bureau should take notice.

But Lawrence was as prosperous, progressive, and contented as any manufacturing city in the United States until the syndicalists tried to give birth to a new social era by a cataclysm to be started in Lawrence. Its churches, schools, its clergymen and professional men, its business men and workingmen were doing as good work as in any other city of its kind, and are now as ready and eager to go ahead and do more and better work.

It should also be remembered that the many races now in Lawrence are just as capable of furnishing good material for American citizenship as the many different races in any American city in the country. Those of them who fell in with the schemes of the syndicalists are simply the victims of misplaced confidence. They can be taught better.

CITIZENS' ASSOCIATION, LAWRENCE, MASS.

Mr. GALLINGER. Turning, Mr. President, to the report of the Tariff Board—and some of us have a good deal of confidence in that report; it was made by a nonpartisan board, containing, I think, nearly as many Democrats as there are Republicans, if I remember correctly—turning to the report of that board, volume 3, page 824, I find a "comparative statement of highest and lowest weekly wages paid in specified occupations in the Philadelphia, Providence, and Lawrence districts"—three cities where the textile industry is perhaps the leading industry. I find that in Lawrence the wages were a little higher than in either Providence or Philadelphia. They range from one item, which is for children, $5 a week to $75 for men engaged in the business of dyeing. They are paid from $40 to $75 a week. The ordinary laborers—men, woman, and children combined—receive on an average from $8 to $11 and $12 a week. I ask that that paper, which is an official paper, be inserted in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The paper referred to is as follows:

Comparative statement of highest and lowest weekly wages paid in specified occupations in the Philadelphia, Providence, and Lawrence districts.

[From Report of the Tariff Board, vol. 3, p. 824.]

Occupation.	Range of weekly earnings in specified occupations in—		
	Philadelphia district.	Providence district.	Lawrence district.
Overseers:[1]			
Scouring	$15.00–$25.00	$17.00–$25.00	$18.00–$25.00
Carding	20.00– 50.00	20.00– 25.00	30.00– 40.00
Combing	20.00– 25.00	24.00– 30.00	36.00– 40.00
Drawing	20.00– 50.00	18.00– 40.00	24.00– 36.00
Frame spinning	20.00– 35.00	18.00– 24.00	35.00– 40.00
Mule spinning (woolen)	20.00– 25.00	15.00– 20.00	40.00– 45.00
Mule spinning (worsted)	20.00– 35.00	15.00– 20.00	20.00– 35.00
Warp dressing	16.00– 20.00	16.00– 30.00	25.00– 30.00
Weaving	20.00– 30.00	25.00– 35.00	35.00– 50.00
Dyeing	40.00– 65.00	35.00– 40.00	40.00– 75.00
Wool sorter	6.50– 17.00	9.00– 14.50	10.00– 16.50
Scouring-machine tender	7.00– 12.00	7.50– 11.50	7.00– 11.00
Card feeder	5.50– 9.00	6.00– 8.00	6.00– 8.00
Card stripper	7.00– 11.00	8.00– 9.00	7.50– 9.00
Card tender	5.00– 10.00	6.00– 7.00	6.00– 8.00
Comb tender	5.00– 9.50	7.00– 8.00	7.50– 10.00
Gill-box tender	4.50– 9.00	5.50– 8.00	6.00– 9.00
Backwash tender	5.00– 9.00	7.00– 8.00	6.50– 8.00
Drawing-frame tender	4.00– 8.00	5.50– 10.50	6.00– 9.50
Frame spinner	5.00– 7.00	5.50– 7.50	6.50– 8.50
Doffer	4.00– 5.00	4.00– 6.00	5.00– 7.50
Mule spinner (woolen)	10.00– 16.00	9.50– 17.00	11.00– 17.00
Mule spinner (worsted)	10.00– 15.00		13.00– 21.00
Twisting-frame tender	5.00– 8.50	6.00– 9.00	6.00– 8.00
Reeler (piecework)	9.00– 12.00	10.00– 11.50	
Reeler (time work)	5.00– 7.50	6.00– 7.00	6.50– 7.50
Warp dresser	11.00– 16.50	14.50– 15.50	13.00– 17.50
Spooler	4.50– 6.00	5.00– 11.00	5.00– 9.00

[1] Wide variations shown in overseers' earnings are due partly to difference in methods of organization and the fact that in some mills they supervise more than one department.

Comparative statement of highest and lowest weekly wages paid in specified occupations in the Philadelphia, Providence, and Lawrence districts—Continued.

Occupation.	Range of weekly earnings in specified occupations in—		
	Philadelphia district.	Providence district.	Lawrence district.
Drawer-in	$10.00– 13.00	$9.00– 12.00	$6.00– 12.00
Hander-in	3.50– 5.00	4.00– 7.00	4.00– 5.00
Weaver	6.00– 18.00	8.00– 18.00	9.00– 18.00
Burler	4.50– 10.00	6.50– 10.00	6.00– 9.00
Washer tender	7.00– 10.00	8.00– 12.50	7.50– 11.00
Fulling-machine tender	7.50– 10.00	8.00– 9.00	8.50– 11.00
Steamer tender	8.00– 9.00		7.50– 11.00
Dyer tender	4.50– 11.00	8.00– 11.00	7.00– 9.50
Shearer	6.50– 11.00	8.00– 11.00	7.00– 15.50
Pressing-machine tender	6.00– 18.00	8.00– 11.50	7.50– 10.00
Examiner	8.00– 19.00	7.50– 11.50	11.00– 16.00

Mr. GALLINGER. Again turning to the report of the Tariff Commission, volume 3, page 826, I find a comparative table as to the wages paid in Great Britain in the woolen and worsted industry and in this country. This table shows that we in this country are paying in this much-maligned industry, in some instances, as high as 184 per cent more than is being paid in Great Britain; in many instances 75 per cent, and in others 106 per cent and 117 per cent, and so on down the line. We are paying, I should judge, without having made an accurate computation, at least twice as much, and in all human probability a little more than twice as much, in similar industries in this country in the woolen manufacture as is being paid by one of our leading competitors, the Empire of Great Britain. I ask that that statement may also be inserted in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The statement referred to is as follows:

Occupations and weekly full-time earnings in the United States and in Great Britain in the woolen and worsted industry.

[From Report of the Tariff Board, v. 3, p. 826.]

Occupation.	Sex.	Kind of work.	Average full-time earnings of 55.6 hours.				Excess United States over Great Britain.
			United States.		United Kingdom.		
			Number of operatives.	Average weekly earnings.	Number of operatives.	Average weekly earnings.	
							Per cent.
Wool sorter	Male	Time	197	$12.38	516	$7.22	71.5
Do	do	Piece	273	13.42	593	7.71	74.1
Do	Female	Time	24	9.71			
Do	do	Piece	14	11.19			
Wool washers, scourers, driers	Male	Time	247	8.21	531	4.93	66.5
Do	do	Piece			97	6.04	
Card strippers and tenders	do	Time	393	7.81	772	5.45	43.3
Comb tenders	do	do	160	7.85	492	4.26	84.3
Do	Female	do	110	6.52	810	3.00	117.3
Backwash and gill-box minders	Male	do	356	6.73			
Do	Female	do	469	5.84	625	2.83	106.4
Drawing-frame tender	Male	do	234	6.80			
Do	do	Piece	9	8.39			
Do	Female	Time	1,384	6.21	2,831	2.68	131.7
Do	do	Piece	43	6.79	434	3.41	99.1
Wool spinners (mule)	Male	Time	25	10.40	490	5.98	73.9
Do	do	Piece	393	11.75	406	7.93	48.2
Warp dressers	do	Time	327	12.94	89	6.53	98.2
Do	do	Piece	25	14.12	453	7.91	78.5
Worsted-frame spinners	do	Time	233	7.40			
Do	Female	do	908	6.40	9,612	2.25	184.4
Do	do	Piece	58	6.46			
Reelers	do	Time	86	5.46	297	2.94	85.7
Do	do	Piece	57	6.93	723	3.56	94.7
Winders	Male	Time	41	7.13			
Do	do	Piece	27	7.75			
Do	Female	Time	168	5.53	861	2.66	107.9
Do	do	Piece	314	7.08	1,014	3.35	111.3
Woolen weavers	Male	do	847	10.63	2,059	6.21	71.2
Do	Female	do	545	10.54	10,579	3.83	175.2
Worsted weavers	Male	do	1,409	12.36	928	6.12	102.0
Do	Female	do	1,782	9.55	8,560	3.59	166.0
Burlers	do	Time	506	6.13	861	3.20	92.2
Do	do	Piece	852	7.12	1,065	3.51	102.8
Menders	do	Time	303	7.77	464	3.63	114.0
Do	do	Piece	1,072	9.19	1,798	4.30	112.2
General laborers	Male	Time	632	8.21	350	4.74	73.2

Mr. GALLINGER. Now, Mr. President, I will not weary the Senate further, but simply repeat my suggestion of regret that this matter has been brought into the discussion of a subject in which I am greatly interested and regarding which I will cooperate gladly, to the extent of my ability, with the Senator from North Carolina.

POLITICAL CAMPAIGN CONTRIBUTIONS.

Mr. CULBERSON. Mr. President, I ask permission of the Senate to dispose of two matters which are on the table. It will take but a moment.

Mr. McCUMBER. Mr. President——

The PRESIDING OFFICER. Does the Senator from Texas yield to the Senator from North Dakota?

Mr. CULBERSON. For a question; yes.

Mr. McCUMBER. The unfinished business was laid aside in order that the Senator from North Carolina [Mr. SIMMONS] might finish his address, with the idea of taking it up immediately thereafter.

Mr. CULBERSON. I will say to the Senator from North Dakota that the matters I have in mind will take but a moment. I want to dispose finally of two matters which are on the table, neither of which will provoke discussion.

Mr. McCUMBER. I yield for that purpose, Mr. President.

Mr. CULBERSON. I ask that the order which is on page 17 of the calendar, proposing to discharge the Committee to Audit and Control the Contingent Expenses of the Senate from the further consideration of Senate resolution 79, be indefinitely postponed, that resolution having since been reported and adopted in part by the Senate and referred to the Committee on Privileges and Elections.

The PRESIDING OFFICER. Without objection, the order referred to will be indefinitely postponed.

Mr. CULBERSON. Mr. President, I ask now that Senate bill 3315, which was introduced by me December 5, 1911, and which is on page 17 of the calendar as one of the subjects on the table, be printed in full in the RECORD and referred to the Committee on Privileges and Elections, where resolution No. 79 is now pending, they relating to the same general subject.

The PRESIDING OFFICER. The Secretary will state the title of the bill.

The SECRETARY. A bill (S. 3315) to prohibit corporations from making contributions in connection with political elections and to limit the amount of such contributions by individuals or persons.

The PRESIDING OFFICER. Is there objecton to the request of the Senator from Texas? The Chair hears none.

The bill was referred to the Committee on Privileges and Elections and ordered to be printed in the RECORD, as follows:

Be it enacted, etc., That it shall be unlawful for any national bank, or any other corporation organized by authority of a law of the United States, to contribute any money or other thing of value in connection with any election to any political office. It shall also be unlawful for any corporation whatever to contribute any money or other thing of value in connection with any election at which electors for President and Vice President of the United States, or a Representative in the Congress of the United States, are to be voted for, or any election by any State legislature of a Senator of the United States. Every corporation which shall make any contribution in violation of this section shall be subject to a fine of not less than $500 nor more than $5,000, and every officer, director, or agent who shall consent to any contribution by the corporation in violation of the provisions of this section shall, upon conviction thereof, be punished by a fine of not less than $250 and not exceeding $1,000, or by imprisonment for a term of not more than one year, or by both such fine and imprisonment in the discretion of the court.

SEC. 2. That it shall be unlawful for any individual or person to contribute money or other thing of value exceeding in value $5,000 in connection with any election at which electors for President and Vice President of the United States or a Representative in the Congress of the United States are to be voted for, or any election by any State legislature of a Senator of the United States: *Provided*, That this section shall not apply to individuals or persons who at such an election are candidates for President, Vice President, Representative, or Senator. Every individual or person who shall make any contribution in violation of the provisions of this section shall, upon conviction thereof, be punished by a fine of not less than $5,000 nor more than $10,000, or by imprisonment for a term not less than one year nor more than two years, or by both such fine and imprisonment in the discretion of the court.

SEC. 3. That all laws or parts of laws in conflict herewith are hereby repealed.

Mr. CULBERSON. Mr. President, that bill seeks to amend and enlarge the act approved January 26, 1907, relating to campaign contributions by corporations, which I will ask to be inserted also in the RECORD. It is quite brief.

The PRESIDING OFFICER. Without objection, it is so ordered.

The act referred to is as follows:

CHAP. 420.—An act to prohibit corporations from making money contributions in connection with political elections.

Be it enacted, etc., That it shall be unlawful for any national bank, or any corporation organized by authority of any laws of Congress, to make a money contribution in connection with any election to any political office. It shall also be unlawful for any corporation whatever to make a money contribution in connection with any election at which presidential and vice presidential electors or a Representative in Congress is to be voted for or any election by any State legislature of a United States Senator. Every corporation which shall make any contribution in violation of the foregoing provisions shall be subject to a fine not exceeding $5,000, and every officer or director of any corporation who shall consent to any contribution by the corporation in violation of the foregoing provisions shall upon conviction be punished by a fine of not exceeding $1,000 and not less than $250, or by imprisonment for a term of not more than one year, or both such fine and imprisonment in the discretion of the court.

Approved, January 26, 1907.

Mr. CULBERSON. Mr. President, in this connection I will take advantage of the opportunity to read a paragraph from the Democratic national platform of 1908, which, I think, will address itself to all patriotic Members of the Senate, and that includes all here, particularly the Democratic Members:

We pledge the Democratic Party to the enactment of a law prohibiting any corporation from contributing to a campaign fund and any individual from contributing any amount above a reasonable maximum, and providing for the publication, before election, of all such contributions above a reasonable maximum.

I see smiles across the Chamber, and I will add that I read that especially to suggest that the Democratic Party is pledged to a law limiting the amount which individuals may contribute, that party already having forced upon the national administration the publication of campaign funds *before* election, as well as a prohibition against money contributions by corporations.

Mr. McCUMBER. Will the Senator indicate what would be a reasonable amount?

Mr. GALLINGER. A reasonable maximum.

Mr. McCUMBER. A reasonable maximum for a contribution to the Democratic campaign?

Mr. CULBERSON. I have named $5,000 in the bill. The largest single amount contributed in 1908 to the Democratic campaign fund was $5,000 by former Senator Charles J. Hughes. I assume that that is a reasonable maximum, and have so fixed it in my bill, against $110,000, the maximum contributed to the Republican campaign fund in the same year by an individual.

Mr. McCUMBER. Does not the Senator make any distinction in the character of the two causes?

Mr. CULBERSON. I did not catch the remark of the Senator. It must have been a good one.

Mr. OLIVER. Mr. President——

The PRESIDING OFFICER. Does the Senator from Texas yield to the Senator from Pennsylvania?

Mr. CULBERSON. Certainly; I yield to the Senator.

Mr. OLIVER. Mr. President, unless my memory is greatly at fault, there was published a report during the last presidential campaign that Mr. Herman Ridder, the treasurer of the Democratic national committee, and his brothers contributed something like $35,000 or $40,000.

Mr. CULBERSON. That was largely in labor in connection with printing in a newspaper owned by the Ridders, father and sons. The largest amount, I repeat, contributed to the Republican campaign fund by a single individual in 1908 was $110,000, and $5,000 to the Democratic fund.

Mr. GALLINGER. Mr. Ridder contributed in goods, not money.

SERVICE PENSIONS.

Mr. McCUMBER. I ask that the unfinished business be laid before the Senate.

The VICE PRESIDENT. The Chair lays before the Senate the unfinished business, the title of which will be stated.

The SECRETARY. A bill (H. R. 1) granting a service pension to certain defined veterans of the Civil War and the War with Mexico.

PUBLIC-BUILDING BILLS.

Mr. LEA. Mr. President, if the Senator from North Dakota will permit the unfinished business to be laid aside, I desire to enter a motion to reconsider three bills.

Mr. McCUMBER. I yield for that purpose.

The VICE PRESIDENT. Without objection, the unfinished business will be considered as laid aside.

Mr. LEA. Mr. President, on Saturday last the Senate passed a number of bills on the calendar, among others several providing for the construction of public buildings. I desire now to enter a motion to reconsider the votes by which the bill (S. 317) to provide for the purchase of a site and the erection of a public building thereon at Sundance, in the State of Wyoming; the bill (S. 4493) to provide for the purchase of a site and the erection of a public building thereon at Thermopolis, in the State of Wyoming; and the bill (S. 318) to provide for the acquisition of a site and the erection of a public building thereon at Newcastle, Wyo., were severally ordered to be engrossed for a third reading, read the third time, and passed.

I also ask that the House of Representatives be requested to return the bills to the Senate.

The VICE PRESIDENT. The Senator does not ask for the present consideration of his motion, but simply enters the motion.

Mr. LEA. I simply enter the motion.

The VICE PRESIDENT. The motion to reconsider will be entered; and, in the absence of objection, the motion to request the House of Representatives to return to the Senate the bills named by the Senator will be considered as agreed to.

SERVICE PENSIONS.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 1) granting a service pension to

certain defined veterans of the Civil War and the War with Mexico.

Mr. McCUMBER. Mr. President, I am not aware that any Senator desires to speak on the general pension bill to-day. It, however, has been upon the calendar for some weeks, and we are not gaining a great deal of headway with it. I assume, therefore, that the Senate, at least, is agreeable to fixing a date on which we may vote on the measure. I would suggest that we vote on Friday of this week; but some Senators have stated that they possibly would be away until Saturday, and the Senator from Indiana [Mr. KERN], who is quite anxious to be present when the vote is taken on the bill, indicated that he might possibly be away over Saturday. Because of that, Mr. President, and the desire to dispose of this measure before we get so much other business before the Senate that our calendar becomes congested, I ask unanimous consent that on the next day succeeding the legislative day on which the vote is taken upon the Stephenson resolution, immediately after the morning business on that day, we proceed to the consideration of the general pension bill, and that a vote be taken upon it and all amendments not later than 4 o'clock on that day.

Mr. SIMMONS. What day did the Senator suggest?

Mr. McCUMBER. It would be the next legislative day after the vote is taken upon the Stephenson resolution. That resolution is set for next Monday—a week from to-day—but the vote is to be taken on that legislative day, and there may be two or three calendar days of recess before the legislative day is over.

Mr. SIMMONS. The Senator suggests the next day after that matter is disposed of?

Mr. McCUMBER. Yes.

The VICE PRESIDENT. Is there objection to the request?

Mr. CULBERSON. Mr. President, I have taken no part in the discussion of the proposed pension legislation and may not do so, but, in view of the meager attendance, I object.

The VICE PRESIDENT. Objection is made.

Mr. McCUMBER. We are ready to go on, then, I presume, with the bill this afternoon, Mr. President.

The VICE PRESIDENT. The pending question is on the amendment offered by the Senator from New Hampshire [Mr. GALLINGER], which, without objection, the Secretary will again state.

The SECRETARY. It is proposed to strike out all of section 3 and in lieu thereof to insert section 6, as printed in the House bill, so that if amended section 3 will read:

SEC. 3. That no pension attorney, claim agent, or other person shall be entitled to receive any compensation for services rendered in presenting any claim to the Bureau of Pensions or securing any pension under this act.

The VICE PRESIDENT. The question is on agreeing to the amendment.

Mr. GALLINGER. I desire to modify the amendment by adding the words——

Mr. CULBERSON. Mr. President——

The VICE PRESIDENT. Does the Senator from New Hampshire yield to the Senator from Texas?

Mr. CULBERSON. Mr. President, I do not want to interrupt the business the Senator has in hand. I thought he had concluded.

Mr. GALLINGER. I desire to modify the amendment by adding the words "except in original applications."

The VICE PRESIDENT. The Senator modifies the amendment. The modification will be stated.

The SECRETARY. Add at the end of the section the words "except in original applications."

The VICE PRESIDENT. The question is on agreeing to the amendment as modified.

Mr. McCUMBER. Mr. President, I should like to have the amendment as modified read.

The VICE PRESIDENT. Without objection, the Secretary will again state the amendment in full.

The SECRETARY. It is proposed to strike out section 3 as reported by the committee, and in lieu thereof to insert the following:

SEC. 3. That no pension attorney, claim agent, or other person shall be entitled to receive any compensation for services rendered in presenting any claim to the Bureau of Pensions, or securing any pension under this act, except in original applications.

Mr. POMERENE. Mr. President, I address myself especially to the Senator from New Hampshire. Does he understand that the exception applies to original claims under this proposed act?

Mr. GALLINGER. Under this proposed act; yes. I understand that in all cases where we have had legislation of this kind there are some soldiers who had not previously made application, but, in view of the fact that the pension perhaps is larger than under the former laws, they have filed original applications, on age, for instance, or on service, and they are to be given the right of employing pension attorneys.

Mr. CURTIS. Mr. President——

The PRESIDING OFFICER. Does the Senator from New Hampshire yield to the Senator from Kansas?

Mr. GALLINGER. I yield.

Mr. CURTIS. Would not all applications under this bill be treated as original applications?

Mr. GALLINGER. I should not think so, but perhaps the phraseology might be "except in applications for original pension." I will change it in that manner.

Mr. POMERENE. I desire to ask a question. Am I to understand, then, that fees would only be allowed in applications which were made by pensioners who have not heretofore drawn a pension?

Mr. GALLINGER. That is my purpose.

Mr. POMERENE. If that is the construction to be placed upon the amendment I certainly approve it.

The VICE PRESIDENT. The question is on agreeing to the amendment as last modified.

Mr. OVERMAN. I ask to have the amendment as now modified stated.

The VICE PRESIDENT. Without objection, the Secretary will again state the amendment.

The SECRETARY. It is proposed to strike out section 3, as reported by the Committee on Pensions, and in lieu thereof to insert:

SEC. 3. That no pension attorney, claim agent, or other person shall be entitled to receive any compensation for services rendered in presenting any claim to the Bureau of Pensions, or securing any pension under this act, except in applications for original pension.

The VICE PRESIDENT. The question is on agreeing to the amendment.

Mr. SMITH of Georgia. That becomes the amendment?

The VICE PRESIDENT. That is the amendment.

Mr. McCUMBER. Mr. President, I do not wish to vote upon this question until at least the reasons which guided the majority of the committee in arriving at their conclusion in favor of allowing attorneys' fees are given to the Senate.

I understand, although indirectly, that the Commissioner of Pensions also advises in favor of this amendment. The amendment is carefully guarded; I think it is $2 and $5; and there is no lien upon the papers or any claim of that character.

There are a great many cases in which it is almost necessary to employ an attorney. Such cases arise mostly on the question of age. It often requires a great deal of correspondence between the soldier, or some one acting for him, and the department in order to get matters straightened out. We have at least one scale of ages that is different from that in the act of 1907, and undoubtedly there will be quite a few cases other than those in which pensions have already been granted in which there will be considerable correspondence concerning the age.

Many of the soldiers enlisted under ages that were not their true ages. Many of them, in order to get into the service, when enlisted gave a date of birth which would make them older than they really were, and there will necessarily arise questions as to the age of the soldier when he enlisted.

Then, again, quite a number of soldiers enlisted under assumed names, not always under their own names, but under an alias, and considerable difficulty will arise in that class of cases. A little payment of $2 probably would not be a terrible imposition upon a soldier who might receive under the bill from $15 to $30 a month for the balance of his life; and I confess—whatever view the Senate may take of the question, and I shall myself be satisfied with whatever the decision of the Senate may be—that I am not ready to regard the great army of Union veterans as children, imbeciles, or in their dotage. I think they are able to take care of themselves, and should be allowed to ask an attorney to act for them if they see fit to do so.

There is no law compelling them to employ an attorney. It is simply a recognition of attorneys who may be employed by soldiers in cases in which appeals would have to be taken and in other cases of the character I have stated.

The majority of the committee felt that with these two meager sums of $2 and $5 to pay for postage stamps and the correspondence no one probably would be liable to get rich off the soldiers, and I do not think those who have already established their ages—although letters may be sent to them by the thousands, as suggested by the Senator from New Hampshire—will feel themselves compelled to answer every letter or compelled to employ an attorney simply because one of them sent him his card and stated that he would be glad to be employed by the soldier.

My view is that the soldier should be regarded as an intelligent American citizen and be permitted to do as he pleased about employing an attorney; and if in any given case the question of age or enlistment or length of service became an issue, that he could employ an attorney and have him carry on the correspondence for him and could incur a liability of $2. I hardly think it is necessary for the Senate to consider itself his guardian to the extent that it shall say to him that he shall not have the privilege of expending $2 out of his pension in any way he sees fit. [Applause in the galleries.]

The VICE PRESIDENT. Applause in the galleries is not permitted.

Mr. GALLINGER. Mr. President, the Senator from North Dakota is aware of the fact that this is not an original proposition. It is found in other similar laws. I chanced to be chairman of the Committee on Pensions for quite a number of years, and the soldiers every since have been writing me very freely, many of them being under the impression that I am still occupying that exalted position, and I have never received a complaint from a soldier that any harm came to him because of the fact that we have had this inhibition in former laws.

The Senator from North Dakota wants the soldiers treated as intelligent men. That is precisely what this amendment proposes to accomplish, and we believe they are intelligent enough to know that they do not need the services of an attorney to determine their ages or their names when the names and the ages are on record at the Pension Office at the present time.

Mr. McCUMBER. But suppose the wrong age was given?

Mr. GALLINGER. The Senator from North Dakota further says that the Commissioner of Pensions recommends this amendment. That is not in accordance with my view. The Commissioner of Pensions, if I may be permitted to quote him, says it is immaterial to him whether it is in or not.

Mr. McCUMBER. If the Senator will allow me, I do not think the Senator quite understood me, or he would not have made that statement. I said that I understood indirectly that the commissioner regarded it in a favorable light.

Mr. GALLINGER. I understand directly that the commissioner says these cases can be adjudicated in the office, and it is immaterial to him whether this provision is in or not; that he is the servant of Congress to administer the law. And I know, inasmuch as other laws have been administered by the Pension Bureau without the employment of attorneys by the soldiers, that this law can be administered in the same way.

I know, and other Senators know, that the moment this bill passes, with the provision for the employment of pension attorneys, every soldier will receive from 1 to 10 letters in the next mail; they are prepared now, without a doubt; and the soldiers will naturally say, "This attorney thinks it is necessary for me to employ an attorney; it is only $5; and I will employ him." The soldier will write the attorney, and he will come under obligations to employ him. I think we ought to stop that practice when it is not necessary.

Pension attorneys—and some of them are my friends, and they have called on me recently—have reaped a rich reward from our pension legislation, and now that we are simply proposing automatically to increase the pension of those who are on the rolls, we ought not to open the gates again to the pension attorneys of this country.

The modification I suggested to my original amendment was suggested to me by a gentleman who said there would be a few original applications. I am inclined to think the phraseology I used, writing at my desk, is not quite comprehensive enough, and the Senator from Ohio [Mr. POMERENE] has suggested to me that he will offer an amendment which will make it a little bit more specific. In some cases attorneys ought to be permitted to be employed. If the soldier has not made application under any other law, we ought not to shut him out from the employment of an agent or an attorney; and am I quite willing, in fact desirous, that that class of soliders shall have that privilege. But, notwithstanding the appeal that has come to me, from potential quarters, from friends very close to me, to let this legislation go as the committee reported it, I am compelled to protest against it, because I think it is our duty to protect the soldier, even to the extent of $2, when we grant him a pension; and when it is not necessary, we should not permit him to expend it on pension attorneys.

Mr. POMERENE. Mr. President, the amendment offered by the Senator from New Hampshire provides in substance that no attorneys' fees shall be allowed except in applications for original pensions. It seems to me that that might be open to one of two possible constructions; that is, it might refer to an original application under this particular bill or it might mean in cases of original applications by persons who have not heretofore drawn a pension.

As I understand the Senator from New Hampshire, it was his idea to permit the payment of attorneys' fees only in those cases where there was an original application by one who has not heretofore drawn a pension. To that end I offer the following exception instead of the one contained in the amendment proposed by the Senator from New Hampshire:

Except in applications for original pensions by persons who have not heretofore received a pension.

Mr. GALLINGER. That is agreeable to me.

The VICE PRESIDENT. The Senator from New Hampshire, the Chair understands, accepts that modification?

Mr. GALLINGER. I accept it.

Mr. CULBERSON. Mr. President, a moment ago I objected to a proposal made by the Senator from North Dakota [Mr. McCUMBER] to agree unanimously that a vote be taken on this measure on the legislative day following the 25th instant. After stating that I had taken no part in this legislation, and probably would not, I objected because of the meager attendance of Senators at that time.

I am now informed, however, that a number of Senators, particularly on this side of the Chamber, are absent because, among other reasons, they believed and had the understanding that an agreement of this character would be entered into today and it was not necessary for them to be present. Under the circumstances I withdraw my objection.

The VICE PRESIDENT. Is there other objection to the request made by the Senator from North Dakota?

Mr. SIMMONS. I do not make any objection, Mr. President, but I ask the Senator from North Dakota if he will not consent to fix Thursday, the 28th instant, as the day for the vote?

Mr. McCUMBER. The legislative day of the 25th may run into Thursday. The unanimous-consent agreement for a vote in the Stephenson case, I will say to the Senator, provides for a vote on the legislative day of the 25th.

Mr. SIMMONS. I know that the vote on the Stephenson matter is fixed for the legislative day of the 25th, but it is hardly possible we will be three days on that case.

Mr. McCUMBER. I think the chances are it will probably be three days before we get to a vote on that matter; that is, three calendar days. That would bring it over to Thursday.

Mr. SIMMONS. I very much wish the Senator would not fix it earlier than the 28th. I desire to say frankly to the Senator that some of us have been very much confined here this session. I am one of those. I desire to address myself to this question, and I expect to be away a little while about that time; so I hope the Senator will fix it so that the vote will not be taken earlier than the 28th, which is Thursday of next week, immediately after the Stephenson case shall have been disposed of.

Mr. McCUMBER. I would consent that the vote be taken on that day if I were certain that by that time we would have disposed of the other matter.

Mr. SIMMONS. Let it be immediately upon the completion of the Stephenson case, but not earlier than the 28th. I think that would accomplish the same purpose. That is Thursday of next week.

Mr. McCUMBER. I will say to the Senator I believe if we would fix it as I have suggested it would then be definite, while it must necessarily remain indefinite in the way the Senator has suggested—not earlier than a certain day.

Mr. SIMMONS. Then we would take it up the next day, after we finish the consideration of the Stephenson matter; and, while I do not know, I think we will not be engaged upon that case more than three days. All I desire is to have a definite time fixed.

Mr. McCUMBER. I think, then, on the suggestion of the Senator from North Carolina, I will ask unanimous consent that on Thursday, a week from the coming Thursday——

The VICE PRESIDENT. The 28th.

Mr. McCUMBER. I do not know the date.

Mr. SIMMONS. The 28th.

Mr. McCUMBER. I ask unanimous consent that on Thursday, the 28th instant, immediately after the morning business, the Senate shall proceed with the consideration of this general pension bill and vote before 4 o'clock.

Mr. OVERMAN. I suggest that we agree to take the vote before adjournment on that day. I think that is the usual rule.

Mr. McCUMBER. We might get through and have plenty of time.

Mr. OVERMAN. We might and we might not. I have seen Senators cut off by fixing an hour on a particular day for a vote, and I suggest that the Senator make his request that we take a vote before adjournment on that day. I think we will take the vote on that day.

Mr. McCUMBER. I am satisfied to place it that way.

Mr. SMITH of Georgia. Before adjournment on that legislative day, as I understand?

Mr. McCUMBER. Yes.

The VICE PRESIDENT. The Senator from North Dakota asks unanimous consent that immediately following the disposal of the routine morning business on the 28th instant House bill No. 1 be taken up for consideration, and that prior to adjournment upon that legislative day a vote be taken upon all amendments pending, or that may be offered, and upon the bill itself, to its final disposition. Is there objection? The Chair hears none.

Mr. BROWN. I desire to present an amendment which I propose to offer to House bill No. 1, and I ask to have it printed in the RECORD and in amendment form.

The VICE PRESIDENT. Without objection, it is so ordered.

The amendment is as follows:

Insert after line 23, on page 4, the following:

"That any person who served in the military or naval service of the United States during the Civil War and received an honorable discharge, and who was wounded in battle or in line of duty and is now unfit for manual labor through causes not due to his own vicious habits, or who from disease or other causes incurred in line of duty resulting in his disability is now unable to perform manual labor, shall be paid the maximum pension under this act, to wit, $30 per month, without regard to his length of service."

PENSIONS AND INCREASES OF PENSIONS.

Mr. McCUMBER. I ask unanimous consent that Calendar No. 187, the bill (S. 4624) granting pensions and increase of pensions to certain soldiers and sailors of the Regular Army and Navy and certain soldiers and sailors of wars other than the Civil War, and to certain widows and dependent relatives of such soldiers and sailors, be referred again to the Committee on Pensions.

The VICE PRESIDENT. Is there objection? The Chair hears none, and the order is made.

JUDICIAL DISTRICTS IN WEST VIRGINIA.

Mr. CHILTON. I am directed by the Committee on the Judiciary, to which was referred the bill (H. R. 11824) to amend section 113 of the act to codify, revise, and amend the laws relating to the judiciary, approved March 3, 1911, to report it favorably, and I ask unanimous consent for its present consideration.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

EXECUTIVE SESSION.

Mr. CULLOM. I move that the Senate proceed to the consideration of executive business.

The motion was agreed to, and the Senate proceeded to the consideration of executive business. After five minutes spent in executive session the doors were reopened; and (at 5 o'clock and 25 minutes p. m.) the Senate adjourned until to-morrow, Tuesday, March 19, 1912, at 12 o'clock meridian.

NOMINATIONS.

Executive nominations received by the Senate March 18, 1912.

SURVEYOR GENERAL.

Clark B. Alford, of South Dakota, to be surveyor general of South Dakota, his term having expired January 13, 1912. (Reappointment.)

UNITED STATES CIRCUIT JUDGE.

John B. McPherson, of Pennsylvania, to be United States circuit judge for the third judicial circuit, vice William M. Lanning, deceased.

ATTORNEY GENERAL OF PORTO RICO.

Wolcott H. Pitkin, jr., of New York, to be attorney general of Porto Rico, vice Foster V. Brown, resigned.

SURVEYOR OF CUSTOMS.

Samuel L. Daniels, sr., of Iowa, to be surveyor of customs for the port of Burlington, in the State of Iowa, in place of Robert B. Junk, deceased.

COLLECTOR OF CUSTOMS.

John W. Howell, of Florida, to be collector of customs for the district of Fernandina, in the State of Florida. (Reappointment.)

PROMOTIONS IN THE ARMY.

INFANTRY ARM.

Lieut. Col. Hunter Liggett, Infantry, unassigned, to be colonel from March 12, 1912, vice Col. Reuben B. Turner, unassigned, retired from active service March 11, 1912.

Maj. James M. Arrasmith, Fifteenth Infantry, to be lieutenant colonel from March 12, 1912, vice Lieut. Col. Everard E. Hatch, Twenty-sixth Infantry, detached from his proper command.

Capt. George C. Saffarrans, Twentieth Infantry, to be major from March 12, 1912, vice Maj. James M. Arrasmith, Fifteenth Infantry, promoted.

First Lieut. John J. Miller, Nineteenth Infantry, to be captain from March 12, 1912, vice Capt. George C. Saffarrans, Twentieth Infantry, promoted.

Second Lieut. John S. Davis, Twenty-first Infantry, to be first lieutenant from March 12, 1912, vice First Lieut. John J. Miller, Nineteenth Infantry, promoted.

PROMOTIONS IN THE NAVY.

Capt. Abraham V. Zane, an additional number in grade, to be a rear admiral in the Navy from the 14th day of September, 1911, with the officer next below him.

Asst. Paymaster William H. Wilterdink to be a passed assistant paymaster in the Navy from the 29th day of October, 1911, to fill a vacancy.

Midshipman Frank E. Johnson to be an ensign in the Navy from the 5th day of June, 1911, in accordance with the provisions of an act of Congress approved March 7, 1912.

Midshipman Lewis Wasson to be an ensign in the Navy from the 7th day of March, 1912, in accordance with the provisions of an act of Congress approved that date.

POSTMASTERS.

CALIFORNIA.

James F. Colley to be postmaster at Nevada City, Cal., in place of James F. Colley. Incumbent's commission expires April 2, 1912.

F. C. Hemenway to be postmaster at Winters, Cal., in place of F. C. Hemenway. Incumbent's commission expires April 2, 1912.

Edward T. Ketcham to be postmaster at Santa Maria, Cal., in place of Edward T. Ketcham. Incumbent's commission expires April 2, 1912.

Edwin Stanton to be postmaster at Avalon, Cal., in place of Edwin Stanton. Incumbent's commission expired March 11, 1912.

Charles E. Tucker to be postmaster at Fortuna, Cal., in place of Charles E. Tucker. Incumbent's commission expires April 2, 1912.

DELAWARE.

Ebe T. Lynch to be postmaster at Lewes, Del., in place of Charles C. Hickman. Incumbent's commission expired January 28, 1912.

ILLINOIS.

Oliver M. Edwards to be postmaster at Sorento, Ill. Office became presidential January 1, 1912.

KANSAS.

William C. Coates to be postmaster at Alta Vista, Kans. Office became presidential January 1, 1912.

Elon G. Dewey to be postmaster at Moline, Kans., in place of Elon G. Dewey. Incumbent's commission expires April 2, 1912.

Morgan M. Michael to be postmaster at Burrton, Kans., in place of Morgan M. Michael. Incumbent's commission expires April 24, 1912.

LOUISIANA.

Joseph R. Domengeaux to be postmaster at La Fayette, La., in place of Joseph R. Domengeaux. Incumbent's commission expires March 20, 1912.

MAINE.

Eldridge H. Bryant to be postmaster at Machias, Me., in place of Eldridge H. Bryant. Incumbent's commission expired March 11, 1912.

MARYLAND.

Richard H. Miles to be postmaster at Gaithersburg, Md., in place of Richard H. Miles. Incumbent's commission expired December 10, 1911.

MASSACHUSETTS.

Arthur C. Lombard to be postmaster at South Ashburnham, Mass., in place of Louise G. Newton, resigned.

William H. Pierce to be postmaster at Winchendon, Mass., in place of William H. Pierce. Incumbent's commission expires April 22, 1912.

MICHIGAN.

George E. Dewey to be postmaster at Shelby, Mich., in place of George E. Dewey. Incumbent's commission expired February 21, 1912.

Francis McElroy to be postmaster at Lapeer, Mich., in place of Eugene T. Slayton. Incumbent's commission expired March 11, 1912.

Fred G. Merriman to be postmaster at Hartford, Mich., in place of Volney W. Olds. Incumbent's commission expired February 4, 1912.

MINNESOTA.

I. P. Hodge to be postmaster at Stewartville, Minn., in place of Truman B. Horton, resigned.

MISSISSIPPI.

Thomas W. Wadlow to be postmaster at Gulfport, Miss., in place of W. E. Clark, resigned.

MISSOURI.

Henry J. Bernhard to be postmaster at Palmyra, Mo., in place of Henry J. Bernhard. Incumbent's commission expired March 10, 1912.

Louis F. Blacketer to be postmaster at Braymer, Mo., in place of Charles L. Mowder. Incumbent's commission expired March 10, 1912.

MONTANA.

Fred W. St. Hill to be postmaster at Malta, Mont., in place of Richard W. Garland, resigned.

NEBRASKA.

Melancthon Scott to be postmaster at South Auburn, Nebr., in place of Melancthon Scott. Incumbent's commission expires March 31, 1912.

NEVADA.

R. D. Goode to be postmaster at Carson City, Nev., in place of Theodore R. Hofer, jr. Incumbent's commission expired March 11, 1912.

NEW JERSEY.

Charles H. Bennett to be postmaster at Dover, N. J., in place of Charles H. Bennett. Incumbent's commission expired February 27, 1912.

Maurice B. Comfort to be postmaster at Moorestown, N. J., in place of Maurice B. Comfort. Incumbent's commission expires March 25, 1912.

James E. Jones to be postmaster at Florence, N. J., in place of James E. Jones. Incumbent's commission expired February 3, 1912.

NEW YORK.

Homer V. Allington to be postmaster at Jeffersonville, N. Y., in place of Conrad Metzger, jr. Incumbent's commission expires April 22, 1912.

Daniel L. Fethers to be postmaster at Sharon Springs, N. Y., in place of Daniel L. Fethers. Incumbent's commission expired January 22, 1912.

Fred F. Hawley to be postmaster at Lake George, N. Y., in place of Fred F. Hawley. Incumbent's commission expired March 10, 1912.

Frank S. Kenyon to be postmaster at Adams, N. Y., in place of Frank S. Kenyon. Incumbent's commission expires April 22, 1912.

Joseph J. Keenan to be postmaster at Potsdam, N. Y., in place of Joseph J. Keenan. Incumbent's commission expires March 24, 1912.

Edward Reed to be postmaster at Glens Falls, N. Y., in place of Edward Reed. Incumbent's commission expired March 17, 1912.

NORTH DAKOTA.

Sever P. Killy to be postmaster at Rhame, N. Dak. Office became presidential October 1, 1911.

OKLAHOMA.

John M. Lapham to be postmaster at Cement, Okla., in place of John M. Lapham. Incumbent's commission expires April 28, 1912.

PENNSYLVANIA.

Eva J. Beeman to be postmaster at Lawrenceville, Pa., in place of Eva J. Beeman. Incumbent's commission expired February 10, 1912.

Frank E. Hartz to be postmaster at Palmyra, Pa., in place of Frank E. Hartz. Incumbent's commission expired December 12, 1911.

SOUTH DAKOTA.

Harry L. Stearns to be postmaster at Bryant, S. Dak., in place of James Erickson, resigned.

WASHINGTON.

Hugh Eldridge to be postmaster at Bellingham, Wash., in place of Hugh Eldridge. Incumbent's commission expired March 10, 1912.

Henry A. Rathvon to be postmaster at Marysville, Wash., in place of Henry A. Rathvon. Incumbent's commission expired March 10, 1912.

WEST VIRGINIA.

N. J. Keakle to be postmaster at Williamson, W. Va., in place of Greenway Hatfield, resigned.

CONFIRMATIONS.

Executive nominations confirmed by the Senate March 18, 1912.

PROMOTIONS IN THE NAVY.

The following-named ensigns to be lieutenants (junior grade):
Preston H. McCrary,
Arie A. Corwin,
Baxter H. Bruce, and
John B. Earle.

The following-named midshipmen to be ensigns:
Harold S. Burdick,
Claude S. Gillette,
Roland M. Comfort,
Comfort B. Platt,
Charles E. Reordan,
Hugo W. Koehler,
George N. Reeves, jr.,
Ralph E. Sampson,
Joseph M. Deem,
Robert H. Bennett,
Deupree J. Friedell,
Harry C. Ridgely,
George B. Keester,
Wilbur J. Carver,
Henry H. Porter,
George A. Trever,
George W. Hewlett,
Franklin H. Fowler,
Percy T. Wright,
Zachary Lansdowne,
Stanley R. Canine,
Jesse B. Oldendorf,
David H. Stuart,
Ernest L. Gunther,
Frank Slingluff, jr.,
John M. Ashley,
Clifford E. Van Hook,
Paul H. Marion,
Solomon Endel,
Joseph A. Murphy,
James R. Barry,
William N. Richardson, jr.,
Lawrence Townsend, jr.,
Edward C. Lange,
Glenn B. Strickland,
Stewart A. Manahan,
Lucius C. Dunn,
Rush S. Fay,
Ewart G. Haas,
Dennis E. Kemp,
Junius Yates,
Francis L. Shea,
Henry E. Rossell,
Charles M. Cook, jr.,
Mervyn Bennion,
Augustine H. Gray,
Walter E. Brown,
Charles L. Brand,
Chester C. Jersey,
Hollaway H. Frost,
Howard K. Lewis,
Robert T. Merrill,
Warren L. Moore,
Walter D. Seed, jr.,
James B. Will,
Alfred T. Clay,
Harry W. Hosford,
Clarence K. Bronson,
Franklin S. Steinwachs,
Francis G. Marsh,
Earle C. Metz,
Herbert W. Underwood,
Frederick C. Sherman,
Percy K. Robotton,
Wadleigh Capehart,
Lyal A. Davidson,
Hugh M. Branham,

Alston R. Simpson,
Robert C. Lee,
Josiah O. Hoffman, jr.,
Edwin J. Gillam,
Millington B. McComb,
Frank H. Luckel,
William M. Corry, jr.,
Melville S. Brown,
George M. Cook,
Sargent Force,
Donald B. Beary,
Joseph P. Norfleet,
Bernard O. Wills,
Elmer D. Langworthy,
Robert E. Bell,
Charles J. Moore,
Walter V. Combs,
Thomas Moran,
Frank H. Kelley, jr.,
James A. Logan,
Leslie L. Jordan,
John H. Smith,
James T. Alexander,
Francis A. La Roche,
John L. Riheldaffer,
Francis P. Traynor,
Howard B. Berry,
John H. Wellbrock,
Ormond C. Pailthorp,
Dorsey O. Thomas,
Lewis Hancock, jr.,
Alfred Y. Lanphier,
Melvin L. Stolz,
Henry B. Cecil,
William P. Brown,
Spencer S. Lewis,
William S. Nicholas,
Walden L. Ainsworth,
Edward K. Lang,
Frank M. Harris,
Robert N. Miller,
Edwards B. Gibson,
William A. Richardson,
Charles A. Pownall,
Lorain Anderson,
Earl W. Robinson,
Murphy J. Foster,
James G. Ware,
Homer B. Gilbert,
Lawrence F. Reifsnider,
Godfrey de C. Chevalier,
Robert Gatewood,
Walter A. Edwards,
Frederick G. Reinicke,
Valentine N. Bieg,
Bolivar V. Meade,
Miles P. Refo, jr.,
Samuel W. King,
Edgar M. Williams,
Walter D. La Mont,
Earl A. McIntyre,
Howard A. Flanigan,
Robert T. Young,
George L. Dickson,
Marc A. Mitscher,
Elmer K. Niles,
Scott B. Macfarlane,
Timothy A. Parker,
George L. Weyler,
Roman B. Hammes,
Jefferson D. Smith,
Earl W. Spencer, jr.,
Clarkson J. Bright,
William D. Kilduff,
Herbert O. Roesch,
Herbert A. Ellis,
Romauld P. P. Meclewski,
John F. Donelson,
Joseph F. Crowell, jr.,
Webb Trammell,
Charlton E. Battle, jr.,
Herbert R. Hein,
Frederick S. Hatch,
Herbert H. Bouson,
Walter W. Webster,
Beirne S. Bullard,
Ole O. Hagen,
Robert M. Griffin,
Robert H. Skelton,
Ernest L. Patch,
Alfred G. Zimmerman,
Roger W. Paine,
Milton H. Anderson,
Delevan B. Downer,
Oliver L. Wolfard,
Ellis S. Stone,
Harry L. Merring,
Morris D. Gilmore,
Lybrand P. Smith,
George M. Lowry,
William D. Chandler, jr.,
Darrell B. Hawley,
William E. Baughman,
Harry W. Hill,
John A. Fletcher,
Bernard H. Bieri,
Henry F. Bruns,
Oscar C. Badger,
James C. Byrnes, jr.,
Thomas S. King, second,
Robert K. Awtrey,
Edward C. McGehee,
Howard S. Jeans,
Bert M. Snyder,
Scott D. McCaughey,
Edward W. Hanson,
Daniel J. Callaghan,
Cecil Y. Johnston,
Thomas Baxter,
Samuel K. Day,
Walter A. Riedel,
Aylmer L. Morgan, jr.,
Edgar R. McClung,
John R. Peterson, jr.,
John H. Magruder, jr.,
George F. Jacobs,
James L. Rodgers,
James M. Cresap,
Paul F. Foster,
Everett D. Capehart,
Frank Loftin,
Lewis W. Comstock,
Thomas S. McCloy,
Lyell St. L. Pamperin,
George B. Ashe,
Joseph L. Nielson,
Harold R. Keller,
Frank C. McCord,
Eric L. Barr,
John C. Thom,
Ralph F. Wood,
Ames Loder,
Paul M. Bates,
Walter S. Davidson,
John W. Reeves, jr.,
Henry J. Shields,
Urey W. Conway,
Guysbert B. Vroom,
Robert P. Hinrichs,
Elliot B. Nixon,
John M. Sylvester,
Lucien B. Green, 2d,
Joseph M. Blackwell,
Frank E. P. Uberroth,
Jenifer Garnett,
Charles C. Gordon,
Frank F. Reynolds,
Glenn F. Howell,
Sherwood Picking,
Norman L. Kirk,
Francis M. Collier,
Jonathan W. Anderson,
Pat Buchanan,
James H. Taylor,
Merritt Hodson,
George A. Rood,
Ralph G. Risley,
Fred Welden,

John W. McClaren,
Alexander Macomb,
Moses K. Goodridge,
William F. Callaway,
Frederick Balzly,
William C. Barnes,
Wells E. Goodhue,
Wallace B. Phillips,
Solon E. Rose,
Franz B. Melendy,
Frederick L. Riefkohl,
Joseph R. Mann, jr.,
Daniel S. McQuarrie,
Harry D. McHenry,
John F. Meigs, jr.,
John W. Gates,
Van Leer Kirkman, jr.,
Philip R. Baker,
Harvey S. Haislip,
Harrison R. Glennon,
Ralph E. Dennett,
George F. Parrott, jr.,
Charles G. McCord,
Alfred S. Wolfe,
Ralph C. Lawder,
Andes H. Butler,
Eugene T. Oates,
Harry W. Stark,
Roy W. Lewis,
Marion C. Cheek,
Richard S. Field,
Robert P. Molten, jr.,
Harry R. Bogusch,
Eugene C. Sweeney,
Samuel G. Strickland,
Jay K. Esler,
William J. Butler,
Robert H. English,
George C. Fuller,
Lambert Lamberton,
Bushrod B. Howard,
George D. Murray,
Carroll Q. Wright, jr.,
Oliver M. Read, jr.,
Joseph M. B. Smith,
George J. McMillin,
William H. O'Brien,
Howard F. Kingman,
John A. Baird,
John T. Melvin,
Howard S. Keep,
James G. B. Gromer,
William M. Quigley,
Rivers J. Carstarphen,
Albert R. Mack,
John A. L. Zenor,
Calvin H. Cobb,
Henry S. M. Clay,
William D. Ford,
Robert B. Simons,
Lee C. Carey,
John H. Holt, jr.,
Norman Scott,
Glenn A. Smith,
Conrad Ridgely,
Donald C. Godwin,
Richard P. Myers,
Webb C. Hayes,
Howard Bode,
Jay L. Kerley,
Harold E. Snow,
Robert M. Doyle, jr.,
Richard H. Booth,
Morton L. Deyo,
Harold T. Bartlett, and
Robert M. Hinckley.

POSTMASTERS.

MISSOURI.

John W. S. Dillon, Grant City.

PENNSYLVANIA.

Frank E. Hartz, Palmyra.
Dallas J. Smith, Parsons.
William Williams, Great Bend.

HOUSE OF REPRESENTATIVES.

MONDAY, *March 18, 1912.*

The House met at 12 o'clock noon.

The Chaplain, Rev. Henry N. Couden, D. D., offered the following prayer:

Father in heaven, our hearts go out in gratitude to Thee for all the great, the pure, the strong, the noble, self-sacrificing men whom Thou hast raised up in every age to be the bearers of righteousness, truth, and justice, and to-day we join our hearts in thanksgiving and praise with the thousands who are celebrating the birth of Ireland's patron saint. We thank Thee for his life and character, which have lived through the ages and become the inspiration of thousands to do the work of the good Samaritan under the spiritual leadership of the Master. Help us to emulate his virtues and to do the work Thou hast given us to do with the same courage and fortitude which characterized his life, and Thine be the praise through Jesus Christ our Lord. Amen.

The Journal of the proceedings of Saturday, March 16, 1912, was read and approved.

Mr. BOEHNE assumed the chair as Speaker pro tempore.

HYDRO-ELECTRIC CO. (H. DOC. NO. 714).

Mr. RAKER. Mr. Speaker, on Calendar Wednesday last, March 13, 1912, we had up for consideration the so-called hydro-electric bill, H. R. 12572. In my argument I used the testimony and record before the circuit court upon that bill. It is an important matter to me and an important matter to my district. I ask unanimous consent that I may have the opportunity to print that record as a House document. The subject is not yet settled, and I desire to have it so that it may be used later by the Members of Congress.

The SPEAKER. What is the record?

Mr. RAKER. It is the record before the United States Circuit Court of the Ninth Judicial Circuit, Northern District of California—the case of United States of America *v.* Hydro-Electric Co.

The SPEAKER. The gentleman from California asks unanimous consent to have the record in the matter referred to in the United States Circuit Court, Ninth Judicial Circuit, Northern District of California, printed as a public document. Is there objection?

Mr. MANN. Mr. Speaker, reserving the right to object, does the gentleman wish to have the entire record printed?

Mr. RAKER. Yes; the complaint and answer and the testimony, with the affidavits, maps, and exhibits.

Mr. MANN. That is the testimony taken before the master in chancery?

Mr. RAKER. Yes.

Mr. MANN. How long will it be?

Mr. RAKER. From 150 to 250 pages of printed matter. It might be longer, but I do not believe so.

The SPEAKER. Is there objection? [After a pause.] The Chair hears none, and it is so ordered.

BURIAL OF REMAINS OF SAILORS, U. S. S. "MAINE" (H. DOC. NO. 630).

The SPEAKER laid before the House the following letter from the President of the United States:

THE WHITE HOUSE,
Washington, March 16, 1912.

Hon. CHAMP CLARK,
Speaker of the House of Representatives.

MY DEAR MR. SPEAKER: A memorial service for the dead of the (old) U. S. S. *Maine* will be held at the south front of the State, War, and Navy Department Building, Washington, at 2.30 o'clock p. m., Saturday, March 23, 1912, and immediately thereafter the remains of the men lately recovered from the wreck of that vessel at Habana will be interred with full military honors at Arlington National Cemetery.

I deem it desirable and fitting that the proposed ceremonies should be regarded as a national tribute to the ill-fated *Maine* and to the officers and enlisted men of her crew who lost their lives in the service of our country; and I have the honor to suggest that the Congress take such action as it may deem appropriate with a view to attending the memorial service and to making formal recognition of the occasion.

Sincerely, yours,

WM. H. TAFT.

The SPEAKER. This will be ordered printed and referred to the Committee on Naval Affairs.

LEVEES, EAST SIDE OF MISSISSIPPI RIVER.

Mr. HUMPHREYS of Mississippi. Mr. Speaker, I ask unanimous consent to take from the House Calendar Senate concurrent resolution 18 and consider it at this time.

The SPEAKER. The Clerk will report the resolution.

The Clerk read as follows:

Senate concurrent resolution 18.

Resolved by the Senate (the House of Representatives concurring), That the Secretary of War be requested to make a supplemental or additional report or estimate concerning the work of levee construction in

the improvement of the navigability of the Mississippi River on the east bank thereof from Vicksburg to Bayou Sara for use in connection with S. 4353, being a bill to aid in construction of levees and embankments on the east side of the Mississippi River.

The SPEAKER. Is there objection?

Mr. MANN. Mr. Speaker, reserving the right to object, I would like to inquire why this should be passed at this time?

Mr. HUMPHREYS of Mississippi. Mr. Speaker, in answer to the inquiry of the gentleman from Illinois, I will state that this is an exceptional case, and one that I think can not be cited hereafter as a precedent for any violation of the rule in taking it up except upon the day when the Unanimous Consent Calendar is in order. There is a bill now pending before the Commerce Committee in the Senate, which looks to making an appropriation for building a levee on the Mississippi River south of Vicksburg, in front of a narrow strip of territory. The strip is so narrow, although there are contained within it about 500,000 acres, and the levee therefore so long that the people who are behind the levee have not themselves been able to raise the money with which to build it. The result is that this land has been overflowed to a very great depth by reason of the construction of the levees elsewhere. It is the insistence of those people that their lands have been "taken" within the purview of the Constitution. That bill has been introduced in the Senate, and the Senate Commerce Committee called upon the War Department for additional information upon the subject, but under the law the Chief of Engineers can not make any supplementary or additional report after he has once made his report upon a project, except in response to a concurrent resolution. So, when the Commerce Committee passed a resolution and sent it to the Secretary of War asking him for this additional information the request was returned with a citation to the statute. Therefore a concurrent resolution was then introduced in the Senate and passed. The reason why it is necessary to pass the resolution to-day is this: A hearing has been arranged for next Thursday before the Committee on Commerce of the Senate upon this particular matter. Gentlemen from a distance who are interested in the matter will be here upon that day, and the Senate Commerce Committee is anxious to have this additional information on hand when that hearing takes place. The matter was sent over here and referred to the Committee on Rivers and Harbors, and they have reported this resolution.

I expected to get it passed to-day when the Unanimous Consent Calendar was called, but that, as the gentleman knows, has been put over until Thursday, and if we wait until Thursday to get up the Unanimous Consent Calendar it will then be too late to obtain the information for the Senate.

Mr. MANN. The gentleman will notice that if the Unanimous Consent Calendar were being called to-day this resolution would not be in order.

Mr. HUMPHREYS of Mississippi. Because it was not put there in time?

Mr. MANN. It has not been on the calendar long enough. As I understand, the gentleman's request is for the purpose of getting information to be used by the Senate, by their request, for the hearing on Thursday before the Commerce Committee?

Mr. HUMPHREYS of Mississippi. And just as courtesy to the Senate I ask that the rule be suspended.

Mr. MANN. Is this information now in the hands of the War Department so that they can come and make a report?

Mr. HUMPHREYS of Mississippi. Yes. The engineers state that they have the information and they could give it to the committee, except for the fact that the law forbids it.

Mr. MANN. And there is no expense?

Mr. HUMPHREYS of Mississippi. None.

The SPEAKER. Is there objection to the consideration of the resolution? [After a pause.] The Chair hears none.

The question is on agreeing to the Senate concurrent resolution.

The question was taken, and the resolution was agreed to.

THE EXCISE-TAX BILL.

Mr. UNDERWOOD. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the state of the Union for the consideration of the bill (H. R. 21214) to extend the special excise tax now levied with respect to doing business by corporations to persons, and to provide revenue for the Government by levying a special excise tax with respect to doing business by individuals and copartnerships.

The motion was agreed to.

Accordingly the House resolved itself into the Committee of the Whole House on the state of the Union for the further consideration of the bill H. R. 21214, with Mr. MOON of Tennessee in the chair.

Mr. UNDERWOOD. Mr. Chairman, I yield to the gentleman from Alabama [Mr. CLAYTON].

[Mr. CLAYTON addressed the committee. See Appendix.]

Mr. UNDERWOOD. Mr. Chairman, I yield one hour to the gentleman from New York [Mr. LITTLETON]. [Applause.]

Mr. LITTLETON. Mr. Chairman, I have been so profoundly impressed with my own limitations and the well-nigh boundless extent of the general subject involved that I have been in doubt, as I have attempted to investigate the subject from day to day, as to whether I should attempt to present my views to the House at all. And yet I have felt, as no doubt most of my colleagues feel, that we are taking a very important step and that we are dealing with a subject which goes to the roots of the powers of the Federal Government as outlined in the Constitution. I have felt, under such circumstances, that however well or ill a Member may make his contribution to the discussion, however incomplete his argument, however unsatisfactory his research, however inadequate the support he gives to his argument, he owes it to his brothers, to the country, and to himself to take some position and to present his views.

The taxing power of the Federal Government, as it is familiarly known to us all, is found in section 8 of Article I of the Constitution. About this section there has for more than a hundred years revolved a controversy of construction and disputation which has found its reflection in the action of political factions and in the trend of judicial decision. And yet, if I can, I intend to disassociate from the discussion which I am about to enter upon anything of a partisan, political nature, in an effort to ascertain the meaning, bearing, and effect of this bill as it relates to section 8 of Article I of the Constitution. It is as follows:

SEC. 8. The Congress shall have power to lay and collect taxes, duties, imposts, and excises to pay the debts and provide for the common defense and general welfare of the United States; but all duties, imposts, and excises shall be uniform throughout the United States.

If you turn to section 2 of Article I, which has been, of course, affected by the fourteenth amendment, we find:

Representatives and direct taxes shall be apportioned among the several States which may be included within this Union, according to their respective numbers, which shall be determined by adding to the whole number of free persons, including those bound to service for a term of years and excluding Indians not taxed, three-fifths of all other persons. * * *

If you turn to section 9, you find:

No capitation or other direct tax shall be laid unless in proportion to the census or enumeration hereinbefore directed to be taken.

In these sections, Mr. Chairman, is embodied the grant and the limitations of the grant made to the Federal Government for the levying and collecting of taxes. But in order to understand the impotency of the Articles of Confederation, in order to understand that there was to be erected on the ruins of that old Confederation a great constitutional Government, in order to understand that we were now to abandon, if you please, the fatuous policy of some Æchean league and to establish in the heart of a nation a great organic instrument, we must recur to the provisions of the Articles of Confederation and discover, if we may, the kinship between some of these sections of the Constitution to which I have referred and the old provisions of the Articles of Confederation regarding the requisition for taxes.

In Article VIII of the Articles of Confederation it was provided that—

All charges of war and all other expenses that shall be incurred for the common defense or general welfare, and allowed by the United States in Congress assembled, shall be defrayed out of a common treasury, which shall be supplied by the several States in proportion to the value of all land within each State granted to or surveyed for any person, as such land and the buildings and improvements thereon shall be estimated according to such mode as the United States in Congress assembled shall from time to time direct and appoint. The taxes for paying that proportion shall be laid and levied by the authority and direction of the legislatures of the several States within the time agreed upon by the United States in Congress assembled.

Of course the history of the efforts to collect taxes under Article VIII is common history. Requisition would be made upon the members of the Confederation, and it would not be met. The provision seemed ample in terms, but in execution it was impotent and fruitless, and it was because of the impotency and fruitlessness of section 8, coupled with the desire to eliminate the embarrassments which resulted from the checks and counterchecks in the commerce of the country that led to the establishment of the Constitution. These two reasons were the dominant and commanding reasons which dictated to the wise makers of the Constitution the necessity of abandoning the Articles of Confederation and lodging in the bosom of the Federal Government, first, the power to regulate commerce, and, second, the power to tax every dollars' worth of wealth beneath the flag, if necessary, in the common defense and for the general welfare. [Applause on the Democratic side.]

In order that you may understand why I have thus stated, and do intend for some little time to consider, the origin of the

opinions of the statesmen of the time, let me say that I conceive the questions now before this body to be these:

Two contentions are made concerning the pending bill. One is that it is lamentably defective, in that it taxes none but the thrifty and those engaged in productive enterprise, and the second is that if this is not true and it does reach the larger incomes of the country, it is violative of the Constitution as applied by the Supreme Court in its majority opinion in the Pollock case. Therefore it is proper to consider whether, in the light of judicial and political history, the Pollock decision is the last word upon the subject of direct taxation. And on that subject I direct the attention of my colleagues to the fact that the Supreme Court, in the consideration of the Pollock case, was dealing not with the question of property rights, was dealing not with a rule for the adjustment of personal rights, but was dealing with a great power vested in a great political sovereignty, without which we would be thrown back upon the impotency of the Articles of Confederation. In other words, it was the fixing of a great political policy, in the larger use of that term; it was the restricting of a great taxing power which had become necessary because of our experience under the Confederation, and I claim humbly that we have the right every day in the year and every year in the century to continue to contend that this political right or political power which was stricken down by the decision in the Pollock case should be restored, in order that the full power to legislate in reference to taxation may still be in the hands of Congress unimpaired. [Applause on the Democratic side.]

Now, what was exactly the history of the discussion as to direct taxation? If you take the economic situation pure and simple as it existed at the time of the adoption of the Constitution, you have to refer for definitions to the volumes of the Physiocrats on economy; to Adam Smith, in his Wealth of Nations, and to John Stuart Mill. And if you are trying to determine what is a direct and what is an indirect tax in a purely economic sense, if you contend that it was in its economic sense that it was used in the Constitution, you will find little or no comfort in investigating the sources which the statesmen of that day had as the foundation of their learning.

It has been contended by some writers that in the libraries of the makers of our Constitution you would find Adam Smith and the volumes of the Physiocrats, in which it was said that a direct tax was one which could not be shifted and that an indirect tax was one which could be shifted, and that, therefore, they wrote these articles in the Constitution with those economic definitions in mind. So far as my investigations go and so far as I have been able to come to any conclusion, I have no doubt that the influence upon the members of the Constitutional Convention which caused them to write "direct" and "indirect" into the Constitution came from the old Articles of Confederation; came more from the shibboleth of the Revolution, "Taxation without representation will not be suffered by a free people"; and they wrote first that taxation and representation should go hand in hand, and then that no capitation or land tax or direct tax should be levied except by "apportionment," because that had been the description of tax in Article VIII of the Confederation, and was the only one that could have been levied at a time when nine-tenths of all the population of the country were farmers and owned agricultural lands.

I know that there have been learned discussions about the meaning of "direct" and "indirect," but I prefer to refer you to one single circumstance as being almost conclusive of what the meaning of the term was in the Constitution. It is this: Mr. Hamilton, after the Constitution had been adopted, committed to the keeping of Mr. Madison a document which he called the constitution which he would have adopted if he had been allowed full power. I do not think anyone can claim that Mr. Hamilton did not know as much about the Constitution, about the purposes of it, about the design of it, about the failure of the Confederation, and about the impotency of the Confederation, as anyone who sat in the Constitutional Convention.

In Elliott's Debates there is a document which reads:

A copy of a paper communicated to James Madison by Col. Hamilton about the close of the convention in Philadelphia, in 1787, which he said delineated the constitution which he would have wished to be proposed by the convention.

He had stated the principles of it in the course of the deliberations of the convention. He then drafted a complete constitution according as he would have proposed it, and turned it over to Mr. Madison, and in the section corresponding to the one in the Constitution, about which we have had so much discussion and judicial controversy—in that section which we find in our Constitution to be that "No capitation or other direct tax shall be laid" without apportionment—we find that Mr. Hamilton wrote out in full what undoubtedly was the meaning of "direct" and "indirect" in the minds of the gentlemen in the Constitutional Convention. In Mr. Hamilton's draft of the Constitution, this section read:

SEC. 4. Taxes on land, houses, and other real estate, and capitation taxes, shall be proportioned in each State by the whole number of free persons, except Indians not taxed, and by three-fifths of all other persons.

Plainly he wrote into his section what was intended to have been written in section 9. That is, taxes on land, houses, or other real estate and capitation taxes were the only taxes that were conceived of by the makers of the Constitution to be apportioned according to the population at the last census.

I may add that Mr. Hamilton followed that by a long course of construction in after years, which only bore out the contention that he was writing in section 4 of his proposed constitution what was intended to be written in section 9 of the Constitution as adopted. And I repeat, for the sake of clearness, that the purpose was that by direct taxes were to be understood such taxes as were levied upon lands and other improvements and poll taxes, and none other.

Well, you say, is there anything in support of that? I direct your attention to Elliott's Debates on the Federal Constitution, volume 5, page 302, where appears the record of proceedings on Thursday, July 12, 1787:

In convention—Mr. Gouverneur Morris moved to add to the clause empowering the legislature to vary the representation according to the principles of wealth and number of inhabitants, a proviso "that taxation shall be in proportion of representation."

Mr. Butler contended again that representation should be according to the full number of inhabitants, including all the blacks, admitting the justice of Mr. Gouverneur Morris's motion.

Mr. Mason also admitted the justness of the principle, but was afraid embarrassments might be occasioned to the legislature by it. It might drive the legislature to the plan of requisitions.

Mr. Gouverneur Morris admitted that some objections lay against his motion, but supposed they would be removed by restraining the rule to direct taxation. With regard to indirect taxes on exports and imports and on consumption, the rule would be inapplicable. Notwithstanding what had been said to the contrary, he was persuaded that the imports and consumption were pretty nearly equal throughout the Union.

From this it would appear that the word "direct," as used in the Constitution, was first suggested to distinguish between a tax levied upon the people and their property directly and a requisition made upon a colony or State by the Federal Government.

Let me say, from my own point of view, that I regard those terms wherever you see them in the literature of that day as a substantial shibboleth of the Revolution. You can not find anything anywhere about taxation in the days of the Articles of Confederation and preceding the Constitution in which the words "taxation and representation" do not occur together in the literature of the time. I am almost persuaded to say, after a hundred years from that time, that we are willing to say: "Whereas in those days the cry was 'no taxation without representation,' the cry to-day ought to be 'no representation without taxation.'" [Applause.]

Scarcely had the Constitution been adopted and the powers of taxation committed to the hands of the Federal Government when a tax was levied in what was known as the carriage act, which may be familiar to most of you, an act laying duties on carriages for the conveyance of persons. The tax was $10 on each carriage. It was not apportioned. It was simply levied under the doctrine of uniformity.

Mr. Daniel Hylton lived in Virginia, and, curiously enough, it is revealed by the record that he had 125 chariots, as they called them. The act said $10 a carriage upon carriages for private use or for hire, and the agreed state of facts in that case was that Mr. Daniel Hylton owned 125 chariots for private use and not for hire. Under this state of facts the first case—and I am sure I impose on some of you when I refer to it—came up for the consideration of the Supreme Court at the February term, 1796. On that morning Mr. Oliver Ellsworth was sworn in as the Chief Justice of the United States, and it is recited on the face of the report that he took his seat that morning in the court, although as a matter of fact he did not share in the opinion.

Curiously enough, Mr. Hamilton, who had been Secretary of the Treasury, appeared, more or less ill in health, as the counsel for the Government and argued the case in support of the power of the Federal Government to levy this tax upon carriages without apportionment; and in order that his views of the whole subject may be before you, I submit a fragment of his brief, which has been preserved among his works. This is found in volume 7, Works of Alexander Hamilton, page 328, and is as follows:

What is the distinction between direct and indirect taxes? It is a matter of regret that terms so uncertain and vague in so important a point are to be found in the Constitution. We shall seek in vain for any antecedent settled legal meaning to the respective terms; there is none.

We shall be as much at a loss to find any disposition of either which can satisfactorily determine the point.

Shall we call an indirect tax, a tax which is ultimately paid by a person, different from the one who pays it in the first instance?

Truly speaking, there is no such tax—those on imported articles best claim the character. But in many instances the merchant can not transfer the tax to the buyer; in numerous cases it falls on himself, partly or wholly. Besides, if the same article which is imported by a merchant for sale is imported by a merchant for his own use, or by a lawyer, a physician, or mechanic, for his own use, there can be no question about the transfer of the tax. It remains upon him who pays it.

According to that rule, then, the same tax may be both a direct and an indirect tax, which is an absurdity. To urge that a man may either buy an article already imported or import it himself amounts to nothing; sometimes he could not have that option.

But the option of an individual can not alter the nature of a thing. In like manner he might avoid the tax on carriages by hiring occasionally instead of buying.

The subject of taxation, not the contingent optional conduct of individuals, must be the criterion of direct or indirect taxation. Shall it be said that an indirect tax is that of which a man is not conscious when he pays? Neither is there any such tax. The ignorant may not see the tax in the enhanced price of the commodity, but the man of reflection knows it is there. Besides, when any but a merchant pays, as in the case of the lawyer, etc., who imports for himself, he can not but be conscious that it falls upon himself.

By this rule also, then a tax would be both direct and indirect—and it will be equally impracticable to find any other precise or satisfactory criterion.

In such a case no construction ought to prevail calculated to defeat the express and necessary authority of the Government. It would be contrary to reason, and to every rule of sound construction, to adopt a principle for regulating the exercise of a clear constitutional power which would defeat the exercise of the power.

It can not be contested that a duty on carriages specifically is as much within the authority of the Government as a duty on lands or buildings.

Now, if a duty on carriages is to be considered as a direct tax, to be apportioned according to the rates of representation, very absurd consequences must ensue.

'Tis possible that a particular State may have no carriages of the description intended to be taxed or a very small number.

But each State would have to pay a proportion of the sum to be laid, according to its relative numbers; yet while the State would have to pay a quota, it might have no carriages upon which its quota could be assessed, or so few as to render it ruinous to the owners to pay the tax. To consider, then, a duty on carriages as a direct tax may be to defeat the power of laying such a duty. This is a consequence which ought to ensue from construction.

Further: If the tax on carriages be a direct tax, that on ships, according to their tonnage, must be so likewise. Here is not a consumable article. Here the tax is paid by the owner of the thing taxed from time to time, as would be the tax on carriages.

If it be said that the tax is indirect because it is alternately paid by the freighter of the vessel, the answer is that sometimes the owner is himself the freighter and at other times the tonnage accrues when there is no freight and is a dead charge on the owner of the vessel.

Moreover, a tax on a hackney or stagecoach or other carriage, or on a dray or cart employed in transporting commodities for hire, would be as much a charge on the freight as a tax upon vessels, so that if the latter be an indirect tax the former can not be a direct tax.

And it would be too great a refinement for a rule of practice in government to say that a tax on a hackney or stagecoach and upon a dray or cart is an indirect one, and yet a tax upon a coach or wagon ordinarily used for the purposes of its owner is a direct one.

The only known source of the distinction between direct and indirect taxes is in the doctrine of the French economists—Locke and other speculative writers—who affirm that all taxes fall ultimately upon land, and are paid out of its produce, whether laid immediately upon itself or upon any other thing. Hence taxes upon lands are in that system called direct taxes; those on all other articles indirect taxes.

According to this, land taxes only would be direct taxes, but it is apparent that something more was intended by the Constitution. In one case a capitation is spoken of as a direct tax.

But how is the meaning of the Constitution to be determined? It has been affirmed, and so it will be found, that there is no general principle which can indicate the boundary between the two. That boundary, then, must be fixed by a species of arbitration, and ought to be such as will involve neither absurdity nor inconvenience.

The following are presumed to be the only direct taxes:

Capitation or poll taxes.

Taxes on lands and buildings.

General assessments, whether on the whole property of individuals or on their whole real or personal estate; all else must of necessity be considered as indirect taxes.

To apply a rule of apportionment according to numbers to taxes of the above description has some rationale in it; but to extend an apportionment of that kind to other cases would in many instances produce, as has been seen, preposterous consequences, and would greatly embarrass the operations of the Government. Nothing could be more capricious or outré than the application of quotas in such cases.

The Constitution gives power to Congress to lay and collect the taxes, duties, imposts, and excises, requiring that all duties, imposts, and excises shall be uniform throughout the United States.

Here duties, imposts, and excises appear to be contradistinguished from taxes, and while the latter is left to apportionment the former are enjoined to be left uniform.

But, unfortunately, there is equally here a want of criterion to distinguish duties, imposts, and excises from taxes.

If the meaning of the word "excise" is to be sought in the British statutes, it will be found to include duty on carriages, which is there considered as an excise, and then must necessarily be uniform and liable to apportionment; consequently not a direct tax.

An argument results from this, though not perhaps a conclusive one; yet where so important a distinction in the Constitution is to be realized it is fair to seek the meaning of terms in the statutory language of that country from which our jurisprudence is derived.

Still more curiously, Mr. Madison made it convenient, according to his own papers, to have published a letter written by a distinguished lawyer, challenging the constitutionality of the act, at just about the time the opinion of the court was to be rendered. The Chief Justice stated the case in substance. If you will permit me, I will refer to this discussion of the act.

Chase, Justice:

By the case stated only one question is submitted to the opinion of this court—whether the law of Congress of the 5th of June, 1794, entitled "An act to lay duties upon carriages for the conveyance of persons," is unconstitutional and void.

The principles laid down to prove the above law void are these: That a tax on carriages is a direct tax, and therefore by the Constitution must be laid according to the census, directed by the Constitution to be taken, to ascertain the number of Representatives from each State, and that the tax in question on carriages is not laid by the rule of apportionment, but by the rule of uniformity prescribed by the Constitution in the case of duties, imposts, and excises; and a tax on carriages is not within either of those descriptions.

By the second section of the first article of the Constitution it is provided that direct taxes shall be apportioned among the several States according to their numbers, to be determined by the rule prescribed.

By the ninth section of the same article it is further provided that no capitation or other direct tax shall be laid unless in proportion to the census, or enumeration, before directed.

By the eighth section of the same article it was declared that Congress shall have power to lay and collect taxes, duties, imposts, and excises, but all duties, imposts, and excises shall be uniform throughout the United States.

As it was incumbent on the plaintiff's counsel in error, so they took great pains to prove that the tax on carriages was a direct tax; but they did not satisfy my mind. I think, at least, it may be doubted, and if I only doubted I should affirm the judgment of the circuit court. The deliberate decision of the National Legislature (who did not consider a tax on carriages a direct tax, but thought it was within the description of a duty) would determine me, if the case was doubtful, to receive the construction of the legislature; but I am inclined to think that a tax on carriages is not a direct tax within the letter or meaning of the Constitution.

The great object of the Constitution was to give Congress a power to lay taxes adequate to the exigencies of government, but they were to observe two rules in imposing them, namely, the rule of uniformity when they laid duties, imposts, or excises and the rule of apportionment, according to the census, when they laid any direct tax.

If there are any other species of taxes that are not direct and not included within the word "duties, imposts, or excises," they may be laid by the rule of uniformity or not, as Congress shall think proper and reasonable. If the framers of the Constitution did not contemplate other taxes than direct taxes and duties, imposts, and excises, there is great inaccuracy in their language. If these four species of taxes were all that were meditated the general power to lay taxes was unnecessary. If it was intended that Congress should have authority to lay only one of the four above enumerated, to wit, direct taxes by the rule of apportionment and the other three by the rule of uniformity, the expressions would have run thus: "Congress shall have power to lay and collect direct taxes and duties, imposts, and excises; the first shall be laid according to the census, and the three last shall be uniform throughout the United States." The power in the eighth section of the first article, to lay and collect taxes, included a power to lay direct taxes, whether capitation or any other, and also duties, imposts, and excises, and every other species or kind of tax whatsoever and called by any other name. Duties, imposts, and excises were enumerated after the general term taxes only for the purposes of declaring that they were to be laid by the rule of uniformity. I consider the Constitution to stand in this manner. A general power is given to Congress to lay and collect taxes of every kind or nature without any restraint, except only on exports, but two rules are prescribed for their government, namely, uniformity and apportionment; three kinds of taxes, to wit, duties, imposts, and excises by the first rule and capitation or other direct taxes by the second rule.

I believe some taxes may be both direct and indirect at the same time. If so, would Congress be prohibited from laying such a tax because it is partly a direct tax?

The Constitution evidently contemplated no taxes as direct taxes, but only such as Congress could lay in proportion to the census. The rule of apportionment is only to be adopted in such cases where it can reasonably apply, and the subject taxed must ever determine the application of the rule.

If it is proposed to tax any specific article by the rule of apportionment, and it would evidently create great inequality and injustice, it is unreasonable to say that the Constitution intended such tax should be laid by that rule.

It appears to me that a tax on carriages can not be laid by the rule of apportionment without very great inequality and injustice. For example, suppose two States, equal in census, to pay $80,000 each by a tax on carriages, of $8 on every carriage, and in one State there are 100 carriages and in the other 1,000. The owners of carriages in one State would pay 10 times the tax of owners in the other. A in one State would pay for his carriage $8, but B in the other State would pay for his carriage $80.

It was argued that a tax on carriages was a direct tax and might be laid according to the rule of apportionment, and, as I understood, in this manner: Congress, after determining on the gross sum to be raised, was to apportion it according to the census and then lay it in one State on carriages, in another on horses, in a third on tobacco, in a fourth on rice, and so on. I admit that this mode might be adopted, to raise a certain sum in each State, according to the census, but it would not be a tax on carriages, but on a number of specific articles; and it seems to me that it would be liable to the same objection of abuse and oppression as a selection of any one article in all the States.

I think an annual tax on carriages for the conveyance of persons may be considered as within the power granted to Congress to lay duties. The term duty is the most comprehensive next to the generical term tax; and practically in Great Britain, whence we take our general ideas of taxes, duties, imposts, excises, customs, etc., embraces taxes on stamps, tolls for passage, etc., and is not confined to taxes on importation only.

It seems to me that a tax on expense is an indirect tax; and I think an annual tax on a carriage for the conveyance of persons is of that kind, because a carriage is a consumable commodity, and such annual tax on it is on the expense of the owner.

I am inclined to think, but of this I do not give a judicial opinion, that the direct taxes contemplated by the Constitution are only two, to wit, a capitation or poll tax, simply with regard to property, profes-

sion, or any other circumstance, and a tax on land. I doubt whether a tax by a general assessment of personal property within the United States is included within the term direct taxes.

Paterson, Justice.—By the second section of the first article of the Constitution of the United States it is ordained that Representatives and direct taxes shall be apportioned among the States, according to their respective numbers, which shall be determined by adding to the whole number of free persons, including those bound to service for a term of years, and excluding Indians not taxed, three-fifths of all other persons.

The eighth section of the said article declares that Congress shall have power to lay and collect taxes, duties, imposts, and excises; but all duties, imposts, and excises shall be uniform throughout the United States.

The ninth section of the same article provides that no capitation or other direct tax shall be laid unless in proportion to the census or enumeration before directed to be taken.

Congress passed a law on the 5th of June, 1794, entitled "An act laying duties upon carriages for the conveyance of persons."

Daniel Lawrence Hilton, on the 5th of June, 1794, and therefrom to the last day of September next following, owned, possessed, and kept 125 chariots for the conveyance of persons, but exclusively for his own separate use, and not to let out to hire, or for the conveyance of persons for hire.

The question is whether a tax upon carriages be a direct tax. If it be a direct tax, it is unconstitutional, because it has been laid pursuant to the rule of uniformity and not to the rule of apportionment. In behalf of the plaintiff in error it has been urged that a tax on carriages does not come within the description of a duty, impost, or excise and therefore is a direct tax. It has, on the other hand, been contended that as a tax on carriages is not a direct tax it must fall within one of the classifications just enumerated, and particularly must be a duty or excise. The argument on both sides turns in a circle; it is not a duty, impost, or excise, and therefore must be a direct tax; it is not a tax, therefore it must be a duty or excise. What is the natural and common or technical or appropriate meaning of the words "duty" and "excise"? It is not easy to ascertain. They present no clear and precise idea to the mind. Different persons will annex different significations to the terms. It was, however, obviously the intention of the framers of the Constitution that Congress should possess full power over every species of taxable property except exports. The term taxes is generical and was made use of to vest in Congress plenary authority in all cases of taxations. The general division of taxes is into direct and indirect. Although the latter term is not to be found in the Constitution, yet the former necessarily implies it. Indirect stands opposed to direct. There may perhaps be an indirect tax on a particular article that can not be comprehended within the description of duties or imposts, or excises; in such case it will be comprised under the general denomination of taxes. For the term tax is the genus and includes—

1. Direct taxes.
2. Duties, imposts, and excises.
3. All other classes of an indirect kind and not within any of the classifications enumerated under the preceding heads.

The question occurs, How is such a tax to be laid, uniformly or apportionately? The rule of uniformity will apply, because it is an indirect tax, and direct taxes only are to be apportioned. What are direct taxes within the meaning of the Constitution? The Constitution declares that a capitation tax is a direct tax, and both in theory and practice a tax on land is deemed to be a direct tax. In this way the terms "direct taxes" and "capitation and other direct taxes" are satisfied. It is not necessary to determine whether a tax on the product of land be a direct or indirect tax. Perhaps the immediate product of land, in its original and crude state, ought to be considered as the land itself—it makes a part of it—or else the provision made against taxing exports would be easily eluded. Land independently of its produce is of no value. When the produce is converted into a manufacture it assumes a new shape, its nature is altered, its original state is changed, it becomes quite another subject, and will be differently considered. Whether direct taxes in the sense of the Constitution comprehend any other tax than a capitation tax and tax on land is a questionable point. If Congress, for instance, should tax in the aggregate or mass things that generally pervade all the States in the Union, then perhaps the rule of apportionment would be the most proper, especially if an assessment was to intervene. This appears by the practice of some of the States to have been considered as a direct tax. Whether it be so under the Constitution of the United States is a matter of some difficulty; but as it is not before the court it would be improper to give any decisive opinion upon it. I never entertained a doubt that the principal—I will not say the only—objects that the framers of the Constitution contemplated as falling within the rule of apportionment were a capitation tax and a tax on land. Local considerations and the particular circumstances and relative situation of the States naturally lead to this view of the subject. The provision was made in favor of the Southern States. They possessed a large number of slaves; they had extensive tracts of territory, thinly settled, and not very productive. A majority of the States had but few slaves, and several of them a limited territory, well settled, and in a high state of cultivation. The Southern States, if no provision had been introduced in the Constitution, would have been wholly at the mercy of the other States. Congress in such case might tax slaves at discretion or arbitrarily, and land in every part of the Union after the same rate or measure—so much a head in the first instance and so much an acre in the second. To guard them against imposition in these particulars was the reason of introducing the clause in the Constitution, which directs that Representatives and direct taxes shall be apportioned among the States according to their respective numbers.

On the part of the plaintiff in error it has been contended that the rule of apportionment is to be favored rather than the rule of uniformity; and, of course, that the instrument is to receive such a construction as will extend the former and restrict the latter. I am not of that opinion. The Constitution has been considered as an accommodating system; it was the effect of mutual sacrifices and concessions; it was the work of compromise. The rule of apportionment is of this nature; it is radically wrong; it can not be supported by any solid reasoning. Why should slaves, who are a species of property, be represented more than any other property? The rule, therefore, ought not to be extended by construction.

Again, numbers do not afford a just estimate or rule of wealth. It is, indeed, a very uncertain and incompetent sign of opulence. There is another reason against the extension of the principle laid down in the Constitution.

The counsel on the part of the plaintiff in error have further urged that an equal participation of the expense or burden by the several States in the Union was the primary object which the framers of the Constitution had in view, and that this object will be effected by the principle of apportionment, which is an operation upon States and not on individuals, for each State will be debited for the amount of its quota of the tax and credited for its payments. This brings it to the old system of requisitions. An equal rule is doubtless the best. But how is this to be applied to States or to individuals? The latter are the objects of taxation, without reference to the States, except in the case of direct taxes. The fiscal power is exerted certainly, equally, and effectually on individuals; it can not be exerted on States. The history of the United Netherlands and of our own country will evince the truth of this position. The Government of the United States could not go on under the Confederation, because Congress were obliged to proceed in the line of requisition. Congress could not under the old Confederation raise money by taxes, be the public exigencies ever so pressing and great. They had no coercive authority; if they had, it must have been exercised against the delinquent States, which would be ineffectual or terminate in separation. Requisitions were a dead letter unless the State legislatures could be brought into action, and when they were the sums raised were very disproportional. Unequal contributions or payments engendered discontent and fomented State jealousy. Whenever it shall be thought necessary or expedient to lay a direct tax on land, where the object is one and the same, it is to be apprehended that it will be a fund not much more productive than that of requisition under the former Government. Let us put the case: A given sum is to be raised from the landed property in the United States. It is easy to apportion this sum or to assign to each State its quota. The Constitution gives the rule. Suppose the proportion of North Carolina to be $80,000. This sum is to be laid on the landed property in the State. But by what rule and by whom? Shall every acre pay the same sum, without regard to its quality, value, situation, or productiveness? This would be manifestly unjust. Do the laws of the different States furnish sufficient data for the purpose of forming one common rule, comprehending the quality, situation, and value of the lands? In some of the States there has been no land tax for several years, and where there has been the mode of laying the tax is so various and the diversity in the land is so great that no common principle can be deduced and carried into practice. Do the laws of each State furnish data from whence to extract a rule whose operation shall be equal and certain in the same State? Even this is doubtful. Besides, subdivisions will be necessary; the apportionment of the State, and perhaps of a particular part of the State, is again to be apportioned among counties, townships, parishes, or districts. If the lands be classed, then a specific value must be annexed to each class. And there a question arises, How often are classifications and assessments to be made—annually, triennially, septennially? The oftener they are made the greater will be the expense, and the seldomer they are made the greater will be the inequality and injustice. In the process of the operation a number of persons will be necessary to class, to value, and to assess the land, and after all the guards and provisions that can be devised we must ultimately rely upon the discretion of the officers in the exercise of their functions. Tribunals of appeal must also be instituted to hear and decide upon unjust valuations, or the assessors will act ad libitum, without check or control. The work, it is to be feared, will be operose and unproductive, and full of inequality, injustice, and oppression. Let us, however, hope that a system of land taxation may be so corrected and matured by practice as to become easy and equal in its operation and productive and beneficial in its effects. But to return. A tax on carriages, if apportioned, would be oppressive and pernicious. How would it work? In some States there are many carriages and in others but few. Shall the whole sum fall on one or two individuals in a State who may happen to own and possess carriages? The thing would be absurd and inequitable. In answer to this objection it has been observed that the sum and not the tax is to be apportioned, and that Congress may select in the different States different articles or objects from whence to raise the apportioned sum. The idea is novel. What, shall land be taxed in one State, slaves in another, carriages in a third, and horses in a fourth, or shall several of these be thrown together in order to levy and make the quotaed sum? The scheme is fanciful. It would not work well, and, perhaps, is utterly impracticable. It is easy to discern that great and perhaps insurmountable obstacles must arise in forming the subordinate arrangements necessary to carry the system into effect; when formed the operation would be slow and expensive, unequal, and unjust. If a tax upon land, where the object is simple and uniform throughout the States, is scarcely practicable, what shall we say of a tax attempted to be apportioned among and raised and collected from a number of dissimilar objects? The difficulty will increase with the number and variety of the things proposed for taxation. We shall be obliged to resort to intricate and endless valuations and assessments, in which everything will be arbitrary and nothing certain. There will be no rule to walk by. The rule of uniformity, on the contrary, implies certainty and leaves nothing to the will and pleasure of the assessor. In such case the object and the sum coincide, the rule and the thing unite, and, of course, there can be no imposition. The truth is that the articles taxed in one State should be taxed in another; in this way the spirit of jealousy is appeased and tranquillity preserved; in this way the pressure on industry will be equal in the several States and the relation between the different subjects of taxation duly preserved. Apportionment is an operation on States, and involves valuations and assessments, which are arbitrary and should not be resorted to but in case of necessity. Uniformity is an instant operation on individuals, without the intervention of assessments or any regard to States, and is at once easy, certain, and efficacious. All taxes on expenses or consumption are indirect taxes. A tax on carriages is of this kind, and, of course, is not a direct tax. Indirect taxes are circuitous modes of reaching the revenues of individuals who generally live according to their income. In many cases of this nature the individual may be said to tax himself. I shall close the discourse with reading a passage or two from Smith's Wealth of Nations:

"The impossibility of taxing people in proportion to their revenue by any capitation seems to have given occasion to the invention of taxes upon consumable commodities; the State not knowing how to tax directly and proportionally the revenue of its subjects, endeavors to tax it indirectly by taxing their expense, which is supposed in most cases will be nearly in proportion to their revenue. Their expense is taxed by taxing the consumable commodities upon which it is laid out. (Vol. 3, p. 331.)

"Consumable commodities, whether necessaries or luxuries, may be taxed in two different ways—the consumer may either pay an annual sum on account of his using or consuming goods of a certain kind, or the goods may be taxed while they remain in the hands of the dealer and before they are delivered to the consumer. The consumable goods which last a considerable time before they are consumed altogether are

most properly taxed in the one way; those of which the consumption is immediate or more speedy, in the other; the coach tax and plate tax are examples of the former method of imposing; the greater part of the other duties of excise and customs of the latter." (Vol. 3, p. 341.)

Iredell, Justice: I agree in opinion with my brothers, who have already expressed theirs, that the tax in question is agreeable to the Constitution; and the reasons which have satisfied me can be delivered in a very few words, since I think the Constitution itself affords a clear guide to decide the controversy.

The Congress possesses the power of taxing all taxable objects without limitation, with the particular exception of a duty on exports.

There are two restrictions only on the exercise of this authority:

1. All direct taxes must be apportioned.

2. All duties, imports, and excises must be uniform.

If the carriage tax be a direct tax within the meaning of the Constitution, it must be apportioned.

If it be a duty, impost, or excise within the meaning of the Constitution, it must be uniform.

If it can be considered as a tax neither direct within the meaning of the Constitution nor comprehended within the term "duty, impost, or excise," there is no provision in the Constitution on way or another, and then it must be left to such an operation of the power as if the authority to lay taxes had been given generally in all instances without saying whether they should be apportioned or uniform; and in that case, I should presume, the tax ought to be uniform, because the present Constitution was particularly intended to affect individuals and not States, except in particular cases specified. And this is the leading distinction between the Articles of Confederation and the present Constitution.

As all direct taxes must be apportioned, it is evident that the Constitution contemplated none as direct but such as could be apportioned.

If this can not be apportioned, it is therefore not a direct tax in the sense of the Constitution.

That this tax can not be apportioned is evident. Suppose $10 contemplated as a tax on each chariot or post chaise in the United States and the number of both in all the United States be computed at 105, the number of Representatives in Congress.

This would produce in the whole $1,050.

The share of Virginia, being $\frac{19}{105}$ parts, would be $190.

The share of Connecticut, being $\frac{7}{105}$ parts, would be $70.

Then suppose Virginia had 50 carriages, Connecticut 2.

The share of Virginia being $190, this must, of course, be collected from the owners of carriages, and there would therefore be collected from each carriage $3.80. The share of Connecticut being $70, each carriage would pay $35.

If any State had no carriages, there could be no apportionment at all. This mode is too manifestly absurd to be supported and has not even been attempted in debate.

But two expedients have been proposed of a very extraordinary nature to evade the difficulty.

1. To raise the money a tax on carriages would produce not by levying a tax on each carriage uniformly, but by selecting different articles in different States, so that the amount paid in each State may be equal to the sum due upon a principle of apportionment. One State might pay by a tax on carriages, another by a tax on slaves, etc.

I should have thought this merely an exercise of ingenuity, if it had not been pressed with some earnestness; and as this was done by gentlemen of high respectability in their profession, it deserves a serious answer, though it is very difficult to give such a one.

1. This is not an opportionment of a tax on carriages, but of the money a tax on carriages might be supposed to produce, which is quite a different thing.

2. It admits that Congress can not lay a uniform tax on all carriages in the Union in any mode, but that they may on carriages in one or more States. They may therefore lay a tax on carriages in 14 States, but not in the fifteenth.

3. If Congress, according to this new decree, may select carriages as a proper object in one or more States, but omit them in others, I presume they may omit them in all and select other articles. Suppose, then, a tax on carriages would produce $100,000 and a tax on horses a like sum—$100,000—and a hundred thousand dollars were to be apportioned according to that mode. Gentlemen might amuse themselves with calling this a tax on carriages or a tax on horses, while not a single carriage nor a single horse was taxed throughout the Union.

4. Such an arbitrary method of taxing different States differently is a suggestion altogether new, and would lead, if practiced, to such dangerous consequences that it will require very powerful arguments to show that that method of taxing would be in any manner compatible with the Constitution, with which at present I deem it utterly irreconcilable, it being altogether destructive of the notion of a common interest, upon which the very principles of the Constitution are founded so far as the condition of the United States will admit.

The second expedient proposed was that of taxing carriages, among other things, in a general assessment. This amounts to saying that Congress may lay a tax on carriages, but that they may not do it unless they blend it with other subjects of taxation. For this no reason or authority has been given, and in addition to other suggestions offered by the counsel on that side, affords an irrefragable proof that when positions plainly so untenable are offered to counteract the principle contended for by the opposite counsel the principle itself is a right one, for no one can doubt that if better reasons could have been offered they would not have escaped the sagacity and learning of the gentlemen who offered them.

There is no necessity or propriety in determining what is or is not a direct or indirect tax in all cases.

Some difficulties may occur which we do not at present foresee. Perhaps a direct tax in the sense of the Constitution can mean nothing but a tax on something inseparably annexed to the soil—something capable of apportionment under all such circumstances.

A land or a poll tax may be considered of this description.

The latter is to be considered so particularly under the present Constitution on account of the slaves in the Southern States who give a ratio in the representation in the proportion of 3 to 5.

Either of these is capable of apportionment.

In regard to other articles there may possibly be considerable doubt.

It is sufficient on the present occasion for the court to be satisfied that this is not a direct tax contemplated by the Constitution in order to affirm the present judgment, since if it can not be apportioned it must necessarily be uniform.

I am clearly of opinion this is not a direct tax in the sense of the Constitution and therefore that the judgment ought to be affirmed.

Wilson, Justice:

As there were only four judges, including myself, who attended the argument in this cause, I should have thought it proper to join in the decision, though I had before expressed a judicial opinion on the subject in the circuit court of Virginia, did not the unanimity of the other three judges relieve me from the necessity? I shall now, however, only add that my sentiments in favor of the constitutionality of the tax in question have not been changed.

That decision was the beginning of the judicial history of the construction of this language, and it was a direct holding that it was an indirect tax within the meaning of the Constitution; and that a direct tax within the meaning of the Constitution was either a capitation or a land tax.

At about the same time legislative construction of this section began. Now, if you have a contemporaneous discussion of the period, and that shows that by a direct tax was meant only a tax on land or a poll tax; if you have conclusive judicial utterances and that branch of the Government declares unequivocally that by a direct tax was meant a tax on land or a poll tax; if you consult still further the legislative branch of the Government to discover the meaning of the term there, and you find that it held that a direct tax was a land or poll tax, you have brought to bear on the subject all the information, all of the lights, all of the standards by which interpretation can be safely followed.

Congress in 1798 levied the first direct tax. It exercised the power impliedly and negatively conferred by section 9 of Article I for the first time in 1798.

Quoting now from Mr. Charles F. Dunbar, in the Quarterly Journal of Economics, 1888–89:

The acts of 1798 established the general plan on which all succeeding direct taxes have been levied. These acts apportioned the total sum of $2,000,000 among the States, divided them all into convenient subdivisions, placed every division under a commissioner, and provided the requisite array of principal and assistant assessors, collectors, supervisors, and inspectors. The quota of every State was to be assessed upon houses, lands, dwelling houses, and slaves. Houses were to be assessed according to a classified valuation at rates fixed for the whole Union, and slaves were to be assessed 50 cents per head if between 12 and 50 years of age; and so much of the quota of any State as was not covered by the levy upon houses and slaves was to be assessed upon lands and improvements at such rates as might be required to make up the deficiency. The tax was to be a lien upon the real estate and slaves of the person assessed for two years from the date when it became payable, and collection could be enforced by distraint and sale of personal effects. Wolcott had suggested, but had also disapproved, a plan for fixing a time at which a State might pay its quota into the Treasury and for prescribing collection by the authority of the United States "in cases of delinquency." But no trace of any such plan is to be found in the acts of 1798. Beyond the bare apportionment the States are not recognized, except as mere geographical divisions. The acts provide solely for levy by the Federal Government upon its citizens, the individual taxpayer is the only party responsible, and no authority stands or can interpose between him and his Government.

The framers of the direct-tax acts of 1813 followed in general the lines laid down in 1798. Comparison of the acts will show revision and rearrangement and perhaps simplification of the system, but no serious change of theory. The tax of three millions is apportioned to the counties in every State, and it is provided that the State legislature may by act vary the county quotas, provided such alterations are duly certified to the Secretary of the Treasury; but the levy according to such alterations is made by virtue of the act of Congress and not under the act of the State legislature. The tax is to be levied on the value of lands, houses, and slaves "at the rate each of them is worth in money," abandoning the peculiar method of a residual assessment upon land, adopted in 1798; and the provisions as to enforcement by lien and distress remain as before. In short, the theory of the acts of 1813 continues to be that of a levy by the General Government upon the individual citizen, in no way different in principle from any case of national internal taxation. With a wise regard to convenience, however, the apportioning act provided that any State "may pay its quota into the Treasury of the United States," and thus secure a deduction of 15 per cent by paying before February 10, 1814, or of 10 per cent by paying before May 1, "and no further proceedings shall thereafter be had under this act in such State." The option thus allowed to the States did not, however, change the character of the tax as a tax upon individuals or make it a tax upon States. Seven States assumed the payment of their quotas, but the other 11, in which the collection by Federal officers was made as originally provided, were not for that reason in any sense delinquent as States, nor did they thereby fail in any obligation to be found in the acts of Congress or elsewhere.

The act of 1815, which provided for an annual tax of $6,000,000, is to a considerable extent a literal transcript from the two acts of 1813, with such amendments in detail as experience or the proposed permanency of the tax required, but with no change in theory or in general procedure. And no change was made by the act of 1816, which simply repealed the provision for an annual tax and laid instead a tax of three millions for the current year. In 1815, and also in 1816, 4 States assumed the payment of their quotas, and the collection was made by the United States in the other 14.

When the levy of direct taxation by apportionment was resorted to for the fifth time, in 1861, Congress found most of the work of legislation done for it in advance. The first revenue measure of the war provided for an annual direct tax of twenty millions to be laid on the value of lands with their improvements and dwelling houses "at the rate each of them is worth in money." In its general scheme and in its details the act of 1861 was a revised transcript of the acts of 1813 and 1815. The theory enunciated in Hylton v. United States was unfamiliar to many Members, and the Committee on Ways and Means had to labor in debate with Representatives who wished to include personal estate, or incomes, among the objects of taxation. The committee itself at first treated slaves as taxable property, as was done in the earlier acts. But, in its careful provision for dealing directly with

the individual citizen of the United States and for enforcing a direct lien upon his property, the law of 1861 follows the earlier legislation, section by section.

I need not say that the returns which are given here following each of these levies show how utterly futile and fruitless have been the levy of these five taxes by direct apportionment.

What is the significance of these five levies? The significance is that from 1798 until 1861 this branch of the Government, the revenue-raising branch of the Government, which by tradition and by history and by constitutional provision is compelled to give its attention to the raising of revenue, had uniformly construed the Constitution to be that direct taxes meant land taxes and capitation taxes, and nothing more and nothing less. [Applause on the Democratic side.]

We do not have to rely upon this collateral stream of interpretation coming from the Congress of the United States. We can go to the other acts or decisions of the courts as they come along down from the foundation of the Hylton case. I do not intend, nor would I have the time, to read these cases as they come down, because most or many, if not all, of you know what the judicial determination has been, but following the Hylton case came the case of the Pacific Insurance Co. versus Soule, reported in 7 Wallace, page 433. This was an income tax or duty laid by sections 105 and 120 of the act of June 30, 1864, and the amendment thereto of July 13, 1866, upon the amounts insured, renewed, or continued by insurance companies, upon the gross amounts of premiums received and assessments made by them, and also upon dividends, undistributed sums, and income. It reached the Supreme Court of the United States on a certificate of division from the circuit court of California. The second question certified was whether the taxes paid by the plaintiff and sought to be recovered back in this action are not direct taxes within the meaning of the Constitution. Mr. Justice Swayne delivered the opinion of the court, and in doing so, on this branch of the subject, said:

In considering this subject it is proper to advert to the several provisions of the Constitution relating to taxation by Congress.

"Representatives shall be apportioned among the several States which shall be included in this Union according to their respective numbers, etc.

"Congress shall have power to lay and collect taxes, duties, imposts, and excises to pay the debts and provide for the common defense and general welfare of the United States; but all duties, imposts, and excises shall be uniform throughout the United States.

"No capitation or other direct tax shall be laid unless in proportion to the census of enumeration hereinbefore directed to be taken.

"No tax or duty shall be laid on articles exported from any State."

These clauses contain the entire grant of the taxing power by the organic law, with the limitations which that instrument imposes.

The National Government, though supreme within its own sphere, is one of limited jurisdiction and specific functions. It has no faculties but such as the Constitution has given it, either expressly or incidentally by necessary intendment.

Whenever any act done under its authority is challenged, the proper sanction must be found in its charter or the act is ultra vires and void. This test must be applied in the examination of the question before us. If the tax to which it refers is a "direct tax," it is clear that it has not been laid in conformity to the requirements of the Constitution. It is therefore necessary to ascertain to which of the categories named in the eighth section of the first article it belongs.

What are direct taxes was elaborately argued and considered by this court in Hylton v. United States, decided in the year 1796. One of the members of the court, Justice Wilson, had been a distinguished member of the convention which framed the Constitution. It was unanimously held by the four justices who heard the argument that a tax upon carriages kept by the owner for his own use was not a direct tax. Justice Chase said:

"I am inclined to think—but of this I do not give a judicial opinion—that the direct taxes contemplated by the Constitution are only two, to wit, a capitation of poll tax simply, without regard to property, profession, or any other circumstances, and a tax on land."

Patterson, Justice, followed in the same line of remark. He said:

"I never entertained a doubt that the principal—I will not say the only—object the framers of the Constitution contemplated as falling within the rule of apportionment was a capitation tax and a tax on land. The Constitution declares that a capitation tax is a direct tax, and both in theory and practice a tax on land is deemed to be a direct tax. In this way the terms 'direct taxes' and 'capitation and other direct tax' are satisfied."

The views expressed in this case are adopted by Chancellor Kent and Justice Story in their examination of the subject.

Duties are defined by Tomlin to be things due and recoverable by law. The term, in its widest significance, is hardly less comprehensive than "taxes." It is applied, in its most restricted meaning, to customs, and in that sense is nearly the synonym of "imposts."

Impost is a duty on imported goods and merchandise. In a larger sense it is any tax or imposition. Cowell says it is distinguished from custom "because custom is rather the profit which the prince makes on goods shipped out." Mr. Madison considered the terms "duties" and "imposts" in these clauses as synonymous. Judge Tucker thought "they were probably intended to comprehend every species of tax or contribution not included under the ordinary terms "taxes and excises."

Excise is defined to be an inland imposition, sometimes upon the consumption of the commodity and sometimes upon the retail sale; sometimes upon the manufacturer and sometimes upon the vendor.

The taxing power is given in the most comprehensive terms. The only limitations imposed are: That direct taxes, including the capitation tax, shall be apportioned; that duties, imposts, and excises shall be uniform; and that no duties shall be imposed upon articles exported from any State. With these exceptions the exercise of the power is, in all respects, unfettered.

If a tax upon carriages kept for his own use by the owner is not a direct tax we can see no ground upon which a tax upon the business of an insurance company can be held to belong to that class of revenue charges.

It has been held that Congress may require direct taxes to be laid and collected in the Territories as well as in the States.

The consequences which would follow the apportionment of the tax in question among the States and Territories of the Union in the manner prescribed by the Constitution must not be overlooked. They are very obvious. Where such corporations are numerous and rich it might be light, where none exists it could not be collected, where they are few and poor it would fall upon them with such weight as to involve annihilation. It can not be supposed that the framers of the Constitution intended that any tax should be apportioned, the collection of which on that principle would be attended with such results. The consequences are fatal to the proposition.

To the question under consideration it must be answered that the tax to which it relates is not a direct tax, but a duty or excise; that it was obligatory on the plaintiff to pay it.

The other questions certified up are deemed to be sufficiently answered by the answers given to the first and sixth questions.

The next case is that of Veazie Bank v. Fenno, in Eighth Wallace, page 533. This case arose under the act of July 13, 1866. The second clause of the ninth section of which enacts:

That every national banking association, State bank, or State banking association shall pay a tax of 10 per cent on the amount of notes of any person, State bank, or State banking association used for circulation and paid out by them after the 1st day of August, 1866, and such tax shall be assessed and paid in such manner as shall be prescribed by the Commissioner of Internal Revenue.

The Veazie Bank was a corporation chartered by the State of Maine with authority to issue bank notes for circulation, and the notes upon which the tax imposed by the act was collected were issued under this authority. There was nothing in the case showing that the bank sustained any relation to the State as a financial agent or that its authority to issue notes was conferred or exercised with any special reference to other than private interests. The case was presented to the court upon an agreed statement of facts and, upon a prayer for instructions to the jury, the judges found themselves opposed in opinion on three questions, the first of which—the two others differing from it in form only and not needing to be cited—was this:

Whether the second clause of the ninth section of the act of Congress of the 13th of July, 1866, under which the tax in this case was levied and collected, is a valid and constitutional law.

Mr. Chief Justice Chase, delivering the opinion of the court, said:

The general intent of the Constitution, however, seems plain. The General Government, administered by the Congress of the Confederation, has been reduced to the verge of impotency by the necessity of relying for revenue upon requisitions on the States, and it was a leading object in the adoption of the Constitution to relieve the Government to be organized under it from this necessity and to confer upon it ample power to provide revenue by the taxation of persons and property. And nothing is clearer, from the discussions in the convention and the discussions which preceded final ratification by the necessary number of States, than the purpose to give this power to Congress, as to the taxation of everything, except exports, in its fullest extent.

This purpose is apparent, also, from the terms in which the taxing power is granted. The power is "to lay and collect taxes, duties, imposts, and excises, to pay the debts and provide for the common defense and general welfare of the United States." More comprehensive words could not have been used. Exports only are, by another provision, excluded from its application.

There are, indeed, certain virtual limitations arising from the principles of the Constitution itself. It would undoubtedly be an abuse of the power if so exercised as to impair the separate existence and independent self-government of the States, or if exercised for ends inconsistent with the limited grants of power in the Constitution.

And there are directions as to the mode of exercising the power. If Congress sees fit to impose a capitation or other direct tax, it must be laid in proportion to the census; if Congress determines to impose duties, imposts, and excises, they must be uniform throughout the United States. These are not strictly limitations of power. They are rules prescribing the mode in which it shall be exercised. It still extends to every object of taxation except exports, and may be applied to every object of taxation to which it extends in such measure as Congress may determine.

The comprehensiveness of the power thus given to Congress may serve to explain, at least, the absence of any attempt by members of the convention to define, even in debate, the terms of the grant. The words used certainly describe the whole power, and it was the intention of the convention that the whole power should be conferred. The definition of particular words, therefore, became unimportant.

It may be said, indeed, that this observation, however just in its application to the general grant of power, can not be applied to the rules by which different descriptions of taxes are directed to be laid and collected.

Direct taxes must be laid and collected by the rule of apportionment; duties, imposts, and excises must be laid and collected under the rule of uniformity.

Much diversity of opinion has always prevailed upon the question, What are direct taxes? Attempts to answer it by reference to the definitions of political economists have been frequently made, but without satisfactory results. The enumeration of the different kinds of taxes which Congress was authorized to impose was probably made with very little reference to their speculations. The great work of Adam Smith, the first comprehensive treatise on political economy in the English language, had then been recently published; but in this work, though there are passages which refer to the characterstic difference between direct and indirect taxation, there is nothing which affords any valuable light on the use of the words "direct taxes" in the Constitution.

We are obliged, therefore, to resort to historical evidence, and to seek the meaning of the words in the use and in the opinion of those

whose relations to the Government and means of knowledge warranted them in speaking with authority.

And considered in this light the meaning and application of the rule as to direct taxes appears to us quite clear.

It is, as we think, distinctly shown in every act of Congress on the subject.

In each of these acts a gross sum was laid upon the United States, and the total amount was apportioned to the several States according to their respective numbers of inhabitants as ascertained by the last preceding census. Having been apportioned, provision was made for the imposition of the tax upon the subjects specified in the act, fixing its total sum.

In 1798 when the first direct tax was imposed the total amount was fixed at $2,000,000; in 1813 the amount of the second direct tax was fixed at three millions; in 1815 the amount of the third, say, six millions, and it was made an annual tax; in 1816 the provision making the tax annual was repealed by the repeal of the first section of the act of 1815, and the total amount was fixed for that year at $3,000,000. No other direct tax was imposed until 1861, when a direct tax of $20,000,000 was laid and made annual, but the provision making it annual was suspended and no tax except that first laid was ever apportioned. In each instance the total sum was apportioned among the States by the constitutional rule, and was assessed at prescribed rates on the subjects of the tax. These subjects in 1798, 1813, 1815, and 1816 were lands, improvements, dwelling houses, and slaves; and in 1861, lands, improvements, and dwelling houses only. Under the act of 1798 slaves were assessed at fifty on each; under the other acts according to valuation by assessors.

This review shows that personal property, contracts, occupations, and the like, have never been regarded by Congress as proper subjects of direct tax. It has been supposed that slaves must be considered as an exception to this observation, but the exception is rather apparent than real. As persons slaves were proper subjects of a capitation tax, which is described in the Constitution as a direct tax; as property they were by the laws of some, if not most of the States, classed as real property descendible to heirs. Under the first view they would be subject to the tax of 1798 as a capitation tax; under the latter they would be subject to the taxation of other years as realty. That the latter view was that taken by the framers of the acts after 1798 becomes highly probable when it is considered that in the States where slaves were held much of the value which would otherwise have attached to land passed into the slaves. If, indeed, the land only had been valued without the slaves, the land would have been subject to much heavier proportional imposition in those States than in States where there were no slaves, for the proportion of tax imposed on each State was determined by population without reference to the subjects on which it was to be assessed.

The fact, then, that slaves were valued under the acts referred to, far from showing, as some have supposed, that Congress regarded personal property as a proper object of direct taxation under the Constitution, shows only that Congress after 1798 regarded slaves for the purpose of taxation as realty.

It may be rightly affirmed, therefore, that in the practical construction of the Constitution by Congress direct taxes have been limited to taxes on land and appurtenances and taxes on polls or capitation taxes.

And this construction is entitled to great consideration, especially in the absence of anything adverse to it in the discussions of the convention which framed, and of the conventions which ratified, the Constitution.

What does appear in those discussions, on the contrary, supports the construction. Mr. Madison informs us that Mr. King asked what was the precise meaning of direct taxation and no one answered. On another day, when the question of proportioning representation to taxation, and both to the white and three-fifths of the slave inhabitants, was under consideration, Mr. Ellsworth said, "In case of a poll tax there would be no difficulty," and, speaking doubtless of direct taxation, he went on to observe, "The sum allotted to a State may be levied without difficulty, according to the plan used in the State for raising its own supplies." All this doubtless shows uncertainty as to the true meaning of the term direct tax, but it indicates, also, an understanding that direct taxes were such as may be levied by capitation, and on lands and appurtenances, or, perhaps, by valuation and assessment of personal property upon general lists. For these were the subjects from which the States at that time usually raised their principal supplies.

This view received the sanction of this court two years before the enactment of the first law imposing direct taxes eo nomine.

During the February term, 1796, the constitutionality of the act of 1794, imposing a duty on carriages, came under consideration in the case of Hylton *v.* The United States. Suit was brought by the United States against Daniel Hylton to recover the penalty imposed by the act for not returning and paying duty on a number of carriages, for the conveyance of persons, kept by the defendant for his own use. The law did not provide for the apportionment of the tax, and if it was a direct tax the law was confessedly unwarranted by the Constitution. The only question in the case, therefore, was whether or not the tax was a direct tax.

The case was one of great expectation, and a general interest was felt in its determination. It was argued, in support of the tax, by Lee, Attorney General, and Hamilton, recently Secretary of the Treasury; in opposition to the tax, by Campbell, attorney for the Virginia district, and Ingersoll, attorney general of Pennsylvania.

Of the justices who then filled the bench, Ellsworth, Patterson, and Wilson had been members and conspicuous members of the Constitutional Convention, and each of the three had taken part in the discussions relating to direct taxation. Ellsworth, the Chief Justice, sworn into office that morning, not having heard the whole argument, declined taking part in the decision. Cushing, senior Associate Justice, having been prevented by indisposition from attending to the argument, also refrained from expressing an opinion. The other judges delivered their opinions in succession, the youngest in commission delivering the first and the oldest the last.

They all held that the tax on carriages was not a direct tax within the meaning of the Constitution. Chase, Justice, was inclined to think that the direct taxes contemplated by the Constitution are only two—a capitation or poll tax and a tax on land. He doubted whether a tax by a general assessment of personal property can be included within the term direct tax. Patterson, who had taken a leading part in the Constitutional Convention, went more fully into the sense in which the words giving the power of taxation were used by that body. In the course of this examination he said:

"Whether direct taxes, in the sense of the Constitution, comprehend any other tax than a capitation tax and tax on land is a questionable point. If Congress, for instance, should tax, in the aggregate or mass, things that generally pervade all the States in the Union, then, perhaps, the rule of apportionment would be the most proper, especially if an assessment was to intervene. This appears from the practice of some of the States to have been considered as a direct tax. Whether it be so under the Constitution of the United States is a matter of some difficulty, but as it is not before the court it would be improper to give any decisive opinion upon it. I never entertained a doubt that the principal—I will not say the only—objects that the framers of the Constitution contemplated as falling within the rule of apportionment were a capitation tax and a tax on land."

Iredell, J., delivering his opinion at length, concurred generally in the views of Justices Chase and Patterson. Wilson had expressed his opinion to the same general effect when giving the decision upon the circuit, and did not now repeat them. Neither Chief Justice Ellsworth nor Justice Cushing expressed any dissent, and it can not be supposed, if in a case so important their judgments had differed from those announced, that an opportunity would not have been given them by an order for reargument to participate in the decision.

It may be safely assumed, therefore, as the unanimous judgment of the court that a tax on carriages is not a direct tax, and it may be further taken as established upon the testimony of Patterson that the words "direct taxes," as used in the Constitution, comprehended only capitation taxes and taxes on land, and perhaps taxes on personal property, by general valuation and assessment of the various descriptions possessed within the several States.

It follows, necessarily, that the power to tax without apportionment extends to all other objects. Taxes on other objects are included under the heads of taxes not direct, duties, imposts, and excises, and must be laid and collected by the rule of uniformity. The tax under consideration is a tax on bank circulation and may very well be classed under the head of duties. Certainly it is not, in the sense of the Constitution, a direct tax. It may be said to come within the same category of taxation as the tax on income of insurance companies, which this court at the last term, in the case of Pacific Insurance Co. *v.* Soule, held not to be a direct tax.

The next case which arose, to which I will invite your attention, was Scholey *v.* Rew, reported in 23 Wallace, page 331. The facts were that Scholey sued Rew, who was a collector of internal revenue, to recover the amount of a succession tax which Rew, as collector, had collected and which Scholey had paid on compulsion and under protest. Mr. Justice Clifford, writing the opinion of the court, says:

Questions of importance were discussed at the bar, some of which it can not be admitted are properly presented for decision. Such questions only as are specified in the assignment of errors are in general to be regarded as open to the plaintiff, and it is very doubtful whether an assignment that the decision of the circuit court is for the wrong party is sufficient to present any questions for decision, but inasmuch as the findings of the court in this case are in their nature a special finding the better opinion is that their sufficiency to support the judgment is open to reexamination.

Enough has already appeared to show that the plaintiff took under his wife's will an equitable interest in one-third of the estate in question, and the United States contend that in view of those facts he is liable to pay a succession tax or duty in respect of the same by virtue of the act passed to levy such taxes, as it applies to every past or future disposition of real estate by will, deed, or laws of descent, by reason whereof any person shall become beneficially entitled in possession or expectancy to any real estate or the income thereof upon the death of any person dying after the passage of that act.

Apply the rule to be deduced from that enactment to the facts found by the court and it must follow that the argument of the United States is well founded, unless some one or more of the special objections to the tax set up by the plaintiff are sufficient to exonerate him from such liability. Those objections are as follows: (1) That the act imposing the duty is unconstitutional and void. (2) That the case is not one within the act imposing the tax or duty. (3) That the plaintiff being an alien, the devise to him is absolutely void.

1. Support to the first objection is attempted to be drawn from the case of the Constitution, which provides that direct taxes shall be apportioned among the several States which may be included within the Union, according to their respective numbers; and also from the clause which provides that no capitation or other direct tax shall be laid unless in proportion to the census or amended enumeration; but it is clear that the tax or duty levied by the act under consideration is not a direct tax within the meaning of either of those provisions. Instead of that it is plainly an excise tax or duty, authorized by section 8 of Article I, which vests the power in Congress to lay and collect taxes, duties, imposts, and excises to pay the debts and provide for the common defense and general welfare.

Such a tax or duty is neither a tax on land nor a capitation exaction, as subsequently appears from the language of the section imposing the tax or duty, as well as from the preceding section, which provides that the term "succession" shall denote the devolution of real estate; and the section which imposes the tax or duty also contains a corresponding clause which provides that the term "successor" shall denote the person so entitled, and that the term "predecessor" shall denote the grantor, testator, ancestor, or other person from whom the interest of the successor has been or shall be derived.

Successor is employed in the act as the correlative to predecessor, and the succession or devolution of the real estate is the subject matter of the tax or duty, or, in other words, it is the right to become the successor of real estate upon the death of the predecessor, whether the devolution or disposition of the same is effected by will, deed, or laws of descent, from a grantor, testator, ancestor, or other person from whom the interest of the successor has been or shall be derived; nor is the question affected in the least by the fact that the tax or duty is made a lien upon the land, as the lien is merely an appropriate regulation to secure the collection of the exaction.

Indirect taxes, such as duties of imposts and excises and every other description of the same, must be uniform, and direct taxes must be laid in proportion to the census or enumeration as remodeled in the fourteenth amendment. Taxes on lands, houses, and other permanent real estate have always been deemed to be direct taxes, and capitation taxes, by the express words of the Constitution, are within the same category, but it never has been decided that any other legal exactions for the support of the Federal Government fall within the condition that unless laid in proportion to numbers that the assessment is invalid.

Whether direct taxes in the sense of the Constitution comprehend any other tax than a capitation tax and a tax on land is a question not absolutely decided, nor is it necessary to determine it in the present case, as it is expressly decided that the term does not include the tax

on income, which can not be distinguished in principle from a succession tax such as the one involved in the present controversy.

Neither duties nor excises were regarded as direct taxes by the authors of the Federalist. Objection was made to the power to impose such taxes, and in answering that objection Mr. Hamilton said that the proportion of these taxes is not to be left to the discretion of the National Legislature, but it is to be determined by the numbers of each State, as described in the second section of the first article. An actual census or enumeration of the people must furnish the rule, a circumstance which shuts the door to partiality or oppression. In addition to the precaution just mentioned, said he, there is a provision that all duties of imposts and excises shall be uniform throughout the United States.

Exactions for the support of the Government may assume the form of duties, imposts, or excises, or they may also assume the form of license fees for permission to carry on particular occupations or to enjoy special franchises, or they may be specific in form, as when levied upon corporations in reference to the amount of capital stock or to the business done or profits earned by the individual or corporation.

In other words, whether the descriptions of direct taxes were limited to land or capitation, he said, was not expressly decided, but it is expressly decided that the term does not include a tax on income, and that income can not be distinguished from a succession tax, such as was sustained in this particular case.

Now, you have the carriage tax, the tax on bank circulation, the tax on income, the tax on successions, each sustained in order in 1796, in 1861, in 1864, and in 1874. All of these are different in character. What could be closer to real estate than a tax on the right to take under the devolution of title, with a lien upon the property, to secure the payment of the tax? If a direct tax is a tax on land, how much nearer can you come to a tax upon real estate than to say, "I will tax the passage of the title, and I will make a lien on the property to secure payment of the tax"? Justice Clifford in this case said that while he would not contend that it was clearly settled that land and capitation were the only direct taxes, it was settled that an income tax was an indirect tax, and he sustained the succession tax on the ground that it was not different from an income tax.

You all recall the Springer case, he having been a Member of Congress, and recall that he refused to pay an income tax assessed against him under the act of June 30, 1864 (13 Stat., 218), as amended by the act of March 3, 1865 (Id., 469), he having no goods or chattels known to the proper officers out of which the tax and penalty could have been made. The United States levied upon his homestead, which was sold and bought in by the United States, and an action in ejectment was brought against him. Mr. Justice Swayne, delivering the opinion of the court in this case, said:

> The central and controlling question in this case is whether the tax which was levied on the income, gains, and profits of the plaintiff in error, as set forth in the record, and by pretended virtue of the acts of Congress and parts of acts therein mentioned, is a direct tax. It is fundamental with respect to the rights of the parties and the result of the case. It will be last considered. Many of the other points made by the plaintiff in error reproduce the same thing in different forms of language. They will all be responded to without formally restating any of them. This will conduce to brevity without sacrificing clearness and will not involve the necessary omission of anything proper to be said.
>
> The plaintiff in error advises us by his elaborate brief "that on the trial of the case below the proceedings were merely formal" and that "no arguments or briefs were submitted, and only such proceedings were had as were necessary to prepare the case for the Supreme Court."
>
> This accounts for the numerous defects in the record as a whole. It was doubtless intended that only the question presented in the first of the assignments of error should be considered here. In that respect the record is full and sufficient. Other alleged errors, however, have been pressed upon our attention and we must dispose of them.
>
> There is clearly a misrecital in the deed of one of the acts of Congress to which it refers. By the act of the 30th of March, 1864, was clearly meant the act of the 30th of June, in the same year. There is no act relating to internal revenue of the former date.
>
> But the plaintiff in error can not avail himself of this fact, for several reasons.
>
> The point was not brought to the attention of the court below and can not, therefore, be insisted upon. It comes within the rule falsa demonstratio non nocet. It was the act of June 30, 1864, as amended by the act of March 3, 1865, that was in force when the tax was assessed. The latter act took effect April 1, 1865, and declared that "the duty herein provided for shall be assessed, collected, and paid upon the gains, profits, and income for the year ending the 31st day of December next preceding the time for levying, collecting, and paying said duties."
>
> The tax was assessed for the year 1865 in the spring of 1866, under the act of 1865, according to the requirements of that act; and we find upon examination that the assessment was in all things correct. (13 Stat., pp. 469, 479.) The criticism of the plaintiff in error in this regard is, therefore, without foundation.
>
> The proceedings of the collector were not in conflict with the amendment to the Constitution which declares that "no person shall be deprived of life, liberty, or property without due process of law." The power to distrain personal property for the payment of taxes is almost as old as the common law. (Cooley, Taxation, p. 302.) The Constitution gives to Congress the power "to lay and collect taxes, duties, imposts, and excises." Except as to exports, no limit to the exercise of power is prescribed. In McCulloch *v.* Maryland (4 Wheat., p. 316), Mr. Chief Justice Marshall said: "The power to tax involves the power to destroy." Why is it not competent for Congress to apply to realty as well as to personalty the power to distrain and sell when necessary to enforce the payment of a tax? It is only the further legitimate exercise of the same power for the same purpose. In Murray's Lessee *v.* Hoboken Land & Improvement Co. (18 How., p. 274) this court held that an act of Congress authorizing a warrant to issue, without oath, against a public debtor, for the seizure of his property was valid; that the warrant was conclusive evidence of the fact is cited in it, and that the proceeding was "due process of law" in that case. (See also De Treville *v.* Smalls, 98 U. S., p. 517; Sherry *v.* McKinley, 99 Id., p. 419; Miller *v.* United States, 11 Wall., p. 216; Tyler *v.* Defrees, Id., p. 331.)
>
> The prompt payment of taxes is always important to the public welfare. It may be vital to the existence of a government. The idea that every taxpayer is entitled to the delays of litigation is unreasonable. If the law here in question involved any wrong or unnecessary harshness, it was for Congress, or the people who make Congresses, to see that the evil was corrected. The remedy does not lie with the judicial branch of the Government.
>
> The statute of Illinois had no application to the point whether the premises should be sold by the collector en masse or in two or more parcels. The fact that the house was on one lot and the barn on the other, that the whole was surrounded by a common inclosure, and that the entire property was occupied as a single homestead rendered it not improper for the collector to make the sale as it was made. No suspicion of bad faith attaches to him. He was clothed with a discretion, and it is to be presumed that he exercised it both fairly and well. (Olcott *v.* Bynum, 17 Wall., 44.)
>
> Certainly the contrary does not appear. If the tax was not a direct tax, the instructions given by the court, brief as they were, covered the whole case and submitted it properly to the jury.
>
> The plaintiff in error was entitled to nothing more. The fourth instruction which he asked for was liable to several fatal objections. It was too general and indefinite. It left for the jury to decide what were the "indispensable preliminaries" required by the law and Constitution in the numerous particulars specified. It referred to matters which the attention of the court below does not appear to have been called, and in regard to which, if this had been done, the requisite proof would doubtless have been supplied. It falls within the principle of the rule so often applied by this court—that where instructions are asked in a mass, if one of them be wrong the whole may be rejected. The record does not purport to give all the testimony, and its defects are doubtless largely due to the mode in which the case was tried and the single object, already stated, which the parties then had in view. The instruction was properly refused.
>
> To grant or refuse a new trial was a matter within the discretion of the court. That it was refused and can not be assigned for error here.
>
> Several other minor points have been earnestly argued by the learned plaintiff in error, but as they are all within the category of not having been taken in the court below, we need not more particularly advert to them.
>
> This brings us to the examination of the main question in the case.
>
> The clauses of the Constitution bearing on the subject are as follows:
>
> "Representatives and direct taxes shall be apportioned among the several States which may be included within this Union, according to their respective numbers, which shall be determined by adding to the whole number those bound to service for a term of years and, excluding Indians not taxed, three-fifths of all other persons. * * * No capitation or other direct tax shall be laid unless in proportion to the census hereinbefore directed to be taken."
>
> Was the tax here in question a direct tax? If it was, not having been laid according to the requirements of the Constitution, it must be admitted that the laws imposing it and the proceedings taken under them by the assessor and collector for its imposition and collection were all void.
>
> Many of the provisions of the Articles of Confederation of 1777 were embodied in the existing organic law. They provided for a common treasury and the mode of supplying it with funds. The latter was by requisitions upon the several States. The delays and difficulties in procuring the compliance of the States, it is known, was one of the causes that led to the adoption of the present Constitution. This clause of the articles throws no light on the question we are called upon to consider, nor does the journal of the proceedings of the constitutional convention of 1787 contain anything of much value relating to the subject.
>
> It appears that on the 11th of July in that year there was a debate of some warmth involving the topic of slavery. On the day following Gouverneur Morris, of New York, submitted a proposition "that taxation shall be in proportion to representation." It is further recorded in this day's proceedings that Mr. Morris, having so varied his motion by inserting the word "direct," it passed nem. con., as follows: "*Provided always*, That direct taxes ought to be proportioned to representation." (2 Madison Papers, by Gilpin, pp. 1079–1081.)
>
> On the 24th of the same month M. Morris said that "he hoped the committee would strike out the whole clause. * * * He had only meant it as a bridge to assist us over a gulf; having passed the gulf, the bridge may be removed. He thought the principle laid down with so much strictness liable to strong objections." (Id., 1197.) The gulf was the share of representation claimed by the Southern States on account of their slave population. But the bridge remained. The builder could not remove it, much as he desired to do so. All parties seemed thereafter to have avoided the subject. With one or two immaterial exceptions not necessary to be noted it does not appear that it was again adverted to in any way. It was silently incorporated into the draft of the Constitution as that instrument was finally adopted.
>
> It does not appear that an attempt was made by anyone to define the exact meaning of the language employed.
>
> In the twenty-first number of the Federalist, Alexander Hamilton, speaking of taxes generally, said: "Those of the direct kind which principally relate to land and buildings may admit of a rule of apportionment. Either the value of the land or the number of the people may serve as a standard." The thirty-sixth number of that work, by the same author, is devoted to the subject of internal taxes. It is there said: "They may be subdivided into those of the direct and those of the indirect kind." In this connection the land taxes and poll taxes are discussed. The former are commended and the latter are condemned. Nothing is said of any other direct tax. In neither case is there a definition given or attempted of the phrase "direct tax."
>
> The very elaborate researches of the plaintiff in error have furnished us with nothing from the debates of State conventions, by whom the Constitution was adopted, which gives us any aid. Hence, we may safely assume that no such material exists in that direction, though it is known that Virginia proposed to Congress an amendment relating to the subject, and that Massachusetts, South Carolina, New York, and North Carolina expressed strong disapprobation of the power given to impose such burdens. (1 Tucker's Blackstone, pt. 1, app. 235.)
>
> Perhaps the two most authoritative persons in the convention touching the Constitution were Hamilton and Madison. The latter, in a letter of May 11, 1794, speaking of the tax which was adjudicated upon in Hylton *v.* United States (3 Dall., 171), said: "The tax on carriages

succeeded in spite of the Constitution by a majority of 20, the advocates of the principle being reenforced by the adversaries of luxury." (2 Madison's Writings (pub. by Cong.), p. 14.) In another letter of the 7th of February, 1796, referring to the case of Hylton *v.* United States, then pending, he remarked: "There never was a question on which my mind was better satisfied, and yet I have very little expectation that it will be viewed in the same light by the court that it is by me." (Id., 77.) Whence the despondency thus expressed is unexplained.

Hamilton left behind him a series of legal briefs, and among them one entitled "Carriage Tax." (See vol. 7, p. 848, of his works.) This paper was evidently prepared with a view to the Hylton case, in which he appeared as one of the counsel for the United States. In it he says: "What is the distinction between direct and indirect taxes? It is a matter of regret that terms so uncertain and vague in so important a point are to be found in the Constitution. We shall seek in vain for any antecedent settled legal meaning to the respective terms. There is none. We shall be as much at loss to find any disposition of either which can satisfactorily determine the point." There being many carriages in some of the States and very few in others, he points out the preposterous consequences if such a tax be laid and collected on the principle of apportionment instead of the rule of uniformity. He insists that if the tax there in question was a direct tax, so would be a tax on ships according to their tonnage. He suggests that the boundary line between direct and indirect taxes be settled by "a series of arbitrations" and that direct taxes be held to be only "capitation or poll taxes, and taxes on lands and buildings and general assessments, whether on the whole property of individuals or on their whole real or personal estate. All else must of necessity be considered as indirect taxes."

The tax here in question falls within neither of these categories. It is not a tax on the whole * * * personal estate of the individual, but only on his income, gains, and profits during the year, which may have been but a small part of his personal estate, and in most cases would have been so. This classification lends no support to the argument of the plaintiff in error.

The Constitution went into operation on the 4th of March, 1789.

It is important to look into the legislation of Congress touching the subject since that time. The following summary will suffice for our purpose. We shall refer to the several acts of Congress, to be examined according to their sequence in dates. In all of them the aggregate amount required to be collected was apportioned among the several States:

The act of July 14, 1798 (ch. 75, 1 Stat., 53). This act imposed a tax upon real estate and a capitation tax upon slaves.

The act of August 2, 1813 (ch. 37, 3 id., 53). By this act the tax was imposed upon real estate and slaves, according to their respective values in money.

The act of January 19, 1815 (ch. 21, id. 164). This act imposed a tax upon the same descriptions of property and in like manner as the preceding act.

The act of February 27, 1815 (ch. 60, id. 216), applied to the District of Columbia the provisions of the act of January 19, 1815.

The act of March 5, 1816 (ch. 24, id. 255), repealed the two preceding acts and reenacted their provisions to enforce the collection of the smaller amount of tax thereby prescribed.

The act of August 5, 1861 (chs. 45, 12, id. 294), required the tax to be levied wholly on real estate.

The act of June 7, 1862 (ch. 98, id. 422), and the act of February 6, 1863 (ch. 21, id. 640), both relate only to the collection in insurrectionary districts of the direct tax imposed by the act of August 5, 1861, and need not therefore be more particularly noticed.

It will thus be seen that whenever the Government has imposed a tax which is recognized as a direct tax it has never been applied to any objects but real estate and slaves. The latter application may be accounted for upon two grounds: First, in some of the States slaves were regarded as real estate (1 Hurd. Slavery, 239; Veazie Bank *v.* Fenno, 8 Wall., 533); and, second, such an extension of the tax lessened the burden upon the real estate where slavery existed, while the result to the National Treasury was the same, whether the slaves were omitted or included. The wishes of the South were, therefore, allowed to prevail. We are not aware that the question of the validity of such a tax was ever presented for adjudication. Slavery having passed away, it can not hereafter arise. It does not appear that any tax like the one here in question was ever regarded or treated by Congress as a direct tax. This uniform practical construction of the Constitution, touching so important a point, through so long a period, by the legislative and executive departments of the Government, though not conclusive, is a consideration of great weight.

There are four adjudications by this court to be considered. They have an important, if not a conclusive, application to the case in hand. In Hylton *v.* United States (supra) a tax had been laid upon pleasure carriages. The plaintiff in error insisted that the tax was void, because it was a direct tax and had not been apportioned among the States, as required by the Constitution, where such taxes are imposed. The case was argued on both sides by counsel of eminence and ability. It was heard and determined by four judges—Wilson, Paterson, Chase, and Iredell. The three first named had been distinguished members of the Constitutional Convention. Wilson was on the committee that reported the completed draft of the instrument and warmly advocated its adoption in the State convention of Pennsylvania. The fourth was a member of the convention of North Carolina that adopted the Constitution. The case was decided in 1795. The judges were unanimous. The tax was held not to be a direct tax. Each judge delivered a separate opinion. Their judgment stood on the ground indicated by Mr. Justice Chase in the following extract from his opinion:

"It appears to me that a tax on carriages can not be laid by the rule of apportionment without very great inequality and injustice. For example, suppose two States, equal in census, to pay $80,000 each by a tax on carriages of $8 on every carriage, and in one State there are 100 carriages and in the other 1,000, the owners of carriages in one State would pay 10 times the tax of owners in the other. A, in one State, would pay for his carriage $8; but B, in the other State, would pay for his carriage $80."

It was well held that where such evils would attend the apportionment of a tax the Constitution could not have intended that an apportionment should be made. This view applies with even greater force to the tax in question in this case. Where the population is large and the incomes are few and small, it would be intolerably oppressive.

The difference in the ability of communities, without reference to numbers, to pay any taxes is forcebly remarked upon by McCulloh in his article on taxation in the Encyclopedia Brittanica, volume 21 (old ed.), page 75.

Mr. Justice Chase said, further, that he would give no judicial opinion upon the subject, but that he was inclined to think that the direct taxes contemplated by the Constitution were only two—a capitation tax and a tax on land.

Mr. Justice Iredell said: "Perhaps a direct tax, in the sense of the Constitution, can mean nothing but a tax on something inseparably annexed to the soil. * * * A land or poll tax may be considered of this description. The latter is to be so considered, particularly under the present Constitution, on account of the slaves in the Southern States, who give a ratio in the representation in the proportion of three to five."

Mr. Justice Paterson said he never entertained a doubt that the principal, he would not say the only, object contemplated by the Constitution as falling within the rule of apportionment were a capitation tax and a tax on land. From these views the other judges expressed no dissent.

"Ellsworth, the Chief Justice, sworn into office that morning, not having heard the whole argument, declined taking part in the decision." (8 Wall., 545.) Cushing, from ill health, did not sit in the case. It has been remarked that if they had been dissatisfied with the result, the question involved being so important, doubtless a reargument would have been had.

In Pacific Insurance Co. *v.* Soule (7 Wall., 433) the taxes in question were upon the receipts of such companies from premiums and assessments and from all sums made or added during the year to their surplus or contingent fund. This court held unanimously that the taxes were not direct taxes, and that they were valid.

In the Veazie Bank *v.* Fenno (supra) the tax which came under consideration was one of 10 per cent upon the notes of State banks paid out by other banks, State or national. The same conclusions were reached by the court as in the preceding case. Mr. Chief Justice Chase delivered the opinion of the court. In the course of his elaborate examination of the subject he said: "It may be rightly affirmed that, in the practical construction of the Constitution by Congress, direct taxes have been limited to taxes on land and appurtenances, and taxes on polls, or capitation taxes."

In Scholey *v.* Rew (23 Wall., 331) the tax involved was a succession tax, imposed by the acts of Congress of June 30, 1864, and July 13, 1866. It was held that the tax was not a direct tax, and that it was constitutional and valid. In delivering the opinion of the court Mr. Justice Clifford, after remarking that the tax there in question was not a direct tax, said: "Instead of that it is plainly an excise tax or duty, authorized by section 8 of Article I of the Constitution, which vests the power in Congress to lay and collect taxes, duties, imposts, and excises to pay the debts and provide for the common defense and public welfare."

He said further: "Taxes on houses, lands, and other permanent real estate have always been deemed to be direct taxes, and capitation taxes, by the express words of the Constitution, are within the same category; but it has never been decided that any other legal exactions for the support of the Federal Government fall within the condition that unless laid in proportion to numbers the assessment is invalid."

All these cases are indistinguishable in principle from the case now before us, and they are decisive against the plaintiff in error.

The question, What is a direct tax? is one exclusively in American jurisprudence. The text writers of the country are in entire accord on the subject.

Mr. Justice Story says all taxes are usually divided into two classes, those which are direct and those which are indirect, and that "under the former denomination are included taxes on land or real property and under the latter taxes on consumption." (1 Const., sec. 950.)

Chancellor Kent, speaking of the case of Hylton *v.* United States, says: "The better opinion seemed to be that the direct taxes contemplated by the Constitution were only two, viz, a capitation or poll tax and a tax upon land." (1 Com., 257. See also Cooley, Taxation, p. 5, note 2; Pomeroy, Const. Law, 157; Sharswood's Blackstone, 308, note; Rawle, Const., 90; Sergeant, Const., 305.)

We are not aware that any writer since Hylton *v.* United States was decided has expressed a view of the subject different from that of these authors.

Our conclusions are that direct taxes within the meaning of the Constitution are only capitation taxes as expressed in that instrument and taxes on real estate, and that the tax of which the plaintiff in error complains is within the category of an excise or duty. (Pomeroy, Con. Lad, 177; Pac. Ins. Co. *v.* Soule and Scholey *v.* Rew, supra.)

Against the considerations in one scale in favor of these propositions what has been placed in the other as a counterpoise? Our answer is, Certainly nothing of such weight, in our judgment, as to require any special reply.

The numerous citations from the writing of foreign political economists made by the plaintiff in error are sufficiently answered by Hamilton in his brief before referred to.

This decision, rendered in October, 1880, was a little less than a hundred years after the decision in the case of Hylton *v.* United States. It was incontestible from the authority in the Springer case that a tax levied upon an income was constitutional, and this decision is supported by a hundred years of judicial and legislative construction. No man dreamed that any differentiation could be made as to the Springer case until one was made in the Pollock case in 1894. And what was the differentiation? It was to the effect that a tax had always been justified upon professions and that the particular tax in question was an occupation tax so far as Springer was concerned, and that therefore the real thing decided by Mr. Justice Swayne in the case which I have just read ought to have been that as Springer was pursuing an occupation, and as the tax of 1861 was also an occupation tax, the extent of this authority, and the sole extent, was to justify the levying of an occupation tax. That is how the Supreme Court in the Pollock case got rid of the Springer case, which I have just submitted to you. [Applause.]

I refer you to one other case, that of Nichol *v.* Ames (173 U. S., 508), as indicating what the courts are determined to do one of these days with the Pollock case. I do not wish to be understood as claiming the right to rail at the judiciary, but I do wish to be understood as claiming the right here, in a case where three-fourths of the taxing power of the Federal Govern-

ment has been struck down by one decision, where a great political sovereignty is involved, and where the question of whether the wealth of the Nation shall come under the taxing power of the United States—I do wish to be understood as saying that so far as my humble research goes there never was a suggestion that an income tax could not be sustained until 1894, and there has never been a reaffirmance of that, but, on the contrary, a limitation upon it since 1894, so far as the decisions go. [Applause.]

We have now traveled over a period of more than 100 years of judicial and legislative construction. We have inquired into the sources of contemporaneous interpretation. We have turned over the pages of the debates in the Constitutional Convention. We have witnessed the exercise of the taxing power by the Government directly upon carriages, as personal property, upon incomes of insurance companies, upon the circulation of State banks, upon the devolution of real estate under a succession tax, and finally we have witnessed the full and undisturbed power of section 8, Article I, of the Constitution, exerted directly upon the incomes covered by the acts of 1861. We have witnessed the laborious research of a long line of brilliant and distinguished judges, beginning in the case of Hilton against United States and ending with the case of Springer against United States. We have gone to the pages of the text writers. We have had a glimpse of the abstruse theories of the economist, and from all of these sources, gathering together all of the light which breaks out from any and all of these interpretations and letting it shine directly upon the provisions of the Constitution and the history of its meaning, we are unable to find a single challenge or question as to the power of the Government to tax incomes under the rule of uniformity until we come across the now celebrated case of Pollock against Farmers' Loan & Trust Co. That case, as all are now well aware, arose under sections 27 to 37, inclusive, of the act of Congress entitled "An act to reduce taxation and provide revenue for the Government, and for other purposes," which became a law in August, 1894, by which it was provided:

> There shall be assessed, levied, collected, and paid annually upon the gains, profits, and income received in the preceding calendar year by every citizen of the United States, whether residing at home or abroad, and every person residing therein, whether said gains, profits, or income be derived from any kind of property, rents, interest, dividends, or salaries, or from any profession, trade, employment, or vocation carried on in the United States or elsewhere, or from any other source whatever, a tax of 2 per cent on the amount so derived over and above $4,000, and a like tax shall be levied, collected, and paid annually upon the gains, profits, and income from all property owned and of every business, trade, or profession carried on in the United States by persons residing without the United States.

This case was most exhaustively presented to the Supreme Court of the United States on behalf of the Government, as well as on behalf of the contestant. Participating on the presentation of that great case were such leaders of the bar as the late James C. Carter, who held the primacy of the bar of New York and whose arguments in favor of the validity of the income tax have not yet and will not be surpassed for solid and unanswerable reasoning.

Joseph H. Choate appeared as a contestant of the validity of the law, and all of the ability and brilliant qualities which have marked his illustrious career at the bar were drawn upon on this occasion. Mr. Guthrie, then a very young man at the bar, gave his clear and unclouded mind for weeks and months to the study of the questions involved in an effort to prove the invalidity of the statute. The Attorney General of the United States, Mr. Olney, brought to the presentation of the Government's case the wealth of learning and restraint of culture and the simplicity of utterance which had put him at the front of American advocates. It is a significant fact, which ought not to be overlooked, that Mr. James C. Carter, undoubtedly the most accomplished of advocates in that great legal struggle, called attention to the fact that its adversaries had no hope of persuading the Supreme Court of the United States to reverse the long and unvarying line of decisions of 100 years; called attention also to the fact that they had no hope of having the great court hold that direct taxes were any other than taxes on land and capitation, and pointed out that what his adversaries wished to have the court determine was that, although the income tax was indirect, it did not comply with the rule of uniformity as used in the Constitution and meant personal uniformity and equality and not geographical uniformity. If we could restore the scene and explore the minds of the actors in that great struggle and could reestablish the atmosphere we would see that Mr. Carter's analysis of the real contention of the other side was the true one, and that the whole problem, as he conceived it, was to be determined upon the rule of uniformity.

After the case had been so exhaustively argued, Chief Justice Fuller delivered the opinion of the court, reviewing at great length and with particular pains the debates in the Constitutional Convention and adverted to the various authorities, state papers, and public documents bearing on the question involved, and finally concluded with a statement of the decision of the court as follows:

> We are of opinion that the law in question, so far as it levies a tax on the rents or income of real estate, is in violation of the Constitution and is invalid.

He then discussed the validity of the law in so far as it lays a tax on incomes derived upon municipal bonds, and in this connection said:

> As the States can not tax the powers, the operations, or the property of the United States, nor the means which they employ to carry their powers into execution, so it has been held that the United States have no power under the Constitution to tax either the instrumentality or the property of a State.

He then quoted from the opinion of Chief Justice Marshall in the case of Weston *v.* Charleston (2 Pet., 449, 468):

> The tax on Government stock is thought by this court to be a tax on the contract, a tax on the power to borrow money on the credit of the United States, and consequently repugnant to the United States.

Applying this language to these municipal securities the court said:

> It is obvious that taxation on the interest therefrom would operate on the power to borrow before it is exercised, and would have a sensible influence on the contract, and that the tax in question is a tax on the power of the States and their instrumentalities to borrow money, and consequently repugnant to the Constitution.

Finally the Chief Justice states the decision of the court on the remaining questions as follows:

> Upon each of the other questions argued at the bar, to wit: 1. Whether the void provisions as to rents and incomes from real estate invalidated the whole act? 2. Whether, as to the income from personal property as such, the act is unconstitutional as laying direct taxes? 3. Whether any part of the tax, if not considered as a direct tax, is invalid for want of uniformity on either of the grounds suggested?—the justices who heard the argument are equally divided, and, therefore, no opinion is expressed.

From this opinion Mr. Justice White, with whom Mr. Justice Harlan concurred, dissented in an opinion now notable in the literature of the law.

Thus, after the decision in the first Pollock case the Supreme Court of the United States stood equally divided on the meaning, intent, and purpose of section 8, Article I of the Constitution, as well as section 9 of the same article, except in so far as it related to the income from real estate and from municipal bonds. The question of whether personal property could be taxed, or the income from personal property, and the question of uniformity were left unsettled.

Thereafter, on April 15, 1895, all of the counsel for appellants joined in a petition to the Supreme Court for a rehearing of the case, and this was supported by a separate petition presented by the Attorney General of the United States, Mr. Richard Olney, which differed only in that the Attorney General asked that the rehearing be had in such a way as to embrace all of the questions involved in the case. Thereafter, on May 6, 1895, the Chief Justice ordered that a rehearing should be had, and accordingly counsel for all parties again and with much elaboration and detail presented to the court their views. The Chief Justice again delivered the opinion of the court on the rehearing, and concluded that opinion as follows:

> First. We adhere to the opinion already announced, that taxes on real estate, being indisputably direct taxes, taxes on the rents or income of real estate are equally direct taxes.
>
> Second. We are of opinion that taxes on personal property or on the income of personal property are likewise direct taxes.
>
> Third. The tax imposed by sections 27 to 37, inclusive, of the act of 1894, so far as it falls on the income of real estate and of personal property, being a direct tax within the meaning of the Constitution, and, therefore, unconstitutional and void because not apportioned according to representation, all of those sections, constituting one entire scheme of taxation, are necessarily invalid.

It is worth remembering in connection with the pending bill that the Chief Justice said in the course of his opinion that the court had considered the act only in respect to the tax on income derived on real estate and invested personal property and did not comment on so much of it as bears on gains or profits from business, privileges, or employments, in view of the circumstances in which taxation on business, privileges, or employments have assumed the guise of an excise tax and been sustained as such.

From the prevailing opinion of the court Mr. Justice Harlan in a very vigorous decision dissented; Mr. Justice White dissented; Mr. Justice Jackson dissented; and Mr. Justice Brown dissented. And I believe I am well within the limits of moderation when I say that the entire bar of this country, viewing the question as a constitutional and legal one solely, are practically unanimous—where they have investigated the subject—that the four dissenting opinions presented the better side of the controversy, were more in accord with authority, more supported by reason, more sustained by history, and represented the true

exposition of the meaning of the Constitution. So far as the political effects of this decision are concerned—what its fruits were in the heat and friction of the public forum, what effect it has had in shaping our economic policies, what disturbance, if any, it has brought in the minds of the people generally I shall not undertake to discuss.

As reflecting the views of the Supreme Court after the decision of the Pollock case, I wish to refer you to the case of Nichol *v.* Ames in One hundred and seventy-third United States, which contains language the significance of which can not escape your observation. The case arose under the provisions of section 6 and a portion of Schedule A of an act of Congress approved June 13, 1898, chapter 448, entitled "An act to provide ways and means to meet war expenditures, and for other purposes," which provided as follows:

That on and after the 1st day of July, 1898, there shall be levied, collected, and paid, for and in respect of the several bonds, debentures, or certificates of stock and of indebtedness, and other documents, instruments, matters, and things mentioned and described in Schedule A of this act, or for or in respect of the vellum, parchment, or paper upon which such instruments, matters, or things, or any of them, shall be written or printed by any person or persons or party who shall make, sign, or issue the same, or for whose use or benefit the same shall be made, signed, or issued, the several taxes or sums of money set down in figures against the same, respectively, or otherwise specified or set forth in the said schedule. * * * Upon each sale, agreement of sale, or agreement to sell any products or merchandise at any exchange or board of trade or other similar place, either for present or future delivery, for each $100 in value of said sale or agreement of sale or agreement to sell, 1 cent; and for each additional $100 or fractional part thereof in excess of $100, 1 cent.

The question arose out of transactions upon the stock exchange, and Mr. Justice Peckham, after stating the facts, delivered the opinion of the court, which was as follows:

The objections to the validity of the act are stated generally that it is a direct tax, and is illegal because not apportioned as required by the Constitution. If an indirect tax, it is a stamp tax on documents not required to be made under State law in order to render the sale valid, and Congress has no power to require a written memorandum to be made of transactions within the State for the purpose of placing a stamp thereon. It is not a privilege tax within the meaning of that term, because there is no privilege other than that which every man has to transact his own business in his own house or in his own office under such regulations as he may choose to adopt, and such a choice can not be in any fair use of the term a privilege which is subject to taxation.

These questions are involved in each case, while in the last one it is further objected that the sales of the stockyards are not included in the terms of the act, and evidence was adduced upon the trial as to the nature of the business conducted at the stockyards and the manner in which it was performed. It will be adverted to hereafter when we come to a discussion of the meaning and proper construction of the act.

It is always an exceedingly grave and delicate duty to decide upon the constitutionality of an act of the Congress of the United States. The presumption, as has frequently been said, is in favor of the validity of the act, and it is only when the question is free from any reasonable doubt that the court should hold an act of the lawmaking power of the Nation to be in violation of that fundamental instrument upon which all the powers of the Government rest. This is particularly true of a revenue act of Congress. The provisions of such an act should not be lightly or unadvisedly set aside, although if they be plainly antagonistic to the Constitution, it is the duty of the court to so declare. The power to tax is the one great power upon which the whole national fabric is based. It is as necessary to the existence and prosperity of a nation as is the air he breathes to the natural man. It is not only the power to destroy, but it is also the power to keep alive.

This necessary authority is given to Congress by the Constitution. It has power from that instrument to lay and collect taxes, duties, imposts, and excises in order to pay the debts and provide for the common defense and general welfare, and the only constitutional restraint upon the power is that all duties, imposts, and excises shall be uniform throughout the United States, and that no capitation or other direct tax shall be laid unless in proportion to the census or enumeration directed to be taken, and no tax or duty can be laid on articles exported from any State. (Constitution, Art. I, secs. 8 and 9, subdivs. 4 and 5.) As thus guarded, the whole power of taxation rests with Congress.

The commands of the Constitution in this as in all other respects must be obeyed; direct taxes must be apportioned, while indirect taxes must be uniform throughout the United States. But while yielding implicit obedience to these constitutional requirements it is no part of the duty of this court to lessen, impede, or obstruct the exercise of the taxing power by merely abstruse and subtle distinctions as to the particular nature of a specified tax, where such distinction rests more upon the differing theories of political economists than upon the practical nature of the tax itself.

In deciding upon the validity of a tax, with reference to these requirements, no miscroscopic examination as to the purely economic or theoretical nature of the tax should be indulged in for the purpose of placing it in a category which would invalidate the tax. As a mere abstract scientific or economical problem a particular tax might possibly be regarded as a direct tax, when as a practical matter pertaining to the actual operation of the tax it might quite plainly appear to be indirect. Under such circumstances, and while varying and disputable theories might be indulged as to the real nature of the tax, a court would not be justified, for the purpose of invalidating the tax, in placing it in a class different from that to which its practical results would consign it. Taxation is eminently practical, and is in fact brought to every man's door, and for the purpose of deciding upon its validity a tax should be regarded in its actual, practical results rather than with reference to those theoretical or abstract ideas whose correctness is the subject of dispute and contradiction among those who are experts in the science of political economy.

In searching for proper subjects of taxation to raise moneys for the support of the Government Congress must have the right to recognize the manner in which the business of the country is actually transacted, how among other things the exchange of commodities is affected, what facilities for the conduct of business exist, what is their nature, and how they operate, and what, if any, practical and recognizable distinctions there may be between a transaction which is effected by means of using certain facilities and one where such facilities are not availed of by the parties to the same kind of a transaction. Having the power to recognize these various facts, it must also follow that Congress is justified, if not compelled in framing a statute relating to taxation, to legislate with direct reference to the existing conditions of trade and business throughout the whole country, and to the manner in which they are carried on.

Coming to a consideration of the objections raised to this statute it is well to first consider the nature of an exchange or board of trade, and then to inquire more in detail as to the validity of the act with reference to sales at such places. The Chicago Board of Trade may be taken as a type of the others in existence throughout the country because the same features exist in all of them, while the size and importance of the Chicago instituitons serve only to make such features more prominent and their effect more easily discernible. We say the same features exist in all of the exchanges or boards of trade because we have the right to consider facts without particular proof to them which are universally recognized and which relate to the common and ordinary way of doing business throughout the country, and while we could not take notice without proof, as to any particular constitution or by-law of a body of this description, yet we are not thereby cut off from knowledge of the general nature of those bodies and of the manner generally in which business therein is conducted.

It appears in this record that the Chicago Board of Trade is a voluntary association of individuals who meet together at a certain building owned by the association for the purpose of there transacting business. This particular board is incorporated under an act of the Legislature of Illinois, though its corporate character does not, in our judgment, form a material consideration in the inquiry. The members of the association meet daily, between certain business hours, for the purpose of buying and selling flour, wheat, corn, oats, and other articles of food products, and for the transaction of such other business as is incident thereto. Among its members are some whose business it is to purchase in the country or to receive on consignment from persons in the country some or all of the articles which are dealt in on the floor of the exchange, and there are other members whose business it is to buy such articles upon the exchange, either for themselves or on commission, and to deliver or ship the same to consumers or distributers throughout the country and in Europe.

It is common knowledge that these exchanges encourage and promote honest and fair dealing among their members; that they provide penalties for the violation of their rules in that regard; and that contracts between members relating to business on the exchange have the advantage of the sanction provided by the exchange for such purposes. They furnish a meeting place for those engaged in the purchase and sale of commodities or other things to be sold, and in that way they offer facilities for market for them. Dealings among members so engaged tend to establish the market price of the articles they deal in, and that price is very apt to be the price for the same article when bought or sold outside. The price is arrived at by offers to sell on the one side and to purchase on the other, until, by what has frequently been termed the "higgling" of the market, a price is agreed upon and the sales are accomplished. In arriving at this price of course the great law of the cost of production and also that of supply and demand enter into the problem, and it is upon a consideration of all matters regarded as material that the agreement to buy and sell is made. The prices thus fixed are usually followed when the transaction occurs outside, and the market price means really the exchange price. That an enormous amount of the business of the country which is engaged in the distribution of the commodities grown or produced therein is transacted and takes place through the medium of the boards of trade or exchanges can not be doubted. Nor is there any doubt that these exchanges facilitate transactions of purchase and sale, and it would seem that such facilities or privileges, even though not granted by the Government or by a State, ought nevertheless to be recognized as existing facts and to be subject to the judgment of Congress as fit matters for taxation.

We will now examine the several objections that have been offered to this statute.

It may be stated, of course, that if the tax herein is a direct tax within the meaning of the Constitution it is void, for there is no apportionment as required by that instrument.

It is asserted to be a direct tax because it is a tax upon the sale of property measured by the value of the thing sold, and such a tax is a direct tax upon the property itself, and therefore subject to the rule of apportionment. Various cases are cited, from Brown *v.* Maryland (12 Wheat., 419) down to those involving the validity of the income tax (157 U. S., 429; 158 U. S., 601), for the purpose of proving the correctness of this proposition. All the cases involve the question whether the taxes to which objection was taken amounted to practically a tax on the property. If this tax is not on the property or on the sale thereof, then these cases do not apply.

We think the tax is in effect a duty or excise laid upon the privilege, opportunity, or facility offered at boards of trade or exchanges for the transaction of the business mentioned in the act. It is not a tax upon the business itself which is so transacted, but it is a duty upon the facilities made use of and actually employed in the transaction of the business, and separate and apart from the business itself. It is not a tax upon the members of the exchange nor upon membership therein, nor is it a tax upon sales generally. The act limits the tax to sales at any exchange or board of trade or similar place, and its fair meaning is to impose a duty upon those privileges or facilities which are there found and made use of it in the sale at such place of any product or merchandise. Whether this facility or privilege is such a thing as can be legally taxed while leaving untaxed all other sales made outside of such places will be discussed further on. At present it is enough to say that the tax is not upon the property sold and can not on that ground be found to be direct. The tax laid in the same act upon a broker's note or memorandum of sale is a separate tax, although it may have reference to the same transaction. It is a tax on the note or memorandum itself where made by a broker, while in the other case the tax, although measured in amount by reference to the value of the thing sold, is in reality upon the privilege or facility used in the transaction or sale. The tax is not a direct tax within the meaning of the Constitution, but is, as already stated, in the nature of a duty or an excise. The amount of such a tax when imposed in a case like this may be increased or diminished by the extent to which the privilege or facility is used, and it is measured in this act by the value of the property transferred by means of using such privilege or facility, but this does not make the tax a direct one. A tax on professional receipts was recognized by the present Chief Justice in delivering the opinion of the court on the first hearing of the Income Tax case (157 U. S., 429, 579) as an excise or duty and therefore indirect, while a tax on the income of per-

sonalty, he thought, might be regarded as direct. And upon the rehearing (158 U. S., 601) it was distinctly held that the tax on personal property or on the income thereof was a direct tax. This tax is neither a tax on the personal property sold nor upon the income thereof, although its amount is measured by the value of the property that is sold at the exchange or board of trade.

It is also said that the tax is direct because it can not be added to the price of the thing sold and therefore ultimately paid by the consumer. In other words, that it is direct because the owner can not shift the payment of the amount of the tax to someone else. This, however, assumes that the tax is not in the nature of a duty or an excise, but that it is laid directly upon the property sold, which we hold is not the case. It is not laid upon the property at all, nor upon the profits of the sale thereof, nor upon the sale itself, considered separate and apart from the place and the circumstances of the sale.

We do not see that any material difference exists when the sale is for future delivery. The thing agreed to be sold is the same, whether for immediate or future delivery, and the fact that the sale for future delivery may subsequently be carried out by the actual payment of the difference between the agreed and the market price at the time agreed upon for such delivery does not affect the case. The privilege used is the same whether for immediate or future delivery, and the same rule applies to both.

Passing these grounds of objection, it is urged that if this is an indirect tax it is not uniform throughout the United States as required by the Constitution. Sales at an exchange or board of trade, it is said, are singled out for taxation under this act, although they differ in no substantial respect from sales at other places, and there is therefore no just ground for segregating or classifying such sales from those made elsewhere. A sale at an exchange or board of trade, it is claimed, is not a privilege or facility which can justly or ought to be taxed while all other sales at all other places are exempted from taxation, and there is no reasonable ground, therefore, for the assertion that such a tax is uniform within the meaning of the Constitution. It is said not to be uniform because it is unequal, taxing sales at exchanges and exempting all other sales, while at the same time there is no natural basis for any distinction between such sales, the distinction made being purely arbitrary and unreasonable.

This general objection on the ground of want of uniformity is not, in our judgment, well founded. Whether the word "uniform" is to be understood in what has been termed its "geographical" sense, or as meaning uniformity as to all the taxpayers similarly situated with regard to the subject matter of the tax, we think this tax is valid within either meaning of the term. In our judgment a sale and an exchange does form a proper basis for a classification which excludes all sales made elsewhere from taxation.

If it were to be assumed that taxes upon corporate franchises or privileges may be imposed only by the authority that created them, it does not follow that no privilege or facility can be taxed which is not created by the government of a State or by Congress. In order to tax it the privilege or facility must exist in fact, but it is not necessary that it should be created by the Government. The question always is, when a classification is made, whether there is any reasonable ground for it or whether it is only and simply arbitrary, based upon no real distinction and entirely unnatural. (Gulf, Colorado, etc., Railway *v.* Ellis, 165 U. S., 150–155; Magoun *v.* Illinois Trust and Savings Bank, 170 U. S., 283, 294.) If the classification be proper and legal, then there is the requisite uniformity in that respect.

A tax upon the privilege of selling property at the exchange and of thus using the facilities there offered in accomplishing the sale differs radically from a tax upon every sale made in any place. The latter tax is really and practically upon property. It takes no notice of any kind of privilege or facility, and the fact of a sale is alone regarded. Although not created by government, this privilege or facility in affecting a sale at an exchange is so distinct and definite in its character and constitutes so clear and plain a difference from a sale elsewhere as to create a reasonable and substantial ground for classification and for taxation when similar sales at other places are untaxed. A sale at an exchange differs from a sale made at a man's private office or on his farm or by a partnership, because, although the subject matter of the sale may be the same in each case, there are at an exchange certain advantages in the way of finding a market, obtaining a price, the saving of time, and in the security of payment and other matters which are more easily obtained there than at an office or upon a farm. To accomplish a sale at one's farm or house or office might and probably would occupy a great deal of time in finding a customer, bringing him to the spot, and agreeing on a price. All this can be done at an exchange in the very shortest time and at the least inconvenience. The market is there, and all that is necessary is to send the commodity. Although a sale is the result in each case and the thing sold may be of the same kind, the difference exists in the means and facilities for accomplishing such sale, and those means and facilities there is no reason for saying may not be taxed, unless all sales are taxed, whether the facilities be used or not.

In this case there is that uniformity which the Constitution requires. The tax or duty is uniform throughout the United States, and it is uniform or, in other words, equal upon all who avail themselves of the privileges or facilities offered at the exchanges, and it is not necessary in order to be uniform that the tax should be levied upon all who make sales of the same kind of things whether at an exchange or elsewhere.

Another objection taken is that Congress taxes only those who make sales and not those who make purchases, and those who sell products or merchandise and not those who sell bonds, stocks, etc. These are discriminations, it is said, which do not follow the rule of uniformity, and hence render the tax void.

A purchase occurs whenever a sale is effected, and to say that a purchaser at an exchange sale must be taxed for the facilities made use of in making the purchase, or else that the tax on the seller is void, is simply to insist upon doubling the tax.

Nor is it necessary to tax the use of the privilege under all circumstances in order to render the tax valid upon its use in particular cases. We see no reason why it should be necessary to tax a privilege whenever it is used for any purpose, or else not to tax it at all. It is not indivisible. A tax upon the privilege when used for one purpose does not require for its validity that the same privilege should also be taxed when used for another and a totally distinct purpose. It may be the same privilege, but when it is used in different cases to accomplish sales of wholly different things, between which there is no relation whatever, one use may be taxed and the other not, and no rule of uniformity will thereby be violated.

It is also objected that there is no power in Congress to require a party selling personal property in the course of commerce within the State to make a written note or memorandum of the contract and to punish him by fine and imprisonment for a failure to do so. If the State does not require a memorandum on a sale, Congress can not in the exercise of the taxing power compel a citizen to make one in order that it may be taxed by the United States.

In holding that the tax under consideration is a tax on the privilege used in making sales at an exchange we thereby hold that it is not a tax upon the memorandum required by the statute upon which the stamp is to be placed. The act does not assume to in any manner interfere with the laws of the State in relation to the contract of sale. The memorandum required does not contain all the essentials of a contract to sell. It need not be signed, and it need not contain the name of the vendee or the terms of payment. The statute does not render a sale void without the memorandum or stamp, which by the laws of the State would otherwise be valid. It does not assume to enact anything in opposition to the law of any State upon the subject of sales. It provides for a written memorandum containing the matters mentioned simply as a means of identifying the sale and for collecting the tax by means of the required stamp, and for that purpose it secures by proper penalties the making of the memorandum. Instead of a memorandum, Congress might have required a sworn report with the proper amount of stamps thereon to be made at certain regular intervals of all sales made subject to the tax. Other means might have been resorted to for the same purpose. Whether the means adopted were the best and most convenient to accomplish that purpose was a question for the judgment of Congress, and its decision must be conclusive in that respect.

The means actually adopted do not illegally interfere with or obstruct the internal commerce of the States, nor are such means a restraint upon that commerce so far as to render the means adopted illegal. That Congress might have adopted some other means for collecting the tax which would prove less troublesome or annoying to the taxpayer can surely be no reason for holding that the method set forth in the act renders the tax invalid. As it has the power to impose the tax, the means to be adopted for its collection within reasonable and rational limits must be a question for Congress alone.

I think no one can read the language of Mr. Justice Peckham in his general observation upon the duty of the court in construing an act of Congress and upon the various objects of taxation without feeling that he had in mind as he wrote these words what can be regarded as nothing less than the judicial misfortune of the opinion in the Pollock case.

Can you not discern in the juridical illumination from the pen of Justice Peckham reference to the Pollock case? Can you see the beginning of the time and the place when the court will begin to write the literature out of which ultimately will come a rearrangement and readjustment of the doctrines of the Pollock case and restore us to the place we occupied for more than a hundred years? [Applause.]

Mr. LONGWORTH. What year was that?

Mr. LITTLETON. Eighteen hundred and ninety-eight. This decision, interesting to a degree, finally justified the levying of a tax on the transactions which took place on the exchange and justified it first upon the broad ground that I have already read, and second, on the ground that Congress had the power to select the particular manner in which business was done, and if it chose to take the exchange and to make the levy, it had that right and rested upon that.

In the course of judicial history there arose the case of Knowlton *v.* Moore, reported in One hundred and seventy-eighth United States, page 41. It was under an act of Congress approved June 13, 1898, which is known as the "war-revenue act," sections 29 and 30 of which provide for the assessment and collection of the particular taxes which are there described. Mr. Justice White, in delivering the opinion of the court, said:

To determine the issues which arise on this record it is necessary to decide whether the taxes imposed are void because repugnant to the Constitution of the United States, and if they will be valid to ascertain and define their true import.

The controversy was thus engendered: Edwin F. Knowlton died in October, 1898, in the borough of Brooklyn, State of New York, where he was domiciled. His will was probated, and the executors named therein were duly qualified. As a preliminary to the assessment of the taxes imposed by the provisions of the statute, the collector of internal revenue demanded of the executors that they make a return showing the amount of the personal estate of the deceased and disclosing the legatees and distributees thereof. The executors, asserting that they were not obliged to make the return because of the unconstitutionality of sections 29 and 30 of the statute, nevertheless complied under protest. The report disclosed that the personal estate was appraised at $2,624,029.63, and afforded full information as to those entitled to take the same. The amount of the tax assessed was the sum of $42,084.67.

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1. The provisions of the act of Congress under which it is sought to impose, assess, and collect the said tax or duty are in violation of the provisions of Article I, sections 8 and 9, of the Constitution of the United States, and are therefore void.

2. The legacies to George W. Knowlton, Charlotte A. Batchelor, the Unitarian Church of West Upton, Mass., each amount to less than $10,000 and are not subject to any tax or duty under the said provisions of the said act of Congress, even if such provisions be not unconstitutional and void.

3. The legacy to Eben J. Knowlton, a brother of the testator, amounts to only $100,000, and under the said provisions of the said act should be taxed at the rate of $1.12½ per $100, and not at the rate of $2.25 per $100, even if said act be not unconstitutional and void.

In discussing the question of the direct character of the tax Mr. Justice White made the following observations concerning the Pollock case:

In the statute of August 27, 1894 (28 Stat., 509, c. 349), what was in effect a legacy tax was imposed by the provisions of section 28. (Ib., 553.) The tax was eo nomine an income tax, but was in one respect the legal equivalent of a legacy tax, since among the items going to make up the annual income which was taxed was "money and the value of all personal property acquired by gift or inheritance." This

law was not enforced. Its constitutionality was assailed on the ground that the income tax, in so far as it included the income from real estate and personal property, was a direct tax within the meaning of the Constitution, and was void because it had not been apportioned. The contention was twice considered by this court. On the first hearing in Pollock *v.* Farmers' Loan & Trust Co. (157 U. S., 429) it was decided that to the extent that the income taxes included the rentals from real estate the tax was a direct tax on the real estate and was therefore unconstitutional because not apportioned. Upon the question whether the unconstitutionality of the tax on income from real estate rendered it legally impossible to enforce all the other taxes provided by the statute the court was equally divided in opinion. (Ib., 586.) On a rehearing (158 U. S., 601) the previous opinion was adhered to, and it was moreover decided that the tax on income from personal property was likewise direct and that the law imposing such a tax was therefore void because not providing for apportionment. The court said (p. 637):

"Third. The tax imposed by sections 27 to 37, inclusive, of the act of 1894 so far as it falls on the income of real estate and of personal property being a direct tax within the meaning of the Constitution, and therefore unconstitutional and void because not apportioned according to representation, all those sections constituting one entire scheme of taxation are necessarily invalid."

The decision that the invalidity of the income tax in the particulars quoted carried with it the other different taxes which were included in income was not predicated upon the unconstitutionality of such other taxes, but solely upon the conclusion that by the statute there was such an inseparable union between the elements of income derived from the revenues of real estate and personal property and the other constituents of income provided in the statute that they could not be divided. The court said (p. 637):

"We do not mean to say that an act laying by apportionment a direct tax on all real estate and personal property, or the income thereof, might not also lay excise taxes on business, privileges, employments, and vocations. But this is not such an act, and the scheme must be considered as a whole. Being invalid as to the greater part, and falling, as the tax would, if any part were held valid, in a direction which could not have been contemplated except in connection with the taxation considered as an entirety, we are constrained to conclude that sections 27 to 37, inclusive, of the act, which may become a law without the signature of the President on August 28, 1894, are wholly inoperative and void."

Further on in his opinion Mr. Justice White discusses the question of whether the Pollock case overruled the case of Scholey *v.* Rew, and says:

The precise meaning of the law being thus determined, the question whether the tax which it imposes is direct, and hence subject to the requirement of apportionment, arises for consideration. That death duties, generally, have been from the beginning in all countries considered as different from taxes levied on property, real or personal, directly on account of the ownership and possession thereof, is demonstrated by the review which we have previously made. It has also been established by what we have heretofore said that in such taxes, almost from the beginning of our national life, have been treated as duties and not as direct taxes. Of course they concern the passing of property by death, for if there were no property to transmit there would be nothing upon which the tax levied on the occasion of death could be computed. This legislative and administrative view of such taxes has been directly upheld by this court. In Scholey *v.* Rew (23 Wall., 331, 349), to which we have heretofore referred, the question presented was the constitutionality of the provisions of the act of 1864, imposing a succession tax as to real estate. The assertion was that the duty was repugnant to the Constitution, because it was a direct tax and had not been apportioned. The tax was decided to be constitutional. The court said (p. 346):

"But it is clear that the tax or duty levied by the act under consideration is not a direct tax within the meaning of either of these provisions. Instead of that it is plainly an excise tax or duty, authorized by section 8 of Article I, which vests the power in Congress to lay and collect taxes, duties, imposts, and excises to pay the debts and provide for the common defense and general welfare.

* * * * * * *

"Whether direct taxes, in the sense of the Constitution, comprehend any other tax than a capitation tax and a tax on land is a question not absolutely decided, nor is it necessary to determine it in the present case, as it is expressly decided that the term does not include the tax on income, which can not be distinguished in principle from a succession tax such as the one involved in the present controversy."

This is decisive against the contrary contention here relied on, unless it be that the decision in Scholey *v.* Rew has been overruled, and therefore is no longer controlling.

The argument is that the decision in the Scholey *v.* Rew was overruled in Pollock *v.* Farmers' Loan & Trust Co. (157 U. S., 429; 158 U. S., 601). This contention is thus supported in argument.

As in the course of the opinion in Scholey *v.* Rew the court said that taxes on succession could not be distinguished in principle from an income tax, therefore the decision in the Pollock case, which held that an income tax was direct, it is argued, necessarily decided that an inheritance tax was also direct. But in the Pollock case the decision in Scholey *v.* Rew was not overruled. On the contrary, the correctness of the decision in the latter case as to the particular matter which it actually decided in effect was reaffirmed. In consequence of the statement made in Scholey *v.* Rew that an income tax and a succession tax could not be distinguished one from the other, that case was relied on in the Pollock case by counsel in argument and by the members of the court who dissented as establishing, for the reason stated, that the income tax was not direct. The court, however, treated Scholey *v.* Rew as inapplicable to an income tax, because it considered that whether an income tax was direct was not actually involved in the latter case, and hence the illustration which was used in Scholey *v.* Rew as to an income tax was held not to have been a decision on the question of whether or not an income tax was direct.

The court said (157 U. S., p. 577):

"Scholey *v.* Rew (23 Wall., p. 331) was the case of a succession tax, which the court held to be 'plainly an excise tax or duty' upon the devolution of the estate or the right to become beneficiary entitled to the same, or the income thereof, in possession or expectancy. It was like the succession tax of a State, held constitutional in Maher *v.* Grima (8 How., p. 490); and the distinction between the power of a State and the power of the United States to regulate the succession of property was not referred to and does not appear to have been in the mind of the court. The opinion stated that the act of Parliament, from which the particular provision under consideration was borrowed, had received substantially the same construction, and cases under that act hold that a succession duty is not a tax upon income or upon property, but on the actual benefit derived by the individual, determined as prescribed." (In re Elwes, 3 H. & N., p. 719; Attorney General *v.* Sefton, 2 H. & C., p. 362; S. C. (H. L.), 3 H. & C., p. 1023; 11 H. L. Cas., p. 257.)

The argument now made, therefore, comes to this: Although in the Pollock case the doctrine which the court considered as having been actually decided in Scholey *v.* Rew was not overruled, nevertheless, because an example which was made use of in the course of the opinion in Scholey *v.* Rew was disregarded, the Pollock case therefore overruled Scholey *v.* Rew. The issue presented in the Pollock case was whether an income tax was direct within the meaning of the Constitution. The contentions which the case involved were thus presented. On the one hand, it was argued that only capitation taxes and taxes on land as such were direct within the meaning of the Constitution, considered as a matter of first impression, and that previous adjudications had construed the Constitution as having that import. On the other hand, it was asserted that, in principle, direct taxes, in the constitutional sense, embraced not only taxes on land and capitation taxes, but all burdens laid on real or personal property because of its ownership, which were equivalent to a direct tax on such property, and it was affirmed that the previous adjudications of this court had settled nothing to the contrary. The issues which were thus presented in the Pollock case, it will be observed, had been expressly reserved in Scholey *v.* Rew, where it was said (23 Wall., p. 346):

"Whether direct taxes in the sense of the Constitution comprehend any other tax than a capitation tax and a tax on land is a question not absolutely decided, nor is it necessary to determine it in the present case."

The question which was thus reserved in Scholey *v.* Rew, and which was presented for decision in the Pollock case, was decided in the latter case, the court holding that taxes on the income of real and personal property were the legal equivalent of a direct levy on the property from which the income was derived, and therefore required apportionment. But there was no intimation in the Pollock case that inheritance taxes—which had been held in Scholey *v.* Rew not to be direct, which had from all time been considered as being imposed not on property, real or personal, as ordinarily understood, but as being levied on the transmission or receipt of property occasioned by death, and which had from the foundation of the Government been treated as a duty or excise—were direct taxes within the meaning of the Constitution. Undoubtedly, in the course of the opinion in the Pollock case, it was said that if a tax was direct within the constitutional sense the mere erroneous qualification of it as an excise or duty would not take it out of the constitutional requirement as to apportionment. But this language related to the subject matter under consideration and was but a statement that a tax which was in itself direct, because imposed upon property solely by reason of its ownership, could not be changed by affixing to it the qualification of excise or duty. Here we are asked to decide that a tax is a direct tax on property, which has at all times been considered as the antithesis of such a tax; that is, has ever been treated as a duty or excise, because of the particular occasion which gives rise to its levy.

But it is asserted that it was decided in the income-tax cases that, in order to determine whether a tax be direct within the meaning of the Constitution, it must be ascertained whether the one upon whom by law the burden of paying it is first cast can therefore shift it to another person. If he can not, the tax would then be direct in the constitutional sense, and hence, however obvious in other respects it might be a duty, impost, or excise, it can not be levied by the rule of uniformity and must be apportioned. From this assumed premise it is argued that death duties can not be shifted from the one on whom they first cast by law, and therefore they are direct taxes requiring apportionment.

The fallacy is in the premise. It is true that in the income-tax cases the theory of certain economists by which direct and indirect taxes are classified with reference to the ability to shift the same was adverted to. But this disputable theory was not the basis of the conclusion of the court. The constitutional meaning of the word "direct" was the matter decided. Considering that the constitutional rule of apportionment had its origin in the purpose to prevent taxes on persons solely because of their general ownership of property from being levied by any other rule than that of apportionment, two things were decided by the court: First, that no sound distinction existed between a tax levied on a person solely because of his general ownership of real property, and the same tax imposed solely because of his general ownership of personal property. Secondly, that the tax on the income derived from such property, real or personal, was the legal equivalent of a direct tax on the property from which said income was derived, and hence must be apportioned. These conclusions, however, lend no support to the contention that it was decided that duties, imposts, and excises, which are not the essential equivalent of a tax on property generally, real or personal, solely because of its ownership, must be converted into direct taxes, because it is conceived that it would be demonstrated by a close analysis that they could not be shifted from the person upon whom they first fall. The proposition now relied upon was considered and refuted in Nicol *v.* Ames (173 U. S., 509, 515), where the court said:

"The commands of the Constitution in this, as in all other respects, must be obeyed; direct taxes must be apportioned, while indirect taxes must be uniform throughout the United States. But while yielding implicit obedience to these constitutional requirements it is no part of the duty of this court to lessen, impede, or obstruct the exercise of the taxing power by merely abstruse and subtle distinctions as to the particular nature of a specified tax, where such distinction rests more upon the different theories of political economists than upon the practical nature of the tax itself.

"In deciding upon the validity of a tax with reference to these requirements, no microscopic examination as to the purely economic or theoretical nature of the tax should be indulged in for the purpose of placing it in a category which would invalidate the tax. As a mere abstract, scientific, or economical problem, a particular tax might possibly be regarded as a direct tax, when a practical matter pertaining to the actual operation of the tax it might quite plainly appear to be indirect. Under such circumstances and while varying and disputable theories might be indulged as to the real nature of a tax, a court would not be justified, for the purpose of invalidating the tax, in placing it in a class different from that to which its practical results would consign it. Taxation is eminently practical, and is, in fact, brought to every man's door, and for the purpose of deciding upon its validity a tax should be regarded in its actual, practical results, rather than with reference to those theoretical or abstract ideas whose correctness is the subject of dispute and contradiction among those who are experts in the science of political economy."

As further revealing the power of Congress under section 8 of Article I to levy and collect taxes, I shall make reference to the case of Spreckels Sugar Refining Co. *v.* McClain (192 U. S., 397). Under the twenty-seventh section of the act of June 13, 1898, entitled "An act to provide ways and means for war expenditures, and for other purposes," a tax was imposed on the gross annual receipts in excess of $250,000 of every person, firm, corporation, or company carrying on or doing the business of refining sugar. The Spreckels Sugar Refining Co. paid the taxes to the collector in Pennsylvania under protest and brought an action to recover the sum so paid. The validity of the statute was challenged on the ground that it was a direct tax and under the Constitution subject to the rule of apportionment. Mr. Justice Harlan delivered the opinion of the court, and in doing so said:

> The contention of the Government is that the tax is not a direct tax, but only an excise imposed by Congress under its power to lay and collect excises which shall be uniform throughout the United States. (Art. I, sec. 8.) Clearly the tax is not imposed upon gross annual receipts as property, but only in respect of the carrying on or doing the business of refining sugar. It can not be otherwise regarded, because of the fact that the amount of the tax is measured by the amount of the gross annual receipts. The tax is defined in the act as "a special excise tax," and therefore it must be assumed, for it is worth, that Congress has no purpose to exceed its powers under the Constitution, but only to exercise the authority granted to it of laying and collecting excises.
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> This general question has been considered in so many cases heretofore decided that we do not deem it necessary to consider it anew upon principle. It was held in Pacific Insurance Co. *v.* Soule (7 Wall., 433) that the income tax imposed by the internal-revenue act of June 30, 1864, amended July 13, 1866 (13 Stat., 223; 14 Stat., 98), on the amounts insured, renewed, and continued by insurance companies, on the gross amounts of premiums received, on dividends, undistributed sums, and income, was not a direct tax, but an excise duty or tax within the meaning of the Constitution; in Veazie Bank *v.* Fenno (8 Wall., 553) that the statute then before the court which required national banking associations, State banks, or State banking associations to pay a tax of 10 per cent on the amount of State bank notes paid out by them after a named date, did not in the sense of the Constitution impose a direct tax, but was to be classed under the head of duties, which were to be sustained upon the principles announced in the case of Pacific Insurance Co *v.* Soule, above cited; in Scholey *v.* Rew (23 Wall., 331) that the tax imposed on every devolution of title to real estate was not a direct tax, but an impost or excise, and was therefore constitutional; in Nicol *v.* Ames (173 U. S., 509) that the tax imposed (30 Stat., 448) upon each sale or agreement to sell any products or merchandise at an exchange, board of trade, or other similar place, either for present or future delivery, was not in the constitutional sense a direct tax upon the business itself, but in effect "a duty or excise law upon the privilege, opportunity, or facility offered at boards of trade or exchanges for the transaction of business mentioned in the act," which was "separate and apart from the business itself"; in Knowlton *v.* Moore (178 U. S., 41, 81) that an inheritance or succession tax was not a direct tax on property, as ordinarily understood, but an excise levied on the transmission or receipt of property occasioned by death; and in Patton *v.* Brady (184 U. S., 608) that the tax imposed by the act of June 13, 1898, upon tobacco, however prepared, manufactured, and sold for consumption or sale, was not a direct tax, but an excise tax, which Congress could impose; that it was not "a tax upon property as such, but upon certain kinds of property, having reference to their origin and intended use."
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> In view of these and other decided cases, we can not hold that the tax imposed on the plaintiff, expressly with reference to its "carrying on or doing the business of * * * refining sugar," and which was to be measured by its gross annual receipts in excess of a named sum, is other than is described in the act of Congress, a special excise tax, and not a direct one to be apportioned among the States according to their respective numbers. This conclusion is inevitable from the judgments in prior cases, in which the court has dealt with the distinctions often very difficult to be expressed in words between taxes that are direct and those which are to be regarded simply as excises. The grounds on which those judgments rested need not be restated or reexamined. It would subserve no useful purpose to do so. It must suffice now to say that they clearly negative the idea that the tax here involved is a direct one to be apportioned among the States according to numbers.
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> It is said that if regard be had to the decision in the income-tax cases, a different conclusion from that just stated must be reached. On the contrary, the precise question here was not intended to be decided in those cases. For, in the opinion of the rehearing of the income-tax cases, the Chief Justice said: "We have considered the act only in respect of the tax on income derived from real estate and from invested personal property, and have not commented on so much of it as bears on gains or profits from business, privileges, or employments in view of the instances in which taxation on business, privileges, or employments has assumed the guise of an excise tax and been sustained as such." (158 U. S., 601.)

In the case of Flint *v.* Stone Tracy Co. (220 U. S., 107) the whole corporation tax was considered, and the court said:

> This tax, it is expressly stated, is to be equivalent to 1 per cent of the entire net income over and above $5,000 received from all sources during the year—this is the measure of the tax explicitly adopted by the statute. The income is not limited to such as is received from property used in business, strictly speaking, but is expressly declared to be upon the entire net income above $5,000 from all sources, excluding the amounts received as dividends on stock in other corporations, joint stock companies or associations, or insurance companies also subject to the tax. In other words, the tax is imposed upon the doing of business of the character described, and the measure of the tax is to be the income, with the deduction stated, received not only from property used in business, but from every source. This view of the measure of the tax is strengthened when we note that as to organizations under the laws of foreign countries the amount of net income over and above $5,000 includes that received from business transacted and capital invested in the United States, the Territories, Alaska, and the District of Columbia.
>
> It is further strengthened when the subsequent sections are considered as to deductions in ascertaining net income and requiring returns from those subject to the act. Under the second paragraph the net income is to be ascertained by certain deductions from the gross amount of income received within the year "from all sources;" and the return to be made to the collector of internal revenue under the third section is required to show the gross amount of the income received during the year "from all sources." The evident purpose is to secure a return of the entire income, with certain allowances and deductions which do not suggest a restriction to income derived from property actively engaged in the business. This interpretation of the act, as resting upon the doing of business, is sustained by the reasoning in Spreckels Sugar Refining Co. *v.* McClain (192 U. S., 397), in which a special tax measured by the gross receipts of the business of refining oil and sugar was sustained as an excise in respect to the carrying on or doing of such business.
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> Having thus interpreted the statute in conformity, as we believe, with the intention of Congress in passing it, we proceed to consider whether, as thus construed, the statute is constitutional.
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> It is contended that it is not, certainly so far as the tax is measured by the income of bonds nontaxable under Federal statutes, and of municipal and State bonds beyond the Federal power of taxation. And so of real and personal estates, because as to such estates the tax is direct, and so required to be apportioned according to population among the States. It is insisted that such must be the holding unless this court is prepared to reverse the income-tax cases decided under the act of 1894. (Pollock *v.* Farmers' Loan & Trust Co., 157 U. S., 429; S. C., 158 U. S., 601.)
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> The applicable provisions of the Constitution of the United States in this connection are found in Article I, section 8, clause 1, and in Article I, section 2, clause 3, and Article I, section 9, clause 4.
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> It was under the latter requirement as to apportionment of direct taxes according to population that this court in the Pollock case held the statute of 1894 to be unconstitutional. Upon the rehearing of the case Mr. Chief Justice Fuller, who spoke for the court, summarizing the effect of the decision, said:
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> "We have considered the act only in respect of the tax on income derived from real estate and from invested personal property, and have not commented on so much of it as bears on gains or profits from business, privileges, or employments, in view of the instances in which taxation on business, privileges, or employments has assumed the guise of an excise tax and has been sustained as such." (158 U. S., 635.)
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> And as to excise taxes, the Chief Justice said:
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> "We do not mean to say that an act laying by apportionment a direct tax on real estate or personal property, or the income thereof, might not also lay excise taxes on business, privileges, employments, and vocations." (p. 637).
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> The Pollock case was before this court in Knowlton *v.* Moore. (178 U. S., 41, 80.) In that case this court sustained an excise tax upon the transmission of property by inheritance. It was contended there, as here, that the case was ruled by the Pollock case, and of that case this court, speaking by the present Chief Justice, said:
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> "The issue presented in the Pollock case was whether an income tax was direct within the meaning of the Constitution. The contentions which the case involved were thus presented. On the one hand, it was argued that only capitation taxes and taxes on land as such were direct, within the meaning of the Constitution, considered as a matter of first impression, and that previous adjudications had construed the Constitution as having that import. On the other hand, it was asserted that in principle direct taxes, in the constitutional sense, embraced not only taxes, but all burdens laid on real or personal property because of its ownership, which were equivalent to a direct tax on such property, and it was affirmed that the previous adjudications of this court had settled nothing to the contrary.
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> "Undoubtedly, in the course of the opinion in the Pollock case it was said that if a tax was direct within the constitutional sense the mere erroneous qualification of it as an excise or duty would not take it out of the constitutional requirement as to apportionment. But this language related to the subject matter under consideration, and was but a statement that a tax which was in itself direct, because imposed upon property solely by reason of its ownership, could not be changed by affixing to it the qualifications of excise or duty. Here we are asked to decide that a tax is a direct tax on property which has at all times been considered as the antithesis of such a tax; that is, has ever been treated as a duty or excise, because of the particular occasion which gives rise to its levy. * * *
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> "Considering that the constitutional rule of apportionment had its origin in the purpose to prevent taxes on persons solely because of their general ownership of property from being levied by any other rule than that of apportionment, two things were decided by the court: First, that no sound distinction existed between a tax levied on a person solely because of his general ownership of real property and the same tax imposed solely because of his general ownership of personal property. Secondly, that the tax on the income derived from such property, real or personal, was the legal equivalent of a direct tax on the property from which said income was derived, and hence must be apportioned. These conclusions, however, lend no support to the contention that it was decided that duties, imposts, and excises, which are not the essential equivalent of a tax on property generally, real or personal, solely because of its ownership must be converted into direct taxes, because it is conceded that it would be demonstrated by a close analysis that they could not be shifted from the person upon whom they first fell."
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> The same view was taken of the Pollock case in the subsequent case of Spreckels Sugar Refining Co. *v.* McClain (192 U. S., 397).
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> The act now under consideration does not impose direct taxation upon property solely because of its ownership, but the tax is within the class which Congress is authorized to lay and collect under Article I, section 8, clause 1, of the Constitution, and described generally as taxes, duties, imposts, and excises, upon which the limitation is that they shall be uniform throughout the United States.
>
> Within the category of indirect taxation, as we shall have further occasion to show, is embraced a tax upon business done in a corporate capacity, which is the subject matter of the tax imposed in the act under consideration. The Pollock case construed the tax there levied as direct, because it was imposed upon property simply because of its ownership. In the present case the tax is not payable unless there be a carrying on or doing of business in the designated capacity, and this is made the occasion for the tax, measured by the standard prescribed. The difference between the acts is not merely nominal, but rests upon substantial differences between the mere ownership of property and the actual doing of business in a certain way.

It is unnecessary to enter upon an extended consideration of the technical meaning of the term "excise." It has been the subject matter of considerable discussion—the terms duties, imposts, and excises are generally treated as embracing the indirect forms of taxation contemplated by the Constitution. As Mr. Chief Justice Fuller said in the Pollock case (157 U. S., 557):

"Although there have been from time to time intimations that there might be some tax which was not a direct tax nor included under the words 'duties, imposts, and excises,' such a tax for more than 100 years of national existence has as yet remained undiscovered, notwithstanding the stress of particular circumstances has invited thorough investigation into sources of revenue."

And in the same connection the late Chief Justice delivering the opinion of the court in Thomas *v.* United States (192 U. S., 363), in speaking of the words "duties, imposts, and excises," said:

"We think that they were used comprehensively to cover customs and excise duties imposed on importation, consumption, manufacture, and sale of certain commodities, privileges, particular business transactions, vocations, occupations, and the like."

Duties and imposts are terms commonly applied to levies laid by governments on the importations or exportations of commodities. Excises are "taxes laid upon the manufacture, sale, or consumption of commodities within the country, upon licenses to pursue certain occupations, and upon corporate privileges." (Cooley, Const. Lim., 7th ed., 680.)

The tax under consideration, as we have construed the statute, may be described as an excise upon the particular privilege of doing business in a corporate capacity, i. e., with the advantages which arises from corporate or quasi corporate organization, or when applied to insurance companies for doing the business of such companies. As was said in the Thomas case (192 U. S., 363, supra), the requirement to pay such taxes involved the exercise of privileges, and the element of absolute and unavoidable demand is lacking. Its business is not done in the manner described in the statute; no tax is payable.

If we are correct in holding that this is an excise tax, there is nothing in the Constitution requiring such tax to be apportioned according to population. (Pacific Ins. Co. *v.* Soule, 7 Wall., 433; Springer *v.* United States, 102 U. S., 586; Spreckels Sugar Refining Co. *v.* McClain, 192 U. S., 397.)

From time to time attention has been called by judges and lawyers to the point that section 8 of Article I provided that Congress shall have power to levy and collect taxes, duties, imposts, and excises, to provide for the common defense and the general welfare; but all duties, imposts, and excises shall be uniform throughout the United States, particular attention being called to the fact that the limitation as to uniformity does not include the word "taxes." It has been intimated in some of the opinions that this left a third kind of tax which was not specifically limited to apportionment or uniformity. On the other hand, it has been argued—notably by Mr. Choate in the Pollock case—that the omission of the word "tax" as to uniformity indicated that there was only one kind of tax, and that was the direct tax referred to in section 9, which tax would have to be levied by apportionment. It appears from an examination of the debates that neither one of these contentions is supportable. On Saturday, August 25, Mr. McHenry and Gen. Pinckney made the following propositions:

Should it be judged expedient by the Legislature of the United States that one or more ports for collecting duties and imposts, other than those ports of entrance and clearance already established by the respective States, should be established, the Legislature of the United States shall signify the same to the executives of the respective States, ascertaining the number of such ports judged necessary, to be laid by the said executives before the legislatures of the States at their next session; and the Legislature of the United States shall not have the power of fixing or establishing the particular ports for collecting duties or imposts in any State, except the legislature of such State shall neglect to fix and establish the same during their first session to be held after such notification by the Legislature of the United States to the executive of such State.

All duties, imposts, and excises, prohibitions or restraints made or laid by the Legislature of the United States shall be uniform and equal throughout the United States.

These several propositions were referred to a committee composed of a member from each State. From this it would appear that the matter under consideration was not dealt with in connection with the power of Congress to levy taxes, but had reference more particularly to the preference between the States. On August 28 Mr. Sherman, from the committee to whom these propositions were referred, made the following report, which was ordered to lie on the table:

That there be inserted after the fourth clause of the seventh section, "Nor shall any regulation of commerce or revenue give preference to the ports of one State over those of another, or oblige vessels bound to or from any State to enter, clear, or pay duties in another, and all tonnage, duties, imposts, and excises laid by the legislature shall be uniform throughout the United States."

On August 31 the report of the grand committee of 11, made by Mr. Sherman, was taken up. On the question to agree to the following clause to be inserted after Article VII, section 4:

Nor shall any regulation of commerce or revenue give preference to the ports of one State over those of another.

This was agreed to nem. con.

On the clause, "Or oblige vessels bound to or from any State to enter, clear, or pay duties in another," Mr. Madison thought the restriction would be inconvenient as in the River Delaware a vessel can not be required to make entry below the jurisdiction of Pennsylvania. Mr. Fitzsimons admitted that it might be inconvenient, but thought it would be a greater inconvenience to require vessels bound to Philadelphia to enter below the jurisdiction of the State. Mr. Gorham and Mr. Langdon contended that the Government would be so fettered by this clause as to defeat the good purpose of the plan. They mentioned the situation of the trade of Massachusetts and New Hampshire, the case of Sandy Hook, which is in the State of New Jersey, but where precautions against smuggling into New York ought to be established by the General Government. Mr. McHenry said the clause would not screen a vessel from being obliged to take an officer on board as a security for due entry. Mr. Carroll was anxious that the clause should be agreed to. He assured the House that it was a tender point in Maryland. Mr. Jenifer urged the necessity of the clause in the same point of view. On the question of agreeing to it, the vote was 8 to 2 in favor it. The word "tonnage" was struck out as comprehended in "duties." On the question on the clause of the report "and all duties, imposts, and excises laid by the legislature shall be uniform throughout the United States," was agreed to nem. con.

On Tuesday, September 4, Mr. Brearly, from the committee of 11, made a partial report, as follows:

1. The first clause of article 7, section 1, to read as follows: "The legislature shall have power to lay and collect taxes, duties, imposts, and excises, to pay the debts, and provide for the common defense and the general welfare of the United States."

On Friday, September 14, the record of debate shows, as follows:

Article I, section 8. The words "but all such duties, imposts, and excises shall be uniform throughout the United States" were unanimously annexed to the power of taxation.

And thus there seems to have been merged in this one section the grant of the power to tax and the limitation, which limitation grew out of an entirely different purpose on the part of the framers of the Constitution than is commonly credited to them demonstrating to a certainty that the language "but all such duties, imposts, and excises shall be uniform throughout the United States" was purposely meant to exclude taxes. The language of the record, "were unanimously annexed to the power of taxation," I think, completely demolishes the contention made by Mr. Choate, and altogether answers the suggestion made in some of the opinions that there is a third kind of taxation not defined.

We come now to a definite consideration of the particular bill pending, the object of which is to make subject to taxation all individuals, partnerships, and firms with respect to their doing business. It must be understood at the outset that no tax is levied on the income or the amount of the income. This bill simply taxes the doing of business, and then, in a homely sort of way, says that the amount of the tax shall be equivalent to 1 per cent upon the entire net income over and above $5,000 received from all sources during each year. We need not disguise the proposition that it is formulated on the same basis as the corporation tax, section 38 of an act of Congress approved August 5, 1909, which reads:

SEC. 38. That every corporation, joint-stock company, or association, organized for profit and having a capital stock represented by shares, and every insurance company, now or hereafter organized under the laws of the United States or any State or Territory of the United States or under the acts of Congress applicable to Alaska or the District of Columbia, or now or hereafter organized under the laws of any foreign country and engaged in business in any State or Territory of the United States or in Alaska or in the District of Columbia, shall be subject to pay annually a special excise tax with respect to carrying on or doing business by such corporation, joint-stock company, or association, or insurance company, equivalent to 1 per cent upon the entire net income over and above $5,000 received by it from all sources during such year, exclusive of amounts received by it as dividends upon stock of other corporations, joint-stock companies or associations, or insurance companies subject to the tax hereby imposed; or if organized under the laws of any foreign country, upon the amount of net income over and above $5,000 received by it from business transacted and capital invested within the United States and its Territories, Alaska, and the District of Columbia during such year, exclusive of amounts so received by it as dividends upon stock of other corporations, joint-stock companies or associations, or insurance companies subject to the tax hereby imposed.

The corporation tax did not attempt to say what was the doing of business by a corporation, because we all understand that a corporation, with a few unimportant exceptions, is not organized except for the purpose of doing business. In its application for a charter, wherever it is made, and in its grant it is always described as being incorporated for the doing of some certain business, and therefore evidence of the fact that it is doing business is incontestibly established by its corporate charter. We are all quite well aware of the fact that corporations, to a large extent, took the place of partnerships and firms. Indeed, we have only to recur to the fact that when the Constitution was adopted there were only four corporations in the United States, whereas now there are two hundred and seventy-odd thousand; so that the defense of the corporation tax was rather a defense of the exception than of the general rule.

This tax, it is expressly stated, is to be with respect to the carrying on or doing business by certain corporations and associations, and is to be equivalent to 1 per cent of the entire net income over and above $5,000 received by all persons during such year. This is the measure of the tax explicitly adopted by the law. The income is not limited to receipts from property as such, strictly speaking, but it is expressly declared that the tax shall be upon the entire net income above $5,000 from all sources, excluding the amount received from any firm or co-

partnership if the special excise tax of 1 per cent imposed by this act has been paid by any corporation, joint-stock company or association, or insurance company from which the income is received.

Under this act there arose the case of Flint *v.* Stone Tracy Co. (220 U. S., 107), in which, in a number of appeals, almost every phase of the law and its interpretation was presented. The case was elaborately briefed and argued by very eminent counsel for the Government and for the appellants. It is notable that in the brief of Mr. William D. Guthrie and Mr. Victor Morawitz, who were representing the appellee in No. 410, they had this to say, which is particularly pertinent to the validity of the pending bill:

A tax upon income derived from the carrying on or doing business is an excise and not a direct tax within the meaning of the Constitution.

Commenting further, Mr. Guthrie, who had had an intimate and close association with the Pollock case, made this significant statement, on the question of the constitutionality of the pending bill:

The constitutional provisions conferring upon Congress the power to impose taxes make no distinction between corporations and individuals. Indeed, corporations are not mentioned in the Constitution.

The distinguishing feature of the corporation-tax law as an exercise of the power to levy an excise upon the doing of business is this: In nearly all of the cases prior to that time, particularly in the Spreckels case, the gross receipts were necessarily the result of the carrying on of the business the doing of which was taxed, while in the corporation-tax act for the first time this language was employed. Leaving out unnecessary parts, the act says:

Every corporation, joint-stock company, or association organized for profit shall be subject to pay annually a special excise tax with respect to the carrying on or doing of business by such corporation, joint-stock company, or association or insurance company equivalent to 1 per cent upon the entire net income over and above $5,000 received by it from all sources during such year.

It was earnestly contended by the very able counsel in the case that the only way in which the constitutionality of the law could be sustained was to limit that portion of it to such income as was derived from the actuaf carrying on of the business taxed. That was one of the very sharp contentions in the case. Mr. Justice Day, who delivered the opinion of the court, disposes of that contention as follows:

This tax, it is expressly stated, is to be equivalent to 1 per cent of the entire net income over and above $5,000 received from all sources during the year. This is the measure of the tax explicitly adopted by the statute. The income is not limited to such as is received from property used in the business, strictly speaking, but is expressly declared to be upon the entire net income above $5,000 from all sources, excluding the amounts received as dividends on stock in other corporations, joint-stock companies, or associations or insurance companies, also subject to the tax. In other words, the tax is imposed upon the doing of business of the character described, and the measure of the tax is to be the income, with the deductions stated, received not only from the property used from business but from every source. This view of the measure of the tax is strengthened when we note that as to organizations under the laws of foreign countries the amount of the net income over and above $5,000 includes that received from business transacted and capital invested in the United States, the Territories, Alaska, and the District of Columbia.

It has been contended since the decision in this case of Flint *v.* Stone-Tracy Co. that the validity of the act was vindicated on the ground that it was a tax upon the doing of business through a corporate charter, and that therefore an act levying a similar tax on individuals can not be sustained. The error, however, in this construction of the Flint case is, I think, just here: In the case of a corporation it is almost a conclusive presumption that they are carrying on business because they would close up if they did not. They make their application, setting forth the fact that they wish to carry on business, receive a charter which empowers them to do this, and on the very face of the thing the proof is conclusive that they are doing business. The real meaning of the Flint case as to any distinctions between corporations and individuals was that Congress had a right to select a class such as corporate businesses and tax the doing of business and measure the tax by the net income from whatever source derived.

Now, coming to the provision of the pending bill, it is only necessary to say that it is in the precise terms and language of the corporation-tax act. Practically the only question raised on the face of the bill is the one as to what will be held to be "carrying on business," and the author of the bill in defining the word "business" adopted the definition which the Supreme Court in the case of Flint *v.* Stone-Tracy Co. used. Mr. Justice Day, writing for the court, said:

It remains to consider whether these corporations are engaged in business. "Business" is a very comprehensive term and embraces everything about which a person can be employed. (Black's Law Dictionary, 158, citing People *v.* Commissioner of Taxes, 23 N. Y., 242, 244.) "That which occupies the time, attention, and labor of men for the purpose of a livelihood or profit." (Bouvier's Law Dictionary, Vol. I, p. 273.)

We think it is clear that corporations organized for the purpose of doing business and actually engaged in such activities as leasing property, collecting rents, managing office buildings, making investments of profits, or leasing ore lands and collecting royalties, managing wharves, dividing profits, and in some cases investing the surplus are engaged in business within the meaning of this statute and in the capacity necessary to make such organizations subject to the law.

The word "business" is not an obscure one and not without meaning in the law. It has been the subject of adjudication and legislation for hundreds of years. Going for a moment to the English authorities, we find that in 15 Chancery Division Mr. Justice Jessel, master of rolls, gave an opinion in the case of Smith *v.* Anderson which rather learnedly discusses the meaning of the word "business":

As regards the only point which is not elaborately discussed in Sykes *v.* Beadon, the meaning of the word "business." I must say in a few words. In Sykes *v.* Beadon the only point I had to consider was whether it was an association formed for the purpose of gain. The supposed distinction between an association formed for the purpose of gain and an association formed for the purpose of taking upon itself a business having for its object the purpose of gain was not there argued, but it has been argued since, and I have given an opinion on it which I will repeat. First, what is the meaning of "any other business"? Now, "business" itself is a word of large and indefinite import. I have before me the last edition of Johnson's Dictionary, edited by Dr. Latham, and there the first meaning given of it is "employment, transaction of affairs"; the second, "an affair"; the third, "subject of business, affair, or object which engages the care." Then there are some other meanings, and the sixth is "something to be transacted." The seventh is "something required to be done." Then taking the last edition of the Imperial Dictionary, which is a very good dictionary, we find it a little more definite, but with a remark which is worth reading: "Business, employment, that which occupies the time and attention and labor of men for the purpose of profit or improvement." That is to say, anything which occupies the time and attention and labor of a man for the purpose of profit is business. It is a word of extensive use and indefinite signification. Then, "business is a particular occupation, as agriculture, trade, mechanics, art, or profession, and when used in connection with particular employments it admits of the plural—that is, businesses." Therefore the legislature could not well have used a larger word.

In addition to the two dictionaries, I have also looked at the case of Harris *v.* Amery, (1) in which 46 people hired some land to carry on a farm; that is, they carried on the farm between them. A single man carrying on a farm may farm his own land, but he is carrying on a business. Sometimes he is called a gentleman farmer, but he is still carrying on a business and, of course, these 46 persons were carrying on a business, and it was held that it was an illegal association under this very act of Parliament, because there were more than 20 of them. The passage I am about to read is from the judgment of that very eminent and lamented judge, Mr. Justice Willes (2): "It should seem, by 25 and 26 Vict., c. 89, s. 4, that the legislature, viewing the frauds which have been committed by large companies, and the great inconvenience which was found to arise by reason of the difficulty of enforcing claims and settling accounts between surviving members and executors of deceased members, and otherwise, have thought fit to determine that no company, association, or partnership consisting of more than 20 persons shall be formed for the purpose of carrying on any business that has for its object the acquisition of gain by the company or its members, unless registered under the act. And I think it has done that by language which does not admit of any reasonable doubt. It is unnecessary to refer to authorities to show that 'business' has a more extensive signification than 'trade.' The earlier bankrupt acts did not embrace farms; but it was never doubted that farming was a 'business,' though not a 'trade.' Banking is not strictly a trade. Where land comes to a number of persons by operation of law they can not be said to be partners, and they may, consistently with the act, farm it. But when we find an association like this, which is rendered illegal by an act of Parliament, we can not take notice of the agreement under which they become tenants, for the purpose of establishing a right in a court of law, or hold that the occupation by one of their body is an occupation by all the members of the illegal association."

Now, knowing what "business" means, is there any distinction between a person carrying on any other business which has for its object the acquisition of gain and the words "formed for the purpose of the acquisition of gain"? It must be a business to acquire a gain, and really the words add nothing to it. "Formed for the purpose of gain," as I put it in Sykes *v.* Beadon (1), is the same thing. You can not acquire gain by means of a company except by carrying on some business or other, and I have no doubt if anyone formed a company or association for the purpose of acquiring gain he must form it for the purpose of carrying on a business by which gain is to be obtained. But whether that be so or not, I am clearly of opinion that where investment is made a business, or where the dealing in securities is made a business, it is a business within the purview of this act. There are many things which in common colloquial English would not be called a business, even when carried on by a single person, which would be so called when carried on by a number of persons. That is a distinction not to be forgotten, even if we were trying the question by the ordinary use of the English language. For instance, a man who is the owner of offices, that is, of a house divided into several floors and used for commercial purposes, would not be said to carry on a business because he let the offices as such; but suppose a company was formed for the purpose of buying a building, or leasing a house, to be divided into offices, and to be let out, should not we say, if that was the object of the company, that the company was carrying on business for the purpose of letting offices, or was an office-letting company, trying it by the use of ordinary colloquial language? The same observation may be made as regards a single individual buying or selling land, with this addition, that he may make it a business, and then it is a question of continuity. A man occasionally buys and sells land, as many landowners do, and nobody would say he was a land jobber or dealer in land, but if a man made it his particular business to buy and sell land to obtain profit, he would be designated as a land jobber or dealer in land.

When you come to an association or company formed for a purchase you say at once that it is a business, because there you have that from which you would infer continuity; it is formed to do that and nothing else, and, therefore, at once you would say that the company carried on a business. So, in the ordinary case of investments, a man who has money to invest invests his money, and he may occasionally sell the investments and buy others, but he is not carrying on a busi-

ness. But when you have an association formed or where an individual makes it his continuous occupation—the business of his life to buy and sell securities—he is called a stock jobber or share jobber, and nobody doubts for a moment that he is carrying on business. So, if a company is formed for doing the very same thing—that is, for investing money belonging to persons in the purchase of stocks and shares and changing them from time to time, either with limited or unlimited powers—I should say there can be no question that they are carrying on a business, whether you call it a business of investment or a business of dealing in securities, or, as in the case before me, both the business of investment and the business of dealing in securities.

In Ninth Blatchford, in the case of In re Alabama & Chattanooga Railroad Co. (p. 397), the court had occasion to consider the meaning of the term "carrying on business," and Justice Woodruff has this to say:

In its broadest sense the term "business" includes nearly all the affairs in which either an individual or a corporation can be actors. Indulgence in pleasure, participation in domestic enjoyment, and engagement in the offices of merely personal religion may be exceptions in the case of an individual. But the employment of means to secure or provide for these would, to him, be a business; and, to a corporation, these exceptions can have no application. The conduct of any and all of the affairs of a corporation is business. Does, then, the doing of any acts whatever pertaining to the affairs of a railroad corporation constitute "carrying on business," in the sense of the act? Has the term "carrying on business" the same meaning as "transacting any of its business"? If the necessities or interests of a railroad company require that an agent should be sent to a timber region to purchase or otherwise procure—e. g., by cutting, sawing, etc.—materials for its superstructure, is that carrying on business there? If it send an agent or agents to a city, the center of capital, to negotiate its bonds and raise money in aid of the construction of its road, and such agency be continued for that purpose and for receiving subsequent remittances and making payment of interest or other indebtedness at an office provided therefor, is that carrying on business in such city, within the meaning of the act? I am constrained, not only by considerations already suggested, but by what, upon the words themselves, should be deemed their proper interpretation, to answer these questions in the negative. There are in the carrying on of a business many affairs which are merely incidental and which may be, and often are, transacted elsewhere than at the place where the business—that which is the real design and purpose or object in view—is located, and such transactions may be of such frequent or even daily occurrence as to require an agency of considerable duration. It would seem to me greatly unjust and unreasonable to regard such transactions as carrying on a business in the sense of the law. "Carrying on business" looks to the scheme and purpose to which such transactions tend and not to the incidental transactions themselves. Thus the business of a railroad corporation is, by its charter, the construction, maintenance, and operation of a railroad. That is its business. In aid thereof it may be necessary or expedient to employ agents and agencies—since it can only act by agents—in other places than those in which its business of constructing, maintaining, and operating the road can be done. But the transactions of such agents are only collateral or incidental. They do not, in a just sense, constitute the business of the railroad company. That business can not be removed. The company itself can not transfer it. Agents, or officers who are agents, and only agents, may from a distance advise therein, give rules or directions to other agents for its management, but the business of the railroad company can only be done where the railroad company is, or is to be, constructed, maintained, and operated.

I do not undertake to determine, nor would I, to what extent the courts would construe the language of this bill or to say what activities would be sufficient to bring the conduct of an individual within the term "carrying on business." I could not give you a concrete illustration and say thus and so will be the standard, any more than I could if we had a bill pending which provided that no person should make fraudulent disposition of his property and you should give me a case and ask me whether or not that would come within the meaning of "fraudulent disposition of property." We are not employing new words. This word is as old as jurisprudence itself and has been used to measure the activities of each generation according to the exigencies and developments of that generation. I am not prepared to deny or affirm that Andrew Carnegie, standing, with his face all aglow, in front of his blast furnaces—the stocky little Scotchman, tense with uncontrollable ambition and energy—would be any different in the eyes of the law than Andrew Carnegie, his face white with the student's pallor, looking at the parchment which represents his four hundred millions of bonds. [Applause.] In other words, I am not prepared to say what this generation will fix as the standard of doing business. His bonds stand for the stupendous value of what is his property. He has a potential interest and a partial control over the destiny of a great and gigantic enterprise. Under the terms of the mortgage, I have no doubt, the bondholders, under certain exigencies, might meet and to a large extent extend or withdraw the power and influence of the company. In nearly all instances, the sale of shares of stock to a considerable extent went with the bonds. That share ownership, reaching from the sovereignty of the shareholder into the complicated machinery of the company, enables them to press the mainsprings of action and make the wheels go round. Will we say that this is doing business? Will we refuse to say that it is doing business because it is done with more ease and facility, and leaves more time for leisure, and represents economy in time and work? In the notable case of Hardware Co. *v.* Manufacturing Co. (86 Tex., 143), Mr. Justice Stayton had occasion to consider the meaning of the word "business," and said:

"Business" is defined to be "that which busies, or that which occupies the time, attention, or labor of one as his principal concern, whether for a longer or for a shorter time; employment; occupation."—Webster. "Business" is a word of large signification, and denotes the employment or occupation in which a person is engaged to procure a living. (Goddard *v.* Chaffee, 2 Allen, 395.)

It is the synonym of employment, signifying that which occupies the time, attention, and labor of men for the purpose of a livelihood or profit. (Martin *v.* The State, 59 Ala., 36.)

The corporation making the conveyance in question was a private trading corporation the business of which consisted in buying and selling for profit in the ordinary course of mercantile business. That was its business within the meaning of the statute, and when that ceased, without intent to resume, the business no longer existed, and no contract thereafter made could be essential to the transaction of—the doing of—that business.

The mere act of paying or securing an indebtedness can never become a business.

In the case of Brauetigam *v.* Edwards (38 N. J., Eq.) the court had occasion to consider the meaning of the term business, and in doing so spoke as follows:

Besides, business does not mean stock, or machinery, or capital and the like. While business can not be done without these. In commercial language it is as distinct from them as labor is from capital. In speaking of the business that may be done by a merchant, banker, or railroad company, the mind does not contemplate or dwell upon the character or quality of the means used, but of the operations, whether great or small, complex or simple, numerous or few, for one or the other of these conditions may arise from much or little stock or capital. In other words, "business" does not mean dry goods, nor cash, nor iron rails and coaches. Business is not these lifeless and dead things, but the activities in which they are employed. When in motion, then the owners are said to be in business, and then it is that merchants and others speak of the profits of the business.

In People *v.* The Commissioner of Taxes (123 N. Y., 244) the court considered briefly the meaning of the word "business," and used the following language:

The word "business" embraces everything about which a person can be employed, and the sum is "invested" whenever its amount is represented by anything but money. No conclusion can be arrived at in this case by following out the precise lexicographical meaning of these terms. The statute is to be interpreted, therefore, by the light to be obtained from its general scope and tenor, from other statutes in pari materia, and from a consideration of the evils and abuses at which it was aimed.

Reference has been made to the case of Zonne *v.* Minneapolis Syndicate (220 U. S.) as an authoritative definition of what would be considered by the court as the doing of business. In that case a statement of the facts will clear the question of any doubt. Mr. Justice Day said:

The case presents a peculiarity of corporate organization and purpose not involved in the case just decided. The Minneapolis Syndicate, as the allegations of the bill admitted by the demurrer show, was originally organized for and engaged in the business of letting stores and offices in a building owned by it, and collecting and receiving rents therefor. On the 27th of December, 1906, the corporation demised and let all of the tracts, lots, and parcels of land belonging to it, being the westerly half of block 87 in the city of Minneapolis, to Richard M. Bradley, Arthur Lyman, and Russell Tyson as trustees for the term of 130 years from January 1, 1907, at an annual rental of $61,000, to be paid by said lessees to said corporation. At that time the corporation caused its articles of incorporation, which had heretofore been those of a corporation organized for profit, to be so amended as to read:

"The sole purpose of the corporation shall be to hold the title to the westerly one-half of block 87 of the town of Minneapolis, now vested in the corporation, subject to a lease thereof for a term of 130 years from January 1, 1907, and for the convenience of its stockholders to receive and to distribute among them from time to time the rentals that accrue under said lease and the proceeds of any disposition of said land."

As we have construed the corporation tax law (Flint *v.* Stone Tracy Co., ante, p. 107) it provides for an excise upon the carrying on or doing of business in a corporate capacity. We have held in the preceding cases that corporations organized for profit under the laws of the State, authorized to manage and rent real estate, and being so engaged, are doing business within the meaning of the law and are therefore liable to the tax imposed.

The corporation involved in the present case, as originally organized and owning and renting an office building, was doing business within the meaning of the statute as we have construed it. Upon the record now presented we are of opinion that the Minneapolis Syndicate, after the demise of the property and reorganization of the corporation, was not engaged in doing business within the meaning of the act. It had wholly parted with control and management of the property; its sole authority was to hold the title subject to the lease for 130 years, to receive and distribute the rentals which might accrue under the terms of the lease, or the proceeds of any sale of the land if it should be sold. The corporation had practically gone out of business in connection with the property, and had disqualified itself by the terms of reorganization from any activity in respect to it. We are of opinion that the corporation was not doing business in such wise as to make it subject to the tax imposed by the act of 1909.

This revenue-raising power was vested in Congress by the Constitution, and three-fourths of its vitality has been subtracted from it in the Pollock case, and upon this ground, if upon no other, we would have the right, if we chose to do so, to pass a plain, direct income tax, and appeal to the court to reconsider the opinion which reversed the traditions of a hundred years, and ask them to restore to us, as the revenue-raising branch of this Government, the power which was intended to be written there in aid of the crumbling ruins of the old Confederation, which had failed on account of it. [Applause.]

And let me suggest in that connection one other consideration.

The CHAIRMAN. The time of the gentleman from New York has expired.

Mr. COOPER. I ask unanimous consent that the gentleman have time to conclude his remarks.

The CHAIRMAN. The time is under the control of the gentleman from Alabama [Mr. UNDERWOOD] and the gentleman from New York [Mr. PAYNE].

Mr. PAYNE. I will not object to that if the time be charged to the gentleman from Alabama.

Mr. UNDERWOOD. Mr. Chairman, how much time does the gentleman desire?

SEVERAL MEMBERS. Take plenty of time. [Applause.]

Mr. LITTLETON. I think if you will give me 20 or 30 minutes, I can conclude.

Mr. UNDERWOOD. I yield to the gentleman 30 minutes. [Applause.]

Mr. LITTLETON. I was about to say that there is one other consideration in connection with that clause of the Constitution. Generally speaking, the Federal Government is without police power. I believe the question came up the other day that all of the police power of the Government, so far as it affected interstate commerce, was conferred upon the Government by the section giving it exclusive control of interstate commerce. We know what the general exercise of the police power of the States is. We know how frequently it is invoked, how necessary it is to the life and welfare and the betterment of the State. We know that it is always invoked for the general welfare of the State. Now, this clause of the Constitution, however it was carved out, or by whatever processes or vicissitudes of debate, the fact remains that it says that Congress shall have power to lay and collect taxes, duties, and imposts. For what purpose? In order to pay the debts. And for what other purpose? To provide for the common defense and the general welfare.

In other words, in terms, in this particular section of the Constitution, as in no other section, the police power is written in the face of section 8 of Article I.

So that the purposes which Congress may tax for are the same purposes which a State may tax for to promote its general welfare and provide for its general health and security.

I have thus discussed these particular decisions of the court, this particular history, and the varying influences they may have on your mind as to the true meaning of section 8, Article I. I shall, if I can, make myself clear. I believe that Congress has the right to tax the incomes of this country if it can do so through the apportionment branch of the Constitution, or if it can do so through the excise branch of the Constitution. I believe the time will come when on this floor men will rise and say that the test of a direct tax is a tax which may be apportioned, and that no other tax can be a direct tax. Because, if the power to tax which is vested in this Government by that provision of the Constitution is to remain a vital thing, the doctrine of apportionment, except as to capitation and land, is bound to be a foredoomed failure.

So that the Constitution, intending to give us the power, and only providing two ways in which the power should be exercised, we must not get it into our heads that incomes are exempt from taxation. I know friends of mine and associates time and again have repeated to me, "Yes; but you can not tax incomes," never thinking that they might be in the transmutations of wealth and the development of history the great source of taxation, and that the Constitution never meant to inhibit the taxation of income, but only provided that if you levied direct taxes you must go by apportionment, and if you taxed by excise, imposts, or duties, you must go by uniformity. That being so, this bill in question provides for the taxation of the doing of business, with reference to the carrying on of business, taxing the doing of business, and measuring the tax by the equivalent of 1 per cent above an income of $5,000.

It has been said to me on the floor and elsewhere that this is simply another way of trying to reach the income. I say, so far as I am concerned and upon my own responsibility, that as far as I can make it a way constitutionally to reach the income I shall support it all the more heartily. [Applause.] I would not mask the thing, I would not share in an effort to do indirectly what the Constitution has forbidden to do directly. If there were such a law, that incomes for some reason had been sanctified beyond the power of taxation, I would not undertake to do in this manner what ought not to be done in any other manner. This is as subject to the power of this Government to tax as any other character or class of property. The only thing that has happened is that the power of the Government to tax unchallenged for 100 years was suddenly struck down by the decision of the court, and by that means these great resources of wealth were made exempt from the taxing power of the Government, and I say—either through the excise arm of the Government, by levying upon the doing of business and measuring it according to the income, or by the plain reversal of the Pollock case—there must come back into the power of the Government the full authority, the full strength, and the full vitality of section 8 of Article I of the Constitution. [Applause.]

Let us consider for a moment what has happened in the change of business in this country. In 1798 there were a little more than 3,000,000 people, and, according to the report of Mr. Franklin, nine-tenths of the people were engaged in agriculture. There were four corporations in existence when the Constitution was adopted. To-day we have 270,202 corporations whose income is in excess of $5,000 annually. These have an aggregate capital stock of $57,886,430,519.04, a bonded and other indebtedness of $30,717,336,008.84, and an aggregate net income of $3,360,250,642.65. Allowing for inflated capitalization, which we all know exists, let us consider the character of this colossal wealth.

It is corporate; it is distributed in shares, and as such it is the surest guaranty of the inviolability of the right of private property. Look at it from an even broader standpoint and consider it in connection with the nations of the earth. It means the ownership of American values in other countries, and it means the ownership by Americans of the values of other countries. Our bonds and stocks are in English, French, and German markets and are owned by the citizens and subjects of those countries. The bonds and stocks of other countries are in our markets and are owned by our citizens. All of this is distinctly collective ownership. It tends strongly and inevitably to unite in an inseparable industrial alliance and to bring into common interest the welfare of the nations made interdependent by this class of owership. I had almost said that it was upon this silent and resistless knitting together of the interests of the human race we can rely more than upon arbitration for the peace of the world.

What are the other kinds of wealth in our country? How do we judge of this wealth? How do we estimate the thrift and enterprise of the people of our country? Over against this corporate wealth, over against this collective and colossal empire of property, let us set off that distinctly individualistic ownership, that naked individualism for which agriculture stands. The estimated value of farm products for the year 1911 is $8,417,000,000. This is the gross value of farm products, without subtracting the cost of production. No estimate has been made of the cost of this production, but I dare say, if we subtracted from the gross figure $8,417,000,000, it would bring the net value of farm products not very far from the figure $3,360,250,642.65, which was the net income of corporate or collective property. The estimated value of the corn crop is $1,700,000,000 for the year 1911. The estimated value of the cotton crop is $775,000,000. The estimated value of the hay crop is $700,000,000. The estimated value of the wheat crop is $600,000,000. The estimated value of the oats crop is $380,000,000. The estimated value of the potato crop is $213,000,000; and yet only two of these—corn and cotton—exceed the net income of all the corporations in one State, the State of New York, which was $689,000,000, in round numbers.

The corn crop, which as a wealth producer is practically equal to the combined values of the cotton, wheat, and oats crop, is $1,700,000,000, and yet the net income of the corporations of Illinois, Ohio, Pennsylvania, and New York together equal $1,672,000,000, or practically these four States yield in the net income of their corporations as much as the great wealth-producing crop of the Nation.

Thus we have, on the one hand, the great collective ownership of property represented by these 270,000 corporate agencies, and, on the other hand, the distinctly individualistic ownership of the farm represented by this gross income of $8,417,000,000.

What has taken place in the miracle of a hundred years? What energies have burst out from that little fringe on the Atlantic and spread countless contrivances and multiplied benefits of civilization toward the Pacific slope? What transmutations have taken place in industrialism, where collectivism, through this vast corporate development with its myriad agencies, have taken the place of the old individualism? What changes have taken place in the cities? A man in New York owns 20 by 80 feet on Broadway. He builds a 30-story building. Is he in the real-estate business? Is his income from the land? Does the revenue come from real estate? To be sure it rests upon that foundation, but he reaches up into the heavens and captures the atmosphere, boxes it up, frescoes it, and sells it day by day as merchandise, the income from which enriches him and enables him to carry all his burdens. [Applause.] Is this doing business? Is that a direct tax on land

or on his income? Have we not passed away from the days of the simple, raw earth and the tilling of the fields? The old doctrine was that a direct tax was one which you could not shift, but in a nation in which every person produces a surplus of some sort every tax is shiftable except a poll tax. If we expect to tax the wealth of this country as we ought to tax it, we must revitalize to its full vigor section 8 of Article I.

We must not stand paralyzed in front of the impeding influence of the Pollock case, or fearful in front of a man who says, as a bondholder, that he is not taxable. [Loud applause.] I claim that we have a right to reach through these various arms of section 8 as to duties, imposts, and excises and tap the wealth of this country and bring it to the support of the Government. We have a right to reach out and turn this wealth into the channels which will lead to a common treasury. It was this supreme power of taxation that was lodged with us through and under section 8. It must not be allowed to atrophy under discouraging decisions. It must not be allowed to wither up by the abandonment of its power.

I remember the speech of the gentleman from Ohio [Mr. LONGWORTH], in which he said, in substance, that if 95 per cent of the people of this country were exempted under this bill, because it taxed only incomes in excess of $5,000, I would criticize it, too. If this 95 per cent of the people to whom he referred paid no other tax, I could share with him this criticism of the bill. But he does not forget, I am sure, that for all of these years the 95 per cent, whom he says will be exempted under this bill, have been paying taxes and are now paying it with the food they eat and the clothes they wear under the indirect system. [Applause.]

Mr. SHARP. May I ask the gentleman one question?

Mr. LITTLETON. Certainly.

Mr. SHARP. Is it not also true that the remaining 5 per cent only own vastly more property than the 95 per cent that would be exempt under this act?

Mr. LITTLETON. I would imagine that would be very accurate. But one other thing. My own State, New York, the State of Pennsylvania, and States powerful in wealth and influence and riches and accumulation, I do not think are unjust. I believe, so far as they know and understand the application of the taxing laws, they would not be willing to impose a burden upon those less able to bear them. I have heard people say, and they have said, that this tax would be paid, if it were an income tax, by Pennsylvania, New York, and the richer States of the East. While this may be partially true, I would remind them that for a hundred years the West and South have been paying the inscrutable and unseen contribution of a tariff system which is so mixed up with our revenue raising that we are compelled to raise a disturbance before we can raise revenue. [Loud applause.] I stand for this proposition more enthusiastically than for any other. I would divorce, as soon as I could, without disturbing the structure of business in this country, the raising of revenue from the favoritism and protection of manufactures. [Applause.] My friends upon the Republican side, if I differ from you radically upon any question it is because of the fact that your protective-tariff system has encouraged you to deny the authority and power of this Government under section 8 of Article I to get revenue; because of the fact that you have pulled the Government into a complicated alliance with business; because of the fact that you took the great revenue-raising power of levying imposts necessary to procure the revenues for the Government and turned it over to the private individual, who was made the beneficiary of your system, and the Government lost the revenue and the individual proceeded to tax through the cost of his wares and goods for his own profit. [Loud applause.] I would not undertake with one blow to destroy the industrial structure of our country, for I am at all times a conservative man, whether you call me a Democrat, a reactionary Republican, or a Progressive.

On that subject let me say in passing that my conservatism goes back to the structure of this Government, and I would not let violent hands be laid upon it any more than upon the ark of the covenant; but as to all economic questions I hold my mind open for the morrow, until a new miracle of civilization shall present itself and require a different treatment.

I make one plea in conclusion. There has been an effort to array the West against the East and the East against the West. I count that man as much an enemy to the progress of his country who sets them at each other's throats as I would count the man who blindly fomented the strife between the North and the South in 1860. There should be industrial peace between the East and the West. They should mutually cooperate here and elsewhere for the equalization of the burdens of taxation to be borne by the whole country.

My friends, it may be too much to predict, and yet I feel that the time will come when we shall rescue this Government from its complicated alliance with business on the one hand and from its complicated alliance with labor on the other; from its alliance with individuals of one class and another, and that we may be able to restore it to that rarer, higher, and purer atmosphere where it will stand with its feet firmly resting upon the Constitution and with its arms extended, protecting the life, the liberty, and the happiness of all the people of the Nation. [Prolonged applause.]

MESSAGE FROM THE SENATE.

The committee informally rose; and Mr. BURLESON having taken the chair as Speaker pro tempore, a message from the Senate, by Mr. Crockett, one of its clerks, announced that the Senate had passed bills and joint resolution of the following titles, in which the concurrence of the House of Representatives was requested:

S. 4623. An act granting pensions and increase of pensions to certain soldiers and sailors of the Civil War and certain widows and dependent relatives of such soldiers and sailors;

S. 2243. An act to correct the military record of John L. O'Mara and grant him an honorable discharge;

S. 3873. An act for the relief of Lewis F. Walsh;

S. 2194. An act to amend section 2288 of the Revised Statutes of the United States relating to homestead entries;

S. 5072. An act to establish a fog signal and additional quarters at Point Loma Light Station, San Diego, Cal.;

S. 5074. An act to authorize the improvement of Santa Barbara Light Station, Cal., including a fog signal and a keeper's dwelling;

S. 318. An act to provide for the acquisition of a site and the erection of a public building thereon at Newcastle, Wyo.;

S. 4493. An act to provide for the purchase of a site and the erection of a public building thereon at Thermopolis, in the State of Wyoming;

S. 406. An act for the purchase of a site and the erection of a public building thereon at Vermilion, in the State of South Dakota;

S. 407. An act to provide for the erection of a public building in the city of Madison, S. Dak.;

S. 954. An act for the acquisition of a site on which to erect a public building at Gilmer, Tex.;

S. 3831. An act to provide for the purchase of a site and the erection of a public building thereon at Denton, Tex.;

S. 4042. An act to provide for the erection of a public building at New Braunfels, Tex.;

S. 1175. An act to authorize the purchase of a site and erection of a public building at Astoria, Oreg.;

S. 1712. An act to provide for the purchase of a site for the erection of a public building thereon at Oregon City, Oreg.;

S. 4572. An act to designate Walhalla, Neche, and St. John, in the State of North Dakota, subports of entry, and to extend the privileges of the first section of the act of Congress approved June 10, 1880, to said subports;

S. 4004. An act to authorize the use of the funds of certain Northern Cheyenne Indians;

S. 4488. An act authorizing the setting aside of a tract of land for a school site and school farm on the Yuma Indian Reservation, in the State of California;

S. 4999. An act for the relief of Francis M. Malone;

S. 4222. An act to increase the limit of cost of the public building at Moundsville, W. Va.;

S. 2698. An act increasing the cost of erecting a post-office building at Plainfield, N. J.;

S. 4245. An act to increase the limit of cost of the additions to the public building at Salt Lake City, Utah;

S. 3716. An act for the erection of a public building at St. George, Utah;

S. 4619. An act to provide for the purchase of a site and the erection of a public building thereon in the city of Franklin, State of Pennsylvania;

S. 4520. An act for the relief of Catherine Grimm;

S. 408. An act to provide for the purchase of a site and the erection of a public building thereon at Canton, in the State of South Dakota;

S. 4753. An act to amend an act entitled "An act to provide for the final disposition of the affairs of the Five Civilized Tribes in the Indian Territory, and for other purposes," approved April 26, 1906 (34 Stat. L., p. 137);

S. 1752. An act to provide for the erection of a public building at Eureka, Utah;

S. 4585. An act to provide for the erection of a public building on a site already acquired at South Bethlehem, Pa.;

S. 410. An act to provide for the acquisition of a site on which to erect a public building at Milbank, S. Dak.;

S. 876. An act to provide for the purchase of a site and the erection of a public building thereon at Bellefourche, in the State of South Dakota;

S. 100. An act to carry into effect the findings of the military board of officers in the case of George Ivers, administrator;

S. 2414. An act for the relief of Rittenhouse Moore;

S. 317. An act to provide for the purchase of a site and the erection of a public building thereon at Sundance, in the State of Wyoming;

S. 3225. An act providing when patents shall issue to the purchaser or heirs of certain lands in the State of Oregon;

S. 2014. An act for the relief of George Owens, John J. Bradley, William M. Godfrey, Rudolph G. Ebert, Herschel Tupes, William H. Sage, Charles L. Tostevin, Alta B. Spaulding, and Grace E. Lewis;

S. 4655. An act to provide for the purchase of a site and the erection of a public building thereon at Franklin, in the State of New Hampshire;

S. 5207. An act to provide an American register for the steamer *Oceana;*

S. 4734. An act for the relief of Mary G. Brown and others;

S. 5255. An act increasing the compensation of the collector of customs, district of Puget Sound, State of Washington;

S. 2347. An act increasing the cost of erecting a post-office and courthouse building at Walla Walla, Wash.;

S. 4470. An act to provide for the erection of a public building at Wenatchee, Wash.;

S. 5198. An act to authorize the issuance of patent to James W. Chrisman for the southeast quarter of the northeast quarter, the southeast quarter, and the southeast quarter of the southwest quarter of section 13, and the north half of the northeast quarter of section 24, township 29 north, range 113 west of the sixth principal meridian;

S. 3045. An act to provide for agricultural entries on oil lands; and

S. J. Res. 77. Joint resolution authorizing the Secretary of War to loan certain tents for the use of the Grand Army of the Republic encampment to be held at Pullman, Wash., in June, 1912.

The message also announced that the Senate had passed with amendments bills of the following titles, in which the concurrence of the House of Representatives was requested:

H. R. 19342. An act to amend section 2455 of the Revised Statutes of the United States, relating to isolated tracts of public land; and

H. R. 16661. An act to relinquish, release, remise, and quitclaim all right, title, and interest of the United States of America in and to all the lands held under claim or color of title by individuals or private ownership or municipal ownership situated in the State of Alabama which were reserved, retained, or set apart to or for the Creek Tribe or Nation of Indians under or by virtue of the treaty entered into between the United States of America and the Creek Tribe or Nation of Indians on March 24, 1832.

The message also announced that the Senate had passed without amendment bills of the following titles:

H. R. 17242. An act to authorize the Northern Pacific Railway Co. to cross the Government right of way along and adjacent to canal connecting the waters of Puget Sound with Lake Washington at Seattle, in the State of Washington;

H. R. 9845. An act to authorize the sale of burnt timber on the public lands, and for other purposes;

H. R. 17837. An act to amend an act approved July 1, 1902, entitled "An act temporarily to provide for the administration of the affairs of civil government in the Philippine Islands, and for other purposes";

H. R. 16680. An act to authorize the Board of County Commissioners of Baxter County and the Board of County Commissioners of Marion County, in the State of Arkansas, acting together for the two counties as bridge commissioners, to construct a bridge across the White River at or near the town of Cotter, Ark.; and

H. R. 18155. An act authorizing the town of Grand Rapids to construct a bridge across the Mississippi River in Itasca County, State of Minnesota.

THE EXCISE-TAX BILL.

The committee resumed its session.

Mr. UNDERWOOD. Mr. Chairman, I ask that the gentleman from New York consume some of his time.

Mr. PAYNE. Mr. Chairman, I yield one hour to the gentleman from Indiana [Mr. CRUMPACKER].

Mr. CRUMPACKER. Mr. Chairman, in view of its character and the circumstances under which it is presented the pending bill is one of exceptional importance. It comes as the companion piece of the bill which passed the House on Friday last repealing the duty on sugar and incidentally destroying the entire beet-sugar industry in the United States. There is invested now in beet-sugar production in this country in the neighborhood of $100,000,000 of capital, and the tariff on sugar yields to the Government an annual revenue of $53,000,000. If the sugar bill becomes a law, it is expected that this bill will likewise be enacted and will provide for the loss of revenue resulting from the enactment of the sugar bill. If the sugar bill should become a law and this bill should be defeated, or if it should be enacted and held to be invalid, there would be a deficit in the current revenues and the administration of the affairs of the Government would be seriously embarrassed. It would likely require the issue of bonds to secure revenue to carry on the ordinary operations of the Government.

FEDERAL POWER OF TAXATION.

The power of the Federal Government to impose taxes is clearly defined in the Constitution, and Congress has no authority whatever to exact tribute from persons, property, or business except as it is authorized by the Constitution. Under the Articles of Confederation there was no power in the General Government to impose taxes or to provide revenue to carry on its functions; it could only make estimates of the cost of administration and apportion the sum required among the several States and make requisitions upon them for their pro rata shares. Some of the States responded to the requisitions and others did not. The entire power of taxation, direct and indirect, including the imposition of customs duties, resided with the several States. The original confederacy was bound together by a rope of sand. It had no national vitality; it had no means of protecting its dignity or enforcing the few powers that were vested in it; hence the present Constitution.

THEORY OF DIRECT TAXATION.

In the making of the Constitution one of the chief purposes was to give the Federal Government sufficient authority to carry on the national functions and to enforce the national powers. It was fundamentally necessary for the General Government to have within its control means of raising adequate revenues for all Federal purposes, and the powers of taxation that were given to it were surrendered by the States. There was naturally some reluctance on the part of the States to surrender to or even to share with the General Government any of their taxing power. The result was a compromise under which the power of imposing customs duties for revenue purposes was vested exclusively in the National Government, and in addition to that the National Government was given the right to impose excise taxes concurrently with the States, and it was given the power of levying capitation or poll taxes and direct taxes on property on the condition that all capitation and direct taxes should be apportioned among the States on the basis of population. All other taxing powers were reserved to the States. The only condition imposed upon the Federal authorities in levying customs and excise taxes was that they should be uniform throughout the United States.

There has been considerable controversy in the courts as to what constitutes a direct tax on the one hand and an excise tax on the other hand. It is universally admitted that a general tax upon land and personal property is a direct tax, and can not be imposed by the Federal Government except under the apportionment rule. In the case of Pollock *v.* Farmers, etc., Co. (157 U. S., 429) the Supreme Court held that a tax on the income or rents and profits of real property was a tax upon the property itself, and therefore a direct tax in the sense of the Constitution and could only be imposed by apportionment. The court also held that an income tax covering interest on State and municipal bonds was invalid, because the Federal Government had no right to tax the instrumentalities and agencies in the administration of local government. The court was unanimous in holding the invalidity of an income tax covering the interest upon State and municipal bonds. The court was divided in holding that an income tax covering the rents, uses, and profits of real property was a tax upon the property and therefore a direct tax. Six members of the court held in the affirmative and two in the negative. Justice Jackson, who was a member of the court at that time, was ill and did not hear the arguments nor participate in the decision.

The question as to whether an income tax upon the interests and profits of invested personal property was a direct tax on the property and could only be levied by apportionment was left unsettled, the court being equally divided respecting it. Upon petition a rehearing was ordered upon that aspect of the case, and the question was finally decided in the affirmative. It was held that a tax upon the income, resulting from invested personal property, was a direct tax upon the property itself in

the sense of the Constitution. This conclusion was reached by a divided court—five to four. That opinion is reported in the One hundred and fifty-eighth United States, page 601. There was considerable disappointment throughout the country over the decision in the Pollock case, and I confess I shared in the general feeling of dissatisfaction. I am a believer in a proper income tax. I have always felt that the Federal Government ought to have the power to levy a reasonable tax upon incomes whenever the exigencies of the Government might require it, and even as a part of the general revenue policy I believe it to be a just and equitable source of taxation.

THE INCOME-TAX DECISION.

I have studied somewhat critically the opinion of the court in the income-tax case, and as an original proposition the more study I give the opinion the more firmly convinced I am that the conclusion of the court in both opinions is sound from the standpoint of the Constitution. The framers of the Constitution had in mind the fact that the States would largely raise local revenues from a direct tax upon personal and real property. It was believed that this would be the chief source of local taxation, and the power granted to the Federal Government to impose a direct tax was granted upon condition that the Government should estimate the amount of revenue it might require from that source and apportion the sum among the States on the basis of population as shown by the preceding census. This plan was intended to give the States the right to contribute their pro rata share from their own revenues without complicating their local systems of taxation. This was regarded as a matter of much importance to the States. A direct tax imposed upon the same property by two different governments might involve embarrassment and unnecessary expense in enforcement. It was believed that the General Government would secure adequate revenues for ordinary purposes from customs and excise taxes, and would only have occasion to levy direct taxes in great national exigencies. With the power to levy and collect direct taxes vested in the Federal Government it was thought that the States would increase their local levies and pay their respective shares, and to enable them to do so the per capita basis of apportionment was fixed.

In the income-tax case the court held that a tax upon the uses, rents, and profits of real property and of invested personal property was a direct tax upon the property itself. Everybody knows that all there is of value in lands is the uses, rents, and incomes derived therefrom. It is a familiar rule of law that a grant of the uses, rents, and profits of land is a grant of the land itself. In the sense of the law the uses, rents, and profits of real property include the property itself. The same principle must hold true in relation to invested personal property. All there is of value in invested personal property is the income or the proceeds derived from its investment, and if the proceeds are taken away the property is valueless. The sale of the right to use a particular item of personal property, without condition or limitation, is a sale of the property itself and carries absolute title to it. It can hardly be supposed that the framers of the Constitution, in providing that a direct tax on property should be apportioned on the basis of population, intended to confer authority upon the Federal Government to impose a tax upon the uses, rents, and profits of property without regard to apportionment. It can not be supposed that men of such great ability and wide information as those who prepared the Constitution intended to prohibit a direct tax on property except upon the principle of apportionment, and yet give to the Government, without condition or limitation, the right to tax everything pertaining to the property that gives it value or desirability. The makers of the Constitution were guilty of no such folly as that. If that were the construction to be placed upon the Constitution, the apportionment limitation would be an empty husk. It would be a meaningless phrase. It would be absolutely barren of results. It would defeat the very purpose of the apportionment provision itself, and yet that provision was regarded as of sufficient importance to be inserted in the Constitution in two separate places.

Mr. MORSE of Wisconsin. Mr. Chairman, will the gentleman permit a question right there?

Mr. CRUMPACKER. Yes; I will permit a question.

Mr. MORSE of Wisconsin. I do not wish to interrupt the gentleman if he does not want to be interrupted. I was going to ask a question in relation to the kind of business last referred to, namely, looking after real estate, paying taxes, and looking after the collection of rents. Would not that be a business under the construction that the gentleman gives it?

Mr. CRUMPACKER. No; because that is one of the inseparable and necessary incidents of property ownership. It is not business in the commercial sense or in the legal sense. It is one of the incidents of the ownership of property. That is my definition.

Whatever we may think of the soundness of the decision of the court in the income-tax case, it is the law, and it is the only guide this body has in determining its power to impose taxes for Federal revenues. It is the solemn duty of Congress to carefully consider its constitutional powers in the enactment of any and all legislation. This duty is more strongly emphasized at this particular time, since it is seriously contended in current politics that the Supreme Court should not be authorized to hold an act of Congress as unconstitutional except by the unanimous concurrence of all its members, because Congress is supposed to be composed of statesmen and lawyers, and they are expected to carefully investigate the constitutionality of every measure that comes up for consideration. If the pending bill should become a law and it should ultimately be held invalid, it would greatly embarrass the administration of the Government, and it is well for Congress to carefully and thoroughly consider the constitutional question before acting upon it finally.

There is no doubt that Congress has the power to impose business or privilege taxes upon corporations, joint-stock associations, and individuals alike, or it may tax corporations and joint-stock associations for the privilege of carrying on business and impose no tax upon individuals for carrying on the same kind of business. This authority is well established. Furthermore, a tax upon occupation, business, or privilege may be measured by the income from all sources of the corporations or individuals taxed. Under such a law the tax is not upon the property; it is upon the right or privilege of doing business. The matter of income is altogether incidental and is considered only for the purpose of determining the amount of tax that corporations or individuals shall pay for the particular privilege.

If the tax were imposed on the property itself, it would be a direct tax and could only be imposed by apportionment on the basis of population, but where it is levied upon the right or privilege of doing business it is purely an excise tax, and in the sense of the Constitution it is not a property tax, and therefore the amount may be fixed by means of the gross or net income of the taxpayer. It may be graduated according to the amount of the income, but if the law should be so construed as to hold that the tax in fact is levied upon the income itself, it would be a direct tax upon the property which is the source of the income, and would be invalid, unless apportioned as the Constitution requires. In imposing a purely business or privilege tax, and fixing the amount of the tax which each individual shall pay on an income basis, there may be included in the income revenues derived from State and municipal bonds and other sources which the Government has no power to tax. This source of income may be included in an excise tax on the ground that the tax is not upon the property itself. It is not levied upon the income from State and municipal bonds, but the proceeds of that class of bonds may be considered in determining how much tax each corporation or individual shall pay for the privilege of conducting business.

This question was settled by the Supreme Court in a very able and exhaustive opinion, rendered by Justice Day, in the case of Flint *v.* Stone-Tracy Co. (220 U. S., 107). If, however, the tax should be upon income from property that is not taxable instead of upon the right to do business or exercise certain privileges it would be invalid.

THE BILL PROVIDES AN INCOME TAX.

The question which I desire to bring to the attention of the House is whether the pending bill is an excise tax, a tax on business or privilege, or whether it is a tax upon incomes covering the proceeds of property which would make it a direct tax and therefore unconstitutional. In the end the question as to whether a tax is direct or indirect can only be determined by the nature of the law imposing it. This bill declares the proposed tax to be a special excise tax upon business.

The Supreme Court, in upholding the corporation-tax law of 1909, said:

> While the mere declaration contained in a statute, that it shall be regarded as a tax of a proper character, does not make it such, if it is apparent that it can not be so designated consistently within the meaning and effect of the act, nevertheless the declaration of the lawmaking power is entitled to much weight, and in this statute the intention is expressly declared to impose a special excise tax with respect to the carrying on of doing business by such corporation, joint-stock company or association, or insurance company. It is therefore apparent, giving all the words of the statute effect, that the tax is imposed not upon the franchises of the corporation irrespective of their use in business, nor upon the property of the corporation, but upon the doing of corporate or insurance business and with respect to the carrying on thereof.

"Giving all the words" of the pending bill effect, it clearly shows a purpose to tax incomes as such from all sources whatsoever under the guise of a "special excise" tax.

It includes all firms and individuals engaged in business and defines the word business as "everything about which a person

can be employed, and all the activities which occupy the time, attention, and labor of persons for the purpose of a livelihood or profit."

There need be no relation between the business which is to be the subject of taxation and the income which is supposed to measure the amount of the tax. A person may be engaged in a business which yields no net income whatever, and yet if he owns real property or has invested personal property from which he derives a large income, that income will be subject to the tax, though it has no relation to the business which is the basis of the tax. Suppose the proposed tax were to be levied upon all persons who consume food and drink and the income of each individual should furnish the basis for the amount of the tax to be paid for the privilege of eating and drinking, would anybody contend that it would be valid under the income-tax decision? Though it might be labeled a "special excise" tax it would be an income tax pure and simple. Consuming food and drink is an activity which is conducted for a "livelihood," defined by lexicographers as a "means of supporting life."

The report accompanying the bill declares that the Committee on Ways and Means desires to go on record as favoring a general income tax, but refrains from reporting such a measure because of the decision of the Supreme Court holding such a tax invalid. Then, further along in the report, it is said:

As already stated, this bill, if enacted into law, will accomplish in the main all the purposes of a general income-tax law and at the same time escape the disapproval of the Supreme Court, as it keeps well within the principles laid down by that court in sustaining the constitutionality of the corporation-tax law.

It is the avowed purpose and intention of advocates of the measure to make it a general income-tax law so phrased as to avoid objections that would lie against a professed income-tax law. It is proposed to accomplish by indirection what can not be done directly. Are constitutional provisions so weak and flimsy that they can be violated in spirit and purpose by refinement in phraseology? Will a law creating a general income tax, in substance, as is claimed by the Ways and Means Committee for this bill, be upheld because it is disguised in the terminology of an excise tax?

PROPERTY OF IDLE RICH EXEMPT.

One who would be subject to the payment of the tax must be engaged in some kind of business for profit or for a livelihood. Under that provision the billions of dollars invested in valuable income-bearing real and personal property held by the idle rich would be exempt from taxation. Andrew Carnegie is generally understood to own upward of $300,000,000 of first-mortgage bonds upon the property of the United States Steel Corporation, from which he derives a revenue of twelve or fourteen million dollars a year. Would his income be subject to taxation under the provisions of the bill? If so, upon what basis? He is engaged in no business for a livelihood or for profit. His entire fortune is invested in real and personal property. The interest on his investments is paid periodically to his banker and placed to his credit. Where is the business basis of a tax upon his kingly income? The Astor family is understood to own hundreds of millions of dollars of valuable real property in the city of New York. The lessees pay rent to their bankers or agents. Members of that family are carrying on no business for a livelihood or for profit. They live upon the vast income from their landed property. They are engaged in no business that is subject to taxation under an excise law.

In the large cities of the country multiplied millions of dollars' worth of valuable lands are leased for long terms for stipuated rentals, and lessees are required to pay the periodical installments of rent to the lessors' bankers, where they are placed to their credit; and the lessors in many instances have no business at all, but live upon the income of the property.

Will this bill cover cases of that kind? It is the custom of many men of large wealth to provide by will that the property they leave shall be held and controlled by an executor or trustee and the proceeds be paid to the beneficiaries. Will this bill reach cases of that kind? The beneficiaries may have no business. They have nothing to say in relation to the management or investment of the property. They simply receive from the executor or trustee their respective shares of the income. The trustee can not be required to pay a tax upon an income of that kind unless the beneficiaries are subject to taxation. The trustee may be required to pay a tax upon his income, but he can not be required to pay a tax upon the income of the beneficiaries of the trust unless they are engaged in some kind of business.

The gentleman from Tennessee [Mr. HULL], who opened the debate in favor of the bill, insisted that substantially all of these classes of wealth owners would be subject to the proposed tax, because it is necessary to look after invested personal property and rented lands, and that would constitute business under the definition given in the bill. He seems to believe that the cutting of interest coupons by bondholders and surrendering them on payment of installments of interest would be taxable business. Such acts are not business privileges, they are the necessary incidents of the ownership of property. They can not constitute business in the sense of that term as it is universally used. But the report, which carries the signatures of all the majority members of the Ways and Means Committee, including the gentleman from Tennessee, admits, practically, that the classes I have enumerated would not be subject to taxation under the bill.

On page 7 of the report it is said:

Under the proposed law the citizen is not taxed upon his income nor is any tax measured by his income unless it be first shown that he is doing business within the meaning of the act. The very fact that some citizens, possessing large means, would under the proposed law escape taxation measured by their incomes, because they are not engaged in business, while unfortunate in its effect upon the revenues, is an added circumstance to show that this tax is an excise upon business and not a tax upon income. It is undoubtedly desirable that idle wealth should pay its share of taxation. Under the proposed law that portion of idle wealth, held by idle persons, will escape; but because the tax is measured by the income from all sources, idle wealth held by any person coming within the broad definition of persons doing business, as laid down by the Supreme Court and quoted in the proposed law, will be liable to this tax.

Gentlemen admit that incomes received from lands or invested personal property, by idle persons, would not be subject to the proposed tax either directly or indirectly. "Idle persons," under the bill, is construed to mean those not engaged in business. The owner of a farm who leases it for a period of 10 years, for instance, at a stipulated annual money rental, would not be engaged in "business" in the sense of the law or within the commercial meaning of that term, if he simply looked after the collection of his rent or visited the farm occasionally to see that it was properly cultivated and that improvements were kept in good condition. Those acts are necessary incidents of the ownership of property.

So it is admitted by the advocates of the bill that the fabulous fortunes of the unemployed rich will contribute nothing whatsoever to the raising of the revenue contemplated. They admit that the enormous burden of $60,000,000 a year will rest upon the shoulders of the enterprising, thrifty members of society who contribute greatly to the welfare of the people and to the glory of the country while the industrial drones "who toil not and neither do they spin," but who revel in luxury upon wealth they never did a thing to create or accumulate, will be entirely relieved from any share of the burden.

Mr. HAMMOND. Mr. Chairman, will the gentleman yield for a question?

The CHAIRMAN. Does the gentleman from Indiana yield to the gentleman from Minnesota?

Mr. CRUMPACKER. Yes; I will yield for a question.

Mr. HAMMOND. The gentleman has said there would be doubt as to whether it would be an income tax. Could it be any the less an income tax because it should be named an "excise tax"?

Mr. CRUMPACKER. I suppose not. It would be a debatable question. If it was a matter of serious doubt, the court would doubtless give Congress the benefit of the doubt and hold that it was within the exercise of its constitutional power. But what I am undertaking to show is that, considering all the provisions of the bill together, it is an income tax from its very nature, and I think if anything else is needed to ultimately and conclusively determine that question, it is found in section 5 of the bill, the section I propose to discuss now.

Mr. HAMMOND. Just another question. If, then, the name to be given to the tax will not determine its character, is it possible that this bill might be sustained as an income-tax bill?

Mr. CRUMPACKER. Well, the gentleman is as good a judge of that possibility as I am.

Mr. HAMMOND. I have much respect for the gentleman's opinion, and I simply desired to ascertain if, in his opinion, supposing the Supreme Court as it is now constituted would sustain an income-tax law, it would be apt to refrain from sustaining this law simply because it is called an "excise-tax law"?

Mr. CRUMPACKER. I will come to that particular question later on in my speech and show why I think the court would not be justified in overruling that Pollock decision under all the circumstances surrounding the situation.

Mr. HAMMOND. I will await that with interest.

"COLLECTION AT THE SOURCE."

Mr. CRUMPACKER. But if there should be any doubt that the proposed tax is an income tax, in its character and essence, that doubt must disappear in the face of provisions contained in section 5 of the bill. That section reads as follows:

SEC. 5. That it shall be the duty of all paymasters and all disbursing officers under the Government of the United States, or persons in the

employ thereof, when making any payment to any officers or persons as aforesaid, whose compensation is determined by a fixed salary, or upon settling or adjusting the accounts of such officers or persons, to deduct and withhold the aforesaid tax of 1 per cent, and the pay rolls, receipts, or accounts of officers or persons paying such tax as aforesaid shall be made to exhibit the fact of such payment. And it shall be the duty of the accounting officers of the Treasury Department, when auditing the accounts of any paymaster or disbursing officer, or any officer withholding his salary from moneys received by him, or when settling or adjusting the accounts of any such officers, to require evidence that the taxes mentioned in this act have been deducted and paid over to the Treasurer of the United States or other officer authorized to receive the same. Every person, firm, or corporation who pays to any officer, employee, or other person a salary or compensation, interest, or other accrued profits, exceeding $5,000 for a taxable year, every lessee or mortgagor of real or personal property who pays to the lessor or mortgagee interest or compensation exceeding $5,000 for a taxable year, and every trustee, executor, administrator, conservator, agent, or receiver employing any person or paying any person business earnings, within the meaning of this act, exceeding $5,000 for any taxable year, computed on the basis herein prescribed, shall make and render a return as provided herein to the collector or a deputy collector of his district, and shall deduct and withhold the tax herein imposed, and shall pay on said return the tax of 1 per cent per annum as required by this act: *Provided*, That any officer, employee, or other person for whom return has been made and the tax paid, as aforesaid, shall not be required to make a return unless such person has other net income, but only one deduction of $5,000 shall be made in the case of any such officer or employee: *Provided further*, That salaries paid to State, county, or municipal officers shall be exempt from the special excise tax herein levied: *And provided further*, That interest upon the bonds or other obligations of a State or any political subdivision thereof and also the proceeds of life insurance policies paid upon the death of the person insured shall not be included in computing the net income of a person subject to the tax herein imposed: *And provided further*, That all property or its value passing by will or by intestate laws or transferred by deed or gift made or intended to take effect in possession after the death of the grantor, donor, testator, or ancestor shall be exempt from the operation of this law.

The happy idea of "collection at the source" embodied in that section was imported from England, where it has worked most beneficently as a feature of the English income-tax system for many years. It must be borne in mind, however, that the English law from which it was taken is a straight income-tax law. It imposes a tax directly upon incomes, while the tax proposed by this bill is a charge upon the privilege of doing business.

Advocates of this measure deny most vehemently that it is a tax upon incomes. They admit that if it were it would conflict with the Constitution and would be invalid. They contend that reference is had to incomes only incidentally and for the purpose of fixing the amount each individual shall pay for the privilege of carrying on business. The English income tax has always been classed as a direct tax. There is no constitutional provision in that country respecting direct taxes on incomes or other property.

If this bill should become a law an individual might be engaged in a small line of business that returned an income, say, of $1,000 a year. The business in and of itself would not be taxable, because the income was less than $5,000, but if the individual should be the owner of a valuable parcel of land in a large city, which he had leased for a long term of years at an annual net rental of $50,000, the business he was engaged in would be taxable. The amount of taxes he would be required to pay would be equivalent to 1 per cent upon his entire net income from all sources above $5,000. Keep in mind that the tax is not to be on the income, for that would be fatal, but it is to be on the business. It is imposed on account of the income, however, which bears no relation to the business, and section 5 of the bill provides that it shall be paid directly out of the income. It requires the lessee to report to the Government the amount of the annual rental and pay the tax out of the rental directly into the Federal Treasury and charge the amount against the lessor. The tax is imposed on account of the income from the realty. The bill proposes to give the Government a lien upon the income for the payment of the tax, and compels the lessee to subtract the tax directly from the income and pay it into the Treasury; and yet it is insisted that the proposed tax is upon the carrying on of business of some kind and not upon incomes at all. No flimsier fiction was ever suggested as a feature of legislation. The court held in the corporation-tax case that under a bona fide excise law, fixing the amount of the tax to be paid on the basis of the income of the taxpayer, interest on nontaxable bonds might be reckoned as part of the income, because the tax was not on the bonds nor on the interest therefrom, but on the privilege of conducting business. If the law had provided that the tax should be paid in whole or in part directly out of the interest on the nontaxable bonds, it would surely have been overthrown. Here it is freely admitted that the income from real property and invested personal property is not taxable, but it is proposed to collect the business tax, which is based upon such income, directly out of the nontaxable fund. The taxpayer is not even given the privilege of paying the tax out of any other money he may have. There is no escape from the conclusion that the proposed tax is a tax directly upon incomes, and, therefore, upon real and personal property which is the source of incomes.

The bill can not be labeled or disguised in any form or fashion so as to relieve it of the character of a direct tax upon the income of lands and invested personal property so long as it retains the "collection at the source" provision. That provision operates in every instance where the taxpayer may receive an income independent of his business, from rented lands or invested personal property, and it vitiates every feature of the measure, like a single disease germ will pollute a barrel of water.

TAX ON SALARIES OF FEDERAL JUDGES.

The bill imposes a tax upon official salaries, including the salaries of Federal judges. It contemplates that the performance of official service for the Government is a business or an activity pursued for a livelihood or for profit. The justices of the Supreme Court of the United States under this bill would be liable for the payment of a tax on their salaries in excess of $5,000 a year. Few of them have any outside incomes, and none of them has any active business. Upon the death of the lamented Justice Harlan it was ascertained that his estate was nominal. His entire source of livelihood was the salary he received as a member of the Supreme Court. The bill provides that official paymasters and disbursing officers shall withhold from the salaries of public officers, including Federal judges, the tax that may be due from them under its provisions. The proposed tax would amount to a direct reduction of official salaries to the amount of the sum required to be withheld. Instead of having the tax paid to the Government by the officer who may be subject to it, it is subtracted from his salary, and he is paid only the balance that may be due him.

Section 1, Article III, of the Constitution provides that:

> The judges, both of the Supreme and inferior courts, shall hold their offices during good behavior, and shall at stated times receive for their services a compensation which shall not be diminished during their continuance in office.

Every Member of the House understands the purpose of that constitutional provision. The theory of our Government is to make the three great departments independent of each other. The provision preventing the reduction of the salaries of judges was calculated to make the courts independent of the legislative and executive departments. If Congress may fix an income tax upon the salaries of judges in excess of $5,000, it may impose an income tax upon the entire salaries. If Congress may levy a tax of 1 per cent upon the salaries of judges, it may impose a tax of 10 per cent, 25 per cent, or even 50 per cent. This is not a question of the amount of the tax, but a question of power to impose any such tax at all. The Constitution deprives Congress of the power, directly or indirectly, to reduce salaries of Federal judges during their continuance in office; and a tax of 1 per cent upon a salary in excess of $5,000 a year is as much a violation of the spirit and purpose of the constitutional prohibition as a tax of 25 per cent upon the entire salary would be. The great safeguards written in the Constitution to secure independence of the departments of Government and to protect life, liberty, and property can not be swept out of existence by refinement or subterfuge. There can be no doubt in the mind of any thinking person that the proposed tax upon the salaries of judges is in violation of the Constitution and utterly void. It seems that there are not two sides to that question.

REVERSAL OF THE POLLOCK DECISION.

We hear it said that the Supreme Court, with its present personnel, might, and likely would, overrule the decision in the income-tax case, and, if that should be done, the proposed measure would be upheld. It is a most unwise course for Congress to pursue—to base an important measure of legislation upon the supposition or the hope that the Supreme Court would overrule its latest decision upon the identical question involved. It is true that the present Chief Justice is the only member of the court who was a member when the income-tax case was decided. It is, furthermore, true that he was one of the dissenting justices against that decision; but the court decided the question, and since then Congress has proposed an amendment to the Constitution authorizing the imposition of an income tax, and that amendment is now pending with the legislatures of the several States. A substantial majority of them have already ratified it. Congress has accepted the decision of the Supreme Court in the income-tax case as final, and the court will doubtless follow that decision because it is sound and for the reason that if the people of the country desire that Congress shall have the power to impose an income tax, they may give it that power by ratifying the proposed amendment. It is altogether too precarious a hope to justify Congress in taking from the Treasury over $50,000,000 of revenue a year, to be provided if the court overrules its own decision.

PROVISIONS OF BILL INSEPARABLE.

If the courts should hold that the provisions of the bill intended to cover the unemployed rich, or any other of its provisions amount to a direct tax upon incomes from lands and invested personal property, and therefore void, will any portion of it stand? It seems clear that the provisions of the bill are not separable. They are interdependent. No court could say that Congress would have passed the law exempting from its operation the multiplied millions of dollars owned by men and women who have no vocation. How many Members of this House would vote for this bill if they believed that many immensely rich and unemployed people would be required to contribute no part of the revenues intended to be raised by it for carrying on the expenses of the Government? The question of the separation of provisions in the income-tax law was directly involved in the income-tax case, and the court held that unless valid provisions could be clearly separated from the invalid provisions the whole law would be held void. Unless it clearly appeared that Congress would have enacted the law with the objectionable provisions eliminated, the whole law would be overthrown. That must of necessity be the case with the pending bill. This is an important measure from every standpoint. It involves grave questions of constitutional authority and of public policy. This body, in the face of recent decisions of the Supreme Court, is not justified in enacting this bill into law, for it seems morally certain that it will ultimately be overthrown. I hesitate to charge the majority membership of this House with playing politics in a matter of such importance as this. I can not believe that they are proposing this measure and have put through the free-sugar bill in the expectation and the hope that neither will be enacted into law, but are designed for campaign purposes only. Therefore I appeal to them to reflect seriously upon the gravity of the question and to follow that course which is dictated by wisdom and safety. Do not put the Government in a position where it will be compelled to depend for means of subsistence upon the uncertain contingency that the Supreme Court will overrule one of its latest and most thoroughly considered decisions. I am opposed to the bill because I believe it is in conflict with the Constitution. I would oppose it, even if I believed it to be constitutional, because it proposes to tax the creators of wealth, the benefactors of humanity, and to exempt from any share of the burden the numerous idle holders of immense fortunes earned by the toil and sacrifice of others—a proposition which is repugnant to every conception of fairness and justice. [Applause.]

Mr. TOWNER. Mr. Chairman, a somewhat singular condition exists in the consideration and discussion of this proposed law. It is in its essentials a limited income-tax law, in that it levies an impost on all incomes derived from business. It is defended and advocated as an income-tax law, and the arguments used to favor and sustain such a law are used here to induce its passage; and yet it is labeled an excise-tax law, and it is vehemently asserted that it is not, and must not be considered an income-tax law. Of course, nobody is deceived in this. It is known that for strictly political reasons it has been deemed good campaign strategy to take the tariff off from sugar. It is true that such a measure would destroy the beet-sugar interests of the North and West and obliterate the cane-sugar interests of the South, and that it would place us at the mercy of the Sugar Trust and compel us to depend upon foreign supplies for this great necessary article of food. But these considerations have little weight with gentlemen who hate the tariff and would strike it down whenever an opportunity occurs, and who think they can make the laboring classes believe that by the passage of such a law they would get cheaper food products and thus reduce the high cost of living.

But there was one great obstacle in the way. Already they had endeavored to strike down many of our sources of revenue, until it was apparent that nothing but a Republican President and Senate stood in the way of a large deficit and a consequent bond issue and the duty on sugar yielded $53,000,000 revenue. This could not be spared, and so to appear to make it up and to substitute that which would seem a popular for what they considered an unpopular tax this so-called excise law was proposed.

It is inherently defective, in that it is neither an excise nor an income tax, and it pretends to be both. It does not reach the very class of persons, the idle rich, the taxation of whom is the principal justification for an income tax, and it places the burden upon the middle-class business man or firm whose success and prosperity it should be the policy of Congress to foster. It does not reach the great corporations, who have absorbed so much of the wealth of the Nation and constitute the "interests" and the "big business" against which gentlemen on the other side thunder their denunciations. These great combinations of capital have already been taxed by a Republican measure, which now yields the Government $30,000,000 revenue. If our friends on the other side want more money, why do they not increase this tax? It has been declared constitutional. It is successfully enforced, and is a practicable scheme of taxation. The proposed measure is almost certainly unconstitutional, and it is utterly indefensible as a scheme of taxation. It will not reach the trust, but it will reach the independent manufacturer, who has been endeavoring to fight the trust. It will not reach the department stores of the great cities, but it will reach the fairly successful merchant in the smaller cities and larger towns. It will not reach the absentee landlord, but it will reach the successful farmer who by improved methods, industry, and frugality has just reached a period where he can claim that farming pays, and who is thereby encouraged to add to the food products of the Nation and in reality reduce the high cost of living. The Rockefellers, the Carnegies, and the Astors are not reached, for they have retired from business. It is only the energy and the thrift, the moderate success that is not a menace, and the fair measure of prosperity in business that ought to be encouraged that is burdened and penalized by this bill.

No real friend of an income tax should support this bill.

First. Because it is not an income tax and does not reach the persons who most of all should be burdened with such a tax.

Second. Because it is unconstitutional under the former decisions of the Supreme Court.

Third. Because the amendment to give this power to Congress is now pending, and unless delayed or prevented by the passage of this bill will almost certainly soon be adopted.

It is loudly asserted by the Democrats that they are in favor of an income tax. But it is not difficult to determine who are the real friends of that measure. The proposition to submit a constitutional amendment making possible the enactment of such a tax was made by a Republican President and passed by a Republican Senate and House. And now to obstruct or prevent or even delay the ratification by the States of that amendment is an act to defeat rather than to secure the passage of such a law.

While our friends claim for the present bill that it is almost as good as a general income-tax law they admit that it is but a makeshift. And were it not for the supposed political demand the honest, intelligent sentiment on that side of the House would never submit to the enactment of such a law. Now, on the eve, as it may fairly be said, of a ratification of the income-tax amendment to abandon the plain road and to take to an obscure and unexplored bypath would seem, to use no worse term, the height of folly.

The income-tax amendment was proposed by the President in 1909. It passed the Senate unanimously and the House by a vote of 317 to 14. It was ratified in 1910 by 9 States. It was ratified in 1911 by 21 States. It lacks the ratification now of only half a dozen States to become the sixteenth amendment to the Constitution of the United States. There are 18 States from which to secure the favorable action of 6. Gentlemen who are honest with themselves must admit that the necessary ratifications are to say the least probable. It is suggested that the last half dozen are likely the most difficult to be secured. But on examination I find in the list of those which have not yet acted nothing that would warrant such a belief. The list is as follows:

Arizona, Connecticut, Delaware, Florida, Louisiana, Massachusetts, Minnesota, New Hampshire, New Jersey, New Mexico, Pennsylvania, Rhode Island, South Dakota, Utah, Vermont, Virginia, West Virginia, and Wyoming.

I believe that nearly every one of these States will ratify this amendment unless this bill becomes a law. Half of these States are claimed to be Democratic; but it needs only six, and the Republican States who have so far ratified the amendment outnumber the Democratic. But if the Democrats in States which have not yet ratified rest on the assurance of their Democratic brethren here that this bill is almost as good, they may well cease their efforts. And if Republicans believe that it will be unwise to trust Congress with a power they so unwisely use, they may well hesitate to act, and the amendment thereby be defeated.

The true friends of an income tax will pursue the path marked out by wisdom and an almost absolute certainty of success and not approve a course so devious and dangerous.

It is admitted that this proposed law is unconstitutional unless it is an excise tax.

By its terms it is a tax on incomes, and under its operation it would include income derived from real estate and personal property, and thus be a direct tax and subject to apportionment, unless it is within that exceptional class of taxation known as excises. It has been decided by our Supreme Court

that when a law passed is clearly an excise the amount of the taxation and the determination of the classification may be measured by its income.

But this law is not an excise law, and it is impossible to force it into that class by so labeling it. And if it is not an excise, but a general law, it is clearly and unquestionably unconstitutional, because it imposes a tax upon incomes derived from real estate and personal property. This law proposes to tax all business. It is not specific, but general in its terms. An excise tax is not a general, but a specific tax, and when a law is passed which is in its nature a general law it can not be classed as an excise tax, because it is no longer a specific tax. Congress, by the terms of the Constitution, can pass an excise law, but it can not ecape the requirement of apportionment by labeling a law an excise when it is not. Congress has power to pass a specific tax on a particular thing or a particular activity, because it is then an excise; but it can not tax all business or activities, because that is not an excise, a specific, a particular tax, but a general law, and subject to the limitations of such a law.

It is asserted in the report of the committee that because you can tax one business or one form of business therefore you can tax all. That idea leaves out of consideration the essential nature of the power sought to be exercised. Congress is given power to levy an excise tax, subject only to the rule of uniformity; Congress is given the power also to levy a direct tax on property, but that must be done under the rule of apportionment by population. There has been no attempt made in this proposed law to apportion it among the States according to population. Hence if it is a direct tax on property it is unconstitutional. It has been held by our Supreme Court that a tax upon the income derived from real and personal property is in effect a tax upon the property itself and therefore a direct tax.

But an excise tax, if clearly so, is an exception, and Congress is given power to levy such tax. It may be a tax on property, and therefore direct; but if it is only levied on a particular property or thing or business, if it be exercised or cut off from the class, it is permitted under the power granted without being subject to the apportionment requirement. Thus liquor and tobacco are property. A tax on them is essentially a direct tax. But because they are excised, or cut off from the great bulk of property, a tax on them is permitted under the excise power and not the general power. But would gentlemen argue because we would tax liquor and tobacco and escape the requirement or apportionment that therefore we can tax all property and escape the requirement?

In essence and from its derivation (excidere—to cut off) it means a tax on specific things. Thus, in its other uses the word always means to cut off. The surgeon excises a portion of skin or a limb. We excise a word from its context. From the same derivation the word "excision" means that which is cut off, separated from the mass, taken from the whole.

As a method of taxation it was first adopted in England in 1643, in acknowledged imitation of the example of Holland. It was laid upon particular enumerated articles, and later upon particular enumerated trades and callings. It was from the first very unpopular. It was defined by Dr. Johnson, the great English lexicographer, as "a hateful tax." This opinion was evidently shared by Blackstone who, after enumerating the articles subject to the tax, said that it was "a list which no friend of his country would wish to see further increased."

This has always been and is now the meaning and use of the word in England from whence we derived it. Thus Churchill wrote:

> No statesman e'er will find it worth his pains
> To tax our labors and excise our brains.

Coming now to its use on this side of the Atlantic we find the word well known and the practice odious in the minds of the colonists, who justified their Revolution because of what they justly considered an unwarranted imposition of an excise tax on tea and other specified commodities. But while it was odious it was considered by the framers as a necessary power of Government, and so Congress was given the power to pass excise laws. Almost the first endeavor to use such power led to the whisky rebellion, and to this day the excise on liquor is considered an unjust and an unholy tax by those who are compelled to pay it. But all through these years, and in every instance of its application, the tax maintained its characteristic as a limited, a particular, a specific tax. Thus Thomas Jefferson, referring to the liquor tax, said:

> An excise is a duty paid in the hands of the consumer or retailer, but in Massachusetts they have perverted the word "excise" to mean a tax on all liquors.

Imagine his surprise if he could know that his Democratic followers were insisting upon a perversion of the word which would give Congress the unlimited power to tax anything and everything by simply calling it an excise.

But no such meaning or use of the word as that now contended for has been sanctioned by any American court. The word "excise" has been often defined by the courts of both the States and the Nation, but always in consonance with its historic origin and use. The text writers on the Constitution and on taxation have so understood and so defined it. There is not anywhere to be found, either in the decisions of the courts or in the discussion of its principles by jurists, a single statement that would justify the use of the word or the principle as attempted and intended by this bill.

In Maine *v.* Grand Trunk Railway (142 U. S., 217) the Supreme Court of the United States said an excise tax "denotes an impost for a license to pursue certain callings or to deal in special commodities or to exercise particular franchises." In Patton *v.* Brady (184 U. S., 608) the Supreme Court had under consideration the validity of the tobacco-tax law of 1898, which levied an imposition of 12 cents a pound upon all tobacco and snuff. In determining the validity of that law they discussed somewhat at length the nature and definition of an excise law, and I desire to quote from the opinion which was rendered by Brewer, J., beginning on page 617:

> Ever since the early part of the Civil War there has been a body of legislation, gathered in the statutes under the title "Internal revenue," by which upon goods intended for consumption excises have been imposed in different forms at some time intermediate the beginning of manufacture or production and the act of consumption. Among the articles thus subjected to those excises have been liquors and tobacco, appropriately selected therefor on the ground that they are not a part of the essential food supply of the Nation but are among its comforts and luxuries. The first of these acts, passed on July 1, 1862 (12 Stat. 432), in terms provided for "the collection of internal duties, stamp duties, licenses, or taxes imposed by this act," and included manufactured tobacco of all descriptions. Subsequent statutes changed the amount of the charge, the act of 1890 reducing it to 6 cent a pound. Then came the act in question, which, for the purpose of providing means for the expenditures of the Spanish War, increased the charge to 12 cents a pound, specifying distinctly that it was to be "in lieu of the tax now imposed by law." Nothing can be clearer than that in these various statutes, the last included among the number, Congress was intending to keep alive a body of excise charges on tobacco, spirits, etc. It may be that all the taxes enumerated in these various statutes were not excises, but the great body of them, including the tax on tobacco, were plainly excises within any accepted definition of the term.
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> Turning to Blackstone, volume 1, page 318, we find an excise defined "An inland imposition paid sometimes upon the consumption of the commodity or frequently upon the retail sale, which is the last stage before the consumption." This definition is accepted by Story in his Constitution of the United States, section 953. Cooley, in his work on Taxation, page 3, defines it as "an inland impost levied upon articles of manufacture or sale and also upon licenses to pursue certain trades or to deal in certain commodities." Bouvier and Black, respectively, in their dictionaries give the same definition. If we turn to the general dictionaries, Webster's International calls it "an inland duty or impost operating as an indirect tax on the consumer levied upon certain specified articles, as tobacco, ale, spirits, etc., grown or manufactured in the country. It is also levied on licenses to pursue certain trades and deal in certain commodities." The definition in the Century Dictionary is substantially the same, though in addition this is quoted from Andrews on Revised Law, section 133: "'Excises' is a word generally used in contradistinction to imposts in its restricted sense and is applied to internal or inland impositions levied sometimes upon the consumption of a commodity, sometimes upon the retail sale of it, and sometimes upon the manufacture of it."

The same view is taken by the Supreme Court in the late corporation-tax case (Flint *v.* Stone Tracy Co., 220 U. S., 107). In that case Mr. Justice Day, for a unanimous court, in rendering the decision sustained the law because, he said, it—

> may be described as an excise upon the particular privilege of doing business in a corporate capacity, i. e., with the advantages which arise from corporate or quasi corporate organization, or when applied to insurance companies for doing the business of such companies.

The gentlemen who defend the bill meet none of these propositions in argument, but they say their measure is justified and sustainable under the Spreckels and the corporation-tax cases. An examination of these cases will not only furnish no support for such a contention, but will sustain and strengthen the position I have sought to establish.

In Spreckels Sugar Refining Co. *v.* McClain (192 U. S., 397) the Supreme Court had before it the question of the validity of the law of 1898, which provided:

> That every person, firm, corporation, or company carrying on or doing the business of refining petroleum or refining sugar or owning or controlling any pipe line for transporting oil or other products whose gross annual receipts exceed $250,000 shall be subject to pay annually a special excise tax equivalent to one-quarter of 1 per cent on the gross amount of all receipts of such persons, firms, corporations, and companies in their respective business in excess of said sum of $250,000.

The court held it to be a special excise tax on the particular business of refining oil and sugar. Justice Harlan, rendering the opinion, says:

> The contention of the Government is that the tax is not a direct tax, but only an excise imposed by Congress under its power to lay and collect excises which shall be uniform throughout the United States. Clearly the tax is not imposed upon gross annual receipts as property, but only in respect of the carrying on or doing the business of refining sugar. It can not be otherwise regarded, because of the fact that the

amount of the tax is measured by the amount of the gross annual receipts. The tax is defined in the act as "a special excise tax," and therefore it must be assumed for what it is worth, that Congress had no purpose to exceed its powers under the Constitution, but only to exercise the authority delegated to it of laying and collecting excises.

It will be seen that this decision holds that a tax on a particular business is an excise. But it is not an authority for the contention that a general tax on all business is an excise.

In Flint *v.* Stone Tracy Co. (220 U. S., 107), known as the corporation-tax case, the Supreme Court considered the law of 1909 taxing corporations, the material part of which is as follows:

SEC. 38. That every corporation, joint stock company or association organized for profit and having a capital stock represented by shares, and every insurance company now or hereafter organized under the laws of the United States or of any State or Territory of the United States or under the acts of Congress applicable to Alaska or the District of Columbia, or now or hereafter organized under the laws of any foreign country and engaged in business in any State or Territory of the United States or in Alaska or in the District of Columbia, shall be subject to pay annually a special excise tax with respect to the carrying on or doing business by such corporation, joint stock company or association, or insurance company equivalent to 1 per cent upon the entire net income over and above $5,000 received by it from all sources during such year, exclusive of amounts received by it as dividends upon stock of other corporations.

It will be noticed that by the terms of the law itself the tax was to be imposed "with respect to the carrying on or doing business by such corporation"—that is, the right to do business in a particular way, to wit, the corporate form was taxed, and the court held the law an excise and not a direct tax.

That was in accordance with the original purpose. President Taft, in his message to Congress proposing the law and urging its passage, said:

The decision of the Supreme Court in the case of Spreckels Sugar Refining Co. *v.* McClain seems clearly to establish the principle that such a tax as this is an excise tax upon privilege and not a direct tax upon property, and is within the Federal power without apportionment according to population. This is an excise tax upon the privilege of doing business as an official entity and of freedom from general partnership liability enjoyed by those who own the stock.

The Supreme Court took that view and sustained the act as an excise law "on the privilege of doing business in a corporate capacity." This is made clear by reiterated statements in the decision. Thus, on page 145:

It is therefore apparent, giving all the words of the statute effect, that the tax is imposed not upon the franchises of the corporation, irrespective of their use in business nor upon the property of the corporation, but upon the doing of corporate or insurance business and with respect to the carrying on thereof, in a sum equivalent to 1 per cent upon the entire net income over and above $5,000 received from all sources during the year; that is, when imposed in this manner it is a tax upon the doing of business with the advantages which inhere in the peculiarities of corporate or joint-stock organizations of the character described. As the latter organizations share many benefits of corporate organization, it may be described generally as a tax upon the doing of business in a corporate capacity. In the case of the insurance companies the tax is imposed upon the transaction of such business by companies organized under the laws of the United States or any State or Territory, as heretofore stated.

Again, on page 150:

Within the category of indirect taxation, as we shall have further occasion to show, is embraced a tax upon business done in a corporate capacity, which is the subject matter of the tax imposed in the act under consideration. The Pollock case construed the tax there levied as direct, because it was imposed upon property simply because of its ownership. In the present case the tax is not payable unless there be a carrying on or doing of business in the designated capacity, and this is made the occasion for the tax, measured by the standard prescribed. The difference between the acts is not merely nominal, but rests upon substantial differences between the mere ownership of property and the actual doing of business in a certain way.

Also, on page 155:

While the tax in this case, as we have construed the statute, is imposed upon the exercise of the privilege of doing business in a corporate capacity as such business is done under authority of State franchises, it becomes necessary to consider in this connection the right of the Federal Government to tax the activities of private corporations which arise from the exercise of franchises granted by the State in creating and conferring powers upon such corporations.

Also, on page 158:

In levying excise taxes the most ample authority has been recognized from the beginning to select some and omit other possible subjects of taxation, to select one calling and omit another, to tax one class of property and to forbear to tax another. For examples of such taxation see cases in the margin decided in this court upholding the power.

Also, on page 165:

It is therefore well settled by the decisions of this court that when the sovereign authority has exercised the right to tax a legitimate subject of taxation as an exercise of a franchise or privilege it is no objection that the measure of taxation is found in the income produced in part from property which of itself considered is nontaxable. Applying that doctrine to this case, the measure of taxation being the income of the corporation from all sources, as this is but the measure of a privilege tax within the lawful authority of Congress to impose, it is no valid objection that this measure includes, in part at least, property which as such could not be directly taxed. See in this connection Maine *v.* Grand Trunk Ry. Co. (142 U. S., 217), as interpreted in Galveston, Harrisonburg & San Antonio Ry. Co. *v.* Texas (210 U. S., 217, 226).

It is contended that measurement of the tax by the net income of the corporation or company received by it from all sources is not only unequal but so arbitrary and baseless as to fall outside of the authority of the taxing power. But is this so? Conceding the power of Congress to tax the business activities of private corporations, including, as in this case, the privilege of carrying on business in a corporate capacity, the tax must be measured by some standard, and none can be chosen which will operate with absolute justice and equality upon all corporations.

The corporation-tax law was intended to be and was held to be a tax upon the doing of business in a particular manner, to wit, in a corporate capacity, and was therefore an excise law. How this can be considered as an authority to tax all business it is impossible to understand.

The Spreckels case was a tax on a particular business, and therefore properly held an excise tax.

The corporation-tax case was a tax on a particular manner of carrying on business, and therefore properly held an excise tax.

The proposed law is neither. It is not a tax on a particular business, nor a particular manner of doing business, but it is a general tax on all business. Such a law was never held to be and is not an excise law.

CONCLUSION.

After all, is it a wise policy, gentlemen on the other side, to play politics when the great, the vital interests of the Nation are concerned? It has been popular to denounce corporate greed and "the interests" and "idle wealth." There has been a large measure of justification in this. But if you refuse, when the power is yours and the way is easy, to further tax the great corporations against which you thunder your denunciations, if you refuse to follow the constitutional course by which you can reach the "idle rich" whom you have been so fond of lashing with the scorpion whip of your invective, will not the people believe that your attitude has been and is but a pretense, and your words mere sound and fury, signifying nothing?

It is exceedingly probable, nay it is almost certain, that when the people of the country come to consider the real merits of these twin propositions of unwisdom, they will condemn rather than approve. If upon such issues the Democratic Party proposes to appeal to the electorate this fall, we welcome the contest; for there is little doubt the American people will reject such propositions and repudiate the party which supports them. [Applause.]

Mr. COVINGTON. Mr. Chairman, the bill now under consideration by the House, to levy a Federal excise tax upon the carrying on or doing business by all persons in the United States, is simply an extension of the principle underlying the corporation tax, made a part of the Payne-Aldrich tariff bill at the instance of President Taft and the Republican Party managers in Congress in 1909, and now a part of the revenue system of the country. The active opponents of the extension of that tax to persons are the same class of people who, at various times and in manifold and devious ways, have opposed every scheme for taxation by the Federal Government which seeks to distribute the burden of taxation with due regard for the ability of all the people to pay.

The Federal corporation-tax law of 1909 provides that *every corporation engaged in business in any State or Territory of the United States shall be subject to pay annually a special excise tax with respect to carrying on or doing business by such corporation equivalent to 1 per cent upon the entire net income over and above $5,000*, and the law then merely provides the method of ascertaining the income and the machinery for the collection of the tax.

The bill now under consideration simply extends the special excise tax on corporations and provides that *every person, firm, or copartnership residing in the United States or any Territory thereof shall be subject to pay annually a special excise tax with respect to carrying on or doing business by such person equivalent to 1 per cent upon the entire net income over and above $5,000.* The bill defines the term "business" and then provides the method of ascertaining the income of the person doing business and the machinery for the collection of the tax.

There are two questions involved in the proper consideration of the bill. First, is it a valid exercise of the taxing power of the Congress under the constitutional provision for collecting taxes, duties, imposts, and excises for the support of the Federal Government? Second, is it an equitable tax, having due regard for the proper method and distribution of taxation by the Federal Government among the people of the United States?

Taking up the first question, the constitutional aspect of this proposed extension of the corporation excise tax has been so ably discussed by the gentleman from Tennessee [Mr. HULL] in presenting the bill to the House, and by the gentleman from New York [Mr. LITTLETON], that it seems almost trite to refer in detail to the decisions of the United States Supreme Court

which bear upon the subject. At the same time, Mr. Chairman, I desire to urge in my own way the real significance of the more important of those decisions.

The Constitution of the United States provides that Congress shall apportion direct taxes among the States, and that no capitation or other direct tax shall be laid unless in proportion to the census directed to be taken. (Art. I, sec. 2, cl. 3, and Art. I, sec. 9, cl. 4.) From the formation of the Constitution down to 1894 the unbroken doctrine of the Supreme Court of the United States was that there were but two kinds of direct tax—the capitation tax, expressly named, and a tax on land.

Under the second Cleveland administration the Wilson law was passed in 1894, placing a tax upon the net incomes, as incomes, of all persons and corporations. The constitutionality of this law was attacked, as this House knows, and the question was decided in the case of Pollock *v.* Farmers' Loan & Trust Co. (157 U. S., 429).

Now, Mr. Chairman, I do not believe in abusing the courts, but, having due regard for the right of the citizen to criticize freely any branch of this Government, I make bold to say that no decision since the troublous days of the slavery agitation before, during, and shortly after the war has been so generally or so justly condemned as that of the Pollock case. The Supreme Court, by a bare majority of five to four, overturned the precedents of a century, and a single judge overturned himself in a night to accomplish that result.

Now, the opponents of the pending excise-tax bill seize upon the Pollock case and assert upon its authority that the proposed tax is merely an income tax under another name, and is, consequently, unconstitutional because it seeks to levy a direct tax on incomes without apportionment among the States according to population. But taking the Pollock case as an authority for what it actually decided—while expressing here the belief that it will be destroyed as a precedent as soon as necessary by a sounder and a broader Supreme Court—and remembering that the law there under consideration was a plain provision to tax incomes, wholly unrelated to business, let us see the language of Chief Justice Fuller:

> We have considered the act only in respect of the tax on income derived from real estate and from invested personal property, and have not commented on so much of it as bears on gains or profits from business, privileges, or employments, in view of the instances in which taxation on business, privileges, or employments has assumed the guise of an excise tax and been sustained as such. (158 U. S., p. 635.)

And it is, of course, known by the lawyers of this House that the court left subject to taxation certain restricted classes of incomes. The Pollock case is bad reasoning, and the dissenting opinions are the logical and unanswerable ones; but, even then, all that the case decided was that a tax on incomes from real and personal property was a direct tax within the meaning of the Constitution. It said nothing against a tax on incomes from business. In fact, the Chief Justice, in this case, further said:

> We do not mean to say that an act laying by apportionment a direct tax on all real estate or personal property, or the income thereof, might not also lay excise taxes on business, privileges, employments, and vocations.

Now, Mr. Chairman, the Congress of the United States must be presumed to act constitutionally. It is a co-ordinate branch of the Government of the United States, and its acts must always be so construed as to determine, if possible, that they are within the limits of the Constitution.

In fact there has been lost sight of, in criticizing this bill, the difference between the validity of a law and the extent of its application. The Supreme Court has always upheld Federal tax laws where it could constitutionally apply them to classes of persons and fields of taxation, even if other persons and property have to be exempt.

The precise judicial construction of the word "business," the nature of its application, and the consequent extent of the excise tax must be for the court. I can only say that with the wide meaning of the word "business" given in the proposed law there is little income in the United States not derived therefrom.

Moreover, we have had in this country an imperceptible but steady growth of unwritten constitutional law. The doctrine of due process of law has been expanded to meet the varying needs of a complex civilization; other sections of the Constitution have been restricted beyond the dream of the fathers to meet the exigencies of our Territories beyond the seas. I believe the widely diversified industries, the varying activities and extent of capital, and the great disparity in the population of the States will impel the Supreme Court, if necessary, to return to the doctrine of Marshall and the other early expounders of the Constitution and hold that only capitation and land taxes are direct taxes requiring apportionment among the States.

As showing how careful was the majority of the court in the Pollock case not to extend the application of its opinion beyond the point necessary to destroy the value of the broad income tax then before it, I want to call to the attention of the House the fact that they attempted to distinguish and did not overrule the case—Springer *v.* United States (102 U. S.)—where a tax—

> upon the annual gains, profits, and income of every person residing in the United States, or of any citizen of the United States residing abroad, whether derived from any kind of property, rents, issues, dividends, or salaries, or from any profession, trade, employment, or vocation carried on in the United States or elsewhere, or from any other source whatever—

was held to be an excise tax and not a direct tax within the meaning of the Constitution, and was upheld by the court.

In Nicol *v.* Ames (173 U. S.) the Supreme Court upheld the validity of the war revenue act of 1898, requiring a memorandum of every sale at any exchange or board of trade or other similar place and the affixing of a revenue stamp to such memorandum. The court, after holding that such a tax was not a direct tax, held that sales of that sort could be classified by themselves and apart from other sales, and could therefore properly be selected for a special tax, because of the obvious and peculiar privilege and facility of making a sale at a place where there was the best opportunity for a demand, a price, and dispatch in the transaction of business. Recalling the language of Chief Justice Fuller in the Pollock case that there is no Federal tax which is not a direct tax that is not included under the words "duties, imposts, and excises," it is clear to understand that the tax held valid in Nicol *v.* Ames was an excise tax.

The Spanish War revenue laws brought many cases to the Supreme Court, and in order to see how firmly that court adheres to its position on excise taxes, I want to refer to Spreckels Sugar Refining Co. *v.* McClain (192 U. S.). In that case the statute imposed an excise upon "all persons and companies carrying on or doing the business of refining petroleum or refining sugar or owning any pipe line transporting oil or other products, whose gross annual receipts exceed $250,000 shall be subject to pay a special excise tax," and so forth. In deciding the validity of that act the court says:

> The tax is defined in the act as a special excise tax, and therefore it must be assumed for what it is worth that Congress had no purpose to exceed its powers under the Constitution, but only to exercise the authority granted to it of laying and collecting excise.

And in this same case it is well to note that the court very effectively destroyed the argument that a tax of the character of the tax sought to be imposed by the present bill is an income tax by a statement regarding the decision in the Pollock case, for the court in that respect said:

> It is said that if regard be had to the decision in the income-tax cases a different conclusion from that just stated must be reached. On the contrary, the precise question here was not intended to be decided in those cases.

In 1909 the existing corporation-tax law was passed as a part of the Payne-Aldrich tariff bill. That act, as I have stated, provided an excise tax with respect to doing business by corporations. Soon after it went into effect its validity was brought into question in the Supreme Court in the case of Flint *v.* Stone Tracy Co. (220 U. S.), where a unanimous opinion of the court held that this form of tax applied to corporations was unquestionably valid.

Notwithstanding attempts to circumscribe the purpose and effect of that decision, in my judgment as a lawyer there is nothing in the opinion of the court to indicate that a broadening of the field of operation of such a tax might make it of doubtful constitutionality. The court, among other things in that case, said:

> The revenue of the United States must be obtained from the same territory and the same people and its excise tax collected from the same activities as are also reached by the States to support their local governments, and this fact must be considered in determining whether there are any implied limitations on the Federal power to tax because of the sovereignty of the States over matters within their exclusive jurisdiction.

In other words, as I read the opinion in the Flint case, the court meant to permit the proper and constitutional kind of an excise tax to be levied upon all business activities, whether they shall be personal or corporate.

Now, Mr. Chairman, at the time the Flint *v.* Stone Tracy Co. case was argued in the Supreme Court it was urged as the chief objection to the law that a tax claimed to be an excise tax, levied upon every conceivable business occupation or calling in which any individual, copartnership, joint-stock association, or corporation may engage, was limited to those only who carry on such business in joint-stock or corporate form,

and with the result that one competitor in a particular line of business had imposed upon it a burden that was not imposed upon other competitors in the same line. The case was the leader in a group representing the vast corporate activities of the United States and the ablest counsel in the land appeared to attack the law. I have examined the very able brief of Mr. Maxwell Evarts, of New York, general counsel of the Southern Pacific Railroad Co., filed in the case, and I find that it was elaborately argued that the law invaded the sovereignty of the States; that it was a deprivation of property without due process of law; that it denied to persons the equal protection of the laws; and that by taking away that privacy of its affairs which is a part of the business property of a corporation it took private property for public use without compensation. But that the tax might be a direct tax was barely adverted to, and then only to assert that it was such a tax if it applied directly to the corporate franchise. And, Mr. Chairman, better than all, I find in that remarkable brief this admitted statement:

The taxing power of the Federal Government may reach the business of the defendant corporation for 2 per cent, for 10 per cent, for 50 per cent, if necessary, if it will but seek out all who are engaged in the same business and not attempt to tax the corporate franchise.

In other words, the real argument in the Flint case was that the corporation tax was a discriminating tax because it did not reach individuals who were business competitors of corporations, and consequently was invalid. It was generally conceded that if its application had been to all persons, natural as well as artificial, it would have been valid. The court held that even with the restriction, being uniform in its operation all over the United States upon the classes it reached, it was a constitutional tax. Can it then be seriously urged that the extension of this tax by a Democratic House is other than a wise as well as constitutional act?

The true construction of an act may often be gotten by examining the purposes and views of those responsible for it. The corporation-tax law was introduced in the Senate and there was wide and thoughtful discussion upon it. In this House it was voted on merely as a part of a conference report upon the Payne-Aldrich tariff bill in the closing days of a congressional session. With remarkable force the able lawyers in the Senate who debated the amendment to the Payne-Aldrich bill providing that tax conceded the constitutional power to extend it to all persons.

During the debate on June 30, 1909, there was a colloquy between Senator ROOT and Senator BAILEY, as follows:

Senator ROOT. May I ask the Senator from Texas if I am right in inferring from the statement which he has just made that he does not seriously question the constitutional power of the Congress to impose this tax on corporations?

Senator BAILEY. Mr. President, I answer the Senator frankly that I do not. I believe that Congress can tax all red-headed men engaged in a given line of business if it pleases. I think it would be a very foolish thing to do; but I have no doubt if the tax fell upon every red-headed man in Massachusetts the same as in Mississippi or in Texas and all other States, the law imposing such a tax would be perfectly valid. (CONGRESSIONAL RECORD, 61st Cong., p. 4251.)

On July 1, with the debate still in progress, we find the assertion:

Senator BORAH. The Senator from New York [Mr. ROOT] will observe that I am not questioning the constitutionality of this tax. * * * But I suggest this proposition as well worthy of the attention of the great legal acumen of the Senator from New York; that the power which enables us to lay this tax is such a power as does not require us to make the discrimination which is made in this amendment. If we have the power to make the classification which is made in this amendment we have the power to extend that classification.

On July 2 there was general discussion between Senators CUMMINS, ROOT, RAYNER, and others, and answering a question of Senator CUMMINS whether or not he had any doubt that the proposed corporation tax could be constitutionally extended to individuals, Senator RAYNER said:

I do not; not the slightest. I think you can tax the privileges of an individual the same, and they are doing it. The Government is taxing special occupations. Take the tobacco and distillery cases. (CONGRESSIONAL RECORD, 61st Cong., p. 4095.)

The next day, July 3, in answering a question by Senator SUTHERLAND, Senator CUMMINS said:

Yes; I am fairly familiar with that statement by the justice who wrote the opinion (referring to opinion in Spreckels case). It sustains a tax upon a certain business. I have no doubt about the right of Congress to levy a tax upon business, whether it is a blacksmith, or whether it is a shoemaker, or whether it is a sugar refiner. It is in the wisdom and discretion of Congress to select those kinds of business which can best, in its opinion, bear the burdens of an excise tax. (CONGRESSIONAL RECORD, 61st Cong., p. 4246.)

Mr. Chairman, I have gone at some length into this matter, but the preservation unimpaired by this House of the taxing power of the Government is of vital importance. In the face of the explicit decisions of the Supreme Court as to the right to tax business and business incomes as excises, with this class of taxes carefully excluded from the majority opinion holding the income tax invalid in the Pollock case, with the admission of the constitutionality of such a tax as the corporation tax, if extended to individuals, made by the counsel who in the Supreme Court assailed that tax, with the constitutional right to extend the tax conceded by the able Senators who debated the law applying it to corporations, I assert that the broad statesmanship of the Democratic Party is amply supported by authority and its judgment will be upheld by the courts.

The second question involved in this bill is, therefore, Mr. Chairman, the one vital question before the House. Is the proposed tax a fair one; is it equitable having due regard for the proper method and distribution of taxation by the Federal Government among the people of the United States? All economists agree that the ideal system of taxation is one under which men pay the expenses of the Government in proportion to their faculty or ability, and since income from business is by all means the best single mark of such ability an excise tax upon the carrying on or doing business, to be measured by the net income from the business of the person taxed, is the fairest and most equitably distributed tax which can be used in the United States short of a straight income tax.

No scheme of taxation can be devised which will reach every person who ought to pay taxes in a country as large as the United States, but if the plan reaches substantially all the people and places the burdens of taxation upon them in the manner in which I have just stated that all taxes ought to be laid—that is, with due regard for the ability of persons to pay—it is a scheme of taxation that is not merely sound, it is just. And for years the barons of special privilege through an iniquitous protective tariff and other forms of governmental favoritism have seen the burdens of government fall upon the consumer of the land without regard to his humble station and slender means, while they have basked in the sunshine of Republican power and have flitted like will-o'-the-wisps before the eyes of an outraged and overburdened public, untaxable, unassessable, unreachable.

Yet, Mr. Chairman, it is now cunningly argued by some Republicans here that the present excise-tax bill is unfair because the enforcement of the law, if it be enacted, will not reach the so-called idle wealth of the country while it taxes the great earnings from the industrial activities of our people. It may be that a very few people with great incomes will escape this tax. But I venture the assertion that more than nine-tenths of the material wealth of America that produces to its possessors an income each year in excess of $5,000 is held by people and corporations who are engaged in business within the meaning of even a circumscribed construction of the language of the present bill.

The gentleman from Ohio [Mr. LONGWORTH] saw fit to criticise the bill by urging that it permitted the aggregated wealth of a Rockefeller, of a Carnegie, and an Astor to escape taxation, while it bore down upon the activities of the man who is advancing industrial prosperity in America, but he failed to tell the whole story. He failed to tell the fact that while the very restricted class to whom belong the men he named may possibly be exempt, that yet there will come the taxation of the enormous incomes from the business activities of a Morgan and a Ryan and a Hill and a Schiff and a Gould and a Perkins, and a host of others who to-day are amassing inordinate sums from the American people through skillfully contrived special privileges and through the iniquitous system of tariff legislation imposed upon the poor people of America, and that such men are now escaping taxation themselves because of their alliance with and protection by that stand-pat reactionary Republican organization of which the gentleman from Ohio is a loyal member.

It is unfortunate that some scheme has not been devised by which the class of people who "toil not, neither do they spin," shall be subjected to their full share of taxation in America, but it is not the fault of the Democratic Party that such is not the case. That party has firmly and resolutely stood for the adoption of an amendment to the Constitution of the United States which shall make possible the taxation directly of all incomes in the United States. In the report to the House on the present bill the Democratic members of the Committee on Ways and Means specifically state that they desire to go on record as favoring an income-tax law; and they state that the enactment of the present bill will aid in preparing the public mind for a fuller appreciation of the justice and desirability of the income tax and hasten the adoption of the proposed income-tax amendment to the Federal Constitution. On the other hand, the Republican Party, true to its traditions as the representative of and the sponsor for the privileged classes of America, has stood firmly in the way of that great tax reform until some of its leaders within a brief period have seen gathering the storm of opposition about them and yielded to the inevitable.

And, moreover, Mr. Chairman, there should not again come from the other side of this Chamber any argument against the proposed excise tax because of its failure to be universal in its application. That party has continued in power by a system of taxation that has been the reverse of universal. It has thrived upon the results of the burdens of taxation placed inequitably upon the consumers of America. And I want to show that when the subject of a proper tax on business and other incomes was under discussion during the Republican ascendency in this House no question of the universality of application of a proposed law actuated the Republican Party. On the 25th of March, 1909, Mr. STEVENS of Minnesota, a stand-pat Republican, for whose personal integrity and soundness of judgment I have great respect, in discussing President Taft's supposed advocacy of an income tax, stated:

I think most of us realize that the time is rapidly approaching when this Federal Government can no longer expect to derive its full income to defray the vast expense of carrying on its varied operations entirely from the consuming capacity of the people.

And he stated his purpose to introduce a bill which would provide for a tax on real-estate incomes, and in another section for a tax on the incomes from personal property, and so on in separate sections to apply his tax to various classes of persons and various fields of taxation, and to include in each section a provision which would declare that the validity of that particular section should not affect the balance of the provisions of the act. He stated to the House that he had laid this sort of legislation before President Taft and that the President approved of it. Now, the effect of such legislation as proposed by the gentleman from Minnesota would simply be to provide a scheme of income taxation enumerating all of the different classes of people and property whether engaged in business activities or not, and subject them to an income tax from all of the sources of their income, and then, no matter how much the Supreme Court might narrow the operation of the law, he would still leave to be taxed the classes of people and businesses which the court determined were properly subject to taxation. I did not at that time, nor have I since, heard that a single Republican in this House objected to that scheme of taxation upon the theory that it did not provide at all hazards for reaching the last man in the United States who had an income which might be subject to taxation at the hands of the Federal Government.

The truth is, Mr. Speaker, that the stand-pat element of the Republican Party to-day is fighting this tax because it knows, as the country knows, that the great bulk of it will be paid by the individuals who, engaged largely in the same activities as are the corporations now paying this tax, have enjoyed and are still enjoying the enormous benefits and special privileges which have come to them through their corrupt alliance with the Republican Party.

Talking about fairness and equity in taxing the people, the trouble is that the wealth of the country has so long compelled this Nation of 90,000,000 freemen to worship in the temple of inequality and injustice that it views with impotent frenzy the swelling, irresistible demand for the readjustment of the national taxing system on the sound basis of equality and justice. For the last 40 years the predatory interests which have maintained a close partnership between business and Government have, in fact, forced the honest yeomanry of the land to enrich the coffers of those interests, and at the same time pay the bulk of the taxes, so that their very life history may be found in the lines of the western poet, who describes the lot of the farmer of the Plains:

His horses and mules had all gone lame,
And he lost his cows in a poker game.
A cyclone came and blew down his barn;
Then an earthquake swallowed up his farm,
But the tax collector came around
And taxed him on his hole in the ground.

The report accompanying the present bill shows that over $700,000,000 in taxes were collected from the people of the United States in 1911, and every dollar of it was a tax upon consumption. It was a burden which fell with substantial evenness of levy upon every man, woman, and child in the land. The articles embraced within the tax provisions of the customs and the internal-revenue laws of the United States are those which all people, poor as well as rich, use to at least appreciably the same extent. The harsh result of such a system of taxation is that the man in struggling poverty with a wife and several children will pay in taxes nearly as much for each human life in his humble home as the great captain of industry in his opulence and luxury.

This House knows and the country knows that there will not be forever the maintenance of such an unjust system of taxation. It was created out of the long-ago-established program to plunder the pockets of the American people for the benefit of the special beneficiaries of the high protective tariff, who have maintained in power the Republican Party, and it will surely be supplanted by an equitable system of taxation at the hands of a Democracy which is responsive to the true needs of the American people and which yields obedience to that quickened public sentiment which demands that there shall be equality of opportunity for all and a just distribution of the burdens as well as the blessings of government.

Let us look at the fairness of the proposed tax from another viewpoint. It is proposed at the same time that the Democratic Party has passed in this House a bill to place sugar on the free list and thereby reduce the customs revenues about $53,000,000. That bill was passed as a response to a strong and persistent popular demand. It has been estimated by Chairman UNDERWOOD that the sugar tariff, in taxes and in tribute to the Sugar Trust, places a burden of $115,000,000 annually on the consumers of the land. Such an effect of the sugar tariff has been admitted even by the Republican leaders. When the McKinley bill was reported to the House in 1890, the report, signed by the martyred McKinley, by the late Thomas B. Reed, and by Representatives PAYNE and DALZELL, high priests of protection still with us, after going into details about the bad effect of a sugar tariff, said:

It is clear that the duty on sugar and molasses made the increased cost of sugar and molasses consumed by the people of this country about $1 for each man, woman, and child in the United States.

That burden to-day is the same, and if the free-sugar bill becomes a law it will be lifted from the consumers of the country. Now, the present corporation tax is producing $29,000,000 of revenue, and the proposed excise tax will produce anywhere from $30,000,000 to $60,000,000 more. The revenue of this system of taxation, therefore, can more than make up the loss from free sugar.

With proper economy of governmental administration, the present corporation-tax revenue may all go to replace in part the loss of sugar revenue, and it is easy to see that the whole excise-tax system will completely replace that loss and thus simply will result in lifting an unequal tax from the plain people of the land and putting it, in proportion to business income, with absolute equality upon the bountiful earnings of the wealth of the country. Where stands a man to say that a taxing program to produce such results is unfair?

Ah, Mr. Chairman, but it is said this bill can not become law. Who says so? What marvelous prescience has indicated to the aggregated wealth of this country that it can make a last stand in the Congress of the United States against an enlightened and awakened public opinion? I say, sir, no one will dare thus to assert, unless he be of the class that Byron speaks of—so debased that he "perverts the prophets and purloins the Psalms."

My confidence in this House and in the Senate of the United States is not yet shaken. When an opportunity is afforded to tax the widely diffused wealth of this country by a plan so fair and a method so effective that it attains almost to the universality of an income tax, I believe that the patriotism of the American Congress will assert itself—

For right is right, since God is God,
And right the day must win.
To doubt would be disloyalty,
To falter would be sin.

One thing is certain. The militant and soundly progressive Democratic Party takes its united stand on the side of the people; it is making a determined effort to reduce those taxes which harrow the humble homes of the land and to place a proper share of the burdens upon those who have enjoyed the favors of government and are prospering to opulence. Woe be unto him of the Republican organization in this House who elects longer to serve the masters of privilege and stand to-day against this program of justice in taxation for the whole people of this land of the free and home of the brave.

Mr. UNDERWOOD. Mr. Chairman, it has been stated that equality in taxation represents abstract justice. Unless some method is devised by which great wealth can bear its proportionate share of the taxes of the country there can be no equality in taxation, and no justice rendered to those who must bear the burdens of Government. [Applause.]

Mr. Bastable, a leading English financier said:

"Production and a tolerable approach to just distribution are the two essentials of taxation."

The tax proposed by H. R. 21214 is the embodiment of the two essentials named. The revenues from such a tax readily respond to changes in rates without entailing hardship, and at the same time promptly meet the exigencies of Government finances, making good a deficit or diminishing a surplus, as the case may be. If the income of a taxpayer declines, his taxes are reduced in proportion; if, on the other hand, his income increases, his taxes proportionately increase and properly so.

Such a tax possesses wonderful adaptability, flexibility, and certain productiveness, which enables it to meet every peace or war emergency. In England an income tax proved to be a wonderful force, in the language of Gladstone, "an engine of gigantic power." During the great stress of national emergencies it is admittedly without a rival as a relief measure. Many Governments in time of war have invoked its prompt and certain aid. "It enabled England to conquer Napoleon. It came to the relief of our depleted Treasury during the Civil War when the customs revenues were at a low ebb, and saved the rapidly sinking credit of the Nation." We can not expect always to be at peace. If our Nation were plunged into a war with any great commercial country from which we now import large quantities of supplies, our customs revenues would decline and we would be helpless to meet the revenue requirements of the war without taxing the wealth of the country in effect as provided by the bill now under consideration.

The tax as levied in this bill does not purport to be an income tax, but it is an effort to approach as near to the principle of an income tax as it is possible for Congress to do without violating the decisions of the Supreme Court of the United States. So far as my own judgment is concerned, I have never approved the decision in the Pollock case, in which a divided Supreme Court declared the law of 1894 unconstitutional. I believe whenever this proposition again confronts that court it will, in so many words, reverse its decision in the Pollock case and return to the line of decisions maintained by it for a hundred years, and hold that this Congress has the power to levy directly an income tax.

Mr. BARTLETT. Mr. Chairman, will the gentleman yield?

Mr. UNDERWOOD. Certainly.

Mr. BARTLETT. Mr. Chairman, I agree thoroughly with reference to what the gentleman has said in respect to the decision in the Pollock case, but I want to say that if Congress does not pass an income-tax law, and if this is not an income-tax law, when will the Supreme Court get an opportunity to pass upon the question? If this is not an income-tax law, and the act of 1894 having been repealed by the act of 1897 and the act of 1909, how are we to get the question before the court?

Mr. UNDERWOOD. Mr. Chairman, I will say to the gentleman from Georgia that at this time Congress can not afford to draft this bill in the form of an income tax, because while requiring the revenue that will be produced by it, we must bring it within the terms of the decision of the Supreme Court. I will say to the gentleman from Georgia that if it was not for the fact that a constitutional amendment has been submitted to, and may be approved by, the several States within the next year or two, I would be in favor of passing a bill levying directly an income tax for the purpose of sending the question back to the Supreme Court and having it again tested, because I believe we have no right to rest content with the present decision. [Applause.]

Mr. BARTLETT. I agree with you thoroughly about that.

Mr. UNDERWOOD. The hour may come at any time when all the taxing power of this Government may be needed to sustain our Army and our fleet in a foreign war, and if the people in the States do not shortly ratify the proposed amendment to the Constitution I think it would be advisable for Congress to enact a direct income-tax law such as was enacted at the time of the Civil War and again in 1894, and send it to the Supreme Court to have the question tested. But I admit that this case does not raise the question. It was not intended that the question should be raised, and I do not for a moment doubt that the Supreme Court will hold that this case in no way conflicts with the decision in the Pollock case, and will affirm the constitutionality of this act. I do not intend to make an argument reciting numerous decisions in favor of the constitutionality of the bill now before the House. My colleagues have already ably, fully, and carefully discussed that question. But I merely wish to say this much as to the constitutionality of this measure.

The power to levy an excise tax was given to this Government by the States when they adopted the Federal Constitution.

The Supreme Court of the United States in its most recent decision on this question, in the case of Flint *v.* The Stone Tracy Co., stated:

> The Constitution contains only two limitations on the right of Congress to levy excise taxes; they must be levied for the public welfare and are required to be uniform throughout the United States.

Mr. MADDEN. Will the gentleman allow me to ask him a question there for information? Suppose that a man was engaged in the business of being a Member of Congress and would be subject to taxation on $2,500 of salary, which would be the excess over the $5,000 exempt; would the fact that because he came under the terms of the law and was obliged, therefore, to make a report of his income compel him to include in the report of his income revenues received as dividends on stocks or bonds in corporations which paid the corporation tax under the provisions of the Payne law? And if he was obliged to do that, would he not be placed in a different category from the man who was simply the holder and investor of idle wealth in similar corporations from which he received his income, and would not be obliged to make a return, and consequently not pay the tax, such as in the case of Andrew Carnegie? If the Congressman was obliged to pay on his idle invested wealth because he happened to be in the business of being a Member of Congress and the other man was exempted from the payment of his income invested in idle wealth because he was not in any business, would that be uniform taxation?

Mr. UNDERWOOD. I see from the trend of my friend's remarks that he desires to exempt Mr. Carnegie from paying this tax. The purpose of this bill is to reach men like Mr. Carnegie, who to-day own an immense number of bonds and are not paying taxes on them.

Mr. BARTLETT. May I suggest right there in reference to uniformity——

Mr. UNDERWOOD. If my friend will allow me, I wish to make the suggestion myself. The uniformity of taxation contemplated by this decision of the Supreme Court and all other decisions on this subject has been uniformly held to be geographical uniformity and nothing else; and, therefore, if we levy an excise tax for the public welfare that has geographical uniformity throughout the United States it is within the Constitution, as defined by the Supreme Court of the United States in this same Flint *v.* Stone Tracy Co. case. The court says:

> When the Constitution was framed the right to lay excise taxes was broadly conferred upon the Congress. At that time very few corporations existed. If the mere fact of State incorporation, extending now to nearly all branches of trade and industry, could withdraw the legitimate objects of Federal taxation from the exercise of the power conferred, the result would be to exclude the National Government from many objects upon which indirect taxes could be constitutionally imposed. Let it be supposed that a group of individuals, as partners, were carrying on a business upon which Congress concluded to lay an excise tax. If it be true that the forming of a State corporation would defeat this purpose, by taking the necessary steps required by the State law to create a corporation and carrying on the business under rights granted by State statute, the Federal tax become invalid, and that source of national revenue would be destroyed except, as to the business in the hands of individuals or partnerships.

Now, I call your attention to that decision, because some gentlemen on that side of the House have argued that levying an excise tax on business only applies to business done by corporations and not that done by individuals. In the Stone Tracy case the only argument that the court makes in reference to corporations is to show that a corporation, by reason of being a corporation, is not excluded from the power of the Government to levy an excise tax on corporations as well as on individuals or copartnerships. Now, the gentleman from Illinois [Mr. MADDEN] asked me whether he, as a Member of Congress, doing business as a Member of Congress and subject to an excise tax on account of his doing business, has an income in excess of his congressional salary or the $5,000 exempted by the bill, and his congressional salary itself puts him beyond that exemption, whether or not he would be taxed on the additional income.

The court very clearly held in this case and in other cases——

Mr. MADDEN. I beg the gentleman's pardon. I do not think the gentleman stated my question correctly.

Mr. UNDERWOOD. I am coming to it. I will state it.

Mr. MADDEN. You did not make a correct statement of what I said.

Mr. UNDERWOOD. The gentleman wants to know whether there is an additional tax on an income derived outside of the actual income from the business he is taxed for doing, as I understand it.

Now, the courts in the Stone Tracy case and in other cases have held that you have a right to levy an excise tax on the privilege of doing business. In the Spreckels case they held that, either as an individual or corporation, you might be taxed for the privilege of doing business as a refiner of sugar or petroleum. Now, if the law enacted at the time of the Spanish-American War that levied the excise on sugar and petroleum refining had named a thousand other businesses that should pay that excise tax, the court would have held that those other businesses were just as much subject to the excise tax as those named in the law. That being the case, there is no reason, to my mind, and I have never heard of a decision of the Supreme Court in which it has been held, that when you can in so many words enumerate the class of business that shall be taxed you can not by general definition enumerate all classes of business.

Mr. LONGWORTH. Will my colleague yield to a question on this point?

Mr. UNDERWOOD. I would like to answer the question of the gentleman from Illinois first.

Mr. LONGWORTH. I would like to get the views of the gentleman. I want to ask him this question and put the proposition in the simplest possible form, so that I can see if I understand his position. On the same day that the Flint case was decided the Zonne case was also decided, in which, as the gentleman knows, it was held that a corporation which merely received the rent from real estate and distributed it among its stockholders was exempt. Now let me put this question to the gentleman: Suppose the gentleman himself had owned stock, owned a controlling interest, in the corporation which came under the Zonne case. Suppose he received, in addition to his congressional salary of $7,500, the whole amount paid in rent to the corporation, which, as I remember, was $61,000, could he be compelled to list that income in determining the amount of his income that was taxable?

Mr. UNDERWOOD. If my friend will allow me, that is the question the gentleman from Illinois [Mr. MADDEN] asked me, and I hope to get to the answer in a few minutes, but I desire to work up to it in my own way.

Now, I contend that this Congress, having the power to definitely specify by name the businesses which should pay an excise tax, also has a right to say in general terms that all classes of business shall pay an excise tax for the privilege of doing business, and that is exactly what was done in the Payne-Aldrich law when it levied a special excise tax on corporations. It did not say "corporations refining petroleum," or "corporations refining sugar," or "corporations manufacturing pig iron," but it said that all corporations doing business should pay a special excise tax.

In the Spreckels case no distinction was drawn between individuals and corporations where a particular business was named. In the corporation-tax case all business was named, and I contend that the court can not escape the logic of the reasoning that you can levy an excise tax, if it is an excise tax, upon individuals and upon copartnerships by defining the tax as resting on those doing any business instead of a particular business.

Mr. MADDEN. Now, will the gentleman allow me right there?

The CHAIRMAN. Does the gentleman from Alabama yield to the gentleman from Illinois?

Mr. UNDERWOOD. I will be glad to yield later, if the gentleman will allow me to proceed now.

Mr. MANN. The question is whether the leaving out of the income upon municipal bonds was purposely done because you did not want to tax the income or because you did not want to affect the right?

Mr. UNDERWOOD. I will answer my friend's question when I come to it. It does not come within this present answer.

Mr. MANN. It is part of the same question.

Mr. UNDERWOOD. Now, assuming that Congress has the power, as provided in this bill, to levy an excise tax upon all individuals and copartnerships doing business, then the question arises as to how you shall measure that tax. When you have admitted the right to levy the excise tax, then you must determine in some way what shall be the measure of the tax. And on that point we come directly to the question asked by the gentleman from Illinois [Mr. MADDEN]. In the carriage case cited by the gentleman from New York [Mr. LITTLETON] in the debate this morning a tax of $10 on each carriage was levied. I take it to be without question that if we levy an excise tax on the right to do business we can measure that tax by levying $1 a head on every man that is employed in the business or $100 a head on every man that is engaged in the business.

Mr. CAMPBELL. Mr. Chairman, will the gentleman yield?

The CHAIRMAN. Does the gentleman from Alabama yield to the gentleman from Kansas?

Mr UNDERWOOD. I will ask my friend not to interrupt me until I have answered the question of the gentleman from Illinois. If you have the right to levy a tax and measure its amount by the number of men in business, you unquestionably have the right to measure it by the scope of the business, and in the corporation-tax case its validity did not stand on the question of the measure of the tax. The Supreme Court said when Congress provided that the tax should be equal to 1 per cent on the net income of these corporations doing business that it was merely measuring the amount of the tax, and that tax could apply to the income derived directly from the business as well as all other incomes which the corporation enjoys, whether derived from that particular business or from other sources. That is manifestly so, because there is scarcely a corporation existing to-day that is not deriving income from other sources than the business for which it is organized and in which it is doing business. They are required to make a return of their total income, and they are taxed on their total net income.

Now, if that is true as to the measure of the tax on corporations, why is it not just as constitutional to measure your tax for individuals on the same basis you use for the measure of the tax for corporations? It does not relate to the question of your right to levy an excise tax. It is merely a question of how you shall measure the tax.

Mr. MADDEN. Mr. Chairman, will the gentleman allow me a question there?

Mr. UNDERWOOD. I hope the gentleman will withhold until I have finished. I am answering his first question.

Mr. MADDEN. It is just an interpretation of the first question. So far you have talked about the man who is doing business. Now, will you be kind enough to tell us about the man who is not doing business, whose income is derived from the same source as that you are talking about?

Mr. CAMPBELL. Mr. Chairman, I would like to ask the gentleman a question right there. The question is, What are you going to do with the man who has retired from business? That is the case with thousands.

Mr. UNDERWOOD. I prefer to answer the original question first.

Now, my friend wants to know, if a man is engaged in the business of being a Congressman and is taxed under this law for engaging in the business of being a Congressman, whether his income outside of that business is to be taxed? Why, certainly it is. There is a very great distinction between an income tax, the purpose of which is to levy a tax on the amount of income that you have, and an excise tax that is intended to tax your right to do business. But the court has held that after you constitutionally levy an excise tax you can measure the amount the tax shall be by the net income of the person or in some other way. Therefore, if the gentleman is engaged in business as a Congressman, and yet possesses wealth that otherwise would not be taxed under this law if he was not engaged in business, the measure of this tax includes that wealth, and the scope of his tax is measured by the amount of his net income above $5,000. For instance, if the gentleman has a net income of $25,000 a year the amount of his tax under this bill will be $200. He may have all except his congressional salary invested in bonds or annuities, but he is doing business as a Congressman; therefore he is taxed $200 a year for doing that business. Now, I know the gentleman has employed much labor in his business in times past, if not at present. Assuming that he is not a Congressman and is employing 200 men as a contractor, making $25,000 a year, the Congress could levy a tax on him for doing business as a contractor and assess the amount of the tax that he should pay at $1 a head for each man he employed, and his tax on his $25,000 a year income would be $200.

There should be no confusion between the proposition to levy an excise tax for the privilege of doing business and the measure of the tax. We have attempted in this bill, as you did in the corporation-tax law, to make the measure of the tax take the place of an income tax that we could not write. You attempted to do it in reference to corporations when you enacted the Payne-Aldrich law. We are attempting to do it now in the enactment of this law. As to how far it can reach, I admit that if a man is doing no business at all he is not taxed by this bill. If he is absolutely the idle holder of idle wealth he goes free under this bill. I regret that he does. I would prefer a straight income tax, and I would much prefer levying the tax on idle wealth rather than on industrial wealth, and I hope the day is not far distant when, either through an amendment to the Constitution adopted by the States, or through a change of the Pollock decision by the Supreme Court of the United States, this Congress will again have the absolute power to levy an unqualified income tax. [Applause.] But in order to avoid the prohibition of the Pollock decision and not raise that question of constitutionality, we have written a bill that admittedly does not tax the idle holders of idle wealth. But I do not think there are many men who will escape the tax levied in this bill. The holders of great wealth in this country are not idle men. Almost all of them are engaged in some business. Some gentleman on the other side on Saturday referred to the fact that Mr. William Waldorf Astor was supposed to own $100,000,000 in real estate in the city of New York, and said that he was the idle holder of idle wealth. Now, let me put a case to you. I live here in the Arlington Hotel. I do not know who owns that hotel, but I know it contains about 300 rooms. The owner of that hotel is running a hotel business. He rents the rooms to myself and his other guests. We pay him a monthly rental for those rooms. Would anybody say that he is not in business? Can anybody question the fact that he is doing a hotel business by renting the rooms?

Mr. LONGWORTH. Suppose the owner of a hotel leases the hotel to a manager, who rents the rooms to the gentleman?

Mr. UNDERWOOD. Wait till I finish. What is the difference between the hotel man and Mr. Astor? Mr. Astor may own 300 houses in the city of New York instead of the 300 rooms in the Arlington Hotel. What does he do? He rents those houses to anybody who wants to rent them. He keeps those houses in repair. He is in the business of furnishing homes and storehouses to people. Can anybody deny the fact that he is in business?

Mr. LONGWORTH. Will the gentleman yield right there?

Mr. UNDERWOOD. Yes.

Mr. LONGWORTH. I think the gentleman has cited a pretty good parallel, because, as I understand it, Mr. Astor owns the Waldorf-Astoria Hotel, where I have had the pleasure of meeting the gentleman; but Mr. Boldt manages the hotel. He is in the business of running that hotel. Mr. Astor simply receives, perhaps, a dividend under the lease. Is there not a distinction between these two so far as the business of running a hotel is concerned?

Mr. UNDERWOOD. I am glad my friend made the suggestion. Referring to the Waldorf-Astoria Hotel, will the gentleman tell me that there is any difference between these two propositions: If I go to the hotel and say to Mr. Boldt, the proprietor of that hotel, "I want you to rent me one room," and he does so, the gentleman says he is in the hotel business. If I go to Mr. Boldt and say, "Mr. Boldt, I am a multimillionaire. I am going to bring my friends to New York and I want you to rent me every room in your hotel," is he not still in the hotel business? Now, when Mr. Astor goes to Mr. Boldt and says, "I do not want to retail out these rooms, but I want to rent them in wholesale quantities, and I will rent you every room in my house," what is the difference between his renting to Mr. Boldt every room in his house and Mr. Boldt renting to somebody else every room in his house? [Applause on the Democratic side.] It seems to me that is a distinction without a difference.

Mr. MANN. Does the gentleman think Mr. Astor is in the hotel business?

Mr. UNDERWOOD. I certainly think he is in the business of renting real estate.

Mr. MANN. An agent will do that for him.

Mr. UNDERWOOD. Does not every man transact his business through agents? The bigger the business the more agents he has. [Applause on the Democratic side.]

Mr. MANN. The agent has to pay an excise tax for the privilege of doing business, but the man whose business is done through the agent is not engaged in business.

Mr. UNDERWOOD. I suppose, then, the gentleman from Illinois will say that if I own a railroad, or am running a railroad, and hire a conductor, that the conductor is to pay the tax for running the railroad.

Mr. MANN. The hiring of a conductor is a part of the business of running a railroad.

Mr. UNDERWOOD. The gentleman who owns the Waldorf-Astoria Hotel is in the business of renting the hotel and other property.

Mr. MANN. Does the gentleman from Alabama claim that a widow who owns a house and permits an agent to rent it for her is in business?

Mr. UNDERWOOD. If she has more than $5,000 a year income she is in the business of renting real estate. I own a lot or a block of ground and I conclude to have a truck garden on it and use my real estate for that purpose. I am in the business of a truck gardener.

The gentleman from Illinois owns lots across the street. I have to pay the necessary tax for raising vegetables. The gentleman across the street instead of raising vegetables on his lots erects buildings and rents them. Does the gentleman mean to say, because I am raising vegetables on one block and he is renting houses on the other, that I am in business and he is not in business?

Mr. MANN. The gentleman states a case where both parties are in business. Suppose he owned the block and gave through his agent a long-time lease on it, does the gentleman claim that he is in business? I may die and my son may collect the rent. Is my son in business?

Mr. UNDERWOOD. If you rented the block for a month, you might die and your son collect the balance of the lease; that has nothing to do with it. It makes no difference whether you lease it for a month, a day, or a year, or 10 years; if you are engaged in the business of renting real estate you have money invested in it, and you are just as much in business, in my judgment, as if you were engaged in manufacturing pig iron.

Mr. MANN. If you are engaged in the business of renting real estate, that goes without saying.

Mr. UNDERWOOD. What makes you engage in the business of renting real estate?

Mr. MANN. I am not engaged in the business of renting real estate.

Mr. UNDERWOOD. The gentleman admits that if he had a number of houses and was renting them by the month and went around collecting the rents he would be engaged in the business of renting real estate. I can see no distinction between that and the situation where he owns a number of houses and rents them for the year and has an agent go around and collect the rents.

Mr. MANN. The gentleman can see this distinction, that in the one case there would be only one tax paid for the business, and in the other there would be two. This is a question of business, and the excise tax is on the business.

Mr. UNDERWOOD. The business is renting real estate.

Mr. TOWNER. Will the gentleman yield?

Mr. UNDERWOOD. Let me get through with this first; I can not answer so many questions at one time. The gentleman wants to know whether a man like Mr. Carnegie, who is supposed to have many millions invested in bonds, is in business. Well, really, Mr. Carnegie is in many different kinds of business. He is in business entirely outside of his ownership of bonds. But if he is in any business whatever, then his excise tax is measured by his net income from all sources.

And I want to say this: If a man in Chicago is engaged in loaning money on watches, he is said to be in the business of a pawnbroker. Now, if a gentleman living in New York is lending his money out to great corporations, and instead of making a 30-day loan makes a 30-year loan, it seems to me that he is just as much in the business of lending his money as the man who loans his from the pawnshop. They are both engaged in the business of loaning money and make their income out of these loans. I think that is very clearly defined by the Supreme Court of the United States in the case of Flint *v.* the Stone Tracy Co., where the court says:

> It remains to consider whether these corporations are engaged in business. "Business" is a very comprehensive term and embraces everything about which a person can be employed. That which occupies the time, attention, and labor of men for the purpose of a livelihood or profit.

If a man takes his money, and his time and attention are engaged directly or through an agent in building houses and renting them, is not that within this definition—

> That which occupies the time, attention, and labor of men for the purpose of livelihood or profit.

If he has $100,000,000, and instead of investing it in real estate lends it on long or short time bonds or securities, does that not come within the definition that the Supreme Court lays down—that which occupies his time and attention for the purpose of a livelihood or profit? It seems to me it clearly does.

Mr. TOWNER. Mr. Chairman, will the gentleman yield?

Mr. UNDERWOOD. Yes.

Mr. TOWNER. I would like to ask the gentleman whether this case is within the rule, as he understands it: A farmer retires from his farm, rents it, and goes to town. If his income is more than $5,000 a year from that farm, is he engaged, within the meaning of the law, in such a business as to make him subject to the terms of this act?

Mr. UNDERWOOD. Mr. Chairman, I will say to the gentleman from Iowa that I have no doubt there are cases not within the terms of this law. We do not contend that it embraces every man, because, as I have already said, the idle holder of idle wealth will not be taxed under this bill; but I do contend that you will find in the end that there are very few idle holders of idle wealth; and I think that if a man were in the business of renting farms or invested his money in country real estate and rented it out for a livelihood, he would come within the terms of doing business as well as would the man who built houses in the city and rented them for a livelihood.

Mr. Chairman, I do not wish to take too much of the time of the committee, but before closing I wish to refer to the amount of revenue this bill is likely to produce. We must compare it with bills that have produced revenue in a similar way, and although this is not an income tax, it seeks to levy or fix the amount of the excise tax on the net incomes of individuals; and therefore we can fairly compare it with the tax collected under the income tax at the time of the Civil War and other similar income taxes.

The first tax on incomes was authorized August 5, 1861, at a rate of 3 per cent on the excess of all incomes above $800 per annum. This was increased in 1862, and again in 1865, until incomes between $600 and $5,000 were taxed at 5 per cent, and above $5,000, 10 per cent. As the immediate war necessities

became less pressing the limit of exemption was advanced to $1,000, and in 1867 to $2,000; in 1872 the tax was abolished. The number of persons assessed, with the total amounts received from this form of duty from 1866 to 1870, was as follows:

Year.	Number of persons.	Amount collected.
1866	460,170	$72,962,000
1867	266,136	66,014,000
1868	254,617	41,455,000
1869	272,843	34,791,000
1870	276,661	37,775,000

These figures clearly show that the tax as a whole was very productive, amounting during the five years shown in this table to $253,017,000.

It is true that at that time the taxes were levied on corporations as well as individuals, and this bill seeks only to levy a tax on individuals and copartnerships, a tax already being levied upon corporations. But considering the few corporations that existed in the sixties, as compared with the number of corporations that exist to-day; considering that aside from the States bordering the Mississippi there was almost a wilderness on to the Pacific slope, a vast stretch of country that is now filled with prosperous people and thriving cities; considering, for instance, the fact that the city of New York to-day has ten times the population it had at the time of the Civil War; considering all this, when we estimate that the present bill levying a tax against individuals and copartnerships doing business will bring $60,000,000, contrasted with the Civil War tax on a much smaller population and a much smaller amount of wealth, it is not an exaggeration to say that the law will produce that much, or more than was produced during any year of the five years of the Civil War.

Mr. LONGWORTH. Mr. Chairman, will the gentleman yield?

Mr. UNDERWOOD. Yes.

Mr. LONGWORTH. The gentleman admits that in order to raise $60,000,000 a year under this bill there would have to be available incomes amounting to $6,000,000,000 a year?

Mr. UNDERWOOD. Yes.

Mr. LONGWORTH. And that $6,000,000,000 a year is 4 per cent on a total wealth of $150,000,000,000 a year. The gentleman admits that?

Mr. UNDERWOOD. I am coming to the figures, and I will give my friend my own figures on the subject.

Mr. LONGWORTH. The gentleman has made the statement that conservatively estimated this tax of 1 per cent will produce $60,000,000 a year. I asked him a direct question whether that does not presuppose that there is wealth in this country amounting to $150,000,000,000 which is susceptible to this tax?

Mr. UNDERWOOD. I will state to my friend that if he will let me go ahead I shall give him my own argument in this case. You collect to-day $30,000,000 under your corporation tax. The amount of corporate wealth as measured by the capital stock of corporations making returns to the Commissioner of Internal Revenue in 1911 is about $58,000,000,000. Many of these corporations are exempt under the present law. You collect thirty millions of revenue from them to-day and you entirely overlook the fact that you do not collect any revenue from the bonds of these corporations.

You entirely overlook the fact that this bill taxes the earnings from the bonds of corporations and makes the owners of stock in holding companies pay a tax in addition to that under the corporation-tax bill. The amount of income from the bonded wealth in this country amounts to $1,200,000,000.

Mr. MANN. What were the gentleman's figures?

Mr. UNDERWOOD. I have not the memorandum before me, but I will correct it if I am not correct.

Mr. LONGWORTH. The gentleman is very much underestimating the bonded wealth at $1,200,000,000. It is over $30,000,000,000. It all appears in the report of the minority on page 4. The gentleman does not dispute the accuracy of the figures of the minority report?

Mr. UNDERWOOD. Not at all. I find by reference to the report of the Commissioner of Internal Revenue that the amount of bonded wealth, as measured by the bonded indebtedness of the corporations making returns in 1911 under the corporation-tax law, is $30,715,336,008. At only 4 per cent interest this bonded wealth would earn more than $1,200,000,000.

Mr. MANN. The gentleman, when he said $1,200,000,000, must have meant interest.

Mr. LONGWORTH. These are the figures furnished by the Treasury Department.

Mr. UNDERWOOD. The tax levied by this bill on this bonded indebtedness will far exceed $12,000,000.

Mr. LONGWORTH. But the gentleman must realize that a vast amount of these bonds have been held by corporations which are included in estimating the total income earned by those corporations.

Mr. UNDERWOOD. Not a vast amount of them.

Mr. PAYNE. The gentleman will know more about it when it becomes a law as regards taxing insurance companies. What I rose for, however, was another question. He states that under the law of 1867, or whatever the date was, the percentage of taxation was 5 per cent on incomes below $5,000 and 10 per cent on those above. Now, of course, under this law the income tax is only 1 per cent. Has the gentleman made any computation to show how much less it would have produced under the other law?

Mr. UNDERWOOD. The gentleman can make the calculation.

Mr. PAYNE. And also how much would be deducted on account of the smaller limit of income that was taxed under the old law? Here $5,000 is the limit; under that all under $5,000 was taxed at 5 per cent.

Mr. UNDERWOOD. I will answer the gentleman's question. In 1866 there were 460,000 people assessed. The total amount collected was $73,000,000.

Mr. PAYNE. How much were the exemptions?

Mr. UNDERWOOD. Six hundred dollars.

Mr. PAYNE. Instead of $5,000?

Mr. UNDERWOOD. Instead of $5,000.

Mr. PAYNE. Then the corporation was out of the list?

Mr. UNDERWOOD. But, as I stated to the gentleman, and the gentleman from Ohio [Mr. LONGWORTH] admits, that we go into the domain of corporations and tax them $5,000,000 a year. It is reasonable to estimate that this law will produce from the bonds of the United States $12,000,000 a year, and that the additional tax of the holding companies will amount in the neighborhood of $8,000,000, so that out of the corporate wealth that you are already taxing we will obtain $20,000,000 of additional revenue from corporate wealth. This bill can raise $50,000,000, and only have $30,000,000 to raise out of the entire wealth that is owned by individuals and copartnerships.

I will approach the estimate from this viewpoint. The total wealth of this country, according to the census of 1909, was estimated at more than $135,000,000,000. At the rate of increase between 1900 and 1905, as shown by the statistics of the Bureau of the Census, the wealth of the United States during the first 12-month period under H. R. 21214 will be not less than $150,000,000,000. The total corporate wealth as measured by the capital stock of all the corporations making returns to the Treasury Department under the corporation-tax law amounted, in 1911, to $57,886,430,519. From a careful examination of the classes of industries represented by these corporations it would appear conservative to estimate that at least $12,000,000,000 of this capital stock represents inflation above the actual wealth invested in the industries, thus leaving $46,000,000,000 to represent the actual corporate wealth in 1911. Estimating the same annual increase between 1911 and 1913, as was shown between 1910 and 1911 in the returns of corporate capital under the corporation-tax law, the amount of the actual corporate wealth of the country in 1913 would be estimated at about $55,000,000,000. If, from the total wealth of $150,000,000,000 for 1913 there be deducted the fifty-five billions of corporate wealth, the result, ninety-five billions, would represent the noncorporate wealth. From the corporations in 1911 there were collected $29,432,255, and at the same ratio of increase as that given for the capital invested, the amount of revenue to be collected in 1913 would be estimated at $35,200,000. Now, if it may be assumed that an individual is as likely to have a net income in excess of $5,000 as a corporation, it would be seen that as fifty-five billions of corporate wealth produced $35,200,000 of revenue, the ninety-five billions of noncorporate wealth would produce revenue to the extent of $60,800,000.

Mr. PAYNE. Does the gentleman ever consider that when he gets to taxing mutual insurance companies what mighty hot water he will be getting into?

Mr. UNDERWOOD. Well, I will say to the gentleman that he has not read this bill, and I am surprised that he has not, because I know of no one of my colleagues on the Ways and Means Committee that are ordinarily more diligent in their duties and in the understanding of the measures that come before that committee than the distinguished gentleman from New York. But he knows, if he has read the bill, that we are not attemping to tax mutual insurance companies. We tax the income——

Mr. PAYNE. Oh, well, that is playing upon words. It is hardly worthy of the gentleman. It is nothing but an income tax, pure and simple. There is nothing less of it by calling it an excise tax and measuring it by the income.

Mr. UNDERWOOD. But the Supreme Court of the United States differs very widely from the gentleman.

Mr. PAYNE. Not any more widely than with the gentleman from Alabama on the subject.

Mr. MADDEN. Will the gentleman answer one question, please?

Mr. UNDERWOOD. Yes.

Mr. MADDEN. The gentleman stated a moment ago that outside of the corporate wealth there were $95,000,000,000 of wealth in the United States. Can the gentleman state, for the information of the committee, how much of the $95,000,000,000 is in the exempt class?

Mr. UNDERWOOD. I can not state it accurately, but it is comparatively small.

Mr. MADDEN. Approximately?

Mr. UNDERWOOD. As the gentleman understands, when I say that there is ninety-five billions of wealth, he understands that most of that is taken from assessed value. I do not know what the assessed value in his section is——

Mr. MADDEN. The assessed value is only one-third of the actual value.

Mr. UNDERWOOD. In my country the assessed value is usually one-half. Now, the assessed values are about one-half or one-third of the actual values.

The figures for wealth are largely taken from the assessor's books and estimated by the Bureau of the Census from book figures. But as the gentleman knows, and as I know, those assessed values are very much less than the actual values.

Mr. MADDEN. There is no doubt about that.

Mr. UNDERWOOD. And therefore the amount of tax will far exceed the assessed value, because this bill will levy a tax on the actual value.

Mr. MANN. Mr. Chairman, will the gentleman yield there?

The CHAIRMAN. Does the gentleman from Alabama yield to the gentleman from Illinois?

Mr. UNDERWOOD. I yield.

Mr. MANN. The gentleman spoke of the assessed value in our State. But the one hundred and thirty-five billions of wealth a year or two ago was not based upon the assessed valuation in our State. It was based on the actual valuation, which is three times as much as the assessed valuation.

Mr. UNDERWOOD. What I mean to say is that these values are largely taken from the assessors' books, and the estimate is made in that way.

Mr. MANN. I think the gentleman is mistaken. They may be based upon the assessors' books, but they are estimated by the actual values.

Mr. UNDERWOOD. They may be in some places and in other places not. But I have no doubt, nor do I think anyone has, that this estimate of values in the United States is largely under the actual values.

Mr. WARBURTON. Mr. Chairman, will the gentleman allow me to interrupt him?

The CHAIRMAN. Does the gentleman from Alabama yield to the gentleman from Washington?

Mr. UNDERWOOD. Yes.

Mr. WARBURTON. I would like to ask the gentleman if the committee has any data as to the number of men who are drawing salaries of over $5,000 a year? Would not that be a very large number?

Mr. UNDERWOOD. It would be a very large number, but I have not the information, and therefore I can not answer the gentleman's question.

Mr. FOCHT. I would like to ask the gentleman a question. It has not been made quite clear as to whether or not you propose to reach the enormously rich individuals——

Mr. UNDERWOOD. I will say to my friend——

Mr. FOCHT. Let me ask the question further.

Mr. UNDERWOOD. If you will allow me, I will say that I would be glad to yield my time, but when the gentleman was not in here I discussed that question for three-quarters of an hour. I will therefore ask my friend to read the RECORD in the morning and not take up my time now.

Mr. FOCHT. The gentleman is sure about that?

Mr. UNDERWOOD. I have just explained that, and I do not wish to go into the explanation again. But I think it does reach that class of wealth.

Mr. FOCHT. In this bill you tax industry and enterprise. Now, does it reach Mr. Carnegie's three hundred millions, and Mr. Morgan's five hundred millions, and Mr. Rockefeller's eight hundred millions? Do you think you can reach that enormous personal rebated wealth?

Mr. UNDERWOOD. I think so.

I have submitted my estimate of the amount of revenue to be collected under this tax, giving the details more fully than I have explained on the floor of the House. I merely wish to say that I have the utmost confidence that if this bill becomes a law it will produce as revenue for the United States Government between fifty and sixty million dollars, at a low estimate.

Now, in conclusion, I merely want to say——

Mr. MANN. Before the gentleman from Alabama yields the floor I would like to ask him a question about the bill. I do not know whether the gentleman can dispose of it, because I understand the gentleman himself did not draw the bill. With reference to this provision for the deduction by paymasters and officers of the Government, and employers anywhere, that the paymaster shall deduct the aforesaid tax of 1 per cent, I do not find anything in the bill which provides for a reduction pro rata of the amount, or any method of determining that. Is that the intention; and if so, how do you arrive at the limitation of $5,000?

Mr. UNDERWOOD. I will state to the gentleman that the purpose of the bill is this——

Mr. MANN. I understand the purpose of it. I quite appreciate that. I was discussing the question, so that if there is an explanation it could be given for the guidance of administrative authority.

Mr. UNDERWOOD. If the gentleman will permit, I will try to give an explanation. The purpose of this bill is, if possible, to adopt the English system and collect the tax at the source, and where it is so collected it can not be collected again.

In this connection I will quote Prof. Seligman from his book entitled "The Income Tax":

"The principle of the stoppage at source in the income tax was introduced in England. As compared with the old method of the direct, lump-sum assessment of incomes, the effects of the stoppage-at-source method were immediately noticeable. Although the rate of the new tax was only one-half of the old one, the yield was almost the same. In other words, the alteration in the principle of assessment at one blow doubled the efficiency of the tax. No more signal proof could be afforded of the vital importance of good administrative methods in fiscal practice. * * * In the United States the arguments in favor of this method are far stronger than in Europe, because of the peculiar conditions of American life. In the first place, nowhere is corporate activity so developed and in no country of the world does the ordinary business of the community assume to so overwhelming an extent the corporate form. Not only is a large part of the intangible wealth of individuals composed of corporate securities, but a very appreciable part of business profits consists of corporate profits. In the second place, in no other important country are investments to so great an extent domestic in character. The one great difficulty in England * * * is that connected with foreign securities. And in France, where the same difficulty exists, * * * the projected control of these foreign investments through the French bankers and agents forms the one difficult and complicated point in the scheme. In the United States, on the other hand, the situation is the reverse. Instead of our capitalists seeking investments abroad, it is the foreign capitalists who purchase American securities. We are therefore fortunately exempt from the chief embarrassment which confronts Europe, and there is every likelihood that this situation will not be changed for some time to come. The arguments that speak in favor of a stoppage-at-source income tax abroad hence apply with redoubled force here. The stoppage-at-source scheme lessens to an enormous extent the strain on the administration; it works, so far as it is applicable, almost automatically; and where enforced it secures to the last penny the income that is rightfully due."

But inasmuch as all of the tax could not be collected at the source, there is an additional provision in the bill to the effect that the man who is taxed must make a return. Now, there is no intent in this bill to collect the tax twice. If in his return the man shows that he is receiving a salary from a corporation subject to a tax which has been deducted from the salary and paid by the corporation, he will be given credit under the terms of this bill for the amount that has been paid for him, and he will have to pay only the excess above that which has already been collected from him at the source.

Mr. MANN. If the gentleman will pardon me, he is not answering the question that I asked at all. I understand that part of the bill. A Member of Congress receives $7,500 a year. You know that a part of that might be taxed, and you might deduct one-twelfth part of 1 per cent per month, although that is not what the bill says. That would be the English system. But supposing a Member of Congress received $4,000 a year. How much would be deducted the first month?

Mr. UNDERWOOD. There would not be any deducted. It would then be apparent that the income was not subject to taxation. Therefore the disbursing officer of the Congress would not pay any tax for him, but that Member of Congress

who received only $4,000 a year would have to put that $4,000 in with the balance of his income when he made his return, and it would be estimated by the collector of internal revenue when he made up his tax.

Mr. MANN. I appreciate that the English system provides for the deduction of a pro rata amount. This provides for a deduction of 1 per cent.

Mr. UNDERWOOD. Yes.

Mr. MANN. Is it the intention to deduct a pro rata amount of 1 per cent?

Mr. UNDERWOOD. I may be very dull, but I must say I do not understand the gentleman's question. Does the gentleman mean, Shall it be done by the month or by the year?

Mr. MANN. Is it one-twelfth every month, when you are paid a monthly salary or one twenty-fourth every two weeks, when you are paid a semimonthly salary?

Mr. UNDERWOOD. Under this bill, as I understand it, it would be the duty of the Sergeant at Arms to retain that portion of the tax, where he paid a salary that was subject to the tax, and he would determine how he should retain it. He would have to make the return only once a year. He might find it necessary to retain a portion each month. He might find it necessary, in order to protect himself, to collect it all at the end of the year; but the burden will rest on him to see that the tax is paid, and he would exercise his own discretion in determining at what time he should deduct the amount of the tax.

Mr. MANN. The bill says, if the gentleman will notice about the retention—

Computed on the basis herein prescribed—

Which is a basis of computing 1 per cent on all over $5,000 income.

Mr. UNDERWOOD. Certainly.

Mr. MANN. That is what a corporation is required to do, to retain 1 per cent.

Computed on the basis herein prescribed.

If anybody can explain what that means, there ought to be an explanation put in the RECORD, as a matter of some advice at least to the administrative officers, because, without it, there will be inextricable confusion, if this bill becomes a law, on the part of employers or corporations paying salaries.

Mr. UNDERWOOD. I will say to my friend from Illinois that under the corporation tax, the administrative features of which were not considered as fully as those of this bill, there would have been inextricable trouble in collecting that tax if the Secretary of the Treasury had not been authorized to make rules and regulations for its collection. That avoided the difficulties and enabled him to establish a fixed system for the enforcement of this law. This bill also provides that as to the working features of the law the Secretary of the Treasury may make such rules and regulations as he finds necessary, and I think it is safer to allow the Secretary to make such rules and regulations, which may be changed as emergencies may require, than to enact them as a part of the fixed law of the land.

Mr. MANN. If the gentleman will pardon me, I quite agree with the gentleman in that statement. The trouble is that the bill endeavors specifically to cover those things. He could not make rules and regulations that conflicted with the terms of the law.

Mr. UNDERWOOD. It does not specifically cover those propositions, and the gentleman said the administrative features were not specific. They only say that 1 per cent shall be collected, as I indicated a minute ago. Now, I will ask my friend to let me conclude my remarks.

Mr. MANN. I am sorry that I trouble the gentleman by asking him questions.

Mr. UNDERWOOD. It is no trouble at all. I simply wish to conclude my remarks.

Mr. MANN. Of course, if the gentleman does not like to answer questions——

Mr. UNDERWOOD. I have endeavored to answer the questions of the gentleman from Illinois, and I think I have done so.

I merely want to say, in conclusion, that, so far as the Democratic Party is concerned, it has always stood for the proposition that the wealth of this country should bear its fair share of the taxes necessary to support this great Government.

I do not believe there has ever been a decision in the United States that has brought more criticism on the courts of this land than the 5 to 4 decision in the income-tax case, especially in view of the unfortunate way in which that decision was rendered. Up to the time of that decision I had never heard the highest tribunal of the United States criticized. It was recognized by all men as the final arbiter of justice. As long as this Government retained the power to tax wealth, and exercised that power, we did not hear the continual socialistic cry against the rich. But when the Supreme Court of the United States abandoned a line of decisions that had been maintained for a hundred years and notified the people of the United States that the great wealth of this country was exempted from the power of the Government to levy taxes upon it, that marked the beginning of unrest. The time never will come when the toiling masses of the American people will be content to bear the great burdens of taxation to support a Government that properly and justly protects the great property interests of this country, when those great property interests are exempt from taxation and do not have to bear their proportionate share of the burden of the Government. In my judgment there is nothing that this Congress can do that will go further toward the maintenance of a stable government and toward quieting discontent in the land than to return to the principles of our fathers and place a fair share of the burdens of taxation on the great wealth of this Nation. And to-day that proposition confronts every Member of this Congress.

I do not think any man can justly question the constitutionality of this bill. He may indulge in captious criticism as to the extent to which this tax can be levied, but it is an honest effort to tax the great wealth of this country. If it does not go as far as it should go, it will be an incentive for the people of the United States to ratify the proposed amendment to the Constitution. To-day you are presented with an opportunity to say whether you propose to continue levying taxes necessary for the support of this Government on the consuming capacity of the American people, or whether you are willing that a comparatively small portion of the burden of maintaining the Government shall be borne by great wealth, whose possessors, more than anyone else, receive the benefits of government. [Applause.]

Mr. PAYNE. Mr. Chairman, I yield 15 minutes to the gentleman from New York [Mr. MALBY].

Mr. MALBY. Mr. Chairman, it is not my purpose to enter into a discussion of the constitutionality of this bill, not only on account of the fact that it has been very ably disposed of by others, but there are so many other serious objections to its passage on the merits that from my viewpoint its legality or illegality is not very material.

Neither shall I discuss the question as to the amount of money which could be collected from the people under its provisions, although this is important if it is intended to take the place of a law which now concededly produces about $55,000,000 of revenue per annum. For I am opposed to the whole policy and scheme which its adoption in any form would force us to accept. It is simply a general scheme which the Democratic Party has adopted to excuse their murderous assaults upon the great industries of the country, as this has already been done upon one of them so far as any action on the part of this House could make it possible.

I am opposed to a national income tax and to a national tax on corporations in times of peace, for in this legislation one clearly sees a well-defined scheme and purpose on the part of the Democracy to change our entire existing system of raising moneys for the support of the Government and a substitution of it for the present system of a tariff.

It is in relation to this change of our national system of taxation and its effect that I shall endeavor to point out, as it seems to me most important of all. With a legal income and corporation tax which can be increased from year to year to cover any blunder which the Democracy is sure to make there would be no necessity for an income from the tariff on imports, whether it be levied for protection's sake or for a revenue.

The gentleman from Alabama, the present leader of the Democracy in this House, has so plainly stated the position of himself and his party as to leave no doubt as to exactly where they stand in relation to the tariff. He has frequently announced, and reiterated only a day or two ago when he and his party were engaged in the killing off of a great agricultural industry, that neither he nor his party had ever since the beginning stood for a tariff upon any American industry for the purpose of protecting it against the slave labor of the world, but only allowed it to exist as a necessary evil to raise money for the support of the Government. When this necessity no longer exists, then there will be no tariff for protection or otherwise if the Democracy remain in power and have their way.

This is one of the reasons why I am opposed to this legislation, and it presents an all-sufficient reason why it and all kindred legislation should be defeated.

To show that I am correct as to the purposes of the Democracy it is only necessary to state the reasons which they offer for the passage of this bill, which are that having passed a free-trade bill on sugar and thus lost $55,000,000 of assured annual income they proceed to try to recoup this loss by the

passage of this bill, and this scheme will continue until the last vestige of a protective tariff is wiped out and the entire burden of supporting the Government is placed upon its business interests in one form or another.

This whole scheme, if entirely successful, would result in the destruction of substantially all our great industries, and at the same time transfer an additional burden upon the business interests of the country which are already bearing the greatest share of the burden of Government, whether national, State, or local. And this fact suggests to me another reason for opposing the passage of this bill.

Let us stop for a moment and inquire as to what method is now employed in conducting the business affairs of the country and who are now paying the greatest proportion of taxes. Most business is now conducted by a corporation duly organized under the laws of some State. This method has been generally adopted not only because it can be better conducted in that way than in any other, but it is also possible to secure a much larger amount of capital for investment so necessary for the economical management and production of articles to be manufactured.

A majority of all the incomes of our people upon invested capital is derived from the ownership of stock and bonds in some one of these thousands of corporations which transact the business of the country. But our Democratic friends denounce them, one and all, as a common scourge. I do not recall that in the five years of my service here that I have ever heard a Democrat say a kind word for an industrial or other corporation or ever performed an official act which had for its intent and purpose the benefiting of the business in which they were engaged. On the other hand, I have heard them denounced almost daily as thieves and robbers and the common enemy of all mankind; and, as the surest way of exterminating them all, they propose not only to take away from them all the protection which under the laws they now enjoy, but, as though that were not enough, tax them completely out of existence.

In their desire to render some excuse for this wholesale and unjust denunciation of our business interests no care even is ever exhibited for the poor and unfortunate employee, who will be obliged to either take the wages paid to his unfortunate brother in other lands or starve. But who cares for the workingman, anyway? Certainly not the Democracy, who have ever stood for cheap labor. And, besides, does not their scheme contemplate affording them an opportunity of purchasing in the markets of the world all that which they were heretofore paid for and produced? What difference is it whether he has the price to purchase his daily bread and the other necessaries of life or not? Has not Democracy agreed to remove every tariff Chinese wall, and that is all that it ever agreed to do? When did Democracy ever agree to keep the laborer employed at present or even living wages? Never. They only agreed that everything he required for his daily comfort would be cheaper, because he would be privileged to purchase from others cheaper than it has heretofore been possible for him to produce them for himself.

Oh, this Democratic free-trade idea is a fine thing! Just think of it for a moment, for under it you can purchase all your goods from foreign lands cheaper; and if any employer in this country tries to lower the wages of his employees because he can no longer get his old prices, and therefore can not afford to pay higher or usual wages, have not the Democracy assured him in advance that the employer is simply an old member of the Ananias club and is robbing him at every opportunity?

And besides, has not the Democracy proposed to so amend existing law that no injunctions can hereafter be granted by the courts against them, and hence they are at liberty not only to strike but to boycott and destroy their employers' property at will, and beat up and destroy him personally to their hearts' content? Is not that enough for a laboring man in addition to the joy of free trade? What does he want anyway—the earth? Why should he be ever heard to suggest that free trade means free labor? Why should he ever inquire how his employer is going to be able to pay him a thousand dollars for producing a given quantity of merchandise when it must be sold in competition with similar articles in the same market which have cost only one-half or one-third as much to produce? Why muddy the Democratic waters by the asking of such irrelevant questions?

It has ever been the policy of the Republican Party to raise its revenues in times of peace by an internal-revenue tax, levied for the most part on luxuries, such as liquors and tobacco, and a tariff upon imported articles, which has not only resulted in producing a sufficiently large revenue for the support of the Government, but has protected the laborer and secured for him more than a living wage. The National Government has never attempted in times of peace to invade a State and take from it its sources of income by levying a tax either upon its business or property. The various States, and the counties, towns, and municipalities therein, have been granted and assured a free field to raise taxes in such manner as they saw fit upon the property within the State. The States have relied upon this as a settled policy of the National Government and have so regulated their taxes that all business and property therein is made to bear its just share of the burdens of government, and this system so long adopted can not be disturbed without great injury and hardship resulting therefrom. Vast responsibilities have been assumed by most of the States, and a change in the methods of raising funds to meet the current expense of the National Government would result in unjustly increasing the burdens of those who under State laws are bearing their just proportion of taxation.

To illustrate, take the State of New York as an example. For several years past and up to last year before the Democracy came into power all the expenses of the State government were met by indirect taxes. Taxes were levied upon real estate and some personal property not otherwise taxed to defray the great expenses of towns, counties, and municipalities. Vast obligations have been assumed by our State as well as by our counties, towns, and municipalities in reliance upon a continuance of this general policy of taxation by the National Government. The State of New York has up to the present time authorized the issue of $127,000,000 of bonds for the improvement of its canals, $50,000,000 of bonds for good roads, and several million dollars more for a forest preserve and other purposes, and it is now seriously contemplating other improvements on a vast scale.

The bonded indebtedness of our cities, counties, and towns is so great as to make our national debt look like 30 cents. For instance, the bonded indebtedness of the city of New York alone is about equal to the national debt with a yearly tax roll of $200,000,000, and other cities in like proportion.

Are not the burdens of our taxpayers quite enough at present without the National Government adding anything thereto? If our business interest can stand any further taxation than it now bears, should it not be left to our State to determine those additional burdens instead of being further robbed and deprived of that by the National Government, whose present sources of supply are ample for all purposes?

Our citizens are now contributing their full share toward the support of the National Government under existing laws. Our State only recently, and in order to preserve to itself the opportunity of levying further taxes by different means if necessity required, has by its present assembly passed by a large majority a resolution repealing its former ill-considered action of a year ago which gave its consent to the National Government to levy an income tax upon our citizens. We need all the revenues which we can legitimately and properly get by any fair system of taxation to discharge our existing obligations and to meet current expenses. We have never appealed to the National Government for aid in the construction of our canals or good roads or in the preservation of our forest preserves. We have taken pride as a State in doing these things ourselves, not only for the benefit of our own citizens, but for the Nation and the world at large, and we wish to continue to do so.

This Democratic scheme, however, would result not only in destroying our tariff policy, and hence our great industrial system, but would at the same time destroy our present just and equitable system of National, State, and local taxation to the serious injury of all concerned.

For these reasons I am opposed to the passage of the present bill, and I have reason to believe that I but speak the sentiment of a vast majority of the citizens, not only of my native State, but all other States of the Union, which are trying to discharge their obligations to their citizens without constantly appealing for aid to the National Government. [Applause.]

Mr. UNDERWOOD. Mr. Chairman, I yield 10 minutes to the gentleman from Michigan [Mr. SWEET].

Mr. SWEET. Mr. Chairman, the sugar bill just passed and the present excise bill imposing a tax upon net incomes of over $5,000 may well be considered as practically one piece of legislation. The sacrifice of Federal revenues by removing the tariff on sugar is about $53,000,000. This is the amount collected at the customhouse on sugar imported from Cuba and other foreign countries, but the tariff rate raises the price of this important food product to all American consumers, so that in addition to the $53,000,000 which they are paying annually into the United States Treasury, they are paying about $60,000,000 to the producers and refiners of sugar in the United States.

The bill now under discussion is expected to produce a revenue of between fifty and sixty millions of dollars per annum,

and if both measures are enacted into law they will shift the burden from sugar consumers, who are largely people of moderate means, and place it upon those who have incomes in excess of $5,000 per year.

The gentleman from New York [Mr. MALBY], who has just addressed the House in opposition to these measures, very properly characterizes them as a change in our national system of taxation. This is not the first time that sugar has been placed on the free list nor is it the first time that we have had a tax on incomes, but it is the first time that these enactments have been contemporaneous or with the avowed purpose of giving relief to the consuming masses of our people, and in this respect it marks an important epoch in Federal taxation.

I firmly believe that these measures are based upon a correct principle, and it is my purpose to briefly consider the attitude of the two principal political parties on the important subject of raising revenues for the Federal Government.

In 1904 the Republican national platform for the first time admitted that there was danger of carrying the protective principle too far, and it was deemed advisable, as a party measure, to lay down some rule or standard by which it should be limited. This was out of deference to a well-recognized public sentiment that the rates of the Dingley law were too high. The language used was somewhat noncommittal, but it answered its purpose. It is this: "The measure of protection should always at least equal the difference in the cost of production at home and abroad." A too-confiding public construed this as a statement that it would be feasible, or at least possible, to ascertain the difference in the cost of production at home and abroad, and that if continued in power the Republican Party would proceed to ascertain such difference and readjust the tariff rates accordingly.

President Roosevelt was reelected and both Houses of Congress were Republican by a safe majority, and yet no steps were taken to ascertain the difference in the cost of production, and the rates of the Dingley law remained unchanged.

In 1908 the murmurs of the previous four years had become a very pronounced uproar of popular discontent. It would not do to go before the public without a more definite promise of relief. Hence, the assertion in the platform of that year of the new principle that the measure of protection ought to be the difference in the cost of production at home and abroad, omitting the words "at least" used in the previous platform, but surreptitiously opening the door for rates higher than this rule would permit by adding "together with a reasonable profit for American industries." This remarkable and somewhat startling "reasonable profit" clause then for the first and probably the last time made its appearance in a Republican platform.

The situation in 1908 was so acute that this additional platform announcement was made:

> The Republican Party declares unequivocally for a revision of the tariff by a special session of the Congress immediately following the inauguration of the next President.

During the campaign which followed the Republican candidate for President and other party leaders, without exception, stated that this meant a material downward revision. They admitted the justice of the popular demand, made no claim that the Dingley rates were in harmony with the cost of production rule, and recognized that the exigency for a downward revision was so great that a special session of Congress should be immediately called in order to give the needed and promised relief.

The Republican candidate was elected, a special session was called, and the Payne-Aldrich tariff law was enacted. It is generally conceded that the rates of the Dingley law were not reduced. The most offensive schedule, that taxing wool and woolens remained without material change. The rule which the party had laid down as the proper measure of protection was ignored from the start by the controlling faction of the Republican Party, by the very men who had only a few months before interpreted and praised it, and asked for the votes of the people and a continuance of power in order that the tariff might be reduced by its friends according to the platform principle by which protection was to be measured. This is history.

In order to accurately determine the attitude of the prevailing faction of the Republican Party upon the question of Federal taxation it is necessary right here to dwell for a moment upon the merits of the measure of protection which they have laid down.

The business community never took any stock in the guaranty of profits, but the difference in cost of production plan seemed plausible on its face, and for a time received more approval than a careful analysis of it justifies.

The city of Grand Rapids, where I reside, is recognized as the greatest furniture center in the world. Some of its factories make satisfactory profits and declare large dividends. Others, with the same kind of labor and machinery, make no profits at all. Such differences are found in every industry the world over. One factory buys its raw material when the market is the most favorable and in large quantities. It stores its material and locates all machinery so that not an unnecessary step need to be taken. It is careful in its selection of selling agents and takes vigorous measures to keep them up to their work. It adopts a wise and just policy toward labor, avoiding strikes and other complications. Another factory just across the road, making the same line of goods is conspicuous for its neglect of all these things. They sell their output in the same market at substantially the same price. If there were any uniformity of cost, there would necessarily be some uniformity of profit. The fact that there is in reality such a wide difference in profits clearly indicates a corresponding difference in cost of production. It is the difference between good management and bad management. Which is to be taken as the American standard? The best-managed factory, with its low cost, or the worst-managed factory, with its excessive cost?

But before we reach that point we encounter another difficulty. The badly conducted factory has no accurate method of keeping a cost account, while the best-conducted factory under the shrewdest management would regard its cost of production as a trade secret. I doubt if any Member of this body, or any commission appointed either by this body or by the President, can ascertain the actual cost of production in any single furniture factory in Grand Rapids or the difference of cost between different factories. Manufacturers can not afford to show their hand to their competitors or to the purchasing public, and unless charged with illegal conduct can not be compelled to do so.

The management of a factory through death, resignation, and other causes is necessarily subject to frequent changes. It may be highly efficient now and equally inefficient a year hence. If the difference in the cost of production between any two factories could be accurately ascertained at any given time a year or even a month later the difference might be materially changed or even reversed.

Our tariff laws have put a premium on inefficient management in the protected industries by the removal in whole or in part of competition, which is essential to the highest degree of human effort. The Interstate Commerce Commission refused to permit the railroad companies to raise their rates on the ground that their management was not as efficient as it might be and that with better management fair profits could be earned at existing rates. If this is good medicine for railroad companies why not for steel companies, sugar companies, woolen and cotton companies? Why should inefficient management be a liability in one case and an asset in another? If the cost of production is higher in this country than in some other country it is of the highest importance to know why. Does it come from the payment of higher wages or from using out-of-date machinery or from overtaxed materials such as lumber and steel used in the erection of plants or from overtaxed raw materials used directly in the manufacturing process, or does it come from inefficient management?

It is the evident purpose of the Republican national platform to convey the impression that there is a difference in the cost of production between our own and foreign countries, that this difference is against us, that it can be ascertained with reasonable accuracy, and, furthermore, that it is caused solely or chiefly by the higher wages paid to American labor.

The tariff clause in the platform of 1908 alleges that one of the purposes of a protective policy is to—

> maintain the high standard of living of the wageworkers of this country who are the most direct beneficiaries of the protective system.

That American manufacturing interests are handicapped by some heavy legislative burdens which may be removed in the near future can not be denied and yet even on our present basis it is a libel upon American industry to assert that the cost of production is uniformly or usually greater in this than in other countries. In spite of artificially increased cost of buildings, machinery, and raw material and in spite of the very material sacrifice of our foreign commerce entailed by our protective policy we still hold no mean rank as an exporting Nation and of our total exports very nearly one-half are the output of our factories. Germany and England alone surpass us. Our annual exports of manufactured goods are crowding the billion-dollar mark. They are about twice as great as our exports of food products. This means that we are even now meeting open competition in the world's markets in respect to numerous articles of manufacture. And this means that our cost of production can not be materially higher than the cost to our competitors. But even if it were higher the claim that higher wages are the chief or only cause is an unwarranted and unjust aspersion upon

American labor. The superior intelligence of our labor due to our public-school system and our free institutions is conceded. Its greater efficiency both of mind and muscle, the result of better education and better food, is beyond question. That American labor gives better service in proportion to its better pay and that it gives as good value received for its wages as any labor on earth it ill becomes any well-informed American to dispute.

Why should the toiling masses of the United States be taxed for all time to come on the pretext that they and they only are responsible for an excessive cost of production which our great and growing export trade refutes and which, if it exists at all, is clearly due entirely or in great part to other causes?

What is meant by the word "abroad" used in the Republican platform statement? England and Japan are from our standpoint equally abroad. With which is the comparison to be made? With the nation which gives us the sharpest competition? If so, what is to be taken as the standard of cost in that nation? Its manufacturers differ from one another the same as our own. Some make large profits and others none. If it is practically impossible to get accurate figures here, how can we expect to get them from the manufacturers of a competing foreign nation?

What I have said thus far fairly raises the question as to whether the statement in the Republican platform was made in good faith. Its framers were intelligent men. They could not have overlooked these difficulties. They knew that accurate information was not obtainable and that many months would be required to procure even its semblance; and yet in the same paragraph of the same platform they promised that Congress would be called in special session immediately after the inauguration of the next President for the purpose of revising the tariff.

If the Republican Party had been sincere, would it not have followed up its announcement in the platform of 1904 with the establishment of a commission to ascertain or try to ascertain the difference in the cost of production at home and abroad? If sincere in its statement of 1908, why did it declare for a revision with such unusual haste and with the certainty that it would not have the aid of such an investigation in making the revision promised?

If President Taft considered such information essential, why did he approve the Payne-Aldrich bill, which was not only prepared without any effort to get it, but in total disregard of the principle laid down in the platform upon which he was elected? Upon what claim of consistency can he justify his approval of a bill which did not reduce the rates and his subsequent veto of a bill which did reduce the rates upon a reasonable and conservative basis, when the conditions as to information were precisely the same?

The platform provision for the guaranty of a reasonable profit to American industries can only be applied to protected industries and suggests a discrimination which every unprotected producer and every suffering consumer resents. If it were not so mischievous it would be ludicrous. The chief claim of the Republican Party for its excessive tariff rates has been that they were necessary to protect American labor, and yet it adds insult to injury by guaranteeing profits to the manufacturer without a corresponding guaranty to the laborer and without the slightest suggestion that the guaranteed profits are to be divided. [Applause.]

The Tariff Board provision of the Payne-Aldrich law met with some approval from the business community. It looked like an effort to take the tariff out of politics and place it under control of a nonpartisan board of experts, and it was hoped that this would put a stop to tariff tinkering and that it would place the tariff upon a more scientific basis. It is quite possible that a permanent tariff commission, responsive to the lawmaking branch of the Government rather than to the executive, might procure information and offer suggestions which would be helpful to Congress in the preparation of tariff bills, but it is apparent that, simple as the problem may appear at first sight, the determination of the existence of a difference in the cost of production at home and abroad and if one is found, which side it is on, what it amounts to, and what its causes are, presents a complex proposition which involves a vast number of inquiries and investigations, some of which are physically unattainable.

It is also apparent that if the figures or the conclusions of such a commission should be at variance with the facts disclosed by our actual export of manufactured goods, the latter would control. One of the inherent weaknesses of the tariff system is that the rates must be changed from time to time to meet the varying conditions of Government expenses and changes in the amount of revenues derived from other sources. Tariff revision is a legislative function which Congress can not farm out to any commission; and if it could, these changes which are deemed so detrimental to business could not be avoided.

That the present attitude of the stand-pat faction of the Republican Party upon the subject of Federal taxation is distinctly favorable to the permanent maintenance of high protective rates on all commodities now taxed, including food products and other necessaries of life, is beyond question. That some of them are opposed to the transfer of any part of Federal taxation as proposed in this bill on the ground that it will interfere somewhat with their protective policy is amply proven by the arguments they have used in this discussion.

The Democratic platform of 1904 favors "a revision and a gradual reduction of the tariff," and the Democratic platform of 1908 contained this further provision:

> Articles entering into competition with trust-controlled products should be placed upon the free list, material reductions should be made in the tariff upon the necessaries of life, especially upon articles competing with such American manufactures as are sold abroad more cheaply than at home, and gradual reductions should be made in such other schedules as may be necessary to restore the tariff to a revenue basis.

It also contained these words:

> We favor an income tax as part of our revenue system.

Farm machinery, sewing machines, wire for fencing, and other articles of iron and steel, and refined sugar enter into competition with trust-controlled products, and many of these articles are sold abroad more cheaply than at home. Hence the Democratic majority in this House has consistently done everything in its power to place them on the free list. At the extra session, as well as at the present session, it has earnestly tried to make material reductions in the tariff upon the necessaries of life. This conscientious regard for party pledges is in striking contrast with the conduct of the Republican Party with reference to its own pledges. [Applause.]

In these acts and in the Democratic declaration for an income tax and in this bill, which is the fulfillment of that promise, we find the attitude of the Democratic Party upon the subject of Federal taxation.

We have already seen what the Republican promises were. We have seen that these promises were broken. In the adoption of the Payne-Aldrich bill and in their votes against a downward revision of the woolen, cotton, steel, chemical, and sugar schedules—thus, in effect, voting again in favor of the corresponding schedules in the Payne-Aldrich bill—and in the President's approval of the Payne-Aldrich bill and in his veto of every downward revision which has been placed before him, as well as in the opposition which Republican Members, under the leadership of the gentleman from New York [Mr. PAYNE], are making to the bill now under consideration, it is easy to determine the attitude of the Republican Party, from its acknowledged leader down, upon this important subject of Federal taxation.

The Democrats, broadly speaking, are in favor of material reduction and, where feasible, the removal of the tariff upon the necessaries of life and substituting therefor methods of taxation which will reach the people of independent means, while the stand-pat Republicans are opposed to reduction of tariff rates, and upon one pretext or another many of them are opposed to obtaining revenue by a tax upon incomes. [Applause.] If they had wanted to materially reduce the tariff on woolen clothing and woolen blankets so that the poor could more fully enjoy these comforts during the severe winter which, we hope, is now coming to an end, they had an opportunity to do so last summer. When the woolen and cotton schedules and the free-list bill came back to Congress with the President's disapproval, they again had an opportunity to lighten the poor man's burden, but refused to do so. Progressive Republicans joined with the Democrats in voting for these measures. Only a few more votes were needed to place them on the statute books. You stand-pat Republicans knew of the urgent need for tariff reduction without delay. You knew that the reductions were reasonable and based upon ample information. It would be an insult to your intelligence to assume that you took any stock in the flimsy excuses which were offered for delay, and yet in the time of need you did not come to the rescue. Your party should be and will be judged by its acts. [Applause.]

Reference is often made by the President to the platform upon which he was elected and to the popular approval of that platform which his election upon it implies. He seems to overlook the fact that there was an election in 1910. As the last pronouncement of the American people, it is worth while to consider what they really meant to declare in the 1910 election. On its face it seems to be a reversal of the verdict of two years

before. Was it really so? I think not. On the contrary, it was another and more peremptory demand for a downward revision.

The nicest discriminations at popular elections must not be expected, and it seems to me that a fair interpretation of the changed vote of 1910 might thus be expressed: "The living cost is too high. The price of many kinds of food and wearing apparel is unreasonable. We don't know the cause for this condition, but we are fully satisfied that the enormous tariff taxes on most of these things are responsible for at least a portion of it. We want lower tariff rates. [Applause.] We want extortionate monopolies not only fought to a finish in the courts but destroyed by any and every means available. We prefer foreign competition to home monopolies. The high rates maintained by the Payne-Aldrich tariff law have taught us that protection is not the innocent thing we used to suppose—a mere aid to industries seeking to get a start—but, on the contrary, that it is cumulative in its character. The older an industry becomes the more protection it demands and the more corrupt influences it brings to bear to get what it wants."

Personally, I preferred and tried to get a reduction of about 50 per cent of the tariff on sugar, not because I believed that the beet-sugar industry would be destroyed by putting sugar on the free list, for the fact is that beet sugar in our country can be produced for nearly a cent a pound less than cane sugar, but I deemed it wiser and safer to sacrifice at this time less than the whole amount of the revenue derived from the tariff tax on sugar. [Applause.]

I shall vote for this measure because I deem it essential to the welfare of our people that more of the revenues of the Federal Government shall be raised by some method which is more just than a tax upon consumption, and because I believe an excise tax upon incomes exceeding $5,000 is the most just and reasonable that can be devised. If the present bill becomes a law I believe it will be held to be constitutional. It will doubtless soon be tested in the Supreme Court and its constitutionality will be determined. This may save the long delay necessary to obtain a constitutional amendment and will materially hasten the relief which our people need and demand.

As a Nation we ought to do one of two things. Either place the burden of Federal taxation more equitably than at present, or if this can not be done, if for every dollar that reaches the Federal Treasury the people must pay more than $2, and if this must be paid not in accordance with ability or the value of the property receiving protection from the Government or the magnitude of the business interests for which the Government affords facilities, but by taxation which keeps children out of school and drives them into the factory, then let us adjust our national expenditures upon the basis of the poverty which we tax rather than the wealth which practically goes untaxed, and let us discard the altruism of the Spanish War and our insular dependencies, for we have no business to create domestic misery in order to relieve the misery of foreigners. [Loud applause.]

Mr. UNDERWOOD. Does the gentleman from New York desire to use any further time?

Mr. PAYNE. I do not think so. I might spend five minutes profitably in correcting some of the errors that the gentleman from Michigan has indulged in, but he has simply done it without knowing the effect of the present tariff law. He has not studied the statistics of the last six months, for if he had he would be ashamed to fall into the errors that he has.

Mr. SWEET. I would like to have the gentleman from New York point them out.

Mr. PAYNE. I will take the gentleman into my office some day and give him a kindergarten lesson and show him the grave errors that he has made about the present tariff law.

Mr. SWEET. The people of the United States have taken the gentleman from New York into their private office and given him a kindergarten lesson that he ought to remember. [Laughter.]

Mr. PAYNE. And many of them were as ignorant as to the tariff as my friend from Michigan. From the Government statistics the gentleman from Michigan ought to be ashamed to make the statement that he has.

Mr. SWEET. From the last election the gentleman from New York ought to be satisfied that the people of the country do not approve of the tariff bill which carries his name.

Mr. PAYNE. That is not the only election, we are going to have others.

Mr. SWEET. Yes; we are going to have others, but they will turn out the same as the last one, only more so.

Mr. PAYNE. Possibly, but the gentleman may be mistaken.

Mr. SWEET. The gentleman from New York has been mistaken so often that the people have turned him down.

Mr. PAYNE. Well, we have done pretty well for the last 20 years without being turned down before.

Mr. SWEET. Not to the satisfaction of the country.

Mr. UNDERWOOD. Mr. Chairman, I move that the committee do now rise.

The motion was agreed to.

Accordingly the committee determined to rise; and Mr. FOSTER of Illinois having taken the chair as Speaker pro tempore, Mr. MOON of Tennessee, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee had had under consideration the bill H. R. 21214, the excise-tax bill, and had come to no resolution thereon.

LEAVE OF ABSENCE.

By unanimous consent, leave of absence was granted—

To Mr. MCMORRAN, for one week, on account of important business.

To Mr. DIES, indefinitely, on account of important business.

SENATE BILLS REFERRED.

Under clause 2 of Rule XXIV, Senate bills and joint resolution of the following titles were taken from the Speaker's table and referred to their appropriate committees, as indicated below:

S. 100. An act to carry into effect the findings of the military board of officers in the case of George Ivers, administrator; to the Committee on War Claims.

S. 317. An act to provide for the purchase of a site and the erection of a public building thereon at Sundance, in the State of Wyoming; to the Committee on Public Buildings and Grounds.

S. 318. An act to provide for the acquisition of a site and the erection of a public building thereon at Newcastle, Wyo.; to the Committee on Public Buildings and Grounds.

S. 406. An act to provide for the acquisition of a site on which to erect a public building at Vermilion, S. Dak.; to the Committee on Public Buildings and Grounds.

S. 407. An act to provide for the erection of a public building in the city of Madison, S. Dak.; to the Committee on Public Buildings and Grounds.

S. 408. An act to provide for the acquisition of a site on which to erect a public building at Canton, S. Dak.; to the Committee on Public Buildings and Grounds.

S. 410. An act to provide for the acquisition of a site on which to erect a public building at Milbank, S. Dak.; to the Committee on Public Buildings and Grounds.

S. 876. An act to provide for the acquisition of a site on which to erect a public building at Bellefourche, S. Dak.; to the Committee on Public Buildings and Grounds.

S. 954. An act to provide for the acquisition of a site on which to erect a public building at Gilmer, Tex.; to the Committee on Public Buildings and Grounds.

S. 1175. An act to authorize the purchase of a site and erection of a public building at Astoria, Oreg.; to the Committee on Public Buildings and Grounds.

S. 1712. An act to provide for the purchase of a site and for the erection of a public building thereon at Oregon City, Oreg.; to the Committee on Public Buildings and Grounds.

S. 1752. An act to provide for the erection of a public building at Eureka, Utah; to the Committee on Public Buildings and Grounds.

S. 2014. An act for the relief of George Owens, John J. Bradley, William M. Godfrey, Rudolph G. Ebert, Herschel Tupes, William H. Sage, Charles L. Tostevin, Alta B. Spaulding, Grace E. Lewis, and Dolly Neely; to the Committee on the Public Lands.

S. 2194. An act to amend section 2288 of the Revised Statutes of the United States relating to homestead entries; to the Committee on the Public Lands.

S. 2243. An act for the relief of John L. O'Mara; to the Committee on Military Affairs.

S. 2347. An act increasing the cost of erecting a post-office and courthouse building at Walla Walla, Wash.; to the Committee on Public Buildings and Grounds.

S. 2414. An act for the relief of Rittenhouse Moore; to the Committee on Claims.

S. 2698. An act increasing the cost of erecting a post-office building at Plainfield, N. J.; to the Committee on Public Buildings and Grounds.

S. 3045. An act to provide for agricultural entries on oil and gas lands; to the Committee on the Public Lands.

S. 3225. An act providing when patents shall issue to the purchasers or heirs of certain lands in the State of Oregon; to the Committee on the Public Lands.

S. 3716. An act for the erection of a public building at St. George, Utah; to the Committee on Public Buildings and Grounds.

S. 3831. An act to provide for the purchase of a site and the erection of a public building thereon at Denton, Tex.; to the Committee on Public Buildings and Grounds.

S. 3873. An act for the relief of Lewis F. Walsh; to the Committee on Military Affairs.

S. 3974. An act to increase the limit of cost of the United State public building at Denver, Colo.; to the Committee on Public Buildings and Grounds.

S. 4004. An act to authorize the use of the funds of certain Northern Cheyenne Indians; to the Committee on Indian Affairs.

S. 4042. An act to provide for the erection of a public building at New Braunfels, Tex.; to the Committee on Public Buildings and Grounds.

S. 4222. An act to increase the limit of cost of the public building at Moundsville, W. Va.; to the Committee on Public Buildings and Grounds.

S. 4245. An act to increase the limit of cost of the additions to the public building at Salt Lake City, Utah; to the Committee on Public Buildings and Grounds.

S. 4470. An act to provide for the erection of a public building at Wenatchee, Wash.; to the Committee on Public Buildings and Grounds.

S. 4488. An act to authorize the setting aside of a tract of land for a school site and school farm on the Yuma Indian Reservation, in the State of California; to the Committee on Indian Affairs.

S. 4493. An act to provide for the purchase of a site and the erection of a public building thereon at Thermopolis, in the State of Wyoming; to the Committee on Public Buildings and Grounds.

S. 4520. An act for the relief of Catherine Grimm; to the Committee on Claims.

S. 4572. An act to designate Walhalla, Neche, and St. John, in the State of North Dakota, subports of entry, and to extend the privileges of the first section of the act of Congress approved June 10, 1880, to said subports; to the Committee on Ways and Means.

S. 4585. An act to provide for the erection of a public building on a site already acquired at South Bethlehem, Pa.; to the Committee on Public Buildings and Grounds.

S. 4619. An act to provide for the purchase of a site and the erection of a public building thereon in the city of Franklin, State of Pennsylvania; to the Committee on Public Buildings and Grounds.

S. 4623. An act granting pensions and increase of pensions to certain soldiers and sailors of the Civil War and certain widows and dependent relatives of such soldiers and sailors; to the Committee on Invalid Pensions.

S. 4655. An act to provide for the purchase of a site and the erection of a public building thereon at Franklin, in the State of New Hampshire; to the Committee on Public Buildings and Grounds.

S. 4734. An act for the relief of Mary G. Brown and others; to the Committee on Indian Affairs.

S. 4753. An act to amend an act entitled "An act to provide for the final disposition of the affairs of the Five Civilized Tribes in the Indian Territory, and for other purposes," approved April 26, 1906; to the Committee on Indian Affairs.

S. 4999. An act for the relief of Francis M. Malone; to the Committee on Military Affairs.

S. 5072. An act to establish a fog signal and additional quarters at Point Loma Light Station, San Diego, Cal.; to the Committee on Interstate and Foreign Commerce.

S. 5074. An act to authorize the improvement of Santa Barbara Light Station, Cal., including a fog signal and a keeper's dwelling; to the Committee on Interstate and Foreign Commerce.

S. 5198. An act to authorize the issuance of patent to James W. Chrisman for the SE. ¼ NE. ¼, SE. ¼, SE. ¼ SW. ¼ sec. 13, N. ½ NE. ¼ sec. 24, T. 29 N., R. 113 W. of the sixth principal meridian; to the Committee on the Public Lands.

S. 5207. An act to provide an American register for the steamer *Oceana;* to the Committee on the Merchant Marine and Fisheries.

S. 5255. An act increasing the compensation of the collector of customs, district of Puget Sound, State of Washington; to the Committee on Ways and Means.

S. J. Res. 77. Joint resolution authorizing the Secretary of War to loan certain tents for the use of the Grand Army of the Republic encampment, to be held at Pullman, Wash., in June, 1912; to the Committee on Military Affairs.

ENROLLED BILL PRESENTED TO THE PRESIDENT FOR HIS APPROVAL.

Mr. CRAVENS, from the Committee on Enrolled Bills, reported that this day they had presented to the President of the United States, for his approval, the following bill:

H. R. 17119. An act granting the courthouse reserve at Pond Creek, Okla., to the city of Pond Creek for school and municipal purposes.

WITHDRAWAL OF PAPERS.

Mr. HUGHES of New Jersey, by unanimous consent, was given leave to withdraw from the files of the House, without leaving copies, papers in the case of Franklin Peters, Sixty-first Congress.

ADJOURNMENT.

Mr. UNDERWOOD. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 5 o'clock and 53 minutes p. m.) the House adjourned until to-morrow, Tuesday, March 19, 1912, at 12 o'clock noon.

EXECUTIVE COMMUNICATIONS.

Under clause 2 of Rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

1. A letter from the Secretary of War, transmitting, with a letter from the Chief of Engineers, report of examination and survey of St. Joseph Harbor, Mich. (H. Doc. No. 629); to the Committee on Rivers and Harbors and ordered to be printed with illustrations.

2. A letter from the Attorney General of the United States, in reply to House resolution adopted March 12, 1912, asking for information touching the existence of a smelter trust in the United States, etc. (H. Doc. No. 628); to the Committee on the Judiciary and ordered to be printed.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, bills and resolutions were severally reported from committees, delivered to the Clerk, and referred to the several calendars therein named, as follows:

Mr. ASHBROOK, from the Committee on Public Buildings and Grounds, to which was referred the bill (H. R. 1718) providing for the sale of the old Federal building and site at Owensboro, Ky., reported the same without amendment, accompanied by a report (No. 428), which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. BARNHART, from the Committee on Public Buildings and Grounds, to which was referred the bill (H. R. 12013) to authorize the Secretary of the Treasury to convey to the city of Corsicana, Tex., certain land for alley purposes, reported the same without amendment, accompanied by a report (No. 429), which said bill and report were referred to the Committee of the Whole House on the state of the Union.

CHANGE OF REFERENCE.

Under clause 2 of Rule XXII, committees were discharged from the consideration of the following bills, which were referred as follows:

A bill (H. R. 15421) granting a pension to F. Byron Ridgeley; Committee on Invalid Pensions discharged, and referred to the Committee on Pensions.

A bill (H. R. 639) granting a pension to Anna S. Anderson; Committee on Invalid Pensions discharged, and referred to the Committee on Pensions.

A bill (H. R. 14436) granting a pension to James W. Fisher; Committee on Invalid Pensions discharged, and referred to the Committee on Pensions.

A bill (H. R. 15422) granting a pension to George W. Smith; Committee on Invalid Pensions discharged, and referred to the Committee on Pensions.

A bill (H. R. 7078) granting a pension to Charles H. Heimlich, alias Charles H. Henderson; Committee on Invalid Pensions discharged, and referred to the Committee on Pensions.

A bill (H. R. 20425) granting a pension to Thomas Hartman; Committee on Invalid Pensions discharged, and referred to the Committee on Pensions.

A bill (H. R. 1111) granting an increase of pension to Bruce Clifton; Committee on Invalid Pensions discharged, and referred to the Committee on Pensions.

PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS.

Under clause 3 of Rule XXII, bills, resolutions, and memorials were introduced and severally referred as follows:

By Mr. WARBURTON: A bill (H. R. 22042) making an appropriation for the improvement of the Government road in Mount Rainier National Park; to the Committee on Agriculture.

By Mr. ADAMSON: A bill (H. R. 22043) to authorize additional aids to navigation in the Lighthouse Service, and for other purposes; to the Committee on Interstate and Foreign Commerce.

By Mr. REDFIELD: A bill (H. R. 22044) to amend sections 4214 and 4218 of the Revised Statutes; to the Committee on Ways and Means.

By Mr. STEPHENS of Mississippi: A bill (H. R. 22045) to establish in the Department of Agriculture a bureau to be known as the bureau of drainage, and to provide for national aid in draining wet, swamp, and overflowed lands; to the Committee on Agriculture.

By Mr. KAHN: A bill (H. R. 22046) to purchase a suitable site on the Pacific coast to be used as a range for small-arms target practice by the United States Navy; to the Committee on Naval Affairs.

By Mr. HOWLAND: A bill (H. R. 22047) to amend section 4450 of the Revised Statutes of the United States; to the Committee on the Merchant Marine and Fisheries.

By Mr. BURNETT: A bill (H. R. 22048) to further restrict the admission of aliens into the United States; to the Committee on Immigration and Naturalization.

By Mr. COX of Indiana: A bill (H. R. 22049) to erect an addition to Federal building at New Albany, Ind.; to the Committee on Public Buildings and Grounds.

By Mr. LANGLEY: A bill (H. R. 22050) to provide for the erection of a public building at Jackson, Ky.; to the Committee on Public Buildings and Grounds.

By Mr. LINDSAY: Memorial of the Senate of the State of New York, asking that one of the new battleships be built at the Brooklyn Navy Yard; to the Committee on Naval Affairs.

By Mr. DRAPER: Memorial of the Senate of the State of New York, asking that one of the new battleships be built at the Brooklyn Navy Yard; to the Committee on Naval Affairs.

By Mr. REDFIELD: Memorial of the Senate of the State of New York, asking that one of the new battleships be built at the Brooklyn Navy Yard; to the Committee on Naval Affairs.

By Mr. MOTT: Memorial of the Senate of the State of New York, favoring the building of a battleship at the Brooklyn Navy Yard; to the Committee on Naval Affairs.

By Mr. GOLDFOGLE: Memorial of the Legislature of the State of New York, asking the United States to improve the inlet of Lake Champlain; to the Committee on Rivers and Harbors.

By Mr. McCALL: Memorial of the Massachusetts House of Representatives, protesting against the removal of the United States navy yard at Boston; to the Committee on Naval Affairs.

PRIVATE BILLS AND RESOLUTIONS.

Under clause 1 of Rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. BARNHART: A bill (H. R. 22051) granting an increase of pension to George W. Hayward; to the Committee on Invalid Pensions.

By Mr. BELL of Georgia: A bill (H. R. 22052) granting a pension to Ollie Gordon; to the Committee on Invalid Pensions.

By Mr. CLARK of Missouri: A bill (H. R. 22053) granting an increase of pension to Jesse S. Trower; to the Committee on Invalid Pensions.

By Mr. CLAYPOOL: A bill (H. R. 22054) granting an increase of pension to William H. H. Minturn; to the Committee on Invalid Pensions.

By Mr. CULLOP: A bill (H. R. 22055) granting an increase of pension to Thomas B. Poe; to the Committee on Invalid Pensions.

By Mr. DYER: A bill (H. R. 22056) for the relief of C. M. Perkins; to the Committee on Claims.

By Mr. EDWARDS: A bill (H. R. 22057) for the relief of the heirs of Benedict Bourquin; to the Committee on War Claims.

Also, a bill (H. R. 22058) for the relief of the heirs of Col. William B. Gaulden; to the Committee on War Claims.

By Mr. FAISON: A bill (H. R. 22059) for the relief of the heirs of Mary Everitt, deceased; to the Committee on War Claims.

By Mr. GALLAGHER: A bill (H. R. 22060) granting a pension to Ellen Cardenas; to the Committee on Invalid Pensions.

By Mr. HUGHES of New Jersey: A bill (H. R. 22061) to remove the charge of desertion now existing on the records of the Navy Department against Charles Berry; to the Committee on Naval Affairs.

By Mr. LANGLEY: A bill (H. R. 22062) for the relief of the legal representatives of Sophia Nesbitt; to the Committee on War Claims.

Also, a bill (H. R. 22063) granting an increase of pension to John C. Smallwood; to the Committee on Invalid Pensions.

By Mr. LOUD: A bill (H. R. 22064) granting an increase of pension to Henry P. Stork; to the Committee on Invalid Pensions.

By Mr. McGUIRE of Oklahoma: A bill (H. R. 22065) granting an increase of pension to James Wharry; to the Committee on Invalid Pensions.

Also, a bill (H. R. 22066) granting an increase of pension to Horace G. Norton; to the Committee on Pensions.

Also, a bill (H. R. 22067) granting an increase of pension to Ezra Gilbert; to the Committee on Invalid Pensions.

Also, a bill (H. R. 22068) granting an increase of pension to Charles A. Detrick; to the Committee on Invalid Pensions.

Also, a bill (H. R. 22069) granting an increase of pension to James Richardson; to the Committee on Invalid Pensions.

By Mr. MOSS of Indiana: A bill (H. R. 22070) granting an increase of pension to Waldo W. Williams; to the Committee on Invalid Pensions.

Also, a bill (H. R. 22071) granting a pension to Thompson F. Frisbie; to the Committee on Pensions.

Also, a bill (H. R. 22072) for the relief of John H. Kidd; to the Committee on Military Affairs.

Also, a bill (H. R. 22073) for the relief of William Horsley; to the Committee on Military Affairs.

Also, a bill (H. R. 22074) providing for the presentation of a medal of honor to William C. Shortridge; to the Committee on Military Affairs.

By Mr. PRAY: A bill (H. R. 22075) granting an increase of pension to Edward Pierce, jr.; to the Committee on Invalid Pensions.

By Mr. SCULLY: A bill (H. R. 22076) granting an increase of pension to Duncan Cox; to the Committee on Invalid Pensions.

Also, a bill (H. R. 22077) granting an increase of pension to Howard Forster; to the Committee on Invalid Pensions.

By Mr. SMITH of New York: A bill (H. R. 22078) granting an increase of pension to John C. Hagen; to the Committee on Invalid Pensions.

By Mr. VREELAND: A bill (H. R. 22079) granting an increase of pension to John W. Weaver; to the Committee on Invalid Pensions.

PETITIONS, ETC.

Under clause 1 of Rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

By the SPEAKER (by request): Memorial of the Mexico (Mo.) Commercial Club, for reduced rates on first-class mail matter; to the Committee on the Post Office and Post Roads.

Also (by request), memorial of the South St. Joseph (Mo.) Live Stock Exchange, for reduction in the tax on oleomargarine; to the Committee on Agriculture.

By Mr. AINEY: Petitions of sundry granges, Patrons of Husbandry, for a governmental system of postal express; to the Committee on Interstate and Foreign Commerce.

Also, petition of citizens of Bradford County, Pa., for enactment of House bill 14, providing for a parcel-post system; to the Committee on the Post Office and Post Roads.

By Mr. ANDERSON of Minnesota: Petition of F. A. Masters and 13 others of Canton, Minn., against extension of the parcel-post system; to the Committee on the Post Office and Post Roads.

By Mr. ANSBERRY: Memorial of business men of Ohio, regarding legislation to cover the legal operations of industrial and labor combinations; to the Committee on Labor.

By Mr. ASHBROOK: Petition of Roy C. Cummings, R. B. Herron, and R. R. Leggett, legislative committee of Pomona Grange, Tuscarawas County, Ohio, asking for the enactment of a parcel-post law; to the Committee on the Post Office and Post Roads.

Also, petition of John Factor and 20 other citizens of Newark, Ohio, protesting against the enactment of interstate-commerce legislation; to the Committee on the Judiciary.

By Mr. BOWMAN: Petition of P. H. Meixell, of Wilkes-Barre, Pa., protesting against enactment of House bill 5955; to the Committee on Interstate and Foreign Commerce.

Also, petition of W. F. Potts, Son & Co., of Philadelphia, Pa., protesting against enactment of House bill 16844; to the Committee on Interstate and Foreign Commerce.

Also, petition of American Association for Labor Legislation, for enactment of House bill 20842; to the Committee on Ways and Means.

Also, petitions of residents of the State of Pennsylvania, for enactment of House bill 20595, amending the copyright act of 1909; to the Committee on Patents.

By Mr. BRADLEY: Petition of members of Cronomer Valley Grange, No. 982, Patrons of Husbandry, remonstrating against the passage of certain proposed legislation relating to oleomargarine; to the Committee on Agriculture.

By Mr. BURKE of Wisconsin: Petition of William Frank and 21 other residents of Van Dyne, Fond du Lac County, Wis., and Fred C. Mansfield and 40 other citizens of Johnson Creek, Wis., protesting against the passage of the Lever bill (H. R. 18493) providing for a reduction in the tax on oleomargarine, etc.; to the Committee on Agriculture.

By Mr. CALDER: Memorial of Tompkins County Pomona Grange, relating to the tax on oleomargarine; to the Committee on Agriculture.

Also, memorial of Sioux City Commercial Club, of Sioux City, Iowa, protesting against House bill 16844; to the Committee on Interstate and Foreign Commerce.

By Mr. CARTER: Petitions of citizens of the State of Oklahoma, for enactment of House bill 20595, amending the copyright act of 1909; to the Committee on Patents.

By Mr. COOPER: Petition of citizens of Waukesha County, Wis., in favor of a general parcel-post system; to the Committee on the Post Office and Post Roads.

By Mr. COX of Ohio: Petition of citizens of Hamilton, Ohio, for the construction of one battleship in a Government navy yard; to the Committee on Naval Affairs.

Also, memorial of the City Council of Dayton, Ohio, for the coinage of 3-cent pieces; to the Committee on Coinage, Weights, and Measures.

By Mr. CRAVENS: Petition of citizens of Logan County, Ark., for parcel-post legislation; to the Committee on the Post Office and Post Roads.

By Mr. DIXON of Indiana: Petition of citizens of Greensburg, Ind., in favor of bill providing for the erection of an American Indian memorial building in Washington; to the Committee on Public Buildings and Grounds.

Also, petition of citizens of fourth district of Indiana, in favor of bill for the erection of an American Indian memorial building in Washington; to the Committee on Public Buildings and Grounds.

Also, petition of citizens of Lexington, Ind., in favor of a bill providing for the erection of an American Indian memorial building in Washington; to the Committee on Public Buildings and Grounds.

Also, petition of citizens of Vallonia, Ind., against the passage of the Webb-Sheppard-Kenyon bill; to the Committee on the Judiciary.

Also, petition of citizens of Medora, Ind., against parcel post; to the Committee on the Post Office and Post Roads.

Also, petition of Charles L. Coles and 299 other citizens of Columbus, Ind., favoring old-age pension bill; to the Committee on Pensions.

By Mr. DODDS: Petition of citizens of North Star, Mich., for passage of Kenyon-Sheppard interstate liquor bill; to the Committee on the Judiciary.

Also, petition of citizens of Howard City, Mich., protesting against parcel-post legislation; to the Committee on the Post Office and Post Roads.

By Mr. DRAPER: Petition of West Sand Lake Grange, No. 949, of West Sand Lake, N. Y., against the sale of colored oleomargarine; to the Committee on Agriculture.

By Mr. DYER: Petition of Camp No. 1, Department of the District of Columbia, United Spanish War Veterans, in favor of passage of House bills 18229 and 18230; to the Committee on Public Buildings and Grounds.

Also, petition of the Merchants' Exchange of St. Louis, Mo., for reduced rates of first-class mail matter; to the Committee on the Post Office and Post Roads.

Also, petition of Garrison No. 113, Army and Navy Union, urging passage of House bill 17040; to the Committee on Pensions.

By Mr. ESCH: Memorial of Philadelphia Chamber of Commerce, March 16, 1912, favoring legislation framed for the purpose of preventing transcontinental railroads from operating steamship companies through the canal; to the Committee on Interstate and Foreign Commerce.

Also, petition of R. J. Wright and 13 other signers of Lindsay and Granton, Wis., favoring House bill 14, Sulzer parcel-post bill; to the Committee on the Post Office and Post Roads.

Also, memorial of the board of directors of the Sioux City Commercial Club, protesting against the adoption of House bill 16844; to the Committee on Interstate and Foreign Commerce.

Also, memorial of Lake Seamen's Union, Milwaukee branch, favoring House bill 11372, by Mr. WILSON of Pennsylvania; to the Committee on the Merchant Marine and Fisheries.

By Mr. FOCHT: Petition of the Woman's Christian Temperance Union of Mount Union, Pa., for passage of Kenyon-Sheppard interstate liquor bill; to the Committee on the Judiciary.

Also, petition of Grange No. 772, Patrons of Husbandry, in favor of House bill 19133, for establishment of a rural parcel post; to the Committee on the Post Office and Post Roads.

By Mr. FOSS: Petitions of residents of Chicago, Ill., for passage of House bill 20595, amending the copyright act of 1909; to the Committee on Patents.

Also, petition of A. W. Meyer, of Barrington, Ill., protesting against parcel-post legislation; to the Committee on the Post Office and Post Roads.

Also, memorial of Local No. 1, Tug Firemen and Linemen's Protective Association, for passage of the Wilson eight-hour bill (H. R. 18787); to the Committee on Labor.

Also, petitions of the St. Louis Live Stock Exchange and Illinois State Dairymen's Association, in regard to legislation relating to oleomargarine; to the Committee on Agriculture.

Also, petition of the Chicago (Ill.) Association of Commerce, for passage of the Federal pay bill for the National Guard; to the Committee on Military Affairs.

Also, petition of Du Quoin (Ill.) Retail Merchants' Association, for 1-cent letter postage; to the Committee on the Post Office and Post Roads.

Also, petition of Camp No. 54, Department of Illinois, United Spanish War Veterans, for enactment of House bill 17470; to the Committee on Pensions.

Also, memorial of Local Union No. 194, Brotherhood of Painters, Decorators, and Paperhangers of America, for a constitutional amendment granting to women the same political rights as are now enjoyed by men; to the Committee on the Judiciary.

Also, memorial of Local Union No. 147, Brotherhood of Painters, Decorators, and Paperhangers of America, regarding the attitude of a certain business firm toward organized labor; to the Committee on Labor.

By Mr. FRANCIS: Petitions of citizens of Belmont County, Ohio, for the passage of Kenyon-Sheppard interstate liquor bill; to the Committee on the Judiciary.

Also, petition of citizens of Fairpoint, Ohio, protesting against increasing the rates of postage of second-class mail matter; to the Committee on the Post Office and Post Roads.

Also, petition of citizens of Fairpoint, Ohio, for legislation establishing an immigration test for immigrants; to the Committee on Immigration and Naturalization.

By Mr. FULLER: Petition of Chestnut Tree Bark Conference, of Pennsylvania, for an appropriation for use of the Department of Agriculture in chestnut bark disease work; to the Committee on Agriculture.

Also, petition of Haddorff Piano Co., of Rockford, Ill., against the passage of the Underwood bill (H. R. 182), relating to proposed duty on varnish gums and china nut oil; to the Committee on Ways and Means.

Also, petition of Illinois State Dairymen's Association, favoring the retention of the color feature in the oleomargarine law, etc.; to the Committee on Agriculture.

Also, petition of Harry Carroll, August Bossen, and Charles Vance, of Streator, Ill., favoring the passage of the Townsend bill (H. R. 20595), to amend section 25 of the copyright act of 1909, etc.; to the Committee on Patents.

Also, petition of the National Business League of Chicago, Ill., favoring the passage of the Nelson-Foss bill, relating to the Consular Service; to the Committee on Foreign Affairs.

Also, petition of S. E. Hall, of Cherry Valley, Ill., favoring the establishment of a parcel-post service; to the Committee on the Post Office and Post Roads.

Also, petition of George Soedler & Son, of Peru, Ill., against the extension of the parcel-post service, etc.; to the Committee on the Post Office and Post Roads.

Also, petition of T. A. Pottinger and other citizens of Cherry, Ill., favoring the establishment of a parcel post, etc.; to the Committee on the Post Office and Post Roads.

Also, petition of D. C. Murray, of Streator, Ill., against the establishment of a parcel-post service until investigation made by an impartial commission, etc.; to the Committee on the Post Office and Post Roads.

Also, petition of C. R. Arnold, of Marseilles, Ill., favoring the passage of the McKinley bill, relating to rural mail carriers; to the Committee on the Post Office and Post Roads.

By Mr. GOLDFOGLE: Memorial of Chestnut-Tree Bark Disease Conference, held at Harrisburg, Pa., February 21, 1912, relating to chestnut-tree bark disease; to the Committee on Agriculture.

Also, memorial of Philadelphia Chamber of Commerce, favoring legislation to prevent transcontinental railroads from operating steamship companies through the Panama Canal; to the Committee on Interstate and Foreign Commerce.

Also, memorial of Naval Camp, No. 49, United Spanish War Veterans, favoring pension bill H. R. 17470; to the Committee on Pensions.

By Mr. GUERNSEY: Petitions of citizens of Mattawamkeag; Robbinston Grange, Robbinston, Me.; and the Woman's Christian Temperance Union, Dumysville, Me., favoring the passage of the Kenyon-Sheppard interstate liquor bill; to the Committee on the Judiciary.

By Mr. HAMMOND: Petitions of citizens of Martin and Murray Counties, Minn., for parcel-post legislation; to the Committee on the Post Office and Post Roads.

By Mr. HARTMAN: Petitions of Munster Grange, No. 1117, of Cambria County, Pa., and Bald Eagle Grange, No. 1390, in favor of parcel-post bill (H. R. 19133); to the Committee on the Post Office and Post Roads.

Also, petition of the German-American Alliance of Pottsville, Pa., against the Kenyon-Sheppard bill; to the Committee on the Judiciary.

Also, memorial of Bald Eagle Grange, No. 1390, relating to classification and taxation of oleomargarine; to the Committee on Agriculture.

By Mr. HAWLEY: Petitions of the Woman's Christian Temperance unions, churches, and church organizations in the State of Oregon, for passage of Kenyon-Sheppard interstate liquor bill; to the Committee on the Judiciary.

By Mr. HENRY of Connecticut: Petition of voters of the town of Southington, Conn., protesting against the repeal of the canteen law; to the Committee on Military Affairs.

By Mr. HENSLEY: Petition of members of Pueblo Tribe, No. 143, Improved Order of Red Men, of Mine La Matte, Mo., for the erection of American Indian memorial and museum building in city of Washington; to the Committee on Public Buildings and Grounds.

Also, petition of members of Ettawah Tribe, No. 126, Improved Order of Red Men, of De Soto, Mo., for the erection of American Indian memorial and museum in the city of Washington, D. C.; to the Committee on Public Buildings and Grounds.

Also, petition of S. Dubinsky, of Idle Theater, Bonne Terre, Mo., favoring House bill 20595, to amend section 25 of the copyright act of 1909; to the Committee on Patents.

Also, petition of E. J. Chappuis, of Electric Theater, Perryville, Mo., favoring the passage of House bill 20595, to amend section 25 of the copyright act of 1909; to the Committee on Patents.

Also, petition of F. Earl De Weed, of the Academy Theater, Ironton, Mo., favoring the passage of House bill 20595, to amend section 25 of the copyright act of 1909; to the Committee on Patents.

Also, petition of E. S. Hensley, of Listerville, Mo., favoring the passage of House bill 20595, to amend section 25 of the copyright act of 1909; to the Committee on Patents.

By Mr. HIGGINS: Petition of George Clifford Brown, of New York City, asking that certain charges preferred against the United States district attorney of Kansas City, Mo., be investigated; to the Committee on the Judiciary.

Also, petitions of operators of moving-picture machines in the third congressional district of Connecticut, in favor of House bill 20595; to the Committee on Patents.

By Mr. HUGHES of New Jersey: Memorial of the New Jersey Society, of Newark, N. J., favoring Senate bill 271 and House bill 19641; to the Committee on Military Affairs.

By Mr. LINDSAY: Petition of Arthur G. White, of Novelty Theater, Brooklyn, N. Y., favoring amendment of the copyright act of 1909; to the Committee on Patents.

By Mr. LLOYD: Petitions of Cherokee, Creek, Choctaw, and Chickasaw Indians, protesting against present treatment and requesting immediate relief; to the Committee on Indian Affairs.

By Mr. McCOY: Petitions of Woman's Christian Temperance Unions, churches, church organizations, and individuals throughout the country, urging passage of pending interstate liquor legislation; to the Committee on the Judiciary.

Also, petitions of German-American Alliances throughout the country, protesting against the enactment of prohibition or interstate liquor legislation; to the Committee on the Judiciary.

By Mr. McKINLEY: Petition of citizens of the nineteenth congressional district of Illinois, favoring the passage of the Kenyon-Sheppard interstate liquor bill; to the Committee on the Judiciary.

By Mr. McMORRAN: Petition of certain citizens of Harbor Beach, Mich., protesting against the passage of House bills 21, 15131, 18493, and 20281; to the Committee on Agriculture.

Also, petitions of voters of Richmond, Columbus, and Macomb, St. Clair County, Mich., favoring the passage of the Kenyon-Sheppard bill to withdraw from interstate commerce protection liquors imported into "dry" territory for illegal use; to the Committee on the Judiciary.

By Mr. MANN: Petition of Chicago (Ill.) Veterinary Society, favoring House bill 16843; to the Committee on Military Affairs.

Also, petition of the board of directors of the St. Louis Live Stock Exchange, favoring passage of House bill 20281, amending the oleomargarine law; to the Committee on Agriculture.

Also, petition of Illinois State Dairyman's Association, in reference to oleomargarine; to the Committee on Agriculture.

By Mr. MONDELL: Petition of citizens of Farson, Wyo., urging amendments to the postal laws in the aid of settlement; to the Committee on the Post Office and Post Roads.

By Mr. MOON of Tennessee: Papers to accompany House bill 21517; to the Committee on Pensions.

By Mr. NELSON: Petitions of sundry citizens of the State of Wisconsin, protesting against the Lever agricultural bill; to the Committee on Agriculture.

By Mr. NYE: Petition of citizens of Minneapolis, Minn., favoring the construction of one battleship in a Government navy yard; to the Committee on Naval Affairs.

By Mr. RAKER: Petition of citizens of California, protesting against parcel post; to the Committee on the Post Office and Post Roads.

Also, memorial of Roosevelt Camp, No. 9, United Spanish War Veterans, favoring House bill 17470; to the Committee on Pensions.

Also, memorial of Yreka Improvement Club, favoring improvement of Yosemite National Park; to the Committee on Appropriations.

Also, papers to accompany House bill 16450; to the Committee on the Judiciary.

Also, memorial of Union Civic Center, of Hayward, Cal., favoring the enforcement of the white-slave traffic act; to the Committee on Appropriations.

By Mr. SIMMONS: Petition of Gibbs Post, Grand Army of the Republic, of Warsaw, N. Y., against restoration of the Army canteen; to the Committee on Military Affairs.

Also, memorial of New York State Legislature, for improvement of the inlet of Lake Champlain; to the Committee on Rivers and Harbors.

By Mr. SMITH of New York: Petition of Business Men's Bible Class of the First Congregational Church of Buffalo, N. Y., favoring the Kenyon-Sheppard bill; to the Committee on the Judiciary.

Also, memorial of Chamber of Commerce and Manufacturers' Club, of Buffalo, N. Y., urging amendment of the corporation tax law; to the Committee on Ways and Means.

By Mr. STERLING: Petition of citizens of Bloomington, Ill., for parcel-post legislation; to the Committee on the Post Office and Post Roads.

By Mr. TILSON: Petition of Harwinton Grange, No. 45, Torrington, Conn., favoring a parcel post; to the Committee on the Post Office and Post Roads.

Also, petition of Harwinton Grange, No. 45, of Torrington, Conn., against sale of oleomargarine colored so as to imitate butter; to the Committee on Agriculture.

By Mr. WHITACRE: Petitions of residents of the State of Ohio, for enactment of House bill 20595, amending the copyright act of 1909; to the Committee on Patents.

Also, petitions of citizens of the eighteenth congressional district of Ohio, for enactment of House bill 20281, repealing the present oleomargarine law; to the Committee on Agriculture.

Also, petition of United Labor Congress of Mahoning County, Ohio, for repeal of the tax on oleomargarine; to the Committee on Agriculture.

Also, petition of Youngstown (Ohio) Printing Pressmen and Assistants' Union, No. 205, for increase of compensation to pressmen and assistants in the Government Printing Office; to the Committee on Printing.

Also, petition of a group of the Polish National Alliance, protesting against further restrictions on immigration; to the Committee on Immigration and Naturalization.

By Mr. WILLIS: Petition of William B. Ross and 15 other citizens of Delaware County, Ohio; and John L. Shawver and 30 other citizens of Logan County, Ohio, asking for the extension of the parcel-post service; to the Committee on the Post Office and Post Roads.

By Mr. WOOD of New Jersey: Petitions of Rev. W. W. Case, D. D., of Trenton, N. J., and the Presbyterian Church of Titusville, Mercer County, N. J., for the passage of the Kenyon-Sheppard liquor bill; to the Committee on the Judiciary.

Also, memorial of the New Jersey Chapter of the American Institute of Architects, in reference to the proper placing of the Lincoln memorial; to the Committee on the Library.

Also, petition of Trenton Lodge, No. 398, International Association of Machinists, of Trenton, N. J., urging the passage of the bill providing old-age pensions for deserving men and women over 60 years of age; to the Committee on Pensions.

By Mr. YOUNG of Texas: Petition of J. C. Rhodes and other citizens of Van Zandt County, Tex., in favor of old-age pensions; to the Committee on Pensions.

Also, petitions of J. H. Stigall and sundry citizens of Henderson and Van Zandt Counties, Tex., for parcel-post legislation; to the Committee on the Post Office and Post Roads.

Also, memorial of Camp No. 1770, United Confederate Veterans, for relief of those who had cotton and other property taken by Federal authority after the Civil War; to the Committee on War Claims.

SENATE.

TUESDAY, *March 19, 1912.*

The Senate met at 12 o'clock m.

Prayer by the Chaplain, Rev. Ulysses G. B. Pierce, D. D.

The Secretary proceeded to read the Journal of yesterday's proceedings, when, on request of Mr. GALLINGER and by unanimous consent, the further reading was dispensed with and the Journal was approved.

EXTENSION OF CAPITOL BUILDING.

The VICE PRESIDENT appointed the Senator from New York, Mr. ROOT, and the Senator from Virginia, Mr. MARTIN, to fill the vacancies in the Senate membership of the Joint Commission for the Extension and Completion of the Capitol Building provided under the act of April 28, 1904, occasioned by the death of the late Senator from Michigan, Mr. Alger, and the late Senator from Maryland, Mr. Gorman.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by D. K. Hempstead, its enrolling clerk, announced that the Speaker of the House had signed the following enrolled bills, and they were thereupon signed by the Vice President:

H. R. 9845. An act to authorize the sale of burnt timber on the public lands, and for other purposes;

H. R. 16680. An act to authorize the board of county commissioners of Baxter County and the board of county commissioners of Marion County, in the State of Arkansas, acting together for the two counties as bridge commissioners to construct a bridge across White River at or near the town of Cotter, Ark.;

H. R. 17242. An act to authorize the Northern Pacific Railway Co. to cross the Government right of way along and adjacent to the canal connecting the waters of Puget Sound with Lake Washington and Seattle, in the State of Washington;

H. R. 17837. An act to amend an act approved July 1, 1902, entitled "An act temporarily to provide for the administration of the affairs of civil government in the Philippine Islands, and for other purposes"; and

H. R. 18155. An act authorizing the town of Grand Rapids to construct a bridge across the Mississippi River in Itasca County, State of Minnesota.

PETITIONS AND MEMORIALS.

The VICE PRESIDENT presented petitions of the Men's Bible Class of the Presbyterian Church of Greenville, Pa.; of the Men's Bible Class of the First Methodist Episcopal Church of Greenville, Pa.; of the congregations of the Grace Lutheran Church of East Stroudsburg, Pa.; the United Presbyterian Church of Greenville, Pa.; the Methodist Episcopal, the First Baptist, the United Presbyterian, the Christian, the First Presbyterian, the United Brethren, and the All Saints' Episcopal Churches, of Loveland, in the State of Colorado, praying for the adoption of an amendment to the Constitution to prohibit the manufacture, sale, and importation of intoxicating liquors, which were referred to the Committee on the Judiciary.

He also presented a resolution adopted by the Chamber of Commerce of Russian River, Cal., favoring an appropriation for the improvement of the Yosemite National Park, which was referred to the Committee on Forest Reservations and the Protection of Game.

He also presented a memorial of the Woman's Christian Temperance Union of Fort Collins, Colo., remonstrating against the repeal of the anticanteen law, which was referred to the Committee on Military Affairs.

He also presented petitions of Bakers' Union No. 168 and Carpenters and Joiners' Union No. 1801, of San Germán, and of Tobacco Strippers' Union No. 12502, of Juncos, all of the Territory of Porto Rico, praying that the citizens of Porto Rico be permitted to become citizens of the United States, which were referred to the Committee on Pacific Islands and Porto Rico.

He also presented a petition of Bloomsburg Grange, No. 322, Patrons of Husbandry, of Bloomsburg, Pa., praying for the establishment of a parcel-post system, which was referred to the Committee on Post Offices and Post Roads.

Mr. TOWNSEND presented memorials of sundry citizens of Brown City, Mount Clemens, and Detroit, all in the State of Michigan, remonstrating against the establishment of a parcel-post system, which were referred to the Committee on Post Offices and Post Roads.

He also presented petitions of sundry citizens of Roselawn, Wolverine, Hart, Sault Ste. Marie, Boyne City, Sterling, Jackson, Fremont, Stockbridge, Allegan, North Branch, Davison, Reeman, and Marshall, all in the State of Michigan, praying for the establishment of a parcel-post system, which were referred to the Committee on Post Offices and Post Roads.

Mr. CRAWFORD presented petitions of sundry citizens of Elkton, Colman, and Clark County, all in the State of South Dakota, praying for the establishment of a parcel-post system, which were referred to the Committee on Post Offices and Post Roads.

He also presented a memorial of sundry citizens of Fort Pierre, S. Dak., remonstrating against the extension of the parcel-post system beyond its present limitations, which was referred to the Committee on Post Offices and Post Roads.

He also presented a memorial of sundry citizens of Aurora and Brookings, in the State of South Dakota, remonstrating against the repeal of the oleomargarine law, which was referred to the Committee on Agriculture and Forestry.

Mr. GALLINGER presented petitions of sundry citizens of Milford, Pittsfield, Rochester, and East Rindge, all in the State of New Hampshire, praying for the establishment of a parcel-post system, which were referred to the Committee on Post Offices and Post Roads.

Mr. JOHNSTON of Alabama presented a petition of members of Withers and Buchanan Survivors' Camp, United Confederate Veterans, of Mobile, Ala., praying that an appropriation be made providing for the settlement of the so-called cotton-tax claims, which was referred to the Committee on Claims.

Mr. CULLOM presented a memorial of sundry citizens of Berwyn, Ill., remonstrating against the repeal of the anticanteen law, which was referred to the Committee on Military Affairs.

He also presented a petition of Local Union No. 192, Farmers' Educational and Cooperative Union of America, of Ullin, Ill., praying for the establishment of a bureau of markets in the Department of Agriculture, which was referred to the Committee on Agriculture and Forestry.

He also presented a memorial of Royal Douglas Post, No. 179, Department of Illinois, Grand Army of the Republic, of Prairie City, Ill., remonstrating against the incorporation of the Grand Army of the Republic, which was referred to the Committee on the District of Columbia.

He also presented resolutions adopted by the Illinois Coal Operators' Association, in convention at Chicago, Ill., favoring the appointment of a Federal commission on industrial relations, which were referred to the Committee on Education and Labor.

He also presented a petition of members of the Live Stock Exchange of Chicago, Ill., praying for the repeal of the oleomargarine law, which was referred to the Committee on Agriculture and Forestry.

He also presented memorials of sundry citizens of Highland and Ottawa, in the State of Illinois, remonstrating against the enactment of an interstate liquor law to prevent the nullification of State liquor laws by outside dealers, which were referred to the Committee on the Judiciary.

He also presented petitions of sundry citizens of Enfield, Cobden, and Elizabethtown, all in the State of Illinois, praying for the establishment of a parcel-post system, which were referred to the Committee on Post Offices and Post Roads.

He also presented resolutions adopted by the board of directors of the Chamber of Commerce of San Francisco, Cal., praying for the enactment of legislation to exempt from toll all American ships engaged in coastwise traffic through the Panama Canal, which were referred to the Committee on Interoceanic Canals.

He also presented a petition of Claude L. Herbert Camp, No. 38, Department of Indiana, United Spanish War Veterans, of Terre Haute, Ind., praying that a pension be granted Lucy M. Greer, which was referred to the Committee on Pensions.

Mr. OVERMAN presented a petition of sundry citizens of Henderson, N. C., praying for the enactment of an interstate liquor law to prevent the nullification of State liquor laws by outside dealers, which was referred to the Committee on the Judiciary.

He also presented a petition of the Board of Trade of Asheville, N. C., praying for the adoption of a 1-cent letter postage, which was referred to the Committee on Post Offices and Post Roads.

He also presented a petition of the Chamber of Commerce of Wilmington, N. C., praying for the appointment of an international commission to consider the question of the high cost of living, which was referred to the Committee on the Judiciary.

Mr. SMITH of South Carolina presented memorials of sundry citizens of Walterboro, S. C., remonstrating against the establishment of a parcel-post system, which were referred to the Committee on Post Offices and Post Roads.

Mr. BRISTOW presented a memorial of sundry citizens of Belpre, Kans., remonstrating against the extension of the parcel-post system beyond its present limitations, which was referred to the Committee on Post Offices and Post Roads.

He also presented petitions of sundry citizens of Abilene, Clay Center, and Garden City, all in the State of Kansas, praying for the enactment of legislation to provide for a sound banking system, etc., which were referred to the Committee on Finance.

He also presented memorials of sundry citizens of Kingman and Cunningham, in the State of Kansas, remonstrating against the establishment of a parcel-post system, which were referred to the Committee on Post Offices and Post Roads.

He also presented memorials of sundry citizens of Hope, Kimball, Durham, Beverly, Burlington, and Westphalia, all in the State of Kansas, remonstrating against the enactment of legislation to provide for the coloring of oleomargarine in imitation of butter, which were referred to the Committee on Agriculture and Forestry.

Mr. BOURNE presented petitions of the congregations of the First Methodist Church and the Christian Church of Silverton, of the Woman's Christian Temperance Unions of Marion and Silverton, and of sundry citizens of Marion and Silverton, all in the State of Oregon, praying for the enactment of an interstate liquor law to prevent the nullification of State liquor laws by outside dealers, which were referred to the Committee on the Judiciary.

Mr. MARTIN of Virginia presented a petition of sundry citizens of Lynchburg, Va., praying for a reduction of the duty on raw and refined sugars, which was referred to the Committee on Finance.

He also presented a petition of sundry citizens of Lincoln, Purcellville, and Leesburg, all in the State of Virginia, praying for the enactment of an interstate liquor law to prevent the nullification of State liquor laws by outside dealers, which was referred to the Committee on the Judiciary.

Mr. BURNHAM presented a petition of members of the Anti-Saloon League of Concord, N. H., praying for the enactment of an interstate liquor law to prevent the nullification of State liquor laws by outside dealers, which was referred to the Committee on the Judiciary.

He also presented a memorial of Local Grange, Patrons of Husbandry, of Plymouth, N. H., remonstrating against the enactment of legislation to provide for the coloring of oleomargarine in imitation of butter, which was referred to the Committee on Agriculture and Forestry.

He also presented a petition of sundry citizens of Castile, N. Y., praying for the establishment of a parcel-post system, which was referred to the Committee on Post Offices and Post Roads.

Mr. McLEAN presented a petition of the Central Labor Union of Danbury, Conn., praying for the passage of the so-called anti-injunction bill, which was referred to the Committee on the Judiciary.

He also presented a memorial of the congregation of the Methodist Episcopal Church of Southington, Conn., remonstrating against the proposed restoration of the canteen in the Army, which was referred to the Committee on Military Affairs.

He also presented a petition of the Woman's Christian Temperance Union of Hartford, Conn., praying that an appropriation be made for the enforcement of the so-called white-slave law, which was referred to the Committee on Appropriations.

He also presented petitions of sundry granges, Patrons of Husbandry, of Meriden, Berlin, Torrington, and Ellington, all in the State of Connecticut, praying for the establishment of a parcel-post system, which were referred to the Committee on Post Offices and Post Roads.

Mr. PENROSE presented a petition of the board of directors of the Bourse of Philadelphia, Pa., praying that an appropriation be made for the continuance of the Tariff Board, which was referred to the Committee on Appropriations.

He also presented a petition of the board of directors of the Bourse of Philadelphia, Pa., praying for the enactment of legislation to provide for the retirement of employees in the civil service, which was referred to the Committee on Civil Service and Retrenchment.

He also presented a petition of members of the Universal Peace Union, praying for a reconsideration of the ratification of the treaties of arbitration between the United States, Great Britain, and France, which was ordered to lie on the table.

He also presented petitions of the congregation of the First Baptist Church and the First Presbyterian Church of Hazleton, and of the Woman's Christian Temperance Unions of East Sayre, Grove Summit, and Fleetville, all in the State of Pennsylvania, praying for the enactment of an interstate liquor law to prevent the nullification of State liquor laws by outside dealers, which were referred to the Committee on the Judiciary.

Mr. CURTIS presented a memorial of sundry citizens of Hillsboro, Kans., remonstrating against the extension of the parcel-post system beyond its present limitations, which was referred to the Committee on Post Offices and Post Roads.

He also presented a memorial of James B. McPherson Post, No. 87, Department of Kansas, Grand Army of the Republic, of McPherson, Kans., remonstrating against the incorporation of the Grand Army of the Republic, which was referred to the Committee on the District of Columbia.

He also presented a petition of the Young Woman's Christian Association of Topeka, Kans., praying that an appropriation of $50,000 be made providing for an investigation into the subject of the white-slave traffic, which was referred to the Committee on Appropriations.

He also presented petitions of the congregations of the United Presbyterian and Methodist Churches of Walton, and of the Presbyterian Church, the Methodist Episcopal Church, and the Church of Christ, of Burrton; of the Woman's Christian Temperance Union; and of sundry citizens of Prairie Center, all in the State of Kansas, praying for the enactment of an interstate liquor law to prevent the nullification of State liquor laws by outside dealers, which were referred to the Committee on the Judiciary.

TOBACCO STATISTICS.

Mr. McLEAN, from the Committee on the Census, to which was referred the bill (H. R. 13988) to authorize the Director of the Census to collect and publish additional statistics of tobacco, reported it with amendments and submitted a report (No. 491) thereon.

MEMORIAL SERVICE FOR THE DEAD OF THE "MAINE."

Mr. PERKINS. I report from the Committee on Naval Affairs a resolution for which I ask present consideration.

The resolution (S. Res. 253) was read, considered by unanimous consent, and agreed to, as follows:

Whereas the President of the United States has notified the Vice President and the Members of the Senate, and the notification was referred to the Committee on Naval Affairs, that services will be held in memory of the men of the Navy who lost their lives in the destruction of the old battleship *Maine;* and

Whereas it is at all times fitting that bravery and devotion to duty should be recognized and acknowledged; and

Whereas the disaster which overtook the *Maine* afforded evidence of the courage and steadfastness of the officers and enlisted men as conclusive as battle would have done; and

Whereas the men of the *Maine* who lost their lives as truly in defense of their country as though in naval action exhibited that exalted patriotism and noble heroism which have always characterized the American Navy:

Resolved, That as a testimonial of appreciation of the devotion to their country of the brave men who are to be laid to rest with deserved military honors, the Senate do, on Saturday, the 23d instant, adjourn and take part in the memorial service announced by the President.

BILLS AND JOINT RESOLUTIONS INTRODUCED.

Bills and joint resolutions were introduced, read the first time, and, by unanimous consent, the second time, and referred as follows:

Mr. TOWNSEND. Mr. President, realizing as I do that the industrial condition with reference to the coal situation, involving the relation between employer and employee, is a most critical one, believing as I do, also, that it frequently requires but publicity of conditions and the real facts to settle those controversies, I introduce a bill which I desire to have referred to the Committee on Interstate Commerce.

The bill (S. 5901) to provide for the investigation of controversies affecting interstate commerce, and for other purposes, was read twice by its title and referred to the Committee on Interstate Commerce.

By Mr. DU PONT:

(By request.) A bill (S. 5902) for the relief of Alexander Mackenzie and Henry L. Abbot, both on the retired list of the United States Army; to the Committee on Claims.

A bill (S. 5903) granting an increase of pension to Thomas C. Kinsey; to the Committee on Pensions.

By Mr. BROWN:

A bill (S. 5904) for the relief of the Victor White Coal Co.; to the Committee on Claims.

By Mr. MARTINE of New Jersey:

A bill (S. 5905) for the relief of Charles Letts & Co.; to the Committee on Claims.

By Mr. WATSON:

A bill (S. 5906) to provide for the erection of a public building at Keyser, W. Va.; to the Committee on Public Buildings and Grounds.

By Mr. OVERMAN:

A bill (S. 5907) for the relief of the heirs of Mary Everitt, deceased; to the Committee on Claims.

By Mr. KENYON:

A bill (S. 5908) to restore George W. Mathews to the Regular Army and to retire him with the rank and pay of captain; to the Committee on Military Affairs.

By Mr. CLARK of Wyoming:

A bill (S. 5909) to amend an act entitled "An act to codify, revise, and amend the laws relating to the judiciary," approved March 3, 1911; and to repeal an act entitled "An act providing for writs of error in certain instances in criminal cases," approved March 2, 1907; to the Committee on the Judiciary.

By Mr. BOURNE:

A bill (S. 5910) granting to the city of Portland, Oreg., certain strips of land from the post-office and customhouse sites in said city for street purposes; to the Committee on Public Buildings and Grounds.

By Mr. BRADLEY:

A bill (S. 5911) granting a pension to Amanda Woodcock; to the Committee on Pensions.

By Mr. MARTIN of Virginia:

A bill (S. 5912) granting a pension to James J. Boothe; and

A bill (S. 5913) to restore to the pension roll the name of Jordan T. Fletcher (with accompanying paper); to the Committee on Pensions.

By Mr. PENROSE:

A bill (S. 5914) for the relief of Ira MacNutt (with accompanying paper); to the Committee on Claims.

A bill (S. 5915) granting a pension to Matthew F. Whitcomb (with accompanying paper); to the Committee on Pensions.

By Mr. CRANE:

A bill (S. 5916) granting an increase of pension to Laura B. Stiles; to the Committee on Pensions.

By Mr. NELSON:

A bill (S. 5917) relating to procedure in United States courts; to the Committee on the Judiciary.

By Mr. MARTINE of New Jersey:

A joint resolution (S. J. Res. 92) providing for the purchase of the home of Thomas Jefferson, at Monticello, Va.; to the Committee on the Library.

MANUEL AGÜERO Y JUNQUÉ.

Mr. DU PONT. I introduce a joint resolution for which I ask present consideration.

The joint resolution (S. J. Res. 91) authorizing the Secretary of War to receive for instruction at the United States Military Academy at West Point Mr. Manuel Agüero y Junqué, of Cuba, was read twice by its title.

Mr. DU PONT. I ask that the accompanying letter from the Secretary of State be read.

The VICE PRESIDENT. The Senator from Delaware asks for the present consideration of the joint resolution. The Secretary will read the communication from the Secretary of State.

The Secretary read as follows:

DEPARTMENT OF STATE,
Washington, March 14, 1912.

The Hon. HENRY ALGERNON DU PONT,
Chairman of the Committee on Military Affairs,
United States Senate.

SIR: In compliance with a request of the Government of Cuba, made through its Minister at Washington, and with the assent of the Secretary of War, I have the honor to inclose herewith for consideration by your committee a resolution authorizing the Secretary of War to permit Mr. Manuel Agüero y Junqué, of Habana, Cuba, to receive instruction at the United States Military Academy at West Point, at the expense of the Government of Cuba.

The granting of the request would be an act of courtesy without expense to this Government and in accordance with established precedents.

A similar letter has been addressed to the chairman of the Committee on Military Affairs of the House of Representatives.

I have the honor to be, sir,
Your obedient servant,
HUNTINGTON WILSON,
Acting Secretary of State.

The VICE PRESIDENT. The Senator from Delaware asks unanimous consent for the present consideration of the joint resolution.

Mr. WARREN. I ask my colleague on the committee if he will let the joint resolution go to the Committee on Military Affairs. We want to take up the appropriation bill this morning.

Mr. DU PONT. I have no objection to that course.

The VICE PRESIDENT. The joint resolution will be referred to the Committee on Military Affairs.

AMENDMENTS TO APPROPRIATION BILLS.

Mr. JONES submitted an amendment proposing to appropriate $130,000 for the improvement of Apoon Mouth of the Yukon River, Alaska, etc., intended to be proposed by him to the river and harbor appropriation bill (H. R. 21477), which was referred to the Committee on Commerce and ordered to be printed.

Mr. MARTIN of Virginia submitted an amendment proposing to appropriate $12,000 for the grading and macadamizing of Longfellow Street NW. from Fifth Street to Blair Road, etc., intended to be proposed by him to the District of Columbia appropriation bill (H. R. 17681), which was referred to the Committee on Appropriations and ordered to be printed.

HEARINGS BEFORE THE COMMITTEE ON FOREST RESERVATIONS.

Mr. McLEAN submitted the following resolution (S. Res. 254), which was read and referred to the Committee to Audit and Control the Contingent Expenses of the Senate:

Resolved, That the Committee on Forest Reservations and the Protection of Game, or any subcommittee thereof, be authorized to send for persons and papers and to administer oaths, and to employ from time to time stenographers to report such hearings as may be had in connection with any subject which may be pending before said committee, and to have the same printed for its use, the expenses thereof to be paid out of the contingent fund of the Senate; and that the committee or any subcommittee thereof may sit during the sessions of the Senate.

HEARINGS BEFORE THE COMMITTEE ON PUBLIC LANDS.

Mr. SMOOT submitted the following resolution (S. Res. 255), which was read and referred to the Committee to Audit and Control the Contingent Expenses of the Senate:

Resolved, That the Committee on Public Lands, or any subcommittee thereof, be, and the same is hereby, authorized to employ a stenographer from time to time, as may be necessary, to report such hearings as may be had on bills or other matters pending before said committee, and to have printed such hearings and such other papers as may be deemed necessary in connection with subjects heretofore considered or to be considered by said committee during the Sixty-second Congress, and that the expense thereof be paid out of the contingent fund of the Senate, and that the said committee and all subcommittees thereof may sit during the sessions of the Senate.

ADDRESS, ETC., OF ABRAHAM LINCOLN (S. DOC. NO. 439).

Mr. CLARK of Wyoming. I send to the desk a pamphlet which includes the first and second inaugural addresses of Abraham Lincoln, his message of July 5, 1861, his emancipation proclamation of January 1, 1863, and his Gettysburg address of November 19, 1863. I ask that the same may be printed as a Senate document.

The VICE PRESIDENT. Without objection, an order therefor will be entered.

PROPOSED ANTI-INJUNCTION BILL (S. DOC. NO. 440).

Mr. MARTINE of New Jersey. I present certain extracts from the report of Samuel Gompers, president, to the thirty-first annual convention of the American Federation of Labor, held at Atlanta, Ga., November 12–27, 1911, on the subject of the Wilson anti-injunction bill and labor's reasons for its enactment into law. I move that the matter be printed as a Senate document.

The motion was agreed to.

DISTRICT OF COLUMBIA APPROPRIATION BILL.

Mr. GALLINGER. I ask unanimous consent for the present consideration of House bill 17681, the District of Columbia appropriation bill.

The VICE PRESIDENT. Is there objection? The Chair hears none.

Mr. GALLINGER. I yield to the Senator from South Dakota [Mr. CRAWFORD] for a little matter.

ALICE V. HOUGHTON.

Mr. CRAWFORD. Mr. President, during my absence on Saturday last, when I was necessarily absent in connection with the work of my committee, the bill (S. 5137) for the relief of Alice V. Houghton, which the Committee on Claims unanimously directed me to present to the Senate and to report favorably, was reached on the calendar under Rule VIII and it was placed under Rule IX. I do not quite understand how it came to be done in my absence. Of course it was not intentional, but it was hardly courteous either to me or to the committee which directed me to report the bill to transfer it to Rule IX, which is generally considered as a graveyard for legislation not otherwise disposed of.

It is a bill, whether Senators differ about it or not, in which some of us are much interested, and I ask unanimous consent, because I think it was done inadvertently, without knowing my wish, that the bill be restored to the calendar under Rule VIII.

The VICE PRESIDENT. Is there objection to the request of the Senator from South Dakota to restore the bill to the calendar under Rule VIII?

Mr. SMOOT. Mr. President, I wish to say to the Senator that there was no intention on my part in asking that it be transferred from Rule VIII to Rule IX to cast any reflection upon him or the committee.

Mr. CRAWFORD. I understand that. However, it was done.

Mr. SMOOT. If the Senator has read the RECORD he will have noticed the reason I gave for so doing. But I have not the least objection to having the bill transferred to Rule VIII.

Mr. CRAWFORD. I ask that it be placed under Rule VIII.

The VICE PRESIDENT. Without objection, an order therefor is entered.

PUBLIC BUILDING AT GREELEY, COLO.

Mr. GUGGENHEIM. I ask unanimous consent——

Mr. GALLINGER. I yield to the Senator from Colorado, provided the bill he wishes to call up does not lead to any debate.

Mr. GUGGENHEIM. I think it will take only a few minutes. I ask unanimous consent for the present consideration of the bill (S. 4144) to increase the limit of cost of the United States post-office building at Greeley, Colo. It is a very short bill.

The Secretary read the bill; and there being no objection, the Senate, as in Committee of the Whole, proceeded to its consideration.

The bill was reported from the Committee on Public Buildings and Grounds with an amendment, in line 6, before the word "hundred," to strike out "two" and insert "one," so as to make the bill read:

Be it enacted, etc., That the limit of cost of the United States post-office building at Greeley, Colo., be, and the same hereby is, increased from the sum of $75,000 to the sum of $100,000, said increase to be employed in the enlargement and betterment of the building.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

ASSIGNMENT OF DESERT-LAND ENTRIES.

Mr. JONES rose.

Mr. GALLINGER. I will yield to the Senator from Washington, and then I will ask the Senate to proceed with the appropriation bill.

Mr. JONES. I ask unanimous consent for the present consideration of the bill (S. 5446) relating to partial assignments of desert-land entries within the reclamation projects made since March 28, 1908. It is a short measure and it is rather important to have early action.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill.

The bill was reported from the Committee on Public Lands with an amendment, to strike out all after the enacting clause and insert:

That a desert-land entry within the exterior limits of a Government reclamation project may be assigned in whole or in part under the act of March 28, 1908 (35 Stat. L., 52), and the benefits and limitations of the act of June 27, 1906 (34 Stat. L., 520), shall apply to such desert-land entryman and his assignees: *Provided*, That all such assignments shall conform to and be in accordance with farm units to be established by the Secretary of the Interior upon the application of the desert-land entryman. All such assignments heretofore made in good faith may be recognized under this act.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

RETIREMENT OF EMPLOYEES IN CIVIL SERVICE.

Mr. CUMMINS. Mr. President——

The VICE PRESIDENT. Will the Senator from New Hampshire yield to the Senator from Iowa?

Mr. GALLINGER. I will yield to the Senator from Iowa if the matter does not involve any debate.

Mr. CUMMINS. I wish to have a correction made in a bill which was printed a few days ago.

Mr. GALLINGER. Certainly; I yield for that purpose.

Mr. CUMMINS. On the 15th day of the present month I introduced a bill (S. 5863) for the retirement of employees in the civil service, and for other purposes. In the seventh line of the third page the printer has made a mistake, printing "$1,600 per year" instead of "$600 per year," as the copy at least was intended to read. I desire to have that correction made.

The VICE PRESIDENT. The correction will be made.

Mr. CUMMINS. Substituting $600 for $1,600, and I ask that the bill be reprinted as corrected.

The VICE PRESIDENT. An order therefor will be entered.

DISTRICT OF COLUMBIA APPROPRIATION BILL.

The Senate, as in Committee of the Whole, proceeded to consider the bill (H. R. 17681) making appropriations to provide for the expenses of the government of the District of Columbia for the fiscal year ending June 30, 1913, and for other purposes, which had been reported from the Committee on Appropriations with amendments.

Mr. GALLINGER. I ask unanimous consent that the formal reading of the bill be dispensed with, that the bill be read for amendment, and that the committee amendments be first considered.

The VICE PRESIDENT. Is there objection? The Chair hears none.

Mr. GALLINGER. Mr. President, before the reading commences, I want in a single word to make a statement.

The increase recommended by the committee over the bill as it passed the House, which may seem large to some Senators, is to a considerable extent made up of increases due to the necessary construction of two large school buildings in the District. The amount of the increase is $1,762,056. The Commissioners of the District of Columbia in submitting their estimate made a very large cut in the estimates that were submitted to them by the heads of the various departments. The bill as reported to the Senate is $886,706 less than the revised estimates made by the commissioners.

The bill as reported to the Senate is under the estimated revenues for 1913, on the half and half basis, of $503,504, and it exceeds the law for 1912 only $6,728, notwithstanding the fact that the District is growing rapidly and increased expenditures are necessary, and the further fact, as I have stated already, that the increases to a very considerable extent are made up in view of the necessity for additional school buildings in the District.

Now, Mr. President, the reading may commence.

Mr. BROWN. Mr. President, before the reading proceeds, I should like to inquire of the Senator from New Hampshire about how much of this bill is legislation?

Mr. GALLINGER. The Senator will discover it as we go along. There is some legislation in the bill as it came from the other House, and there has been some legislation reported by the Senate committee, as there always is in such bills.

Mr. BROWN. The bill is a very heavy one; I have not been able to go through with it, and I wanted to get a general idea, if I could, from the Senator about how much legislation that is new is in the bill.

Mr. GALLINGER. There is comparatively little, and yet there is some, I will say to the Senator. That will develop as we go along.

The VICE PRESIDENT. The Secretary will read the bill.

The Secretary proceeded to read the bill.

The first amendment of the Committee on Appropriations was, under the head of "General expenses," on page 2, line 3, before the word "thousand," to strike out "five," and insert "six," so as to read:

Executive office: Two commissioners, at $6,000 each.

The VICE PRESIDENT. Without objection, the amendment is agreed to.

Mr. WORKS. Mr. President, I object to that particular amendment on the ground that it is new and general legislation on an appropriation bill. I raise that question by a point of order.

Mr. GALLINGER. I think the point of order will not lie. The item is estimted for, and under the rule it is in order.

Mr. WORKS. I understand, Mr. President, that an appropriation bill——

Mr. SMITH of Georgia. Mr. President, we can not hear over on this side of the Chamber just what has occurred.

Mr. WORKS. I am making the point of order with respect to the amendment increasing the salaries of the Commissioners of the District of Columbia, that it is general legislation, and that the increase of salaries ought not to be carried into an appropriation bill. Therefore, I am objecting to this proposed amendment. I am not ready to say that the increase is not proper or that that amount ought not to be allowed as salaries to the commissioners, but my own judgment is that upon principle salaries ought not to be increased in an appropriation bill. Therefore I object to the amendment on that ground, and I insist upon my point of order as well taken.

The VICE PRESIDENT. If the statement of the chairman of the Committee on the District of Columbia [Mr. GALLINGER] is correct, that the increase is made in pursuance of an estimate, the point of order does not lie.

Mr. GALLINGER. It is, Mr. President.

Mr. WORKS. That may be so. I was not aware of that fact.

Mr. CULBERSON. Mr. President, I respectfully submit that the point of order made by the Senator from California [Mr. WORKS] is well taken, because the amendment is general legislation. It does not take it out of the rule for the item to be estimated for by proper authority.

Mr. GALLINGER. Mr. President——

The VICE PRESIDENT. The Chair does not think that the point made by the Senator from Texas is well taken.

Mr. GALLINGER. It is not general legislation at all. The commissioners are in every bill granted a salary and an estimate has come to the committee asking for an increase of the salary. In accordance with that estimate, which is in strict conformity with the rule of the Senate, this increase is sub-

mitted to the Senate. Whether it is wise or not, of course, is for the Senate to determine.

Mr. CULBERSON. Mr. President, I should like to ask the Senator from New Hampshire if the salary of the commissioners is not fixed by law?

Mr. GALLINGER. It is fixed by the appropriation bill each year.

Mr. CULBERSON. Is it not fixed by law?

Mr. GALLINGER. It is fixed by law just as every other salary is fixed by law; but, of course, it can be changed. It is not to be supposed that this——

Mr. CULBERSON. The point I make, Mr. President, is that the salary is fixed by general law, and that general law is changed when the appropriation is made $6,000 instead of $5,000. It is not taken out of the rule even if estimated for by the commissioners, whose salary they seek to have increased.

The VICE PRESIDENT. The Chair thinks that if it were general legislation the Senator's contention would be correct; but the Chair thinks it is not general legislation to change the amount of a salary for a fiscal year. It does not change the law, but it changes the salary for this fiscal year; and on that ground the Chair overrules the point of order.

Mr. POMERENE. Mr. President——

The VICE PRESIDENT. Does the Senator from California yield to the Senator from Ohio?

Mr. WORKS. I yield.

Mr. POMERENE. Mr. President, as I have understood it, the general statute provides for a salary of $5,000 per annum for the Commissioners of the District of Columbia. This bill appropriates $6,000 a year for the salary. Does not that, by an indirect method, operate as a repeal of the first provision? If I be not correct in that, assuming this bill should be passed, would each of the commissioners then be entitled to draw the $6,000 a year instead of $5,000 as heretofore?

Mr. GALLINGER. They would for the next fiscal year; that is all. It is not a permanent change.

Mr. POMERENE. Then, Mr. President, am I to understand that by this appropriation bill the general statute on the subject would be suspended for a year?

Mr. GALLINGER. It would be suspended precisely as the statute was suspended when the Senators' salary was increased. The salary of the commissioners of $5,000 was fixed in a statute to conform with the salary of Members of the two Houses of Congress, and the same amount was named. We have managed to get our salaries increased $2,500 a year, and I should very much like to see the salary of the commissioners increased $1,000. The proposition to increase it in this bill is absolutely in conformity with the rule.

Mr. POMERENE. Mr. President, my salary, so far as I know, has been the same ever since I have been here.

Mr. GALLINGER. The Senator was fortunate in coming in late.

Mr. WORKS. Mr. President, of course I yield gracefully to the ruling of the Chair upon this question, but it seems to me to be singular that as to this appropriation, which does in fact increase the salary of a public official, the rule should be changed by the mere fact of an estimate having been made for that purpose. I can very well understand that if this is simply an appropriation for one year covering the salary the Chair is correct in the ruling that he has made.

The VICE PRESIDENT. That is all.

Mr. WORKS. But the effect of it undoubtedly is to increase the salary of these public officials permanently, whatever may be the technical effect of it by which the Chair's ruling is justified; but I still object to the amendment.

Mr. BACON. Mr. President, I do not wish to trespass upon the time after the Chair has ruled, but I think this is possibly an important matter, and it is with very great hesitation I am compelled to differ from the ruling of the Chair.

The purpose of the rule is that there shall not be engrafted upon an appropriation bill matter which, taken by itself, might not be passed by Congress, but by being put upon an appropriation bill its passage is in that way in a measure assured. If it were true that the salary of the commissioners was fixed each year by the appropriation bill, the ruling of the Chair would undoubtedly be correct, because in that case it would not be general legislation which is varied, but it would be the making of a law in opposition to which there was no conflicting law; in other words, it would be a necessity that it should be put in the appropriation bill just like all other provisions of appropriation bills are necessary, and in their absence there is no provision made for the payment of the money. In this case the language of the rule is that:

> No amendment which proposes general legislation shall be received.

The question is, What is "general legislation"? I think, Mr. President, that anything which varies the general law is general legislation, whether it does so temporarily or permanently. That is the ground upon which I base my conclusion. We have a general law which fixes the salary of the commissioners at $5,000 a year. This amendment proposes that for a year that general law shall be varied——

Mr. SMITH of Georgia. And set aside.

Mr. BACON. And set aside. It seems to me, then, that the conclusion is irresistible that anything which varies the general law is necessarily general legislation. The language is broad, it is true, but a correct interpretation of it, I think, is along the line which I have suggested.

I presume it will be conceded that if there were an item in the bill providing generally that the salary of the commissioners hereafter shall be $5,000, there would be no question of the fact that it would be in contravention of the rule. If I correctly understand the effect of the rule, it is none the less a piece of general legislation if a term is fixed during which the general law is to be varied than it would be if the change were made for all time. Suppose we should say that for the next five years the salary of the commissioners should be $6,000 instead of $5,000, as the general law now provides; that would certainly be general legislation; and to say that it shall be $6,000 for one year is, in my opinion, none the less a variation.

I beg pardon of the Chair for the liberty of suggesting that view, but for myself I am very clear in my own mind.

Mr. GALLINGER. Mr. President, I desire to read——

Mr. BACON. If the Senator will pardon me a moment, just in further illustration of what I have said, as suggested to me by my colleague [Mr. SMITH of Georgia], the general law fixes the salary of the commissioners for the next fiscal year, and this amendment varies the general law in that particular, and says it shall not for that year be the law.

Mr. GALLINGER. The provision will not become operative until the end of the present fiscal year.

Mr. BACON. The Senator misunderstood me. I know that fact. I say the general law fixes the salary for the next fiscal year. The law now upon the statute books determines what shall be the salary of the commissioners for the fiscal year beginning June 30, and this amendment proposes to change that general law. I will say that, while the general law prescribes that the salary shall be $5,000 for the fiscal year beginning July 1, 1912, and ending June 30, 1913, by the operation of this amendment for that period the salary shall not be what the general law provides, but shall be $1,000 in addition thereto.

Mr. GALLINGER. Mr. President, the committee plants itself upon the clause in Rule XVI, which provides:

> And no amendments shall be received to any general appropriation bill the effect of which will be to increase an appropriation already contained in the bill, or to add a new item of appropriation, unless it be made to carry out the provisions of some existing law or treaty stipulation or act or resolution previously passed by the Senate during that session; or unless the same be moved by direction of a standing or select committee of the Senate, or proposed in pursuance of an estimate of the head of some one of the departments.

When this bill came to the committee it contained a provision for the salaries of the Commissioners of the District of Columbia. An estimate came in advising an increase in those salaries, and under the provisions of Rule XVI the proposed increase has been recommended.

Mr. BACON. What is the number of the rule from which the Senator reads?

Mr. GALLINGER. Rule XVI.

Mr. BACON. Well, Mr. President, that does not in any manner conflict with the third paragraph of Rule XVI, which is the one which has been invoked, and which is undoubtedly the law of the Senate. I quote from that paragraph of Rule XVI:

> No amendment which proposes general legislation shall be received to any general appropriation bill.

That is complete in itself. What follows has no connection with it; that is:

> Nor shall any amendment not germane, etc.

This rule goes on to specify, but the general proposition is contained in the line and a half I have read.

Mr. GALLINGER. The Senator is reading from the third clause. I read from the latter portion of the first clause of Rule XVI.

Mr. BACON. I understand that; but, Mr. President, that is altogether a different matter.

Mr. GALLINGER. It is; yes. That is what I am contending.

Mr. SMITH of Georgia. Mr. President, if the Senator will allow me, the clause which the Senator from New Hampshire read is an additional limitation. It in no way conflicts with what my colleague was reading; but, as I have said, is an additional limitation.

Mr. BACON. The first clause is intended to meet an altogether different case:

All general appropriations shall be referred, * * * and no amendments shall be received to any general appropriation bill the effect of which will be to increase an appropriation already contained in the bill.

That, Mr. President, has no reference whatever to the question of salary. If the Senator's contention is true, we could ingraft upon an appropriation bill an extensive amendment which would affect the salary of every officer and every employee of the Government. If we can do that in one case, we can do it in all cases.

Mr. GALLINGER. The Senator does not seriously argue that in a District of Columbia appropriation bill we could increase the salary of every officer of the Government?

Mr. BACON. Why, Mr. President, I do not know of any limitation upon the power of amendment in the Senate except the will of the Senate itself.

Mr. GALLINGER. The limitation is that the item shall be estimated for.

Mr. BACON. But, Mr. President, estimates are not made for salaries. Salaries are fixed by law. You estimate how much the digging out of a river is going to cost, or how much a public building is going to cost, and you estimate for matters of that uncertain nature, because those things can not be fixed by general law, and they are not attempted to be fixed by general law; but the salaries of officers are fixed by general law, and if they are fixed by general law, they are absolutely and specifically within the third clause of the sixteenth rule.

Mr. POMERENE. Mr. President, I desire to call the Senator's attention to what I understand is the organic law of the District of Columbia. I read from page 103 of the United Statutes at Large, volume 20. Section 3 of that statute, among other things, provides:

And said commissioners, appointed from civil life, shall each receive for his services a compensation at the rate of $5,000 per annum, and shall, before entering upon the duties of the office, each give bond in the sum of $50,000.

So that it does seem that there is a general statute covering this matter, and, that being so, it would seem to me that this amendment is an attempt to appropriate funds for the ensuing year in violation of the general statute on the subject.

Mr. GALLINGER. Mr. President, I will be content with the ruling of the Chair.

Mr. CLARKE of Arkansas. Mr. President, as suggestions seem to be in order, I will violate a rule of my own when I obtrude at this time a suggestion in connection with this matter. There is one aspect of it that I think makes against the ruling which the Chair has tentatively indicated. It seems that if a Senator on the floor should make a motion or offer an amendment to increase a salary, it would be out of order, whereas if the proposition came from a committee or was estimated for by the head of one of the executive departments it would therefore be within the jurisdiction of the Senate. I think that that reduces it to an absurdity. I do not believe that any executive officer has control over the proceedings of the Senate in greater degree than the Senate itself, and I do not think, in the exercise of the power lodged by the Constitution in the Senate, it should first be required to exercise its jurisdiction through the agency of one of its own committees.

If that amendment would not be in order if offered from the floor, I think it violates the provision of the rule which succeeds it, as a matter of general legislation. I do not believe that it was ever intended by anybody who understood the real meaning of that rule, or that the Senate when it drafted it, undertook to divest itself of the power to propose and enact any legislation that the Constitution permitted it to enact; and I do not believe that it can be fairly drawn out of the meaning of those words that the Senate must first have the permission of a committee or of the head of an executive department before it can proceed to exercise its constitutional power.

Mr. GALLINGER. Mr. President, I will simply make the suggestion to the Senator from Arkansas that if an increase were estimated for it would be entirely in order for a Senator to make the motion from the floor, provided it came within the rule.

Mr. CLARKE of Arkansas. That still does not answer the objection I made, that a Senator does not derive his power to make motions upon this floor from any suggestion of the head of an executive department.

Mr. GALLINGER. Then the Senate will have to change the rule.

Mr. OVERMAN. Mr. President, I desire to ask the Senator from New Hampshire if he is not mistaken about this item being estimated for? I understand that each year estimates are sent by the Secretary of the Treasury in the Book of Estimates of the amount of money required to be appropriated for salaries fixed by law. The estimates sent by the Treasury Department were for salaries as fixed by law, and a recommendation, not an estimate, comes here for the increase of the salaries of the commissioners. I say it is not an estimate, but a recommendation.

Mr. WORKS. Mr. President, it seems to me that the rule appealed to by the Senator from New Hampshire does not meet this question. That simply relates to an increase in the amount of the appropriation. If, in this instance, we increase the amount, we are appropriating a sum in excess of the amount due to these officers for their salaries by a thousand dollars apiece. In order to make the appropriation available at all we must change the salary, and that is the effect of this provision in the bill, not only to increase the amount, but necessarily to change the law with respect to the salary to be paid.

The VICE PRESIDENT. Rule XVI has various provisions, and Rule XVI is self-imposed by the Senate itself. The Senate can provide that the clerk of the Committee on Appropriations may regulate its appropriations, if it desires so to provide. It has made provision in paragraph 1 and paragraph 3 of Rule XVI in what manner appropriations shall be limited; but paragraphs 1 and 3 are two absolutely separate propositions. Under paragraph 1, had not the appropriation been estimated for—and the Chair is assuming that it was; and if the Chair is in error of course the provision must fall under the provisions of paragraph 1—but the Chair——

Mr. OVERMAN. That was the question I wanted to ask—whether this item was estimated for?

Mr. GALLINGER. Mr. President, the Senator from North Carolina is laboring under a mistake. These estimates came in the first place from the Secretary of the Treasury, and through that official the board of commissioners recommended the increase as found in the estimates.

Mr. OVERMAN. Now, let me say to the Senator, there is only a recommendation for an increase. It can not be an estimate because the estimate is for the amount of money required by statute to pay the salary. That is all the Secretary of the Treasury can estimate for.

The Secretary of the Treasury at each session of Congress sends down a book containing the estimates of the amount of money required to be appropriated for each salary. With the estimate for the salaries of the Commissioners of the District of Columbia comes a recommendation. The Secretary of the Treasury, as I understand, estimates for the salary as fixed by law, but coupled with that estimate is a recommendation that the salaries of the commissioners be increased. It is really not an estimate, but a recommendation. Am I not right? I will ask the Senator from New Hampshire.

Mr. GALLINGER. I think the Senator is not right. It is an estimate in due course, just as estimates for increases in salaries of 200 officials of the District government were made, some of which we have allowed and some of which we have not.

Mr. OVERMAN. So that the Commissioners of the District of Columbia sent down the recommendation, but the Secretary of the Treasury has not estimated for it?

Mr. GALLINGER. The recommendation of the District of Columbia Commissioners goes to the Secretary of the Treasury and through the Secretary of the Treasury is transmitted to Congress.

Mr. OVERMAN. The Secretary of the Treasury always sends the estimates?

Mr. GALLINGER. He does.

Mr. OVERMAN. And he could not have estimated for this increase, because it is not provided for by law.

The VICE PRESIDENT. The Chair was about to distinguish between paragraphs 1 and 3 of Rule XVI, and the Chair had concluded what he had to say about paragraph 1, that, assuming the statement to be correct that an estimate has been made for this appropriation, then paragraph 1 does not prohibit the proposed action.

Next comes the question of paragraph 3, whether or not the proposed amendment is general legislation. The Chair knows that it has been customary in both Houses of Congress to both increase and decrease salaries on appropriation bills, and the Chair thinks that the provision here is not general legislation. Of course, it would be general legislation were it in the words suggested by the Senator from Georgia [Mr. BACON] "that hereafter," and so forth. That would make it general legislation, but in the form in which it is presented, being an appropriation for the one fiscal year, it seems to the Chair the amendment is in the nature of a limitation upon the appropriation for that fiscal year, and does not become general legislation. That is the reason that was in the Chair's mind and which impelled him to hold the point of order not well taken. The question is on agreeing to the amendment.

Mr. WORKS. Mr. President, in order that the sense of the Senate may be taken as to the propriety of this mode of in-

creasing salaries, independently of the rule that has been referred to, I call for the yeas and nays on the amendment.

The yeas and nays were not ordered.

The VICE PRESIDENT. The question is on agreeing to the amendment. [Putting the question.] By the sound the ayes seem to have it.

Mr. CLARKE of Arkansas. I ask for a division.

The question being put, there were on a division—ayes 17, noes 11.

The VICE PRESIDENT. The ayes have it.

Mr. BACON. I raise the point that no quorum has voted, Mr. President.

The VICE PRESIDENT. The Senator from Georgia makes the point that no quorum has voted, and apparently there is no quorum present. The Secretary will call the roll.

Mr. BACON. I did not put it on that ground, Mr. President.

The VICE PRESIDENT. The Chair understands. He did not mean to misstate the Senator's position. The Secretary will call the roll.

The Secretary called the roll, and the following Senators answered to their names:

Bacon	Curtis	Newlands	Smith, Ga.
Borah	Dillingham	Nixon	Smith, S. C.
Bourne	du Pont	Oliver	Smoot
Brandegee	Fletcher	Overman	Swanson
Bristow	Foster	Page	Thornton
Brown	Gallinger	Penrose	Townsend
Burnham	Guggenheim	Percy	Warren
Chamberlain	Johnston, Ala.	Perkins	Watson
Chilton	Jones	Poindexter	Wetmore
Clark, Wyo.	McLean	Pomerene	Williams
Clarke, Ark.	Martin, Va.	Rayner	Works
Crane	Martine, N. J.	Richardson	
Crawford	Myers	Root	
Cullom	Nelson	Simmons	

Mr. FLETCHER. I desire to state that my colleague [Mr. BRYAN] is necessarily absent, and will be for several days.

Mr. TOWNSEND. I wish to state that the senior Senator from Michigan [Mr. SMITH] is unavoidably out of the city.

The VICE PRESIDENT. Fifty-three Senators have answered to their names. A quorum of the Senate is present.

Mr. GALLINGER. Mr. President, I desire to occupy only a moment more. In the matter of estimates, it is provided that—

All annual estimates for the public service shall be submitted to Congress through the Secretary of the Treasury, and shall be included in the Book of Estimates prepared under his direction.

This item appears in the Book of Estimates as coming from the Secretary of the Treasury. The Commissioners of the District of Columbia had a salary fixed in the year 1879. It was fixed in the same amount as the salary for Members of the two Houses of Congress. No advance has been made in that salary since that time. On an appropriation bill we increased our own salaries, and I believe that was done without an estimate. On an appropriation bill we increased the salary of the Commissioner of the General Land Office, and we have increased several other salaries in the same way, including that of the President of the United States.

But this is absolutely and explicitly in accordance with the rules of the Senate and in accordance with the terms of the law, and I ask for the yeas and nays on the question of agreeing to the amendment.

The VICE PRESIDENT. The yeas and nays have once been refused.

Mr. SMOOT. Yes.

The VICE PRESIDENT. Is there objection to taking the vote by yeas and nays? [After a pause.] The Chair hears none.

Mr. OVERMAN. What I was alluding to is this statement in the Book of Estimates. It says salaries of—

Two commissioners, at $6,000 each (increase of $1,000 each submitted).

And then it goes on to say in a note that that is a recommendation on the part of the commissioners, inasmuch as it is hard to get competent men to serve in that office for $5,000.

So, while the Secretary of the Treasury can not estimate for any more than absolutely is the salary, he does indorse the recommendation of the commissioners and notes that down, in case the Senate should see fit to increase the salary.

Mr. GALLINGER. Mr. President, let the vote be taken.

Mr. WORKS. Mr. President, I said in the beginning that I was not contesting the justice of this increase of salaries. I am not sufficiently informed to know whether the salary should be increased or not. Therefore I am not pressing the objection upon that ground, but on principle I am opposed to the increase of salaries in this way, and therefore I made the point of order.

Mr. BRISTOW. Before the vote is taken, I should like to know whether the commissioners are furnished carriages at public expense.

Mr. GALLINGER. The Commissioners of the District of Columbia have 70 square miles of territory to travel over, and I think they have been allowed some kind of conveyance. They ought to be allowed a conveyance of some kind. They have to inspect every street in the District of Columbia and the sewage system and every other matter relating to the interests of the people of this Capital City. They are allowed transportation in some form or other, as are a great many other officials of the Government.

Mr. BRISTOW. Could the Senator from New Hampshire state about what appropriation is made each year for the maintenance of the carriages of the commissioners?

Mr. GALLINGER. The Senator will find all that in this bill, so far as I know.

Mr. BRISTOW. There are a great many things in the bill. The Senator does not expect us to read it all to find out, and I supposed that the Senator from New Hampshire, chairman of the District of Columbia Committee, had that knowledge without referring us to a bill of over a hundred pages.

Mr. GALLINGER. The items will be reached in due course. I do not think I want to occupy much time in discussing the bill in a general way. I have given and the committee have given a great many serious hours to the consideration of this bill, and we have presented it to the Senate. It has been here a good while, and each Senator could have acquainted himself with all the items if he had seen fit to do so.

Mr. BRISTOW. That is a very general way to avoid answering a question. There are a great many bills before the Senate for its consideration. The committee has, no doubt, given a great deal of time to the consideration of the pending bill, and I thought some member could give the information for which I have asked.

Mr. GALLINGER. I may state that each commissioner has a carriage or an automobile, one or the other, at his disposal. I know that one of the commissioners does not use it, because he happens to be a man of independent means, and he does not require it. But they are given means of transportation.

Mr. CURTIS. May I suggest that they are paid for out of the general appropriation for contingent and miscellaneous expenses? The general appropriation covering all the items is some $37,000.

I should like to say to my colleague from Kansas that I happen to be on a subcommittee that has a great deal of business with the District Commissioners, and I think in one week we spent five days riding around the streets of the city of Washington examining public buildings, and we could not have done it had not the District furnished to the commissioners the public conveyance in which to go around and look after the interests of the District of Columbia.

If there are any officers in Government employ entitled to conveyances, surely the District Commissioners are.

Mr. BRISTOW. I merely wanted to know. If the Government is providing the commissioners with automobiles or carriages for their convenience, it makes the office more attractive than if such were not provided. I am not saying they are not needed in the discharge of the public duties of the commissioners, but it is certainly an element to be taken into consideration when it is proposed to increase the salaries of the commissioners. I feel I was not indulging in any breach of courtesy in endeavoring to find out what perquisites these officers have in addition to their $5,000 a year.

The PRESIDING OFFICER (Mr. BRANDEGEE in the chair). The question is on agreeing to the amendment proposed by the committee. The yeas and nays having been ordered, the Secretary will call the roll.

The Secretary proceeded to call the roll.

Mr. FLETCHER (when Mr. BRYAN's name was called). I desire to state that my colleague [Mr. BRYAN] is necessarily absent. He is paired with the senior Senator from Michigan [Mr. SMITH]. I will let this announcement stand for the day.

Mr. BURNHAM (when his name was called). I have a general pair with the junior Senator from Maryland [Mr. SMITH], and I therefore withhold my vote. If permitted to vote, I should vote "yea."

Mr. CLARK of Wyoming (when his name was called). I have a general pair with the Senator from Missouri [Mr. STONE]. I therefore withhold my vote. If he were present, I should vote "yea."

Mr. DILLINGHAM (when his name was called). On account of my general pair with the senior Senator from South Carolina [Mr. TILLMAN], who is absent, I withhold my vote.

Mr. DU PONT (when his name was called). I have a general pair with the senior Senator from Texas [Mr. CULBERSON]. I do not see him in the Chamber. I therefore withhold my vote. If I were free to vote, I would vote "yea."

Mr. LEA (when his name was called). I am paired with the junior Senator from Rhode Island [Mr. LIPPITT]. I transfer that pair to the junior Senator from Maine [Mr. GARDNER] and vote "yea."

Mr. SIMMONS (when his name was called). I am paired with the junior Senator from Minnesota [Mr. CLAPP], and I withhold my vote.

Mr. TOWNSEND (when the name of Mr. SMITH of Michigan was called). I understand that the senior Senator from Michigan [Mr. SMITH], who is unavoidably absent, is paired with the junior Senator from Florida [Mr. BRYAN].

Mr. SMOOT (when Mr. SUTHERLAND'S name was called). My colleague [Mr. SUTHERLAND] is unavoidably detained from the Chamber.

Mr. WATSON (when his name was called). I have a general pair with the senior Senator from New Jersey [Mr. BRIGGS]. I transfer that pair to the junior Senator from Missouri [Mr. REED] and vote "nay."

The roll call was concluded.

Mr. BRADLEY. I am paired with the senior Senator from Tennessee [Mr. TAYLOR]. I transfer that pair to the junior Senator from Wisconsin [Mr. STEPHENSON] and vote "yea."

Mr. DILLINGHAM. I transfer my pair with the senior Senator from South Carolina [Mr. TILLMAN] to the junior Senator from Illinois [Mr. LORIMER] and vote "yea."

The result was announced—yeas 36, nays 13, as follows:

YEAS—36.

Bourne	Fletcher	Newlands	Poindexter
Bradley	Foster	Nixon	Richardson
Brandegee	Gallinger	Oliver	Root
Brown	Johnston, Ala.	Overman	Smoot
Chamberlain	Lea	Owen	Swanson
Crane	McLean	Page	Thornton
Cullom	Martin, Va.	Penrose	Townsend
Curtis	Martine, N. J.	Percy	Warren
Dillingham	Nelson	Perkins	Williams

NAYS—13.

Bacon	Crawford	Pomerene	Works
Bristow	Jones	Smith, Ga.	
Chilton	Kenyon	Smith, S. C.	
Clarke, Ark.	Myers	Watson	

NOT VOTING—42.

Bailey	Davis	Kern	Simmons
Bankhead	Dixon	La Follette	Smith, Md;
Borah	du Pont	Lippitt	Smith, Mich.
Briggs	Gamble	Lodge	Stephenson
Bryan	Gardner	Lorimer	Stone
Burnham	Gore	McCumber	Sutherland
Burton	Gronna	O'Gorman	Taylor
Clapp	Guggenheim	Paynter	Tillman
Clark, Wyo.	Heyburn	Rayner	Wetmore
Culberson	Hitchcock	Reed	
Cummins	Johnson, Me.	Shively	

So the amendment was agreed to.

The next amendment of the Committee on Appropriations was, in the item of appropriation for the maintenance of the "Executive Office," page 2, in line 4, before the word "dollars," to strike out "two hundred and eighty" and insert "six hundred and thirty-six"; in line 5, before the word "thousand," to strike out "five" and insert "six"; in line 12, before the word "hundred," strike out "four" and insert "five"; and in line 15, before the word "hundred," to strike out "three" and insert "four," so as to read:

Executive office: Two commissioners, at $6,000 each; engineer commissioner, $636 (to make salary $6,000); additional compensation for two assistants to the engineer commissioner, detailed from the Engineer Corps of the United States Army, under act of Congress approved June 11, 1878, two at $250 each; secretary, $2,400; two assistant secretaries to commissioners, one at $1,500, and one at $1,200; clerks—one at $1,600, one at $1,500, one at $1,400.

The amendment was agreed to.

The next amendment was, in the item of appropriation for the maintenance of the "executive office," on page 2, line 18, after the word "dollars," to strike out "one at $840, one at $720," and insert "two at $840 each"; and in line 20, after the word "messengers," to strike out "one at $600," and insert "two at $600 each," so as to read:

Two at $1,200 each, one who shall be a stenographer and typewriter, $1,000, two at $840 each, one at $600; messengers—two at $600 each, one at $480; stenographer and typewriter, $840; two drivers, at $600 each.

The amendment was agreed to.

The next amendment was, on page 3, after line 3, to insert:

Medicines, surgical and hospital supplies, $1,000.

The amendment was agreed to.

The next amendment was, on page 3, after line 5, to insert:

Allowance for team, at $30 per month, $360.

The amendment was agreed to.

The next amendment was, on page 3, line 8, after the word "shall," to insert "hereafter"; in line 15, before the word "hundred," to strike out "six" and insert "seven"; in the same line, after the word "dollars," to insert "computer (transferred from per diem roll) $1,440"; in line 19, after the word "each," to insert "four at $840 each"; and in line 20, before the word "at," to strike out "six" and insert "two," so as to read:

Purchasing division: Purchasing officer, who shall hereafter, under the direction of the commissioners, supervise the purchase and distribution of all supplies, stores, and construction materials for the use of the government of the District of Columbia, and who shall give bond in such sum as the commissioners may determine, $2,750; deputy purchasing officer, $1,700; computer (transferred from per diem roll), $1,440; clerk, $1,500; clerks—1 at $1,300, 6 at $1,200 each, 3 at $900 each, 4 at $840 each, 2 at $720 each.

The amendment was agreed to.

The next amendment was, in the item of appropriation for the maintenance of the purchasing division, on page 3, line 25, before the word "dollars," to strike out "four hundred and eighty" and insert "six hundred"; in the same line, after the word "dollars," where it occurs the second time, to strike out "inspector, $780," and insert "inspector of materials, $900"; on page 4, line 4, before the word "inspector," to strike out "two laborers, at $600 each," and insert "two clerks, at $720 each"; and in line 6, after the word "dollars," to insert "temporary labor, $150"; so as to read:

Driver, $600; inspector, $900; inspector of materials, $900; 2 clerks, at $720 each; inspector of property, $936; property-yard keeper, $1,000; inspector of materials, $1,200; temporary labor, $150.

The amendment was agreed to.

The next amendment was, on page 4, after line 7, to insert:

Hereafter whenever any bid or proposal for any work, material, or supplies shall be accepted by the Commissioners of the District of Columbia and a contract therefor is required to be signed by them, every such contract may be signed, sealed, and delivered in the name of and for and on behalf of the District of Columbia when signed by a majority of said commissioners.

Mr. GALLINGER. I move to strike out the words "when signed" in line 13. It is a duplication of language.

The PRESIDING OFFICER. Without objection, the amendment to the amendment is agreed to.

Mr. WORKS. Mr. President, I make the point of order with respect to this clause that it is general legislation. I understand the law now provides that the action of the commissioners must be unanimous. This is an effort to change the law in that respect, and it seems to me to be quite important. Certainly it is general legislation on that subject.

Mr. GALLINGER. Mr. President, the reason for this provision is that at certain seasons of the year one of the commissioners is absent. Like most of the rest of us they take a vacation, and as at present the business of the District is greatly interrupted by not having the entire board all the time in the District of Columbia. It is not a matter of consequence to me at all, but in the administration of the office of the commissioners it is very important. I trust the Senator from California will not make a point of order against this provision, because it does no harm to anybody, and it facilitates greatly the administration of the business of the District.

Mr. WORKS. I make it, Mr. President, because I understand that this amendment grew out of the fact of a dispute upon that very question, where the parties were unable to procure unanimous consent, and that the object of this provision is to meet that condition, not the mere fact that it is inconvenient in the dispatch of business. I may be misinformed in respect to that.

Mr. GALLINGER. If there was trouble, the trouble grew out of the present situation, where unanimous concurrence is required, and one of the commissioners was absent on his vacation. They are permitted 30 days leave.

Mr. WORKS. My information is quite to the contrary, I will say to the Senator from New Hampshire. It is that the commissioners were present and were unable to secure the necessary unanimous consent, and that it resulted in quite a little dissatisfaction.

Mr. GALLINGER. If that be so, of course the Senator does not cure that condition by insisting that the law shall remain as it is.

Mr. WORKS. My judgment about it is that there should be unanimous consent, or I would not make the point against the amendment.

Mr. GALLINGER. Well, Mr. President, I submit it to the Chair.

The PRESIDING OFFICER. The point of order is sustained. Evidently it is legislation. The Secretary will proceed with the reading of the bill.

The reading of the bill was resumed. The next amendment of the Committee on Appropriations was, on page 4, line 18, after the word "buildings," to insert "one at $1,400; two at $1,300 each"; in line 20, before the word "at," to strike out "eleven" and insert "eight"; in line 24, after the word "dollars," to strike out "two civil engineers or computers, at $1,500

each" and insert "civil engineer or computer, $1,600; civil engineer or computer, $1,500," so as to make the clause read:

Building inspection division: Inspector of buildings, $3,000; principal assistant inspector of buildings, $1,800; assistant inspectors of buildings—one at $1,400, two at $1,300 each, eight at $1,200 each; fire-escape inspector, $1,400; temporary employment of additional assistant inspectors for such time as their services may be necessary, $3,000; civil engineer or computer, $1,600; civil engineer or computer, $1,500; chief clerk, $1,500; clerks—one at $1,050, one at $1,000, one (who shall be a stenographer and typewriter) at $1,000, one at $900; messenger, $480; assistant inspector, $1,500.

The amendment was agreed to.

The next amendment was, on page 5, after line 7, to strike out:

Hereafter one-half of the fees collected on account of permits, certificates, and transcripts of records issued by the inspector of buildings of the District of Columbia shall be paid into the Treasury to the credit of the United States.

Mr. WILLIAMS. I should like to ask the Senator in charge of the bill why it was lines 8 to 11, inclusive, were stricken out? It seems to me, if we are proceeding upon the theory—and we are, and I think we ought to—of paying half of the expenses of the District of Columbia, we ought to receive one-half of the receipts that come in from the fees and transcripts and certificates and permits.

Mr. GALLINGER. This was stricken out for the purpose of throwing into conference a controverted question. The committee are not clear that this is a proper disposition to make of the question. Heretofore all these fees have gone into the treasury of the District of Columbia. My personal judgment is that instead of taking one-half the fees, if we are going to make any change in the present system, the salaries of the officials who do this work ought to paid by the District of Columbia. The present provision in the House bill—and there is a still further provision along the same line—will undoubtedly add considerably to the revenues of the General Government and deplete the District revenues to that extent. But it is a question whether or not we should take one-half the revenues——

Mr. WILLIAMS. Is there any scheme on foot to put these officers on salaries instead of fees?

Mr. GALLINGER. They are not the salaries of the officers, but the fees coming from the citizens. As an illustration, a permit to lay a sidewalk is one-half paid from the treasury of the District of Columbia——

Mr. WILLIAMS. I just want to say this——

Mr. GALLINGER. If the Senator will allow me to conclude the sentence, I remarked that, as an illustration, when a sidewalk is laid a permit is issued for it and a fee is exacted to some extent. That sidewalk is paid for one-half out of the Treasury and one-half by the citizens. That is the class of fees this item refers to.

Mr. WILLIAMS. Yes, I see.

Mr. GALLINGER. Not fees to officers. We have nothing of that kind, so far as I know, in the District

Mr. WILLIAMS. It is not only that, but transcripts of records issued by the inspector of buildings, all permits and certificates, are charged for.

Mr. GALLINGER. It may be that the House provision is a wise provision, but after all we have been going along on the half-and-half system and these fees have been turned into the treasury of the District of Columbia. Now the House has raised an issue. It may be a wise issue, but the committee wanted to confer with the House Members about it in conference and try to adjust the matter equitably and satisfactorily all along the line.

Mr. WILLIAMS. Does the Senator think there will be a free and full conference on the subject?

Mr. GALLINGER. I have not any doubt with reference to the District bill. We have a conference extending over a good many days, and we always reach, as we believe, wise conclusions.

Mr. WILLIAMS. I know that before I reached this very exalted station, when I was a Member of the House, I found that when we went into conference with the Senate, unless there was unanimous consent on the part of 92 Senators we could not prevail in conference; in other words, the Senate conferees never divided. I do not know what they are doing now, but they stood by one another.

Mr. GALLINGER. Oh, the Senate——

Mr. WILLIAMS. I just want to say this, Mr. President: I want to see Washington the best governed, the most beautiful, and the most liberally treated city in the world. I think it deserves to be all of that, because it is the capital of this great country. I believe in the half-and-half principle of running the District for very many reasons, which I shall not enter into now. I think we ought to make of Washington the model city of the United States in its schools, in its sanitary arrangements, in its cleanliness, in its police and fire protection, and in every other way; but I think that the inhabitants of the District of Columbia, if the Senate will excuse a plantation phrase, ought to "tote fair," and if we are going to pay for half of all the expenditures in the District, then these little driblets—they do not amount to much—which are paid by the citizens of the District for public services, permits, certificates, transcripts, and so forth, ought to be divided half and half, too; and I think it is better for the District that they should be divided, because there will then be less chance of arousing prejudice and antagonism toward the half-and-half principle which hitherto has regulated our legislation. So that in the interest of the District itself, it seems to me, we ought not to be picayunish about dividing the receipts while we are dividing the expenditures; and I hope that when the matter comes back from conference it will be found that the House conferees have overpersuaded, to use another plantation phrase, the Senate conferees in this regard.

Mr. GALLINGER. I will say to the Senator that the House conferees are very much in the habit of overpersuading the Senate conferees. In every bill since——

Mr. SMITH of Georgia. Mr. President——

Mr. GALLINGER. If the Senator will permit me a moment—in every bill that I have had anything to do with the House conferees certainly have got their share in the matter of amendments. I simply want personally to try to have this matter adjusted. There is an agitation which, in my opinion, unless there is some adjustment of the matter, will destroy the half-and-half principle upon which we have been operating since 1879. If we can equitably arrange it in this bill, it will be, in my judgment, a very wise thing to do. That is what I want to do; I want to do it fairly; and I think we will be able to accomplish that.

Mr. SMITH of Georgia. Mr. President, I should like to ask the Senator if he does not think it right that this money should go into the General Treasury; and if so, why should we not make the proper record now instead of disagreeing with something proper that the House has done?

Mr. GALLINGER. I have said, Mr. President, that I am not at all sure that this is the best way to do it. My impression has been that where the General Government pays one-half of the salaries of the officials of a District office in which fees are collected, instead of taking one-half the receipts and depleting the District revenues to that extent, and possibly preventing the development that the Senator from Mississippi and I are so anxious for, it might be a more equitable way for the District to pay the salaries of that office and then take all the revenues derived from it; but I want to consult with the House conferees on that very point.

Mr. WILLIAMS. Now, as a matter of fact, in these particular cases the fees, if I may call them such, do not go to the officers; they go into the treasury of the District; but the identical officers in whose names the fees are collected are paid salaries, and the General Treasury of the United States pays one-half of those salaries.

Mr. GALLINGER. That is correct.

Mr. SMOOT. And gets no part of the fees?

Mr. WILLIAMS. And gets no part of the fees. They are already upon a salary basis; the General Government is paying half of the salaries. Now, as a matter of fact, these fees do go very largely toward making up the amounts paid out in salaries. Possibly in some cases they make up more than is paid out in salaries; and it seems to me that one of two things ought to take place—either the District treasury should receive the fees and pay the salaries or else both treasuries ought to receive the fees and out of both treasuries the salaries should be paid. I think it is fair that the latter of the two plans should prevail, because then automatically the half-and-half principle prevails, whereas if all the receipts go into the District treasury and there is a difference between receipts and expenditures the half-and-half principle no longer prevails.

Mr. GALLINGER. The Senator may be right, and I assure him that, so far as I am concerned, it will be given very careful consideration. I have no prejudice about it at all, only I think this is a good time to adjust the matter, and the only way to do it is to throw the matter into conference. There are one or two other items along the same line.

Mr. SMITH of Georgia. Would the Senator give us the amount annually covered by this provision?

Mr. GALLINGER. I can not now do so, I will say to the Senator from Georgia.

Mr. SMITH of Georgia. Well, substantially.

Mr. GALLINGER. I say I can not.

Mr. SMITH of Georgia. Did the Senator state that it included the one-half paid by the property holders for sidewalk improvements?

Mr. GALLINGER. I am not so sure now about that, but I think it does.

Mr. SMITH of Georgia. I understood the Senator to say that it did.

Mr. GALLINGER. Yes; I think it does.

Mr. SMITH of Georgia. Then, it must be quite a large sum.

Mr. GALLINGER. Oh, quite a sum. It will be given very careful consideration.

Mr. SMITH of Georgia. Then, Mr. President, it seems to me that we put ourselves in a very peculiar position if we decline to agree to this proposition because the House inserted it. It is clearly right; and if it is right, why should we make a wrong record here on it? I think the provision ought to remain in the bill, and we ought not to strike it out.

Mr. GALLINGER. I hope the amendment may prevail, so that the matter may be more calmly considered by the conference committee than it can be in the Senate.

Mr. WILLIAMS. Nobody is excited.

Mr. SMITH of Georgia. Is there a place where consideration can be calmer than it is in the Senate? [Laughter.]

The PRESIDING OFFICER. The question is on agreeing to the amendment reported by the committee. [Putting the question.] By the sound the "ayes" appear to have it.

Mr. SMITH of Georgia. I ask for a division. I understand the amendment strikes out the House provision.

The PRESIDING OFFICER. The amendment strikes out the language in the House bill, and the Senator from Georgia thinks it ought to remain in the bill.

Mr. SMITH of Georgia. Yes; and the Chair was about to decide that the "ayes" prevailed, and that the amendment was agreed to.

The PRESIDING OFFICER. In the opinion of the Chair, the "ayes" carried it.

Mr. SMITH of Georgia. Upon that I demand a division.

The PRESIDING OFFICER. The Senator from Georgia asks for a division.

Mr. GALLINGER. Mr. President, we had better have the yeas and nays.

The yeas and nays were ordered, and the Secretary proceeded to call the roll.

Mr. SIMMONS (when his name was called). I have a general pair with the Senator from Minnesota [Mr. CLAPP]. In his absence I withhold my vote.

Mr. TOWNSEND (when the name of Mr. SMITH of Michigan was called). I desire to state that the senior Senator from Michigan [Mr. SMITH] is paired with the junior Senator from Florida [Mr. BRYAN], and I wish this statement to stand on all votes to-day.

Mr. LEA (when Mr. TAYLOR's name was called). The senior Senator from Tennessee [Mr. TAYLOR] is detained from the Chamber by illness.

Mr. WATSON (when his name was called). I again transfer my general pair with the senior Senator from New Jersey [Mr. BRIGGS] to the junior Senator from Missouri [Mr. REED], and I will vote. I vote "nay."

The roll call was concluded.

Mr. BURNHAM. I have a general pair with the junior Senator from Maryland [Mr. SMITH]. In his absence I withhold my vote. If I were at liberty to vote I should vote "yea."

Mr. DU PONT. I have a general pair with the senior Senator from Texas [Mr. CULBERSON]. As he is not present, I withhold my vote. If I were free to vote I would vote "yea."

Mr. BRADLEY. I have a pair with the senior Senator from Tennessee [Mr. TAYLOR], which I transfer to the junior Senator from Wisconsin [Mr. STEPHENSON] and will vote. I vote "yea."

Mr. DILLINGHAM. The general pair which I have with the senior Senator from South Carolina [Mr. TILLMAN] I transfer to the junior Senator from Illinois [Mr. LORIMER], the transfer to stand for all votes to-day. I vote "yea."

Mr. LEA (after having voted in the negative). In voting, I should have stated that I have a general pair with the Senator from Rhode Island [Mr. LIPPITT], which I transfer to the junior Senator from Maine [Mr. GARDNER]. I make this announcement for the day.

Mr. PERKINS (after having voted in the affirmative). I have a general pair with the Senator from North Carolina [Mr. OVERMAN]. He is a member of the Committee on Appropriations, and voted to report the pending bill, and I assume he is in favor of this amendment. Therefore I will let my vote stand.

The PRESIDING OFFICER. On this question the yeas are 29, nays 11. Not a quorum of the Senate has voted.

Mr. GALLINGER (at 1 o'clock and 39 minutes p. m.). I move that the Sergeant at Arms be directed to request the presence of absent Senators.

The motion was agreed to.

At 1 o'clock and 41 minutes p. m. Mr. CRAWFORD entered the Chamber and responded to his name, voting "yea."

At 1.43 p. m. Mr. PENROSE entered the Chamber and responded to his name, voting "yea."

At 1.44 p. m. Mr. PERCY entered the Chamber and said: I am paired with the senior Senator from North Dakota [Mr. MCCUMBER]. I transfer the pair to the Senator from Indiana [Mr. SHIVELY] and will vote. I vote "nay."

At 1.45 o'clock p. m. Mr. NEWLANDS entered the Chamber and voted "yea."

At 1.46 o'clock p. m. Mr. BORAH entered the Chamber and voted "yea."

At 1.47 o'clock p. m. Mr. RAYNER entered the Chamber.

The PRESIDING OFFICER. Has the senior Senator from Maryland voted?

Mr. RAYNER. He has not.

The PRESIDING OFFICER. The Chair recognizes the Senator from Maryland.

Mr. RAYNER answered "present."

At 1.48 o'clock p. m. Mr. CLARKE of Arkansas entered the Chamber and voted "nay."

At 1.49 o'clock p. m. Mr. FOSTER and Mr. THORNTON entered the Chamber and each voted "yea."

The result was announced—yeas 35, nays 13, as follows:

YEAS—35.

Borah	Dillingham	Nixon	Smoot
Bourne	Fletcher	Oliver	Sutherland
Bradley	Foster	Page	Swanson
Brandegee	Gallinger	Penrose	Thornton
Brown	Jones	Perkins	Townsend
Crane	McLean	Poindexter	Warren
Crawford	Martin, Va.	Pomerene	Wetmore
Cummins	Nelson	Richardson	Works
Curtis	Newlands	Root	

NAYS—13.

Bristow	Lea	Percy	Williams
Chamberlain	Martine, N. J.	Smith, Ga.	
Clarke, Ark.	Myers	Smith, S. C.	
Johnston, Ala.	Owen	Watson	

NOT VOTING—43.

Bacon	Cullom	Johnson, Me.	Rayner
Bailey	Davis	Kenyon	Reed
Bankhead	Dixon	Kern	Shively
Briggs	du Pont	La Follette	Simmons
Bryan	Gamble	Lippitt	Smith, Md.
Burnham	Gardner	Lodge	Smith, Mich.
Burton	Gore	Lorimer	Stephenson
Chilton	Gronna	McCumber	Stone
Clapp	Guggenheim	O'Gorman	Taylor
Clark, Wyo.	Heyburn	Overman	Tillman
Culberson	Hitchcock	Paynter	

So the amendment was agreed to.

The reading of the bill was resumed.

The next amendment of the Committee on Appropriations was, on page 5, after line 15, to insert:

For the purchase and maintenance of one motor vehicle for the official use only of the employees of the building division in inspection work, or so much thereof as may be necessary, $1,500.

The amendment was agreed to.

The next amendment was, on page 5, line 22, before the word "dollars," to strike out "four hundred" and insert "four hundred and fifty"; on page 6, line 3, before the word "dollars," to strike out "one thousand seven hundred" and insert "two thousand"; and in line 6, before the word "dollars," to strike out "three hundred" and insert "one hundred and fifty," so as to make the clause read:

Plumbing inspection division: Inspector of plumbing, $2,000; principal assistant inspector of plumbing, $1,550; assistant inspectors of plumbing—1 at $1,200, 4 at $1,000 each; clerk, $1,200; temporary employment of additional assistant inspectors of plumbing and laborers for such time as their services may be necessary, $2,000; draftsman, $1,350; sewer tapper, $1,000; clerk, $900; three members of the plumbing board, at $150 each; maintenance of motor cycle, $120.

The amendment was agreed to.

The next amendment was, on page 6, line 9, to increase the total appropriation for the maintenance of executive office of the District of Columbia from $112,586 to $121,872.

The amendment was agreed to.

The next amendment was, in the appropriation for care of the District Building, on page 6, line 24, before the word "cleaners," to strike out "thirty" and insert "thirty-six," so as to read:

Two chief cleaners, who shall also have charge of the lavatories, at $500 each; 36 cleaners, at $240 each.

The amendment was agreed to.

The next amendment was, on page 7, line 3, to increase the total appropriation for the care of District Building from $36,530 to $37,970.

The amendment was agreed to.

The next amendment was, in the appropriation for the maintenance of the assessor's office, on page 8, line 5, after the word "dollars," to insert "record clerk, $1,800," and in line 8, before

the word "and," to strike out "forty-eight thousand two hundred" and insert "fifty thousand," so as to read:

Temporary clerk hire, $500; record clerk, $1,800; record clerk, $1,500; in all, $50,000.

The amendment was agreed to.

The next amendment was, on page 8, line 11, after the word "dollars," to strike out "messenger, $600," and insert "clerk and messenger, $840," and in line 13, before the word "dollars," strike out "four thousand eight hundred" and insert "five thousand and forty," so as to make the clause read:

Excise board: Chief clerk, $2,000; clerks—one at $1,200, one at $1,000; clerk and messenger, $840; in all, $5,040.

The amendment was agreed to.

The next amendment was, on page 8, line 23, after the word "dollars," to strike out "assistant cashier, $1,400," and insert "two assistant cashiers, at $1,400 each," and on page 9, line 6, before the word "hundred," to strike out "twenty-one thousand seven" and insert "twenty-three thousand one," so as to make the clause read:

Collector's office: Collector, $4,000; deputy collector, $2,000; cashier, $1,800; two assistant cashiers, at $1,400 each; bookkeeper, $1,600; clerks—three at $1,400 each, one at $1,200, one at $1,000; three at $900 each; clerk and bank messenger, $1,200; messenger, $600; in all, $23,100.

The amendment was agreed to.

The next amendment was, on page 9, line 7, after the word "labor," to strike out "in" and insert "including," so as to make the clause read:

For extra labor, including the preparation of tax-sale certificates and data, which the law requires this office to furnish the recorder of deeds and the assessor, with authority to employ typewriters and clerks, $800.

The amendment was agreed to.

The next amendment was, on page 9, line 13, before the word "dollars," to strike out "one thousand eight hundred" and insert "two thousand," and in line 14, before the word "clerks," to insert "accountant, $1,800," so as to read:

Auditor's office: Auditor, $4,000; chief clerk, $2,250; bookkeeper, $2,000; accountant, $1,800.

Th amendment was agreed to.

The next amendment was, in the item of appropriation for the maintenance of the auditor's office, on page 9, line 21, after the word "each," to insert "stenographer, $900," and on page 10, line 4, before the word "hundred," to strike out "forty-one thousand nine" and insert "forty-four thousand eight," so as to read:

Clerks—Three at $1,600 each, three at $1,400 each, one at $1,350, three at $1,200 each, six at $1,000 each, one at $936, two at $900 each, two at $720 each; stenographer, $900; messenger, $600; disbursing officer, $3,000; deputy disbursing officer, $1,600; clerks—one at $1,200, two at $1,000 each, one at $900; messenger, $480; in all, $44,856.

The amendment was agreed to.

The next amendment was, on page 10, line 6, before the word "dollars," to strike out "four thousand five hundred" and insert "five thousand," and in line 14, before the word "hundred," strike out "one" and insert "six," so as to make the clause read:

Corporation counsel, $5,000; first assistant, $2,500; second assistant, $1,800 dollars; third assistant, $1,600; fourth assistant, $1,500; fifth assistant, $1,500; stenographer, $1,200; stenographer, $840; clerk, $720; in all, $16,660.

The amendment was agreed to.

The next amendment was, on page 10, line 17, after the word "dollars," to insert "clerk, $900; in all, $2,500," so as to make the clause read:

Sinking-fund office, under control of the Treasurer of the United States: One clerk, $1,600; clerk, $900; in all, $2,500.

The amendment was agreed to.

The next amendment was, on page 10, line 21, before the word "dollars," to strike out "seven hundred and twenty" and insert "eight hundred and forty"; in line 22, before the word "dollars," to strike out "four hundred and eighty" and insert "six hundred"; in line 24, before the word "dollars," to strike out "three hundred and sixty" and insert "four hundred and eighty"; and in line 25, before the word "dollars," to strike out "three hundred and sixty" and insert "seven hundred and twenty," so as to make the clause read:

Coroner's office: Coroner, $1,800; morgue master, $840; assistant morgue master and janitor, $600; hostler and janitor, $480; in all, $3,720.

The amendment was agreed to.

The next amendment was, on page 11, line 10, before the word "dollars," to strike out "five hundred and forty" and insert "six hundred"; in line 11, before the word "dollars," to strike out "four hundred and eighty" and insert "five hundred and forty"; and in line 17, before the word "dollars," to strike out "three hundred and sixty" and insert "four hundred and eighty," so as to make the clause read:

Farmer's Produce Market: Market master, $900; assistant market master, who shall also act as night watchman, $600; watchman, $540; laborer for sweeping B Street sidewalk used for market purposes and the wholesale market square, $360; sweeping B Street used for market purposes, $480; hauling refuse (street sweepings), $600; in all, $3,480.

The amendment was agreed to.

The next amendment was, on page 11, line 20, before the word "dollars," to strike out "two hundred and forty" and insert "three hundred," so as to make the clause read:

Eastern Market: Laborer for cleaning sidewalk and street where used for market purposes (farmers' market), $300.

The amendment was agreed to.

The next amendment was, on page 11, line 23, before the word "dollars," to strike out "two hundred and forty" and insert "three hundred," so as to make the clause read:

Western Market: Laborer for cleaning sidewalk and street where used for market purposes (farmers' market), $300.

The amendment was agreed to.

The next amendment was, on page 12, line 2, before the word "dollars," to strike out "two hundred" and insert "three hundred and twenty"; in line 3, before the word "dollars," to strike out "nine hundred" and insert "one thousand"; in line 4, before the word "laborer," to insert "driver, $600," and in line 6, before the word "dollars," to strike out "six thousand two hundred and eighty" and insert "seven thousand one hundred"; so as to make the clause read:

Office of Superintendent of Weights, Measures, and Markets: Superintendent, $2,500; assistant, $1,320; clerk, $1,200; assistant, $1,000; driver, $600; laborer, $480; in all, $7,100.

The amendment was agreed to.

The next amendment was, on page 12, line 15, before the word "roads," to strike out "county" and insert "suburban."

Mr. WILLIAMS. Purely for information, I wish to ask the Senator from New Hampshire a question. I notice in line 14 the word "county" is stricken out and the word "suburban" is inserted. I do not understand how the word "county" ever got there at all.

Mr. GALLINGER. I will say to the Senator that they had at one time the county of Washington, which I think included all the territory north of the so-called boundary, which is Florida Avenue, and they have continued to use the word "county" up to the present time. It occurred to me that "suburban" is a much better word.

Mr. WILLIAMS. Or almost any other word, since the county was abolished.

Mr. GALLINGER. Yes; or almost any other word.

The amendment was agreed to.

The PRESIDING OFFICER. The hour of 2 o'clock having arrived, the Chair lays before the Senate the unfinished business, which will be stated.

The SECRETARY. A bill (H. R. 1) granting a service pension to certain defined veterans of the Civil War and the War with Mexico.

Mr. McCUMBER. I have had no information that any Senator desires to discuss the unfinished business to-day. I therefore ask that it may be temporarily laid aside, and will state that I shall not call it up during the day.

The PRESIDING OFFICER. The Senator from North Dakota asks unanimous consent that the unfinished business may be temporarily laid aside. Without objection, it will be so ordered. The appropriation bill will be proceeded with.

The next amendment of the Committee on Appropriations was, on page 12, line 15, before the word "dollars," to insert "two hundred," and in line 16, before the word "dollars," to insert "three hundred," so as to read:

Engineer commissioner's office: Engineer of highways, $3,000; engineer of bridges, $2,250; superintendent of streets, $2,000; superintendent of suburban roads, $2,200; superintendent of sewers, $3,300; inspector of asphalts and cements, $2,400.

The amendment was agreed to.

The next amendment was in the item of appropriation for the maintenance of the engineer commissioner's office, on page 13, line 4, before the word "at," to strike out "four" and insert "five," so as to read:

Assistant engineers—one at $2,200, one at $2,100, five at $1,800 each.

The amendment was agreed to.

The next amendment was in the item of appropriation for the maintenance of the engineer commissioner's office, on page 13, line 20, before the word "including," to strike out "six" and insert "seven"; in line 21, after the word "each," to strike out "one at $1,000"; in line 22, after the word "dollars," to insert "property-yard keeper, $1,000"; in line 24, after the word "dol-

lars," to insert "one at $1,000"; and in line 25, before the word "at," to strike out "ten" and insert "nine," so as to read:

Inspectors—2 at $1,500 each; 7, including 3 inspectors of streets, at $1,200 each; 1 at $900; property-yard keeper, $1,000; foremen—12 at $1,200 each, 1 at $1,050, 1 at $1,000, 9 at $900 each.

The amendment was agreed to.

The next amendment was, in the item of appropriation for the maintenance of the Engineer Commissioner's Office, on page 14, line 7, before the word "dollars," to insert "two hundred"; in line 9, before the word "at," to strike out "two" and insert "four"; in the same line, after the word "each," to strike out "3 at $1,400 each" and insert "1 at $1,400"; in line 11, before the word "at," to strike out "five" and insert "six"; in line 12, before the word "at," to strike out "two" and insert "three"; in line 13, after the word "dollars," to strike out "1 at $840; 2 at $750 each" and insert "2 at $840 each, 1 at $750"; in line 16, before the word "at," to strike out "one" and insert "five"; and in line 17, before the word "at," to strike out "six" and insert "two," so as to read:

Bridgekeepers—1 at $650, 3 at $600 each; chief clerk, $2,250; permit clerk, $1,500; assistant permit clerk, $1,200; index clerk and typewriter, $900; clerks—1 at $1,800, 4 at $1,500 each, 1 at $1,400, 6 at $1,200 each, 3 at $1,000 each, 1 at $900, 2 at $840 each, 1 at $750, 1 at $600; mesengers—5 at $600, 2 at $540 each.

The amendment was agreed to.

The next amendment was, on page 15, line 9, to increase the total appropriation for the maintenance of the engineer commissioner's office, from $179,810 to $186,340.

The amendment was agreed to.

The next amendment was, on page 15, line 12, after the word "duty," to insert "hereafter," so as to read:

Municipal architect's office: Municipal architect, whose duty hereafter it shall be to prepare or supervise the preparation of plans for, and superintend the construction of, all municipal buildings, and the repair and improvement of all buildings belonging to the District of Columbia.

The amendment was agreed to.

The next amendment was, in the item of appropriation for the maintenance of the municipal architect's office, on page 16, line 3, after the word "dollars," to strike out "1 at $620" and insert "2 at $840 each"; in line 7, before the word "dollars," to strike out "twenty-four thousand eight hundred and fifty" and insert "twenty-five thousand nine hundred and ten," so as to read:

Clerks—1 at $1,050; 2 at $840 each; copyist, $840; driver, $540; in all, $25,910.

The amendment was agreed to.

The next amendment was, on page 16, after line 12, to insert:

For runabout, or automobile, for the superintendent of construction, and for repair and maintenance of same, $1,500.

Mr. BRISTOW. Mr. President, that is another automobile, I see, that the Government is purchasing. What necessity is there for this additional automobile? I should like to inquire about how many automobiles and carriages combined the government of the District of Columbia has purchased and that are being used by District officials?

Mr. GALLINGER. I can not, I regret to say, answer the Senator's question offhand. That could only be determined by making an inquiry of the officials at the Municipal Building.

This particular official goes all over the District of Columbia, 70 square miles, in repairing school buildings and other buildings. He has doubtless a conveyance of some description now, probably a horse and carriage, or he hires a conveyance. It was argued in the hearings that this would be a matter of economy, that he would go much more rapidly and economize his time, and that the appropriation ought to be made. I will read precisely what was said about it. I inquired:

How does he get around?

Maj. JUDSON. He gets around with a horse and buggy, and he has to go to the municipal buildings scattered all over the District. I think myself it would add greatly to his efficiency to give him this runabout.

Senator SMOOT. If we gave it to him, he could do away with his horse and buggy?

Maj. JUDSON. Yes, sir; he would do away with his horse and buggy.

Senator GALLINGER. He does not supply his own team?

Maj. JUDSON. No. I think no private corporation would fail to give him a runabout for its own interest under similar circumstances.

That is exactly what developed in the hearing. It was argued that it was a matter of economy rather than of profligacy, and the committee were persuaded.

Mr. BRISTOW. There is an effort, or has been in years past, on the part of a number of other District officials to secure automobiles. Of course they are to be used, I suppose, in a way for their official business, and also very largely for personal comfort. I know I frequently see these officials enjoying the cool of the evening in Government automobiles, at public expense. Some argument is made, of course, when the Appropriation Committees are considering these things to do away with the old-fashioned horse and buggy, which is much more cheaply maintained, and to get an automobile, which can take the whole family. A horse and buggy will take only two, and sometimes, when there are numerous members of the family, they prefer the five-passenger machine. The town is full of them, in my judgment, and sometimes on the streets it is hard work for those of us who plod around as best we can to keep from being run over by these Government automobiles in the hands of city officials, presumably on official business occasionally.

I do not want to object to an automobile where it is used for official business and is a matter of economy, but I do object to the Government providing these subordinate officials here not only with very competent salaries, but also with all the luxuries of automobiles that cost some thousand and fifteen hundred dollars a year to maintain.

Mr. GALLINGER. The further statement was made that—

One building is at Burrville, near the eastern line of the District, and one at Thirty-sixth Street west, 8 miles apart. One at First and I Streets south, and another at Brightwood north, 6½ miles apart. We must cover nearly 40 miles a day to visit all the buildings under construction and the supervision of this office. The horse could not cover more than one-third of this daily travel, so that, figuring on the mile cost, our machine has cost for the last six months $1.37 per day, or 3.42 cents per mile, while a horse costs 5.82 cents per mile.

The further suggestion was made that a horse does not stand that work very long.

Mr. BRISTOW. Of course, all these buildings are on street car lines.

Mr. GALLINGER. Not all of them, I will say to the Senator. The street car lines in this District are very inadequate to reach all sections of the city, I think altogether too much so. I think we ought to have more.

Mr. BRISTOW. Many times one can make a trip in a street car just as quickly as in an automobile, and with less danger to the public.

I think I will have to ask for a vote on the committee amendment. I want to vote against it.

Mr. GALLINGER. The Senator will be content with a viva voce vote?

Mr. BRISTOW. Yes.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the committee.

The amendment was agreed to.

The next amendment was, on page 16, line 17, after the word "clerks," to insert "2 at $1,500 each"; in line 18, before the word "at," to strike out "seven" and insert "five"; and in line 21, before the word "hundred," to strike out "twelve thousand nine" and insert "thirteen thousand five," so as to make the clause read:

Special assessment office: Special assessment clerk, $2,000; clerks—2 at $1,500 each, 5 at $1,200 each, 2 at $900 each, 1 at $750; in all, $13,550.

The amendment was agreed to.

The next amendment was, on page 16, line 23, before the word "dollars," to strike out "five hundred" and insert "seven hundred and fifty," so as to read:

Street-cleaning division: Superintendent, $2,750.

The amendment was agreed to.

The next amendment was, in the item of appropriation for the maintenance of the street-cleaning division, on page 17, line 14, before the word "dollars," to strike out "one hundred and eighty" and insert "four hundred and thirty," so as to read:

In all, $41,430.

The amendment was agreed to.

The next amendment was, on page 17, line 22, before the word "dollars," to strike out "one thousand seven hundred" and insert "two thousand," and on page 18, line 2, after the word "thousand," to insert "three hundred," so as to make the clause read:

Department of insurance: Superintendent of insurance, $3,500; examiner, $2,000; statistician, $1,700; clerk, $1,200; stenographer, $720; temporary clerk hire, $1,200; in all, $10,320.

The amendment was agreed to.

The next amendment was, on page 18, line 6, before the word "dollars," to strike out "one thousand eight hundred" and insert "two thousand"; in line 13, after the word "dollars," to insert "draftsman, eight hundred and twenty-five dollars"; and in line 21, before the word "dollars," to strike out "twenty-five thousand seven hundred and twenty-five" and insert "twenty-six thousand seven hundred and fifty," so as to make the clause read:

Surveyor's office: Surveyor, $3,000; assistant surveyor, $2,000; clerks—one at $1,225, one at $975, one at $675; three assistant engineers, at $1,500 each; computer, $1,200; record clerk, $1,050; inspector, $1,200; draftsman, $1,225; draftsman, $900; draftsman, $825; assistant computer, $900; three rodmen, at $825 each; chainmen—three at $700

each, two at $650 each; computer and transitman, $1,200; in all, $26,750.

The amendment was agreed to.

The next amendment was, on page 18, line 24, before the word "maintenance," to insert "exchange and," and in line 25, before the word "thousand," to strike out "five" and insert "six," so as to make the clause read:

For services of temporary draftsmen, computers, laborers, additional field party when required, purchase of supplies, care and hire of teams, exchange and maintenance of a motor vehicle, $6,000, all expenditures hereunder to be made only on the written authority of the Commissioners of the District of Columbia.

The amendment was agreed to.

The next amendment was, on page 19, line 3, to increase the total appropriation for the maintenance of the surveyor's office from $30,725 to $32,750.

The amendment was agreed to.

The next amendment was, on page 19, line 6, after the word "Library," to strike out ", including Takoma Park branch"; in line 8, before the word "dollars," to strike out "three thousand five hundred" and insert "four thousand"; in the same line, before the word "hundred," to strike out "five" and insert "six"; in line 10, before the word "hundred," to strike out "two" and insert "three"; in the same line, after the word "dollars," to insert "chief industrial division, $1,000; chief catalogue division, $1,000"; in line 14, after the word "dollars," to strike out "assistant in charge of work for the blind, $1,200"; in line 15, after the word "dollars," to strike out "six" and insert "five"; in line 17, before the word "at," to strike out "including one in charge of Takoma Park branch"; in line 18, after the word "each," to strike out "three" and insert "two"; in line 19, after the word "two," to strike out "including in charge of Takoma Park branch"; and in line 21, before the word "nine," to strike out "cataloguer" and insert "classifier," so as to read:

Free Public Library: Librarian, $4,000; assistant librarian, $1,600; chief circulating department, $1,300; chief industrial division, $1,000; chief catalogue division, $1,000; children's librarian, $1,000; librarian's secretary, $900; reference librarian, $1,000; assistants—one at $1,000, five at $720 each, four at $600 each, three at $540 each, two at $480 each; copyist, $480; classifier, $900.

The amendment was agreed to.

The next amendment was, in the item of appropriation for the maintenance of the Free Public Library, on page 20, line 5, after the word "watchman," to strike out "janitor of Takoma Park branch, $360," and in line 13, before the word "dollars," to strike out "five hundred" and insert "four hundred and forty," so as to read:

Two janitors, at $480 each, one of whom shall act as night watchman; engineer, $1,080; fireman, $720; workman, $600; library guard, $720; two cloakroom attendants, at $360 each; six charwomen, at $180 each; in all, $42,440.

The amendment was agreed to.

The next amendment was, on page 20, line 22, after the word "Library," to strike out ", including Takoma Park branch," so as to make the clause read:

Miscellaneous, Free Public Library: For purchase of books, $7,500.

The amendment was agreed to.

The next amendment was, at the top of page 21, to insert:

Hereafter the Commissioners of the District of Columbia are authorized to enter into contract or contracts for binding books for the Public Library for periods not exceeding three years, subject to annual appropriations of Congress, under such conditions and specifications as they may prescribe.

The amendment was agreed to.

The next amendment was, on page 21, line 7, before the word "maintenance," to insert "purchase and," and in line 9, before the word "dollars," to strike out "five hundred," so as to make the clause read:

For fuel, lighting, fitting up buildings, including lunch-room equipment, purchase and maintenance of motor cycle, and other contingent expenses, $8,000.

The amendment was agreed to.

The next amendment was, on page 21, line 10, before the word "dollars," to strike out "five hundred," so as to make the clause read:

In all, $19,000.

The amendment was agreed to.

The next amendment was, on page 21, after line 10, to insert:

Takoma Park Branch Library: For maintenance, employment of branch librarian and assistants, substitutes, and other special and temporary services, extra services for Sundays and holidays, purchase of books, periodicals, binding, fuel, and other contingent expenses, the rates of compensation of all employees to be determined by the board of library trustees, $4,000.

The amendment was agreed to.

The next amendment was, under the head of "Contingent and Miscellaneous Expenses," on page 22, line 5, after the word "dollars" to insert "membership dues of the District of Columbia in the National Convention of Insurance Commissioners."

Mr. WILLIAMS. I wish to ask the Senator from New Hampshire in charge of the bill about the provision on page 22, lines 5 and 6. Why should we make a public appropriation for membership dues of the District of Columbia in the National Convention of Insurance Commissioners? What have the people or the Government to do with that?

Mr. GALLINGER. Well, Mr. President, just this: If this official keeps in touch with insurance matters he must become a member, or he ought to become a member, of this convention and attend its meetings.

Mr. WILLIAMS. What is the name of the official?

Mr. GALLINGER. The name of the official is George W. Ingham.

Mr. WILLIAMS. I mean the title of his office.

Mr. GALLINGER. He is superintendent of insurance.

Mr. WILLIAMS. That is his public title?

Mr. GALLINGER. Yes; that is his designation. He spent himself $80 last year. This is not a very large amount.

Mr. WILLIAMS. I will ask the Senator from New Hampshire if it is usual in the States to provide for the payment of the expenses of these people or do the insurance companies pay them?

Mr. GALLINGER. I know that this expense of the insurance commissioner is paid in my State, and I think it is an almost universal custom.

Mr. WILLIAMS. This is a public official?

Mr. GALLINGER. He is a public official.

Mr. WILLIAMS. And he attends these meetings in the capacity of a public official for the purpose of arriving at some sort of uniform insurance regulations?

Mr. GALLINGER. Yes, sir; and it is very necessary, so far as the insurance laws in this District are concerned, to keep well informed, because they need a good deal of amendment.

Mr. WILLIAMS. It is all right, I think.

The amendment was agreed to.

The next amendment was, on page 22, line 14, before the word "dollars," to strike out "thirty-four thousand five hundred" and insert "thirty-seven thousand," so as to read:

For contingent expenses of the government of the District of Columbia, namely: For printing, checks, books, law books, books of reference, and periodicals, stationery; detection of frauds on the revenue; surveying instruments and implements; drawing materials; binding, rebinding, repairing, and preservation of records; maintaining and keeping in good order the laboratory and apparatus in the office of the inspector of asphalt and cement; damages; livery, purchase, and care of horses and carriages or buggies not otherwise provided for; horseshoeing; ice; repairs to pound and vehicles; use of bicycles by inspectors in the engineer department not to exceed $800; membership dues of the District of Columbia in the National Convention of Insurance Commissioners, and other general necessary expenses of District offices, including the sinking-fund office, Board of Charities, excise board, personal-tax board, harbor master, health department, surveyor's office, superintendent of weights, measures, and markets office, and department of insurance, and purchase of new apparatus and laboratory equipment in office of inspector of asphalt and cement, $37,000; and the commissioners shall so apportion this sum as to prevent a deficiency therein.

The amendment was agreed to.

The reading was continued to line 23, on page 22.

Mr. WILLIAMS. I shall move that the proviso from line 16 to line 23 be stricken out. I do not see any good it can do except to encourage falsehood and hypocrisy. The proviso reads:

Provided, That horses and vehicles appropriated for in this act shall not be used by the commissioners for any other purpose than to visit such points within the District of Columbia as it may be necessary to visit in order to enable them to inspect or inform themselves concerning any public work or property belonging to the said District or to do any other act necessary to the administration of its affairs:

If we are going to provide these vehicles and motors and things of that sort there is no use putting these people in the attitude of going on record that they never will use them for anything except a public purpose. Of course you know they will. Of course they know beforehand they will. If a man has his horse and buggy or his automobile provided at public expense and wants to go to see his sister-in-law of a Sunday evening he is going in it, or if he wants his mother-in-law to go and see somebody she is going. I do not see any use in cumbering up the public statutes with a proviso that merely makes liars out of men. I move to strike out the proviso.

The VICE PRESIDENT. The Senator from Mississippi moves to strike out the proviso on page 22, beginning in line 16 and continuing to line 24.

The amendment was rejected.

The next amendment was, on page 23, line 12, before the word "thousand," to strike out "ten" and insert "eleven," so as to make the clause read:

For postage for strictly official mail matter, $11,000.

The amendment was agreed to.

The next amendment was, on page 24, line 4, before the word "dollars," to insert "eight hundred," so as to read:

For purchase and maintenance, hire or livery, of means of transportation for the coroner's office and the morgue, jurors' fees, witness fees, removal of deceased persons, making autopsies, ice, disinfectants, telephone service, and other necessary supplies for the morgue, and the necessary expenses of holding inquests, including stenographic services in taking testimony, and photographing unidentified bodies, $4,800.

The amendment was agreed to.

The next amendment was, on page 24, line 22, before the word "hundred," to strike out "one" and insert "three," so as to make the clause read:

For the enforcement of the game and fish laws of the District of Columbia, to be expended under the direction of the commissioners, $300.

The amendment was agreed to.

The next amendment was, on page 25, line 21, after the word "horse-drawn," to insert "vehicles used for business purposes"; in line 23, before the word "dollars," to strike out "seven hundred and fifty" and insert "one thousand two hundred"; and in line 24, after the word "necessary," to insert "to be immediately available," so as to make the clause read:

For the purchase of enamel metal or leather identification number tags for horse-drawn vehicles used for business purposes and motor vehicles in the District of Columbia, $1,200, or so much thereof as may be necessary, to be immediately available.

Mr. BRISTOW. "For the purchase of enamel metal or leather identification number tags." Are we to understand from this provision that it requires $1,200 a year to secure tags for the automobiles and carriages that the Government is furnishing these officials? Does it require that much to tag them?

Mr. GALLINGER. It is not furnishing the officials. It includes horse-drawn vehicles for business purposes. They are likewise tagged in this District.

Mr. BRISTOW. It is to supply the tags to the business men?

Mr. GALLINGER. Yes.

Mr. BRISTOW. I did not understand it was.

Mr. GALLINGER. They paid back $5,000 for fees last year.

Mr. BRISTOW. I did not understand it. I thought it was for tags on the automobiles furnished.

Mr. GALLINGER. Oh, no.

The amendment was agreed to.

The next amendment was, on page 26, line 9, before the word "repairs," to strike out "minor," so as to make the clause read:

For maintenance and repairs to the District of Columbia markets, $3,500.

The amendment was agreed to.

The next amendment was, on page 26, after line 10, to insert:

The Commissioners of the District of Columbia are hereby authorized and empowered hereafter, when in their discretion it shall be deemed to the advantage of the public service, to exchange typewriters, adding machines, pianos, machinery, and other equipment, in part or full payment, for new articles of similar or improved character, credit for the value of said personal property so exchanged to be allowed on vouchers in payment for such new articles as may be purchased, the balance remaining due after said credit to be paid out of the appropriation to which said purchase is properly chargeable.

The amendment was agreed to.

The next amendment was, under the head of "Improvements and repairs," on page 26, line 24, before the word "thousand," to insert "and forty," so as to make the clause read:

Assessment and permit work: For assessment and permit work, $240,000.

The next amendment was, on page 27, line 4, before the word "hundred," to strike out "fifty-seven thousand one" and insert "eighty-one thousand four," so as to make the clause read:

Work on streets and avenues: For work on streets and avenues named in Appendix M, Book of Estimates, 1913, $81,400, to be expended in the discretion of the commissioners upon streets and avenues specified in the schedules named in said appendix and in the aggregate for each schedule as stated herein.

The amendment was agreed to.

The next amendment was, on page 27, line 13, before the word "hundred," to strike out "Five thousand six" and insert "Eleven thousand nine," so as to make the clause read:

Southwest section schedule: $11,900.

The amendment was agreed to.

The next amendment was, on page 27, line 17, before the word "thousand," to strike out "Ten" and insert "Twenty-five," so as to make the clause read:

Southeast section schedule (including Pennsylvania Avenue, north side, from Thirteenth Street to Fourteenth Street, and E Street from Sixteenth Street to Seventeenth Street): $25,000.

The amendment was agreed to.

The next amendment was, on page 27, line 19, before the word "thousand," to strike out "Ten" and insert "Thirteen," so as to make the clause read:

Norheast section schedule (including K Street from Fourth Street to Fifth Street): $13,000.

The amendment was agreed to.

The next amendment was, at the top of page 29, to insert:

For paving the north roadway of B Street NW., between Seventeenth Street and Virginia Avenue, and Virginia Avenue NW., between B Street and Eighteenth Street, $7,200.

The amendment was agreed to.

The next amendment was, on page 29, line 17, after the word "alleys," to strike out "when authorized by law," so as to make the clause read:

Condemnation of streets, roads, and alleys: For purchase or condemnation of streets, roads, and alleys, $1,000.

The amendment was agreed to.

The next amendment was, on page 29, line 19, before the word "roads," to strike out "county" and insert "suburban"; in line 20, before the word "roads," to strike out "county" and insert "suburban"; and in line 22, before the word "roads," to strike out "county" and insert "suburban," so as to make the clause read:

Construction of suburban roads: For construction of suburban roads and suburban streets, to be disbursed and accounted for as "Construction of suburban roads and suburban streets," and for that purpose it shall constitute one fund, as follows.

The amendment was agreed to.

The next amendment was, on page 32, line 5, after the word "from," to strike out "Jefferson" and insert "Jackson," so as to make the clause read:

Northeast. Jackson Street, from Tenth to Twelfth Streets, and Tenth Street, from Jackson to Kearney Streets, grade and improve, $2,800.

The amendment was agreed to.

The next amendment was, on page 32, after line 7, to insert:

Southeast. Streets in Anacostia, grade and improve, $3,000;
Northwest. Fessenden Street, Wisconsin Avenue to River Road, grade and improve, $6,200;
Northwest. Illinois Avenue, Kennedy to Ingraham Streets, and Kennedy Street from Ninth Street to Georgia Avenue, grade and improve, $8,700;
Northwest. Kalmia Street, from end of macadam to Rock Creek Park, grade and improve, $10,200;
Northwest. Eighth Street, Jefferson to Longfellow Streets, grade and improve, $2,300;
Northwest. Tilden Street, from end of asphalt to Rock Creek Park, grade and improve, $14,500;
Northwest. Hamilton Street, Georgia Avenue to Illinois Avenue, grade and improve, $3,000;
Northeast. Monroe Street, Fifteenth Street to Seventeenth Street, grade and improve, $3,500;
Southeast. Twenty-third Street, Naylor Road to R Street, and R Street, Naylor Road to Twenty-second Street, grade, $3,500;
Northeast. Hunt Place, Dean Avenue, and Grant Street, Minnesota Avenue to Division Avenue, $5,000;
Northeast. Hamlin Street, from Rhode Island Avenue to Twentieth Street, grade and improve, $2,600;
Northeast. Eighteenth Street, from Newton to Irving Streets, grade and improve, $7,300;
Northeast. Seventeenth Street, from Hamlin Street to Rhode Island Avenue, grade and improve, $7,600;
Northeast. Thirteenth Street, Rhode Island Avenue to Franklin Street, grade, $3,400.

The amendment was agreed to.

The next amendment was, on page 33, line 23, to increase the total appropriation for the construction of suburban roads and suburban streets from $74,725 to $155,525.

The amendment was agreed to.

The next amendment was, on page 34, line 1, after the word "macadam," to strike out "or wood blocks"; so as to make the clause read:

Hereafter the use of bituminous macadam is authorized on streets, avenues, and roads to be improved or paved.

The amendment was agreed to.

The next amendment was, in the item of appropriation for the repairs of streets, avenues, and alleys, on page 34, line 19, after the word "collected," to insert the following proviso:

Provided further, That the sum of $5,000, or so much thereof as may be necessary, is hereby appropriated, to enable the Commissioners of the District of Columbia to make a thorough investigation of the operation of municipal asphalt plants in cities where they are in operation, report to be made to Congress at the beginning of the next session. Said report shall give in detail the original cost of each plant, the annual expenditures for repairs and betterments, the output, the character and quality of pavement laid down in each case, the cost per yard, the length of time for which it is guaranteed, and shall also include an estimate of the lowest price at which the existing asphalt plant in the District of Columbia can be purchased.

Mr. GALLINGER. In line 22 of the amendment, after the words "investigation of," I move to strike out the words "the operation of." They are not necessary.

The amendment to the amendment was agreed to.

The amendment as amended was agreed to.

The reading of the bill was resumed. The next amendment of the Committee on Appropriations was, on page 35, line 20, before the word "thousand," to strike out "seven" and insert "ten"; so as to make the clause read:

For replacing and repairing sidewalks and curbs around public reservations and municipal buildings, $10,000.

The amendment was agreed to.

The next amendment was, on page 35, after line 20, to insert:

For new sidewalks and curbs around Patent Office, $1,500.

The amendment was agreed to.

The next amendment was, on page 35, after line 22, to insert:

For replacing sidewalks and curbs around old Post Office Building, Seventh and Eighth, E and F Streets NW., $2,500.

The amendment was agreed to.

The next amendment was, on page 36, line 1, before the word "roads," to strike out "county" and insert "suburban"; in line 2, before the word "roads," to strike out "county" and insert "suburban"; in line 4, after the word "purchase," to insert "or hire"; in the same line, before the word "motor," to strike out "two" and insert "four"; and in line 6, before the word "thousand," to strike out "twenty-five" and insert "fifty," so as to make the clause read:

Repairs suburban roads: For current work of repairs of suburban roads and suburban streets, including the maintenance of one motor vehicle, two motor cycles, and one truck, and purchase or hire of four motor cycles for the official use of foremen or inspectors, $150,000, of which sum $20,000 shall be immediately available.

The amendment was agreed to.

The next amendment was, at the top of page 37, to insert:

For the necessary examinations, including personal services, to determine the useful life of the present bridge across Rock Creek on the line of Calvert Street NW., $5,000, to be immediately available, and the Commissioners of the District of Columbia are hereby authorized, in their discretion, to obtain, by competition or otherwise, plans for a bridge to replace the present structure on the line of Calvert Street and to make necessary surveys, preliminary plans, and estimates for the new structure, and this appropriation shall be available for the several purposes named and for all necessary incidental expenses.

The amendment was agreed to.

The next amendment was, under the head of "Sewers," on page 37, line 24, before the word "dollars," to strike out "forty-three thousand" and insert "forty-four thousand five hundred," so as to make the clause read:

For operation and maintenance of the sewage pumping service, including repairs to boilers, machinery, and pumping stations, and the employment of mechanics, laborers, and watchman, the purchase of coal, oils, waste, and other supplies, and for the maintenance of motor trucks, $44,500.

The amendment was agreed to.

The next amendment was, on page 38, line 2, before the word "thousand," to strike out "sixty" and insert "sixty-five," so as to make the clause read:

For main and pipe sewers and receiving basins, $65,000.

The amendment was agreed to.

The next amendment was, on page 38, line 3, before the word "thousand," to insert "and sixty-seven," so as to make the clause read:

For suburban sewers, $167,000.

The amendment was agreed to.

The next amendment was, on page 38, line 6, before the word "thousand," to insert "and fifty," so as to make the clause read:

For assessment and permit work, sewers, $150,000.

The amendment was agreed to.

The next amendment was, on page 38, line 14, before the word "thousand," to strike out "thirty" and insert "fifty," so as to make the clause read:

Anacostia main intercepter: For continuing the construction of the Anacostia main intercepter along the Anacostia River between the outfall sewer, sewage-disposal system, at Poplar Point and Benning, D. C., $50,000.

The amendment was agreed to.

The next amendment was, under the head of "Streets," on page 38, line 19, after the word "prevention," to strike out "sweeping, and cleaning" and insert "cleaning, and snow removal," and in line 23, after the words "District of Columbia," to insert "and for cleaning snow and ice from streets, sidewalks, crosswalks, and gutters, in the discretion of the commissioners," so as to read:

Dust prevention, cleaning, and snow removal: For dust prevention, sweeping, and cleaning streets, avenues, alleys, and suburban streets, under the immediate direction of the Commissioners of the District of Columbia, and for cleaning snow and ice from streets, sidewalks, crosswalks, and gutters, in the discretion of the commissioners.

The amendment was agreed to.

The next amendment was, in the item of appropriation for dust prevention, etc., on page 39, line 10, before the word "thousand," to strike out "forty-five" and insert "seventy-five," so as to read:

Purchase, maintenance, and repair of motor-propelled vehicles necessary in operation, and necessary incidental expenses, $275,000, and the commissioners shall so apportion this appropriation as to prevent a deficiency therein.

The amendment was agreed to.

The next amendment was, on page 39, after line 11, to strike out:

For cleaning snow and ice from streets, sidewalks, cross walks, and gutters, in the discretion of the commissioners, including services, $10,000.

The amendment was agreed to.

The next amendment was, on page 40, line 25, before the word "dollars," to strike out "forty-two thousand five hundred" and insert "forty-five thousand," so as to make the clause read:

Parking commission: For contingent expenses, including laborers, trimmers, nurserymen, repair men, and teamsters, cart hire, trees, tree boxes, tree stakes, tree straps, tree labels, planting and care of trees on city and suburban streets, care of trees, tree spaces, purchase and maintenance of automobile truck, and miscellaneous items, $5,000 of which shall be immediately available for labor and for the purchase of machinery and materials to exterminate insects injurious to trees, $45,000.

The amendment was agreed to.

The next amendment was, at the top of page 41, to insert:

For planting and care of trees in public-school grounds, $1,500.

The amendment was agreed to.

The next amendment was, on page 41, line 4, before the word "dollars," to strike out "six hundred" and insert "seven hundred and twenty"; in line 6, before the word "dollars," to insert "two hundred and fifty"; in line 8, before the word "hundred," to strike out "two" and insert "five"; and in line 10, before the word "dollars," to strike out "two hundred and eighty" and insert "nine hundred and fifty," so as to make the clause read:

Bathing beach: For superintendent, $720; watchman, $480; temporary services, supplies, and maintenance, $2,250; for repairs to buildings, pools, and the upkeep of the grounds, $1,500, to be immediately available; in all, $4,950.

The amendment was agreed to.

The next amendment was, on page 41, line 15, before the word "thousand," to strike out "three" and insert "four," so as to make the clause read:

Playgrounds: For maintenance, repairs, including labor, equipment, supplies, and necessary incidental and contingent expenses, $4,000.

The amendment was agreed to.

The next amendment was, on page 41, after line 15, to insert:

For repairs and replacement of apparatus and other equipment on the playgrounds, including painting, grading, fencing, cutting grass, and resurfacing, to be immediately available so that the grounds may be fully equipped and ready for operation on July 1, 1912, $3,000.

The amendment was agreed to.

The next amendment was, on page 42, line 3, before the word "dollars," to strike out "fifty" and insert "seventy-five"; in line 5, before the word "directors," to strike out "nine" and insert "eleven"; in line 12, before the word "assistants," to strike out "eight" and insert "nine"; in line 14, before the word "watchmen," to strike out "seven" and insert "eight"; in line 17, before the word "dollars," to strike out "fifteen thousand eight hundred and twenty-five" and insert "seventeen thousand seven hundred and eighty-five," and, in the same line, after the word "dollars," to strike out "which sum shall be paid wholly out of the revenues of the District of Columbia," so as to make the clause read:

For salaries: Clerk, $840; supervisor, 10 months, at $175 per month; directors, assistant directors, and watchmen, to be employed not exceeding seven months, as follows: Eleven directors, at $75 per month each; 2 assistant directors, at $60 per month each; 1 assistant director, at $50 per month; 1 watchman, at $25 per month. To be employed not exceeding three months, as follows: Seven assistant directors, at $60 per month each; 3 assistant directors, at $50 per month each; 5 assistants, at $45 per month each; 9 assistants, at $40 per month each; 2 watchmen, at $45 per month each; and 8 watchmen, at $45 per month each for 12 months; in all, $17,785.

The amendment was agreed to.

The next amendment was, on page 42, line 21, before the word "dollars," to strike out "nineteen thousand eight hundred and twenty-five" and insert "twenty-five thousand seven hundred and eighty-five," so as to make the clause read:

In all, for playgrounds, $25,785.

The amendment was agreed to.

The next amendment was, on page 43, line 1, before the word "of," to strike out "condemnation" and insert "board for condemnation," so as to make the subhead read:

Board for condemnation of insanitary buildings:

The amendment was agreed to.

The next amendment was, under the head of "Electrical department," on page 43, line 12, before the word "electrical," to strike out "three" and insert "four," so as to read:

Electrical engineer, $2,500; assistant electrical engineer, $2,000; 4 electrical inspectors, at $1,200 each.

The amendment was agreed to.

The next amendment was, in the item of appropriation for the maintenance of the electrical department, on page 44, line 12, before the word "hundred," to strike out "forty-six thousand four" and insert "forty-seven thousand six," so as to read:

In all, $47,695.

The amendment was agreed to.

The next amendment was, on page 45, line 16, after the word "section," to strike out "eight" and insert "seven," so as to make the clause read:

Lighting: For the purchase, installation, and maintenance of public lamps, lamp-posts, street designations, lanterns, and fixtures of all kinds on streets, avenues, roads, alleys, and public spaces, and for all necessary expenses in connection therewith, including rental of stables and storerooms, this sum to be expended in accordance with the provisions of section 7 of this act and other laws applicable thereto, Avery and extra labor, $386,000.

The amendment was agreed to.

The next amendment was, on page 45, line 22, before the word "thousand," to strike out "one" and insert "two," so as to make the clause read:

For the purchase and installation of 10 fire-alarm boxes, and for the purchase and erection of the necessary poles, cross arms, insulators, pins, braces, wire, cable, conduit connections, posts, extra labor, and other necessary items, $2,000.

The amendment was agreed to.

The next amendment was, on page 46, after line 2, to insert:

For the purchase and maintenance of one motor vehicle, with extra tires and equipment, $2,000.

Mr. BRISTOW. Mr. President, I will inquire what this motor vehicle is for?

Mr. GALLINGER. I will say to the Senator that it is for carrying material for the electrical department to various places in the city.

Mr. BRISTOW. It is not an automobile, then, for the use of the officials?

Mr. GALLINGER. It is not an automobile of that character, I can assure the Senator.

Mr. SMOOT. It is to do away with horses and wagons.

Mr. GALLINGER. As the Senator from Utah says, it is to do away with horses and wagons.

The VICE PRESIDENT. The question is on agreeing to the amendment.

The amendment was agreed to.

The reading of the bill was resumed. The next amendment of the Committee on Appropriations was, under the head of "Washington Aqueduct," on page 46, line 12, before the word "thousand," to strike out "thirty-three" and insert "thirty-eight," so as to make the clause read:

For operation, including salaries of all necessary employees, maintenance, and repair of the Washington Aqueduct and its accessories, including Conduit Road, the McMillan Park Reservoir, the Washington Aqueduct tunnel, and also including the maintenance of one motor truck, horses, vehicles, and harness, and the care and maintenance of the stable, $38,000.

The amendment was agreed to.

The next amendment was, on page 46, after line 12, to insert:

For beginning surfacing and improvement of the Conduit Road, from Foxhall Road to Great Falls, $15,000.

The amendment was agreed to.

The next amendment was, on page 47, line 10, before the word "thousand," to strike out "eight" and insert "twelve," so as to make the clause read:

For continuing the lining of such portions of the unlined sections of the tunnels of the Washington Aqueduct as may be necessary to prevent the disintegration and fall of rock, $12,000.

The amendment was agreed to.

The next amendment was, on page 47, after line 10, to insert:

For completing the purchase, installation, and maintenance of water meters, to be placed on the water services of the Marine Barracks, Soldiers' Home, Howard University, Freedman's Hospital, Walter Reed Hospital, and Zoological Park, and for each and every purpose connected therewith, said meters to be purchased, installed, and maintained by and remain under the observation of the officer in charge of the Washington Aqueduct, $4,850.

The amendment was agreed to.

The next amendment was, on page 47, after line 23, to insert:

The Chief of Engineers, United States Army, is authorized and directed to transfer to the jurisdiction of the Commissioners of the District of Columbia as a public highway the strip of land 50 feet in width, designated as lots 15 and 18, square 2527, and extending from Wyoming Avenue to Kalorama Road, said lots having been purchased in connection with the construction of the Washington Aqueduct tunnel: *Provided*, That when said highway is improved the air shaft now located thereon shall be turned at a sufficient depth below the street level and brought up into a vault, to be constructed under the sidewalk.

The amendment was agreed to.

The next amendment was, under the head of "Great Falls Water Power," on page 49, line 10, after the word "project," to strike out "*Provided*, That the total cost of the investigation and all services authorized by this paragraph shall not exceed the sum of $10,000," and in line 15, before the word "thousand," to strike out "ten" and insert "twenty," so as to make the clause read:

The Secretary of War is authorized and directed, through the Corps of Engineers of the United States Army, to investigate and report to Congress at the beginning of its next session on the questions of the present water supply in the District of Columbia and the sufficiency of its source at the Great Falls of the Potomac River to supply the present and future needs of the United States and of the District of Columbia for water; also the availability of the water power at said Great Falls or vicinity on the Potomac River, or between Great Falls and the District of Columbia, for the purpose of supplying light and power for uses of the United States and of the government of the District of Columbia, and to prepare complete plans, maps, specifications, and estimates for the production, distribution, and utilization of the maximum electrical power that can be economically created and employed for such uses, including street lighting in the District of Columbia; said plans, maps, and specifications shall be sufficient in detail to form the basis of a contract or contracts for the execution of the work, and the map, supplemented if necessary by a report, shall indicate all of the lands that are required to be taken or flowed and the water and water rights that are required to be taken for the purpose of the execution of the project. For expenses of this investigation and report, including all necessary expert and other personal services, there is appropriated the sum of $20,000, or so much thereof as may be necessary.

Mr. CUMMINS. Mr. President, I should like to ask the Senator from New Hampshire what the showing was which led to the increase of this appropriation from $10,000 to $20,000.

Mr. GALLINGER. In the hearings, Mr. President, the engineer commissioner testified as follows:

Maj. JUDSON. We think that the appropriation that was in the estimates is better than this appropriation that is in the House bill. We think that the appropriation should be $20,000 instead of $10,000. We know it. You could not do anything worth while for $10,000. You would not get ahead at all. You would waste $10,000. We have already had some reports made, in times past, and they would come just up to where they had gotten before, when the $10,000 would give out and you would not get ahead any at all. We think that the provision should come out that was inserted on the floor of the House by amendment, and that the total amount for the investigation should be $20,000. That is a very big proposition, and $20,000 is the least that would enable the Secretary of War to give the Chief of Engineers the proper experts and assistants to carry on this work.

That was the statement, I will say to the Senator, and further it was stated by the engineer commissioner that—

They would have to employ experts. The Corps of Engineers are not specialists on that kind of work. We know, generally, that they would have to employ experts.

Mr. CUMMINS. Then, it is expected that the work will be done simply under the supervision of the Corps of Engineers?

Mr. GALLINGER. Yes.

Mr. CUMMINS. It is not expected that the Corps of Engineers will themselves do the work?

Mr. GALLINGER. Not the special or expert part of the work.

Mr. CUMMINS. I thought the Army engineers were more expert than anybody else on that particular subject.

Mr. GALLINGER. Maj. Judson, the engineer commissioner, is a very distinguished engineer, and he states to the contrary. Furthermore, of course the engineer officers are very hard-worked men, and to-day there is a demand for more engineers rather than less.

Mr. CUMMINS. I can well understand that if it is the purpose to employ other engineers to do the work, the amount appropriated here may be required; but I could not understand, if the Army engineers themselves were to do it, how the expenditure could possibly be incurred.

Mr. GALLINGER. I think the Army engineers could not well be diverted from their usual work for work of this kind, except to supervise it.

Mr. CUMMINS. Is there any authority here for the employment of outside engineers?

Mr. GALLINGER. I think so.

Mr. CUMMINS. I do not see any.

Mr. GALLINGER. I read from the bill:

For expenses of this investigation and report, including all necessary expert and other personal services, there is appropriated the sum of $20,000, or so much thereof as may be necessary.

I think that covers it absolutely.

Mr. CUMMINS. The paragraph begins:

The Secretary of War is authorized and directed, through the Corps of Engineers of the United States Army, to investigate and report to Congress.

And so forth.

Well, I will not raise the point about the amendment if it is intended that outside service shall be secured.

Mr. GALLINGER. That is undoubtedly the purpose, I will say to the Senator.

The VICE PRESIDENT. The question is on agreeing to the amendment.

The amendment was agreed to.

The reading of the bill was resumed. The next amendment of the Committee on Appropriations was, under the head of "Public schools," on page 49, line 26, before the word "dollars," to insert "five hundred," and on page 50, line 10, before the word "hundred," to strike out "fifty-two thousand seven" and insert "fifty-three thousand two," so as to make the clause read:

Officers: Superintendent of public schools, $5,500; two assistant superintendents, at $3,000 each; director of intermediate instruction, 13 supervising principals, and supervisor of manual training, 15 in all, at a minimum salary of $2,200 each; secretary, $2,000; clerk, $1,400; two clerks, at $1,000 each; clerk to carry out the provisions of the child-labor law, $900; two stenographers, at $840 each; messenger, $720; in all, $53,200.

The amendment was agreed to.

The next amendment was, on page 50, line 11, after the word "officers," to strike out "Two attendance officers, at $600 each; attendance officer, $900," and insert "Chief attendance officer, $900; 2 attendance officers, at $600 each," so as to make the clause read:

Attendance officers: Chief attendance officer, $900; 2 attendance officers, at $600 each; in all, $2,100.

The amendment was agreed to.

The next amendment was, on page 50, line 17, before the word "teachers," to strike out "fifty" and insert "seventy-two," so as to make the clause read:

Teachers: For 1,772 teachers, to be assigned as follows.

The amendment was agreed to.

The next amendment was, on page 51, line 14, after the word "including," to strike out "two" and insert "three," and in line 16, before the words "in all," to strike out "sixteen" and insert "ninety-seven," so as to read:

Teachers in group A of class 6, including 3 principals of grade manual-training schools, 297 in all, at a minimum salary of $1,000 each.

The amendment was agreed to.

The next amendment was, on page 51, line 17, after the word "each," to insert:

Provided, That all teachers of manual training, drawing, domestic science, domestic art, music, physical culture, and kindergarten practice teachers, in the normal, high, and manual-training high schools, and assistants to the directors of primary instruction, now in the service of the public schools and hereafter to be appointed, shall be placed in class 6, group A: *Provided further*, That the provisions contained in the acts approved May 26, 1908, and May 18, 1910, relative to the longevity placing of teachers in class 6, group A, for previous years of experience in teaching in accredited normal, high, and manual-training schools, shall not apply to any teacher now in the service of the public schools, or hereafter to be appointed, placed in said class 6, group A, by reason of this proviso; but no teacher so placed in class 6, group A, shall receive less salary than he would receive in the lower class: *And provided further*, That hereafter no teacher of any of these subjects shall be appointed without like requirements to those required of teachers of academic and scientific subjects in the high schools.

Mr. WILLIAMS. I move to strike out, in line 23, the language beginning with "*Provided further*," and continuing down to the words "lower class," in line 9, on page 52, and to substitute for it, after "group A," a comma and the following language:

At the salary in class 6, group A, next higher than the salary said teachers are now receiving in classes 4 and 5: *Provided further*, That they shall hereafter receive their annual increase in salary as provided for class 6, group A, in the act of June 8, 1906.

Mr. GALLINGER. I will ask the Senator if that means only that they shall not receive longevity for their previous years of teaching in the lower schools, but shall simply be transferred to a higher class—class 6, group A?

Mr. WILLIAMS. The committee amendment transfers them to group A, class 6.

Mr. GALLINGER. Yes.

Mr. WILLIAMS. But your amendment, beginning in line 23, on page 51, proceeds to say that they shall not have any advantage of any longevity they have already experienced.

Mr. GALLINGER. Yes; because of the years of experience of teaching in lower classes.

Mr. WILLIAMS. Yes.

Now, I have in my mind a drawing teacher in the public schools of Washington who taught my eldest daughter, who taught my eldest son, who is teaching here now, and has been teaching for 18 years. Nobody ever taught drawing better than she, and this bill, while it promotes people of her class or her experience or her training to group A of class 6, cuts her off from all promotion due to her on account of longevity, whereas the other members of group A, class 6, are entitled to all increase of pay from longevity that may have accrued to them.

I want to say, Mr. President, that I am one of the men in the United States who has suffered from an old-fashioned education. I do not know as much about modern applied science as a 14-year-old boy ought to know. I think a teacher of drawing is more useful in a public school than a teacher of Latin. I think to train the hand and to train the eye as auxiliaries of the mind is of vast importance, a thing by the lack of which I, by the way, with very many other men, suffer.

I want the Senate to listen to the class of teachers they are. Manual-training teachers—they teach the boy to make a living by his hands and eyes after he leaves school; drawing teachers; teachers of music—music, which appeals to the ear and the soul; teachers of physical culture—that which keeps the body in perfect health.

The Senator from New Hampshire and his committee have done the justice of transferring these teachers to group A, class 6, where they ought to have been long ago.

Mr. President, I make the assertion, without any fear of intelligent contradiction, that it is very much easier to get an efficient teacher of Latin in a public school or of history or of English literature or of French or of German than it is to get an efficient teacher of drawing, free-hand or mechanical.

I make the further assertion that there is not a single pursuit in life, whether it be that of the lawyer or the electrical engineer—it makes no difference what—to the successful carrying out of which a knowledge of free-hand and mechanical drawing is not a very great aid. Even a lawyer finds it useful in a jury trial. I know that many men around here have suffered just as I have from a lack of training of the eye and the hand—training the head overmuch and leaving the eye and the hand and the ear untrained.

I hope the Senator from New Hampshire, in charge of the bill, can accept the amendment. I think he probably will.

Mr. GALLINGER. Mr. President, I am pretty well persuaded that the amendment the Senator from Mississippi has offered is all right. I think the provision in the bill substantially covers it, because we provide that no teacher shall receive less salary than he would receive in the lower class, which naturally would put him up somewhat higher.

Mr. WILLIAMS. If the Senator will pardon me, here is the part of the amendment to which I object. It says:

Provided further, That the provisions contained in the acts approved May 26, 1908, and May 18, 1910, relative to the longevity placing of teachers in class 6, group A, for previous years of experience in teaching in accredited normal, high, and manual-training schools, shall not apply to any teacher now in the service of the public schools.

I offer a substitute for that, and the language which follows the words "group A," on line 23, of page 51, down to the word "class" in line 9, on page 52:

At the salary in class 6, group A, next higher than the salary said teachers are now receiving in classes 4 and 5: *Provided further*, That they shall hereafter receive their annual increase in salary as provided for class 6, group A, in the act of June 8, 1906.

Mr. GALLINGER. I do not object to the Senator's amendment.

Mr. WILLIAMS. Very well.

The VICE PRESIDENT. Will the Senator from Mississippi please send his amendment to the desk, that it may be stated?

The SECRETARY. On page 51 of the committee amendment, line 23, after the letter "A," strike out—

Provided further, That the provisions contained in the acts approved May 26, 1908, and May 18, 1910, relative to the longevity placing of teachers in class six, group A, for previous years of experience in teaching in accredited normal, high, and manual-training schools, shall not apply to any teacher now in the service of the public schools, or hereafter to be appointed, placed in said class 6, group A, by reason of this proviso; but no teacher so placed in class 6, group A, shall receive less salary than he would receive in the lower class—

And insert:

at the salary in class 6, group A, next higher than the salary said teachers are now receiving in class 4 and 5: *Provided further*, That they shall hereafter receive their annual increase in salary as provided for class 6, group A, in the act of June 8, 1906.

The VICE PRESIDENT. The question is on agreeing to the amendment proposed by the Senator from Mississippi.

The amendment to the amendment was agreed to.

Mr. WILLIAMS. I suggest to the Senator from New Hampshire, in order to keep the bill symmetrical, as at present constructed, that after the word "schools" and semicolon, in line 12, this language ought to be added:

And that teachers of these subjects hereafter shall be appointed and placed in the same manner as teachers of academic and scientific subjects.

I think the Senator from New Hampshire will accept the amendment.

Mr. GALLINGER. There can be no objection to it.

The VICE PRESIDENT. Will the Senator from Mississippi send his amendment to the desk, in order that it may be stated?

The SECRETARY. On page 52, at the end of line 12, insert the following:

And that teachers of these subjects hereafter shall be appointed and placed in the same manner as teachers of academic and scientific subjects.

The amendment to the amendment was agreed to.

The amendment as amended was agreed to.

Mr. GALLINGER. I desire to have placed in the RECORD a brief statement concerning the duties of these various teachers who are included in that amendment.

The VICE PRESIDENT. Without objection, the matter referred to by the Senator from New Hampshire will be inserted in the RECORD.

The matter referred to is as follows:

Department.	Number of teachers.	Additional amount required to place in class 6.	Remarks.
Drawing	28	$1,860	Free-hand drawing includes work in pencil, pen, and charcoal, modeling, painting, and art metal. It covers the subjects of representation, design—both decorative and constructive—and the history of art. The free-hand drawing course in constructive design is planned to cooperate with the shops and mechanical drawing room, so that objects designed in the drawing room are made in the woodworking, forge, and art-metal shops. Bowls, tables, chairs, and desks, wrought-iron hinges, escutcheons, and door knockers; copper and brass bowls, trays, candlesticks, paper knives, and silver jewelry are some of the objects designed and made. Stenciling and embroidery are completed in the drawing room. Mechanical drawing is applied mathematics in a very practical form. The course as planned here serves as an essential preparation for college work in higher mathematics, graphics, and mechanics, and also prepares students who do not go on to college to earn their living as patent draftsmen and patent searchers in patent attorney's offices, Navy and War Departments, Bureau of Standards, and drawing rooms of the Navy Yard. The course includes projection, orthographic and isometric; machine drawing; architectural and topographical drawing, and patent drawing.
Manual training	15	790	Woodworking includes wood turning, cabinet-making and pattern making. It teaches the use of tools, machinery, and materials. Students are taught to read working drawings and to interpret them. In wood turning, chucking, rechucking, face-plate work, polishing, and the turning of hardwoods are necessary steps in the course. Cabinetmaking covers the making and upholstering of furniture. The course in pattern making consists of exercises which emphasize each principle of the trade and bring to the knowledge of the student the physical properties of materials, such as the shrinkage of metals, etc. The course in pattern making includes a course in molding. From a technical point of view forging is an important art and furnishes a greater amount of manual training than any other of the mechanical arts. The course covers all forms of ironwork, such as drawn point, bent eye, right-angle bend, hook and staple, square and hexagonal nut, bolts, chains, flat and band welding, tongs, etc. The work in the machine shop focuses and completes the experience gained in the other departments of manual training, including forging, woodworking, mechanical and free-hand drawing—for example, the forging made in the forge shop is converted into the finished product in the machine shop. From free-hand drawing the ability is acquired to make the sketch from which a working drawing may be made in the mechanical drawing room. The work of machine shop involves the solution of problems and accurate calculations in laying off work, in setting up machines, which puts into practical use the student's knowledge of algebra, geometry, and trigonometry. The course covers work on the lathe, the shaper, universal grinding machine, drilling machine, milling machine, etc., through all the various exercises of making cylinders, tapering, rectangular block, mandrel, gear, etc.
Domestic science	5	$290	The teaching of domestic science includes the teaching of physics, bacteriology, and physiology: Physics— Study of air currents and heat applied to the management of stoves. Study of light applied to the lighting of houses. Study of gases; use of kerosene and gasoline. Weighing and measuring of food in terms of heat with the idea of planning meals so that the normal individual can have the kind and amount of food necessary for proper nourishment. Bacteriology— As a basis for lessons in preserving. Instructs in practical hygiene; ventilation; precautions against infection and as an application to the rules of health and right living. Physiology— Taught as a science. Applied to hygiene. Home nursing, care of patient in bed and bandaging, first aid, antidotes, care of sprains, broken bones, burns, sunstroke, drowning, etc. Preparation and serving of food.
Domestic art	7	380	The course in domestic art includes plain sewing, dressmaking, tailoring and millinery. It includes the study of textiles, such as cotton, silk, and wool; their source, growth, preparation for manufacture, varieties of material and adaptation. The hygiene of wearing apparel, the study of materials, suitability for use and income, economy of time in relation to buying and making are some of the values considered. The course of work is carefully designed to develop capacity for and interest in the proper management of the home. The course includes instruction in care and use of the sewing machine, practice in hand and machine work, drafting pattern, cutting and making. Exercises in basting, stitching, hemming, overcasting, etc. Millinery includes principles of hat construction, drafting, cutting, wiring and covering frames, designing of hats for different seasons. Embroidery.
Physical training	10	730	Man being a machine, an organism, and a thinking individual, the trained physical-culture teacher chooses exercises for the effects upon his three-fold nature. Physical— Hygienic or preventive. Corrective. Recreative. Mental— Impression. Repression. Expression. Moral— Inhibition. Exhibition. The exercise when rightly planned and executed has two values, esthetic and gymnastic.
Music	5	395	
Kindergarten practice teachers.[1]	4	925	
Assistants to directors of primary instruction.	3	50	
Total	74	5,420	

[1] Kindergarten normal teachers; observe number and amount; they jump from class 3 to class 6.

Mr. GALLINGER. Also, Mr. President, a very brief plea for the teachers of domestic science and domestic art, and a list of teachers who have recently left Washington high schools for better-paying positions in other schools in the country.

The VICE PRESIDENT. Without objection, the matter referred to will be inserted in the RECORD.

The matter referred to is as follows:

PLEA FOR TEACHERS OF DOMESTIC SCIENCE AND DOMESTIC ART.

"The teachers of domestic science and domestic art are women who have taught from 9 to 22 years in the system. They are long residents of the District, residing here with their families, so are able to serve at a less wage than strangers could. If they should leave, it would be impossible to replace them with equally good teachers at the same salary; besides, justice demands that some recognition of their faithful service be made. It is the personnel of the teaching corps, the teaching ability,

and the character that must be paid for. They are, above all, teachers who come in contact with the children, must know child nature in order to discipline and mold the character of the child, which means a knowledge of psychology and pedagogy obtained only at colleges by the payment of large sums. Some of these teachers have taken courses at Columbia University in the summer vacation.

"That the McKinley School has served as a training school for New York and other places may be seen by the accompanying list, which shows that 14 teachers have left that school to better themselves financially, and their present salaries will show what other cities pay for industrial education. The highest salary attainable here is $1,350 for the special teachers, while a glance at the list will show that the former teachers now in other cities are getting from $2,000 to $2,750.

"The equipment, which is the finest in the United States, is practically valueless in the hands of the cheap teacher, without considering the moral effect of the cheap teacher on the future citizen, as well as the effect on the culture of the child.

"Cooking and sewing are not the subjects taught, but domestic science and domestic art. Domestic science includes the chemistry of foods, the proper physiological combination of foods in menus, and the economics of housekeeping. Domestic art has to do with drafting of patterns, the proper combinations of colors, the application of the pupil's own designs to embroidery, and the study of textiles.

"All of this required special preparation in special schools, which these teachers have all had at great expenditure of money and energy on their part. Besides the usual academic education the teachers of domestic science must have studied pedagogy, psychology, chemistry, physics, bacteriology, botany, and physiology, such as only can be obtained in college courses.

"These teachers, in addition to their regular classes, have the same duties as the academic teachers; that is, they have charge of section rooms and are held responsible for the discipline of the school.

"Any discrimination against this class will handicap this part of the industrial education of the McKinley and Armstrong Manual Training Schools. We hear so much of the home makers these days. Shall they have cheaper teaching than the boys? While some of these girls go into business, the majority of them do not, since this is a cultural school, not a trade school. The majority of these girls are sent here for the home training in addition to the academic, as they can get all the science and more than in any of the academic high schools, and the same languages except Latin and Greek.

Teachers who have left Washington High Schools for better-paying positions.

	Present position.	Salary in Washington.	New salary.	Present salary.
FREE DRAWING.				
Miss D. Mumey	Morris High School, New York City.	$940	$1,300	$2,750
Mr. H. S. Michie[1]	Principal Worcester Art Museum School.	830	[2]2,100	
Mr. Forest Grant[1]	High School of Commerce, New York City.	1,200	1,400	2,000
Miss Ruth Darwin	Illustrator, New York newspapers.	800		
Mr. H. S. Whitbeck[1]	Art Metal Shop, Northampton, Mass.			
MUSIC.				
Mr. E. Tracy[1]	Morris High School, New York City.	1,000	1,300	2,180
Miss S. Mason[1]	Polytechnic High School, Los Angeles, Cal.	900	1,500	1,560
MECHANICAL DRAWING.				
Mr. M. Woodward[1]	Bureau Yards and Docks, Navy Department.	1,080	1,600	2,023
Mr. W. A. Olsen[1]	Electrical engineer	[3]800	720	1,200
Mr. H. P. Ilman[1]	Office of Supervising Architect, United States Treasury.	800	1,000	1,400
Mr. E. A. Miller[1]	Municipal architect's office, District of Columbia.	800	1,000	1,500
Mr. C. Butman[1]	Smithsonian Institution	830	1,080	1,200
Mr. B. W. Morse[1]	Washington Times	800		1,500
Mr. F. A. Woodward[1]	Principal Wisconsin Avenue Manual-Training School, District of Columbia.	1,070		1,150
SHOPS.				
Mr. F. Skinner[1]	Soldiers' Home, Hampton, Va.	1,200	2,500	3,000
Mr. J. Beall[1]	Professional baseball	600	[4]	2,500

[1] Teachers who have left the McKinley Manual-Training High School within the 10 years of its existence.
[2] About.
[3] Left position as teacher to attend college, has since graduated, and is receiving a salary higher than the majority of the teachers in the so-called special classes.
[4] Estimated.

The reading of the bill was resumed. The next amendment of the Committee on Appropriations was, on page 52, line 13, before the word "in," to strike out "sixty-one" and insert "fourteen," so as to make the clause read:

Teachers in class 5, 114 in all, at a minimum salary of $950 each.

The amendment was agreed to.

The next amendment was, on page 52, line 17, before the word "in," to strike out "thirty-eight" and insert "twenty-two," so as to make the clause read:

Teachers in class 4, 422 in all, at a minimum salary of $800 each.

The amendment was agreed to.

The next amendment was, on page 52, line 23, before the word "in," to strike out "thirty-eight" and insert "forty," so as to make the clause read:

Teachers in class 2, 340 in all, at a minimum salary of $600 each.

The amendment was agreed to.

The next amendment was, on page 52, line 24, before the word "in," to strike out "sixty-six" and insert "sixty-eight," so as to make the clause read:

Teachers in class 1, 68 in all, at a minimum salary of $500 each.

The amendment was agreed to.

The next amendment was, on page 53, line 2, before the word "hundred," to strike out "eight" and insert "nine," so as to make the clause read:

Special beginning teacher in the normal school, $900.

The amendment was agreed to.

The next amendment was, on page 53, line 5, before the word "dollars," to strike out "forty-seven thousand two hundred and fifty" and insert "seventy-three thousand one hundred," so as to make the clause read:

In all, for teachers, $1,373,100.

The amendment was agreed to.

The next amendment was, on page 53, after line 5, to insert:

No class in any year of any of the high schools at any time shall consist of less than 10 pupils: *Provided*, That the subjects usually considered as belonging to business or manual training high schools be taught only in the business or manual training high schools already established for the purpose, and that any such subjects now taught in any academic high school be abandoned.

Mr. WILLIAMS. I wish to move to strike out the words—

Provided, That the subjects usually considered as belonging to business or manual training high schools be taught only in the business or manual training high schools already established for the purpose, and that any such subjects now taught in any academic high school be abandoned.

I desire to call the attention of the Senate, and especially that of the Senator from New Hampshire, to my reason for making the motion. This proviso is that these several subject of manual training—stenography, typewriting, and all that sort of thing—shall not be taught in any academic high school, and if taught there now shall be abandoned and shall be taught only in the business or manual training high school.

That would do very well for the northwest, because there the people have both accessible to the pupils, but a boy or girl who wants to study stenography or typewriting or take up manual training, who lives in the east and northeast, has to go away out to the other end of town. The consequence is that in the Eastern High School they started some classes, and have had them going on right well.

I have no objection to that part of the amendment which says that no class in any of the high schools at any time shall consist of less than 10 pupils, but if it be found that a class of over 10 pupils in stenography or typewriting exists in the Eastern High School, it should be continued, and the boys and girls should not be compelled to go a couple of miles to continue the training they have already begun. I think it ought to be continued and that by this provision we ought not to strike it down.

Mr. GALLINGER obtained the floor.

Mr. NELSON. Will the Senator from New Hampshire and the Senator from Mississippi yield to me for a moment?

Mr. GALLINGER. Certainly.

Mr. NELSON. I can bear witness to the fact the Senator from Mississippi has stated. We have in the Eastern High School, which is only a few squares from where I have lived, a small class in typewriting and stenography. It would be very inconvenient for those living in that part of the town to go to the northwest, where the industrial schools are, and if the proviso which the Senator from Mississippi seeks to strike out is left in the bill it will have the effect of eliminating that small class in typewriting and stenography in the Eastern High School.

I trust the Senator from New Hampshire will accede to the suggestion of the Senator from Mississippi.

Mr. WILLIAMS. There is no doubt about the fact that it will affect that part of the population of Washington which is not its wealthiest and not the best able to take care of itself.

Mr. GALLINGER. I think we will come to an agreement on this amendment after I have made a brief statement.

What confronted the committee, and which I looked into personally, is the fact that there is an apparent disposition to crowd manual-training teaching into all our academic high schools; there is a purpose, apparently, to do that; and I think it is a mistaken purposes, if it is to be engaged in in a broad way.

Mr. WILLIAMS. Then I will change the amendment and just say that the above proviso shall not apply to the Eastern High School.

Mr. GALLINGER. No; I am going further than that. I am going to agree with the Senator.

I deprecate that for the reason that I think we ought to confine our manual training largely to the schools for that purpose, and I look with some degree of hesitancy and alarm, perhaps, to incorporating these special studies into our academic high schools.

But I know the situation in the eastern part of the city, and I have the assurance from the superintendent of schools that if this proviso goes out—and I do not object to it going out—he will take up the subject and give it very careful investigation. I therefore agree to the amendment the Senator from Mississippi proposes to the amendment.

Mr. WILLIAMS. I thank the Senator from New Hampshire.

The VICE PRESIDENT. The amendment proposed by the Senator from Mississippi to the amendment will be stated.

The SECRETARY. In the committee amendment, on page 53, it is proposed to strike out, beginning in line 7, the proviso in the amendment.

The amendment to the amendment was agreed to.

The amendment as amended was agreed to.

The next amendment was, on page 54, line 17, before the word "dollars," to strike out "three hundred thousand" and insert "dollars," to strike out "seventeen thousand five hundred" and seventy," so as to make the clause read:

Longevity pay: Longevity pay for director of intermediate instruction, supervising principals, supervisor of manual training, principals of the normal, high, and manual training schools, principals of the grade manual training schools, heads of departments, director and assistant director of primary instruction, directors and assistant directors of drawing, physical culture, music, domestic science, domestic art, and kindergartens, teachers, clerks, librarians and clerks, and librarians to be paid in strict conformity with the provisions of the act entitled "An act to fix and regulate the salaries of teachers, school officers, and other employees of the board of education of the District of Columbia," approved June 20, 1906, as amended by the acts approved May 26, 1908, and May 18, 1910, $296,770, together with the unexpended balance of $75,878.06 of the appropriation made for "longevity pay" for the fiscal year 1911.

The amendment was agreed to.

The next amendment was, on page 55, line 5, before the word "thousand," to strike out "thirty-three" and insert "thirty-six," so as to make the clause read:

Allowance to principals: Allowance to principals of grade school buildings for services rendered as such, in addition to their grade salary, to be paid in strict conformity with the provisions of the act entitled "An act to fix and regulate the salaries of teachers, school officers, and other employees of the board of education of the District of Columbia," approved June 20, 1906, $36,000.

The amendment was agreed to.

The next amendment was, on page 55, line 20, before the word "dollars," to strike out "seventeen thousand five hundred" and insert "twenty thousand," so as to make the clause read:

Night schools: For teachers and janitors of night schools, including teachers of industrial, commercial, and trade instruction, and teachers and janitors of night schools may also be teachers and janitors of day schools, $20,000.

The amendment was agreed to.

The next amendment was, on page 56, line 4, before the word "hundred," to strike out "two" and insert "five," so as to make the clause read:

Janitors and care of buildings and grounds: Superintendent of janitors, $1,500.

The amendment was agreed to.

The next amendment was, on page 57, line 2, before the word "dollars," to strike out "eight hundred and forty" and insert "nine hundred," and in line 5, before the word "dollars," to strike out "one thousand nine hundred and eighty" and insert "two thousand and forty," so as to make the clause read:

Franklin School, janitor, $900; laborer, $420; two laborers, at $360 each; in all, $2,040.

The amendment was agreed to.

The next amendment was, on page 57, line 16, before the word "hundred," to strike out "two" and insert "five"; in line 17, before the word "dollars," to strike out "seven hundred and twenty" and insert "nine hundred"; in the same line, after the word "dollars," to strike out "assistant janitor, $720" and insert "2 assistant janitors, at $720 each"; and in line 22, before the word "hundred," to strike out "four thousand six" and insert "five thousand eight," so as to make the clause read:

McKinley Manual Training School, janitor, $900; engineer and instructor in steam engineering, $1,500; assistant engineer, $900; 2 assistant janitors, at $720 each; laborer, $420; 2 laborers, at $360 each; in all, $5,880.

The next amendment was, on page 60, after line 3, to insert:

In the event of the absence of any engineer, assistant engineer, janitor, assistant janitor, laborer, fireman, or caretaker at any time during school sessions the board of education is hereby authorized to appoint a substitute, who shall be paid the salary of the position in which employed, and the amount paid to such substitute shall be deducted from the salary of the absent employee.

The amendment was agreed to.

The next amendment was, on page 60, line 13, before the word "dollars," to strike out "twenty thousand eight hundred and sixty" and insert "twenty-two thousand four hundred and twenty," so as to make the clause read:

In all, $122,420.

The amendment was agreed to.

The next amendment was, on page 60, line 17, before the word "thousand," to strike out "eight" and insert "twelve," so as to make the clause read:

For care of smaller buildings and rented rooms, including cooking and manual-training schools, wherever located, at a rate not to exceed $72 per annum for the care of each schoolroom, $12,000.

The amendment was agreed to.

The next amendment was, on page 60, line 19, after the word "schools," to insert "one of whom shall be a woman," and in line 20, after the word "four," to insert "of whom," so as to read:

Medical inspectors: Twelve medical inspectors of public schools, one of whom shall be a woman, two of whom shall be dentists, and four of whom shall be of the colored race, at $500 each, $6,000.

The amendment was agreed to.

The next amendment was, on page 61, after line 4, to insert:

Nurses: Two graduate nurses, at $900 each, $1,800.

Mr. GALLINGER. I desire to offer an amendment to that amendment.

The VICE PRESIDENT. The amendment to the amendment will be read.

The SECRETARY. On page 61, line 6, after the word "dollars," insert the following proviso:

Provided, That said nurses shall perform their duties under the direction of the health officer and their school duties according to the rules governing the medical inspection of schools, and may perform during the summer vacation of the schools such duties as may be assigned to them by the health officer as in his judgment are not inconsistent with their school work.

The amendment to the amendment was agreed to.

The amendment as amended was agreed to.

The next amendment was, on page 61, after line 6, to insert:

Teachers and other employees of the board of education shall be paid at the close of the school term and on the first day of every school month except September: *And provided further*, That for such purpose authority is hereby given to the auditor of the District of Columbia to compute salaries from the 25th of one month to the 25th of the succeeding month.

The amendment was agreed to.

The next amendment was, on page 62, line 2, before the word "thousand," to strike out "eighty-five" and insert "one hundred and five," so as to make the clause read:

For repairs and improvements to school buildings and grounds and for repairing and renewing heating, plumbing, and ventilating apparatus, and the installation of sanitary drinking fountains in buildings not supplied with the same, $105,000, to be immediately available.

The amendment was agreed to.

The next amendment was, on page 62, line 7, before the word "thousand," to strike out "twenty-three" and insert "twenty-seven," so as to make the clause read:

For the purchase and repair of tools, machinery, material, and books, and apparatus to be used in connection with instruction in manual training, and for incidental expenses connected therewith, $27,500.

The amendment was agreed to.

The next amendment was, on page 62, line 16, before the word "dollars," to insert "two hundred and fifty"; in line 17, before the word "dollars," to insert "two hundred and fifty"; in line 19, before the word "thousand," to strike out "one" and insert "two"; in line 20, before the word "hundred," to strike out "three" and insert "four"; and in line 23, before the word "hundred," to strike out "five thousand two" and insert "six thousand eight," so as to make the clause read:

For furniture, including also clocks, pianos, and window shades for new school buildings, additions to buildings, kindergartens, and also tools and furnishings for manual-training, cooking, and sewing schools, as follows: One 4-room building at Burrville, $1,250; one 4-room building at Military Road, $1,250; one 6-room manual-training building in

the twelfth division, $2,500; three kindergartens, $1,000; one manual-training shop, $400; one sewing school, $150; one cooking school, $300; in all, $6,850.

The amendment was agreed to.

The next amendment was, on page 63, line 6, before the word "dollars," to strike out "forty-seven thousand five hundred" and insert "fifty thousand," so as to make the clause read:

For contingent expenses, including furniture and repairs of same, stationery, printing, ice, purchase and repair of equipment for high-school cadets, and other necessary items not otherwise provided for, including an allowance of $300 each for livery of horse or garage of an automobile for the superintendent of schools, and for the superintendent of janitors, and including not exceeding $1,000 for books, books of reference, and periodicals, $50,000.

The amendment was agreed to.

The next amendment was, on page 63, line 19, before the word "thousand," to strike out "sixty-five" and insert "sixty-nine," so as to read:

For textbooks and school supplies for use of pupils of the first eight grades, who at the time are not supplied with the same, to be distributed by the superintendent of public schools under regulations to be made by the board of education of the District of Columbia, and for the necessary expenses of the purchase, distribution, and preservation of said textbooks and supplies, including one bookkeeper and custodian of textbooks and supplies, at $1,200, and one assistant, at $600, $69,000.

The amendment was agreed to.

The next amendment was, on page 64, line 2, before the word "hundred," to strike out "five" and insert "eight," so as to make the clause read:

For maintenance and repairing 36 playgrounds now established, $1,800.

The amendment was agreed to.

The next amendment was, on page 64, line 5, before the word "dollars," to insert "five hundred," so as to make the clause read:

For utensils, material, and labor, for establishment and maintenance of school gardens, $1,500.

The amendment was agreed to.

The next amendment was, on page 64, after line 5, to insert:

For the purchase of a motor car for the superintendent of schools, at a cost not exceeding $1,500, including the hire of a driver, at not exceeding $600 per annum, $2,100, to be immediately available.

Mr. BRISTOW. I hope the Senator from New Hampshire will not insist upon this amendment.

Mr. GALLINGER. If the Senator from Kansas feels that it ought to go out of the bill, I will agree to it. Let the amendment be disagreed to, Mr. President.

Mr. BRISTOW. The superintendent's salary has been increased $500, and this is in addition to his pay.

The VICE PRESIDENT. Without objection, the amendment is disagreed to.

The next amendment was, on page 64, line 15, before the word "hundred," to strike out "four" and insert "five," so as to make the clause read:

For extending the telephone system to new school buildings, including the cost of the necessary wire, cable, poles, cross arms, braces, conduit connections, extra labor, and other necessary items, to be expended under the electrical department, $1,500.

The amendment was agreed to.

The next amendment was, on page 64, line 18, after the word "Western," to insert "Business," so as to make the clause read:

For purchase of apparatus and for extending the equipment and for the maintenance of the physics department in the Central, Eastern, Western, Business, and M Street High Schools, $3,000.

The amendment was agreed to.

The next amendment was, on page 65, after line 4, to insert:

For the purchase of additional ground adjacent to the Corcoran School, for the extension of said school, to be immediately available, $11,000.

The amendment was agreed to.

The next amendment was, on page 65, after line 7, to insert:

Toward the construction of a new Central High School building, including grading and other work necessary to prepare the site for the building, and the total cost of said building, under a contract which is hereby authorized therefor, shall not exceed $725,000, $250,000.

The amendment was agreed to.

The next amendment was, on page 65, after line 13, to insert:

Toward the construction of a new (colored) M Street High School, and the total cost of said building, under a contract which is hereby authorized therefor, shall not exceed $400,000, $150,000.

The amendment was agreed to.

The next amendment was, on page 65, after line 18, to insert:

The Commissioners of the District of Columbia are hereby authorized to use so much as may be necessary of any unexpended balances remaining in the appropriations for the purchase of a site for a new Central High School, and for the purchase of a site for a new M Street High School, contained in the District appropriation act for the fiscal year 1912, approved March 2, 1911, for the employment of architectural services in the preparation of plans and specifications for said high schools, and for such other personal services and expenses in connection therewith as may be necessary.

The amendment was agreed to.

The next amendment was, on page 66, after line 4, to insert:

For the erection of an eight-room extensible building on the site purchased west of Soldiers' Home grounds, south of Rock Creek Road, $66,000.

The amendment was agreed to.

The next amendment was, on page 66, after line 7, to insert:

For the construction of a four-room annex to the Takoma School, $36,000.

The amendment was agreed to.

The next amendment was, on page 66, after line 9, to insert:

For the construction of a four-room annex to the Chevy Chase School, including grading of site, $36,000.

The amendment was agreed to.

The next amendment was, on page 66, after line 12, to insert:

For the construction of a four-room annex to the Birney School, $35,000.

The amendment was agreed to.

The next amendment was, on page 66, after line 14, to insert:

For the construction of a four-room annex to the Congress Heights School, $36,000.

The amendment was agreed to.

The next amendment was, on page 66, after line 24, to strike out:

No part of any money appropriated in this act for public schools shall be used for the tutelage or otherwise of pupils in the public schools of the District of Columbia who do not reside in said District, or who during such tutelage do not own property in and pay taxes levied by the government of the District of Columbia in excess of the estimated cost of their tuition, or whose parents do not reside or are not engaged in public duties therein, or during such tutelage pay taxes levied by the District of Columbia in excess of such estimated cost of tuition: *Provided, however,* That when a pupil or parent of a pupil is assessed upon property and pays the taxes thereon, which annual payment is less than the estimated cost of tuition, then the said payment so made for the year preceding shall be credited upon the bill for tuition for the current year.

And in lieu thereof to insert:

The board of education is hereby directed to make a careful inquiry into the matter of nonresident pupils in the public schools of the District of Columbia, report to be made at the beginning of the next session of Congress, with such recommendations as they may deem advisable.

The amendment was agreed to.

The next amendment was, under the head of "Metropolitan police," on page 69, line 13, before the word "inspectors," to strike out "three" and insert "four," and in line 18, after the word "dollars," to strike out "three clerks at $1,000 each," and insert "three clerks and stenographers, at $1,080," so as to read:

Major and superintendent, $4,000; assistant superintendent, with rank of inspectors, $2,500; 4 inspectors, at $1,800 each; 11 captains, at $1,500 each; chief clerk, who shall also be property clerk, $2,000; clerk and stenographer, $1,500; clerk, who shall be assistant property clerk, $1,200; 3 clerks and stenographers, at $1,080 each.

The amendment was agreed to.

The next amendment was, in the item of appropriation for the maintenance of the Metropolitan Police, on page 69, line 25, before the word "lieutenants," to strike out "thirteen" and insert "fourteen"; on page 70, line 2, before the word "sergeants," to strike out "forty-six" and insert "fifty"; in line 4, after the word "each," to insert "sergeant, who shall have charge of the local bureau of criminal identification, $1,250"; and in line 7, before the word "privates," to strike out "twenty" and insert "twenty-two," so as to read:

Four surgeons of the police and fire departments, at $720 each; additional compensation for 20 privates detailed for special service in the detection and prevention of crime, $4,800, or so much thereof as may be necessary; 14 lieutenants, one of whom shall be harbor master, at $1,320 each; 50 sergeants, one of whom may be detailed for duty in the harbor patrol, at $1,250 each; sergeant, who shall have charge of the local bureau of criminal identification, $1,250; 522 privates of class 3, at $1,200 each.

The amendment was agreed to.

The next amendment was, in the item of appropriation for the maintenance of the Metropolitan police, on page 70, line 16, before the word "dollars," to strike out "seven hundred and twenty" and insert "nine hundred"; in line 18, before the word "hundred," to strike out "five" and insert "six"; in line 19, before the word "dollars," to strike out "forty" and insert "sixty"; in line 20, before the word "captains," to strike out "fifty-five" and insert "sixty"; in line 21, before the word "dollars," to strike out "forty" and insert "sixty"; in line 24, before the word "at," to strike out "twenty-six drivers" and insert "twenty-seven drivers or chauffeurs"; and on page 71, line 1, after the word "and," to strike out "thirty thousand dollars" and insert "fifty-one thousand four hundred and thirty dollars and fifty cents," so as to read:

Six telephone operators, at $900 each; 14 janitors, at $600 each; messenger, $700; messenger, $600; inspector, mounted, $260; 60 captains, lieutenants, sergeants, and privates, mounted, at $260 each; 64

lieutenants, sergeants, and privates, mounted, on bicycles, at $50 each; 27 drivers or chauffeurs, at $720 each; 3 police matrons, at $600 each; in all, $951,430.50, or so much thereof as may be necessary.

The amendment was agreed to.

The next amendment was, on page 71, after line 8, to strike out:

After June 30, 1912, there shall be no appointments, except by promotion, to fill vacancies occurring in classes 1, 2, and 3 of privates in the Metropolitan police until the whole number of privates in all of said classes shall have been reduced to 640.

The amendment was agreed to.

The next amendment was, on page 71, line 16, before the word "dollars," to strike out "two hundred" and insert "three thousand," so as to make the clause read:

To aid in the support of the National Bureau of Criminal Identification, to be expended under the direction of the Commissioners of the District of Columbia, provided the several departments of the General Government may be entitled to like information from time to time as is accorded the police departments of various municipalities privileged to membership therein, $3,000.

The amendment was agreed to.

The next amendment was, on page 71, line 22, after the word "fugitives," to insert "modern revolvers"; in line 23, after the word "directories," to insert "books of reference"; and on page 72, line 9, after the word "may," to insert "hereafter," so as to read:

For miscellaneous and contingent expenses, including the purchase of new wagons, rewards for fugitives, modern revolvers, maintenance of card system, stationery, city directories, books of reference, periodicals, telegraphing, telephoning, photographs, printing, binding, gas, ice, washing, meals for prisoners, furniture and repairs thereto, beds and bed clothing, insignia of office, purchase of horses, horse and vehicle for superintendent, bicycles, motor cycles, police equipments and repairs to the same, harness, forage, repairs to vehicles, van, and patrol wagons, motor patrol, and saddles, mounted equipments, and expenses incurred in the prevention and detection of crime, and other necessary expenses, $34,000; of which amount a sum not exceeding $500 may hereafter be expended by the major and superintendent of police for the prevention and detection of crime, under his certificate, approved by the Commissioners of the District of Columbia, and every such certificate shall be deemed a sufficient voucher for the sum therein expressed to have been expended.

The amendment was agreed to.

The next amendment was, on page 72, after line 19, to insert:

For the purchase of a site for the erection of a station house in the suburban section of the District of Columbia between the ninth and tenth police precincts, $2,500.

The amendment was agreed to.

The next amendment was, on page 72, after line 23, to insert:

For the reconstruction of cell corridors and the making, erecting, and placing therein in the second, third, seventh, and ninth precinct station houses eight modern locking appliances, $18,080.

The amendment was agreed to.

The next amendment was, on page 73, line 4, before the word "dollars," to strike out "forty-three thousand six hundred" and insert "sixty-four thousand one hundred and eighty," so as to make the clause read:

In all, $64,180.

The amendment was agreed to.

The next amendment was, in the item of appropriation for the maintenance of the House of Detention, on page 73, line 17, before the word "dollars," to strike out "five hundred and forty" and insert "six hundred," and in line 23, before the word "dollars," to strike out "five hundred and eighty" and insert "six hundred and forty," so as to read:

Hostler, $600; six guards, at $600 each; and three matrons, at $600 each; miscellaneous expenses, including rent, forage, fuel, gas, horseshoeing, ice, laundry, meals, horses, wagons and harness and repairs to same, and other necessary expenses, $3,440; $13,640, or so much thereof as may be necessary.

The amendment was agreed to.

The next amendment was, under the head of "Fire department," on page 74, line 12, before the word "battalion," to strike out "three" and insert "four," so as to read:

Chief engineer, $3,500; deputy chief engineer, $2,500; four battalion chief engineers, at $2,000 each.

The amendment was agreed to.

The next amendment was, in the item of appropriation for the maintenance of the fire department, on page 74, line 23, before the word "dollars," to strike out "one hundred and fifty" and insert "two hundred"; on page 75, line 3, before the word "dollars," to strike out "one hundred and fifty" and insert "two hundred"; and in line 14, before the word "dollars," to strike out "forty-eight thousand and twenty" and insert "fifty-one thousand two hundred and seventy," so as to read:

Twenty-three engineers, at $1,200 each; 23 assistant engineers, at $1,100 each; 2 pilots, at $1,150 each; 2 marine engineers, at $1,200 each; 2 assistant marine engineers, at $1,100 each; 2 marine firemen, at $720 each; 39 drivers, at $1,150 each; 39 assistant drivers, at $1,100 each; 219 privates of class 2, at $1,080 each; 42 privates of class 1, at $960 each; hostler, $600; laborer, $480; in all, $551,270.

The amendment was agreed to.

The next amendment was, on page 75, after line 14, to insert:

Hereafter no member of the fire department shall, unless on leave of absence, go beyond the confines of the District of Columbia, or be absent from duty without permission; and leaves of absence exceeding 20 days in any one year shall be without pay, and require the consent of the commissioners, and such year shall be from January 1 to December 31, both inclusive, and 30 days shall be the term of total sick leave in any year without disallowance of pay; and leave of absence with pay of members of the fire department of the District of Columbia may be extended in cases of illness or injury incurred in line of duty, upon recommendation of the board of surgeons, approved by the Commissioners of the District of Columbia, for such period exceeding 30 days in any calendar year as in the judgment of the commissioners may be necessary.

The amendment was agreed to.

The next amendment was, on page 76, line 7, before the word "thousand," to strike out "twelve" and insert "fifteen," so as to make the clause read:

Miscellaneous: For repairs and improvements to engine houses and grounds, $15,000.

The amendment was agreed to.

The next amendment was, on page 76, line 17, before the word "hundred," to strike out "eight" and insert "one thousand two," so as to make the clause read:

For repairs and improvements of the fire boat, $1,200.

The amendment was agreed to.

The next amendment was, on page 76, line 23, before the word "and," to strike out "thirty thousand" and insert "thirty-three thousand four hundred," so as to make the clause read:

In all, $133,450.

The amendment was agreed to.

The next amendment was, at the top of page 77, to insert:

For house, site, furniture, and furnishings for a truck company, to be located in the northeast section of the city, in the vicinity of Twelfth and H Streets NE., including cost of necessary instruments and connecting said house with fire-alarm headquarters, $40,000.

The amendment was agreed to.

The next amendment was on page 77, after line 5, to insert:

For one combination fire engine and hose wagon combined, $9,000.

Mr. GALLINGER. In line 6, after the word "wagon," let the word "combined" be stricken out.

The amendment to the amendment was agreed to.

The amendment as amended was agreed to.

The next amendment was, under the head of "Health department," on page 77, line 18, after the word "dollars," to strike out "chief inspector and deputy health officer" and insert "chief sanitary inspector," and in line 20, before the word "inspector," to strike out "assistant chief" and insert "chief food," so as to read:

Health officer, $4,000; assistant health officer, who shall be a physician, and during the absence or disability of the health officer shall act as health officer and discharge the duties incident to that position, $2,500; chief clerk and deputy health officer, $2,500; clerk, $1,400; five clerks, two of whom may act as sanitary and food inspectors, at $1,200 each; three clerks, at $1,000 each; clerk, $720; chief sanitary inspector, $1,800; chief food inspector, $1,600.

The amendment was agreed to.

The next amendment was, in the item of appropriation for the maintenance of the health department, on page 78, line 15, before the word "hundred," to strike out "two" and insert "five," and in line 17, before the word "hundred," to strike out "six" and insert "nine," so as to read:

Poundmaster, $1,500; laborers, at not exceeding $50 per month each, $2,000; in all, $62,920.

The amendment was agreed to.

The next amendment was, in the item of appropriation for the enforcement of the provisions of an act to prevent the spread of contagious diseases in the District of Columbia, on page 79, line 10, before the word "dollars," to strike out "ten thousand" and insert "twelve thousand five hundred"; in line 16, before the word "dollars," to strike out "twenty-three thousand" and insert "twenty-four thousand five hundred"; and in line 17, after the word "appropriations," to strike out "shall not be paid more than six dollars per day and," so as to read:

For the prevention of communicable diseases, including salaries or compensation for personal services not exceeding $12,500 when ordered in writing by the commissioners and necessary for the enforcement and execution of said acts, purchase and maintenance of necessary horses, wagons, and harness, rent of stables, purchase of reference books and medical journals, and maintenance of quarantine station and smallpox hospital, $24,500: *Provided*, That any bacteriologist employed under this appropriation may be assigned by the health officer to the bacteriological examination of milk and of other dairy products and of the water supplies of dairy farms, whether such examinations be or be not directly related to contagious diseases.

The amendment was agreed to.

The next amendment was, on page 80, line 10, before the word "dollars," to insert "five hundred," so as to make the clause read:

For the enforcement of the provisions of an act to provide for the drainage of lots in the District of Columbia, approved May 19, 1896,

and an act to provide for the abatement of nuisances in the District of Columbia by the Commissioners of said District, and for other purposes, approved April 14, 1906, $1,500.

The amendment was agreed to.

The next amendment was, on page 80, line 16, before the word "hundred," to strike out "five" and insert "seven," so as to make the clause read:

For the equipment and maintenance of the bacteriological laboratory, including the purchase of reference books and scientific journals, $700.

The amendment was agreed to.

The next amendment was, on page 80, after line 16, to insert:

For the equipment and maintenance of the chemical laboratory, including the purchase of reference books and scientific journals, $750.

The amendment was agreed to.

The next amendment was, on page 81, line 17, before the word "dollars," to strike out "two hundred and forty" and insert "three hundred and sixty-five," and in line 18, before the word "thousand," to strike out "five" and insert "six," so as to make the clause read:

For necessary expenses of inspection of dairy farms, including amounts that may be allowed the health officer, and assistant health officer, medical inspector in charge of contagious-disease service, and inspectors assigned to the inspection of dairy farms, for the maintenance by each of a horse and vehicle, or motor vehicle, for use in the discharge of his official duties, not to exceed $365 per annum, and other necessary traveling expenses, $6,000, or so much thereof as may be necessary.

The amendment was agreed to.

The next amendment was, on page 82, line 3, before the word "dollars," to strike out "one thousand five hundred" and insert "two thousand," so as to make the clause read:

For maintenance, including personal services, of the public crematory, $2,000.

The amendment was agreed to.

The next amendment was, on page 82, after line 3, to insert:

For treatment of ponds of stagnant water, for the creation or maintenance of which the District government is responsible, so as to prevent propagation of mosquitoes therein, including payment for personal services when necessary, $500.

The amendment was agreed to.

The next amendment was, on page 82, after line 8, to insert:

For the preparation and display, in connection with the International Congress on Hygiene and Demography, to be held in the District of Columbia, in September, 1912, of an exhibit on behalf of the District of Columbia, including personal services when necessary and authorized in writing by the commissioners and for the subsequent care and preservation of said exhibit, $2,000.

The amendment was agreed to.

The next amendment was, under the head of "Courts," on page 83, line 11, before the word "hundred," to strike out "two" and insert "four," and in line 15, before the word "hundred," to strike out "seven" and insert "nine," so as to make the clause read:

Juvenile court: For judge, $3,600; clerk, $2,000; deputy clerk, who is authorized to act as clerk in the absence of that officer, $1,400; chief probation officer, $1,500; probation officer, $1,200; probation officer, $1,000; bailiff, $700; janitor, $540; in all, $11,940.

The amendment was agreed to.

The next amendment was, on page 83, line 21, before the word "hundred," to strike out "two" and insert "three," so as to make the clause read:

For furniture, fixtures, and equipments, and repairs to the courthouse and grounds, $300.

The amendment was agreed to.

The next amendment was, on page 84, after line 2, to insert:

For adding machine in clerk's office necessary in keeping financial records, $260.

The amendment was agreed to.

The next amendment was, on page 84, line 6, before the word "dollars," to strike out "four hundred and forty" and insert "eight hundred," so as to make the clause read:

In all, $2,800.

The amendment was agreed to.

The next amendment was, on page 84, after line 19, to insert:

For additional compensation for two judges of the municipal court, while acting for the two judges of the police court during their vacations, $5 each for each day of actual service, $150 each, $300.

The amendment was agreed to.

The next amendment was, on page 85, line 9, after the word "expenses," to insert "of every kind"; and in line 10, before the word "dollars," to strike out "two hundred and fifty" and insert "five hundred," so as to make the clause read:

Miscellaneous: For printing, law books, books of reference, directories, periodicals, stationery, binding and rebinding, preservation of records, typewriters and repairs thereto, fuel, ice, gas, electric lights and power, telephone service, laundry work, removal of ashes and rubbish, mops, brooms, buckets, dusters, sponges, painters' and plumbers' supplies, toilet articles, medicines, soap and disinfectants, United States flags and halyards, and all other necessary and incidental expenses of every kind not otherwise provided for, $2,500.

The amendment was agreed to.

The next amendment was, on page 85, line 13, before the word "dollars," to strike out "two hundred" and insert "three hundred and fifty," so as to make the clause read:

For furniture for the police court and repairing and replacing same, $350.

The amendment was agreed to.

The next amendment was, on page 85, line 16, before the word "dollars," to strike out "twenty-five" and insert "one hundred," so as to make the clause read:

For meals of jurors and of bailiffs in attendance upon them when ordered by the court, $100.

The amendment was agreed to.

The next amendment was, on page 85, line 17, before the word "thousand," to strike out "seven" and insert "ten," so as to make the clause read:

For compensation of jurors, $10,000.

The amendment was agreed to.

The next amendment was, on page 85, line 18, after the word "building," to insert "to be immediately available"; and in line 19, before the word "dollars," to strike out "five hundred" and insert "seven hundred and fifty," so as to make the clause read:

For repairs to the police-court building, to be immediately available, $750.

The amendment was agreed to.

The next amendment was, on page 85, line 21, before the word "dollars," to strike out "twelve thousand nine hundred and seventy-five" and insert "sixteen thousand seven hundred," so as to make the clause read:

In all, $16,700.

The amendment was agreed to.

The next amendment was, on page 85, line 24, after the word "each," to insert "messenger, $600"; and on page 86, line 1, before the word "hundred," to strike out "seventeen thousand six" and insert "eighteen thousand two," so as to make the clause read:

Municipal court: For 5 judges, at $2,500 each; clerk, $1,500; 3 assistant clerks, at $1,000 each; messenger, $600; janitor, $600; in all, $18,200.

The amendment was agreed to.

The next amendment was, on page 86, line 7, before the word "dollars," to strike out "seven hundred and fifty" and insert "eight hundred," so as to make the clause read:

For contingent expenses, including books, law books, books of reference, fuel, light, telephone, blanks, dockets, and all other necessary miscellaneous items and supplies, $800.

The amendment was agreed to.

The next amendment was, on page 86, line 9, before the word "dollars," to strike out "nineteen thousand eight hundred and fifty" and insert "twenty thousand five hundred," so as to make the clause read:

In all, for the municipal court, $20,500.

The amendment was agreed to.

The next amendment was, under the head of "Emergency fund," on page 87, line 2, after the word "for," to insert "in the discretion of the Commissioners of the District of Columbia," and in line 7, after the word "rejected," to insert "and new bids received or the purchases made in open market, as may be most economical and advantageous to the District of Columbia: *Provided further*, That hereafter formal written contracts with bond for work or the purchase of supplies and materials for the District of Columbia shall be required only in cases where the cost of such work or supplies or materials exceed the sum of $1,000," so as to make the clause read:

To be expended only in case of emergency, such as riot, pestilence, public insanitary conditions, calamity by flood or fire, and of like character, and in all cases of emergency not otherwise sufficiently provided for, in the discretion of the Commissioners of the District of Columbia, $8,000: *Provided*, That in the purchase of all articles provided for in this act no more than the market price shall be paid for any such articles, and all bids for any of such articles above the market price shall be rejected, and new bids received or the purchases made in open market, etc.

The amendment was agreed to.

The next amendment was, under the subhead of "Reformatories and correctional institutions," on page 90, line 11, before the word "dollars," to strike out "and eighty" and insert "two hundred," and in line 14, before the word "dollars," to strike out "four hundred and eighty" and insert "six hundred," so as to read:

Washington Asylum and Jail: Superintendent, $1,800; visiting physician, $1,200; resident physician, $480; clerk, $840; engineer, $900; 3 assistant engineers, at $600 each.

The amendment was agreed to.

The next amendment was, in the item of appropriation for the maintenance of the Washington Asylum and Jail, on page 91, line 3, before the word "orderlies," to strike out "six"

and insert "seven"; in line 16, before the word "ward," to strike out "six" and insert "seven"; and, in line 19, before the word "dollars," to strike out "and fifteen" and insert "nine hundred and seventy-five," so as to read:

Two nurses for annex wards, at $480 each; 7 orderlies, and 2 orderlies for annex wards, at $300 each; pupil nurses, not less than 21 in number (nurses to be paid not to exceed $120 per annum during first year of service and not to exceed $150 per annum during second year of service), $3,000; registered pharmacist, who shall act as hospital clerk, $720; gardener, $540; seamstress, and housekeeper, at $300 each; laundryman, $600; assistant laundryman, $365; 6 laundresses, at $360 each; 2 chambermaids, 3 waiters, and 7 ward maids, at $180 each; temporary labor, not to exceed $1,200; in all, $27,975.

The amendment was agreed to.

The next amendment was, on page 91, line 24, before the word "thousand," to strike out "thirty-four" and insert "thirty-five," so as to make the clause read:

For provisions, fuel, forage, harness and vehicles and repairs to same, gas, ice, shoes, clothing, dry goods, tailoring, drugs and medical supplies, furniture and bedding, kitchen utensils, and other necessary items, $35,000.

The amendment was agreed to.

The next amendment was, on page 92, line 4, before the word "dollars," to strike out "one thousand five hundred" and insert "two thousand," so as to make the clause read:

For repairs to buildings, plumbing, painting, lumber, hardware, cement, lime, oil, tools, cars, tracks, steam heating and cooking apparatus, $2,000.

The amendment was agreed to.

The next amendment was, on page 92, after line 8, to insert:

For hospital furnishings, including bedsteads, mattresses, ward and bedside tables and chairs, $1,000.

The amendment was agreed to.

The next amendment was, on page 93, line 2, before the word "thousand," to strike out "forty-one" and insert "forty-two," so as to make the clause read:

Support of prisoners: For expenses for maintenance of jail prisoners of the District of Columbia at the Washington Asylum and Jail, including pay of guards and all other necessary personal services, and for support of prisoners therein, $42,000.

The amendment was agreed to.

The next amendment was, on page 93, after line 7, to insert:

The superintendent of the Washington Asylum and Jail appointed by the Commissioners of the District of Columbia, be, and he is hereby, directed, authorized, and required to execute the judgments of the law heretofore pronounced and hereafter to be pronounced in the District of Columbia by the courts thereof in all capital cases.

The amendment was agreed to.

The next amendment was, on page 93, after line 13, to insert:

The Commissioners of the District of Columbia are hereby authorized, under such regulations as they may prescribe, to sell to the various departments and institutions of the government of the District of Columbia the products of said workhouse, and all moneys derived from such sales shall be paid into the Treasury, one-half to the credit of the United States and one-half to the credit of the District of Columbia.

The amendment was agreed to.

The next amendment was, on page 93, line 24, before the word "dollars," to strike out "ten thousand five hundred and fifteen" and insert "fourteen thousand nine hundred and seventy-five," so as to make the clause read:

In all, under Washington Asylum and Jail, $114,975.

The amendment was agreed to.

The next amendment was, in the item of appropriation for the maintenance of the Home for the Aged and Infirm, on page 94, line 3, before the word "dollars," to strike out "two hundred" and insert "three hundred and twenty," so as to read:

Home for the Aged and Infirm: Superintendent, $1,320.

The amendment was agreed to.

The next amendment was, in the item of appropriation for the maintenance of the Home for the Aged and Infirm, on page 94, line 16, after the word "driver," to insert "and one laundress," and in line 21, before the word "dollars," to strike out "one hundred and seventy-two" and insert "five hundred and thirty-two," so as to read:

One seamstress, one hostler and driver, and one laundress, at $240 each; three servants, at $144 each; temporary labor, $1,000; in all, $15,532.

The amendment was agreed to.

The next amendment was, on page 95, line 4, before the word "dollars," to strike out "one thousand five hundred" and insert "three thousand," so as to make the clause read:

For repairs and improvements to buildings and grounds, $3,000.

The amendment was agreed to.

The next amendment was, on page 95, after line 6, to insert:

For additional amount for extension of colored men's ward and of dining room, $6,000.

The amendment was agreed to.

The next amendment was, on page 95, line 16, before the word "dollars," to strike out "forty-five thousand eight hundred and seventy-two" and insert "fifty-three thousand seven hundred and thirty-two," so as to make the clause read:

In all, for Home for Aged and Infirm, $53,732.

The amendment was agreed to.

The next amendment was, on page 96, after line 24, to insert:

For a separate building in cottage form, exclusively for white girls, $20,000.

Mr. GALLINGER. I offer a substitute for that amendment.

The VICE PRESIDENT. It will be read.

The SECRETARY. In lieu of the committee amendment insert:

For a separate building in cottage form, exclusively for white girls, including architect's fees, under a contract to be made by the board of trustees, $20,000.

The amendment to the amendment was agreed to.

The amendment as amended was agreed to.

The next amendment was, on page 97, line 2, before the word "thousand," to strike out "eighty-two" and insert "one hundred and two," so as to make the clause read:

In all, for Reform School for Girls, $102,960.

The amendment was agreed to.

The next amendment was, on page 97, after line 2, to insert:

From and after the passage of this act the Reform School for Girls of the District of Columbia shall be known and designated as the National Training School for Girls.

The amendment was agreed to.

The next amendment was, under the subhead "Medical charities," on page 97, line 9, before the word "thousand," to strike out "thirty-four" and insert "thirty-five," so as to make the clause read:

For the care and treatment of indigent patients, under a contract to be made with the Freedmen's Hospital by the Board of Charities, $35,000, or so much thereof as may be necessary.

The amendment was agreed to.

The next amendment was, on page 97, line 15, after the word "Treasury," to strike out "one-half to the credit of the United States and one-half to the credit of the District of Columbia" and insert "to the credit of Freedmen's Hospital, to be disbursed under the supervision of the Secretary of the Interior for salaries, subsistence, fuel and light, clothing, bedding, forage, medicine, medical and surgical supplies, surgical instruments, repairs, furniture, and other absolutely necessary expenses incident to the management of the hospital. A report as to the expenditure thereof to be made annually to Congress," so as to make the clause read:

Hereafter patients may be admitted to Freedmen's Hospital for care and treatment on the payment of such reasonable charges therefor as the Secretary of the Interior shall prescribe. All money so collected shall be paid into the Treasury, to the credit of Freedmen's Hospital, to be disbursed, etc.

The amendment was agreed to.

The next amendment was, on page 97, after line 23, to strike out:

To enable the Board of Charities, by contract or agreement, to provide care and treatment for indigent patients: *Provided*, That no part of this sum shall be used to establish or maintain any hospital not now existing in the District of Columbia, $20,000.

And to insert:

For the care and treatment of indigent patients, under a contract to be made with the Columbia Hospital for Women and Lying-in Asylum by the Board of Charities, not to exceed $20,000.

The amendment was agreed to.

The next amendment was, on page 98, after line 7, to insert:

For repairs to Columbia Hospital, $2,000.

The amendment was agreed to.

The next amendment was, on page 98, after line 8, to insert:

For re-covering awnings on main buildings, $250.

The amendment was agreed to.

The next amendment was, on page 98, after line 10, to insert:

For the preparation of plans, estimates, and specifications for a modern fireproof hospital building or buildings for the treatment of diseases peculiar to women and a lying-in asylum, in accordance with the provisions of the act approved June 10, 1872 (17 Stats., 360), to be erected on the site belonging to the United States, to replace the present building of the Columbia Hospital for Women and Lying-in Asylum, $5,000.

The amendment was agreed to.

The next amendment was, on page 98, line 22, before the word "thousand," to strike out "fourteen" and insert "fifteen," so as to make the clause read:

For the care and treatment of indigent patients, under a contract to be made with the Children's Hospital by the Board of Charities, not to exceed $15,000.

The amendment was agreed to.

The next amendment was, on page 99, line 2, before the word "dollars," to insert "five hundred," so as to make the clause read:

For the care and treatment of indigent patients, under a contract to be made with the National Homeopathic Hospital Association by the Board of Charities, not to exceed $8,500

The amendment was agreed to.

The next amendment was, on page 99, after line 7, to insert:

Toward the construction of a new building for the Central Dispensary and Emergency Hospital, to be erected on the site recently purchased by said hospital, $100,000.

The amendment was agreed to.

The next amendment was, under the subhead "Child-caring institutions," on page 101, line 8, after the words "city directory," to insert "purchase of books of reference and periodicals not exceeding $25." so as to make the clause read:

Board of children's guardians: For administrative expenses, including expenses in placing and visiting children, city directory, purchase of books of reference and periodicals not exceeding $25, and all office and sundry expenses, $2,500.

The amendment was agreed to.

The next amendment was, on page 101, line 21, before the word "dollars," to strike out "sixteen thousand" and insert "seventeen thousand five hundred," so as to make the clause read:

For maintenance of feeble-minded children (white and colored), $17,500.

The amendment was agreed to.

The next amendment was, on page 102, line 6, before the word "hundred," to strike out "seventy thousand eight" and insert "seventy-two thousand three," so as to make the clause read:

In all, for board of children's guardians, $72,380.

The amendment was agreed to.

The next amendment was, on page 102, line 26, before the word "dollars," to strike out "four hundred and eighty" and insert "six hundred"; on page 103, line 5, after the word "each," to insert "assistant laundress, $180; and for temporary services, not to exceed $500"; and in line 7, before the word "hundred," to strike out "six thousand nine" and insert "seven thousand seven," so as to make the clause read:

Industrial Home School for Colored Children: Superintendent, $1,200; matron of school, $480; two caretakers, two assistant caretakers, and one sewing teacher, at $360 each; two teachers, at $480 each; manual training teacher, $600; farmer, $480; blacksmith and wheelwright, $480; one stableman, and one watchman, at $300 each; one cook, and one laundress, at $240 each; assistant laundress, $180; and for temporary services, not to exceed $500; in all, $7,760.

The amendment was agreed to.

The next amendment was, on page 103, line 16, before the word "hundred," to strike out "eight" and insert "one thousand two," so as to make the clause read:

For repairs and improvements to buildings and grounds, $1,200.

The amendment was agreed to.

The next amendment was, on page 103, after line 16, to insert:

For repairing barn, $500.

The amendment was agreed to.

The next amendment was, on page 103, line 19, before the word "hundred," to strike out "fifteen thousand seven" and insert "seventeen thousand four," so as to read:

In all, for Industrial Home School for Colored Children, $17,410.

The amendment was agreed to.

The next amendment was, on page 104, line 15, before the word "dollars," to strike out "fifteen thousand" and insert "sixteen thousand five hundred," so as to make the clause read:

For maintenance, including purchase and care of horse, wagon, and harness, $16,500.

The amendment was agreed to.

The next amendment was, on page 104, line 17, before the word "dollars," to strike out "five hundred" and insert "seven hundred and fifty," so as to make the clause read:

For repairs and improvements to buildings and grounds, $1,750.

The amendment was agreed to.

The next amendment was, on page 104, line 20, before the word "dollars," to strike out "twenty-five thousand one hundred and twenty" and insert "twenty-six thousand eight hundred and seventy," so as to make the clause read:

In all, for the Industrial Home School, $26,870.

The amendment was agreed to.

The next amendment was, under the subhead "Temporary Homes," on page 105, line 11, before the word "dollars," to strike out "three hundred and sixty" and insert "four hundred and eighty"; and in line 15, before the word "dollars," to strike out "three thousand eight hundred and ninety," and insert "four thousand and ten," so as to make the clause read:

Municipal lodging house and wood and stone yard, namely: Superintendent, $1,200; cook, $360; foreman, $480; night watchman for 6 months, at $25 per month, $150; maintenance, $1,820; in all, $4,010.

The amendment was agreed to.

The next amendment was, on page 105, line 22, after the words "District of Columbia," to insert "and ex-soldiers and sailors of the Spanish War and the War with Mexico shall also be admitted to the home," so as to make the clause read:

Temporary Home for ex-Union Soldiers and Sailors, Grand Army of the Republic, namely: Superintendent, $1,200; janitor, $360; cook, $360; maintenance, $4,000; in all, $5,920; to be expended under the direction of the Commissioners of the District of Columbia; and ex-soldiers and sailors of the Spanish War and the War with Mexico shall also be admitted to the home.

The amendment was agreed to.

The next amendment was, on page 107, line 13, before the word "dollars," to strike out "seven hundred and twenty" and insert "nine hundred," so as to make the clause read:

Workhouse—For the following now employed or authorized under the appropriation for the workhouse, namely: Administration—superintendent, $2,500; chief clerk, $1,200; assistant superintendent, $900; stenographer, $720; stenographer and officer, $600.

The amendment was agreed to.

The next amendment was, on page 107, line 20, before the word "dollars," to strike out "four hundred and eighty" and insert "six hundred"; and in line 21, before the word "dollars," to strike out "four hundred and eighty" and insert "six hundred," so as to make the clause read:

Operation: Foreman, sawmill, $900; foreman, construction, $900; foreman, stone-crushing plant, $900; chief engineer and electrician, $900; superintendent brick kiln, $1,500; clay worker, $600; superintendent tailor shop, $600.

The amendment was agreed to.

The next amendment was, on page 108, line 1, before the word "dollars," to strike out "four hundred and eighty" and insert "six hundred"; in line 7, before the word "dollars," to strike out "four hundred and eighty" and insert "six hundred"; and in line 14, before the word "dollars," to strike out "fifty-four thousand eight hundred and thirty" and insert "fifty-five thousand four hundred and ninety," so as to make the clause read:

Maintenance: Physician, $1,350; superintendent of clothing and laundry, $720; storekeeper, $660; steward, $900; stewardess, $600; veterinary and officer, $780; captain of guards, $1,200; captain of the night watch, $900; receiving and discharging officer, $1,000; receiving and discharging officer, $900; superintendent laundry, $600; 32 day guards, at $660 each; 15 night guards, at $600 each; 2 day officers, at $480 each; 4 night officers, at $480 each; care of Belvoir tract, $180; hospital nurse, $480; in all, $55,490.

The amendment was agreed to.

The next amendment was, on page 108, line 18, after the word "prisoners," to insert "reward for fugitives"; and in line 24, after the word "transportation," to insert "and means of transportation, including salary of captain of boat, at $900 per annum, and of a fireman, at $840 per annum," so as to make the clause read:

For the maintenance and operation of the District of Columbia Workhouse at Occoquan, Va., including the superintendence, custody, clothing, guarding, maintenance, care, and support of prisoners; rewards for fugitives, provisions, subsistence, medicine and hospital instruments, furniture, and quarters for guards and other employees and inmates; the operation of plants, including machinery, material, and purchase of tools and equipment; the purchase and maintenance of farm implements, live stock, tools, equipment, and miscellaneous items; transportation and means of transportation, including salary of captain of boat, at $900 per annum, and of a fireman, at $840 per annum; maintenance and operation of means of transportation; and supplies and personal services, and all other necessary items, $75,000.

The amendment was agreed to.

The next amendment was, on page 109, line 10, after the word "barges," to insert "and other miscellaneous items"; and in line 11, before the word "thousand," to strike out "thirty" and insert "thirty-seven," so as to make the clause read:

To duplicate water pump, cement for construction and repair work, erecting cow barn, wagon sheds, blacksmith and repair shops, buildings to house pumps and machinery, enlargement of brick plant, hoisting machinery for unloading barges at dock, and repairs for tugboats and barges, and other miscellaneous items, $37,000, to be immediately available.

The amendment was agreed to.

The next amendment was, on page 109, line 13, before the word "thousand," to strike out "two" and insert "fifteen"; in line 15, before the word "dollars," to strike out "ten thousand" and insert "seventeen thousand five hundred"; and in line 16, before the word "dollars," to strike out "twelve thousand" and insert "thirty-two thousand five hundred," so as to make the clause read:

For fuel for maintenance, $15,000; fuel for manufacturing and construction, $17,500; in all, $32,500.

The amendment was agreed to.

The next amendment was, on page 109, after line 16, to insert:

For the purchase or construction of a suitable boat to operate between the workhouse and the District of Columbia, by contract or otherwise, as the commissioners in their discretion may deem most advantageous for the public service, $15,000.

The amendment was agreed to.

The next amendment was, on page 109, line 24, before the word "dollars," to strike out "one hundred and seventy-one thousand eight hundred and thirty," and insert "two hundred

and fourteen thousand nine hundred and ninety," so as to make the clause read:

In all, for workhouse, $214,990.

The amendment was agreed to.

The next amendment was, under the head of "Militia of the District of Columbia," on page 110, line 14, before the word "dollars," to strike out "twenty-five thousand" and insert "twenty-seven thousand five hundred," so as to make the clause read:

For expenses of camps, including hire of horses for officers required to be mounted, and such hire not to be deducted from their mounted pay, instruction, practice marches and practice cruises, drills, and parades, fuel, light, heat, care and repair of armories, offices, and storehouses, practice ships, boats, machinery, and dock, dredging alongside of dock, telephone service, and for general incidental expenses of the service, $27,500.

The amendment was agreed to.

The next amendment was, on page 110, after line 14, to insert:

For lockers, furniture, and gymnastic apparatus for armories, $1,000.

The amendment was agreed to.

The next amendment was, on page 110, line 22, before the word "dollars," to strike out "one thousand five hundred" and insert "two thousand," so as to make the clause read:

For printing, stationery, and postage, $2,000.

The amendment was agreed to.

The next amendment was, on page 110, line 25, before the word "dollars," to insert "two hundred and fifty," so as to make the clause read:

For cleaning and repairing uniforms, arms, and equipments, and contingent expenses, $2,250.

The amendment was agreed to.

The next amendment was, on page 111, line 5, before the word "target," to strike out "rifle," and in line 6, before the word "dollars," to insert "two hundred and fifty," so as to make the clause read:

For expenses of target practice and matches, $1,250.

The amendment was agreed to.

The next amendment was, on page 111, after line 6, to strike out:

For pay of officers, enlisted men, and bandsmen, as authorized by law, $24,000.

The amendment was agreed to.

The next amendment was, on page 111, after line 8, to insert:

For pay of troops, other than Government employees, to be disbursed under the authority and direction of the commanding general, $24,000.

The amendment was agreed to.

The next amendment was, on page 113, after line 18, to insert:

KLINGLE VALLEY PARK AND HIGHWAY.

The Commissioners of the District of Columbia be, and they are hereby, authorized and directed to acquire for a park, by purchase or condemnation, the land that may be necessary to preserve the Klingle Road Valley, comprising 28½ acres, as shown on plans filed in the office of the Engineer Commissioner of the District of Columbia, at an expense not exceeding $250,000, and for that purpose the sum of $250,000 is hereby appropriated. If said commissioners shall be unable to purchase said land at a price deemed by them to be reasonable, and not exceeding the sum of $250,000, then they shall proceed to acquire said land in the manner prescribed for providing a site for an addition to the Government Printing Office in so much of the act approved July 1, 1898, as is set forth on pages 648 and 649 of Volume XXX of the Statutes at Large, and for the purposes of said acquisition the Commissioners of the District of Columbia shall have and exercise all powers conferred upon the Public Printer in said act.

For the improvement of Klingle Valley Park, including the employment of personal services in preparing the plans therefor, and for all purposes in connection with said improvement, $40,000.

Mr. WORKS. Mr. President, I call attention to the proposed amendment of the committee, commencing with line 19, on page 113, and extending down to line 11 on page 118, and I make the point of order that it is general legislation. I do so not only because I think it is improper legislation to carry into an appropriation bill, but for the further reason that I am informed that there is no crying need or demand for this land at the present time and that the amount appropriated is in excess of its real value.

Mr. GALLINGER. I hardly agree with the Senator from California as to the amount appropriated being in excess of the real value of the land, but the point of order is doubtless well taken, and it will not be controverted.

The VICE PRESIDENT. The point of order is sustained.

Mr. WORKS. The amendment extends to line 11 on page 118.

The VICE PRESIDENT. The point of order is raised, as the Chair understands, to the amendment ending on page 114, line 19.

Mr. WORKS. No; the point of order was on the amendment down to line 11, on page 118.

The VICE PRESIDENT. That portion of the bill has not yet been read.

Mr. WORKS. No; none of it has yet been read. I simply call attention to it, and make the point of order. The Senator from New Hampshire [Mr. GALLINGER] wanted to say something about it, I believe.

The VICE PRESIDENT. It seems to the Chair that there are various provisions in that portion of the bill. The Chair has not looked at the bill closely, but looking at the first provision there seems to be no doubt that it is obnoxious to the rule. In relation, however, to Rock Creek Park, and so forth, the Chair can not tell until he has read the provision whether or not it is in order.

Mr. WORKS. It may be read, and then it can be determined whether or not the point of order is well taken.

The SECRETARY. On page 114, after line 19, the Committee on Appropriations reported an amendment:

ROCK CREEK DRIVE AND LOVERS' LANE.

For grading and improving Rock Creek Drive and Lovers' Lane, between Massachusetts Avenue and R Street NW., $9,500.

Mr. WORKS. That certainly is not within the point I made, Mr. President.

The VICE PRESIDENT. No; the Chair thinks that is in order.

Mr. WORKS. Let the point of order be limited, then, to the amendment ending on line 19, page 114.

The VICE PRESIDENT. On the amendment down to line 19, on page 114, the point of order is sustained.

The question now is on the amendment, which has been stated, inserting the provision for Rock Creek Drive, and so forth, from line 20 to line 23, inclusive, on page 114.

The amendment was agreed to.

The reading of the bill was resumed. The next amendment of the Committee on Appropriations was, on page 114, after line 23, to insert:

Under and in accordance with the provisions of subchapter 1 of chapter 15 of the Code of Law for the District of Columbia, the Commissioners of the District of Columbia are authorized and directed to institute in the Supreme Court of the District of Columbia a proceeding in rem to condemn the land that may be necessary to extend Rock Creek Drive NW., from Massachusetts Avenue southerly to Montrose Park, and to condemn any private interest in the land in Lovers' Lane lying between land taxed as parcels thirty-nine-ten and thirty-nine-eleven, and Montrose Park from T Street southerly to R Street NW., as shown on plans filed in the office of the engineer commissioner of the District of Columbia: *Provided, however*, That the entire amount found to be due and awarded by the jury in said proceedings as damages for and in respect of the land to be condemned as provided for herein plus the costs and expenses of the proceedings hereunder shall be assessed by the jury as benefits.

There is hereby appropriated entirely out of the revenues of the District of Columbia the sum of $15,000 to pay the cost and expenses of the condemnation proceedings taken pursuant hereto and for the payment of the amounts awarded as damages, the amounts assessed as benefits, when collected, to be repaid to the District of Columbia to the credit of the revenues of said District: *Provided further*, That the Chief of Engineers, United States Army, is hereby directed to transfer to the jurisdiction of the Commissioners of the District of Columbia for highway purposes so much of Montrose Park as they may deem necessary for the connecting highway herein authorized.

Mr. GALLINGER. I move an amendment to the committee amendment. In line 17, on page 115, I move to strike out the words "the sum of $15,000" and to insert in lieu thereof "a sum sufficient."

The VICE PRESIDENT. The amendment to the amendment proposed by the Senator from New Hampshire will be stated.

The SECRETARY. On page 115, line 17, after the name "Columbia," it is proposed to strike out the words "the sum of $15,000" and to insert "a sum sufficient."

The amendment to the amendment was agreed to.

The amendment as amended was agreed to.

The reading of the bill was resumed. The next amendment of the Committee on Appropriations was, on page 116, after line 2, to insert:

FORT DAVIS AND FORT DUPONT PARKS, ETC.

The Commissioners of the District of Columbia are hereby authorized and directed to prepare a highway plan to change the location and width of Alabama Avenue SE., between Pennsylvania Avenue and Hillside Road, and to make such changes in the location of intersecting streets as may be necessary to provide proper connection with the new location of Alabama Avenue: *Provided further*, That under and in accordance with the provisions of subchapter 1 of chapter 15 of the Code of Law for the District of Columbia, the Commissioners of the District of Columbia are authorized and directed to institute in the Supreme Court of the District of Columbia a proceeding in rem to condemn the land that may be necessary to preserve the sites of Fort Davis and Fort Dupont for park purposes, and to provide a connecting highway between these sites by widening Alabama Avenue to 150 feet, comprising in all approximately 41.25 acres of land, as shown on plans filed in the office of the Engineer Commissioner of the District of Columbia.

There is hereby appropriated an amount sufficient to pay the necessary costs and expenses of said condemnation proceedings taken pursuant hereto, and for the payment of amounts awarded as damages: *Provided, however*, That of the amount found to be due and awarded by the jury in said proceedings as damages for and in respect of the land to be taken in the condemnation proceedings herein authorized plus the costs and expenses of the proceedings, not less than one-third and all in excess of $21,334 shall be assessed by the jury as benefits, which

when collected shall be covered into the Treasury of the United States to the credit of the revenues of the District of Columbia and the United States in equal parts.

Mr. GALLINGER. For that amendment I offer a substitute.

The VICE PRESIDENT. The amendment to the amendment will be stated.

The SECRETARY. It is proposed to strike out the amendment of the committee, on page 116, lines 5 to 25, inclusive, and on page 117, lines 1 to 11, inclusive, and to insert in lieu thereof the following:

The Commissioners of the District of Columbia be, and they are hereby, authorized and directed to prepare a highway plan to change the location and width of Alabama Avenue SE., between Pennsylvania Avenue and Hillside Road, and to make such changes in the location of intersecting streets as may be necessary to provide a proper connection with the new location of Alabama Avenue; and they are further authorized and directed to acquire for a park, by purchase or condemnation, the land that may be necessary to preserve the sites of Fort Davis and Fort Dupont for park purposes, and to provide a connecting highway between these sites by widening Alabama Avenue to 150 feet, comprising in all approximately 41.25 acres of land, as shown on plans filed in the office of the engineer commissioner of the District of Columbia, at an expense not exceeding $32,000, and for that purpose the sum of $32,000 is hereby appropriated. If said commissioners shall be unable to purchase said land at a price deemed by them to be reasonable, and not exceeding the sum of $32,000, then they shall proceed to acquire said land in the manner prescribed for providing a site for an addition to the Government Printing Office in so much of the act approved July 1, 1898, as is set forth on pages 648 and 649 of volume 30 of the Statutes at Large, and for the purposes of said acquisition the Commissioners of the District of Columbia shall have and exercise all powers conferred upon the Public Printer in said act.

The VICE PRESIDENT. The question is on agreeing to the amendment to the amendment.

The amendment to the amendment was agreed to.

The amendment as amended was agreed to.

The reading of the bill was resumed. The next amendment of the Committee on Appropriations was, on page 117, after line 11, to insert:

MOUNT HAMILTON PARK.

The Commissioners of the District of Columbia be, and they are hereby, authorized and directed to acquire by condemnation, under and in accordance with the provisions of subchapter 1 of chapter 15 of the Code of Law for the District of Columbia, for park purposes, the tract of land situated at and in the vicinity of Mount Hamilton, or Mulliken Hill, lying east of Bladensburg Road, north of M Street east, west of Twenty-sixth Street east, and south of the District of Columbia school property and Q Street east, containing approximately 81 acres, as shown on plat on file in the office of the engineer commissioner of the District of Columbia. There is hereby appropriated an amount sufficient to pay the necessary costs and expenses of said condemnation proceedings taken pursuant hereto, and for the payment of amounts awarded as damages: *Provided, however*, That of the amount found to be due and awarded by the jury in said proceedings as damages for and in respect of the land to be taken in the condemnation proceedings herein authorized, plus the costs and expenses of the proceedings, not less than one-third and all in excess of $60,000, shall be assessed by the jury as benefits, which when collected shall be covered into the Treasury of the United States to the credit of the revenues of the District of Columbia and the United States in equal parts.

Mr. GALLINGER. I submit a substitute for that amendment, to come in after the heading.

The VICE PRESIDENT. The amendment to the amendment will be stated.

The SECRETARY. It is proposed to strike out the amendment of the committee on page 117, lines 13 to 25, inclusive, and on page 118, lines 1 to 11, inclusive, and to insert in lieu thereof the following:

The Commissioners of the District of Columbia be, and they are hereby, authorized and directed to acquire for a park, by purchase or condemnation, the tract of land situated at and in the vicinity of Mount Hamilton, or Mulliken Hill, lying east of Bladensburg Road, north of M Street east, west of Twenty-sixth Street east, and south of the District of Columbia school property and Q Street east, containing approximately 81 acres, as shown on plat on file in the office of the Engineer Commissioner of the District of Columbia, at an expense not exceeding $90,000; and for that purpose the sum of $90,000 is hereby appropriated. If said commissioners shall be unable to purchase said land at a price deemed by them to be reasonable and not exceeding the sum of $90,000, then they shall proceed to acquire said land in the manner prescribed for providing a site for an addition to the Government Printing Office in so much of the act approved July 1, 1898, as is set forth on pages 648 and 649 of volume 30 of the Statutes at Large; and for the purposes of said acquisition the Commissioners of the District of Columbia shall have and exercise all powers conferred upon the Public Printer in said act.

Mr. WORKS. Mr. President, I should like to inquire of the Senator from New Hampshire what particular change is made by this proposed amendment to the amendment?

Mr. GALLINGER. The substantial change is this: Never in previous legislation have we assessed benefits when we established parks, but the bill provided for the assessment of benefits, while the substitute does not make such provision.

Mr. WORKS. The amendment and the amendment to the amendment evidently fall within the point of order that I made a little while back, that they provide general legislation.

The VICE PRESIDENT. There is no question about it being a legislative provision in the mind of the Chair. Does the Senator make that point?

Mr. WORKS. Yes, sir; I do.

Mr. GALLINGER. Very well; it is a small matter.

The VICE PRESIDENT. The point of order is sustained.

The reading of the bill was resumed. The next amendment of the Committee on Appropriations was, under the head of "Water department," on page 118, line 19, before the word "hundred," to strike out "five" and insert "seven"; and in line 21, before the word "meter," to strike out "three" and insert "four," so as to make the clause read:

For revenue and inspection branch: Water registrar, who shall also perform the duties of chief clerk, $2,400; clerks—1 at $1,700, 1 at $1,200, 2 at $1,000 each; index clerk, $1,400; 4 meter computers, at $1,000 each; chief inspector, $1,000; meter clerk, $1,000; tap clerk, $1,000; inspectors—8 at $900 each; 11 at $800 each; messenger, $600.

The amendment was agreed to.

The next amendment was, on page 119, line 3, before the word "hundred," to strike out "six" and insert "eight"; and in line 4, after the word "clerks," to strike out "one at $1,500; one at $1,350" and insert "two at $1,500 each," so as to read:

For distribution branch: Superintendent, $3,300; draftsman, $1,800; foreman, $1,500; clerks—two at $1,500 each.

The amendment was agreed to.

The next amendment was, in the item of appropriation for the maintenance of the distribution branch of the water department, on page 120, line 7, before the word "hundred," to strike out "four" and insert "six"; and in line 8, before the word "dollars," to strike out "eighty-four thousand three hundred and thirty-five" and insert "eighty-six thousand and eighty-five," so as to read:

Chief inspector of valves, $1,600; in all, $86,085.

The amendment was agreed to.

The next amendment was, on page 120, line 19, before the word "motor," to strike out "two," so as to make the clause read:

For fuel, repairs to boilers, machinery, and pumping stations, pipe distribution to high and low service, material for high and low service, including public hydrants and fire plugs, and labor in repairing, replacing, raising, and lowering mains, laying new mains and connections, and erecting and repairing fire plugs, maintenance of motor trucks, horses, wagons, carts, and harness necessary for the proper execution of this work, and including a sum not exceeding $800 for the purchase and use of bicycles by inspectors of the water department, $37,000.

The amendment was agreed to.

The next amendment was, in section 2, page 122, line 17, after the word "laborers," to insert "drivers, hostlers," so as to make the clause read:

The Commissioners of the District of Columbia are further authorized to employ temporarily such laborers, skilled laborers, drivers, hostlers, and mechanics as may be required exclusively in connection with sewer, street, and road work, and street cleaning, or the construction and repair of buildings and bridges, or any general or special engineering or construction work, and to incur all necessary engineering and other expenses, exclusive of personal services, incidental to carrying on such work and necessary for the proper execution thereof, said laborers, skilled laborers, drivers, hostlers, and mechanics to be employed to perform such work as may not be required by law to be done under contract, and to pay for such services and expenses from the appropriations under which such services are rendered and expenses incurred.

The amendment was agreed to.

The next amendment was, in section 4, page 124, line 11, before the word "thousand," to strike out "ten" and insert "thirteen," so as to read:

SEC. 4. The services of assistant engineers, draftsmen, levelers, rodmen, chainmen, and inspectors temporarily required in connection with water-department work authorized by appropriations may be employed exclusively to carry into effect said appropriations, and be paid therefrom, when specifically and in writing ordered by the Commissioners of the District, and the Commissioners of the District in their annual estimates shall report the number of such employees performing such services and their work and the sums paid to each: *Provided*, That the expenditures hereunder shall not exceed $13,000 during the fiscal year 1913.

The amendment was agreed to.

The next amendment was, in section 7, at the top of page 126, to insert:

For mantle gas lamps of not less than 120 candlepower, $27 per lamp per annum.

The amendment was agreed to.

The next amendment was, on page 128, line 24, after the word "shall," to insert "hereafter," so as to make the clause read:

For the rates named above it shall hereafter be the duty of each gas-light company and each electric-light company doing business in the District of Columbia to erect and maintain such street lamps as the Commissioners of said District may direct; and each such company shall furnish, install, and maintain all posts, lamps, lanterns, burners, wires, cable, conduits, gas pipes, street designations, and fixtures necessary for the respective lamps maintained by each of them, including lighting and extinguishing lamps, and repairing, painting, and cleaning.

The amendment was agreed to.

The next amendment was, on page 129, line 9, before the word "cost," to strike out "The" and insert "Hereafter the," so as to read:

Hereafter the cost of each lamp-post for incandescent electric lighting furnished by any lighting company under the above rates shall not exceed $15, except as hereinafter provided, which cost shall include only the lamp-post, the globe, the ornamental top, and the street-designation frame and signs.

The amendment was agreed to.

The next amendment was, on page 129, line 24, before the word "maintained," to strike out "lamp" and insert "lamps," so as to make the clause read:

The cost of each lamp-post for gas lighting furnished by any lighting company under the above rates shall not exceed $15, except as hereinafter provided, which cost shall include only the lamp-post and the street-designation frame and signs. All other fixtures, parts, fittings, burners, lamps, pipes, and appurtenances necessary for the lamps maintained by said lighting company on said posts, including the cost of erection, shall not be included in said cost.

The amendment was agreed to.

The next amendment was, on page 130, after line 12, to insert:

For each such lamp-post furnished by a lighting company by direction of the District Commissioners which shall cost in excess of $15 for gas or electric incandescent lamps, or which shall cost in excess of $50 for electric arc lamps, the company furnishing the same shall receive, in addition to the above rates, 11 per cent per annum on such additional or excess cost.

The amendment was agreed to.

The next amendment was, on page 130, line 20, before the word "Commissioners," to strike out "The" and insert "Hereafter the," so as to read:

Hereafter the Commissioners of the District of Columbia are authorized, in their discretion, to purchase or construct from street-lighting appropriations made in this act posts, lanterns, street designations, and all necessary fixtures or appurtenances for any of the systems of lighting above named.

The amendment was agreed to.

The next amendment was, on page 131, line 10, before the word "Commissioners," to strike out "The" and insert "Hereafter the," so as to read:

Hereafter the Commissioners of the District of Columbia are further authorized, in their discretion, to adopt other forms of electric street lighting than those named, in which event payments under appropriations made in this act shall be made for the lighting service rendered at not to exceed 3 cents per kilowatt-hour for current consumed, and, in addition thereto, 11 per cent per annum of the cost to the lighting company of furnishing and installing lamps, posts, street designations, fixtures, and the cable from lamps to the nearest point of current supply, and a fair sum for the cost of maintenance.

The amendment was agreed to.

The next amendment was, on page 131, line 21, before the word "ordered," to strike out "When" and insert "Hereafter when," so as to make the clause read:

Hereafter when ordered to do so by the said commissioners, lighting companies shall move and readjust any lamps maintained by them at the following rates.

The amendment was agreed to.

The next amendment was, on page 132, line 16, before the word "ordered," to strike out "When" and insert "Hereafter when," so as to make the clause read:

Hereafter when ordered by the commissioners to do so, lighting companies in the District of Columbia shall discontinue any public lamps maintained by them without further payment therefor, and shall remove from the streets, at their own expense, all posts, lanterns, and fixtures connected therewith.

The amendment was agreed to.

The next amendment was, on page 132, after line 21, to strike out the following section:

SEC. 9. No money appropriated by this or any other act shall be expended for membership fees or dues of any officer or employee of the United States or of the District of Columbia in any society or association or for expenses of attendance of any person at any meeting or convention of members of any society or association, unless such fees, dues, or expenses are authorized to be paid by specific appropriations for such purposes or are provided for in express terms in some general appropriation.

And insert:

SEC. 8. No money appropriated by this or any other act shall be expended for membership fees or dues of any officer or employee of the United States or of the District of Columbia in any society or association unless such fees or dues are authorized to be paid by specific appropriations for such purposes or are provided for in express terms in some general appropriation.

The amendment was agreed to.

The next amendment was, on page 133, line 13, to change the number of the section from 10 to 9.

The amendment was agreed to.

The next amendment was, on page 133, after line 21, to strike out:

SEC. 11. On and after July 1, 1912, fees collected by the District of Columbia shall be paid into the Treasury of the United States to the credit of the United States and the District of Columbia in equal parts, as follows, namely, fees of superintendent of weights, measures, and markets; fees of surveyor's office; health department fees; pound fees; fees for railing permits; fees for building permits; fees for electrical permits; bathing-beach fees; fees from public-convenience stations; fees for tax certificates; fees for motor and horse-drawn vehicle tags; fees of the municipal court; and the surplus fees of the recorder of deeds and register of wills; together with the tuition of nonresident pupils in public schools, and the tax of one-half of 1 cent paid by any street or other railroad company for each passenger carried across the Highway Bridge; and the annual wheel tax on all automobiles or other motor vehicles.

The amendment was agreed to.

The next amendment was, on page 134, after line 12, to insert:

SEC. 10. Hereafter the Superintendent of the Capitol Building and Grounds may transfer apparatus, appliances, equipments, and supplies of any kind, discontinued or permanently out of service, to such other branches of the service of the United States or District of Columbia whenever, with the approval of the Secretary of the Interior, in his judgment the interests of the Government service may require it. A detailed statement of all such transfers shall be submitted in the annual report to Congress of the Superintendent of the Capitol Building and Grounds.

The amendment was agreed to.

The reading of the bill was concluded.

Mr. GALLINGER. On behalf of the committee I have some amendments to offer.

The VICE PRESIDENT. The amendments proposed by the Senator from New Hampshire on behalf of the committee will be stated.

The SECRETARY. On page 3, in lines 13 and 14, strike out the words "two thousand seven hundred and fifty" and insert in lieu thereof the words "three thousand," and on page 6, in lines 9, 10, and 11, change the total so as to read "$122,122."

The amendment was agreed to.

Mr. GALLINGER. I offer the following amendment.

The SECRETARY. On page 12, line 25, strike out the words "one thousand eight hundred" and insert in lieu thereof the words "two thousand," and on page 15, in lines 9 and 10, change the total so as to read "$186,540."

The amendment was agreed to.

Mr. GALLINGER. And the following.

The SECRETARY. On page 18, after line 3, insert the following:

For the purchase of metal or other suitable files for the records of the department of insurance, $500.

The amendment was agreed to.

Mr. GALLINGER. Also the following.

The SECRETARY. On page 33, after line 22, insert the following: "Northeast: Jackson Street, between Twentieth and Twenty-second Streets, grade and improve, $1,600; northwest: Chesapeake Street, Wisconsin Avenue to River Road, grade and improve, $3,000"; and in lines 23 and 24 change the total so as to read "$160,125."

The amendment was agreed to.

Mr. GALLINGER. Also the following.

The SECRETARY. On page 39, line 2, after the word "stables," insert the word "hire"; in line 3, after the word "horses," insert the word "hire"; and in line 8, after the word "operation," insert the words "and supervision."

The amendment was agreed to.

Mr. GALLINGER. Also the following.

The SECRETARY. Beginning with line 15, on page 39, strike out all down to and including the word "collected," in line 7, page 40, and insert in lieu thereof the following:

Hereafter every street railway company in the District of Columbia shall keep its tracks and the spaces between and for a distance of 2 feet outside thereof at the crossings of the several streets which intersect their railroads at all times free from snow and ice, and shall not spill or deposit the same on either side of such crossings in such location and quantity as to impede or hinder traffic. And in the event of any street railway company failing and refusing to comply with this act, the necessary work may be done by the Commissioners of the District of Columbia, in their discretion, after notice to said company, the cost to be paid from the appropriation for cleaning snow and ice from streets, sidewalks, crosswalks, and gutters and collected from such street railway company in the manner provided for in section 5 of an act providing a permanent form of government for the District of Columbia, approved June 11, 1878, and shall be deposited to the credit of the appropriation for the fiscal year in which it is collected.

The amendment was agreed to.

Mr. GALLINGER. Also the following.

The SECRETARY. On page 46, line 10, after the word "the," insert the words "purchase and."

The amendment was agreed to.

Mr. GALLINGER. Also the following.

The SECRETARY. On page 78, line 16, after the word "each," strike out the word "two" and insert in lieu thereof the word "three"; and in lines 17 and 18 change the total so as to read $63,920.

The amendment was agreed to.

Mr. GALLINGER. Also the following.

The SECRETARY. On page 101, in line 16, strike out the words "six hundred and sixty" and insert in lieu thereof the words "seven hundred and twenty"; in line 18, make the total so as to read $9,940; and on page 102, in lines 5, 6, and 7 change the total so as to read $72,440.

The amendment was agreed to.

Mr. GALLINGER. Those are all the amendments I have to offer on behalf of the committee.

Mr. WORKS. I made the point of order against the substitute offered by the Senator from New Hampshire relating to Mount Hamilton Park, that it was general legislation. I now make the same point of order against the committee amendment.

The VICE PRESIDENT. The Chair understood that the point of order covered both provisions, and both went out.

Mr. WORKS. Very well. I now offer an amendment.

The VICE PRESIDENT. The amendment proposed by the Senator from California will be stated.

The SECRETARY. After the word "dollars" in line 10, on page 39, insert:

Provided, That all laborers on street-cleaning work shall receive not less than $2 per day for time employed.

Mr. GALLINGER. That is manifestly subject to a point of order, but I will not make it. I am quite willing that it shall go to conference.

Mr. WORKS. I understand that the laborers on the streets here are being paid less than those in any other city in the country.

Mr. GALLINGER. They are being paid very small wages. Let the amendment go in.

The amendment was agreed to.

Mr. POMERENE. On page 39, line 9, I move to amend by striking out the words "two hundred and seventy-five" and inserting in lieu thereof "three hundred and twenty-five."

My reason for doing this is that with the rate of wages increased, of which I heartily approve, it will be necessary to have an additional appropriation for street-cleaning purposes, and to that end it is suggested that there ought to be $50,000 added.

The VICE PRESIDENT. The amendment proposed by the Senator from Ohio will be stated.

The SECRETARY. On page 39, line 9, strike out the words "two hundred and seventy-five" and in lieu thereof insert "three hundred and twenty-five," so as to read "three hundred and twenty-five thousand dollars."

Mr. GALLINGER. While I think the appropriation in the bill will prove to be sufficient, I have no objection to the amendment going in.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The amendments were ordered to be engrossed and the bill to be read a third time.

The bill was read the third time and passed.

PUBLIC BUILDING AT ST. GEORGE, UTAH.

Mr. KENYON. I desire to enter a motion similar to that entered by the Senator from Tennessee, to reconsider the vote by which the bill (S. 3716) for the erection of a public building at St. Georges, Utah, was passed on Saturday, and I ask that the House of Representatives be requested to return the bill to the Senate.

The VICE PRESIDENT. Without objection, the request for the return of the bill is agreed to, and the motion to reconsider is entered for future action.

Mr. CULLOM. I move that the Senate adjourn.

The motion was agreed to, and (at 4 o'clock and 45 minutes p. m.) the Senate adjourned until to-morrow, Wednesday, March 20, 1912, at 2 o'clock p. m.

HOUSE OF REPRESENTATIVES.

TUESDAY, *March 19, 1912.*

The House met at 12 o'clock noon.

The Chaplain, Rev. Henry N. Couden, D. D., offered the following prayer:

Our Father in heaven, help us to hallow Thy name by consecrating ourselves anew to all that is best in life, that with pure motives, high ideals, and noble endeavors we may do things worth while and prove ourselves worthy of the intellectual, moral, and spiritual gifts with which Thou hast so richly endowed us, and thus develop for ourselves in full and symmetrical proportions a character after the similitude of the Master's. Amen.

The Journal of the proceedings of yesterday was read and approved.

HOMESTEADS.

Mr. KENT. Mr. Speaker, I ask unanimous consent to have printed in the RECORD a tabulation of some of the homestead laws and bills which will be up for consideration before the House to-morrow.

The SPEAKER. The gentleman from California asks unanimous consent to print in the RECORD certain tabulated statements concerning the homestead laws. Without objection, it will be so ordered.

There was no objection.

The tabulations are as follows:

Regulations pertaining to Dominion lands act (Canada) compared with United States land laws and proposed law (S. 3367).

	Present United States law.	Dominion.	Proposed law (S. 3367).
Patents	No reservation	General reservation all minerals	No reservation.
Eligibility	Citizenship, age 21 years, or head of family	Citizenship, head of family, or age 18 years if male.	Citizenship, age 21 years, or head of family.
Amount	160 acres	160 acres	160 acres.
Survey	Must be surveyed	Land must be surveyed	Must be surveyed.
Settlers' rights	Settlers on unsurveyed lands have preference right of entry. Must be exercised within 3 months after survey and opening of lands.	Preference right for 6 months. Occupation after survey without entry within time gives no rights, and may be treated as trespasser, with improvements forfeited.	Settlers on unsurveyed lands have preference right of entry. Must be exercised within 3 months after survey and opening of lands.
Time for establishing residence after entry made.	6 months	6 months. On specific cause shown entry may be protected from cancellation for further period of 6 months.	6 months.
Annual proof		May be required by declaration or otherwise to show each year performance of homestead duties.	
Grounds for cancellation	Made for benefit or use of another. If allowed through error, misrepresentation, or fraud. Failure to comply with statutory requirements.	Made for benefit or use of another. If allowed through error, misrepresentation, or fraud. Failure in any year to fulfill requirements of law. Because of value for timber.	Made for benefit or use of another. If allowed through error, misrepresentation, or fraud. Failure to comply with statutory requirements. Failure to establish residence within 6 months after entry.
Condemnation of land embraced in entry.	Condemnation allowable of lands needed for Government reclamation construction.	May be canceled if land necessary for protection of water supply or for location or construction of works necessary for development of water power. (Compensation may be allowed for improvements.)	Condemnation allowable of lands needed for Government reclamation construction.
Requirements	5 years' residence and cultivation	3 years' holding, with residence at least 6 months in each of 3 years, to have erected habitable house, and to have cultivated such area each year as is satisfactory to minister.	Putting a habitable house upon the land. Cultivation (no specified amount) for 3 years. Presence of entryman or his family on the land 7 months in each calendar year for 3 years.
Proofs	2 credible witnesses	Sworn statement by applicant corroborated by two witnesses.	2 credible witnesses.
Time within which proof must be made.	7 years	5 years	5 years.

PUBLICITY IN CONGRESSIONAL CAMPAIGNS.

Mr. LLOYD. Mr. Speaker, the Members of the House upon both sides are interested in the formal statement which is required to be filed by each individual candidate for Congress prior to his nomination and immediately following his nomination, prior to his election and subsequent to his election. I have conferred with the gentleman from Illinois, Mr. MANN, and we have prepared a part of these forms. I ask leave now to insert in the RECORD a form of statement which may be made prior to a nomination, and one which may be made following the nomination of a candidate for Congress.

Mr. BARTLETT. Mr. Speaker, is that under the so-called campaign publicity bill?

Mr. LLOYD. Yes.

Mr. BARTLETT. The candidate has to file a statement before his nomination?

Mr. LLOYD. Yes.

Mr. GARNER. Mr. Speaker, will the gentleman from Missouri yield?

Mr. LLOYD. Yes.

Mr. GARNER. Would it not be well, if these forms meet the approval of the membership of the House, to have blanks printed for the purpose of furnishing them to Members?

Mr. LLOYD. Mr. Speaker, after getting the unanimous consent that I desire, I wish, in addition thereto, to have leave to extend my remarks in the RECORD, so as to explain the statements which are required to be made, and to explain the law itself.

Mr. MADDEN. Mr. Speaker, will the gentleman yield for a question?

Mr. LLOYD. Yes.

Mr. MADDEN. Does the gentleman intend to introduce a form blank upon which to make a report?

Mr. LLOYD. Yes.

Mr. MADDEN. I think that is very essential and ought to be done.

Mr. CRUMPACKER. Mr. Speaker, will the gentleman yield?

Mr. LLOYD. Yes.

Mr. CRUMPACKER. I understand from the gentleman's remarks that the proposed form will only be advisory, and not obligatory.

Mr. LLOYD. It will be advisory only.

Mr. CRUMPACKER. The point I have in mind is that the convention in my district will be held on the 28th instant. I filed my statement on yesterday in the form of a general sworn statement. I, of course, would want some sort of a reserving clause if it were to be obligatory.

Mr. LLOYD. This is in no sense obligatory. It is only for the purpose of information.

The SPEAKER. The House will understand that all of this debate is proceeding by unanimous consent.

Mr. MANN. Mr. Speaker, will the gentleman yield?

Mr. LLOYD. Yes.

Mr. MANN. If the gentleman has these forms printed in the RECORD, I suggest that the gentleman also, for the general convenience of both Members here and candidates outside, ask leave that there may be printed for the use of the Clerk of the House a sufficient number of copies of these forms to provide them to candidates.

Mr. FINLEY. Mr. Speaker, will the gentleman yield?

Mr. LLOYD. Yes.

Mr. FINLEY. Does the gentleman know that for some days a proposition has been underway to have certain members of the House Judiciary Committee prepare a proper blank or form for candidates for the House and for the Senate, and that it is further proposed that that form be printed, by order of the House, in sufficient numbers to supply all candidates for the House and Senate with blanks? That has been underway for some time, and I would like to ask the gentleman if he is aware of that fact?

Mr. LLOYD. I am not aware of the fact.

Mr. MANN. Mr. Speaker, if the gentleman will permit me, I had a talk yesterday with the gentleman from Alabama [Mr. CLAYTON], the chairman of the Committee on the Judiciary, in reference to these forms. The gentleman from Missouri [Mr. LLOYD] and myself have been collaborating upon a form and have prepared the preliminary form, and practically the others, which I think will meet all of the requirements without question, and it would be a great convenience to Members if those forms could be furnished by the Clerk.

Mr. FINLEY. I will say to the gentleman from Illinois that it has been the intention of some Members, myself among them, to do what we could to bring about the printing of a sufficient number of forms to supply all candidates for the House and Senate.

Mr. BROWNING. Mr. Speaker, I would like to say to the gentleman from Missouri that the State law of New Jersey and the United States law conflict in one respect. A Member of Congress in New Jersey can appoint a committee of five, who expend all of the money that he has contributed. He makes a report upon that to the secretary of state, and all that the Member himself would swear to would be the amount of money turned over to his committee. For instance, when I was a candidate last fall, I appointed a committee of five to handle the funds that I gave them. When it came to making my statement to Congress I found that it was a very difficult matter to do, and I had to take the statement of the committee which I had appointed.

Mr. FINLEY. The gentleman would have to make two statements—one to Congress and one to the State of New Jersey.

Mr. BROWNING. Yes; but the two laws conflict. I do not expend the money.

Mr. BARTLETT. Mr. Speaker, will the gentleman yield?

Mr. LLOYD. Yes.

Mr. BARTLETT. Mr. Speaker, I am not going to offer any objection to the proposition of the gentleman from Missouri [Mr. LLOYD], but it occurs to me to suggest that this is a law which was passed by Congress, which prescribed what candidates in the primary and candidates who have been nominated for Congress shall do, both during the primary, at the primary, before the election to Congress, and after the election to Congress. It occurs to me to suggest that it is somewhat strange that a body of men who passed a law of this sort, for which I did not vote because I did not believe we had the power to enact any such law, and also because I thought the various States—I know mine has—have enacted a better law with reference to publicity of campaign funds than the one we have put upon the statute books here—it is strange, I say, that this body should have to have some one construe its own law. I rise to call attention to that fact, for it is a singular commentary upon the intelligence of a body of three hundred and ninety-odd Members, who have enacted the law, to say that we not only need a construction of that law, as to how we should operate under it, and what sort of statements we should make, but that we should have done for us that which is done for tyros in the practice of law in justice courts, namely, have a form book prescribed showing how we shall follow the law. Not only that, but we propose to encumber the Treasury of the United States with the expense of publishing and furnishing to each Member of this House, and to other candidates who do not happen to be Members, a blank form in which we are told how to comply with this law of the United States. We find ourselves now in a peculiar position. During the closing hours of last session, without due consideration, as I believe, we passed an amendment to the law respecting publicity of campaign funds, making it apply to primary elections, and it is now suggested that we do not know how to comply with that law, but must follow the suggestions of the gentleman from Illinois and the gentleman from Missouri as to how we shall comply with it. I have no objection to the information being given to the House or to the country, to those Members of the House who are prospective Members, or to those who are not Members of the House who are prospective candidates, as to how we shall construe the law and how we shall follow it.

But if we make a mistake, or rather if the gentleman from Illinois [Mr. MANN] and the gentleman from Missouri [Mr. LLOYD] make a mistake in the construction of this law, and they are human, I apprehend, good lawyers as they are, accomplished and learned as they both are, if they have made a mistake and we plead in the courts, because we are subject to indictment if we do not follow this law, if we plead in the court as a justification for not complying with the law in the event the court should decide the gentleman from Illinois and the gentleman from Missouri were mistaken as to the requirements of the law, we are to plead not guilty or to confess our guilt and plead in extenuation of it that the gentleman from Illinois and the gentleman from Missouri thought that was the law. We are to plead that. The truth of the matter is we ought to be permitted to construe the law ourselves. We ought to be required to follow the law ourselves and we ought not to be required to have furnished by these two gentlemen the necessary forms and necessary blanks to comply with the law, and there is no reason, Mr. Speaker, why the House should be taxed with the cost of printing for the benefit of Members of the House who have voted for this law, either knowing what it was or not knowing what it was, or why we should tax the Treasury of the United States and Government of the United States for that which it is to be presumed every man who is a Member of Congress should have information on and be presumed that every man who is worthy to run for Congress and to be a candidate and to be elected or defeated for Congress ought to be able to construe for himself. Now, that is what I desire to suggest. It is a very remarkable suggestion that the House should print for the benefit of men who have been given by reason of their intelligence and their experience seats in this House, that after enacting a law that we need some one of the Members of the House to construe that law. Not only that, but we need somebody to put this matter in form like the drawing of a deed or the making of an affidavit for an attachment for young lawyers in order that we may not go astray therein.

The SPEAKER. Is there objection to the request of the gentleman from Missouri?

Mr. HILL. Will the gentleman from Georgia permit a question?

Mr. BARTLETT. I will.

Mr. HILL. I understand in the last congressional election in Kansas it was made an essential that everybody who was a candidate and desired his name to go on the ticket as a candidate should, as a preliminary, pay $3,000 to somebody——

Mr. BARTLETT. Yes.

Mr. HILL. In order to get their names on the ticket.

Mr. BARTLETT. You can expect anything from Kansas, you know.

Mr. HILL. I know it is a great progressive State and a good State and——

Mr. BARTLETT. But anything curious can come from Kansas.

Mr. HILL. I would like to know whether the manner in which the money is expended comes in any way to the knowledge of Congress under the law which we passed in the last Congress?

Mr. BARTLETT. I do not think it does.

Mr. HILL. That is just what I think. The law is a farce.

Mr. LLOYD. Mr. Speaker, I ask to have my request put again.

Mr. FINLEY. Mr. Speaker, I would like to have the request of the gentleman stated.

The SPEAKER. The request is to print in the CONGRESSIONAL RECORD certain forms with the affidavits of money expended touching congressional nominations and elections and also to have the Clerk print enough of them to furnish to Members——

Mr. BARTLETT. To furnish to Members or candidates?

The SPEAKER. And other candidates. Is there objection?

Mr. BARTLETT. Mr. Speaker, I am going to object; I think it is a very foolish proposition.

EXCISE-TAX BILL.

Mr. UNDERWOOD. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the state of the Union for the further consideration of the bill H. R. 21214.

The motion was agreed to.

Accordingly the House resolved itself into the Committee of the Whole House on the state of the Union for the further consideration of the bill H. R. 21214, the excise-tax bill, with Mr. MOON of Tennessee in the chair.

The CHAIRMAN. The Clerk will report the bill.

The Clerk read the title, as follows:

A bill (H. R. 21214) to extend the special excise tax now levied with respect to doing business by corporations to persons, and to provide revenue for the Government by levying a special excise tax with respect to doing business by individuals and copartnerships.

The CHAIRMAN. Under the order of the House the committee will consider the bill under the five-minute rule for two hours.

Mr. UNDERWOOD. Mr. Chairman, I have a committee amendment which I desire to offer to this bill. The amendment is to section 3, and I ask unanimous consent that I may offer it at this time.

The CHAIRMAN. The gentleman from Alabama [Mr. UNDERWOOD] asks unanimous consent that he may offer a committee amendment to section 3 of the bill at this time.

Mr. MANN. Reserving the right to object, let the amendment be reported.

Mr. UNDERWOOD. I will state to the gentleman what it is: On page 5, line 12, after the word "dollars," I desire to strike out the word "gross," so that it will read—

But persons having less than $4,500 income are not required to make such report.

That leaves out the word "gross."

Mr. FOSTER of Illinois. Mr. Chairman, will the gentleman yield?

Mr. UNDERWOOD. Yes.

Mr. FOSTER of Illinois. Striking out the word "gross" leaves this to mean $4,500 net income.

The CHAIRMAN. Is there objection? [After a pause.] The Chair hears none.

Mr. UNDERWOOD. Now, Mr. Chairman, I wish to say to the committee that as this bill was originally offered it required all persons having a gross income of $4,500 to make a report of their income. After further consideration we have concluded that that might work a hardship; that there might be many persons who had an income of only $1,000 or $2,000 net income whose gross income would be as much as $4,500 or above. And in order not to force those people to make a report and annoy them with making a report, we propose to strike out the word "gross" and let it read simply "$4,500 income," which means net income, because net income is referred to in the other paragraphs of the bill and in this paragraph.

Mr. MANN. Does the gentleman think it would be net income?

Mr. UNDERWOOD. I think it would.

Mr. MANN. I do not see the difference between "gross income" and "income." If the gentleman wants to make it "net income," would it not be safer to do that?

Mr. UNDERWOOD. I have no objection to the word "net" going in before the word "income," but as all the balance of the bill refers to net income, I presume the court would accept it in that way. If there is any doubt, I would ask to insert the word "net" instead of "gross," so as to make it read "net" instead of "gross."

Mr. BARTLETT. Is debate allowed on this amendment?

The CHAIRMAN. Does the gentleman wish to be heard on the amendment?

[Mr. BARTLETT addressed the committee. See Appendix.]

MESSAGE FROM THE SENATE.

The committee informally rose; and Mr. RAUCH having taken the chair as Speaker pro tempore, a message from the Senate, by Mr. Crockett, one of its clerks, announced that the Senate had passed without amendment bill of the following title:

H. R. 11824. An act to amend section 113 of the act to codify, revise, and amend the laws relating to the judiciary, approved March 3, 1911.

The message also announced that the Vice President had appointed Mr. ROOT of New York and Mr. MARTIN of Virginia to fill the vacancies in the Senate membership of the joint commission, provided under the act of April 28, 1904, for extension and completion of the Capitol Building, occasioned by the death of Mr. Alger of Michigan and Mr. Gorman of Maryland.

THE EXCISE-TAX BILL.

The committee resumed its session.

The Clerk read as follows:

Be it enacted, etc., That every person, firm, or copartnership residing in the United States, any Territory thereof, or in Alaska or the District of Columbia, shall be subject to pay annually a special excise tax with respect to the carrying on or doing business by such person equivalent to 1 per cent upon the entire net income over and above $5,000 received by such person from all sources during each year; or, if a nonresident, such nonresident person shall likewise be subject to pay annually a special excise tax with respect to the carrying on or doing business by such person equivalent to 1 per cent upon the amount of net income over and above $5,000 received by such person from business transacted and capital invested within the United States and its Territories, Alaska, and the District of Columbia during each year. The term "business," as herein used, is and shall be held to embrace everything about which a person can be employed, and all activities which occupy the time, attention, and labor of persons for the purpose of a livelihood or profit. The word "person" wherever used in this act shall be held to include natural persons or individuals and firms or copartnerships.

Mr. CANNON. Mr. Chairman, I offer a pro forma amendment to strike out the last word.

I shall not discuss our constitutional power to enact this bill. I have listened to the discussion, which in the main has been able, on both sides of that legal question; and even if I were competent to discuss it as intelligently, perchance, as it has been discussed, there is no time in five minutes to discuss it.

I intend to be purely practical in my discussion of this bill, without regard to whether it is constitutional or not.

There are $124,000,000 in the general fund in the Treasury. We had last year $47,000,000 of surplus revenue under existing law. We have advanced for the construction of the Panama Canal from the general fund in the Treasury, over and above what the Government has been reimbursed, in round numbers $126,000,000. This amount is reimbursable.

I have no doubt that the surplus at the close of this fiscal year will be more than it was at the close of the last fiscal year. I believe it will be over $50,000,000. Now, under existing law, saying nothing about reimbursement for moneys advanced for the Panama Canal, the revenues are ample to care for the Government; and, Gen. SHERWOOD, if the pension bill that bears your name should be enacted into law, the Government revenues would be large enough, without one additional dollar of taxation, to pay the additional expense caused by the enactment of that pension bill. [Applause.]

Now, here we are in the session preceding the presidential election. My friend from Alabama [Mr. UNDERWOOD], the leader upon that side of the House, fires in his revenue bills, although he has no more idea of their being enacted than he has that he will repose in Abraham's bosom when he crosses over to the other side. [Laughter.] They are all pure leather and prunella. When I have said that I have said all I desire to say upon this subject. Yet, under the able leadership of the gentleman from Alabama [Mr. UNDERWOOD], they will continue to fire in

these bills, continue to talk about taxation, continue to weep crocodile tears for the poor oppressed people; when the agitation that they make in seeking to gain this political capital brings, through fear and apprehension in the minds of great multitudes of people, whatever of distress now rests upon the country. [Applause.]

Mr. CAMPBELL. Mr. Chairman, I offer the amendment which I send to the Clerk's desk, to come in after line 13, page 2.

The CHAIRMAN. The pro forma amendment offered by the gentleman from Illinois [Mr. CANNON] will be considered as withdrawn, and the gentleman from Kansas [Mr. CAMPBELL] offers an amendment which the Clerk will report.

The Clerk read as follows:

Provided, That the provisions of this act shall apply to the incomes of persons who have retired from or are not engaged in active business, and to married women who have separate incomes from property in their own names, under the laws of any State of the Union.

Mr. UNDERWOOD. Mr. Chairman, I desire to reserve a point of order against that amendment.

The CHAIRMAN. The gentleman from Alabama reserves the point of order.

Mr. CAMPBELL. Mr. Chairman, the purpose of this amendment is to reach those larger incomes which do no one any good except the recipients, and which are not reached by the bill as it is.

The gentleman from Alabama [Mr. UNDERWOOD] stated yesterday, in answer to a question, that the provisions of this bill would not reach the incomes of men who had retired from or were not engaged in active business.

It is well known to everyone that the large incomes of the country are received by men who are to-day idle and who are known throughout the country, in the parlance of the present, as the idle rich. This bill will not reach the income of any one of these persons. I should like to see the incomes of Mr. Carnegie and Mr. Rockefeller, and of the other great retired captains of industry, pay something under the provisions of this law. Without the amendment I have offered they will not be required to pay one cent.

I am also anxious to reach that other large class who have enormous incomes, the women of the country with colossal fortunes who marry foreign counts and live abroad. The provisions of this act would not reach them without this amendment. With this amendment, every countess living on the Continent of Europe or anywhere else, having property in the United States from which she receives an income, would have to pay something for the maintenance of the Government from which she has expatriated herself. Without this amendment these larger fortunes of this country would not pay a cent of tax under the provisions of this bill. With this amendment the incomes that ought to be reached will be reached.

But it is answered that this provision is in violation of the Constitution as laid down in the Pollock case. Well, we are appealing to the Supreme Court of the United States to reestablish an income tax, and it is just as well to take this provision up to the court with the question the bill raises as it is. We are only starting a lawsuit in any event, and we may as well include in that suit something that will be worth the trial. [Applause.] This provision will make it worth while to have passed this law and to have taken it to the Supreme Court of the United States.

Mr. Chairman, the amendment I have offered makes the idle man or the idle woman with a large income contribute to the support of the Government, and will in some measure relieve the active man and the active woman, with active capital, engaged in active business. This bill as it now stands requires the payment of a tax for the privilege of being active in business. It puts a premium on retiring from business, on not engaging in business, on taking capital out of business, on taking enterprise and industry out of the activities of the country.

I have always been a nationalist or a federalist and therefore have believed in an income tax properly enacted.

There has been no one step taken by our Democratic brethren in recent years that shows so conclusively that they have abandoned the idea that this is not a sovereign nation as the step they have taken to permit the Federal Government to extend its arm into the homes and business enterprises of every citizen of the Union who is in business, when his income exceeds the sum of $5,000 a year. Alexander Hamilton never pleaded for a nationalism that was greater and stronger than that. Thomas Jefferson would not have applauded the purposes of this bill. Alexander Hamilton, if he were here, would applaud this bill with the amendment I have offered. He believed always that this was a nation spelled with a capital N, and if this bill should ever become a law, if it includes the amendment I have offered, will enable the Federal Government to exercise the authority of its taxing powers over all property, active and idle as well, and make this tax bill really worth the passage. [Appause.]

Mr. UNDERWOOD. Mr. Chairman, I shall address myself to the point of order which I now make. The gentleman from Kansas offers an amendment which would bring this bill into the category of an income-tax bill, and instead of accomplishing the result he says he desires, if the Supreme Court of the United States maintained the decision in the Pollock case, it would declare the bill unconstitutional.

Of course, I hope and believe that if the question is ever presented to the Supreme Court of the United States again it will reverse the Pollock case and hold that a direct income tax is constitutional. [Applause.]

But I do not want to complicate this bill. We are writing this bill for the purpose of raising revenue, and when the gentleman states that I stated yesterday that this bill would not reach the vast wealth of men like Mr. Carnegie, it simply means that the gentleman was not on the floor when I made my speech, because I distinctly said that it would reach men of that class.

Mr. CAMPBELL. Will the gentleman yield?

Mr. UNDERWOOD. Not at present. I stated that the bill would not reach the idle holder of idle wealth, but that there would be very few men who would be exempt under this bill, and that men like Mr. Carnegie and Mr. Astor were as much engaged in business as the men who are renting office buildings or lending money in the pawnbroker's shop.

Now, the point of order I desire to make is this: This bill seeks to levy an excise tax. Under its terms it does not attempt to levy a tax on incomes, it attempts to levy a tax on the right to do business, and measures the amount of the tax by the net income of the person taxed. But the tax is not on the income or the property; it is strictly on the right to do business.

The amendment offered by the gentleman from Kansas seeks to levy a tax on certain incomes, not on the right of the person to do business, but on the incomes they derive from the property, and under the rules of this House I contend that that amendment is not germane to the subject matter of this bill.

The CHAIRMAN. Does the gentleman from Kansas desire to be heard on the point of order?

Mr. CAMPBELL. Mr. Chairman, the purpose of this bill is to levy a tax on incomes. To say that that tax shall be levied upon a man engaged in doing business is simply defining one phase of the bill. It is quite logical to add to that a provision levying a tax upon the incomes of those not engaged in business. The rules of this House make no distinction between an excise tax and an income tax. That is a matter that has been passed upon by the court, and that is for the court, but we are here passing a law under the rules of this House providing for an income tax, if we are doing anything. The provisions of this bill, as they stand, levy that tax upon the man and woman who are engaged in business, and the amendment I have offered only adds to that number the men and women who are not engaged in active business.

Is there anything incompatible in that amendment with the provisions of the bill as it stands? Is the idea of an income tax on activity so abhorrent to an income tax on inactivity that the Chair would hold that an income tax on the idle man could not be included in the provisions of the same bill with the tax on the income of the active man?

Mr. BATHRICK. Will the gentleman allow me a question?

Mr. CAMPBELL. Certainly.

Mr. BATHRICK. Is it not very apparent that Mr. Carnegie, whose holdings in the United States Steel Trust are supposed to be almost entirely in bonds, would pay an income upon the capital invested within the United States as set forth on page 2, line 5, of the bill?

Mr. CAMPBELL. That is one of the propositions that would go to the Supreme Court. I will state to the gentleman from Ohio, and if I may have the attention of the gentleman from Alabama, that I will change this from a proviso to a separate section. Therefore, if when the lawsuit reaches the court, which it certainly will if this bill should ever become a law, if the court should hold that this separate section was unconstitutional, it would still leave the tax on the activity of the country, while it would relieve the inactivity of the country from taxation.

Mr. COVINGTON. Will the gentleman yield?

Mr. CAMPBELL. Certainly.

Mr. COVINGTON. Does not the gentleman know that if his amendment is written into the bill it plainly will destroy the validity of it in the Supreme Court of the United States?

Mr. CAMPBELL. Not at all; we are going to the Supreme Court of the United States anyhow. The gentleman does not

indulge the hope that this bill, if it becomes a law, will not be a subject of litigation?

Mr. COVINGTON. No; but we indulge in the hope that amendments will not be offered purely for buncombe and which, if adopted, would have the effect not of perfecting but of destroying the purpose of the bill. That seems to be the purpose of the gentleman from Kansas.

Mr. CAMPBELL. I take it that the gentleman is quite familiar with buncombe legislation. He has participated in Democratic caucuses that have brought out one buncombe bill after another, and he knows what buncombe is. [Applause and laughter on Republican side.] This amendment is offered for the purpose of reaching that large wealth in this country which is exempted under the provisions of the bill under consideration.

Mr. COVINGTON. Mr. Chairman, it certainly does not require any prescience to tell me that I would not have to go to a Democratic caucus to find buncombe when we still have left in this House a few gentlemen from the State of Kansas. [Laughter.]

Mr. CAMPBELL. Mr. Chairman, the gentleman will not have to come to Kansas for his buncombe. He will find some in Maryland and some in Alabama, and all he wants of it in a Democratic caucus. I have stated that if there were any fear that in the lawsuit which will be brought as the result of this bill, if it should become a law, the court should find the provisions of the gentleman's bill constitutional and this proviso which I offer unconstitutional I shall be very glad to put it in the form of a separate section, so that that section could be declared unconstitutional and thus leave the remainder of the bill as written by the gentleman from Alabama.

Mr. UNDERWOOD. Mr. Chairman, I do not think a separate section would be any more in order than the amendment offered here. I would like to have the Chair rule upon whether the matter is germane or not.

Mr. CAMPBELL. I think the amendment is germane.

The CHAIRMAN. The bill provides for a special excise tax with respect to doing business by persons and copartnerships. This is strictly an excise tax. It is not an income tax. The amendment offered by the gentleman from Kansas provides that the provisions of the act shall apply to incomes of persons who retire from or are not engaged in active business, and to married women who have separate incomes from property in their own names under the laws of the several States. It is very obvious that the amendment seeks to tax incomes, while the bill is not on the subject of incomes, but levies an excise tax on the privilege of carrying on business. The amendment being totally foreign to the subject matter of the bill, it is out of order, and the point of order made by the gentleman from Alabama is sustained.

Mr. JACKSON. Mr. Chairman, I offer the amendment which I send to the desk and ask to have read.

The Clerk read as follows:

Amend, page 1, line 9, by striking out the words "all sources" and insert in lieu thereof the words "said business."

Mr. JACKSON. Mr. Chairman, I offer this amendment merely for the purpose of calling the attention of the committee to a proposition which makes this law as certainly unconstitutional as would the amendment which was offered by my colleague [Mr. CAMPBELL], should it be adopted. In order to arrive at once at what I wish to say, allow me to read from the corporation-tax case, what the court in its opinion said upon these words. The court said:

It is true that in the Spreckels case (192 U. S., supra), the excise tax, for the privilege of doing business, was based upon the business assets in use by the company, but this was because of the express terms of the statute which thus limited the measure of the excise. The statute now under consideration bears internal evidence that its draftsman had in mind language used in the opinion in the Spreckels case, and the measure of taxation, the income from all sources, was doubtless inserted to prevent the limitation of the measurement of the tax to the income from business assets alone.

It is evident from the speech of the gentleman from Alabama [Mr. UNDERWOOD] and the others who have talked upon that side of this proposition, that they expect that the same measurement of this tax which was applied by the Supreme Court to the measurement of a corporation income can be applied to the measurement of an individual's income; and I assert that position overlooks the fundamental proposition in the corporation-tax case, namely that the decision rests on the right to tax the use of a corporate franchise in business. I know gentlemen quote it here as though it had rested on the proposition of taxing business alone, but they do not notice that in every instance, where the court used this language it emphasizes the fact that the thing taxed is the privilege of the corporation to do business as a corporation. This is important upon the question of the measure of the tax.

It was held that the tax on a corporation might include all its income from every source, including income from property which, considered alone and unconnected with the business, would not be taxable, but the court did not hold, and never will hold, that such a rule could be applied to individuals. The court rested this ruling squarely on the very fact that all the property of a corporation must be necessarily related to and connected with its business. The Government, in the brief on this case said:

Besides, the property held by a corporation, whether actively employed in its principal business or not, does serve as an aid to that business, adding to its financial strength and credit.

When the court came to pass on that question, in the opinion it used this language:

In the case at bar we have already discussed the limitations which the Constitution imposed upon the right to levy excise taxes, and it could not be said, even if the principles of the fourteenth amendment were applicable to the present case, that there is no substantial difference between the carrying on of business by the corporation taxed and the same business when conducted by a private firm or individual. The thing taxed is not the mere dealing in merchandise, in which the actual transactions may be the same, whether conducted by individuals or corporations, but the tax is laid upon the privileges which exist in conducting business with the advantages which inhere in the corporate capacity of those taxed, and which are not enjoyed by private firms or individuals. These advantages are obvious and have led to the formation of such companies in nearly all branches of trade. * * *

It is this distinctive privilege which is the subject of taxation, not the mere buying or selling or handling of goods, which may be the same, whether done by corporations or individuals.

Then on this very question the court further said:

It is contended that the measurement of the tax by the net income of the corporation or the company received by it from all sources was not only unequal, but so arbitrary and baseless as to fall outside the authority of the taxing power. But is this so? Conceding the power of Congress to tax the business activities of private corporations, including, as in this case, the privilege of carrying on business in a corporate capacity, the tax must be measured by some standard, and none can be chosen which will operate with absolute justice and equality on all corporations.

Some corporations do a large business upon a small amount of capital; others with a small business may have a large capital.

The tax upon the amount of business done must operate as unequally as a measure of excise as it is alleged the measure of income from all sources does.

Now, again:

Nor can it be justly said that investments have no real relation to the business transaction by a corporation. The possession of large assets is a business advantage of great value; it may give credit which will result in more economical business methods; it may give a standing which shall facilitate purchases; it may enable the corporation to enlarge the field of its activities and in many ways give it business standing and prestige.

So here in the very language of this bill, in the language of the corporation case, lies a provision which under the authority of the first case that was passed upon by the Supreme Court, under the safety-appliance act, under the decision of the court in the Western Union against Kansas, which I was so unfortunate as to be counsel for the State in this case, if for none of the broader constitutional reasons which have been urged against it here should succeed, will undoubtedly go down when the court comes to pass upon this language.

So this bill incorporates in its provision a measure of taxation which, under the corporation-tax cases, is clearly unconstitutional and can not be upheld. Broadening the provisions of the corporation-tax law to include all individual incomes brings the law within the rule declared in the Pollock case and annuls it in its entirety.

In the first employers' liability case (207 U. S., 463) Congress used language which could be construed to include intrastate as well as interstate commerce, and intrastate commerce not being with the regulative power of Congress the entire law was declared unconstitutional. Again, in Western Union against Kansas (216 U. S., 1)—a case in which I was unfortunate enough to be on the wrong side as counsel—the court held that a State law attempting to tax all the capital stock of a foreign corporation was unconstitutional as an unlawful restriction on interstate commerce.

As this bill, boldly and unequivocally attempts to measure a tax by including in its provisions sources of incomes not within the power of Congress to tax constitutionally, I believe it will be stricken down by the courts as a whole. If the amendment is adopted, the bill might be constitutional as to the incomes left within its provisions.

Mr. LANGLEY. Mr. Chairman, I am opposed to the amendment offered by the gentleman from Kansas, because it seeks to narrow the scope and application of this bill. I do not wish to see that done. Notwithstanding the fact that this measure originated on the other side of the House, and notwithstanding the fact that I am a protectionist Republican, I intend to vote for the bill just as it was reported by the committee. [Applause.]

Nearly 20 years ago I participated in an intercollegiate debate upon this question, and I was on the affirmative side. In preparing for that debate I gave the question as thorough a consideration as I was then capable of giving to it, and my investigation thoroughly convinced me of the wisdom and justice of this method of raising revenue. [Applause.] I still entertain the same opinion. I regret to take a position which, I assume, will be contrary to that of a majority of my party colleagues here, but I can not conscientiously, merely for the sake of party expediency, abandon the convictions of almost half a lifetime. [Applause.]

I had intended to participate in the general discussion of the bill, but the condition of my voice would not permit it, and for the same reason it must be evident to you that I can not discuss it further now. I wish to take advantage of the privilege which has been accorded of extending my remarks in the RECORD, in order to give my reasons for supporting the bill. I have risen now to make this brief explanation in order that my party colleagues may understand why I cast my vote for the bill [Applause.]

Mr. HULL. Mr. Chairman, I think that if Congress had entertained the same opinion as to its taxing power which the gentleman from Kansas has expressed, neither the excise act of 1898 nor the corporation-tax act of 1909 would have been considered or passed. The language of the corporation-tax act is perfectly plain. It was sustained in every way by the court decisions relative to the method of measuring that tax. There can be no controversy in the mind of any gentleman, who will take the pains to even glance carefully at this act and at the Flint decision construing it, as to the meaning. This decision, commenting upon the objections made to the act, in which it undertakes to measure the corporation tax by the income derived from all sources, says:

> There is no rule which permits a court to say that the measure of its tax for the privilege of doing business, where income from property is the basis, must be limited to that derived from property which may be strictly said to be actively used in the business. Departures from that rule sustained in this court are not wanting.

Then a number of citations are given containing references to other decisions on similar lines. Therefore, Mr. Chairman, there can be no doubt in the mind of any gentleman who favors an excise tax on business such as this bill proposes to lay, or in the mind of any gentleman who would have supported the corporation-tax act of 1909, as to what this means or as to what the courts would say it means.

Mr. JACKSON. Mr. Chairman, I offered this amendment merely for the purpose of calling attention of the author of the bill to what seems to me to be absolutely certain to destroy the law in the Supreme Court. I want the gentlemen who start this lawsuit to put it up to the Supreme Court in the way they desire, and I therefore withdraw the amendment.

Mr. MANN. Mr. Chairman, I ask unanimous consent that all debate on this section and amendments thereto close in five minutes.

The CHAIRMAN. Is there objection? [After a pause.] The Chair hears none.

Mr. MONDELL. Mr. Chairman, it is said that imitation is the most sincere form of flattery, and therefore the Republican Party may properly feel flattered that the Democracy has in this bill attempted to imitate the Republican corporation tax. [Applause on the Republican side.] Most imitations, however, lack many of the virtues of the original; some lack all of them. This particular imitation is of the latter class.

I am opposed to this legislation; first, because while it professes to imitate a wise and constitutional measure it is neither wise nor constitutional.

There are times and conditions when, under a Government like ours, the legislative branch of the Government is justified in enacting legislation containing propositions which, at another time and in different form, have met the disapproval of a majority of the court of last resort, but there is no condition existing at this time justifying the launching on the legislative sea of this crude proposal which, under the name of an excise tax, involves all the problems of an income tax without having its virtues.

An amendment to the Federal Constitution, providing for an income tax, is now before the country awaiting the ratification of the States. Thirty States have already ratified it, requiring the approval of only six more. That approval can be had within a year. Should a sufficient number of States ratify the amendment, an evenly balanced bill could be brought in instead of this measure which, its proponents admit, would tax only the active and leave untaxed the idle wealth of the country. In this condition of affairs, with no present need of more revenue, there is no justification for this slipshod, halting, and inadequate attempt at an inequitable income tax under the guise of an excise tax.

I am further opposed to the measure, because it is brought forward on the ridiculous claim that it would raise sixty millions of revenue. If I were to vote for it and it finally ran the gantlet of the Supreme Court, I would be subject to the criticism that I had voted for a measure with the expectation that it would fill a sixty-million gap in the revenues when, in fact, it would raise only fifteen or twenty millions.

I am further opposed to the bill, because it is presented as a stop gap for a threatened breach in our tariff walls made by the loss of $53,000,000 if the bill putting sugar on the free list should pass. It can not minimize the loss or delay the destruction to the interests or industries of the American people which the removal of the tariff on sugar would bring, but is presented as the excuse for and complement of that measure of property confiscation and treaty repudiation. Therefore I can not support it. [Applause on the Republican side.]

The Clerk read as follows:

> SEC. 2. That in computing incomes the necessary expenses actually incurred in carrying on any business, not including personal, living, or family expenses, shall be deducted, and also all interest paid within the year by such person on existing indebtedness; and all national, State, county, school, and municipal taxes, not including those assessed against local benefits, paid within the year shall be deducted from the gains, profits, or income of the person who has actually paid the same, whether such person be owner, tenant, or mortgagor; also losses actually sustained during the year incurred in trade or arising from fires, storms, or shipwrecks, and not compensated for by insurance or otherwise, and debts ascertained to be worthless: *Provided*, That no deduction shall be made for any amount paid out for new buildings, permanent improvements, or betterments made to increase the value of any property or estate: *Provided further*, That only one deduction of $5,000 shall be made from the aggregate income of all the members of any family composed of one or both parents and one or more minor children or husband and wife; that guardians shall be allowed to make a deduction in favor of each and every ward, except that in case where two or more wards are comprised in one family and have joint property interests the aggregate deduction in their favor shall not exceed $5,000: *And provided further*, That in cases where the salary or other compensation paid to any person in the employment or service of the United States shall not exceed the rate of $5,000 per annum, or shall be by fees or uncertain or irregular in the amount or in the time during which the same shall have accrued or been earned, such salary or other compensation shall be included in estimating the annual gains, profits, or income of the person to whom the same shall have been paid, and shall include that portion of any income or salary upon which a tax has not been paid by the employer, fiduciary, or other person, where the employer, fiduciary, or other person is required by law to pay on the excess over $5,000: *And provided further*, That in computing the income of any person there shall not be included the amount received from any corporation, joint-stock company or association, or insurance company as dividends upon the stock of such corporation, joint-stock company or association, or insurance company, if the special excise tax of 1 per cent now imposed by law has been paid by such corporation, joint-stock company or association, or insurance company: *And provided further*, That in computing the income of any person there shall not be included the amount received from any firm or copartnership if the special excise tax of 1 per cent imposed by this act has been paid by such firm or copartnership.

Mr. MANN. Mr. Chairman, I move to amend, on page 3, by striking out the language at the top of the page, beginning in line 1, as follows:

> *Provided*, That no deduction shall be made for any amount paid out for new buildings, permanent improvements, or betterments made to increase the value of any property or estate.

I confess I do not quite understand what would constitute the income, but, apparently, from the reading of this bill, if a man was a member of the Building & Loan Association and borrowed money from that association with which to build a home, and the amount borrowed, together with the rest of his income, exceeded $5,000, he would be compelled to pay any excess on the tax over $5,000, because no deduction can be made under the terms of the bill for the money expended by him for the construction of his home. Of course, the same would apply to the borrowing of money from any other source. We have a very large membership in the building and loan associations throughout the United States, and heretofore had aimed to except them from the provisions of any tax that we might levy, but here is a proposition that says if a man borrows money to build a home for himself he will have to pay an excise tax for conducting business.

That is illustrative of the general features of the bill—a bill to tax industry. One the one hand, our Democratic friends are proposing to remove the protection which American industries enjoy in competition with the trade from foreign nations, and, on the other hand, they propose to levy a tax against money invested in industry, not against money which may be invested in municipal bonds or other bonds of people not engaged in business.

On the one hand, they deprive our industries of the benefit of the home market, and, on the other hand, tax them over the taxes which they now pay. No wonder the industries of the country are now largely paralyzed; no wonder that business is

largely at a standstill, with the threat of Democratic success and Democratic policies which cut off at the end of earning and then tax, in addition, that which has been earned. I can see no defense to a proposition of that sort.

It was the Republican Party which submitted to the country an amendment permitting an income tax, and for that we still stand [applause on the Republican side]; but it is the Democratic Party which proposes not to tax incomes, but to tax industry. All other nations of the world which tax incomes endeavor to promote industry, but the Democratic policy is to endeavor to demote industry by taxing it and let idle incomes go scott free. [Applause on the Republican side.]

Mr. HILL. Mr. Chairman, I move to strike out the last word.

It seems to be a morning for general confession, and I wish to state that I am going to vote against this bill on principle. I think it is unwise and unnecessary. I have a very distinct and vivid recollection of 1898, when the Spanish-American War began and it became necessary to raise money, that Congress in a very few days passed a bill for taxation which met the entire expenses of that war—between one and two hundred million dollars a year. No disturbance was created by it throughout the country; nobody felt it. After the bills were paid, a year after the Spanish War, one morning a resolution was brought in here to entirely discontinue that tax. A part of the law had been repealed the year before. One hundred and thirteen million dollars was the last discontinuance. It was repealed, and hardly anybody knew it for months after it was gone.

This bill is absolutely unnecessary to meet the expenses of this Government. It will cost infinitely more to collect this tax than it cost to collect the Spanish War tax. It will add hundreds and hundreds of employees to the already swollen pay roll of the United States.

The Spanish War system of taxation could be inaugurated if we needed money, but we do not. If we needed the money, a stamp system could be inaugurated, and all the money needed for your free wool and your free sugar, and for your deficiencies due to your system of tariff for revenue only, could be secured without the slightest difficulty. This is simply partisan Democratic legislation, with sectionalism stamped on every line of it, put forward for a purpose and not to procure necessary revenue.

You say you want to strike the rich and wealthy. If you do, put stamps on bank checks, tax rum and tobacco and luxuries generally. Why do you not do that? Use the stamp system which was used during the Spanish War and get anywhere from $50,000,000 to $200,000,000 revenue, as we did then, instead of organizing a great big spy system all over the United States and starting in for a lawsuit when you already know what you could do under the Spanish War taxation system. For that reason, if for no other, and because it is unnecessary, because it is not in accordance with American traditions, I am opposed to it and will vote against it. [Applause on the Republican side.]

Mr. HULL. Mr. Chairman, I yield to the gentleman from Kansas [Mr. TAGGART].

Mr. TAGGART. Mr. Chairman, it is rather astounding that one of the veteran Members of this House should rise in his place and say that an income tax is not in accordance with American traditions. With the greatest respect for that gentleman and those here who applaud his statement, I beg leave to call attention to the fact that a great many income-tax acts have been on the statute books of the United States that were held constitutional by the Supreme Court, and that they were passed by Republican Houses of Representatives and Republican Senates and signed by Republican Presidents.

For the purpose of calling particular attention to this fact, I refer to the celebrated Pollock case itself, in which the learned Chief Justice, in his dissenting opinion, called attention to it in this paragraph:

> From 1861 to 1870 many laws levying taxes on income were enacted, as follows: Act of August 5, 1861 (ch. 45, 12 Stat., 292, 309, 311); act of July 1, 1862 (ch. 119, 12 Stat., 432, 473, 475); act of March 3, 1863 (ch. 74, 12 Stat., 713, 718, 723); act of June 30, 1864 (ch. 173, 13 Stat., 223, 281, 285); act of March 3, 1865 (ch. 78, 13 Stat., 469, 479, 481); act of March 10, 1866 (ch. 15, 14 Stat., 4, 5); act of July 13, 1866 (ch. 184, 14 Stat., 98, 137, 140); act of March 2, 1867 (ch. 169, 14 Stat., 471, 477, 480); act of July 14, 1870 (ch. 255, 16 Stat., 256, 261).

All of them were income-tax laws, and each and every one of them was passed by a Republican administration.

Now, this bill is not in terms an income-tax bill. It was argued here yesterday with a degree of ability not usually enjoyed or observed at any place, not even in this House. [Laughter.] It was presented by one of the ablest orators in America. The final conclusion is this, That the Supreme Court has plainly receded from the income-tax decision. In the Flint case, decided in 1910, it says that, for the very reason that men have organized into a corporation and enjoy the privilege of associating themselves in that manner, they may be lawfully taxed by an act of Congress for transacting business as a corporation on their annual income.

I believe that the Supreme Court ought to have an opportunity itself to recall the Pollock decision. [Applause.] I believe that the Supreme Court is the proper body to recall its own decisions. The learned and venerable Chief Justice, as has repeatedly been said here, is the only survivor of the court as it was constituted 18 years ago, when that decision was rendered. It simply decided by a majority of one that a tax on personal property or a tax on real property, or on the income of either, was a direct tax, and therefore had to be apportioned among the States according to population.

The CHAIRMAN. The time of the gentleman has expired.

Mr. HILL. Mr. Chairman, I ask unanimous consent that the gentleman may be allowed to proceed for five minutes more.

The CHAIRMAN. Unanimous consent is asked that the gentleman from Kansas [Mr. TAGGART] be permitted to proceed for five minutes longer. Is there objection?

There was no objection.

Mr. TAGGART. Mr. Chairman, it is now decided in the Flint case that if five men, say, associate themselves together as a corporation and own a hotel and rent the hotel to somebody else and derive an income of more than $5,000 per annum from it, they can be taxed as a corporation. The decision leaves the door open for another proposition. If these five men dissolve their corporation, form a partnership, and own the same hotel and rent it they could not be taxed, according to the Pollock case.

Mr. Chairman, I believe that the Flint decision is an intimation on the part of the court to the lawmaking bodies of the United States that they may enact an income-tax law, and I believe such a law will be upheld by the Supreme Court of the United States.

I wish to say that I have an abiding faith in the integrity of the Supreme Court of the United States. I wish to take this opportunity of saying now that no profit and no good can come from attacking that distinguished body. [Applause.] I would rather believe that the planets would leave their courses than that the Supreme Court of the United States would depart from the path of duty. [Applause.] Whoever under this flag raises his voice against that department of our Government is no lover of our common country. [Applause.]

I shall vote for this bill, and I believe that the apprehensions indulged in by the gentleman from Kansas [Mr. JACKSON], who thinks that there may be something unconstitutional in it, are absolutely unwarranted.

I wish, in closing, to call attention to the specific point decided in the Flint case. I think it will become apparent to everyone, regardless of whether or not he has practiced law, that the present tax is levied on a privilege, and that is the bare privilege of being a corporation. In this bill we are levying a tax on a privilege, and that is the privilege of doing a profitable business. We have taken the liberty to define what we mean by "business." In this very Flint case the Supreme Court has said that the intention of Congress as manifested by the language of the act is entitled to great consideration. I shall read from the report the exact point decided in the Flint case:

> The tax under consideration, as we have construed the statute, may be described as an excise upon the particular privilege of doing business in a corporate capacity, i. e., with the advantages which arise from corporate or quasi corporate organization; or, when applied to insurance companies, for doing the business of such companies.

The bill under consideration before us provides that whoever enjoys the privilege of deriving from his vocation a sum in excess of $5,000 annually will be taxed to support the Government of the United States, and it will now become necessary for some gentlemen here to go forth and convince the people that it was wrong to quit levying tribute upon the tables of the American people by a tax on sugar and wrong to place the burden upon those who are best able to bear it.

The gentleman from Illinois [Mr. MANN] said that this was a tax on industry. Three years ago he voted pointedly and directly for a tax on corporations that were engaged in industry. By what system of logic does he now deny the right of the Government to tax a rich man who enjoys a net income of more than $5,000 per annum, whether he derives it from industry or not? [Applause.]

The CHAIRMAN. The time of the gentleman has expired.

Mr. MANN. Mr. Chairman, I ask that the debate on the amendment I have pending be closed.

Mr. CULLOP. Mr. Chairman, I would like to be heard on the gentleman's amendment.

Mr. UNDERWOOD. Mr. Chairman, then I ask unanimous consent that the debate on this amendment be closed in five minutes.

The CHAIRMAN. The gentleman from Alabama asks unanimous consent that debate on the pending amendment be closed in five minutes. Is there objection?

There was no objection.

Mr. CULLOP. Mr. Chairman, the opposition of the gentleman from Illinois [Mr. MANN] to this provision, as I understand it, is that if a man borrows $5,000 of a building and loan association or from any other source and invests it in a home, that will be taken into consideration and charged up to him as an income upon which, under this bill, he would have to pay taxes.

That proposition is without merit, as a reading of this bill shows, because if he borrows $5,000 and invests it in the building of a home or the purchase of a home or in other business that is not a net income and would not come under the taxing provisions of this bill.

Now, one other proposition. It has been urged here that the idle rich would escape the provisions of this bill and that the wealth of Carnegie and Rockefeller would escape taxation. That is a mistake. The rich idler is taxed under this bill, because his capital is employed. Wealth is the subject of taxation, profits made, and not the individual. The Rockefellers and the Carnegies have their money employed in business, not idle, and it will be taxed under the provisions of the first section of this bill.

Under the provisions of this measure the idle rich, as has been charged, do not escape, but, on the contrary, must pay. Large holders of wealth may be idle, but their wealth is not. They keep it employed earning more money, and it is not the person who is taxed, but the earnings of his money. Many very rich persons are not employed, but their capital is kept busy all the time earning profits, and under this bill in all such cases they will be required to pay the tax provided for in this measure. That is the object of the measure, and that is the feature which commends it to the favorable consideration of the people.

I am somewhat surprised at the position of gentlemen on that side when they say they are opposed to this bill because it would require the thrift of the country to be taxed, because it would require the business institutions of the country to pay a tax. What have you been doing all these years by your tariff legislation? You have been taxing every individual in this land to make a profit to the owners of the great industries of this country. By your tax laws, for every dollar you have derived in revenue to the Government you have collected from the pockets of the people $7 as an unearned profit to the owners of the great industries of this country. [Applause on the Democratic side.] You have levied a tax upon every consumer in this country for the benefit of the Sugar Trust; you have levied a tax upon every farmer and mechanic in this country for the benefit of the Steel Trust.

What is the difference between this tax which we propose and the one that you propose? We propose that this tax shall be levied and collected as revenue to the Government, and every dollar of it will go into the Treasury as revenue. Your policy has been to tax the people of this country, not for revenue, but as an unearned profit to the great protected industries of the country. This constitutes the distinction between the policy we propose by this measure and the one which your party has enforced for these many years it has been in power. The question therefore to be settled is, Shall we adopt a policy which raises revenue for the Government or one that raises revenue for private business? Shall the many be taxed to support the Government or the private business enterprises of a favored few? This is the real issue, and the people fully realize the distinction.

Upon this issue, my fellow Democrats, we can go to the country and safely rely upon the sound judgment of the American people to indorse our position. And when gentlemen on the other side say that they welcome this issue in the coming campaign, I say to them, also, we are ready and will meet them in the forum and on the hustings to discuss this question before the American people between now and the 5th day of next November, which day we long for, as it will usher in a great Democratic victory achieved by the voters of this country in behalf of the Democratic Party. [Applause on the Democratic side.]

The gentleman from Connecticut [Mr. HILL] says, if you want to raise revenue for the Government, why do you not put a stamp tax on bank checks? We are going to raise the money more equitably and fairly to the American people through this measure, by obtaining this revenue from those who are the better able to pay it. When a tax is placed on bank checks revenues are raised without reference to the amounts of the same, and its burdens are inequitably distributed and do not fall on those best able to bear them. Such an objection should always have consideration in the enactment of every revenue measure, and it will be observed this measure wisely escapes that objection, and this will commend it with great favor to the people of the country. They will approve this feature and indorse its manifest fairness.

It taxes those who have heretofore escaped paying their proportion of taxes to support the Government.

Mr. HILL. If you want to raise more money, why do you not increase the tax on rum and tobacco?

Mr. CULLOP. In reply to the gentleman I would say these subjects will receive proper attention at the hands of the Democratic Party, as it believes in the equalization of the burdens for the support of the Government. It also believes in taxing luxuries highest and necessities lowest, and it proposes to apply this rule in all taxation before it is through, and these items will receive proper attention at the proper time.

The CHAIRMAN. The time of the gentleman from Indiana has expired. Under the order of the committee debate on this amendment is closed. The Clerk will report the amendment of the gentleman from Illinois [Mr. MANN].

The Clerk read as follows:

Page 3, line 1, strike out the words "*Provided*, That no deduction shall be made for any amount paid out for new buildings, permanent improvements, or betterments, made to increase the value of any property or estate."

The question being taken, on a division (demanded by Mr. MANN) there were—ayes 35, noes 56.

Accordingly the amendment was rejected.

Mr. TOWNER. Mr. Chairman, I desire to offer an amendment.

The CHAIRMAN. The gentleman from Iowa offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amend, section 2, by adding the following:
"*And provided further*, That the provisions of this act shall not apply to the Chief Justice of the United States and the Associate Justices of the Supreme Court of the United States or to the judges of the inferior courts of the United States established by Congress."

Mr. TOWNER. Mr. Chairman, I offer this amendment for the purpose of making this tax, if possible, come under the provisions of the Constitution of the United States. Article III, section 1, provides as follows:

The judicial power of the United States shall be vested in one Supreme Court and in such inferior courts as the Congress may from time to time ordain and establish. The judges, both of the Supreme and inferior courts, shall hold their offices during good behavior, and shall at stated times receive for their services a compensation, which shall not be diminished during their continuance in office.

It is hardly necessary to say that under the terms of this act Congress, which has fixed the compensation of these judges, now diminishes it by the amount which they will be compelled to contribute in the payment of this so-called tax from their salaries. This is in direct conflict with the plain terms of the Constitution.

I offer this amendment also for the purpose of calling the attention of this House to the manner in which this bill has been drawn; to the absolute disregard of the Constitution and its requirements; to the carelessness with which its provisions have been thought out. This bill has been drawn in the nature of, if not with the name of, an income tax. But, Mr. Chairman, to draw a general income tax is a work that requires the most careful attention. It is a work to which should be given the best thought and attention of the Members of this House. It should not be hastily framed as a political expedient. It should be carefully considered and carefully drawn, and the Members on this side of the House are ready to give that kind of care and attention to that work and to support such a bill when it shall be presented. But now to have this character of bill presented with the provisions which gentlemen on that side must certainly recognize as not well considered, is not the work of statesmen or of Members who remember their obligations to their country in the passage of important legislation of this kind.

If it shall be deemed by these gentlemen as necessary to act hastily, let me suggest to them that it would have been an easy matter for them to have changed the phraseology of the present corporation-tax law by amending it to read 2 instead of 1 per cent that should be paid as a tax on the income of a corporation, and they would have added $30,000,000 to the revenue of the country, and accomplished it in a way that the Supreme Court has already determined is absolutely constitutional. But these gentlemen who are so ready to use their invective and denunciation against these gigantic corporations when upon the floor of the House have nothing now to add by way of penalizing them when they have the opportunity so to do. It seems to me, Mr. Chairman, that this amendment is necessary to correct a

feature of this bill where it has not been well and carefully considered. [Applause.]

Mr. FOSTER of Illinois. Mr. Chairman, I am not a lawyer, but it occurs to me that it is rather amusing to listen to the speech of the gentleman from Iowa [Mr. TOWNER], who seems to think that this side of the House has illy considered this bill and other legislation of this character, and that he should see fit to suggest to this side of the House in the closing moments of debate how we might change the corporation law so as to get $30,000,000 more. It seems strange to me that the gentleman should make the statement that this bill should not apply to the judges of the Supreme Court as to their salaries, and then argue to this House—and I take it he is a good lawyer—in the manner he does, but he is now talking politics himself. Then, when he makes the statement that Congress has no right to tax the judges of the Supreme Court and that it is taking away from their salaries, it occurs to me that Congress has as much right to tax the members of the Supreme Court as it has the man out in Iowa or Illinois. [Applause.]

I do not look upon the salaries of the judges of the Supreme Court with such awe, nor do I look upon their occupying so high a place that the same law ought not to apply to them as to other people. They ought to be willing, and I judge they are, as great jurists as I believe them to be, to pay out of their salaries a just proportion for the support of this Government.

Mr. TOWNER. Will the gentleman yield?

Mr. FOSTER of Illinois. Yes.

Mr. TOWNER. This is not a tax on the amount of property, but under the terms of this act it applies to the income which they receive. Congress has fixed the income. Congress now by this act reduces the income and therefore they are deprived of the salary that the Constitution of the United States says shall not be diminished during their term of office.

Mr. FOSTER of Illinois. I will say that in my judgment this does not decrease the salary of a judge of the Supreme Court of the United States one cent. The statement might be made with equal force that we ought not to tax them on their homes in which they live for fear that it would reduce their salaries. The gentleman from Iowa surely does not contend that. We have a perfect right to tax the members of the Supreme Court who own houses in the city of Washington. That amount has to come out of their salaries to pay those taxes, and why should not Congress have the right to take from their salaries a portion of their income to pay their portion of the expenses of this Government? [Applause.]

Mr. TOWNER. Will the gentleman allow me to call his attention to the proviso of the bill which directs the disbursing officers of the Government to "deduct and withhold the aforesaid tax of 1 per cent"?

Mr. FOSTER of Illinois. That is only the manner of collecting the tax; an administration provision of the bill.

Mr. GREEN of Iowa. Mr. Chairman, I intend to vote for the bill, and wish to express my reasons therefor. Notwithstanding the statement to the contrary of gentlemen on both sides of the House, I deny that this is a partisan measure. For more than 50 years the Republican Party has applied the principle which it is sought here to enforce, in so far as permitted by the decisions of the Supreme Court, by this bill. In this House and in the Senate almost every man, both Republican and Democrat, has in various ways supported this principle. It is said that this bill is an attempt to impose an income tax in disguise. I shall not undertake to discuss that question, but if it was so, it would make little difference with my vote. I have always been in favor of an income tax as the fairest, the most just, and most equitable way of imposing taxation. [Applause.] I believe that this bill is a step in that direction. It may be that it is a feeble and halting step, fettered as we possibly are by the decision of the Supreme Court; but nevertheless the trend of it is in the direction that a taxing system ought to go, namely, to place the burdens of the Government upon those who are best able to bear them. [Applause.] When this bill, if it should become an act, comes before the Supreme Court, the question must inevitably arise as to the validity of an income tax, and it is my desire, so far as I am concerned, that that question should again be submitted. I have never believed, and do not now believe, that the decision in the Pollock case was correct, and it certainly was not in accordance with the prior decisions of the court which rendered it. Such being the case, considering the manner in which the court is now constituted, I believe that a different decision would be rendered, and I hope to see it rendered on this bill when submitted to it. [Applause.]

Mr. O'SHAUNESSY. Mr. Chairman, it appears to me that the mission of the Democratic Party, through the Democratic majority in this House, is to restore in the Government a confidence now badly shattered; that that confidence has been shattered in a large degree is evidenced by the presence in this Chamber of a Member of the Socialist Party. His membership in this House is a concrete expression of the dissatisfaction resulting from the widening gap between those who have and those who have not, and in contemplating that condition in our national affairs one is led to the conclusion that immense fortunes have been made and amassed through a series of laws absolutely designed to build up great wealth in the hands of a few to the absolute impoverishment of millions of American citizens. [Applause.] There is no questioning the fact that the poor man never escapes taxation. It is an absolute impossibility for him to escape it. He constitutes the level upon which the weight of taxation rests, and the taxgatherer never fails to find him. The rich, with their devious methods of evasion, with their employed legal subtleties, with their ability to skip from State to State, find it easy to get away from the imposts that are levied for the support of government; and so in coming to the support of this bill the Democratic majority rejoices in the opportunity to raise the burden of taxation from the shoulders of the many and to place a portion of that taxation upon the shoulders of those well qualified and well able to sustain it. [Applause.]

The great difference in fortunes has made discontent rife, and precipitated into the arena of political discussion wild and vague theories of government cunningly calculated to destroy its very foundations. We have to face the situation as we find it and to make laws in accordance with the Constitution, which will bring a better era of feeling and prove to the people that the Government is for all men and their welfare and not for the few. There is no need of any hysterical legislation; there is no need of any radical changes in our form of government; but there is decided need for our present agencies of government, acting with impartiality and in accordance with the beliefs of the founders of this Government, to keep forever established the principle of equal opportunities for all, and special privileges to none.

It has been said by the majority leader in this debate [Mr. UNDERWOOD] that the decision of the United States Supreme Court in 1894 holding the income tax to be unconstitutional gave rise to a belief on the part of the people that the rich were exempt from the taxing power of Congress. How well founded that claim was is proved by the prophetic utterance of the now Chief Justice of the United States Supreme Court, Justice White, who, at that time, in his dissenting opinion, called forcible attention to the fact that the majority of the court had by their decision overthrown—

> a long and consistent line of decisions, and denied to the legislative department of the Government the possession of a power conceded to it by universal consensus for 100 years, and which has been recognized by repeated adjudications of this court.

He sounded a warning against the policy, then being enunciated by the court, which would reverse the past, make helpless the power of the Nation to raise revenue through a time-honored custom, especially in the hour of national danger, and implant in the hearts of the people a distrust not easily overcome. It is fitting to again quote his words and match the conditions of our day with what he said would come to pass.

> My inability to agree with the court in the conclusions which it has just expressed causes me much regret. Great as is my respect for any view by it announced, I can not resist the conviction that its opinion and decree in this case virtually annuls its previous decisions in regard to the powers of Congress on the subject of taxation, and is therefore fraught *with danger to the court, to each and every citizen, and to the Republic.* The conservation and orderly development of our institutions rests on our acceptance of the results of the past and their use as lights to guide our steps in the future. Teach the lesson that settled principles may be overthrown at any time, and confusion and turmoil must ultimately result. In the discharge of its functions of interpreting the Constitution this court exercises an august power. It sits removed from the contentions of political parties and the animosities of factions. It seems to me that the accomplishment of its lofty mission can only be secured by the stability of its teachings and the sanctity which surrounds them. If the permanency of its conclusions is to depend upon the personal opinions of those who from time to time may make up its membership it will inevitably become a theater of political strife and its action will be without coherence or consistency. There is no great principle about constitutional law, such as the nature and extent of the commerce power, or the currency power, or other powers of the Federal Government, which has not been ultimately defined by the adjudications of this court after long and earnest struggle. If we are to go back to the original sources of our political system or are to appeal to the writings of the economists in order to unsettle all these great principles, everything is lost and nothing saved to the people.
>
> The rights of every individual are guaranteed by the safeguards which have been thrown around them by our adjudications. If these are to be assailed and overthrown, as is the settled law of income taxation by this opinion, as I understand it, the rights of property, so far as the Federal Constitution is concerned, are of little worth. My strong convictions forbid that I take part in a conclusion which seems to me so full of peril to the country. I am unwilling to do so, without reference to the question of what my personal opinion upon the subject might be if the question were a new one, and was thus unaffected by the action of the framers, the history of the Government, and the long line of decisions by this court. The wisdom of our forefathers in adopting a written Constitution has often been impeached upon the theory that the

interpretation of a written instrument did not afford as complete protection to liberty as would be enjoyed under a constitution made up of the traditions of a free people. Writing, it has been said, does not insure greater stability than tradition does, while it destroys flexibility. The answer has always been that by the foresight of the fathers the construction of our written Constitution was ultimately confided to this body, which, from the nature of its judicial structure, could always be relied upon to act with perfect freedom from the influence of faction and to preserve the benefits of consistent interpretations. The fundamental conception of a judicial body is that of one hedged about by precedents which are binding on the court without regard to the personality of its members. Break down this belief in judicial continuity and let it be felt that on great constitutional questions this court is to depart from the settled conclusions of its predecessors and to determine them all according to the mere opinion of those who temporarily fill its bench, and our Constitution will, in my judgment, be bereft of value and become a most dangerous instrument to the rights and liberties of the people.

[Applause.]

In the same dissenting opinion he said:

The facts, then, are briefly these: At the very birth of the Government a contention arose as to the meaning of the word "direct." The controversy was determined by the legislative and executive departments of the Government. Their action came to this court for review, and it was approved. Every judge of this court who expressed an opinion made use of language which clearly showed that he thought the word "direct" in the Constitution applied only to capitation taxes and taxes directly on land. Thereafter the construction thus given was accepted everywhere as definitive. The matter came again and again to this court, and in every case the original ruling was adhered to. The suggestions made in the Hylton case were adopted here, and, in the last case here decided, reviewing all the others, this court said the direct taxes within the meaning of the Constitution were only taxes on land and capitation taxes. And now, after a hundred years, after long-continued action by other departments of the Government, and after repeated adjudications of this court, this interpretation is overthrown and the Congress is declared not to have a power of taxation which may at some time, as it has in the past, prove necessary to the very existence of the Government.

At the time Justice White delivered this dissenting opinion, so pregnant with meaning and significance, the court held the income tax to be unconstitutional because it levied a direct tax on the income from real estate and from municipal bonds. As to whether Congress could levy a tax on incomes derived from other sources the court were evenly divided, standing 4 to 4. Acting upon a petition for a rehearing, the court, with a full bench of nine members, again held the tax to be unconstitutional by a vote of 5 to 4. Justice Jackson, who did not sit in the first case, sided with the four who had voted at the first hearing for the constitutionality of the tax upon incomes derived from other sources than that raised from real estate and municipal bonds. But one of the four who, in the first instance, had voted for the constitutionality of the tax went over to the other side, thereby giving a majority against the constitutionality of the tax, and causing the court to reverse the precedents of a century. Well may we ponder at this stage of our national life the words of Justice Harlan in his dissenting opinion:

I have a deep, abiding conviction, which my sense of duty compels me to express, that it is not possible for this court to have rendered any judgment more to be regretted than the one just rendered.

He called attention to the vast sums of money that had been raised to prosecute and bring the Civil War to a successful close through the instrumentality of an income tax, and that the court was now saying, in effect, that all of that money had been taken from the people in disregard of the Constitution.

Citing Oliver Ellsworth, whom John Adams declared to be the firmest pillar of Washington's administration in the Senate, Justice Harlan recalled that great statesman's words in the Connecticut convention of 1788, when he said:

Wars have now become rather wars of the purse than of the sword. Government must, therefore, be able to command the whole power of the purse; otherwise a hostile nation may look into our Constitution, see what resources are in the power of Government, and calculate to go a little beyond us; thus they may obtain a decided superiority over us and reduce us to the utmost distress. A government which can command but half its resources is like a man with but one arm to defend himself.

Noting the special privilege that would be conferred upon the wealthy class of our population, he said:

By its present construction of the Constitution the court, for the first time in all its history, declares that our Government has been so framed that in matters of taxation for its support and maintenance those who have incomes derived from the renting of real estate or from the leasing or using of tangible personal property, or who own invested personal property—bonds, stocks, and investments of whatever kind—have privileges than can not be accorded to those having incomes derived from the labor of their hands or the exercise of their skill or the use of their brains.

To those who have a fear of the United States Supreme Court rejecting this proposed excise law as unconstitutional the words of Justice Brown in his dissenting opinion are timely:

Congress ought never to legislate, in raising the revenues of the Government, in fear that important laws like this shall encounter the veto of this court through a change in its opinion or be crippled in great political crises by its inability to raise a revenue for immediate use.

Justice Jackson in his dissenting opinion said:

The practical operation of the decision is not only to disregard the great principles of equality in taxation, but the further principle that in the imposition of taxes for the benefit of the Government the burdens thereof should be imposed upon those having *most ability* to bear them. This decision, in effect, works out a directly opposite result in relieving the citizens having the *greater ability*, while the burdens of taxation are made to fall most heavily and oppressively upon those having the *least ability*.

The Republican Senator from Idaho [WILLIAM E. BORAH], speaking in the United States Senate on May 3, 1909, said, in reviewing the history of the United States Supreme Court upon the constitutionality of the income tax:

In the first place we must bear in mind that during the hundred years which preceded the Pollock case 21 judges occupying places upon that high tribunal had decided in favor of an income tax and of its constitutionality or had given such definition to the phrase "direct tax" as would sustain an income tax. Against those 21 judges, in the whole history of the court, there have been but 5 judges during that entire period who dissented. In other words, 5 judges alone in the whole history of the Supreme Court, from its organization to the present hour, have decided that an income tax was unconstitutional, while 21 judges have written opinions or joined in opinions to the contrary. Amongst those who have taken the view that an income tax is constitutional and that a direct tax relates only to land, capitation taxes, and taxes on improvements upon land are the elder Chase, Patterson, Iredell, Wilson, Chief Justice Chase, Nelson, Grier, Clifford, Swayne, Miller, Davis, Waite, Hunt, Strong, Bradley, Jackson, Brown, Harlan, White, and Ellsworth. Since the organization of that court every single writer upon constitutional law in America has adopted the view that a direct tax related alone to land and capitation taxes.

The surest avenue to discontent among the masses of the people is the granting of special privilege to the few. How brilliant and forceful and caustic was the dissection by the Republican Senator, John J. Ingalls, of the conditions that inspired his antagonism. Speaking in the Senate, on January 14, 1891, of the distribution of wealth in the United States, he said:

A table has been compiled for the purpose of showing how wealth in this country is distributed, and it is full of the most startling admonition. It has appeared in the magazines, it has been commented upon in this Chamber, it has been the theme of editorial discussion. It appears from this compilation that there are in the United States 200 persons who have an aggregate of more than $20,000,000 each. Four hundred persons possess $10,000,000 each, 1,000 possess $5,000,000 each, 2,000 possess $2,500,000 each, 6,000 persons possess $1,000,000 each, and 15,000 persons $500,000 each, making a total of 24,600 people who possess $36,250,000,000. Mr. President, it is the most appalling statement that ever fell upon mortal ears. It is, so far as the results of democracy as a social and political experiment are concerned, the most terrible commentary that ever was reported in the book of time; and Nero fiddles while Rome burns. It is thrown off with a laugh and a sneer, "as the froth upon beer" of our social and political system. As I said, the assessed valuation recorded in the great national ledger standing to our credit is about $65,000,000,000. Our population is 62,000,000, and by some means, by some device, by some machination, by some incantation, honest or otherwise, by some process that can not be defined, less than two-thousandth part of our population have obtained possession—and have kept out of the penitentiary in spite of the means they have adopted to acquire it—of more than one-half of the entire accumulated wealth of the country.

This is not the worst, Mr. President. It has been largely acquired by men who have contributed little to the material welfare of the country, and by processes that I do not care in appropriate terms to describe, by the wrecking of the fortunes of innocent men, women, and children, by juggiery, by bookkeeping, by financiering, by what the Senator from Ohio calls "speculation," and this process goes on with frightful and constantly accelerating rapidity. The entire industry of the country is passing under the control of organized and federated capital.

In his essay on "The present distribution of wealth in the United States," Charles B. Spahr, Ph. D., classified the wealth of the country according to the following table:

The United States, 1890.

Estates.	Number of families.	Aggregate wealth.	Average wealth.
The wealthy classes, $50,000 and over	125,000	$33,000,000,000	$264,000
The well-to-do classes, $50,000 to $5,000	1,375,000	23,000,000,000	16,000
The middle classes, $5,000 to $500	5,500,000	8,200,000,000	1,500
The poorer classes under $500	5,500,000	800,000,000	150
Total	12,500,000	65,000,000,000	5,200

He concluded that seven-eighths of the families held but one-eighth of the national wealth, while one-eighth of the families held the remaining seven-eighths. In his classification of incomes he found that more than five-sixths of the incomes of the wealthiest class are received by the 125,000 richest families, while less than one-half of the incomes of the working classes are received by the poorer 6,500,000 families.

He sums up the situation by saying that one-eighth of the families in America receive more than half of the aggregate income and the richest 1 per cent receives a larger income than the poorest 50 per cent.

In fact—

He says—

this small class of wealthy property owners receives from property alone as large an income as half of our people receive from property and labor.

I do not believe that there is any greater proportionate distribution of wealth among the masses of the people to-day than in 1890, and no doubt the same proportion of distribution obtains among the 18,000,000 families of to-day, and the estimated $150,000,000,000 of our national wealth.

These figures are more eloquent than the speeches of statesmen; they spell gross inequality, and unequal opportunity. They furnish fuel to the flame of discontent and dissatisfaction. They provoke a restless longing for a change in government. The people have been baffled in their legitimate desire for legislative and judicial expression of their civil needs. Let the Supreme Court say that this bill is constitutional—and we must remember that the President has expressed confidence in the ability of Congress to frame a constitutional measure—let its workings testify to the power of government to exact from the possessors of great fortunes a fair measure of the burden of taxation, and I venture the prophecy that the demand for the recall of judges will pass away, only to be remembered as an ephemeral expression of popular discontent. The spectacle of 51 men possessing $3,295,000,000 and wielding a life-and-death influence upon our commercial life, and at the same time escaping the burdens of taxation is poorly calculated to sustain a profound faith in the Government.

That conservative Republican statesman, Senator John Sherman, whose name was connected with every great financial measure from 1860 to 1900, said in 1882:

> The public mind is not yet prepared to apply the key to a genuine revenue reform. A few years of further experience will convince the whole body of our people that a system of national taxes which rests the whole burden of taxation on consumption and not one cent on property or incomes is intrinsically unjust. While the expenses of the National Government are largely caused by the protection of property, it is but right to require property to contribute to their payment. It will not do to say that each person consumes in proportion to his means. This is not true. Everyone must see that the consumption of the rich does not bear the same relation to the consumption of the poor as the income of the one does to the wages of the other. * * * As wealth accumulates this injustice in the fundamental basis of our system will be felt and forced upon the attention of Congress.

Has the time not come to change the system of taxation so as to relieve consumption and make incomes stand their share?

Why does the Republican Party fail to heed the warnings and admonitions of those who had prevision and cling instead to a system that enriches beyond the dreams of avarice a favored few, with disastrous consequences to the great body of the people?

Ex-President Roosevelt has declared himself on the subject in the following language:

> When our tax laws are revised the question of an income tax and an inheritance tax should receive the careful attention of our legislators. In my judgment, both of the taxes should be part of our system of Federal taxation.

Some people have expressed a fear as to the realization of a sufficient amount of money through the agency of an income tax. The successful operation of the tax in this country from 1863 to 1873 may well dissipate any fears on that score. Beginning with $2,000,000 in 1863, it reached $73,000,000 in 1866, and in the period covered from 1865 to 1870 it realized in all about $285,000,000. It has been a source of steady income in Great Britain from 1842. In that country it was first imposed by Pitt in 1798 in order to meet the expenses of the French War. It was imposed with varying rates and exemptions in 1803, 1805, and 1807. It was abolished in 1816 and reimposed by Sir Robert Peel on June 22, 1842, at the rate of 7d. in the pound on all incomes exceeding £150. In 1842 the tax produced about £5,000,000, and in 1909–10 the amount produced was £37,679,902, or about $180,000,000.

If this bill becomes a law—and it has been drafted with a care to impress the court with its constitutionality—I believe it will inspire confidence in the Government and prove to the people that the great fortunes of the country must submit to the taxing power of Congress. Intrenched wealth can laugh at the storms of panics; sitting in luxury on the hilltops, it can complacently look down on the multitude in the valley struggling for an existence. Would for the betterment of Democratic institutions and the permanency of our Government that these great fortunes had not in so many instances been built up by the largesse of our tariff laws, wringing tribute from the masses for the enrichment of a few manufacturers. Would that the great fortunes of our country were not built upon watered stocks, which have taken millions from a credulous public, duped by the engraver's art and printer's ink in the form of gilded certificates frequently of about as much value as wall paper.

This bill is a fitting complement to the free-sugar bill, which deprives the Treasury of $53,000,000 of revenue; this measure will give in its stead $60,000,000. The sugar bill relieves the consumer of a tax of 2 cents per pound on sugar; and this bill, taxing all incomes above $5,000 per annum made in business, will reach out to the fortunes of the Carnegies, the Rockefellers, the Morgans, the Vanderbilts, and their like, and teach their possessors, through its exactions and provisions, that men must contribute to the support of the Government whose departments and agencies protect their property and through whose protection and, in many instances, the bounties of the Government those fortunes were acquired.

The Democratic Party seeks to establish not only confidence in the Government by impressing upon the public mind the fact that wealth as well as poverty must bear its fair share of taxation, but also seeks to reestablish through the decision of the Supreme Court the precedents of a century so unfortunately overthrown by the change of one jurist's mind in 1895.

Mr. CONNELL. Mr. Chairman, a few minutes ago the distinguished gentleman from Illinois [Mr. MANN], the musical, though occasionally discordant and sometimes dramatic, leader of the minority, announced that it is no wonder that the business and industry of the country are well-nigh paralyzed now. That was an emphatic and dominant note from the chorus of disaster which has been swelling and falling until it became the requiem of calamity, running all through this debate on that side of the House.

But, come to think of it, the wonder is that there is not some truth in the wail of woe and that business has not long since been paralyzed and industry destroyed, for so long have the destinies of the Nation been in the hands of standpatters and minions of special privilege that it is like unto a miracle that anything at all remains out of the hands of a few favorites, as, indeed, nothing would have survived had it not been for the splended capacity and industry of the American people. [Applause on the Democratic side.]

But, Mr. Chairman, I rose that, out of the redundance of Democratic good will, I might help out the minority, and I know I can do so if they will but take my advice. Having leveled all the chimneys in the country, having quenched all the fires in everything but the fireflies, having broken all the staffs upon which we used to lean, having stopped all the locomotives and bedeviled all the bridges, not to speak of having silenced all the whistles from Maine to California—yes; having gone from one end of the country to the other, devastating and blasting with this Democratic legislation, which you all say can never be enacted into law, the hopes of humanity in general—I say, having done all this, let me give you an argument which will appeal to the intelligence of the Nation ever more strongly than any of the arguments which you have thus far presented.

Look, Mr. Chairman, how the sun comes out in his regal glory to-day. See how the springtime is beginning to break upon us, flooding the world with its charms, and behold how its glints appear amid the varied colors of this historic ceiling. Hear the cardinal, blithe warbler of the budding year, as he sings in the parks around the Capitol, little recking his impending doom, for, Mr. Chairman, the spring will not spring, the buds will not blow, the leaves will not come out again. Ah, yes; and "the law will stop the blades of grass from growing as they grow" just so surely as we find truth and logic in the arguments that you have made against this bill. [Applause on the Democratic side.]

Still, I give you this appealing issue, for you need it. You have left nothing that can be an issue of life and meaning but the weather. You have destroyed all else. [Laughter and applause on the Democratic side.] Only a moment ago the minority, led by the distinguished former Speaker of the House, Mr. CANNON, seemed to be uniting in the revised chant, "What shall we do when the Democrats break the country up?" [Laughter and applause on the Democratic side.]

During this debate you have pointed out that everything is wrong and that there is crimson catastrophe on all sides, so far as this mundane sphere is concerned. But there remain the heavens and what you have spared from the once bounteous earth. Look to these and sound the alarm, lest they, too, perish. Arise, ye patriots of calamity, and declare that the Democracy will put the universe out of order, lengthen the day, extend the night, dim the stars, tax the income of the man in the moon, and change our computation of time. [Applause and laughter on the Democratic side.]

Appeal to the people and tell them that there will be no flowers on the hillsides, no daisies in the dells, and that the brooklets will never more murmur their songs as they ripple down the mountain to the vale below. Tell them that the trees will no longer whisper in the twilight their romantic gossip of the glories of nature anywhere in these unhappy United States. Yes, tell them that the valleys will retain their snow and ice the whole year round as the result of Democratic success.

[Applause and laughter on the Democratic side.] When you have done all this, you will have an issue which can not fail to appeal to everybody, and it will be as logical, far more eloquent, and infinitely more poetic than any issue that you can ever coin again out of the ghostly memories of your past. In the meantime we must stick to our old issue, which, like the one I have just given you, will reach everybody beneath the flag and in the flying machines above it, namely, the high cost of living, and the mission of the Democracy to bring it down and relieve the masses of the burdens of unnecessary taxation. It is an old-fashioned issue to be sure, but we shall stick to it, even though you go on proving in your own more or less comprehensive way that to give the people such relief will be to destroy and strike down all that now remains standing. [Applause on the Democratic side.]

Mr. LONGWORTH. Mr. Chairman, I have already addressed the House at some length upon this subject and did not intend to consume any more time, but in view of the fact that during this debate so much has been said to obscure the real issue before us, it seems to me that before voting we had better ascertain what we are voting on. I hope even the eloquent poem which has just been recited on the birds and flowers and the weather may not blind our eyes altogether to the real question.

Throughout the course of this debate gentlemen have argued eloquently and learnedly in favor of an income tax, but the bill before us today is not an income tax. Gentlemen have argued ably and learnedly that the Supreme Court might modify or change the decision in the Pollock case should an income-tax bill be brought before them. But this is not an income-tax bill. What is this bill? It is an excise tax on the annual gains of partnerships and individuals from doing business. What is its object? It is to raise revenue. How much revenue? The revenue made necessary by abrogating the duties in the sugar schedule. Gentlemen of the majority say that this bill will raise $60,000,000 of revenue. I do not believe that they have any idea it will. Certainly I do not believe that any reasonable man who examines the conditions can conceive this to be at all possible. It is perfect and absolute folly to say that there are in this country incomes of $6,000,000,000 a year, not earned by corporations, not earned from the bonds of States, counties, and municipalities, not earned by people having an income of less than $5,000 a year. The statement is absurd upon its face. This bill can not raise $60,000,000 or even a fraction of that sum, even though it should be constitutional in every respect. I am willing to admit, so far as I am concerned, that this bill is constitutional in so far as it taxes business incomes. The question that will come before the court, if this bill should ever have to be construed, would be whether or not any given income taxed is in fact a business income. There will be no other question before the court, and think, Mr. Chairman, of the interminable lawsuits that such a procedure would make necessary. I can not bring myself to believe that it is just in measuring the income of an individual to include with it incomes which are not in any sense earned from business, as is provided in the case of corporations in the corporation-tax law. The two things seem to me essentially different. But whether that be true or not this bill is not justifiable either as a revenue measure or as a fair and well-considered system of taxation.

The CHAIRMAN. The time of the gentleman has expired.

Mr. McKENZIE. Mr. Chairman, I presume that all taxes levied by civilized countries upon the citizens would be conceded without argument to be a burden upon the citizen; especially is this true of a tax such as the one proposed by this bill. The burden of taxes is one of the penalties the citizen pays for being civilized, or rather for the privileges and blessings he enjoys while living in a civilized community, and in the security of his protected rights of life, liberty, and pursuit of happiness. The savage who dwells in a tent and is content with the simple life of a barbarian escapes these burdens. It is true we all complain more or less about the taxes we have to pay, but it has been my observation that when the taxpayers see the money collected from them honestly, intelligently, and economically expended in caring for the unfortunate, the education of the young, and the consistent improvement and development of the community, State or Nation, little complaint is heard. But it is the extravagant waste and needless expenditure of the money collected from the people by those intrusted with the control of public affairs that arouses the feeling of discontent, and as the burden grows heavier from year to year the masses become more and more dissatisfied and desperate. Revolution is the final climax and the glory of a hundred or a thousand years of national fame goes out in darkness; the historian closes his book and begins another chapter in the history of the human race.

It has been asserted that this bill is an unjust burden upon the energy and frugality of the citizen. All direct taxes levied upon the income or earning power of the citizen must necessarily be so, and I know of no principle in the field of taxation whereby the emulators of the fabled youth and his clarion motto can escape. It has been well said that the fathers of the Republic wrought wisely when they devised the scheme of indirect taxation for the Government, reserving the method of direct taxation to the States. This is as it should be, in my judgment. However, I am not opposed to the principle of an income or excise tax levied by the Government in cases of emergency, and I think that the Government should have the unquestioned power and authority to make use of this method of raising revenue in time of war or other national calamity, and so believing, it was with pleasure, while serving as a member of the Illinois Senate, that I voted for the approval of the proposed amendment to the Constitution of the United States which will forever put at rest the question of the Government's power and authority under the Constitution to levy and collect such a tax. Neither am I opposed to the principle of special taxation, and I earnestly advocated and voted for the enactment of the present inheritance-tax law in the State of Illinois. But I am just as emphatically opposed to the National Government making use of these methods of taxation in times of peace, and thereby usurping a power of taxation which should be reserved to the respective States. The State which I have in part the honor to represent is, as has been well said, "an empire of itself."

The necessity for raising additional revenue is becoming greater each year in that great Commonwealth, and I assert, as one of her citizens, that the privilege of levying special taxes upon the wealth of the citizens should be reserved to the State, except in case of national emergency, when in such case Illinois will again, as she always has, cheerfully contribute of her substance, and sons, if necessary, for the maintenance and perpetuity of our great Nation. It has been asserted on this floor that we are now facing an emergency—a deficit in the National Treasury—which will result from the reduction of some $50,000,000 in the revenue by the passage of the free-sugar bill. This argument, in my judgment, is not sound, and I feel constrained to say that by economical management of governmental affairs there will be no deficit, even with sugar on the free list; and, further, should such a thing be possible the field of internal revenue, which is the undisputed domain of the Federal Government for the purposes of raising revenue, has scarcely been touched, and the possibilities of the same are unknown, but evidently so rich that there can be no possible danger of the Government coming to want for needed revenue for ages yet to come. I am fully aware of the value of this piece of legislation as a campaign argument. The wonderful possibilities of the demagogue on the stump eloquently and dramatically portraying the misfortune and injustice of the humble citizen and his wonderful sympathy for him and what he would do "to the idle rich" would be no small thing. But, gentlemen of the committee, we are not legislating simply for the purpose of campaign arguments, but should in all our efforts be guided by what seems to us to be right. As I said before, I am not opposed to the principle involved in this bill or in special taxation levied upon the more fortunate of our citizens. But were it in my power to prepare a bill, I would make it more general than this and graduate it as the wealth of the citizen increased. But, feeling that this form of taxation should be forever reserved to the States, except in case of national emergency, I am opposed to the enactment of this law, believing that the respective States have greater burdens to bear than the National Government. I therefore have no hesitancy in voting against this measure. [Appluase.]

Mr. HEFLIN. Mr. Chairman, every time the effort is made in this House to reduce the tariff tax upon the people the Republican side of this House presents the argument of the unconstitutionality of the measure, and every time that party gets the opportunity it increases the tax burden of the people. [Applause on the Democratic side.] Now, when the Democratic majority, speaking for the American people, undertakes to place the Government tax up those most able to bear it, the gentleman from Connecticut [Mr. HILL] comes forward with the Spanish-American war-tax scheme. That tax was paid by the people who were least able to pay it. [Applause.] The gentleman from Connecticut wants the stamp-tax law reenacted. Mr. Chairman, every poor man who had a few dollars in the bank had to pay the stamp tax every time he drew out a small sum of money. The poor man in distress who had to borrow money and give his note for it had to pay the stamp tax; the poor man who mortgaged his home or his farm or his crop or his horse or anything else had to pay a stamp tax; and when he finally lost

his home he had to pay the tax on the stamps that went upon the deed. [Applause.]

The CHAIRMAN. The time of the gentleman has expired.

Mr. CONNELL. Mr. Chairman, I ask unanimous consent that the gentleman from Alabama be given five minutes more.

The CHAIRMAN. All time has expired. Under the order of the House two hours having been devoted to debate under the five-minute rule, in pursuance of the further order of the House the committee will now rise.

Accordingly the committee rose and the Speaker resumed the chair.

Mr. MOON of Tennessee. Mr. Speaker, the Committee of the Whole House on the state of the Union has had under consideration the bill H. R. 21214, and has directed me to report the bill to the House with the recommendation that the bill do pass with an amendment. There is also an amendment pending to the bill which has not yet been acted upon.

The SPEAKER. Under the order of the House the previous question is considered as ordered on the bill and amendments. The Clerk will report the amendments.

The Clerk read as follows:

Amend, section 2, by adding the following:
"*And provided further*, That the provisions of this act shall not apply to the Chief Justice of the United States and the Associate Justices of the Supreme Court of the United States, or to the judges of the inferior courts of the United States established by Congress."

The SPEAKER. The question is on agreeing to the amendment.

The question was taken, and the amendment was rejected.

The SPEAKER. The Clerk will report the next amendment.

The Clerk read as follows:

Amend, page 5, line 12, by striking out the word "gross" and inserting the word "net" in lieu thereof.

The question was taken, and the amendment was agreed to.

The SPEAKER. The question is on the engrossment and third reading of the amended bill.

The question was taken, and the bill was ordered to be engrossed and read the third time.

The SPEAKER. The question is on the passage of the amended bill.

Mr. UNDERWOOD and Mr. MANN. Mr. Speaker, on that I demand the yeas and nays.

The SPEAKER. The gentleman from Alabama and the gentleman from Illinois both demand the yeas and nays.

The yeas and nays were ordered.

The question was taken; and there were—yeas 253, nays 40, answered "present" 6, not voting 97, as follows:

YEAS—253.

Adair	Davenport	Hay	Moore, Tex.
Adamson	Davidson	Hayden	Morrison
Aiken, S. C.	Davis, Minn.	Hayes	Morse, Wis.
Ainey	Davis, W. Va.	Heflin	Moss, Ind.
Akin, N. Y.	Denver	Helgesen	Mott
Alexander	Dickinson	Helm	Murdock
Allen	Difenderfer	Hensley	Murray
Anderson, Minn.	Dixon, Ind.	Holland	Neeley
Anderson, Ohio	Donohoe	Houston	Nelson
Ansberry	Doremus	Howard	Norris
Ashbrook	Doughton	Howland	Nye
Austin	Driscoll, D. A.	Hughes, Ga.	O'Shaunessy
Barchfeld	Dupré	Hughes, N. J.	Padgett
Barnhart	Dyer	Hughes, W. Va.	Page
Bartlett	Edwards	Hull	Parran
Bathrick	Ellerbe	Humphreys, Miss.	Patton, Pa.
Bell, Ga.	Esch	Jacoway	Pepper
Blackmon	Evans	Johnson, Ky.	Pickett
Boehne	Faison	Johnson, S. C.	Porter
Booher	Farr	Jones	Post
Bowman	Fergusson	Kendall	Pou
Broussard	Ferris	Kennedy	Powers
Brown	Finley	Kent	Pray
Buchanan	Floyd, Ark.	Kinkaid, Nebr.	Prouty
Bulkley	Focht	Kinkead, N. J.	Rainey
Burke, S. Dak.	Foss	Kitchin	Raker
Burke, Wis.	Foster, Ill.	Konop	Randell, Tex.
Burleson	Fowler	Kopp	Ransdell, La.
Burnett	Francis	Korbly	Rauch
Byrnes, S. C.	French	Lafferty	Redfield
Byrns, Tenn.	Garner	La Follette	Rees
Callaway	Garrett	Lamb	Reilly
Campbell	George	Langley	Roberts, Mass.
Candler	Glass	Lee, Ga.	Roberts, Nev.
Cantrill	Godwin, N. C.	Lee, Pa.	Roddenbery
Carlin	Good	Lenroot	Rodenberg
Carter	Goodwin, Ark.	Lever	Rouse
Catlin	Gray	Lindbergh	Rubey
Clayton	Green, Iowa	Linthicum	Rucker, Mo.
Cline	Gregg, Tex.	Lloyd	Russell
Collier	Hamilton, Mich.	Lobeck	Sabath
Connell	Hamilton, W. Va.	McCoy	Saunders
Conry	Hamlin	McGuire, Okla.	Scully
Cooper	Hammond	McKellar	Sells
Covington	Hanna	McKinney	Shackleford
Cox, Ind.	Hardwick	McLaughlin	Sharp
Cox, Ohio	Hardy	Madden	Sherley
Crago	Harrison, Miss.	Maguire, Nebr.	Sherwood
Cravens	Harrison, N. Y.	Martin, Colo.	Simmons
Cullop	Haugen	Miller	Sims
Daugherty	Hawley	Moon, Tenn.	Sisson
Slayden	Stephens, Nebr.	Townsend	Willis
Slemp	Stephens, Tex.	Tribble	Wilson, Ill.
Sloan	Stevens, Minn.	Turnbull	Wilson, N. Y.
Small	Stone	Tuttle	Wilson, Pa.
Smith, J. M. C.	Sweet	Underhill	Witherspoon
Smith, Saml. W.	Switzer	Underwood	Woods, Iowa
Smith, Tex.	Taggart	Volstead	Young, Kans.
Sparkman	Talbott, Md.	Warburton	Young, Mich.
Stanley	Talcott, N. Y.	Watkins	Young, Tex.
Stedman	Taylor, Ala.	Webb	The Speaker
Steenerson	Taylor, Colo.	Wedemeyer	
Stephens, Cal.	Taylor, Ohio	White	
Stephens, Miss.	Thomas	Wickliffe	

NAYS—40.

Browning	Fordney	Howell	Needham
Calder	Gardner, Mass.	Humphrey, Wash.	Payne
Cannon	Gardner, N. J.	Knowland	Plumley
Crumpacker	Gillett	Lawrence	Reyburn
Currier	Greene, Mass.	Longworth	Sterling
Danforth	Harris	Loud	Sulloway
Dodds	Hartman	McKenzie	Tilson
Draper	Henry, Conn.	Malby	Towner
Driscoll, M. E.	Higgins	Mann	Utter
Fairchild	Hill	Mondell	Wilder

ANSWERED "PRESENT"—6.

Bates	Flood, Va.	Jackson	Kahn
Burgess	Gallagher		

NOT VOTING—97.

Ames	Dwight	Lafean	Olmsted
Andrus	Estopinal	Langham	Palmer
Anthony	Fields	Legare	Patten, N. Y.
Ayres	Fitzgerald	Levy	Peters
Bartholdt	Fornes	Lewis	Prince
Beall, Tex.	Foster, Vt.	Lindsay	Pujo
Berger	Fuller	Littlepage	Richardson
Bingham	Goeke	Littleton	Riordan
Borland	Goldfogle	McCall	Robinson
Bradley	Gould	McCreary	Rothermel
Brantley	Graham	McDermott	Rucker, Colo.
Burke, Pa.	Gregg, Pa.	McGillicuddy	Sheppard
Butler	Griest	McHenry	Smith, Cal.
Cary	Gudger	McKinley	Smith, N. Y.
Clark, Fla.	Guernsey	McMorran	Speer
Claypool	Hamill	Macon	Stack
Copley	Heald	Maher	Sulzer
Curley	Henry, Tex.	Martin, S. Dak.	Thayer
Curry	Hinds	Matthews	Thistlewood
Dalzell	Hobson	Mays	Vreeland
De Forest	Hubbard	Moon, Pa.	Weeks
Dent	James	Moore, Pa.	Whitacre
Dickson, Miss.	Kindred	Morgan	Wood, N. J.
Dies	Konig	Oldfield	

The SPEAKER. The Clerk will call my name.

The name of Mr. CLARK of Missouri was called, and he voted "aye," as above recorded.

So the bill was passed.

The Clerk announced the following pairs:

For the session:

Mr. GRAHAM with Mr. BUTLER.

Mr. FORNES with Mr. BRADLEY.

Mr. PUJO with Mr. MCMORRAN.

Mr. RIORDAN with Mr. ANDRUS.

Until further notice:

Mr. SHEPPARD with Mr. BATES.

Mr. CLARK of Florida with Mr. LANGHAM.

Mr. MAYS with Mr. THISTLEWOOD.

Mr. HINDS with Mr. GOULD.

Mr. MCGILLICUDDY with Mr. GUERNSEY.

Mr. MCDERMOTT with Mr. PRINCE.

Mr. OLDFIELD with Mr. BINGHAM.

Mr. GALLAGHER with Mr. FULLER.

Mr. ROTHERMEL with Mr. GRIEST.

Mr. MAHER with Mr. DE FOREST.

Mr. HOBSON with Mr. BARTHOLDT.

Mr. FITZGERALD with Mr. COPLEY.

Mr. MACON with Mr. SMITH of California.

Mr. LITTLETON with Mr. DWIGHT.

Mr. DENT with Mr. ANTHONY.

Mr. LITTLEPAGE with Mr. BURKE of Pennsylvania.

Mr. BEALL of Texas with Mr. CARY.

Mr. BRANTLEY with Mr. DALZELL.

Mr. FIELDS with Mr. CURRY.

Mr. GUDGER with Mr. FOSTER of Vermont.

Mr. CLAYPOOL with Mr. HEALD.

Mr. HENRY of Texas with Mr. MCKINLEY.

Mr. KINDRED with Mr. MARTIN of South Dakota.

Mr. PALMER with Mr. MOON of Pennsylvania.

Mr. CURLEY with Mr. VREELAND.

Mr. PETERS with Mr. MATTHEWS.

Mr. SMITH of New York with Mr. VREELAND.

Mr. SULZER with Mr. WOOD of New Jersey.

Mr. LEWIS with Mr. SPEER.

Mr. GOLDFOGLE with Mr. LAFEAN.

Mr. GOEKE with Mr. HUBBARD.

Mr. JAMES (for income-tax bill) with Mr. MCCALL (against income-tax bill).

Mr. DIES (for income-tax bill) with Mr. KAHN (against income-tax bill).

Until noon, March 20:

Mr. FLOOD of Virginia with Mr. OLMSTED.

Until March 20:

Mr. PATTEN of New York with Mr. MOORE of Pennsylvania.

Mr. GREGG of Pennsylvania (for income-tax bill) with Mr. MCCREARY (against income-tax bill).

Commencing March 11 and ending April 2:

Mr. BURGESS with Mr. WEEKS.

Until April 5:

Mr. THAYER with Mr. AMES.

The result of the vote was announced as above recorded.

On motion of Mr. UNDERWOOD, a motion to reconsider the vote by which the bill was passed was laid on the table.

AMERICAN REGISTERS FOR SEAGOING VESSELS.

Mr. HUMPHREY of Washington. Mr. Speaker, I ask unanimous consent that the time for filing views of the minority on the bill (H. R. 16692) to provide American registers for seagoing vessels, and so forth, be extended for seven legislative days (H. Rept. 405, pt. 2).

The SPEAKER. The gentleman from Washington asks unanimous consent that the time for filing the views of the minority on H. R. 16692 be extended for seven legislative days. Is there objection? [After a pause.] The Chair hears none.

PUBLICITY OF CONGRESSIONAL CAMPAIGNS.

Mr. LLOYD. Mr. Speaker, I wish to renew the request I made a few moments ago to which the gentleman from Georgia [Mr. BARTLETT] objected.

The SPEAKER. The gentleman from Missouri [Mr. LLOYD] asks unanimous consent to print in the RECORD——

Mr. BARTLETT. Mr. Speaker, reserving the right to object——

The SPEAKER. The gentleman from Georgia will wait until the Chair states the question. The gentleman from Missouri [Mr. LLOYD] asks unanimous consent to print in the RECORD certain forms, which were agreed upon between him and the gentleman from Illinois [Mr. MANN], as to certain affidavits touching the expenses of the candidates for Congress before nomination and after nomination and before and after election, and to extend his remarks. Coupled with that was the request of the gentleman from Illinois to amend by ordering the Clerk to print these forms for the candidates for Congress, sitting Members, and others.

Mr. BARTLETT. Mr. Speaker, reserving the right to object, I would like to say that I do not think this will do any good, yet I do not think it will do any harm. I have examined the papers, prepared, I am informed, by the gentleman from Missouri [Mr. LLOYD] and the gentleman from Illinois [Mr. MANN], and as there seems to be some desire on the part of the Members of the House to have the matter disposed of in the way in which it has been requested to be acted upon by both the gentleman from Missouri and the gentleman from Illinois, while I do not withdraw any suggestions I may have made with reference to the matter, I do not feel inclined to press my objection.

The SPEAKER. Is there objection? [After a pause.] The Chair hears none, and it is so ordered.

Mr. LLOYD. Mr. Speaker, after conference with several Members of the House, I have taken it upon myself to confer with the gentleman from Illinois [Mr. MANN], the minority leader, about the form of statement which is required to be made by each candidate for Congress. Under the existing law every candidate who receives a nomination and is voted upon at the election is required to make four statements. The first one must be filed in the office of the Clerk of the House of Representatives at Washington, D. C., not more than 15 days and not less than 10 days next before the primary election or nominating convention. The law directs what kind of statement shall be made by such candidate. The gentleman from Illinois and myself have agreed upon a form which we offer for use by each candidate if he desires it. We have no intention to make the use of this form mandatory. Every individual, of course, is expected to construe the law for himself and to file a statement in accordance with the law as he understands it.

We submit, however, a form for use prior to the nomination as follows:

(To be filed with the Clerk of the House of Representatives, Washington, D. C., not less than 10 or more than 15 days before the date of the primary election or nominating convention.

The depositing of this statement in a regular post office, directed to the Clerk of the House of Representatives, duly stamped and registered, within the time above required, is a sufficient filing of the statement.)

STATEMENT OF RECEIPTS AND EXPENDITURES OF CANDIDATE FOR NOMINATION FOR REPRESENTATIVE IN CONGRESS.

(For filing before primary election or nominating convention.)

I hereby certify that the following is a full, correct, and itemized statement of all moneys and things of value received by me or by anyone for me with my knowledge and consent from any source, together with the names of all those who have furnished the same in whole or in part, in aid or support of my candidacy for the ——— nomination for Representative in the Congress of the United States from the ——— congressional district of the State of ———, at the primary election (nominating convention) to be held in said district on the ——— day of ———, 1912, viz:

Also, that the following is a true and itemized account of all moneys and things of value given, contributed, expended, used, or promised by me, or by my agent, representative, or other person for or in my behalf with my knowledge or consent, together with the names of those to whom such gifts, contributions, payments, or promises were made for the purpose of procuring my nomination at such primary election (nominating convention), not including any money expended by me to meet and discharge any assessment, fee, or charge made or levied upon candidates by the laws of the State in which I reside or for my necessary personal expenses incurred for myself alone for travel, subsistence, stationery, postage, or writing or printing (other than in newspapers), and distributing letters, circulars, and posters, or for telegraph and telephone service, viz:

(Signature of candidate) ———— ————,

(Address) ————.

———— ————, ss:

————, being duly sworn, deposes (affirms) and says that the foregoing is a true and correct statement of his candidacy for nomination for Congress and of all the receipts and expenditures in aid or support of his candidacy as therein above set forth.

————.

Subscribed and sworn to (affirmed) before me this — day of ———, A. D. 1912.

[SEAL.] ————.

MEMORANDUM: The above statement must be verified by oath or affirmation of the candidate before an officer in the district in which he is a candidate for Representative, unless such candidate shall be in attendance upon Congress as a Member thereof, in which case he may verify his statement in the District of Columbia.

NOMINATION FOR CONGRESS.

Statement of receipts and expenses of ——— ———, — district of ———.

Primary or convention, ———, 1912.

Mailed ———, 1912.

Received and filed ———, 1912.

The next statement which is required to be filed by any person who is a candidate for the nomination for Congress must be filed within 15 days after the primary election or nominating convention. This statement must be filed with the Clerk of the House of Representatives at Washington, D. C., and is a little different in form from that which is required in the first statement. The gentleman from Illinois and myself submit herewith as a suitable form for use by the candidate, in our judgment, the following:

(To be filed with the Clerk of the House of Representatives, Washington, D. C., within 15 days after the date of the primary election or nominating convention. The depositing of this statement in a regular post office, directed to the Clerk of the House of Representatives, duly stamped and registered, within the time above required, is a sufficient filing of the statement.)

STATEMENT OF RECEIPTS AND EXPENDITURES OF CANDIDATE FOR NOMINATION FOR REPRESENTATIVE IN CONGRESS.

(For filing after primary election or nominating convention.)

I hereby certify that the following is a full, correct, and itemized statement of all moneys and things of value received by me or by anyone for me with my knowledge and consent from any source, not included in the statement heretofore filed by me with the Clerk of the House of Representatives, together with the names of all those who have furnished the same in whole or in part, in aid or support of my candidacy for the ——— nomination for Representative in the Congress of the United States from the ——— congressional district of the State of ———, at the primary election (nominating convention) to be held in said district on the ——— day of ———, 1912, viz:

Also, that the following is a true and itemized account of all moneys and things of value given, contributed, expended, used, or promised by me, or by my agent, representative, or other person for or in my behalf with my knowledge or consent, not included in the statement heretofore filed by me with the Clerk of the House of Representatives, together with the names of those to whom such gifts, contributions, payments, or promises were made for the purpose of procuring my nomination at such primary election (nominating convention) not including any money expended by me to meet and discharge any assessment, fee, or charge made or levied upon candidates by the laws of the State in which I reside or for my necessary personal expenses incurred for myself alone, for travel, subsistence, stationery, postage, or writing or printing (other than in newspapers), and distributing letters, circulars, and posters, or for telegraph and telephone service, viz:

Also, that the following is a correct summary of the statement made and filed by me with the Clerk of the House of Representatives prior to said primary election (nominating convention) as required by law, viz:

Also, that the following is a correct statement of every promise or pledge made by me or by anyone for me with my knowledge and consent or to whom I have given authority to make such promise or pledge relative to the appointment or recommendation for appointment of any person to any position of trust, honor, or profit, either in a county, State, or the Nation, or in any political subdivision thereof, or in any

private or corporate employment, for the purpose of procuring the support of such person or of any person in my candidacy as aforesaid, together with the names, addresses, and occupation of the respective persons to whom such promises or pledges have been made, and a description of the respective positions relating to which such promises or pledges have been made, viz:

(Cross out if promise has been made.)

I further certify that no promise or pledge has been made by me, or by anyone for me with my knowledge or consent or to whom I have given authority to make such promise or pledge, relative to the appointment or recommendation for appointment of any person to any position of trust, honor, or profit, either in a county, State, or the Nation, or in any political subdivision thereof, or in any private or corporate employment, for the purpose of procuring the support of such person or any person in my candidacy as aforesaid.

(Signature of candidate) ——— ———,
(Address) ——— ———.

——— ———, ss:

——— ———, being duly sworn, deposes (affirms) and says that the foregoing is a true and correct statement of his candidacy for nomination for Congress and of all the receipts and expenditures and promises or pledges relative to appointment in aid or support of his candidacy as therein above set forth.

——— ———.

Subscribed and sworn to (affirmed) before me this —— day of ———, A. D. 1912.

[SEAL.] ——— ———.

MEM.: The above statement must be verified by oath or affirmation of the candidate before an officer in the district in which he is a candidate for Representative, unless such candidate shall be in attendance upon Congress as a Member thereof, in which case he may verify his statement in the District of Columbia.

(Backing.)

NOMINATION FOR CONGRESS.

Statement of receipts and expenses of ——— ———, ——— district of ———.

Primary or convention, ———, 1912.
Mailed ———, 1912.
Received and filed ———, 1912.

Both the statement which is required to be filed before the primary election or nominating convention and the statement which is required to be filed after the primary election or nominating convention must be sworn to or affirmed before an officer who is authorized to administer oaths under the laws of the State in which the candidate resides and shall be sworn to or affirmed by the candidate in the district in which he is a candidate for Representative in Congress. If, however, at the time of said primary election or nominating convention said candidate shall be in attendance upon the House of Representatives as a Member thereof he may, at his election, verify said statement before any officer authorized to administer oaths in the District of Columbia.

The law further provides that the depositing of either of said statements in a regular post office, directed to the Clerk of the House of Representatives, duly stamped and registered, within the time required herein shall be deemed a sufficient filing of any such statement under any of the provisions of this act.

The law provides also that no candidate for Representative in Congress shall give, contribute, expend, use, or promise, or cause to be given, contributed, expended, used, or promised, in procuring his nomination and election any sum in the aggregate in excess of the amount which he may lawfully give, contribute, expend, use, or promise under the laws of the State in which he resides. Provided, that no candidate for Representative in Congress shall give, contribute, expend, use, or promise any sum in the aggregate exceeding five thousand ($5,000) dollars in any campaign for nomination and election.

The publicity act further provides that no money that may be expended by any candidate to meet and discharge any assessment, fee, or charge made or levied upon candidates by the laws of the State in which he resides, or for his necessary personal expenses, incurred for himself alone, for travel and subsistence, stationery and postage, writing or printing—other than in newspapers—distributing letters, circulars, and posters, and for telegraph and telephone service, shall be regarded as an expenditure within the meaning of this section, nor shall it be considered any part of the sum herein fixed as the limit of expense and need not be shown in the statement required to be filed.

The statute directs that no candidate for Representative in Congress shall promise any office or position to any person, or to use his influence or to give his support to any person for any office or position for the purpose of procuring the support of such person, or any person, in his candidacy.

I have called attention to the provisions of the publicity act as far as they are applicable to the statement which is required to be made immediately preceding the primary election or nominating convention, and the statement required to be made after the primary election or nominating convention, and I hope that these suggestions may be of use and profit to the membership of this House.

LEAVES OF ABSENCE.

By unanimous consent, leaves of absence were granted—

To Mr. HINDS, indefinitely, on account of illness.

To Mr. HEALD, for five days, on account of illness.

To Mr. BROWN, for one week, on account of illness in family.

To Mr. MORRISON, for one week, on account of important business.

RIVERS AND HARBORS APPROPRIATION BILL.

Mr. SPARKMAN. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the state of the Union for consideration of House bill 21477, being a bill entitled "A bill making appropriation for the construction, repair, and preservation of certain public works on rivers and harbors, and for other purposes"; and pending that I ask unanimous consent that general debate be limited to one hour, one-half to be controlled by myself and one-half by the gentleman from Massachusetts [Mr. LAWRENCE].

The SPEAKER. The gentleman from Florida [Mr. SPARKMAN] moves that the House resolve itself into the Committee of the Whole House on the state of the Union for the consideration of the bill H. R. 21477, and pending that asks unanimous consent that general debate be limited to one hour, one half to be controlled by himself and the other half by the gentleman from Massachusetts [Mr. LAWRENCE]. Is there objection to the request for general debate? [After a pause.] The Chair hears none. The question is on the motion that the House resolve itself into the Committee of the Whole House on the state of the Union.

The motion was agreed to.

Accordingly the House resolved itself into the Committee of the Whole House on the state of the Union for the consideration of the bill H. R. 21477, the rivers and harbors appropriation bill, with Mr. RAINEY in the chair.

The CHAIRMAN. The Clerk will report the bill.

The Clerk read as follows:

H. R. 21477. A bill making appropriation for the construction, repair, and preservation of certain public works on rivers and harbors, and for other purposes.

Mr. SPARKMAN. Mr. Chairman, I ask unanimous consent that the first reading of the bill be dispensed with.

The CHAIRMAN. The gentleman from Florida asks unanimous consent that the first reading of the bill be dispensed with. Is there objection? [After a pause.] The Chair hears none.

Mr. SPARKMAN. Mr. Chairman, I hope not to consume all of the time that has been reserved to me, and I will ask that I may proceed without interruption until I have made the brief statement that I propose to make touching the provisions in the bill, when I will be glad to reply to any questions that Members may wish to ask concerning the measure.

The bill carries $26,262,520.50 in cash and authorization, which is the smallest aggregate of any similar measure brought into this House since that of 1894. The bill of that year, as introduced, carried $9,431,689.56, but that of 1896, the largest up to that time in the history of the country, reached the sum of $62,051,000. From then on they range in amounts all the way from $83,816,138, carried by the bill of 1907, the largest ever considered by this body, down to $31,409,224, the aggregate of that of 1911.

The conservatism which resulted in the small amount carried by this bill was made advisable, in the opinion of the committee, on account of Treasury conditions and a consequent desire to keep the aggregate down to the lowest amount possible, at the same time providing adequate funds to carry on the various projects demanding attention until the next river and harbor bill shall have been enacted into law, and was made possible by reason of the policy of annual bills inaugurated two years ago.

Under that system it is in most cases only necessary to appropriate an amount sufficient to maintain the work, in case of maintenance, or to prosecute a project under way for a year. Sometimes, as in the present instance, only for a period of eight or nine months. At the same time it enables the engineers the better to estimate the amount necessary to prosecute the work on a project for the ensuing year and to furnish a safe guide to the committee in the consideration of a bill. Such estimates were made by the engineers and were followed by the committee in the preparation of the pending measure, their advice being freely sought wherever doubts arose in the minds of the committee during its deliberations. In only a few instances have the recommendations for cash appropriations made by the engineers been increased. In these few cases the increase was made necessary on account of changed conditions, the committee ascertaining that for one cause or another the estimates, as furnished by the engineers, were too small. Among these few

are the Delaware River below Philadelphia; St. Johns River, Fla.; and Winyah Bay, S. C. But we have not in any case exceeded the cash estimates and authorizations combined where continuing contracts were recommended, of which there are quite a number in the Book of Estimates.

It will be seen, however, that there is only one provided for in this bill, and that for the Ohio River. It was declared in the bill of 1910, when the 9-foot project for the Ohio River was finally adopted, that the improvement should be completed in 12 years—meaning, as I understand, that at least the appropriations for its completion should all be made within that time—and although the engineers had recommended for this bill a cash appropriation of $3,200,000, they further suggested an authorization of $5,300,000. But after consultation the committee found that, without any detriment to the work or the plan for its completion within the time fixed in the act of 1910, they could easily get along with an authorization, in addition to the cash recommendation, of $2,200,000, which we have given. I wish it distinctly understood, however—and in saying this I but voice the sentiment of the entire committee—that in thus reducing the amount recommended for contract authorization we did not intend to abandon the plan for the completion of this great work within the time specified.

In fixing the amount for each item, whether relating to an existing or a new project, the committee has had in mind the fact that only eight or nine months will elapse before another bill will be presented and enacted into law, which must be done not later than the 4th of March of next year, when additional funds can and doubtless will be provided for each uncompleted project or such as can not be completed with funds heretofore authorized. Then, too, projects not now considered, whether on account of the necessity for conservatism in the matter of appropriations or for other reasons, may be again presented to the committee and through it to Congress.

We have not considered favorably all the projects that have been heretofore submitted to Congress or to this committee. When we began the preparation of this bill we found something like 135 new projects awaiting consideration by the committee and by Congress, the whole aggregating something like $65,000,000. Of this number we have only taken care of 54 in the pending measure, but the amount involved is much more than the aggregate of those remaining, some 85 in number. That is to say, while we have considered favorably only a little more than one-third of the relatively recent projects now before Congress, the amount recommended to complete the 54 adopted constitutes nearly two-thirds of the whole. We have, for instance, adopted projects the appropriations for which, however, are small, amounting to something like $41,000,000, leaving only about $24,000,000 now before Congress yet to be considered.

In selecting those embraced within the bill we have been governed entirely by the urgency and relative importance of the projects considered from the standpoint of the commerce, either present or prospective, to be accommodated, and believe that we have made few, if any, mistakes. Certainly I may assure this body that the committee has endeavored to select wisely, intending, of course, to give further consideration to the projects omitted from the present measure in the preparation of the next bill. In the consideration of this, as in those which have preceded it, the Committee on Rivers and Harbors have treated each individual project alone upon its merits without regard to section, locality, or outside pressure of any kind.

And right here it may not be improper to advert to criticisms leveled at the River and Harbor Committee and at Congress, not so frequently of late, however, as in years gone by, that these bills are pork-barrel measures; that the log-rolling element enters into their consideration. This charge, whenever or wherever made, is entirely unjust and without foundation. No project has ever been adopted within the range of my experience and observation as a member of the Rivers and Harbors Committee, covering a period of 16 years, for any other reason than that of the commercial advantages to accrue to the country from the doing of the work called for in the project considered. [Applause.] And, Mr. Chairman, during this time we have provided for hundreds of projects, involving an expenditure of $323,000,000 and ranging all the way from those of greater magnitude, like the harbors of New York and Boston and long stretches of river like the Mississippi and the Ohio, to small streams and less pretentious harbors; but whether great or small the only thought has been the commerce to be benefited by the money appropriated or authorized. If, incidentally, Members were pleased or constituencies gratified, so much the better; but these considerations did not, and have not, influenced us in the adoption of projects or in determining the amounts appropriated therefor. Let me further say, Mr. Chairman, that we have done the best we could in the selection of the items which have gone into this bill and in fixing the amounts appropriated or authorized, and if there is anyone who sees, or think he sees, ground for criticism now is the time to raise his voice or else hereafter hold his peace. We trust we are able to defend successfully every item in this bill, and invite the closest scrutiny of any and all its provisions. [Applause.]

Still another criticism of river and harbor bills has been that small streams and insignificant harbors are cared for and money unwisely spent thereon. In the first place, I want to say that in none of the bills to which I have referred have the amounts appropriated for such projects been large, but in each case the commerce to be benefited has amply justified the expenditure. There are purely intrastate rivers—indeed, streams wholly within a single county—which accommodate commerce originating on or near their banks and which is carried on their waters to railroad terminals or to the ocean and thence to other States, and even to far-distant lands. These are as much interstate streams and are as much entitled, under the commerce clause of the Constitution, to Federal aid and care as though they traversed half a dozen or a dozen States. Then, too, in point of commercial importance they compare favorably with many of these longer and more pretentious streams. Some of them, considering the relative cost of improvement, are even of more importance, carrying—in proportion to the money expended on them—many times the commerce borne on the larger and longer streams.

There is yet another criticism, not so often used nowadays, still occasionally suggested, that the States represented on the committee are better treated than those not so represented; that the former get the larger amounts of appropriations recommended by the committee. The latter statement is perhaps true, but if so it is because their commercial importance justifies the consideration given them. There are 19 States directly represented on this committee. These constitute a little more than one-third of the States of the Union, but they have at least three-fourths of our coast line, more than three-fourths of the harbors and mileage of the navigable rivers, as also 90 per cent of the water-borne commerce of the country. So that, if they receive more they are entitled to more, and deserve all the attention given them.

The measure contains 261 items of appropriation. Of these, 102 are for the continuation of work on existing projects, 54 for new projects, and 105 for maintenance. For the 102 existing projects the bill carries $20,588,000; for the new, $4,477,070.50; and for maintenance, only $1,197,450. I say only $1,197,450, because, in my judgment, this is a small sum for that purpose, and makes a very creditable showing. Indeed, it speaks eloquently for the skill and ability of the engineers under whose direction the rivers and harbors of this country have been improved, at an expenditure up to the present time of more than $627,000,000. The engineering skill which during more than three-quarters of a century could expend that large sum of money on the improvement of the waterways of this country and at the same time do their work so efficiently that only a little more than a million dollars is necessary in the present bill to maintain all their work makes indeed a creditable showing. Indeed, it evidences the fact that they have done their work wisely and well. [Applause.]

In addition to the projects before Congress at the time this bill was prepared, and for which provision has not been made therein, there were something like 190 surveys still before the engineers upon which reports had not been made. Some of these may have come in since the introduction of this measure, and sooner or later all of them will be here, either with or without favorable recommendation. To those favorably reported to Congress we, of course, will give due consideration and adopt or reject them according to their individual merits, but in order to give a project a status before the River and Harbor Committee it is necessary for it to come there with a favorable recommendation from the engineers. This is a rule of the committee, not formally adopted to be sure, but one sanctioned by time and by the practice of the committee for several years. That policy has met with some criticism by a few, and doubtless will be criticized again, but I think a moment's reflection will show its wisdom.

The engineers who pass upon these projects go into and investigate the localities where a work is proposed, not only with a view to determining its advisability but for the purpose of making estimates as to the cost of the project. While they are on the ground they must necessarily familiarize themselves with conditions there, including the commercial advantages likely to accrue from the adoption and the completion of the project, and hence become well qualified to pass upon the advisability of doing a given piece of work.

Mr. GARRETT. Mr. Chairman, will the gentleman from Florida yield?

The CHAIRMAN. Does the gentleman yield to the gentleman from Tennessee?

Mr. SPARKMAN. Would the gentleman mind waiting for a while? I would prefer to finish my statement, then I will be glad to yield.

Mr. GARRETT. Very well.

Mr. SPARKMAN. Then, again, Mr. Chairman, if we were once to abandon this rule, which I admit is an arbitrary one—if we once got away from it, I fear that the criticism to which I referred a moment ago—that the river and harbor bill is a pork-barrel measure—could be made with some show of justice, as we would then likely be overwhelmed with all kinds of projects, and without some safe rule to guide us might be the victim of combinations, which would destroy or make difficult this class of legislation. So it seems to me that for the present at least we must adhere to that rule. Whether we can get away from it in the future, whether we can devise some other or better plan for the giving of a status to a project before our committee in the preparation of river and harbor bills, remains to be seen.

Among the projects which we have inserted and provided for in this bill are the Missouri River below Kansas City at a cost when completed of $20,000,000; the Tennessee River, to cost $6,700,000; the inland waterway from Norfolk, Va., to Beaufort Inlet, N. C., to cost $5,400,000; Sabine Pass, Tenn., $2,000,000; and the construction of a large new lock in the St. Marys River at the falls at a cost of $3,275,000. Although these sums are large it is hoped that each of the projects may be completed within a reasonable time, for while the existing commerce on some of these waterways is small at present as compared with that on a few other streams in this country, it is believed that their completion in accordance with the projects adopted will result immediately in a large commerce upon each of them and that benefits entirely commensurate with the outlay will result to the country at large. The resources of the areas contiguous to these waterways and the rapid development of the sections through which they run seem to justify this expectation.

The project for the further improvement of the falls in St. Marys River may be said to stand in a class by itself, it being one of the most important arteries of commerce in the whole country. It already accommodates a large freight tonnage. For the year 1911 the commercial statistics furnished by the engineers show a total of 62,363,218 tons going over this river, an increase of 30,817,112 tons since 1904, and from all appearances this tonnage will continue to increase rapidly for several years to come.

The great industrial interests depending upon this enormous commerce and the damage that would result from any serious delay in its passage to points of destination made the committee unwilling to take any chances of freight congestion at these falls which ample lock facilities might prevent. Hence, it was though best to provide in this bill for the construction of another large lock alongside of the one now being built, and to wait until this lock is completed before beginning the enlargement of the Poe Lock, as suggested by some of the engineers. The committee was influenced in the course taken in the present bill and to construct the larger lock by the Chief of Engineers, who not only recommended this course in his report to Congress, but adhered to the same in an interview had with him by the Committee on Rivers and Harbors, he being of the opinion that the building of the new lock is much the wiser course.

It will be seen that the bill contains quite a number of items where projects have been adopted, subject to conditions set forth in the reports of the engineers recommending such projects. These recommendations usually take the shape of local participation; that is, that the localities or parties immediately interested contribute something toward the prosecution of the improvement. Occasionally the recommendation is that the right of way, where such is desired, be furnished, or that terminal facilities to a given extent be afforded. The proportions thus recommended to be contributed by localities range all the way from one-fifth to one-half of the amount estimated to complete the projects, respectively, and are based on advantages especially accruing either to individuals or to the localities where the commerce is more local than general.

In this connection I wish to call attention to provisions in the bill extending the scope of the investigations heretofore required of the engineers in preliminary and other examinations and the reports thereon. Among these are inquiries into both private and public terminals—transfer and dock facilities contiguous to the waterways or harbors to be improved. This is a subject the importance of which can not be overrated. One of the most serious handicaps to water transportation heretofore existing has been the lack of dock facilities within the reach of everyone and at reasonable rates to all desiring to use the waterway in question. The tendency had been for many years toward the ownership and control of such facilities by railroads, or by them and steamship companies acting in conjunction, a practice not conducive to competition in freight carriage or to the cheap handling of freight. The result has been in many instances to almost destroy transportation by water, as it is impossible for private enterprise to compete, in the face of such drawbacks, with railroad transportation or combinations of railroads and steamship lines. This is a condition which does not exist in European countries, as the various governments abroad exercise a greater degree of control over railroads than has heretofore been exercised in the United States; and this, I may say, furnishes an important reason, if not the chief one, for the greater use of the waterways of Europe than is made of those in this country. A change, however, is now taking place here. But while many communities, including several of the larger cities, have awakened to the importance of freeing commerce from this handicap by municipal or other public ownership or control of dock and terminal facilities, much remains to be done. Legislation to remedy this will, perhaps, be necessary, but, before undertaking, such information not now in the possession of Congress is needed, and it is the purpose of the provision to which I have just referred to furnish this information.

The plan adopted in this and in the two preceding bills of fixing a time limit for the completion of some of the larger projects should be commended. The spasmodic, haphazard way in which work had been carried on before by reason of insufficient appropriations caused parties inclined to use waterways to hesitate in making the necessary arrangements, as there could be no certainty as to when the improvement would be finished and the waterway in a condition for use. Such a provision in a measure commits Congress to the plan and practically insures continuance of the appropriations necessary for its completion within the time limit. Of course no one Congress can in this way irrevocably commit another to a given plan in the matter of waterway improvement, but the tendency is in that direction, and I have no doubt but that in each case Congress will continue the appropriations from year to year until the projects so undertaken are completed. Indeed, acting in response to a strong public sentiment in that direction, I feel confident that Congress will furnish the money necessary to complete all the projects now under way and in sight, whether large or small, as early as is practicable and without the discouraging delays which have heretofore retarded the growth and development of the commerce depending upon waterway and harbor improvement. [Applause.]

There is one important project adopted in the present bill with a time limit of 10 years for its completion—that for the Missouri River below Kansas City. It is proper, however, to add that the bills of 1910 and 1911 carried amounts for this stretch of the river aggregating $1,600,000, which have been used or will be expended in the completion of that project, so that with the sum provided in this bill there only remains of the original amount $18,400,000 to be provided in future bills.

Now, Mr. Chairman, I have not covered all the provisions of this bill and the limited time at my disposal will not permit me to do so, but I wish to ask the indulgence of the House a little longer.

This is one of the most important measures that has been brought or will be introduced into the House during the present session. This the people understand, and there is throughout the country to-day a greater interest manifested in favor of river and harbor improvement than ever before in our history. They have found that the railroads are unable to do all the carrying business of the country; they have seen that, although the development of these transportation agencies has gone on until their trackage reaches 240,000 miles, with the very best equipment in the world, with all that trackage and this superior equipment they are unable to do the business required of them, except in favored localities. [Applause.]

The people, accustomed for nearly three-quarters of a century to rely upon the railroads, have found them falling below the demands made upon the transportation energy of the country, and that if the development of our resources is to go on and our surplus products distributed to the consuming populations of this and other countries, our harbors must be deepened, our rivers further improved, and canals constructed wherever such may be made to serve a useful purpose; and there are several such places throughout the country—localities where comparatively narrow stretches of land may be traversed and navigable waters, either of lake and river or ocean and gulf connected. The necessity for this class of improvement was never so great as now, because the development of our resources was never so pronounced as at this time. There is scarcely a locality, north, south, east, or west, that is not feeling the touch of

this spirit of development and progress. Lands hitherto lying idle, localities heretofore neglected, resources up to this time disregarded, are now being developed so that all our transportation facilities—wagon and railroad, river and harbor, supplemented by artificial waterways—will soon be required, indeed, are now demanded.

Mr. Chairman, we hear much of tariff and other forms of taxation, and they are a necessity, else government—national, State, county, and municipal—can not go on. The tax burdens for these purposes are heavy, but not nearly so great as the transportation tax by wagon, rail, and water in the United States. These, it is estimated, are more than two and one-half times greater than the former. The people are taxed, so it is said, $2,000,000,000 a year to support the various governmental agencies—Federal, State, county, and municipal—and more than $5,000,000,000 for transportation by the three methods just mentioned—wagon, rail, and water—so that there is no greater problem confronting the American people to-day than that of transportation, and into the settling of this problem two things at least enter—efficiency and cost. The people are interested in both. Efficiency, because on that depends safety and dispatch in the transportation of person and property. Cost, because on the transportation charges depends largely the profits of him who uses the transportation facilities. Improved waterways not only add materially to these facilities, but they are great regulators of freight and passenger rates, of which all the people receive the benefit, some more than others, perhaps, but each and all reap to a certain degree, directly or indirectly, a benefit from the lowering of rates by the increase of water transportation facilities. Hence, I repeat: There is not a more important measure claiming the attention of this body than the rivers and harbors bill. Having for its purpose the development of our numerous harbors and the improvement of the 25,000 miles of navigable waterways now being used, together with the 25,000 more miles of rivers that may be easily made navigable, and all to the end that ample transportation facilities may be furnished to the people in so far as these can be furnished by this class of development, its importance can not be overestimated.

Mr. Chairman, I said this is a most important measure, and it is. But it is more. It is also the most popular of any introduced or that will be introduced into this House. The people, of course, recognize that the great supply bills for the carrying on of the Government must be passed. They tolerate the naval appropriation bill, which provides for the battleships—those powerful engines of destruction—and the military appropriation bill, which keeps up the Army to a standard of efficiency, because, forsooth, some time in the future they may be needed for purposes of defense. War may come, an enemy may menace, yet these are happily uncertain and, we hope, remote possibilities. But we know that the development of our resources is going on, that our commerce is increasing, and that the necessity is ever present for transportation facilities to accommodate its growth and development. Wars we would prevent, but commercial growth we would encourage. The one brings prosperity and happiness, the other sorrow and adversity. All this the people understand; hence the popularity of this class of legislation, and they will brook no delay nor tolerate any backward step along that line. And, let me say, no one will reflect the wishes of his constituents by opposition to a measure fraught with the possibilities for good with which these measures are laden. And, Mr. Chairman, we are making commendable headway. Only a few years—10 or 15 at most—will be necessary at the present rate of progress to do all the river and harbor work now in sight. The last three bills, including the present, averaged about $38,000,000. But suppose we should for the next decade and a half average a smaller sum than that—thirty or thirty-five millions, for instance—even then one can readily see that nearly a half billion of dollars will have been appropriated by Congress. Add to that the sum of nearly $700,000,000 which has been appropriated since the Federal Government took charge of river and harbor work, and we get an aggregate of nearly $1,200,000,000, an amount greater than that expended by any other government in the civilized world. No country in Europe or elsewhere will have done so much, and none will have a greater mileage of navigable waterways or a greater number of first-class harbors than ours. [Applause.]

The amount above suggested will be sufficient to complete not only the improvements in the Mississippi River and its tributaries, embracing projects amounting to hundreds of millions of dollars, but the amount will be sufficient to take care of all the projects now in sight, including the intracoastal waterways, or such of them as Congress may see proper to adopt. [Applause.]

The CHAIRMAN. The time of the gentleman has expired.

Mr. LAWRENCE. Does the gentleman desire more time?

Mr. SPARKMAN. Four or five minutes.

Mr. LAWRENCE. I will yield five minutes more to the gentleman from Florida.

Mr. SPARKMAN. Now, Mr. Chairman, we have spent at least two and a half months in the preparation of this bill. We have had numerous hearings by persons representing different sections of the country, including boards of trade, some coming even from the Pacific coast. To them we have accorded patient hearings, and have given to this bill the most careful consideration possible. We therefore hope and believe we have presented a measure that will not only meet with the approval of this House, but that of the country as well. [Applause.]

Mr. LAWRENCE. Mr. Chairman, I now yield five minutes to the gentleman from Illinois [Mr. GALLAGHER].

Mr. GALLAGHER. Mr. Chairman, the measure before the House is one that vitally affects the great industrial and commercial activities of the whole country. Based upon principles of statesmanship, a policy of internal improvement, reaching the vast areas covered by the appropriations contemplated by this bill, will inevitably lead to the increased prosperity of our people and the rapid growth of our common country. These appropriations will be applied, if this bill becomes a law, to the coastal improvements along the Atlantic and Pacific Oceans, the Gulf of Mexico, the Great Lakes, and those great arteries of trade and commerce that carry upon their bosoms the great wealth of the country that teems in the inland reaches of our great continent. No Nation on earth can equal in volume, variety, and richness the mighty commerce that annually traverses our great country over its lakes, along its rivers, on its great railroads, and upon its coasts.

The expenditure carried by this bill, regulated by a scrupulous regard for a commendable policy of economy, will amply meet the demands and immediate needs of the country. It is not so much the magnitude of the appropriation that counts, in my opinion, as the application and distribution of the moneys. If the moneys appropriated are devoted to those points, and applied for those purposes solely which made for true internal improvement, then they will be wisely expended, and industrial success and commercial prosperity must follow as surely as the night follows the day. But if the moneys are applied to the promotion of railway policies in such a way as to render competition between railways and waterways either impracticable or impossible, then industrial and commercial stagnation will follow, and our country will continue to be at the mercy of the great trunk lines of the country as far as our inland facilities for transportation are concerned.

Experts who have studied the cost of transportation hold that the expense by rail is in the ratio of 6 to 1. If this is true, the proportion in the rates of traffic charges should logically be the same. And if this proportion is not maintained, then there must be some artificial, extraneous influence that creates the burdens of which the shippers complain and against which we hear such loud and persistent complaints. The purpose of waterborne traffic is twofold; first, the reduction in the rates of transportation; and, secondly, the perfection of the transportation facilities by water so that no inland community of the country will suffer in its commercial activity and prosperity because of its remoteness from the great ports of the country.

Mr. Chairman, I believe with the chairman of this committee that this is one of the most important bills that this Congress will be called upon to pass. I am in favor of the passage of the bill, not because the State of Illinois or the city of Chicago that I in part represent have any particular interest in the passage of this bill.

Mr. CONRY. Will the gentleman yield?

Mr. GALLAGHER. Certainly.

Mr. CONRY. Will the gentleman state why it is that in this bill there is no appropriation made for the city of Chicago?

Mr. GALLAGHER. Because Congress, on March 3, 1899, passed an order for a survey of the Chicago Harbor and waters in and about Chicago. That report is now in the hands of the Board of Engineers of the Army and has not as yet been submitted to Congress, and we have had no opportunity to pass upon what Chicago is asking for in the way of harbor improvement. I may state that Chicago is preparing to build an outer harbor, and we do expect an appropriation from the Federal Government to assist us in extending the breakwater for the Chicago Harbor. And being a member of the Committee on Rivers and Harbors I can positively assert that when these preliminary reports are submitted by the War Department and the estimates prepared the great city of Chicago will assuredly receive that generous treatment to which, by reason of her greatness, her influence, and her power, she is justly entitled. [Applause.]

In the great city of Chicago we have facilities for inland and outer water transportation that is exceeded by no city in the country. Her position on the Great Lakes, her geographical situation, her rivers, canals, and her great possibilities as a commercial center should make her the leading city of the Nation from the standpoint of water-borne traffic; while in reality she actually occupies the fifth place. She is the second great city of the country. She has profited very little by Federal aid. Her greatness is the product of the genius, the push, and the energy of her enterprising and ambitious sons.

While the Congress of the Nation has been liberal even to the point of lavishness in appropriations for other sections, the city of Chicago and the State of Illinois have been continually ignored. This fact and these conditions have been forcibly exhibited in the letter of the Secretary of the Treasury, transmitting information in response to Senate resolution of December 7, 1911, relative to expenditures for rivers and harbors. This letter, as printed in the Chicago Examiner, shows the total amount appropriated in the State of Illinois for river and harbor improvements was $8,520,924.81. Of this sum $2,740,663 was applied to the Chicago Harbor.

In glaring contrast to the smallness of these appropriations are the amounts devoted to internal improvements of other States, as shown by the following table:

Michigan	$43,494,495.87
New York	41,925,351.80
Texas	24,382,529.60
Massachusetts	17,284,368.53
Ohio	16,211,109.78
California	14,605,144.12
Georgia	12,373,856.71
Wisconsin	11,493,944.17
Florida	11,205,058.28

This niggardly treatment of the city of Chicago by the National Government can be more keenly appreciated when we consider the lavish display of generosity made by this Nation to individual projects as shown by these appropriations:

Philadelphia	$15,465,529.22
Boston	10,402,687.45
Galveston	9,316,934.72
Detroit River	9,700,283.05
Patapsco River, Md	4,453,347.98
Great Kanawha River, W. Va	4,257,863.14
Cape Fear River, N. C	4,760,993.71
St. Johns River	4,813,003.75

The outer harbor of the city of Chicago is susceptible of wonderful development, a development that means greater commerce, greater power, and greater influence for the metropolis of the West, and greater prosperity for the whole country. She is to-day the distributing center for the wealth-increasing products of the great West. Her spirit of enterprise keeps abreast of the increasing demands of the age. And she is now contemplating an expenditure of $5,000,000 in the construction of an outer harbor on the lake shore and the expenditure of $3,000,000 or $4,000,000 for the construction of the most modern types of bridge over the Chicago River to facilitate traffic.

Mr. HAMILTON of West Virginia. Will the gentleman yield for a question?

Mr. GALLAGHER. I will.

Mr. HAMILTON of West Virginia. The gentleman is a resident of Chicago?

Mr. GALLAGHER. Yes.

Mr. HAMILTON of West Virginia. What effect has the Chicago Drainage Canal on the level of the lake?

Mr. GALLAGHER. That is an old question which has been up here in several forms for some time. We have just had a hearing upon it. The effect of diverting the water, we contend, makes no difference in the lake levels whatever. We believe that the health of the people of Chicago is paramount to the interests of navigation, and inasmuch as it makes no perceptible difference in the water levels of the lake, we believe that we are entitled to that extra supply of water for sanitary purposes. [Applause.]

I am heartily in favor of the development of these improvements upon the Chicago River and all its branches. Just as sidetracks are necessary to the development and perfection of a great railroad system, so is the improvement of all the branches of a great river essential to its proper development as an agency in the commercial progress of a city upon its banks. Where a stream is improved there is more water-borne traffic along that stream and the consequent development of great industrial plants upon its shores. Every such improvement will open up the avenues of trade and will bring to the doors of the individual enterprises that line the rivers the fleets laden with wealth that ply from lake to lake and port to port. Increased traffic by water does not hamper railroad business but actually aids and helps to build it up.

If river and harbor improvements are to continue to meet with popular approval, if they are to justify the noble purposes which gave them birth, the policy governing them should be based upon the broad principle of our country's good. No discrimination against this enterprise or that enterprise should be tolerated. Let every enterprise participate alike in this great scheme of governmental activity. Let every development of a harbor, inland and outer, provide for terminals for the reception of traffic by water. I am unequivocally in favor of this principle and this policy. It is the only just policy and the only wise policy. Any other policy will retard the development of our commerce and will ultimately bring into disrepute the great and noble work to which our Government is committed, and which it has contributed so generously to sustain and perfect; because it is just as imperative for our water-traffic systems to have terminals, and they are just as essential to their efficiency as are depots and railway stations along the lines of our great railroad systems; and it therefore becomes the duty of the Government to establish these terminals now, for it is only a question of time when the needs and necessities for our inland commerce will enforce their construction. [Applause.]

Mr. LAWRENCE. Mr. Chairman, the pending bill carries in appropriations and in continuing contracts a little over $26,000,000, which is made up, as the chairman of the committee has told you, of these items: For maintenance, $1,197,450; for the carrying on of works now in progress, $20,588,000; and for entirely new work, $4,477,070.50. It is the smallest bill that has been reported to the House from the Committee on Rivers and Harbors since I have been a member of that committee; but in entire frankness it should be said that the bill does commit Congress to new projects which will ultimately call for the expenditure of a very large amount of money. The committee has worked faithfully and long upon the bill. Through the fortunes of political warfare I have found myself at the foot of the table and a distinguished Democrat now sits at its head. I wish to say that the gentleman from Florida [Mr. SPARKMAN], as chairman of the committee, has always shown himself to be courteous and able; he has not been actuated by sectional or political considerations, but he has at all times endeavored to do his best for the progress and development of our whole country. [Applause.]

I believe, Mr. Chairman, that this bill is a well-considered piece of legislation, and I urge that it be passed by the House as it has come from the committee. We have adhered strictly, as I understand it, to the policy of the committee—that no items should be included in a bill upon which there have been adverse reports by the engineers. The committee has not formally adopted a rule that no projects shall go into a bill which have not had the approval of the engineers, but it has become, fortunately for river and harbor legislation, the established practice of the committee. If you are going to include in river and harbor bills projects which have been turned down by the local engineer, by the division engineer, by the board of review, and by the Chief of Engineers, then you will indeed have a pork barrel; and then you will sound the knell of river and harbor legislation [applause], for you will have river and harbor bills that no Congress should pass and that, if passed by Congress, no self-respecting President could sign. We laid the basis for such practice in the bill of 1902, which provided that all new projects should first be considered by a local engineer and passed upon by his division engineer; that they should then be considered by the board of review, which consists of five high officers of our Corps of Engineers, and finally passed upon by the Chief of Engineers. Formerly reports of the engineers had great weight, but it was in 1902 that legislation on this subject was strengthened. I am going to quote from an address made by Gen. William H. Bixby before the National Rivers and Harbors Congress, in which he spoke most interestingly upon the education and training of engineer officers and showed why it is that they are so well fitted for river and harbor work:

THE EDUCATION OF ENGINEER OFFICERS.

Those who have not specially studied the subject may occasionally wonder how and why the river and harbor work ever came to be assigned to the Army engineers.

During colonial days there was little work anywhere of engineering nature in the United States except what could be done by the ordinary farmer and mechanic. In the days of the American Revolution the military and topographical engineer came to the front as a military necessity. In 1800 James McHenry, Secretary of War, urging the re-establishment by law of a Military Academy and a Corps of Engineers, said, in his argument, that "fortifications is but a single branch of their profession" and "their utility extends to almost every department of war and every description of general offices, besides embracing whatever respects public buildings, roads, bridges, canals, and all such work of civil nature." In 1802 the Military Academy was established at West Point for the sole purpose of educating engineers for such service.

However, at present only from 5 to 10 per cent of the West Point graduates, those who appear best fitted for such special work, join the

Engineer Corps, the others going to the other branches of the military service.

The United States Coast Survey was organized in 1816 by F. R. Hassler, a former Military Academy professor, being later extensively developed by A. D. Bache, a Military Academy engineer officer graduate of 1825. Many of the great topographical, geodetical, and astronomical surveys of the United States were originally organized by Army engineers, or at least by West Point graduates.

Up to 1824 West Point was the only school which taught civil engineering, and all engineering work was necessarily started under the guidance of West Point graduates. In 1824 a specific act of Congress gave to the Army engineers the definite charge of all Government roads and canals.

The Rensselaer Polytechnic School did not start until about 1824, and the Sheffield Scientific School at Yale and the Lawrence Scientific School at Harvard not till about 1847. When, after the Civil War, civil engineering and other technological schools began to develop all over the United States, the Military Academy graduates still held their own good standing in the civil-engineering profession because of their added knowledge of governmental methods and their special training. Our engineer officers have been liberalized by constant contact with other parts of the country and other business interests, although independent thereof, concerned only with securing good engineering work and the public benefit, and thereby specially fitted for the duties assigned them by existing law.

I think it is due to the corps which I represent that I put these matters thus simply and plainly before you, so that you may know just why the Army engineers already have the suport of the Federal Congress and why they expect to have that of your congress as regards not only our past river and harbor work, but also that of the future.

Our system of training and executive organization is very similar to that of France, where every officer in charge of river and harbor work (with but few special exceptions) must pass through three years of mathematical and civil engineering study in their War Department Polytechnic School and then three more years of special engineering study in the Government School of Bridges and Highways, after which their district officers are directed and supervised in much the same way as in the United States. And France is noted throughout the entire world, as well as in Europe, for the extent, thoroughness, and perfection of its river and harbor improvements.

Large appropriations are needed for the development of our rivers and harbors, but, in by judgment, we need a more definite policy and businesslike methods still more, and that is what we have been working for. There is no man in the country, in my judgment, who has done more in that direction than has our present Chief of Engineers, Gen. Bixby. [Applause.] So, Mr. Chairman, in this bill we have followed consistently the practice of following the recommendations of the engineers. There is not an item here, so far as I know, which is adversely reported upon by the engineers. I know that there are some Members of the House who feel that we follow too closely the reports of the engineers and that we ought to act more upon our own judgments. It may be that in time this practice may be somewhat modified, especially as to the commercial features, but I do not believe that it is wise to make any change at the present time. For some time, at least, we should pay such attention to the reports of our engineers. Such a policy will make annual bills a certainty, and there is no other way by which we shall make more certain the fact that river and harbor appropriations are investments from which the people of our country derive great benefit. [Applause.]

I now yield to the gentleman from Kentucky [Mr. LANGLEY].

[Mr. LANGLEY addressed the committee. See Appendix.]

Mr. LAWRENCE. I yield to the gentleman from Pennsylvania [Mr. DONOHOE].

[Mr. DONOHOE addressed the committee. See Appendix.]

Mr. LAWRENCE. Mr. Chairman, I yield to the gentleman from Illinois [Mr. MANN] such time as he may desire.

Mr. MANN. Mr. Chairman, I wish to say a word with reference to the gentleman from Massachusetts [Mr. LAWRENCE], who, we understand, is going to deprive us of his company against our desire and against our will. He is now the ranking Republican on the Committee on Rivers and Harbors and has been the ranking Republican when there was a Republican chairman of that committee. I know that I express the unanimous opinion of both sides of the House when I say that it will be with the profound regret of the membership of this House that he leaves his service in Congress. [Applause.] The Rivers and Harbors Committee, while one of the most important committees of the House, has never been a partisan committee, but it has had a tremendous amount of work to perform and has had an exceeding great influence on the development of the country, because without the improvements which have been made in the rivers and harbors of the country the development of commerce which we have witnessed in recent years would have been impossible; and in the work of that committee for many years past there has been no member who has more completely held the confidence of the Members on both sides of the House, working along with other able and distinguished members of the committee, than has the gentleman from Massachusetts [Mr. LAWRENCE]. [Applause.]

[By unanimous consent, Mr. MANN was granted leave to extend his remarks in the RECORD.]

Mr. LAWRENCE. Mr. Chairman, I yield five minutes to the gentleman from Georgia [Mr. EDWARDS].

Mr. EDWARDS. Mr. Chairman, we have listened with pleasure to the remarks of the minority leader, in which he has paid a high and merited compliment to the splendid ability and sterling worth of Mr. LAWRENCE, of Massachusetts. While we differ in politics, yet I am sure ever Member of the House, whether Democrat or Republican, has heard with regret that Mr. LAWRENCE, who has served so long and so well upon the committee on Rivers and Harbors, has announced that he will not again seek a seat in this House.

We shall miss him in the House and on the committee.

Mr. Chairman, I hope the bill will become a law without amendment. It carries many millions less than any general river and harbor bill has carried in the history of waterway legislation in this country.

To improve the waterways for navigation means competition to the railroads, which in turn means cheaper freight rates to the people. It means to develop the resources and commerce of the country.

Some are simple enough to believe the demagogue when he charges that improving the waterways is of no benefit to the farmers. They are the ones who are benefited more than any others by opening up water transportation, in order that the freight rates on their products as well as upon fertilizers and other freights may be reduced.

A cotton farmer residing in middle Georgia, in talking to me recently about the appropriations to improve the Savannah River, stated that he was satisfied that the saving to him annually on freight rates on account of improved river navigation would amount to at least $100. This is one of many cases that could be cited along this line.

The Government is committed to the policy of improving the waterways. I think the time has come when the National Government should also enter upon a policy of improving the highways under State control and through State cooperation. It would result in untold blessings and would be of inestimable benefit to the people of the country.

If we wish to solve the railroad question and the question of high freight rates it would seem to me that it can be done effectively by improving our waterways and our highways. It is my opinion that such work will make for the material development of our country and will result in great good to the people.

Georgia has been well cared for by the committee in preparing this bill. I hope that all the Georgia items will remain in the bill and that it will become a law, in order that the great work contemplated may proceed at the earliest possible date.

Mr. LAWRENCE. Mr. Chairman, I yield five minutes to the gentleman from Mississippi [Mr. HUMPHREYS].

Mr. HUMPHREYS of Mississippi. Mr. Chairman, I had not intended to say anything, but I believe I shall submit just a few statements in reference to the bill. The very common criticism of river and harbor bills—a criticism I may say that is always confined to those who are not handicapped with any information on the subject, and who therefore can speak fluently—is that we waste money in appropriating for insignificant streams and creeks.

I just wanted to call the attention of the committee and the country to the fact that in this bill, which is no exception to the rule which has prevailed for many years, the appropriation for creeks when compared to the tonnage carried on the creeks is the best spent money perhaps of all. For instance, in this bill there are $129,500 carried for creeks, and these creeks bear 6,750,000 tons of commerce valued at $218,000,000, and, although I am neither a prophet nor the son of a prophet, I will venture the guess that in five years after the Panama Canal has been opened it will not float much more American tonnage in any one year than is borne on the creeks that are provided for in this bill.

The CHAIRMAN. The time of the gentleman has expired.

Mr. MURRAY. Mr. Chairman——

Mr. LAWRENCE. How much time does the gentleman desire?

Mr. MURRAY. Five minutes or three minutes—as much time as the gentleman can yield me.

Mr. LAWRENCE. I yield the gentleman two minutes.

Mr. MURRAY. Mr. Chairman, in spite of the fact that I do not happen to be a member of the Committee on Rivers and Harbors, I may yet with some grace rise to second the statement of the minority leader, Mr. MANN, of Illinois, with respect to the ranking member of that committee, my colleague from Massachusetts, GEORGE P. LAWRENCE. [Applause.]

We have known him in our Commonwealth as GEORGE "POPULAR" LAWRENCE ever since the time, some years ago, when a wise man who knew that Mr. LAWRENCE was highly esteemed by our citizens, suggested that his middle initial must stand for "Popular."

He came to this House of Representatives after distinguished service in our Commonwealth, where he presided with great dignity for a period of nearly 10 years over one of our courts and later presided with equal dignity during the last two years of five terms' service in our State senate.

We who live in Boston, at the eastern end of the State and far removed from that western section of Massachusetts which he has represented now for more than 14 years, have profited by his service here, because we have had many appropriations for our harbor that have come largely as a result of his active efforts in the making up of river and harbor appropriation bills.

Mr. Chairman, I hope that this bill may be adopted as it has been reported by the committee. I know something of the careful attention that has been given by the chairman and the members of the committee in the preparation of this bill, for I appeared before the committee and frequently conferred with its members about items of importance to Massachusetts.

The items in the bill that are of particular interest to the people of Greater Boston are found on the second and third pages of the bill, as follows:

Improving harbor at Boston, Mass., by dredging the channel of Chelsea Creek in accordance with the report submitted in House Document No. 272, Sixty-second Congress, second session, and subject to the conditions set forth in said document, $85,000.

Improving harbor at Lynn, Mass.: Continuing improvement, $35,000.

Improving Malden River, Mass.: Completing improvement in accordance with the report submitted in House Document No. 77, Sixty-second Congress, first session, and subject to the conditions set forth in said document, $80,000.

Improving Mystic River, Mass.: Continuing improvement below the mouth of Island End River, $50,000.

We are especially interested, too, in the item that authorizes the Secretary of War to cause preliminary examinations and surveys at Boston Harbor, Beverly Harbor, Gloucester Harbor, and Merrimac River.

We hope to secure for Boston Harbor an increased width and depth in the channel from President Road to the sea and to provide deep-water connection with such suitable terminals as may be established by the directors of the port of Boston.

These directors of the port of Boston are public officials of our Commonwealth, Mr. Chairman, whose offices were created by chapter 748 of the Acts and Resolves of Massachusetts, 1911.

They have been given broad powers as the administrative officers of our port, and an appropriation of $9,000,000 has been authorized to meet the expenses that may be incurred under the provisions of the act.

Mr. Chairman, I am mindful of the fact that vast sums have already been appropriated by this Government for river and harbor improvements. We have appropriated—

For rivers and harbors, by States	$328,107,378.66
For general and joint improvements not separable by States	285,763,827.32
For canals, exclusive of the Panama Canal	13,227,030.07
Total, exclusive of Panama Canal	627,098,236.05
For the Panama Canal	241,165,945.53
Total, including the Panama Canal	868,264,181.58

I know full well that of this vast amount the Commonwealth of Massachusetts has been favored with no small share of the whole. I have considered carefully the full significance of the following table that shows the details of the expenditures within our State:

Bass River	$20,150.34
Beverly Harbor	35,015.00
Boston Harbor	10,402,687.45
Buzzards Bay Harbor	2,500.00
Canapitset Channel	5,312.54
Chatham Harbor	15,971.36
Cohasset Harbor	10,000.00
Dorchester Bay and Neponset River	94,584.55
Duxbury Harbor	32,000.00
East Dennis Breakwater	7.57
Edgartown Harbor	25,000.00
Essex River	30,000.00
Fall River Harbor	235,412.00
Gloucester Harbor	494,979.67
Hingham Harbor	29,000.00
Hyannis Harbor	167,158.47
Hyannis and Nantucket Harbors	116,861.11
Ipswich River	5,617.91
Kingston Harbor	8,940.09
Lynn Harbor	335,437.00
Malden River	10,000.00
Manchester Harbor	23,985.57
Marblehead Harbor	833.42
Marthas Vineyard Harbor	5,000.00
Merrimac River	366,466.72
Mystic River	50,000.00
Mystic and Malden Rivers	249,021.10
Nantucket Harbor	349,424.12
New Bedford Harbor	167,734.04
New Bedford and Fairhaven Harbors	302,000.00
Newburyport Harbor	412,000.00
Powow River	50,940.72
Plymouth Harbor	258,626.74
Plymouth and Provincetown Harbors	38,718.06
Provincetown Harbor	$156,452.97
Rockport Harbor	22,000.00
Salem Harbor	63,868.66
Sandy Bay (Cape Ann) Harbor and Breakwater	1,751,229.25
Scituate Harbor	104,590.98
Taunton River	201,950.21
Town River	18,000.00
Vineyard Haven Harbor	55,387.35
Wareham Harbor	95,997.30
Wellfleet Harbor	11,365.57
Westport Harbor	3,000.00
Weymouth River	60,500.00
Weymouth and Town Rivers	82,327.41
Winthrop Harbor	9,000.00
Woods Hole Channel and Harbor	306,582.68
Total	17,284,638.53

I call attention to the fact, however, that our citizens have authorized within the year an appropriation that is more than half the total expenditure of the National Government for our State during all the years of its activity in river and harbor work.

I believe that the passage of the pending measure will encourage our citizens to continue their policy of local expenditures, and I, therefore, hope it will be adopted.

Mr. HAMILTON of West Virginia. Mr. Chairman, I desire to say, in commendation of the Rivers and Harbors Committee and of its able chairman, who is in charge of this bill on the floor, that I have received the most courteous treatment in all such matters as I have had before them, and I believe that every Member of this House who has been before that committee would bear the same testimony. I heartily concur in what has been said by the gentleman from Illinois [Mr. MANN] in praise of the ranking Member on the minority side [Mr. LAWRENCE], who, judging from the remarks made, will shortly retire from the committee and from Congress. While my acquaintance with him has not been of sufficient duration to speak of him with the familiarity that the gentleman from Illinois has done, yet I can say that in my few personal contacts with him I have found him to be gentlemanly, kind, and obliging, and I believe that his long and efficient service is worthy of all that has been said in his favor.

This bill carries for the improvement of that great channel of trade, the Ohio River, which borders for 300 miles or more along the State which I have the honor to represent, in part, a direct appropriation of $3,200,000 for continuing the improvement thereof, and in addition thereto authorizes the Secretary of War to enter into contracts for further improvement to the extent of $2,200,000, making a total of $5,400,000.

It further carries an appropriation of $200,000 for the improvement and maintenance by open-channel work on said river. In addition to the said sums there will be carried in the sundry civil bill $1,200,000 for this river, which makes a grand total of $6,800,000 to be appropriated by this Congress for the improvement of that stream. When it is considered that the total of this bill is but twenty-seven millions it will be readily seen that the people of the State of West Virginia and of other States bordering upon the Ohio River have no just cause for complaint against the action of Congress in this respect. Probably three-fourths of the amount appropriated will be spent within the borders of West Virginia, because it must be remembered that that State wholly owns the Ohio River along its border to the low-water mark on the opposite side. This ownership grows out of the term of the original cession by the State of Virginia to the National Government of that great area known as the Northwest Territory.

It is likewise a source of congratulation to the whole Nation that the Congress shows this spirit of liberality to that great highway, because the territory tributary thereto is unquestionably the richest in agricultural products and the products of manufacture, the great sources of national wealth in the whole wide world. I have not time to speak, as I would be glad to do, of the great resources, the transportation of which would be advanced by the projected 9-foot stage in the Ohio River. I will, however, say that the statistics show that the States along the Ohio River, together with Wisconsin and Michigan, which latter two are largely tributary thereto, produce more than one-third of the corn raised in this country and about one-fourth of all produced in the world, and they produce other grains and crops in almost the same large proportion, so far as the United States are concerned. I had the extreme pleasure of accompanying the committee from Pittsburgh to Cairo by way of the Ohio River, and returning through the interior of the States bordering on the said river, last summer. And I verily believe I saw, even in the unprecedented dry season then prevailing, green fields of waving grain sufficient to feed this Nation for a year.

For many years there has been an agitation for the improvement of the Little Kanawha River, which lies wholly in my dis-

trict. Many years ago a private corporation erected four locks and dams upon that river, and about the year 1882 the Government appropriated a sum for the further improvement of that stream, and additional appropriations were made from time to time until in the year 1891 an additional lock and dam was completed, which extended the improvement to a distance of about 55 miles above its mouth at Parkersburg on the Ohio River. Subsequently the Government purchased the four locks owned by the private company, so that the whole of the improvement became the property of the Government. This river is susceptible of improvement for many miles farther, but with all the diligence and energy of the several Congressmen who have represented that district since 1891—and I here say for my predecessors that they have been diligent and energetic, doing all in their power in the premises—they, as well as myself, have been confronted with adverse reports from the Board of Engineers, and the head of navigation on that stream still remains at the point where it was on December 2, 1891, when the additional lock to which I have referred was opened for navigation. Perhaps the projects heretofore advanced have been too expensive—based upon a system of larger locks than are advisable for that stream in the views of the engineers. One project involved the expenditure of over $5,000,000, and as to that an adverse report was made by the division engineer on February 8, 1910. Subsequently it was resubmitted upon a project, costing about $1,500,000, as to which the division engineer reported under date of May 25, 1911, that he deemed the said river not worthy of improvement at that time. The committee, after giving full consideration to these reports, has declined to make an appropriation in the present bill.

I have no criticism for their action, because it could not be expected that, in the face of these reports, they would make an appropriation of Government money without some further investigation. They have, however, embodied in their bill a direction to the Secretary of War for further examination and survey, if necessary, to ascertain the head of practicable navigation, with a view to the improvement of the river as far as they think the Government would be warranted in undertaking. When this bill comes up for amendment I propose to ask the House to provide in the bill for the examination and report upon a large tributary of, the Little Kanawha River, called Hughes River, which has its mouth within the bounds of the present limits of the improvement and which, in my opinion, is worthy of improvement, as the benefits to be derived therefrom by the farming element of that section far exceed the small cost which will be incurred by the Government in the proposed extension. I trust that the chairman of the committee will not oppose this amendment when the time comes for me to offer it.

While I feel disappointed that the committee could not give what I thought ought to be appropriated for the Little Kanawha River, yet in view of the great benefits to be derived from the further improvement of the Ohio River, I shall, as my predecessors have been compelled to do, swallow my grief and vote for this bill as reported. I am inclined to think that no district in the country has fared better under this bill than mine, when the Ohio River improvement is considered and consideration is also given to the fact that most of this appropriation will be expended within the lines of that district. At least such is my information, which information, while unofficial, I believe to be authentic.

Mr. LAWRENCE. Perhaps, Mr. Chairman, I may now be excused if I ask for a reading of the bill under the five-minute rule.

Mr. SPARKMAN. Will the gentleman from Massachusetts yield to the gentleman from New Jersey?

Mr. LAWRENCE. I yield to the gentleman from New Jersey [Mr. SCULLY].

Mr. SCULLY. Mr. Chairman, I am heartily in favor of this bill, and I earnestly hope that it will pass without one dissenting vote. As a new Member of this House I am unequivocally in favor of the development and improvement of the waterways of this country. While I have at all times been a strong believer in the development and improvement of the waterways of the entire Nation, yet I am particularly interested in the development and improvement of the waterways of the State of New Jersey. My assignment to that great and powerful Committee on Rivers and Harbors gave to New Jersey for the first time in the history of Congress representation on that committee. Naturally, as a new Member of the House, it is with considerable satisfaction and great pleasure that I welcome this bill to the House. New Jersey has too long been neglected in the river and harbor bills, and it is about time that Congress should learn of the inadequate care bestowed upon the rivers and harbors of that great State.

Of the Atlantic seaboard States, New Jersey is twelfth in area, fifth in population, and fourth in manufactures, and in the matter of actual importance of waterway is second to none in the entire Union; yet we find that care, widening, deepening, and general improvement of waterways have been only meagerly provided for.

Mr. Chairman, it seems to me, and it must to the committee, that when the tremendous importance of the navigable waterways in New Jersey is considered, that their neglect has been nothing short of shameful and shows an inertia on the part of Congress. Rivers and harbors far inland, which never felt the throb of a steamer or even the buzz of a motor boat, have had millions lavished on them, while my State has had but paltry and inadequate sums. The result has been, Mr. Chairman, to throw sections of that State that should be prosperous manufacturing and shipping sections into stagnation and to place important existing cities at the mercy of railroad monopolies, charging exorbitant freight rates.

To-day, as never before, is the subject of water communication of interest to the public. The people of the district which I have the honor to represent have waited patiently for many years for this much-needed improvement, and they will no doubt be greatly pleased to learn that their labors have not been in vain. New Jersey is well provided for in this bill, new projects adopted, improvements, and maintenance amounting in the aggregate to about $1,000,000, being about one-fifth of the total amount which the Federal Government has expended on the waterways in New Jersey from the establishment of the Government, as is shown by the following statement, prepared and submitted by Hon. Franklin MacVeagh, Secretary of the Treasury:

Statement of expenditures for river and harbor improvements, including canals, from the establishment of the Government to the close of the fiscal year ended June 30, 1911.

NEW JERSEY.

Alloway Creek	$29,500.00
Atlantic City harbor of refuge	4,003.51
Cheesequake Creek	40,000.00
Cohansey Creek	61,250.00
Cold Spring Inlet	646,485.51
Cooper Creek	37,000.00
Cranberry Inlet	999.69
Delaware River, N. J., Pa., etc. (See Miscellaneous, post, p. 25.)	
Dennis Creek	4,701.05
Elizabeth River	43,160.00
Flat Beach, survey	70.89
Harbor between Philadelphia and Camden, N. J. and Pa. (See Miscellaneous, post, p. 25.)	
Goshen Creek	16,228.77
Keyport Harbor	45,475.00
Keyport Harbor, Mattawan Creek, Raritan, South, and Elizabeth Rivers, Shoal Harbor, Compton Creek, and Cheesequake Creek	210,914.00
Little Egg Harbor	15,048.00
Manasquan River	38,054.11
Mattawan Creek	42,120.00
Mantua Creek	97,400.00
Maurice River	47,200.00
Newark Bay	11,875.67
New Brunswick Harbor	13,940.88
Passaic River	1,277,811.54
Raccoon River	57,494.58
Rahway River	37,000.00
Rancocas River	34,500.21
Raritan Bay	581,497.38
Raritan River	608,335.00
Salem River	55,709.34
Shoal Harbor and Comptons Creek	24,000.00
Shrewsbury River	379,494.16
South River	113,000.00
Squan River	2,000.00
Staten Island Channel, N. J. and N. Y. (See Miscellaneous, post, p. 25.)	
Toms River	5,100.00
Tuckerton Creek	45,500.00
Woodbridge Creek	60,000.00
Woodbury Creek	450.31
Total	4,747,319.51

There are many projects in my State not provided for in this bill, due to the fact that the report of the United States engineers has not as yet been transmitted to Congress. I hope they will be taken care of in the next bill and speedily completed.

No State, in proportion to population, has done more to develop its waterways than has New Jersey. That State is now engaged in constructing a waterway, at its own expense, along the coast from Cape May to Bay Head, a distance of about 100 miles. This waterway will be not less than 6 feet deep at low tide. It will connect all of the important seaside resorts along the coast and will be of tremendous value to the farmer and manufacturer. The State is committed to the projected deeper waterway, or ship canal, across the State. Such a canal would

materially decrease freight rates, and would mean an increase in shipment and afford an adequate market for the products of both farm and factory. The legislature has also authorized the appointment of a commission to buy the right of way for the proposed canal between Raritan Bay and the Delaware River, with the intention that the State shall present the site to the United States Government whenever Congress shall signify its intention to construct the canal. The commission has been appointed and has begun its work, and an appropriation of $500,000 has been made to carry out the work.

The report of the Commissioner of Corporations on transportation by water in the United States in part says:

"Our increasing commerce demands that our waterways shall be made an active part of our transportation system. Our inland rivers are not so now. Waterways themselves and their conditions must be so improved that they shall carry a share of the Nation's traffic proportioned to their real possibilities, and shall so supplement the rail system as to prevent the recurrence of disastrous traffic congestions. Waterway traffic has its inexorable limitations. Waterways also have their enormous possibilities. If, guided by the facts, we direct our attention to those lines of effort where success is possible, we shall utilize these possibilities.

"Our coast line is over 5,700 miles, or, with the indentations of the coast, over 64,000 miles. The Great Lakes shore line of the United States is 2,760 miles, or, with the indentations, 4,329. These lakes are connected with each other, and by canals with the Atlantic Ocean, St. Lawrence River, and the Mississippi River, there being, however, a channel of but 14 feet depth to the St. Lawrence, and this through Canadian territory, 7 feet to the Atlantic through the Erie Canal, and a still less depth to the Mississippi.

"There are over 200 streams in the country used to a substantial degree for navigation, with an approximate navigable mileage of 26,400, but with very little direct connection with each other except the Mississippi system.

"About 4,500 miles of canals have been constructed. More than one-half—2,444 miles, costing over $80,000,000—has been abandoned. State canals, however, still operate in New York, Ohio, Illinois, and Louisiana, with a total mileage of nearly 1,300, and there are also 16 private canals of some importance in operation, with a total mileage of 632.

"Transportation by water now suffers from one far-reaching disadvantage which we can largely remedy, namely, the lack of organization of our waterway system as a whole. At present we can hardly be said to have a general waterway system. Our great total mileage of waterways is split up by certain physical characteristics into a number of largely unrelated parts. Part of the waterways consists of ocean routes of unrestricted depth and width. Part consists of lake routes of unrestricted depth, except in certain very important connecting channels. The rest consists of river and canal channels of varying and always restricted depth, of narrow width, devious courses, and with more or less current and obstructions. Most of the rivers are navigable at present only for light-draft boats. At ordinary stages of water about 40 streams have a total of at least 2,600 miles of 10-foot navigation; 70 streams, including parts of some of the 40 mentioned, give about 3,200 miles additional from 6 to 10 feet, a total of 5,800 miles of river navigation of 6 feet and over. But, again, these totals do not mean that there are any such continuous stretches of inland waterways of these respective depths. Very few of the Atlantic rivers have more than 100 miles of a depth of 6 feet. The Mississippi system has about 2,500 miles of 6-foot navigation.

"Our canals also are largely disconnected with one another, and of varying depths. Excluding the short Government canals, like the St. Marys Falls Canal, there are 13 miles of canals in operation with 10 feet depth, about 1,200 miles of 6 to 10 feet (mostly 6), and about 750 miles of 4 to 6 feet depth.

"Our interior waterways are indeed largely disconnected. But added to this is also a great difference in vessels using them, so that they are not generally "interchangeable" over different waterways. For example, on the Mississippi the shallow depth and the constant backing and turning at the innumerable bends make the stern-wheel paddle the only method generally successful; and, on the other hand, this latter is, of course, wholly unsuited for the open sea. Again, naval architects assert that, even were the large-bulk freighters of the Lakes brought to tidewater, it would be preferable and almost necessary to transship there; that these freighters are not adapted to ocean conditions.

"Vessels differ still further according to the nature of the freight. Many are adapted for a given traffic only. There are grain, ore, coal, fruit, lumber, and oil vessels. This applies especially to bulk freight. Much more than three-fourths of the traffic on the Mississippi system is carried in bulk by barges and rafts. Over 80 per cent of the Great Lakes business is bulk traffic. A very important part of the coastwise traffic, especially coal, is bulk cargo.

"Such vessels are thus usually confined to routes where such freight is offered.

"A great part of the country's traffic is through freight. Our waterways are now divided by differences in channels, etc., and by diversity in floating equipment. The rail system of the country is standardized, physically unified, and its control is largely centralized. It is well adapted to handle such through freight. A share, at least, of this through freight is essential for the success of either system. There has been bitter competition between rail and river lines. But the inland water system, divided and disorganized by the conditions described, is greatly handicapped, especially as to through traffic.

"Under a general plan, our inland waterways can be made much more of a commercial unit. They must be placed in such a position that they can secure, even against rail competition, a far greater proportion than now of the country's traffic. River and canal traffic is now insignificant as compared with rail traffic.

"We must, of course, recognize that no reasonable expenditure will wholly remove these difficulties. For instance, it is probable that transshipment from rail to water, or from one water carrier to another, will continue to be necessary on most long inland or partly inland hauls. Transshipment means terminals. Part III of this report, now in preparation, will take up the question of terminals in detail. It has had far too little attention in the past. It is sufficient to say now that terminal improvement is greatly needed and is entirely possible.

"Since 1870 a general policy of Federal waterway improvement has been followed. The total Federal appropriations for inland river improvements up to 1907 have been over $250,000,000. There has been very little cooperation between the central and local authorities. This has resulted in inevitable lack of uniformity and of comprehensive plan, and in the lack of any proportionate contribution from the localities peculiarly benefited. European countries have in many cases distributed the costs of waterway improvements upon localities in some ratio with the special benefits received. Such cooperation is worthy of careful consideration in any comprehensive plan of waterway improvement.

"The report sets forth certain general facts as to floating equipment, company organization, finance, legal conditions, etc. The total gross tonnage of documented vessels in the domestic trade in 1896 was 3,858,927 tons; in 1906, 5,735,483 tons, a gain of 48 per cent. American vessels in the foreign trade, whose tonnage reached its maximum in 1860, declined until 1898. Between 1896 and 1906 there was an increase of only 11 per cent in this latter tonnage. Steam has largely superseded sail power, and its proportionate tonnage is steadily increasing. The Atlantic and Gulf coasts are the most important districts, with nearly half the total documented tonnage. The Great Lakes have more than one-third of that total tonnage, and almost half the total documented steam tonnage. On the coasts and the Great Lakes there has been a marked increase in the size of vessels, bringing about there a reduction in transportation costs.

"Corporations control the great proportion of the steam tonnage, particularly the larger vessels. In 1906 the average size of vessels owned by individuals was 113 tons; by firms, 223; and by corporations, 526. There was also a proportionate increase of corporate ownership of barge lines, and even of sailing vessels, though not so marked as with steamers. There has been a recent tendency toward consolidation of many lines under single corporations. The control of steamer and barge lines will be discussed in a later part.

"The returns to the bureau as to earnings and expenses were highly unsatisfactory. Only a few rough conclusions can be drawn therefrom. Operating expenses averaged, for the companies making returns, about 80 per cent of the gross earnings, the lowest ratio of operating costs being that of the bulk-cargo vessels of the Great Lakes. The highest ratio is that of the packet lines on the Mississippi system and southern rivers.

WATERWAYS AND THEIR IMPROVEMENT.

"The possibilities of transportation by water in the United States may be roughly indicated by a brief survey of the extent of its waterways.

COAST LINE.

"The Atlantic coast line of the United States is more than 2,000 miles in length, and it is extended for a little over 1,850 miles more by the Gulf of Mexico. The Pacific coast line is more than 1,800 miles long. The coast line of continental

United States aggregates 5,705 miles. This is increased to a meandered length of 64,604 miles by including the numerous indentations, many of which provide important bay, sound, and inlet routes. Chief of these are the Gulf of Maine (so called), Long Island Sound, Delaware Bay, and Chesapeake Bay, on the Atlantic coast, and Puget Sound, on the Pacific coast.

GREAT LAKES.

"Next in significance are the Great Lakes, the most important group of inland waterways in the world. Their shore line in United States territory is 2,760 geographical miles. In the meandered length there is 4,329 miles. They are connected by a series of natural and artificial channels. Canals also connect the Lakes with the Atlantic Ocean and the Mississippi and Ohio Rivers, but these are not of dimensions to permit of through navigation by large vessels. Another series of canals, constructed by the Canadian Government along the St. Lawrence River, give 14 feet draft to Montreal, and are used to some extent by American vessels.

"On the coasts the Government has deepened harbors and connecting channels. Similar works on the Great Lakes give a depth of 20 feet on the main channels at mean water level.

COAST AND LAKE ROUTES.

"The coastwise trade routes radiate mainly from a few central ports, such as Boston, New York, Philadelphia, and Baltimore, on the Atlantic coast, and San Francisco, Portland, and Seattle, on the Pacific. On the Lakes, notwithstanding the large number of routes, the great movement of traffic follows a few well-defined main lines. Most important is the route from Lake Superior ports across Lake Huron to Lake Erie ports. Another main route, formerly the most important, is that from Lake Michigan ports to ports on Lake Erie.

RIVERS.

"The number of navigable streams used to a considerable extent for commercial purposes in the United States is about 295, with an approximate mileage of 26,400."

Mr. SPARKMAN. Mr. Chairman, I ask permission to extend my remarks in the RECORD.

The CHAIRMAN. Is there objection to the request of the gentleman from Florida? [After a pause.] The Chair hears none.

[Mr. KINKEAD of New Jersey addressed the committee. See Appendix.]

Mr. MURRAY. Mr. Chairman, I ask unanimous consent to extend my remarks in the RECORD.

The CHAIRMAN. Is there objection? [After a pause.] The Chair hears none.

[Mr. GODWIN of North Carolina addressed the committee. See Appendix.]

[Mr. MICHAEL E. DRISCOLL addressed the committee. See Appendix.]

[Mr. LOBECK addressed the committee. See Appendix.]

[Mr. DYER addressed the committee. See Appendix.]

[Mr. BARCHFELD addressed the committee. See Appendix.]

The CHAIRMAN. The Clerk will read the bill.

The Clerk read as follows:

Improving Boothbay Harbor, Me.: Completing improvement in accordance with the report submitted in House Document No. 82, Sixty-second Congress, first session, $18,000.

Mr. GUDGER. Mr. Chairman, I move to strike out the last word. I regret very much I was unavoidably absent on business at the Navy Department a few moments ago when the bill H. R. 21214 was passed, known as the special excise-tax bill. If I had been present I would have voted for the bill. I have no objection to the present bill under consideration, as I find that North Carolina has been well provided for in this bill. I regret very much to say, Mr. Chairman, that this House can not find time nor does it seem inclined to make an appropriation for one of the most important interests affecting this country, namely, the public highways of the country. I know that a great majority of this body, both upon the Republican and Democratic sides, favor national aid for public roads. But it seems that it is impossible to get a bill reported for that purpose. I think that if either political party would propose a bill granting national aid for public highways and provide for a vote in this House, that that party would receive the plaudits of the American people.

Mr. CANNON. Mr. Chairman, I rise for just a moment to oppose the pro forma amendment. I have listened with much interest to the gentleman from North Carolina when he so earnestly expressed his satisfaction for the provision for North Carolina. Just what the item means for the extension of the inland canal in North Carolina I am not perfectly clear about, because I have not read the engineer's report. But I tell you that if we had old ocean within a stone's throw of the Middle West we could get along without such a 6-foot channel as that which starts up somewhere in New England and runs to Galveston.

I want to compliment the gentleman from North Carolina [Mr. GUDGER], coming as he does from the State in which I was born. I was not to blame for that, nor am I to be complimented for it. In arms I was carried over the mountains to Indiana. I am proud of the old North State and I am glad to have been born there. But after that great contest for State rights and local self-government during the War for the Union, I am surprised that the gentleman desires one of the great parties to succeed in order that it may enter upon a system for improving the public highways of the country from the National Treasury. We have only 60,000 miles of black-dirt highways in Illinois, not a very large number. Thank God, while I am not called a Democrat, I am a better Democrat for the preservation of local self-government and for the control of local affairs than one who seeks to enter upon the improvement of all the highways in all the States and administer that improvement from the Public Treasury, and centralize and dominate that improvement, stretching 3,000 miles from one ocean to the other, as the area of the United States does. And God knows how many millions of miles of public highways we have. If the party of which I am a member favored this policy, which is to further centralize this Government and divorce the sovereign—90,000,000 in number—men, women, and children from looking after their own local interests, and put that plank in the platform, I would never indorse it.

I just wanted to say this much. I wonder how men within the sound of my voice could mistakingly fight for what they call local self-government for four long years and then stand without protest and sit without protest and listen to such a doctrine. I say, again, so far as local self-government is concerned, believing in a national government, the United States, wherever it has jurisdiction under the Constitution, is a Nation with a big "N." Still, I will, just so far as I have voice and vote, insist upon the 47 sovereign States, where they have jurisdiction, exercising that jurisdiction, instead of subverting a wise policy of letting each government, the National Government on the one hand and the State governments on the other hand, remain strong governments, each exercising its functions within its jurisdiction. [Applause.]

Mr. GUDGER. Mr. Chairman, I have no apology to make for my position favoring national aid for public roads. I have said, and I do not wish to take that statement back, that if the membership of this House could be forced to vote upon this question national aid to public roads would be granted in the Sixty-second Congress.

Why, Mr. Chairman, every mail route in this country uses the public roads for the transportation of the mails. Then why should not the National Government assist in keeping up the same. If you transport the mails over the railroads, you pay the railroads for that purpose. Then why should not the National Government assist the people in keeping up the public roads over which the mails pass?

Mr. MADDEN. Will the gentleman yield for a question?

Mr. GUDGER. Certainly.

Mr. MADDEN. The gentleman is in favor of building highways out of the Federal Treasury, and I wonder if he will be in favor of extending the highways to the city streets all over the Union. They are all post roads.

Mr. GUDGER. Mr. Chairman, you do not even work the streets of a municipal corporation under the State laws. They are provided for by the municipalities.

Mr. MADDEN. Oh, yes; they are under State law.

Mr. GUDGER. If it is just, give the cities a proportion of this money. The cities of this country get all the appropriations for public buildings. The great waterways of this country receive annually large appropriations, amounting to millions of dollars during the last 50 years, but when the common people, the people of the rural districts, come up and ask for an appropriation to assist them to make more valuable their property by building great public highways, then there is an objection on the part of some people to the effect that it will destroy local self-government.

Why, my friend Mr. CANNON talks about being from North Carolina. When he was born in North Carolina he was born in one of the greatest States of this country. [Applause.] It is great in times of peace and her people heroic in times of war. North Carolina needs no defense at my hands. In 1861, when this country went to war, North Carolina, from that date to 1865, furnished more soldiers for the Confederacy than there

were voters in that great State. North Carolina lost more men during that war than any other State, according to its population, and she justly holds the record of being "First at Bethel, farthest at Gettysburg, and last at Appomattox." When the war was over and peace declared she went to work to build up the waste places and came back into the Union as one of the great States. Therefore she needs no defense at my hands. I am glad the gentleman from Illinois [Mr. CANNON] was born in North Carolina. I only regret that he left the State and that he is not a great Democrat.

The CHAIRMAN. Without objection, the pro forma amendment will be withdrawn. The Clerk will read.

The Clerk read as follows:

Improving Cooper Creek, N. J.: Continuing improvement and for maintenance, $5,000.

Mr. SPARKMAN. Mr. Chairman——

Mr. BROWNING. Mr. Chairman——

The CHAIRMAN. The Chair will recognize the chairman of the committee [Mr. SPARKMAN].

Mr. SPARKMAN. Mr. Chairman, I offer the following committee amendment which I send to the Clerk's desk.

The CHAIRMAN. The Clerk will report the amehdment.

The Clerk read as follows:

On page 7, line 1, strike out the word "Creek" and insert in lieu thereof the words "River (Creek)."

The CHAIRMAN. The question is on agreeing to the amendment.

The question was taken, and the amendment was agreed to.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

Improving channel from Apalachicola River to St. Andrews Bay, Fla.: Continuing improvement, $70,000.

Mr. HUGHES of New Jersey. Mr. Chairman, I ask unanimous consent to extend my remarks in the RECORD by printing a statement made by Mr. Andrew Furuseth in relation to anti-injunction legislation now pending in the House.

The CHAIRMAN. The gentleman from New Jersey [Mr. HUGHES] asks unanimous consent to extend his remarks in the RECORD. Is there objection?

There was no objection.

Following is the statement referred to:

STATEMENT OF MR. ANDREW FURUSETH—HOUSE JUDICIARY COMMITTEE, 1906.

"Mr. FURUSETH. Mr. Chairman and gentlemen of the committee, let it be clear in the minds of this committee and of Congress that labor, organized or unorganized, does not ask for the destruction of the injunction as it rightly applies to the protection of property. We do protest against and resent the perversion of the equity power, glaring examples of which you have here in your records.

"You seek our reasons for asking legislation to restrain judicial abuses of the equity power in labor disputes. I am commissioned by laboring men to present some of their reasons. We feel strongly on this question. You have had it under consideration for years, and before this committee makes any recommendations to the House I want to make suggestions which I believe go to the bottom of this subject.

"The one-man power to enjoin, to forbid, to legislate, except as used by the fathers, was, we think, first conferred upon the Roman tribunes, elected for one year, and to be used to protect the plebeians against the patricians. This power was absolute and irresponsible. The person of the tribune was made sacred. Contempt of him or violations of him were punished by death. The tribune, having been clothed with absolute and irresponsible power to forbid, it was soon understood that this included powers to command, and the tribunician power created the Roman Emperor. The powers of the Emperor, who in his person represented and exercised all the authority of the people, made him sovereign. These powers were resurrected and conferred upon Carl the Great, the first Emperor of the Holy Roman Empire of the Middle Ages.

"As absolutism developed as freedom lost to the people, the kings assumed, in theory and in fact, the powers which had been vested in the emperors of the old Empire—they became sovereigns. The power to forbid—to legislate—was vested in the king. He was sovereign, and by virtue of his sovereignty could and did rule by command or proclamation. Under the name of equity this absolute power was adopted into our system, but only in the form and for the purpose then used in England. It was conferred upon our Federal judges, who are appointed for life. We suffer under the misuse of this power. We believe that it has been unduly extended. We come to you to submit our complaint, and it is not that the judges have not power enough, but that they are exercising powers which we believe they have not. We fear this power; we feel its results. From what we have seen we believe it capable of infinite extension, when permitted to go beyond the boundary set at its adoption into our system. I shall now endeavor to state why we fear it and what reasons we think we have for this feeling.

"Any condition of society, no matter how produced, which condition prevents a healthy family life, is destructive of humanity and should be resisted.

"The condition may be inherent in the system; it may have been artificially created by legislation or by judicial decisions. In either case it is man's sacred duty to insist upon such changes or remedies as shall put within reach of the industrious father the power to support a family in health.

"The energies of existing society are devoted to the production of wealth for sale. The struggle between individual firms, communities, and nations is to produce wealth so cheaply as to be able to undersell any other.

"To be the workshop of the world was the ambition of England of the Manchester School of Economics. To accomplish this land, machinery, and labor had to be brought to the lowest figure and skill to the highest. Land and machinery bought for the lowest figures and held in private ownership were conceived to be the most economical, and the question was how to get the cheapest possible labor. The workers must have sufficient wages for subsistence and reproduction.

"Under the old system of production labor had been needed especially on the land, and it had therefore been tied to each manor by registration, and its wages determined by judges sitting in quarter sessions under the statute of laborers. The concentration brought about by factory production made the old system costly, hence inconvenient, and the registration in manors and the statute of laborers were repealed. The laborers, however, remained on the land in too great numbers, and they were needed in the factories. When needed on the land they were tied to the land. Now, when needed in the factories they were driven from the land. The first condition of getting labor cheap is to so arrange that it becomes plentiful and dependent, hence the razing of old English villages and the driving of the workers into the cities, where, landless and homeless, they must work for such wages as the employers should be willing to pay.

"But as wages must be sufficient for sustenance and reproduction, the cost of food became all important. For generations England had maintained a protective tariff on foodstuff in the interest of the landowner. The factory owner wanted cheap food in order to get cheap labor, and between the two interests arose a fierce struggle, which ended in the present system of free trade in foodstuffs. Under the existing system of land tenure and prices farming became unprofitable, tilled land was turned into pastures, and more laborers were driven into the cities to bid against those already there. Thus followed further reduction in wages and a still further lowering of the standard of living. It came to a condition in which the husband, working 16 hours per day, was utterly unable to provide for the family. Children were compelled to work in the dusty atmosphere of the factories for 14 to 16 hours per day; their physical development was arrested; their mental and moral development became impossible. Still lower wages and standards had to go, and mothers were compelled by bitter need to work underground, doing work now done by mules, steam, or electricity, or to stand on their feet tending machines until it often happened that they were taken with labor pains at their work.

"Labor, voiceless, homeless, and hungry, had been made so cheap that its very cheapness was destroying its efficiency and threatening its extinction.

"Laborers resisted to the best of their ability, but leaving one master who was bad often meant going to another who was worse. If one or more men quit there were others to take their places; quitting work singly was no remedy, since it could not interfere with production by stopping machinery. They then joined together in unions—voluntary associations—based upon the right of quitting work individually. As subjects they had the same rights as other subjects—freedom of locomotion, of speech, of the press, and of assembly. Assuming that they did not lose these rights by laboring for a living, they assembled, they discussed their grievances, they printed them in pamphlets, books, and papers. They appealed to others to join with them, and determined to refuse to labor until their worst grievances should be remedied, and found that while the statute of laborers had been repealed, the conspiracy law, based upon this statute, was, according to the rulings of the judges, still in force, and they were punished for doing as workingmen what they as subjects had a full right to do.

"They did not give up, although they found themselves thus punished; combinations to raise wages being forbidden, they still combined; notwithstanding traitors in their own ranks,

they struggled onward. They punished their traitors as deliberately as did the old Germans in their Fehm-Gericht. They were executed or transported for having acted as judges and executioners, but they still persisted. They could but partly stay the inevitable downward trend; but at last it became evident that wages must be sufficient for sustenance and reproduction, and legislators were compelled to pass laws legalizing collective action and curtailing the power of the judiciary.

"The trade-union acts were passed and the conspiracy law was amended, so that men in England might use their rights as subjects to defend their interests as workers. How many men were driven from their families, executed, or transported, to what extent the race was crippled, before relief came from legislative depression of the wage rate or judicial usurpation in the interest of cheap labor, we can only surmise. But it came at last, thanks to the bitter and determined struggle of the workers, assisted to some extent by humanitarians, chiefly members of England's old aristocracy.

"Not that the struggle there is won, but improvement has begun, and that it will continue and finally be won may reasonably be expected from the temper which could face prison and transportation in the past.

"The political, social, and industrial conditions of the United States have throughout been patterned upon those of England.

"Substantially our President has the power which was vested in the King of England at the time of the third George. Our Senate and House of Representatives are substantially the House of Lords and the House of Commons. We copied from England the common law, our system of jurisprudence, with the Bill of Rights and the powers of the judges. We adopted the English system of land tenure, entail excepted.

"Our industrial system is taken from England and has followed the English lines in its development—chattel slavery in some States, contract slavery in all at one time. Term contracts to labor were for long in common use in this country, and were transferable by inheritance or sale. They were recognized by the organic law, and one of its clauses provided for their enforcement. That this system did not in the earlier days of the Republic produce the same results as in England was due to the unlimited amount of land ready for squatters' occupation, and when the servitude became too galling the Indian country west of the Alleghenies lay open for settlement, safe from servitude and assured of sustenance.

"After the adoption of the Declaration of Independence and the Constitution the enforcement of term contracts to labor was stopped in some Northern States, and such contracts ceased to be made. The individual workman could leave the employer with whom he was dissatisfied and seek another. The white worker's right of locomotion and of the absolute ownership in his own body became, except in one or two callings, recognized. The system of chattel slavery was destroyed, and an amendment to the Constitution forbidding its existence was adopted.

"With freedom to seek better conditions and with land yet plentiful, there were early marriages, large families, and a healthy people. There was no mournful cry of race suicide. But as land became settled or absorbed in individual ownership, and this outlet was stopped, city slums grew; low wages, long hours, and want became more and more common here. Wages went below the line of subsistence and reproduction, the number of marriages and of children decreased, while prostitution grew. This became so apparent that the census gave much attention to ascertain the extent of the condition. It was found to be worse than was suspected, and the talk of race suicide was heard—women standing on their feet until their capacity for motherhood was destroyed; children stunted in their physical and mental growth by work utterly unsuited to their age.

"Remedies more or less successful were suggested and tried. Here, as in England, men quit as individuals, but found the quitting ineffective. Here, as there, they came together in voluntary associations and quit work in unison until their grievances should be redressed, and in doing so found themselves violating statutes or judicial decisions designed purely to keep labor cheap. Constant agitation, repeated violations, and punishment gradually molded a public opinion that compelled a final recognition of men's right to quit work collectively—to strike. Statutes and decisions treating the strike as conspiracy were repealed or became obsolete.

"Men who had struck endeavored to persuade fellow workmen not to take their places—this in order to compel an adjustment of the trouble—and when adjustment did not follow, appeals were made to the public to cease giving patronage to the unfair firm—that is, they levied a boycott on the firm in question.

"Thus the two main weapons of organized labor came into use, and as they grew older and more systematic they became so effective that the employer was looking for some remedy, and, from out of the lumber room of the past, came the injunction, as it was when most abused by the court of star chamber—that is, it came as a proclamation by the court forbidding the workers to perform some specified or unspecified acts of which the employer complained on pain of being punished for contempt of court. This seems to be what the injunction is nowadays when used in labor disputes. It used to be 'a judicial process operating in personam and requiring the person to whom it was directed to do or refrain from doing particular things,' and this to protect property right.

"Like other parts of our judicial system, we have our injunctions from England. The King, by virtue of his absolute power—legislative, judicial, and executive—would be appealed to when someone was about to do something not forbidden by the law, yet which, if done, would cause great injury. Something needed to be protected; the law was insufficient; and, by virtue of his absolute power, the King could and did supply the remedy. Addressed to one subject, it was a royal command, if to many, a royal proclamation. In the first instance it was intended to protect the individual and in the second the community. As the law became more complete the need for such proclamations became less imperative, their places being taken by statute law or usage accepted as law; but, law and usage being general, in their application serious injury might happen to individuals; hence the royal power was more and more restricted to individual instances of injustice or injury.

"The King being too busy to sit in court to exercise his power, delegated it to his chancellor, and it grew apace until it came into serious conflict with the common law and the jury system. Its purpose being to prevent great wrong by forbidding the action which would cause such wrong, the penalty necessarily had to be swift and certain, and violation being a disobedience of the King's command—contempt of the King—and the facts being easily ascertained, punishment was immediate in operation and severe in kind. The royal power being irresponsible and absolute, it was necessarily misused by the individuals intrusted with its execution and their friends and had to be curtailed, circumscribed, and carefully guarded.

"There was a time when the court of star chamber was used in England, as our courts are now being used, to forbid the doing and then punish disobedience without trial by jury in any and every direction. Personal liberty was at the whim and caprice of this court. But the English people would not long tolerate any such use of the royal power. The people abolished the court of star chamber and compelled the King to sign the bill of rights.

"It became the fundamental principles of chancery, or equity, that—

"(1) It was to be exercised for the protection of property rights only.

"(2) 'He who would seek its aid must come with clean hands.'

"(3) 'There must be no adequate remedy at law.'

"(4) It must never be used to curtail personal rights.

"(5) It must not be used to punish crime.

"It was substantially in this shape that it was accepted by this country, ingrafted in our Constitution, and the power of its administration conferred upon our courts.

"Equity, law, and jurisdiction at that time had a specific meaning, and any extension in jurisdiction, any enlargement of scope, must come from the people through an amendment to the Constitution or there is judicial usurpation.

"If injunctions which nowadays are issued in disputes between employers and employees can stand the test of these principles, our complaint should be against the law; if they can not, then we have a just complaint against the judges who, either from ignorance or mistaken zeal for public order and cheap labor, misuse their power—act as a sovereign in issuing his proclamations.

"The fundamental principle of American law, as we understand it, is that there shall be no property rights in man. A man's labor power is part of him; it fluctuates with his health, decreases when he grows old, and ceases at his death. It can not be divorced from man, and therefore, under our system, can not be property. Property may be bought, sold, or destroyed without destroying the possessor thereof; it is the product of labor or of nature. Labor is an attribute of life, and through no system of legitimate reasoning can it be treated or denominated as property. An individual, a firm, or a corporation runs an enterprise for the production of some form of property. Through grant or purchase land has been obtained. Upon the

land buildings have been erected and machinery installed, and to the plant has been brought the necessary raw material. These things are property, and, based upon its possession, contracts are entered into to furnish within a given time a stated amount of commodities.

"Giving this property in pawn, money is borrowed to pay operating expenses. But without labor these things will produce nothing. Labor is obtained and production begins. Being in business to make money, the company in question, assuming the producing concern to be a combine, first endeavors to find out how much of any given kind of work a man can do going at his highest capacity, and it begins the piecework. Prices are gradually reduced until the greatest capacity is ascertained, and that becomes the standard of production. Wages are gradually reduced until the labor of the husband can not sustain the family. The wife helps in any way she can, and the children are sent to the factory. Still the earnings are too small, and the wife goes there also. Wages are under the danger line, but are still going down. A poorer home—ragged and untaught children growing up as half savages. Young men and women see the situation and refrain from matrimony. Marriages and births are on the decline, and the rising generation is stunted.

"The laborers get together in voluntary association; that is, they use their freedom of assembly. They bring their grievances before the management, petition for redress of grievances. They are refused, and, to enforce their position, they use their right to quit work—use their freedom of locomotion. They publish the facts of the disagreement, the causes which led thereto; they induce, or endeavor to induce, other workers to make common cause with them—their right freely to print and publish. They are successful to such an extent that production is partially stopped. The company endeavors to get other men and the men on strike appeal to the public to refrain from purchasing commodities manufactured by the firm; they levy a boycott. They appeal to fellow workmen and the public to use their purchasing power to redress a grievance. Sales of stock on hand decrease and the company is unable to meet its obligations, fill its orders, or fulfill its contracts.

"The company then goes to some judge and appeals to him to use the equity process to protect what it calls its property. It sets forth that it has the land, the appliances, the raw material, and contracts to deliver goods; but, owing to a 'conspiracy' on the part of labor, it is unable to get workmen, and its property—that is, its business—is being destroyed. The judge takes the statement and issues an order forbidding the workmen 'to interfere with the business' of the firm. The workmen know that disobedience means imprisonment for contempt, and, disheartened and hopeless, they obey. The firm gets new men, its business moves again, but those at work must live in squalor, children must be laboring instead of at school, women must be in the factory instead of in the home. Home life is destroyed. Still fewer grow the marriages, still fewer the children. The equity process has been used so that homes are destroyed, women are made barren, and the coming generation of men are made unfit for their life work.

"Has any judge the right to use the equity power in this way? The workmen have used their constitutional rights as citizens—freedom of locomotion, of assembly, of speech, and the press. They have not destroyed any tangible property; they have neither interfered with nor threatened to interfere with any property. But the attorney for the plaintiff sets up the idea that the earning power of property is property; that is, business is property. The earning power of a plant depends upon labor and sales depend upon patronage. The firm can have no property right in labor, because that is inherent in the laborer and would mean property right in the laborer. The firm has no vested right in the patronage of the public. Patronage is the free act of the patron. Under our system it is a new doctrine that the ownership of a store carries with it a vested right in the patronage or that the ownership of a factory carries with it the vested right to so much labor and at such prices as will make it profitable. Such doctrine followed to its logical conclusion would destroy all personal liberty, transform existing society, and reestablish the feudal system.

"Do these men who are driving women into the factory and crippling the race come into court with clean hands?

"They seek the aid of equity to protect their financial and industrial interests, and yet they run their industry in such a way as to cause untold misery, destitution, and crime. Wages so low as to cripple or destroy the race. If their hands be clean, how must they act to be considered unclean?

"Injunctions, proclamations, used contrary to and destructive of constitutional guaranties of individual freedom, are usurpation, whether they take place in a monarchy by the king or in a republic by a judge. The power is the same, its results are the same, and a people that will endure become serfs, will deteriorate and die.

"Gentlemen, you have before you two bills dealing in different ways with injunctions. H. R. 4445—the present Wilson bill—by Mr. Little, of Arkansas. You have had this bill before you during several Congresses. You have had hearings on it, and, so far as has appeared at those hearings, this bill would, if enacted into law, put a stop to the use of injunctions in labor disputes. That the relations between laborers and their employers are personal relations, as distinct from property relations, that the rights of either party are personal rights, as distinct from property rights, will hardly be seriously disputed. If these are the true relations, then there is no occasion for the equity power to step in. We maintain that it is pure usurpation on part of the judge to so extend the powers granted to him as to cover labor disputes. We believe that by passing this bill you stop the usurpation and bring the law and the judges back to where it and they belong. Labor will be content with nothing less. Anything short of this robs the laborer, because he is a laborer, of his rights as a citizen.

"You have also before you H. R. 9328—the present Moon bill—'A bill to regulate the granting of restraining orders in certain cases,' by Mr. Gilbert, of Indiana. This bill, supposed to have had its origin in the White House and drawn in the Bureau of Corporations, confers upon the courts sitting in equity absolute jurisdiction in all cases 'involving or growing out of labor disputes.' The judge is to give the defendant a hearing, but may, as in any other suits at law, proceed if the defendant shall fail to appear. We have complained that the use made of the equity process in labor disputes is usurpation of a sovereignty not granted to the courts. It seems to us that in this bill the grant is about to be made.

"Sovereignty was partially, not wholly, delegated to the Federal Government; the States and the people are presumed to retain full powers of sovereignty. The judiciary has been permitted to claim title to and exercise an undefined authority by congressional tolerance—the absence of prohibitive statutes.

"Federal judges—I speak respectfully and by way of illustration—found a kind of 'legal public domain' upon which any daring squatter might locate. The judiciary entered, took possession, and this bill—9328—is apparently designed to establish their title in fee simple 'to have and to hold forever.'

"Labor disputes are controversies between employers and employees, and they involve the hours of labor, the wage to be paid, rules under which work is to be performed, the number of apprentices, and the qualifications of men at the work. Growing out of them are strikes, boycotts, the inducing of men to quit work or to refuse to go to work, and efforts to induce the public to cease buying the goods produced. The judge sitting in equity is given jurisdiction by this bill, we think, over all these relations. He is to investigate, to hear and determine, to act, in fact, as arbiter, and he is given the equity power with which to enforce his decree.

"If this be not the reenactment of the law giving to judges the power and making it their duty to set the wages as at the quarter sessions after hearing both sides, what is it? The Romans conferred this absolute and irresponsible power on a tribune, elected for one year, in order that he should use it to protect the weak against the strong. Are we going to give it to our judges, appointed for life, to be used by the strong against the weak? The English gave it to their judges to use in the interest of landed proprietors against the raise of wages caused by the black death. Thorald Rodgers, in his Six Centuries of Work and Wages, has told us the result.

"Why can you not trust the judges, somebody asks? We do trust them. They are to use this power to stop strikes. When they have to choose between giving the award in favor of the employer who seeks to reduce wages or to have him stop, as he threatens, the business which gives employment to thousands, and thereby throw them out of work, his very humanity, as he feels it, will decide the award. It will be downward, downward, and downward, as under the law of the quarter sessions. It is said that his bill has the indorsement of the President. That can not be. If he understands this bill and then gives to it his indorsement, he is an enemy to honest labor struggling under adverse conditions for a better life—nay, he would be an enemy to human liberty. We do not believe, will not believe, it.

"In the labor movement, as well as in all walks of life, there are differences of opinion, divergent perspectives.

"Organized labor demands an anti-injunction law that will absolutely limit the power of judges when they deal with controversies growing out of labor disputes, not a law that will be used as a compulsory arbitration act."

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

Improving Oklawaha River, Fla.: Continuing improvement and for maintenance from the mouth to Leesburg, including Silver Springs Run, $15,000: *Provided*, That such part of this sum and of the amount now available as is necessary may be expended for maintenance of levels in the lakes at the head of the stream as provided for by the act approved June 25, 1910, or in such further improvement of the stream as may be recommended by the Chief of Engineers.

Mr. MANN. Mr. Chairman, I move to strike out the last word. As to this item on page 20, with reference to improving the Oklawaha River, in Florida, it provides that money may be expended for the maintenance of levels in the lakes at the head of the stream, as provided for by the act approved June 25, 1910, or in such further improvement of the stream as may be recommended by the Chief of Engineers. What is the project there?

Mr. SPARKMAN. Mr. Chairman, the project contemplates the putting in of a relatively inexpensive lock and dam—one that will cost only about $25,000. The purpose is to maintain the levels of the lakes above the dam. By putting in the dam the levels will be maintained, and by putting in the lock commerce will not be impeded. But the main purpose is to maintain the lake levels. It was feared by the engineers that if the river was deepened in that locality it would cause the water to run off so fast that the levels of the lakes above would be materially reduced.

Mr. MANN. I think that reduction of the levels would be a very desirable thing to accomplish. A large share of the State of Florida is composed of lakes, which, if drained, would be of some value. Here is a proposition to spend money to keep the land from being drained where it ought to be drained. In one end of Florida the gentleman proposes to have dams to keep the water from going off, and at the other end we are asked to appropriate money to drain the swamps.

Mr. SPARKMAN. I will say to the gentleman that in the one case the land is valuable for agriculture, and in the other the water is more valuable for the purposes of navigation.

Mr. MANN. Oh, I do not suppose anybody would think that the navigability of the lakes at the head of the Oklawaha River would be of much value. I am familiar personally with that locality. There is no commerce there and will not be in the future to any great extent.

Mr. SPARKMAN. Oh, yes; there is.

Mr. MANN. But, on the other hand, there are great lakes there which, if drained off, would furnish a lot of fertile land on which people might cultivate crops. Here is a deliberate purpose to prevent the drainage of these lakes.

Mr. SPARKMAN. I will say to the gentleman from Illinois that we have great quantities of valuable lands in Florida, other than the lands covered by these lakes, that are not yet being utilized, so that the lands under these lakes are perhaps not yet needed for cultivation; and I do not think the people down there will want to drain the lakes at the head of the Oklawaha River, as they are now so valuable for purposes of navigation.

Mr. MANN. I have some lands down there myself that are not being cultivated. But, on the one hand, we are asked to pay money to drain some lakes, and, on the other hand, here is a provision to prevent the lakes from being drained.

Mr. HUMPHREYS of Mississippi. I will say to the gentleman that the commerce of those lakes is valued at $1,000,000.

Mr. MANN. Oh, there is very little commerce on the Oklawaha River.

The CHAIRMAN. The pro forma amendment will be considered withdrawn. The Clerk will read.

The Clerk read as follows:

Improving Tombigbee River, Ala. and Miss.: For maintenance, from the mouth to Demopolis, Ala., $10,000, and from Demopolis, Ala., to Walkers Bridge, Miss., $8,000; in all, $18,000.

Mr. MANN. Mr. Chairman, I move to strike out the last word. I do not see the gentleman from Mississippi [Mr. CANDLER] in the House. If he were here I think it would be due to the House that the gentleman from Mississippi should explain this proposed appropriation for the improvement of the Tombigbee River.

Mr. CANDLER. Mr. Chairman, of course everybody knows the importance of this appropriation in the bill, and——

Mr. MANN. No; I do not think we can pass this item without an adequate explanation of it from the gentleman from Mississippi.

Mr. CANDLER. This provision, Mr. Chairman, adds very much to the beneficent results which will be obtained from this river and harbor bill in general. But, much as I would like to discuss this particular item, yet on account of the lateness of the hour and the importance of the bill as a whole and the necessity of getting it along as fast as possible, I think the gentleman from Illinois will agree with me that this provision explains itself.

Mr. MANN. Not at all. I think the gentleman will have to make a better explanation than that or I shall move to strike it out.

Mr. CANDLER. I feel sure my good friend from Illinois will not do that, for I assure him that no provision in this bill is more just or meritorious. If, however, a motion should be made to strike it out, then, of course, I would want to be heard at some length, and I have no doubt I can demonstrate the wisdom of the great Rivers and Harbors Committee in placing this provision in the bill. They did so after a full, satisfactory, and exhaustive hearing, in which this project was forcibly presented by Col. John P. Mayo and Mr. J. G. Weatherly, of Columbus, Miss., who were thoroughly equipped with incontrovertible facts and figures which fully justified the action of the committee.

The CHAIRMAN. Without objection, the pro forma amendment is withdrawn. The Clerk will read.

The Clerk read as follows:

Improving Cumberland River above Nashville, Tenn.: For maintenance of improvement by open-channel work, $5,000.

Mr. HULL. Mr. Chairman, I move to strike out the last word.

I never have subscribed entirely to the rule followed by the committee with respect to recommendations made by the Department of Engineers. I refer alone to that portion of their recommendation which involves the transportation and commercial features of a river. In so doing I do not mean to cast doubt or discredit in the least on the efficiency and the splendid work of that department. However, in a number of cases, where the committee undertake to adopt an ironclad rule following implicitly the recommendations of the Department of Engineers with respect to the commercial possibilities of a river, the result is that a number of worthy streams are discriminated against. I will not say they are intentionally discriminated against, but that is the result. I allude in particular to the Cumberland River in Tennessee, a magnificent stream of nearly 500 miles of navigable river. It stood here favorably acted upon, both by the Department of Engineers and by the Congress, for more than 20 years. By some system of reasoning the Department of Engineers have said that they would only improve it at one point or section at a time, with the result that that section, comprising 200 miles running through the greatest undeveloped forest and mineral region south of Pittsburgh without railroads or other suitable transportation facilities, is left with no improvement contemplated, at least during this generation, if we are to judge by the speed with which this river has been improved during the past years. Yet the committee, under its ironclad rule, avers that it is powerless to adopt or even consider the judgment of the best business and transportation people in this great valley with respect to the time and the manner of improving this river. For many years the Department of Engineers said this river should be improved in two different sections at the same time, for the reason that the upper section, with this immense amount of forest and mineral land undeveloped, is the most satisfactory and chief feeder for the lower river. I insist, Mr. Chairman, that the committee ought at times to exercise at least a revisory supervision over the recommendations of the Department of Engineers in so far as they relate purely to the transportation and commercial proposition, especially when that question is backed up by the solid judgment of the business and transportation people most familiar with the situation and most capable of judging. I hope that by next winter, when the next bill comes up, this committee will not feel called upon to follow this rule under such circumstances as will exclude this 200 miles of river with more commerce in its unimproved condition than many dozens of rivers that have had millions expended upon them in the construction of locks and dams. The lower river work on Locks B, C, and D should go on. At the same time Locks 8, 9, and 10 should be constructed. I call attention to the matter in the hope that the committee will keep this class of river and harbor legislation in mind, and will try to see if the injustice can not be remedied. [Applause.]

The CHAIRMAN. If there be no objection, the pro forma amendment will be considered as withdrawn. The Clerk will read.

The Clerk read as follows:

Improving Cumberland River below Nashville, Tenn.: Continuing improvement by the construction of Locks and Dams B, C, and D, $300,000; for maintenance of improvement by open-channel work, $5,000; in all, $305,000.

Mr. GARRETT. Mr. Chairman, I offer an amendment, which I send to the Clerk's desk.

The Clerk read as follows:

Page 30, after line 18, insert as a new paragraph the following:
"Improving Obion and Forked Deer River, Tenn.: Continuing improvements and for maintenance, $540.85."

Mr. GARRETT. Mr. Chairman, I very much hope that the chairman of the committee [Mr. SPARKMAN] can see his way clear to accept this amendment. The amount asked for is small, and the amount is not the important thing. The question of the abandonment of this project on these two streams is one of very considerable importance to the citizens living along those streams. They are small rivers, but they have been under improvement for from 20 to 30 years. The improvement of the Forked Deer River began in 1882. The improvement of the Obion River began in 1891.

In 1903 the two rivers were put together under one project, and since that time there has been appropriated for their improvement and for the maintenance of the work $2,250 annually.

There has been expended under the various projects that have been in operation on these streams $67,437. For the calendar year 1910 there was transported over these streams 23,911 tons, the registered tonnage of vessels being 282 tons, and the value of the commerce carried over the streams was $274,467.

Of the appropriation which was last made there remains the sum of $1,709.15 available for expenditure, and all that is proposed in this amendment is the appropriation of an additional amount sufficient to make up a total of $2,250, which has been applied to these streams annually since 1903.

The gentleman from Florida [Mr. SPARKMAN] understands that I am not so much interested in the question of amount as I am interested in the matter of this project of improvement not being abandoned. I very much fear that the failure to appropriate here will be construed as an abandonment of this project of improvement or maintenance on these streams. It seems to me that the commerce of more than $274,000 carried over these rivers in the year 1910 ought to justify the committee in making this small appropriation to continue this project of improvement.

It is growing more and more important, particularly upon the Forked Deer River. About 21 miles of that river is under improvement, the town of Dyersburg being the head of navigation on the stream. Dyersburg is a growing town. Its commerce is growing. The railroad rates upon various commodities are, I believe, affected by this river improvement, particularly, I may say, upon the commodity of coal, which at certain seasons of the year can be carried into that city by barge, saving the people there from 2 to 4 cents per bushel on the coal which they buy in that town.

[The time of Mr. GARRETT having expired, by unanimous consent it was extended three minutes.]

Mr. GARRETT. I am not asking for anything new. I am not asking for anything except that the work which has been in progress from 20 to 30 years shall be continued, at a time when it is becoming more and more important. I very much hope that the committee can see its way clear to accept this amendment. I have never offered buncombe amendments on the floor. I try to approach local questions as seriously as I approach general questions. I am not asking this for the benefit of my personal fortunes, but base it upon the merits of the proposition. It does seem to me that a commerce of $274,000 plus justifies this appropriation of $500 plus to continue a project that has been in operation for 20 or 30 years, and I appeal to the gentleman from Florida to permit this amendment to be engrafted upon the bill.

Mr. SPARKMAN. Mr. Chairman, I should like very much to accommodate the gentleman from Tennessee, but under the circumstances I can not see my way clear to do so. The engineers have twice reported adversely upon the continuation of that project. In the last annual report, I believe it is, the Chief of Engineers, or the local engineer, makes the recommendation that that project be abandoned. There are $1,700 on hand already that the engineer refused to expend. Why they refused to expend it I do not know, except what I gather from the language of the report, and that is that they do not consider the improvement worthy of being carried on further.

Mr. GARRETT. The engineer reports against it on the ground that expenditures have not been made for lack of funds. I do not desire to criticize the engineer in charge of the district, and I do not know what his motives are, but his statement is incorrect; he has had the funds. The engineer there has recommended that it be discontinued, and proceeded to prove his faith by his failure to work. He has refused to carry out the mandate of this House and of the gentleman's committee at the last Congress, which carried the appropriation, notwithstanding the adverse recommendation of the engineer.

Mr. SPARKMAN. Yes; and notwithstanding that the engineer refuses to expend it. I will suggest that the gentleman have a resolution from the Committee on Rivers and Harbors requesting the board to reexamine the matter and report thereon. If that is done, he can have a hearing and perhaps get somebody down there, some member or members of the board, to go over and examine the places where the work is desired and possibly have the opinion of the local engineer reversed if the trouble started with him. But in the face of the fact that there is an adverse recommendation and the engineers absolutely refuse to expend the money that they have on hand, something like $1,700, I think it would be folly for us to make another appropriation and add another appropriation to that already made when it could possibly serve no good purpose. I hope the amendment will be voted down.

Mr. GARRETT. Will the gentleman permit me? I want to say that I have carried this matter before the supervising board and the board, as I am informed, made no recommendation one way or the other about it. They said they could not by any action of theirs change the recommendation; that it was a matter that your committee should deal with.

Mr. SPARKMAN. I will suggest to the gentleman that when he went before the board the matter was not officially before them.

Mr. GARRETT. I beg the gentleman's pardon, the recommendation of the local engineer was before them.

Mr. SPARKMAN. I mean that it was not formally placed before them for reexamination. If it is thus placed before them they will investigate the matter anew.

Mr. GARRETT. Mr. Chairman, the fact remains that here is $274,000 worth of commerce over two streams, and I am only asking in this amendment for an appropriation of $500.

Mr. MANN. Would the gentleman be willing to throw out the 85 cents to get any support? [Laughter.]

Mr. GARRETT. My friend from Illinois is facetious. I offer an amendment carrying just the amount which added to the unexpended balance will make the sum of $2,250, which amount has been carried for years.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Tennessee [Mr. GARRETT].

The question was taken; and on a division (demanded by Mr. GARRETT) there were—ayes 18, noes 49.

So the amendmend was rejected.

The Clerk read as follows:

Improving French Broad River, Tenn.: Continuing improvement and for maintenance of French Broad and Little Pigeon Rivers, $15,000.

Mr. AUSTIN. Mr. Chairman, I offer the following amendment.

The Clerk read as follows:

On page 30, between lines 21 and 22, insert the following:

"Improving Clinch River, Tenn. and Va.: The sum of $2,000 authorized by the river and harbor act approved June 25, 1910, to be expended on Clinch River in the State of Virginia, is hereby made available for improving said river in the State of Tennessee as recommended on page 730 of the Annual Report of the Chief of Engineers for 1911."

Mr. SPARKMAN. Mr. Chairman, the committee will accept that amendment.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Tennessee.

The question was taken, and the amendment was agreed to.

The Clerk read as follows:

Improving Ohio River: Continuing improvement by the construction of locks and dams with a view to securing a navigable depth of 9 feet, $3,200,000: *Provided*, That the Secretary of War may enter into a contract or contracts for such materials and work as may be necessary to prosecute the said project, to be paid for as appropriations may from time to time be made by law, not to exceed in the aggregate $2,200,000, exclusive of the amounts herein and heretofore appropriated.

Mr. ALLEN. Mr. Chairman, I move to strike out the last word.

Mr. Chairman, Lord Bacon never uttered a truer proposition than when he said:

There be three things which make a nation great and prosperous—a fertile soil, busy workshops, and easy conveyance for man and commodities from one place to another.

The great philosopher knew that progressive nations seek the most economical routes to the seas and the world markets along their shores, and that superior facilities for transportation develop, more than all the other agencies, the productive capacity, the wealth, and the happiness of a people.

In 1894 the Ohio Valley Improvement Association was formed for the purpose of forwarding the improvement of the Ohio River. The association worked in season and out of season, and while many others could be named for their devotion and activity, yet to former Representative in Congress John L. Vance, its president; Capt. J. F. Ellison, its secretary; and Hon. Albert Bettinger, its booster in chief, belongs especial praise for having been largely instrumental in having Congress adopt a policy with reference to waterways improvements, which took the place of the old-time pork-barrel projects.

Congress, in March, 1905, authorized the appointment by the Secretary of War of a board of engineers, whose duty it should be—

To examine the Ohio River and report at the earliest date by which a thorough examination can be made, the necessary data with reference to the canalization of the river, and the approximate location and number of locks and dams in such river, with a view both to a depth of 6 feet and 9 feet; and in said report shall include the probable cost of such improvement with each of the depths named, the probable cost of maintenance, and the present and prospective commerce of said river, upstream as well as downstream, having regard to both local and through traffic.

They shall also report whether, in their opinion, such improvement should be made, and whether other plans of improvement could be devised under which the probable demands of traffic, present and prospective, could be provided for without additional locks and dams, or with a less number than is described in surveys heretofore made, giving general details relating to all of said plans and the approximate cost of completion thereof. They shall also examine the said river from the mouth of the Green River to Cairo, with a view to determining whether an increased depth can be maintained by use of dredges.

Prior to this time there had been a survey of the river from Pittsburgh to the mouth of the Big Miami River, and the improvement to a 6-foot stage contemplated by the construction of 37 locks and dams. Some of these were approaching completion, but the Ohio Valley Improvement Association was urging a 9-foot channel, which plea the Government finally heeded in the authorization above mentioned. Under the authority of the act the Secretary of War appointed a board of engineers, which promptly entered upon the task of making the survey and furnishing the information requested. A thorough inspection was made, and much time devoted to ascertaining the extent of the commerce carried on the river.

The board made a voluminous and exhaustive report in December, 1907, and concluded with a strong recommendation for the improvement of the river to a 9-foot stage. The report deals with a number of interesting matters, which time permits me to mention but briefly. We learn that there are but 79 days in the year when boats drawing 8½ feet can leave Pittsburgh and but 97 days in the year when such boats can pass Louisville. Yet the present commerce is found to be about 13,000,000 tons annually, and that if the river were navigable all the year round to a depth of 9 feet this commerce would be enormously increased.

Attention is called to the fact that within the 30 miles next below Pittsburgh, where a 9-foot navigable depth is completed, practically every site suitable for a large manufacturing plant has been acquired. All the heavy tonnage from around Pittsburgh—steel, iron, and coal—will, on account of cheaper freight rates, resort to transportation by river and seek a market south and southwest in this country, and on the Pacific coast and the Orient when the Panama Canal is completed.

Let me digress at this point to call attention to an article published in the Outlook of July 8, 1911, entitled "What shall We Do with It?" referring to the Panama Canal. The article contains an interview with Col. Goethals, who favors the United States Government running the canal after it is completed. He says:

If we do not run the business end of the canal, it will be administered by huge private interests, which will effectually block our attempts to make the waterway a one-price institution, for the commercial possibilities are such as to tempt trust magnates quite as strongly as newly discovered gold fields draw wild-eyed prospectors. There is a fortune to be made by the concern that gets and holds the upper hand in the matter of coaling stations on the zone. I want that "concern" to be the United States. If we control the coal supply, we can offer at a reasonable, unchanging price the best grade of Pocahontas and New River coals and still make a profit. We are in the best position to run the coaling stations because, by experiments lasting over four years, we have found the grade of coal best suited for use in the Tropics—a question which has gone unsolved since steamships began to ply the waters within 20° of the Equator. In this particular grade of West Virginia coal the dampness during the rainy season causes less deterioration, and in the subsequent dry spells it has proved that spontaneous combustion is less likely to occur.

Now, does it not occur to you at once that vast quantities of coal from the West Virginia coal fields will be floated down the Ohio River and thence by the Mississippi into the Gulf of Mexico on its way to Panama? But the report also points out that all the conditions favorable to a large increase in local commerce are present, and compares the results to be achieved with what has been accomplished by the improvement of the Rhine in Germany and the Volga in Russia.

While actual statistics are not obtainable for all our waterways, it is generally conceded that water transportation costs only about one-sixth as much as the average cost by rail.

The report makes the astonishing statement that—

The steamer *Sprague* tows to market from Louisville to New Orleans sometimes as much as 60,000 tons of freight on a single trip. The *Kaiserin Augusta Victoria*, one of the largest ocean ships afloat, has a freight tonnage of 25,000 tons. The horsepower of the *Sprague* is 2,175, while that of the *Kaiserin Augusta Victoria* is 17,200, and that of sufficient railroad locomotives to haul the *Sprague's* cargo on an average grade road 24,000.

The board finds that to secure a depth of 9 feet will require 54 dams, at a cost approximately of $64,000,000, and concludes its report with the following recommendation:

In view of the enormous interests to be benefited by continuous navigation on the Ohio River and the great development which may be expected from such increased facilities, the board is of the opinion that the Ohio River should be improved by means of locks and dams to provide a depth of 9 feet from Pittsburgh to Cairo.

President Taft, in his message to Congress in December, 1909, included a recommendation that Congress provide said sum of $64,000,000 necessary to complete said improvement a distance of 1,000 miles.

The Mississippi River has already been improved to a 9-foot stage from Cairo to New Orleans, a distance of another 1,000 miles. Of the tributaries flowing into the Ohio from the south, the Monongahela, Kanawha, Big Sandy, Kentucky, and Green Rivers have been improved to a 6-foot stage, and the Cumberland and Tennessee Rivers are now being improved to the same extent. The Muskingum is improved to a point above Zanesville, and the Allegheny has been made navigable to a point 25 miles above Pittsburgh and the improvement is being extended.

Congress has determined to proceed with this great enterprise, appropriating $5,500,000 in 1911, and this bill carries $5,600,000 to prosecute the work. The Fernbank Dam is a part of this plan, and it will at all times keep a 9-foot stage of water in front of the city of Cincinnati and as far up as Coney Island. That Congress is deeply interested in this improvement is shown by the fact that the Rivers and Harbors Committee of the House of Representatives made a trip of inspection of the improvements of the Ohio River from Pittsburgh to Cairo in July last, devoting 10 days to the trip, and it is the present plan to complete the project in less than 10 years.

A glance at the map and a tracing of this river system at once reveals the momentous importance of these improvements. A complete transportation system by water will be set in the midst of the Ohio Valley, so magnificently devised as to serve all sections.

It will at once mean a general lowering of freight rates from Pittsburgh to Kansas City and from the Lakes to the Gulf. The people in the Ohio Valley will be the most direct beneficiaries. Cincinnati, the most central city of that valley, will be especially benefited. Indirectly the whole country will feel the effects of the new freight rates.

Uninterrupted navigation to thousands of towns and cities, to the sea, to the Panama Canal, will mean an increase of business in all lines.

Steamers and barges will make their appearance in much greater numbers than was ever known in the palmiest days of river business. The cheap transport of raw materials will stimulate manufacturing enterprises. River cities will take on new life and the Ohio Valley will become a beehive of industry.

The Clerk read as follows:

Improving Ohio River: Continuing improvement and for maintenance by open-channel work, $200,000.

Mr. FOWLER. Mr. Chairman, I offer the following amendment, which I send to the desk and ask to have read.

The Clerk read as follows:

Amend, page 31, line 25, after the word "dollars," by adding the following:

"*Provided*, That $5,000 of such sum may be used for dredging purposes at Elizabethtown Harbor, Ill."

Mr. FOWLER. Mr. Chairman, it will be seen by this amendment that the proposition does not carry with it an appropriation of a single dollar. The appropriation which is provided for by the bill in this paragraph is for the purpose of doing work generally upon the Ohio River. I have asked that a certain portion of this amount, being a very small sum, may be diverted to specific work on the Ohio River at Elizabethtown, Ill. Opposite that town lies the foot of Hurricane Island, with the body extending up the river for a distance of 4 miles. In size it is a thousand-acre island. The main channel ran on the Illinois side until a few years ago. Two very large sand bars, in working their way down the river, chanced to come down on the Illinois side, which was then the main channel. The river being rather narrow between the said island and the Illinois shore, caused these sand bars to move very slowly and accumulated to such extent that the main channel was forced over on the Kentucky side. Just below Elizabethtown, about 1 mile, on the Illinois side, are some steep limestone ledges, about 50 feet high, and forming a part of the shore, known as Jacks Point. Between Elizabethtown and Jacks Point lies a pocket in the Ohio River on the Illinois side. These large sand bars lodged in this pocket about six or eight years ago, and are held there indefinitely by Jacks Point, the larger body of which lies down the river, leaving shoals between the point of Hurricane Island and the main body of the sand bars, which are too shal-

low during the low-water season to allow boats to enter the harbor at Elizabethtown. This condition prevails from three to five months during the busy season in the year.

The water in Elizabethtown Harbor and close to the Illinois shore is quite deep the year round, and boats are only prevented from entering this harbor because of the shoals lying between the foot of Hurricane Island and Jacks Point. What I seek by this amendment is to have these shoals dredged, cutting a channel through to the deep water in the harbor. I think $5,000 will be ample for this purpose. If this were done, boats could enter our harbor with ease the entire year. The river is the only means of transportation for the people at this place. Boats carry all their mail on this river, and when low water sets in our commerce lingers until the river rises, and our mails are often stopped for weeks and must be carried overland. Think of such delays, paralyzing all business for months, with no way to reach relief save at the hands of a righteous Congress. Therefore, Mr. Chairman and gentlemen of the committee, I beg of you that you give to this town the benefit of this small appropriation, not an additional appropriation, but simply a diversion of a part of the money which is appropriated by this paragraph, so that my people may enjoy the conveniences which are enjoyed by other towns on the Ohio River. This, and nothing more, am I requesting by this amendment.

Mr. SPARKMAN. Mr. Chairman, I hope this amendment will not prevail. In the first place, we have been trying to get away from a practice that prevailed up to within a few years ago of directing the engineers where to expend portions of a lump sum appropriated for the improvement of a river—a practice not to be recommended. Such matters should be left, in most cases, to the engineers; and this, in my judgment, is such a case. In the next place, if the gentleman has a project upon which this work can be done, the amendment is not necessary, as the engineers can and will do that work, in my judgment, if it is proper to do it. If there is no project, then it can not be reached in this way—indeed, can not be reached at all until there is a survey and a project furnished with a favorable recommendation. I have suggested to the gentleman that he have a survey, and have prepared one which I propose to introduce, or consent to its insertion in the bill at the proper place.

The CHAIRMAN. The question is on agreeing to the amendment offered by the gentleman from Illinois.

The question was taken, and the amendment was rejected.

Mr. FOWLER. Mr. Chairman, I offer the following amendment, which I send to the desk and ask to have read.

The Clerk read as follows:

Amend, page 31, after the word "dollars," in line 25, by adding the following:

"*Provided*, That $3,000 of said sum shall be used for dredging the harbor at Elizabethtown, Ill."

Mr. FOWLER. Mr. Chairman, I have consulted members of the Engineering Department for the improvement of the Ohio River at my home town, and I have been told by one of them that, in his opinion, this work might be done under the provisions of this bill as it now stands without making specific directions therefor, as is provided by this amendment. But, Mr. Chairman, I was also told by him that he was not positive of the matter. Now, this sand bar, which creates these shoals, has been lying there for six long years, and during the low-water period the people of this town have been shut out from regular mail facilities, their passenger and freight transportation have been so disturbed and delayed that we never know when or what to buy or to sell, because prices have a chance to change many times before deliveries can be made, and when we leave home we never know but what we will be compelled to walk back. I therefore, Mr. Chairman, beg the committee and the honorable chairman of the Committee on Rivers and Harbors that consent may be given to the passage of this amendment. I am not asking to increase the appropriation; I am not asking for an additional cent; I am not asking for anything that the committee has not already consented to except to locate the place where a very small part of the improvement shall be done.

Work which has been neglected, Mr. Chairman, for six long years, over the protests of the citizens and the Congressmen representing my district. I have repeatedly gone to the Engineering Department within the last year and requested that some work at that point be done, whereas, Mr. Chairman, my requests have been ignored and the work has never been done. Yet, Mr. Chairman, the same character of work has been done at other towns on the Ohio River without specific appropriations therefor. And I insist, Mr. Chairman, that there ought to be some kind of fairness in this river-improvement work; there ought to be some kind of fairness which would give to the people who are blocked off in their commerce, who are shut out from their mails, who are held up in their avenues of communication, and cut off from the daily intelligence of the country. I insist, Mr. Chairman, that there ought to be somewhere along the line some kind of fairness dealt out to these points on the Ohio River which have been ignored and neglected for years. I trust, Mr. Chairman, that the committee and the honorable gentleman who is at the head of this committee will consent to this small amendment, because it is harmless to other people and other cities on the Ohio River, yet it will carry to the citizens of Elizabethtown a ray of hope on which they may hang until the dredge boat, under the authority of the Engineering Corps, as she rounds the foot of Hurricane Island, sounds her musical whistle as a signal that the great Government at Washington is ever mindful of the welfare of the American people, even my constituents on the banks of the beautiful Ohio. [Applause.]

The question was taken, and the amendment was rejected.

Mr. FOWLER. Mr. Chairman, I offer the following amendment.

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Amend, page 31, after the word "dollars," in line 25, by adding:

"*Provided*, That a portion of said sum may be expended at Elizabethtown, Ill., for dredging purposes."

Mr. SPARKMAN. Mr. Chairman, I make the point of order that this is practically the same amendment upon which we have voted, and therefore it is not permissible.

Mr. FOWLER. If the gentleman desires to be heard on his point of order or the Chair desires to hear argument on the question I will be glad to be heard myself. Mr. Chairman, it is not the same amendment at all, because it leaves the whole matter to the discretion of the Engineering Corps to expend whatever sum of money, in its judgment, is necessary to give relief to the people at that town, and for that reason, Mr. Chairman, it can not be said to be the same amendment.

Mr. SPARKMAN. Mr. Chairman, I withdraw the point of order.

Mr. FOWLER. Any amendment, Mr. Chairman, which varies in amount where an appropriation is carried can not be said to be the same amendment. The committee might not appropriate or consent to appropriate——

Mr. EDWARDS. Mr. Chairman, a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. EDWARDS. Has not the point of order been withdrawn?

The CHAIRMAN. Yes; but the gentleman had five minutes to discuss his amendment and has three minutes remaining.

Mr. FOWLER. Mr. Chairman, I offer this amendment directing that dredging be done at Elizabethtown, Ill., without naming any particular sum to be used for this purpose, because I can readily see that the committee might not be willing to vote for an amendment carrying a specific sum, yet at the same time would be willing to vote for an amendment which leaves it to the discretion of the Engineering Corps and those in authority to exercise their better judgment as to what amount is necessary to be expended. For that reason I decided to put the amendment in this shape so that the honorable chairman of the Committee on Rivers and Harbors and the Committee of the Whole House on the state of the Union can see that I am dealing honorably in this matter. I am perfectly willing to leave the amount to be expended to the better judgment of the Engineering Corps. I am pursuaded that they in their wisdom will spend only so much money as may be necessary to give relief to my people. I therefore trust, gentlemen, that you will vote for this simple and harmless amendment. It is not an appropriation but it is only a direction as to where a part of the work shall be done. I think, gentlemen, it is a fair proposition because we have been neglected and caused to suffer many privations for six long years.

I do not regard it as an innovation upon the rules of the honorable Committee on Rivers and Harbors.

I think this amendment is in perfect harmony with their rules as I understand them, although I am a new Member. Gentlemen, I have never asked for the appropriation of one dollar of money out of the Treasury of the United States for my district. This is the first time I have asked you even to consider my district in any wise whatever. And what I am now asking for is simply to direct your attention to an emergency, so that you in your wisdom may locate the place where a portion of this work on the Ohio River may be done in order that my patient, suffering home people may be relieved, and that justice may prevail. I trust, gentlemen, that you may see your way clear to vote for this amendment and give my home people an opportunity to enjoy regular mail service and easy access to the highways of commerce and business, so that they may have the same kind of facilities as are intended to be provided for by this great Government. [Applause.] It is said that Thomas

B. Reed, on being reminded that his billionaire Congress had been criticized for extravagance for appropriating a billion dollars for current expenses, replied, "Its a billion-dollar country." [Applause.] And so it is. Let us make all necessary appropriations for the business of a great Government, so that our enjoyment and happiness may be correspondingly large.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Illinois [Mr. FOWLER].

The question was taken, and the amendment was rejected.

The Clerk read as follows:

In the collection of statistics relating to traffic, the Corps of Engineers is directed to adopt a uniform system of classification for freight, and upon rivers or inland waterways to collate ton-mileage statistics as far as practicable.

Mr. MANN. I reserve a point of order on the paragraph. I would like to ask whether, in the opinion of the Corps of Engineers, it is practicable to adopt a uniform system of classification for freight.

Mr. SPARKMAN. I must confess I have not inquired of the engineers, but this provision was copied from the provision in last year's bill, and I am informed that the engineers are going ahead with the work required by that paragraph.

Mr. MANN. The gentleman does not know whether it is practicable or not?

Mr. SPARKMAN. No; I can not state, because I have never asked the engineers that. I do know, however, that they are going ahead with the work.

Mr. MANN. If the gentleman will pardon me, I think they have made no report under this provision in the existing law.

Mr SPARKMAN. I am sure they have made no report. I understand they are going ahead with the work.

Mr. EDWARDS. The gentleman will notice the language at the conclusion of that paragraph is "as far as practicable."

Mr. MANN. That is, as to the collation of ton-mileage statistics as far as practicable.

I withdraw the point of order, as nobody knows anything about it.

The Clerk read as follows:

Baltimore Harbor, Md., with a view to securing greater width in the channel of approach at York Spit, Chesapeake Bay.

Mr. TALBOTT of Maryland. Mr. Chairman, I offer the following amendment, to come in after line 3 on page 46.

The CHAIRMAN. The gentleman from Maryland offers an amendment, which the Clerk will report.

The Clerk read as follows:

Page 46, after line 3, add the following:
"Channel to Curtis Bay, in Patapsco River, Baltimore Harbor, and with a view of securing a channel with a depth of 34 feet, or such increased width over the completed project as may be deemed advisable."

Mr. SPARKMAN. Mr. Chairman, I accept that amendment.

The CHAIRMAN. The question is on agreeing to the amendment.

The question was taken, and the amendment was agreed to.

The Clerk read as follows:

Roanoke River, from Clarksville, Va., to the present head of steamboat navigation, below Weldon, N. C.

Mr. HOLLAND. Mr. Chairman, on page 47, after line 2, I desire to offer the following amendment.

The CHAIRMAN. The gentleman from Virginia offers an amendment, which the Clerk will report.

The Clerk read as follows:

Page 47, after line 2, insert:
"Eastern branch of Elizabeth River, Va., from Norfolk & Western Railway Bridge to Broad Creek."

Mr. SPARKMAN. Mr. Chairman, I have no objection to the amendment.

Mr. HUMPHREYS of Mississippi. I suggest, if there is no objection to the amendment, that it be at the end of page 46.

Mr. HOLLAND. I have no objection to that.

Mr. HUMPHREYS of Mississippi. It ought to come in there.

The CHAIRMAN. The amendment will be considered as applying after line 25, on page 46. The question is on agreeing to the amendment.

The question was taken, and the amendment was agreed to.

The Clerk read as follows:

New River, Dade County, Fla., from the head of navigation to its outlet in the Atlantic Ocean, with a view to creating a deep-water harbor for seagoing vessels.

Mr. MANN. Mr. Chairman, I move to strike out the last word.

We are now on the item in relation to projects in the State of Florida. There were some 20 items in the fore part of the bill for Florida, providing for appropriations for projects in that State, and at this place there are a good many more items for new projects. If there ever was an illustration of the desirability and advisability of retaining a Member in Congress from a district or a State, it is well exemplified in the case of my genial friend from Florida, the chairman of the Committee on Rivers and Harbors. [Applause.] In the course of many years he has worked his way along on the Committee on Rivers and Harbors until he has become its chairman. If he had not been retained in Congress for years, this honor would not have come to him. And, having reached the position of chairman, with great influence upon the committee and with very great knowledge of the necessities of his State, the committee very properly and very generously has provided for an appropriation for the improvement of every place in the State which has been surveyed, and then proposes to have a surveying project for every harbor, outlet, inlet, river, branch, creek, or spring in the State. The gentleman from Florida deserves it, and I have no doubt that if he returns to his place and continues in Congress he will see to it that all these rivers and creeks on which we ordered surveys will be in the end improved so that 20-foot steamers may pass through the Panama Canal up into all parts of the State of Florida.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

Arroyo Colorado, Tex., up to Harlingen.

Mr. SPARKMAN. Mr. Chairman, I offer the following committee amendment.

The CHAIRMAN. The gentleman from Florida offers a committee amendment, which the Clerk will report.

The Clerk read as follows:

On page 50, between lines 20 and 21, insert the following: "Harbor at Brazos Island, Tex."

The CHAIRMAN. The question is on the amendment of the gentleman from Florida [Mr. SPARKMAN].

The question was taken, and the amendment was agreed to.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

Little Kanawha River, W. Va., from Creston to the head of practicable navigation.

Mr. FOWLER. Mr. Chairman, I offer the following amendment.

The CHAIRMAN. The Clerk will report the amendment offered by the gentleman from Illinois [Mr. FOWLER].

The Clerk read as follows:

On page 51, between lines 20 and 21, insert the following: "Little Wabash River, Ill."

Mr. SPARKMAN. We have no objection to that, Mr. Chairman.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Illinois [Mr. FOWLER].

The question was taken, and the amendment was agreed to.

Mr. FOWLER. Mr. Chairman, I offer another amendment.

The CHAIRMAN. The Clerk will report the amendment offered by the gentleman from Illinois [Mr. FOWLER].

The Clerk read as follows:

On page 51, between lines 20 and 21, insert the following: "Ohio River, at or near Elizabethtown, Ill."

Mr. SPARKMAN. We have no objection to that.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Illinois [Mr. FOWLER].

The question was taken, and the amendment was agreed to.

Mr. HAMILTON of West Virginia. Mr. Chairman, I offer the following amendment, to follow line 20, page 51, just preceding the last two amendments adopted.

The CHAIRMAN. The Clerk will report the amendment offered by the gentleman from West Virginia [Mr. HAMILTON].

The Clerk read as follows:

On page 51, to follow line 20, insert "Hughes River, W. Va."

Mr. SPARKMAN. Mr. Chairman, we have no objection to that.

The CHAIRMAN. The question is on the amendment offered by the gentleman from West Virginia [Mr. HAMILTON].

The question was taken, and the amendment was agreed to.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

Artificial waterway from Lake Erie at or near Toledo, Ohio, to the southerly end of Lake Michigan by way of Maumee River and the city of Fort Wayne, Ind., or other practicable route.

Mr. MANN. Mr. Chairman, in relation to the last item that has been read I desired to submit some remarks, but at this hour I will ask leave to extend my remarks in the RECORD. [Applause.]

The CHAIRMAN. The gentleman from Illinois asks unanimous consent to extend his remarks in the RECORD? Is there objection?

There was no objection.

Mr. SPARKMAN. Mr. Chairman, I offer a committee amendment.

The CHAIRMAN. The gentleman from Florida offers a committee amendment, which the Clerk will report.

The Clerk read as follows:

On page 52, between lines 2 and 3, insert the following: "Ashtabula Harbor, Ohio, with a view to widening, straightening, and deepening the channel of the Ashtabula River."

ASHTABULA RIVER.

Mr. BATHRICK. Mr. Chairman, since this bill has been under consideration—about two and one-half hours—commerce in the vicinity of Conneaut and Ashtabula, the two great harbors of my district, has been humming. In this brief time nearly 200 carloads of coal and ore and other products have arrived or departed from these important ports. From Ashtabula every day in the year, for 365 days, 1,500 carloads of the products of America are moved toward their destination.

The amendment asked proposes to open communication on the Ashtabula River from one part of the harbor to another. In the short stretch of river between the outer harbor and the deep water of an inner basin the river forms an elbow, through which the ships of other days could conveniently pass. But the increase in length of modern Lake vessels makes it almost impossible for them to pass the segment of the river curve thus formed at the present time.

The purpose of this survey is simply to ascertain means by which to correct this defect, and I sincerely hope it may receive the approval of the House.

I can not conclude without recalling that at the beginning of this session we Members from Ohio viewed with no little alarm the omission from the great Rivers and Harbors Committee of any representation from Ohio, with her wonderful water line on the north and south. But I am, in justice to the worthy chairman, Mr. SPARKMAN, of Florida, constrained to express my appreciation for their uniform courtesy and careful consideration for Ohio's interests.

Mr. Chairman, I renew my request that this amendment will prevail.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Florida [Mr. SPARKMAN].

The question was taken, and the amendment was agreed to.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

Harbor at Elk Rapids, Mich.

Mr. BATHRICK. Mr. Chairman, I offer an amendment, which I send to the Clerk's desk.

The CHAIRMAN. The Clerk will report the amendment offered by the gentleman from Ohio [Mr. BATHRICK].

The Clerk read as follows:

Between lines 7 and 8, page 52, insert: "Mahoning River, with a view to snagging that portion between Warren and Levittsburg, and 5 miles farther toward its source."

Mr. SPARKMAN. Mr. Chairman, the committee will accept that.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Ohio [Mr. BATHRICK].

The question was taken, and the amendment was agreed to.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

Wolf River, Wis.

Mr. SPARKMAN. Mr. Chairman, I offer a committee amendment.

The CHAIRMAN. The gentleman from Florida offers a committee amendment, which the Clerk will report.

The Clerk read as follows:

On page 52, between lines 18 and 19, insert: "Fox River, Wis., with a view to determining what repairs or extensions, if any, should be made to the levee at Portage, Wis., in the interests of navigation and to prevent injury to the Government work on Fox River, consideration being also given to the question of cooperation on the part of the State of Wisconsin and other local interests in the repair, extension, and maintenance of such levee."

The CHAIRMAN. The question is on the amendment offered by the gentleman from Florida [Mr. SPARKMAN].

The question was taken, and the amendment was agreed to.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

Waterway from Lake Superior to the Mississippi River by way of Allouez Bay, at the easterly end of the Duluth-Superior Harbor, and the Amnicon, Moose, and St. Croix Rivers, Minnesota and Wisconsin.

Mr. MANN. Mr. Chairman, I reserve a point of order on that paragraph until I know what this is—a canal from Lake Superior to the Mississippi River.

Mr. DAVIDSON. Mr. Chairman, I am perfectly willing to give an explanation if the gentleman desires it. There has heretofore been a survey made on a different route from this from the head of Lake Superior to the headwaters of the Mississippi River by the way of the St. Croix River, but that project was adversely reported upon. This proposes to make a connection between Lake Superior and the Mississippi River by way of the St. Croix River through Allouez Bay, at the easterly end of the Duluth-Superior Harbor, and the Amnicon, Duluth, Moose, and St. Croix Rivers.

A waterway between Lake Superior and the Mississippi River is a matter that has been desired for a number of years, and it is thought and hoped by those who have investigated the project that this will be a practicable route. They desire to have a survey made. I do not think a point of order lies against it, because it involves the improvement of the streams mentioned, except a connecting link of about a mile in length.

Mr. MANN. Well, while I think I may be doing a wrong thing when I do it, I will withdraw my point of order.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

Reservoirs at headwaters of Mississippi River, with a view to the construction of locks in the dams heretofore built at Pokegama, Winnibigoshish, and Leech Lakes, in the State of Minnesota.

Mr. SPARKMAN. Mr. Chairman, I offer a committee amendment.

The CHAIRMAN. The gentleman from Florida [Mr. SPARKMAN] offers a committee amendment, which the Clerk will report.

The Clerk read as follows:

On page 53, between lines 14 and 15, insert the following: "Baudette Harbor and River, Minn."

The CHAIRMAN. The question is on the amendment offered by the gentleman from Florida.

The question was taken, and the amendment was agreed to.

Mr. STEENERSON. Mr. Chairman, I would like to have leave to extend my remarks on that proposition.

The CHAIRMAN. The gentleman from Minnesota [Mr. STEENERSON] asks unanimous consent to extend his remarks in the RECORD. Is there objection?

There was no objection.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

Red River of the North, from Wahpeton, N. Dak., and Breckenridge, Minn., to the international boundary line, with a view to its improvement by the construction of locks and dams or otherwise.

Mr. TAGGART. Mr. Chairman, I offer the following amendment, which I send to the Clerk's desk and ask to have read.

The CHAIRMAN. The Clerk will report the amendment offered by the gentleman from Kansas [Mr. TAGGART].

The Clerk read as follows:

After line 19, page 53, insert the following: "The Kansas River, from the mouth to the western limits of Kansas City, Kans., with a view to removing all obstructions therefrom, dredging, and widening the mouth, and extending the improvement so as to fit the same for navigation, and to consider propositions for cooperation on the part of local authorities and interests."

Mr. SPARKMAN. Mr. Chairman, we have no objection to that.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Kansas.

The question was taken, and the amendment was agreed to.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

Missouri River, from the mouth of the Kansas River to a point at or near the western limits of Kansas City, Kans.

Mr. TAGGART. I offer the following amendment.

The CHAIRMAN. The gentleman from Kansas offers the following amendment, which the Clerk will report.

The Clerk read as follows:

After the word "Kansas," in line 22, page 53, insert the following: "Consideration being also given to the question of cooperation on the part of local interests in the construction of levees, ripraps, and revetments."

Mr. SPARKMAN. Mr. Chairman, I hope that amendment will not prevail. It is not altogether in the line of river and harbor improvement; that is, it does not contemplate an improvement wholly in the interest of navigation. For that reason the committee can not accept it, and I trust it will be voted down.

The CHAIRMAN. The question is on the amendment of the gentleman from Kansas [Mr. TAGGART].

The question being taken, the amendment was rejected.

The Clerk read as follows:

Stockton and Mormon Channels, Cal., including the diversion canal, with a view to determining what, if anything, may or should be done by the United States, either alone or in conjunction with the city of Stockton and the State of California, or with either of them, in order to increase the capacity of said diversion canal from its upper end in Mormon Channel to the mouth of Calaveras River in the San Joaquin River, so that said canal shall carry the entire flood flow of Mormon Channel and thus prevent the deposit of material in the navigable portions of Stockton and Mormon Channels.

Mr. GARRETT. Mr. Chairman, I move to strike out the last word. I want to ask the gentleman from Florida a question for

information. Is there any project in this bill which has not the approval of the local engineer or the Board of Engineers?

Mr. SPARKMAN. There is no project in this bill that has not the approval of the Chief of Engineers.

Mr. GARRETT. Is there any project in this bill that is here against or despite the recommendation of the local engineer or the Board of Engineers?

Mr. SPARKMAN. The local engineer is occasionally turned down by the board and sometimes by the chief; and the chief, having the power, sometimes turns down the Board of Engineers. I suppose there are some two or three items in this bill, favorably recommended by the chief, that have an adverse recommendation from the board. I think I know of two or three.

Mr. GARRETT. Are there any projects in this bill that have been recommended for discontinuance by the local engineer and the Board of Engineers?

Mr. SPARKMAN. None that I know of. If any had been called to my attention they would not have gone in.

Mr. GARRETT. The gentleman ought to know what the fact is about that.

Mr. SPARKMAN. I say no; there are none.

Mr. GARRETT. And the gentleman says, then, that there is no project in the bill that has not the approval of the Chief of Engineers?

Mr. SPARKMAN. At least, the Chief of Engineers. There is none that has not his approval.

Mr. GARRETT. But there are projects in the bill that have not the approval of the local engineer and have not the approval of the Board of Engineers.

Mr. SPARKMAN. I know there are projects that have not the approval of the Board of Engineers, but they have the approval of the chief. We seldom find it necessary to go back to the report of the local engineer to ascertain just what it is. We are usually governed by the recommendation of the Chief of Engineers.

Mr. GARRETT. You are usually governed by that, but not always.

Mr. SPARKMAN. We are always governed by it; yes—that is, where we adopt the project.

The CHAIRMAN. If there be no objection, the pro forma amendment will be considered as withdrawn, and the Clerk will read:

The Clerk read as follows:

SEC. 4. That hereafter the Secretary of War is authorized and directed to have made annually, through the Chief of Engineers, United States Army, so far as practicable, an investigation and examination of all water terminal and transfer facilities contiguous to any harbor, river, or other waters under improvement by the United States, and reports on the same shall be submitted to Congress in annual reports or otherwise. Such examination and report shall include, among other things, the following:

Mr. MANN. I take it that section 4 will be considered by itself. There are several paragraphs in it which are closely related.

The CHAIRMAN. The Chair thinks so.

The Clerk read as follows:

(*a*) The general location and description of water terminals and the extent and method of their use by water carriers and their general efficiency, and whether open to use by all water carriers on equal terms, and such information as may be accessible as to the terms and conditions of use;

(*b*) Whether physical connection exists between such water terminals and the railroad or railroads serving the same territory or municipality, and also whether there exists between any of the water carriers operating upon waters under improvement or heretofore improved and any railroad or railroads a mutual contract for interchange of traffic by prorating as to such long-distance traffic as may be desired to be carried partly by rail and partly by water to its destination;

(*c*) Whether improved and adequate highways have been constructed to each water terminal;

(*d*) If no water terminals exist, there shall be included an opinion in general terms as to the necessity, number, and appropriate location of terminals upon such waters.

Mr. MANN. Mr. Chairman, I reserve a point of order upon the section and, without discussing it, simply suggest to the gentleman that this is a matter that probably would be better experimented with instead of putting it into the permanent law. I think, myself, it is not necessary to have this report every year. Is the gentleman willing to strike out the word "hereafter" in line 14 and then strike out the word "annually" in line 15 and insert "for the fiscal year 1913," so that it would require this report for one year? Then the committee would be far better able to tell whether it ought to be made every year.

Mr. SPARKMAN. Mr. Chairman, if the gentleman from Illinois desires to offer that as an amendment I have no objection to it.

Mr. MANN. If the gentleman is willing to accept it I will withdraw the point of order. I move to strike out, in line 14, the word "hereafter;" and in line 15 the word "annually" and insert in lieu thereof the words "for the fiscal year 1913."

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

On page 59, line 14, strike out the word "hereafter." On page 59, line 15, strike out the word "annually" and insert in lieu thereof the words "for the fiscal year 1913."

Mr. SMALL. Does the gentleman from Illinois think the words "for the fiscal year 1913" will accomplish his purpose? The committee hoped that the report might be made at the next session.

Mr. MANN. Well, make it "during the fiscal year of 1913." I think either one would cover it.

Mr. SMALL. The report is to be made at a certain time.

Mr. SPARKMAN. I suggest that it be confined to the two years 1912 and 1913.

Mr. BURGESS. I would suggest that the language is perfectly plain; why not leave it alone?

Mr. MANN. I do not want to take the time to discuss it. This proposes to ask the same information to be furnished every year relating to the same places where there has been probably no change in the situation at all, and will only cumber up the report of the Chief of Engineers with a lot of information not necessary; and besides, much of this information will be duplicated by the work of the Interstate Commerce Commission.

Mr. BURGESS. The next river and harbor bill will have the same provision and then we can pass upon that.

Mr. MANN. As it stands in the bill it makes it permanent law, and that is the objection I have to it.

Mr. SPARKMAN. I suggest that it be made to include the years 1912 and 1913.

Mr. MANN. That is satisfactory.

Mr. SMALL. I think that would be better.

Mr. DAVIDSON. That will give time to get all the reports in.

Mr. SMALL. Instead of "annually" say "during the years 1912 and 1913."

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Page 59, line 15, strike out the word "annually" and insert in lieu thereof the words "during the years 1912 and 1913."

The CHAIRMAN. The question is on the amendment offered by the gentleman from Illinois.

The question was taken, and the amendment was agreed to.

The Clerk read as follows:

SEC. 6. That there shall be printed 3,000 copies of the laws of the United States relating to the improvement of rivers and harbors passed between March 4, 1907, until and including the laws of the second session of the Sixty-second Congress, of which 600 copies shall be for the use of the Senate, 1,400 copies for the use of the House, and 1,000 copies for the use of the War Department. Said compilation shall be printed under the direction of the Secretary of War.

Mr. LAFFERTY. Mr. Chairman, all of Oregon's rivers and harbors have been well taken care of in the river and harbor bill which has just been read and which we are going to pass to-night. The appropriations for the district I have the honor to represent approximate $2,000,000 for the coming year. For this liberal consideration I desire, in behalf of the district, to thank the local engineers stationed in Oregon, the Committee on Rivers and Harbors, and the House itself.

However, the report of the engineers looks with favor upon two propositions of great importance to the district that are not included in this bill. They are, first, the adoption by Congress of the project for a 30-foot channel to replace the present 25-foot channel between Portland and the ocean, and, second, the giving of authority to the Secretary of War to make advance contracts for materials to be used in building the north jetty at the mouth of the Columbia, to be paid for out of future appropriations, not to exceed $855,000.

The bill appropriates $150,000 to improve the channel between Portland and the ocean, and appropriates $1,000,000 to be expended at the mouth of the Columbia. But the engineers feel that further recognition should be given this great work by approving the project to deepen the channel to 30 feet and by authorizing the making of contracts for $855,000 worth of extra materials to be used at the mouth of the river, bringing the total appropriations for the mouth of the Columbia up to $1,855,000. I went before the House committee when it had this bill under consideration and did all within my power to have the two items here referred to included in the House bill. As the bill is now being passed without those two items, I hope that they will be included when the bill reaches the Senate. They are just items, and the commerce carried on the Columbia between Portland and the sea more than warrants the expenditure.

This bill also carries an appropriation of $600,000 for the Celilo Canal. The engineers have reported that the work could be finished more economically if this annual appropriation were increased to $1,000,000. I trust this increase will also be made in the Senate, and that the House will concur therein when the bill is returned to us. I have found it impossible to increase any of these items in the House, and I observe that no increases

have been made by amendment here to-day on the request of any other Member, so I have been treated as well as the rest in this regard.

I am not complaining. I am thankful for the liberal treatment the great State I have the honor in part to represent has received. But as the total commerce handled on the Columbia River between Portland and the ocean now amounts to $75,000,000 a year, I hope to see the 30-foot channel adopted before this bill becomes a law, and I hope to see the contract authorization given for extra materials for the building of the north jetty at the mouth of the river. This would bring the total appropriation for the district up from approximately $2,000,000 to approximately $3,000,000; but her great waterways, which are national highways of commerce, justly deserve the recognition. [Applause.]

As a part of my remarks I print the three sections of the bill as they should read, to include the amendments that I hope will be agreed to in the Senate, and put in italics the language proposed to be added by way of amendment.

The paragraph beginning on line 22, page 38, should be amended to read as follows:

Improving Columbia and Lower Willamette Rivers below Portland, Oreg.: Continuing improvement and for maintenance, *in accordance with the report submitted in House Document No. 1278, Sixty-first Congress, third session*, $150,000.

The paragraph beginning with line 1, page 39, should be amended to read as follows:

Improving mouth of Columbia River, Oreg. and Wash.: Continuing improvement and for maintenance, including repairs and operation of dredge, $1,000,000: *Provided, That the Secretary of War may enter into a contract or contracts for such materials and work as may be necessary to prosecute the said project, to be paid for as appropriations may from time to time be made by law, not to exceed in the aggregate $855,000.*

The paragraph making the annual appropriation for the Celilo Canal should be amended by striking out the words "six hundred thousand dollars" and inserting in lieu thereof the words "one million dollars."

Of course, if these amendments, or any of them, shall be made in the Senate, the Oregon legislators in that body, and not myself, will be entitled to the credit; but I do not want the bill to leave the House without making a record of the fact that I have done all within my power, nor would I have the bill leave the House without pointing out the amendments that I think should be made.

[Mr. SMALL addressed the committee. See Appendix.]

Mr. TAGGART. Mr. Chairman, I ask unanimous consent to return to page 40 of the bill to offer an amendment.

The CHAIRMAN. Is there objection?

Mr. SPARKMAN. I object.

The CHAIRMAN. The gentleman from Florida objects.

Mr. SPARKMAN. Mr. Chairman, I move that the committee do now rise and report the bill with amendments to the House, with the recommendation that the amendments be adopted and that the bill as amended do pass.

The motion was agreed to.

Accordingly the committee rose; and the Speaker having resumed the chair, Mr. RAINEY, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee had under consideration the bill H. R. 21477, the rivers and harbors appropriation bill, and had directed him to report the same back to the House with sundry amendments, with the recommendation that the amendments be agreed to and that the bill as amended do pass.

The SPEAKER. Is a separate vote demanded on any amendment? If not, the Chair will put them in gross. [After a pause.] The question is on agreeing to the amendments.

The amendments were agreed to.

The SPEAKER. The question is on the engrossment and third reading of the bill as amended.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

On motion of Mr. SPARKMAN, a motion to reconsider the vote by which the bill was passed was laid on the table.

ENROLLED BILLS SIGNED.

Mr. CRAVENS, from the Committee on Enrolled Bills, reported that they had examined and found truly enrolled bills of the following titles, when the Speaker signed the same:

H. R. 17837. An act to amend an act approved July 1, 1902, entitled "An act temporarily to provide for the administration of the affairs of civil government in the Philippine Islands, and for other purposes";

H. R. 9845. An act to authorize the sale of burnt timber on the public lands, and for other purposes;

H. R. 17242. An act to authorize the Northern Pacific Railway Co. to cross the Government right of way along and adjacent to the canal connecting the waters of Puget Sound with Lake Washington at Seattle, in the State of Washington;

H. R. 16680. An act to authorize the board of county commissioners of Baxter County and the board of county commissioners of Marion County, in the State of Arkansas, acting together for the two counties as bridge commissioners to construct a bridge across White River at or near the town of Cotter, Ark.; and

H. R. 18155. An act authorizing the town of Grand Rapids to construct a bridge across the Mississippi River in Itasca County, State of Minnesota.

ENROLLED BILLS PRESENTED TO THE PRESIDENT FOR HIS APPROVAL.

Mr. CRAVENS, from the Committee on Enrolled Bills, reported that this day they had presented to the President of the United States, for his approval, the following bills:

H. R. 9845. An act to authorize the sale of burnt timber on the public lands, and for other purposes;

H. R. 17242. An act to authorize the Northern Pacific Railway Co. to cross the Government right of way along and adjacent to the canal connecting the waters of Puget Sound with Lake Washington at Seattle, in the State of Washington;

H. R. 17837. An act to amend an act approved July 1, 1902, entitled "An act temporarily to provide for the administration of the affairs of civil government in the Philippine Islands, and for other purposes";

H. R. 18155. An act authorizing the town of Grand Rapids to construct a bridge across the Mississippi River in Itasca County, State of Minnesota;

H. R. 16680. An act to authorize the board of county commissioners of Baxter County and the board of county commissioners of Marion County, in the State of Arkansas, acting together for the two counties as bridge commissioners to construct a bridge across the White River, at or near the town of Cotter, Ark.

ADJOURNMENT.

Mr. LLOYD. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 6 o'clock and 27 minutes p. m.) the House adjourned until Wednesday, March 20, 1912, at 12 o'clock noon.

EXECUTIVE COMMUNICATIONS.

Under clause 2 of Rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

1. A letter from the Secretary of the Treasury, calling attention to House Document No. 615, on the subject of an appropriation to pay expenses of Federal exhibits for the Fifteenth International Congress on Hygiene and Demography, and transmitting communications received by the Treasury Department from the Secretaries of War, Navy, Interior, Agriculture, and Commerce and Labor upon that subject (H. Doc. No. 631); to the Committee on Appropriations and ordered to be printed.

2. A letter from the Secretary of the Treasury, inclosing draft of a resolution, with a favorable recommendation, authorizing the Secretary of the Treasury to accept a substitute deed from grantor to the site acquired for the post-office building in the city of New York, the substitute deed to be satisfactory to the Postmaster General and Attorney General of the United States (H. Doc. No. 632); to the Committee on Public Buildings and Grounds and ordered to be printed.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII,

Mr. ADAMSON, from the Committee on Interstate and Foreign Commerce, to which was referred the bill (H. R. 22043) to authorize additional aids to navigation in the Lighthouse Service, and for other purposes, reported the same without amendment, accompanied by a report (No. 430); which said bill and report were referred to the Committee of the Whole House on the state of the Union.

CHANGE OF REFERENCE.

Under clause 2 of Rule XXII, the Committee on Invalid Pensions was discharged from the consideration of the bill (H. R. 21435) granting a pension to Bennie C. Longan, and the same was referred to the Committee on Pensions.

PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS.

Under clause 3 of Rule XXII, bills, resolutions, and memorials were introduced and severally referred as follows:

By Mr. RAKER: A bill (H. R. 22080) to establish a mining-experiment station at Auburn, Placer County, Cal., to aid in

the development of the mineral resources of the United States, and for other purposes; to the Committee on Mines and Mining.

By Mr. TAYLOR of Colorado: A bill (H. R. 22081) to establish a mining-experiment station at Silverton, San Juan County, Colo., to aid in the development of the mineral resources of the United States, and for other purposes; to the Committee on Mines and Mining.

By Mr. ESCH: A bill (H. R. 22082) to provide for the investigation of controversies affecting interstate commerce, and for other purposes; to the Committee on Interstate and Foreign Commerce.

By Mr. CARTER: A bill (H. R. 22083) relating to inherited estates in the Five Civilized Tribes in Oklahoma; to the Committee on Indian Affairs.

By Mr. LA FOLLETTE: A bill (H. R. 22084) in aid of irrigation and creating a lien on public lands in the State of Washington situated within the boundaries of any irrigation district organized or hereafter organized under the laws of said State, and providing a mode of enforcing such lien by contest proceedings; to the Committee on Irrigation of Arid Lands.

Also, a bill (H. R. 22085) authorizing the Secretary of War to convert the Army post at Fort George Wright, Wash., into a brigade post; to the Committee on Military Affairs.

By Mr. PARRAN: A bill (H. R. 22086) to amend an act entitled "An act to establish a code of law for the District of Columbia"; to the Committee on the District of Columbia.

By Mr. HIGGINS: A bill (H. R. 22087) to provide for the purchase of a site and the erection of a public building thereon at Danielson, in the State of Connecticut; to the Committee on Public Buildings and Grounds.

By Mr. HOWELL: A bill (H. R. 22088) to establish a mining-experiment station at Salt Lake City, Salt Lake County, Utah, to aid in the development of the mineral resources of the United States, and for other purposes; to the Committee on Mines and Mining.

By Mr. STEPHENS of Texas: A bill (H. R. 22089) to segregate the funds of the Kiowa, Comanche, and Apache Indians, and for other purposes; to the Committee on Indian Affairs.

Mr. KINKAID of Nebraska: A bill (H. R. 22090) to subject the lands in the former Fort Niobrara Military Reservation and other lands in Nebraska to homestead entry; to the Committee on the Public Lands.

By Mr. MONDELL: A bill (H. R. 22091) making appropriation for maps showing enlarged homestead areas; to the Committee on Appropriations.

By Mr. HARDWICK: A bill (H. R. 22092) to extend the time of the Twin City Power Co. for the completion of a dam across the Savannah River; to the Committee on Interstate and Foreign Commerce.

By Mr. GOOD: Resolution (H. Res. 451) that the order of the House agreeing to a conference with the Senate on the disagreeing votes of the two Houses to House joint resolution 39 be rescinded, and that the conferees on the part of the House be discharged, etc.; to the Committee on Rules.

By Mr. CARTER: Joint resolution (H. J. Res. 275) authorizing a per capita distribution of the tribal funds of the Choctaw and Chickasaw Indians; to the Committee on Indian Affairs.

By Mr. WILSON of New York: A memorial from the Legislature of New York, urging a provision for the improvement of the inlet to Lake Champlain; to the Committee on Rivers and Harbors.

Also, memorial from the New York State Senate, asking that a battleship be built at the United States navy yard at Brooklyn; to the Committee on Naval Affairs.

By Mr. SIMMONS: Memorial from the New York State Senate, asking that a battleship be built at the United States navy yard at Brooklyn; to the Committee on Naval Affairs.

PRIVATE BILLS AND RESOLUTIONS.

Under clause 1 of Rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. ANDRUS: A bill (H. R. 22093) granting a pension to Adelaide E. Ruton; to the Committee on Invalid Pensions.

By Mr. BROUSSARD: A bill (H. R. 22094) for the relief of the estate of Heluter Tounoir, deceased; to the Committee on War Claims.

Also, a bill (H. R. 22095) for the relief of the estate of Augustin Laban, deceased; to the Committee on War Claims.

By Mr. BROWN: A bill (H. R. 22096) granting an increase of pension to William T. McBee; to the Committee on Invalid Pensions.

By Mr. BROWNING: A bill (H. R. 22097) granting an increase of pension to Phebe Y. Polk; to the Committee on Invalid Pensions.

By Mr. BURKE of Wisconsin: A bill (H. R. 22098) granting an increase of pension to George Pfluger; to the Committee on Invalid Pensions.

Also, a bill (H. R. 22099) granting an increase of pension to Robert L. Oliver; to the Committee on Invalid Pensions.

By Mr. DOREMUS: A bill (H. R. 22100) granting a pension to Guy I. Church; to the Committee on Pensions.

Also, a bill (H. R. 22101) granting an increase of pension to Lewis B. Clark; to the Committee on Invalid Pensions.

By Mr. DANIEL A. DRISCOLL: A bill (H. R. 22102) for the relief of Charles J. Allen, United States Army, retired; to the Committee on War Claims.

By Mr. DWIGHT: A bill (H. R. 22103) granting a pension to Jacob Stocking; to the Committee on Pensions.

Also, a bill (H. R. 22104) granting an increase of pension to George W. Lindley; to the Committee on Invalid Pensions.

Also, a bill (H. R. 22105) granting an increase of pension to Philander T. Crocker; to the Committee on Invalid Pensions.

By Mr. FIELDS: A bill (H. R. 22106) granting an increase of pension to George W. Oldham; to the Committee on Invalid Pensions.

Also, a bill (H. R. 22107) granting an increase of pension to William Kautz; to the Committee on Invalid Pensions.

By Mr. FOSS: A bill (H. R. 22108) for the relief of George Q. Allen; to the Committee on Claims.

By Mr. GUDGER: A bill (H. R. 22109) granting a pension to Joseph M. Jones; to the Committee on Invalid Pensions.

By Mr. HAWLEY: A bill (H. R. 22110) granting an increase of pension to Samuel T. McMains; to the Committee on Invalid Pensions.

By Mr. HEALD: A bill (H. R. 22111) for the relief of the Delaware Transportation Co., owner of the American steamer *Dorothy;* to the Committee on Claims.

By Mr. HULL: A bill (H. R. 22112) granting an increase of pension to James Finn; to the Committee on Invalid Pensions.

Also, a bill (H. R. 22113) to remove the charge of desertion standing against John Downs; to the Committee on Military Affairs.

By Mr. LAFFERTY: A bill (H. R. 22114) granting a pension to Margaret E. Perkins; to the Committee on Invalid Pensions.

Also, a bill (H. R. 22115) granting an increase of pension to Cyrus C. Boon; to the Committee on Invalid Pensions.

Also, a bill (H. R. 22116) granting an increase of pension to William H. Estep; to the Committee on Invalid Pensions.

Also, a bill (H. R. 22117) authorizing the Secretary of the Treasury to convey certain land to the city of Portland, Oreg.; to the Committee on Public Buildings and Grounds.

By Mr. LITTLEPAGE: A bill (H. R. 22118) granting an increase of pension to William Sigman, jr.; to the Committee on Invalid Pensions.

Also, a bill (H. R. 22119) for the relief of the heirs of Nancy Montgomery; to the Committee on War Claims.

Also, a bill (H. R. 22120) for the relief of Nannie C. Williams, administratrix of the estate of William E. Keeney, deceased; to the Committee on War Claims.

By Mr. MONDELL: A bill (H. R. 22121) granting a pension to Elizabeth Terry; to the Committee on Invalid Pensions.

By Mr. POST: A bill (H. R. 22122) granting a pension to Jacobena Schneider McGath; to the Committee on Invalid Pensions.

By Mr. PROUTY: A bill (H. R. 22123) granting an increase of pension to Ira Waldo; to the Committee on Invalid Pensions.

By Mr. RUSSELL: A bill (H. R. 22124) for the relief of Thomas R. Mason; to the Committee on Claims.

By Mr. SELLS: A bill (H. R. 22125) granting a pension to George Carroll; to the Committee on Pensions.

Also, a bill (H. R. 22126) granting a pension to W. M. Balch; to the Committee on Pensions.

Also, a bill (H. R. 22127) granting an increase of pension to Isaac N. Nave; to the Committee on Invalid Pensions.

By Mr. SHARP: A bill (H. R. 22128) granting an increase of pension to Samuel A. Williams; to the Committee on Invalid Pensions.

By Mr. SLEMP: A bill (H. R. 22129) granting a pension to George W. Johnson; to the Committee on Pensions.

Also, a bill (H. R. 22130) granting a pension to William M. Findley; to the Committee on Pensions.

By Mr. SULLOWAY: A bill (H. R. 22131) granting a pension to Joseph Stephens; to the Committee on Pensions.

By Mr. TALBOTT of Maryland: A bill (H. R. 22132) granting an increase of pension to Henry Lafferty; to the Committee on Invalid Pensions.

By Mr. THISTLEWOOD: A bill (H. R. 22133) granting an increase of pension to Napoleon B. Greathouse; to the Committee on Invalid Pensions.

By Mr. UNDERHILL: A bill (H. R. 22134) granting a pension to Flora L. Carey; to the Committee on Invalid Pensions.

Also, a bill (H. R. 22135) granting a pension to Daniel Updike; to the Committee on Invalid Pensions.

By Mr. WICKLIFFE: A bill (H. R. 22136) for the relief of the heirs of Daniel Turnbull, deceased; to the Committee on War Claims.

By Mr. WILSON of Illinois: A bill (H. R. 22137) granting an increase of pension to Abram S. Esmay; to the Committee on Invalid Pensions.

Also, a bill (H. R. 22138) granting an increase of pension to Henry M. McCarty; to the Committee on Invalid Pensions.

PETITIONS, ETC.

Under clause 1 of Rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

By the SPEAKER: Petitions of labor organizations in the island of Porto Rico, for establishment of a department of labor and agriculture in that island; to the Committee on Insular Affairs.

Also, memorial of the Russian River Chamber of Commerce, for improvement of the Yosemite National Park; to the Committee on the Public Lands.

By Mr. AINEY: Petitions of Granges Nos. 174 and 1157, Patrons of Husbandry, for a governmental system of postal express; to the Committee on Interstate and Foreign Commerce.

By Mr. AKIN of New York: Memorial of Naval Camp, No. 49, United States War Veterans, Brooklyn, N. Y., in favor of House bill 17470; to the Committee on Pensions.

By Mr. ANDERSON of Minnesota: Petition of Ole O. Lee and 17 others, of Newhouse, Minn., against extension of parcel post; to the Committee on the Post Office and Post Roads.

By Mr. ANDRUS: Petitions of citizens of White Plains, Port Chester, Yonkers, Mount Vernon, and New Rochelle, N. Y., protesting against parcel-post legislation; to the Committee on the Post Office and Post Roads.

Also, petition of citizens and taxpayers of Harrison, N. Y., favoring the extension of free mail delivery in towns outside of incorporated cities and villages; to the Committee on the Post Office and Post Roads.

Also, petitions of citizens of White Plains, Port Chester, Yonkers, Mount Vernon, and New Rochelle, N. Y., favoring legislation giving the Interstate Commerce Commission power to regulate express rates; to the Committee on Interstate and Foreign Commerce.

By Mr. ASHBROOK: Memorial of Nineveh Grange, No. 1500, of Beidler, Ohio, for parcel-post legislation; to the Committee on the Post Office and Post Roads.

Also, petition of Frank A. Ralton and other citizens of Newark, Ohio, protesting against the passage of interstate-commerce liquor legislation; to the Committee on the Judiciary.

By Mr. BARCHFELD: Petition of the Builders' Exchange League of Pittsburgh, Pa., for reduction in the postage on first-class mail matter; to the Committee on the Post Office and Post Roads.

Also, petition of the First Lutheran Church of Duquesne, Pa., for passage of the Kenyon-Sheppard interstate liquor bill; to the Committee on the Judiciary.

Also, petition of the German-American Alliance of Pottsville, Pa., against prohibition or interstate liquor legislation; to the Committee on the Judiciary.

By Mr. BOEHNE: Petition of John Kuhn and other citizens of Princeton, Ind., for the construction of one battleship in a Government navy yard; to the Committee on Naval Affairs.

By Mr. BOWMAN: Petition of David E. Derr, of Parsons, Pa., for enactment of House bill 20595, amending the copyright act of 1909; to the Committee on Patents.

Also, petition of Grange No. 308, Patrons of Husbandry, for amending the laws governing the traffic in oleomargarine; to the Committee on Agriculture.

Also, petition of Grange No. 819, Patrons of Husbandry, for a governmental system of postal express; to the Committee on Interstate and Foreign Commerce.

By Mr. BURKE of Wisconsin: Petition of St. Joseph's Society of Newburg, Wis., protesting against a resolution of inquiry concerning Government institutions in which American citizens wearing the religious habit are employed; to the Committee on Indian Affairs.

By Mr. CALDER: Petitions of residents of Brooklyn and New York, N. Y., for amending the copyright act of 1909; to the Committee on Patents.

Also, memorial of New York State Assembly, for improvement of the inlet of Lake Champlain; to the Committee on Rivers and Harbors.

Also, petition of J. Crory, of New York City, protesting against parcel-post legislation; to the Committee on the Post Office and Post Roads.

By Mr. CALLAWAY: Petition of First Congregational Church of Fort Worth, Tex., for passage of the Kenyon-Sheppard interstate liquor bill to withdraw from interstate-commerce protection liquors shipped into "dry" territory for illegal use; to the Committee on the Judiciary.

By Mr. CARTER: Petitions of citizens of the State of Oklahoma, for passage of House bill 20595, amending the copyright act of 1909; to the Committee on Patents.

By Mr. CRAGO: Petitions of citizens of Rockwood, Pa., and Sycamore Grange, Patrons of Husbandry, for enactment of parcel-post legislation; to the Committee on the Post Office and Post Roads.

Also, petitions of Brownsville Business Men's Association and members of the council of South Brownsville, Pa., for enactment of House bill 16819; to the Committee on the Post Office and Post Roads.

Also, petitions of sundry granges, Patrons of Husbandry, in Pennsylvania, for a governmental system of postal express; to the Committee on Interstate and Foreign Commerce.

By Mr. CURRIER: Petition of the Christian Endeavor Union of Concord, N. H., for passage of Kenyon-Sheppard interstate liquor bill; to the Committee on the Judiciary.

By Mr. DANFORTH: Petition of Carl L. Howland, F. P. Higbie, and other residents of Chile, N. Y., favoring the passage of House bill 16214; to the Committee on the Judiciary.

By Mr. DAVIS of West Virginia: Petition of sundry citizens of Marshall County, W. Va., against a reduction in the rate of postage on second-class mail matter; to the Committee on the Post Office and Post Roads.

Also, petition of sundry citizens of Marshall County, W. Va., praying for the establishment of an illiteracy test for all foreigners coming into the United States; to the Committee on Immigration and Naturalization.

Also, petition of sundry citizens of Marshall County, W. Va., with reference to the Berger resolution providing for an investigation of the violation of the United States immigration law by the mill owners at Lawrence, Mass.; to the Committee on Rules.

By Mr. DOREMUS: Petitions of the Methodist Episcopal and Brewster Congregational Churches, of Detroit, Mich., for passage of Kenyon-Sheppard interstate liquor bill; to the Committee on the Judiciary.

Also, petitions of citizens of the State of Michigan, protesting against parcel-post legislation; to the Committee on the Post Office and Post Roads.

By Mr. DRAPER: Petition of Albert W. Wills and various other citizens of the State of New York, favoring building of one battleship in Government navy yard, New York; to the Committee on Naval Affairs.

By Mr. DANIEL A. DRISCOLL: Petitions of residents of Buffalo, N. Y., for enactment of House bill 20595, amending the copyright act of 1909; to the Committee on Patents.

Also, memorial of the New York State Senate, requesting that one battleship be constructed at the Brooklyn Navy Yard; to the Committee on Naval Affairs.

By Mr. DWIGHT: Petition of the Presbyterian Church and Woman's Christian Temperance Union of Ludlowville, N. Y., for passage of Kenyon-Sheppard interstate liquor bill; to the Committee on the Judiciary.

By Mr. DYER: Papers to accompany House bill 18254; to the Committee on Invalid Pensions.

Also, petition of Council No. 4, United Garment Workers of America, for enactment of House bill 20423; to the Committee on the Judiciary.

Also, petition of the Civic League of St. Louis, Mo., for establishment of a national department of health; to the Committee on Interstate and Foreign Commerce.

By Mr. ELLERBE: Petitions of the Woman's Christian Temperance Union and Woman's Missionary Union of Scranton, S. C., for passage of Kenyon-Sheppard interstate liquor bill; to the Committee on the Judiciary.

By Mr. FOSTER of Illinois: Petition of citizens of Bridgeport, Ill., protesting against the enactment of a parcel post; to the Committee on the Post Office and Post Roads.

By Mr. FRENCH: Petitions of citizens of the State of Idaho, for passage of House bill 14, providing for a parcel-post system; to the Committee on the Post Office and Post Roads.

Also, petitions of citizens of the State of Idaho, protesting against parcel-post legislation; to the Committee on the Post Office and Post Roads.

Also, petition of citizens of the State of Idaho, for enactment of Senate bill 5286, for protection of game and birds in the national forests; to the Committee on the Public Lands.

By Mr. FULLER: Petitions of H. L. Bowen, Thomas Cole, Homer Hall, Stanley Carpenter, Mrs. Laura Bowen, and Walter Lincoln, all of R. F. D. No. 1, Belvidere, Ill., favoring the establishment of a parcel-post service; to the Committee on the Post Office and Post Roads.

Also, petitions of M. M. Martin, of Caledonia, Ill.; also S. C. Dick, of Sycamore, Ill., in favor of the establishment of a parcel-post service; to the Committee on the Post Office and Post Roads.

Also, petitions of Refior Hardware Co., of Ottawa, Ill., and also of Illinois Lumber and Builders Supply Dealers' Association, of Chicago, Ill., against the establishment of a parcel post until after report of an impartial commission, etc.; to the Committee on the Post Office and Post Roads.

Also, petition of H. G. Cormick, of Centralia, Ill., favoring 1-cent letter postage and opposing the establishment of a parcel post, etc.; to the Committee on the Post Office and Post Roads.

Also, petition of B. C. Strout and other citizens of Gardner, Ill., opposing the proposed extension of the parcel-post service, etc.; to the Committee on the Post Office and Post Roads.

Also, petition of the Chicago Live Stock Exchange, of Chicago, Ill., favoring a reduction in the duty on oleomargarine, etc.; to the Committee on Agriculture.

Also, petition of F. L. Fraser, of Mendota, Ill., favoring the passage of the Townsend bill (H. R. 20595), to amend section 25 of the copyright law of 1909; to the Committee on Patents.

Also, petition of Owen Kelly et al., of Ottawa, Ill., favoring the construction of one battleship in the New York Navy Yard, etc.; to the Committee on Naval Affairs.

Also, petition of National German-American Alliance, of Ottawa, Ill., against the passage of any pending prohibition or interstate commerce liquor measures; to the Committee on the Judiciary.

Also, petition of Brewster & Evans Co., of Chicago, Ill., favoring the proposed Federal commission on industrial relations, etc.; to the Committee on Labor.

Also, petition of the Association of Drainage and Levee Districts of Illinois, objecting to the increased flow in Illinois River from water from Lake Michigan, etc.; to the Committee on Rivers and Harbors.

By Mr. HAMILL: Memorial of board of directors, Philadelphia Bourse, for retirement of employees in the civil service; to the Committee on Reform in the Civil Service.

By Mr. HAMMOND: Petition of L. P. Halgerson and 87 others, of Ruthton, Minn., protesting against passage of the Lever oleomargarine bill; to the Committee on Agriculture.

Also, petitions of H. A. Patterson and 24 others, of Mankato, Minn., for reduction in the duties on raw and refined sugars; to the Committee on Ways and Means.

By Mr. HANNA: Petition of L. H. Hielmeland, of Palermo, N. Dak., asking that the duties on raw and refined sugars be reduced; to the Committee on Ways and Means.

Also, petition of citizens of Binford, N. Dak., for old-age pensions; to the Committee on Pensions.

Also, petition of Christian Endeavor Society of Barrie, N. Dak., for passage of Kenyon-Sheppard interstate liquor bill; to the Committee on the Judiciary.

Also, petition of citizens of Barton, N. Dak., for enactment of House bill 14, providing for a parcel-post system; to the Committee on the Post Office and Post Roads.

By Mr. HARTMAN: Petitions of Granges Nos. 698, 1116, and 1168, Patrons of Husbandry, for enactment of House bill 9133, providing for a Government system of postal express; to the Committee on Interstate and Foreign Commerce.

By Mr. HAWLEY: Petitions of citizens of North Bend, Oreg., and Oregon Anti-Saloon League, Portland, Oreg., favoring the passage of the Kenyon-Sheppard bill; to the Committee on the Judiciary.

By Mr. HENRY of Texas: Petition of citizens of the State of Texas, protesting against parcel-post legislation; to the Committee on the Post Office and Post Roads.

By Mr. HENSLEY: Petition of F. R. Dean, of De Soto, Mo., for passage of House bill 20595, amending the copyright act of 1909; to the Committee on Patents.

By Mr. HIGGINS: Petition of residents of the State of Connecticut, against repeal of the anticanteen law; to the Committee on Military Affairs.

Also, petitions of the German-American Alliances of Bridgeport, Conn., Scranton, Pa., and the State of Texas, protesting against legislation restricting the interstate shipment of liquors; to the Committee on the Judiciary.

By Mr. HOWELL: Petition of William T. Wootton, manager Alice Theater, Heber, Utah; Young Bros., managers of Zenith Theater, Fairview, Utah; Bert Martin, of Salt Lake City; and Charles H. Bodel, manager Casino Theater, Salt Lake City, Utah, favoring certain amendments to the copyright act of 1909; to the Committee on Patents.

Also, petition of the Davis Shoe Co. and other business firms of Salt Lake City, Utah, protesting against enactment of House bill 16844; to the Committee on Interstate and Foreign Commerce.

By Mr. HUGHES of New Jersey: Petitions of citizens of Ridgewood, N. J., for enactment of House bill 20842; to the Committee on Ways and Means.

By Mr. LAFFERTY: Petitions of citizens of Portland, Talent, and Wamic, Oreg., for enactment of House bill 14, providing for a parcel-post system; to the Committee on the Post Office and Post Roads.

Also, petition of James Maguire and others, of Portland, Oreg., proposing the insertion of a provision in the naval appropriation bill to build one battleship in a Government navy yard; to the Committee on Naval Affairs.

Also, petition of citizens of Youcalla, Oreg., protesting against parcel-post legislation; to the Committee on the Post Office and Post Roads.

By Mr. LANGHAM: Memorial of Tidal Grange, No. 872, Patrons of Husbandry, Madison Township; Pleasant Hill Grange, No. 656, Knox Township, Jefferson County; Patrons' Grange, No. 609, Pine Creek Township, Jefferson County; Paradise Grange, No. 854, Winslow Township, Jefferson County; Kiskiminetas Grange, No. 519; and Kiskiminetas Township, Armstrong County, all in the State of Pennsylvania, favoring the passage of House bill 19133, which provides for system of postal express, and opposing as inadequate proposed limit of 11 pounds to packages; to the Committee on the Post Office and Post Roads.

Also, memorial of Kiskiminetas Grange, No. 519, Armstrong County, Pa., proposing and asking changes in the oleomargarine laws; to the Committee on Agriculture.

By Mr. LAWRENCE: Petitions of the Woman's Christian Temperance Union, church, and citizens of Shelburne Falls, Mass., favoring the passage of the Kenyon-Sheppard interstate commerce liquor bill; to the Committee on the Judiciary.

Also, petition of druggists of Greenfield, Mass., against parcel post; to the Committee on the Post Office and Post Roads.

By Mr. LENROOT: Petition of residents of Knapp, Wis., for passage of the Kenyon-Sheppard interstate liquor bill; to the Committee on the Judiciary.

By Mr. LINDSAY: Memorial of Brooklyn League, 44 Court Street, Brooklyn, N. Y., asking that one battleship be constructed at Brooklyn Navy Yard; to the Committee on Naval Affairs.

Also, memorial of St. Sebastianus Sick-Benefit Society, 276 Jefferson Street, Brooklyn, N. Y., and of Bushwick Council, No. 99, Catholic Benevolent Legion, 69 Hamburg Avenue, Brooklyn, N. Y., concerning resolutions regarding Catholic Indian mission interests; to the Committee on Indian Affairs.

By Mr. LLOYD: Petitions of Oakdale Grange and of citizens of Macon County, Mo., in favor of parcel-post legislation; to the Committee on the Post Office and Post Roads.

Also, petition of citizens of St. Paul, Minn., protesting against parcel-post legislation; to the Committee on the Post Office and Post Roads.

By Mr. McKINLEY: Memorial of the Rock Island County (Ill.) Retail Druggists' Association, protesting against a parcel post; to the Committee on the Post Office and Post Roads.

By Mr. MARTIN of South Dakota: Petition of citizens of Brookings and Moody Counties, S. Dak., for parcel-post legislation; to the Committee on the Post Office and Post Roads.

By Mr. NEEDHAM: Petitions of citizens of the State of California, protesting against parcel-post legislation; to the Committee on the Post Office and Post Roads.

Also, memorial of the California Civic League, for adequate appropriation to enforce the white-slave traffic act; to the Committee on Appropriations.

By Mr. O'SHAUNESSY: Memorial of the American Protective Tariff League, that fair adjustment of tariff duties is an impossibility when dealing with one schedule at a time, for the reason that each and every schedule is more or less correlated with some other schedule or schedules; to the Committee on Ways and Means.

Also, memorial of the National League for Medical Freedom, urging the President to nullify his order making it a criminal offense for anyone to practice medicine, etc., unless licensed by the board of health of the Canal Zone; to the Committee on Interstate and Foreign Commerce.

Also, memorial of the Carpenters' District Council, of Pawtucket, R. I., amending the law on oleomargarine that a tax not exceeding 2 cents per pound be placed upon the product; that the license fee of $6 per year be placed upon the retailer for the privilege of vending oleomargarine, etc.; to the Committee on Agriculture.

Also, memorial of Carpenters' District Council of Pawtucket, that Congress amend the law on oleomargarine; that a tax be placed upon the product, whether colored or uncolored; that a license of $6 be placed upon the retailer for the privilege of vending oleomargarine; and that the product be packed in one-half, 1, 2, and 3 pound packages only and the product be sold only in the original tax-paid packages; to the Committee on Agriculture.

Also, petition of the New York Society of Certified Public Accountants, protesting against the employment by the United States of chartered accountants to the exclusion of certified public accountants; to the Committee on Expenditures in the Navy Department.

Also, memorial of the Seattle Chamber of Commerce, eliminating all tolls through the Panama Canal or commerce going between cities of the Atlantic and Pacific Oceans; to the Committee on Interstate and Foreign Commerce.

Also, memorial of the National Founders' Association of New York, that the time has arrived when the country should awaken to the real situation, discountenance public expressions and legislative action designed to discourage legitimate enterprise and commercial and industrial development; to the Committee on Ways and Means.

By Mr. POWERS: Petitions of citizens of the eleventh congressional district of Kentucky, in favor of parcel-post legislation; to the Committee on the Post Office and Post Roads.

By Mr. PRAY: Petition of residents of Circle and Delphia, Mont., in favor of the enactment of House bill 14; to the Committee on the Post Office and Post Roads.

Also, petition of residents of Anaconda, Mont., urging the insertion of clause in the naval appropriation bill providing for the building of one battleship in a Government navy yard; to the Committee on Naval Affairs.

Also, petition of residents of Box Elder, Froid, Dane Valley, Homestead, Enterprise, McCabe, Orville, and Culbertson, Mont., in favor of the three-year homestead law; to the Committee on the Public Lands.

By Mr. RAKER: Memorial of the Oakland (Cal.) Civic Center, for appropriation for enforcement of the white slave traffic act; to the Committee on Appropriations.

By Mr. SCULLY: Memorial of the New Jersey Society, Sons of the American Revolution, for printing of the records of the American Revolution; to the Committee on Appropriations.

Also, petition of Camp No. 19, Department of New Jersey, United Spanish War Veterans, for passage of House bill 17470; to the Committee on Pensions.

Also, petition of Charles W. Ritter, of Red Bank, N. J., for enactment of House bill 20595, amending the copyright act of 1909; to the Committee on Patents.

Also, petition of the Woman's Christian Temperance Union and Methodist Episcopal Church of Bradley Beach, N. J., for passage of Kenyon-Sheppard interstate liquor bill; to the Committee on the Judiciary.

By Mr. SHARP: Petition of citizens of Lorain County, Ohio, favoring passage of House bill 20281, providing for repeal of the present so-called butterine law; to the Committee on Agriculture.

Also, memorial of Washington Grange, No. 1748, Mount Gilead, Ohio, favoring passage of House joint resolution 229, providing for the establishment of a vocational school as an appropriate memorial to Abraham Lincoln; to the Committee on the Library.

Also, memorial of Washington Grange, No. 1748, Morrow County, Ohio, favoring Federal aid for road improvement; to the Committee on Agriculture.

Also, memorial of farmers' institute, held at Bellville, Ohio, favoring parcel post and Federal aid in road improvement; to the Committee on Agriculture.

Also, memorial of Wayne Grange (fourteenth Ohio district), in favor of the immediate enactment of a parcel-post law; to the Committee on the Post Office and Post Roads.

Also, memorial of the Commercial Club, Council Bluffs, Iowa, favoring the appropriation of $50,000 with which to entertain foreign commercial representatives; to the Committee on Foreign Affairs.

Also, memorial of Highland Grange, No. 1410, of Richland County, Ohio, favoring the establishment of a parcel post; to the Committee on the Post Office and Post Roads.

Also, petition of Charles Dick Camp, No. 17, United Spanish War Veterans, in favor of House bill 12816, providing for pensions for widows and minor children of soldiers and sailors and marines of the Spanish-American War; to the Committee on Pensions.

By Mr. SIMMONS: Petition of citizens of Niagara Falls, N. Y., favoring construction of one battleship in a Government navy yard; to the Committee on Naval Affairs.

By Mr. SIMS: Petition of sundry citizens of Madison County, Tenn., in favor of interstate-commerce liquor legislation; to the Committee on the Judiciary.

By Mr. SAMUEL W. SMITH: Memorial of Mason Grange, No. 265, for parcel-post legislation; to the Committee on the Post Office and Post Roads.

Also, petitions of citizens of Farmington and Pontiac, Mich., against parcel-post legislation; to the Committee on the Post Office and Post Roads.

Also, petition of members of the Medical Society of Pontiac, Mich., for enactment of the Owen bill; to the Committee on Interstate and Foreign Commerce.

By Mr. SPARKMAN: Petition of residents of Fort Myers, Fla., for enactment of House bill 14, providing for parcel-post legislation; to the Committee on the Post Office and Post Roads.

By Mr. STEPHENS of Nebraska: Petition of F. L. Nelson and others, against the passage of the Johnson Sunday bill (S. 237); to the Committee on the District of Columbia.

By Mr. STEVENS of Minnesota: Petition of citizens of St. Paul, Minn., for rejection of arbitration treaties with Great Britain and France; to the Committee on Foreign Affairs.

Also, memorial of Post No. 2, Grand Army of the Republic, Department of Minnesota, in opposition to incorporating the Grand Army of the Republic; to the Committee on the District of Columbia.

By Mr. THISTLEWOOD: Memorial of Association of Drainage and Levee Districts of Illinois, Beardstown, Ill., in reference to pollution of Illinois River; to the Committee on Rivers and Harbors.

Also, petitions of sundry citizens of the State of Illinois, favoring the building of one battleship in a Government navy yard; to the Committee on Naval Affairs.

Also, petition of Cutter Creamery & Cheese Co., against the Lever bill; to the Committee on Agriculture.

Also, petition of Farmers' Educational and Cooperative Union of America, Local Union No. 192, Ullin, Ill., in reference to Senate bill 3175 and Webb-Callaway bill; to the Committee on Agriculture.

Also, memorial of Beardstown Chamber of Commerce, Beardstown, Ill., in reference to pollution of Illinois River; to the Committee on Rivers and Harbors.

By Mr. TILSON: Petition of Lodge No. 25, Independent Order B'nai B'rith of New Haven, Conn., urging enactment of House bill 9242; to the Committee on Reform in the Civil Service.

By Mr. TUTTLE: Memorial of the New Jersey Society of Newark, N. J., favoring Senate bill 271 and House bill 19641; to the Committee on Naval Affairs.

Also, petition of Elizabeth B. Ritter, Auditorium Theater, Rahway, N. J., asking for amendment of the copyright act of 1909; to the Committee on Patents.

Also, petition of George B. Eades, Bijou Theater, Boonton, N. J., favoring the amendment of the copyright act of 1909; to the Committee on Patents.

By Mr. UNDERHILL: Petition of O. O. Laine, of Canisteo, N. Y., for passage of Kenyon-Sheppard interstate liquor bill; to the Committee on the Judiciary.

By Mr. UTTER: Petition of John W. Miller, jr., of Narragansett Pier, R. I., Martin H. Loohy, of East Greenwich, R. I., and A. A. Ashley, of Westerly, R. I., favoring passage of the Townsend bill (H. R. 20595) to amend section 25 of the copyright act of 1909; to the Committee on Patents.

Also, petition of Old Warwick Grange, Warwick, R. I., favoring a parcel post; to the Committee on the Post Office and Post Roads.

Also, petition of Antioc Grange, Patrons of Husbandry, of Johnston, R. I., favoring the passage of a parcel post and opposing any bill to allow coloring any product to resemble butter; to the Committee on the Post Office and Post Roads.

Also, petition of Sidney F. Hoar Camp, No. 4, United Spanish War Veterans, of Providence, R. I., favoring House bill 1235, providing for the retirement of petty officers and enlisted men of the United States Navy or Marine Corps and for the efficiency of the enlisted personnel; to the Committee on Naval Affairs.

Also, petition of New England Shoe & Leather Association, of Boston, Mass., protesting against the passage of House bill 16884 for placing upon the market any product of manufacture without printing the name and address of the manufacturer upon such article; to the Committee on Interstate and Foreign Commerce.

Also, petition of Sidney F. Hoar Camp, No. 4, United Spanish War Veterans, of Providence, R. I., urging passage of House bill 17470, to pension widow and minor children of any officer or enlisted man who served in the War with Spain or Philippine insurrection; to the Committee on Pensions.

Also, petition of Towsynowie Polskilitary, Gr. Z., No. 204, Zatozore W. Pazoz, of Providence, R. I., protesting against passage of the bill to further regulate the immigration of aliens; to the Committee on Immigration and Naturalization.

By Mr. WILLIS: Petitions of Milford Center Grange, and J. W. Watkins and 67 other citizens of Radnor, Ohio, for extension of the parcel-post system; to the Committee on the Post Office and Post Roads.

Also, petitions of J. D. Price and 5 other citizens, of Arlington; R. T. Cretcher and 5 other citizens, of Quincy; and J. A. Ewing and 12 other citizens, of McComb, all in the State of Ohio, protesting against the enactment of any legislation for the extension of the parcel-post service; to the Committee on the Post Office and Post Roads.

Also, petitions of L. E. Snyder and 5 other citizens, of Arlington; J. A. Groves and 12 other citizens, of McComb; and J. B. Wirick and 5 other citizens, of Quincy, all in the State of Ohio, asking for the enactment of legislation to give the Interstate Commerce Commission more extensive power in the regulation of express rates and express classification; to the Committee on Interstate and Foreign Commerce.

Also, papers to accompany House bill 13914, a bill authorizing the erection of a post-office building at Urbana, Ohio; to the Committee on Public Buildings and Grounds.

By Mr. WILSON of New York: Memorial of the Brooklyn League, for construction of one battleship in the Brooklyn Navy Yard; to the Committee on Naval Affairs.

By Mr. YOUNG of Texas: Petition of P. E. Barton and others, of Gregg County, Tex., against parcel-post legislation; to the Committee on the Post Office and Post Roads.

SENATE.

WEDNESDAY, *March 20, 1912.*

The Senate met at 2 o'clock p. m.

Prayer by the Chaplain, Rev. Ulysses G. B. Pierce, D. D.

The Journal of yesterday's proceedings was read and approved.

FINDINGS OF THE COURT OF CLAIMS.

The VICE PRESIDENT laid before the Senate communications from the assistant clerk of the Court of Claims, transmitting certified copies of the findings of fact and conclusions of law filed by the court in the following causes:

Sadie F. Curtis and Annie E. C. Partin, heirs at law of Henry W. Neville, deceased, and sundry subnumbered cases, *v.* United States (S. Doc. No. 446); and

Joseph Borton and sundry subnumbered cases *v.* United States (S. Doc. No. 447).

The foregoing findings were, with the accompanying papers, referred to the Committee on Claims and ordered to be printed.

STREET CAR LINES IN THE DISTRICT (S. DOC. NO. 441).

The VICE PRESIDENT laid before the Senate a communication from the Commissioners of the District of Columbia, transmitting, in response to a resolution of the 1st ultimo, certain information relative to the necessity of establishing additional street car lines in the District of Columbia, etc., which, with the accompanying papers and map, was referred to the Committee on the District of Columbia and ordered to be printed.

THE CLASSIFIED CIVIL SERVICE (S. DOC. NO. 442).

The VICE PRESIDENT laid before the Senate a communication from the Civil Service Commission, transmitting, in response to a resolution of the 15th ultimo, certain information relative to the number of persons in the classified civil service who were admitted upon examination, which, with the accompanying paper, was referred to the Committee on Civil Service and Retrenchment and ordered to be printed.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by D. K. Hempstead, its enrolling clerk, announced that the House had passed the following bills, in which it requested the concurrence of the Senate:

H. R. 21214. An act to extend the special excise tax now levied, with respect to doing business by corporations to persons, and to provide revenue for the Government by levying a special excise tax with respect to doing business by individuals and copartnerships; and

H. R. 21477. An act making appropriations for the construction, repair, and preservation of certain public works on rivers and harbors, and for other purposes.

PETITIONS AND MEMORIALS.

The VICE PRESIDENT presented a memorial of sundry citizens of Lake Arthur, N. Mex., remonstrating against the enactment of legislation compelling the observance of Sunday as a day of rest in the District of Columbia, which was ordered to lie on the table.

He also presented resolutions adopted by members of the Maritime Exchange, of New York City, expressing its approval of the action of Congress relative to the raising of the wreck of the battleship *Maine*, which were referred to the Committee on Naval Affairs.

He also presented a memorial of members of the National Columbus Association, of Mahanoy City, Pa., remonstrating against the enactment of legislation to further restrict immigration, which was ordered to lie on the table.

He also presented a petition of sundry citizens of Haynesville, La., praying for the enactment of an interstate liquor law to prevent the nullification of State liquor laws by outside dealers, which was referred to the Committee on the Judiciary.

He also presented petitions of the congregations of the First Presbyterian Church of Ensley, Ala., and the Baptist Church of Greenville, Pa.; of the Woman's Christian Temperance Unions of Natick, Mass., Nooksack, Wash., and Arlington, Cal.; and of the Northwest Jewell County District Convention, representing five Sunday schools in the State of Kansas, praying for the adoption of an amendment to the Constitution to prohibit the manufacture, sale, and importation of intoxicating liquors, which were referred to the Committee on the Judiciary.

Mr. GALLINGER presented a memorial of the New Hampshire Retail Grocery and General Merchants' Association, remonstrating against the establishment of a parcel-post system, which was referred to the Committee on Post Offices and Post Roads.

He also presented petitions of sundry citizens of Manchester, Lee, Lakeport, Temple, Bedford, Wolfeboro, and West Campton, all in the State of New Hampshire, praying for the establishment of a parcel-post system, which were referred to the Committee on Post Offices and Post Roads.

Mr. SMITH of Michigan presented petitions of sundry citizens of Genesee County, Detroit, Gregory, Whitehall, Montague, Elsie, Watervliet, Comstock Park, Albion, Hope, Lacota, Mundy, Ballards, Algonac, Allegan, Petoskey, Bangor, Oakland County, Kent City, New Haven, Jones, Lansing, Mason, Buckley, Dryden, Fenton, Wayland, Wheeler, Bay City, Oceana County, Newaygo County, Woodland, Grayling, Birmingham, Sturgis, Centerville, Coleman, and Ithaca, all in the State of Michigan, praying for the enactment of an interstate liquor law to prevent the nullification of State liquor laws by outside dealers, which were referred to the Committee on the Judiciary.

He also presented memorials of sundry citizens of Kalkaska, Mancelona, Pellston, Brutus, Harbor Springs, Petoskey, Mackinaw, Alma, Ithaca, Shepherd, Winn, Harriette, Tustin, Dighton, Elberta, Beulah, Hartwick, Fife Lake, Reed City, Le Roy, Lake City, and Arlene, all in the State of Michigan, remonstrating against the extension of the parcel-post system beyond its present limitations, which were referred to the Committee on Post Offices and Post Roads.

He also presented a memorial of sundry citizens of Paw Paw, Mich., remonstrating against the enactment of legislation compelling the observance of Sunday as a day of rest in the District of Columbia, which was ordered to lie on the table.

He also presented petitions of sundry citizens of Irving, Rothbury, Whitehall, and Montague, all in the State of Michigan, praying for the establishment of a parcel-post system, which were referred to the Committee on Post Offices and Post Roads.

He also presented a memorial of sundry citizens of Paw Paw, Mich., remonstrating against the enactment of legislation compelling the observance of Sunday as a day of rest in post offices, which was referred to the Committee on Post Offices and Post Roads.

Mr. THORNTON presented a memorial of sundry citizens of St. Maurice, La., remonstrating against the extension of the parcel-post system beyond its present limitations, which was referred to the Committee on Post Offices and Post Roads.

Mr. TOWNSEND presented memorials of sundry citizens of Paw Paw, Monroe, Onsted, Decatur, Ann Arbor, Adrian, Almont, Harvard, Lapeer, Battle Creek, Ypsilanti, Holton, Three Rivers, Hudson, Prattville, Clio, Scottville, Bronson, Midland, Reading, Cassopolis, Richmond, Fowlerville, Minden City, Gaylord, Metamora, Wolverine, Howell, Marcellus, Ludington, Kalamazoo, Bay Shore, White Hall, Melvin, Benzonia, Sunfield, Jasper, Union, Mason, Morley, Watervliet, Cass City, Albion, Mayville, Lenox, Clinton, Gregory, Sturgis, North Adams, Twin Lake, Cressey, Beulah, Grand Haven, Hillsdale, Montgomery, Hadley, Hamburg, Northport, Hudson, Holly, Nowell, Scotts, Azalia, Bristol, Big Rapids, Portland, Homer, Jackson, Leonidas, Men-

don, White Pigeon, Blissfield, Montgomery, Pittsford, Bangor, Empire, Traverse City, Edwardsburg, Schoolcraft, Belmont, Greenville, Holland, Reed City, Shelby, Petersburg, Stockbridge, Walkerville, Chelsea, Plymouth, Hunters Creek, Harbor Springs, Stanwood, Brown City, Highland, Tecumseh, Oshtemo, Lansing, Pontiac, Olivet, Faithorn, Waldron, Parma, and Coopersville, all in the State of Michigan, praying for the establishment of a parcel-post system, which were referred to the Committee on Post Offices and Post Roads.

He also presented a resolution in the nature of a memorial adopted by the South-West Michigan Pedigreed Stock Association, in convention at Decatur, Mich., remonstrating against the repeal of the oleomargarine law, which was referred to the Committee on Agriculture and Forestry.

He also presented a memorial of the Michigan Retail Hardware Association, remonstrating against the establishment of a parcel-post system, which was referred to the Committee on Post Offices and Post Roads.

He also presented a memorial of the Cadillac Chemical Co. of Michigan, remonstrating against any change being made in the present chemical schedule of the tariff law, which was referred to the Committee on Finance.

Mr. SMITH of Maryland presented a petition of members of the Lutheran Brotherhood, of Williamsport, Md., praying for the enactment of an interstate liquor law to prevent the nullification of State liquor laws by outside dealers, which was referred to the Committee on the Judiciary.

Mr. PERKINS presented a petition of members of the Chamber of Commerce of Los Angeles, Cal., praying for the enactment of legislation to exempt from toll all American ships engaged in coastwise traffic through the Panama Canal, which was referred to the Committee on Interoceanic Canals.

He also presented a petition of members of the Merchants' Exchange of Oakland, Cal., praying for the adoption of a 1-cent letter postage, which was referred to the Committee on Post Offices and Post Roads.

He also presented a memorial of the Federated Trades Council, of Sacramento, Cal., remonstrating against the repeal of the Chinese exclusion law, which was referred to the Committee on Immigration.

He also presented a petition of Hamilton S. Hawkins Camp, No. 43, Department of California, United Spanish War Veterans, of Los Angeles, Cal., praying for the enactment of legislation to pension widow and minor children of any officer or enlisted man who served in the War with Spain or the Philippine insurrection, which was referred to the Committee on Pensions.

He also presented petitions of the Woman's Christian Temperance Union, of Central School District, and of sundry citizens of Winters and Exeter, all in the State of California, praying for the enactment of an interstate liquor law to prevent the nullification of State liquor laws by outside dealers, which were referred to the Committee on the Judiciary.

He also presented a petition of sundry citizens of Dunsmuir, Cal., praying for the enactment of legislation to prohibit the breaking of seals on railroad cars engaged in interstate traffic, which was referred to the Committee on Interstate Commerce.

He also presented a petition of members of the California Club, of San Francisco, Cal., praying for the enactment of legislation giving the right of franchise to every native-born American woman of the United States, irrespective of the nationality of her husband, which was referred to the Committee on Woman Suffrage.

Mr. OLIVER presented petitions of sundry citizens of Center Hall, Swatara, Cumberland, Greenwood, Osceola, and Westfield, all in the State of Pennsylvania, praying for the establishment of a parcel-post system, which were referred to the Committee on Post Offices and Post Roads.

He also presented a petition of Good Hope Grange, No. 1354, Patrons of Husbandry, of Jerseytown, Pa., praying for the adoption of certain amendments to the oleomargarine law, which was referred to the Committee on Agriculture and Forestry.

He also presented a memorial of Penn Grange, No. 1485, Patrons of Husbandry, of Cumberland, Pa., remonstrating against the enactment of legislation to provide for the coloring of oleomargarine in imitation of butter, which was referred to the Committee on Agriculture and Forestry.

He also presented petitions of sundry citizens of Stoneham, Mercer, and Portland, all in the State of Pennsylvania, praying for the enactment of an interstate liquor law to prevent the nullification of State liquor laws by outside dealers, which were referred to the Committee on the Judiciary.

He also presented petitions of sundry citizens of Scranton, Bowmanstown, Palmyra, Chambersburg, Craley, Nazareth, Kratzerville, Douglassville, Glen Riddle, Mt. Pleasant Mills, Centralia, Bald Mount, Morton, Hopewell, Washington, Chester, Harrisburg New Freedom, Olyphant, Altoona, Olney, Tidioute, Philadelphia, Mt. Airy, Dubois, Easton, Charlesville, and Freeland, all in the State of Pennsylvania, praying for the adoption of the so-called Simmons illiteracy-test amendment to the immigration bill, which were ordered to lie on the table.

Mr. CHAMBERLAIN presented a memorial of sundry citizens of Klamath Falls, Oreg., remonstrating against the enactment of legislation compelling the observance of Sunday as a day of rest in the District of Columbia, which was ordered to lie on the table.

Mr. BROWN (for Mr. GAMBLE) presented petitions of sundry citizens of Deadwood, Fulton, Britton, Parker, Lake Preston, and Brown and Day Counties, all in the State of South Dakota, praying for the enactment of an interstate liquor law to prevent the nullification of State liquor laws by outside dealers, which were referred to the Committee on the Judiciary.

He also (for Mr. GAMBLE) presented a petition of the Woman's Christian Temperance Union of Madison, S. Dak., praying for the adoption of an amendment to the Constitution to prohibit the manufacture, sale, or importation of intoxicating liquors, which was referred to the Committee on the Judiciary.

He also (for Mr. GAMBLE) presented memorials of sundry citizens of Ardmore, Bartlesville, Durant, Kingston, Madill, Mill Creek, Talequah, Tulsa, Seminole County, Sulphur, and Pauls Valley, all in the State of Oklahoma, remonstrating against the discontinuance of the office of district Indian agent in Oklahoma, which were referred to the Committee on Indian Affairs.

He also (for Mr. GAMBLE) presented a memorial of sundry citizens of Stone City, S. Dak., remonstrating against the repeal of the oleomargarine law, which was referred to the Committee on Agriculture and Forestry.

He also (for Mr. GAMBLE) presented petitions of sundry citizens of Andover, Broadland, Colton, Goodwin, Hermosa, Fairburn, Keystone, Highmore, Inland, Missionhill, New Underwood, Miner County, Onaka, Parkston, Tabor, Utica, Verdon, Virgil, Wetonka, Whitewood, Elkton, Mitchell, Delmont, Clark County, Dixon, Colman, Farmingdale, and Ottumwa, all in the State of South Dakota, praying for the establishment of a parcel-post system, which were referred to the Committee on Post Offices and Post Roads.

He also (for Mr. GAMBLE) presented resolutions adopted by the United States Board of Indian Commissioners relative to certain conditions upon White Earth Reservation in Minnesota, etc., which were referred to the Committee on Indian Affairs.

He also (for Mr. GAMBLE) presented the memorial of Frank W. Owers, of Coronado, Cal., remonstrating against the enactment of legislation to provide for the irrigation and settlement of lands included in the Colorado Indian Reservation and other lands, etc., which was referred to the Committee on Indian Affairs.

Mr. NELSON presented petitions of sundry citizens of Proctor and Duluth, in the State of Minnesota, praying for the passage of the so-called eight-hour bill, which were referred to the Committee on Education and Labor.

He also presented a memorial of Group No. 394, Polish National Alliance of the United States of North America, of Owatonna, Minn., remonstrating against the adoption of certain amendments to the immigration law, which was ordered to lie on the table.

He also presented a petition of sundry citizens of Minneapolis, Minn., praying that an appropriation of $100,000 be made for the erection of a monument to the memory of John Ericsson, which was referred to the Committee on the Library.

Mr. WETMORE presented a petition of Laurel Grange, No. 40, Patrons of Husbandry, of Harmony, R. I., praying for the establishment of a parcel-post system, which was referred to the Committee on Post Offices and Post Roads.

He also presented a memorial of Laurel Grange, No. 40, Patrons of Husbandry, of Harmony, R. I., remonstrating against the repeal of the oleomargarine law, which was referred to the Committee on Agriculture and Forestry.

Mr. SMITH of South Carolina presented petitions of sundry citizens of Effingham, Florence, and Wilson, all in the State of South Carolina, praying for the establishment of a parcel-post system, which were referred to the Committee on Post-Offices and Post Roads.

He also presented a petition of the congregation of the Baptist Church of Tatum, S. C., praying for the enactment of an interstate liquor law to prevent the nullification of State liquor laws by outside dealers, which was referred to the Committee on the Judiciary.

Mr. McLEAN presented petitions of Local Grange of Middlefield; of Rock Rimmon Grange, No. 142, of Beacon Falls; and of Local Grange No. 11, of Washington Depot, all of the Patrons of Husbandry, in the State of Connecticut, praying for the establishment of a parcel-post system, which was referred to the Committee on Post Offices and Post Roads.

He also presented a petition of members of the First Baptist Sunday School, of Waterbury, Conn., praying for the enactment of an interstate liquor law to prevent the nullification of State liquor laws by outside dealers, which was referred to the Committee on the Judiciary.

He also presented a petition of Horeb Lodge, No. 25, Independent Order B'nai B'rith, of New Haven, Conn., praying for the enactment of legislation to provide for the retirement of employees in the civil service, which was referred to the Committee on Civil Service and Retrenchment.

Mr. CULLOM presented a memorial of sundry citizens, of Murphysboro, Ill., remonstrating against the extension of the parcel-post system beyond its present limitations, which was referred to the Committee on Post Offices and Post Roads.

KIOWA, COMANCHE, AND APACHE INDIAN FUNDS (S. DOC. NO. 444).

Mr. OWEN. I present a memorial signed by delegates of the Kiowa, Comanche, and Apache Indians, remonstrating against the use of their tribal funds for the purpose of establishing and maintaining a hospital for the use of members of their respective tribes. I move that the memorial be printed as a document and referred to the Committee on Indians Affairs.

The motion was agreed to.

REPORTS OF COMMITTEES.

Mr. SWANSON, from the Committee on Public Buildings and Grounds, to which was referred the bill (S. 1895) to provide for the purchase of a site and the erection of a public building thereon at Farmville, in the State of Virginia, reported it with an amendment and submitted a report (No. 493) thereon.

Mr. McCUMBER, from the Committee on Foreign Relations, to which was referred the amendment submitted by himself on the 6th ultimo, intended to be proposed to the bill (S. 3316) to repeal an act entitled "An act to promote reciprocal trade relations with the Dominion of Canada, and for other purposes," approved July 26, 1911, asked to be discharged from its further consideration and that it be referred to the Committee on Finance, which was agreed to.

JOHN W. GULICK.

Mr. CULLOM. I report back favorably from the Committee on Foreign Relations, without amendment, the joint resolution (S. J. Res. 90) to authorize Capt. John W. Gulick, United States Army, to accept a position under the Government of the Republic of Chile, and I ask for its immediate consideration.

The VICE PRESIDENT. The joint resolution will be read for the information of the Senate.

The Secretary read the joint resolution, as follows:

Resolved, etc., That Capt. John W. Gulick, Coast Artillery Corps, United States Army, be, and he is hereby, permitted to accept from the Government of the Republic of Chile the position of instructor of the Coast Artillery of the Chilean Army and the emoluments, rights, and privileges pertaining thereto.

The VICE PRESIDENT. Is there objection to the consideration of the joint resolution?

There being no objection, the joint resolution was considered as in Committee of the Whole.

The joint resolution was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

YOSEMITE NATIONAL PARK.

Mr. WORKS. From the Committee on Public Lands I report back favorably without amendment the bill (S. 5718) to authorize the Secretary of the Interior to secure for the United States title to patented lands in the Yosemite National Park, and for other purposes, and I submit a report (No. 492) thereon. I ask for the present consideration of the bill.

The VICE PRESIDENT. The bill will be read for the information of the Senate.

The Secretary read the bill, as follows:

Be it enacted, etc., That the Secretary of the Interior, for the purpose of eliminating private holdings within the Yosemite National Park and the preservation intact of the natural timber along the roads in the scenic portions of the park, both on patented and park lands, is hereby empowered, in his discretion, to obtain for the United States the complete title to any or all of the lands held in private ownership within the boundaries of said park, by the exchange of decayed or matured timber, that can be removed from such parts of the park as will not affect the scenic beauty thereof, for lands of equal timber value held in private ownership therein, and also, in his discretion, to exchange for timber standing near the public roads on patented lands for timber of equal value on park lands in other parts of the park.

SEC. 2. That the value of patented lands within the park offered in exchange, and the value of the timber on park lands proposed to be given in exchange for such patented lands, shall be ascertained in such manner as the Secretary of the Interior may, in his discretion, direct, and all expenses incident to ascertaining such values shall be paid by the owners of said patented lands, and such owners shall, before any exchange is effective, furnish the Secretary of the Interior evidence satisfactory to him of title to the patented lands offered in exchange, and if the value of the timber on park lands exceeds the value of the patented lands deeded to the Government in the exchange such excess shall be paid to the Secretary of the Interior by the owners of the patented lands before any of the timber is removed from the park, and may be used by said Secretary in the management, improvement, and protection of the park. The same course shall be pursued in relation to exchange for timber standing near public roads on patented lands for timber to be exchanged on park lands: *Provided*, That the lands conveyed to the Government under this act shall become a part of the Yosemite National Park.

SEC. 3. That all timber must be cut and removed from the park under regulations to be prescribed by the Secretary of the Interior, and any damage which may result to the roads or any part of the park in consequence of the cutting and removal of the timber from the reservation shall be borne by the owners of the patented lands, and bond satisfactory to the Secretary of the Interior must be given for the payment of such damages, if any, as shall be determined by the Secretary of the Interior.

SEC. 4. That the Secretary of the Interior may also sell and permit the removal of such matured or dead or down timber as he may deem necessary or advisable for the protection or improvement of the park, and the proceeds derived therefrom shall be expended under his direction in the management, improvement, and protection of the park.

The VICE PRESIDENT. Is there objection to the present consideration of the bill?

There being no objection, the bill was considered as in Committee of the Whole.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

BILLS INTRODUCED.

Bills were introduced, read the first time, and, by unanimous consent, the second time, and referred as follows:

By Mr. FOSTER:

A bill (S. 5918) for the relief of the legal representative of George E. Payne, deceased; to the Committee on Claims.

By Mr. CULLOM:

A bill (S. 5919) to increase the limit of cost for the United States post-office building at La Salle, Ill., and making appropriation therefor; to the Committee on Public Buildings and Grounds.

A bill (S. 5920) granting a pension to Henry Roper (with accompanying papers); to the Committee on Pensions.

By Mr. DU PONT:

A bill (S. 5921) granting an increase of pension to Moses D. Marshall; to the Committee on Pensions.

By Mr. MARTINE of New Jersey:

A bill (S. 5922) granting an increase of pension to Martin B. Monroe (with accompanying papers); to the Committee on Pensions.

By Mr. BROWN (for Mr. GAMBLE):

A bill (S. 5923) to segregate the funds of the Kiowa, Comanche, and Apache Indians, and for other purposes; to the Committee on Indian Affairs.

A bill (S. 5924) granting an increase of pension to Preston Sharp (with accompanying papers);

A bill (S. 5925) granting an increase of pension to Eugene Besancon (with accompanying papers);

A bill (S. 5926) granting an increase of pension to Rufus G. Barber (with accompanying papers);

A bill (S. 5927) granting an increase of pension to Horace A. Foster (with accompanying papers); and

A bill (S. 5928) granting an increase of pension to William C. Reeves (with accompanying papers); to the Committee on Pensions.

By Mr. WARREN:

A bill (S. 5929) granting a pension to Tillie Johnson (with accompanying paper); to the Committee on Pensions.

By Mr. BACON:

A bill (S. 5930) to extend the time for the completion of dams across the Savannah River by authority granted to Twin City Power Co. by an act approved February 29, 1908; to the Committee on Commerce.

By Mr. JONES:

A bill (S. 5931) to amend an act entitled "An act to relieve the Tanana Mines Railroad Co. in Alaska from taxation," approved March 2, 1907; to the Committee on Territories.

By Mr. MARTIN of Virginia:

A bill (S. 5932) conferring jurisdiction on the Court of Claims to try, adjudicate, and determine certain claims for compensation for carrying the mails and pay for the discontinuance of postal service; and

A bill (S. 5933) for the relief of the heirs of William Downs; to the Committee on Claims.

By Mr. OWEN:
A bill (S. 5934) for the relief of the estate of Allen J. Mann, deceased; to the Committee on Claims.
By Mr. SMITH of Michigan:
A bill (S. 5935) to fix the terms of the district court for the western district of Michigan; to the Committee on the Judiciary.
A bill (S. 5936) for the relief of Henry La Croix; to the Committee on Claims.
A bill (S. 5937) to restore in part the rank of Lieuts. Thomas Marcus Molloy and Joseph Henry Crozier, United States Revenue-Cutter Service; to the Committee on Naval Affairs.
A bill (S. 5938) to grant an honorable discharge to Henry J. Hurley (with accompanying paper); and
A bill (S. 5939) to remove the charge of desertion from the military record of Glenn Bennett; to the Committee on Military Affairs.
A bill (S. 5940) granting an increase of pension to Walter Niles;
A bill (S. 5941) granting an increase of pension to Joseph Johnston;
A bill (S. 5942) granting a pension to Israel Cave (with accompanying papers); and
A bill (S. 5943) granting a pension to Cyrus Hicks (with accompanying paper); to the Committee on Pensions.
By Mr. McLEAN:
A bill (S. 5944) granting an increase of pension to Lyman H. Leach (with accompanying papers); to the Committee on Pensions.
By Mr. OWEN:
A bill (S. 5945) for the relief of the Iowa Indians;
A bill (S. 5946) to amend an act approved May 27, 1908, entitled "An act for the removal of restrictions from part of the lands of allottees of the Five Civilized Tribes, and for other purposes"; and
A bill (S. 5947) creating the Seminole arbitration court, in Seminole County, Okla., and for the quieting of certain Seminole Indian land titles; to the Committee on Indian Affairs.

AMENDMENTS TO RIVER AND HARBOR BILL.

Mr. DU PONT submitted an amendment proposing to appropriate $250,000 for the improvement of the harbor at Wilmington, Del., etc., intended to be proposed by him to the river and harbor appropriation bill (H. R. 21477), which was referred to the Committee on Commerce and ordered to be printed.

Mr. NELSON submitted an amendment providing that the printing of matter relating to river and harbor works, including all reports, compilations, regulations, etc., be paid for from river and harbor appropriations, intended to be proposed by him to the river and harbor appropriation bill (H. R. 21477), which was referred to the Committee on Commerce and ordered to be printed.

OMNIBUS CLAIMS BILL.

Mr. OWEN submitted an amendment intended to be proposed by him to the bill (H. R. 19115) making appropriation for the payment of certain claims in accordance with the findings of the Court of Claims, reported under the provisions of the acts approved March 3, 1883, and March 3, 1887, and commonly known as the Bowman and Tucker Acts, which was referred to the Committee on Claims and ordered to be printed.

REGULATION OF IMMIGRATION.

Mr. ROOT submitted an amendment intended to be proposed by him to the bill (S. 3175) to regulate the immigration of aliens to and the residence of aliens in the United States, which was referred to the Committee on Immigration and ordered to be printed.

INJUNCTIONS IN CERTAIN CASES (S. DOC. NO. 443),

Mr. SUTHERLAND. I have a brief prepared by Alfred P. Thom, of Washington, D. C., on the judicial power and the power of Congress in its relation to the United States courts. I move that the paper be printed as a Senate document.
The motion was agreed to.

ADDRESS BY HON. J. B. FORAKER (S. DOC. NO. 445).

Mr. BURTON. I move to have printed as a Senate document an address by my predecessor, Hon. J. B. Foraker, before the Constitutional Convention of Ohio at Columbus March 14, 1912.
The motion was agreed to.

HOUSE BILLS REFERRED.

H. R. 21214. An act to extend the special excise tax now levied with respect to doing business by corporations to persons, and to provide revenue for the Government by levying a special excise tax with respect to doing business by individuals and copartnerships was read twice by its title and referred to the Committee on Finance.

H. R. 21477. An act making appropriations for the construction, repair, and preservation of certain public works on rivers and harbors, and for other purposes, was read twice by its title and referred to the Committee on Commerce.

FORTIFICATIONS APPROPRIATION BILL.

Mr. PERKINS. I move that the Senate proceed to the consideration of House bill 20111, the fortifications appropriations bill.

The motion was agreed to; and the Senate, as in Committee of the Whole, proceeded to consider the bill (H. R. 20111) making appropriations for fortifications and other works of defense, for the armament thereof, for the procurement of heavy ordnance for trial and service, and for other purposes, which had been reported from the Committee on Appropriations with amendments.

Mr. PERKINS. I ask that the formal reading of the bill be dispensed with and that the bill be read for action on the committee amendments.

The VICE PRESIDENT. The Senator from California asks unanimous consent that the formal reading of the bill be dispensed with and that the bill be read for action on the committee amendments. Is there objection? The Chair hears none. The Secretary will read the bill.

The Secretary proceeded to read the bill.

The first amendment of the Committee on Appropriations was, under the head of "Fortifications and other works of defense," subhead "Under the Engineer Department," on page 2, line 15, after the date "nineteen hundred and eight," to insert "for the completion of the repair and restoration of batteries and other structures appurtenant to the defenses of Pensacola and retaining walls to protect the batteries from floods, made in the fortification appropriation act approved May 27, 1908," and in line 23, after the word "appropriation," to strike out "acts approved May 27, 1908, and" and insert "act approved," so as to read:

For purchase and installation of searchlights for the defenses of our most important harbors, the sum of $25,000 is hereby reappropriated and made available out of the aggregate unexpended balance of the appropriations for construction of wall for the protection of Fort Moultrie, Sullivans Island, S. C., made in the fortification appropriation act approved May 27, 1908; for the completion of the repair and restoration of batteries and other structures appurtenant to the defenses of Pensacola and retaining walls to protect the batteries from floods, made in the fortification appropriation act approved May 27, 1908; for building sea walls for the protection of sites of fortifications and post buildings at Forts Pickens and McRee, Pensacola Harbor, Fla., made in the fortification appropriation act approved March 3, 1909.

The amendment was agreed to.

The next amendment was, on page 3, after line 13, to insert:

For the acquirement by the Secretary of War of lands at Cape Henry, Va., necessary for seacoast defenses and as contemplated by the project of the War Department, as embodied in the report of the Secretary of War for the year 1906, $150,000, or so much thereof as may be necessary: *Provided*, That no portion of the said sum shall be expended unless it shall appear to the Secretary of War that sufficient lands, embracing an area of not less than 300 acres, for the purposes of the said defenses and their accessories can be acquired at Cape Henry for a sum not exceeding the amount herein appropriated: *Provided further*, That the said land may be acquired either or both by purchase or condemnation proceedings under the provisions of the act of August 18, 1890. (Supp. U. S. Rev. Stat., p. 780.)

The amendment was agreed to.

Mr. PERKINS. On behalf of the committee I move that the amendment just agreed to be transposed to follow line 11, page 4, of the bill.

The VICE PRESIDENT. Without objection, the amendment is agreed to.

Mr. BACON. Has the amendment been read?

The PRESIDING OFFICER. The amendment of the committee had been agreed to, and the Senator from California merely proposed to transfer it to another portion of the bill.

The next amendment was, on page 4, after line 13, to strike out:

For tools, electrical and engine supplies, and appliances to be furnished by the Engineer Department, for the use of the troops for maintaining and operating electric light and power plants in gun and motor batteries, $45,000.

And to insert:

For tools, electrical and other supplies, and appliances to be furnished by the Engineer Department for the use of the troops for maintaining and operating searchlights and electric light and power plants at seacoast fortifications, $45,000.

The amendment was agreed to.

The next amendment was, under the head of "Fortifications in insular possessions," subhead "Engineer Department," on page 9, line 23, after the word "defense," to insert "and for

maintaining channels for access to torpedo wharves," so as to make the clause read:

For preservation and repair of structures erected for torpedo defense, and for maintaining channels for access to torpedo wharves at the following localities.

The amendment was agreed to.

The next amendment was, on page 10, line 3, after the word "operating," to strike out "gun and mortar batteries" and insert "searchlights and electric light and power plants at seacoast fortifications," so as to make the clause read:

For tools, electrical and other supplies, and appliances to be furnished by the Engineer Department for the use of the troops for maintaining and operating searchlights and electric light and power plants at seacoast fortifications.

The amendment was agreed to.

The reading of the bill was concluded.

Mr. BACON. Mr. President, the Senate has adopted an amendment offered on behalf of the committee. I presume, of course, it is all right, but in view of the magnitude of the amount I think it is proper that a statement should be made so that it may appear in the RECORD, otherwise it might excite inquiry which might lead to a misunderstanding. I refer to the purchase of 300 acres of land at a price of $150,000. I have no doubt the land is required, and I have no suggestion to make that the price is not a proper one——

Mr. PERKINS. I will ask the Secretary to read from the report of the committee on that subject.

Mr. BACON. Will the Senator from California please allow me to finish my statement? I was right in the middle of a sentence.

Mr. PERKINS. I beg the Senator's pardon. I thought he had finished.

Mr. BACON. I was proceeding to say that the presumption, of course, is that the price is a proper one, but the simple statement of the purchase of 300 acres of land for that price, without any information as to whether or not it is in a town or near a town or the character of the land, would lead to an inquiry as to how it was that 300 acres of land—simply land—in the State of Virginia should be worth $500 an acre. I repeat that in making this suggestion I do not mean at all to imply that it is not worth that much, but I think a statement ought to be made and ought to go into the RECORD, so that we may know the character of the land and the reason for the price of it.

Mr. WARREN. The Senator from Georgia asked if this land was in a town. The proposed purchase includes, I think, part of a town, and it is also true that quite a number of houses have been erected there which will have to be removed. I think the report, if it is read in accordance with the suggestion of the Senator from California [Mr. PERKINS], in charge of the bill, will give the information better than anything I could say.

Mr. BACON. If the report gives the information, I think it proper that it should be read.

The VICE PRESIDENT. The Senator from California [Mr. PERKINS] has asked that that portion of the report beginning on page 4 be read.

Mr. MARTIN of Virginia. Mr. President, before the reading of the report is commenced, I will say to the Senator from Georgia—and I am not sure that what I am going to say is alluded to in the letter from the War Department—that the land which the Government needs and proposes to acquire is used as a summer resort. There are cottages on it, which have been built and which in the summer time are occupied by citizens of the city of Norfolk. Those houses not only have to be acquired, but the land which it is necessary to acquire is a part of a survey which is being plotted and sold for cottage purposes for the people of the cities. That explains the value of the land. Of course, if it were agricultural land or waste land or unoccupied land, $500 an acre would seem to be a high price for it; but in this instance the high price is explained by the considerations to which I have alluded.

I will say, furthermore, that the War Department has sent its representatives down to the premises and they have reported that we could not expect to get this land at any lesser price than $500 an acre; that it is increasing in value every year; and that the price will be very considerably increased if there is delay.

I will say to the Senator, furthermore, that the officer of the War Department who appeared before the committee stated—and that I am sure is not in the letter—that about 11 years ago they could have got this land for about $60 or $70 an acre. The increase in the cost of the land in that time is due to the development of this ground for the purposes of a summer resort. The War Department is satisfied, and I am satisfied, that the Government will never acquire this land for less than $500 per acre; and if it does not acquire it now it will have to pay very largely in excess of $500 an acre.

The VICE PRESIDENT. The Secretary will read, as requested.

The Secretary read as follows:

WAR DEPARTMENT,
OFFICE OF THE CHIEF OF ENGINEERS,
Washington, March 11, 1912.

Hon. GEORGE C. PERKINS,
Chairman Subcommittee in Charge of Fortifications Bill,
Committee on Appropriations, United States Senate.

DEAR SIR: (1) Referring to your letter of March 8, 1912, requesting that the subcommittee in charge of the fortifications bill be furnished some more definite and detailed information concerning the estimate of $150,000 for the purchase of land at Cape Henry, Va., for fortification purposes, I have the honor to advise you as follows:

(2) In 1905 the President appointed a joint board of officers of the Army and Navy to recommend in regard to the completion of the harbor defenses with the most economical and advantageous expenditure of money. This board, known as the National Coast Defense Board, or more commonly as the Taft Board, with a view to bringing up to date the projects for seacoast defenses, which had last been reported upon in 1886 by the Endicott Board, so called, submitted its report in 1906, and it was transmitted by the President to Congress and was published as Senate Document No. 248, Fifty-ninth Congress, first session. In regard to the locality under discussion—that is, the entrance to the Chesapeake—the Taft Board in its report made the following remarks:

"The Endicott Board, while attaching importance to defenses at the entrance to Chesapeake Bay for the protection of Hampton Roads, Norfolk, Newport News, Washington, and Baltimore, and at the eastern entrance to Long Island Sound for the approaches to New York, confined its recommendations to so-called 'floating defenses' for outer lines. Floating defenses are defined to be 'floating batteries designed specially for operating in harbors or close to the land—armored more heavily and armed with heavier guns than any probable adversary.' Guns provided with an efficient range-finding system can now bring an effective fire on all parts of these wide channels, and render unnecessary the 'floating defenses' which have never been built and which, if they had been, would be objectionable because of vulnerability and of the great cost of construction and maintenance.

"Commercially and strategically Chesapeake Bay is to-day, as it always has been, of the very first importance. With the entrance as it now is, unfortified, a hostile fleet, should it gain control of the sea, can establish, without coming under the fire of a single gun, a base on its shores, pass in and out at pleasure, have access to large quantities of valuable supplies of all kinds, and paralyze the great trunk railway lines crossing the head of the bay."

(3) The views expressed by the Taft Board are, so far as the information in this office goes, concurred in by all military authorities, who deem the closure of the entrance of the Chesapeake to be the most important coast-defense project yet to be undertaken, and deem it of such importance that they believe it should be undertaken without further delay. The limits of this report will not permit of going further into the general subject. The inquiries in your above-mentioned letter will be taken up in detail in the order in which they occur in your letter.

(4) What is the character of this land, and how deep would it be necessary to go to get proper foundations?

The land needed for fortifications on Cape Henry is in the vicinity of the lighthouse. The beach is of sand, and in rear of the beach there is an area of sand and of sand dunes that averages about four-fifths of a mile wide in this vicinity. Back of the sand dunes is an area of low or swamp land. The land desired for fortifications extends from the beach inland to such a distance as may be necessary for the purpose, but by reason of the topography should include the seaward slope of the main sand dunes, which are approximately 2,000 feet back of the shore line. As has already been stated, the land is sandy in character; no borings have been made to determine the depth of the sand nor the character of the underlying material. From a knowledge of other similar lands on this coast it might be expected that the sand extends to a considerable depth, with possibly a layer of no great thickness of swamp soil about mean sea level. Based on the experience with the foundations of batteries at Fort Monroe, which are built on a sand spit of generally similar character, it is not expected that any great difficulty or expense would be involved in foundations for batteries.

(5) Is this land adapted to fortification uses, and is it necessary to purchase the entire 300 acres?

This land is adapted for fortification uses and is the land in this vicinity best adapted to such uses. In fact, there is no other land in the vicinity that is so well adapted to such uses; to occupy other land for fortification purposes would reduce the efficiency of the fortifications to such an extent that it ought not to be considered, due regard being had to the important military interests involved at this locality. It may not be necessary to purchase so much as 300 acres. It is necessary to secure land having a frontage on the beach of approximately 1 mile and the total acreage will depend upon the depth inland to which the purchase extends. The total cost will depend largely upon the value of the land immediately on the beach, as the land in rear, if needed for defensive purposes, can probably be secured at a relatively low price if purchased at the same time. Past experience in the purchase of land for military purposes has shown conclusively the advisability of including in the first purchase sufficient land for all purposes so far as they can be foreseen, and the purchase in this case, as in all others, should follow that principle. Authority should therefore include 300 acres, or so much thereof as may be necessary and as may be possible to purchase with the funds appropriated for the purpose.

(6) What, in your opinion, is the value of this land compared to land values in this vicinity?

The land required for fortification purposes is the most valuable in the vicinity. It is located in the vicinity of the lighthouse, and covers an area upon which there has grown up in recent years a colony or settlement of summer residents. This colony has been increasing in numbers in recent years and the value of the land has similarly been increasing. The purchase of this land has been under consideration for 10 years or more. When originally taken under consideration the land could have been purchased for a sum considerably less than what it would cost at the present time, and the longer the purchase is delayed the greater will be the cost to the United States. There is no doubt in the minds of the military authorities that the entrance to the Chesapeake must be fortified, and therefore the sooner the land necessary for this purpose is purchased the smaller the total cost will be to the United States.

The VICE PRESIDENT. The Secretary advises the Chair that that is as much as relates to this matter.

Mr. BACON. I think that is sufficient to give the information I suggested ought to be put into the RECORD for the benefit of

those who might not understand why it was that 300 acres of land were assessed at a valuation of $150,000.

The VICE PRESIDENT. Does the Senator from Georgia suggest that the whole letter be printed in the RECORD?

Mr. BACON. The reading necessarily carries it there. The reason I asked that it be read was to show that while apparently a very high price was about to be paid for 300 acres of land, it was a proper price.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The amendments were ordered to be engrossed, and the bill to be read a third time.

The bill was read the third time, and passed

The VICE PRESIDENT. Without objection, the request of the Senator from California that the report of the committee be printed in the RECORD is agreed to.

The report referred to (S. Rept. 475) is as follows:

The Committee on Appropriations, to which was referred the bill (H. R. 20111) making appropriations for fortifications and other works of defense, for the armament thereof, for the procurement of heavy ordnance for trial and service, and for other purposes, reports the same to the Senate with amendments, and presents herewith statements showing the amounts estimated for fortifications and other works of defense in the Book of Estimates for the fiscal year 1913, the amounts provided by the bill as passed by the House of Representatives, the amounts recommended by the committee, and the amount appropriated by each of the fortification appropriation acts for the fiscal years 1877 to 1912, inclusive.

Amount of estimates for 1913	$7,218,899
Amount of House bill	4,036,235
Amount of increase by Senate committee	150,000
Amount of bill as reported to the Senate	4,186,235
Amount of appropriation act for 1912	5,473,707
The bill as reported is less than the estimates	3,032,664
The bill as reported is less than the appropriations for 1912	1,287,472

Comparative statement showing the appropriations for 1912, the estimates for 1913, the amounts provided by the House bill, and the amounts recommended by the Senate Committee on Appropriations for 1913.

Object.	Appropriations, 1912.	Estimates, 1913.	House bill, 1913.	Senate committee, 1913.
Fortifications and other works of defense:				
Modernizing older emplacements		$100,000		
Construction of fire-control stations, etc., and for purchase, manufacture, and test of range finders and other instruments	$100,000	200,000	$100,000	$100,000
Installation and replacement of electric light and power plants at seacoast fortifications	50,000	50,000		
Searchlights for important harbors	50,000	102,000		
Sites for fortifications and seacoast defenses (Cape Henry, Va.)		150,000		150,000
Protection, preservation, and repair of fortifications	300,000	300,000	175,000	175,000
Plans for fortifications	5,000	5,000	5,000	5,000
Tools, etc., for maintaining and operating electric plants	45,000	45,000	45,000	45,000
Sea walls and embankments, construction		25,000		
Repair and protection of defenses of New Orleans, La		16,000		
Repair and protection of defenses of Key West, Fla		36,000		
Preservation and repair of torpedo structures	20,000	20,000	20,000	20,000
Casemates, galleries, etc., for submarine mines	50,000			
Operation and maintenance of fire-control installation	180,000	180,000	180,000	180,000
Total, fortifications and other works of defense	800,000	1,229,000	525,000	675,000
Armament for fortifications.				
Mountain, field, and siege cannon, purchase, equipment, etc	498,000	1,002,000	300,000	300,000
Ammunition for mountain, field, and siege cannon, experiments, etc	300,000	1,500,000	600,000	600,000
Ammunition, etc., for seacoast cannon, experiments, etc	140,000	140,000	140,000	140,000
Ammunition, subcaliber guns, for seacoast artillery practice, including machinery, tools, etc	425,000	425,000	425,000	425,000
Alteration and maintenance of mobile artillery, etc	45,000	45,000	45,000	45,000
Ammunition, subcaliber guns, etc., for mountain, field, and siege artillery practice	110,000	130,000	130,000	130,000
Alteration of 3.2-inch batteries, including sights, etc	200,000	168,000	75,000	75,000
Alteration and maintenance of seacoast artillery	300,000	300,000	300,000	300,000
Total, armament and fortifications	2,018,000	3,645,000	2,015,000	2,015,000
Proving ground, Sandy Hook, N. J	74,900	74,900	74,900	74,900
Submarine mines	150,000	150,000	58,000	58,000
Fortifications in insular possessions:				
Seacoast batteries—				
Philippine Islands	1,169,000	1,036,060	800,060	800,000
Hawaiian Islands	150,060	222,200	170,000	170,000
Light and power plants, installation and replacement	171,962			
Hawaiian Islands		25,000		
Philippine Islands		21,614		
Searchlights—				
Philippine Islands		20,600		
Hawaiian Islands	40,100	10,800		
Protection, preservation, and repair of fortifications—				
Philippine Islands	7,000	14,000	8,000	8,000
Hawaiian Islands		1,500	500	500
Preservation and repair of torpedo structures—				
Philippine Islands	1,000	1,000	500	500
Hawaiian Islands		500		
Tools, supplies, and appliances for gun and mortar batteries—				
Philippine Islands	2,500	5,000	2,500	2,500
Hawaiian Islands	1,000	1,000	750	750
Construction of mining casemates, etc., Philippine Islands		67,000		
Land defense, Philippine Islands	180,000			
Operation and maintenance, fire-control stations	20,000		20,000	20,000
Purchase, manufacture, and test of seacoast cannon for coast defense, including carriages, sights, etc	225,000	83,800		
Ammunition for seacoast guns, etc	400,000	500,000	300,000	300,000
Alteration and maintenance of seacoast artillery, including purchase of machinery, tools, etc	34,045	33,585	33,585	33,585
Mechanical supervision of installation of seacoast artillery	4,200	6,600	2,500	2,500
Operation and maintenance of fire-control installations at seacoast defenses		20,000		
Total fortifications in insular possessions	2,405,807	2,069,999	1,338,335	1,338,335
Board of Ordnance and Fortification	25,000	50,000	25,000	25,000
Grand total for fortifications	5,473,707	7,218,899	4,036,235	4,186,235

The House bill is increased, as recommended by the committee, as follows:

"*For the acquirement by the Secretary of War of lands at Cape Henry, Va., necessary for seacoast defenses and as contemplated by the project of the War Department as embodied in the report of the Secretary of War for the year 1906, $150,000, or so much thereof as may be necessary: Provided, That no portion of the said sum shall be expended unless it shall appear to the Secretary of War that sufficient lands, embracing an area of not less than 300 acres, for the purposes of the said defenses and their accessories can be acquired at Cape Henry for a sum not exceeding the amount herein appropriated: Provided further, That the said land may be acquired either or both by purchase or by condemnation proceedings under the provisions of the act of August 18, 1890 (Supp. U. S. Rev. Stat., p. 780).*"

In connection with the above provision the following correspondence is respectfully submitted:

COMMITTEE ON APPROPRIATIONS,
UNITED STATES SENATE,
Washington, D. C., March 8, 1912.

Gen. W. H. BIXBY,
Chief of Engineers, United States Army,
War Department, Washington, D. C.

DEAR SIR: I would be pleased if you would furnish the subcommittee in charge of the fortifications appropriation bill, at the earliest practicable moment, some more definite and detailed information concerning the estimate of $150,000 for the purchase of land at Cape Henry, Va., for fortification purposes. What is the character of this land, and how deep would it be necessary to go to get proper foundations?

Is this land adapted to fortification uses, and is it necessary to purchase the entire 300 acres?

What, in your opinion, is the value of this land, compared to land values in this vicinity?

In your opinion, is this proposed item absolutely necessary for the proper fortification of the entrance to Hampton Roads and contributary navigable streams?

Have you worked out definite plans in relation thereto; if so, what is their ultimate cost?

Please advise me at once regarding this matter.

Very truly, yours, GEORGE C. PERKINS,
Chairman Subcommittee in Charge of Fortifications Bill.

WAR DEPARTMENT,
OFFICE OF THE CHIEF OF ENGINEERS,
Washington, March 11, 1912.

Hon. GEORGE C. PERKINS,
Chairman Subcommittee in Charge of Fortifications Bill,
Committee on Appropriations, United States Senate.

DEAR SIR: (1) Referring to your letter of March 8, 1912, requesting that the subcommittee in charge of the fortifications bill be furnished some more definite and detailed information concerning the estimate of $150,000 for the purchase of land at Cape Henry, Va., for fortification purposes, I have the honor to advise you as follows:

(2) In 1905 the President appointed a joint board of officers of the Army and Navy to recommend in regard to the completion of the harbor defenses with the most economical and advantageous expenditure of money. This board, known as the National Coast Defense Board, or more commonly as the Taft Board, with a view to bringing up to date the projects for seacoast defenses, which had last been reported upon in 1886 by the Endicott Board, so called, submitted its report in 1906, and it was transmitted by the President to Congress and was published as Senate Document No. 248, Fifty-ninth Congress, first session. In regard to the locality under discussion—that is, the entrance to the Chesapeake—the Taft Board in its report made the following remarks:

"The Endicott Board, while attaching importance to defenses at the entrance to Chesapeake Bay for the protection of Hampton Roads, Norfolk, Newport News, Washington, and Baltimore, and at the eastern entrance to Long Island Sound for the approaches to New York, confined its recommendations to so-called "floating defenses" for outer lines. Floating defenses are defined to be 'floating batteries designed specially for operating in harbors or close to the land—armored more heavily and armed with heavier guns than any probable adversary.' Guns provided with an efficient range-finding system can now bring an effective fire on all parts of these wide channels, and render unnecessary the 'floating defenses' which have never been built and which, if they had been, would be objectionable because of vulnerability and of the great cost of construction and maintenance.

"Commercially and strategically Chesapeake Bay is to-day, as it always has been, of the very first importance. With the entrance as it now is, unfortified, a hostile fleet, should it gain control of the sea, can establish, without coming under the fire of a single gun, a base on its shores, pass in and out at pleasure, have access to large quantities of valuable supplies of all kinds, and paralyze the great trunk railway lines crossing the head of the bay."

(3) The views expressed by the Taft Board are, so far as the information in this office goes, concurred in by all military authorities, who deem the closure of the entrance of the Chesapeake to be the most important coast-defense project yet to be undertaken, and deem it of such importance that they believe it should be undertaken without further delay. The limits of this report will not permit of going further into the general subject. The inquiries in your above-mentioned letter will be taken up in detail in the order in which they occur in your letter.

(4) What is the character of this land, and how deep would it be necessary to go to get proper foundations?

The land needed for fortifications on Cape Henry is in the vicinity of the lighthouse. The beach is of sand, and in rear of the beach there is an area of sand and of sand dunes that averages about four-fifths of a mile wide in this vicinity. Back of the sand dunes is an area of low or swamp land. The land desired for fortifications extends from the beach inland to such a distance as may be necessary for the purpose, but by reason of the topography should include the seaward slope of the main sand dunes, which are approximately 2,000 feet back of the shore line. As has already been stated, the land is sandy in character; no borings have been made to determine the depth of the sand nor the character of the underlying material. From a knowledge of other similar lands on this coast it might be expected that the sand extends to a considerable depth, with possibly a layer of no great thickness of swamp soil about mean sea level. Based on the experience with the foundations of batteries at Fort Monroe, which are built on a sand spit of generally similar character, it is not expected that any great difficulty or expense would be involved in foundations for batteries.

(5) Is this land adapted to fortification uses, and is it necessary to purchase the entire 300 acres?

This land is adapted for fortification uses and is the land in this vicinity best adapted to such uses. In fact, there is no other land in the vicinity that is so well adapted to such uses; to occupy other land for fortification purposes would reduce the efficiency of the fortifications to such an extent that it ought not to be considered, due regard being had to the important military interests involved at this locality. It may not be necessary to purchase so much as 300 acres. It is necessary to secure land having a frontage on the beach of approximately 1 mile, and the total acreage will depend upon the depth inland to which the purchase extends. The total cost will depend largely upon the value of the land immediately on the beach, as the land in rear, if needed for defensive purposes, can probably be secured at a relatively low price if purchased at the same time. Past experience in the purchase of land for military purposes has shown conclusively the advisability of including in the first purchase sufficient land for all purposes so far as they can be foreseen, and the purchase in this case, as in all others, should follow that principle. Authority should therefore include 300 acres, or so much thereof as may be necessary and as may be possible to purchase with the funds appropriated for the purpose.

(6) What, in your opinion, is the value of this land compared to land values in this vicinity?

The land required for fortification purposes is the most valuable in the vicinity. It is located in the vicinity of the lighthouse and covers an area upon which there has grown up in recent years a colony or settlement of summer residents. This colony has been increasing in numbers in recent years, and the value of the land has similarly been increasing. The purchase of this land has been under consideration for 10 years or more. When originally taken under consideration the land could have been purchased for a sum considerably less than what it would cost at the present time, and the longer the purchase is delayed the greater will be the cost to the United States. There is no doubt in the minds of the military authorities that the entrance to the Chesapeake must be fortified, and therefore the sooner the land necessary for this purpose is purchased the smaller the total cost will be to the United States.

(7) In your opinion, is this proposed item absolutely necessary for the proper fortification of the entrance to Hampton Roads and contributary navigable streams?

Fortifications at Cape Henry are necessary to the closure of the entrance to Chesapeake Bay and to Hampton Roads and to all other tributary navigable waters, and the erection of batteries at Cape Henry will be the first step in that direction. As previously stated, all military authorities are agreed as to the necessity of closing the entrance to the Chesapeake.

(8) Have you worked out definite plans in relation thereto; if so, what is their ultimate cost?

The War Department has decided upon the number and caliber of guns to be placed at this time in the fortifications contemplated for Cape Henry; and preliminary estimates have been prepared as to the cost of the project so far as concerns the coast defenses proper. The estimated cost for batteries, fire-control installations, searchlights, and submarine mines is approximately $1,610,000. This sum does not include any allowance for armament or ammunition, it being the intention of the War Department to transfer armament to this defense from other points where no longer required, in which case there will be no additional cost either for armament or for ammunition other than that included in existing estimates. This estimate also does not include any part of the cost of barracks and quarters for a garrison, since it is not contemplated to permanently maintain a full garrison at this point, but only a caretaking detachment which would be increased to full strength only in case of emergencies. The above estimate is based on preliminary plans only, which plans, however, include a sufficient knowledge of the details of all the elements of the defense to permit of making a reasonably accurate estimate. Definite plans, including all details, can be prepared only after the boundaries of the tract to be acquired have been definitely determined upon and after a complete knowledge of the topography of the site thus becomes possible.

(9) From a conference with the subcommittee on the 8th instant it appears to be its desire to so limit the terms of the appropriation for the acquirement of this land that an unnecessarily large area shall not be secured or that the area necessary for these defenses shall be secured for the sum appropriated. Based on information received from the local officer, it is my opinion that the amount under discussion ($150,000) is not excessive for the purpose, having in mind the local conditions stated above. If the subcommittee desires that all the land necessary for the purpose shall be acquired for this sum or that none shall be acquired, the following wording is suggested:

"For the acquirement by the Secretary of War of lands at Cape Henry, Va., necessary for seacoast defenses as contemplated by the project of the War Department, as embodied in the report of the Secretary of War for the year 1906, $150,000, or so much thereof as may be necessary: *Provided*, That no portion of the said sum shall be expended unless it shall appear to the Secretary of War that sufficient lands for the purposes of the said defenses and their accessories can be acquired at Cape Henry for a sum not exceeding the amount herein appropriated: *And provided further*, That the said land may be acquired either or both by purchase or by condemnation proceedings under the provisions of the act of August 18, 1890 (Supp. U. S. Rev. Stat., p. 780)."

Very respectfully, W. H. BIXBY,
Chief of Engineers, United States Army.

Amount of fortification appropriation acts for the fiscal years 1877 to 1912, inclusive.

1877	$315,000
1878	275,000
1879	275,000
1880	275,000
1881	550,000
1882	575,000
1883	375,000
1884	670,000
1885	700,000
1886	725,000
1887	----------
1888	----------
1889	3,972,000
1890	1,233,594
1891	4,232,935
1892	3,774,803
1893	2,734,276
1894	2,210,055
1895	2,427,004
1896	1,904,557
1897	7,377,888
1898	9,517,141
1898–99, war deficiencies (exclusive of allotments from the $50,000,000 war fund)	8,674,898
1899	9,377,494
1900	4,909,502
1901	7,383,628
1902	7,364,611
1903	7,298,955
1904	7,188,416
1905	7,518,192
1906	6,747,893
1907	5,053,993
1908	6,898,011
1909	9,316,745
1910	8,170,111
1911	5,617,209
1912	5,473,707

PENSIONS AND INCREASE OF PENSIONS.

Mr. McCUMBER. I move that the Senate proceed to the consideration of the bill (S. 5045) granting pensions and increase of pensions to certain soldiers and sailors of the Civil War and certain widows and dependent relatives of such soldiers and sailors.

Mr. SMITH of Georgia. Before the Senate acts upon that motion I should like to ask the Senator from North Dakota whether that is one of the special pension bills?

Mr. McCUMBER. It is.

Mr. SMITH of Georgia. Before the Senator presses his motion I should like to ask him if he would not consent that this and similar bills go over until the general pension legislation is disposed of. The unfinished business is these general bills. We are giving about half the time of the Senate to the consideration of pension matters. There are some of us who want to examine these special bills further. If the Senator can do it, we would very much prefer that he would let these special pension bills go over until the general legislation is acted upon.

Mr. McCUMBER. I have allowed these special bills to go over for about seven weeks, principally on the request of the Senator from Georgia that he might examine each and every one of them. We have no information as to when we will finally dispose of the general pension bill, and the general pension bill, whenever it is passed, will probably not affect a great many of these cases. If it does affect them and give them as much as would be given to them under the private pension bills, the Government will have lost nothing by it. It seems to me we ought to dispose of these bills, and then we can tell, after we have passed a general pension bill, how it will affect the others and to what extent we may cease passing private pension bills.

The VICE PRESIDENT. The Senator from North Dakota moves that the Senate proceed to the consideration of a bill, the title of which will be stated.

The SECRETARY. The bill (S. 5045) granting pensions and increase of pensions to certain soldiers and sailors of the Civil War and certain widows and dependent relatives of such soldiers and sailors.

The motion was agreed to, and the Senate, as in Committee of the Whole, proceeded to consider the bill. It proposes to pension the following persons at the rate stated:

Thomas Jefferson, late of Company C, One hundred and twenty-third Regiment United States Colored Volunteer Infantry, $24.

Loyd D. Forehand, late of Company E, Fifth Regiment New Hampshire Volunteer Infantry, and Sixteenth Company, Second Battalion Veteran Reserve Corps, $30.

John F. Scofield, late of Company I, Seventy-third Regiment, and Company B, Twenty-ninth Regiment, Indiana Volunteer Infantry, $24.

Leicester Walker, late captain Company H, Fifth Regiment United States Cavalry, $30.

Wingate K. Wachtel, late of Company G, Twelfth Regiment Missouri Volunteer Cavalry, $30.

Abner F. Clement, late of Company I, Fifteenth Regiment Maine Volunteer Infantry, $24.

Frank V. Marshall, late of Company D, Ninth Regiment New Hampshire Volunteer Infantry, and band, First Brigade, Second Division, Ninth Army Corps, $30.

Augustus L. Ward, late of Company E, Fiftieth Regiment Illinois Volunteer Infantry, $24.

John W. Mowrey, late of Company B, Second Regiment Iowa Volunteer Cavalry, $24.

Edwin Totten, late of Company G, Eighth Regiment Iowa Volunteer Infantry, $30.

Henry J. Mullins, late of Company A, Twenty-fourth Regiment Kentucky Volunteer Infantry, $24.

William H. Engle, late second lieutenant Company G, Seventeenth Regiment Ohio Volunteer Infantry, $24.

Edwards O. Dodge, late of Company H, First Regiment New Hampshire Volunteer Cavalry, $30.

Henry Yost, late of Company C, Two hundred and seventh Regiment Pennsylvania Volunteer Infantry, $24.

Israel Osman, late of Company G, Two hundred and tenth Regiment Pennsylvania Volunteer Infantry, $24.

William H. Harvey, jr., late of Company D, Thirty-third Regiment Wisconsin Volunteer Infantry, $30.

Charles H. Hushaw, late of Company E, Sixth Regiment Iowa Volunteer Cavalry, $30.

Jane E. Norton, widow of Motier L. Norton, late second lieutenant Company B, Eighteenth Regiment New York Volunteer Infantry, $25.

Louis J. Hinkley, late of Company D, Eighth Regiment Michigan Volunteer Cavalry, $24.

Horace E. Hagar, late of Company B, Ninth Regiment Iowa Volunteer Infantry, $15, the same to be paid to him under the rules of the Pension Bureau as to modes and times of payment, without any deduction or rebate on account of former alleged overpayments or erroneous payment of pension.

Alexander Hogelan, late of Company F, Forty-sixth Regiment Indiana Volunteer Infantry, $50.

James Sexton, late of Company E, One hundred and thirty-second Regiment Indiana Volunteer Infantry, $24.

David Mills, late of Company F, Twenty-fifth Regiment Indiana Volunteer Infantry, $24.

Edmond Gould, late of Company B, Second Regiment New York Volunteer Heavy Artillery, $24.

Asbery Byrd, late of Company D, First Regiment Colorado Volunteer Cavalry, $24.

Henry Shafer, late of Company H, Fifty-fourth Regiment Pennsylvania Volunteer Infantry, $30.

Ferdinand Capansky, late of Company E, Thirteenth Regiment Kansas Volunteer Infantry, $30.

Josiah Chatfield, late of Companies C and F, Third Regiment Michigan Volunteer Cavalry, $24.

David M. Harned, late of Company G, Thirty-eighth Regiment Wisconsin Volunteer Infantry, $24.

Joseph Laws, late of Company F, Thirteenth Regiment Tennessee Volunteer Cavalry, $40.

Martha A. Connor, widow of William P. Connor, late of Company H, Twenty-seventh Regiment Ohio Volunteer Infantry, and former widow of Vitruvius J. Kennedy, late of Battery D, First Regiment Tennessee Volunteer Light Artillery, $12.

Elihu Messer, late of Company K, Second Regiment United States Volunteer Infantry, $24.

John N. Cooter, late of Company F, Fourth Regiment Tennessee Volunteer Infantry, $30.

Hardy H. La Due, late of Company K, Thirteenth Regiment Vermont Volunteer Infantry, $24.

William Deary, late of Company D, First Regiment Michigan Volunteer Engineers and Mechanics, $30.

Alonzo C. Neff, late of band, Fourteenth Regiment United States Infantry, $30.

Louis Putoz, late first lieutenant Company D and captain Company I, Seventh Regiment New Jersey Volunteer Infantry, $24.

Perry B. Johnson, late of Company D, First Regiment Connecticut Volunteer Heavy Artillery, $30.

Allen Turner, late of Company B, Eighth Regiment Indiana Volunteer Cavalry, $40.

Abram Ellis, late of Company B, Forty-sixth Regiment Indiana Volunteer Infantry, $24.

Thomas M. Smith, late of Company D, Forty-ninth Regiment Illinois Volunteer Infantry, $24.

William C. Cook, late of Company D, One hundred and thirty-seventh Regiment Illinois Volunteer Infantry, $24.

John W. Teel, late of Company H, Ninth Regiment West Virginia Volunteer Infantry, $30.

Julia Baldwin, widow of Edwin Baldwin, late of Companies E and C, Sixtieth Regiment Indiana Volunteer Infantry, $20.

Priscilla L. Howe, former widow of John W. Pool, late of Company C, Fourth Regiment Minnesota Volunteer Infantry, and widow of Benjamin Howe, late of Company E, Thirtieth Regiment Wisconsin Volunteer Infantry, $12.

George Hefien, late of Twelfth Battery Wisconsin Volunteer Light Artillery, $30.

Franklin Hefien, late of Twelfth Battery Wisconsin Volunteer Light Artillery, $30.

William R. Harris, late of Company I, One hundred and seventy-ninth Regiment Ohio Volunteer Infantry, $24.

Jared C. Meek, late of Company G, Fifth Regiment, and Company I, Sixth Regiment, Indiana Volunteer Cavalry, $30.

Lorentz Czarnezki, late of Company L, Fourth Regiment Wisconsin Volunteer Cavalry, $30.

John Bettner, late of Company C, Fourteenth Regiment Wisconsin Volunteer Infantry, $24.

William Eldridge, late of Company C, Forty-first Regiment Wisconsin Volunteer Infantry, $24.

Ole A. Thompson, late of Company F, Fifteenth Regiment Wisconsin Volunteer Infantry, $24.

James J. Poyner, late of Company G, Twenty-ninth Regiment Illinois Volunteer Infantry, $40.

Francis M. Foster, late of Company I, One hundred and fifty-third Regiment Ohio National Guard Infantry, $24.

William L. Morris, late of Company K, Ninety-second Regiment Ohio Volunteer Infantry, $30.

George W. Grisinger, late of Company B, Ninety-seventh Regiment Ohio Volunteer Infantry, $24.

Charles W. Stratton, late of Company K, One hundred and ninety-sixth Regiment Ohio Volunteer Infantry, $36.

Charles F. Deivert, late of Company B, One hundred and twenty-ninth Regiment Pennsylvania Volunteer Infantry, $24.

Robert Bullen, late second lieutenant Company G, First Regiment Wisconsin Volunteer Heavy Artillery, $30.

Esto A. Makepeace, late of Company B, One hundred and thirtieth Regiment Indiana Volunteer Infantry, $30.

Ellen Kirkpatrick, widow of Francis Kirkpatrick, late of Company K, Fifty-fifth Regiment Kentucky Volunteer Infantry, $12.

John A. Wills, late of Company A, Twenty-sixth Regiment Iowa Volunteer Infantry, $30.

Lucien E. Kent, late captain's clerk, U. S. S. *Montgomery*, United States Navy, $20.

Mary E. Putney, widow of James Putney, late surgeon Seventh Regiment West Virginia Volunteer Cavalry, $35.

John W. Phillips, late of Company A, First Regiment West Virginia Volunteer Cavalry, $24.

George E. Wentworth, late of Eleventh Unattached Company Massachusetts Volunteer Heavy Artillery, $30.

Peter Schaddle, late of Company D, Fifty-second Regiment Pennsylvania Volunteer Infantry, $24.

James Barr, late of Company A, One hundredth Regiment Pennsylvania Volunteer Infantry, $24.

William K. Best, late of Company D, One hundred and sixth Regiment New York Volunteer Infantry, $30.

Albert Raymond, late of Company B, Fourth Regiment Michigan Volunteer Cavalry, $30.

Albert A. Loveland, late of Company H, First Regiment Connecticut Volunteer Cavalry, $40.

Walter S. McArthur, late of Fourth Independent Battery Massachusetts Volunteer Light Artillery, $24.

Albert H. Heath, late of Company A, Eighth Regiment Minnesota Volunteer Infantry, $30.

Aiwilda Smith, late nurse, Medical Department, United States Volunteers, and widow of Lendal Smith, late of Company G, Seventy-third Regiment Indiana Volunteer Infantry, $24.

George M. Roak, late of Company H, Twenty-ninth Regiment Maine Volunteer Infantry, $24.

Charles E. Handy, late of Company I, Twenty-fourth Regiment Maine Volunteer Infantry, $24.

Thomas C. Anderson, late of Company I, Sixty-second Regiment, and Company I, One hundred and fifty-fifth Regiment, Pennsylvania Volunteer Infantry, $30.

Jane Murphy, widow of Michael Murphy, late of Company A, Seventy-fifth Regiment New York Volunteer Infantry, $20.

William Emery, late of Company C, Seventh Regiment, and Companies F and B, First Regiment, Tennessee Volunteer Infantry, $30.

Jesse W. Casteel late of Company B, Second Regiment United States Infantry, $24.

Turner W. Bottom, late first lieutenant Company I, Ninth Regiment Kentucky Volunteer Cavalry, $24.

Austin B. Tobey, late of Company H, Fourth Regiment Massachusetts Volunteer Infantry, $30.

William Walker, late of Company C, Seventh Regiment Indiana Volunteer Infantry, $40.

Charles H. Jones, late of Company A, Third Regiment Michigan Volunteer Cavalry, $24.

Charles E. Abbott, late of Company B, One hundred and forty-seventh Regiment Illinois Volunteer Infantry, $24.

Joseph H. Dougherty, late of Company E, and second lieutenant Company C, Sixth Regiment West Virginia Volunteer Infantry, $30.

Lyman C. Brown, late of Company K, Twenty-fourth Regiment New York Volunteer Infantry, $30.

George W. McKain, late of Company G, Fifty-first Regiment Ohio Volunteer Infantry, $24.

Robert E. Love, late of Company F, Eleventh Regiment Iowa Volunteer Infantry, $30.

Elias C. Burdick, late of Company I, Sixth Regiment Wisconsin Volunteer Infantry, and Company G, First Regiment Minnesota Volunteer Heavy Artillery, $30.

James H. Rogers, alias James H. Robinson, late of Company G, Eighteenth Regiment New York Volunteer Cavalry, $30.

James W. Wilson, late first lieutenant Company B, Eleventh Regiment Missouri Volunteer Infantry, $30.

William Mulloy, late of Company H, Eighth Regiment Minnesota Volunteer Infantry, $24.

Philip Wining, late of Company A, One hundred and fifth Regiment Pennsylvania Volunteer Infantry, $30.

Mirusa Rutherford, widow of Carrick Rutherford, late second lieutenant Company F, Third Regiment Tennessee Volunteer Infantry, $20.

Abraham Neidigh, late of Company D, Fifty-ninth Regiment Indiana Volunteer Infantry, $40.

Frank A. Thurber, late of Companies B and C, First Regiment Rhode Island Volunteer Cavalry, $30.

Albert R. Austin, late second lieutenant Company C, Twenty-seventh Regiment Ohio Volunteer Infantry, $24.

Thomas J. Bulfinch, late acting master's mate, U. S. S. *Narragansett*, United States Navy, $24.

Stewart Burright, late of Company G, Fourteenth Regiment Iowa Volunteer Infantry, $30.

Leander W. Yost, late of Company I, One hundred and fourteenth Regiment Ohio Volunteer Infantry, $24.

William Jewell, late of Company C, One hundred and thirty-eighth Regiment Illinois Volunteer Infantry, $24.

James E. Cooley, late of Company E, Forty-sixth Regiment Massachusetts Volunteer Infantry, $30.

Joseph W. Eystra, late captain Company G, Second Regiment Iowa Volunteer Cavalry, $36.

William J. King, late of Company D, One hundred and thirty-sixth Regiment Illinois Volunteer Infantry, $24.

Stiles H. Wirts, late of Company F, Fourth Regiment Michigan Volunteer Infantry, and Company C, First Regiment United States Volunteer Sharpshooters, $36.

Hannah G. Edgar, widow of Algernon H. Edgar, late of Company G, Fourth Regiment Rhode Island Volunteer Infantry, $16.

Helen Hill Sanford, widow of Samuel P. Sanford, late major First Regiment Rhode Island Volunteer Light Artillery, $20.

Chastina E. Hawley, widow of Alfred C. Hawley, late first lieutenant Company I, Eleventh Regiment Minnesota Volunteer Infantry, $20.

John W. Yount, late of Company I, Second Regiment Iowa Volunteer Cavalry, $24.

Byron A. Cole, late of Companies K and C, Fourth Regiment Michigan Volunteer Infantry, $30.

Marion Cunningham, late of Company K, Eighty-sixth Regiment Ohio Volunteer Infantry, $24.

William A. Limbocker, late of Company K, Eleventh Regiment Kansas Volunteer Cavalry, $40.

Thomas J. Cason, late of Company H, One hundred and eighteenth Regiment Illinois Volunteer Infantry, $30.

Horace P. Tucker, late of Company C, Twenty-sixth Regiment Connecticut Volunteer Infantry, $30.

Azel W. Drake, late of Company H, Eleventh Regiment Maine Volunteer Infantry, $30.

Joshua Boreing, late of Company D, Forty-ninth Regiment Kentucky Volunteer Infantry, $24.

Charles S. Hicks, jr., late of Company E, Third Regiment Massachusetts Volunteer Heavy Artillery, $30.

John E. Rosser, late of Company K, Fifth Regiment Ohio Volunteer Infantry, $40.

George F. Sawin, late of Company C, Thirty-ninth Regiment Iowa Volunteer Infantry, $24.

George Henry Welshman, late of Company H, Second Regiment New Jersey Volunteer Cavalry, $24.

John Edwards, late of Company H, One hundred and forty-third Regiment Illinois Volunteer Infantry, $24.

Robert Harcourt, late of Company K, Forty-first Regiment New York Volunteer Infantry, $30.

Ira Flagg, late of Company B, Third Regiment Rhode Island Volunteer Heavy Artillery, $30.

William H. Marshall, late of Company E, First Regiment United States Volunteer Sharpshooters, $24.

Samuel P. Strahan, late of Company E, Eighth Regiment, and first lieutenant Company G, Fifty-fourth Regiment, Indiana Volunteer Infantry, $30.

William T. Kinerson, late of Company H, Fourth Regiment Vermont Volunteer Infantry, $24.

George R. Waterman, late of Company K, Seventh Regiment Vermont Volunteer Infantry, $36.

Elizabeth Otis, widow of John B. Otis, late of Company H, Ninth Regiment Iowa Volunteer Cavalry, $20.

George Treece, late first lieutenant Company D, Sixty-third Regiment Enrolled Missouri Militia, $12.

John Dingee, late of Company C, Ninth Regiment Michigan Volunteer Infantry, $24.

Harrison M. Reavis, late of Company E, Seventh Regiment Missouri State Militia Cavalry, $30.

Patrick Daily, late of Company D, First Regiment Missouri State Militia Cavalry, $40.

Lewis Walters, late of Company F, Second Regiment Iowa Volunteer Cavalry, $24.

Charles H. Stearns, late of First Independent Battery, Iowa Volunteer Light Artillery, $24.

Samuel F. Wyman, late of Company I, Third Regiment Minnesota Volunteer Infantry, $36.

John B. Lewis, late of Company K, Twelfth Regiment Wisconsin Volunteer Infantry, $30.

John H. Grandy, late of Company A, Thirty-second Regiment Wisconsin Volunteer Infantry, $30.

William Haas, late of Company H, Seventy-second Regiment Indiana Volunteer Infantry, $30.

Alfred Denny, late of Company E, Twenty-fourth Regiment Wisconsin Volunteer Infantry, $24.

Jesse K. Robbins, late of Company E, Seventh Regiment Pennsylvania Volunteer Cavalry, $24.

Niles H. Arnold, late of Company I, First Regiment Connecticut Volunteer Heavy Artillery, $24.

Ann E. Bundy, widow of Alvin A. Bundy, late of Company I, Ninth Regiment, and Company I, Sixth Regiment, New Hampshire Volunteer Infantry, $20.

Gilman L. Eastman, late of Company E, Thirtieth Regiment Maine Veteran Volunteer Infantry, $24.

Thomas Powers, late of Company E, Sixty-third Regiment Pennsylvania Volunteer Infantry, and Company C, Fifth Regiment Pennsylvania Volunteer Heavy Artillery, $30.

Albert L. Washburn, late of Company G, Second Regiment California Volunteer Cavalry, $30.

Henry M. Goodell, late of Company I, Eleventh Regiment Vermont Volunteer Infantry, $24.

Villars Larson, late of Company C, Second Regiment United States Infantry, $30.

Henry M. Zellers, late of Company H, Thirty-first Regiment New Jersey Militia Infantry, $24.

George L. Prentice, late of Company G, Tenth Regiment Massachusetts Volunteer Infantry, $24.

Laura V. Geissinger, widow of Henry B. Geissinger, late of Company C, Fifty-third Regiment Pennsylvania Volunteer Infantry, $12.

William R. Schaffer, late of Company H, Fifty-eighth Regiment Pennsylvania Volunteer Infantry, $24.

Samuel F. Patterson, late of Company B and first lieutenant Company C, Second Regiment New Hampshire Volunteer Infantry, $30.

Maria L. Miller, widow of Charles H. Miller, late of Company B, Thirty-seventh Regiment Massachusetts Volunteer Infantry, $24: *Provided*, That in the event of the death of Harriet Cornelia Miller, helpless and dependent child of said Charles H. Miller, the additional pension herein granted shall cease and determine: *And provided further*, That in the event of the death of Maria L. Miller the name of said Harriet Cornelia Miller shall be placed on the pension roll at $12 per month from and after the date of the death of said Maria L. Miller.

Matthew O'Halloran, late of Company B, Ninety-ninth Regiment New York Volunteer Infantry, $24.

Moses E. Kimball, late of Company C, Twenty-third Regiment Maine Volunteer Infantry, $24.

Henry H. Bailey, late of Company A, Twenty-ninth Regiment Maine Volunteer Infantry, $30.

Aaron Page, late of Company K, Twenty-third Regiment Maine Volunteer Infantry, $24.

Hillery A. McVicker, late of Company K, Ninth Regiment West Virginia Volunteer Infantry, and Company H, First Regiment West Virginia Veteran Volunteer Infantry, $24.

Frank Fischer, late of Company F, Twenty-sixth Regiment Wisconsin Volunteer Infantry, $30.

Thomas M. Jackson, late second lieutenant Company I and captain Company B, Third Regiment New Hampshire Volunteer Infantry, $36.

Ellen Fish Biddle, widow of James Biddle, late colonel Ninth Regiment, United States Cavalry, and brigadier general, United States Army, retired, $30.

Joseph Lewis, late of Company B, Second Regiment North Carolina Volunteer Mounted Infantry, $30.

George A. Pease, late of Company K, Twenty-second Regiment Maine Militia Infantry, $24.

Robert Paisley, late of Company E, One hundred and forty-second Regiment Illinois Volunteer Infantry, $24.

John C. Napier, late of Company I, Fourteenth Regiment Kentucky Volunteer Cavalry, $24.

William Bowzer, late of Signal Corps, United States Army, $30.

Ira L. Wescott, late of Companies C and B, Eighth Regiment New Hampshire Volunteer Infantry, $24.

Leander J. Beals, late of Company H, Thirty-seventh Regiment Massachusetts Volunteer Infantry, $24.

John L. Perry, late of Company K, Fourth Regiment Pennsylvania Volunteer Cavalry, $30.

Julia R. Wood, widow of Charles T. Wood, late of Company I, Fifth Regiment Massachusetts Militia Infantry, $20.

Emilie M. Boyle, widow of George A. Boyle, late of Company C, First Regiment Rhode Island Volunteer Light Artillery, $16.

Caleb S. Bigham, late of Company G, One hundred and thirty-seventh Regiment Illinois Volunteer Infantry, $24.

Sally Ann Bradley, widow of George S. Bradley, late chaplain Twenty-second Regiment Wisconsin Volunteer Infantry, $20.

Frank Gardner, late of Company B, One hundredth Regiment Illinois Volunteer Infantry, $40.

Josephine Robb, widow of William J. Robb, late captain Companies A and G, First Regiment West Virginia Volunteer Infantry, $20.

George H. Garnett, late of Company F, Thirty-first Regiment Maine Volunteer Infantry, $50.

John W. Bruner, late of Company G, First Regiment Pennsylvania Volunteer Cavalry, and Signal Corps, United States Army, $36.

Calvin W. H. Smith, late of Company A, Eighth Regiment Vermont Volunteer Infantry, $36.

Charles W. Ammerman, late of Company E, Two hundred and ninth Regiment Pennsylvania Volunteer Infantry, $30.

Joseph H. Newton, late of Company B, Thirty-seventh Regiment Illinois Volunteer Infantry, $24.

James D. Pearce, late first lieutenant Company I, One hundred and fifty-fifth Regiment Pennsylvania Volunteer Infantry, $30.

Oliver D. Browning, late of Company H, One hundred and seventy-fourth Regiment Ohio Volunteer Infantry, $24.

Otho Lock, late of Company D, Twentieth Regiment Indiana Volunteer Infantry, $30.

Joseph B. Harris, late first lieutenant Company D, Twenty-sixth Regiment Kentucky Volunteer Infantry, $40.

Franklin E. Sawyer, late of Company I, First Regiment Vermont Volunteer Cavalry, $40.

Margaret Ann Taylor, widow of Hiram Taylor, late of Company E, Twenty-first Regiment Wisconsin Volunteer Infantry, $20.

Mr. McCUMBER. On page 6 I move to strike out all of lines 5 to 8, inclusive. It is the case of Henry Shafer. The beneficiary has died since the bill was reported to the Senate.

The VICE PRESIDENT. The Secretary will state the amendment.

The SECRETARY. On page 6 strike out lines 5 to 8, inclusive, in the following words:

The name of Henry Shafer, late of Company H, Fifty-fourth Regiment Pennsylvania Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The amendment was agreed to.

Mr. McCUMBER. On page 16 I move to strike out all of lines 1 to 4, inclusive, the case of Austin B. Tobey, the beneficiary having died since the bill was reported to the Senate.

The VICE PRESIDENT. The Secretary will state the amendment.

The SECRETARY. On page 16 strike out lines 1 to 4, inclusive, in the following words:

The name of Austin B. Tobey, late of Company H, Fourth Regiment Massachusetts Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The amendment was agreed to.

Mr. McCUMBER. On page 31 I move to strike out lines 24 and 25 and lines 1 and 2 on page 32, the case of Frank Gardner, the beneficiary having died since the bill was reported to the Senate.

The VICE PRESIDENT. The Secretary will state the amendment.

The SECRETARY. On page 31, after line 23, strike out the following:

The name of Frank Gardner, late of Company B, One hundredth Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of $40 per month in lieu of that he is now receiving.

The amendment was agreed to.

Mr. McCUMBER. On page 25, line 15, the case of William Haas, I move to strike out "thirty" and to insert in lieu thereof the word "thirty-six." Since the report was made on the bill the soldier has become almost helpless, requiring the assistance of another person, and his disabilities being due to service, it has been the usual custom of the committee to grant $36 a month in similar cases.

The VICE PRESIDENT. The Secretary will state the amendment.

The SECRETARY. On page 25, line 15, before the word "dollars," strike out "thirty" and insert "thirty-six," so as to read:

The name of William Haas, late of Company H, Seventy-second Regiment Indiana Volunteer Infantry, and pay him a pension at the rate of $36 per month in lieu of that he is now receiving.

The amendment was agreed to.

Mr. BRANDEGEE. On page 29, line 24, before the word "dollars," I move to strike out "thirty" and insert "fifty."

The VICE PRESIDENT. The Secretary will state the amendment.

The SECRETARY. On page 29, line 24, before the word "dollars," strike out "thirty" and insert "fifty," so as to read:

The name of Ellen Fish Biddle, widow of James Biddle, late colonel Ninth Regiment, United States Cavalry, and brigadier general, United States Army, retired, and pay her a pension at the rate of $50 per month in lieu of that she is now receiving.

Mr. BRANDEGEE. I ask the Secretary, in connection with this motion to amend, to read the memorandum in relation to the case.

The VICE PRESIDENT. Without objection, the Secretary will read as requested.

The Secretary read as follows:

Mrs. Biddle is the widow, as before stated, of Gen. Biddle, who entered the Volunteer service May 2, 1861, with the rank of lieutenant and quartermaster. He served through the entire war, and after the war closed he served continuously until December 11, 1896, when he was placed on the retired list. Mrs. Biddle is now drawing a pension of $12 per month as the widow of a soldier of the Civil War. The Committee on Pensions recommended an increase of her pension to $30 per month. In view of the fact that Congress has frequently passed bills for the widows of officers of the same rank in the Regular Army who did not have any Civil War service, at rates as high as $50 per month, it can be argued that $50 per month in this case is not inconsistent. Mrs. Biddle is now nearly 70 years of age. She has no property, and the services of her husband should certainly accord her the same pension as has been granted in some similar cases to widows of Regular Army officers.

Ellen Fish Biddle, widow of Gen. James Biddle, was born in Baltimore, and she is the daughter of the late Capt. John McGowan, United States Revenue Marines, who commanded the *Star of the West* when she went to the relief of Fort Sumter. He was also largely instrumental in the establishment and organization of the present efficient Life Saving Service in this country.

Gen. Biddle fought gallantly throughout the war, as his record shows, and at times had the command of a major general. After the war he was appointed a captain in the Infantry and was stationed in the South during the reconstruction period. From Macon he was sent to Natchez, Miss., where he remained two years in charge of the Freedman's Bureau, and from there to Jackson, Miss., and after a tour of two years was ordered to Texas. Throughout his detail in the South Gen. Biddle performed his delicate duties with so much justice and feeling that he was beloved by all. The friends he made lasted until death. There are some Members of the Senate now who knew him, and many have served here in years gone by who were his warm friends.

Gen. Biddle's service in the Modoc war and other western Indian campaigns is a matter of record and one to be proud of.

His widow has nothing. She asks only $50 a month from the Government he served so well. There are many precedents for granting this increase; too many to enumerate here.

The VICE PRESIDENT. Without objection, the amendment is agreed to.

Mr. McCUMBER. Mr. President, I think it would be improper to pass this amendment without at least some statement being made thereon.

The service of Gen. Biddle was of the very best. His widow was a war widow. The death was not caused by any disability incurred in the line of service. Therefore, at the department the beneficiary in this case could receive but $12 per month. It has been the custom of the committee not to grant more than the amount which the widow would have received had the death been on account of diseases or disabilities of service origin. Had the general died in the Army she would have received $30 per month. Therefore your committee granted her that amount, that being the highest the committee grants in the case of the widow of a general or any other widow. It is for the Senate to say whether or not it desires to overrule the committee report in this respect.

As is suggested in the written statement that was read, the Senate or Congress has on a number of occasions granted $50 where the showing is certainly no more favorable than the showing in this case, but it is $20 more than the committee has ever been in the habit of reporting.

Mr. BRANDEGEE. Mr. President, when I agreed to offer the amendment I was laboring under the impression that the amendment would not be disagreeable to the committee. I understood that the facts in this case warranted the amount asked for in the amendment, and that there were numerous precedents for it. But in view of what the chairman of the committee has stated, that the amount provided in the bill is all that the pensioner could have drawn had her husband died of disease contracted in the service, I do not care to press for a vote on the question. In view of what the chairman of the committee has said——

Mr. McCUMBER. I want to be fair with the Senator. I have stated, however, that Congress has on numerous occasions granted $50 per month where the record did not show anywhere near the same justification as the record in this case shows.

Mr. BRANDEGEE. Well, Mr. President, I do not want to ask the Senate to overrule the committee because the Senate has overruled it heretofore, unless the facts in the case warrant it; and, in view of what the chairman of the committee has stated, I will withdraw the amendment.

The VICE PRESIDENT. Without objection, the amendment is withdrawn.

Mr. BROWN. Mr. President, I propose an amendment. On page 3 I move to strike out lines 7, 8, 9, and 10. These lines give a pension to John W. Mowrey of $24 a month. The old man is dead now, and his death will save this Government of ours from any necessity of issuing bonds on his account. I ask for the adoption of the amendment.

The VICE PRESIDENT. The Secretary will state the amendment.

The SECRETARY. On page 3, strike out lines 7 to 10, inclusive, in the following words:

The name of John W. Mowrey, late of Company B, Second Regiment Iowa Volunteer Cavalry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The amendment was agreed to.

The bill was reported to the Senate as amended.

The VICE PRESIDENT. The question is on concurring to the amendments made as in Committee of the Whole.

Mr. SMITH of Georgia. I desire to ask for a division of the question, taking up the——

The VICE PRESIDENT. The Senator from Georgia asks for a division of the question. The Secretary will report the first amendment recommended by the Committee of the Whole.

The SECRETARY. On page 3 strike out lines 7, 8, 9, and 10.

Mr. SMITH of Georgia. Mr. President, I did not mean a division of the question so far as the amendments were concerned. I desire to ask for a division of the question so far as these separate pensioners are concerned, that we may take them up one by one.

The VICE PRESIDENT. The bill has been reported to the Senate, and the first question in order is the disposition of the amendments made as in Committee of the Whole.

Mr. SMITH of Georgia. Before that action was taken I wanted to ask, as a matter of parliamentary practice, whether a call for a division of the subject can equally be made in the Senate, or has it to be made as in Committee of the Whole?

The VICE PRESIDENT. The Chair thinks it can be made in the Senate.

Mr. SMITH of Georgia. Then I have no objection to concurring in the amendments made as in Committee of the Whole.

The amendments were concurred in.

The VICE PRESIDENT. The Senator from Georgia now asks that the various provisions of the bill be acted upon separately.

Mr. McCUMBER. I would like a ruling of the Chair on that. While the bill, of course, is a bill consisting of several items, and I fully understand that an amendment could be offered to any one item by striking it out, there is some question in my mind whether a bill of this kind can be voted on line by line. It is not divided into sections. It is divided into paragraphs and not into sections, and you can hardly say that each one is an entirely different subject.

Mr. SMITH of Georgia. Mr. President——

The VICE PRESIDENT. The Chair will be glad to hear the Senator from Georgia.

Mr. SMITH of Georgia. The bill provides pensions for separate pensioners. Each pensioner stands upon a separate case entirely distinct from the other cases. The record as to each case stands by itself. The reasons for the pension apply to each person separately. The bills were originally introduced separately. Therefore if we are really to consider them we are compelled to consider them separately.

Under the rules of the Senate it is provided that wherever any bill contains two or more subjects matter a call for a division of the question requires that each subject matter shall be disposed of separately. In this bill each pension is a distinct act by itself. As a motion could be made to strike out any one without affecting the others, so each one can be disposed of separately without affecting the others. It is a separate proposition. I simply ask under the rule that the various subjects matter of the bill be disposed of separately.

The VICE PRESIDENT. The Chair is inclined to think—the Chair is ready to be convinced that he is wrong in that notion; he has not given this matter special consideration—the Chair is inclined to think that the question of division applies not to a whole bill, but applies to amendments which are susceptible of division. The Chair knows of no rule of the Senate which requires or can require a separate vote on each particular provision of a bill except as it is called for by amendment.

The Chair is not absolutely clear on this question. The Chair thinks perhaps the better way is to submit it to the Senate. The Chair will submit to the Senate the question, Is the point raised by the Senator from Georgia, that a separate vote may be taken on demand upon every item of the bill, well taken?

Mr. BRANDEGEE. May the rule in relation to the matter be read?

The VICE PRESIDENT. The Chair suggests that the Secretary first read Rule XVIII.

The Secretary read as follows:

RULE XVIII.

AMENDMENTS—DIVISION OF A QUESTION.

If the question in debate contains several propositions, any Senator may have the same divided, except a motion to strike out and insert, which shall not be divided; but the rejection of a motion to strike out and insert one proposition shall not prevent a motion to strike out and

insert a different proposition; nor shall it prevent a motion simply to strike out; nor shall the rejection of a motion to strike out prevent a motion to strike out and insert. But pending a motion to strike out and insert, the part to be stricken out and the part to be inserted shall each be regarded for the purpose of amendment as a question; and motions to amend the part to be stricken out shall have precedence.

The VICE PRESIDENT. That is the only provision the Chair knows anything about in the rules.

Mr. SMITH of Georgia. I have not examined the precedents of the Senate. I know that under general parliamentary practice, where a resolution or a particular matter pending before a deliberative body contains two or more distinct subjects, it is a sound rule that a division of the subjects can be called for. Of course, I can raise this question in another way. I can very easily proceed by moving to strike out the items one by one.

The VICE PRESIDENT. Certainly.

Mr. SMITH of Georgia. I understand that I can raise it in that way. I would regret exceedingly for any hasty action by the Senate on this proposition that might be a precedent. There are older Senators who are familiar with the rules. I have not investigated the precedents. I thought it was just a matter of course that that was the practice. I do not undertake to discuss it in detail, because I have not investigated the precedents in the Senate upon the subject. There are Senators who, of course, must be familiar with them.

Mr. McCUMBER. Mr. President, I have never known a case in which the Senate has agreed to the proposition that an original bill, because it contains several items or several distinct statements, could be divided and a separate vote be had upon each item. If that had been the rule, I am afraid we would never be able to get any kind of tariff legislation through the Senate. To allow a motion for a separate vote on every item would practically mean almost every line, and not only every item of itself, but where the item is divided into subdivisions we could have different votes upon each subdivision. It does seem to me it should apply at least only to the question of amendments, because everything that can be reached here by a separate vote on each one of the propositions can easily be reached by an amendment moving to strike out the item.

The VICE PRESIDENT. The Chair finds in Jefferson's Manual, page 124, this reading:

SECTION XXXVI.—DIVISION OF THE QUESTION.

If a question contain more parts than one, it may be divided into two or more questions. (Mem. in Hakew., 29.) But not as the right of an individual member, but with the consent of the House. For who is to decide whether a question is complicated or not—where it is complicated—into how many propositions it may be divided? The fact is, that the only mode of separating a complicated question is by moving amendments to it; and these must be decided by the House, on a question, unless the House orders it to be divided; as, on the question, December 2, 1640, making void the election of the knights for Worcester, on a motion it was resolved to make two questions of it, to wit, one on each knight. (2 Hats., 85, 86.) So wherever there are several names in a question, they may be divided and put one by one.

That would rather indicate that the Chair's first notion, that it was proper to submit it to the body, is the proper course to pursue. The Chair will then submit it to the Senate.

Mr. BACON. Mr. President, I desire to make a suggestion. I apprehend that the precedents on this subject may be more important than the present bill might suggest, and therefore it is important to decide the question properly. My view of it may be wrong, and, of course, my sympathies are with my colleague naturally. I understand the question is on the passage of the bill.

The VICE PRESIDENT. The question is upon the engrossment and third reading of the bill.

Mr. BACON. The engrossment and third reading is not the time that that could be put. Of course the engrossment and third reading can be separated. There is no doubt about that. I was about to make a suggestion, understanding, as I did, that the question was on the passage of the bill. Practically, it is the same thing. I do not think the question of the passage of a bill is divisible. There is no doubt about the fact of the right of any Senator to have the separate judgment of the Senate on each and every proposition contained in a bill. The only question is in what way shall that judgment be secured. I very much hesitate in coming to the conclusion that upon the passage of a bill a division can be demanded on each item in the bill. It would lead to very great complications.

I fully agree with my colleague, as everyone else will, that he is entitled to a separate vote on each one of these items. The only question is how that vote shall be reached.

The VICE PRESIDENT. If the Chair may make a suggestion, the Senate has not yet passed beyond the stage where the Senator from Georgia can get a vote by moving amendments.

Mr. BACON. I was about to make that statement, that the bill not having been engrossed and not having been read a third time, it is within the power of my colleague to get a vote upon each one of these amendments.

The VICE PRESIDENT. By offering a motion to strike out.

Mr. BACON. But in my judgment it would not be competent, either upon the question of the engrossment and third reading of a bill or upon the passage of a bill to secure that separate vote. That is impracticable, but it is entirely practicable, and still within the power of any Senator, to secure a separate vote on each item of the bill. That is his undoubted right.

Mr. CULBERSON. Mr. President, if that part of section 36 of Jefferson's Manual which was read by the Chair is applicable, I call attention to what immediately follows it. Now, note:

The soundness of these observations will be evident from the embarrassments produced by the XVIIIth rule of the Senate, which says, "if the question in debate contains several points, any Member may have the same divided."

So that—and that is the only matter to which I desire to allude—if it has any application at all; that is, if the question is divisible, as suggested by the Senator and as seems to be the opinion of the Chair, the Senator can ask that it be divided, and the division of it need not be ordered by the Senate itself, because Rule XVIII provides:

If the question in debate contains several propositions, any Senator may have the same divided.

The right is that of a Senator, which is not referable to the Senate as a whole, I submit.

The VICE PRESIDENT. But if the Senator from Texas will allow, the Chair will call the attention of the Senator to the fact that immediately following what the Senator has read comes this wording:

Except a motion to strike out and insert.

Mr. CULBERSON. Certainly. Of course the exceptions must be enforced; but where the question is a proper one—and that, I repeat, is the only matter to which I desire to address myself—it is not for the Senate to pass upon, but it is a right which can be claimed by any Senator, and ought to be enforced by the Chair when any Senator claims the right. It is not referable to the Senate as a body.

The VICE PRESIDENT. May the Chair call the attention of the Senator from Texas to Rule XX? The second clause of that rule expressly provides:

2. The Presiding Officer may submit any question of order for the decision of the Senate.

It is under that rule that the Chair thought it wise to submit this question to the Senate.

Mr. CULBERSON. I submit this is not a question of order; this is a question of dividing the propositions contained in the bill; and the Senator from Georgia, if it is a case of divisibility, can claim that right, and it ought not to be referred to the Senate, I submit, because it is not a question of order.

The VICE PRESIDENT. Is not anything that is submitted to the Chair for decision in effect a question of order? Somebody must decide, and the Chair thought that in this case it was well to submit the question to the Senate rather than to decide it himself.

Mr. CURTIS. Mr. President, I desire to call the attention of the Chair to a ruling in the Forty-second Congress, first session, which I think sustains the position taken by the present occupant of the chair:

A resolution to admit two Senators elect (George Goldthwaite and Foster Blodgett) from the States of Alabama and Georgia, with instructions to the committee to make further inquiry into their rights to their seats, respectively; Mr. Thurman calls for a division of the question, so that the vote be taken separately upon each claimant. The Chair (Colfax) rules that the division of the question called for could only be allowed by an order or vote of the Senate.

The VICE PRESIDENT. The Chair will submit the question to the Senate, Is the request of the Senator from Georgia for a separate vote upon each——

Mr. SMITH of Georgia. Mr. President, there being so much doubt upon that subject, and not desiring to press a decision upon it at this time, I move to strike out from line 6 to line 10, on page 1, of the bill.

Mr. McCUMBER. Mr. President, the Senator from Georgia gave no formal notice that he withdrew—and I wish to understand whether it is withdrawn or not—the proposition to have a separate vote on the final passage of the bill.

Mr. SMITH of Georgia. I withdraw it for the present. If I desire later to make it, I can do so.

Mr. McCUMBER. Then, Mr. President, I move to lay the amendment on the table.

The VICE PRESIDENT. The question is on agreeing to the motion of the Senator from North Dakota. [Putting the question.] By the sound the "ayes" appear to have it.

Mr. SMITH of Georgia. I ask for a division.

The question being put, there were on a division—ayes 21, noes 5.

Mr. BACON. I suggest the absence of a quorum, Mr. President.

The VICE PRESIDENT. The Secretary will call the roll.

The Secretary called the roll, and the following Senators answered to their names:

Bacon	Cullom	Nelson	Smith, Ga.
Borah	Curtis	Nixon	Smith, Md.
Bourne	du Pont	Oliver	Smith, Mich.
Brandegee	Fletcher	Overman	Smoot
Bristow	Gallinger	Owen	Sutherland
Brown	Johnston, Ala.	Page	Swanson
Burnham	Jones	Penrose	Thornton
Burton	Lea	Percy	Townsend
Chamberlain	Lippitt	Perkins	Warren
Chilton	McCumber	Poindexter	Works
Clark, Wyo.	McLean	Pomerene	
Crawford	Martin, Va.	Rayner	
Culberson	Myers	Root	

Mr. FLETCHER. My colleague [Mr. BRYAN] is necessarily absent and will be for several days. I make this announcement for the day.

Mr. OVERMAN. I announce that my colleague [Mr. SIMMONS] is necessarily absent. I make this announcement for the day.

Mr. LEA. The senior Senator from Tennessee [Mr. TAYLOR] is necessarily detained from the Chamber by illness.

Mr. CRAWFORD. I wish to state that my colleague [Mr. GAMBLE] is necessarily absent.

The VICE PRESIDENT. Forty-nine Senators have answered to the roll call. A quorum of the Senate is present. A division has been asked upon the motion of the Senator from North Dakota.

The question being again put, there were, on a division—ayes 31, noes 8.

The VICE PRESIDENT. The "ayes" have it, and the motion to lay the amendment on the table prevails.

Mr. SMITH of Georgia. No quorum has voted, Mr. President.

The VICE PRESIDENT. The Chair overrules that point of order. The roll call has just disclosed the presence of a quorum.

Mr. SMITH of Georgia. The Chair rules that the lack of a quorum voting does not affect the matter?

The VICE PRESIDENT. The Chair so rules.

Mr. SMITH of Georgia. Then, Mr. President, I move to strike out lines 19, 20, 21, and 22, on page 2.

The VICE PRESIDENT. The Secretary will state the amendment.

Mr. SMITH of Georgia. Before I give up the floor, I desire to have furnished me by the Secretary the report of the committee and the record in this case—the testimony furnished to the committee. I desire to ask that the Secretary read the report and read also the record in the case.

The VICE PRESIDENT. The Secretary will state the amendment proposed by the Senator from Georgia, the Senator retaining the floor, of course.

Mr. SMITH of Georgia. I do not desire to lose the floor.

The VICE PRESIDENT. No.

The SECRETARY. On page 2 it is proposed to strike out from line 19 to line 22, inclusive, as follows:

> The name of Abner F. Clement, late of Company I, Fifteenth Regiment Maine Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

Mr. SMITH of Georgia. I now ask that the Secretary read the report of the committee in that case.

The VICE PRESIDENT. The Secretary will read as requested.

Mr. SMITH of Georgia. And I also ask that the evidence filed with the committee be read by the Secretary.

The Secretary read as follows:

> S. 128. Abner F. Clement, of Francestown, N. H., was a private in Company I, Fifteenth Regiment Maine Volunteer Infantry. He enlisted March 1, 1865, and was honorably discharged June 2, 1865, having served three months. He is a pensioner at $12 per month under the act of June 27, 1890, granted him for total inability to earn a support by manual labor. He was formerly pensioned under the general law at $8 per month for bronchitis admitted to have been of service origin.
>
> The claimant is about 65 years of age. He is crippled by the loss of right arm below elbow, sustained in accident since the war. He is also afflicted with double inguinal hernia, rheumatism, and other infirmities incident to advancing years, and is no longer able to earn a support by his own manual labor. The facts in his case are substantiated by the papers filed in the Pension Bureau and with this committee. It is also in evidence that he is poor and in need of relief. His wife has a little home, but they have no other property and no means of support. An increase in soldier's pension to $24 per month is recommended.

The VICE PRESIDENT. The question is on agreeing to the amendment of the Senator from Georgia.

Mr. SMITH of Georgia. Mr. President, I have also asked that the evidence filed with the committee upon which this report is based be read.

The VICE PRESIDENT. The Secretary informs the Chair that he has read all that he has upon the subject of this item. If there be anything else, it must be with the Committee on Pensions; it is not with the Secretary of the Senate.

Mr. SMITH of Georgia. I should like to ask the chairman of the committee if anything else has been filed with the committee of the Senate?

Mr. McCUMBER. Since the Senator has asked me that question I will answer it, and I will do more than merely give an answer to his question.

When the Senator first spoke about fixing times and putting these cases over for some time, he informed me that his purpose was to examine into the record and to move to strike out from the bill those items which he really thought ought to be stricken out. He has assured me since that time that if the matter could be delayed from time to time until he could examine them there would be no filibuster, at least on his part; that he desired simply to give expression to his views.

With that understanding I have continued this matter seven weeks for the benefit of the Senator from Georgia, and I confess that I am somewhat surprised under the circumstances to see what, at least upon its face, appears to be a filibuster.

The Senator heard me state before that we received much of the records from the Pension Office. They are the original records. We receive everything there is in the Pension Office. We also receive the original records from the War Department. So in the consideration of these cases we have all the original records that appear in both of those departments. They, being original records, we have no right to hold any great length of time further than the time necessary to examine them, and they are replaced in those departments. Therefore, after holding them a reasonable time for consideration after the reports are made, they are sent back to the departments, and there is where they rest.

Of course we would have to send to the departments to again get those records. Those records will show every application that the soldier has made for a pension during all those years, with the doctors' certificates and with all the other evidence the claimant has seen fit to submit in support of his application. I know of nothing that will give us better information of the condition of the soldier than those papers which are on record in the departments. But, of course, as the Senator well understands, we can not keep them in our committee room. One person is delegated by the committee who has charge of those papers and who assists us in the examination of them, and, as I have stated, when we have reported the bill they are returned to the departments.

Later we may have somewhere in the office evidence which it might require some time to find, and if I were to look it up in each individual case it would take quite a while to get it all here.

Mr. SMITH of Georgia. It is not now my purpose, and I shall not take up the time of the Senate simply as a filibusterer, but I do not think the Senate should pass seven bills with an average of about 200 names in each bill, carrying special pensions, without any consideration whatever by the Senate. We took up two or three cases in the two long bills which the Senator first presented, and we discussed them before the Senate and took a vote and then invoked a vote upon the entire bill. I contented myself with voting my convictions.

Now, there are seven of these bills on the calendar. Are they to be carried through without consideration at all by the Senate? Are we to vote 200 special pensions in a bill without any knowledge whatever on the part of the Senate as to what the facts are with reference to any proposed beneficiary?

I can not for one moment concede that picking out in this bill a few claims, which seem to be those of very short-term men, and asking for the facts about them can be termed "a filibuster." I asked that each one be taken up separately, on a division of the question, because I have not had time to run through the bill and select on which I wanted to make points. However, I have run over the bill and found this case, which illustrates the class to which I do desire to object.

Mr. McCUMBER. In the time the Senator from Georgia has had to examine the bills about 20 of these old veterans have passed into eternity, and they will receive no benefits from any pension legislation. Certainly the Senator must concede that a period of seven weeks for the consideration of bills of this kind is quite ample, and I think the Senator will agree with me that as to most of such bills no one Senator can inform himself of every item in the bills before the Senate or the House. We must rely, to some extent, upon the report made by the committee.

We have to-day passed a bill that takes a great many million dollars out of the Treasury, that will take at least five or ten

or perhaps twenty times as much out of the Treasury as all the private pension bills we shall pass at this session. That bill passed the Senate to-day after about 20 minutes' deliberation, and the Senator was not so carefully interested in it as to have every item scanned, and yet it will take a great many million dollars out of the Treasury. May I ask the Senator from California how much is carried by the bill to which I refer?

Mr. PERKINS. About $4,186,000.

Mr. McCUMBER. This bill may carry a few hundred thousand dollars for additional pensions, and I submit that with the care we give to the consideration of those bills it hardly seems fair to ask for a separate vote or a division on each or a call for a quorum upon each. Every Senator knows that if the Senator from Georgia follows such tactics we can not get through with these bills during the entire summer.

Mr. SMITH of Georgia. Mr. President, I am not going to follow those tactics to any considerable extent. I am not going to follow them to such an extent as to defeat legislation. Can the Senator give us any idea of how many of these special pension bills he expects to report at this session?

Mr. McCUMBER. We may report from 2,500 to 3,000 cases, depending upon the length of the session. I think we once reported 3,500 during a session of Congress. But it depends, of course, upon the length of the session.

I wish to say to the Senator that a great many of these bills came to us during the special session, and they were considered, to a considerable extent, by the committee during the special session last year. Therefore there were a great many more ready for this session in the beginning than ordinarily is the case, because we had all the summer, while the Senate was in session, to consider those bills. But we probably, judging from past experience, will report during the session from 3,000 to 3,500, depending upon the length of the session. The House has already passed 1,500. The Senate committee has reported about 800.

Mr. SMITH of Georgia. The Senator means that there will be about 3,000 altogether passed—House bills and Senate bills?

Mr. GALLINGER. Both.

Mr. SMITH of Georgia. Of course, I realize the fact that some of the persons named in these bills have passed away pending the consideration of the bills in the Senate and the other House of Congress, but it should also be remembered that during that time thousands and thousands of people all over the land who have had no pensions have passed away. They received nothing from the Government, and while it is distressing that all of us must die, it is no reason why a pension should be granted in a case where the facts do not warrant it.

Practically all of these men have been drawing pensions. The men whose names were stricken from the bill because they have passed away since the committee reported the bill were all drawing pensions. Under the general law they were drawing as much as other men in the same class. They may have had no special pension bills passed in their behalf, but I have no doubt that many more persons throughout the country have died during the past six weeks without even having had a special pension bill introduced in their behalf. So while it places in an embarrassing position anyone who objects at all to such a bill to have a fact of that kind mentioned, the statement which I have just made ought at least to be made.

Mr. McCUMBER. Mr. President——

The VICE PRESIDENT. Does the Senator from Georgia yield to the Senator from North Dakota?

Mr. SMITH of Georgia. Yes.

Mr. McCUMBER. I do not wish the implication to go unchallenged that the death rate is the same among those reported in these bills as among the rest of the soldiers. I think, altogether, about 800 cases have been considered and reported. Perhaps there would have been 900, but nearly 100 claimants have died since we begun the consideration of and reported this bill. There is no such proportion of deaths among the soldiers generally, which goes to substantiate what I have claimed, that the committee try to reach the cases of the greatest exigency, where there is distress and where there is sickness, and if we err at all we err on the side of our better emotions and from a sense of gratitude to those who were the defenders of our country. That so many of them die before we can get any bill for their benefit entirely considered that we must strike out a tenth of the claimants is evidence that they are in necessitous circumstances, as a rule, and need the relief proposed to be granted.

Mr. SMITH of Georgia. I wish to repeat what I have said before, that I have never criticised the conduct of the committee. It is perfectly apparent from what has taken place on the floor of the Senate to-day that the committee has a hard time; that there are men who are pressing them to give more than they are giving. Were it not for the view that I have that these special pensions ought not to be granted, when I heard the Senator from Connecticut [Mr. BRANDEGEE] present the claim of a citizen of that State and ask to amend the report of the committee, I would have voted with him to increase the rate.

Mr. FLETCHER. Mr. President——

The VICE PRESIDENT. Does the Senator from Georgia yield to the Senator from Florida?

Mr. FLETCHER. May I interrupt the Senator from Georgia to ask him a question?

Mr. SMITH of Georgia. Certainly.

Mr. FLETCHER. It has been suggested that since these bills were reported numerous deaths have occurred. What becomes of the pension when death takes place? Suppose A. B. is entitled under the bill to a pension of $24 or $30 a month and before the bill passes A. B. dies. What becomes of that item?

Mr. SMITH of Georgia. I think I can answer that question. The chairman moves to strike from the bill the name of such a person.

Mr. FLETCHER. But I mean after it has passed and becomes a law. What would happen then?

Mr. SMITH of Georgia. The payment would not be made.

Mr. McCUMBER. Certainly. The names of such persons are stricken out, either here or in the House, and if we should inadvertently pass a bill containing the name of a deceased person, the Pension Bureau would soon find out about the person's death, and when he died, and nothing would accrue to him.

Mr. SMITH of Georgia. If the claimant subsequently died, the pension would stop.

I shall not detain the Senate longer on my motion to strike out this particular clause.

The VICE PRESIDENT. The question is on agreeing to the motion of the Senator from Georgia to strike out.

Mr. McCUMBER. On that I ask for the yeas and nays.

The yeas and nays were ordered, and the Secretary proceeded to call the roll.

Mr. JOHNSTON of Alabama (when the name of Mr. CHAMBERLAIN was called). The Senator from Oregon has been called from the Chamber on an important matter.

Mr. CURTIS (when his name was called). I am paired with the Senator from Maine [Mr. GARDNER], but am informed that if he were here he would vote the same way that I would vote. I will therefore vote. I vote "nay."

Mr. DU PONT (when his name was called). I have a general pair with the senior Senator from Texas [Mr. CULBERSON]. I do not see him in the Chamber, and therefore I will withhold my vote. If I were free to vote I should vote "nay."

Mr. GALLINGER (when his name was called). I have a general pair with the Senator from Arkansas [Mr. CLARKE]. For that reason I withhold my vote.

Mr. McCUMBER (when his name was called). I am paired with the senior Senator from Mississippi [Mr. PERCY]. I will transfer that pair to my colleague, the junior Senator from North Dakota [Mr. GRONNA] and vote "nay."

Mr. OLIVER (when his name was called). I inquire if the Senator from Oregon [Mr. CHAMBERLAIN] has voted.

The VICE PRESIDENT. He has not voted.

Mr. OLIVER. I have a general pair with the junior Senator from Oregon, but it is understood between us that we would probably vote the same way on these pension bills, and I am therefore at liberty to vote. I vote "nay."

Mr. SMITH of Michigan (when his name was called). I am paired with the junior Senator from Florida [Mr. BRYAN]. I transfer that pair to the junior Senator from Wisconsin [Mr. STEPHENSON] and vote. I vote "nay."

Mr. WARREN (when his name was called). I have a general pair with the Senator from Louisiana [Mr. FOSTER]. I do not see him in the Chamber. I therefore withhold my vote.

The roll call was concluded.

Mr. GALLINGER. As already announced, I have a general pair with the Senator from Arkansas [Mr. CLARKE]. I transfer that pair to the junior Senator from Illinois [Mr. LORIMER] and vote "nay."

Mr. PAGE. I wish to announce that my colleague [Mr. DILLINGHAM] is necessarily absent from the Chamber. He has a general pair with the senior Senator from South Carolina [Mr. TILLMAN]. If my colleague were present and voting, he would vote "nay."

Mr. BURTON (after having voted in the negative). I should like to ask if the junior Senator from New York [Mr. O'GORMAN] has voted.

The VICE PRESIDENT. He has not voted.

Mr. BURTON. I have a general pair with that Senator today, and not being sure how he would vote on this question, I withdraw my vote.

Mr. BRADLEY. I am paired with the senior Senator from Tennessee [Mr. TAYLOR].

The result was announced—yeas 6, nays 39, as follows:

YEAS—6.

Bacon	Johnston, Ala.	Smith, Ga.	Williams
Fletcher	Martin, Va.		

NAYS—39.

Borah	Curtis	Nelson	Root
Brandegee	Gallinger	Nixon	Smith, Mich.
Briggs	Heyburn	Oliver	Smoot
Bristow	Jones	Owen	Sutherland
Brown	Lea	Page	Thornton
Burnham	Lippitt	Penrose	Townsend
Chilton	McCumber	Percy	Watson
Clark, Wyo.	McLean	Perkins	Wetmore
Crane	Martine, N. J.	Poindexter	Works
Cullom	Myers	Pomerene	

NOT VOTING—46.

Bailey	Davis	Kenyon	Shively
Bankhead	Dillingham	Kern	Simmons
Bourne	Dixon	La Follette	Smith, Md.
Bradley	du Pont	Lodge	Smith, S. C.
Bryan	Foster	Lorimer	Stephenson
Burton	Gamble	Newlands	Stone
Chamberlain	Gardner	O'Gorman	Swanson
Clapp	Gore	Overman	Taylor
Clarke, Ark.	Gronna	Paynter	Tillman
Crawford	Guggenheim	Rayner	Warren
Culberson	Hitchcock	Reed	
Cummins	Johnson, Me.	Richardson	

The VICE PRESIDENT. The Senator from Delaware [Mr. DU PONT], the Senator from Wyoming [Mr. WARREN], the Senator from Ohio [Mr. BURTON], and the Senator from Kentucky [Mr. BRADLEY], all present, announcing that they refrained from voting because of being paired, make a quorum present. The "nays" have it, and the amendment is rejected. The question is on the engrossment and third reading of the bill.

Mr. SMITH of Georgia. Mr. President, the motion which I just made to strike out applied to the case of——

Mr. BACON. If my colleague will pardon me a moment, I do not desire to raise the point now with a view to a present decision and only mention it in order that it may not be construed into a consent.

I wish to say most respectfully that I utterly disagree with the Chair and, with double respect, I consider it to be beyond his authority in announcing a quorum when the calling of the roll did not disclose it; and nothing short of the voting "yea" or "nay" can constitute a quorum in the Senate upon the call of the yeas and nays.

I did not wish it to pass sub silentio and in that way possibly be cited in future as a precedent in which the Senate had acquiesced. The matter has been thrashed out heretofore, and the differences on this subject are well understood. I did not think it proper to let it pass without mentioning my dissent as to that ruling.

The VICE PRESIDENT. The junior Senator from Georgia will proceed.

Mr. SMITH of Georgia. The motion to strike out, which I made a few moments ago and which was voted down, was in the case of a soldier who entered the Army March 1, 1865. The war was practically over at that time. At any rate, the length of his service was so short during the actual war that I took it as an illustration of my objection to special pensions that this gentleman, who entered the service March, 1865, should be put up to $24 a month as a special pensioner while many of the soldiers who fought for four years are not in the same position.

The Senate having rejected the motion to strike out, and that being an illustrative case, I shall not make another motion to strike out on this bill and will delay the Senate no longer upon it.

The VICE PRESIDENT. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed for a third reading, and it was read the third time, and passed.

SERVICE PENSIONS.

The VICE PRESIDENT. The hour of 4 o'clock having arrived, the Chair lays before the Senate the unfinished business. It will be stated.

The SECRETARY. A bill (H. R. 1) granting a service pension to certain defined veterans of the Civil War and the War with Mexico.

Mr. McCUMBER. I do not understand that there is anyone who desires to speak upon the bill this afternoon. I therefore ask that it may be temporarily laid aside.

The VICE PRESIDENT. Without objection, the unfinished business will be temporarily laid aside.

PENSIONS AND INCREASE OF PENSIONS.

Mr. McCUMBER. I move that the Senate proceed to the consideration of the bill (H. R. 14918) granting pensions and increase of pensions to certain soldiers and sailors of the Regular Army and Navy, and certain soldiers and sailors of wars other than the Civil War, and to widows of such soldiers and sailors.

The motion was agreed to; and the Senate, as in Committee of the Whole, proceeded to consider the bill, which had been reported from the Committee on Pensions with amendments.

Mr. SMITH of Georgia. Mr. President, I desire to suggest that we take up this bill as in Committee of the Whole, that it be read paragraph by paragraph, and that we have a vote paragraph by paragraph on it.

The VICE PRESIDENT. Is there objection, then, to dispensing with the formal reading of the bill? The Chair hears none.

Mr. McCUMBER. Mr. President, I rise again to a point of order, because we might as well settle the question as to whether, in the consideration of a bill—not of amendments, but in the consideration of the bill itself—we may vote upon the bill item by item where there are no amendments offered. It does seem to me that if we adopt that as a precedent it certainly will come back to plague us in the future. For instance, if a tariff bill were to be taken up from the beginning to the end, with special relation to each item, we might vote one item in, we might vote the next item out, and the next one in, and so forth, and we certainly would have a wonderful conglomeration when we got through with the bill. Then, instead of the bill passing by a single vote, we are passing a single bill by piecemeal in several votes.

It seems to me, Mr. President, that we have got to have a final vote, and the final vote has to be one single vote upon the bill. But if this proposition is a correct method of dealing with all kinds of bills that are made up of more than one item, instead of passing the bill by a single vote we are passing it perhaps by a dozen or by a thousand, or, if a tariff bill, by five or ten thousand separate votes upon the final passage of the bill. That certainly seems to me to be incongruous.

The VICE PRESIDENT. The Senator from Georgia, of course, can reach the same object by moving to strike out each paragraph as it is read. If the Senator is willing to adopt that mode of procedure, very well. Otherwise the Chair will submit the question to the Senate, as he intended to do heretofore. Whichever course the Senator desires is open to him.

Mr. SMITH of Georgia. Except the difference is this, Mr. President. It has been suggested to me by my colleague that the effect is just the same.

The VICE PRESIDENT. Certainly.

Mr. SMITH of Georgia. The effect is not the same to this extent. A motion to strike out is subject to a motion to lay on the table and can be gotten rid of very readily, while, on the other hand, if the paragraph itself were to be voted upon, that course could not be followed.

I suggest that difference in this particular instance because I desire to avoid a motion to lay on the table. I do not wish to use the procedure that I intend to take for what might in any sense be termed a filibuster. I think to take a half hour or even an hour on a bill covering 150 to 200 pensions can not in any sense be called a filibuster. I think the Senator must certainly agree that that is true.

I do not know that I will insist, Mr. President, upon your submitting that question to the Senate. When the first paragraph has been read I will move to strike it out.

Mr. McCUMBER. Mr. President, I wish simply to answer the Senator from Georgia. I certainly do not wish to accuse him of such a purpose when he has disclaimed it. But, knowing the Senator, I felt when he picked out the very first name and so far forgets himself and those names which to him are household words as to move to strike out from any bill the name of Thomas Jefferson, he must really be intending to filibuster and must not have the question sincerely at heart.

Mr. SMITH of Georgia. I regret very much that I made the motion. The truth is I overlooked the fact, or else I would have passed him on his name.

The VICE PRESIDENT. The Secretary will proceed to read the bill.

Mr. BACON. If the Chair will pardon me a moment, I do not understand the Chair to have ruled that the bill can not be considered by items.

The VICE PRESIDENT. No; the Chair did not rule.

Mr. SMITH of Georgia. And I do not press my motion on that subject, because I am not prepared by an examination of the precedents to submit anything to the Chair in support of my motion, and I do not wish to be the cause of a ruling when

I am not able to contribute my proper part toward sustaining the side that I think is sound.

The Secretary read the first paragraph of the bill, as follows:

The name of William Russell, late of Capt. Samuel Gordon's Company H, Second Regiment Oregon Volunteers, also of Capt. Edward Sheffield's Company A, of said regiment, and pay him a pension at the rate of $16 per month in lieu of that he is now receiving.

Mr. SMITH of Georgia. I move to strike out that paragraph, and I ask, before the motion is put, that the report of the committee upon it be read.

The VICE PRESIDENT. Without objection the Secretary will read as requested.

The Secretary read as follows:

H. R. 1919. William Russell, of Roseburg, Oreg., served as a private in Capt. Samuel Gordon's Company H, Second Regiment Oregon Volunteers, from November 25, 1855, to February 10, 1856, and in Capt. Edward Sheffield's Company A, of the same regiment, from February 18 to May 10, 1856, and is receiving a pension of $8 per month, the rate allowed by the general law to survivors of the earlier Indian wars.

In a sworn statement filed with the bill the petitioner states that he is 76 years of age; that he owns no real estate or personal property, and that his sole income is his pension of $96 a year.

The original pension in this case was allowed by special act approved February 9, 1899, before the general-law act was passed, June 27, 1902, granting pensions to the survivors of the Oregon and Washington Territory Indian wars; hence, the rule against the increase of a pension allowed by special act has only a technical application to this case. The pensioner now has title under the general law to a pension of $8, and could obtain it upon application by surrendering his present special-act pension of the same amount.

Following precedents in similar instances, your committee respectfully recommend a rating of $16 per month.

Mr. SMITH of Georgia. I should like to ask the chairman of the committee if I understood him correctly in saying that this is a House bill?

Mr. McCUMBER. It is a House bill.

Mr. SMITH of Georgia. Is it reported by the Senate committee just as it came from the House, or has the committee also scrutinized it?

Mr. McCUMBER. I think there have been no changes from the report of the bill in the House, and, as I notice it, there is no grant of a pension higher than $16 per month.

The VICE PRESIDENT. The Secretary informs the Chair that amendments have been recommended by the committee, but not changing the amount.

Mr. McCUMBER. They were amendments made by the House committee, I think.

The VICE PRESIDENT. Senate committee amendments have been reported.

Mr. McCUMBER. Amendments simply correcting clerical errors, but no amendments as to amount.

Mr. GALLINGER. They are amendments as to the service.

Mr. SMITH of Georgia. This is really a $16 pension bill running straight through, is it not?

Mr. McCUMBER. No; I think not in every case. I think the highest is $16 in any one case. There may be one higher than that, but as I remember it the highest rate is $16.

The VICE PRESIDENT. The question is on agreeing to the amendment of the Senator from Georgia, to strike out the paragraph which has been read.

The amendment was rejected.

The VICE PRESIDENT. The amendment of the committee to the paragraph will be stated.

The SECRETARY. The Committee on Pensions report was, on page 1, line 8, after the word "regiment," to insert "Oregon and Washington Territory Indian war," so as to make the paragraph read:

The name of William Russell, late of Capt. Samuel Gordon's Company H, Second Regiment Oregon Volunteers, also of Capt. Edward Sheffield's Company A, of said regiment, Oregon and Washington Territory Indian war, and pay him a pension at the rate of $16 per month in lieu of that he is now receiving.

The amendment was agreed to.

The next paragraph of the bill was read, as follows:

The name of Andrew J. Haydon, late of Capt. John Kelsey's Company B, Second Regiment Oregon Mounted Volunteer Infantry, Indian wars, and pay him a pension at the rate of $16 per month in lieu of that he is now receiving.

Mr. SMITH of Georgia. I move to strike out that paragraph. I should like to ask the Senator from North Dakota, the chairman of the committee, a question. What change does this make from the regular pension?

Mr. McCUMBER. The change is from $8 per month. The regular pension allowed for service in the Indian wars is $8 a month.

Mr. GALLINGER. Which he is receiving.

Mr. McCUMBER. Which he is receiving. Therefore there is an addition of $8 per month when we grant a pension of $16 per month.

The VICE PRESIDENT. The question is on——

Mr. SMITH of Georgia. One moment, Mr. President. Will the chairman permit me to ask him just one or two more questions for information? Do we extend the basis of the classification of the Civil War pensions to the basis of the classification of these men when we allow an increase beyond what the law generally gives them?

Mr. McCUMBER. It would be the same classification that we would grant in other cases, where the soldier has become very old and feeble and requires more or less aid or attendance, and is in destitute circumstances. We have never in any case recognized the soldiers of any other war as being entitled to the same consideration as the soldiers of the Civil War and we have not granted as high rates, even in cases of destitution in the Indian wars, which are generally of rather short duration and not so severe as was the Civil War, as we have granted to Civil War veterans. Therefore, the service generally being short and these particular Indian war veterans having been placed upon the pension roll by a vote of Congress not a great many years ago, we have not regarded them in the same light as the veterans of the Civil War.

Mr. SMITH of Georgia. Could they not properly be left where they are, then, I should like to ask the chairman, and let what extra money we have go to the veterans of the Civil War?

Mr. McCUMBER. Mr. President, they are but a bagatelle in number. The amount is very small. The Pension Committees of both Houses have been in the habit of not only considering veterans of the Civil War, but veterans of the Spanish War, the Regular Establishment, the Indian wars, and the War with Mexico. It might be said we could leave all of them where they are, but we have granted them pensions. We might have left them where they were without granting them an original pension. The same justification for granting them the original pension of $8 per month could be urged with added reasons when many years thereafter they are old and destitute and unable to earn a living.

Mr. SMITH of Georgia. Mr. President, I will not press my motion to strike out the particular name that I mentioned, because that name seems to classify with the balance of them, but I will state my objection to all these pensions.

They are not men who have served any considerable length of time in the Army. They are men of short service. They may be in need, but there are thousands of men and women all over the United States in need. They receive a small pension. To that I make no objection. I simply think that they fall into the same kind of class as the very short-term pensioners to whose increase of pension I was objecting, with reference to the other bill. Being short-service men, and not men who can be classed with the men who served two, three, and four years during the Civil War, I think they ought to be treated like I urged a few days ago the 90-day men ought to be treated; they ought to be left with the amount that the statute gives them.

As my objection reaches to all of them, and as I only wanted to take time enough to bring out just what were the facts and to state my objection, with these objections to the entire bill, I will not make my motion with regard to any special item, and will leave the matter to be voted upon on its merits.

The VICE PRESIDENT. Does the Senator from Georgia withdraw his present motion?

Mr. SMITH of Georgia. I withdraw my motion to strike out the particular item.

Mr. HEYBURN. Mr. President, I think it is only proper to say, briefly, the service of this class of men was the quickest, sharpest, and most desperate that a soldier can know. It is the call for help at midnight when the Indians are burning the homes of frontiersmen; when the hand of the settlement is being stayed; when helpless people who have no government close at hand, no troops to whom they can appeal, must band together and fight their own battles. They are just as much citizens and just as much entitled to citizenship and its protection as those who live in more dense settlements.

Those who have lived on the frontier know that there is no service that calls for such quick response of patriotism as that which defends the homes and settlements of the frontier settler. Even though the term of service seems short, I think it is safe to say that half the men who enter it are killed or wounded for life. Those who live on the frontier know that they have in every community men crippled, and when you inquire, "How did you get your wounds," they say, "In the fight at Standing Rock," or "In the fight at Willow Creek," or "In the fight at Camas Prairie," or "When Joseph's Band broke loose"; and those are the responses that tell the history.

I was riding with one of Idaho's best men not very long ago, one who has an arm that has a piece of bone about 4 inches

long out of it entirely. I asked, "Where did you get your wound?" He said, "We will pass there after a bit," and he showed me the place where he got it. It is a quiet tragedy; there is nothing heroic about it; it is not exploited in the newspapers. The men do not wear uniforms and they do not have drums and music. They have none of the panoply of war about them. They have no home-comings where they are met by a community. They stagger back home to carry the wounds they received in this service, of which the great world knows nothing. They stagger back home to carry those wounds through their lives. I could stand here and name more of them of my own knowledge than there are Members of this body, with whom I have associated for 30 years or more. This is a meager pension for that class of citizens.

The VICE PRESIDENT. The Secretary will report the next amendment of the Committee on Pensions.

The next amendment was, on page 2, line 20, after the word "Volunteers," to insert "Oregon and Washington Territory Indian war," so as to make the clause read:

The name of Elzey Bird, late of Company E (Capts. Williams and O'Neill), Second Regiment Oregon Mounted Volunteers, Oregon and Washington Territory Indian war, and pay him a pension at the rate of $16 per month in lieu of that he is now receiving.

The amendment was agreed to.

The next amendment was, on page 3, line 8, after the word "Volunteers," to insert "Oregon and Washington Territory Indian war," so as to make the clause read:

The name of Daniel L. Anderson, late of Capt. Sheffield's Company A, Second Regiment Oregon Mounted Volunteers, Oregon and Washington Territory Indian war, and pay him a pension at the rate of $16 per month in lieu of that he is now receiving.

The amendment was agreed to.

The next amendment was, on page 3, line 13, after the word "Infantry," to insert "Oregon and Washington Territory Indian war," so as to make the clause read:

The name of Patrick Moloney, late of Company C, Ninth Regiment United States Infantry, Oregon and Washington Territory Indian war, and pay him a pension at the rate of $16 per month in lieu of that he is now receiving.

The amendment was agreed to.

The next amendment was, on page 3, line 19, after the word "Infantry," to insert "Oregon and Washington Territory Indian war," so as to make the clause read:

The name of Larkin Richardson, late of Capt. Hembrie's company, First Regiment Oregon Mounted Volunteer Infantry, Oregon and Washington Territory Indian war, and pay him a pension at the rate of $16 per month in lieu of that he is now receiving.

The amendment was agreed to.

The next amendment was, on page 3, line 24, after the word "Volunteers," to insert "War with Spain"; on page 4, line 1, after the word "additional," to strike out "for" and insert "on account of the"; and in line 2, after the name "Vanderbeek," to insert "until he reaches the age of 16 years," so as to make the clause read:

The name of Sophronia Vanderbeek, widow of Calvin V. Vanderbeek, late of Eleventh Company, Signal Corps, United States Volunteers, War with Spain, and pay her a pension at the rate of $12 per month and $2 per month additional on account of the minor child of the said Calvin V. Vanderbeek until he reaches the age of 16 years.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The amendments were ordered to be engrossed and the bill to be read a third time.

The bill was read the third time and passed.

Mr. McCUMBER. I move that the Senate proceed to the consideration of House bill 17671.

The motion was agreed to; and the Senate, as in Committee of the Whole, proceeded to consider the bill (H. R. 17671) granting pensions and increase of pensions to certain soldiers and sailors of the Regular Army and Navy, and certain soldiers and sailors of wars other than the Civil War, and to widows and dependent relatives of such soldiers and sailors.

The VICE PRESIDENT. If there be no amendments proposed, the bill will be reported to the Senate.

Mr. SMITH of Georgia. One moment, Mr. President. This seems to be a Spanish-American War special pension bill.

Mr. McCUMBER. I think it covers also the Regular Establishment. I am not certain about that, however.

Mr. SMITH of Georgia. Mr. President, this is a line of pensions entirely different from the special pensions which have been granted, and I do hope the Senator from North Dakota, who is the chairman of the committee, will not press it upon us. These are special pensions for soldiers of the Spanish-American War. I see some Georgians in the list, and I am free from any embarrassment in objecting to the bill. This is certainly not in the line of pensions that I had under consideration with the Senator when we were discussing the matter some time ago.

Mr. McCUMBER. Mr. President, there are only seven cases in this bill. The Senator from Georgia probably understands that there being two pension committees in the other House, one called the Committee on Invalid Pensions and the other the Committee on Pensions, one of the committees having jurisdiction over pensions relating to the Civil War and the other over all other pensions, necessitates our dividing our omnibus pension bills into two classes, so that when they reach the other House they may go to the proper committee, and no names be placed upon the bill that could not be properly referred.

This bill is practically composed of the names of those as to whom appeal has been taken from the Department of the Interior to the Committee on Pensions of the House and the Pensions Committee of the Senate—the two committees. If the Senator will examine the cases, I think he will find that all of the applicants are granted only such pension as would have been allowed in the bureau had the bureau found that the injuries were of service origin. The committee as to all of these cases has found that the injuries suffered were injuries of service origin. They are all, therefore, original pensions, and the amounts granted are the same as would have been granted by the department if the evidence before the department had convinced the department that the injuries were of service origin. I am inclined to think that very often the officials of the Bureau of Pensions are overtechnical and overcareful lest some improper cases get upon the pension roll; and having a great number of cases before them, it is incumbent upon them to perform their duties with the utmost care. I am not surprised, therefore, that securing additional evidence in each one of these cases, we may have come to a conclusion different from that which was arrived at by the Bureau of Pensions, and having come to that conclusion, we have reported in favor of granting pensions in the amounts that are allowable under the law.

Mr. SMITH of Georgia. Before the Senator takes his seat I wish to ask has not the Pension Board of Appeals been abolished in the department?

Mr. McCUMBER. I am not certain as to that, Mr. President.

Mr. SMITH of Georgia. Would it not be far better to reestablish a Pension Board of Appeals in the department, where half a dozen good men might calmly hear these cases on review, than to undertake to bring them here?

Mr. CURTIS. Mr. President.

The VICE PRESIDENT. Does the Senator from Georgia yield to the Senator from Kansas?

Mr. SMITH of Georgia. I do.

Mr. CURTIS. I think the Board of Pension Appeals has only been reduced in numbers. That is my recollection. They are still considering cases on appeal, but the number of the board has been reduced about one-half.

Mr. SMITH of Georgia. There is still that opportunity for a pensioner to appeal?

Mr. CURTIS. There is; certainly.

Mr. McCUMBER. And undoubtedly appeals have been taken in these cases; but I would invite the Senator to carefully read the reports in each case. Then, though he may not have all of the evidence, the report being in conformity with the evidence, I think the Senator will agree that in each of these cases the ailments complained of are of service origin, and therefore the claimants are entitled to the pension allowed by law.

Mr. SMITH of Georgia. But still, Mr. President, for a committee of the Senate and of the other House to be called upon to perform this semijudicial work, to pass as judges in final appeal from the action of the Board of Appeals in the Pension Office, is a very unsatisfactory practice.

I, of course, do not know what are the facts in these particular cases, but I understand we are asked to vote these special pensions to soldiers of the Spanish-American War upon the ground that their injuries were of service origin, when the Department of the Interior found that they were not of service origin. Is that the case?

Mr. McCUMBER. That is hardly correct. I will say that the Department of the Interior did not find that they were not of service origin, but the Department of the Interior held there was not sufficient evidence before that department to establish the fact that they were of service origin. I think that puts it nearer correct.

Mr. SMITH of Georgia. They found that the applicant could not prove that his injuries were of service origin?

Mr. McCUMBER. The applicant evidently failed to prove that to the satisfaction of the bureau, but the applicant did not fail to establish his case before the committees of both the Senate and the House, and I believe that the members of the two committees are really as competent to judge on the question of evidence and the fair conclusion to be derived from that evidence as the clerks of the Bureau of Pensions. I believe that

the Senator from Georgia would be just as competent, after reading the evidence in one of these cases, to determine whether or not the disease or ailment complained of originated in the service as would any single clerk in the Bureau of Pensions; and that which I would grant to the Senator I would grant to other members of both committees.

Mr. SMITH of Georgia. I thank the Senator for the very high compliment he has paid me. I really believe, with due modesty, I could pass on that, and I have no doubt the committee is entirely competent to pass upon it, except that I know the committee can not give the requisite time to these cases—that it is utterly impossible for a committee to undertake to investigate and pass upon 9,000 cases in two years. For that reason, however able the members of the committee might be, I had rather risk capable men selected and put in the department than nominally to have the committee pass on these cases, for it is simply nominally. The committee simply can not do it; they can not investigate them. That is one of the reasons why I am opposing these special pensions. The investigation must be done by a clerk of the committee, or it must be done by somebody on the outside.

I do not think we ought to undertake the practice of granting special pensions to soldiers of the Spanish-American War. We are now asked to put on the pension rolls men who undertook to establish before these committees that their injuries were of service origin in the Spanish-American War, who could not prove it before the department, who were turned down by the department, turned down because they could not show that their disabilities were of service origin, and now have come to Congress and ask that they be given special pensions. I do not think we should consent to it.

There are a large number of the Spanish-American War soldiers. Let us stop with the veterans of the Civil War, and let us leave the men in the Spanish-American War to a uniform treatment, and to have their cases passed on by the Pension Bureau. It is unnecessary for me to undertake to single out individuals. I could detain the Senate to investigate them, but I never intended to do that. I do not think we ought to undertake legislatively to determine that certain men in the Spanish-American War received their injuries as of service origin when the Pension Bureau and the Interior Department reject their claims upon the ground that the injuries were not of service origin.

Mr. BROWN. Mr. President, I have been endeavoring to understand the position of the Senator from Georgia as to pension legislation. He objects to this bill because it grants relief to soldiers of the Spanish War, and a moment ago he objected to relief measures for soldiers of the Indian wars. Then he filed several motions to strike from the list the names of soldiers who enlisted during the last days of the Civil War—the men who were in at the finish—and I also understand that he is opposed to House bill No. 1, which does take care of all the veterans of the Civil War. Now, I am at a loss to understand what kind of a soldier the Senator favors pensioning. It seems to me these classes cover about all the classes of soldiers we have.

Mr. SMITH of Georgia. I do not, Mr. President, feel called upon to certainly make the Senator understand me, but I will try to do so.

The line of thought I have been urging has been that there is a limit of the amount which should be charged against the Treasury for pensions; that $150,000,000 a year was a fair proportion for pensions as compared with the other responsibilities of Government, and that the proper distribution of that money would be to give the large part of it to soldiers of the Civil War who had served long enough to carry the real burden of the struggle—to give the $150,000,000 in very large part yearly to the men who went in for three and four years, and to the men who were in two years, and very little of it to the 90-day men unless they received injuries in the line of service.

Of course, no matter how short the service, if a man received an injury in line of duty, the length of time ought not to affect his pension. If he received an injury, even though he only served a week, his pension should be just like the pension given to anyone else.

What I have been undertaking to present to the Senate has been the theory that we can not go to an unlimited extent for pensions; that $150,000,000 a year is a liberal sum; and that what we ought to do is to distribute that sum in such a way as to give it to the men who deserve it most; and that those men deserve it most who had the long-time service. In referring to the Spanish-American War soldiers, I regard them as very short-time-service men, and I was inquiring about service in the Indian wars upon the idea that that was also a short-time service.

Mr. McCUMBER. Mr. President, the Senator from Georgia has criticized not the committee, I think, but the system which the committee has adopted of sometimes overruling the Bureau of Pensions upon a question of whether or not a given disability was of service origin. The Senator thinks, if I understand him correctly——

Mr. SMITH of Georgia. If the Senator will yield to me, I did not mean——

Mr. McCUMBER. That those in the department may far better pass upon a question of that kind than the committee or its clerks.

Mr. SMITH of Georgia. Not better than the committee.

Mr. McCUMBER. No; I understand the Senator.

Mr. SMITH of Georgia. The line of thought I desired to present, if the Senator will permit me, was not that the committee itself can not take any one case or a dozen cases or a hundred cases and give their time to them——

Mr. McCUMBER. I gave the Senator the benefit of the explanation, that I did not understand that he criticized the committee, but I want now——

Mr. SMITH of Georgia. But that the committee could not have time to do it themselves.

Mr. McCUMBER. But I want to meet the Senator's prime objection against our reconsidering those matters. One of the very first cases in this bill to which the Senator objects is a case of this kind: The soldier was injured in the War with Spain; he was made blind; he brooded over his blindness until he became insane; and in a period of insanity, after he had come home, of course, he walked down to the river and there, with suicidal intent or by accident, he was drowned. The department held that the widow had failed to show that her husband's death was due to disability incurred in the service. It appeared to the committee, however, the fact having been established that he was blinded in the service, it having been established that his mental condition was brought about by that blindness, and that he was drowned either during the time when he was insane or because of accident due to blindness, that in fact his death was the result of injuries incurred in the service, and I leave it to the Senator from Georgia whether we were not justified in a case of that kind in overruling the findings of the department.

Mr. SMITH of Georgia. I will say that the statement of the Senator appeals to me.

Mr. McCUMBER. Here is another case I will present to the Senator: During the time the soldiers were quartered in the Philippines—I think they were in the Philippines at that time, but it was at any rate during the Philippine War—one soldier asked his comrade to loan him some money. Feeling that the request for the money was made by one who would not be likely to pay it back, he declined to make the loan. That evening when he was preparing to retire the soldier who had been refused the loan slipped up behind him in his tent, and with a dirk stabbed him, and from the wounds received he died. The department seems to have held that the death was not incurred in line of duty—that is the way the law reads "in line of duty"—but the committee concluded that there was no duty incumbent upon him to loan his comrade any money; that his duty was to go to his tent at some time and go to bed, and therefore he was performing his duty when he was doing that, and being murdered because of his refusal to loan a sum of money to a comrade he had been killed in line of duty. The committee, overruling the department, has reported in favor of granting the widow such pension as she would have received had the department held her husband had been killed in line of duty.

It is in cases of that character that the committee has seen fit to overrule the findings of the Department of the Interior. I will say to the Senator that we view with extreme care any application for original pension by special act of Congress in a case which has been turned down by the bureau, because our rules require that the claimant must first exhaust his rights in the department. I think the Senator will agree with me that in the last case to which I have referred the death of the soldier was in line of duty.

Mr. SMITH of Georgia. What argument did the department present? Does the Senator recall whether that case went into the published pension decisions?

Mr. McCUMBER. They did not present any argument; they simply refused to grant the pension.

Mr. SMITH of Georgia. Did the case go to the Pension Board of Appeals on appeal?

Mr. McCUMBER. I am not certain. I am simply certain that that was the holding of the department. The case then came here, and we held that the injury was received in line of duty.

The VICE PRESIDENT. If there be no amendments, the bill will be reported to the Senate.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

Mr. McCUMBER. I move that the Senate proceed to the consideration of the bill (S. 5193) granting pensions and increase of pensions to certain soldiers and sailors of the Civil War and certain widows and dependent relatives of such soldiers and sailors.

The motion was agreed to; and the Senate, as in Committee of the Whole, proceeded to consider the bill.

Mr. McCUMBER. I ask at this time, if there be no objection, without waiting until we come to the particular cases, that I be allowed to move amendments striking out certain paragraphs.

The VICE PRESIDENT. In the absence of objection, permission is granted.

Mr. McCUMBER. On page 14, I move to strike out lines 19, 20, 21, and 22, inclusive, the case of William M. Clark, the beneficiary having died since the bill was reported to the Senate.

The VICE PRESIDENT. The amendment will be stated.

The SECRETARY. On page 14, after line 18, it is proposed to strike out:

The name of William M. Clark, late of Company C, Seventeenth Regiment Illinois Volunteer Cavalry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The amendment was agreed to.

Mr. McCUMBER. On page 13, I move to strike out lines 18 to 21, inclusive, the case of William Starry, the beneficiary having died since the bill was reported to the Senate.

The VICE PRESIDENT. The amendment will be stated.

The SECRETARY. On page 13, after line 17, it is proposed to strike out:

The name of William Starry, late of Company B, Ninth Regiment Iowa Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The amendment was agreed to.

Mr. McCUMBER. On page 22 I move to strike out lines 24 and 25, and lines 1 and 2, on page 23, being the case of William A. Willis, the beneficiary having died since the bill was reported to the Senate.

The VICE PRESIDENT. The amendment will be stated.

The SECRETARY. On page 22, after line 24, it is proposed to strike out:

The name of William A. Willis, late of Company E, Fourteenth Regiment New Hampshire Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The amendment was agreed to.

Mr. SMITH of Georgia. Mr. President, I ask that the bill be read; and as I want a little time to look at the items as the reading proceeds, I would rather the Secretary should read the whole bill.

The VICE PRESIDENT. The Secretary will read as requested.

The Secretary read the bill. It proposes to pension the following-named persons at the rates stated:

Mary J. Stumpff, widow of William G. Stumpff, late of Company F, Sixth Regiment Kentucky Volunteer Cavalry, $20.

Robert M. Reynolds, late of Company C, First Regiment Indiana Volunteer Heavy Artillery, $24.

Ansil Decatur, late of Company C, Ninth Regiment New York Volunteer Cavalry, $30.

Hiram Smith, late of Company A, One hundred and forty-ninth Regiment Pennsylvania Volunteer Infantry, $30.

Joseph C. Norris, late of Company E, Seventy-first Regiment Illinois Volunteer Infantry, $20.

David H. Burge, late of Company I, Thirteenth Regiment Kentucky Volunteer Cavalry, $24.

James H. Baker, late of Company G, Fourteenth Regiment Kentucky Volunteer Cavalry, $24.

David T. Moneypenny, late of Company K, Fifth Regiment Kentucky Volunteer Infantry, $40.

William R. Jones, late of Company G, Eleventh Regiment Indiana Volunteer Cavalry, $30.

Francis Bills, late of Company G, Fifty-fourth Regiment Pennsylvania Volunteer Infantry, $24.

Emma Montgomery, widow of Harry Montgomery, late of band, Eleventh Regiment United States Infantry, $20.

Marcy A. Tyler, widow of Edgar L. Tyler, late of Company H, Twenty-third Regiment Michigan Volunteer Infantry, and Company I, Fifth Regiment Veteran Reserve Corps, $20.

James Scott, late of Company A, First Regiment Iowa Volunteer Cavalry, $30.

Nathan Wakefield, late of Company H, Thirteenth Regiment, and Company I, Sixth Regiment, New York Volunteer Heavy Artillery, $24.

William H. Amsbury, late of Company A, First Regiment Kentucky Volunteer Infantry, and Company A, Sixtieth Regiment Ohio Volunteer Infantry, $30.

Amos T. Phares, late of Company B, Seventieth Regiment Indiana Volunteer Infantry, $30.

David Bishop, late of Company A, First Regiment West Virginia Volunteer Cavalry, $24.

Adoniram J. Goff, late of Company E, One hundredth Regiment Illinois Volunteer Infantry, $30.

William A. Sharp, late of Company H, Third Regiment Illinois Volunteer Cavalry, $24.

Betsy B. Simons, widow of Joseph R. Simons, late of Company H, Eleventh Regiment Rhode Island Volunteer Infantry, $20.

John W. Watsbaugh, late of Company G, Seventy-third Regiment Illinois Volunteer Infantry, $24.

David Cain, late of Company D, Sixth Regiment West Virginia Volunteer Infantry, $24.

John Boler, late of Company N, Sixth Regiment West Virginia Volunteer Infantry, $24.

Bernard F. Morrow, late of Company F, Twelfth Regiment West Virginia Volunteer Infantry, $30.

James Y. Kennedy, late of Company I, Seventy-seventh Regiment New York Volunteer Infantry, $24.

William E. Brown, late of Company E, Third Regiment Iowa Volunteer Cavalry, $50.

Francis Caux, late of Company M, Third Regiment Indiana Volunteer Cavalry, $30.

Henry Worthington, late of Company B, Twenty-sixth Regiment Connecticut Volunteer Infantry, $30.

Frederick C. Payne, late of Company D, Twelfth Regiment Connecticut Volunteer Infantry, $24.

Thomas Reynolds, late of Company I, Thirty-fourth Regiment Kentucky Volunteer Infantry, $30.

Robert H. Keller, late of Company B, Eighth Regiment Indiana Volunteer Cavalry, $30.

John M. Perry, late of Company E, One hundred and sixty-eighth Regiment Ohio National Guard Infantry, $24.

John Goldsmith, late of Company C, Fifty-third Regiment Kentucky Volunteer Infantry, $40.

Washington H. Wells, late of Company F, Sixteenth Regiment Wisconsin Volunteer Infantry, $24.

Christian Miller, late of Company G, Thirty-second Regiment, and Company D, Sixteenth Regiment, Wisconsin Volunteer Infantry, $24.

Albert C. Jefferson, late of Company D, One hundred and sixty-sixth Regiment Ohio National Guard Infantry, $24.

William J. Perkins, late of Company M, First Regiment Rhode Island Volunteer Cavalry, $24.

Jacob P. Buswell, late of Company A, Tenth Regiment New Hampshire Volunteer Infantry, $30.

George S. Putnam, late of Company H, First Regiment Wisconsin Volunteer Cavalry, $30.

William S. Hosack, late of Company G, Seventy-eighth Regiment Pennsylvania Volunteer Infantry, $36.

William Roberts, late second lieutenant Company I, Fourth Regiment United States Colored Volunteer Infantry, $30.

Alfred Greenstreet, late of Company D, Thirty-second Regiment Missouri Volunteer Infantry, $24.

William O. Campbell, late of Company G, First Regiment Connecticut Volunteer Heavy Artillery, $30.

Charles Shabley, late of Company K, Eleventh Regiment Illinois Volunteer Infantry, $30.

Michael H. Skinner, late of Company D, Second Regiment Pennsylvania Volunteer Heavy Artillery, $24.

Delevan L. Terrill, late of Company E, Second Regiment United States Volunteer Sharpshooters, and Company G, Tenth Regiment Veteran Reserve Corps, $24.

Henry M. Willis, late of Company K, Twenty-second Regiment Connecticut Volunteer Infantry, $24.

Isaiah Fry, late of Company A, Forty-fifth Regiment Kentucky Volunteer Infantry, $30.

Abigail J. Fairfield, widow of Luther C. Fairfield, late second lieutenant Company H, Seventh Regiment Maine Volunteer Infantry, $25.

John F. Chamberlin, late of Company H, and commissary sergeant, Twenty-ninth Regiment Maine Volunteer Infantry, $24.

Charles L. Burgess, late of Company I, Twenty-third Regiment Maine Volunteer Infantry, $24.

James Smith, late of Company K, First Regiment Tennessee Volunteer Cavalry, $24.

Samuel S. Wilhite, late of Company F, Fourth Regiment Tennessee Volunteer Infantry, $36.

Edward G. Danforth, late of Company K, Forty-first Regiment Ohio Volunteer Infantry, $30.

Elizabeth Cleary, widow of Charles C. Cleary, alias Charles Reinhart, late of Company F, Seventy-fifth Regiment Ohio Volunteer Infantry, $12.

John Stevens, late of Company B, Seventy-sixth Regiment Pennsylvania Volunteer Infantry, $30.

Abial S. Loomis, late of Company K, First Regiment United States Volunteer Sharpshooters, $30.

John R. Littell, late of Company G, One hundred and sixty-eighth Regiment Pennsylvania Volunteer Infantry, $24.

Royal Cranston, late of Company D, Thirty-third Regiment Wisconsin Volunteer Infantry, $30.

Thomas Cogar, late of Company I, Third Regiment West Virginia Volunteer Cavalry, $24.

Daniel D. Whitney, late of Company E, Eleventh Regiment New Hampshire Volunteer Infantry, $30.

David D. Barclay, late major, Fifth Regiment West Virginia Volunteer Cavalry, $30.

Charles L. Hubbs, late of Company F, First Regiment Minnesota Volunteer Infantry, and Company A, Ninth Regiment United States Veteran Volunteer Infantry, $30.

Eli Hoyt, late of Company D, Thirty-first Regiment United States Colored Volunteer Infantry, $30.

William L. Norton, late of Company B, Tenth Regiment Connecticut Volunteer Infantry, $30.

Josiah McKirahan, late of Company A, Fifth Regiment Iowa Volunteer Cavalry, $30.

Josiah H. Gordon, late of Company B, Eleventh Regiment Maine Volunteer Infantry, $24.

Clark Colvin, late of Company D, Thirtieth Regiment Iowa Volunteer Infantry, $30.

Emily Fisher, helpless and dependent daughter of William J. Fisher, late second lieutenant Company D, Seventh Regiment Massachusetts Volunteer Infantry, $12.

George Choron, late of Company G, First Regiment Massachusetts Volunteer Heavy Artillery, $50.

Samuel Osborne, late of Company F, Tenth Regiment Wisconsin Volunteer Infantry, $30.

William Boyd, late of Company E, Sixty-second Regiment, and Company K, Seventy-sixth Regiment, Pennsylvania Volunteer Infantry, $30.

Michael Crane, late of U. S. S. *Ohio*, *Mississippi*, and *Princeton*, United States Navy, $30.

William Boyce, late of Company F, Seventh Regiment Iowa Volunteer Cavalry, $24.

Jacob Lantz, late of Company H, One hundred and thirtieth Regiment Pennsylvania Volunteer Infantry, and Company K, Ninth Regiment Pennsylvania Volunteer Cavalry, $30.

Lucy R. Stokes, widow of Charles Stokes, late of Company H, Third Regiment Minnesota Volunteer Infantry, $20.

Reuben P. McCutchan, late of Company A, Forty-second Regiment Indiana Volunteer Infantry, $36.

John A. Larimer, late of Company C, Thirty-third Regiment Illinois Volunteer Infantry, $30.

George Gault, late of Capt. Chandler's company, National Guards, New Hampshire Militia, $12.

Hiram Souders, late of Company H, Third Regiment Maryland Volunteer Cavalry, $30.

William Simpson, late of Company E, Fifty-sixth Regiment New York Volunteer Infantry, $24.

Solon Peterson, late of Companies B and A, Thirteenth Regiment Connecticut Volunteer Infantry, $30.

Aaron Hemingway, late of Company B, Thirty-second Regiment Wisconsin Volunteer Infantry, $24.

Monroe D. Whitman, late of Company H, Twelfth Regiment Vermont Volunteer Infantry, $24.

Robert Thom, late of Company F, Fourth Regiment Minnesota Volunteer Infantry, $24.

Josiah Wood, late of Company E, Second Regiment Minnesota Volunteer Cavalry, $30.

Manlius Holbrook, late of Company E, Second Regiment United States Volunteer Sharpshooters, and Company G, Fourth Regiment Vermont Volunteer Infantry, $30.

John A. McFeeters, late of Company K, Sixth Regiment Vermont Volunteer Infantry, $36.

Edwin Underhill, late of U. S. S. *Ossipee* and *Pensacola*, United States Navy, $24.

James L. Lane, late of Company I, Sixth Regiment Maine Volunteer Infantry, $30.

Sylvester Abbott, late of Company M, Twelfth Regiment Pennsylvania Volunteer Cavalry, and Company C, Thirtieth Regiment Maine Volunteer Infantry, $24.

William E. Flesher, late of Company G, Tenth Regiment Iowa Volunteer Infantry, $30.

Christopher Miller, late of Company B, Brackett's battalion, Minnesota Volunteer Cavalry, $24.

William A. Pierce, late of Troop F, Sixth Regiment United States Cavalry, $24.

Levi J. Silverthorn, late of Company F, First Regiment Wisconsin Volunteer Cavalry, $24.

Allison Olinger, late of Company B, Forty-fifth Regiment Kentucky Volunteer Infantry, $24.

Theresia Meyer, widow of Christian F. Meyer, late of Company F, Second Regiment United States Volunteer Sharpshooters, $20.

Amos L. Burdick, late of Company I, First Regiment, and Company B, Ninth Regiment, Rhode Island Volunteer Infantry, $30.

John G. Ward, late of Company A, Second Regiment Minnesota Volunteer Infantry, $24.

James Gosnel, late of Company E, Second Regiment North Carolina Mounted Volunteer Infantry, $24.

Ephraim Hensley, late of Company E, Second Regiment North Carolina Mounted Volunteer Infantry, $24.

Maria Hinchcliff, former widow of Christian Miller, late of Company H, One hundred and fifty-third Regiment Pennsylvania Volunteer Infantry, $12.

Thomas Kehoe, late of Company I, Fifty-fifth Regiment Kentucky Mounted Volunteer Infantry, $50.

Robert G. Sleater, late of Company H, Sixth Regiment Iowa Volunteer Infantry, $30.

William A. Clovis, late of Company L, Ninth Regiment Illinois Volunteer Cavalry, $24.

William H. Steel, late of Company D, First Regiment Delaware Volunteer Cavalry, $24.

Enoch Adkins, late of Company H, Fiftieth Regiment Wisconsin Volunteer Infantry, $24.

William H. Layfield, late of Company C, Forty-second Regiment Massachusetts Volunteer Infantry, $20.

William E. Clarke, late of Company G, Fifty-second Regiment Kentucky Mounted Volunteer Infantry, and Company D, Seventeenth Regiment Kentucky Volunteer Cavalry, $30.

William Hodge, late of Company K, Seventy-ninth Regiment Illinois Volunteer Infantry, $30.

Julius Cohn, late of Company B, Sixty-ninth Regiment New York Volunteer Infantry, $24.

Isaac Cutright, late of Company B, Fifteenth Regiment West Virginia Volunteer Infantry, $30.

Lewis H. Ewart, late of Company E, Thirteenth Regiment West Virginia Volunteer Infantry, $30.

John W. Whipple, late of Company F, Thirty-first Regiment Wisconsin Volunteer Infantry, $30.

Harriet B. Nichols, widow of Henry C. Nichols, late captain Company E, Seventy-third Regiment United States Volunteer Colored Infantry, $20.

Mattie H. Miner, widow of Henry C. Miner, late captain Company M, Third Regiment Ohio Volunteer Cavalry, $20.

Margaret W. Ide, widow of Horace K. Ide, late captain Company D, First Regiment Vermont Volunteer Cavalry, $20.

George W. Harlow, late of Company K, Seventeenth Regiment Vermont Volunteer Infantry, $30.

William H. Hall, late assistant surgeon Thirty-sixth Regiment New York Volunteer Infantry, $50.

Nancy A. Searls, widow of William T. Searls, late of Company C, Seventh Regiment Michigan Volunteer Infantry, $20.

Roswell Bradley, late of Company C, Seventeenth Regiment Vermont Volunteer Infantry, and Company G, Second Regiment Veteran Reserve Corps, $30.

Dennis Morean, late of Company C, Fifth Regiment Minnesota Volunteer Infantry, $30.

Mary E. Seaton, widow of John S. Seaton, late second lieutenant Company G, First Regiment Nebraska Volunteer Cavalry, $20.

John Burton, late of Company E, Seventh Regiment Ohio Volunteer Cavalry, $30.

Mr. SMITH of Georgia. I move to amend on page 20 by striking out lines 3, 4, 5, and 6.

The VICE PRESIDENT. The amendment proposed by the Senator from Georgia will be stated.

The SECRETARY. On page 20 strike out lines 3, 4, 5, and 6, as follows:

The name of Enoch Adkins, late of Company H, Fiftieth Regiment Wisconsin Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

Mr. SMITH of Georgia. I ask that the report of the committee with reference to this case be read.

The VICE PRESIDENT. The Secretary will read, as requested.

The Secretary read as follows:

S. 4225. Enoch Adkins was a private in Company H, Fiftieth Regiment Wisconsin Volunteer Infantry. He served from March 11, 1865, to July 28, 1865, and was honorably discharged. He is in receipt of a pension under the service act of February 6, 1907, at the rate of $15 per month. He was formerly pensioned at $12 per month under the act of June 27, 1890, granted him on account of total inability to earn a support by manual labor.

Claimant is an old man of 74 years of age. The report of his last medical examination, taken February 10, 1908, showed that he was disabled by heart disease, chronic bronchial asthma, disease of prostate gland, and general and senile disability, and was wholly unable to perform manual labor. Medical evidence filed with this committee is to the effect that claimant is at present totally disabled for the performance of manual labor, by reason of disease of lungs and kidneys, rheumatism, and enlarged prostate gland, and other infirmities of age. It is also shown that he is destitute of property and has no means of support other than his pension. An increase in soldier's pension to $24 per month is recommended on the ground of his present condition; it is not due to his service, which was comparatively short, and no greater increase is warranted.

Mr. SMITH of Georgia. Mr. President, this soldier entered the service March 11, 1865. While, of course, I understand that legally the war was not over on the 9th of April, 1865, and while, of course, I am familiar with that fact that Mr. Davis did issue a proclamation, read by the Senator from Michigan, in which he expressed the opinion that the war was not over until after that date, everybody but Mr. Davis knew the war was over. Those of us who were even old enough to walk around—under 10 years of age—knew it was over. So, in point of fact, so far as the soldier is concerned, he did not get into the war, and he could not have. March 11, 1865—just a few days before the war closed. Of course, I understand about the proclamation and the legal termination of the war, but so far as the actual fighting is concerned, it was over.

Now, I urge that the view of Mr. GARDNER, as expressed before the committee, that these short-term men ought to be satisfied with $12 a month, is the sound view, and that there is no more reason why they should be put beyond $12 a month than anybody else who is in trouble. I therefore move to strike out from the bill this claim, on account of the very short service of the claimant.

Mr. McCUMBER. Mr. President, the claimant in this case had four or five months' service before he was discharged. We are granting like pensions to soldiers who served 90 days and who were discharged. We are granting like pensions where soldiers were not engaged in actual battle at all. The laws of the country relative to pensions do not require that the soldiers shall have been engaged in actual battle in order that they may derive the benefits of the pension laws.

This man enlisted before the war closed, even under the theory of the Senator from Georgia that it closed on April 9; and no one could foresee that Lee was going to surrender on April 9. Probably if this soldier had known of that fact beforehand he would not have enlisted. But he answered the call of his country while the war was going on, and he is now drawing a pension because he served 90 days and more, according to the holding of the department. In other words, the war was not closed; hostilities had not ceased until three months after he enlisted.

We are not granting the sum that we would have granted to one of longer service. We are granting but $24 per month simply because of the short service. The condition of this old veteran is such that probably the committee would have allowed him from $36 to $40 per month had he served a year or more. But having had only this short service, under the rule we have followed in attempting to treat all alike where conditions are similar, we have granted in this case only $24.

In view of the condition of this old veteran, his many troubles, and the suffering he has endured, I believe the committee has done its duty in allowing him the meager sum of $24 per month, which is $9 more than he is receiving under the general law.

Mr. GALLINGER. Mr. President——

The VICE PRESIDENT. Does the Senator from North Dakota yield to the Senator from New Hampshire?

Mr. McCUMBER. I yield.

Mr. GALLINGER. I will ask the Senator if I am correct in the thought that the service pension of the Mexican War soldiers is based on 60 days' service?

Mr. McCUMBER. Sixty days; and in the Revolutionary War the service pension, finally, was for 14 days' service.

Mr. GALLINGER. Yes; and a great many of the soldiers of the Mexican War, as I remember, exhausted their time en route. They did not get to Mexico, and yet a great many of them were pensioned because they were in the service for that length of time, ready to fight if they had an opportunity.

Mr. McCUMBER. Yes; we have treated them much more generously than we have the soldiers of the Civil War. I presume it was because in the earlier period, when we adopted the 90 days' basis, the country felt it was so poor that it could not grant a pens[illegible] to anyone who had served less than 90 days in the service. At the same time we have been granting pensions to those who served only 60 days in the War with Mexico.

Mr. JOHNSTON of Alabama. I do not know whether this soldier was in any actual battle or not, but there was opportunity for it. I have a very feeling recollection of that. I myself was wounded considerably after the 11th of March, 1865. So if this soldier was with the Virginia army he had an opportunity to be shot by the rebels, as they are called.

The VICE PRESIDENT. The question is on agreeing to the amendment proposed by the Senator from Georgia [Mr. SMITH].

The amendment was rejected.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

EXECUTIVE SESSION.

Mr. CULLOM. I move that the Senate proceed to the consideration of executive business.

The motion was agreed to, and the Senate proceeded to the consideration of executive business. After five minutes spent in executive session the doors were reopened, and (at 5 o'clock and 30 minutes p. m.) the Senate adjourned until to-morrow, Thursday, March 21, 1912, at 2 o'clock p. m.

CONFIRMATIONS.

Executive nominations confirmed by the Senate March 20, 1912.

UNITED STATES DISTRICT JUDGE.

Ferdinand A. Geiger to be United States district judge, eastern district of Wisconsin.

UNITED STATES ATTORNEY.

William N. Landers to be United States attorney, district of Porto Rico.

UNITED STATES MARSHAL.

Rockwell J. Flint to be United States marshal for the western district of Wisconsin.

CONSUL.

Marion Letcher to be consul at Chihuahua, Mexico.

POSTMASTERS.

DELAWARE.

Ebe T. Lynch, Lewes.

MINNESOTA.

Wilfred D. Oleson, Isanti.
Arthur H. Rowland, Tracy.
Sievren Swanson, Moose Lake.
Frederick C. Talboys, Aurora.

MISSISSIPPI.

Nevan C. Hathorn, Columbia.

WASHINGTON.

Peter N. Johnson, St. John.

HOUSE OF REPRESENTATIVES.

WEDNESDAY, *March 20, 1912.*

The House met at 12 o'clock noon.

The Chaplain, Rev. Henry N. Couden, D. D., offered the following prayer:

Infinite Spirit, Father of all souls, ever ready to help those who seek Thee, increase our faith, hope, and love—blessings which leap like angels from the temples of our hearts and bring us on our way rejoicing.

Not enjoyment, and not sorrow,
Is our destined end or way;
But to act, that each to-morrow
Find us farther than to-day.

So by these angels increase our usefulness to Thee by a faithful service to our fellow men, that at the end of the King's Highway we may merit the "well done, good and faithful servant," for Thine is the kingdom and the power and the glory forever. Amen.

The Journal of the proceedings of yesterday was read and approved.

ORDER OF BUSINESS.

Mr. GOLDFOGLE rose.

The SPEAKER. For what purpose does the gentleman from New York rise?

Mr. GOLDFOGLE. For the purpose of asking unanimous consent for the present consideration of the resolution which I send to the Clerk's desk.

The SPEAKER. This is Calendar Wednesday, and there is no business in order to-day except business set for Calendar Wednesday.

Mr. GOLDFOGLE. But this is a privileged resolution. It comes from the Committee on Elections.

The SPEAKER. Under the rule nothing is in order on Calendar Wednesday except the business set for Calendar Wednesday, unless by a two-thirds vote the business in order on Calendar Wednesday is set aside.

Mr. GOLDFOGLE. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. GOLDFOGLE. If the House grants unanimous consent for the present consideration of the resolution, which is privileged itself, may not such resolution be taken up under such unanimous consent, notwithstanding the rule to which the Speaker has referred?

The SPEAKER. The Chair will quote from the rule:

7. On Wednesday of each week no business shall be in order except as provided by paragraph 4 of this rule, unless the House by a two-thirds vote on motion to dispense therewith shall otherwise determine. On such a motion there may be debate not to exceed five minutes for and against.

On a call of committees under this rule bills may be called up from either the House or the Union Calendar, excepting bills which are privileged under the rules; but bills called up from the Union Calendar shall be considered in Committee of the Whole House on the state of the Union.

Mr. GOLDFOGLE. Mr. Speaker, I was about to ask the Chair whether unanimous consent was not really equivalent to a two-thirds vote under the rule.

The SPEAKER. No. It takes a motion and a two-thirds vote to set aside business in order on Calendar Wednesday.

Mr. GOLDFOGLE. Mr. Speaker, I withdraw my request and will renew it to-morrow.

HOMESTEAD ENTRIES.

The SPEAKER. This is Calendar Wednesday, and the unfinished business is the bill S. 3367, to amend section 2291 and section 2297 of the Revised Statutes of the United States, relating to homesteads. The House will automatically resolve itself into the Committee of the Whole House on the state of the Union, and the gentleman from Missouri, Mr. DICKINSON, will take the chair.

Accordingly the House resolved itself into the Committee of the Whole House on the state of the Union for the consideration of the bill S. 3367, with Mr. DICKINSON in the chair.

Mr. FERRIS. Mr. Chairman, I ask unanimous consent to dispense with the first reading of the bill.

The CHAIRMAN. The gentleman from Oklahoma asks unanimous consent to dispense with the first reading of the bill. Is there objection? [After a pause.] The Chair hears none, and it is so ordered.

Mr. TAYLOR of Colorado. Mr. Chairman, I would like to inquire of the minority leader whether he now desires to fix any definite time for general debate on the bill?

Mr. MANN. Oh, I do not think so.

INTRODUCTORY STATEMENT.

Mr. TAYLOR of Colorado. Then, Mr. Chairman, I will make a general introductory statement as to the objects and necessity for this legislation. This bill is what is known as the three-year-homestead bill. It affects primarily only the western part of the United States. It is a modification of the present homestead law, which has been in force in this country for about 50 years. During recent years conditions have so changed in the West that there are a great many reasons why the homestead law should be amended. I will only mention a few of them.

In the first place, when the law was originally enacted we had in all the Western States large stretches of fine public lands, comparatively no trouble or expense to reclaim, and easy to cultivate, and lands that did not require irrigation. It was mostly in the humid region of the United States, where the homesteader could break the sod, plant the seed, and get a big crop the first year. To-day practically all of that good land has gone into private ownership, making 8 or 10 splendid States, and the now remaining portions of the public domain in the United States are largely isolated tracts and in the arid region. There are to-day, comparatively speaking, no large bodies of good land left in this country open to settlement. There are now left only small sections and usually, as I say, isolated, irregular tracts of land that are open to entry. The remnants of the public lands to-day that are not withdrawn from entry are lands that are largely covered with brush or some kind of forest growth, usually sagebrush or oak brush or greasewood, or shrubbery of some kind, and often very rocky, and are exceedingly difficult to clear, break, and cultivate. In addition to that, these lands must be irrigated, which nowadays involves an enormous expense. So that the conditions in the West to-day, gentlemen, have so changed that it is now almost impossible for a poor man to go upon the public domain and locate a homestead and comply with the law. It has almost become a rich man's proposition. A man has either got to have from $3,000 to $5,000 in cash or he has got to be given an opportuntiy during the homestead period to make a living for himself and family and also earn money with which to reclaim the land or he can not do so. There are other conditions that have affected the change in the situation in the last few years. We used to have what was known as the preemption law. By that law a man was allowed to live upon his 160-acre claim for six months, make reasonable improvements, and obtain title to it without any bother. But that law has been repealed. In addition to the repeal of the preemption law, the rulings of the Department of the Interior have practically repealed the law allowing commutation of homestead entries. That law itself was a very great benefit to the settlement of the West. It allowed a man to live on his homestead for 14 months and then come in and pay a dollar and a quarter an acre and get his patent. On account of the adverse rulings of the Interior Department that law is now virtually a dead letter. Under the regulations the desert-land law has become a very expensive law to comply with. So there is left on the statute books now practically only the five-year homestead law that is available for the ordinary poor man. I may say we are not in this bill asking to amend the desert-land law. I have individually passed two bills this session amending the desert-land law, and one amending the homestead law as to settlers under reclamation projects, and one amending the isolated tract law; but this bill affects only the homestead laws requiring residence upon the land.

The rulings of the Department of the Interior and the procedure and construction of the public-land laws by the Federal officials have been getting more and more strict and technical all the time until now they are very seriously retarding the settlement of the West, and have practically suspended not only the operation of the commutation law, but the stone-and-timber law and the coal-land law, and are seriously interfering with our irrigation development. People are not only deterred from making original entries, but when a man who has made an entry finally comes to make final proof his patent is held up for various kinds of examinations by various kinds of Government agents. One set of agents go out and investigate to learn if a man has lived on the land all the time and fully complied with the law as to residence and improvements. Then, after a while, another Government agent goes out and investigates to see if there are any water-power sites on the land; and then, within a year or so, the United States Geological Survey sends out a special agent to see if there is any mineral, or coal, or oil, or gas, or phosphates on the land; and the homesteader's final proof is held up indefinitely until all these reports are sent to Washington and acted upon. So that at the present time a man seldom gets title to his homestead before from 7 to 10 years after he makes his filing.

The natural result of this system is shown in the report just published by the Commissioner of the General Land Office, which states that the number of original entries on the public domain have fallen off 33⅓ per cent in the past year. And I believe the records will show they have diminished in a greater ratio this year than last. So that if our country is going to try to continue the policy of settling the West by homesteaders, by actual residents, people who go on there to make their homes and develop the country, we have absolutely got to modify our public-land laws and liberalize and humanize their construction, interpretation, and administration so that it will be possible for a poor man to comply with them. To-day it is rapidly becoming practically a physical impossibility.

Mr. COX of Ohio. Will the gentleman yield for a question?

The CHAIRMAN. Does the gentleman from Colorado yield to the gentleman from Ohio?

Mr. TAYLOR of Colorado. Certainly.

Mr. COX of Ohio. I would like to ask the gentleman whether the decline in the number of entries has been caused in any degree by the more advantageous arrangements made for the homesteaders in Canada than we have in this country.

Mr. TAYLOR of Colorado. There is no question in my mind, and I think there is no question in the minds of the great majority of the people of the West, but what two of the main reasons why good American citizens, most of them farmers, are going to Canada at the rate of from 125,000 to 150,000 a year and taking with them from $1,000 to $5,000 apiece are, first, because of the difference in the character of the land which we have left to offer them; and, secondly, the very great difference between the attitude of our administration and the Canadian Government officials toward the people who desire to take public land.

I am coming to a brief comparison between the conditions in Canada and the United States when I discuss the amendments

to the law which we are endeavoring to obtain by this bill. We believe that we can so liberalize our own land laws and put them upon something like a par with the land laws of the Dominion of Canada, that notwithstanding they have fine land to offer—that is, land much easier cleared and brought into cultivation—and notwithstanding their land does not need irrigation and our land does; nevertheless I believe if Congress will make these amendments, and if our Federal officials will exhibit a more hospitable spirit toward intending settlers, that we can undoubtedly check a large part of the tremendous and phenomenal exodus to that country. But there is now very little reasonable hope of inducing many of them to return. We have an advantage in this, that when a man does run the gantlet of our Federal obstructions and finally gets title to a piece of western land and gets it under cultivation and gets a good water right and a practicable irrigation system, if he is not bankrupt and compelled to surrender his claim to pay his debts, his land is worth five times as much as an equal area of the frontier land in Canada.

But, Mr. Chairman, there are many gentlemen who want to speak on this measure, and I will not at this time go into a further discussion of the bill generally, but will refer briefly to the amendments that are pending before the House to-day and which the Committee on the Public Lands have recommended and authorized me to present.

Mr. CONNELL. May I ask the gentleman a question for the purpose of getting information?

Mr. TAYLOR of Colorado. Certainly.

Mr. CONNELL. Is the gentleman able to tell us what per cent of all these people who are going to Canada each year are homesteaders in their own right and what per cent of them are mere farm laborers? Do they abandon homes to go there? If the gentleman would bring that out, I think it would be of interest.

Mr. TAYLOR of Colorado. The information we have, Mr. Chairman, is that a very large per cent of them are homeseekers—people who desire to obtain a home and a piece of land for themselves, regardless of whether they were farm laborers or men with families. While some men have gone to Canada to find employment, the great majority of them have gone and are now going for the purpose of obtaining a piece of land upon which to make a home. They are expatriating themselves from the United States, as they must do, and becoming subjects of the British Government in order to take the land in Canada. Our own patriotism and national pride prompt us to believe that they would not leave their native land and desert their own flag and enlist under another unless there was some very strong reason for their so doing. The impulse and hope of obtaining a home and a piece of land upon which to maintain a livelihood and raise a family are certainly of the noblest instincts of the human race. It has always heretofore been encouraged in this country, and with wonderfully beneficial results. And while they do not seem to realize the fact, we of the West know that the administration of our public-land laws has drifted far away from that wise and beneficent policy of encourging the settlement of our vacant lands; and we feel that public policy and the present conditions demand that we should, as speedily as possible, begin to liberalize our land laws and ameliorate the construction of them, to the end that the settlement and development of the West may continue as in former years. We are not advocating any changes that will permit of any frauds. We of the West are just as much, in fact more, opposed to any violation of the land laws than you of the East are. But we do not believe it is at all necessary to make the laws and their administration so harsh and drastic that they drive out or keep away a thousand honest homeseekers in order to keep out one speculator who would, if he could, get a piece of land without in good faith complying with the law.

But I will take up and endeavor to explain the amendments to the Senate bill which were prepared by the subcommittee and were approved by the entire Public Lands Committee, and on behalf of that committee I am directed to report them.

THE HOMESTEAD LAW.

I presume all of you know that the present homestead law requires a residence of five years before a man can prove up. The first and greatest change which we desire to make in this law is to reduce the homestead-residence period from five to three years. It is three years in the Dominion of Canada and in Texas, and we believe that three years is a long enough time for a man to demonstrate his good faith and to establish a permanent residence upon his claim. We believe that under existing conditions very much better results will be obtained by allowing a man to secure his patent, or at least receive his receiver's receipt at the end of three years than to compel him to wait five years before he can prove up. There are many reasons for that. Ordinarily a poor man has no basis of credit or financial standing upon which to obtain means to improve his land until he has some assurance of being able to get title to his land from the Government. But I will not go into these reasons in detail now. That is the first amendment we offer.

The second amendment is one which unconditionally allows a five months' leave of absence from the land during each one of the three years. The Canadian homestead law allows six months' leave of absence each year; but the Committee on the Public Lands believes that five months each year is sufficient. It is imperatively necessary that a poor man be allowed to go away from his claim to get work to make a living and earn something with which to improve his place. The land seldom produces anything to make any money out of during the first two years. And if he has children he must be allowed to go away to send them to school. And in the mountainous portions of the West the winters are so severe and the snows so deep that he can not do much on his place anyway during the first winters on the land. In fact, Congress nearly every year passes a special act granting a leave of absence during the winter to all homestead entrymen. We believe the period of absence should be definite and certain, instead of leaving it to the uncertainty of congressional action, of which the settlers are not always advised. They should know definitely what they can rely upon and not be compelled to watch and await the uncertain action of Congress each year.

Mr. MANN. Will the gentleman yield for a question?

Mr. TAYLOR of Colorado. Yes, sir.

Mr. MANN. Will the gentleman explain the effect of the amendments in the bill to which he just referred in reference to residence as to what constitutes residence? What is the change of the law in that part of the bill which proposes to define what constitutes residence by declaring that the presence of the entryman or his family constitute residence?

Mr. TAYLOR of Colorado. I will say to the gentleman from Illinois that the way this bill passed the Senate it provided that a man or his family might be absent from the land 6 months each year. When he appeared before the Committee on the Public Lands the Secretary of the Interior very vigorously objected to that provision on the ground, as he claimed, that if we allowed an absence of 6 months each year, under the existing rulings, he might be away a large part of the rest of the time, and consequently that he might be able to make final proof, not in 18 months' actual residence, but on possibly 9 months' actual residence. So the committee, largely in deference to the objections of the Secretary of the Interior, changed that provision from permissive absence of 6 months to the requirement of an affirmative presence on the land for 7 months each year.

Mr. MANN. If the gentleman will permit, the language of the committee amendment is that the presence of said entryman or of his family on the land, and so forth, shall be sufficient to constitute the residence required by this section. Does that mean that the entryman would be required to be physically present on the land during the seven months, or that if he were not present his entire family would have to be physically present on the land?

Mr. TAYLOR of Colorado. Well, we used the word "presence" virtually to compel actual residence of the man or his family on the land, because the Secretary seemed to feel that if we used the word "residence" that he might have a nominal residence there during that seven months and hardly be there at all. In other words, we were willing to accept a provision that would practically compel either the man or his family to actually be on the land substantially all of seven months in each year.

Mr. MANN. What is meant by the term "or his family"? Suppose the entryman were absent for the five months allowed under this bill, and then absent for the seven months—the rest of the year—how many of his family would have to be on the land for the seven months?

Mr. TAYLOR of Colorado. Well, I may say to the gentleman from Illinois that the committee is not set in the language which it has used as to that amendment. We feel that a man ought to reside on his land as much of the seven months as it is possible for him to do. But we of the West know that very trifling absences are sometimes taken advantage of to contest a man's entry. Even where he merely goes to town to get the mail, or to buy a load of groceries, or to help his neighbor thresh, or something of that kind, where he is only temporarily off of the land. That is a little overdrawn, but not very much. Sometimes in such cases some agent comes along and finds the homesteader away and reports the land vacant and abandoned, and the entryman is put to a great deal of expense and hardship

to prove his continuous residence. A man's wife may have to go away to send the children to school, or on account of sickness, or various reasons, and the committee thought if we compelled the presence of either the man or his family practically all the time during the seven months it would meet all reasonable requirements. We can not assume that a man is going to abandon his wife, or live away from her for seven months every year, just to work or be at some other place. I think the language of that amendment could be much improved upon, and I hope it will be, because I know the committee will not object. But I have reported the bill, and I am presenting it to the House in the language and form in which I am authorized and directed to do. If there is any other language that will carry out our intent any better or more effectively than this, neither the committee nor I have any objection to it. We only want actual residence on the land seven months in each year.

Mr. MANN. I understand; but I am trying to arrive at the meaning of the language in the bill. Of course, if the entryman remains physically present on the land for seven months that is disposed of. But supposing he does not. Will his entire family then have to remain on the land? Or is there any construction or any regulation of the department as to what constitutes a man's family, who would have to remain on the land in his absence?

Mr. TAYLOR of Colorado. Yes; I suppose there are constructions as to what constitutes a man's family. But constructions change so much these days that it is pretty hard to tell. The Interior Department seems to be tightening up its rulings all the time and making them more drastic, and as the conditions in the West become much harder for the homesteader to get title the constructions and regulations become stricter all the time and more and more impossible to comply with. For an 8-line law there are 10 pages of regulations.

Mr. MANN. As I recall the letter of the Secretary of the Interior on this bill, he suggested that this language in the bill would require the department to tighten up the regulations or the rulings in reference to presence on the land; that under existing regulations a man might be absent temporarily, and that temporary absence might be counted against him; but under this provision it might be held that the man was compelled to be physically on the land all of the seven months; or, under the terms of the bill, if he were absent, his family would have to be physically present on the land all of the seven months. Now, is there any construction as to what his family consists of—any construction by the department?

Mr. TAYLOR of Colorado. I can not say that there is any construction of the department that would cover this case. It should, of course; and, I presume, it would be a common-sense construction. If a man's wife was there, or if his children were there, or the major portion of them were there, or even if his wife alone was there, I apprehend that would or should be considered the presence of the family. If a man has 10 children and 1 was away sick, that should not deprive the family residence of legality. But the Secretary believes that we ought to revert to the language of the Senate on this amendment; and, so far as our committee is concerned, we have no objection to it.

Mr. NORRIS. Mr. Chairman, will the gentleman yield?

Mr. TAYLOR of Colorado. Yes; I will yield to the gentleman for a question only.

Mr. NORRIS. On second thought I believe the gentleman had already anticipated the substance of my question before I interrupted him, so I will not interrupt him now.

Mr. ANDERSON of Minnesota. Mr. Chairman, will the gentleman yield?

The CHAIRMAN. Does the gentleman from Colorado yield to the gentleman from Minnesota?

Mr. TAYLOR of Colorado. Yes; I yield.

Mr. ANDERSON of Minnesota. Would the gentleman object to striking out the words "the presence of himself and family" and insert in place of that phrase the word "residence"? I can not seen any good reason for exchanging the requirement of residence, which everybody understands and which has a well-defined meaning in the law, for a term as to which nobody knows what it means. Nobody can tell what the department will construe "presence" to mean in the law.

Mr. TAYLOR of Colorado. I will say to the gentleman from Minnesota that personally I have no objection to the proposed change. But we have not yet reached the point where amendments can be offered to the bill. When we do reach that time in this consideration I will confer with the members of the committee, especially those from the West, and ascertain if they have any objection to the change. Personally, I see no objection to it at the present time.

Mr. LAFFERTY. Mr. Chairman, will the gentleman yield?

The CHAIRMAN. Does the gentleman from Colorado yield to the gentleman from Oregon?

Mr. TAYLOR of Colorado. Yes; I yield for a question.

Mr. LAFFERTY. If the change in the pending bill, as suggested by the gentleman from Minnesota [Mr. ANDERSON] be not agreed to, do you not make the provision in the bill much harsher on the homesteaders of the United States than are the requirements on the Canadian homesteader at the present time, and would it not be favorable to your people of the West to agree to the amendment suggested by the gentleman from Minnesota [Mr. ANDERSON]?

Mr. TAYLOR of Colorado. Personally, I see no objection to that amendment. I think it is all right, myself. But under the rules of the House we can not adopt or reject or even consider amendments to the bill now. We will take that up when we reach it. I am now merely presenting the bill to the House under general debate, as I am instructed to do by the Public Lands Committee. I am presenting the general provisions and objects of the bill. When we take it up for amendment under the five-minute rule I will be pleased to consider the proposed change.

Mr. MILLER. Mr. Chairman, will the gentleman yield?

The CHAIRMAN. Does the gentleman from Colorado yield to the gentleman from Minnesota?

Mr. TAYLOR of Colorado. Certainly.

Mr. MILLER. It seems to me by striking out the "presence" and substituting therefor simply the word "residence" we would be going back and traveling in a circle from the point at which we started. As everyone knows, residence is either actual or constructive. It seems to me that that which the proponents of this bill desire to avoid is the constructive residence of the homesteader, and therefore they have inserted the word "presence." It seems to me the word "presence" is very dangerous. It would probably be construed by the courts or by the department to be actual physical residence, and it might be that the homesteader would not be allowed even to go to town for the mail. He would not be present on his homestead for seven months if he was physically away at all during that time.

Mr. TAYLOR of Colorado. In other words, "presence" means more than "residence"?

Mr. MILLER. Yes. Would it not be better to put in "actual residence" instead of "presence"?

Mr. TAYLOR of Colorado. When we reach that point I shall be glad to take up that question with the gentlemen.

Mr. COX of Ohio. Mr. Chairman, will the gentleman yield for a question?

The CHAIRMAN. Does the gentleman from Colorado yield to the gentleman from Ohio?

Mr. TAYLOR of Colorado. Yes.

Mr. COX of Ohio. I will say to the gentleman that I am in sympathy with the principle of this legislation, and I desire to ask this question in order to get the viewpoint of the West: Are you in favor of amendments being offered which would hold all utilities and resources, save agriculture, to the Government?

Mr. TAYLOR of Colorado. No; I am not in favor of making the homestead law more drastic than it is at the present time. We are trying to liberalize it. Under the present law no man can take mineral or coal land as a homestead. He and his two witnesses have got to swear at the time of his final proof that there is nothing of that kind in the land. The Government inspectors look out for that. Our timber lands throughout the West are all embraced within the forest reserves. The waters in the western streams do not belong to the Federal Government. They belong to the people of those States. So, why should we put into a man's patent unnecessary limitations and restrictions that would always be a cloud upon his title and a nuisance to him, and very seriously depreciate the value of his property? There are no frauds being committed anywhere now under the present homestead law.

Mr. COX of Ohio. The only reason why I ask the question is this: In the East, of course, the notion is more or less prevalent that homesteading takes on in some degree the element of exploitation; that people take homesteads presumably for the purpose of agriculture, when, as a matter of fact, they are seeking to get minerals or water power or timber, and that that is the real and primary purpose, rather than agriculture. It is with a view to the removal of that impression in the East, if it is not well based, that I have made the suggestion.

Mr. TAYLOR of Colorado. That is a matter that would come up, as I say, in the way of an amendment. As to how far the committee would be willing to go in the direction you suggest, I have no authority at this time to say. But our purpose is, and the sole object of this bill is, to encourage rather than drive away the actual settlers. We want to induce our American farmers to become homesteaders and citizens of the West rather than of Canada. The Canadian Government wants the settler,

and assumes that he goes on the land in good faith to make a home, and welcomes him accordingly. It does not assume that he is a thief and perjurer and exploiter, who is trying to steal something from the Government and ought to be spied upon and protested and contested and prosecuted and held up and litigated and harassed and driven off of the earth.

Mr. HAWLEY. Will the gentleman yield for a question?

Mr. TAYLOR of Colorado. Yes.

Mr. HAWLEY. Would the provision in the bill requiring the presence of the entryman or his family on the land for seven months in each calendar year, and so forth, cover a case like this: Suppose the family were poor, and they had been off the land for five months and had returned to the land. Suppose the man was required by the death of his father or mother and the settlement of an estate, where he was appointed administrator or executor, to absent himself for three weeks or a month to attend to that business. Suppose he had a family, consisting of a wife and five children. Two of the younger children remain on the land with the mother, and the older children are in a neighboring town in school. Would the presence of the wife and the two younger children on the land, under this condition of affairs, constitute the "presence" contemplated in the law, and would it be such as would enable them to make a showing of "presence" that would satisfy the requirements of the proposed law, and enable them to get their patent?

Mr. TAYLOR of Colorado. Yes; it certainly would. At least that is my judgment, and it is the opinion of the Public Lands Committee. Whether the Department of the Interior would put that construction on it, I have no authority to say.

Mr. HAWLEY. Was such a question as that raised with the Secretary of the Interior, or any one representing his office, during your hearings on the bill?

Mr. TAYLOR of Colorado. I do not know that it was raised just in that form, but, generally speaking, we talked it over with him very fully. The printed hearings are here, and they are quite full.

Mr. HAWLEY. Does the gentleman think the Secretary of the Interior would hold, in the construction of the proposed law, that such a case met the requirements of the law? Such cases will frequently occur.

Mr. TAYLOR of Colorado. I should think so; but if there is any question about it, we ought to cover it by an amendment.

Mr. HAWLEY. The gentleman thinks that the Secretary of the Interior would hold that the family would be safe under those conditions?

Mr. TAYLOR of Colorado. Yes, sir; I think so.

Mr. HAWLEY. The gentleman is not sure, from the hearings?

Mr. TAYLOR of Colorado. No; I can not guarantee what the Department of the Interior would decide.

Mr. MARTIN of Colorado. Will the gentleman yield for a question?

Mr. TAYLOR of Colorado. Certainly; I will yield to my colleague.

Mr. MARTIN of Colorado. May I inquire whether section 2291, as set out in the report, beginning at the bottom of page 10, is the present law?

Mr. TAYLOR of Colorado. No; that is a recommendation made in the annual report of the Secretary of the Interior.

Mr. MARTIN of Colorado. With reference to the use of the word "presence" in the pending bill, may I inquire who suggested the use of that word instead of the word "residence"?

Mr. TAYLOR of Colorado. It was suggested in the subcommittee.

Mr. MARTIN of Colorado. May I ask whether the purpose of the use of the word "presence" was to meet possible objections coming from opponents of this character of legislation?

Mr. TAYLOR of Colorado. Yes; that is exactly what it was for.

Mr. MARTIN of Colorado. Opponents who would say that the real object of the bill was to pass title without any residence whatever?

Mr. TAYLOR of Colorado. Yes; we thought we were adding a clause that would answer the objections and meet the approval of the ultra conversationists and prevent opposition to the bill on that ground. That is what we were trying to do.

Mr. MARTIN of Colorado. While my attention was not called to the word until just this moment, I am sufficiently familiar with this character of legislation and the objections raised to it to suspect that that was the reason the word is found in the bill, and that the friends of this legislation were really overzealous to anticipate this character of objection. I trust that no Member here present will insist that this new and uncertain term be substituted in this law for the certainty which has been acquired by the word "residence" in construction and practice.

Mr. LANGLEY. Will the gentleman yield?

Mr. TAYLOR of Colorado. Yes.

Mr. LANGLEY. I am in favor of this measure as I understand it, but I am of the opinion that the law governing the acquisition of title to these public lands by veterans of the Civil War should be made even more liberal than this bill proposes. I want to ask the gentleman what the attitude of the committee and of Members from that section of the country generally is on that question and whether they would be favorable to an amendment which would make this bill more liberal in the cases of these veterans, most of whom are too old and infirm to comply with the provisions of the bill, or to establish residence at all?

Mr. TAYLOR of Colorado. So far as I have authority to speak for the Committee on the Public Lands on that subject, I do not believe they would have any objection to quite liberal provisions as to requirements of residence on the part of old soldiers in the making of homestead entries; but we feel that it is dangerous to try to load down this bill with too many provisions that may, like the one you suggest, be perfectly proper in themselves, but if we should attach them to this bill they might very seriously jeopardize its passage. We are only trying to accomplish a very few things by this legislation, and we do not want to complicate the bill with anything that is not absolutely necessary.

Mr. LANGLEY. That is what I wanted to bring out. I have a separate bill on that question. The gentleman thinks, then, that the better way to go at that is by a separate bill rather than to jeopardize this bill by such an amendment?

Mr. TAYLOR of Colorado. Yes; I think it would be much better by a separate bill, and I am quite certain the committee will give your bill very careful and, I believe, favorable consideration when you bring the matter to their attention.

Mr. KINKAID of Nebraska. Is it contemplated by the Public Lands Committee that the "presence" of the entryman shall be continuous for seven months, or that he may be present three months and absent three months, and then present again four months and absent three months, or must there be seven months' consecutive presence and must the five months' absence be consecutive? How is that?

Mr. TAYLOR of Colorado. The bill does not say that either the seven months' presence or five months' absence shall be consecutive or continuous. But the committee presumed that, generally speaking, a man would go away in the wintertime to secure employment and earn some money to improve his home and to support his family, and that he would be away practically as long as the law allowed him to, and then return in the spring and live upon and improve his place.

That was really our object; that period of presence and absence would be practically continuous. But I may say that the Secretary of the Interior makes the objection because we do not say that they shall be consecutive. He insists that under this language a man might be there one week and away one week—an off again, on again, gone again homesteader—and that they would have to have a Government agent camping on every claim to check him up all the time. If our ultraconservation friends are worried for fear a homesteader might get off of his claim a few days too much, I have no objection to having a provision that will make it more specific. The only objection is that where you try to make everything so definite and specific that it can not be in any manner abused by anybody, you make it so drastic that nobody can derive any benefit from it.

Mr. KINKAID of Nebraska. Will the gentleman yield?

Mr. TAYLOR of Colorado. I will.

Mr. KINKAID of Nebraska. Is it not the case that the convenience of one entryman would require that he be absent in the summer time, while with another it might require that he be absent in the wintertime? It might be that the convenience of entrymen would require that they be absent at different times of the year and that that is left optional.

Mr. TAYLOR of Colorado. Yes; we feel that it is important that we should not designate the months that a man may be absent, and we have not done so. In some climates they want to get away in the wintertime, because they can not make any money and can do little toward improving their claims in the winter. But, as far as the practical continuity of absence or presence is concerned, I can see some ground for the contention that the Land Office should be notified when a man goes off, so as to have some system about it and possibly to prevent abuse. I do not think that a reasonable regulation of that kind would be objected to if it could be without expense or delay to the entryman.

Mr. COLLIER. Will the gentleman yield for a question?

Mr. TAYLOR of Colorado. Certainly.

Mr. COLLIER. I see that the second paragraph of the bill permits the entryman and his family to be absent five months. I ask this question purely for information, What is the existing law with reference to the absence?

Mr. TAYLOR of Colorado. Under the existing law temporary absences are not supposed to be ground for forfeiting a man's claim. And the law provides that he may, by application to the Land Office, obtain a leave of absence for six months and possibly longer. But in order to obtain it he must hire a lawyer, prepare a petition, have it sworn to by himself and two witnesses, file it in the Land Office, send it on to Washington, and then wait six months before he knows whether it will be granted or not. A poor man often can not do it. It is too much handicapped by restrictions and red tape and technicalities to be of any material advantage to the average homesteader; and if he takes the chances and goes off without it, or without waiting to hear from his application, he is liable to be contested at any time.

Mr. COLLIER. And the object of this is to do away with the formalities of obtaining this leave of absence?

Mr. TAYLOR of Colorado. Yes. Strictly speaking, the bill does not give him any more right than he lawfully has now. But this bill will prevent vexatious contests, delay, expense, and uncertainty about it.

Mr. HARRISON of Mississippi. Will the gentleman yield for a question?

Mr. TAYLOR of Colorado. With pleasure.

Mr. HARRISON of Mississippi. I want to ask about section 2. Suppose under the present law an entryman has lived on his homestead a year, and this bill should become a law, he would only have to live there two more years?

Mr. TAYLOR of Colorado. Yes, sir. A great many people have been living on their lands two, three, and four years, and we felt that these men that are on there now in good faith and have made their filings under existing law should be permitted to take advantage of this law if they desire. We used the word "shall," but I think we have agreed that there will be an amendment to make it "may."

Mr. HARRISON of Mississippi. Suppose four years ago an entryman made application under the present law, he must live on the land five years?

Mr. TAYLOR of Colorado. Yes.

Mr. HARRISON of Mississippi. Suppose for the first three years he has proved actual residence and the fourth year he had not complied with the law, and suppose a contest was pending. Would the entryman get any advantage under this bill?

Mr. TAYLOR of Colorado. No. If a homestead entryman has failed to comply with the law and a man has instituted a contest against him before this law takes effect, the trial would be had under the law as it existed at the time the contest was initiated. In other words, we can not take away the contestor's legal rights that had been initiated by a valid contest before the passage of this act. But if there were no adverse rights and the Government was holding up an entry on the ground of some slight deficiency in residence this act may possibly be of some relief if it is fairly and equitably construed.

Mr. HARRISON of Mississippi. Your provision says that it applies, and if he had actually proved his residence for three years, why would it not give him his patent? Why should he lose his patent simply because he had failed on the fourth year?

Mr. TAYLOR of Colorado. If he has not complied with the existing law up to the present time, Congress can not validate an invalid entry, especially as against an intervening and valid adverse claim.

Now, Mr. Chairman, my one hour's time has nearly expired, and I must decline to answer any further questions. In the remaining few minutes I have I want to discuss the bill without interruption.

With the committee amendments and those that I am authorized to agree to, the bill will read as follows:

That section 2291 and section 2297 of the Revised Statutes of the United States be amended to read as follows:

"SEC. 2291. No certificate, however, shall be given or patent issued therefor until the expiration of three years from the date of such entry; and if at the expiration of such time, or at any time within two years thereafter, the person making such entry, or if he be dead his widow, or in case of her death his heirs or devisee, or in case of a widow making such entry her heirs or devisee, in case of her death, proves by himself and by two credible witnesses that he, she, or they have a habitable house upon the land and have actually resided upon and cultivated the same for the term of three years succeeding the time of filing the affidavit, and makes affidavit that no part of such land has been alienated, except as provided in section 2288, and that he, she, or they will bear true allegiance to the Government of the United States, then in such case he, she, or they, if at any time citizens of the United States, shall be entitled to a patent, as in other cases provided by law: *Provided*, That the entryman may be absent from the land for not more than five months in each period of one year after establishing residence, but in case of commutation the 14 months' actual residence as now required by law must be shown: *Provided*, That when the person making entry dies before the offer of final proof those succeeding to the entry must show that the entryman had complied with the law in all respects to the date of his death and that they have since complied with the law in all respects, as would have been required of the entryman had he lived, excepting that they are relieved from any requirement of residence upon the land.

"SEC. 2297. If, at any time after the filing of the affidavit as required in section 2290 and before the expiration of the three years mentioned in section 2291, it is proved after due notice to the settler, to the satisfaction of the register of the land office that the person having filed such affidavit has failed to establish residence within six months after the date of entry, or abandoned the land for more than six months at any time, then and in that event the land so entered shall revert to the Government: *Provided*, That the three years' period of residence herein fixed shall date from the time of establishing actual permanent residence upon the land: *And provided further*, That where there may be climatic reasons, sickness, or other unavoidable cause, the Commissioner of the General Land Office may, in his discretion, allow the settler 12 months from the date of filing in which to commence his residence on said land under such rules and regulations as he may prescribe."

SEC. 2. That all existing pending entries requiring residence upon the land under the homestead laws shall be perfected under and according to the terms of this act.

The language of section 2 should be so amended as to leave it optional with existing homestead entrymen as to whether they perfect title under the present law or under the provisions of this bill, and I hope that change will be made, either here or in conference.

By comparison with the present law you will see that this bill provides for four or five very important and three or four minor amendments.

I have already discussed the two most important amendments, namely: First, the one reducing the residence period from five to three years; and second, the provision granting a definite five months' leave of absence each year.

The third important amendment is the provision making this proposed law applicable to all existing homestead entries. This is only fair and just. It would be an outrage to leave out the pioneer settlers. While we are trying to pass this bill primarily to encourage new settlers, nevertheless I am not in favor of making fish of one and fowl of another homesteader. If any favoritism is to be shown, it should be to the hardy homesteaders who have been out on their claims enduring the hardships of the last two years of drought, and the past winter—the most severe in 30 years. I have a warm spot in my heart for those splendid men and women, and I never want new friends bad enough to mistreat old ones. That provision must be put in this bill, either here or in conference.

The next important amendment is the provision definitely and specifically granting the homestead entryman a six months' period after the date of his filing within which to establish his residence on his homestead claim. That is the intention of the existing law, and has for 40 years been the practice until during the past year the Interior Department has been denying that right. Everyone who knows anything whatever about the West recognizes that a homesteader must have at least six months after his filing within which to build a house and establish his residence on the land. But the bill provides that the three-year residence period required shall not begin until the date the entryman actually does establish his residence.

Another amendment of less importance specifically relieves the heirs of a deceased entryman from residence upon the land in order to make final proof; which is also the intent of the present law, but is another of the strict and harsh constructions that has been recently adopted by the Interior Department.

Another amendment which is merely carrying out the intent of the present law, and is acceded to at the suggestion of the Secretary of the Interior, is the specific requirement of the construction of a habitable house upon the claim.

ADMINISTRATION OF THE PUBLIC-LAND LAWS.

Mr. Chairman, the Public Land Committee and an able subcommittee, of both of which I have had the honor to be the acting chairman in charge of this bill, have for nearly a month given the subject of these proposed changes in the homestead law an exhaustive consideration.

We have endeavored to look at the various questions involved from both the standpoint of the Government and the general welfare of the country, as well as from the position of the homestead entryman and the orderly development of the West; and the entire committee, as well as every Member of this House from the public-land States, are earnestly in favor of the enactment of a law substantially in the form of this bill. We are absolutely positive in our belief that the time has come when the welfare of this country imperatively demands the enactment of a three-year homestead law, with such reasonable regulations as to leave of absence and freedom from harassing restrictions as will render it possible for a poor man to locate a homestead claim upon the arid public domain of the West and support himself and family and at the same time comply with the law during such residence period as may be reasonably

necessary to show his good faith. Not 1 poor man in 50 could ever possibly comply with the exactions proposed here by the Secretary of the Interior. His recommendations as to "progressive cultivation and improvements" are practically and physically impossible.

I have lived among the frontier settlers of the West for over 40 years, and no one will say that I do not know the conditions or that I do not reflect the sentiment and welfare of Colorado. And from the thousands of petitions and letters and telegrams that I am receiving, I know I voice the sentiment of all the other Western States. There is no use of demanding impossibilities. A poor man can not possibly bring under practical cultivation and irrigation one-sixteenth of his claim the first year, one-eighth the second year, and one-fourth the third year. On a very large part of the homestead claims now being located in the mountainous portions of the West the parts of the claim that can be practically cultivated and irrigated are irregular patches, and often not one-fourth of the entire 160 acres can ever be brought under cultivation. To clear the brush and rocks and break the land and put it in crops often costs as much as $50 an acre. In addition to the clearing and breaking of the land, the construction of a ditch, or the purchase of sufficient interest in some irrigation system, often costs as much as an additional $100 an acre for all the irrigable land a man has on his claim.

We must recognize the actual conditions in the West and not enact a law that nobody can comply with unless he owns a first national bank.

The provisions of the 320-acre enlarged dry-farming homestead law are entirely too severe and drastic as regards its requirements of cultivation. Poor people can not cultivate 80 acres of their claim; and I believe if this House could realize the hardships that the settlers on the dry-farming homesteads are enduring and the privations to which their families are subjected in their efforts to comply with that law that the instincts of common humanity of the Members of this House would force a modification of that law, reducing the requirements of cultivation from 80 to 40 acres, as speedily as the bill could reasonably be passed. I am now and have for many months been doing my utmost to bring about that amendment of the law for the relief of those people, and I want to make this three-year residence law applicable to them as well as to all other homestead entrymen; and I can never agree to increase those hardships and make them applicable to all homesteaders. I would much rather pass no bill at all than to consent to that kind of a requirement.

The average homesteader of to-day is a poor man. He has little or no ready cash. He must make a living for himself and family by his own labor. We must not completely impoverish and discourage him. Under the present espionage of Government detectives he is chained down to his claim and dare not get off for fear of losing his home and all of his property. He must be given an opportunity to make a living by working elsewhere than on his claim a part of each year, and be free from having his claim contested by Government rubber-stamp contests, without giving any ground for it or ever letting the man know what he is charged with. The only human being under the American flag to-day who can not learn what crime he is charged with or have his day in court to determine his rights is the poor fellow who honestly tries to get a home on the public domain. He is treated as an outlaw, beyond the pale of civilized judicial procedure. We want the West to be covered by settlers instead of Government agents. I am opposed to leasing our resources for Federal revenue. We want the public lands and other resources to go into private ownership and pay taxes and help support the schools and the courts and the county and State governments, and build roads and populate and build up the country. We can not build up the country with forest rangers and special agents.

The effect of the present administration of the public-land laws is operating more in the interest of the big cattlemen than toward the encouragement of real settlement and development of the West. The present announced determination of this administration and the bills now before our committee to perpetually hold the public lands and lease them on long leases would be absolutely ruinous to the West. We want the West converted into homes and not held as a United States Government cow pasture for the benefit of the Beef Trust.

It is sheer nonsense to talk about allowing a homestead settlement within leased and fenced cattle or sheep ranges. Any man who would think of taking a claim and trying to make a farm and raise a family within that kind of a cowboy's corral would be not only foolhardy, but would be hunting trouble, and would be sure to find it. The pretense of allowing settlement under such conditions as that is absurd and ridiculous, and is, in my judgment, made only by those who either do not realize the conditions or are not sincere.

It is all very easy for these distinguished gentlemen down here sitting in mahogany chairs in cozy offices, and who never saw the West excepting through the window of a Pullman palace car to discourse fluently and with great dignity and gravity upon what the homestead settlers should do, and how we of the West should be governed. It seems popular with some people in the East. But for one, as long as I am in Congress I will fight against this Pinchot monarchial policy of perpetually holding the West as imperial Crown lands, for Federal exploitation, for Federal jobs, and Federal revenue. This country is not a monarchy yet; and while all power and authority in our Government has been centralizing in Washington at a terrific and astounding rate during the past 10 years, nevertheless, the States have, at least theoretically, still got some rights left, and I emphatically object to the Western States being treated as Federal provinces or insular possessions. We are an integral part of this Government. Our States were admitted on an absolute equality with the rest, and I will resist to the utmost of my ability this infamous scheme of trying to tax and unfairly burden and deprive the Western States of their just and equal rights in this Union. [Applause.]

Mr. Chairman, during the last half century there have been granted to railroads approximately 115,500,000 acres of the public land, while during the same period there have been in round numbers 900,000 homestead entries gone to final patent which have taken substantially 125,000,000 acres of the public domain. During the past 35 years, since the enactment of the stone and timber law and the desert-land law, there have been patented under the former act about 13,000,000 acres and under the latter about 6,000,000 acres, and during the past 40 years, under the timber-culture laws there were patented about 10,000,000 acres. There have been in the neighborhood of 500,000 acres patented as coal lands and also some other dispositions of the public domain in smaller amounts in various ways.

While there remains in the United States, exclusive of Alaska, approximately 317,500,000 acres of the public domain, and exclusive of about 190,000,000 acres in forest reserves, the fact is that all of these various entrymen made during the past 50 years have had the choice of the public domain and have very naturally selected the most fertile and productive land, and the land most easily cleared and cultivated.

Those 900,000 homesteaders and the entries of thousands of preemption claimants, desert land, and stone and timber entrymen, as well as the railroads themselves, have culled over the lands of the Western States until to-day there only remain the lands that have been during all of these years and up to the present passed over many times and rejected as unfit for cultivation and not worth the effort required for their reclamation. The result is that at the present time our home seekers are not only becoming more and more reluctant to take the remaining isolated tracts of land, but the stringency of the rulings of the Department of the Interior and the construction placed upon the existing laws are, in the judgment of your committee, seriously retarding the development of the West. This statement is conclusively borne out by the very rapidly decreasing number of original entries.

In his annual report for the year 1911 the Commissioner of the General Land Office, at page 6, says:

> The total area of public and Indian land originally entered during the fiscal year ended June 30, 1911, is 17,639,699.54 acres, a decrease of 8,752,169.55 acres as compared with the area entered during the year 1910.

This statement brings home to us very forcibly, indeed, the fact that during the past year the number of original entrymen, intending settlers upon the public domain, has fallen off 33⅓ per cent. That vividly discloses the startling fact that 55,000 home seekers and home builders that would naturally and have formerly gone out to select and settle upon our public lands have gone elsewhere during the past year. And when the records show that during that year 125,000 good American citizens—the farmers and backbone and sinew of this country—have gone to Canada, and not only expatriated themselves personally, which is by far the most serious loss, but have taken with them at the least estimate $125,000,000, the loss to this country can scarcely be estimated. Canada offers them a three-year homestead upon good land easily reclaimed and cultivated, with a six months' leave of absence each year and most lenient regulations, while in this country conditions have vastly changed during the last few years. This situation is very forcibly realized in the West, and is also recognized by the honorable Secretary of the Interior in his report to this committee.

The Public Lands Commission, appointed by President Roosevelt but a few years ago, reported, in part, as follows:

The information obtained by the commission through the conferences in the West and the hearings in Washington discloses a prevailing opinion that the present land laws do not fit the conditions of the remaining public lands. Most of these laws and the departmental practices which have grown up under them were framed to suit the lands of the humid region. The public lands which now remain are chiefly arid in character. Hence these laws and practices are no longer well suited for the most economical and effective disposal of lands to actual settlers.

The above report was signed by both Mr. Newell, present Director of the Reclamation Service, and Mr. Pinchot, former Chief Forester.

There are no longer large areas of contiguous public land suitable and subject to homestead entry; they are either arid or semiarid and difficult and expensive to either clear or irrigate. It is a rare exception when a man can now find a 160-acre tract of contiguous good or level land. He is usually fortunate if one-half of his claim is capable of being cultivated or irrigated at all, owing to the broken and mountainous condition of the country.

The many thousands of Government contests and protests agaist all forms of entries of public land and the protracted and discouraging delays in hearings seriously retard the development of the West and render the lot of the American homesteader much harder than it should be.

To reclaim and subdue our remaining public lands requires an expenditure of labor and money far beyond what is generally supposed; it requires determination, courage, and energy of a high order, and continuity of purpose, which are characteristics and virtues alone of good citizens.

Under the present law and especially its administration many good men who would make admirable settlers and citizens of the Western States are prevented or discouraged from acquiring the homes and developing the country which would, by the passage of this bill, be opened to them.

Considering the all-prevalent tendency of the population to congregate in the cities, the constantly increasing cost of living, and the uninviting character of and unavoidable hardships involved in the reclamation of the remaining portions of the public domain, it is believed by your committee that to the honest homesteader of to-day greater inducements must be made to settle, cultivate, and improve the remaining public domain than were ever before necessary.

There are a great many reasons that appealed to the committee to favor this bill. It is not deemed necessary to give them in detail. But there is one that does not seem to have been mentioned in the hearings, and yet it strongly appeals to the West in its laudable desire to upbuild the country.

Homesteads are not taxable until final certificates thereon have been issued. The enactment of the three-year homestead law would create an annual revenue for the maintenance of schools and the county and State governments of over $5,000,000 for each of the two years for which taxes would be collected, basing the calculation upon the average number of homesteads now being made, and not considering the increased number which the committee believe would be made under the proposed law.

We confidently believe that if the law is construed in the liberal spirit in which the committee hope and intend that it will afford an impetus to the settlement of the West by home seekers, home builders, and men who will develop our resources and become the producers of wealth and the substantial citizens of the country. The bill is in the interest of the actual settlers who your committee believe will have ample opportunity in three years to entirely demonstrate their good faith and to establish a permanent home.

It should be remembered that as to our remaining public lands subject to homestead settlement, the Government needs "the man on the land" quite as much as the man needs the land. When a homestead meant 160 acres that would all produce profitable crops by the mere turning of the sod, the homestead problem was comparatively a simple one. But now the remnants of the public land in the arid West, the reclamation homestead, and the dry-farm homestead present entirely different and much more trying problems, and if we are to continue to obtain for the conquest of these lands the men best qualified for the work, we must establish conditions which will encourage them in the undertaking.

For these reasons the committee is confident that this legislation will be for the best interest of the entire country, and that the bill should be enacted into law as speedily as possible.

MESSAGE FROM THE SENATE.

The committee informally rose; and Mr. SULZER having taken the chair as Speaker pro tempore, a message from the Senate, by Mr. Crockett, one of its clerks, announced that the Senate had passed bills of the following titles, in which the concurrence of the House of Representatives was requested:

S. 4144. An act to increase the limit of cost of the United States post-office building at Greeley, Colo.; and

S. 5446. An act relating to partial assignments of desert-land entries within the reclamation projects made since March 28, 1908.

The message also announced that the Senate had passed the following resolutions:

Resolved, That the Secretary be directed to request the House of Representatives to return to the Senate the bills (S. 317) to provide for the purchase of a site and the erection of a public building thereon at Sundance, in the State of Wyoming; (S. 318) to provide for the acquisition of a site and the erection of a public building thereon at Newcastle, Wyo.; and (S. 4493) to provide for the purchase of a site and the erection of a public building thereon at Thermopolis, in the State of Wyoming.

Also:

Resolved, That the Secretary be directed to request the House of Representatives to return to the Senate the bill (S. 3716) for the erection of a public building at St. George, Utah.

HOMESTEAD ENTRIES.

The committee resumed its session.

Mr. MONDELL. Mr. Chairman, I did not intend to discuss the bill at this stage of the proceedings, but it has been suggested that it would be well at an early period in the debate to refer to some suggestions of amendments which have been made by the Secretary of the Interior, and I rise for the purpose of doing that. I think it is generally agreed—and the Secretary of the Interior has stated it as his opinion—that a three-year period is sufficient in which to prove the good faith of a homestead entryman.

The only other homesteads on the continent except ours are three-year homesteads. Canada has a three-year homestead law and Texas, which manages her own lands, has a three-year homestead law. So this change is merely coming to the homestead period which the people in Texas have always had and the people in Canada have always had.

There are other reasons for changing from a five to a three year period at this time. One is that homestead conditions are much more difficult than they were in the past. That is conceded by everybody. Another is that we have reached the time when the country needs the man on the land quite as much and in many cases more than the man needs the land. We need in the West to encourage the men who will develop the land, the development of which is expensive and difficult.

Furthermore, we had for many years a commutation law in full force and effect under which the entryman could make proof on his homestead entry after eight months of actual residence. The department a few years ago amended their rulings and held to a requirement of 14 months' residence. When we passed the enlarged homestead law we eliminated the commutation provision, and when we passed the reclamation homestead law we eliminated the commutation provision. The commutation provision is eliminated from what is called the Kinkaid homestead law, so that the only homesteads to which commutation in any wise applies are the old-fashioned 160-acre homesteads.

As to those homesteads, the commutation privilege has been very much curtailed, as a matter of fact almost wiped out, by reason of the ruling of the department to the effect that the provision in the law with regard to commutation is a privilege which the entryman can not exercise unless conditions unforeseen to him at the time of entry arise subsequently, which compel him to avail himself of the privilege. In other words, they hold that if the entryman went on his land with the intention of commuting he can not avail himself of that privilege. I do not believe that ruling is a fair interpretation of the law, but it seems to be the view of the department. From this it will be seen that in the first place the commutation privilege is wiped out as to the major portion of our homestead entries by law. As to the entries to which it still applies, it is practically eliminated by departmental interpretation. Therefore, as a matter of fact, the average homestead period is much longer now than it was formerly. There was a time when in the Dakotas there were three or four commutation entries to one five-year entry. Now the reverse is the rule, take the country as a whole, so that makes the general average of the period of residence very much longer now than it was formerly. The general average of residence will be as long, if this bill is passed, as it was 10 or 12 or 15 or 20 years ago; in fact, as it was 6 or 8 years ago.

I think there is a general consensus of opinion that the main propositions contained in this bill are wise, to wit, the reduction of the residence period to three years, and a better definition

as to the right of the entryman to absent himself from the land for a certain period of time.

Mr. LAFFERTY. Mr. Chairman, will the gentleman yield at that point for a question?

Mr. MONDELL. Certainly.

Mr. LAFFERTY. I would like to inquire why the Public Lands Committee raised the period of actual residence necessary from six months, as the bill passed the Senate, to seven months, as it is now presented to this House?

Mr. MONDELL. Mr. Chairman, so far as one member of the committee is concerned, I will say that I agreed to that not because I thought we ought to agree to it, but because I thought there might be considerable objection to the longer period. I want to call attention to the fact that the Canadian law is very liberal in that respect, and I would like to have the committee listen to the Canadian law with regard to residence. This is the second requirement under the Canadian law:

That he (the entryman) shall have held the homestead for his own exclusive use and benefit for three years from the date of entry and have resided thereon at least six months in each of three years from the date of entry or commencement of residence.

It will be seen that the Canadian provision is more liberal than the provision contained in the bill as it came from the Senate. It is still more liberal than the provision that we have reported in the bill.

If gentlemen will take a copy of the bill, I will read the suggestions, the proposed amendments contained in the letter of the Secretary, a copy of which was sent to the gentleman from Illinois [Mr. MANN].

He proposes, on line 3, page 2, between the words "by" and "two," to insert the words "himself and by." There can be no possible objection to this amendment, for it is simply writing into the statute what is now the law by continuous construction since the passage of the homestead law. The homestead law does not contain and never has contained a specific provision that the entryman himself must swear to the facts of residence and cultivation, but the courts and the department have always held that he must so swear, and there is no objection, therefore, to putting it in the statute. We do not change the statute in that respect, because we have changed the general homestead law in as few respects as possible, in order not to have any conflict of decisions.

The second suggestion is that on line 3, page 2, between the words "they" and "have" we insert the following words: "During the first year of the entry erected and the time of final proof." We put in the bill a provision that the homestead entryman must have a habitable house on the land, and the Secretary suggests that we add to that amendment an amendment to the effect that that habitable house shall have been erected during the first year. Certainly no one has any objection to a provision that the house shall be upon the land the first year of the entry. It should be, but the word "erected" should not be in the law. We discussed that in the committee. Sometimes an entryman secures an entry by contest and there is a house already on the land. Sometimes he secures an entry by buying the improvements of a former homesteader, and if anyone can offer an amendment which will make it more definite that the house should be there the first year without using the word "erected" I think no one will object.

Mr. ANDERSON of Minnesota. Would the gentleman object to putting an amendment somewhat like this—that he, she, or they shall have a habitable house upon the land for at least two years?

Mr. MONDELL. Let me make this suggestion. The homestead period, if this bill passes, will be from three to five years. The entryman may prove up in three years; he is not compelled to for five, and it is possible that the gentleman's amendment would not accomplish just what he desires to accomplish. If the man did not prove up until five years it is possible that under the proposed amendment it would be held that he was not required to have his habitable house until the third year. Of course we do not want that. I have no objection to the amendment suggested by the gentleman from Minnesota, only it seems to me it is subject to the criticism that I have made.

Mr. LAFFERTY. Mr. Chairman, will the gentleman yield?

Mr. MONDELL. Yes.

Mr. LAFFERTY. Let me suggest that the amendment suggested by the gentleman from Minnesota would have reference to the date of final proof.

Mr. MONDELL. Yes.

Mr. LAFFERTY. So that it would relate to two years previous to the time of offering final proof.

Mr. MONDELL. And if he did not offer final proof until the end of five years he would not be obliged to show that he had a habitable house until the third year.

Mr. MANN. Mr. Chairman, will the gentleman yield?

Mr. MONDELL. Certainly.

Mr. MANN. Do I understand that the gentleman says that there might probably be a provision that a habitable house be constructed or be on the land the first year?

Mr. MONDELL. By the end of the first year.

Mr. MANN. Would it not be very easy to provide for that by inserting after the word "they," or after the word "have," the words "during the first year"?

Mr. MONDELL. If that would accomplish what is sought there would be no objection. What is the gentleman's amendment?

Mr. MANN. So that it would read that he, she, or they during the first year have a habitable house.

Mr. MONDELL. We must have the habitable-house idea go clear through. We do not want to provide simply that the habitable house shall be there the first year.

Mr. MANN. That part would not bother me. I see no objection to that. I do not imagine that the habitable house would be removed.

Mr. MONDELL. I think that would cover the case.

Mr. LA FOLLETTE. Does the gentleman think that it would be wise to have a provision that that habitable house should be the house that he should prove up by; that he could not put a better house on the last year that he was there?

Mr. MONDELL. I do not think that would follow.

Mr. LA FOLLETTE. I think the Secretary's suggestion there practically carries out the idea that the House he proves up by shall be there from the first year, and the gentleman knows, from his long experience in the West, that there is not one settler in a dozen who does not build a new house before the end of his period.

Mr. MONDELL. I do not think that is important, but if it seems important some gentleman will no doubt offer an amendment which will cover that point.

The next suggestion is in line 4, page 2, that the word "actually" be inserted before the word "resided."

There is certainly no objection to the use of that word, because that is the proper interpretation and always has been.

Mr. FERRIS. Where does that amendment come in?

Mr. MONDELL. In line 4, page 2, before the word "resided." Now, line 4, page 2, strike out the word "or" and insert the word "and." There is no objection to that, and the only reason why the committee did not do it was that we adopted the homestead law as it now stands, and "or" has always been construed to mean "and." It might be just as well, and perhaps better, to make it clear. Now, another amendment of the Secretary, if the gentleman will follow me. Line 12, page 2, beginning with the word "provided" down to and including the word "section," in line 17, he suggests in lieu of those words the following:

Provided, That the entryman may be absent from his land for not more than four months in each period of one year after establishing residence, such absence to be under such rules and regulations as may be prescribed by the Secretary of the Interior.

Now, there are two very valid objections to an amendment in just that form, it seems to me. First, it reduces to four months the period during which the entryman may be absent. We have already reduced the period to five months—the Senate had it six. The present law, fairly interpreted, gives six months' absence. The Senate simply wrote into this bill what has always been the proper construction—six months—but in deference to the view of the Secretary and other gentlemen, we cut the period of absence down to five months. Now, the Secretary suggests we reduce that still further. I think that is hardly fair. I think that the Secretary himself, after considering the matter, will conclude that the homesteader must, under ordinary conditions, be given five months during which he can be absent from his homestead during the year. The gentleman from Colorado [Mr. TAYLOR] did not seem to be very clear whether the five months must be taken all at one time or divided into a number of periods. It seems to me it is clear it would be construed to apply to all considerable periods during which the entryman was absent. He might be absent for 30 days at one time helping in the harvest field, 30 days at another time helping in the hay field, 30 or 60 days at another time during the winter gaining a livelihood. Four months is altogether too short a period. The present homestead law protects the homesteader from contest for abandonment for six months. In other words, under the present law the homesteader may be away from his land six months and no one can contest him, neither the Government nor his neighbors, and it does not seem to me that after having that liberal provision for all these years during which they have settled the fertile lands of Iowa and Nebraska we should not now say four months should measure the time the entryman could be absent for considerable periods during a

year. It is true, of course, that in addition the entryman could be away a few days at a time. Now, a further suggestion, and I would like to have the attention of the gentleman from Illinois [Mr. MANN], with regard to this proposed amendment.

Mr. MANN. I will listen to the gentleman with great pleasure.

Mr. MONDELL. The Secretary suggests that this absence shall be under rules and regulations prescribed by the Secretary. Well, the difficulty about that is that the homesteader never knows when he is going to want to be away. He may live 50 miles from a post office, 100 miles from a railroad, 200 miles from the nearest land office. His request would oftentimes go to the land office by a once-a-week mail; it would go from the land office to the General Land Office at Washington, and by the time they had passed on his request the period during which he desired to be away would have passed. I do not see that the Secretary could make any regulations that would not hamper without doing any good. The entryman must affirmatively prove by two witnesses the facts of his residence and state the periods during which he is absent, and it seems to me that that affirmative proof of three people, which neither the Government or any individual could controvert, is quite sufficient. I fear if we require the entryman, if he wants to go to help a neighbor in the harvest field or wants to go off to work for a week or two, to write to Washington and get permission, such right would be of no value to him, because the time would have long passed before the request was granted.

Mr. MANN. What makes the gentleman think the entryman would have to write to Washington?

Mr. MONDELL. The regulation might provide the local land officers could grant the leave of absence. I doubt whether they would make a provision of that kind, and if they did, there being many homesteaders a week distant from the local officer by ordinary mail, by the time the local officer could answer all the requests for absence the time which the entryman desired to be absent would have expired.

Mr. MANN. And does not the gentleman think it would be a reasonable regulation that the entryman, when he was to be absent from the land for a month or more, would be required to notify the land office?

Mr. MONDELL. Well, I have been among homesteaders since I was a boy of 6, and it is my opinion that you can not have any regulation that requires a homesteader to notify some one in advance of his absence that would not cause many homesteaders a great deal of annoyance and difficulty. Homesteaders are not all much given to writing letters, as a matter of fact. Oftentimes an entryman might not know whether he was going to be away a week or a month. Let me again call the gentleman's attention to the fact that the homesteader must prove affirmatively on oath, corroborated by two disinterested witnesses, as to the exact periods of time during which he has been absent. And he is constantly open to a contest by all of his neighbors.

Mr. MANN. Where is that provision in the bill?

Mr. MONDELL. The provisions as to proof the gentleman will find on page 2. Of course, this is only a part of the homestead law, and is not the part of the homestead law which would govern contests, but the gentleman is familiar with those provisions.

Mr. MANN. There is no provision of the law now which permits the absence for five months in a year, and so there is no provision of law in evidence to prove it.

Mr. MONDELL. Section 2297 provides that an entryman can not be contested for abandonment unless he shall have abandoned for more than six months, and that is the law which governs all contests, governmental and individual, on the ground of abandonment. A contest affidavit will not be received by the local officers, based on the ground of abandonment, unless it contains the sworn statement that the entryman has been absent from his homestead for more than six months.

Mr. MANN. That is a contest. That is not the proof that the entryman makes. Where is there any provision in the law in regard to that?

Mr. MONDELL. When a man comes to make proof, he has to prove as to his residence. Making proof as to residence, as it has been made since the homestead law was on the statute books, is the proof of the fact that he has made his home upon and resided upon the land, and if at any time he has been away from the land for any considerable period he must in his proof so state. He must state how long he was gone. If the gentleman will read any homestead proof down in the Land Office now, he will find that every such proof contains a statement as to the absences of the entryman—just how long he was absent each time.

Mr. MANN. I do not think there is any requirement of the law here or elsewhere that will require proof as to the exact time the entryman was absent under the law. But supposing it were, is it not quite certain that if this provision goes in without any notification to the department or without any department regulation, that before they issue a patent in every case they will send somebody to investigate and find out whether the given entryman was on the land for seven months of the year, and that will cause a good deal more trouble to the entryman than it would to comply with some reasonable regulation of the department for giving notice.

Mr. MONDELL. My own personal opinion is—and I do not want to be contentious about it—that it would not. I do not think there would be objection to a special agent going to a homestead at the time of proof or before proof. I do not think there is any objection to taking the proof on the ground. It might be an improvement over the present system. But my long experience leads me to the belief that we would not have a better administration of this law with regard to absence if we had the requirement that is suggested and that it would in many instances be very, very trying to the homesteader. Now, that is my personal view. I think so long as the entryman is required, when he comes to make proof, to prove affirmatively for himself and by two witnesses as to his residence, and that proof consists of proof of the time he was upon the land and as to his absences from the land; this is sufficient.

Mr. MANN. I do not find where anybody has to make such proof under this bill.

Mr. MONDELL. Well, the gentleman knows this only amends 2 sections of some 12 sections of the law.

Mr. MANN. I understand.

Mr. MONDELL. Every man here from the public-land States knows—and the gentleman from Illinois is very familiar with these things—that the homesteader in making proof proves by two witnesses that he has resided upon the land and cultivated the same. Now, proof is required, and the gentleman would see it if he examined any proof in the Land Office to-day, that the entryman shows affirmatively the periods during which he was on the land and the periods he was off of the land.

Mr. MANN. The gentleman does not seem to appreciate the fact that we are changing the law by this bill. We are inserting a provision in reference to an absence from the land where the affidavit required is that the person has resided on the land for three years. But absence for five months shall not be counted as against the residence on the land. Now, the individual who swears to that under this provision of the law is not required to pay any attention to the absence from the land.

Mr. MONDELL. Why, every proof goes into detail. Let me call the gentleman's attention to the liberal provision of the Canadian law. They do not seem to have any trouble up there. They provide that he shall prove he has simply resided on the land for six months in the year. I do not think we would have any difficulty under the more drastic provisions contained here.

Now, to pass to the next——

Mr. MANN. Is it not a fact that under the Canadian law the officer in charge there can require the holder of the homestead entry to make proof every year?

Mr. MONDELL. There is such a provision in the Canadian homestead law.

Mr. MANN. It was just what I was calling attention to, that at the end of three years there was no way to get out except by sending somebody to investigate, whereas if there was a provision that would require the entryman to give notice of his absence he would be protected from annoyance, and the department would also be protected.

Mr. MONDELL. Most entrymen are honest men, and when they get two of their neighbors to testify as to their absence it is reasonably good proof.

The CHAIRMAN (Mr. DICKINSON). The gentleman from Wyoming has used 30 minutes.

Mr. MONDELL. I thank the Chairman for informing me. All homesteaders are at all times subject to contest by their neighbors if they do not comply with the law, or protest if their proof is not in accordance with the facts.

Now, in regard to the yearly proof.

Our homestead theory is very different from the Canadian homestead theory. We open the lands to homestead entry; the Canadian Government closes them to homestead entry. That is about what it amounts to. When lands become subject to homestead entry in Canada the Government there puts its hand on the land, and no man thereafter can question the act of a man who enters under that law except the Government itself. There is no such thing as the private right of contest in Canada. All of the special agents that we have ever had have never had 1

per cent of the influence in compelling compliance with the terms of the homestead law that the right of private contest has had, because if a man is subject at all times to contest by his neighbors for any failure in carrying out the provisions of the law, no matter how slight the failure to comply with any provision of the law may be, he is constantly on his guard. His neighbors are there all the time.

The special agent may be there once in two years, or once in a year, or once in six months; but the neighbors are there all the time, watching, and if his claim is of value some neighbor is going to get it for a friend or a relative if it is possible to do so. It should be understood that there are a number of provisions in the Canadian law that do not fit our law at all. They do not allow the right of private contest, because the private contestant might come in and take the Government's property on which the Government had loaned money. More than that, they prohibit a man relinquishing for a consideration, because if that were allowed the Government might lose the property on which it had loaned money. So it is apparent that many of these things that apply properly to the Canadian law can not go into our statutes.

Mr. BURKE of South Dakota. Mr. Chairman, will the gentleman yield there?

The CHAIRMAN. Does the gentleman from Wyoming yield to the gentleman from South Dakota?

Mr. MONDELL. Yes; briefly.

Mr. BURKE of South Dakota. I just wanted to call attention to the fact that under our law we invite contests, and we provide that the successful contestant has the preference right of entering the land in 30 days on proof that the entryman has abandoned his claim.

Mr. MONDELL. Yes; and that safeguards the administration of the homestead law.

Now, it is suggested by the Secretary that there should be inserted after the word "resided," in line 4 of page 2, the word "continuously." That is a provision that would make the commuting homesteader remain on his land every day for 14 months, and would not allow him to be gone at all. It does not seem to me that we ought to adopt it; the commutation privilege is not worth very much anyway under present rulings. But it does not appear to me to be a fair provision to say in one line of the law that a man may prove up after 14 months' residence, and in another line to say he must remain there all the time.

Then it is further suggested that there be inserted the following:

In order to comply with the requirements of cultivation the entryman must during the first year after establishing residence cultivate not less than one-sixteenth, during the second year not less than one-eighth, and during the third year and each year thereafter not less than one-fourth.

Under that any provision inserted in this statute is liable to interfere with the provisions in the enlarged homestead law and in the reclamation law with regard to cultivation. All our homesteads now require a certain amount of cultivation, except the old-fashioned 160-acre homesteads, which are scattered around the country. Under the law the Secretary of the Interior now has authority to require the cultivation of a reasonable area of these entries. When the Secretary appeared before our committee he suggested that instead of putting so many limitations in the statute we should leave more to the discretion of the department.

Here is a line of policy with regard to which the discretion of the department is absolute. The Secretary can say that every 160-acre homesteader must cultivate as much land as will show his good faith. I think that is the best way to leave it. We departed from that rule in the 320-acre homestead simply because we were applying it to a peculiar class of land, and we departed from it in the reclamation homestead for the reason that in that case also we were applying it to peculiar conditions. But it is all within the discretion of the Secretary of the Interior as to other homesteaders. There the Secretary has full power, and we ought not to take that power away from him. There are here and there in these hills, along the sides of the mountains, and in the vicinity of settlements, places where men are perfectly willing to establish homes, and are glad and are anxious to establish homes upon lands that contain very little soil that is fit for cultivation. They may make a living on such a 160 acres of land. It would be a home to them. Men who spend a considerable part of their time working for their neighbors by days work may live on such lands; men who live in a locality where labor is required and employment is to be obtained in the vineyards and orchards may take such lands in the surrounding hills and mountains. There may not be more than a few acres of good land upon such areas. The Secretary may say, "You must cultivate 10 acres in New Mexico," or "You must cultivate 50 acres in Montana," or the reverse, and he can do as he sees fit within reason. He can make the requirement fit the condition. That is very much better in regard to entries on lands that are not to any considerable extent fit for cultivation than to lay down a hard and fast rule as to the acreage.

Mr. PRAY. Will the gentleman yield for a moment?

Mr. MONDELL. I shall be glad to.

Mr. PRAY. I want to call the gentleman's attention to the hearings, and to say, in that connection, that the Secretary stated that if these rulings were to be made over again the words "and cultivate the same" in the present law would be held to include the entire entry.

Mr. MONDELL. I am glad the gentleman reminded me of that. The Secretary, in his statement before the committee, fully appreciated his authority, and said he could hold that in a given case the man had to cultivate every acre. We want to encourage the taking of homesteads under the old homestead law in many places in the hills and in the mountains adjacent to cultivated areas, where men can establish homes on which they can at least make part of a living and the rest of it by being employed in the locality, and the Secretary can make such regulations as are fair.

Now, the next proposed amendment is, in lines 2 and 3, page 3, insert the following:

No entry for a homestead shall convey any right to any minerals within or under the land covered by the entry, and all minerals shall be specifically reserved to the United States in patents issued upon such entries; and lands whose chief value consists of the timber thereon shall not be subject to homestead entry.

There are two propositions contained there. One is the old English idea that the King owns the mineral. That rule applies in the dependencies of Great Britain.

One of the very first things that our forefathers did when they landed on these shores was to get away from the English idea that the monarch owns the mineral, and they adopted an altogether new rule. They provided that no mineral lands could be entered under an agricultural entry. They must be secured under a mineral entry; but whether lands are secured under a mineral entry or an agricultural entry, after having proven to the satisfaction of the Government that the land was either mineral or agricultural, the title should go to the center of the earth and be a title in fee.

Now, of course it is possible that 10, 20, or 100 years after a homestead entry has been made, a man might find a little clay or a ledge of sandstone or limestone on his land. In one case in ten thousand he might possibly find oil or gas or metalliferous minerals. Are the people of the country losing anything if here and there a farmer, 25 or 50 or 100 years after he gets the title, does find something on his land besides what is on the surface? Do we want to establish the old monarchical principle that, no matter when the discovery may come, the mineral belongs to the Crown? I do not think we do. We have modified, and will continue to modify, our laws whenever it becomes necessary, in order that we may use the surface of mineral lands, giving limited patents reserving the mineral in such cases; but we must do these things as we reach them with reference to the particular character of mineral that we have in mind; because our legislation must necessarily differ in the character of the title conveyed and as to the rights of the Government to proceed to take out the mineral. We have allowed the so-called surface entry of coal lands, simply because we want the surface of those coal lands cultivated, but on most mineral lands the surface is not fit for cultivation. And surely we do not want to confuse things by allowing a man to go upon a gold claim and make an agricultural filing and deliberately separate the land into two estates. We do not want to do that, but under this provision we would be deliberately wiping out the distinction between agricultural and mineral lands. I think for this we shall require legislation allowing a separation of the fee in certain kinds of lands, but a general provision of this kind we should not have at any time, and certainly not in connection with this legislation.

Mr. FERRIS. Some gentlemen are under the impression that the bill reported from the committee changes or modifies in some way the surface-entry bill that we passed.

Mr. MONDELL. Oh, no.

Mr. FERRIS. I wanted the gentleman to state that that was not the case at all, and that this bill in no way affected that.

Mr. MONDELL. The bill in no way affects the other bill that we have passed, which does allow agricultural entries on the surface of coal lands.

Mr. FERRIS. And in no manner subjects any mineral land to entry that is not now subject to it.

Mr. MONDELL. Not at all. And, further, this is a question to meet, in so far as we may need to meet it, not in connection with a change of the homestead period, but in the consideration of the concrete proposition, when we shall reach it, with regard to any particular mineral. There is no more reason for chang-

ing the rule when we have a 3-year period than there was when we had a 14-month period under the commutation law.

Mr. ANDERSON of Minnesota. There is some reason for doing a thing right while you are doing it, is there not?

Mr. MONDELL. I do not know just what the gentleman's attitude is, but my view is that the American people never have and I do not believe they ever will assent to a general proposition of reserving from all patents every mineral that may possibly some day be found beneath the surface of the land. That is the English idea.

Mr. ANDERSON of Minnesota. The State of Minnesota, which I have the honor in part to represent, has established that proposition for a great many years.

Mr. MONDELL. The gentleman is a lawyer, and so he understands what a wide difference there is between a reservation by a sovereign State and a reservation by the Federal Government which is limited in its powers. I have no objection to the people of a State making any reservation they see fit. That is altogether a different proposition, it seems to me, and I think the gentleman will agree with me.

Mr. ANDERSON of Minnesota. I want to say that I do not think it is the same.

Mr. MONDELL. Minnesota is doing what my State is doing in regard to some of her lands, but generally the American theory of title is that it extends from the heavens to the center of the earth, and it is one that should stand, and the exception should be an exception and not the rule; at any rate, it is a question so big that it has no place in a bill where we are shortening the homestead period. Now, the last suggestion of the Secretary is:

If after entry is made and at any time before patent is issued it be ascertained to the satisfaction of the Secretary of the Interior after notice to the entryman and hearing according to such regulations as the Secretary may prescribe that the land entered or any portion thereof is necessary for the protection or development of any water supply, irrigation works, reservoir sites, water power, harbor, wharf, docks or landing, the Secretary may cancel so much of said entry as he may find necessary or appropriate for such purpose.

There is so much involved in that suggestion that in the brief time I have I can not touch one side of it. We have no harbor fronts or land lying along streams subjected to homestead entry. The President has full right under the law passed last year, introduced by the gentleman from Iowa [Mr. PICKETT], to make any water-power or other withdrawals necessary. Withdrawals may be made under the reclamation law for canals, ditches, or irrigation works.

A further fact is that patents issued by the Government of the United States specifically reserve the right of way for canals and ditches. All these States recognize the right of condemnation for these uses. The object of this law is to enable the entryman to secure patent more quickly; if we are to subject the entryman to delay while the department searches around to learn if there is not some one of the enumerated reasons for reducing the entry or denying patent, we had better not pass this bill, for it would delay rather than expedite patents.

The Secretary suggests striking out section 2. I have no objection to it. I think the act would be the same with section 2 out as it would if it was in the bill, because I think if this becomes a law, it would apply to every homestead entry which has been made up to this time. [Applause.] Mr. Chairman, I reserve the balance of my time.

Mr. LANGLEY. Mr. Chairman, I wish to interrupt the debate at this point to insert in the RECORD a telegram I have just received from my colleague, Mr. FIELDS. I voted for the excise-tax bill yesterday, although I had a general pair with him, because I understood that he was also for the bill. The telegram confirms my impression as to his attitude on the bill. It is as follows:

LOUISVILLE, KY., *March 19, 1912.*

Hon. JOHN W. LANGLEY,
Care House Office Building, Washington, D. C.:

I am for excise-tax bill. Would vote for it if there. Read this telegram into RECORD.

W. J. FIELDS.

Mr. FERRIS. Mr. Chairman, I want to suggest that if there be any opposition to the bill, might it not be well that the opponents consume some of the time now? There has been almost two hours consumed by those in favor of the bill.

Mr. MANN. Mr. Chairman, if the gentleman will yield, I doubt whether anybody in the House is opposed to the passage of a bill making more liberal the homestead laws or possibly limiting the time in some way to actual residence of three years; whether it should be three years from the time of the entry is another proposition.

I want to make this suggestion to the members of the committee, which is a practical legislative suggestion: This bill is a Senate bill and comes to the House with various specific amendments recommended by the Committee on Public Lands. It is quite evident, I think, that the bill in its present shape, even with the committee amendments, does not meet entirely the approval of the Secretary of the Interior, in whose department public lands are controlled. Whether the views of the Secretary of the Interior in the amendments which he has suggested are desirable to be incorporated in the bill I do not undertake to say. Every gentleman will recognize the practical fact that where a bill of this character is passed by Congress to which the head of the department is very much opposed it is not likely under ordinary conditions to meet the approval of the President.

In the shape the bill now is in, if it were amended by simply accepting the committee amendments, or other amendments which might be offered on the floor, those amendments might be sent to conference, but the entire bill could not be sent to conference. I wish to make this suggestion—that when the committee has finished its work on the bill under the five-minute rule and put in such amendments as it desires to express the views of the members of this committee the gentleman in charge of the bill will move to strike out all after the enacting clause and insert in lieu thereof the measure which has been amended by the committee, so that the bill will go back to the Senate with the one entire amendment of the whole bill, and thereby throw the entire bill into conference. I have no doubt the conferees on the part of the House and on the part of the Senate, working with the Secretary of the Interior, will be able to produce a bill which will be satisfactory both to the House, to the Senate, and the gentlemen who are interested in public-land States, and one which will meet with the approval of the Secretary and President.

Mr. FERRIS. Mr. Chairman, following the suggestion of the gentleman from Illinois, of course that would come up at the end of the consideration under the five-minute rule. The proposition is, as I understand it, to get the whole bill into conference.

Mr. MANN. To get the whole bill into conference, so that you can properly change it; otherwise, under the rules, the conferees have no control over that which has been agreed upon in both bodies.

Mr. FERRIS. I think that will be a good procedure. As I understand the gentleman, no Member cares to stand up and say that he openly opposes legislation along these lines.

Mr. MANN. Not so far as I know.

Mr. FERRIS. Does not the gentleman think it would be wise to make some arrangement to close general debate and get to the consideration of the bill under the five-minute rule as soon as possible?

Mr. MANN. I do not know whether any gentleman desires time. I do not think general debate would run any length of time.

Mr. FERRIS. I think there are a few on this side who desire a little time, but if each person is recognized for an entire hour the result will be that we will not get through to-day.

Mr. MANN. Then let us make some agreement to close general debate.

Mr. FERRIS. Can we not make an agreement to begin the reading of the bill under the five-minute rule at 4 o'clock?

Mr. MANN. I would suggest that we begin to read the bill before that and allow liberal debate under the five-minute rule.

Mr. NORRIS. Make it 3 o'clock.

Mr. TAYLOR of Colorado. Mr. Chairman, there are six or eight who desire to speak on this bill.

Mr. FERRIS. There are three or four upon this side.

Mr. MANN. I understand that an hour is wanted upon this side.

Mr. FERRIS. I want a few minutes myself. The gentleman from California [Mr. RAKER] wants a few minutes, and, I think, the Speaker of the House wants a few minutes. I understand that the gentleman from Idaho [Mr. FRENCH] desires 20 or 30 minutes.

Mr. MANN. I was figuring upon that. Would two hours further of general debate be enough?

Mr. FERRIS. I should think that would be enough.

Mr. MANN. Mr. Chairman, I ask unanimous consent that general debate upon this bill be now limited to two hours more, one hour to be controlled by the gentleman from Oklahoma [Mr. FERRIS] and one hour to be controlled by myself.

The CHAIRMAN. The gentleman from Illinois asks unanimous consent that general debate be limited to two hours more, one hour to be controlled by the gentleman from Oklahoma [Mr. FERRIS] and one hour by the gentleman from Illinois [Mr. MANN]. Is there objection? [After a pause.] The Chair hears none, and it is so ordered.

Mr. MANN. Mr. Chairman, I yield 20 minutes to the gentleman from Oregon [Mr. LAFFERTY].

Mr. LAFFERTY. Mr. Chairman, in considering a bill of this nature, it is proper that the same rule should be applied by the legislators that a court would apply in construing a bill after it is passed, and that is the reason for the legislation. There has been in the past five or six years a growing belief in this country that the homestead laws of the United States were too harsh upon the small man, upon the settler who goes out to take up 40 or 80 or 120 or 160 acres under the old-fashioned homestead law, or 320 acres under the enlarged homestead act. Like the gentleman from Wyoming [Mr. MONDELL], who addressed the committee, I have had considerable experience with the public-land laws, and I wish to call the attention of the House to some of the reasons why the homestead law should be made more liberal.

This bill was introduced in the Senate by the Senator from Idaho, Mr. BORAH, and, after a thorough discussion, had thereon the 19th day of January, was passed without a dissenting vote. The bill simply refers to a couple of sections of the present public-land laws of the United States. It does not attempt to change any of the general principles or policies which are now sought to be injected into its consideration here in the House. The bill is a simple proposition. It simply cuts down the period of residence that must be put in prior to final proof from five years to three years, and it makes clear and specific the fact that the homesteader may be absent from his homestead five months out of each of those three years. Coming down to the practical question of the administration of the homestead laws by the Interior Department, let me call attention to the fact that when a man makes his final proof he is not yet out of the woods. He does not yet have his title or his patent. At the present time, after making his five-year proof, he is then subjected to inquisitions and to hearings by special agents of the General Land Office, and under prevailing practices it takes a homesteader not 5 years to get title, but from 7 to 10 and 12 years to get title.

The outrages that have been perpetrated upon your fellow citizens who go to the Western States from your States in the East, the outrages that have been perpetrated upon your own friends and neighbors, upon your own flesh and blood, by the manner in which the Interior Department has been administering the poor man's law, the homestead law, during the past six years would surprise gentlemen here if they but knew all of the details.

Mr. BOWMAN. Mr. Chairman, will the gentleman yield?

Mr. LAFFERTY. Certainly.

Mr. BOWMAN. Before the gentleman is through will he give some explanation as to what, in his opinion, should be done with regard to the classification of lands, whether or not they should be classified as the department suggests, so that only those known as agricultural lands should be acquired under the homestead laws?

Mr. LAFFERTY. Mr. Chairman, I am very glad the gentleman has asked me that question, because an amendment is going to be offered here when this bill is read under the five-minute rule which, if adopted, will do more harm than the continuation of the homestead law as it stands at the present time will ever do, with all of its hardships. There is going to be an amendment offered here providing that hereafter no man shall be allowed to go out and file upon a homestead if the claim contains any valuable timber, or if it is chiefly valuable for timber in the eyes of the special agent of the Interior Department who investigates it. Let me call attention to a few practical things. There are no public lands subject to homestead entry in the United States except for one reason, and that one reason is that nobody will go out and take them. Some men seem to have the idea that if we pass this bill to-day, cutting down the period of residence to three years, that people with corrupt intent will go out and acquire title to a 160-acre fertile farm, having upon it a large eight-room house and a red barn, simply by living there seven months each year for three years—a piece of land worth, perhaps, $10,000, or something of that kind.

Gentlemen, use your common sense for only a second. If there were any valuable public lands remaining subject to homestead entry, why does not John Smith or Bill Jones or Harry Brown or any other citizen go out and file upon them? Do not forget that the only lands remaining subject to homestead entry in the United States are lands that have been culled over and passed by as worthless, practically, for the past 50 years, since the homestead law was originally enacted.

Mr. RAKER. Mr. Chairman, will the gentleman yield?

Mr. LAFFERTY. Certainly.

Mr. RAKER. I understand the main purpose of the bill now before the House, with the amendments, is to reduce the period of residence from five years to three years and to give the homesteader some latitude as to absence; otherwise the general laws upon the public lands are not affected or intended to be affected by this bill, but this bill is solely to give the homesteader a chance to build his home upon the Government land. Is that the gentleman's understanding?

Mr. LAFFERTY. Mr. Chairman, this bill does not change any of the public land laws in any way, except that it reduces the period of residence required prior to final proof from five years to three years and gives the entryman the right to be absent five months out of each one of those three years.

Attention has been called to the fact that the Canadian land laws are much more liberal than ours. The Canadian homestead law upon this subject reads as follows:

SEC. 16. Every entrant for a homestead shall, except as hereinafter otherwise provided, be required, before the issue of letters patent therefor, to have held the homestead for his own exclusive use and benefit for three years from the date of entry, to have resided thereon at least six months in each of the three years from the date of entry or the date of commencement of residence, to have erected a habitable house thereon, to have cultivated such an area of land in each year upon the homestead as is satisfactory to the minister, and to be a British subject.

Now, I want to call to the attention of the House a very beautiful prospectus, lithographed in colors, that is sent out under the official frank of the Canadian Government by the minister of the interior. I received the copy I hold in my hand only two days ago under the official frank of the Dominion. It shows on the front page a picture of a farmer going out to his daily work, and on the first inside page the Canadian Government has inserted this boastful statement:

During the year 1910 there were 48,250 homestead entries, as compared with 37,061 in 1909, or over 30 per cent increase. Fourteen thousand seven hundred and four were made by former residents of the United States.

Simultaneous with the issuance of that statement by the Canadian Government we have an official report issued by our own Secretary of the Interior showing that the homestead entries of the United States, instead of increasing 33⅓ per cent, decreased 33⅓ per cent during the past 12 months. Now, our Public Lands Committee considered this bill. They said perhaps there will be opposition to a three-year homestead bill with six months leave of absence. They said we had better cut it down to five months. I want to say to this House that I shall offer an amendment to put it back to six months, the way it came from the Senate, and that is the way it should be passed through this body. I have no objection to the amendment asked for by the Secretary of the Interior that these entrymen be permitted to be absent each year under regulations to be prescribed by the Secretary of the Interior, but I do object to his proposition that they be permitted to be absent only four months.

You must remember that a man can not file upon a homestead on the outskirts of any city. He must go into the wilderness and file upon a homestead. It takes him two weeks to get ready to go there. It takes him two weeks to get back to some point where he can work upon a salary, so that four months' leave of absence each year, as recommended by Secretary Fisher, would really only mean three months, and the five months' leave of absence recommended by the committee would really only mean four. Therefore when the bill is read for amendment I shall ask the House to increase the period that the entryman may be allowed to be absent from his claim to six months, the same terms given by the Canadian Government, the same provision that was in the bill when it came from the Senate, and the same way that the homestead law was construed during the time that the great West was brought up to its present standard of development. Now, while we have in Oregon 17,000,000 acres of public land subject to homestead entry, more than one-fourth of that great State, yet no one goes to file on the lands, because they are sagebrush lands or very rough, hillside lands, and the average American citizen is not willing to say he will file upon a quarter section of these lands and spend his time, labor, and energy for five years, and then be held up by the detective division of the Interior Department for five years more before he shall receive his patent. Those are the conditions under which homesteaders have been driven from the public domain of the United States and driven into the Dominion of Canada during the past six years. Sixty-nine years ago the inhabitants of the Territory of Oregon, made up at that time of Washington, Oregon, Idaho, and parts of Montana and Wyoming, held a meeting at Champooeg when the right to govern that Territory was disputed between Great Britain and the United States. They held this meeting at Champooeg to determine whether or not they would organize and give their allegiance to the Union Jack or to the Stars and Stripes. A few settlers who had gone across there from Missouri and other Middle or Eastern States were pitted against the French and the Hudson Bay Co.

The meeting was held in an open field in the Willamette Valley. Old Joe Meek, a man who was born in Virginia, who

lived a few years in Missouri, and then went to Oregon, was the leader in that open convention for the United States. A motion was made to organize a civil government of Oregon Territory under the jurisdiction of the United States and by the chairman of that meeting, who had been selected by the Hudson Bay Co. was declared lost. Old Joe Meek stepped off to one side and called upon every man who favored the United States to come with him. He demanded a division, and upon that vote there were 52 for the United States and 50 for Canada. [Applause.] I want to ask you gentlemen to conjecture what that vote probably would have been had the pioneers of that day been treated as the settlers have the past few years.

In 1878 the first appropriation was made for special agents. It was only $12,500. It has increased year after year as the public lands grew less, until year before last Congress appropriated $1,000,000 for special agents to harass the poor homesteaders upon the public domain. This year they are going to ask for $750,000, or, in other words, as the public lands have decreased in amount the appropriation for these young men to go out there and ride around in Pullman cars, smoke good cigars, and throw their feet on mahogany desks in the Federal buildings of those western cities, in order to annoy homesteaders, has increased proportionately.

Now, these special agents have been sent out there for a specific purpose. A great many of them have been selected from graduating law classes of the East.

Mr. MADDEN. Does the gentleman wish to have the House understand that it is the business of the Department of the Interior to send men out for the specific purpose of canceling homesteads?

Mr. LAFFERTY. I say it is the predominating idea that every special agent has when he leaves Washington, and he gets it from the General Land Office.

Mr. MADDEN. The gentleman stated that is what they went for. I understood that they went there to investigate conditions and——

Mr. LAFFERTY. And they try to find from the conditions that the homestead ought to be canceled.

Mr. MADDEN. Does the gentleman understand that the Secretary of the Interior sent these men for that purpose?

The CHAIRMAN. The gentleman's time has expired.

Mr. MANN. Mr. Chairman, I yield five minutes more to the gentleman.

Mr. MADDEN. I think that is an unfair statement, and I do not think it ought to go unchallenged.

Mr. LAFFERTY. I am glad the gentleman has challenged the statement, for I know whereof I speak. I was appointed an agent of the General Land Office myself on the 1st day of January, 1905. I was prosecuting attorney in the State of Missouri. I came to Washington, and the chief of the special-agent division told me he wanted me to go to Oregon and investigate homestead entries in certain areas. He said they were reeking with fraud, and he put me down with several clerks of the special-agent division for instructions, and I got the idea that nine out of ten of these homesteads were crooked and fraudulent and that the holders ought to have their entries canceled, and I went to Oregon imbued with that idea. When I arrived in that State, on the 1st of March, 1905, and went out into the interior and saw gaunt men with ragged clothing and children that were half fed upon homesteads, where they were being held up and harassed, I sent in a report, which is now on file in the Interior Department, saying it was not the 160-acre man that was defrauding the Government, but that it was the timber corporations, scrip people, and railroad land-grant companies. I said then that more liberal laws should be passed.

I say that these special agents should be replaced—these young college boys—with grizzly old surveyors and pioneers, who should be employed as Government agents and stationed at the land offices of the West to meet the homesteader from Indiana, from Illinois, and from other States when they get off the train, take them out and show them where they can file upon a homestead, aid them in every way in acquiring a home, and not have this great and magnificent Government, composed of 92,000,000 of people, the richest country in the world, that owes its greatness to the pioneer spirit of its people, stand up here through its Representatives and say we are afraid our homesteaders are going to perpetrate some great fraud on the Government.

During six years of practice in Oregon I have not found a single case where a homesteader has been prosecuted on the ground that he took his entry for the benefit of somebody else. The complaint of these special agents always is that he did not cultivate enough ground to suit them, or his house was not as palatial as they thought it ought to be.

Here is the difference over in Canada. They give in this document practical instructions. Listen to this just a minute. I want to conclude with the reading of it. Here is this prospectus sent out by the Canadian Government, and our detective department of the Land Office would do well if it would spend some of its time getting up a similar document to send out telling these poor people what to do:

"The man who has less than $300: This man had better work for wages for the first year. He can either hire out to established farmers or find employment on railway construction work. During the year opportunity may open up for him to take up his free grant or make the first payment on a quarter section that he would like to purchase."

And they tell the man who has $600 what to do in this language:

"The man who has $600: Get hold of your 160-acre free homestead at once, build your shack, and proceed with your homestead duties. During the six months that you are free to absent yourself from your homestead hire out to some successful farmer and get enough to tide you over the other half of the year which you must spend in residence upon the land. When you have put in six months' residence during each of three years, and have complied with the improvement conditions required by the land act, you become the absolute owner of the homestead."

Now, if those terms were offered in the United States we would have no trouble. [Applause.]

Mr. FERRIS. Mr. Chairman, I yield 10 minutes to the gentleman from New Mexico [Mr. FERGUSSON].

Mr. FERGUSSON. Mr. Chairman and gentlemen, what I shall say on this bill will be from the standpoint of New Mexico, with whose conditions I am perfectly familiar.

We have a State which is enormous in extent, and which, as one gentleman remarked of the West generally, has had its public lands culled over for more than 50 years. What is left is practically arid lands. We are upon the great plateau of the Rocky Mountains. The land laws applicable to States for which they were originally enacted, like Iowa, and which have brought those States to such a high plane of civilization, the lands distributed into homes for the multitudes, with its wonderful production of all the products of the soil, have made those States especially fortunate—the Middle West, the wonder of the world.

We must not be understood in advocating a modification of the homestead laws as applied to the arid States of the West as making an assault upon the wisdom and success of the homestead laws as operating in the past. Those laws were made by statesmen of great ability who could foresee what the laws would do, and we have the proof before our eyes of what they were intended to do in the happy homes with which those States are dotted.

But such lands are now exhausted. The great wave of immigration after settling the Atlantic coast has with steady progress covered the whole of the great Middle West, and is now reaching out into the arid sections, into what was known, when we studied geography as schoolboys, as the Great American Desert, and they find conditions absolutely different from what they were in these States, which have been so successfully settled under the homestead laws as they were.

This great tide of immigration has overflowed the Southwest as well as the Northwest, has filled up Arkansas, Oklahoma, Kansas, and Texas. It has lately penetrated in full force eastern New Mexico, and we who have lived long in that State know that the conditions are so radically different that the original homestead laws are no longer applicable, as the people of my Territory that then was and State that now is have found out by bitter experience.

Instead of grudging to us—if any of you feel like opposing the slight changes in the homestead law proposed in this bill—instead of grudging to us these slight changes, you gentlemen of the Congress which have the destinies of this whole Government in your hands, ought to aid us, ought to inform yourselves fully of the conditions as they are and as we know them.

Do not think this movement is in the interest of speculators or solely for the benefit of the arid States. The great congestion in the cities and in the manufacturing regions of the East and the great Middle West, the longing of many of those who are having such a bitter struggle for existence to acquire homes in the far West, where alone Government lands are yet to be found; also the descendants of the first pioneers who settled up the great States of Ohio, Indiana, Illinois, and the great Middle West generally—all these citizens of the Republic have their eyes upon the West; and it is in their interest rather than in the interest of those who have already, under great difficulties, tried to settle up the arid States. It is for the overpopulated Eastern and Middle Western States and for the benefit of those who long for homes of their own, and the independence

that goes with homes, that we beg you to believe us when we tell you that the changes of the rigors of the homestead law are in the interest of the whole country and not of any one section.

Another thing, the immigration to Canada, where it is so easy, under their homestead laws, to acquire lands, has lately been profiting every year in greater and greater proportion at the expense of the arid West; and this, not because our lands are less fertile, but because the rigorous application of the old homestead law to the different conditions in the arid West have bitterly discouraged these pioneers that have penetrated our borders, and you must be warned, in your disposition to be conservative and adhere to the old forms and prevent fancied speculation in public lands, not to let such considerations as these make you divert the great tide of immigration that is longing to overflow the arid West, of which New Mexico is the center and a typical State, and divert that tide to a foreign country. Is it not a shame that citizens who desire homes under their own flag must go to British Dominions in Canada to find what our own laws deny them?

You ought also to be assured that while once in a while a man tries to take up a homestead with other intention than to make his own home on it, yet such a case is the exception. The vast majority honestly intend to make their homes on the land they take.

I do not care to go into the details of the small changes made in the homestead law, but will leave that to the more experienced members of the committee and of this Congress. The fact is that I consider any precaution that may be necessary to assure that these lands shall be taken up only for homes as not the vital question here. It is that the Members from the Eastern States and the Middle West, who are not acquainted with our conditions in the farther Western States, like New Mexico, should inform themselves and see what we assure you is known to be true from experience, that to refuse to modify the rigors of the homestead law will be absolutely to deny to these States the great good fortune that has come to the States farther east, in allowing them to be filled up with that class of citizenship, the highest in the world, where each one owns a home.

The present bill makes practically only two changes from the old homestead law—first, to reduce the time of occupation and use, before patent can issue, from five to three years, and, second, to allow in each year a liberal absence from the land. Three years is ample to show good faith, especially when it is remembered that a settler on the arid plains of the West has not only to clear his land and plow it and fence it and build his houses, as settlers had to do in other States, but, in addition, he has to brave the terrors of very little rain, comparatively, at the best, and sometimes of a drought extending for an unbroken period of a year or more. The prospect of having to endure these hazards for five years tends to deter the stoutest heart. Many who have exhaustively tried it have had to leave, because, without the extension of credit and title on which to borrow to help him in times of drought, many thousands who have actually tried have forfeited their fences and their houses and their labor expended in cultivation simply because they could not win. Three years holds out hope a little nearer and a little brighter, and, coupled with that, the prospect that if a drought strikes him he can leave the land, either to go back to the States and work for money with which to try again the next year or get work in the neighborhood, in the cities or on the railroads or irrigated sections near his entry.

I do not see how anyone can excuse himself for not supporting at least these changes. They are not nearly what we need, but they are a start and a considerable step in the right direction. These changes will not enable us to fully settle up New Mexico as rapidly as the on-coming tide of immigration would settle it up under more favorable conditions, but they will help.

Mr. BURKE of South Dakota. Mr. Chairman, will the gentleman yield?

The CHAIRMAN. Does the gentleman from New Mexico yield to the gentleman from South Dakota?

Mr. FERGUSSON. Certainly.

Mr. BURKE of South Dakota. Would not a modification of the existing law benefit many people who do not reside at the present time in the public-land States, people who are living in the States further east, who are seeking homes?

Mr. FERGUSSON. Unquestionably. I was just coming to that point.

Mr. HARRISON of Mississippi. If the gentleman will allow me, I was going to say that that is quite true of my State, of Mississippi.

Mr. BURKE of South Dakota. There are inquiries for public lands from all over the United States, and therefore this is a question which the Members generally are interested in the same as Members who come from these Western States.

Mr. FERGUSSON. Yes. I am obliged to the gentleman for the suggestion. We have an immigration bureau in New Mexico, which receives letters and inquiries coming from all over the United States—from as far east as the Atlantic coast, from the congested sections in the manufacturing districts in the East, as well as those westwardly and throughout the Mississippi Valley. You would be astonished at the number of people who are inquiring as to the possibility of getting homes in New Mexico, what the land laws are, how dry farming is succeeding, and so on.

Now, there are other points in which this law should be amended, which other changes, when the powerful Congressmen from the States farther east come to know them as we know them, will be certainly in behalf of honest homesteaders and not in the interest of speculators and the great corporations. The great cattle ranges and sheep ranges of New Mexico of former times are being cut up and in a measure distributed by the inroad of the homesteaders. It was but a few years back that eastern New Mexico, almost a third of it in area, similar in character to the great plains of Oklahoma and western Texas, was the sole and undisturbed domain of cattle and sheep.

I know one city on the eastern plains of New Mexico which six years ago had no being, yet is now a prosperous city of over 5,000 people, and the landscape in every direction dotted with farm houses of the homesteaders. Many of these, unfortunately, have been lost to the original entrymen because of drought and the rigors of the homestead laws of which we are complaining.

In this eastern section the tide of immigration, the forefront of it impelled forward by the thousands behind them, try dry farming, or scientific farming, more properly called. The principle of this system is intense cultivation: First, to make a pan or bottom below the cultivated soil that would tend to hold the moisture from sinking too deep; and, secondly, to so continuously cultivate the plowed soil as to make it like dust to prevent evaporation and hold the little moisture that does fall around the roots of the plants. This takes many times as much labor as to raise a crop where there is ample rainfall, and when the crops fail for lack of any rain at all the settler should have time allowed him from continuous residence to make a living for that year somewhere else.

I have stated that the homestead laws would vastly facilitate the settlement of the arid west and fill it with prosperous and happy citizens the more quickly if further liberalization of the homestead laws be enacted by Congress. I believe that the homesteads in New Mexico ought to be made as large as 640 acres, because what the settler could not reduce to actual cultivation for crops he could use for his private fenced pasturage. That would help him conquer the rigors of his situation and make himself a home.

I also believe that the requirement in the enlarged-homestead law of 80 acres' cultivation each year is absolutely prohibitive of acquiring a title to a settler. I believe that the acreage of cultivation should be almost nominal; certainly not more than would be necessary to show good faith. I believe, also, that the law permitting a homesteader who took 160 acres under the old law should allow him to take an additional 160 acres under the enlarged-homestead act elsewhere than contiguous to his first entry. In fact, this requirement of making his second 160 acres contiguous to his first is unequal in its operation and therefore unjust, because many a homesteader can find no public land contiguous to his first entry, and he is barred entirely as the law now stands.

My experience of almost 30 years in New Mexico makes me feel that liberalizing the homestead law in the direction proposed in this bill and in the direction of the suggestions that I have made will cause New Mexico to become, in a period of time so short as will be surprising to those who still think of that section as the "Great American Desert," one of the great States of this Union—great not only as a mining, grazing, lumber and coal producing State, but also great as an agricultural State.

Mr. FERRIS. I yield five minutes to the gentleman from Missouri [Mr. RUBEY].

Mr. RUBEY. Mr. Chairman, it is not my intention to discuss this measure at length. I would not discuss it at all, except for the fact that I am a member of the Committee on the Public Lands, and that my sympathies are with this sort of legislation.

In my State there are less than 2,000 acres of public lands. Our people are interested in this sort of legislation only because they are interested in the general upbuilding of the entire country.

This bill has been introduced, and we are seeking to pass it for the purpose of giving to the homeseeker a better opportunity

to win for himself a home, and to win it with the least possible hardship. It is a bill which, in my opinion, has a great deal of merit, and will be welcomed by the poor men living all over this land who are desirous of going out into the western country and locating homes for themselves.

When the boy comes into the world he comes into his home. As he grows to manhood the first thing he thinks about, the thing that interests him most, is that he wants at some future time to have for himself a home. After he has grown to maturity and made for himself a home, after he has reached old age and is ready to pass out of this world, the last thought which comes to his mind is expressed in the hope that he may be carried safely to his eternal home beyond the skies. [Applause.]

I say to you, my friends, we are here to-day legislating for the man who is seeking a home for himself and his family. We are told that he can go across the border line into Canada and there receive far better treatment than he receives here upon his own native soil. I sincerely hope that we may change those conditions; that we may make it so that the man who is anxious to secure for himself a home may go out from Missouri, from Illinois, or from any other State in this Union, settle upon a little piece of land, perfect his title by complying with the law, and know when he goes there that he will get that home within the short period of three years.

It is very important that the homeseeker should know exactly when his one great aim is to be consummated. He wants to know that within a short time, say, three years, he will be able to receive his patent from the Government, and that when he has had it recorded he can take it home, give it to his wife and family, and show to them his title to that little farm that they themselves may say, "Now we have a home of our own."

Mr. LAFFERTY. Is the gentleman aware that it now requires at least six months for a patent to be issued after the final proof is made?

Mr. RUBEY. I am aware of that fact, and I am aware of the further fact that under the present laws, and the conditions under which they are administered, when a man makes his entry he has no idea when he will get title to that land. [Applause.]

The CHAIRMAN. The time of the gentleman has expired.

Mr. FERRIS. I yield 10 minutes to the gentleman from Ohio [Mr. Cox].

Mr. COX of Ohio. Mr. Chairman, on last Wednesday I opposed the bill then under consideration, which had been reported to this House by the same committee which has submitted a report on the bill now under consideration. I opposed that measure because I am not in favor of any perpetual franchise grant. I opposed it, too, for the further reason that it seemed to strike at our established policy of conservation.

Conservation, homesteading, and all such questions create substantially the only sectional issue known to-day in this country. The viewpoint is determined entirely by one's local perspective. If we in the East—and I call the Middle West the East, because with respect to these questions we are doubtless dominated by the eastern idea—if we had one-third of the area of the State of Ohio set apart as Federal reserves, we might then be disposed to see the propriety of the viewpoint of the Members from the great western land States. If, on the other hand, you gentlemen of the West lived in the East or the Middle States and saw how the great natural resources of the country had been wasted, then you might appreciate at least the sincerity of our position. Now, since this difference in view does in some degree create more or less of a sectional issue or question, I believe we should approach this measure with a good deal of moderation and with a disposition at least to recognize the other fellow's viewpoint.

And while, as already stated, I opposed the bill under consideration last Wednesday, I am just as earnest now in advocacy of the passage of this bill as I was in opposition to the one of a week ago, for the reason that the bill now under consideration has a broader significance. It has to do with the vital interests of every community in the land. It touches the element of food supply. It comes to individuals in practically every community, because, after all, the great western country attracts many of our people from the Middle West. Their aspirations are centered in the homestead projects.

Let us see what this general situation is in so far, at least, as it presents itself to a Member of Congress east of the Mississippi. We have many requests for information about public lands coming from different classes of people. We find a man, perchance, who has been working for a long time in the shop. He has been able to make a bare living. He sees the absolute hopelessness of any ambition in the matter of acquiring for himself a future competency. Perhaps his children have gone through school, and, their education being complete, he sees in the West an opportunity to gain a home for himself and his wife. Then we have, perhaps, a widow with several children. She desires to have them brought up free from the temptations of the larger cities, and she is attracted to go out West and bring her own up closer to the soil.

We have applications from men suffering from ill health, who desire the best panacea and the cheapest remedy—that afforded by nature. Such a man, perchance, is attracted to the West. Then we have a newly wedded pair, whose hopes and plans carry them out into that great western country. It is essentially the outdoor period, and this tendency is a hopeful sign of the future.

This, I think, practically comprehends the whole situation, and I see nothing in this phase of our present-day life to suggest any conspiracy against the Government. I see nothing which justifies a belief on the part of any person that many of these homesteaders are not inspired by the home-creating instinct. It should inspire the reverse of governmental distrust. The law which this bill seeks to revise or amend is 50 or more years old. We have it from eminent authorities, from ex-President Roosevelt's commission, from the Secretary of the Interior, from Mr. Pinchot himself—and I yield to no man in this House in the estimate which I place upon his unmeasured services for good—in fact, every person competent to know concedes the propriety of the old homestead laws being revised.

It has been shown here many times to-day, and with more force and accuracy than I can state it, that 130,000 Americans, approximately, have gone across the line into Canada within a year.

Now, let us analyze that just one moment. None of us will concede that they look with favor, in the first instance, upon surrendering their citizenship here and becoming subjects of the King of England. We know that is not the impulse which inspires these people to go there. We know that the advantages of climate are not the ruling consideration, but we find, as a matter of truth, that they are going there because the governmental concessions are greater, the laws more liberal.

The man who takes up a homestead in the western country goes there to acquire the very thing which he has not got, and that is material means and resources. He goes on this arid or semiarid land, builds, perhaps, in the first instance a shack. He buys a cow and a pig or two, and time goes on when he must add to the physical equipment of his farm. His energies and the best endeavors of his mind and of his hands have been placed in this little domain which ought to be his own, but the Government retains a string to it.

The time comes when he seeks to borrow money on the substance that he has added to that homestead. Then he is confronted with a singular circumstance. He finds that the assets he has worked out by his own efforts are not accepted as sufficient collateral at the bank. The bank says, "The Government does not trust you, the Government does not see fit to give you this land, why should the bank trust you?"

Now, Mr. Chairman, I want to close with this one thought: When Bismarck came into control of the destinies of the great German Empire he found that the thing militating most against the best interests of that country was the flood of migration from Germany. He sought to stem it, and he did so. How did he do it? He humanized the laws. We say now that we should equalize the land laws. I say to my colleagues that we should humanize the homestead laws. We are making this mistake in our legislation; we are dealing with things in the abstract; we are absorbed with matters impersonal; whereas we should bring our legislation down closer to the human unit, down closer to the activities of individuals and communities. We have, perchance, at times flown in legislative airships very far above the man working out his salvation in the soil. I earnestly hope that this bill will pass. I think it should be amended, however, and all utilities, or substantially all the utilities, except the agriculture, reserved by the Government. [Applause.]

Mr. FRENCH. Mr. Chairman, one of the most remarkable phenomena in connection with the population of the United States during recent years has been the exodus of a considerable number of our people to the Dominion of Canada.

These people have migrated from all sections of the country, but more especially from the north Central States. This matter has been referred to over and over again by Members of Congress.

It has been the subject of attention of our magazines and newspapers. It has attracted the attention of the committees having to do with legislation in which Congress is interested. Last year more than 130,000 of our people went to Canada and the year before an almost equally large number.

I have not the slightest doubt—in fact, I am absolutely satisfied—that the difference between the land laws here and the land laws there constitutes the cause for this migration, and that vast numbers of our people go to the Dominion of Canada because they believe that they will better their conditions by the acquisition of agricultural lands.

I realize the great pride that the citizens of the United States take in their citizenship. I realize that no one goes to Canada or to any other country who does not do so with a feeling that a sacrifice has been made by him in the surrendering of all that our country means and that for which the Stars and Stripes stands.

Admitting that the best lands within the United States have been taken and are now occupied as the homes of many people, we are asking the thousands of people who are anxious to obtain homes under the various land laws to accept harder conditions and more severe restrictions than is asked by the Dominion Government.

How strong must be the influences that draw people from the United States to Canada from the standpoint of the building up of a home when they are required to lay aside American citizenship, and how strongly does this suggest that inequalities of opportunities under the public-land laws must be greatly in favor of settlers in the Dominion of Canada than in the United States, else this would not occur.

WISDOM OF HOMESTEAD LAW.

Prior to some 10 or 12 years ago it was the policy of our Government to encourage the acquisition of public lands by private individuals under the various land laws. It was regarded that the United States could well afford to part with its public lands with the minimum of cost to the settlers, providing they would be used as the basis for home making, and that as a recompense our country would receive the benefits of a wider citizenship made up of prosperous people with taxable property.

How great the wisdom of those who enacted the homestead law 50 years ago and the officers of our Government who administered it may be evidenced by the prosperous stretch of country extending from the Mississippi Valley to the Pacific Ocean; by the lines of railroad that have been constructed; by the cities that have been built and by the millions of homes that have been established in that land that was looked upon as the Great American Desert when our fathers attended school and studied that part of the geography that told of the great West.

OVERZEAL IN CONSTRUCTION OF LAW.

Some 10 or 12 years ago this policy was modified. It was modified, not by the repeal of the homestead law, but by the reading into the law of meanings and constructions that prior to that time had not been regarded as being comprised within the statutes and contrary to the decisions that had been followed for many years by the department having in charge the administration of the law.

It is probably true that during some periods of the application of the homestead law it was administered in too lax a manner. It is undoubtedly true that some abuses had arisen, largely on account of the administration of the law, and it is true that other land-law abuses crept in, to which the attention of the country was directed a few years ago. But admitting that all this is correct, it does not suggest that in the application of the land laws they stand upon any different plane whatever from the application of the laws touching our revenues, touching our immigration, touching all the various lines of activities with which States or the United States has to do.

In attempting to correct the abuses under the revenue laws we have not stopped the importation of goods from foreign countries, though we have been outraged at the disclosures that have been made in the administration of the laws in New York City. We have not abolished the policy of collecting internal revenues, though we have been ashamed of the numerous instances where the law has been flagrantly violated.

We have seen people enter our country from foreign lands who could in no way measure up to the requirement of those permitted to enter or against whose entrance there was a distinct prohibition, and yet we have not closed our doors to the entrance to the United States upon the part of the desirable people from other lands. Yet when it comes to correcting the abuses in the administration of the land laws of the United States we have not only riveted the attention of the country upon the particular wrongs that have been committed, but in the execution of the law we have swung to such an extreme that the law itself has become a burden upon those who would seek to avail themselves of its provisions.

HARDSHIP UPON HOME BUILDER.

Year after year 20 per cent and more of the persons entering lands within the United States have failed to complete their proofs because the requirements of the law were too hard and they could not meet them. Thousands of others have been compelled to spend of their means, money that they should have used in developing and improving their lands, in trying to establish before the land offices that they had done the best they could under the circumstances and that the charges that were made against them were not founded upon fact.

Last year the report of the Commissioner of the General Land Office shows that not less than 16,000 cases that were investigated by the department were finally passed to patent because the charges that were inquired into could not be sustained.

I do not propose to go at length into the question of administration of these laws, which undoubtedly has been in large part in response to the public sentiment of the East, but I do suggest that the unequal competition between the United States and Canada on account of the administration of the land laws is the largest factor that is responsible for the hundreds of thousands of people migrating from the United States into the great country to the north of us.

More than that, the Dominion of Canada is offering every encouragement to build up its population by drawing from us the high-class citizenship that should remain a part of us.

Instead of there being a call to-day for more rigid provisions being added to our land laws and more rigid interpretation of the laws as they now exist, every reason that is worthy of consideration suggests greater consideration in their application and more reasonable discrimination in their administration, to the end that they may better satisfy the conditions of to-day.

THE WEST STANDS FOR LAW ENFORCEMENT.

The West is as intense against illegality under the land laws as is the East. It would be unfair to say that the citizenship of New York stands for violation of the customs laws, that were recently disclosed in the sugar scandal, and it is just as unfair to assume that the West stands for criminal practices in the administration of the land laws, just because the lands of the East have passed into private ownership and the land laws have application to the Western States.

Those of us who are urging the modification of the homestead law in order that more reasonable terms may be given to the homesteader are as earnest in the protection of our lands against their acquisition by fraud as can be any of our brethren in the East.

I am not here to defend the wrongdoer, whether he be dealing in public lands or in any other business, and I will go as far as any Member of this House looking to the protection of our public domain against those who would perpetrate frauds upon our Government, but I do plead for the honest settler who in good faith, amid stern and severe surroundings, is trying to establish a home for himself and family.

CONDITIONS, OLD AND NEW.

Our best lands are gone. They are in the hands of private individuals, and whatever lands remain are part of the public lands, because they are not so good, by reason of soil, the rugged character of the land, or the necessity for expensive means of subduing them and making them available for agriculture.

It can not be urged that because the settlers upon lands 20 years ago found it to their interest to reside upon the lands constantly or most of the time that this provision shall be arbitrarily enforced upon them to-day. Conditions now are vastly different. Let me illustrate. The very reason that makes it necessary to-day for our Government to provide some system by which reclamation can be carried on in a comprehensive manner as under the general reclamation law and the Carey Act, that was passed by Congress even before the reclamation act was passed, suggests the difference in conditions. The necessity for these laws arises from the fact that the smaller irrigation projects have been completed.

No longer can one settler take up a homestead or a desert-land claim or a timber culture upon the banks of a stream and by his own means or by joining with a half dozen neighbors construct an irrigation system and reclaim the land.

Lands thus favorably located are no longer generally available, and even in places where apparently desirable lands exist water can not be applied excepting by the construction of reservoirs and ditches and reclamation works, at a cost, may be, of hundreds of thousands or millions of dollars.

A single dam may cost a million or two million dollars, a reservoir may cost another sum equally as great, and the canals and laterals to complete the system not less in amount.

The canals and laterals of a single system in my State which has been completed under the provisions of the Carey Act, if added end to end would form a waterway stretching from New York City to Chicago.

Let me make another illustration. In the northern part of the State that I have the honor to represent a condition exists

that is similar to the condition that exists in many areas in the West. Much of the land that was taken as homesteads prior to 10 or 15 years ago was land such as is now included within reserves and was covered with timber of various degrees of value.

At that time this timber had little market value. The highest and chief use of the lands did not exist on account of the timber, but on account of the possibility of the lands for agricultural purposes.

At that time the settlers on such lands found it far more satisfactory to live upon their homesteads than now, because of the administration of the laws and the conditions that existed at that time.

In the winter the settler had no hesitancy in cutting timber from his land to be made into lumber or to be worked up into wood, and by that means obtaining a small amount of money, which, in the language of the West, constituted his "wherewithall" for the bread and the clothing for himself and his family.

If he did not make this use of his timber, he made a less worthy use of it by drawing the felled trees up to each other and burning them so as to clear the land. To-day whatever growth may be upon the land can be of no particular assistance to the homesteader for two reasons:

In the first place, there is scarcely any land available for entry that contains timber; and if there were, it would be held to be not in harmony with the homestead law if the settler used the timber other than for his personal use.

Twenty years ago the homesteader and his family desired to live upon the land all the time, and there was constantly a small source of revenue from the land itself, even during the process of clearing it.

Again, vast areas were splendid rolling prairie lands covered with grass that furnished nourishment for cattle and horses during the summer and which even was put up as hay for the wintertime.

The process of cultivating the land could take its time and the vast area of range was available for public use, while the home and the inclosure of the homestead could be used for the nucleus of food supply for the stock of the homesteader and the place where his domestic animals could be fed during the winter season.

In fact, whether upon land that was covered with timber, but available for agriculture or upon land that was prairie in character, it was not a difficult thing for the homesteader to live upon the land almost 12 months in every year, and this he desired to do.

Or if the entryman desired to go away from the land for a few days or a few months to work in the harvest field in the summer time or in the lumbering camp in the wintertime, nothing was thought of this absence, but so long as his main purpose consisted in applying that which he was making for the building up of his home, he was regarded as complying with the law in the spirit in which it was written.

The result of this policy was well-cleared and highly improved farms, and in all the West the most of the land area is owned, not by large landholders, but by the small home builder whose residence is on his land and whose worldly possessions are there.

After all, this constitutes a tolerably good test of a land-law system. No matter what may be said of our timber laws or of our coal laws, no one can successfully contend against the general wisdom of our agricultural land laws and the tremendous good that their administration has brought about. More than this, no one can seriously urge that the homestead law has even been the innocent vehicle in the perpetration of any considerable land fraud.

To-day the homesteader is hampered by not being permitted to dispose of any timber that may perchance be upon his land other than in such a manner as will enable him to build his home, his fences, and make other immediate improvements, as well as provide fuel for the household use. He may cut down standing trees and burn them in clearing his land, but he may not sell the logs or work the tops up into wood to haul to market.

To-day if he absents himself from his homestead, though his purpose may be to earn a little money for the development of his land and for the maintenance of his family, he is not sure that he will not be involved in a land contest charged with having entered the land in bad faith.

His absence is construed against him, and is made the basis of the contest, and it is alleged that this absence is proof complete that he has entered the land for the purpose, not of making it a home, but as the basis for speculation.

I have in mind at this time a case in the hearing of which the Government brought out the total days of absence that the entryman was required to be away from the land when compelled to go to town, about 24 miles away, over bad roads, in order to bring out his provisions, and when he made the trip in three days. I mention this to suggest the extreme position to which we have drifted in the application of our public-land laws.

The fact of the business is, under the old system of reasonable administration, there was, as a matter of fact, greater incentive for the settler to be personally present upon his land, and I am satisfied that in spite of the stricter administration of the law to-day, there was a greater average personal presence at that time than now, because under the present system you make it impossible for him to be personally present all of the time, and then you cancel his entry in denying him patent after he shall have made his homestead proof, because a human being in order to live requires food, and in a civilized country requires clothes.

THE MAN BEHIND THE PLOW.

Mr. Chairman, to cover all phases of this important question would require a good deal longer time than I have at my disposal. I want to call attention especially to the necessity of this bill from the standpoint of the man who will be benefited by it, as he lives on the land. I think I am fairly well prepared to speak from that standpoint, because I know what it is to follow the life of a pioneer, as nearly all my life was spent in the West in pioneer days. I know what it is to fight the forest fires with my neighbors to protect our property and homes. I know what it is to clear lands of logs and stumps and brush. I know what it is to "grub" out the roots of the underbrush, and I have worked at it day after day and followed this up by trying to hold the plow in cut-over land when it was full of stumps. I know what it is to be one of a number of citizens to gather at a new home and help a member of the community to build his house, and we called it a "raising bee." I say that it is from the standpoint of a homesteader and home builder that I especially want to call attention to the benefits of this bill.

RAINFALL-BELT HOMESTEADS.

What are the conditions to-day? The lands may be divided into two classes—those in the rainfall belt and those in the arid belt. The Government has withdrawn nearly all land that is available for forestry purposes in great areas called forest reserves, and there is scarcely an acre to-day available for entry that contains even a small amount of timber that has not been withdrawn and placed within a forest reserve. In fact, hundreds of thousands of acres whose chief use is agricultural have been withdrawn and will be from time to time restored to entry because it is more valuable on account of its agricultural character.

I mention this to call attention to the fact that where hitherto a homesteader was able to make a few dollars every year by utilizing wood or timber upon his homestead, to-day he is denied that privilege. Again, for a man who might acquire a homestead there is little pasture land for the use of his stock in the summer time, permitting the homestead to furnish the food supply for the stock in the winter season. That condition has been eliminated, and in the rainfall belt it is almost impossible to find a tract of 160 acres that has even 40 or 50 acres of good, tillable land upon it. The rest of it is waste. The homesteader simply takes it at this time because it is the best that is available, the best of the public domain having been selected years ago.

DRY FARM HOMESTEADS—PRIME CONSERVATION.

There is another class of land in the arid belt that is farmed without irrigation, known as the dry-farming land, and the homestead law would apply to that. This land is farmed by making the moisture of two years serve the purpose of raising one crop. Just a word with regard to how that is done, because that is prime conservation. A farmer will do what we call summer fallowing one year. After working the ground over two or three times by plowing, with a harrow, and dragging it, along in August or early September he will sow his grain, and as the fall rains come the grain gets a very good start before the winter months put a stop to plant growth. The snows prevent the grain from freezing out, and when the spring opens the grain, with that much advantage that it has over spring-sown grain, is able to grow to fair maturity before the drought of the succeeding months inevitably sets in. The result is a fair crop, even under present conditions, without irrigation in the semi-arid belt. But you must recognize this fact, that the homesteader needs twice as much land there as he would otherwise need, because the land can serve him by producing only one crop every two years.

MAKING THE DESERT BLOOM.

The homestead law, then, will apply to two other classes of lands, both of which are in the arid belt. The first where reclamation may be made by means of private or small projects. The lower lands and benches along rivers and streams in arid regions upon which waters could be turned by the construction

of simple ditches and dams were entered for the most part 20 and 30 years ago.

The next class of lands to be reclaimed by private enterprise were those that were situated on a bench or valley under a natural reservoir site. They could be developed and worked into the basis of an irrigation system by the work of a comparatively few settlers. These lands, too, have been acquired.

In my State—and what is true there is true in many States in the West—there exists to-day a certain class of land in the arid belt where individual enterprise will develop a small irrigation system that will fairly suffice for the watering of the land. A farmer, a homestead entryman, will take up a piece of desert land. It lies so high that he will be absolutely out of reach of water that could be diverted upon it by the highest ditch, and he will construct a few reservoirs on his land, from 50 to 100 feet in area and from 8 to 15 feet deep, arranging his reservoirs so that they will collect the surplus water for as large a drainage slope as is possible, and building something like four to six or eight reservoirs of that character upon his homestead. By means of his reservoirs and the use of a gasoline pump and the digging of ditches he will be able to utilize water in the dry season for the production of his crops.

I know of many farms of 160 acres that contain a number of reservoirs such as this on each and that are irrigated during the dry seasons by means of the water conserved during the winter months.

Very little land, however, remains that can be reclaimed in this manner, and whether much or little remains that can be reclaimed by private enterprise the cost of reclamation is so great that any homesteader will have expended, in all probability, not less than $5 per acre and probably more nearly $20 per acre in the construction of his simple irrigation system.

In addition to this, the homesteader needs to comply with the provisions of the homestead law with respect to residence and cultivation. He must build a home for himself, and he will need to build barns and sheds, fences, and other improvements incident to the establishment of a residence.

Wherever lands may be reclaimed in this manner, as a usual thing there is no standing timber and the fuel expense and the expense for all building purposes are large items. The land, as a rule, is covered with a small growth, largely sagebrush mixed with juniper shrub, cactus, and greasewood, and this brush must be cleared away before crops can be raised.

All in all, the lot of the homesteader is a hard one, and I want to say right now that the class of people in my State that arouses my deepest sympathy and pity as I travel among them is the class of people who, in the face of the adverse circumstances that I have tried to indicate, are struggling to lay the foundation of a home.

As a rule the lands that can be taken, under the circumstances that I have mentioned, are miles removed from a railroad and markets, and consequently, even when patent may be issued, it will be some years before the lands will have any great commercial value.

HOMESTEADS ON NATIONAL RECLAMATION PROJECTS.

We now come to the other class of homesteaders under the great national reclamation law. The reason why that law was passed 10 years ago was because private enterprise had practically exhausted its means in the reclamation of lands. The smaller projects had been taken over and had been utilized. That made a condition where the reclamation of the land in any large degree would need to be reckoned in millions and not in hundreds or even in thousands of dollars, and the result was the passage of the reclamation law by the instrumentality of which millions of acres are to-day being made available for homes throughout the western portion of our country, and under a law which contemplates that the homestead entryman shall bear the expense. It is true that the first funds made available were funds received from the operation of the land laws in the public-land States, but that is merely in the nature of a loan, and the money expended will need to be paid back to the Government, and is being paid back by the homestead entryman who makes his home upon the lands. Now, what it is costing? In my State, and what is true there is true in all the West, the simpler irrigation problems have already been undertaken by the Government and those projects are being carried through at an average expense of something like $25 to $60 per acre, that amount being apportioned over a period of 10 years, and the homestead entryman instead of being required alone to comply with all the provisions of the homestead law must, in addition, if he takes only 80 acres of land, pay from $2,000 to $5,000 to the Government for his water rights and his share in the irrigation system. He will have several years to work that out, it is true, but a poor man who goes upon that land goes there with a very serious and difficult task set for him to accomplish, and if he can make good at it he would make good in any country wherever he might be.

Although he gets the land for comparatively nothing, he is required to comply with the provisions of the homestead law touching residence and cultivation and meet the expenses incident thereto, and then he is required to pay such a sum for the irrigation system as in many sections of the country would equal the value of the land.

In other words, in any of the regions where lands may be acquired under the provisions of the homestead law there is the minimum of opportunity for a person who is seeking to obtain something for nothing, and only the opportunity for the person who is willing to give much of his time, much of his labor, and much of the means he has accumulated or that he may earn for the laying a foundation of a home.

THE WEST'S GREAT NEED.

Now, what are we asking in this bill? Mainly the shortening of the time of residence required under the law from five years to three and the granting of a leave of absence of five months out of every year. I want to say that amid the conditions that I have outlined, any settler who is willing to go upon a homestead, live upon it for three years, do the work incident to subduing his land and making it available for a home, has earned the title thereto beyond the peradventure of a doubt. More than that, the provision that grants a five months' leave of absence makes for good and not bad. That is a provision that will make for the acquisition of the land, not by the speculator, but by the actual home builder.

There is some interest in the question of difference between the bill that came over from the Senate and the bill as reported by the Committee on the Public Lands touching the matter of absences.

The Senate bill provided that the entryman might be absent six months out of every year. The Secretary has indicated that, with this language, it would be necessary to strictly construe the law with respect to residence the other six months in the year.

The House bill provides, in lieu of six months' absence, that the entryman shall reside upon his land at least seven months in the year; and I have no doubt that the compromise that the House committee found necessary will provide a large measure of relief to the homestead settlers who are interested.

With the five months' right to be absent that the homesteader may apply at any part of the year, I say it will cause him to live on the land. He will live there for 7 months or 8 months if possible, or 12 months if possible, and he will not be in constant terror lest the mere absence of a little while will cause him to be involved in a contest or result in a cancellation of his homestead entry.

Now, let me say a word in regard to the suggestions of the Secretary of the Interior. I have great respect for the Secretary, and I believe that he earnestly wants to do that which will mean the best for the development of the West; but he he has suggested in his letter to the committee upon this bill, or, rather, upon my bill—which is identical to the one introduced by Senator BORAH—that it would be better not to modify the five-year requirement with respect to homesteads, but grant a two-year leave of absence after the entry shall be made before residence shall be required.

WESTERN CONDITIONS NOT UNDERSTOOD.

Those who urge the provisions of the proposed bill of the Secretary of the Interior in place of the pending measure can not understand the situation that exists in the West.

The proposed bill would permit an absence of two years at the beginning of the five-year period before which patent could be issued to the entryman. It would then require continual residence for a period of three years without any leave of absence being permitted.

This proposed measure can not be satisfactory, and while it might relieve the situation in some respects it would work mischief in others.

Much has been said with respect to relinquishment, and the opportunity for abuse of the relinquishment provision of the law, by those who desire to get control of a piece of land in order to dispose of it to an actual settler.

Frankly, and as one who has lived nearly all his life in the West, I think there is little in this criticism, for unless the first entryman does something to make his entry of more value than other lands he will not be able to get much for his relinquishment from any other settler, because the other settler could find equally as good land upon which he could make settlement without paying a dollar for the relinquishment.

If there is anything, however, in the question of abuse of the relinquishment feature of the law, the privilege of being absent

for the first two years after entry would certainly lend itself splendidly to such abuse.

There are times when a settler may find it necessary to relinquish—sickness, accident, a change of conditions, one of a thousand circumstances might make it necessary for any homesteader to relinquish, and he ought to have that right. On the other hand, no one should have the right to make relinquishment a business.

What could be better from the standpoint of a "sooner" than to let him enter upon land and have two years within which to dicker for the sale of his relinquishment? But, again, as I say, I do not think that there is much in this question under the provision that the Secretary suggests or under the law as it is at this time or the pending measure.

The proposed bill, however, granting two years' leave of absence to the homesteader can not serve the purpose that the Secretary desires unless the entryman shall be exceptionally fortunate, or unless he shall be a man of such means as would not warrant him to take the homestead in the first place, or if he did take it, would not need to be absent for two years or any time in order to raise a little money with which to develop his homestead and sustain his family during the next three years.

The homestead law is for the poor man, or rather it should be, and I submit that the average man without means can not in a period of two years of absence from his homestead, under ordinary circumstances, make a stake sufficient to carry him over the next three years within which he will be required to reside upon the land.

The proposed bill that I advocate would require the presence upon the land sufficient to show good faith, improvements that would make the homestead valuable from year to year, and yet would permit sufficient absence to enable the entryman to find work in the busy season in order that he might make a little money to be used in improving his land and for purchasing supplies for his family.

Hence, I say that the provision which has been suggested by the Secretary in lieu of that which is contemplated in this bill can not be compared with it, and will not result in great benefit to the people of this country.

Mr. BURKE of South Dakota. Will the gentleman permit a suggestion?

Mr. FRENCH. I will be glad to do so.

Mr. BURKE of South Dakota. Would it not also make it possible for a second entryman to relinquish the land?

Mr. FRENCH. It would be perpetual.

Mr. BURKE of South Dakota. It would be perpetual, and result in speculation in the public domain, which is not permitted now.

Mr. FRENCH. Absolutely not possible under the present law nor under that contemplated in the bill which is pending at this time.

Mr. LAFFERTY. I would like to know what the gentleman thinks of the impracticability of the suggestion that the bill be amended to prevent the homestead entries being made on lands that have timber upon them?

Mr. FRENCH. Well, I do not think that would cut any particular figure any more, because practically all the lands upon which there is a growth of timber have been included within the forest reserves; and, more than that, hundreds of thousands of acres of land upon which there is no timber have been included and will gradually be eliminated from the reserves and will be available for homestead entries.

Mr. LAFFERTY. I would ask if the gentleman is not opposed to any such amendment as that?

Mr. FRENCH. I would be opposed to it. At the same time we are shaping here a law that may not meet the wishes of all the Members of this body, and we will have to give and take, possibly, to get the legislation through. But I think there is so little timber on any land to which the homestead laws can apply that that matter is not worthy of consideration, and that that limitation is not worthy to be included within the measure we are considering to-day.

Mr. LAFFERTY. In this connection, if the gentleman will allow me, I desire to state that that is probably true of Idaho; but in Oregon, west of the Cascades, there are a great many lands that have some timber on them that are not really forest-reserve lands and ought to be reserved for homestead entry.

Mr. FRENCH. I think if the highest use of the land is for homestead entry that the homestead law should apply to that particular land.

Now, just one more word and I shall have done.

By passing this measure we will be doing much toward making the homestead laws of this country in large degree parallel with the homestead laws of the Dominion of Canada. Right in that connection I would state that we repealed a dozen years ago the preemption law of the United States. That law still obtains in Canada in nearly every Province, and the homestead entryman instead of being required to live on a homestead for five years in most of the Provinces proves up at the end of three years and is privileged to be absent six months out of every year. In addition, in most of the Provinces he has the privilege also of purchasing outright, by making certain improvements on the land, not to exceed 15 acres of cultivation every year, an additional 160 acres at the price of $3 an acre, making, as I said, a condition that is unequaled when it is compared with the conditions we are offering to the homesteaders within our own country.

WHO WILL BE BENEFITED?

Who will be benefited by this legislation? Let me tell you that for the most part the people who will be benefited by it are the people from your State, Representative from Iowa; from your State, Representative from Wisconsin; from your State, Representative from Tennessee; from your State, from whatever State it may be, in the East, South, or Middle West, from which immigration is going to the Northwestern States. These people desire homes, and it is not fair that when they go West they shall be asked to compete on unequal terms with their neighbors in the Dominion of Canada. It is true that these people will be benefited under this law after they shall have gone to the West, but it is true that most persons who will receive benefit of this legislation are from the constituencies of Members of this body east of the Missouri River.

Congress acted wisely when it passed the homestead law, and it will act with great wisdom to-day if it will make that law fit present conditions. This law is in the interest of the home builder. Look to the States of the Middle West and think of what they are to-day. Look to Iowa, to Illinois, to Minnesota, to Kansas, to Nebraska. There you will find cities that astonish the world in the rapidity of their growth. There you will find fields that supply not only the wants of the people at home, but whose grains are sent to the remotest parts of the earth to feed the nations. There, I say, you will find millions of homes around whose firesides are taught the principles of liberty and truth and patriotism and the Christianity upon which our country rests. And yet who will say that these States are not largely what they are because of the policy of the Government in giving to the home builder a free home?

Go, then, to the States that make our mountain country and lie upon the Pacific coast. Great States they are, whose mountains are depositories of wealth, whose hills and prairie lands are vast granaries, whose rivers and harbors are doors to a world's trade. A short half-century ago you saw a prospector here, a hamlet there, a trapper yonder. To-day cities and towns, schools and churches, farms and gardens, enterprise and thrift and industry, these are the striking features of the West that you see on every hand, and they are the splendid fruit of the land laws that our country has faithfully approved since the day the homestead law gave hope and promise to the heart of the poor man.

Mr. FERRIS. Mr. Chairman, I yield five minutes to the gentleman from Kansas [Mr. NEELEY].

Mr. NEELEY. Mr. Chairman, this bill is of particular interest to the people of my district, a district that extends about 200 miles east and west and having an elevation of from 1,500 to 4,000 feet. It is composed in the main of tableland, almost level, sloping slightly to the southeast. Twenty-five or thirty years ago this country was almost entirely homesteaded. We had Hugoton, Richfield, Santa Fe, Johnson City, Ulysses, and Woodsdale—some now a memory—all flourishing cities of from 1,500 to 2,500 population. They built their schools, their churches, their courthouses, and other public buildings, and the grasshoppers came, the drought came, and in two years this country and this district and the towns, as promising as any in any other section of the United States, became almost entirely depopulated, and thus remained for 15 or 20 years practically uninhabited and useless except for the people who had cattle and were able to stay, and who fought the fight and finally won.

Within the last three or four years the settlers have begun to go back into that section to build up the towns, until now almost every quarter section has been filed upon and has a family living there, trying to make a home. On account of the high cost of living and the competition in the cities of the East a class of people in moderate circumstances have settled upon those lands and have staked everything they have in the world upon their ability to make a home there. Everything that they have is represented by that piece of Government land, with the little home and the few head of stock they have been able to accumulate.

Since I have been here I have received perhaps as many as a hundred letters from different people residing on those lands

asking for some kind of relief from the conditions that exist out there. The last three crops years have been almost total failures for the man on new land there. During the first summer they left their homes and went away to work in the harvest fields for those in the eastern part of the State, and they went back the second summer and again the third summer, and now the limit of endurance has been reached. Letter after letter has been received from them asking if there is not some plan by which they can be supplied with free seeds with which to seed their lands this year, as they are helpless and can not get seed for themselves.

As I understand it, unless they secure a release from the obligation to reside on their premises, they are liable to lose their homesteads by contest if they go away to work to support themselves and families, and if this bill is passed and enacted into law those people will be aided in that way. Most of them have lived there practically the entire three years, so that they can prove up on their land and secure the home which they have earned so fairly, and can then go away from there temporarily, with a chance to make a livelihood.

The proposition now has been reduced to this, gentlemen, that they can not leave, because they have nowhere else to go, and they can not stay, because they can not starve. [Applause.] I think in fairness they are entitled to some kind of consideration. This bill will afford a measure of relief to them. It might be proper for me to say here that ever since about the 14th day of last December nearly every foot of the 32 counties in my district has been covered with snow. That country now has from 2 to 4 feet of snow over the entire western section. The finances of those people are depleted, and in view of the fact that no harm can possibly be done them by the passage of this act it is certainly a matter of exact and strict justice to them that it should become a law. [Applause.]

[Mr. RAKER addressed the committee. See Appendix.]

Mr. FERRIS. I yield three minutes to the gentleman from Arizona [Mr. HAYDEN]. [Applause.]

Mr. HAYDEN. Mr. Chairman, I want briefly to give my testimony to the effect that nowhere in the United States is this legislation more needed than in Arizona.

As most of you are well aware, the larger part of the area of my State is desert land, where there can be no cultivation without irrigation. It is true that there are comparatively large sections where certain classes of crops can be grown by a system of dry farming, but any land in Arizona will produce in greater abundance if the flow of some stream or the water from some well can be applied to the land.

When the homestead law was first adopted it was applied to the lands of the Middle West, where there was ample rainfall to produce crops. After the first year, when the prairie was once broken, the homesteader had an income from his land, and the amount of that income was generally sufficient to keep him and his family supplied with at least the necessities of life without any outside resources.

But when the homeseeker reaches Arizona he finds the conditions entirely different. The rule there is that the settler goes upon the land in anticipation of the building of some irrigation enterprise either by the Government or by private capital.

He takes up the land in the hope and oftentimes with an assurance that he will receive water for irrigation in the near future. But the best-laid plans of Government engineers or of the managers of private enterprises are always subject to unforeseen delays. The universal rule has been that the water has not been put upon the land as soon as anticipated. The result is that the poor homesteader, chained to his land by the requirements of the law, must either receive outside assistance in the shape of his own previously accumulated capital or by loans to the limit of his personal credit, or else he must abandon his hope for a home and go elsewhere to make a livelihood, for the land upon which he resides absolutely will not contribute anything to his support without water.

This bill, which reduces the time in which he may obtain a patent from five to three years, will not only lessen the period of his struggle, but the further provision which permits him to be absent from his homestead for five months in each year will be of inestimable benefit. He will then have an opportunity to go into other and more settled parts of the country and there, by his labor, accumulate the means whereby he can devote the remaining months of the year to the improvement of his land.

There are many places in Arizona where water can be developed, either by pumping or by artesian wells, in sufficient quantities to irrigate profitably considerable areas.

But pumping plants and deep wells usually cost more than the limited capital which the homesteader has in his possession. If he can obtain title to his land within a shorter period, he comes that much sooner to the time when he has an asset in the shape of real estate upon which to borrow the money for these most necessary improvements.

We have been told that, by reason of the liberal homestead laws of the Dominion, last year 125,000 American citizens left the United States to settle in Canada, taking with them millions of dollars of wealth. Arizona would welcome such an addition to her population. We are developing our resources so that we will be able to accommodate many times that number of people. We are storing the floods of the rivers; we are boring deep into the earth, and there finding the precious fluid that brings life to a thirsty soil. There are no fairer fields to be found under any flag than can be found in Arizona.

This change in the homestead law is one of the best means of diverting the great stream of emigration which is now leaving the United States and directing its course into the States of the arid West, such as the one which I have the honor to represent.

I will close by reading from an editorial which recently appeared in the Free Press, a newspaper published in Mesa, Ariz. It is as follows:

THE HOMESTEADER'S DILEMMA.

It has been supposed for a long time that the real intent of the original homestead law was primarily to provide a means of furnishing the individual not owning real estate an opportunity to acquire land on which to reside and to encourage him to cultivate the same and become a producer of the necessary foodstuffs. However, locally, in many instances, the apparent original intent of the homestead idea has not only been circumvented, but it has been reversed, until instead of furnishing an avenue by which the entryman needing a home might be recompensed, it has by the many restrictions made the taking up of a quarter section of land a rich man's proposition.

The man who enters a quarter section of arid land, raises a family of God-fearing children, braves the dust storms of June and the hot days of August, builds his home, clears his land of desert growth, pays his grocery bill, waits five years for water, and keeps body and soul together is not only entitled to the entire 160 acres, his original entry, but to a thousand hallelujahs in heaven and the most beautifully gilded, sweetest-tuned harp in the New Jerusalem.

[Applause.]

Mr. RAKER. I ask unanimous consent to revise and extend my remarks in the RECORD.

The CHAIRMAN. The gentleman from California asks unanimous consent to extend his remarks in the RECORD. Is there objection?

There was no objection.

Mr. FERRIS. I yield one minute to the gentleman from Montana [Mr. PRAY].

[Mr. PRAY addressed the committee. See Appendix.]

Mr. FERRIS. Is the gentleman from Illinois [Mr. MANN] prepared to use some of his time now?

Mr. MANN. I yield five minutes to the gentleman from North Dakota [Mr. HANNA].

Mr. HANNA. Mr. Chairman, I am very much in favor of this proposed legislation, and at the beginning of this session of Congress introduced a bill upon this subject, and it has been before the Public Lands Committee with this bill for consideration. I have had hundreds of letters from people in my own State, which is one of the public-land States, asking that I use my utmost effort with Congress to get a bill of this character passed.

In the western part of North Dakota, the State which I in part represent, they used to allow commutation proofs after 14 months' residence, but now under the regulation of the Interior Department as to coal lands—we have lignite coal in North Dakota—they can no longer make commutation proofs. The consequence is that as we have had poor crops in western North Dakota in the past two years, by reason of dry weather, the farmer who has gone there as a settler and who wants to make his proof at the end of 14 months in order to borrow a little money to help him over the hard years, and who must have title to his land on which to get credit, is unable to do so, a fact which has driven hundreds of people out of that country. Now, if this bill becomes a law, and the settlers can make their proofs at the end of three years, then they will have some basis on which they can go to the banks or other places and get money upon their lands to help them at the time when they most need help.

Then another feature of the bill is the matter of the leave of absence. Last August Congress passed a bill to allow homesteaders to leave their claims until the 15th of the coming April, which was a great help and benefit to the settlers in all parts of the West. Under this act they will be allowed five months of each year in which they can leave their claims in order to get employment and earn some money to help them along during the time they are getting on their feet financially and getting established on their homesteads.

This is a good bill; it ought to pass, and I hope that it will. [Applause.]

I yield back the balance of my time, and ask leave to extend my remarks in the RECORD.

The CHAIRMAN. The gentleman from North Dakota asks unanimous consent to extend his remarks in the RECORD. Is there objection?

There was no objection.

Mr. MANN. Mr. Chairman, how much time have I remaining?

The CHAIRMAN. The gentleman has seven minutes.

Mr. MANN. Mr. Chairman, with the general purposes of this bill I am in accord. As to the exact terms which ought to be in the bill when it becomes a law I am not prepared to express an opinion. I hope the suggestion I made some time ago may be acted upon, so that the entire bill will go into conference, with a view to having a bill finally agreed upon which will meet with the approval of the President and the Department of the Interior.

I think no one in the country is opposed to the proposition to give to actual settlers the right to have homes and the right to cultivate the soil and own a part of what is now the public domain. But in enacting legislation of this sort it is quite important, in my judgment, to have such provisions in the law as will preserve to the persons who intend to be actual settlers upon the public domain that portion remaining and not make it too easy for speculators to acquire a portion for the purpose of selling out to some one else, thereby permitting the acquisition of large tracts of land under the control and ownership of some one person or corporation.

Originally, when the homestead law was passed, probably most of the settlers who went upon the public lands at that time did not need or expect to borrow money for the purpose of aiding them either in building homes or purchasing live stock or acquiring machinery for the cultivation of the soil. But in these days, when it has become so much the custom of our people to borrow a portion of the accumulated wealth in order to make use of it, it has seemed desirable to permit the settler to acquire title a little earlier and under easier conditions than he now can, so that he may pledge as security the ownership which he has.

I suppose that is the main object of this bill. No one desires to make it any easier, I think, for men to go from the eastern portion of the country to the West to take up property only for the purpose of speculating in it, but everyone desires to make it easy for those people to settle upon the land and acquire title to it for the purpose of cultivating it and living upon it.

Mr. LAFFERTY. Will the gentleman yield?

Mr. MANN. Yes; for a question.

Mr. LAFFERTY. I desire to ask the gentleman what he means by speculation; get down to brass tacks.

Mr. MANN. I mean that a good deal of which has been done in the gentleman's own State and elsewhere, where people have gone on the land with no intention of living upon it beyond the time necessary to either obtain commutation or a patent and then sell it to somebody else—where they have gone upon the land with no intention of becoming permanent settlers. If the gentleman does not know what speculation means in his country, I can not enlighten him.

Mr. LAFFERTY. I challenge the gentleman to show a single case in Oregon where a homesteader has been proceeded against on the ground that he took the claim for anybody else within the last six years.

Mr. MANN. I believe we had some cases in court involving that question, where the court did not agree with the gentleman from Oregon.

Mr. LAFFERTY. I would like to have the gentleman give us a citation of the case.

Mr. MANN. I have only a few minutes left, and I am not going to bandy words with the gentleman. He is familiar with the case, as I am, and I do not intend to refer to it by name. In passing these laws we should have in mind that the purpose is to permit the man who wishes to live upon the land to acquire it. I know that some gentlemen think that the public domain belongs to the people who live in the State where the domain is located. I do not entertain that opinion at all. The public domain belongs to the people of the United States, who are quite willing to give it away to people who will live upon it and make homes upon it. In order to obtain the money with which to carry on their operations it may be, and probably is, desirable to permit the title to pass from the Government to the settler quicker than is now permitted to be done under the law. I suppose there is no other object, in the main, for this except those places where there are located irrigation projects, and that is only a small portion of the public domain.

Mr. Chairman, in the report of the committee on this bill they refer to the fact that the public domain has been largely and principally disposed of, and that very little of it remains. The gentleman from Oregon a little while ago stated that no portion of the public domain remained except what John Jones or somebody else would not take up to this time. And yet last year, according to the report, there were 17,000,000 acres of the public domain taken up under the homestead laws, as against a total of 155,000,000 acres since the homestead laws went into effect.

Mr. LAFFERTY. Mr. Chairman, I challenge the accuracy of the gentleman's statement.

Mr. MANN. Then the gentleman challenges the accuracy of the committee's report.

Mr. LAFFERTY. Those were under the desert-land entries and all other entries.

[The time of Mr. MANN having expired, Mr. FERRIS yielded him two minutes more.]

Mr. MANN. Seventeen million acres were taken up last year.

Mr. LAFFERTY. Not under the homestead act.

Mr. MANN. Most of it was under the homestead act, against the total of 155,000,000 acres during the past 50 years. Does that indicate that there is any lack of desire of people to take up land under the homestead law at this time? But because people desire to take up land under the homestead law at this time, and because they are doing it in large numbers, and taking large areas of land, it seems to me proper, under conditions to lighten the load that they have been compelled to bear in the past, and make it easier for them to acquire title, and possibly to borrow money for carrying out their desires. [Applause.]

Mr. FERRIS. Mr. Chairman, I yield 10 minutes to the gentleman from Missouri, the Speaker.

Mr. CLARK of Missouri. Mr. Chairman, in the early days of the Republic the Speakers frequently took part in debate. For some reason—I do not know what—that custom has fallen into "innocuous desuetude," to use Mr. Cleveland's famous phrase. I have a notion, not fully matured, to revive it. I do not see why the Speaker has not as much right to make speeches as anybody else, if he feels like it. [Laughter and applause.]

Missourians take an abiding interest in the whole western, southwestern, and northwestern country. [Applause.] The ablest defender that the West ever had in either branch of Congress was Col. Thomas Hart Benton, of Missouri, the greatest Missouri statesman that ever lived; and Col. Roosevelt says in his Life of Benton that when a thousand Missourians loaded their wives, children, and household goods into their wagons and went across the plains they settled forever the ownership of what was called the Oregon country; that up to that time the people out there, when it was held in joint occupancy, had been temporary sojourners; but the Missourians were there to stay. In addition to that, the country has been very largely populated by Missourians. [Applause.] They are a prolific race, and they like to go forth to better their condition. Just why they leave Missouri I can not tell to save my soul, but they do leave it. [Laughter and applause.] I suppose I have received over a hundred letters from Missourians in the West in favor of this bill, and I am making these remarks to please them more than for any other reason, except for the strongest reason possible, and that is that the bill is right and ought to pass.

A strange historical fact is that during the entire 30 years that Benton served in the Senate he worked incessantly to make it easier for people to really homestead land and live upon it.

And one of the greatest inaccuracies in history is that the fatherhood of the homestead law is accredited to Galusha A. Grow, of Pennsylvania. Benton worked it out and got every feature of it that was valuable, except that he never was able to obtain for any of his bills the title of "homestead law." The day that he went out of the Senate Galusha A. Grow came into the House. Mr. Grow introduced a homestead bill by title in six Congresses hand running, and got it adopted in the sixth. Benton secured the substance; Grow secured the title, and the historians rob Benton of his share of the glory and give it all to Grow.

Benton's theory, and I am simply following it out, was that the possession of homes—and I believe it with all my heart—or the getting of homes for bona fide settlers ought to be made as easy as possible. [Applause.] The home is the unit of American civilization, and the more homes we have the better for the Republic. The peculiarities under which this bill is presented here are these: With the rich soil of the State from which my distinguished friend Mr. MANN, of Illinois, comes, or of Missouri, from which I hail, just as quickly as a farmer could get the land plowed up he could make a living upon it, and he could make a living upon a very few acres. I believe that Sec-

retary Wilson tells the exact truth when he says that if the Mississippi Valley were cultivated for all it is worth on an average 1 acre of land would support one human being. That would give us a population of 1,250,000,000 souls between the top of the Alleghenies and the crest of the Rockies. But these lands about which the proposition is made in this bill that the period of residence shall be cut from five to three years are not like the lands of Missouri and Illinois. The pick and choice of those lands have been taken up. It is extremely difficult for a man to make a living out there on the 160 acres of that dry land. I once helped the gentleman from Nebraska [Mr. KINKAID] get a bill through here to increase the size of a homestead in the western part of the State of Nebraska from 160 acres to 640 acres, and the passing of that bill added a new word to the vernacular of the people out there. The people who entered the 640-acre homesteads are called "Kinkaiders" all over the State of Nebraska. [Applause.] It is impossible, I believe, in a good many cases for a man to make a living on 160 acres of this dry land for five years, the required period under the general law, and be able to support his wife and children while he is living on it during the five years. I am in favor of cutting it down to three years, and I believe by doing so we will render not only the homesteaders but all people of the United States a very valuable service.

To me the most painful feature of the day in which we live is to see a constantly increasing stream of the very best American citizens of this country going to Manitoba and Alberta. On one day in my county, one of the richest and largest and most beautiful counties under the sun, 43 families loaded up an entire freight train, as much as one of these big engines could pull, chartered the train, every one of them in a sleeping car, and pulled out for Alberta.

There was not a man amongst them who was not fairly well to do. Another man in my district sold his farm for $26,000, and his stock and other valuable assets ran the sum up to about $40,000. He moved to Manitoba and entered or purchased 10,000 acres of that land up there. He gave to each one of his eight children 1,000 acres, keeping 2,000 acres for himself. That is the kind of American citizens who are leaving this country and going to the British Northwest. The immigration agent up there estimates that every American citizen who goes over there carries with him, on an average, $1,000. I am in favor of fixing it so that no American citizen will want to depart from the United States to secure a home in a foreign land. [Applause.]

The CHAIRMAN (Mr. FOSTER of Illinois). If there is no further general debate, the Clerk will read the bill for amendment under the five-minute rule.

The Clerk read as follows:

Be it enacted, etc., That section 2291 and section 2297 of the Revised Statutes of the United States be amended to read as follows:

"SEC. 2291. No certificate, however, shall be given or patent issued therefor until the expiration of three years from the date of such entry; and if at the expiration of such time, or at any time within two years thereafter, the person making such entry, or if he be dead his widow, or in case of her death his heirs or devisee, or in case of a widow making such entry her heirs or devisee, in case of her death, proves by two credible witnesses that he, she, or they have resided upon or cultivated the same for the term of three years immediately succeeding the time of filing the affidavit, and makes affidavit that no part of such land has been alienated, except as provided in section 2288, and that he, she, or they will bear true allegiance to the Government of the United States, then in such case he, she, or they, if at any time citizens of the United States, shall be entitled to a patent, as in other cases provided by law: *Provided*, That the absence of said entryman or of his family from the land for a period not exceeding six months in any one calendar year shall not be held or construed as interrupting the continuity of the three years' residence required by this section, but in case of commutation the fourteen months' actual residence as now required by law must be shown.

"SEC. 2297. If, at any time after the filing of the affidavit as required in section 2290 and before the expiration of the three years mentioned in section 2291, it is proved, after due notice to the settler, to the satisfaction of the register of the land office that the person having filed such affidavit has actually changed his residence after establishing the same, or abandoned the land for more than six months at any time, then and in that event the land so entered shall revert to the Government: *Provided*, That the three years' period of residence herein fixed shall date from the time of establishing actual permanent residence upon the land."

The CHAIRMAN. The Clerk will report the first committee amendment.

The Clerk read as follows:

Amend, page 2, lines 3 and 4, by adding, after the word "have," the following: "A habitable house upon the land and have."

The CHAIRMAN. The question is on agreeing to the amendment.

Mr. BURKE of South Dakota. Mr. Chairman, I would like to inquire from the gentleman in charge of the bill the purpose of this amendment and in what respect it changes existing law.

Mr. TAYLOR of Colorado. Mr. Chairman, the existing law does not specifically require any particular house, but the practice is to require one, and the Secretary of the Interior recommended that we put in a requirement of this kind. We have complied with that recommendation, and recommended this amendment requiring a habitable house on the land.

Mr. BURKE of South Dakota. Who is going to make the residence?

Mr. TAYLOR of Colorado. That is not the amendment under consideration.

Mr. BURKE of South Dakota. We might as well dispose of it now, while I am on my feet. I will ask the gentleman to explain what is intended by this change in the law, and hereafter, where an entryman dies, what the heirs will have to do in order to acquire title?

Mr. TAYLOR of Colorado. Under the homestead law, prior to a very recent ruling, when the entryman died his heirs were not required to live upon the land. They have always been required to make the necessary improvements, but not the residence. It very often occurs that the heirs are minor children or infirm people.

Mr. BURKE of South Dakota. The gentleman says that was the construction put upon the law until very recently?

Mr. TAYLOR of Colorado. Yes. Very recently they have ruled that the heirs must reside upon the land. The gentleman may possibly remember in the last Congress that the gentleman from Nebraska [Mr. KINKAID] had a case where the Government was canceling the entry because two minor children, one 8 years old and the other 10, could not reside upon the homestead upon which their father was buried, and we passed a bill giving those minor children that land. This is to make it certain that the heirs will not be required to maintain residence upon the land in order to prove up.

Mr. BURKE of South Dakota. That is what I wish to develop, because under the law it was held here for nearly 50 years that upon the death of the entryman the heirs might complete the entry by making proof.

Mr. MARTIN of Colorado. Of cultivation?

Mr. BURKE of South Dakota. Yes, certainly; but not by residence. But a construction has been put upon the law in recent years that residence was required, something that was not contemplated by the law, and which seems to me absurd. I am glad to know that the committee has attempted at least to put the proper construction upon the law in that regard.

Mr. TAYLOR of Colorado. Yes; we have done so, and the Secretary of the Interior approves of this amendment.

Mr. BURKE of South Dakota. I should think he would.

Mr. MANN. Mr. Chairman, I would like to know whether we can arrive at some sort of an understanding in reference to this bill. If the gentleman in charge of the bill, when we have finished the reading of the bill for amendment, will then move a substitute for the bill by striking out all after the enacting clause and inserting whatever has been agreed upon in the committee, with a statement that in the House he will, after the passage of the bill, ask for a conference, I think the passage of the bill may be expedited; and it will prevent the necessity of some of us, I do not know how many, offering amendments.

If the committee intended to perfect this bill at this time, I would have a number of amendments that I should desire to offer and discuss; but if it can be arranged so that the entire bill can go into conference, where the conferees would probably, using good judgment, consult with the Secretary in reference to the final draft of the bill before they agreed—I do not say they would have to agree to what he said—why we would be satisfied, I would at least, and I think a number of others, to let the matter go in that way.

Mr. FERRIS. I will just say to the gentleman in that connection that three or four gentlemen on the committee, of course I would not hope to speak of this further than that, have had that thought, have considered that the plan suggested by the gentleman from Illinois was a good plan, and it is our purpose to pursue that plan unless there be some objection coming from a source which I do not now know.

Mr. MANN. Of course the gentleman has it within his power now——

Mr. FERRIS. We intend to make the motion along the lines suggested by the gentleman. Of course, while the bill is here under consideration, and we have an hour, I take it that it is the purpose of the gentleman to perfect the bill as well as we can, so we may have the views of the committee in conference.

Mr. MANN. I think a number of gentlemen will still desire, perhaps, to offer amendments and discuss them, and I do not wish to take up the time of the committee with reference to the amendments which I have prepared if that course is to be taken.

Mr. FERRIS. Well, we think that course is a wise one.

Mr. MANN. I think it is a proper course to take from a legislative point of view.

Mr. FERRIS. I understand the suggestion, and it is agreeable to everybody over here, as far as I know, but we want to get, as far as we can, the views of the committee as a guiding star in the conference committee.

Mr. LENROOT. Is it the purpose——

The CHAIRMAN. The gentleman from Illinois has the floor.

Mr. MANN. I yield to the gentleman from Wisconsin, who desires to ask a question.

Mr. LENROOT. Is it the purpose to offer a substitute, the substitute being what may be agreed upon in committee?

Mr. FERRIS. It is the thought that we would draft the bill as nearly as may be and then offer that as a substitute for the original bill.

Mr. LENROOT. Of course it would be within the power of the Senate to adopt the substitute, even though they may ask for a conference.

Mr. FERRIS. But the suggestion of the gentleman from Illinois was that we would ask for a conference, thereby putting it in conference, and it is the understanding that we would do that.

Mr. MANN. They could still agree to the House amendments, but I take it there is no intention of doing that. I do not think there is any trouble about it at all.

Mr. CAMPBELL. Mr. Chairman, I want to make some inquiry about the committee amendment that has been read from the Clerk's desk if I can get the floor for that purpose. The proposed amendment requires that the settler shall have a "habitable house upon the land." Who is to decide what a habitable house is under the provisions of this amendment? What is regarded as a habitable house by the inspectors who now visit settlers out on the frontier and on sparsely settled portions of our country?

Mr. FERRIS. Well, the gentleman knows when the matter comes on for final proof before the register and receiver that the question of what is a habitable house, what is sufficient residence, what is compliance with the law, is always a question of fact for the officer to decide, and I take it it would be impossible for me to delineate or attempt to say what would be in the mind of each officer as to just what the holding would be, but the question as to what is a habitable house, to my mind, is one not difficult of construction. It seems to me if it were possible for a man and his family to live during the entire year, during the winter and summer months, in a house in which his family could be made comfortable, my own construction of it would be a habitable house.

Mr. CAMPBELL. I think that settles the question. If they have lived there through a season or two seasons that should settle the question that they have had a habitable house and that habitable house is upon the property intended to be settled. Such a house may not be comfortable—often it is not. I say, Mr. Chairman, if this language remains in the bill, young men who have never seen the frontier, except as inspectors, who have never slept in a 12 by 14 box house, or a dugout, or a sod house, or a log house, or one of stones without mortar, who have never helped to settle the prairie and arid lands or clear forests, would not think that a man had a home if he merely had a little box house or a little dugout, lighted in the daytime with one window and at night with a candle or coal-oil lamp without a chimney. As the gentleman from Oklahoma knows thousands of honest settlers, even in parts of western Oklahoma, live the year round in a house they have built of cottonwood boards when the boards are green. In 60 days those boards have warped so that they draw the nails and show great cracks that a cat can jump through.

Intending settlers live in that kind of a house when settling new countries. Why, they stuff those cracks with hay in the winter to keep out the cold. I am not talking about a theoretical settler now. I am talking about what has actually been done in new countries by settlers who have cultivated the uncultivated portions of this country on the frontier, and who have pushed the frontier forward from sea to sea. I am not willing that language should remain in this bill which would leave this to the discretion of the agent what a habitable house is and, if he finds the house is not habitable, deny the settler the right to prove up his claim.

The CHAIRMAN. The time of the gentleman from Kansas [Mr. CAMPBELL] has expired.

Mr. CAMPBELL. Mr. Chairman, I would like to have five minutes more.

The CHAIRMAN. Is there objection? [After a pause.] The Chair hears none.

Mr. CAMPBELL. I am not willing that language shall remain in this bill, or shall be put in the bill, that will leave it to the discretion of anybody to say what a habitable house is, if the settler has remained in it as required by law upon the premises.

Mr. MADDEN. Describe a habitable house.

Mr. CAMPBELL. You can not describe the houses some of these people in new countries live in as habitable.

Mr. TAYLOR of Colorado. I will say to the gentleman from Kansas [Mr. CAMPBELL] that, as far as the committee is concerned, we—all of us, I think—substantially agree with him. But the Secretary of the Interior has made quite a number of recommendations concerning this bill. We have had several conferences with him. We have tried to meet his views as far as it was possible without working hardships upon the frontier settlers. This is one of his suggestions that we have acceded to. There were some that were many times more objectionable than this; and we, simply out of consideration for his recommendation, agreed to this one. Now, that is all there is to it. I do not personally care whether it is in or out.

Mr. CAMPBELL. With as high a regard as I have for the Secretary of the Interior, I must say in the passage of a law affecting homesteaders I would rather see to it that the law gives absolute justice to the homesteader than that it satisfied some peculiar notion the Secretary or anybody else might have concerning the kind of a house the homesteaders live in. I have no doubt that there is not an inspector in the General Land Office or in the Department of the Interior who would stay overnight in the kind of houses that settlers live in 365 days of the year out on the frontier. And these inspectors, passing upon what a habitable house is, might say that a little box house such as I have described was not a habitable house, and thereby deprive the settler of the right to perfect his homestead.

Mr. MARTIN of Colorado. Mr. Chairman——

The CHAIRMAN. Will the gentleman from Kansas [Mr. CAMPBELL] yield to the gentleman from Colorado [Mr. MARTIN]?

Mr. CAMPBELL. I will.

Mr. MARTIN of Colorado. I just wanted to interrupt the gentleman from Kansas with the observation that I heard the present Secretary of the Interior before the Committee on the Public Lands refer to the raising of alfalfa as one of the steps in the reclamation of arid lands. Does the gentleman think that an official who would refer to the raising of alfalfa as one of the steps in the reclamation of arid lands has sufficient practical knowledge of that subject to legislate or recommend legislation upon it?

Mr. CAMPBELL. Mr. Chairman, I can not be drawn from a discussion of a habitable house to the raising of alfalfa. [Laughter.]

Mr. MARTIN of Colorado. Well, but this recommendation comes from the same source.

Mr. CAMPBELL. The leap is so long from the definition of a habitable house on the frontier to the time and conditions under which you can raise alfalfa that I refuse to take the leap.

Mr. MANN. Has the gentleman ever raised alfalfa?

Mr. CAMPBELL. I never have.

Mr. MANN. I have; and I do not think the gentleman knows as much about it as the Secretary.

Mr. CAMPBELL. I know nothing about the raising of alfalfa. I never raised an acre of it. I have lived on the frontier in a habitable house that the gentleman from Illinois [Mr. MANN] would not leave a cow in over night.

Mr. MANN. I lived on the frontier before the gentleman was born.

Mr. FERRIS. Mr. Chairman, I have listened with a great deal of pleasure to the solicitude of the gentleman from Kansas [Mr. CAMPBELL] for the homesteader. I have lived among homesteaders a great deal of my life, and, without being guilty of ego, I will say that I have proved up a claim myself in the last seven years, so I know something about it myself. It is not an onerous part of the bill, or that will be heavy for the homesteader to carry, and this is not a part that they will have trouble with in the matter of construction.

A great deal has been said as to agents who go out there, some of them competent and some of them incompetent. But I do not think any of them would be so wide of the mark that they would fail to let the good faith of the homesteader govern him as to what was a habitable house. One settler proves up a homestead in a box house 10 by 12 feet that cost less than $100. I know of plenty of them who did that.

On another homestead adjoining him a man of more means proves up a homestead with a house costing $1,000 to $1,500, but each anxious to acquire a home for himself and family. While appreciating the spirit of the gentleman from Kansas [Mr. CAMPBELL], I think he had better leave some of these things in the bill, to the end that you would get the bill stripped

of some of the things in it that a large portion of the House, the Senate, and the public believe ought to be there. This bill should not be stripped of all the safeguards by its friends, because those who are its friends will, in doing that, in truth and fact, be its enemies.

Mr. MADDEN. There is no disposition on the part of the Interior Department, is there, to quibble on what is a habitable house?

Mr. FERRIS. On the lines of the suggestion of the gentleman from Kansas, we send out agents and we appropriate lots of money every year to send out special runners to investigate these homestead entries, and sometimes some of these agents have not been thoroughly conversant with public-domain matters. I think some mistakes have been made, but I do not think we ought to sweep all safeguards aside——

Mr. MADDEN. Does the gentleman know any case where the Interior Department, through its inspectors, has refused to accept the completion of the entry on account of the condition of the house that the settler claimed was a habitable house?

Mr. FERRIS. I have no doubt that the books are quite full of cases of that kind, and in some cases perhaps rightfully so. If a man erects a house that is not at all habitable and carries on a farcical residence he should not be indulged in that. I contend that as long as a man has a home that is habitable 12 months in the year, whether it costs $100 or $1,000, the good faith of the entryman should not be questioned, and I do not believe, in the main, will be questioned.

The CHAIRMAN. The time of the gentleman from Oklahoma has expired.

Mr. MONDELL. Mr. Chairman, just one moment. This amendment does not, in my opinion, change the present law. The department does not now approve a homestead entry unless there is upon the land what they consider a habitable house. So we have written in the statute what has been the ruling of the department from the beginning of the homestead law.

Now, special agents have sometimes been a little peculiar in their views of what constituted a habitable house, but in the main the department is not subject to criticism upon that ground. They have patented many homesteads on which there were sod houses. They have patented many homesteads on which there were log houses, and they have patented many homesteads on which there were indifferent sorts of shacks, where it was apparent that that was the best the homesteader could do, and where it was apparent that it was his home. I do not think there is anything to fear in this amendment, and I think it is a very wise and proper one.

The CHAIRMAN. The question is on agreeing to the amendment.

The question was taken, and the amendment was agreed to.

The CHAIRMAN. The Clerk will report the next amendment.

The Clerk read as follows:

Amend lines 4 and 5 by striking out the word "immediately."

The CHAIRMAN. The question is on agreeing to the amendment.

The question was taken, and the amendment was agreed to.

The CHAIRMAN. The Clerk will report the next amendment.

The Clerk read as follows:

Amend, line 13, by striking out the word "absence" and inserting the word "presence."

Mr. MARTIN of Colorado. Mr. Chairman, I would like to offer an amendment to the amendment, by striking out the word "presence" and inserting the word "residence."

Mr. MONDELL. Mr. Chairman, I desire to call attention to the fact that the amendment made by the committee includes all of the changes from the word "*Provided*," in line 12, down to the word "residence," in line 17. All of the changes in those five lines are in effect one amendment. I ask unanimous consent that the entire proviso down to the word "residence" be considered as a single amendment.

The CHAIRMAN. The gentleman from Wyoming asks unanimous consent that the committee amendments from line 12 to line 17 be considered as one amendment. Is there objection? [After a pause.] The Chair hears none, and it is so ordered.

Mr. MARTIN of Colorado. Mr. Chairman, I would like to offer my amendment, then, to the amendment as reported, by unanimous consent.

Mr. NORRIS. The gentleman's amendment has been offered and is pending, and is perfectly appropriate.

The CHAIRMAN. The Clerk will report the amendment offered by the gentleman from Colorado [Mr. MARTIN].

The Clerk read as follows:

In line 13 strike out the word "presence" and insert the word "residence."

Mr. MANN. His amendment is a substitute for the committee amendment. It is to strike out "absence."

Mr. NORRIS. I do not see how that can be called a substitute which strikes out of this amendment one word, "presence," and inserts the word "residence" in its stead.

Mr. MARTIN of Colorado. Mr. Chairman, I would be very loath indeed to offer any amendment, and I certainly would not press any amendment that would jeopardize this bill by causing it to fall into such disfavor with the Interior Department that the Interior Department officials would feel called upon to exert such influences as are at their command to defeat the bill. At the same time I very much dislike, in order to get the bill through, to load it down with hard conditions and innovations to such an extent as perhaps to make it a burden upon the very class of people we are seeking to relieve. We discussed this matter briefly under general debate, and I do not think it is necessary to consume a great deal of the time of the committee upon the amendment. I think gentlemen all understand that we are injecting an absolutely new and unknown element into this law, an absolutely new and unknown legal term, if I may call the word "presence" a legal term. I do not believe that word is a legal term. I do not believe that any two gentlemen on the floor of this House could get up here now and either agree as to what "presence" on the land would mean under this law or would be able to go out in the Library of Congress and find a definition upon which they could agree. But as to the word "residence," the meaning of that term, its construction with reference to land, has been fixed. It is fixed in the repeated decisions of the courts, and it is fixed in the regulations, and so forth, of the Department of the Interior.

Mr. MANN. Mr. Chairman, will the gentleman yield?

The CHAIRMAN. Does the gentleman from Colorado yield to the gentleman from Illinois?

Mr. MARTIN of Colorado. I will.

Mr. MANN. Would it not be still better and make it still more explicit to use the language suggested by the Secretary of the Interior, that the entryman may be absent from the land for a certain period without affecting his residence? The gentleman's amendment would have residence used as a part of the definition of the word "residence." The gentleman's proposition would be as follows: "*Provided*, That the absence of said entryman or his family," and so forth.

Mr. TAYLOR of Colorado. Mr. Chairman, if my colleague from Colorado will yield, I think I can possibly satisfy the committee on this matter by offering a substitute for the committee amendment and for the pending amendment, to strike out of the bill all of the language in the printed bill, if you have it there, beginning in line 12, including the word "*Provided*," and striking out everything down to the word "section," in line 17, and inserting in lieu of that language the following:

Provided, That the entryman may be absent from the land for not more than five months in each period of one year after establishing residence.

That will give him an affirmative, definite leave of absence for five months in each year.

Mr. MARTIN of Colorado. And that eliminates the family proposition altogether.

Mr. TAYLOR of Colorado. Yes; that eliminates all these other questions about presence on the land, and so forth. I am referring to the Secretary's recommendation.

Mr. MARTIN of Colorado. The only objection to the gentleman's proposition is that in practice it would not permit the entryman to avail himself of the residence of his family upon the land.

Mr. MANN. Oh, yes; it does.

Mr. TAYLOR of Colorado. The same law would apply then that applies now.

Mr. MANN. Yes.

Mr. MARTIN of Colorado. Your proposition would require the entryman himself to live on the land during the residential period.

Mr. TAYLOR of Colorado. It cuts out the question about the man's family, and leaves the law as it is at the present time.

Mr. MANN. Where a man may be absent, if his family are there, under certain conditions.

Mr. TAYLOR of Colorado. Yes.

Mr. PICKETT. I notice that the gentleman leaves out the concluding three lines of the amendment suggested by the Secretary of the Interior.

Mr. TAYLOR of Colorado. Yes.

Mr. PICKETT. What was the reason for that?

Mr. TAYLOR of Colorado. My reason for leaving out the concluding three lines of the amendment suggested by the Secretary of the Interior is this——

Mr. PICKETT. Just read them, so they will go into the RECORD.

Mr. TAYLOR of Colorado. The amendment suggested by the Secretary of the Interior is just as I read it, except that he makes the time four months instead of five in each period of one year after establishing residence, and this is the part which I do not offer:

Such absence, however, to be under such rules and regulations as may be prescribed by the Secretary of the Interior.

The CHAIRMAN. The time of the gentleman has expired.

Mr. MARTIN of Colorado. I ask unanimous consent for one minute more.

The CHAIRMAN. The gentleman from Colorado asks unanimous consent for one minute more. Is there objection?

There was no objection.

Mr. MARTIN of Colorado. I simply desire to say that I offered my amendment for the purpose of emphasizing my objection to the use of this indefinite word "presence." If the proposition now submitted by my colleague [Mr. TAYLOR of Colorado] is satisfactory to all concerned, I shall be glad to withdraw my amendment.

The CHAIRMAN. If there be no objection, the amendment offered by the gentleman from Colorado [Mr. MARTIN] will be withdrawn.

There was no objection.

Mr. TAYLOR of Colorado. Some gentleman has well said that the rules and regulations are largely made by people here in Washington who never saw the West except from the window of a Pullman palace car, and who do not necessarily understand our conditions. They make rules and regulations that are impracticable; and when a man wants to go away from his home he can not hire a lawyer to tell him what the latest edition of the rules and regulations may be. When he knows that the law gives him five months' absence he ought to be permitted to go without any expense or any string to it or any application to anybody or anything else. When he comes to final proof, he has got to make proof as to his residence.

Mr. PICKETT. Assuming that he went away for two weeks at one time, three weeks at another time, and four weeks at another. Should it not be subject to some rule provided by the department, fixing the manner in which he could take advantage of this section of the law?

Mr. TAYLOR of Colorado. Under the understanding which we have with the minority leader [Mr. MANN], when we get this bill trimmed up as best we can it is to be sent back to the Senate as a substitute and a conference asked for. Now, I apprehend that the conferees and the Secretary of the Interior will get together and provide some method of that kind. The Secretary did not suggest this to me. He suggested that the man merely write a letter——

Mr. PICKETT. I was simply raising the question, because it occurred to me that there should be some further provision.

Mr. TAYLOR of Colorado. I think the chances are that there will be.

Mr. MONDELL. The Secretary of the Interior has full authority to make rules and regulations generally under this law. It is his duty to do so. Therefore it is very unusual to place in the body of the bill, after a specific paragraph, a general provision with regard to rules and regulations. It is his duty to make those rules and regulations now, and it seems to me there is no more reason why a provision with regard to rules and regulations should be placed at this point in the bill rather than anywhere else in the bill or after every paragraph in the bill.

Mr. BURKE of South Dakota. Will the gentleman yield?

Mr. TAYLOR of Colorado. Certainly.

Mr. BURKE of South Dakota. I notice that the language of the bill refers to the entryman or his family. The proposed substitute refers only to the entryman. Is there any question in the mind of the gentleman as to whether or not by leaving out the word "family" a construction might be put upon the language that really would not result in granting the absence that is desired? I call the attention of the gentleman to the fact that only recently, within the last 90 days, two decisions have been rendered—one in a case where the claimant had been absent a portion of the time earning his living and his family residing upon the land continuously and all the time.

The CHAIRMAN. The time of the gentleman has expired.

Mr. BURKE of South Dakota. I ask unanimous consent that the time of the gentleman from Colorado be extended five minutes.

The CHAIRMAN. Is there objection to the request of the gentleman from South Dakota?

There was no objection.

Mr. BURKE of South Dakota. Mr. Chairman, it was held in that case that it was an attempt on the part of the entryman to obtain title to the public domain by his family residing on the land. About the same time they rendered a decision where a family had resided on the land for some time and, lacking school facilities, the wife and mother of the children had gone to a town some distance from the homestead and spent a portion of the school year there in order to educate the children. In that case they rejected the proof on the ground that it was an attempt on the part of the entryman to acquire title by residing on the domain while the family was residing elsewhere. The gentleman is familiar with decisions of that kind.

Now, is the proposed substitute definite enough so that there will be no question about the matter of absence; so that they may hold, perhaps, that the entryman might be absent and the family might not be? I assume that what is desired is that there may be a period, not exceeding five months in any one year, when the entryman and his family may be absent, and it shall not interfere with the continuity of the three years' residence required under the proposed law.

Mr. MONDELL. It seems to me that there is no question but that the amendment proposed by the gentleman from Colorado makes it clear that the entryman may be away for a period not exceeding five months, and as no reference is made to the family the absence of the family with the entryman goes as a matter of course.

Mr. BURKE of South Dakota. I will say that I favor the substitute in preference to the language in the amendment which has been reported by the committee.

Mr. FRENCH. Mr. Chairman, I would like to offer an amendment to the pending amendment, that the words "and his family" be inserted after the word "entryman."

Mr. NORRIS. The substitute to which the gentleman refers has not yet been offered.

The CHAIRMAN. The Clerk will report the amendment offered by the gentleman from Colorado.

The Clerk read as follows:

Amend by striking out all after the word "law," in line 12, and to the word "section," in line 17, and insert:

"*Provided*, That the entryman may be absent from the land for not more than five months in each period of one year after establishing residence."

Mr. FRENCH. Mr. Chairman, I move as an amendment to the amendment that after the word "entryman" the words "and his family" be inserted.

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Amend the amendment by inserting after the word "entryman" the words "and his family."

Mr. MANN. I will suggest to the gentleman from Idaho that it will make it worse for the entryman if he puts that in. Under the amendment offered by the gentleman from Colorado the entryman and his family both can be absent five months. During the seven months the family might be on the land and the entryman might be away as much as he could now be away.

Mr. FRENCH. Mr. Chairman, that which is in my own mind is perfectly clear, and what I wanted to do by this amendment is to prevent an interpretation by the department that might lead to embarrassment or confusion when trying to enforce this law. Some Members from the West, however, sitting around me feel that the amendment itself might lead to embarrassment through some construction, and as this is a matter that will be thrashed out further between the House and the Senate, I will withdraw my amendment at this time.

The CHAIRMAN. Without objection, the amendment will be withdrawn.

There was no objection.

Mr. LAFFERTY. Mr. Chairman, I offer the following amendment.

The Clerk read as follows:

Amend the amendment by striking out the word "five" and inserting the word "six."

Mr. LAFFERTY. Mr. Chairman, we have heard here to-day from every member of the Public Lands Committee who has spoken, that they would have left this bill giving the entryman six months' absence each year, except for the fact that they thought it would facilitate its passage by changing it to give him only five months. Furthermore, this amendment is very apt to be further amended in conference by providing that he can only be absent subject to the rules and regulations made by the Secretary of the Interior, and that will require time. If we are going to make the homestead laws as liberal as the Canadian homestead law, why not give the entryman six months' absence every year, under such rules and regulations as may be prescribed by the Secretary?

As I said awhile ago, that will not mean that he can work six months every year somewhere else for wages, because it will take two weeks to go into his place and two weeks to get

back to work, and that would not give him over five months to actually work elsewhere. We have the Canadian law, giving homesteaders six months' absence. There is no demand from any quarter that our homesteaders be cut down to five months. Every voice that has been heard here to-day is in favor of six months. Why not leave the bill in a shape that represents the sentiment of every Member of this House? For that reason I hope my amendment will be adopted.

Mr. FERRIS. Mr. Chairman, I want to say that the Secretary of the Interior is urging that this be cut down to four months, and I hope that the committee will not go further than the amendment making it five months. I ask for a vote.

Mr. HARRISON of Mississippi. Mr. Chairman, I do not come from the western country, I come from the Southland; I was gratified and pleased in listening to the speech made by the distinguished Speaker of this House only a few moments ago, when he said that we ought to encourage our own citizens to settle in this western country and that we should make the rules and regulations relative to the homestead laws the best possible in order to keep our citizens within our own confines and to encourage them, and thereby prevent so many of them from going into British Columbia or southwestern Canada.

I believe, Mr. Chairman, that in order to carry out that idea the amendment offered by the gentleman from Oregon [Mr. LAFFERTY] should be adopted. The law has been in the past and is now that six months' actual residence upon the homestead each year entitles a man after five years to obtain a patent. By this bill this committee increased that residency to seven months for no other reason than, it is suggested by the Secretary of the Interior, to extend the time of the residence to seven months and allow the entryman to be absent only five months in the year. I heard great applause, not only on this side of the Chamber but on that side, when the distinguished Speaker of this House said that we ought to make such rules and regulations as would lighten the burden on the homesteader in proving out his entry on your western lands. I thought then that the gentlemen on this committee would try to make laws, rules, and regulations that would encourage them, but when I see this committee by an amendment here making the burden heavier than the law which is now in force and opposing the amendment offered by the gentleman from Oregon [Mr. LAFFERTY], I fear that the applause was only of a fictitious character. I believe this amendment ought to be adopted, notwithstanding the opposition that some seem to think the Secretary of the Interior has to it. I believe we are here to legislate for the people, and are answerable to the people. I think we can take care of ourselves upon this proposition without any hindrance or intimidation from the Secretary of the Interior. His duty is to execute the law—ours is to enact the law. Let us keep our functions separate and apart, and thereby the people will be better satisfied—our institutions and our Government will be more secure, and better results will be reached. [Applause.]

The CHAIRMAN. The question is on the amendment offered by the gentleman from Oregon.

The question was taken; and on a division (demanded by Mr. LAFFERTY) there were—ayes 14, noes 34.

So the amendment was rejected.

The CHAIRMAN. The question now is on the amendment offered by the gentleman from Colorado.

The question was taken, and the amendment was agreed to.

The CHAIRMAN. The Clerk will report the next amendment.

The Clerk read as follows:

Amend, by adding after the word "shown," in line 10, page 2, the following:

"*Provided*, That when the person making entry dies before the offer of final proof those succeeding to the entry must show that the entryman had complied with the law in all respects to the date of his death and that they have since complied with the law in all respects, as would have been required of the entryman had he lived, excepting that they are relieved from any requirement of residence upon the land."

The CHAIRMAN. The question is on agreeing to the committee amendment.

The question was taken, and the committee amendment was agreed to.

The CHAIRMAN. The Clerk wil report the next amendment.

The Clerk read as follows:

Page 3, lines 9 and 10, strike out the words "actually changed his residence after establishing the same," and insert in lieu thereof the words "failed to establish residence within six months after the date of entry."

The CHAIRMAN. The question is on agreeing to the committee amendment.

Mr. MILLER. Mr. Chairman, I would like to inquire from some gentleman who can answer it the exact reason for inserting those words?

Mr. MONDELL. Mr. Chairman, those words are inserted in order to make clear what has been the interpretation of the homestead law—that an entryman had six months after making his entry within which to establish his home upon the land—and the words which are stricken out may or may not have been used as the foundation for that ruling. The meaning of those words is not entirely clear in the present law, and so the words "actually changed his residence after establishing the same" are stricken out and the words "failed to establish residence within six months after the date of entry" are inserted, so as to make the law clear and definite.

Mr. MILLER. Mr. Chairman, another point my attention is directed to is this: As the gentleman from Wyoming [Mr. MONDELL] well knows, the law as now applied and in force permits the entryman to make settlement upon his land within six months after the date of entry. However, if circumstances of a certain nature exist that legitimately excuse him from making that entry, he can upon application receive an extension of an additional six months. Does not this new wording entirely remove that opportunity which he has for making application and getting the additional six months?

Mr. MONDELL. Not at all, because the provision to which the gentleman refers is another provision, a proviso to this section, and in the Senate, through inadvertence, evidently, that proviso was left out and should be inserted in the bill in conference. I refer to the proviso that clearly gives the Secretary of the Interior the right to extend the time. This should be the general rule.

Mr. BURKE of South Dakota. Is that the law at the present time?

Mr. MONDELL. There is a proviso at the end of this section which was left out, I think, through inadvertence.

Mr. BURKE of South Dakota. That is, in the Senate bill?

Mr. MONDELL. In the Senate bill.

Mr. BURKE of South Dakota. The gentleman from Minnesota [Mr. MILLER] made the statement that under existing law an entryman had six months within which to begin residence upon his land. The law does not give him that, but the effect of the law is to give an entryman six months, because the entry is not subject to contest until it has been abandoned for more than six months.

Mr. MONDELL. There is nothing in the law now that is definite, but this is definite.

Mr. MILLER. But by construction of the department the entryman is and always has been allowed six months.

Mr. MONDELL. Yes; but now that we are reenacting the law, it is better to have it clear.

Mr. BURKE of South Dakota. There is nothing in the law at present that permits an extension to be granted for six months if he fails to go upon his land. In other words, if he has not first established a residence thereon.

Mr. MILLER. I beg the gentleman's pardon.

Mr. MONDELL. There is a proviso at the end of this section in the statute.

Mr. BURKE of South Dakota. That if the homesteader fails to begin residence upon his land within six months he may apply for an extension and have six months more within which to go upon the land?

Mr. MONDELL. Yes.

Mr. BURKE of South Dakota. When was that law enacted?

Mr. MONDELL. Quite a number of years ago. If the gentleman will refer to the Revised Statutes he will find that there is such a law. It is not quite broad enough. It provides that if unable to get on the land for climatic reasons he may make such application and have it granted. The gentleman will recall that he had a case in South Dakota a few days ago where it was suggested that that be amended by adding another reason, to wit, sickness. It is my opinion that when we readopt that provision in conference we ought to add that reason to the present law which gives the Secretary that power.

Mr. BURKE of South Dakota. Will the gentleman please read the section of the statute which has that proviso? There is no such law, Mr. Chairman.

The CHAIRMAN. The time of the gentleman from Minnesota has expired.

Mr. MILLER. Mr. Chairman, I ask unanimous consent to proceed for five minutes more.

The CHAIRMAN. Is there objection?

There was no objection.

Mr. BURKE of South Dakota. Mr. Chairman, I want to say to the gentleman from Wyoming that, under the law, after an entryman has established a residence he may then apply for a leave of absence, but there is no law by which an entryman who fails to go upon his land from any cause, sickness, accident, or any other circumstances, may be granted additional time. He is absolutely at the mercy of anyone who may desire to file a contest against his entry.

Mr. MONDELL. Let me say to the gentleman that I know that he is generally right upon matters of land legislation. The proviso to which I referred is not in this copy of the Revised Statutes, but it is in the law and I have read it within the last 24 hours.

Mr. RAKER. I have it here; let me read it:

Provided, That where there may be climatic reasons the Commissioner of the General Land Office may, in his discretion, allow the settler 12 months from the date of filing in which to commence his residence on said land under such rules and regulations as he may prescribe.

Mr. BURKE of South Dakota. What section?

Mr. RAKER. Twenty-two hundred and ninety-seven, under date of March 1, 1881.

Mr. MONDELL. It is just what I told the gentleman it was; it is a proviso at the end of this section not printed in this statute.

Mr. BURKE of South Dakota. There is no such law. The gentleman is reading from a pamphlet, and we have the Revised Statutes here, and I challenge any gentleman to produce the statutes and show me that an extension of six months may be obtained when the entryman fails within six months to establish residence.

Mr. MONDELL. Let me suggest this, that in any event that provision, or some similar provision, should go into the bill in conference.

Mr. MORGAN. Will the gentleman yield?

Mr. MONDELL. The gentleman from Minnesota has the time.

Mr. MORGAN. Will the gentleman from Minnesota yield?

Mr. MILLER. I yield to the gentleman.

Mr. MORGAN. I would like to ask if it is not a fact that the law which the gentleman from California read applies solely to climatic conditions, but if a man was sick or had any other thing the matter with him and was not able to get on the land there is not a single line of law that gives the commissioner or the Secretary the authority to give six months more.

Mr. MILLER. The gentleman is entirely correct; the law is very plain and simple.

Mr. MONDELL. That is a feature of the law which should be corrected.

Mr. BURKE of South Dakota. Now, I want to ask the gentleman from Minnesota a further question, and the gentleman from Wyoming can probably answer it. [Laughter.] Under the language, as suggested by the committee, I would like to ask the gentleman if the entry might not be subject to contest where the entryman failed to establish residence in the first six months and did not get upon his land within seven or eight months and before contest had been filed, and the question is whether or not the entry might not be forfeited by a contest being filed subsequent.

Mr. MONDELL. The gentleman knows the answer to the riddle himself as well as anyone on the floor. The general rule of construction is that when the entryman settles upon the land in the absence of an intervening claim no laches that has occurred prior to that time can be invoked against him; therefore, without regard to this provision, when the entryman goes upon the homestead before any contest is filed his right attaches. The gentleman knows that has been decided a great many times.

The CHAIRMAN. The time of the gentleman from Minnesota has expired.

Mr. MADDEN. Mr. Chairman, I ask that the gentleman be given five minutes additional.

The CHAIRMAN. Is there objection. [After a pause.] The Chair hears none.

Mr. MILLER. Mr. Chairman, with the permission of the committee, I would like to say one or two things in reference to this provision. My inquiry was not simply one of curiosity, but based on some experience. We have two classes of public lands, if I may use that term, in this country, one class consisting of lands located in sections wherein the climatic conditions are not very severe and another class located wherein the climatic conditions are very severe. Those lands that still form a part of the public domain in the Northwest are of this latter class. By Northwest, I refer to public lands in Wisconsin, Minnesota, and Michigan. The only part of the public domain now remaining is in that wooded portion far to the north, where the climatic conditions are very, very severe. It was not many years ago that a large number of very honest homesteaders who had made proper application and tried to get upon the land within six months could not do so by reason of the floods. They absolutely could not get into the region.

Last fall there was an opening of lands on several Indian reservations, and all the entrymen, of course, had to take land subject to the homestead laws. That opening occurred late in the fall, and there followed conditions quite unprecedented. Early in November winter started in full force and continued almost without interruption until the present time. No man who had made entry could go upon the land and live there. I made application to the Secretary of the Interior to see if there was not some way in which an extension could be granted these honest entrymen. He replied by quoting this section, whereupon application was made, and I have no doubt they will receive a suitable extension. It seems to me that the language of this section absolutely precludes the possibility of any entryman securing an extension of six months due to climatic or any other conditions. A possible extension under certain conditions is a most salutary provision of the law. It should by all means be retained as a part of the law regulating homestead entry. By oversight, I have no doubt, this paragraph has been framed in such a way as to take away the right to an extension, and I think we ought to change the paragraph.

In addition, the paragraph as worded precludes any man who goes upon his land after six months and before contest is filed from perfecting his claim. There have been thousands and tens of thousands of cases where men have failed to get upon their land within six months, but who have established residences there prior to contest and become the very best of homesteaders. This paragraph would annihilate them.

Mr. MANN. Why does not the gentleman offer as an amendment to this section the provision which the gentleman from California [Mr. RAKER] read, with a slight change, by using the words "from climatic conditions" as an additional proviso?

Mr. MILLER. I am very thankful to the gentleman from Illinois for his suggestion. I had an amendment in mind, and will offer it now. I do not believe we ought to wait to do this in conference. We ought to frame the law as it should be here.

Mr. MANN. I would like to call the attention of the gentleman in charge of the bill to the proviso that is in the bill in this section No. 2297. It really relates to the loss of the rights of the entrymen, and is not the section under which he acquires rights. Now, you say in this section:

That the three years' period of residence herein fixed shall date from the time of establishing actual permanent residence upon the land.

In the other section, No. 2291, you provide that a patent shall issue at the end of three years from the date of entry, if they make application for it. The two sections, it seems to me, are contradictory.

Mr. MONDELL. Will the gentleman allow me?

Mr. MANN. Yes; if you can answer the puzzle. I do not ask to have it changed here now, but I call attention to that fact. In one place it says, in three years from the date of entry a patent shall issue, and in the other place it says that the three years shall date from the date of the residence upon the land, which, in the terms of the bill, may be six months after the entry, and if the amendment proposed to be offered by the gentleman from Minnesota [Mr. MILLER] prevails, one year after the period of the entry.

Mr. MONDELL. There is no conflict at all.

Mr. MANN. My friend from Wyoming——

Mr. MONDELL. I think I can prove it to the gentleman, if he will give me a moment.

Mr. MANN. I will in a moment, but the gentleman has had more moments than I. My friend from Wyoming is so familiar with the land laws that he tosses one section up in the air with one hand and one section with the other hand, and when they come down nobody can tell whether the one that went up from one hand comes down in the other hand, or vice versa. I have carefully examined these two sections and I know there is a conflict. Now, the gentleman can prove to me, if he can, that there is not.

Mr. MONDELL. I think if the gentleman will watch the juggler, the sleight-of-hand performance will be so simple that he will understand it. There is absolutely no conflict.

The CHAIRMAN. The time of the gentleman from Illinois [Mr. MANN] has expired.

Mr. MONDELL. Mr. Chairman, I desire to be recognized.

The CHAIRMAN. The Chair will recognize the gentleman from Wyoming.

Mr. MONDELL. Section 2291 provides that the entryman shall live for three years on his land, with certain absences. The section just read gives the entryman six months within which to get on his land. Unless you have this proviso the department would have to rule that the first six months during which he shall be allowed absence shall count as residence, going back to the old rule that the department overturned by a decision last fall, because we now make it clear in this very section that the entryman need not go upon his land for six months after he files. We also make it clear that his time does not begin to run until he actually goes on the land. We also make it clear that he can not use his five months' absence at

the beginning of his entry; that he has got to get on the land and begin to live on it before he is entitled to any absence or any allowance for residence. And as this section is the section in which we allow him six months to get upon his land, it is the proper section in which to say that the period of residence shall not begin to run until he does get on the land.

Now, I think that the gentleman from Illinois can understand that. I think it is very plain and very simple. We are by this provision writing into the law what is the decision of the Land Office. We did not approve of it at the time it was made, and would not approve of it now if we were to continue a five-year residence, but as we are reducing the residence to three years the committee thought the entryman should not be allowed the six months' constructive residence that has heretofore been the rule.

Mr. LAFFERTY. Will the gentleman yield for a question?

Mr. MONDELL. I will be glad to do so.

Mr. LAFFERTY. Why should we not give the man six months in which to establish his residence——

Mr. MONDELL. We do.

Mr. LAFFERTY (continuing). And then let him put in the following six months on the claim, and then count that as one year of the three years required, as they do in Canada?

Mr. MONDELL. The committee did not think it was good policy. They thought if we are to reduce the time to three years, and to give certain definite periods of absence, that it should be clear that the entryman did not begin to earn his patent until he had gotten upon the land and had established his residence.

Mr. RAKER. Will the gentleman yield?

Mr. MONDELL. I will be glad to do so.

Mr. RAKER. This provision on page 3, lines 13 to 16, reads as follows:

Provided, That the three years' period of residence herein fixed shall date from the time of establishing actual permanent residence upon the land.

In other words, that if the man makes his filing in the land office, and he waits until six months or within one day of until he makes his permanent residence upon the place, then there must be three years——

Mr. MONDELL. After that date?

Mr. RAKER. After that date, before a certificate of purchase can issue.

Mr. MONDELL. That is correct.

Mr. RAKER. In other words, if the amendment suggested by the gentleman here to give him further time for sickness, or climatic conditions should intervene or interfere, then if he is given six months under the law and another five months because of sickness, his three years of residence must commence after the 11 months have expired.

Mr. MONDELL. That is true.

Mr. MANN. Mr. Chairman, the confusion which my distinguished friend from Wyoming and my distinguished friend from California fall into comes about because they consider this is all one section on a bill. But this is to amend two separate sections of the Revised Statutes—one to amend section 2291 and one to amend section 2297. Section 2297 does not relate at all to the granting of a patent to the land or to the right which the entryman acquires. It relates only to his proving his right, and refers to the expiration of three years, and then provides the time of residence hereafter fixed. That is in section 2297. That is the method of losing residence.

Now, the other section is the section under which he acquires title, and what does it say? Until the expiration of three years from the date of the entry he is not entitled to his patent, and under the other provision of the law he does not need to live on the land for five months in the year, and if at the end of the fifth month he enters upon the land and lives the balance of the seven months of the year on that land at the end of three years he is entitled to the patent, regardless of the provisions in the other section.

Now, if it is the intention to have the three years run from the date of the residence on the land that provision ought to be to amend that section of the statute.

Mr. FERRIS. Mr. Chairman, I am inclined to think that the gentleman is right about that. A proviso on section 2297 does not limit section 2291. To offer the same proviso after section 2291 would bring about the desired result, and there would be no question about it.

Mr. MANN. There would be no question about it. Otherwise there would be a conflict.

Mr. MONDELL. Mr. Chairman, I do not object to the change, but it is not at all necessary, and every man who knows anything about the homestead laws knows that there are some 10 or 12 sections; that they all contain some provisions and requirements; and they are all construed together. There is no objection to putting this in the other section, but it belongs here just as much as it does in the other place.

Mr. MANN. Put it in both places, then.

The CHAIRMAN. The question is on agreeing to the committee amendment.

The question was taken, and the amendment was agreed to.

Mr. LAFFERTY. Mr. Chairman, I wish to offer an amendment.

Mr. TAYLOR of Colorado. Mr. Chairman, let us finish the other committee amendments.

Mr. MANN. We are through with committee amendments on this paragraph.

Mr. MILLER. Mr. Chairman, I move to amend the paragraph——

Mr. TAYLOR of Colorado. I will ask the gentleman to wait a moment. I want to offer some amendments in addition to the committee amendments.

Mr. MILLER. I will offer this one. I do not think it will interfere with those of the gentleman from Colorado. I move to amend page 3, line 16, after the word "land," by removing the period and inserting the following:

And provided further, That where there may be climatic reasons, sickness of the entryman, or other unavoidable causes the Commissioner of the General Land Office may, in his discretion, allow the settler 12 months from the date of filing in which to commence his residence on said land, under such rules and regulations as he may prescribe.

Mr. LAFFERTY. Mr. Chairman, a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. LAFFERTY. The amendment I desire to offer is to strike out, beginning on page 3, line 13, three lines. I conceive that my amendment should be offered first, because otherwise this amendment would not fit in properly. I think an amendment to strike out any part of the paragraph should come before an amendment to follow the end of the paragraph.

The CHAIRMAN. The Chair will state to the gentleman from Oregon that the Chair has not the amendment of the gentleman before him, so that he can not tell anything about it. If the gentleman from Minnesota [Mr. MILLER] will be kind enough to send his amendment to the Clerk's desk and have it read, the Chair can judge concerning it.

Mr. LENROOT. Mr. Chairman, I have an amendment. While you are waiting for the other amendment I will offer this one.

The CHAIRMAN. The gentleman from Wisconsin [Mr. LENROOT] will send his amendment to the Clerk's desk. Is the gentleman from Minnesota [Mr. MILLER] ready with his amendment?

Mr. MILLER. I send it to the desk.

The CHAIRMAN. The Clerk will report the amendment offered by the gentleman from Minnesota [Mr. MILLER].

The Clerk read as follows:

Amend by adding after the word "land," in line 16, the following: "*And provided further*, That where there may be climatic reasons, sickness of the entryman, or other unavoidable causes, the Commissioner of the General Land Office may, in his discretion, allow the settler 12 months from the date of filing in which to commence his residence on said land, under such rules and regulations as he may prescribe."

[Cries of "Vote!" "Vote!"]

Mr. MORGAN. Mr. Chairman, I would like to offer an amendment to that amendment. I move to insert the word "poverty" after the word "sickness."

Mr. MANN. Oh, no.

The CHAIRMAN. Does the gentleman from Oklahoma [Mr. MORGAN] offer an amendment?

Mr. FERRIS. Mr. Chairman, I do not know with what degree of seriousness my colleague offers that amendment, but in any event that will open the door so wide as to endanger the passage of this bill. I do not think it ought to be adopted.

Mr. MANN. I do not think the gentleman offered his amendment.

Mr. FERRIS. I understood he offered an amendment to insert the word "poverty" after the word "sickness."

Mr. MORGAN. After the word "sickness," yes.

The CHAIRMAN. The Clerk will report the amendment offered by the gentleman from Oklahoma [Mr. MORGAN].

The Clerk read as follows:

Amend the amendment by adding after the word "sickness" the word "poverty."

Mr. MORGAN. Mr. Chairman, I am surprised that the gentleman should think this amendment is not a proper one. Mr. Chairman, on broad, general principles we ought to grant this privilege to the man who can not get on his land in six months on account of poverty. I do not know what better excuse a man could have for not getting on his land than that he has not the money necessary to get there; and, so far as I am concerned, we should try to help the poor man above all others

In disposing of the public domain we should place it within reach of the poor man if possible. I am surprised that there should be a single objection to the amendment which I offered.

In the present law there is a provision giving the commissioner authority to grant leaves of absence to those who can not maintain residence, on account of failure of crops, sickness, or other casualty. Why not recognize poverty as a valid excuse for failure to establish residence within six months? Give the poor man a chance; we will injure no one. We will help those who need assistance most, and the Government will lose nothing. I hope all objection will be withdrawn and that the amendment will be agreed to.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Oklahoma [Mr. MORGAN] to the amendment of the gentleman from Minnesota [Mr. MILLER].

The question being taken, the amendment to the amendment was rejected.

Mr. MORGAN. Mr. Chairman, I offer another amendment to the amendment of the gentleman from Minnesota [Mr. MILLER], to add the provision that the affidavit supporting this application for an extension of time may be made in any State of the Union before any officer authorized to administer oaths.

Mr. MILLER. Is not that the law now?

The CHAIRMAN. Will the gentleman send his amendment to the Clerk's desk so that it may be reported?

Mr. MORGAN. My amendment is not in writing, but I will prepare it.

Mr. TAYLOR of Colorado. Mr. Chairman, a parliamentary inquiry. While the gentleman is preparing his amendment, would it be in order to offer two or three small amendments to the form of the bill?

Mr. MANN. We can not wait for a Member to prepare amendments.

Mr. MORGAN. Mr. Chairman, I will have this ready in just a moment. I believe it is important.

The CHAIRMAN. The question is on the amendment of the gentleman from Minnesota [Mr. MILLER].

The question being taken, the amendment of Mr. MILLER was agreed to.

Mr. TAYLOR of Colorado. Mr. Chairman, I offer an amendment to come in after the word "by," in line 3, page 2.

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Page 2, line 3, after the word "by," insert the words "himself and by."

The question being taken, the amendment was agreed to.

Mr. TAYLOR of Colorado. Mr. Chairman, I move to amend, in line 4, page 2, after the word "have," by inserting the word "actual."

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Amend, in line 4, page 2, by inserting after the word "have" the word "actual."

The question being taken, the amendment was agreed to.

Mr. TAYLOR of Colorado. Mr. Chairman, I move to amend, in line 4, page 2, by striking out the word "or" and inserting in lieu thereof the word "and."

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Amend, on page 2, line 4, by striking out the word "or" and inserting the word "and."

The question being taken, the amendment was agreed to.

Mr. TAYLOR of Colorado. Those are all the amendments offered by the committee to this section.

Mr. LA FOLLETTE. Mr. Chairman, the United States Government was second to none in the world in its liberal treatment of the settler on its public domain for many years. While we had millions of acres of the richest and best land to dispose of, it made it very easy to acquire homesteads, preemptions, and timber claims, also to secure land under the stone and timber act. All constructions of law and rulings seemed to be made, then, with a view to helping the man to acquire title from the Government. This policy was pursued for so long and so liberally it was inevitable that some abuses should arise. But as the public domain diminished and strife for land became more acute, these abuses became more and more apparent and the courts and the department, especially the latter, became more strict in their interpretation and the execution of the laws, with the result that they have swung to the other extreme and are making life hard indeed for the men who are trying to carve homes from our mountain fastnesses, from our semiarid plains, and from the ragtag and fag ends of our once seemingly inexhaustible domain.

Those settlers who, from virtue of the class of land they are compelled to homestead, should be treated with the greatest liberality are treated with czar-like severity; and by espionage by special agents, and persecution, are often prevented from securing homes for themselves and families, as they are absolutely prohibited from leaving the place they call home long enough to earn enough to keep soul and body together while trying to improve and make possible a livelihood from the land.

It was all right when the land was all good to exact five years of actual residence, as the land was usually adequate to take care of the homesteader and improvements during the time. With the character of land left it is almost a necessity, if a man is not full-handed when he goes on the land, that he have some outside help to make available the possibilities of the land. If he can acquire title in three years, he will have enough improvements on the place to use the improvements and land for security for assistance to make better improvements, to buy stock for grazing, and other purposes.

Conditions are such now that the most liberal policy should be adopted instead of, as practiced now, the most drastic in the history of our Government.

Mr. Chairman, I sincerely hope that this bill may pass.

A general revision of the land laws is needed, with a view to aiding rather than obstructing the settler in his efforts to establish his rights and for the removal of conditions which constantly harass him in his struggle to build a home for himself and family.

As an evidence of conditions which should not be permitted to exist I am constantly in receipt of letters like the following:

Hon. WILLIAM L. LA FOLLETTE,
House of Representatives, Washington, D. C.

DEAR SIR: We are tormented here with what the people call hobo wildcat miners. They have prospected over this country for mineral for the last 13 years and have never developed a paying mine yet. At present there is not a mine running in the country. However, there are very few of the homesteaders who have not proven up on their ranches but what these hobo miners are giving them lots of trouble. They (the miners) want to sell out to the ranchers, or they will contest their homesteads and delay their patents for two or three years. Our United States land commissioner here is holding some of those worthless claims on my homestead, and he notified me not to fence or improve it in any way. I would like to ask you if he has any right to hold such claims while he is holding that office; also if there is any way to put a damper on this hobo mining business. Thanking you in advance, I remain,

Yours, truly, J. H. SMITH.

MESSAGE FROM THE SENATE.

The committee informally rose; and Mr. HEFLIN having taken the chair as Speaker pro tempore, a message from the Senate, by Mr. Crockett, one of its clerks, announced that the Senate had passed without amendment the bill (H. R. 17671) granting pensions and increase of pensions to certain soldiers and sailors of the Regular Army and Navy, and certain soldiers and sailors of wars other than the Civil War, and to widows and dependent relatives of such soldiers and sailors.

The message also announced that the Senate had passed with amendments bill of the following title, in which the concurrence of the House of Representatives was requested.

H. R. 14918. An act granting pensions and increase of pensions to certain soldiers and sailors of the Regular Army and Navy, and certain soldiers and sailors of wars other than the Civil War, and to widows of such soldiers and sailors.

The message also announced that the Senate had passed with amendments bill of the following title, in which the concurrence of the House of Representatives was requested:

H. R. 17681. An act making appropriations to provide for the expenses of the government of the District of Columbia for the fiscal year ending June 30, 1913, and for other purposes.

HOMESTEAD ENTRIES.

The committee resumed its session.

Mr. LENROOT. Mr. Chairman, I offer the following amendment.

The Clerk read as follows:

Amend by adding after line 2, on page 3, the following:

"No entry for a homestead, or patent issued on the same, shall convey any right to salt, coal, petroleum, natural gas, gold, silver, copper, iron, or other minerals within or under the land covered by the patent.

Mr. LENROOT. Mr. Chairman, I am entirely in sympathy with the proposition to make it easier for the honest homesteader to acquire agricultural lands, but I believe the time has come when we ought to reserve to this Government all mineral lands, especially with reference to homesteads. We ought to do it for two reasons.

If this amendment is adopted, there is very much less danger that the homestead laws will be abused for the purpose of getting homesteads under the guise of seeking a farm, when, instead, it is for some ulterior purpose.

Secondly, from the reports of the Stanley committee and other committees we have seen that one of the gravest evils confronting us to-day is the monopoly of natural resources, especially minerals in this country.

If this Government had maintained a policy from the beginning, as it did originally adopt it in 1785, of reserving to itself the control of the mineral rights in the public domain, we would have had no such thing as a monopoly in minerals to-day; and from the standpoint of revenue we would not be inquiring in which direction to turn in order to secure revenue sufficient to run the Government from year to year.

For instance, the grant to the State of Minnesota of a very small portion of the public domain a great many years ago has been so wisely handled by that State that from royalties they have to-day in their school fund $21,000,000, and from the iron-ore leases alone their revenue this year is over $119,000.

Now, Mr. Chairman, who can ask that in the agricultural homestead this Government ought to part with its mineral rights, with the mineral that may underlie that land. It ought to belong to the Government for the use of the Government. We have recognized it in the last five or six years so far as coal lands are concerned, and we are separating and classifying them. But if every patent to a homestead should reserve the mineral in the Government it would open up vast fields for homesteaders that are desirous of obtaining them and enable settlers in the far West to go on with agriculture.

Now, much has been said with reference to this bill now pending being in accord with the Canadian law. I want to say that this amendment I have offered is in the identical words of the Canadian law. Whoever says that the Canadian law is a law that we should follow ought to be willing to adopt this amendment here and now. [Applause.]

Mr. MONDELL. Mr. Chairman, I trust that the amendment will not be adopted. A homestead settler when he goes upon his land makes affidavit that the land is not mineral in character. For the entire period during which he lives on the land the mineral character of the land can be developed by anyone. When he makes his final proof he must prove by two witnesses that the land does not contain any mineral. During all that time the Federal agents are going about over the country to see that the mineral lands are not entered under the agricultural-land law.

But after the entryman makes his final proof and before he receives his patent, which is from one to two years, the question of the mineral character of the land can be raised, and for six years after the patent is issued the question of the mineral character of the land can be raised, providing it is proven that the entryman had any knowledge of the existence of minerals. I have never heard anyone that claimed that any considerable amount of mineral land had passed from the hands of the Government under the homestead law.

Mr. ANDERSON of Minnesota. If that is true, what is the gentleman's objection to it?

Mr. MONDELL. My objection is that all the patents that have ever been written by the Government of the United States, in the gentleman's State, in all the States, all the patents that your people hold, are patents from the dome of heaven to the center of the earth, and all patents should be so, if it is possible to have them so and do justice. We do not allow the homesteader to take mineral land at all; we dispose of those lands under another law. But if it should happen that here and there some farmer, 50 or 60 or 100 years after he secures the patent from the Government, should find a little mineral on his land, who is going to be hurt by it? The Canadian law is a monarchial law, the law of England, carrying out the idea that the mineral belongs to the sovereign. It is un-American, and it has no place in the legislation of this Republic.

Mr. LENROOT. Who does it belong to?

Mr. MONDELL. The mineral belongs to the man who holds the title, if it shall be discovered long after the patent was issued. The Government has from 4 to 10 years within which to raise the question of the nonmineral character of the land. I want to suggest to the gentleman that his amendment would not allow the entry of mineral land. It would simply reserve all the mineral that might be in the land that had been proven to be nonmineral. It is not in accordance with the established custom of the country. Our people came here to get away from the monarchical idea that the mineral belonged to the crown; that a few grains of minerals found here or there in private property should be turned over to the Central Government. We do not pass mineral lands under the homestead laws, but if by any possibility a little mineral should be discovered long after the homesteader has received his patent who is injured thereby?

The CHAIRMAN. The time of the gentleman from Wyoming has expired.

Mr. PICKETT. Mr. Chairman——

Mr. LAFFERTY. Vote! vote!

Mr. MANN. Mr. Chairman, I ask unanimous consent that debate on this amendment close in five minutes.

The CHAIRMAN. The gentleman from Illinois asks unanimous consent that debate on this amendment close in five minutes. Is there objection?

There was no objection.

Mr. PICKETT. Mr. Chairman, I shall start what I have to say by suggesting to the gentleman from Oregon, who, when I rose to take the floor, began to cry "vote," that after we are endeavoring to liberalize the laws for gentlemen from western States, like the State he represents, it comes with very poor grace to cry "Vote! vote!"

Mr. LAFFERTY. Mr. Chairman, will the gentleman permit me to make one observation in reply, since he has criticized me in that manner?

Mr. PICKETT. Certainly; proceed.

Mr. LAFFERTY. I desire to say that the people of Oregon are not demanding this law any more than the people of the gentleman's State are demanding it. Letters are coming to me from every part of the Union.

Mr. PICKETT. I am not yielding for a speech. If the gentleman desires to make an observation, make it.

Mr. LAFFERTY. My observation is that when you give a man a home under the homestead law, he should not rest under the constant fear that somebody, some agent of the Government, is going to take it away from him upon the ground that a few grains of mineral are under the soil.

Mr. PICKETT. I am not making any reference to that. I am speaking of the propriety of the gentleman, after having the floor for 30 minutes——

Mr. LAFFERTY. The gentleman from Iowa could have had the floor if he had asked it.

Mr. PICKETT (continuing). Immediately begins to cry "Vote!" when a member of the committee who has not had the floor rises to speak.

Mr. Chairman, the amendment offered by the gentleman from Wisconsin [Mr. LENROOT] seems to me to be a good one. When my good friend from Wyoming [Mr. MONDELL] suggested that it was adopting a monarchical custom prevailing in other countries, he overlooked the fact that this whole law purports to be patterned after the Canadian law; and if that is true, as was suggested by the gentleman from Wisconsin [Mr. LENROOT], why not also embody the reservations and the limitations that are in the Canadian law for the benefit of the people? While it may be true that the minerals in the monarchical system, as the gentleman from Wyoming suggests, are reserved to the Crown, it should be true in this country that they should be reserved to the sovereign—that is to say, to the people. That is all that the amendment is purposed for.

Mr. MONDELL. Mr. Chairman, will the gentleman yield for a question?

Mr. PICKETT. With pleasure.

Mr. MONDELL. Is there any such reservation in the good old State of Iowa?

Mr. PICKETT. I do not know that there is.

Mr. MONDELL. There is not.

Mr. PICKETT. I suppose there is not.

Mr. MANN. The people would be better off if there had been.

Mr. PICKETT. But, assuming that to be true, the fact that we have pursued an erroneous policy in the past is no justification for continuing it in the future. Mr. Chairman, this amendment is in conformity with the suggestions which come from the Secretary of the Interior, and, while that may not carry weight with some Members of this House, I think it is entitled to be considered and is entitled to weight. I do not desire to discuss the matter further than to observe that, in my judgment the amendment is a good one; and, at least, if the amendment is adopted by the House, it can go to conference and there be considered with the other provisions of the bill.

Mr. FERRIS. Mr. Chairman, I just want to make this one observation, and I do not believe that I should take more than a minute. The policy suggested by the amendment offered by the gentleman from Wisconsin [Mr. LENROOT] inaugurates a new scheme, and it is quite probable and does, I think, in fact classify every acre of land in the United States which belongs to the public domain as mineral land. Whether it is wise to do that or unwise to do that, we ought not to inject it into this debate and into consideration of this bill, where we are proposing simply to change the time required in proving up a homestead from five years to three years. I hope the committee who have heard this debate and have not had time to consider this policy will let the proposition wait, whether it be wise or unwise, until some time when we can consider it upon its merits.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Wisconsin.

The question was taken; and on a division (demanded by Mr. TAYLOR of Colorado) there were—ayes 30, noes 38.

So the amendment was rejected.

Mr. ANDERSON of Minnesota. Mr. Chairman, I make the point of order there is no quorum present.

The CHAIRMAN. The gentleman makes the point of order that no quorum is present. The Chair will count. [After counting.] Eighty-nine Members are present——

Mr. ANDERSON of Minnesota. Mr. Chairman, I withdraw the point.

Mr. MANN. I move that the committee do now rise. The gentleman can not withdraw after the Chair has announced there is no quorum.

The CHAIRMAN. The gentleman from Illinois moves that the committee do now rise.

The motion was agreed to.

Accordingly the committee rose; and the Speaker having resumed the chair, Mr. FOSTER of Illinois, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee had had under consideration the bill S. 3367, and had come to no resolution thereon.

Mr. FERRIS. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the state of the Union for the further consideration of the bill S. 3367, the bill which was under consideration.

The motion was agreed to.

Accordingly the House resolved itself into the Committee of the Whole House on the state of the Union for the further consideration of the bill S. 3367, with Mr. FOSTER of Illinois in the chair.

Mr. LAFFERTY. Mr. Chairman, I desire to offer an amendment. On page 3, line 13, beginning with the word "provided," strike out all from the word "provided" down to the end of the paragraph.

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Amend by striking out all of line 13, after the word "Government," and the three succeeding lines.

Mr. LAFFERTY. Mr. Chairman, now I want to call the attention of the committee to one thing. The gentleman from Illinois [Mr. MANN] was correct when he said that this proviso is in direct conflict with the first section of this bill. The first section says after three years a man can get his patent. A further provision says that he can have six months in which to go upon the land. Then this proviso I seek to strike out says that he can not get his patent until three years, or can not prove up for three years, after he made actual residence. Therefore the proviso I seek to strike out makes this not a three-year homestead, but it makes it a three-and-a-half-year homestead. If we are going to put in any of these provisions of the Canadian law, this certainly ought to be done.

The question was taken, and the amendment was rejected.

Mr. LENROOT. Mr. Chairman, I have an amendment to section 1.

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Add to the end of section 2297 as amended, the following:
"No entry for a homestead or patent issued on the same shall convey any exclusive or other property or interest in or any exclusive right or privilege with respect to any lake, river, spring, stream, or other body of water within or bordering on or passing through the land covered by the entry."

Mr. LENROOT. Mr. Chairman, this is an amendment recommended by the Secretary of the Interior, and is also in the words of the Canadian law which has been so strongly approved by gentlemen favoring this bill this afternoon; and I want to say to the gentlemen from these western land States that if they are entirely and wholly in good faith now they will vote for this amendment, because those gentlemen well know that many thousands of acres of land are now withdrawn, and properly withdrawn, because of water-power sites located upon some portion of them. If this amendment is adopted, reserving to the Government the right, so far as the power site is concerned, every acre of those withdrawn lands can be thrown open to settlement under homestead without injury to the Government and at the same time doing much to settle the agricultural possibilities of the western country. I am anxious to see what gentlemen are going to say in opposition to this amendment.

Mr. MANN. May I ask unanimous consent on agreeing to close debate on this, because we can not stay here much longer. I ask unanimous consent that debate on this amendment close in five minutes.

The CHAIRMAN. The gentleman from Illinois asks unanimous consent that debate on this amendment close in five minutes. Is there objection? [After a pause.] The Chair hears none.

Mr. MARTIN of Colorado. Mr. Chairman, I will take only a minute or two to say that my objection to the gentleman's amendment is that I do not consider this the time or place or that this is a measure on which to engraft such legislation as this.

Mr. Chairman, we can not put into this bill, which merely seeks to shorten the time of residence on the homestead from five to three years, all the reforms and amendments which ought to go into the land laws of this country. I would like to put an amendment into this law that I consider very much more beneficial to the settlers upon the public domain than the amendment of the gentleman from Wisconsin [Mr. LENROOT], and that is this: I would like to reduce the number of acres required to be cultivated under the enlarged homestead act from 80 to 40. In my experience that is the greatest burden and hardship under the enlarged homestead act that is imposed on the settlers on the public domain. It has been the greatest source of complaint of which I have heard.

I think it is an illogical and absurd requirement to make settlers plow 80 acres of land every year. We give a settler 320 acres of land because he can not make a living on 160 acres. He can not make a living on 160 acres because he can not raise crops on any part of it, and yet we turn right around and make him break his back year after year by plowing 80 acres of his 320 acres, wasting all his substance on it, dissipating his efforts over that great area without beneficial results, and absolutely destroying it for purposes of pasturage. I would like, Mr. Chairman, to relieve them of that burden, but I do not propose to undertake it in this bill, and that is the objection I have to the amendment offered by the gentleman from Wisconsin [Mr. LENROOT].

The CHAIRMAN. The question is on the amendment offered by the gentleman from Wisconsin [Mr. LENROOT].

The question was taken, and the amendment was rejected.

Mr. LENROOT. Mr. Chairman, I have one other and last amendment.

The CHAIRMAN. The gentleman from Wisconsin offers an amendment, which the Clerk will report.

The Clerk read as follows:

At the end of line 16, on page 3, add the following:
"If any entry is made for land which, though not reserved at the time, is ascertained by the Secretary of the Interior to be chiefly valuable on account of merchantable timber upon it the entry may be canceled within six months of its date."

Mr. LENROOT. Mr. Chairman, just a word in reference to this amendment. This is another of the amendments recommended by the Secretary of the Interior, but I want to frankly say it is unlike the Canadian law. The Canadian law, which has been spoken of so often this afternoon, provides that if there be any timber of value upon an entry the minister may cancel the entry. My amendment provides that if it shall be ascertained that land is chiefly valuable because of the timber upon it, then the entry may be canceled within six months; and, Mr. Chairman, I heard no reply with reference to the amendment I offered a moment ago. I am wondering now whether our friends in the western land States desire this homestead shortening of the time for the purpose of enabling the men to get large tracts of timber to sell to the Timber Trust, or do they desire it for the purpose of the homesteader who desires to make for himself a home and a farm. If that is the desire, I am in the fullest sympathy with that.

Mr. RAKER. Will the gentleman yield?

Mr. LENROOT. I will.

Mr. RAKER. Is it not a fact that under the present law and rulings of the department a man can not get the land designated by the gentleman when it is chiefly valuable for timber?

Mr. LENROOT. I think not.

Mr. RAKER. There is not any decision to the contrary.

Mr. LENROOT. If it is classified as open to homestead entry——

Mr. RAKER. And the gentleman would not object, would he, supposing there were 160 acres of land, 140 of it being agricultural land and 20 of it being timberland, that the 20 acres of timber should be left to the man who made the entry?

Mr. LENROOT. It would not be chiefly valuable for timber in that event, and my amendment only goes to land that is chiefly valuable for timber.

Mr. MANN. If that is existing law, what is the objection to putting it in here?

Mr. LENROOT. What is the objection to putting it in here?

Mr. RAKER. There are bills pending before the committee upon these different subjects, and why should we burden this bill simply because of the question of limitation and other questions?

Mr. LENROOT. If I thought for a moment there was an opportunity to be presented at this session of Congress to offer this as an amendment to some other bill, I would not have of-

fered the amendment here now; but I do not believe, nor does the gentleman from California believe, that we will have another opportunity to do this at this session of Congress.

Mr. RAKER. If the gentleman will permit me, I will say that every effort is being made to bring such bills in here.

Mr. LENROOT. I hope they may be, but I do not believe they will.

And, Mr. Chairman, just one other suggestion—that when we are shortening the time for these homesteaders from five years to three years, it is not unreasonable that we should put into the law these various amendments that I have offered. It does not hurt them; it does not harm them. The theory of the law is that they are going to get homesteads for agricultural purposes and nothing more, and not one amendment that is offered has sought to limit that in the slightest degree.

Mr. LAFFERTY. Mr. Chairman, I desire to be heard in opposition to the amendment.

Mr. MANN. Mr. Chairman, can we get an agreement about closing debate? If we can not, I will have to make the point of no quorum. I do not care whether we go ahead or not.

Mr. NORRIS. Mr. Chairman, I notice that the gentleman from Washington [Mr. LA FOLLETTE] has been trying all the afternoon to get in, and there are others who want time. I do not desire to shut out any Member who wants to speak.

Mr. LAFFERTY. Let me have two minutes.

Mr. MANN. I do not desire, either, to shut out anyone who wants to speak.

Mr. LAFFERTY. Mr. Chairman, I would like to have a minute and a half of time. The gentleman from Wisconsin [Mr. LENROOT] has thrown out a challenge. This is a very important matter.

Mr. MANN. I ask unanimous consent, Mr. Chairman, that debate on this amendment close in six minutes.

Mr. NORRIS. The gentleman from Washington [Mr. LA FOLLETTE] has not been recognized all afternoon, and there are other gentlemen who wish to be heard.

The CHAIRMAN. What request does the gentleman from Illinois make?

Mr. MANN. I will not make any request. But I am not going to stay here until half past 6 o'clock to-night without a quorum. The gentleman from Nebraska [Mr. NORRIS] thinks they ought to have more time, and I think myself they ought to have more time.

Mr. NORRIS. Mr. Chairman, here is a gentleman who has been trying all the afternoon to get an opportunity to speak.

The CHAIRMAN. The gentleman from Washington [Mr. LA FOLLETTE] is recognized.

Mr. LA FOLLETTE. Mr. Chairman, I would have been through before now if I had been allowed to go on.

Mr. Chairman, I would like to have the gentleman from Wisconsin [Mr. LENROOT] tell me of any timber in the United States that can be acquired in large quantities, either by fraudulent entries or any other kind of entries, at the present time. If he will point out where it is, he will confer a great favor upon a great many people who are looking about for just such "snaps." [Laughter.] The truth is that outside of the forest reserves there is very little timberland of value left in the United States, and I protest against our passing any drastic legislation here that will prevent honest settlers from going on our mountain lands that have more or less timber on them and trying there to acquire homes, and which will leave it to the discretion and determination of the Secretary of the Interior in Washington and some of his hired agents who are sent out, who know nothing about the conditions as to whether the land is more desirable for timber or for agricultural purposes.

Mr. LENROOT. Mr. Chairman, will the gentleman yield there?

The CHAIRMAN. Does the gentleman from Washington yield to the gentleman from Wisconsin?

Mr. LA FOLLETTE. Yes.

Mr. LENROOT. If, as the gentleman says, there is no such timber left open, then this amendment would not be drastic.

Mr. LA FOLLETTE. No; but lots of men are being made miserable who are trying to acquire homesteads honestly under the land laws of the United States. [Applause.]

I have lived on the frontier for the last 36 years, gentlemen, and I think I know as much about the lands that are left unsettled as anybody in the House, and I am here to tell you that we have not got any very valuable timberlands left. If any settlers can go into the lands that are left unsettled, with some timber on them, and acquire homes, they surely ought to have that privilege. [Applause.]

Mr. MORSE of Wisconsin. Mr. Chairman, I am sick and tired of hearing gentlemen get up on the floor of this House and roast executive officers of this Government who are sworn to do their duty and who are doing their duty. I want to tell you that when the Secretary of the Interior enforces the law which we put upon the statute books he should have the moral support of every Member of this House. [Applause.] I make the point of no quorum.

SEVERAL MEMBERS. Oh, no! Withdraw it!

Mr. MORSE of Wisconsin. No; I will not withdraw it.

The CHAIRMAN. The gentleman from Wisconsin [Mr. MORSE] makes the point of no quorum. The Chair will count. [After counting.] There are 95 Members present—not a quorum.

Mr. FERRIS. Mr. Chairman, I move that the committee do now rise.

The motion was agreed to.

The committee accordingly rose; and the Speaker having resumed the chair, Mr. FOSTER of Illinois, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee had had under consideration the bill (S. 3367) to amend section 2291 and section 2297 of the Revised Statutes of the United States relating to homesteads and had come to no resolution thereon.

Mr. FERRIS. Mr. Speaker, I ask unanimous consent that those who have spoken on the bill to-day have permission to extend their remarks in the RECORD.

The SPEAKER. The gentleman from Oklahoma asks unanimous consent that those who have spoken on the bill to-day have leave to extend their remarks in the RECORD. Is there objection?

Mr. MANN. On this bill.

The SPEAKER. On this bill and no other.

Mr. MANN. For five legislative days.

The SPEAKER. For five legislative days. Is there objection?

There was no objection.

ENROLLED BILL SIGNED.

Mr. CRAVENS, from the Committee on Enrolled Bills, reported that they had examined and found truly enrolled bill of the following title, when the Speaker signed the same:

H. R. 11824. An act to amend section 113 of the act to codify, revise, and amend the laws relating to the judiciary, approved March 3, 1911.

SENATE BILLS AND HOUSE BILL REFERRED.

Under clause 2, Rule XXIV, Senate and House bills of the following titles were taken from the Speaker's table and referred to their appropriate committees, as indicated below:

S. 4144. An act to increase the limit of cost of the United States post-office building at Greeley, Colo.; to the Committee on Public Buildings and Grounds.

S. 5446. An act relating to partial assignments of desert-land entries within reclamation projects made since March 28, 1908; to the Committee on the Public Lands.

H. R. 17681. An act making appropriations to provide for the expenses of the government of the District of Columbia for the fiscal year ending June 30, 1913, and for other purposes; to the Committee on Appropriations.

ADJOURNMENT.

Mr. RAKER. I move that the House do now adjourn.

The motion was agreed to; accordingly (at 5 o'clock and 46 minutes p. m.) the House adjourned until to-morrow, Thursday, March 21, 1912, at 12 o'clock noon.

EXECUTIVE COMMUNICATIONS.

Under clause 2 of Rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

1. A letter from the Secretary of the Treasury, transmitting copy of a communication from the Acting Secretary of the Interior, submitting estimate of appropriation for the installation of an electric elevator in the east wing of the Patent Office Building, Washington, D. C. (H. Doc. No. 636); to the Committee on Appropriations and ordered to be printed.

2. A letter from the Secretary of the Treasury, transmitting, with his favorable recommendation, draft of a bill providing for the disposition of effects of deceased patients of the Public Health and Marine-Hospital Service and of certain deceased officers and men connected with the Army (H. Doc. No. 633); to the Committee on Interstate and Foreign Commerce and ordered to be printed.

3. A letter from the Secretary of the Treasury, transmitting copy of a communication from the Commissioners of the District of Columbia submitting estimates of deficiencies in appropriations required by the District for the fiscal year ending

June 30, 1912 (H. Doc. No. 634); to the Committee on Appropriations and ordered to be printed.

4. A letter from the Secretary of War, transmitting, with a letter from the Chief of Engineers, report of examination and survey of Woodbury Creek, N. J. (H. Doc. No. 635); to the Committee on Rivers and Harbors and ordered to be printed.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, bills and resolutions were severally reported from committees, delivered to the Clerk, and referred to the several calendars therein named, as follows:

Mr. HAY, from the Committee on Military Affairs, to which was referred the bill (S. 271) to authorize the collection of the military and naval records of the Revolutionary War, with a view to their publication, reported the same with amendment, accompanied by a report (No. 431), which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. SLAYDEN, from the Committee on the Library, to which was referred the bill (H. R. 18841) incorporating the National Institute of Arts and Letters, reported the same without amendment, accompanied by a report (No. 433), which said bill and report were referred to the House Calendar.

REPORTS OF COMMITTEES ON PRIVATE BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, private bills and resolutions were severally reported from committees, delivered to the Clerk, and referred to the Committee of the Whole House, as follows:

Mr. PEPPER, from the Committee on Military Affairs, to which was referred the bill (H. R. 21952) for the relief of James S. Baer, reported the same without amendment, accompanied by a report (No. 432), which said bill and report were referred to the Private Calendar.

Mr. RUBEY, from the Committee on the Public Lands, to which was referred the bill (H. R. 18904) to perfect the title of the heirs of James S. Rollins, deceased, to bounty-land warrant No. 58479, issued to George Hickman, teamster, United States Quartermaster's Department, War with Mexico, reported the same with amendment, accompanied by a report (No. 434), which said bill and report were referred to the Private Calendar.

PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS.

Under clause 3 of Rule XXII, bills, resolutions, and memorials were introduced and severally referred as follows:

By Mr. AYRES: A bill (H. R. 22139) to improve the housing of animals in the District of Columbia; to the Committee on the District of Columbia.

By Mr. WOODS of Iowa: A bill (H. R. 22140) for the acquisition of a site and the erection of a building thereon at Algona, Iowa; to the Committee on Public Buildings and Grounds.

By Mr. DAVENPORT: A bill (H. R. 22141) creating an arbitration court in the Seminole Nation, State of Oklahoma, with jurisdiction to hear and determine controversies as to certain land titles in the Seminole Nation, Okla., and for other purposes; to the Committee on Indian Affairs.

By Mr. MARTIN of Colorado: A bill (H. R. 22142) to develop a national system and policy of waterways, to create the waterways commission, to regulate and charge for the use of the improved navigable waters of the United States, to provide a fund for the improvement of the same, to regulate and charge for the use of water powers, and for other purposes; to the Committee on Rivers and Harbors.

By Mr. JONES: A bill (H. R. 22143) to establish a qualified independent government for the Philippines and to fix the date when such qualified independence shall become absolute and complete, and for other purposes; to the Committee on Insular Affairs.

By Mr. TALCOTT of New York: Memorial of the Senate of the State of New York, favoring the construction of a battleship at the Brooklyn Navy Yard; to the Committee on Naval Affairs.

Also, memorial of the Legislature of the State of New York, in relation to the improvement of the inlet of Lake Champlain; to the Committee on Rivers and Harbors.

By Mr. AYRES: Memorial of the Senate of the State of New York, requesting that a battleship be built at the Brooklyn Navy Yard; to the Committee on Naval Affairs.

Also, memorial of the Assembly of the State of New York, asking improvement of inlet of Lake Champlain; to the Committee on Rivers and Harbors.

PRIVATE BILLS AND RESOLUTIONS.

Under clause 1 of Rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. ANDERSON of Ohio: A bill (H. R. 22144) granting an increase of pension to Peter R. Stouffer; to the Committee on Invalid Pensions.

Also, a bill (H. R. 22145) granting an increase of pension to Johnathan L. Irwin; to the Committee on Invalid Pensions.

Also, a bill (H. R. 22146) granting an increase of pension to William H. Brown; to the Committee on Invalid Pensions.

Also, a bill (H. R. 22147) granting an increase of pension to Aaron B. Stevenson; to the Committee on Invalid Pensions.

By Mr. AUSTIN: A bill (H. R. 22148) for the relief of James H. Smith; to the Committe on Claims.

Also, a bill (H. R. 22149) granting an increase of pension to David Hannam; to the Committee on Invalid Pensions.

Also, a bill (H. R. 22150) granting an increase of pension to Wyley Oglesby; to the Committee on Invalid Pensions.

By Mr. BRADLEY: A bill (H. R. 22151) granting an increase of pension to Jacob Oberdeck; to the Committee on Invalid Pensions.

By Mr. BURNETT: A bill (H. R. 22152) granting a pension to Susan E. Tyler; to the Committee on Invalid Pensions.

Also, a bill (H. R. 22153) granting a pension to Malissa Lindsey; to the Committee on Invalid Pensions.

Also, a bill (H. R. 22154) to authorize the Secretary of the Interior to issue patent to certain lands to William J. Nix; to the Committee on the Public Lands.

By Mr. CANTRILL: A bill (H. R. 22155) for the relief of Oldham County, Ky.; to the Committee on War Claims.

By Mr. CARLIN: A bill (H. R. 22156) granting an increase of pension to Anton Humm; to the Committee on Pensions.

By Mr. CLARK of Missouri: A bill (H. R. 22157) granting an increase of pension to Stephen Glanden; to the Committee on Invalid Pensions.

By Mr. COPLEY: A bill (H. R. 22158) granting an increase of pension to Lewis Mann; to the Committee on Invalid Pensions.

By Mr. COX of Ohio: A bill (H. R. 22159) for the relief of Capt. David A. Murphy; to the Committee on Claims.

By Mr. DONOHOE: A bill (H. R. 22160) granting a pension to Daniel F. Foley; to the Committee on Invalid Pensions.

By Mr. DANIEL A. DRISCOLL: A bill (H. R. 22161) granting a pension to Louise Lee; to the Committee on Invalid Pensions.

By Mr. MICHAEL E. DRISCOLL: A bill (H. R. 22162) granting an increase of pension to Eugene Partridge; to the Committee on Invalid Pensions.

By Mr. FOCHT: A bill (H. R. 22163) granting an increase of pension to George Bessor; to the Committee on Invalid Pensions.

By Mr. GOULD: A bill (H. R. 22164) granting an increase of pension to Edwin G. Brimmer; to the Committee on Invalid Pensions.

By Mr. HAYES: A bill (H. R. 22165) granting an increase of pension to John McMahon; to the Committee on Invalid Pensions.

By Mr. HEFLIN: A bill (H. R. 22166) for the relief of heirs or estate of John U. Brown, deceased; to the Committee on War Claims.

By Mr. HOWELL: A bill (H. R. 22167) for the relief of Daniel F. Cahoon; to the Committee on Claims.

Also, a bill (H. R. 22168) granting a pension to George Staniforth, alias George Seaforth; to the Committee on Pensions.

By Mr. LEE of Georgia: A bill (H. R. 22169) for the relief of the heirs of Eliza A. Clay, deceased; to the Committee on War Claims.

By Mr. LEE of Pennsylvania: A bill (H. R. 22170) granting a pension to Sarah J. Bunn; to the Committee on Invalid Pensions.

Also, a bill (H. R. 22171) granting a pension to Daniel M. Moyer; to the Committee on Pensions.

By Mr. LINDBERGH: A bill (H. R. 22172) granting an increase of pension to William H. Miller; to the Committee on Invalid Pensions.

By Mr. LONGWORTH: A bill (H. R. 22173) granting a pension to Anna Koll; to the Committee on Invalid Pensions.

By Mr. McGILLICUDDY: A bill (H. R. 22174) granting an increase of pension to William T. Eustis; to the Committee on Invalid Pensions.

Also, a bill (H. R. 22175) granting a pension to Edmond R. Stearns; to the Committee on Pensions.

Also, a bill (H. R. 22176) granting an increase of pension to Lydia A. Norton; to the Committee on Invalid Pensions.

By Mr. McGUIRE of Oklahoma: A bill (H. R. 22177) granting a pension to Mrs. A. J. Parks; to the Committee on Invalid Pensions.

Also, a bill (H. R. 22178) granting an increase of pension to Henry V. Hardwick; to the Committee on Invalid Pensions.

By Mr. McHENRY: A bill (H. R. 22179) granting a pension to Ida V. Wolfe; to the Committee on Pensions.

By Mr. MARTIN of Colorado: A bill (H. R. 22180) granting an increase of pension to Isaac D. Chamberlain; to the Committee on Invalid Pensions.

Also, a bill (H. R. 22181) for the relief of the city of Pueblo, Colo.; to the Committee on Claims.

Also, a bill (H. R. 22182) to remove the charge of desertion from the military record of John G. Schempp; to the Committee on Military Affairs.

By Mr. PALMER: A bill (H. R. 22183) granting an increase of pension to William D. Everitt; to the Committee on Invalid Pensions.

By Mr. PARRAN: A bill (H. R. 22184) granting an increase of pension to Frank Coalman; to the Committee on Pensions.

By Mr. RIORDAN: A bill (H. R. 22185) granting an increase of pension to Michael Curtin; to the Committee on Invalid Pensions.

By Mr. SELLS: A bill (H. R. 22186) granting a pension to Catherine Walsh; to the Committee on Pensions.

Also, a bill (H. R. 22187) granting a pension to William C. Scott; to the Committee on Pensions.

Also, a bill (H. R. 22188) granting a pension to Roy B. Wilcox; to the Committee on Pensions.

Also, a bill (H. R. 22189) granting a pension to James G. Kuhnert; to the Committee on Invalid Pensions.

By Mr. TAGGART: A bill (H. R. 22190) granting a pension to Rachel Jackson; to the Committee on Invalid Pensions.

Also, a bill (H. R. 22191) granting an increase of pension to George R. Baucom; to the Committee on Invalid Pensions.

By Mr. TURNBULL: A bill (H. R. 22192) for the relief of the estate of Peter McEnery, deceased; to the Committee on Military Affairs.

By Mr. WEBB: A bill (H. R. 22193) for the relief of James E. Walker; to the Committee on Naval Affairs.

PETITIONS, ETC.

Under clause 1 of Rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

By Mr. AINEY: Petitions of Granges Nos. 205, 1041, 1227, and 1302, Patrons of Husbandry, for a governmental system of postal express; to the Committee on Interstate and Foreign Commerce.

By Mr. AKIN of New York: Petition of residents of Ballston Spa, N. Y., in favor of providing for the building of one battleship in a Government navy yard; to the Committee on Naval Affairs.

By Mr. ALLEN: Memorial of the Council of the city of Cincinnati, Ohio, requesting mitigation of strike conditions at Lawrence, Mass.; to the Committee on Rules.

Also, petition of residents of Hamilton County, Ohio, asking for an old-age pension law; to the Committee on Pensions.

By Mr. ANDERSON of Minnesota: Petition of F. M. Beach and 11 others, of Lyle, Minn., against extension of the parcel-post system; to the Committee on the Post Office and Post Roads.

By Mr. ANSBERRY: Petition of J. P. Kalt, Royal Theater, Payne, Ohio, favoring amendment of copyright act of 1909; to the Committee on Patents.

By Mr. ASHBROOK: Petition of Grange No. 1681, Patrons of Husbandry, for parcel-post legislation; to the Committee on the Post Office and Post Roads.

Also, petition of William Moore and other citizens of Newark, Ohio, protesting against enactment of interstate commerce liquor legislation; to the Committee on the Judiciary.

By Mr. AYRES: Memorial of Beardstown Chamber of Commerce, protesting against increasing the flow of waters from Lake Michigan into Illinois River; to the Committee on Rivers and Harbors.

Also, memorial of Naval Camp, No. 49, in favor of the Crago bill; to the Committee on Pensions.

Also, memorial of Brooklyn League, protesting against removal of Brooklyn Navy Yard; to the Committee on Naval Affairs.

Also, memorial of Chestnut Bark Disease Conference, of Harrisburg, Pa., regarding prevention of the spread of this disease; to the Committee on Agriculture.

By Mr. BLACKMON: Petition of citizens of Piedmont, Ala., against the passage of parcel-post bill (H. R. 18960); to the Committee on the Post Office and Post Roads.

By Mr. BOWMAN: Memorial of the Philadelphia Chamber of Commerce, asking for a nonpartisan tariff commission; to the Committee on Ways and Means.

Also, memorial of the Pennsylvania Library Club and the New Jersey Library Association, for enactment of House bill 19546; to the Committee on the Post Office and Post Roads.

By Mr. COOPER: Petition of citizens of Racine, Wis., protesting against enactment of House bill 9433, for the observance of Sunday in post offices; to the Committee on the Post Office and Post Roads.

By Mr. DAUGHERTY: Petitions of citizens of Cassville, Mo., favoring extension of the parcel post; to the Committee on the Post Office and Post Roads.

Also, petition of residents of Peirce City, Mo., favoring parcel-post bill (H. R. 18160); to the Committee on the Post Office and Post Roads.

Also, petition of merchants of the fifteenth congressional district of Missouri, against extension of the parcel-post system; to the Committee on the Post Office and Post Roads.

By Mr. DICKINSON: Papers to accompany bill for the relief of Mary F. Johnson (H. R. 8913); to the Committee on Military Affairs.

By Mr. DONOHOE: Petition of the Philadelphia (Pa.) Chamber of Commerce, for continuance of the Tariff Commission; to the Committee on Ways and Means.

By Mr. ESCH: Petition of citizens of Colby, Wis., for parcel-post legislation; to the Committee on the Post Office and Post Roads.

Also, petitions of citizens of the State of Wisconsin, protesting against the Lever oleomargarine bill; to the Committee on Agriculture.

Also, petition of citizens of Clark County, Wis., against removing the 10-cent tax upon oleomargarine; to the Committee on Agriculture.

By Mr. FULLER: Petition of numerous citizens of La Salle, Dimmick, and Peru, Ill., favoring the establishment of a parcel-post service; to the Committee on the Post Office and Post Roads.

Also, petition of National Federation of Retail Merchants, protesting against the enactment of parcel-post legislation; to the Committee on the Post Office and Post Roads.

Also, petition of F. M. Edgett, of Earlville, Ill., favoring the passage of the Townsend bill (H. R. 20595) to amend section 25 of the copyright act of 1909, etc.; to the Committee on Patents.

Also, petition of the Illinois Coal Operators' Association, of Chicago, Ill., favoring the proposed Federal commission on industrial relations, etc.; to the Committee on Labor.

Also, petition of Maurice Simmons, commander in chief United Spanish War Veterans, favoring the passage of the Crago bill (H. R. 17470) to pension widows of Spanish War veterans; to the Committee on Pensions.

By Mr. GARDNER of Massachusetts: Memorial of the Salem Board of Trade, Salem, Mass., favoring passage of bill calling for appropriation of $50,000 to be expended in connection with the Fifth International Congress of Chambers of Commerce and Industrial Associations to be held in Boston September, 1912; to the Committee on Appropriations.

By Mr. GRAHAM: Petition of the Woman's Christian Temperance Union of Reno, Ill., for passage of Kenyon-Sheppard interstate liquor bill; to the Committee on the Judiciary.

Also, memorial of the Chamber of Commerce of Beardstown, Ill., protesting against granting of permit to increase the flow of waters of Lake Michigan through the valley of the Illinois River; to the Committee on Rivers and Harbors.

Also, petition of the Chicago Live Stock Exchange, favoring the enactment of House bill 20281; to the Committee on Agriculture.

Also, memorial of the Association of Drainage and Levee Districts of Illinois, objecting to the increase of flow of the Illinois River from Lake Michigan; to the Committee on Rivers and Harbors.

By Mr. GRIEST: Memorial of Chestnut Tree Bark Disease Conference held at Harrisburg, Pa., urging appropriation of $80,000 for use of the United States Department of Agriculture in chestnut-bark disease work, etc.; to the Committee on Appropriations.

By Mr. HAMMOND: Petition of the Minnesota State Pharmaceutical Association, against establishment of a local rural parcel post or appointment of a commission to investigate parcel-post systems of foreign countries; to the Committee on the Post Office and Post Roads.

By Mr. HANNA: Petition of N. G. Anderson, of Palermo, N. Dak., asking that the duties on raw and refined sugars be reduced; to the Committee on Ways and Means.

Also, petition of citizens of Portal, N. Dak., urging repeal of the Canadian reciprocity treaty; to the Committee on Ways and Means.

Also, petition of citizens of Pekin, N. Dak., protesting against parcel-post legislation; to the Committee on the Post Office and Post Roads.

Also, memorial of citizens of Short Creek, N. Dak., relative to pending banking and currency legislation, etc.; to the Committee on Banking and Currency.

Also, petition of St. Antonio's Benevolent Society, of Berwick, N. Dak., in regard to measures relative to Catholic Indian mission interests; to the Committee on Indian Affairs.

Also, petition of citizens of Ray, N. Dak., relative to legislation affecting oleomargarine; to the Committee on Agriculture.

By Mr. HAYES: Petition of citizens of the State of California, favoring the building of one battleship in a Government navy yard; to the Committee on Naval Affairs.

By Mr. HEFLIN: Papers in support of the war claim of the estate of John U. Brown, deceased; to the Committee on War Claims.

By Mr. HOWELL: Petition of Henry H. Rolapp and others, of Ogden, Utah, protesting against House bill 17485; to the Committee on the Public Lands.

Also, petitions of citizens of the State of Utah, favoring certain amendments to the copyright act of 1909; to the Committee on Patents.

By Mr. HUGHES of New Jersey: Petitions of the Woman's Christian Temperance Union and First Reformed Church, of Hackensack, N. J., for passage of Kenyon-Sheppard interstate liquor bill; to the Committee on the Judiciary.

By Mr. KINKEAD of New Jersey: Memorial of the New Jersey Society of the Sons of the American Revolution, for printing of the records of the American Revolution; to the Committee on Appropriations.

Also, petition of the Chamber of Commerce of Washington, D. C., relative to Fifth International Congress of Chambers of Commerce, to be held in Boston, Mass.; to the Committee on Appropriations.

By Mr. KNOWLAND: Petitions of Methodist Episcopal Church, Hayward; Congregational Church, Berkeley; Epworth Methodist Church, Berkeley; First Baptist Church, Berkeley; Wesley Methodist Episcopal Church, Berkeley; College Avenue Methodist Episcopal Church, Berkeley; Calvary Presbyterian Church, Berkeley; Congregational Church, Hayward; Park Congregational Church, Berkeley; South Berkeley Baptist Church, Oakland; First Presbyterian Church, Berkeley; Methodist Church, San Leandro; Presbyterian Church, Melrose; Woman's Christian Temperance Union, Melrose; First Presbyterian Church, Hayward; Trinity Methodist Episcopal Church, Berkeley; First Unitarian Church, Berkeley; Centennial Methodist Church, Oakland; Young Woman's Temperance Society of the University of California, Berkeley, all in the State of California, urging the passage of House bill 16214; to the Committee on the Judiciary.

Also, memorials of Laurel Club, Oakland; Alameda Center of the California Civic League, Alameda; Union Civic Center of the California Civic League, Hayward; Emeryville Civic Center of the California Civic League, Emeryville; Sacramento Center of the Civic League of California, Sacramento, all in the State of California, urging additional appropriation for the enforcement of the white-slave traffic act; to the Committee on Appropriations.

Also, memorial of Civic Center of San Leandro, Cal., urging additional appropriation for enforcement of white-slave traffic act; to the Committee on Appropriations.

Also, memorial of San Francisco Center of the California Civic League, urging an additional appropriation for the enforcement of the white-slave traffic act; to the Committee on Appropriations.

By Mr. LEE of Pennsylvania: Memorial of the Philadelphia (Pa.) Chamber of Commerce, for continuance of the Tariff Commission; to the Committee on Ways and Means.

By Mr. LINDBERGH: Petition of citizens of Brainerd, Minn., asking support of the Weeks and McLean bills, providing for the protection of migratory game birds; to the Committee on Agriculture.

Also, petition of residents of Akeley, Minn., favoring the Sulzer parcel-post bill (H. R. 14); to the Committee on the Post Office and Post Roads.

Also, petition of farmers, dairymen, and business men of Bertha, Minn., opposing the Lever oleomargarine bill; to the Committee on Agriculture.

Also, petition of citizens of Watkins, Minn., favoring parcel-post legislation; to the Committee on the Post Office and Post Roads.

Also, memorial of Sacred Heart Aid Association, of Freeport, Minn., in relation to Catholic Indian missions; to the Committee on Indian Affairs.

Also, petitions of St. Mary's Church, St. Joseph's Society, and Young Men's Society of Milville, Minn., relating to Catholic Indian mission interests; to the Committee on Indian Affairs.

By Mr. LINDSAY: Petition of Mendelson & Morris, of Brooklyn, N. Y., for passage of House bill 20595, amending the copyright act of 1909; to the Committee on Patents.

By Mr. LLOYD: Petition of citizens of Milo, Iowa, protesting against parcel-post legislation; to the Committee on the Post Office and Post Roads.

By Mr. LONGWORTH: Petition of the Woman's Christian Temperance Union of Linwood, city of Cincinnati, Ohio, for passage of the Kenyon-Sheppard interstate commerce liquor bill; to the Committee on the Judiciary.

By Mr. LOUD: Petition of Samuel D. Kaufman and others, of Kneeland, Mich., for parcel-post legislation; to the Committee on the Post Office and Post Roads.

By Mr. McGILLICUDDY: Petitions of Baptist Church of South Paris, and the Woman's Christian Temperance Union of Wiscasset, Me., for passage of Kenyon-Sheppard interstate liquor bill; to the Committee on the Judiciary.

By Mr. McHENRY: Petition of citizens of Elkland, Sullivan County, Pa., in favor of parcel-post legislation; to the Committee on the Post Office and Post Roads.

By Mr. MORSE of Wisconsin: Petitions of sundry citizens of tenth congressional district of Wisconsin, protesting against the passage of Lever bill (H. R. 18493) and favoring the provisions of the Haugen bill (H. R. 19338), except that provision which authorizes the change of the name from oleomargarine to margarine; to the Committee on Agriculture.

Also, petition of the Structural Iron Workers' Union of Milwaukee, Wis., in favor of McCall's proposed amendment to the Constitution to give Congress the power to pass laws regulating the hours of labor in general throughout the United States; to the Committee on the Judiciary.

By Mr. MOTT: Petition of Grange No. 920, Patrons of Husbandry, in favor of a parcel-post system; to the Committee on the Post Office and Post Roads.

Also, petitions of Granges Nos. 59, 691, and 700, Patrons of Husbandry, protesting against the Lever oleomargarine bill; to the Committee on Agriculture.

By Mr. NEEDHAM: Petitions of the Woman's Christian Temperance Union of Central School District, Stanislaus County, and the Methodist Episcopal Church of Turlock, Cal., for passage of Kenyon-Sheppard interstate liquor bill; to the Committee on the Judiciary.

Also, petition of the Woman's Christian Temperance Union of Central School District, Stanislaus County, Cal., asking that the anticanteen law be not repealed; to the Committee on Military Affairs.

Also, memorial of the First Presbyterian Missionary Society of Fowler, Cal., relative to the Mormon Church in Utah and Idaho; to the Committee on the Judiciary.

Also, petition of the Russian River Chamber of Commerce, for improving the Yosemite National Park; to the Committee on Appropriations.

Also, petitions of the Civic League of Sacramento and Emeryville, Cal., for an appropriation to enforce the white-slave traffic act; to the Committee on Appropriations.

By Mr. NELSON: Petitions of sundry citizens of Manchester, Pardeeville, and Browning, Wis., protesting against House bill 18493, relating to oleomargarine; to the Committee on Agriculture.

By Mr. PALMER: Petition of citizens of Easton, Pa., in favor of building one battleship in a Government navy yard; to the Committee on Naval Affairs.

Also, petition of voters of Portland and vicinity, Northampton County, Pa., favoring the passage of the Kenyon-Sheppard interstate-commerce liquor bill; to the Committee on the Judiciary.

Also, petition of citizens of Bethlehem, Pa., for the passage of the Esch white phosphorus match bill; to the Committee on Ways and Means.

By Mr. PARRAN: Papers in support of bill for the relief of Michael Shannon, John W. Connelly, Henry P. Graham, and Daniel O'Lone (H. R. 20258); to the Committee on Claims.

Also, papers in support of a bill (H. R. 20336) granting a pension to Ida V. Stephens and her three dependent infant children; to the Committee on Pensions.

Also, papers in support of bill (H. R. 20456) granting a pension to Mary Muller; to the Committee on Invalid Pensions.

Also, petition of 56 citizens of Charles County, Md., favoring parcel-post legislation; to the Committee on the Post Office and Post Roads.

By Mr. RAKER: Memorial of the Chamber of Commerce of San Diego, Cal., recommending that the Revenue-Cutter Service

be continued as at present; to the Committee on Interstate and Foreign Commerce.

Also, petitions of citizens of the State of California, for passage of House bill 20477; to the Committee on the Public Lands.

Also, memorial of the Russian River Chamber of Commerce, for improvement of Yosemite National Park; to the Committee on Appropriations.

Also, petitions of the Civic League of Sacramento, the Civic Center of Emeryville, Cal., and the California Club, for an appropriation for enforcement of the white-slave traffic act; to the Committee on Appropriations.

Also, petition of the California State Hardware Association, protesting against parcel-post legislation; to the Committee on the Post Office and Post Roads.

Also, petition of E. G. Gerbrich and others, of the State of California, for passage of the Berger old-age pension bill; to the Committee on Pensions.

By Mr. RANSDELL of Louisiana: Petition of citizens of the State of Louisiana, for certain amendments to the public-land laws; to the Committee on the Public Lands.

By Mr. REYBURN: Petition of the Philadelphia (Pa.) Chamber of Commerce, protesting against the passage of House bill 16844; to the Committee on Interstate and Foreign Commerce.

Also, memorial of the Philadelphia (Pa.) Chamber of Commerce, for continuance of the Tariff Commission; to the Committee on Ways and Means.

By Mr. RIORDAN: Petition of citizens of New Dorp, N. Y., for establishment of free delivery at New Dorp, Staten Island, New York City; to the Committee on the Post Office and Post Roads.

By Mr. ROUSE: Petitions of citizens of Kentucky, in favor of building one battleship in a Government navy yard; to the Committee on Naval Affairs.

By Mr. RUCKER of Colorado: Petition of Robert Barchlay and others, of Denver, favoring the building of one battleship in the New York Navy Yard; to the Committee on Naval Affairs.

Also, petition of Woman's Christian Temperance Union of Colorado, protesting against repealing the anticanteen law; to the Committee on Military Affairs.

Also, petition of the membership of Farmers' Union No. 220, of Severance, Colo., favoring parcel-post legislation; to the Committee on the Post Office and Post Roads.

Also, petition of George Dierden and others, of Louisville, Colo., for old-age pensions; to the Committee on Pensions.

By Mr. SHERWOOD: Petitions of citizens of the ninth congressional district of Ohio, for regulation of express rates and classifications; to the Committee on Interstate and Foreign Commerce.

By Mr. SIMS: Petitions of citizens of the State of Tennessee, for establishment of a parcel-post system; to the Committee on the Post Office and Post Roads.

By Mr. J. M. C. SMITH: Petitions of citizens of the State of Michigan, in favor of parcel-post legislation; to the Committee on the Post Office and Post Roads.

Also, petitions of 15 citizens of Tekonsha, 7 citizens of Litchfield, Edwards & Chamberlin Hardware Co., Kalamazoo; Coldwater Council, No. 452, U. C. T.; and 8 citizens of Waldron, Mich., against parcel post; to the Committee on the Post Office and Post Roads.

Also, petition of citizens of Charlotte, Mich., protesting against the Lever oleomargarine bill; to the Committee on Agriculture.

Also, petition of the Detroit (Mich.) Board of Commerce, for passage of House bill 18005, to erect State agricultural buildings; to the Committee on Agriculture.

Also, petition of citizens of Kalamazoo, Mich., for construction of one battleship in a Government navy yard; to the Committee on Naval Affairs.

Also, petition of the Venetrafi, Coldwater, Mich.; Veno Royston, Grand Ledge, Mich.; W. S. Butterfield, Battle Creek, Mich.; Lipp & Cross, Battle Creek, Mich.; Orpheum Theater, Kalamazoo, Mich.; Howard L. Hobday, Union City; and H. B. Knapp, Battle Creek, for the passage of House bill 20595, amending the copyright act of 1909; to the Committee on Patents.

By Mr. SMITH of New York: Petition of citizens of Colden, N. Y., for passage of House bill 14, providing for a parcel-post system; to the Committee on the Post Office and Post Roads.

By Mr. STEPHENS of California: Petition of citizens of Huntington Park, Vernon, and Florence, Cal., for passage of the Berger old-age pension bill; to the Committee on Pensions.

Also, petition of the Woman's Christian Temperance Union of Los Angeles, Cal., for passage of Kenyon-Sheppard interstate liquor bill; to the Committee on the Judiciary.

Also, petitions of citizens of Los Angeles, Cal., for passage of Kenyon-Sheppard interstate liquor bill; to the Committee on the Judiciary.

Also, petitions of citizens of the State of California, for enactment of House bill 20595, amending the copyright act of 1909; to the Committee on Patents.

By Mr. TAGGART: Petition of Vinland Grange, No. 163, Patrons of Husbandry, for parcel-post legislation; to the Committee on the Post Office and Post Roads.

By Mr. TALBOTT of Maryland (by request): Petition of citizens of Carroll County, Md., protesting against extension of the parcel-post system; to the Committee on the Post Office and Post Roads.

By Mr. TILSON: Petition of the Hartford Yacht Club, of Hartford, Conn., protesting against passage of House bill 15786; to the Committee on the Merchant Marine and Fisheries.

By Mr. WATKINS: Petition of citizens of Natchitoches and Rossier Parishes, La., for parcel-post legislation; to the Committee on the Post Office and Post Roads.

Also, petition of citizens of Winn Parish, La., for old-age pensions; to the Committee on Pensions.

By Mr. WHITE: Petitions of citizens of Rainbow, Stockport, and Caldwell, Ohio, favoring the Sulzer parcel-post bill (H. R. 14); to the Committee on the Post Office and Post Roads.

By Mr. WILLIS: Memorial of Rush Creek Grange, Rushsylvania, Ohio, in favor of extension of the parcel post; to the Committee on the Post Office and Post Roads.

By Mr. WILSON of New York: Petition of members of Improved Order of Red Men of fourth congressional district of New York, for an American Indian memorial and museum building in the city of Washington, D. C.; to the Committee on Public Buildings and Grounds.

SENATE.

THURSDAY, *March 21, 1912.*

The Senate met at 2 o'clock p. m.

Prayer by the Chaplain, Rev. Ulysses G. B. Pierce, D. D.

The Secretary proceeded to read the Journal of yesterday's proceedings when, on request of Mr. MCCUMBER and by unanimous consent, the further reading was dispensed with and the Journal was approved.

IMPROVEMENT OF THE MISSISSIPPI RIVER (S. DOC. NO. 450).

The VICE PRESIDENT laid before the Senate a communication from the Secretary of War, transmitting, in response to Senate concurrent resolution No. 18, a letter from the Acting Chief of Engineers, United States Army, relative to the work of levee construction in the improvement of the navigability of the Mississippi River, on the east bank thereof from Vicksburg to Bayou Sara, etc., together with a copy of a special report from the acting president of the Mississippi River Commission, which, with the accompanying papers, was referred to the Committee on Commerce and ordered to be printed.

NAVY RETIRED LIST (S. DOC. NO. 449).

The VICE PRESIDENT laid before the Senate a communication from the Secretary of the Navy, transmitting, in response to a resolution of the 15th ultimo, a statement showing the number of officers on the retired list of the Navy January 1, 1912, according to grade and rank and amount of yearly compensation paid to such officers of each such grade and rank, etc., which, with the accompanying paper, was referred to the Committee on Naval Affairs and ordered to be printed.

ENROLLED BILL SIGNED.

A message from the House of Representatives, by D. K. Hempstead, its enrolling clerk, announced that the Speaker of the House had signed the enrolled bill (H. R. 11824) to amend section 113 of the act to "codify, revise, and amend the laws relating to the judiciary," approved March 3, 1911, and it was thereupon signed by the Vice President.

PETITIONS AND MEMORIALS.

The VICE PRESIDENT presented petitions of the Woman's Christian Temperance Unions of Weirsdale, Fla., and Dayton, Ky., and of the congregations of the Methodist Episcopal Church South, of Georgetown, Tex., and the Methodist Church of Thompson, Pa., praying for the adoption of an amendment to the Constitution to prohibit the manufacture, sale, and importation of intoxicating liquors, which were referred to the Committee on the Judiciary.

Mr. CULLOM presented memorials of members of the Board of Trade of Kansas City, Mo.; of the Chamber of Commerce of Baltimore, Md.; and of the Chamber of Commerce of Philadelphia, Pa., remonstrating against any reduction being made in

the annual appropriation for the maintenance of the Diplomatic and Consular Service, which were referred to the Committee on Appropriations.

He also presented a petition of members of the Chamber of Commerce of Los Angeles, Cal., praying for the enactment of legislation to exempt from toll all American ships engaged in coastwise traffic through the Panama Canal, which was referred to the Committee on Interoceanic Canals.

He also presented a petition of members of the Chamber of Commerce of Philadelphia, Pa., praying that an adequate appropriation be made for the continuance of the Tariff Board, which was referred to the Committee on Finance.

He also presented memorials of sundry citizens of Highland, De Land, Dongola, Plainfield, and Murphysboro, all in the State of Illinois, remonstrating against the extension of the parcel-post system beyond its present limitations, which were referred to the Committee on Post Offices and Post Roads.

He also presented a petition of Local Union No. 224, International Brotherhood of Blacksmiths and Helpers, of La Salle, Ill., praying for the enactment of legislation providing for the construction of one of the proposed new battleships in the Brooklyn Navy Yard, which was referred to the Committee on Naval Affairs.

He also presented a petition of the congregation of the Methodist Episcopal Church of Verona, Ill., and a petition of the Woman's Christian Temperance Unions of Verona and Reno, Ill., praying for the enactment of an interstate liquor law to prevent the nullification of State liquor laws by outside dealers, which were referred to the Committee on the Judiciary.

He also presented petitions of sundry citizens of Belleville and Elizabethtown, in the State of Illinois, praying for the establishment of a parcel-post system, which were referred to the Committee on Post Offices and Post Roads.

Mr. WARREN presented a petition of 166 citizens, members of the Methodist Church of Sheridan, Wyo., and a petition of 50 citizens, members of the Baptist Church of Sheridan, Wyo., praying for the passage of the so-called Kenyon-Sheppard bill to withdraw from interstate-commerce protection liquors imported into "dry" territory for illegal use, which were referred to the Committee on the Judiciary.

Mr. BRISTOW presented memorials of sundry citizens of Dwight, Admire, Lecompton, Junction City, Belleville, Quenomo, Larned, Manchester, Argonia, and Carlton, all in the State of Kansas, remonstrating against the enactment of legislation authorizing the coloring of oleomargarine in imitation of butter, which were referred to the Committee on Agriculture and Forestry.

He also presented a memorial of sundry citizens of Wichita, Kans., remonstrating against the establishment of a parcel-post system, which was referred to the Committee on Post Offices and Post Roads.

Mr. BRIGGS presented a petition of members of the Board of Education of Newark, N. J., praying that an appropriation be made for the preservation of captured flags and banners in the possession of the United States Naval Academy at Annapolis, Md., which was referred to the Committee on Naval Affairs.

He also presented petitions of members of the Friday Club of Bridgeton, of the Christian Endeavor of Woodcliff-on-Hudson, and of sundry citizens of Cranford, all in the State of New Jersey, praying for the enactment of legislation to prohibit the use of phosphorus in the manufacture of matches, which were referred to the Committee on Finance.

He also presented petitions of sundry citizens of Boonton, Millington, Haddenfield, Chester, Cranbury, Park Ridge, Absecon, Bound Brook, Plainfield, Newton, and Pittstown, all in the State of New Jersey, praying for the establishment of a parcel-post system, which were referred to the Committee on Post Offices and Post Roads.

He also presented petitions of members of the Friday Club and the Lutheran Church, of Bridgeton; of the Woman's Christian Temperance Union and the Reformed Church, of Asbury Park; of the Plumsted Presbyterian Church, of New Egypt; of sundry citizens of Woodcliff-on-Hudson and Ridgefield Park; of the Methodist Episcopal Church of Almonesson; the First Methodist Episcopal Church of Asbury Park; the Methodist Episcopal Church of Barnegat; the Christian Church of Vienna; the Presbyterian Church of Barnegat; the Woman's Christian Temperance Union of Dumont and Trenton; and of sundry citizens of Newark and Montclair, all in the State of New Jersey; and of the Salt's Textile Manufacturing Co., of New York City, N. Y., praying for the enactment of an interstate liquor law to prevent the nullification of State liquor laws by outside dealers, which were referred to the Committee on the Judiciary.

He also presented memorials of members of the Deutsch-Amerikanischer Central Verein, of Orange; the German-Irish Alliance of Essex County, Newark; and of the Williamstown Glass Co., of Williamstown, all in the State of New Jersey, remonstrating against the enactment of an interstate liquor law to prevent the nullification of State liquor laws by outside dealers, which were referred to the Committee on the Judiciary.

Mr. HEYBURN presented sundry papers to accompany the bill (S. 5192) for the relief of W. B. Horn, which were referred to the Committee on Post Offices and Post Roads.

Mr. LODGE. I present resolutions adopted by the House of Representatives of the General Court of Massachusetts, which I ask may be printed in the RECORD, and referred to the Committee on Naval Affairs.

The resolutions were referred to the Committee on Naval Affairs and ordered to be printed in the RECORD, as follows:

THE COMMONWEALTH OF MASSACHUSETTS,
HOUSE OF REPRESENTATIVES,
March 8, 1912.

Whereas it is proposed to remove or abolish the United States navy yard in the Charlestown district of the city of Boston; and

Whereas in the opinion of the House of Representatives of the Commonwealth of Massachusetts such a step would be detrimental to the interests of Charlestown, of the port of Boston, and of the entire Commonwealth: Therefore be it

Ordered, That the Senators and Representatives in Congress from this Commonwealth be requested to use their best endeavors to prevent such removal or abolishment; and be it further

Ordered, That a copy of this order be sent by the clerk of the house of representatives to the Senators and Representatives in Congress from this Commonwealth.

A true copy.

Attest:

JAMES W. KIMBALL,
Clerk of the House of Representatives.

Mr. LODGE presented a memorial of sundry employees of the pulp and paper mills of Massachusetts, remonstrating against the placing of wood pulp and print paper on the free list, which was referred to the Committee on Finance.

He also presented a petition of sundry citizens of Gardner, Mass., praying for the enactment of an interstate liquor law to prevent the nullification of State liquor laws by outside dealers, which was referred to the Committee on the Judiciary.

He also presented a memorial of sundry employees of the N. Ward Co., of Boston, Mass., remonstrating against any reduction of the duty on glue, which was referred to the Committee on Finance.

Mr. WETMORE presented the petition of H. J. Wheeler, director, and other members of the Rhode Island Horticultural Association, praying for the enactment of legislation to regulate the importation and interstate transportation of nursery stock, which was referred to the Committee on Agriculture and Forestry.

Mr. BRANDEGEE presented a memorial of 100 employees of the American Shear & Knife Co., of Hotchkissville, Conn., remonstrating against a reduction of the duty on cutlery, which was referred to the Committee on Finance.

He also presented a memorial of sundry citizens of Southington, Conn., remonstrating against the repeal of the anticanteen law, which was referred to the Committee on Military Affairs.

He also presented petitions of sundry citizens of Meriden and Brookfield, in the State of Connecticut, praying for the enactment of an interstate liquor law to prevent the nullification of State liquor laws by outside dealers, which were referred to the Committee on the Judiciary.

He also presented resolutions in the nature of a memorial adopted by the Fishermen's Protective Association of Noank, Conn., remonstrating against the enactment of legislation to regulate the use of power boats, which were referred to the Committee on Commerce.

REPORTS OF COMMITTEES.

Mr. BRIGGS, from the Committee to Audit and Control the Contingent Expenses of the Senate, to which were referred the following resolutions, reported them severally without amendment:

S. Res. 254. Authorizing the Committee on Forest Reservations and the Protection of Game, or any subcommittee thereof, to conduct hearings, etc., and to sit during the sessions of the Senate;

S. Res. 255. Authorizing the Committee on Public Lands to employ a stenographer, etc.; and

S. Res. 252. Authorizing the Committee on Fisheries to conduct hearings, employ stenographers, etc.

Mr. BRIGGS, from the Committee to Audit and Control the Contingent Expenses of the Senate, to which was referred Senate resolution 242, directing the Committee on Post Offices and Post Roads to inquire into and report to the Senate whether post-office inspectors are being sent through the country to influence postmasters to aid in the election of delegates for or

against any candidate for the presidency, etc., reported it without amendment, and submitted a report (No. 497) thereon.

Mr. OWEN, from the Committee on Indian Affairs, to which was referred the bill (S. 5676) authorizing the Secretary of the Interior to set aside for sanatorium purposes not to exceed four sections of the unallotted tribal lands of the Choctaw and Chickasaw Nations of Oklahoma, reported it without amendment and submitted a report (No. 495) thereon.

He also, from the same committee, to which was referred the bill (S. 5141) to correct an error in the record of the supplemental treaty of September 28, 1830, made with the Choctaw Indians, and for other purposes, reported it with amendments, and submitted a report (No. 494) thereon.

Mr. OWEN. From the Committee on Indian Affairs I report back favorably without amendment the bill (H. R. 19863) authorizing the Secretary of the Interior to subdivide and extend the deferred payments of settlers in the Kiowa, Comanche, and Apache ceded lands in Oklahoma, and I submit a report (No. 496) thereon. I ask for the present consideration of the bill.

The VICE PRESIDENT. The bill will be read for the information of the Senate.

The Secretary read the bill.

The VICE PRESIDENT. Is there objection to the present consideration of the bill?

Mr. CURTIS. I object, unless there is some explanation of it.

Mr. OWEN. The bill has already passed the House. It meets the approval of the Assistant Secretary of the Interior, Mr. Adams, whose report accompanies the report of the committee. I thought the Senator from Kansas was informed in regard to it.

Mr. CURTIS. I was not. I was not at the committee meeting when the bill was ordered reported out.

Mr. OWEN. It was ordered reported this morning from the committee before the Senator from Kansas came into the committee, I suppose. They simply have had a drought there for three successive years, and this is only extending the time. It is a matter to which I think there can be no objection.

The VICE PRESIDENT. Does the Senator from Kansas object?

Mr. SMOOT. Let the bill go over.

The VICE PRESIDENT. Objection is made, and the bill goes to the calendar.

MANUEL AGÜERO Y JUNQUÉ.

Mr. DU PONT. I report back favorably without amendment from the Committee on Military Affairs the joint resolution (S. J. Res. 91) authorizing the Secretary of War to receive for instruction at the United States Military Academy at West Point Mr. Manuel Agüero y Junqué, of Cuba, and I ask for its present consideration.

The VICE PRESIDENT. The joint resolution will be read for the information of the Senate.

The Secretary read the joint resolution, as follows:

Resolved, etc., That the Secretary of War be, and hereby is, authorized to permit Mr. Manuel Agüero y Junqué, of Cuba, to receive instruction at the United States Military Academy at West Point: *Provided*, That no expense shall be caused to the United States thereby, and that the said Manuel Agüero y Junqué shall agree to comply with all regulations for the police and discipline of the academy, to be studious, and to give his utmost efforts to accomplish the course in the various departments of instruction, and that the said Manuel Agüero y Junqué shall not be admitted to the academy until he shall have passed the mental and physical examinations prescribed for candidates from the United States, and that he shall be immediately withdrawn if deficient in studies or conduct and so recommended by the academic board: *And provided further*, That in the case of the said Manuel Agüero y Junqué the provisions of sections 1320 and 1321 of the Revised Statutes shall be suspended.

The VICE PRESIDENT. Is there objection to the present consideration of the joint resolution?

Mr. GALLINGER. Mr. President, I will ask the Senator from Delaware how many of these young men from different countries are now in the Military Academy, if he can give the information?

Mr. DU PONT. Mr. President, I will say to the Senator from New Hampshire that there are only two young men actually there at the present time, Hernan Arthur Ulloa, of Costa Rica, receiving instructions under the provisions of the joint resolution of Congress approved January 18, 1908, and Demetrio Castillo, jr., of Cuba, receiving instruction under the provisions of an act of Congress approved March 4, 1909. It is true that there has been authority granted to admit three more, but they have not yet reported.

Mr. GALLINGER. I recall the fact, Mr. President, that not long ago such authority was granted for three other young men; I have forgotten from what country they hailed, but it seemed to me we were liable to overdo this thing if we did not call a halt. Can the Senator state where those three are to come from?

Mr. DU PONT. Yes; I will give the Senator full information. Under the authority of the joint resolution approved January 26, 1912, the one to which the Senator probably refers, José Pasos Diaz, of Nicaragua, son of the president of that country, was permitted to enter the Military Academy for instruction in June next. Authority has also been granted by the joint resolution of Congress approved February 24, 1911, for the admission of two Chinese subjects, to be designated hereafter by the Government of China, to receive instruction at the Military Academy.

Mr. GALLINGER. Mr. President, I called attention to this matter simply by way of suggestion. I think there is some danger of our being a little too liberal in this respect, educating young men who possibly may be troublesome to us in time of war. If we educate the Chinese young men, a nation that is developing very rapidly and that will become a warlike nation in the near future with 400,000,000 or 500,000,000 people, I am not quite sure whether it is good policy. But I, of course, do not object to the consideration of the joint resolution. I simply wanted to call the attention of the Senate to the matter; that was all.

Mr. HEYBURN. Mr. President, I should like to inquire whether or not, in the process of educating at West Point or Annapolis, as the case may be, these student cadets have full access to Government publications containing plans, statements, and statistics that might be used to some advantage against our country. We are quite particular in excluding what we call spies, who come to get such information as we have in regard to our systems of defense. Does a student enrolled at West Point, passing through the ordinary course of education, have access to that kind of information?

Mr. DU PONT. I will say to the Senator from Idaho that he has access to no greater sources of military information than are to be found in every public library. All matters of a confidential nature are kept in the War Department or the Navy Department, and no student at West Point, be he American or foreigner, has any access to them.

Mr. HEYBURN. I had supposed that was the fact, but I wanted that it should appear in the RECORD in connection with the consideration of this question. As a principle, I am opposed to opening our naval and military schools to the education of possible enemies. But I am not disposed to carry it further than to state my objection. Still, I like to inquire from time to time just how far it goes and the status of the matter.

The VICE PRESIDENT. Is there objection to the present consideration of the joint resolution?

There being no objection, the joint resolution was considered as in Committee of the Whole.

The joint resolution was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

BILLS INTRODUCED.

Bills were introduced, read the first time, and, by unanimous consent, the second time, and referred as follows:

By Mr. BRIGGS:

A bill (S. 5948) authorizing the Secretary of War, in his discretion, to permit the Hires Turner Glass Co. to connect its property at Rosslyn, Va., with the water main of Fort Myer, Va. (with accompanying papers);

A bill (S. 5949) for the relief of James Danielson (with accompanying papers); and

A bill (S. 5950) to regulate the filling of vacancies in the Corps of Cadets at the United States Military Academy not otherwise provided for by existing law; to the Committee on Military Affairs.

A bill (S. 5951) granting a pension to Mary Agnes Drumgoold; to the Committee on Pensions.

By Mr. NIXON:

A bill (S. 5952) to provide for an enlarged homestead entry in Nevada where sufficient water suitable for domestic purposes is not obtainable upon the lands; to the Committee on Public Lands.

By Mr. CULLOM:

A bill (S. 5953) granting an increase of pension to Samuel B. Baker (with accompanying papers); to the Committee on Pensions.

By Mr. HEYBURN:

A bill (S. 5954) granting an increase of pension to James Jordan (with accompanying papers); to the Committee on Pensions.

By Mr. PERKINS:

A bill (S. 5955) for the relief of certain retired officers of the Navy and Marine Corps; to the Committee on Naval Affairs.

A bill (S. 5956) to restore in part the rank of Lieuts. Thomas Marcus Molloy and Joseph Henry Crozier, United States Revenue-Cutter Service; to the Committee on Commerce.

By Mr. SMOOT:

A bill (S. 5957) providing for the issuance of patents to entrymen for homesteads in the so-called Flathead irrigation project; to the Committee on Public Lands.

By Mr. SMITH of Michigan:

A bill (S. 5958) to provide for the register and enrollment of vessels built in foreign countries when such vessels have been wrecked on the coasts of the United States or her possessions or near-by waters and salved by American citizens and repaired in American shipyards; to the Committee on Commerce.

A bill (S. 5959) granting a pension to E. S. Pease;

A bill (S. 5960) granting an increase of pension to David C. Crawford; and

A bill (S. 5961) granting a pension to Mrs. George O. Richardson; to the Committee on Pensions.

By Mr. ROOT:

A bill (S. 5962) to increase the limit of cost of the addition to the site of the Federal building at Utica, N. Y.; to the Committee on Public Buildings and Grounds.

By Mr. JONES:

A bill (S. 5963) to amend an act to amend section 6 of the currency act of March 14, 1900, as amended by the act approved March 4, 1907; to the Committee on Finance.

By Mr. BANKHEAD:

A bill (S. 5964) for the relief of estate of J. H. Christian, deceased (with accompanying paper); to the Committee on Claims.

A bill (S. 5965) granting a pension to Nancy J. Haskett; to the Committee on Pensions.

By Mr. BRADLEY:

A bill (S. 5966) granting an increase of pension to William Day (with accompanying paper); and

A bill (S. 5967) granting an increase of pension to John T. Allen (with accompanying paper); to the Committee on Pensions.

By Mr. BRANDEGEE:

A bill (S. 5968) granting an increase of pension to John W. Shaw;

A bill (S. 5969) granting an increase of pension to Ellen S. Kirkham;

A bill (S. 5970) granting an increase of pension to Frank S. Shaffer; and

A bill (S. 5971) granting an increase of pension to Cornelia M. Hale; to the Committee on Pensions.

JAMES BUTLER AND OTHERS.

Mr. BRIGGS submitted an amendment intended to be proposed by him to the bill (S. 5547) for the relief of James Butler and others, which was referred to the Committee on Claims and ordered to be printed.

PENNSYLVANIA VOLUNTEER MILITIA.

Mr. BRIGGS submitted an amendment intended to be proposed by him to the bill (S. 5279) extending the benefits of the general pension laws to the organizations comprising the Pennsylvania Volunteer Militia, otherwise known as the "emergency men," which was referred to the Committee on Pensions and ordered to be printed.

AMENDMENTS TO RIVER AND HARBOR BILL (H. R. 21477).

Mr. McLEAN submitted an amendment proposing to appropriate $54,000 for improving West River, Conn., intended to be proposed by him to the river and harbor appropriation bill, which was referred to the Committee on Commerce and ordered to be printed.

Mr. PERKINS submitted an amendment proposing to appropriate $11,000 for improving Stockton Harbor, etc., intended to be proposed by him to the river and harbor appropriation bill, which was referred to the Committee on Commerce and ordered to be printed.

Mr. WETMORE submitted an amendment relative to the improvement of Dutch Island Harbor, R. I., etc., intended to be proposed by him to the river and harbor appropriation bill, which was referred to the Committee on Commerce and ordered to be printed.

Mr. BANKHEAD submitted an amendment proposing to grant Louis M. Tisdale the right and authority to construct and operate a channel through Mobile Bay, etc., intended to be proposed by him to the river and harbor appropriation bill, which was ordered to be printed, and, with the accompanying papers, referred to the Committee on Commerce.

He also submitted an amendment relative to the extension of the contract with the Ragland Water Power Co. to complete the dam partially built by the United States at Lock No. 4 on the Coosa River, etc., intended to be proposed by him to the river and harbor appropriation bill, which was ordered to be printed, and, with the accompanying papers, referred to the Committee on Commerce.

THE INITIATIVE, REFERENDUM, AND RECALL.

Mr. GALLINGER. I ask unanimous consent that 1,000 additional copies be printed, for the use of the document room, of Senate Document No. 406, being the address by the senior Senator from Massachusetts, Mr. LODGE, delivered at Princeton University March 8, 1912.

The VICE PRESIDENT. Without objection, the order will be entered.

The order as agreed to was reduced to writing, as follows:

Ordered, That 1,000 additional copies of Senate Document No. 406, "The Compulsory Initiative and Referendum and the Recall of Judges," be printed for the use of the Senate document room.

WITHDRAWALS OF PUBLIC LANDS (S. DOC. NO. 448).

Mr. CLARK of Wyoming. I ask unanimous consent to have printed as a Senate document the speech delivered June 14, 1910, by a very able and distinguished Senator in this Chamber, the late Hon. Charles J. Hughes, jr., of Colorado, on the withdrawals of public lands in certain cases.

The VICE PRESIDENT. Without objection, an order therefor is entered.

PENSIONS AND INCREASE OF PENSIONS.

Mr. McCUMBER. I move that the Senate proceed to consider the bill (S. 5194) granting pensions and increase of pensions to certain soldiers and sailors of the Regular Army and Navy, and certain soldiers and sailors of wars other than the Civil War, and certain widows and dependent relatives of such soldiers and sailors.

The motion was agreed to; and the Senate, as in Committee of the Whole, proceeded to consider the bill. It proposes to pension the following-named persons at the rates stated:

James T. Brown, late of Troop K, Seventh Regiment United States Cavalry, War with Spain, $12.

John W. Sturm, late of Company K, Third Regiment Tennessee Volunteer Infantry, War with Spain, $12.

William A. Hamilton, late of Company F, First Regiment Tennessee Volunteer Infantry, War with Spain, $12.

Thomas McCavan, late of Company D, Sixth Regiment United States Infantry, and Company B, Fourth Regiment United States Volunteer Infantry, War with Spain, $12.

Archie E. Booth, late of Company D, Third Regiment Wisconsin Volunteer Infantry, War with Spain, $12.

Albert F. Reynolds, late of Company C, Sixteenth Regiment United States Infantry, War with Spain, $16.

Jacob Adams, late of Company H, Seventh Regiment United States Cavalry, $20.

John Waalkes, late of Company C, Thirty-fourth Regiment Michigan Volunteer Infantry, War with Spain, $30.

Harriet J. Bockerman, widow of August Bockerman, late of Troop A, Seventh Regiment United States Cavalry, $12.

Jacob Korby, late of Company C, Thirty-sixth Regiment United States Volunteer Infantry, War with Spain, $10.

James C. Smith, late of Company M, Fourth Regiment Tennessee Volunteer Infantry, War with Spain, $12.

Ralph W. Ingard, late of Company B, Second Regiment Ohio Volunteer Infantry, War with Spain, $12.

Harry McFarlin, late second lieutenant Company K, First Regiment Florida Volunteer Infantry, War with Spain, $24.

Josephine K. Woodson, widow of Albert E. Woodson, late major Ninth Regiment United States Cavalry and brigadier general United States Army, $40.

Vee Aiken, widow of William M. Aiken, late of Troop F, Third Regiment United States Cavalry, $12 per month and $2 per month additional on account of the minor child of said William M. Aiken until he reaches the age of 16 years.

Bert Derendinger, late of Company I, Thirty-first Regiment Michigan Volunteer Infantry, War with Spain, $20.

Harry Colpus, late of Hospital Corps, United States Army, War with Spain, $15.

Abner E. Armstrong, late of Capt. Wilber's Company D, First Regiment Oregon Mounted Volunteers, Oregon and Washington Territory Indian war, $16.

Mealchi Baughman, late of Capt. R. L. Williams's Company E, Second Regiment Oregon Mounted Volunteers, Oregon and Washington Territory Indian war, $16.

Hiram R. McCord, late of Capt. W. H. Latshaw's Company A, Second Regiment Oregon Mounted Volunteers, Oregon and Washington Territory Indian war, $16.

Mahlon Petree, late of Capt. W. H. Latshaw's Company A, Second Regiment Oregon Mounted Volunteers, Oregon and Washington Territory Indian war, $16.

Andrew McDonal, late of Company C, Forty-fourth Regiment United States Volunteer Infantry, War with Spain, $24.

George F. Wallet, late of Company C, Third Regiment Wisconsin Volunteer Infantry, War with Spain, $12.

Charles Miller, late of Company I, Fourth Regiment United States Infantry, War with Spain, $40.

Jesse Turrentine, late of Company C, First Regiment Alabama Volunteer Infantry, War with Spain, $20.

William F. Pace, late of Colonel Markham's Nauvoo Legion, Utah Volunteers, Utah Indian war, $16.

Margaret B. Sherman, widow of Francis H. Sherman, late lieutenant commander, United States Navy, and commodore, United States Navy, retired, $40.

Mr. McCUMBER. On page 6 I move to strike out, from line 9 to line 13, inclusive, the item relative to Margaret B. Sherman. I desire to state as a reason for striking this out that the item is one taken from a bill introduced by the senior Senator from Wisconsin [Mr. LA FOLLETTE], and he desires that it be taken out because he thinks the committee did not allow as great an amount as should have been allowed in this case, and he wishes it to be again submitted to the committee.

The VICE PRESIDENT. The amendment proposed by the Senator from North Dakota will be stated.

The SECRETARY. On page 6 it is proposed to strike out, from line 9 to line 13, inclusive, as follows:

> The name of Margaret B. Sherman, widow of Francis H. Sherman, late lieutenant commander, United States Navy, and commodore, United States Navy, retired, and pay her a pension at the rate of $40 per month in lieu of that she is now receiving.

The amendment was agreed to.

Mr. SMITH of Georgia. Mr. President, before the bill passes from the Committee of the Whole I wish to ask the chairman of the Committee on Pensions, with reference to the Spanish-American War pensions, whether the beneficiaries could have been pensioned under the general law as it now exists, and why special pensions are necessary for them? Nearly all of the pensioners named in this bill are Spanish-American War pensioners, and they classify themselves practically under the same head. Therefore, instead of making any motion to strike out, classifying the Spanish-American War pensions contained in the bill as a whole, I ask that information from the chairman of the committee.

Mr. McCUMBER. Mr. President, I do not know that I fully understood, on account of some disturbance in the Chamber, everything the Senator from Georgia said in his request. I will, however, again reassert what I stated on yesterday, that on account of there being but one pension committee in the Senate and two pension committees in the other House, we divide the bills in such a way so that all of those which would go to the Committee on Invalid Pensions in the other House shall be in one bill, and all of those which would go to the Committee on Pensions of the other House will be included in another bill. The Committee on Invalid Pensions in the House considers only cases of Civil War veterans, while the other committee considers the veterans of all other wars and what we know as the Regular Establishment. Therefore, in this bill we have those of the Spanish War, some of the Mexican War, and some in the Regular Establishment.

Mr. SMITH of Georgia. If the Senator will allow me, he is putting himself to a little more trouble than I meant to put him to. I only asked, as the large majority of these pensioners are Spanish-American War pensioners, that the chairman of the committee should explain to us whether they are not covered by the general law, and why the committee deemed it essential to give these pensioners special pensions when we have a general law applicable to the Spanish-American War pensions?

Mr. McCUMBER. The same rule would apply in this case, Mr. President, that would apply to special bills in relation to those of the Civil War, except the same degree of increase would not be allowed for two reasons: First, because of the character of the conflict, and second, because of the disparity of the ages between pensioners of the Civil War and those of the Spanish-American War. Wherever we have granted an additional pension to a veteran of the Spanish War over and above what the general law allows him, we have granted it because, as a committee, we have felt that it was a case of that character that demanded a greater amount. For instance, there are quite a number—I do not know whether they are in this bill or not—of those who became sick in the Philippines with some ailment that seemed to affect the mind. Quite a number of soldiers became insane more or less because of the service. Often the amount allowed in such cases is not sufficient. Sometimes the particular ailment can not be attributed absolutely, by the department at least, to service origin. We have been more liberal probably in the matter of determining that a case is of service origin than has been the department. Whenever the exigency of the case—the poverty, the disease, the affliction which affects the soldier—is so great that the committee feel that a greater degree of justice should be given him in the matter of a pension than that which is allowed by the general law, we have universally allowed a greater amount than the general law would allow.

Mr. SMITH of Georgia. Are not the majority of these cases those of men who were turned down by the Pension Bureau upon the ground that they could not trace their present disabilities to service origin?

Mr. McCUMBER. In some instances, as I have stated, they are cases which have been turned down, but there are a very few of those. In most instances, I believe, they are cases in which an increase has been given. The Senator will remember that the law which grants a service pension does not apply to veterans of the Spanish War. A disability must absolutely have been incurred in the service to allow them any pension whatever, and, therefore, very often in those cases which come to us we pass upon the question whether or not the injury upon which the claimant asks his pension is of service origin. In some few of these cases we have so found, even though the department may not have found that they were of service origin. The department officials ordinarily do not find negatively that a disability is not of service origin; they are satisfied with the conclusion that the evidence fails to show that it is of service origin. When a committee of the other House, after careful consideration, have found that a disability was of service origin, we go over the papers again, and possibly we may make some allowance for the finding of the committee in the other House and not give the case the same rigid examination that we would if it came to us in the first instance.

Mr. SMITH of Georgia. Does the committee, then, contemplate the practice of placing on the pension roll by special act of Congress Spanish-American War soldiers who have no disability of service origin, but who for some other cause subsequent to their service have become disabled?

Mr. McCUMBER. No; Mr. President, the committee do not recommend a pension by special act of Congress in favor of a veteran of the Spanish War unless the committee are satisfied that his disability is of service origin.

Mr. SMITH of Georgia. Just one more question, Mr. President. Many of these men are young. What provision will there be for stopping their pensions if the men recover their health, and what provision for renewed examination in the cases of men who have stomach trouble or something of that kind? Do they go upon the roll as permanent pensioners?

Mr. McCUMBER. Such pensions as are given them are granted under the provisions and limitations of the pension laws; and under the provisions and limitations of the general pension laws if there is a recovery, and that fact is established, the pension ceases.

Mr. SMITH of Georgia. Is there any provision by which these very young men are to be reexamined? Of course, the general pension law was prepared with reference to the aged soldiers of the Civil War, and a man who has reached 70 years of age and who has the disability of old age has practically no prospect for recovery, but in the case of young men of 35 say, the disabilities not consisting of the loss of a limb or a wound would seem in all probability to be disabilities that will pass away in the near future. There is no special provision for renewed examination of these young men, is there?

Mr. McCUMBER. Mr. President, that is not necessary. In the first place, the committee will scarcely recommend a special bill unless the evidence is quite conclusive that the disability is one from which there will in all probability be no recovery. If it is uncertain, if it appears there is a reasonable chance for recovery, the bill is laid aside and is not acted upon at all by the committee. The Pension Bureau is paying out altogether something in the neighborhood of $700,000, I think, a year for special agents and examiners, who are constantly looking up cases where there has been a recovery, whether of a Spanish-American War veteran or otherwise. Where a pension has been allowed and a special agent ascertains the fact that the soldier has recovered, or if it is brought to the attention of the bureau in any other manner that some person is drawing a pension for a disability from which he has recovered, he will be given notice of the finding of the department and be allowed a hearing. The department will then determine whether his pension should be discontinued. Here is one case, for instance, right in this same bill where a veteran was dropped from the pension roll, I presume upon a report of one of the special examiners, and possibly with very little opportunity to be heard, or at least the hearing granted was not such that he was able to make the showing that was made before the committee in the House. He is reinstated by one of the items in this bill.

Mr. SMITH of Georgia. As to the some 28,000 Spanish-American War veterans who are now on the pension roll—there is something like that number, I believe—ought there not to be a provision as to these very young men, nearly all of whom are under 40, that at least annually they should file in the Pension Office a certificate of a physician that they still are subject to the disability?

Mr. McCUMBER. Mr. President, I think that would be rather a difficult matter. If a man had his arm shot off, for instance, I would hardly think it quite proper that he should report every year that the arm was still off; or, if he lost a leg that he should do the same thing. Many disabilities are necessarily continuing, and I do not know how the law would proceed to distinguish between those which are naturally continuing and those which by any possibility may cease to exist.

Mr. SMITH of Georgia. If the Senator had listened to what I stated, he would have understood that I expressly excepted those who were suffering from wounds. I mentioned that in my first question to him.

Mr. McCUMBER. Well, if a man had his leg shot off he would be suffering from a wound.

Mr. SMITH of Georgia. I expressly limited my question to those who were suffering from diseases, such as stomach trouble and diseases other than the loss of members, or wounds that would be continuous; and, so far as I can recall, in this bill there is not the case, or, if so, very few, of men who suffer from wounds. If the Senator will allow me to state just this further, his illustration of the wound was the very thing I had excepted, and his answer is in no sense an answer to the question I asked.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

Mr. McCUMBER. I move that the Senate proceed to the consideration of the bill (S. 5415) granting pensions and increase of pensions to certain soldiers and sailors of the Civil War and certain widows and dependent relatives of such soldiers and sailors.

The motion was agreed to; and the Senate, as in Committee of the Whole, proceeded to consider the bill, which was read.

It proposes to pension the persons named at the rates per month stated:

Samuel C. Whitwam, late of Company F, Fourth Regiment Michigan Volunteer Cavalry, $50.

Leander O. Tucker, late of Company K, Thirty-third Regiment Iowa Volunteer Infantry, $30.

Wesley A. Maze, late of Company I, Eighty-fourth Regiment Indiana Volunteer Infantry, $36.

Samuel J. Powers, late of Company D, Forty-sixth Regiment Missouri Volunteer Infantry, $24.

Thomas Clay, late of Company H, Eighteenth Regiment Kentucky Volunteer Infantry, $30.

Asahel N. Wells, late hospital steward, Thirteenth Regiment Michigan Volunteer Infantry, $30.

Thomas Taylor, late of Company F, Twelfth Regiment Kentucky Volunteer Infantry, $30.

Joseph Sumpter, late of Company H, First Regiment Kentucky Volunteer Cavalry, $30.

Peter Foster, late of Company A, Eighty-first Regiment Illinois Volunteer Infantry, $24.

Wellsley Crane, late of Company I, First Regiment Minnesota Volunteer Cavalry, $24.

William Roatch, late of Company A, First Regiment Colorado Volunteer Cavalry, $30.

Alfred Phillips, late of Company E, One hundred and eighty-seventh Regiment Pennsylvania Volunteer Infantry, and Eighth Company, Second Battalion Veteran Reserve Corps, $24.

Darius Wells, late of Company I, Ninth Regiment Kansas Volunteer Cavalry, $30.

Benjamin F. Havens, late of Company C, One hundred and twenty-second Regiment Illinois Volunteer Infantry, and Company C, Fourth Regiment Veteran Reserve Corps, $30.

Zachariah Kramer, late of Company H, Seventeenth Regiment Pennsylvania Volunteer Cavalry, $24.

Andrew Dienst, late of Company C, Twenty-first Regiment Ohio Volunteer Infantry, $30.

Davis J. Howard, late of Company E, One hundred and twenty-first Regiment, and Company G, Eighty-eighth Regiment, Ohio Volunteer Infantry, $24.

James W. Thompson, late of Company F, Forty-seventh Regiment Ohio Volunteer Infantry, $30.

Frank Saurpus, late second lieutenant Company K, Eleventh Regiment Indiana Volunteer Infantry, $30.

William H. Doty, late of Company H, Fifty-fourth Regiment Ohio Volunteer Infantry, $24.

Henry C. Jones, late of Company I, Sixteenth Regiment Pennsylvania Volunteer Cavalry, $24.

Howard Brooks, late of Company F, Twentieth Regiment Pennsylvania Volunteer Cavalry, $30.

David W. Fox, late captain Company A, Fifty-fifth Regiment Pennsylvania Volunteer Infantry, $30.

James R. McKee, late of Company G, First Regiment Minnesota Volunteer Heavy Artillery, $24.

Ellen C. Welch, widow of John, alias Johnson Welch, late of Company I, Fourth Regiment Ohio Volunteer Infantry, $20.

Leander Chase, late of Company A, Eleventh Regiment Pennsylvania Volunteer Cavalry, $30.

Daniel Clark, late second lieutenant Company H, Fifteenth Regiment Michigan Volunteer Infantry, $24.

Gordon Kimball, late of Company D, Sixteenth Regiment Illinois Volunteer Infantry, $30.

Charles E. Chadock, late of Company K, Fifth Regiment, and Company K, Sixth Regiment, West Virginia Volunteer Cavalry, $24.

Adelbert E. Bliss, late of Company C, Twentieth Regiment Wisconsin Volunteer Infantry, $30.

Joel Ames, late of Company G, Thirty-first Regiment Illinois Volunteer Infantry, $24.

Lemmons W. Brattain, late of Company F, Seventeenth Regiment Iowa Volunteer Infantry, $30.

George K. Smith, late of Troop B, Second Regiment United States Cavalry, $24.

Alburtus H. Walker, late of Company G, Forty-sixth Regiment Massachusetts Volunteer Infantry, and Company D, Second Regiment Massachusetts Volunteer Heavy Artillery, $24.

Jerome A. Shirley, late of Company K, Twenty-sixth Regiment Connecticut Volunteer Infantry, $24.

Lafayette M. Bratton, late of Company K, Ninety-first Regiment, and Company C, One hundred and twenty-fourth Regiment, Indiana Volunteer Infantry, $24.

William Tinder, late of Company K, One hundred and fifty-fifth Regiment Illinois Volunteer Infantry, $24.

John W. Doane, late second lieutenant Company C, Eighth Regiment Michigan Volunteer Infantry, $30.

John Burritt, late of Company B, Second Regiment Wisconsin Volunteer Cavalry, $30.

Osbern Dillard, late of Company K, One hundred and thirty-first Regiment, and Company C, Twenty-ninth Regiment, Illinois Volunteer Infantry, $24.

Oliver W. Sweet, alias Oliver W. Frazee, late of Company F, Seventh Regiment Indiana Volunteer Cavalry, and Company K, Seventh Regiment United States Infantry, $30.

Andrew V. Mitchell, late of Company K, Eighth Regiment Indiana Volunteer Cavalry, $30.

Marquis D. Usher, late of Company I, Twentieth Regiment Iowa Volunteer Infantry, $24.

Reuben F. King, late of Company F, Eleventh Regiment Wisconsin Volunteer Infantry, $30.

Samuel Curtis, late of Company D, Seventeenth Regiment Indiana Volunteer Infantry, $24.

Ephraim M. Hill, late of Company G, One hundred and third Regiment, and Company H, Fortieth Regiment, Illinois Volunteer Infantry, $24.

Franklin D. Joy, late of Company I, Fourth Regiment Michigan Volunteer Cavalry, $30.

Nathan T. Kimball, late of Company G, Eighth Regiment Illinois Volunteer Cavalry, $24.

Ebenezer H. Barker, late of Company G, Thirtieth Regiment Maine Volunteer Infantry, $30.

George W. Eaton, late of Company D, Fifth Regiment, and Company F, Twenty-ninth Regiment, Maine Volunteer Infantry, $36.

Adison Long, late of Company E, One hundred and eighty-seventh Regiment Ohio Volunteer Infantry, $24.

John W. Farmer, late first lieutenant Company D, Ninth Regiment Iowa Volunteer Cavalry, $30.

Charles E. Clark, late of Company B, Fourteenth Regiment Maine Volunteer Infantry, $24.

William J. Braswell, late of Company L, Thirteenth Regiment Tennessee Volunteer Cavalry, $30.

Henry A. Fernald, late of Company B, Twenty-second Regiment Massachusetts Volunteer Infantry, and of United States Marine Corps, $24.

David P. Sheibley, late of Company B, Seventh Regiment Pennsylvania Reserves Volunteer Infantry, $30.

William Wyatt, late of Company F, Tenth Regiment West Virginia Volunteer Infantry, $30.

Nancy J. Tracy, widow of Grigsby Tracy, late of Company G, Seventy-fifth Regiment Indiana Volunteer Infantry, $20.

John H. Doeg, late of Company A, Ninth Regiment New Hampshire Volunteer Infantry, $24.

Lizzie A. Shepard, widow of Caleb G. Shepard, late of Twenty-sixth Unattached Company, Massachusetts Volunteer Infantry, $12.

David L. Gaines, late of Company I, Twenty-second Regiment Connecticut Volunteer Infantry, $24.

Thomas J. Fields, late of Company C, Fifteenth Regiment Iowa Volunteer Infantry, $30.

Thomas Finch, late of Company D, One hundred and ninety-fifth Regiment Ohio Volunteer Infantry, $30.

Henry McMahon, late of Company G, Fifteenth Regiment United States Colored Volunteer Infantry, $30.

Myron H. Isbell, late of Company E, Eleventh Regiment Michigan Volunteer Cavalry, $24.

J. J. Shoemaker, late of Company C, Two hundred and seventh Regiment Pennsylvania Volunteer Infantry, $24.

Charles S. Tyler, late of Company B, Eleventh Regiment New Hampshire Volunteer Infantry, $30.

Samuel E. Brillhart, late of Company A, One hundred and fifth Regiment Pennsylvania Volunteer Infantry, $24.

William H. Cross, late of Company I, Sixty-first Regiment New York Volunteer Infantry, and Company F, Eleventh Regiment Veteran Reserve Corps, $24.

John B. C. Kerr, late of Company I, First Regiment Arkansas Volunteer Infantry, $24.

Russel B. Tulleys, late of Company A, One hundred and fifty-fourth Regiment Ohio National Guard Infantry, $20.

Michael Hade, late of Company D, Second Regiment Rhode Island Volunteer Infantry, $24.

Luman C. Wheelock, late of Company F, Ninety-fifth Regiment Illinois Volunteer Infantry, $24.

Willard E. Martin, late of Company A, Tenth Regiment Minnesota Volunteer Infantry, $24.

Elizabeth Clampitt, widow of George D. Clampitt, late of Company B, Third Regiment Pennsylvania Volunteer Heavy Artillery, $12.

James A. Todd, late of Company A, Eleventh Regiment Michigan Volunteer Infantry, $30.

John G. Smith, late of Company B, Tenth Regiment Vermont Volunteer Infantry, $30.

Ambrose A. Stiles, late of Company K, Fourth Regiment Vermont Volunteer Infantry, $30.

Robert W. Cook, late of Company E, First Regiment Maine Veteran Volunteer Infantry, $24.

William Ryan, late of Company D, Forty-eighth Regiment Pennsylvania Volunteer Infantry, $30.

Eri S. Gunnison, late of Company F, Second Regiment Vermont Volunteer Infantry, $30.

Joseph A. Olewine, late of Company A, Two hundred and fifth Regiment Pennsylvania Volunteer Infantry, $24.

George M. Jones, late of Company C, Twelfth Regiment Iowa Volunteer Infantry, $24.

Charles Schafer, late of Company E, Twenty-sixth Regiment Wisconsin Volunteer Infantry, $30.

William Bordwell, late of Company K, Seventy-fourth Regiment Illinois Volunteer Infantry, $30.

Eli Kendall, late of Company B, Sixth Regiment West Virginia Volunteer Infantry, $24.

Nathaniel S. North, late of Company A, Sixty-first Regiment Pennsylvania Volunteer Infantry, and Company G, Tenth Regiment Veteran Reserve Corps, $24.

William B. Goodwin, late of Company I, Eight[illegible] Regiment Maine Volunteer Infantry, $30.

Hubert O. Moore, late of Company E, Thirty-sixth Regiment Massachusetts Volunteer Infantry, $24.

William A. Johnson, late of Company C, Second Battalion Pennsylvania Volunteer Infantry, $24.

John McLaughlin, late of Companies C and H, Twenty-sixth Regiment Missouri Volunteer Infantry, $30.

Miles J. Williams, late of Company K, Seventeenth Regiment Kentucky Volunteer Cavalry, $24.

Harvey Burns, late of Company G, Eleventh Regiment West Virginia Volunteer Infantry, $24.

Anson Crocker, late of Company B, Eleventh Regiment Maine Volunteer Infantry, $50.

Isaac N. Smith, late of Company E, First Regiment Washington Territory Volunteer Infantry, $30.

Christopher H. Alexander, late captain Company A, Twelfth Regiment Rhode Island Volunteer Infantry, $30.

Albert Greene, late of Company I, Second Regiment Rhode Island Volunteer Infantry, $30.

Reason R. Henderson, late captain Company I, Thirteenth Regiment Ohio Volunteer Infantry, $40.

Henry C. Paynter, late of Company H, Forty-first Regiment United States Colored Volunteer Infantry, $24.

Susan M. Barnard, widow of Wilmer C. Barnard, late of Company H, Tenth Regiment Vermont Volunteer Infantry, $12.

Daniel Monroe, late of Company A, Sixth Regiment Vermont Volunteer Infantry, $30.

Gilson M. Henton, late of Company A, Seventh Regiment, and first lieutenant Company D, Forty-sixth Regiment, Wisconsin Volunteer Infantry, $30.

George H. Ring, late of Company B, Seventeenth Regiment Vermont Volunteer Infantry, $30.

David R. Mullikin, late of Company H, Seventh Regiment Vermont Volunteer Infantry, $50.

Russell D. Woodroff, late of Company B, Fifteenth Regiment Illinois Volunteer Infantry, $24.

John H. Mattison, late of Company B, Fourth Regiment Illinois Volunteer Cavalry, $24.

Mr. McCUMBER. I move to amend the bill by striking out all of lines 8 to 11, inclusive, on page 11, the case of David P. Sheibley, the beneficiary having died since the bill was reported to the Senate.

The motion was agreed to.

Mr. SMITH of Georgia. On page 5, I move to strike out lines 7 to 10, inclusive.

The VICE PRESIDENT. The amendment will be stated.

The SECRETARY. On page 5, strike out lines 7 to 10 of the bill, as follows:

The name of Henry C. Jones, late of Company I, Sixteenth Regiment Pennsylvania Volunteer Cavalry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

Mr. SMITH of Georgia. I desire the Clerk to read the report of the committee upon this case, and also the report of the committee upon the case of Nathan T. Kimball, which is No. 1974. When he shall have finished reading those extracts I shall still desire to occupy the floor.

The VICE PRESIDENT. The Secretary will read as requested.

The SECRETARY (reading from page 10, Senate Report No. 184):

S. 543. Henry C. Jones was a private in Company I, Sixteenth Regiment Pennsylvania Volunteer Cavalry. He enlisted March 6, 1865, and was honorably discharged August 11, 1865, having served over five months. He is a pensioner under the service act of February 6, 1907, at the rate of $12 per month. He was formerly pensioned at the same rate under the act of June 27, 1890, but after the passage of the age pension law elected to take pension thereunder. He also filed a claim under the general law December 10, 1889, alleging that he contracted rheumatism in the Army, but the claim was rejected, and properly so, for the reason that he could not furnish the necessary evidence to prove service origin and continuance of his disability.

The claimant is over 67 years of age. When last examined, August 9, 1899, he was rated $6 for rheumatism and $17 for loss of right eye incurred in accident since the war. Medical evidence submitted to this committee is to the effect that claimant is so disabled from loss of right eye and rheumatism that he is unable to perform any kind of labor. It is also shown that he is poor and without property or means of support other than his pension. On account of soldier's age, poverty, and inability to earn a support by his own manual labor, the committee recommend increase of pension to $24 per month; his service was comparatively short, hence no greater increase is warranted.

The VICE PRESIDENT. Will the Senator indicate the other?

Mr. SMITH of Georgia. Bill No. 1974, page 21.

The Secretary read from Senate Report No. 384, as follows:

S. 1974. Nathan T. Kimball, of Boise, Idaho, is shown by the records of the War Department to have enlisted September 14, 1861, as a private in Company G, Eighth Regiment Illinois Volunteer Cavalry, and to have been honorably discharged July 17, 1865. He filed and established a claim under the act of June 27, 1890, and is now pensioned under said act at $12 per month for wound of left shoulder. He filed a claim under the general law September 22, 1891, alleging that he received gunshot wound of left shoulder in the battle of Gettysburg and gunshot wound of right leg in the battle of Beverly Ford, Va. There is no record evidence of his being wounded in the Army, and he has filed no proof of service incurred and has long since abandoned the claim.

The claimant is now 66 years of age. He has not been examined by bureau surgeons since February, 1892, but as far back as that date he was reported to be almost totally disabled for manual labor by reason of wound of left shoulder. Medical evidence filed with this committee is to the effect that claimant has enlarged prostate gland, causing frequent urination; that he had a stroke of apoplexy in August, 1910, from which he has not completely recovered; that he has old gunshot wound of left shoulder, the use of shoulder being very much restricted; and that his disabilities in connection with his advanced age totally incapacitate him for the performance of manual labor. Neighbors testify that claimant is wholly disabled for manual labor, and that he has no property and no income except his pension. On account of soldier's age, poverty, and inability to earn a support by his own manual labor, the committee recommend increase of pension to $24 per month.

Mr. SMITH of Georgia. I desire to ask whether there is on file with the clerks any statements, affidavits, or evidence of any kind in connection with the case of Henry C. Jones. If there is, I should like to have it read.

The VICE PRESIDENT. The Secretary advises the Chair that they have nothing upon the question.

Mr. SMITH of Georgia. Then I wish to ask the chairman of the committee if there is anything that has been presented to the committee in the case of Henry C. Jones indicating any

special service in the Army, or that he actually reached the front during his enlistment, because I do not wish to do him an injustice in the view I am going to present, and I only desire to know before I proceed to present the view whether I am right in the supposition that there is nothing in the record peculiar to him with reference to his service.

Mr. McCUMBER. Mr. President, I can not recall, of course, what the record shows in each instance, even though I may have read the evidence in the particular case.

Mr. SMITH of Georgia. The report does not indicate anything of the sort.

Mr. McCUMBER. The report does not purport to give the evidence in the cases. The reports generally give only a general statement. It would be impossible to include all the evidence. If we did, no one would ever attempt to read it, because the evidence in all the cases that would be reported in this single bill would probably make a very large volume in itself. The many affidavits, doctors' certificates, and other matters of that kind have gone back in all these cases to the Interior Department and the War Department. As to what Mr. Jones's service was, enlisting so late, whether he was at the front at that time or whether he was guarding prisoners in the rear, I do not know.

Mr. SMITH of Georgia. Then, Mr. President, so far as the record presented to the Senate goes, Mr. Jones enlisted March 6 and actual fighting, except a little battle in North Carolina, was practically over in 30 days. In the natural course of events he never reached the front. In the natural course of events he was scarcely more than on dress parade, safely out of any danger.

I am taking these two cases in the reports to illustrate the view which I have been seeking to press throughout my entire objection to these special pensions. It is this: There is necessarily a limit to what the Government can appropriate for pensions. The Government must necessarily consider the various taxes that will be placed upon the Treasury and must determine what amount can be appropriated to pensions. I am criticizing the mode of distribution. I am seeking to press the view that the amounts paid to men who were not actually in the service ought not to exceed $12 a month, and that the men who really did the fighting ought to have a better proportion of the $150,000,000 a year which the Government appropriates for the pensioners of the Civil War. That has been the line of thought that I have been seeking to press in my entire criticism of the special pension bills so far as they apply to pensioners of the Civil War.

The two special pensions that I have called attention to—the one with a motion to strike out and the other without a motion to strike out—illustrate what I have had in view. Mr. Jones enlisted March 6, 1865. Mr. Kimball enlisted September 14, 1861. One went through the war, in battle after battle, enduring the hardships of real war. He was wounded in the service. He was in the service from September 14, 1861, to July 17, 1865. He was wounded in his left shoulder. They are equally broken down now in old age. The special pension bill before us gives them the same sum of money, $24 each. The one who probably never heard a gun fired, who was probably never exposed at all in battle, is to receive $24 a month, and the man who went in in 1861 and stayed through the war is to receive $24 a month.

I am seeking to urge that there is a limit to what can be appropriated, and that in the distribution of it the short-term men ought not to be increased simply on account of old age and disabilities, but that the amount the Government can appropriate should be distributed less to the short-service men and more to the long-service men. That is the basis of my motion to strike out.

Mr. McCUMBER. Mr. President, the Senator states that he would not grant more than $12 per month to any soldier who was not actually in service. May I ask the Senator what he means by "actually in service"?

Mr. SMITH of Georgia. I mean out in the front, in battle.

Mr. McCUMBER. The Senator, then, would not pay more than $12 a month unless the evidence shows that the soldier was actually in battle?

Mr. SMITH of Georgia. Or else during his service, though not in battle, some disability was brought upon him as an incident to his being in the service.

Mr. McCUMBER. Every division may have its own duties to perform during the continuance of a battle and both before and after a battle. Some company or some regiment may be sent off while the battle is continuing to some particular section to prevent a retreat of the enemy, and they may not have fired a gun. Does the Senator say that they were in battle or that they were out of battle?

Mr. SMITH of Georgia. No; but the Senator would say that the man who was in from the middle of 1861 to the last of 1865, with his regiment all the time, knew what battles were during that time.

Mr. McCUMBER. That does not answer my question.

Mr. SMITH of Georgia. Take a three-year man; it is perfectly safe to say that he was in actual service and in battle.

Mr. McCUMBER. Does the Senator admit that a division of the Army which is sent around to some particular place while the battle is continuing to cut off the retreat of the enemy is engaged in the battle, or is not that division engaged in the battle? The Senator says that he would allow a pension of $12 per month if the soldier was not engaged in battle. It is rather difficult for me myself to determine what the Senator has in his mind when he says in service and out of service, and in battle and not in battle.

Mr. SMITH of Georgia. Then I will try to explain it to the Senator a little more fully. The man who was with Grant for 12 months in Virginia, whether he was actually in a fight or not, was in active service. The truth is, I think that every soldier who was with Grant for six months in Virginia can be considered as having been actively in service. They all heard guns fired, and were in active service.

Mr. McCUMBER. Oh, a great many people heard guns fired who were not in the Army at all.

Mr. SMITH of Georgia. Yes, but these men were out in the front and heard them, and they were close enough to them to be injured by them.

I illustrate what I mean by these two men. Here was one man who enlisted in the summer of 1861 and was out in the service. I would not be technical about it. If a man was in the actual service for three years under Grant or some other officer who was in active service, and by some casualty was not in battle, I would certainly not discriminate against him. But what I do mean is that these very short-term men, who never were in the neighborhood of an actual battle, ought not to be pensioned as the men who gave three and four years of actual service at the front. These two men illustrate that case, one entering the Army March, 1865, and apparently not having crossed the Potomac, with nothing in the record to show that he got into actual service, and the other having for four years been actively in the service.

Mr. McCUMBER. Mr. President, of course I am compelled to take a different view from that of the Senator on the basis of granting pensions. Under a general law I agree that the soldier who has answered the summons to battle, who has responded to the call of his country, who has done his duty as a soldier, who has gone wherever he was commanded to go, who may have suffered more in the long march or in trenches, where he never fired a gun, than many suffered in the acute stages of a short decisive battle, should be recognized by his country the same as though he had been in that actual battle; for, after all, we are granting our pensions because of the great national gratitude toward the old defenders of the country. Our gratitude is extended not so much because of what each soldier under the conditions was able to do, but what each soldier was willing to do if called upon by his Government; and as that is the basis of the sentiment of gratitude toward all of the old soldiers, I can not even agree with the Senator when he says that we should make such a great distinction between length of service.

Mr. President, under the last call of Lincoln for soldiers during the last year of the war we got in two classes. Those who responded were, first, the young men who were not old enough to go in in the beginning of the war, and there were the older men, who felt that the exigencies were such that their services were needed, even though they may have been past the best years of their young manhood.

Now, let us apply that case right here. I can not go into the details in each particular instance without the evidence before me; but if we grant one soldier $24 per month upon a length of service of five months and grant another soldier by special bill who served about eight years only $24 per month there must have been some distinction in their physical condition and in the reasons justifying our giving the short-service man the same consideration as we give the long-service man, because, other things being equal, we do recognize in our special pension legislation length of service, but we do not make length of service the sole standard.

It is probable that in this case the soldier with the longest service was in far better physical condition and perhaps did not have the same dependent upon him as the soldier of the shorter service. As our sentiment is a sentiment that flows from gratitude only, we wish that gratitude expressed in a manner that will do the most good. We must look at the two men face to face and say which of them is entitled, not because of length of service but because of their physical condition, to the greatest sum of money to prevent suffering from want or destitution. In these

two cases, the one with the shorter service and the greater physical disability and the one with the longer service and the less physical disability, it was probably thought fair to balance the two, and that equal justice would be done if we granted both the same sum.

Mr. SMITH of Georgia. Mr. President, the Senator says that in fixing the amount of pensions, not simply what the soldier did but what the soldier was willing to do should be taken into consideration. I fully agree with him, and I turn to these two records to see what these two soldiers were willing to do. One of the soldiers, though a year younger than the other, was willing to volunteer in the summer of 1861. He was willing to go to the front in the hottest parts of the fights, and he did so. He was willing to stay through to the close—four years actually at the front, in battle time and again. The other, though a year older, was not willing to enter until 30 days before Lee surrendered. One was willing to fight four solid years; the other was willing to join the Army when there was practically no southern army left, when the war was practically over.

But the Senator says that the distinction rests upon their condition. I find from this report that the soldier who fought four years is described as being just as bad off now as the soldier who did not fight at all, so far as the record goes; as the soldier who, so far as his record goes, never crossed the Potomac. So we find that as to condition they are the same, and as to service they occupy an utterly different position.

I am not asking for an increase of pension to those who did no real service; I am insisting that that should not be done. I have moved to strike out the name of Mr. Jones because the record shows no real Army service; it shows he was in the Army, but it does not show that he was in the Army that was in front fighting; it shows distinctly that he did not join the Army until March, 1865.

As there is a limit to what we can appropriate, as there must be a limit to what the Government is to give, I am insisting that we do not put up the pensions of the men who were not in active service, who were not really in the battle line, or practically in the battle line, but that they be held down, in order that the increase may go to men of long service. I have simply taken this name and made this motion to strike out so that I might have the opportunity to present the line of thought that has been in my mind, and perhaps in a simpler and clearer way than I have had an opportunity of doing it before, and because I did not wish to continue to delay the Senate.

Mr. McCUMBER. Mr. President, if I were willing to draw upon my imagination for facts, I might make almost any kind of an argument on almost any kind of a proposition. The Senator from Georgia says that it is evident from the fact—if not in words, he says that at least in his argument—that the soldier did not enlist until March, 1865; that he was not as willing to go to war as the one who enlisted in the early part of the war. I have not the record of these two men before me; I do not know what is their prior history; I do not know what kept one man at home and allowed the other to go to war; I simply know that when the war was in its heat, when we were driving men to the front, when the butcher work was going on in the battles of the Wilderness, this man of short service enlisted. There may have been many reasons why he could not have enlisted before.

Let me give the Senator one reason within my knowledge: This man's name was not Jones, and he is not the same man, so I do not know whether the conditions in this case would have been at all applicable; but having had his acquaintance, I know of a young man whose mother was paralyzed and bedridden, he being her only support, who could not join the Army without leaving the mother unprotected. About a year, or less than a year before the Senator from Georgia would say the war was closed, the mother died and the son immediately joined the Army. I can not say that that soldier was not willing at all times to enlist, and I can not criticize him for not sooner entering the Army; neither can I criticize the other man, Mr. Jones, for not going into the Army earlier, when I do not know the reasons why he did not enlist at an earlier stage of the war. I simply know that he did enlist at the time named, that he served, that he answered the commands of his officers and went wherever he was commanded to go. Our past legislation has provided that in cases of that kind, when the soldier has served 90 days, he shall be entitled, if he is 75 years of age, to $20 per month, and under the old law of 1890 he would receive $12 per month. This man was so disabled and in such physical condition that even under the old law of 1890 it seems he had been allowed the full disability amount. So I think it is hardly fair to criticize, and I would not want to criticize, the soldier for not joiuing the Army earlier.

I agree with the Senator, other things being equal, that a distinction should be made on account of the length of service—the short service and the long service—but I do not know the facts that would equalize these cases. I would say, further, that if every soldier were to have a pension measured entirely by his deserts and each one got exactly what he ought to have, there would be just as many different rates of pension as there were soldiers in the war.

Mr. SMITH of Georgia. Mr. President, the Senator from North Dakota intimates that I draw on my imagination, and yet he sustains the suggestion with no statement of fact. I have in no sense drawn upon my imagination, but I have drawn exclusively in this discusssion upon the report of the committee of which the Senator is chairman.

Speaking, however, of drawing upon one's imagination, the Senator did not even rely upon his imagination with reference to Mr. Jones. He undertook to give the history of some other man, explaining why some other man did not enter the Army earlier, without even suggesting the possibility that any facts had been presented to give such a reason explanatory of the conduct of Mr. Jones. I am not criticizing Mr. Jones for having failed earlier to enter the Army; I am not criticizing anyone; I simply state that he did not do it; I simply state that he did not render service. I simply call attention to the record which the Senator from North Dakota himself presents, that Mr. Jones never entered the Army until just about the time the war closed, and that the other soldier had been serving four years, and yet they are presented to us as suffering with the same injuries and it is proposed to grant them the same pension. For that reason I move to strike out the provision increasing the pension of the very short-term soldier.

The PRESIDING OFFICER (Mr. CURTIS in the chair). The question is on the amendment offered by the Senator from Georgia [Mr. SMITH]. [Putting the question.] By the sound the noes have it.

Mr. SMITH of Georgia. I ask for a division.

The amendment was rejected; there being, on a division—ayes 1, noes not counted.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

Mr. McCUMBER. I move that the Senate proceed to the consideration of Senate bill 5493.

The motion was agreed to; and the Senate, as in Committee of the Whole, proceeded to consider the bill (S. 5493) granting pensions and increase of pensions to certain soldiers and sailors of the Civil War and certain widows and dependent relatives of such soldiers and sailors. It proposes to pension the following-named persons at the rates stated:

Cornelius S. Munhall, late of Company I, Twenty-sixth Regiment Illinois Volunteer Infantry, $30.

Wilson Aler, late of Company A, Seventh Regiment Illinois Volunteer Cavalry, $24.

John J. Hill, late of Companies F and B, Fourth Regiment Missouri State Militia Cavalry, $24.

Thomas J. North, late of Company E, First Regiment Kentucky Volunteer Cavalry, $24.

William J. Nash, late of Company K, One hundred and eighty-third Regiment Ohio Volunteer Infantry, $36.

Abel Statton, late of Company G, Fifty-eighth Regiment Pennsylvania Volunteer Infantry, $30.

William Marks, late of Company E, Sixth Regiment Pennsylvania Volunteer Heavy Artillery, $30.

William H. Scannel, late of Company H, Third Regiment Ohio Volunteer Cavalry, $30.

Samuel Smith, late of Company B, Thirty-ninth Regiment, and Company F, Forty-seventh Regiment, Wisconsin Volunteer Infantry, $24.

Caleb Eldred, late of Company F, Fifteenth Regiment New York Volunteer Heavy Artillery, $30.

George L. Hiatt, late of Company A, One hundred and twenty-fifth Regiment Illinois Volunteer Infantry, and Companies H and I, First Regiment Mississippi Marine Brigade Volunteer Infantry, $24.

George P. McKee, late of Company C, Twelfth Regiment United States Infantry, $30.

Winfield S. Blain, late of Company F, First Regiment Oregon Volunteer Infantry, $30.

Alfred E. Robinson, late of Company A, Fourteenth Regiment Iowa Volunteer Infantry, $24.

William J. Salisbury, late of Company I, Thirty-second Regiment Iowa Volunteer Infantry, $24.

Patrick Wallace, late of Company A, Seventh Regiment Wisconsin Volunteer Infantry, $30.

James F. Farnsworth, late of Company D, One hundredth Regiment Illinois Volunteer Infantry, $24.

Shepard Goodwin Patrick, late of Company D, One hundred and fortieth Regiment Illinois Volunteer Infantry, $24.

David C. Morgan, late of Company B, Tenth Regiment West Virginia Volunteer Infantry, $24.

Hiram F. Chappell, late captain Company D, Twelfth Regiment Connecticut Volunteer Infantry, $30.

John H. Cline, late of Company D, Third Regiment Illinois Volunteer Cavalry, $24.

Lewis Hashman, late of Company I, Thirty-ninth Regiment Illinois Volunteer Infantry, $30.

Robert Murray, late of Company E, Thirty-first Regiment Wisconsin Volunteer Infantry, $24.

John Jones, late of Company A, Sixteenth Regiment Wisconsin Volunteer Infantry, $30.

William H. Ridgman, late of Company A, Twentieth Regiment, and Company C, Thirty-fifth Regiment, Wisconsin Volunteer Infantry, $30.

Daniel C. Grover, late of Company G, One hundred and fifty-second Regiment Indiana Volunteer Infantry, $30.

Warren Caswell, late of Company B, Seventh Regiment Iowa Volunteer Infantry, $30.

Allen H. Benton, late of Company D, Thirty-fifth Regiment Kentucky Volunteer Mounted Infantry, $24.

Charles H. Weeks, late of Company H, Forty-sixth Regiment Illinois Volunteer Infantry, $24.

Elmore Y. Shelt, late of Company K, Forty-sixth Regiment Indiana Volunteer Infantry, $24.

William Smith Lackor, late of Company I, Eighth Regiment Iowa Volunteer Infantry, $30.

Henry Mingles, late of Company K, Forty-fifth Regiment Illinois Volunteer Infantry, $30.

Edward V. Holland, late of Company B, Third Regiment Iowa Volunteer Cavalry, $30.

Benjamin Miller, late of Company B, Fifty-first Regiment Ohio Volunteer Infantry, $24.

Mortimer Seymour, late of Company B, Seventy-third Regiment, and Company A, Twenty-ninth Regiment, Indiana Volunteer Infantry, $24,

Henry H. Fackler, late of Company M, Seventh Regiment Iowa Volunteer Cavalry, $24.

William B. Roberts, late of Company E, Eighteenth Regiment Iowa Volunteer Infantry, $24.

Elijah B. Morris, late of Company A, First Regiment Delaware Volunteer Cavalry, $24.

Warren Seaward, late of Company E, Sixteenth Regiment Maine Volunteer Infantry, $24.

Henry S. Bell, late of Companies F and A, First Regiment Indiana Volunteer Cavalry, $30.

Daniel Powell, late of Company E, Sixth Regiment West Virginia Volunteer Infantry, $24.

Eli Sherman, late of Company I, Fourth Regiment Iowa Volunteer Cavalry, $24.

Isabella Oliver, widow of William Oliver, late of Company I, Thirty-seventh Regiment Massachusetts Volunteer Infantry, $20.

Lafayette Hall, late of Company C, Twenty-sixth Regiment Indiana Volunteer Infantry, $30.

William Plate, late of Company D, Second Regiment West Virginia Veteran Volunteer Infantry, $24.

George R. Howard, late of Company E, Twenty-fourth Regiment Indiana Volunteer Infantry, $50.

Annie D. Diamond, widow of Absalom S. Diamond, alias Henry Scott, late of Company C, Third Regiment United States Colored Volunteer Infantry, $12.

Francis M. Howard, late of Company A, Fifty-fifth Regiment Indiana Volunteer Infantry, $24.

Joshua Pinkham, late of Company K, Third Regiment New Hampshire Volunteer Infantry, $24.

Seba Coffin, late of U. S. S. *Sabine* and *Niagara*, United States Navy, $24.

Solomon Baker, late of Company D, Fourth Regiment Ohio Volunteer Infantry, and Company I, Third Regiment Ohio Volunteer Cavalry, $30.

Washington Masters, late of Company H, Eighth Regiment Iowa Volunteer Cavalry, $24.

Thomas S. Neal, late of Company C, Second Battalion Pennsylvania Volunteer Infantry, $24.

Thomas Varner, late of Company C, Fifth Regiment Pennsylvania Volunteer Heavy Artillery, $24.

George Gorham, late of Company H, Thirteenth Regiment Michigan Volunteer Infantry, $30.

Lewis C. Berg, late of Company K and principal musician, Twenty-eighth Regiment Wisconsin Volunteer Infantry, $24.

William W. Day, late of Company D, Tenth Regiment Wisconsin Volunteer Infantry, $24.

Henry Bisbin, late of Company C, First Regiment Pennsylvania Volunteer Light Artillery, $40.

Marion L. Wilson, widow of Edward P. Wilson, late captain Company A, and major, Second Regiment United States Colored Volunteer Cavalry, $12.

Henry D. Lockwood, late of Company E, Twenty-third Regiment Wisconsin Volunteer Infantry, $30.

Samuel Black, late of Company B, Forty-ninth Regiment Kentucky Volunteer Infantry, $30.

Joseph Larock, late of Company I, Fifth Regiment Vermont Volunteer Infantry, $50.

Joseph S. Spencer, late of Company F, Fifty-first Regiment Massachusetts Volunteer Infantry, $24.

John Vander Horck, late captain Company D, Fifth Regiment Minnesota Volunteer Infantry, and captain Company H, Eighth Regiment Veteran Reserve Corps, $30.

Charles A. Fernald, late of Company E, Thirteenth Regiment New Hampshire Volunteer Infantry, $30.

Harrison Buchanan, late of Company D, Sixth Regiment Wisconsin Volunteer Infantry, $24.

Mary B. Boyer, widow of John Boyer, late of Company F, One hundred and ninety-fourth Regiment Ohio Volunteer Infantry, $12.

Ellen Brackett, widow of Edwin F. A. Brackett, late of Company H, Fiftieth Regiment Massachusetts Volunteer Infantry, $20.

John B. Randolph, alias John Brendo, late of Company G, Twenty-sixth Regiment Missouri Volunteer Infantry, $30.

Alcenus Ward Fenton, late captain Company D, Sixth Regiment Ohio Volunteer Cavalry, $30.

William Hartin, late of Company A, Second Regiment Maine Volunteer Cavalry, $24.

Abraham Mowery, late of Company C, Fourth Regiment Iowa Volunteer Infantry, $30.

Daniel W. Coan, late first lieutenant Company I, One hundred and forty-first Regiment Illinois Volunteer Infantry, $24.

George A. Lindall, late of Company F, Second Regiment Rhode Island Volunteer Infantry, $24.

William H. Hunt, late of Company F, Twenty-first Regiment Maine Volunteer Infantry, $24.

James Dillon, late of Company H, Nineteenth Regiment Maine Volunteer Infantry, and Company H, First Regiment Maine Volunteer Heavy Artillery, $24.

Philinda Lewis, widow of Jonathan Lewis, late of Company C, Nineteenth Regiment Maine Volunteer Infantry, $20.

George R. Roberts, late of Company E, First Regiment Delaware Volunteer Infantry, $20.

Harrison Flinton, late of Company A, Tenth Regiment Vermont Volunteer Infantry, $24.

Joseph F. Sutton, late of Company G, Seventh Regiment Kentucky Volunteer Infantry, $30.

Jacob B. Copley, late of Company I, One hundred and forty-fourth Regiment New York Volunteer Infantry, $24.

Charles H. Smith, late of Company F, Eighth Regiment Maine Volunteer Infantry, $30.

James E. Wheeler, late of the Third Independent Battery, Vermont Volunteer Light Artillery, $24.

Jacob L. Cook, late of Company B, Fifth Regiment Vermont Volunteer Infantry, $30.

William J. Cavender, late of Company E, Fifteenth Regiment, and Company H, One hundred and ninety-third Regiment, Ohio Volunteer Infantry, $24.

Graham M. Meadville, late of Company F, Seventy-sixth Regiment Pennsylvania Volunteer Infantry, $30.

Joseph C. Bullock, late of Company K, Ninth Regiment New York Volunteer Cavalry, $30.

Mr. McCUMBER. On page 3 I move to strike out from line 10 to line 13, inclusive, being the item for Caleb Eldred, the beneficiary having died since the bill was reported to the Senate.

The VICE PRESIDENT. The amendment will be stated.

The SECRETARY. On page 3, after line 9, it is proposed to strike out:

> The name of Caleb Eldred, late of Company F, Fifteenth Regiment New York Volunteer Heavy Artillery, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The amendment was agreed to.

The VICE PRESIDENT. Are there further amendments to be offered?

Mr. SMITH of Georgia. Mr. President, I desire to move to strike out, on page 2, lines 1, 2, 3, and 4, inclusive, and I also move to strike out, on page 4, lines 19, 20, 21, and 22.

The VICE PRESIDENT. Does the Senator offer to strike out the two items as one amendment or as two amendments?

Mr. SMITH of Georgia. I will include the two items in one amendment, because they embody the same view.

The VICE PRESIDENT. The amendment will be stated.

The SECRETARY. At the top of page 2 it is proposed to strike out:

The name of Wilson Aler, late of Company A, Seventh Regiment Illinois Volunteer Cavalry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

And on page 4, after line 18, it is proposed to strike out:

The name of Shepard Goodwin Patrick, late of Company D, One hundred and fortieth Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

Mr. SMITH of Georgia. I desire the Clerk to read the report of the committee on those two cases, and also to read the report of the committee on two other cases, the numbers of which I will give him within a few minutes.

The Secretary read as follows:

S. 63. Wilson Aler, of Lexington, Nebr., was formerly a private in Company A, Seventh Regiment Illinois Volunteer Cavalry. He served from February 15, 1865, to November 4, 1865, and was honorably discharged. He is at present in receipt of a pension of $12 per month under the service act of February 6, 1907. He never applied for pension under the general law, but formerly drew $6 per month under the act of June 27, 1890.

It appears, however, from medical and other testimony filed with this committee that claimant is helpless from rheumatism and paralysis and is unable to take care of himself and requires the aid and attendance of another person. He is over 68 years of age and very poor, being dependent upon his pension for his support, and his neighbors petition generally for his relief. An increase in his pension to $24 per month is recommended on the ground of his present condition; it is not due to his service, which was less than one year, and no greater increase is warranted.

* * * * * * *

S. 691. Shepard Goodwin Patrick was a private in Company D, One hundred and fortieth Regiment Illinois Volunteer Infantry. He served from May 14, 1864, to October 20, 1864, and was honorably discharged. He is at present in receipt of a pension under the service act of February 6, 1907, at the rate of $12 per month. He was formerly pensioned at $8 per month under the act of June 27, 1890. His application under the general law, filed December 6, 1897, was rejected August 4, 1900, on the ground of no ratable disability from malarial poisoning, and no record or other satisfactory evidence to prove service origin of disease of stomach, dyspepsia, and piles.

The claimant is 64 years of age. It appears from the report of his last medical examination, taken June 6, 1906, that he suffered from disease of digestive organs, rheumatism, and piles, and was practically unable to perform manual labor. Medical and other evidence filed with this committee is to the effect that claimant is unable to perform manual labor by reason of disease of stomach, bladder trouble, and rheumatism. He is poor and without property or means for his support. In such cases your committee usually grant substantial relief by doubling the pension, and increase to $24 is therefore recommended.

Mr. SMITH of Georgia. On page 3, Senate bill No. 208, the case of Thomas J. North, and in the case of David C. Morgan, page 9, I ask the Secretary to read from the report of the committee. I do not move to strike out these items, but I desire the report read as illustrating the difference.

The Secretary read as follows:

S. 208. Thomas J. North was a private in Company E, First Regiment Kentucky Volunteer Cavalry. He enlisted August 25, 1861, and was honorably discharged December 31, 1864, having served three years and four months. He is a pensioner under the service act of February 6, 1907, at the rate of $15 per month. He never filed a claim under the general law, but formerly drew a disability pension of $10 per month under the act of June 27, 1890.

The claimant is now upward of 73 years of age, generally broken down and in needy circumstances. His last medical examination, taken October 19, 1904, showed that he suffered from rheumatism, lumbago, disease of heart, and senile debility, and was practically unable to perform manual labor, and medical evidence filed with this committee shows that he is now nearly blind in left eye and party so in right eye, and that he is afflicted with disease of heart, varicose veins, partial deafness, and other infirmities incident to old age, and is totally disabled for earning a support. Neighbors testify that claimant is unable to perform manual labor and that he has no property or income except his pension. On account of soldier's advanced age, his long continued and honorable service, his total disability and extreme poverty, your committee recommend increase of pension to $24 per month.

* * * * * * *

S. 811. David C. Morgan was a corporal in Company B, Tenth Regiment West Virginia Volunteer Infantry. He enlisted September 8, 1861, and was discharged August 9, 1865, having served nearly four years. He established a claim under the general law for malarial poisoning and disease of lungs, and is pensioned therefor at $14 per month. He was first pensioned at $8 per month from September 30, 1881; increased to $10 from June 5, 1889; to $12 from June 7, 1905, and to $14 from May 6, 1908. Claims for further increase were rejected August 6, 1909, and March 17, 1910.

Claimant is now 67 years of age. He was last examined at Buckhannon, W. Va., March 2, 1910, by a full board of surgeons, who rated him seventeen-eighteenths for malarial poisoning. Dr. Oscar B. Beer testified, in affidavit filed February 1, 1910, that soldier suffers from disease of lungs and malarial poisoning and is totally disabled for performing manual labor. Medical and other evidence filed with this committee is to the effect that claimant is also afflicted with rheumatism and piles and is unable to earn a support for himself and family. It also appears that claimant is poor and without source of income except his pension. On account of soldier's age, poverty, good record, and inability to earn a support by his own manual labor, the committee recommend increase of pension to $24 per month.

Mr. SMITH of Georgia. I do not desire, Mr. President, to take up the time of the Senate again on this bill. I have simply presented two names that I have moved to strike out and two other names that I do not move to strike out—two very short-term men and two long-term men—as illustrating my view on the subject. I will not detain the Senate further.

The VICE PRESIDENT. The question is on agreeing to the motion of the Senator from Georgia [Mr. SMITH].

The motion was rejected.

Mr. McCUMBER. In the case of Thomas J. North I move to strike out the word "twenty-four" and to insert in lieu thereof the word "thirty."

The SECRETARY. On page 2, line 11, before the word "dollars," it is proposed to strike out "twenty-four" and in lieu thereof to insert "thirty."

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

Mr. McCUMBER. I move that the Senate proceed to the consideration of the bill (S. 5623) granting pensions and increase of pensions to certain soldiers and sailors of the Regular Army and Navy, and certain soldiers and sailors of wars other than the Civil War, and to certain widows and dependent relatives of such soldiers and sailors.

The motion was agreed to; and the Senate, as in Committee of the Whole, proceeded to consider the bill.

It proposes to pension the persons named at the rates per month stated:

Alfred Faucher, late of Company F, Forty-third Regiment United States Volunteer Infantry, War with Spain, $12.

George W. Simmons, late of Capt. Swindal's company, Second Regiment Washington Mounted Volunteer Infantry, Oregon and Washington Territory Indian war, $16.

John W. Barnes, late of Company H, First Regiment Nebraska Volunteer Infantry, War with Spain, $16.

Thomas Gorman, late of Company B, First Regiment New Hampshire Volunteer Infantry, War with Spain, $12.

Alan P. Wilson, late of Company I, Second Regiment Virginia Volunteer Infantry, War with Spain, $12.

John H. Mumaw, late of Company I, Eighth Regiment Ohio Volunteer Infantry, War with Spain, $12.

Richard Burnside, late of Company C, Thirty-eighth Regiment United States Infantry, $10.

James Petree, late of Capt. W. H. Latshaw's company, Second Regiment Oregon Mounted Volunteers, Oregon and Washington Territory Indian war, $16.

Bertha B. Byrne, widow of Bernard A. Byrne, late lieutenant colonel Fortieth Regiment United States Volunteer Infantry, War with Spain, $40, and $2 per month additional on account of each of the minor children of said Bernard A. Byrne until they reach the age of 16 years.

George Berry, late of Company H, First Regiment Montana Volunteer Infantry, War with Spain, $24.

Roberson Ford, late of Capts. Kelly and Stafford's company, Oregon Volunteers, Oregon and Washington Territory Indian war, $16.

Allen Tyler, late of Sixteenth Battery United States Field Artillery, $16.

Willoughby Churchill, late of Company D (Capt. M. M. Williams), Second Regiment Oregon Mounted Volunteers, Oregon and Washington Territory Indian war, $16.

John McCombs, late of Capt. John F. Miller's company, Oregon Mounted Volunteers, Oregon and Washington Territory Indian war, $16.

Anne Jones Banks, widow of William Banks, late of Capt. William M. Allred's company, Nauvoo Legion, Utah Volunteers, Utah Indian war, $8.

Emily Whitman, widow of Luther Whitman, late of Capt. Ortons's company, New York Militia, War of 1812, $24.

Frank H. Lasher, late of Company D, Twenty-seventh Regiment United States Volunteer Infantry, War with Spain, $16.

George A. Wageck, late of Company L, First Regiment Nebraska Volunteer Infantry, War with Spain, $24.

Mr. SMITH of Georgia. I desire to offer to the entire bill an amendment to this effect:

Provided, That on the 1st of January of each year each of said parties shall file with the Bureau of Pensions proof of the continuance of his disabilities. Otherwise he shall cease to receive the benefits of this act.

The VICE PRESIDENT. The Senator from Georgia offers an amendment, which will be stated.

The SECRETARY. It is proposed to add at the end of the bill the following proviso:

Provided, That on the 1st of January of each year each of said parties shall file with the Bureau of Pensions proof of the continuance of his disabilities. Otherwise he shall cease to receive the benefits of this act.

Mr. SMITH of Georgia. In offering this amendment I really do it more seriously as a suggestion to the Committee on Pensions with reference to these short-term young men who are going on the pension roll. It does seem to me that they occupy an entirely different attitude, going on the pension roll for disabilities not in the shape of the loss of arms or of wounds, than the old soldiers who have gone on under the general laws. It seems to me they occupy a different position with reference to the permanency of their disabilities from the old soldiers who have reached such an advanced age that there is no hope of recovery. But a young man, between 30 and 40 years of age, with nothing of the character of a loss that the Senator has referred to, which I did not have in contemplation and which I excepted in my statement, but he did not catch it—the loss of an arm or a leg or a wound that would necessarily be permanent—it seems to me ought to be required to furnish some evidence that the disabilities continue. I do not think the rule ought to apply to men who have reached 70 years of age, but we ought to have some kind of legislation that will provide that the Spanish-American soldiers shall furnish annually some kind of evidence, where the disability is not a wound or something which is necessarily permanent, to justify the continuance of their pensions; and I present the amendment really more suggestively than otherwise.

Mr. McCUMBER. Mr. President, there are several reasons why the amendment should not be adopted in the form, at least, in which it is written by the Senator. The first is that it is not applicable to all of the cases, and would be applicable to but very few of them. Six of these claimants, I believe, are veterans of the Indian wars, which occurred prior to the Civil War. Therefore those persons must be quite old, and the pension is granted not because of disability——

Mr. SMITH of Georgia. I did not mean to apply the amendment to them. I have been unable to go over the entire list, and I merely saw that a number of them were veterans of the Spanish War. I want to apply the principle only to young soldiers.

Mr. McCUMBER. The amendment would be inapplicable in the case of widows. There is no requirement of the widow of proof of disability.

Again, the third proposition is that which I expressed before, that the committee would not have reported favorably a private pension bill in any of these cases unless the evidence was conclusive, at least to them, that the injuries were such that the soldier would not recover therefrom.

Again, I quote the Senator the general law, which provides that where a pension is granted for any disability which may be temporary whenever the disability disappears, and that question in any form, either through the investigation of the department or otherwise, is brought to the attention of the department, the soldier's pension is discontinued if it can be shown that the disability has discontinued.

So I think it is unnecessary under the general law. I think that the department, with their special agents, which some one has already described as sleuths, will be able to find out if any soldier who is drawing a pension has recovered from the disabilities upon which the pension is based.

Mr. SMITH of Georgia. Mr. President, of course the latter part of the Senator's remarks will apply to my amendment. That portion of them which called attention to certain cases of pensions in this bill that the amendment was not intended to apply to were facetious but not logical, as they had no reference to the subject under consideration.

With reference to these young men who are going on the pension roll, I believe we have 28,000 of the Spanish-American War on the pension roll. Probably two-thirds of those pensioners are pensioners who have no injury such as a wound or such as a physical disability that is necessarily permanent. I understand the Senator says the committee would not have put these people, or any of them, on unless they believed the injury permanent. But in the case of a troubled condition of the digestion, a malarial trouble, nobody can tell that an injury of that kind is permanent. There may be a present opinion that it is, but it is not a definite injury that can be determined as a permanent injury.

I shall not press this amendment in its present form, because it extends to all the parties, but I desire to amend it so as to apply to the living soldiers of the Spanish-American War contained in the bill under consideration.

The VICE PRESIDENT. Does the Senator from Georgia desire the Secretary to modify his amendment?

Mr. SMITH of Georgia. Yes; I modify it to that extent.

The VICE PRESIDENT. The Secretary will report the modified amendment.

Mr. McCUMBER. In the meantime, I ask the Chair to lay the unfinished business before the Senate.

The VICE PRESIDENT. The hour of 4 o'clock having arrived, the Chair lays before the Senate the unfinished business, which will be stated.

The SECRETARY. A bill (H. R. 1) granting a service pension to certain defined veterans of the Civil War and the War with Mexico.

Mr. McCUMBER. I ask unanimous consent that the unfinished business may be temporarily laid aside.

The VICE PRESIDENT. Without objection, the unfinished business, at the request of the Senator from North Dakota, is laid aside temporarily. The Secretary will now state the modified amendment offered by the Senator from Georgia.

The SECRETARY. Add at the end of the bill the following proviso:

Provided, That on the 1st day of January of each year each of said parties shall file with the Bureau of Pensions proof of the continuance of his disabilities, otherwise he shall cease to receive the benefits of this act. But this is only to apply to the living soldiers of the Spanish-American War named in this bill.

The VICE PRESIDENT. The question is on agreeing to the amendment as modified.

The amendment as modified was rejected.

The VICE PRESIDENT. If there be no further amendments, the bill will be reported to the Senate.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

Mr. McCUMBER. I move that the Senate proceed to the consideration of the bill (S. 5670) granting pensions and increase of pensions to certain soldiers and sailors of the Civil War and certain widows and dependent relatives of such soldiers and sailors.

Mr. SMITH of Georgia. I want to ask the Senator if he meant to skip Senate 5624?

Mr. McCUMBER. There will be an amendment proposed to Senate bill 5624, and I would rather take it up when there are more in the Senate Chamber, because it becomes a precedent. It therefore becomes important; and I desire to have the vote of the entire Senate upon the amendment that will be proposed.

The VICE PRESIDENT. The question is on the motion of the Senator from North Dakota to proceed to the consideration of Senate bill 5670.

The motion was agreed to, and the Senate, as in Committee of the Whole, proceeded to consider the bill.

It proposes to pension the following-named persons at the rate stated:

John C. Johnston, late of Company A, Sixty-first Regiment Pennsylvania Volunteer Infantry, $46.

Anna B. Heckelmann, widow of John A. Heckelmann, late first assistant surgeon, One hundred and sixteenth Regiment Illinois Volunteer Infantry, $20.

Harry Jeremiah Parks, late of Company A, Ninth Regiment New York Volunteer Cavalry, $30.

Tomas Escobado, late of Company E, First Regiment New Mexico Volunteer Cavalry, $30.

Charles H. Edgecomb, late of Company I, Fifteenth Regiment Maine Volunteer Infantry, $24.

David Frazier, late of Company C, One hundred and sixteenth Regiment Indiana Volunteer Infantry, $24.

Alexander W. Barnes, late of Company E, Eleventh Regiment West Virginia Volunteer Infantry, $30.

John R. Tolbert, late of Company A, Twelfth Regiment West Virginia Volunteer Infantry, $24.

William A. Chapman, late of Company B, Seventeenth Regiment Kansas Volunteer Infantry, $24.

George W. Whaley, late of Company B, Thirty-sixth Regiment Ohio Volunteer Infantry, $30.

Alfred B. Loop, late of Company E, Fifty-eighth Regiment Pennsylvania Volunteer Infantry, $30.

John Thompson, late of Company B, Seventy-eighth Regiment Illinois Volunteer Infantry, $30.

George F. Raulston, late captain Company D, Twenty-fourth Regiment New York Volunteer Cavalry, $24.

Edward Jenison, late of Company F, First Regiment United States Cavalry, $30.

Amos Brough, late of Company G, Seventy-fourth Regiment Ohio Volunteer Infantry, $24.

Anderson C. Jones, late of Company A, Fifty-first Regiment Missouri Volunteer Infantry, $24.

Smith A. Nicholson, late of Company C, Fiftieth Regiment Illinois Volunteer Infantry, $30.

Elizabeth Weissmiller, former widow of David Stucky, late of Company A, Firty-sixth Regiment Wisconsin Volunteer Infantry, $12.

Benjamin C. Zeitler, late of Company B, Twenty-fourth Regiment Iowa Volunteer Infantry, $24.

Cyrus N. Doom, late of Company G, Eighth Regiment California Volunteer Infantry, $24.

Robert B. Horrie, late of Company G, Thirty-sixth Regiment Illinois Volunteer Infantry, $24.

George W. Holsted, late of Company L, Second Regiment Wisconsin Volunteer Cavalry, $30.

James C. Bowerman, late of Company I, Forty-fifth Regiment Illinois Volunteer Infantry, $24.

Frank McDaniels, late of Company D, Thirteenth Regiment Illinois Volunteer Infantry, $30.

Millie Rhodes, widow of David Rhodes, late of Company H, Twenty-fifth Regiment Missouri Volunteer Infantry, $12.

George S. Robinson, late of Company A, Forty-seventh Regiment Kentucky Volunteer Infantry, $24.

Jennie A. Pettingell, widow of George D. Pettingell, late of Company K, Fifteenth Regiment, and Company K, Tenth Regiment, Illinois Volunteer Cavalry, $12.

William Gant, late of Company C, Sixth Regiment Kentucky Volunteer Cavalry, $24.

Simon W. Morgan, late of Company B, First Regiment Oregon Volunteer Cavalry, $24.

Thomas H. Rutter, late of Company M, First Regiment New York Volunteer Cavalry, $24.

John W. Dyer, late of Company F, Twelfth Regiment Wisconsin Volunteer Infantry, $30.

Albert P. Odell, late of Company C, One hundred and seventy-eighth Regiment Pennsylvania Volunteer Infantry, $24.

William W. Seagrave, late of Company D, Twenty-first Regiment Connecticut Volunteer Infantry, $36.

Henry J. Streight, late of Company C, Berry's Battalion Cavalry, attached to Thirteenth Regiment Missouri Volunteer Infantry, $24.

Murdock McLean, late of Company F, Twenty-ninth Regiment Michigan Volunteer Infantry, $30.

Samuel T. Bennett, late of Company G, Thirty-third Regiment Ohio Volunteer Infantry, $30.

David E. Leach, late of Company C, Thirty-third Regiment Ohio Volunteer Infantry, $24.

Francis M. Ward, late of Company B, One hundred and fiftieth Regiment Indiana Volunteer Infantry, $24.

Jane Brand Barnard, the helpless and dependent invalid daughter of John G. Barnard, late colonel of Engineers, United States Army, and brigadier general, United States Volunteers, $12.

Samuel T. Mills, late of Company A, Fifth Regiment Indiana Volunteer Cavalry, $40.

Alonzo J. Mather, late of Company I, Twelfth Regiment Indiana Volunteer Infantry, $30.

Daniel W. Roan, late of Companies E and D, Thirteenth Regiment Ohio Volunteer Infantry, $30.

Horace H. Warren, late of Company A, Fourteenth Regiment Ohio Volunteer Infantry, $20.

John Gorman, late of U. S. S. *Michigan*, *Huntsville*, and *St. Lawrence*, United States Navy, $30.

Sanford A. Herendeen, late of the U. S. S. *Ohio*, *Princeton*, and *New Ironsides*, United States Navy, $24.

James H. Riblet, late of Company M, Sixth Regiment Pennsylvania Volunteer Heavy Artillery, $24.

John M. Young, late of Company G, First Regiment Iowa Volunteer Cavalry, $36.

William A. Phillips, late of Company A, Fifty-first Regiment Indiana Volunteer Infantry, $30.

Mary A. Welker, widow of Benjamin F. Welker, late of Company C, Twenty-third Regiment Indiana Volunteer Infantry, $20.

Myron Richards, late of Company A, First Regiment Ohio Volunteer Light Artillery, $30.

James A. Lyons, late of Company E, Fifth Regiment Pennsylvania Volunteer Cavalry, $24.

William London, late of Company D, Eighty-second Regiment Pennsylvania Volunteer Infantry, $30.

Barton W. Pickett, late of Company I, Forty-third Regiment Missouri Volunteer Infantry, $24.

George W. Kuster, late of Company A, Fifth Regiment West Virginia Volunteer Infantry, $30.

Lewis Hyde, late of Company H, Twentieth Regiment, and Company D, Thirty-fifth Regiment, Wisconsin Volunteer Infantry, $40.

James Henry Albert, late of Company A, Eleventh Regiment Pennsylvania Volunteer Cavalry, $24.

John T. Creeks, late of Company B, Sixty-first Regiment Pennsylvania Volunteer Infantry, $30.

H. Charles Ulman, late captain Company A, Fifth Regiment Pennsylvania Reserves Volunteer Infantry, and Company I, First Regiment Veteran Reserve Corps, $36.

Isaac O. Bowman, late of Company A, Fifth Regiment Indiana Volunteer Cavalry, $30.

Anton Nedvidek, late of Company B, Ninth Regiment Wisconsin Volunteer Infantry, $24.

William Riddle, late of Company D, First Regiment Tennessee Volunteer Cavalry, $24.

Joseph C. Kilburn, late of Company E, First Regiment New Hampshire Volunteer Heavy Artillery, $24.

Mira M. Danley, widow of Hiel M. Danley, late of Company E, One hundred and twenty-fifth Regiment Ohio Volunteer Infantry, $12.

William J. Seals, late of Company D, Second Regiment East Tennessee Volunteer Infantry, and Company E, Fourteenth Regiment Kentucky Volunteer Cavalry, $24.

Benjamin Richardson, late of Company D, Sixth Regiment Kentucky Volunteer Cavalry, $30.

James E. Kinnard, late of Company D, Twenty-first Regiment Kentucky Volunteer Infantry, $30.

John S. Hughes, late of Company A, First Regiment Missouri State Militia Cavalry, $40.

Mattie M. Converse, widow of Bolivar C. Converse, late major Eleventh Regiment Ohio Volunteer Cavalry, $25.

Isaac N. Wakefield, late of Company E, First Regiment Tennessee Volunteer Mounted Infantry, $24.

Thomas P. P. Wilson, late of Company K, Thirty-second Regiment Missouri Volunteer Infantry, $24.

George J. Wilson, late of Company D, Seventeenth Regiment West Virginia Volunteer Infantry, $24.

Martha A. Parkman, widow of Edward R. Parkman, late of Company A, Twenty-sixth Regiment Maine Volunteer Infantry, $20.

William L. Pratt, late of Company E, Twenty-fourth Regiment Maine Volunteer Infantry, $30.

Edward E. Miles, late of Third Battery Vermont Volunteer Light Artillery, $24.

James Greer, late of Company C, Twenty-fifth Regiment Ohio Volunteer Infantry, $24.

George W. Allen, late of Company A, Twenty-seventh Regiment Iowa Volunteer Infantry, $24.

John F. Carll, late of Company B, Thirteenth Regiment, and Company H, Thirtieth Regiment, Maine Volunteer Infantry, $24.

George P. Doeg, late of Company D, Third Regiment New Hampshire Volunteer Infantry, $24.

Mary A. Corrigan, former widow of Bernard McCarren, late of Company C, First Regiment Delaware Volunteer Infantry, $12.

Joseph M. Wolbert, late of Company D, Fifty-second Regiment Wisconsin Volunteer Infantry, $24.

Thomas Southergill, late of Company E, Tenth Regiment Connecticut Volunteer Infantry, $30.

John R. Megee, late of Company D, Third Regiment Delaware Volunteer Infantry, $24.

Alfred Shaffer, late of Company B, Two hundred and sixth Regiment Pennsylvania Volunteer Infantry, $30.

William Norris, jr., late of Company B, Sixteenth Regiment New Hampshire Volunteer Infantry, $30.

Amelia L. Adams, widow of Jonathan M. Adams, late of Company H, Fifth Regiment Wisconsin Volunteer Infantry, $12.

Edward R. Taylor, late of Company K, Twenty-fifth Regiment Illinois Volunteer Infantry, $24.

Charles Barton, late of the Fourteenth Independent Battery Michigan Volunteer Light Artillery, $24.

John K. Myers, late acting third assistant engineer U. S. S. *Fort Hindman*, United States Navy, $24.

Amanda Smith, former widow of James K. Heyer, late of Company G, Twenty-ninth Regiment New Jersey Volunteer Infantry, and widow of John B. Smith, late of Company F, First Regiment Delaware Volunteer Infantry, $12.

Lydia A. Flack, widow of David Flack, late of Company E, Fourth Regiment Ohio Volunteer Infantry, $12.

Mary C. Crowder, widow of John H. Crowder, late of Company K, First Regiment Missouri State Militia Cavalry, $20.

Charles H. Perkins, late of Company G, One hundred and thirty-sixth Regiment New York Volunteer Infantry, $30.

Mr. McCUMBER. On page 10, line 13, I move to strike out the name of Pickett and insert in lieu thereof the name "Prickett." This amendment is a mere typographical error.

The amendment was agreed to.

Mr. SMITH of Georgia. I move to strike out, on page 15, lines 1 to 4, inclusive.

The VICE PRESIDENT. The Senator from Georgia offers an amendment, which will be stated.

The SECRETARY. Strike out lines 1 to 4, inclusive, on page 15, in the following words:

The name of Joseph M. Wolbert, late of Company D, Fifty-second Regiment Wisconsin Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

Mr. SMITH of Georgia. I ask the Secretary to read the report of the committee in that case.

The VICE PRESIDENT. The Secretary will read the report of the committee with reference to this case.

The Secretary read from page 37 of Senate Report No. 450, as follows:

S. 5172. Joseph M. Wolbert served as a private in Company D, Fifty-second Regiment Wisconsin Volunteer Infantry; was enlisted March 22, 1865, and honorably discharged July 28, 1865. He never applied for a pension under the general law, but established a claim under the act of June 27, 1890, and is now pensioned under said act at $12 per month, granted him for total incapacity for earning a support by manual labor. The claimant is now nearly 64 years of age. The report of his last medical examination, taken December 22, 1908, shows that he was disabled by disease of rectum, bronchitis, disease of stomach and bowels, and general debility, and the examining surgeon reported in direct terms that claimant was totally and permanently incapacitated for the performance of manual labor. Evidence filed with this committee shows that claimant is at present wholly unable to earn a support by manual labor by reason of bronchitis, hemorrhoids, and disease of bowels and rectum. It is also shown that claimant is in destitute circumstances, being entirely dependent upon his pension for the support of himself and family. On account of soldier's age, poverty, and inability to earn a support by his own manual labor, the committee recommend increase of pension to $24 per month; his service was short, hence no greater increase is warranted.

Mr. SMITH of Georgia. I now ask the Secretary to read the report of the committee applicable to the pension of George P. Doeg, prior to that of Joseph M. Wolbert. It is on page 36, S. 5078. I am not moving to strike out the report of the committee applicable to Mr. Doeg.

The VICE PRESIDENT. The Chair understands.

Mr. SMITH of Georgia. I am only presenting the report of the committee as to him to illustrate my motion to strike out the increase of pension of Joseph M. Wolbert.

The VICE PRESIDENT. The Secretary will read, as requested.

The Secretary read from page 36, Report No. 450, as follows:

S. 5078. George P. Doeg was a private in Company D, Third Regiment New Hampshire Volunteer Infantry. He enlisted August 16, 1861, and was honorably discharged November 23, 1863, on surgeon's certificate of disability on account of gunshot wound of left hand, received in battle at Fort Wagner, S. C., July 18, 1863. He was originally pensioned under the general law for gunshot wound of left hand at $2 per month from discharge, which was increased to $3 from October 21, 1874; to $4 from June 2, 1880; and to $6 from March 2, 1895. He is now pensioned at $12 per month under the age or service act of February 6, 1907.

The claimant is nearly 70 years old. Evidence filed with this committee shows that he is disabled by gunshot wound of left hand, left inguinal hernia, rheumatism, dyspepsia, weak heart, and impaired sight, and a physician and two neighbors testify that he is entirely incapacitated for performing manual labor for his support. It further appears that claimant is poor and without property or source of income other than his pension. On account of soldier's advanced age, poverty, and inability to earn a support by his own manual labor, the committee recommend increase of pension to $24 per month.

The VICE PRESIDENT. The question is on agreeing to the amendment proposed by the Senator from Georgia.

The amendment was rejected.

The bill was reported to the Senate as amended, and the amendment was concurred in.

Mr. McCUMBER. Mr. President, before the final passage of the bill I wish to say a few words. The Senator from Georgia placed side by side what, from his judgment, would present the strongest possible case, by length of service and age, and one that would probably be the weakest that could be selected out of the number for a given amount. I call the attention of the Senate to the inability of any Senator to determine accurately from the report alone what ought to be granted. If all the evidence and the affidavits upon which the claim was based were before the Senate, it probably would arrive at the same conclusion the Senate committee arrived at in this case. It would probably be found that while the older man and the one who served the longer was, of course, physically disabled from performing manual service, in the case of the younger man and the one who had served a less number of years there was a very much greater physical disability, requiring the aid of a doctor very often, as in cases of hernia, sometimes very painful and distressing, sometimes demanding more or less aid and attention than are required by the older man. All of this evidence can not be carried out in detail, but only the conclusion given. I think if we had all of the evidence before us in each of the two cases we would find that the conclusion was accurately correct, if we base it upon the present physical condition, and grant the increase of pension to prevent destitution, rather than making our grant dependent entirely upon the length of service.

The bill was ordered to be engrossed for a third reading, was read the third time, and passed.

Mr. McCUMBER. There is but one more of these pension bills upon the calendar, and, as I have suggested, we have not a very large attendance to-day, and I will call it up immediately after the morning business to-morrow.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by D. K. Hempstead, its enrolling clerk, announced that the House had disagreed to the amendments of the Senate to the bill (H. R. 20111) making appropriations for fortifications and other works of defense, for the procurement of heavy ordnance for trial and service, and for other purposes; asks a conference with the Senate on the disagreeing votes of the two Houses thereon, and had appointed Mr. SHERLEY, Mr. RAUCH, and Mr. GOOD managers at the conference on the part of the House.

The message also returned to the Senate, in compliance with its request, the following bills:

S. 317. An act to provide for the purchase of a site and the erection of a public building thereon at Sundance, in the State of Wyoming;

S. 318. An act to provide for the acquisition of a site and the erection of a public building thereon at Newcastle, Wyo.;

S. 3716. An act for the erection of a public building at St. George, Utah; and

S. 4493. An act to provide for the purchase of a site and the erection of a public building thereon at Thermopolis, in the State of Wyoming.

ENROLLED BILL SIGNED.

The message further announced that the Speaker of the House had signed the enrolled bill (H. R. 17671) granting pensions and increase of pensions to certain soldiers and sailors of the Regular Army and Navy, and certain soldiers and sailors of wars other than the Civil War, and to widows and dependent relatives of such soldiers and sailors; and it was thereupon signed by the Vice President.

CONSIDERATION OF DISTRICT OF COLUMBIA BILLS.

Mr. GALLINGER. I ask unanimous consent that 15 minutes be devoted to the consideration of District of Columbia bills, unobjected cases, to be called by the chairman of the committee.

The VICE PRESIDENT. Is there objection? The Chair hears none.

HOME FOR FEEBLE-MINDED.

Mr. GALLINGER. I ask for the consideration of the bill (S. 5440) to establish a home for feeble-minded, imbecile, and idiotic children in the District of Columbia, and for other purposes.

The Senate, as in Committee of the Whole, proceeded to consider the bill, which was read as follows:

Be it enacted, etc., That there shall be established in the District of Columbia a home for feeble-minded, imbecile, and idiotic children, to be under the control and supervision of the commissioners of the said District.

SEC. 2. That the said commissioners shall have authority to make suitable rules and regulations for the government of the said home, including the admission of patients thereto, and shall also determine upon and appoint the necessary officers and employees and prescribe their duties and fix their salaries and compensation: *Provided*, That admissions to the said home shall be upon the certificate of the board of children's guardians of the District of Columbia, who shall certify that such children are residents of the said District and are feeble-minded, imbecile, or idiotic.

SEC. 3. That there is hereby appropriated, one half out of the revenues of the District of Columbia and the other half out of any moneys in the Treasury not otherwise appropriated, the sum of $100,000 for the erection of all necessary buildings for said home for feeble-minded, imbecile, and idiotic children in the District of Columbia: *Provided*, That said building shall be erected upon land now owned by the District of Columbia located in the subdivision in the southeastern section of said District known as Blue Plains.

SEC. 4. That all laws and parts of laws inconsistent with the provisions of this act are hereby repealed.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

EXTENSION OF NEW HAMPSHIRE AVENUE.

Mr. GALLINGER. I now ask to have considered the bill (S. 2504) to provide for the extension of New Hampshire Avenue, in the District of Columbia, on a straight line, and for other purposes.

The Senate, as in Committee of the Whole, proceeded to consider the bill, which had been reported from the Committee on the District of Columbia with an amendment, in section 1, page 2, line 8, after the word "in," where it occurs the second time, to strike out "resect" and insert "respect."

The amendment was agreed to.

Mr. OVERMAN. Does all this revenue come from the District, I will ask the chairman? Is the Government to be taxed for any part of this revenue?

Mr. GALLINGER. Oh, not at all; not in any case in the opening of streets.

The bill was reported to the Senate as amended and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

JURISDICTION OF POLICE COURT.

Mr. GALLINGER. I now ask for the consideration of the bill (S. 5271) to confer concurrent jurisdiction on the police court of the District of Columbia in certain cases.

The Senate, as in Committee of the Whole, proceeded to consider the bill, which had been reported from the Committee on the District of Columbia with an amendment in section 2, page 2, line 5, after the word "months," to insert "and in default of bond may be sentenced to imprisonment not exceeding six months," so as to make the bill read:

Be it enacted, etc., That the police court of the District of Columbia shall have jurisdiction, concurrently with the Supreme Court of the District of Columbia, of affrays and the keeping of a bawdy or disorderly house, and any person convicted of such an offense shall be punished by a fine not exceeding $500 or imprisonment not exceeding one year, or both.

SEC. 2. That said police court shall also have concurrent jurisdiction with said supreme court of threats to do bodily harm, and any person convicted of such offense shall be required to give bond to keep the peace for a period not exceeding six months, and in default of bond may be sentenced to imprisonment not exceeding six months.

The amendment was agreed to.

The bill was reported to the Senate as amended and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

SPRING ROAD, DISTRICT OF COLUMBIA.

Mr. GALLINGER. I ask unanimous consent for the present consideration of the bill (S. 5333) to authorize the widening and extension of Spring Road NW., and for other purposes.

Mr. JOHNSTON of Alabama. I ask the Senator from New Hampshire to withhold that request, as a protest has come to me about the expense that will be involved by the passage of the bill.

Mr. GALLINGER. Very well. I withdraw the request.

EXTENSION OF BUCHANAN STREET, DISTRICT OF COLUMBIA.

Mr. GALLINGER. I ask unanimous consent for the present consideration of the bill (S. 1093) to provide for the extension of Buchanan Street NW., between Piney Branch Road and Sixteenth Street, and the abandonment of Piney Branch Road between Allison Street and Buchanan Street NW., District of Columbia.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

POLICE AND FIREMAN'S PENSION FUNDS.

Mr. GALLINGER. I ask unanimous consent for the present consideration of the bill (S. 5375) for the relief of the police and fireman's pension funds, District of Columbia.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill. It directs the Commissioners of the District of Columbia to deposit in the Treasury of the United States, to the credit of the police and fireman's relief funds of the District, from the receipts from licenses (other than liquor licenses), in addition to the revenue now authorized by law, such sum as may be required to meet the deficiency now existing in the fund, and thereafter such sum as may be necessary from time to time to prevent deficiencies in the same.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

DISINTERMENTS IN DISTRICT CEMETERIES.

Mr. GALLINGER. I ask unanimous consent for the present consideration of the bill (S. 1086) to amend sections 680 and 686 of the Code of Law for the District of Columbia.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill, which had been reported from the Committee on the District of Columbia with amendments.

The first amendment was, in section 1, page 1, beginning in line 3, to strike out:

That section 680 of the Code of Law for the District of Columbia be, and the same is hereby, amended by striking out the following words: "In no case shall the grave be opened in which has been buried the body of any person who has died of Asiatic cholera, yellow fever, typhus fever, smallpox (including varioloid), leprosy, the plague, tetanus, diphtheria, or scarlet fever."

And in lieu thereof to insert:

That section 680 of the Code of Law for the District of Columbia be, and the same is hereby, amended by adding the following words: "within five years after the date of death," so that the last sentence of said section shall read as follows: "In no case shall a grave be opened in which has been buried the body of any person who has died of Asiatic cholera, yellow fever, typhus fever, smallpox (including varioloid), leprosy, the plague, tetanus, diphtheria, or scarlet fever within five years after the date of death."

The amendment was agreed to.

The next amendment was, in section 2, page 2, line 14, after the word "said," to strike out "interment" and insert "disinterment," so as to read:

SEC. 2. That section 686 of said code as it now reads be, and the same is hereby, repealed, and the following is hereby substituted therefor, namely:

"SEC. 686. Any body buried in the District of Columbia may be disinterred by the coroner of the District of Columbia, or upon his order, whenever said disinterment is, in his judgment, necessary to enable him to perform properly the duties of his office; and the Supreme Court of the District of Columbia, or a justice thereof, may order the disinterment of any such body whenever, in the opinion of said court or justice, the same is necessary in an inquiry as to the cause of death of a person or for the purpose of the trial of any cause in said court, and the health officer of the District of Columbia shall issue a permit for this purpose upon request of the coroner or justice, as the case may be.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

PREFERENCE RIGHTS ON PUBLIC LANDS.

Mr. JONES. I ask unanimous consent for the present consideration of the bill (S. 5465) for the relief of holders and claimants of preference rights on public lands.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill, which had been reported from the Committee on Public Lands with an amendment to strike out all after the enacting clause and insert:

That any unmarried woman who has heretofore acquired or shall hereafter acquire or be entitled to any preference right to file or make entry under the homestead laws of any public lands of the United States shall not forfeit or lose such right by becoming married before making such filing or entry, but may, under such preference right, make application for and enter and file upon such lands, or any part thereof, and receive patent therefor, notwithstanding her marriage after acquiring or becoming entitled to exercise such preference right: *Provided*, That the man she marries is not at the time of her attempting to exercise such preference right claiming a separate tract of land under the homestead laws, or has not therefor had the benefit of the homestead laws, and that any homestead entry made or attempted to be made by the husband, during the time the land entered pursuant to such preference right by the wife is held or claimed by her under the homestead laws, shall be null and void.

SEC. 2. That this act shall apply to all such preference rights heretofore acquired and now pending, undisposed of, or which may hereafter be acquired.

Mr. JONES. In section 1, page 2, line 21, after the word "not," in the substitute, I move to strike out the word "therefor" and to insert the word "theretofore."

The VICE PRESIDENT. The amendment proposed by the Senator from Washington to the amendment will be stated.

The SECRETARY. In section 1, page 2, line 21, after the word "not," it is proposed to strike out the word "therefor" and to insert "theretofore."

The amendment to the amendment was agreed to.

The amendment as amended was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

MARY J. WEBSTER.

Mr. SMOOT. I ask unanimous consent for the present consideration of the bill (S. 4839) for the relief of Mary J. Webster.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill, which had been reported from the Committee on Public Lands with an amendment to strike out all after the enacting clause and to insert:

That the Secretary of the Interior is hereby authorized and directed to issue a patent to Mary J. Webster, her heirs and assigns forever, to the following-described tract of land in Fremont County, Idaho: The west half of the southwest quarter section 10, township 5 north, range 40 east, Boise meridian.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

MANEUVERING GROUNDS AT ANNISTON, ALA.

Mr. JOHNSTON of Alabama. I ask unanimous consent for the present consideration of the joint resolution (H. J. Res. 178) creating a commission to investigate and report on the advisability of the establishment of a permanent maneuvering grounds, camp of inspection, rifle and artillery ranges for troops of the United States at or near the city of Anniston, county of Calhoun, State of Alabama, and to likewise report as to certain

lands in and around the city of Anniston, county of Calhoun, State of Alabama, proposed to be donated to the United States for said purposes.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the joint resolution.

The joint resolution was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

PUBLIC BUILDING AT NORTH TOPEKA, KANS.

Mr. CURTIS. I ask unanimous consent for the present consideration of the bill (S. 4310) to provide for the erection of a public building at North Topeka, Kans.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill, which had been reported from the Committee on Public Buildings and Grounds with an amendment, on page 2, line 1, after the word "exceed," to strike out "twenty-five" and insert "seventy-one," so as to make the bill read:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to cause to be constructed on the site to be acquired for that purpose a suitable building, including fireproof vaults, heating and ventilating apparatus, and approaches, for the use and accommodation of the United States post office at North Topeka, Kans., the cost of said site and building, including said vaults, heating and ventilating apparatus, and approaches, not to exceed $71,000.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

The title was amended so as to read: "A bill to provide for the purchase of a site and the erection of a public building at North Topeka, Kans."

PUBLIC BUILDING AT MARTINSBURG, W. VA.

Mr. CHILTON. I ask unanimous consent for the present consideration of the bill (S. 2558) making an appropriation of public money to install an elevator in the United States public building at Martinsburg, W. Va.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill, which had been reported from the Committee on Public Buildings and Grounds with an amendment, on page 1, line 3, after the word "That," to strike out "there be, and is hereby, appropriated the sum of $20,000, or so much thereof as may be necessary, for the purpose of installing," and to insert "the Secretary of the Treasury be, and he is hereby, authorized and directed to contract for the installation of"; and in line 10, after the word "building," to insert "at a cost not to exceed $20,000," so as to make the bill read:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to contract for the installation of an elevator in the United States courthouse and post-office building at Martinsburg, in the State of West Virginia, and for remodeling and replacing the main stairway of said building at a cost not to exceed $20,000. The work of installing said elevator and replacing the said stairway shall be done under the plans and specifications to be furnished by the Supervising Architect of the Treasury Department.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

The title was amended so as to read: "A bill authorizing the installation of an elevator in the United States public building at Martinsburg, W. Va."

PUBLIC BUILDING AT FARMVILLE, VA.

Mr. SWANSON. I ask unanimous consent for the present consideration of the bill (S. 1895) to provide for the purchase of a site and the erection of a public building thereon at Farmville, in the State of Virginia.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill, which had been reported from the Committee on Public Buildings and Grounds with an amendment, on page 2, line 1, after the words "sum of," to strike out "fifty" and insert "sixty," so as to read:

That the Secretary of the Treasury be, and he is hereby, authorized and directed to acquire, by purchase, condemnation, or otherwise, a site and cause to be erected thereon a suitable building, including fireproof vaults, heating and ventilating apparatus, elevators, and approaches, for the use and accommodation of the United States post office and other Government offices, in the town of Farmville and State of Virginia, the cost of said site and building, including said vaults, heating and ventilating apparatus, elevators, and approaches, not to exceed the sum of $60,000.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

PRACTICE OF DENTISTRY IN THE DISTRICT OF COLUMBIA.

Mr. OVERMAN. I ask unanimous consent for the present consideration of the bill (S. 5244) to regulate the practice of dentistry in the District of Columbia.

The Secretary read the bill; and, there being no objection, the Senate, as in Committee of the Whole, proceeded to its consideration.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

FEDERAL BUILDING AT COEUR D'ALENE, IDAHO.

Mr. HEYBURN. I ask unanimous consent for the present consideration of the bill (S. 248) providing for the erection of a Federal building at Coeur d'Alene, Idaho.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill, which had been reported from the Committee on Public Buildings and Grounds with an amendment, on page 1, line 10, after the word "exceed," to strike out "two hundred" and insert "one hundred and seventy-five"; and on page 2, line 1, after the words "sum of," to strike out "two hundred" and insert "one hundred and seventy-five," so as to make the bill read:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to acquire, by purchase, condemnation, or otherwise, a site and cause to be erected thereon a suitable building, including fireproof vaults, heating and ventilating apparatus, and approaches, for the use and accommodation of the United States post office, court, and other offices of the Government at Coeur d'Alene, Idaho, the cost of said building aforesaid not to exceed $175,000. For the purposes aforesaid the sum of $175,000, or so much thereof as may be necessary, is hereby appropriated out of any money in the Treasury not otherwise appropriated.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

FEDERAL BUILDING AT POCATELLO, IDAHO.

Mr. HEYBURN. I will take the liberty of also asking for the present consideration of the bill (S. 5077) providing for the erection of a Federal building at Pocatello, Idaho. A Federal court sits there, but there is no courthouse.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill, which had been reported from the Committee on Public Buildings and Grounds with an amendment, on page 1, line 10, before the word "hundred," to strike out "one" and insert "two"; and in line 11, before the word "hundred," to strike out "one" and insert "two," so as to make the bill read:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to cause to be erected upon the site already acquired at Pocatello, Idaho, a suitable building, including fireproof vaults, heating and ventilating apparatus, and approaches, for the use and the accommodation of the United States post office, court, and other offices of the Government at that place, the cost of said building aforesaid not to exceed $200,000. For the purposes aforesaid the sum of $200,000, or so much thereof as may be necessary, is hereby appropriated out of any money in the Treasury not otherwise appropriated.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

OMAHA INDIAN RESERVATION LANDS IN NEBRASKA.

Mr. BROWN. I ask unanimous consent for the present consideration of the bill (S. 5060) to provide for the disposal of the unallotted land on the Omaha Indian Reservation in the State of Nebraska.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill, which had been reported from the Committee on Indian Affairs with amendments. The first amendment was in section 2, page 2, line 18, before the word "acres," to strike out "seven" and insert "ten," so as to read:

SEC. 2. That the Secretary of the Interior is hereby directed to reserve from sale, under the terms of this act, the following tracts of land for the purposes designated: Forty-nine acres of the land now used for agency purposes to be reserved for agency and school purposes for so long as the need thereof exists; 10 acres to be selected by the tribe for use as a tribal cemetery; 10 acres of the land now reserved for the use of the Presbyterian Church to be selected by the officials of said church for the use of the church so long as needed for religious or educational purposes; 2 acres of the land on which is standing what is known as the old Presbyterian mission building, and the Secretary of the Interior is hereby authorized to cause a patent in fee simple to issue therefor in the name of the State Historical Society of Nebraska.

The amendment was agreed to.

The next amendment was, in section 4, page 4, line 1, after the word "act," to insert "and after reimbursing the general

trust fund of the tribe for any assessment paid therefrom for protecting the unallotted tribal lands from overflow"; in line 8, after the word "page," to strike out "one" and insert "three"; and in line 11, after the word "be," to strike out "placed to the credit of said Indians in the Treasury of the United States, and shall bear interest at the rate of 5 per cent per annum, until such time as the individual Indians shall have reached the age of 25 years, when the share to the credit of each Indian, with accrued interest, shall be paid to him upon application therefor through the Secretary of the Interior; but in the event of the death of such Indian prior to reaching the age of 25 years, his share shall be paid at once to his heirs under the laws of descent in force in the State of Nebraska" and insert "expended for the benefit of said Indians when and in such manner as in the opinion of the Secretary of the Interior shall be to their best interests, and pending such expenditure by the said Secretary the sums due the respective Indians shall be placed to the credit of the said Indians in the Treasury of the United States, and shall bear interest at the rate of 5 per cent per annum, but in the event of the death of any such Indian while there remains in the Treasury to his credit any part of the sum so deposited the said sum shall be paid at once to his heirs, who shall be determined by the Secretary of the Interior in accordance with the laws of descent in force in the State of Nebraska, and the action of the Secretary of the Interior in determining the legal heirs of any deceased Indian, as provided herein, shall in all respects be conclusive and final," so as to make the section read:

SEC. 4. That the proceeds of such sale, after paying all the expenses incident to and necessary for carrying out the provisions of this act, and after reimbursing the general trust fund of the tribe for any assessment paid therefrom for protecting the unallotted tribal lands from overflow, shall be divided pro rata among the children of the Omaha Tribe living on the date of the passage and approval of this act who have not received allotments of land under the acts of August 7, 1882 (22 U. S. Stat. L., p. 341), and March 3, 1893 (23 U. S. Stat. L., p. 630), and shall be expended for the benefit of said Indians when and in such manner as in the opinion of the Secretary of the Interior shall be to their best interests, and pending such expenditure by the said Secretary the sums due the respective Indians shall be placed to the credit of the said Indians in the Treasury of the United States, and shall bear interest at the rate of 5 per cent per annum, but in the event of the death of any such Indian while there remains in the Treasury to his credit any part of the sum so deposited the said sum shall be paid at once to his heirs, who shall be determined by the Secretary of the Interior in accordance with the laws of descent in force in the State of Nebraska, and the action of the Secretary of the Interior in determining the legal heirs of any deceased Indian, as provided herein, shall in all respects be conclusive and final.

The amendments were agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

Mr. BROWN. I ask that the report of the committee accompanying the bill be printed in the RECORD.

The VICE PRESIDENT. Without objection, it is so ordered.

The report (No. 459) submitted by Mr. BROWN, March 8, 1912, is as follows:

SALE AND DISPOSITION OF LANDS IN OMAHA INDIAN RESERVATION IN NEBRASKA.

Mr. BROWN, from the Committee on Indian Affairs, submitted the following report to accompany S. 5060:

The Committee on Indian Affairs, to which was referred the bill (S. 5060) to provide for the disposal of the unallotted lands on the Omaha Indian Reservation in the State of Nebraska, having had the same under consideration, beg leave to report that the bill do pass with the following amendments:

Page 2, line 15, strike out the word "seven" and insert in lieu thereof the word "ten."

Page 3, line 23, after the word "act" insert the following:

"And after reimbursing the general trust fund of the tribe for any assessment paid therefrom for protecting the unallotted tribal lands from overflow."

Page 4, line 3, strike out the word "one" and insert in lieu thereof the word "three."

Page 4, line 6, after the word "be," strike out the remainder of said line and all of lines 7 to 15, inclusive, and insert in lieu thereof the following:

"Expended for the benefit of said Indians when and in such manner as in the opinion of the Secretary of the Interior shall be to their best interests, and pending such expenditure by the said Secretary the sums due the respective Indians shall be placed to the credit of the said Indians in the Treasury of the United States and shall bear interest at the rate of 5 per cent per annum; but in the event of the death of any such Indian while there remains in the Treasury to his credit any part of the sum so deposited the said sum shall be paid at once to his heirs, who shall be determined by the Secretary of the Interior, in accordance with the laws of descent in force in the State of Nebraska, and the action of the Secretary of the Interior in determining the legal heirs of any deceased Indian, as provided herein, shall in all respects be conclusive and final."

Your committee submits and makes a part of this report two letters from the Department of the Interior on the subject of the proposed legislation:

DEPARTMENT OF THE INTERIOR,
Washington, February 14, 1912.

Hon. ROBERT J. GAMBLE,
Chairman Committee on Indian Affairs, United States Senate.

SIR: I have the honor to acknowledge the receipt, by your reference of February 6, 1912, for consideration and report, of a copy of Senate bill 5060, Sixty-second Congress, second session, providing for the sale of the tribal lands of the Omaha Indian Reservation in Nebraska.

This department, on January 28, 1910, submitted to the Congress drafts of a bill authorizing the sale of the Omaha tribal lands, and in its letters accompanying said drafts set forth fully the facts relating thereto. See House Document No. 630, Sixty-first Congress, second session.

The Indians have expressed a desire to have 10 acres set aside for a tribal cemetery. It is respectfully recommended, therefore, that the word "seven" in section 2, line 15, page 2, be stricken out and the word "ten" be inserted in lieu thereof.

The word "one" in section 4, line 3, page 4, should be stricken out and the word "three" inserted in lieu thereof.

The act of February 18, 1909 (35 Stat. L., 628), authorized the payment of any assessments which may be made by any drainage district in the State of Nebraska on the tribal lands of the Omaha and Winnebago Indians, to protect such lands from overflow, from the tribal funds remaining to the credit of these Indians.

The estimated cost of drainage to protect the tribal lands of the Omaha Tribe is approximately $600. The lands subject to overflow will be greatly enhanced in value by the drainage provided for in the act of February 18, 1909, supra, and it is but just that the cost of draining these tribal lands should be paid from the proceeds derived from their sale. It is believed that provision should be made in the bill for reimbursing the tribal funds for the cost of draining the lands to be sold from the proceeds of the sale. This can be done by inserting after the word "act" in section 4, line 23, page 3, the following:

"And after reimbursing the general trust fund of the tribe for any assessment paid therefrom for protecting the unallotted tribal lands from overflow."

Section 4 of the bill provides that the proceeds derived from the sale of the tribal lands shall be deposited in the Treasury of the United States to the individual credit of the unallotted children living at the date of the passage of the act, to draw interest at the rate of 5 per cent per annum, each Indian to be paid his share with accrued interest when he reaches the age of 25 years.

The department is of the opinion that authority should be given the Secretary of the Interior to expend the share of individual Indians prior to the time they reach the age of 25 years, when, in his opinion, it will be to their advantage. It is not deemed advisable to have money deposited in the Treasury to the credit of these individual Indians which can not be used to provide for their education or to relieve sickness and distress.

It is respectfully recommended, therefore, that section 4 be further amended by striking out all that part thereof after the word "be" in line 6, page 4, and inserting in lieu thereof the following:

"Expended for the benefit of said Indians when and in such manner as in the opinion of the Secretary of the Interior shall be to their best interests, and pending such expenditure by the said Secretary the sums due the respective Indians shall be placed to the credit of said Indians in the Treasury of the United States, and shall bear interest at the rate of 5 per cent per annum, but in the event of the death of any such Indian while there remains in the Treasury to his credit any part of the sum so deposited the said sum shall be paid at once to his heirs, who shall be determined by the Secretary of the Interior, in accordance with the laws of descent in force in the State of Nebraska, and the action of the Secretary of the Interior in determining the legal heirs of any deceased Indian, as provided herein, shall in all respects be conclusive and final."

If amended as suggested herein, this department will be glad to see the enactment of Senate bill 5060, Sixty-second Congress, second session.

Respectfully,

SAMUEL ADAMS,
Acting Secretary.

—

DEPARTMENT OF THE INTERIOR,
Washington, February 8, 1912.

SIR: By direction of the President, I inclose a draft of a bill, the enactment of which into law at this session of Congress I consider extremely urgent, for reasons which I shall set out. The proposed measure provides for the disposal of all the unallotted land on the Omaha Indian Reservation in the State of Nebraska.

Allotments on the Omaha Indian Rezervation were originally made in accordance with the provisions of the act of August 7, 1882 (22 Stat. L., 341). Allotments under this act to 954 members of the tribe were approved by the department on July 11, 1884, and the trust period for such allotments will expire on July 10, 1909.

Section 8 of the same act provided that the residue of lands, after all allotments had been made "* * * shall be patented to the said Omaha Tribe of Indians, which patent shall be of the legal effect and declare that the United States does and will hold the land thus patented for the period of 25 years in trust for the sole use and benefit of the said Omaha Tribe of Indians, and that at the expiration of said period the United States will convey the same by patent to said Omaha Tribe of Indians in fee discharged of said trust and free of all charge or encumbrance whatsoever."

For reasons which the present administration of the department and of the Indian Office is unable to supply, no patent to the tribal lands was issued in accordance with the direction of the section quoted. It is easy to conceive, however, that a court of law might hold that the act was mandatory, and required the issuance of a trust patent for the tribal lands, and that, since this ought to have been done, a constructive trust period went into effect with regard to the tribal lands from the date of the completion of allotments in severalty on July 11, 1884, and would therefore expire on July 10, 1909.

In view of this possible and very probable interpretation of the act of August 7, 1882, that a constructive trust period is now in effect, which will expire on July 10, 1909, it is manifest:

1. That if no provision be made to meet the condition it needs only conflicting interests in the disposition of the unallotted lands to bring about much expensive and vexatious litigation and serious embarrassment to the administration of the affairs of these Indians.

2. That any legislation designed to meet the emergency, if such exists, must be passed at this session of Congress in order to be of any avail.

There are conflicting interests in the disposition of this unallotted land, which arose from the following conditions:

Section 8 of the act of August 7, 1882, supra, provided that, from the residue of lands to be patented to the tribe in common, allotments should be made and patented to each Omaha child born prior to the expiration of the time during which it was provided that the tribal lands should be held in trust (i. e., prior to July 10, 1909, on the constructive hypothesis herein outlined), the individual patents to override the patent to the tribe in common, and the lands so patented to

the children to be segregated from the tribal lands. It is worthy of note, also, that the trust period on the proposed allotments to children was to expire, under the terms of this section, simultaneously with the expiration of the trust period on the tribal lands.

No allotments to children have been made under this section. The only allotments made from the residue of lands after the allotments of 1884 were made under the terms of the act of March 3, 1893 (27 Stat. L., 612, 630), which was amendatory in that it gave larger areas to children allotted under the former act, and provided for allotments to all women and children in being on March 3, 1893. The later act, however, did not repeal the former, so that there can be no doubt but that the children born since March 3, 1893, have been born into a right to an allotment of 40 acres each under the provision of the act of August 7, 1882, supra, so long as any is left of the tribal land.

The difficulty in carrying out the intent of this act at this time arises from the fact that there are now living 520 children of the tribe who, having been born since March 3, 1893, have received no allotments, and there is only about 4,500 acres of unallotted land, so that only 112 allotments of 40 acres each could be made to the 112 eldest unallotted children, leaving 408 children for whom no provision would be made. The prospect of such a disposition has aroused intense opposition among the parents of the 408 children who would thus receive nothing. Moreover, the unallotted land varies greatly in character and value, so that it was impossible equitably to divide it.

To pass a measure providing for the equal distribution of the tribal lands among all the living children would be open to serious objection, because this would give each child only about 8.6 acres, of unequal value—a quantity too small to be either cultivated or leased to advantage.

It would seem wiser to provide legislation designed to carry out the spirit of the act of August 7, 1882, the neglect to comply with the letter of it being a matter not susceptible of explanation at this time. The value in the open market of the tribal lands is variously estimated at $100,000 to $200,000. At the lower figure the sale of the lands and an equal distribution of the funds so arising among all the children would give each child about $190. The oldest child who could become a beneficiary under such a plan would be about 15 years of age when title passed to him for his share of $190. If this sum were placed to his credit in the Treasury at 5 per cent interest per annum until he was 25 years of age, the amount then due him would be $285. The younger the child at the date of the passage and approval of such act the greater the sum which would be his on reaching the age of 25 years.

Such is the purport of the accompanying bill, which is believed not only to furnish the best solution of the problem, but to meet the wishes of the majority of the tribe as expressed in open council, and in communications to the Indian Office. The bill contains certain reservations essential to the welfare of the tribe; provides for an Indian town near the present agency, which is a cherished dream of the Omahas; and gives the Nebraska Historical Society the old Presbyterian mission, which it is their desire to preserve as a landmark; and I strongly urge its enactment into law, and again call your attention to the fact that it is necessary that such an enactment be had at this session if at all.

Very respectfully,

JAMES RUDOLPH GARFIELD, *Secretary.*

THE SPEAKER OF THE HOUSE OF REPRESENTATIVES.

An act to provide for the disposal of the unallotted land on the Omaha Indian Reservation in the State of Nebraska.

Be it enacted, etc., That the Secretary of the Interior be, and he hereby is, authorized to cause to be surveyed, if necessary, and appraised, in manner hereinafter set forth, in tracts of 40 acres each; and, after such survey and appraisement, to sell and convey, in quantities not to exceed 160 acres to any one purchaser, all the unallotted lands on the Omaha Indian Reservation in the State of Nebraska, except such tracts as are hereinafter specifically reserved: *Provided*, That the said land shall be sold to the highest bidder under such regulations as the Secretary of the Interior may prescribe, but no part of said land shall be sold at less than the appraised value thereof: *And provided further*, That prior to such appraisement and sale, any member of the Omaha Tribe whose allotment is subject to erosion by the Missouri River shall be permitted to relinquish such allotment and select lieu lands of equal area from the unallotted lands, the lands so relinquished to become a part of the unallotted tribal lands and subject to appraisement and sale under the terms of this act.

SEC. 2. That the Secretary of the Interior is hereby directed to reserve from sale under the terms of this act the following tracts of land for the purposes designated: Forty-nine acres of the land now used for agency purposes, to be reserved for agency and school purposes for so long as the need therefor exists; 7 acres, to be selected by the tribe, for use as a tribal cemetery; 10 acres of the land now reserved for the use of the Presbyterian Church, to be selected by the officials of said church for the use of the church so long as needed for religious or educational purposes; 2 acres of the land on which is standing what is known as the old Presbyterian mission building, and the Secretary of the Interior is hereby authorized to cause a patent in fee simple to issue therefor in the name of the State Historical Society of Nebraska: *Provided*, That of the land now reserved for agency purposes the Secretary of the Interior is directed to reserve and set aside for town-site purposes 164 acres, other than the 49 acres hereinbefore reserved, and shall cause the same to be surveyed and platted into town lots, streets, alleys, and parks, the lots to be appraised and sold under the terms of this act, but no bid shall be received therefor except from members of the tribe, and the streets, alleys, and parks are hereby dedicated to the public use.

SEC. 3. That the appraisement directed by this act shall be made by three competent commissioners to be appointed by the Secretary of the Interior, after the completion of the surveys herein directed and authorized, one of whom shall be a resident citizen of the State of Nebraska, one an employee of the Indian Bureau, and one holding tribal relations with the Omaha Indians, said commission to be paid a salary of not to exceed $5 per day each while actually employed in the inspection and appraisal of said land, such appraisement to be completed within such a period after the date of the organization of said commission as the Secretary of the Interior shall designate.

SEC. 4. That the proceeds of such sale, after paying all the expenses incident to and necessary for carrying out the provisions of this act, shall be divided pro rata among the children of the Omaha Tribe living on the date of the passage and approval of this act who have not received allotments of land under the acts of August 7, 1882 (22 U. S. Stat. L., 141), and March 3, 1893 (23 U. S. Stat. L., 630), and shall be placed to the credit of said Indians in the Treasury of the United States, and shall bear interest at the rate of 5 per cent per annum until such time as the individual Indians shall have reached the age of 25 years, when the share to the credit of each Indian, with accrued interest, shall be paid to him upon application therefor through the Secretary of the Interior; but in the event of the death of such Indian prior to reaching the age of 25 years, his share shall be paid at once to his heirs under the laws of descent in force in the State of Nebraska.

SEC. 5. That for the purpose of carrying out the provisions of this act there is hereby appropriated, out of any money in the Treasury not otherwise appropriated, the sum of $3,000, or so much thereof as may be necessary, to be reimbursable out of the funds arising from the sale of said lands.

SEC. 6. All acts and parts of acts not consistent with the provisions of this act are hereby repealed.

SADDLE MOUNTAIN NATIONAL PARK, OREG.

Mr. CHAMBERLAIN. I ask unanimous consent for the present consideration of the bill (S. 2186) to set apart certain lands in the State of Oregon as a public park, to be known as the Saddle Mountain National Park.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill, which had been reported from the Committee on Public Lands with an amendment to strike out all after the enacting clause and insert:

That all those certain tracts, pieces, or parcels of land lying and being situate in the State of Oregon and within the boundaries particularly described as follows, to wit: The south half and the northeast quarter of section 7, and the west half and the southeast quarter of section 8, and the southwest quarter of section 9, and the northwest quarter of section 16, and the north halves of sections 17 and 18, in township 5 north, range 8 west; and the southwest quarter of section 27, and the southeast quarter of section 28, and the north half of section 33, and the northwest quarter of section 34, and the northwest quarter and the southwest quarter of section 28, and the northeast quarter and the southeast quarter of section 29, in township 6 north, range 8 west of the Willamette meridian, are hereby reserved and withdrawn from settlement, occupancy, or sale under the laws of the United States and dedicated and set apart as a public park or pleasuring ground for the benefit and enjoyment of the people, to be known and designated as the Saddle Mountain National Park, and all persons who shall locate or settle upon or occupy the same, or any part thereof, except as hereinafter provided, shall be considered trespassers and be removed therefrom.

SEC. 2. That said park shall be under the exclusive control of the Secretary of the Interior, whose duty it shall be to make and publish such rules and regulations as he many deem necessary or proper for the care and management of the same. Such regulations shall provide for the preservation from injury or spoliation of all timber, mineral deposits, natural curiosities, or wonders within said park, and their retention in their natural condition as far as practicable. He shall provide against the wanton destruction of the fish and the game found within said park and against their capture or destruction for the purposes of merchandise or profit, and generally shall be authorized to take all such measures as shall be necessary to fully carry out the objects and purposes of this act.

SEC. 3. That the Secretary of the Interior may, in his discretion, grant leases, transportation and other privileges, covering the occupation and use of lands and the transaction of business for the accommodation of tourists within the park. Such privileges may include the development and working of the resources in said park, but shall not be granted for any purpose inconsistent with that for which the park is established, or which would injure or destroy any of the forests, natural wonders, and other objects of interest or resort in the park, or prevent access to any of such objects or the enjoyment thereof by the people. Leases or privileges granted shall run for a period of not to exceed 20 years, but may be renewed or extended at the expiration thereof; no exclusive privilege, however, shall be granted within the park except upon the ground leased. The Secretary of the Interior may exact such charges as he deems proper for leases, privileges, etc., granted hereunder, and all funds derived therefrom, or from any source whatsoever connected with the park, shall be expended under his direction in the management, protection, and improvement of the park.

SEC. 4. That all persons who shall unlawfully intrude upon said park or who shall without permission appropriate any object therein, depredate on the game or fish, or commit unauthorized injury or waste in any form whatever upon the lands or other public property therein, or who shall violate any of the rules and regulations prescribed hereunder, shall be deemed guilty of a misdemeanor, and, upon conviction, be fined in a sum not more than $500, or be imprisoned for a period not more than 12 months, or shall suffer both fine and imprisonment, in the discretion of the court.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

PENALTY FOR DESERTION OF SEAMEN.

Mr. NELSON. I ask unanimous consent for the present consideration of the bill (S. 5757) to abolish the penalty of imprisonment for desertion of seamen from vessels of the United States.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill. It provides that imprisonment as a penalty for desertion of seamen from vessels of the United States and for neglect or refusal to join the vessel is abolished.

Mr. HEYBURN. I should like to hear some explanation of the bill. I merely want to know what you are going to do with these men if you can not imprison them. How are you going to punish them?

Mr. NELSON. Two or three years ago we abolished imprisonment in the coastwise service. This bill was introduced at the instance of the Department of Commerce and Labor, on the recommendation of the Commissioner of Navigation that we ought to abolish imprisonment in our foreign service. The law as it exists now relates only to ships in the foreign service.

Mr. HEYBURN. I felt curious to know how you are going to punish a man who violates the law.

Mr. NELSON. This repeals the law.

Mr. HEYBURN. Yes; it does; but suppose a man misbehaves himself; what are you going to do with him?

Mr. NELSON. The bill does not apply to such cases. It applies only to cases of desertion.

Mr. LODGE. In the merchant service.

Mr. HEYBURN. What is the penalty?

Mr. LODGE. They lose their pay.

Mr. NELSON. They lose their pay.

Mr. HEYBURN. That is all? I have no doubt Senators have given consideration to the bill——

Mr. NELSON. It is a recommendation of the Department of Commerce and Labor.

Mr. HEYBURN. That would not cut much figure with me.

Mr. NELSON. And it is the unanimous report of the committee.

Mr. HEYBURN. The recommendation of anybody outside of Congress does not go very far with me. Our wisdom here is the criterion with me, and I say that not in any invidious sense, but I am tired of hearing of the recommendations of the departments in the enactment of laws to preserve the peace and maintain the service of those who enlist. While I do not object to the bill, I shall at least interpose these suggestions, and somebody in the future may take them up and elaborate them.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

PUBLIC BUILDING AT MANNINGTON, W. VA.

Mr. WATSON. I ask unanimous consent for the present consideration of the bill (S. 2689) to provide for the erection of a public building at Mannington, W. Va.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill, which had been reported from the Committee on Public Buildings and Grounds with amendments, in line 11, before the word "thousand," to strike out "one hundred" and insert "seventy-five," and after the word "dollars," in line 11, to strike out the remainder of the bill, so as to make the bill read:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to acquire, by purchase, condemnation, or otherwise, a site, and cause to be erected thereon a suitable building, including fireproof vaults, heating and ventilating apparatus, and approaches, for the use and accommodation of the United States post office at Mannington, W. Va.; the cost of said building, including said vaults, heating and ventilating apparatus, and approaches, not to exceed $75,000.

The amendments were agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

HENRY R. DRAKE.

Mr. LODGE. I ask for the present consideration of the bill (S. 3917) for the retirement of Henry R. Drake, captain, Philippine Scouts.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill. It proposes to place Henry R. Drake, a captain of the Philippine Scouts, upon the retired list of the Army with the rank of captain of Infantry.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

Mr. LODGE. I ask to have the report of the committee in this case printed in the RECORD.

The VICE PRESIDENT. Without objection, the report of the committee will be printed in the RECORD.

The report (No. 423) submitted by Mr. HITCHCOCK February 29, 1912, is as follows:

The Committee on Military Affairs, to which was referred the bill (S. 3917) for the retirement of Henry R. Drake, captain, Philippine Scouts, has carefully considered same and reports it back to the Senate favorably with the recommendation that it pass without amendment.

The following facts in the case are presented in support of the recommendation for favorable action:

Capt. Henry R. Drake, captain of the Philippine Scouts, having formerly served as an enlisted man, and later as a sergeant in the Regular Army, has been in the military service 27 years, 42 years of age.

On October 24, 1909, while taking a prescribed exercise with other officers, he accidentally slipped and fell and fractured his left hip. His left leg was put in a plaster cast, and he was taken to Manila, P. I., where he remained until a year and a half ago. He has been since then in San Francisco, having been continuously in hospital for over two years. It is contended that his case presents one of malpractice or mistakes by military surgeons. His leg was prematurely taken from its plaster cast, thus preventing the setting of the hip. He was subjected to two X-ray examinations, one of 25 minutes and one of 20 minutes, each inflicting severe burns not yet healed. Later his hip and his knee were each subjected to a proper X-ray exposure of 30 seconds, and several operations were performed to cure the burns. The authorities say that he will be a cripple for life.

Capt. Drake suffered greatly over a long period of time. His military record is good, and he is a man of no means. The War Department recommends the passage of this bill, S. 3917, to place him upon the retired list of the Army with the rank of captain of Infantry.

HARRIET B. ANDERSON AND OTHERS.

Mr. RAYNER. I ask unanimous consent for the present consideration of the bill (S. 4213) for the relief of the estate of Harriet B. Anderson and others.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill. It proposes to pay to the personal or legal representatives of the following estates, which paid taxes in the internal-revenue district of Maryland, namely, estates of Harriet B. Anderson, Emanuel Bowman, Henry A. Clarke, John M. Comstock, Henry Heldorfer, Albertus L. Horner, Walter B. McAtee, Susan McCullock, Mary G. Simms, Parthena Thyson, and John J. Wight, such sums of money as have been in any manner collected from those estates as internal-revenue taxes paid on legacies and distributive shares of personal property to the United States under the war-revenue act of June 13, 1898.

Mr. SMOOT. I should like to inquire whether the bill simply removes the statute of limitations?

Mr. RAYNER. That is all; in accordance with the decision of the United States Supreme Court in the case of Knowlton against Moore.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

PUBLIC BUILDING AT CORVALLIS, OREG.

Mr. BOURNE. I ask unanimous consent for the present consideration of the bill (S. 5491) for the purchase of a site and the erection thereon of a public building at Corvallis, Oreg.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill. It proposes to acquire, by purchase, condemnation, or otherwise, a site, and cause to be erected thereon a suitable building for the use and accommodation of the United States post office and other Federal offices at Corvallis, in the State of Oregon, the cost not to exceed $100,000.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

EXECUTIVE SESSION.

Mr. CULLOM. I move that the Senate proceed to the consideration of executive business.

The motion was agreed to, and the Senate proceeded to the consideration of executive business. After five minutes spent in executive session the doors were reopened, and (at 5 o'clock and 15 minutes p. m.) the Senate adjourned until to-morrow, Friday, March 22, 1912, at 2 o'clock p. m.

CONFIRMATIONS.

Executive nominations confirmed by the Senate March 21, 1912.

CONSUL.

Samuel H. Shank to be consul at Sherbrooke, Quebec, Canada.

SURVEYOR GENERAL OF SOUTH DAKOTA.

Clark B. Alford to be surveyor general of South Dakota.

PROMOTIONS IN THE NAVY.

Capt. Abraham V. Zane, an additional number in grade, to be a rear admiral.

Asst. Paymaster William H. Wilterdink to be a passed assistant paymaster.

Midshipman Frank E. Johnson to be an ensign.

Midshipman Lewis Wasson to be an ensign.

POSTMASTERS.

CALIFORNIA.

James F. Colley, Nevada City.
F. C. Hemenway, Winters.
Edward T. Ketcham, Santa Maria.
Edwin Stanton, Avalon.
Charles E. Tucker, Fortuna.

ILLINOIS.

Oliver M. Edwards, Sorento.

KANSAS.

William C. Coates, Alta Vista.
Elon G. Dewey, Moline.
Morgan M. Michael, Burrton.

LOUISIANA.

Joseph R. Domengeaux, La Fayette.

MAINE.

Eldridge H. Bryant, Machias.

MASSACHUSETTS.

Arthur C. Lombard, South Ashburnham.
William H. Pierce, Winchendon.

MICHIGAN.

George E. Dewey, Shelby.
Francis McElroy, Lapeer.
Fred G. Merriman, Hartford.

MISSISSIPPI.

Thomas W. Wadlow, Gulfport.

NEBRASKA.

Melancthon Scott, South Auburn.

NEVADA.

R. D. Goode, Carson City.

WASHINGTON.

Hugh Eldridge, Bellingham.
Henry A. Rathvon, Marysville.

WEST VIRGINIA.

John F. Lewis, Point Pleasant.

HOUSE OF REPRESENTATIVES.

THURSDAY, *March 21, 1912.*

The House met at 12 o'clock noon.

The Chaplain, Rev. Henry N. Couden, D. D., offered the following prayer:

Father in heaven, let Thy blessing descend upon us. Open our eyes to the truth, and give us the courage and the fortitude to follow in its wake.

Truth, crushed to earth, shall rise again—
The eternal years of God are hers;
But Error, wounded, writhes with pain,
And dies among his worshipers.

So may we know the truth, assimilate it, live it, and at last be glorified in it, with the Lord from heaven. Amen.

The Journal of the proceedings of yesterday was read and approved.

CALENDAR FOR UNANIMOUS CONSENT.

The SPEAKER. In a legislative way this is Monday, by order of the House, and the Clerk will call the first bill on the Unanimous Consent Calendar.

Mr. RUSSELL. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. RUSSELL. I should like to ask whether a bill that had not been on the calendar a sufficient length of time last Monday can be considered to-day?

The SPEAKER. Of course it can.

Mr. RUSSELL. Suppose it was on the calendar only one day on last Monday.

The SPEAKER. If it has been on the printed calendar three days, it can be considered.

Mr. RUSSELL. I understood that matters would stand to-day exactly as they would have stood if these bills had been considered last Monday, and therefore that they would have to be on the calendar three days prior to last Monday.

The SPEAKER. The Chair had not thought of that.

Mr. SULLOWAY. To-day was substituted for last Monday by order of the House.

The SPEAKER. That is true.

Mr. MANN. I suggest to the Speaker that this is not Monday. It seems to me that any bill that has been on the calendar for three days now is in order.

Mr. RUSSELL. This is Monday, in contemplation of the rule.

Mr. NORRIS. Mr. Speaker, I suggest that the Speaker refresh his recollection by having the order read.

The SPEAKER. That is precisely what the Chair is going to do. The Chair will have the Clerk read it.

The Clerk read as follows:

On motion of Mr. UNDERWOOD, by unanimous consent, *Ordered*, That the regular business for Monday, March 18, 1912, be postponed until Thursday, March 21, 1912. (Order agreed to March 16, 1912.)

Mr. NORRIS. Now, Mr. Speaker, I should like to suggest, if the Speaker will permit, that under that order a bill on the Unanimous Consent Calendar that had not been there long enough on Monday last would not be in order to-day.

Mr. RUSSELL. That is my point.

Mr. NORRIS. A Member might know that a bill had not been on the calendar long enough on Monday, and he might go away in the perfect assurance that it could not come up under unanimous consent. It seems to me that it would not be right to consider it to-day.

The SPEAKER. The Chair would like to ask the gentleman from Nebraska what is the object of this three days' notice, anyway?

Mr. NORRIS. I presume the object of the three days' notice is to notify the membership generally that at that particular time some particular bill will be taken up. Now, a man might have been watching the calendar, intending to object to a bill on last Monday. If the bill that he wanted to object to was not on the calendar he would give it no further attention, knowing that that day had been put over until to-day and that only what was in order on last Monday would be in order to-day. It seems to me that what would not be in order on last Monday ought not to be in order to-day.

Mr. SHERLEY. Mr. Speaker, we can not make the rules of the House to suit the convenience of Members who are absent or who are not informed as to what is on the calendar. The fact is that to-day is not Monday, but is Thursday; but by an order of the House matters that would have been in order on Monday are in order to-day.

Mr. NORRIS. That is correct; matters in order on Monday would be in order to-day, but matters that were not in order on Monday would not be in order to-day.

Mr. SHERLEY. The gentleman is not accurate in his statement. Matters that were in order on Monday are in order to-day, but the right of matters to be on the calendar is determined by the fact that they have been there three days prior to the consideration of the calendar, and the three days is determined by the physical fact that to-day is Thursday and not Monday.

Mr. SULLOWAY. Mr. Speaker, I insist that under the order of the House matters not in order on Monday would not be in order to-day. By order of the House to-day was substituted for Monday, and no prior right can come in over and above what was in order on that day, and to-day pensions are now in order.

The SPEAKER. The Chair will state that as soon as we are through with the Unanimous Consent Calendar, motions to suspend the rules are in order. The recollection of the Chair is that the gentleman from Missouri [Mr. RUSSELL] was the first Member to apply to the Chair or notify the Chair that he desired to be recognized for a motion to suspend the rules, and the Chair will carry out the agreement.

Mr. SULLOWAY. That will be entirely satisfactory to me.

The SPEAKER. The consideration of bills by unanimous consent is an extraordinary proceeding and ought to be conducted with great care. The rule in regard to the Unanimous Consent Calendar was established because Members thought they ought to have a right to have a bill taken up by unanimous consent, whether the Speaker was in favor of it or not. Speaker CANNON said that it was a great relief to the Speaker, and the Chair thoroughly agrees with him.

The philosophy of the three days' notice is that Members shall have three days' notice of the fact that unanimous consent is to be asked to take up certain bills. When the question was raised some time ago as to whether Sunday ought to be counted as part of the three-day period, the Chair ruled that in counting the three days Sunday was non dies, because there was no calendar printed on that day, and of course did not give a Member notice. The duty of Members is to be here every day and attend to the business of the House, and the Chair holds that if a bill has been on the calendar three days prior to to-day it is in order.

Mr. RODDENBERY rose.

The SPEAKER. For what purpose does the gentleman rise?

Mr. RODDENBERY. I rise to present a privileged resolution under the rules and the Constitution.

The SPEAKER. The Chair rules it out of order.

Mr. RODDENBERY. I will send it to the Clerk's desk, that it may be pending.

Mr. SHERLEY. Mr. Speaker, I make the point of order that the gentleman from Georgia has not been recognized.

The SPEAKER. The gentleman has not been recognized for that purpose. The rule says that immediately after reading the Journal the Unanimous Consent Calendar shall be called, and although the gentleman applied to the Speaker to be recognized to offer the privileged resolution, the Speaker refuses to allow that to be done.

Mr. RODDENBERY. Mr. Speaker, I submit that under the rules of the House and the Constitution this resolution is in order, although there may be a special order, although it may be Unanimous Consent Calendar day, and although there may be other preferential motions.

The SPEAKER. The gentleman's remedy is by an appeal from the decision of the Chair.

Mr. RODDENBERY. Mr. Speaker, I appeal from the decision of the Chair, and upon that appeal I desire to be heard.

Mr. SHERLEY. I move to lay the appeal on the table.

Mr. RODDENBERY. Mr. Speaker, I withdraw the appeal.

INVESTIGATION OF WATER RESOURCES.

The SPEAKER. The Clerk will report the first bill.

The Clerk read as follows:

A bill (H. R. 9056) to continue the investigation of water resources.

The Clerk read the bill at length.

The SPEAKER. Is there objection to the present consideration of the bill?

Mr. MANN. I reserve the right to object.

Mr. PAGE. I object.

The SPEAKER. The gentleman from North Carolina objects and the bill will be stricken from the calendar. The Clerk will report the next bill.

CONDEMNED CANNON TO ARMY AND NAVY UNION.

The next bill on the Calendar for Unanimous Consent was H. J. Res. 239, authorizing the Secretary of War to deliver a condemned cannon to the Army and Navy Union, United States of America.

The Clerk read House joint resolution 239, as follows:

Resolved, etc., That the Secretary of War is hereby authorized to deliver to the order of Charles H. Baxter, first vice president of the Army and Navy Union, United States of America, one dismounted bronze cannon used in the Civil War, to be used by the Army and Navy Union for the purpose of furnishing official badges of the order: *Provided*, That no expense shall be caused to the United States through the delivery of said condemned cannon.

The SPEAKER. Is there objection to the present consideration of the House joint resolution?

There was no objection.

The House joint resolution was ordered to be engrossed and read a third time, was read the third time, and passed.

REGULATION OF FEES AND COSTS IN THE DISTRICT COURTS OF THE UNITED STATES.

The next bill on the Calendar for Unanimous Consent was the bill (H. R. 19418) to amend section 5 of an act entitled "An act to regulate fees and costs, and for other purposes," approved February 22, 1875.

The Clerk read the bill, as follows:

Be it enacted, etc., That section 5 of an act entitled "An act to regulate fees and costs, and for other purposes," approved February 22, 1875, be, and the same is hereby, amended so as to read as follows:

"SEC. 5. That if any clerk of any district court of the United States shall willfully refuse or neglect to make any report, certificate, statement, or other document required by law to be by him made, or shall willfully refuse or neglect to forward any such report, certificate, statement, or document to the department, officer, or person to whom by law the same should be forwarded, the President of the United States is empowered, and it is hereby made his duty in every such case, to remove such clerk so offending from office by an order in writing for that purpose; and the President may also at any time, by like order made after hearing, remove such clerk for neglect of duty, malfeasance in office, or inefficiency. And upon the presentation of such order, or a copy thereof, authenticated by the Attorney General of the United States, to the judge of the court whereof such offender is clerk, such clerk shall thereupon be deemed to be out of office and shall not exercise the functions thereof, and such district judge shall appoint a successor. Such person so removed shall not be eligible to any appointment as clerk or deputy clerk for the period of two years next after such removal."

SEC. 2. That all acts inconsistent with the provisions of this act are hereby repealed.

The following committee amendments were read:

First. In page 2, line 5, strike out the words "neglect of duty" and insert in lieu thereof the words "misappropriation of any money coming into his hands as such or for other."

Second. In page 2, line 6, strike out the words "or inefficiency," so the clause as amended will read:

"And the President may also at any time, by like order made after hearing, remove such clerk for misappropriation of any money coming into his hands as such or for other malfeasance in office."

The SPEAKER. Is there objection to the present consideration of this bill?

There was no objection.

Mr. CLAYTON. Mr. Speaker, on December 21 last the President said in his message to Congress:

The report of the Attorney General shows that he has subjected to close examination the accounts of the clerks of the Federal courts; that he has found a good many which disclose irregularities or dishonesty; but that he has had considerable difficulty in securing an effective prosecution or removal of the clerks thus derelict. I am certainly not unduly prejudiced against the Federal courts, but the fact is that the long and confidential relations which grow out of the tenure for life on the part of the judge and the practical tenure for life on the part of the clerk are not calculated to secure the strictness of dealing by the judge with the clerk in respect to his fees and accounts which assures in the clerk's conduct a freedom from overcharges and carelessness. The relationship between the judge and the clerk makes it ungracious for members of the bar to complain of the clerk or for department examiners to make charges against him to be heard by the court, and an order of removal of a clerk and a judgment for the recovery of fees are in some cases reluctantly entered by the judge. For this reason I recommend an amendment to the law whereby the President shall be given power to remove the clerks for cause. This provision need not interfere with the right of the judge to appoint his clerk or to remove him.

It was in pursuance of that recommendation of the President of the United States that this bill was drawn, and it was drawn so as to enlarge the President's power of removal under existing law. Under existing law—that is, under the act of February 18, 1875—the power of the President in such case was as folllows:

That if any clerk of any district or circuit court of the United States shall willfully refuse or neglect to make any report, rectificate, statement, or other document required by law to be by him made, or shall willfully refuse or neglect to forward any such report, certificate, statement, or document to the department, officer, or person to whom, by law, the same should be forwarded, the President of the United States is empowered, and it is hereby made his duty, in every such case, to remove such clerk so offending from office by an order in writing for that purpose.

We propose in this bill to enlarge the power of the President to remove the clerk for misappropriation of any moneys coming into his hands as such clerk, or for other malfeasance in office. The bill as I originally introduced it read in this way—

remove such clerk for neglect of duty, malfeasance in office, or inefficiency.

However, when we had the matter under consideration by the whole committee, having had suggestions, I may say, from some of the judges, the committee concluded to adopt the language which has been reported in the bill under consideration by way of amendment, so that the President shall have the power to remove such clerk for misappropriation of any moneys coming into his hands as such clerk or for other malfeasance in office. I may say that my attention has been called to the necessity for this legislation in several ways. I need not specify them here, but the information has come to me that there are about 20 clerks or more who have moneys in their hands for which they have refused to account. In other words, it seems that some of them have misappropriated—perhaps embezzled—money in their hands, and there is no power resting in the President of the United States to remove them for that reason. This bill simply enlarges the present law, so that in such cases where the clerk has failed to properly account for money, or has misappropriated money, or has money in his hands which he fails to turn over, the President can remove the clerk from office.

Mr. OLMSTED. Mr. Speaker, will the gentleman yield for a question?

Mr. CLAYTON. Certainly.

Mr. OLMSTED. I notice that the bill as originally introduced by the gentleman from Alabama provided that a clerk might be removed for neglect of duty or for inefficiency, but those provisions are proposed to be stricken out. How, then, will a clerk be disposed of if neglectful of duty or inefficient?

Mr. CLAYTON. This is a matter which is left with the judge. The judge can remove him for neglect of duty and for inefficiency. The President can remove him under existing law if he neglects to make any report, certificate, statement, or other document required by law to be made by him. That leaves his removal for mere neglect of duty or inefficiency, whatever that may mean, with the judge, as it is left with him now. By this bill we merely add this provision to the law, that the President may remove the clerk for misappropriation of any moneys coming into his hands as such clerk and for other malfeasance in office.

Mr. OLMSTED. Can not the judge now remove him for misappropriation of funds?

Mr. CLAYTON. The judge can; but the President called the attention of Congress to the difficulty in his message, which I read and which I hope the gentleman heard.

Mr. OLMSTED. I am quite in favor of that; but I would like to extend the power so that he might remove for neglect of duty or for inefficiency, as the gentleman provided in his bill as originally drawn.

Mr. CLAYTON. Mr. Speaker, I will say that the committee unanimously agreed to the bill as presented here in the report, and therefore I can not agree to the suggestion which has just been made by the gentleman from Pennsylvania.

Mr. OLMSTED. I think the gentleman's bill was better before the committee amended it.

Mr. CLAYTON. Perhaps so. It was more far-reaching, but the committee was not willing to go that far; and I may say that the committee was informed of the views of the Department of Justice, and was also informed of the views of some of the judges in respect to the matter. The committee thought that perhaps "neglect of duty" or "inefficiency" were terms subject to too much latitude of construction, and thought it safer and better to meet the exigency to which the President of the United States called attention in his message, viz, cases where the clerks have money in their hands or have embezzled money and have not been removed, and so framed the law as to have it fit the specific evil which the President mentions in his message of December 21.

Mr. GOLDFOGLE. Mr. Speaker, will the gentleman yield?

Mr. CLAYTON. Certainly.

Mr. GOLDFOGLE. Mr. Speaker, it was very difficult to hear over here while the chairman of the Committee on the Judiciary was addressing the House. I want to say that I understood the gentleman from Alabama [Mr. CLAYTON] to say that there were a number of cases which came to the attention of some of the authorities showing that there was a withholding of public moneys by clerks of courts, and that there were cases of embezzlement in the Federal courts by clerks. Is that so?

Mr. CLAYTON. Yes; and the President called attention to it in his message of December 21 last, an excerpt from which I have just read to the House.

Mr. GOLDFOGLE. What I want to know is this: Does the gentleman from Alabama know any reason why the Department of Justice did not request the judge to remove the clerk who had embezzled moneys?

Mr. CLAYTON. Mr. Speaker, in reply to the inquiry made by the gentleman from New York [Mr. GOLDFOGLE], I beg to say that the chairman of the Committee on the Judiciary has no information as to what request the Attorney General may or may not have made of any judge of any Federal court anywhere in respect to the conduct of any particular clerk. The chairman of the Committee on the Judiciary knows that his attention was directed to this matter by the message of the President of the United States, sent to Congress on December 21 last. He also knows by communication with the Attorney General that it is alleged there are some clerks who have not accounted for public funds in their hands, and who may have embezzled public funds.

Mr. GOLDFOGLE. They ought to be punished.

Mr. CLAYTON. I thank the gentleman for the suggestion. I may say to the gentleman that I have taken him into my full confidence and given him all the possible information that I have on the subject. I may say that I have given the gentleman the reasons for this legislation. The President is right in his recommendation, the Attorney General was right in his suggestions to me that the legislation was proper; the committee, I think, was right in presenting this bill, and I came to the conclusion that the changes in the modifications suggested to the committee, which are incorporated in the shape of the committee amendments, are proper, and I hope the bill in its present form will pass.

Mr. DAVENPORT. Mr. Speaker, I dislike very much to take issue with the Judiciary Committee or disagree with them upon the proposition, but I am opposed to the provisions of this bill. I am opposed to giving the President of the United States the power to remove an officer whom he does not appoint. I say if the judges who create the district clerks have not the manhood and the moral courage to remove them, pass some kind of a drastic measure that will remove the judges. It is too far from the seat of the court and is giving to the President more power than he should have. Whether any gentleman on this floor agrees with me on that proposition or not, I do say it is a bad law, in my judgment, to pass; it is a bad law to place upon the statute books, whereby the President is given the power to remove a man who is not his appointee. I know in some instances that it has been urged, and I know in some cases the clerks have been influenced by local surroundings, and, in my judgment, that is what this bill will give to the President—the power; and if the clerk does not do as they want him to do in some places they will make some report against him, and upon investigation the clerk will be removed by the President. I say let us give to the power that appoints the clerk the power to remove him.

Mr. CLAYTON. Mr. Speaker, just one word in reply. This does not add anything to the power now vested in the President, except it allows him to remove a clerk from office for misappropriation of moneys coming into his hands as such, or for other malfeasance in office; and I think it is entirely right and proper, and the President states the embarrassment that arises in such cases and why clerks who are embezzlers have not been removed. I think this power can safely be intrusted to the President; I think it could be safely intrusted to any President, and I am sure that it can be intrusted to the present occupant of the White House, and I am sure that it can be intrusted to the next occupant of the White House, whether it is my colleague from Alabama or the present occupant of the Speaker's chair. [Applause.]

The SPEAKER. The Clerk will report the first amendment.

The Clerk read as follows:

In page 2, line 5, strike out the words "neglect of duty" and insert in lieu thereof the words "misappropriation of any moneys coming into his hands as such or for other."

The question was taken, and the amendment was agreed to.

The Clerk read as follows:

In page 2, line 6, strike out the words "or inefficiency," so the clause as amended will read: "And the President may also at any time, by like order made after hearing, remove such clerk for misappropriation of any moneys coming into his hands as such or for other malfeasance in office."

The question was taken, and the amendment was agreed to.

The bill as amended was ordered to be engrossed and read a third time, was read the third time, and passed.

On motion of Mr. CLAYTON, his motion to reconsider the vote by which the bill was passed was laid on the table.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. Crockett, one of its clerks, announced that the Senate had passed with amendments bill of the House of Representatives of the following title, in which the concurrence of the House of Representatives was requested:

H. R. 20111. An act making appropriations for fortifications and other works of defense, for the armament thereof, for the procurement of heavy ordnance for trial, and service, and for other purposes.

The message also announced that the Senate had passed bills and joint resolution of the following titles, in which the concurrence of the House of Representatives was requested:

S. 5045. An act granting pensions and increase of pensions to certain soldiers and sailors of the Civil War and certain widows and dependent relatives of such soldiers and sailors;

S. 5193. An act granting pensions and increase of pensions to certain soldiers and sailors of the Civil War and certain widows and dependent relatives of such soldiers and sailors;

S. J. Res. 90. Joint resolution to authorize Capt. John W. Gulick, United States Army, to accept a position under the Government of the Republic of Chile; and

S. 5718. An act to authorize the Secretary of the Interior to secure for the United States title to patented lands in the Yosemite National Park, and for other purposes.

SENATE BILLS AND JOINT RESOLUTION REFERRED.

Under clause 2, Rule XXIV, Senate bills and joint resolution of the following titles were taken from the Speaker's table and referred to their appropriate committees, as indicated below:

S. 5045. An act granting pensions and increase of pensions to certain soldiers and sailors of the Civil War and certain widows and dependent relatives of such soldiers and sailors; to the Committee on Invalid Pensions.

S. 5193. An act granting pensions and increase of pensions to certain soldiers and sailors of the Civil War and certain widows and dependent relatives of such soldiers and sailors; to the Committee on Invalid Pensions.

S. J. Res. 90. Joint resolution to authorize Capt. John W. Gulick, United States Army, to accept a position under the Government of the Republic of Chile; to the Committee on Military Affairs.

S. 5718. An act to authorize the Secretary of the Interior to secure for the United States title to patented lands in the Yosemite National Park, and for other purposes; to the Committee on the Public Lands.

ENROLLED BILL SIGNED.

Mr. CRAVENS, from the Committee on Enrolled Bills, reported that they had examined and found truly enrolled bill of the following title, when the Speaker signed the same:

H. R. 17671. An act granting pensions and increase of pensions to certain soldiers and sailors of the Regular Army and Navy and certain soldiers and sailors of wars other than the Civil War and to widows and dependent relatives of such soldiers and sailors.

DAM ACROSS WHITE RIVER, COTTER, ARK.

The next business on the Calendar for Unanimous Consent was the bill (H. R. 20347) to construct a dam across White River at or near Cotter, Ark.

The Clerk read as follows:

Be it enacted, etc., That the Dixie Power Co., a corporation organized under the laws of the State of Arkansas, with principal offices in the city of Little Rock, Ark., its successors and assigns, be, and they are hereby, authorized to construct, maintain, and operate a dam across the White River at or near the town of Cotter, Ark., in accordance with the provisions of the act approved June 23, 1910, entitled "An act to amend an act entitled 'An act to regulate the construction of dams across navigable waters,' approved June 21, 1906."

SEC. 2. That the right to alter, amend, or repeal this act is hereby expressly reserved.

The SPEAKER. Is there objection to the present consideration of this bill? [After a pause.] The Chair hears none. The Clerk will report the amendments.

The Clerk read as follows:

Page 1, lines 4 and 5, strike out the words "with principal offices in the city of Little Rock, Ark."

The question was taken, and the amendment was agreed to.

The Clerk read as follows:

Page 1, line 7, after the word "river," insert the words "at a point suitable to the interests of navigation."

The question was taken, and the amendment was agreed to.

The bill as amended was ordered to be engrossed and read a third time, was read the third time, and passed.

The title was amended so as to read:

To authorize the Dixie Power Co. to construct a dam across White River at or near Cotter, Ark.

On motion of Mr. ADAMSON, his motion to reconsider the vote by which the bill was passed was laid on the table.

RELIEF OF WINNEBAGO INDIANS.

The next business on the Calendar for Unanimous Consent was the bill (H. R. 18849) for the relief of the Winnebago Indians of Nebraska and Wisconsin.

The Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of the Interior is hereby authorized, when the amount of tribal funds due the Winnebagoes in Wisconsin shall have been ascertained, in accordance with the enrollment made by him under the provisions of the act of March 3, 1909 (35 Stat. L., 798), to expend said funds for their benefit in such manner, including the purchase of lands for said Indians, as he may deem proper, or, in his discretion, to distribute said funds, or any part thereof, per capita among said Indians: *Provided*, That in adjusting the present indebtedness of the Nebraska branch of the tribe to the Winnebago branch of Wisconsin the Secretary is hereby authorized to deduct from the share of the trust funds of the Nebraska Winnebagoes such amount as may be found due the said Wisconsin branch and to transfer the amount so deducted to the credit of the Winnebagoes belonging to the Wisconsin branch of the tribe.

The SPEAKER. Is there objection to the present consideration of the bill?

Mr. MANN. Mr. Speaker, reserving the right to object, I would like to have a statement in regard to the bill.

Mr. STEPHENS of Texas. Has the gentleman from Illinois a special question which he wishes to ask concerning this bill?

Mr. MANN. No.

Mr. STEPHENS of Texas. I desire to state, Mr. Speaker, that the Winnebago Indians reside partly in Nebraska and partly in Wisconsin. There are two bands of them. These Indians in 1909 had their funds capitalized, the total sum coming to the two bands of Indians being $883,000. It becomes necessary for the Secretary to ascertain the number of Indians in Nebraska separately from those which are in the State of Wisconsin, so that after he makes this allotment it can be made per capita to each band of Indians separately, and after this is ascertained there will be no trouble in making a per capita payment under the bill, already passed, allotting to them $883,000.

Mr. ESCH. Will the gentleman yield?

The SPEAKER. Does the gentleman from Texas yield to the gentleman from Wisconsin?

Mr. STEPHENS of Texas. Certainly.

Mr. ESCH. I understand that the Secretary of the Interior has transmitted to you, as chairman of the committee, a proposed amendment requiring the enrollment of both branches of the tribe before this becomes operative?

Mr. STEPHENS of Texas. That is true; and the amendment is embodied in the bill.

Mr. MANN. I think it is not embodied in the bill.

Mr. ESCH. Not as I heard the bill read from the desk.

Mr. STEPHENS of Texas. I do not know what amendment the gentleman refers to. The gentleman from Nebraska [Mr. STEPHENS], the author of the bill, will explain it.

Mr. STEPHENS of Nebraska. Mr. Speaker, I will say in answer to the question of the gentleman from Wisconsin [Mr. ESCH] that the amendment to which he refers is not the amendment that was originally provided 8 or 10 years ago. Is this a recent matter?

Mr. ESCH. A recent matter, I understand. It has been transmitted by the Commissioner of Indian Affairs to the Secretary of the Interior within the last few days. I supposed it had been received by the chairman of the Committee on Indian Affairs. The point is this: There has been an enrollment of the census made of the Wisconsin branch for 1910; there has been no enrollment of the census of the Nebraska branch since 1881. The Indian Office states that there will be a census of the new branch of the tribe as of June 20, this year, before there shall be an allotment of these trust funds. I think the gentleman will realize the propriety of such an amendment in view of the difference of time in the censuses of the two branches of the tribe.

Mr. STEPHENS of Nebraska. I will be glad to have the gentleman offer his amendment. I have not heard from the Commissioner on Indian Affairs, and I will be glad to have the gentleman offer his amendment for consideration.

Mr. ESCH. I have not the amendment.

Mr. MANN. I will suggest to the gentleman from Nebraska [Mr. STEPHENS] that if it goes off the calendar to-day it could be replaced on the calendar a week from Monday.

Mr. STEPHENS of Nebraska. That will be perfectly satisfactory.

Mr. MANN. Without objecting to the consideration of the bill.

The SPEAKER. Is there objection?

Mr. MANN. I object for the reasons which I have stated.

The SPEAKER. The bill will be stricken from the calendar.

EXHIBIT AT CORN EXPOSITION, COLUMBIA, S. C.

The next business on the Calendar for Unanimous Consent was the House concurrent resolution No. 36, authorizing the Secretary of Agriculture to make an exhibit at the Fifth National Corn Exposition at Columbia, S. C.

The Clerk read the resolution, as follows:

House concurrent resolution 36.

Resolved, etc., That the Secretary of Agriculture be, and he is hereby authorized to make such exhibit as may be convenient and practicable at the Fifth National Corn Exposition, to be held at Columbia, S. C., January 27 to February 9, 1913.

Also the committee amendments were read.

The SPEAKER. Is there objection to the consideration of the resolution? [After a pause.] The Chair hears none. The Clerk will report the first amendment.

The Clerk read as follows:

Page 1, line 5, strike out the word "at" and insert in lieu thereof the word "in."

The question was on agreeing to the amendment.

The question was taken, and the amendment was agreed to.

The SPEAKER. The Clerk will report the next amendment.

The Clerk read as follows:

Page 1, line 7, add the following:

"*Provided*, That the Secretary of Agriculture shall make such arrangements with the proper officers of the said exposition that the Department of Agriculture shall be at no expense for transportation of said exhibit to and from the exposition: *Provided further*, That the Secretary of Agriculture shall also make such arrangements with the proper authorities of said exposition that there shall be no expense to the department for any breakage or damage that may occur to the exhibit, nor for the living expenses of such appointees as he may see fit to send to said exposition to demonstrate the exhibit sent."

The SPEAKER. The question is on agreeing to the amendment.

The question was taken, and the amendment was agreed to.

The SPEAKER. The question is on the engrossment and third reading of the amended House concurrent resolution.

The resolution was ordered to be engrossed and read a third time.

Mr. MANN. Mr. Speaker, I suggest to the gentleman that it ought to be a joint resolution instead of a concurrent resolution.

Mr. LEVER. I will say to the gentleman that I submitted it to the Secretary of Agriculture, and he thought it ought to be a concurrent resolution. I do not suppose it makes any particular difference.

Mr. MANN. Of course, it may be that the Secretary of Agriculture now has the authority to do this, but it is perfectly plain that this does not confer the authority upon him.

Mr. LEVER. I will say to the gentleman from Illinois that the Secretary of Agriculture now thinks he has authority.

Mr. MANN. Let us make it a joint resolution. It is just as easy and will be in better form.

Mr. LEVER. Mr. Speaker, at the suggestion of the gentleman from Illinois I am quite willing to make this a joint resolution instead of a concurrent resolution, and I ask that that may be done.

The SPEAKER. If the gentleman will offer a proper amendment it can be changed.

Mr. MANN. It should be made to read, "Resolved by the Senate and House of Representatives of the United States of America in Congress assembled," a joint resolution.

Mr. LEVER. I move, Mr. Speaker, to strike out "concurrent" and insert "joint."

The SPEAKER. The Clerk will read the amendment to amend the enacting clause.

The Clerk read as follows:

Amend the enacting clause in lines 1 and 2 so as to read: "*Resolved by the Senate and House of Representatives of the United States of America in Congress assembled.*"

The SPEAKER. The question is on agreeing to the amendment.

The question was taken, and the amendment was agreed to.

Mr. LEVER. Mr. Speaker, the title should be changed also.

The SPEAKER. That can be done afterwards. The question now is on the engrossment and third reading of the House joint resolution (No. 276).

Mr. McLAUGHLIN. Mr. Speaker, I would like to ask the author of the resolution a question. Is it intended that the

authorities or the association that is giving this exposition shall be responsible and repair any breakage or damage that may be done to the exhibit?

Mr. LEVER. That is the understanding.

Mr. McLAUGHLIN. The resolution does not so provide. It simply says in effect that the department shall be put to no expense on account of any breakage or damage, but it does not say that the association or the officers of the exposition shall make the breakage or damage good.

Mr. LEVER. Let me call the gentleman's attention to this language:

That the Secretary of Agriculture shall make such arrangements with the proper officers of the said exposition that the Department of Agriculture shall be at no expense for transportation of said exhibit to and from the exposition: *Provided further*, That the Secretary of Agriculture shall also make such arrangements with the proper authorities of said exposition that there shall be no expense to the department for any breakage or damage that may occur to the exhibit nor for the living expenses of such appointees as he may see fit to send to said exposition to demonstrate the exhibit sent.

Of course, under that authority the Secretary of Agriculture would have the right to require the exposition authorities to give bond for the security of those things.

Mr. McLAUGHLIN. If that is the construction, that would be all right, but it did not seem to me probable that that would be the construction.

Mr. MANN. A bond or deposit could be given.

Mr. McLAUGHLIN. If a bond or deposit should be made or required it would be all right, but I question if that would be required under this language.

Mr. LEVER. I think the Secretary has full authority to do that and would do so in practice.

The SPEAKER. The question is on the engrossment and third reading of the amended House joint resolution.

The joint resolution as amended was ordered to be engrossed and read a third time, and was accordingly read the third time.

The SPEAKER. The question now is on the passage of the joint resolution.

The question was taken, and the joint resolution was passed.

The title was amended so as to read: "Joint resolution authorizing the Secretary of Agriculture to make an exhibit at the Fifth National Corn Exposition, at Columbia, S. C."

On motion of Mr. LEVER, a motion to reconsider the vote by which the joint resolution was passed was laid on the table.

ISLANDS GRANTED TO WISCONSIN FOR FORESTRY PURPOSES.

The next business on the Calendar for Unanimous Consent was the bill (H. R. 13417) granting unsurveyed and unattached islands to the State of Wisconsin for forestry purposes.

The Clerk read the bill, as follows:

Be it enacted etc., That the Secretary of the Interior be, and he is hereby, directed to cause patents to issue to the State of Wisconsin for the unsurveyed and unattached islands in inland lakes north of the township line between townships 33 and 34 north, fourth principal meridian, as additions to the State forest reserves. The islands hereby granted shall be used as additions to the forest reserves only, and should the State of Wisconsin abandon the use of said islands for such purpose, alienate or attempt to alienate or use the same or any part thereof for purposes other than that for which granted, the same shall revert to the United States.

Also the following committee amendments:

Amend, page 1, by striking out, in lines 3 and 4, the words "the Secretary of the Interior be, and he is hereby, directed to cause patents to issue to the State of Wisconsin for the."

Amend by inserting after the word "meridian," in the seventh line, the following: "be, and the same are hereby, granted to the State of Wisconsin."

Amend by striking out the first two words in line 9 and inserting in place thereof the words "that State's."

Amend, page 2, by striking out, in lines 1, 2, and 3, the following: "alienate or attempt to alienate or use the same or any part thereof for purposes other than that for which granted."

The SPEAKER. Is there objection? [After a pause.] The Chair hears none. The Clerk will report the first committee amendment.

Mr. FOSTER of Illinois. Mr. Speaker, I think we would have to go into Committee of the Whole to consider this bill.

Mr. MORSE of Wisconsin. Mr. Speaker, I ask unanimous consent that the bill may be considered in the House as in Committee of the Whole.

The SPEAKER. The gentleman from Wisconsin [Mr. MORSE] asks unanimous consent that the bill be considered in the House as in Committee of the Whole. Is there objection?

There was no objection.

The SPEAKER. The Clerk will report the first amendment.

The Clerk read as follows:

Amend, page 1, line 3, by striking out, after the word "the," in line 3, the following words: "Secretary of the Interior be, and he is hereby, directed to cause patents to issue to the State of Wisconsin for the."

The SPEAKER. The question is on agreeing to the amendment.

The question was taken, and the amendment was agreed to.

The SPEAKER. The Clerk will report the next committee amendment.

The Clerk read as follows:

Amend, line 7, by inserting, after the word "meridian," the following words: "be, and the same are hereby, granted to the State of Wisconsin."

The SPEAKER. The question is on agreeing to the amendment.

The question was taken, and the amendment was agreed to.

The SPEAKER. The Clerk will read the next committee amendment.

The Clerk read as follows:

Amend, line 9, by striking out the words "the State" and inserting the words "that State's."

The SPEAKER. The question is on agreeing to the amendment.

The question was taken, and the amendment was agreed to.

The SPEAKER. The Clerk will report the next committee amendment.

The Clerk read as follows:

Amend, page 2, lines 1, 2, and 3, by striking out the following: "alienate or attempt to alienate or use the same or any part thereof for purposes other than that for which granted."

The SPEAKER. The question is on agreeing to the amendment.

The question was taken, and the amendment was agreed to.

Mr. MORSE of Wisconsin. Mr. Speaker, in order to make the language a little more definite and certain, I offer the following amendment: In line 7, after the word "north," insert the words "of the."

The SPEAKER. The Clerk will report the amendment offered by the gentleman from Wisconsin.

The Clerk read as follows:

In line 7, after the word "north," insert the words "of the."

Mr. RAKER. Mr. Speaker, I would like to ask the gentleman from Wisconsin at what place it is desired to insert that amendment?

Mr. MORSE of Wisconsin. After the word "north," in line 7, page 1. The gentleman from Wyoming [Mr. MONDELL] suggested that it would make it more definitely certain to add the words "of the," so that it would read "north of the."

Mr. RAKER. That is all right.

The SPEAKER. The question is on agreeing to the amendment offered by the gentleman from Wisconsin [Mr. MORSE].

The question was taken, and the amendment was agreed to.

Mr. MORSE of Wisconsin. Mr. Speaker, one more amendment. After the word "meridian," in line 7, insert the words "in the State of Wisconsin."

The SPEAKER. The Clerk will report the amendment offered by the gentleman from Wisconsin.

The Clerk read as follows:

After the word "meridian," in the 7, insert the words "in the State of Wisconsin."

The SPEAKER. The question is on agreeing to the amendment.

The question was taken, and the amendment was agreed to.

Mr. MONDELL. Mr. Speaker, inasmuch as I think I am perhaps responsible, from a rather hurried reading of the bill, for one of the amendments offered, I want to move, with the consent of the gentleman from Wisconsin [Mr. MORSE], to reconsider the amendment just adopted for the insertion of the words "of the," and to strike out of the bill the words "fourth principal meridian."

The SPEAKER. The gentleman from Wyoming [Mr. MONDELL] moves to reconsider the vote by which the amendment consisting of the words "of the" was adopted. The question is on agreeing to that motion.

The motion was agreed to.

Mr. MONDELL. I move, Mr. Speaker, to strike out the words "fourth principal meridian."

The SPEAKER. Does the gentleman desire the words "of the" to stay in?

Mr. MONDELL. No. They should be stricken out, and the words "fourth principal meridian" should be stricken out.

Mr. MANN. As the language reads, of course, it is incorrect. I would like to ask the gentleman if it is necessary to insert the range?

Mr. MONDELL. It is not necessary to insert the range, because if you say "north" of a certain township line, that is north of the township line running north through the State, and inasmuch as it is not in the bill, the provision that should apply to the range should not be in the bill.

Mr. McLAUGHLIN. Mr. Speaker, the word "township" should not be used, in my judgment. It should be the word "town." The town is surveyed 6 miles square. The township is the municipal organization. There may be a town without

a township. A township may include a number of towns, as is evidently the case in the part of Wisconsin to which this bill relates. So that this word should be "town" and not "township," and I think that the word "range" should be there.

Mr. MANN. But the word "range" is not there.

Mr. McLAUGHLIN. It is not there, but it should be.

Mr. MANN. In our part of the country we use the word "township" for the Government surveys.

Mr. McLAUGHLIN. It is not strictly proper, as I understand it.

Mr. MONDELL. All public-land surveys are by townships.

Mr. MANN. And so described in the patent.

Mr. MONDELL. And the language is correct, if the words "of the" are stricken out.

The SPEAKER. The Chair will suggest to the gentleman from Wisconsin [Mr. MORSE] that he withdraw his amendment containing the words "of the."

Mr. MORSE of Wisconsin. I ask unanimous consent to withdraw the amendment with the words "of the."

The SPEAKER. The gentleman has a right to do that without unanimous consent.

Mr. MANN. That was reconsidered.

The SPEAKER. The motion to reconsider prevailed, and that left the amendment pending. It should either be voted upon or withdrawn.

Mr. MORSE of Wisconsin. I withdraw it.

The SPEAKER. The gentleman from Wisconsin [Mr. MORSE] withdraws that amendment. The question now is on the amendment of the gentleman from Wyoming [Mr. MONDELL], which the Clerk will report.

The Clerk read as follows:

Amend, in line 7, by striking out the words "fourth principal meridian."

The amendment was agreed to.

The SPEAKER. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, and was accordingly read the third time, and passed.

On motion of Mr. MORSE of Wisconsin, a motion to reconsider the last vote was laid on the table.

COAL LANDS ON FORT BERTHOLD INDIAN RESERVATION, N. DAK.

The next business on the Calendar for Unanimous Consent was the joint resolution (H. J. Res. 263) to authorize allotments to Indians of the Fort Berthold Indian Reservation, N. Dak., of lands valuable for coal.

The joint resolution was read, as follows:

Resolved, etc., That allotments to the Indians of the Fort Berthold Indian Reservation, in the State of North Dakota, authorized by section 2 of an act entitled "An act to authorize the survey and allotment of lands embraced within the limits of the Fort Berthold Indian Reservation, in the State of North Dakota, and the sale and disposition of a portion of the surplus lands after allotment, and making appropriation and provision to carry the same into effect," approved June 1, 1910, may be made of lands classified as coal lands or valuable for coal: *Provided*, That the coal in such lands shall be reserved and remain subject to future disposition by Congress.

With the following committee amendments:

After the word "coal," in line 12, strike out all down to and including the word "Congress," in line 14, and insert in lieu thereof the following:

"with a reservation, however, in any patent which may issue upon any such allotment of the coal deposits in the lands allotted, and of the right to prospect for, mine, and remove the same: *Provided*, That when such deposits are by Congress opened for disposition, any qualified coal claimant may enter upon these allotted lands for the purpose of prospecting for coal only after the approval by the Secretary of the Interior of a bond or undertaking given by such prospector as security for the payment of all damages occasioned by reason of such prospecting."

The SPEAKER. Is there objection?

Mr. COOPER. Reserving the right to object, I should like to hear a statement from the gentleman from Texas [Mr. STEPHENS].

Mr. STEPHENS of Texas. Mr. Speaker, this bill was introduced by the gentleman from North Dakota [Mr. HANNA]. It has been recommended by the department. The gentleman from North Dakota can explain the bill.

Mr. HANNA. Mr. Speaker, about two years ago Congress passed a bill opening a part of the Fort Berthold Indian Reservation, in North Dakota, for settlement, and it provided that where there was any coal on the land that land should neither be allotted nor be opened to settlement until Congress should otherwise provide. Allotments were given to the Indians on lands in certain parts of the reservations, and later, when the Geological Survey made a survey of the lands, they found that there was lignite coal under some of it, and particularly where the Indian allotments had been made. The Indians have agreed to take surface title to the land, with the coal underlying it reserved, and this resolution is simply to allow the allotments to be made to the Indians of the lands which they have taken as allotments and on which many are already living and where they have made improvements, with the coal reserved and subject to the future action of Congress, for such disposition of the coal as Congress may see fit.

The bill has the strong indorsement of the Secretary of the Interior and of the Indian Department.

Mr. COOPER. The resolution as originally introduced contained the following proviso:

Provided, That the coal in such lands shall be reserved and remain subject to future disposition by Congress.

What is the effect of striking that out and substituting the amendment which is proposed?

Mr. HANNA. I will say to the gentleman from Wisconsin, in reference to that matter, that the original act for the opening of the reservation provided that both the coal and the coal lands should be reserved, but the Indians have taken their allotments on some of these lands where there is lignite coal, and the amendment which we have adopted provides that there shall be a reservation in the Indian patents of the coal deposits in the land allotted and of the right to prospect and to mine, and that this clause shall be in every patent issued to the Indians.

Mr. BURKE of South Dakota. If the gentleman will permit me to give him a little information, I will say that the language in the bill left the matter so that there could be no law by which any prospecting could be made on these lands preliminary to mining, and we simply adopted the language that has been used in other bills with reference to the disposition of the surface of lands, and provided that the coal should be reserved; and then provided, as the gentleman will observe, if he reads the amendment, that there may be prospecting done.

Mr. MANN. I do not understand that this bill proposes to repeal the language of the former act reserving this for future disposition by Congress.

Mr. BURKE of South Dakota. Not at all.

Mr. COOPER. That was the thought I had in mind, which is suggested by the gentleman from Illinois, whether this amendment in any way modifies the act.

Mr. BURKE of South Dakota. Not at all.

Mr. MANN. I think not.

Mr. COOPER. Are gentleman positive about it?

Mr. MANN. I am as far as I am concerned, because I went over it with the idea in view to see whether it did make any change. The coal will still be reserved. The title to the coal does not pass. Congress has control of that, and has not yet decided what shall be done with it.

Mr. COOPER. That is what I had in mind, whether it made any modification in that respect.

The SPEAKER. Is there objection to the present consideration of the bill?

There was no objection.

Mr. BURKE of South Dakota. Mr. Speaker, this bill is on the Union Calendar, and I ask unanimous consent that it be considered in the House as in Committee of the Whole.

The SPEAKER. The gentleman from South Dakota asks unanimous consent that the bill be considered in the House as in Committee of the Whole. Is there objection?

There was no objection.

The SPEAKER. The Clerk will read the first amendment.

The Clerk read as follows:

Page 2, line 1, strike out the colon and the words "*Provided*, That the coal in such lands shall be reserved and remain subject to future disposition by Congress," and insert in lieu thereof the following: "with a reservation, however, in any patent which may issue upon any such allotment of the coal deposits in the lands allotted, and of the right to prospect for, mine, and remove the same: *Provided*, That when such deposits are by Congress opened for disposition, any qualified coal claimant may enter upon these allotted lands for the purpose of prospecting for coal only after the approval by the Secretary of the Interior of a bond or undertaking given by such prospector as security for the payment of all damages occasioned by reason of such prospecting."

Mr. MANN. Mr. Speaker, in the amendment, after the word "allotment," in line 4, there should be inserted a comma. I move to amend by inserting the comma, as it makes a material difference.

The amendment to the amendment was agreed to.

The amendment as amended was agreed to.

The joint resolution as amended was ordered to be engrossed and read a third time, was read the third time, and passed.

On motion of Mr. HANNA, a motion to reconsider the vote whereby the joint resolution was passed was laid on the table.

CALAVERAS BIG TREE NATIONAL FOREST.

The next bill on the Calendar for Unanimous Consent was the bill (H. R. 12211) to amend the act of February 18, 1909 (35 Stat. L., 626), entitled "An act to create the Calaveras Big Tree National Forest, and for other purposes."

The Clerk read the bill, as follows:

Be it enacted, etc., That the act of February 18, 1909 (35 Stat. L., 626), entitled "An act to create the Calaveras Big Tree National Forest, and for other purposes," be amended as follows:

Omit therefrom the portion of the act beginning with the word "any" at the end of the twelfth line on page 627 thereof to and including the word "or" in the twentieth line of said page, and substitute therefor the following: "one or both of the following ways: (1) They may be given the right to file with the Secretary of the Interior, within 60 days after such conveyance, selections of surveyed, unappropriated, nonmineral public lands or of nonmineral national forest lands, and if the lands so selected shall be found subject to selection and of a value substantially equal to that of the lands conveyed they may be patented to said owners in lieu of the conveyed lands: *Provided, however*, That in any case where any part of the lands selected is national forest land the approval of the Secretary of Agriculture shall first be secured with respect to such part, or (2)."

SEC. 2. That there is hereby appropriated, out of any money in the Treasury not otherwise appropriated, the sum of $10,000, or so much thereof as may be necessary, for the purposes of fully carrying out the provisions of this act.

The SPEAKER. Is there objection to the present consideration of the bill?

There was no objection.

Mr. RAKER. Mr. Speaker, I ask unanimous consent that the bill be considered in the House as in Committee of the Whole.

The SPEAKER. The gentleman from California asks unanimous consent that the bill be considered in the House as in Committee of the Whole. Is there objection?

There was no objection.

The SPEAKER. The Clerk will report the first amendment.

The Clerk read as follows:

Page 2, line 8, strike out the letter "a" and insert the words "the actual."

Mr. MANN. Mr. Speaker, I would like to ask the gentleman from California whether he has concluded to do anything further about the amendments on the lines that I recently suggested to him?

Mr. RAKER. I will say to the gentleman from Illinois that I took this matter up personally with the Secretary of the Interior and the solicitor for the Secretary of the Interior, and we discussed particularly the matter that was taken up between the gentleman from Illinois and myself. The solicitor said that it was clearly sufficient to cover the point suggested, as the bill provided for the exchange of nonmineral national forests, and that that of itself gave the authorization and was not subject to the objection that it might not be perfected because it was not a homestead, or something of that kind, but would apply to the provisions of this act and permit its provisions to be carried out.

The SPEAKER. The question is on agreeing to the amendment.

The amendment was considered and agreed to.

The SPEAKER. The Clerk will report the next amendment.

The Clerk read as follows:

On page 2, line 9, after the word "value," add the following words, viz, "in lands and stumpage."

The amendment was agreed to.

The Clerk read as follows:

Page 2, line 10, after the word "lands," insert the words "and stumpage."

The amendment was agreed to.

The Clerk read as follows:

Page 2, line 11, strike out the colon after the word "lands" and also the following words: "*Provided, however*, That in any case where any part of the land selected is national-forest land the approval of the Secretary of Agriculture shall first be secured with respect to such part."

Mr. MANN. Mr. Speaker, does not the gentleman from California think that we might well leave this language in the bill?

Mr. RAKER. Mr. Speaker, I want to say that this particular matter was discussed by the committee, and personally I thought it ought to remain in the bill. But after looking over the act that we are amending, which provides that all the selections and all the change must be made by and with the consent of the Secretary of Agriculture, I thought it might go out. But personally I would have no objection to leaving it in. It was left out because it would make the bill shorter.

Mr. MANN. It does not add very much to the length of the bill, and, if there is any possible doubt about it, it ought to remain. I read the law, and I was not certain that it was absolutely clear that the Secretary would still have the veto power over the selection of the national forests. I do not believe that we ought to permit a selection to be made in a national forest without the approval of the Secretary of Agriculture.

Mr. RAKER. I agree with the gentleman fully; but the act now provides that when an exchange is made it can not be done without the approval of the Secretary of Agriculture. That was stricken out solely upon the ground that it is repetition.

Mr. MANN. Mr. Speaker, I think it is safer to leave it in the bill. I have read the law through, and I think this ought to be left in the bill.

Mr. MONDELL. Mr. Speaker, will the gentleman yield?

Mr. MANN. Certainly.

Mr. MONDELL. This bill is an amendment of a portion of an act. This amendment goes into the body of the act, and therefore must fit in the body of the act. Following this proviso is the word "or" and the numeral "2." They belong after the word "part," which precedes the proviso.

Mr. MANN. They are not in the law, but they will be when this goes in.

Mr. MONDELL. They must be in the law or the law will not mean anything, and this amendment will not mean anything. This proviso can not be inserted at this point at any event and have an amendment that fits in the statute. If it seemed advisable to put a proviso of this sort at the end of section 2, or at some other point, there might be no objection to it, but that is not necessary, as the act itself very clearly puts this entire matter in the hands of the Secretary of Agriculture.

Mr. RAKER. Mr. Chairman, will the gentleman from Wyoming yield?

Mr. MONDELL. Certainly.

Mr. RAKER. Does not the act as it now stands so arrange it that no exchange can be made without the approval of the Secretary of Agriculture?

Mr. MONDELL. Very clearly.

Mr. RAKER. Then this provision would not be necessary.

Mr. MONDELL. And in any event this provision must go out at this point or the amendment is not harmonious. It does not fit into the statute.

Mr. MANN. Mr. Speaker, I think the gentleman is entirely wrong about that. The proviso could be inserted in any part of the law. I took the trouble to read the law to which this is an amendment, and I read the law through. While I will not dispute with the gentleman or the committee that the Secretary of Agriculture would still have to approve the exchange before it was made out of a national forest, yet after reading the law and comparing this bill with it I thought there was doubt about his authority.

Mr. RAKER. Mr. Chairman, I would rather have it in, if there is any doubt. I want the bill in proper language, so there can be no doubt as to its being freely carried out by the department and good title pass both ways to and from the Government, and this bill will do it. That is its special purpose, and the department has been consulted to this end.

Mr. MANN. This purports to leave it absolutely to the Secretary of the Interior, as far as this proposition is concerned. I do not think it will hurt to inject this at this point in the form of a proviso.

Mr. MONDELL. Mr. Speaker, it does not make a particle of difference to me, but if the gentleman had read the bill as carefully as I have, and had considered it as carefully as has the committee, he would agree that this proviso, put in at this point, disconnects the amendment. The proviso could be added somewhere else, if necessary, but it is not necessary, because the bill specifically provides for the exchanges under the Secretary of Agriculture.

Mr. MANN. Mr. Speaker, I will not say that I read the law as carefully as the gentleman or as carefully as the committee, but I read the law through, and I doubt whether any member of the committee did.

Mr. MONDELL. I do not think it ever occurred to the gentleman until it was suggested to him——

Mr. MANN. By whom?

Mr. MONDELL. That, whatever might be the propriety of the proviso, it should not be inserted at this point.

Mr. MANN. It can be properly inserted at this point. It is perfectly proper to insert it at this point, and that is the only place you can insert it in this bill.

Mr. RAKER. Then let us permit it to remain there.

The SPEAKER. The question is on agreeing to the committee amendment.

The question was taken, and the amendment was rejected.

The SPEAKER. The question now is on the engrossment and third reading of the amended House bill.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

On motion of Mr. RAKER, a motion to reconsider the vote by which the bill was passed was laid on the table.

FEDERAL BUILDING, HOUSTON, TEX.

The next business on the Calendar for Unanimous Consent was the bill (H. R. 1647) to amend an act entitled "An act to increase the limit of cost of certain public buildings, to authorize the purchase of sites for public buildings, to authorize the erection and completion of public buildings, and for other purposes."

The Clerk read the bill, as follows:

Be it enacted, etc., That the last proviso of section 20, chapter 3916, Thirty-fourth United States Statutes at Large, "An act to increase the limit of cost of certain public buildings, to authorize the purchase of sites for public buildings, to authorize the erection and completion of public buildings, and for other purposes," and which proviso reads as follows: "*Provided further*, That upon the completion of the building herein authorized to be constructed the Secretary of the Treasury shall proceed by due and proper advertisement, and under such regulations, conditions, and stipulations as he may prescribe, or as Congress may hereafter direct, to sell to the highest bidder the present building and site upon which it is located, in Houston, Tex., now owned by the United States Government and now used and occupied as a post office, courthouse, customhouse, and for other governmental purposes, and deposit the proceeds thereof into the Treasury of the United States," be, and the same is hereby, repealed.

The SPEAKER. Is there objection to the present consideration of the bill? [After a pause.] The Chair hears none. It seems to the Chair that while this bill is on the House Calendar, it properly belongs on the Union Calendar.

Mr. BURNETT. Then, Mr. Speaker, I ask unanimous consent that the bill be considered in the House as in the Committee of the Whole.

The SPEAKER. The gentleman from Alabama asks unanimous consent that the bill be considered in the House as in the Committee of the Whole. Is there objection? [After a pause.] The Chair hears none, and the Clerk will read the bill for amendment under the five-minute rule.

The Clerk again read the bill.

The SPEAKER. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

On motion of Mr. BURNETT, a motion to reconsider the vote by which the bill was passed was laid on the table.

HOMESTEADS, WIND RIVER RESERVATION.

The next business on the Calendar for Unanimous Consent was the bill (H. R. 16101) providing for patents to homesteads on the ceded portion of the Wind River Reservation in Wyoming.

The Clerk proceeded to read the bill.

Mr. MONDELL (interrupting the reading). Mr. Speaker, I ask unanimous consent that the bill be considered in the House as in the Committee of the Whole, and that the first reading of the bill be dispensed with.

Mr. FOSTER of Illinois. Mr. Speaker, I think we ought to have the bill read.

The SPEAKER. The Chair thinks the better practice is to have the bill read through, to see if anybody has any objection to its present consideration. After the bill is read the Chair will then put the gentleman's request.

The Clerk read the bill, as follows:

Be it enacted, etc., That all persons who prior to the passage of this act have made valid homestead entry on the ceded portion of the Wind River Reservation in Wyoming and establish residence thereon in good faith, but who through no fault of their own were unable to secure water for the irrigation of their lands, shall be granted patent for their lands upon payment of the Indian price for the land and without the necessity of proving continuous residence thereon.

With the following amendment:

Strike out all after the enacting clause and insert:

"That any person who, prior to December 16, 1911, made homestead entry on the ceded portion of the Wind River Reservation in Wyoming, and has not abandoned the same, and who has been unable to secure water for the irrigation of the lands covered by his entry, may secure title to the same upon the submission of satisfactory proof that he has established and maintained actual bona fide residence upon his land for a period of not less than eight months and upon payment of all sums remaining due on said land as provided for by the act of March 3, 1905."

The SPEAKER. Is there objection to the present consideration of the bill? [After a pause.] The Chair hears none. The gentleman from Wyoming asks unanimous consent that the bill be considered in the House as in Committee of the Whole. Is there objection? [After a pause.] The Chair hears none, and the Clerk will read the bill for amendment under the five-minute rule.

The Clerk again read the bill.

The SPEAKER. The question is on agreeing to the amendment.

The question was taken, and the amendment was agreed to.

The SPEAKER. The question now is on the engrossment and third reading of the bill as amended.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

On motion of Mr. STEPHENS of Texas, a motion to reconsider the vote by which the bill was passed was laid on the table.

DAM ACROSS MISSISSIPPI RIVER, STEARNS COUNTY, MINN.

The next business on the Calendar for Unanimous Consent was the bill (H. R. 19071) granting an extension of time to the St. Cloud Electric Power Co. to construct a dam across the Mississippi River.

The Clerk read as follows:

Be it enacted, etc., That the time for the completion of the dam by the St. Cloud Electric Power Co., authorized by the act entitled "An act permitting the building of a dam across the Mississippi River between the counties of Stearns and Sherburne, in the State of Minnesota," approved June 28, 1906, is hereby extended to three years from the date of the passage of this act.

SEC. 2. That the construction, maintenance, and operation of the dam herein authorized shall be in all respects in accordance with and subject to the provisions of the act approved June 23, 1910, entitled "An act to amend an act entitled 'An act to regulate the construction of dams across navigable waters,' approved June 21, 1906."

SEC. 3. That the right to alter, amend, or repeal this act is hereby expressly reserved.

The SPEAKER. Is there objection to the consideration of the bill? [After a pause.] The Chair hears none. The Clerk will report the amendments.

The Clerk read as follows:

Strike out, on page 1, line 11, the word "herein" and insert in lieu thereof the word "therein."

On page 1, line 11, after the word "authorize," insert the words "by the aforesaid act."

The amendments were agreed to.

The bill as amended was ordered to be engrossed and read a third time, was read the third time, and passed.

On motion of Mr. ADAMSON, a motion to reconsider the vote by which the bill was passed was laid on the table.

IMPORTATION AND MOVEMENT OF PLANTS, FRUITS, AND VEGETABLES.

The next business on the Calendar for Unanimous Consent was the bill (H. R. 21291) to regulate the importation of nursery stock and other plants and plant products; to enable the Secretary of Agriculture to establish and maintain quarantine districts for plant diseases and insect pests; to permit and regulate the movement of fruits, plants, and vegetables therefrom, and for other purposes.

The bill was read.

The SPEAKER pro tempore (Mr. CLAYTON). Is there objection to the present consideration of the bill?

Mr. MURRAY. Mr. Speaker——

Mr. BARTLETT. Mr. Speaker, reserving the right to object, I want to say that a casual examination of the bill develops that it is a bill of exceeding importance, far-reaching in its provisions, and a step in the direction of Federal control, which grants great power to the Secretary of Agriculture, and I do not think that it is a bill to be considered under the unanimous-consent rule to-day. It is a bill carrying a large appropriation; it is a bill that, in my judgment, ought to be amended before it is passed, even if Congress has the power to enact this sort of a bill. I merely wanted to reserve the right to object so that anyone, the author of the bill, or some one else——

Mr. LAMB. Mr. Speaker——

The SPEAKER pro tempore. Does the gentleman from Georgia yield to the gentleman from Virginia?

Mr. BARTLETT. In a moment. I want to state to the Chair and to the House that, so far as I am concerned, I am not satisfield to allow a bill of this character, a bill of this importance, and the vesting of this great power in the Secretary of Agriculture, to pass by unanimous consent, and while I shall reserve the right to object I will reserve it so that anyone who desires may make a statement about it, but I propose in the end to object.

Mr. MURRAY. Mr. Speaker, I, too, desire to reserve my right to object and shall listen to the explanation of the chairman of the committee or other Members with regard to the purposes of the bill.

Mr. LAMB. Mr. Speaker, let me say, when this bill is explained these gentlemen will withdraw their objection, and the gentleman of the committee who is in charge of this bill, Mr. SIMMONS, of New York, will make an explanation of the bill, to which I hope the House will give patient attention.

Mr. SISSON. Mr. Speaker, in view of the statement made by the gentleman from Georgia and the gentleman from Massachusetts, I think it would be a useless consumption of time, and therefore I object.

Mr. MANN. I suggest to the gentleman that he reserve his objection for a moment.

Mr. SISSON. Mr. Speaker, in view of the fact that these gentlemen are going to object, anyway, I do not like to have the time of the House taken up, and therefore I object.

Mr. LAMB. I do hope the gentleman will withdraw his objection.

The SPEAKER pro tempore. Objection is made; and, under the rule, the bill will be stricken from the calendar, and the Clerk will report the next bill.

RELIEF OF DESERT-LAND ENTRYMEN.

The next business on the Calendar for Unanimous Consent was the bill (H. R. 20491) authorizing the Secretary of the

Interior to grant further extension of time within which to make proof on desert-land entries.

The Clerk read as follows:

Be it enacted, etc., That the Secretary of the Interior may, in his discretion, grant to any entryman under the desert-land laws a further extension of the time within which he is required to make final proof: *Provided*, That such entryman shall, by his corroborated affidavit filed in the land office of the district where such land is located, show to the satisfaction of the Secretary that because of unavoidable delay in the construction of irrigation works intended to convey water to the land embraced in his entry he is, without fault on his part, unable to make proof of the reclamation and cultivation of said lands as required by law within the time limited therefor; but such extension shall not be granted for a period of more than three years, and this act shall not affect contests initiated for a valid existing reason.

The SPEAKER pro tempore. Is there objection to the consideration of the bill?

Mr. MANN. Mr. Speaker, reserving the right to object, I would like to have the gentleman from Colorado [Mr. TAYLOR], in charge of the bill, explain just what this does.

Mr. TAYLOR of Colorado. Mr. Speaker, I shall be glad to do so. The desert-land law requires an entryman to clear, break, cultivate, irrigate, reclaim, and prove up on his land within four years after the date of his filing. At the time the desert-land law was originally enacted it was believed that four years would be long enough within which to require entrymen on the public domain to reclaim their land and make final proof. In those days there were large tracts of public land that could be readily cleared and easily irrigated. In many cases only short ditches were required, and their construction and the reclamation of the lands involved comparatively little expense. But practically all of those lands that were readily reclaimed and irrigated have been entered years ago. The lands that are now being taken up under the desert-land law are most of them far from the source of water supply and exceedingly difficult to irrigate. In fact, most of the land can only be irrigated by means of exceedingly expensive irrigation projects, including long canals and large reservoirs, many of which cost millions of dollars and require many years to construct. The result is that the desert-land entryman under those large projects and some under many of the smaller projects have been absolutely unable to get water to their land within the four years allowed by the original law. To relieve that situation and prevent the entrymen from losing their claims and all of their improvements, Congress passed the act of March 28, 1908 (35 Stat., 52) authorizing the Commissioner of the General Land Office to grant the entrymen an extension of three years within which to make final proof, upon making a showing to him of the good faith of the entryman and the unavoidable delays in the construction of the irrigation works. That act has been of very great benefit in protecting the rights of bona fide settlers throughout the entire West. But it has recently been clearly demonstrated that even that three years' extension beyond the four years allowed by the original law is not long enough. A year ago last month Congress passed the act of February 28, 1911, granting a further extension of time to desert-land entrymen under various irrigation projects in three counties in the State of Washington, and during the month of January, this year, in order to protect a large number of desert-land entrymen under a very extensive irrigation project in Weld and Larimer Counties, Colo., I introduced and secured the passage of the act approved January 26, 1912.

Since the passage of that act I have been appealed to by numerous other entrymen throughout the State of Colorado, as well as from other States in the West, asking why I did not make that act general instead of local, and grant relief to many other equally meritorious desert-land entrymen throughout the United States.

In compliance with those requests, and to make the law general and to allow to all desert-land entrymen an additional three years' extension beyond the seven years, where it is shown to be necessary, I introduced this bill. I presented the matter to the Secretary of the Interior personally, and then had the Public Lands Committee of the House officially refer the bill to that department for report. The Secretary recommended the passage of this general act, instead of Congress passing a large number of local relief bills, as we would otherwise undoubtedly have to do. That is what this bill is intended to accomplish.

Mr. MANN. I quite agree with the gentleman about that. Is this intended to cover any desert-land entry excepting where there is an irrigation project under construction or in view? There might be a man on land where there never was any intention of having irrigation works; and yet there would be, and he could truthfully say that there was, an unavoidable delay in the construction of irrigation works intended to convey water to his land, and certainly would be truthful about it.

Mr. TAYLOR of Colorado. This law would not apply to anybody who is not in good faith trying to get water on his land. It is intended to relieve entrymen who are unable to secure water because the reservoirs, canals, and ditches, by means of which they expect to secure water, are not completed within the time that the law requires them to show irrigation and reclamation of their lands and make final proof. Neither the Secretary of the Interior nor the Commissioner of the General Land Office has authority to grant a man an extension of time beyond the three years now authorized by law. This law will give the Secretary of the Interior permission to grant a three years' further extension and thereby relieve the entryman from having his rights forfeited with the consequent loss of all of his property and improvements and desert-land rights.

Under the desert-land laws an entryman is required to make annual proof before the land office, showing by his own affidavit and the affidavits of two witnesses that he has actually expended $1 an acre for every acre of his claim during each year, and if he can not or does not do so, his land is subject to forfeiture. A man can not say that he is or has been unavoidably delayed in the construction of irrigation works if he has not been making any substantial effort and showing good faith in that direction.

Mr. MANN. Well, I do not know. There were a great many entries under the desert-land act before there were any irrigation projects.

Mr. TAYLOR of Colorado. Certainly. There were many desert-land entries made under small ditches before any of these present-day large irrigation projects were contemplated. But these large reclamation enterprises are doing a wonderful work toward the development of the West, and many of them take from 5 to 10 years to complete.

Mr. RAKER. I understand from the bill that if four or five men go out and try to get water for their land and during the first three years should spend at the rate of a dollar an acre upon their tracts, under this bill, they having failed to get the water and having expended their money, acting in good faith as private individuals, would be able to get the extension. So they would not lose their right, whether it was under a reclamation project by a corporation, or there were only four or five men interested in the construction of the ditch by which they expected to irrigate their desert-land claims?

Mr. TAYLOR of Colorado. This bill does not say anything about reclamation projects or any other particular kind of irrigation projects. It is intended to grant relief to all desert-land entrymen where, "because of unavoidable delay in the construction of irrigation works intended to convey water to the land embraced in his entry he is, without fault on his part, unable to make proof of the reclamation and cultivation of said lands as required by law within the time limited therefor.'

I have drafted this bill in almost the identical language of section 3 of the act of March 28, 1908 (35 Stat., 52). So that both under that act and under this bill all desert-land entrymen who can make a showing of good faith and unavoidable delay are entitled to the extension upon making proper application. Under the act of 1908 the entryman must apply to the Commissioner of the General Land Office, while under this act he must apply to the Secretary of the Interior.

The bill as recommended by the Public Lands Committee and the Secretary of the Interior, and in the form I have reported it and ask to have it passed, reads as follows:

Be it enacted, etc., That the Secretary of the Interior may, in his discretion, in addition to the extension authorized by existing law, grant to any entryman under the desert-land laws a further extension of the time within which he is required to make final proof: *Provided*, That such entryman shall, by his corroborated affidavit filed in the land office of the district where such land is located, show to the satisfaction of the Secretary that because of unavoidable delay in the construction of irrigation works intended to convey water to the land embraced in his entry he is, without fault on his part, unable to make proof of the reclamation and cultivation of said lands as required by law within the time limited therefor; but such extension shall not be granted for a period of more than three years, and this act shall not affect contests initiated for a valid existing reason: *Provided*, That the total extension of the statutory period for making final proof that may be allowed in any one case under this act, and any other existing statutes of either general or local application, shall be limited to six years in the aggregate.

The report of the Department of the Interior upon the bill is as follows:

DEPARTMENT OF THE INTERIOR,
Washington, March 4, 1912.

Hon. EDWARD T. TAYLOR,
Acting Chairman Committee on the Public Lands,
House of Representatives.

SIR: I have the honor to acknowledge the receipt of your request of February 22, 1912, for a report on H. R. 20491 and, in response, to submit the following:

This bill proposes to confer upon the Secretary of the Interior, in his discretion, in addition to extensions authorized by existing law, the authority to grant to entrymen under the desert-land acts a further extension, not exceeding three years, of the period within which final proof on their entries is required, where the entrymen show to the satisfaction of the Secretary that because of unavoidable delay in the construction of irrigation works intended to convey water to the lands embraced

in their entries they are, without fault on their part, unable to comply with the requirements of the law within the time limited therefor.

The act of March 28, 1908 (35 Stat., 52), authorizes the Commissioner of the General Land Office, in his discretion, to grant extensions of the time within which final proofs on desert-land entries are required to be made, not exceeding three years, upon substantially the same terms as this bill, but with the further requirement that the applicant for the benefit of the extension shall show "that he has in good faith complied with the terms, requirements, and provisions" of the desert-land acts.

By the act of February 28, 1911 (36 Stat., 960), the Secretary of the Interior was authorized to grant a further extension of the time for submitting final proof on desert-land entries in the counties of Benton, Yakima, and Klickitat, Wash.; and by the act of January 26, 1912 (public, No. 62), the same authority was given him with reference to the counties of Weld and Laramie, Colo.

The bill under consideration is couched in substantially the same terms as the two special acts above mentioned, except that it is of general, and not merely local, application. These special acts, which met with the approval of this department, were passed because, on account of the unusual magnitude of certain private irrigation projects in the counties referred to and the unavoidable delays incident to the construction of the irrigation works, some of the desert-land entrymen who depended for their water supply upon these projects were, without fault on their part, unable to comply with the law, even within the additional time which could be allowed them under the provisions of the act of March 28, 1908.

Inasmuch as similar conditions may now exist or may hereafter arise in other localities to which the special acts are not applicable, good reason exists in the opinion of this department for the enactment of a general measure which would enable the department to grant similar relief without its being necessary for the parties interested to seek special legislation.

It is suggested, however, that the bill as your committee proposes to amend it would make it possible to allow two further extensions of three years each in those localities in which additional extensions of time have been authorized under the special acts above mentioned. The total period could thus be extended to 13 years from the date of the original entry. In view of the liberal extensions of time provided for by the general act of March 28, 1908 (35 Stat., 52), as supplemented by the provisions of this bill, it is thought that a further amendment should be offered by which the total extension of the statutory period for making final proof that may be allowed in any one case, under this bill and any other existing statutes, of either general or local application, shall be limited to six years in the aggregate. All desert-land claims would thus be placed upon an equal footing.

With such an amendment this department would recommend that the bill be enacted into law.

Very respectfully,

SAMUEL ADAMS,
Acting Secretary.

In the report of the Department of the Interior made December 18, 1911, on my bill, that was applicable only to Weld and Larimer Counties, Colo., the Secretary stated:

While unforeseen engineering difficulties have been met with, which have caused greatly increased cost of construction, which has in turn necessitated additional delay from the difficulty of raising money to finance such increased cost, it is not thought that any good reason exists for canceling entries in which the entrymen have acted in entire good faith, but have not been able, from the difficulties met with by the irrigation company, on which they must depend for water, to irrigate the lands in their entries within the time required by law.

It is therefore recommended that the provisions of this bill be enacted into law.

That is a very succinct statement of the conditions prevailing in a large number of very meritorious and extensive irrigation enterprises throughout the West. At the present time the rights of a large number of bona fide desert-land entrymen are being seriously jeopardized and threatened by reason of the approach of the time when they must make final proof, while the irrigation works from which they must get their water are not yet completed.

In view of the fact that the granting of the extension herein provided for is left entirely within the discretion of the Secretary of the Interior, it is not deemed possible that there can be any fraud or imposition practiced upon the Government, or that the law can in any manner be perverted from its object. Many of the desert-land entrymen in the Western States have expended all the way from $1,000 to $10,000 each toward obtaining water for their respective lands, and have already secured the three years' extension of time now allowed under the law, and the entire seven years time is about to expire, and owing to unavoidable delays, through no fault of theirs, it will be utterly impossible for them to secure water and prove up on their claims within the time required by the existing laws. This bill simply grants the Secretary of the Interior discretionary power to extend their time three years.

There can be no doubt but what the passage of this bill will afford a just protection to many deserving settlers on the public lands and tend to the orderly development of the West, and I trust it may meet with the approval of this House.

The SPEAKER pro tempore. Is there objection to the consideration of the bill? [After a pause.] The Chair hears none. The Clerk will report the first amendment.

The Clerk read as follows:

Page 1, line 4, insert the words:
"In addition to the extension authorized by existing laws."

The SPEAKER pro tempore. The question is on agreeing to the amendment.

The question was taken, and the amendment was agreed to.

The SPEAKER pro tempore. The Clerk will report the next amendment.

The Clerk read as follows:

Page 2, line 7, insert the following after the word "reason": "*Provided*, That the total extension of the statutory period for making final proof that may be allowed in any one case under this act, and any other existing statutes of either general or local application, shall be limited to six years in the aggregate."

Mr. MANN. Mr. Speaker, I would like to inquire whether this "six years in the aggregate," as stated in the committee amendment, is six years of extension or six years of total statutory period with the extension.

Mr. TAYLOR of Colorado. This bill will make it possible for an entryman to secure a total extension of six years. The original law allows four years, and then the act of March 28, 1911, authorizes the Commissioner of the General Land Office to extend an entryman's time three years, and this act will hereafter allow the Secretary of the Interior to extend his time beyond that three years three years more, so that the total extensions, whether under that former act or a local statute or any other statute, shall not authorize more than six years' extension in the aggregate, which would mean 10 years from the date of his filing on his claim.

The SPEAKER pro tempore. The question is on agreeing to the amendment.

The question was taken, and the amendment was agreed to.

The bill as amended was ordered to be engrossed and read a third time, was read the third time, and passed.

On motion of Mr. TAYLOR of Colorado, a motion to reconsider the vote by which the bill was passed was laid upon the table.

EXTENSION OF PAROLE LAW.

The next business on the Calendar for Unanimous Consent was the bill (H. R. 14925) to amend "An act to parole United States prisoners, and for other purposes," approved June 25, 1910.

The Clerk read the bill, as follows:

A bill (H. R. 14925) to amend "An act to parole United States prisoners, and for other purposes," approved June 25, 1910.

Be it enacted, etc., That section 1 of the "Act to parole United States prisoners, and for other purposes," approved June 25, 1910, be amended so as to read as follows, to wit:

"That every prisoner who has been or may hereafter be convicted of any offense against the United States and is confined in execution of the judgment of such conviction in any United States penitentiary or prison, for a definite term or terms of over one year, or for the term of his natural life, whose record of conduct shows that he has observed the rules of such institution, and who, if sentenced for a definite term, has served one-third of the total of such term or terms for which he was sentenced, or, if sentences for the term of his natural life, has served one-third of the total of his expectancy of life at the date of his arrival at such penitentiary or prison, to be computed according to the Carlisle mortality tables, but not less than 15 years from such date, may be released on parole as hereinafter provided."

The committee amendments were read.

The SPEAKER pro tempore (Mr. HAY). Is there objection to the present consideration of the bill? [After a pause.] The Chair hears none. The Clerk will report the first amendment.

The Clerk read as follows:

Page 2, line 5, strike out the word "sentences" and insert in lieu thereof the word "sentenced."

The SPEAKER pro tempore. The question is on agreeing to the amendment.

The question was taken, and the amendment was agreed to.

The SPEAKER pro tempore. The Clerk will report the next amendment.

The Clerk read as follows:

Strike out after the word "served," down to and including the words "such date" on line 10, and insert in lieu thereof the words "not less than 15 years."

The SPEAKER pro tempore. The question is on agreeing to the amendment.

The question was taken, and the amendment was agreed to.

Mr. MANN. Mr. Speaker, I move to strike out the last word. As I understand, this bill, stated a little strongly, practically abolishes life punishment.

Mr. CLAYTON. I think the gentleman overstates the case.

Mr. MANN. It does if the man obeys the rules of the prison where he is incarcerated.

Mr. CLAYTON. With the gentleman's permission, I would like to state my views as to what this bill will accomplish. It extends the benefit of the present parole law to a prisoner undergoing a life sentence. Under the law as it now stands a prisoner undergoing life sentence can not have the benefit of any parole. It matters not what facts or what consideration of mercy may exist in his case, how exemplary his conduct may have been, or what other good reason may exist, he can not be paroled.

None of these, nor all of them together, can induce the extension to him of any benefit under the parole law, because he is

under life sentence, and the prison parole law does not apply to a prisoner under life sentence. Now, the present parole law provides—

That every prisoner who has been or may hereafter be convicted of any offense against the United States and is confined in execution of the judgment of such conviction in any United States penitentiary or prison for a definite term or terms of over one year, whose record of conduct shows he has observed the rules of such institution, and who has served one-third of a total of the term or terms for which he was sentenced, may be released on parole, as hereinafter provided.

Now, this law will be changed in accordance with this amended bill so that it will read as follows:

That every prisoner who has been or may hereafter be convicted of any offense against the United States and is confined in execution of the judgment of such conviction in any United States penitentiary or prison for a definite term or terms of over one year, or for the term of his natural life, whose record of conduct shows that he has observed the rules of such institution, and who, if sentenced for a definite term, has served one-third of the total of such term or terms for which he was sentenced, or, if sentenced for a term of his natural life, has served not less than 15 years, may be released on parole as hereinafter provided.

It is to bring the prisoner undergoing life sentence within the operation of this law, if his case merits such favorable consideration. I may say, Mr. Speaker, that the parole board, in its report for 1911, on page 5, stated:

The parole law is limited to prisoners sentenced to definite terms. It is believed by the members of the Federal boards of parole that the law can with good reason be enlarged so as to include prisoners undergoing life sentences. The statutes in some of the States make life prisoners eligible to parole when they shall have actually served a long period of years, and some such plan is recommended for United States prisoners undergoing life sentences. There are some 200 of these prisoners, many of whom have been in prison for many years, whose record prior to conviction was not vicious, and who while in prison have never been reported for any violation of the prison rules.

And the Attorney General of the United States, in his annual report for 1911, on page 73, said on this subject:

I concur in the recommendations made by the boards of parole in their report that the law should be modified so as to include within its provisions prisoners undergoing life sentence by providing, as is done in the statutes of a number of States, that such prisoners shall be eligible to parole when they shall have actually served some long period of years. There are now upward of 200 prisoners serving life sentences in Federal penitentiaries. At present the only hope of a life prisoner, no matter how exemplary his conduct may be, lies in the exercise by the President of the power of Executive clemency. I believe it to be more to the interests of society that such prisoners should be liberated on parole, subject to the supervision and regulation which is possible under the parole law, than that they should be discharged absolutely by Executive pardon.

Now, I hope that the gentleman will not object to this measure.

Mr. MANN. It is too late to object, and I had no intention of objecting.

The SPEAKER. The gentleman from Illinois is recognized.

Mr. MANN. Mr. Speaker, I have never been a prosecuting attorney, or a judge, or a jury, and hence I have never had occasion to send anybody to the penitentiary. I have never been a witness in a case of that kind, and I should hate very much to have the responsibility of depriving any individual of his liberty by incarcerating him in prison or otherwise. And yet I am not entirely certain whether it is advisable to pass a law which practically provides that no person shall be sent to prison for more than 15 years. In other words, under the operation of this bill any person who is sentenced and who obeys the rules of the prison and has a record of good conduct is practically entitled to a parole, because I take it that the parole board are not treating individuals differently where the circumstances are the same.

I have doubted whether the parole law was advantageous. I know that it has been a great benefit to certain gentlemen who had violated the national banking laws and various other laws, and who were sentenced to prison for not long terms, and who came out at the end of one-third of the terms to which they were sentenced. Possibly that is a desirable thing. I know of one case where I thought it was a good thing to have that done. Yet we go ahead and pass laws that make it easier all the time for criminals to escape punishment, in the face of an increase of crime.

The SPEAKER. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, and was read the third time.

The SPEAKER. The question is, Shall the bill pass? Those in favor will say "aye"; those opposed, "no."

The question was taken, and the bill was passed.

On motion of Mr. CLAYTON, a motion to reconsider the vote whereby the bill was passed was laid on the table.

CHEYENNE RIVER AND STANDING ROCK INDIAN RESERVATIONS.

The next business on the Calendar for Unanimous Consent was the bill (S. 3475) extending the time of payment to certain homesteaders on the Cheyenne River Indian Reservation, in the State of South Dakota, and on the Standing Rock Indian Reservation, in the States of South Dakota and North Dakota.

The bill was read, as follows:

Be it enacted, etc., That any person who has heretofore made a homestead entry for land which was formerly a part of the Cheyenne River Indian Reservation, in the State of South Dakota, or the Standing Rock Indian Reservation, in the States of South Dakota and North Dakota, authorized by the act approved May 29, 1908, may apply to the register and receiver of the land office in the district or districts in which the land is located for an extension of time within which to make payment of any amount that is about to become due, and upon the payment of interest for one year in advance, at 5 per cent per annum upon the amount due, and payment will be extended for a period of one year, and any payment so extended may annually thereafter be extended for a period of one year in the same manner: *Provided*, That the last payment and all other payments must be made within a period not exceeding one year after the last payment is due; that all moneys paid for interest as herein provided shall be deposited in the Treasury to the credit of the Indians as a part of the proceeds received for the lands.

SEC. 2. That failure to make any payment that may be due, unless the same be extended, or to make any extended payment at or before the time to which such payment has been extended as herein provided, will forfeit the entry and the same shall be canceled and any and all payments theretofore made shall be forfeited.

SEC. 3. That nothing herein contained shall affect any valid adverse claim initiated prior to the passage of this act.

The SPEAKER. Is there objection to the present consideration of this bill?

Mr. MANN. Reserving the right to object, this is the same bill to which I objected when it was on the Unanimous Consent Calendar once before, because I thought some of the provisions in it were not specific enough to make them perfectly plain, and I then asked the gentleman from South Dakota [Mr. BURKE] if he would not take those matters into consideration. I should like to inquire of him whether he has done so.

Mr. BURKE of South Dakota. Mr. Speaker, in response to the inquiry of the gentleman from Illinois I will say that I have an amendment to the amendment that I expect to offer, if unanimous consent is granted, which makes it entirely clear that in order to have the benefits of an extension if an entryman submits proof that he must apply for an extension and pay interest at 5 per cent in advance, the same as required if entrymen want an extension and do not offer proof. Since the bill was objected to when it was considered upon the Unanimous Consent Calendar upon the 22d of February, I sent it to the Secretary of the Interior, calling attention to the debate when the objection was made, and requested an expression of his views as to the amendment. I have received a letter in which he says he does not think it ought to be enacted. Of course I do not agree with his opinion and believe, in view of the fact that unless there is some provision of this kind enacted, that the settlers will not only abandon the lands but the Indian will lose the sale at the price that will have to be paid in order to acquire title under the terms of the law under which the entries were made, and I have two purposes in view in trying to secure this legislation. The first, to enable the settler to acquire title to his land and save what he has already paid, and also to give the Indian the benefit of a higher price than will be received if the lands are abandoned and have to be later reappraised and disposed of to other settlers. As I stated when the bill was up before, the law provides that the proceeds from the sale of these lands be placed in the Treasury to the credit of the Indians and draw 3 per cent per annum, while by the terms of this bill the deferred payments will bear 5 per cent interest, which must be paid in advance, and there is an advantage to the Indian to have the bill enacted into law. For the information of the House I will submit the letter of the Acting Secretary of the Interior in which he comments upon the proposed amendment and states that in his opinion it ought not to be enacted:

DEPARTMENT OF THE INTERIOR,
Washington, March 8, 1912.

Hon. CHARLES H. BURKE,
House of Representatives.

SIR: I am in receipt of your letter of the 23d instant, requesting an expression of opinion with reference to S. 3475 and suggested amendment thereto.

The bill proposes to grant an extension of time for payments on lands within the Cheyenne River and Standing Rock Reservations, in North and South Dakota, and the proposed amendment thereto to allow commutation proof to be submitted on entries therein, patent to be withheld until full and final payment of the purchase price is made.

The act of May 29, 1908 (35 Stat., 460), authorizing the disposition of these lands, provides for the classification and appraisement thereof and their subsequent disposition under the homestead and town-site laws of the United States, the appraised price of the lands to be paid in six equal annual installments. Section 4 of the act further provides that homestead entries made might be commuted under section 2301, Revised Statutes, upon payment of the entire appraised price, which amount under the law is required to be deposited to the credit of the Indians. The provision of commutation imposes no additional price as a prerequisite for commutation, nor does the proposed amendment to S. 3475. Therefore, if S. 3475 as amended be enacted into law, entrymen will be relieved of the necessity of residence upon, cultivation, and improvement of their lands after the expiration of 14 months of such residence, improvement, and cultivation without payment of the appraised price prior to commutation and without payment of any additional sum to the United States for the commutation privilege.

This department, in view of the drought and other climatical and physical difficulties with which settlers have been required to contend, favors the modification of the act of May 29, 1908, supra, so as to

extend the time within which payment of the several installments of the appraised price may be had. It does not, however, favor the proposed amendment, which would relieve entrymen from further residence upon, cultivation, and improvement of the land after they have made commutation proof of 14 months' residence, improvement, and cultivation. This provision would relieve the entrymen from conditions imposed by the original act without benefit to the Indians or to the United States while defeating in whole or in part the primary purpose of the homestead law, which is to secure the making of permanent homes on the public domain and the resultant cultivation and improvement of the land. The department, therefore, is of the opinion that the proposed addition to the bill, lines 13 to 20, inclusive, should not be made.

Very respectfully,

SAMUEL ADAMS, *Acting Secretary.*

Mr. MANN. I do not object.

The SPEAKER. Is there objection?

There was no objection.

Mr. STEPHENS of Texas. Mr. Speaker, I ask unanimous consent that this bill be considered in the House as in the Committee of the Whole.

There was no objection.

Mr. BURKE of South Dakota. I desire to offer an amendment.

The SPEAKER. The committee amendments come first. The Clerk will report the first committee amendment.

The Clerk read as follows:

Page 2, line 1, after the word "due," strike out "and" and insert "such."

The amendment was agreed to.

The following committee amendment was read:

Page 2, line 6, after the word "payment," strike out the words "is due" and insert "becomes due by the terms of the act under which the entry was made."

The amendment was agreed to.

The following committee amendment was read:

Page 2, line 9, after the word "lands," add:

"*And provided further,* That any entryman who has resided upon and cultivated the land embraced in his entry for the period of time required by law in order to make commutation proof, may make proof, and if the same is approved further residence and cultivation will not be required, but patent shall be withheld until full and final payment of the purchase price is made in accordance with the provisions hereof."

Mr. BURKE of South Dakota. Now I offer the amendment which I send to the Clerk's desk as an amendment to the committee amendment.

The SPEAKER. The Clerk will report the amendment to the amendment.

The Clerk read as follows:

Page 2, line 19, after the word "required," insert the following:

"*Provided,* That any and all payments must be made when due, unless the entryman applies for an extension and pays interest at 5 per cent per annum in advance upon the amount due, as herein provided."

Also, strike out the word "but" and insert the word "and."

Mr. MANN. There are two words "required" in the amendment. After which one does the amendment to the amendment come in?

Mr. BURKE of South Dakota. On page 2, line 18.

The amendment to the amendment was agreed to.

The amendment as amended was agreed to.

The bill as amended was ordered to a third reading, and was accordingly read the third time and passed.

On motion of Mr. BURKE of South Dakota, a motion to reconsider the last vote was laid on the table.

INDIAN ALLOTMENTS DISPOSED OF BY WILL.

The next business on the Calendar for Unanimous Consent was the bill (H. R. 1332) regulating Indian allotments disposed of by will.

The bill was read, as follows:

Be it enacted, etc., That upon the approval of any will executed in accordance with section 2 of an act entitled "An act to provide for determining the heirs of deceased Indians, for the disposition and sale of allotments of deceased Indians, for the leasing of allotments, and for other purposes," approved June 25, 1910, and the death of the testator, the allotment of the decedent shall continue to be subject to the restrictions contained in the trust patent: *Provided,* That the Secretary of the Interior may, in his discretion, remove the restrictions and cause patent in fee to be issued to the person or persons to whom the land is devised.

Mr. BURKE of South Dakota. I suggest that the proposed amendment be read.

The SPEAKER. The first thing to find out is whether unanimous consent is given for the consideration of the bill.

Mr. MANN. Reserving the right to object, I should like to have the substitute read.

The SPEAKER. The Clerk will report the substitute.

The Clerk read as follows:

Strike out all after the enacting clause and insert:

"That section 2 of an act entitled 'An act to provide for determining the heirs of deceased Indians, for the disposition and sale of allotments of deceased Indians, for the leasing of allotments, and for other purposes,' approved June 25, 1910, be amended to read as follows:

"'SEC. 2. That any persons of the age of 21 years having any right, title, or interest in any allotment or individual Indian moneys or other property held in trust by the United States shall have the right prior to the expiration of the trust or restrictive period, and before the issuance of a fee simple patent or the removal of restrictions, to dispose of such property by will, in accordance with regulations to be prescribed by the Secretary of the Interior: *Provided, however,* That no will so executed shall be valid or have any force or effect unless and until it shall have been approved by the Secretary of the Interior: *Provided further,* That the Secretary of the Interior may approve or disapprove the will either before or after the death of the testator, and in case where a will has been approved and it is subsequently discovered that there has been fraud in connection with the execution or procurement of the will the Secretary of the Interior is hereby authorized within one year after the death of the testator to cancel the approval of the will, and the property of the testator shall thereupon descend or be distributed in accordance with the laws of the State wherein the property is located: *Provided further,* That the approval of the will and the death of the testator shall not operate to terminate the trust or restrictive period, but the Secretary of the Interior may, in his discretion, cause the lands to be sold and the money derived therefrom, or so much thereof as may be necessary, used for the benefit of the heir or heirs entitled thereto, remove the restrictions, or cause patent in fee to be issued to the devisee or devisees, and pay the moneys to the legatee or legatees either in whole or in part from time to time as he may deem advisable, or use it for their benefit: *Provided also,* That sections 1 and 2 of this act shall not apply to the Five Civilized Tribes or the Osage Indians.'"

The SPEAKER. Is there objection?

There was no objection.

Mr. STEPHENS of Texas. I ask unanimous consent that the bill may be considered in the House as in Committee of the Whole.

The SPEAKER. The gentleman from Texas asks unanimous consent that the bill be considered in the House as in Committee of the Whole. Is there objection?

There was no objection.

The SPEAKER. The Clerk will read the bill and the amendment.

Mr. BURKE of South Dakota. The bill has just been read. Therefore I ask unanimous consent that this reading be dispensed with.

The SPEAKER. The gentleman from South Dakota asks unanimous consent that the additional reading of this bill be dispensed with. Is there objection?

There was no objection.

The SPEAKER. The Clerk will report the amendment.

Mr. MANN. The amendment has just been read, and I ask unanimous consent that the reading be dispensed with.

The SPEAKER. The gentleman asks unanimous consent that the reading of the substitute be dispensed with. Is there objection?

There was no objection.

The substitute was agreed to.

The bill as amended was ordered to be engrossed and read a third time, and was accordingly read the third time and passed.

On motion of Mr. BURKE of South Dakota, a motion to reconsider the last vote was laid on the table.

Mr. BURKE of South Dakota. Mr. Speaker, in connection with Senate bill 3475, which we disposed of a little while ago, I ask leave to extend my remarks in the RECORD.

The SPEAKER. The gentleman from South Dakota asks unanimous consent to extend his remarks in the RECORD? Is there objection?

There was no objection.

DIVISION OF LANDS AND FUNDS OF OSAGE NATION OF INDIANS IN OKLAHOMA.

The next business on the Calendar for Unanimous Consent was the bill (S. 2) supplementary to and amendatory of the act entitled "An act for the division of the lands and funds of the Osage Nation of Indians in Oklahoma,' approved June 28, 1906, and for other purposes."

The Clerk began to read the bill.

Mr. MANN. Mr. Speaker, the bill which the Clerk is now reading is somewhat lengthy and has a number of controverted matters in it which ought to be considered, I think, in Committee of the Whole. I think I shall have to object. I am perfectly willing to reserve my objection if the gentleman from Texas wishes.

Mr. STEPHENS of Texas. Mr. Speaker, the Committee on Indian Affairs, through a subcommittee, has thoroughly investigated this bill. It has been gone over very carefully by the department. The affairs of this tribe of Indians are in a mixed condition. This legislation is necessary, and the sooner we get it through the sooner we will untangle the tangled skein and relieve these Indians.

Mr. MANN. I notice at one place in the bill it says that "the lands shall be paid over to the heirs." Now, there are various other provisions of a similar nature in the bill that, of course, ought to be corrected.

Mr. STEPHENS of Texas. It is an easy matter to amend those things in the bill.

Mr. MANN. I do not see how you can pay land over to heirs. The gentleman's committee is going to be called very soon.

Mr. STEPHENS of Texas. I hope so.

The SPEAKER. Does the gentleman from Illinois object?

Mr. MANN. I shall have to object.

The SPEAKER. The gentleman from Illinois objects, and the bill is stricken from the calendar.

EXCHANGE OF CERTAIN COAL LANDS, CHOCTAW AND CHICKASAW NATION.

The next business on the Calendar for Unanimous Consent was the bill (S. 3686) authorizing the Secretary of the Interior to permit the Missouri, Kansas & Texas Coal Co. and the Eastern Coal & Mining Co. to exchange certain lands embraced within their existing coal leases in the Choctaw and Chickasaw Nation for other lands within said nation.

The Clerk read the bill at length.

The SPEAKER. Is there objection to the present consideration of the bill?

Mr. AKIN of New York. I object.

Mr. STEPHENS of Texas. Mr. Speaker, I think if the gentleman from New York [Mr. AKIN] will investigate this bill closely he will see that there is nothing wrong about it, and that it should become a law. It only permits the coal company to exchange a lot of 360 acres of land, on which they have spent a large sum of money in boring and prospecting to ascertain if there was merchantable coal to be found under it, and finding no coal under it they want to exchange it for land that has coal under it; and this bill permits this coal company to surrender their lease and lease 360 acres elsewhere in lieu of the 360 acres surrendered. The Indians get a royalty of 8 cents per ton from the coal; and the gentleman, by preventing the passage of this bill, will be compelling this company to suspend operations and throw their miners out of employment and prevent the Indians from getting their royalty on this coal land; and they now have large slopes and shafts that will fill with water, and as the lands that they desire to lease adjoin their works the water in the slopes and shafts will percolate through the coal. The gentleman from New York, by his objection, will be injuring the Indians and injuring the company, and the passage of this bill is a matter of pressing necessity. The bill has heretofore passed this House and the Senate and is urgently recommended by the department and is asked for by the Indians themselves, and I can not conceive any valid objection to its passage.

Mr. BURKE of South Dakota. I will call the gentleman's attention to the fact that the bill passed in the last Congress.

Mr. STEPHENS of Texas. It passed both Houses in the last Congress without objection, but did not get to the President in time to be signed.

Mr. AKIN of New York. I have not had time to examine into the bill fully.

Mr. STEPHENS of Texas. But the bill has been examined thoroughly by the committees of both the Senate and House and unanimously recommended by both.

Mr. AKIN of New York. I will reserve my right to object, if the gentleman wishes. It looks to me as if the company had got a lemon in the first place, and now they are going to let loose the lemon. I have not looked into the bill, but the gentleman can get it up again in a couple of weeks.

Mr. STEPHENS of Texas. I think there is no question about the urgent necessity for the passage of this bill, and it is one that has passed both the Senate and the House at the last session of Congress, but it passed too late in the session to become a law.

The SPEAKER. Does the gentleman from New York withdraw his objection?

Mr. AKIN of New York. No, sir; I object.

The SPEAKER. The gentleman from New York objects, and the bill will be stricken from the calendar.

FORTIFICATION APPROPRIATION BILL.

Mr. SHERLEY. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill H. R. 20111, the fortification appropriation bill, disagree to the Senate amendments, and ask for a conference.

Mr. MANN. I think the gentleman ought to wait until we are through with Calendar Wednesday.

Mr. SHERLEY. I am necessarily engaged in the hearings before the Committee on Appropriations, and this will only take a minute.

Mr. MANN. I do not object.

The SPEAKER. The gentleman from Kentucky asks unanimous consent to take from the Speaker's table the fortification appropriation bill, disagree to the Senate amendments, and ask for a conference. Is there objection? [After a pause.] The Chair hears none, and it is so ordered.

The SPEAKER appointed as conferees on the part of the House Mr. SHERLEY, Mr. RAUCH, and Mr. GOOD.

INDIAN DEPREDATION CLAIMS.

The SPEAKER. The Clerk will report the next bill.

Mr. STEPHENS of Texas. Mr. Speaker, I ask unanimous consent to withdraw the next bill, H. R. 14667.

The SPEAKER. The gentleman from Texas asks unanimous consent to withdraw the next bill, H. R. 14667. Is there objection?

Mr. MANN. Mr. Speaker, reserving the right to object, let us have an understanding as to what this does.

Mr. STEPHENS of Texas. I will ask unanimous consent that it be passed without prejudice.

Mr. MANN. Reserving the right to object, that would leave it on the calendar for next unanimous-consent day.

The SPEAKER. Undoubtedly.

Mr. MANN. I shall not object, although I do not desire anyone to refer to it as a precedent if I do object hereafter, because I do not believe in it as a matter of general practice.

The SPEAKER. The Chair quite agrees with the gentleman from Illinois. Is there objection? [After a pause.] The Chair hears none.

EXTENDING TIME OF PAYMENTS, HOMESTEADERS COEUR D'ALENE INDIAN RESERVATION.

The next business on the Calendar for Unanimous Consent was the bill (H. R. 18661) to provide for an extension of time of payment of all unpaid payments due from homesteaders on the Coeur d'Alene Indian Reservation, as provided for under an act of Congress approved June 21, 1906.

The Clerk read the bill, as follows:

Be it enacted, etc., That the time within which all unpaid payments which have heretofore, or may hereafter, become due and payable under the provisions of the act opening the Coeur d'Alene Indian Reservation to settlement, approved June 21, 1906 (34 Stat. at Large, p. 336), except the cash payment required at time of entry, be, and the same is hereby, postponed and extended for two years from the date on which such payments are now by law required to be made: *Provided*, That any payment not made within the time required by the act above stated, and extended by the provisions of this act, shall draw interest at 5 per cent per annum, and the interest, when paid, shall be credited to the proceeds of the sale of the land, as provided in said act: *Provided further*, That said extension shall be subject to a full compliance by the entryman with all requirements of the homestead laws as to residence and improvements.

With the following amendment:

Strike out all after the enacting clause and insert:

"That any person who has heretofore made a homestead entry for land which was formerly a part of the Coeur d'Alene Indian Reservation, in the State of Idaho, authorized by the act approved June 21, 1906, may apply to the register and receiver of the land office in the district or districts in which the land is located for an extension of time within which to make payment of any amount that is about to become due, and upon the payment of interest for one year in advance, at 5 per cent per annum upon the amount due, such payment will be extended for a period of one year, and any payment so extended may annually thereafter be extended for a period of one year in the same manner: *Provided*, That the last payment and all other payments must be made within a period not exceeding one year after the last payment becomes due by the terms of the act under which the entry was made; that all moneys paid for interest as herein provided shall be deposited in the Treasury to the credit of the Indians as a part of the proceeds received for the lands.

"SEC. 2. That failure to make any payment that may be due, unless the same be extended, or to make any extended payment at or before the time to which such payment has been extended as herein provided, will forfeit the entry and the same shall be canceled, and any and all payments theretofore made shall be forfeited.

"SEC. 3. That nothing herein contained shall affect any valid adverse claim initiated prior to the passage of this act."

The SPEAKER. Is there objection?

Mr. MONDELL. Mr. Speaker, reserving the right to object, I would like to know the necessity for the extension of the time of payments on these particular lands.

Mr. FRENCH. Mr. Speaker, the language of the bill is practically identical with the language of the bill that we have just passed affecting certain lands in the State of South Dakota, and with respect to these particular lands I would say that the law is as severe touching one who may not make his payment when it becomes due as it could well be, because the failure to make a payment causes him to forfeit his land absolutely. The necessity for the passage of this act arises from the fact that the amount to be paid by the settlers for each quarter section is from about $800 to $1,100 and more, to be made in five equal annual payments, and it is pressing the homesteader to the limit to comply with the ordinary provisions of the homestead law with respect to improvements, with respect to cultivation, and with respect to maintaining even the comforts of life within the family, not taking into account the necessity for meeting these payments.

Mr. MONDELL. What are the annual payments?

Mr. FRENCH. As I say, the annual payments will be approximately one-fifth of the entire amount for each quarter section—that is, one-fifth of from $800 to $1,100 or $1,200.

Mr. MONDELL. But this is a good country and they have been raising good crops.

Mr. FRENCH. It is a good country, but the Indians have the best lands. The lands of the settlers are not so good and many settlers are having a hard time to meet their payments because of the rough character of the land and the necessity for clearing it before cultivation. It is true the land in question is in the rainfall belt, but it is difficult and expensive to clear away trees or brush and bring the land under the plow in such area as will make it raise sufficient crops to meet the payments necessary and carry out the other requirements of the law.

Mr. MONDELL. How long extension does this provide for?

Mr. FRENCH. For a year's extension beyond the date of final payment. I asked for two years, but the committee cut it to one, in view of the great opposition. Last year a thousand acres of land were forfeited because settlers were not able to meet their payments. This year there are many others who will lose their lands and their former payments or be seriously embarrassed unless this extension be granted to them.

Mr. MONDELL. Mr. Speaker, the gentleman knows we have many reclamation projects where it is very, very difficult for the settlers to meet their payments. Eventually these payments must be met. There ought to be some very good reason, indeed, if we are to continue from year to year, indefinitely, extensions of these payments. In the State of South Dakota it has been so dry that the grass has not grown, much less the crops. Of course, it is impossible for men under those conditions to meet payments, but this land is in a beautiful, well-watered territory—none finer in the Northwest than those lands of the Coeur d'Alene Indian Reservation.

Mr. NORRIS. The law requires the entire payment to be made in five years?

Mr. FRENCH. Yes; and the failure to meet even one payment forfeits the entry, and former payments can not be recovered.

Mr. NORRIS. And in addition to that they have to make the necessary improvements on the land?

Mr. FRENCH. Yes; and the best land was allotted to the Indians. These are the poorer, rougher lands.

Mr. MONDELL. Is this the only extension asked for?

Mr. FRENCH. Yes.

Mr. NORRIS. It seems to me that this is a harsh requirement in the law when taken into consideration with the improvements they have to make under the homestead law.

Mr. FRENCH. They have already made a couple of payments.

Mr. NORRIS. It seems to me the time asked is very short.

Mr. STEPHENS of Texas. All of the interest and the full amount of the principal must be paid within 12 months of the time the amount falls due.

Mr. MONDELL. It must be unless we extend the time again.

Mr. MANN. Whose fault was it that the time was made so short?

Mr. NORRIS. It was not the settlers' fault.

Mr. FRENCH. As has been suggested, it was not the fault of the settlers, and the bill was made into final shape after it had been in committees of House and Senate and after it had been in conference between the committee of the House and the committee of the Senate, and the present law represents the result of the best judgment of the Congress at that time.

Mr. MANN. It represents the result of the best judgment of the Committee on Indian Affairs, the gentleman means. Are not all people entitled to know in advance the terms upon which they can acquire this land?

Mr. FRENCH. Oh, undoubtedly, and they did know, and these people were willing to take the chance.

Mr. MANN. These people took the lands, and other people who knew the terms and thought they could not comply with them did not take the land?

Mr. FRENCH. Yes.

Mr. MANN. And these people, having taken this land, which is valuable, they want to have their time extended. The gentleman, of course, is familiar with the fact that the department has reported against the passage of the bill; that the local land officer said it ought not to pass; and that there is no occasion for its passage. What excuse does the gentleman offer for the passage of this bill any more than the passage of any other bill which will say that one need not pay for the land?

Mr. FRENCH. I have seen no report from the department that is adverse. On the other hand, the department advises that it does not know of any reason for its passage, but that is the extent to which the department has gone in the matter of an adverse report.

Mr. MANN. That depends on how you construe the language. The department says:

On February 7, 1912, the receiver of the United States land office at Cœur d'Alene informed the Commissioner of the General Land Office that he knew of no unusual conditions which would justify the passage of this bill, and in the absence of such conditions I can not recommend its enactment.

I would call that an adverse report. The gentleman may construe it differently.

Mr. FRENCH. Mr. Speaker, I would repeat what I have already said, that the department simply was not advised of any reasons why the bill should pass. I know, however, that the settlers are facing the payment that is due in less than six weeks—on the 1st of May—and that the failure to pass this bill will result in tremendous hardship being worked upon many settlers, and several of them will undoubtedly lose their lands, forfeiting the payments they have already made, unless we do give them this relief. They are going to pay interest on the deferred payments in any event. Here is a case in which the Indians will be benefited as well as the settlers. Upon the moneys that may be deposited in the Treasury of the United States the Indians will receive 3 per cent interest. In this bill we provide that any deferred payments shall net the Indians 5 per cent, and that the interest shall be paid in advance. The security is ample, because it is much better than before the first payment was made, and, in addition to that, the second payment has been met, and improvements are continually being made upon the land.

Mr. Speaker, in further reply, in a general way, to the opposition to this bill, I want to say that the law providing for the opening up of the Coeur d'Alene lands for settlement gave the same opportunity for the citizens of every State of this Union as was given to the people of the State of Idaho, and most of the people who made homestead entry as a result of being fortunate enough to draw a lucky number came not from my own State but from the other States of our country.

It is true that they should have been familiar in a general way with the provisions of the law before selecting their land, and I have no doubt they were, but they could not foresee the many items of expense for clearing land, building houses and fences and barns, maintaining a family, and providing for bringing the homestead into such shape as would make it able to produce a sufficient amount of revenue to meet the necessary expenses of life, together with all the improvements to be made, and, in addition thereto, meet the annual payments required under the terms of the bill.

I wish there were a provision in the present law to the effect that the Secretary of the Interior could grant an extension of time in all cases where necessary, and I hope that a majority of the settlers upon the Coeur d'Alene Reservation will not need to avail themselves of the privilege of the pending measure.

Many of these settlers were poor men, and in view of the fact that the law under which they entered these lands makes no provision for an extension of time if a single payment shall not be met, I submit to this House that it is due these settlers that an extension of time be granted.

The Government will not lose. The Indians will not lose. On the other hand, they will gain 2 per cent on deferred payments annually over the amount that is paid on Indian funds held in the Treasury of the United States; and, in addition to this, the poor settler, wherever he may be located upon the Coeur d'Alene Reservation, will be able to save his home, continue his improvements, and take on new courage as he looks into future years. It is for these people that I plead.

I take it for granted that other members of Congress who have pressed special legislation for the relief of settlers similarly located knew the conditions of the settlers concerned, and I want to assure this House that it is the severe conditions which confront many of the settlers on the Coeur d'Alene Reservation that make me urge the passage of the bill.

Mr. MANN. Mr. Speaker, I shall not object at this time to the consideration of this bill, but I think I shall hereafter when such bills come up, not because I have any objection whatever to the extension of the time in which the settlers may meet their payments, but because I think that everybody in the United States is entitled to know in advance, on equal terms, with reference to obtaining the public lands. We pass a law here that comes out of one of the committees and provide that Indian or other lands can be sold on certain terms, usually Indian lands, and then people out West usually take up the lands. The people of my town, many of them, would like to go out there if they considered the payments were not onerous, but they do not go because they think the law is passed in good faith and will be enforced. And then when the time comes to make payment representatives from out there come and say the people are poor and can not pay and get the time extended. It is not fair to the people who think they can not make the entries because they think they can not make the payments.

The SPEAKER. Is there objection?

Mr. MONDELL. Mr. Speaker, I shall not object to the passage of this bill, but I do want to make a suggestion in regard to it. There ought to be no question about the extension of time of payment, particularly when the entryman pays interest on the deferred payment, where there are conditions, climatic or otherwise, which clearly make it impossible or difficult for the entrymen to make their payments. But because the Committee on Indian Affairs reports a bill where conditions are clearly such as to justify the deferring of payment, it does not follow that every gentleman who has an Indian reservation in his State shall feel called upon to have an extension of time granted to the people on the reservation in his State. I make these remarks somewhat for the protection of gentlemen who come from regions where there are people paying for lands on Indian reservations. Every time gentlemen allow an extension of payment, where such extension is not made necessary by some unusual conditions, they are simply laying up trouble for themselves. Does the gentleman imagine he will not have the same demand the next year in this beautiful Coeur d'Alene country for an extension that he has this year? If a provision were brought in here under which the Secretary would have discretion to save deserving people who were found in a condition where it was impossible for them to make payment and there was danger of their losing their land, that is one proposition that would not be objected to; but the gentleman knows the storekeeper, the butcher, the baker, and the candlestick maker of Coeur d'Alene and the adjacent country are anxious to retain all of the loose change that there is in that country, in that vicinity, and do not want any of it sent to Washington, and they will delay the sending as long as they can, and that will make trouble for the gentleman from Idaho——

Mr. MANN. And the rest of us, because we will have a dozen of these bills—20 or more—within the next year.

Mr. MONDELL. I simply make these observations because we have these problems to face, those of us who live in the West, as does all the House, and I think the committee should be very careful that when an extension of payment is allowed that there are clearly conditions that make it necessary, and that where such conditions do not exist but there are well-meaning people, people who are making an honest effort—a few exceptions here and there—who can not make their payments, then some provision might be made with respect to extending their time.

Mr. STEPHENS of Texas. Is the gentleman aware that some of these settlers have lost their lands, lost the improvements and everything, lost their homes?

Mr. MONDELL. I should regret that very much, but the gentleman also knows this, that wherever you go on a reclamation project or Indian reservation there will be some people taking a chance who do not make good. Now, that is unfortunate; the gentleman understands human nature just as well as I do. I am sorry that any of these people lost their lands and I will be glad to join in an effort to restore them to them, but I think it is very important that we should know when we make general extensions that they are necessary under conditions there existing. There is no question in the Dakota case. Everybody who knows anything about conditions knows that those men, unless they had accumulations, could not possibly make their payments under the conditions there existing, and I assume times are hard in the Coeur d'Alene, but it is a country highly cultivated and of well-watered rich lands, and unless the people who went there are particularly hard up I am inclined to think there are a few dollars lying around in the Coeur d'Alene country that could be used to make these payments.

The SPEAKER. Is there objection? [After a pause.] The Chair hears none.

Mr. FRENCH. Mr. Speaker, I ask unanimous consent——

Mr. STEPHENS of Texas. Mr. Speaker, I ask unanimous consent to consider this bill in the House as in the Committee of the Whole.

Mr. NORRIS. I will ask the gentleman from Idaho [Mr. FRENCH] if he will yield to me for a minute or two.

Mr. FRENCH. I will ask that the reading of the bill be dispensed with inasmuch as the bill and amendments have already been read.

The SPEAKER. The Chair has not yet put the other question. The gentleman from Texas [Mr. STEPHENS] asks unanimous consent to consider the bill in the House as in the Committee of the Whole. Is there objection? [After a pause.] The Chair hears none.

Now, the gentleman from Idaho asks unanimous consent to dispense with the reading of the bill and the substitute. Is there objection? [After a pause.] The Chair hears none.

Mr. NORRIS. Mr. Speaker, will the gentleman from Idaho yield?

Mr. FRENCH. I will yield.

Mr. MANN. The gentleman from Idaho can not yield.

The SPEAKER. Any gentleman is entitled to the floor, who can get it, for five minutes.

Mr. NORRIS. Are we reading the bill under the five-minute rule?

Mr. FRENCH. That has been dispensed with.

Mr. NORRIS. If we are not reading the bill under the five-minute rule, I do not understand we are entitled to that.

The SPEAKER. When the bill is considered in the House as in the Committee of the Whole there is no general debate, and it is read under the five-minute rule for amendment. The gentleman from Idaho [Mr. FRENCH] asks to dispense with the usual proceeding of reading the whole bill at first.

The Clerk will now read it for amendment, and, if no other gentleman secures the floor first, the Chair will recognize the gentleman from Nebraska [Mr. NORRIS] as soon as the Clerk reads to a place in the bill where the gentleman can demand recognition.

The Clerk read as follows:

Strike out all after the enacting clause and insert:

"That any person who has heretofore made a homestead entry for land which was formerly a part of the Coeur d'Alene Indian Reservation, in the State of Idaho, authorized by the act approved June 21, 1906, may apply to the register and receiver of the land office in the district or districts in which the land is located for an extension of time within which to make payment of any amount that is about to become due, and upon the payment of interest for one year in advance, at 5 per cent per annum upon the amount due, such payment will be extended for a period of one year, and any payment so extended may annually thereafter be extended for a period of one year in the same manner: *Provided*, That the last payment and all other payments must be made within a period not exceeding one year after the last payment becomes due by the terms of the act under which the entry was made; that all moneys paid for interest as herein provided shall be deposited in the Treasury to the credit of the Indians as a part of the proceeds received for the lands.

"SEC. 2. That failure to make any payment that may be due, unless the same be extended, or to make any extended payment at or before the time to which such payment has been extended as herein provided, will forfeit the entry and the same shall be canceled, and any and all payments theretofore made shall be forfeited.

"SEC. 3. That nothing herein contained shall affect any valid adverse claim initiated prior to the passage of this act."

Mr. NORRIS. Mr. Speaker, I move to strike out the last word. It seems to me that while there is a great deal in what the gentleman from Illinois [Mr. MANN] has said in regard to these extensions that come up more or less frequently, after all the greatest mistake is made in the beginning by Congress in not giving a sufficient time and fixing a time sufficiently far distant so that a man in ordinary circumstances can go on to the land and be able to meet the payments which are provided by law. I believe the fault is with us. We have here a provision of the law where we have provided that the land shall be paid for in five years. We also recognize the fact that the man who buys it and goes onto a piece of raw land, must build himself a house, he must build barns, and he must subdue this wild land. And, as the gentleman from Idaho [Mr. FRENCH] says, in this particular case he has to clear a good deal of it.

Yet we have, under the terms of the law, demanded that he shall do all of this and meet all the payments, complete, within five years from the beginning. There is not one case out of a hundred where a man goes onto a farm which he buys, especially where there is nothing on the land—no house, no barn, no home, no cultivation—where he is able to pay for it in five years. As a matter of fact, nobody loses anything if this extension is made.

The Indians who get the money get a larger per cent of interest than they would if the man paid promptly. The provision is made for the payment of 5 per cent interest. There is no danger of loss, because one payment is already made, the improvements have been made on these lands, and the security is a great deal more valuable now than it was in the beginning. So the fault, in my judgment, if there is one—and I am inclined to think there is—in all these cases is with Congress and not with the settler. We have passed these laws, ostensibly at least, for the poor man. The man who is not poor does not care to go into this kind of a new country and take up these lands. It is an invitation that Congress sends all over the country to the men who are poor and who want to go into this country and build for themselves homes. And we have surrounded them with such exactions that it is almost impossible for poor men to do this. So that while it may indirectly not be fair to the man who did not take the risk we would be in rather an embarrassing position with the Indians if nobody had taken the risk and had gone there and purchased these lands. It seems to me instead of shutting down entirely we ought to let this be a lesson to us, so that in the future we will be more lenient in the extension of time for the honest home-

steader who is honestly trying to redeem that country and make a home for himself.

Something has been said about the reclamation project. Mr. Speaker, everybody now concedes it was one of the best things that was ever devised for the country, and particularly for the West, and yet there are hardships right along this line, where we provided that the man who takes the land under the reclamation project has to pay too much too soon. It precludes the poor man from going in and redeeming the land.

We require him to pay one-tenth of it within a year, before it is possible for him to raise anything on the land. We fail to recognize that it is raw land. There are no improvements there. A man must have a sufficient amount of money when he takes one of these projects to live for a year or two, at least, without any return. So that the only kind of people who are able to go into these kinds of projects are those who are so well fixed that they do not care to go into them. It is the poor man who would be glad to go in if you would make the inducement such that it would be possible for him to make a living while he was redeeming this wild country and making it into such a one as we expect and demand in the law that he shall make it. Particularly in this case, as presented by the gentleman from Idaho [Mr. FRENCH], it seems to me an instance where we can well afford to correct the error that we failed to correct when we framed the original law, and that means no loss to anybody, and no loss in equity to the Indians, who would get the money. The Indian would get a larger rate, and more of it, and it only extends it one year. It seems to me that the bill is very fair and the request is very reasonable, and that it ought not to excite any opposition whatever.

Mr. BURKE of South Dakota. Mr. Speaker, I desire to be heard on the amendment. The gentleman from Wyoming [Mr. MONDELL] criticizes the Committee on Indian Affairs for having reported this bill. That same committee, at the meeting before the one when this bill was reported, reported a bill introduced by the gentleman from Wyoming [Mr. MONDELL], with relation to settlers upon the Shoshone or Wind River Reservation in Wyoming.

That bill passed the House by unanimous consent to-day. Under the terms of the law by which the settlers upon that reservation in Wyoming went upon the lands they were required to pay 50 cents an acre when they made their entries and the balance in equal annual payments, I think, during a period of four or five years. They may commute if they have resided upon their land for a period of 14 months. The bill which passed the House to-day, which was reported by this committee, provided that those settlers, if they showed a residence of not less than eight months, might commute and acquire title by paying the balance due for their lands.

Now, I say, Mr. Speaker, that that bill was proper. It was right to enact it. It is true that in that case it was shown that great drought prevailed, and that probably it would be impossible for all of those settlers to acquire title to their lands if they were required to observe strictly the law under which their entries had been made.

In the case of this bill the Committee on Indian Affairs, after a full consideration of the measure, believed that unless we did enact some remedial legislation many of the settlers would be unable to acquire title to the land or comply with the law and thereby lose their only home; and therefore we unanimously reported this bill.

Mr. Speaker, I agree with what the gentleman from Wyoming [Mr. MONDELL] has said, that this legislation ought not to be passed unless there is a condition of affairs by which a great hardship will be imposed upon the settlers, unless they are granted relief. In this case, under existing law, these payments are to be made in one or two or three or four or five years, as I remember. The payments do not draw any interest whatever if they are paid as they become due; when paid the money is placed in the Treasury and draws interest at the rate of 3 per cent per annum. Under the terms of this bill, if the settler is unable to meet his payments, he must make an application for an extension and pay interest at 5 per cent in advance.

Now, there is no injustice done by this proposition to the Indians. On the contrary, it operates to his benefit. And, furthermore, I may say that many of these settlers could undoubtedly acquire title to their lands and make payments by going to the money lenders and paying a high rate of interest and mortgaging their lands. This proposition simply enables the settler to borrow the money of the Indian and pay him 5 per cent interest in advance instead of the Indian getting only 3 per cent if it goes into the Treasury; and therefore I say that from every standpoint the action of the committee is not only justified, but there is no occasion for criticism of the committee in having reported this bill. [Applause.]

Mr. MONDELL. Mr. Speaker, I did not intend to say anything more about this bill, but the gentleman from South Dakota [Mr. BURKE] has referred as a matter of comparison to a bill which I introduced and which was passed by the House to-day.

That bill was entirely dissimilar in all its provisions from this. The only thing that bill did was to provide that the homestead entryman, instead of being compelled to show that he had remained upon his homestead 14 months, would be compelled to show that he had remained upon his homestead eight months continuously; and the fact is that three-quarters of the homesteaders affected by that bill have been on their homesteads not only eight months, but a good portion of the time for the last four years. But the department held that if a man were on his homestead all summer and left for two or three months during the winter and came back and spent the next summer on his homestead and was away again two or three months during the winter following, there was a break in the continuity of his settlement, and he could not prove up.

Some of these men have actually lived upon their lands from two and one-half to three years, if the time could all be added together, and we did not relieve them from the payment of a penny.

Now, I have no objection to this legislation if it is necessary. I would be the last man in the House to object to granting relief to homestead settlers who need relief. I will not say that these men do not need relief. I will only say that, in my judgment, it has not been proven that they do. I say it is important in the future that in passing upon cases of this kind it should be very clearly shown that the relief asked for is necessary, because you can depend upon it that relief will be asked for, whether it is necessary or not, and it is important for the committee to examine into these matters and decide whether their relief is absolutely necessary. I shall take it for granted in this case that it is. [Applause.]

Mr. MANN. Mr. Speaker, I agree with practically everything, if not everything, that was said on this subject by the gentleman from Nebraska [Mr. NORRIS]. My objection to bills of this character which come before the House is the objection to special privilege.

We hear a great deal said in the country about legislation in favor of special privilege. That is precisely what this bill is, and that was precisely what the bill was that was reported from the committee and introduced by the gentleman from Wyoming [Mr. MONDELL], who has criticized this bill. He has made a very valuable criticism against this bill, and a similar, though not exactly the same, criticism could have been made and ought to have been made against his bill. Special privilege is granted to people to go upon this land under certain terms offered by the Government, when other people are deterred from going on the land because they think they can not comply with those terms.

A few weeks ago we had a bill up for consideration here in reference to the disposition of Indian lands in Oklahoma, and I got inserted in the bill a provision giving to the Secretary of the Interior discretion in reference to the time of extending payment. I would like to inquire if any gentleman in the House knows what has become of that bill and that proposition?

Mr. BURKE of South Dakota. Mr. Speaker, I would like to answer the gentleman's inquiry, that the question of making this extension discretionary with a department of the Government was considered quite carefully by the Committee on Indian Affairs. It was thought that practically all of these people—I am speaking generally now—that asked for these extension acts would be seeking relief, and that to make it discretionary with a department of the Government would necessitate the entryman making an application. In most instances he would be required to employ an attorney, and he would thereby be put to an expense, and it was thought that it would be much better, if we were going to grant an extension, to give the extension to everybody, so that they could all have it if they desired, and without any particular effort on their part except to comply with the condition imposed.

Mr. MANN. I do not agree with the gentleman at all, but what became of that bill with that provision in it?

Mr. BURKE of South Dakota. I did not hear the gentleman's particular reference.

Mr. MANN. We inserted that provision in the general bill that was passed here recently in reference to the disposition of certain Indian lands in Oklahoma.

Mr. BURKE of South Dakota. Providing for discretionary power?

Mr. MANN. The surface-land bill.

Mr. BURKE of South Dakota. That he might grant extensions?

Mr. MANN. Yes.

Mr. BURKE of South Dakota. I do not recall it.

Mr. MANN. What has become of the bill? Is it still pending?

Mr. BURKE of South Dakota. I think the bill is a law. If it is the bill for the sale of the segregated lands in Oklahoma, it was a Senate bill, and the Senate concurred in the House amendment.

Mr. MANN. I am glad if it is a law. Now, we are talking here every day about special privileges, yet we bring up here a bill for the benefit of the gentleman from Wyoming [Mr. MONDELL] far more extensive in its terms than was recommended by the Interior Department; a bill authorizing the granting of patents to those people, I believe, without even cultivating a single acre of the land. Next, we come up and propose to extend the time for payment for land, where most of the people ought to be able to pay for the land, on the theory that you can sell land and have everybody comply with the terms of sale. That never has been done and never will be done. God did not make men that way any more than he made all apples the same size, the same color, and the same taste.

The SPEAKER. Debate on this amendment is exhausted. The gentleman from Nebraska [Mr. NORRIS] withdraws his pro forma amendment, and the question is on agreeing to the committee substitute for the bill.

The substitute was agreed to.

The bill as amended was ordered to be engrossed and read a third time, and was accordingly read the third time, and passed.

On motion of Mr. STEPHENS of Texas, a motion to reconsider the last vote was laid on the table.

Mr. FRENCH. Mr. Speaker, I desire here to insert as a part of my remarks the bill as amended, so that the settlers upon the reservation may understand the provisions of the same.

The bill as amended reads as follows:

A bill (H. R. 18661) to provide for an extension of time of payment of all unpaid payments due from homesteaders on the Coeur d'Alene Indian Reservation, as provided for under an act of Congress approved June 21, 1906.

Be it enacted, etc., That any person who has heretofore made a homestead entry for land which was formerly a part of the Coeur d'Alene Indian Reservation, in the State of Idaho, authorized by the act approved June 21, 1906, may apply to the register and receiver of the land office in the district or districts in which the land is located for an extension of time within which to make payment of any amount that is about to become due, and upon the payment of interest for one year in advance, at 5 per cent per annum upon the amount due, such payment will be extended for a period of one year, and any payment so extended may annually thereafter be extended for a period of one year in the same manner: *Provided*, That the last payment and all other payments must be made within a period not exceeding one year after the last payment becomes due by the terms of the act under which the entry was made; that all moneys paid for interest as herein provided shall be deposited in the Treasury to the credit of the Indians as a part of the proceeds received for the lands.

SEC. 2. That failure to make any payment that may be due, unless the same be extended, or to make any extended payment at or before the time to which such payment has been extended as herein provided, will forfeit the entry and the same shall be canceled, and any and all payments theretofore made shall be forfeited.

SEC. 3. That nothing herein contained shall affect any valid adverse claim initiated prior to the passage of this act.

RETURN OF BILLS TO THE SENATE.

The SPEAKER laid before the House the following communication from the Senate:

IN THE SENATE OF THE UNITED STATES,
March 19, 1912.

Resolved, That the Secretary be directed to request the House of Representatives to return to the Senate the bill (S. 3716) for the erection of a public building at St. George, Utah.

The SPEAKER. If there be no objection, the request will be complied with.

There was no objection.

Also the following:

IN THE SENATE OF THE UNITED STATES,
March 18, 1912.

Resolved, That the Secretary be directed to request the House of Representatives to return to the Senate the bills (S. 317) to provide for the purchase of a site and the erection of a public building thereon at Sundance, in the State of Wyoming, and (S. 318) to provide for the acquisition of a site and the erection of a public building thereon at Newcastle, Wyo., and (S. 4493) to provide for the purchase of a site and the erection of a public building thereon at Thermopolis, in the State of Wyoming.

The SPEAKER. If there be no objection, this request will be complied with.

There was no objection.

ISOLATED TRACTS OF PUBLIC LANDS.

The SPEAKER laid before the House the bill (H. R. 19342) to amend section 2455 of the Revised Statutes of the United States relating to isolated tracts of public lands, with a Senate amendment thereto.

The Senate amendment was read.

Mr. TAYLOR of Colorado. Mr. Speaker, I move that the House concur in the Senate amendment.

The motion was agreed to.

THE DEAD OF THE BATTLESHIP "MAINE."

Mr. PADGETT. Mr. Speaker, by direction of the Committee on Naval Affairs, I present a report of that committee in response to the letter of the President of the United States, addressed to the Speaker of the House, with reference to the ceremonies at the burial of the dead of the battleship *Maine*. I ask unanimous consent for the present consideration of the resolution.

The SPEAKER. The Clerk will report the resolution.

The Clerk read as follows:

House resolution 455.

Whereas the President of the United States has notified the Speaker of the House of Representatives that on Saturday, the 23d day of March, 1912, memorial services will be held to honor the memory of the officers and enlisted men who went down to an untimely death on the battleship Maine in the harbor of Habana on the 15th day of February, 1898; and

Whereas devotion to duty and sacrifice of line on behalf of country appeal to the best impulses of the people and inspire noble purposes and lofty ideals in national life and should receive appropriate recognition; and

Whereas the officers and enlisted men of the Maine at the post of duty gave their lives as a sacrifice for the honor of their country: Therefore be it

Resolved, That when the House adjourns on Friday, the 22d day of March, 1912, the House do adjourn until Monday following, as an expression of its admiration for the officers and enlisted men who lost their lives on the Maine, and for the purpose of participating in the services to be held in their honor.

The SPEAKER. The gentleman asks unanimous consent for the consideration of the resolution just read. Is there objection?

There was no objection.

Mr. PADGETT. I move the adoption of the resolution.

Mr. MANN. Mr. Speaker, will the gentleman inform the House whether, under the terms of the resolution, the understanding is that the House is to meet on Saturday or that it is to adjourn on Friday until Monday?

Mr. PADGETT. It provides that when the House adjourns on Friday it shall be until Monday next.

Mr. MANN. The committee changed the resolution.

Mr. PADGETT. We changed the resolution.

The resolution was agreed to.

PENSIONS.

Mr. RUSSELL. Mr. Speaker, I move to suspend the rules and pass the bill (H. R. 21597) granting pensions and increase of pensions to certain soldiers and sailors of the Civil War and certain widows and dependent children of soldiers and sailors of said war, which I send to the desk and ask to have read.

The Clerk read the bill, as follows:

A bill (H. R. 21597) granting pensions and increase of pensions to certain soldiers and sailors of the Civil War and certain widows and dependent children of soldiers and sailors of said war.

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws—

The name of Jacob Gilts, late of Company E, Fourteenth Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Joseph Simcox, late of Company L, First Regiment Ohio Volunteer Heavy Artillery, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Benjamin J. Switzer, late of Company D, Twenty-ninth Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Adam Bible, late of U. S. S. Silver Lake and Red Rover, United States Navy, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of James A. Dumars, late of Company I, One hundred and forty-fifth Regiment Pennsylvania Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Julius W. Day, late of Company D, Eighty-third Regiment Pennsylvania Volunteer Infantry, and pay him a pension at the rate of $40 per month in lieu of that he is now receiving.

The name of John J. Spiker, late of Company E, Sixth Regiment West Virginia Volunteer Cavalry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of John W. Combs, late of Company D, Third Regiment West Virginia Volunteer Infantry, and pay him a pension at the rate of $40 per month in lieu of that he is now receiving.

The name of Jacob Dismuke, late of Company D, First Regiment Mississippi Mounted Rifles, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of George B. Stoner, late of Company B, Fifty-seventh Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Samuel Tatlow, late of Companies E and B, First Regiment Kansas Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Peter G. Wynegar, late of Company H, One hundred and thirty-fourth Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of $36 per month in lieu of that he is now receiving.

The name of William Swalley, late of Company G, Fourteenth Regiment Missouri Volunteer Cavalry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Mary J. Preuitt, widow of Valentine Preuitt, late of Company M, First Regiment Missouri Volunteer Cavalry, and pay her a pension at the rate of $20 per month in lieu of that she is now receiving.

The name of John Barnett, late of Company H, Fifty-sixth Regiment United States Colored Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of William H. Allanson, late of Company B, First Regiment Illinois Volunteer Light Artillery, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of John B. Welcome, alias John Gendron, late of Company A, Fifty-seventh Regiment Massachusettts Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Charles H. Bassett, late of Company G, Sixth Regiment Massachusetts Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of James Reynolds, late of Company C, Fourth Regiment United States Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Alice J. Rank, widow of John A. Rank, late of Sixteenth Battery, Indiana Volunteer Light Artillery, and pay her a pension at the rate of $20 per month in lieu of that she is now receiving.

The name of Francis M. Harter, late of Companies H and A, Eighty-third Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of $36 per month in lieu of that he is now receiving.

The name of Michael J. Boland, late of Company B, One hundred and forty-seventh Regiment Indiana Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of William Hazelbaker, late of Company G, Ninth Regiment Indiana Volunteer Infantry, and pay him a pension at the rate of $40 per month in lieu of that he is now receiving.

The name of Mathias House, late of Company G, One hundred and forty-eighth Regiment Indiana Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Joseph Dixon, late quartermaster U. S. S. Clara Dolson, Kenwood, and Great Western, United States Navy, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of George F. Blood, late of Company D, Second Regiment Massachusetts Volunteer Infantry, and pay him a pension at the rate of $36 per month in lieu of that he is now receiving.

The name of Sarah C. Ryland, former widow of George W. Collins, late of Company K, Sixth Regiment West Virginia Volunteer Infantry, and pay her a pension at the rate of $12 per month.

The name of Seely B. McCarthy, late of Company M, One hundred and second Regiment Pennsylvania Volunteer Infantry, and pay him a pension at the rate of $12 per month.

The name of Henry C. Harris, late of Company C, One hundred and forty-first Regiment Pennsylvania Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of William Pirkle, late of Company G, Tenth Regiment Indiana Volunteer Cavalry, and pay him a pension at the rate of $36 per month in lieu of that he is now receiving.

The name of Thomas J. Turner, late of Company K, Fifth Regiment California Volunteer Infantry, and pay him a pension at the rate of $20 per month in lieu of that he is now receiving.

The name of James P. Sarver, late of Company B, Twentieth Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Morris Ecker, late of Company H, Ninety-first Regiment Pennsylvania Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Isaiah Snyder, late of Company H, Two hundred and fourteenth Regiment Pennsylvania Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of George King, late of Company G, Two hundred and Fifteenth Regiment, and Company F, One hundred and fifty-third Regiment, Pennsylvania Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Charles Van Schoick, late of Company F, First Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of $36 per month in lieu of that he is now receiving.

The name of Samuel L. D. Hudson, late of Company E, Fifth Regiment West Virginia Volunteer Cavalry, and Company C, Fifty-sixth Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Nathan T. Hastings, late of Company H, Seventieth Regiment Indiana Volunteer Infantry, and pay him a pension at the rate of $50 per month in lieu of that he is now receiving.

The name of Edward E. Thorn, late of Company B, One hundred and forty-third Regiment Indiana Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Charles Russe, late of Company F, Forty-sixth Regiment New York Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Oliver J. Plemons, late of Company H, Sixty-seventh Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of John L. Doyle, late first-class fireman, U. S. S. North Carolina, Potomac, and Tennessee, United States Navy, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Alice L. Rowley, widow of William W. Rowley, late of Company F, Twenty-eighth Regiment New York Volunteer Infantry, and pay her a pension at the rate of $20 per month in lieu of that she is now receiving.

The name of Henry H. Weaver, late of Company K, Forty-ninth Regiment New York Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Francis H. Galbraith, late of Company F, Thirty-seventh Regiment Wisconsin Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of William Fleetwood, late of Company A, Eighteenth Regiment Missouri Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of James G. Warren, late of Company G, Twentieth Regiment Massachusetts Volunteer Infantry, and pay him a pension at the rate of $36 per month in lieu of that he is now receiving.

The name of Jesse Corn, late of Company E, One hundred and seventy-third Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Anna E. Botsford, widow of Eli W. Botsford, late major Sixteenth Regiment Ohio Volunteer Infantry, and pay her a pension at the rate of $25 per month in lieu of that she is now receiving.

The name of John T. Riley, late of Company E, Second Regiment, and Company I, Eleventh Regiment, Maryland Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Joseph Richardson, late of Company K, One hundred and twenty-third Regiment Pennsylvania Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Frederick B. Lewis, late of Company D, Ninth Regiment Pennsylvania Reserve Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Anderson M. Basquin, late of Company K, Sixth Regiment Ohio Volunteer Cavalry, and pay him a pension at the rate of $36 per month in lieu of that he is now receiving.

The name of William L. Thomas, late of Company C, Twelfth Regiment Missouri Volunteer Cavalry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Samuel Smith, late of Company B, First Regiment West Virginia Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of George Long, late of Company G, Third Regiment Iowa Volunteer Cavalry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of William Goodin, late of Company A, First Regiment Iowa Volunteer Cavalry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of William H. Perkins, late of Company F, Twenty-third Regiment Michigan Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Charles M. Asbury, late of Company A, Eightieth Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of $36 per month in lieu of that he is now receiving.

The name of Alonzo Livingston, late of Company D, Seventy-sixth Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Calvin B. Flick, late of Company F, Eleventh Regiment Wisconsin Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of William N. George, late of Company L, Eleventh Regiment Pennsylvania Volunteer Cavalry, and Company K, Eighth Regiment Pennsylvania Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Jacob G. Drehmer, late of Company B, Nineteenth Regiment New York Volunteer Cavalry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Alfred J. Skinner, late of Company I, Twenty-second Regiment Michigan Volunteer Infantry, and pay him a pension at the rate of $40 per month in lieu of that he is now receiving.

The name of George Claxton, late of Company K, One hundred and twenty-fourth Regiment United States Colored Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Francis M. Wall, late of Company K, One hundred and eighty-fourth Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving

The name of Cealon Robertson, late landsman, U. S. S. Ohio and Colorado, United States Navy, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Thomas B. Cummins, late of Company F, Fifth Regiment Indiana Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Mercy Bates, widow of Almarin F. Bates, late of Second Battery Minnesota Volunteer Light Artillery, and pay her a pension at the rate of $12 per month.

The name of Alexander Scott, late of Company A, Seventeenth Regiment United States Colored Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Romeo J. Cressland, late of Company B, Second Regiment Minnesota Volunteer Cavalry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of John R. Leffard, late of Company C, One hundred and twenty-fifth Regiment Pennsylvania Volunteer Infantry, and Company D, First Regiment Pennsylvania Volunteer Light Artillery, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of John Donechy, late of Company D, One hundred and fiftieth Regiment Pennsylvania Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Joseph Long, late of Company D, Third Regiment Pennsylvania Volunteer Heavy Artillery, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Thomas J. Brown, late of Company A, One hundred and thirty-seventh Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Sidney J. Crocker, late of Company C, Thirteenth Regiment Pennsylvania Reserve Volunteer Infantry, and Company C, One hundred and ninetieth Regiment Pennsylvania Volunteer Infantry, and pay him a pension at the rate of $36 per month in lieu of that he is now receiving.

The name of Daniel Seger, late of Company B, Second Regiment Iowa Volunteer Cavalry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Marion Harris, late of Company D, Fifty-seventh Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of David Vestal, late of Company H, Fourth Regiment, and Company H, One hundred and eightieth Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of James Milton Thomas, late of Company D, Sixty-fourth Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Lewis Siples, late of Company D, Sixty-fourth Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of $36 per month in lieu of that he is now receiving.

The name of James K. Polk Brady, late of Company B, Sixty-fourth Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Julius Demule, late of Company C, Fourteenth Regiment Illinois Volunteer Cavalry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of David H. Randall, late of Company D, Twenty-first Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Nard B. R. Johnson, late of Company F, Thirty-fifth Regiment Kentucky Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Robert Sutor, late of Company I, First Regiment Virginia Volunteer Infantry, and pay him a pension at the rate of $36 per month in lieu of that he is now receiving.

The name of Ludwell Tinsman, late of Company K, Fifth Regiment Ohio Volunteer Cavalry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Charles W. Barns, late of Company K, Sixty-third Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of $36 per month in lieu of that he is now receiving.

The name of Daniel Beck, late of Company G, Seventy-seventh Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Samuel W. Porter, late of Company I, Twenty-seventh Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Susan Babcock, widow of David Babcock, late of Company B, One hundred and twenty-fourth Regiment New York Volunteer Infantry, and pay her a pension at the rate of $12 per month.

The name of John A. Brimmer, late of Company L, Second Regiment Pennsylvania Volunteer Cavalry, and pay him a pension at the rate of $40 per month in lieu of that he is now receiving.

The name of Charles A. Shaffer, late of Companies K and A, Fifth Regiment Pennsylvania Volunteer Cavalry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Apollus W. Moffit, late of Company G, Thirty-second Regiment Iowa Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Frank B. Honan, late of Company K, One hundred and twenty-ninth Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Jonathan F. Williamson, late of Company G, Ninth Regiment Missouri State Militia Volunteer Cavalry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of James H. Parks, late of Company M, First Regiment New Hampshire Volunteer Cavalry, and hospital steward, United States Army, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of William H. Maxfield, late of Company C, One hundred and forty-fourth Regiment New York Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Alonzo F. Stalker, late of Company D, Twelfth Regiment Illinois Volunteer Cavalry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Austin P. Thayer, late of Company E, One hundred and first Regiment, and Company C, Fortieth Regiment, New York Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Emogene Marshall, widow of Joseph T. Marshall, late of Company B, One hundred and first Regiment Ohio Volunteer Infantry, and pay her a pension at the rate of $12 per month.

The name of Elizabeth A. Gordon, former widow of John W. Fowler, late of Company A, Fifth Regiment Illinois Volunteer Cavalry, and pay her a pension at the rate of $12 per month.

The name of Ellen C. Basil, widow of Jeremiah Basil, late of Company B, Thirty-third and Thirty-fourth Regiments Iowa Volunteer Infantry, and pay her a pension at the rate of $24 per month in lieu of that she is now receiving.

The name of William Kelrnan, late of Company M, Third Regiment Rhode Island Volunteer Heavy Artillery, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of James P. McClellan, late of Company G, Eighty-seventh Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of James V. Morrill, late of Company A, Second Regiment Illinois Volunteer Cavalry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Levi W Sargent, late of Company A, Ninth Regiment New Hampshire Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Orville C. Gordon, late of Companies F and G, Eighteenth Regiment New Hampshire Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of John D. Womble, late of Company M, Fifth Regiment Tennessee Volunteer Cavalry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Andrew J. Mullins, late of Company H, Third Regiment Tennessee Mounted Volunteer Infantry, and pay him a pension at the rate of $12 a month.

The name of James Simpson, late of Company D, Seventh Regiment Tennessee Mounted Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Benjamin F. Hardy, late of Company I, Seventh Regiment Michigan Volunteer Cavalry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Jerry A. Fitzgerald, late of Company G, Second Regiment West Virginia Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Jacob Ley, late of Company H, Eighty-second Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of John H. Kohr, late of Company K, One hundred and fourth Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Charles A. Young, late of Company K, Seventh Regiment West Virginia Volunteer Cavalry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of John S. Lander, late of Company A, Twenty-second Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Jeremiah Sipe, late of Company B, One hundred and sixty-fifth Regiment Pennsylvania Drafted Militia Infantry, and Company C, Twelfth Regiment Pennsylvania Volunteer Cavalry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Joseph N. Burch, late of Company E, Twenty-second Regiment Michigan Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Jacob E. Israel, late of Company M, First Regiment West Virginia Volunteer Cavalry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Nathan S. Parson, late of Company F, Fifty-fifth Regiment Pennsylvania Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Benjamin A. Swasey, late of Company B, Thirty-first and Thirty-second Regiments Maine Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of William Hopton, late of Company C, Sixtieth Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Jacob S. Robey, late of Company H, First Regiment Maryland Volunteer Cavalry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of William H. Hooper, late of Company D, Eighty-fourth Regiment New York Volunteer Infantry, and Company C, First Regiment Veteran Reserve Corps, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Hiram L. Edwards, late of Company F, Twenty-third Regiment Wisconsin Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Farmer Lathrop, late of Company G, Eighth Regiment Iowa Volunteer Cavalry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of John H. Oakerson, late of Company A, Fortieth Regiment Kentucky Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Levinnia Branyan, widow of James A. Branyan, late of Company B, Thirteenth Regiment Pennsylvania Reserve Volunteer Infantry, and pay her a pension at the rate of $24 per month in lieu of that she is now receiving.

The name of William Miller, late of Company K, Fifteenth Regiment Massachusetts Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Peter Golden, late of Company K, Eighty-eighth Regiment Illinois Volunteer Infantry, and Company B, Twenty-third Regiment Veteran Reserve Corps, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Joseph Poirier, late of Battery K, First Regiment New York Volunteer Light Artillery, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Mary J. Burriss, widow of Gideon Burriss, late of Company H, Third Regiment Tennessee Mounted Volunteer Infantry, and pay her a pension at the rate of $12 per month.

The name of John Walter, late of Company I, One hundred and sixtieth Regiment Pennsylvania Volunteer Infantry, and Company K, Fifteenth Regiment Pennsylvania Volunteer Cavalry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Permelia Hubbird, widow of Bird Hubbird, late of Company C, Ninth Regiment Missouri State Militia Cavalry, and pay her a pension at the rate of $20 per month in lieu of that she is now receiving.

The name of Sue May, widow of John B. May, late of Company F, Fifty-seventh Regiment Ohio Volunteer Infantry, and pay her a pension at the rate of $12 per month.

The name of John B. Holden, late of Company A, Twenty-ninth Regiment Wisconsin Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Steen Hanson, jr., late of Company H, First Regiment Minnesota Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of George M. Banfill, alias George B. Phillips, late of Company E, Tenth Regiment Michigan Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of William Bossingham, late of Company E, Thirty-first Regiment Iowa Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of George W. Baker, late of Company G, Eighteenth Regiment Michigan Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Harvey W. Trumble, late of Company A, Fourteenth Regiment New York Volunteer Heavy Artillery, and Company D, Sixteenth Regiment New York Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Samuel F. Crump, late of Company F, Eighth Regiment Missouri Provisional Enrolled Militia, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Ezra Hyatt, late of Company D, One hundred and twenty-fourth Regiment New York Volunteer Infantry, and Company G, Sixth Regiment Veteran Reserve Corps, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Piersy S. Kitchell, late of Company E, Seventy-ninth Regiment Indiana Volunteer Infantry, and pay him a pension at the rate of $36 per month in lieu of that he is now receiving.

The name of William W. Kope, late of Company A, Forty-ninth Regiment Pennsylvania Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of John McClain, late of Company K, Sixtieth Regiment, and Company G, Fourteenth Regiment, Ohio Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Stephen Lanning, late of Company G, One hundred and forty-third Regiment New York Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of George D. Allhands, late of Company K, One hundred and thirty-seventh Regiment Indiana Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Francis M. Hill, late of Company E, Tenth Regiment Tennessee Volunteer Cavalry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Bradford R. Gilbert, late of Company E, Seventh Regiment Illinois Volunteer Cavalry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Isaac Skinner, late of Company I, Fourth Regiment Michigan Volunteer Cavalry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Mary A. Phillips, widow of Charles F. Phillips, late of Company B, Tenth Regiment Rhode Island Volunteer Infantry, and pay her a pension at the rate of $20 per month in lieu of that she is now receiving.

The name of James E. Lawhon, late of Seventeenth Battery Indiana Volunteer Light Artillery, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Jefferson Hurlock, late of Company D, One hundred and first Regiment Indiana Volunteer Infantry, and pay him a pension at the rate of $36 per month in lieu of that he is now receiving.

The name of Wilson Waterman, late of Company I, One hundred and thirty-second Regiment Indiana Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Jackson Goodman, late of Company I, Second Regiment Tennessee Mounted Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Henry Sheeseley, late of Company F, Sixteenth Regiment Pennsylvania Volunteer Cavalry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Sumner H. Perry, late of Company E, Twelfth Regiment Michigan Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Cyrus Fike, late of Company D, Thirtieth Regiment, and Company B, One hundred and twenty-ninth Regiment Indiana Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of George W. Huston, late of Company A, Eleventh Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of $36 per month in lieu of that he is now receiving.

The name of Andreas Klaila, late of Company C, Thirty-eighth Regiment New York Volunteer Infantry, and pay him a pension at the rate of $36 per month in lieu of that he is now receiving.

The name of Julia C. McCue, widow of Jeremiah D. McCue, late of Company I, Seventeenth Regiment Illinois Volunteer Infantry, and pay her a pension at the rate of $12 per month.

The name of Eliza A. Miller, widow of James C. Miller, late of Company D, One hundred and fifty-fifth Regiment Ohio National Guard Infantry, and pay her a pension at the rate of $20 per month in lieu of that she is now receiving.

The name of Myron S. Harding, late of Company C, Seventh Regiment Indiana Volunteer Cavalry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of John E. Winfrey, late of Company H, Forty-fourth Regiment Missouri Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Pleasant H. Wilson, late of Company I, Twenty-sixth Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of $36 per month in lieu of that he is now receiving.

The name of William W. Johnson, late of Third Battery, Connecticut Volunteer Light Artillery, and Company B, First Regiment Connecticut Volunteer Heavy Artillery, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Benjamin F. Musselman, late of Company E, One hundred and thirty-fifth Regiment Pennsylvania Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Frederick Metzger, late of Company K, One hundred and ninety-fifth Regiment Pennsylvania Volunteer Infantry, and pay him a pension at the rate of $20 per month in lieu of that he is now receiving.

The name of Charles Feckenscher, late of Company F, Twentieth Regiment Michigan Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of George W. Videtto, late of Company A, Eighty-ninth Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of William H. Brenner, late of Company D, Tenth Regiment Pennsylvania Volunteer Infantry, and pay him a pension at the rate of $12 per month.

The name of Marcus D. L. Neal, late of Company K, Fifty-fourth Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Boiling H. Felts, late of Company K, Eighth Regiment Kentucky Volunteer Cavalry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Robert H. McFadden, late of Company H, Seventh Regiment, and Company D, Forty-first Regiment, Illinois Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of John Walker, late of Company A, Second Regiment Florida Volunteer Cavalry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Mary C. Shepard, widow of Harvey G. Shepard, late of Company B, Twenty-seventh Regiment Connecticut Volunteer Infantry, and pay her a pension at the rate of $20 per month in lieu of that she is now receiving.

The name of Wallace Cole, late of Company G, First Regiment Wisconsin Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of William Wilkins, late of Company H, Forty-eighth Regiment Pennsylvania Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Knealy Waymire, late of Company D, One hundred and forty-seventh Regiment Indiana Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Henry B. Perce, late of Company C, Thirty-fifth Regiment, and Company B, One hundred and eighty-fourth Regiment, New York Volunteer Infantry, and pay him a pension at the rate of $36 per month in lieu of that he is now receiving.

The name of James Coleman, late of Company I, One hundred and twentieth Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of $40 per month in lieu of that he is now receiving.

The name of Thomas Hampson, late of Companies M, F, and A, Sixth Regiment New York Volunteer Heavy Artillery, and pay him a pension at the rate of $36 per month in lieu of that he is now receiving.

The name of Lydia A. Wright, widow of Daniel C. Wright, late unassigned, Ninety-seventh Regiment New York Volunteer Infantry, and pay her a pension at the rate of $20 per month in lieu of that she is now receiving.

The name of James M. Marshall, late of Company D, Two hundred and sixth Regiment Pennsylvania Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of John C. Doran, late of Company E, Eleventh Regiment Pennsylvania Reserve Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Margaret W. Dexter, widow of Charles H. Dexter, late of Battery B, Maryland Volunteer Light Artillery, and pay her a pension at the rate of $20 per month in lieu of that she is now receiving.

The name of Charles H. Scott, late of Company C, Thirty-first Regiment Massachusetts Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of James Armstrong, late of Company F, Ninety-sixth Regiment New York Volunteer Infantry, and artificer, First Regiment New York Volunteer Engineers, and pay him a pension at the rate of $36 per month in lieu of that he is now receiving.

The name of Dennis Wynas, late of Company K, Twenty-second Regiment New York Volunteer Infantry, and Company H, First Regiment New York Volunteer Light Artillery, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of John Stafford Stevens, late of Company D, Eighty-ninth Regiment New York Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Samuel S. McCreery, late of Company A, Second Independent Battalion Pennsylvania Militia Volunteers, and Company A, Two hundred and sixth Regiment Pennsylvania Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of John G. Kiesling, late of Company L, Tenth Regiment New York Volunteer Heavy Artillery, and pay him a pension at the rate of $36 per month in lieu of that he is now receiving.

The name of George P. Walling, late of Company B, First Regiment Oregon Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Ezra Peters, late of Company C, Ninety-fifth Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of $40 per month in lieu of that he is now receiving.

The name of John Burns, late of Company G, Thirteenth Regiment Illinois Volunteer Cavalry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Samuel C. Davis, late of Company K, Seventh Regiment Missouri Volunteer Cavalry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Augustus F. Groff, late of Company F, Seventh Regiment New York Volunteer Cavalry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Samuel B. Price, late of Company A, Second Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of $50 per month in lieu of that he is now receiving.

The name of Edward Trumble, late of Company F, Sixteenth Regiment Illinois Volunteer Cavalry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of William T. Miller, late of Company I, One hundred and fifty-second Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Joshua F. Lemmon, late of Company K, Fifty-ninth Regiment Indiana Volunteer Infantry, and pay him a pension at the rate of $36 per month in lieu of that he is now receiving.

The name of Richard Lavery, late acting first assistant engineer, United States Navy, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Sarah C. Smart, widow of George K. Smart, late of Company E, Thirteenth Regiment New Hampshire Volunteer Infantry, and pay her a pension at the rate of $20 per month in lieu of that she is now receiving.

The name of Jeremiah Postlethwait, late of Company A, Seventeenth Regiment West Virginia Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of James Bullamore, late of Company K, Twelfth Regiment Illinois Volunteer Infantry, and Company B, One hundred and ninety-fourth Regiment Pennsylvania Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Valerian Hauns, late of Company C, Sixteenth Regiment Michigan Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of John Merling, late of Company B, First Regiment California Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Thomas W. Dutro, late of Company D, Seventy-eighth Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of $36 per month in lieu of that he is now receiving.

The name of James F. McKeen, late of Company I, Twenty-sixth Regiment Maine Volunteer Infantry, and pay him a pension at the rate of $50 per month in lieu of that he is now receiving.

The name of Thomas Dipper, late of Company F, Sixth Regiment Missouri Volunteer Cavalry, and pay him a pension at the rate of $36 per month in lieu of that he is now receiving.

The name of August Burkhard, late of Company E, Eleventh Regiment New York State Militia, and pay him a pension at the rate of $20 per month in lieu of that he is now receiving.

The name of Francis Bartley, late of Company A, First Regiment Ohio Volunteer Heavy Artillery, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Alvah R. Blackmore, late of Company A, Eighty-third Regiment Indiana Volunteer Infantry, and Company A, Eleventh Regiment Veteran Reserve Corps, and pay him a pension at the rate of $40 per month in lieu of that he is now receiving.

The name of Robert B. Reed, late of Company I, Fourteenth Regiment West Virginia Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Robert M. Dunnington, late of Company C, Fourth Regiment West Virginia Volunteer Cavalry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of John W. Small, late of Company A, Eighth Regiment Maine Volunteer Infantry, and pay him a pension at the rate of $36 per month in lieu of that he is now receiving.

The name of Ellen R. Shoppell, widow of Charles Shoppell, late of Company C, Fiftieth Regiment Pennsylvania Volunteer Infantry, and pay her a pension at the rate of $20 per month in lieu of that she is now receiving.

The name of James D. Layton, late of Company I, One hundred and ninety-third Regiment Pennsylvania Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Melville W. Stone, late of Company H, Seventh Regiment Iowa Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Henry S. Jenks, late of Company D, One hundred and fourteenth Regiment New York Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Elizabeth A. Jacobs, former widow of Charles W. Pennington, late of Company C, Eighty-fourth Regiment Illinois Volunteer Infantry, and pay her a pension at the rate of $12 per month.

The name of Lewis W. Brown, late of Company F, Thirty-first Regiment Iowa Volunteer Infantry, and pay him a pension at the rate of $36 per month in lieu of that he is now receiving.

The name of Adam B. Hastings, late of Company I, Sixty-second Regiment, and Company G, Sixty-seventh Regiment, Ohio Volunteer

Infantry, and pay him a pension at the rate of $36 per month in lieu of that he is now receiving.

The name of Holly A. Young, widow of Abraham Young, late of Company F, Ninety-eighth Regiment Illinois Volunteer Infantry, and pay her a pension at the rate of $24 per month in lieu of that she is now receiving: *Provided*, That in the event of the death of Minerva Young, helpless and dependent child of said Abraham Young, the additional pension herein granted shall cease and determine: *And provided further*, That in the event of the death of Holly A. Young the name of said Minerva Young shall be placed on the pension roll, subject to the provisions and limitations of the pension laws, at the rate of $24 per month from and after the date of death of said Holly A. Young.

The name of John Rising, late of Company L, One hundred and second Regiment Pennsylvania Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Albert Adams, late of Company D, Sixty-fourth Regiment New York Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Milford E. Buttles, late of Company B, One hundred and twelfth Regiment New York Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of James Hunter, late of Second Independent Battery, Minnesota Volunteer Light Artillery, and pay him a pension at the rate of $40 per month in lieu of that he is now receiving.

The name of Henry Pruess, late of Company A, One hundred and forty-first Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Daniel Conner, late of Company B, First Regiment Indiana Volunteer Cavalry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Oscar P. Whitney, late of Company A, Twenty-third Regiment Wisconsin Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Joseph McAdams, late of Company D, One hundred and twentieth Regiment Indiana Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of John T. Smith, alias Jacob Smith, late of Company B, First Regiment Pennsylvania Volunteer Light Artillery, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Andrew J. West, late of Company E, Twenty-fifth Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of $36 per month in lieu of that he is now receiving.

The name of Allen Mahlin, late of Company G, First Regiment Pennsylvania Volunteer Rifles, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Ezra H. Witmer, late of Companies D and A, Second Regiment Pennsylvania Volunteer Cavalry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Josiah Ruffle, late of Company A, Second Regiment New Hampshire Volunteer Infantry, and Battery K, Fourth Regiment United States Artillery, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of William H. Couchman, late principal musician, Sixty-eighth Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Laban H. Johnson, late of Company E, First Regiment Connecticut Volunteer Cavalry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of William H. Nevens, late of Company D, Thirty-first and Thirty-second Regiments Maine Volunteer Infantry, and pay him a pension at the rate of $36 per month in lieu of that he is now receiving.

The name of Lyman L. Ramey, late of Company D, Seventeenth Regiment Ohio Volunter Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Nathan Mainaird, late of Company D, First Regiment Tennessee Mounted Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of George W. Knisley, late of Company H, Eleventh Regiment Kentucky Volunteer Cavalry, and pay him a pension at the rate of $50 per month in lieu of that he is now receiving.

The name of David H. Hopkins, late of Troop K, Sixth Regiment United States Cavalry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of David L. Stouffer, late of Company H, Third Regiment Pennsylvania Volunteer Cavalry, and pay him a pension at the rate of $50 per month in lieu of that he is now receiving.

The name of John L. Eblen, late of Company A, Third Regiment Indiana Volunteer Cavalry, and Company L, Thirteenth Regiment Ohio Volunteer Cavalry, and pay him a pension at the rate of $50 per month in lieu of that he is now receiving.

The name of Edward Dreher, late of Battery C, First Regiment Missouri Volunteer Light Artillery, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Daniel J. Falvey, late of Company E, Sixteenth Regiment Michigan Volunteer Infantry, and pay him a pension at the rate of $36 per month in lieu of that he is now receiving.

The name of Hiram Abbott, late of Company C, Twenty-seventh Regiment Iowa Volunteer Cavalry, and Company C, Twenty-third Regiment Veteran Reserve Corps, and pay him a pension at the rate of $36 per month in lieu of that he is now receiving.

The name of Albert Roberts, late of Company K, Forty-fifth Regiment Pennsylvania Volunteer Infantry, and pay him a pension at the rate of $36 per month in lieu of that he is now receiving.

The name of Henry B. Dewald, late of Company B, Fifty-fifth Regiment Pennsylvania Volunteer Infantry, and pay him a pension at the rate of $36 per month in lieu of that he is now receiving.

The name of Sarah J. White, widow of William W. White, late of Company K, Fourteenth Regiment Iowa Volunteer Infantry, and pay her a pension at the rate of $24 per month in lieu of that she is now receiving: *Provided*, That in the event of the death of Minnie Ethel White, helpless and dependent daughter of said William W. White, the additional pension herein granted shall cease and determine: *And provided further*, That in the event of the death of Sarah J. White, the name of said Minnie Ethel White shall be placed on the pension roll, subject to the provisions and limitations of the pension laws, at the rate of $12 per month from and after the date of death of said Sarah J. White.

The foregoing bill is a substitute for the following House bills referred to Committee on Invalid Pensions:

H. R. 75. Jacob Gilts.
H. R. 76. Joseph Simcox.
H. R. 77. Benjamin J. Switzer.
H. R. 152. Adam Bible.
H. R. 155. James A. Dumars.
H. R. 162. Julius W. Day.
H. R. 181. John J. Spiker.
H. R. 190. John W. Combs.
H. R. 244. Jacob Dismuke.
H. R. 472. George B. Stoner.
H. R. 474. Samuel Tatlow.
H. R. 495. Peter G. Wynegar.
H. R. 497. William Swalley.
H. R. 610. Mary J. Preuitt.
H. R. 611. John Barnett.
H. R. 612. William H. Allanson.
H. R. 618. John B. Welcome, alias John Gendron.
H. R. 632. Charles H. Bassett.
H. R. 657. James Reynolds.
H. R. 658. Alice J. Rank.
H. R. 1345. Francis M. Harter.
H. R. 1346. Michael J. Boland.
H. R. 1351. William Hazelbaker.
H. R. 1354. Mathias House.
H. R. 1777. Joseph Dixon.
H. R. 1927. George F. Blood.
H. R. 1933. Sarah C. Ryland.
H. R. 1936. Seely B. McCarthy.
H. R. 1953. Henry C. Harris.
H. R. 2016. William Pirkle.
H. R. 2041. Thomas J. Turner.
H. R. 2147. James P. Sarver.
H. R. 2374. Morris Ecker.
H. R. 2377. Isaiah Snyder.
H. R. 2382. George King.
H. R. 2514. Charles Van Scholck.
H. R. 3040. Samuel L. D. Hudson.
H. R. 3278. Nathan T. Hastings.
H. R. 3281. Edward E. Thorn.
H. R. 3482. Charles Russe.
H. R. 3500. Oliver J. Plemons.
H. R. 3519. John L. Doyle.
H. R. 3520. Alice L. Rowley.
H. R. 3542. Henry H. Weaver.
H. R. 3641. Francis H. Galbraith.
H. R. 3820. William Fleetwood.
H. R. 3869. James G. Warren.
H. R. 3878. Jesse Corn.
H. R. 3913. Anna E. Botsford.
H. R. 4076. John T. Riley.
H. R. 4077. Joseph Richardson.
H. R. 4079. Frederick B. Lewis.
H. R. 4100. Anderson M. Basquin.
H. R. 4108. William L. Thomas.
H. R. 4137. Samuel Smith.
H. R. 4199. George Long.
H. R. 4205. William Goodin.
H. R. 4266. William H. Perkins.
H. R. 4377. Charles M. Asbury.
H. R. 4457. Alonzo Livingston.
H. R. 4537. Calvin B. Flick.
H. R. 4584. William N. George.
H. R. 4585. Jacob G. Drehmer.
H. R. 4604. Alfred J. Skinner.
H. R. 4922. George Claxton.
H. R. 4902. Francis M. Wall.
H. R. 4912. Cealon Robertson.
H. R. 5192. Thomas B. Cummins.
H. R. 5222. Mercy Bates.
H. R. 5235. Alexander Scott.
H. R. 5340. Romeo J. Crossland.
H. R. 5363. John R. Leffard.
H. R. 5373. John Donechy.
H. R. 5391. Joseph Long.
H. R. 5467. Thomas J. Brown.
H. R. 5377. Sidney J. Crocker.
H. R. 5585. Daniel Seger.
H. R. 5652. Marion Harris.
H. R. 5656. David Vestal.
H. R. 5657. James Milton Thomas.
H. R. 5662. Lewis Siples.
H. R. 5670. James K. Polk Brady.
H. R. 5711. Julius Demule.
H. R. 5796. David H. Randall.
H. R. 5869. Nard B. R. Johnson.
H. R. 6011. Robert Sator.
H. R. 6034. Ludwell Tinsman.
H. R. 6259. Charles W. Barns.
H. R. 6277. Daniel Beck.
H. R. 6291. Samuel W. Porter.
H. R. 6578. John A. Brimmer.
H. R. 6611. Charles A. Shaffer.
H. R. 6725. Apollas W. Moffit.
H. R. 6803. Frank B. Honza.
H. R. 6834. Jonathan F. Williamson.
H. R. 6884. James H. Parks.
H. R. 6900. William H. Maxfield.
H. R. 6910. Alonzo F. Stalker.
H. R. 7013. Austin P. Thaver.
H. R. 7075. Emogene Marshall.
H. R. 7085. Elizabeth A. Gordon.
H. R. 7147. Ellen C. Basil.
H. R. 7166. William Keirnan.
H. R. 7180. James P. McClellan.
H. R. 7199. James V. Morrill.
H. R. 7216. Levi W. Sargent.
H. R. 7219. Orville C. Gordon.
H. R. 7420. John D. Womble.
H. R. 7471. Andrew J. Mullins.
H. R. 7481. James Simpson.
H. R. 7662. Benjamin F. Hardy.
H. R. 7738. Jerry A. Fitzgerald.
H. R. 7754. Jacob Ley.
H. R. 7757. John H. Kohr.
H. R. 7789. Charles A. Young.
H. R. 7802. John S. Lander.
H. R. 7815. Jeremiah Sipe.
H. R. 7938. Joseph N. Burch.
H. R. 8030. Jacob E. Israel.
H. R. 8346. Nathan S. Parson.
H. R. 8441. Benjamin A. Swasey.
H. R. 8446. William Hopton.
H. R. 8447. Jacob S. Robey.
H. R. 8586. William H. Hooper.
H. R. 8914. Hiram L. Edwards.
H. R. 8915. Farmer Lathrop.
H. R. 8965. John H. Oakerson.
H. R. 9163. Levinnia Branyan.
H. R. 9164. William Miller.
H. R. 9236. Peter Golden.
H. R. 9294. Joseph Poirier.
H. R. 9385. Mary J. Burriss.
H. R. 9611. John Walter.
H. R. 9735. Permelia Hubbird.
H. R. 9861. Sue May.
H. R. 10253. John B. Holden.
H. R. 10254. Steen Hanson, jr.
H. R. 10272. George M. Banfill, alias George B. Phillips.
H. R. 10274. William Bossingham.
H. R. 10405. George W. Baker.
H. R. 10476. Harvey W. Trumble.
H. R. 10489. Samuel F. Crump.
H. R. 11054. Ezra Hyatt.
H. R. 11081. Piersy S. Kitchell.
H. R. 11151. William W. Kope.
H. R. 11184. John McClain.
H. R. 11197. Stephen Lanning.
H. R. 11214. George D. Allhands.
H. R. 11245. Francis M. Hill.
H. R. 11252. Bradford R. Gilbert.
H. R. 11341. Isaac Skinner.
H. R. 11358. Mary A. Phillips.
H. R. 11445. James E. Lawhon.
H. R. 11447. Jefferson Hurlock.
H. R. 11448. Wilson Waterman.
H. R. 11563. Jackson Goodman.
H. R. 11594. Henry Sheesley.
H. R. 11744. Sumner H. Perry.
H. R. 11893. Cyrus Fike.
H. R. 11922. George W. Huston.
H. R. 11992. Andreas Klaila.
H. R. 12227. Julia C. McCue.
H. R. 12228. Eliza A. Miller.
H. R. 12629. Myron S. Harding.
H. R. 12800. John E. Winfrey.
H. R. 12959. Pleasant H. Wilson.
H. R. 13272. William W. Johnson.
H. R. 13286. Benjamin F. Musselman.
H. R. 13330. Frederick Metzger.
H. R. 13348. Charles Feckenscher.
H. R. 13396. George W. Videtto.
H. R. 13427. William H. Brenner.
H. R. 13509. Marcus D. L. Neal.
H. R. 13556. Bolling H. Felts.
H. R. 13656. Robert H. McFadden.
H. R. 13664. John Walker.
H. R. 13907. Mary C. Shepard.
H. R. 13920. Wallace Cole.
H. R. 14037. William Wilkins.
H. R. 14132. Knealy Waymire.
H. R. 14151. Henry B. Perce.
H. R. 14152. Thomas Hampson.
H. R. 14170. Lydia A. Wright.
H. R. 14271. James Coleman.
H. R. 14338. James M. Marshall.
H. R. 14339. John C. Doran.
H. R. 14428. Margaret W. Dexter.
H. R. 14562. Charles H. Scott.
H. R. 14597. James Armstrong.
H. R. 14600. Dennis Wynas.
H. R. 14608. John Stafford Stevens.
H. R. 14789. Samuel S. McCreery.
H. R. 15163. John G. Kiesling.
H. R. 15182. George P. Walling.
H. R. 15203. Ezra Peters.
H. R. 15239. John Burns.
H. R. 15285. Samuel C. Davis.
H. R. 15303. Augustus F. Groff.
H. R. 15446. Samuel B. Price.
H. R. 15804. Edward Trumble.
H. R. 16077. William T. Miller.
H. R. 16079. Joshua F. Lemmon.
H. R. 16174. Richard Lavery.
H. R. 16265. Sarah C. Smart.
H. R. 16503. Jeremiah Postlethwait.
H. R. 16710. James Bullamore.
H. R. 16711. Valerian Hauns.
H. R. 16759. John Merling.
H. R. 16797. Thomas W. Dutro.
H. R. 16918. James F. McKeen.
H. R. 16944. Thomas Dipper.
H. R. 17273. August Burkhard.
H. R. 17343. Francis Bartley.
H. R. 17454. Alvah R. Blackmore.
H. R. 17493. Robert B. Reed.
H. R. 17494. Robert M. Dunnington.
H. R. 17706. John W. Small.
H. R. 17801. Ellen R. Shoppell.
H. R. 17876. James D. Layton.
H. R. 18096. Melville W. Stone.
H. R. 18113. Henry S. Jenks.
H. R. 18141. Elizabeth A. Jacobs.
H. R. 18200. Lewis W. Brown.
H. R. 18218. Adam B. Hastings.
H. R. 18461. Holly A. Young.
H. R. 18552. John Rising.
H. R. 18575. Albert Adams.

H. R. 18578. Milford E. Buttles.
H. R. 18605. James Hunter.
H. R. 18665. Henry Prucss.
H. R. 18730. Daniel Conner.
H. R. 18835. Oscar P. Whitney.
H. R. 18988. Joseph McAdams.
H. R. 18999. John T. Smith, alias Jacob Smith.
H. R. 19053. Andrew J. West.
H. R. 19210. Allen Mahlin.
H. R. 19211. Ezra H. Witmer.
H. R. 19249. Josiah Ruffle.
H. R. 19302. William H. Couchman.
H. R. 19523. Laban H. Johnson.
H. R. 19493. William H. Nevens.
H. R. 19605. Lyman L. Ramey.
H. R. 19667. Nathan Mainaird.
H. R. 19670. George W. Knizley.
H. R. 19766. David H. Hopkins.
H. R. 19882. David L. Stouffer.
H. R. 20104. John L. Eblen.
H. R. 20129. Edward Dreher.
H. R. 20135. Daniel J. Falvey.
H. R. 20156. Hiram Abbott.
H. R. 20569. Albert Roberts.
H. R. 20675. Henry B. Dewald.
H. R. 20959. Sarah J. White.

During the reading of the bill,

Mr. GARDNER of Massachusetts (interrupting the reading). Mr. Speaker, I ask unanimous consent that the further reading of the bill be dispensed with.

Mr. RODDENBERY. Mr. Speaker, I object.

The Clerk concluded the reading of the bill.

The SPEAKER. Is a second demanded?

Mr. RODDENBERY. Mr. Speaker, I demand a second.

Mr. RUSSELL. Mr. Speaker, I ask unanimous consent that a second be considered as ordered.

The SPEAKER. Is there objection? [After a pause.] The Chair hears none, and it is so ordered. The gentleman from Missouri is entitled to 20 minutes and the gentleman from Georgia to 20 minutes.

Mr. RUSSELL. Mr. Speaker, I desire to say only a word at this time. This is an omnibus private pension bill. It contains 253 different pensions for soldiers or their widows. The total amount carried by the bill is about $76,000, about one-half of which represents increases, or about $38,000. Your committee does not claim to be any more perfect than any other committee in this House, but it has given careful consideration to these bills, and we believe that they are meritorious and ought to be passed.

I do not care to consume further time now, but will reserve the balance of my time.

Mr. RODDENBERY. Mr. Speaker, I yield 10 minutes to the gentleman from Georgia [Mr. TRIBBLE].

Mr. TRIBBLE. Mr. Speaker, I desire in this short period of time to call attention to a few facts to show the injustice done the country by rushing through this House a bill carrying 270 special pensions and only allowing 20 minutes debate in the consideration of the whole number. This list includes in part increase over and above what the law provides, and the other part cases placed on the list refused by the Pension Bureau. I disclaim any intention to criticize the action of the committee. I say every Member of this House should act for himself on each individual case. I claim the right, as a Member of this House, to present to the House facts showing that any case on this list is unworthy. This right you refuse me and only give 20 minutes to present evidence and argument against 270 cases. The committee is composed of good men, I admit. The gentleman, Mr. RUSSELL, of Missouri, who has charge of this bill, is one of the best Representatives of the House—honest, courageous, and able. The State of Missouri should be proud of such a Representative. The soldier has no better friend in this House. I do not fall out with him for that, but, as a Member of this House, I feel it my duty to act for myself on proposed legislation, especially when the money of my constituents is being appropriated. This bill carries an appropriation of $76,000.

First, let me call attention to the injustice being done the officials employed by this Government under the statutes and the laws of the United States. I have reference to the Pension Bureau. In many instances in their report it will be found that there are cases where the Pension Bureau has been exceedingly liberal, and yet this report overrules its decisions. I think you will find the bureau has turned down most of these cases, and yet this report takes up these turned-down cases and places them on pension roll. The officials of the bureau are employed by the Government and are supposed to be diligent in the discharge of their duty, and yet, with all their diligence, they have allowed thousands of names to get upon the pension roll who are not entitled to be there and who are drawing and have drawn more than they are entitled to draw. This procedure is poor encouragement to the bureau officials to discharge their duty.

Mr. BURKE of Wisconsin. Mr. Speaker, will the gentleman yield?

Mr. TRIBBLE. Mr. Speaker, I can not yield. I have only 10 minutes. I have heretofore never refused to yield in pension debate, but I can not yield now. I will not have time to discuss more than one or two cases out of 270.

For the purpose of showing the liberality of the Pension Bureau I desire to call attention to the case of John W. Combs, found on pages 6 and 7 of the report. The Pension Bureau has granted Mr. Combs a pension amounting in total to $9,128. I have the statement here from the Pension Bureau. This committee now comes in here and undertakes to increase this man's pension to $40 a month. Where are the fellows who served for four and five years and who to-day are getting nothing and some $12 a month? Why favor this man with $40 per month? Why not treat all alike? He has enjoyed $9,128. Why not give the fellow who has drawn nothing something instead of giving this man $40? What is the committee doing for them? I could take this list here and show that there are women in this report who are very old, some as old as 98, some blind, and some crippled, and some who can not get out of their beds, and they are getting $12 and $20 a month. They are widows who lived through the war and who bore the burdens of war—war widows. This does not compare well with the large pensions paid men whom the record will show own several thousand dollars' worth of property. It is safe to say the full value of property does not usually appear in returns.

Mr. Speaker, I hold in my hand the record of another case where a man went into the employ of the United States Government in one of the departments in Washington in 1881—31 years ago. He has drawn from that time until this anywhere from $1,200 to $1,600 a year, so I am informed. That man has had two or three special acts passed for him, and in total he has drawn in pensions since his discharge the enormous sum of $24,871.63.

Mr. RODDENBERY. And had a job all the time.

Mr. TRIBBLE. And had a job all the time. He is on the pension roll as a disabled soldier, and let me read to you what the doctor says about it. This case is not in this special report, but I am discussing this case to show you how the country is being imposed upon, how the committee is being imposed upon, and how the Congress is being imposed upon.

No man can stand on the floor of this House and defend giving nearly $25,000 to one man who at the same time is drawing $1,200 or $1,500 a year while occupying a position in the Government service. I am here to say to you that the Government here in Washington, every department, is honeycombed with numerous cases of soldiers drawing large salaries and large pensions and many on total disability act. Here is what the doctor said about this soldier whose record I hold in my hand. By reading from the report the statement of the doctor I do not mean to reflect on him. I disclaim any intention to discredit any surgeon. I contend that in many instances the doctors are being imposed upon.

Mr. RUSSELL. Mr. Speaker, will the gentleman please give us the item to which he is referring?

Mr. TRIBBLE. Mr. Speaker, I do not care to be interrupted at this time. I have only 10 minutes.

The SPEAKER. The gentleman declines to yield.

Mr. TRIBBLE. I will read what the doctor said:

> The reflected irritation upon the whole nervous system, as a matter of fact, increases his trouble so as to unfit him for any kind of labor, mental or physical.

Mind you, this is the doctor who is talking.

> He should, if possible, have no enforced occupation; should not be compelled to any business cares of any character.

The doctor then goes on to say further:

> And I express this opinion not upon theoretic grounds, but base it alone upon close observation of this case for several years.

Yet the man was working for the Government in one of the departments. What else does he say? Under date of March 20, 1890, he certifies that the wound has wrecked forever the system of this man, and instead of looking forward to possible chances of improvement he must become worse as age advances. Following this comes a medical bill of $600 for one year, as shown by the report.

Mr. Speaker, I am here to say to you to-day that that man is employed in the bureau here at a salary of $1,200 a year, and that he is as able to work as half the men on the floor of this House. Yet gentlemen say that the country is being fairly treated, with such examples as this before them. A gentleman was in my office and remarked that he knew a soldier on the total disability list working for the Government at $1,200. I secured his name and his record. I then sought other names in the departments at Washington on salary drawing pensions, and I was astonished to find men drawing $2,000 salaries on pension roll—many of them. I tell you, Mr. Chairman, you dare not open the gates and let the people take a peep inside of this sentimental wall that has been built around these old soldiers. We are making no fight on the worthy ones. We are trying, Mr. Speaker, to cut out the unworthy, and we are calling on this Congress to investigate these cases, so that the people may not be burdened with taxes to pay unworthy claims. The responsibility is not on the committee; it is on us.

Mr. Speaker, continuing in this report——

Mr. BURKE of Wisconsin. Mr. Speaker, will not the gentleman give us the name?

Mr. TRIBBLE. Yes; I will give the gentleman the name. I come now to consider the case of Mercy Bates, found on page 34 of the report. Take it and read it, absorb it, think of it, and defend it when you go back home, because your people will call upon you to do it if they know what is in this report. The claim of Mercy Bates was rejected in February, 1910, by what is supposed to be an honest official bureau, upon the ground that she was not the legal widow of a soldier; on the date of her marriage to him he had never been divorced. Neither soldier nor his wife secured divorce. The report goes on to say when the wife left the soldier she took up with a nigger. Listen, gentlemen. I want the members of this committee to listen. When she left the soldier she took up with a nigger. Now, this committee knew that fact, and knew the fact that his second wife, or what was supposed to be his second wife, was never legally married. Now, you Members know these facts as well as the committee. Here is what this report says about it: The soldier informed her—that is, the second wife, Mercy—that he was free to marry her, his former wife having run away with a nigger. Mercy knew she was illegally married.

The report says she was never divorced. The committee used this language:

Believing that the soldier had a legal capacity to marry, and for this reason and for the reason that the former wife had left him and cohabited with another man she believed she could marry this man.

How could she believe that? Is there a woman in this land who is not an imbecile or a lunatic who does not know that it is a violation of law for her to marry another man without being divorced from her husband? She knew she was not legally married to the soldier.

H. R. 5222. Mercy Bates, 75 years of age, sought pension in the Pension Bureau as the widow of Almarin F. Bates, who served as a private in the Second Battery Minnesota Light Artillery from September 3, 1864, to August 16, 1865, and who died April 8, 1909, while a pensioner under the act of February 6, 1907.

The claimant, who married the soldier by ceremony in the State of Minnesota on June 22, 1889, sought pension under the act of April 19, 1908, in May, 1909, but her claim was rejected in February, 1910, upon the ground that she was not the legal widow of the soldier, inasmuch as at the date of her marriage to him he had a former wife living, one Flora, from whom he had never been divorced and who was still living.

The claim was specially examined in January, 1910, and from evidence so obtained it appears that the soldier was first married on October 15, 1860, to one Jane Ruth Miner, who died March 15, 1870; that about six months after the death of his first wife the soldier again married one Flora Williams; that they lived together as husband and wife until the summer of 1887, when the wife Flora left the soldier and took up with a colored man of the name of Whiting; that neither the soldier nor his wife Flora obtained a divorce from each other; that Flora lived with Whiting until his death in June, 1909; and that on November 6, 1909, said Flora entered into a ceremony with one George Griffin; and that said Flora was alive in January, 1910.

The soldier married the claimant Mercy on June 22, 1889, as above stated, and without having obtained a divorce from Flora, the soldier having informed her, said Mercy, that he was free to marry her, his former wife having run away with a negro, and the soldier and the claimant Mercy lived together as husband and wife until the soldier's death on April 8, 1909.

The claimant now stated in her petition filed with Congress that the soldier before his marriage to her informed her that he had been legally divorced from his former wife Flora, which statement she believed to be true, and which belief was further strengthened by her knowledge of the fact that said Flora had left the soldier and run away with a negro by the name of Whiting; that during her wedded life to the soldier and up to the time of his death she had never heard any rumors to the effect that the soldier was not legally divorced from Flora; and that she believed herself to be his legal wife at the time of his death.

Proof filed with your committee shows that the claimant is weak and feeble as the result of old age, is suffering from a rupture, and is unable to perform manual labor; has no property except two lots worth about $200 or $300, and no income of any kind.

She is a resident of Wells, Minn.

The former wife Flora has never applied for pension and has no title now under the provisions of the act of April 19, 1908, having entered into a valid marriage since the soldier's death to the man Griffin, whose wife she now is.

Assuming that the claimant Mercy married the soldier in good faith, believing that the soldier had legal capacity to marry by reason of the fact that his former wife had left him and commenced cohabitation with another man, and taking into consideration that she was the wife in fact of the soldier for 20 years, that the former wife Flora has remarried since the soldier's death and has no title to pension, your committee believe that for pensionable purposes the claimant should be recognized as the legal widow of the soldier. Relief to the extent of granting her a pension of $12 per month is therefore recommended.

I am not criticizing the committee. I am insisting that this House should not pass this bill without investigation and to give the country what we think it ought to have, a thorough investigation of each case by the Members of this House and that special favors should not be shown to the select among them.

Now, Mr. Speaker, I would like to call attention to several cases in this bill, cases where the parties own property, large amounts of property, and yet an increase is asked by this committee, in many cases increase to $30 and $40 per month and in many instances where they own considerable property. For instance, on page 65 of report, John Walters owns home valued at $2,500, gets assistance from a lodge, and he is recommended for an increase to $30 per month. John Basquin, on page 27, owns over $2,000; he is to get $36. John Gooman, on page 74, owns 96 acres of land, and he is to get $30 per month.

Gentlemen of this House, it seems to me, should discuss the merits of the legislation in question and not hide behind soldier sentiment and indulge in personal references about gentlemen who oppose this manner of legislation, thereby trying to shift the issue in the minds of the American people. I close these remarks with a business proposition for my colleagues to consider.

The present income of the Government does not exceed the expenses. The Democratic Party proposes to cut the present revenue by reducing tariff. Free sugar will reduce the revenue of the Government sixty millions. This is only one item to be reduced. This shows a depletion of the Treasury. Now, look to the other side of the question. The pension bill we passed increases the expenses about seventy-five millions.

EXAMPLE.

Pension increase	$75,000,000
Loss in sugar revenue	60,000,000
Treasury deficit	135,000,000

How are you going to meet this deficit? Excise tax is proposed, and the highest estimate, should the tax be enacted, is $60,000,000. Granting that it will become law, still you have $75,000,000 deficit. Cut out this increased pension debt and the excise tax will take the place of the sugar duty and give the people free sugar; but, sir, I fear the Senate will not give us free sugar if we give the country pension debts to pay.

I have no animosity to the old soldier, but in good faith I am fighting unjust pensions to keep down expenses that the country may get free sugar and wholesome reductions on all the necessaries of life.

Senator SWANSON, of Virginia, in a recent speech on pensions, inserted in the RECORD the following report of Commissioner Evans:

In 1871 this captain died. He was not a pensioner and never had filed a claim for pension. His widow remained a widow until March 30, 1887, when she remarried, having filed no claim, and, having remarried, had no pensionable status. In 1893, 5 years after the act of June 7, 1888, had passed, 6 years after her remarriage, and 22 years after the death of her soldier husband, she files her claim for a pension as a widow from the date of the death of her soldier husband in 1871 to the date of her remarriage in 1887—16 years—and gets nearly $4,000, practically for the use and benefit of her second husband.

Commissioner Evans, in discussing the evil effects of the arrears pension act, says:

The records of national cemeteries have been brought into use for the purpose of determining the names and service of those buried there. Women are then hunted up, who are induced to execute applications for pensions on account of the service and death of these soldiers. These women become pliant tools in the hands of the operators. A prima facie case is made out by means of stock witnesses, and the originator of the fraud pockets the amount of the first payment, leaving the fraudulent claimant to reap the benefit of the future payments. Great difficulty is often experienced by this bureau in disproving a marriage or marriage relations alleged to have occurred 30 or 40 years ago.

This criticism emanates from Commissioner Evans, a Republican selected by President McKinley to administer the Pension Office.

Mr. RODDENBERY. Mr. Speaker, I yield five minutes to the gentleman from Texas [Mr. CALLAWAY].

Mr. CALLAWAY. Mr. Speaker, I want to call the attention of the committee to one or two bills introduced here out of the 251 for the purpose of showing that when we engage in the passage of pension legislation, or any other kind of private legislation, special legislation, there is no telling at all where it is going to end, and that it is not based at all on justice or equity, and nobody is considered except the individual for whom the legislation is passed. The question of justice is altogether abandoned and we are absolutely at sea.

Now, I have a bill here, introduced by the genial gentleman from Iowa [Mr. PEPPER], for Thomas Brown. Gentlemen will find it on page 38. He is 64 years old now. He must have joined the Army when he was only 15 years of age. I do not understand how he could have gotten in at that age. On looking at the laws I find that a person could not enlist until he was 17, but according to this statement he got in when he was 15. He enlisted on the 10th of May, 1864, stayed in the service until the 24th of September, 1864—4 months and 14 days.

He has drawn a pension of $12 a month from 1890 until now, and this bill proposes to increase his pension to $24. He was never in a battle, he never received any injury from the service whatever, according to the statement made here, and I take it that it is made as favorable to him as possible. He has already drawn from the Government for that 4 months' service $3,312, and if he lives after this bill is granted as long as an ordinary pensioner is expected to live—20 years, which will make him 84—he will draw $5,760 more, or a total of $9,072 from the Gov-

ernment for 4 months' summer service in the Army, when he never was in a battle, according to the statement, and can not trace any of his disabilities to service in the Army.

But that is not the worst of it. I see from this report that he owns a one-third interest in a homestead worth $3,000. He is worth more, Mr. Speaker, than 75 per cent of the voters in this country. Besides that, he has a yearly income of $180. We propose now to give this man a pension, in addition to the $12 he is already getting, of $12 more, making it $24 a month, Mr. Speaker, and saddle that on the voters of this country, the taxpayers of this land, the widows from one end of the Union to another, who have to work for their living, and 90 per cent of them are in a worse condition financially than he is.

The SPEAKER. The time of the gentleman has expired.

Mr. CALLAWAY. I ask unanimous consent to extend my remarks in the RECORD.

The SPEAKER. The gentleman from Texas asks unanimous consent to extend his remarks in the RECORD. Is there objection?

There was no objection.

Mr. RUSSELL. Mr. Speaker, I yield to the gentleman from Iowa [Mr. KENDALL].

Mr. KENDALL. Mr. Speaker, I am sure that the country as well as this House has witnessed with profound disapproval the performance which is enacted on this floor whenever private pensions are the subject of discussion. The opposition which has been interposed chiefly by the gentleman from Georgia, Mr. RODDENBERY, and his colleague, Mr. TRIBBLE, is not simply an assault upon every veteran whose condition is to be relieved by the bill, but it is an impeachment of the committee which has reported the legislation.

I believe it but justice to say, Mr. Speaker, that in my opinion there is no committee in this House which exhibits more painstaking industry or displays more discriminating intelligence in the examination of measures within its jurisdiction than the Committee on Invalid Pensions. [Applause.] It is signally honored in its chairman, Mr. SHERWOOD, a distinguished soldier of the Civil War, who is a patriot in 1912, in these pleasant times of peace, as he was in 1861, in the dark days of war. [Applause.] He would no more do injustice to his country now than he would consent to its dismemberment then. [Applause.] Every item in this bill has been carefully scrutinized by him and his associates, and the result is a unanimous recommendation.

Mr. Speaker, the student of affairs will be interested to observe how history, which is supposed to repeat itself, has in the present instance reversed itself. Nearly 50 years ago the men who are beneficiaries under this bill were young, buoyant, and vigorous, and they went marching through Georgia. Now, after the expiration of half a century, they are old, diseased, and decrepit, and Georgia is marching through them. [Applause.] The only objection advanced against measures of this character on this floor or at the other end of the Capitol originates in Georgia. But I refuse to believe that the clamor which has disturbed us here is the voice of that imperial and patriotic Commonwealth. [Applause.] She has been and is ably represented in this body. I observe sitting near me the eminent chairman of the great Committee on Interstate and Foreign Commerce [Mr. ADAMSON], whose ability and integrity have established his influence and usefulness in this House. [Applause.] And his colleague Mr. BARTLETT, whose service here is of infinite value to his constituency and to us. [Applause.] And my friend Mr. HARDWICK, who has attained such distinction by his conscientious and capable labor on this floor that when he addresses the House he has not merely the membership, but the entire country, for his audience. [Applause.] And our other friend, Mr. BRANTLEY, the loss of whose ripened wisdom and attractive eloquence is a national calamity. [Applause.] These men have conferred more honor upon Georgia than she has bestowed upon them. [Applause.] We have heard no one of them in opposition to these beneficent measures. But apparently we are embarking upon a new era, which, I trust, may be as brief as it is inglorious. Other men have appeared to represent or to misrepresent the sentiment of the Empire State of the South, and they occupy every day that we devote to the consideration of private pension bills by filibustering against provisions intended to comfort the declining years of our disabled and deserving veterans. I protest against it, and I believe I express the unspoken conviction of gentlemen on both sides when I denounce it as reprehensible and unpatriotic. [Applause.] Mr. Speaker, this is a moderate bill. It insures a relief which is not available under the general law for 270 old soldiers or their dependent widows. It ought to pass unanimously and immediately. [Applause.]

The SPEAKER. The time of the gentleman from Iowa has expired.

Mr. RUSSELL. Mr. Speaker, I yield to the gentleman from Illinois [Mr. THISTLEWOOD] three minutes.

Mr. THISTLEWOOD. Mr. Speaker, in justice to the men who belong to the same class with myself I feel like I ought to say a few words. We have crossed the hill and are going down the slope on the other side. There are but few of us in this Congress, but we come asking you to do justice to our disabled comrades. We are not beggars, nor are they. In a country like this there should be no beggars. We come to you to ask you to do simple justice to these men. I have no quarrel with the gentleman from Georgia; I have no quarrel with anyone. I simply desire that these men should be treated fairly. We may be getting old—I guess we are, and some of us are ugly—but we can not help this. We are trying to be with you as long as we can, but, remembering the trials we passed through 50 years ago—I am not speaking of myself but of those who were with me—it is a wonder we are able to stand on this floor and make a plea for them. Here is my friend here with his hand up to his ear. He received that affliction in the Army. There are but few men who saw service 50 years ago but who have had to go limping through life and very much worse for the service they performed. We preserved a united country. It would not seem to those who are on the other side that they were greatly benefited, but it seems to me that the entire people of this country were greatly benefited by that band of men who saved the flag and brought it back without the loss of a single star. [Applause.] I never had any quarrel with a brave Confederate soldier, nor am I going to have any now. I compliment them as being among the bravest men the world ever saw, and no brave man can condemn another brave man——

Mr. CALLAWAY. Will the gentleman yield for a question?

Mr. THISTLEWOOD. I will.

Mr. CALLAWAY. In all that the gentleman is saying about soldiers being patriotic in the service and that they did a great deed for the welfare of this country we agree——

Mr. THISTLEWOOD. Make it short, my time is short.

Mr. CALLAWAY. But what does the gentleman say about this pension bill to which I specially called attention, where the records show the man was not even on the firing line and——

The SPEAKER. The time of the gentleman from Illinois has expired.

Mr. CALLAWAY. And yet he has drawn $3,000 from the Treasury.

The SPEAKER. The time of the gentleman from Illinois has expired.

Mr. THISTLEWOOD. The gentleman from Texas asked a question which I did not have the time to answer, but will now answer it in the extension of my remarks. He wonders at and seems to doubt the record of Thomas J. Brown, who is alleged in this bill to be 64 years old. There is nothing remarkable about this at all. There were nearly 10,000 men enlisted in the Union Army who were 16 years old and under, or younger boys than Brown. There were 100,000 who were 17 years old and under. The record shows that Thomas J. Brown enlisted May 10, 1864, and served 4 months and 14 days, or until September, 1864. This was the most trying ordeal during the war. The great campaign at Atlanta was on, continuing almost during the entire time of his enlistment. I did not have the time to look up whether he was in any battle or not, but I venture the assertion that he was doing active service somewhere on the firing line. Gen. Hovey, of Indiana, recruited a division of Indiana boys ranging from 16 to 18 years of age during 1864, and they saw battle and did good service.

The pension examiners who last examined soldier Brown stated they found double inguinal hernia, disease of heart, asthma, and deafness. My friend of Texas I presume would want a man about dead before he would receive a pension. He states in his speech, "all that the gentleman is saying about soldiers being patriotic in the service and that they did a great deed for the welfare of this country we agree," but how does it come that the gentleman has failed yet to vote for a single pension bill. He did not vote for the Sherwood bill, neither has he voted for any of the omnibus pension bills that have been presented to this House, although reported unanimously by the Pension Committee. I am afraid the gentleman does not mean all he said.

On the passage of a previous pension bill the gentleman took pains to introduce a statement alleged to have been made by Gen. Charles Francis Adams. Inasmuch as that has been published on more than one occasion in the RECORD, I desire to insert the following clipping from the National Tribune of January 18, 1912, and make it a part of my remarks:

BVT. BRIG. GEN. ADAMS.

The World's Work, the leading organ of "the interests," is continuing its raid by securing a series of articles against pensions and pensioners by Bvt. Brig. Gen. Charles Francis Adams, and naturally the pension-hating papers are extolling Gen. Adams as a soldier of extraordinary

merit and a representative of the splendid soldiery which Massachusetts sent into the Army to support the Union. This is a flagrant injustice to the really great soldiers who represented the Old Bay State so superbly during the great war. It is startling to Massachusetts men who have pointed with well-founded pride to such magnificent soldiers from Massachusetts as Joe Hooker, George L. Andrews, J. G. Bernard, William F. Bartlett, William Blaisdell, H. S. Briggs, B. F. Butler, S. E. Chamberlain, C. B. Comstock, B. N. Couch, Charles Devens, N. A. M. Dudley, George H. Gordon, Guy V. Henry, E. D. Keys, F. W. Lander, Charles Russell Lowell, Nelson A. Miles, and scores of others whose names will at once rise to the memory at this late day to have this comparatively unknown man paraded on the center of the stage. Until this publication a very large proportion of the veterans of Massachusetts have been ignorant of the fact that Gen. Adams ever was in the Army. He made absolutely no mark during the war, and since then has held aloof from the Grand Army and the Loyal Legion, with possibly good reasons for keeping himself in the background. That he should have so held himself aloof during all these years from every effort to benefit his comrades and advance their interests and only now comes into the limelight when he sees a good chance to strike at them is a most serious revelation of his character.

Charles Francis Adams, jr., was the son of Charles Francis Adams, then our minister to England, the grandson of John Quincy Adams, sixth President of the United States, and the great-grandson of John Adams, the second President. A man of such distinguished parentage had unusual opportunities for rendering distinguished service to the country had he been a zealous patriot, and as an officer of a splendid Cavalry regiment he should have been continually doing very notable things had he been so minded. It is incomprehensible how a man of such relations and acquaintances and in such a position managed to get through the war without doing something that would attract attention and bring him commendation. As a major in that splendid fighting regiment—the First Massachusetts Cavalry—it is hard to see how, in all the varied services of the regiment, he escaped doing something which would find a prominent place in the Records of the Rebellion and the reports of his superior officers, but the voluminous Records of the Rebellion are singularly sterile of mention of anything accomplished by Charles Francis Adams, jr., as lieutenant, captain, and major of the First Massachusetts Cavalry. The longest mention of him is in a report by Charles H. T. Collis, of driving away the enemy from a bridge near Guinea Station May 21, 1864, when he had with him the Sixty-eighth and One hundred and fourteenth Pennsylvania and a squadron of the First Massachusetts Cavalry, under Capt Adams. He says:

"I deployed my infantry as skirmishers, moved rapidly forward, and directed Capt. Adams to move through the woods on my left to the enemy's right flank, attack him in reverse, and capture his right wing. Capt. Adams, however, owing to the swampy nature of the ground, was unable to execute this order. Having driven the enemy to Catlett's house, I was relieved by a brigade of the Fifth Corps and returned to headquarters."

In the severe fighting at Aldie, Middleburg, and Upperville, in which the First Massachusetts Cavalry suffered severely and several of the officers are commended for gallantry and dash, Col. Sargent's mention of Capt. Adams is confined to the fact that he commanded the Third Squadron, which remained on a hill in the rear. In 1864 Maj. Adams succeeded in getting promotion to the lieutenant colonelcy of the Fifth Massachusetts Cavalry, a colored regiment which was being raised, and he shortly succeeded to the colonelcy. There are a number of complaints from superior officers as to the lack of drill, discipline, and efficiency of the Fifth Massachusetts Cavalry, and the most important allusion to Gen. Adams in the whole 128 volumes of 138,579 pages of the Rebellion Record is the following, found on page 827, Volume XLVI:

HEADQUARTERS UNITED STATES FORCES,
Petersburg, Va., April 18, 1865.

COMMANDING OFFICER, FIFTH MASSACHUSETTS CAVALRY.

SIR: The major general commanding directs that you keep small pickets of observation on both sides of the railroad from near the camp of the Twenty-fifth Corps on the south, moving west far enough to cover your position on the railroad and for some distance along the river on the north. Send out daily a small scouting party in different directions from your camp for a distance of 7 to 10 miles with the strictest orders to arrest all pillagers from any command whatever, to investigate and report on all cases of pillage heard of, and to observe the most perfect order. The general commanding is much pleased at the report of the inspection of yesterday, which, together with the arrest of Col. Adams, had been ordered from department headquarters in consequence of the very numerous complaints against the regiment. It is incumbent on the regiment now to remove the bad impression against it not only by the strictest attention to its own conduct and discipline but by detecting and arresting some of those whose outrages on person and property have been charged against itself.

Very respectfully, your obedient servant,

J. M. HOWARD,
Assistant Adjutant General.

Massachusetts in the War, a bulky volume, though not by any means as large as it should be, gives in some detail the services of most of the Massachusetts men who distinguished themselves during the war. The allusions to Gen. Adams are markedly meager, there being only three in the volume of 1,029 pages. The first is on page 743, in the history of the First Massachusetts Cavalry, where he is merely mentioned as first lieutenant of Company H, and in all the long history of the regiment he is given no other mention. The second is on page 783, in the history of the Fifth Massachusetts Cavalry, where he is mentioned as arriving in camp on September 8, 1864, and taking command of the regiment. Next is his promotion to the colonelcy and the regiment taking the field for the closing campaign. Then there is this remark:

"Col. Adams, being prostrated by sickness, was obliged to resign August 1, having been absent for some time, and the vacancy was filled by the promotion of Lieut. Col. Samuel E. Chamberlain."

Col. Chamberlain was a fine soldier, who had made an excellent record in the First Massachusetts Cavalry, and immediately upon his taking command the regiment's tone greatly improved. The third mention is a brief statement of Adams's service in the militia, his various promotions, and his resignation. On what some one has termed the "gory March 13, 1865," when brevets of general were given out by the handful to majors, lieutenant colonels, and colonels, and, in fact, to about everybody who asked for them, especially to those who supported President Johnson, Col. Adams received a brevet as brigadier general, standing 1,542 in the long list of more than 2,500.

Whenever a man turns around and assails his comrades it is generally safe to assume that he is gnawed by envy of those who have made a better record than he, and Gen. Adams forms no exception to the rule. Although a voluminous writer, he has never lifted his pen to extol the services of the Massachusetts comrades, and now only comes into print to belittle and disparage them. We have given sufficient reason why he should feel out of touch with his comrades, never having mingled with them in any of their meetings, and now appear as a vindictive assailant.

In conclusion, we reiterate our unbounded astonishment that a man of such distinguished ancestry, with such unusual political and social relations, should have remained on the pay roll of the Army for four years without ever having done anything thought worthy of commendation by any of his superior officers.

Mr. RUSSELL. Mr. Speaker, I yield to the gentleman from West Virginia [Mr. LITTLEPAGE] three minutes.

Mr. LITTLEPAGE. Mr. Speaker, there are two reasons why I am in favor of these bills. In the first place, the last two Democratic national conventions declared in favor of reasonable pensions to the old Union soldier. I was elected on a platform of that kind, and I believe in carrying out platform pledges. [Applause.] There is another reason why I am in favor of pensioning the old soldier. There is not one man on the floor of this House now, and there has not been in 40 years, who would desire to see this Government divided against itself. I believe in taking care of the people who, with their life-blood, with their time and their services, in their youth preserved the Union. Those are my sentiments. [Applause.]

Mr. CALLAWAY. Will the gentleman yield?

Mr. LITTLEPAGE. I have but three minutes. I want to say in behalf of the Pension Committee that I came here to follow, as best I knew how, the leadership on the Democratic side of this House. I came here to "stand hitched," and I think I have stood that way up to date, and I expect to continue to do so. I want to say to my friends that although 47 years have passed and gone, during which time the people of this great country have been trying to get together and are together, and everybody trying to blot out the Mason and Dixon line, it would seem, from the actions of one or two Members, at least, that is was only yesterday when Sherman marched through Georgia. This Pension Committee is a deserving one. They have worked hard, early and late. I take it that everybody here is honest and wants to be honest and act in a kindly spirit and with malice toward none, but with charity for all. I ask my Democratic brethren, the very few who have attacked that committee so vigorously, to stop. If not, wait by the wayside and ascertain if you are not using very strong language about your brother Congressmen.

You have heard the story of what the boy said to the preacher. The preacher came along and knocked the boy down. The former said, "It is an accident, son; I beg your pardon, and I am mighty sorry." The boy got up and said, "You can go to ——, asking my pardon after knocking me down." [Laughter.]

The SPEAKER. The time of the gentleman from West Virginia has expired.

Mr. LITTLEPAGE. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD.

The SPEAKER. Is there objection?

There was no objection.

Mr. THISTLEWOOD. Mr. Speaker, I make the same request.

The SPEAKER. The gentleman from Illinois [Mr. THISTLEWOOD] makes the same request. Is there objection? [After a pause.] The Chair hears none.

Mr. TRIBBLE. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD.

The SPEAKER. Is there objection?

There was no objection.

Mr. KENDALL. Mr. Speaker, I make a similar request.

The SPEAKER. Is there objection? [After a pause.] The Chair hears none.

Mr. RODDENBERY. Mr. Speaker, there are more signs of improvement to-day and increasing all the time. Four weeks ago no amount of chiding and no interrogation could induce a Member to rise and utter a word. Now in 20 short minutes we hear from West Virginia, we hear from Iowa, we hear from Illinois; indeed, we hear from all sections. Not only that, but gentlemen heretofore speechless want all the time they can get and even cry aloud for the right to extend their remarks in the RECORD. Let the good work go on, brethren.

I told you then you would not always treat this subject with silence and contumely; that prophecy is fulfilled more speedily than I anticipated. Ah, you defend the committee; you defend Georgia; you defend the old soldier. Why, in the name of courage and public decency, do you not defend these infernal frauds written in this bill, which no man yet has dared rise on the floor and undertake to justify? Why do you dodge behind the old soldier, crippled in battle, whom none of us would deny a liberal pension? Instead of seeking that refuge, why do you not step out in the open and explain why you pension a mock soldier who enlisted but six days before the sur-

render at Appomattox and never saw a battle? The war was over before he reached the scene, yet he has drawn $5,000 from the Treasury as a war hero, and now you double his pension by this bill. Why do you not defend that? You dare not try it. Talk about the gentlemen from Georgia indiscriminately assaulting anyone. Sirs, we have given instances of deserters and imposters in these bills name by name, and item by item, and put them in the RECORD. You dodge them now; you will answer them later on. You come to-day, for the first time in the parliamentary history of legislative procedure, and move to suspend the rules—suspend all rules—and pass 250 private pension grabs, subject to no amendment, no right of recommitment, no right of consideration, no right of five-minute-rule debate. Every vestige of deliberation denied, save 20 minutes to each side. Your tyrannic rule does not save you anything to-day. I could not have used more time, for want of strength, if it had been allowed. If these are all good and honest cases, why do you not permit other Members an opportunity to consider them and to discuss them? Why do you not yourselves want time in which to substantiate them? They are fraudulent and they are base. Gentlemen, one thing more:

Four weeks ago the committee brought in about 400 private pensions; two weeks ago you came in with 290; and to-day, two weeks later, you come with 250. For this decrease you are to be congratulated. I am candid to say, there is less of fraud, there are fewer of $50 increases, there is less of desertion, there are fewer of treacherous soldiers rewarded here, than in the previous bills. For that the scar-worn soldier and the tax bearers of the country, I have no doubt, will be grateful. A few Members talk of filibuster. Notwithstanding this pending gag rule, if there had been a desire to filibuster and delay, you would have had no vote to-day. Who is filibustering? The rankest of all filibuster against the taxpayer whom we represent is to pass a law with the people's public servants gagged. The alleged filibusters we have conducted have been to force debate, to obtain consideration, to compel a hearing, and to procure deliberation to be followed by a vote. That is the only filibuster I countenance. The filibuster you perpetrate at this hour is indefensible. It is undemocratic, and does not comport with past utterances of Members on this side protesting against this very procedure, whom we may quote hereafter when our strength permits. This sort of gag-rule legislation is contrary to the platform and propaganda on which many of you were elected here. Antigag rule, anticut-off debate, antisnap judgment, anti-Cannonism, was your "stock in trade" campaign slogan. Defend your conduct in passing this rule before the voters when you go home if you can. If I had the time and endurance I would like to go through 50 more names in this bill, taking them up one by one, and challenge you on the floor to defend them. You would not do it, judging by the fact that you have not done it on former occasions. On this rule and on this character of legislation, the fight is just begun. No motion to arbitrarily shut off fair consideration, denying the right of amendment and debate, will deter it.

The SPEAKER. The time of the gentleman from Georgia [Mr. RODDENBERY] has expired.

Mr. RUSSELL. Mr. Speaker, the gentleman from Georgia [Mr. RODDENBERY] congratulates the House that more Members have participated in this debate and consumed more time than on former occasions. I congratulate the House and the country on the fact that he has not consumed as much time to-day as he has on former occasions. [Applause.] I confess that this is a new method of passing a bill of this sort, without the privilege of offering or considering amendments and with but limited debate, but I believe, and your committee believes, and I think the House believes, that the peculiar performances that we have witnessed here on former occasions when these bills have been considered by the House fully justify this action to-day. [Applause.]

I believe that most of the Members have confidence in the integrity, in the diligence, and in the fidelity of the membership of the different committees of this House. [Applause.] During my short service I have served on five committees, and I have had more or less business before other committees, and I have become perfectly convinced that all of the committees of this House act honestly and faithfully in the discharge of their duties. We indulge the hope that our committee has so conducted itself as, at least in a measure, to win your confidence, and, if so, will try in the future to so discharge our duties as to merit its continuation. [Applause.]

We witness here almost every week the passage of bills that carry millions of dollars, in which almost every Member of this House, without a word of protest, without a question, accepts the statement of facts and trusts the judgment of the committees that report the bills, and vote for them without any question or criticism. [Applause.]

If I thought that these gentlemen were asking questions to-day in good faith I would not object, and there would not be objections on the part of other members of this committee, to giving them as full information as possible. I will not question their sincerity, and I do not want to question any man's motives, but I will say that their actions have been very inconsistent. On the last day when we were considering pension bills of the same character as this bill to which these gentlemen are now objecting they then stubbornly fought three particular items in one of those bills for the relief of three widow women, and the grounds alleged for the antagonism of these gentlemen was that our committee had improperly and unjustly given those widows each $12 a month. Yet at the conclusion of the consideration of that bill, and at the end of their aimless and useless filibuster, these gentlemen, or one of them, made a motion to recommit the bill and to increase the pensions of all three of these widows to $20 a month, and these objectors all voted for that motion. That kind of consistency may be admired in some localities, but it would not win either admiration or votes in the district that I represent. [Applause.]

Now, just one word with reference to the objection that is made here to the bill by the gentleman from Georgia [Mr. TRIBBLE]. He produced the impression upon my mind—and I find that the membership of this House understood him to say what I understood him to say—that we were in this bill recommending a pension for the benefit of a woman who had run away with a negro. The fact is that the widow in the case referred to is one who married a husband whose former wife had run away with a negro, and this woman to whom we recommended that a pension be granted had nothing whatever to do with the former wife or her elopement. [Applause.]

Has it come to the point where gentlemen in this House have become so antagonistic to the old Union soldiers who fought and preserved the life of the Union that they must attempt to make this sort of false impression upon the membership of this House for the purpose either of trying by prejudice to defeat or for the purpose of criticizing a just bill? [Applause.]

Mr. TRIBBLE. Mr. Speaker, will the gentleman yield to me, so that I can ask a question?

The SPEAKER. Does the gentleman from Missouri yield to the gentleman from Georgia?

Mr. RUSSELL. My time is short. It must be a very brief question.

Mr. TRIBBLE. Did I not ask the gentleman to read it? Standing here in my place, did I not ask the Members to read it?

Mr. RUSSELL. I did not so understand. I understand that other gentlemen in this House understood the gentleman from Georgia as I understood him, and that was that this widow had run away with a negro. Has the time come when a good woman, a widow of a Union soldier, as the report here shows, who is now 75 years of age, and who is sick, feeble, and poor, is to be punished because a former wife of her husband ran away with a negro? May God forbid that such methods of unfairness and injustice shall prevail! [Applause.]

Mr. TRIBBLE. Mr. Speaker, will the gentleman yield to me for a question?

The SPEAKER. Does the gentleman from Missouri yield to the gentleman from Georgia?

Mr. RUSSELL. No; I have not the time, and, moreover, the gentleman, when he had the floor, refused to yield to me.

The SPEAKER. The gentleman from Missouri declines to yield.

Mr. RUSSELL. Mr. Speaker, your committee undertakes to act as an equitable tribunal. The point made by the gentleman from Georgia, that the Pension Department has turned down some of the cases in which we have recommended the granting of pensions, is true, because if the applicants could get the pensions at the Pension Bureau there would be no necessity for the introduction and enactment of special bills. But it has always been the policy of Congress—and it is the policy of Congress to-day—to go further than the general law goes in enacting these special bills, and to grant to those who are poor and unable to work special bills in cases not covered by the general pension laws. I admit that we go further than the general law in giving relief in meritorious cases; otherwise there would be no sense or purpose in or necessity for passing special bills of any sort. Your committee tries to give to all bills referred to it as careful attention as is possible, with no purpose in view except the faithful discharge of our duties to the public and to give to the brave old soldiers who preserved the life of the Union in the hour of its peril and their widows simple justice. [Applause.]

The SPEAKER. The time of the gentleman has expired. All time has expired. Those in favor of suspending the rules and passing the bill will answer "aye," those opposed "no." [After counting.] In the judgment of the Chair——

Mr. RODDENBERY. A division, Mr. Speaker.

The SPEAKER. A division is demanded.

The House divided; and there were—ayes 86, noes 7.

Mr. RODDENBERY. Mr. Speaker, I make the point of order that there is no quorum present.

The SPEAKER. Evidently there is not a quorum present. The Doorkeeper will lock the doors, the Sergeant at Arms will notify absentees, and the Clerk will call the roll. Those in favor of suspending the rules and passing the bill will, when their names are called, answer "yea," those opposed "nay."

The question was taken; and there were—yeas 193, nays 34, answered "present" 14, not voting 152, as follows:

YEAS—193.

Aiken, S. C.	Dwight	Knowland	Roberts, Nev.
Ainey	Dyer	Konop	Rodenberg
Akin, N. Y.	Esch	Kopp	Rouse
Allen	Fergusson	Korbly	Rubey
Anderson, Minn.	Ferris	Lafferty	Rucker, Mo.
Anderson, Ohio	Fitzgerald	Lamb	Russell
Andrus	Floyd, Ark.	Lawrence	Shackleford
Ansberry	Fordney	Lee, Pa.	Sharp
Ashbrook	Fornes	Lenroot	Sherley
Austin	Foss	Lewis	Sherwood
Ayres	Foster, Ill.	Lindbergh	Simmons
Bathrick	Fowler	Littlepage	Slemp
Boehne	Francis	Lloyd	Sloan
Booher	French	Lobeck	Smith, J. M. C.
Bowman	Gardner, Mass.	Longworth	Smith, Saml. W.
Browning	Gardner, N. J.	Loud	Speer
Buchanan	Garrett	McKinney	Steenerson
Bulkley	George	McLaughlin	Stephens, Cal.
Burke, Pa.	Gillett	Madden	Stephens, Nebr.
Burke, S. Dak.	Goldfogle	Maguire, Nebr.	Sterling
Burke, Wis.	Good	Malby	Stone
Burnett	Graham	Mann	Sulloway
Campbell	Gray	Martin, Colo.	Sulzer
Cannon	Green, Iowa	Miller	Sweet
Cantrill	Greene, Mass.	Mondell	Switzer
Carter	Gregg, Pa.	Morgan	Taggart
Catlin	Gudger	Moss, Ind.	Talbott, Md.
Connell	Hamilton, Mich.	Murdock	Talcott, N. Y.
Conry	Hamilton, W. Va.	Murray	Taylor, Colo.
Cooper	Hamlin	Neeley	Taylor, Ohio
Cox, Ind.	Hammond	Nelson	Thomas
Cox, Ohio	Hanna	Norris	Tilson
Crago	Hardwick	Nye	Towner
Crumpacker	Hartman	Olmsted	Turnbull
Curley	Hayes	O'Shaunessy	Underhill
Currier	Hensley	Patten, N. Y.	Underwood
Danforth	Higgins	Pepper	Volstead
Daugherty	Hill	Pickett	Warburton
Davenport	Holland	Plumley	Watkins
Davis, W. Va.	Howland	Porter	Whitacre
Denver	Hughes, N. J.	Post	White
Dickinson	Hughes, W. Va.	Pou	Willis
Difenderfer	Hull	Powers	Wilson, N. Y.
Dodds	Jackson	Pray	Wilson, Pa.
Donohoe	Kahn	Rainey	Woods, Iowa
Doughton	Kendall	Raker	Young, Kans.
Draper	Kennedy	Rees	
Driscoll, M. E.	Kinkead, N. J.	Reilly	
Dupré	Kitchin	Riordan	

NAYS—34.

Bartlett	Faison	Johnson, S. C.	Slayden
Byrnes, S. C.	Flood, Va.	Jones	Stedman
Byrns, Tenn.	Garner	Lee, Ga.	Stephens, Miss.
Callaway	Godwin, N. C.	Lever	Tribble
Candler	Goodwin, Ark.	Moore, Tex.	Wickliffe
Carlin	Harrison, Miss.	Page	Witherspoon
Clayton	Heflin	Roddenbery	Young, Tex.
Collier	Humphreys, Miss.	Sims	
Cravens	Jacoway	Sisson	

ANSWERED "PRESENT"—14.

Adamson	Focht	Houston	Needham
Bates	Glass	Linthicum	Thistlewood
Burgess	Hawley	McCall	
Davis, Minn.	Hay	Moon, Pa.	

NOT VOTING—152.

Adair	Claypool	Finley	Howard
Alexander	Cline	Foster, Vt.	Howell
Ames	Copley	Fuller	Hubbard
Anthony	Covington	Gallagher	Hughes, Ga.
Barchfeld	Cullop	Goeke	Humphrey, Wash.
Barnhart	Curry	Gould	James
Bartholdt	Dalzell	Gregg, Tex.	Johnson, Ky.
Beall, Tex.	Davidson	Griest	Kent
Bell, Ga.	De Forest	Guernsey	Kindred
Berger	Dent	Hamill	Kinkaid, Nebr.
Bingham	Dickson, Miss.	Hardy	Konig
Blackmon	Dies	Harris	Lafean
Borland	Dixon, Ind.	Harrison, N. Y.	La Follette
Bradley	Doremus	Haugen	Langham
Brantley	Driscoll, D. A.	Hayden	Langley
Broussard	Edwards	Heald	Legare
Brown	Ellerbe	Helgesen	Levy
Burleson	Estopinal	Helm	Lindsay
Butler	Evans	Henry, Conn.	Littleton
Calder	Fairchild	Henry, Tex.	McCoy
Cary	Farr	Hinds	McCreary
Clark, Fla.	Fields	Hobson	McDermott
McGillicuddy	Mott	Richardson	Stanley
McGuire, Okla.	Oldfield	Roberts, Mass.	Stephens, Tex.
McHenry	Padgett	Robinson	Stevens, Minn.
McKellar	Palmer	Rothermel	Taylor, Ala.
McKenzie	Parran	Rucker, Colo.	Thayer
McKinley	Patton, Pa.	Sabath	Townsend
McMorran	Payne	Saunders	Tuttle
Macon	Peters	Scully	Utter
Maher	Prince	Sells	Vreeland
Martin, S. Dak.	Prouty	Sheppard	Webb
Matthews	Pujo	Small	Wedemeyer
Mays	Randell, Tex.	Smith, Cal.	Weeks
Moon, Tenn.	Ransdell, La.	Smith, N. Y.	Wilder
Moore, Pa.	Rauch	Smith, Tex.	Wilson, Ill.
Morrison	Redfield	Sparkman	Wood, N. J.
Morse, Wis.	Reyburn	Stack	Young, Mich.

So (two-thirds voting in the affirmative) the rules were suspended, and the bill was passed.

The Clerk announced the following pairs:

For the session:

Mr. ADAMSON with Mr. STEVENS of Minnesota.

Mr. FORNES with Mr. BRADLEY.

Mr. PUJO with Mr. MCMORRAN.

Until further notice:

Mr. HINDS with Mr. GOULD.

Mr. CLARK of Florida with Mr. LANGHAM.

Mr. SHEPPARD with Mr. BATES.

Mr. MAYS with Mr. THISTLEWOOD.

Mr. PARRAN with Mr. HOWARD.

Mr. BARNHART with Mr. CRUMPACKER.

Mr. DIXON of Indiana with Mr. NEEDHAM.

Mr. LITTLETON with Mr. DWIGHT.

Mr. MCGILLICUDDY with Mr. GUERNSEY.

Mr. LINTHICUM with Mr. BUTLER.

Mr. MAHER with Mr. CALDER.

Mr. BELL of Georgia with Mr. PRINCE.

Mr. DANIEL A. DRISCOLL with Mr. DE FOREST.

Mr. BEALL of Texas with Mr. HAWLEY.

Mr. FIELDS with Mr. LANGLEY.

Mr. HOBSON with Mr. FAIRCHILD.

Mr. DENT with Mr. DAVIS of Minnesota.

Mr. RAUCH with Mr. LAFEAN.

Mr. HENRY of Texas with Mr. MCKINLEY.

Mr. MACON with Mr. SMITH of California.

Mr. GALLAGHER with Mr. FULLER.

Mr. OLDFIELD with Mr. BINGHAM.

Mr. PADGETT with Mr. PAYNE.

Mr. ADAIR with Mr. ANTHONY.

Mr. BLACKMON with Mr. BARCHFELD.

Mr. BRANTLEY with Mr. BARTHOLDT.

Mr. BURLESON with Mr. FARR.

Mr. CLAYPOOL with Mr. FOSTER of Vermont.

Mr. CLINE with Mr. CURRY.

Mr. SPARKMAN with Mr. DAVIDSON.

Mr. DIES with Mr. GRIEST.

Mr. ELLERBE with Mr. HARRIS.

Mr. FINLEY with Mr. HAUGEN.

Mr. GREGG of Texas with Mr. HEALD.

Mr. HARRISON of New York with Mr. HENRY of Connecticut.

Mr. HAYDEN with Mr. HELGESEN.

Mr. HELM with Mr. HOWELL.

Mr. HUGHES of Georgia with Mr. HUBBARD.

Mr. KINDRED with Mr. KENT.

Mr. JOHNSON of Kentucky with Mr. KINKAID of Nebraska.

Mr. LEGARE with Mr. MCCREARY.

Mr. MCCOY with Mr. LA FOLLETTE.

Mr. MCKELLAR with Mr. MCGUIRE of Oklahoma.

Mr. MOON of Tennessee with Mr. MCKENZIE.

Mr. PALMER with Mr. MARTIN of South Dakota.

Mr. PETERS with Mr. MATTHEWS.

Mr. ROTHERMEL with Mr. MOORE of Pennsylvania.

Mr. RUCKER of Colorado with Mr. MORSE of Wisconsin.

Mr. SABATH with Mr. MOTT.

Mr. SAUNDERS with Mr. PATTON of Pennsylvania.

Mr. SMALL with Mr. PROUTY.

Mr. SMITH of New York with Mr. REYBURN.

Mr. SMITH of Texas with Mr. ROBERTS of Massachusetts.

Mr. STACK with Mr. SELLS.

Mr. STANLEY with Mr. UTTER.

Mr. STEPHENS of Texas with Mr. VREELAND.

Mr. TAYLOR of Alabama with Mr. WILDER.

Mr. TOWNSEND with Mr. WILSON of Illinois.

Mr. TUTTLE with Mr. WOOD of New Jersey.

Mr. WEBB with Mr. YOUNG of Michigan.

Commencing March 21, ending March 23:

Mr. EDWARDS of Georgia with Mr. WEDEMEYER.

Commencing Wednesday, March 20, ending Monday, March 25:

Mr. MORRISON with Mr. COPLEY.

Commencing Thursday, ending March 24:
Mr. JAMES with Mr. MCCALL.
Ending April 5:
Mr. THAYER with Mr. AMES.
Commencing March 20, ending April 5:
Mr. CULLOP with Mr. FOCHT.
For the rest of the day:
Mr. ALEXANDER with Mr. HUMPHREY of Washington.
Mr. HOUSTON with Mr. MOON of Pennsylvania.
Mr. HARDY with Mr. DALZELL.
Commencing March 11, ending April 2, inclusive:
Mr. BURGESS with Mr. WEEKS.

Mr. DAVIS of Minnesota. Mr. Speaker, I find that I am paired with the gentleman from Alabama, Mr. DENT. I voted "aye," and I wish to withdraw that vote and answer "present."

The Clerk called the name of Mr. DAVIS of Minnesota, and he answered "Present," as above recorded.

Mr. THISTLEWOOD. Mr. Speaker, I voted "aye," but I find I am paired with the gentleman from Florida, Mr. MAYS. I wish to withdraw my vote and answer "present."

The Clerk called the name of Mr. THISTLEWOOD, and he answered "Present," as above recorded.

The result of the vote was then announced as above recorded.

The SPEAKER. A quorum is present; and two-thirds having voted in the affirmative, the rules are suspended, and the bill is passed. The Doorkeeper will open the doors.

Mr. RUSSELL. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD.

The SPEAKER. The gentleman from Missouri asks unanimous consent to extend his remarks in the RECORD. Is there objection?

There was no objection.

ENROLLED BILLS PRESENTED TO THE PRESIDENT FOR HIS APPROVAL.

Mr. CRAVENS, from the Committee on Enrolled Bills, reported that this day they had presented to the President of the United States, for his approval, the following bills:

H. R. 11824. An act to amend section 113 of the act to codify, revise, and amend the laws relating to the judiciary, approved March 3, 1912.

H. R. 17671. An act granting pensions and increase of pensions to certain soldiers and sailors of the Regular Army and Navy and certain soldiers and sailors of wars other than the Civil War, and to widows and dependent relatives of such soldiers and sailors.

COMMITTEE ON ELECTIONS NO. 3.

Mr. GOLDFOGLE. Mr. Speaker, I ask unanimous consent for the present consideration of the resolution which I send to the Clerk's desk.

The Clerk read as follows:

House resolution 456.

Resolved, That the Committee on Elections No. 3 be, and it hereby is, authorized to send for ballots cast for Representative in Congress in the third congressional district of Connecticut, at the election held in November, 1910, and that such ballots be brought from said congressional district by such person as may be designated by the committee or its chairman, and the expenses incurred therefor shall, upon vouchers approved by the chairman of the committee, be paid out of the contingent fund of the House.

The SPEAKER. Is there objection to the present consideration of the resolution?

There was no objection.

The resolution was agreed to.

PANAMA CANAL.

Mr. KNOWLAND, from the Committee on Interstate and Foreign Commerce, submitted the views of the minority on the bill (H. R. 21969) to provide for the opening, maintenance, protection, and operation of the Isthmian Canal and the sanitation and government of the Canal Zone, which were ordered to be printed in the RECORD, as follows:

VIEWS OF THE MINORITY.

[H. Rept. 423, pt. 2, to accompany H. R. 21969.]

Firmly convinced that the United States has the right to relieve American ships engaged in the coastwise trade from the payment of toll charges through the Panama Canal, the undersigned members of the Committee on Interstate and Foreign Commerce dissent from the report accompanying House bill 21969 submitted by the majority of the committee.

This bill, in so far as it provides for levying tolls upon vessels engaged in commerce between the States, is entirely new in American history. From the beginning of the Government to the present time, notwithstanding that we have appropriated $627,098,236.05 for the improvement of rivers and harbors and the construction of canals, exclusive of the Panama Canal, it has never entered into the conception of Congress to erect a toligate in the path of our domestic trade, for the benefit of which these improvements have been made.

The minority enters an emphatic protest against the abandonment in this bill of our historic policy of free commercial intercourse between the States. This great canal, built for the American people by American money, genius, and enterprise, should be forever a free and untrammeled competing route with transportation by land. We can not emphasize too strongly the elementary proposition that tolls levied upon vessels engaged in commerce between our eastern and western seaboards increase the amount the transcontinental railroads may charge for the same service. If a vessel en route from San Francisco to New York through the canal were required to pay $10,000 in tolls, the transcontinental railroads would largely be the beneficiaries. This question affects every ton of domestic freight that passes through the canal and every ton that is carried across the country by the railroads.

The talk of "subsidizing" the shipping interests at the expense of the American people is mere sophistry and only befogs the issue. The tolls imposed at the canal would be added to the freight and paid by the American people who consume the commodities. We hold this proposition to be fundamental; and viewed in this light, free tolls to our coastwise trade would not be a subsidy to shipowners, but a concession to the American people. Free tolls at the Panama Canal to our coastwise trade would be the same kind of a "subsidy" that was granted to 41,000,000 tons of shipping that passed through the Soo Canal in 1911. It is true that we levy no tolls upon Canadian vessels using the Soo Canal, but that is because American vessels are accorded the same treatment by the Canadian Government at the Welland Canal. By virtue of a reciprocal arrangement we receive our quid pro quo for passing Canadian vessels through the Soo Canal free of charge. We disclaim any antipathy against the railroads, but insist that this initial legislation for the government and management of the Panama Canal shall not take money from the pockets of the American people and give it to the great corporations that have already been munificently treated by the Federal Government.

In a comparatively few instances opposition to free tolls has developed in certain localities in the Middle West based upon the erroneous assumption that any reductions in freight rates between the Atlantic and Pacific seaboards will give the Pacific, Gulf, and Atlantic coast cities an advantage over the Middle West cities in competing for the trade of the intermountain section of the West. There might be some ground for this assumption were it not for the fact that rail freight rates between the Middle West and the Pacific coast never exceed those between the Atlantic and Pacific seaboards, and are frequently lower. Any reduction in rail freight rates forced by sea competition between, say, New York and San Francisco is contemporaneously applied between Chicago, St. Paul, St. Louis, Kansas City, and, in fact, every city of the Middle West on the one hand and every Pacific coast city or town on the other. This always has been so—it always will be so. The selfish interests of the railroads serving the Middle West is the strongest possible guaranty of the perpetuity of this already well-established rate-making system. No road operating between St. Paul and Seattle will permit a lower rail rate to exist between New York and Seattle than exists between St. Paul and Seattle, otherwise St. Paul's trade would be captured by New York.

Therefore if by reason of free tolls to vessels in the coastwise trade freight rates between New York and Seattle are $1 per ton less than they would be if tolls were charged they will by the same measure be less between St. Paul and Chicago and Omaha and St. Louis and Kansas City, on the one hand, and Seattle and Portland and San Francisco and Los Angeles and San Diego, on the other. It is not for the merchants, manufacturers, producers, and consumers of the Middle West to do other than to heartily favor free tolls. It is to be expected, however, that the railroads serving the Middle West, and for that matter the entire country, will strenuously oppose free tolls and with equal strenuosity advocate the highest tolls possible—the only limit being those charged contemporaneously through Suez. Inasmuch as rates between the entire country east of the Missouri River, on the one hand, and the intermountain section, on the other, are based upon the coast-to-coast rates, it is obvious that free tolls would be equally advantageous to this section as to all other sections of the country. Free tolls can not but minimize rail freight rates on all the manufactures of the Atlantic seaboard and the Middle West, the products of the great Mississippi Valley, and those of the Pacific coast, to the ultimate advantage of the producers and consumers throughout the entire country. Nor are reductions in rail rates the only advantages which the people of the great interior of our country are to reap from free tolls. They have even a more direct interest.

Much of the commerce of the great Mississippi Valley will flow down the rivers which drain it to the Gulf and thence through the canal to the Pacific coast. Likewise Pacific coast products will, under free tolls, to a large extent eventually be distributed throughout the Middle West via her waterways. The completion of the Lakes to Gulf waterway project will make it not alone possible, but practicable to exchange Pacific coast lumber for Lake Superior ore without either commodity touching the floor of a freight car. Every burden placed upon traffic through the canal impairs its usefulness as a competitive route and decreases its benefits to the American people.

We are glad to note that in one section of the report the majority agrees with the minority that free tolls will be advantageous to the interior of the country. On page 12 the majority report states:

"By that means (as provided by section 11, compelling connection of railroads in through routes and joint rates with water carriers) the benefits of the canal can be *distributed through the interior* and enable the *entire country* to enjoy some good therefrom. The railroads can perform a more noble and valuable service of connecting on either coast with coastwise vessels passing through the canal, and by joint rates and through routes afford convenient schedules and fair rates and conditions of commerce to the *people living many hundreds of miles inland from both coasts.*"

We can not too strongly protest against the following language contained in section 5 of the bill:

"No preference shall be given nor discrimination shown, directly or indirectly, to the vessels of any nation, its citizens or subjects, other than vessels belonging to the Government of the United States (including those belonging to the Panama Railroad Company) and the Government of the Republic of Panama observing the rules and regulations of the Panama Canal."

By this language, which is certainly clear and not open to misinterpretation, the United States is practically foreclosed from giving any preference, directly or indirectly, to American ships in the foreign or coastwise trade, for it provides that we may relieve from the payment of tolls only the vessels of the Government of the United States and of the Government of the Republic of Panama and of the Panama Railroad Co. The language amounts virtually to an interpretation in advance of the Hay-Pauncefote treaty adverse to the contention that this Government can, directly or indirectly, favor American shipping through an American waterway upon which we are expending over $400,000,000.

The report of the majority, in an attempt to explain away this objectionable language, disclaims that it was intended to thus construe the treaty. Regardless of the existence of intent we submit

that the language is capable of no other interpretation. It is also argued that no future Congress would be bound. Directing attention to the fact that this is practically an admission that the language is as objectionable as charged, but acknowledging that it might not bind a future Congress, it is evident that if a controversy arose between this Nation and a foreign power involving an interpretation of the treaty, this language would be cited to prove that the Congress of the United States has itself so interpreted the treaty and thus voluntarily surrendered every commercial advantage and proprietary right incident to the construction of this waterway. As an additional excuse it is charged that in the bill introduced by "the leading champion and signer of the minority views" the same language was used. This statement is incorrect, as could have been easily ascertained by comparing the bills. The bill of the gentleman from California excepted all vessels of the United States (not Government vessels only), and specifically provided for free tolls for American ships in the coastwise trade. This is a matter of public record.

While disclaiming any intention to interpret the Hay-Pauncefote treaty in favor of foreign shipping interests, the majority report proceeds to call attention to the rejection of an amendment offered in the Senate when the treaty was pending reserving to the United States the right to discriminate in favor of vessels of its own citizens engaged in the coastwise trade. It is a matter of record that this amendment, offered by Senator Bard, of California, was rejected by a vote of 27 yeas and 43 nays. On the same day, however, an amendment was offered (see S. Doc. 85, 57th Cong., 1st sess.) reserving the right to the United States to protect said canal in any way it might deem proper. This amendment was rejected on roll call, yeas 27, nays 44, and this was the fate of several other amendments similarly reserving to the United States the right to fortify the canal. It is unnecessary to call attention to the fact that fortifications are now being constructed. With further reference to the Bard amendment we have been granted authority to quote from a letter recently written by Senator Bard, in the course of which he states:

"When my amendment was under consideration *it was generally conceded* [the italics are his] by Senators that even without that specific provision the rules of the treaty would not prevent our Government from treating the canal as part of our coast line, and consequently could not be construed as a restriction of our interstate commerce, forbidding the discrimination in charges for tolls in favor of our coastwise trade, and this conviction contributed to the defeat of the amendment."

We contend that our right to favor our own shipping in the matter of canal tolls can not be seriously questioned. The minority is not forced to offer profuse apologies for its position. The message of President Taft sent to Congress in December (H. Doc. 343, 62d Cong., 2d sess.) has the true American ring, and clearly states the case. These are the President's words:

"I am confident that the United States has the power to relieve from the payment of tolls any part of our shipping that Congress deems wise. We own the canal. It was our money that built it. We have the right to charge tolls for its use. Those tolls must be the same to everyone, but when we are dealing with our own ships, the practice of many Governments of subsidizing their own merchant vessels is so well established in general that a subsidy equal to the tolls, as equivalent remission of tolls, can not be held to be a discrimination in the use of the canal. The practice in the Suez Canal makes this clear."

The Secretary of War, on page 54 of his last annual report, is no less outspoken when he declares:

"Involved in the problem of fixing tolls is the question whether the United States has the right under the treaty to pay the tolls on American vessels using the canal. An examination of the treaty and the surrounding circumstances, to my mind, leaves no doubt as to the right of the United States, both legally and morally, to pay the tolls on its vessels. This is a perfectly recognized practice in respect to the tolls of the Suez Canal, the toll rules of which canal were adopted by the United States in the Hay-Pauncefote treaty for the government of the Panama Canal. At least one of our national competitors in the use of the Panama Canal—Spain—has already taken steps to provide for the payment out of her national treasury of the Panama tolls on one of the Spanish lines which will use that canal. Furthermore, I can see no difference, save in form (provided the tolls for other nations are kept reasonable, as we have also covenanted to do), whether the United States should make this appropriation out of her own Treasury to American vessels, by receiving the toll money from them first and repaying it to them, or by simply relieving them from the payment of tolls in the first place."

Coinciding with these views are those expressed by the Secretary of Commerce and Labor on pages 102 and 103 of his last annual report:

"Every State in the Union with navigable waters crossing its boundaries furnishes precedents of congressional appropriations for the establishment and maintenance of improvements at the continuing expense of the Federal Treasury and without a dollar's help from the vessels which enjoy the advantages of such improvements. Where the future of American shipping is at stake and the domestic commerce of both seaboards and the Gulf is involved, there is no apparent reason to depart from a principle which has been so constantly invoked. * * *

"The Panama Canal is being built in the belief that it will benefit all sections of the country and nearly every form of American industry. Our merchant ships and shipyards are as essential to the Nation as our battleships. They have at least a claim to equal consideration in canal legislation and appropriations with other American industries. Every argument to tax the American merchant ship which uses the canal would apply with equal force to a tax directly on American cotton, lumber, fruit, coal, grain, and other cargo carried by the ship through the canal. It is feasible to use the canal for the promotion of American navigation in a manner consistent with treaty obligations, with precedent at home and abroad, and with our fixed policy of untaxed navigation on improved waterways."

The views of the State Department are well known. The chairman of the Committee on the Merchant Marine and Fisheries, in a recent report from that committee (see Rept. 405, 62d Cong., 2d sess.), expresses views in accord with those above quoted.

The minority disagrees entirely with the view of the majority that the Hay-Pauncefote treaty makes it impossible for Congress to prefer our own vessels engaged in the coastwise trade. That portion of article 3 of the treaty which it is claimed would be violated by preferring our coastwise trade reads as follows:

"The United States adopts as the basis of the neutralization of such ship canal the following rules, substantially as embodied in the convention of Constantinople, signed the 28th of October, 1888, for the free navigation of the Suez Canal, that is to say:

"1. The canal shall be free and open to the vessels of commerce and of war of all nations observing these rules on terms of entire equality, so that there shall be no discrimination against such nation or its citizens or subjects in respect of the conditions or charges of traffic or otherwise. Such conditions and charges of traffic shall be just and equitable."

It is manifest, from the reading of the treaty, that its purpose was to prevent discrimination against other nations. That free tolls to our coastwise vessels would not discriminate against the vessels of other countries becomes apparent when we reflect that under our navigation laws foreign vessels are prohibited from engaging in our coastwise trade. That being true, it is of no concern to foreign nations, their citizens or subjects, what treatment we accord to our coastwise trade.

Foreign nations have not considered that they were violating the rules for the neutralization of the Suez Canal by rebating tolls to vessels flying their own flag. The contemporaneous construction that the powers signatory to the convention of Constantinople have given that instrument supports the position of the minority that we have a perfect right under the Hay-Pauncefote treaty to favor our domestic shipping; and if we have the right to collect the tolls at the canal and repay them, we certainly have the right to remit them in the first instance. It is unnecessary to resort to a device or subterfuge in order to do indirectly what we have a right to do directly.

It will be observed that the treaty provides that "the canal shall be free and open to the vessels of commerce and of war of all nations observing these rules on terms of entire equality," yet this bill expressly reserves the right of the United States Government to pass its own ships of war through the canal without the payment of any tolls. We confess our inability to see the logic or consistency of the position of the majority that free tolls to ships of commerce would be a violation of the treaty, but that free tolls to ships of war would not be a violation of the treaty. The majority seek to justify the right to exempt war vessels of the United States from the payment of tolls under that clause of the treaty which provides that—

"the United States enjoys all the rights incident to construction as well as the exclusive right of providing for the regulation and management of the canal."

Under any fair construction of the treaty, however, this language must be considered in connection with the rules that are adopted in the treaty for the regulation and management of the canal. In other words, under the treaty the United States enjoys all the rights incident to the construction as well as the exclusive right of providing for the regulation and management of the canal, subject, however, to the rules therein provided for its regulation and management. These rules, as we have already seen, provide that the canal shall be free and open to the vessels of commerce and of war of all nations observing these rules on terms of entire equality. If this language was intended to prevent preferring our own vessels, it must apply equally to both vessels of commerce and vessels of war. Such a construction is inconsistent with the very purpose of the canal, which was conceived primarily as a military necessity.

The majority dismissed the case of Olsen *v.* Smith (195 U. S., 332) with the remark that it has no application to the situation with which we are dealing, notwithstanding an examination of the case would have disclosed that on the question of discrimination it is on all fours with the subject we are now considering. In that case the treaty with Great Britain provided that—

"no higher or other duties or charges shall be imposed in any ports of the United States on British vessels than those payable in the same ports by vessels of the United States."

The court held that this treaty was not violated by either the Texas statute or the Revised Statutes of the United States, section 4444, exempting coastwise steam vessels from the payment of pilotage charges. In that connection, speaking for the court, Mr. Justice White, now Chief Justice, said:

"Nor is there merit in the contention that as the vessel in question was a British vessel, coming from a foreign port, the State laws concerning pilotage are in conflict with the treaty between Great Britain and the United States, providing that 'no higher or other duties or charges shall be imposed in any ports of the United States on British vessels than those payable in the same ports by vessels of the United States.' Neither the exemption of coastwise steam vessels from pilotage resulting from the law of the United States nor any lawful exemption of coastwise vessels created by the State law concerns vessels in the foreign trade, and, therefore, any such exemptions do not operate to produce a discrimination against British vessels engaged in foreign trade and in favor of the vessels of the United States in such trade. In substance the proposition but asserts that because by the law of the United States steam vessels in the coastwise trade have been exempt from pilotage regulations, therefore there is no power to subject vessels in foreign trade to pilotage regulations, even though such regulations apply without discrimination to all vessels engaged in such foreign trade, whether domestic or foreign."

If a treaty with Great Britain providing that "no higher or other duties or charges shall be imposed in any ports of the United States on British vessels than those payable in the same ports by vessels of the United States" is not violated by an exemption in favor of our own vessels engaged in coastwise trade from payment of pilotage charges, it must necessarily follow that the Hay-Pauncefote treaty would not be violated by a similar exemption of our coastwise vessels from the payment of tolls at the Panama Canal.

The Panama Canal is being built on territory which was purchased by the Government of the United States. We will expend in its construction upward of $400,000,000, and are obligated by treaty to pay the Republic of Panama in perpetuity the sum of $250,000 annually. We occupy the position of sovereign proprietor of the canal and the Canal Zone, a relation that none of the nine powers signatory to the convention of Constantinople sustained with reference to the Suez Canal. The Hay-Pauncefote treaty should be construed in the light of these facts, and when so construed the minority can not escape the conclusion that in signing, ratifying, and proclaiming this treaty to the world we were merely agreeing to the terms and conditions upon which the United States, the sovereign owner of the canal, would permit its use by the other nations of the world, its citizens or subjects.

While disclaiming any intention of construing the Hay-Pauncefote treaty, the majority in the report that accompanies this bill iterates and reiterates their belief that the treaty renders preference to our coastwise trade impossible. The minority believe in the religious observance of our treaty obligations as essential to the maintenance of our own self-respect and the confidence and friendly regard of other nations; but we refuse to assent to the mere suggestion, to say nothing of the bold declaration, that by the Hay-Pauncefote treaty we have, without consideration, bartered away to a foreign nation the constitutional power of Congress to regulate commerce between the United States and encourage the upbuilding and growth of our domestic shipping.

Since 1884 we have consistently adhered to a policy enunciated in the river and harbor act of that year, section 4 of which provided:

"No tolls or operating charges whatever shall be levied upon or collected from any vessel, dredge, or other water craft for passing through any lock, canal, canalized river, or other work for the use and benefit of navigation now belonging to the United States or that may be hereafter acquired or constructed."

The Secretary of the Treasury has recently sent to the Senate in response to a resolution from that body, a letter transmitting information relating to expenditures for rivers and harbors from the establishment of the Government to the close of the fiscal year ending June 30, 1911. (See S. Doc. No. 382, 62d Cong., 2d sess.) This statement shows that the total expenditures upon rivers, harbors, and canals (exclusive of the Panama Canal) has reached the enormous total of $627,098,236.05. The whole country has borne the burden, and no one has suggested that it be placed solely upon American shipping. It has not been seriously urged that the cost of maintenance even be imposed upon commerce. For instance, $121,142,554.41 has been spent by the Government upon the Mississippi River, and it is now proposed to expend a greater sum to provide a deep waterway from the Lakes to the Gulf. Upon the Missouri River has been expended $11,425,056.90, while the Ohio River has been aided by the Government to the extent of $23,548,338.15. While it might be argued that the people of the Atlantic and Pacific coasts are receiving no direct benefit from these river improvements, they are not urging that those States and interests directly tributary to the Mississippi, Ohio, and Missouri Rivers be singled out to bear the burden of these enormous expenditures.

The enlightened position that the State of New York has taken in the matter of water transportation facilities has a direct bearing upon the question at issue. Since the canals of that State were freed from tolls their ordinary repair and maintenance has averaged about $1,000,000 a year. There has been appropriated a total of $147,000,000 for the enlargement and maintenance of these canals since the State declared them to be free of all tolls. If a single State of the Union adopts such a broad policy, can not the Government of the United States afford to exempt vessels in at least the coast-to-coast trade passing through the Panama Canal? The State of New York has also bonded itself in the further sum of $19,800,000 for the construction of canal terminals. It has never been charged in New York that these vast expenditures benefited only those localities adjacent to the waterways, the taxpayers realizing that the development of commerce by water helped the entire State, as would obviously be the case throughout the country at large.

In answer to those who hold that the Government should at least obtain a revenue from the canal sufficient to cover the operating expenses, which they fear would be impossible if we remitted tolls to American ships in the coastwise trade, we will show from the evidence that tolls can be remitted and a revenue obtained with a toll of $1 per net register ton upon ships other than those engaged in interstate commerce sufficient to pay double the expense of operation, maintenance, sanitation, and civil government. We will show this in face of the predictions that the canal will be a colossal failure commercially, according to the majority report. We quote from the majority report at page 5:

"There will undoubtedly be some shipping through the canal between our Atlantic coast and the Orient and some between Europe and the Pacific coast, as well as occasional vessels between Europe and various Pacific ports not touching at American ports at all. Our own coastwise ships and Canadian coastwise ships may constitute the great body of that Panama traffic which is at all certain."

Of this coastwise trade, which is to constitute the "great body of the Panama traffic which is at all certain," the majority report again, at page 6, states:

"Only a small per cent of the American people will ship freight in considerable quantities through the canal."

And at the same page above the freight of this "small per cent of the American people," we are assured, will be carried by a few ships, "for only a few will be needed." If such were the facts, then $375,000,000 have been wasted on a commercial travesty more absurd than some of the creeks which in bygone years were the objects of congressional solicitude and appropriation and of public ridicule. This line of argument recalls the line of attack upon the proposition to build the canal at all which was followed by the transcontinental railroads until the force of public opinion overwhelmed it.

If it were true, then the canal is justifiable only as a factor of the national defense. If that be the contention of the majority, the recommendation that American coastwise commerce be singled out to pay for it is absolutely indefensible. If the canal is a factor of the national defense, the cost of upkeep should be paid for not by a direct levy on domestic commerce in time of peace, but by appropriations from the Treasury precisely as every other form of national defense is paid for.

The quoted statements in the report of the majority do not correspond with facts, to which all the rest of the world has easy access. The records kept by the Panama Canal Co., based on a study of actual ships' voyages, showed that in 1899 the trade contributions to a Panama Canal might have comprised 2,375,071 net registered tons in trade between Europe and the Pacific coasts of the Americas, 1,271,357 net tons in trade between Atlantic America and the Orient, and 202,149 net tons in trade between the Atlantic and Pacific coasts of the two Americas; in all, 3,848,577 net tons. The Walker Isthmian Canal Commission (Report of Isthmian Canal Commission, Text p. 654, Government Printing Office, 1904) reported the tonnage which might have used an isthmian canal in 1899 was "5,001,798 tons, or approximately 5,000,000 tons." In the annual message of President Taft of December 6, 1910, he quoted one of the Walker Commission to the effect that—

"The total tonnage of the vessels employed in commerce that could use the Isthmian Canal in 1914 would amount to 6,843,805 tons net register, and that this traffic would increase 25.1 per cent per decade."

Finally, at the hearings before the committee only six weeks ago, Prof. Emory R. Johnson, employed by the Government especially to make traffic computations, and whose estimates are generally regarded as very conservative, reported that the net register tonnage of vessels that might have advantageously used a Panama Canal in 1909–10 was 8,328,029 net tons. We quote the statement of Prof. Johnson, found on page 698 of the printed committee hearings:

"It was found in 1899–1900 that 5,000,000 tons net register of shipping was then available for the use of the Panama Canal. The increase during the 11 years ending June 30, 1910, was 66⅔ per cent, or at the rate of 59 per cent per decade. That rate of increase, projected to 1914–15, would mean an increase of 26.8 per cent during the 5 years following 1910, which would bring the total of 8,328,000 to 10,000,500 tons at the time of the opening of the canal."

Of this total it is estimated that but 1,160,000 net register tons will be coast to coast traffic. (See statement Prof. Johnson, committee hearings, p. 705.) We have shown that since 1899 all the estimates of possible canal traffic have been understatements, and in our opinion this is due to the fact that few have anticipated the wonderful growth in ocean steam navigation. When the Suez Canal was opened in 1869 the world's shipping comprised 16,042,498 net tons sail vessels and only 2,793,432 net tons steam vessels. In 1911 the world's tonnage comprised 22,338,549 net tons steam vessels and only 6,152,977 tons sail vessels. The canal as constructed can handle, according to the estimate of Col. Goethals (committee hearings, p. 413), 80,000,000 tons a year.

No estimate has been or can be prepared which will give its business for 1915 at less than 8,000,000 net tons, and we are inclined to the view that Prof. Johnson's estimate of 10,500,000 net register tons is very conservative. We are compelled to conclude, therefore, either that the most gigantic engineering blunder of the ages has been made at Panama or that our colleagues on the committee have failed to digest and profit by the "volume of valuable if not exhaustive information covering the canal subject in all its phases, origin, stages, progress, and future," which we all have labored unremittingly for a long time to assemble "for the use of Congress and the public."

The majority report (p. 4) states that "it will require $4,000,000 or $5,000,000 a year to maintain and operate the canal and administer its adjuncts."

The careful and detailed estimates of Col. Goethals show that the total annual cost of the operation and maintenance of the canal, including the cost of sanitation and civil government, will not exceed $4,000,000, and that it is hoped to realize a profit from the sale of supplies, etc., to bring this down to $3,500,000. (See committee hearings, pp. 410, 411, 415, and 417.) Analyzing the figures of Prof. Johnson, we find that a toll of $1 per net register ton would bring in a total annual revenue during the first year, exclusive of passenger tolls, of $10,500,000. Subtracting the interstate commerce traffic (American coastwise), which Prof. Johnson estimates at 1,160,000 tons, we would still have an annual revenue of $9,340,000, more than double the operating expenses, with the tonnage annually increasing.

We resent the charge, contained on page 6 of the majority report, that "this small shipping interest has secured recommendations from some trade organizations in various coast cities of the country on the erroneous theory that shippers would secure the benefits of the remitted tolls." These "trade organizations," which are spoken of so sneeringly, are not all located in coast cities. For instance, the Lakes-to-the-Gulf Deep Waterways Association, which unanimously passed the following resolutions, is not a coast organization:

"The policy of free waterways is fundamental with the American people, and hence this association declares that this principle should be extended to our coastwise trade through the Panama Canal."

The 1,200 delegates attending the National Rivers and Harbors Congress, which convened in Washington last December, were not influenced by the "small shipping interest." We might likewise mention the Boston Chamber of Commerce, the National Board of Trade, the Navy League of the United States, the Philadelphia Chamber of Commerce, the New Orleans Progressive Union, the Chamber of Commerce of New York, the New York Board of Trade and Transportation, the Merchants' Association of New York, the Maritime Association of the Port of New York, and various other representative bodies, these resolutions being appended as a part of this report.

We contend that no better opportunity was ever offered for the development of an American merchant marine and the establishment of a fleet of naval auxiliaries which would be available in time of war.

There is no doubt that the founders of the Government and the framers of the Constitution intended to provide for free and unrestricted commerce between the States. Certain it is that such has been our national policy from the beginning. It would be a cause for sincere regret to all lovers of this ancient institution if now, at the threshold of the opening of this great canal, fraught with such wonderful commercial possibilities to the American people, we should depart from the path that has so long been pursued.

ROBERT F. BROUSSARD.
HENRY M. GOLDFOGLE.
FRANK E. DOREMUS.
JOSEPH R. KNOWLAND.
WILLIAM M. CALDER.

APPENDIX.

RESOLUTIONS INDICATING PUBLIC SENTIMENT THROUGHOUT THE COUNTRY IN FAVOR OF FREE TOLLS FOR AMERICAN SHIPS IN THE COASTWISE TRADE THROUGH THE PANAMA CANAL.

Resolutions unanimously adopted by the Lakes-to-the-Gulf Deep Waterways Association at the sixth annual convention, Chicago, Ill., October 12, 13, 14, 1911:

"The policy of free waterways is fundamental with the American people, and hence this association declares that this principle should be extended to our coastwise trade through the Panama Canal."

Resolutions unanimously adopted by the National Rivers and Harbors Congress, which convened in Washington in December, 1911, consisting of over 1,200 delegates, representing every State in the Union:

"We submit that waterways improved or created by the Federal Government by the use of money contributed by the whole people of the United States should be free for the use of American ships in fair and open competition and on equal terms, without the payment of tolls; but we contend that a water carrier owned, controlled, or operated by a competing land carrier is unfair competition, and in order to preserve to the whole people the benefits of continued fair competition so that the beneficent influence of open waterways shall not be nullified by hostile interests, we recommend the enlargement of the powers of the Interstate Commerce Commisssion, to the end that the commission may more effectually regulate competing land and water carriers and competing water carriers and provide for the interchange of traffic."

Resolutions adopted at a meeting held in Washington December 6, 1911, composed of delegates representing civic and commercial bodies of the Pacific coast, cities on the Gulf of Mexico and the Atlantic coast, and the cities of Philadelphia, Newark, Trenton, Richmond, Buffalo, St. Louis, Cincinnati, and Pittsburgh.

"Whereas the Government of the United States is constructing, entirely at its own cost, the Panama Canal for the benefit of its own people as a military measure for the naval protection of either coast in time of war and for the facilitation of its domestic commerce as well as for the furtherance of the commerce of the world;

"Whereas the coastwise commerce between ports of the United States is confined by law to vessels registered under the American flag, so that regulations established by the Government of the United States for the use of the canal by such vessels will not conflict in any way with the treaty obligations of the United States with other nations, and particularly with Great Britain;

"Whereas there is a great and growing demand for cheaper and freer interchange of commodities between the States of the Pacific slope, on the one hand, and those bordering on and tributary to the Atlantic and Gulf coasts, including all the States along the Mississippi and its navigable branches, on the other;

"Whereas the opening of the canal, through the continuous and direct water transportation it will afford, will give the people of this country opportunities to interchange commodities of the different districts to an extent never dreamed of before, and thus will reduce the cost of a large number of articles of daily use and necessity to the consumer;

"Whereas ample precedents exist for exempting the domestic commerce of the United States from the payment of tolls for passage through the canal; and

"Whereas the operation of the canal under this condition will greatly stimulate and increase American shipping:

"*Resolved*, That the Conference for Panama Canal Free Tolls for American Coastwise Commerce strongly and urgently recommends that vessels engaged in domestic commerce between ports of the United States shall be granted free passage through the Panama Canal."

The Boston Chamber of Commerce adopted resolutions similar to the above.

Resolutions passed by delegates representing the various chambers of commerce of the Pacific coast held in San Francisco, Cal., October 2, 1911:

"Whereas the building of the Panama Canal was undertaken by the people of the United States in pursuance of a great national policy, amongst other things of providing for the national defense, of opening up the shortest possible water route between the respective coasts of the United States and foreign countries, to provide through natural methods and to prevent monopoly of transportation means for transportation between the various sections of the Union at the lowest possible cost, to build up and expand our commerce with foreign nations, and incidentally to encourage the upbuilding of a now decadent merchant marine: Be it

"*Resolved*, That it is the sense of this meeting that there should be no tolls charged through the canal to vessels coastwise flying the American flag; and be it further

"*Resolved*, That we heartily approve of the legislation recommended by President Taft in his message to Congress of December 6, 1910, reading as follows: 'I can not close this reference to the canal without suggesting as a wise amendment to the interstate-commerce law a provision prohibiting interstate-commerce railroads from owning or controlling ships engaged in the trade through the Panama Canal. I believe such a provision may be needed to save to the people of the United States the benefits of the competition in trade between the eastern and western seaboards which this canal was constructed to secure.'"

Resolutions adopted at the forty-second annual meeting of the National Board of Trade, Washington, D. C., January 18, 1912:

"Whereas the Government of the United States is constructing, entirely at its own cost, the Panama Canal, for the benefit of its own people, as a military measure for the naval protection of either coast in time of war, and for facilitating its domestic and foreign commerce, as well as for the furtherance of the commerce of the world;

"Whereas the coastwise commerce between ports of the United States is confined by law to vessels registered under the American flag, so that regulations established by the Government of the United States for the use of the canal by such vessels will not conflict in any way with the treaty obligations of the United States with other nations;

"Whereas there is a great and growing demand for cheaper and freer interchange of commodities between the States of the Pacific slope on the one hand and those bordering on and tributary to the Atlantic and Gulf coasts, including all the States along the Mississippi and its navigable branches, on the other;

"Whereas the opening of the canal, through the continuous and direct water transportation it will afford, will give the people of this country opportunities to interchange commodities of the different districts to an extent heretofore found impossible, and thus will reduce the cost of a large number of articles of daily use and necessity:

"*Resolved*, That the National Board of Trade urgently recommends that vessels engaged in domestic commerce between ports of the United States shall be granted preferential tolls in passing through the Panama Canal: *Provided*, That when such vessels are owned, controlled, or operated, directly or indirectly, by any land transportation line or lines, no preferential tolls shall be granted to the vessels so owned, operated, or controlled."

Resolutions adopted by the Navy League of the United States at convention held in city of Washington, February 23, 1912:

"Whereas the building of the Panama Canal was undertaken by the people of the United States in pursuance of a great national policy—amongst other things of providing for the national defense; of opening up the shortest possible water route between the respective coasts of the United States and foreign countries; and of encouraging the upbuilding of our merchant marine, which has practically disappeared from the foreign trade: Be it

"*Resolved*, That although it is the sense of this meeting that the question of tolls through the Panama Canal is one beyond the scope of this league's present activities; yet be it further

"*Resolved*, That as we believe the war-time efficiency of our Navy will depend, in part, on the existence of a fleet of merchant vessels available as naval auxiliaries, we heartily approve of any legislation directly or indirectly aiding in building up the American merchant marine, and we believe that if Congress in its wisdom, deems it advisable to levy tolls, that these tolls should be returned to the ships, either in the coastwise or foreign trade, for the purpose of assisting in rehabilitating that merchant marine."

Resolution adopted by Philadelphia Chamber of Commerce, December 14, 1911:

"Whereas the Government of the United States is constructing, entirely at its own cost, the Panama Canal for the benefit of its own people as a military measure for the naval protection of either coast in the time of war and for the facilitation of its domestic commerce, as well as for the furtherance of the commerce of the world;

"Whereas the coastwise commerce between the ports of the United States is confined by law to vessels registered under the American flag, so that regulations established by the Government of the United States for the use of the canal by such vessels will not conflict in any way with the treaty obligations of the United States with other nations;

"Whereas there is a great and growing demand for cheaper and freer interchange of commodities between the States of the Pacific slope on the one hand and those bordering on and tributary to the Atlantic and Gulf coasts, including all the States along the Mississippi and its navigable branches, on the other;

"Whereas the opening of the canal, through the continuous and direct water transportation it will afford, will give the people of this country opportunities to interchange commodities of the different districts to an extent never contemplated before, and thus will reduce the cost of a large number of articles of daily use and necessity;

"Whereas ample precedents exist for exempting the domestic commerce of the United States from the payment of tolls for passage through the canal; and

"Whereas the operation of the canal under this condition will greatly stimulate and increase American shipping:

"*Resolved*, That the Philadelphia Chamber of Commerce urgently recommends that vessels engaged in domestic commerce between ports of the United States shall be granted free passage through the Panama Canal."

Resolutions adopted by commercial bodies of the State of Washington, November 3, 1911:

"Whereas the building of the Panama Canal was undertaken by the people of the United States in pursuance of a great national policy, amongst other things to provide for the national defense; to open up the shortest possible water route between the ports of the United States and between the United States and foreign countries; to prevent monopoly of means of transportation between the various sections of the Union; and to provide such transportation to the people of the United States at the lowest possible cost; to build up and expand commerce with foreign nations; and, incidentally, to encourage the upbuilding of a now decadent merchant marine; and

"Whereas it is of the utmost importance to the State of Washington, and to all the States bordering on the Pacific Ocean, that their products—lumber, shingles, salmon, fruits, hops, wool, and other products—be most widely distributed at the least possible expense throughout the United States: Now therefore be it

"*Resolved by the following civic bodies of the State of Washington, viz, the New Seattle Chamber of Commerce, the Tacoma Commercial Club and Chamber of Commerce, the Olympia Chamber of Commerce, the Bellingham Chamber of Commerce, the Everett Chamber of Commerce, the Port Townsend Commercial Club, the Aberdeen Chamber of Commerce, the Hoquiam Chamber of Commerce, the Bremerton Commercial Club, the Raymond Commercial Club, through their representatives in conference assembled*, That there should be no tolls charged through the Panama Canal to vessels flying the American flag engaged in coastwise traffic of the United States: And be it further

"*Resolved*, That we heartily approve of the legislation recommended by President Taft in his message to Congress of December 6, 1910, reading as follows: 'I can not close this reference to the canal without suggesting as a wise amendment to the interstate-commerce laws a provision prohibiting interstate-commerce railroads from owning or controlling ships engaged in the trade through the Panama Canal. I believe such a provision may be needed to save to the people of the United States the benefits of the competition in trade between the eastern and western seaboards which this canal was constructed to secure:' Be it further

"*Resolved*, That a copy of these resolutions be sent to each Senator and Representative of the States west of the Rocky Mountains and of the States bordering on the Atlantic and Gulf of Mexico and of the States in the Mississippi and Missouri River Valleys, and that these resolutions be accompanied by a request to the Senators and Representatives of the State of Washington to support and vote for such arrangement of tolls."

Resolutions adopted by New Orleans Progressive Union, February 9, 1912:

"(1) The New Orleans Progressive Union indorses the proposition that American vessels engaged in coastwise trade shall pay no tolls in passing through the Panama Canal.

"(2) Should it be found necessary that American ships engaged in foreign trade shall pay tollage, the United States Government, by drawback, rebate, or otherwise, shall refund amount to such American vessels.

"(3) In the fixing of tolls for vessels passing through the Panama Canal the President shall have the right to reduce tolls to meet competition or other conditions that may arise, after 90 days' notice.

"(4) If the conditions at any time be found that the canal should be entirely free, that the rebate referred to in section 2 shall nevertheless continue to American vessels."

Resolutions adopted by Central Labor Council of Portland, Oreg., October 10, 1911:

"*Resolved*, That it is the sense of this meeting that there should be no tolls charged through the canal to coastwise vessels flying the American flag; and be it further

"*Resolved*, That we approve of amendments to the present interstate-commerce laws provisions prohibiting railroads under their jurisdiction from owning or controlling ships engaged in the trade through the Panama Canal, to the effect that the people of the United States may have the benefits resulting in competition between the Atlantic and Pacific seaboards, for which purpose this canal was primarily intended."

Resolutions adopted by the Merchants' Association of New York March 5, 1912:

"Whereas the United States, by act of Congress passed in 1884, made the following declaration of policy regarding tolls or charges relative to waterways acquired or constructed by the Federal Government: 'No tolls or operating charges shall be levied upon or collected from any vessel, dredge, or other water craft for passing through any lock, canal, canalized river, or other work for the use of and benefit of navigation now belonging to the United States, or that may be hereafter acquired or constructed'; and

"Whereas, under that policy, which is still in operation, the United States has expended on local waterway developments nearly $700,000,000 at the general expense of the whole country; and

"Whereas the Federal Government, in addition to its vast expenditures of public funds upon internal and seacoast waterways, for the use and benefit of all sections and of all the people, free from imposition of tolls or charges for the use thereof, has also made vast grants of public lands of incalculable present value to the transcontinental railways to promote their construction and the interests of the whole country, especially of the sections which they directly serve; and

"Whereas the Panama Canal is constructed primarily because of the military and economic necessities of the entire United States, and when completed will be of direct commercial benefit to a larger area of the country than any other waterway ever constructed or improved by the Federal Government; and

"Whereas the extension of the general policy of freedom from tolls to the domestic coastwise commerce of the United States passing through the Panama Canal can not create a discrimination against any other nation or its citizens or subjects in respect to the conditions or charges of traffic or otherwise because of the fact that no such nation has been or now is permitted by law to engage in such coastwise commerce, which law was in operation and contemplation at the time of the negotiation and ratification of the Hay-Pauncefote treaty; and

"Whereas the provision of the Hay-Pauncefote treaty appears to relate to the avoidance of discriminations between the nations and therefore does not pertain to our domestic coastwise trade, in the treatment of which there can be no such discrimination as prohibited in said treaty: Now, therefore, be it

"*Resolved*, That the report of the special committee on tolls on coastwise commerce passing through the Panama Canal, dated February 26, 1912, be, and hereby is, approved; and be it further

"*Resolved*, That the Merchants' Association of New York opposes the proposition of imposing any tolls whatsoever upon the domestic coastwise commerce of the United States passing through the Panama Canal, unless it be determined, by competent authority, that the imposing of such tolls is required in fulfillment of our treaty obligations."

Resolutions adopted by the Chamber of Commerce of the State of New York, March 7, 1912:

"*Resolved*, That the Chamber of Commerce of the State of New York earnestly urges the President of the United States and the Congress, while honorably carrying out all existing treaties or obligations entered into with foreign countries, to arrange the tolls on the Panama Canal so as to carefully protect American interests and bring about the upbuilding of our merchant marine; and that we advocate, as a measure to this end, that the rates of toll on vessels engaged in the coastal trade shall be not over one-third the rates charged on vessels engaged in deep-sea business, or free if necessary to accomplish purposes desired.

"*Resolved*, That copies of this resolution be forwarded to the President, the Secretary of War, the Secretary of the Navy, and to all Members of the United States Senate and the House of Representatives."

Resolutions adopted by the Maritime Association of the Port of New York, July 12, 1911:

"Whereas, from present indications, the Panama Canal will be ready for use by merchant shipping in about two years' time; and

"Whereas it is necessary that those contemplating the operation of vessels through the canal should be informed at the earliest possible moment regarding the regulations that will govern said operation, so that sufficient time will be given to conform with every requirement: Therefore be it

"*Resolved*, That Congress be strongly urged to enact at this session such legislation as will enable the President to fix the tolls to be charged for the use of the canal, it being the consensus of opinion of this committee that in the fixing of said tolls American vessels should be exempted from all charges."

Resolutions adopted by the New York Board of Trade and Transportation, December 13, 1911:

"Whereas the Panama Canal is being constructed by the United States Government, and the people of the United States are paying the whole cost thereof, and will be obliged to pay the cost of maintenance and repairs, whether the revenues are adequate or not; and

"Whereas the people of the United States have entered upon this great work chiefly for the benefit that it will be to our own commerce; and

"Whereas the construction of the Panama Canal by the United States will not give to the American people the full measure of benefits they are entitled to if our commerce is compelled to pay the same tolls that other peoples are required to pay: Therefore

"*Resolved*, That, having expended so large a sum in constructing the Panama Canal, the people of the United States are entitled to receive the fullest possible advantages therefrom; that other nations should be permitted to use the canal upon reasonable terms alike to all; that American vessels in the foreign trade should pay the same tolls as vessels of other nations, unless existing treaties would permit such American vessels to pass free; that the commerce of the United States passing between United States' ports should be allowed free passage through the Panama Canal in all ships of American registry and should be regarded and regulated as coastwise commerce of the United States.

"*Resolved*, That we petition the Government and Congress of the United States to give the most serious consideration to the enactment of laws declaring commerce between American ports, passing through the Panama Canal, as coastwise commerce of the United States and free of tolls, and, if treaty provisions or commercial conventions which have provisions for termination by notice from either party will permit, to also consider the making of the Panama Canal free to all vessels of American registry."

ADJOURNMENT.

Mr. UNDERWOOD. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 5 o'clock and 20 minutes p. m.) the House adjourned until to-morrow, Friday, March 22, 1912, at 12 o'clock noon.

EXECUTIVE COMMUNICATIONS.

Under clause 2 of Rule XXIV, a letter from the Secretary of War, transmitting, with a letter from the Chief of Engineers, report of examination and survey of Mystic River, Conn. (H. Doc. No. 637), was taken from the Speaker's table, referred to the Committee on Rivers and Harbors, and ordered to be printed with illustrations.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, bills and resolutions were severally reported from committees, delivered to the Clerk, and referred to the several calendars therein named, as follows:

Mr. KOPP, from the Committee on Naval Affairs, to which was referred the bill (H. R. 20193) authorizing the Secretary of the Navy to pay a cash reward for suggestions submitted by civilian employees of the Navy Department for improvement or economy in manufacturing processes or plant, reported the same with amendment, accompanied by a report (No. 436), which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. SULZER, from the Committee on Foreign Affairs, to which was referred the joint resolution (H. J. Res. 251) providing for the participation of the United States in the councils of the International Prison Commission, reported the same without amendment, accompanied by a report (No. 437), which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. CURLEY, from the Committee on Foreign Affairs, to which was refered the joint resolution (H. J. Res. 234) making provision for the Fifth International Congress of Chambers of Commerce and Commercial and Industrial Associations, reported the same without amendment, accompanied by a report (No. 438), which said bill and report were referred to the Committee of the Whole House on the state of the Union.

REPORTS OF COMMITTEES ON PRIVATE BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII,

Mr. GRAY, from the Committee on Pensions, to which was referred sundry bills of the House, reported in lieu thereof the bill (H. R. 22194) granting pensions and increase of pensions to certain soldiers and sailors of the Regular Army and Navy and certain soldiers and sailors of wars other than the Civil War and to widows and dependent relatives of such soldiers and sailors, accompanied by a report (No. 435), which said bill and report were referred to the Private Calendar.

CHANGE OF REFERENCE.

Under clause 2 of Rule XXII, the Committee on Military Affairs was discharged from the consideration of the bill (H R. 22192) for the relief of the estate of Peter McEnery, deceased, and the same was referred to the Committee on War Claims.

PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS.

Under clause 3 of Rule XXII, bills, resolutions, and memorials were introduced and severally referred as follows:

By Mr. UNDERWOOD: A bill (H. R. 22195) to reduce the duties on wool and manufactures of wool; to the Committee on Ways and Means.

By Mr. REILLY: A bill (H. R. 22196) to provide for the purchase of a site and the erection of a public building thereon at Branford, in the State of Connecticut; to the Committee on Public Buildings and Grounds.

By Mr. LLOYD: A bill (H. R. 22197) to provide for the enlargement, extension, remodeling, and improvement of the postoffice building at Kirksville, Mo., and for other purposes; to the Committee on Public Buildings and Grounds.

By Mr. GREGG of Texas: A bill (H. R. 22198) to exempt from the payment of duty the articles at the Galveston Cotton Carnival, to be held in the city of Galveston, State of Texas, August 8 to 18, inclusive, 1912; to the Committee on Ways and Means.

Also, a bill (H. R. 22199) to establish a subport of entry and delivery at Port Bolivar, in the State of Texas; to the Committee on Ways and Means.

By Mr. WILLIS: A bill (H. R. 22200) to provide for the erection of a monument to soldiers of the War of 1812 at Fort McArthur, Hardin County, Ohio; to the Committee on the Library.

By Mr. PETERS: A bill (H. R. 22201) to provide for the manufacture and installation of dummy armament and its accessories for the armories of the Coast Artillery Reserves of the Organized Militia; to the Committee on Military Affairs.

By Mr. HANNA: A bill (H. R. 22202) to amend section 4884 of the Revised Statutes of the United States; to the Committee on Patents.

Also, a bill (H. R. 22203) to amend section 4919 of the Revised Statutes of the United States; to the Committee on Patents.

By Mr. KAHN: A bill (H. R. 22204) granting a right of way to the Panama-Pacific International Exposition Co., or any other party or parties approved by the Secretary of War, across the Fort Mason Military Reservation in California; to the Committee on Military Affairs.

By Mr. TOWNSEND: A bill (H. R. 22205) for the acquisition of a site and the erection of a building thereon at Montclair, N. J.; to the Committee on Public Buildings and Grounds.

By Mr. SPARKMAN: A bill (H. R. 22206) providing for the filling in of the ponds and lowlands of the Fort Taylor Military Reservation, Fla.; to the Committee on Military Affairs.

By Mr. HUMPHREYS of Mississippi: A bill (H. R. 22207) to regulate the development of hydroelectric power in the navigable waterways of the United States; to the Committee on Rivers and Harbors.

By Mr. WILSON of Pennsylvania: A bill (H. R. 22208) to regulate the issuance of restraining orders and injunctions and procedure thereon, and to limit the meaning of "conspiracy" in certain cases; to the Committee on the Judiciary.

By Mr. ADAMSON: A bill (H. R. 22209) providing for the disposition of effects of deceased patients of the Public Health and Marine-Hospital Service and of certain deceased officers and men connected with the Army; to the Committee on Interstate and Foreign Commerce.

By Mr. CARTER: A bill (H. R. 22210) to authorize the Choctaw and Chickasaw Indians to bring suit in the Court of Claims, and for other purposes; to the Committee on Indian Affairs.

By Mr. KNOWLAND: A bill (H. R. 22211) to provide for enlarging of Federal building at Oakland, Cal., and for the purchase of additional land; to the Committee on Public Buildings and Grounds.

By Mr. STEENERSON: Resolution (H. Res. 452) for the appointment of a special committee to investigate an alleged combination of coal dealers at the head of Lake Superior, in the States of Minnesota and Wisconsin, and to ascertain whether such combination is in violation of the antitrust law and in restraint of interstate commerce, and report recommendation thereon to Congress; to the Committee on Rules.

By Mr. DIFENDERFER: Resolution (H. Res. 453) calling upon the Secretary of War for certain information regarding the printing of document entitled "Three-year Enlistment for the Army" in the Government Printing Office at public expense; to the Committee on Expenditures in the War Department.

By Mr. JACKSON: Resolution (H. Res. 454) requesting the Secretary of the Interior to make an investigation concerning an international agreement as to a world alphabet; to the Committee on Foreign Affairs.

By Mr. FORNES: Memorial from the Senate of the State of New York, requesting the President, Secretary of the Navy, and Representatives in Congress from this State to use their influence in favor of having one new battleship built at United States navy yard, Brooklyn, N. Y.; to the Committee on Naval Affairs.

Also, memorial from the General Assembly of the State of New York, favoring the improvement of the inlet to Lake Champlain; to the Committee on Rivers and Harbors.

PRIVATE BILLS AND RESOLUTIONS.

Under clause 1 of Rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. GRAY: A bill (H. R. 22194) granting pensions and increase of pensions to certain soldiers and sailors of the Regular Army and Navy, and certain soldiers and sailors of wars other than the Civil War, and to widows and dependent relatives of such soldiers and sailors; to the Committee of the Whole House.

By Mr. ALLEN: A bill (H. R. 22212) granting a pension to Mary E. Snider; to the Committee on Invalid Pensions.

By Mr. BINGHAM: A bill (H. R. 22213) granting a pension to William H. Shands; to the Committee on Pensions.

By Mr. BURNETT: A bill (H. R. 22214) for the relief of heirs or estate of J. H. Christian, deceased; to the Committee on War Claims.

By Mr. CARTER: A bill (H. R. 22215) granting an honorable discharge to Robert F. Hamilton; to the Committee on Military Affairs.

Also, a bill (H. R. 22216) for the relief of the heirs of James B. and Martha P. Young, deceased; to the Committee on War Claims.

By Mr. CANDLER: A bill (H. R. 22217) for the relief of heirs or estate of W. R. Smith, deceased; to the Committee on War Claims.

By Mr. COVINGTON: A bill (H. R. 22218) for the relief of William E. Bradshaw; to the Committee on War Claims.

By Mr. CURRIER: A bill (H. R. 22219) granting an increase of pension to Anne H. Griffin; to the Committee on Invalid Pensions.

By Mr. EDWARDS: A bill (H. R. 22220) for the relief of the heirs of Paul A. Tullis; to the Committee on War Claims.

By Mr. FERRIS: A bill (H. R. 22221) granting an increase of pension to Robert Myers; to the Committee on Invalid Pensions.

By Mr. FORDNEY: A bill (H. R. 22222) granting an increase of pension to Walter D. Pettit; to the Committee on Invalid Pensions.

Also, a bill (H. R. 22223) granting an increase of pension to Daniel T. Chapman; to the Committee on Invalid Pensions.

By Mr. FRANCIS: A bill (H. R. 22224) granting an increase of pension to James S. Stewart; to the Committee on Invalid Pensions.

Also, a bill (H. R. 22225) granting an increase of pension to George W. Gutherie; to the Committee on Invalid Pensions.

Also, a bill (H. R. 22226) granting a pension to Elmer E. Wilson; to the Committee on Invalid Pensions.

By Mr. GARNER (by request): A bill (H. R. 22227) for the relief of W. E. Callahan; to the Committee on War Claims.

By Mr. GOLDFOGLE: A bill (H. R. 22228) granting a pension to Jacob Mandelbaum; to the Committee on Pensions.

By Mr. HANNA: A bill (H. R. 22229) granting an increase of pension to Sarah J. Dunahey; to the Committee on Invalid Pensions.

By Mr. HENSLEY: A bill (H. R. 22230) granting a pension to Catherine McHenry; to the Committee on Invalid Pensions.

By Mr. HUGHES of New Jersey: A bill (H. R. 22231) granting a pension to Franklin Peters; to the Committee on Invalid Pensions.

By Mr. JACKSON: A bill (H. R. 22232) granting an increase of pension to Alexander Chisholm; to the Committee on Invalid Pensions.

Also, a bill (H. R. 22233) granting an increase of pension to Jacob J. Howard; to the Committee on Invalid Pensions.

By Mr. KAHN: A bill (H. R. 22234) granting a pension to Josiah George Swinney; to the Committee on Pensions.

Also, a bill (H. R. 22235) granting a pension to Anna M. Spaulding; to the Committee on Invalid Pensions.

Also, a bill (H. R. 22236) granting a pension to Catherine T. Bagan; to the Committee on Pensions.

Also, a bill (H. R. 22237) granting an increase of pension to Moses Frankel; to the Committee on Invalid Pensions.

Also, a bill (H. R. 22238) for the relief of the legal heirs of A. R. Holzheid; to the Committee on Claims.

By Mr. KENDALL: A bill (H. R. 22239) granting a pension to Clara Vinson Weaver; to the Committee on Invalid Pensions.

Also, a bill (H. R. 22240) granting a pension to Caroline E. Mason; to the Committee on Invalid Pensions.

By Mr. LITTLEPAGE: A bill (H. R. 22241) granting an increase of pension to Charles P. Griffith; to the Committee on Invalid Pensions.

By Mr. McHENRY: A bill (H. R. 22242) for the relief of Samuel J. Pealer; to the Committee on Military Affairs.

By Mr. McKELLAR: A bill (H. R. 22243) for the relief of heirs of John Rabb, deceased; to the Committee on War Claims.

By Mr. MAGUIRE of Nebraska: A bill (H. R. 22244) granting an increase of pension to Jennie T. Vought; to the Committee on Invalid Pensions.

Also, a bill (H. R. 22245) granting an increase of pension to Angeline G. Lee; to the Committee on Invalid Pensions.

Also, a bill (H. R. 22246) granting a pension to James A. Galloway; to the Committee on Invalid Pensions.

By Mr. OLDFIELD: A bill (H. R. 22247) for the relief of heirs of James Kerr, deceased; to the Committee on War Claims.

By Mr. PORTER: A bill (H. R. 22248) granting an increase of pension to George W. Maggi; to the Committee on Invalid Pensions.

By Mr. RUBEY: A bill (H. R. 22249) for the relief of Joseph L. A. Daugherty; to the Committee on War Claims.

By Mr. SHACKLEFORD: A bill (H. R. 22250) granting an increase of pension to David C. Lingle; to the Committee on Pensions.

By Mr. SHERWOOD: A bill (H. R. 22251) granting an increase of pension to Henry B. Anderson; to the Committee on Invalid Pensions.

Also, a bill (H. R. 22252) granting an increase of pension to Joseph Veo; to the Committee on Invalid Pensions.

By Mr. SELLS: A bill (H. R. 22253) granting a pension to Margaret Stephenson; to the Committee on Invalid Pensions.

Also, a bill (H. R. 22254) granting a pension to Solomon S. Crosswhite; to the Committee on Invalid Pensions.

Also, a bill (H. R. 22255) for the relief of R. N., A. T., and F. F. Dosser; to the Committee on War Claims.

Also, a bill (H. R. 22256) granting a pension to Mary E. Constable; to the Committee on Pensions.

By Mr. STEPHENS of California: A bill (H. R. 22257) for the relief of Leo Müller; to the Committee on Claims.

By Mr. THISTLEWOOD: A bill (H. R. 22258) granting an increase of pension to Nicholas A. Devore; to the Committee on Invalid Pensions.

By Mr. WILDER: A bill (H. R. 22259) granting an increase of pension to Ellen C. Lewis; to the Committee on Invalid Pensions.

By Mr. WILSON of New York: A bill (H. R. 22260) granting a pension to Lydia C. Norton; to the Committee on Invalid Pensions.

PETITIONS, ETC.

Under clause 1 of Rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

By the SPEAKER: Memorial of the Board of Trade of the city of Chicago, relative to legislation affecting the Diplomatic and Consular Service; to the Committee on Foreign Affairs.

Also, memorial of the Los Angeles (Cal.) Chamber of Commerce, urging that no tolls be charged American ships through the Panama Canal; to the Committee on Interstate and Foreign Commerce.

Also, memorial of the Philadelphia Chamber of Commerce, for legislation to prohibit transcontinental railroads from operating steamship companies through the Panama Canal; to the Committee on Interstate and Foreign Commerce.

Also, memorial of the Maritime Exchange of New York City, commending Congress for its action with respect to the battleship *Maine;* to the Committee on Appropriations.

By Mr. ANDERSON of Minnesota: Petition of H. O. Hanson and 12 others, of Rushford, Minn., against extension of the parcel-post system; to the Committee on the Post Office and Post Roads.

By Mr. ANSBERRY: Petition of membership of Rimer Grange, No. 1406, Vaughnsville, Ohio, requesting vote for parcel-post bill; to the Committee on the Post Office and Post Roads.

By Mr. AYERS: Memorial of the Maritime Association of the port of New York, commending Congress for its public-spirited action in providing funds for raising of the U. S. battleship *Maine*, with resolutions adopted on March 15, the day the *Maine* was committed to its last resting place in the sea; to the Committee on Naval Affairs.

By Mr. BOWMAN: Memorials of Barney Oakley, of Dallas; H. P. Armsby, of State College; G. M. Van Tuyle, of Pittston; H. E. Roselle, of Pittston; and C. L. Goodwin, of Pittston, all in the State of Pennsylvania, favoring parcel-post legislation and extension; to the Committee on the Post Office and Post Roads.

By Mr. BURKE of Wisconsin: Memorial of St. Peter Benevolent Society, of Beaver Dam, Wis., protesting against the resolution of inquiry concerning Government institutions in which American citizens wearing the habit of various religious orders are employed; to the Committee on Indian Affairs.

Also, memorial of the Germania Maennerchor of Fond du Lac, Wis., protesting against the passage of any of the prohibition or interstate liquor measures now pending; to the Committee on the Judiciary.

By Mr. CANDLER: Papers to accompany bill for the relief of estate of W. R. Smith, deceased; to the Committee on War Claims.

Also, petition of the Presbyterian Church of Westfield, Union County, N. J., and from 144 voters in Buchanan, Berrien County, Mich., for the passage of the Kenyon-Sheppard bill on the subject of liquor shipments into "dry" territory; to the Committee on the Judiciary.

By Mr. CATLIN: Memorial of the Merchants' Exchange of St. Louis, and memorial of the Mexico Commercial Club, favoring the passage of Senate bill 4308 and a duplicate thereof (H. R. 17736), making 1-cent rate of postage on ordinary letters; to the Committee on the Post Office and Post Roads.

Also, memorial of the board of directors of the Merchants' Exchange of St. Louis, urging an appropriation of not less than $100,000 per annum to carry on the work of the Grain Standardization Bureau of the Department of Agriculture, and to establish and maintain a laboratory at St. Louis, Mo.; to the Committee on Agriculture.

Also, memorial of the American Association of Foreign Language Newspapers, opposing an educational qualification for admission of immigrants into the United States; to the Committee on Immigration and Naturalization.

Also, memorial of Holy Ghost Benevolent Society, of St. Louis, Mo., against the resolution of inquiry introduced in the House of Representatives concerning Government institutions in which American citizens wearing the habit of various religious orders are employed; to the Committee on Indian Affairs.

Also, memorial of St. Liborius Young Men's Sodality, of St. Louis, Mo., against the resolution of inquiry introduced in the House of Representatives concerning Government institutions in which American citizens wearing the habit of various religious orders are employed; to the Committee on Indian Affairs.

Also, memorial of St. Barbara's Branch, No. 114, of St. Louis, Mo., against the resolution of inquiry introduced in the House of Representatives concerning Government institutions in which American citizens wearing the habit of various religious orders are employed; to the Committee on Indian Affairs.

By Mr. CURLEY: Memorial of a committee of citizens named to investigate the strike in Lawrence, Mass.; to the Committee on Rules.

By Mr. FORNES: Memorial of Naval Camp, No. 49, United States Spanish War Veterans, Department of New York, at Brooklyn, N. Y., advocating Mr. Crago's pension bill (H. R. 17470), signed by William Hansen, commander, and Frank H. Penner, adjutant; to the Committee on Pensions.

Also, memorial of the Maritime Association of the port of New York, on the occasion of the committing the wrecked United States battleship *Maine* to its last resting place March 15, commending Congress for its patriotism in providing funds for raising the ship from Habana Harbor; to the Committee on Naval Affairs.

Also, memorial of the Brooklyn League, urging that one of the proposed new battleships shall be constructed at the Brooklyn Navy Yard; to the Committee on Naval Affairs.

By Mr. FRANCIS: Petition of Russell Cash, of Bellaire, Ohio, and 7 others of Neffs, Ohio, protesting against the passage of the parcel-post law; to the Committee on the Post Office and Post Roads.

Also, petition by members of Cassville (Ohio) Grange No. 1765, Patrons of Husbandry, favoring the parcel post; to the Committee on the Post Office and Post Roads.

Also, petition of R. G. Hogue and other citizens of Belmont, Ohio, and vicinity, favoring the passage of the Sulzer bill (H. R. 14) to reduce postal rates, to improve the postal service, and to increase postal revenues; to the Committee on the Post Office and Post Roads.

Also, petition of John J. Sheehan, of Bellaire, Ohio, and divers other citizens of Bellaire and Martins Ferry, favoring the insertion of a clause in the naval appropriation bill providing for the building of one battleship in a Government navy yard; to the Committee on Naval Affairs.

By Mr. FULLER: Petition of Rockford Brass Works, of Rockford, Ill., against the passage of the Campbell bill (H. R. 16844) relating to placing of manufacturer's own name on manufactured articles, etc.; to the Committee on Interstate and Foreign Commerce.

Also, petition of W. H. Rowan, H. R. Puterbaugh, T. B. Richardson, M. E. Humphrey, C. G. Humphrey, and Albert Larson, all of Belvidere, Ill., in favor of a parcel post; to the Committee on the Post Office and Post Roads.

Also, petition of E. P. Lathrop, of Rockford, Ill., favoring the passage of the Pepper bill, relating to withdrawal of alcohol from revenue tax under certain conditions, etc.; to the Committee on Ways and Means.

Also, petition of Local Union No. 224 and numerous citizens of La Salle, Ill., in favor of the construction of one battleship in the New York Navy Yard; to the Committee on Naval Affairs.

Also, petition of I. K. Neely, of La Salle, Ill., against a parcel post until after investigation by an impartial commission, etc.; to the Committee on the Post Office and Post Roads.

Also, petitions of Howard C. Collins, W. J. Ferguson, and George W. Collins, all of Rockford, Ill., in favor of a parcel post; to the Committee on the Post Office and Post Roads.

Also, petitions of W. B. Neff, B. F. and Roy L. Craig, and Roy E. Blackmer, all of Kirkland, Ill., in favor of a parcel post, etc.; to the Committee on the Post Office and Post Roads.

By Mr. GOLDFOGLE: Petition of a German society of Chicago, Ill., protesting against further restriction of immigration; to the Committee on Immigration and Naturalization.

Also, papers to accompany bill for the relief of Jacob Mandelbaum; to the Committee on Invalid Pensions.

Also, memorial of Edward Lauterbach, president of the National Liberal Immigration League for the Proper Regulation and Better Distribution of Immigration, 150 Nassau Street, New York, setting out condition of affairs of the league; to the Committee on Immigration and Naturalization.

Also, memorial of the International Dry Farming Congress, with the resolution adopted at Lethbridge, Alberta, Canada, setting out conditions of homesteaders in the mountain districts and recommending that an additional year's absence be granted without deducting time for such absence; to the Committee on the Public Lands.

By Mr. HAMMOND: Petition of C. A. Torkelson, of St. James, Minn., and 76 other residents of second congressional district of Minnesota, favoring parcel post; to the Committee on the Post Office and Post Roads.

By Mr. HANNA: Petition of A. O. Brown, jeweler, and other citizens of Hettinger, N. Dak., and V. E. Maynard and other

citizens, of Bismarck, N. Dak., opposing parcel-post extension; to the Committee on the Post Office and Post Roads.

Also, petition of C. S. Erickson, Palermo, N. Dak., in favor of reduction of tax on raw and refined sugar; to the Committee on Ways and Means.

Also, petition of J. F. Barker and other citizens, of Egeland, N. Dak., favoring the repeal of Canadian reciprocity; to the Committee on Ways and Means.

Also, memorial of Minot Socialist Local, Minot, N. Dak., favoring enfranchisement of women; to the Committee on the Judiciary.

Also, memorial of St. Johannas Mutual Aid and Benefit Association and citizens of Richland County, N. Dak., protesting against resolution of inquiry concerning Government institutions in which American citizens wearing the habit of various religious orders are employed; to the Committee on Indian Affairs.

Also, petition of 30 dairymen and citizens of Rhein, N. Dak., protesting against the Lever oleomargarine bill; to the Committee on Agriculture.

By Mr. KAHN: Papers to accompany bill for the relief of the heirs of A. R. Holzheid; to the Committee on Claims.

Also, papers to accompany bills for the relief of Moses Frankel and Anna M. Spaulding; to the Committee on Invalid Pensions.

Also, papers to accompany bills for the relief of Catherine T. Bogan and Josiah George Swinney; to the Committee on Pensions.

By Mr. LEE of Pennsylvania: Memorial of the German-American Alliance of Pottsville, Pa., protesting against the passage of any prohibition or interstate liquor legislation; to the Committee on the Judiciary.

By Mr. LLOYD: Petition of a number of Michigan merchants, against parcel post; to the Committee on the Post Office and Post Roads.

By Mr. LOUD: Petition of Fred L. Scott and 37 other voters of Arenac and Ogemaw Counties, Mich., favoring the passage of the Kenyon-Sheppard bill; to the Committee on the Judiciary.

By Mr. McCALL: Petition of Arthur W. Wellington and others, of Weston, Mass., favoring parcel-post law; to the Committee on the Post Office and Post Roads.

By Mr. McHENRY: Petition of Columbia Grange, No. 46, Patrons of Husbandry, Stillwater, Pa., favoring parcel-post legislation; to the Committee on the Post Office and Post Roads.

By Mr. MANN: Petition of Los Angeles (Cal.) Chamber of Commerce, urging that no tolls be charged American ships through the Panama Canal; to the Committee on Interstate and Foreign Commerce.

By Mr. MOTT: Petition of Peter J. Mooney, of Fulton, N. Y., and 20 others, favoring the passage of the Berger old-age pension bill; to the Committee on Pensions.

By Mr. NEEDHAM: Memorial of the Emeryville Civic Center, of Emeryville, Cal., asking Congress to appropriate funds needed to prosecute violations of the law forbidding the white-slave traffic; to the Committee on Appropriations.

Also, memorial of the Chamber of Commerce, Los Angeles, Cal., protesting against the policy of charging tolls through the Panama Canal to vessels flying the United States flag and approving the recommendations of President Taft in his message of December 6, 1910, forbidding interstate-commerce railroads from owning or controlling ships engaged in trade through the canal; to the Committee on Interstate and Foreign Commerce.

By Mr. OLDFIELD: Papers to accompany bill for the relief of estate of James Kerr; to the Committee on War Claims.

By Mr. OLMSTED: Petition of Newton Grange, Cumberland County, Pa., and of Penn Grange, No. 1485, Cumberland County, Pa., urging the passage of House bill 19133, providing for a system of parcel post; to the Committee on the Post Office and Post Roads.

Also, petition of Penn Grange, No. 1485, Penn Township, Cumberland County, Pa., urging the passage of the bill prohibiting the coloring of oleomargarine; to the Committee on Agriculture.

By Mr. PICKETT: Petition of Mrs. W. W. Marsh, president of Woman's Club, and 46 other members, of Waterloo, requesting the preservation of the Falls of Niagara; to the Committee on Foreign Affairs.

Also, petition of 24 citizens of Waterloo, Iowa, urging that a clause be inserted in naval appropriation bill providing for the building of one battleship in a Government navy yard; to the Committee on Naval Affairs.

Also, petition of 17 citizens of Cresco, Iowa, protesting against the enactment of a parcel post; to the Committee on the Post Office and Post Roads.

By Mr. REDFIELD: Memorial of the Brooklyn League, for construction of one battleship in the Brooklyn Navy Yard; to the Committee on Naval Affairs.

By Mr. REILLY: Petition of Owenoco Tribe of Improved Order of Red Men, favoring Senate bill 3593 and House bill 16313, for the erection of an Indian memorial and museum in Washington, D. C.; to the Committee on the Library.

By Mr. STEENERSON: Memorial of City Council of Thief River Falls, Minn., asking for congressional investigation of combination of coal dealers at head of Lake Superior; to the Committee on Rules.

By Mr. SULZER: Memorial of Tompkins County (N. Y.) Pomona Grange, relative to oleomargarine legislation; to the Committee on Agriculture.

Also, memorial of the Alumni Association of the New York Nautical School, relative to establishing marine schools, etc.; to the Committee on the Merchant Marine and Fisheries.

Also, petition of citizens of Toone, Tenn., for parcel-post legislation; to the Committee on the Post Office and Post Roads.

Also, memorial of the Maritime Exchange of New York City, indorsing the action of Congress with respect to the battleship *Maine;* to the Committee on Naval Affairs.

Also, memorial of the New York State Senate, for construction of one battleship in the Brooklyn Navy Yard; to the Committee on Naval Affairs.

Also, memorial of the Brooklyn League, for the construction of one battleship in the Brooklyn Navy Yard; to the Committee on Naval Affairs.

Also, petition of the Coppersmiths' Union of New York, for construction of one battleship at the Brooklyn Navy Yard; to the Committee on Naval Affairs.

Also, petitions of William Klein, W. E. Bloch, Joseph Goodman, H. E. Levy, Weiss Amusement Co., and Pathé Frères, of New York City, for amending the copyright act of 1909; to the Committee on Patents.

Also, petitions of the New York Board of Trade and Transportation, the Chamber of Commerce of San Francisco, Cal., and the Commercial Club of Council Bluffs, Iowa, for an appropriation to enable the United States Government to participate in the Fifth International Congress of Chambers of Commerce; to the Committee on Appropriations.

Also, petitions of Maurice Simmons, commander in chief United Spanish War Veterans, and Camps Nos. 10 and 49, United Spanish War Veterans, for enactment of House bill 17470; to the Committee on Pensions.

Also, memorial of the Chamber of Commerce of the State of New York, relative to toll rates through the Panama Canal; to the Committee on Interstate and Foreign Commerce.

Also, memorial of the New York State Assembly, for improvement of the Lake Champlain inlet; to the Committee on Interstate and Foreign Commerce.

Also, petition of F. E. Vogel, of New York City, protesting against passage of House bill 16844; to the Committee on Interstate and Foreign Commerce.

Also, memorials of boards of trade of New York City, Philadelphia, Akron, Ohio, and Elizabeth, N. J., indorsing House bill 20044; to the Committee on Foreign Affairs.

Also, memorial of McKesson & Robbins, of New York City, for certain amendment to the chemical schedule; to the Committee on Ways and Means.

Also, petition of United Garment Workers of America, for enactment of the Esch phosphorus bill; to the Committee on Ways and Means.

Also, petition of J. W. Simonson, of Brooklyn, N. Y., urging passage of House bill 21530, for the relief of Frank Bowers; to the Committee on Claims.

Also, petition of American Veterans of Foreign Service, for payment of traveling allowances, etc., of certain volunteer organizations for service in the Philippines; to the Committee on Claims.

By Mr. TAGGART: Petitions of citizens of the State of Kansas, asking that the duties on raw and refined sugars be reduced; to the Committee on Ways and Means.

Also, petitions of citizens of the State of Kansas, for legislation prohibiting the manufacture and sale of intoxicants for use as a beverage, etc.; to the Committee on the Judiciary.

Also, petition of citizens of Kansas City, Kans., for old-age pensions; to the Committee on Pensions.

Also, memorial of the Commercial Club of Topeka, Kans., for a domestic immigration policy; to the Committee on Immigration and Naturalization.

Also, memorial of the Kansas State Horticultural Society, for a general parcel-post system; to the Committee on the Post Office and Post Roads.

Also, petitions of citizens of the State of Kansas, protesting against parcel-post legislation; to the Committee on the Post Office and Post Roads.

Also, petitions of the Mothers' Club and churches in Iola, Kans., for enactment of the Kenyon-Sheppard interstate liquor bill; to the Committee on the Judiciary.

Also, petitions of German societies in the State of Kansas, protesting against prohibition or interstate liquor legislation; to the Committee on the Judiciary.

Also, petition of Maryland Association of Certified Public Accountants, protesting against employment by the United States Government of chartered accountants to the exclusion of certified public accountants; to the Committee on Expenditures in the Navy Department.

Also, petition of the Board of Commissioners of Highways of Grant Township, Douglas County, Kans., for improvement of the highway between Forts Leavenworth and Riley, in Kansas; to the Committee on Military Affairs.

Also, memorials of the Wisconsin Country Life Conference Association and the Golden Belt Educational Association, of Kansas, for establishing agricultural extension departments in connection with agricultural colleges; to the Committee on Agriculture.

Also, memorial of the Board of Commissioners of Kansas City, Kans., for improvement of a certain portion of the Missouri River; to the Committee on Rivers and Harbors.

Also, petition of Post No. 51, Department of Kansas, Grand Army of the Republic, protesting against proposed incorporation of the Grand Army of the Republic; to the Committee on the District of Columbia.

Also, petition of members of Improved Order of Red Men of second congressional district of Kansas, for an American Indian memorial and museum building in the city of Washington, D. C.; to the Committee on Public Buildings and Grounds.

Also, petition of the Chamber of Commerce of Pittsburg, Kans., for 1-cent letter postage; to the Committee on the Post Office and Post Roads.

By Mr. WILLIS: Petition of George Cleveland and 60 other citizens of Delaware County, Ohio, asking for the extension of the parcel post; to the Committee on the Post Office and Post Roads.

SENATE.

FRIDAY, *March 22, 1912.*

The Senate met at 2 o'clock p. m.

Prayer by the Chaplain, Rev. Ulysses G. B. Pierce, D. D.

The Secretary proceeded to read the Journal of yesterday's proceedings when, on request of Mr. GALLINGER and by unanimous consent, the further reading was dispensed with.

FORTIFICATIONS APPROPRIATION BILL.

The VICE PRESIDENT laid before the Senate the action of the House of Representatives disagreeing to the amendments of the Senate to the bill (H. R. 20111) making appropriations for fortifications and other works of defense, for the armament thereof, for the procurement of heavy ordnance for trial and service, and for other purposes, and requesting a conference with the Senate on the disagreeing votes of the two Houses thereon.

Mr. PERKINS. I move that the Senate insist on its amendments and agree to the conference asked for by the House, and that the Chair appoint the conferees on the part of the Senate.

The motion was agreed to, and the Vice President appointed Mr. PERKINS, Mr. SMOOT, and Mr. OVERMAN conferees on the part of the Senate.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by D. K. Hempstead, its enrolling clerk, announced that the House had agreed to the amendment of the Senate to the bill (H. R. 19342) to amend section 2455 of the Revised Statutes of the United States, relating to isolated tracts of public land.

The message also announced that the House had passed the bill (S. 3475) extending the time of payment to certain homesteaders on the Cheyenne River Indian Reservation, in the State of South Dakota, and on the Standing Rock Indian Reservation, in the States of South Dakota and North Dakota, with amendments, in which it requested the concurrence of the Senate.

The message further announced that the House had passed the following bills and joint resolutions, in which it requested the concurrence of the Senate:

H. R. 1332. An act regulating Indian allotments disposed of by will;

H. R. 1647. An act to amend an act entitled "An act to increase the limit of cost of certain public buildings, to authorize the purchase of sites for public buildings, to authorize the erection and completion of public buildings, and for other purposes";

H. R. 12211. An act to amend the act of February 18, 1909 (35 Stat. L., p. 626) entitled "An act to create the Calaveras Big Tree National Forest, and for other purposes";

H. R. 13417. An act granting unsurveyed and unattached islands to the State of Wisconsin for forestry purposes;

H. R. 14925. An act to amend "An act to parole United States prisoners, and for other purposes," approved June 25, 1910;

H. R. 16101. An act providing for patents to homesteads on the ceded portion of the Wind River Reservation in Wyoming;

H. R. 18661. An act to provide for an extension of time of payment of all unpaid payments due from homesteaders on the Coeur d'Alene Indian Reservation, as provided for under an act of Congress approved June 21, 1906;

H. R. 19071. An act granting extension of time to the St. Cloud Electric Power Co. to construct a dam across the Mississippi River;

H. R. 19418. An act to amend section 5 of an act entitled "An act to regulate fees and costs, and for other purposes," approved February 22, 1875;

H. R. 20347. An act to authorize the Dixie Power Co. to construct a dam across White River at or near Cotter, Ark.;

H. R. 20491. An act authorizing the Secretary of the Interior to grant further extension of time within which to make proof on desert-land entries;

H. R. 21597. An act granting pensions and increase of pensions to certain soldiers and sailors of the Civil War and certain widows and dependent relatives of such soldiers and sailors of said war;

H. J. Res. 239. Joint resolution authorizing the Secretary of War to deliver a condemned cannon to the Army and Navy Union, United States of America;

H. J. Res. 263. Joint resolution to authorize allotments to Indians of the Fort Berthold Indian Reservation, N. Dak., of lands valuable for coal; and

H. J. Res. 276. Joint resolution authorizing the Secretary of Agriculture to make an exhibit at the Fifth National Corn Exhibition, at Columbia, S. C.

PETITIONS AND MEMORIALS.

The VICE PRESIDENT presented a petition of Cigar Makers' Local Union of Bayamon, P. R., praying for the enactment of legislation granting to citizens of Porto Rico the right to become citizens of the United States, which was referred to the Committee on Pacific Islands and Porto Rico.

He also presented petitions of the congregation of the Friends Church of North Loup, Nebr.; of the Woman's Foreign Missionary Society of Mazon, Ill.; and of the Woman's Christian Temperance Unions of Mazon, Ill., and Fulton, Ky., praying for the adoption of an amendment to the Constitution to prohibit the manufacture, sale, and importation of intoxicating liquors, which were referred to the Committee on the Judiciary.

Mr. CRAWFORD (for Mr. GAMBLE) presented a petition of sundry citizens of Okmulgee County, Okla., praying that an appropriation be made to continue the district Indian agencies in eastern Oklahoma, which was referred to the Committee on Indian Affairs.

He also (for Mr. GAMBLE) presented memorials of sundry citizens of Nowata and Durant, Okla., remonstrating against the discontinuance of the district Indian agencies in eastern Oklahoma, which were referred to the Committee on Indian Affairs.

He also (for Mr. GAMBLE) presented petitions of sundry citizens of Akron, Iowa; of Bridgewater, Brookings, Centerville, Sisterville, Meadow, and Sturgis, S. Dak.; and of Cambria, Wis., praying for the establishment of a parcel-post system, which were referred to the Committee on Post Offices and Post Roads.

He also (for Mr. GAMBLE) presented a petition of members of the Commercial Club of Ardmore, S. Dak., praying for the enactment of a more favorable immigration law, which was ordered to lie on the table.

Mr. WETMORE presented resolutions in the nature of a petition adopted by the Rhode Island Business Men's Association, in convention at Providence, R. I., favoring the enactment of legislation to provide for the establishment of an international commission to investigate the high cost of living, which were referred to the Committee on Foreign Relations.

He also presented a petition of sundry citizens of North Smithfield, R. I., praying for the enactment of an interstate liquor law to prevent the nullification of State liquor laws by outside dealers, which was referred to the Committee on the Judiciary.

Mr. GALLINGER presented petitions of sundry citizens of Peterborough, Brookline, and East Alstead, all in the State of

New Hampshire, praying for the establishment of a parcel-post system, which were referred to the Committee on Post Offices and Post Roads.

He also presented a petition of sundry citizens of Lebanon, N. H., praying for the enactment of legislation providing for the construction of one of the proposed new battleships in the Brooklyn Navy Yard, which was referred to the Committee on Naval Affairs.

Mr. TOWNSEND presented a memorial of the Packard Motor Car Co., of Detroit, Mich., remonstrating against the enactment of legislation to regulate the use of motor boats, which was referred to the Committee on Commerce.

He also presented a petition of Local Union No. 12, International Photo-Engravers' Union, of Detroit, Mich., praying for the enactment of legislation to protect the labels on union-made products in the District of Columbia, which was referred to the Committee on the Judiciary.

He also presented the memorial of P. H. Peters, of Davison, Mich., remonstrating against the establishment of a parcel-post system, which was referred to the Committee on Post Offices and Post Roads.

He also presented a memorial of Local Grange No. 115, Patrons of Husbandry, of Williamston, Mich., remonstrating against any reduction being made in the duty on wool, which was referred to the Committee on Finance.

He also presented memorials of sundry citizens of Sand Lake, Coopersville, Hartland, and Sault Ste. Marie, all in the State of Michigan, remonstrating against the enactment of legislation to provide for the coloring of oleomargarine in imitation of butter, which were referred to the Committee on Agriculture and Forestry.

He also presented the memorial of E. M. Brewer, of Byron Center, Mich., remonstrating against the repeal of the oleomargarine law, which was referred to the Committee on Agriculture and Forestry.

He also presented petitions of sundry citizens of Alton, L'Anse, Baraga, Lakeview, Pere Cheney, Schultz, Henderson, Grand Haven, and Kingsley, all in the State of Michigan, praying for the establishment of a parcel-post system, which were referred to the Committee on Post Offices and Post Roads.

He also presented petitions of sundry citizens of Lawton, Portage, and Williamston, all in the State of Michigan, praying for the enactment of an interstate liquor law to prevent the nullification of State liquor laws by outside dealers, which were referred to the Committee on the Judiciary.

Mr. MYERS presented a petition of sundry citizens of Anaconda, Mont., praying for the enactment of legislation providing for the construction of one of the proposed new battleships in the Brooklyn Navy Yard, which was referred to the Committee on Naval Affairs.

Mr. FLETCHER presented a petition of sundry citizens of Palma Sola, Fla., praying for the establishment of a parcel-post system, which was referred to the Committee on Post Offices and Post Roads.

He also presented a memorial of sundry citizens of Floral City, Fla., remonstrating against the extension of the parcel-post system beyond its present limitations, which was referred to the Committee on Post Offices and Post Roads.

He also presented a petition of Paul Hatch Camp, No. 1116, United Confederate Veterans, of Mayo, Fla., praying that an appropriation be made providing for the settlement of the so-called cotton-tax claims, which was referred to the Committee on Claims.

Mr. NELSON presented petitions of sundry citizens of Gary, Ada, and Farris, all in the State of Minnesota, praying for the establishment of a parcel-post system, which were referred to the Committee on Post Offices and Post Roads.

He also presented a memorial of sundry citizens of Hazel, Minn., remonstrating against the extension of the parcel-post system beyond its present limitations, which was referred to the Committee on Post Offices and Post Roads.

He also presented a petition of sundry citizens of Minnesota, praying for the enactment of legislation to prohibit the use of phosphorus in the manufacture of matches, which was referred to the Committee on Finance.

Mr. CULLOM presented a petition of the Woman's Christian Temperance Union of Zuma, Ill., praying for the enactment of an interstate liquor law to prevent the nullification of State liquor laws by outside dealers, which was referred to the Committee on the Judiciary.

He also presented petitions of sundry citizens of Fancy Prairie and Mount Carmel, in the State of Illinois, praying for the establishment of a parcel-post system, which were referred to the Committee on Post Offices and Post Roads.

He also presented a memorial of sundry citizens of Farmington, Ill., remonstrating against the establishment of a parcel-post system, which was referred to the Committee on Post Offices and Post Roads.

Mr. PENROSE presented a petition of members of the Board of Trade of Philadelphia, Pa., praying for the enactment of legislation providing for the improvement of the foreign service, which was referred to the Committee on Foreign Relations.

Mr. PERKINS presented petitions of sundry citizens of San Francisco and Stockton, in the State of California, praying for the enactment of legislation to exempt American vessels from tolls when passing through the Panama Canal, which were referred to the Committee on Interoceanic Canals.

He also presented a petition of sundry citizens of Healdsburg, Cal., praying for the extension of the Rural Free Delivery Service, which was referred to the Committee on Post Offices and Post Roads.

Mr. BOURNE presented a petition of sundry citizens of Oregon City, Portland, and Gladstone, all in the State of Oregon, praying for the enactment of an interstate liquor law to prevent the nullification of State liquor laws by outside dealers, which was referred to the Committee on the Judiciary.

REPORTS OF COMMITTEES.

Mr. GALLINGER, from the Committee on the District of Columbia, to which was referred the bill (S. 5246) to redeem a certain outstanding certificate of indebtedness issued by the late board of audit of the District of Columbia, and for other purposes, reported it with an amendment and submitted a report (No. 498) thereon.

He also, from the same committee, to which was referred the bill (H. R. 12623) to incorporate the American Numismatic Association, reported it without amendment and submitted a report (No. 499) thereon.

Mr. LODGE. From the Committee on Foreign Relations I report back favorably with an amendment the bill (H. R. 16571) to give effect to the convention between the Governments of the United States, Great Britain, Japan, and Russia for the preservation and protection of the fur seals and sea otter which frequent the waters of the North Pacific Ocean, concluded at Washington July 7, 1911, and I submit a report (No. 501) thereon. I desire to say that while the committee is unanimous in favor of the bill, there is a division of opinion in the committee as to the amendment which is recommended by the majority, and especially in regard to the limitation of the closed season.

The VICE PRESIDENT. The bill will be placed on the calendar.

Mr. NELSON, from the Committee on Territories, to which was referred the bill (S. 5629) to amend an act entitled "An act to provide for the construction and maintenance of roads, the establishment and maintenance of schools, and the care and support of insane persons in the District of Alaska, and for other purposes," approved January 27, 1905, reported it with an amendment and submitted a report (No. 500) thereon.

Mr. CULBERSON, from the Committee on Public Buildings and Grounds, to which was referred the bill (S. 4604) to increase the limit for purchase of site and the erection of a customhouse at Wilmington, N. C., reported it with an amendment.

Mr. MYERS, from the Committee on Indian Affairs, to which was referred the bill (S. 5674) for the relief of Indians occupying railroad lands, reported it without amendment and submitted a report (No. 502) thereon.

Mr. PERKINS, from the Committee on Naval Affairs, to which was referred the bill (S. 5937) to restore in part the rank of Lieuts. Thomas Marcus Molloy and Joseph Henry Crozier, United States Revenue-Cutter Service, asked to be discharged from its further consideration and that it be referred to the Committee on Commerce, which was agreed to.

Mr. CHAMBERLAIN, from the Committee on Indian Affairs, to which were referred the following bills, reported them severally with amendments and submitted a report (No. 503) thereon:

S. 4204. A bill to provide for the final settlement with the Tillamook Tribe of Indians, of Oregon, for lands ceded by said Indians to the United States in a certain agreement between said parties dated August 7, 1851;

S. 4205. A bill to provide for the final settlement with the Clatsop Tribe of Indians of Oregon for lands ceded by said Indians to the United States in a certain agreement between said parties dated August 5, 1851;

S. 4533. A bill to provide for a final settlement with the Kathlamet Band of Chinook Indians, of Oregon, for lands ceded by said Indians to the United States in a certain unratified treaty between said parties dated August 9, 1851;

S. 4534. A bill to provide for a final settlement with the Wheelappa Band of Chinook Indians, of Washington, for lands ceded by said Indians to the United States in a certain unratified treaty between said parties dated August 9, 1851;

S. 4535. A bill to provide for a final settlement with the Lower Band of Chinook Indians, of Washington, for lands ceded by said Indians to the United States in a certain unratified treaty between said parties dated August 9, 1851;

S. 4536. A bill to provide for a final settlement with the Waukimum Band of Chinook Indians, of Washington, for lands ceded by said Indians to the United States in a certain unratified treaty between said parties, dated August 8, 1851; and

S. 4537. A bill to provide for a final settlement with the Nucquee-clah-we-muck Tribe of Indians, of Oregon, for lands ceded by said Indians to the United States in a certain unratified treaty between said parties, dated August 7, 1851.

Mr. BROWN, from the Committee on Territories, to which was referred the bill (S. 5254) to provide for compulsory education of the children of Alaska, and for other purposes, reported it without amendment and submitted a report (No. 504) thereon.

Mr. BOURNE, from the Committee on Public Buildings and Grounds, to which were referred the following bills, reported them each without amendment and submitted reports thereon:

S. 5874. A bill to increase the limit of cost for the erection and completion of the United States post-office building at Albany, Oreg. (Report No. 505); and

S. 5877. A bill to increase the limit of cost for the erection and completion of the post-office building at The Dalles, Oreg. (Report No. 506).

BILLS INTRODUCED.

Bills were introduced, read the first time, and, by unanimous consent, the second time, and referred as follows:

By Mr. SMOOT:

A bill (S. 5972) to establish a public health service, and for other purposes; to the Committee on Public Health and National Quarantine.

By Mr. CRAWFORD (for Mr. GAMBLE):

A bill (S. 5973) authorizing the Secretary of the Interior to cause allotments to be made to the Indians of the Morongo Indian Reservation in California; to the Committee on Indian Affairs.

By Mr. TOWNSEND:

A bill (S. 5974) granting an increase of pension to James H. Crosser (with accompanying paper); to the Committee on Pensions.

By Mr. WORKS:

A bill (S. 5975) granting an increase of pension to Mary A. Connolly (with accompanying papers); to the Committee on Pensions.

By Mr. CHILTON:

A bill (S. 5976) for the relief of Mrs. C. A. Smith; to the Committee on Claims.

A bill (S. 5977) granting an increase of pension to Catherine Thomas; and

A bill (S. 5978) granting an increase of pension to Austin B. Wells; to the Committee on Pensions.

By Mr. WILLIAMS:

A bill (S. 5979) for the relief of heirs or estate of W. R. Smith, deceased (with accompanying paper); to the Committee on Claims.

By Mr. PENROSE:

A bill (S. 5980) granting an increase of pension to Samuel P. Shaffer;

A bill (S. 5981) granting a pension to Sallie B. Smith (with accompanying paper); and

A bill (S. 5982) granting an increase of pension to Henry M. Lavo (with accompanying papers); to the Committee on Pensions.

By Mr. POINDEXTER:

A bill (S. 5983) to amend an act approved February 19, 1909, entitled "An act to provide for an enlarged homestead"; to the Committee on Public Lands.

Mr. WARREN introduced a bill (S. 5984) to provide for the sale of certain real estate in Washington, D. C., belonging to the United States, which was read twice by its title and referred to the Committee on the District of Columbia.

Mr. HEYBURN. I suggest that the bill introduced by the Senator from Wyoming [Mr. WARREN] and referred to the Committee on the District of Columbia should go to the Committee on Public Lands, as it provides for the sale of public lands.

Mr. GALLINGER. I have no objection to the bill going to the Committee on Public Lands.

The VICE PRESIDENT. The bill will be referred to the Committee on Public Lands.

By Mr. THORNTON:

A bill (S. 5985) for the relief of heirs of Francis Palombo, deceased (with accompanying paper); and

A bill (S. 5986) for the relief of heirs or estate of Sebastian U. D. Schlatre, deceased (with accompanying paper); to the Committee on Claims.

By Mr. OWEN:

A bill (S. 5987) relative to restrictions on allotted Indian lands in the State of Oklahoma; to the Committee on Indian Affairs.

A bill (S. 5988) authorizing the Secretary of the Interior to set aside certain lands to be used as a sanitarium by the Order of Owls; to the Committee on Public Lands.

By Mr. MARTIN of Virginia:

A bill (S. 5989) for the relief of the estate of Peter McEnery, deceased; to the Committee on Claims.

AMENDMENTS TO RIVER AND HARBOR BILL (H. R. 21477).

Mr. RICHARDSON submitted an amendment proposing to appropriate $14,000 for improving Little River, Del., etc., intended to be proposed by him to the river and harbor appropriation bill, which was referred to the Committee on Commerce and ordered to be printed.

Mr. NELSON submitted an amendment proposing to appropriate $40,000 for improving the Potomac River, etc., intended to be proposed by him to the river and harbor appropriation bill, which was referred to the Committee on Commerce and ordered to be printed.

Mr. CRANE submitted an amendment relative to the readjustment of the accounts of the persons, firms, or corporations who have been contractors for dredging in connection with the improvement of the harbor at Boston, Mass., etc., intended to be proposed by him to the river and harbor appropriation bill, which was referred to the Committee on Commerce and ordered to be printed.

He also submitted an amendment proposing to appropriate $250,000 for improving north of Pollock Rip Channel, from the shoals lying near the entrance to Nantucket Sound, Mass., etc., intended to be proposed by him to the river and harbor appropriation bill, which was referred to the Committee on Commerce and ordered to be printed.

He also submitted an amendment proposing to appropriate $5,610 for improving the harbor at New Bedford and Fair Haven, Mass., etc., intended to be proposed by him to the river and harbor appropriation bill, which was referred to the Committee on Commerce and ordered to be printed.

DR. HARVEY W. WILEY.

Mr. MARTINE of New Jersey submitted the following resolution (S. Res. 256), which was read:

Resolved, That the Senate has learned with much regret of the resignation of Dr. Harvey W. Wiley, head of the Pure Food Bureau of the United States Government. We feel that his services while at the head of that department have been of incalculable value to the American people, and take this opportunity to express our confidence in his great ability and the splendid service he has rendered to this country.

Mr. GALLINGER. Let the resolution go over, Mr. President.

The VICE PRESIDENT. The resolution will go over under the rule, on objection.

ADJOURNMENT TO MONDAY.

Mr. GALLINGER. In view of the fact, Mr. President, that the Senate has accepted an invitation to attend the memorial exercises to-morrow, I move that when the Senate adjourns to-day it be to meet on Monday next.

The motion was agreed to.

PAYMENT OF MONEY IN POLITICAL CAMPAIGNS.

Mr. GALLINGER. I submit a resolution, in the nature of a substitute for Senate resolution No. 242, directing the Committee on Post Offices and Post Roads to inquire into and report to the Senate whether post-office inspectors are being sent through the country to influence postmasters to aid in the election of delegates for or against any candidate for the Presidency, and so forth. I ask that the resolution lie on the table and be printed.

The resolution was read, ordered to lie on the table, and to be printed, as follows:

Resolved, That the Committee on Post Offices and Post Roads is hereby authorized and directed, by subcommittee or otherwise, to inquire into and report to the Senate at the earliest date practicable whether post-office inspectors or other officials were sent at any time during the year 1904 or are now being sent through the country as political emissaries to influence postmasters to aid in the election of delegates for or against any candidate for the Presidency; also to inquire into and report to the Senate whether postmasters with good official records were in 1904 or are now being threatened directly or indirectly with removal or discipline if they gave or failed to give their support to certain candidates for delegates to national conventions or for the Presidency; also to inquire into and report to the Senate whether in 1904 appointments were made, or were promised

to be made, to influence the election of delegates to the Republican national convention, and also to inquire further into the truth or falsity of the reports that certain nominations for postmasters that were made to the Senate on various dates and withdrawn on February 19, 1912, were withdrawn for the purpose of influencing the action of certain politicians in the State of North Carolina in regard to holding conventions and electing delegates to the Republican national convention of 1912; and for this purpose they are authorized to sit during the session of Congress at such times and places as they may deem desirable or praticable; to send for persons and papers, to administer oaths, to summon and compel the attendance of witnesses, to conduct hearings, and have reports of same printed for use, and to employ such clerks, stenographers, and other assistants as shall be necessary, and any expense in connection with such inquiry shall be paid out of the contingent fund of the Senate upon vouchers to be approved by the chairman of the committee.

ABANDONED PROPERTY IN INSURRECTIONARY DISTRICTS (S. DOC. NO. 453.)

Mr. CULBERSON. I ask that the address delivered by Hon. Cushman K. Davis on the cotton tax, January 23, 1900, be printed as a Senate document.

The VICE PRESIDENT. Without objection, the order will be entered.

The order as agreed to was reduced to writing, as follows:

Ordered, That the address delivered by Hon. Cushman K. Davis on the cotton tax, January 23, 1900, CONGRESSIONAL RECORD, volume 33, Part 2, page 1068 et seq., be printed as a Senate document.

ADDRESSES BY PRESIDENT TAFT.

Mr. CULLOM. I ask that the address of President Taft at the banquet of the Swedish-American Republican League at Congress Hall, Chicago, Ill., March 9, 1912, be printed as a Senate document (S. Doc. No. 452).

The VICE PRESIDENT. Without objection, the order will be entered.

Mr. GALLINGER. I ask that the address of President Taft to the General Court of the Legislature of Massachusetts, delivered in Boston, Mass., March 18, 1912, be printed as a Senate document (S. Doc. No. 451).

The VICE PRESIDENT. Without objection, an order therefor is entered.

SENATOR FROM WISCONSIN.

Mr. JONES. Mr. President, as an amendment in the nature of a substitute for the motion of the Senator from Idaho [Mr. HEYBURN], that the Senate agree to the report of the Committee on Privileges and Elections in reference to the charges preferred by the Legislature of the State of Wisconsin against ISAAC STEPHENSON, a Senator from that State, I submit and desire to have pending the resolution which I send to the desk.

The resolution is as follows:

Resolved, That ISAAC STEPHENSON was not duly and legally elected to a seat in the Senate of the United States by the Legislature of the State of Wisconsin.

PRESIDENT PRO TEMPORE FOR MONDAY AND TUESDAY.

Mr. MARTIN of Virginia. I am advised that the Vice President will unavoidably be absent from the city of Washington Monday and Tuesday of next week, and I therefore ask unanimous consent that the Senator from Connecticut, Mr. BRANDEGEE, be selected to preside over the deliberations of the Senate Monday and Tuesday of next week.

The VICE PRESIDENT. Is there objection? The Chair hears none.

Mr. GALLINGER submitted the following resolution (S. Res. 257), which was read, considered by unanimous consent, and agreed to:

Resolved, That the Secretary wait upon the President of the United States and inform him that the Senate has elected FRANK B. BRANDEGEE, a Senator from the State of Connecticut, President of the Senate pro tempore, to hold and exercise the office in the absence of the Vice President on Monday and Tuesday, March 25 and 26, 1912.

Mr. GALLINGER submitted the following resolution (S. Res. 258), which was read, considered by unanimous consent, and agreed to:

Resolved, That the Secretary notify the House of Representatives that the Senate has elected FRANK B. BRANDEGEE, a Senator from the State of Connecticut, President of the Senate pro tempore, to hold and exercise the office in the absence of the Vice President on Monday and Tuesday, March 25 and 26, 1912.

PRESIDENTIAL APPROVAL.

A message from the President of the United States, by Mr. Latta, executive clerk, announced that the President had approved and signed the act:

On March 16, 1912:

S. 339. An act providing for the reappraisement and sale of certain lands in the town site of Port Angeles, Wash., and for other purposes.

HOUSE BILLS REFERRED.

The following bills were severally read by their titles and referred to the Committee on Commerce:

H. R. 19071 An act granting extension of time to the St. Cloud Electric Power Co. to construct a dam across the Mississippi River; and

H. R. 20347. An act to authorize the Dixie Power Co. to construct a dam across White River at or near Cotter, Ark.

The following bills were severally read twice by their titles and referred to the Committee on the Judiciary:

H. R. 14925. An act to amend "An act to parole United States prisoners, and for other purposes," approved June 25, 1910; and

H. R. 19418. An act to amend section 5 of an act entitled "An act to regulate fees and costs, and for other purposes," approved February 22, 1875.

The following bills were severally read twice by their titles and referred to the Committee on Public Lands:

H. R. 12211. An act to amend the act of February 18, 1909 (35 Stat. L., p. 626), entitled "An act to create the Calaveras Big Tree National Forest, and for other purposes";

H. R. 13417. An act granting unsurveyed and unattached islands to the State of Wisconsin for forestry purposes;

H. R. 16101. An act providing for patents to homesteads on the ceded portion of the Wind River Reservation, in Wyoming;

H. R. 18661. An act to provide for an extension of time of payment of all unpaid payments due from homesteaders on the Coeur d'Alene Indian Reservation, as provided for under an act of Congress approved June 21, 1906; and

H. R. 20491. An act authorizing the Secretary of the Interior to grant further extension of time within which to make proof on desert-land entries.

The following bill and joint resolution were severally read twice by their titles and referred to the Committee on Indian Affairs:

H. R. 1332. An act regulating Indian allotments disposed of by will; and

H. J. Res. 263. A joint resolution to authorize allotments to Indians of the Fort Berthold Indian Reservation, N. Dak., of lands valuable for coal.

H. R. 1647. An act to amend an act entitled "An act to increase the limit of cost of certain public buildings, to authorize the purchase of sites for public buildings, to authorize the erection and completion of public buildings, and for other purposes. was read twice by its title and referred to the Committee on Public Buildings and Grounds.

H. R. 21597. An act granting pensions and increase of pensions to certain soldiers and sailors of the Civil War and certain widows and dependent relatives of such soldiers and sailors of said war, was read twice by its title and referred to the Committee on Pensions.

H. J. Res. 239. Joint resolution authorizing the Secretary of War to deliver a condemned cannon to the Army and Navy Union, United States of America, was read twice by its title and referred to the Committee on Military Affairs.

H. J. Res. 276. A joint resolution authorizing the Secretary of Agriculture to make an exhibit at the Fifth National Corn Exhibition at Columbia, S. C., was read twice by its title and referred to the Committee on Agriculture and Forestry.

PENSIONS AND INCREASE OF PENSIONS.

Mr. McCUMBER. I move that the Senate proceed to the consideration of the bill (S. 5624) granting pensions and increase of pensions to certain soldiers and sailors of the Civil War and certain widows and dependent relatives of such soldiers and sailors.

The motion was agreed to, and the Senate, as in Committee of the Whole, proceeded to consider the bill.

It proposes to pension the following persons at the rates per month given:

John Brown, late of Company A, Fifty-eighth Regiment Pennsylvania Volunteer Infantry, $50.

Elizabeth S. Phillips, former widow of Julius G. Johnson, late of Company B, Twenty-eighth Regiment Kentucky Volunteer Infantry, $20.

Urban Coon, late of Company B, Nineteenth Regiment Illinois Volunteer Infantry, $30.

George Kent, late of Company G, Thirteenth Regiment Michigan Volunteer Infantry, $30.

William J. Lambdin, late of Company E, Ninety-eighth Regiment Illinois Volunteer Infantry, $24.

Samuel D. Fulmer, late of Company F, One hundred and fifth Regiment Pennsylvania Volunteer Infantry, $50.

Josephine P. Whitney, helpless and dependent daughter of Oliver C. Whitney, late of Company A, Seventh Regiment Kansas Volunteer Cavalry, $12.

Henry Andrews, alias William J. Bowers, late of Company E, Thirty-third Regiment, and Company D, Thirty-fourth Regiment, Iowa Volunteer Infantry, $24.

William J. Benton, late of Company L, First Regiment Colorado Volunteer Cavalry, $30.

Frank L. Fisher, late of Company B, Forty-second Regiment Massachusetts Militia Infantry, $24.

William P. Thompson, late of Company G, Twelfth Regiment Illinois Volunteer Infantry, $24.

Benjamin F. Reed, late of Company A, Forty-seventh Regiment Illinois Volunteer Infantry, $24.

Virginia H. Morgan, widow of Nelson Morgan, late second lieutenant Company B, One hundred and first Regiment Illinois Volunteer Infantry, $20.

James A. Hunt, late of Company A, Ninety-fourth Regiment Illinois Volunteer Infantry, $24.

Calvin Smith, late of Company G, Twenty-second Regiment Indiana Volunteer Infantry, $30.

Mary S. Tucker, of Texas, widow of Charles F. Tucker, late of Company A, Ninety-fifth Regiment Illinois Volunteer Infantry, $20.

John C. Carpenter, late of Company D, Seventh Regiment Kentucky Volunteer Infantry, $30.

William Turner, late of Company A, Twenty-fourth Regiment Kentucky Volunteer Infantry, $24.

Francis Marion Keith, late of Company K, Twelfth Regiment, and Company K, Twenty-fourth Regiment, Kentucky Volunteer Infantry, $24.

Karl Somerlatt, late of Company B, Twenty-eighth Regiment Wisconsin Volunteer Infantry, $24.

Ira N. Levalley, late of Company B, Eighty-ninth Regiment Illinois Volunteer Infantry, $30.

William Akin, late of Company F, Forty-fifth Regiment Illinois Volunteer Infantry, $24.

John L. Reese, late of Company E, One hundred and eighty-second Regiment Ohio Volunteer Infantry, $24.

Ransom W. Bailey, late of Company A, One hundred and seventy-first Regiment Pennsylvania Drafted Militia Infantry, $24.

Horace R. Weston, late of Company I, Thirteenth Regiment Maine Volunteer Infantry, and Company B, First Battalion Maine Volunteer Infantry, $24.

William Barker, late of Company K, Eleventh Regiment Illinois Volunteer Cavalry, $30.

John West, late of Company E, Third Regiment Iowa Volunteer Cavalry, $30.

William H. Tinkham, late of Company A, Third Regiment Massachusetts Volunteer Infantry, $20.

Frederick J. Thilke, late of Company A, Thirty-eighth Regiment Wisconsin Volunteer Infantry, $30.

Christopher G. Burdick, late of Company E, Tenth Regiment, and Company C, Forty-first Regiment, Wisconsin Volunteer Infantry, $24.

Ambrose Roan, late of Company F, Twenty-seventh Regiment United States Colored Volunteer Infantry, $24.

Henry G. Trimble, late of Company C, Third Regiment Kentucky Volunteer Infantry, $65.

Charles C. Warner, late of Company H, Forty-seventh Regiment Pennsylvania Volunteer Infantry, $24.

John Hollabaugh, late of Company G, Fifty-first Regiment Pennsylvania Volunteer Infantry, $40.

Maggie L. Zachary, widow of Charles A. Zachary, late captain Company F, Second Regiment Kentucky Volunteer Cavalry, $25.

John Rosswork, late of Company H, Fifth Regiment Pennsylvania Volunteer Cavalry, $30.

Eugene O. Pratt, late of Company B, Forty-sixth Regiment Wisconsin Volunteer Infantry, $24.

Robie M. Towle, late of Company H, One hundredth Regiment Indiana Volunteer Infantry, $24.

John J. Evans, late of Company H, Thirteenth Regiment Kentucky Volunteer Cavalry, $24.

Henry M. Endsley, late of Company H, Third Regiment Indiana Volunteer Infantry, War with Mexico, and captain Company F, Seventieth Regiment Indiana Volunteer Infantry, $50.

John X. Eichel, late of Company F, One hundred and eighty-eighth Regiment Pennsylvania Volunteer Infantry, $36.

Andrew J. Board, late of Company A, Tenth Regiment West Virginia Volunteer Infantry, $30.

George McCrea, late first lieutenant and captain Company E, One hundred and thirteenth Regiment Ohio Volunteer Infantry, $30.

Joseph B. Hill, late captain Company E, Tenth Regiment Ohio Volunteer Cavalry, $30.

Samuel A. Pearce, late additional paymaster, United States Volunteers, and major and paymaster, United States Army, $50.

Henry Dye, late of Company D, Eleventh Regiment West Virginia Volunteer Infantry, $24.

Andrew Randall, late of Company H, Fourth Regiment, and Company H, Nineteenth Regiment, Maine Volunteer Infantry, $24.

William H. Donaldson, late of Company K, First Regiment Michigan Volunteer Cavalry, and unassigned detachment First Battalion Veteran Reserve Corps, $24.

Samuel T. Hawkins, late of Company C, Thirty-second Regiment, and Company H, One hundred and thirty-third Regiment, Illinois Volunteer Infantry, $30.

Jacob C. Mitts, late of Company F, Third Regiment Wisconsin Volunteer Cavalry, $24.

Martin L. Galyean, late of Company A, Twenty-sixth Regiment Indiana Volunteer Infantry, $30.

William M. Blose, late of Company A, One hundred and fifth Regiment Pennsylvania Volunteer Infantry, $24.

Patrick Sullivan, late of Company I, One hundred and twenty-seventh Regiment New York Volunteer Infantry, $30.

John Clopine, late of Company C, Fifty-third Regiment Ohio Volunteer Infantry, $40.

William C. Williams, late of Company K, One hundred and fifth Regiment Pennsylvania Volunteer Infantry, and Company G, Sixth Regiment Veteran Reserve Corps, $30.

Henry Bargerstock, late of Company D, Sixty-second Regiment Pennsylvania Volunteer Infantry, $30.

Willard M. Walker, late of Company C, Third Regiment, and Company E, Twenty-second Regiment, Wisconsin Volunteer Infantry, $24.

John Ghastin, late of Company H, Fifth Regiment Wisconsin Volunteer Infantry, $30.

John S. Sullivan, late of Company D, Fifth Regiment New Hampshire Volunteer Infantry, $50.

Charles W. Holmes, late of U. S. S. *Vandalia* and *Tioga*, United States Navy, $30.

Johnston R. Lambright, late of Company E, One hundred and twenty-fifth Regiment Pennsylvania Volunteer Infantry, $24.

Aaron H. Thatcher, late of Company A, First Regiment Iowa Volunteer Cavalry, $40.

Milton Green, late of Company F, Twenty-fifth Regiment Wisconsin Volunteer Infantry, $30.

Alfred Kent, late second lieutenant Company H, and first lieutenant and regimental commissary, Third Regiment Michigan Volunteer Cavalry, $50.

Benjamin Miller, late of Company I, Forty-ninth Regiment Wisconsin Volunteer Infantry, $30.

Ezra J. Crocker, late of Company K, Fifth Regiment Connecticut Volunteer Infantry, $30.

George F. Davlin, late of Company D, First Regiment Wisconsin Volunteer Cavalry, $30.

Benjamin E. Westfall, late of Company F, Fourth Regiment, and Company G, Thirtieth Regiment, Michigan Volunteer Infantry, $24.

George H. Pierce, late of Company H, Sixth Regiment Vermont Volunteer Infantry, $24.

Alexander A. Richardson, late of Company K, First Regiment District of Columbia Volunteer Cavalry, $30.

John M. Mower, late of Company A, First Regiment Maine Volunteer Cavalry, $30.

William H. Bradley, late of Company G, First Regiment Pennsylvania Reserve Volunteer Infantry, and medical cadet, United States Army, $30.

Catherine Downs, widow of James Downs, late of Company H, One hundred and seventeenth Regiment New York Volunteer Infantry, $12.

Olive C. Morrill, widow of Eleazer D. Morrill, late of Company I, Eighth Regiment Vermont Volunteer Infantry, and Company G, Thirteenth Regiment Veteran Reserve Corps, $20.

Gerret G. Seger, late first lieutenant Company E, Seventy-third Regiment Indiana Volunteer Infantry, $24.

Benjamin F. Whitehouse, late of Company C, First Regiment Ohio Volunteer Heavy Artillery, $24.

John Jones, late of Fifth Independent Battery Ohio Volunteer Light Artillery, $30.

Andrew Geist, late of Company F, One hundred and twenty-fifth Regiment, and Company H, One hundred and eighty-eighth Regiment, Pennsylvania Volunteer Infantry, $24.

Eri Guthrie, late of Company F, Ninety-third Regiment Indiana Volunteer Infantry, $24.

Catharine Ann Leonard, widow of Thomas Leonard, late of Company A, Eighty-third Regiment Indiana Volunteer Infantry, $12.

Clarence L. Miles, late first lieutenant Company A, Ninth Regiment Michigan Volunteer Cavalry, $30.

Mary Ryder, widow of John B. Ryder, late of Company I, First Regiment Connecticut Volunteer Heavy Artillery, $20.

John H. Klingler, late of Company H, Fourth Regiment Delaware Volunteer Infantry, $30.

Henry Marble, late of Company C, Eleventh Regiment Michigan Volunteer Cavalry, and Company I, Eighth Regiment Veteran Reserve Corps, $24.

John C. Bryant, late of Company B, Forty-sixth Regiment Massachusetts Volunteer Infantry, $24.

Charles D. Wilson, late of Company K, Eighty-first Regiment New York Volunteer Infantry, $30.

Mr. McCUMBER. Mr. President, I suggest the want of a quorum.

The VICE PRESIDENT. The Secretary will call the roll.

The Secretary called the roll, and the following Senators answered to their names:

Bacon	Curtis	McCumber	Simmons
Bourne	Dillingham	McLean	Smith, Ga.
Bradley	du Pont	Martine, N. J.	Smith, Md.
Brandegee	Fletcher	Myers	Smith, Mich.
Brown	Foster	Nelson	Smoot
Burnham	Gallinger	Overman	Sutherland
Burton	Gardner	Page	Thornton
Chamberlain	Heyburn	Penrose	Townsend
Chilton	Johnson, Me.	Percy	Warren
Clapp	Johnston, Ala.	Perkins	Watson
Clark, Wyo.	Jones	Poindexter	Wetmore
Crawford	Lea	Pomerene	Williams
Culberson	Lippitt	Richardson	Works
Cullom	Lodge	Root	

Mr. FLETCHER. I desire to announce that my colleague [Mr. BRYAN] is unavoidably absent. I will let this announcement stand for the day.

Mr. CRAWFORD. My colleague [Mr. GAMBLE] is necessarily absent. He has a general pair with the junior Senator from Arkansas [Mr. DAVIS]. I make this announcement for the day.

Mr. LEA. The senior Senator from Tennessee [Mr. TAYLOR] is detained from the Chamber by illness.

The VICE PRESIDENT. Fifty-five Senators have answered to their names. A quorum of the Senate is present.

Mr. McCUMBER. Mr. President, yesterday I requested that the pending bill be passed over for the reason that I desired to move to strike out a certain portion of the bill, a portion which had been voted into the bill by a majority of the Committee on Pensions who were present at the time the vote was taken. I stated at that time that the matter which I desired to bring before the Senate for consideration might become a precedent for the future guidance of the Committee on Pensions, and it was my desire that if we were to amend those rules in any way and have a different standard for the granting of special private pensions we ought to do so under the advice of the Senate.

Mr. President, one of the most disagreeable of the duties which are imposed upon the chairman of the Committee on Pensions is that of holding the rates down to what has been heretofore the rule of the committee, and of preventing there being any special cases of favoritism, or that which would look like favoritism, which might become a precedent in the future consideration of like cases.

I wish to read to the Senate two sections of the rules of the Committee on Pensions. One is section 5, which reads as follows:

Rule 5. Bills for increasing pensions to officers or enlisted men will not be given consideration unless total incapacity for the performance of manual labor is established by the evidence on file in the Pension Bureau or filed with the bill. The soldier must establish his title to and be granted the highest rate of pension under the law applicable to his case before applying to Congress. If it be shown that a soldier who is in receipt of not less than $12 per month is in absolutely destitute circumstances and is suffering from a permanent disability of an extreme nature rendering him wholly or partly helpless, a bill proposing to grant additional pension may be favorably considered. The amount of pension allowed will be governed by conditions of service in connection with extreme disability and destitution. If a rejected claim under other laws exists, the equities in such claim will receive consideration in connection with the bill.

I also read a portion of rule 7:

No increase of pension to widows will be recommended above the general-law rating except in case of destitution to be substantiated by competent testimony, and the word "destitution" will be held to mean the same when applied to an officer or his widow as when applied to a private or his widow; it will not be contracted or expanded to meet particular cases.

There are two propositions, Mr. President, in those rules. The first is that no pension shall be granted at all unless there is proof of destitution. The second is that the grant shall not be greater than will be necessary in the exigencies of the case to prevent destitution. For a number of years your committee in the consideration of cases has been compelled to adopt certain ratings for certain specific classes of disability. Where there has been a necessity for constant aid and attendance the committee has, in many instances, granted as high a rate as $50 per month; but we have by a long course of action affirmed our decision not to grant more than $50 in any special bill, holding that $50 would relieve destitution and enable a person to live and at the same time procure more or less assistance.

The second propositions is that those who are in practically the same condition should be treated exactly alike, because we are attempting to do justice and equity to all of the soldiers, and if we grant $65 a month to one and $50 a month to another for the same kind of disability and the same degree of destitution, we will have done an injustice to the one or else committed an act of favoritism toward the other. If there is any one thing that the committee ought to avoid it is affording any justification for the charge, public or private, that the committee are guilty of the offense of attempting to give one person more than they would give another for the same disability and under the same circumstances; in other words, the charge that we are guilty of favoritism.

Mr. President, in the particular case I have in mind the soldier was receiving $55 per month; the majority of the committee raised the amount to $65 a month; and what I want to show at this time is that the grant of $65 a month to this one soldier will be doing a rank injustice to a dozen others to whom we have granted but $50 per month in bills which have passed within the last two or three days. Therefore, on page 7 I move to strike out all from line 7 to line 10, inclusive, the case of Henry G. Trimble, Senate bill 2595. The report on this case is found in Senate Report No. 441, page 15. It appears that the soldier is receiving $55 per month under the general law for the loss of an arm at the shoulder. A majority of the committee present and voting have increased this amount to $65 a month. The rule of the committee has been not to grant in excess of $50 per month in any case; and if a greater amount is allowed in this case it should be allowed in other similar cases. The report sets out the facts and attached reports show other cases where only $50 per month has been allowed.

The soldier was wounded in the left arm at Dallas, Ga., on June 2, 1864, and the arm was amputated very close to the shoulder joint, which prevented the possibility of the use of an artificial limb. He was pensioned to date from his discharge, October 13, 1864, at the highest rate provided by law for his disability. At that time the rate was $8 per month. Legislation was enacted in 1866, 1872, 1874, 1883, 1886, 1887, and 1903, which raised the rates to $15, $18, $24, $30, $36, $45, and $55 per month, respectively. He is now receiving $55 per month. Affidavits are filed with the bill from credible witnesses stating that the soldier, owing to a paralytic stroke and other diseases and infirmities of age, is now totally helpless. It is also stated that he has no property of any kind. This is a case, Mr. President, where, if the soldier had been receiving anything less than $50 a month, we would have granted him up to the maximum amount which has been granted in like cases, namely, $50 a month.

The Committee on Pensions of the Senate in the past few years has repeatedly refused to recommend an increase of pension in exactly similar cases, even in cases where soldiers lost limbs and were pensioned at $55 per month, on the ground that the ordinary necessities of life could be secured for $55 per month and that a person in receipt of a pension of that amount could not be considered to be wholly destitute. In fact, the Committee on Pensions have set a limit and determined not to report favorably any bills in excess of $50 per month. This action on the part of the committee was found necessary, Mr. President, on account of the large number of bills calling for high rates which were presented to the committee, and in order to conform with the practice of the committee for a number of years past.

I have given you facts from the report in this particular case, and I wish to give a few facts in some cases which I asked my secretary to collect from reports upon bills which have just been passed. I want to read a few of them in which we have granted the maximum of $50 per month:

S. 4567. George H. Garnett, enlisted as a private in Company F, Thirty-first Maine Volunteer Infantry, February 26, 1864; discharged January 13, 1865, on surgeon's certificate of disability because of—

"A gunshot wound received in battle before Petersburg, Va., June 17, 1864. The ball entered at inner angle of left eye and emerged through the lobe of the left ear, destroying the eye and fracturing the superior and inferior maxillaries and rendering him incapable of separating them more than one-fourth of an inch."

He was pensioned from discharge at $8 per month on account of gunshot wound of left eye, ear, and lower jaw. Said pension has been increased from time to time and claimant now receives $30 per month.

From the papers on file in the Pension Bureau it is apparent that claimant has been a constant sufferer from his severe wound; that his digestive organs have become affected from imperfect mastication of food; that in consequence his general health is poor and that he is a totally disabled man. The bureau surgeons by whom he was last examined, November 23, 1892, described his disability as follows:

"We find a gunshot wound which involves almost the entire left side of the face. The ball entered a little left of the center of forehead, ranging downward, making its exit at the angle of lower jaw, left side; it caused considerable loss of muscle, bone, and tissue, and destruction of the entire left eye, almost obliterating orbit; the jaws are firmly set, it being necessary to remove some of his teeth to insert a tube

to give necessary nourishment. The eye constantly discharges thin ichorish pus which is irritating and most of the time very fetid; it is necessary for him to have special diet, to have his eye dressed at least once a day in temperate and cold weather, and in warm, many more times; this of course involves constant care and attention of another person and for 23 years it has been his wife's constant care, and since 1885 has occupied her entire time. We find him nervous and of a very sensitive nature, is thin, gaunt-looking and has a sallow complexion; upon slight exertion his heart beats very rapidly; he seems short of breath and his respiration is always rapid. Would recommend the man be allowed the constant service of an attendant."

Medical evidence filed in the Pension Bureau January, 1912, is to the effect that claimant is totally disabled and needs the assistance of another person daily to dress his wound. He is 66 years of age and very poor. The facts as to his grievous disability and poverty are known to Senator MYERS, who makes the following statement:

UNITED STATES SENATE,
Washington, D. C., January 18, 1912.

Hon. P. J. MCCUMBER,
Chairman Senate Committee on Pensions:

DEAR SENATOR: I have introduced Senate bill 4567, granting an increase of pension to Mr. George H. Garnett, late of Company F, Thirty-first Regiment Maine Volunteer Infantry.

I am personally acquainted with Mr. Garnett and his case is a very serious one, and he is most worthy of any assistance which the Committee on Pensions may see fit to give him. During his Army service he was very badly injured. He was shot in the head, losing his left eye and his ear and badly injuring his jaws. After the accident his jaws became set, so that he can not open his teeth to exceed one-sixteenth of an inch, thereby making it impossible for him to masticate his food. Consequently his entire digestive tract has become deranged. This wound is a running sore and he needs the attendance of another person each day to dress it and care for it.

Financially, Mr. Garnett is in poor circumstances, and is absolutely unable to perform any manual labor at all, and, under all the circumstances, I think his case a most deserving one and hope that the committee will favorably consider the same.

If there are any further facts that I can furnish your committee in regard to this matter, I shall be glad to have you call upon me.

Yours, truly,

H. L. MYERS.

It is believed that soldier's condition is such that increase to $50 is warranted.

In this case the soldier received a most grievous wound, shattering his jaws, which have become so firmly set that there is no motion, and he must take sustenance through a tube. He has been in this condition since he was wounded, June 17, 1864. His disabilities are almost wholly due to service. The committee recommend $50.

The next case is that of Henry H. Warner. He was a sergeant in Company C, Eighty-ninth Illinois Volunteer Infantry and served from August 5, 1862, to November 11, 1864. He was several times wounded in battle, in consequence of which he was discharged on surgeon's certificate of disability. He is now on the pension roll under general law at $30 per month for gunshot wounds of left arm and left leg and left thigh, and his efforts to obtain a higher rate at the bureau have been without success, his last claim for increase, filed April 3, 1911, being rejected June 1, 1911.

The testimony shows that the claimant is 67 years of age and that he is substantially helpless and has not been out of his room for several months. In addition to severe wounds received in battle he suffers from rheumatism, heart disease, piles, blindness of right eye, and marked general debility, and requires the aid and attendance of another person. His grievous condition clearly appears from the report of his last medical examination, taken May 4, 1911, and from the papers filed with this committee. The bureau examining surgeon reported that claimant required the periodical assistance of another person, a degree of disability ratable under the general law at $50 per month, and there is other medical evidence to the same effect on file in the case. Evidence filed with this committee shows that claimant is now and has been for some time past confined to his room requiring the constant attention of some one to provide for his wants. It is also shown that he is without means and is entirely dependent upon his pension for support, and it is believed that increase of his pension to $50 per month is fully warranted.

In this case the soldier's disabilities are due to service. He was wounded in left arm, left leg, and left thigh. He is wholly disabled and requires the aid and attendance of another person. He has never received more than $30 per month. The committee recommend $50.

The next case is that of Robert B. Nicol, who enlisted in the Union Army March 26, 1862, for service as a corporal in Company I, Eleventh New York Volunteer Cavalry. While in the performance of duty near Washington, D. C., in December, 1863, he was thrown from his horse, sustaining severe injury of both arms, necessitating his discharge from the service July 8, 1864. He is now pensioned at $46 per month for injury to left elbow, resulting in total disability of left arm, and injury to right wrist. His rate is the highest obtainable from the bureau under the general law.

The claimant is an old man over 80 years of age. In addition to above disabilities he has a progressive deafness, which has been coming on for the past five years, and is also nearly blind in both eyes and, needless to add, practically helpless. He is also a constant sufferer from rheumatism and requires some one with him most of the time. It also appears that he is in straitened circumstances and in need of relief. He has always been a man of high repute and good character, but has been hindered by reason of his disability incurred in the Army from laying up a competency for his old age, and now finds himself crippled and almost blind and in poor circumstances. The facts in his case are fully substantiated by several reputable witnesses and justify your committee in recommending increase to $50 per month, which is the maximum rate recommended by special act in any case.

This soldier was very badly disabled by reason of service. He is getting a pension of $46 per month for total disability of left arm. He would probably have been better off had the arm been amputated. In that case he would have received $55 per month. The committee allows only $50 per month.

The next case is that of Spencer Ford, who was a member of Company F, Fifth Regiment United States Colored Volunteer Infantry. He enlisted August 17, 1863, and was discharged July 9, 1865. He is pensioned under the general law at $30 per month for rheumatism and resulting disease of heart admitted to have been of service origin. He was first pensioned at $8 per month from June 21, 1887; subsequently this was increased to $12, then to $16, $17, $24, and finally to $30 from February 18, 1903. Applications for further increase stand denied on the ground that his condition is partly due to paralysis of left side not accepted as a result of pensioned disability.

It is conclusively proved that the claimant is a helpless paralytic, and that he requires the aid and assistance of another person. His last two examinations—in April, 1908, and March, 1909—were made at his home because he was unable to leave the house, and they show his total disability from rheumatism, heart disease, and paralysis, and his need for care and attention. Evidence of a physician and neighbors filed with this committee also shows that claimant is totally disabled and requires the aid and assistance of another person, and, in fact, can do nothing for himself without assistance. He is 69 years of age, owns no property, not even a home, and has no income from any source except his pension. On account of his helplessness and poverty it is believed proper to give him increase of pension to $50 per month, as proposed in the bill.

The soldier was wholly disabled by reason of service, although his disabilities are due to disease and not to wounds. The committee recommends $50 per month.

I will read one more to show the uniformity of our reports in these cases:

"Alexander Hogelan, the claimant, was a private in Company F, Forty-sixth Indiana Volunteer Infantry. He served three years in the Union Army during the Civil War, having enlisted October 8, 1861, and being honorably discharged October 13, 1864. He is a pensioner under the general law at $30 per month for gunshot wound of face, affecting sight of both eyes and hearing of right ear. Claim for increase, filed July 29, 1909, was rejected October 14, 1909.

"Claimant was severely wounded in battle at Champion Hills, Miss., May 16, 1863, the ball entering the face near left eye, passing inward, backward, and downward, and lodged in the back of the neck, from which it has never been removed. The shock of the bullet destroyed the left eye, and he is also, in consequence, nearly blind in right eye. The wound also caused total deafness of right ear and partial deafness of left ear and has been a source of great suffering, pain, and inconvenience. The bureau surgeon in his last certificate, dated September 22, 1909, reports that claimant is a wreck, and that his condition was such as the result of his service wound as to require the constant aid and attendance of another person. The following sworn statement of Dr. William S. Walker, of Lafayette, Ind., is filed with this committee:

"I have carefully examined Alexander Hogelan, a soldier of the late Civil War, and found him in the following described condition: Emaciated and anemic, walks with the aid of a cane in a feeble, tottering manner on the level floor. In going up steps requires assistance. The left eye is totally blind, the sight in right eye much affected. Total deafness of right ear, and left ear almost total for practical purposes. All the result of a gunshot wound in the face. Heart action feeble, sounds muffled; the radial pulse feeble and the arteries hard; pulse, sitting, 60; standing, 64. The rifle ball still remains in body, and its location at present time is at the inner angle of the right scapula. This point is tender and shows some induration. Soldier, from the above-named physical condition, is totally unable to perform manual labor and requires assistance in dressing himself or in walking out of doors.

"Soldier is now an old man, past 71 years of age. He is poor and needy and depends upon his pension for support. It is believed that his condition is such that increase to $50 per month, as proposed in the bill, is fully warranted."

The soldier was severely wounded in the face, and as a result is practically blind and deaf. He has suffered constantly all his life. He is now a total physical wreck, and his disabilities are

almost wholly due to service. The committee recommends $50 per month.

I have a number of others here, but I believe I have read a sufficient number to show that all these are cases in which if the claimant in the case which I object to is entitled to $65 per month the others would also be entitled to the same. I will ask that the other cases which I will note may, without reading, be printed as a part of my remarks.

The VICE PRESIDENT. Without objection, permission is granted.

The matter referred to is as follows:

"S. 858. William E. Brown served as a private in Company E, Third Regiment Iowa Volunteer Cavalry. He enlisted August 17, 1861, and was discharged March 29, 1863, on surgeon's certificate of disability on account of 'general debility consequent on phthisis pulmonalis and chronic diarrhea.' He established a claim for pension under the general law for chronic diarrhea and resulting piles and catarrh and is pensioned therefor at $30 per month. He applied for increase April 23, 1909, but his application was rejected June 1, 1909, on the ground that his present disabled condition was due in part to other than pensioned causes.

"The soldier is an old man of 75 years of age. When last examined, May 11, 1909, he was shown to be so disabled from pensioned disabilities and old age as to require the regular personal aid and attendance of another person. The examining surgeon said:

"This soldier is extremely weak and emaciated, can scarcely arise from a chair by the assistance of two canes, and then only by several attempts; at times loses his balance easily, and fully requires the assistance of wife and dependent son to get up. Either his wife or son has to be near at hand all the time to aid and assist him in dressing and undressing, washing him, assisting him in attending to calls of nature, bringing him a drink of water. Soldier seems to be thoroughly exhausted on the least effort to help himself.

"Evidence of a physician and neighbors filed with this committee shows that soldier is totally disabled and requires an attendant all the time. It also appears that he is poor and needy and deserving of relief. His unfortunate condition strongly appeals to your committee, and it seems proper to give him increase of pension to $50 per month, as proposed in the bill, a large measure of his disability being due to his military service."

In this case the soldier is disabled by reason of disease and not from wounds. He is absolutely helpless and can do nothing for himself. The committee recommends $50 per month.

"S. 5. Samuel C. Whitwam was a private in Company F, Fourth Regiment Michigan Volunteer Cavalry. He served from August 19, 1864, to July 1, 1865, and was honorably discharged. He was granted pension under the general law, and is now receiving $30 per month for disease of lungs and disease of throat, and resulting total deafness of left ear and slight deafness of right ear, contracted while in service.

"The evidence clearly shows that this soldier is helpless and requires the aid and attendance of another person. In addition to pensioned disabilities he suffers from disease of heart, paralysis, and fracture of left thigh, making his left leg practically useless. The certificate of his last medical examination shows that at that time, February 12, 1908, he was so totally helpless that he required the regular personal aid and attendance of another person, a degree of disability which, were it wholly due to the military service, would entitle him to a pension of $72 per month. Medical evidence filed with this committee is confirmatory of the findings of the examining surgeon, and shows that soldier is a physical wreck and must have an attendant to assist him to perform even the ordinary duties of life. He is 63 years of age, poor, and without means, and worthy of relief. It is proper to give this man a substantial increase of pension, and your committee recommend the allowance of $50 per month, proposed in the bill."

In this case the soldier is wholly disabled by reason of disease contracted in the service, although he was not wounded. He has been a sufferer ever since his discharge. He is totally disabled and requires constant aid and attention. The committee recommends $50 per month.

"S. 1669. Seth Goldthwait is a resident of New Boston, N. H., and has an honorable military record. He enlisted in the Union Army December 26, 1863, as a private in Company H, Thirtieth Maine Volunteer Infantry; was transferred to Company A, same regiment, January 1, 1865, and honorably discharged August 20, 1865. He is now pensioned at the rate of $12 per month under the act of June 27, 1890. But, while he is paralyzed and helpless and in destitute circumstances, he is unable to obtain further relief in the Pension Bureau, his disabilities not being traceable to the military service.

"Claimant's grievous condition clearly appears from the papers on file in the Pension Bureau and with this committee. He has lost the use of both legs and control of bladder and rectum; is unable to stand alone or walk, except with the aid of two canes or crutches; has lost much of the use of the right arm and hand from injury sustained a few years ago, and is in every respect a helpless cripple. He is 63 years of age, without means, and with no source of income except his pension. He was a good soldier and he is a good citizen, and your committee are of opinion that his unfortunate and helpless condition warrants increase of pension to $50 per month."

In this case the claimant's condition is one of absolute helplessness, although it is true that his disability is not shown to be due to service. The committee recommend $50.

Mr. TOWNSEND. I have had many inquiries in reference to cases in which larger amounts are alleged to have been granted. I wish to know whether the Committee on Pensions has recommended the passage of any special bill giving more than $50 per month.

Mr. McCUMBER. To my knowledge the Committee on Pensions has not, at least since I have been a member of it. The Senate may have changed the sum in the case of generals, and so forth, and may have granted a greater amount.

Mr. TOWNSEND. There has been no case where the committee has been induced to grant a larger amount than $50 a month?

Mr. McCUMBER. No. The object, as I have stated, is to meet cases of destitution, and the committee has several times passed upon that question and has virtually instructed the chairman to the effect that $50 is enough to cover any cases of destitution, and that we ought not to go beyond that figure in any case. One day we may have all of the members of the committee present, and we may take a vote upon a given case, and it may appear that the majority of the committee are not in favor of increasing a pension beyond $50 in any case of destitution; while on another day, on which all of the members of the committee are not present, a majority of those present may believe that we ought to go above $50 per month in some cases. Therefore the Senator can easily see where we are left. We do not want to give some a rating of $65 a month, and perhaps the next time give those in a similar condition a rating of $50 per month.

My complaint in this case is not against the $65 a month rate so much as it is against the injustice that will operate against all of the others in giving them a less rate and in having given them a less rate for a number of years.

Mr. BROWN. Mr. President——

Mr. McCUMBER. Just a moment. These are cases upon which we have passed this year and which have passed the Senate at $50. If in the next bill, the omnibus bill, we take one claimant and give him $65 a month, we will be doing an injustice to all the others, and I know of no greater injustice we can do to the soldiers of the Civil War than to treat one under certain conditions with less consideration than we treat some other soldier of the same war.

Mr. BROWN. Mr. President——

Mr. McCUMBER. Mr. President, I now yield to the Senator from Nebraska.

Mr. BROWN. I do not know how the Senator can argue that by doing justice to this pensioner we are doing an injustice to some other pensioner. If the facts in this case warrant the increase which the committee made, and it is a just increase, and the Senate sustains the committee in that position, I am totally at a loss to understand how it works any injustice to some other soldier whose pension bill has already been passed. It may be true that the soldier whose case was passed on before was not allowed so much as he deserved, but the Senate has acted upon that case. The Senate to-day is called upon to act on this case, and we ought to treat this soldier according to his desserts.

While the cases which were read by the Senator show that the committee had a maximum rule which it always followed and never went beyond $50, every case he read also shows that it was a disgrace and an outrage to give to those pensioners only $50 a month. If that rule is before us to-day, as it is raised by the chairman of the committee, it is our business to abrogate the rule and to do justice to the men whose cases are before us now.

Mr. McCUMBER. The Senator has his own methods of reasoning. He runs around in a circle and one reason kills the other when it meets.

The Senator says that he can not see how in doing justice to this soldier, and intimates that $65 is justice, we thereupon are doing an injustice to all the others. At the same time he finishes his statement with the speech he has just uttered, to the effect that we commit an outrage upon all the others by not giving them the same amount.

Mr. BROWN. No; I said we committed an outrage at the former time.

Mr. McCUMBER. I do not understand how we can commit an outrage upon any number of soldiers without doing an injustice to them, and that is just the complaint I am making here. If we grant one soldier $65 a month and at the very same session grant $100 to others who are in exactly the same condition as those to whom we gave only $50 a month, we do more than we ought to do for those or else we ought to do the same for all the others. If we are doing less than we ought to do for all the others, then we have done injustice to them, and if we have picked out one man to give him a greater amount we have, in our partiality in his case, committed an act of injustice. I think the Senator must understand that method of reasoning.

Mr. BROWN. Mr. President——

Mr. McCUMBER. I yield to the Senator.

Mr. BROWN. The Senator misunderstood me when he understood me as he stated. I did not say that we were committing any outrage to-day. I said the committee committed an outrage then when it gave to the pensioners, whose cases he read, only $50 apiece. I say that was an injustice to them, and it was a disgrace to the country if it will treat its old defenders in that style.

The Senator's position to-day is, admitting that we did those men an injustice, we must treat these men equally unfairly and unjustly in order to do the right thing. My position is that the outrage and injustice done these other fellows was done prior to this time, when the Senate fixed those pensions, but to-day we have an opportunity to do what I do not understand the Senator says would be an injustice in giving this man an amount greater than that then fixed by some rule of the committee.

Mr. McCUMBER. We would not do an injustice if we gave him $100 a month.

Mr. BROWN. Then we approximate doing him justice when we give him $65 a month.

Mr. McCUMBER. I really think that when we raise a man's pension from $24 and $30 and give him $50 a month we are at least doing something in the line of justice. It may be that we are not doing all that we should. I am willing to admit that we are not doing all that possibly I feel we would like to do for every one of these soldiers. But I am certain of one thing, if the Senator as a member of the committee, felt that those whom we have recommended at $50 a month ought to have had $65 a month, he should have made his voice felt at that time in placing them on the same basis, as it is the opportunity of every member of the committee to read over the reports if he desires to ascertain the condition of the soldier.

The committee have felt that they must put some limit. Whether it is just or unjust, the majority of the committee have said $50 a month would be the limit, and in order to treat all alike it has given $50 a month to all of those whose conditions I have read, and those which I have asked to have inserted in the RECORD.

It would seem to me that if this bill passes with this condition it would be the duty of the House immediately to strike out all of the others that we have passed at $50 a month and insert in lieu thereof $65 a month.

Mr. GALLINGER. Mr. President——

The VICE PRESIDENT. Does the Senator from North Dakota yield to the Senator from New Hampshire?

Mr. GALLINGER. May I be permitted to ask the Senator a question?

Mr. McCUMBER. Certainly.

Mr. GALLINGER. I will ask the Senator from North Dakota how long this $50 rule has been in operation? I am not going to question the wisdom of it, but I want to know historically when it was established.

Mr. McCUMBER. I know it has been established ever since I have been on the committee. I do not remember any case where the committee granted higher than that at the time the Senator from New Hampshire was chairman of the committee.

Mr. GALLINGER. The Senator is mistaken on that point. Perhaps the present system is better than the one that was then in vogue, because we did grant pensions to a considerably larger extent than $50 a month.

Mr. McCUMBER. I think in the cases of some officers.

Mr. GALLINGER. And officers' widows, and occasionally in the case of a private who required the constant aid and assistance of another person and was suffering great physical discomfort. There were a few such cases as that.

I will say this, and it fortifies the Senator's position. It gave the committee and gave the individual members of the committee a great deal of annoyance, because of the clamor that came up for these large pensions; and it will be a great relief to all of us, it certainly will be to me personally, if I may be permitted to say that under no circumstances will the committee recommend a pension of a greater rate than $50 a month, because even now letters are coming to me pleading for a higher rate than that. I had not known before that there was a hard and fast rule on that matter. It would have enabled me to have said to my correspondents that it was useless to undertake to get a higher pension. I have not introduced a bill at this session for a high pension, but I might be called on to do it to-morrow, and if I can say to my correspondent, whoever it may be, that it is needless to attempt to get a higher rate of pension, I will be relieved, of course, from some importunity.

Mr. McCUMBER. I only say, and I think the Senator agrees with me in that, that whatever rate we fix as a majority ought to be a maximum rate. As the Senator, when he was chairman of the same committee, well knows, it was these extreme cases that gave him the greatest trouble. I only need to cite the case of granting a pension of, I think, $2,000 a year to the widow of Gen. John A. Logan. I have never heard the last of that as the chairman of the committee. Every widow of an officer who comes before the committee or before the chairman of the committee cites the case of Mrs. Logan, and insists that her husband was as great a general and did as much for the Union as did Gen. Logan, and insists that she also ought to have a pension of $2,000 a year. So it is with all these cases. If you once pass a case at a given amount which seems higher than the average, those who are seeking pensions will look carefully over our records and will select what they think the highest pay for a given disability, and will correspond or call personally upon the chairman of the committee and insist that their case at least comes within the category of the cases in which high rates have been granted.

Mr. GALLINGER. Mr. President——

The PRESIDING OFFICER (Mr. CURTIS in the chair). Will the Senator from North Dakota yield to the Senator from New Hampshire?

Mr. McCUMBER. I yield to the Senator.

Mr. GALLINGER. What the Senator from North Dakota states in that particular case is true. I can bear testimony to that. But other cases have given us quite as much trouble. I recall the fact that the present president of the Civil Service Commission was granted a pension a great many years ago for total physical and mental incapacity at the rate of $100 a month which he has been drawing ever since, and he has been in public office ever since. That is not an isolated case either. There are many others, and those cases always did give the committee a great deal of trouble.

Mr. BRADLEY. Mr. President, I want to say that the rule which has been invoked has not been adopted since I have been a member of the Pension Committee, and it never would have been adopted with my vote.

I quite agree with the Senator from Nebraska [Mr. BROWN] that we can not have a hard and fast rule, because of the fact that different cases are surrounded by different circumstances.

It has been intimated that if the entire committee had been present when this bill was passed, the committee would not have agreed to the bill in its present form. I must be allowed to contradict that statement. I believe the committee would have agreed to the bill had all the members of the committee been there, and I will give my reasons before I take my seat.

I want to say in the next place that instead of these cases which have been read, where only $50 a month was allowed, being an argument against the allowance in this case, they simply establish the fact that the committee, by reason of a hard and fast rule, has done an injustice to these old suffering veterans, and because they have done injustice to them is no reason why they should do a further injustice in this case.

Great as the disabilities were that have been referred to by the chairman of the committee in those cases, there is not one of them that stands upon all fours with this case. In all pension cases certain allowances are made by law under the regular pension laws. Those allowances are limited. Hence in cases of destitution and helplessness soldiers ask that it shall be increased.

Now, let us look at this case. In the first place, this man was allowed $8 per month. I know him well. A more gallant man never lived on the face of the earth. He went from a county that sent more soldiers to the Union Army than it had voters, and he was one who I think was not a voter.

He lost his arm at the shoulder upon the battle field. No artificial arm could be substituted. When he returned to his home he was taken up by his people and elected circuit court clerk. He served with distinction in that capacity. He is one of the brightest, one of the most amiable, and one of the best citizens of that county.

Finally, a law was passed by Congress giving to men who had lost an arm a pension of $55 a month. That bill was

passed—I have not the date of it—a few years ago, comparatively. That was the amount fixed by law, not fixed on account of destitution, not fixed on account of age, but fixed because he had lost his arm upon the battle field and no artificial arm could be substituted.

Since that time he has become paralyzed. Since that time his old wife has become afflicted so that she is unable to do anything to help him. These two old people now board. They are not able to own a home. They have no property whatever. There lies this old man bedfast—and I will say that he will not lie there much longer, for the news I get from those who know him is that his days will be but few in the land. There is his old helpless wife with him. He must have some one to wait upon himself and his wife. He not only lost his arm upon the battle field, but he has lost all his power of motion. Not only that, but his wife has lost her health, and there are those two old people without any means of support, both of them having to be waited upon.

Here is a man who got $55 because he lost his arm; not because of his age; not because of his destitution, but for the loss of his arm alone; and he now comes and asks for the pitiful sum of $10 a month in addition to the allowance that has been made to him by law, in order to enable him to spend the very few days that are left to him in comparative comfort at least.

I want to charge here that, while it is true, as the chairman of the committee has stated, that there have not been any allowances made by the committee (save this) exceeding $50, it is equally true that the Senate more times than one has allowed sums greater than $50, and when the controversy came up on the floor of the Senate, the Senate has overruled the committee and increased the sum.

This man should have $75 a month instead of $65. He is entitled to it. I do not believe that the rule of Procrustes should be enacted by a pension committee. We should not cut a man off if he is too long; we should not stretch him out if he is too short. Every case should be decided upon its merits. I appeal to the Senators to decide this case upon its merits.

This man is my lifelong acquaintance and friend. My heart goes out to him as a gallant defender of his country, and one of the best men I ever knew. I beg and plead with the Senate to do at least some justice to this old helpless man and his old helpless wife.

I want to say further that, as a member of the Pension Committee, I am ready now or at any other time to vote to cancel this rule of the committee. The rules of the Pension Committee, sir, are not like the laws of the Medes and Persians. On the contrary, in this very case the rule has been disregarded. Nor can a rule of the committee govern this body.

Senators talk about being annoyed by the importunities of old soldiers and hence contend that it is better to have a rule of limitation for fear they may be annoyed by old soldiers who are asking for help. The plea of an old soldier to me has never been an annoyance, and I trust it never may be. Whenever the time comes that I feel it is an annoyance for a poor old helpless soldier to ask my aid, then, so help me God, I will resign as a Member of the Senate and go home. I am glad to help them. They deserve help; and in this instance this man especially deserves help. I do hope and trust that the Senators here will vote for this report.

Mr. McCUMBER. Mr. President, I simply desire to say in this case, as I stated before, that the vote of the Senate upon this proposition will be taken as a vote of instructions to the committee, because I think all will agree that we ought not to treat the soldiers differently, and that in all the cases I have read and similar cases, if we grant in this instance $65 a month, we ought to grant more help in all the other cases.

Mr. BRADLEY. Will the Senator allow me to ask him a question?

Mr. McCUMBER. Certainly.

Mr. BRADLEY. Has not the same thing happened heretofore, that the committee reported in favor of an amount larger than that fixed by the rule, and the Senate adopted it?

Mr. McCUMBER. I do not know of a single time that it has been done, Mr. President, when I have been present. If it has been done, it has been done when I have been absent.

Mr. BRADLEY. I know it has been done.

Mr. McCUMBER. The Senate itself, on motion of one of the Members, has on a vote raised the rating above what the committee authorized, but I now recall no case where the committee itself has recommended a rate that has been lowered by the Senate, or where it has recommended a rate and had the Senate change it, except to raise it.

Mr. BRADLEY. May I interrupt the Senator further?

The VICE PRESIDENT. Does the Senator from North Dakota yield to the Senator from Kentucky?

Mr. McCUMBER. Certainly.

Mr. BRADLEY. That is just what I am trying to impress, that the committee has time and again—I do not remember the names, but I know since I have been in the Senate of at least three instances where the committee has made the amount greater than $50, and the report has been made to the Senate and the Senate has adopted the report. I do not say that the Senator from North Dakota was present when it occurred, but I do say that if his idea is to object to this case—he says that he does not object to the amount—simply because it increases this pension beyond the amount fixed by the rule of the committee lest it may be a precedent—then I say he should have no fears, because the precedent has already been established.

Mr. McCUMBER. Mr. President, there can be no question about it becoming a precedent, and I think that every Senator will agree with me that it ought to become a precedent. Having read all of these cases and shown that they were cases that certainly appealed to our sympathies and sense of justice as much as the case which is mentioned by the Senator from Kentucky, I insist that we are morally bound to grant to the others exactly the same consideration.

Mr. SMITH of Michigan. Mr. President——

The VICE PRESIDENT. Does the Senator from North Dakota yield to the Senator from Michigan?

Mr. McCUMBER. I do.

Mr. SMITH of Michigan. Mr. President, if I understand this matter correctly, the Committee on Pensions reported favorably the bill of the Senator from Kentucky at $65. Now, the other cases cited by the Senator from North Dakota are cases in which the committee had not reported in favor of $65, but in favor of $50. Am I right about that?

Mr. McCUMBER. The Senator is correct.

Mr. SMITH of Michigan. Then, the only question before the Senate will be whether the recommendation of the Committee on Pensions that the bill of the honored Senator from Kentucky [Mr. BRADLEY] shall pass at $65, and not whether the other bill, or any other case, shall be considered on that basis. We can deal with those cases on their merits as we get to them.

Mr. McCUMBER. Oh, no, Mr. President. Any vote upon this case must mean that in the other cases, if they are like cases, the Committee on Pensions have not awarded an amount that they ought to have awarded; and I think it the duty of the Senate Committee on Pensions to take that view of it. I certainly would, and I think that every other Senator on the Committee would be compelled to take that view.

Mr. SMITH of Michigan. Does the Senator mean that if we cut this amount down to $55 there will be no limitation to the extent the committee will feel authorized to go? Is that the view?

Mr. McCUMBER. I would hardly say that; but we would probably have a $65 limitation instead of $50.

Mr. SMITH of Michigan. Mr. President, if my vote were to determine a hard and fast rule without relation to the merits of any particular case, I should certainly not be willing to make $50 the maximum beyond which the Senate would refuse to go in cases of real merit.

Mr. BORAH. Mr. President——

The VICE PRESIDENT. Does the Senator from North Dakota yield to the Senator from Idaho?

Mr. McCUMBER. With pleasure.

Mr. BORAH. I understand the Senator from North Dakota to say that there are other cases, the facts of which would justify as high a rate as this if the committee should feel free to go beyond $50?

Mr. McCUMBER. I have read a number of cases which have passed within the last two days where the circumstances were of such a nature as would justify and demand as much as in this case, and they have passed both the committee and the Senate at $50 per month.

Mr. BORAH. Well, Mr. President, it seems to me that there is logic in the position of the Senator that, if that be true, if those facts were before the committee, then we must necessarily go back and ask that those be reconsidered.

Mr. McCUMBER. We certainly ought to do so. There is no question about that.

Mr. BORAH. Whether we are paying too much or not we certainly ought to do equity between those who stand upon the same basis and have the same facts to support their position.

Mr. McCUMBER. That is the only position, Mr. President, that I am taking in this case. There can be no possible question but that it would be our duty, if the House did not amend the bills so as to treat all cases alike, to reconsider the vote by which the bills were passed, and to place all cases upon exactly the same basis.

Mr. President, I wish to refer to one other matter.

Mr. BRADLEY. Mr. President——

Mr. McCUMBER. Just a moment. I do not know whether the Senator referred to the statement made by the Senator from New Hampshire or by myself when he spoke of annoyance. I do not think that either the Senator from New Hampshire or myself indicated any annoyance because anybody talked to us about pensions. It is the duty of the chairman of the Committee on Pensions to hear all of these cases; but I think it is just to say that it must necessarily annoy the chairman of the committee to have to say to anyone, "although we grant you only $50 per month pension, we have granted somebody else $65 a month in a case that is no more justifiable, certainly, than your own." Only in that sense, if the word was used at all, could it have been made applicable.

Mr. GALLINGER. Mr. President——

The VICE PRESIDENT. Does the Senator from North Dakota yield to the Senator from New Hampshire?

Mr. McCUMBER. Certainly.

Mr. GALLINGER. The Senator from North Dakota properly interprets what I had in my mind if I used the word "annoyance." It certainly never has annoyed me to do anything I could for the soldiers, and the soldiers the country over perfectly understand that, I think; but when we are asked to grant a pension of $2,000 a year because one woman, the widow of an Army officer, is getting that under a special act, of course it is a disagreeable thing to say to the others who desire an equal amount, or approximately an equal amount, that we can not do it. That is all that I had in my mind.

Mr. HEYBURN. Mr. President, I can not let this occasion pass without saying that it seems to me that the old soldier is not being considered in this case as entitled to an honor; he is merely being tolerated. To be a pensioner is to wear a badge of honor where the pension is granted for the service of defending one's country. This man, like other men who signed the muster roll, offered his life from that hour to the end of it for his country, wherever he might be sent or wherever duty might call him. There was no eight hours a day with him; there were no conditions as to company boarding houses and the things that disturb a class of our citizens. He was there to do at any cost whatever might fall to his duty.

I never have been in sympathy with granting larger pensions to officers than to privates. I have never been able to accommodate my judgment or my conscience to that rule that seems to have been adopted. The man who signed the muster roll as a private soldier was subject to a harder life of duty than the men who rode at the head of regiments after they were formed and drew $3,600 a year for doing it.

Mr. McCUMBER. Will the Senator allow me to interrupt him right there?

The VICE PRESIDENT. Does the Senator from Idaho yield to the Senator from North Dakota?

Mr. HEYBURN. Yes.

Mr. McCUMBER. The Senator spoke of a rule which had been adopted, which recognizes a distinction. I do not know to what the Senator refers, but the rule of the committee is that no distinction whatever shall be made.

Mr. HEYBURN. I was not referring to the rule of the committee; I was referring to a rule of action, of practice.

War is an awful thing. In the case under consideration here is a man in the prime of life offering for his country not only his services during the term of enlistment, but whatever might follow, and he is to-day in the service of his country, though he is not on the pay roll. He is serving his country to-day by the afflictions under which he suffers. A man with his arm off at the shoulder joint, a man troubled with the enumerated difficulties under which this man suffers, is serving his country. It is a continuous service. He enlisted for life. Some men enlisted to go home and take up the profitable pursuits of life, the gainful pursuits to provide for their old age, but this man enlisted for life, not the life of a man in health and comfort, but the life of a wretched invalid, who dies perhaps unnoticed and without a word or a line to inform those even in his own immediate vicinity that this man has been serving his country since 1861.

I would have no limitation; I would fix the minimum pension for a soldier, but not the maximum pension. I believe in dealing with these cases each upon its merits, and if we have not time there are some things that we might borrow time from in order that we might perform that duty. Why, we are going to adjourn over until Monday, and yet we have not time, forsooth, to take up and sift down and deal out justice upon merit in a case like this. The argument the Senator from North Dakota made, in which he recited many other cases similar in condition, was an argument that would have turned me had I needed to be turned. If there are those men—and we all know that there are those men—who were disabled at the very beginning of their lives and taken out from the opportunity that other men enjoyed, if it cost me all my time I would go back and do them justice.

We are treating the pensioners as though they were merely subjects to be tolerated; they are subjects to be honored. It is a braver and a better thing to be on the pension roll as a soldier who was a defender of his country than it is to be a member of the peaceful congressional bodies of the United States; and when I see those men, who went from the very midst of their educational period, never to be able to return to it to complete their equipment for the contentions of life, when I see those men who, perhaps because of the stress and the burden and the vicissitudes of a soldier's life, acquired habits that have hung upon them like shackles since, my heart goes out to them, not as subjects of toleration, but as men entitled to the salute of dignity.

There were more wounds in that great struggle than those of bullets or of the flesh. The wounds that left their mark upon the character of the men, the wounds that left their mark upon the capacity of the men to take up the burden of life and hold their own among other men, were more grievous than those which struck them down to death and relieved them of the responsibilities of the duties of manhood.

I do not like a system of pensions that fixes a maximum, but leaves the minimum as the deflecting, guiding line in determining what recognition they shall receive or what assistance they shall receive. Every one of these men, every man whose name was read by the Senator from North Dakota, should be taken care of by the Government of the United States, regardless of cost, to the extent of his necessity—not bare necessity—but he should be treated as a man entitled to honor at the hands of his fellow-men. "Necessity" has rung through all of these pension measures. These men were not considering necessity when they were performing their duties. The man who enlisted at all, whether for a month or 6 months or 9 or 12 or 24 months, offered just as much as the man who enlisted for the longest term. He offered his life, and no man can give more. Many men who went out for 30 days paid with their lives, and that is all they had to give; they could have given no more if they had enlisted for 3 years or 20 years. They gave their lives. Men who went out for 6 months or 12 months or 2 years paid just as much, sacrificed as much, offered just as much, as the men who went out for the longest term. Take the nine-months' men, for instance. The time those men served included the battles of Antietam and Chancellorsville and the great, long, bloody line of battles between them; and those nine-months' men left a larger proportion of their number upon the battle field than those enlisted for any other period during the war, because they struck the high tide of 1862 and 1863.

Are you going to measure their services by months and by days? A man who comes to the muster office when his country's life is in danger and says, "I will give my life for my country"—I do not care if he offers it for only five minutes—is entitled to the utmost consideration. Some of us have seen wonderful work done in five minutes. There were five minutes at one period in the war, five minutes of actual fighting down in Virginia, that reduced a company I have in my mind, whose ranks had just been filled, from 95 men to 13.

Time does not count. Other men who offered the same never saw a battle. Time does not count; it is action; it is what men do that counts. But the credit is due to the man for what he offered to do and was willing to do, and I should like to see these men whose names have been read and whose records have been read treated not as pensioners, but as patriots. I should like to see them treated in their old age as heroes should be treated. It is not so much a question of the pittance due them as of the honor due them.

Mr. McCUMBER. I suggest the absence of a quorum.

The VICE PRESIDENT. The Senator from North Dakota suggests the absence of a quorum. The Secretary will call the roll.

The Secretary called the roll, and the following Senators answered to their names:

Bacon	Cummins	McCumber	Smith, Ga.
Borah	Dillingham	McLean	Smith, Md.
Bourne	du Pont	Martin, Va.	Smith, Mich.
Bradley	Fletcher	Martine, N. J.	Sutherland
Brandegee	Foster	Myers	Swanson
Bristow	Gallinger	Nelson	Thornton
Brown	Gardner	Overman	Townsend
Burton	Heyburn	Percy	Warren
Chamberlain	Johnson, Me.	Perkins	Watson
Chilton	Johnston, Ala.	Poindexter	Wetmore
Clapp	Jones	Reed	Works
Culberson	Lea	Richardson	
Cullom	Lodge	Root	

The VICE PRESIDENT. Fifty Senators have answered to the roll call. A quorum of the Senate is present. The question is on agreeing to the motion of the Senator from North Dakota.

Mr. BORAH. Mr. President, just a word before the vote is taken. I myself am very much disposed to vote to allow this pension—that is, against the amendment—but I do not think we ought to do it without an understanding from the committee that these other cases are to be reviewed and taken up. The plea which is made for those who were in the front in defense of the country is always effective, and it ought to be, and it is especially so when made by those who themselves have participated in battle. But, on the other hand, it is absolutely essential that we do justice to all and treat all alike.

I am not willing, simply because it is the case of one who has a personal acquaintance with this affair and who is known here upon the floor, to agree to establish a rule with reference to this particular soldier that we will not establish with reference to all. And therefore, unless it is understood that this is not to be an exception, that if we vote to increase this pension the committee is to take up and consider the cases of the others, I am not in favor of making an exception to the rule.

Mr. McCUMBER. Mr. President, for the last five years—perhaps six or seven years—we have been passing pension bills of this character. How many of those beneficiaries are alive to-day I can not say. We could not very well of our own motion go over those cases again—those that passed last year. We should probably have to depend upon the House to amend the bills, if the House thought the rate was not sufficiently high, or else to bring the rate down to that granted to others.

So far as I personally am concerned, if instructed, as this vote will necessarily instruct the committee, that these cases of total disability requiring attendance should receive more than $50 a month, the cases will all be considered alike, and so far as it is in my power I shall continue in the future, as I have in the past, to see that all soldiers are treated alike. It is and was because of my objection to taking one man and giving him $15 a month above the others that I have been compelled in this instance to object to this man being granted $65 while all the others are granted $50 per month.

Mr. BORAH. Mr. President, I agree with the Senator's position exactly with reference to the rule to be established.

One thing more. Do I understand the Senator from North Dakota to say, or did he say, that in his judgment $65 was not too much for this pensioner upon the facts disclosed before the committee?

Mr. McCUMBER. I did not express myself one way or the other upon that question. I do not desire to express myself upon it. The matter will again come before the committee after this vote, probably, and we shall have to consider all similar cases and determine what we ought to fix as a maximum. I would not want to forestall myself or give advice at this time to the balance of the committee as to what the committee ought to do in regard to fixing a maximum.

I disagree entirely with the Senator from Idaho [Mr. HEYBURN] that we should have a minimum and no maximum whatever. We should then be like a ship without a rudder, affected by every wave of partiality, and we should grant one just what we happened to feel in the humor to-day to grant and grant to another to-morrow what we then felt should be granted. The membership of the committee changes, and as the membership changes from year to year the committee may change in its sentiment. We ought to have some rule exactly as in the department. Congress fixes a maximum in every pension bill, and the officers of the department must determine in the case of an individual soldier where he falls within that maximum, and whether he shall be granted that sum.

We have many of these cases before us, probably 15,000 having been introduced this session—I do not know exactly how many—and in considering them we must have some rule. There are so many of these cases before us that the individual members of the committee, as has already been suggested, scarcely have time to go over those assigned to them. Therefore the force I have with me, acting as carefully and conscientiously as they can, after having ascertained the will of the committee, by a number of votes, that we should not grant more than $50 a month in any case, have fixed $50 as the maximum. We can not very easily change that to-morrow and then revert to another standard day after to-morrow.

Mr. BORAH. I presume the committee could accept the rule that it would pay every man what the facts showed he is entitled to.

Mr. McCUMBER. Certainly; that is, as near as the committee can agree upon it. The Senator from Idaho might agree upon one rate and I might agree upon one, either greater or less, and the committee itself may disagree. But finally the committee or a majority of the committee ought to determine some standard and follow that standard, at least during one session.

Mr. BORAH. I am not criticizing the Committee on Pensions at all. I think it does its work in a most splendid way. But I repeat, if this rule is to be adopted, it ought to be made to cover everyone—every case resting upon similar circumstances and conditions.

Mr. McCUMBER. I agree with the Senator.

Mr. HEYBURN. Mr. President, I rise because of the suggestion of the Senator from North Dakota [Mr. McCUMBER], which referred to one made during my previous remarks, in which I stated that I would consider it more reasonable to establish a minimum than a maximum. If we are going to have an arbitrary rule, let it be based upon the minimum amount that shall be received, and let us deal with these questions according to the equities of each case as it arises.

I do not believe that the convenience of the Committee on Pensions should have anything to do with it. I do not regard it important that they should have a rule by which to deal out the justice due to these people. I see no necessity for such a rule. If the committee has a rule, I see no occasion for its going beyond the report which is made to this body. We sit here to review, consider, and determine the wisdom of the conclusions of the committees, not to be governed by them.

The VICE PRESIDENT. Will the Senator from Idaho suspend for a moment? The hour of 4 o'clock having arrived, the Chair lays before the Senate the unfinished business, which will be stated.

The SECRETARY. A bill (H. R. 1) granting a service pension to certain defined veterans of the Civil War and the War with Mexico.

Mr. McCUMBER. I ask unanimous consent that the unfinished business may be temporarily laid aside.

The VICE PRESIDENT. Without objection, the unfinished business will be temporarily laid aside upon the request of the Senator from North Dakota. The Senator from Idaho will proceed.

Mr. HEYBURN. Mr. President, committees may properly have rules for governing their action in determining or considering the details that they are confronted with, but those rules do not come into this Chamber for consideration or guidance. I speak in no disrespect of committees. Like other Members, I am a member of committees. They consider and report to this body, but I do not feel that the rules made in a committee should be even quoted here as authority for the action of this sovereign body—sovereign over all committees.

The idea of saying that a man shall have only a given compensation, regardless of his rights, merely because the committee has a rule does not appeal to me as basis for disposing of these matters. It is convenient for the committee to do it; it is convenient for the subordinate bodies of this great body to have prescribed and established methods for transacting their business; but the only rule here is right and justice, and it is not measured by any rule except the rule applied to the question under consideration.

If a man is disabled for life because he entered the service of his country, and he gave the equivalent of his life for it, it should not be measured by the standard of any rule of a committee which would place him upon the same basis for consideration as the man who enlisted and went through the service that he owed to his country with minor loss, either at the time or afterwards. Many hundreds of thousands of men came out of the war unhurt and went to the end of their lives suffering no defect and no detriment because they had been in the war, carrying only the added respect of those who had sense enough and patriotism enough to know that a soldier who fights for the preservation of his country is entitled to more respect than the man who does not, and that he is entitled to more respect than the man whose only claim is based upon the fact that he has become the president of a railroad, or a bank, or that he has built a factory, or has amassed a fortune.

Mr. McCUMBER. Mr. President, the Senator from Idaho talks himself into the very rules that he criticizes. Finally he would have a rule. One of his rules would be that he would not grant any greater pension to an officer than he would grant to a soldier. Mr. President, that is one of the rules of the committee.

Another rule that the Senator from Idaho would have would be that he would grant to the widow of a private soldier, if you see fit, or the widow of an officer no greater amount than he would grant to the widow of another private soldier or officer under like conditions. Now, that is one of the rules of the committee.

Finally, if the Senator was a member of the committee he would see the necessity of our having some rules so that all should be treated alike. That is the object of the rules. It is to prevent unlike treatment that we have adopted these rules.

Does the Senator understand that at every session this committee has to consider at least half as many pension bills as there are pensions granted for the entire Spanish-American War, and to do that for the Spanish War veterans, as well as the others, we fix rules by which we state in our law what a given disability shall be entitled to receive. The Committee on Pensions in considering this vast number must have some rules to guide them. They are rules that they have adopted after very careful consideration.

Mr. HEYBURN. But they are not binding on the Senate.

Mr. McCUMBER. They are not binding on anyone, but they are binding and ought to be binding on the committee so that all the cases would be deemed to have been dealt with equitably. If the Senate overrules the committee in one case it should overrule it in all of the other cases. That is the position I occupy here.

Mr. BROWN. Mr. President——

Mr. HEYBURN. Mr. President, just a moment, while it is warm, if you please. The Senator criticizes my position, saying that I have suggested the adoption of a rule equivalent to that which he champions. I think if he will give that another thought he will revoke it. I spoke of each standing upon its own facts and merits. That is what I am in favor of.

In this case the pension of the applicant is laid upon the table and he is cut off at each end, just the length of the table always. That is the difference between the two positions.

Mr. BROWN. Mr. President, the Senator from Idaho called attention to the fact that these rules of the committee do not bind the Senate. That is not only true, but they do not bind the committee.

Mr. HEYBURN. No.

Mr. BROWN. The case before us is one where the committee itself has abrogated and abandoned the rule. A report comes here in violation of this rule that is so sacred so suddenly in a case that has not been paralleled in any of the citations. It does seem to me that we ought to give a little greater consideration to the cause that we are passing on rather than to a rule a committee has not respect enough for to abide by itself.

Mr. McCUMBER. Mr. President, I can not let go unchallenged the statement of the Senator that this case has not been paralleled. Let the Senator go back to the first case that I have read, and so far as the exigencies of that case are concerned it is far worse, and the Senator must admit it if he will read it over.

Mr. BROWN. The case the Senator cites is bad enough. I am not quarreling with the citation. As I observed a little while ago, the case the Senator cited demonstrates that the Senate did great injustice when it allowed that man only $50 a month, but that is no argument why we should continue and extend an injustice to another man.

Mr. BORAH. Mr. President——

The VICE PRESIDENT. Does the Senator from Nebraska yield to the Senator from Idaho?

Mr. BROWN. Certainly.

Mr. BORAH. I desire to ask the Senator from North Dakota a question. Is the pension which he referred to found in this bill?

Mr. McCUMBER. One is in the bill, I think, that was passed yesterday. I am not positive which one of the bills it is in. Does the Senator refer to the one I cited just now?

Mr. BORAH. Yes.

Mr. McCUMBER. Or the one I have moved to strike out?

Mr. BORAH. No; I am referring to the one where the Senator stated the facts were even stronger than in this case.

Mr. McCUMBER. It is in one of the bills which passed this body; I can not remember which bill.

Mr. BORAH. It passed the Senate at this session?

Mr. McCUMBER. Yes.

Mr. BORAH. And the committee limited the amount to $50?

Mr. McCUMBER. The committee limited the amount to $50, and has limited all of them for a good many years to $50.

Mr. BORAH. And the facts in that case warranted a pension of as great amount as in this case?

Mr. McCUMBER. I consider that it warranted fully as much as in this case, without any possible question.

Mr. BORAH. If there is not some way to rectify those inequities, it seems to me we are legislating upon a wrong principle.

Mr. BRADLEY. Mr. President, I think it may well be assumed that an injustice has been done. So far as I am concerned, as a member of the committee, I was not aware of the condition in the particular cases which have been referred to or I never would have agreed to it.

The question that presents itself, however, Mr. President, is this: Because injustice has been done to one man or two men or a dozen men by the committee, to which the attention of the Senate has never been called, does that authorize an injustice in a case to which the attention of the Senate is called and where the committee itself, despite this rule, has made a report allowing more than $50. Doubtless if the Senators had their attention called to the cases relied upon as precluding the passage of this bill that bill would never have been passed.

I know this case, and I know all about it. I went before the committee and raised this question, and we fought it out before the committee. The committee seemed to manifest justice in this case and made its report.

I am ready at any time to correct, as far as in me lies, any injustice that has been done to any soldier by the committee or by the Senate in any other case, but I insist, sir, that we are now trying this case. We are trying it upon the favorable report of the committee.

The Senator from North Dakota states that it is not so much the amount that he objects to, but it is simply the rule; that he wants no precedent formed, when precedents have time and again been formed by the Senate in overruling the reports of committees confining the allowance to $50.

Some Senators may have come in since I stated this case (there having been a roll call), and if the Senate will indulge me I will state it in a few words again.

Henry G. Trimble went into the Army when he was about 18 or 19 years of age. He lost an arm at the shoulder at the Battle of Dallas, Ga., in consequence of which no artificial limb can be substituted. For years he drew a very small pension. The pension, however, was increased from time to time until the amount fixed by the Congress for a man who lost an arm was made $55, simply for the loss of the arm and nothing else. That amount was allowed to him. After that occurred, years afterwards, this man became paralyzed, wholly unable to do anything. Meanwhile his old wife became an invalid, so that she was unable to do anything to help him. In the meantime the man became absolutely destitute. These two old people have been boarding because they have no home, and both of them have to be waited on.

I ask the Senate to do just what it has done in other cases—to increase the allowance beyond that fixed by law. The amount which is fixed for the loss of an arm carries nothing for destitution, nothing for paralysis, and nothing for old age. All I have asked is simply to add $10 a month more to the pension of this old man to relieve him and his wife in their helplessness in their little mountain home. No; not their home, because, as I have said, they have no home. I have simply asked the Senate to do justice to one of the best men who ever lived in the State of Kentucky; one of the most gallant soldiers who ever gave his blood and his arm to his country; a man who went forward in his young days and surrendered his young life, as the Senator from Idaho [Mr. HEYBURN] has said; a man who has suffered from that time to this, and who to-day is serving his country on a bed of sickness and helplessness.

If this case does not appeal to the Senate, then I know of no case that could appeal to the Senate or appeal to the hearts of men.

Mr. BORAH. Mr. President, I can not agree with the Senator from Kentucky that this is the only case before the Senate, in view of the facts which have been presented here. We are legislating for all those who stand upon the same footing or whose claim rests upon the same state of facts. This old soldier is fortunate in having upon the floor of the Senate a good and loyal friend, and he has undoubtedly received the benefit that one ordinarily receives from such a friend. But if there are others, those who may not have acquaintances here, those who may not have personal friends to go before the committee and plead their cause, who have the same facts to support their pension, there can not be any doubt but that it is our duty in taking care of this particular instance to see that those others are taken care of.

We are, in other words, legislating, as we here so often do, through personal influence rather than through a general principle. There can be no possible question but that if this pensioner is given $65 and the others are neglected and passed by, it will be purely a case of his having a personal acquaintance and friend on the floor of the Senate. It will not be doing justice to the soldier; it will not be doing justice to those who stand upon an equal footing and treating all alike, but it will be simply legislating through personal influence, which we ought not to do.

I repeat that those who stand upon the same footing, who have the same facts to support their pensions, are just as deserving of the attention of the Senate at this time as this particular pensioner.

There are no most splendid soldiers, no most splendid generals, when it comes to a question for pensions, if the facts are

the same supporting each and every one. Then they stand upon an equal footing before the bar of their country and before the bar of the Senate. We ought to enforce this rule only in consideration of the fact that it shall be enforced with reference to all who stand upon the same basis.

Mr. NELSON. Mr. President, will the Senator from North Dakota inform me as to one thing? I understand the committee reported this case at $65 a month. Am I correct about that?

Mr. McCUMBER. A majority of the committee reported it.

Mr. NELSON. And in making his motion the Senator is moving for the minority of the committee?

Mr. McCUMBER. I move to strike out for no other purpose than that we will be granting soldiers already receiving $55 a month $10 more, and he will be receiving from the Government $15 per month more than any of the other cases and more than we have allowed in a number of years.

Mr. NELSON. But a majority of the committee have recommended what is proposed in the bill?

Mr. McCUMBER. Yes, sir.

Mr. LODGE. Mr. President, the case stated by the Senator from Kentucky of course appeals very strongly to everybody's sympathy. In addition to the point the Senator from Idaho [Mr. BORAH] has made about the desirability of justice to all, that they should stand upon an equal footing, I should like to call attention to this practical consideration: We have a great number of these bills. For years we have been dealing with them according to the rule of the committee. It is quite true the rule does not bind the Senate; it does not bind the committee; but it has been the practice of the committee and the practice of the Senate for many years. We have all of us had cases where we felt the limit was too low. We have submitted to it because we have felt the wisdom of the committee's action.

Mr. BRADLEY. May I ask the Senator a question?

Mr. LODGE. Certainly.

Mr. BRADLEY. I should like to inquire of the Senator whether or not this rule of the committee has not been repeatedly disregarded by order of the Senate making an allowance of more than $50 a month.

Mr. McCUMBER. Very seldom.

Mr. LODGE. My impression is that it was very seldom revoked, if at all.

Mr. BRADLEY. It has been done several times.

Mr. LODGE. Certainly very rarely. It has been the practice of the Senate to follow the committee.

Now, Mr. President, the Senate has been discussing this one case for something more than two hours. If all the limitations by the committee are removed, it will be the duty of every Senator in every case that awakens his sympathy and of which he has personal knowledge to come in here and get the largest possible pension for the case in which he is interested. It will be absolutely impossible to deal with the pension cases that come before us. There are 15,000, I think the chairman said, in this Congress. It will be absolutely impossible for us to deal with more than a comparatively small percentage of cases. The result will be that there will be hundreds of men who will get nothing, while we are struggling, each one of us, as we should be bound to do, to get the utmost we could in every case that excites our sympathy.

If we are not bounded by some general limitations as the law lays down, the practical result, to my mind, will be that we shall not only not treat all who are on an equal footing alike, but we shall shut out hundreds of deserving cases from ever being heard at all, because there will not be time to deal with them. It will not be physically possible for the committee or the Senate to deal with the cases if each individual case has got to be fought out here on its merits, the Senator who has it in charge contending for what he thinks is right.

What we want to do, Mr. President, is to do the greatest measure of justice we can to all the cases, and not to single out one and get into the practice of dealing with each case by itself without reference to the committee's action.

Mr. BRADLEY. Mr. President, I want to make a single observation. There is no limit in the lower House of Congress in the Pension Committee at this time, nor has there been for years. A number of bills have been passed in the lower House allowing $60 per month.

Mr. LODGE. Will the Senator allow me to interrupt him a moment?

Mr. BRADLEY. Certainly.

Mr. LODGE. It is true there is no limit on the amount of pension that may be granted, but there is a limit on debate in the House.

Mr. BRADLEY. If that limit were enforced in the Senate I fear the Senator from Massachusetts would lose much of the time he occupies in that way.

Mr. LODGE. Very likely.

Mr. BRADLEY. I have occupied very little time.

Mr. LODGE. I spoke about three minutes on this question. I do not know what the Senator did.

Mr. BRADLEY. But I am very plain and very truthful in saying the Senator has spoken three hours to my three minutes since I have been in the Senate. I have consumed but very little time of the Senate. So far as I am concerned, I regret that I have had to consume any on this question. It was not my purpose to do it. It is not by my action, by any sort of means, that this debate has been precipitated, but by the action of others.

Now, the question I want to ask is this: What are we going to do with these bills that come over from the House, where they allow $60? Shall we say that the rule of the Senate shall control the legislation of the House? If this precedent was overruled but once, when the rule of the committee was disregarded once, the bill passed became a law; it was a law that overruled a rule of the committee, and we are bound by the law rather than by the rules of the committee.

Mr. SMITH of Michigan. I think that in the case in which the Senator from Kentucky is interested the soldier is now pensioned under the general law at $55 a month, which is seemingly in conflict with the arbitrary rule of the Pension Committee when the disability is loss of an arm.

Mr. McCUMBER. Mr. President, the law gives a man whose blindness is the result of disability of service origin $100 a month. The committee does not give any greater amount in any of the cases. We do not give $50 nor $60 nor anything else. We say in those cases that the Government itself has given the soldier enough, so that it takes his case out of the principle of special legislation, namely, the principle of destitution. Therefore we do not consider any of those cases. We have not a single case of that kind.

Now, according to the Senator's argument, if a pensioner gets $100 a month because he is blind, and he becomes paralyzed, we should raise it $10 more a month, so as to make it $110, because the Government is already giving him $100.

Mr. SMITH of Michigan. No; but according to the Senator's argument $55, which the general law gives to a soldier who lost an arm, is in excess of the rule of the committee.

Mr. McCUMBER. No; we do not interfere with the general legislation. We simply say, and I believe that is the purpose of the Committee on Pensions, that we grant pensions in special cases because the law in that particular case does not give enough to the pensioner to bring his case out of the plane of destitution.

Mr. SMITH of Michigan. Mr. President, if this soldier had been a banker or a man of large means, under the general law he would be a pensioner at $55 a month, would he not?

Mr. McCUMBER. Yes; if he had been a billionaire it would have made no difference.

Mr. SMITH of Michigan. Under the law, if he lost an arm in war he would have been a pensioner at $55 a month, whether he needed it or not. That is the general rule that has been laid down by Congress. That is the law to-day.

Mr. BORAH. It is a very unjust law.

Mr. SMITH of Michigan. Be it an unjust law or otherwise, I am not now arguing that matter. But in this particular case, if the statements of the honored Senator from Kentucky are to be accepted, this soldier is not getting enough under the general law. I do not believe that any soldier gets too much under the general or special law.

Mr. McCUMBER. The only matter that I want to meet is the fallacy of the Senator's argument that if the general law gave a certain amount, in a case of destitution or a case of additional injury we should go above that amount, because the general law had recognized a sum greater than we would grant. The Senator ought to keep, and the Senate ought to keep, constantly in mind the great, grand purpose of special legislation, to reach those cases of destitution that the general law does not reach, and in reaching those cases of destitution the moral obligation rests upon the Senate and upon the committee to treat every soldier alike and to have no favorites. That is all the chairman of the committee stands for.

Mr. BORAH. Mr. President, I want to know, again, if it is within the power of the committee to rectify these mistakes which have been made at this session?

Mr. HEYBURN. The Senate can do it.

Mr. BORAH. I am afraid if the committee does not do it the Senate, after the eloquent Senator from Kentucky has ceased to be interested, will forget about the others.

I do not propose, Mr. President, much as I should like to assist this particular soldier, to vote for a rule which will be applied to him alone, when the evidence or the facts here are

that there are a number of others who stand in precisely the same position who have not the good fortune to have the personal acquaintance of a Senator of the United States.

Mr. BRADLEY. Mr. President——

The VICE PRESIDENT. Does the Senator from Idaho yield to the Senator from Kentucky?

Mr. BORAH. I do.

Mr. BRADLEY. Mr. President, so far as any injustice has been done to anybody, I am perfectly willing to introduce any bill that is necessary to see that justice is done. I want to say, in addition to that, that my esteemed friend from Idaho is a little mistaken when he says that the cases which have been referred to are exactly like the case that is now before the Senate.

Mr. BORAH. Well, some of them are not exactly like it, but seem to be worse.

Mr. BRADLEY. None of them are as bad.

Mr. BORAH. I have the statement of the Senator from North Dakota, who, I know, is quite familiar with all pension matters.

Mr. McCUMBER. The Senator can read one case, if he wants to, and he can determine whether or not it is a case as bad as that. All he needs to read is the statement made by the examining surgeon.

Mr. GALLINGER. Mr. President, if the Senator will permit me——

The VICE PRESIDENT. Does the Senator from Idaho yield to the Senator from New Hampshire?

Mr. BORAH. I yield.

Mr. GALLINGER. There is a case in this very bill that appeals to me. I will not read all the report contains; but it is the case of Henry M. Endsley, which is found on page 19 of the report. He served in the Mexican War for a year and in the Civil War for three years. He is 90 years old and is helpless from rheumatism, disease of the heart, and old age, and requires the aid and assistance of another person; and $50 is provided for him in this very bill. It is manifest that this old veteran of two wars, at the age of 90 years, practically helpless and requiring the aid and attendance of another person, ought at least to receive as much as the soldier whose case we have been considering. So that, if the rule is departed from, there will be inequalities that ought to be corrected, and this particular case ought to be corrected in this bill.

Mr. BRADLEY. May I ask the Senator a question?

The VICE PRESIDENT. Does the Senator from Idaho yield to the Senator from Kentucky?

Mr. BORAH. I yield to the Senator from Kentucky.

Mr. BRADLEY. Did this man lose an arm?

Mr. GALLINGER. He did not; but I do not think that makes any difference.

Mr. BRADLEY. Oh, of course not——

Mr. GALLINGER. That does not make any difference. The soldier who lost an arm got a larger pension from the time he left the Army because of the loss of that arm.

Mr. BRADLEY. Oh, no.

Mr. GALLINGER. Certainly he got a larger pension than the other man. It has been increased six times and more as appears from the report.

Mr. BRADLEY. But the pension he is receiving now was granted only a comparatively short time ago.

Mr. GALLINGER. But all through his history since the close of the Civil War he received a larger pension than the ordinary soldier did for disabilities. We have been more liberal with that class of soldiers.

Mr. BORAH. I find here is a case where a man did not lose an arm, but lost his jaw.

Mr. BRADLEY. That was worse.

Mr. McCUMBER. And lost an eye and the hearing of both ears.

Mr. BORAH. He also lost an eye and is deaf.

Mr. BRADLEY. I might suggest that the loss of a jaw would be a good thing for some Senators. [Laughter.]

Mr. BORAH. I am satisfied if my friend from Kentucky had been thus afflicted this bill would not be in the Senate.

Mr. President, I am only interested in one consideration, and that is in the equity of this rule. I want to know whether or not these matters are going to be corrected.

The VICE PRESIDENT. The question is on agreeing to the amendment of the Senator from North Dakota to strike out the clause on page 7, from line 7 to line 10, inclusive. [Putting the question.] By the sound the "ayes" appear to have it.

Mr. BRADLEY. I ask for a division.

The amendment was rejected, there being on a division—ayes 17, noes 19.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

DEATH OF REPRESENTATIVE DAVID J. FOSTER, OF VERMONT.

A message from the House of Representatives, by D. K. Hempstead, its enrolling clerk, communicated to the Senate the intelligence of the death of Hon. DAVID J. FOSTER, late a Representative from the State of Vermont, and transmitted resolutions of the House thereon.

The VICE PRESIDENT. The Chair lays before the Senate resolutions of the House of Representatives, which will be read.

The Secretary read the resolutions, as follows:

House resolution 457.

Resolved, That the House has heard with profound sorrow of the death of Hon. DAVID J. FOSTER, a Representative from the State of Vermont.

Resolved, That a committee of 10 Members of the House, with such Members of the Senate as may be joined, be appointed to attend the funeral.

Resolved, That the Sergeant at Arms of the House be authorized and directed to take such steps as may be necessary for carrying out the provisions of these resolutions, and that the necessary expenses in connection therewith be paid out of the contingent fund of the House.

Resolved, That the Clerk communicate these resolutions to the Senate and transmit a copy thereof to the family of the deceased.

Resolved, That as a further mark of respect this House do now adjourn.

Mr. DILLINGHAM. Mr. President, I submit the resolutions which I send to the desk, and ask for their adoption.

The VICE PRESIDENT. The resolutions offered by the Senator from Vermont will be read.

The Secretary read the resolutions (S. Res. 259), as follows:

Resolved, That the Senate has heard with deep sensibility the announcement of the death of Hon. DAVID J. FOSTER, late a Representative from the State of Vermont.

Resolved, That a committee of nine Senators be appointed by the Vice President to join the committee appointed on the part of the House of Representatives to take order for superintending the funeral of the deceased at Burlington, Vt.

Resolved, That the Secretary communicate these resolutions to the House of Representatives and transmit a copy thereof to the family of the deceased.

The resolutions were considered by unanimous consent, and unanimously agreed to.

The VICE PRESIDENT appointed, under the second resolution, as the committee on the part of the Senate Mr. DILLINGHAM, Mr. PAGE, Mr. GALLINGER, Mr. LODGE, Mr. RAYNER, Mr. BURTON, Mr. JONES, Mr. PERCY, and Mr. THORNTON.

Mr. DILLINGHAM. As a further mark of respect to the memory of the deceased, I move that the Senate adjourn.

The motion was unanimously agreed to; and (at 4 o'clock and 36 minutes p. m.) the Senate adjourned until Monday, March 25, 1912, at 2 o'clock p. m.

HOUSE OF REPRESENTATIVES.

FRIDAY, *March 22, 1912.*

The House met at 12 o'clock noon.

The Chaplain, Rev. Henry N. Couden, D. D., offered the following prayer:

Infinite and eternal Spirit, our heavenly Father, in whom we live and move and have our being, our faith looks up to Thee in this hour of sorrow and grief. Surely Thou givest life and taketh it away, not in death but in the larger life which awaits us all. A great sorrow has fallen into our hearts because one of our number has been taken away from us who for many years held a conspicuous place in the committee room and on the floor of this House; strong, pure, aggressive, he served his State and Nation with untiring energy. Help us to keep his memory green and copy his virtues. Solace the bereaved family with the hopes and promises of a bright beyond when the voice which was music to their ears, the eyes which looked love into their hearts, and the strong arms which upheld and sustained them shall receive them once more in a realm where there are no separations. "We are born for a higher destiny than that of earth. There is a realm where the rainbow never fades, where the stars will be spread out before us like the islands that slumber on the ocean, and where the beautiful beings that here pass before us like visions will stay in our presence forever." Thus may we believe; thus may we hope in, the promises of the Master. Amen.

The Journal of the proceedings of yesterday was read and approved.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. Crockett, one of its clerks, announced that the Senate had passed bills of the following titles, in which the concurrence of the House of Representatives was requested:

S. 5440. An act to establish a home for feeble-minded, imbecile, and idiotic children in the District of Columbia;

S. 2504. An act to provide for the extension of New Hampshire Avenue, in the District of Columbia, on a straight line, and for other purposes;
S. 5271. An act to confer concurrent jurisdiction on the police court of the District of Columbia in certain cases;
S. 1093. An act to provide for the extension of Buchanan Street NW. between Piney Branch Road and Sixteenth Street and the abandonment of Piney Branch Road between Allison Street and Buchanan Street NW., District of Columbia;
S. 5375. An act for the relief of the police and fireman's pension funds, District of Columbia;
S. 1086. An act to amend sections 680 and 686 of the Code of Law for the District of Columbia;
S. 5465. An act for the relief of holders and claimants of preference rights on public lands;
S. 4839. An act for the relief of Mary J. Webster;
S. 4310. An act to provide for the purchase of a site and the erection of a public building at North Topeka, Kans.;
S. 2558. An act authorizing the installation of an elevator in the United States public building at Martinsburg, W. Va.;
S. 1895. An act to provide for the purchase of a site and the erection of a public building thereon at Farmville, in the State of Virginia;
S. 248. An act providing for the erection of a Federal building at Coeur d'Alene, Idaho;
S. 5077. An act providing for the erection of a Federal building at Pocatello, Idaho;
S. 5060. An act to provide for the disposal of the unallotted land on the Omaha Indian Reservation, in the State of Nebraska;
S. 2186. An act to set apart certain lands in the State of Oregon as a public park, to be known as the Saddle Mountain National Park;
S. 5757. An act to abolish the penalty of imprisonment for desertion of seamen from vessels of the United States;
S. 2689. An act to provide for the erection of a public building at Mannington, W. Va.;
S. 3917. An act for the retirement of Henry R. Drake, captain, Philippine Scouts;
S. 4213. An act for the relief of the estate of Harriet B. Anderson and others;
S. 5491. An act for the purchase of a site and the erection thereon of a public building at Corvallis, Oreg.;
S. 5194. An act granting pensions and increase of pensions to certain soldiers and sailors of the Regular Army and Navy, and certain soldiers and sailors of wars other than the Civil War, and certain widows and dependent relatives of such soldiers and sailors;
S. 5623. An act granting pensions and increase of pensions to certain soldiers and sailors of the Regular Army and Navy, and certain soldiers and sailors of wars other than the Civil War, and to certain widows and dependent relatives of such soldiers and sailors;
S. J. Res. 91. Joint resolution authorizing the Secretary of War to receive for instruction at the United States Military Academy at West Point Mr. Manuel Agüero y Junqué, of Cuba;
S. 5493. An act granting pensions and increase of pensions to certain soldiers and sailors of the Civil War, and certain widows and dependent relatives of such soldiers and sailors;
S. 5670. An act granting pensions and increases of pensions to certain soldiers and sailors of the Civil War, and certain widows and dependent relatives of such soldiers and sailors;
S. 5415. An act granting pensions and increase of pensions to certain soldiers and sailors of the Civil War, and certain widows and dependent relatives of such soldiers and sailors; and
S. 5244. An act to regulate the practice of dentistry in the District of Columbia.

The message also announced that the Senate had passed without amendment joint resolution of the following title:

H. J. Res. 178. Joint resolution creating a commission to investigate and report on the advisability of the establishment of a permanent maneuvering grounds, camp of inspection, rifle and artillery ranges for troops of the United States at or near the city of Anniston, county of Calhoun, State of Alabama, and to likewise report as to certain lands in and around the city of Anniston, county of Calhoun, State of Alabama, proposed to be donated to the United States for said purposes.

SENATE BILLS REFERRED.

Under clause 2, Rule XXIV, Senate bills of the following titles were taken from the Speaker's table and referred to their appropriate committees as indicated below:

S. 5440. An act to establish a home for feeble-minded, imbecile, and idiotic children in the District of Columbia; to the Committee on the District of Columbia.

S. 2504. An act to provide for the extension of New Hampshire Avenue, in the District of Columbia, on a straight line, and for other purposes; to the Committee on the District of Columbia.

S. 5271. An act to confer concurrent jurisdiction on the police court of the District of Columbia in certain cases; to the Committee on the District of Columbia.

S. 1093. An act to provide for the extension of Buchanan Street NW. between Piney Branch Road and Sixteenth Street and the abandonment of Piney Branch Road between Allison Street and Buchanan Street NW., District of Columbia; to the Committee on the District of Columbia.

S. 5375. An act for the relief of the police and fireman's pension funds, District of Columbia; to the Committee on the District of Columbia.

S. 1086. An act to amend sections 680 and 686 of the Code of Law for the District of Columbia; to the Committee on the District of Columbia.

S. 5465. An act for the relief of holders and claimants of preference rights on public lands; to the Committee on the Public Lands.

S. 4839. An act for the relief of Mary J. Webster; to the Committee on the Public Lands.

S. 4310. An act to provide for the purchase of a site and the erection of a public building at North Topeka, Kans.; to the Committee on Public Buildings and Grounds.

S. 2558. An act authorizing the installation of an elevator in the United States public building at Martinsburg, W. Va.; to the Committee on Public Buildings and Grounds.

S. 1895. An act to provide for the purchase of a site and the erection of a public building thereon at Farmville in the State of Virginia; to the Committee on Public Buildings and Grounds.

S. 248. An act providing for the erection of a Federal building at Coeur d'Alene, Idaho; to the Committee on Public Buildings and Grounds.

S. 5077. An act providing for the erection of a Federal building at Pocatello, Idaho; to the Committee on Public Buildings and Grounds.

S. 5060. An act to provide for the disposal of the unallotted land on the Omaha Indian Reservation in the State of Nebraska; to the Committee on Indian Affairs.

S. 2186. An act to set apart certain lands in the State of Oregon as a public park, to be known as the Saddle Mountain National Park; to the Committee on the Public Lands.

S. 5757. An act to abolish the penalty of imprisonment for desertion of seamen from vessels of the United States; to the Committee on Naval Affairs.

S. 2689. An act to provide for the erection of a public building at Mannington, W. Va.; to the Committee on Public Buildings and Grounds.

S. 3917. An act for the retirement of Henry R. Drake, captain, Philippine Scouts; to the Committee on Military Affairs.

S. 5491. An act for the purchase of a site and the erection thereon of a public building at Corvallis, Oreg.; to the Committee on Public Buildings and Grounds.

S. 4213. An act for the relief of the estate of Harriet B. Anderson and others; to the Committee on Claims.

S. 5623. An act granting pensions and increase of pensions to certain soldiers and sailors of the Regular Army and Navy, and certain soldiers and sailors of wars other than the Civil War, and to certain widows and dependent relatives of such soldiers and sailors; to the Committee on Pensions.

S. 5194. An act granting pensions and increase of pensions to certain soldiers and sailors of the Regular Army and Navy, and certain soldiers and sailors of wars other than the Civil War, and certain widows and dependent relatives of such soldiers and sailors; to the Committee on Pensions.

S. 5244. An act to regulate the practice of dentistry in the District of Columbia; to the Committee on the District of Columbia.

S. 5493. An act granting pensions and increase of pensions to certain soldiers and sailors of the Civil War and certain widows and dependent relatives of such soldiers and sailors; to the Committee on Invalid Pensions.

S. 5670. An act granting pensions and increase of pensions to certain soldiers and sailors of the Civil War and certain widows and dependent relatives of such soldiers and sailors; to the Committee on Invalid Pensions.

S. 5415. An act granting pensions and increase of pensions to certain soldiers and sailors of the Civil War and certain widows and dependent relatives of such soldiers and sailors; to the Committee on Invalid Pensions.

S. J. Res. 91. Joint resolution authorizing the Secretary of War to receive for instruction at the United States Military

Academy at West Point Mr. Manuel Agüero y Junqué, of Cuba; to the Committee on Military Affairs.

APACHE INDIANS, FORT SILL, OKLA.

Mr. PALMER. Mr. Speaker, I move to discharge the Committee on Indian Affairs from the further consideration of House resolution 420, which was referred to that committee on February 20 last.

The SPEAKER. The Clerk will report the resolution.

The Clerk read as follows:

House resolution 420.

Resolved, That the Secretary of War be, and he is hereby, directed to transmit to this House at as early a date as may be convenient a report setting forth—

First. How many Apache Indians are now held as prisoners of war at the Fort Sill (Okla.) Reservation.

Second. How many of said Indians are males, and how many are females.

Third. How many of said male Indians are under 40 years of age.

Fourth. How many of said Indians are known, at any time prior to their capture, to have been engaged in hostilities against the United States, or to have committed acts of violence against citizens or residents of the United States.

Fifth. The names, ages, present condition of health and general conduct of the Indians coming under the terms of the last paragraph.

Sixth. The military necessity, if any, for continuing to hold said Apache Indians as prisoners of war.

Seventh. By what authority the said Apache Indians are now held as prisoners of war, and particularly by what authority those of said Indians who were born in captivity, and who have come of age while still in captivity, are so held

The SPEAKER. The question is on the motion of the gentleman from Pennsylvania to discharge the Committee on Indian Affairs from the further consideration of the resolution.

The question was taken, and the motion was agreed to.

Mr. PALMER. Mr. Speaker, I move the adoption of the resolution.

Mr. FERRIS. Mr. Speaker, the Secretary of War has on file with the Committee on Indian Affairs a full and complete report with reference to this matter, made after a long and careful investigation conducted last October. I had no notice or information that this was coming up at this time, and I do not know that I have any opposition to it other than that I thought it was proper to state that there is some legislation pending to dispose of this matter, and the Secretary of War has reported at great length upon it. I do not, looking at it hurriedly, see anything in the resolution that is objectionable, but the resolution has had no consideration in the committee at all.

The SPEAKER. That is the very thing that makes it privileged.

Mr. PALMER. It is hardly correct for the gentleman to say that he has had no information about this resolution.

Mr. FERRIS. I do say that.

Mr. PALMER. I spoke to the gentleman and to the chairman of the committee, and to other members of the committee, about the resolution, and they all agreed with me that the information which I was after was proper to be considered by the committee in connection with legislation pending before that committee. This resolution of inquiry went to the Committee on Indian Affairs more than a month ago, and under the rules some report, either favorable or adverse, should have been made within seven days.

It is because the Committee on Indian Affairs has given no consideration to the matter that I am asking that this resolution be now passed. If it be true, as the gentleman states, that the Secretary of War has made report on this proposition, that is the first knowledge I have had that such is the fact, and other friends of these Apache Indians, who were interested adversely to the proposed legislation by which these Apaches will be taken from what they claim to be their own reservation and transplanted down into the southwestern part of the country somewhere, have not had any information, either.

Mr. FERRIS. Mr. Speaker, will the gentleman yield?

Mr. PALMER. Yes.

Mr. FERRIS. The gentleman does not say that he ever talked to me about a resolution of this kind?

Mr. PALMER. Oh, yes, I do.

Mr. FERRIS. Mr. Speaker, the gentleman was never more seriously mistaken in his life than he is now. He talked to me about the Indians, but he never at any time intimated that he had anything pending for them or in their behalf, and certainly has never appeared before the committee, for I never have missed one session of the committee. The gentleman from Pennsylvania has never been before the committee at any time and has never mentioned it to me personally.

Mr. PALMER. Mr. Speaker, I do not care to get into a discussion involving the recollection, much less the veracity, of the gentleman from Oklahoma and myself. He probably misunderstood what I said to him in reference to it. The gentleman from Oklahoma has introduced a bill which, in effect, will take these Indians, who have been held as prisoners of war for the last 25 years—the Apaches at Fort Sill—and transplant them down into Arizona or New Mexico among the Mescalero Indians. There are something in the neighborhood of 240 of these Indians at the present time, only perhaps a half dozen or more being amongst those who were originally taken prisoners when Geronimo and his band were imprisoned at Fort Sill.

A large grant of land has been made on the condition, as I understand it, that it should be allotted finally as a home for these Indians, and friends of the Indians in other parts of the country are very seriously objecting to any movement which will take the Indians from the land which they claim to be their own, and which they think ought to be allotted to them for homes after they are released as prisoners of war. After the gentleman from Oklahoma had introduced that bill, and it had been called to my attention by some Friends in Pennsylvania, who were interested in this tribe of Indian prisoners, I spoke to the gentleman in reference to it and told him that I had been urged to oppose it, and that I had concluded to start the matter by asking for some definite information from the War Department in relation to the number and the condition of these Indian prisoners of war, and that a resolution of that kind had been introduced by me and referred to his committee.

Mr. FERRIS. Oh, the gentleman does not say that he said that to me?

Mr. PALMER. Yes.

Mr. FERRIS. The gentleman is very much mistaken.

Mr. PALMER. Well, it is a small matter. I talked with the gentleman about it.

Mr. FERRIS. The gentleman talked with me about my bill, but never about his bill.

Mr. PALMER. Yes; about the gentleman's bill and about the information that I desired to get by this resolution of inquiry. Be that as it may, Mr. Speaker, the resolution was introduced, and it went to the Committee on Indian Affairs on the 20th of February, and, as I understand it, there is no objection on the part of the Committee on Indian Affairs to getting all this information before any legislation of any character in relation to these Indian prisoners of war is put through the committee.

Mr. STEPHENS of Texas. Mr. Speaker, will the gentleman yield?

Mr. PALMER. Certainly.

Mr. STEPHENS of Texas. Mr. Speaker, it is not the custom of our committee, or of any committee of the House that I know of, to take up any resolution or bill unless the author of the resolution or bill comes before the committee and requests that it be taken up. There are always Members present at our committee meetings with bills and resolutions that are pressing for consideration. I presume the same rule obtains in other committees. I have no objection whatever to this resolution. I desire to say that these Mescalero Apache prisoners escaped from their reservation in New Mexico, under the leadership of Geronimo, some years ago and murdered a great many helpless citizens, including women and children, and destroyed a great deal of property. They were captured by the soldiers of the United States Army and first carried to Florida as prisoners of war, and afterwards, by act of Congress, they were permitted to be kept at Fort Sill, Okla., and they are still there under the control and direction of the military branch of the Government. These Indians are really no more prisoners of war than we are. Many of them have been permitted to leave the reservation. The town of Vernon, where I live, is 50 miles from Fort Sill, and Geronimo was himself there very frequently. They have not been and are not now prisoners of war in the sense that we usually understand that term. I think that being prisoners of war in the way that they are is a benefit to them. They have to work, and they are more nearly civilized and command more respect among the people of that country than do the Comanche and the Kiowa Indians, among whom they live. I only wish that we had more such prisoners of war among our Indians than we have at the present time, if they would all be improved and forced to become industrious and self-sustaining like these Indians are who are under the military authorities at Fort Sill have become while they have been held—nominally only—as prisoners of war. They ran away from their homes on the Mescalero Reservation, in New Mexico, and went on the warpath under the leadership of Geronimo, and they should be now released as prisoners, returned to their old homes by Congress, and allotted lands on their old reservation, as they have not forfeited their rights there.

Mr. FERRIS. Mr. Speaker, this resolution comes up in a way that is somewhat remarkable to me. For the last two or three years I have been introducing resolutions and bills and

attempting to get some action on this particular question. At this time, at my solicitation and on my bill, the War Department has made a report at great length and in great detail upon this identical question. The gentleman from Pennsylvania [Mr. PALMER] never has at any time darkened the door of the Committee on Indian Affairs and asked that this resolution be considered. I submit that the Committee on Indian Affairs at least ought to have the opportunity of looking at the resolution or of having it called up by its author.

Mr. NORRIS. Mr. Speaker, will the gentleman yield?

Mr. FERRIS. I hope I may proceed a moment without interruption.

The SPEAKER. The gentleman declines to yield.

Mr. FERRIS. I will be very glad to yield later. The gentleman from Pennsylvania represents a Pennsylvania district, and he represents some people who have good motives and who want to do the right thing. I have not the least word of criticism to make against them. However, these Indians are located within 4 miles of my home, and I know the situation and I know the conditions and I think know something about what they need. To introduce a resolution coming from the angle that it does, which has never been presented to the Committee on Indian Affairs, that has never been called up by its author or submitted to anybody, is a procedure that I think the House would hardly want to adopt; and without attempting to oppose the merits of the resolution, I do say that when the War Department has reported and are struggling to make some disposion of this matter themselves, while the Interior Department now has a report partially drawn on legislation that accomplishes what the gentleman seeks to do, I myself being in favor of accomplishing what he seeks to do, such drastic and unusual action would, I think, at least be unnecessary.

I think the gentleman and I are thinking along precisely the same line, but what could be the purpose of inaugurating a scheme or a plan in this House to discharge committees when the author of the resolution had never suggested to the committee or never stepped inside the committee room asking that anything be done with his resolution, and I think the resolution ought to be voted down. I now yield to the gentleman from Nebraska.

Mr. NORRIS. Mr. Speaker, I would like to suggest to the gentleman from Oklahoma that we have already voted to discharge the committee.

Mr. FERRIS. The gentleman is correct about that, but I think they did it without full consideration or knowing the facts.

Mr. NORRIS. I understand that. If the gentleman had made his statement before the motion was passed, I am satisfied the House would have voted against the motion to discharge the committee.

Mr. FERRIS. I think so.

Mr. NORRIS. And I suggest to the gentleman that the proper parliamentary procedure would be to move to reconsider the vote.

Mr. FERRIS. I intend to make that motion at the proper time.

Mr. NORRIS. The committee has been discharged, and then, if the House so desires, the resolution may go back to the committee, where, it seems to me from the gentleman's statement, it ought to go.

Mr. FERRIS. I intend to make that motion.

Mr. MANN. Will the gentleman yield for a question?

Mr. FERRIS. I do.

Mr. MANN. Does not the gentleman think under the rules of the House it is the duty of the committee to consider every inquiry resolution, which is a privileged resolution, regardless of whether somebody calls it up in the committee?

Mr. FERRIS. I am very loath to even debate the practice or custom of the rules of the House with the gentleman from Illinois, because in all frankness and candor I recognize the superiority of the gentleman over anybody on that proposition; but at the same time I want to appeal to his real knowledge of procedure, the way things are actually done, and I think he will agree with me when I say that no committee takes up matters unless somebody comes around and calls it to the attention of the chairman of the committee or comes himself and calls it up.

Mr. HAY. The gentleman from Oklahoma is mistaken about the practice.

Mr. MANN. If the gentleman will pardon me, I was for a while chairman of a committee and for a long time a member of a committee which invariably took notice itself of every privileged resolution which was referred to the committee, and either acted upon it within the six days required or knowingly let it go without action, so that it was privileged in the House, and it never waited for the author of the resolution to appear before the committee to ask for the consideration of the committee.

Mr. FERRIS. But the gentleman does not assume to say that course is pursued by any considerable number of committees?

Mr. MANN. I think that is the practice of the committees.

Mr. FERRIS. I will say that the committees I have been on have never pursued that course.

Mr. MANN. Well, they ought to change it.

Mr. FERRIS. Perhaps they should; I do not argue that; but I am only contending what my information had been on the subject.

Mr. PALMER. A point of order, Mr. Speaker. I have the floor. I was recognized when I made my motion.

The SPEAKER. The gentleman from Pennsylvania was recognized for an hour, if he desired that time.

Mr. PALMER. And I yielded to the gentleman from Oklahoma. I thought I was recognized in my own right.

The SPEAKER. The gentleman from Pennsylvania was recognized.

Mr. FERRIS. I desire to be recognized at the proper time to make my motion.

Mr. PALMER. Mr. Speaker, I want to say a word in answer to what the gentleman from Oklahoma has said. I am not criticizing the conduct of the Committee on Indian Affairs in any way, and neither do I think it proper that any member of the Committee on Indian Affairs should criticize me for the way in which I have presented and pressed this resolution. I understand that the way in which I have done it is in strict accord with the practice in the House, certainly with the practice which has obtained during the short time I have been here. It is true that the ordinary bill or resolution which goes to a committee is followed up by its author, who appears before the committee and presses its consideration, but there is no duty on the part of the Member so to do. On the other hand, it is the duty of the committee to which the resolution is referred to take the matter up on its own initiative. That is the reason for which proposed legislation has been referred to the committees of the House, but in respect to resolutions of inquiry the practice here has been that, it being of a highly privileged character, after seven days the committee gives it consideration, or, on failure to give consideration, recognizes the fact that the Member who introduced the resolution may follow the matter to the floor, where it can be thrashed out.

And yet, with regard to a resolution of inquiry, I would not consider that it would be proper for a Member to make this motion on the floor without having taken the matter up with the committee. And therefore, as the gentleman from Texas [Mr. STEPHENS] will agree, I spoke to him as the chairman of the committee in reference to the resolution. He probably, in the press of other business before the committee, overlooked it, because it was not a matter about which there was any controversy or any contest. Everybody on the committee, so far as I know, is agreed that the information should be at hand, and everybody who is interested in this legislation agrees that this is the best if not the only proper way to secure that information.

The gentleman from Oklahoma [Mr. FERRIS] says that a report has already been made by the War Department giving this exact information to the committee. My only answer to that is that there are other Members in the House interested in this legislation besides the Committee on Indian Affairs, and the report from the War Department to that committee, kept within its own bosom and not communicated to other Members, will not reach the proposition which I have in view, and that is that all the Members of the House may be advised of the conditions in regard to these Indian prisoners, in order that when the several pieces of legislation affecting them come before the House Members may intelligently vote upon the question.

Now, Mr. Speaker, how much time have I remaining?

The SPEAKER. The gentleman from Pennsylvania [Mr. PALMER] has 20 minutes remaining.

Mr. PALMER. I yield 19 minutes to the gentleman from Oklahoma [Mr. FERRIS].

The SPEAKER. The gentleman from Oklahoma is recognized for 19 minutes.

Mr. FERRIS. Mr. Speaker, I want to again state that this resolution has never been called to my attention. I have never heard of it before. I did not know it had ever been introduced, and I never saw it until this minute. Now, I greatly hope the House will not adopt this unusual course. However, I do not know that I have, or that I have not, any objection to its

passage. Why not let this bill be referred to the committee from whence it came, and give them an opportunity to consider it—at least look at it—with instructions to rereport it at the expiration of seven days, the usual time? And at the proper time I want to make that motion.

Mr. BURKE of South Dakota. Mr. Speaker——

Mr. MANN. Will the gentleman yield?

The SPEAKER. To whom does the gentleman from Oklahoma [Mr. FERRIS] yield?

Mr. FERRIS. I yield to the gentleman from South Dakota [Mr. BURKE].

Mr. BURKE of South Dakota. Mr. Speaker, I would suggest to the gentleman from Oklahoma [Mr. FERRIS] and to the gentleman from Pennsylvania [Mr. PALMER] that I think there is clearly a misunderstanding as to why this resolution was not reported on by the committee. The committee meets on Monday, and I understand the House will adjourn to-day to meet on Monday. I would suggest that the gentleman should not press the passage of the resolution and give the committee until Monday to make a report.

Mr. PALMER. If the gentleman will permit, it is no reflection on the Committee on Indian Affairs to pass a resolution like this. The entire committee is agreed that the information ought to be obtained. I am not making any reflection upon the committee or criticizing it in any way. I just want to move the thing along. We have had the resolution in the House over a month, and, as the gentleman from South Dakota says, a report could be made in two or three days, and I take it, as all the members of the committee are agreeable to the proposition, it would be a favorable report. Why not then pass a resolution now and be done with it?

Mr. STEPHENS of Texas. We meet on Monday——

Mr. FERRIS. Let me suggest that the War Department has already reported on legislation which will accomplish what the gentleman desires, and the report is in the committee now touching all the things the gentleman has asked for. He ought to advise himself and acquaint himself with the fact that the committee has been advised the report of the War Department is there, and the only thing that keeps the committee from acting now is that it affects two departments, viz, the War Department and the Interior Department. The Interior Department has not yet determined what the report should be.

Mr. PALMER. That is all right; but I want a report to the House.

Mr. MANN. If, as the gentleman states, there is now in the Committee on Indian Affairs a report which substantially complies with the request of the resolution, and that report of the Committee on Indian Affairs not being a House document and not printed for the benefit of the Members of the House, what possible objection is there to passing a resolution having the Secretary of War send the information to the House officially, so it could be printed, as it would be under such conditions, for the benefit of the Members of the House?

Mr. FERRIS. But, if the gentleman will permit me, I take it that the House does not want to do an idle thing. The Indian Committee has authority to accomplish legislation which will reach completely what the gentleman wants. This question concerns two departments of the Government, the Department of the Interior and the War Department, the War Department now having jurisdiction of the Indians, and the Department of the Interior must take jurisdiction where the War Department leaves off; it concerns both departments. The War Department has reported, and the report is there, which will be made public as soon as the committee reports the bill.

Mr. MANN. Are not the Members of the House entitled to the information before the bill is perfected and before the bill is reported? This simply asks for information, and if the resolution is passed the Secretary of War will send the information to the House and it will be printed for the benefit of the Members, so that they may have it in connection with the legislation—not after the legislation is reported, but before it is reported. What possible objection is there to asking for information concerning matters which may arise in legislation?

Mr. FERRIS. Perhaps none; but the answer to the gentleman's question ought to be conclusive when the fact is that the Committee on Indian Affairs never looked at this resolution. I did not know it was introduced until to-day, and the committee has taken no action on it whatever. They have never seen it or considered it a moment, and committees that are elected ought to have some mission to perform.

Mr. MANN. And yet it is the invariable practice of the House and of the committees of the House, where a resolution is introduced simply calling for information from a department which a Member desires to obtain, to report the resolution favorably; or, if committee does not act, the House passes the resolution, if the committee has not reported it, on the theory that Congress is entitled to any information from any of the departments which would throw light upon any proposed legislation. Now, what objection is there to passing the resolution and getting the information? It does not reflect upon the committee.

Mr. FERRIS. Not at all; but surely the committee has the right to have it called to their attention before they are discharged.

Mr. MANN. It does not reflect upon the action of the committee.

Mr. FERRIS. Not at all; but if the committee has all the information that the gentleman asks for, and is willing to give it to anybody on earth, what would be the use of passing another resolution and having the Secretary of War again report?

Mr. Speaker, I ask unanimous consent that this bill be referred to the Committee on Indian Affairs, with instructions to report the same within five days.

The SPEAKER. What is the request which the gentleman makes?

Mr. FERRIS. I ask unanimous consent to reconsider the vote formerly taken, and that this bill be rereferred to the Committee on Indian Affairs, and that that committee be instructed to report the same back within five days.

Mr. PALMER. I make the point of order, Mr. Speaker, that the gentleman is using my time. He was granted 19 minutes to debate this question, not to make a motion.

Mr. FERRIS. I ask unanimous consent, Mr. Speaker, that that be done.

Mr. PALMER. I object to it.

The SPEAKER. The point of order is sustained. The gentleman was recognized for the purpose of debate.

Mr. PALMER. Now, Mr. Speaker, I move the previous question on the adoption of the resolution.

The SPEAKER. The gentleman from Pennsylvania [Mr. PALMER] yielded 19 minutes to the gentleman from Oklahoma [Mr. FERRIS].

Mr. PALMER. I thought the gentleman was through.

Mr. FERRIS. I ask the gentleman what possible objection there can be to giving a committee of the House the benefit of what it knows about this matter?

Mr. PALMER. In theory, at least, the Committee on Indian Affairs has been considering this resolution since the 20th day of February, and that is plenty of time for a committee to consider a resolution concerning which there is no controversy and no contest. Nobody in the world has any objection to the passing of the resolution at some time. The only objection urged by the gentleman from Oklahoma seems to be that the author of the resolution did not come before his committee and press its immediate consideration.

Mr. FERRIS. The gentleman does not dispute that?

Mr. PALMER. No; the gentleman does not dispute that. I did not go before the Committee on Indian Affairs. I did not consider it to be a part of my duty to do so.

Mr. BURKE of South Dakota. Mr. Speaker, will the gentleman yield?

The SPEAKER. Does the gentleman from Oklahoma yield to the gentleman from South Dakota?

Mr. FERRIS. I do.

Mr. BURKE of South Dakota. I would like to ask the gentleman from Oklahoma if the Committee on Indian Affairs has in its possession the information which the resolution calls for?

Mr. FERRIS. I think so. They have a long report on the subject.

Mr. BURKE of South Dakota. If the committee would act upon it, they would probably report to the House the information that the resolution asks for, and thus accomplish the purpose of the resolution?

Mr. FERRIS. Precisely.

Mr. BURKE of South Dakota. I can not understand, therefore, why the gentleman from Pennsylvania [Mr. PALMER] objects to allowing it to go over until Monday, say. I think the gentleman from Oklahoma [Mr. FERRIS] can assure the House that if the resolution does go over until Monday the committee will make a report on that day.

Mr. FERRIS. I am more anxious to have the War Department report printed than anybody in this House. It elaborates the situation exactly as it is, and I think it gives the information which the gentleman from Pennsylvania, at least, wants. I have no objection to the reporting of that information to the House, except that I do not approve of the course pursued by the gentleman toward a committee upon a matter of which he knows nothing. It is a course that ought not to be adopted.

Mr. PALMER. That is the practice universally adopted by Members desiring to secure information, and in view of my disclaimer of any intention or desire to reflect on the committee

and the unanimous feeling all around that we ought to have this information, I think the resolution ought to be passed. I ask for a vote, Mr. Speaker.

The SPEAKER. The question is on the adoption of the resolution.

The question was taken; and at the suggestion of the Speaker, the House divided; and there were—ayes 37, noes 93.

So the resolution was not agreed to.

Mr. PALMER. Mr. Speaker, I ask unanimous consent that the vote by which the Committee on Indian Affairs was discharged from the consideration of House resolution 420 be vacated and that the resolution be again referred to that committee, with the understanding that a report be made thereon by Monday next.

The SPEAKER. The gentleman from Pennsylvania [Mr. PALMER] asks unanimous consent that the vote just taken on the resolution be vacated, and also the vote discharging the committee, and that the resolution be referred to the Committee on Indian Affairs with the understanding that they are to report not later than next Monday.

Mr. FERRIS. I think, Mr. Speaker, the gentleman had better give the committee a little more time, say five days.

Mr. PALMER. I am willing to allow 10 days.

The SPEAKER. Is there objection? [After a pause.] The Chair hears none, and it is so ordered.

Mr. FERRIS. Mr. Speaker, it has been suggested here that the request embodied the last vote. That is not true, is it, that the last vote, taken by a standing vote was to be vacated? That is not true.

The SPEAKER. Of course both votes have to be vacated. If the last were vacated and the first were not you would be right back to the point where you started.

Mr. FERRIS. The request of the gentleman was to vacate the first vote, not the last one.

Mr. MANN. It had to be reconsidered.

The SPEAKER. The resolution is dead unless both votes are vacated. If you vacate the last one without vacating the first one you are right at the point where you started.

WITHDRAWAL OF PAPERS.

Mr. WILSON of New York, by unanimous consent, was granted leave to withdraw from the files of the House the papers in the case of Frederick Lange, H. R. 30472, Sixty-first Congress, no adverse report having been made thereon.

DEATH OF REPRESENTATIVE FOSTER OF VERMONT.

Mr. PLUMLEY. Mr. Speaker, I offer the resolution which I send to the Clerk's desk.

The SPEAKER. The gentleman from Vermont offers a resolution, which will be reported by the Clerk.

The Clerk read as follows:

House resolution 457.

Resolved, That the House has heard with profound sorrow of the death of Hon. DAVID J. FOSTER, a Representative from the State of Vermont.

Resolved, That a committee of 10 Members of the House (with such Members of the Senate as may be joined) be appointed to attend the funeral.

Resolved, That the Sergeant at Arms of the House be authorized and directed to take such steps as may be necessary for carrying out the provisions of these resolutions, and that the necessary expenses in connection therewith be paid out of the contingent fund of the House.

Resolved, That the Clerk communicate these resolutions to the Senate, and transmit a copy thereof to the family of the deceased.

The resolutions were agreed to.

ADJOURNMENT.

Mr. PLUMLEY. Mr. Speaker, I have another resolution.

The SPEAKER. The gentleman from Vermont offers a resolution which will be reported by the Clerk.

The Clerk read as follows:

Resolved, That as a further mark of respect this House do now adjourn.

The motion was agreed to; accordingly (at 1 o'clock p. m.) the House, under the order heretofore agreed to, adjourned until Monday, March 25, 1912, at 12 o'clock noon.

EXECUTIVE COMMUNICATIONS.

Under clause 2 of Rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

1. A letter from the Secretary of the Treasury, relative to House resolutions Nos. 333 and 349, directing the Secretary of the Treasury to furnish the House list of persons shown to have sold cotton to the Confederate States, etc. (H. Doc. No. 639); to the Committee on Expenditures in the Treasury Department and ordered to be printed.

2. A letter from the Secretary of War, transmitting, with a letter from the Chief of Engineers, report of examination and survey of Mississippi River revetment banks below Cairo, Ill. (H. Doc. No. 638); to the Committee on Rivers and Harbors and ordered to be printed, with illustrations.

3. A letter from the assistant clerk of the Court of Claims, transmitting a copy of the findings filed by the court in the case of K. D. Bookout and F. M. Bookout, sole heirs of Sarah D. Bookout, deceased (H. Doc. No. 641); to the Committee on War Claims and ordered to be printed.

4. A letter from the assistant clerk of the Court of Claims, transmitting a copy of the findings filed by the court in the case of trustees of Timberridge Presbyterian Church, of Henry County, Ga. (H. Doc. No. 640); to the Committee on War Claims and ordered to be printed.

REPORTS OF COMMITTEES ON PRIVATE BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, private bills and resolutions were severally reported from committees, delivered to the Clerk, and referred to the Committee of the Whole House, as follows:

Mr. ADAIR, from the Committee on Invalid Pensions, to which was referred sundry bills of the House, reported in lieu thereof the bill (H. R. 22261) granting pensions and increase of pensions for certain soldiers and sailors of the Civil War and certain widows and dependent children of soldiers and sailors of said war, accompanied by a report (No. 439), which said bill and report were referred to the Private Calendar.

Mr. CARTER, from the Committee on the Merchant Marine and Fisheries, to which was referred the joint resolution (S. J. Res. 69) authorizing the licensing and employment of Otto Neuman Sverdrup as master of vessels of the United States, reported the same without amendment, accompanied by a report (No. 440), which said bill and report were referred to the Private Calendar.

PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS.

Under clause 3 of Rule XXII, bills, resolutions, and memorials were introduced and severally referred as follows:

By Mr. PAYNE: A bill (H. R. 22262) to amend an act entitled "An act to provide revenue, equalize duties, and encourage the industries of the United States, and for other purposes," approved August 5, 1909; to the Committee on Ways and Means.

By Mr. HUGHES of Georgia: A bill (H. R. 22263) to promote the efficiency of the Medical Department of the United States Army; to the Committee on Military Affairs.

By Mr. FLOOD of Virginia: A bill (H. R. 22264) to amend an act for the protection and regulation of the fisheries of Alaska; to the Committee on the Territories.

By Mr. CLAYTON: A bill (H. R. 22265) to amend section 786 of the Revised Statutes; to the Committee on the Judiciary.

By Mr. BATHRICK: A bill (H. R. 22266) to authorize the erection of a new public building at Akron, Summit County, Ohio; to the Committee on Public Buildings and Grounds.

By Mr. ADAMSON: A bill (H. R. 22267) to prevent the issuing or accepting in interstate commerce of forged and fraudulent bills of lading; to the Committee on Interstate and Foreign Commerce.

By Mr. SWEET: Joint resolution (H. J. Res. 277) proposing an amendment to the Constitution prohibiting polygamy; to the Committee on the Judiciary.

PRIVATE BILLS AND RESOLUTIONS.

Under clause 1 of Rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. ADAIR: A bill (H. R. 22261) granting pensions and increase of pensions to certain soldiers and sailors of the Civil War and certain widows and dependent children of soldiers and sailors of said war; to the Committee of the Whole House.

By Mr. ANDERSON of Minnesota: A bill (H. R. 22268) granting a pension to John Wieczorek; to the Committee on Pensions.

By Mr. ANDRUS: A bill (H. R. 22269) granting an increase of pension to Mary Evans; to the Committee on Invalid Pensions.

By Mr. ASHBROOK: A bill (H. R. 22270) granting an increase of pension to Caroline L. Loftus; to the Committee on Invalid Pensions.

By Mr. BARNHART: A bill (H. R. 22271) for the relief of Hiram W. Bays; to the Committee on War Claims.

By Mr. CLINE: A bill (H. R. 22272) granting an increase of pension to George Keller; to the Committee on Invalid Pensions.

By Mr. DAVIS of West Virginia: A bill (H. R. 22273) granting a pension to Emma Bee; to the Committee on Invalid Pensions.

By Mr. DICKINSON: A bill (H. R. 22274) granting an increase of pension to Simon S. Coy; to the Committee on Invalid Pensions.

Also, a bill (H. R. 22275) granting an increase of pension to William B. Fleming; to the Committee on Invalid Pensions.

By Mr. DOREMUS: A bill (H. R. 22276) granting a pension to Lizzie J. Hoadley; to the Committee on Invalid Pensions.

By Mr. ESCH: A bill (H. R. 22277) granting an increase of pension to Chester F. Cole; to the Committee on Invalid Pensions.

By Mr. HAMLIN: A bill (H. R. 22278) granting an increase of pension to Jasper A. Gaddy; to the Committee on Invalid Pensions.

By Mr. HULL: A bill (H. R. 22279) granting a pension to Albert Whitener; to the Committee on Pensions.

Also, a bill (H. R. 22280) granting an increase of pension to Joseph F. Dixon; to the Committee on Invalid Pensions.

By Mr. KAHN: A bill (H. R. 22281) granting a pension to Harry Hall; to the Committee on Pensions.

Also, a bill (H. R. 22282) granting a pension to Althea J. Boyd; to the Committee on Invalid Pensions.

Also, a bill (H. R. 22283) granting a pension to Theodore T. Dowdall; to the Committee on Pensions.

Also, a bill (H. R. 22284) granting an increase of pension to James J. Walsh; to the Committee on Pensions.

By Mr. LEWIS: A bill (H. R. 22285) for the relief of John Newton; to the Committee on Military Affairs.

Also, a bill (H. R. 22286) granting a pension to Teresa Gibbs; to the Committee on Invalid Pensions.

Also, a bill (H. R. 22287) granting an increase of pension to William H. Taylor; to the Committee on Invalid Pensions.

By Mr. PATTON of Pennsylvania: A bill (H. R. 22288) granting an increase of pension to Dallas Patrick; to the Committee on Invalid Pensions.

By Mr. RUSSELL: A bill (H. R. 22289) for the relief of Stoddard County, in the State of Missouri, for the use and occupation of the courthouse of said county by the Union soldiers during the Civil War; to the Committee on War Claims.

By Mr. SELLS: A bill (H. R. 22290) for the relief of Lincoln S. Jones; to the Committee on Military Affairs.

Also, a bill (H. R. 22291) granting a pension to Oscar C. Oliver; to the Committee on Pensions.

Also, a bill (H. R. 22292) granting an increase of pension to Hugh H. Campbell; to the Committee on Pensions.

Also, a bill (H. R. 22293) granting an increase of pension to Della A. Cooter; to the Committee on Invalid Pensions.

By Mr. STEPHENS of California: A bill (H. R. 22294) to reimburse W. A. Gara, clerk in charge post-office station No. 28, Los Angeles, Cal., for loss of postage stamps; to the Committee on Claims.

By Mr. SWITZER: A bill (H. R. 22295) granting a pension to Mary A. Mann; to the Committee on Invalid Pensions.

Also, a bill (H. R. 22296) granting an increase of pension to James A. Waddell; to the Committee on Invalid Pensions.

Also, a bill (H. R. 22297) granting an increase of pension to James Skelton; to the Committee on Invalid Pensions.

By Mr. THOMAS: A bill (H. R. 22298) granting an increase of pension to Jack Woods; to the Committee on Invalid Pensions.

PETITIONS, ETC.

Under clause 1 of Rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

By Mr. AINEY: Petitions of Granges Nos. 1063 and 1429, Patrons of Husbandry, for a governmental system of postal express; to the Committee on Interstate and Foreign Commerce.

By Mr. ANDERSON of Minnesota: Petition of the First State Bank and 16 others of Le Roy, Minn., against extension of the parcel-post system; to the Committee on the Post Office and Post Roads.

By Mr. ASHBROOK: Memorial of Grange No. 1448, Patrons of Husbandry, for parcel-post legislation; to the Committee on the Post Office and Post Roads.

Also, petition of Carl Bros. and 15 other merchants of Shreve, Ohio, protesting against parcel-post legislation; to the Committee on Post Office and Post Roads.

Also, petition of Joe Green and others, of Newark, Ohio, protesting against enactment of proposed interstate-commerce liquor legislation; to the Committee on the Judiciary.

Also, memorial of Buckhorn Grange, No. 1445, Tuscarawas County, Ohio, asking for the enactment of the proposed parcel-post legislation; to the Committee on the Post Office and Post Roads.

Also, petition of T. P. Peter, mayor and merchant of Canal Dover, Ohio, protesting against the enactment of the proposed parcel post; to the Committee on the Post Office and Post Roads.

Also, petition of J. H. Newton and 20 other citizens of Newark, Ohio, protesting against the enactment of any legislation prohibiting the interstate commerce of liquors; to the Committee on the Judiciary.

By Mr. AYRES: Memorial of citizens of New York City, favoring old-age pensions; to the Committee on Pensions.

By Mr. BOWMAN: Petition of Grange No. 813, Patrons of Husbandry, for a governmental system of postal express; to the Committee on Interstate and Foreign Commerce.

By Mr. CALDER: Memorial of members of United Harbor, No. 1, of the American Association of Masters, Mates, and Pilots, for legislation promoting efficiency of the Public Health and Marine-Hospital Service; to the Committee on Interstate and Foreign Commerce.

Also, petition of I. S. Rosenberg, of Brooklyn, N. Y., for enactment of House bill 20595, amending the copyright act of 1909; to the Committee on Patents.

By Mr. CATLIN: Petition of William Graham, of Deer Street Theater, St. Louis; E. W. Linn, Sherman Theater, St. Louis; Dan S. Fishell, Princess Theater, St. Louis; M. J. Nash, King Bee Theater, St. Louis; Edward Berger, Clayton Airdome, St. Louis; William Goldman, St. Louis Theater, St. Louis; J. W. Gillespie, Arco Theater, St. Louis; Charles Mockobey, Valley Park, Mo.; and William P. Flinn, Maffitt Theater, St. Louis, favoring the passage of House bill 20595, amending the copyright law; to the Committee on Patents.

Also petition of the United Garment Workers of America, Local Union No. 26, of St. Louis, Mo., favoring the passage of House bill 20423, providing for the registration of labels in the District of Columbia and Territories; to the Committee on Patents.

Also, petition of Camp Corporal Lorance R. De Witt, Army of the Philippines, favoring the passage of House bill 17470, additional widow pension bill; to the Committee on Pensions.

By Mr. COX of Ohio: Memorial of convention of District No. 6, United Mine Workers of America, favoring the old-age pension bill; to the Committee on Pensions.

By Mr. DANFORTH: Petition of Towarzystwo Rzemieslnikow Polskich of Rochester, N. Y., protesting against legislation providing for an educational test of aliens entering the United States; to the Committee on Immigration and Naturalization.

By Mr. DAVIS of West Virginia: Petition of sundry citizens of the first congressional district of West Virginia, praying for a speedy report on House bill 16214; to the Committee on the Judiciary.

By Mr. DICKINSON: Petition of 12 citizens of the sixth congressional district of Missouri, for enactment of House bill 20595, amending section 25 of the copyright act of 1909; to the Committee on Patents.

By Mr. DONOHOE: Memorial of Beardstown (Ill.) Chamber of Commerce, against granting permission to increase the flow of water from Lake Michigan into the Illinois River; to the Committee on Rivers and Harbors.

By Mr. DOREMUS: Petition of W. J. Lime and others, of De Witt, Mich., protesting against parcel-post legislation; to the Committee on the Post Office and Post Roads.

By Mr. DRAPER: Memorial of Los Angeles (Cal.) Chamber of Commerce, relative to Panama Canal tolls; to the Committee on Interstate and Foreign Commerce.

By Mr. DYER: Memorial of Los Angeles (Cal.) Chamber of Commerce, against charging American ships tolls in the Panama Canal; to the Committee on Interstate and Foreign Commerce.

Also, petition of Business Men's League, of St. Louis, Mo., against House bill 16844, requiring manufactures to bear the name of the manufacturer; to the Committee on Interstate and Foreign Commerce.

Also, petition of numerous citizens of St. Louis, Mo., favoring the speedy passage of the Kenyon-Sheppard interstate-commerce liquor bill; to the Committee on the Judiciary.

Also, petition of J. Harvey Slater, Richmond, Mo., favoring supervision of the Bureau of Animal Industry; to the Committee on Agriculture.

Also, petition of the Consolidated Coal Co., of St. Louis, Mo., favoring a labor commission; to the Committee on Labor.

Also, papers to accompany House bill 22056; to the Committee on Claims.

Also, petitions of T. B. Frary and Leonard R. Woods, of St. Louis, Mo., favoring the passage of the Kenyon-Sheppard bill; to the Committee on the Judiciary.

Also, petition of C. E. Udell & Co., cheese dealers, of St. Louis, Mo., against the parcel post; to the Committee on the Post Office and Post Roads.

Also, memorial of St. Louis Photo-Engravers' Union, No. 10, International Photo-Engravers' Union of North America, favoring House bill 20423; to the Committee on the District of Columbia.

Also, petition of George P. Meyer, of Knickerbocker Theater, St. Louis, Mo., favoring amendment of the copyright act of 1909; to the Committee on Patents.

By Mr. ELLERBE: Memorial of the church conference of the Methodist Episcopal Church South of Dillon, S. C., asking the speedy passage of the Kenyon-Sheppard interstate liquor shipment bill; to the Committee on the Judiciary.

By Mr. ESCH: Papers to accompany bill for the relief of Chester F. Cole; to the Committee on Invalid Pensions.

Also, petitions of citizens of Kendall and Onalaska, Wis., for parcel-post legislation, etc.; to the Committee on the Post Office and Post Roads.

Also, petitions of dairymen and citizens of Northfield, Cashton, Melvina, West Salem, Hixton, Sechlerville, La Crosse, Chili, Granton, Marshfield, Greenwood, Oakdale, Tomah, Bangor, Withee, and Neillsville, Wis., protesting against the Lever bill (H. R. 18493); to the Committee on Agriculture.

Also, memorial of Twenty-sixth Annual Closing Wisconsin Farmers' Institute, held at Neenah, Wis., in favor of a general parcel-post law; to the Committee on the Post Office and Post Roads.

By Mr. FOCHT: Petitions of Granges Nos. 1340 and 1403, Patrons of Husbandry, for parcel-post legislation; to the Committee on the Post Office and Post Roads.

By Mr. FULLER: Petition of the Methodist Episcopal Church of Verona, Ill., for passage of Kenyon-Sheppard interstate liquor bill; to the Committee on the Judiciary.

Also, petition of the Consolidated Coal Co., of St. Louis, Mo., favoring the creation of Federal industrial commission, etc.; to the Committee on Labor.

Also, petition of Montgomery Ward & Co., of Chicago, Ill., favoring certain amendments to the patent laws; to the Committee on Patents.

Also, petition of the Woman's Christian Temperance Union of Verona, Ill., for the passage of the Kenyon-Sheppard interstate-commerce liquor bill; to the Committee on the Judiciary.

Also, petition of E. S. Sheley, of R. F. D. No. 2, Belvidere, Ill., and of Manley Munson, R. F. D. No. 1, Beloit, Wis., favoring the establishment of a parcel-post service; to the Committee on the Post Office and Post Roads.

Also, petitions of Oakley W. Esmond, of Ottawa; Morrisey Bros., of Dwight; W. F. Elliott, of De Kalb; O. T. D. Berg, of Malta; and Robert O. Fuller, of Waterman, all in the State of Illinois, in favor of a parcel-post service; to the Committee on the Post Office and Post Roads.

By Mr. GARNER: Petition of Marcelina Local Union, Wilson County, Tex., favoring the bills to prevent gambling in farm products, a general parcel post, further restriction of foreign immigration, and the market bill, better known as the Webb-Callaway bill (H. R. 19069); to the Committee on Interstate and Foreign Commerce.

By Mr. GODWIN of North Carolina: Memorial of the Chamber of Commerce of Wilmington, N. C., for the creation of an international commission on the cost of living; to the Committee on Foreign Affairs.

By Mr. HARTMAN: Memorial of Local Union, United Mine Workers of America, Patton, Pa., advocating the building of one battleship in a Government navy yard; to the Committee on Naval Affairs.

Also, memorials of Barr Grange, No. 1121, Patrons of Husbandry, Cambria County, Pa., and Allegheny Grange, No. 1154, Blair County, Pa., favoring the passage of parcel-post bill (H. R. 19133); to the Committee on the Post Office and Post Roads.

Also, memorial of the Philadelphia Chamber of Commerce, favoring the continuance of the Tariff Commission and the appropriation of funds to carry on its work; to the Committee on Ways and Means.

Also, petition of A. J. Oaks and 63 other citizens of South Fork, Pa., favoring the Kenyon-Sheppard interstate liquor shipping bill and the Hobson amendment; to the Committee on the Judiciary.

By Mr. HAYDEN: Petition of residents, officials, and official bodies of Gila County, Ariz., asking that law be enacted providing that the United States court for the district of Arizona hold its sessions in three or more places in said district, and that Globe, Gila County, be named as one of the places where sessions of said court be held; to the Committee on the Judiciary.

Also, petition of K. H. Lippert and certain other citizens of Bisbee, Ariz; Richard Humphrey and certain other citizens of Lowell, Ariz., and vicinity; and M. C. Benton, of Bisbee, Ariz., and other citizens, all members of the Improved Order of Red Men, favoring the erection of an American Indian memorial and museum building in Washington, D. C.; to the Committee on Public Buildings and Grounds.

Also, petition of citizens of Groom Creek, Ariz., for enactment of the Berger old-age pension bill; to the Committee on Pensions.

Also, memorial of E. B. Moore and others, holding certain United States obligations referred to in House bill 17485, by Mr. VOLSTEAD, of Minnesota, protesting against the passage of said bill; to the Committee on the Public Lands.

By Mr. HEALD: Petitions of members of executive committee of Daughters of American Revolution of California, and by the chairman of the Committee on the Welfare of Women and Children of the State of California, urging the establishment of a children's bureau; to the Committee on Labor.

Also, petition of 54 citizens of the State of California, for enactment of the Berger old-age pension bill; to the Committee on Pensions.

By Mr. HENRY of Connecticut: Petition of shoe merchants of the first congressional district of Connecticut, protesting against enactment of House bill 16844; to the Committee on Interstate and Foreign Commerce.

By Mr. HOWELL: Petition of C. C. Crismon, F. J. Nichols, and other assayers of Salt Lake City, Utah, protesting against House bill 17033; to the Committee on Ways and Means.

Also, petition of the Woman's Christian Temperance Union of Ogden, Utah, for passage of Kenyon-Sheppard interstate liquor bill; to the Committee on the Judiciary.

Also, petition of Joseph Wittmer and 30 other citizens of Hurricane, Utah, urging the establishment of a parcel-post system; to the Committee on the Post Office and Post Roads.

Also, petitions of citizens of the State of Utah, for enactment of House bill 20595, amending the copyright act of 1909; to the Committee on Patents.

By Mr. JAMES: Petition of citizens of the State of Kentucky, for the passage of a parcel-post law; to the Committee on the Post Office and Post Roads.

By Mr. KAHN: Papers to accompany bills for the relief of Theodore T. Domdall and James J. Walsh; to the Committee on Pensions.

Also, memorial of the California Club of California, Civic Department, San Francisco, indorsed by the Local Council of Women, the To-Kalon Club, the San Diego Club, the Woman's Improvement Association of Pasadena, the Wednesday Club of San Diego, the Burlingame Women's Club, the Hanford Woman's Club, the Coalinga Ladies' Improvement Club, the Civic Association of Los Angeles, the Entre Nous Club, the Sonora Valley Woman's Club, the Eureka Civic Club, the Glendora Woman's Club, the Woman's Club of Arcata, the Laguna Honda Parent Teacher Association, the Wednesday Morning Club of Riverside, the Women's Improvement Club, the Avon Club, the Irwindale Miscellany Club, the Woman's Civic Club, the Raymond Improvement Club, and the Current Events Club, advocating and asking that Congress appropriate funds for the enforcement of the white-slave traffic law; to the Committee on Appropriations.

Also, papers to accompany bill granting a pension to Harry Hall; to the Committee on Pensions.

Also, papers to accompany bill granting a pension to Althea J. Boyd; to the Committee on Invalid Pensions.

By Mr. LANGHAM: Petitions of Granges Nos. 563, 573, 625, and 1396, Patrons of Husbandry, and individuals of Clarion County, Pa., for a governmental system of postal express; to the Committee on Interstate and Foreign Commerce.

By Mr. LINDSAY: Memorial of the Maritime Exchange of New York City, indorsing the action of Congress with respect to the battleship *Maine;* to the Committee on Naval Affairs.

Also, petition of Maurice Simmons, commander in chief of the United Spanish War Veterans, for enactment of House bill 17470; to the Committee on Pensions.

Also, memorial of the Los Angeles (Cal.) Chamber of Commerce, relative to Panama Canal tolls; to the Committee on Interstate and Foreign Commerce.

Also, petition of the Corning (N. Y.) Business Men's Association, for enactment of House bill 17736, relative to postage on first-class mail matter; to the Committee on the Post Office and Post Roads.

By Mr. LOUD: Petition of William H. Craig and other residents of Whittemore, Mich., for congressional investigation concerning prosecution of the editors of the Appeal to Reason; to the Committee on Rules.

By Mr. McCALL: Petition of George A. Lancaster, of Revere, Mass., favoring an inquiry into the increased cost of anthracite

coal, and into methods of adapting bituminous coal to domestic use; to the Committee on Rules.

By Mr. McKELLAR: Petition of citizens of Memphis, Tenn., asking the building of one battleship in Government navy yard; to the Committee on Naval Affairs.

Also, petition of citizens of Memphis, Tenn., for enactment of House bill 16450; to the Committee on the Judiciary.

By Mr. McKINNEY: Memorial of the Retail Merchants' Association of Moline, Ill., favoring the increase of the amount appropriated in the Army bill for the manufacture of small arms at the Rock Island Arsenal; to the Committee on Military Affairs.

Also, petitions of the Zuma Methodist Episcopal Church, of Rock Island County, Ill., and the Zuma Woman's Christian Temperance Union, favoring the speedy passage of the Kenyon-Sheppard interstate liquor shipping bill; to the Committee on the Judiciary.

By Mr. MANN: Petition of board of directors of the Chicago Live Stock Exchange, favoring the passage of House bill 20281, amending the oleomargarine law; to the Committee on Agriculture.

By Mr. MONDELL: Petition and memorial of members of the Park County (Wyo.) Farmers' Association, in favor of a parcel-post system; to the Committee on the Post Office and Post Roads.

Also, petition of numerous citizens and taxpayers of Cheyenne, Wyo., protesting against the enactment of House bill 17485, relating to the use of land scrip; to the Committee on the Public Lands.

Also, petition of many citizens and taxpayers of Converse County, Wyo., protesting against the enactment of House bill 17485, relating to the use of land scrip; to the Committee on the Public Lands.

Also, petition of numerous voters and citizens of Wyoming, protesting against the introduction of the Taylor system into the navy yards and arsenals of the Government; to the Committee on Naval Affairs.

Also, petition of members of the Baptist Church of Sheridan, Wyo., urging the passage of House bill 16214, to withdraw interstate-commerce protection to liquors imported into "dry" territory for illegal use; to the Committee on the Judiciary.

Also, petition of members of the Methodist Church of Sheridan, Wyo., urging the passage of House bill 16214, to withdraw interstate-commerce protection from liquors shipped into "dry" territory for illegal purposes; to the Committee on the Judiciary.

By Mr. MOTT: Memorial of Volney Grange, No. 165, Patrons of Husbandry, of Fulton, N. Y., against the Lever oleomargarine bill; to the Committee on Agriculture.

Also, memorial of Volney Grange, No. 165, Patrons of Husbandry, of Fulton, N. Y., in favor of a parcel-post system; to the Committee on the Post Office and Post Roads.

Also, memorial of Los Angeles (Cal.) Chamber of Commerce, relative to Panama Canal tolls; to the Committee on Interstate and Foreign Commerce.

Also, petition of members of the International Apple Shippers' Association, in favor of House bill 17936; to the Committee on Coinage, Weights, and Measures.

Also, petition of the Corning (N. Y.) Business Men's Association, for enactment of House bill 17736; to the Committee on the Post Office and Post Roads.

By Mr. NEEDHAM: Petition of the Woman's Christian Temperance Union of Modesto, Cal., for passage of Kenyon-Sheppard interstate liquor bill; to the Committee on the Judiciary.

By Mr. PATTEN of New York: Memorial of the Maritime Exchange of New York City, indorsing the action of Congress with respect to the battleship *Maine;* to the Committee on Naval Affairs.

Also, memorial of the Chamber of Commerce of the State of New York, relative to Panama Canal tolls; to the Committee on Interstate and Foreign Commerce.

Also, memorial of the New York State Senate, for construction of one battleship in the Brooklyn Navy Yard; to the Committee on Naval Affairs.

Also, memorial of the Brooklyn League, for construction of one battleship in the Brooklyn Navy Yard; to the Committee on Naval Affairs.

Also, petition of Camp No. 10, Department of New York, and Camp No. 49 and Municipal Council, United Spanish War Veterans, for enactment of House bill 17470; to the Committee on Pensions.

By Mr. PATTON of Pennsylvania: Petitions of sundry citizens of Osceola, Huntsdale, Philipsburg, and Dubois, Pa., protesting against the passage of House bill 14060, known as the Richardson bill; to the Committee on Interstate and Foreign Commerce.

By Mr. RAKER: Memorial of the Jobbers' Association of Sacramento, Cal., protesting against reduction in the tariff on sugar; to the Committee on Ways and Means.

Also, petition of Mary Fenton, of San Francisco, Cal., in favor of House bill 20423; to the Committee on the Judiciary.

Also, petition of 46 citizens of Sutter Creek, Cal., for construction of one battleship in a Government navy yard; to the Committee on Naval Affairs.

Also, memorial of the Los Angeles (Cal.) Chamber of Commerce relative to Panama Canal tolls; to the Committee on Interstate and Foreign Commerce.

By Mr. REILLY: Memorial of the Los Angeles (Cal.) Chamber of Commerce relative to Panama Canal tolls; to the Committee on Interstate and Foreign Commerce.

Also, petition of citizens of New Haven, Conn., for construction of one battleship in a Government navy yard; to the Committee on Naval Affairs.

Also, petition of citizens of New Haven, Conn., for enactment of House bills 16802 and 18244; to the Committee on Indian Affairs.

Also, memorial of Lodge No. 25, Independent Order B'nai B'rith, of New Haven, Conn., indorsing House bill 9242; to the Committee on Reform in the Civil Service.

By Mr. REYBURN: Memorial of Los Angeles Chamber of Commerce against charging American ships toll in the Panama Canal; to the Committee on Interstate and Foreign Commerce.

By Mr. SCULLY: Memorial of the Los Angeles (Cal.) Chamber of Commerce relative to Panama Canal tolls, etc.; to the Committee on Interstate and Foreign Commerce.

Also, petition of Edward Ryan, of Kearnsburg, N. J., for passage of House bill 21530, for the relief of Frank Bowers; to the Committee on Claims.

Also, memorial of the Chamber of Commerce Association of Beardstown, Ill., protesting against granting any permit to increase the flow of waters of Lake Michigan down or through the valley of the Illinois River; to the Committee on Rivers and Harbors.

Also, memorial of the Pennsylvania Library Club and the New Jersey Library Association, for enactment of House bill 19546; to the Committee on the Post Office and Post Roads.

By Mr. SIMS: Petitions of citizens of the State of Tennessee, for parcel-post legislation; to the Committee on the Post Office and Post Roads.

By Mr. SMITH of New York: Petition of John Stanfield and other citizens of Colden, N. Y., favoring the Sulzer parcel-post bill (H. R. 14); to the Committee on the Post Office and Post Roads.

By Mr. SMITH of Texas: Petition of citizens of Eastland County, Tex., for amendment to the postal savings bank act; to the Committee on the Post Office and Post Roads.

By Mr. SULZER: Memorial of Los Angeles (Cal.) Chamber of Commerce, against charging American ships toll for passing through the Panama Canal; to the Committee on Interstate and Foreign Commerce.

Also, petition of Prof. Clarence G. Child, favoring House bill 13240; to the Committee on Foreign Affairs.

Also, memorial of Buffalo Chamber of Commerce, of Buffalo, N. Y., in favor of legislation to improve the foreign service; to the Committee on Foreign Affairs.

Also, memorial of Akron Chamber of Commerce, of Akron, Ohio, indorsing House bill 20044 for the improvement of foreign service of the United States; to the Committee on Foreign Affairs.

Also, petition of Corning (N. Y.) Business Men's Association, favoring House bill 17736; to the Committee on the Post Office and Post Roads.

Also, petition of George Baker, favoring the extension of the parcel post; to the Committee on the Post Office and Post Roads.

Also, petition of National Marine Engineers' Beneficial Association of New York, favoring Senate bill 2117; to the Committee on Naval Affairs.

Also, petition of Jacob J. Cohen and 15 other citizens of New York City, favoring House bill 17253; to the Committee on Ways and Means.

Also, memorial of Maritime Exchange of New York, favoring the Marine Hospital bill (S. 2117); to the Committee on Naval Affairs.

By Mr. TAYLOR of Colorado: Petition of homestead settlers in the Estancia Valley, N. Mex., praying for the enactment of a three-year homestead law; to the Committee on the Public Lands.

By Mr. TILSON: Memorial of the State Board of Education of Connecticut, in opposition to legislation for cooperation of the Federal Government with States in encouraging instruction in agriculture, etc.; to the Committee on Agriculture.

Also, petition of Grange No. 151, Patrons of Husbandry, of Enfield, Conn., for parcel-post legislation; to the Committee on the Post Office and Post Roads.

By Mr. UTTER: Petition of H. J. Wheeler, Eugene Appleton, A. E. Stene, and T. K. Winsor, favoring House bill 18000, to regulate the importation and interstate transportation of nursery stock; to the Committee on Agriculture.

Also, petition of Laurel Grange, No. 40, Patrons of Husbandry, of Laurel, R. I., favoring the parcel post; to the Committee on the Post Office and Post Roads.

Also, petition of Laurel Grange, No. 40, Patrons of Husbandry, Rhode Island, protesting against the oleomargarine bill to reduce the tax and permit it to be colored in imitation of butter; to the Committee on Agriculture.

By Mr. WILSON of New York: Memorial of the Maritime Exchange of New York City, indorsing the action of Congress in respect to the battleship *Maine;* to the Committee on Naval Affairs.

SENATE.

MONDAY, *March 25, 1912.*

The Senate met at 2 o'clock p. m.

The Chaplain, Rev. Ulysses G. B. Pierce, D. D., offered the following prayer:

Almighty God, our heavenly Father, who in life and in death givest us the victory and in every experience leadest us in triumph in Christ, lighten the sorrows of our hearts this day, we pray Thee, that by Thy grace we may be more than conquerors through Him that loveth us. And unto Thee, whose grace is ready to help in time of need, will we render praise now and for evermore. Amen.

FRANK B. BRANDEGEE, a Senator from the State of Connecticut, took the chair as President pro tempore under the previous order of the Senate.

The Journal of the proceedings of Friday last was read and approved.

INTERNATIONAL HARVESTER CO. (S. DOC. NO. 454).

The PRESIDENT pro tempore laid before the Senate a communication from the Attorney General, transmitting, in reply to Senate resolution of March 16, 1912, information that it is not compatible with the public interests to lay before the Senate the information therein requested.

Mr. BACON. I desire that we may be informed what the reply is. We can not judge from the statement. I ask that it be read.

The PRESIDENT pro tempore. Does the Senator from Georgia desire to have the original resolution read?

Mr. BACON. I want to have the matter the reply concerns read.

The PRESIDENT pro tempore. The Secretary will read the resolution.

The Secretary read the resolution (S. Res. 250) adopted by the Senate March 16, 1912, as follows:

Whereas it is reported that there is pending before the Department of Justice a settlement between the United States and the International Harvester Co., by which the so-called Harvester Trust may be permitted to reorganize and to bring its organization and business within the Sherman antitrust law as construed by the Supreme Court: Therefore be it

Resolved, That the Attorney General be, and he is hereby, instructed to lay before the Senate all correspondence and information he may have upon this subject, together with any and all correspondence, information, and reports of the Bureau of Corporations relating thereto, from January 1, 1904, to the present time.

Mr. BACON. Now let the response be read.

The PRESIDENT pro tempore. The Secretary will read the response of the Attorney General in full.

The Secretary read as follows:

OFFICE OF THE ATTORNEY GENERAL,
Washington, D. C., March 19, 1912.

THE PRESIDENT OF THE SENATE.

SIR: I am in receipt of a copy of a resolution adopted by the Senate March 16, 1912, reading as follows:

"Whereas it is reported that there is pending before the Department of Justice a settlement between the United States and the International Harvester Co. by which the so-called Harvester Trust may be permitted to reorganize and to bring its organization and business within the Sherman antitrust law as construed by the Supreme Court: Therefore be it

"*Resolved*, That the Attorney General be, and he is hereby, instructed to lay before the Senate all correspondence and information he may have upon this subject, together with any and all correspondence, information, and reports of the Bureau of Corporations relating thereto from January 1, 1904, to the present time."

In reply I am directed by the President to say that, in my opinion, it is not compatible with the public interests to lay before the Senate the correspondence and information relating to the International Harvester Co. in the possession of this department, nor the correspondence, information, and reports of the Bureau of Corporations relating thereto. These are matters pertaining entirely to business which is now pending and uncompleted in this department.

I have the honor to be,
Very respectfully, yours, GEO. W. WICKERSHAM,
Attorney General.

Mr. BACON. Mr. President, I do not suppose that it would be a matter for discussion now, but I am unwilling for any such answer as that to be sent to the Senate of the United States by the head of one of the departments without its receiving an expression from at least one Senator that that officer entirely misunderstands his relation to this body, and that he has no right to send any such response to this body. If there are reasons, they ought to be communicated to the Senate in an entirely different way and in an entirely different tone.

The Senate of the United States has the right to ask for any paper in any executive office, and it has a right to have that paper produced or the reasons therefor communicated in a very different tone from that in which the Attorney General has seen fit to address to the Senate.

Mr. President, we have had this question discussed in the Senate before. It has been discussed in the Senate some 25 years ago, when probably there were present not more than one or two who are now Members of this body. The matter has been very fully discussed, both then and since then, and there has been an expression on the subject from those who antedated us, men than whom in learning and ability there have been none more prominent in this body in the last half century.

It is not the first time, Mr. President, that the Senate has directed the head of a department to furnish the Senate with information when it was not deemed expedient for that information to be furnished; but that fact was communicated to the Senate in a very different way. I recall myself an instance in which, during the Spanish War, I introduced a resolution which called for certain information from the War Department. Mr. Alger was Secretary of War at that time, and instead of returning such a response as that which we have just heard, the Secretary of War came personally to the Senate and called for the then chairman of the Committee on Military Affairs, who was Senator Hawley, of Connecticut, and for myself, the introducer of the resolution. We met him in the Marble Room, and he, in a quiet and proper way, gave us privately the reasons why it would be inexpedient that that information should be furnished and thus made public. We both of us recognized the propriety of the reasons given by him, and voluntarily—I say voluntarily—immediately we so signified to him, and I myself came back into the Senate and asked that the resolution be withdrawn.

Mr. President, that is the proper way for the head of a department to respond to such a requirement from the Senate, and that is the way in which it can be done with proper respect to the Senate and at the same time without anything being done which may be prejudicial to the public interests. If the Attorney General deemed that it was inexpedient that these matters should be made public, it was proper to have communicated to the Senate that fact in a very different tone from the letter which has been read.

Mr. President, the heads of departments have a very erroneous idea, some of them, as to what their relation is to the Congress of the United States. Their offices are not created by the Constitution. They derive no atom of power from the Executive. They are the creatures of the Congress of the United States. They do not exercise a power that is not given to them by the Congress of the United States. They do not possess a power that the Congress of the United States can not withdraw, and the more fully that fact is recognized the better for the relations which are to exist between Congress and the heads of these departments.

Mr. President, that is a response such as I have never before heard in the Chamber to a call for information from one of the departments. The Attorney General does not even go to the extent of saying that he had laid the matter before the President and the President did not deem it expedient to make the information public. If it had been laid before the President and the President did not deem it expedient, it was through the President that the information should have come to the Senate. It was proper for the President to send to the Senate the statement if in his opinion it was not expedient that the information was to be given and thus made public, and we would have all recognized the propriety of the President sending to us such a message. But it is not a proper message for the head of a department to send to the Senate.

Mark the language, Mr. President. It would have been bordering on discourtesy if he had said that the President had instructed him to say that in the opinion of the President it

was not expedient. That would have been bordering on discourtesy, because that is a communication which should come to us not through the Attorney General but through the President. The President does not speak to Congress through one of his subordinates or through a subordinate officer. He does not do as a general of an army does when he issues a command to his subordinate in command and sends him a communication signed by the adjutant general.

I say it would have been very closely bordering on discourtesy if the Attorney General had made a response to the Senate saying that in the opinion of the President it was inexpedient. It would have been bordering on discourtesy, because that was a matter which should properly come to us through the mouth of the President and not through the mouth of the Attorney General, as in this case.

Mr BORAH. Mr. President——

Mr. BACON. If the Senator will pardon me a half a minute, until I finish the sentence. Here is a statement by the Attorney General that he is instructed by the President to say that in the opinion of him, the Attorney General, it is not expedient that this information should be furnished to the Senate.

Now, Mr. President, I think it very probable that there are reasons why it might be inexpedient to furnish it to the Senate, and why the information should not now be made public, and I think when those reasons are properly communicated to the Senate, if they exist, they would be recognized by the Senate, but this is not the way in which the reasons should be communicated to the Senate.

Mr. BORAH. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Georgia yield to the Senator from Idaho?

Mr. BACON. I yield to the Senator from Idaho.

Mr. BORAH. The language of the letter was evidently misunderstood, and I should like to ask that that portion of the letter be reread in which the Attorney General refers to the President. We misunderstood it over here.

The PRESIDENT pro tempore. Does the Senator from Georgia yield for that purpose?

Mr. BACON. I do.

The PRESIDENT pro tempore. The Secretary will again read the portion of the communication referred to by the Senator from Idaho.

The Secretary read as follows:

I am in receipt of a copy of a resolution adopted by the Senate. * * * In reply, I am directed by the President to say that, in my opinion, it is not compatible with the public interests to lay before the Senate the correspondence and information relating, etc.

Mr. BACON. I hope the Senator from Idaho is satisfied that I was not mistaken as to the language.

Mr. BORAH. I misunderstood the language, and that is the reason why I asked for the reading. Is the language "in my opinion" in quotations?

Mr. BACON. No; it is not. It is simply a cloak under which the Attorney General did not have quite the nerve to state to the Senate that in his opinion it was not expedient.

Mr. BORAH. I was at a loss to know how the President would instruct the Attorney General to act in the opinion of the Attorney General.

Mr. BACON. It is rather a curious and anomalous thing.

As I said, I did not intend when I rose to do more than enter my protest, because I am not willing that even one day or one-half minute shall pass whenever we get such a communication from the head of a department without stamping it right at the time.

Mr. President, it has been suggested to me by certain Senators that I should move that the Senate do not receive the communication. I will not go to that extent. I say this in no personal unkindness to the Attorney General, for, on the contrary, I have the kindest personal and official relations with him, but it would matter not if he were my brother. If there is one thing for which I propose to stand as long as I have the privilege and honor of being a Member of this body it is for what I consider to be the dignity and power and prerogatives and rights of the Senate, and I do not propose for myself to pass them by unnoticed whenever they are attacked, let the attack come from whence it may.

Mr. LEA. I move that the response of the Attorney General be printed and lie on the table.

The motion was agreed to.

FINDINGS OF THE COURT OF CLAIMS.

The PRESIDENT pro tempore laid before the Senate communications from the assistant clerk of the Court of Claims, transmitting certified copies of the findings of fact and conclusions of law filed by the court in the following causes:

Eliza J. Barkley, widow of John F. Barkley, deceased, *v.* United States (S. Doc. No. 464);

Jeremiah H. Tourjee *v.* United States (S. Doc. No. 463);

Margaret D. Smith, widow of John B. Smith, deceased, *v.* United States (S. Doc. No. 462);

George W. Sneden *v.* United States (S. Doc. No. 461);

Diocleslan A. Smith *v.* United States (S. Doc. No. 460);

Emma J. Morris, widow of Henry V. Morris, deceased, *v.* United States (S. Doc. No. 455);

Miron H. Mills *v.* United States (S. Doc. No. 456);

Sarah Ann Dobbs, widow of Nathaniel B. Dobbs, deceased, *v.* United States (S. Doc. No. 468);

Stephen C. Warriner *v.* United States (S. Doc. No. 457);

John A. Van Ingen, son and administrator of John V. Van Ingen, deceased, *v.* United States (S. Doc. No. 458);

William A. Talbott *v.* United States (S. Doc. No. 459);

Basil B. Summers *v.* United States (S. Doc. No. 465);

Stillman Stone *v.* United States (S. Doc. No. 467); and

Kate L. Meeks, widow of Joseph W. Meeks, deceased, *v.* United States (S. Doc. No. 466).

The foregoing findings were, with the accompanying papers, referred to the Committee on Claims and ordered to be printed.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by D. K. Hempstead, its enrolling clerk, announced that the Speaker of the House had signed the following enrolled bill and joint resolution, and they were thereupon signed by the President pro tempore:

H. R. 19342. An act to amend section 2455 of the Revised Statutes of the United States, relating to isolated tracts of public land; and

H. J. Res. 178. Joint resolution creating a commission to investigate and report on the advisability of the establishment of permanent maneuvering grounds, camp of inspection, rifle and artillery ranges for troops of the United States, at or near the city of Anniston, County of Calhoun, State of Alabama, and to likewise report as to certain lands in and around the city of Anniston, County of Calhoun, State of Alabama, proposed to be donated for said purposes.

PETITIONS AND MEMORIALS.

The PRESIDENT pro tempore presented a memorial of Local Grange No. 17, Patrons of Husbandry, of Santa Rosa, Cal., remonstrating against the repeal of the oleomargarine law, which was referred to the Committee on Agriculture and Forestry.

He also presented resolutions adopted by the Chamber of Commerce of Billings, Mont., remonstrating against the removal of the duty on raw and refined sugars, which were referred to the Committee on Finance.

He also presented petitions of the Loyal Temperance Legion of Abington; of the congregations of the First Baptist Church of East Stroudsburg, the Baptist Church of East Stroudsburg, the Lawndale Presbyterian Church, the Lawndale Methodist Episcopal Church, the Fox Chase Baptist Church, the Fox Chase Methodist Episcopal Church, the St. Barnabas Episcopal Church; of members of the Lawndale Presbyterian Sundal School, the Lawndale Methodist Episcopal Sunday School, the Olney Baptist Sunday School; of the congregation of the Fox Chase Presbyterian Church; of Local Camp No. 363, Patriotic Order Sons of America; and of the Woman's Christian Temperance Union, all of Philadelphia; and of the congregation of the Free Baptist Church of Lake View, all in the State of Pennsylvania; and of the congregation of the Methodist Church of Ensley, Ala., praying for the adoption of an amendment to the Constitution to prohibit the manufacture, sale, and importation of intoxicating liquors, which were referred to the Committee on the Judiciary.

Mr. CULLOM presented a memorial of the Butter Manufacturers' Improvement Association of Illinois, remonstrating against the repeal of the duty on oleomargarine, which was referred to the Committee on Agriculture and Forestry.

He also presented a memorial of the Retail Merchants' Association of Moline, Ill., remonstrating against any reduction in the appropriation for the maintenance of the small-arms plant at the Rock Island Arsenal, which was referred to the Committee on Military Affairs.

He also presented a petition of Local Union No. 250, Cigarmakers' International Union of America, of Belleville, Ill., praying for the passage of the so-called anti-injunction bill, which was referred to the Committee on the Judiciary.

He also presented a petition of Local Union No. 250, Cigarmakers' International Union of America, of Belleville, Ill., praying for the passage of the so-called old-age pension bill, which was ordered to lie on the table.

He also presented petitions of sundry citizens of Rockford and West Chicago, in the State of Illinois, praying for the enactment of legislation to provide pensions for widow and minor children of any officer or enlisted man who served in the War

with Spain or the Philippine insurrection, which were referred to the Committee on Pensions.

He also presented petitions of sundry citizens of Paris, Mazon, and Grundy County, all in the State of Illinois, praying for the enactment of an interstate liquor law to prevent the nullification of State liquor laws by outside dealers, which were referred to the Committee on the Judiciary.

He also presented a petition of sundry citizens of Fairfield, Ill., praying for the establishment of a parcel-post system, which was referred to the Committee on Post Offices and Post Roads.

He also presented a memorial of sundry citizens of Moweaqua, Ill., remonstrating against the extension of the parcel-post system beyond its present limitations, which was referred to the Committee on Post Offices and Post Roads.

He also presented a memorial of sundry citizens of Peru, Ill., remonstrating against the enactment of legislation to provide for the interstate transportation of intoxicating liquors, which was referred to the Committee on the Judiciary.

Mr. WILLIAMS presented resolutions adopted by the Mississippi State Prohibition Mass Convention, Jackson, Miss., favoring the enactment of an interstate liquor law to prevent the nullification of State liquor laws by outside dealers, which were referred to the Committee on the Judiciary.

Mr. SMITH of Maryland presented a petition of the Chamber of Commerce of Baltimore, Md., praying that an increased appropriation of $250,000 be made for an immigrant station, including a suitable detention hospital, at that place, which was referred to the Committee on Immigration.

He also presented a memorial of Local Grange No. 209, Patrons of Husbandry, of Cambridge, Md., remonstrating against the enactment of legislation to permit the coloring of oleomargarine in imitation of butter, which was referred to the Committee on Agriculture and Forestry.

He also presented a petition of sundry citizens of Baltimore, Md., praying for the enactment of legislation providing for the construction of one of the proposed new battleships in the Brooklyn Navy Yard, which was referred to the Committee on Naval Affairs.

Mr. WATSON presented petitions of sundry citizens of Hinton and Cloverdale, in the State of West Virginia, praying for the establishment of a parcel-post system, which were referred to the Committee on Post Offices and Post Roads.

He also presented petitions of sundry citizens of Fairview, Salem, Bristol, Hundred, Moundsville, New Cumberland, Fairmont, West Milford, and Janelew, all in the State of West Virginia, praying for the enactment of an interstate liquor law to prevent the nullification of State liquor laws by outside dealers, which were referred to the Committee on the Judiciary.

Mr. SHIVELY presented petitions of sundry citizens of West Union, Heltonville, Hoover, and Nashville, all in the State of Indiana, praying for the establishment of a parcel-post system, which were referred to the Committee on Post Offices and Post Roads.

He also presented a memorial of members of the German Benevolent Society of Wabash, Ind., remonstrating against the enactment of an interstate liquor law to prevent the nullification of State liquor laws by outside dealers, which was referred to the Committee on the Judiciary.

He also presented petitions of sundry citizens of South Bend, Mishawaka, Marion, and Indianapolis, all in the State of Indiana, praying for the enactment of legislation providing for the construction of one of the proposed new battleships in the Brooklyn Navy Yard, which were referred to the Committee on Naval Affairs.

He also presented a petition of Fred D. Ballou Camp, No. 32, Department of Indiana, United Spanish War Veterans, of Marion, Ind., praying for the enactment of legislation to pension widow and minor children of any officer or enlisted man who served in the War with Spain or the Philippine insurrection, which was referred to the Committee on Pensions.

He also presented a petition of the Woman's Christian Temperance Union of Union City, Ind., and a petition of sundry citizens of Indianapolis, Ind., praying for the enactment of an interstate liquor law to prevent the nullification of State liquor laws by outside dealers, which were referred to the Committee on the Judiciary.

He also presented a petition of sundry citizens of Lafayette, Ind., praying for the passage of the so-called eight-hour bill, which was referred to the Committee on Education and Labor.

He also presented a petition of sundry citizens of Indianapolis, Ind., praying for the enactment of legislation compelling the observance of Sunday in post offices, which was referred to the Committee on Post Offices and Post Roads.

Mr. WARREN presented a petition of sundry citizens of Park County, Wyo., praying for the establishment of a parcel-post system, which was referred to the Committee on Post Offices and Post Roads.

Mr. BROWN presented petitions of sundry citizens of Mason City and Broken Bow, in the State of Nebraska, praying for the establishment of a parcel-post system, which were referred to the Committee on Post Offices and Post Roads.

He also presented petitions of sundry citizens of Lincoln, Norfolk, Garrison, and University Place, all in the State of Nebraska, praying for the enactment of an interstate liquor law to prevent the nullification of State liquor laws by outside dealers, which were referred to the Committee on the Judiciary.

He also presented a memorial of sundry citizens of Miller, Nebr., remonstrating against the repeal of the oleomargarine law, which was referred to the Committee on Agriculture and Forestry.

He also presented a petition of the Business Men's Association of St. Paul, Nebr., praying for the establishment of free mail delivery in towns, cities, and villages with a population of over 1,000, which was referred to the Committee on Post Offices and Post Roads.

Mr. SMITH of Michigan presented memorials of sundry citizens of Coldwater, Union City, Battle Creek, Cedar Lake, Covert, Pellston, Edmore, and McBrides, all in the State of Michigan, remonstrating against the enactment of legislation compelling the observance of Sunday in post offices, which were referred to the Committee on Post Offices and Post Roads.

He also presented petitions of sundry citizens of Pierson, Port Huron, Clio, Pokagon, Rutland, Marquette, and Newaygo, all in the State of Michigan, praying for the enactment of an interstate liquor law to prevent the nullification of State liquor laws by outside dealers, which were referred to the Committee on the Judiciary.

He also presented a petition of sundry citizens of Port Huron, Mich., praying for the adoption of an amendment to the Constitution to prohibit the manufacture, sale, or importation of intoxicating liquors, which was referred to the Committee on the Judiciary.

Mr. GRONNA presented a memorial of sundry citizens of Rolette, N. Dak., remonstrating against the extension of the parcel-post system beyond its present limitations, which was referred to the Committee on Post Offices and Post Roads.

He also presented petitions of sundry citizens of Burke County, Stutsman County, Wimbledon, Numedahl, Lamoure County, Elidah, Bottineau County, Temple, and McLean County, all in the State of North Dakota, praying for the establishment of a parcel-post system, which were referred to the Committee on Post Offices and Post Roads.

He also presented petitions of sundry citizens of Thompson, Drake, and Balfour, all in the State of North Dakota, praying for the repeal of the Canadian reciprocity act, which were referred to the Committee on Finance.

Mr. JOHNSON of Maine presented a petition of the Woman's Christian Temperance Union of Hallowell, Me., and a petition of the congregation of the First Baptist Church of Fairfield, Me., praying for the enactment of an interstate liquor law to prevent the nullification of State liquor laws by outside dealers, which were referred to the Committee on the Judiciary.

Mr. GAMBLE presented petitions of sundry citizens of Alpena, Altamont, Amherst, Beresford, Bradley, Brookings, Burke, Centerville, Clayton, Cox, Doland, Draper, Eales, Elkton, Forestburg, Freeman, Geddes, Gooby, Gregory, Groton, Hartford, Hot Springs, Ipswich, Langford, Le Beau, Lithia, Lucas, Madison, Meadow, Milltown, Mitchell, Montrose, Newell, Nisland, Northville, Oldham, Ottumwa, Parkston, Raymond, Renner, Selby, Spencer, Tyndall, Vale, Vivian, Volin, Waubay, Webster, Wessington Springs, White Lake, Willow Lake, and Wilmot, Arlington, Armour, Bridgewater, Britton, Capa and Van Metre, Carthage, Colton, Dante, Elk Point, Ethan, Frankfort, Frederick, Glenham, Hereford, Hurley, Lane, Lesterville, McIntosh, Mellette, Miranda, Onaka, Scotland, Toronto, Vermilion, Whitewood, and Wolsey, all in the State of South Dakota, and Brown Valley, Minn., praying for the establishment of a parcel-post system, which were referred to the Committee on Post Offices and Post Roads.

He also presented memorials of sundry citizens of Oldham and Orient, in the State of South Dakota, remonstrating against the establishment of a parcel-post system, which were referred to the Committee on Post Offices and Post Roads.

He also presented a memorial of Teonka Subordinate Grange, No. 34, Patrons of Husbandry, of Mellette, S. Dak., remonstrating against the enactment of legislation to provide for the coloring of oleomargarine in imitation of butter, which was referred to the Committee on Agriculture and Forestry.

He also presented petitions of sundry citizens of Parker, S. Dak., praying for the enactment of an interstate liquor law

to prevent the nullification of State liquor laws by outside dealers, which were referred to the Committee on the Judiciary.

He also presented a petition of sundry members of the Live Stock Exchange of Sioux City, Iowa, praying for the enactment of legislation to provide for the coloring of oleomargarine in imitation of butter, which was referred to the Committee on Agriculture and Forestry.

He also presented memorials of sundry citizens of Orr, Holdenville, Wetumka, Valliant, and Tahlequah, all in the State of Oklahoma, remonstrating against the enactment of legislation to provide for the discontinuance of the office of district Indian agent in eastern Oklahoma, which were referred to the Committee on Indian Affairs.

Mr. RAYNER presented a petition of the Woman's Christian Temperance Union of Ridgely, Md., praying for the enactment of an interstate liquor law to prevent the nullification of State liquor laws by outside dealers, which was referred to the Committee on the Judiciary.

Mr. CRANE presented resolutions adopted by a committee of citizens of Massachusetts, relative to the recent strike at Lawrence, Mass., which were ordered to lie on the table.

Mr. BRADLEY presented a petition of sundry citizens of Hardinsburg, Ky., praying for the enactment of an interstate liquor law to prevent the nullification of State liquor laws by outside dealers, which was referred to the Committee on the Judiciary.

Mr. WETMORE presented a memorial of Nanaquaket Grange, No 49, Patrons of Husbandry, of Tiverton, R. I., remonstrating against the enactment of legislation to permit the coloring of oleomargarine in imitation of butter, which was referred to the Committee on Agriculture and Forestry.

He also presented a petition of the congregation of the Methodist Church of Coventry, R. I., and a petition of the congregation of the Swedish Congregational Church, of East Greenwich, R. I., praying for the enactment of an interstate liquor law to prevent the nullification of State liquor laws by outside dealers, which were referred to the Committee on the Judiciary.

Mr. OLIVER presented a petition of the Board of Trade of Harrisburg, Pa., praying for the selection of the site in the Mall in the District of Columbia, as recommended by the Commission on Fine Arts, for the proposed Lincoln memorial, which was referred to the Committee on the District of Columbia.

He also presented a petition of the Merchants' Union Protective Association of Bradford and Wyoming Counties, Pa., and a petition of the Builders' Exchange of Pittsburgh, Pa., praying for the adoption of 1-cent letter postage, which were referred to the Committee on Post Offices and Post Roads.

He also presented petitions of Paradise Grange No. 1448, of Hanover; of Big Level Grange No. 1376, of Mount Jewett; and of Pomona Grange No. 1205, of Corydon, all of the Patrons of Husbandry, in the State of Pennsylvania, praying for the adoption of certain amendments to the oleomargarine law, which were referred to the Committee on Agriculture and Forestry.

He also presented petitions of sundry citizens of South Fork, New Galilee, and Scottdale, of the congregation of the First Lutheran Church of Duquesne, of the Men's Bible Class of the Methodist Episcopal Church of Indiana, of the Woman's Christian Temperance Union of South Fork, and of Local Grange, No. 1025, Patrons of Husbandry, of Warren, all in the State of Pennsylvania, praying for the enactment of an interstate liquor law to prevent the nullification of State liquor laws by outside dealers, which were referred to the Committee on the Judiciary.

He also presented petitions of Washington Camps Nos. 813, of McKeesport; No. 494, of Port Royal; No. 280, of Elmhurst; No. 361, of West Philadelphia; No. 656, of Phoenixville; No. 134, of Port Carbon; No. 721, of Johnstown; No. 151, of Freeburg; No. 160, of Richland; No. 507, of Summit Station; No. 204, of Newlin; No. 532, of Portage; and No. 104, of Boyertown, Patriotic Order Sons of America, and of sundry citizens of Hooversville, all in the State of Pennsylvania, praying for the enactment of legislation to further restrict immigration, which were referred to the Committee on Immigration.

Mr. BRISTOW presented memorials of sundry citizens of Grainfield, Beaumont, Lyndon, Ellinwood, Allen, Salina, Gypsum, Kipp, Solomon, Wilsey, Paxico, Hanston, Hallowell, Delphos, Toronto, Shields, Dighton, Rush Center, Neal, Ransom, McPherson, and Alexander, all in the State of Kansas, remonstrating against the enactment of legislation to permit the coloring of oleomargarine in imitation of butter, which were referred to the Committee on Agriculture and Forestry.

He also presented a petition of Local Grange No. 163, Patrons of Husbandry, of Vinland, Kans., praying for the establishment of a parcel-post system, which was referred to the Committee on Post Offices and Post Roads.

He also presented a memorial of sundry citizens of Navarre, Kans., remonstrating against the extension of the parcel-post system beyond its present limitations, which was referred to the Committee on Post Offices and Post Roads.

He also presented a memorial of sundry citizens of McCracken, Kans., remonstrating against the enactment of legislation compelling the observance of Sunday in post offices, which was referred to the Committee on Post Offices and Post Roads.

He also presented a petition of sundry citizens of Morton County, Kans., praying for the establishment of a subirrigation demonstration plant in that county, which was referred to the Committee on Irrigation and Reclamation of Arid Lands.

He also presented a petition of the Real Estate Dealers' Association of Topeka, Kans., praying that an appropriation of $2,000,000 be made for the construction of a road from Washington, D. C., to Gettysburg, Pa., as a memorial to Abraham Lincoln, which was referred to the Committee on Appropriations.

He also presented memorials of sundry citizens of Nekoma, Bison, Larned, McCracken, Hargrave, Liebenthal, La Crosse, Bunker Hill, Timken, Shaffer, and Rushcenter, all in the State of Kansas, remonstrating against the enactment of legislation compelling the observance of Sunday as a day of rest in the District of Columbia, which were ordered to lie on the table.

He also presented a petition of the Chamber of Commerce of Los Angeles, Cal., praying for the enactment of legislation to exempt from tolls all American ships engaged in coastwise trade passing through the Panama Canal, which was referred to the Committee on Interoceanic Canals.

Mr. McLEAN presented a petition of the Woman's Christian Temperance Union of Hartford, Conn., praying for the enactment of an interstate liquor law to prevent the nullification of State liquor laws by outside dealers, which was referred to the Committee on the Judiciary.

He also presented a memorial of Wapping Grange, No. 30, Patrons of Husbandry, of Wapping, Conn., remonstrating against the repeal of the oleomargarine law, which was referred to the Committee on Agriculture and Forestry.

He also presented a petition of Local Grange No. 151, Patrons of Husbandry, of Enfield, Conn., praying for the establishment of a parcel-post system, which was referred to the Committee on Post Offices and Post Roads.

He also presented a memorial of Group 1061, Polish National Alliance, of Torrington, Conn., remonstrating against the adoption of certain amendments to the immigration law, which was ordered to lie on the table.

Mr. McLEAN (for Mr. BRANDEGEE) presented resolutions adopted by the Central Labor Union, of Danbury, Conn., favoring the enactment of legislation to regulate the issuance of restraining orders, which were referred to the Committee on the Judiciary.

He also (for Mr. BRANDEGEE) presented a memorial of Group 1061, Polish National Alliance, of Torrington, Conn., remonstrating against the adoption of certain amendments to the immigration law, which was referred to the Committee on Immigration.

He also (for Mr. BRANDEGEE) presented resolutions adopted by the Connecticut Dairymen's Association, in convention at Hartford, Conn., favoring the establishment of a parcel-post system, which were referred to the Committee on Post Offices and Post Roads.

He also (for Mr. BRANDEGEE) presented resolutions adopted by the Connecticut Dairymen's Association, in convention at Hartford, Conn., remonstrating against the repeal of the oleomargarine law, which were referred to the Committee on Agriculture and Forestry.

He also (for Mr. BRANDEGEE) presented a memorial of sundry citizens of Newtown, Conn., remonstrating against the extension of the parcel-post system beyond its present limitations, which was referred to the Committee on Post Offices and Post Roads.

He also (for Mr. BRANDEGEE) presented a petition of the congregation of the Baptist Church of Stafford, Conn., praying for the enactment of an interstate liquor law to prevent the nullification of State liquor laws by outside dealers, which was referred to the Committee on the Judiciary.

REPORTS OF COMMITTEES.

Mr. CRAWFORD, from the Committee on Claims, to which was referred the bill (S. 15) for the relief of the North American Transportation & Trading Co., reported it with amendments and submitted a report (No. 507) thereon.

Mr. SWANSON, from the Committee on Public Buildings and Grounds, to which was referred the bill (S. 5068) to provide for the purchase of a site and the erection of a public building thereon at Cape Charles, in the State of Virginia, reported it with an amendment and submitted a report (No. 508) thereon.

Mr. CULBERSON, from the Committee on Public Buildings and Grounds, to which was referred the bill (H. R. 1647) to amend an act entitled "An act to increase the limit of cost of certain public buildings, to authorize the purchase of sites for

public buildings, to authorize the erection and completion of public buildings, and for other purposes," reported it without amendment and submitted a report (No. 509) thereon.

Mr. CUMMINS, from the Committee on the Judiciary, to which was referred the bill (S. 849) to amend section 1014 of the Revised Statutes of the United States, reported it without amendment.

BILLS INTRODUCED.

Bills were introduced, read the first time, and, by unanimous consent, the second time, and referred as follows:

By Mr. CURTIS (for Mr. GALLINGER):

A bill (S. 5990) to provide for the extension of the underground system of the Washington Railway & Electric Co. and the City & Suburban Railway of Washington along certain streets in the city of Washington, and for other purposes (with accompanying papers); to the Committee on the District of Columbia.

By Mr. WILLIAMS:

A bill (S. 5991) to authorize the War Department to use the unexpended balance of appropriations heretofore made by Congress for the construction of a Navy memorial in the Vicksburg National Military Park, and for other purposes; to the Committee on Military Affairs.

A bill (S. 5992) to revive the right of action under the captured and abandoned property acts, and for other purposes; to the Committee on the Judiciary.

By Mr. JOHNSON of Maine:

A bill (S. 5993) granting a pension to Harriet E. Vose (with accompanying papers); to the Committee on Pensions.

By Mr. WATSON:

A bill (S. 5994) granting an increase of pension to John N. Postlethwait; to the Committee on Pensions.

By Mr. SMITH of Georgia:

A bill (S. 5995) for the relief of Mrs. V. E. Sykes;

A bill (S. 5996) for the relief of the estate of Clark Townsend, deceased;

A bill (S. 5997) for the relief of James I. Fountain;

A bill (S. 5998) for the relief of the estate of Mary Lloyd, deceased;

A bill (S. 5999) for the relief of heirs or estate of Eli Frasuer, deceased (with accompanying paper); to the Committee on Claims.

By Mr. O'GORMAN:

A bill (S. 6000) granting a pension to Hattie M. Higgins (with accompanying papers); to the Committee on Pensions.

By Mr. RAYNER:

A bill (S. 6001) to provide for gas buoys and other aids to navigation in the channels leading to Baltimore, Md.; to the Committee on Commerce.

By Mr. JOHNSTON of Alabama:

A bill (S. 6002) granting a pension to Justina Walton Webb (with accompanying papers); to the Committee on Pensions.

By Mr. SHIVELY:

A bill (S. 6003) granting an increase of pension to Reuben E. Chapman;

A bill (S. 6004) granting an increase of pension to Jesse Merical;

A bill (S. 6005) granting an increase of pension to Amos R. Sutton; and

A bill (S. 6006) granting an increase of pension to William Thompson (with accompanying papers); to the Committee on Pensions.

Mr. CLAPP. At the request of the President of the United States, I introduce a bill and ask that it be read twice by its title and, with the accompanying papers, referred to the Committee on Interstate Commerce.

The bill (S. 6007) to prevent undue delay in settlement of freight claims was read twice by its title, and, with the accompanying papers, referred to the Committee on Interstate Commerce.

By Mr. LODGE:

A bill (S. 6008) for the relief of Passed Asst. Surg. Paul T. Dessez (with accompanying paper); to the Committee on Naval Affairs.

By Mr. CRAWFORD:

A bill (S. 6009) to increase the limit of cost of the United States post-office building at Huron, S. Dak.; to the Committee on Public Buildings and Grounds.

By Mr. PERKINS:

A bill (S. 6010) granting a pension to John W. Connors (with accompanying papers); to the Committee on Pensions.

By Mr. McLEAN (for Mr. BRANDEGEE):

A bill (S. 6011) to establish a fish-cultural station in the State of Connecticut; to the Committee on Fisheries.

A bill (S. 6012) granting an increase of pension to Sarah E. Haskins; to the Committee on Pensions.

By Mr. KENYON:

A bill (S. 6013) granting an increase of pension to James J. Gallaway;

A bill (S. 6014) granting an increase of pension to James W. Jones;

A bill (S. 6015) granting a pension to Charles E. Harris; and

A bill (S. 6016) granting an increase of pension to Mary B. Edwards; to the Committee on Pensions.

By Mr. SMOOT:

A bill (S. 6017) granting an increase of pension to John Clark (with accompanying papers); to the Committee on Pensions.

By Mr. DU PONT:

A bill (S. 6018) granting an increase of pension to William H. White; to the Committee on Pensions.

By Mr. BRADLEY:

A bill (S. 6019) granting an increase of pension to Robert Ashurst (with accompanying papers); to the Committee on Pensions.

By Mr. CLAPP (for Mr. LA FOLLETTE):

A bill (S. 6020) granting an increase of pension to Leonard C. Norton (with accompanying papers); and

A bill (S. 6021) granting a pension to Melissa Felt (with accompanying papers); to the Committee on Pensions.

By Mr. SMITH of Michigan:

A bill (S. 6022) for the relief of James C. Eslow; to the Committee on the Judiciary.

AMENDMENTS TO RIVER AND HARBOR BILL (H. R. 21477).

Mr. CULBERSON submitted an amendment relative to the appointment of a board of five engineer officers to examine Port Bolivar Harbor and Port Bolivar Channel and to make report thereon, etc., intended to be proposed by him to the river and harbor appropriation bill, which was referred to the Committee on Commerce and ordered to be printed.

Mr. FLETCHER submitted an amendment proposing to appropriate $15,000 for protecting shore of Anastasia Island, Fla., by groins, intended to be proposed by him to the river and harbor appropriation bill, which was referred to the Committee on Commerce and ordered to be printed.

Mr. JOHNSTON of Alabama submitted an amendment providing for the survey of Conecuh River from River Falls to its mouth, Ala., etc., intended to be proposed by him to the river and harbor appropriation bill, which was referred to the Committee on Commerce and ordered to be printed.

Mr. DU PONT submitted an amendment proposing that section 5 of the act of Congress of February 27, 1911, shall not be interpreted to prevent the assignment or transfer as second lieutenants in the Corps of Engineers, etc., intended to be proposed by him to the river and harbor appropriation bill, which was referred to the Committee on Commerce and ordered to be printed.

OMNIBUS CLAIMS BILL.

Mr. LODGE submitted an amendment, intended to be proposed by him to the bill (H. R. 19115) making appropriation for the payment of certain claims in accordance with the findings of the Court of Claims, reported under the provisions of the acts approved March 3, 1883, and March 3, 1887, and commonly known as the Bowman and Tucker Acts, which was ordered to be printed and, with the accompanying paper, referred to the Committee on Claims.

MOTOR AND OTHER VEHICLES IN GOVERNMENT SERVICE.

Mr. BRISTOW. Mr. President, I submit certain resolutions, for which I ask immediate consideration. The first resolution is the only one that need be read, because the remainder are exactly like it, except that they refer to different bureaus of the Government.

There being no objection, the resolution (S. Res. 260) was read, considered by unanimous consent, and agreed to, as follows:

Resolved, That the Secretary of State, the Secretary of the Treasury, the Secretary of War, the Secretary of the Navy, the Secretary of the Interior, the Secretary of Agriculture, the Secretary of Commerce and Labor, the Attorney General, and the Postmaster General be, and they are hereby, directed to furnish the Senate detailed statements of the number of carriages, vehicles, motor cycles, motor vehicles, and automobiles now owned by the Government or maintained at Government expense in their respective Departments, and the purpose for which each individual carriage or vehicle is used, and the make of the car, if a motor car; also to report to the Senate the number of Government employees who are employed or detailed as chauffeurs, drivers, or footmen for such carriages and automobiles, and how much of the time of these respective Government employees is devoted to that particular work; also to report to whom each such carriage or automobile is assigned.

Mr. BRISTOW submitted the following resolution (S. Res. 261), which was considered by unanimous consent and agreed to:

Resolved, That the Interstate Commerce Commission be, and it is hereby, directed to furnish the Senate a detailed statement of the number of carriages, vehicles, motor cycles, motor vehicles, and automobiles now owned by the Government or maintained at Government expense by the Interstate Commerce Commission, and the purpose for which each individual carriage or vehicle is used, and the make of the car, if a motor car; also to report to the Senate the number of Government employees who are employed or detailed as chauffeurs, drivers, or footmen for such carriages and automobiles, and how much of the time of these respective Government employees is devoted to that particular work; also to report to whom each such carriage or automobile is assigned.

Mr. BRISTOW submitted the following resolution (S. Res. 262), which was considered by unanimous consent and agreed to:

Resolved, That the Secretary of the Smithsonian Institution be, and he is hereby, directed to furnish the Senate a detailed statement of the number of carriages, vehicles, motor cycles, motor vehicles, and automobiles now owned by the Government or maintained at Government expense by the Smithsonian Institution, and the purpose for which each individual carriage or vehicle is used, and the make of the car, if a motor car; also to report to the Senate the number of Government employees who are employed or detailed as chauffeurs, drivers, or footmen for such carriages and automobiles, and how much of the time of these respective Government employees is devoted to that particular work; also to report to whom each such carriage or automobile is assigned.

Mr. BRISTOW submitted the following resolution (S. Res. 263), which was considered by unanimous consent and agreed to:

Resolved, That the Public Printer be, and he is hereby, directed to furnish the Senate a detailed statement of the number of carriages, vehicles, motor cycles, motor vehicles, and automobiles now owned by the Government or maintained at Government expense in the Government Printing Office, and the purpose for which each individual carriage or vehicle is used, and the make of the car, if a motor car; also to report to the Senate the number of Government employees who are employed or detailed as chauffeurs, drivers, or footmen for such carriages and automobiles, and how much of the time of these respective Government employees is devoted to that particular work; also to report to whom each such carriage or automobile is assigned.

Mr. BRISTOW submitted the following resolution (S. Res. 264), which was considered by unanimous consent and agreed to:

Resolved, That the Comissioners of the District of Columbia be, and they are hereby, directed to furnish the Senate a detailed statement of the number of carriages, vehicles, motor cycles, motor vehicles, and automobiles now owned by the Government or maintained at Government expense by the District of Columbia, and the purpose for which each individual carriage or vehicle is used, and the make of the car, if a motor car; also to report to the Senate the number of Government employees who are employed or detailed as chauffeurs, drivers, or footmen for such carriages and automobiles, and how much of the time of these respective Government employees is devoted to that particular work; also to report to whom each such carriage or automobile is assigned.

Mr. BRISTOW submitted the following resolution (S. Res. 265), which was considered by unanimous consent and agreed to:

Resolved, That the Civil Service Commission be, and it is hereby, directed to furnish the Senate a detailed statement of the number of carriages, vehicles, motor cycles, motor vehicles, and automobiles now owned by the Government or maintained at Government expense by the Civil Service Commission, and the purpose for which each individual carriage or vehicle is used, and the make of the car, if a motor car; also to report to the Senate the number of Government employees who are employed or detailed as chauffeurs, drivers, or footmen for such carriages and automobiles, and how much of the time of these respective Government employees is devoted to that particular work; also to report to whom each such carriage or automobile is assigned.

THE METAL-MINING INDUSTRIES.

Mr. SMOOT submitted the following resolution (S. Res. 266), which was read, considered by unanimous consent, and agreed to:

Whereas the metalliferous mining States of the West were for many years urging the creation of a bureau of mines, through which investigations might be conducted with a view to the upbuilding of the mining industry; and

Whereas, nothwithstanding the creation of the Bureau of Mines, the metalliferous mining industry has not kept pace with the general advancement in agriculture and other productive enterprises: Now therefore

Resolved, That the Secretary of the Interior be requested to inform the Senate:

First. What work is being done by the Bureau of Mines in behalf of the metal-mining industries in the public-land States west of the Mississippi River.

Second. What work, in the opinion of the Secretary of the Interior, should be carried on by the Bureau of Mines in these States, and how such work can best be conducted.

Third. An estimate as to the cost of such work as the Secretary of the Interior shall recommend to be carried on by the Bureau of Mines in that region during the fiscal year ending June 30, 1913.

REPORT OF NATIONAL WATERWAYS COMMISSION.

On motion of Mr. BURTON, it was

Ordered, That there be printed 1,000 copies of the final report of the United States National Waterways Commission, with appendices thereto.

ADDRESS, ETC., OF ABRAHAM LINCOLN (S. DOC. NO. 439).

Mr. CLARK of Wyoming. Mr. President, I desire to call attention to the fact that on Tuesday, March 19, I presented to the Senate and asked to have printed as a Senate document certain state papers of President Lincoln, together with his Gettysburg address. The order was entered and the document was printed, but through some inadvertence the copies furnished in the pamphlet which I left at the Secretary's desk contained the Gettysburg address in an incomplete and inaccurate form. I now submit the complete and accurate address and ask that it, together with the other papers, be reprinted.

The PRESIDENT pro tempore. Without objection, the order will be entered.

The order as agreed to was reduced to writing, as follows:

Ordered, That Senate Document No. 439, Sixty-second Congress, second session, "Abraham Lincoln," first and second inaugural addresses; message, July 5, 1861; proclamation, January 1, 1863; and Gettysburg address, November 19, 1863, be reprinted with corrections.

DR. HARVEY W. WILEY.

The PRESIDENT pro tempore. The Chair lays before the Senate a resolution coming over under the rule, which will be read.

The Secretary read the resolution (S. Res. 256), submitted by Mr. MARTINE of New Jersey on the 22d instant, as follows:

Resolved, That the Senate has learned with much regret of the resignation of Dr. Harvey W. Wiley, head of the Pure Food Bureau of the United States Government. We feel that his services while at the head of that department have been of incalculable value to the American people, and take this opportunity to express our confidence in his great ability and the splendid service he has rendered to this country.

Mr. MARTINE of New Jersey. I move the adoption of the resolution. I feel that if ever a citizen deserved commendation——

Mr. HEYBURN. Mr. President——

The PRESIDENT pro tempore. Does the Senator from New Jersey yield to the Senator from Idaho?

Mr. MARTINE of New Jersey. I do.

Mr. HEYBURN. I desire to inquire of the Presiding Officer whether or not that motion is routine morning business?

The PRESIDENT pro tempore. The resolution came over under the rule, having been offered on Friday last. The Chair assumes that it is routine morning business.

Mr. HEYBURN. I do not think it can come within the designation "routine morning business."

The PRESIDENT pro tempore. The Chair understands that it does.

Mr. HEYBURN. Of course, if that is the ruling of the Chair——

Mr. MARTIN of Virginia. I move that the resolution be referred to the Committee on Agriculture and Forestry.

Mr. MARTINE of New Jersey. I trust, Mr. President, that we may have an expression of the Senate upon that resolution.

Mr. MARTIN of Virginia. I have no desire to cut off discussion.

Mr. MARTINE of New Jersey. I do not want to discuss it; but it seems to me it should appeal to everyone.

Mr. MARTIN of Virginia. I do not think, to be perfectly frank, that the resolution is one that should be passed by the Senate. That is my judgment about it. I do not think the resignation of an officer of that character is such a proposition and is of such dignity as to call for a resolution of this kind by the Senate.

Mr. MARTINE of New Jersey. I regret that I can not agree with the distinguished Senator, though, of course, I must yield to his parliamentary and senatorial experience. I am new, but I did feel that if there ever was a case where the commendation of his fellow citizens and of this body particularly should go to a man it was in this case. I feel that Dr. Wiley has done quite as much for his country and for humanity as a general in battle or an admiral at sea, and I trust that we may have an expression of the Senate on this question.

The PRESIDENT pro tempore. The Senator from Virginia moves that the resolution be referred to the Committee on Agriculture and Forestry. The question is on that motion.

The motion was agreed to.

SENATOR FROM WISCONSIN.

Mr. HEYBURN. Mr. President, I inquire if the morning business has been concluded?

The PRESIDENT pro tempore. Are there further concurrent or other resolutions? If not, the morning business is concluded.

Mr. REED. Before morning business is closed, there is a considerable demand——

Mr. HEYBURN. I rise to a parliamentary inquiry.

The PRESIDENT pro tempore. Does the Senator from Missouri yield to the Senator from Idaho?

Mr. REED. Certainly.

Mr. HEYBURN. I rise to a parliamentary inquiry.

The PRESIDENT pro tempore. The Senator will state it.

Mr. HEYBURN. I desire to know whether or not I am correct in thinking that the Chair has announced that morning business has been concluded?

The PRESIDENT pro tempore. The Chair announced that morning business was concluded, and then recognized the Senator from Missouri.

Mr. HEYBURN. But, Mr. President, under the unanimous-consent agreement no one may be recognized except for the purpose of taking up the business of the hour; and I rose and addressed the Chair for the purpose of asking that the Presiding Officer lay before the Senate Order of Business No. 299.

The PRESIDENT pro tempore. That is the order which automatically is before the Senate under the unanimous-consent agreement.

Mr. HEYBURN. It is proper to start it automatically.

Mr. REED. I yielded to the Senator from Idaho, I supposed, for an interrogatory. I do not know that the Senator has any knowledge of why I took the floor. I have not been permitted to announce it, and I should like to have that privilege graciously accorded me.

The PRESIDENT pro tempore. The Senator from Idaho rose to a question of order. With the permission of the Senator from Missouri the Chair will ask the Secretary to read the unanimous-consent agreement under which the Senate is now acting.

The SECRETARY. On March 5 last it was agreed by unanimous consent that on Monday, March 25, 1912, immediately upon the conclusion of the routine morning business, the Senate will proceed to the consideration of Order of Business No. 299, in relation to the right of the Senator from Wisconsin, Mr. STEPHENSON, to a seat in the Senate; and that before adjournment on that legislative day a vote will be taken upon the motion of Mr. HEYBURN that the Senate agree to the report of the Committee on Privileges and Elections, declaring that in the opinion of the said committee the charges preferred by the Legislature of the State of Wisconsin against ISAAC STEPHENSON, a Senator of the United States from the State of Wisconsin, were not sustained and that the election of said ISAAC STEPHENSON as a Senator of the United States was not procured by corrupt methods or practices, and upon any amendment that may then be pending or offered to such motion.

Mr. REED. Mr. President, upon that particular topic I desire to be heard.

The PRESIDENT pro tempore. The Senator from Missouri has the floor.

Mr. REED. Mr. President, some discussion has been had regarding this controversy. It has been thus far of an illuminating character, and were it not for the positions which I understand are taken by some of the Senators, and for the remarkable opinions expressed by a portion of the committee in the several reports, I would not ask the Senate to listen to anything I might have to say. But, if I correctly understand these reports, it is sought to commit the Senate to a doctrine which, in my judgment, will open the door to wholesale fraud and grant the sanction of a senatorial decision to a policy which, if thus approved, will result in a condition unspeakable.

By way of preliminary, and because I think it is pertinent to the issues here to be considered, I desire to remark that the personality of the man whose acts are under investigation may well be considered. I have heard it intimated that the enormous amount of money proven and admitted to have been expended and the corruption shown are to be charitably viewed because the Senator from Wisconsin is a man of slight experience, who was overreached and mayhap imposed upon and plundered by those who were conducting his campaign. What is the fact?

The Congressional Directory gives us a little light. Here is a man who has engaged extensively in the lumber business; he has also been a farmer and a banker. It is a matter of general knowledge, and may be said without fear of contradiction, that here is a gentleman with as wide a range of business experience as is possessed by any man in the Senate. He comes here with that experience and that knowledge gained from contests in the great business world successfully conducted.

He is not a novice in politics. This is not his first venture in the political field. It is recorded in the Directory that he has held various local public offices. The years are not given nor the offices named, but whatever the offices were and how long held, they could hardly have been acquired without some political experience being gained at the same time.

But it is further recorded that he was a Member of the Forty-eighth, the Forty-ninth, and the Fiftieth Congresses; that he was elected to the Senate in 1907 and again in 1909. So you have here a man of wide business knowledge and of extensive political experience. We are not dealing with a novice.

It, therefore, does not lie in the mouth of any man to claim that the acts done by the Senator from Wisconsin should be palliated, excused, or mitigated on the plea of ignorance, neither should the true import of his conduct be obscured by the pretense that he was overreached by designing men. On the contrary, his long knowledge of the conduct of elections, his intimate acquaintance with matters political and matters of business, point rather toward that shrewdness which comes from experience and which leads men to seek to accomplish through the agency of others that which they prefer not to do themselves directly.

Viewed in this proper light, we can therefore probably understand why it is that this campaign, which we are now about to consider, was organized in the most peculiar and remarkable way, and why it is that the Senator from Wisconsin committed the entire campaign to certain financial agents. I shall refer to them a little later on. But I pass for the present to a consideration of what I consider the issue now before the Senate for settlement.

The Committee on Privileges and Elections consists of certain men, all of whom took part in this proceeding, I think, save one, the Senator from Kentucky [Mr. PAYNTER]. So far as I am aware he did not sit or act, and his name does not appear to any report. There are, in fact, four reports before us. There is a general report signed by Senators DILLINGHAM, GAMBLE, HEYBURN, SUTHERLAND, OLIVER, JOHNSTON of Alabama, FLETCHER, POMERENE, and BRADLEY, in which the general finding is set forth that the election of ISAAC STEPHENSON was not procured by corrupt methods or practices. But it is set forth in the proceedings of the committee itself—Senators will find it on page 2—that Mr. HEYBURN was instructed to report the action of the Committee to the Senate, together with a transcript of all the proceedings before the whole committee and also the individual views presented by members of the committee.

Whether that was intended to be an approval of the individual views presented I know not, but there was no protest against these views filed, save as I shall now state.

The Senator from Idaho presented his views in a document; the Senator from Utah and the Senator from Ohio presented their views in a separate document; and then following that Senators JONES, CLAPP, KENYON, KERN, and LEA presented a minority report.

Now, I desire to get before the Senate what is the finding of the majority of the committee. No man finding generally that these charges should not be sustained gave any reasoning for his finding except the Senator from Idaho [Mr. HEYBURN], the Senator from Ohio [Mr. POMERENE], and the Senator from Utah [Mr. SUTHERLAND], and the five Senators who signed a minority report holding that the seat is not properly occupied.

Now, if the Senate please, I challenge attention to this statement in the report of the Senator from Idaho, and I shall show you that this statement is concurred in by a majority of the committee and that no man upon the committee expressly denies its accuracy. I quote:

> The amount of money expended by Mr. STEPHENSON, Mr. Cook, Mr. Hatton, and Mr. McGovern in the primary campaign was so extravagant and the expenditures made by and on behalf of these gentlemen were made with such reckless disregard of propriety as to justify the sharpest criticism.

I challenge attention to this language. I challenge the attention of every man who intends to vote upon this proposition to this finding of fact and the conclusion from the facts:

> Such expenditures were in violation of the fundamental principles underlying our system of government, which contemplated the selection of candidates by the electors and not the selection of the electors by the candidate.

That language, thus condemning the methods used, is taken under consideration by the Senator from Ohio and the Senator from Utah in their report.

They concur in it absolutely and without qualification. Before I discuss that concurrence, although I must break the thread of what I have been saying, I call attention to the fact that in his report the Senator from Idaho makes this statement:

> Were it possible to hold that Mr. STEPHENSON was subject to the same restrictions under the laws of Wisconsin as a candidate for a State office we would feel compelled to enter more fully upon the nature and character of the expenditures made by him and on his behalf during the primary campaign.

Later in his report, at page 19, you will find this language:

> Were a candidate for a State office in Wisconsin to conduct a campaign in the manner in which the campaigns of Mr. STEPHENSON and of other men who sought election to the United States Senate were conducted it would be very difficult to justify such conduct under the laws of the State.

In that language the Senator from Ohio, as I have stated, and the Senator from Utah concur. They quote it.

Mr. SUTHERLAND. Mr. President, my attention was distracted for a moment. What was the last quotation which the Senator read? May I trouble him to repeat it?

Mr. REED. Certainly.

> Were a candidate for a State office in Wisconsin to conduct a campaign in the manner in which the campaigns of Mr. STEPHENSON and

of other men who sought election to the United States Senate were conducted it would be very difficult to justify such conduct under the laws of the State.

I think I may say here that I am uncertain whether the Senator from Utah and the Senator from Ohio concurred in that particular phrase. They did concur in the other language which I read. I take it that is what the Senator rose to say, and I was perhaps guilty of an inadvertence in charging that he approved that particular language.

Mr. SUTHERLAND. The Senator is right in saying the Senator from Ohio and myself concurred in the first statement but not the second. As the Senator from Missouri has examined this record, will he permit me to ask him what law of the State he finds was violated by Senator STEPHENSON?

Mr. REED. I am going to discuss that later on, in order.

Mr. SUTHERLAND. Very well.

Mr. REED. And I prefer to do it as I arrive at it.

Mr. HEYBURN. Will the Senator permit me to inquire as to a statement made a few moments ago? The Senator from Missouri was reading this language:

Such expenditures were in violation of the fundamental principles underlying our system of Government, which contemplated the selection of candidates by the electors and not the selection of the electors by the candidate.

The Senator paused after reading the first portion of that sentence, as though I intended to say such expenditures were in violation of the fundamental principles underlying our system of Government, and he stopped there. The manner in which the Senator read it might leave that impression upon the minds of those who heard it. I limited it to the one proposition following. I did not say it was a subversion of the principles of our Government; I said it was a subversion of the one principle of the Government which I enumerated in the same paragraph.

Mr. REED. I am not aware of any peculiarity in the way I read the statement.

Mr. HEYBURN. It was only——

Mr. REED. But lest there might be any misunderstanding, and because I want to be entirely fair with the Senator from Idaho, I will read it again, and if I do not read it with proper accent and punctuation, I shall be glad to turn the job over to somebody else.

Were it possible to hold that Mr. STEPHENSON was subject to the same restrictions under the laws of Wisconsin——

Mr. HEYBURN. I did not refer to that part of it. I made no reference to that part of it.

Mr. REED. I prefer reading it altogether. It sounds better.

Mr. HEYBURN. I rise to a point of order, Mr. President. A few days since my attention was called to a statement in the CONGRESSIONAL RECORD which said, "Laughter in the galleries." There were two mistakes. One was the laughter in the galleries and the other was a violation of the rules of this body in putting it in the RECORD. I trust it will not have occasion to occur in the RECORD or that it will not appear there. Now, I am merely calling the Senator's attention——

Mr. REED. I concur with the Senator and consent that not only the laughter in the galleries but the galleries shall be omitted from the RECORD.

Mr. HEYBURN. Now, just a moment. I am not speaking in levity. The Senator commenced to read after the paragraph to which I referred. I will leave him to straighten it out to suit himself.

Mr. REED. No, Mr. President, I commenced to read before the paragraph to which the Senator referred and I am coming to it in due order.

I will proceed again, beginning with the top of page 18 of Senate Document 349, the report presented by the Senator from Idaho [Mr. HEYBURN]:

Were it possible to hold that Mr. STEPHENSON was subject to the same restrictions under the laws of Wisconsin as a candidate for a State office, we would feel compelled to enter more fully upon the nature and character of the expenditures made by him and on his behalf during the primary campaign.

The amount of money expended by Mr. STEPHENSON, Mr. Cook, Mr. Hatton, and Mr. McGovern in the primary campaign was so extravagant and the expenditures made by and on behalf of these gentlemen were made with such reckless disregard of propriety as to justify the sharpest criticism.

Such expenditures were in violation of the fundamental principles underlying our system of government, which contemplated the selection of candidates by the electors and not the selection of the electors by the candidates.

Regardless of any statute requiring that strict accounts be kept of money expended by and on behalf of candidates, a candidate and every man representing him should know that public opinion would expect the parties to place and maintain themselves in a position so that if any of their acts were questioned they could justify such acts to the extent of giving every detail in regard thereto.

While I do not believe that the law of Wisconsin could constitute any man a candidate or place him in the position of and under the responsibilities of a candidate for an office over which the State had no control and which was not to be filled under any law of the State, yet I feel impelled to criticize the acts of those in charge of the expenditure of the money of men who are called candidates for the Senate, and especially of Mr. STEPHENSON, in the irresponsible and reckless manner in which they disbursed the money furnished them by Mr. STEPHENSON during the period of the primary campaign.

Later occurs the phrase:

Were a candidate for a State office in Wisconsin to conduct a campaign in the manner in which the campaign of Mr. STEVENSON, and of other men who sought election to the United States Senate, were conducted, it would be very difficult to justify such conduct under the laws of the State.

Mr. President, I am sorry my friend the Senator from Idaho has gone, because I am now entirely in the dark as to whether I read this in a manner quite suitable to him.

That language, except the last clause which I read, is concurred in and agreed to by Senator POMERENE and Senator SUTHERLAND. They will pardon me for calling their names in this direct way. That language is agreed to by five other members of the committee. So a majority of the committee have solemnly found the fact. Thus the question which is presented to the Senate of the United States for decision now is whether a man can take and hold a seat in the United States Senate who has been guilty of such conduct in securing his election as to "violate the fundamental principles underlying our system of government." Those who desire to support the majority report either are obliged to vote for that proposition, baldly and nakedly stated, or else they must repudiate the conclusion of fact arrived at by the majority of the members of the committee.

No man up to the present hour has risen upon this floor to challenge the correctness of the conclusion of fact arrived at by the majority of the committee. I question whether any man will.

Another important fact to consider is that the three members of the subcommittee who heard the evidence and looked the witnesses in the face had an opportunity to weigh and determine the value of the evidence which was superior to the opportunity possessed by the ordinary member of the committee who merely read the record. Three of those members of the subcommittee join in the conclusions I have read. The fourth member, who sat but little, simply joins in the majority report. Thus we have the advantage of three members of the subcommittee, all of them, in fact, who heard all the evidence, joining in the conclusion I am discussing. I say again, dodge the issue as we may, seek to avoid it as we may, we are going to cast our votes here in the Senate upon this bald, naked proposition, Can a man acquire a seat in the United States Senate and hold it who has been guilty of such conduct and has so expended his money that he has violated the fundamental principles underlying our system of Government?

Senators may make their choice, Senators may vote as they see fit, but as for myself, if I ever find that with my eyes open and a knowledge of the fact I am deliberately voting for a man who secured his seat by means that were violative of the fundamental principles underlying our system of government, then I shall feel that I have placed a strange estimate upon the dignity and importance of this body and shall have rendered a strange service to my country.

The Senator from Idaho justifies his position by this sort of logic, which you will find running throughout his report and throughout his speeches, namely, that a Senator in his election is not subject in any manner to the laws of the State from which he comes as a representative. That is clearly set forth in the language that I have read, but it appears elsewhere in his speeches.

The Senator from Idaho claims that no law has been passed by the State and that no law can be passed by a State affecting or regulating the election of a United States Senator. That presents an interesting question, or rather two questions. First, do the laws of the State of Wisconsin apply or can the laws of any State apply in such matters; and, second, if there be no law of a State that applies, is the Senate therefore without power or jurisdiction to inquire into any of those acts by which a man gains his seat in this body?

Stated differently, the question is this: Can a man be barred from a seat in the United States Senate by any act, however immoral in its nature, however dangerous to society, however violative of public policy, however pregnant with moral turpitude, however stained with infamy, unless that act is expressly prohibited by statute law? If that proposition is conceded, if it is conceded that a man can not be barred unless he has absolutely violated a law, then the Senator from Idaho is right in his conclusion; but if we are not bound to find a law expressly prohibiting an act or making it felonious, then the Senator from Idaho is wrong in his conclusion.

Now, let us examine the proposition. It is that unless ISAAC STEPHENSON violated the statute laws of the State of Wisconsin, the criminal statutes of that State, he has a right to his

seat here, no matter whether his acts were subversive of the very principles upon which our Government is founded. In plain English, that proposition, Mr. President, means that unless a man has qualified himself for the penitentiary he is not disqualified for the United States Senate. There is no middle ground. The acts must have been actually prohibited by the criminal statutes of the State or else they are permissible. A man must be a criminal or he may be a Senator. Nothing bars him from the Senate which does not admit him to jail. The two realms are divided by the thinnest kind of a statutory line. In my judgment, that theory places the penitentiary and the United States Senate too close together for either comfort or respectability. I maintain that it is not a true doctrine, and it is not in accordance with precedents, with example, or with reason.

Let me submit first this observation: I make the bald statement that that kind of a doctrine destroys the power of the Senate to itself decide upon the qualification of its Members, and why? Because the right to hold the office is no longer dependent upon the sense of the Senate as to what is right and proper, but it is dependent upon the laws of different States. If a man is to be barred because he has violated a statute of his State, and only because he has violated a statute of a State, then, as no two States have the same laws, we have as many different yardsticks by which to measure a man's right to sit here as there are States in the Union. One State has very stringent laws against corrupt practices; another State has no laws against corrupt practices; and, therefore, when we come to decide a case that is brought here to us, if the man comes from a State that has stringent laws against corrupt practices he would be ousted, although another man from another State might come here having committed the same character of acts, and a thousand times as many of those acts, and he would be entitled to his seat. The judgment of the Senate of the United States as to what is right is not the rule by which we govern ourselves under those circumstances, but we are governed by the laws of 48 different States, and we have 48 different moral yardsticks by which we are to measure the qualifications of a man seeking a seat here.

To extend that argument a little further, and to show how utterly foolish and wrong it is to accept it, we can easily imagine one State, where there is a stringent law against bribery, and another State, where there might even be no law against bribery, or a law so loosely drawn that it would be of no binding force to cover acts such as might result in a man being corruptly sent to the United States Senate. Then, if we are not ourselves to judge, but are simply as a court of law to decide the question of guilty or not guilty, applying the statutes of the States, we would in one case be compelled to receive a man who had been guilty of every kind of misconduct, while in the other case we would exclude a man whose offenses had been slight. Manifestly, therefore, the Senate of the United States can not and will not govern itself in determining the qualifications of its Members by the question of the stringency or the looseness of the laws of a State from which a Senator may come.

But I observe in the next place, Mr. President, that this doctrine, carried to its legitimate conclusion, would even permit a man to come here by the very bribery of members of the legislature, for, says the Senator from Idaho [Mr. HEYBURN], in the election of Senators to this body the State is without jurisdiction to control, and therefore State statutes could not bind, and as there is no Federal statute against the bribing of members of the legislatures of the various States—and it is doubtful whether one could be passed—we are confronted by the proposition that a man might, if the theory of the Senator from Idaho be correct, sit in this body who had actually bought his way here by direct bribery of members of the legislature; yet such has never been the doctrine of the Senate. Said the Senator from Idaho:

> But the legislature has no power to regulate in any manner or to any extent the election of a United States Senator. There is no such proceeding known under any law of the United States as the nomination of a candidate for the United States Senate. * * * There is no law of the United States recognizing such a thing as a candidate for the United States Senate, and no legal status is given to the frame of mind constituting an intention on the part of a man or his friends that he become a candidate before the legislature. The matter of choosing Senators rests solely with the legislature, and under existing laws one legislature can not dictate the rule governing a subsequent legislature.

Now, as I understand, Senators POMERENE and SUTHERLAND take the view that this election was conducted in an iniquitous manner—and I would not misstate their position under any circumstances—but they take the further view, if I understand them correctly, that these acts which were committed, and which are condemned, were not brought home to the Senator from Wisconsin, so that he might in a court of criminal jurisdiction be held criminally for them. Therefore, they take the view that he can not be ousted from the position thus gained. If that be not their position, then I am unable to understand it. Certainly in language that is burning with indignation and expressing a high concern for the country's weal, these two able Senators do condemn this conduct and this use of money, and yet find that the seat shall be occupied.

I make the assertion, Mr. President, that the true rule, the rule that must govern in matters of this kind, is that whenever a man, in order to secure his election, has resorted to trickery, fraud, corruption, and evil practices, so that to permit his election to stand would be injurious to the Nation and violative of public policy, then the seat thus obtained can not be retained. I think this position is sound and is sustained by the Constitution itself. It is provided in section 4 of Article I:

> SEC. 4. The times, places, and manner of holding elections for Senators and Representatives shall be prescribed in each State by the legislature thereof; but the Congress may at any time by law make or alter such regulations, except as to the places of choosing Senators.

Section 5 provides:

> SEC. 5. Each House shall be the judge of the elections, returns, and qualifications of its own Members.
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> * * * * * * *
>
> Each House may, * * * with the concurrence of two thirds, expel a Member.

These sections place in the Senate the broad right of determing the question. Its power is limited by no rule of law. Its right is limited by no clause of the Constitution. Senators in passing judgment are limited by nothing except their sense of duty to the country and to the body of which they are Members.

I contend, further, that the legislatures of the States do have the right to prescribe how Senators shall be elected, in every respect and in every particular save and except where those rights have been limited by the provisions of section 4 of Article I of the Constitution and by Federal statutes passed in pursuance thereof. An examination of those statutes will show that Congress has done nothing more than to determine the time and manner of casting the votes by the members of the legislature, but at no place except as stated have we by Federal statute or Federal Constitution limited the rights reserved in section 4, Article I, to the legislatures of the States, namely:

> The times, places, and manner of holding elections for Senators and Representatives shall be prescribed in each State by the legislature thereof.

Under the organic law of every State the right is reserved to the State to create its own legislature. The States elect their legislatures as they see fit, for such terms as they see fit, and confer upon them such powers as they choose. They nominate the members of their general assemblies at such times and in such way as they deem advisable. The Federal Government has confined itself to merely declaring when the members of the legislature shall vote for United States Senator and how the votes shall be counted, and so forth. So that I maintain, as a primary and fundamental fact, not to be lost sight of in this argument, that the State of Wisconsin did have the right to provide for the election of members of the legislature and to provide a method for instructing their agents thus to be selected what the people who elect them desire them to do. If the legislature refuse to obey the instructions, probably there was and is no means of compelling obedience, except to hold them liable for a violation of instructions and breach of faith.

But I return now to the other proposition which I was discussing a few moments ago. I affirm that law, precedent, and common sense all sustain the doctrine that when this body is passing upon the qualifications of a man claiming a seat in the Senate it is not bound in its decision by the fact that the State from which he comes may have failed to pass laws prohibiting the acts complained of.

Mr. BROWN. Mr. President——

The PRESIDING OFFICER (Mr. MCLEAN in the chair). Does the Senator from Missouri yield to the Senator from Nebraska?

Mr. REED. Certainly.

Mr. BROWN. It may be that the Senator is right. The Senate itself may not be bound by any statute which a State may pass, but I want to inquire of him if it is not his judgment that when a citizen of a State becomes a candidate for a seat in this body he is under some obligation to obey the laws of that State, and have not we the right to inquire into the question whether or not he has violated the laws of his own State respecting the method of his nomination and election?

Mr. REED. Undoubtedly. My argument does not conflict with that, but rather is consistent with it. I maintain that whenever a man, in order to acquire a seat in the United States Senate, has violated those doctrines which are necessary for the preservation of the country and for keeping pure the fountains of the law, of which the Senate is one, he can be barred from

a seat here though he has violated no statute law. If he has violated a statute law so much the worse for him.

I was saying, Mr. President, that the power of the Senate to judge of the qualifications of its Members is so broad and comprehensive that it is not and can not be circumscribed by the statute of a State.

The failure of a State to pass a statute does not bar us from considering improper acts. If a State has passed a statute and it has been violated, that is a very potential fact for us to consider in determining the character of the applicant for admission here; but if the State has passed no law or if no statute law has been violated, still the Senate must judge of the act and must determine according to the justice and the right of the matter whether the act was or was not so contrary to public policy, inherently bad, as to demand its condemnation.

I call the Senate's attention to Story on Constitutional Law, fourth edition, volume 1, paragraph 833:

It is obvious that a power must be lodged somewhere to judge of the elections, returns, and qualifications of the members of each house composing the legislature, for otherwise, there could be no certainty as to who were legitimately chosen members, and any intruder or usurper might claim a seat, and thus trample upon the rights and privileges and liberties of the people. Indeed, elections would become, under such circumstances, a mere mockery, and legislation the exercise of sovereignty by any self-constituted body. The only possible question on such a subject is as to the body in which such a power shall be lodged. If lodged in any other than the legislative body itself, its independence, its purity, and even its existence and action may be destroyed or put into imminent danger. No other body but itself can have the same motives to preserve and perpetuate these attributes; no other body can be so perpetually watchful to guard its own rights and privileges from infringement, to purify and vindicate its own character, and to preserve the rights and sustain the free choice of its constituents. Accordingly, the power has always been lodged in the legislative body by the uniform practice of England and America.

I call attention to this particular language:

The only possible question on such a subject is as to the body in which such a power shall be lodged. If lodged in any other than the legislative body itself, its independence, its purity, and even its existence and action may be destroyed or put into imminent danger.

And yet the theory of the committee, or that portion of it that concurred in the views I am discussing, is that this right is lodged, not in the Senate, but in the various State legislatures, because, say they, unless you have violated a rule made by the State legislature you are entitled to your seat here, although your conduct may be subversive of the very fundamentals upon which our governmental structure is based.

Mr. SUTHERLAND. Mr. President——

The PRESIDING OFFICER. Does the Senator from Missouri yield to the Senator from Utah?

Mr. REED. Yes.

Mr. SUTHERLAND. The Senator from Missouri has been talking for the last 10 or 15 minutes to combat the proposition that a Senator can not be deprived of his seat in the Senate unless he has violated some State law. I do not know of anybody who has made any such contention. I do not. I would be glad if the Senator from Missouri would call our attention to some language in the views of the majority which bears out that statement.

Mr. REED. Mr. President, if the Senator will pardon me, I will come to that in a moment. I should prefer to finish my observations regarding that principle, so that they may appear in the RECORD in a somewhat logical form.

Mr. BROWN. Mr. President——

The PRESIDING OFFICER. Does the Senator from Missouri yield to the Senator from Nebraska?

Mr. REED. When I finish the sentence I will yield. I prefer to finish the authorities upon this branch of the argument which I am attempting to make, and I should be very glad then to advise the Senator from Utah why I have seen fit to take the time of the Senate to combat these views.

I now yield to the Senator from Nebraska.

Mr. BROWN. Whether or not the proposition of law is correct—in my opinion the Senator states it soundly—that a Senator must violate a State statute before we can unseat him may be an interesting question to discuss and consider in connection with elections generally, as a matter of fact in the case at bar does not the Senator think the record shows that the sitting Member [Mr. STEPHENSON] did violate the statutes of his State?

Mr. REED. Senators think faster than I can talk. I am coming to that point, and I will give my views upon it. I thank the Senator, however, for the suggestion, and I will try to reach both of these matters in due course.

Mr. President, the right of the Senate to expel a Member is found in the same section of the Constitution that I have just been discussing; that is, the section giving the Senate the right to judge of the qualifications of its Members also contains the provision allowing it to unseat them. In neither case is any rule laid down. In both cases we have the broad, general language. I think, therefore, that decisions relating to the expulsion of Members are pertinent and furnish good authority upon the question now under discussion, and to that end I want to call the attention of the Senate to a very early case. I quote from Sergeant on Constitutional Law, pages 301 and 302. I refer to the case of William Blount, a somewhat celebrated controversy, and I find this:

William Blount was expelled from the Senate of the United States on the 8th of July, 1797, being declared in the resolution of the Senate guilty of a high misdemeanor entirely inconsistent with his public trust and duty as a Senator. He was then under an impeachment by the House of Representatives, which terminated in the decision that a Senator was not liable to impeachment. The report of the committee in his case, as adopted by the Senate, stated as reasons for the expulsion his writing a letter evincing his attempts to seduce from his duty an United States Indian interpreter and to employ him as an engine to alienate the affections and confidence of the Indians from the public officers residing among them; the measures he had proposed to excite a temper which must produce the recall or expulsion of our superintendent from the Creek Nation; his insidious advice, tending to the advancement of his own popularity and consequence at the expense and hazard of the good opinion which the Indians entertain of this Government, and of the treaties subsisting between us and them, and concluding that the committee had no doubt but that his conduct had been inconsistent with his public duties, rendered him unworthy of a further continuance of his present public trust in that body and amounted to a high misdemeanor. On this case it has been also remarked that the Member implicated was called upon, in the first instance, to answer whether he was the author of a letter, the copy of which was only produced and the writing of which was the cause of the expulsion. He was afterwards requested to declare whether he was the author of the letter itself, and declining in both cases to answer, the fact of his having written it was established by a comparison of his handwriting and by the belief of persons who had seen him write, upon inspection of the letter. These, it is argued, show the admission of a species of evidence which in courts of criminal jurisdiction would be excluded; yet, in the resolution, the Senate declared him guilty of a high misdemeanor, though no presentment or indictment had been found against him and no prosecution at law was ever commenced upon the case. And it seems no law existed to authorize such prosecution.

In connection with the Blount case I call attention to the case of John Smith. He was a Senator from the State of Ohio. He was accused of treason. But his treason was in connection with that of Burr, who was the principal. Burr was acquitted upon the ground that he had not violated any statute of the United States, and thereupon a nolle pros was entered in Smith's case. The matter was brought before Congress, and it was squarely argued and squarely maintained that as no statute law had been violated Smith was entitled to retain his seat. Let me take just a few moments of the time of the Senate to quote the language of a distinguished American statesman. The report in that case was made by Mr. John Quincy Adams, and his language is worthy of consideration.

Mr. Adams declares (p. 460):

Nor have they (the committee) conceived themselves bound in this inquiry by any other rules than natural justice and equity due to a brother Senator on the one part and their country on the other.

It appeared that Smith made the plea that—

he was solitary, friendless, and unskilled in contending for his rights, and that senatorial privileges might, by reason of his unskillfulness, be denied him.

To this plea the committee, speaking through Mr. Adams, replied:

They (the Senators) should hold it a sacred obligation to themselves and to their fellow Senators and to their country to meet them by direct, unconditional acknowledgment or denial, without seeking a refuge from the broad face of day in the labyrinth of technical forms.

In examining the question whether these forms of judicial proceedings or the rules of judicial evidence ought to be applied to the exercise of that censorial authority, which the Senate of the United States possesses over the conduct of its Members, let us assume as the test of their application, either the dictates of unfettered reason, the letter and spirit of the Constitution, or precedents, domestic or foreign, and your committee believe that the result will be the same; that the power of expelling a Member must in its nature be discretionary and in its exercise always more summary than the tardy process of judicial tribunals.

The power of expelling a Member for misconduct results, on the principles of common sense, from the interests of the Nation, that the high trust of legislation should be invested in pure hands. When the trust is elective, it is not to be presumed that the constituent body will commit the deposit to the keeping of worthless characters. But when a man, whom his fellow citizens have honored with their confidence on the pledge of a spotless reputation, has degraded himself by the commission of infamous crimes, which becomes suddenly and unexpectedly revealed to the world, defective, indeed, would be that institution which should be impotent to discard from its bosom the contagion of such a member, which should have no remedy of amputation to apply until the poison had reached the heart.

The question upon the trial of a criminal cause before the courts of common law is not between guilt and innocence, but between guilt and the possibility of innocence. If a doubt can possibly be raised, either by the ingenuity of the party or of his counsel or by the operation of general rules in their unforeseen application to particular cases, that doubt must be decisive for acquittal; and the verdict of not guilty, perhaps in nine cases out of ten, means no more than that the guilt of the party has not been demonstrated in the precise, specific, and narrow forms prescribed by law. The humane spirit of the laws multiplies the barriers for the protection of innocence, and freely admits that these barriers may be abused for the shelter of guilt. It avows a strong partiality favorable to the person upon trial, and acknowledges the preference that ten guilty should escape rather than that one innocent should suffer. The interest of the public that a particular crime should be punished is but as one to ten compared with the interest of

the party that innocence should be spared. Acquittal only restores the party to the common rights of every other citizen; it restores him to no public trust; it invests him with no public confidence; it substitutes the sentence of mercy for the doom of justice; and to the eyes of impartial reason, in the great majority of cases, must be considered rather as a pardon than a justification.

But when a member of a legislative body lies under imputation of gravated offenses, and the determination upon his cause can operate only to remove him from a station of extensive powers and important trust, this disproportion between the interest of the public and the interest of the individual disappears; if any disproportion exists, it is of an opposite kind. It is not better that 10 traitors should be Members of this Senate than that 1 innocent man should suffer expulsion. In either case, no doubt, the evil would be great. But in the former it would strike at the vitals of the Nation; in the latter it might, though deeply to be lamented, only be the calamity of an individual.

* * * Yet in the midst of all this anxious providence of legislative virtue, it has not authorized the constituent body to recall in any case its representative. It has not subjected him to removal by impeachment; and when the darling of the people's choice has become their deadliest foe can it enter the imagination of a reasonable man that the sanctuary of their legislation must remain polluted with his presence until a court of common law, with its pace of snail, can ascertain whether his crime was committed on the right or on the left bank of a river; whether a puncture of difference can be found between the words of the charge and the words of the proof; whether the witnesses of his guilt should or should not be heard by his jury; and whether he was punishable because present at an overt act or intangible to public justice because he only contrived and prepared it? Is it conceivable that a traitor to that country which has loaded him with favors, guilty to the common understanding of all mankind, should be suffered to return unquestioned to that post of honor and confidence where in the zenith of his good fame he had been placed by the esteem of his countrymen, and, in defiance of their wishes, in mockery of their fears, surrounded by the public indignation, but inaccessible to its bolt, pursue the purposes of treason in the heart of the national councils? Must the assembled rulers of the land listen with calmness and indifference, secession after secession, to the voice of notorious infamy until the sluggard step of municipal justice can overtake his enormities? Must they tamely see the lives and fortunes of millions, the safety of present and future ages, depending upon his vote, recorded with theirs merely because the abused benignity of general maxims may have remitted to him the forfeiture of his life?

Such in very supposable cases would be the unavoidable consequences of a principle which should offer the crutches of judicial tribunals as an apology for crippling the congressional power of expulsion. Far different, in the opinion of your committee, is the spirit of our Constitution. They believe that the very purpose for which this power was given was to preserve the legislature from the first approaches of infection; that it was made discretionary because it could not exist under the procrastination of general rules; that its process must be summary because it would be rendered nugatory by delay.

I shall not take time to read the entire argument, but Senators will find it reported in Hall's American Law Journal, volume 1, beginning at about page 459. The argument of Mr. Adams and the position taken by the committee were that the right to expel did not in any way depend upon the violation of a law of the United States or of any State, but upon such misconduct as rendered it improper for the man to sit in the Senate. Of course, the misconduct referred to is that character of misconduct which affects the Government and not mere personal misbehavior.

Mr. President, I have no doubt hundreds of authorities can be accumulated to the same effect. I have quoted enough to make it seem plain to me that when the Senate comes to pass upon the admission of a Member it has the right and it is its duty to see to it that he comes into this tribunal with clean hands, as far as his election is concerned, and that while the certificate of election affords prima facie evidence of his right to here sit, when that certificate is challenged and when the evidence is brought forth to show that fraud or trickery or corruption entered into the obtaining of that certificate it is the duty of this body to protect itself against that fraud, that iniquity, and that corruption, just as much as it is the duty of a court of equity to set aside any instrument obtained by the same kind of improper methods, and that in all this we are not bound by the limitations fixed by the statutes of Wisconsin.

The Senator from Utah asked me a while ago why it was that I was taking time to argue this proposition. I am taking the time because the Senator from Idaho squarely plants himself upon the proposition that the statutes of Wisconsin were not applicable to this case. He does not expressly state that if they were expressly applicable to this case he would be obliged to reach another conclusion; but he states it in effect. I read from his report:

> Were a candidate for a State office in Wisconsin to conduct a campaign in the manner in which the campaign of Mr. STEPHENSON and of other men who sought election to the United States Senate were conducted it would be very difficult to justify such conduct under the laws of the State.

Does that warrant a reply? Is it not his position squarely in this report that these acts which, he says, are subversive of the fundamentals of our Government are to be passed over, palliated, excused, and not considered because the statutes of the State do not apply to them?

Mr. SUTHERLAND. Mr. President, what the Senator from Missouri reads from the statement of the Senator from Idaho is not a reply to the question I propounded to the Senator from Missouri. My understanding of what the Senator says as to the statement of the Senator from Idaho, which he has now read, is that a Senator might be deprived of his seat if he had violated a statute of the State. What he was arguing a moment ago was that a Senator could be deprived of his seat even though he had not violated a law of the State; and the question I asked him was where he found a statement to the contrary of that—who had contended otherwise upon that proposition?

Mr. REED. I think the distinguished Senator who has just taken his seat has so expressly contended, and I desire now to submit my reasons to the Senate for that statement.

Mr. SUTHERLAND. If the Senator will permit me further, I expressly stated to the contrary in the Senate—that it was not necessary that a sitting Member should have violated any statute of the State, and that is self-evident. We are made by the Constitution the judges of the qualifications, the elections, and return of our own Members, and if we find that a Member has obtained his seat by bribery or corruption we can declare his seat vacant, whether or not there has been any violation of the law of the State. I never have contended otherwise, and the Senator can not find any language of mine to the contrary.

Mr. REED. I would not on any account misinterpret the position taken by the Senator from Utah. For his learning and his ability I have the profoundest respect. I am glad to have him say now that the position I have taken is correct and that the Senate is not bound and that its right to investigate is not circumscribed by the statute laws of the State of Wisconsin. I am glad to have it now admitted, so that there can be no doubt of the matter, that it is an immaterial thing whether the statutes of Wisconsin apply to these acts or not if in fact the acts were of such a nature as to violate public policy and good morals.

Mr. SUTHERLAND. Mr. President, I resent the statement made by the Senator from Missouri that he is glad to have it now admitted, as if I had ever contended to the contrary.

Mr. REED. I would not willingly do anything to cause the resentment of the Senator from Utah, and I did not intend to offend him. On the contrary, I thought I was dealing very fairly with his statement. I will change my expression. I am glad to know that the position of the Senator from Utah now is and ever has been to that effect. But I may have read with some carelessness. Yet I find on page 25 of the report this language:

> A careful examination of the bribery statutes of Wisconsin will indicate clearly that the expenditures of money of the character recited only come within the inhibitions thereof, when they are made corruptly, unless section 298 forbids it.

Then follows a quotation from section 298. Then, on page 26, there follows a legal argument, in which this appears:

> None of these expenditures can come within any of the provisions of this section unless it be a violation of this language: "or who shall give or offer to give any valuable thing or bribe to any elector as a consideration for some act to be done in relation to such caucus or convention."
>
> It should be stated that by sections 39 and 40 of the election laws of Wisconsin the criminal penalties applying to a caucus and elections are made applicable to primary elections.
>
> If the words "to give any valuable thing" are to be given a comprehensive and literal interpretation, and to prohibit the giving or offering of "any valuable thing" "as a consideration for some act" to be done, it would not have been necessary to write into the statute the words "or bribe," because the former expression would include the latter. The purpose of the statute is evidently to prohibit corrupt giving.
>
> "Words of a general import in the statute are limited by words of restricted import immediately following and relating to the same subject." (36 Cyc., 1119; Nance v. Southern R. R. Co., 149 N. C., 366.)
>
> "In interpreting a statute, where the language is of doubtful meaning, the court will reject an interpretation which would make the statute harsh, oppressive, inequitable, or unduly restrictive of primary private rights."

So the argument is made that, technically construed, this statute does not apply. Turning now to the top of page 27, I find this:

> At the time of this primary there was no statute, either State or national, limiting the amount of expenditures. There is no judicial or legislative decision, so far as we are advised, limiting the amount which may be legally expended. Can we, in the face of the fact that the Congress of the United States and the General Assembly of the State of Wisconsin prior to this election failed to limit election expenditures, now arbitrarily determine that because this sum was spent it was illegally and fraudulently expended, and therefore vacate the Senator's seat? Can it be said that the expenditure of such a sum is in contravention of a public policy which must be given the force and effect of a statute? If so, where does public policy draw the line between what shall be a legal and an illegal amount?

The situation is unfortunate, but the Congress and the State legislature are to blame for not having limited the expenses by statute. Laws can not be enforced retroactively, and surely this case must be decided in accordance with what the law then was and not in accordance with what the law ought to be. Since that election the State of Wisconsin has limited the

amount of expenditure in a senatorial campaign to $7,500, and the Federal Government has limited it to $10,000.

Mr. President, the whole import of that argument from first to last is to construe this case out from under, if I may use such an expression, the statutes of the State of Wisconsin, and the whole argument is based upon the fact that there is no law, and hence there is no responsibility——

Mr. POMERENE. Mr. President——

The PRESIDING OFFICER. Does the Senator from Missouri yield to the Senator from Ohio?

Mr. REED. Certainly.

Mr. POMERENE. I fail to see, on looking at this matter as a lawyer, how the distinguished Senator can place such a construction upon the language used. In order to understand the views which were here submitted, we must first remember that the charge was made that these expenditures were a violation of the statutory law of Wisconsin. The burden of the argument which is submitted on behalf of those whose views have been quoted was to show that the acts complained of in the charges against the Senator did not come within the inhibition of the statute, and therefore the charge that was made to the effect that the statutory law had been violated must fall.

In the second instance, we are arguing the proposition that there was no limitation placed upon the amount of expenditures by the statute either of the State or any statute passed by Congress. We are not discussing the question as to what may be the effect of a violation of the principles of the common law, but we are expressly discussing the question as to whether or not there was a violation of the statutory law of the land.

It seems to me that my friend is laboring unnecessarily to establish the position that we have at any time contended that this seat might not be vacated if there was a violation of the principles of the common law on the subject of bribery or some similar subject. We never so contended.

Mr. REED. Mr. President, my esteem and friendship for the Senator from Ohio are so well known that every person here will acquit me, and the Senator himself will acquit me, of any intentional misconstruction of a report signed by him. I am glad to know that it appears to be settled by common and general consent that we are to weigh in the scales of justice which we hold, and that we are not to be controlled by the fact that the Legislature of Wisconsin may have failed to prohibit the acts now being investigated, but we are according to the very right and reason and justice of the matter to render our decision. That proposition, I take it, will no longer be disputed. But it still remains, Mr. President, to determine whether or not the Legislature of Wisconsin did have the right to pass a primary election law and whether it did have the right to prevent bribery and corruption at the primary election held under the laws of that State, and whether it did in fact pass laws inhibiting the acts now under investigation.

Mr. SUTHERLAND. Mr. President——

Mr. REED. Just to conclude, because manifestly if a man shall have violated the laws of his State, that is a fact certainly to be considered when we are passing upon his right to a seat here obtained by such violation.

The PRESIDING OFFICER. Does the Senator from Missouri yield to the Senator from Utah?

Mr. REED. Certainly.

Mr. SUTHERLAND. If the Senator will permit me to interrupt him for just a moment again, I now have the reference to the record to which I called attention a moment ago and said that I had made my position clear upon the floor of the Senate on the question which the Senator was discussing. On March 4, at page 3021 of the RECORD, the Senator will find this statement:

> Mr. SUTHERLAND. Mr. President, I do not contend that it would be necessary to show that the Senator from Wisconsin had violated any statute of the State of Wisconsin. If it were shown that he had by the use of money corrupted voters, bribed voters, I would not care whether there was a statute of the State of Wisconsin against it or not. I should vote in a case of that kind that the Senator forfeited his right to his seat.

Mr. REED. Mr. President, I am glad the Senator has put his remarks into the RECORD at this point. I did not have the pleasure of hearing them when they were uttered on the floor of the Senate. I say again it is with especial delight that I now understand we are all agreed upon this main proposition.

Mr. President, I maintain that the State of Wisconsin and every other State in the Union has the power and the right to pass primary election laws governing the method of the selection of members of the legislature, that the States have the right to pass laws which permit the people to express their choice for United States Senator, and that an interference by the use of money with expression of such choice can be denounced by the State as an act of bribery and punished as such.

I need not take time to call attention to the decision which has already been quoted in the report of the committee in 142 Wisconsin, in which the Wisconsin Supreme Court holds that the power does exist. The question I now desire to discuss is whether or not the statutes of Wisconsin with relation to bribery were in fact violated. I am compelled at this point to differ from the legal conclusion arrived at by the distinguished Senator from Ohio and the Senator from Utah in their report.

I call attention to a fact which I think the committee overlooked, or, if they did not overlook it, they do not give it the importance I attach to it. I hold it to be true that the legislature of a State has the right to absolutely prohibit the use of money in any election, primary or otherwise. It has the inherent power to say that not one dollar shall be expended; that the entire question shall be settled solely by such appeals to reason as can be made without the expenditure of money. That I am correct in that is shown by the fact that in State after State legislatures have passed laws limiting campaign expenses. The power to limit involves the power to prohibit. In my own State a Congressman is prohibited from expending a sum in excess of six or seven hundred dollars in his entire congressional campaign. Manifestly no election is a proper election which is anything more than an appeal to reason, so that a legislature undoubtedly has the power to say that no money whatever shall be expended. If a legislature has the power to prohibit vote buying, to say that it shall be bribery for a man to stand at the polls and buy the vote of another, for the same reason a legislature has the undoubted right to say that a candidate shall not buy the influence of another man over his fellows. If a legislature can say that I can not go to the ballot box and buy the vote of "A," simply one vote, then the legislature has the right and power to say that I can not take a thousand dollars and go to "B," who has an influence over 100 votes, and pay "B" to go out and influence or deliver those votes.

In construing any law we must of necessity take into consideration the evils it was intended to meet. We know that in many places there are what are known as political bosses, and when you have seen the political boss and have arranged with him it is not necessary to see the 100 or 200 or even 1,000 men who answer to his call and vote according to his dictate; therefore the legislature of the State did wisely, did sensibly, did properly when it made it a crime not alone to buy the vote at the box and pay for the delivery of the vote by the voter himself, but also prohibited the payment of money to another in order that that other shall influence the votes of third parties.

In other words, the Legislature of Wisconsin had the right to say, You can not corrupt a political boss, and having bought him thus obtain the 100 votes he controls, any more than you may by direct bribery secure 1 vote. In the first instance, you secure a hundred votes; in the second instance, a single vote; but in each instance you secure the votes by money. One act is as immoral as the other, but the purchase of the political boss is a hundred times more injurious than the purchase of the individual voter, because the money actually secures a hundred times as many votes.

Therefore, I say a legislature has the right to reach that sort of crime, and I affirm here that that is what the Legislature of the good State of Wisconsin did when it wrote the language I am about to call attention to. It provided in paragraph 1 of the act which you will find printed at page 11 of this report:

> 1. Every person who shall, directly or indirectly, by himself or by any other person on his behalf, give, lend, or agree to give, or lend, or offer, promise, or promise to procure or endeavor to procure any money or valuable consideration to or for any voter, to or for any person on behalf of any voter, or to or for any other person in order to induce any voter to vote or refrain from voting, or do any such act as aforesaid, corruptly, on account of such voter having voted or refrained from voting at any election—
>
> Shall be guilty of bribery.

Note the word "corruptly."

There is a requirement where you are buying the vote that you shall corruptly give the money to influence the vote.

Paragraph 2 follows, and it prohibits corruptly giving or offering any place or employment to induce any voter to vote or to refrain from voting.

Those two sections apply to the direct bribery of the voter, and the word "corruptly" appears; but when you come to section 3, it does not contain the word "corruptly." In order to get the word in that section you must resort to a strained construction. Paragraph 3 provides that—

> Every person who shall, directly or indirectly, by himself or by any other person on his behalf, make any such gift, loan, offer, promise, procurement, or agreement as aforesaid to or for any person in order to induce such person to procure or endeavor to procure the election of any person to a public office, or the vote of any voter at any election—
>
> Shall be guilty of bribery.

Paragraph 4 provides that—

Every person who shall, upon or in consequence of any such gift, loan, offer, promise, procurement, or agreement, procure, or engage, promise or endeavor to procure the election of any person to a public office or the vote of any voter at any election.

Shall be guilty of bribery.

And in neither of these cases is the word "corruptly" used at all.

Mr. POMERENE. Mr. President——

The PRESIDING OFFICER. Does the Senator from Missouri yield to the Senator from Ohio?

Mr. REED. Certainly.

Mr. POMERENE. In view of the Senator's statement to the effect that the word "corruptly" does not appear in either the third or fourth paragraphs, and he is correct in that statement, I wish to call his attention especially to the fact that in each of the third and fourth paragraphs the words used are "such gift," referring evidently to the character of the gift which is described in paragraph 1 and paragraph 2, and that is a corrupt gift.

Mr. REED. Oh, no; "such gift" applies to the thing given. The word "corruptly" applies to the purpose for which it is given. Here are sections that refer to the payment of money, the making of gifts, and when the subsequent section says "such gift" it refers simply to the character of the thing given. But the word "corruptly" applies to the evil purpose, the criminal intent in the man's mind.

Now, why should there be a distinction made between the acts discussed in sections 1 and 2 and the acts discussed in sections 3 and 4? If I should give a man money at the time he is about to vote, and give it to him directly, it would be proper to say that I must have given it corruptly; that is to say, with the intention to influence that particular vote. The mere handing of the money to him would not be a thing that in itself would be a crime; I must have done it to get that particular vote. There is a reason why the word "corruptly" should appear there. But when you come to consider the question of employing me for a sum of money, large or small money, to go out and influence the votes of others, the word "corruptly" does not belong there, because I am selling my influence direct, my influence over the votes of others; and as I am selling my influence over the votes of others, a thing which in itself is corrupt, it is wholly unnecessary to require that it shall be proven that I corruptly did an act which in itself is corrupt. Whether a distinction exists or not is, however, perhaps immaterial because the lawmakers had the right to pronounce the doing of the act illegal, supplying the intent from the act itself. The word "corruptly" was, in fact, omitted, and it is not our business to supply it by any forced construction. Moreover the evidence shows enough corruption to sink a ship.

I shall not go outside of the testimony given here by the Senator himself and by his direct managers. I might as well discuss the evidence as a whole. This was a campaign which from its very inception to its close was violative of both the letter and the spirit of the statutes of Wisconsin. It was violative of good morals and common decency. The campaign was conceived in sin and brought forth in iniquity.

Let us take a hasty survey of the situation. When the ordinary man is a candidate for public office the first thing he inquires of and concerning is public opinion. The first thing he tries to do is to appeal to the reason of the people. Any election which is conducted upon any other basis than an appeal to reason I denounce as utterly indefensible. Whenever coercion enters in, whenever fraud enters in, and whenever money becomes the appealing cause instead of reason, then it ceases to be an election within the proper meaning of the term.

Now, it may be said that money is used in all elections, and I grant that. It is used in all elections, but there are two uses to which money can be put in elections. One is to aid to pay the expenses of an appeal to the judgment, the conscience, and the patriotism of the citizen. Money which is put forth in that way is properly used. But when the appeal is not to the conscience, to the patriotism, to the love of country, to the justice and righteousness of a cause, when the appeal is not to the reason of the voter, but to his cupidity, then I say the line which separates corrupt methods from honest methods has been crossed and the field of infamy has been entered. Draw that line any other place—draw it, if you dare, any other place—and you will have placed it so far beyond the confines of that which is safe as to include those dangerous quicksands which, if not avoided, will drag the great structure of our Government to a grave of corruption and infamy.

Now, what was done in this case? Why, sirs, it was an astonishing thing. This man did not call together men to appeal to the public reason. This man did not get together those who could speak and talk for him or write for him. This man organized his campaign in the most peculiarly business-like manner yet recorded in the history of the United States. He appointed a fiscal agent named Edmonds; he appointed a banker; and then he appointed a paper manufacturer to watch the banker. The first step in this campaign of reason and patriotism was the collection of a $50,000 note. The first contribution to the appeal to patriotism was the deposit of that $50,000 in this bank, subject to the orders of this fiscal agent. And how was it deposited? How would it have been deposited, first, by a man who had nothing to conceal? STEPHENSON had a checking account in that bank; he was a customer of that bank. The ordinary way to have deposited that money would have been to deposit it in his open account. The ordinary way to have paid out the money would have been on checks drawn, payable upon their face to certain individuals for certain causes and reasons, but this money was put in the bank and a certificate of deposit was issued.

If we were to stop at this point it might not seem so peculiar for a man to put money in a bank on certificates of deposit; but under the custom that exists in every bank I have ever dealt with, when you want to use the money that is held under a certificate of deposit you must bring in your certificate and surrender it, and if you draw only a part of the money you must have a new certificate made for the balance; but it appears that this money thus held under certificate of deposit was nevertheless used to check against. So when the fiscal agents desired a thousand or five thousand or ten thousand dollars they drew a check just as they would have done had the money been held on open account, and the check would be cashed just as though the money was held on open account. The certificate would then be reduced by that amount. Thus no bank entries were required; thus a secret account was maintained; thus no record was kept, although the statute——

Mr. SUTHERLAND. Mr. President——

Mr. REED. Just one moment—although the statute requires the strictest accountability from candidates of all moneys expended, to whom paid, and for what paid. They laid the plan to conduct their campaign without sending their checks through the bank in the ordinary way.

Mr. SUTHERLAND. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Missouri yield to the Senator from Utah?

Mr. REED. Certainly.

Mr. SUTHERLAND. I am sure the Senator from Missouri does not desire to misstate the testimony. My recollection is that Mr. STEPHENSON had no account in this bank, and I call the Senator's attention to page 133 of the record, where this occurred. It is only a question and an answer or two:

Senator POMERENE. What was the reason for not opening up an account with Senator STEPHENSON in your bank, as you would with any other customer of the bank?

Mr. PUELICHER. Senator STEPHENSON never requested it. We had these amounts from him for investment, at various times, and every time the investment was paid up we turned it into cashier's check, awaiting further orders, and would then have the instrument on hand to make the investment immediately.

Further on he says:

Mr. PUELICHER. I continued the account just as it had been run with Senator STEPHENSON before. He made no request——

Senator POMERENE. Did you ever do that with any other customer?

Mr. PUELICHER. We frequently carried funds in cashier's checks in that manner; yes.

Senator POMERENE. What was the purpose of doing that with Mr. STEPHENSON? I do not care about the others. What was the purpose of handling this fund in this particular way?

Mr. PUELICHER. Mr. STEPHENSON did not request that an account be opened, nor did he authorize an account opened, so I continued it just as it had been done before, thinking that an efficient way of handling it as far as I was concerned.

Mr. REED. Mr. President, my examination of this record leaves upon my mind the very distinct conclusion that Senator STEPHENSON did have a checking account in this bank, but that this particular fund was carried in this way. I have not time to stop at this hour to search for the record, but if I do find it I shall insert it to-morrow. If I do not find it, I shall cheerfully make the correction.

Mr. LEA. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Missouri yield to the Senator from Tennessee?

Mr. REED. Certainly.

Mr. LEA. I think the Senator from Missouri is incorrect in stating that the Senator from Wisconsin had an account with the bank; but that that was a very unusual proceeding, I think, is evidenced by this quotation from the testimony, on page 135:

Senator POMERENE. Have you conducted the business of any customer of the bank since this affair of Senator STEPHENSON in the same style or manner that you conducted Senator STEPHENSON's transactions?

Mr. PUELICHER. No occasion of like nature has arisen since Senator STEPHENSON's transaction.

Senator POMERENE. How long before that did any such occasion transpire?

Mr. PUELICHER. Never, to my knowledge, have we conducted any campaign through the bank.

Senator POMERENE. Then it was out of the order, was it not?

Mr. PUELICHER. It was the only one I know about and seemed to me good at the time.

Mr. REED. However that may be, no man will dispute that this $50,000 was held; that it was held for the purpose of beginning this campaign; that it was paid out in this way; and that these men from time to time called upon Senator STEPHENSON for more money.

Now, I call your attention to a most significant thing in this testimony. These men were appointed and told to conduct this campaign; they were placed in possession of these large sums of money. From time to time they tried to get Senator STEPHENSON to place a limit upon the amount they could expend, and here is the testimony of his manager, Mr. Edmonds:

Mr. EDMONDS. In my talk with Senator STEPHENSON I wanted to learn from him the amount of money he expected to expend. He seemed to think that too much money was being expended. I endeavored to have him fix an amount, so that we would not exceed it. This he declined to do, and I endeavored to show him the difficulty of conducting a campaign without knowing how much I might be allowed to expend; but I was not able to get him to state, and he said to go on and conduct the campaign—"use your best ability in conducting it," and left it in that way.

Here are three men engaged in spending money; the amount rises to a point that appalls them; they call in the man who employs them, and they say, "How far shall we go with this money? Where shall we stop?" His instruction is to "go and conduct the campaign the best you can." The implication is, spend all the money that is necessary in order to gain this battle; and they did proceed to expend the money in that way.

Moreover, I call your attention to testimony—I will not stop to get it and read it literally—that only twice during this campaign, after having established this fiscal agency for the distribution of money, did Senator STEPHENSON visit it. There was his headquarters; there was the place where public opinion was supposed to be molded. At a candidate's headquarters, if he is conducting a proper campaign, is where you will find him every few days, constantly keeping his finger upon the pulse of the situation; and yet here is a man who is expending, all told, $107,000, who has a headquarters, and who only visits the headquarters twice during the entire campaign. He gives no instructions where to expend the money or the purposes for which it is to be used. There is only the one broad, general instruction—"Go on with the campaign, conduct it to the end, and I will pay the expenses."

It is said he was in the city of Milwaukee only three times during the campaign and at this headquarters but twice; in other words, Senators, he turned the entire management of his campaign over to these three men and made them his absolute agents in the matter. He made these men his agents; evidence shows that express admission. He made these men his agents; they were his representatives; they were authorized to employ other agents and other representatives; and they drew upon his bank account for the money and called upon him to replenish it. If a man conducts a campaign in that way, I put it to you, must he not be held responsible for the acts of his agents? Why, I grant you, if a man is conducting an ordinary campaign and some man that he sent out to do something that was proper violated his instructions and did a thing that was corrupt, and the principal, upon discovery, repudiated the act, you would, of course, excuse the principal, provided he repudiated the benefits of the corrupt act at the same time he disclaimed the act itself. But if a man employs a general agent for the transaction of his business, if he creates a general agency for the conduct of his campaign, if he goes away and leaves everything in the management and control of that agency, then unless you hold him responsible for the acts of that agency you absolutely place him where there is no responsibility for the crimes of his agents and at the same moment permit him to reap the fruits of their iniquity. If you are to say in this case that Senator STEPHENSON is not to be held responsible for the things his three fiscal agents did, then you have opened the door for every kind of fraud. All that will be necessary hereafter will be for a man to furnish a large sum of money and select the right gentleman to expend it. They can spread the leprosy of corruption into every hamlet and village of the country; they can absolutely destroy all semblance of decency in elections; then he can stand off, with a holier-than-thou-art air, wash his hands, and say: "While it was done for me and in my behalf and while I claim the benefit of all that was done, and am here to-day because of what was done, enjoying the fruits of the enumerated villainy, yet I am not responsible for any evil. I closed my eyes; I shut my ears; I went away; I did not see it; it was done when my back was turned; and, therefore, I shall stand acquit."

Mr. President, if you ever write that down as a principle to be followed by other Senators in other days to come; if you put that down as a proper scheme and system of conducting an election, then you have written a rule under which every election in every State can be polluted by this miserable subterfuge of appointing an agent to do that which you dare not yourself do.

I come now to the question of whether there was, in fact, corruption by these agents. I remark, first, that when Senator STEPHENSON put the money into the hands of these men and authorized these men to use it for the purpose of getting other men to go out and influence the votes of third parties he violated that section of the statute of Wisconsin which I have just read, which expressly prohibits the payment of any money to any person in order to induce such person to procure or endeavor to procure the election of another person. That statute was intended to bar the purchase of influence; that law was intended to bar the buying of "the boss" who controls hundreds and even thousands of votes; that language was intended to prohibit and brand as criminal the very things done in this election.

We are told there is no evidence of actual corruption. Mr. President, the man who says there is not sufficient evidence of actual corruption in this case to satisfy the moral yearnings of the most particular is one who, in my humble judgment, is willing to shut his eyes to the plain facts of record, to draw around STEPHENSON the narrow circle of technical criminal law, to apply here the strict rule which would be applied in a criminal case were STEPHENSON on trial for his liberty. Such a rule has no business here. This is an investigation to determine the title to a seat in the Senate, not a prosecution to send a citizen to the penitentiary. It is true no man came forward and said, "ISAAC STEPHENSON paid me $100 for my vote." It is true no man came forward and said, "When I was paid $100 or $1,000"—or $5,000 by these fiscal agents—"I agreed to go out and corrupt the electorate of the State of Wisconsin." Nobody said that. If the Senate is to require that kind of evidence, then it will be impossible ever to prove sufficient corruption to affect a seat gained in this body through the bribery of the electorate. But what did happen? What does the record show? Let us look at it as sensible men, as men of experience, who do not close their eyes and who do not propose to take refuge behind the technical rules of the law applicable in criminal causes. It was said by John Quincy Adams, in the case which I cited awhile ago, that in examining questions of this kind the Senate is not held to the narrow rules of law and construction which obtain in criminal cases, where the rights of the citizen to life or to liberty are at stake.

Let us see what became of this money. One hundred and seven thousand dollars was expended. Only 56,909 votes were cast for this man. Was there an appeal to reason or was there an appeal to cupidity; was there an appeal to conscience and patriotism or was the appeal he made to the pocketbook? I put this conundrum to the Senate: If a man spends $107,000 and only gets 56,909 votes, how many votes would he have obtained if he had not spent any money at all? It will be an interesting question in mathematics and in morals for investigation.

This was not a race between men; it was a contest between bank accounts.

STEPHENSON spent $107,793.05 and received 56,909 votes, Cook spent $42,293.29 and received 47,825 votes, Hatton spent $26,413 and received 35,552 votes, and McGovern spent $11,063.88 and received 42,631 votes. Had STEPHENSON not corrupted the State, who doubts but that McGovern would have been here instead of STEPHENSON?

This was not a contest between different principles or ideas. It was a battle between dollars. It was a contest in which no man who did not expend large sums of money could hope to succeed. In view of the expenditure of $107,793.05 for STEPHENSON, and $42,293.29 by Cook, and $26,413 by Hatton, we are forced to say that this was not an election—it was rather a revelry of crime, a saturnalia of corruption. This was a case of selling the office to the highest bidder. The money was corruptly used—it could not have been otherwise employed. I say again a man must close his eyes very tightly if he can not see the corruption standing naked before him.

Let me follow just a few of the items of expenditure, and then I shall have concluded.

Twenty-five hundred dollars was paid to J. W. Stone, the game warden. For what purpose? The testimony is—and I quote the exact language:

For the purpose of getting his assistance in helping to nominate Senator STEPHENSON.

Q. What kind of assistance? Such kind as he could give in his best judgment.

I put it to you as practical men, as men who have observed the plain facts of life, who have not gone through the world asleep; I put it to you, when a man is called into the headquarters of a committee which consists of a banker, a fiscal agent, and a political manager, and that man is handed $2,500 without any specification as to how he is to use it, without any requirement of an accounting, without a word being said by way of limitation, the money simply being passed out to him "for the purpose of getting his assistance in helping nominate Senator STEPHENSON," what does that mean? In the realm of common sense how is it regarded? It is not doubted that the man who took that $2,500, sold himself for $2,500. This game warden undoubtedly intended to use a part of the money to spread the corruption a little beyond himself to make a little showing of delivering some goods, but the evidence shows that he kept a large part of it for himself. I must be either more charitable or more foolish than I am to-day when I believe this game warden did not in fact sell his political influence for cash in hand paid, and I must also be more charitable or more foolish than I am to-day when I believe the committee did not employ the money to coldly and deliberately buy the game warden and his influence over the men under him.

They paid $5,000 to a lawyer named Solon O. Perrin. Now, let us consider. Here is a financial committee; they are bankers; they know the value of money. Nobody in the world loves money as well as a successful banker. Dollars are the darlings of his heart; they are the idols of his soul; they are the soldiers with which he goes forth to conquer; they are the sentinels by which he guards his great business from attack; they are to him the guardian spirits to which he ever looks in his dealings with the world. He does not give out $5,000 to any man unless he expects to get something for it. I do not mean to say that bankers do not donate to charities; I do not mean that bankers do not do many good and splendid acts of that kind; but this was not a charitable undertaking; this campaign was not organized along the lines of eleemosynary undertakings; this was a cold, hard battle of dollars against other dollars, and the stake was the honor of Wisconsin and a seat in the United States Senate.

Five thousand dollars was paid to Perrin. He claims to have paid out $4,500 of this amount, and he paid it out in sums ranging from $10 to $300. Item after item appears in his account in which "cash" is charged with $50. This man was drawing the money out in cash. He was distributing it in cash. He could not tell, and he did not tell, where the money went, except a portion of it. He took this money—anyone can see it plainly as he reads this record—and went out, and wherever he could find a man who would take $10 or $50 or $100 and sell his influence and his vote he bought that man.

There was a man named Knell who distributed $12,103.21. I want to call your attention to that transaction just for a moment—a most interesting account is exhibited here by the Senator from Kansas [Mr. BRISTOW]. Of that $12,103.21 this remarkable thing is true, that $9.239.16 was paid out, not by checks but paid out in cash. I challenge attention to some other items of expenditure. The $12,103.21 that went into this man's hands he distributed, and mark the way it was distributed. He paid to a railroad conductor and to a locomotive engineer $450. Was that an appeal to reason or an appeal to cupidity? Was that an appeal to patriotism or an appeal to the pocketbook? Was that an appeal to honor and conscience or did it buy the two railroad men?

I find that an ironworker named Redfern was paid $145. Was that an appeal to his patriotism, or was that an appeal to the poor fellow's cupidity? I find that a man by the name of Phillip S. Farrelly, who was foreman somewhere, was paid $180. Was that an appeal to Farrelly's love of country, or was that an appeal to Farrelly's love of money?

I find that a machinist named Lee G. Melville was paid $200. Was that an appeal to Melville to vote for his country, his God, and his home, or was it an appeal to vote and work for $200 of dirty money?

So we can go through the long and sickening details of this evidence. The cold truth is that there is no sensible conclusion to be drawn from this record save this, that starting in a campaign Senator STEPHENSON recognized the fact that he could appeal to the reason of no man; that he was without political issue; that he stood as the champion of no great principle; that he did not represent opposition against any threatened wrong. And so he went into this contest with the only argument he had—money. It was to be a campaign in which "the barrel" was to be the central figure, in which "the barrel" was to be the fountain to which all who would might come and drink the slime of political corruption. Sir, it is put down in the record made by the Senator himself when he filed his account that outside the city of Milwaukee for services in organizing he paid to C. M. Hambright, John C. Miller, E. C. McMahon, E. J. Rogers, U. C. Kellar, and others evidently much too insignificant to name, $53,729.56, a sum of money which can not be earned and laid aside by the hard labor of 10 ordinary men in a lifetime.

And yet it was poured out in this short primary campaign to corrupt the State outside of Milwaukee. So we have had a contest of dollars. The statutes of the State have been trampled upon. In direct violation of law men were employed to go out and influence the votes of others. No limit was placed upon the amount of money to be used. The orders to the voters were, "Go to my banker." The orders to the banker were, "Come to me when you need more money. I will furnish you not arguments, not appeals to reason, nor yet solicitations for sympathy, but I will fill your pockets with that thing which has been potential among bad men since the world has been—I offer the coin of the realm."

I declare, without hesitation, the evidence in this case shows clearly, plainly, indubitably that these corrupt practices were indulged in to such an extent that the seat now held is a purchased seat. I appeal—whether it will reach deaf ears or responsive hearts I do not know—to the Senate of the United States again whether it can afford to say to the people of the United States, "Our committee found that the practices here exposed were subversive of the very Government itself; our committee found that the practices here laid bare were such that had they been indulged in by a man running for a State office in Wisconsin that man would have violated the law; our committee found that these iniquitous things have been done," and yet we permit the man responsible for these iniquities to retain his seat in the Senate and make laws for 90,000,000 honest folk.

I have no unkind personal feeling for the man STEPHENSON; I have no unkind personal feeling in my heart for him; not a particle; but, sir, the honor of this country and the honor of this body are in our charge. It is our duty to guard that honor. If we are to let this offense go acquit, then let us be brave enough to hang upon the door of the Senate the legend, "Those who have the price can enter here." Let us be brave enough to say, "Although you buy your seat, yet you shall hold it." Let us be courageous enough to face this issue exactly as it is.

The claim that we can not go back of the act of the legislature is an absurd one. Every step taken by a candidate, as he passes along the highway that leads to the office he seeks to fill, is a step that can be investigated and must be investigated if it is challenged.

I wish this case was not here. I wish, for the sake of the Senate, such cases never came here. I wish that men in this country would come to believe and understand that a seat in the United States Senate is not a matter of commerce and barter; that you can not buy it as you would a diamond necklace in a jeweler's window; that you can not purchase it as you would stocks and bonds and lands and timber and sawmills; that it is only to be gained by an honest appeal to the sovereign voters of this country. I say to you now the day is coming—the day is here—when every man responsible, directly or indirectly, for the pollution of the electorate of this country will have to account to an enlightened public conscience and to an aroused public vigilance.

DEATH OF REPRESENTATIVE HENRY H. BINGHAM.

A message from the House of Representatives by D. K. Hempstead, its enrolling clerk, communicated to the Senate the intelligence of the death of the Hon. HENRY H. BINGHAM, late a Representative from the State of Pennsylvania, and transmitted resolutions of the House thereon.

The PRESIDENT pro tempore. The Chair lays before the Senate resolutions of the House of Representatives, which will be read.

The Secretary read the resolutions (H. Res. 459), as follows:

Resolved, That the House has heard with profound sorrow of the death of Hon. HENRY H. BINGHAM, a Representative from the State of Pennsylvania.

Resolved, That a committee of 15 Members of the House, with such members of the Senate as may be joined, be appointed to attend the funeral.

Resolved, That the Sergeant at Arms of the House be authorized and directed to take such steps as may be necessary for carrying out the provisions of these resolutions, and that the necessary expense in connection therewith be paid out of the contingent fund of the House.

Resolved, That the Clerk send a copy of these resolutions to the Senate and also transmit a copy thereof to the family of the deceased.

Resolved, That as a further mark of respect to the memory of the deceased, the House do now adjourn.

Mr. OLIVER. Mr. President, I submit resolutions which I send to the desk, and ask for their adoption.

The PRESIDENT pro tempore. The Senator from Pennsylvania offers resolutions, which will be read.

The resolutions (S. Res. 267) were read, considered by unanimous consent, and unanimously agreed to, as follows:

Resolved, That the Senate has heard with deep sensibility the announcement of the death of Hon. HENRY H. BINGHAM, late a Representative from the State of Pennsylvania.

Resolved, That a committee of 11 Senators be appointed by the President pro tempore to join the committee appointed on the part of the House of Representatives to take order for superintending the funeral of the deceased at Philadelphia.

Resolved, That the Secretary communicate these resolutions to the House of Representatives and transmit a copy thereof to the family of the deceased.

The PRESIDENT pro tempore appointed, under the second resolution, as the committee on the part of the Senate Mr. PENROSE, Mr. OLIVER, Mr. CLARK of Wyoming, Mr. CURTIS, Mr. NELSON, Mr. SMITH of Michigan, Mr. BAILEY, Mr. STONE, Mr. NIXON, Mr. OVERMAN, and Mr. CHILTON.

Mr. OLIVER. Mr. President, as a further mark of respect to the memory of the deceased, I move that the transaction of business in the Senate be suspended, and that it take a recess until to-morrow at 1 o'clock and 45 minutes in the afternoon.

The motion was unanimously agreed to, and (at 5 o'clock and 8 minutes p. m.) the Senate took a recess until to-morrow, Tuesday, March 26, 1912, at 1 o'clock and 45 minutes p. m.

HOUSE OF REPRESENTATIVES.

MONDAY, *March 25, 1912.*

The House met at 12 o'clock noon.

The Chaplain, Rev. Henry N. Couden, D. D., offered the following prayer:

O Thou great Father soul, God of the living and of the dead, in the calm serenity of a perfect faith in Thee and the imperishable hope of the immortality of the soul, we stand with bowed heads and sorrowing hearts in Thy presence. Surely Thou hast laid a heavy hand upon us within the last week, the silver cord has been loosed, the golden bowl broken, and the spirits of two of our Members have taken their flight to the realms above. The well-remembered form, kindly face, and genial presence of him who had attained the distinguished honor of father of the House of Representatives has entered this historic Chamber and passed out for the last time—a patriotic citizen, a brave and gallant soldier, a wise councilor, a faithful servant of the people. Peace to his ashes, repose to his soul. How swiftly run the sands of life, how uncertain its tenure. Help us to close up the ranks and march forward to duty's call and be prepared to answer the summons, assured that Thy love encircles all. For Thine is the kingdom, and the power, and the glory forever. Amen.

The Journal of the proceedings of Friday, March 22, was read and approved.

FUNERAL OF THE LATE REPRESENTATIVE FOSTER OF VERMONT.

The SPEAKER announced as the committee to attend the funeral services of the late Hon. DAVID J. FOSTER, a Representative from the State of Vermont, Mr. SULZER, Mr. PLUMLEY, Mr. MCCALL, Mr. LLOYD, Mr. ROBERTS of Massachusetts, Mr. HIGGINS, Mr. FAIRCHILD, Mr. CLINE, Mr. TAYLOR of Colorado, Mr. HARRISON of Mississippi, and Mr. LINTHICUM.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. Crockett, one of its clerks, announced that the Senate had passed bill of the following title, in which the concurrence of the House of Representatives was requested:

S. 5624. An act granting pensions and increase of pensions to certain soldiers and sailors of the Civil War and certain widows and dependent relatives of such soldiers and sailors.

The message also announced that the Senate had insisted upon its amendments to the bill (H. R. 20111) making appropriations for fortifications and other works of defense, for the armament thereof, for the procurement of heavy ordnance for trial and service, and for other purposes, disagreed to by the House of Representatives, had agreed to the conference asked by the House on the disagreeing votes of the two Houses thereon, and had appointed Mr. PERKINS, Mr. SMOOT, and Mr. OVERMAN as the conferees on the part of the Senate.

The message also announced that the Senate had passed the following resolution (S. Res. 258):

Resolved, That the Secretary notify the House of Representatives that the Senate has elected FRANK B. BRANDEGEE, a Senator from the State of Connecticut, President of the Senate pro tempore, to hold and exercise the office in the absence of the Vice President on Monday and Tuesday, March 25 and 26, 1912.

The message also announced that the Senate had passed the following resolutions (S. Res. 259):

Resolved, That the Senate has heard with deep sensibility the announcement of the death of Hon. DAVID J. FOSTER, late a Representative from the State of Vermont.

Resolved, That a committee of nine Senators be appointed by the Vice President to join the committee appointed on the part of the House of Representatives to take order for superintending the funeral of the deceased at Burlington, Vt.

Resolved, That the Secretary communicate these resolutions to the House of Representatives and transmit a copy thereof to the family of the deceased.

Resolved, That as a further mark of respect to the memory of the deceased the Senate do now adjourn, and that in compliance with the foregoing the Vice President has appointed as said committee Mr. DILLINGHAM, Mr. PAGE, Mr. GALLINGER, Mr. LODGE, Mr. RAYNER, Mr. BURTON, Mr. JONES, Mr. PERCY, and Mr. THORNTON.

SENATE BILL REFERRED.

Under clause 2 of Rule XXIV, Senate bill of the following title was taken from the Speaker's table and referred to its appropriate committee, as indicated below:

S. 5624. An act granting pensions and increase of pensions to certain soldiers and sailors of the Civil War and certain widows and dependent relatives of such soldiers and sailors; to the Committee on Invalid Pensions.

ENROLLED BILLS SIGNED.

Mr. CRAVENS, from the Committee on Enrolled Bills, reported that they had examined and found truly enrolled bill and joint resolution of the following titles, when the Speaker signed the same:

H. R. 19342. An act to amend section 2455 of the Revised Statutes of the United States, relating to isolated tracts of public land; and

H. J. Res. 178. Joint resolution creating a commission to investigate and report on the advisability of the establishment of a permanent maneuvering grounds, camp of inspection, and rifle and artillery ranges for troops of the United States at or near the city of Anniston, county of Calhoun, State of Alabama, and to likewise report as to certain lands in and around the city of Anniston, county of Calhoun, State of Alabama, proposed to be donated for said purposes.

REPRINT OF BILLS.

Mr. NORRIS. Mr. Speaker, I ask unanimous consent for a reprint of House bill 18958.

The SPEAKER. The gentleman from Nebraska asks unanimous consent for a reprint of House bill 18958. Is there objection?

Mr. MANN. Mr. Speaker, reserving the right to object, I should like to ask the gentleman if he has ascertained from the document room that the print of this bill is exhausted?

Mr. NORRIS. I did ascertain that it was exhausted.

Mr. MANN. The clerks in the document room inform me that they have authority to order 1,000 copies of a bill reprinted at any time, without the necessity of getting an order from the House, and that the order from the House embarrasses them.

Mr. NORRIS. I will say to the gentleman that I can not inform him as to the details, but on Saturday I sent my secretary to get some copies of this bill, and was informed that there were no copies to be had in the document room, that they had all been exhausted.

Mr. MANN. I will say to the gentleman that there is no reason why he can not get all the copies he wants. The other day the gentleman from Kansas asked for a reprint and it was allowed. After that I went to the document room and asked why there was any trouble about it, and they said there was no reason for getting an order from the House, that they would furnish all the copies desired of any bill.

Mr. NORRIS. That is all I want. I have tried to do that and have not been able to be supplied. There has been a great demand for this bill.

Mr. SAMUEL W. SMITH. What is the bill?

Mr. NORRIS. It is the bill that provides for the classification of all presidential postmasters.

Mr. MANN. I suggest to the gentleman that he try it that way.

Mr. NORRIS. I have no objection, if I can get it.

Mr. MANN. Will not the gentleman withdraw his request?

Mr. NORRIS. Mr. Speaker, at the suggestion of the gentleman from Illinois and of other gentlemen about me, I will withdraw the request for the present.

Mr. GARRETT. Mr. Speaker, I ask unanimous consent for a reprint of House bill 22143, the Philippine independence bill. The print has been exhausted.

Mr. MANN. Reserving the right to object, I make the same suggestion to the gentleman that I have just made to the gentleman from Nebraska [Mr. NORRIS].

Mr. GARRETT. Owing to the confusion on the floor I was unable to catch the gentleman's remark.

Mr. MANN. The document room on Friday informed me that it was an embarrassment to them to order a reprint through the House; that they have authority to print a thousand extra copies at any time when the print is exhausted. When that print is exhausted, they can order another thousand, and there is no trouble in getting all the copies that the gentleman desires.

Mr. GARRETT. If they will do that, then there is no necessity for having a reprint, but the question is upon what request the document room will act.

Mr. MANN. Upon the request of any Member.

Mr. FOSTER. If any Member makes a request for a reprint, the document room will comply with it.

Mr. GARRETT. I am making the request at the instance of the committee itself; but, Mr. Speaker, in view of the suggestions made by the gentleman from Illinois and others I will withdraw my request for the present.

LEAVE OF ABSENCE.

By unanimous consent, the following leaves of absence were granted—

To Mr. BELL of Georgia, for 10 days, on account of important business.

To Mr. HEALD, for 4 days, on account of illness.

To Mr. DAVIS of Minnesota, for 10 days, on account of sickness in his family.

WITHDRAWAL OF PAPERS.

Mr. FULLER, by unanimous consent, was given leave to withdraw from the files of the House, without leaving copies, papers in the case of Clarence McBratney, Sixty-first Congress, third session (H. R. 28695), no adverse report having been made thereon.

COMMITTEE ON IMMIGRATION AND NATURALIZATION.

Mr. BURNETT. Mr. Speaker, I ask unanimous consent for the present consideration of the resolution which I send to the desk.

The Clerk read as follows:

House resolution 460.

Resolved, That the Committee on Immigration and Naturalization be, and it is hereby, authorized to sit during the sessions of the House of Representatives.

The SPEAKER. Is there objection to the present consideration of the resolution?

There was no objection.

The resolution was considered and agreed to.

DEATH OF REPRESENTATIVE BINGHAM, OF PENNSYLVANIA.

Mr. McCREARY. Mr. Speaker, it is my sad duty to announce formally to the House the death of my late colleague, HENRY H. BINGHAM, of Pennsylvania, who by length of service was entitled to and received the cognomen of "Father of the House," and I offer the following resolutions, which I send to the desk.

The Clerk read as follows:

House resolution 459.

Resolved, That the House has heard with profound sorrow of the death of Hon. HENRY H. BINGHAM, a Representative from the State of Pennsylvania.

Resolved, That a committee of 15 Members of the House, with such Members of the Senate as may be joined, be appointed to attend the funeral.

Resolved, That the Sergeant at Arms of the House be authorized and directed to take such steps as may be necessary for carrying out the provisions of these resolutions, and that the necessary expenses in connection therewith be paid out of the contingent fund of the House.

Resolved, That the Clerk send a copy of these resolutions to the Senate and also transmit a copy thereof to the family of the deceased.

The resolutions were agreed to.

The SPEAKER appointed the following committee to attend the funeral: Mr. CANNON, Mr. DALZELL, Mr. MOON of Pennsylvania, Mr. OLMSTED, Mr. McCREARY, Mr. BUTLER, Mr. REYBURN, Mr. DONOHOE, Mr. GILLETT, Mr. FITZGERALD, Mr. SULZER, Mr. MOON of Tennessee, Mr. JONES, Mr. BURLESON, and Mr. LEE of Pennsylvania.

ADJOURNMENT.

Mr. McCREARY. Mr. Speaker, I have a further resolution.

The SPEAKER. The Clerk will report the resolution offered by the gentleman from Pennsylvania.

The Clerk read as follows:

Resolved, That as a further tribute of respect to the memory of the deceased the House do now adjourn.

The resolution was agreed to; accordingly (at 12 o'clock and 16 minutes p. m.) the House adjourned until to-morrow, Tuesday, March 26, 1912, at 12 o'clock noon.

EXECUTIVE COMMUNICATIONS.

Under clause 2 of Rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

1. A letter from the Secretary of Commerce and Labor, transmitting draft of an act authorizing the use of appropriation of $125,000, made by act of Congress approved March 4, 1911, to provide gas buoys and other aids to navigation in the channels leading to Baltimore, Md. (H. Doc. No. 642); to the Committee on Interstate and Foreign Commerce and ordered to be printed.

2. A letter from the First Assistant Secretary of the Interior, proposing an amendment to the estimate for an appropriation for surveying the public lands as submitted in annual Book of Estimates (H. Doc. No. 658); to the Committee on Appropriations and ordered to be printed.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, bills and resolutions were severally reported from committees, delivered to the Clerk, and referred to the several calendars therein named, as follows:

Mr. EVANS, from the Committtee on Military Affairs, to which was referred the bill (H. R. 21218) to loan to the State of New York the brass field pieces and one brass howitzer captured by Gen. Burgoyne at the battle of Saratoga, reported the same with amendment, accompanied by a report (No. 443), which said bill and report were referred to the House Calendar.

Mr. SABATH, from the Committee on Interstate and Foreign Commerce, to which was referred the bill (H. R. 20190) to extend the time for the construction of a dam across Rock River, Ill., reported the same without amendment, accompanied by a report (No. 442), which said bill and report were referred to the House Calendar.

Mr. SIMS, from the Committee on Interstate and Foreign Commerce, to which was referred the bill (H. R. 20286) authorizing the fiscal court of Pike County, Ky., to construct a bridge across Russell Fork of Big Sandy River, reported the same with amendment, accompanied by a report (No. 441), which said bill and report were referred to the House Calendar.

CHANGE OF REFERENCE.

Under clause 2 of Rule XXII, committees were discharged from the consideration of the following bills, which were referred as follows:

A bill (H. R. 21800) granting a pension to Clara G. Stoney; Committee on Invalid Pensions discharged, and referred to the Committee on Pensions.

A bill (H. R. 19391) granting a pension to Bridget M. Hanley; Committee on Invalid Pensions discharged, and referred to the Committee on Pensions.

A bill (H. R. 11304) granting a pension to Andy C. Shipley; Committee on Invalid Pensions discharged, and referred to the Committee on Pensions.

A bill (H. R. 823) granting a pension to Daniel R. Johnson; Committee on Invalid Pensions discharged, and referred to the Committee on Pensions.

A bill (H. R. 6988) granting a pension to Isaac A. Wampler; Committee on Invalid Pensions discharged, and referred to the Committee on Pensions.

A bill (H. R. 22134) granting a pension to Flora L. Carey; Committee on Invalid Pensions discharged, and referred to the Committee on Pensions.

A bill (H. R. 6989) granting a pension to Aaron W. Dixon; Committee on Invalid Pensions discharged, and referred to the Committee on Pensions.

A bill (H. R. 21851) granting a pension to Kate Pennypacker; Committee on Invalid Pensions discharged, and referred to the Committee on Pensions.

A bill (H. R. 13420) granting an increase of pension to Earl L. Jones; Committee on Invalid Pensions discharged, and referred to the Committee on Pensions.

A bill (H. R. 22041) granting an increase of pension to Susan Isabelle Keene; Committee on Invalid Pensions discharged, and referred to the Committee on Pensions.

PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS.

Under clause 3 of Rule XXII, bills, resolutions, and memorials were introduced and severally referred as follows:

By Mr. LEWIS: A bill (H. R. 22299) to provide for the compensation of the owners of dairy cows condemned under the regulations of the District of Columbia, and to amend the act approved March 2, 1895, in relation thereto; to the Committee on the District of Columbia.

By Mr. CALDER: A bill (H. R. 22300) to amend an act entitled "An act to establish a Bureau of Immigration and Naturalization and to provide for a uniform rule for the naturalization of aliens throughout the United States"; to the Committee on Immigration and Naturalization.

By Mr. GARNER: A bill (H. R. 22301) authorizing the Secretary of the Treasury to convey to the city of Uvalde, Tex., a certain strip of land; to the Committee on Public Buildings and Grounds.

By Mr. KINKAID of Nebraska: A bill (H. R. 22302) to amend the second clause of section 4 of chapter 784 of the United States Statutes at Large, volume 32, page 195, relating to the manufacture and sale of butter; to the Committee on Agriculture.

By Mr. HARDWICK: A bill (H. R. 22303) to amend section 7 of the act entitled "An act to amend an act to regulate commerce, approved February 4, 1887, and all acts amendatory thereof, and to enlarge the powers of the Interstate Commerce Commission," approved June 29, 1906; to the Committee on Interstate and Foreign Commerce.

By Mr. TAGGART: Resolution (H. Res. 458) to authorize the investigation of the Western Newspaper Union; to the Committee on Rules.

By Mr. JONES: Joint resolution (H. J. Res. 278) to authorize the President of the United States to secure the neutralization of the Philippine Islands and the recognition of their independence by international agreement; to the Committee on Insular Affairs.

By Mr. CALDER: Joint resolution (H. J. Res. 279) to provide for the purchase of the painting by J. Walker representing the capture of the City of Mexico; to the Committee on the Library.

PRIVATE BILLS AND RESOLUTIONS.

Under clause 1 of Rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. CAMPBELL: A bill (H. R. 22304) granting an increase of pension to Charles A. Vining; to the Committee on Invalid Pensions.

By Mr. CRAVENS: A bill (H. R. 22305) granting a pension to William H. Tucker, alias John W. H. Dean; to the Committee on Invalid Pensions.

By Mr. DONOHOE: A bill (H. R. 22306) granting a pension to Joseph W. Skill; to the Committee on Pensions.

By Mr. DOREMUS: A bill (H. R. 22307) for the relief of M. Hubert O'Brien; to the Committee on Claims.

By Mr. DOUGHTON: A bill (H. R. 22308) granting an increase of pension to Shadrach F. Brown; to the Committee on Invalid Pensions.

By Mr. DUPRÉ: A bill (H. R. 22309) granting a pension to John H. Bostick; to the Committee on Pensions.

Also, a bill (H. R. 22310) to remove the charge of desertion against Joseph K. Haggett; to the Committee on Military Affairs.

Also, a bill (H. R. 22311) for the relief of the legal representative of George E. Payne, deceased; to the Committee on War Claims.

By Mr. GOULD: A bill (H. R. 22312) granting a pension to James Elders; to the Committee on Invalid Pensions.

Also, a bill (H. R. 22313) granting an increase of pension to Fritz W. Patterson; to the Committee on Invalid Pensions.

Also, a bill (H. R. 22314) granting an increase of pension to Eli O. Colson; to the Committee on Invalid Pensions.

By Mr. HAMILTON of Michigan: A bill (H. R. 22315) granting an increase of pension to James M. Noble; to the Committee on Invalid Pensions.

By Mr. HAMILTON of West Virginia: A bill (H. R. 22316) correcting the military record of Hiram Stewart; to the Committee on Military Affairs.

Also, a bill (H. R. 22317) granting an increase of pension to Samuel Williamson; to the Committee on Invalid Pensions.

Also, a bill (H. R. 22318) granting an increase of pension to G. W. Staats; to the Committee on Invalid Pensions.

Also, a bill (H. R. 22319) granting an increase of pension to Wesley McDonald; to the Committee on Invalid Pensions.

Also, a bill (H. R. 22320) granting an increase of pension to John C. Beard; to the Committee on Invalid Pensions.

Also, a bill (H. R. 22321) granting an increase of pension to Lizzie Dovener; to the Committee on Invalid Pensions.

Also, a bill (H. R. 22322) granting an increase of pension to Ellenor McCully; to the Committee on Invalid Pensions.

By Mr. HELM: A bill (H. R. 22323) granting a pension to Charles C. Watson; to the Committee on Pensions.

Also, a bill (H. R. 22324) for the relief of the estate of William T. Jones, deceased; to the Committee on War Claims.

By Mr. LANGLEY: A bill (H. R. 22325) granting an increase of pension to Thomas Blackburn; to the Committee on Invalid Pensions.

Also, a bill (H. R. 22326) granting an increase of pension to George M. D. Bevins; to the Committee on Invalid Pensions.

By Mr. LINDBERGH: A bill (H. R. 22327) granting an increase of pension to Owen Davis; to the Committee on Invalid Pensions.

By Mr. TALBOTT of Maryland: A bill (H. R. 22328) granting a pension to Mary E. Conn; to the Committee on Invalid Pensions.

By Mr. WHITACRE: A bill (H. R. 22329) granting an increase of pension to William H. Sterling; to the Committee on Pensions.

PETITIONS, ETC.

Under clause 1 of Rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

By the SPEAKER (by request): Memorial of Moline (Ill.) Retail Merchants' Association, protesting against reduction in appropriation for the small-arms plant at the Rock Island Arsenal; to the Committee on Military Affairs.

Also (by request), petition of Cigar Makers' Local Union No. 481, of Bayamon, P. R., for creation of a department of labor and agriculture in Porto Rico; to the Committee on Insular Affairs.

Also (by request), memorial of a Polish society of Chicago, Ill., protesting against further restriction of immigration; to the Committee on Immigration and Naturalization.

Also (by request), petition of citizens of Haynesville, La., for enactment of Kenyon-Sheppard interstate liquor bill; to the Committee on the Judiciary.

Also (by request), petitions of the Woman's Foreign Missionary Society and the Woman's Christian Temperance Union of Mazon, Ill., for passage of House bill 163, proposing an amendment to the Federal Constitution prohibiting the sale, manufacture for sale, and importation for sale of beverages containing alcohol; to the Committee on the Judiciary.

By Mr. ALEXANDER: Papers to accompany House bill 3036; to the Committee on Invalid Pensions.

By Mr. ANTHONY: Petition of W. A. Bowles and other citizens of Shawnee County, Kans., for passage of House bill 21255, relating to oleomargarine; to the Committee on Agriculture.

By Mr. ASHBROOK: Memorial of Fresno Grange, No. 1642, of Coshocton County, Ohio, favoring a parcel post; to the Committee on the Post Office and Post Roads.

Also, petition of Robert Skiles and 14 other citizens of Newark, Ohio, protesting against the proposed enactment of legislation prohibiting the interstate commerce of liquors; to the Committee on the Judiciary.

By Mr. AYRES: Memorial of the Maritime Association of the Port of New York, in relation to support of a marine school by the Federal Government; to the Committee on Naval Affairs.

By Mr. BRADLEY: Petition of citizens of Middletown, N. Y., asking for the passage of the Postal Progress League parcel-post bill; to the Committee on the Post Office and Post Roads.

By Mr. CALDER: Memorial of the Philadelphia Chamber of Commerce, favoring legislation to prevent transcontinental railroads from operating steamship lines through the Panama Canal; to the Committee on Interstate and Foreign Commerce.

Also, memorial of the Chamber of Commerce, Los Angeles, Cal., favoring legislation providing that no tolls be charged vessels through the Panama Canal engaged in coastwise trade and carrying the American flag, and providing that interstate-commerce railroads shall not own, control, or operate ships through said canal; to the Committee on Interstate and Foreign Commerce.

Also, memorial of Naval Camp, No. 49, United Spanish War Veterans, Brooklyn, N. Y., and United Spanish War Veterans, 35 Nassau Street, New York City, favoring Mr. CRAGO's pension bill (H. R. 17470) pensioning widows and orphans of veterans of the War with Spain; to the Committee on Pensions.

Also, memorial of the National Marine Engineers' Beneficial Association, favoring the passage of Senate bill 2117, to raise salaries and allowances of medical officers in the United States Marine-Hospital Service; to the Committee on Interstate and Foreign Commerce.

Also, petition of James H. Nevins, of 116 Hawthorne Street, New York, favoring parcel post; to the Committee on the Post Office and Post Roads.

By Mr. CAMPBELL: Petition of citizens of Coffeyville, Kans., for passage of the Berger old-age pension bill; to the Committee on Pensions.

By Mr. COX of Ohio: Petition of Local No. 38, United Garment Workers of America, for construction of one battleship in a Government navy yard; to the Committee on Naval Affairs.

Also, memorial of the Chamber of Commerce of Hamilton, Ohio, indorsing House bill 20044, for improvement of the Diplomatic and Consular Service; to the Committee on Foreign Affairs.

By Mr. DICKINSON: Papers to accompany bill for the relief of William L. Lee and William B. Fleming (H. R. 2106 and 22275); to the Committee on Invalid Pensions.

By Mr. DONOHOE: Memorial of the Philadelphia Board of Trade, opposing House bill 16844, prohibiting fraud upon the public by requiring manufacturers to place their own name upon manufactured articles; to the Committee on Interstate and Foreign Commerce.

Also, memorial of the Philadelphia Chamber of Commerce, favoring legislation to prevent transcontinental railroads from operating steamships through the Panama Canal; to the Committee on Interstate and Foreign Commerce.

By Mr. DOUGHTON: Papers to accompany bill for the relief of Shedrach F. Brown; to the Committee on Invalid Pensions.

By Mr. ESCH: Papers to accompany House bill 21739, granting an increase of pension to Samuel W. McElderry; to the Committee on Invalid Pensions.

Also, memorial of the Philadelphia Board of Trade, protesting against the passage of House bill 16844; to the Committee on Interstate and Foreign Commerce.

Also, petition of citizens of Norwalk, Wis., favoring a general parcel-post law; to the Committee on the Post Office and Post Roads.

By Mr. FERGUSSON: Petition of citizens of Santa Fe, N. Mex., for passage of Kenyon-Sheppard interstate liquor bill; to the Committee on the Judiciary.

Also, petition of citizens of Eddy County, N. Mex., for parcel-post legislation; to the Committee on the Post Office and Post Roads.

By Mr. FULLER: Petition of Charles E. Almond Camp, No. 60, Department of Illinois, United Spanish War Veterans, of Rockford, Ill., in favor of the passage of the Crago bill (H. R. 17470) to pension widows of Spanish War veterans; to the Committee on Pensions.

Also, petition of Congregational Club of Chicago, Ill., favoring an appropriation providing for the return of the Miss Ellen M. Stone ransom; to the Committee on Appropriations.

Also, petition of John Hitchcock and others, of Pecatonica, Ill., favoring the establishment of a parcel post; to the Committee on the Post Office and Post Roads.

Also, petition of the Woman's Christian Temperance Union and of the Woman's Foreign Missionary Society of Mazon, Ill., in favor of the passage of the Kenyon-Sheppard bill, etc.; to the Committee on the Judiciary.

Also, petition of W. L. Potter and of Burritt Grange, No. 1759, of Pecatonica, Ill., against sale of oleomargarine colored so as to imitate butter, etc.; to the Committee on Agriculture.

Also, petition of Chicago Association of Collegiate Alumnæ, in favor of the passage of the Esch phosphorus bill, etc.; to the Committee on Ways and Means.

By Mr. GARDNER of Massachusetts: Petition of the Woman's Christian Temperance Union of Newburyport, Mass., for passage of Kenyon-Sheppard interstate liquor bill and House joint resolution 163, prohibiting manufacture and sale of alcoholic liquors in the United States and Territories; to the Committee on the Judiciary.

By Mr. GARNER: Petitions of citizens of the State of Texas, for enactment of House bill 14, providing for a parcel-post system; to the Committee on the Post Office and Post Roads.

Also, petition of citizens of Floresville, Tex., for free-mail delivery in the smaller towns and cities; to the Committee on the Post Office and Post Roads.

By Mr. GOULD: Petition of George R. Cook and other citizens, members of the Improved Order of Red Men, at Belfast, Me., favoring the passage of Senate bill 3953 and House bill 16313, regarding erection of Indian memorial building in Washington, D. C.; to the Committee on Public Buildings and Grounds.

Also, memorials of Hallowell Commandery, U. O. G. C., First Baptist Church, Fairfield, Me., and Woman's Christian Temperance Union, Hallowell, Me., favoring speedy passage of Kenyon-Sheppard interstate liquor bill (S. 4043 and H. R. 16211); to the Committee on the Judiciary.

Also, memorial of the Philadelphia Board of Trade, against the passage of House bill 16844, prohibiting fraud upon the public by requiring manufacturers to place their own name upon manufactured articles; to the Committee on Interstate and Foreign Commerce.

By Mr. HAMILTON of Michigan: Petitions of citizens of Cassopolis, Jones, and Lawton, Mich., for passage of Kenyon-Sheppard interstate liquor bill; to the Committee on the Judiciary.

Also, petition of citizens of Cassopolis, Mich., protesting against parcel-post legislation; to the Committee on the Post Office and Post Roads.

Also, petition of citizens of Hartford, Mich., opposing repeal or reduction of tax on colored oleomargarine; to the Committee on Agriculture.

Also, petition of citizens of St. Joseph, Mich., opposing House bill 18788, requiring certain motor boats to carry a licensed engineer in addition to a licensed master; to the Committee on the Merchant Marine and Fisheries.

By Mr. HAWLEY: Petition of the Woman's Christian Temperance Union of Oregon City, Oreg., for passage of Kenyon-Sheppard interstate liquor bill; to the Committee on the Judiciary.

By Mr. HELM: Papers to accompany bill for the relief of estate of William T. Jones, deceased; to the Committee on War Claims.

By Mr. HUGHES of New Jersey: Memorial of the Board of Trade of Pleasantville, favoring a town free mail-delivery service; to the Committee on the Post Office and Post Roads.

By Mr. LANGHAM: Petition of Grange No. 1290, Patrons of Husbandry, for a governmental system of postal express; to the Committee on Interstate and Foreign Commerce.

Also, petition of Grange No. 1290, Patrons of Husbandry, for enactment of the Haugen oleomargarine bill; to the Committee on Agriculture.

By Mr. LANGLEY: Petition of members of Improved Order of Red Men of the tenth congressional district of Kentucky, for an American Indian memorial and museum building in the city of Washington, D. C.; to the Committee on Public Buildings and Grounds.

By Mr. LEE of Pennsylvania: Petition of citizens of the State of Pennsylvania, favoring the building of one battleship in a Government navy yard; to the Committee on Naval Affairs.

Also, memorial of Grange No. 1456, of Schuylkill County, Pa., favoring a governmental system of postal express; to the Committee on the Post Office and Post Roads.

By Mr. LEWIS: Petition of Ellerslie Grange, No. 215, Patrons of Husbandry, of Corriganville, Md., praying for the passage of postal-express bills; to the Committee on Interstate and Foreign Commerce.

By Mr. LINDBERGH: Petitions of theater managers of Minnesota, favoring the bill presented by Mr. Townsend to amend section 25 of the copyright act of 1909; to the Committee on Patents.

Also, petitions of citizens of the State of Minnesota, protesting against parcel-post legislation; to the Committee on the Post Office and Post Roads.

Also, petitions of the Boiler Makers' and Iron Molders' Union at Brainerd, Minn., for the construction of Government ships in Government navy yards; to the Committee on Naval Affairs.

By Mr. LINDSAY: Petition of the Business Men's Association of Elmira, N. Y., for reduction in postage on first-class mail matter; to the Committee on the Post Office and Post Roads.

Also, petition of Admiral Trenchard Section, No. 73, Navy League of the United States, urging construction of additional battleships for the United States Navy; to the Committee on Naval Affairs.

Also, petition of H. E. Wills, joint national legislative representative Brotherhood of Locomotive Engineers, Order of Railway Conductors, and Brotherhood of Railway Trainmen, for enactment of Senate bill 5382 and House bill 20487; to the Committee on Interstate and Foreign Commerce.

Also, petition of Central Labor Union of Brooklyn, for enactment of House bill 17253; to the Committee on Ways and Means.

Also, memorial of Maritime Association of the Port of New York, for establishing marine schools, etc.; to the Committee on the Merchant Marine and Fisheries.

By Mr. McCREARY: Petition of the Philadelphia Board of Trade, protesting against House bill 16844; to the Committee on Interstate and Foreign Commerce.

By Mr. REYBURN: Memorial of the Philadelphia Chamber of Commerce, favoring legislation preventing transcontinental railroads from operating steamship companies through the Panama Canal; to the Committee on Interstate and Foreign Commerce.

Also, memorial of the Philadelphia Board of Trade, protesting against the passage of House bill 16844; to the Committee on Interstate and Foreign Commerce.

By Mr. SHERWOOD: Petition of citizens of Jasper, Mo., asking that a pension be granted Mary C. Cline; to the Committee on Invalid Pensions.

By Mr. SULZER: Petition of the Business Men's Association of Elmira, N. Y., for reduction in rates on first-class mail matter; to the Committee on the Post Office and Post Roads.

Also, petition of citizens of Pitcher, N. Y., for passage of House bill 14, providing for a parcel-post system; to the Committee on the Post Office and Post Roads.

Also, petition of Cigar Makers' Joint Union of Greater New York, for enactment of House bill 17253; to the Committee on Ways and Means.

Also, memorials of the Maritime Association of the port of New York and Chamber of Commerce of the State of New York, for establishing marine schools; to the Committee on the Merchant Marine and Fisheries.

Also, petition of the Mercantile Economist Publishing Co., of New York City, for amending the patent laws; to the Committee on Patents.

Also, petition of H. E. Wills, joint national legislative representative, Brotherhood of Locomotive Engineers, Order Railway Conductors, and Brotherhood of Railway Trainmen, for enactment of Senate bill 5382 and House bill 20487; to the Committee on Interstate and Foreign Commerce.

Also, petition of the Central Foundry Co., of New York City, for enactment of House bill 16844; to the Committee on Interstate and Foreign Commerce.

Also, petition of Maurice Simmons, commander in chief of the United Spanish War Veterans, for enactment of House bill 17470; to the Committee on Pensions.

By Mr. NYE: Petition of citizens of Minneapolis, Minn., for enactment of the Esch phosphorus bill; to the Committee on Ways and Means.

Also, petition of citizens of Minneapolis, Minn., for construction of one battleship in a Government navy yard; to the Committee on Naval Affairs.

Also, petition of citizens of Minneapolis, Minn., for passage of the Berger old-age pension bill; to the Committee on Pensions.

By Mr. TILSON: Petition of Mad River Grange, No. 71, Waterbury, Conn., favoring a general parcel post; to the Committee on the Post Office and Post Roads.

Also, petition of citizens of Hartford and New Haven, Conn., in favor of building one battleship in a Government navy yard; to the Committee on Naval Affairs.

Also, memorial of Wapping Grange, No. 30, Patrons of Husbandry, against legislation that will allow the coloring of oleomargarine; to the Committee on Agriculture.

Also, petition of Wapping Grange, No. 30, Patrons of Husbandry, favoring a general parcel post; to the Committee on the Post Office and Post Roads.

By Mr. WHITACRE: Petition of Grange No. 1784, Patrons of Husbandry, for parcel-post legislation, etc.; to the Committee on the Post Office and Post Roads.

By Mr. WOOD of New Jersey: Petition of Local Union No. 88, A. F. G. W. U., of Flemington, N. J., urging an investigation of the dismissal of the case of W. J. Burns, accused of kidnapping, by Federal Judge A. B. Anderson; to the Committee on the Judiciary.

Also, memorial of the consistory of the Reformed Church of Harlingen, N. J., urging passage of Kenyon-Sheppard interstate liquor bill; to the Committee on the Judiciary.

SENATE.

TUESDAY, *March 26, 1912.*

(Continuation of legislative day of Monday, March 25, 1912.)

The Senate met, after the expiration of the recess, at 1 o'clock and 45 minutes p. m., Tuesday, March 26, 1912.

SENATOR FROM WISCONSIN.

The Senate resumed the consideration of the report of the Committee on Privileges and Elections, directed by a resolution of the Senate to investigate certain charges against ISAAC STEPHENSON, a Senator from the State of Wisconsin.

Mr. ROOT obtained the floor.

Mr. LODGE. Mr. President——

The PRESIDENT pro tempore. Does the Senator from New York yield to the Senator from Massachusetts?

Mr. ROOT. I do.

Mr. LODGE. I make the point that there is no quorum present.

The PRESIDENT pro tempore. The Senator from Massachusetts suggests the absence of a quorum. The Secretary will call the roll.

The Secretary called the roll, and the following Senators answered to their names:

Bacon	Brown	Clapp	Curtis
Borah	Bryan	Crane	Fletcher
Bourne	Burnham	Crawford	Gamble
Brandegee	Burton	Cullom	Gardner
Bristow	Chamberlain	Cummins	Heyburn
Hitchcock	Lorimer	Rayner	Sutherland
Johnson, Me.	McLean	Richardson	Townsend
Johnston, Ala.	Martine, N. J.	Root	Warren
Kenyon	Myers	Simmons	Watson
Kern	Nixon	Smith, Ga.	Wetmore
Lea	O'Gorman	Smoot	Works
Lippitt	Overman	Stephenson	
Lodge	Perkins	Stone	

Mr. BURNHAM. I desire to state that my colleague [Mr. GALLINGER] is necessarily absent from the city.

Mr. TOWNSEND. The senior Senator from Michigan [Mr. SMITH] is out of the city on business of the Senate.

Mr. CURTIS. I have been requested to announce the absence of the junior Senator from Vermont [Mr. PAGE]. He is out of the city under the order of the Senate. I make this announcement for the day.

The PRESIDENT pro tempore. Fifty Senators have responded to their names. A quorum of the Senate is present.

Mr. SIMMONS. Mr. President——

The PRESIDENT pro tempore. Does the Senator from New York yield to the Senator from North Carolina?

Mr. ROOT. I do.

Mr. SIMMONS. I ask the indulgence of the Senate to present some proposed amendments to the river and harbor bill.

The PRESIDENT pro tempore. In the opinion of the Chair the amendments are not in order at this time, under the unanimous-consent agreement.

Mr. HEYBURN. I ask if anything is in order until the unanimous-consent agreement has been disposed of?

The PRESIDENT pro tempore. In the opinion of the Chair nothing is in order except it be a point of order.

Mr. WORKS. Mr. President——

The PRESIDENT pro tempore. Does the Senator from New York yield to the Senator from California?

Mr. ROOT. Certainly.

Mr. SIMMONS. I should like to inquire if it is not in order if a point of order is not made? In that case, would it not be in order to present the proposed amendments?

The PRESIDENT pro tempore. In the opinion of the Chair it would not be in order, because it would violate the unanimous-consent agreement under which the Senate is acting.

Mr. WORKS. In order that the issue in this case, as I see it, may be more clearly and sharply defined, I now offer the following resolution as a substitute for the resolution offered by the Senator from Idaho [Mr. HEYBURN] and ask that it be read.

The PRESIDENT pro tempore. The Chair understands that the Senator from California submits his resolution and gives notice that he will offer it as a substitute at the proper time.

Mr. WORKS. I am offering it now.

The PRESIDENT pro tempore. One amendment in the nature of a substitute is already pending.

Mr. WORKS. I understood that the other amendment was presented to be offered subsequently. Am I mistaken with respect to that matter?

The PRESIDENT pro tempore. The Chair is informed, without having the record before him, that it was offered and notice given that it was the desire that it should be considered as pending.

Mr. WORKS. If the Chair is right about that, of course I concede that my resolution would have to lie on the table for the present. I desire, however, that the resolution may be read, because I think it is due Senators who are to discuss the question that the question I present should be known.

The PRESIDENT pro tempore. In the opinion of the Chair, the reading of the resolution is in order, because it is a matter connected with the motion pending. The Secretary will read the resolution which has been offered by the Senator from California.

The Secretary read Mr. WORKS's resolution, as follows:

Whereas an investigation of certain charges against Senator ISAAC STEPHENSON, affecting his right to a seat in this body, has been had by the Committee on Privileges and Elections; and

Whereas the charges under which said investigation was made go to the question of the corrupt use of money by said STEPHENSON; and

Whereas a majority of said committee has reported that the said charges have not been sustained by the evidence, but all of the members have condemned the said STEPHENSON for the expenditure of an excessive and unreasonable amount of money, characterizing his expenditure thereof as "in violation of the fundamental principles underlying our system of government"; and

Whereas it is an admitted fact that the said STEPHENSON put into the campaign to further his candidacy for United States Senator, and to secure his election thereto, placing the same in the hands of political managers for that purpose, the sum of $107,793.05: Now therefore

Resolved, 1. That the furnishing of so large a sum of money to secure an election to the United States Senate is itself an act of corruption committed with the purpose of and with intent to secure such election.

2. That the said STEPHENSON was thereby guilty of corrupt practices affecting his election.

3. That ISAAC STEPHENSON was not duly or legally elected to a seat in the United States Senate by the Legislature of the State of Wisconsin.

Mr. WORKS. As the Senator from New York is entitled to the floor, I shall not submit any remarks on the resolution at the present time.

Mr. HEYBURN. Before the Senator from New York takes the floor, it is proper to place the suggested amendment in proper relation to the discussion of this question. The Senator from California has, I may be pardoned for saying, omitted a part of the quotation which I am sure he intended to insert.

Mr. WORKS. Mr. President, if the Senator from Idaho suggests anything that I have omitted that should go into the resolution, I will be very glad to insert it.

Mr. HEYBURN. I refer to the quotation. I know the Senator did not intend to insert a part of the quotation, and I call his attention to it in order that it may be corrected, if the Senator thinks that I am right.

Mr. WORKS. If the Senator will give me a reference, I will be glad to look at it.

Mr. HEYBURN. I would prefer to state it in open Senate for the RECORD.

Mr. WORKS. Very well.

Mr. HEYBURN. Not having the print before me, I speak from recollection. I think the Senator quoted the language that "such expenditures were in violation of the fundamental principles underlying our system of Government," and stopped there, as though that were all of the sentence.

Which contemplated—

The sentence proceeds—

which contemplated the selection of candidates by the electors and not the selection of the electors by the candidate.

The violation suggested refers only to that particular subject. It is not intended, nor does it say that these acts constituted a violation of the fundamental principles of the Government as a whole. I think the Senator would hardly like to divide that sentence.

Mr. WORKS. Mr. President, of course the quotation should be before the Senate fully, and then comes the question as to the construction to be placed upon it.

Mr. HEYBURN. I drew the sentence after several attempts to get the exact language that would express just what I meant to express. I dislike, of course, to see the sentence so stated as to convey a different meaning from that which I intended to convey.

Mr. WORKS. I had the exact language as it appears in the RECORD before me at the time, and there was certainly no intention to so state it as to result in a wrong construction of the whole sentence.

Mr. HEYBURN. I did not intend, and the language will bear me out in the contention, to say that it violated all the principles of Government; but I enumerated the only principle that it was intended to apply to.

Mr. WORKS. Whether the Senator from Idaho intended to say that or not, that is my construction of the acts; and I certainly do not want to misquote him.

Mr. HEYBURN. And of course it is perfectly proper for the Senator to state his judgment as to whether any act was a violation of any principle of government. However, I did not want it quoted from my report.

The PRESIDENT pro tempore. With the consent of the Senate, the Chair desires to state, in connection with the ruling of the Chair upon the resolution offered by the Senator from California, that the substitute resolution proposed by the Senator from Washington [Mr. JONES] is annotated on the back as follows, which the Secretary will read.

The Secretary read as follows:

MARCH 22, 1912. Resolution offered by Mr. JONES as an amendment, in the nature of a substitute, for the motion made by Mr. HEYBURN on February 19, 1912, as follows:

"Mr. HEYBURN. I move that the report of the committee be adopted and that ISAAC STEPHENSON be declared entitled to a seat as Senator from the State of Wisconsin in the United States Senate."

The PRESIDENT pro tempore. The Chair is informed that the RECORD of March 22, Friday, discloses the following in relation to that matter, which the Secretary has here on the file. The Secretary will read it for the information of the Senate.

The Secretary read as follows:

SENATOR FROM WISCONSIN.

Mr. JONES. Mr. President, as an amendment in the nature of a substitute for the motion of the Senator from Idaho [Mr. HEYBURN], that the Senate agree to the report of the Committee on Privileges and Elections in reference to the charges preferred by the Legislature of the State of Wisconsin against ISAAC STEPHENSON, a Senator from that State, I submit and desire to have pending the resolution which I send to the desk.

The resolution is as follows:

"*Resolved*, That ISAAC STEPHENSON was not duly and legally elected to a seat in the Senate of the United States by the Legislature of the State of Wisconsin."

Mr. HEYBURN. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Idaho rise to a question of order? The Senator from New York has been recognized by the Chair.

Mr. HEYBURN. I rise to a question that is always in order.

The PRESIDENT pro tempore. Does the Senator from New York yield to the Senator from Idaho?

Mr. ROOT. I do.

Mr. HEYBURN. I desire to say, and I would ask leave to say it in the Senator's time if he were on his feet addressing the Senate, what a Senator, as it is stated here, in charge of a measure, may say, that the resolution which I offered on the floor was in exact conformity with the resolution that has brought the issue to the attention of the Senate in all other matters of this nature. It was not a departure from the rule.

Mr. ROOT. I ask that the resolution which is now before the Senate be read.

The PRESIDENT pro tempore. The Secretary will read the pending resolution.

The SECRETARY. Senate resolution 223, by Mr. JONES——

Mr. ROOT. I ask that the resolution offered in support of the report of the committee be read.

The PRESIDENT pro tempore. The pending resolution is the resolution of the Senator from Washington [Mr. JONES] in the nature of a substitute for that of the Senator from Idaho.

Mr. ROOT. I ask that the resolution for which that is a substitute be read.

The PRESIDENT pro tempore. The Secretary will read the resolution proposed by the Senator from Idaho.

The Secretary read as follows:

Mr. HEYBURN. I move that the report of the committee be adopted and that ISAAC STEPHENSON be declared entitled to a seat as Senator from the State of Wisconsin in the United States Senate.

Mr. ROOT. Mr. President, I can find neither in the testimony nor in the reports and views of members of the Committee on Privileges and Elections nor in the arguments which have been made in the Senate upon these resolutions any justification for refusing to agree to the conclusion reached by the committee.

There are two provisions of the Constitution under which the conduct of a Senator may be called in question and made the subject of judgment by his colleagues in the Senate. The first is contained in section 5 of Article I, which provides that—

Each House shall be the judge of the elections, returns, and qualifications of its own members.

And the other is the second paragraph of the same section of the same article, which provides that—

Each House may determine the rules of its proceedings, punish its Members for disorderly behavior, and, with the concurrence of two-thirds, expel a Member.

On the 15th of August last the Senate adopted a resolution directing the Senate Committee on Privileges and Elections to inquire—

whether in the election of said Isaac Stephenson as a Senator of the United States from the said State of Wisconsin there were used or employed corrupt methods or practices.

Upon that resolution the committee has reported as follows:

Wherefore your committee, having given full consideration to the law and to the testimony and to all of the facts and circumstances brought to its notice, does find that the charges preferred against ISAAC STEPHENSON, a Senator of the United States from the State of Wisconsin, are not sustained, and your committee further finds that the election of said ISAAC STEPHENSON as a Senator of the United States was not procured by corrupt methods or practices.

It is plain, Mr. President, that questions for judgment of the Senate under these two different provisions of the Constitution are widely different questions. Much of the testimony which has been adduced and most of the argument upon that testimony which I have heard and have read are addressed properly to the question that we would have before us if proceedings had been taken under the second provision authorizing the Senate with the concurrence of two-thirds to expel a Member. We are not proceeding under that provision. The question that we have before us is a question as to the election, return, and qualification of Mr. STEPHENSON, not a question as to whether he has been guilty of conduct which would justify the Senate in expelling him from its membership.

No question is raised regarding the return of Mr. STEPHENSON's election upon the face of the certificate which came to the Senate in the ordinary course of law. He was regularly elected a Senator. There is no question as to his qualification. He possesses without challenge the qualifications prescribed by the Constitution, and no Senator has asserted, or will assert, that it is competent for us to add to or detract from the sum of the qualifications which the Constitution prescribes for a Senator.

The sole question is as to the election of Mr. STEPHENSON, and upon that the question is whether the votes that appear by the returns to have been cast for him are valid votes. If they are valid votes, he is entitled to his seat no matter what his conduct may have been. If they are invalid votes, then there is no lawful election.

The testimony shows that on the 26th of January, 1909, in accordance with the statute, the two houses of the legislature of Wisconsin met separately and voted for a Senator of the United States. It shows that in each house a majority of the votes cast were cast for Mr. STEPHENSON. Thereafter, in accordance with the statute, the Legislature of Wisconsin met in joint assembly, and it was plainly the duty of the presiding officer of that joint assembly to declare the result, which was that a majority of the votes having been cast in each house for Mr. STEPHENSON, he was elected Senator. That course, however, was not followed; but the joint assembly proceeded again to ballot, and, after a long series of days passed in balloting, finally there came a ballot in which a majority of the votes cast were cast for Mr. STEPHENSON, and he thereupon was declared elected. If those were valid votes, Mr. STEPHENSON is entitled to his seat; and not only is he entitled to his seat, but the citizens of the State of Wisconsin are entitled to have him take and keep his seat, and every citizen of the State of Wisconsin is entitled to have him take and keep his seat. More than that, the people of every State of the Union are entitled to have, and every citizen of New York or of Michigan or of Georgia or of California is entitled to have, him take and keep his seat. That right of the people of our country can not be brushed aside by the production of evidence which may lead Members of the Senate to feel that it was wrong that Mr. STEPHENSON should have been elected; by the production of evidence upon which argument may be based that his conduct has been such that he ought not to sit in this body It is not for us to determine whether the conduct of any man should lead to his being included or excluded as a Representative in Congress of a State in this Union. So long as he is sent here by valid votes, the Constitution provides that—

> The Senate of the United States shall be composed of two Senators from each State, chosen by the legislature thereof.

If any man comes here chosen by the legislature of his State, it is not within our power to say that he shall not occupy his seat, unless he is guilty of conduct which, charged against him, leads to an expulsion by a vote of two-thirds of the Senate.

I dwell in limine upon this distinction, because I think there has been a failure to observe it in a large part of the argument which has been made against the report of the committee. The evidence discloses the fact that a very large amount of money was used in this primary campaign in the State of Wisconsin, $107,000, in behalf of Mr. STEPHENSON, forty-two thousand and odd dollars in behalf of another candidate, and large sums in behalf of others.

Mr. President, the evidence discloses the prevalence in the State of Wisconsin during the primary campaign that ultimately resulted in Mr. STEPHENSON's election to the Senate of a bad old practice, which I believe to be passing away, and happily passing away—the bad old practice of electioneering by appeals to personal favor, to personal kindliness, to good fellowship, to the feeling created by personal social intercourse, and which by the use of money for the employment of advocates tends to substitute appeals of that description for appeals to the sober judgment of the electorate. I look with the greatest satisfaction upon the statutes which are aimed to control and to dissipate the habit into which our people have fallen, of electioneering in that way; but, sir, the fact that in the development of our national ideas as to the proper conduct of government, we are passing out from under the control of an old practice that should be laid aside, does not justify us in imposing upon a judgment as to the validity of an election our opinion as to the proper way of seeking for the favor of the people who take part in the election.

Nine-tenths of everything that has been said here regarding the use of Mr. STEPHENSON's money in this election is wholly irrelevant to any question as to whether or not this election is valid. In passing let me observe that a mere statement of the sum of money which is said to have been expended may lead to doing injustice to Mr. STEPHENSON, because, it seems to me as I examine this evidence, that probably a very large part of it was not expended. I should not think it an accurate statement to say that Mr. STEPHENSON expended $107,000. I would rather say he gave up $107,000, and no one knows how much of it was expended. Certain portions of it have been accounted for, accounted for by statements of expenditures, some of which were in very bad taste and some of which were entirely proper.

Mr. BORAH. Mr. President——

The PRESIDENT pro tempore. Does the Senator from New York yield to the Senator from Idaho?

Mr. ROOT. I do.

Mr. BORAH. The Senator from New York says that a very large portion of this money was not expended. Every dollar of this money, Mr. President, went into the hands of the electorate. The man to whom it was paid might not have paid it to anyone else, but he himself was a voter and the influence of the money operated upon him as a part of the electorate whether he paid it to the other individuals or not. All this money went into the electorate and controlled and influenced the election.

Mr. ROOT. Well, Mr. President, the money that went into the hands of the persons whose agency is charged against Mr. STEPHENSON can not well be treated as money which was expended by those agents for the purpose of influencing the election.

With this preface, let us turn to the question whether the 123 votes which were cast for Mr. STEPHENSON in the joint assembly or the majority of votes which were cast for him in the separate houses were valid votes. There is practically no claim made that the men who cast those votes did not cast them honestly. The votes were not procured by the bribery of the men who cast them. I say there is practically no evidence and practically no claim that any 1 of the 123 men who voted for Mr. STEPHENSON was paid to vote for Mr. STEPHENSON; there is no evidence or claim that they were coerced to vote for him; there is no evidence or claim that they were misled by deception to vote for him; and the case is entirely wanting in all the circumstances which have formed the basis of contested elections in this body hitherto, in that the entire body of votes cast by duly elected members of the Legislature of Wisconsin for this candidate were cast by honest men, free to discharge their duty, and discharging it with full knowledge of the facts.

Sir, it is going a good way to say that under a provision of the Constitution which declares that a Senator shall be elected by the legislature of the State, when the Senator comes here with a duly authenticated certificate that votes of a majority of the legislature of his State have been duly cast for him, and no one questions the honesty or the freedom or the full knowledge of the members of the legislature who cast them for him, we can deny him a place in this body.

I say it is going a long way to say that, but still I believe there may be circumstances under which it can be done. I agree with the proposition which was presented in the Payne case, that if members of the legislature vote pursuant to the determination of a party caucus, and it can be shown that the determination of the party caucus was obtained by bribery, that indirect effect upon the casting of a legislator's vote may communicate the bribery to the final vote. I agree with the proposition which was made in the Caldwell case, that the purchase of the withdrawal of an opponent who controls certain votes and at the same time his turning over of his votes to another candidate might be held to vitiate the vote so obtained by the indirect use of money, but that is not the case here. The members of the legislature voted for Mr. STEPHENSON, so far as there is in this record any evidence at all of the influences which were brought to bear upon them or which actuated them in their vote, because Mr. STEPHENSON was the regular candidate of the Republican Party.

Mr. KERN. Mr. President——

The PRESIDENT pro tempore. Does the Senator from New York yield to the Senator from Indiana?

Mr. ROOT. I do.

Mr. KERN. May I inquire how he became the candidate of the Republican Party?

Mr. ROOT. I was about to state that. The law of Wisconsin provides, chapter 451, Laws of 1903, as follows—and I read from the quotation contained in the report of the committee:

> Party candidates for the office of United States Senator shall be nominated as other State officers. (Subdivision 3 of sec. 2.) Nomination papers for candidates for the office of United States Senator shall be filed in the office of the secretary of state. (Subdivision 1 of sec. 6.) The person receiving the greatest number of votes at the primary as the candidate of the party for the office voted for shall be the candidate of that party for such office.

Under that law the voters of Wisconsin proceeded at the election for members of the legislature in the year 1908 to vote at the primary for candidates of their respective parties for the office of United States Senator.

Mr. STEPHENSON, as a Republican candidate, received 56,909 votes; Mr. Cook, a Republican candidate, received 47,825 votes; Mr. McGovern, a Republican candidate, received 42,631 votes, and others received a smaller number of votes. The vote cast for Mr. STEPHENSON exceeded the vote for the next highest

candidate by the number of 9,084. He had 9,084 plurality. Now, if we pass from the consideration of the——

Mr. WORKS. Mr. President——

The PRESIDENT pro tempore. Does the Senator from New York yield to the Senator from California?

Mr. ROOT. I do.

Mr. WORKS. Before the Senator leaves that question, I should like to ask him a question. Suppose the Senator be correct in his statement that the members of the legislature honestly voted for Mr. STEPHENSON, and suppose further that they honestly believed that they should vote for him because he was the candidate of the party as a result of the votes at the primary election, and suppose that he succeeded in becoming the candidate by the vote at the primary election by the corrupt use of money, would not that affect his election?

Mr. ROOT. Mr. President, the Senator from California confirms me in the hope I have entertained that the plan which I had formed for my remarks on this subject was suited to meet the real questions in the case, for his question would do very well as series of headings or table of contents of what I am about to say.

I say, suppose that we pass the consideration of the honesty and the freedom of the votes cast by the members of the Legislature of Wisconsin in the primary election, and consider the validity of the votes cast in that election, a proceeding entirely outside of the provisions of the Constitution and entirely outside of the provisions of the Federal statute, nevertheless a proceeding which did affect, and to a great extent determined the action, and which furnished the motive for the action of the members of the legislature in casting their votes, how are we to determine whether the primary election was valid or invalid, for that is the question which we reach by this process?

The members of the legislature voted for Mr. STEPHENSON because they regarded him as the candidate of their party. Was he or was he not the candidate of their party? That is the question. According to the law of Wisconsin, the Republican who received the highest number of votes at that primary was declared to be the candidate of the Republican Party. According to the returns Mr. STEPHENSON received 9,000 more votes than any other Republican, and if those were valid votes, then, under the law of Wisconsin, he was the candidate of the Republican Party.

What is there to impeach the validity of that election? Does anyone undertake to show that those 9,000 votes or any considerable proportion of those votes were invalid? No. What we are told is that a large amount of money was distributed in the State of Wisconsin to people who went about soliciting favors for Mr. STEPHENSON, talking about him, telling the people what a great and good man he was, talking in saloons and treating to cigars and drinks, besides the hiring of carriages, automobiles, and workers to get the people to come out and vote; but, sir, what is there to impeach these votes? I call the attention of the Senate to the clear and indisputable proposition that you have got to impeach the votes. The way in which the vote is obtained is of no consequence, unless the vote is corrupted, unless the vote is invalidated. I say it is of no consequence—it is of no consequence upon our consideration and judgment under the clause of the Constitution under which we judge of the election of our Members; but it might be of great consequence if there were a motion to expel a Member.

Mr. O'GORMAN. Mr. President——

The PRESIDENT pro tempore. Does the Senator from New York yield to his colleague?

Mr. ROOT. I do.

Mr. O'GORMAN. Do I understand the senior Senator from New York to declare that, if the members of the legislature have innocently and honestly voted, the election of a Senator can not be impeached, however corrupt some of the preceding steps may have been? I understood the Senator to say a moment ago that, as was held in this body some years ago in a case where a caucus was under corrupt influence, the action of the legislature will not be recognized if it yields to that influence.

Mr. ROOT. Mr. President, I must ask my colleague not to insist upon my repeating what I have already stated.

Mr. O'GORMAN. If that be so, would not the corrupting influence at the initial stage of such a matter, namely, at a primary, equally impeach the electors?

Mr. ROOT. The expression "corrupting influence" may mean influences which would invalidate a vote or it may mean influences that would not. The question is whether there are corrupting influences brought to bear upon a vote so as to invalidate it.

Mr. O'GORMAN. I should like to ask the Senator one other question. In principle, does he discover a difference between the corrupting influence that may govern a caucus and the corrupting influence and the improper use of money at a primary?

Mr. ROOT. I do not.

Mr. O'GORMAN. That is all.

Mr. CUMMINS. The opinion the Senator from New York has reached and announced is, if I understand it, that those who seek to impeach the title to the seat under consideration must show that the 9,000 votes or more, which measured Senator STEPHENSON'S plurality, must be shown to have been corrupted, so that that number, being deducted from those which apparently were cast for him, will leave him not with a plurality, but with fewer than a plurality; in other words, to apply the same doctrine to the primary vote that has heretofore been applied when members of the legislature have been shown to have been corrupt. Do I understand correctly the position of the Senator from New York?

Mr. ROOT. The Senator from Iowa does correctly understand my position with one modification, and that is I do not think it is necessary to prove in 9,000 separate cases that a vote has been corrupted. It must be the law, by which we must be governed, that it is necessary to prove that the vote has been corrupted. You can not take away the right of a citizen of Wisconsin to cast his vote and to have it counted and to have it effective by anything that other persons may do with each other.

Now, sir, I am not in favor of hiring people to go to the friends of a candidate or to curry favor by all the old means of electioneering, but I deny that because A and B make an arrangement in which B is induced by money, induced by hope of a reward, induced by personal favor, to undertake to influence C, a voter, that inducement to B invalidates C's vote. I deny that anything that A and B do can invalidate C's vote. You have to bring it home to C. I say, sir, there is nothing in this testimony in the way of substantial evidence to justify us in depriving the 9,000 men who cast votes of having them counted in accordance with the law of Wisconsin.

How can you, sir, say that a voter of Wisconsin was affected by whatever argument or appeal was presented to him by the man who had Mr. STEPHENSON'S money in his hand? It is a monstrous proposition—that an elector, voting for a candidate, can have his vote taken away by something that two other men do between each other.

Mr. OVERMAN. In the Caldwell case, Caldwell being A made an arrangement with Carney, who was B——

Mr. ROOT. By which Carney turned over the votes which he controlled.

Mr. BORAH. Is the Senator entirely correct when he says Mr. Carney turned over his votes? Does not the record simply disclose that Mr. Caldwell paid him $15,000 to step out and leave him the sole candidate?

Mr. ROOT. The necessary corollary is that he turned over his votes.

Mr. CUMMINS. I beg the Senator's pardon, but I should like to ask him a question.

Mr. ROOT. I am very glad to have an interruption for any suggestion.

Mr. CUMMINS. The Senator will recognize, I believe, that while, if the corruption is practiced by a third person without the knowledge of the person holding the seat, enough members of the legislature must be corrupted to change the result, yet if the person whose seat is challenged has guilty knowledge of the corruption of a single vote, even though it be not decisive of the result, nevertheless the title to the seat may be successfully challenged. Does the Senator recognize that the same rule would apply with regard to a primary voter casting his vote in a primary election?

Mr. ROOT. I am not able to say, Mr. President, what extension of that rule is practicable or possible to the new form of election which we call primary election. I do not think it is a practical question here, because there is here no evidence of the corruption of primary voters on the part of Mr. STEPHENSON; no evidence upon which you can impute to him the corruption of any voter. He employed agents to secure the favor of the electors, and the securing of that favor is certainly not corruption. No evidence is produced here of any man who voted at a primary in pursuance of an agreement to vote for compensation or for a bribe—none that I have seen and none that I have heard produced. The weight and burden of the argument here is that the hiring of these men and the paying of newspapers to publish favorable articles is the corrupt use of money. I say, whatever you may call it, it does not go to the question that is before this Senate now. It is nothing but a question of the conduct as between Mr. STEPHENSON, or Mr. STEPHENSON'S agents, and the people whom he employed to do the work for him.

Mr. CUMMINS. Mr. President——

The PRESIDENT pro tempore. Does the Senator from New York further yield?

Mr. ROOT. I do.

Mr. CUMMINS. I do not intend to call the attention of the Senate or the Senator to the testimony, but I think this question may clear the atmosphere a little. Suppose Senator STEPHENSON had given the $107,000 to Mr. Edmonds—was it?—with the direction that he expend it upon the members of the legislature for the purpose of securing his election, being careful to limit it to legitimate expenditures, and that is all the knowledge Senator STEPHENSON had of the manner in which the expenditures were made. Suppose Mr. Edmonds had then bribed one member of the general assembly, not enough, of course, to change the result; would or would not Senator STEPHENSON be within the rule I have suggested of having guilty knowledge or being in a guilty way a participant in the outcome?

Mr. ROOT. I dislike very much to answer moot questions, because other cases are liable to arise, and I would rather consider a case upon its own facts than to express opinions upon entirely supposititious cases.

I will say to the Senator, however, that I do not think in the case he puts the results which come from the corruption of a smaller number than is necessary to affect the result could be imputed to Senator STEPHENSON. I think he appointed his managers, and he paid out money, the evidence shows a great deal more than he meant to pay out or wanted to pay out, as they made demands upon him, but he personally took practically no part in the campaign. So I say there is not in this case any bringing home to him of the corruption of any member of the legislature or the corruption of any elector at the primary which would justify in any way our refusing to give legal effect to the votes that were cast, which would justify us in depriving the men who cast the votes of the right to have the votes counted and made effective. And I say that, under the circumstances of this case, the vote of the legislature can not be rejected upon showing that they voted because of the majority in the primary which Mr. STEPHENSON had without showing that the number of votes which made up that majority were corrupted or by any reason invalid.

Surely, while we have a broad discretion in our treatment of the election of our Members, when we consider the question whether the members of the legislature were misled in regard to who was the candidate of their party and for the purpose of determining that we go to the primary election and determine whether or not STEPHENSON was the candidate of his party, we should apply the ordinary and established rules applied to elections by the great tribunals of the country. I think you will not find in any court, National or State, any case in which a rule of computation has been applied which would justify the wiping out of the 9,000 votes plurality and put Mr. STEPHENSON in the place of not having been in fact the legally selected candidate of his party.

It follows that the members of the Legislature of Wisconsin who cast the votes which have been returned here voted not merely freely, not merely without corruption, but they voted in reliance upon what was the fact, that Mr. STEPHENSON was the legally selected candidate of his party.

Mr. President, we have very broad powers. We have wide discretion, but it is not an arbitrary discretion. Our power to judge of the election of our Members does not justify us in going according to whim or opinion upon questions of policy, nor indeed if there were a motion made to expel Mr. STEPHENSON under the other clause of the Constitution would we be at liberty to act upon any such rule.

We are told here that Mr. STEPHENSON by hiring men to go out and work for him and by paying newspapers to publish favorable articles has violated the fundamental principles of our Government. Well, Mr. President, I do not feel so sure of that. I think it is very bad practice for a man to hire people to go out and vaunt his virtues among the electorate, but I am not sure that it is so much worse than it is for a man to go out and vaunt his own virtues before the electorate.

Mr. HEYBURN. Mr. President——

The PRESIDENT pro tempore. Does the Senator from New York yield to the Senator from Idaho?

Mr. ROOT. I do.

Mr. HEYBURN. I seem to have been particularly unfortunate in phrasing——

Mr. ROOT. Mr. President, may I say I did not refer to what the Senator from Idaho has said? I referred to the arguments that have been made by the Senator from Kansas [Mr. BRISTOW] and the Senator from Missouri [Mr. REED].

Mr. HEYBURN. I think in fairness to the report of the committee and the chairman of the committee that phrase should be stated perhaps with more than usual care, because there is just one principle referred to, and it is stated.

Mr. ROOT. Mr. President, I realize that the majority carefully guarded the statement. Gentlemen arguing on the floor of the Senate have not guarded their statements, and I have heard repeated over and over again here the proposition that Mr. STEPHENSON should be denied his seat in the Senate because he has violated the fundamental principles of our Government.

I say I do not feel so sure that it is worse, that it is more injurious to the interest of the people of the country for a man to employ men to go and vaunt his virtues and merits than it is for a man to do it himself. We employ lawyers to present with all the arts of argument and of persuasion our claims before juries and courts. We employ agents to market our goods and laud them to the skies. I do not know that it does violate the fundamental principles of our Government for a man who has grown old in an honorable life in his community, whose voice can no longer be heard upon the hustings, who has not the physique or the acquired habit of the lawyer or the political speaker to enable him to go out and laud himself to the people of his State, to employ men to do it.

I do not approve it, sir, but I confess that it is far more distasteful to me to see candidates going about and lauding themselves. But if he did, if this was a violation of the fundamental principles of our Government, if it were such a violation of fundamental principles that we could expel a man for it, are we to deprive the voters of Wisconsin of their right to have a representative in the Senate who has been elected by the honest votes of the legislature of their State in accordance with the Constitution, because the man whom they have selected has violated fundamental principles of our Government?

Mr. President, I take leave to hold the opinion that there are Senators in this Chamber who have violated the fundamental principles of our Government in their departure from the system of representative government, in their denial of our right to trust the people of our country to select wise and faithful representatives, in their denial that there are men in their community of honor and probity who can be trusted to represent the people of the community. I think there are Senators here who have violated the fundamental principles of our Government by their proposal to destroy the independence of the judiciary of our country, which alone avails to preserve the great fundamental barriers of the liberty of the citizen against the unrestrained power of a tyrannical government. But, sir, I do not conceive that, because I think these, my colleagues, are so misled as to violate these fundamental principles of government, I am at liberty to say that the people of their States can not send them here to represent them.

Mr. President, it is but a few months since I stood upon the floor of the Senate arguing against the retention of a sitting Senator in his seat because I believed that the evidence showed the votes of the members of the legislature who elected him to have been purchased. I warn the Senate now that the exercise of the right to do speedy and stern justice where there has been corruption does not give warrant to introduce as an additional qualification of the right to a seat in this body any requirement of conformity to our views as to what are the fundamental principles of our Government. There could be no more fatal blow to the just administration of that law which we are charged with administering, to keep pure the membership of this great body, than the introduction of a principle which leaves us with no rule of justice to apply and makes every seat depend upon the opinion of the Members of the Senate as to the policy which men ought to advocate.

We have lived for more than a century and we have inherited the jurisprudence of many centuries during which the elections and qualifications of members of legislative bodies have been determined by those bodies, but never, sir, in all the legislative history of England and America can you find a case in which the exercise of the power vested in a legislative body to deny a seat to a member has been carried to such an extreme of fantastical whimsicality as is proposed in the resolution to unseat Mr. STEPHENSON.

Mr. BORAH. Mr. President, these are the most unpleasant matters with which we have to deal in the Senate. I am sure that everyone would be glad to be relieved from dealing with such matters if it were practicable to do so. But the proposition is here for determination, and each must bear his part as he sees it in the light of the facts and the record.

I think, Mr. President, it is just to the committee to say a word in regard to the manner in which the committee discharged its duty and in regard to the report which it has

brought into the Senate. Certainly whatever difference of opinion there may be among us with reference to what the report shows or the hearings disclose, we must agree that the committee did its work in an efficient and thoroughgoing fashion. We have before us perhaps as accurate and complete a gathering of the evidence as could be had, and we have it before us in such a way that every Member of the Senate may be, with as little labor as could be expected in so important a matter, advised as to what the record contains.

I desire also to say that, so far as the law is concerned, I do not think I differ in any respect from the views expressed by the Senator from Ohio [Mr. POMERENE] and the Senator from Utah [Mr. SUTHERLAND]. I hold a different view, however, with reference to what the evidence or the facts disclose as to the effect which this large expenditure of money has had upon the general electorate, which, as a moral proposition, finally controlled the legislature which selected the Senator for this body.

I am not able to look at this case in the narrow light in which it has been viewed by some. It has a wide significance and is an instructive commentary upon what is fast becoming a national vice. I think our national pride does not permit us to believe that the things which have affected other people injuriously must affect us in the same way if they are not controlled. No one ever admits, of course, that the vices which undermine the character of others will ever get such hold upon him that it will in any wise injure or affect his character. Nations are but aggregations of individuals in this respect. We are not willing to admit that the corrupt influences which have had such a direful effect upon other nationalities will, if not resisted, have the same effect upon our Nation; and we are not willing to admit that the same course is being pursued by those influences precisely as were pursued in the history of other countries.

I call attention to this, Mr. President, for the reason that as a society grows older and more schooled in the methods which may be pursued to accomplish illegitimate purposes, different schemes and different policies and different plans will be adopted, and we can not content ourselves with a rule for the discovery of corruption and for the resisting of the influence of corruption which might have obtained and been efficient in this country a hundred years ago. We must meet this insidious, subtle influence in its different forms and in whatever manner it may arise in the different stages of society. Through a multitude of ways it will seek to accomplish its purpose, and it devolves on us to be equally vigilant and equally versatile as to methods in resisting it.

I have been interested in looking back over the history of Rome as it is outlined in the fascinating and instructive book known as Ferrero's Rome. After Rome had won supreme power in the Mediterranean and had become the greatest political factor in the world, Ferrero calls attention to some things which led to Rome's destruction, and which, if they were cut out and recopied into the current history of to-day, would not be distinguished from the facts as they actually are. He says:

> It is true that corruption was not entirely open and shameless. From time to time Rome would still profess horror at the revelation of a scandal, such as the affair of the Prætor Hostilius Tubulus, who was convicted of having sold his verdict in a murder trial. But how was it possible to keep watch and ward over the subterranean channels of intrigue and corruption? Who could call rich magnates to account for insidious entertainments that broke down the last scruples of a needy and gluttonous nobility? Who could gauge the exact influence of money on dependents in an election or proclaim the opportune and unacknowledged distribution of parties?

I read another paragraph from Ferrero:

> The Roman electorate numbered at this time some 910,000 voters. * * * Skillful wirepullers had thus gradually been enabled to elevate dealing in votes to the level of a regular trade. They formed the dregs of the electorate into organized clubs or colleges and made sure of their men by a careful system of free dinners and petty largess. Then they sold their votes by contract to the several candidates with complicated precautions to insure the faithful execution of the promises.

How was it possible to measure, to gauge, to circumscribe the insidious influence of money upon the electorate, and how was it possible to measure the effect of unacknowledged distributions of political parties? According to the argument of the distinguished Senator who has just taken his seat [Mr. ROOT] that would seem to be the precise difficulty with which we here have to contend. And yet we are called upon to deal with it as we would be expected to deal with a frank and open foe. We know that a vast amount of money was put into the election, a fortune was distributed among the electorate, and because we are unable to select out the individual voter and put our brand upon him as the purchased voter it is said that our inquiry there must end.

But if we are to deal with the insidious influence of corruption we must have not only a more practical but we must have a more common-sense conception of the method in which we are to deal with it. If we find this influence set to work in a prodigious manner upon the electorate, we must call upon the men who set the influence to work to show that it did not in fact have the effect of corrupting the electorate. I am not willing to subscribe to the rule that after we have clearly shown the plan and purpose to control an election by money that we must then individualize every voter whom it affected.

If a candidate for the Senate sees fit to turn loose in a single election an amount of money which would have startled Catiline himself, I hold that from the time that that corrupting influence is turned loose upon the electorate the duty devolves not upon this Senate, but upon the man who set the corrupting influence to work and who claims his seat in the Senate to show that it was used in a way not to influence the electing body. I think it is a sound principle of morals and a sound principle of law, if a wrong mingles with a right—and I am unable to separate the wrong from the right—then the wrong and the right constitute a wrong, and the man must be held responsible for it who put the wrong agency into operation. If the sitting Member in this body knowingly turned loose an influence designed to control the election—and no one will contend that this money was expended for any other purpose than that of controlling the election—if he put it into operation, from the hour that he did so the duty devolves upon him to show that the use made of it was a legitimate use. I think I will be able to satisfy this body, if time will permit, that that is the rule which ought to obtain and that it is the fair and safe rule. It has always been the rule until we reached that refined state of sophistry where we have been busy in devising plausible arguments to excuse those who use money for corrupting influences.

Mr. HEYBURN. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Idaho yield to his colleague?

Mr. BORAH. I do.

Mr. HEYBURN. That was the rule distinctly stated by the committee at the very beginning of this trial, that it did not raise the presumption, but it put the party spending the money to proof of its legitimacy. If the Senator has not already seen that in the record, I can refer him to it.

Mr. BORAH. Mr. President, I am of the opinion that I saw that in the record, and I have no doubt that either consciously or subconsciously it has affected me in making up my conclusion, because I have a very high regard for anything that this committee says upon any matter, and I do not disagree with it, but entirely agree with it.

Before passing, Mr. President, from this particular feature of the general discussion, may I call attention to the language of Justice Miller, where this subject matter of the purity of elections was before the court? Mr. Justice Miller in the somewhat noted case of Ex parte Yarbrough stated that the two great natural enemies of all republics are open violence and insidious corruption. He said:

> In a republican Government, like ours, where political power is reposed in representatives of the entire body of the people, chosen at short intervals by popular elections, the temptation to control these elections by violence and by corruption is a constant source of danger.
>
> Such has been the history of all republics, and, though ours has been comparatively free from both these evils in the past, no lover of his country can shut his eyes to the fear of future danger from both sources. * * * The free use of money in elections, arising from the vast growth of recent wealth in other quarters, presents equal cause for anxiety.

And I might read further with equal benefit.

How fast we are traveling, Mr. President, along this road may perhaps be best measured by the span of a distinguished career lately closed. Senator Frye was no demagogue; he shrank from the sensational; he had a very firm faith in the value and the permanency of our institutions; he did not take a very active part in the last years of his life in matters political, but he reflected deeply, as everyone knows, upon the political tendencies of our time. During his career here in the Senate he denounced in unmeasured terms the expenditure of $15,000 in a senatorial campaign. The amount itself was sufficient to arouse the fears and to call for the censure and condemnation of this distinguished Senator, and yet he lived to see $100,000 expended in a single canvass and lived to hear men justify it as a probable, possible, legitimate expenditure.

I do not know, in reflecting upon the rapidity of our movement in this direction, where we are going to draw the line, and how, as we shall finally establish the precedents, we are going to prove corruption at all. In the last session of this body some seven or eight men came before a Senate committee and admitted to individual corruption in a legislature, shamefully confessed the taking of a bribe for the casting of their vote,

and Senators rejected the statements and testimony of those men because they were confessed bribe takers. So we established the precedent at the last session of this body that, though the members of the legislature come forward and confess to the taking of the bribe, there must be sufficient testimony outside in order to justify a denial of the seat; that there must be some honest testimony, as if there would be any honest witnesses present at the giving and the taking of a bribe. Now, we are about to say, in practical effect, that there shall be no limit as to the amount.

With the eyewitnesses and the personal participants rejected as unworthy of belief, with the amount unlimited, and with the doctrine just announced here upon the floor of the Senate by the Senator from New York [Mr. ROOT] that you must individualize and brand the individual voters who may have been corrupted, how, under the precedents that we are fast establishing, shall we ever inhibit a man taking a seat in this body who has poured a fortune into the electorate of his State and in every way used money to control an election? What will be the final judgment and the ultimate precedent of the Senate of the United States under such rapid movement as we are making now in the direction of the expenditure of money used for the purpose of controlling elections?

Mr. President, there is a different rule. It is a plain and simple one, and it has been announced in the decisions of our courts and by legislative bodies, including this one, time and time again. If we will get back to those old, original, settled, honest rules, some of which I shall discuss before I take my seat, and apply them, there will be no difficulty in ascertaining what man is legitimately entitled to his seat and who is not.

There are two questions presented by this record. The first is, May we inquire into the use of money at a primary? Is the expenditure of money at a primary election a matter of concern to this body when it is inquiring into the legitimacy of the election which afterwards take place in the legislature? Secondly, after we have determined whether we may inquire into the expenditure of money at the primary, then we inquire, as a matter of fact, what was the amount of money used, how was it expended, and what was the effect of its expenditure upon the primary? These are the two main propositions presented by the record.

I might say, Mr. President, that I could agree in a very large measure with the argument of the Senator from New York on several points so far as the law is concerned; I only disagree with him when he comes to apply the admitted legal propositions which he makes to the facts in this case. When he admits, as I understand him to admit, that the corruption of the primary may be so extensive as to affect the legislative vote, it seems to me he must suffer the charge of inconsistency when he afterwards lays stress upon the necessity of singling out the particular vote corrupted.

It is important to remember that a primary election, while not provided for by the Constitution of the United States, still is not affirmatively prohibited by the Constitution. It is not in itself immoral, but is a perfectly proper way by which the people may exert a moral influence upon the legislature. The Constitution provides that the legislature may elect and must elect, but the means by which the legislature, through moral suasion or otherwise, may be brought to elect one person rather than another is left open, and the primary is one of the methods by which that result may be brought about.

It is admitted, of course, as stated by the Senator from New York, that our power extends no further than to judge of the election. That will be conceded as a basis of any argument that we may make, but I maintain that in judging of the election we may inquire, first, into everything which operated upon or served to bring about the result which was obtained when the ballot was finally cast, and, second, that our authority is not confined to an inquiry concerning the actual facts at the time of the casting of the vote, but that we may go back and locate every substantial means by which the final result was obtained or controlled. Whatever operated upon or exerted an influence upon the vote so as to bring about the particular result is a subject of legitimate inquiry under our power of judging of elections. The means by which this influence was exerted may not be a means known to or recognized by the law——

Mr. HEYBURN. Mr. President——

The PRESIDING OFFICER (Mr. TOWNSEND in the chair). Does the Senator from Idaho yield to his colleague?

Mr. BORAH. In just a moment; when I finish the sentence—in fact, it is more likely, if it is a corrupt influence or means, to be outside of the law, but it is sufficient if it operated in a substantial way to bring about the formal acts required by the law. I now yield to my colleague.

Mr. HEYBURN. One of the members of the legislature testified that he was friendly to Senator STEPHENSON; that his friendship was of long standing, and that he had worked for him for 25 years. There was the relation of employer and employee. Would that disqualify that employee, being elected to the legislature, from voting for Senator STEPHENSON?

Mr. BORAH. I do not think so, Mr. President; but I have no doubt from this record that if Mr. STEPHENSON had not received the nomination at the hands of the primary that good friend of his would have to have been content to vote for somebody else.

Mr. HEYBURN. Mr. President, I do not intend to interrupt often, perhaps not all again, but if the Senator will analyze the vote that was cast on the 26th day of January in the separate houses he will find that he may eliminate every man who claims, or whom it is claimed was influenced by the action of the primary, and Senator STEPHENSON still had a majority.

Mr. BORAH. Mr. President, my judgment from this record is that if Mr. STEPHENSON had not received a majority at the primary he would not have been a candidate before the legislature at all, and he would not have received a single vote from the Legislature of Wisconsin. He would not have been there at the running. The man who received the highest vote would himself undoubtedly have received the vote of that legislature. It is not a question of whether one individual or two individuals might have been in favor of the election of Mr. STEPHENSON, but it is a question of what influence operated upon the legislature as a whole to make him the sole candidate of his party before that legislature and thus control the entire legislature.

I believe it to be a sound proposition, therefore, that if a primary is so treated and so regarded by the voters and the candidates, that it exerts a substantial controlling influence upon the legislative body, then any candidate who has corrupted the primary or secured its controlling influence through the use of money must suffer his seat to be declared vacant.

These things are clearly proven, in my judgment, by this record:

First, that there was a primary provided for by the State law and recognized by the candidates for the Senate as one of the substantial influences by which the legislature could be controlled and induced to vote for the man who received the highest vote at the primary.

Second. That both the voters and the candidates considered the primary as morally binding upon the legislature.

Third. That as an actual fact the legislature, not because of legal obligation, but as a moral obligation, treated the primary as binding, and felt constrained to act in accordance with the result of the primary.

Fourth. That the evidence that the sitting member regarded it as binding and conclusive is found in the fact that he put $107,000 into the primary in order to have the binding force and the controlling effect of that primary upon his legislature.

Fifth. It is perfectly clear from the record that without the primary vote which had been secured by the use of money, as we contend, upon the part of Senator STEPHENSON, Senator STEPHENSON would not have been elected and would not have been a candidate before the legislature.

Sixth. It can not be said that an influence so conclusive in bringing about the result in the legislature could be corrupted without the corruption affecting the body upon which it operated and which formally cast the vote which secured the election.

Seventh. Is it not a clear and conclusive proposition that if the instrument or means by which an election is brought about or controlled or substantially influenced be corrupted the election itself can not be clean?

If the influence which finally controlled the legislature, whether legitimately under the provisions of law or simply as a moral and supposedly binding obligation, is secured through the means of corruption, can it be contended that the election itself can be clean? I do not care, so far as my view of the law is concerned, whether those men who voted in the legislature were familiar with all the facts by means of which that public opinion had been formed and crystallized or not; I do not care whether they were a part of the scheme by which to control the popular opinion, because I stand upon the proposition laid down by Members of this body many years ago, that if A, B, and C agree to vote as D votes, and the candidate for the Senate buys D, he has corrupted all of them. If I in good faith believe that the people whom I represent in the State legislature have directed through their expression of preference that I shall vote for a certain candidate for the Senate; if, acting in the best of faith, I obey that public opinion freely and innocent of any

wrongdoing; and if it turns out, nevertheless, that that public opinion has been controlled and secured—misleading me and deceiving me—by the use of money, I do not believe that it is a sound principle of law or of morals that my vote can serve the man who thus corrupted it and who has misled and deceived me as a member of the legislature. I do not see how it can be contended, even in an A, B, C school of morals, that if I go forth and corrupt an influence which finally affects an innocent man, I can then claim the benefit of the corrupting act of which I have been guilty. Such doctrine is not applied in any court of law and has never been applied in any body that has ever had it up for consideration.

Take, for instance, as an illustration, a caucus. Suppose there are three or four candidates in Wisconsin for the Senatorship, they having no primary. Suppose they say among themselves, "We will agree to call a Republican caucus, and the result of the caucus shall be binding upon us; we will accept its result." The caucus is unknown to the law; it is unknown to the Constitution; and in the condition in which it got to be it was unknown to morals. Will anyone contend that if a candidate for the Senate had corrupted a portion of that caucus sufficient to control it, and as a result of that he had been elected, every vote cast was not invalid as against his right to a seat? It is not necessary to limit it to the particular vote which was corrupted or purchased, but they have so combined and constructed the machinery of election as to make it controlling over a body, a large portion of which may be honest.

A primary is nothing more or less, so far as the record in this case is concerned, than a popular caucus. It has been popularized for the purpose of getting the opinion of the people generally as to who should be their candidate for Senator. Will not the same influence, operating upon the primary that operated upon the caucus which invalidated its action, be accredited the same effect when you come to cast the final vote in the legislature, knowing as we do from this record that the legislature voted in obedience to the popular election? If, therefore, the Senator from Wisconsin, through the use and influence of money, secured a vote which he otherwise would not have secured, is it not perfectly clear that everything which resulted from the dictates of that corrupt influence must fall?

The Senator from New York [Mr. ROOT] says that he objects to holding the Senator responsible for what A and B may get together and do, and contends that their action can not in any wise affect the action of C. Those are not the facts in this case at all. The facts disclosed by this record are these—that the sitting Member authorized his financial agent to secure the popular vote; was himself the author and the active party; made it possible to do that which was done; and, by reason of securing the popular vote, himself controlled innocent members of the legislature. He is not, therefore, in a position to contend that his acts are the acts of an innocent party or that he is being made responsible for the acts of guilty parties, of which he had no guilty knowledge.

I wish to call attention very briefly to one or two statements, or perhaps more, in the brief filed by the very able counsel for the sitting Member, as the position of the claimant of the seat is there stated as clearly as it has been stated at all. This brief, page 11, says:

(a) The primary election for the nomination for United States Senator has no legal or constitutional connection with the election of United States Senator, and the Senate has no legal right to investigate such primary election. Nothing done therein can affect the election of a Senator.

Now, as a proposition of law, of course that is true. As a fact it is not in accordance with the record here. It is most clearly shown that as a fact the primary did "affect the election of a Senator." It controlled the election. If he had not won in the primary he would have had practically no chance to win in the legislature. As a fact I say the primary did control the legislature. The candidates for the Senate considered that it should do so and were bound or were considered to be bound by it.

Again, it is said:

In the primary election a candidate for Senator is nominated by the people at an election by the people. A nomination by the people at a primary is not binding upon the legislature. At the most it is only advisory, a mere recommendation.

So is a caucus.

If, however, by a nomination in a primary the people can confine the election by the legislature to the person selected by them at the primary, then by an act of the State legislature they have to that extent amended the Constitution as they would to that extent control the election and emasculate the right of the legislature to select its candidate at will.

As a simple proposition of law that is undoubtedly well and correctly stated, but what has it to do with the fact that as a fact in the record the legislature obeyed the popular vote and accepted as it were this popular vote as a petition to the legislature to select a certain candidate? They could have rejected the action of this primary. They could have refused to be bound by it. But everyone understood that they were to be bound by it, and as an actual fact they consented to be bound by it.

The only question now properly before the Senate—

Says the distinguished attorney—

The only question now properly before the Senate is, "Was Senator STEPHENSON legally elected?" not "Was he legally nominated?"

But he was not legally elected under the facts disclosed in the record unless he was legally nominated. If the primary was illegal by being corrupted, then it operated corruptly upon the body which felt constrained to follow the popular vote.

I want to digress for just a few moments from a discussion of the legal proposition to a discussion of the primary which has been criticized here. I do not know that it has any particular pertinency to the discussion, and I certainly should not detain the Senate in discussing the subject if it had not been so thoroughly discussed by those who seem to be opposed to the system. Our friends who are opposed to the primary have taken this opportunity to assail the primary system. With that excess of pleasure characteristic of a belated joy they point out how it fails to do, what no one ever contended it would do, make all candidates decent and all men honest. You had just as well declaim against the whole moral law of Sinai and the statutes which define and punish crime, because after 3,000 years, notwithstanding these statutes, men still commit crimes. Our friends exclaim in unrestrained derision that notwithstanding your primary law corruption still lives—omitting to state the most important fact that though it still lives it stands exposed. Under the old system river franchises, agricultural colleges, Federal patronage, the people's interests in good legislation were exchanged and bartered and traded for Senatorships, and it was not so bad because it was done in the dark and seldom capable of proof. The old system was based upon the Machiavellian philosophy that that which is not known does not in fact exist. The new system is based upon the proposition that that which exists is bound to be known. When a vice must stand exposed its end is near, for be it said to the honor and glory of Christian America, our people will not long brook the exposed iniquities of injustice and wrong. If the cruelties of slavery could have been concealed it would have lasted a thousand years; its iniquities exposed it had to die. Corruption can not live under the primary system if men have the courage, as they will have, to punish those who stand exposed. A primary system accompanied with a corrupt-practice act will make it impossible to control our elections by the use of money. There is no way for corruption to escape exposure, and I repeat, exposure it can not endure. Senator STEPHENSON could have put a million into a caucus and brought his purchased parchment of election here and the chances would have been one in ten thousand that it would have ever been known—and unknown we would in our ignorance have regarded the hideous cancer eating away at the vitals of the Nation as health. But he put in a hundred thousand dollars, and even without an efficient corrupt-practice act and with an attempt to destroy original memoranda the exposure is nevertheless complete, and the only thing now left to be determined is the judgment and the courage of the Senate.

The most remarkable plea against the primary is that it compels men to spend money—that it takes these hard-headed, shrewd, long-experienced business men and compels them, like Dick Turpin on the London Road, to stand and deliver. What a pathetic scene; how it moves the very bowels of pity to see this law operating upon these men of wealth, driving them against their wishes into all the ecstasies and excesses of reckless spendthrifts. I shall not embarrass him by exposing by name his virtues here, but I know of one Senator who holds a seat here who made a campaign at a primary for Senator in a large State against a man many times a millionaire, and he spent less than a thousand dollars and was nominated. And I need not stop with this Senator. I could multiply instances. If a man represents money in the race it will cost money to run. If he has nothing to give the people but money, then money he must give them. But if he represents some question of great moment, if he has something to say to the people upon a subject worthy of their attention, if he deals in ideas and issues instead of patronage and checks, he will win over all the money you can put into the fight. One of the very things for which I hold Senator STEPHENSON responsible in this campaign is that he entered the race with his bank account for his platform. He says himself that after he turned his financial agents

loose without limit as to the amount or as to the use he seldom went near headquarters and met the people in no public gathering, discussed with them no matter of great concern. His opponents made the mistake of permitting him to name the weapons or fix the rules of the game and he defeated them. My friend who made the race in another State fixed the rules of the game himself. He demanded an issue, made it, and won. Is there any wonder that there is always at work with the stubborn, fatal persistence of the glacier the determination to go back to the old system? But lay not that flattering unction to your soul, we are not going back.

They tell us that the primary has destroyed the party—that there was some virtue, some singular virtue, "the close contriver of all harms" in this old caucus system which held a great political party together. Nothing has been taken away under the primary system really except the power of the caucus. What was there wrapped up in this irresponsible force in politics which held in its keeping the life of our great political parties?

My friends, if it were true that our political parties had reached the point where, like other institutions in this country, they could not stand the sunlight of publicity, they would shortly die and the country would rejoice at their going. If it were true that policies and principles had ceased to hold the party together, if its members were no longer united because of their common faith in some great question of economics or government, of humanity or justice, the usefulness of party would be at an end and it ought not to be saved even if a caucus system of spoils and barter, of trade and dicker, could save it. For I assert that a more vicious, treacherous, subtle, venal influence never operated to the detriment of the people than the old caucus system in our politics.

Mr. HEYBURN. Mr. President——

The PRESIDING OFFICER. Does the Senator from Idaho yield to his colleague?

Mr. BORAH. I do.

Mr. HEYBURN. For information I inquire whether or not the Senator has knowledge of any instance in which a majority of the voters expressed themselves at the primaries—and I make no exceptions. If my assumption is correct that it is only a minority that expresses itself at the primaries, then the proposition seems to be that of minority rule. I am not in favor of it. I do not know how the Senator would feel upon that proposition.

Mr. BORAH. I would rather have majority rule than minority rule, but if I have to have a minority rule I would like to get it as large as possible. I would rather have 190,000 voters in Wisconsin express themselves than to have 15 men in the back room of a dive controlling the whole situation.

Mr. HEYBURN. I am thoroughly in sympathy with that. I never did believe in back-room caucuses. The Senator himself knows that as well as I do.

Mr. BORAH. I am not going to discuss with the Senator what he believes and what I believe, except as it is called out by questions. But while it is claimed that the primary calls out only a minority vote, it always calls out thousands more than a caucus to express themselves. The beauty to some of the old system was that when a man dealt with a caucus the people did not know anything about it, and he could trade and deal and barter in any way he desired, while if he deals with the popular vote or if he expends his money in a popular campaign he must eventually be exposed, as this campaign shows.

Mr. HEYBURN. I have never been partial to caucuses, and I should be glad to eliminate them from our political system.

Mr. BORAH. I am glad the Senator discloses that much progress.

Mr. HEYBURN. I am not coming. I have always been there.

Mr. BORAH. I am sure if my colleague was ever there he is there still.

Mr. HEYBURN. The right of to-day is the right of all times. The right does not change with every season.

Mr. BORAH. That is true, but I would rather have my face to the dawn than always to the sunset.

Mr. HEYBURN. That is a very pretty sentiment, but a man who never looked at a sunset has missed a whole lot, in my judgment.

Mr. BORAH. I have seen the sun set more often than I have seen it rise. But it must be understood that my remarks in regard to the caucus were not personal. They were general. I know that my colleague would not have anything to do with so corrupting an influence in politics as an ordinary caucus.

Mr. HEYBURN. Oh, yes; I would.

Mr. BORAH. I was really inclined to believe if I stated the opposite of it my colleague would take the opposite side.

Mr. HEYBURN. It does not follow at all, because I do not believe in the kind of a caucus referred to by my colleague as being held in the back room of a saloon—was it?—that I am not in favor of Members getting together for consultation. I have heard of all sorts of vile things being done in a caucus, and I have known other instances where far different results came from them.

Mr. BORAH. So rare that history has seldom recorded it. But I presume that personal views in this body are of little worth on either side, so far as experiences are concerned.

But, Mr. President, I deny that the primaries have disorganized our parties. Did the primary system destroy the Federalist Party? It went to pieces even while the superlative genius of a Hamilton wrought in its behalf. No; the old Federalist Party became drunk with power, drifted away from the masses, and in the excesses of its inebriation forgot that this is a government of the many and not of the few, even though those few be endowed, as were the leaders of the Federalist Party, with unusual and superior powers. Did the primaries destroy the old Whig Party, led so long by Clay and Webster? No; the Whig Party lost its courage. It dared not announce a policy concerning the crime of slavery. It was without a plan. It was drifting upon the political sea. The countless millions in this country, plain people, were in advance of their leaders. The old Whig Party, rotting at the top, fell to pieces because it could not crystallize into a platform or into policies the restless moral forces of an aroused and determined people. Parties come and go, live and die. They come with a message, and they go when they cease to have a message. They live so long as they offer to the voters a concrete and constructive plan with which to deal with human interests and human welfare. They die when, abandoning all principle and all policies, they fall into a contest over position and power and engage alone in the personal rows of ambitious leaders.

Mr. HEYBURN. May I ask the Senator if he meant that possibly, in his judgment, the Republican Party has ceased to have a function to perform?

Mr. BORAH. Oh, no. The Republican Party is in favor of a primary. It is proceeding to do business in the right way and has a great future, I hope.

Mr. HEYBURN. Where is that Republican Party to be found that is in favor of a primary?

Mr. BORAH. Part of it is now in evidence.

Mr. KERN. Mr. President——

The PRESIDING OFFICER. Does the Senator from Idaho yield to the Senator from Indiana?

Mr. BORAH. I do.

Mr. KERN. I wish to suggest that it is to be found to-day in Indianapolis. [Laughter.]

Mr. HEYBURN. I did not know the Republican Party was in Indianapolis to-day. I had not read the afternoon papers.

Mr. KERN. There are two of them.

Mr. BORAH. The remains, I suppose, is all there will be left in the morning.

Mr. O'GORMAN. Mr. President——

The PRESIDING OFFICER. Does the Senator from Idaho yield to the Senator from New York?

Mr. BORAH. I yield.

Mr. O'GORMAN. Do I understand the Senator from Idaho to speak of the want of union and harmony in the two old parties? I was under the impression that there was only one divided party now, and it is divided into as many parts as Gaul had at the time of Cæsar's invasion.

Mr. BORAH. The Senator is not referring to his own party, I presume as——

Mr. O'GORMAN. I refer to the three fragments of the old Republican Party.

Mr. BORAH. I presume the Senator from New York would not be willing to confine the different parts in his party to the number three. I know of four, and they are all pretty good parts. I hope they will stay just as far apart as they are now.

I think the disorganized and wrangling condition of both the old parties is not difficult of diagnosis. It needs neither seer nor prophet to see the cause of the trouble or foretell the results if things are not changed. The greatest problem since 1860, if not since 1787, is the problem of restoring competition to the American market place. If competition is not to be restored then of devising some practical scheme of regulation and control which will lift from the backs of men the burden placed there through extortion and fraud. You can postpone and compromise, you can side-step and trim, but this question is here, and it will have to be settled and settled right. The people understand perfectly that this question is here and they see nor hear of no intelligent plan to solve it. The sons of the sturdy men who sat restless about the American hearthstone in the

fifties waiting for that strange voice laden with sympathy but firm in tone, the voice from the prairies of Illinois—not from the cities or colleges, but from the open field where men mingle their thought with their labor—are now waiting for some one who will submit a plan and announce a faith. If you want men to take part in politics give them something to fight for, some intelligent, concrete proposition which they can get hold of and in which they can believe. You can buy a few of the people at any time, but you can not buy all the people any of the time. If you want them to march as they marched of old then give them the clear and distinct issues as of old. What are we doing with these questions? Both parties are drifting. Let me tell you that the political party which gives to the people the clear and definite policy in its platform in the next campaign upon the proper regulation and control of these forces which now control prices and puts upon the platform a man whose character is a guaranty that the pledge made will be kept will win—it is immaterial under what name or under what banner the announcement is made—it will win.

I hope to see and I believe I will see the party of which I am a member take advanced grounds on this question.

But we are told, let us revise the tariff—that is the way to get relief. Let us assume for the sake of the argument that our protective tariff policy is wrong; let us assume for the sake of the argument that a tariff for revenue is indeed the proper tariff. Or let us go the limit and assume that this miserable mongrel and contemptible subterfuge, protection for the manufacturer and free trade for the producer—free raw material—protection for the East and an open market for the West—let us take this modern theory, which turns Mason and Dixon line north and south instead of east and west, let us assume that even that is respectable. What relief are the people going to get if the American market place is in the absolute control of a power which fixes prices?

They said to us western people during the Payne-Aldrich bill discussion, If you will put hides upon the free list we will give you cheaper shoes. We were then realizing $2,000,000 per annum on hides in the way of revenue. We put hides on the free list. Shoes went up, hides went down, and we lost the $2,000,000 revenue, which the people must make up in some other way.

Not a single article on which the tariff was reduced fell in price. Not a single article placed on the free list fell in price. If you take off all the duty and it does not lower the price, will some tariff expert tell me how much duty you will have to take off in order to lower the price? The combinations took up every cent of the millions of revenue which we lost. The first and prime duty is to clear the market place of these combinations and take away this power to extort prices, and until we do so we will but trifle with the rights of the people.

Mr. President, we have noticed in this country for years that the voters do not go to the polls either upon election day or at the primaries. It is an extraordinary condition of affairs when the great State represented by the distinguished Senators from New York leave 100,000 of the best citizens at home the day we elect a ruler for this great Nation. There must be some reason for it aside from the fact that Idaho or a few States have a primary.

The fact is, Mr. President, that the people do not feel that the issue is so presented that by taking part they can accomplish anything; they feel that it is a sham battle as to both parties.

Mr. HEYBURN. Mr. President——

The PRESIDING OFFICER. Does the Senator from Idaho yield to his colleague?

Mr. BORAH. I yield.

Mr. HEYBURN. Will the Senator permit me to ask him a question, he having made the remark in regard to Idaho having a primary? Does not the Senator know that Idaho has a primary for the same reason that sometimes you let a child touch a hot stove, in order to convince it that it is hot? Does he not know that the men who gave Idaho its present ridiculous primary law did it in order to satisfy by experience the clamor of a lot of men who did not belong to the Republican Party and were willing to do anything that would create discord in it? Idaho will not have a direct primary after the passage of the campaign in which the Senator will be interested. No one proposes to disturb it during that campaign, but that will be the last of it. We will then see no direct primary.

Mr. BORAH. I do not know of a higher compliment one Senator could pay to another than that which my distinguished colleague has paid to me. I said once before on the floor of the Senate I would not have been here if we had not had in effect a primary, and I would not expect to return if we did not have it. I am, as I must be permitted to say, since the matter has been made so personal, distinctly proud of the fact that in order to return I must rely on a popular vote.

The PRESIDING OFFICER. Does not the Senator from Idaho yield to the Senator from Georgia?

Mr. BORAH. I yield.

Mr. BACON. I should like to divert for a moment the attention of the honorable Senator from his direct line of argument to a word which fell from him which did not entirely comport with what I understand to be generally his views, and I want to know whether it was accidental or premeditated. I should like to ask the honorable Senator what officer of this Government he considers to be the ruler of the country. The Senator said that 100,000 men in New York had abstained from going to the polls when a ruler of this country was to be elected. I want to know what officer that is. Wherever there is a ruler there must be subjects of that ruler.

Mr. BORAH. Of course, the Senator knows that I used the word ruler in a different sense from that in which he now is using it. Yet I am not sure but what as time goes on we may take on a little more of what constitutes a ruler. I shall regret it, but that is one of the things which may come.

Mr. BACON. I quite recognize that, and it was that apprehension which made me a little jealous of the expression of the Senator, knowing his views generally, as I think I do, that he should use such an expression in connection with any officer connected with the American Government. I do not think that we have any ruler, and I do not think that the term ought to be applied to an officer of this Government, even unguardedly. For that reason I took the liberty of interrupting the honorable Senator to make the inquiry of him whether he really thinks there is any officer of the American Government who should be called a ruler.

Mr. BORAH. Mr. President, perhaps I was led on by what is known in these days as the subconscious influence upon consciousness. [Laughter.]

Mr. BACON. I accept the Senator's explanation. [Laughter.]

Mr. BORAH. But I was reading some time ago a remarkable statement by the great English commoner, John Bright. He used that term in connection with our President, and possibly it was that subconscious influence. While I am upon that subject, if the Senator will permit me, I desire to quote a single line or two from the great English commoner in order to escape if possible from the dilemma in which the Senator from Georgia seems to have placed me. John Bright, in referring at one time to our presidential election, said:

> Every four years there springs from the vote created by the people a President over that great Nation.
>
> I think the world offers no finer spectacle than this; it offers no higher dignity; and there is no greater object or ambition on the political stage on which man could be permitted to move. You may point, if you will, to hereditary rulers, to crowns coming down through successive generations in the same family, to thrones based on prescription or upon conquest, to scepters wielded over veteran legions or subject realms; but to my mind there is nothing so worthy of reverence and obedience, nothing more sacred than the authority of the freely chosen by the majority of a great and free people; and if there be on earth and among men any right divine to govern, surely it rests with a ruler so chosen and so appointed.

It was in that sense I used the word "ruler."

Mr. BACON. I suppose, Mr. President, that the honorable Senator means that as the people of this country are the rulers, and that the man who as the Executive represents the one hundred million who thus rule themselves, occupies a very high and honorable position, than which there is no higher; and in that sense I will be glad to accept it, but not in any sense which will attach to the office the power to rule as it has always been understood in times of kings and autocrats.

Mr. BORAH. Mr. President, I will simply say to the Senator that the discussion may close without any doubt, I hope, that I do not believe in a "beneficent despot."

Mr. BACON. I was a little afraid the Senator was rather using the language in the apprehension of what might be in the near future.

Mr. BORAH. I think in all probability that is liable to happen, so far as the nomination of the gentleman is concerned to whom the Senator from Georgia is now referring. I hope it will at least.

Mr. BACON. I sincerely hope the Senator will be disappointed in that regard.

Mr. HEYBURN. May I ask the Senator——

The PRESIDING OFFICER. Does the Senator from Idaho yield to his colleague?

Mr. BORAH. In just a moment. I must be permitted to say before we pass from this subject that every time one of my good Democratic friends refers to a certain party in this country as a candidate for President he assumes that, if nomi-

nated, he is going to be elected in spite of anything that may be done to prevent it.

Mr. BACON. If the Senator will pardon me a moment, I want to say that I had not mentioned parties before.

Mr. BORAH. That is another case of subconsciousness. [Laughter.]

Mr. BACON. While I in a measure criticized the use of the word "ruler" by the Senator I very highly appreciate the very great compliment he paid immediately theretofore to the Democratic Party when he said that a party only came when it had a message to deliver, something to accomplish, and when the time passed when it had no message to deliver the party disappeared. That was certainly a very high encomium on the Democratic Party which, among all other political mutations, has survived more than a hundred years in spite of long-continued defeat.

Mr. BORAH. The Senator is a distinguished member of a great party, but it has not delivered a message within 50 years. [Laughter.] I hasten to admit it has earnestly endeavored to do so.

Mr. BACON. I want to say to the honorable Senator and to the Senate that it has continued to deliver a message, and that it has for a hundred years and more been faithful to that message. Although it has had, except for a brief period, no patronage to give out during 50 years in order to keep its adherents faithful to its organization, it has continued to deliver a message, and in spite of defeat it is delivering a message to-day, the great message of the right of every man in this country to equal opportunities, and that there shall be special privileges to none. And that message the Democratic Party will continue to deliver, however long the Senator from Idaho may close his ears to it.

Mr. BORAH. Mr. President, in respect to the message just now delivered by so prominent a member of the Democratic Party, I agree with it most heartily. The trouble is that it seems the majority of the American people do not hear the message when it is thus delivered.

Mr. BACON. That is their mistake, which they are beginning to realize.

Mr. BORAH. I am not going to deny that just now. I want my friend to enjoy for a season the pleasure.

Mr. HEYBURN. Mr. President——

The PRESIDING OFFICER. Does the Senator from Idaho yield to his colleague?

Mr. BORAH. I yield.

Mr. HEYBURN. There are two things that an inadvertence caused me to lose. First, I did not catch the name of the gentleman referred to by my colleague, and probably the same gentleman was referred to by the Senator from Georgia in speaking of the future.

Mr. BACON. Mr. President, we are unable to hear on this side.

Mr. HEYBURN. I did not catch the name. My attention was distracted. Would the Senator mind repeating or stating the name?

Mr. BORAH. I did not state the name. I did not want to cause a demonstration here by mentioning a name which was liable to excite such risibility in the galleries, and so forth. But I had reference, of course, to Col. Roosevelt.

Mr. HEYBURN. I supposed so. Now, if the Senator agrees with the Senator from Georgia that a great message has come to the people, would he object to having that message read as a part of his remarks or made an appendix to his printed speech that may possibly be sent out?

Mr. BORAH. I am perfectly willing that any message the Senator from Georgia delivers shall go into my speech. It would grace it and strengthen it.

Mr. HEYBURN. I assume there is some visible message that has been sent by somebody somewhere.

Mr. BACON. We are rather unfortunate on this side of the Chamber. The Senator had his back turned to us and we could not hear him; but we suppose he was talking to his colleague something about Col. Roosevelt.

Mr. HEYBURN. No; I was not. I was only making an inquiry.

Mr. BORAH. Mr. President, I desire to go back by way of diversion to the subject matter under discussion. There has been so much said in the Senate Chamber and elsewhere about the disorganized condition of both our parties, that I was going to make a suggestion with reference to it which I prefer to conclude rather than to let it go unsaid.

Of course, the contention is made by those who are opposed to the primaries and such means of securing popular judgment that the condition of parties at this time is the result of these laws, but as I view it, the conditions politically are not a result of primary laws or of any matters which might be considered as kindred to them. The condition results from the fact, in my judgment, that we have not ourselves, either in one or the other party, agreed upon a policy with reference to those things about which the American people are constantly thinking.

Now, Mr. President, just a few words on another feature of this question, and then, having been detained and having detained, I will close without discussing in detail some court decisions which I had intended to discuss.

Mr. President, the facts in this case have been so thoroughly discussed by the Senator from Kansas [Mr. BRISTOW] and by the Senator from Iowa [Mr. KENYON] and other Senators that I am not going to take long in the discussion of them. But I want to say a few words in the way of application of the facts to the legal principles which I stated in the beginning of my remarks.

In the first place the Senator elect put $107,000 into this campaign. That money went into the campaign inside of about 60 days. One hundred and seven thousand dollars naturally excites inquiry or arrests our attention, and we begin to ask at once, "What use was made of such a large sum of money?" I do not say that the putting of $107,000 into the campaign would of itself raise such a presumption that you would be warranted in drawing a conclusive judgment against the Senator. I do not wish to take that position. But it must be conceded that if that amount is brought to the attention of anyone he naturally and at once inquires what use could have been made of it. The amount is such that you at once conclude that it could not have been legitimately used in that time. Secondly, what was the purpose of putting so large an amount in the campaign? What did the one who put it in the campaign understand the probable effect of it would be? Why was it expended, and what did they understand would be the result of the expenditure?

It was not a campaign of public discussion such as the Senator from New York [Mr. ROOT] intimated was going on and the expenses of which had to be paid. It is not unfair to say, because the record bears it out, that the Senator entered the campaign with a determination to win it through the influence of money. He says himself that after he turned his financial agents loose without any limit upon the amount or any direction as to the use he gave little attention to the election. He went about his business, expecting and believing that his money and his agents would control the primary. He placed this large amount of money at their disposal with the understanding that his agents should control that election. That was just as much an understanding upon the part of the man who put the money into the coffers of those who were doing the work as if it were written in this record, "I instruct you to go out and get this primary." Furthermore, there was no limit upon the amount which was to be used. It was not a question of money; it was a question of getting a result by means of the use of money.

I maintain that that of itself placed the Senator in a position where from that time he must disclose to the satisfaction of this record and of the Senate that the money was used in a legitimate way.

Now, what is the result? In the first place, one of the things which was put forward in the record as a defense upon the part of the Senator—and in the very beginning of the hearing—was, "I gave them $107,000, but I do not know what went with it nor what they did with it." I undertake to say that, as a matter of morals and bearing directly upon this matter, he is not permitted to say to this body, "I do not know how this money was expended." There must be an accounting for it. I said a while ago that there were some settled rules in regard to these matters, which, if we would apply, would be controlling and enable us to arrive at a just and righteous conclusion. Where this large amount of money is put into the campaign I maintain it devolves upon the Senator to show that it was used in a legitimate manner.

Mr. HEYBURN. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Idaho yield to his colleague?

Mr. BORAH. I yield.

Mr. HEYBURN. Will the Senator permit me to call attention to the rule which was established by the committee, and see whether or not it meets with his approval? I read from page 281. Mr. Littlefield, who was representing Senator STEPHENSON, challenged a statement made by the chairman in regard to the presumption, and said:

> Then the presumption of innocent expenditure does not follow the item.
>
> The CHAIRMAN. The presumption of innocence does not enter into the question at all. The expenditure being challenged as to its legality, there is no presumption that money expended in connection with an individual campaign by a candidate for office is rightfully expended after it is challenged in an official way.

The line was drawn there. Community talk that the money had been wrongfully expended does not put the party to proof, but we were confronted with the challenge that came here under the seal of the State of Wisconsin and the signature of its governor, and that was the rule laid down and the rule followed by the committee in this case.

Mr. BORAH. But the large amount put into the campaign did not stand alone. In the first place, as I have already called attention to the fact, he does not seek to control the use of it. In the second place, the sitting Member can not account for the use of it. The agents can not say to us what they did with it. They are not in a position to explain how it was used. It is not alone that he refuses to be responsible for its use, but his agents themselves are unable to account to the committee as to the manner in which the money was used.

Thirdly, the memoranda showing the manner in which this money was used were destroyed. The evidence, which should have been kept with vigilance and with care, is not only permitted to be lost, but the testimony, in my judgment, shows that it was willfully destroyed. Upon what theory was the destruction had? What could be the motive if the money had been legitimately used? It must have been a consciousness upon the part of those who had expended it that the memoranda, if kept, would be conclusive proof as to the manner in which the money was used. One of the strongest evidences of guilt in any transaction is the fact that the party destroys the evidence which, if in existence, would prove his innocence, or, on the part of the public, if in existence, would prove his guilt.

It does not seem to me that the distinguished Senator who has preceded me is permitted to leave this before the Senate with the naked fact that $107,000 was expended and that we are not permitted to draw a definite conclusion from that fact. There are, in addition, the surrounding circumstances and environment, the method of dealing with this great fund and of dealing with the evidence, all disclosed in this record. Will the Senate of the United States pass over a record which discloses the putting of a bank into a campaign, the destruction of evidence, the refusal to account for the use of the money, or to direct its use as one of the instances which has been referred to by the Senator from New York as creating no presumption against the claimant for the seat? Not only the memoranda but the original records are gone. They were carried out of the State; they were placed beyond the control and jurisdiction of the legislature, secreted, hidden away.

Here is another significant fact: A bank was made financial agent; no check books were used; no bank account opened. These men were given the money. It was not a case of checking against an account, where the checks might be gotten hold of and disclose to whom the money went, and so forth; but these bankers there seemed to have had a fund which they used, and used in such a way as to conceal all records as to the manner of use. Every precaution was taken to cover the tracks of those who were making use of the money.

Mr. President, if they had been using this money for legitimate purposes, they would have been just as active to keep a record of that legitimate purpose. If they had spent the money for cigars, for writing letters, for brass bands, paying for public halls, and for the things which are at least quasi legitimate in a campaign, they would have industriously preserved the record of that fact that there might be no question as to how the money was used; but, in my judgment, the moment the records disappeared, the bank account being unkept, the facts being in such a condition that no human being can state how this fortune went, there immediately devolves upon the sitting Member the responsibility of explaining to the Senate what became of it. Part of this money was given to members of the legislature. Three members of the legislature, who were necessary to a choice, if we consider Senator STEPHENSON'S election to have taken place the second time the vote was taken, received a part of this fund.

We have had the argument here—I do not desire to be understood as being personal—that these members of the legislature could take a part of this corruption fund and put it in this pocket for Mr. STEPHENSON and keep the money in their other pocket for the electorate who was voting for them and not feel under any obligation or influence or be controlled in any wise by that fund.

To what sophistry will we resort in order to excuse men who impeach themselves and place themselves beyond the pale of confidence by admitting that they took the money of a candidate for the United States Senate when they were candidates for the legislature? These three members were actively cooperating all the time with the forces which were controlling the electorate and had the money in their pockets which was a part of the corruption fund. Do you suppose that these men stood free, unbiased, and unprejudiced as voters in that legislative body under those circumstances? Must we bring into the Senate the members of the legislature and have them admit that they were controlled and influenced by the use of money? If we do, Senators would immediately say that those men were unworthy of belief because they are confessed bribe takers, and we would be no better off than before. That is the record already before the Senate.

No arrangements were made for an itemized statement. There is not, to my mind, a single act upon the part of those who expended this money that can be harmonized with the belief or consciousness upon their part that they were using it legitimately. As to the manner in which they used it, paying it to individual voters, carrying them to and from the polls, and paying them for their time, the different methods by which they explain it, and so forth, that has already been discussed at such length that I shall not discuss it further.

I only want to say in concluding that if we find, as stated by the Senator from Utah and the Senator from Ohio and admitted, as I understand, to be the law by the Senator from New York, that when the primary is influenced and controlled by the use of money it may be inquired into for the purpose of rendering invalid the act of election in the legislature, then there is only one question here for us to determine, and that is whether or not this money wrought any influence upon the electorate which elected that legislature. There is only one proposition left for us to determine, if that legal proposition be admitted, and that is whether you can put $107,000 into that kind of a campaign and expend it in the manner in which it was expended, refuse to account for it, or to show its legitimate use, without the presumption that there was a corrupt influence operating upon the electorate body.

Mr. President, this is a serious matter. If we fail here to keep representative government clean and wholesome, how can we hope to preserve it? If there could ever come a time when association and friendship might warrant leniency in dealing with those who bring representative government into reproach, it is not now. Harsh and severe must be the judgments rendered against those who add weight to the charge that representative government is no longer in fact representative. These are times when men who will do or connive at the doing of those things which impeach representative government must be put aside as disloyal to the supreme obligations of the hour. Representative government, as it measures up in integrity and faithfulness to the conception and purpose of the fathers, is the wisest and most beneficent of all governments heretofore conceived or hereafter to be devised, and I confess that men who are indifferent to its worth or negligent of its preservation, men who for their own selfishness would discredit and debauch it, arouse in me a feeling of resentment akin to loathing. Men who buy votes or make it possible for others to corrupt the electorate and thus impeach and challenge our whole system of government, thus give credence and weight to the charge that it is breaking down, thus destroy the confidence of the people at large in the work and efficiency of our institutions, are not entitled to our protection here; they are not entitled to protection anywhere. They must take their place among those recreant to the highest obligations which can be imposed upon a man by his country. They are the real enemies of representative government. It is through their efforts that it will break down, if it does break down. I care nothing for the open, for the avowed advocate compared with the insidious, treacherous miner and sapper, working by day and by night under the very pillars of the Government. Others will do as their conscience dictates, but to my mind this evidence shows both the act and the intent, shows both the purpose and the accomplishment of the purpose, shows the plan to secure the seat here solely and wholly by the influence and use of money. And so believing, I must cast my vote in favor of declaring the seat vacant.

Mr. HEYBURN. Mr. President, inasmuch as certain Senators have given notice of their intention to speak, I do not ask for a vote now; but I desire at this time to ask unanimous consent that on Wednesday, the 27th of March—the calendar day which will be the equivalent of that—the Senate commence to vote upon the pending resolution and all amendments or substitutes without further debate.

Mr. SMOOT. What hour?

Mr. HEYBURN. Not later than that time.

Mr. ROOT. But what hour?

Mr. HEYBURN. I will say at 4 o'clock.

Mr. BACON. If I may be pardoned for a suggestion to the Senator, we have already made a unanimous-consent agreement that we shall vote on this legislative day, and now, as I under-

stand the Senator, his proposition is to change that unanimous-consent agreement to vote on the next legislative day?

Mr. HEYBURN. No; the equivalent time. I have not thought out a plan to express it, unless I should enumerate the hours that intervene. I might say "after so many hours," but by reference, for the convenience of expression, I have stated it upon that day. If any Senator can suggest any more accurate or preferable way of expressing it, well and good.

Mr. LODGE. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Idaho yield to the Senator from Massachusetts?

Mr. HEYBURN. Yes.

Mr. LODGE. We made a precisely similar agreement in voting upon the arbitration treaties, namely, that the vote should be taken not later than 4 o'clock on a given calendar day. That does not interfere with the legislative day.

Mr. BACON. No; I only made a suggestion. While I have no objection to the purpose the Senator has in view or to its accomplishment, I only made the statement in view of what, if I understood it correctly, I was afraid was inconsistent. I have no objection to the accomplishment of the Senator's desire, and that is, that we shall vote to-morrow.

Mr. LODGE. Yes, that is right; let us vote to-morrow. The question can be put in that way just as well.

Mr. HEYBURN. We can state it in that way. Then I ask unanimous consent that not later than 4 o'clock to-morrow—yet that is just as objectionable technically—the Senate commence to vote upon the resolution and amendments.

Mr. LEA. Mr. President, there are several of us on this side of the Chamber who want to speak on this question, and therefore I should not like to agree to set the hour definitely for a vote by 4 o'clock to-morrow.

Mr. LODGE. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Idaho yield to the Senator from Massachusetts?

Mr. HEYBURN. Yes.

Mr. LODGE. I should like to suggest to the Senator from Tennessee and to others that, if we can not fix an hour, it may result in our sitting here until very late to-morrow night, because we have another unanimous-consent agreement for Thursday. It seems to me it would be for the convenience of Senators to agree to some reasonable hour to-morrow to take this vote. We can take a recess until an earlier hour to-morrow and allow time for every Senator who so desires to speak; but I think we ought to make sure that we shall not come in conflict with the other unanimous-consent agreement for Thursday.

Mr. CUMMINS. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Idaho yield to the Senator from Iowa?

Mr. HEYBURN. I will yield in a moment. I want to complete the suggestion I was making. It would be well to dispose of this, because then we shall be in a position to consider the time we shall remain in session. If it is not possible to get an agreement, then I shall have to ask the Senate to sit continuously, because Senators have expressed their desire to speak, and they are entitled to consideration. Therefore, to state it concisely, my request is for unanimous consent to commence voting at 4 o'clock to-morrow. If we agree upon that, we shall then take up the consideration of how long we shall remain in session, and perhaps have a session to-night, and perhaps meet to-morrow at 10 o'clock, if Senators think that much time will be necessary in order to meet the situation which confronts us—that is to say, another special order.

Mr. CUMMINS. Mr. President, in my opinion, the unanimous consent asked for infringes upon the unanimous-consent agreement under which we are acting. I do not intend to raise that point, but before consenting to naming an hour for the taking of a vote, I should like to be informed with some accuracy with respect to the number of Senators who desire to speak and about how long a time they desire to occupy. I intend at some time before the debate is over, if the spirit moves me, to say a few words upon the question, but I do not desire to intrude myself into the debate to the exclusion of Senators who are members of the committee and who have given great consideration to the subject. I simply want some information with regard to the probability of the length of the debate before I will consent to the naming of an hour for a vote. Does the Senator from Idaho know, approximately, the number of Senators who desire to speak?

Mr. HEYBURN. Only in a general way, but I will say the consideration of that question perhaps will come up more properly in connection with the determination of the hours that we shall sit.

Mr. LEA. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Idaho yield to the Senator from Tennessee?

Mr. HEYBURN. Yes.

Mr. LEA. There are at least four Senators on this side of the Chamber who desire to speak. If the Senator from Idaho will pardon me, I will suggest that if the Senator will frame his request so that the vote will be taken not later than 6 o'clock to-morrow, the 27th of March, and a recess will be taken until noon to-morrow, I will not object.

Mr. HEYBURN. I have no objection to yielding to that suggestion. The difference between 4 o'clock and 6 is not very considerable. It will take an hour to vote, or I assume it will take that long if a roll call is demanded upon all the substitutes.

Mr. CUMMINS. I did not hear the suggestion of the Senator from Tennessee with respect to the time at which we shall convene to-morrow.

Mr. LEA. At noon to-morrow.

Mr. CUMMINS. And vote not later than 6 o'clock?

Mr. LEA. Not later than 6 o'clock.

Mr. HEYBURN. I will suggest that we meet at 10 o'clock to-morrow.

Mr. CUMMINS. There are four Senators upon the other side of the Chamber who desire to be heard?

Mr. LEA. There are at least four.

Mr. HEYBURN. How many are there on this side?

Mr. CUMMINS. I think those who desire to be heard ought to make it known, so that we may act in this matter intelligently.

Mr. SUTHERLAND. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Idaho yield to the Senator from Utah?

Mr. HEYBURN. Certainly.

Mr. SUTHERLAND. I desire, before the vote is taken, to be heard briefly on this subject. I do not want to take very much time. I think I can get through with what I want to say in an hour. I suggest, if such an arrangement can be made, that we provide that Senators who are for and against the resolution may be heard alternately, so that if we finally reach the hour of voting some of those who are in favor and some of those who are against may not be deprived of the opportunity of being heard.

Mr. HEYBURN. I should like to know if we have had a full expression on this side as to the number of those who desire to speak.

Mr. KENYON. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Idaho yield to the Senator from Iowa?

Mr. HEYBURN. Certainly.

Mr. KENYON. I simply wanted to suggest that the Senator from Washington [Mr. POINDEXTER], who is not now present, expects to be heard.

Mr. WORKS. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Idaho yield to the Senator from California?

Mr. HEYBURN. Yes.

Mr. WORKS. I wish to state that I may or may not desire to say a few words. For the motion of the Senator from Idaho I have offered a substitute, which is now on the table, but as another substitute has been offered for the resolution of the committee, it may not reach a vote. If I do speak, I will not consume more than 15 or 20 minutes at the outside. I want to suggest in this connection that it seems to me that it would be better to take a recess until 10 o'clock to-morrow rather than until 12 o'clock.

Mr. CUMMINS. I think it is evident from the number of speeches already on the program that we can not expect to have them finished within the time that has been suggested—that is, between the hours of 12 and 6, unless Senators will agree to limit themselves a little.

Mr. ROOT. Mr. President, would it not be wise for us to go on this afternoon a little further? We may dispose of some of these speeches in that way. We have been in session now only three hours. I know part of the discussion has been wearisome, but we are laying out a program now that seems to contemplate an abandonment of the discussion after three hours to-day and taking eight hours to-morrow. We shall all be very tired before eight hours of discussion of this case is over to-morrow. The speeches to be made in the latter part of that time will be addressed chiefly to the RECORD, I think, and it seems to me that we had better go on and dispose of some part of the proposed observations to-day.

Mr. HEYBURN. I only had in mind an embarrassment which would probably arise within a very few minutes, perhaps, of

some one suggesting to take a recess, and I wanted to anticipate it. Personally, I should be in favor of continuing this debate until the vote is taken, but I do not desire to insist upon an uncomfortable rule.

The PRESIDENT pro tempore. As the Chair understands, there is no suggestion pending that the Senate now take a recess. The Senator from Idaho has asked unanimous consent that a certain agreement be entered.

Mr. HEYBURN. I ask that the Chair put the request for unanimous consent to meet at 11 o'clock to-morrow and to vote at 6. I think the objections have been withdrawn.

Mr. BRISTOW. Mr. President——

The PRESIDENT pro tempore. Will the Senator from Kansas allow the Secretary to state the request as the Chair understands it?

Mr. LEA. Do I understand the Senator from Idaho to put the hour for voting at not later than 6?

Mr. HEYBURN. Yes.

Mr. LEA. Very well.

The PRESIDENT pro tempore. The Secretary is attempting to reduce to written form the suggestion of the Senator from Idaho. The Secretary will state the request.

The Secretary read as follows:

"It is agreed, by unanimous consent, that when the Senate takes a recess it shall be to meet at 11 o'clock to-morrow; that not later than 6 o'clock to-morrow the Senate will consent to vote upon the motion made by Mr. HEYBURN, that the Senate agree to the report of the Committee on Privileges and Elections declaring that in the opinion of the said committee the charges preferred by the Legislature of the State of Wisconsin were not sustained, and that the election of the said ISAAC STEPHENSON as a Senator of the United States was not procured by corrupt methods or practices, and upon any amendment that may then be pending or offered to such motion, and will continue such voting until the question is finally disposed of."

Mr. HEYBURN. I suggest that the word "substitute" be inserted, as there is one of the amendments that is termed "a substitute."

The PRESIDENT pro tempore. That will be included in the word "amendment."

Mr. HEYBURN. Very well.

Mr. BRISTOW. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Idaho yield to the Senator from Kansas?

Mr. HEYBURN. Yes.

Mr. BRISTOW. I am in sympathy with the suggestion of the Senator from New York [Mr. ROOT]. I think we ought to go ahead now and debate this matter until it gets late, and then we can take a recess until an early hour to-morrow and get through. We have consumed enough time now in trying to fix some hour for voting to have had one of the proposed speeches made. I will have to object to the request for unanimous consent.

The PRESIDENT pro tempore. The Chair will state to the Senator from Kansas that the request for unanimous consent just preferred by the Senator from Idaho does not contemplate a recess at the present time, but only provides that when the Senate takes a recess it shall be until 11 o'clock to-morrow. There is no present suggestion of a recess.

Mr. BRISTOW. The purpose is, I know, to take a recess as quickly as possible after this agreement is entered into, and then we will drag along until late to-morrow afternoon, when we will be confronted with amendments and substitutes which we will have no opportunity to understand before they are voted upon.

Mr. HEYBURN. There is no such intention. I contemplate that a considerable time will be used this afternoon in speaking.

The PRESIDENT pro tempore. It will be for the Senate to say whether it desires to take a recess now or later.

Mr. HEYBURN. I shall not move to take a recess now. I hope the Senate will continue in session, and I shall ask that it continue in session until late to-night, unless we reach an agreement.

The PRESIDENT pro tempore. The Secretary has stated the request for unanimous consent preferred by the Senator from Idaho. Is there objection? The Chair hears none, and the order is entered accordingly. The question is——

Mr. BRISTOW. Mr. President, I entered an objection to that request for unanimous consent.

The PRESIDENT pro tempore. The Chair did not hear the Senator.

Mr. BRISTOW. I did object most emphatically, and the RECORD will show it.

The PRESIDENT pro tempore. The Chair will state that he understood the Senator from Kansas to say that he did not object.

Mr. BRISTOW. Oh, no.

The PRESIDENT pro tempore. Then, of course, the request for unanimous consent is not agreed to. There is objection to the request.

Mr. ROOT and others. Regular order!

The PRESIDENT pro tempore. The question is on agreeing to the amendment proposed by the Senator from Washington [Mr. JONES] to the motion offered by the Senator from Idaho [Mr. HEYBURN]. [Putting the question.] In the opinion of the Chair, the "noes" have it.

Mr. BACON and Mr. STONE. What is the motion?

The PRESIDENT pro tempore. The question——

Mr. HEYBURN. Has the Chair announced the vote?

The PRESIDENT pro tempore. The Chair stated the question to be upon agreeing to the amendment proposed by the Senator from Washington [Mr. JONES] in the nature of a substitute for the motion proposed by the Senator from Idaho [Mr. HEYBURN].

Mr. STONE. We should like to have the question stated.

The PRESIDENT pro tempore. The Secretary will state the amendment in the nature of a substitute proposed by the Senator from Washington.

Mr. HEYBURN. Now, Mr. President, let that question be stated; but I understood that the Chair put the question on the adoption of the report of the committee.

The PRESIDENT pro tempore. No; the Chair put the question upon agreeing to the substitute proposition of the Senator from Washington, and the Senator from Idaho voted "no."

Mr. CUMMINS. I understood there was only one vote either way, and that was for the substitute.

The PRESIDENT pro tempore. As the result was being announced the question was raised as to what the motion was upon which the Senate was voting. The Secretary will again state the amendment in the nature of a substitute proposed by the Senator from Washington.

The SECRETARY. On February 19, 1912, Mr. HEYBURN moved that the report of the committee be adopted and that ISAAC STEPHENSON be declared entitled to a seat as a Senator from the State of Wisconsin in the United States Senate. On March 22, 1912, Mr. JONES offered the following as an amendment in the nature of a substitute for the motion made by Mr. HEYBURN, namely:

Resolved, That ISAAC STEPHENSON was not duly and legally elected to a seat in the Senate of the United States by the Legislature of the State of Wisconsin.

Mr. HEYBURN. Now, Mr. President, I do not desire any inconsistent record in connection with this matter. I understood the Chair to say: "If there is no further discussion, the question is upon the adoption of the motion of the Senator from Idaho," and upon that I voted. I did not vote upon anything else, and I do not care to have the RECORD——

The PRESIDENT pro tempore. The Senator from Idaho misunderstood the Chair. The Chair stated the question——

Mr. HEYBURN. Then the RECORD should be corrected as to the vote.

The PRESIDENT pro tempore. Of course, the explanation of the Senator goes into the RECORD, and the RECORD stands corrected.

Mr. HEYBURN. That is true; but I am entitled to have it in uninterruptedly, because of the misunderstanding between the Chair and myself, and not to have it afterwards made the subject of controversy.

Mr. CULBERSON. I move that the Senate take a recess until 11 o'clock to-morrow.

The PRESIDENT pro tempore. The Senator from Texas moves that the Senate stand in recess until 11 o'clock to-morrow morning. The question is on that motion. [Putting the question.] In the opinion of the Chair the "noes" have it.

Mr. CULBERSON. I ask for the yeas and nays.

The yeas and nays were ordered, and the Secretary proceeded to call the roll.

Mr. CHAMBERLAIN (when his name was called). I have a general pair with the junior Senator from Pennsylvania [Mr. OLIVER]. I transfer it to the Senator from Oklahoma [Mr. OWEN] and will vote. I vote "yea."

Mr. BURNHAM (when Mr. GALLINGER's name was called). My colleague, the senior Senator from New Hampshire, is paired with the senior Senator from Arkansas [Mr. CLARKE].

Mr. GAMBLE (when his name was called). I have a general pair with the junior Senator from Arkansas [Mr. DAVIS]. I

transfer it to the junior Senator from Vermont [Mr. PAGE] and will vote. I vote "nay."

Mr. OVERMAN (when his name was called). I have a general pair with the senior Senator from California [Mr. PERKINS]. I do not see him in his seat, and therefore withhold my vote.

Mr. CURTIS (when Mr. PAGE's name was called). I have been requested to announce by the junior Senator from Vermont his absence from the city as a member of a committee of the Senate.

Mr. TOWNSEND (when the name of Mr. SMITH of Michigan was called). The senior Senator from Michigan is out of the city on business of the Senate.

Mr. STONE (when his name was called). I desire to inquire whether the Senator from Wyoming [Mr. CLARK] has voted?

The PRESIDENT pro tempore. He has not voted.

Mr. STONE. I have a general pair with the Senator from Wyoming, which has been transferred to the senior Senator from Virginia [Mr. MARTIN], and I will vote. I vote "yea."

Mr. LEA (when Mr. TAYLOR's name was called). The senior Senator from Tennessee is detained from the Chamber by illness.

Mr. WATSON (when his name was called). I transfer my general pair with the senior Senator from New Jersey [Mr. BRIGGS] to the junior Senator from Louisiana [Mr. THORNTON] and will vote. I vote "yea."

The roll call was concluded.

Mr. WARREN. I desire to state that my colleague [Mr. CLARK] is absent on business of the Senate. He is generally paired with the Senator from Missouri [Mr. STONE].

Mr. BACON (after having voted in the affirmative). I have a general pair with the Senator from Minnesota [Mr. NELSON] during his present absence. I forgot the fact and voted. I withdraw my vote.

Mr. BURNHAM. I have a general pair with the Senator from Maryland [Mr. SMITH], but having been released therefrom I will vote. I vote "nay."

Mr. CULBERSON (after having voted in the affirmative). In view of my general pair with the Senator from Delaware [Mr. DU PONT] I withdraw my vote.

Mr. FOSTER. I wish to state that my colleague [Mr. THORNTON] is absent on business of the Senate.

The result was announced—yeas 17, nays 36—as follows:

YEAS—17.

Bourne	Johnston, Ala.	Pomerene	Stone
Bryan	Martine, N. J.	Rayner	Watson
Chamberlain	Newlands	Simmons	
Foster	O'Gorman	Smith, Ga.	
Gardner	Percy	Smith, S. C.	

NAYS—36.

Bradley	Crane	Hitchcock	Nixon
Brandegee	Crawford	Johnson, Me.	Richardson
Briggs	Cullom	Kenyon	Root
Bristow	Cummins	Lea	Smoot
Brown	Curtis	Lippitt	Sutherland
Burnham	Gamble	Lodge	Townsend
Burton	Gore	Lorimer	Warren
Chilton	Gronna	McLean	Wetmore
Clapp	Heyburn	Myers	Works

NOT VOTING—38.

Bacon	du Pont	Oliver	Smith, Md.
Bailey	Fletcher	Overman	Smith, Mich.
Bankhead	Gallinger	Owen	Stephenson
Borah	Guggenheim	Page	Swanson
Clark, Wyo.	Jones	Paynter	Taylor
Clarke, Ark.	Kern	Penrose	Thornton
Culberson	La Follette	Perkins	Tillman
Davis	McCumber	Poindexter	Williams
Dillingham	Martin, Va.	Reed	
Dixon	Nelson	Shively	

So the Senate refused to take a recess.

Mr. HEYBURN. I desire to submit a proposition for unanimous consent. I ask unanimous consent that when the Senate takes a recess it shall be until 11 o'clock to-morrow morning, and that to-morrow at 6 o'clock——

Mr. SMOOT. Not later than 6 o'clock.

Mr. HEYBURN. Not later than 6 o'clock the Senate shall commence to vote upon this resolution and all amendments and substitutes.

The PRESIDENT pro tempore. And finish before adjournment?

Mr. HEYBURN. Yes; and without further debate.

Mr. BACON. All amendments pending and that may be offered?

Mr. HEYBURN. Yes; the usual form.

Mr. BRISTOW. Mr. President——

The PRESIDENT pro tempore. Will the Senator from Kansas allow the Secretary to report the request?

The SECRETARY. That when the Senate takes a recess to-day it shall be to meet at 11 o'clock to-morrow morning, and that not later than 6 o'clock to-morrow the Senate shall commence voting upon the motion made by the Senator from Idaho [Mr. HEYBURN] that the Senate agree to the report of the Committee on Privileges and Elections declaring that in the opinion of the said committee the charges preferred by the Legislature of the State of Wisconsin against ISAAC STEPHENSON, a Senator of the United States from the State of Wisconsin, were not sustained; and that the election of said ISAAC STEPHENSON as a Senator of the United States was not procured by corrupt methods or practices, and upon any amendment that may then be pending or offered to such motion, and shall continue such voting until the question is finally disposed of.

Mr. BRISTOW. As I understand the proposed agreement, it is that the Senate shall meet at 11 o'clock to-morrow and vote not later than 6. I objected to practically the same request some time since, but I have been advised that a Senator who expected to speak immediately after the Senator from Idaho [Mr. BORAH] had closed is ill and unable to go on this afternoon. Under those circumstances I will not offer any objection to the request for unanimous consent, understanding, of course, that we do not have to stay here until 6 o'clock to-morrow unless there is some one who wants to take up the time; that we may vote at any time between 11 and 6 o'clock.

The PRESIDENT pro tempore. Is there objection?

Mr. POINDEXTER. I object.

The PRESIDENT pro tempore. Objection is made. The question is on agreeing to the amendment proposed by the Senator from Washington [Mr. JONES]. [Putting the question.] The noes appear to have it.

Mr. CULBERSON. I ask for the yeas and nays.

The yeas and nays were ordered.

Mr. HEYBURN. Mr. President, I ask that the question be stated.

The PRESIDENT pro tempore. The question is on agreeing to the amendment proposed by the Senator from Washington [Mr. JONES] in the nature of a substitute.

Mr. CRAWFORD. I call for a reading of the amendment.

The PRESIDENT pro tempore. The Secretary will read the amendment.

The SECRETARY. The Senator from Washington offers the following as a substitute for the motion made by the Senator from Idaho:

Resolved, That ISAAC STEPHENSON was not duly and legally elected to a seat in the Senate of the United States by the Legislature of the State of Wisconsin.

Mr. OVERMAN. I suggest the absence of a quorum.

The PRESIDENT pro tempore. The yeas and nays have been ordered. The Secretary will call the roll.

The Secretary proceeded to call the roll.

Mr. CHAMBERLAIN (when his name was called). I have a general pair with the junior Senator from Pennsylvania [Mr. OLIVER]. I transfer it to the senior Senator from Oklahoma [Mr. OWEN] and will vote. I vote "yea."

Mr. HEYBURN. A parliamentary inquiry, Mr. President.

The PRESIDENT pro tempore. The Senator from Idaho will state his parliamentary inquiry.

Mr. HEYBURN. Senators are voting "yea" or "nay" on a call of the Senate for the purpose of determining whether or not a quorum is present.

The PRESIDENT pro tempore. In the opinion of the Chair the Senator is mistaken. The yeas and nays have been ordered upon the question of agreeing to the amendment offered by the Senator from Washington to the motion of the Senator from Idaho. Those in favor of the amendment proposed by the Senator from Washington will vote "yea" and those opposed "nay." The Secretary will proceed with the roll call.

Mr. HEYBURN. Was there not a suggestion of a lack of a quorum?

Mr. LODGE. It came too late.

The PRESIDENT pro tempore. It came too late.

Mr. HEYBURN. I did not hear the ruling of the Chair.

Mr. CULBERSON. I rise to a question of order. Debate is not in order while the roll is being called.

The PRESIDENT pro tempore. The point of order is sustained. The Secretary will proceed with the roll call.

The Secretary resumed the calling of the roll.

Mr. BURNHAM (when Mr. GALLINGER's name was called). My colleague, the senior Senator from New Hampshire, is paired with the senior Senator from Arkansas [Mr. CLARKE]. If my colleague were present and at liberty to vote, he would vote "nay."

Mr. GAMBLE (when his name was called). I have a general pair with the junior Senator from Arkansas [Mr. DAVIS]. I transfer it to the Senator from Colorado [Mr. GUGGENHEIM] and will vote. I vote "nay."

Mr. OVERMAN (when his name was called). I have a general pair with the senior Senator from California [Mr. PERKINS]. I do not see him in his seat and therefore withhold my vote.

Mr. TOWNSEND (when the name of Mr. SMITH of Michigan was called). The senior Senator from Michigan, who is absent from the city on official business, is paired with the junior Senator from Missouri [Mr. REED].

Mr. STONE (when his name was called). I have a general pair with the Senator from Wyoming [Mr. CLARK]. I am not authorized to say how he would vote, nor do I know how any absent Senator would vote. I will not transfer the pair, but under the circumstances will withhold my vote.

Mr. LEA (when Mr. TAYLOR's name was called). The senior Senator from Tennessee [Mr. TAYLOR] is quite ill at his apartments and, as I understand from a telephone message to-day, no one is able to communicate with him. I am therefore unable to state how he would vote on this question.

Mr. FOSTER (when Mr. THORNTON's name was called). My colleague [Mr. THORNTON] is absent on business of the Senate.

Mr. PERCY (when the name of Mr. WILLIAMS was called). My colleague [Mr. WILLIAMS] is unavoidably detained from the Chamber by sickness. He is paired with the senior Senator from Pennsylvania [Mr. PENROSE]. If my colleague were present and at liberty to vote, he would vote "yea."

The roll call was concluded.

Mr. WARREN. I desire to announce that my colleague [Mr. CLARK] is absent on the business of the Senate and has a pair with the Senator from Missouri [Mr. STONE].

Mr. POINDEXTER. I desire to state that my colleague [Mr. JONES] is absent on public business.

Mr. BRADLEY. I am paired with the senior Senator from Tennessee [Mr. TAYLOR]. I have received a message over the phone from his secretary releasing me from that pair, but in order to prevent any question, I transfer the pair to the Senator from Vermont [Mr. PAGE] and will vote. I vote "nay."

Mr. REED. I regard myself as paired with the Senator from Michigan [Mr. SMITH]. I transfer the pair to the Senator from Indiana [Mr. SHIVELY] and will vote. I vote "yea."

Mr. BACON. I am paired on this question and also generally with the senior Senator from Minnesota [Mr. NELSON]. For that reason I shall not vote. I am informed that if the Senator from Minnesota were present he would vote "nay," and I should vote to the contrary.

Mr. WARREN. The Senator from Delaware [Mr. DU PONT], who is confined to his house by illness, phoned me a short time ago that he would be unable to come here. He is paired with the Senator from Texas [Mr. CULBERSON].

Mr. CULBERSON (after having voted in the affirmative). In view of the statement made by the Senator from Wyoming, a statement which I myself had intended to make, I withdraw my vote.

Mr. OWEN. Mr. President, I should like to ask whether or not the record shows that I am at liberty to vote. I understand the Senator from Oregon made a transfer during my temporary absence from the Chamber.

Mr. CHAMBERLAIN. I will state that I did that. I thought the Senator would not be here.

Mr. OWEN. That is entirely agreeable to me. If I were at liberty to vote, I wish to say I would vote "yea."

Mr. CURTIS. I wish to announce that the Senator from Vermont [Mr. DILLINGHAM] is paired with the Senator from South Carolina [Mr. TILLMAN], and that the Senator from Montana [Mr. DIXON] is paired with the Senator from Alabama [Mr. BANKHEAD].

The result was announced—yeas 27, nays 29, as follows:

YEAS—27.

Borah	Crawford	Kenyon	Reed
Bourne	Cummins	Kern	Simmons
Bristow	Gardner	Lea	Smith, Ga.
Brown	Gore	Martine, N. J.	Smith, S. C.
Bryan	Gronna	Myers	Townsend
Chamberlain	Hitchcock	O'Gorman	Works
Clapp	Johnson, Me.	Poindexter	

NAYS—29.

Bradley	Curtis	Lorimer	Smoot
Brandegee	Fletcher	McLean	Sutherland
Briggs	Foster	Newlands	Warren
Burnham	Gamble	Nixon	Watson
Burton	Heyburn	Pomerene	Wetmore
Chilton	Johnston, Ala.	Rayner	
Crane	Lippitt	Richardson	
Cullom	Lodge	Root	

NOT VOTING—35.

Bacon	du Pont	Overman	Smith, Mich.
Bailey	Gallinger	Owen	Stephenson
Bankhead	Guggenheim	Page	Stone
Clark, Wyo.	Jones	Paynter	Swanson
Clarke, Ark.	La Follette	Penrose	Taylor
Culberson	McCumber	Percy	Thornton
Davis	Martin, Va.	Perkins	Tillman
Dillingham	Nelson	Shively	Williams
Dixon	Oliver	Smith, Md.	

So the resolution of Mr. JONES was rejected.

Mr. HEYBURN. I move that the Senate take a recess until 11 o'clock to-morrow morning.

The motion was agreed to; and (at 5 o'clock and 23 minutes p. m., Tuesday) the Senate took a recess until to-morrow, Wednesday, March 27, 1912, at 11 o'clock a. m.

HOUSE OF REPRESENTATIVES.

TUESDAY, *March 26, 1912.*

The House met at 12 o'clock noon.

The Chaplain, Rev. Henry N. Couden, D. D., offered the following prayer:

Our Father in heaven, open Thou our spiritual eyes that we may discern beneath the rough exterior in every human heart the image of his Maker; that a profounder love, a broader charity may prevail, and the ties of fraternity have a broader scope, a deeper significance. That the genius of the Christian religion may find its full fruition in every heart and Thy kingdom come, Thy will be done in earth as it is in heaven. In the spirit of the Lord Jesus Christ. Amen.

The Journal of the proceedings of yesterday was read and approved.

AVIATION IN WARFARE.

Mr. HAY. Mr. Speaker, by direction of the Committee on Military Affairs, I present the following privileged resolution, which I send to the desk and ask to have read.

The Clerk read as follows:

House resolution 448.

Resolved, That the great importance and necessity of a practical knowledge of aviation as it relates to warfare being now generally admitted by all civilized nations, some of which are spending large sums of money in equipping their armies with various kinds of air craft as a means both of attack and of transport, the Secretary of War be, and he is hereby, respectfully requested, if not incompatible with the public interests, to send to the House of Representatives full information upon the following points:

First. The results of his investigations and the transmission of any reports made by our official agents in foreign countries as to the development and value of aerial navigation, either for the purpose of warfare or to encourage scientific research.

Second. The extent and cost of our Government's equipment in aeroplanes or other air craft now being used in any capacity by the War Department, and the nature of the instruction in aeronautics which is being given to its Army officers and enlisted men.

Third. The plans now contemplated by the War Department for increasing the present equipment of aeroplanes, hydro-aeroplanes, and other air craft for the purposes of warfare and national defense, together with recommendations for such legislation as will adequately provide for such service with reference both to increasing the number of Army officers of the Signal Corps who may be detailed for aviation service as well as the establishment of additional schools of instruction and the building up of our air fleet commensurate with the necessity of properly maintaining our military status among the nations of the world.

The SPEAKER. The Clerk will read the report (No. 450).

The Clerk read as follows:

Mr. HAY, from the Committee on Military Affairs, submitted the following report to accompany House resolution 448:

The Committee on Military Affairs, to whom was referred the House resolution 448, having considered the same, reports thereon with a recommendation that it do pass with the following amendments:

Strike out on page 1, line 7, the words "respectfully requested," and insert the word "directed"; and in lines 7 and 8, page 1, strike out the words "if not incompatible with the public interests."

The SPEAKER. The question is on agreeing to the amendments.

Mr. MANN. Mr. Speaker, as I could not catch the purpose of the resolution from the reading at the desk, I will ask the gentleman from Virginia to explain what it is.

Mr. HAY. Mr. Speaker, this is a resolution asking the War Department to furnish the House of Representatives information as to the present condition of the aviation service, and also asking that department to furnish any other information it may have, with a view to further building up the aviation service in the United States Army.

The SPEAKER. The Clerk will report the amendments.

The Clerk read as follows:

Page 1, line 7, amend by striking out the words "respectfully requested" and insert the word "directed."

The SPEAKER. The question is on agreeing to the amendment.

The amendment was agreed to.

The Clerk read as follows:

Lines 7 and 8, page 1, strike out the words "if not incompatible with the public interests."

The SPEAKER. The question is on agreeing to the amendment.

The amendment was agreed to.

The SPEAKER. The question now is on agreeing to the amended resolution.

The question was taken, and the amended resolution was agreed to.

PENSIONS.

Mr. GREGG of Pennsylvania. Mr. Speaker, I ask unanimous consent to address the House for 10 minutes.

The SPEAKER. Is there objection?

Mr. MANN. Mr. Speaker, reserving the right to object, in regard to what does the gentleman desire to address the House?

Mr. GREGG of Pennsylvania. In regard to the remarks of the gentleman from Georgia on last Thursday, in the consideration of pensions, wherein he attacked the record of a soldier of the State of Pennsylvania.

The SPEAKER. Is there objection?

Mr. RODDENBERY. Mr. Speaker, to what gentleman from Georgia does the gentleman from Pennsylvania refer?

Mr. GREGG of Pennsylvania. To Mr. TRIBBLE.

Mr. RODDENBERY. Mr. Speaker, I do not see Mr. TRIBBLE upon the floor at this time, and unless he is present I shall object, and I do object.

The SPEAKER. The gentleman from Georgia objects.

CANADIAN PARLIAMENTARY HANSARD.

Mr. FINLEY. Mr. Speaker, I send to the Clerk's desk for present consideration the following resolution.

The SPEAKER. The Clerk will report the resolution.

The Clerk read as follows:

Joint resolution authorizing the Librarian of Congress to furnish a copy of the daily and bound CONGRESSIONAL RECORD to the undersecretary of state for external affairs of Canada in exchange for a copy of the Parliamentary Hansard.

Resolved, etc., That the Librarian of Congress is hereby authorized to furnish a copy of the daily and bound CONGRESSIONAL RECORD to the undersecretary of state for external affairs of Canada in exchange for a copy of the Parliamentary Hansard, and that the Public Printer is hereby directed to honor the requisition of the Librarian of Congress for such copy. The Parliamentary Hansard so received shall be the property of the Department of State.

Mr. FINLEY. Mr. Speaker, I will ask the Clerk to read the Senate resolution to which the resolution he has just read is an amendment proposed by the Committee on Printing, and also the report of the committee.

The SPEAKER. The Chair will state that this is not a privileged resolution.

Mr. FINLEY. I understand that, Mr. Speaker. I have not called this up as a privileged resolution, but I did call it up some time ago and there was no objection to it. I ask unanimous consent to consider the resolution at the present time.

The SPEAKER. The gentleman from South Carolina asks unanimous consent for the present consideration of the resolution. Is there objection? [After a pause.] The Chair hears none.

Mr. FINLEY. I now ask that the Senate resolution be read (S. Con. Res. 14).

The SPEAKER. The Clerk will report the Senate resolution and the report of the committee.

The Clerk read as follows:

Resolved by the Senate (the House of Representatives concurring), That the Secretary of State is hereby authorized to furnish a copy of the daily and bound CONGRESSIONAL RECORD to the undersecretary of state of external affairs of Canada in exchange for a copy of the Parliamentary Hansard, and that the Public Printer is hereby directed to honor the requisition of the Secretary of State for such copy.

Mr. FINLEY, from the Committee on Printing, makes the following report (H. Rept. 454, to accompany S. Con. Res. 14):

The Committee on Printing having had under consideration the Senate concurrent resolution 14, authorizing the Secretary of State to furnish a copy of the daily and bound CONGRESSIONAL RECORD to the undersecretary of state for external affairs of Canada in exchange for a copy of the Parliamentary Hansard and directing the Public Printer to honor the requisition of the Secretary of State for such copy, reports the same back to the House with the recommendation that the resolution be agreed to with the following amendments: First, on line 1, strike out all after the words *"Resolved by the Senate"* and insert the following, *"and the House of Representatives of the United States of America in Congress assembled*, That the Librarian of Congress is hereby authorized to furnish a copy of the daily and bound CONGRESSIONAL RECORD to the undersecretary of state for external affairs of Canada in exchange for a copy of the Parliamentary Hansard, and that the Public Printer is hereby directed to honor the requisition of the Librarian of Congress for such copy. The Parliamentary Hansard so received shall be the property of the Department of State." Second, amend the title to read as follows: "Joint resolution authorizing the Librarian of Congress to furnish a copy of the daily and bound CONGRESSIONAL RECORD to the undersecretary of state for external affairs of Canada in exchange for a copy of the Parliamentary Hansard."

Mr. FINLEY. Mr. Speaker, the amendment of the committee requires that the Librarian of Congress furnish this publication. The reason for that is that it is usual for an exchange of documents between this Government and foreign Governments to be made in that way. I ask for a vote on the amendments.

The SPEAKER. The question is on agreeing to the amendments to the Senate joint resolution.

The question was taken, and the amendments were agreed to.

The SPEAKER. The question now is on the engrossment and third reading of the Senate concurrent resolution as amended.

The resolution was ordered to be engrossed and read a third time, was read the third time, and passed.

The title was amended so as to read: "Joint resolution authorizing the Librarian of Congress to furnish a copy of the daily and bound CONGRESSIONAL RECORD to the undersecretary of state for external affairs of Canada in exchange for a copy of the Parliamentary Hansard."

PRINTING PROCEEDINGS OF THE UNVEILING OF THE STATUE OF BARON VON STEUBEN.

Mr. FINLEY. Mr. Speaker, I send the following privileged resolution to the Clerk's desk.

The SPEAKER. The Clerk will report the resolution.

The Clerk read as follows:

House concurrent resolution 39 (H. Rept. 448).

Resolved by the House of Representatives (the Senate concurring), That the concurrent resolution passed August 21, 1911, providing for the printing of the proceedings upon the unveiling of the statue of Baron von Steuben in Washington, December 7, 1910, be amended by adding the following sentence after the last word thereof:

"There shall be included in the same volume, as herein provided for, the proceedings relating to the unveiling of the statue of Baron von Steuben in Berlin, September 2, 1911; and this document shall be compiled and printed under the direction of the Joint Committee on Printing."

Mr. FINLEY. This is by way of an amendment to a resolution which passed some time ago.

Mr. SLAYDEN. Mr. Speaker, will the gentleman permit a question in connection with the resolution?

Mr. FINLEY. Certainly.

Mr. SLAYDEN. What is the practice in paying for the preparation of reports of these unveilings? I submit the question to the chairman of the committee, because there is now pending before the Committee on the Library a resolution to pay for the report of the proceedings ordered by the Senate when the monument to Gen. McClellan was unveiled. That has never been paid for, and I would like to know what has been the practice in order that we may have some assistance in considering that resolution.

Mr. FINLEY. I will state to the gentleman from Texas that, so far as I know, no arrangement for paying for preparation of reports like the one under consideration has been made, and so far as I am concerned none will be. I say to the gentleman that the reports are furnished to the Joint Committee on Printing and the publication is made under their direction.

Mr. SLAYDEN. Who furnishes the report to the Committee on Printing?

Mr. FINLEY. Well, take the resolution under consideration. The Member of the House who has been most active and who had the matter in charge, Dr. BARTHOLDT, of Missouri——

Mr. SLAYDEN. Was it written by him?

Mr. FINLEY. Oh, no; it is a copy of the proceedings of what took place at Berlin, and is to be a part of the publication relative to the unveiling of the statue in Washington.

Mr. SLAYDEN. The gentleman does not quite catch the purport of my question. It is this: A special report of the proceedings at the unveiling of the McClellan Monument was ordered and not paid for, as I understand. Previous reports of a similar nature had been ordered and paid for, but in this case it was not, and I would like to know if the practice is usually to have a special report of a historical nature made in connection with the unveiling of these monuments. Have there been historical sketches of Von Steuben and these other people?

Mr. FINLEY. My understanding is that the report in the case usually is a verbatim report of the proceedings and exercises and nothing more, and, so far as I know, there is no arrangement for payment to get up that report.

Mr. MANN. Mr. Speaker, I ask unanimous consent that the gentleman from Missouri [Mr. BARTHOLDT] have leave to extend his remarks in the RECORD on this subject.

Mr. FINLEY. I did not see the gentleman from Missouri or I would have yielded the floor to him.

The SPEAKER. The gentleman from Illinois asks unanimous consent that the gentleman from Missouri [Mr. BARTHOLDT] be permitted to extend his remarks in the RECORD on this resolution. Is there objection? [After a pause.] The Chair hears none, and it is so ordered.

The question was taken, and the concurrent resolution was agreed to.

PUBLIC HEALTH BULLETIN NO. 51.

Mr. FINLEY. Mr. Speaker, I ask consideration of the privileged resolution which I send to the Clerk's desk.

The SPEAKER. The Clerk will report the resolution.

The Clerk read as follows:

House concurrent resolution 43.

Resolved by the House of Representatives (the Senate concurring), That there be printed for the use of the House of Representatives, to be distributed through the folding room, 100,000 copies of Public Health Bulletin No. 51, being a report on the cause and prevention of typhoid fever, with special reference to conditions observed in Yakima County, in the State of Washington, by L. L. Lumsden.

The report (No. 449) is as follows:

The Committee on Printing having had under consideration the House concurrent resolution (H. Con. Res. 43) providing for the printing of Public Health Bulletin No. 51, reports the same back to the House with the recommendation that the resolution be agreed to. The estimated cost will be $6,569.13.

The question was taken, and the resolution was agreed to.

RAILROAD RATES FOR CARRYING MAIL.

Mr. FINLEY. Mr. Speaker, I ask for the present consideration of the resolution which I send to the Clerk's desk.

The SPEAKER. The Clerk will report the resolution.

The Clerk read as follows:

House resolution 331.

Resolved, That 2,000 copies of House Document No. 105, entitled "Railroad Rates for Carrying Mails," be printed for the use of the Post Office Department.

Mr. FINLEY. Mr. Speaker, I ask that the report be read.

Mr. MANN. Will the gentleman ask unanimous consent?

Mr. FINLEY. I think the gentleman will find his objection obviated by hearing the report read.

Mr. MANN. I do not object, but it is not a privileged resolution, and the gentleman will have to ask unanimous consent.

The SPEAKER. The gentleman from South Carolina asks unanimous consent for the present consideration of the resolution. Is there objection? [After a pause.] The Chair hears none. The Clerk will read the report.

The Clerk read as follows:

Report No. 452, to accompany House resolution 331.

The Committee on Printing, having had under consideration the House resolution (H. Res. 331) providing for the printing of 2,000 copies of House Document 105, reports the same back to the House with the recommendation that the resolution be agreed to with the following amendment: On line 3 strike out the words "for the use of the Post Office Department" and in their place insert "for the use of the Committee on Post Office and Post Roads, House of Representatives." The estimated cost will be $465.90.

The question was taken, and the amendment was agreed to.

The question was taken, and the resolution as amended was agreed to.

PRINTING OF HEARINGS NO. 54 (H. DOC. NO. 651).

Mr. FINLEY. Mr. Speaker, I ask for the present consideration of the privileged resolution which I send to the Clerk's desk.

The Clerk read as follows:

House concurrent resolution 42 (H. Rept. 453).

Resolved, etc., That there shall be printed 3,000 copies of hearings No. 54, before the Committee on Expenditures in the Post Office Department, House of Representatives, on H. Res. 109, to investigate the Post Office Department, for the use of the said committee.

Mr. MANN. Mr. Speaker, what is the hearing?

Mr. FINLEY. Mr. Speaker, this is a document relating to the Rural Delivery Service in the Post Office Department.

Mr. ASHBROOK. I will state to the gentleman that it relates to hearings before the Committee on Expenditures in the Post Office Department concerning the Rural Delivery Service.

Mr. FINLEY. This is from the Committee on Expenditures in the Post Office Department.

Mr. AUSTIN. This refers to hearings on the Rural Free Delivery Service?

Mr. FINLEY. Yes.

Mr. AUSTIN. The resolution ought to pass.

The SPEAKER. The Clerk will report the amendments.

The Clerk read as follows:

On line 1, after the word "resolved," the words "by the House of Representatives (the Senate concurring)," be stricken out and that the title of the resolution be changed so as to read "House resolution." That, on line 6, the words "for the use of said committee" be stricken out and the following be inserted in their place: "Of which one thousand shall be for the use of said committee and two thousand for the use of the House of Representatives, to be distributed through the document room."

The resolution as amended is as follows:

House resolution 462.

Resolved, etc., That there shall be printed 3,000 copies of hearings No. 54, before the Committee on Expenditures in the Post Office Department, House of Representatives, on House resolution 109, to investigate the Post Office Department, of which 1,000 shall be for the use of the said committee and 2,000 for the use of the House of Representatives, to be distributed through the document room.

Mr. ASHBROOK. Will the gentleman yield?

Mr. FINLEY. Certainly.

Mr. ASHBROOK. I will state to the gentleman that the committee has already requests for more than 1,000 copies, and that will not be sufficient to supply the requests of those who have already applied for them. I would like very much to have that changed so that at least 1,000 will go to the use of the committee.

Mr. FINLEY. I think the gentleman will agree with me that his committee will have no trouble to get at least a large part of the documents that will be consigned to the House document room. As the gentleman must know, if we give all of a publication like this, which is of general importance and excites considerable interest, to the members of the committee, we will then be cutting out all the other Members of the House. To give each one a few copies, or place them in the document room so that they can be obtained, I think, will obviate that. The committee thought that was an objection to the resolution. I will say to the gentleman frankly that I think there will be no trouble on that score.

The SPEAKER. The question is on agreeing to the amendment.

The question was taken, and the amendment was agreed to.

The SPEAKER. The question is on agreeing to the House concurrent resolution as amended.

The House concurrent resolution was agreed to.

The title was amended so as to read: "House resolution."

ACUTE ANTERIOR POLIOMYELITIS.

Mr. FINLEY. Mr. Speaker, I ask unanimous consent for consideration of the privileged resolution which I send to the Clerk's desk.

The SPEAKER. The Clerk will report the resolution.

The Clerk read as follows:

House resolution 434.

Resolved, That there be printed for the use of the House of Representatives 5,000 copies of Public Health Bulletin No. 44, as issued for February, 1911, by the Public Health and Marine-Hospital Service of the United States, entitled "Acute Anterior Poliomyelitis," and all to be delivered to the superintendent of the document room of the House of Representatives for distribution.

The report (No. 447) is as follows:

Mr. FINLEY, from the Committee on Printing, makes the following report to accompany House resolution 434:

The Committee on Printing, having had under consideration the House resolution (H. Res. 434) providing for the printing of 5,000 copies of Public Health Bulletin No. 44, as issued for February, 1911, by the Public Health and Marine-Hospital Service of the United States, reports the same back to the House with the recommendation that the resolution be agreed to. The estimated cost will be $116.35.

The SPEAKER. Is there objection? [After a pause.] The Chair hears none. The question is on agreeing to the resolution.

The question was taken, and the resolution was agreed to.

PARCEL POST.

Mr. FULLER. Mr. Speaker, I ask unanimous consent to print in the RECORD two letters on the subject of parcel post.

The SPEAKER. The gentleman from Illinois [Mr. FULLER] asks unanimous consent to print in the RECORD two letters on the subject of the parcel post. Is there objection?

There was no objection.

The letters referred to are as follows:

SANDWICH, ILL., *March 12, 1912.*

CONGRESSMAN FULLER, *Washington, D. C.*

DEAR SIR:

I send by mail my doleful wail to him who never did us fail;
To us so dear—who has no fear—the man who hails from Belvidere.
Now this is sent with good intent for farmers whom you represent,
Who say you can vote for a plan to help them as their "hired man."
Some men will lead in human greed, yet they are men the farmers feed;
Some, rich by birth, want all the earth—may not be men of real worth;
You may be sure some others, fewer, would roast your carcass on a skewer,
If you were fair; or anywhere but said you dealt "upon the square."
The farmers guess the "Trust Express" is nothing less a throttling mess.
They say the lust of "Express Trust" for aye be cussed, and should be "bust."
They all will tell they pay like—well, express on what the merchants sell.
They took a stand and lent a hand defending home when war was fanned;
Now, in their fight, think you'd delight to aid them in a cause that's right.
But to be brief, they in their grief, demand that now they have relief.
Without a sham, with no flimflam, they put their trust in Uncle Sam;
And say that he from want is free, and if he helps they'll happy be.
It is their boast, they want, at most, relief by way of parcel post.
From hill and dale it is their wail, they want their parcels sent by mail.
I trust that you these thoughts imbue, and that you vote to help it through;
And here will say, to close this lay, I for success "will ever pray," etc.

Very sincerely, your friend,

J. IVOR MONTGOMERY.

SANDWICH, ILL., *March 20, 1912.*

At a farmers' meeting held here to-day,
One hundred and twenty men had their "say";
And as honest men, and as toilers, too,
They spake plain words, as such men do.
Now, these men of toil and these men of sweat,
Asked me if I'd "heard from FULLER yet?"
And I told them, "No; but I knew he would
Reply as soon as ever he could;
For as farmer, teacher, or with saw and wrench,
Or as pleader at the bar, or as judge on the bench,
That whatever his calling since his life began,
He was always the friend of the toiler man;
There were none so poor, none so forlorn,
That CHARLES E. FULLER would pass with scorn."
Then these men of brawn and these men of toil,
All these hardy tillers of the soil,
Suggested that I should take my pen
And write you a letter for them again.
They say that men of means, a mighty throng,
Who have time to write petitions long,
And whose wealth is mines, and bonds, and bills,
And notes, and gold in their money tills,
Are now flooding Congress to their utmost
With letters opposed to a parcel post.
Now, the farmers, having no time to write you there,
Or to draft petitions or send their prayer,
Will depend upon you to demand their right
To a parcel post, and will win the fight.
Men who till the soil, and who sow the seed,
And whose duty it is mankind to feed,
You are bound to protect, and I know you'll try,
For unless they labor mankind must die.
Some are seeming to act only on the plan
That the dollar weighs more than the rights of man;
But if that is the lesson we ought to instill,
Why not tear down the shaft upon old Bunker Hill?
For the place should be planted to Indian corn
If the dollar weighs more than patriots born.
Some a dollar will pinch until every inch of the eagle screams with pain,
And will dream the most of that same bird's ghost on paying it out again;
There are some who give that the poor may live, and to lessen all their fears,
And believe, the while, that another's smile is better, by far, than tears.
There are some so great in their estimate of nature from pole to pole,
They can put a hand in the water, and withdraw it and see the hole;
Set it down all such never count as much as the one who wields a spade,
For no greater than an honest man has creation ever made.
All the sacred claim both to thought and aim, or to action, that thou wilt
That belongs to thee, thou should'st grant to me; for on this all rights are built.
On a time you felt discouraged; you appealed to farmer-friend,
And he volunteered to aid you, and contributes to that end;
He has helped you climb Fame's ladder 'till you see far better times,
Don't you throw him; for ingratitude is among the basest crimes.
You may calculate from childhood to the time when you are old,
Yet the value of true friendship you can't reckon up with gold;
It is merit makes the man who will be faithful to the end,
While the conscienceless dissembler will throw down his dearest friend.
If you rob a friend that's honest and then leave him to his fate,
If you pauperize his children, and his friendship turns to hate,
If you use him but to down him, he may turn on you at last,
And wreak vengeance to your sorrow for the wrongs of all the past.
If you have a grain of reason, then, it should control your head,
And before you murder friendship you would better, far, be dead;
Just remember, since creation it has always been the same,
That the most you'll leave behind you is the memory of a name.

Very sincerely, your friend,

J. IVOR MONTGOMERY.

To Hon. CHARLES E. FULLER,
Washington, D. C.

WESTERN NEWSPAPER UNION.

Mr. TAGGART. Mr. Speaker, I ask unanimous consent for the present consideration of House resolution 458, which I send to the Clerk's desk.

The SPEAKER. The Clerk will report the resolution.

The Clerk read as follows:

House resolution 458.

To authorize the investigation of the Western Newspaper Union.

The SPEAKER. The proper way to get this resolution before the House is to put it on the Unanimous Consent Calendar.

Mr. TAGGART. Mr. Speaker, I withdraw my request.

Mr. MANN. The resolution is before the Committee on Rules.

The SPEAKER. The Chair supposed it had been reported. The resolution will be held in abeyance until the Committee on Rules reports it.

THE COTTON SCHEDULE (H. DOC. NO. 643).

The SPEAKER laid before the House a message from the President of the United States, which was read.

[For message, see the Senate proceedings of March 28.]

[The reading of the message was greeted with applause on the Republican side.]

Mr. UNDERWOOD. Mr. Speaker, I rejoice greatly that the other side of the House applauds a message in favor of a reduction of a tariff schedule which they passed themselves. [Applause on the Democratic side.]

Mr. PAYNE. I would like to know if the gentleman will unite with this side of the House in continuing the Tariff Board and enabling them to do further work? [Applause on the Republican side.]

Mr. UNDERWOOD. Mr. Speaker, I would be delighted if the gentleman from New York [Mr. PAYNE] did not repudiate his own board as he did with the bill he filed on the wool schedule a few days ago making some of the items even higher than they were in the old schedule. [Applause on the Democratic side.]

Mr. Speaker, I move that the message and accompanying papers be referred to the Ways and Means Committee and that so much of the accompanying papers as the board itself indicates shall be printed, and so much as they indicate they do not desire to have printed be referred to the custody of the clerk of the committee. I wish to say if that resolution goes through I will ask unanimous consent to have 5,000 copies printed.

Mr. MANN. Will the gentleman yield?

The SPEAKER. Will the gentleman from Alabama yield to the gentleman from Illinois?

Mr. UNDERWOOD. I will.

Mr. MANN. Does the board indicate what portion it desires to have printed?

Mr. UNDERWOOD. I have not gone over it thoroughly, but I notice in the papers they have written on some parts that "This portion shall be printed," and that some shall not be printed, and so I suppose they have done that all the way through, although I have not carefully examined it.

The SPEAKER. The gentleman from Alabama [Mr. UNDERWOOD] moves that the message and the accompanying papers be referred to the Committee on Ways and Means, the message printed, and such parts of the accompanying papers as the Tariff Board has indicated shall be printed and the rest remain in the custody of the clerk of the committee. Is there objection?

Mr. MANN. I think on some of the papers sent in that the board has marked "Not to be printed."

Mr. UNDERWOOD. Yes.

Mr. MANN. Would it not be better to provide that should not be printed and that the other should be printed?

Mr. UNDERWOOD. On examination of the papers I see that they have indicated what should be printed and what should not, and I think my suggestion covers exactly what the gentleman refers to.

The SPEAKER. The question is on agreeing to the motion of the gentleman from Alabama.

The question was taken, and the motion was agreed to.

Mr. UNDERWOOD. Mr. Speaker, I ask unanimous consent that in the printing of these documents there may be 5,000 printed, 1,000 for the use of the committee and 4,000 for the use of the House, to be distributed through the folding room.

The SPEAKER. The gentleman from Alabama [Mr. UNDERWOOD] asks unanimous consent to print 5,000 copies, 1,000 for the use of the Committee on Ways and Means and the other 4,000 to go to the folding room for the benefit of the Members.

Mr. MANN. Does the gentleman think that number will be sufficient?

Mr. UNDERWOOD. I think so. I have had very little demand for the wool report. I have got a surplus on hand, and I think that 5,000 copies of this will be more than enough. It will give each Member about 10 copies.

Mr. MANN. I think, as a matter of fact, that the 12,000 we have ordered printed of the wool report, which are now coming in, will not be sufficient to supply the demand for them.

Mr. UNDERWOOD. I will say to the gentleman that we might try 5,000 of these and see how far they will go.

The SPEAKER. Is there objection? [After a pause.] The Chair hears none.

The motion was agreed to.

RULES CONCERNING PENSION BILLS.

Mr. RODDENBERY rose.

The SPEAKER. For what purpose does the gentleman from Georgia [Mr. RODDENBERY] rise?

Mr. RODDENBERY. Mr. Speaker, I desire to offer a resolution privileged under the Constitution.

The SPEAKER. The Clerk will report the resolution.

The Clerk read as follows:

House resolution by Mr. RODDENBERY.

Resolved, That the rules of the House be amended as follows:

(1) No omnibus private pension bill shall be considered by the House until the full report of the committee thereon shall have once been printed in the RECORD 10 days previous to calling such bill up for consideration.

(2) All general debate on any omnibus private pension bill shall be limited to two hours, one-half to be controlled by proponents of the bill and one-half by the opponents of the bill.

(3) No omnibus private pension bill shall be placed on its passage under suspension of the rules——

Mr. FOSTER. Mr. Speaker, I make the point of order that the resolution is not a privileged resolution.

The SPEAKER. The point of order is sustained.

Mr. RODDENBERY. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. RODDENBERY. Is it not possible to let the entire resolution be read before the point is ruled upon?

The SPEAKER. The point of order is well taken when it is ascertained clearly that the resolution is not privileged.

Mr. RODDENBERY. Then, Mr. Speaker, I send the resolution to the Clerk's desk, to be inserted in the basket.

Mr. FOSTER. I object.

The SPEAKER. The gentleman has a perfect right to put it in the basket.

Mr. FOSTER. But not to speak to the House in regard to it.

LEAVE OF ABSENCE.

By unanimous consent, leave of absence was granted as follows:

To Mr. TAYLOR of Alabama, indefinitely, on account of important business.

To Mr. HARDWICK, for two weeks, on account of important business.

To Mr. PUJO, indefinitely, on account of sickness in his family.

To Mr. MCHENRY, for 10 days, on account of illness.

DIPLOMATIC AND CONSULAR APPROPRIATION BILL.

Mr. SULZER. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the state of the Union for the purpose of considering the bill (H. R. 19212) making appropriations for the Diplomatic and Consular Service for the fiscal year ending June 30, 1913; and, pending that motion, Mr. Speaker, I ask unanimous consent that general debate be limited to two hours, one hour to be controlled by the gentleman from Wisconsin [Mr. COOPER] and one hour to be controlled by myself.

The SPEAKER. The gentleman from New York [Mr. SULZER] moves that the House resolve itself into the Committee of the Whole House on the state of the Union to consider House bill No. 19212, the diplomatic and consular appropriation bill; and, pending that, he asks unanimous consent that general debate be limited to two hours, one hour to be controlled by himself and one hour by the gentleman from Wisconsin [Mr. COOPER]. Is there objection? [After a pause.] The Chair hears none, and it is so ordered. The question is on the motion of the gentleman from New York that the House resolve itself into the Committee of the Whole House on the state of the Union for the consideration of the diplomatic and consular bill.

The motion was agreed to.

Accordingly the House resolved itself in the Committee of the Whole House on the state of the Union for the consideration of the bill H. R. 19212, the diplomatic and consular appropriation bill, with Mr. SIMS in the chair.

The CHAIRMAN. The House is in Committee of the Whole House on the state of the Union for the consideration of House bill 19212, which the Clerk will report.

The Clerk read as follows:

A bill (H. R. 19212) making appropriations for the Diplomatic and Consular Service for the fiscal year ending June 30, 1913.

Mr. SULZER. Mr. Chairman, I ask unanimous consent that the first reading of the bill be dispensed with.

The CHAIRMAN. The gentleman from New York [Mr. SULZER] asks unanimous consent that the first reading of the bill be dispensed with. Is there objection?

There was no objection.

Mr. SULZER. Mr. Chairman, this appropriation bill needs little explanation. It is framed along fair and economical lines. The people of this country take a deep and an abiding interest in the Diplomatic and Consular Service. There is no other branch of the Government that is doing so much effective work for our trade and commerce and getting such good results for all the people as the Diplomatic and Consular Service. This applies not only to those citizens who travel and sojourn abroad, but it applies in a larger sense to the business people of America and to all the citizens of our country. It is a matter of gratification for me to say—and I know I voice the sentiments of our people generally—that there never was a time in the history of our country when our Diplomatic and Consular Service was so efficient and on so high a plane as it is to-day. [Applause.]

The value of the foreign service to the Government, to American commerce, and to the individual citizen is now recognized and can not be gainsaid. It is no longer merely political, but it has become to a large extent an efficient nonpartisan instrument for the expansion of American commerce and the extension of American enterprise, securing for American commercial interests fair and equal trade opportunity with the peoples of other countries, and it assures to the individual citizen the protection of his rights the world over. It is through its agency that the entire business of the Government in its relations with other Governments is conducted; and for every dollar expended for the foreign service the people of the United States receive directly or indirectly 100 for 1 in return.

Let me say much credit for this is due to the present administration and also to the preceding administration, and I am broad-minded enough to declare that, so far as I am concerned, in the future as in the past I shall do everything in my power to continue to improve the personnel and the efficiency of our foreign service and in so far as may be possible lift it completely out of the slough of partisan politics and put it where it belongs, upon the high, impregnable ground of the merit system, where talent, ability, competency, and experience shall be the sole qualifications for appointment and promotion. [Applause.]

This bill has been carefully prepared and considered by the Committee on Foreign Affairs, and is reported to the House unanimously. The total estimates submitted aggregate $4,079,697.41; the amount appropriated for the last fiscal year was $3,987,766.41; the accompanying bill, carrying the appropriations for the next fiscal year, totals $3,427,491.41, which is a reduction of $560,275 from last year's appropriations and is $652,206 below the estimates submitted for the ensuing year. This saving to the taxpayers of our country speaks for itself and needs no further comment.

The various amounts appropriated for the Diplomatic and Consular Service in this bill are deemed to be quite sufficient to meet all the actual needs of the service for the next fiscal year. Every effort has been made to consistently economize where economy could wisely be practiced. No attempt was made to cripple in any way the administration of the State Department or to impair in the least degree the efficiency and the splendid work now being done by our foreign service. Not a salary was reduced, and only one increase was made, and that so small as to be quite immaterial.

The pruning of the estimates submitted for various purposes was conscientiously done where it could be afforded the most easily without present or future injury to any agency of the Government provided for in this appropriation bill. I repeat, there has not been a decrease in salary, and there has been no increase of salary save in one instance, namely, the pay of the secretary to the Turkish embassy, and his salary was placed on an equality with the salary of the secretary of the embassy to Japan and the salary of the secretary of the embassy to China.

The emergency fund—and that has been a matter of investigation and criticism in this House by another committee—after careful inquiry and mature deliberation has been reduced from $90,000 to $50,000, with the following limitation:

Provided, however, That the vouchers for the money expended under this appropriation shall be itemized, and the same shall be subject, whenever required, to the inspection of the chairman of the Committee on Foreign Affairs of the House of Representatives and the chairman of the Committee on Foreign Relations of the United States Senate, or either of them.

Let me say there is no legitimate objection to this reduction, and there should be no opposition to the limitation which the committee put upon that appropriation. We believe this wise limitation will go far to silence adverse criticism and to a large extent satisfy the demand for greater publicity in the future regarding the disbursement of this emergency fund.

This appropriation bill, take it all in all, is about as fair and as just and as economical a measure as can be framed and brought into this House, and I for one of the members of the Committee on Foreign Affairs, responsible for its provisions, indulge the hope that it will pass the House without material change.

Mr. Chairman, I reserve the balance of my time, and request the gentleman from Wisconsin to now use some of his time.

Mr. COOPER. I yield to the gentleman from Missouri [Mr. BARTHOLDT].

ROOSEVELT PRAISES TAFT.

Mr. BARTHOLDT. Mr. Chairman, I desire to submit, for insertion in the RECORD, an interesting extract from a speech delivered by Col. Theodore Roosevelt as temporary chairman of the New York Republican State convention at Saratoga, N. Y., September 27, 1910. In the course of his remarks the colonel said:

We come here feeling that we have the right to appeal to the people from the standpoint alike of National and State achievement. During the last 18 months a long list of laws, embodying legislation most heartily to be commended as combining wisdom with progress, have been enacted by Congress and approved by President Taft.

The amendments to the interstate-commerce law; beginning of a national legislative program for the exercise of the taxing power in connection with big corporations doing an interstate business; the appointment of a commission to frame measures that do away with the evils of overcapitalization and of improper and excessive issues of stocks and bonds; the law providing for publicity of campaign expenses; the establishment of the maximum and minimum tariff provisions and the exceedingly able negotiation of the Canadian and other treaties in accordance therewith; the inauguration of the policy of providing for a disin-

terested revision of tariff schedules through a high-class commission of experts which will treat each schedule purely on its own merits, with a view both to protecting the consumer from excessive prices and to securing the American producer, and especially the American wage worker, what will represent the difference of cost in production here as compared with the cost of production in countries where labor is less liberally rewarded; the extension of the laws regulating safety appliances for the protection of labor; the creation of a Bureau of Mines—these, and similar laws, backed up by Executive action, reflect high credit upon all who succeeded in putting them in their present shape upon the statute books; they represent an earnest of the achievement which is yet to come and the beneficence and far-reaching importance of this work done for the whole people measure the credit which is rightly due to the Congress and to our able, upright, and distinguished President, William Howard Taft.

[Applause.]

Mr. COOPER. I yield 20 minutes to the gentleman from Michigan [Mr. SAMUEL W. SMITH].

Mr. SAMUEL W. SMITH. Mr. Chairman, as I understand it, Monday of last week was set apart by the farmers of Michigan, and possibly throughout the country, to write their Members of Congress upon the subject of parcel post. I have received many letters bearing upon this subject, asking, urging, and even demanding, that I vote for a general parcel post.

These letters in the main were from farmers, and I think I state the situation correctly when I say that the farmers and some people living in the villages and cities favor a parcel post, while, on the other hand, the village and city merchants are opposed to it, believing that it will ruin their business, insisting that even a local rural parcel post is merely an entering wedge for a general parcel post, and for that reason must be regarded as the initial step toward all the evil consequences of a general parcel post and subject to all the objections of such a system, as they see it.

I am sure that no one knowingly wants to be a party to ruining the legitimate business of any person.

My experience is that the average Member of Congress wants to know the wishes of his constituents and carry them out as best he can, but the life of a Congressman is a busy one, and it often happens that he has not had the time nor the opportunity to give a subject the study and investigation he would like to, and this is especially so where there is such an honest difference of opinion as there is upon the subject of parcel post.

One Member becomes absorbed in the tariff, another in postal savings banks, another in parcel post, and so on, and we come to look upon them as authority upon these subjects as we rely upon the reports of committees respecting the various bills that are reported to the House.

I have often said that I wished we might have more than one secretary, for I believe that I could so utilize their time that it would be of lasting benefit not only to my constituents but to the country at large. I recall that before I made my first speech upon the reduction of telegraph rates (which with the combined efforts of others has resulted in the night letter and day letter, saving so many thousands of dollars daily to our people, and I may add that it is surprising to know how many people who are engaged in active business do not yet know of the existence of either the night or day letter), that I spent many months in the preparation of the same, well knowing that any mistake in figures or otherwise would be severely criticized by at least the two leading telegraph companies of the country, and after the time thus spent in preparation one of my greatest difficulties was to condense and cut down the speech so that it would be read by the average person and at the same time give the desired information.

I assume that some Member or Members of this honorable body have taken a very deep interest in the subject of parcel post and, as a result, have been enabled to give much time and consideration to the same. I think I can justly refer to the distinguished Member, Mr. SULZER, of New York, as having done so, and who I believe is regarded as an authority upon this subject.

EXPRESS RATES.

I want to say that however much Members may differ upon this subject, I believe I voice the sentiments of this body when I say we are willing to do whatever we can to reduce the exorbitant express rates which prevail in this country. In fact, as soon as reliable information and data can be secured from the Interstate Commerce Commission I intend to make a carefully prepared speech upon express rates.

I am about to read into the RECORD from the Hardware Reporter of December, 1911, a short article entitled "Enormous cost of parcel-post equipment," and want it expressly understood that I am in no way responsible for, nor am I bound by, any statement or figures contained therein.

The annual Post Office appropriation bill (H. R. 21279), "A bill making appropriations for the service of the Post Office Department for the fiscal year ending June 30, 1913, and for other purposes," has been reported to the House, and doubtless will be considered within the next two or three weeks, and, in my judgment, contains all the parcel-post legislation that will be reported from that committee during this session of Congress.

Taking the article referred to as a text or guide, I would be very glad, and I believe I express the wishes of many of my associates on both sides of the Chamber, if the distinguished gentleman from New York referred to, Mr. SULZER, or some one else would in the meantime, or when this bill is under discussion, speak at some length as to the cost of a general parcel post and secure enough time so that Members may have an opportunity to ask questions and have a full, fair, and frank discussion of the same. I am sure that it can but result in doing much good, because those who favor and those who oppose a general parcel post or a parcel post in any form ought to be willing, and I am sure are, to invite and encourage the fullest discussion of the same.

"ENORMOUS COST OF PARCEL-POST EQUIPMENT.

"The cost—what will it cost to put into operation this proposed scheme for parcel post?

"There are in this country more than 1,900 Federal buildings occupied in whole or in part by post offices. The outlay for these buildings is more than $160,000,000.

"A parcel post will require an increase in space of at least one-half for all these buildings; or, in other words, an outlay approximating $100,000,000.

"There are about 50,000 fourth-class postmasters in this country. These postmasters will be required to give more space to the handling of parcels. It will require more of their time, and their pay will therefore have to be increased on an average of $100. each, which will require another outlay of at least $5,000,000.

"There are more than 40,000 rural routes already in operation. It will mean a direct outlay and additional equipment of another horse and strong wagon; of at least $150 a year for each rural carrier, or another outlay approximating $8,000,000.

"Warehouses at railroad terminals will be required at an outlay approximating $10,000,000.

"In Germany last year 343,000,000 parcels were carried at an average of 9 pounds each. To carry these parcels at 10 cents a pound means a direct loss in carrying of at least 18 cents a package, and, with the enormous retail mail-order business in this country, there will be not less than 500,000,000 packages carried the first year. This will bring a loss to the Government approximating $90,000,000; or, in other words, a direct outlay and loss the first year in the installation and operation of parcel post approximating anywhere from $225,000,000 to $250,000,000.

"Certainly an outlay of such proportions for a parcel post, which creates nothing and benefits nobody but the retail mail-order house, is objectionable. It is not justified by the application of any of the simplest business principles." [Applause.]

I can not conclude these brief remarks without inserting an article from the Daily Consular and Trade Reports of February 16, 1912, entitled:

FARM PRODUCE BY PARCEL POST.

[From Consul Edwin N. Gunsaulus, Johannesburg, South Africa.]

"A recent issue of South Africa details as follows the advantages derived by both the producer and consumer of farm products by the extension throughout the Union of South Africa of the agricultural parcel post:

"'Among the benefits which were conferred on the agricultural community by the post-office act which recently came into operation was the extension of what is known as the agricultural parcel post throughout the Union. The system has been in force in the Transvaal for some time and has yielded a great deal of benefit to various classes, and its extension to the Union is, of course, a decided march forward, bringing in its train increased facilities to the people of the Transvaal, who will be enabled to send parcels by this means to any of the Provinces, and offering facilities which have hitherto not been enjoyed by the Cape, Free State, or Natal.

"'The agricultural parcel post is very comprehensive in its range, and practically means the conveyance at low rates of anything produced or manufactured within the confines of the Union. The official description is "parcels containing articles produced, or, if manufactured, produced and manufactured in the Union of South Africa, addressed to any place within the same (except Rhodes Drift, Pietersburg, which receives its correspondence from Tuli, in Rhodesia)." Among the articles which may thus be sent are butter, eggs, poultry, bread, biscuits, yeast, tea, dried meats, jam, honey, tobacco, cigarettes, dried and bottled fruits, confectionery, plants, seeds, and so on. Of course, the success of an institution of this kind depends very much on the scale of charges.

"'Many people, no doubt, would like to get their butter, meat, and poultry direct from the producer. For example, in Cape Town one of the great drawbacks to direct dealing with the farmer has been the cost and trouble of getting produce conveyed from him, but under the agricultural parcel post, at any rate, there should not be any difficulty on that score, for a parcel up to 11 pounds in weight will be carried to any part of the Union for 24 cents. The scale of postage is as follows: Up to 1¼ pounds, 6 cents; over 1¼ pounds and not more than 3 pounds, 12 cents; up to 6 pounds, 16 cents; up to 9 pounds, 20 cents; up to 11 pounds, 24 cents.

"'In order to prevent fraud, the authorities require that a declaration shall be signed by the senders. Returned empties may also be sent by this system. The original declaration label must be attached, indorsed "Returned empty," and the empty parcels must be addressed to the person who signed the declaration. The experiment is one that should do much to bring the producer and consumer in closer touch, and its operation will be watched with the greatest interest.'"

Mr. COOPER. Mr. Chairman, I have no more demands for time on this side.

Mr. SULZER. I yield 10 minutes to the gentleman from Pennsylvania [Mr. GREGG].

Mr. GREGG of Pennsylvania. Mr. Chairman, the iniquity of giving to Members of the House the privilege of extending their remarks in the RECORD is fully exemplified in the remarks that were extended by the gentleman from Georgia [Mr. TRIBBLE], which appear on page 3929 of the CONGRESSIONAL RECORD. On last Thursday I sat here patiently all the afternoon listening to the reading of the bill relating to invalid pensions and also listening to the arguments that were being made for and against that bill. Not one single word was publicly uttered in this House in relation to any one of my constituents; but when I turn to page 3929 and the top of page 3930, I discover that reference has been made to one John Walter, whose name is misprinted in the RECORD as John Walters. It is there stated:

For instance, on page 65 of the report, John Walters owns a home valued at $2,500 and has assistance from a lodge, and he is recommended for an increase to $30 a month.

The report states that fact; but I rise here to attempt, in my feeble way, to correct a portion of that statement. The fact of the matter is that John Walter lives in a little home in Scottdale, in the county in which I reside, and I desire now to read from a telegram which I received this morning from one of the most reputable attorneys at the bar in our county in answer to a message that I sent to him requesting him to give me the facts in regard to John Walter.

I might say that I know John Walter personally, and I know how feeble he is. The following is the telegram:

GREENSBURG, PA., *March 25, 1912.*

Hon. CURTIS H. GREGG,
House of Representatives, Washington, D. C.:

John Walter pays $56 taxes this year; property cost him fifteen hundred 20 years ago; wife's whole inheritance of eight hundred is in it. He was in active service 2 years 11 months. Was with Sherman 1 year 2 months. After battle of Resaca was Sherman's private orderly. Sherman took him along to New York, Chicago, West Point, and Louisville. Wished Walter to stay with him on his staff; promised to make him second lieutenant and advance him. Walter's mother needed him and he came home. Sherman sent him one of his horses. Gave Walter keys to chests and said take money or anything he wanted. Walter took slouch hat worn by Sherman on march to sea. Sherman afterwards sent Walter check for $75. Walter has letters from General and Mrs. Sherman. At battle of Resaca, Walter in saddle almost continuously four days and three nights. Wore out three horses. Carried dispatches to left wing over ground swept by cross-fire. From history of Fifteenth Pennsylvania Cavalry, page 590, 1 copy:

"John Walter, of Company K, was another. At the battle of Resaca he so distinguished himself in carrying dispatches on our 14-mile line of battle as to merit the commendation of Gen. Sherman, who personally asked him to be his private orderly, and was retained in that position till July, 1865, when he was discharged. It was Walter who took the verbal order from Gen. Sherman to Gen. Logan to take command of Gen. McPherson's corps after that general had been killed in battle. A staff officer generally does work of that kind, but just then time was an important object. It was a question of minutes, and Sherman took the best he had for his messenger."

I know Walter. The soul of honor, now as helpless as a creeping child.

C. E. HELLER.

Mr. Chairman, to my mind it ill becomes any person upon the floor of this House to attack the reputation of John Walter, or of any soldier of the North in the Civil War. John Walter, like thousands and thousands of others, when Sumter was fired upon, looked upon the flag and saw its sky-born glory blaze against the midnight gloom and caught the courage of its stars. [Applause.] In those days John Walter became a guardian of this Nation and the Nation was John Walter's ward. To-day John Walter is a ward, and he asks the Nation to become his guardian. [Applause.]

I desire to have printed in connection with my remarks the portion of the report of the committee found on the bottom of page 63 and the top of page 64.

The CHAIRMAN. If there be no objection, the request of the gentleman from Pennsylvania will be granted.

The portion of the report referred to is as follows:

H. R. 9611. John Walter, aged 72 years, was enrolled in Company I, One hundred and sixtieth Regiment Pennsylvania Volunteers, August 21, 1862, and mustered out July 5, 1865, as of Company K, Fifteenth Regiment Pennsylvania Volunteer Cavalry, to which he was transferred from Company I, same regiment, to which designation changed from Company I, One hundred and sixtieth Regiment Pennsylvania Volunteers.

Is now a pensioner under the act of February 6, 1907, at $15 per month on account of age.

Was formerly pensioned under the act of June 27, 1890, at $10 for chronic diarrhea, rheumatism, and disease of heart, and right inguinal hernia and senile debility.

Address, Scottdale, Pa.

Board of surgeons, May 11, 1904, found disease of heart, diarrhea, rheumatism, and right inguinal hernia.

Medical testimony is that applicant has endocarditis and arteriosclerosis; has interstitial nephritis, and at times has convulsions as a result; has right inguinal hernia, very hard to retain by a truss; that he is of a rheumatic diathesis, and the joints of both hands are enlarged and motion limited one-half; has rheumatism in legs, shoulders, and arms; frequently suffers from pulmonary edema; that he can not walk, dress, or undress without assistance; that he is emaciated and weak, and unfitted for manual labor.

Applicant, it is stated, owns a home worth $2,500; rents two rooms in his house, gets assistance from a local lodge, and draws a pension of $15 a month.

It is further shown that the income from the rented rooms will not exceed $3 per room per month when rented.

An increase to $30 a month is proper.

MESSAGE FROM THE PRESIDENT OF THE UNITED STATES.

The committee informally rose; and Mr. FINLEY having taken the chair as Speaker pro tempore, a message, in writing, from the President of the United States was communicated to the House of Representatives by Mr. Latta, one of his secretaries.

DIPLOMATIC AND CONSULAR APPROPRIATION BILL.

The committee resumed its session.

Mr. SULZER. I yield five minutes to the gentleman from Georgia [Mr. RODDENBERY].

Mr. RODDENBERY. The gentleman from Pennsylvania, in his remarks, out of his own language and out of the report that he puts in the RECORD, discloses that the gentleman from Georgia, to whom he made reference, uttered nothing on the floor and placed nothing in the RECORD that does not literally, word for word, agree with the printed report of the committee on the bill.

I do not rise, therefore, for the purpose of adverting to the incident in any way. In these five minutes, however, I want to congratulate the House and the gentleman from Pennsylvania that we have reached the point further in this pension legislation when not only Members want the time that the gag rule gives them, where they not only want the right to extend their remarks in the RECORD, but also want the right, by unanimous consent, to defend their private pension bills which they seek to pass here. Not only have we thus progressed, but they want more than that. When the consular and diplomatic bill is under consideration for general debate they seek to get time from Members who control it so that they may go still further and discuss these pension propositions.

Gentlemen are not so silent now as they were four weeks ago; gentlemen are not so content now as they were four weeks ago; and two weeks hence you will not be as content as you are now. The gentleman from Pennsylvania was one of the towering factors and one of the emphatic voices that gave his vote to suspend all rules and rush this legislation through last week. He joined with the majority in adopting a course that the czarism of the Cannon régime has never approximated.

Mr. GREGG of Pennsylvania. Will the gentleman yield?

Mr. RODDENBERY. I will not. The gentleman can get time to ask me a question when the next pension bill comes up, if he will stand by me and help get time for fair discussion. I will yield to him then. The gentleman from Pennsylvania, along with other Members, put upon us 20 minutes' debate on 250 pension bills, and it is no wonder now that they want unanimous consent to submit a few remarks on pensions.

I introduced this morning a resolution which I hope the gentleman from Pennsylvania will help me get passed so that he can defend his private pension bills, which resolution allows two hours of general debate on private pension bills and gives two hours' debate under the five-minute rule. Under that resolution nobody can filibuster; nobody can take up excessive time under that rule. If you are opposed to a fair investigation of these frauds on the Public Treasury made in behalf of deserters and in the name of the Union soldiers, then vote down my resolution for fair discussion and free debate. We will confront you later with opportunity to vote for freedom of debate and amendment. When you go back home after having obtained additional tribute for this soldier, who has $2,500 worth of real estate, now drawing $15 a month pension, and who is supported

partly by his lodge, when you go back home explain to your other pensioners, who are destitute and have nothing, why you did not do something for them, if you can.

Mr. COOPER. Mr. Chairman, I yield five minutes, or so much as he may desire, to the gentleman from Illinois [Mr. MANN].

Mr. MANN. Mr. Chairman, in order to call to the attention of both sides of the House, especially the other side of the House, the great availability of a certain gentleman as a candidate for the Presidency, I desire to have read in my time a statement of a very eminent statesman and editor concerning one of the Democratic candidates. I send to the Clerk's desk to be read an article which recently appeared in one of the Washington papers.

The Clerk read as follows:

[From the Washington Post, Mar. 14, 1912.]

NO DEMOCRAT, THIS—WILLIAM R. HEARST TAKES MEASURE OF "PROF." WILSON—LIKE A FISH OUT OF WATER—REALLY A FEDERALIST, HE FAILS UTTERLY IN DEMOCRATIC POSE—MORE SUGGESTIVE OF JUDAS THAN OF ST. PAUL, SAYS PUBLISHER, WHO SEES NO CHANCE FOR HIS ELECTION—AS PRESIDENT HE WOULD BE A POSITIVE DANGER TO COUNTRY AND PARTY—HAS NEVER TOLD WHAT HE BELIEVES.

"Two former presidential candidates, Mr. Gaynor, minority mayor of New York, and Prof. Wilson, occasional governor of New Jersey, have seen fit to accuse me of responsibility for their political demise," said William Randolph Hearst, who arrived in Washington yesterday.

"I am unworthy of such distinction, and to the posthumous correspondence of these gentlemen I would like to add the following plain statement of fact:

"I am not a candidate for the Presidency, as these gentlemen seem to fear.

"I am, however, committed to the Democratic cause, and I am anxious to see the Democratic Party nominate for the Presidency a genuine Democrat who can be elected.

"Of course in this connection no one seriously considers Mayor Gaynor for a moment.

"Prof. Wilson, on the other hand, has some claim to consideration, but he must and should properly be considered from the viewpoint of whether or not he is a genuine Democrat, and whether or not there is a reasonable chance of his election.

MR. HEARST DEFINES A DEMOCRAT.

"What is a genuine Democrat?

"He is a man who loves and trusts the people, follows reverently in the footsteps of the great leaders of the people, and continually and consistently advocates the basic principles of popular government.

"After reading Prof. Wilson's writings, listening to his speeches, and endeavoring to form an unprejudiced estimate of the man and his manner of thought, I am compelled to conclude that the distinguishing characteristics of Prof. Wilson are that he habitually distrusts the people, has continually deprecated such great popular leaders as Washington, Jefferson, and Jackson, and has spent nine-tenths of his life in denouncing the program and propaganda of popular government that he now pretends to support.

"In my honest judgment, therefore (which is the only thing that can guide my actions), Mr. Wilson is not a Democrat.

"He is not even a Republican. He is a Federalist.

"A Democrat, I say, is a man who sincerely believes in the essential justice and wisdom of popular government."

A REPUBLICAN DEFINED.

"A Republican is a man who believes in popular government, except where it interferes with his special privileges.

"But a Federalist is a man who distrusts the people and actually desires to limit and restrict the people's power in government.

"At present no Federalist Party exists in the United States, but Federalists exist.

"These Federalists may call themselves Democrats or may call themselves Republicans, but in sentiment and sympathy they are Federalists. They think as Federalists, and when not appealing to the people for political support they act and speak and write as Federalists.

"Alexander Hamilton was the leader of the Federalist movement, the founder of the Federalist idea, and an exaggerated and exalted estimate of Hamilton is the natural and inevitable characteristic of the Federalist disciple."

PROF. WILSON A FEDERALIST.

"Prof. Wilson, in his 'History of the American People,' says of Hamilton:

"'Hamilton was above all a statesman. He believed in a centralized government; that the State governments as independent bodies might be extinguished or, at any rate, subordinated; that the new Executive of the Nation might hold for life, and at least one of the National Legislatures for a like term or, at least, during good behavior.'

"Then, later, Prof Wilson writes:

"'What shall we do to return safely to Hamilton? We think of Hamilton rather than of Washington when we look back to the policy of the first administration.'

"Prof. Wilson first defines Hamilton's federalistic ideas, then expresses his own federalistic admiration of Hamilton and these policies.

"This was all written when Prof. Wilson was not a candidate for the Presidency and when he was freely and honestly expressing his actual federalistic opinions.

"It was under similar conditions, conducive to genuine expression of actual sentiment, that Prof. Wilson reflected upon Washington and said:

"'It is for anyone who likes the sinister suggestion to say that Washington's ardor for the occupancy of the western country was that of the land speculator, not that of the statesman.'

PROF. WILSON ON JEFFERSON AND JACKSON.

"It was under similar conditions that Prof. Wilson wrote of Jefferson, the founder of the Democratic Party:

"'Mr. Jefferson was an aristocrat, who deliberately practiced the arts of the politician and exhibited oftentimes the sort of insincerity which subtle natures yield to without loss of essential integrity.'

"And again:

"'Washington found Jefferson a guide who needed watching.'

"It was under similar conditions that Prof. Wilson wrote of Andrew Jackson:

"'The country is older now than it was when Andrew Jackson delighted in his power, and few can believe that it would again approve or applaud childish arrogance and ignorant arbitrariness like his.'

"It was under similar unconstrained conditions, before his natural line of thought was affected by his presidential ambitions, that Prof. Wilson referred to our immigrants from the south of Europe 'as men of the lowest classes and men of the meaner sort; men out of the ranks where there was neither skill nor energy nor any initiative of quick intelligence. They came in numbers, which increased from year to year as if the countries of the south of Europe were disburdening themselves of the more sordid and hapless elements of their population.'

"'The Chinese were more to be desired as workingmen, if not as citizens, than most of the coarse crew that came crowding in every year at the eastern ports.

"'The unlikely fellows who came in at our eastern ports were tolerated because they usurped no place but the very lowest in the scale of labor.'

NOT DEMOCRATIC UTTERANCES.

"Now, just and gentle reader, whether you approve of Prof. Wilson's admiration for Hamilton and Hamilton's federalistic policies, or whether you do not; whether you approve of Prof. Wilson's aspersions upon Washington, Jefferson, and Jackson, and other popular leaders, or whether you do not; whether you approve of Prof. Wilson's air of sniffy superiority and his apparent contempt for the plainer and poorer people and for their idols and ideals, or whether you do not; whether you approve of Prof. Wilson's attitude on all of these matters or not, you must admit that it is not a Democratic attitude, that these are not the utterances of a genuine Democrat.

"Let us do full justice to Prof. Wilson, however. Let us give him the benefit of every doubt.

"Perhaps Prof. Wilson wrote, and thought, and spoke, and taught as a Federalist for the 50 years before he became a candidate for the Presidency, and then actually and suddenly was transformed into a genuine Democrat six weeks after he became a candidate.

"Perhaps so; but can I honestly believe that he was so speedily transformed? Can you believe it?

"Suppose a man had spoken disparagingly of you for 50 years and then had decided to try to borrow some money from you, and had thereupon spoken pleasantly of you?

"Could you believe that he was really your friend, or would you shrewdly suspect that he was only trying to flatter you into doing him a favor?

"Would you think that you were quite safe in intrusting important matters deeply affecting your interests to his hands?

NOT AT ALL LIKE ST. PAUL.

"And if I were your personal adviser, as a conscientious publisher is a trusted adviser of the public, would I be doing my duty to you if I advised you to intrust too much to this changeable man until I felt sure that he had become really your friend and was not merely pretending to be?

"I have a high conception of my journalistic duties and responsibilities, and I adhere to that conception with devotion and without deviation.

"If I were convinced that Prof. Wilson were a genuine Democrat, capable of being elected to the Presidency and of conducting that great office in the interests of the people, I would unreservedly advise the people to support him.

"But being unconvinced of this, I will not advise the people to support him, let all the dogs from Spot to Cerebus howl as they will.

"There are enthusiastic supporters of Prof. Wilson that believe him to be a second Saul of Tarsus, who has seen a great light and been actually converted. I do not believe it.

"There are many definite differences between Prof. Wilson and St. Paul.

"The great light that St. Paul saw was not a light of personal preferment, was not a light of public office, was not a light of material advantage.

"St. Paul abandoned material consideration to follow his convictions; he did not merely change his convictions to secure honor and position.

"He sacrificed himself to benefit the people; he did not merely seek to use the people to advance himself.

"He left his home and his people and went out into the world to do good, and did not begin by asking a pension from Herod.

"Neither did he draw a salary from the government while neglecting the duties of office and devoting his time to his personal advancement.

MORE SUGGESTIVE OF JUDAS.

"The constant intrusion of certain pieces of silver into the career of our modern convert is more suggestive of a Judas than of a St. Paul.

"Finally, not only St. Paul's acts, but St. Paul's words rang true.

"St. Paul spoke clearly and fearlessly, whatever he thought, and every follower was able to understand exactly what he meant.

"But who can know or state with any definiteness what Prof. Wilson actually thinks of the leading questions of the day?

"At the Jackson day harmony dinner in Washington, in the midst of the utter silence Prof. Wilson insists upon before he begins his address, a sturdy Western Democrat at one of the tables said so all could hear:

"'Now, Professor, tell us what you think to-night.'

"It was not too much for a Democrat to ask of a candidate for the Democratic presidential nomination, but Prof. Wilson did not respond, either directly or in his speech.

"Prof. Wilson was not asked to state what he had thought of Jackson and Jefferson in times past. He was not asked to repeat his criticism of recent Democratic platform and recent Democratic candidates.

"He was not asked to explain his altered attitude on many progressive policies.

"He was only asked to state definitely what he thought that night.

"He did not explain definitely, and he never does explain definitely. He asks all Democrats to forget his past attitude, but is not willing to make them understand his present one.

GOV. WILSON'S IDEAS UNKNOWN.

"Prof. Wilson has made more speeches than all the other candidates for the Presidency in all the other parties combined, and still he has not yet been able definitely to state what he really believes.

"To those who ask for bread, Prof. Wilson distributes the polished pebbles of his oratory. They may be brilliant; they may be beautiful, but they are not bread; they are but stones.

"Prof. Wilson, who formerly ridiculed and reviled the initiative, referendum, the recall, and direct nominations, and educated his students to oppose these popular measures, now says that he believes in the

initiative in a way, and in the referendum in part, and in the recall on certain occasions, and in direct nominations under certain conditions.

"He thinks that the tariff is an issue, but he has been unable clearly to formulate his tariff program.

"He concedes that the trust question is a leading one, but he has been unwilling clearly to explain how he purposes to deal with the trust question.

"Prof. Wilson modifies every statement, qualifies every utterance, and stands nicely balanced on every issue, ready to retreat or advance as occasion requires.

"If Prof. Wilson's inconsistencies and contradictions, his un-Democratic and un-American utterances, should not become sufficiently well known before the convention to prevent his nomination, they will certainly become well enough known during the campaign to prevent his election.

"And while defeat at the polls is not what the Democrat desires, that defeat would certainly be better for the party in the long run than the election of a man who is not in heart and action a Democrat.

DEMOCRATIC POSE ASSUMED.

"The whole trouble with Prof. Wilson is that he is not a Democrat, and does not know how to be a Democrat. His Democratic pose is assumed, and, therefore, awkward and unnatural.

"He is a fish out of water. In the pursuit of his ambitions he has left the federalistic element in which he knew how to swim and has come out upon the Democratic land upon which he does not know how to walk.

"As a candidate for President he would be a pitiful disappointment.

"As an actual President he would be a positive danger to his party and to the country. A Democratic President who is not a Democrat would be a failure, and the failure of an administration for which the Democratic Party could be held responsible would mean the expulsion of Democracy from power for another score of years.

"These are my reasons for not supporting Prof. Wilson. They may or may not be sound. At least they are not selfish.

"I have a fairly accurate faculty for detecting frauds, as Mayor Schmitz and Mayor Gaynor, as Senator BAILEY and Senator FORAKER, as District Attorney Jerome and Gov. Dix can testify.

"I unhesitatingly classify Prof. Wilson in the same category as the above worthies, and confidently wait for time and events to prove the accuracy of my judgment."

Mr. HUGHES of New Jersey. Mr. Chairman, I ask to have an editorial from the New York World read in my time.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

[From the New York World, Mar. 15, 1912.]

BEING A DEMOCRAT.

Sadly and sorrowfully the Hon William Randolph Hearst reads the Hon. Woodrow Wilson out of the Democratic Party.

In a long and anguished letter to the Washington Post, Mr. Hearst says of the governor of New Jersey:

"The whole trouble with Prof. Wilson is that he is not a Democrat, and does not know how to be a Democrat. His Democratic pose is assumed, and, therefore, awkward and unnatural."

But is there no hope for Woodrow Wilson? Can he never scale the exalted heights of Democracy which Mr. Hearst has attained? We know, of course, that Gov. Wilson began wrong, but perhaps the mistakes of the past can be remedied.

To be truly Democratic, Gov. Wilson should have run as a municipal-ownership candidate for mayor in 1905 in order to defeat the regular Democratic candidate.

In 1906 Gov. Wilson should have spent $250,000 organizing an Independence League to name him for governor, and then used this league to club a stolen nomination from Murphy after Grady had "done the dirtiest day's work of my life."

In 1907 Gov. Wilson should have gone into partnership with the Republican bosses and the Republican machine and placed a "fusion" ticket in the field against the Democratic ticket.

In 1908 Gov. Wilson should have financed and nominated an independent Presidential ticket to help Taft and Roosevelt defeat Bryan.

In 1909 Gov. Wilson should have run as an independent candidate for mayor against the Democratic candidate, with the support of Chauncey M. Depew, the Republican bosses, and other "reform" elements.

In 1910 Gov. Wilson should have been an independent candidate for lieutenant governor in the hope of defeating the Democratic ticket and keeping the Republicans in power in Albany.

In 1911 Gov. Wilson should have again nominated a "fusion" ticket in partnership with the Republican machine. Then, as soon as his "fusion" ticket was beaten and it became apparent that the Democratic Party had a chance of winning the Presidency, he should have formally announced his return to Democracy.

Woodrow Wilson may not know "how to be a Democrat," but William Randolph Hearst knows. In comparison with Mr. Hearst, no other Democrat ever was a Democrat. He is the only known specimen of his kind.

Mr. HUGHES of New Jersey. Mr. Chairman, I ask unanimous consent that the editorial just read be printed in the RECORD, to follow the editorial submitted by the gentleman from Illinois [Mr. MANN].

The CHAIRMAN. Is there objection?

There was no objection.

Mr. SULZER. Mr. Chairman, how much time has the other side remaining?

The CHAIRMAN. The gentleman from Wisconsin has used 27 minutes.

Mr. SULZER. I yield to the gentleman from Texas [Mr. GARNER].

[Mr. GARNER addressed the committee. See Appendix.]

Mr. SULZER. Mr. Chairman, I yield to the gentleman from New York [Mr. CONNELL].

Mr. CONNELL. Mr. Chairman, I desire to have read from the Clerk's desk a selection from a speech delivered last night in the city of New York by a former President of the United States bearing on the condition of the Republican Party.

The Clerk read as follows:

"It is your fight; it is not a fight for me," he concluded. "It is a fight for you. I am trying to keep the Republican Party true to its traditions of 60 years. The Republican Party was founded to protect the oppressed and to rule in behalf of the lowly and to give us a genuine rule of the people. Our opponents are false to the great traditions of the party when they try to twist and turn it into an instrument of privilege and the great special interests. I want the Republican Party to be what it was in the days of Lincoln."

Mr. SULZER. Mr. Chairman, I yield 20 minutes to the gentleman from Mississippi [Mr. HUMPHREYS].

Mr. COOPER. Mr. Chairman, how much time is left on this side?

The CHAIRMAN. The gentleman from Wisconsin has 33 minutes left.

Mr. HUMPHREYS of Mississippi. Mr. Chairman, I have asked this concession of time to discuss a bill which is not now pending, but which will be before the House in a few days, when it will be impossible for me to be present. That is a bill that proposes to lay a tax on matches, in the manufacture of which phosphorus is used. It has been reported by the Committee on Ways and Means, and I understand will come up in a few days, and because of my opposition to the bill I want to make a few remarks this morning in justification of the vote that I expect to cast against it, because I will not have the opportunity to speak when the bill comes before the House.

The bill, in my opinion, is contrary to correct economic policy. It is contrary to all the teachings of the Democratic Party, so far as I am able to understand it. It is not the purpose to raise revenue for which this tax is levied on these matches. That is confessed. The purpose is to destroy the industry because the use of phosphorus in the manufacture of matches creates or engenders disease among the operatives, and for that reason it is proposed to tax the industry to death. That, according to my opinion, is contrary to the Democratic theory of the taxing power of the Federal Government.

The constitutional authority under which the taxing power is exercised is in the following language:

The Congress shall have power to lay and collect taxes, duties, imposts, and excises—

And so forth. If there is any limitation upon the power to lay and collect taxes, that same limitation applies to the power to "lay and collect imposts and duties." If there is any limitation on the power to collect "imposts and duties," that same limitation must apply to the collection of "taxes." I think no lawyer will controvert that proposition. They are all contained in the same section.

I desire now to call the attention of the Democratic side of this House particularly to the position which our party has taken on that fundamental principle. The last victory that we won in the country was in 1892, and I hope that now, as we are entering upon this campaign, believing that we ought to be successful, we will not give the lie to the declaration of principles upon which we went to the country in 1892 and secured a favorable verdict.

Mr. COOPER. Mr. Chairman, will the gentleman yield?

Mr. HUMPHREYS of Mississippi. Certainly.

Mr. COOPER. The gentleman said he believed the Democratic Party ought to be successful. Does he believe they will be successful?

Mr. HUMPHREYS of Mississippi. Mr. Chairman, of course individual opinion amounts to very little. I believe we will be successful, and I know we ought to be. [Applause on the Democratic side.] In the platform of 1892 the Democratic Party said this:

We declare it to be a fundamental principle of the Democratic Party that the Federal Government has no constitutional power to impose and collect tariff duties except for the purpose of revenue only, and we demand that the collection of such taxes shall be limited to the necessities of the Government when honestly and economically administered.

I believe that to be correct governmental policy. I believe that to be the only purpose for which the power to lay and collect taxes was granted to the Federal Government when our Constitution was framed; and if Democrats expect to go to the country denouncing the policy of laying imposts and duties for purposes other than raising revenue, I ask how can we expect the people to take us seriously if now, in this Democratic House, we abandon that theory and deliberately lay taxes here for a purpose other than to raise revenue?

Mr. BURLESON. Mr. Chairman, will the gentleman yield?

Mr. HUMPHREYS of Mississippi. Certainly.

Mr. BURLESON. Mr. Chairman, I will say to the gentleman that I am in full sympathy with the views being expressed by him. As I understand his position it is that this attempt to suppress the manufacture of these phosphorus matches by levying taxes on matches is a misuse of the taxing power.

Mr. HUMPHREYS of Mississippi. Yes.

Mr. BURLESON. Just as the Democratic Party contended, in days gone by, that the levying of a tax on State banks of issue was an abuse of the taxing power.

Mr. HUMPHREYS of Mississippi. Absolutely.

Mr. BURLESON. And that the attempt to tax out of existence the oleomargarine industry was a prostitution of the taxing power.

Mr. HUMPHREYS of Mississippi. I agree fully with that.

Mr. MANN. When did the Democratic Party take that position about oleomargarine?

Mr. BURLESON. That has always been its policy.

Mr. HUMPHREYS of Mississippi. Whatever position the Democratic Party took on the oleomargarine question I know not. The matter was never mentioned in any platform.

Mr. BURLESON. But the same principle applied.

Mr. HUMPHREYS of Mississippi. Absolutely; and that bill when it was before the House did not receive the vote of a majority of the Democratic Members of the House, but was objected to by them.

Mr. BURLESON. On this very ground.

Mr. HUMPHREYS of Mississippi. And I am glad to say that it also was objected to by the distinguished leader of the minority, Mr. MANN.

I would not be misunderstood. My information upon the matter of the phosphorus matches is very meager, and with all due respect to the House I think the information which this House has is very meager. Assuming, however, that all that is claimed by the proponents of this bill is true, and that the operatives in these factories are subjected to conditions which render them liable to contract and spread this loathsome disease—admitting all that to be true, if I were a member of a legislature of one of the States, clothed with absolute power to deal with the question, I would not hesitate then to enact such legislation as would be necessary to stamp out that industry and forbid it. But that is a matter which has not been confided to the Federal Congress by the Constitution, and if this bill were amended in its title so as to show the truth, that it is a bill "to protect the health of the operatives in these factories," or a bill "to suppress the manufacture of phosphorus matches," the Supreme Court, I take it, would not hesitate to declare it unconstitutional.

In the cases that have come before the court heretofore respecting oleomargarine, the bank tax and the opium tax, the court has had too much respect for the legislative branch of the Government to assume that we were proceeding under false pretenses. For that reason the court would not go behind the declaration of Congress that the oleomargarine bill was a bill to raise revenue. In the system of government under which we live there are certain powers vested in Congress and certain powers reserved to the States.

Gentlemen insist that the Federal Congress alone has the power to stamp out this enterprise and protect the lives and health of the operatives in these factories. I deny this. I assert on the contrary that the Federal Government has no such power, but that the States in which these factories are located do have ample, full, and exclusive power. It is absolutely a matter of police power, and the police power was not delegated to the Federal Government outside of the District of Columbia and the Territories, and the Constitution states in express words, so that no man might ever misunderstand it, that—

> The powers not delegated to the United States by the Constitution nor prohibited by it to the States are reserved to the States respectively, or to the people.

In the license cases reported in the Fifth Howard, the Supreme Court of the United States said:

> * * * The acknowledged police power of a State extends often to the destruction of property. A nuisance may be abated. Everything prejudicial to the health or morals of a city may be removed. Merchandise from a port where a contagious disease prevails, being liable to communicate the disease, may be excluded; and in extreme cases it may be thrown into the sea. This comes in direct conflict with the regulation of commerce; and yet no one doubts the local power. It is a power essential to self-preservation and exists necessarily in every organized community. It is indeed the law of nature, and is possessed by man in his individual capacity. He may resist that which does him harm, whether he be assailed by an assassin or approached by poison. And it is the settled construction of every regulation of commerce that, under the sanction of its general laws, no person can introduced into a community malignant diseases, or anything which contaminates its morals or endangers its safety. And this is an acknowledged principle applicable to all general regulations. Individuals in the enjoyment of their own rights must be careful not to injure the rights of others.
>
> From the explosive nature of gunpowder a city may exclude it. Now, this is an article of commerce, and is not known to carry infectious disease; yet to guard against a contingent injury, a city may prohibit its introduction. These exceptions are always implied in commercial regulations, where the General Government is admitted to have exclusive power.
>
> They are not regulations of commerce, but acts of self-preservation. And although they affect commerce to some extent, yet such effect is the result of the exercise of an undoubted power in the State.

Just one more sentence from the same case. I read now from the opinion of Justice Grier, speaking of the police powers:

> As subjects of legislation they are from their very nature of primary importance; they lie at the foundation of social existence; they are for the protection of life and liberty, and necessarily compel all laws on subjects of secondary importance which relate only to property, convenience, or luxury to recede when they come in conflict or collision. Salus populi suprema lex.

I could quote any number of decisions from the same court, but the question is too well settled to admit of controversy.

In the case of McCulough against Maryland, with which we are all familiar, the great Chief Justice laid down the rule by which to test the application of the implied powers of the Constitution in these words:

> Let the end be legitimate; let it be within the scope of the Constitution; and all means which are appropriate, which are plainly adapted to that end, which are not prohibited but consistent with the letter and spirit of the Constitution, are constitutional.

Will any gentleman on this floor, will any Democrat who subscribes to the fundamental principle of the Democratic Party, "that the Federal Government has no constitutional power to impose or collect taxes except for the purpose of revenue only," insist that the end sought to be attained by this bill is "legitimate"; that it is "within the scope of the Constitution"? No one pretends that the purpose of this bill is to collect revenue. In the report which accompanies the bill the committee plainly declares that the purpose of the bill is not to raise revenue. I quote from the report:

> The committee have always been responsive to the humanitarian demands of the situation, but from the beginning have been confronted with the difficult problem of determining the advisability of using the taxing power of the National Government to suppress the use of poisonous phosphorus in this industry, which, as has been shown in other countries that prohibit the use of poisonous phosphorus, can be carried on without it, profitably and satisfactorily. It is believed, however, that a situation like the one now presented in the match industry will rarely arise, and hence the committee feels that their action in favorably recommending the passage of H. R. 20842 will not serve as a precedent for the general employment of the taxing power to correct objectionable features of industries. Not only have the European countries prohibited this evil by legislation, but in 1906 they entered into the Berne treaty to prohibit it. Most of the American manufacturers are willing to have the use of poisonous phosphorus prohibited in the match industry, but no one of them desires to stand alone in eliminating it, as that would put such a manufacturer at great disadvantage. This is due to the fact that the other methods used in making matches are slightly more expensive, but, according to the testimony, not so much as to affect the price of matches to the consumer.

Now, note the concluding sentence of the report:

> From this view of the situation the committee is determined, without admitting the establishment of any precedent, to recommend the passage of H. R. 20842.

Angels and ministers of grace, defend us! Without admitting the establishment of any precedent! Whenever in the future it becomes desirable in the opinion of a majority on this floor to invade the police power of any State, to tax out of existence any industry which the States may choose to authorize, but which for any reason whatsoever Congress may prefer to destroy, is it the opinion of this committee that after the passage of this bill, which acknowledges and declares that Congress has such power under section 8 of Article I of the Constitution, no one will point to it as a precedent, simply because in their report they refused to admit it to be?

Mr. Chairman, I have made no attempt to prepare a speech upon this subject, and I am speaking at random, but I want to call the attention of the committee in the few minutes I have to the following. Chief Justice Marshall, in my opinion the greatest jurist in the tide of time, and according to the opinion of Jefferson the chief sinner among the broad constructionists, said this:

> Inspection laws, quarantine laws, health laws of every description form a portion of that immense mass of legislation which embraces everything within the territory of a State not surrendered to the General Government. No direct general power over these subjects is granted to Congress, and consequently they remain subject to State legislation.

Is it necessary to quote authority for the statement that the Democratic Party has always adhered to the doctrine that the activities of the General Government should be strictly confined to the exercise of the powers surrendered to it by the Constitution and has insisted that the reserved powers of the States should not be encroached upon? Let me read what the Democratic platform says upon that subject:

> During all these years the Democratic Party has resisted the tendency of selfish interests to the centralization of governmental power and steadfastly maintained the integrity of the dual system of government established by the founders of this Republic of republics. Under its guidance and teachings the great principle of local self-government has found its best expression in the maintenance of the rights of the States and in its assertion of the necessity of confining the General Government to the exercise of the powers granted by the Constitution of the United States.

That, in my opinion, is the correct policy. If we are now to go on record as a party—and the Democratic Party is respon-

sible for whatever legislation is enacted in this House—as abandoning that policy at this time, let no man lay the flattering unction to his soul that this will not some good day in the future rise up to vex us. Those of us from the part of the country from which I hail do not have to dip into the future far as human eye can see to find an instance where this power will be misused and, as the gentleman from Texas [Mr. BURLESON] said, prostituted. It has already been done. If we can exercise the power to lay taxes for any other purpose than to raise revenue, then we can exercise that power for any purpose that suits our fancy or convenience.

A few years ago, for the sole and only purpose of destroying an enterprise which was competing with another industry in this country, this power was invoked and a prohibitive tax levied on the manufacture of oleomargarine, not because oleomargarine was an unhealthful diet, not because it was a food which was deleterious to health, because the expert testimony showed that it was not, but solely because one industry in this country was powerful enough upon the floor of this House to strangle another industry which came in competition with it. So it shall come to pass with other industries in the future, if we continue along the course pointed out by this bill.

The States have the power to suppress this industry if they want to do it, and I have no respect for a State that would come to Congress and say, "If we, in the exercise of the power which is ours under the Constitution, stamp out these disease-breeding enterprises, other States will let it exist, and therefore we will have crippled an industry in our own State by subjecting it to unfair competition, and some gentlemen who are now making money out of it will not be able to do so thereafter." In other words, when it comes to choosing between destroying an enterprise which breeds diseases that kill women, children, and men and fostering that enterprise because it pays dividends, and the legislature of a State, clothed with full power to act, deliberately prefers to foster that enterprise unless Congress will outlaw all similar and competing enterprises elsewhere, then I say that State has not my respect. Now, I want to read just a little passage from Washington's Farewell Address referring to the lodgment of power in separate sovereignties in the dual system of this country. I want to call attention to this because Washington was not a Democrat. I have called attention to the opinion of Marshall, who was not a Democrat. Listen to this:

It is important that the habits of thinking in a free country should inspire caution in those intrusted with its administration to confine themselves within their respective constitutional spheres, avoiding in the exercise of the powers of one department to encroach upon another. The spirit of encroachment tends to consolidate the powers of all the departments in one, and thus—

Now, mark these words—

and thus to create, whatever the form of government, a real despotism. If, in the opinion of the people, the distribution or modification of constitutional powers be in any particular wrong, let it be corrected by amendments in the way which the Constitution designates. But let there be no change by usurpation; for though this in one instance may be the instrument of good—

And we are assured by those gentlemen advocating this bill that in this particular instance it will be an instrument of good—

for though this in one instance may be the instrument of good, it is the customary weapon by which free governments are destroyed.

Now, Mr. Chairman, I want——

Mr. MANN. Has the gentleman time to yield?

Mr. HUMPHREYS of Mississippi. I will be glad to yield.

Mr. MANN. We can probably get more time for the gentleman. The gentleman has been talking about the levying of an internal-revenue tax upon white phosphorus matches. I believe the gentleman is aware that the bill to which he refers goes a great deal further than that.

Mr. HUMPHREYS of Mississippi. Oh, yes.

Mr. MANN. It provides that the manufacturer of matches of any kind shall conduct his business under the surveillance of officers and agents of the Commissioner of Internal Revenue, shall furnish bond, be penalized if he does not register with the collector of the district——

Mr. HUMPHREYS of Mississippi. Yes.

Mr. MANN. It could go no further, unless we make the same requirement of everybody in any kind of business——

Mr. HUMPHREYS of Mississippi. Absolutely. It means to take over all business in all the States whenever in the opinion of Congress—think of it, whenever in the opinion of Congress—the States are not enforcing their police powers in such a manner as to commend it to the wisdom of Congress, and that, too, under the guise of the exercise of the taxing power. This report says that it is not the purpose to collect revenue; in fact, if they thought anybody could pay it, they would raise the tax higher, so as to make it impossible for them to pay it.

Mr. MANN. There is no revenue here imposed upon matches other than white phosphorus matches.

Mr. HUMPHREYS of Mississippi. No.

Mr. MANN. But under the bill any manufacturer of red-top matches must conduct his business under the control of Treasury agents. Does the gentleman think that even by any broad stretch of imagination the Constitution of the United States conferred that authority upon Congress over business located in the States?

Mr. HUMPHREYS of Mississippi. I do not.

Mr. STANLEY. Will the gentleman permit a question? What is the difference between the authority extending the power of Congress over the business of matches by this bill and the authority conferred by Congress——

The CHAIRMAN. The time of the gentleman from Mississippi has expired.

Mr. STANLEY. I ask that the gentleman's time be extended one minute.

Mr. COOPER. I yield five minutes additional to the gentleman.

Mr. STANLEY. And the authority exercised by Congress over the manufacture and distillation of, say, spirits, vinous and malt liquors.

Mr. MANN. So far as the bill proposes to levy internal-revenue tax, of course, Congress has the authority, but if Congress did not levy an internal-revenue tax on the manufacture of spiritous liquors, I take it no one would claim they could go into a State and control the manufacture of liquor or that they could control the manufacture of any article on which they did not impose a tax, as this bill proposes to do.

Mr. STANLEY. The purpose of the bill, as I understand it, is to secure a tax——

Mr. MANN. The levying of a tax upon white phosphorus matches does not confer any authority to go into the business of the manufacturing of some other kind of matches upon which no tax is levied.

Mr. HUMPHREYS of Mississippi. The time may come, let me to say to the gentleman from Kentucky, when in this House there will be a sufficient majority which will reach the conclusion that the sale of alcoholic liquors and the manufacture of whisky and beer in this country are bad things. And therefore Congress will levy a tax, if necessary——

Mr. MANN. The time is here now.

Mr. HUMPHREYS of Mississippi. Yes; perhaps the time is here. And Congress will levy a tax of $100 or $500 a gallon on whisky and $100 a barrel on beer and destroy the industry.

Mr. STANLEY. I think it will have this right.

Mr. HUMPHREYS of Mississippi. I think if it has this right, it will have that. And there can be no question of the fact that whisky has wrecked more homes than the manufacture of white phosphorus matches. It has spread more disease and caused more human suffering and more tears and more crime in this country than the manufacture of phosphorus matches or the manufacture of anything else. And if we can go into the States and break down the barriers that were set by the Constitution and regulate this matter, we can go into the State and regulate any other matter that suits our sweet will. And if we have the police power, or, rather, if we usurp police power, to say that no State may manufacture whisky or beer, then we can also by the same usurpation say that no State can prohibit such manufacture.

I want to close with this. It is an extract which is familiar to you all, and one which ought to be, in my opinion, a lamp to our feet, a guide to our actions in this House, whenever we come to determine whether a reserved power shall remain with the State or whether the Federal Government shall go into the State and destroy it:

The support of the State governments in all their rights as the most competent administrations for our domestic concerns and the surest bulwark against antirepublican tendencies, the preservation of the General Government in its whole constitutional vigor as the sheet anchor of our peace at home and safety abroad.

That you all recognize as an extract from Mr. Jefferson's first inaugural address, and I hope in this day of grace when we are looking to the ides of next November to bring the great party which he founded back into power in this Government, we will not handicap those who go upon the stump this summer to advocate the principles of that party and to inveigh against the policy of levying taxes for any purpose save for that only of raising revenue; and I therefore hope that this House will not pursue the fatal policy provided in this bill. [Applause.]

Mr. COOPER. Mr. Chairman, I yield to the gentleman from South Dakota.

Mr. BURKE of South Dakota. Mr. Chairman, I am receiving a great many letters and petitions from my constituents in opposition to any legislation looking to the restoration of the canteen in the Army, and many of them from ministers.

Recently I received a letter from one of my good ministerial friends, an earnest Christian worker, the Rev. John T. Brabner Smith, of Blunt, S. Dak., requesting that I have inserted in the RECORD a letter dated January 10, 1912, from Gen. Frederick D. Grant, in which he expressed the opinion that the canteen ought not to be restored, and in compliance with that request and for the information of the House, I submit the letter, which is as follows:

GEN. FREDERICK D. GRANT OPPOSES RESTORATION OF CANTEEN.

(In a letter to the editor of the Union Signal, Gen. Grant states that, owing to the changed conditions in the Army, he would not recommend the restoration of the canteen.)

GOVERNORS ISLAND, N. Y., *January 10, 1912.*

MY DEAR EDITOR: In reply to your telegram, I hasten to say that many times in the past, in official reports, I have recommended the restoration of the canteen in the Army.

This I did, believing that the canteen was the lesser of two evils. In the course of 10 years the enlisted personnel of the Army has changed, and the soldiers who are now in the Army have adjusted themselves to present conditions.

If the question were left to me, owing to this change of conditions, I would not recommend the restoration of the canteen.

Yours, very truly,

FREDERICK D. GRANT.

Mr. SULZER. Mr. Chairman, I ask that the Clerk now proceed to read the bill under the five-minute rule.

The CHAIRMAN. The Clerk will read:

The Clerk read as follows:

Total, $555,500.

Mr. SULZER. Mr. Chairman, the total should be $550,500. I move to amend by striking out the word "five" before the word "thousand," in line 2, page 3.

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Amend, page 3, line 2, by striking out the word "five" before the word "thousand."

The CHAIRMAN. The question is on agreeing to the amendment.

The question was taken, and the amendment was agreed to.

The Clerk read as follows:

Chinese secretary, legation to China, $3,600.

Mr. HAMLIN. Mr. Chairman, I reserve a point of order on the paragraph, line 11, for the purpose of making an inquiry of the chairman of the committee. This seems to be a new paragraph, and I would like to inquire the necessity for including this paragraph in the bill this year.

Mr. SULZER. Mr. Chairman, the titles of these officials have been slightly changed. The Japanese secretary to the embassy at Japan has always received a salary of $3,600, and the same is true with regard to the Chinese secretary.

Mr. HAMLIN. I am not referring to the Chinese secretary. That is true. But the Turkish secretary of embassy seems to be new entirely.

Mr. SULZER. Mr. Chairman, the title of this secretary was made the same as the title of the secretary to China and Japan. The salary of the secretary of embassy to Turkey was made the same as the salary of these other two secretaries, because he performs not only the same duties, but greater and more important and onerous duties.

Mr. HAMLIN. Heretofore, however, there has been no secretary of the embassy to Turkey, has there? There has been no salary paid——

Mr. SULZER. Oh, yes. The salary was $3,000.

Mr. HAMLIN. Then this does not change the salary at all?

Mr. SULZER. Yes; it increases the salary $600, making it the same as the salary of the Chinese secretary and the Japanese secretary.

Mr. MANN. Do you not think it the same thing? You formerly had an interpreter there.

Mr. HAMLIN. It occurred to me that in the bill a year ago and in the preceding years——

Mr. MANN. Now, you propose to give him the rank of secretary?

Mr. SULZER. Quite so. It is recommended by the State Department, and the testimony before the committee shows that this official performs the duties of a secretary, and that these duties are very responsible and important. Our relations with Turkey are becoming more important every day, and it is necessary that we should have a secretary to the embassy.

Mr. MANN. You expend more money there than anywhere else and get fewer results.

Mr. SULZER. Not at all.

Mr. MANN. I think we expend more money there than in any other embassy and get less results.

Mr. HAMLIN. While I am on my feet, in that same connection, there appears on page 6 of the bill——

Mr. SULZER. We will discuss that when we reach it.

Mr. HAMLIN. I do not know whether we had better wait. It will depend as to whether I make the point of order on the explanation that is made.

Mr. SULZER. Let us take it up when we reach page 6.

Mr. HAMLIN. But I would like to inquire now what is the necessity of a secretary and assistant secretary.

Mr. SULZER. I shall be glad to explain it.

Mr. HAMLIN. I do not know whether I shall waive the point of order here without an explanation. In the same bill there is an item creating a new office of assistant secretary, at $2,000.

Mr. KENDALL. I think that matter is explained very satisfactorily on page 6 of the hearings by the Secretary of State, in which he said that the demands on the Turkish secretary in Constantinople are so great that he thinks he ought to have an assistant, and he explains here the demands that are made upon an additional secretary.

Mr. HAMLIN. There is no secretary there now.

Mr. KENDALL. The gentleman has been performing the functions of a secretary under a different name. Now he is called a secretary.

Mr. SULZER. That is the only difference, and a slight increase of pay—the only increase of salary in the entire bill.

Mr. HAMLIN. As I understand the facts, you have increased it $2,600—$600 to the secretary and $2,000 to the assistant.

Mr. SULZER. Mr. Chairman, the assistant secretary is new, because the secretary there is unable to perform the duties required of him. He has too much to do. It is a very important diplomatic post. There is a great deal of work to be done by our embassy in Constantinople.

Mr. KENDALL. Will the gentleman from New York yield for just a moment?

Mr. SULZER. Certainly; in a moment. On page 6 of the hearings before the committee Secretary Knox said: "The demands upon the Turkish secretary at Constantinople are so great that we thought he ought to have an assistant, and the suggestion is that the assistant be chosen from the student interpreters who have been trained for work of this character. We utilize those student interpreters wherever we can."

Mr. KENDALL. The State Department has selected one of the student interpreters to be the assistant secretary, and that will relieve the Government of the expense of maintaining that one student interpreter who becomes the assistant secretary to the secretary of the embassy, so that no additional expense is involved to the Government by the appointment of the assistant secretary.

Mr. MANN. Is the gentleman quite certain about that? Is it not a fact that for years we have been appropriating for student interpreters at this embassy, and that we will continue hereafter the same number of student interpreters that are now there? We make in this bill the same appropriation for student interpreters that we have heretofore made. But the fact is they have discovered a bright young man who is a student interpreter, and they want to retain him in the service, and propose to offer him $2,000 and call him an "assistant secretary."

Mr. KENDALL. I have no doubt it will be necessary to maintain a corps of student interpreters at that point for a long time—indefinitely, perhaps. That is the opinion of the Secretary of State. The student interpreter in this case who is to be advanced to the position of assistant secretary of the embassy is, as the gentleman from Illinois suggested, an exceptionally bright young man, and I think that arrangement ought to be made there.

Mr. MANN. But there will be no reduction in the number of student interpreters.

Mr. KENDALL. I have not said that there will be a reduction in the expense of maintaining these student interpreters.

Mr. HAMLIN. I understood the gentleman to say that this will not involve an increased expense in the maintenance of student interpreters.

Mr. KENDALL. I think this promotion of the student interpreter to assistant secretary will not increase the expense.

The CHAIRMAN. The time of the gentleman has expired.

Mr. COOPER. Mr. Chairman, I ask unanimous consent that the gentleman from Iowa be allowed to finish his statement.

The CHAIRMAN. Is there objection to the request of the gentleman from Wisconsin?

There was no objection.

Mr. KENDALL. But I think that the necessity which now exists for the maintenance of a corps of student interpreters in Turkey will continue indefinitely, and that it will be necessary in the future to increase the number as our business expands there and a greater variety of work devolves upon the foreign office there.

Mr. HAMLIN. Mr. Chairman, I want to take occasion now to say that I believe that the committee are to be congratu-

lated upon the work they have done in the preparing of this bill. I do not want to put myself in the position of criticizing their work, but I am also thoroughly convinced that there is no end to the demands for increased salaries and increased positions, not only in the State Department, but in the other departments of the Government. I only reserved this point of order, and may make it with the hope of finding out now why this increase is recommended. There is an increase unquestionably. The statement of the gentleman from Iowa [Mr. KENDALL] convinces me thoroughly that there is an increase of $600 a year for this one secretary, and then an increase of $2,000 in the position of the assistant secretary, which is sought to be created by this bill. As the gentleman from Illinois [Mr. MANN] very well said, it will not do to say that there will be no increase because a student interpreter is to be selected for this place, because another student interpreter will take his place; and, of course, we would be at the same expense for him that we would be for this one. I believe there ought to be some good reason given for this increase of expense of $2,600 to this one embassy to Turkey before these increases are permitted to pass in this bill.

Mr. SULZER. Will the gentleman allow me?

Mr. HAMLIN. Yes.

Mr. SULZER. I will say to the gentleman from Missouri that the estimate submitted for these secretaries was $5,000 each—a total of $15,000. The bill as reported by the committee appropriates only $10,800, a decrease of $4,200 from the estimates submitted. This amount is made up by the items to pay the salary of the Japanese secretary at Tokyo, $3,600; the Chinese secretary at Peking, China, $3,600; and the Turkish secretary at Constantinople, Turkey, $3,600. Let me explain that these officers are not, as their titles seem to imply, Japanese, Chinese, and Turkish. They are all American citizens. The Japanese secretary at Tokyo now receives $3,600 salary, the Chinese secretary at Peking now receives a salary of $3,600, and the official doing the work of the Turkish secretary at Constantinople has received for years a salary of $3,000.

These posts can be properly filed only by men who have spent a large part of their lives in the countries named and are, in addition, students and scholars. Owing to the highly specialized character of their work, the tenure of these three posts should be of comparatively long duration, and for the same reason these positions should be at least equal in dignity and in salary to the average consular post in China, Japan, and Turkey.

Moreover, there has been established in these countries the system of student interpreters appointed to study the language of the country to which they are assigned for duty with a view to qualifying themselves for appointment to the diplomatic or consular posts in those countries which require a knowledge of the native language. After completing their language studies these students become eligible to the various grades of the Consular Service, and may ultimately attain the highest, at salaries ranging from $6,000 to $8,000. The language secretaryships at these three missions should be graded in point of rank and salary as to attract the best of the available men who possess the requisite knowledge of the language and other special qualifications to these posts, rather than to the more lucrative but less responsible consular appointments.

The Secretary of State, in the estimates for 1913, recommended that the salary of each one of these secretaries be raised to $5,000. The committee has left the salaries of the Japanese secretary and the Chinese secretary as they are now, at $3,600, and has increased the salary of the Turkish secretary from $3,000 to $3,600, to put this official upon an equality in salary with the other two; and he certainly ought to be put upon that equality.

The Secretary of State is of opinion that the increase recommended should be allowed, as more commensurate with the importance of these officers and the work performed by them. In his letter explaining the estimates, House Document 341, Sixty-second Congress, second session, the Secretary of State, in support of this recommendation, says as follows:

The official correspondence between the Chinese Government and the legation is conducted in the Chinese language.

Mr. HAMLIN. I am not raising any question about the Chinese secretary, but——

Mr. SULZER. Does the gentleman want to know about the Turkish secretary——

Mr. HAMLIN. Yes; about this officer in Turkey and his assistant.

Mr. SULZER. It does not create a new office. It is just a new title. The official there now receives $3,000. He is an American and has received that salary for a number of years past.

Mr. HAMLIN. What is the necessity of increasing his salary? Simply to bring him up to the level of the others?

Mr. SULZER. He does the same work, only more; and we propose to make his salary the same because he is doing that work and more important work. That is all there is to that.

Mr. HAMLIN. I withdraw the point of order on this particular item, but I may renew it on the other when we reach it.

Mr. MADDEN. Mr. Chairman, I move to strike out the last word. Why do the secretaries to Japan, Turkey, and China draw more salary than the secretaries to Great Britain, France, Germany, and those other countries?

Mr. SULZER. Because of their peculiar importance, and the responsibilities are much greater.

Mr. MADDEN. In what respect?

Mr. SULZER. The official correspondence between the embassies and the foreign Governments is all carried on in Chinese, Japanese, and Turkish, as the case may be, and it involves a great deal of technical knowledge, proficiency in translation, and familiarity with languages.

It is impossible to get a competent man to take one of these places and live decently for less than $3,600 a year. As I said to the gentleman from Missouri [Mr. HAMLIN], the Department of State was insistent that these gentlemen should receive salaries of $5,000 a year, but the Committee on Foreign Affairs did not think it advisable or deem it expedient to recommend the increases this year. We have been exceedingly economical in every line of this bill, keeping ever in view the importance of the service and determined not to cripple its efficiency in any way. I know some salaries should be increased. The reasons for it are meritorious, but we did not see our way clear to do it this year.

Mr. MADDEN. Is it generally considered, then, that the work of the secretaries in these three countries is more important than the work of secretaries in other important countries?

Mr. SULZER. There is no question about that. It is very difficult to get American citizens to take these places who can talk and write Chinese and Japanese and the Turkish languages.

Mr. MADDEN. I presume that the increased salary is largely due to the fact that they are required to understand the language?

Mr. SULZER. Yes; and they perform other and more important duties than the secretaries at the European embassies.

Mr. MANN. I can not quite understand why the difficulty should exist which the gentleman from New York [Mr. SULZER] describes with reference to these places in China. We employ men to teach our officials the Chinese language, naming them as cadets of some sort, and take them over there and at our expense teach them Chinese. The gentleman says that, having done that, the position is much more onerous for them to occupy, because they do not understand Chinese well enough, or because it is difficult to get somebody who does understand Chinese well enough to carry on the correspondence between our representative and the Chinese Government. For what reason do we have these student interpreters in Turkey, China, and Japan, unless when they are through our employees know something about the language? What is the use of providing for these student interpreters unless when they have occupied the time and been paid the salary, which is considerably more than it would cost them to go to college in this country, they have learned the language? What is the use of it all if at the end of that time they do not understand the language well enough to carry on correspondence?

Mr. SULZER. In reply to the gentleman from Illinois I desire to say that the present incumbent of the Chinese post is a learned and very able man, well qualified for the work and very much devoted to it. He became such as a result of years of close study and close application at all times. The present American minister to China has recently stated to the Department that the Chinese secretary is the mainstay of the legation, without whom it would be impossible for the minister efficiently to discharge his duties, and there is no increase of his salary—merely a change of designation.

Mr. MANN. I am not criticizing that. I have no doubt that we have efficient secretaries in all of these places, and I presume very likely they ought to have their salaries increased, as far as that is concerned. I do not, however, see the difficulty of obtaining men to perform this work.

Mr. KENDALL. The department does.

Mr. SULZER. And so would the gentleman if he lived in China. The pay is quite inadequate, all things considered, but the committee would not increase it at this time.

The CHAIRMAN. If there be no objection the pro forma amendment will be withdrawn, and the Clerk will read.

The Clerk read as follows:

Secretaries of legation to the Argentine Republic, Belgium, Chile, China, Cuba, the Netherlands and Luxemburg, and Spain, at $2,625 each, $18,375.

Mr. FERRIS. Mr. Chairman, the *Maine* has been raised and given burial in the billows of the deep.

Her long service as a human sepulcher is over, thank God.

Her interment in the sea closes the incident, so far as the physical hulk of our first battleship is concerned, but the sacredness and the sorrow connected with her sad mission of the past 14 years will not down.

The patriots of the *Maine* who gave their lives as a human sacrifice that American honor might be preserved and that Cuba might be free have been returned to their native land amidst our keenest devotion, affection, and the tears of every patriotic American. Our Stars and Stripes in solemn devotion have been at half-mast from ocean to ocean in this Republic emblematic of our love and devotion to the martyrs of the *Maine*. Our President, our Congress, our Supreme Court, many of the survivors of the tragedy, even many of the gray-haired mothers of the dead, were in attendance to cast a long sad glance at the flower and flag bedraped coffins which bore the last sad remains of the martyred sons.

The able chaplain, who survived the tragedy itself, raised his voice and asked that the blessings of a righteous God fall upon the living and the martyred dead. And as 20,000 citizens sat there in the rain with bared and bowed-down heads, half in grief from the tragedy of long ago and half in joy as a result of their belated return, I could not but pause in bewilderment and wonder who took the initiatory step and contributed most to bring it all about. I could not but pause and wonder who caused this most righteous service on this most hallowed day. [Applause.]

It was then that I recalled that the first word that I had ever heard spoken on the subject in Congress was by the present chairman of the Committee on Foreign Affairs, Mr. SULZER. I recalled when I first came here, during the winter of 1907 and 1908, by resolution and by speech he was seeking to get recognition to call up his bill authorizing the raising of the *Maine*, then pleading with Congress to return their martyred dead, pleading that full justice be done to their heroes who had fallen in their defense. Prompted partially by curiosity and partially by the remarkable occasion, I ascertained that the gentleman from New York, part of the time singly and alone, from 1902 down to the final passage of the authorization to raise the *Maine* was passed, had worked in season and out for this most righteous and belated cause.

As a result of this untiring labor for the past decade of years on the part of the gentleman from New York [Mr. SULZER], a generous and righteous Government last Saturday performed the last sad rites over these least ignoble sons.

To-day, under the spreading oaks of fair Arlington, sleep the remains of America's present-day martyrs and patriots, Cuba's saviors and defenders, and America's most beloved sons. While it is thrice true that honor conferred and respect paid by nations or men do not heal hearts that are broken, still it serves as an offset to grief that could not otherwise well be borne. The initial efforts of the gentleman from New York and the full honor conferred by the Nation will quicken patriotism in the living, serve as a solemn sentry of protection to the living, and undying honor to the dead.

Historians will write more eloquently of him when he is gone, but I shall not let it pass to speak of his efforts thus modestly while he is here. To-day each mother who has a son sleeping there must, in addition to her affections for her country and her flag, love and revere the man who first moved this Government to do this most righteous act. Let it be the wish of all such mothers of this Nation as well that "Long may he be spared in health, vigor, and strength who has served us so well, and may the future be to him all that our keenest expectations hope it will be." [Applause.]

Mr. MANN. I would not detract at all from the eulogy which the gentleman from Oklahoma [Mr. FERRIS] has paid to a Democratic ex-candidate for governor of New York; but in order that the record may be kept straight I think it is proper to say at this time that it was not the resolution of the gentleman from New York which became a law at all; that he had nothing whatever to do with the introduction of it or the reporting of it, but that the matter that was reported came from the Committee on Naval Affairs and was reported by the gentleman from Michigan [Mr. LOUD] [applause on the Republican side], and that when it came to the House and was finally adopted in the form that it was I drew it myself. [Laughter and applause.]

Mr. MADDEN. Mr. Chairman, I move to strike out the last word. I understood the chairman of the Committee on Foreign Affairs to say, in response to a question I asked him a few minutes ago, that the secretary of legation in China was an American. I wonder if I understood him correctly.

Mr. SULZER. The gentleman did.

Mr. MADDEN. If that be the case, I am curious to know why it is that it is found necessary to provide for another secretary to that same country at $2,625 a year.

Mr. SULZER. We have not reached that provision in the bill.

Mr. MADDEN. We have just had the item read.

Mr. KENDALL. Line 16.

Mr. MADDEN. It seems to me that, while the post of secretary to China may be very important, it is not necessary to pay a man $3,600 a year while we pay a man doing like work in England $3,000 a year, and then provide for another man at $2,625 to do the same work.

Mr. SULZER. There may be something in the gentleman's criticism.

Mr. LONGWORTH. Mr. Chairman, I would like to ask the gentleman from New York if that is not an entirely different position. In the regular diplomatic service a man does not have to have a knowledge of the Chinese language.

Mr. GARNER. The hearings before the committee indicated that it was necessary to have more clerical force in China and Japan than in any other portions of the world.

Mr. MADDEN. I would like to ask the gentleman from New York to explain why it is that this other secretaryship is necessary in China. In the first case, if the secretary provided for in line 13 be an American it seems to me that there is no need for the secretary provided for in line 16. If, on the other hand, the secretary provided for in line 13 be a Chinaman, then it may be necessary to have an American, as provided for in line 16. If the secretary designated here as Chinese secretary gets $3,600 a year and only does the work required to be done in the Chinese language it may be necessary to have the man provided for in line 16 to do the work in the English language. I would like to get all the information on this subject that is obtainable.

Mr. SULZER. Our Government deems the post in China as very important.

Mr. MADDEN. There is no doubt about that.

Mr. SULZER. The Secretary is unable to perform all the duties, and it is necessary to provide for an assistant secretary. That has been the law for a number of years past; there is no change in the existing law.

Mr. GARNER. If the gentleman from Illinois will permit, I want to state that this has been carried heretofore in the diplomatic bill, and that there is a greater amount of money spent on the legation in China than in any other country in the world by the United States. The reasons furnished the committee by the Secretary for that expenditure were various, the principal one being that the conditions that exist, the necessity for interpreters, and for different secretaries to look after different phases of diplomatic work make it necessary to have, I think, possibly more secretaries in China than in any other country in the world.

Mr. LONGWORTH. Is it not a fact that we have for a great many years had in China three different secretaries, a Chinese secretary and a first secretary of legation and a second secretary of legation, and that this bill makes no change?

Mr. MADDEN. Then the gentleman from New York made a mistake when he said that the secretary was an American.

Mr. SULZER. Oh, no; the secretary is an American.

Mr. LONGWORTH. One of these secretaries has spent many years in China learning the language.

Mr. MANN. Yes; and it is said that he knows everything in China worth knowing and much that is not. [Laughter.]

The Clerk read as follows:

Secretary of legation to the Dominican Republic and consul general at Santo Domingo, $2,000.

Mr. MANN. Mr. Chairman, I notice that they have combined the secretary of legation in Santo Domingo with the consul general. What is the situation down there now with reference to our treaty with that country concerning collection of duties, and so forth?

Mr. SULZER. This is merely a change in title. There is no other change—no increase in salary.

Mr. MANN. Yes; but what is the situation, if the gentleman has it? We have some peculiar relations with this Republic, and I should like to know if the gentleman can inform the House just what the situation is at present.

Mr. SULZER. The relations of the United States with Santo Domingo are cordial and friendly. The little Republic is prospering.

Mr. MANN. I know that, but what is the situation with reference to the collection of revenue?

Mr. BARTHOLDT. Perhaps I can explain from the statement made by Mr. Carr in the hearings. He is the Director of the Consular Bureau of the State Department. He said:

Since the grade of the minister to the Dominican Republic was changed the law has provided for no consul general at Santo Domingo,

and one is needed to certify invoices and discharge other duties connected with our commerce. The change involves no additional cost to the Government.

Mr. BURLESON. But that does not answer the question asked by the gentleman from Illinois, who wanted to know the exact relationship that exists between our Government and the Government of Santo Domingo with reference to the collection of revenues, and the extent that it has been modified within the last year or two.

Mr. BARTHOLDT. That is a question that does not pertain to the bill which we are discussing now, and I think the chairman will be able to answer it better than I.

Mr. HAMLIN. Mr. Chairman, I may be able to throw a little light upon that subject and answer, in a way, the question of the gentleman from Illinois. Some years ago the Santo Domingo Republic had issued some $20,000,000 of bonds, which were held largely in Europe. Interest had not been paid promptly on these bonds, and the holders thereof were doubtful that the principal, much less the interest, would be paid.

It would appear that the European Governments are not quite as responsive to the wishes of the bankers of those countries as the State Department of our Government is to the financial interests in this country. Hence it seems that an appeal was made by the European bondholders to our banking interests in New York, and as a result an appeal was made to our State Department, with the result that through the President, in 1905, one Jacob Hollander, of Baltimore, was appointed as special fiscal agent to go down to Santo Domingo and see what he could do in the way of arranging the payment of these bonds held in Europe. Our State Department stuffed his pockets full of commissions as envoy extraordinary and minister plenipotentiary, and perhaps some other things, put him on a gunboat, and sent him down to this little Republic like a mighty warrior going out to conquer, but, in fact, he was only going down there to collect some money for Wall Street and their European allies.

When he got down there, in addition to this foreign indebtedness, he found a large amount of domestic indebtedness, and finally, by scaling down that local indebtedness to about five cents on the dollar and the foreign indebtedness somewhat, he could get that Republic to issue new bonds to take up the old ones, which was satisfactory to Wall Street and their friends, provided the Dominican Government would let Wall Street name the depository of the funds, let our Government collect all their revenues, and virtually guarantee the payment of these new bonds.

That arrangement was made between this Government and the Dominican Republic. The new bonds were issued and turned over to Wall Street or its European allies at about ninety-eight cents on the dollar. The agreement was simply this: That the United States Government should take charge of the customhouses of the Dominican Republic, should collect all the customs dues, and should deposit the money with the Morton Trust Co. in New York, and all bills of every kind and nature, including the interest on the bonds and a certain amount placed to the amortizing fund, should be paid out by the Morton Trust Co. up here in New York. If the revenues each year exceeded a certain sum, then the Dominican Government should be allowed the surplus for internal improvements under the supervision and direction of certain agencies in this country. For this service to these bondholders Hollander was paid $42,000 out of the United States Treasury. I never have been able to understand why this Government should bear the expense of making an arrangement whereby certain private institutions and money lenders should be enabled to collect an indebtedness from another Republic; but that is what was done, and these are our relations, in brief, with the Dominican Republic to-day under a treaty entered into in 1906.

Mr. MANN. Mr. Chairman, of course I know perfectly well what the treaty was, but I ask what the present situation is in reference to the collection of the revenues. My recollection from reading some of the reports which have been made is that the collection of revenues down there through the agents that we have has been eminently successful, and has brought not only more than ordinary prosperity to the Republic, but has provided more than the ordinary revenue, in addition to paying the interest and whatever else there is to pay on the indebtedness.

Mr. HAMLIN. Mr. Chairman, I think that the revenues as reported have been sufficient to meet the payments provided for in the treaty with a surplus to that Republic; but, of course, I know of some complaints by people living in that Republic growing out of certain requirements we have made upon them. How just those criticisms are I do not pretend to say; I do not know. I think that the collection of revenues has been preeminently satisfactory in amounts, but I object most seriously to the idea of taking the money out of the Treasury to aid private individuals or private concerns in the collection of their indebtedness. I believe if we are going to help Wall Street to collect its debts Wall Street ought to pay the expense of it and not the people of the United States.

Mr. MANN. Mr. Chairman, will the gentleman yield?

Mr. HAMLIN. Certainly.

Mr. MANN. Of course, all this arises out of the Monroe doctrine?

Mr. HAMLIN. No; I think not.

Mr. MANN. Oh, yes.

Mr. HAMLIN. I do not agree with the gentleman.

Mr. MANN. Here are debts due not merely to citizens of the United States, but to citizens of foreign countries, who insist that they shall have the right themselves to enforce the payment of those debts, to put into motion machinery which will require the Republic to pay its debts, or, if the Government of the United States proposes to say to them "Hands off on the American Continent," then it is our duty to in some way see that these Republics pay their indebtedness.

The CHAIRMAN. The time of the gentleman from Missouri has expired.

Mr. MANN. Mr. Chairman, I ask unanimous consent that the time of the gentleman be extended for five minutes.

The CHAIRMAN. Is there objection?

There was no objection.

Mr. HAMLIN. Mr. Chairman, I do not believe that the conditions suggested by the gentleman existed there at that time or that such conditions now exist which would require us to interfere, nor that we can justify our interference on the ground of the Monroe doctrine.

Mr. MANN. My information is that that is exactly what did exist at the time.

Mr. KENDALL. Mr. Chairman, is not this the situation that existed there? There was certain indebtedness owing by the Dominican Republic, some of it in the United States and some of it in Europe. It was a confessed indebtedness, which that Republic was unable to liquidate. The people abroad who were creditors were inclined to enforce the collection of the debt. A situation arose under which we were either compelled to intervene to aid in the collection of the indebtedness or to abandon the Monroe doctrine entirely; otherwise, the governments abroad would have gone down there and enforced the collection of debts as governments usually do.

Mr. SLAYDEN. Mr. Chairman, will the gentleman yield?

Mr. HAMLIN. Yes.

Mr. SLAYDEN. Would the enforcement of the collection of debts down there necessarily involve an abandonment of the Monroe doctrine, I will ask the gentleman from Iowa?

Mr. KENDALL. We have a principle which was enunciated a good many years ago, which goes by the name of the Monroe doctrine, under which we decline to allow any foreign power to occupy territory on this hemisphere.

Mr. SLAYDEN. Ah, to annex any territory, but not to collect debts or to chastise people for nonpayment of debts.

Mr. KENDALL. I think the Monroe doctrine has a broader interpretation attributed to it than that suggested by the gentleman from Texas.

Mr. SLAYDEN. It is a mighty good thing to read the Monroe doctrine and see just what it does say.

Mr. KENDALL. Of course I do not claim to have read it as intelligently as the gentleman from Texas, but I have deliberated upon it. I think it justly implies that our Government will not allow any other government, under any pretext, to assume control of territory upon the Western Hemisphere.

Mr. HAMLIN. Mr. Chairman, the gentleman from Texas [Mr. SLAYDEN] has said better than I could have said just what I started to say when he asked the privilege of interrupting me. The Monroe doctrine, as I understand it, is not encroached upon or interfered with if any other nation should take steps to collect an indebtedness that some American republic might owe them.

The Monroe doctrine briefly stated is this: It is the policy of the United States to regard any attempt on the part of the European powers to gain a foothold in this hemisphere by conquest or to acquire any new establishment in North or South America as an act hostile to the United States. Yet it does not contravene the right of any nation to enforce indemnity for injuries to its subjects, physical or financial, but applies only to territorial aggression by foreign powers.

The doctrine is based upon two passages in President Monroe's message. The first passage referred to the boundary dispute in the Northwest, between Russia, Great Britain, and the United States, and the other particularly referred to the broad principles underlying that doctrine as follows:

The occasion has been judged proper for asserting as a principle in which the rights and interests of the United States are involved,

that the American continents, by the free and independent conditions which they have assumed and maintained, are henceforth not to be considered as subjects for future colonization by any European powers.

The Monroe doctrine is simply a declaration upon our part that we will not permit any European power to establish any kind of a government in any manner hostile to us upon the Western Hemisphere, but it in no way pledges us to a protectorate over other American States, or to preclude any European power from employing force in the settlement of their just demands against any nation upon this continent.

In 1842 Great Britain blockaded San Juan de Nicaragua, and in 1851 laid an embargo on the entire western coast of Salvador, and in 1903 the combined German and English fleets maintained a blockade of the Venezuelan coast to secure the collection of their claims for indemnity. The requirements of the Monroe doctrine as a national policy were fully met with the assurance to the United States of good faith on the part of the powers concerned and that no Venezuelan territory would be taken in settlement of the indemnity.

Mr. Chairman, if this is a fair outline of the Monroe doctrine, and I believe it is, our conduct in going down to Santo Domingo and taking charge of their customhouses, collecting their revenue, depositing it in the banks of our own country, and auditing their accounts, in fact, administering upon their affairs, can not be justified on the ground that the Monroe doctrine committed us to this policy. We may as well confess the truth and admit that we did it simply because the holders of those Dominican bonds—Wall Street and their European allies—wanted us to do it and, of course, to do it at the expense of the people of the United States, which we did at an expense of over $40,000. This conduct does not meet my ideas of a proper administration of the affairs of this Government, and I do not believe, when they understand it, it will meet with the approval of the people of this country.

The evidence before our committee showed that there was a great deal of internal indebtedness owing from one citizen to another. It is true that default had been made in the payment of interest upon these old bonds, and the bondholders were exceedingly anxious about it, and they simply appealed to our Government to go down there and take charge of the customhouses of that Republic and administer its affairs. In other words, collect the debts of these banks at the expense of the Government by making an arrangement with the Dominican Republic whereby new bonds were issued and we virtually guaranteed the payment of every one of them.

Mr. MANN. Will the gentleman yield for a question?

Mr. HAMLIN. I will.

Mr. MANN. I want to ask the gentleman what he would do under conditions like these. Suppose these debts are owned by one of the European powers, or the citizens of one of the European powers, and their Government wished to protect their rights and insisted upon the payment of the debt. Does the gentleman think we ought to permit that power to take possession of the customhouses and collect the revenues at the customhouses of that country until the debts are paid, which may be never? That is the position, I understand, laid down by the gentleman from Texas and the gentleman from Missouri, and I doubt whether they want to go that far. If we say that one of the other powers can collect debts due its citizens, how can you collect them? There is no court to enforce it; there is only one way to enforce it, and that is to take possession of the customhouses and ports. Are the gentlemen prepared to say that we could afford to submit to that procedure?

Mr. HAMLIN. Certainly. The powers have that right, and they ought to have that right to collect their just debts, but not to acquire territory in a hostile manner, for they then would violate the Monroe doctrine.

Now, I will ask the gentleman a question: Does the gentleman think that this Government ought to take charge of all the affairs of the South American Republics, all of those that happen to become indebted, and guarantee the payment of their debts to some foreign citizens or governments?

Mr. MANN. Well, Mr. Chairman, I am not prepared to say what I think the Government ought to do in all cases which may arise, or one which one can imagine might arise, under the Monroe doctrine, and no one else is prepared to say—I think no one would be prepared to formulate a definite policy upon that line—but I am prepared to say I think it would be very unfortunate if this country should permit a foreign power to take possession, under the plea of collecting indebtedness, of a port or a country in one of the other American Republics and hold it until the debt was paid, because that would mean permanent occupation. I see no escape from the proposition that we can not permit the other powers to do it, and that in not permitting them to do it we do have certain responsibilities ourselves. How far we ought to go I do not know. I am in hopes of keeping out of it just as much as possible.

Mr. HAMLIN. Of course, if a foreign nation should seize the customhouses of a nation on this hemisphere under the pretense of collecting a debt and then refuse to release them, that would present another question, but such a thing is not at all likely to ever occur. Since our intervention down at Santo Domingo was primarily for the benefit of those bondholders, does the gentleman think the expense ought to be paid out of the Treasury of the United States?

Mr. MANN. Well, I do not know whether it ought to be or not, but I would far rather expend a little money out of the Treasury in a matter of intervention of that sort than to expend it on the Army and Navy in time of war; it is not only much cheaper, but much more comfortable.

Mr. HAMLIN. There was no occasion for war. The other countries were simply demanding that the Dominican Republic pay their citizens what was due them. This they had a right to demand, if the claims were just, and could not have been the basis for war between enlightened and civilized nations.

Mr. MANN. There might have been war if we had not done it, not with Santo Domingo, but with other powers.

Mr. HAMLIN. That is too remote. It is too much like wondering what would have become of Columbus if the world had proven to have been flat.

Mr. KENDALL. Mr. Chairman, I move to strike out the last two words. On the subject introduced by the gentleman from Missouri [Mr. HAMLIN] and the gentleman from Texas [Mr. SLAYDEN] I want to read a statement submitted by the Secretary of State on the situation in the San Dominican Republic at the time to which reference has been made:

In 1904 the Dominican Republic presented a situation which threatened to lead to the gravest consequences, so far as the United States was concerned. For years the country had been torn by internal dissension and revolutions, until the instability of the so-called Government had become a byword and the credit of the nation had been reduced to such a condition that usurious rates of interest were demanded and obtained by those who were willing to furnish the tottering Republic with funds. It was also customary for the lenders of money to demand as security for the payment of interest and principal the hypothecation of the revenues of the various seaports of the country, until at length the Dominican people found themselves in a position where practically the revenues of every port in the Republic were pledged for the payment of debts. There were no funds left wherewith to maintain the Government, the total revenues from imports and exports had for years been insufficient to meet even the interest on the outstanding indebtedness, and the people of the island had been brought face to face with national bankruptcy.

In this posture of affairs the creditors of the nation, who were for the greater part Europeans, had become clamorous for the payment of arrears of interest and for the enforcement of the pledges of the revenues of the various ports of the country, which pledges it had been found necessary to violate if funds were to be had for the General Government. Protocols of the settlement of the various debts had been signed with Germany, Spain, and Italy two years previously, with the terms of which it had been impossible for the Dominican Republic to comply, and the creditors had decided to invoke the aid of their Governments in the collection of what they claimed to be their due. An Italian warship was actually dispatched to Dominican waters for the enforcement of the agreements with Italian subjects. The Monroe doctrine, indeed, seemed menaced and the Dominican Government appealed to the Government of the United States for assistance in its extremity.

And the United States Government answered that appeal by adopting the course suggested by the gentleman from Illinois [Mr. MANN]. And I undertake to say, in view of the situation that existed there at that time, that if the Federal Government at Washington had declined to intervene its action would have been a virtual abandonment of the Monroe doctrine. [Applause.]

Mr. SLAYDEN. Mr. Chairman, I move to strike out the last three words.

Mr. Chairman, that which we are calling the Monroe doctrine may be a sort of progressive game of international politics, but I do not believe it. In the minds of some gentlemen it does seem to be, but there is needless confusion as to the precise meaning of that celebrated doctrine.

Mr. Monroe, in December, 1823, sent his message to Congress, and in it is found these words:

The occasion has been judged proper for asserting as a principle in which the rights and interests of the United States are involved, that the American continents, by the free and independent station which they have assumed and maintain, are henceforth not to be considered as subjects for future colonizing by any European power.

Of course, the President meant political colonies.

And then he goes on to state that any interference on the part of the Governments of Europe, or any combination of them in the interests of Spain or in the interest of the Holy Alliance, would only be regarded as an act of unfriendliness on their part toward the United States.

Mr. Daniel Webster, of Massachusetts, in 1826, in interpreting that part of Mr. Monroe's message, said:

The amount of it was that this Government could not look with indifference on any combination among other powers to assist Spain in her war against the South American States; and we could not but consider any such combination as dangerous or unfriendly to us.

And in another speech on the same subject he said:

It did not commit us to take up arms on any indication of hostile feeling by the powers of Europe toward South America.

Now, other gentlemen of eminence, perhaps not so great or so learned as Mr. Webster, but men who occupied exalted stations and who are renowned in the history of this country, followed his view. And later, when Mr. Richard Olney, another great citizen of Massachusetts, was Secretary of State, he gave this interpretation of it. He sent it to Minister Bayard during the consideration of the Venezuelan boundary question. He said:

It does not establish a general protectorate by the United States over other American States. It does not relieve any American State from its obligations as fixed by international law nor prevent any European power directly interested from enforcing such obligations or from inflicting merited punishment for the breach of them.

And it does not assume, permit me to say, that it becomes our duty to chastise defaulting creditors in the interests of any government on earth.

It does not contemplate—

Says Mr. Olney—

any interference in the internal affairs of any American State.

I will say in passing that that is a statement by a great statesman and an honored officer of this Government which ought to sink into the minds of all people, particularly at this time, when they would involve us, if they could do so, in complications that would be expensive and injurious to us politically. Mr. Olney goes on to state:

The rule in question (the Monroe doctrine) has but a single purpose and object. It is that no European power or combination of European powers shall forcibly deprive an American State of the right and power of self-government and for shaping for itself its own political fortunes.

In 1902 and 1903 Italy and England and Germany blockaded a Venezuelan port. It was done for the purpose of compelling the settlement of debts due to the subjects of those kingdoms. It is known in history as the "pacific blockade." It was not so pacific perhaps as the word would indicate, when they were there with great warships threatening to bombard the Venezuelan people unless they made arrangements for the payment of these debts.

The CHAIRMAN. The time of the gentleman from Texas has expired. The Clerk will read.

The Clerk read as follows:

To pay the salaries of ambassadors, ministers, consuls, and other officers of the United States for the periods actually and necessarily occupied in receiving instructions and in making transits to and from their posts, and while awaiting recognition and authority to act, in pursuance of the provisions of section 1740 of the Revised Statutes.

Mr. HAMLIN. Mr. Chairman, I desire to offer an amendment.

Mr. MANN. May I ask the gentleman from Missouri [Mr. HAMLIN], before he offers his amendment, if a substantive amendment would not permit this paragraph to be perfected? Is the gentleman's amendment an amendment to this paragraph?

Mr. HAMLIN. To this paragraph. It is only to make it conform to the wording usually carried in the bill. It does not change it any.

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

After the word "Statutes," in line 20, add:

Or so much thereof as shall be necessary.

Mr. MANN. Not "'or' so much"?

Mr. HAMLIN. The word "or" ought not to be there.

Mr. MANN. If the amendment was not inserted, you might as well strike out the paragraph from the bill. It does not mean anything without the amendment.

Mr. SULZER. I have no objection to the amendment.

The CHAIRMAN. The question is on agreeing to the amendment.

The question was taken, and the amendment was agreed to.

The Clerk read as follows:

Assistant Turkish secretary to the embassy to Turkey, to be appointed from the corps of student interpreters, $2,000.

Mr. HAMLIN. Mr. Chairman, I make a point of order against the paragraph. It is new legislation.

The CHAIRMAN. What is the ground of the point of order?

Mr. HAMLIN. It has not been provided for heretofore by law.

The CHAIRMAN. Does the gentleman from New York [Mr. SULZER] wish to be heard on the point of order?

Mr. SULZER. Mr. Chairman, I trust the gentleman from Missouri will withdraw that point of order. We have already discussed at length the importance of these embassies in Peking, China; Tokyo, Japan; and Constantinople, Turkey.

The CHAIRMAN. Is it the contention of the gentleman from New York that it is not subject to a point of order?

Mr. SULZER. Only the Turkish matter is subject to a point of order, but I trust the gentleman will withdraw the point of order. It is a very important matter to this Government. It is in the interest of the public service.

Mr. LONGWORTH. Will the gentleman from New York [Mr. SULZER] yield?

Mr. SULZER. Certainly.

Mr. LONGWORTH. This is an increase of only $400?

Mr. SULZER. That is all.

Mr. HAMLIN. How do you make that?

Mr. SULZER. Provision for some years past has been made by Congress for an assistant Chinese secretary of legation to China and an assistant Japanese secretary of embassy to Japan, each appointed from the corps of student interpreters and each having a salary of $2,000. The need of an assistant Turkish secretary of embassy to the embassy at Constantinople is no less great and pressing. It is pointed out by the embassy that—

while the post of dragoman (interpreter), considering the title in its literal sense, may be said to have become less important as regards the carrying on of verbal intercourse with the Ottoman Government than in years past, and may, in fact, in the course of time become practically obsolete, yet the amount of work which requires constant attention and pushing at the various Ottoman ministries in conjunction with and following on the representation made by the chief of the mission has generally increased. This work, requiring as it does great patience, tact, and an intimate personal acquaintance with the principal officials and the affairs of the various governmental departments, must be carried out by the permanent dragomans, who should systematically follow up the different pending matters for the purpose of insuring their passage through the channels of Turkish officialdom. For one man to fill the multifarious duties of the embassy in the above respect is without the bounds of human possibility, and I desire to urge most strongly the present desirability of increasing the dragomanate staff by at least two assistant dragomans.

Mr. HAMLIN. There will be another student interpreter to take his place. You provide in the bill for a large number of student interpreters.

Mr. LONGWORTH. He is to be appointed from the student interpreters. It would not necessarily mean a new position.

The CHAIRMAN. The Chair is ready to rule.

Mr. KENDALL. What we are trying to do, Mr. Chairman, is to prevail upon the gentleman from Missouri [Mr. HAMLIN] to withdraw his point of order.

Mr. HAMLIN. I will withhold it for a minute.

Mr. LONGWORTH. It may be a detailed person. The student interpreters receive a salary of $400 only.

Mr. HAMLIN. The bill carries a full complement of student interpreters, does it not? Now, here you take one from that list to fill this position, and you will have to appoint another to take his place. And you are mistaken when you say it is an increase of only $400.

Mr. LONGWORTH. I think not, because this provision particularly says that he shall be appointed from the corps of student interpreters. He is to be appointed from the corps of student interpreters.

Mr. HAMLIN. I understand that he is to come from the corps of student interpreters, but the bill carries the usual amount for the student interpreters, the usual appropriation.

Mr. LONGWORTH. Yes; because they are now in existence. But this position will be provided for when one of these student interpreters is made an assistant secretary at a salary of $2,000.

Mr. HAMLIN. Yes; and some other student interpreter will take his place.

Mr. SULZER. We provide for student interpreters to whom we pay so much every year. We can not have more student interpreters than are now provided. There will be no more student interpreters.

Mr. HAMLIN. But you provide the same amount in this bill for student interpreters.

Mr. KENDALL. Mr. Chairman, will the gentleman yield for a question?

The CHAIRMAN. Does the gentleman from Missouri yield to the gentleman from Iowa?

Mr. HAMLIN. Yes.

Mr. KENDALL. Here is a suggestion from the Secretary of State, made when he was before the Committee on Foreign Affairs, with reference to the very subject that is now under discussion in the Committee of the Whole. The Secretary said that "the demands on the Turkish secretary at Constantinople are so great that he ought to have an assistant," and he said that "the assistant should be taken from the student interpreters, who are trained to work of this character. We utilize these student interpreters wherever we can," indicating that the creation of an assistant secretary, after he shall have been appointed from that corps, will not necessitate the employment of another student interpreter.

However, Mr. Chairman, I think it highly probable that as time elapses and our business at that port expands and increases and multiplies, as it is constantly doing, there will be need for more of these student interpreters. I do not think our Government has made any advance in the Far East comparable with that made at Constantinople within the last few years. Hereafter there will be a necessity for an increased force of interpreters and secretaries and others to transact the business devolving upon that embassy.

Mr. FOSTER. Would the gentleman be willing to withdraw his point of order if the number of student interpreters were cut down?

Mr. HAMLIN. No. I am inclined to think we ought to appropriate in accordance with the amount of work over there, but I do not think we are justified in giving them a secretary at an increase of $600 and then giving them an assistant secretary at a salary of $2,000.

Mr. MANN. Mr. Chairman, will the gentleman yield?

The CHAIRMAN. Does the gentleman from Missouri yield to the gentleman from Illinois?

Mr. HAMLIN. Yes.

Mr. MANN. Mr. Chairman, we have at present a secretary to the legation at Constantinople, Turkey; next we have a second secretary at Constantinople; next we have a third secretary there; next we have a Turkish secretary of embassy; next we have an assistant Turkish secretary to the embassy. The other is "Turkish secretary of the embassy." I do not know whether or not there is any distinction between that and the other.

The CHAIRMAN. The time of the gentleman has expired.

Mr. HAMLIN. Mr. Chairman, I insist on the point of order.

Mr. MANN. Mr. Chairman, I ask unanimous consent to have five minutes more.

The CHAIRMAN. The gentleman from Illinois [Mr. MANN] asks unanimous consent to proceed for five minutes more. Is there objection?

There was no objection.

Mr. MANN. Next we have 10 student interpreters at the embassy. Here are 3 secretaries at the embassy, 2 Turkish secretaries to the embassy, and 10 student interpreters. I really can see no occasion for it. Our trade is not growing with Turkey to any great extent. We do not have the complications with Turkey that the European powers have. What little we do have may be or may not be very well taken care of. But the only purpose of this is to promote, I suppose, some bright student interpreter to a permanent position. But——

Mr. SLAYDEN. Mr. Chairman, will the gentleman yield?

The CHAIRMAN. Does the gentleman from Illinois yield to the gentleman from Texas?

Mr. MANN. But he will no longer be a student interpreter when he is promoted to this position of assistant secretary. Another student interpreter takes his place, very properly. So that it is not a matter of expense with me. I do not care to throw away $2,000, but I do not think that would stand in the way of anyone here to have proper representation there. But they apparently seem to have a very large representation there already. Now I yield to the gentleman from Texas.

Mr. SLAYDEN. Mr. Chairman, I would like to ask a question of the gentleman for information about this matter. Am I correct in supposing that the student interpreter is put at these missions, like that at Constantinople and those in Japan and China and elsewhere, because that appears to be the only practical way of recruiting our consular service with men who understand the languages of those countries, and is it or is it not limited to what may be the reasonable requirements of the service? There are two questions there. I would be glad if the gentleman from Illinois will kindly inform me as to what his opinion is.

Mr. MANN. My opinion has not always agreed with that of the State Department in reference to that, I will say to the gentleman. I think we have carried too many student interpreters at the different places. But they have always urged that we should take some young Americans there and teach them the language. If the only ones who learn those languages in those countries are the student interpreters, we would be very badly off, no doubt.

Mr. SLAYDEN. Do they, as a matter of fact, learn those languages?

Mr. MANN. I suppose they do. They have nothing else to do, and my information is that they do and they do very well. They agree to stay in the service for five years. Probably at the end of that time most of them go out and obtain private employment, to which I have no objection.

Mr. BARTHOLDT. I merely want to call the attention of my colleague from Missouri [Mr. HAMLIN] to the fact that it seems that the whole amount of increase involved in this discussion is $200. These interpreters are originally employed at $1,000. Then their salary is increased to $1,200, $1,500, $1,600, and finally $1,800. Now, this assistant secretary is to be appointed from the corps of interpreters, and I suppose if they promote a man from that corps to the position of assistant secretary they take the one who has served the longest and who probably now receives $1,800. Here it is proposed to raise his salary to $2,000 and call him an assistant secretary.

Mr. SULZER. He is doing the work now.

Mr. MANN. Will the gentleman from Missouri or some one else tell us from what appropriation these gentlemen are paid at the rate of $1,600 and $1,800 a year?

Mr. HAMLIN. Mr. Chairman, just a word, and then I do not care to say anything more about it. Either the gentleman from New York [Mr. SULZER], the very efficient chairman of the committee, or my colleague from Missouri [Mr. BARTHOLDT] is mistaken. The gentleman from New York says that if this point of order is sustained it will very seriously cripple the service. The gentleman from Missouri [Mr. BARTHOLDT], my colleague, says that it will only make a change of $200 in salary; that they have got this clerk now; but that he ought to have $2,000 instead of $1,800. One or the other of these gentlemen is mistaken. This question seems to be mixed with some little doubt about the true facts. My interpretation of this bill is this: The bill provides for 10 student interpreters at the embassy in Turkey.

If they take one of them and make him an assistant secretary, somebody else will take his place as a student interpreter, and the expense of this student, whatever it is—$1,500 or $1,800—will be incurred on account of the other fellow being made an assistant secretary. So, after all is said and done, when you brush all the smoke away you find that it will mean an increase of $2,000 per year. I have not heard any good reason for this increase. The gentleman from New York [Mr. SULZER] has said it will cripple the service if this increase is not made. My colleague from Missouri [Mr. BARTHOLDT] says they have got the fellow now, and that it only increases his salary $200. Therefore, in order to settle an unsettled question, I insist on my point of order.

The CHAIRMAN. The point of order is sustained.

Mr. SULZER. That is only in regard to the assistant Turkish secretary.

The CHAIRMAN. The paragraph beginning with line 8, page 6.

Mr. SULZER. Lines 8, 9, and 10.

The CHAIRMAN. That is the paragraph referred to. The point of order is sustained.

The Clerk read as follows:

CONTINGENT EXPENSES, FOREIGN MISSIONS.

To enable the President to provide, at the public expense, all such stationery, blanks, records, and other books, seals, presses, flags, and signs as he shall think necessary for the several embassies and legations in the transaction of their business, and also for rent, repairs, postage, telegrams, furniture, messenger service, compensation of kavasses, guards, dragomans, and porters, including compensation of interpreters, and the compensation of dispatch agents at London, New York, San Francisco, and New Orleans, and for traveling and miscellaneous expenses of embassies and legations, and for printing in the Department of State, and for loss on bills of exchange to and from embassies and legations, $300,000.

Mr. SHERLEY. Mr. Chairman, I reserve a point of order on the paragraph just read. I will ask the gentleman why the words "New Orleans" have been inserted in line 10, page 9? Just what are the duties of these dispatch agents?

Mr. SULZER. Mr. Chairman, in reply to the inquiry of the gentleman from Kentucky, I send to the Clerk's desk and ask to have read a letter from the Secretary of State, which, I believe, will explain the matter.

The Clerk read as follows:

DEPARTMENT OF STATE,
Washington, April 11, 1911.

The honorable the Secretary of the Treasury.

SIR: This department having found it necessary, in order to more satisfactorily provide for the shipment of supplies, etc., to consular and diplomatic officers in Central and South America, to establish a dispatch agency at New Orleans and to appoint a dispatch agent there, I have the honor to request that you will submit to the present session of Congress the following change in the wording of the appropriation for the contingent expenses of foreign missions for the current and for ensuing fiscal years, without increasing the amount of the appropriation, namely:

"To enable the President to provide, at the public expense, all such stationery, blanks, records, and other books, seals, presses, flags, and signs as he shall think necessary for the several embassies and legations in the transaction of their business, and also for rent, postage, telegrams, furniture, messenger service, compensation of Kavasses, guards, dragomans, and porters, including compensation of interpreters, and the compensation of dispatch agents at London, New York, San Francisco, and New Orleans, and for traveling and miscellaneous expenses of embassies and legations, and for printing in the Department of State, and for loss on bills of exchange to and from embassies and legations, $375,000."

I have the honor to be, sir,
Your obedient servant,
P. C. KNOX.

Mr. SHERLEY. I should like to know just what these dispatch agents do, and what actual increase of cost, if any, will be incurred by virtue of establishing a dispatch agent at New Orleans.

Mr. SULZER. The Secretary of State says it will require no additional expense.

Mr. SHERLEY. No; he said he did not ask for any additional appropriation. He did not say it would not incur any additional expense.

Mr. SULZER. I will say to the gentleman that the adoption of the speedier and more convenient route of transmission of the official diplomatic pouches between the Department of State and the legations in the Central American States via New Orleans, and the shipment by way of that port of official supplies for the legations and consulates in those countries and the countries of the western coast of South America, has made necessary the establishment of a dispatch agency at that city, and provision for the payment of the agent out of the appropriation for contingent expenses, foreign missions, is requested in the item for that general object without any increase in the appropriation.

Mr. SHERLEY. What does the gentleman mean by dispatch agents? I may be stupid, but I do not gather just what functions these agents perform.

Mr. SULZER. All the mail, all the material for the different consulates in Central and South America—that is, on the western coast of South America—now go by way of New Orleans. In that city the Department of State has a dispatch agent who takes care of the mail pouches and all this material for the consulates, sees to it that the same is properly put aboard the vessels in New Orleans and sent to the various destinations.

Mr. MANN. And he also sees to forwarding the ordinary supplies, typewriting machines, and so forth.

Mr. SULZER. Everything in connection with the consulates.

Mr. SHERLEY. The gentleman does not mean to say that the State Department has to have an agent for the purpose of sending these supplies to the different consulates? I understood the gentleman to say that the mail pouches are dispatched by this agent.

Mr. SULZER. Yes; all mail from the Department of State goes in the State Department mail pouches to the various consulates in Central and South America.

Mr. SHERLEY. Instead of going by the regular method through the mail?

Mr. SULZER. Yes.

Mr. HAMLIN. If the gentleman will permit me, I will say that I have looked into this matter. I had the same impression that I think the gentleman from Kentucky has.

Mr. SHERLEY. I have not any.

Mr. HAMLIN. That these dispatch agents are useless agents. The testimony shows that the duty of a dispatch agent, whether he is in New York or New Orleans or San Francisco, is that when the State Department makes up the pouches of mail to be sent to Europe they go to New York, and the duty of the dispatch agent is to get the pouches, see that they are in good shape, properly labeled, and hurry them, perhaps ahead of the ordinary mail, to the proper ship which will take them on the way instead of letting them go by the ordinary usual route.

Mr. SULZER. That is correct.

Mr. SHERLEY. In other words, the Department of State thinks it is necessary to send the mail in this way, because the post-office service is inferior?

Mr. MANN. Not at all; the State Department sends its mail in sealed pouches.

Mr. SHERLEY. The statement made by the gentleman was that the dispatch agent had to see that the mail pouch arrived in good condition and was sent off as speedily as possible, and they had this special agent to look out for it instead of leaving it to the postal authorities.

Mr. MANN. The gentleman knows that these pouches ordinarily could not go through the Post Office Department the way it is put up in sealed pouches, because there is no authority for the Post Office Department to handle them in sealed pouches. It does not come under the provisions of the International Postal Union.

Mr. SHERLEY. I have not the slightest doubt that with the exception of a few communications of a private character all of these communications could be sent as ordinary mail matter, but the State Department still clings to the mysteries that have been shrouding foreign transactions for 100 years and probably will 100 years from now.

The CHAIRMAN. Does the gentleman from Kentucky make the point of order?

Mr. SULZER. I trust the gentleman will not.

Mr. SHERLEY. I will not press the point of order, although I have not obtained the information that I asked for.

Mr. MANN. I want to make this suggestion. I looked this up recently and they are using steamers going out of New Orleans for portions of the Central American Republics and possibly for the South American Republics.

Mr. SULZER. New Orleans is a very important distributing place—and becoming more so.

Mr. SHERLEY. I am inclined to think that if agencies ought to be maintained in other places one ought to be at New Orleans. For that reason I will not press the point of order.

The Clerk read as follows:

EMERGENCIES ARISING IN THE DIPLOMATIC AND CONSULAR SERVICE.

To enable the President to meet unforeseen emergencies arising in the Diplomatic and Consular Service, and to extend the commercial and other interests of the United States, to be expended pursuant to the requirement of section 291 of the Revised Statutes, $50,000: *Provided, however,* That the vouchers for the money expended under this appropriation shall be itemized, and the same shall be subject, whenever required, to the inspection of the chairman of the Committee on Foreign Affairs of the House of Representatives and the chairman of the Committee on Foreign Relations of the United States Senate, or either of them.

Mr. MANN. Mr. Chairman, I reserve a point of order on that paragraph.

Mr. LONGWORTH. I move to strike out the last word in order to ask the chairman of the committee a question. This is a reduction of the emergency fund from $90,000?

Mr. SULZER. Yes; the committee reduced it from $90,000 to $50,000.

Mr. LONGWORTH. Is the gentleman from New York confident that this will not cripple the service?

Mr. SULZER. In the judgment of the committee the department can get along next year with $50,000 for emergency purposes. So far I have heard no complaint regarding this reduction. It is quite a saving to the taxpayers of the country.

Mr. LONGWORTH. Can the gentleman say how long the appropriation was as high as $90,000?

Mr. SULZER. Several years.

Mr. LONGWORTH. And this is the first time there has been such a substantial reduction?

Mr. SULZER. The first time in several years.

Mr. LONGWORTH. The gentleman from New York states on his responsibility as chairman of the committee that this will not, in his opinion, in any way hamper the best interests of the service?

Mr. SULZER. If I thought it would cripple the good work of the State Department I would be opposed to the reduction.

Mr. MADDEN. Will the gentleman yield?

Mr. SULZER. Certainly.

Mr. MADDEN. Does the gentleman know the average yearly expenditure under this appropriation?

Mr. SULZER. There has generally been expended all of the money that Congress allows.

Mr. MADDEN. Does the gentleman state that the expenditures have been extravagant, that the Secretary of State has spent more money than he ought to have spent?

Mr. SULZER. I do not.

Mr. MADDEN. If the gentleman makes that statement and believes that the expenditure has been properly made in the past, does he not think that the reduction from the former amount of the appropriation to the present is unjustifiable?

Mr. SULZER. Our distinguished Secretary of State is a wise man, and I doubt not will cut his cloth accordingly.

Mr. SHERLEY. I would like to ask the gentleman whether he does not think that this information should be subject to the inspection of the chairman of the Committee on Expenditures in the State Department? It seems to me peculiarly appropriate that the chairman of that committee, even more than the chairman of the Committee on Foreign Affairs, should have access to that information.

Mr. SULZER. I will say, in reply to the gentleman from Kentucky, that the Committee on Foreign Affairs gave much time and consideration to this limitation. We think we have gone quite far enough in regard to the matter. After much deliberation we came to the conclusion that this limitation was wise, and quite as far as the committee ought to go. The Committee on Foreign Affairs deals direct with the State Department, and, of course, more or less with the diplomatic relations of the Government. The Committee on Expenditures in the State Department does not. This emergency fund is a diplomatic matter. It should be confidential. It should not in our opinion go beyond the scope of the limitation which the committee has put in the bill.

Mr. SHERLEY. Mr. Chairman, I want to say to the gentleman that this is another instance, I think, of the exaggerated mysteries that are essential in the opinion of some people to the proper conduct of foreign affairs. They seem to forget that the time of sealed communications has gone by, and that we read in the newspapers each morning what is happening in every capital in the world. I shall make the point of order against the paragraph unless it carries in it a provision giving to the Committee on Expenditures in the State Department, whose express duty it is to examine into these things, the same privilege that is granted here to the Committee on Foreign Affairs.

Mr. HAMLIN. Mr. Chairman, I have spoken privately to the chairman of the Committee on Foreign Affairs about that fact, but my own modesty inclined me not to raise the point that the

gentleman from Kentucky [Mr. SHERLEY] has raised. I do feel that if this provision is to go in at all it ought to include the chairman of the Committee on Expenditures in the State Department in the House and also the chairman of the Committee on Expenditures in the State Department in the Senate.

Mr. SISSON. Why not the entire committee?

Mr. HAMLIN. I have a bill which will cover all of that, and consequently I am not particular about any of this provision; but if it comes in, it ought to include the chairmen of these two committees, because, under the rule of the House, our committees are charged with investigating these expenditures. I think, in the light of certain developments—and I am not going into a discussion of them at any great length, but just want to make this suggestion—the point is not well taken, that this is purely a diplomatic matter, and consequently no committee ought to have any inside information except the Committee on Foreign Affairs in the House and the Committee on Foreign Relations in the Senate. A practice has grown up in the State Department of expending hundreds and hundreds of dollars which have been specifically appropriated for specific purposes other than that included in the paragraph now under discussion and which have been covered under section 291 of the Revised Statutes, and I now hold in my hand a portion of the certified copies of those certificates. The committee will remember that we raised a question some time ago as to the expenditure of the $20,000 which was appropriated for the celebration of the discovery of Lake Champlain. After a long hard fight we secured copies of the items for which that money was expended, and the Secretary of State very frankly admitted that it was improperly covered by secret certificate; that it ought not to have been so covered. How much more there is of that kind of work I do not know. We find in this bill an item, just passed, of $5,000 for bringing home criminals.

In 1906 there was a similar paragraph carried in the bill of that year. That money was expended and was covered by secret certificates in the Treasury, a certified copy of which I hold in my hand. Yet the appropriation was worded then as it is worded now—for actual expenses for bringing home criminals—ought not to have had the veil of secrecy thrown around it. Every conceivable thing that may excite criticism is covered by secret certificates under section 291 by the State Department. I do maintain most seriously and earnestly that that is a practice which ought to be stopped in some way, and I know of no better way than to turn the light of publicity upon it.

Mr. KENDALL. Will not this correct that condition?

Mr. HAMLIN. I do not think it will entirely. It will help that much. As some gentlemen know, I have a bill reported and on the calendar which, if passed by the House and the Senate, will correct this evil. If the Secretary of State understands that the chairmen of the investigating committees in the House and Senate have the right to see the items that he says he is expending money for under this appropriation, it is almost a certainty that he will not expend a penny of it for anything excepting what properly comes under that provision; and it is an impeachment upon the loyalty and upon the manhood of Members of this House to say that they are so unpatriotic if they find an item for which money has been expended that ought not to be made public, that they will make it public. I do not believe the Secretary of State is afraid of anything of that kind. The Foreign Affairs Committee and the Foreign Relations Committee have no power of investigation. Why should they inspect these accounts. I have no objection to it, but it does seem to me that the committees that are specially charged with this work in the House and in the Senate, if this provision is to remain in the bill, ought to be included in it.

The CHAIRMAN. Did the gentleman from Kentucky reserve the point of order?

Mr. SHERLEY. Mr. Chairman, I would like to know what the disposition of the gentleman in charge of the bill is?

Mr. MANN. I reserved the point of order.

Mr. SHERLEY. Oh, yes. I was thinking whether I wanted to make the point of order.

Mr. MANN. I think we can get at that very quickly. The gentleman from Kentucky says that he will make a point of order unless they include other officials, and if they do, then I shall make the point of order.

Mr. SULZER. Mr. Chairman, just a few words. It is essential that the President should have at his command a fund for emergency purposes. Of course it is not possible accurately to estimate the amount that will be required to meet them in any one year, but it will be agreed by all, I take it, that the amount should be sufficient to meet an emergency that may arise at any time. In regard to the limitations, as I have said before, the Committee on Foreign Affairs gave the matter much consideration. We discussed it from every angle, and finally came to the conclusion, as we state in the committee report, that this limitation will silence to a very large extent adverse criticism regarding the expenditure of this emergency fund and give to it all the publicity necessary. I trust the people. I trust the greatest servant of the people—the President. I believe that Congress can trust the President of the United States.

So far as I am personally concerned, therefore, I would put no limitation on the expenditure of this money. If we can not trust the President, then we can not trust anyone in public life, and the Republic is doomed.

Mr. SHERLEY. Mr. Chairman, I also am willing to trust the President of the United States, but this provision was put in here upon the theory that it ought to be within the power of some agency of Congress to look into the matter of expenditures, because while it is very pretty to talk theoretically of our trusting the President of the United States, practically we know that expenditures are made which never come to the knowledge of the President of the United States, and that he is a man with limitations like the rest of us, and could not to save his soul look after the details of expenditures.

And the desire of Congress to look into these matters is no reflection on any President, and could never be so considered by any President, and never will be because any man who will ever be President will have enough common sense to realize that an investigation of expenditures does not necessarily involve a reflection upon him. Now, the point I make is simply this. Inasmuch as the committee is attempting to give to somebody the right, it seems to me they ought to give it as much to the expenditures committee as to the appropriating committee. I think one of the dangers that we are under in Congress under our various methods of appropriating is that those committees appropriating for one department only become in course of time the particular advocates of that department, and they become advocates to such an extent that they resent as an impertinence any other committee considering any matter in connection with that department, and just for that reason if you are going to give the right to investigate at all, give it to a committee that will not feel itself already tied in favor of the department that is to be investigated. Unless the gentleman is willing to let the information go to the chairman of the Committee on Expenditures in the State Department as well as his own committee, I shall make the point of order.

The CHAIRMAN. Does the gentleman from Illinois insist on his point of order; I believe he made it first?

Mr. MANN. Well, I have not withdrawn the point of order yet.

The CHAIRMAN. Both gentlemen have made or reserved the point of order.

Mr. MANN. The gentleman from Kentucky has insisted that he will make the point of order unless some changes are made in it, and those changes have not yet been proposed. I think I would like to make this suggestion to the gentleman from Kentucky, if I may. The gentleman from Kentucky also reports one of these confidential bills to the House, and while he gives information concerning fortifications in a way, neither he nor the department would want to give all the information concerning all the fortifications or the emplacement of guns.

Mr. SHERLEY. In that connection, of course, there are some things that are secret.

Mr. MANN. Certainly there are.

Mr. SHERLEY. If the gentleman will permit, I think there has been a great bugaboo about the fortifications bill, and I have said to the Army and I have said to this House that most of the things that they think ought to be kept secret are better known to the agents of other countries than to the men who are appropriating the money.

Mr. MANN. I agree with the gentleman about that. I think most of the things that are kept secret are kept secret under false ideas, but if there is any one thing in the Government that ought to be kept secret, it is the expenditure of some fund like this by the State Department, and much more reason for it than any other department. I have no doubt whatever that the gentleman from Missouri in the investigation which he has made in this matter may have done some good checking up the State Department so that they would not expend this fund for purposes that they ought not to expend it for, and it is very likely that there has been expenditures made that ought not to have been made out of this fund, but in the end there must be a chance to make expenditures out of some fund which will not become public. You can not pass that around among so many men. Who would you give it to if you wanted to let somebody in the House have the right to make investigations? I have no doubt that under ordinary conditions that any Member most could go up there and have information given to him confidentially, whether he is on either one of the committees or not, but there must be some method, or ought to

be, we being practical men, of expending some money without making it public.

Mr. HAMLIN. Mr. Chairman, the gentleman has practically covered what I wanted to suggest. My question was simply this: Under the present practice up there the President, of course, is presumed to know how this money is expended. The Secretary of State is presumed to know how it is expended, the three Assistant Secretaries of State, the chief clerk, and perhaps a dozen or more ordinary clerks in the department and the disbursing officer. Now, does the gentleman think that, leaving myself out of it, of course, Senator KENYON, chairman of the Expenditures Committee in the Senate, is less patriotic than all of these parties whom I have mentioned down there; that if he should see an item that ought not to be made public that he would violate that confidence, or that I would violate it?

Mr. MANN. Certainly not; but what good could the gentleman do with the information? Nothing. But, Mr. Chairman, the chairman of the Committee on Foreign Affairs can do something with the information, because he can cut down the appropriation for the ensuing year; but the gentleman from Missouri having the information, what can he do with it? If it is confidential, he can not divulge it.

Mr. HAMLIN. If the gentleman will permit just another word. The gentleman from Missouri would not do anything with an item that ought not to be made public, but the gentleman from Missouri would do something with items that ought not to be kept secret. Now, what has the gentleman to say about the $20,000 that was appropriated to pay the expenses of the celebration on Lake Champlain and which was covered by a secret certificate?

Mr. MANN. Oh, I do not say anything about it; I do not know anything about it in detail. I do not see any objection to the expenditure of money for that purpose; in fact, it was understood here in the House that the money would be expended for that purpose when the appropriation was made. The gentleman may not be familiar with the fact.

Mr. HAMLIN. Does the gentleman indorse the use of that money to pay the expenses of the members of the Legislature of New York State to that celebration and return?

Mr. MANN. Well, I will say to the gentleman that when they were going to have this celebration up in New York there was at one time a proposition for Congress to make a direct appropriation for it. It was afterwards stated that was not necessary, although Congress was willing to do it, as I understand it, and that the money would be expended from money of the department referring to this appropriation. And I do not see any objection to paying the expenses of the members of the Legislature of the State of New York any more than paying the expenses of gentlemen in this House under certain conditions.

The CHAIRMAN. The time of the gentleman has expired.

Mr. MANN. Mr. Chairman, I ask unanimous consent for two minutes more.

The CHAIRMAN. Is there objection. [After a pause.] The Chair hears none.

Mr. MANN. We have paid expenses of Members of this present House under conditions far more subject to criticism than was the State Department in paying the expenses of whoever they paid expenses for in connection with that celebration. And I am not disposed to drag that out or criticize it. Those are matters of opinion at the time.

Mr. SHERLEY. Will the gentleman yield to a question?

Mr. MANN. I will.

Mr. SHERLEY. I thoroughly agree with the gentleman as to secrecy of this fund. The reason I suggested the chairman of the investigating committee should have the information is this: That when an investigation of that department is undertaken it may follow certain channels that immediately runs it up against the proposition that these matters are confidential. That results in an unnecessary confusion and frequently necessitates a course very much more harmful to the Government than if the chairman was in a position to have for his own information accurate knowledge of what had occurred. And I do not think it is making it public to simply say that the chairman of the Committee on Expenditures in the State Department, the very committee which is specifically charged with the duty of seeing that moneys are not improperly spent, should have that information. Now, the gentlemen says that the chairman of the appropriating committee ought to have it, because he can do something about it. I do not see how he can do anything about it except he can report a bill with a larger or less appropriation for this particular fund.

Mr. MANN. That is what I mean.

Mr. SHERLEY. The investigating committee can properly bring it to the attention of the House. It does not seem to me that you get undue publicity by adding the Committee on Expenditures in the State Department.

Mr. MANN. Where the gentleman and I do not agree is that I do not think the expenditures ought to be made public unless the State Department is willing to have them made public. I do not think some committee ought to have authority to require expenses to be made public because such expenses are not secret. We do not have to appropriate a dollar if we do not want to do so, and I would be willing to let the ranking member of the Committee on Foreign Affairs have the same privilege, and if they think it is improper to let them have the money they ought not to have the appropriation.

The CHAIRMAN. The time of the gentleman has expired. Does the gentleman from Kentucky make his point of order?

Mr. SHERLEY. I agree with the gentleman that, broadly speaking, the knowledge of expenditures of this fund ought to remain with the State Department. I do not agree with the gentleman that such a condition of affairs might arise under it that it would be improper to make it public to anyone. The very purpose of having anybody to know the inside history of the expenditure is that there may be some judgment other than the State Department as to the wisdom or propriety of the expenditure of the money. Now, the need for secrecy usually exists at the time and immediately afterwards, is rarely a continuing need, and to say that a committee peculiarly charged with the duty of investigating that department should not have the information seems to be totally to misconceive the purpose of these committees. It is true that in the past appropriating committees have been all powerful and investigating committees have been all negligible. But that is not the contemplation of the law creating them, and if we have any publicity it ought to go to the committee that has to do the investigating.

The CHAIRMAN. Does the gentleman make a point of order or withdraw it?

Mr. SHERLEY. We are discussing it for a moment.

Mr. KENDALL. Mr. Chairman, I want to make a suggestion or two, if the gentleman from Kentucky [Mr. SHERLEY] has concluded. I agree entirely with his suggestion that some authority aside from the Secretary of State ought to have the right to review this expenditure of money. This appropriation for emergency purposes has been available in the State Department for many years and generally has equaled or exceeded the $90,000 estimated for the current year. Within the last 12 months a very stringent criticism has been leveled against the Secretary of State because of certain expenditures of this fund which were alleged to be irregular. I think, and I am frank to say it, that the State Department would better have submitted to the committee a candid statement of all the facts that were available, without evasion or equivocation or delay, so that the House of Representatives, which appropriates the money and makes possible the expenditures that are contemplated under this section, would have been in possession of all the facts. Now, I believe we have gone past the time when we can agree with the gentleman from Illinois that there ought to be any fund in the Department of State or any other Department subject to disbursement and that disbursement be concealed from the Congress of the United States which provides it.

The proposition all turns upon this inquiry: What representative of the House and of the Senate should be allowed to inspect the expenditures which have been made by the Secretary of State. I think we are all in substantial agreement that the House and the Senate, through some instrumentality, ought to have supervision over these expenditures, or, at least, ought to have information as to the purpose for which the expenditures have been made. We had the matter before the Committee on Foreign Affairs, as suggested by the chairman, where it received very careful consideration. The Secretary of State was consulted, and I believe the gentleman from Missouri, the chairman of the Committee on Expenditures in the Department of State, was conferred with, and this provision which we have incorporated in this bill, subject, of course, to a point of order—if a point of order is interposed against it—was the result of our deliberation. It provides that the vouchers for the money expended under this emergency appropriation shall be itemized and subject, whenever required, to the inspection of the chairman of the Committee on Foreign Affairs of the House and the chairman of the Committee on Foreign Relations of the Senate.

Mr. HAMLIN. Will the gentleman yield just for a moment?

Mr. KENDALL. I will.

Mr. HAMLIN. The gentleman does not mean to convey the impression, I am sure, that "the gentleman from Missouri"—myself—the chairman of the Committee on Expenditures in the State Department, was consulted?

Mr. KENDALL. I thought the gentleman from Missouri had been consulted.

Mr. HAMLIN. Oh, no.

Mr. KENDALL. Then I am in error, and I withdraw that implication. Now, we meet this situation here in the House.

Some gentlemen think we ought to authorize this expenditure subject to the inspection of nobody, and some gentlemen think we ought to allow the inspection to be made by all Members of the House.

And we have this anomalous condition arising: The gentleman from Kentucky [Mr. SHERLEY] threatens to interpose a point of order, which, of course, will eliminate the provision entirely from the bill, unless the chairman of the Committee on Expenditures in the Department of State shall also be included; and the gentleman from Illinois [Mr. MANN] threatens to interpose a point of order, which will be equally effective, if the chairman of the Committee on Expenditures in the State Department is included. Now, I hope neither of these gentlemen will enforce his threat.

Mr. MANN. Mr. Chairman, will the gentleman yield for a question?

The CHAIRMAN. Does the gentleman from Iowa yield to the gentleman from Illinois?

Mr. KENDALL. Yes; I will yield to the gentleman.

Mr. MANN. Is the gentleman familiar with the fact that the chairman of the Committee on Expenditures in the State Department has reported a bill covering this entire subject, which will give the House of Representatives an opportunity really to study the subject of the safeguards referred to?

Mr. KENDALL. I am not willing to concede that the consideration which the gentleman from Illinois [Mr. MANN] and the gentleman from Missouri [Mr. HAMLIN] and the gentleman from Kentucky [Mr. SHERLEY] have given to this subject is not a proper consideration of it.

Mr. MANN. But the gentleman will admit that this is only six lines long, and I think the gentleman's bill is nearly six pages long.

Mr. KENDALL. Well, the account of the creation of the world does not occupy much more space in Holy Writ than this provision in the bill. I was going to say that that would be news to the gentleman from Illinois. [Laughter.]

Mr. MANN. It would be, coming from the gentleman from Iowa. It is only a wild guess, and a misstatement at that. [Laughter.]

Mr. KENDALL. Mr. Chairman, I ask for one minute more. I wish to call attention to the deliberation exercised by the gentleman from Illinois when he concluded that I was mistaken in that statement. [Laughter.]

Mr. LONGWORTH. I want to ask the gentleman from Iowa if this proviso received the assent of the entire committee?

Mr. KENDALL. It was submitted to the full committee and it was unanimously indorsed. The entire wisdom of the committee is concentrated in that proviso.

The CHAIRMAN. Is the point of order withdrawn?

Mr. SHERLEY. If the point of order is withdrawn I desire to offer an amendment.

Mr. KENDALL. The point of order is only in process of withdrawal.

The CHAIRMAN. The Chair does not know whether the point of order is pending or not.

Mr. MANN. If the gentleman is through I want to make myself clear. I make the point of order against the proviso, Mr. Chairman.

The CHAIRMAN. The point of order is sustained.

Mr. SISSON. Mr. Chairman, does the point of order go to the proviso or to the paragraph?

Mr. SULZER. Only to the proviso, after the word "dollars," on line 8, page 11, striking out the balance of the paragraph.

Mr. SISSON. Mr. Chairman, a point of order.

The CHAIRMAN. The gentleman will state it.

Mr. SISSON. If the proviso goes out, ought not the whole paragraph to go out?

The CHAIRMAN. The point of order was made only to the proviso.

Mr. SISSON. I want to make a point of order as to the whole paragraph if the proviso goes out.

Mr. SULZER. That is not subject to a point of order.

Mr. SISSON. I want to make a point of order to the whole paragraph, on the ground that it is legislation. I do not think, except by unanimous consent, that——

Mr. KENDALL. It is simply the old provision of law, if the proviso goes out.

Mr. MADDEN. This is under the Revised Statutes. This is the law.

Mr. SISSON. I understand; but, Mr. Chairman, I insist that if the proviso is added to the paragraph the whole paragraph ought to go out.

Mr. SULZER. Mr. Chairman, I want to say to the gentleman that the proviso is new legislation, and a limitation upon the appropriation. The appropriation itself is made in accordance with law, and is not subject to a point of order.

The CHAIRMAN. The Chair will state that the point of order is not made to the entire paragraph, as the Chair understood, but only to the proviso.

Mr. SISSON. What is the law that the gentleman refers to?

Mr. BURLESON. Section 291 of the Revised Statutes.

Mr. TILSON. Mr. Chairman, the gentleman from Mississippi [Mr. SISSON] evidently comes too late with his objection. If he had made the point of order in time, the whole paragraph would have gone out on account of it being out of order; but only a part of it was out of order, and it has already been ruled upon.

Mr. SISSON. Those gentlemen who make the point of order on the proviso can not cut off members of the committee from making a point of order against the whole paragraph.

The CHAIRMAN. The point of order was only to the proviso.

Mr. SISSON. I understand the point of order was made against the whole paragraph.

The CHAIRMAN. The Chair does not so understand. The Clerk will read.

The Clerk read as follows:

To enable the Secretary of State to mark the boundary and make the surveys incidental thereto between the Territory of Alaska and the Dominion of Canada, in conformity with the award of the Alaskan Boundary Tribunal and existing treaties, including employment at the seat of government of such surveyors, computers, draftsmen, and clerks as are necessary to reduce field notes; and for the more effective demarcation and mapping, pursuant to the treaty of April 11, 1908, between the United States and Great Britain, of the land and water boundary line between the United States and the Dominion of Canada, as established under existing treaties, to be expended under the direction of the Secretary of State, including employment at the seat of government of such surveyors, computers, draftsmen, and clerks as are necessary to reduce field notes, $75,000, together with the unexpended balance of previous appropriations for these objects.

Mr. MANN. Mr. Chairman, I move to strike out the last word. May I ask how much is the unexpended balance of these previous appropriations?

Mr. SULZER. Mr. Tittman, the Director of the Coast and Geodetic Survey, was before the committee and testified that in his opinion the amount of money herein appropriated would be sufficient if we allowed him the unexpended balance. We did so, and wisely, I think. He testified that the unexpended balance would be about $80,000 or $90,000.

Mr. MANN. We appropriated last year under this item altogether, I believe, $295,000?

Mr. SULZER. We did.

Mr. MANN. You appropriate $75,000, and I take it you do not wish to reduce the progress of the work?

Mr. SULZER. No; it is a very important work, and we do not cripple the work in any way. Mr. Tittman testified that this would be sufficient; that he could get along with it.

Mr. KENDALL. Mr. Chairman, I want to suggest to the gentleman from Illinois [Mr. MANN] that my recollection is, although I do not have the statement before me now, that the gentleman referred to advised the committee that there was an unexpended balance of $94,000. But I am not entirely satisfied that that is correct.

Mr. MANN. That may be sufficient.

Mr. KENDALL. It is sufficient. He said that.

Mr. SULZER. I know of the good work Prof. Tittman is doing. We have appropriated substantially all the money he said he would need for the next fiscal year.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

INTERNATIONAL PRISON COMMISSION.

For subscription of the United States as an adhering member of the International Prison Commission and the expenses of a commissioner, including preparation of reports, $2,000.

Mr. MANN. Mr. Chairman, I offer an amendment as a separate paragraph, to come in after line 19.

The CHAIRMAN. The Clerk will report the amendment offered by the gentleman from Illinois [Mr. MANN].

The Clerk read as follows:

Insert as a separate paragraph, after line 19, page 14:

"The United States shall continue as an adhering member of the International Prison Commission and participate in the work of said commission. That the Secretary of the Treasury be, and he is hereby, authorized annually to pay the pro rata share of the United States in the administration expenses of the International Prison Commission and the necessary expenses of a commissioner to represent the United States on said commission at its annual meetings, together with necessary clerical and other expenses, out of any money which shall be appropriated for such purposes from time to time by Congress."

Mr. SULZER. Mr. Chairman, I reserve a point of order on that.

Mr. MANN. I will say to the gentleman from New York that this is simply the resolution which his committee has already reported.

Mr. SULZER. I know that. I introduced the resolution. I reported the resolution from the committee. It is on the calendar. I will say to the gentleman from Illinois and to the Mem-

bers that the reason I did so was to accomplish this very purpose—to put behind this appropriation, which is for a very important matter, a law so that in future it would not be subject to a point of order.

Mr. MANN. If the gentleman will permit, I was going to give the gentleman credit. This is his resolution.

Mr. SULZER. Quite true.

Mr. MANN. It is absolutely his resolution. I do not ask credit for it. The gentleman himself could not very well offer this as an amendment to this bill, the resolution having been reported subsequent to the reporting of this bill; but I think everyone is agreed that we ought to take a course that will make it law.

Mr. SULZER. I think so.

Mr. MANN. This puts it in shape where it will receive attention not only here but in the other body, and I hope the gentleman will not make the point of order.

Mr. SULZER. I agree with the gentleman, and, in view of the circumstances, I withdraw the point of order.

Mr. BURLESON. I renew the point of order.

Mr. MANN. Will not the gentleman reserve it?

Mr. BURLESON. I will reserve it, certainly. I thought the gentleman had concluded.

Mr. MANN. We have an international prison congress. They had a meeting a couple of years ago here in this country. We participate in that congress, which is of great value. Every prison warden in the United States is familiar with the work of that international prison congress. Last year this item went out of the bill on a point of order, because there was no permanent law for it. The gentleman from New York [Mr. SULZER]—I think very patriotically—introduced this resolution to make this a permanent law, so that we would become an adhering member of that congress.

Mr. BURLESON. What additional expense will it entail on the United States?

Mr. MANN. The total expense is $2,000 a year.

Mr. SULZER. There will be no additional expense. We have paid annually the same amount for years.

Mr. HAMLIN. Does not this propose to increase the expense?

Mr. SULZER. No.

Mr. MANN. Nothing but the $2,000. Congress might increase it, but $2,000 a year is all that is asked for.

Mr. SULZER. Mr. Chairman, we have been a member of the International Prison Commission ever since 1896, and our pro rata share of the expense has been about $2,000 a year. We have paid it every year except last year, when the gentleman from New York [Mr. HARRISON] made a point of order against it and it went out of the bill on that point of order. I want to say that it is subject to a point of order, and so as to obviate that in the future I introduced a resolution to put behind it a law, and it was reported unanimously by the Committee on Foreign Affairs on March 21, 1912. The Government of the United States is a member of this commission; it participates in its proceedings and derives its share of the benefits of the work accomplished. Of course we should pay our share of the expenses, and there should be a statute to that effect, so that the question of whether the appropriation is authorized or not authorized can not be invoked under the rules of the House.

The object of the International Prison Commission is to study the problems relating to the suppression of crime, the protection of society, the proper treatment of the criminal, the moral rescue of children, the organization of every means for preventing the discharged prisoner from relapsing into a life of crime, and every agency that makes for true prison reform.

Mr. HAMLIN. That is not the point I was asking about. As I understood the reading of the resolution, it provides for the appointment of delegates to this meeting. The gentleman from Illinois says it would only cost $2,000 a year. If we are going to send delegates, it may cost $10,000 or $15,000 a year.

Mr. MANN. I will say to the gentleman that we have been sending a delegate for years.

Mr. SULZER. We have one delegate.

Mr. MANN. The only purpose of this amendment is to keep this item in the bill over a point of order.

Mr. BURLESON. If it is not contemplated to enlarge the appropriation, in view of the statement made by the gentleman from New York I will withdraw the point of order.

Mr. HAMLIN. Wait a minute. I shall have to reserve the point until I get my information.

Mr. KENDALL. It simply gives us an official relation to this International Prison Congress; that is all.

Mr. HAMLIN. I should like to get it into my mind a little more clearly that there will be no additional expense.

Mr. KENDALL. There is no additional expense to what we have had year after year.

Mr. MANN. I can not guarantee that Congress will not increase the appropriation in future. No one can guarantee that. The appropriation has been made for years at $2,000 a year. We have had a commissioner all the time. He attends these meetings abroad. To be perfectly frank with the House, most of the expenses are paid by the association outside of Congress.

Mr. HAMLIN. The gentleman from Illinois has just handed me the resolution, and I have only now had the opportunity to read it.

Mr. MANN. That is the resolution.

Mr. HAMLIN. This gives me the information I wanted. I thought it provided for the appointment of a delegation.

Mr. MANN. Not at all.

Mr. SULZER. That is quite true.

Mr. HAMLIN. That is what I was asking for. I did not understand it. I withdraw the point of order. I have no objection to this.

The CHAIRMAN. The point of order is withdrawn. The question is on the amendment offered by the gentleman from Illinois [Mr. MANN].

The amendment was agreed to.

The CHAIRMAN. The Chair wishes to make a request. The Chair has been informed that the notes of the Official Reporter show that the gentleman from Illinois [Mr. MANN] made a point of order to the entire paragraph instead of to the proviso on page 11. The Chair understood it to be against the proviso only, and the discussion which followed seemed to be confined to that; but if the Chair was mistaken, as it seems he was, the Chair would like to ask unanimous consent that his ruling may go to the whole paragraph, and to return to page 11 for that purpose. The gentleman from Illinois [Mr. MANN] knows of course, and he can state whether he did make a point of order to the proviso or to the whole paragraph.

Mr. MANN. The Chair did not appeal to me at the time, and the matter passed off so quickly that I did not volunteer any information. I did reserve a point of order to the whole paragraph. Later I made a point of order on the proviso, and the Chair sustained the point of order on the proviso.

The CHAIRMAN. The Chair understood the gentleman to make his point of order to the proviso.

Mr. SISSON. That being the fact, I asked to be allowed to make a point of order against the entire paragraph, because the point of order had been reserved, not only by the gentleman from Illinois, but the gentleman from Kentucky [Mr. SHERLEY] stated that unless certain matters were agreed to he would make the point of order.

Mr. KENDALL. The gentleman from Illinois made the point of order against the proviso.

Mr. SISSON. Since he reserved it on the entire paragraph, I wanted to make it on the entire paragraph.

The CHAIRMAN. Does the gentleman from Mississippi ask unanimous consent to return to the paragraph for that purpose?

Mr. SISSON. Mr. Chairman, I am not going to press the point any further, for the reason that if the committee should favor the paragraph covered by the present law it would vote the paragraph in.

The CHAIRMAN. The Chair did not want to deprive any Member of the privilege of making a point of order by any mistake that the Chair may have made.

Mr. SISSON. That was the only reason I insisted on it; I thought that I was within my rights when I asked to reserve a point of order on the paragraph.

The Clerk read as follows:

To meet the share of the United States in the expenses for the year 1911 of the International Bureau of the Permanent Court of Arbitration, created under article 22 of the convention concluded at The Hague July 29, 1899, for the pacific settlement of international disputes, $1,250.

Mr. MANN. Mr. Chairman, I move to strike out the last word for the purpose of making an inquiry. Heretofore this appropriation has been carried to meet expenses for the calendar year. I wish to ask whether the gentleman omitted that on purpose, or whether it was through error, because where we use the word "year" in an appropriation bill it generally means the fiscal year, and there might be some trouble about it. I think it should be the calendar year, and I move to insert, in line 16, before the word "year," the word "calendar."

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Amend, line 16, page 15, by inserting before the word "year" the word "calendar."

Mr. SULZER. Mr. Chairman, the gentleman from Illinois, in my judgment, is right, and the word "calendar" should be in there. I see that it is in the estimates sent to the committee by the Secretary of the Treasury. I hope the amendment will be adopted.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Illinois.

The amendment was agreed to.

Mr. BARTHOLDT. Mr. Chairman, I offer the following amendment:

The Clerk read as follows:

Insert at end of line 21, page 15: "That the Secretary of the Treasury is hereby authorized to pay to the Secretary of State, out of any money in the Treasury not otherwise appropriated, the quota of the Congress of the United States as its contribution toward the maintenance of the Bureau of the Interparliamentary Union for the Promotion of International Arbitration at Brussels, Belgium."

Mr. HAMLIN. Mr. Chairman, I reserve a point of order to that.

Mr. BARTHOLDT. Mr. Chairman, this amendment carries no appropriation. It is merely an authorization for an appropriation which has already been made in previous bills. Two years ago the Congress made an appropriation of $2,500 for the maintenance of the International Bureau of the Interparliamentary Union, now located at Brussels. By that appropriation the American Congress has committed us to the policy of supporting that bureau in conjunction with the other parliaments, but by inadvertence the appropriation was left out last year, and this omission has caused considerable embarrassment to the Interparliamentary Union, because it had counted on a contribution which is merely our pro rata share for the maintenance of that international bureau. A point of order was made against it in the House, and the bill went to the Senate where the item was inserted. It came back to the House and the House agreed to it, but it seems that in making up the bill in the final hours of the session of Congress, just before adjournment, the item was inadvertently lost by the clerks, and on that account no appropriation was made last year. We do not ask an appropriation for two years now, but merely ask that Congress contribute its quota for this year in order to keep our faith with the other parliaments of the world. A bill embodying the same terms was presented to the Committee on Foreign Affairs and unanimously recommended by that committee. That bill is now on the calendar of the House, and I sincerely trust, therefore, that the point of order will not be made.

Mr. HAMLIN. The statement which the gentleman from Missouri makes as to there being a bill reported from the Committee on Foreign Affairs now on the House Calendar renders it unnecessary to put the item in this bill, and I shall have to insist on my point of order.

Mr. BARTHOLDT. The gentleman probably understands that when this bill reaches the Senate, in order to secure action which we ought to have in all fairness and in all justice, this item will be inserted, and then, instead of the popular branch of this Government receiving credit for making the appropriation, the credit will be given to the Senate of the United States.

Mr. SLAYDEN. With the permission of the gentleman who has the floor, I would like to ask the gentleman from Missouri [Mr. HAMLIN] a question. Do I understand that the gentleman from Missouri favors the enactment of a bill which the gentle- from Missouri [Mr. BARTHOLDT] has referred to?

Mr. HAMLIN. I will state frankly that I do not know, for I have not read it.

Mr. SLAYDEN. I thought that was a fair inference from the remarks that the gentleman made.

Mr. HAMLIN. I stated that I understood there was such a bill reported by the committee and now on the calendar, and that if so, the gentleman's proposition was not in so bad a condition.

Mr. SLAYDEN. Let me ask the gentleman if he objects to such an appropriation as is proposed here?

Mr. HAMLIN. I will answer that question when we come to it. I am willing that the Senate should have any credit that will be given for this appropriation, and therefore I insist on the point of order.

The CHAIRMAN. The Chair sustains the point of order.

MESSAGE FROM THE SENATE.

The committee informally rose; and Mr. SHERLEY having taken the chair as Speaker pro tempore, a message from the Senate, by Mr. Curtiss, one of its clerks, announced that the Senate had passed the following resolutions (S. Res. 267):

Resolved, That the Senate has heard with deep sensibility the announcement of the death of Hon. HENRY H. BINGHAM, late a Representative from the State of Pennsylvania.

Resolved, That a committee of 11 Senators be appointed by the President pro tempore to join the committee appointed on the part of the House of Representatives to take order for superintending the funeral of the deceased at Philadelphia.

Resolved, That the Secretary communicate these resolutions to the House of Representatives and transmit a copy thereof to the family of the deceased.

Resolved, That as a further mark of respect to the memory of the deceased the Senate take a recess until to-morrow at 1 o'clock and 45 minutes post meridian.

And that in compliance with the foregoing resolution the President pro tempore had appointed as the committee on the part of the Senate Mr. PENROSE, Mr. OLIVER, Mr. CLARK of Wyoming, Mr. CURTIS, Mr. NELSON, Mr. SMITH of Michigan, Mr. BAILEY, Mr. STONE, Mr. NIXON, Mr. OVERMAN, and Mr. CHILTON.

CONSULAR AND DIPLOMATIC APPROPRIATION BILL.

The committee resumed its session.

The Clerk read as follows:

For the payment of the quota of the United States for the support of the International Institute of Agriculture for the calendar year 1913, $4,800.

Mr. SLAYDEN. Mr. Chairman, I move to strike out the last word for the purpose of asking for information. Is this International Institute of Agriculture an institution that has its headquarters in Rome?

Mr. SULZER. It is.

Mr. SLAYDEN. And issues an occasional publication?

Mr. SULZER. It issues a great many publications.

Mr. SLAYDEN. I would like to know what benefit it is to anybody except the gentlemen who receive the salary. Does it gather and distribute statistics gathered by boards of trade which are well known to all merchants engaged in international trade long in advance of these publications?

Mr. SULZER. Mr. Chairman, the International Institute of Agriculture in Rome is under the direction of an American citizen, Mr. David Lubin.

Mr. SLAYDEN. Who put it there?

Mr. SULZER. Mr. Lubin did, by the generosity of the King of Italy. There is much to be said in favor of this institute and how it was created. Mr. Lubin for years tried to get the Government of the United States to take an interest in agricultural matters—the improvement of the soil, the adaptability of the soil, and all things connected therewith that mean so much in material benefits to the people. However, his pleadings met with deaf ears in the United States. Finally he went to Rome and got the ear of the King of Italy. The King became interested, and out of his own pocket gave the money to establish this International Institute of Agriculture. It is one of the finest buildings in Rome. It is maintained principally by the King of Italy. I believe there are forty-odd Governments now members of this International Institute of Agriculture.

Mr. LEVY. Forty-eight.

Mr. KENDALL. There are 50 now.

Mr. SULZER. The late ranking Republican member of this committee, formerly its distinguished chairman, the late Hon. David Foster, of Vermont, a very dear friend of mine—and no one regrets his untimely death more than I, and when the proper time comes I shall pay due tribute to his memory—informed me that he represented this Government recently at a congress held in this institute and that he had carefully investigated the great work that this International Institute of Agriculture was doing, and was enthusiastic concerning its material results.

[The time of Mr. SLAYDEN having expired, by unanimous consent, at the request of Mr. SULZER, it was extended for five minutes.]

Mr. SLAYDEN. Mr. Chairman, I hope the gentleman from New York will be willing to grant me some of my own time.

Mr. SULZER. Certainly. I shall be glad to ask that the gentleman's time be further extended. But pardon me if I say that there is nothing in this country to-day that makes so much for its material wealth and progress as the improvement of the soil. The soil experiments which have been made, and the great work which has been done by that dear old man in the Botanic Garden, Hon. William R. Smith, who is about to pass over the great divide to that undiscovered country from whose bourne no traveler returns, will be a monument to his greatness and his foresight for centuries to come. He has done much for the improvement of the soil and to disseminate knowledge as to the adaptability of the soil. God bless him. He has been a benefactor to his race. Then we have the great wizard, Luther Burbank, of the Pacific coast. We know what he has done along these lines. Then we have this philanthropic American merchant, Mr. David Lubin, a citizen of our country, who has expended a great part of his life and fortune in doing everything that he can do to teach the people what the soil will do if it is properly watered and nourished. Great men, these! Mr. Lubin is entitled to much credit for what he has done. Our Government is an adhering member of this International Institute of Agriculture. We get great benefits from it, and those benefits are distributed all over this country, and they materially help our agriculturists, and anything that will help the agriculturists of our land is a good thing, in my judgment, and I am in favor of it. Nearly all of our wealth comes from the soil. Anything that will teach the people how they can make the soil produce

more than it does now, how to make two bushels of grain grow where one grows now, is a good thing, and we ought to do everything we can to promote it. This is no place to economize. Economy here is waste. This appropriation should not be stricken out.

Mr. SLAYDEN. Mr. Chairman, my question, which was an innocent one and intended merely to elicit a little information, has not accomplished its purpose, but it has given us the benefit of a very entertaining and discursive address by the gentleman from New York [Mr. SULZER], who states the perfectly obvious and generally accepted things with persuasive eloquence. Of course we know a great deal of the wealth of the world is derived from agriculture and it ought to be supported and we are all in favor of it, but the gentleman has failed to tell us in any particular what benefit is to come to agriculture or to the commerce of the world from this institute in Rome. I have somewhere, somehow, read or heard that there is one Lubin, who makes extracts, and it occurred to me that perhaps this gentleman might be of that family.

Mr. SULZER. No; no relation.

Mr. SLAYDEN. Of course here is an appreciable extract from the Public Treasury, with no appreciable benefit, no perceptible benefit to come from it. I have seen a few of those publications. I took occasion to look over some of them. They publish statistics that have been known to the trade in advance. They gave advice about facts that had occurred so long a time before the publication that there was not a man interested in them who did not know all about it before they were issued from the press in Rome. We all know that water put on the soil will make plants grow. We know if the soil is cultivated the yield will be larger. We do not need to be told those things from a publication office in Rome.

Mr. HAYES. Mr. Chairman, will the gentleman yield?

Mr. SLAYDEN. Yes.

Mr. HAYES. I think the gentleman's question went to the matter of crop statistics, did it not?

Mr. SLAYDEN. To the whole thing.

Mr. HAYES. Does the gentleman know that the institute of agriculture furnishes to the Department of Agriculture here in Washington those statistics for its use?

Mr. SLAYDEN. I do not know, but I do know that the Department of Agriculture has always published a great many statistics that had been known to the trade for a long time before they were issued by the Department of Agriculture.

[The time of Mr. SLAYDEN having again expired, by unanimous consent, at the request of Mr. SULZER, his time was extended for five minutes.]

Mr. HAYES. Mr. Chairman, I trust the gentleman does not mean to imply that he thinks the crop statistics collected by the Department of Agriculture and published for the benefit of the people of the United States are valueless. That is not his claim.

Mr. SLAYDEN. No; I did not say that or anything that warrants that conclusion.

Mr. HAYES. Then, I can not understand why the gentleman should object to statistics officially collected in the same manner for the different countries of the world and supplied to the Department of Agriculture for the use of the United States as well as for the people of other countries.

Mr. SLAYDEN. Well, what I want to say, Mr. Chairman, is this, that we have a bureau here gathering statistics in a very expensive way.

Mr. HAYES. For this country; yes.

Mr. SLAYDEN. For this country, and we have agents reporting everywhere on the trade and agricultural products of other countries as well.

Mr. HAYES. No; I beg the gentleman's pardon, the gentleman is in error. Those statistics are furnished——

Mr. SLAYDEN. Put your finger on one single benefit that is done by this institute in Rome. Who reads these reports? Do you?

Mr. HAYES. I do. These statistics are furnished by the International Institute of Agriculture——

Mr. SLAYDEN. What statistics?

Mr. HAYES. Of crops.

Mr. SLAYDEN. Crop statistics of this country?

Mr. HAYES. For all countries except this.

Mr. SLAYDEN. How old is this institution?

Mr. HAYES. Perhaps four years, three years.

Mr. SLAYDEN. What did we do for figures before that?

Mr. HAYES. We did not have any; that is, not official.

Mr. BUTLER. How did we get into the agricultural business over in Rome?

Mr. HAYES. Through a treaty.

Mr. BUTLER. Are we going over there to sell seeds or to buy them?

Mr. HAYES. Neither one.

Mr. SISSON. Does the gentleman know the name of the individual who draws the $3,600 salary?

Mr. SLAYDEN. I understand it is one of Lubin's extracts.

Mr. HAYES. No relation to it.

Mr. SULZER. Mr. Lubin draws that salary.

Mr. SISSON. He gets the $3,600?

Mr. SULZER. Yes.

Mr. SISSON. How did he go over there? Was he sent over there by the Government, or did he happen to be there and furnish statistics for which he got paid?

Mr. SLAYDEN. Mr. Chairman, I yield the balance of my time to the gentleman from Mississippi.

Mr. SISSON. I am simply trying to get information about who gets the salary.

Mr. SULZER. Mr. Chairman, let me say to the gentleman from Mississippi that our Government has been represented in the International Institute of Agriculture for several years. The last representatives that our Government sent over to Rome to participate in its deliberations were Hon. David J. Foster, a Member of Congress, who died a few days ago, and who was then the chairman of the Committee on Foreign Affairs; Hon. Charles F. Scott, a Member of this House from Kansas, and then the chairman of the Committee on Agriculture; Hon. E. Dana Durand, who was then and is now the head of the Census Bureau; Victor H. Olmsted, whom I do not know——

Mr. BURLESON. He is a statistician of the Agricultural Department.

Mr. SULZER. And Edgar R. Champlin. Those were the delegates we sent over and who participated in the deliberations. They made a report to the Secretary of State. It is printed. I have read it. The institute, from what I learn, is developing and extending its work conscientiously and rapidly. It is a clearing house for information relating to agriculture and allied subjects, contributed by all the principal nations of the world. Its compilations of such information as is embodied in two bulletins heretofore issued—the one relating to social and economic intelligence and the other to agricultural intelligence and plant diseases—are indicative of the value of bulletins along similar lines to be issued hereafter. Information gleaned from all quarters of the globe, when brought together, can hardly fail to contain much information of value to countries not heretofore possessing it, and it appears to me that this appropriation would be a small price for the United States to pay in aid of disseminating such information in the English language among the people of the United States.

Mr. SISSON. How many of them were great agriculturists and great farmers who understood agriculture?

Mr. SULZER. That is not the question. They were experienced and representative men.

Mr. HAYES. It is not agricultural propositions that come before the institute, but statistics, crop statistics, the agricultural statistics of the world.

The CHAIRMAN. The time of the gentleman has expired.

Mr. SULZER. Mr. Chairman, I move to strike out the last two words. I do so in order to say to the gentleman from Mississippi that I have given a good deal of investigation to this International Institute of Agriculture along the lines as to whether it is doing any good or not, and it is my conviction, after careful study, that this institute of agriculture is doing a great deal of good. I want to read in this connection the concluding paragraph of Mr. Foster's report and the report of the gentlemen associated with him to the Secretary of State on their return from Rome:

> The members of the delegation desire in conclusion to express their conviction that the International Institute of Agriculture is destined not only to serve a most useful purpose with respect to the gathering and diffusion of information regarding agriculture and commerce throughout the world, but to fill a much broader sphere of usefulness. It is one of the most potent instrumentalities for the unification of the world, for the promotion of the general welfare of the peoples of the earth, for the establishment and maintenance of closer friendly relations among the nations, and for the further development of that earnest cooperation, that unity of action, which is rapidly making one mind and one heart for the world. An abundance of good food at prices which afford just remuneration to the producer and are at the same time within the means of the consumer is one of the essentials of a high civilization.

That speaks for itself. I deem it most important. The institute is doing a great world work, and we should in justice to our own people contribute our share to its support and maintenance.

Mr. SISSON. Mr. Chairman, I asked the gentleman, and he did not catch the question, how this gentleman got this position.

Mr. KENDALL. Will the gentleman allow me to make a suggestion?

Mr. SULZER. Mr. David Lubin, as I understand, is appointed by the Secretary of Agriculture.

Mr. SISSON. Then why is not this appropriation carried in the agricultural bill?

Mr. KENDALL. He is simply designated by the Secretary of Agriculture. Will the gentleman let me have the floor for a moment?

Mr. SULZER. Certainly. I yield to the gentleman.

Mr. KENDALL. Years ago Mr. David Lubin became much interested in the matter of international agriculture, and about 1904 or 1905—I have forgotten which year—the United States Government entered into a treaty with a great number of the first-class powers of the world, by which this organization at Rome was recognized, and we became an adhering party to the institute. The King of Italy, largely through the influence of Mr. Lubin, to whom reference was made here, I think, by the gentleman from California, became very deeply concerned in the promotion of the proposition, and he donated a large and very valuable tract of land, together with the money necessary for the construction of a building in which the institute was to be located. The various nations which are parties to this treaty have been contributing annually certain sums of money to support the institute.

Mr. SLAYDEN. Will the gentleman permit a question right there?

Mr. KENDALL. I will.

Mr. SLAYDEN. Do those other Governments, 50 of them, I think you say, contribute as much as we do?

Mr. KENDALL. My recollection is that we are one of the smallest contributors of the large Governments.

Mr. SLAYDEN. With this $23,000 you propose to take out of the American Treasury this year?

Mr. KENDALL. My impression is that when we consider powers like France and Germany, our contribution is the smallest of the lot.

The CHAIRMAN. The time of the gentleman from New York [Mr. SULZER] has expired. Debate on this amendment is exhausted.

Mr. KENDALL. What is the motion?

The CHAIRMAN. The motion was to strike out the last two words of the paragraph.

Mr. KENDALL. If this motion is not to be insisted on, I do not wish to occupy the attention of the committee further.

The Clerk read as follows:

For salary of one member of the permanent committee of the International Institute of Agriculture for the calendar year 1913, $3,600.

Mr. HAMLIN. Mr. Chairman, I make a point of order against this; but if the gentlemen wish to say something I will reserve it.

Mr. KENDALL. Mr. Chairman, I do not wish to discuss the point of order, but I want to present a few facts that I think will induce the gentleman from Missouri [Mr. HAMLIN] not to insist on his point of order. What I was about to say, Mr. Chairman, is this, that these various nations have contributed to the support of the institute, and Mr. Lubin, out of his own private resources, has been devoting his time and his attention and his energy to the promotion of the work. I think he has been there for the past dozen years, maintaining himself at his own expense. He was originally a man of very large means.

I understand that he is not so full handed now as he was previously, but in any event, if this Government is to avail itself of the services of Mr. Lubin in the relation which he has occupied to it in the last dozen years, it ought not to hesitate to make a reasonable allowance for his compensation.

Now, some gentlemen have manifested considerable innocence concerning this institute at Rome, its purposes and functions, and the duties it has been performing. It is simply a State department of agriculture magnified to include the world. We have in Iowa an institution maintained by the State which collects information from every section of the Commonwealth, information on soils, information as to grains, information as to breeding, and all information that is valuable to be employed by people engaged in agriculture, and it has been of incalculable advantage to the people of the State.

Mr. BUTLER. Will the gentleman yield? I can readily understand how it would be profitable in the State of Iowa to gather information from the four corners of the State, but tell me wherein does the profit come to America in gathering this information relative to agriculture from some country that we could not employ here.

Mr. HAYES. It indicates the supply of the material.

Mr. KENDALL. That is the whole thing in a nutshell, or a considerable part of the whole thing in a nutshell.

Mr. BUTLER. Does this help us make a market?

Mr. KENDALL. Certainly it does, and gives us information concerning the production of cereals all over the world.

Mr. HAYES. Of all food products whatever.

Mr. SLAYDEN. What was this valuable information that the gentleman was speaking of in regard to being in tabloid form?

Mr. KENDALL. I said it was a considerable part of it in a nutshell. The gentleman suggested that this institute collected information in reference to crops all over the world, and that its statistics are available for us in this country.

Mr. SLAYDEN. You made a statement about an analysis of the soils and information about the productions of Iowa being gathered. Are they being gathered and sent to Rome to be distributed throughout the world?

Mr. KENDALL. I was simply using that as an illustration, to demonstrate that this institution at Rome is on a large scale. Of course, I do not think it does that work so intelligently or so efficiently as Iowa does on its smaller scale.

Mr. SLAYDEN. Do you think we get $23,400 worth of good from this employment?

Mr. KENDALL. I have not the slightest doubt of it.

Mr. SLAYDEN. Do you not think your price of admission is entirely too high?

Mr. KENDALL. The appropriation is quite moderate, indeed.

The CHAIRMAN. The time of the gentleman from Iowa [Mr. KENDALL] has expired.

Mr. KENDALL. I have not the slightest doubt this has been one of the best investments the Government has ever made.

Mr. HAYES. I wish to be heard on the point of order. I asked the Chair some time ago.

The CHAIRMAN. The point of order had not been made, but only reserved.

Mr. HAMLIN. Mr. Chairman, I make my point of order.

The CHAIRMAN. The point of order must be sustained if the gentleman makes it.

Mr. HAYES. Will not the Chair hear me on the point of order? Mr. Chairman, I do not think it is subject to a point of order. I have not the treaty here, but we can get it in a moment. I refer to the treaty we have made not only with Italy, but with all of these other 50 Governments, agreeing to furnish a certain proportion for maintaining the expenses of this institute, which is provided in the first paragraph.

Mr. SLAYDEN. Does the gentleman really mean a treaty?

Mr. HAYES. Yes.

Mr. SLAYDEN. Ratified by the Senate?

Mr. HAYES. Yes, sir; made by the President and ratified by the Senate.

Mr. KENDALL. And it has also been legislated for?

Mr. HAYES. Yes; it has been legislated for for several years here, in accordance with the treaty. Now, this treaty not only provides for our paying our proportion——

Mr. HAMLIN. Mr. Chairman, will the gentleman permit a question there?

The CHAIRMAN. Does the gentleman from California yield to the gentleman from Missouri?

Mr. HAYES. Yes.

Mr. HAMLIN. The point of order is made against the second paragraph, not the first. The gentleman does not mean that the treaty requires us to pay a man a salary?

Mr. HAYES. No; but it gives us legislative authority for it.

Mr. HAMLIN. We do not need legislative authority. Congress already has that authority.

Mr. KENDALL. Will not the gentleman agree that if the treaty devolves certain obligations upon us, there is ample authority for Congress to appropriate?

Mr. HAMLIN. Certainly not. You can not confer upon Congress any more authority than it has.

Mr. HAYES. But if you agree by treaty, which is the supreme law of the land, to pay our share of the maintenance of this Institute of Agriculture, the gentleman certainly would not claim that we would not have authority to pay for the attendance of a representative there, without which that institute would be valueless to us.

Mr. HAMLIN. We have authority, but there is no existing law authorizing it; and I make a point of order against it.

Mr. HAYES. I say there is authority for it. The treaty authorizes it; and not only that, but the treaty provides for a biennial assemblage, provided for in the next paragraph, to which we are expected to send representatives. To be sure, under that treaty we are not actually obliged to send the representatives; but after that treaty gives us authority to provide the representation, we have authority to make that appropriation, and last year we did make it.

Mr. BUTLER. Mr. Chairman, will the gentleman allow me to interrupt him?

The CHAIRMAN. Does the gentleman from California yield to the gentleman from Pennsylvania?

Mr. HAYES. Yes.

Mr. BUTLER. This paragraph makes an appropriation for the salary of one member. Who is that member?

Mr. HAYES. Mr. Lubin. He is the permanent representative of this country there.

Mr. BUTLER. The next paragraph is for the payment of the expenses of delegates. Who are those?

Mr. HAYES. They are the delegates of this country. They have not yet been appointed, I understand. There were five delegates representing this country at the last assemblage.

Mr. BUTLER. Their expenses are paid out of this appropriation?

Mr. HAYES. Yes.

Mr. BUTLER. How many Members of the House go as delegates?

Mr. HAYES. Two Members of the House went last year; I think Mr. Scott of Kansas and Mr. Foster of Vermont.

Mr. MANN. One Member and one ex-Member.

Mr. KENDALL. Mr. Scott was chairman of the Committee on Agriculture at the time he was appointed?

Mr. HAYES. Yes. He was chairman of the Committee on Agriculture at the time he was appointed.

Mr. BUTLER. Mr. Foster and Mr. Scott were certainly delegates who were competent.

Mr. HAYES. There were also two men from the Department of Agriculture and the Director of the Census. Those three and the two I have mentioned were the delegates.

Mr. BUTLER. I was trying to see if I could not go myself. [Laughter.]

Mr. HAYES. It seems to me, Mr. Chairman, aside from the point of order, very poor policy on the part of this Government; and I should hate to see this Government take that stand, that after having made a treaty with the great powers of the world to make this institute of agriculture a success we should, for the sake of saving an expenditure of a few thousand dollars, fail to bear our share, not only of the expense but our part of what it was intended to be, by sending our delegates there and having the representation of this Government there, as all the other Governments have. I hope the gentleman from Missouri [Mr. HAMLIN] will not insist on his point of order.

Mr. SLAYDEN. Have all these other Governments got $4,800 representatives there or $3,600 representatives?

Mr. HAYES. They all have representatives there at $3,600, I presume, but I am not advised as to that.

Mr. SLAYDEN. I understood the gentleman to say that Mr. Lubin was a great philanthropist of large wealth, who is doing this work for the benefit of the world at large?

Mr. HAYES. Yes. He has served without salary. He was the representative of this Government without salary, and last year was the first year that he received any salary.

Mr. SLAYDEN. If the gentleman can submit something more than mere generalities to show that any benefit has come from this institute to this country or to anybody in this country except Mr. Lubin, I would be glad to hear it.

Mr. HAYES. I will say to the gentleman that no benefit has come to Mr. Lubin.

Mr. SLAYDEN. Three thousand six hundred dollars has come to him, apparently.

Mr. HAYES. He has expended out of his own funds four or five times that much in this work.

Mr. GARNER. It seems to me, Mr. Chairman, that if the Chair is satisfied of his conclusions on this mattter it would be well for him to rule and let us go on.

The CHAIRMAN. The Chair is ready to rule.

Mr. HAYES. Has the Chair got the treaty there?

The CHAIRMAN. The Chair has not, and the gentleman has not stated the terms of the treaty authorizing this expenditure.

Mr. HAYES. I have seen it often. It provides that——

Mr. HAMLIN. I think the treaty provides that we shall be an adhering member of this institute, and then that we shall pay our proportionate part.

Mr. HAYES. Yes; and it also provides for the attendance of our representatives at the biennial assemblage.

Mr. HAMLIN. I am not making a point of order against that paragraph.

The CHAIRMAN. The Chair is ready to rule.

Mr. FOSTER. Here is the treaty, which says that the International Institute of Agriculture is to be a Government institution, in which each adhering power shall be represented by delegates of its choice.

Mr. HAYES. Composed of one member from each government.

Mr. FOSTER. And then it says that each adherent shall be represented in the permanent committee by one member.

Mr. HAYES. This $3,600 is to pay the salary of the one member of the committee.

Mr. KENDALL. That gives absolute authority for this appropriation.

Mr. HAYES. There is plenty of authority for the appropriation. There is no question about it.

The CHAIRMAN. To what paragraph does the gentleman make his point of order?

Mr. HAMLIN. The second paragraph:

For salary of one member of the permanent committee of the International Institute of Agriculture for the calendar year 1913, $3,600.

Page 16, line 3 to line 6.

Mr. FOSTER. I suggest that the Chair had better look at this treaty.

Mr. MANN. Mr. Chairman, I suggest to the gentleman from New York [Mr. SULZER] that this may be a knotty question, and that the Chair ought to have time to examine into it; and inasmuch as it may be inconvenient to obtain the presence of a quorum to-night, it might be well to adjourn, to give the Chair a chance to examine into this matter.

Mr. SULZER. Mr. Chairman, in view of what the gentleman from Illinois [Mr. MANN] has said, I will move that the committee do now rise.

Mr. HAMLIN. If the gentleman will withhold his motion for a moment, I want to state to the Chair that I expect to make the point of order against the next two paragraphs also.

Mr. SULZER. Mr. Chairman, I move that the committee do now rise.

The motion was agreed to.

The committee accordingly rose; and the Speaker having resumed the chair, Mr. SIMS, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee had had under consideration the bill (H. R. 19212) making appropriation for the Diplomatic and Consular Service for the fiscal year ending June 30, 1913, and had come to no resolution thereon.

MESSAGE FROM THE PRESIDENT OF THE UNITED STATES.

A message, in writing, from the President of the United States was communicated to the House of Representatives by Mr. Latta, one of his secretaries.

POTASSIUM DEPOSITS ON THE PUBLIC LANDS (H. DOC. NO. 644).

The SPEAKER laid before the House the following message from the President of the United States, which was read, referred to the Committee on the Public Lands, and ordered to be printed:

To the Senate and House of Representatives:

Among the most acute of the problems faced by our agricultural interests is that of the maintenance of soil fertility, and among the elements of greatest value in maintaining this fertility is the element potassium in its various combinations. In an address delivered at St. Paul, Minn., on September 5, 1910, in discussing the withdrawals of phosphate lands, I stated that "phosphorus is one of the three essentials to plant growth, the other elements being nitrogen and potash."

The scientific bureaus of the Government have discovered and classified large areas of public lands underlain by phosphate rock, and the withdrawal act of June 25, 1910 (36 Stat., 847), confers upon the Executive ample authority for the protection of these lands until an adequate law for their disposal shall have been enacted. In both of these respects the situation as to potash and nitrogen differs from that as to phosphorus. Until very recently no important deposits of potash salts have been known in the United States, and no law exists to enable the Executive to adequately control the development of such deposits as they may become known.

Recent discoveries by Government scientists in the deserts of the Southwest indicate that in at least one locality potassium salts exist in important commercial quantities in the form of a natural brine. Further explorations are to be initiated at once, and it is hoped that they will result in the discovery of additional deposits whose utilization will inure to the great benefit of the agricultural industry of the United States and may reduce the necessity for continuing the present extensive importations. In the face of this discovery I am confronted by the fact that the laws at present upon our statute books for the disposal of minerals of this type existing upon public lands are inadequate for the protection of the public interests and that there exists no authority for withholding them from disposal until the Congress shall enact an appropriate law.

The greater part of the lands upon which the discoveries now known exist (and it is to be noted that these were made by the use of specific appropriations made by Congress for the purpose)

are as yet in public ownership, but may be acquired at any time under the placer mining law by private interests which will have contributed nothing to their discovery, but which can not under the existing law be effectively controlled in the disposition or development of the deposits. Similar results will follow future discoveries at Government expense.

The Secretary of the Interior in his last annual report has called my attention to the fact that the withdrawal act in its present form grants the Executive no authority to protect land valuable for their content of potash or nitrates, both of which should be developed in the public interest for the present and future agricultural needs of the Nation.

The act now reads:

That all lands withdrawn under the provisions of this act shall at all times be open to exploration, discovery, occupation, and purchase under the mining laws of the United States, so far as the same apply to minerals other than coal, oil, gas, and phosphates.

This omits both potash and nitrates from the protection of the law.

The Secretary's ideas of the amendment necessary to correct this condition are embodied in Senate bill 5679, introduced by Senator SMOOT on March 8, 1912. The immediate enactment of this amendment or one of similar tenor will confer upon the Executive the authority necessary to protect these valuable deposits until such time as Congress may enact further legislation providing for their proper disposition. I urge that such action be taken immediately.

WM. H. TAFT.

THE WHITE HOUSE, *March 26, 1912.*

ENROLLED BILLS PRESENTED TO THE PRESIDENT FOR HIS APPROVAL.

Mr. CRAVENS, from the Committee on Enrolled Bills, reported that this day they had presented to the President of the United States, for his approval, the following bill and joint resolution:

H. R. 19342. An act to amend section 2455 of the Revised Statutes of the United States, relating to isolated tracts of public land; and

H. J. Res. 178. Joint resolution creating a commission to investigate and report on the advisability of the establishment of a permanent maneuvering grounds, camp of inspection, rifle and artillery ranges for troops of the United States, at or near the city of Anniston, county of Calhoun, State of Alabama, and to likewise report as to certain lands in and around the city of Anniston, county of Calhoun, State of Alabama, proposed to be donated to the United States for said purposes.

CHIPPEWA INDIANS OF MINNESOTA (H. DOC. NO. 645).

Mr. STEPHENS of Texas. Mr. Speaker, I ask unanimous consent to have printed as a House document the report of the Secretary of the Interior and of the Commissioner of the General Land Office and House joint resolution 144, concerning the administration of the funds and property of the Chippewa Indians of Minnesota. There are 41 typewritten pages, relating entirely to these Indians and showing the amount of land sold, the amount of timber that has been disposed of, and the amount withdrawn.

Mr. MANN. Are these official documents?

Mr. STEPHENS of Texas. They are official documents. I ask that they be printed as a House document.

The SPEAKER. Is there objection?

There was no objection.

LEAVE TO WITHDRAW PAPERS.

By unanimous consent, at the request of Mr. HUGHES of Georgia, leave was granted to withdraw from the files of the House, without leaving copies, the papers in the case of D. W. Massie (H. R. 5132), Fifty-third Congress, second session, no adverse report having been made thereon.

By unanimous consent, at the request of Mr. FOSTER, leave was granted to withdraw from the files of the House, without leaving copies, the papers in the case of Jacob Hefler, Sixty-first Congress, no adverse report having been made thereon.

IMPRISONMENT FOR DESERTION OF SEAMEN.

By unanimous consent the Committee on Naval Affairs was discharged from further consideration of the bill (S. 5757) to abolish the penalty of imprisonment for desertion of seamen from vessels of the United States, and the same was referred to the Committee on the Merchant Marine and Fisheries.

ADJOURNMENT.

Mr. SULZER. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 5 o'clock and 20 minutes p. m.) the House adjourned until to-morrow, Wednesday, March 27, 1912, at 12 o'clock noon.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, bills and resolutions were severally reported from committees, delivered to the Clerk, and referred to the several calendars therein named, as follows:

Mr. STEPHENS of Nebraska, from the Committee on Indian Affairs, to which was referred the bill (H. R. 21887) for the restoration of annuities to the Medawakanton and Wahpakoota (Santee) Sioux Indians, declared forfeited by the act of February 16, 1863, reported the same with amendment, accompanied by a report (No. 444), which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. SULZER, from the Committee on Foreign Affairs, to which was referred the bill (H. R. 19239) authorizing an appropriation for the Interparliamentary Union for International Arbitration, reported the same without amendment, accompanied by a report (No. 445), which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. HARDY, from the Committee on the Territories, to which was referred the bill (S. 267) providing for assisting indigent persons, other than natives, in the District of Alaska, reported the same with amendment, accompanied by a report (No. 451), which said bill and report were referred to the Committee of the Whole House on the state of the Union.

PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS.

Under clause 3 of Rule XXII, bills, resolutions, and memorials were introduced and severally referred as follows:

By Mr. MANN: A bill (H. R. 22330) to prevent cruelty to poultry while being transported from one State or Territory or the District of Columbia into or through another State or Territory or the District of Columbia by any railroad company, car company, company operating steam, sailing, or other vessels, or the masters or owners of same, or express companies, or any common carrier engaged in interstate commerce; to the Committee on Interstate and Foreign Commerce.

By Mr. HUMPHREY of Washington: A bill (H. R. 22331) authorizing and directing the Secretary of the Interior to lease land for grazing purposes in Alaska and on the islands adjacent thereto and forming a part thereof; to the Committee on the Territories.

By Mr. SMITH of California: A bill (H. R. 22332) to reimburse the Southern Pacific Co. the amounts expended by it from December 1, 1906, to November 30, 1907, in closing and controlling the break in the Colorado River; to the Committee on Appropriations.

By Mr. JOHNSON of Kentucky (by request): A bill (H. R. 22333) to require all street railroad companies in the District of Columbia to issue transfers from the lines of one company to those of another, and for other purposes; to the Committee on the District of Columbia.

By Mr. CARTER: A bill (H. R. 22334) providing for the final disposition of the affairs of the Five Civilized Tribes, and for other purposes; to the Committee on Indian Affairs.

By Mr. SULZER: A bill (H. R. 22335) to create a department of labor; to the Committee on Labor.

By Mr. SISSON (by request): A bill (H. R. 22336) to simplify procedure in the courts of the United States; to the Committee on the Judiciary.

By Mr. STEPHENS of Texas: A bill (H. R. 22337) authorizing the Secretary of the Interior to cause allotments to be made to Indians belonging and having tribal rights on the Morongo Indian Reservation; to the Committee on Indian Affairs.

By Mr. AUSTIN: A bill (H. R. 22338) to provide for participation by the Government of the United States in the National Conservation Exposition to be held at Knoxville, Tenn., in the fall of 1913; to the Committee on Industrial Arts and Expositions.

By Mr. PEPPER: A bill (H. R. 22339) to regulate the method of directing the work of Government employees; to the Committee on the Judiciary.

By Mr. MANN: A bill (H. R. 22340) to regulate foreign commerce by prohibiting the admission into the United States of certain adulterated seeds and seeds unfit for seeding purposes; to the Committee on Interstate and Foreign Commerce.

By Mr. KINKAID of Nebraska: A bill (H. R. 22341) to authorize the granting of patent after five years on homestead entries made under the reclamation act; to the Committee on Irrigation of Arid Lands.

By Mr. FOSTER: A bill (H. R. 22342) to create a commission on mining industry; to the Committee on Mines and Mining.

By Mr. ALEXANDER: A bill (H. R. 22343) to require supervising inspectors, Steamboat-Inspection Service, to submit their annual reports at the end of each fiscal year; to the Committee on the Merchant Marine and Fisheries.

By Mr. SMITH of New York: A bill (H. R. 22344) regulating the water from Niagara River above the Falls of Niagara, in the State of New York, and for other purposes; to the Committee on Foreign Affairs.

By Mr. PROUTY: A bill (H. R. 22345) amending sections 4885, 4886, and 4898 of chapter 1, Title LX, of the Revised Statutes of the United States, 1878, limiting the use and transfer of patents; to the Committee on Patents.

By Mr. GREEN of Iowa: A bill (H. R. 22346) to authorize the acquisition of a site for a public building at Glenwood, Iowa; to the Committee on Public Buildings and Grounds.

By Mr. HENSLEY: A bill (H. R. 22347) to provide for the building of good roads through the cooperation of the Federal Government, the States, and Territories, and the counties thereof; to the Committee on Agriculture.

By Mr. FULLER: A bill (H. R. 22348) to increase the limit of cost of public building at La Salle, Ill.; to the Committee on Public Buildings and Grounds.

By Mr. WILSON of Pennsylvania: A bill (H. R. 22349) to amend an act entitled "An act to codify, revise, and amend the laws relating to the judiciary," approved March 3, 1911; to the Committee on the Judiciary.

By Mr. TOWNSEND: A bill (H. R. 22350) to amend sections 5, 11, and 25 of an act entitled "An act to amend and consolidate the acts respecting copyrights," approved March 4, 1909; to the Committee on Patents.

By Mr. MOON of Pennsylvania: A bill (H. R. 22351) to amend sections 5, 11, and 25 of an act entitled "An act to amend and consolidate the acts respecting copyrights," approved March 4, 1909; to the Committee on Patents.

By Mr. RAKER: A bill (H. R. 22352) to establish the Peter Lassen National Park, in the Sierra Nevada Mountains, in the State of California, and for other purposes; to the Committee on the Public Lands.

Also, a bill (H. R. 22353) to set apart certain lands in the State of California as a public park, to be known as the Mount Shasta National Park, in the Sierra Nevada Mountains, in the State of California, and for other purposes; to the Committee on the Public Lands.

By Mr. WILSON of Pennsylvania: A bill (H. R. 22354) to amend an act entitled "An act to codify, revise, and amend the laws relating to the judiciary," approved March 3, 1911; to the Committee on the Judiciary.

By Mr. DAVIS of West Virginia: A bill (H. R. 22355) to amend an act entitled "An act to codify, revise, and amend the laws relating to the judiciary," approved March 3, 1911; to the Committee on the Judiciary.

By Mr. MORRISON: A bill (H. R. 22356) to amend section 55 of "An act to amend and consolidate the acts respecting copyright," approved March 4, 1909; to the Committee on Patents.

By Mr. RODDENBERY: Resolution (H. Res. 461) amending the rules of the House; to the Committee on Rules.

By Mr. SMITH of New York: Memorial of the Senate of the State of New York, favoring the building by the United States Government of one of the battleships to be authorized by the Sixty-second Congress at the navy yard, Brooklyn, N. Y.; to the Committee on Naval Affairs.

By Mr. CONRY: Memorial of the Assembly of the State of New York, favoring the improvement of the inlet to Lake Champlain; to the Committee on Rivers and Harbors.

Also, memorial of the Senate of the State of New York, favoring the building by the United States Government of one of the battleships to be authorized by the Sixty-second Congress at the navy yard at Brooklyn, N. Y.; to the Committee on Naval Affairs.

By Mr. LEVY: Memorial of the Senate of the State of New York, favoring building one battleship at the Brooklyn Navy Yard; to the Committee on Naval Affairs.

Also, memorial of the Legislature of the State of New York, favoring the improvement of the inlet of Lake Champlain; to the Committee on Rivers and Harbors.

PRIVATE BILLS AND RESOLUTIONS.

Under clause 1 of Rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. ALEXANDER: A bill (H. R. 22357) granting an increase of pension to David N. Foster; to the Committee on Invalid Pensions.

Also, a bill (H. R. 22358) for the relief of John Benson; to the Committee on Military Affairs.

Also, a bill (H. R. 22359) to correct the military record of Benjamin Munkers; to the Committee on Military Affairs.

By Mr. ALLEN: A bill (H. R. 22360) for the relief of heirs of Hugh McGlincey; to the Committee on Claims.

By Mr. ANDERSON of Ohio: A bill (H. R. 22361) granting a pension to Mary McGregor; to the Committee on Invalid Pensions.

Also, a bill (H. R. 22362) granting an increase of pension to John Carley; to the Committee on Invalid Pensions.

Also, a bill (H. R. 22363) granting an increase of pension to Philip Winslow; to the Committee on Invalid Pensions.

Also, a bill (H. R. 22364) granting an increase of pension to Alexander R. Walters; to the Committee on Invalid Pensions.

Also, a bill (H. R. 22365) granting an increase of pension to Elijah J. Brown; to the Committee on Invalid Pensions.

Also, a bill (H. R. 22366) granting an increase of pension to Charles Wotters; to the Committee on Invalid Pensions.

Also, a bill (H. R. 22367) granting an increase of pension to Hershell Ferrell; to the Committee on Invalid Pensions.

Also, a bill (H. R. 22368) granting an increase of pension to Salem Friend; to the Committee on Invalid Pensions.

Also, a bill (H. R. 22369) granting an increase of pension to William J. Robey; to the Committee on Invalid Pensions.

Also, a bill (H. R. 22370) to remove the charge of desertion and grant an honorable discharge to Henry Lowmaster; to the Committee on Military Affairs.

By Mr. AUSTIN: A bill (H. R. 22371) for the relief of John T. Burchell; to the Committee on War Claims.

By Mr. BARTLETT: A bill (H. R. 22372) for the relief of the heirs of Thomas H. Morris, deceased; to the Committee on War Claims.

By Mr. BATHRICK: A bill (H. R. 22373) granting an increase of pension to Arthur A. Jones; to the Committee on Invalid Pensions.

Also, a bill (H. R. 22374) granting an increase of pension to Warren H. Fishel; to the Committee on Invalid Pensions.

By Mr. BYRNS of Tennessee: A bill (H. R. 22375) granting an increase of pension to Felix G. Cobb; to the Committee on Invalid Pensions.

Also, a bill (H. R. 22376) for the relief of the heirs of Hiram Wilhite, deceased; to the Committee on War Claims.

By Mr. CANTRILL: A bill (H. R. 22377) to carry out the findings of the Court of Claims in the case of James H. Dennis; to the Committee on Claims.

By Mr. CARTER: A bill (H. R. 22378) granting an honorable discharge to Charles Woods, alias George Brown; to the Committee on Military Affairs.

By Mr. CATLIN: A bill (H. R. 22379) granting an increase of pension to Albert White; to the Committee on Invalid Pensions.

By Mr. CURRIER: A bill (H. R. 22380) granting an increase of pension to Horace Dow; to the Committee on Invalid Pensions.

By Mr. DAVENPORT: A bill (H. R. 22381) granting an increase of pension to Daniel C. Baswell; to the Committee on Invalid Pensions.

Also, a bill (H. R. 22382) granting an increase of pension to Martin Stephens; to the Committee on Invalid Pensions.

By Mr. DANIEL A. DRISCOLL: A bill (H. R. 22383) granting an increase of pension to William Nye; to the Committee on Invalid Pensions.

Also, a bill (H. R. 22384) granting a pension to Mary B. Guillow; to the Committee on Invalid Pensions.

By Mr. FARR: A bill (H. R. 22385) granting an increase of pension to William Come; to the Committee on Invalid Pensions.

Also, a bill (H. R. 22386) granting an increase of pension to John A. Lee; to the Committee on Invalid Pensions.

By Mr. FIELDS: A bill (H. R. 22387) granting an increase of pension to Louis G. Murray; to the Committee on Invalid Pensions.

By Mr. FOCHT: A bill (H. R. 22388) granting an increase of pension to Albert List; to the Committee on Invalid Pensions.

By Mr. FOSTER: A bill (H. R. 22389) granting a pension to Boaz Ford; to the Committee on Invalid Pensions.

Also, a bill (H. R. 22390) granting an increase of pension to Nimrod T. Stoner; to the Committee on Invalid Pensions.

Also, a bill (H. R. 22391) granting an increase of pension to James W. Porter; to the Committee on Invalid Pensions.

By Mr. FULLER: A bill (H. R. 22392) granting an increase of pension to William E. Howlett; to the Committee on Invalid Pensions.

By Mr. GARRETT: A bill (H. R. 22393) for the relief of W. B. Booker; to the Committee on War Claims.

By Mr. HAMLIN: A bill (H. R. 22394) granting an increase of pension to John F. Mahnken; to the Committee on Invalid Pensions.

Also, a bill (H. R. 22395) granting an increase of pension to John Echoff; to the Committee on Invalid Pensions.

Also, a bill (H. R. 22396) granting an increase of pension to John S. Solomon; to the Committee on Invalid Pensions.

By Mr. HARRIS: A bill (H. R. 22397) granting a pension to Thomas Corlan; to the Committee on Invalid Pensions.

Also, a bill (H. R. 22398) granting a pension to Darius E. White; to the Committee on Invalid Pensions.

Also, a bill (H. R. 22399) granting a pension to Martha E. Bisbee; to the Committee on Invalid Pensions.

Also, a bill (H. R. 22400) granting an increase of pension to Edward W. Sargent; to the Committee on Invalid Pensions.

Also, a bill (H. R. 22401) to remove the charge of desertion against John W. Curtis; to the Committee on Military Affairs.

Also, a bill (H. R. 22402) to remove the charge of desertion from the record of Sanford K. Knox; to the Committee on Military Affairs.

By Mr. KAHN: A bill (H. R. 22403) granting a pension to Isabelle C. Woodward; to the Committee on Pensions.

By Mr. KENDALL: A bill (H. R. 22404) granting an increase of pension to Cicero Wingfield; to the Committee on Invalid Pensions.

Also, a bill (H. R. 22405) granting an increase of pension to Margaret Jeffries; to the Committee on Invalid Pensions.

By Mr. KENNEDY: A bill (H. R. 22406) granting an increase of pension to Henry Cooper; to the Committee on Invalid Pensions.

By Mr. KINKEAD of New Jersey: A bill (H. R. 22407) granting a pension to Catherine Kenealy; to the Committee on Invalid Pensions.

Also, a bill (H. R. 22408) granting an increase of pension to John S. Gormerly; to the Committee on Invalid Pensions.

By Mr. KONOP: A bill (H. R. 22409) for the relief of John Dombroski; to the Committee on Indian Affairs.

By Mr. LA FOLLETTE: A bill (H. R. 22410) granting an increase of pension to Annie King; to the Committee on Invalid Pensions.

By Mr. LEE of Georgia: A bill (H. R. 22411) for the relief of heirs of Charles G. Knight, deceased; to the Committee on War Claims.

By Mr. LENROOT: A bill (H. R. 22412) granting an increase of pension to Robert W. Clark; to the Committee on Invalid Pensions.

Also, a bill (H. R. 22413) for the relief of Hugh P. Strong; to the Committee on the Public Lands.

By Mr. LINDSAY: A bill (H. R. 22414) granting a pension to Thomas D. O'Shea; to the Committee on Pensions.

By Mr. LITTLEPAGE: A bill (H. R. 22415) granting an increase of pension to Abraham Myers; to the Committee on Invalid Pensions.

Also, a bill (H. R. 22416) granting an increase of pension to Jesse Simmons; to the Committee on Invalid Pensions.

Also, a bill (H. R. 22417) granting an increase of pension to Lewis A. Martin; to the Committee on Invalid Pensions.

By Mr. McGUIRE of Oklahoma: A bill (H. R. 22418) granting an increase of pension to George S. Stevens; to the Committee on Invalid Pensions.

By Mr. MARTIN of South Dakota: A bill (H. R. 22419) granting a pension to Alice M. Kniffin; to the Committee on Invalid Pensions.

Also, a bill (H. R. 22420) granting an increase of pension to Enoch Jones; to the Committee on Invalid Pensions.

By Mr. O'SHAUNESSY: A bill (H. R. 22421) for the relief of Martha E. Terwilliger; to the Committee on Claims.

Also, a bill (H. R. 22422) granting a pension to Ella A. Plimpton; to the Committee on Invalid Pensions.

Also, a bill (H. R. 22423) granting an increase of pension to Margaret Morris; to the Committee on Invalid Pensions.

Also, a bill (H. R. 22424) granting an increase of pension to Philip O'Sullivan; to the Committee on Invalid Pensions.

By Mr. PADGETT: A bill (H. R. 22425) granting an increase of pension to David Cheney; to the Committee on Invalid Pensions.

By Mr. PATTON of Pennsylvania: A bill (H. R. 22426) granting an increase of pension to Jesse L. Viets; to the Committee on Invalid Pensions.

By Mr. POST: A bill (H. R. 22427) granting a pension to Amanda Lore Williams; to the Committee on Invalid Pensions.

Also, a bill (H. R. 22428) granting an increase of pension to James Giddy; to the Committee on Invalid Pensions.

By Mr. POWERS: A bill (H. R. 22429) granting a pension to Silas G. Burkett; to the Committee on Pensions.

Also, a bill (H. R. 22430) granting an increase of pension to J. P. Hamilton; to the Committee on Invalid Pensions.

Also, a bill (H. R. 22431) granting an increase of pension to Jonathan Kelly; to the Committee on Invalid Pensions.

Also, a bill (H. R. 22432) granting an increase of pension to Rupert S. Rives; to the Committee on Invalid Pensions.

Also, a bill (H. R. 22433) granting an increase of pension to Andrew York; to the Committee on Invalid Pensions.

Also, a bill (H. R. 22434) for the relief of Mary Moles; to the Committee on Invalid Pensions.

Also, a bill (H. R. 22435) for the relief of C. C. Logan; to the Committee on War Claims.

Also, a bill (H. R. 22436) for the relief of J. M. Monday; to the Committee on War Claims.

By Mr. RAKER: A bill (H. R. 22437) for the relief of A. W. Toreson, son and heir of Anna M. Toreson, deceased; to the Committee on the Public Lands.

By Mr. REILLY: A bill (H. R. 22438) to remove the charge of desertion from the military record of James Lacey; to the Committee on Military Affairs.

By Mr. RUSSELL: A bill (H. R. 22439) granting an increase of pension to James A. Trail; to the Committee on Invalid Pensions.

By Mr. SELLS: A bill (H. R. 22440) granting a pension to John W. Kelley; to the Committee on Invalid Pensions.

Also, a bill (H. R. 22441) granting a pension to W. A. Carmichael; to the Committee on Invalid Pensions.

Also, a bill (H. R. 22442) granting a pension to Samuel W. Cowden; to the Committee on Invalid Pensions.

Also, a bill (H. R. 22443) granting a pension to Ulysses Drinnon; to the Committee on Pensions.

By Mr. SMITH of New York: A bill (H. R. 22444) granting an increase of pension to William W. McCumber; to the Committee on Invalid Pensions.

Also, a bill (H. R. 22445) granting an increase of pension to James Hawkins; to the Committee on Invalid Pensions.

By Mr. SPARKMAN: A bill (H. R. 22446) granting a pension to Luvinia Johnson; to the Committee on Invalid Pensions.

Also, a bill (H. R. 22447) granting a pension to Mary S. Ryan; to the Committee on Invalid Pensions.

Also, a bill (H. R. 22448) granting a pension to Marvin E. Brandon; to the Committee on Pensions.

By Mr. SPEER: A bill (H. R. 22449) granting an increase of pension to James Miller; to the Committee on Invalid Pensions.

Also, a bill (H. R. 22450) granting an increase of pension to Richard Barlow; to the Committee on Invalid Pensions.

Also, a bill (H. R. 22451) granting an increase of pension to Jesse M. Manson; to the Committee on Invalid Pensions.

Also, a bill (H. R. 22452) granting an increase of pension to John A. Reeher; to the Committee on Invalid Pensions.

Also, a bill (H. R. 22453) granting an increase of pension to Alexander C. Kellam; to the Committee on Invalid Pensions.

By Mr. STEPHENS of California: A bill (H. R. 22454) for the relief of Samuel T. Baker; to the Committee on Military Affairs.

By Mr. STERLING: A bill (H. R. 22455) granting a pension to Milo M. Miller; to the Committee on Pensions.

Also, a bill (H. R. 22456) granting a pension to Lois A. Hastings; to the Committee on Invalid Pensions.

Also, a bill (H. R. 22457) granting an increase of pension to James S. Doolittle; to the Committee on Invalid Pensions.

By Mr. SWITZER: A bill (H. R. 22458) to correct the military record of Allen Fenton; to the Committee on Military Affairs.

Also, a bill (H. R. 22459) to remove the charge of desertion from the military record of Peter Scott; to the Committee on Military Affairs.

By Mr. THISTLEWOOD: A bill (H. R. 22460) granting an increase of pension to Perry Hess; to the Committee on Invalid Pensions.

By Mr. TUTTLE: A bill (H. R. 22461) granting an increase of pension to James McClary; to the Committee on Invalid Pensions.

By Mr. WEDEMEYER: A bill (H. R. 22462) granting an increase of pension to R. W. Tuffs; to the Committee on Invalid Pensions.

Also, a bill (H. R. 22463) for the relief of Mrs. P. E. Brewer; to the Committee on War Claims.

By Mr. WILLIS: A bill (H. R. 22464) granting an increase of pension to George W. Williams; to the Committee on Invalid Pensions.

By Mr. YOUNG of Kansas: A bill (H. R. 22465) granting an increase of pension to Daniel C. Joslyn; to the Committee on Invalid Pensions.

PETITIONS, ETC.

Under clause 1 of Rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

By Mr. AKIN of New York: Petition of citizens of the towns of Glen, Charleston, and Root, N. Y., opposing change in the oleomargarine law; to the Committee on Agriculture.

By Mr. ALEXANDER: Papers to accompany bills for the relief of John Benson and Benjamin Munkers; to the Committee on Military Affairs.

Also, papers to accompany bill for the relief of David N. Foster; to the Committee on Invalid Pensions.

By Mr. ALLEN: Petition of Edward Cors and other residents of Cincinnati, urging passage of Lever oleomargarine bill; to the Committee on Agriculture.

By Mr. ANDERSON of Minnesota: Petition of K. D. Olson and 15 others, of Harmony, Minn., against extension of the parcel-post service; to the Committee on the Post Office and Post Roads.

By Mr. ANDERSON of Ohio: Memorial of Los Angeles Chamber of Commerce, indorsing legislation recommended by President Taft in his message to the Congress December 6, 1911, in reference to Panama Canal; to the Committee on Interstate and Foreign Commerce.

Also, memorial of Cincinnati Master Plumbers' Association, favoring 1-cent rate of letter postage; to the Committee on the Post Office and Post Roads.

By Mr. ASHBROOK: Petition of William Coffman & Son and 9 other merchants of Warsaw, Ohio, asking that the Interstate Commerce Commission be given power to regulate express companies; to the Committee on Interstate and Foreign Commerce.

Also, petition of John Cunningham and 10 other citizens of Newark, Ohio, protesting against the enactment of any legislation for the prohibition of the interstate commerce of liquors; to the Committee on the Judiciary.

Also, memorial of Brownsville Banner Grange, No. 1738, of Glenford, Ohio, asking for the enactment of the proposed parcel-post legislation; to the Committee on the Post Office and Post Roads.

Also, papers in evidence to accompany the special bill (H. R. 22270) for the relief of Caroline L. Loftus; to the Committee on Invalid Pensions.

By Mr. BARTLETT: Petition of J. M. Blount and other citizens of Macon, Ga., for construction of one battleship in a Government navy yard; to the Committee on Naval Affairs.

Also, petition of the Chamber of Commerce of Savannah, Ga., for enactment of House bill 20044, for improvement of the Consular and Diplomatic Service of the United States; to the Committee on Foreign Affairs.

Also, papers to accompany bill for the relief of Thomas H. Morris, deceased; to the Committee on War Claims.

By Mr. BOWMAN: Petitions of Granges Nos. 291, 398, 1026, and 567, Patrons of Husbandry, for a governmental system of postal express; to the Committee on Interstate and Foreign Commerce.

Also, petitions of citizens of the State of Pennsylvania, for construction of one battleship in a Government navy yard; to the Committee on Naval Affairs.

Also, petitions of Lodge No. 154, Brotherhood of Railroad Trainmen, and H. E. Wills, joint legislative representative, Brotherhood of Locomotive Engineers, Order of Railroad Conductors, and Brotherhood of Railroad Trainmen, for enactment of Senate bill 5382 and House bill 20487; to the Committee on the Judiciary.

Also, memorial of Los Angeles (Cal.) Chamber of Commerce, relative to Panama Canal tolls; to the Committee on Interstate and Foreign Commerce.

Also, petition of Joseph Kaliski, of Wilkes-Barre, Pa., for enactment of House bill 20595, amending the copyright act of 1909; to the Committee on Patents.

Also, petition of Erasmus Haworth, of Lawrence, Kans., for passage of House bill 6304; to the Committee on Mines and Mining.

Also, petition of Machinery & Supply Co., of Hazleton, Pa., against enactment of House bill 16844; to the Committee on Interstate and Foreign Commerce.

By Mr. BULKLEY: Memorial of the Cleveland Live Stock Association, urging the reduction of the tax on oleomargarine; to the Committee on Agriculture.

By Mr. BURKE of South Dakota: Memorial of Boaz Grange, No. 45, Columbia, Brown County, S. Dak., favoring the speedy passage of the Kenyon-Sheppard interstate liquor bills (S. 4043 and H. R. 16214); to the Committee on the Judiciary.

Also, petition of the Deadwood (S. Dak.) Business Club, for a rate of 1 cent on letters; to the Committee on the Post Office and Post Roads.

By Mr. BYRNS of Tennessee: Papers to accompany bill for increase of pension to Felix G. Cobb; to the Committee on Invalid Pensions.

By Mr. CONRY: Memorial of the Maritime Exchange of New York City, indorsing the action of Congress with respect to the battleship *Maine;* to the Committee on Naval Affairs.

Also, petition of Naval Camp, No. 40, United States War Veterans, for enactment of House bill 17470; to the Committee on Pensions.

By Mr. CURRIER: Petitions of the Woman's Christian Temperance Union and Young People's Society of Christian Endeavor of the Baptist Church of Peterboro, N. H., for passage of the Kenyon-Sheppard interstate liquor bill; to the Committee on the Judiciary.

By Mr. DE FOREST: Petition of J. M. Sweet and about 60 other members of Local Union No. 83, Sheet Metal Workers, Albany, N. Y., favoring the insertion in the naval appropriation bill of a clause providing that one battleship be built in a Government navy yard; to the Committee on Naval Affairs.

By Mr. DANFORTH: Petition of Business Men's Association of Elmira, N. Y., favoring the passage of House bill 17736, providing for 1-cent letter postage; to the Committee on the Post Office and Post Roads.

By Mr. DAVENPORT: Papers to accompany bill for the relief of Daniel C. Boswell; to the Committee on Invalid Pensions.

Also, petition of citizens of the State of Oklahoma, for enactment of the Berger old-age pension bill; to the Committee on Pensions.

By Mr. DANIEL A. DRISCOLL: Memorial of the Catholic Arbeiter Verein St. Anna, Buffalo, N. Y., protesting against the resolution of inquiry concerning Government institutions in which American citizens wearing the habit of various religious orders are employed; to the Committee on Indian Affairs.

Also, petition of T. F. O'Connor and other citizens of Buffalo, favoring Senate bill 3953 and House bill 16313, to build an Indian memorial museum and building in Washington, D. C.; to the Committee on Public Buildings and Grounds.

Also, memorial of the International Reform Bureau of Washington, D. C., setting out 10 measures esteemed as most important to morals and public health to be supported at this session of Congress; to the Committee on the Judiciary.

Also, petitions of William Kerwin, of Holy Angels Hall, Buffalo, N. Y., and Thaddeus Pantera, of Unique Theater, Buffalo, N. Y., favoring amendment to copyright act of 1909, known as House bill 20595; to the Committee on Patents.

By Mr. FARR: Petition of William W. Wright and 40 others, of Lackawanna County, Pa., relating to the construction of a battleship in a Government navy yard; to the Committee on Naval Affairs.

Also, petitions of the Woman's Christian Temperance Union of Fleetville, and official board of the Methodist Church of Peckville, Pa., for passage of the Kenyon-Sheppard interstate liquor bill; to the Committee on the Judiciary.

Also, petitions of Granges Nos. 1027 and 1295, Patrons of Husbandry, for a governmental system of postal express; to the Committee on Interstate and Foreign Commerce.

Also, petition of Local Union, No. 637, United Mine Workers of America, of Scranton, Pa., relating to amendments of injunction laws; to the Committee on the Judiciary.

By Mr. FOCHT: Petitions of Turbett Grange, No. 781, Patrons of Husbandry, Juniata County, Pa.; Fondie Grange, No. 1318, Clearfield County, Pa.; and Trough Creek Grange, No. 444, Huntingdon County, Pa., favoring a system of postal express; to the Committee on Interstate and Foreign Commerce.

By Mr. FORNES: Memorial of the International Reform Bureau, of Washington, D. C., setting out 10 matters of pending legislation most worthy of consideration as bearing on the public health and public morals; to the Committee on the Judiciary.

Also, memorial of the American Anti-Trust League, of Washington, D. C., favoring the bill of Hon. R. E. LEE of Pennsylvania to extend the Federal arbitration act to the coal industry and all employees of all interstate commerce transportation lines, including telegraph and telephone lines; to the Committee on Interstate and Foreign Commerce.

Also, memorial of the Los Angeles Chamber of Commerce, favoring the making of the Panama Canal toll-free to all coastwise trading ships carrying the United States flag, and also forbidding transcontinental railways from operating, owning, or controlling ships engaged in traffic through the said canal; to the Committee on Interstate and Foreign Commerce.

Also, memorial of the board of directors of the Maritime Association of the Port of New York, favoring House bill 24145, for the establishment of marine schools, etc.; to the Committee on Appropriations.

Also, memorial of the Business Men's Association of Elmira, N. Y., favoring 1-cent letter postage and House bill 17736; to the Committee on the Post Office and Post Roads.

Also, memorial of Central Foundry Co., of New York, favoring House bill 16844; to the Committee on Interstate and Foreign Commerce.

By Mr. FOSS: Memorial of the Congregational Club of Chicago, for return of the amount of the Ellen M. Stone ransom to the contributors; to the Committee on Claims.

Also, petition of William McKinley Camp, No. 12, Department of Illinois, United Spanish War Veterans, urging passage of House bill 17470; to the Committee on Pensions.

By Mr. FOSTER: Petitions of A. H. Harlow and other members of the Improved Order of Red Men living at Mount Vernon, Ill., and of C. Z. Meffert and other members of that order living at Mount Vernon, Ill., favoring Senate bill 3953 and House bill 16313; to the Committee on Public Buildings and Grounds.

Also, petition of citizens of Allendale, Ill., favoring parcel post; to the Committee on the Post Office and Post Roads.

By Mr. FRANCIS: Petition of citizens of Belmont County, Ohio, favoring the passage of the Kenyon-Sheppard interstate-commerce liquor bill; to the Committee on the Judiciary.

Also, petition of citizens of Ohio, in favor of building one battleship in a Government navy yard; to the Committee on Naval Affairs.

Also, petition of the Woman's Christian Temperance Union of Beallsville, Ohio, for the passage of the Kenyon-Sheppard bill; to the Committee on the Judiciary.

Also, petition of sundry citizens of Ohio, favoring parcel-post bill (H. R. 14); to the Committee on the Post Office and Post Roads.

By Mr. FULLER: Papers to accompany bill for the relief of William E. Howlett; to the Committee on Invalid Pensions.

Also, petition of Hibbard, Spencer, Bartlett & Co., of Chicago, Ill., in opposition to the passage of the Campbell bill (H. R. 16844), relating to stamping of manufacturer's name on manufactured article, etc.; to the Committee on Interstate and Foreign Commerce.

Also, petition of the Woman's Christian Temperance Union of Mazon, Ill., against repeal of the anticanteen law; to the Committee on Military Affairs.

Also, petition of Methodist Episcopal Church and of the Woman's Christian Temperance Union of Norman Township, Grundy County, Ill., in favor of the passage of the Kenyon-Sheppard bills (S. 4043 and H. R. 16214); to the Committee on the Judiciary.

Also, petitions of Clarence E. Morton, of Leland, Ill.; H. T. and N. Lauterbach, of Earlville, Ill.; George W. Holly, of Peru, Ill.; John Schrotberger, of Gardner, Ill.; and Frank Gantzert, of Dwight, Ill., all in favor of a parcel post; to the Committee on the Post Office and Post Roads.

Also, papers to accompany bill for the relief of Clarence McBratney (H. R. 5725); to the Committee on Invalid Pensions.

By Mr. GARRETT: Papers to accompany bill for the relief of Wade H. Pyle (H. R. 20859); to the Committee on Invalid Pensions.

By Mr. GREEN of Iowa: Petition of citizens of Panora, Iowa, for parcel-post legislation; to the Committee on the Post Office and Post Roads.

By Mr. GRIEST: Petition of the Leacock Presbyterian Congregation, of Leaman Place, Pa., for passage of Kenyon-Sheppard interstate liquor bill; to the Committee on the Judiciary.

Also, petition of the board of directors of the Philadelphia Chamber of Commerce, for continuance of a nonpartisan tariff commission; to the Committee on Ways and Means.

Also, memorial of members of Company K, Tenth Regiment Pennsylvania Volunteer Infantry, favoring the enactment into law of House bill 18502; to the Committee on Military Affairs.

By Mr. HAMMOND: Petition of John Frederickson and 21 others, of Lakefield, Minn., for parcel-post legislation; to the Committee on the Post Office and Post Roads.

By Mr. HANNA: Petition of citizens of Wilton, N. Dak., urging the investigation by Congress of the alleged Coal Trust or combination, as requested by the city council of Two Harbors, Minn.; to the Committee on Rules.

Also, petition of J. G. Josen, of Melly, N. Dak., favoring reduction of tax on sugar; to the Committee on Ways and Means.

Also, petition of Mrs. G. E. Cox, of Williston, N. Dak., and sundry other citizens of that place and Spring Brook, N. Dak., and vicinity, favoring Sulzer parcel-post bill (H. R. 14); to the Committee on the Post Office and Post Roads.

Also, memorial of North Dakota Retail Hardware Association, Grand Forks, N. Dak., and petition of F. H. Stokes and 14 others, opposing parcel-post legislation; to the Committee on the Post Office and Post Roads.

Also, memorial of Beardstown Chamber of Commerce Association, Beardstown, Cass County, Ill., protesting against the granting of any permit to increase the flow of waters of Lake Michigan through Illinois River until the lower reach of said river is properly prepared to receive the same without damage to the lands of the valley, etc.; to the Committee on Rivers and Harbors.

Also, petition of sundry citizens of Fairmount, N. Dak., for passage of the Kenyon-Sheppard interstate liquor shipment bill; to the Committee on the Judiciary.

By Mr. HARTMAN: Memorial of Bald Hill Grange, No. 1397, Patrons of Husbandry, Snake Spring, Bedford County, Pa., favoring parcel post; to the Committee on Interstate and Foreign Commerce.

By Mr. HAYDEN: Petition of the Woman's Christian Temperance Union of Winslow, Ariz., for passage of Kenyon-Sheppard interstate liquor bill; to the Committee on the Judiciary.

Also, petition of citizens of Bisbee, Ariz., protesting against enactment of House bill 17485; to the Committee on the Public Lands.

By Mr. HEALD: Petition of the Christian Endeavor Society of Delaware, protesting against interstate shipment of liquor; to the Committee on the Judiciary.

By Mr. HOWELL: Petition of Home Culture Club, of Ogden, Utah, for passage of the Kenyon-Sheppard bill; to the Committee on the Judiciary.

Also, petition of John R. Baxter, manager opera house, Spring City, Utah, favoring amending the copyright act of 1909; to the Committee on Patents.

Also, petition of citizens of Pleasant Grove, Utah, protesting against a parcel post; to the Committee on the Post Office and Post Roads.

Also, petition of W. H. Swanson, manager Rex Theater, Salt Lake City, Utah, favoring amendment of the copyright act of 1909; to the Committee on Patents.

Also, petition of Congregation of Montefiore, against the Dillingham bill requiring an educational test of immigrants; to the Committee on Immigration and Naturalization.

By Mr. HUMPHREY of Washington: Petition of citizens of Kingston, Wash., for parcel-post legislation; to the Committee on the Post Office and Post Roads.

Also, petition of citizens of Bremerton, Wash., for passage of the Berger old-age pension bill; to the Committee on Pensions.

By Mr. KAHN: Papers to accompany a bill granting a pension to Isabelle C. Woodward; to the Committee on Pensions.

By Mr. KINKEAD of New Jersey: Petition of the Fish and Game Commissioners of the State of New Jersey, for legislation affording protection to migratory game birds; to the Committee on Agriculture.

By Mr. KNOWLAND: Petition of members of First Congregational Church, Berkeley, Cal., favoring the passage of House bill 16214; to the Committee on the Judiciary.

By Mr. KOPP: Petition of Joseph Frost and sundry other citizens of Avoca, Wis., opposing parcel-post legislation and extension; to the Committee on the Post Office and Post Roads.

By Mr. LA FOLLETTE: Petitions of citizens of Barry, Okanogan, Little Falls, Benge, Lantz, and Wauconda, all in the State of Washington, urging the adoption of the Sulzer parcel-post bill; to the Committee on the Post Office and Post Roads.

Also, petition of members of the Improved Order of Red Men, Ellensburg, Wash., urging the erection of an American Indian memorial and museum building in Washington, D. C.; to the Committee on Public Buildings and Grounds.

Also, petition of A. D. Cross, secretary of the Washington State Farmers' Educational and Cooperative Union, and sundry members of that organization in Washington and Idaho, urging passage of Sulzer parcel-post bill and law to prohibit gambling in futures on farm products; to the Committee on Agriculture.

Also, petitions of several hundred citizens of Spokane and Clarkston, Wash., urging the passage of the Kenyon-Sheppard bill; to the Committee on the Judiciary.

Also, memorial of L. C. Crow, C. W. Cotton, Almer McCurtain, H. J. Herman, W. B. Davis, and Philip W. Cox, composing the executive board of the Washington State Farmers' Union, urging abolishment of free seed distribution; to the Committee on Agriculture.

Also, petition of James R. Morford, secretary, and other members of the Spokane Sectional Central Labor Council, Spokane, Wash., urging the amendment of the naval appropriation bill to provide for the building of one battleship in a Government navy yard; to the Committee on Naval Affairs.

Also, petition of sundry citizens of Spokane, Wash., protesting against the passage of the Johnston Sunday bill for the District of Columbia; to the Committee on the District of Columbia.

Also, memorial of the Congregational Brotherhood of North Yakima, Wash., urging Federal aid for agricultural-extension work; to the Committee on Agriculture.

Also, memorial of A. C. Long, G. L. Thompson, and J. S. Ballantyne, for Civic Club of Vera, Wash., urging the adoption of parcel-post legislation; to the Committee on the Post Office and Post Roads.

Also, memorial of Bee Hive Grange, No. 385, Wenatchee, Wash., urging the adoption of a parcel post; to the Committee on the Post Office and Post Roads.

By Mr. LEVY: Memorial of Naval Camp, No. 49, United Spanish War Veterans, Brooklyn, N. Y., favoring Crago pension bill (H. R. 17470); to the Committee on Pensions.

Also, memorial of the Los Angeles Chamber of Commerce, favoring free tolls to United States vessels trading coastwise through the Panama Canal and the nonpermitting transcontinental railroads to own, control, or operate vessels through said canal; to the Committee on Interstate and Foreign Commerce.

Also, memorial of chestnut tree bark disease conference, Harrisburg, Pa., making recommendations in regard to same; to the Committee on Agriculture.

Also, memorial of the Chamber of Commerce of the State of New York, urging that the tolls on traffic through the Panama Canal be made so as to carefully protect American interests, etc.; to the Committee on Interstate and Foreign Commerce.

Also, memorial of board of trustees of Hamilton Chamber of Commerce, favoring appropriation for the entertainment of foreign delegates; to the Committee on Foreign Affairs.

Also, memorial of board of directors of the Maritime Association of the port of New York, favoring a bill to establish a marine school; to the Committee on Naval Affairs.

Also, memorial of Business Men's Association of Elmira, N. Y., favoring 1-cent letter postage; to the Committee on the Post Office and Post Roads.

Also, memorial of Brooklyn League, Brooklyn, N. Y., favoring the building of one battleship at the Brooklyn Navy Yard; to the Committee on Naval Affairs.

By Mr. LINDSAY: Memorial of the Twenty-eighth Ward Taxpayers' Protective Association, urging Congress to make appropriation for building two battleships, and that it be provided that one at least be built at the Brooklyn Navy Yard; to the Committee on Naval Affairs.

By Mr. LOBECK: Memorial of citizens of Washington, D. C., for the protection of public health against the bovine source of human tuberculosis and for the conservation of food-producing animals; to the Committee on Agriculture.

Also, petitions of 385 farmers of Western and Southwestern States, for extended parcel-post system; to the Committee on the Post Office and Post Roads.

Also, petition of 15 citizens of Omaha, Nebr., protesting against parcel-post legislation; to the Committee on the Post Office and Post Roads.

By Mr. LOUD: Petition of Charles Alstrom and 16 other residents of Spruce, Mich., favoring parcel post; to the Committee on the Post Office and Post Roads.

By Mr. McCOY: Petitions of labor organizations, for enactment of House bill 11032, relative to the issuance of injunctions; to the Committee on the Judiciary.

Also, petitions of citizens of the State of New Jersey and New York City, for passage of the Esch phosphorus bill; to the Committee on Ways and Means.

Also, petition of Central Methodist Episcopal Church, of Bridgeton, N. J., for passage of Kenyon-Sheppard interstate liquor bill; to the Committee on the Judiciary.

By Mr. McGILLICUDDY: Petition of citizens of Lewiston, Me., urging the passage of bills providing for erection of American Indian memorial and museum building in city of Washington, D. C.; to the Committee on Public Buildings and Grounds.

Also, petition of the Woman's Christian Temperance Union of Norway, Me., for passage of Kenyon-Sheppard interstate liquor bill; to the Committee on the Judiciary.

By Mr. McHENRY: Petitions of Northumberland Grange, No. 218, Patrons of Husbandry, Northumberland, Pa., and Rohrsburg Grange, No. 108, Patrons of Husbandry, Rohrsburg, Pa., in favor of parcel-post legislation; to the Committee on the Post Office and Post Roads.

By Mr. McKINNEY: Petition of members of Methodist Episcopal Church of Aledo, Mercer County, Ill., favoring passage of Kenyon-Sheppard liquor-shipment bill; to the Committee on the Judiciary.

By Mr. MAGUIRE of Nebraska: Petitions of J. G. Brown and other farmers and dairymen of Lincoln, Nebr., and W. K. Young and other farmers and dairymen, opposing the Lever oleomargarine bill; to the Committee on Agriculture.

By Mr. MARTIN of South Dakota: Petition of citizens of Hermosa, S. Dak., for parcel-post legislation; to the Committee on the Post Office and Post Roads.

Also, petition of citizens of Bonesteel, S. Dak., for enactment of the Haugen oleomargarine bill; to the Committee on Agriculture.

Also, petitions of the Woman's Christian Temperance Union of Hot Springs, S. Dak., for passage of the Kenyon-Sheppard interstate liquor bill; to the Committee on the Judiciary.

By Mr. MOTT: Resolution of Louis W. Carlisle Camp, No. 56, United Spanish War Veterans, favoring the passage of the Crago pension bill; to the Committee on Pensions.

Also, memorial of the Maritime Association of New York City, favoring the passage of House bill 24145; to the Committee on Appropriations.

Also, memorial of the Business Men's Association of Elmira, N. Y., in favor of 1-cent letter postage; to the Committee on the Post Office and Post Roads.

Also, petition of 80 members of Adams Center Grange, in Jefferson County, N. Y., against Lever bill; to the Committee on Agriculture.

Also, petition of Turin (N. Y.) Grange, in favor of parcel post; to the Committee on the Post Office and Post Roads.

Also, memorial of Rochester (N. Y.) Chamber of Commerce, favoring House bill 17936, regarding standard weight measures, etc.; to the Committee on Coinage, Weights, and Measures.

By Mr. MURDOCK: Petitions of churches and citizens of Wichita, Mount Hope, Newton, Meade, Halstead, Burrton, and Walton, Kans., in favor of the Kenyon-Sheppard interstate liquor bill; to the Committee on the Judiciary.

Also, petitions of citizens of Fort Pierre, S. Dak., and Meyers Falls, Wash., for parcel-post legislation; to the Committee on the Post Office and Post Roads.

Also, Petitions of citizens of Wichita, Clearwater, Kiowa, Viola, Mulvane, Augusta, Douglass, Haverhill, and Newton, Kans., opposing parcel-post legislation; to the Committee on the Post Office and Post Roads.

Also, Petitions of citizens and churches of Wichita, Kans., opposing repeal of the anticanteen law; to the Committee on Military Affairs.

Also, memorial of Seventh-day Adventist Church of Wichita, Kans., opposing House bill 9433; to the Committee on the Post Office and Post Roads.

By Mr. O'SHAUNESSY: Petition of Emogene H. Williams, of Providence, R. I., asking that the duties on raw and refined sugars be reduced; to the Committee on Ways and Means.

Also, petition of citizens of Providence, R. I., for enactment of House bill 18000, to regulate the importation and interstate transportation of nursery stock, etc.; to the Committee on Interstate and Foreign Commerce.

Also, memorial of Boston Fruit and Produce Exchange, for enactment of House bill 19795; to the Committee on Interstate and Foreign Commerce.

Also, petition of citizens of first congressional district of Rhode Island, protesting against House bill 16844; to the Committee on Interstate and Foreign Commerce.

Also, petitions of citizens of Providence, R. I., for construction of a Lincoln memorial road from Washington to Gettysburg; to the Committee on the Library.

Also, petitions of citizens of Providence, and the Central Labor Union of Pawtucket, R. I., for construction of one battleship in a Government navy yard; to the Committee on Naval Affairs.

Also, petition of a labor organization of Pawtucket, R. I., against employment of retired naval men in navy yards; to the Committee on Naval Affairs.

Also, memorial of the Washington County (R. I.) Pomona Grange, for enactment of the Lever agricultural bill; to the Committee on Agriculture.

Also, memorial of Laurel Grange, No. 40, Patrons of Husbandry, against reducing tax on oleomargarine, etc.; to the Committee on Agriculture.

Also, petition of citizens of North Smithfield, R. I., for passage of House bill 16214; to the Committee on the Judiciary.

Also, petition of the Rhode Island Woman's Suffrage Association, for a constitutional amendment granting women the right of suffrage; to the Committee on the Judiciary.

Also, memorial of the Rhode Island Business Men's Association, in favor of an international commission to investigate the cost of living; to the Committee on Foreign Affairs.

Also, memorial of the Rhode Island Business Men's Association, for enactment of House bill 17936; to the Committee on Coinage, Weights, and Measures.

Also, memorial of Laurel Grange, No. 40, Patrons of Husbandry, for parcel-post legislation; to the Committee on the Post Office and Post Roads.

Also, petition of Order of Owls, Nest No. 6, Providence, R. I., for use of 1,000 acres of public land for a certain purpose; to the Committee on the Public Lands.

Also, petition of the Central Trades and Labor Union of Pawtucket, R. I., for enactment of House bill 5970; to the Committee on Reform in the Civil Service.

Also, petition of Louise Hall, of Providence, R. I., urging appropriation to enforce the white-slave traffic act; to the Committee on Appropriations.

By Mr. PADGETT: Papers to accompany bill for the relief of David Cheney; to the Committee on Invalid Pensions.

By Mr. PARRAN: Papers to accompany bill for the relief of Lillie Garner (H. R. 19765); to the Committee on Pensions.

By Mr. PATTON of Pennsylvania: Memorial of Mountain Grange, No. 1307, Kane, Pa., favoring a parcel post; to the Committee on the Post Office and Post Roads.

Also, petition of Big Level Grange, No. 1376, Patrons of Husbandry, relating to the manufacture and sale of oleomargarine; to the Committee on Agriculture.

Also, memorial of Mountain Grange, No. 1307, Patrons of Husbandry, Kane, Pa., favoring strict regulation of the manufacture and sale of oleomargarine; to the Committee on Agriculture.

Also, petition of citizens of the State of Pennsylvania, favoring the building of one battleship in a Government navy yard; to the Committee on Naval Affairs.

Also, petitions of Logan Grange, No. 109, Patrons of Husbandry, of Center County, Pa.; Big Level Grange, No. 1376, Patrons of Husbandry, of Mount Jewett, Pa.; Liberty Grange, No. 1182, Patrons of Husbandry, McKean County, Pa.; Goshen Grange, No. 623, Patrons of Husbandry, Clearfield County, Pa., favoring a system of postal express; to the Committee on Interstate and Foreign Commerce.

Also, petition of Du Bois Grange, No. 808, Patrons of Husbandry, of Clearfield County, Pa., favoring a system of postal express; to the Committee on Interstate and Foreign Commerce.

Also, petition of Penfield Grange, No. 1240, Patrons of Husbandry, favoring a system of postal express; to the Committee on Interstate and Foreign Commerce.

By Mr. POST: Petition of citizens of Williamsport, Ohio, protesting against parcel post until a competent commission is appointed to investigate the question thoroughly; to the Committee on the Post Office and Post Roads.

Also, petition of citizens of Jeffersonville, Ohio, for parcel-post legislation; to the Committee on the Post Office and Post Roads.

By Mr. RAKER: Papers to accompany House bill 19460; to the Committee on Invalid Pensions.

By Mr. REILLY: Petition of Westbrook (Conn.) Grange, No. 123, asking for an adequate parcel post; to the Committee on the Post Office and Post Roads.

Also, memorials of Indian River Grange, No. 73, Patrons of Husbandry, Milford, Conn.; Hillstown Grange, No. 87, Glastonbury, Conn.; Central Pomona Grange, No. 1, Plainville, Conn.; Haddam Neck Grange, No. 177, East Hampton, Conn., indorsing Sulzer's parcel-post bill and asking its speedy adoption; to the Committee on the Post Office and Post Roads.

Also, memorial of the State Board of Education of the State of Connecticut, opposing the proposed bill "To cooperate with the States in encouraging instruction of agriculture, the trades and industries, and home economies in secondary schools"; to the Committee on Agriculture.

Also, memorial of the Woman's Christian Temperance Union, Clinton, Conn., Annie S. Wilcox, corresponding secretary, favoring the speedy passage of the Kenyon-Sheppard interstate liquor-shipment bill; to the Committee on the Judiciary.

Also, memorial of Rock Rimmon Grange, No. 142, Patrons of Husbandry, Beacon Falls, Conn.; Plainville Grange, No. 54, Patrons of Husbandry, Plainville, Conn.; Enfield Grange, No. 151, Enfield, Conn.; Mad River Grange, No. 71, Waterbury, Conn.; W. A. Simpson and 9 others, of Wallingford Grange, No. 33; Frank A. Jordan and 5 other rural free-delivery patrons, of Quinebaug, Conn., asking speedy passage of a general parcel-post law; to the Committee on the Post Office and Post Roads.

Also, memorial of Harwinton Grange, No. 45, Patrons of Husbandry, Torrington, Conn., opposing change in oleomargarine law and favoring parcel post; to the Committee on Agriculture.

Also, petition of William D. Holt and 23 other members of Polishers and Buffers' Union, citizens of New Haven, Conn., advocating the insertion in the naval appropriation bill of a clause providing that one battleship shall be built at a United States navy yard; to the Committee on Naval Affairs.

By Mr. RICHARDSON: Petitions of citizens of the State of Alabama, for parcel-post legislation; to the Committee on the Post Office and Post Roads.

Also, petition of citizens of Elkwood, Ala., protesting against enactment of Senate bill 237; to the Committee on the District of Columbia.

By Mr. SHERLEY: Petitions of citizens of the State of Kentucky, for construction of one battleship in a Government navy yard; to the Committee on Naval Affairs.

Also, petition of members of Improved Order of Red Men, for an American Indian memorial and museum building in the city of Washington, D. C.; to the Committee on Public Buildings and Grounds.

Also, petition of citizens of the fifth congressional district of Kentucky, for enactment of House bill 16450; to the Committee on the Judiciary.

By Mr. SIMMONS: Memorial of the Chamber of Commerce of Buffalo, N. Y., favoring entire elimination of duty on patterns which are used only for export orders; to the Committee on Ways and Means.

By Mr. SAMUEL W. SMITH: Petition of many voters of Lansing, Mich., and petition from voters of Mason, Ingham County, Mich., asking support for the Kenyon-Sheppard interstate liquor bill; to the Committee on the Judiciary.

Also, petition of citizens of Mason, Mich., favoring passage of parcel-post bill; to the Committee on the Post Office and Post Roads.

By Mr. SMITH of New York: Memorial of the Woman's Christian Temperance Union of East Aurora, N. Y., favoring the passage of the Kenyon-Sheppard liquor-shipping bill; to the Committee on the Judiciary.

Also, memorial of Pomona Grange, No. 33, Erie County, N. Y., opposing reduction of tax on oleomargarine; to the Committee on Agriculture.

Also, petition of Holland Grange, No. 1023, Holland, N. Y., opposing the Lever oleomargarine bill, and urging that no oleomargarine be allowed to be made in imitation of butter; to the Committee on Agriculture.

Also, petition of vessel men and steamship managers of Buffalo, N. Y., in support of the Howland bills (H. R. 19405, 19406, 19407); to the Committee on the Merchant Marine and Fisheries.

Also, memorial of the Buffalo (N. Y.) Chamber of Commerce, favoring the passage of an act, by Mr. Sulzer, to improve the foreign service; to the Committee on Foreign Affairs.

Also, memorial of the Chamber of Commerce of New York and the board of directors of the Maritime Association of the Port of New York, favoring the passage of House bill 24145, for the establishment of marine schools, and for other purposes; to the Committee on Naval Affairs.

Also, memorial of the national executive committee of the American Antitrust League, favoring the bill of Mr. Lee of Pennsylvania to extend the Federal arbitration act to the coal industry of the United States; to the Committee on Interstate and Foreign Commerce.

By Mr. SPARKMAN: Petition of churches of Bradentown, Fla., for passage of an effective interstate liquor law; to the Committee on the Judiciary.

Also, memorial of Tampa (Fla.) Retail Dealers' Association, for 1-cent letter postage; to the Committee on the Post Office and Post Roads.

Also, petitions of citizens of Estero and Palm Sola, Fla., for parcel-post legislation; to the Committee on the Post Office and Post Roads.

Also, petitions of citizens of the State of Florida, protesting against parcel-post legislation; to the Committee on the Post Office and Post Roads.

Also, petitions of citizens of the first congressional district of Florida, for regulation of express rates and classifications; to the Committee on Interstate and Foreign Commerce.

Also, petitions of citizens of the State of Florida, for passage of House bill 20595, amending the copyright act of 1909; to the Committee on Patents.

By Mr. STEPHENS of California: Petition of citizens of Los Angeles, Cal., for the speedy passage of the Kenyon-Sheppard bill; to the Committee on the Judiciary.

Also, petition of citizens of the State of California, in favor of building one battleship in a Government navy yard; to the Committee on Naval Affairs.

Also, memorial of Pacific States Wireless Association, protesting against the Alexander bill placing a high-license tax on private wireless stations; to the Committee on the Merchant Marine and Fisheries.

Also, petitions of Roy W. McQuiston, manager of Rex Theater, Azusa, Cal.; Clunes Theaters, Clune Amusement Co., Los Angeles, Cal.; Clarence G. Reggs, Adolphus Theater, Los Angeles, Cal.; U. H. Alston, Pickwick Theater, Longbeach, Cal.; and

A. J. W. Ross, Wonderland Theater, Los Angeles, Cal., favoring House bill 20595, to amend the copyright act of 1909; to the Committee on Patents.

By Mr. STEPHENS of Texas: Petition of W. C. Stephens, of Amarillo, Tex., for parcel-post legislation; to the Committee on the Post Office and Post Roads.

By Mr. STERLING: Petition of citizens of Le Roy, Ill., for enactment of House bill 16819, providing for free delivery of mail in small towns and cities; to the Committee on the Post Office and Post Roads.

By Mr. SULZER: Memorial of the International Reform Bureau, of Washington, D. C., designating as bills regarded as most important from the standpoint of public health and public morals: First, Kenyon-Sheppard bills (S. 4043 and H. R. 16214); second, Sims-Lea bill (H. R. 1620); third, Walter I. Smith bill, introduced in last Congress, against exhibition of prize-fight pictures; fourth, McCumber bill (S. 2310); fifth, bills regulating liquor traffic in the District of Columbia; sixth, no appropriation for any soldiers' home that maintains a bar; $75,000 appropriation to enforce white-slave law; seventh, Iowa law suppressing brothels by injunction; eighth, Johnston Sunday bill for the District of Columbia; ninth, opium bills pending in House and Senate; tenth, reforms of judicial procedure; to the Committee on the Judiciary.

Also, memorial of board of managers of Seamen's Church of New York, favoring the passage of Senate bill 2117 now before the House of Representatives; to the Committee on Interstate and Foreign Commerce.

Also, petition of members of Cigar Makers' Joint Unions of Greater New York, favoring passage of the Reilly bill (H. R. 17253); to the Committee on Ways and Means.

By Mr. THISTLEWOOD: Petition of citizens of Grand Chain, Ill., favoring parcel post, restriction of immigration, and prohibition of gambling in farm products; to the Committee on the Post Office and Post Roads.

Also, petition of the citizens of Murphysboro, Ill., protesting against parcel-post legislation; to the Committee on the Post Office and Post Roads.

Also, petition of citizens of Grand Chain, Ill., favoring the Webb-Callaway bill, relating to bureau of markets (H. R. 19069 and 19132); to the Committee on Interstate and Foreign Commerce.

Also, petition of citizens of Chester, Ill., against parcel post; to the Committee on the Post Office and Post Roads.

Also, petition of citizens of twenty-fifth district of Illinois, favoring the building of one battleship in Government navy yard; to the Committee on Naval Affairs.

Also, petition of citizens of Chester, Randolph County, Ill., favoring the passage of House bill 16819, for experimental establishment of town mail-delivery system; to the Committee on the Post Office and Post Roads.

Also, petition of citizens of Dongola, Ill., protesting against parcel-post legislation; to the Committee on the Post Office and Post Roads.

By Mr. TILSON: Petition of Hillstown Grange, No. 87, Glastonbury, Conn., favoring a general parcel-post bill; to the Committee on the Post Office and Post Roads.

Also, petition of East Windsor (Conn.) Grange, No. 94, Patrons of Husbandry, favoring a parcel post; to the Committee on the Post Office and Post Roads.

By Mr. TUTTLE: Petition of Second Presbyterian Church, of Belvidere, N. J., for passage of Kenyon-Sheppard interstate liquor bill; to the Committee on the Judiciary.

By Mr. UTTER: Petitions of the Swedish Congregational Church of East Greenwich, R. I., and the Methodist Episcopal Church of Washington, R. I., for enactment of the Kenyon-Sheppard interstate liquor bill; to the Committee on the Judiciary.

Also, petition of the Rhode Island Business Men's Association, for the creation of an international commission to investigate the cost of living; to the Committee on Foreign Affairs.

Also, petition of the Rhode Island Business Men's Association, for enactment of House bill 17936; to the Committee on Coinage, Weights, and Measures.

By Mr. VREELAND: Petitions of Central Labor Council and Iron Molders' Union, Local No. 90, of Dunkirk, N. Y., for building one battleship in a Government navy yard; to the Committee on Naval Affairs.

Also, petition of the Free Methodist Church of Rushford, N. Y., in favor of House bill 16214; to the Committee on the Judiciary.

By Mr. WEDEMEYER: Papers to accompany bill for the relief of R. W. Tuffs; to the Committee on Invalid Pensions.

By Mr. WHITE: Petition of citizens of Roseville, Ohio, for regulation of express rates and classifications; to the Committee on Interstate and Foreign Commerce.

Also, petition of citizens of Roseville, Ohio, protesting against further extension of the parcel-post system; to the Committee on the Post Office and Post Roads.

By Mr. WICKLIFFE: Papers to accompany bill for the relief of estate of Sebastian U. D. Schlatre, deceased; to the Committee on War Claims.

By Mr. YOUNG of Kansas: Petition of citizens of Wallace County, Kans., asking for the enactment of a general parcel-post law; to the Committee on the Post Office and Post Roads.

Also, petition of citizens of Russell, Kans., protesting against the enactment of a parcel-post law; to the Committee on the Post Office and Post Roads.

SENATE.

WEDNESDAY, *March 27, 1912.*

(Continuation of legislative day of Monday, March 25, 1912.)

The Senate met, after the expiration of the recess, at 11 o'clock a. m. Wednesday, March 27, 1912.

The VICE PRESIDENT resumed the chair.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by D. K. Hempstead, its enrolling clerk, announced that the House had agreed to the concurrent resolution (No. 14) of the Senate authorizing the Secretary of State to furnish a copy of the daily and bound CONGRESSIONAL RECORD in exchange for a copy of the Parliamentary Hansard, with an amendment, in which it requested the concurrence of the Senate.

The message also announced that the House had passed a concurrent resolution (No. 39) amending the concurrent resolution passed August 21, 1911, providing for the printing of the proceedings upon the unveiling of the statue of Baron von Steuben in Washington December 7, 1910, etc., in which it requested the concurrence of the Senate.

The message further announced that the House had passed a concurrent resolution (No. 43) providing for the printing of 100,000 copies of Public Health Bulletin No. 51, on the Cause and Prevention of Typhoid, etc., in which it requested the concurrence of the Senate.

SENATOR FROM WISCONSIN.

The Senate resumed the consideration of the report of the Committee on Privileges and Elections, directed by a resolution of the Senate to investigate certain charges against ISAAC STEPHENSON, a Senator from the State of Wisconsin.

Mr. HEYBURN. Mr. President, I suggest the absence of a quorum.

The VICE PRESIDENT. The Senator from Idaho suggests the absence of a quorum. The Secretary will call the roll.

The Secretary called the roll, and the following Senators answered to their names:

Bacon	Cummins	Lorimer	Smith, Ga.
Bankhead	Curtis	McCumber	Smith, Md.
Borah	Dillingham	McLean	Smith, S. C.
Bourne	Fletcher	Martine, N. J.	Smoot
Brandegee	Foster	Myers	Stephenson
Bristow	Gamble	Nixon	Stone
Brown	Gardner	O'Gorman	Sutherland
Bryan	Gronna	Oliver	Thornton
Burnham	Heyburn	Overman	Townsend
Burton	Johnson, Me.	Page	Warren
Chamberlain	Johnston, Ala.	Perkins	Watson
Clapp	Jones	Poindexter	Wetmore
Clark, Wyo.	Kenyon	Pomerene	Williams
Crane	Kern	Rayner	Works
Culberson	Lea	Richardson	
Cullom	Lodge	Simmons	

Mr. BURNHAM. The senior Senator from New Hampshire [Mr. GALLINGER] is unavoidably absent.

Mr. LEA. The senior Senator from Tennessee [Mr. TAYLOR] is detained from the Senate by serious illness.

The VICE PRESIDENT. Sixty-two Senators have answered to the roll call. A quorum of the Senate is present.

Mr. POMERENE. Mr. President, it was an unpleasant duty the Senate imposed upon the subcommittee of the Committee on Privileges and Elections when its members were charged with the responsibility of hearing the testimony pertaining to the election of ISAAC STEPHENSON to the United States Senate and of ascertaining whether or not there were used or employed in that election "corrupt methods or practices."

For five weeks that committee heard the testimony, and for a number of weeks thereafter each member of that committee was engaged in the investigation of the testimony and the law before reaching his conclusion.

The Constitution imposes upon the Senate both legislative and judicial responsibilities. They are exclusively legislative, except in two instances: First, it is made the judge of the "elections, returns, and qualifications of its own members;" and, secondly, it is clothed with "the sole power of trying all impeachments." Sitting as legislators we aid in deciding what the law ought to be. Sitting as judges of the election of our Members or in impeachment cases it is our duty to determine what the facts are and what the law was at the time of the occurrence. In my humble judgment we have no more right to ignore the state of the law as it was during the campaign or to decide this case in the light of the law as it ought to have been than we have a right to change the facts in order to conform with the law as it was at the time of their occurrence (1908).

With this conception of the duty which was imposed upon us as members of that committee and as Members of the Senate in the trial of this cause, I feel that no matter how much I may condemn the practices which prevailed in the amount of money expended or the methods of expenditure or the failure to make complete and proper returns, we must decide this case in accordance with the law as we understand it to have been at the time of the election. That is the duty of the Senate sitting as a judge of the election and qualifications of its Members.

But, sitting as legislators and having investigated the manner in which this election was conducted and the methods which there prevailed, if acts were done or means adopted which were inimical to the public welfare, then it is our sworn duty to attempt, at least, to frame some law which will prevent their recurrence.

It is true we are not seated upon woolsacks or clothed with wig and gown, but the responsibilities which surround us are just the same as if we were sitting as the triers of a cause in a court of justice. If, sitting as a judge, this Senate were to determine an issue which was brought before it for trial in accordance with what we conceived the law ought to be instead of in accordance with the law as it obtained at the time of the occurrence of the facts, we would violate every principle of American jurisprudence and we would lie open to the charge of creating judge-made law to suit preconceived notions of the facts of the case.

When the fathers adopted our Federal Constitution and declared that the Senate should be the judge of the elections, returns, and qualifications of its Members, it meant—if I understand the English language—that we should sit as judges and in a judicial manner render righteous judgments under the facts as they appear and under the law as it then obtained, and in no other way.

Approaching the subject, therefore, imbued with this conception of the law, we ought not to be swayed from a judicial course in the trial of this issue. I see no inconsistency in judging this case in accordance with the law as it was and at the same time, by legislative acts, making the laws so stringent that the evils which have developed and come to light may never again be permitted to occur in the State of Wisconsin or elsewhere under the jurisdiction of the Stars and Stripes.

Everywhere we hear the cry against judge-made law. Are we, then, to ignore the precedents and practices and customs as they have prevailed at elections for a century and longer and ignore the state of the law as it was at the time this election occurred and decide this case in conformity with a new law, which is to set at naught all of the customs and practices which have heretofore obtained under almost the conceded sanctity of the law itself? Should this be done without declaring the changed conditions in the form of a statute? Must the Senate, sitting in a judicial capacity, decide this case in accordance with judge-made law to suit the changed points of view? Will we not be on safer ground if we adhere to the well-known rules of jurisprudence, and while sitting as judges decide the case in accordance with the law as it was, rather than to combine in this judicial proceeding the attributes both of a judge and a legislator, and now for the first time declare the law to be what it has not heretofore been?

I know that the practices which prevailed at this election and the extravagant use of money by four or five of the candidates at the primaries for the nomination as candidates for the United States Senate are universally and rightly condemned. But because I have come to the conclusion that under the law as I understand it and under the facts as they have been disclosed I do not see my way clear to vote to unseat the Senator from Wisconsin, I deny that it follows that I am in any sense of the word approving the methods which obtained during that election or that I have any sympathy whatever with the extravagant expenditure of vast sums of money. On the contrary, the committee in its report has severely criticized and condemned the methods which obtained during the senatorial primary election. The best thought of the day is a protest against the use of money to influence either directly or indirectly the electorate. No word can be uttered against this extravagant use of money, however harsh it may be, that I will not and do not approve. But at the same time that I condemn the practice of using money excessively I shall not hesitate to place this responsibility in great part where it belongs, and that is here in the Halls of the Congress and in the halls of the General Assembly of the State of Wisconsin, where legislators who have been cognizant of these evil practices failed for so many years to enact laws whereby to prevent their continuance. Up to the time of Senator STEPHENSON'S election there was not a word written in the statute books of the United States or of the Commonwealth of Wisconsin which forbade any of the acts of Senator STEPHENSON, occurring at or before the primary, disclosed in this hearing and which are now complained of by those who are in sympathy with the minority report submitted in this case.

And when I take this position I want to be frankly and fully understood. I do not mean to say that we could legally unseat a Member only where he had violated some statutory law. If in his efforts to secure the election he was guilty of conduct involving moral turpitude, or if he had resorted to acts which constituted bribery under the common law, or if he used other means for the purpose of corrupting voters, or if he was guilty either by himself or through his agents with his knowledge of preventing a free and untrammeled vote, then certainly he could be unseated. Such conduct would be corruption under the principles of the common law.

The Constitution, which makes the Senate the judge of the election, returns and qualifications of its Members, gives it both original and final jurisdiction. No proceeding in error or appeal lies from its edicts. Its decree is as immutable as the laws of the Medes and Persians, but because the Senate has the power to do a thing from which there can be no appeal, ought we not, therefore, to be the more guarded lest we may seem to exercise an arbitrary power, which may be in conflict with every principle of the law of judicial procedure?

STATEMENT OF THE FACTS.

The primary election to determine the choice of party candidates, including the candidates of the several parties for the United States Senate, was held September 1, 1908. Senator STEPHENSON did not determine to be a candidate at this primary until about 60 days before the date of the primary. He had no organization. Four or five other candidates had been actively in the field for months. There were 71 counties in the State and 2,200 election precincts. He first appointed a campaign committee, consisting of Messrs. Edmunds, Sackett, and Puelicher. To Mr. Puelicher he gave at first $50,000. They agreed to take up the organization throughout the State. They were cautioned to keep strictly within the law.

The first act was to circulate nomination petitions throughout the State in order that Mr. STEPHENSON'S name might be placed upon the ballot in conformity with the requirements of the Wisconsin primary-election law. For this purpose men were employed throughout the State, and they were paid for their services. The campaign was then begun in earnest. Senator STEPHENSON, through long years of business and political activity, was well known throughout the State. His friends were hunted up wherever they might be and urged to take an active part in his behalf. Headquarters were opened in Milwaukee, clerks were employed, polling lists were obtained throughout the State, and as these lists were obtained letters urging the Senator's claims were mailed, asking for support. Newspaper men were appealed to, advertisements were inserted, and some editorial support contracted for; lithographs and printed matter were circulated broadcast throughout the State; meetings were held in many places; men were sent over the State at large expense to do canvassing; and as these men went around they employed others in the several communities to spend time in advancing STEPHENSON'S candidacy. Many of these men went to saloons, cigar stores, and every place where the voters might happen to congregate.

Money was expended, to what extent is not clear, but in certain localities a considerable amount for drinks, cigars, and refreshments. Or, in other words, to use the term which has been heretofore used in this debate, "Money was expended for treating." Managers were employed in each of the several counties of the State. In a few instances some of the men had charge of several counties. They organized for the primary election day. They employed men to attend the polls and hired conveyances for the purpose of bringing in the voters. These services, or at least a great part thereof, were paid for.

An examination of the record of the testimony, embracing more than 2,000 pages, will show the extent to which this campaign was conducted. There were a number of other candidates

for the Senatorship, and some of them were rich men. Senator STEPHENSON expended in this primary $107,793.05, and he received 56,909 votes; S. A. Cook spent $42,296.26, and he received 45,825 votes; William H. Hatton spent $26,413, and he received 35,552 votes; and Ernest E. McGovern spent $11,063.88, and he received 42,631 votes. The primary cost Senator STEPHENSON $1.89 for every vote he received, S. A. Cook spent 88 cents for every vote he received, W. H. Hatton spent 85 cents for every vote he received, and Ernest E. McGovern spent 26 cents for every vote he received. That this was an extravagant expenditure of money and that the law ought not to have permitted it no one can or will deny.

PROCEEDINGS IN THE LEGISLATURE.

Charges were made at the hearing to the effect that in the proceedings in the legislature efforts were made to corrupt Assemblyman Leuch and Assemblyman Joseph Damochowski by offering money for their votes, and that Assemblymen Farrel, Ramsey, and Towne were kept out of the assembly on March 4, at the time of the final ballot. But an examination of the record will show that, however indiscreet may have been some of the utterances and conduct of these men, it can not be fairly contended that there was any substantial proof of any corruption whatsoever. And I do not understand that the Senators who are now favoring the minority report are making any contention that the proof, in so far as the alleged corrupt use of money in the general assembly is concerned, would justify the unseating of Senator STEPHENSON. I shall therefore confine my discussion to the corrupt practices and methods charged to have been used in connection with the primary.

THE WISCONSIN PRIMARY LAW.

The Wisconsin primary law, in substance, provides (ch. 451, Laws of 1903) as follows:

Party candidates for the office of United States Senator shall be nominated as other officers. (Subdivision 3 of sec. 2.)

Nomination papers for candidates for the office of United States Senator shall be filed in the office of the secretary of state. (Subdivision 1 of sec. 6.)

The person receiving the greatest number of votes at the primary as the candidate for the party for the office voted for shall be the candidate of that party for such office. (Subdivision 1 of sec. 10.)

And the secretary of state is required to publish in the official State paper a statement of the result of the candidates at the primary as soon as the same is certified to him.

It is contended by some that because the Federal Constitution provides that Senators shall be chosen by the legislature, and because Congress has the right to prescribe the time and the manner of holding elections for Senators, and that this power has been exercised by the Congress in the manner prescribed by sections 14 and 15 of the Revised Statutes of the United States, therefore the State has no authority to provide for a primary election governing the selection of party candidates for the position of United States Senator, and that hence any law on this subject is unconstitutional. I do not propose to enter at length into the discussion of this question, except to say that it seems to me it would be a strange position if we were to assume that the people of a sovereign State could not petition the members of the general assembly to elect a given man to the United States Senate. And if they have the right to petition, it would be equally strange to say that they might not do this by a primary as well as by any other known method. And if they have the right to petition, either by a primary or in any other way, it would be stranger still if they do not have the right to provide some method which would guarantee to the petitioners an honest expression of their views.

But it is not necessary for us to speculate upon this proposition, as the Supreme Court of the State of Wisconsin has already passed upon the constitutionality of this statute in the case of State ex rel Van Alstine *v.* Frear (142 Wis., 320). On page 349 Barnes, judge, in delivering the opinion of the majority of the court, says:

Our constitutions, State and National, guarantee the right of petition. Every citizen of the State has the right to petition the legislature asking that the candidate of his choice be elected United States Senator. Every citizen of a senatorial or assembly district has the right to petition his local representative to the same effect. The lawmaker is thus advised of public sentiment, a potent factor for him to consider in connection with other matters in arriving at a conclusion. Wherein does the primary nomination for United States Senator differ from the exercise of the right of petition? The legislative candidate is thereby informed of something that he has the right to know and of something obligatory, but should treat it as advisory. Moral suasion may be a perfectly legitimate agency to employ even in the election of a United States Senator. That the electors in the exercise of their guaranteed right of petition might do in substance and effect what they now do at the primaries hardly admits of controversy. The framers of the Constitution could not have supposed that there was any impropriety in the people advising their representatives of how they desired them to vote on the Senatorship, else an exception would have been incorporated in the clause guaranteeing the right of petition restricting its application to matters other than the election of United States Senators.

We concede that the result of this primary is not binding upon any member of the legislature. But it is advisory—in other words, persuasive. And I am therefore clearly of the opinion that if the provisions of this primary law have been violated, and corrupt methods at the primaries were shown, it would affect the result of the election by the general assembly, and the Senate would be justified in taking cognizance of that fact and unseating any Member who was thus delinquent.

EXPENDITURES.

It will be impossible to review at length the testimony in this case. I can only hope to give a bird's-eye view of the record, and, without trespassing too long upon the time of the Senate, I shall hope to present it in such a way as to make my position clear. The disbursements, so far as they are disclosed in the record, may be divided into the following classes:

First, moneys paid out to persons employed by Senator STEPHENSON, or in his behalf, to circulate nomination papers in order to get the number of signatures required by the Wisconsin statutes before his name could be placed upon the ticket.

Second, moneys paid out—

(*a*) To newspapers for political advertising.

(*b*) For editorial support.

(*c*) For lithographs, campaign material, postage, telephone, telegraph, and express charges.

(*d*) Office expenses, including rent, clerk hire, and assistants.

Third, payment for services of speakers, hall rent, music, and for men devoting their time and efforts in cultivating STEPHENSON sentiment throughout the State.

Fourth, moneys expended for workers at the polls and for conveyances and services in getting out the voters.

Fifth, for drinks and cigars.

Sixth, money given to C. C. Wellensgard, L. L. Bancroft, and Thomas Reynolds, who were candidates for the legislature, to be used by them in the interest of Senator STEPHENSON.

Seventh, money paid to the game warden, John W. Stone, for use in the Senator's campaign.

Eighth, $2,000 contributed by Senator STEPHENSON to the State campaign committee for general election purposes.

Ninth, expenses incurred during the session of the general assembly in opening and maintaining headquarters at Madison from the beginning of the session until after March 4, 1909, and for hotel bills and traveling expenses.

No part of the contribution to the general campaign committee or the expenses incident to the headquarters during the session of the general assembly were ever reported to the secretary of state.

The Wisconsin law makes it bribery to offer a voter anything to induce him to sign a nomination paper. Men were employed to circulate these petitions and paid for so doing, but there is no evidence that anyone who signed the petitions was paid or offered anything for signing them.

ELECTION LAWS.

I wish to lay emphasis upon the facts that at the time of Senator STEPHENSON'S election there was no Federal statute determining the class of expenditures which might be permitted; and there was no statute, either Federal or State, limiting the amount of expenditures which might be incurred or made.

The State of Wisconsin did have some statutory regulations on the subject.

Paragraph 1 of section 4478 declared it to be bribery for any person—

directly or indirectly, by himself or by any other person on his behalf, to give, lend, or agree to give or lend, or offer, promise, or promise to procure or endeavor to procure any money or valuable consideration to or for any voter, to or for any person on behalf of any voter, or to or for any person in order to induce any voter to vote or refrain from voting, or do any such act as aforesaid, corruptly, on account of such voter having voted or refrained from voting at any election.

Paragraph 2 of this section prevents the giving or procuring, or agreeing to give or procure, or offer, promise, or endeavor to procure any office, place of employment, public or private, to or for any voter, or to or for any person on behalf of any voter, or to or for any other person in order to induce such voter to vote or refrain from voting, or do any such act as aforesaid, corruptly, on account of any voter having voted or refrained from voting.

Paragraph 3 prevents any person from making any SUCH gift, loan, offer, promise, procurement, or agreement as aforesaid to or for any person, in order to induce such person to procure or endeavor to procure the election of any person to a public office or the vote of any voter at any election.

Paragraph 4 provides:

Every person who shall, upon or in consequence of any such gift, loan, offer, promise, procurement, or agreement, procure or engage, promise or endeavor to procure the election of any person to a public office or the vote of any voter at any election—

shall be guilty of an offense. Evidently the words "such gift" refer to the kind of giving which is described in the preceding paragraph.

And paragraph 5 reads:

> Every person who shall advance or pay or cause to be paid any money to or for the use of any other person with the intent that such money or any part thereof shall be expended in bribery at any election, or who shall knowingly pay or cause to be paid any money, wholly or in part, expended in bribery at any election, shall be guilty of bribery.

There is, however, one section of the Wisconsin statute which I wish to call specially to the attention of the Senate. At the time provision was made for primary elections in the State of Wisconsin a statute was passed under which the criminal penalties applying to a caucus and election were made applicable to primary elections.

That is section 298, and reads:

> Every person who, by bribery or corrupt or unlawful means, prevents or attempts to prevent any voter from attending or voting at any caucus mentioned in this act, or who shall give or offer to give any valuable thing or bribe to any officer, inspector, or delegate whose office is created by this act, or who shall give or offer to give any valuable thing or bribe to any elector as a consideration for some act to be done in relation to such caucus or convention * * * shall be deemed guilty of a misdemeanor.

By a subsequent statute this section was made applicable to primaries.

None of the expenditures disclosed by the record in this case can come within the inhibitions of these sections, in my judgment, unless it be a violation of the language of the last section:

> Or who shall give or offer to give any valuable thing or bribe to any elector as a consideration for some act to be done in relation to such caucus or convention.

If the words "to give any valuable thing" are to receive a comprehensive and literal interpretation, and are to prohibit the giving and offering "of any valuable thing," "as a consideration for some act to be done," it would not have been necessary to write into the statute "or bribe," because the former expression would include the latter. It is a rule of construction that—

> words of a general import in a statute are limited by words of restricted import immediately following and relating to the same subject. (36 Cyc., 1119, and Nance v. Southern R. R. Co., 149 N. C., 366.)

Lawyers will recognize it to be an established rule, to quote the language of the court in that opinion, that—

> In interpreting a statute, where the language is of doubtful meaning, the court will reject an interpretation which would make the statute harsh, oppressive, inequitable, and unduly restrictive of primary private rights.

This statute, in my judgment, clearly refers to the giving of anything of value in the nature of a bribe. The purpose of the statute was, evidently, to prohibit the corrupt giving. And this must be the construction which is placed upon it by the authorities in the State of Wisconsin, because with all the publicity that has been given to this case no attempt has been made to begin any criminal prosecution for any of the acts which were done during or since the primary election.

Again, if a literal interpretation is to be given to the words:

> Any valuable thing * * * as a consideration for some act to be done—

whether morally corrupt or incorrupt, would the legislature require, as it does, the candidate to convict himself by filing an account? This is a criminal statute, and it must be strictly construed against the State. And when a defendant is charged with its violation every doubt as to the meaning of the statute must be resolved in his favor.

A careful reading of these sections of the statute clearly indicates, in my judgment, that it is "the corrupt giving" which constitutes the offense, and if the statute fails to define what acts are corrupt, then we are obliged to look to the common law in order to ascertain what is or what is not corrupt; and surely if there is any decision anywhere in the States, except where it is specifically forbidden by the statute, that makes it a bribery to employ a man at the polls, or to hire conveyances for the purpose of getting out the vote, or for the purpose of paying advertising, or to incur or pay any of the expenditures to which I have referred, it has not yet been called to the Senate's attention by any of those who have spoken upon the subject, and if any of the Senators have been able to find any such decision, their diligence has surpassed mine.

The proof shows the kind of expenditures which were incurred and paid. The proof shows that the Senator had instructed his managers to keep within the law. The proof does not show that any of this money was expended corruptly. And it seems to me that a careful, dispassionate reading of the record will fail to show that any of this money was in fact expended for a corrupt purpose. I do not say that some of it may not have been expended for a corrupt purpose. I am willing to concede that some of it was probably so expended, but I do say that there is no proof which will justify a fair and unbiased mind in saying that by a preponderance of the weight of the testimony that corruption has been shown. I do not say that where there was a contest such as this must have been some of the agents and representatives of the Senator may not have paid out some of this money corruptly. But we are not to judge of this case by what they may or may not have done. We are to judge of it by what was proven to have been done or left undone. The gist of the offense is not the giving of money or things of value, but it is the giving of the money or things of value, corruptly.

After an analysis of this testimony, under the statutes in the State of Wisconsin, or even under the common law, let me ask, Is it a violation of the statute to pay out money for political advertising in the newspapers, or for editorial support, or for lithographs, or for campaign material, or for telegraphing, or for telephoning, or for express charges, or for office expenses, including rent, or for the hire of clerks and assistants in the office, or men engaged in the canvass, or for the hiring of speakers or halls, or for rent, or music at political meetings, or for men to devote their time and efforts in cultivating sentiment throughout the State, or to pay workers at the polls? Is it an offense to employ conveyances and the services of men in getting out the voters? If so, refer me to the statute which defines the offense, or refer me to the principles of the common law in Wisconsin or elsewhere in the United States which makes such acts a corrupt practice. Is it an offense under the statutes of the State of Wisconsin to expend money for drinks and cigars given in a social way during the campaign? If so, point me to the statute or the rule of the common law which proscribes it. With all the vast amount of money which has been expended in this way in National, State, county, township, and municipal campaigns, tell me where any of these acts have been declared to be penal or to be a corrupt practice, unless there is some statute upon the subject.

But the distinguished Senators from Iowa and Kansas tell us that it is demoralizing, that it is corrupting, that its influence is bad upon the public morals, and to all of this I give assent; but is it not just a little bit strange, if these acts are a violation of the law of the land, that neither of the able Senators, with all of their diligence and study of this proposition, has been able to give to us a single reference to a single authority in the United States? They refer us to the declarations made by some Canadian and English judges, but it will be noted that in each of the cases to which they refer and where these acts were held to be penal and a corrupt practice it was because of the statutes which existed in the various Provinces of Canada or in the British Empire. I concede that the judges in those cases, in what are obiter dicta, tell us that bribery at the common law is an offense and will be sufficient to set aside an election. But they tell us that where treating is made an offense it must be to such an extent that it interferes with the freedom of elections. Nowhere do they say to us that the giving of a social drink or a social cigar shall be regarded as an act of corruption unless it is for the very purpose of changing or corrupting the vote.

I think I have shown that under the state of the law as it existed during this primary election no one of the several classes of expenditures could be regarded as an infraction of the law. The testimony shows that the practices which obtained in that election in the way of hiring employees, workers at the polls, and conveyances to get out the vote, or in the methods of advertising and electioneering, generally had obtained in that State for years. It is a matter of common knowledge that the same customs and practices prevail in most of the States. And it seems to me that if these are to be cut off, and for the most part they ought to be prohibited, it should be done by some statutory regulation. But we are told that if this kind of campaigning had been done in a reasonable way it would not have been a violation of the law; that the vice comes from the extent to which it was carried on. Let us examine this position.

The population of the States varies from 81,875 in Nevada to 9,113,279 in New York. If we are to say that the expenditure of $107,000 in the State of Wisconsin is an excessive amount, what shall be regarded as an excessive amount in the State of Nevada or in the State of New York? Where is the dividing line between what is reasonable and what is unreasonable, between what shall be considered incorrupt and what shall be regarded as corrupt? Where is the twilight zone, if there be any? Shall the amount of expenditures be limited to so much per State or to so much per voter? Shall it be limited to a given amount in a rural community and an entirely different amount in a municipality? Shall it be lawful to employ two men at one poll and unlawful to employ five at another? Shall it be a crime to have five teams at one poll and perfectly legitimate to have two at another? Is the law so uncertain a device that we must determine the legality or illegality by some particular

standards which may be in the minds of men, and as different as there are different minds considering it?

One hundred dollars may be expended corruptly and $100,000 might be expended in a large State and not violate any law, either common or statutory. If a candidate were to offer a voter so much as a cigar in consideration that he vote for him, that would be corrupt and in violation of not only the statutes of the State of Wisconsin but of the common law as well. If he were to expend the $100,000 by employing speakers for public meetings, or to pay men who were to go throughout the State and create sentiment in his favor, or to employ men to go to the polls for the purpose of getting out the votes and hiring the necessary conveyances and for advertising, it would violate no principle of the common law, and as I construe the statute law of Wisconsin, it would not be violated.

It does not do to say that because a vast sum of money was expended therefore the vote or any part of it was purchased. If the contest was close between two given candidates, money might be expended corruptly, whether in small or in large sums. The amount which was expended is a circumstance to be taken into consideration in connection with all of the facts of the case and properly weighed, and from the whole testimony a conclusion must be reached and not from the one fact taken and construed by itself.

The common law consists of the principles laid down in adjudicated cases, or by recognized text writers, or it may be the customs and practices which are prevailing in a given community, which will control in the absence of any statutory regulation. And now the record shows that the practice of employing men and conveyances at the polls and of advertising and of treating prevailed in this State, and had prevailed there for years. The statute did not reach it, if I have properly construed it. Are these things now to be held for the first time a violation of the law without the intervention of any legislative action, either on the part of the general assembly of the State or of the Congress of the United States? I recognize it to be true that the authorities which the distinguished Senator from Iowa has referred to are to the effect that if the treating has been to the extent of interfering with a free election, then we ought to hold that improper methods had been used. But where is the testimony in this record or anywhere else which indicates that the treating had gone to such an extent?

The General Assembly of the State of Wisconsin must have recognized the fact that the bribery statutes which we have discussed, and which were in force at the time of the primary elections, were not sufficient to meet the situation presented in that primary, and they did not sufficiently curtail the expenditures either as to the kind or as to the amount. It is clear that in attempting to determine what a statute means we may look at the legislative history of the subject matter treated of. The general assembly in 1911 defined clearly the only disbursements which thereafter could be justified in an election.

Sections 94–96 (p. 885) provides:

1. No candidate shall make any disbursement for political purposes except:
(1) For his own personal hotel and traveling expenses and for postage, telegraph, and telephone expenses.
(2) For payments which he may make to the State pursuant to law.
(3) For contributions to his duly registered personal campaign committee.
(4) For contributions to his party committee.
(5) For the purposes enumerated in sections 94–97 of the statutes, when such candidate has no personal campaign committee, but not otherwise.
2. After the primary no candidate for election to the United States Senate shall make any disbursement in behalf of his candidacy, except contributions to his party committees, for his own actual necessary personal traveling expenses, and for postage, telephone, and telegraph expenses, and for payments which he may make to the State pursuant to law.

The next section, without taking the time of the Senate to read it, provides that the committee, or the candidate himself where he does not have a committee, may contract for advertisements in newspapers, periodicals, or magazines, but these, under a later section, must be marked as "paid advertisements"; he may employ and pay public speakers; and he may have men to travel throughout the State to circulate his campaign literature; or he may pay the traveling expenses of the members of his committee.

Clearly, now, since this act went into effect it would be illegal to employ men to attend the polls, or to hire conveyances to get out the vote, or to employ the editorial support of a newspaper, or for advertising which was not marked in the newspaper as a "paid advertisement." But shall we treat this matter now as if this statute had been in force, in 1908, at the time of the primary?

ARGUMENT OF THE JUNIOR SENATOR FROM IOWA.

The junior Senator from Iowa has, with a great deal of erudition, discussed the state of the common law as it existed in England, and quotes to some extent from Lord Coke's Institutes and from authorities on English and Canadian cases to establish his position that violations of the common law may be such as to invalidate an election in this country. It was not necessary to go to the archives of Great Britain or to go back to the time of the Roman Republic, as one of the Senators did, to show the evil effects of corrupt practices. But I was interested in the matter in the hope that some of the Senators might give us some American law upon this subject.

With the general principle for which the Senator contends I have no quarrel. But an examination of his authorities clearly shows that in order to invalidate an election the expenditures must be in the nature of a bribe—that is to say, a corrupt purchasing of votes—or it must be such as to interfere with the freedom of elections, or it must be an illegal expenditure of money, or an illegal practice. And I concede this proposition. But it is a long step from the act of hiring a man to devote his time and energies to the canvass in behalf of his principal to bribing a voter. It is a long step from the employment of a man to work at the polls and to bring in voters to the bribing or purchasing a voter. It is a long step from the employment of canvassers to go out through the State and create sentiment in favor of a candidate to an interference with the freedom of elections. It is a long step from the giving of a social drink or a cigar to the treating to such an extent as to interfere with the liberty of elections. The distance between the two classes of cases is measured by the distance between legal and illegal acts.

The Senator refers to the case of Sisson's petition against Ardagh, respondent, Hodgin's Election Cases, page 50, in which it was held that the hiring of a railway train to convey voters was a paying of the traveling expenses of the voters going to and from the election. But the court held this to be a corrupt practice, not under the common law, but under the provisions of section 71 of the Thirty-second Victoria. Was there any statute in Wisconsin at that time containing the same provisions as the Victoria statute?

Again, the Senator refers to the cases of Cameron, petitioner, *v.* McDougall, Hodgin's Cases, page 376, where the court held treating was not per se a corrupt act, except when made so by statute, but the intent of the party may make it so, and the intent must be judged by all the circumstances by which it is attended. But the acts in that case, without going into them in detail, were held not to be a corrupt practice. Was there any statute in Wisconsin at that time or any Federal statute or any principle of the common law which prevented treating? Of course, if the treating was done as a consideration for the votes that would be a corrupt practice; and if it were shown to exist, it would invalidate this election. But the testimony does not show that any of the treating which was done was done for this purpose. It was done in a social way, while they were attempting to create Stephenson sentiment. Are we to give a criminal tinge to everything that was done in this campaign? We must if the facts justify it. But we must not if the facts do not justify it.

Again, the Senator refers to the case of Cameron *v.* McLennon, Hodgin's Election Cases, 584, on the subject of treating. The court said:

If the treating were to such an extent as to amount to bribery, and the undue influence was of a character to affect the whole election, without referring to any statutory provisions, it would by the law of Parliament, we apprehend, influence the result.

Now, if I may take the time of the Senate to read just a paragraph, on this subject, from this same work, page 384, speaking of treating:

The general practice which prevails here amongst classes of persons, many of whom are voters, of drinking in a friendly way when they meet, would require strong evidence of a very profuse expenditure of money in drinking to induce a judge to say that it was corruptly done, so as to make it bribery or come within the meaning of "treating" as a corrupt practice at the common law.

But my friend will have to go from the realm of fact to the region of imagination before he can come to the conclusion that the treating went to the extent that it interfered with the freedom of the election in any of the 2,200 precincts of the State of Wisconsin.

Again he quotes:

The first principle of parliamentary law, as applicable to elections, is that they must be free. If treating and undue influence were carried to an extent to render the election not free, then the election would be void.

But this begs the whole question. It must appear in the light of this authority that, before the Senator from Wisconsin could be held to be guilty of bribery, the treating was carried on to such an extent as to amount to bribery and undue influence. I submit that a fair investigation of the record will fail to show that such was the case. We may infer fraud or cor-

rupt practices from acts proven, but it is a general and fundamental principle of law that where a given act is susceptible of two constructions—the one lawful and the other unlawful—it is both the duty of the jury and of the judge to give it the sanction of law rather than to hold it to be a violation of the law.

Again, he quotes from Cushing on the Law of Legislative Assemblies, in part as follows:

Freedom of election is violated by external violence, by which the electors are constrained, or by bribery, by which their will is corrupted; and in all cases where the electors are prevented in either of these ways from the free exercise of their rights the election will be void without reference to the number of votes thereby affected.

We concede that there must be freedom of elections; that there must not be violence; that there must not be bribery or corruption; but we insist that there is no proof that any of these acts existed.

The Senator then quotes extensively from Sheppard on Elections, and Rogers on Elections. Without intending to discuss these authorities in extenso, it is sufficient for my purpose to say that bribery is an offense at the common law as well as by statute. No criminal prosecutions were begun under the English common law, where its provisions were violated, but if there was in fact bribery it would vitiate the election. I do not deny these propositions. But where, in all this record of testimony, is there a word showing that there was corruption, or that there was bribery?

Again, the Senator quotes from Sisson's petition against Ardagh in Hodgin's Election Cases, page 58. This was a prosecution for the violation of a statute. It was charged that Mr. Lauder has intrusted $700 to his agent, Perry; that Lauder should have supervised the expenditures. The court held that there was no evidence that the expenditures were excessive, and then suggests that if it had been $7,000 the argument of corrupt practices might have been reasonable. But the court adds:

The facts do not suggest to my mind any idea that Mr. Lauder intended his money to be employed illegally.

And this is quite significant when we bear in mind that the record shows that repeatedly Senator STEPHENSON had cautioned his managers to keep within the law.

And now, while the distinguished Senator from Iowa has been somewhat prolific in his citation of English and Canadian authorities to establish a general principle, and when we remember that the practices, of employing men to aid in creating sentiment in behalf of candidates, of hiring of assistants at the polls, of advertising in the public prints, and of treating in a social way, have prevailed in this country for almost time out of mind, is it not a little strange that, with all his diligence, he has not been able to refer us to a single American case in any National, State, county, or municipal election which will sustain his position that the practices which prevailed in Wisconsin are a violation of any known law?

SENATOR BRISTOW'S ARGUMENT.

The junior Senator from Kansas, judging from the very able speech which he delivered in the Senate on this subject in favor of unseating the Senator from Wisconsin, has shown the diligence which is so characteristic of him in searching records and collecting testimony. I do not believe that any Senator will be able to go through the record and present a stronger brief of the facts against the validity of Senator STEPHENSON'S title to his seat than that to which we listened for two days while the distinguished Senator from Kansas was arguing the case.

I shall not attempt to retrace his steps in detail, but in order that I may make my position clear it is my desire to call attention to the salient features of his argument.

Briefly stated, Senator STEPHENSON expended $107,793.05. For the most part it was placed in the control of his campaign managers, Messrs. Edmunds, Sackett, and Puelicher. The account of receipts and disbursements by Puelicher, who was a banker and was acting as treasurer, differed materially from the account of any other customer of the bank. Sackett kept a memorandum of the disbursements on cards. Later he made transcripts from the cards and destroyed the cards, but there is no evidence tending to show that Mr. STEPHENSON knew of the methods of either of these gentlemen. Reynolds, Bancroft, and Wellensgard were candidates for the general assembly. None of them lived in Senator STEPHENSON'S district. Under the statute of that State he was forbidden to give any money or thing of value in procuring or aiding to procure the nomination or election of any person to the general assembly.

The testimony shows that Senator STEPHENSON and his committee had placed in the hands of these three men certain funds, not to be used in securing their nomination, but to be used by them for the purpose of aiding Senator STEPHENSON in his own campaign. These men had all been members of the general assembly; previously were Senator STEPHENSON'S friends; had voted for him when he was a candidate for election to the United States Senate in 1907; and they say that they used none of this money for their own campaign. I know that this testimony is open to the suspicion that these men may have used this money for their own interest or that Senator STEPHENSON may have given it for that particular purpose. But who can fairly examine this record and say that the preponderance of the proof indicates that it was used in any unlawful way? To place the construction upon it that it was used for this unlawful purpose is not only to deny the words of all of the witnesses themselves, but it is to give no effect to the spirit of their former friendship. Must we presume fraud to exist where none is proven? Are we to conclude that because wicked men do unlawful things and attempt to conceal them, therefore these legislators are precluded from denying wrongdoing?

I realize that the Senator's construction of this evidence may be right, but the probabilities, in my judgment, are all against his contention when we apply to it the rules by which testimony is usually weighed. Are these men not to be believed? I think I speak for every Member who sat in these hearings when I say that there was no evidence which came to us to indicate that these three representatives were not average men, with average character, and with average reputation for truth, veracity, and honesty.

SUPPORT OF NEWSPAPERS.

The Senator from Kansas devoted a good deal of time to an analysis of the testimony bearing upon the payment for advertising and editorial support in certain newspapers. His position is that an arrangement for advertising or newspaper support—

was a bribe, a corrupt act, and just as heinous as if it had been the purchase of the vote of a member of the legislature.

but the General Assembly of Wisconsin by a formal act has since provided for paid advertisements. Briefly stated, the record shows that Mr. Dee——

Mr. BRISTOW. Mr. President——

The PRESIDING OFFICER (Mr. JONES in the chair). Does the Senator from Ohio yield to the Senator from Kansas?

Mr. POMERENE. I do.

Mr. BRISTOW. Suppose the Legislature of Wisconsin had provided a man might buy a member of the legislature, would that make it justifiable?

Mr. POMERENE. Absolutely not.

Mr. BRISTOW. Then suppose it provided he could buy the editorial support of a newspaper, does the Senator say it follows that it makes it a legitimate transaction?

Mr. POMERENE. Mr. President, I do not quite understand the distinguished Senator's code of political morals. If that is an offense, I am afraid nearly every candidate he has supported for any national office has been guilty of a violation of the moral code.

Mr. BRISTOW. That is, the Senator thinks that nearly every candidate goes out and buys the support of newspapers.

Mr. POMERENE. I do not.

Mr. BRISTOW. I understood the Senator——

Mr. POMERENE. I did not.

Mr. BRISTOW. I understood it to be at least an inference from the Senator's remarks.

Mr. POMERENE. I mean to say that many of the candidates do go out and pay for political advertising, and that has prevailed to such an extent that while I think the practice ought to be abolished, yet it is within the province of the legislatures or of Congress to regulate these things.

Mr. BRISTOW. The Senator now says political advertising. The quotation he read from the remarks of the Senator from Kansas referred to the purchase of the editorial support of newspapers.

Mr. POMERENE. I think, Mr. President, with all due respect to the Senator from Kansas, that he has misconstrued this testimony, and I will refer to the facts, if the Senator will permit me, as I go along. It was not a buying of editorial support.

Briefly stated, the record shows that Mr. Dee entered into a contract for newspaper advertising for which he received a consideration of $150.

Mr. LEA. Mr. President——

The PRESIDING OFFICER. Does the Senator from Ohio yield to the Senator from Tennessee?

Mr. POMERENE. I do.

Mr. LEA. Do I understand the Senator from Ohio to state that there was no purchase of editorial support in that campaign by Senator STEPHENSON?

Mr. POMERENE. None by Senator STEPHENSON.

Mr. LEA. Or by his managers?

Mr. POMERENE. I do not say——

Mr. LEA. Managers acting for him?

Mr. POMERENE. I do recall now one man who was a friend of Senator STEPHENSON who conducted a paper and had conducted it editorially in his behalf, and he was seen by one of his managers, and they provided for some advertising space and urged him to be a little more active in his columns.

Mr. LEA. How does the Senator characterize the transaction of Mr. Dee, who was the editor of the Chippewa Herald? Mr. Dee was formerly the county manager of that county for Mr. Hatton. He received a contract for $170 worth of advertising, without any limitaton as to the amount of advertising or the amount of space to be used, and thereafter he discontinued his support of Mr. Hatton. It is true that he said he had mentally determined two weeks prior to that not to support Mr. Hatton, but the first evidence we have of it is subsequent to the contract for this so-called advertising. Does not the Senator regard that as the purchase of editorial support?

Mr. POMERENE. If I remember the facts in that behalf, I do not think the Senator has fully or fairly stated them. I may be wrong, but my recollection is that this witness testified that something had appeared in the columns of his paper in support of some other candidate without his knowledge. That was some time before the contract was made. But to continue with Mr. Dee's testimony. The record shows that he was to use such material as he saw fit and in the way that he saw fit, and was to use as much space as he could for that amount of money; that he later received $200, and he, at least, says that a part of this was used for the purpose of employing workers at the polls. If it comes to the question as to whether or not the purchase of advertising space or even of editorial support is a matter of good taste and good political morals, the question must be answered in the negative. And if the question is as to whether or not such purchasing constitutes a violation of the law, statutory or common, it must also be answered in the negative.

Mr. KERN. Mr. President——

The PRESIDING OFFICER. Does the Senator from Ohio yield to the Senator from Indiana?

Mr. POMERENE. I do.

Mr. KERN. I desire to inquire as to whether this witness Mr. Dee did not expressly declare that the advertising referred to was editorial matter, and that nothing in the form of advertising, using the word in the usual acceptation of the term, appears at all?

Mr. POMERENE. My recollection is at variance with the Senator's on that subject.

Mr. KERN. I will ask the Senator, further, whether the fact in a nutshell about it is not about as follows: That on a day certain he supported another candidate in his paper; that on the day following he was given a sum of money; and that a week thereafter he was supporting STEPHENSON. I ask the Senator whether or not that is not the chronological order of Mr. Dee's action.

Mr. POMERENE. Possibly when I answered the Senator from Tennessee [Mr. LEA] I had not in mind the facts relating to Mr. Dee. In any event one of the witnesses testified that something had appeared in his paper a week or two before inadvertently and when he was away. But that does not answer the point which I made.

Mr. LEA. Mr. President——

The PRESIDING OFFICER. Does the Senator from Ohio yield further to the Senator from Tennessee?

Mr. POMERENE. I do.

Mr. LEA. Was it not the fact that Editor Dee was the manager for Hatton of that particular county a short time prior to the visit of the Stephenson manager, with whom he made a contract for the so-called advertising?

Mr. POMERENE. I do not recall that fact. I have no memory on the subject at this moment. But I concede that it is not a matter of good morals to buy editorial support. There may be a difference of taste. My judgment is that it is bad taste to do it. I think that it ought to be prevented; but it seems to me that if there is any law preventing this class of work I am sure that the very able Senator from Indiana will be able to point it out.

Mr. KERN. Mr. President——

The PRESIDING OFFICER. Does the Senator from Ohio yield further to the Senator from Indiana?

Mr. POMERENE. I do.

Mr. KERN. Do I understand the Senator's attitude to be that if there is no law forbidding an immoral thing, therefore it is justifiable?

Mr. POMERENE. I have labored in vain if I have not made myself clear that the seat of any Senator may be vacated where there are corrupt practices, whether they be corrupt under the principles of the statutory law or under the well-known principles of the common law.

Mr. HEYBURN. Mr. President——

The PRESIDING OFFICER. Does the Senator from Ohio yield to the Senator from Idaho?

Mr. POMERENE. I do.

Mr. HEYBURN. I should like to suggest merely that the question here is not whether the seat shall be vacated. The question here is as to whether a man was elected.

Mr. POMERENE. I have inaptly used the wrong word, but I apply it either to the proposition of vacating his seat or to the determination of the question as to whether or not his election to this seat was by corrupt or improper practices. I do not believe that there is any Federal statute or any State statute or any principle of the common law which makes it a corrupt practice to employ newspaper support, either by way of editorial or advertisement. That it should be regulated by law I concede. It has not been regarded as an offense of any kind, notwithstanding the opinion of the Senator from Kansas. That it is not a bribe or a corrupt practice clearly appears from the fact that the Legislature of the State of Wisconsin in the spring of 1911 (Wisconsin Laws, p. 886) passed a law permitting disbursements "for campaign advertising in newspapers, periodicals, or magazines as provided in this act," but the statute requires that before the newspaper can receive payment therefor it must be designated as "paid advertisement." (Wisconsin Session Laws, 1911, p. 890.) That expenditures of this kind should be regulated and controlled by law I do not doubt; that they were not so controlled by either statute or the common law is equally clear. Must we, then, because we think this practice has been abused, judge of this case as if there was a law on the statute books at the time of the election which has been violated?

Mr. LEA. Mr. President——

The VICE PRESIDENT. Does the Senator from Ohio yield to the Senator from Tennessee?

Mr. POMERENE. I do.

Mr. LEA. I do not desire to interrupt the Senator, but he characterized my comment on the testimony of Dee as unfair. I merely desire to show that my comment on the testimony of Mr. Dee was fair. On page 1224 of the record Senator POMERENE asked Mr. Dee the following questions:

> Prior to that time had you supported any of the other candidates for the senatorship?
> Mr. DEE. No, sir.
> Senator POMERENE. None of them, editorially?
> Mr. DEE. No, sir.
> Senator POMERENE. Mr. Hatton or Mr. McGovern?
> Mr. DEE. I was originally appointed Hatton's manager for Chippewa County, but I withdrew from that, and notified them very clearly and without equivocation that I would withdraw from Mr. Hatton's support.
> Senator POMERENE. What time did you withdraw?
> Mr. DEE. It was some time in July, if I remember correctly.
> Senator POMERENE. How long before you made your arrangement with Mr. Ring?
> Mr. DEE. It must have been a couple of weeks anyway.

The point I desired to make was that one of the editors of the papers who received this so-called advertising from Senator STEPHENSON's manager was originally a Hatton supporter; that is, a supporter of another candidate.

Mr. POMERENE. Mr. President, in order that we may be able to give full force to the testimony of the witness quoted, it would only be fair to have the whole of it in the RECORD; and it seems to me, assuming the naked facts to be just as they have been read—and I acquit the Senator from any intentional misrepresentation of the record; he certainly would not do that—simply because of the fact that an editor may have favored one man at one stage of the campaign and another man at another stage of the campaign, are we justified in coming to the conclusion that he did so because of a corrupt motive?

C. C. WAYLAND'S TESTIMONY.

The junior Senator from Kansas discusses at considerable length the testimony of C. C. Wayland, who was one of the active organizers in behalf of Senator STEPHENSON. In substance, he testifies that he selected men who were for Senator STEPHENSON from among the Belgians, Germans, Hollanders, Methodists, Catholics, and Lutherans, paid them from $2 to $5 per day for their services in helping to get out the vote, furnished cigars to men in the country, paid for drinks and cigars in the saloons, and finally was requested by Mr. Edmunds to discontinue treating. He paid for stenographers, canvassers, livery hire for the primaries and trips before the primaries, treats, etc., during the entire campaign $1,199.34, and this included probably $300 for his own services.

The Senator then jumps to the conclusion that this was a corrupt and improper use of money for influencing men in election. If so, how corrupt? What principle of law had been violated? How was it improper? By what standards, legal or illegal,

moral or immoral? What method of expenditure was adopted here which has not prevailed in every national, State, county, township, and municipal campaign? Should these expenditures be forbidden? Yes. Were they forbidden at that time? No. Why were they not forbidden by some law, either legislative or congressional? This has not been a new practice. It has obtained for years.

My regret is twofold: First, that this method of campaigning has ever obtained in this country; and, secondly, that the legislative authorities have not seen fit heretofore to have placed a check upon it.

After discussing at some length the testimony of Mr. Wayland, the junior Senator from Kansas says:

It is easily seen that Mr. Wayland hired men who were susceptible to influence.

Mr. Edmonds and other witnesses before the committee said that this method of campaigning had obtained for years in that State. Mr. Wayland had simply resorted to the methods which were then in vogue. He states that he first inquired as to whether or not these men were favorable to STEPHENSON, and then employed them. By what rule of fairness in the weighing of a man's words have we the right to come to the conclusion that these men who were thus employed were susceptible to the influence of the money which they may have received? I recognize the fact that it is a dangerous practice, and that to permit the use of money in this way is to leave the door open to the commission of fraud. But so long as it is not proven that fraud was committed, either by direct or indirect testimony, or by a reasonable inference from the facts proven, it is not our right to say that because there was a possibility of fraud, therefore fraud was committed. It does not do to say that because money was given to pay a man for his effort and for his time that it, in fact, was used under this cloak for the purpose of buying votes, unless the proof justifies it.

Mr. CUMMINS. Mr. President——

The VICE PRESIDENT. Does the Senator from Ohio yield to the Senator from Iowa?

Mr. POMERENE. I do.

Mr. CUMMINS. I did not quite understand the application of the remark made by the Senator from Ohio a few moments ago, and in order to get his view upon the question I recall to his attention the somewhat famous Caldwell case. Caldwell paid Carney $15,000 for withdrawing as a candidate for the Senate of the United States before the Legislature of Kansas. There was no law of Kansas against a payment of that sort, nor is there now, as I understand; there was no law of Congress against that payment then, nor is there now. Does the Senator from Ohio believe that, therefore, the election which followed was an honest election?

Mr. POMERENE. Undoubtedly it was not.

Mr. CUMMINS. Why was it otherwise, if there was no law either of the State or of Congress, and even no law now upon a transaction of that sort? Where did the Senate get its right—its moral right—to unseat Mr. Caldwell, as it would have unseated him if he had not resigned?

Mr. POMERENE. Mr. President, I thought I had labored very industriously to explain my position to the Senate to be this: That there could be a corrupt practice by virtue of a statute, State or National, or there might be a corrupt practice under the well-known principles of the common law. The contract which was made in the case to which the distinguished Senator from Iowa refers was a contract by which, for a consideration of money, Carney agreed to withdraw from the race, and, as I remember it, to deliver his votes, or at least his influence, to Caldwell.

Mr. CUMMINS. The Senator from Ohio is wrong about the last. That was simply an inference.

Mr. POMERENE. Assuming that I am wrong about that, he at least attempted to deliver those votes. It was a contract clearly in violation of every principle of political morality, and for that reason the Senate would have fallen short of its duty if it had failed to unseat the Member.

Mr. CUMMINS. Does the Senator think that that transaction violated the rules of political morality more than would an agreement between a candidate and the editor of a newspaper that, for a consideration, the editor of the newspaper would support the candidate editorially?

Mr. POMERENE. Mr. President, the question is a very interesting one as a matter of ethics, but in the Kansas case, to which the Senator has referred, the principles of the common law, based upon precedent, made the transaction illegal. If the Senator can refer to any principle either of statutory or of common law which makes it a corrupt practice to buy or employ editorial space in a paper, then his position may be well taken.

Mr. CUMMINS. Mr. President, I do not remember any instance like the Caldwell case that ever arose under the common law or that was ever adjudged under the common law. It was immoral because it shocked and violated the civilized, decent sense of that time. I believe that the purchase of an editorial opinion contravenes and shocks the political and moral sense of this time as completely as did the transaction in Kansas violate the ideas of that time. I want, however, to make one distinction. I recognize that a candidate for an office, if he desires to do so, can advertise in a newspaper; I think that is perfectly legitimate; but it must appear in the newspaper as an advertisement, and not as the expression of the opinion of the editor of the newspaper that the particular candidate should be elected, when in fact it is not the opinion of the editor that the candidate should be elected. I am not entering upon a discussion of the facts. I was simply wanting to be put right with regard to the law which had been applied by the Senator from Ohio.

Mr. POMERENE. The Senator and I have no difference of opinion as to what the law ought to be. As these practices are permitted to grow up, they ought to be changed, and they ought to be changed by the legislative bodies of the country. For instance, to use another illustration, it is against the principles of the common law that there should be rebating. Would the Senator indict a man for rebating, convict him, and assess a fine against him before there was any law on the subject on the statute books?

Mr. CUMMINS. It is well known, I suppose, that in our country an indictment is based upon statute law, at least that is the case so far as my own State is concerned; but I say at once, in order to make the instance parallel with the one that we are now considering, that if a contract were entered into providing for a rebate which would be a discrimination among the patrons of a railway company, no title could be conferred on anyone through a contract of that sort any more than title to a seat in this body can be acquired through the violation of the accepted rules of conduct which we endeavor to apply in the affairs of life.

Mr. POMERENE. The contract would certainly be void, there can be no question about that; but at the same time, could the principle be extended to the point where a Member should be unseated when he has done nothing which is a violation of any of these principles, as I conceive them to be? It may be that the Senator and I differ as to what the real facts are in this case. I think that perhaps whatever difference of opinion there is between us arises out of the difference in the construction of the testimony rather than a difference in the construction of the law as it is or of the law as it ought to be.

SOL L. PERRIN'S TESTIMONY.

The junior Senator from Kansas discussed at great length the testimony of Sol L. Perrin. He was a lawyer and had been given $5,000 with which to take charge of the campaign in a number of counties in his section of the State. He attempts to account for this money by saying, in substance, that he gave it to a number of men who were to use it in their several localities in employing men to talk in behalf of Senator STEPHENSON, and to create sentiment in favor of his election, and for the purpose of employing workers at the polls in the different precincts and counties under its charge. And while, as I recall, he gives the names of the men whom he had in charge of the several counties, he says he can not give the names of the workers he employed, and his account of the administration of this fund is very unsatisfactory. There is no evidence, as I now recall, that Senator STEPHENSON had anything to do with his employment except as he did it through Mr. Edmonds. Because he does not give a satisfactory account of what he did with the $5,000 which was turned over to him, the inference is drawn by the Senator from Kansas that this was a corruption fund contributed by the Senator from Wisconsin and that it was used for the purchase of votes or, in any event, for the corruption of the electorate.

Senator STEPHENSON has said repeatedly that when he started out in the organization of this campaign he cautioned his managers to keep within the law. He was an old man, of great business cares. He gave little, if any, attention to the campaign, and in his failure to so do he was at fault. But, in my judgment, instead of charging that this money was corruptly employed in the corruption of the electorate of the State of Wisconsin, we would come as near to the truth if we were to say that a greater part of this money never left the hands of those who received it. Other men similarly failed to account for the funds which they had received, but in the explanation of the expenditures of these funds it seems to me that we can, with greater propriety and with more logic, come to the conclusion that much of the money was not expended at all by the men who

received it, than to say that the money was corruptly used for the purpose of debauching the voters of the State. The failure of some of the men to properly account for their disbursements is referable rather to the fact that they did not disburse it than to the fact that it was disbursed illegally by Senator STEPHENSON or his authorized agents.

Mr. BRISTOW. Mr. President——

The VICE PRESIDENT. Does the Senator from Ohio yield to the Senator from Kansas?

Mr. POMERENE. I yield.

Mr. BRISTOW. I should like to inquire of the Senator from Ohio what, in his opinion, the money was given to these men for? Take the game warden, Mr. Stone; what was he given $2,500 for?

Mr. POMERENE. Mr. President, I will not take the time of the Senate to go into the full details, but will content myself with saying this: The Senator from Missouri [Mr. REED], in discussing that testimony, quoted from the record a single sentence, which was to the effect that it was given to him for "his assistance in the campaign." It is unfair to take a few words from the context and place a construction upon the conduct of the parties involved without giving due weight to the whole testimony upon that subject. The record clearly shows that whatever money was given to Stone was for the purpose of organization. He distributed a large part of it among his deputies and some of it he failed to account for, and even went to the extent of perjuring himself before the legislative committee in order to cover up the fact that he had not used the money, but kept part of it for himself. Mr. Stone testified and others testified that this money was given to him to be used in organization throughout the State, but specific instructions were not given, as I remember.

Mr. BRISTOW. And no accounting was asked for.

Mr. POMERENE. I think that is true.

Mr. BRISTOW. What does the Senator understand was meant by the "organization" which Mr. Stone would perfect?

Mr. POMERENE. The record shows that what was meant by Mr. Edmonds and others who had charge of this campaign was that men should go out and talk in behalf of Mr. STEPHENSON, should circulate his literature, should employ men at the polls, should hire conveyances, and that the money was to be expended in those and kindred ways.

Mr. BRISTOW. Suppose Mr. Stone concluded from these general instructions that this $2,500 was given him for the purpose of inducing him to go out and talk for STEPHENSON. That $2,500 was expended, then, in order to secure the influence of Stone, presumably because he would not have been for him unless he had received the $2 500. Does the Senator think that is a legitimate political method?

Mr. POMERENE. I do not think the Senator is justified in drawing that inference from the testimony, and when I speak of the testimony I mean the whole testimony upon that subject. I do not think that the money was a quid pro quo for his support.

Mr. KENYON. Mr. President——

The PRESIDING OFFICER (Mr. POINDEXTER in the chair). Does the Senator from Ohio yield to the Senator from Iowa?

Mr. POMERENE. I do.

Mr. KENYON. I simply wanted to inquire if Mr. Stone was not told to keep within the law?

Mr. POMERENE. Mr. President, I do not think there is any such testimony in the record. I recognize the fact that in this record Senator STEPHENSON several times said that he had so cautioned his managers. I suspect that the fact that he gave that caution has had great influence with the Senator from Iowa in making up his mind as to what position he should take in this matter. If Mr. STEPHENSON had said nothing upon the subject, I suspect that he would have been condemned with the same force.

This is one of the circumstances connected with the case. If Senator STEPHENSON had been shown to be guilty of the improper practices which are charged to his account, perhaps we could give but little force to these words. But we must remember that here was a man four-score years of age and more, who at least did not have the physical ability to attend to the details of this campaign. He called in a few of his friends, and they discussed the methods of the campaign, and as a parting word he said, "Now, boys, keep within the law." I do not think it is very much to his discredit to have said that, nor do I believe it to be an indicium of criminality.

Mr. SUTHERLAND. Mr. President——

The PRESIDING OFFICER. Does the Senator from Ohio yield to the Senator from Utah?

Mr. POMERENE. I do.

Mr. SUTHERLAND. The Senator from Iowa [Mr. KENYON] asked the Senator from Ohio whether or not Mr. STEPHENSON had directed Stone to keep within the law. It seems to have been assumed all the way through this debate that Mr. STEPHENSON paid this $2,500, or directed it to be paid, to Mr. Stone. In truth and in fact there is no such evidence. The testimony is to the contrary—that Mr. STEPHENSON neither directed nor authorized it to be paid. So there was no occasion for his directing Mr. Stone to keep within the law—that is, there was no occasion for his personally making that statement to Mr. Stone.

Mr. KENYON. Mr. STEPHENSON had full knowledge of the matter, did he not?

Mr. SUTHERLAND. Full knowledge of what?

Mr. KENYON. Of the payment of the $2,500.

Mr. SUTHERLAND. There is no evidence in the record that he knew anything about it until it was all over.

Mr. KENYON. Does the Senator state that no part of it, as shown in this record, was paid by Mr. STEPHENSON?

Mr. SUTHERLAND. I say positively that there is no evidence that any part of the $2,500 was paid by Mr. STEPHENSON.

Mr. KENYON. The Senator may be correct.

Mr. SUTHERLAND. Nor is there any evidence that it was directed to be paid by him, although the contrary has been stated and is assumed in the minority views.

Mr. POMERENE. It was paid by his managers.

Mr. SUTHERLAND. It was paid by Mr. Edmonds.

Mr. POMERENE. Mr. President, much note has been made of the fact that an account of the expenditures was not filed, as required by the statutes of the State of Wisconsin. The account which was filed certainly did not comply with the law, but the testimony shows that the managers of the campaign kept certain accounts; that they filed a statement of the expenditures in conformity with what had been the practice in that State and in conformity with a form which had been used by a judge of the supreme court, among other prominent officials; and that before the statement was filed it was submitted to Senator STEPHENSON's lawyers. They approved it, and whatever moral delinquency there may be in not complying with the strict letter of the law is theirs, and not his, though he would be amenable to the criminal penalty.

Mr. President, I have already detained the Senate too long, and I must conclude. All will agree that the disbursements in this campaign were extravagant, and they ought to have been prohibited. They were of the same kind and character as have been made for almost time of out mind in campaigns, local, State, and National. In my judgment there is no evidence of any corruption, either by Senator STEPHENSON himself, or by others with his sanction or authority, direct or indirect. Congress and the State legislature have permitted this kind of campaigning to continue without any attempt to correct it by law, and now public policy requires that new laws shall be enacted; but the same public policy requires that the Senator from Wisconsin shall be tried in accordance with the law as it was at the time of the acts complained of. Are we to wreak vengeance, after generations of this method of campaigning, upon the head of one man, simply because the legislative bodies of the State and of the Nation have failed to enact much-needed legislation? I can not do it by my vote, under the proof as I see it, and under the law as I understand it.

The PRESIDING OFFICER (Mr. POINDEXTER in the chair). The question is upon the motion of the Senator from Idaho [Mr. HEYBURN].

Mr. HEYBURN. There is a substitute pending, offered by the Senator from California [Mr. WORKS].

Mr. WORKS. Mr. President——

The PRESIDING OFFICER. Does the Senator from Idaho yield to the Senator from California?

Mr. HEYBURN. I do.

Mr. WORKS. The substitute was not offered.

Mr. HEYBURN. I find it on my desk; that is all.

Mr. WORKS. It was simply presented with a view of offering it at a later time; but, in view of the vote already taken, I will not press it.

Mr. HEYBURN. Of course it will have to be offered and voted upon before the main question.

Mr. BRANDEGEE. The Senator from California says he will not offer it.

Mr. HEYBURN. I understand that it is not to be considered, then.

Mr. President, certain Senators, whom I do not now see in the Chamber, have indicated their intention to address the Senate upon this motion. I think it is hardly fair to them to foreclose them from the debate in which they expected to participate. I notice on one of the desks, at least, some evidence of the intention of the occupant of that desk to make some remarks. I would inquire whether those Senators desire to address the Senate before a vote is taken.

Mr. NEWLANDS. Mr. President——

The PRESIDING OFFICER. Does the Senator from Idaho yield to the Senator from Nevada?

Mr. HEYBURN. I do.

Mr. NEWLANDS. I suggest to the Senator that if he will call attention to the fact that a quorum is not present, that will summon those Senators here.

Mr. HEYBURN. The Senator has already done that. The mere whisper of that in the Chamber requires a roll call.

Mr. CUMMINS. Mr. President——

The PRESIDING OFFICER. Does the Senator from Idaho yield to the Senator from Iowa?

Mr. HEYBURN. I do not have to yield, because the suggestion is made of the absence of a quorum.

Mr. CUMMINS. I hoped that suggestion would not be made——

Mr. HEYBURN. It can not be withdrawn.

Mr. CUMMINS. Because possibly I can take up the time as well with a few remarks as by a call of the roll.

Mr. HEYBURN. It is one of those unfortunate things that sometimes happens that when any Senator suggests the absence of a quorum the roll must be called, and it can not be withdrawn.

The PRESIDING OFFICER. The Chair does not understand that the Senator from Nevada suggested the absence of a quorum.

Mr. HEYBURN. He did suggest it.

Mr. NEWLANDS. I suggested that the Senator from Idaho should suggest it.

Mr. HEYBURN. That is only the form of language in which attention was called to the fact.

Mr. BRANDEGEE. I suggest the absence of a quorum.

The PRESIDING OFFICER. The absence of a quorum is suggested. The Secretary will call the roll.

The Secretary called the roll, and the following Senators answered to their names:

Bacon	Curtis	McCumber	Simmons
Borah	Dillingham	McLean	Smith, Ga.
Bourne	du Pont	Martine, N. J.	Smith, Md.
Bradley	Fletcher	Myers	Smith, S. C.
Brandegee	Foster	Nixon	Smoot
Briggs	Gamble	O'Gorman	Stephenson
Bristow	Gardner	Overman	Stone
Brown	Gronna	Page	Sutherland
Bryan	Heyburn	Percy	Townsend
Burnham	Johnson, Me.	Perkins	Warren
Burton	Johnston, Ala.	Poindexter	Watson
Chamberlain	Kenyon	Pomerene	Wetmore
Chilton	Lea	Rayner	Williams
Clapp	Lippitt	Richardson	Works
Crane	Lodge	Root	
Cummins	Lorimer	Shively	

Mr. TOWNSEND. The senior Senator from Michigan [Mr. SMITH] was appointed by the Senate a member of the committee to attend the funeral of the late Gen. Bingham, and he has not yet returned to the Senate.

Mr. BURNHAM. I wish to state that my colleague [Mr. GALLINGER] is necessarily absent.

Mr. STONE. My colleague [Mr. REED] is absent on important business, and is paired, I understand, with the senior Senator from Michigan [Mr. SMITH].

The PRESIDING OFFICER. Upon the roll call, 62 Senators having answered to their names, a quorum is present.

Mr. CUMMINS. Mr. President, if there were nothing more than a question of fact before the Senate, I would content myself with recording my conviction upon the controversy by my vote and I would not detain the Senate by observations upon the case. There is, however, more than a question of fact at issue. Repeating, with slight paraphrase, the most serious and the most impressive utterance I ever heard in debate, I fear that the Senate is about to commit a grave mistake. I fear that the Senate is about to inflict all the injury that it can inflict upon the modern policy of nominating candidates for the Senate of the United States at a primary or popular election.

Some Senators here who have joined in the majority report openly and frankly avow that purpose. Other Senators, it seems to me, will lend the weight of their influence to the same result unintentionally and unconsciously. If the Senate declares that a candidate for the Senate of the United States can corrupt the primary election in which he is seeking a nomination and still hold a good title to his seat, then primary elections for the nominations of candidates for the Senate will become dangerous instrumentalities instead of an honest expression of the public will. This is one of the issues we must now determine.

When we say that the corruption of a primary has no effect upon the particular Senator elected by a legislature in obedience to the primary expression, or when we say that in order to establish the corruption of the primary we must prove that enough individual voters were corrupted in order to change the results, then we have simply turned the power of money free, untrammeled, and unrestricted upon the electorate of the United States.

It is, as I view it, the gravest question that has yet appeared at the bar of the Senate. The Senate has never before been compelled to decide the questions which now confront it. A case of this character has never before arisen in this body. It presents to us in another form the new movement among the people of the United States—the new method of nominating candidates for office. It is for us to say whether the same safeguards are required to be thrown around the new plan that we have so long recognized as applicable to the old methods.

The senior Senator from Idaho [Mr. HEYBURN], who is in charge of this measure or this resolution, believes, and I have no doubt he believes honestly, that a primary election for the selection of a candidate for the Senate of the United States is not only unconstitutional but is vicious. He intends to draw as many Senators after him as he can in order to disparage and discredit throughout the United States the policy of allowing the voters of a political party to select their candidates for the Senate of the United States, and he intends to do it by having the Senate declare, if he can, that no matter how completely and comprehensively the primary election may be corrupted, nevertheless the title conferred upon the man who is elected by the legislature of the State is without a stain.

I think it is due to the country that those Senators who may inferentially stand with the senior Senator from Idaho upon this most extraordinary proposition shall be heard before we close this debate, for I am curious to know how many men there are in this country who espouse a doctrine so full of menace, so destructive to peace and good order.

Mr. HEYBURN. Mr. President——

Mr. CUMMINS. I yield to the Senator.

Mr. HEYBURN. I do not desire to interrupt the Senator unnecessarily. I would apply the Senator's last remark to the proposition whether a majority or a minority of the people should direct the rule of this Government. I regard the Senator's position with reference to a direct primary, the manner in which he demands that it shall be recognized and that the rule that shall be applied to it, as I would regard a proposition to provide for the manner in which a prize fight should be conducted, and I give it no more dignity. I regard the direct primary as a violation of the law, as a violation of the fundamental principles of our Government, as an attempt to anticipate something that we have not yet concluded to do. I will be perfectly candid about it.

Mr. CUMMINS. I compliment the Senator from Idaho upon his candor and his frankness. I understood his sentiments before, and I think it is greatly to his credit that he has the courage to avow them. But I should like to know how many other Senators there are here who have joined in the majority report who hold similar views with regard to a primary election for the selection of a candidate for the Senate. This is one of the most extraordinary occasions which will ever confront the Senate of the United States. I believe that this day will be long remembered by not only Senators but by the people throughout the country, if it is understood that a vote in harmony with the senior Senator from Idaho means what he declares his vote will mean upon the resolution.

Mr. OVERMAN. Mr. President——

Mr. CUMMINS. I yield to the Senator from North Carolina.

Mr. OVERMAN. The Senator has stated that the motion now pending before the Senate is on the adoption of the report of the committee, which was written by the senior Senator from Idaho. Does the Senator contend that if this motion carries it is an indorsement by the Senate of the views of the senior Senator from Idaho?

Mr. CUMMINS. I do not want, Mr. President, to do anybody an injustice. The sentiments which I have just mentioned and which the senior Senator from Idaho has avowed are contained in the views of the senior Senator from Idaho.

Mr. HEYBURN. But not in the report.

Mr. CUMMINS. And not in the report; and they have been reiterated many times from his place on the floor. I do not know how many of the Senators who joined with the senior Senator from Idaho in the majority report hold like views. It may be inferred that all of them do except the Senator from Ohio [Mr. POMERENE] and the Senator from Utah [Mr. SUTHERLAND], who have taken care to distinguish themselves from the main body of the majority by insisting that they are not in harmony with the principle which has thus been announced by the chairman of the subcommittee.

Mr. LEA. Mr. President——

Mr. CUMMINS. I yield to the Senator from Tennessee.

Mr. LEA. In reference to the inquiry of the Senator from North Carolina [Mr. OVERMAN], we were under the impression that the question before the Senate is on the substitute offered by the Senator from California [Mr. WORKS].

Mr. HEYBURN. That has been withdrawn.

Mr. WORKS. It has not been withdrawn; it was not formally offered.

Mr. LEA. It has been withdrawn?

Mr. OVERMAN. The question before the Senate is the motion of the Senator from Idaho [Mr. HEYBURN]:

I move that the report of the committee be adopted and that ISAAC STEPHENSON be declared entitled to a seat as Senator from the State of Wisconsin in the United States Senate.

The pending motion is a motion that the report of the committee be adopted.

Mr. HEYBURN. That has nothing at all to do with the expression of the individual views by members of the committee.

Mr. CUMMINS. However, I think the burden of proof is upon the remaining members of the majority to deliver themselves from this doctrine which is espoused and announced by the senior Senator from Idaho or to make it known that they are in harmony with it, because the senior Senator from Idaho was the chairman of the subcommittee, he made the report to the full committee, and the full committee adopted the report which he made for the exculpation of the Senator from Wisconsin. Then the senior Senator from Idaho proceeded to express his views more at length upon the subject, and I must infer, until it is otherwise declared, that his fellow members of the committee, with the exception of the Senator from Ohio [Mr. POMERENE] and the Senator from Utah [Mr. SUTHERLAND] hold like views; and if they do not they owe it, as it seems to me, to their country as well as to the Senate to make themselves understood with respect to so vital a proposition.

It rather extends my remarks to be compelled to distinguish between the two great Senators from Idaho with every sentence. Here sits the junior Senator from Idaho [Mr. BORAH], the author of one of the most powerful and impressive speeches I ever heard, delivered yesterday, with which I concur not only in conclusion but in every detail. Here sits the senior Senator from Idaho [Mr. HEYBURN], with whose views upon this question I differ in every detail. I think I may shorten my discussion by now saying that when I refer to the Senator from Idaho as I go forward I mean the senior Senator from Idaho. That will avoid the necessity of making this discrimination in every sentence.

The Senator from Idaho is a courageous man. I agree to that; and I like courage even when it is misdirected, as I believe it is in this instance. But if the Senator from Idaho were as logical as he is brave he would not have presented the resolution which is now before the Senate, and for which it is manifest he intends to vote. I can demonstrate that so that his comprehensive mind will not only appreciate it and understand it but will admit it, I think.

The Senator from Idaho holds that a primary election for the nomination of a party candidate for Senator of the United States is unconstitutional. Not only so, but he holds that it is vicious, and by that I assume that he means at least immoral as tested by our duty prescribed in the Constitution. The Senator from Idaho knows that Mr. STEPHENSON was elected by the Legislature of Wisconsin because—and only because—he was selected for that office, as he declares, in an unconstitutional and vicious way. What influenced the members of the legislature to vote for the sitting Member? The influence was the act of the voters of the Republican Party in Wisconsin, and the Senator from Idaho says this act was a vicious act. I suppose he would apply every adjective that his fertile vocabulary could suggest in order to describe the act. If that is true, then Mr. STEPHENSON has no title to the seat he holds, because he was elected by men who were improperly and viciously influenced to do the thing which they did.

Mr. HEYBURN. Mr. President, I hope the Senator will not imagine that I stand here with my mind filled with vicious adjectives——

Mr. CUMMINS. No.

Mr. HEYBURN. To be used for the purpose of describing these men. I do not. For whom should the Legislature of Wisconsin have voted for United States Senator? The Senator is familiar with the record; he knows the proceeding. For whom should the Republican members of the legislature in Wisconsin have voted, and for whom would the Senator have voted had he been in the legislature? It was their duty to vote for somebody. Now, for whom should they have voted?

Mr. CUMMINS. Mr. President, that gives me the very opportunity that I feared would not come to express my view of that matter. If I had been a member of the Legislature of Wisconsin, and if I had believed that the primary election was honestly conducted—had not been corrupted—I would have voted for Mr. STEPHENSON.

Mr. HEYBURN. Mr. President——

Mr. CUMMINS. Now, wait a moment. Do not interrupt me until I have completely finished.

Mr. HEYBURN. All right.

Mr. CUMMINS. Because I will give the Senator from Idaho something to say about that as a text in a moment. If the Senator from Idaho had been a member of the Legislature of Wisconsin, and if he had believed then, as he appears to believe now, that a primary election for that purpose is unconstitutional, and is not only unconstitutional, but is vicious——

Mr. HEYBURN. Say without warrant of law.

Mr. CUMMINS. The Senator used the word unconstitutional. I am simply following his phraseology. If he had believed that the law was unconstitutional and the law was wrong and vicious and if he had voted for any candidate on account of that law, would his vote have been an honest or a dishonest vote?

Mr. HEYBURN. That is a very vain imagination. I would have been influenced in no degree whatever by this straw vote which you call a primary.

Mr. CUMMINS. Well——

Mr. HEYBURN. Nor had I been a candidate would I have wanted the support of any man who would be governed or influenced by it; and my record will bear me out in that statement.

Mr. CUMMINS. I am not familiar with the Senator's record in that respect, and it is not material to me anyhow. I do not care anything about his record in so far as that goes, because I know him to be unflinching and unrelenting in opposition to a primary law.

Mr. HEYBURN. Permit me to say to the Senator from Iowa he has heard the last of my interruptions. A discourteous and sarcastic reply always closes my interruption of any Senator.

Mr. CUMMINS. Very well. I can not insist upon his interruption but I can at once disclaim any intention of discourtesy. On the other hand, I tried to be to the last degree courteous. I said that the record of the Senator from Idaho is not material here, and I was proceeding to say that his opposition to the primary law is well known. It has been expressed upon every appropriate occasion. I am only trying to bring him to the end which his own reasoning must inevitably carry him, because if he had been a member of the Legislature of Wisconsin and had voted for a man because he had been selected in a primary for that reason alone, necessarily his vote would have been a dishonest if not a corrupt vote.

Mr. President, the attack upon the primary laws of the United States that is manifest in this case necessarily leads us into a little broader field of inquiry, for I regard that as the great vital issue here. More than half of the States of the Union, I think nearly two-thirds of the States of the Union, have provided in some form or other, some of them efficiently, some of them inefficiently, for the nomination of candidates for the Senate of the United States through primary elections. I believe no man who looks in an unprejudiced way over the political field can doubt that the movement which is already powerful is growing with the passing of every day, and no man can doubt that within a comparatively short while every Senator who holds a seat in this body will have been selected by his party as its candidate in a popular election, and will have been elected by the legislature as a consequence of such selection, unless we are so fortunate as to witness the adoption of the proposed amendment to the Constitution of the country which will provide for the direct election of Senators by all the people.

Mr. WILLIAMS. Even then, if the Senator will pardon me, that would not stop the primary, because then each party would probably hold primaries to select its candidate before the general election.

Mr. CUMMINS. Precisely. I was about to add that when this power is given to the voters of the country, and I hope it will be given before very long, then just so long as political parties exist they will present their candidates to the electorate as a whole through the medium of primary popular elections.

If that be true, Senators, what will you say to a proposition which in effect declares that the primaries at which the selection is made can be corrupted and yet the legislature following the direction of the primary can give a valid title to a seat in this body? To me the proposition is so abhorrent not only to good morals as we have known good morals for years and years but so abhorrent to the tendency toward a closer tie between the voters and Senators of the United States that I confess it is hard to be complacent when it is known that a vote is about to be had from which the people of this country can infer, at least, that the Senate looks upon the corruption of the

primary as a remote and not a proximate cause of the election by the legislature, a Senate that looks upon the corruption of the primary as so far removed from its membership and the laws under which the election of its members takes place as to be beyond the examination and the consideration of the Senate in determining whether the seat has been honestly or dishonestly won.

Mr. President, I hasten to say that the Senator from Utah [Mr. SUTHERLAND] and the Senator from Ohio [Mr. POMERENE] have dissented from that proposition, and I am very glad that they have dissented from it; but I am compelled to say that they "keep the word of promise to the ear and break it to our hope."

If this minority of the majority assenting to the doctrine, which it seems to me must command the assent of all thoughtful men, yet require of it an application which must make it ineffectual and useless, we reach finally the same unfortunate conclusion. I do not differentiate very much between the argument presented by the Senator from New York and that presented by the Senator from Ohio. I assume—I ought not to assume, but it is probable—that the Senator from Utah will pursue the same general thought.

What is it? It is that while the corruption of the primary may invalidate a seat in the Senate conferred by the legislature which follows the direction of the primary, we must prove that enough of the primary voters were corrupted to reduce the vote of the successful candidate below the plurality or the majority, as the case may be, required by the law to make a nomination; and, further, must mark and distinguish these voters. Senators, if we hold to that doctrine, it will be just as fatal to the purity of the primary, just as fatal to the efficiency of the popular selection of candidates, as though we were to hold the doctrine presented by the Senator from Idaho [Mr. HEYBURN], namely, that the corruption of the primary is immaterial. In the very nature of things we can not follow, no human tribunal will ever be able to follow, the money to the individual voter sufficiently to answer the test which is proposed by the Senator from New York [Mr. ROOT]. I do not believe that it is the law.

The Senator from Ohio says that we ought to judge this case according to the law as it was when the primary election under examination took place. I agree with him. I do not know just what he means by "the law," however, and I will endeavor to elucidate my own opinions upon that subject. We are not greatly concerned with the law of Wisconsin, when the Constitution imposes upon us the duty and confers upon us the power of judging of the election of a Senator of the United States. We are to discharge that duty and to exercise the power independently of any law of the State of Wisconsin, or of any other State whose affairs may come here under consideration. If the State of Wisconsin had no law respecting the conduct of the primary elections, our duty would be precisely the same. If the State of Wisconsin had a law which, in our judgment, did not raise sufficiently high the standard of honesty, purity, and morality, still our duty would be the same. We are to judge of the election of Mr. STEPHENSON not according to the law of Wisconsin. I do not believe that Wisconsin can impose upon the Senate of the United States limitations of its power, conferred by the Constitution of the United States, nor do I think the State of Wisconsin can create standards for determining our duty that are not in harmony with our own opinions upon those subjects.

We are controlled, first, in a measure, by the precedents of the Senate, for while we are not bound by these former declarations, yet in order to insure that stability which is so essential in the administration of all human affairs, we ought to give great weight to decisions of former Senators with respect to such things. But above and beyond the precedents of the Senate, we are bound by our civilized opinions with respect to honesty, fairness, and decency. If we are not to be controlled by these standards, we have none to use in such a case as this. Therefore, it seems to me, that we are here to judge of the primary election in Wisconsin and to bring it to the test of our opinions and convictions with respect to honesty, morality, and decency as they are applied to political affairs.

Mr. President, I recognize two divisions of this subject. There are a great many things which candidates may do or may not do according to their taste, according to their sense of propriety, but which, if done, are not in contravention of the accepted rules of political morality and political honesty. I would be very far from challenging the title to a seat of any Senator, because in the conduct of his campaign he did not measure up to standards which some one man or a few men might erect to test the validity of his methods.

But there is another division. There are other things which everybody will agree are dishonest, are wrong, are corrupt, and when we find these things in the title of one who claims a seat in this body, then we ought to so declare, even though there be no written inhibition or prohibition to be found anywhere in the precedents, in the statutes of the United States, or in the statutes of the State. I do not think that my distinguished friend from Utah will disagree with me so far. I think he will concede, in a general way, the soundness of the doctrine that I have stated.

How, then, must we test these things that have been established by the evidence? If we are bound to prove that 9,000 voters were corrupted, that 9,000 men received some immoral consideration or unlawful consideration for their votes, if we are bound to point out and designate the 9,000 men who were thus corrupted or changed from the course which they otherwise would have pursued, then this challenge of the title of Mr. STEPHENSON to his seat must fail, because this evidence does not show the names of 9,000 men who were corrupted; it does not show the processes through which 9,000 men were corrupted, and if it be necessary that these things be shown, then I for one fail to find in this record the proof that would be necessary to reach an adverse conclusion. I, however, do not agree to that rule; and I do not agree to it because I want to preserve the primary election in the selection of candidates for this office as well as for all other offices. I do not agree that it is necessary to discover and point out the persons who were improperly influenced in order to challenge and to characterize the election as a corrupt election.

There are two rules that have been recognized in the Senate in former times. One is that if a third person or third persons, without any participation or knowledge on the part of the sitting Member, corrupt enough votes to change the result, then the title fails. The other rule is that if the sitting Member, or the person who has received the certificate, himself participates in or has knowledge of or is responsible for the corrupt change of a single vote, then the title fails as completely as it would in the other instance where a sufficient number to change the result were shown to have been changed.

What rule does the Senator from Utah apply in this case? I asked yesterday in debate his opinion with regard to this state of affairs: Suppose Senator STEPHENSON had given to Mr. Edmonds $107,000 to accomplish his election by the legislature upon the hypothesis that there had been no primary election, and suppose that, concerning the members of the legislature, Mr. Edmonds had done the things which he is shown to have done with respect to the primary election, would the election have been an honest one? Would the Senator from Utah sustain the title to a seat procured in that way?

Mr. SUTHERLAND. Mr. President——

The PRESIDING OFFICER (Mr. WORKS in the chair). Does the Senator from Iowa yield to the Senator from Utah?

Mr. CUMMINS. Yes.

Mr. SUTHERLAND. Mr. President, if the Senator from Wisconsin had given Mr. Edmonds $107,000, as he did in this case, and had said to him, as he did in this case, "I want you to keep within the law," and I believed, as I do believe, that the Senator from Wisconsin meant what he said, and Edmonds had spent the money corruptly, which I do not believe he did, and the Senator from Wisconsin had had no knowledge of it, I would not declare his seat vacant.

Mr. CUMMINS. The Senator from Utah has put into his answer so many conditions that it is a little difficult for me to know just what he believes with respect to the precise question I asked him. I infer that he believes that going in before a legislature, free to elect anybody that it desires to elect, if the Senator from Wisconsin had given his agent $107,000, and through the expenditure of that money the election had been accomplished, still Senator STEPHENSON could not be held to have had knowledge of or be responsible for the manner in which the money was expended.

Mr. SUTHERLAND. Well, the Senator from Iowa, if I understand him now—perhaps I misunderstood him before—speaks about a case where the election is to be accomplished by the legislature without the intervention of a primary. Is that correct?

Mr. CUMMINS. Precisely.

Mr. SUTHERLAND. Of course, in that case I think nobody could conceive of any good reason, any legitimate reason, why any agent should be intrusted with the expenditure of $107,000. I can conceive of no legitimate use such a sum of money could be put to in an election to be accomplished entirely by the legislature without the intervention of a primary vote. But when you come to a primary vote, the situation is altogether different. I will not take up the time of the Senator to point it out now, because I intend a little later on to enter into the matter in some detail, but it involves—it may involve at any rate—the organization of the State, because when a man is a candidate

before the primary he has no party organization behind him; he must constitute his own organization, if he has any, and he may expend money in a variety of ways, all perfectly legitimate; and so no presumption of law and no strong presumption of fact, in my judgment, follows from the mere fact under those circumstances that this large sum of money has been intrusted to agents to expend, because I can conceive of perfectly legitimate ways in which that amount of money under those circumstances could be expended, but I could not in the case of which the Senator speaks.

Mr. CUMMINS. I entirely agree with the Senator from Utah with regard to the case I put. I find that we concur upon that proposition. Now, we pass to the question of the primary.

Mr. KERN. Mr. President——

The PRESIDING OFFICER. Does the Senator from Iowa yield to the Senator from Indiana?

Mr. CUMMINS. I do.

Mr. KERN. Referring to the suggestion of the Senator from Utah that Senator STEPHENSON admonished his managers to keep within the law, I desire to call the attention of the Senator, if it will not interrupt him, to the statement of the Senator from Wisconsin as to what he meant by that. I will read briefly from page 50 of the record.

Senator POMERENE. Did you say anything to him—

Referring to one of the managers—

as to the method of expending it?

Senator STEPHENSON. No, sir.

Senator POMERENE. Or the purpose for which it was to be expended?

Senator STEPHENSON. No, sir; nothing.

Senator POMERENE. When was it you said to him that you wanted him to keep within the law?

Senator STEPHENSON. At different times—to keep within the law.

Senator POMERENE. When was the first time?

Senator STEPHENSON. I think when I first talked, that it must be in accordance with the law.

Senator POMERENE. What did you mean by that?

Senator STEPHENSON. In our primary election, if a man was running for the legislature in the primary election, you understand, that he should not help him for his nomination.

Senator POMERENE. Did you have anything else in mind?

Senator STEPHENSON. No; nothing in particular.

Mr. CUMMINS. Well, Mr. President, my view of it is—and I think we must hold that doctrine if we are to preserve primary elections—that when a candidate for nomination gives his selected agent a sum of money to expend in the primary election he becomes responsible for the manner in which it is spent, and if it is spent corruptly the title to his seat is as effectually impaired or destroyed as though the candidate had personal knowledge of the precise way in which the money was expended. There is no other way in which we can hold to the purity of our primary elections. If the Senate is about to hold that a man may give another man $107,000, with the direction that it is to be expended within the law, and then shield himself by his ignorance of the way in which the money is expended, there is no safety either in elections by legislatures or in nominations by popular vote.

Of course, if one wanted to buy his way in a popular election, he would not himself participate in the corrupt agreement. It is almost inconceivable that one who would aspire to a seat in this body would himself enter the details of a corrupt performance of this sort; but will the Senate say that if a candidate puts money into hands that do corruptly use it, nevertheless it is an honest election so far as he is concerned? Will it be contended, after it is shown that $107,000 was put into the hands of Mr. Edmonds to influence the primary election in some way, that, in order to escape the consequences of that act, we must show that the individual voters to the extent of diminishing the vote cast for the sitting Member below a plurality were actually corrupted?

Does the Senator from Utah, does any Senator—for I will not make the question specific—does any Senator believe that if a candidate before a legislature gives to his agent whom he selects to carry on his campaign $10,000 to be expended in his campaign, and that agent corrupts a single man in the legislature, the title to the seat is still secure and perfect? No. If the candidate furnishes the means by which the corruption was practiced, and if it was practiced upon a single person in the case of the legislature, I think that the well-established principles, not only of honesty but the fair inferences from the proceedings of the Senate heretofore, would invalidate a seat so secured. Therefore, when Mr. STEPHENSON set afloat $107,000, confided it to other hands with instructions that it was to be spent to accomplish a particular purpose, if it was spent for a corrupt purpose, if it did destroy the free will and the unbiased judgment of the voters of Wisconsin to any extent, then I believe that the sitting Member must be held responsible for that corruption of the electorate; for if we do not hold that rule, then corruption in the primaries of the country can be practiced without any restriction whatsoever.

I do not admit that the law of Wisconsin could be invoked in order to make an act dishonest which we regard as honest; indeed, I believe it could not be so invoked. Then will those who follow me, will the Senator from Utah, tell the Senate what protection we have in this country against the invasion of primary elections? How are we to preserve their purity if legislatures are to accept the decisions of these elections as controlling upon their votes and if the candidates are permitted to corrupt this public expression?

Suppose that the House of Representatives were to engage in a contest over an election itself; suppose Mr. STEPHENSON had been a candidate for the House of Representatives, and it had been shown that he did there precisely what he did here, what would be the judgment of the House of Representatives upon that election? Would it be necessary, in order to invalidate the election, to show that enough individuals were actually corrupted to reduce his vote below the vote of his opponents? I do not think so. I do not believe we can hold that rule and still hold fast to the present system of nominating candidates for Senator of the United States.

I look upon the influence of this vote as vastly more comprehensive and far-reaching than the determination of the title of Senator STEPHENSON to a seat in this body. We must deal justly with him; but in determining what is justice to him, we ought to gravely and seriously consider what is justice to the people of the United States.

We are now engaged, throughout the whole country, in one of the most momentous struggles that civilization has ever seen with regard to representative government. No matter what may be true in the States, no matter how applicable the initiative and referendum may be to smaller communities and more homogeneous people, I think it is everywhere conceded that the Government of the United States must remain a purely representative Government.

I myself have not allowed my faith in representative government to weaken. I believe the people should select their representatives in this and other governing bodies of the country. And if we are to do it, if we are to preserve their confidence in the Government of which they are a part, then their will—their unpurchased, honest will—must control in the selection of those representatives.

As it seems to me, the fate of our institutions will be determined in the decision of just such cases as this. I do not assert, of course, that the decision of this case one way or the other of itself will be conclusive as to the course that we will pursue in the future. But all these things go to make up the judgment of the people with regard to the character of the institutions under which they live.

The people have determined that they will nominate their candidates for the House of Representatives in primary elections, and they do it in nearly two-thirds of the States of the Union. The people have determined that they will select their party candidates for the Senate of the United States in popular elections. They intend to so select them, and they will in some way accomplish their purpose. And if we, in our consideration and decision of this controversy, shall say to them that the instrumentality which they have adopted for the purpose of selecting their candidates can be corrupted, if it can be turned aside so that the man whom they would select is not selected, we will still further impair and finally destroy their faith in representative government.

I hope that, no matter what may be the result of this controversy, the debate here will make it so clear that he who runs may read, that primary elections, in the judgment of the Senate, are sacred and inviolable against the power of money and the influences of corrupt practices.

Mr. LEA. Mr. President, I desire to state very briefly——

Mr. HITCHCOCK. Mr. President, I suggest the absence of a quorum.

The VICE PRESIDENT. The Senator from Nebraska suggests the absence of a quorum. The Secretary will call the roll.

The Secretary called the roll, and the following Senators answered to their names:

Bacon	Dillingham	Lodge	Richardson
Bankhead	du Pont	Lorimer	Root
Borah	Foster	McCumber	Simmons
Brandegee	Gamble	McLean	Smith, Ga.
Bristow	Gardner	Martine, N. J.	Smith, Mich.
Brown	Gore	Myers	Smith, S. C.
Bryan	Gronna	Newlands	Smoot
Burnham	Heyburn	Nixon	Stephenson
Burton	Hitchcock	O'Gorman	Stone
Chilton	Johnson, Me.	Oliver	Sutherland
Clapp	Johnston, Ala.	Overman	Townsend
Crane	Jones	Page	Warren
Culberson	Kenyon	Percy	Watson
Cullom	Kern	Perkins	Wetmore
Cummins	Lea	Pomerene	Works
Curtis	Lippitt	Rayner	

Mr. BURNHAM. I wish to say that my colleague [Mr. GALLINGER] is necessarily absent.

The VICE PRESIDENT. Sixty-three Senators have responded to the roll call. A quorum of the Senate is present. The Senator from Tennessee is recognized.

Mr. LEA. Mr. President, I desire to state very briefly my reasons for signing the views of the minority in this case.

According to my view there are but two questions in the case:

First. Can the Senate of the United States investigate a primary election where the primary resulted in the election by the legislature of the nominee of the primary?

Second. Does the evidence in this case show that the nomination of Senator STEPHENSON in the primary on September 2, 1908, was obtained by corruption?

I believe both of these questions can and should be answered in the affirmative; therefore I joined with the minority in the expression of its minority views.

Precedent would permit us to hold that such has been the view of the Senate heretofore, for in at least two cases it has been decided by the Committee on Privileges and Elections, under such circumstances as to be tantamount to a decision by the Senate of the United States, that the Senate would and should consider other acts than those that merely took place in the formal election of the candidate by the general assembly. I refer to the Caldwell case from Kansas and to the Payne case from Ohio.

In the Caldwell case the most serious charge against the sitting Member was that he had expended the sum of $15,000 for the purpose of getting another candidate, a formidable rival, to withdraw his candidacy. That was a matter entirely outside of the legislative act of electing a Senator; yet the Committee on Privileges and Elections held that that constituted a corrupt method and practice, and the attitude of the Senate was evidently the same, for the sitting Member resigned before the question could be voted upon by the Senate.

In the Payne case three views were expressed by the Committee on Privileges and Elections. A majority, however, took the position and held firmly to the idea that the Senate could and should investigate the methods of caucuses, where the nominee of the caucus, because he was the nominee of the caucus, had been elected Senator.

I desire in this connection to read the views of Senators Hoar and Frye, because they represent so fully my ideas upon this subject:

> If B, C, and D have promised to vote as A shall vote, if A be corrupted, 4 votes are gained by the process, although B, C, and D be innocent. In looking, therefore, to see whether an election by the legislature was procured or effected by bribery, it may be very important to discover whether that bribery procured the nomination of a caucus, whose action a majority of the legislature were bound in honor to support.

I think that case is parallel to the case here, for no one who has read the record can doubt that Senator STEPHENSON was elected solely and entirely because he was the nominee of the primary of September 2, 1908. It is safe to say that had he not received that nomination his name would not have been presented to the legislature which assembled in January, 1909.

The records of that general assembly show that at least 10 members of the assembly in casting their votes on different occasions for Senator STEPHENSON stated that they voted under protest and that they voted for him because he was the nominee of the primary. In this connection I have prepared a table showing the votes of the members of the legislature and how various members voted for this candidate or that candidate because he had received the instructions either of the State or of the district which the member represented. I should like permission to print that table without reading it.

The VICE PRESIDENT. Without objection, permission is granted.

Mr. LEA. I desire, however, to read certain statements that were made.

Mr. HEYBURN. Mr. President——

The VICE PRESIDENT. Does the Senator from Tennessee yield to the Senator from Idaho?

Mr. LEA. I do.

Mr. HEYBURN. I would suggest to the Senator that inasmuch as the RECORD will not be again printed before Senators vote, and the Senator doubtless desires that the information contained in this statement shall be accessible to the Members of this body, it might be well to read it; otherwise it will not come to the attention of Senators until after the vote.

Mr. LEA. Mr. President, as the table furnishes only certain results from a primary, a question which is really not under discussion to-day, however much it may have been discussed by the committee that made this investigation, if there is objection I will withdraw the request.

Mr. HEYBURN. Oh, I do not object.

Mr. LEA. I do not think it is of great importance in the case; but I do think it is of importance in the discussion of the question of primaries, which has been injected into the case.

Mr. HEYBURN. I should not like to have the Senator think I objected. I only made a suggestion as to the manner of bringing it to the attention of the Senate, in the interest of the Senator's presentation of the case, and not as an objection.

Mr. LEA. I thank the Senator for his suggestion, but I will read certain statements made by members of the Wisconsin Legislature in voting for Senator STEPHENSON, showing that they voted for him because he was the primary nominee.

Mr. Georgi stated, in voting:

> Mr. President, having due regard for the primary election law, and not knowing of any candidate otherwise than the one elected at the primary election, I feel bound, contrary to my own opinion, to vote for ISAAC STEPHENSON; but I do so under protest.
>
> Mr. HAMBRECHT. Mr. President, owing to the fact that the people of the State of Wisconsin have placed in nomination at their primary election a man, I feel in duty bound to recognize that and vote for ISAAC STEPHENSON.
>
> Mr. KUBASTA. In conformity with the primary-election law and wishes of my constituency and those in Wisconsin, I vote for ISAAC STEPHENSON.
>
> Mr. LEDVINA. Mr. President, in conformity with the primary-election law, I vote for ISAAC STEPHENSON.
>
> Mr. MAINS. For ISAAC STEPHENSON, under protest.
>
> Mr. FRANK SMITH. Mr. President, owing to the fact that we have a primary-election law in this State, and under the law ISAAC STEPHENSON received the plurality of all votes cast for the office of United States Senator, and that Dane County was one of those counties that helped to roll up that plurality, I feel it my duty in carrying out the wishes of my constituents to vote for Hon. ISAAC STEPHENSON.
>
> Mr. SIMON SMITH. Mr. President, having still in mind the vote of my district and having great respect for the primary-election law, I vote for ISAAC STEPHENSON under protest.
>
> Mr. WEHRWEIN. ISAAC STEPHENSON, under protest.
>
> Mr. BALLARD. Mr. President, I wish to change my vote, under protest, for ISAAC STEPHENSON.

The table.

SENATORS.

Name.	District went for—	Upheld primary.	Voted for—
Fairchild	McGovern	Yes	Stephenson.
Bodenstab	do	Yes	Do.
Lehr	Cook	Yes	Do.
Lyons	do	Yes	Do.
Page	McGovern	Yes	Do.

REPRESENTATIVES.

Atwood	Cook	Yes	Stephenson.
Brew	McGovern	Yes	Do.
Bray	Cook	Yes	Do.
Busacker	McGovern	Yes	Do.
Buslett	Hatton	Yes	Do.
Cady (B. A.)	McGovern	Yes	Do.
Chappelle	do	Yes	Do.
Crowell	Cook	Yes	Do.
Disch	McGovern	Yes	Do.
Egan	Hatton	Yes	Do.
Estabrook	McGovern	Yes	Do.
Georgi	do	Yes	Do.
Hambrecht	Cook	Yes	Do.
Harras	McGovern	Yes	Do.
Ingalls	do	Yes	Do.
Irvine	Hatton	Yes	Do.
Jones	Cook	Yes	Do.
Kempf	McGovern	Yes	Do.
Kull	Cook	Yes	Do.
Ledina	do	Yes	Do.
Phillips	Hatton	Yes	Do.
Reader	Cook	Yes	Do.
Stack	Hatton	Yes	Do.
Urquhart	McGovern	Yes	Do.
Wellensgard	do	Yes	Do.

RECAPITULATION.

On final ballot: The representatives of 15 counties that went for McGovern, voted for STEPHENSON. The representatives of 10 counties that went for Cook, voted for STEPHENSON. The representatives of 5 counties that went for Hatton, voted for STEPHENSON.

The report of the joint senatorial primary investigation committee of the Wisconsin Legislature makes a statement on page 18 of that document which is much in point here:

> Had each member of the legislature consistently voted for the choice of his district for United States Senator, no one could ever have been elected. STEPHENSON would have received 51 votes, Cook 24 votes, McGovern 25 votes, Hatton 8 votes, Brown 17 votes, Hoyte 4 votes, and Rummel 4 votes.

This table, the names presented in it being collaborated from the final ballot, shows that Senator STEPHENSON received the votes of 30 counties or districts he had not carried in the senatorial primary. Thus of those who had not been for Senator STEPHENSON, and whose counties or districts instructed for another, 30 held that, in effect, Senator STEPHENSON having carried 57 counties and having received more votes than any other candidate, was the nominee of the senatorial primary.

They held this "State instruction" above their "county" or "district instruction."

It is evident from this, Mr. President, that at least 10 and perhaps more of the members of the General Assembly of Wisconsin voted for Senator STEPHENSON solely and entirely because he was the nominee of the primary. The primary nomination, therefore, resulted in his election. And if we are not to inquire into the methods and practices employed in the primary, we are not to inquire into the real facts that caused the election of Senator STEPHENSON.

If the Senate is to establish the precedent that it can investigate only the formal election by the members of the general assembly in convention assembled, it is to establish a precedent that it will not investigate the elections of, perhaps, nine-tenths of its Senators, and will not have the power to make such an investigation even if it be proper to make the investigation. For it is a matter of common knowledge that except in a few cases where the political parties of a State are divided into factions, the real contest in the election of a United States Senator occurs either in the caucus that precedes the ballot in the legislature or in the primary that precedes the assembling of the legislature.

However displeasing and disappointing it may be to some Senators in this Chamber, the fact that the primary election is growing and being adopted year by year by more States makes it unwise for the Senate to establish a precedent that it will not investigate primary elections. For the time will come when every Member of this body will sit here by virtue of having been the nominee of some primary election preceding the formal election by the members of the general assembly, or, as I hope, the election by the people of the State under the constitutional amendment that is pending.

Believing, therefore, that the Senate can investigate the primary, the only other question to be considered is, Does the testimony show that corrupt methods or practices were employed in the primary?

The view I take of this case is that when Senator STEPHENSON filed his sworn statement, setting out that $107,793.05 had been expended in the primary campaign, a prima facie case was established. While I recognize that the burden of proof must always rest upon those who hold that the election was invalid, nevertheless the duty of going forward with the proof then devolved upon Senator STEPHENSON; and it was his duty to rebut the prima facie case established by the expenditure of that enormous sum of money. If he failed to do that, the prima facie case became conclusive, and his election must be held invalid.

But it is insisted that this presumption did not arise because counsel asked these questions of every witness:

> Did you spend any money in this campaign, either directly or indirectly, for the purpose of bribing or corrupting or unlawfully influencing any electors for the support of the Senator in the primary election?
>
> Was any money expended, to your knowledge, by any of the men to whom you intrusted these funds as you have described, either directly or indirectly, for the purpose of bribing or corruptly or unlawfully influencing any voters in that election in the interest of Senator STEPHENSON?

The fact that these questions, asked every witness by counsel for Senator STEPHENSON, were answered in the negative, prevents this presumption from arising. It is also insisted by the counsel for Senator STEPHENSON that because expert witnesses, professional politicians, showed that a vast sum of money—$180,000 or $200,000—could have been expended in the 2,200 precincts in Wisconsin without any corruption, the presumption does not arise in this case.

Mr. HEYBURN. Mr. President——

The VICE PRESIDENT. Does the Senator from Tennessee yield to the Senator from Idaho?

Mr. LEA. Certainly.

Mr. HEYBURN. The expert testimony was not received by the committee. It was offered, but the committee declined to receive expert testimony as to what sum might be expended.

Mr. LEA. Mr. President, when I say "expert testimony" I refer to the testimony of men like Riordan, Perrin, and others, who testified that they had had 15, 20, or 40 years' experience in the politics of Wisconsin, and that, in their opinion, that sum of money could have been expended properly—not only properly, but necessarily—for the purpose of getting out the vote in the 2,200 precincts in Wisconsin. I think Mr. Edmonds, Senator STEPHENSON'S campaign manager, testified that the smallest sum a man could have expended to organize properly the State was the sum of $180,000.

I will grant that $107,000 could have been expended legitimately. It might have been all expended for the rent of offices or the headquarters of the campaign. But, of course, we know that is absurd. It might have been all expended for stamps, all for printing, or all for printing and postage for the purpose of sending out campaign circulars; and proof of that fact would have rebutted the presumption. But the facts in this case do not show that to have been so. They show that after deducting what may be called the legitimate expenses—expenses for printing, stationery, telephones, telegraph, traveling expenses, advertising in newspapers, and a lump sum of nearly $10,000 classified as "sundries," there remained over $62,000 which was expended for "organizing the State."

There is very little light shed upon what the term "organization" means. Yet in that testimony we find expenditures called "general" or "general organization"; and the word "general" occurs so often and for such vast amounts that we can almost draw the conclusion that the Wisconsin generals are as ubiquitous as the Kentucky colonels. I think sixteen times, aggregating a total of several thousand dollars, this item of "general" occurs, in connection with sums varying from $5 to $300 in each instance.

It is my contention that the expenditure of $62,000 in this case not only did not rebut the presumption to which the sworn statement of Senator STEPHENSON gave rise, but it strengthened that presumption. I am going to discuss briefly only three phases of that expenditure.

The first of these is the expenditure that went to ward or poll workers.

The record teems with illustrations of men being paid $5, $15, or $20 at polling places for the purpose of handing out cards for Senator STEPHENSON, or creating at the polls Stephenson sentiment, when, in point of fact, we know that when those men sold their labor they were at the same time selling their votes and influence, even though that fact be concealed under the euphonious term "organization."

I think the statement of Senator STEPHENSON'S manager was conclusive, when in reply to a question asked by the chairman of this committee, "How many votes would Senator STEPHENSON have received had these men not been employed?" he said, "Not very many." And if in that primary, the winning of the nomination of which resulted in his election, Senator STEPHENSON would have received only a very few votes had not those men been employed at the polls, the conclusion is irresistible that the expenditure of over $60,000 solely for the purpose of organizing and employing these men at the polls was a form of bribery and corruption that justifies us in holding his election invalid.

Then we pass to the question of expenditure to State officers, and two of the worst spots in this record are where the money was expended to State officials. I refer first to the money that was paid to J. W. Stone, State game warden. There was the sum of $2,500 paid in currency to the State game warden, and paid, as this record shows, under the direction of Senator STEPHENSON himself. And for what purpose? For no other purpose than for the purpose of buying the influence and power of that office, which Senator STEPHENSON'S manager says was the most powerful political office in Wisconsin. The circumstances under which this money was paid show that it was a suspicious act, and that the men doing it knew that they were doing wrong. As I recall the testimony, Manager Edmonds says that Mr. Stone came to him and said that he had had a conversation with Senator STEPHENSON at Marionette, and as the result of that conversation Senator STEPHENSON authorized him, Mr. Edmonds, to pay to Stone the sum of $2,500. Stone refused to take it in a check or in a cashier's check, but demanded the money in currency, in large bills of $100. What was Mr. Stone to do with it? The testimony is very clear and uncontradicted that he was paid, but the purpose for which this money was paid Mr. Stone is not equally clear. I wish to read in this connection a short extract from the evidence of Mr. Stone:

> The CHAIRMAN. For what purpose was that money given you?
>
> Mr. STONE. It was to be expended in the interest of Mr. STEPHENSON'S primary campaign.
>
> The CHAIRMAN. Was it to be expended by you, or were you authorized to pay it out to others to be expended by them?
>
> Mr. STONE. I was to use it at my own discretion.
>
> * * * * * * *

In referring to the uses that were to be made of part of this money that was passed by Stone to one of his deputies, H. A. Bowman, the following testimony is interesting:

> The CHAIRMAN. For what purpose did you give that to Mr. Bowman?
>
> Mr. STONE. For him to use in the interest of Mr. STEPHENSON'S campaign.
>
> The CHAIRMAN. Did you tell him the use he was to make of it?
>
> Mr. STONE. I did not.
>
> The CHAIRMAN. Did you discuss with him the manner in which it was to be used?
>
> Mr. STONE. I presume he naturally did——
>
> The CHAIRMAN. What was said as to the manner in which that money was to be used?
>
> Mr. STONE. It was to be expended for workers.
>
> The CHAIRMAN. For workers?
>
> Mr. STONE. Yes.
>
> The CHAIRMAN. Workers to do what kind of work?
>
> Mr. STONE. Ordinary election work.

The record contains other testimony of that kind. Another instance was the payment of $2,350 to L. L. Dresser, a member of the Wisconsin Board of Control. Mr. Dresser recognized that this was improper, and he defends his action by saying he did not pass it on himself to the "ultimate consumer," the voter, but that he selected trustworthy men in each of the counties of which he was to have charge for the purpose of passing this money out to the voters.

Then we come to the question of payments that were made to candidates for the legislature. There are two classes of these payments—payments made to men who were candidates for the legislature, but who were defeated, and to men who were candidates for the legislature and who were elected.

As I understand the law of Wisconsin, it prohibits any candidate for Senator from contributing to the campaign fund of any candidate for the general assembly except the candidates that may be in the same district as that in which the senatorial candidate lives. These instances show an absolute violation of the Wisconsin statute law.

The testimony shows that some of Senator STEPHENSON'S agents paid to a man named Smith, who was a candidate for the legislature, the sum of $250, although the record does not disclose one single act that Smith was to perform for that money. They were unable to show a single duty that was imposed upon him by the payment of it. What does that mean? It means that if Smith had been elected to the legislature he would have felt bound to have given his vote to Senator STEPHENSON. The payment of that amount of money to Smith is inconceivable upon any other basis. The same is true of the payment that was made to Shauers.

Then we pass on to three candidates for the general assembly who were elected. Two of them were paid $250 each, for that seems to have been the standard price to pay to a candidate for the legislature in this campaign. The other was paid $280. Two of these men, at least, were paid the sums of money by Senator STEPHENSON; and, as it is stated in this record, the laws of Wisconsin prohibit campaign contributions of this kind from senatorial candidates for the legislature, an instance, therefore, of violation of the statutes of Wisconsin by Senator STEPHENSON.

Much has been said of the beautiful sentiments expressed by Senator STEPHENSON and his managers about obeying the law; how they assembled and said to each other and to themselves, "We must keep within the law; we must not violate the law"; and then they proceeded to violate the statutes of Wisconsin, and to violate the rules of ordinary decency and propriety, and apparently wept because there was nothing else to violate.

Mr. President, the Senate has another contested-election case before it. That case was passed upon by the Senate about a year ago, and it was held, in effect, by the majority of the Senate that there was one material fact absent, that there was no proof in that case of any corruption fund having been assembled for the purpose of corrupting any members of the legislature that elected the sitting Member whose seat was being contested. But the Senate was unanimous a short time thereafter in voting to reopen that case for the purpose of finding out whether there was a colossal corruption fund for the purpose of bribing members of the legislature. By that vote, I take it, the Senate meant that with the other facts present in that case—the confession by members of the legislature that they had been guilty of accepting bribes, together with proof of a colossal corruption fund of over $100,000—it would justify the unseating of the sitting Member. Otherwise the reopening of the case can not be explained.

Now, in this case we have all the elements concurring that could possibly concur in that case if the second investigation—and upon what it may show I am not speaking—showed that an enormous corruption fund had been collected and disbursed. We have in this Stephenson case the expenditure of the sum of over $100,000. We have it expended under circumstances which show that the statutes of the State of Wisconsin were violated and that it was by corruption that the primary nomination was secured by Senator STEPHENSON.

Although I do not think it is necessary, I want to say here the fact that a man has avoided committing criminal acts in his campaign which, if committed, would have made him a proper inmate of the penitentiary does not mean necessarily that he is legally elected a Senator. But we have in this case violation of law. We have facts showing the individual bribery and corruption of voters at the polls, and under circumstances that showed it had the effect of electing the candidate. How can anyone who voted to reopen the other contested-election case upon the theory which I have discussed vote that the election of STEPHENSON was legal and valid when all the facts that could possibly have been shown by the second investigation to have existed in the other case exist in the case before us?

It is not a pleasant duty, Mr. President, either to make these statements or to cast a vote against Senator STEPHENSON. I am sure I am relating what is true of every member of the Committee on Privileges and Elections when I say that I had hoped, when this case was first referred to that committee to determine whether an investigation should be made, that on account of the age and the honorable life the sitting Member had lived heretofore the facts would warrant the committee in returning a report that an investigation was not necessary. But the committee decided that an investigation was necessary, and it is our duty to vote as the record shows the facts to be.

In conclusion, Mr. President, I desire to state that my vote is determined in this case by the principle of law announced by the Senator from New York [Mr. ROOT] in another case as applied to the facts as shown by the testimony of Senator STEPHENSON'S own manager. In discussing the Lorimer case February 14, 1911, the Senator from New York announced this principle:

> If on the whole testimony the Senate be of the opinion that but for the influence of the corrupt methods or practices employed the candidate would not have been elected, the election should have been declared void.

On page 259 of the report of the committee, Mr. Edmonds, Senator STEPHENSON'S chief manager, established the following facts:

> The CHAIRMAN. There seems to have been a general apathy. These men whom you have employed to get out the vote for Senator STEPHENSON seem to have managed to get out 56,839 votes out of 470,480 votes in the State. Had you not employed these men, would Senator STEPHENSON have gotten any votes at all?
> Mr. EDMONDS. Not very many.

Mr. President, if the facts be as Manager Edmonds states them to be and everyone reading this record must know them to be, that Senator STEPHENSON would have received "not very many" votes except for the employment of men at a cost of over $62,000, that amount being expended according to Senator STEPHENSON'S sworn statement for such purposes, the remainder being expended for purposes avowedly legitimate, and if the principle of law announced by the Senator from New York is sound, as I conceive it to be, I am constrained to be of the opinion that but for the influence of corrupt means practiced and employed by the expenditure of this enormous fund Senator STEPHENSON would not have been elected, and that his election should therefore be declared invalid.

Mr. SUTHERLAND. Mr. President, the very able argument which was made by the Senator from Ohio [Mr. POMERENE] a short time ago has very much simplified my task. He covered so well and so ably very much that I had intended to say that I shall be able to condense my remarks within a much shorter space than I had originally intended.

There are three principal questions which I desire to discuss. The first is as to whether or not there was any corruption or bribery in connection with the election by the legislature itself; second, whether there was any bribery or corruption during or preceding the primary election or during or preceding the general election which can be said to have corruptly influenced the action of any member of the legislature; and, third, whether or not any corruption or bribery occurred during the primary election, and if so what effect it would have upon the subsequent election by the legislature.

So far as the election by the legislature is concerned I do not understand it to be seriously contended by anybody now that any corruption or bribery existed or, at any rate, that any corruption or bribery has been established by the evidence.

The Legislature of Wisconsin which elected Senator STEPHENSON consisted of 33 senators and 100 assemblymen. On January 26, 1909, that being the first day under the Federal statute when a vote could be taken, the two houses, in accordance with the statute, voted separately upon the election of a United States Senator.

In the senate 17 senators voted for persons for United States Senator. Twelve of these 17 votes were cast for Senator STEPHENSON, and 16 of the senators who were in the chamber simply answered "Present" and cast no votes for anybody.

In the house 82 members voted, the others, as I recollect, being absent, and of those 82 who voted for persons 60 of them voted for Senator STEPHENSON.

So it will be seen that a clear majority of the members of the senate who voted for persons cast their ballots for Senator STEPHENSON—12 out of 17.

In the house no question whatever can possibly arise, because of 82 who voted, and they were the only members present, 60 of them voted for Senator STEPHENSON.

But notwithstanding this, when the two houses met in joint assembly the following day the presiding officer of the assembly

declined to declare the clear result of the election. Of course, the action of a presiding officer in declaring the result of an election in the separate houses as exhibited by their two journals is purely a ministerial matter, and its omission could not affect the right to the seat of the Senator who was actually elected. It would simply render it a little more difficult for him to present evidence to this body respecting his election, but, having presented that evidence, it is perfectly clear that the Senate would have seated him upon the election which was held upon January 26, 1909.

In this connection, I desire to call attention to the statute of the United States under which this election is held. Section 15 provides that—

> Such election shall be conducted in the following manner: Each house shall openly, by a viva voce vote of each member present, name one person for Senator in Congress from such State, and the name of the person so voted for who receives a majority of the whole number of votes cast in each house shall be entered on the journal of that house by the clerk or secretary thereof; or if either house fails to give such majority to any person on that day, the fact shall be entered on the journal. At 12 o'clock meridian of the day following that on which proceedings are required to take place as aforesaid the members of the two houses shall convene in joint assembly, and the journal of each house shall then be read, and if the same person has received a majority of all the votes in each house he shall be declared duly elected Senator.

You will observe, therefore, that every provision of the Federal statute had been complied with. Each house shall name one person for Senator. "The name of the person so voted for who receives a majority of the whole number of votes cast in each house shall be entered," and so forth. Now, the whole number of votes cast in the senate was 17. I will not stop now to read from any of the authorities, but it has been held that the mere voting "present" or casting a blank ballot is not a vote. That can not be regarded as a part of the "votes" cast in each house in the meaning of the statute.

So it is perfectly clear, as it seems to me, that if Senator STEPHENSON had chosen to rely upon it he could have come to the Senate with an unimpeached title on the 28th of January, 1909. But instead of the presiding officer declaring the result he declined to do so, and the joint assembly proceeded to ballot for Senator, and continued to ballot from day to day thereafter until on the 4th of March, 1909, Senator STEPHENSON, of the total number of votes cast, which was 123, received 63, or a majority of 3.

Now, it is charged that certain members of the legislature had been bribed. Their names were given. But the fullest investigation failed to disclose any facts which would justify the conclusion or the inference that the charges as to their bribery were established. It was also charged that three members of the joint assembly, all being Democrats, were absent at the time the vote was taken, and that their absence had been procured by bribery or corruption. The fullest investigation of that question failed to disclose any such state of affairs. One of the men who was absent was paired with another absent member in accordance with a rule which had been recognized in both houses of the Wisconsin Legislature. His presence would still have given Senator STEPHENSON a majority of one. It was charged with reference to the other two—and they were not paired—that their absence had been procured by corruption. But there was absolutely no testimony that would justify any such conclusion.

So we may pass from that, I think, safely assuming that there is no evidence whatever of corruption or bribery so far as the election by the legislature itself is concerned.

Now, before I begin the discussion of the two remaining questions I desire to direct the attention of the Senate to the precise question which we are called upon here to investigate, and in order that it may be sharply brought to the attention of the Senate I will read from the resolution adopted by the Senate directing this inquiry.

On August 15, 1911, the Senate adopted this resolution:

> *Resolved*, That the Senate Committee on Privileges and Elections or any subcommittee thereof be authorized and directed to investigate certain charges preferred by the Legislature of Wisconsin against ISAAC STEPHENSON, a Senator of the United States from the State of Wisconsin, and report to the Senate whether in the election of said ISAAC STEPHENSON, as a Senator of the United States from the said State of Wisconsin, there were used or employed corrupt methods or practices.

That is as far as I need to read in the resolution.

So the committee was directed to inquire whether or not in that election "there were used or employed corrupt methods or practices." We were not called upon, and the committee was not called upon, to investigate or determine upon questions of good taste or whether the conduct of the Senator or of anybody else was in accordance with the highest ethical standards, but the inquiry was whether or not the conduct was corrupt.

I submit that much which has been said in this discussion is wholly irrelevant to the case which we have to consider. If each Member of the Senate were to be tried and judged by the ethical standards of some other Member and that other Member were in turn to be tried by the ethical standards of still another Member, I venture to say none of us would see salvation.

It is not a question of ethics. It is not a question of good taste. It is not a question whether we approve of certain methods, and it is not a question whether we regard it as unfortunate or demoralizing that a large sum of money should be spent in an election; but the question is whether or not the methods employed in that election were corrupt.

I submit that the determination of such a case, if submitted to the courts, would be governed by certain definite rules established by the law of evidence and certain substantive rules either established by statute or by the common law. The fact that this inquiry is made in the Senate of the United States, it seems to me, does not alter that fundamental principle. We are proceeding here in a judicial capacity, as the Senator from Ohio [Mr. POMERENE] well pointed out this morning. We are not here in our legislative capacity. Under the Constitution of the United States we are made the "judge" of the election and qualifications and returns of the Members, and the word "judge" was not chosen idly. It means that we are here to render judgment, and a judgment is essentially different from an act of legislation.

We are here, therefore, in a judicial capacity to investigate this question dispassionately, to determine what the facts show, and then apply the law to the facts, and it is just as important that this great tribunal should be governed by settled and fixed rules, either provided by statute or determined by precedent or by the rules of the common law, as it is that a court making a similar inquiry should be so governed.

We can not make rules for the determination of a case as the case progresses. The rules by which we determine each case must be in some manner preexisting rules. To make rules for each case as it arose would be to confuse the office of judges with the office of legislators.

Mr. President, if I understand the attitude of some of the Senators who have spoken upon this question, their opposition to Senator STEPHENSON can only be justified by assuming one of two conclusive presumptions.

First, it is said that in this election the sum of one hundred and seven thousand and odd dollars was spent. Is it to be conclusively presumed that because that large sum of money was expended in a primary election it was corruptly spent? If so, if the conclusive presumption follows from the mere fact that this large sum of money was spent, then this whole investigation has been an utter waste of money and an utter waste of time, because that was conceded in the very beginning. Senator STEPHENSON conceded it when he filed his statement of account sworn to, which admits that he had spent $107,000, and in general terms stating for what particular purposes he spent it. So, if it is to be conclusively presumed that because an expenditure of that size was made it was corruptly expended, we have been wasting the time of this special committee which put in weeks at Milwaukee in an effort to ascertain the facts.

Of course no such presumption as that can arise in such a case; but if that presumption does not arise, it would seem to be contended that the conclusive presumption arises in detail, that each one intrusted with a sum of money to spend is presumed to have spent it unlawfully; for it is insisted that, even as against the sworn testimony to the contrary of every witness called in this inquiry, we must assume that the money spent by each of these persons was directly or indirectly to corrupt voters at the primary. It seems to me that that would be a complete reversal of the law with reference to presumptions. I think the rule of law is undoubted, that where a state of facts is reasonably capable of either one of two explanations, one that the transaction was unlawful or corrupt, the other that it was lawful, we must accept the latter as the controlling presumption.

It is true that the expenditure of $107,000 in a primary election—nothing further than that fact appearing—would seem to be unreasonable, would be such an expenditure as to call for investigation. I think the Legislature of Wisconsin were quite right, after these facts were brought to their attention, in demanding that they should be investigated; I think the investigation ordered by the Senate was quite warranted by the facts as they were then made to appear; but we do not have to go very far into an investigation of the facts and the circumstances surrounding the primary election in Wisconsin until we find, as I view it, that whatever inference, whatever presumption, might otherwise arise from the expenditure of this vast sum of money has been entirely overcome.

In the first place, there are in the State of Wisconsin 71 counties. The State contains an area almost equal to that of

all the States of New England. There are 2,200 election precincts in the State. In the case of an ordinary election two parties or more are contending for the suffrages of the voters. Each one of those parties has a thorough and complete organization; a large proportion of the men enlisted in the organization render service to the party without charge. They do it because they believe that the supremacy of the party to which they belong will be for the welfare of the State or of the Nation. So a political party may employ a vast number of men to perform political duties necessary in the conduct of an election without any expenditure, or with little expenditure, of money, where the individual employing such men would be compelled to expend a large sum of money. In these 71 counties of Wisconsin and in these 2,200 election precincts there are 8,966 men in the legitimate organizations of the Republican Party. There are, in the first place, three committeemen for each precinct; there is the county committee, with a chairman and a member from each precinct; there is the State committee, with a member from each county and a chairman and other officers, aggregating altogether a perfect army of men, nearly 10,000 in number. That number of men is necessary, either to render their services without pay or with pay, to conduct the election on behalf of the Republican Party of Wisconsin.

When a man becomes a candidate before a primary he has no party behind him; he has no organization behind him. If he is to carry on his campaign with anything like the effectiveness with which the campaign at the general election must be carried on by the parties, he must make an organization. It is not difficult to see that a man earnestly desiring to obtain the suffrages of the voters of his party at a primary election could employ one man or two men in each of the precincts. It can be readily seen, as it seems to me, that a man could spend $40 or $50 legitimately in each of these precincts, and not only legitimately, but in such manner as to be above criticism. If he spent $50 in each of these 2,200 election precincts of Wisconsin, that alone would amount to the enormous sum of $110,000—more than the amount expended by Mr. STEPHENSON. In addition to that, he could expend money for legitimate advertising; he could expend money for lithographs, as he did expend it, for advertising himself in the newspapers, for circulating petitions, as he did, and in a variety of other ways.

Let me right here call attention to one of the largest single expenditures made, as shown by the testimony in this case and by the sworn account. Mr. STEPHENSON'S agents expended for postage stamps alone the enormous sum of $11,399. More than one-tenth of all this sum of $107,000 was spent for 2-cent postage stamps. We can readily see that the use of this $11,399 worth of postage stamps must have represented another legitimate expenditure vastly exceeding it, because each stamp would carry out literature which required work to produce, which required clerks to fold and inclose; and I venture to say that the expenditure of $11,399 in postage stamps alone must have carried two or three times their value in documents or circulars or letters.

So it seems to me, when we come to consider these circumstances, whatever unfavorable presumption might otherwise arise from the mere fact of the expenditure of $107,000 must disappear. When we are presented with these two sets of facts—one the expenditure of $107,000 upon the one side, and the facts and circumstances which indicate clearly that it might have been and could have been legitimately expended—then, in accordance with every rule of presumption, we must accept the latter, because the latter presumption makes for lawful action and the contrary would make for unlawful action.

One other consideration in that connection, and the fact that I am about to state is to me a tremendous fact in this case. In my mind it has been one of the controlling facts. It is perfectly idle for anybody to contend that if this $107,000 was spent corruptly, was spent in the way of bribing and corrupting voters, it was not spent in widespread fashion throughout the State. It is a perfect absurdity to say that this large sum of money was used for the purpose of bribing or corrupting merely one or two or a dozen or fifty voters. If it was used corruptly at all, the corruption was widespread; not a dozen or fifty or one hundred, but hundreds and thousands of voters must have been bribed. It would have been an utterly foolish thing for men engaged in an election of this kind, undertaking to carry it by corruption, to have spent their money except in this widespread way.

This primary election occurred in the early autumn of 1908, three and a half years ago. The legislature which was elected at the election immediately succeeding the primary met in January, 1909. Immediately after the legislature met charges were brought to their attention that the result of this primary election had been brought about by corruption. An investigation was immediately set on foot. Witnesses were called from all over the State to testify before that investigating committee. After that full investigation had been made at that time, still another investigation was made subsequently by the Legislature of Wisconsin. The result of those investigations is contained—I have not the volumes here—but I think in three or four large volumes, perhaps more. Then the matter was brought to the attention of the United States Senate, and we ordered an investigation. The subcommittee, of which I was a member, went to Milwaukee and sat for several weeks hearing witnesses, not only those who had been before the Legislature of Wisconsin, but others, probing every rumor that was brought to our attention. Mr. Blaine, who introduced the original charges, the detailed charges, came before the committee, Senator Husting, and many others. The members of the legislative committee who had been opposed to Senator STEPHENSON were called before our committee, and were asked to state not only what they themselves knew, but what they had heard about it. Each one of them was asked, "Do you know of any other fact, any other piece of evidence that this committee can obtain?" "Have you heard of anything that this committee by inquiry can locate?" We obtained from those men every vestige of information which they had. Mr. Blaine, for example, when his detailed charges were read to him, stated with reference to one after the other of them, "I know nothing about that." With reference to one charge, for example, "The only information I have is that it was contained in an editorial in a newspaper." We asked who was the editor of that paper, and he told us. We sent for the editor, confronted him with his editorial, and asked him upon what he based it. If he said he had based it upon the statement of some other man, we obtained that other man and got his evidence upon the subject.

I remember one instance where a witness said that he had made a statement based upon what So-and-so had said to him. So-and-so was sent for, and he, in turn, told us that he had heard it from another man, and we sent for the other man, and still for another man. Finally, the last man called said that he had heard a couple of drummers on a train running through Wisconsin talking this subject over; that those drummers had disappeared; and that he did not know where they were. Every rumor that could be presented to this committee was followed until it faded into unsubstantial air.

Now, the proposition I make is that if this money was spent broadcast for corruption, as it must have been, if used corruptly to influence the election, with all these shrewd opponents of Mr. STEPHENSON intent upon making a case against him, with three years to work in, going, as they did, to Chicago to locate evidence; going, as they did, to the northern part of the State to locate evidence, spending money, as they did, to ascertain the facts—if after these two or three years of this investigation there could not be produced before this committee or before the Senate one single instance where any man was shown to have been corrupted or bribed, it must be because those instances do not exist. I undertake to say, without fear of successful contradiction, that there can not be found in this testimony an authenticated case of a single voter who was bribed or corrupted at that election—not one.

Mr. President, much has been said with reference to the money——

Mr. OVERMAN. I should like to ask the Senator a question. He spoke of an investigation going on three years prior to the Senate investigation. Who made that investigation?

Mr. SUTHERLAND. That investigation was made by the Wisconsin Legislature. We have the volumes here; the testimony was all taken, and was before our committee. Much of it is quoted in the record of our hearings.

Mr. OVERMAN. What was the finding of the Legislature of Wisconsin?

Mr. SUTHERLAND. There were two findings, as I recall. The first finding exonerated Senator STEPHENSON. The next investigation broke up in a row—part of the members of the investigating committee found against Mr. STEPHENSON and a part of them found for him.

Mr. OVERMAN. The Senator says that Senator STEPHENSON'S own legislature has exonerated him?

Mr. SUTHERLAND. That is my recollection about it.

Mr. POINDEXTER. Can the Senator refer to the evidence of that?

Mr. SUTHERLAND. No; I can not. I am simply stating it from recollection.

Mr. POINDEXTER. I think the Senator is mistaken in regard to that. The report of the committee shows that the joint committee of the legislature which investigated the case simply disbanded without making any finding at all.

Mr. SUTHERLAND. My recollection is—and I only speak from recollection——

Mr. OVERMAN. Has there been any finding of his own legislature condemning him?

Mr. SUTHERLAND. I say a part of the members of the legislature found against him, and it was upon their report that this investigation was ordered. As I recall, their report was sent to the governor, and the governor, in turn, transmitted it to the Senate, and upon that this investigation was ordered. However, I have not that matter clearly in my mind; but I will be glad to look it up when I conclude my remarks and give the Senator the benefit of my investigation. I am told that the committee consisted of 8; that 5 were in favor of exonerating Senator STEPHENSON; and that 3 were against him.

Now, Mr. President, I come to the question of the money paid to the candidates for the legislature. There were three of them who were elected. They were Bancroft, Reynolds, and Wellensgard. It is insisted that the payment of money to these members of the legislature must have been corrupt, because it is said that we can not separate the expenditure of the money for the benefit of STEPHENSON from the expenditure of money for their own benefit, and that, therefore, their votes must have been corruptly obtained by the payment of these sums of money to them.

In the first place, I want to inquire who these men were. Mr. Bancroft had been a member of the legislature before, I think, for several terms. Mr. Reynolds had also been a member of the legislature before, and so had Mr. Wellensgard. Mr. Bancroft is now the attorney general of the State of Wisconsin, a man of standing, of good repute, of substance and property, against whom, so far as I know, no word of criticism has ever been uttered. He was elected by the State of Wisconsin attorney general after all these facts had been made apparent.

Mr. Reynolds is a well-to-do man, a man of respectability in the community in which he lives and has been a resident of Wisconsin for a great many years. The same is true of Mr. Wellensgard. Not one word has been or could be breathed against the good repute and the good standing of these three men. There was paid to Bancroft the sum of $250; there was paid to Reynolds the sum of $180; there was paid to Wellensgard the sum of $250.80—an aggregate amount of $680.80.

Senators who have spoken upon the other side of this question would have us believe that out of an expenditure of $107,000 the attorney general of the State of Wisconsin was bought with a contribution of $250, to expend partly for his own benefit and partly for the benefit of Senator STEPHENSON; that this other candidate for the legislature, Mr. Reynolds, was purchased by giving him the sum of $180, to expend in the same way; and that Mr. Wellensgard was purchased for the sum of $250.80. To my mind the mere statement of the proposition shows its utter absurdity. Can anybody pretend that men of this character would have sold their votes for the use of this comparatively trifling sum of money? Not only that, but every one of these men, as the testimony clearly shows, had been a friend of STEPHENSON of many years' standing. Each of them had been in the legislature of 1907, and each of them had supported STEPHENSON for the United States Senate in that legislature. Presumably, as friends of many years' standing, having voted for him in the preceding election less than two years before, they would have supported him in the next election. It seems to me that it is perfect and utter nonsense to insist that their attitude or their votes could have been affected in the manner indicated.

Mr. POINDEXTER. Will the Senator yield to me for a question?

Mr. SUTHERLAND. I yield to the Senator.

Mr. POINDEXTER. Referring to the fact that these members of the legislature had supported Mr. STEPHENSON in the previous election, and consequently that it was to be expected that they would support him in this election, is it not true that there had been a complete change in Senator STEPHENSON's political relations with the factions of his party in the State between those two elections? In the first election he and what was called the La Follette wing of the party were in agreement, while in the second election they were not in agreement. So it does not necessarily follow that men who supported him in the first election would support him in the second.

Mr. SUTHERLAND. Oh, yes. Mr. President, Senator STEPHENSON in prior elections had supported the so-called La Follette wing of the Republican Party, and the so-called La Follette wing of the party had reciprocated by declining to support STEPHENSON; but these men did not belong to the La Follette wing of the party. Each of them testified emphatically to the effect that he had not only been a friend of long standing and that he had voted for Mr. STEPHENSON in the preceding election, but that he was a supporter of his in that election, intended to vote for him in the legislature, and that the payment of this money had absolutely no influence upon his vote. Why should we assume the contrary of what these men have said, particularly in the absence of any testimony whatever to that effect? There is a letter from Reynolds, which was published in February, 1908, long before this primary election, in which he declared himself for STEPHENSON to succeed himself. That letter you will find printed at page 1248 of the hearings. It was published in the Milwaukee Free Press of the date to which I have called attention.

Each of these men testified—and there was no contradiction of their statements—that every cent of this money was expended in the interest of STEPHENSON's candidacy. The money paid to Reynolds, $180, was paid to him specifically for the purpose of circulating STEPHENSON's petition in order that he might become a candidate before the primaries. Each of them went into details as to what the money was spent for. Taking them up separately for a moment, Bancroft, as I have said, received $250. He testified that he was reluctant to take it and did not want to be bothered with the matter at all. Here is his testimony. He was asked whether or not he had disbursed the money, as I recall, for Mr. STEPHENSON, and he answered:

Mr. BANCROFT. Absolutely every dollar of it. * * * I took it very reluctantly, simply because I was a supporter of Senator STEPHENSON and a personal friend and I did not like to refuse. I declined up to the last minute to have anything to do with it; but I finally took it to disburse in a certain way, which I have indicated, simply because I did not want to refuse an old friend or his managers to do what I could for him, because I was in in favor of his election.

He testified that he kept this money in a separate drawer in his safe, and, with the exception of $100 of it, which was paid to a man named Mehaffey, it was all disbursed for distributing literature. He gave forty or fifty dollars to one man named Francisco. At page 710 of the record he testified:

Mr. BANCROFT. He—

That is, Francisco—

put out several buggy loads of Stephenson lithographs, and the placards that they were sending out. They had a long, triangular, banner-shaped advertisement, with the Senator's picture on the top and some advertisement below. Then they had some large lithographs of the Senator, nearly life-size. I must have received several thousand of that kind of things. Buggy load after buggy load went out, and they were instructed to nail them up in every available place—on all the railroads, crossroads, cheese factories, creameries, etc., in the county.

Then he goes on to state in detail other sums that were paid. At page 722, summing up, this appears:

Mr. LITTLEFIELD. As I understand it, with the exception of the money which you gave to Mr. Mehaffey, who resides in Richland Center, all of this money was disbursed mainly in connection with the publicity feature of the campaign?

Mr. BANCROFT. Absolutely every dollar of it.

Some criticism has been made with reference to the money given to Mehaffey. It has been said that Bancroft gave $100 to Mehaffey to go out and spend as Mehaffey might think best. While that is true in a sense, yet the inference sought to be drawn from that statement is wholly unjustified, namely, that there is any probability that Mehaffey had spent it dishonestly. About that he testifies:

Mr. BANCROFT. He—

Speaking of Mehaffey—

was a wealthy man himself. He was merely a personal friend, and he knew how to do political work; at least, I supposed so. He had always gotten results; but his work was honorable and square, whatever it was.

Senator SUTHERLAND. He was a man you knew well?

Mr. BANCROFT. Yes.

Mr. LITTLEFIELD. A man of high character?

Mr. BANCROFT. He was. He was a man I would trust with every dollar that I had in the world, for that matter, because he was a square fellow.

Reynolds received $180, $80 of which was paid by Mr. STEPHENSON in money and $100 of it by check. This was spent, as I have already stated, principally for circulating nominating papers, and was expressly given by Mr. STEPHENSON for that purpose. I call attention to Senator STEPHENSON's testimony on page 38, without stopping to read it. Wellensgard received $250.80, and expended the amount principally for circulating petitions, distributing advertising matter in behalf of Senator STEPHENSON, and to get the voters to the polls; and he stated positively that the total sum was expended in the interest of Senator STEPHENSON.

Mr. KERN. Mr. President——

The VICE PRESIDENT. Does the Senator from Utah yield to the Senator from Indiana?

Mr. SUTHERLAND. I do.

Mr. KERN. I will ask the Senator if Senator STEPHENSON's expense account, which he swore to, does not state that the total

amount paid in the State for getting signatures to nomination papers was only $225.06, and whether the total amount paid throughout the State for posting and distributing lithographs was not stated to be only $834?

Mr. SUTHERLAND. No, Mr. President; the account does not state anything of the sort. The account does contain an item of expenditure for obtaining signatures such as the Senator calls attention to; but it does not contain all the items of that kind.

Mr. KERN. Why does it not?

Mr. SUTHERLAND. Because much of it was spent in the way I have indicated. Mr. Reynolds was given this money for that purpose. That does not enter into that item. The same is true with reference to lithographs; the amount Mr. Bancroft expended for that purpose is not included in that item. It is simply one item, and the other items are included in the large sum that covers the general organization expenses, as I shall attempt to show a little later.

Mr. KERN. Does not this purport to be a correct statement of the various items of expenditure?

Mr. SUTHERLAND. Why, certainly.

Mr. KERN. Is it not so sworn to by the sitting Member?

Mr. SUTHERLAND. Certainly. But because I include in an expense account an item of $200 spent for a certain purpose it does not follow that that is all I have spent for that purpose. It follows that I have spent that much in that item. The other sums are included elsewhere.

Mr. Wellensgard testified as I have said. I want to call attention to certain portions of his testimony, because he has been quite severely criticized by the Senator from Kansas [Mr. BRISTOW] and others.

I read from page 840:

The CHAIRMAN. Were these men employed to do anything in your behalf, or to help your candidacy?

Mr. WELLENSGARD. No, sir; I never paid them a cent.

The CHAIRMAN. Do you know whether or not they supported you?

Mr. WELLENSGARD. I do not; only I believe they were friendly toward me.

The CHAIRMAN. Do you know whether they were STEPHENSON men before this $30 was paid, or the arrangement made to pay it?

Mr. WELLENSGARD. This man Burlingame?

The CHAIRMAN. Yes.

Mr. WELLENSGARD. Yes, sir.

The CHAIRMAN. How long had he been a STEPHENSON man?

Mr. WELLENSGARD. That I could not say.

The CHAIRMAN. When did you ascertain that he was a STEPHENSON man?

Mr. WELLENSGARD. I ascertained that from him at the time of it, or before this time when I had seen him. He had a brother that lived up in STEPHENSON'S town, you know—Marinette—in the cigar business; and he had been up there and seemed to know Mr. STEPHENSON personally.

Again, at page 842, speaking of men that Mr. Burlingame had employed:

The CHAIRMAN. For what purpose were they employed by Mr. Burlingame?

Mr. WELLENSGARD. By Mr. Burlingame?

The CHAIRMAN. Yes.

Mr. WELLENSGARD. To get the voters out in their localities.

The CHAIRMAN. You mean, to induce them to go to the polls and vote?

Mr. WELLENSGARD The town of Brookfield is partly on the north side of Green Lake—

I call particular attention to this because it shows the necessity of these expenditures:

The town of Brookfield is partly on the north side of Green Lake and part of the town is on the south side of Green Lake; and those voters living on the south side have to come to the east end of Green Lake and come over to the village of Green Lake to vote.

Mr. LITTLEFIELD. What is the distance?

Mr. WELLENSGARD. It must be 7 miles, maybe 8, around the end of the lake, to get over there. They were employed to take their teams and get out and get the voters over.

The CHAIRMAN. There is no way of crossing by boat?

Mr. WELLENSGARD. Yes; there is.

The CHAIRMAN. There is a regular line of boats, is there not?

Mr. WELLENSGARD. No; not regular, I do not think.

The CHAIRMAN. How far is it across the lake?

Mr. WELLENSGARD. I should think it is 4 or 5 miles.

And again, in reference to another transaction:

Mr. WELLENSGARD. If you will let me explain this, I can explain it on the same basis as the other.

The town of St. Marie is split up by Fox River. Part of it is on the north side of Fox River, and they have to come around and come across the bridge at Princeton and come over to the St. Marie townhouse and cast their votes, and the men that he employed were living on the north side and had to go around by Princeton and over to the St. Marie townhouse and vote, and they hired teams, or took their teams, and brought these voters over there, and were paid for that purpose, probably.

Mr. LITTLEFIELD. What is the distance?

The CHAIRMAN. Do you know whether or not they paid cash for any purpose whatever to these men that they brought over to vote?

Mr. WELLENSGARD. No, sir. I do not know, only what he told me.

The CHAIRMAN. Did he tell you that he did or that he did not?

Mr. WELLENSGARD. I think he did tell me that he would have to pay them something to take their teams away from the field and from their work and come around there. He did not expect to get them for nothing.

Mr. LITTLEFIELD. That is, the men that brought the voters?

Mr. WELLENSGARD. Yes; the men that brought the voters.

Mr. LITTLEFIELD. What was the distance?

The CHAIRMAN. Just a moment. I will yield to counsel in a moment.

Mr. LITTLEFIELD. Pardon me, Mr. Chairman. I wanted to get it right in the record at this point. That is all.

The CHAIRMAN. What is the question?

Mr. LITTLEFIELD. I simply wanted the distance these men had to travel.

What was the distance they had to travel, Mr. Wellensgard?

Mr. WELLENSGARD. I could not come within a mile, perhaps, or 2 miles of it. I should say perhaps 6 to 8 miles.

That was spent—what seems to be criticized here as an enormous sum of money—in one of these instances $30 and in another $25—the former for bringing voters either across the lake or around the end of the lake, 6 or 7 miles, and in the other instance for bringing voters a distance of from 6 to 8 miles. It seems to me that is not an extravagant expenditure when we come to understand the circumstances.

It has been said in this connection that a large number of men were brought down from the quarries to work at the polls; and as the Senator from Kansas became enthused upon that subject, I could see before me the vision of an army of men coming in endless procession from these quarries, all under the pay of Senator STEPHENSON. This was in the town of Berlin. Yet there were only 11 men, altogether, paid for work in any way about the town of Berlin, and part of them were not quarrymen. We do not know just how many there were, but it does appear from the evidence that some of them were farmers, and in all probability not more than three or four were quarrymen. And yet this instance of the quarrymen having been brought down to the polls and paid is stated as though they were brought down there in wholesale numbers, and as though paying them to work at the polls were a mere pretense in order to get their votes.

There was absolutely no reason why Wellensgard should have used any of this money in his own behalf. He was an exceedingly popular man in his county, as appears from the returns. There were cast in that legislative district, altogether, 1,511 votes. Out of those 1,511 votes Mr. STEPHENSON received only 330; but Wellensgard received 914—two-thirds of all the votes cast. It is perfectly idle to talk about this $250.80 having been given to him for any such purpose.

At pages 868 and 869 of the record appears the testimony of Mr. Wellensgard showing the character of man he is. He says that he is the owner of a business that produces all the way from $1,500 to $15,000 a year; that he is practically the sole owner of it; that he is the owner of a number of farms, aggregating somewhere in the neighborhood of 700 acres, or lacking a few acres of that number, and the value of which runs all the way from $5 to $150 an acre.

The question is asked:

Did this $250.80 that you received from the managers of the STEPHENSON campaign have any effect upon the vote that you afterwards cast for Senator?

He answers:

No, sir.

So I conclude, as it seems to me with perfect justice, that the use of this comparatively trifling sum of money, $680 altogether, could have had no sort of influence upon these men subsequently elected to the legislature.

I come now to a very brief discussion of the primary election. And I may say that while I am not particularly an admirer of the primary system, I think any State in the Union that desires to adopt it, having a perfect right to do so, should be protected in the exercise of such right under the statute; that the voting at the primaries should be protected against fraud and corruption precisely as the voting at a regular election should be protected; and I think if corruption occurred at the primaries, or if voters were bribed at the primary election so as to affect the result, and the legislature which was subsequently elected because of the primary vote, elected the person who received a majority of the votes at the primary, that election by the legislature would be tainted by the corruption which occurred at the primary; because, as it seems to me, in that case the election by the legislature would stand with regard to the action of the primary in the direct relation of cause and effect. So I will not stop to discuss that question, but I shall assume that if it can be shown that corruption occurred in such a way as to invalidate the primary election, that would invalidate the election held subsequently by the legislature.

In the first place, I want to inquire as to how this money came to be paid over by Mr. STEPHENSON. Mr. STEPHENSON, in the first place, is a man of large affairs, a man of great wealth, a man of great business affairs. He has been in the habit of employing a large number of men. Of course, in a great business such as he has been operating he must of necessity trust his subordinate agents. I venture to say that

often he has given one of his agents carte blanche in some business affair, and probably has intrusted him with a large sum of money to expend. He can not look after the details, and so when it came to this election and he was informed that under the primary system it would be necessary to make an organization and to spend a good deal of money, he proceeded as he had been in the habit of doing. Whether that was the right way to proceed or not I shall not stop to inquire, but evidently it was the fact.

Whom did he employ? He did not go out and employ some politician, some ward heeler, as some of the statements here would tend to suggest; but he employed reputable business men, Mr. Puelicher, cashier of a bank, a man of excellent standing in the city of Milwaukee, and Mr. Edmonds, a business man of large affairs and himself a man of wealth and standing. They were his two principal managers. Sacket was the office man, but Puelicher and Edmonds were the two managers of this election.

Criticism has been made with reference to the manner in which the account was handled at the bank. There was nothing extraordinary about that. Mr. STEPHENSON, as a matter of fact, had no account at this bank. He had with the officers of the bank certain sums of money which they were investing for him, and as the money would come in from the investments they did not deposit it to an account, but kept it in the form of a cashier's check and paid it over to him whenever he desired, sometimes keeping it for some time.

At the time Mr. STEPHENSON undertook to become a candidate he had with the cashier of this bank, I think, the sum of $30,000; and having made Mr. Puelicher his financial manager, he told him to make use of that money; and the account was kept at the bank after that in precisely the same way as it had been kept for months and perhaps years before. There was no change at all in the situation.

It has been said that the money was paid out without any record being kept. On the contrary, every dollar that was paid out by Mr. Puelicher is represented by a cashier's check. Mr. Puelicher so stated, and offered to bring the checks before our committee. Every dollar of it was represented by a cashier's check. Of course, the money having passed into the hands of the subagents, they disposed of it in such manner as they saw fit, either by depositing it in a bank or by paying it out in cash; but the original expenditure, the payment of the money to the subagents, so far as Mr. Puelicher was concerned, and so far as the funds in his hands were concerned, was always in the form of a cashier's check; a record of it was kept, and there is undoubtedly a record of it there to-day in the books of the bank.

When Mr. STEPHENSON entrusted this sum of money to these managers, it was perfectly apparent to anybody who desired to be fair about this matter, that STEPHENSON was particularly solicitous that these men should keep within the law; because over and over again he said to them, when he would give money to them to be expended, "Now, keep within the law." Some criticism was made that when he was examined further he said he had in mind that they should not pay money to members of the legislature, and that he had nothing else particularly in mind; but he had generally in his mind that the sums of money that were intrusted to these agents should be spent honestly and lawfully. Mr. Edmonds testifies to that as do Mr. Puelicher, Mr. Sacket, and Mr. STEPHENSON.

As need of money arose, or, rather, as the agents insisted that they needed more money, he advanced further sums with great reluctance, rather protesting that they were spending too much money, and wanting to know the need of it. They explained to him that it was a big State; that a great deal of organization work had to be done; that he had a short time in which to do the work; and so, he finally acceded to their requests and advanced more money; but every time, as I have said, with perfectly apparent solicitude, he said to them, "Now, keep within the law." Nobody could have listened to his testimony, nobody could have listened to the testimony of these other men, without being convinced of their absolute honesty and absolute truthfulness.

These men testified before our committee, and testified before the legislative committee two or three years ago, prior to the time they came before our committee. If anything could be said against them, with Wisconsin full of opponents of Senator STEPHENSON, it is incredible that some testimony should not have been brought before us to show these men to have been untrustworthy; but to the contrary, they stood before that committee and they stand before the Senate honest, trustworthy, reliable business men, and their word ought to be taken.

Mr. POINDEXTER. Will the Senator yield for a question?

Mr. SUTHERLAND. Yes.

Mr. POINDEXTER. Are the men the Senator is now referring to the same men he referred to when he said that they had kept the money that Senator STEPHENSON had given to them to expend for his benefit?

Mr. SUTHERLAND. No; they are not the same men.

Mr. POINDEXTER. Who were the men, generally speaking, that the Senator was referring to as having kept the money?

Mr. SUTHERLAND. Mr. President, I had a note to speak of that a little later on; but perhaps I may as well do it now as at any other time.

Mr. position about that is this: I have been speaking about Edmonds and Puelicher, the two men who were the general managers, if I may use that term; and I say, without fear of successful contradiction from anybody, that these two men stand as high in the State of Wisconsin as any other men in it or out of it. There is not any doubt about it.

Subagents were employed, quite a large number of them. To one man $5,000 was given. He had eight counties to look after. To another man perhaps a thousand dollars or perhaps a few hundred dollars was given. They were selected in various parts of the State to look after a county or two or three counties. Some of those men gave us a straightforward account of how the money was expended and itemized every dollar of it to the entire satisfaction of the committee. Some of them did not. Some of them said, in a general way, that it was expended for this, that, or the other purpose; but they were unable to give us details—unable to give us the names of the men to whom it had been paid.

It seems to be claimed by the minority of this committee that because two or three or four thousand dollars was put into the hands of a man and he could not satisfactorily account for its expenditure it must be presumed to have been expended unlawfully; in other words, that because he did not tell us what he did with it, the presumption necessarily follows that he spent it corruptly. If these men spent the money corruptly, of course they were dishonest men; and if they were dishonest men, why does not the conclusion more naturally follow, particularly in view of the presumption that we are to assume the innocence of Senator STEPHENSON rather than his guilt, that the money never got out of the pockets of those men at all? Is it not as reasonable and as logical to conclude, when a thousand dollars has been given into the keeping of a man to expend, and he can not give an account of how he spent it, that he did not spend it at all, as it is to conclude that he spent it unlawfully? That is what I mean when I say that I am inclined to think that a good deal of the money which Mr. STEPHENSON's agents or managers intrusted to these subagents never was expended by them at all; and, as was suggested to me by one of my colleagues upon this side the other day, who had read over this testimony, perhaps instead of this having been a corrupt expenditure of money it was a corrupt failure to expend money.

I want very briefly now to call attention to some things that have been claimed by the minority with reference to this matter; and, inasmuch as the speeches which have been made in the main follow the minority views, I may use the minority views as the text of what I am going to say rather than quote from the speeches directly.

The minority views, I undertake to say in the very beginning, when compared with the evidence in this case, are unfairly colored and misleading. I do not mean consciously so; but, in fact, they are so. I want to read, first of all, the statement under the head of "Admitted facts."

The following may be taken as admitted facts in this case: Three men were selected as managers by Senator STEPHENSON; money was placed in their hands from time to time as called for to the amount of over $107,000; they were not asked how they expended it, nor for what purpose; no accounting was requested; they paid it out in various sums to different individuals in different wards, precincts, and counties; large sums were paid to different individuals holding official positions, and to individuals recognized to be leaders, and to others of prominence in different organizations; no directions were given to these men how the money should be expended; no reports were required and no knowledge obtained as to how they spent the money or for what purpose; men were hired for the ostensible purpose of going over the country talking STEPHENSON and creating STEPHENSON sentiment; men, whose occupations led them into different sections of the country, were paid large sums of money for talking for STEPHENSON on their travels; men were paid three, five, and ten dollars per day to be at the polls on election day, or to haul voters to the polls; large sums were paid leaders in different wards and precincts to look after their wards and precincts; hundreds of dollars were spent for treating to cigars, liquors, meals, etc., as much as $135 in one day by one man; money was paid to candidates for the legislature, at least three of whom were nominated and elected; detailed expenditures were not kept; memoranda were destroyed; records and papers concerning the campaign were shifted from one place to another—

And so forth.

Remember that the statements I have read are under the head of "Admitted facts," meaning, of course, that either Senator STEPHENSON, or at least the majority of the committee who reported in his favor, must have admitted the facts. The minority

do not say that these are the proven facts or their version of the proven facts; but they undertake to tell the Senate that, whatever else may be disputed, the facts that I have read are admitted. Now, I undertake to say that some of the so-called facts which are stated here are not only not admitted, but are contrary to the evidence; and that some of the facts stated here are colored in such a way that they are not admitted as they are intended to be construed by the minority views.

Now I take up the first statement:

No directions were given to these men how the money should be expended.

To whom does that apply? It either applies to these managers or to the subagents to whom these managers disbursed the money. If it refers to these general managers, the statement is absolutely contrary to the evidence. Senator STEPHENSON, first of all, testified, at page 23, as follows:

The CHAIRMAN. What authority did you give Mr. Edmonds in regard to expending money on your behalf?
Senator STEPHENSON. Only to keep within the law, and——
The CHAIRMAN. For what purpose did you authorize him to expend money on your behalf?
Senator STEPHENSON. Well, we had no organization when we started, and we had to get that—advertise, newspapers, and have men. We have got 71 counties in our State. We had to get somebody in every county to work.

Again:

The CHAIRMAN. What do you understand by the expression "making a canvass"?
Senator STEPHENSON. To make the canvass within the law.
The CHAIRMAN. What do you mean? What do you understand by "making a canvass within the law"?
Senator STEPHENSON. Well, not to furnish any money to anyone that was running for the legislature that might vote for me.

Mr. POINDEXTER. What page of the record does the Senator refer to now?

Mr. SUTHERLAND. That is at page 41.

Again, at page 101, I read from the testimony of Mr. Edmonds:

Senator POMERENE. Mr. Edmonds, when was it that Senator STEPHENSON first said to you that you should keep "within the law"?
Mr. EDMONDS. I could not be positive. I should say that in the conversation with me by phone from Marinette the night he asked me if I would assume control of the campaign, I wanted to know how far I should go into that, and I think at that time he mentioned it.
Senator POMERENE. What was said? Give us that conversation.
Mr. EDMONDS. Those were his words—"to keep within the law," if he used that term at that time, and I think probably he did.
Senator POMERENE. You talked with him later on that subject?
Mr. EDMONDS. I do not recall any particular time, but I think without question that phrase "to keep within the law" has certainly been used by him a good many times.

I now read from the testimony of Mr. Sacket:

The CHAIRMAN. What arrangement, if any, was there made with reference to the management of his campaign?
Mr. SACKET. Senator STEPHENSON asked me to do what I could to get the nomination papers, to get out the vote, and promote his interests generally, with specific instructions to keep within the law, whatever I did.
The CHAIRMAN. Was that statement made in the general terms in which you have expressed it, or was the law considered, and the question as to what would be "keeping within the law" discussed?
Mr. SACKET. He used the words, if I remember correctly, "Keep within the law whatever you do."

Again, on page 375 is the following:

The CHAIRMAN. What were those instructions?
Mr. SACKET. To do what I could to promote his candidacy and keep within the law.
The CHAIRMAN. Give us the conversation, as near as you can, the language used by Senator STEPHENSON in giving you such instructions.
Mr. SACKET. I can not remember the exact words of the conversation.
The CHAIRMAN. Give us the purport of it.
Mr. SACKET. The only part of the conversation that I do remember in exact language is that phrase "to keep within the law." The general purport of the conversation was that I go ahead and do what I could for him.
The CHAIRMAN. Within what law was it that you were to keep?
Mr. SACKET. He did not say. He simply said the law.
* * * * * * *
Senator SUTHERLAND. The suggestion to do specific work came from him?
Mr. SACKET. I do not think he was specific. He simply told me to go ahead and do what I could for him, and keep within the law. That is the substance of all he said.

With reference to subagents, to whom money was paid by Mr. Edmonds particularly, he testified as follows:

Senator SUTHERLAND. Do I understand that while you do not remember the name of the person or the particular conversation in any instance, in a general way you do remember that you admonished the people you employed, or rather, that you agreed with different people whom you employed as to the way the money should be expended?
Mr. EDMONDS. I should say this was more likely to have been the case, as I remember it. In talking with these men whom I employed—I would say they were men who were familiar with conditions, and familiar with the political situation and the laws of the State regarding the expenditure of money—I would hardly have told them not to expend money unlawfully unless in discussion they had suggested something that was unlawful, in which case I would have said so. It was not our wish or intention that any man should expend any money except in a lawful manner.
Senator SUTHERLAND. Did you, in a general way, state to the people what the money was to be used for?
Mr. EDMONDS. Yes.
Senator SUTHERLAND. You say in the case of Mr. Wayland it was understood that he was to employ speakers, to hire bands and halls, etc.
Mr. EDMONDS. Yes.
Senator SUTHERLAND. Now, while you do not remember the particular talk with any other particular individual, do you remember that, in a general way, you did state that?
Mr. EDMONDS. I should say in every instance I did go into the details of what would be done in this way.

Yet in the face of that testimony the minority in their views say that it is "admitted" that no directions were given to these men how the money should be expended. Again, the minority say:

Men were hired for the ostensible purpose of going over the country talking Stephenson, etc.

Why is the word "ostensible" put in there? In order to give that statement some sort of a sinister meaning. They were not employed for the "ostensible" purpose of going over the country talking for Senator STEPHENSON. They were employed for the *real* purpose of going over the country to do that, and that statement in the minority views under the head of "admitted facts" is so colored by the word "ostensible" that it carries an entirely false impression.

Again, it is said that—

Money was paid to candidates for the legislature, at least three of whom were nominated and elected.

I have already discussed that. The statement is made as though the money had been given to these candidates for the legislature for the purpose of influencing their votes instead of for a legitimate and proper purpose, as I have already shown.

Again, they say under this head of "Admitted facts" that "detailed expenditures were not kept," leaving it, of course, to be inferred that it is "admitted" that no detailed expenditures were kept. As a matter of fact, a very large number of the witnesses who testified before us as to the expenditure of this money gave the items with the utmost detail, furnishing every item. I will give to the Senate the names of several as shown by the record. There may be others in the record, but these I have gathered from it.

Mr. Van Cleve gave us a complete statement of exactly what the money he received was spent for. You will find that at pages 146 and 147 of the record. Mr. Wayland showed in detail what he expended his money for, at page 725; Overbeck, at page 834; Wellensgard, at pages 837 and 838; Beyer, at page 881; Wheeler, at pages 894 to 898; Eppling, at page 904; Morgan, at pages 927 to 932; Hulbert, at pages 954 and 955; Dresser, at page 1017; McMahon, at pages 1024 to 1026; Hambright, at pages 1064 to 1067; Ames, at pages 1185 to 1187; Russell, at page 1196; Puttell, at pages 1201 and 1202; McGillivray, at pages 1251 and 1252; Alexander, at pages 1288 and 1289; Knell, at pages 1767 to 1773; Reed, at page 1931; Hanson, at page 2004; Morley, at page 2006; and Orton, at page 2008.

Yet we are told by these minority views that it is an "admitted fact" that no detailed expenditures were kept.

They say again:

Records and papers concerning the campaign were shifted from one place to another.

A good deal has been said with reference to that.

Again, further on, and this seems to be a proposition that was peculiarly attractive to the minority of the committee, they say:

And when the committee of the general assembly started to investigate, local counsel for Mr. STEPHENSON had such records and correspondence as had not already been destroyed moved out of the State for the purpose of keeping them beyond the jurisdiction of the general assembly.

As a matter of fact, at the time those papers were moved out of the State Mr. STEPHENSON was here in Washington and never knew anything about it until he was present in Milwaukee, as the testimony shows. Why were they moved out? First of all Mr. Black, one of the counsel, testified:

I want to say in that connection, also, that Senator STEPHENSON was in Washington at the time and that I did not confer with him at all in relation to the matter.

Senator STEPHENSON testified:

Mr. LITTLEFIELD. Did you have any knowledge of the contents of the box or its reception at Marinette or any disposition of it until you saw the trunk in which the contents were brought in here at this hearing?
Senator STEPHENSON. No, sir.
Mr. LITTLEFIELD. Did you ever have any knowledge of the movement of the box or its contents between Escanaba and Marinette or Wells, Mich.?
Senator STEPHENSON. No, sir.
Mr. LITTLEFIELD. When did you first learn of that?
Senator STEPHENSON. After I came here—after the box came here.
Senator POMERENE. During this hearing?
Senator STEPHENSON. Yes. That is the first I ever knew about it.

Now, whatever was done, so far as this box of papers was concerned, was done long after the election. It was done during the time that the legislative committee was investigating the subject.

In the minority views this is stated:

And when—

Mark you, "when"—

And when the committee of the general assembly started to investigate, local counsel for Mr. STEPHENSON had such records and correspondence as had not already been destroyed moved out of the State for the purpose of keeping them beyond the jurisdiction of the general assembly.

That is stated as though when that investigation started that was done. As a matter of fact, it was not done until long after the investigation had been under way, and the reason for it is stated by Mr. Black at page 1794:

My object in doing that was not that I feared there was anything in the correspondence that would be damaging to Senator STEPHENSON's case, but I was influenced by the fact that a lot of correspondence from all over the State, written by various people—although I did not know exactly what it was—might contain things that would cause trouble and jealousy, so that people would have each other by the ears; and I did not think it was proper that that senate committee should have it for that purpose. I was convinced that they would use it for that purpose or any other they saw fit. This was immediately after this Wagner episode, as I stated.

The Wagner episode was a frame-up, by which it was attempted to show that certain members of the legislature had been bribed. Wagner testified that he overheard a conversation in the hotel in Milwaukee through a transom. He gave the room numbers. When the committee went to look at the situation they found there was no transom there at all, and Mr. Wagner has since been serving a term in the penitentiary for perjury in that connection.

So Mr. Black, after that sort of thing had developed, and he thought they were prodding into this matter for the purpose of creating a political disturbance, and without consulting STEPHENSON at all, had these letters sent away. But, as a matter of fact, the box containing all the papers and letters was brought to this committee, and the committee went through them, and they are able to say to the Senate that from the beginning of the correspondence and papers to the end there is not one single word that indicates any culpability of any sort or description, so far as Mr. STEPHENSON or any of his agents are concerned. Yet much is made of that episode.

I could go on. The reference to Mr. Stone is misleading. They speak all the way through as though Mr. Stone had been employed by Mr. STEPHENSON. For instance, one of the statements is that—

Senator STEPHENSON personally directed that $2,500 be turned over to Stone.

As a matter of fact, Mr. STEPHENSON did not direct anything of the sort. Mr. STEPHENSON did not know anything about it, so far as this testimony shows, until long after the primary election was over. Let me read you the testimony upon which that statement is based, and all the testimony upon which it can be based.

Mr. EDMONDS. But as to just how far that went I am not positive now. I do not want to do Mr. STEPHENSON an injustice by saying that he made it if Mr. Stone reported that that was the amount agreed upon when we talked.

Senator SUTHERLAND. Then I understood you to say that you do not know why it was $2,500 rather than some other sum?

Mr. EDMONDS. Except that that was the amount that Mr. Stone thought was advisable to put in his hands; that he could use to advantage or because of the information received from Senator STEPHENSON; *which I am not sure.*

Upon the statement of a witness that he is not sure that a certain fact occurred it is stated in the minority views that it actually did occur.

But we do not stop there. When Mr. Stone was upon the stand he explained exactly how this $2,500 was paid, and here is the testimony:

Mr. LITTLEFIELD. Were you or were you not at that time a supporter of his?

That is, at the time the money was paid.

Mr. STONE. Yes, sir.

Mr. LITTLEFIELD. State briefly just what conversation you had with the Senator.

Mr. STONE. I dropped into his office and shook hands with him, and asked him if the report was true that he was a candidate for reelection. He said he was. Then—I do not know; the ordinary conversation took place that one would naturally have under those conditions, and before I left I told him that what little I could do I would be glad to do for him.

Mr. LITTLEFIELD. Was anything said in that conversation, either by yourself or by the Senator, with reference to any sum of money that you might receive for use in the campaign?

Mr. STONE. No, sir.

Mr. LITTLEFIELD. No sum of money was mentioned?

Mr. STONE. No money was mentioned at all.

Mr. LITTLEFIELD. The next thing that occurred was the conservation that you had with Mr. Edmonds in Milwaukee?

Mr. STONE. Yes, sir.

Mr. LITTLEFIELD. As the result of that conversation Mr. Sacket brought in $2,500 and gave it to you?

Mr. STONE. Yes, sir.

Mr. LITTLEFIELD. Do you recollect whether or not, in the course of that conversation, you discussed the question as to how much you could use in the campaign, or how much it was suggested that you might use?

Mr. STONE. I think we agreed upon——

Senator POMERENE. You are directing his attention now to a talk with Mr. Edmonds?

Mr. LITTLEFIELD. Yes. Did you not suggest to Mr. Edmonds the amount of $2,500?

Mr. STONE. I think so.

Mr. LITTLEFIELD. You suggested that to him, and after discussion that amount was fixed upon? Is that correct?

Mr. STONE. Yes, sir.

Mr. LITTLEFIELD. That was the first time, was it not, that the amount you were to receive was suggested or discussed by anybody?

Mr. STONE. That was the only time.

Mr. LITTLEFIELD. Did you have any conversation at all with the Senator except the conversation that you have now testified to that occurred in Marinette?

Mr. STONE. No, sir.

Mr. LITTLEFIELD. That was the only time you saw him during the campaign?

Mr. STONE. Yes, sir.

Mr. LITTLEFIELD. And it was the only talk you had with him? Is that right?

Mr. STONE. Yes, sir.

So instead of the testimony showing that STEPHENSON had paid this money over to Stone, or authorized it to be paid over to him, the testimony shows precisely the contrary.

Now, certain things are said with reference to the organization methods. I find on page 7 of the minority views the language "Manager Edmonds's description of the organization methods," and under that head they make a quotation from Mr. Edmonds's testimony, as though that told the whole story. In that quotation it is said:

The CHAIRMAN. Now, what do you mean by "organize" when you use the term in connection with the payment of this money?

Mr. EDMONDS. I mean that the man employed by me to look after Dane County and get out the vote—the largest possible vote—for Senator STEPHENSON was given latitude, usually guided by his judgment alone, as to what was to be done (p. 77).

The CHAIRMAN. Particularize the word "organize" and tell me what constituted organization.

Mr. EDMONDS. My idea in a county that was thoroughly organized would be, in the first place, to get out the advertising that we sent to the county—have it fully distributed and posted—and after that was done he was to put in his full time going around the county, and he was paid for his services going around the county and interesting men of influence in the different localities to interest their friends so as to get out a full vote for Senator STEPHENSON election day. In some instances still further organizing, if in their judgment that was wise, by getting out the vote, by hiring teams, etc., for getting men to the polls (p. 78).

As a matter of fact, the other testimony shows that he included within that term the following things as well, namely:

The meeting of the criticisms and assaults upon Senator STEPHENSON by representatives of the other candidates, and procuring men to go out and meet the Republican voters and answer such arguments and criticisms; the expenses of procuring a list of names of Republicans in the various sections for the purpose of enabling those at the headquarters to mail literature in the interests of Senator STEPHENSON, hiring of teams and men, automobiles and men, to get voters to the polls on election day who otherwise would not be likely to go; the expense of a final canvass to ascertain, so far as they might be able, the men to be brought home and for whom teams would have to be sent on election day; the employing of workers at the polls and to check up the votes and send for those who had not voted.

You will find testimony to that effect on page 333 and in other parts of the record. So I might go through these minority views in further detail, but I have already occupied so much time that I must not do so. But I will stop to call attention to one other statement. On page 18 of the minority views a letter is quoted, written to Mr. Wheeler by C. B. Salmon:

MY DEAR WHEELER: I inclose bills in blank, which are correct. All the men and rigs were in the exclusive use of STEPHENSON, etc.

In this quotation the minority has italicized the sentence "All the men and rigs were in the exclusive use of STEPHENSON," and then a postscript is also printed by the minority in italics—

We should pay these men in the morning.

Why are the words quoted in italics? In order to suggest some sinister meaning, of course. The words themselves will not bear any improper construction; but if Senators here had seen Mr. Wheeler, as the committee did, and had heard Mr. Wheeler, as the committee did, they would have realized that a man of his standing and character could not have been involved in anything improper, as seems to be suggested by the gratuitous italics of the minority.

So they call attention to the liquor expense, and call attention to Mr. Sacket's testimony that it was the custom in elections in Wisconsin to spend large sums of money in saloons for liquor, leaving it to be inferred that Mr. Sacket followed that custom, when, to the contrary, Mr. Sacket emphatically testified that he instructed his men not to follow it. He said, "I did not tell them not to spend a dollar in the saloons, not to pay for a friendly drink, but I expressly instructed all of them," and Mr. Edmonds did the same, "not to carry on a saloon campaign."

As illustrating that, and I think I am now through, so far as these details are concerned, I call attention to the testimony

of Mr. Wayland, at page 730. Mr. Wayland was one of the young men severely criticized by the Senator from Kansas [Mr. BRISTOW]. Mr. Wayland, after testifying that he had spent some money for drinks, cigars, and so on, said:

The CHAIRMAN. Did you pay for it out of the money furnished you for campaign purposes?
Mr. WAYLAND. Yes; and I reported afterwards to Mr. Edmonds what I was doing, and he requested me to discontinue that kind of campaign immediately.
The CHAIRMAN. When was that?
Mr. WAYLAND. I think he came home about the next Saturday night.

A little further on he said:

The CHAIRMAN. Then up to the middle of August you had been proceeding as you have described?
Mr. WAYLAND. Yes; I proceeded clear through to the end—I mean the way I conducted the campaign. I endeavored to show the way I conducted the primary.
The CHAIRMAN. I want to know when you ceased treating.
Mr. WAYLAND. I ceased going to saloons or buying anything in the saloons.
The CHAIRMAN. Where did you buy it—in the grocery store?
Mr. WAYLAND. No; they were saloons in grocery stores.
The CHAIRMAN. Did you cease buying drinks for these people who went to the grocery stores?
Mr. WAYLAND. Yes, sir.
The CHAIRMAN. Or cigars, or treats of any kind?
Mr. WAYLAND. I gave out cigars.

So I might go on at considerable length and refer to other parts of the testimony where it appears clearly that the managers for Mr. STEPHENSON discouraged and forbade from time to time the spending of money in the saloons. Of course, they could not control some man out in a remote county who happened to have some money in his hands, but so far as they could control it they undertook to prevent it.

Mr. Wayland, as I said, was severely criticized by the Senator from Kansas, but Mr. Wayland impressed me as an enthusiastic and a very clean-cut young man, and I think he so impressed the committee. He testified with perfect straightforwardness, and gave an itemized statement of every cent he paid out during the campaign, even to 15 cents paid for a cigar.

Mr. President, with one other thought I think I shall conclude. Every Member of the Senate who has practiced law understands how important it is in determining the facts of a case to see the witnesses and to hear the witnesses testify. Indeed, when a case where the facts may be reviewed is appealed from the nisi prius court, or where a motion is made for a new trial before a new judge who has not heard the original case, it is the habit of the court to say, "The trial judge heard these witnesses; he saw them; he was able to judge of their frankness and candor;" and wherever there is any conflict in the evidence, the court will not undertake to reverse the findings of the trial judge. The subcommittee that was appointed to investigate this matter proceeded to Milwaukee, and sat there, as I have said, week after week, hearing these witnesses, and they certainly had a better opportunity to judge of the character of these witnesses, of their frankness, their candor, and their honesty than other Members of the Senate who did not see or hear them. The report of the subcommittee is unanimous; in other words, every member of the committee who heard this case has reported in favor of Senator STEPHENSON'S right to retain his seat; and it seems to me, if we assume honesty on the part of the subcommittee, that fact ought to be worth something.

Mr. President, twice in the lifetime of any man the repute in which he may be held by his fellow men becomes of supreme concern—once when in his youth, looking forward with glowing aspirations, his good name constitutes the spreading and sometimes the only sail which carries the unfilled craft of all his hopes to the open sea of opportunity; and again, when, in his old age, looking back upon generously gratified ambitions in the fading light of evening, with furled sail he slowly creeps into the harbor of eternal anchorage. I know not at which period the loss of an honorable reputation is more sorrowful; but youth has at least the future in which to struggle for rehabilitation, while old age can only stand hopeless and helpless before a tragic and conclusive finality.

Senator STEPHENSON has lived far beyond the span of life to which most men may look forward, and he has carried with him throughout all the years an untarnished character. He has to his credit an unusually successful and honorable business career. He has served his State as legislator, Representative, and Senator with credit and fidelity and unimpeached integrity. Yet a few more days and he must pass on, leaving nothing of permanent value behind him, unless it be the record of an honored and honorable name, and whether he may do that will depend upon the verdict soon to be rendered by this great tribunal.

I began and have continued the consideration of this case with a feeling of deep responsibility, because I have realized that from the decision which we render there can be no appeal. Right or wrong, just or unjust, it becomes final and irreversible. It is within our power to ignore all the rules of evidence and the established principles of law without which justice could not be done. We may render judgment, if we please, regardless of all these, and in no human tribunal can our findings be assailed; but, sir, whosoever shall consciously do this will in the high court of his own conscience forever stand impeached.

Sir, I do not know how it may be with others, but to me it has been a matter of profound satisfaction that after patiently listening to all the testimony and after carefully considering all the facts and the law, I have found myself able with a clear conscience to reach such a conclusion that through no vote of mine will the venerable Senator from Wisconsin be driven from his seat in this Chamber with the great burden of his more than four-score years increased beyond endurance by the crushing weight of dreadful and overwhelming shame.

Mr. O'GORMAN. Mr. President, I yield to no Member of the Senate in sympathy for the Senator from Wisconsin, but much as I sympathize with him in his present unfortunate situation, I can not permit my sympathy to take the place of my duty to my country and my oath of office.

Stripped of the verbiage that obscures and beclouds the issue in this matter, the great question before us is, whether any citizen of the United States can purchase a seat in this body and be permitted to enjoy the object of his purchase. It has been suggested that, notwithstanding this expenditure of a vast sum of money that appalls and shocks the conscience, there is no proof of its corrupt use, and that the guilt of the respondent is not established beyond a reasonable doubt. That, sir, is a rule applicable to the administration of criminal law and has no place in the deliberations of this body. Under the Constitution our sole function as judges is to determine whether a Senator coming with the credentials of a State has secured his place by corrupt means and methods, and whenever the evidence submitted to us justifies our belief that he has secured his place by such means, we are restrained by no other consideration, but are justified in determining that he does not hold his seat by a clear title.

When I read in the report of the committee the declaration that the expenditures made by Mr. STEPHENSON "were in violation of the fundamental principles underlying our system of Government, which contemplated the selection of candidates by the electors and not the selection of the electors by the candidate," I viewed that statement as one which would meet with the hearty approval of every person familiar with the record; but I have found difficulty in reconciling it with the conclusion reached by the committee—to the effect that Mr. STEPHENSON may nevertheless retain his seat. I can only account for the apparent inconsistency between the statement to which I have just invited the attention of the Senate and the conclusion of the committee because of an error into which, inadvertently, the Senator from Idaho fell when he declared:

It seems from this consideration of the question we must conclude that the direct-primary proceedings can not be held to affect the validity of an election by the legislature.

The evidence, without contradiction, is that $107,000 was put into the primary contest by the Senator from Wisconsin, and the extraordinary proposition has been advanced in this body that, inasmuch as a primary election is unknown to our Constitution, no matter what may have been the conduct of a candidate for public office at the primary, the fraud and the infamy of his conduct can not be held to be sufficient to impeach his title to the Senatorship, which came to him as a consequence of the wrong and the corruption at the initial stage of his effort to secure the office. I am glad to recognize, however, that in the discussion of this question to-day and yesterday scarcely a voice has been raised in vindication of that proposition.

I assert that the true rule, a rule recognized by nearly every Senator who has discussed this question, is that even though a primary contest be unknown to the Constitution, corrupt conduct, the corrupt purchase of influence, will invalidate the title of a Senator when his subsequent election is directly traceable to the result of the primary.

The Senator from Ohio [Mr. POMERENE] and the Senator from Utah [Mr. SUTHERLAND], while agreeing in the conclusions of the report of the Senator from Idaho [Mr. HEYBURN], fell into an error, which I think can not be vindicated. It is stated on page 28 of the report:

Mr. STEPHENSON'S campaign managers gave to John W. Stone, the game warden of the State, $2,840.50 for campaign purposes. This was distributed among a number of the deputy game wardens; he retained some portion of it himself, and in testifying before the legislative committee, falsely stated the amount he had paid out.

Section 990–28 (sec. 28, ch. 363, 1905) provides:

"No officer, agent, clerk, or employee under the government of the State shall directly or indirectly solicit or receive or be in any manner concerned in soliciting or receiving any assessment, subscription, or

contribution, or political service, whether voluntary or involuntary, for any political purpose whatever from any officer, agent, clerk, or employee of the State."

And the comment of the Senators subscribing to this part of the report is as follows:

This statute makes it an offense for any *officer, agent, clerk, or employee under the government of the State* to solicit or receive any assessment, subscription, or contribution, or political service from *any officer, agent, clerk, or employee of the State.* It is clear that this statute was not violated by Senator STEPHENSON, since he was not an officer, agent, clerk, or employee of the State. Moreover, the statute makes it an offense on the part of the *recipient* of the fund only. No offense is committed by the *donor.*

There is no doctrine better settled in the law of all the States and Nation than that any person aiding, abetting, procuring, or inducing another to commit a crime becomes liable with the principal as an accessory; and, therefore, while it was clearly criminal for Mr. Stone to accept this money from Mr. STEPHENSON for the purpose indicated, Mr. STEPHENSON himself was a party to the wrong and liable to indictment and prosecution under the laws of his own State.

It has been stated during the day by the Senator from Utah [Mr. SUTHERLAND] that there was no evidence that Mr. STEPHENSON knew of Mr. Stone receiving this large sum of money for the purpose indicated. I call attention to the record, at page 300, where the witness Edmonds states as follows:

Senator SUTHERLAND. When was it you gave Mr. Stone the $2,500, before or after this conversation?

Mr. EDMONDS. After.

Senator SUTHERLAND. After?

Mr. EDMONDS. That is, I think the same day, as I recall.

Senator SUTHERLAND. How did you fix the amount at $2,500?

Mr. EDMONDS. My recollection is that either Senator STEPHENSON informed me, or else Mr. Stone informed me, that that was the amount to be paid him.

Senator SUTHERLAND. Which was it?

Mr. EDMONDS. I can not recall now.

Senator SUTHERLAND. Did you make the arrangement or did Mr. STEPHENSON make it?

Mr. EDMONDS. My present recollection is that Mr. STEPHENSON made the agreement with Mr. Stone; Mr. Stone had seen him.

Mr. President, I do not propose to review the evidence. That has been done by Senators on both sides of this question. I shall not suggest that the Senate of the United States is on trial to-day, but I do say that your vote on the pending resolution will have an influence for good or evil that will survive our terms of service in this body. We may deceive ourselves by a vote to-day. We can not deceive the people of the country. No impartial, untrammeled intellect can review the record in this proceeding without being satisfied that in the primary in the State of Wisconsin in the summer of 1908 there was nothing but a contest of money on both sides.

It has been stated by the Senator from Utah, within a few moments, that the Senator from Wisconsin is a man of large wealth; that he has had an honorable career. In all of his career that is creditable I rejoice. But I tremble for the fate of this Government when it becomes the accepted belief in this country that a man who has accumulated his millions may purchase a seat in this body and be immune to the criticism of the land.

It is not disputed, I apprehend, that were it not for the expenditure of this $107,000 the State of Wisconsin would not be represented in this body to-day by the junior Senator. For more than three years the subject which we are now discussing has been agitated in that Commonwealth. Effort after effort has been made to investigate it. The foulest page in the history of popular government in this country is the record of the Wisconsin primaries in September, 1908. There was a riot of crime and venality and corruption.

What was $107,000 expended for? There were no public meetings. There were no champions of popular causes. There was no discussion of great fundamental principles of government. It occurred to the Senator from Wisconsin that he wanted the distinction of a seat in this body, and he intrusted the procuring of the place to two or three of his friends. It is conceded that at least $107,000 was spent at the primary, nominally to create a sentiment favorable to the gentleman, to accelerate a sentiment that might bring him to the Senate.

I know of nothing more conducive to despair of the future of our country than to have it recognized—and there are many who recognize it now—that however corrupt and foul and venal the means employed to secure it, the holder of a seat in this body may retain it.

It has been suggested that we have not seen the witnesses. At times it is very important, in passing upon conflicting evidence, to see the witnesses. But here we have the conceded fact that this large sum of money was used for this purpose. It is not fair to say that it has been claimed here that its use raises a conclusive presumption that it was improperly used. But, having given Mr. STEPHENSON his opportunity to explain the expenditure, the inference to my mind, from the record as it stands, is that a large part of that money was used for corrupt purposes. Much as I should prefer to see him an honored Member of this body, with his right to a seat unchallenged, I can not vote for his retention.

Mr. POINDEXTER. Mr. President, the principal parties who are deeply and profoundly interested in this proceeding are the Senator from Wisconsin, the Senate itself, and the Nation. Of course, in the consideration of a question which is of such deep significance to any individual, particularly one of our associates, the natural feelings of sympathy and personal regard which affect us constitute a considerable difficulty in the way of a logical and judicial determination of the question. This gives a certain advantage to the individual who is interested. To accentuate that difficulty, the feelings of the committee which investigated the case, and of the Senate, which is now to finally determine it, have been appealed to insistently and persistently and eloquently by counsel for the Senator from Wisconsin and by Senators who have advocated his cause on the floor of the Senate; and this has induced me to consider from the standpoint of the Senator from Wisconsin, if possible, the situation in which he is placed.

I have just listened to the eloquent peroration of the Senator from Utah, describing the effect upon the Senator from Wisconsin in his old age of being excluded from the Senate upon a charge of fraud and corruption in his election. But, Mr. President, it is not the action of the Senate that will fix the estimation in which the Senator from Wisconsin will be held by the people with whom he will have to associate; it is the facts disclosed by the evidence and within the knowledge of those people, his associates.

If the testimony in this case shows, whether altogether through his personal participation or partly through his personal action and partly through that of his agents, that he purchased an election to the United States Senate, or purchased the nomination at a primary which he himself admits was practically equivalent to an election to the United States Senate—because the party which bestowed upon him that nomination was in the overwhelming majority in his State—and the Senate, through any feeling of sympathy or personal regard for the Senator from Wisconsin, should be influenced to decline to find that the election was void because it was purchased, I do not apprehend that it would afford any satisfaction to the Senator from Wisconsin. For the action of the Senate in direct contradiction to the record which has been made in the case would create a feeling of resentment on the part of the people of this country, which would be continually aggravated at every legislative action, at every vote cast, by the Senator who holds his seat by such means. Whatever may be the verdict of the Senate, it is impossible for this body to control the verdict which the people of this country will render upon the evidence in the case. Whether we reach a favorable or an unfavorable conclusion, the case will be decided according to the evidence by the people of this country; and the estimation in which the Senator from Wisconsin will be held will depend upon what he did in this election far more than upon what conclusion the Senate may reach in its formal action of dismissal or retention.

The Senator from Utah has said that the Senators who heard the testimony are in a better situation to come to a conclusion than the other Senators, who were not members of the committee. After reading the conclusion reached by the Senators who heard the testimony, I must say that I listened with some astonishment to the speech of the Senator from Utah upon the floor.

I want to call the attention of the Senate, in order to refresh its memory, to the conclusions reached by the Senator from Utah and the distinguished Senator from Idaho who sits by my side, after having had the privilege of observing the witnesses and determining their credibility, and I want to appeal from the eloquent advocate here who appeals to the Senate not to fix a disgrace upon the aged Senator from Wisconsin to the judicial findings and conclusions of these same Senators who weighed the evidence and heard the witnesses.

The Senator from Utah, the Senator from Ohio, and the Senator from Idaho, the principal advocates of the Senator from Wisconsin in this proceeding, have found and recorded their opinion as follows:

Were it possible to hold that Mr. STEPHENSON was subject to the same restrictions under the laws of Wisconsin as a candidate for a State office, we would feel compelled to enter more fully upon the nature and character of the expenditures made by him and on his behalf during the primary campaign.

The amount of money expended by Mr. STEPHENSON, Mr. Cook, Mr. Hatton, and Mr. McGovern in the primary campaign was so extravagant and the expenditures made by and on behalf of these gentlemen were

made with such reckless disregard of propriety as to justify the sharpest criticism. Such expenditures were in violation of the fundamental principles underlying our system of government, which contemplated the selection of candidates by the electors and not the selection of the electors by the candidate.

Regardless of any statute requiring that strict accounts be kept of money expended by and on behalf of candidates, a candidate and every man representing him should know that public opinion would expect the parties to place and maintain themselves in a position so that if any of their acts were questioned they could justify such acts to the extent of giving every detail in regard thereto.

While I do not believe that the law of Wisconsin could constitute any man a candidate or place him in the position of and under the responsibilities of a candidate for an office over which the State had no control and which was not to be filled under any law of the State, yet I feel impelled to criticize the acts of those in charge of the expenditure of the money of men who are called candidates for the Senate, and especially of Mr. STEPHENSON, in the irresponsible and reckless manner in which they disbursed the money furnished them by Mr. STEPHENSON during the period of the primary campaign.

The failure to keep detailed accounts, the destruction of memoranda, the shifting of records and papers concerning the campaign from one place to another, the adoption of mysterious methods and roundabout ways in regard to matters that might just as well have been performed in open daylight in the presence of the people, would go far toward creating the impression that there was some occasion for Mr. STEPHENSON'S representatives to avoid candor and to obscure conditions.

That is on page 18 of the report of the majority of the subcommittee.

Mr. HEYBURN. Mr. President——

The VICE PRESIDENT. Does the Senator from Washington yield to the Senator from Idaho?

Mr. POINDEXTER. I yield to the Senator from Idaho.

Mr. HEYBURN. I rise to suggest a correction of the Senator. It is not any part of the report of the subcommittee. It is a part of the individual views filed by me as a member of that committee, and is not a part of the report.

Mr. POINDEXTER. In reply to that, Mr. President, I desire to call attention to page 30 of this document, No. 349. I will not call it a report, although it calls itself a report. The members of this subcommittee were the Senator from Idaho, the Senator from Ohio, the Senator from Utah, and the Senator from Kentucky.

Mr. HEYBURN. The two Senators from Kentucky.

Mr. POINDEXTER. Were they both on the subcommittee?

Mr. HEYBURN. Yes.

Mr. POINDEXTER So far as I am advised, they took no part in the proceedings and did not sign any report. At least, one of them did not sign any report.

On page 30 of the same document the Senator from Ohio and the Senator from Utah use the following language:

We heartily approve these words of Senator HEYBURN.

They then quote the language which I have just read, which was reported and filed in the Senate by the senior Senator from Idaho, along with the formal report of the committee, and all printed in this document as the report of the members of the committee. The language which I have read is the findings reported to the Senate by at least a majority of the subcommittee.

In addition is the following language, on page 19 of this document:

Were a candidate for a State office in Wisconsin to conduct a campaign in the manner in which the campaign of Mr. STEPHENSON, and of other men who sought election to the United States Senate, were conducted, it would be very difficult to justify such conduct under the laws of the State.

Mr. HEYBURN. Mr. President——

The VICE PRESIDENT. Does the Senator yield?

Mr. POINDEXTER. I yield.

Mr. HEYBURN. I know the Senator would like to be accurate. The report of the committee is found on pages 8 and 9. Nothing beyond that is the report of the committee. It covers about half a page. The Senator has been reading the individual views of members of the committee; but the Senate is not dealing with the individual views of members of the committee; it is dealing with the report of the committee.

Mr. POINDEXTER. Mr. President, I think that distinction is utterly immaterial. I am reading the views in writing, filed here as a return to the Senate and a report to the Senate by the several members who signed it.

Mr. HEYBURN. Mr. President, the Senator will never have an opportunity to vote upon those views. When he votes, it will be upon the report of the committee, and not upon the individual views of the members of the committee.

Mr. POINDEXTER. My understanding was that when we voted, we would vote upon the motion of the Senator from Idaho; but I do not care, Mr. President——

Mr. HEYBURN. But, Mr. President, let us be fair. The motion of the Senator from Idaho is not directed to the individual views of members of the committee, but is directed solely to the report of the committee, on pages 8 and 9 of the record.

Mr. POINDEXTER. I do not care whether this finding is called "the individual views of the members of the committee" or whether it is called "the report of the committee." It is at least a statement returned here and signed by a majority of the subcommittee and by the Senators to whom I have referred, who are now defending a seat obtained by methods which they themselves have characterized in the language I have read.

I want, further, to read into the RECORD, in view of the argument which has been made this afternoon by the Senator from Utah, the language reported in writing by the Senator from Utah after he had had the advantage, as he says, of hearing and seeing the witnesses. It is found on page 26 of the report—or of the document, if the Senator from Idaho will pardon me. It is as follows:

We have no sympathy whatever with the expenditure of money in excessive amounts, whether in a senatorial or any other political campaign. That an expenditure of $107,793.05 is an excessive amount to be spent in the candidacy for the office of United States Senator, which pays a salary for six years' service amounting to $45,000, goes without question; that it is demoralizing and should be prevented can not be denied.

That is a part of a statement filed by the Senator from Ohio and the Senator from Utah.

Mr. HEYBURN. Mr. President——

The VICE PRESIDENT. Will the Senator from Washington yield to the Senator from Idaho?

Mr. POINDEXTER. I yield.

Mr. HEYBURN. It is not any part of the report of the committee. I refer the Senator from Washington to the CONGRESSIONAL RECORD of February 19, that being the day upon which the report was made, where he will find the report of the committee followed by the motion which I made that the report of the committee be adopted. It contains none of the statements to which the Senator has called attention. It stands under the rules of the Senate as the only and the complete report. If the Senator desires to use it, I have it at hand for his convenience.

Mr. POINDEXTER. I thank you very much, indeed. I probably will have occasion to use it.

Mr. JONES. Mr. President——

The VICE PRESIDENT. Does the Senator from Washington yield to his colleague?

Mr. POINDEXTER. I yield.

Mr. JONES. I simply want to suggest to my colleague, who probably has it in mind, that in what is called the report, which the members of the committee seem to be so insistent shall be termed the report, there is absolutely no reason given at all for the conclusion.

Mr. POINDEXTER. I am very glad my colleague has stated that fact. It is true. It is just a bare recommendation without any reason given or any finding of fact or conclusions of law.

Mr. HEYBURN. That is as it should be, Mr. President.

Mr. POINDEXTER. I will not stop now at least to discuss the ethics of reports. I do not understand that the Senator from Idaho denies that the language which I have just read is the language of the three members of the subcommittee whom I have named and filed in the document marked Report No. 349. It is not a part of the formal report, as the Senator says, but the views and conclusions of the Senators who made the report.

Mr. HEYBURN. Mr. President——

The VICE PRESIDENT. Will the Senator from Washington yield further to the Senator from Idaho?

Mr. POINDEXTER. I yield.

Mr. HEYBURN. I happened to express the same views in the remarks I made in support of the report. Had the document which the Senator refers to never existed he would have had the benefit of the wisdom of those views.

Mr. POINDEXTER. They are the views of Senators who have been very diligent in advocating the right of the Senator from Wisconsin to retain his seat. In other words, the Senators argue that a seat acquired in that way is a valid seat; that the Senate ought not and can not protect itself from membership acquired by means which can be characterized in the language which Senators have used, and which I have just read.

Mr. HEYBURN. Mr. President——

The VICE PRESIDENT. Does the Senator from Washington further yield?

Mr. POINDEXTER. I yield.

Mr. HEYBURN. I hope the Senator will allow me to make a suggestion. He has referred more than once to those who have spoken in support of the report as the advocates of Senator STEPHENSON. He would not like to be termed the "prosecutor" of Senator STEPHENSON. The term "advocate" has no place in

connection with this discussion. We are all here speaking as Senators. No one will claim that the record shows that any member of the subcommittee was the advocate of Senator STEPHENSON in the investigation.

Mr. POINDEXTER. Oh, I am willing the Senator should criticize that word. I did not intend to use it in any offensive sense whatever. It is simply a word which describes the efforts of a Senator who, as a Senator, of course in a perfectly proper and legitimate way, contends in this forum that the Senator from Wisconsin, notwithstanding the methods which they have so characterized, is entitled to retain his seat—and, of course, if he is so entitled, then any State in the Union can fill seats in this body in the same way.

It so happens, Mr. President, that frequent reference has been made during this debate to the Lorimer case, and that the Senate is now in the unique and, so far as I know, the unprecedented situation of having the validity of the seats of three of its Members formally challenged. One reason why I refer to that is in order to make a comparison of the evidence in a case which has recently been thoroughly discussed in this body. A number of Senators have recorded, as shown by the CONGRESSIONAL RECORD and the Journal and the proceedings, that upon the evidence in the Lorimer case their judgment was that the election was invalid.

Now, what is the difference between the Lorimer case and the Stephenson case? One important difference I will state, and I am perfectly free to state it, because I concluded, upon the hearing of the discussion and an examination of the testimony in the Lorimer case, against the validity of his seat, and so voted.

I want to say that the principal difference between this case and that one is that there was a total failure in the Lorimer case to show that the Senator from Illinois personally participated in any way whatever in the corruption of the Illinois Legislature. I believed that the circumstances in the case justified the conclusion that he had knowledge of it, but there was a total failure of evidence, either direct or circumstantial, to connect him with the expenditure of the money or to connect any agent of his with the expenditure of the money in that case. The great question, which was more or less a mystery throughout its consideration, was, Where did the money come from, who furnished it, and what interests were they that sought so diligently to elect a Senator from Illinois?

In the Stephenson case there is no such mystery. There is no such difficulty. It is admitted by the Senator from Wisconsin, both by the statement which he filed and by the testimony which he gave before the committee, that not only was he personally cognizant of all these proceedings, but that the money which was used to corrupt the electorate of Wisconsin was his money; that he personally paid the money to the men who were selected by him to take charge of the various features of his campaign. There is not any contention here that every dollar which was used to perpetrate the act which has been denounced by the majority as well as by the minority of this committee was a portion of the fund which was furnished by the Senator from Wisconsin, his money—paid by him.

Mr. HEYBURN. Mr. President, I rise to a question of order.

The VICE PRESIDENT. The Senator from Idaho will state it.

Mr. HEYBURN. The Senator is violating the second section of Rule XIX of this body, which provides that—

> No Senator in debate shall, directly or indirectly, by any form of words impute to another Senator or to other Senators any conduct or motive unworthy or unbecoming a Senator.

The Senator from Illinois [Mr. LORIMER] is not under investigation and stands in the same light as any other Member of this body. An offensive reference to him is a violation of the rule.

The VICE PRESIDENT. The Chair did not hear the language the Senator from Washington used, but the Chair is sure the Senator will not violate any of the rules of the body.

Mr. POINDEXTER. It is not my intention to violate any rule.

Mr. HEYBURN. He was in the midst of it and had just uttered the words when I rose and addressed the Chair. It rests with the Chair.

The VICE PRESIDENT. The Chair did not hear them, and the Chair trusts there will be no necessity for raising such a question.

Mr. POINDEXTER. I will endeavor to comply with the rules. Only in passing, however, I will say that I apprehend it is legitimate in the discussion of an election case to refer to the journals and records of this body in other election cases. That is what I did.

It is contended in this case by those who are defending the Senator from Wisconsin on the claim that his election was a valid election—some of them, at least—that all of the evidence relating to the primary is immaterial. They refuse to consider that. I understand that is the position of the Senator from Idaho. That was practically the sole basis upon which the counsel for the Senator from Wisconsin based his case in the proceedings before the committee—a most elaborate, I think, and artificial and sophistical argument, on the proposition that no attention could be paid to proceedings in a primary election, even though the evidence should show it was corrupt. The Senator from Idaho bases his contention upon the proposition that it had no legal effect upon the legislature, that it was not binding upon the legislature, and consequently had no appreciable or legal effect upon the election of the Senator from Wisconsin.

The same thing may be said, the same argument may be made, against any form of corruption. If the members of the Legislature of Wisconsin had been directly bribed it could be argued that we should pay no attention to evidence of that bribery, because it had no legal effect upon the members of the legislature. We could argue in that case, just as the Senator from Idaho argues in the case of the primary, that we should not pay any attention to the proof of bribery of the members of the legislature, because they were not bound by that bribery.

The importance of the primary election is not in its legal binding effect upon the action of the legislature, but in its persuasive force. In the same way, if money had been used directly with members of the legislature and not legally binding upon them to vote for the man who gave it to them, it would be a persuasive and a corrupting force. So with the primary election. The result was the Senator from Wisconsin became the nominee of his party and was entitled by the party rule, entitled by the statutes of the State, in the regular proceedings to have the votes of the members of his party in the legislature, and it had a persuasive and powerful influence upon the members of the legislature. Can it be logically said that an influence of that kind, an influence which was controlling, although not legally binding, brought about by fraud, brought about by corruption, would not vitiate the election?

I want to call attention very briefly to the kind of argument that is relied upon to relieve the Senator from Wisconsin of the effects of corruption in the primary election. This is reported by the committee as a part of the proceedings before the committee. It seems to be an argument that was made by the counsel for the Senator from Wisconsin. I read from page 21:

> So I submit that, in order to get an equation upon which the Senate must finally pass, you must have the existence of those two factors. The primary is simply advisory and persuasive. If it be true that it is corrupt in its character, and so corrupt as to impregnate the vote cast thereby, then the man who cast the vote is also corrupt when he casts it; and the absurdity of that conclusion simply demonstrates that there is no foundation for the proposition. If advisory and persuasive, you do not get the legal connection that ultimately results in corruption in casting the vote. I submit it is fundamental that there can not be a corrupt vote honestly and sincerely cast. In order to be corrupt in its result and in its effect upon the result, the man who casts it must participate in the corrupt purpose; otherwise, there is an entire absence of legal connection.

That argument sounds a good deal like some of the scholastic arguments as to how many angels could stand on a needle point; but, as near as I can understand it, the proposition is that although the primary election was absolutely corrupt, and although the legislature should follow its result and vote for the nominee in the primary, yet it would not vitiate the election if members of the legislature did not participate in the corruption. I submit it is unworthy of the Senate to undertake to decide a case of this moment upon any such artificial reasoning.

Another contention, which is repeated over and over again in the debate upon this question, is that the acts of corruption, whatever they were, were perpetrated without his personal knowledge by men who had no authority from the Senator from Wisconsin to do the particular acts they did.

Mr. President, in the first place I do not admit at all that this corruption was without his personal knowledge. One hundred and seven thousand dollars was spent, as I have already said, by his agents. Suppose it was spent with his personal knowledge by men whom he had directed, in many instances, how to spend it; but suppose it was not so spent, and that he had no personal knowledge of the particulars of these expenditures, and that the men to whom he had given large sums of money and had them go out and secure his nomination in the primary had proceeded to bribe the electorate of the State of Wisconsin with the money which he had given them, and the only defense was that he was not present, that he had gone off on a fishing excursion.

I believe that is what he says he did, at least, during a large part of this campaign. Suppose he paid no attention to it himself. Shall the Senate listen to a defense of an election that

was brought about by bribery in that way as a valid one, perpetrated by the men he had employed to conduct his campaign, simply because he had no personal knowledge of the particulars in which they had corrupted the electorate? Such a proposition is contrary to common sense; it is contrary to reason; it is contrary to the law; it is contrary to the authorities and the precedents in election cases. On any such reasoning as that, if a man wanted to secure a piece of property and employed an agent to secure it for him, gave him a large amount of money and told him to go and get, we will say, a diamond that he wanted, and the man would go and steal the diamond and put the money in his pocket and bring the diamond back to his employer; if it was sought to recover it his answer would be, "You can not get it back; I did not personally know that it was stolen; it was stolen by my agent; I have it; but you can not recover it, because I did not have personal knowledge of the theft."

I want to call attention very briefly to some authorities upon that proposition, especially with relation to elections, in the work on "The Corrupt and Illegal Practices Prevention Acts," by Ernest A. Jelf. On page 69 there are some illustrations used as to the responsibility of the candidate for acts done by his agents without his knowledge or his specific consent. The author says:

> The position of a candidate at an election is like that of a yacht owner in a race. When the owner goes aboard and finds captain and crew there, the very fact that he consents to sail with them makes them perforce his agents for the purpose of sailing the race in accordance with the laws of the course. And so, where the steersman aboard one yacht thwarts his opponent by declining to give way to the vessel that had a right to keep her wind, or where one of the crew hoists a sail not allowed by the rules of the race, the owner of that yacht is disallowed the prize. This illustration has been frequently approved.

He then cites a number of cases, and proceeds as follows:

> Lord Barcaple, in the Greenock case (1 O'M. & H., 251), distinguished three classes of cases—(1) criminal cases, in which the prisoner must be proved personally guilty; (2) civil cases, in which it is enough if the offense is caused by the person employed by the defendant doing the thing he is employed to do; (3) election petitions, where, it being proved that a candidate is having his election carried on by a committee or certain canvassers, those canvassers do something which, if the candidate is responsible for it, will invalidate the election; and it is held that he is responsible for it in the sense of making the election depend upon it. This statement of the law was approved by Blackburn, J., in the North Norfolk case (1 O'M. & H., 241).
>
> What has to be proved to constitute agency for this purpose is that the person in question has been intrusted in some way or other by the candidate with some material part of the business of the election, which is performed, or which is supposed to be performed, by the candidate himself.
>
> * * * * * * *
>
> So, where the respondent intended generally a distribution of coals to the poor as a charitable gift and with a view of making himself popular, but in the hands of those who acted for him it was made the agency of getting votes for him, this was held to be a corrupt act, for which the respondent was responsible, and he was unseated.

Mr. President, in this case there seems to have been no demand, so far as can be judged from the testimony taken by this committee, that the Senator who is involved here should be a candidate in Wisconsin for the United States Senate. So, as he has testified, as shown by the record, he was put to great expense and a great deal of difficulty in securing a sufficient number of names to the petition to nominate him as a candidate in the primary election. In order to do that he hired a large number of men, and paid them at the rate of 5 cents a name for each name they would secure upon his nominating petition. That was the beginning of his campaign some time in July. In the short space of less than two months this entire amount of $107,000—and more than $107,000; more than $108,000—was expended in the election. He personally gave $5,000 to Edmonds. He told Edmonds to take charge of his campaign, and gave him no instructions as to how the money was to be used. The Senator from Wisconsin personally gave $5,000 to Rodney Sacket, and likewise gave him no authority as to how the money should be used. The Senator from Utah [Mr. SUTHERLAND] says that these are not the men to whom he was referring when he said that, in his opinion, they kept a large part of the money which they received. I do not know upon what basis the Senator from Utah arrives at the conclusion that they did not keep a part of this money. They devoted their time and energy and talents to the campaign; they had complete control of this money; and they never made any accounting for the money, except for a portion of it.

As to the manner in which they expended that part which they did expend, and passing by the proposition that they were bribed, and I shall point out very briefly in a moment that the act of the Senator from Wisconsin in paying this money to these men to procure his election for the United States Senate constituted under the law of Wisconsin an act of bribery, what did they do with the vast sums of money, other than the $5,000 which he paid, which they received from his bankers? One thing that they did with it was to employ a large number of men to go out over the State, and, as the Senator himself says and as the witness Edmonds says, to stir up sentiment for the candidacy of Mr. STEPHENSON, to say pleasant things about him, and to tell people that he was a good fellow.

One man who was employed was a railroad man, who was to work especially among railroad employees. Mr. Edmonds, the man who was given such a fine character in the eulogy of the Senator from Utah, was asked what instructions he gave to this railroad man in spending money among his fellows. He said he gave him no instructions; that he was to use his own judgment. The question was asked him if it was necessary to pay these railroad men money for their support, was he authorized to do that, and the answer was that he was to use his own judgment as to whether it was necessary or not. That is characteristic of the way in which this campaign was conducted.

I want to briefly call attention to and put into the RECORD the statement on page 30 of the Senator from Wisconsin himself as to his intentions as to how this money should be expended. The chairman of the committee put this question:

> Now, you say you do not know what disposition was made of the larger items paid to Van Cleve and Sacket. There is on August 20 an item of $15,000; on August 20 an item of $10,000; on August 31, $2,000; and on September 3, $13,500, paid to Van Cleve. You do not know what he did with that money?
>
> Senator STEPHENSON. All of that money that was given to Mr. Puelicher and Mr. Van Cleve was to be given to Mr. Edmonds, my manager, as he might need it. That is all they had to do with it.
>
> The CHAIRMAN. What were they to do with this money?
>
> Senator STEPHENSON. They were to give it to Mr. Edmonds as he needed it in the canvass.
>
> The CHAIRMAN. What was Edmonds to do with it?
>
> Senator STEPHENSON. He was to carry on the campaign.
>
> The CHAIRMAN. What do you mean by carrying on the campaign?
>
> Senator STEPHENSON. I might say that you know. You have got to advertise. You have got to get men to work.
>
> The CHAIRMAN. What do you mean by "work," when you say you have to get men to work?
>
> Senator STEPHENSON. To get up sentiment and influence people, if you please, to vote for you.
>
> The CHAIRMAN. How did they influence people to vote for you?
>
> Senator STEPHENSON. To tell them that you are a good fellow, and so forth, and then to get them out. At the time of our primaries here on the first Tuesday of September the people are very busy. The farmers are very busy, and you have got to induce them to get out. Maybe you have to hire a team or something; I do not know what.

I want to read very briefly from page 65 of the record of the testimony of E. A. Edmonds, the principal manager of Senator STEPHENSON:

> The CHAIRMAN. Now we come to July 20. On July 20, the day after you received the check for $5,000, I find an item, "T. J. Sexton, organizing, C. D. No. 93677, $50." Do you know Sexton?
>
> Mr. EDMONDS. Yes, sir.
>
> The CHAIRMAN. What did he do?
>
> Mr. EDMONDS. He was helping organize in Dane County.
>
> The CHAIRMAN. That is an item that was paid out under your administration, is it, after you had received the $5,000 and had full control and management of the campaign?
>
> Mr. EDMONDS. But not necessarily from that $5,000.
>
> The CHAIRMAN. I am not inquiring as to the fund from which it was paid. I am inquiring as to the purpose for which it was paid.
>
> Mr. EDMONDS. Yes, sir.
>
> The CHAIRMAN. What do you mean by "organizing," as it is used in this statement?
>
> Mr. EDMONDS. My recollection is that he was a railroad man, though I am not certain, and that he was sent out and given $50 to see if he could not line up the railroad men for Senator STEPHENSON.
>
> The CHAIRMAN. What do you mean by lining them up for Senator STEPHENSON?
>
> Mr. EDMONDS. Getting them interested in his election.
>
> The CHAIRMAN. Discussing his election with them?
>
> Mr. EDMONDS. Yes, sir.
>
> The CHAIRMAN. Paying any money to them for any purpose?
>
> Mr. EDMONDS. That was up to the man's judgment as to whether that was necessary or advisable in the conduct of the campaign for Senator STEPHENSON'S election.

An army of men were employed and paid money for their services in stirring up sentiment, as it was called, for the Senator from Wisconsin. Among them was a game warden, who was paid, not $2,500, but $2,850, not simply to be expended by him for expenses, but, according to his own testimony, he retained a large portion of that $2,850 for his services in the campaign.

Mr. Edmonds gives a list of the names of some of the men to whom he paid various sums of money, not for expenses, not to be paid out by them, but to be received and kept by them for their support of Senator STEPHENSON, for working for him, for stirring up sentiment for him. This list appears on page 323 of the record, in a paper furnished by Mr. E. A. Edmonds, containing the names of a number of men to whom the amounts stated opposite their names were paid for their services in the campaign, not for expenses, as I have said, but for their employment to aid in procuring the election of Senator STEPHENSON. I desire, without reading it, to have the list printed as a part of my remarks.

The VICE PRESIDENT. Without objection, permission to do so is granted.

The list referred to is as follows:

Exhibit Edmonds B.

Names.	Page.	Recollection as to recompense.
E. H. McMahon	588	[1] $100
J. C. Miller	588	[1] 100
C. M. Hambright	588	[1] 100
J. R. Keyes	588	[1] 50
T. J. Sexton	588	[1] 100
A. R. Ames	589	200
J. W. Wypasinski	589	50
Dr. Frank	589	200
C. O. Larson	589	50
J. T. Kelley	590	[2] 500
Wm. Haslem	590	[1] 100
R. H. Morse	590	100
U. C. Kellar	591	[1] 100
W. Pflughoefft	594	50

[1] Per month. [2] Speeches.

Others may have asked for and received compensation, but these are all I have any recollection of.

E. A. EDMONDS.

Mr. POINDEXTER. The election obtained by these means was investigated by a joint committee of the Wisconsin Legislature. A report was made by the senate members of that committee, and thereupon the following joint resolution was adopted by the legislature (record, pp. 2–3):

Whereas the senate committee members of the joint senatorial primary investigation committee and the senate investigation committee have in said report found that ISAAC STEPHENSON did commit acts of bribery and attempted bribery and did commit other acts in violation of the corrupt-practices laws of Wisconsin relating to said matters; and, further, that the managers and agents of ISAAC STEPHENSON in said primary campaign and election and general election and senatorial election did, by acts of bribery and attempted bribery and other acts in violation of the corrupt-practices laws and penal statutes of Wisconsin relating to said matters, obtain for the said ISAAC STEPHENSON votes without which he would not have been elected, and that for such reason the election of said ISAAC STEPHENSON to the United States Senate was null and void, and such election of the said ISAAC STEPHENSON to the United States Senate should be annulled by the United States Senate.

* * * * * * *

SECTION 1. *Therefore be it resolved by the senate (the assembly concurring)*, That the senate and assembly concur in the findings and recommendations of said senate committee members of the joint senatorial primary investigation committee and the senatorial primary investigation committee as by them found and recommended and as above recited.

Mr. President, the principal contention made in this case by the able lawyers who have discussed it is that no law of Wisconsin or of the United States was violated in this campaign. The Constitution of the United States provides:

Each House—

Of Congress—

shall be the judge of the elections, returns, and qualifications of its own Members.

The result of the contention that it is necessary that some law of Wisconsin or some law of Congress be violated before the Senate can, or at least before it ought to, hold invalid the election of one of its Members would be to destroy the effect of that clause of the Constitution. If an election is not to be held invalid; if no Member of this body is to be questioned as to his right to his seat unless he has violated a rule laid down by the Legislature of Wisconsin or some rule laid down by Congress, in which the other House has necessarily to concur, then this body is absolutely deprived of its right to judge of the invalidity or validity of the election of one of its Members. That is the contention which is made by the Senator from Utah and the Senator from Ohio and I think by the Senator from Idaho. The effect of it would be——

Mr. HEYBURN. No; Mr. President, I protest——

Mr. POINDEXTER. Just a moment.

Mr. HEYBURN. I am not to be charged with any such ridiculous fallacy as that, and remain silent. I made no such contention, and I never heard it made by anybody else.

Mr. POINDEXTER. Did the Senator not hear the argument repeated and reiterated that the Senate ought not to hold invalid this election because no law of Wisconsin had been violated and because no law of Congress had been violated?

Mr. HEYBURN. That is not what the Senator said.

Mr. POINDEXTER. I beg the Senator's pardon, that is exactly what I said; and I repeat that the effect of that contention would be to deprive the Senate of the right to pass upon the election of its Members.

Mr. SUTHERLAND. Mr. President——

The VICE PRESIDENT. Does the Senator from Washington yield to the Senator from Utah?

Mr. POINDEXTER. I yield to the Senator from Utah.

Mr. SUTHERLAND. Does the Senator from Washington say that I have taken the position that this seat could not be vacated unless some law of Wisconsin or some statute law of the United States had been violated?

Mr. POINDEXTER. I did not say that. I said this: That the Senator from Utah took the position that the election either could not or ought not to be held invalid unless some law of Wisconsin or of Congress had been violated.

Mr. SUTHERLAND. Mr. President——

Mr. POINDEXTER. If the Senator will permit me just a moment, I think it was conceded by all Senators that the Senate had the power to exclude a Member notwithstanding no law had been violated; but it was argued and reiterated that it ought not to exercise that power unless a rule had been laid down by the Legislature of Wisconsin or by Congress.

Mr. SUTHERLAND. With all due respect to the Senator from Washington, he is utterly mistaken. I never have made any such contention, and I do not make such a contention now. On the contrary, more than once in the course of this debate I have been compelled to deny exactly what the Senator from Washington is saying I have said. I emphatically stated, in reply to the Senator from Iowa more than three weeks ago—and I read the statement to the Senator from Missouri [Mr. REED] the other day—that if the Senator from Wisconsin had been guilty of bribery or corruption, he ought to lose his seat if there were no law of Wisconsin on the subject at all. There is not any doubt about that, and the statement of the Senator from Washington regarding my position is wholly unwarranted.

Mr. POINDEXTER. I beg the Senator's pardon if I have misunderstood him. I should like, however, in that connection, to read some portions of the findings and report of the Senator from Utah as showing the effect which he gives in his discussion to the question of not violating a statute law.

On pages 25 and 29 of the report signed by the Senator from Utah he quotes section 990–28 of the statutes of the State of Wisconsin:

No officer, agent, clerk, or employee under the government of the State shall, directly or indirectly, solicit or receive or be in any manner concerned in soliciting or receiving any assessment, subscription, or contribution, or political service, whether voluntary or involuntary, for any political purpose whatever from any officer, agent, clerk, or employee of the State.

And section 298 of Frear's Election Laws:

Every person who, by bribery or corrupt or unlawful means, prevents or attempts to prevent any voter from attending or voting at any caucus mentioned in this act, or who shall give or offer to give any valuable thing or bribe to any officer, inspector, or delegate whose office is created by this act, or who shall give or offer to give any valuable thing or bribe to any elector as a consideration for some act to be done in relation to such caucus or convention * * * shall be deemed guilty of a misdemeanor, etc.

The Senator from Utah further says, page 27 of his report:

At the time of this primary there was no statute, either State or national, limiting the amount of expenditures. There is no judicial or legislative decision, so far as we are advised, limiting the amount which may be legally expended. Can we, in the face of the fact that the Congress of the United States and the General Assembly of the State of Wisconsin prior to this election failed to limit election expenditures, now arbitrarily determine that because this sum was spent it was illegally and fraudulently expended, and therefore vacate the Senator's seat? Can it be said that the expenditure of such a sum is in contravention of a public policy which must be given the force and effect of a statute? If so, where does public policy draw the line between what shall be a legal and an illegal amount? The situation is unfortunate, but the Congress and the State legislature are to blame for not having limited the expenses by statute. Laws can not be enforced retroactively, and surely this case must be decided in accordance with what the law then was and not in accordance with what the law ought to be.

Then the Senator proceeds to discuss with the most minute particularity whether or not these criminal statutes have been violated.

Mr. SUTHERLAND. Mr. President——

Mr. POINDEXTER. If the Senator will allow me—and then I will yield to him—he says that they, being criminal statutes, ought to be given the strictest construction. Of course he means by that, as I understand, that although this is not a criminal proceeding and this not a criminal court the statute ought to be given the strictest construction, as though it were a criminal proceeding here in the Senate in deciding the validity of this election.

Mr. SUTHERLAND. Mr. President——

The VICE PRESIDENT. Does the Senator yield?

Mr. POINDEXTER. I yield.

Mr. SUTHERLAND. I was undertaking to show, as I have undertaken to show at other times, that not only had the Senator from Wisconsin not violated a rule of the common law, not only had he not corrupted or bribed any voters, which would justify his losing his seat in the Senate independently of the statute, but that, in addition, he had not violated any statute.

That is a very different thing from what the Senator from Washington said. If the Senator will permit me to call his attention to what I said on that precise subject on March 4, 1912, more than three weeks ago, to be found on page 3021 of the RECORD of March 6, 1912, it was this:

Mr. President, I do not contend that it would be necessary to show that the Senator from Wisconsin had violated any statute of the State of Wisconsin. If it were shown that he had by the use of money corrupted voters, bribed voters, I would not care whether there was a statute of the State of Wisconsin against it or not. I should vote in a case of that kind that the Senator forfeited his right to his seat. But my inquiry of the Senator from Iowa was directed to his statement that the Senator from Wisconsin had violated some statute, and I carefully limited my inquiry, when I made it, by excluding from it any evidence tending to show corruption or bribery, and asked him whether or not there was a violation of the statute of Wisconsin in any other respect, because it seems to have been taken for granted that the Senator from Wisconsin had violated some specific statute of Wisconsin in addition to having corrupted and bribed voters.

So that, as it seems to me, if the Senator from Washington had listened to what I had said then, there would have been little excuse for his imputing to me a view of this matter that I never have entertained and never have stated.

Mr. POINDEXTER. I am very sorry indeed if I have misunderstood the Senator's position. It seems perfectly clear, however, that when the Senator from Utah characterizes this election as subversive of the fundamental principles of the Government; says that the expenditure of money was excessive, that it is demoralizing and should be prevented; when he characterizes it as an election where, instead of the electors choosing the candidate, the candidate chooses the electors—which can have no other meaning than that as a result of this primary campaign the Senator from Wisconsin selected the members of the legislature——

Mr. HEYBURN. O Mr. President——

The VICE PRESIDENT. Does the Senator from Washington yield to the Senator from Idaho?

Mr. POINDEXTER. I yield.

Mr. HEYBURN. I am responsible for the language, and I never supposed anybody would put such a construction as that on it. I was expressing in other language the oft-repeated and old-time statement in regard to the man running after the office or the office running after the man. But—well, I will just let the Senator stand responsible for that construction.

Mr. POINDEXTER. That was not what the Senator said. I am perfectly willing to stand responsible for it upon the language which he used and which the Senator from Utah adopted. I am perfectly willing, also, to accept the statement of the Senator from Idaho as to what his meaning was. I am relying simply upon what he said, and he said that the result of it was that the candidate selected the electors.

Mr. HEYBURN. "Electorate" was the word I originally used, and the printer mixed it up and substituted the word "electors" for "electorate." But I did not say "members of the legislature."

Mr. POINDEXTER. The members of the legislature were the electors, however.

Mr. HEYBURN. So are Senators.

Mr. POINDEXTER. When the Senator from Utah so characterizes this election it seems perfectly clear that there is no ground upon which he can hold it valid other than upon the technical argument he has made that the statutes were not violated. Mr. President, the Senator from Utah further says in his report—and it is the record upon which I base my statement of his position—after pointing out that the Senator from Wisconsin had not violated the statutes which he quoted, he proceeded to set out clearly and very specifically that he did violate another statute. I inferred from reading this report, or as I did read it, that if the Senator from Utah should find some statute which the Senator from Wisconsin had violated in his campaign, he would hold the election invalid.

Mr. SUTHERLAND. Mr. President, that would depend upon what statute it was. The statute which the Senator probably has reference to is that which requires the filing of an account.

Mr. POINDEXTER. That is one which I have reference to.

Mr. SUTHERLAND. That statute required the filing of an account after the election had taken place. Of course I assume that the Senator would not contend that the violation of a statute after an election had taken place could in any manner affect the validity of that election. It would make the person who violated it subject to the punishment provided by the statute, but it could not render invalid something which had already taken place and which was valid.

Mr. POINDEXTER. What I was struck by was the form of the argument of the Senator from Utah. With nice discrimination he argued that the bribery statutes were not violated. He then proceeds to find that the Senator from Wisconsin did violate this statute, but then excuses the effect of it upon this controversy by saying that the statute did not provide for a forfeiture of the office. The language of the Senator is:

The penalty for failing to comply with this statute is a fine only, and it does not provide for the forfeiture of the office.

Mr. SUTHERLAND. That was not all that was said; that is one of the things.

Mr. POINDEXTER. The Senator then said:

If it did, the statute to that extent would be unconstitutional, but Mr. STEPHENSON, because of his failure to file a proper account, has violated the statute and is subject to a fine.

That is the report of the Senator from Utah.

Mr. SUTHERLAND. Even that is not all of it.

Mr. POINDEXTER. I am perfectly willing that the Senator shall insert any other part of it that he wishes.

As to the importance of that statute which the Senator from Utah finds was violated by the Senator from Wisconsin, Mr. President, I want to call attention to the words of C. N. Gregory in an article upon "Political corruption," read before the Wisconsin Academy of Sciences, Arts, and Letters in December, 1894. On pages 284 and 285, referring particularly to Wisconsin—Mr. Gregory being a professor in the State university at the time he published this article—he says:

I do not so much value the penalties denounced in these new laws against bribe givers and bribe takers as I value the sworn reports of receipts and expenditures with vouchers, which are wrung from candidates and committees alike after every election. I trust much to these powerful searchlights. I believe, in fact, that the prevalence of truth and justice in the world was assured when on that first day of recorded time God said "Let there be light," and there was light. I remember that the streets of our cities are perhaps quite as much redeemed from lawlessness by the lamp-posts as by the church spires. In politics, where men rise by the formal approval of their fellows, I do not believe that public and confessed corruption can have any continuing hold or advancement.

There was in effect in Wisconsin at the time this primary election took place the following statute:

The following persons shall be deemed guilty of bribery at elections:

* * * * * * *

Every person who shall, directly or indirectly, by himself or by any other person on his behalf, make any such gift, loan, offer, promise, procurement, or agreement as aforesaid to or for any person in order to induce such person to procure or endeavor to procure the election of any person to a public office, or the vote of any voter at any election, etc.

The Senator from Ohio [Mr. POMERENE] has attempted to qualify the meaning of that statute by inserting in it the word "corruptly" as being implied by the word "such"; but by reading the statute—I will not take time now to read the preceding sections—it will be found that the statute is not qualified by any such additional language. It is simply a plain provision that any gift of money or valuable thing to any person in consideration of that person's procuring or endeavoring to procure the election to an office constitutes bribery. This entire $107,000 was paid for that purpose, Mr. President, to Edmonds, to Sacket, and to Perrin, and through them, in turn, to all of the subordinate employees who went out through the 71 counties of the State. They were hired men for the purpose of creating sentiment, for the purpose of procuring or endeavoring to procure the election of the Senator from Wisconsin. It is a violation, as plain as in any case I have ever seen, of the statute which I have just read, the penalty for which is imprisonment in the State prison for from six months to two years.

That statute has been construed time and time again. It is simply a copy of the English corrupt-practices act of 1854, which has been perpetuated as a part of the corrupt-practices act of 1883. Very briefly I want to call attention to some of the interpretations that have been put upon this bribery statute, intended—and I think effectively framed—to prevent the carrying of an election by hiring men in large numbers to go out and make the campaign and bring back the nomination or the election by stirring up public sentiment as a consideration for the price they have received.

In Rogers on Elections, on page 281, third volume, he says:

The above proviso applies only to the first five subsections, i. e., to the whole of the second section.

The proviso that the author is referring to is the proviso which was contained in the statutes of Wisconsin, that—

The aforesaid enactment shall not extend or be construed to extend to any money paid or agreed to be paid for or on account of any legal expenses bona fide incurred at or concerning any election.

This section is open to criticism, because it prohibits and so makes certain acts illegal, and then excepts legal expenses, although, necessarily, everything legal is excepted from or not within what is illegal. The section must be read thus: "Every person who shall, etc., shall be guilty of bribery, provided that this enactment shall not extend to any money paid, or agreed to be paid, for or on account of any expenses bona fide incurred at or concerning any election, and provided such expenses are not illegal on some other ground than this prohibition."

* * * * * * *

The committee reported that a voter was bribed, by the offer of 2 guineas for cart hire, by an agent of the sitting member, and avoided the election.

Citing cases:

A present, office, etc., given, offered, or promised before an election to a voter, or to anyone on his behalf, or to any other person supposed to have influence over him, without any stipulation as to his vote, or even the endeavor or promise to endeavor to procure any such, will be taken prima facie to be bribery.

* * * * * * *

The gist of the offense before voting is the inducement to a voter to vote or refrain from voting. If this exists, the ignorance or honesty of the man who offers, or of him who takes, is immaterial.

The following is applicable to a primary election:

But where they are part of one political contest, and the corruption at the municipal election is either intended to operate upon the parliamentary one, or that is the necessary result of what was done at the municipal election, the parliamentary election will be avoided for the corruption at the municipal election.

That is on page 284.

Loans of money to a voter, or a person likely to influence him, are placed on the same footing, as regards the lender, as absolute gifts.

* * * * * * *

The question as to whether employment amounts to bribery is one of fact. In deciding such question regard must be had to the nature of the employment, the number of persons employed, whether they are voters or not, and the amount of the payments.

Office or employment, whether temporary or permanent, if not given bona fide, is bribery, * * * and whether it be given to a voter or a third person will be immaterial, if it can be proved that the receiver influenced the voter and that the giver meant him to do so.

There are a number of cases dealing with the giving of refreshments, which are particularly applicable to this election, where one witness testified that he spent over $150 in one day in saloons, another witness testified that he received $305 and spent it in saloons, and another witness testified that they bought kegs of beer and distributed them through the country, to be given to the voters, and that that was generally done in the State of Wisconsin.

Some contention, I understand, has been made by one Senator that, even though there were bribery at this primary election, it would not vitiate the election unless the entire 9,084 voters had been bribed. That is entirely contrary to every assumption, I think, that this body has proceeded upon in election cases, and contrary to the decisions of the courts. Under the English corrupt-practices act Parliament is not the judge of the violation of that act; and the election cases are not tried in Parliament, but are tried in the courts. Consequently there are a large number of decisions which explain and interpret this statute, which is a part of the laws of Wisconsin. Among others is this decision:

A single act of bribery, however trifling the amount, may avoid an election.

That is on page 293 of the work from which I have just quoted.

Very briefly, Mr. President, I want to read, upon the general principles involved, just one paragraph from the case of Scofield v. The Milwaukee Free Press Co., One hundred and twenty-sixth Wisconsin, on page 85, simply as indicating a judicial view of the magnitude of the interests involved in this proceeding.

Sweeping aside all of the technical refinements urged by appellants, such as the absence of any express understanding with legislative candidates that they would favor the contributor, or of any showing—

That is particularly pertinent in view of the testimony which shows that the Senator from Wisconsin personally paid sums of money to three men who were candidates for the legislature.

I have not taken time to review the authorities, but I will simply state that when these cases are brought into court the courts will not accept any such defense, but hold that the payment of the money and its acceptance by a candidate will be held to be done for the purpose of influencing the election, although he may come in and say it was not for that purpose. So this court says:

Sweeping aside all of the technical refinements urged by appellants, such as the absence of any express understanding with legislative candidates that they would favor the contributor, or of any showing whether he expected they would use his contribution for legitimate campaign expenses or otherwise, we can not doubt that the charge of using money in large quantities in the hope and expectation of thereby promoting his own candidacy for the United States Senate is a most degrading one to make against any public man. Such an act is an assault upon a most essential principle of popular government, which, if to be successful, must assume the free selection of officials on grounds of fitness. It pretends a superiority before the law of the corrupt man of wealth over the man of ability and integrity who, either from poverty or principle, is debarred from similar means of securing support. It evinces a willingness to corrupt the legislature and dangerous looseness of morals.

The testimony in this case shows that one Perrin, an attorney at law, received $5,000, and that out of that he retained at least $500 for his own services.

W. S. Stone received $2,849.50. According to his testimony, he retained $600 of it for his own services.

So it was with numbers of other men to whom this money was given. They did not expend it; they kept it for their own services, and by its means their support and their activity in this election were bought.

In conclusion, Mr. President, I want to say that the foundations of the Government depend upon the purity of elections. Of course, I realize the difference of opinion as to how extensive the rights of the people to vote in the election of their officers should be, but with all these, whether those who believe in a strictly representative government by simply a few of the people or those who believe in a liberal exercise of the powers of government by the people themselves, under any form, whether in a democracy or in a republic, the perpetuity of its institutions depends upon the freedom and the purity of elections.

An undoubted fact in this case is that at the primary election in Wisconsin the nomination of the Senator who now sits from that State was brought about by the use of money. The only parallel that could be exercised would be the use of force, and I submit, Mr. President, that the case under consideration is just as dangerous to our institutions, just as injurious to the respect which it is necessary to preserve among the people for the laws which are made in these bodies by the men who are chosen. These men who vote, and cast frequently the determining vote, making laws affecting the property, the well-being of the entire Nation, menace our institutions just as much from the use of money in polluting and corrupting the ballot box as though a military force should stand at the polls herding the voters and directing them for whom to cast their votes.

A brief sentence from Mr. Justice Miller, when he was upon the Supreme Court, is as follows:

The two great natural and historical enemies of all republics are open violence and insidious corruption.

And the writer of this pamphlet, entitled "Political Corruption and English and American Laws for its Prevention," adds:

And in the order in which the judge names them they menace the freedom and purity of the ballot, the chief support of republics.

Mr. HEYBURN. Mr. President, I ask for the yeas and nays on the pending motion.

The yeas and nays were ordered.

Mr. NEWLANDS. Mr. President, I wish to state briefly my position regarding this vote.

I shall vote to sustain the report of the committee. I have for many years stood for all the various measures of reform that relate to elections, legislation, and administration. I have stood for the initiative, the referendum, and the recall, except so far as it relates to judicial officers. I have stood for the direct primary. I have stood for laws correcting the evil practices regarding elections.

The act complained of here were committed four years ago. Since that time public sentiment has crystallized regarding practices which were not condemned by the common law, and which were not condemned by the statutes of many of our States, and which were not condemned by any act of Congress. Since that time we have put upon the statute book laws, both State and National, which do condemn the practices that were not in violation of law four years ago.

So far as I am concerned, whilst I condemn these practices and think they should be corrected by law, and have stood for the laws, National and State, which have corrected them, and am willing to support laws which will further correct them, I am unwilling to judge the acts of fours years ago either by the political or the moral standards of to-day or to condemn them by the laws of to-day. To do that would be to make the laws, both National and State, which have since been enacted, retroactive in their operation.

I shall therefore vote with the committee in its report regarding the seat of Mr. STEPHENSON.

Mr. KERN. Mr. President, I shall trespass on the time of the Senate but a moment. I had intended to speak at some length upon the question before the Senate, but on account of the lateness of the hour I shall not do so.

I only want to say that I, too, with the Senator from Nevada [Mr. NEWLANDS], in the years of the past have stood for primary elections. I have stood for the purity of the ballot. I have stood for popular government. I propose, when I cast my vote on this question, to vote in accordance with the things that I have advocated on the stump and in the campaigns of the past.

The VICE PRESIDENT. The question is on agreeing to the motion of the Senator from Idaho [Mr. HEYBURN], on which the yeas and nays have been ordered.

Mr. JONES. Mr. President, I do not know whether it is in order to offer the amendment, but if it is in order I desire to move an amendment by inserting, after the word "declared," the word "not."

Mr. HEYBURN. That has been voted on.

The VICE PRESIDENT. The Chair thinks that is the question voted on yesterday and that such an amendment would be simply voting again on the precise question voted on yesterday. Therefore the Chair thinks the amendment would not be in order.

The question is on agreeing to the motion of the Senator from Idaho [Mr. HEYBURN] that the report of the committee be adopted, and that ISAAC STEPHENSON be declared entitled to a seat as Senator from the State of Wisconsin in the United States Senate. The Secretary will call the roll.

The Secretary proceeded to call the roll.

Mr. BACON (when his name was called). I have a pair with the Senator from Minnesota [Mr. NELSON]. He is absent, and I withhold my vote.

Mr. CHILTON (when his name was called). Upon this question I am paired with the junior Senator from Oklahoma [Mr. GORE]. I transfer that pair, with his consent, to the Senator from Kentucky [Mr. PAYNTER], and vote. I vote "yea."

Mr. DILLINGHAM (when his name was called). I have a general pair with the senior Senator from South Carolina [Mr. TILLMAN], from which, upon this vote, I have been released. I therefore vote "yea."

Mr. DIXON (when his name was called). I am paired with the junior Senator from Texas [Mr. BAILEY]. I understand if he were present, he would vote "yea." I transfer that pair to the junior Senator from Missouri [Mr. REED], and I vote "nay."

Mr. STONE. I think it due to state, in this connection, that my colleague [Mr. REED] if present would vote "nay."

Mr. DIXON. I did not understand the statement of the Senator from Missouri.

Mr. WARREN. He stated that his colleague if present would vote "nay."

Mr. DIXON. I understood that if the Senator from Missouri [Mr. REED] were present, he would vote "nay," and that the Senator from Texas [Mr. BAILEY], with whom I am paired, if present, would vote "yea." I therefore transfer my pair with the junior Senator from Texas to the junior Senator from Missouri, and vote "nay." I ask the senior Senator from Missouri if that is his understanding as to how his colleague would vote if present.

Mr. STONE. That is correct.

Mr. BURNHAM (when Mr. GALLINGER's name was called). The senior Senator from New Hampshire [Mr. GALLINGER] is necessarily absent. He is paired with the senior Senator from Arkansas [Mr. CLARKE]. If the senior Senator from New Hampshire were present and permitted to vote, he would vote "yea."

Mr. GAMBLE (when his name was called). I have a general pair with the junior Senator from Arkansas [Mr. DAVIS]. I transfer that pair to the Senator from Colorado [Mr. GUGGENHEIM] and vote "yea."

Mr. SIMMONS (when his name was called). I am paired for this vote with the senior Senator from Illinois [Mr. CULLOM]. If he were present he would vote "yea," and if I were at liberty to vote I would vote "nay."

The roll call was concluded.

Mr. LEA. The senior Senator from Tennessee [Mr. TAYLOR] is seriously ill. I do not know how he would vote. He is so ill that I have been unable to communicate with him.

Mr. BRADLEY. I have a general pair with the senior Senator from Tennessee [Mr. TAYLOR], from which I have been released. I vote "yea."

Mr. MYERS. Some one announced a transfer to the Senator from Kentucky without mentioning the name. I should like to ask what Senator from Kentucky it is?

Mr. CHILTON. The senior Senator from Kentucky [Mr. PAYNTER].

Mr. MYERS. Thank you.

The result was announced—yeas 40, nays 34, as follows:

YEAS—40.

Bankhead	Dillingham	McCumber	Rayner
Bradley	du Pont	McLean	Richardson
Brandegee	Fletcher	Newlands	Root
Briggs	Foster	Nixon	Smith, Md.
Burnham	Gamble	Oliver	Smoot
Burton	Heyburn	Overman	Sutherland
Chilton	Johnston, Ala.	Page	Thornton
Clark, Wyo.	Lippitt	Penrose	Warren
Crane	Lodge	Perkins	Watson
Curtis	Lorimer	Pomerene	Wetmore

NAYS—34.

Borah	Cummins	La Follette	Smith, Ga.
Bourne	Dixon	Lea	Smith, Mich.
Bristow	Gardner	Martine, N. J.	Smith, S. C.
Brown	Gronna	Myers	Stone
Bryan	Hitchcock	O'Gorman	Townsend
Chamberlain	Johnson, Me.	Owen	Williams
Clapp	Jones	Percy	Works
Crawford	Kenyon	Poindexter	
Culberson	Kern	Shively	

NOT VOTING—17.

Bacon	Gallinger	Paynter	Taylor
Bailey	Gore	Reed	Tillman
Clarke, Ark.	Guggenheim	Simmons	
Cullom	Martin, Va.	Stephenson	
Davis	Nelson	Swanson	

So Mr. HEYBURN's motion "that the report of the committee be adopted and that ISAAC STEPHENSON be declared entitled to a seat as Senator from the State of Wisconsin in the United States Senate" was agreed to.

Upon the announcement of the result, there was applause in the galleries.

The VICE PRESIDENT. Applause in the galleries is not permitted. The Chair trusts that visitors in the galleries will eventually understand that they are there as guests of the Senate and subject to the rules of the Senate, and that the rules of the Senate prohibit visitors in the galleries from expressing their approval or disapproval of what takes place upon the floor of the Senate.

Mr. HEYBURN. I move that the Senate adjourn.

The motion was agreed to; and (at 6 o'clock and 22 minutes p. m., Wednesday, March 27, 1912) the Senate adjourned until to-morrow, Thursday, March 28, 1912, at 2 o'clock p. m.

HOUSE OF REPRESENTATIVES.

WEDNESDAY, *March 27, 1912.*

The House met at 12 o'clock noon.

The Chaplain, Rev. Henry N. Couden, D. D., offered the following prayer:

O Thou, who art supremely great and good, our God and our Father, source of all our longings, hopes, and aspirations, kindle within our hearts a sacred flame which shall burn brighter and brighter as the years come and go until we shall have reached the light of the perfect day in Christ Jesus our Lord. Amen.

The Journal of the proceedings of yesterday was read and approved.

THE WOOL SCHEDULE.

Mr. UNDERWOOD. Mr. Speaker, I desire to make a privileged report (No. 455) from the Committee on Ways and Means, reporting back the bill H. R. 22195, a bill to revise the wool schedule.

Mr. MANN. Mr. Speaker, at this time it would be subject to a point of order, but I shall not make any point of order against the report under the circumstances.

The SPEAKER. The Chair is glad that the gentleman from Illinois made that remark, because it is the desire and the intention of the Chair to carry out the plan for Calendar Wednesday in perfect good faith.

Mr. UNDERWOOD. I recognize, Mr. Speaker, the fact that a privileged report would be subject to a point of order this morning if anybody desired to make it, but I think to expedite business it is proper to allow privileged reports to be made on Calendar Wednesday, and later on in the session there will be conference reports offered for the purpose of being printed under the rule, and it seems to me that it would be proper to allow them to come in, as long as there is no objection.

Mr. MANN. I think it is perfectly proper that this report should be made now.

The SPEAKER. All of these rules are made, of course, to expedite business.

Mr. PAYNE. Mr. Speaker, I present the minority views upon the bill revising the wool schedule, and ask that they be printed along with the majority report (H. Rept. 455, pt. 2).

The SPEAKER. The Clerk will read the title to the bill.

The Clerk read as follows:

A bill (H. R. 22195) to revise the duties on wool and manufactures of wool.

The SPEAKER. Is there objection to the request of the gentleman from New York? [After a pause.] The Chair hears none. The bill, together with the report and minority views, will be referred to the Committee of the Whole House on the state of the Union and printed.

Mr. UNDERWOOD. Mr. Speaker, I understand that copies of the bill H. R. 22195, just reported, are exhausted in the document room, and that there are no copies for Members. I desire to ask unanimous consent that there may be a reprint.

Mr. MANN. That is not necessary. The document room has authority to order any number of copies that it wants, 1,000 at a time.

Mr. UNDERWOOD. I wanted to be sure that there would be enough copies for Members.

Mr. MANN. They will print them without an order of the House.

Mr. UNDERWOOD. Mr. Speaker, I withdraw the request.

Mr. FINLEY. Mr. Speaker, I did not quite catch the statement of the gentleman from Illinois.

Mr. MANN. I said that the document room had authority to order a reprint of a bill, 1,000 at a time.

Mr. PAYNE. I would like to ask the gentleman from Alabama if he desires to make any suggestion as to the time when he will call up this bill?

Mr. UNDERWOOD. I propose to take it up as soon as the public business of the House will allow me to do so. There is a bill pending before the House, the consular and diplomatic appropriation bill, and I do not desire to interfere with that. When that is out of the way I hope to have an opportunity to call up this bill.

The SPEAKER. The gentleman from Alabama withdraws his request for a reprint.

HOMESTEAD ENTRIES.

The SPEAKER. This is Calendar Wednesday, and the unfinished business is the bill S. 3367. The House automatically resolves itself into Committee of the Whole House on the state of the Union.

Accordingly the House resolved itself into Committee of the Whole House on the state of the Union, with Mr. FOSTER in the chair.

The CHAIRMAN. The House is now in Committee of the Whole House on the state of the Union, and the unfinished business is the bill which the Clerk will report.

The Clerk read as follows:

S. 3367. An act to amend section 2291 and section 2297 of the Revised Statutes of the United States, relating to homesteads.

The CHAIRMAN. When the committee rose last Wednesday they had under consideration an amendment offered by the gentleman from Wisconsin [Mr. LENROOT], which the Clerk will report.

The Clerk read as follows:

At the end of line 16, on page 3, add the following:
"If any entry is made for land which, though not reserved at the time, is ascertained by the Secretary of the Interior to be chiefly valuable on account of merchantable timber upon it the entry may be canceled within six months of its date."

Mr. FERRIS. Mr. Chairman, the amendment offered by the gentleman from Wisconsin last Wednesday is an amendment relative to the timber lands of the country. I do not think at this time it is necessary, either for myself or any Member of the House, to debate whether or not this amendment is or is not a good amendment. For the last 50 years the homestead laws have been in force. At the time they were made they were made for the humid sections of the United States where we have rainfall enough to make lands valuable. For 50 years they have been culling out the good lands by homestead entries and land grants—the lands that have rainfall enough to raise crops—until the only lands left are in the semiarid or arid parts of the West, where it is difficult to carry on agriculture. They need a change in the land laws, and this bill grants them that relief. For the last 10 years we have increased in population from 75,000,000 to 92,000,000, and still the number of homesteads have decreased in the last year 33⅓ per cent. It is estimated from figures not well controverted that about 125,000 families went to Canada last year and took up land. It was the judgment of your committee that the law ought to be so modified as to residence and be so modified as to the length of time that they must live on the land from five to three years, so that our people might not leave us, but, on the contrary, would stay with us.

This bill merely eases up on the length of time necessary for residence from five years to three years, and merely makes a few changes in regard to leave of absence. Whether the gentleman's timber amendment be a good or a bad amendment, the gentleman from Illinois and the committee agreed last Wednesday that we would provide for putting every part of this bill into conference by moving to strike out everything after the enacting clause and inserting in lieu thereof the bill as agreed to in this House.

Therefore it would give us an opportunity in the conference for the Secretary to come before us, for the gentleman from Wisconsin [Mr. LENROOT] to come before us, for the gentleman from Illinois [Mr. MANN], and those other gentlemen who are interested in the matter, and we could there work out a comprehensive bill that would be a bill which would really accomplish what the House and the committee sought to do. I again repeat it is not necessary at this time to debate whether this be a good or a bad amendment, because the bill as passed by the Senate, the bill as passed by this committee, as far as we have gone, makes no change in the timber and stone act, makes no change in the mineral laws of this country, but merely relates to the length of time of residence. Therefore I submit to adopt the amendments that are purely foreign to this particular line of legislation would be unwise at this time, and I hope the committee will vote down this amendment, not as any rebuke to its author or not necessarily as the view of the House that it may or may not be wise, but because of the proposition that this is no time to encumber a remedial piece of legislation, which, I think, this entire House agrees is necessary. We have separate statutes on timber and stone entries; we have rigid mineral laws; we have passed rigid withdrawal bills; the forestry has been extremely active; practically all the timberland has been withdrawn.

In any event, this is no place to legislate on every conceivable subject that can be conjured up.

It is apparent something should be done. This bill ought to pass, and it ought not to be burdened too much with amendments, or foreign amendments, whether they be good or bad amendments.

Mr. NORRIS. Mr. Chairman, I am not especially interested in this particular amendment. The other two amendments offered by the gentleman from Wisconsin [Mr. LENROOT] I believe were good ones. I voted for both of them. I think they ought to have been included in this bill, and I speak here as a friend of this legislation. There is no man here who is more anxious to see this bill enacted into law than I. If we reject all of these amendments—harmless some of the gentlemen proclaim, but, on the other hand, claimed by others to be of great importance—I believe we would jeopardize this legislation. I regret very much that we did not put into this bill the amendment offered by the gentleman from Wisconsin [Mr. LENROOT] regarding the mineral proposition, and if I can get recognition from the Speaker I intend to move to recommit the bill when the proper time comes so as to provide for that amendment. The gentleman from Oklahoma [Mr. FERRIS] says that we are going to send this entire bill into conference. He comes very near saying that all of these amendments are going to be put in in conference. If that be true, why not put them in now? This particular amendment, I think, is of the least importance of any. It may be that the importance of the other two is overestimated, but it certainly will not damage any honest homesteader in any respect if we at least add to this bill the proposition regarding mineral deposits.

Mr. FERRIS. Mr. Chairman, will the gentleman yield?

Mr. NORRIS. Certainly.

Mr. FERRIS. The gentleman, coming from the State he does, I know is familiar with the land laws. I therefore want him to admit, at least, that at the time the homesteader makes final proof he must both himself and by his witnesses declare that there is no mineral on the land. That is a part of his final proof.

Mr. NORRIS. I understand that is true, and I am not, as far as I am concerned, particularly arguing that this amendment is necessary. I would support the bill without it. I do not know that I would urge it particularly, but the gentleman himself practically admits that the amendment will not do any damage, and that eventually it is going to be put in in conference. Why not do it here? It will not hurt the honest homesteader if that provision is put into the bill.

Mr. MILLER. Mr. Chairman, will the gentleman yield?

Mr. NORRIS. Certainly.

Mr. MILLER. Does the gentleman not think if it should be engrafted in this bill as a part of the general homestead law it more properly should be presented as an amendment to other sections of the homestead law?

Mr. NORRIS. That may be true.

Mr. MILLER. And not engrafted onto these two sections?

Mr. NORRIS. It may be that there is some place where it would be more appropriate, but I answer the gentleman from Minnesota and the other gentlemen who are opposing this by repeating their own words, when they tacitly admit that these amendments are going to be considered in conference, and that the Secretary of the Interior is going to be heard, and that we will make a new bill out of it and put them in.

Mr. MILLER. I do not mean to concede that I think this amendment ought to be placed in this bill in conference or in any other place. I do not understand that other gentlemen so agree.

Mr. NORRIS. I understand, however, that this agreement which has been more or less talked about a week ago to-day and to-day practically concedes that.

Mr. FERRIS. Oh, no; no.

Mr. NORRIS. And I understand also that unless some provision of this kind be put into the bill, the Secretary of the Interior, who represents th President in the matter, will be in favor of the President vetoing it, and it may be that the President, following the advice of his Secretary of the Interior,

may veto the bill if these provisions are not put in. As a friend of the bill I do not want to take any chances in nullifying the bill here by having it eventually defeated when we can meet the proposition by putting in an amendment that of itself is good, and that will do nobody any harm.

Mr. FERRIS. Mr. Chairman, I want to suggest to the gentleman, if he is quoting my statement or any statement that I have heard here I think he quotes it too broadly when he says that these amendments have been agreed to or will be agreed to at all.

Mr. NORRIS. I do not say they have been, but I draw my inference from what the gentleman has said, that at the close of this debate he is going to offer the entire bill as an amendment, to strike out all after the enacting clause and insert the bill which this committee will perfect, so that it can go into conference. There can be no other object in doing that than permitting such amendments to come in, and if I knew they would come in and it would be fixed up in conference so that it would meet the approval of the Secretary of the Interior and the President upon these matters I would not have any objection to it.

The CHAIRMAN. The time of the gentleman from Nebraska has expired.

Mr. MADDEN. Mr. Chairman, I have listened very carefully to all the debate which has been had in connection with this bill, and somehow or other I have received the impression that the men who represent the Western States which are to be affected by this bill seem to think that nobody else in the United States has any interest in the public lands of the United States, but that all of the States except the States in which these homesteaders are to be affected should keep quiet and not enter into a discussion of the questions that pertain to the homestead land laws.

I am of the opinion that everybody in the United States has an equal interest in these public lands, and I have long since believed there ought to be something done to protect the minerals and the timber, and the granting of the title deed to a homestead for agricultural purposes ought not to carry with it the ownership of the minerals in the land or the timber on the land. The amendments offered, one of which is now pending, certainly seem to me to be in the interest of the public. It seems to me we ought to enact these amendments into the law. It may be that this is not the proper place to put these amendments; that this is not the proper bill on which to engraft them; but it looks to me as if a bill which is for the purpose of granting titles to those who wish to homestead lands in the United States owned by the Government ought to be a good place to place conditions upon the titles that are to be granted to the people who want the homestead. I see no reason on earth why this House or this committee should not consider every phase of the bill. Why should it be necessary to send it to conference to improve it? Is it the fact that the men who are here do not know as much about how to legislate as those who will be on the conference, or is there something to go into the bill that ought not to be given to the membership of the House until it comes back from the conference? I am opposed to this agreement to enter into a conference on questions that ought to be considered before the body where the bill is pending. I think that if there is any information in connection with this legislation it ought to be given to us. I think you will find men enough here who have brains enough to shape the legislation as it ought to be shaped, and I think that we make a great mistake when we vote down every amendment seeking to conserve the rights of the Government in the public lands. We have already done more of that than we ought to have done. If the Government had an interest in the mineral lands throughout all the States of the Union to-day, we would not have to levy taxes on most of our people to maintain the Government. Now, the land which is left that is owned by the Government ought to be protected by the Government, and such legislation should be enacted as will reserve to the Government for all time to come all the minerals and the timber upon the public lands of the United States, and it should never be granted to any private individual or corporation except upon conditions which will inure to the benefit of coming generations.

The CHAIRMAN. The time of the gentleman from Illinois has expired.

Mr. COX of Ohio. Mr. Chairman, in all suggested legislation bearing upon land and homestead laws there are two markedly different opinions—the eastern view, which is very largely shared by the persons who hold to the modern notions of conservation, and the western view, that is shared by those who believe that the Federal land reserves form entirely too large a part of their States. It was perfectly apparent in this House last Wednesday—and, I think, in the body at the other end of the Capitol, when this bill was under discussion—that the whole country wants the homestead laws liberalized. There seems to be few, if any, dissenting voices in this House on the proposition to change the five-year term to three years. Now, since the Members are in accord upon this basic proposition, I believe—and I speak as a friend of the measure—that it is very inexpedient to confuse the main issue by any disagreement on the matter of utilities outside of agriculture. The desire to liberalize the statute is based upon the idea of getting more people upon the western lands. They go there presumably for the purpose of farming. The people who have been opposed even to liberalizing these laws have been dominated by the fear, more or less widespread, that many of these alleged homesteaders go there for the purpose of mineral exploitation, the exploitation of timberlands, and other things. We all want the three-year law adopted and passed, and I believe that the western Members and the members of this committee, in large part, are making a mistake in opposing these amendments which are now suggested. I think that all utilities except that of agriculture should be held by the Government.

Mr. MANN. Mr. Chairman, under the understanding which was reached on the floor of the House some days ago this bill will probably go to conference on the entire bill. I voted for the amendment offered by the gentleman from Wisconsin. Those amendments were amendments prepared by the Secretary of the Interior, at my request, in reference to this bill. The Secretary of the Interior, reporting upon this bill originally, suggested a number of changes which should be made in the bill or amendments which should be inserted in it. I made a request that the Secretary might send the gentleman from Colorado in charge of this bill a statement of those things which he considered absolutely essential to go into this bill, and the amendments offered by the gentleman from Wisconsin were a portion of those propositions. If this bill goes into conference on the entire bill, I think the understanding is the conferees will meet with or hear from the Secretary of the Interior and the Land Office and endeavor to agree upon a bill which will be satisfactory, both to the House and the Senate and the administration of the land laws. For instance, yesterday the President sent a message to us calling attention to the fact that the entry of potash deposits was subject to private entry and were not excepted, and no provision was made for the withdrawal of lands containing such deposits, as there clearly ought to be. I hope that when this bill comes back from conference it will contain something upon that subject. Gentlemen say that this is not a bill upon which to insert these items, and yet if they ought to be inserted, in the judgment of Congress, in the end, this bill is before us, and we had just as well insert them here as anywhere, as long as they relate to the subject matter of the bill; and the subject matter of the bill covers the entire public domain so far as it is not withdrawn from entry. I think that in inserting those provisions, which I hope and believe will be inserted in conference, so far, at least, as they are considered necessary by the Secretary of the Interior, in whose judgment I have great faith, that they will be put in in such manner as to accomplish the purpose in connection with the other provisions of the bill.

Mr. MILLER. It does not seem to me, Mr. Chairman, that the friends of this measure before us have much of a quarrel with those who are offering amendments and in some way opposing the bill. I do not think there is anybody in the House who will take issue with the gentleman from Illinois [Mr. MADDEN] in what he said respecting the interests of the public at large in the public domain. The people in the States of Illinois, Maine, New York, and Pennsylvania have an interest in the public domain in Minnesota, in Nebraska, in California, or in any other State, of course. It may be, however, that some of us who live in public-domain territory, having had experience on the frontier and having had an opportunity to see the workings of the men who have gone as pioneers and who are doing the pioneer work, may know a little bit more about their needs and about that which will be beneficial to them and to the public domain and to the Nation at large than those equally interested, equally public-spirited, who lack those opportunities of investigation and information.

I take no issue with the gentleman from Illinois [Mr. MANN] in the position he has taken with respect to the amendments that he favors. I do take issue, however, with him in this, that this is no place for their consideration. And why? For a long time we have been believing, and now we are ready to act, I think, on that belief, that the period of residence of a homesteader upon the land should be diminished from five years to three years. We have that definite concrete proposition before us for consideration and action. Let us now consider that, and let us vote upon it. Let us not encumber it with a lot of material that is, perhaps, relevant in a sense, but which, strictly speaking, has no direct bearing upon this question and the one

thing upon which we are agreed. It may be that the Secretary of the Interior, a gentleman for whom we all have great respect, thinks that the general homestead law could be improved by these various amendments which have been mentioned, but he certainly has not said, and he can not say, that they have any particular bearing upon the matter of reducing the period of residence from five to three years. He has not said, and he can not say, that if we lessen the time from five years to three years we shall have done anything to the injury of the public domain without accepting and engrafting thereon these various amendments. Let them come in their own time and occupy the attention of the House fully and completely, and then let them be decided.

I will state, Mr. Chairman, that I am not in a position to have any opinion at this time respecting the amendment now offered, as to whether I should favor it or be against it. Yet I know that in my own State there is probably as much public domain that may be affected by this, having possibilities of pine and minerals, as any other State in the Union. I for one want to see the natural wealth of the Nation conserved, but I do not want to see a homesteader handicapped, see him so hampered by regulations, see him so hampered by restrictions, that when he goes to get for himself a little piece of land on the frontier he is absolutely appalled by the obstancles that confront him, and in the majority of cases withdraws from the contest because he is unequal to it.

Mr. NORRIS rose.

The CHAIRMAN. Does the gentleman from Minnesota yield to the gentleman from Nebraska?

Mr. MILLER. Yes.

Mr. NORRIS. I want to suggest to the gentleman that the pending amendment has nothing to do with minerals.

Mr. MILLER. Very likely. Mr. Chairman, this relates to forests, which are in the same category, so far as my district is concerned. I would like to say one word on the matter of timberland. I ask unanimous consent to proceed for two minutes more.

Mr. NORRIS. The gentleman has some more time. Let him go ahead.

Mr. MILLER. As I understand this amendment, it withdraws or puts a restriction upon the title to the timber upon land. Now, certainly, I think the friends of that amendment will admit that it should go no further, and probably does go no further, than to withdraw and restrict the title where the land is particularly valuable for timber, and that is exactly the law to-day. The lands have all been classified, including the Indian lands that ultimately have become subject to homestead entry, in the public domain in my State and other States as well; and it is now a well-established fact, because it has been the law for several years, that where the land is principally valuable for timber it is not subject to homestead entry. The timber is sold separately, and the land, later on, opened up to homestead entry.

The CHAIRMAN. The time of the gentleman has expired.

Mr. FERRIS. Mr. Chairman, I ask unanimous consent that debate be closed on this section and all amendments thereto in five minutes.

The CHAIRMAN. The gentleman from Oklahoma [Mr. FERRIS] asks unanimous consent that debate be closed on this section and all amendments thereto in five minutes. Is there objection?

Mr. LAFFERTY. Mr. Chairman——

Mr. FERRIS. How much time does the gentleman want, two minutes?

Mr. LAFFERTY. I would like to have five minutes. I asked leave to be heard on this last Wednesday. I was deferring then to the older Members.

Mr. WARBURTON. Mr. Chairman, I would like to have five minutes.

Mr. McCALL. I would like to have two minutes.

Mr. FERRIS. I hope debate will be closed as quickly as possible. We debated all last Wednesday on this.

The CHAIRMAN. The gentleman from Massachusetts is recognized.

Mr. McCALL. Mr. Chairman, I think it would be wise to have all stricken out after the enacting clause of this bill, so that unlimited discretion or jurisdiction practically should be given to the conferees. But there is nothing at all inconsistent with that program in adopting the amendments which are proposed by the gentleman from Nebraska [Mr. NORRIS] on his motion to recommit the bill.

I think that the House should express its opinion in favor of reserving from a homestead entry all these coal and mineral and timber rights. I am entirely willing to give better terms to the man who enters for the purpose of making a homestead, to reduce the time from five years to three years; but he is not entering on his homestead for the purpose of securing mineral rights, and I think the House should avail itself of the opportunity of declaring in favor of the reservation of the mineral rights and water powers from the entry.

Mr. RUCKER of Colorado. Mr. Chairman, I must beg pardon for butting in here at this time, but I introduced in this House a bill just along the lines of the pending bill, although the Senate bill was the one that came in. Yet the committee has followed my views closely, and I am afraid that my child will be so disguised by these various amendments that I will not know it when it comes out, and therefore, moved by filial affection, as well as for the public good, I hope all these amendments will be voted down.

The amendment of the gentleman from Wisconsin [Mr. LENROOT] and that of the gentleman from Nebraska [Mr. NORRIS] seems to be covered generally by existing law. That is apropos of what was said by the gentleman from Massachusetts [Mr. McCALL]. Those matters are all provided for by general statute. I represent a district that, I think, has more land in it now thrown open to public entry under the homestead act than possibly is represented by any other Member upon this floor; and inasmuch as it has been intimated that we of the West are in league with large corporations, and with people who are seeking to gobble up the public domain, I want to say that that is not a fact. There is no such influence behind this measure, and the mind of every Member on this floor ought to be disabused of that idea. What we are interested in, especially in Colorado, where nearly one-third of our public domain has already been withdrawn and thrown into forest reserves, and possibly forever withdrawn from public entry as well as from taxation, is to have more home makers in that State; and the only way we can get them there is to give a shorter number of years in which to prove up upon their homesteads and on other better terms. To-day there is no more irrigable land in the West, except that which can be irrigated by the expenditure of very large sums of money for the storing of water. The land underneath the natural flow of water has been disposed of, so that now, instead of a poor man being able to take up a homestead under present laws and regulations, it is a rich man's proposition. I will yield the floor to the gentleman from California [Mr. RAKER] in a moment.

Mr. RAKER. Mr. Chairman, I do not want the floor, but a Senator was here talking to the gentleman from Colorado [Mr. TAYLOR], the colleague of the gentleman now speaking, and he spoke to me, and I could not refuse to respond to the Senator's remark. I beg the pardon of the gentleman from Colorado for interrupting him.

Mr. RUCKER of Colorado. I was going to say that it is only a rich man who can now take up a homestead and live upon it for five years. He must have an income.

The CHAIRMAN. The time of the gentleman has expired.

Mr. RAKER. I ask unanimous consent that the gentleman have leave to proceed for five minutes.

The CHAIRMAN. The gentleman from California [Mr. RAKER] asks unanimous consent that the gentleman from Colorado [Mr. RUCKER] have five minutes more. Is there objection?

Mr. GARDNER of Massachusetts (from his seat). I object.

Mr. RUCKER of Colorado. I only want to say that the irritability of my friend from California——

The CHAIRMAN. Objection is made to a further extension of the gentleman's time.

Mr. GARRETT. I make the point of order that no Member rose in his place and objected.

Mr. GARDNER of Massachusetts (rising). I object.

Mr. PICKETT. Mr. Chairman, I am in sympathy with the purpose of this measure to liberalize the homestead laws. I have, however, thought it proper for the House to consider suggestive amendments which have been carefully prepared by the Secretary of the Interior, under whose department these laws will be administered. This law purports to be patterned after the Canadian law, in so far as the time is concerned. It does not, however, follow the Canadian law in respect to its administrative features and the reservations which have been embodied in the amendments which have been offered on the floor.

I realize the force of the arrangement that has been made of having these matters considered in conference, but the questions having arisen upon the floor of the House, the action of the House might in conference be considered as expressive of the views of the House.

Mr. FERRIS. Will the gentleman from Iowa yield for a question?

Mr. PICKETT. Certainly.

Mr. FERRIS. I want to say that I am always interested in what the gentleman says, and we think alike on a great many

things. What I wanted to suggest to him is that, as he knows, being a member of the committee and being familiar with the land laws, there is a separate statute which deals with the timber and stone entries, and this act in no way changes that; and I wondered if it would not be satisfactory to the gentlemen to let that statute be considered as a separate matter, in order that we may not encumber this one relief measure for the homesteaders of the West.

Mr. PICKETT. I was not speaking particularly to the pending amendment. If we pass these various amendments, they will be suggestive to the conferees of the views of the House. I want to read an extract from a letter which I have received from the Secretary of the Interior relative to one of the amendments which have been offered—the one reserving the water-power rights to the Government—because it seems to me that the very object which the Secretary has in mind is to aid the development of our western country. He says:

The policy in this country has been for the Government to withdraw entirely from homestead entry lands which are believed to have a value for the development of water power or for irrigation, especially for reservoir sites. In the nature of the case, much of the land thus withdrawn may not be developed for water power or irrigation purposes for a considerable period of time, and some of it may never be so developed. Nevertheless, under the existing law the public interests can not be adequately protected except by prohibiting homestead entry. In many instances homesteaders would be glad to enter the land subject to the reservation of the right to the Government to take over, for itself or its grantee, such portions of the land as may hereafter be required for irrigation or water-power projects. This in no manner raises the question as to whether the State or the Nation has title to the water; but merely protects the public interest in the land necessary for the effective development and use of the water. If the pending bill is amended so as to provide for such a reservation, it will be possible for the Government to throw open to homestead entry considerable portions of the public domain which must otherwise remain tied up under reservations for water power or irrigation purposes.

Now, it seems to me that the position which the Secretary takes is a very plain and logical one, and is in the direct interest of the development of this western territory. The other amendments are of similar character. If adopted, they would go to conference for consideration.

The CHAIRMAN. The time of the gentleman has expired.

Mr. LAFFERTY. Mr. Chairman——

Mr. FERRIS. Mr. Chairman, will the gentleman from Oregon yield for a moment? I want to ask unanimous consent to close debate in six minutes and give the gentleman from Oregon five minutes of that time.

The CHAIRMAN. The gentleman from Oklahoma asks unanimous consent that debate on the paragraph close in six minutes. Is there objection?

There was no objection.

Mr. LAFFERTY. Mr. Chairman and gentlemen of the committee, I desire to say in the very beginning, that while I am from the State of Oregon, one of the largest public-land States in this Union, I fully concede to every other Member, no matter from what part of the country he may come, as much right to participate in this discussion and in this legislation as I have. I concede that every Member here has the right to express himself on the pending amendment. I do not take very much stock in the shunting of these different propositions off to conference committees when they have once been brought up on the floor and anything like a thorough opportunity has been had for expression of opinion by Members of this House.

But I want you, if you will be so kind as to do so, to bear with me one minute on the vital question involved in the pending amendment.

All of the valuable forest lands of this country are already in the forest reserves. We have 190,000,000 acres in forest reserves in the United States. They are not subject to homestead entry. This bill in no way affects the forest reserves of the United States. Beyond that, as a further safeguard, the distinguished Member from Iowa [Mr. PICKETT] introduced, and this House passed, a bill a year ago, authorizing the President of the United States, without authority from Congress, to withdraw any additional public lands in the United States for the purposes of conservation, and the President has exercised his right under that Pickett withdrawal bill and many other lands in the West have been withdrawn from homestead entry.

Now, what does this amendment mean? It means that in addition to all these safeguards you are going to say that when we deal out a little liberality with one hand to the homesteader with the other we will prevent him hereafter from entering on any land west of the Cascade Mountain Range in Oregon, Washington, and California.

As far as I am concerned, as far as my colleague from Oregon [Mr. HAWLEY] is concerned—and I have discussed this matter with him this morning—we would rather you would leave the homestead laws as they are than to withdraw from homestead entry and deprive the homestead settler from the right to go upon the lands in western Oregon, where we have a God-given climate, beautiful scenery, and the most delightful place to live in the world.

Now, why put in this bill a provision preventing the homesteader from filing upon any land that in the opinion of the special agent is chiefly valuable for timber? The largest bodies of timber are already in the forest reserves. The Pickett withdrawal bill authorizes any large bodies of timber that may be found in isolated tracts hereafter to be withdrawn. Why not leave the lands open to homestead entry that are now subject to such entry and not further withdraw them from the reach of the actual settler?

Mr. MANN. Will the gentleman yield?

Mr. LAFFERTY. Certainly.

Mr. MANN. The gentleman knows that there is a proposition to restore certain lands granted to railroads to the public domain. Is that likely to be done?

Mr. LAFFERTY. I will say in answer to the gentleman's question that there is an immense railroad-land grant of about 2,300,000 acres in Oregon, which Congress required should be sold to settlers, and the railroad company flagrantly violated the terms of the grant. I have a bill pending here that if these lands shall be forfeited that all of them within the exterior boundaries of the forest reserve shall attach to the reserve and not be subject to homestead entry. But only a small portion of the railroad lands are inside the reserves. Most of these lands will go to actual settlers if my bill passes.

Mr. MANN. They are largely timber lands, are they not?

Mr. LAFFERTY. Most of the lands have some timber on them, but they are admirably suited for homes.

It is a foregone conclusion that the pending three-year-homestead bill will pass. That fact is most gratifying to the people of Oregon. We welcome the homesteaders from the East, and we also have many people in our own great city of Portland who will be glad to avail themselves of this opportunity to get a ranch.

The passage of this bill will be the realization of one of my ambitions. That I have worked hard for the measure here the past six weeks many Members can attest. In canvassing my colleagues for the measure I called last Saturday a week ago on no less a personage than the honorable Speaker of this House [Mr. CLARK] and asked him to make a speech in favor of the bill and he did so last Wednesday.

No one who has once enjoyed the balmy Indian summer days of Oregon or inhaled the exhilarating perfume of the firs and pines during the gentle rainfall of winter can ever be satisfied to live anywhere else on the face of the globe. The ideal climate, beautiful scenery, and pure air of that State is one of the greatest assets of this Nation. By this bill we extend a more generous and hearty welcome than ever before to the good people of this country to make homes in Oregon. There is no longer any "new country" to go to. But Oregon will remain young forever. Her snow-capped mountain peaks, her restful green forests, and her rugged coast, with its miles of hard-sand beach, washed by the foaming surf of the Pacific, form a picture that charms and attracts all who see it. In behalf of that State I express the hope that the pending amendment will be rejected and that the bill will be passed. [Applause.]

Mr. FERRIS. Mr. Chairman, this committee has had the call on four Calendar Wednesdays. I hope this amendment may be voted upon now and the next section read and the matter disposed of soon.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Wisconsin.

The question was taken, and the amendment was lost.

Mr. KINKAID of Nebraska. Mr. Chairman, I call up the amendment that I offered last Wednesday.

The CHAIRMAN. The Clerk will report the next section, and then the gentleman's amendment will be reported.

The Clerk read as follows:

SEC. 2. That all existing pending entries shall be perfected under and according to the terms of this act, except entries under section 6 of an act passed and approved February 19, 1909, and section 6 of an act passed and approved June 17, 1910, providing for an enlarged homestead, and that as to entries under said sections this act shall not in any wise apply, except that the provision allowing a six months' residence during any calendar year shall apply to all homestead.

The committee amendment was read as follows:

In section 2, line 17, after the word "entries" insert "requiring residence upon the land under the homestead laws."

From the word "act," in line 19, strike out the balance of the section.

Mr. MANN. Mr. Chairman, the amendment, while it is printed in the bill with the words "shall be" in it, they are in fact not a part of the amendment. It is an erroneous print.

Mr. MONDELL. Will the gentleman from Illinois yield to me for a suggestion?

Mr. MANN. Certainly.

Mr. MONDELL. I am of the opinion that the amendment offered by the gentleman from Nebraska [Mr. KINKAID] in the way of a substitute is better than the original section or the section as proposed to be amended.

Mr. MANN. I was going to suggest that we strike section 2 out of the bill entirely. The whole thing will go to conference. I am not prepared to vote for the amendment offered by the gentleman from Nebraska, which no one has seen. The committee recommends striking out a part of the section, why not strike out the whole?

Mr. KINKAID of Nebraska. Will the gentleman yield?

Mr. MANN. Yes.

Mr. KINKAID of Nebraska. I will be pleased to inform the gentleman what the contents of the amendment are in order that he may be advised of it.

Mr. MANN. Before I vote on it I would like to have a chance to read it.

Mr. MONDELL. Mr. Chairman, I think the suggestion of the gentleman from Illinois an excellent one. I do not think it makes any difference whether there is any statement in the form of section 2 or not. I do not think it modifies the legislation at all. I think it is entirely superfluous both in the original form and in the form now proposed, and if we are going to adopt any form I think the form suggested by the gentleman from Nebraska is the better. But this is the situation. If this bill becomes a law it will take the place of the present sections of the Revised Statutes amended and will apply to all homesteads just as the present sections apply. Therefore there is no necessity for any direction in the form of legislation that it shall apply to pending entries. It seems to me the suggestion of the gentleman from Illinois [Mr. MANN] is a very proper one, that the entire section 2 should go out, and if in conference it is deemed advisable and necessary, then some further language could be added.

The CHAIRMAN. The Chair will ask the gentleman from Oklahoma if the words "shall be" appear in the amendment offered by the committee?

Mr. FERRIS. I have not the amendment before me, and have not examined it. I do not know what the original verbiage of the amendment is.

I do want to say that I hope the suggestion of the gentleman from Illinois [Mr. MANN] in the last analysis will be adopted, for the reason that this provision having passed the Senate, if it is rejected here, will be dealt with in conference, and then the ideas of the gentleman from Nebraska [Mr. KINKAID] can be disposed of at a time when we can look into it further.

The CHAIRMAN. The question is on agreeing to the committee amendment.

The question was taken, and the committee amendment was agreed to.

The CHAIRMAN. The Clerk will report the next committee amendment.

The Clerk read as follows:

Page 3, line 19, strike out after the word "act," in line 19, the comma and the word "except" and all of lines 20, 21, 22, 23, 24, 25, and lines 1 and 2 on page 4.

The CHAIRMAN. The question is on agreeing to the committee amendment.

The question was taken, and the committee amendment was agreed to.

The CHAIRMAN. The gentleman from Nebraska [Mr. KINKAID] offers an amendment, which the Clerk will report.

The Clerk read as follows:

Strike out section 2 and substitute the following:

"SEC. 2. That existing pending entries may be perfected either under the provisions of the law as amended by this act, or under the law as it existed previous to the passage of this act, at the option of entrymen."

Mr. KINKAID of Nebraska. Mr. Chairman, I regard this amendment as very important. If the bill be enacted into law as the committee amendment stands, it will leave it in such shape that there will be some doubt about whether or not it would deprive existing entrymen who have already resided on their claims, say, for six years, or any time more than five years, of the right to make their proof. It is stated that this will take effect not only as to future entries, but as to existing entries, without in express language saying so, and that therefore this section 2, as amended by the committee, may be dispensed with. It is said that it is superfluous. If it is to take effect immediately as to existing entries, then those who have lived on their claims more than five years would be cut off, would be debarred of the right to make their proof, to perfect their entries. Furthermore, Mr. Chairman, these pioneer homesteaders who have gone there on their claims to live, perhaps all their lives, ought to be encouraged in this. They made their entries with the right to stay seven years before they should make their proofs, and they ought not to be debarred of the right to wait seven years before making proof. If the bill passes without an explicit statement upon this point, great confusion will arise, perhaps consternation, among entrymen. There is no class in the United States who is better posted upon their rights than these homestead entrymen; they diligently read the homestead laws, and those laws ought to be plain not only to the lawyer but to the layman.

Mr. BOWMAN. Mr. Chairman, will the gentleman yield?

Mr. KINKAID of Nebraska. Certainly.

Mr. BOWMAN. I would suggest that the gentleman's amendment in its present form, if it prevails, will give the opportunity to file upon land of any class. I suggest that it be modified so that it will apply only to those claims which have been filed prior to this time, and then it will probably accomplish the gentleman's purpose.

Mr. KINKAID of Nebraska. That is just what it does. It restricts to those——

The CHAIRMAN. The time of the gentleman from Nebraska has expired.

Mr. KINKAID of Nebraska. Mr. Chairman, I ask unanimous consent to proceed for one minute.

The CHAIRMAN. Is there objection?

There was no objection.

Mr. KINKAID of Nebraska. Mr. Chairman, I regard myself as having been unfortunate in being absent last Wednesday, for only about 15 minutes, when the bill was under consideration, when the Speaker of the House took the floor and spoke in behalf of this measure. The Speaker very kindly referred to the Nebraska one-section act, which was passed pursuant to a bill which I myself introduced in the Fifty-eighth Congress. He also alluded to this act in a very friendly way, and I wish to acknowledge my appreciation of the remarks made by him in reference thereto, and also the appreciation of my constituents for his having given his support to the bill in the first instance. I acknowledge also my indebtedness to the then Speaker of the House, the distinguished gentleman from Illinois [Mr. CANNON], for allowing the bill to be taken up at the earliest possible time permitted by parliamentary discretion. I desire also to express my own acknowledgment and that of my constituents of our very high appreciation of the service of membership of the Public Lands Committee and of the Fifty-eighth Congress for passing the law which has proven to be so salutary. The wisdom of the act has been vindicated by the increase of population by more than 100,000 in the territory covered by the act as a direct result. All now agree, where many opposed it, even in Nebraska at first, that it was a wise enactment. [Applause.]

The CHAIRMAN. The time of the gentleman from Nebraska has expired.

Mr. FERRIS. Mr. Chairman, I ask unanimous consent that debate on the pending paragraph and all amendments thereto close at the expiration of five minutes.

The CHAIRMAN. Is there objection?

There was no objection.

[Mr. MORGAN addressed the committee. See Appendix.]

Mr. MANN. Mr. Chairman, I am quite in sympathy with the gentleman from Nebraska, and I would suggest to him that if his amendment is voted upon without the committee having full knowledge in regard to it and had chance to inspect it, although we are informed by the gentleman's admirable speech, that it would probably be defeated, and, while the purpose seems to be very fair, that it would probably be taken care of in conference if we strike out the entire section instead of agreeing to his amendment; and I hope the gentleman will see his way clear, after making his statement and calling it to the attention of the House, to withdraw his amendment so that we may, without voting upon it, just strike out the section and throw the whole thing into conference.

Mr. KINKAID of Nebraska. Mr. Chairman, the suggestion of the minority leader, the gentleman from Illinois, is entirely satisfactory to me. I have confidence that the joint conferees will give due and proper consideration to all these amendments which are now in contemplation, so, with the consent of the committee, I withdraw the amendment.

The CHAIRMAN. The gentleman from Nebraska asks unanimous consent to withdraw his amendment. Is there objection? [After a pause.] The Chair hears none.

Mr. FERRIS. Mr. Chairman, then, pursuant to the suggestion, I move to strike out section 2 entirely.

The question was taken, and the motion was agreed to.

Mr. FERRIS. Mr. Chairman, I now move to strike out all after the enacting clause and insert in lieu thereof in one amendment the bill as agreed to in the committee, which the Clerk will report as a substitute for the pending bill.

The Clerk read as follows:

That section 2291 and section 2297 of the Revised Statutes of the United States be amended to read as follows:

"SEC. 2291. No certificate, however, shall be given or patent issued therefor until the expiration of three years from the date of such entry; and if at the expiration of such time, or at any time within two years thereafter, the person making such entry, or if he be dead his widow, or in case of her death his heirs or devisee, or in case of a widow making such entry her heirs or devisee, in case of her death, proves by himself and by two credible witnesses that he, she, or they have a habitable house upon the land and have actually resided upon and cultivated the same for the term of three years succeeding the time of filing the affidavit, and makes affidavit that no part of such land has been alienated, except as provided in section 2288, and that he, she, or they will bear true allegiance to the Government of the United States, then in such case he, she, or they, if at any time citizens of the United States, shall be entitled to a patent, as in other cases provided by law: *Provided*, That the entrymen may be absent from the land for not more than five months in each period of one year after establishing residence, but in case of commutation the 14 months' actual residence as now required by law must be shown: *Provided*, That when the person making entry dies before the offer of final proof those succeeding to the entry must show that the entryman had complied with the law in all respects to the date of his death and that they have since complied with the law in all respects, as would have been required of the entryman had he lived, excepting that they are relieved from any requirement of residence upon the land.

"SEC. 2297. If, at any time after the filing of the affidavit as required in section 2290 and before the expiration of the three years mentioned in section 2291, it is proved after due notice to the settler, to the satisfaction of the register of the land office that the person having filed such affidavit has failed to establish residence within six months after the date of entry, or abandoned the land for more than six months at any time, then and in that event the land so entered shall revert to the Government: *Provided*, That the three years' period of residence herein fixed shall date from the time of establishing actual permanent residence upon the land: *And provided further*, That where there may be climatic reasons, sickness, or other unavoidable cause, the Commissioner of the General Land Office may, in his discretion, allow the settler 12 months from the date of filing in which to commence his residence on said land under such rules and regulations as he may prescribe."

The CHAIRMAN. The question is upon the amendment offered by the gentleman from Oklahoma [Mr. FERRIS].

The question was taken, and the amendment was agreed to.

Mr. FERRIS. Mr. Chairman, I move that the committee do now rise and report the bill as amended favorably.

The motion was agreed to.

Accordingly the committee rose; and the Speaker having resumed the chair, Mr. FOSTER, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee had had under consideration the bill (S. 3367) to amend section 2291 and section 2297 of the Revised Statutes of the United States relating to homesteads, and had directed him to report the same to the House with an amendment, with the recommendation that the amendment be agreed to and that the bill as amended do pass.

The SPEAKER. The question is on agreeing to the amendment.

The question was taken, and the amendment was agreed to.

The SPEAKER. The question is on ordering the bill to be read a third time.

The bill was ordered to be read the third time, was read the third time——

Mr. NORRIS. Mr. Speaker, I move to recommit the bill with the instructions which I send to the Clerk's desk.

The SPEAKER. The Clerk will report the motion to recommit with instructions.

The Clerk read as follows:

I move to recommit the bill to the Committee on the Public lands, with instructions to said committee to forthwith report the same back to the House amended as follows: Insert after line 2, page 3, the following: "No entry for a homestead or a patent, issued on the same, shall convey any right to salt, potash, coal, petroleum, natural gas, gold, silver, copper, iron, or other mineral within or under the land conveyed by the patent, or any exclusive or other property or interest in, or any exclusive right or privilege with respect to any lake, river, spring, stream, or other body of water within or bordering on or passing through the land covered by the entry."

The question was taken, and the motion to recommit was rejected.

The SPEAKER. The question is on the passage of the amended Senate bill.

The question was taken, and the bill as amended was passed.

On motion of Mr. FERRIS, his motion to reconsider the vote by which the bill was passed was laid on the table.

Mr. FERRIS. Mr. Speaker, I move that the House ask for a conference with the Senate on the disagreeing votes between the two Houses.

The SPEAKER. The gentleman from Oklahoma moves that the House ask for a conference with the Senate on the disagreeing votes of the two Houses.

The question was taken, and the motion was agreed to.

The SPEAKER announced the following conferees: Mr. FERRIS, Mr. TAYLOR of Colorado, and Mr. MONDELL.

LEAVE OF ABSENCE.

By unanimous consent, Mr. HELGESEN was granted leave of absence for 10 days, on account of sickness.

EXCHANGE OF CERTAIN COAL LANDS, CHOCTAW AND CHICKASAW NATIONS.

The SPEAKER. The Clerk will call the next committee, which is the Committee on Indian Affairs.

Mr. STEPHENS of Texas (when the Committee on Indian Affairs was called). Mr. Speaker, by direction of the Committee on Indian Affairs, I desire to call up the bill S. 3686, on the Union Calendar.

The SPEAKER. The House automatically resolves itself into the Committee of the Whole House on the state of the Union for the consideration of the bill S. 3686, with the gentleman from Colorado [Mr. RUCKER] in the chair.

The House resolved itself into the Committee of the Whole House on the state of the Union for the consideration of the bill S. 3686, with Mr. RUCKER of Colorado in the chair.

The CHAIRMAN. The Clerk will report the bill.

The Clerk read as follows:

An act (S. 3686) authorizing the Secretary of the Interior to permit the Missouri, Kansas & Texas Coal Co. and the Eastern Coal & Mining Co. to exchange certain lands embraced within their existing coal leases in the Choctaw and Chickasaw Nation for other lands within said nation.

Mr. STEPHENS of Texas. Mr. Chairman, I ask unanimous consent that the first reading of the bill be dispensed with.

The motion was agreed to.

Mr. STEPHENS of Texas. Mr. Chairman, I desire to state that this is the bill that was objected to by the gentleman from New York [Mr. AKIN] on last Monday, on the call of the Unanimous Consent Calendar. This bill passed the House and Senate during the last Congress, but was lost because it did not reach the President in time to receive his approval. I have the report here from the department, under date of January 30, 1912, which states that fact, and says:

A bill (H. R. 32531, 61st Cong., 3d sess.) was introduced February 6, 1911, and referred to this department for report. Report was made February 11, 1911, and is set out in House Report No. 2272, Sixty-first Congress, third session. The bill was amended as suggested in the report of the department and was passed by the House March 2, 1911. The discussion in the House of Representatives may be found in the CONGRESSIONAL RECORD of March 2, 1911, pages 4233–4235. It seems that the bill also passed the Senate. (CONGRESSIONAL RECORD, Mar. 4, 1911, p. 4400.) It is understood, informally, that the time was too short after its passage in the Senate to permit the bill to be presented to the President for his approval.

I will state that this bill has been carefully prepared by the department, and, as I stated, it has passed both House and Senate and has been favorably and unanimously reported by the Committee on Indian Affairs. It permits a coal company now operating coal mines in the Choctaw Nation to exchange lands not bearing coal for lands having coal underneath them. They have already spent quite a lot of money in prospecting this land, and they have not found coal in paying quantities on the land now leased to them, and they desire to exchange for other coal-bearing lands.

The Indians get a royalty of 8 cents per ton for all the coal mined from the lands now held under lease by this company under the act of 1898, and the lease runs for 30 years and covers 960 acres of land. The company now desires to exchange a portion of that lease—360 acres of it—and to be permitted to take the same amount of lands elsewhere that is ascertained to have coal under them. They have bored many holes through the strata where the coal should be found in the lands they now have, and they find there is no valuable coal in them, and they find that there is good coal on the tract which they want to substitute for their leased lands, and unless this coal company makes this exchange the Indians will get no royalty from the coal land the company desires to acquire by this bill. On that point the department says, in a letter quoted in a report on this bill:

If it be the purpose of Congress to authorize the immediate sale of the coal deposits of the Choctaw and the Chickasaw Nations, the propriety of permitting exchanges of this character might be doubted.

This letter was dated January 30, 1912. Since then we have authorized the segregation of the surface from the coal, and authorized the department to sell the surface of the land, holding the coal for the lease or future disposition by Congress. Therefore the conditions under which the department approves this bill have already arisen, and this bill, as I understand, would have been signed by the President as it passed the House and Senate last Congress.

The department, in its communication of January 30, 1912, makes the following statement:

If, however, the sale of the coal deposits is to be deferred to some future time, it would seem entirely just and equitable to the lessees and profitable to the Indians to permit relinquishment of lands which have been proven not to bear coal and the selection of other segregated coal lands in lieu thereof. The lessees have necessarily expended considerable money in developing the mines, and should be allowed to reap some benefit from this expenditure by mining coal which may be reached from the developments thus made. The Indians would by such an arrangement receive an income from the coal mined.

It is suggested that the word "nation," occurring twice in the title of the bill, be changed to the plural, "nations," in each instance.

Mr. Chairman, the gentleman from Oklahoma [Mr. CARTER] represents that district in Oklahoma, and I will yield the floor to him.

Mr. CARTER. Well, I have no desire to say anything unless some one wants some information about it.

Mr. FOSTER. Mr. Chairman, I would like to ask the gentleman a question. This is Indian land that is to be leased, is it?

Mr. CARTER. It is.

Mr. FOSTER. And the gentleman's knowledge of the condition of affairs there leads him to believe that all the rights of the Indians are taken care of in this proposition?

Mr. CARTER. Oh, thoroughly.

Mr. FOSTER. And they will get the full value of the coal that underlies that land, and no harm can come in that way?

Mr. CARTER. They get 8 cents a ton royalty, which, on the basis of a 4-foot vein, would give them about $320 per acre.

Mr. FOSTER. This lease is to be made under the laws of Oklahoma?

Mr. CARTER. There is no provision for leasing coal lands in Oklahoma. If there were, there would be no necessity for this bill. But this gives them the coal lands under the same provisions exactly as those under which the original leases were made.

Mr. FOSTER. They made an original lease to these parties, and they found no coal under the land which they had.

Mr. CARTER. That is the situation.

Mr. FOSTER. So they now ask to get other lands in lieu of what they had taken?

Mr. CARTER. That is correct.

Mr. FOSTER. Has this company spent money only for boring to ascertain the location or whereabouts of the coal, or have they sunk a shaft?

Mr. CARTER. This Missouri, Kansas & Texas Coal Co. has done quite extensive mining and probably has taken out one-half or more of the coal in the coal-bearing part of the lands under lease. The part that is proposed to be relinquished here has no coal or very little, anyway. That comes about on account of the lease having been made before the coal crop was defined.

The lease was made, if I remember correctly, about the year 1901, and in 1902 and in 1903 the crop of the coal was definitely defined. When application was made for this lease it was presumed that the crop of the coal ran regularly, and the lease was made upon that basis, but as I now remember, when the property was properly prospected and developed it was discovered that the line of the crop was very uneven and broken, and left within one of these leases about 160 acres and in the other about 320 acres of noncoal-bearing land. Now, it is proposed to drop back and take 120 acres in one tract and 360 acres in another of coal-bearing land in exchange for the land that was leased, which contained no coal.

Mr. FOSTER. Now, I would like to ask another question. Is this coal of more value now in Oklahoma than it was when these parties secured the original lease?

Mr. CARTER. Decidedly not. It is of less value on account of the oil and the gas development that has occurred there since the lease was made.

Mr. FOSTER. And it is the gentleman's opinion that 8 cents a ton royalty, which goes to the Indians, is sufficient pay for that coal at this time?

Mr. CARTER. I think it is, but this bill does not establish an arbitrary rate of royalty.

Mr. FOSTER. But it gives them the same rate now that they originally had?

Mr. CARTER. It gives them the same rate that they have now under the rules and regulations of the department. The rate of royalty is established by the rules and regulations of the Interior Department, and may be raised or lowered as the necessity demands.

Mr. MANN. What does the gentleman mean by "necessity demands"? What is the rate under this lease?

Mr. CARTER. I did not catch what the gentleman said.

Mr. MANN. The gentleman said that the rate may be lowered or raised as the necessity demands. What does the gentleman mean by that?

Mr. CARTER. I mean this: If the operators could not work their mines and pay an 8-cent per ton royalty, the Secretary of the Interior might, in his discretion, decrease the royalty. If it was found that the royalty was too small, the Secretary of the Interior might increase the royalty.

Mr. MANN. What is the rate in the lease?

Mr. CARTER. There is no arbitrary rate in the lease. The rate is left to the discretion of the Secretary of the Interior; but the established rate, under the present rules and regulations, is 8 cents per ton.

Mr. FOSTER. So that they are paying 8 cents now upon the coal that they are mining?

Mr. CARTER. They are paying 8 cents a ton upon all coal upon a mine-run basis. The gentleman from Illinois [Mr. FOSTER], having had some experience with the mining business, knows that that is a fair royalty for this coal.

Mr. FOSTER. What is the quality of that coal?

Mr. CARTER. It is a very fair quality.

Mr. FOSTER. Is it high-grade bituminous coal?

Mr. CARTER. It is high-grade bituminous coal; very good bituminous coal.

Mr. FOSTER. What does that coal sell for in Oklahoma, say, at the mine?

Mr. CARTER. It will bring about $3 a ton, I should say.

Mr. MANN. The gentleman does not mean at the mine?

Mr. CARTER. I do not mean at the mine. I mean in the mining towns. Just what it sells for at the tipple at the present time I do not know right now. I think it costs something like $1.50 to $1.75 a ton to produce it f. o. b. the cars.

Mr. FOSTER. To produce the coal?

Mr. CARTER. Yes. The pitch is very steep, and it has other disadvantages which cause it to be a very expensive coal to mine. For instance, at many places the vein is very thin, often under 3 feet; in others the top or bottom, or both, are bad; in still other instances the veins are faulty and highly impregnated with gases.

Mr. FOSTER. If the gentleman understands it correctly, that it costs $1.75 a ton to mine that coal, then the gentleman's statement of $3 a ton is not much out of the way.

Mr. CARTER. I probably put that a little high for the mining towns. I think it does sell for about $3 a ton at retail in many of the towns.

Mr. MANN. You can buy all the coal you want at the mine, where it is mined, for $1 to $1.50 a ton.

Mr. MADDEN. The cost of mining is not over 90 cents.

Mr. CARTER. The cost of producing this coal is $1.50 to $1.75, as I remember it.

Mr. FOSTER. Not mine-run coal?

Mr. CARTER. Of course I do not mean to say that the coal digger gets $1.50. I do not remember exactly what the coal digger gets; but when the coal is finally loaded on the cars and all expenses paid, including wages, not only of coal diggers but of daymen, topmen, office force, powder, fuel, repairs, interest on bonds and other investments, officials' salaries, and other overhead charges, you will find that estimate is not exaggerated.

Mr. FOSTER. As I understand it, this bill simply gives this company the right to select coal lands to the same number of acres as the land already selected, which has been found to have no coal under it.

Mr. CARTER. That is the purpose of the bill.

Mr. FOSTER. Has it been the custom to do that sort of thing in Oklahoma or is this the first case?

Mr. CARTER. No——

Mr. FOSTER. What do they do in oil, and matters of that kind down there?

Mr. CARTER. Oil is entirely different. This particular tract of land is what is known as the segregated mineral land that was set aside by the Secretary of the Interior under the law of July 1, 1902. The only way by which any mining can be done upon these lands is by a lease approved by the Secretary of the Interior. It is different with the oil leases. The act of July 1, 1902, prevents any further leasing of this coal land at all, and were it not for that act we would not have to pass this law to-day.

Mr. FOSTER. This bill simply gives this company the right to lease this additional coal land?

Mr. CARTER. Yes; that is all.

Mr. FOSTER. How much land have they there in which there is coal, under their original lease?

Mr. CARTER. Six hundred acres.

Mr. FOSTER. That they still have?

Mr. CARTER. Yes. After releasing this 360 acres they will have 600 acres.

Mr. FOSTER. They want to get 300 acres more?

Mr. CARTER. They want to get 360 acres more and to release 360 acres of lands barren of coal.

Mr. FOSTER. And get 300 acres of land that has coal under it?

Mr. CARTER. Yes.

Mr. AKIN of New York. Is it not a fact that what they propose to re-lease has been worked out and exhausted?

Mr. CARTER. That is not the fact.

Mr. AKIN of New York. I am very well informed that such is the case.

Mr. CARTER. I will state to the gentleman that I do not believe his information is as good as mine, because I was mining trustee and had personal supervision of this property when this lease was made.

Mr. FOSTER. How long has it been in operation?

Mr. CARTER. Since 1902. I was in touch with that mine for three years afterwards, and I remember very distinctly when it was discovered that a part of this lease was noncoal-bearing land.

If my memory serve me correctly, this company made application for this change as soon as the mistake was discovered. I think I made the investigation and reported to the Secretary of the Interior recommending favorable action, but the report probably reached the department too late. But that is immaterial. If the coal has been worked out, it makes no difference as far as the Indian is concerned, unless the gentleman desires to stop the production of coal in Oklahoma. The only method on earth by which the Indian can get any royalty whatever is by some legislation permitting the coal to be leased. The coal operator can not operate, can not take the coal out, even the Indians can not take it out themselves unless we give them permission. The Secretary of the Interior can not give that permission. What will be the result? If we do not pass this legislation these lands are going to be unproductive. If we pass the bill the Indian will get royalty from about 480 acres of coal land, whereas he now gets nothing. Furthermore, I understand that the work of the Missouri, Kansas & Texas Co. has proceeded very near the limit of its lease.

Gentlemen familiar with the coal business know that as soon as the company gets the coal out the mine will be abandoned and fill up with water, and the value of the coal on this 480 acres will be destroyed, or greatly damaged and rendered almost impossible to mine.

Mr. AKIN of New York. Will the gentleman yield?

Mr. CARTER. I will.

Mr. AKIN of New York. Is it not a fact that there are companies willing to go in there and pay a much higher tonnage than these people pay?

Mr. CARTER. I believe that if this leasing system were opened up generally to-day you would get very few bona fide applications for leases of the segregated mineral lands of Oklahoma, even at the present price.

Mr. AKIN of New York. I understand they are paying as high as 15 cents a ton.

Mr. CARTER. Oh, that may be true; if a vein of coal lies flat on the top of the ground and is coal of first-class quality. I can imagine conditions so favorable that an operator might pay 50 cents, but they do not exist in the Choctaw field.

Mr. AKIN of New York. But they are in the way so that others can not get in.

Mr. CARTER. They are not in the way. There are to-day more than 100,000 acres of these coal lands under lease and the mines are running at about one-tenth their capacity. Now, the gentleman seems to have some fear that this bill gives some company some special privilege. I will say that no other company would go in there for this land in its present condition. Gentlemen who know anything about the coal-mining business know that no company would put in expensive machinery for mining deep down in the earth with only 120 acres of coal lands in sight. They could not afford to do it. So if some legislation of this kind is not adopted you are going to destroy the value of this property to the Indians.

Mr. BOWMAN. Will the gentleman yield?

Mr. CARTER. Certainly.

Mr. BOWMAN. Does the gentleman know of any royalty rate on bituminous coal that amounts to $1, 50 cents, 25 cents, 20 cents, or 15 cents a ton in any part of the United States?

Mr. CARTER. I am frank to confess that my first-hand knowledge about the royalties on coal is very limited—limited, in fact, to this very field. There was a time when there was paid in this field 15 cents per ton on a screen basis.

Mr. BOWMAN. I will say that the usual rate on bituminous coal in any part of the United States does not exceed 8 or 10 cents a ton; on good veins lying level 8 cents per ton is a common rate, and very much is mined at 3 and 4 cents per ton.

Mr. MONDELL. Will the gentleman yield?

Mr. CARTER. I will.

Mr. MONDELL. It seems to me that there is only one serious question connected with this legislation, and that is whether or not this coal-mining company is seeking to abandon some bad-working ground and thin veins within the field of its operations. I do not say that it might not be proper to do that if we knew all the facts.

Now, I think I understood the gentleman from Oklahoma to say that the land that these people propose to abandon is land beyond the crop line of the vein, land beyond the point where the vein is of a workable character. If we had a plat of the locality and of the crop line we could judge very much better of the facts regarding the legislation. But in roughly drawing a township plan here I find that some of the land proposed to be abandoned would seem to be—I do not say that it is—some of the land proposed to be abandoned seems to be within the body of the coal area that the company is mining.

Mr. CARTER. I do not catch the exact purport of the gentleman's question.

Mr. MONDELL. I say that some of the land you propose to let them abandon seems to be within the area that the company is mining. In other words, this company may be attempting to relieve itself from mining expensive coal by dropping an area in the midst of its operations and going to other lands where the coal seam is thicker and of a better quality and the roof conditions are better. Manifestly it would not be in the interest of the Indians to allow the company to leave this coal that can be mined or ought to be mined.

I want to know if it is very clear in the mind of the committee—for it is not clear in my mind, with the rought draft that I have made of the land described—that the lands you propose to exclude from the lease are beyond the line of workable coal. It would rather appear that they were in the main body of the coal, and therefore might be lands workable, but probably not advantageously workable.

Mr. CARTER. Now, Mr. Chairman, I have to speak in regard to that almost wholly from memory. I have to trust my memory almost two years back, or, at any rate, a year, when the House passed this bill before.

My recollection of the matter is this: That practically all of the coal land that was sought to be released was noncoal bearing. The gentleman from Wyoming [Mr. MONDELL] will know that this might not be literally true. It may be that some small subdivision, say 10 to 40 acres, contains an acre or two of coal, but, practically speaking, the land sought to be released is barren of coal.

Mr. MONDELL. Why is it necessary to exclude that land from the lease, unless it be that the company wants to be relieved of the obligation to take from that land such coal as the land contains?

Mr. CARTER. The necessity for releasing that particular tract, if that is what the question is directed to, would be that it contains not sufficient coal to be valuable for mineral purposes.

Mr. MONDELL. I can see no objection to including in the lease a 40-acre tract if it contains only 2 acres of coal, because they are not going to mine coal where there is no coal.

Mr. CARTER. That would be true if the lease were not restricted to a certain number of acres, but here you have a restriction, and that restriction I think everybody will agree, makes it about as small as a coal lease of that character of coal should be. Under these limitations a coal operator will naturally be seeking to get every acre of workable coal that he can get, and he will necessarily eliminate every acre of noncoal-bearing land possible, so that if it came to a question of deciding on a 10-acre block, with only 2 or 3 acres of coal in it, I think he would naturally leave out that 10 acres and include another 10 with enough coal to be valuable for mining purposes.

Mr. MONDELL. But if he has a 40-acre block or a 10-acre block, which contains only 2 acres of coal, and it is at the margin of the workable coal area, he ought not to be relieved from the necessity of working it out, because if he is relieved and abandons his entries leading to that coal it can never be thereafter worked.

Mr. CARTER. Again, that might be true if there were no opportunity for that coal to ever be worked, but I am pretty sure that in this case most of the land re-leased lies next to other unleased land, and could be included in other leases.

Mr. MONDELL. But if the gentleman will allow me right there. The gentleman knows how coal veins occur, and he knows if you are following a vein toward the limit of workable area some other operator can not go over on the other side and bore through the ground——

Mr. CARTER. Oh, if the gentleman will stop right there—he completely misunderstands what I said. I did not say that one operator might go on the lease of another and conduct operations. I did not say that you could go on the land adjoining this lease or any other unleased land and mine coal. On the contrary, you can not, under the present law, touch the other unleased land, but I do say that some of this land which is re-leased probably lies next to land which is unleased, and at the proper time, when this unleased land is taken up and worked out, the other can be worked out along with it. As I remember, this 120 acres re-leased by the Eastern Coal Mining Co. is a

narrow strip of land lying between two leases and may not be worked in any manner whatever unless it is worked from the openings that are already made through one of these mines on each side of it.

Mr. MONDELL. The gentleman does not claim—and there is nothing in the report to enlighten us upon that fact—as to whether or not the lands proposed to be abandoned are beyond the possible limit of profitable mining, or, on the contrary, whether they may not be lands that the company simply desires to be relieved from the necessity of mining because the mining costs too much—and may I make one other observation right there?

Mr. CARTER. I will ask the gentleman to permit me to answer that, and then he can make his observation afterwards. I tried to make myself very plain upon that point. I stated to the gentleman as plainly as I could that there might be some little portion of a re-leased subdivision which contained coal, but there has been no attempt to re-lease any coal-bearing land; and certainly an operator would not let any land he could profitably mine lie idle for two or three years waiting a change in the lease, and that is the time this application has been pending. It seems to me, if that were true, this operator certainly would have mined the coal in these two or three years that he has been waiting to get this change made in this lease.

Mr. BOWMAN. Mr. Chairman, will the gentleman yield?

Mr. CARTER. Certainly.

Mr. BOWMAN. Does not your leases provide that your coal shall be mined? Do they not say so many acres of coal shall be minable?

Mr. CARTER. No.

Mr. BOWMAN. Is there any law which will provide for a company mining coal upon which a reasonable profit could not be made? In view of the provisions or rules of the department, if a miner can prove that the claim can not be profitably mined, will not a provision be made reducing the royalty?

Mr. CARTER. I think I stated that very clearly.

Mr. BOWMAN. And is it not also a fact that after a company has built its works and driven its gangways to a given piece of coal it will mine every ton it possibly can even at a loss in order to keep the operation going and get out the first cost?

Mr. CARTER. I think that is perfectly patent to anyone who understands anything about coal mining.

Mr. BURKE of South Dakota. Mr. Chairman, will the gentleman yield?

Mr. CARTER. I will be glad to.

Mr. BURKE of South Dakota. As I understand it, at the time the lease was made the law provided that leases could be made by the nations, said leases to be approved by the Secretary of the Interior.

Mr. CARTER. Yes.

Mr. BURKE of South Dakota. And the act of July 1, 1902, provided that no further leases should be made. Is that the case?

Mr. CARTER. Yes; that is true.

Mr. BURKE of South Dakota. And, again, in the act of April 26, 1906, it was provided that there should be no further leases.

Mr. CARTER. That is true.

Mr. BURKE of South Dakota. I would like to ask the gentleman if it was not the theory at that time that these mineral lands would be disposed of and sold and it was thought best not to make any further leases?

Mr. CARTER. That was the purpose.

Mr. BURKE of South Dakota. We have recently passed a law providing for the sale of the surface of these lands, or, rather, selling the lands and reserving the minerals. Therefore there can be no longer any objection to leases being made for mining the coal.

Mr. CARTER. I can see none in the world.

Mr. BURKE of South Dakota. Then would it not be wise to enact legislation providing for the making of leases so that if anybody desires to lease lands or lease the mineral that they may have the right to do so without coming to Congress with a special bill every time a lease is made?

Mr. CARTER. The gentleman from South Dakota is unquestionably correct. Congress should not be burdened with such ministerial duties as these. I have called the attention of the Indian Office to the matter he discusses. Just this morning I talked to the Assistant Commissioner of Indian Affairs, and he told me he would confer with the commissioner on a plan looking to the leasing of such lands under similar conditions to the old leases. Especially did he speak of the necessity for safeguarding just such cases as these without compelling them to come to Congress and take up the time of the House and Senate with such matters, which ought to be purely administrative propositions.

Mr. BURKE of South Dakota. Well, the gentleman will probably say that it will be in the interest of the Indians if all the lands could be leased right now under terms under which these lands are proposed to be leased.

Mr. CARTER. I should certainly think that is true, if we were convinced that the coal will be worked.

Mr. BURKE of South Dakota. I understand; that is what I say, if they can be worked. Now, in this particular instance of these two companies, unless we do authorize this change the mine will not be operated, probably, and the Indians will not receive any royalty.

Mr. CARTER. That is true, and furthermore, as I have just stated, this company will abandon its plant as soon as it takes the coal out. It will pull out the pillars and remove all improvements. What will then happen is common knowledge to all coal men. The mine falls in and fills up with water, destroying all opportunity to take this coal out at the old openings, and it is extremely doubtful if anyone will go to the expense of reopening the mine for such a small area of coal.

Mr. BURKE of South Dakota. And this bill does not extend the period of the original lease.

Mr. CARTER. It does not. They will have to get the coal out within the time limit of their original lease.

Mr. MANN. I understood the gentleman to say these people were waiting upon something of that sort. Why do they want to wait; why not go ahead and mine the coal?

Mr. CARTER. Perhaps I was unfortunate in the word I used. What I meant was they were waiting to have this legislation passed. I did not mean to say that they had stopped the operation of the mine at all. The mine is in full-blast operation and has been every day they could work under the adverse conditions of mining coal in Oklahoma.

Mr. MANN. Have they mined practically all the coal on the land which they now have?

Mr. CARTER. They have not.

Mr. MANN. Then why are they so anxious to get additional land now, on the ground that the plant will stop?

Mr. CARTER. They are anxious to get it for two reasons. First, because it is important to know just what direction and character the openings must take; secondly, because every man wants all the area of coal he can work from one opening or set of openings. And there is some justice on their side when you consider they were given 960 acres which they themselves thought and which the Interior Department thought contained coal. All they ask is that they have the same area of coal-bearing land they thought they were getting under their lease and which the department thought it was giving to them.

Mr. MANN. They first got 960 acres, under a 30-year lease, 10 or 11 years ago—in 1901.

Mr. CARTER. I think so.

Mr. MANN. Now, how much coal is there left on the land embraced in the 960 acres and not embraced in this bill?

Mr. CARTER. Of course, I could not tell that accurately, but by the way the other mines work and by the way this particular company works——

Mr. MANN. I do not want to judge of how some other mine works but specifically how this mine works.

Mr. CARTER. I should not think there is a man in the State of Oklahoma who could tell offhand just how much coal he has mined nor what acreage has been taken out of a certain one of his mines.

Mr. MANN. I do not suppose there is a man on earth who can not tell approximately the acreage mined.

Mr. CARTER. But the gentleman wanted the specific fact.

Mr. MANN. In this case—not compared with some other mine. I want to know in relation to this mine how much of this particular land remains unmined.

Mr. CARTER. Well, I have not been in the mine for three or four years.

Mr. MANN. I supposed the gentleman was furnished with the information.

Mr. CARTER. Unfortunately, I will say to the gentleman from Illinois, I have not that exact information, but I should say that not less than 50 per cent of this coal has been mined, and probably 60 per cent or 70 per cent.

Mr. CAMPBELL. Will the gentleman yield for a question?

Mr. CARTER. I yield to the gentleman from Kansas.

Mr. CAMPBELL. Bearing on the question asked by the gentleman from Illinois, my recollection is that I reported this bill a year ago. I talked with the superintendent of the mine at that time and my memory is that he told me that they had still enough coal to keep the mine in operation a year and a half or two years, and at the end of that time there would

be taken out practically all the coal covered by their lease or the coal adjacent to the land proposed to be leased, and that it was desirable to continue the work of mining in that direction.

Mr. MANN. If the gentleman will pardon me, a number of leases were made on these Indian coal lands in 1901, 30-year leases. Of course, they might mine all inside of 30 years; but for those leased under these leases, if the coal is taken out of the ground so there is very little of it left there, then it becomes a very valuable lease.

Mr. CAMPBELL. But in this case here is a portion of the ground that has coal that is adjacent to this shaft that would not be taken out through a separate shaft. It could only be operated through a shaft that has already been sunk and is in operation.

Mr. MANN. Is the gentleman quite confident this could not be taken out by a separate shaft?

Mr. CAMPBELL. Oh, it could be, but it would necessitate the extension of railroad switches and sinking an additional shaft.

Mr. MANN. Then it is certainly a very great blunder on the part of the department or cute on the part of the lessee if they left out a piece of coal land which subsequently would have to be mined through the same opening. It is a very great blunder one way or the other.

Mr. CAMPBELL. I will say to the gentleman from Illinois they could do that under this lease—that is, they had the maximum of acreage under their first lease—but they discovered that some 300 acres were not coal bearing and they want to substitute coal-bearing lands for them.

Mr. MANN. I do not remember that there was any maximum provision of 960 acres in any law that we passed.

Mr. CAMPBELL. That is the maximum.

Mr. CARTER. That is in the law of June 28, 1898.

Mr. MANN. Certainly, when the department was leasing 960 acres, it did not lease it in such a way that no one could mine it except through the opening this lessee made. I think the gentleman is mistaken about it being necessary to mine this land through this opening.

Mr. CAMPBELL. If the gentleman from Illinois [Mr. MANN] were familiar with the topography of that country, he would see that it does have some practical application. It does have in this case. It would be very difficult to reach some of these coal-bearing lands.

Mr. MANN. Does not the gentleman think, then, if these people have constructed their plants for the purpose of mining 960 acres of land, and that that is practically exhausted and their plants constructed, that they can afford to pay a little more royalty for a piece exactly adjacent that has to be mined through the same opening?

Mr. CARTER. Let me say, Mr. Chairman, that the amount of royalty is left entirely with the Secretary of the Interior.

Mr. MANN. Oh, I heard the gentleman say that a moment ago, and he may be correct.

Mr. CARTER. That statement is correct.

Mr. MANN. But if the gentleman was no more correct about that than he is about the cost of mining coal and about the price of coal, we would be badly off.

Mr. CARTER. I stand by the statement that coal sells for $3 per ton in the towns of Oklahoma.

Mr. MANN. If the coal is sold at $3 a ton, then they ought to pay a royalty much higher than 8 cents a ton. They pay that in my own State, where the coal sells for $1 a ton at the mines, and sometimes for less.

Mr. CARTER. Then the coal in his locality must be mined under much more favorable conditions. Ours is considered to be the most difficult coal to mine anywhere in the western part of the country.

Mr. MANN. I doubt that.

Mr. CARTER. It is. Because it is a very steep-pitch coal. Some of the coal there pitches more than 50°—almost straight down. It is highly impregnated with gas; it almost invariably has a bad top and a bad bottom, and many of the veins are less than 3 feet thick.

Mr. MADDEN. What is the thickness of the veins?

Mr. CARTER. The thickness of the veins runs from about 2 feet to 4½ feet.

Mr. MANN. My distinguished friend from Oklahoma has been in the House for quite a while, and he must remember that we have had a good many controversies in the House concerning the royalty that should be paid for coal. My recollection is that the gentleman from Oklahoma was one of those who voted practically in favor of a royalty of 50 cents per ton upon coal up by the North Pole. But the gentleman thinks that 8 cents a ton royalty now is enough for coal in a civilized community.

Mr. CARTER. I think the gentleman is mistaken about that, unless my memory is at fault. I think I voted for an amendment fixing the royalty in Alaska at 25 cents a ton. I think I followed the lead of the distinguished gentleman from Illinois on that score. [Laughter.]

Mr. MANN. The gentleman is mistaken for once. He did not follow me, and I think I was wrong. I voted on the motion to suspend the rules, which required a two-thirds vote to pass, and I do not think it received 25 per cent of the vote of the House, because the royalty was not supposed to be high enough. A royalty up at the North Pole, where they may need fire, but where they have not much occasion for it, was from 3 to 7 cents a ton, if I remember aright.

Mr. CARTER. Was there not an amendment offered to that fixing the rate at 25 cents a ton?

Mr. MANN. There may have been amendments that were attempted to be made. The motion was to suspend the rules, and there could be no amendments proposed. Various amendments were argued in favor of 50 cents a ton, and it was declared that the testimony in the Ballinger-Pinchot investigation showed that the coal was worth that. I think the gentleman had better look up his record. I think the gentleman voted against the bill.

Mr. CARTER. Grant that I did, I understand the veins of coal in Alaska are from 6 to 10 feet thick. There are no such veins as that in Oklahoma.

Mr. BOWMAN. They are very hard to find. The gentleman will find that out.

The CHAIRMAN. To whom does the gentleman from Oklahoma yield?

Mr. CARTER. I will yield now to the gentleman from Illinois [Mr. FOSTER].

Mr. FOSTER. I want to say that there were some statements made by officials of the Interior Department at that time in reference to the great value of the Alaska coal, statements which have since been denied; and it is claimed that a great deal of the coal in Alaska is in ledges, and for that reason it is hard to mine and is not of the value it was thought to possess at the time. But I would like to know if that is true or not. Which of the statements are we to believe as to the value of the coal in Alaska?

Mr. CARTER. I understand——

Mr. MADDEN. They quarry the coal in Alaska. It is all on the surface. [Laughter.]

Mr. MANN. There will probably be more conflicting statements, I will say to my colleague from Illinois [Mr. FOSTER], when they get additional information on the subject.

Mr. FOSTER. Officials of the department came back from a trip up there and made these statements, differing from those which had been made by the officials of the Geological Survey. Does not the gentleman remember that?

Mr. MANN. I remember that, but those statements may be subject to correction, just as is the gentleman's statement that it costs $1.50 to the miner to mine a ton of coal. Such coal could not be mined anywhere in the world.

Mr. FOSTER. That may be true.

Mr. MANN. It may be that the Secretary of the Interior is one who can pass upon it. The gentleman is not a miner.

Mr. FOSTER. Here is a gentleman from the State of Washington [Mr. WARBURTON] who says it costs that much to mine coal in his State.

Mr. CARTER. Now, Mr. Chairman, I want to make a statement in my own time, if I may be permitted to use it. These minerals are the property of the Choctaw and Chickasaw Tribes.

Before this leasing system began this coal was worked under tribal contracts. The act of June 28, 1898, made provision for the leasing of coal and asphalt in this field. This act recognized all tribal contracts under which bona fide operations had been previously conducted and left the fixing of the royalty to the Secretary of the Interior. The Secretary fixed the royalty first at 15 cents per ton, screen basis, then changed it to 8 cents, mine run, and that rate has remained in force for 12 years with no protests by either department, Indian, or operator; in fact, no kicks any place except on the floor of this House.

The act of July 1, 1902, came along and prevented any further leasing of these lands. It stopped the leasing completely. In the meantime, about 100,000 acres, as I remember, had been leased by operators, and was being operated. The act of July 1, 1902, also provided for the segregation of these lands and the taking of a survey of them. When this survey was made it was found in a great many instances that the companies had leased lands which did not contain coal.

This is a simple proposition of this fatal mistake with two companies, one with about one-third of the leased land barren of coal and the other with one-eighth barren. We do not seek to change conditions in the slightest. This bill simply provides that this barren land in these two leases be relinquished, and an equal amount of coal-bearing lands taken in lieu thereof under the same conditions as the original lease. What I have to say in reply to the criticism which the gentleman from Illinois [Mr. MANN] makes about the original conditions of those leases is that the gentleman from Illinois was himself a Member of the House at the time that law was passed, and I was not; and if the law did not suit him, it seems to me that was the time for him to make his complaint. If it does not suit him to-day, and he will bring in an amendment to it, I shall be very glad to consider it with a view to giving it my support, because I have the very greatest confidence in the judgment of the gentleman from Illinois and in his ability to create good and successful legislation. [Applause.]

But there was one other proposition which the gentleman from Illinois spoke about, and that was this: He indirectly criticized somebody for the manner in which these leases were made. Whether his criticism is correct or not I will not assume to say, but I will say that he did correctly describe the conditions that exist in a great many instances. For instance, two leases have been made of lands within a quarter of a mile of each other, leaving from 40 acres to 100 acres between, which probably never will be worked except by the companies that have the leases on one side or the other. That is an unfortunate condition, but it exists, and, in justice to the Indians, we ought to provide some way by which this coal can be taken out.

Mr. FOSTER. Does not the gentleman imagine that the companies will be back here, wanting an act of Congress to permit them to lease this extra land on the ground that they are the only people who can work it?

Mr. CARTER. Undoubtedly they are the ones who can work it most successfully.

Mr. BOWMAN. After a mine is once worked out and filled up with water, do gentlemen appreciate the expense and almost the impossibility of opening it up?

Mr. CARTER. Indeed I appreciate that and have spoken to that point. The gentleman from Illinois asked why it was that these gentlemen are so persistent now, with only half of their coal mined, in their efforts to get this new land added to their lease. It is because it is necessary, almost from the time the shaft is sunk, for the company to have some knowledge of the direction and scope its openings will take. For instance, if it is found necessary by reason of the topography of the surface to sink the slope near the limit of the property, they might not run a cross entry both ways, but could open their rooms from the main entry, but cross entries would be run both ways if the area of coal justified.

Now, this company wants to know what it is going to do and which way it shall run its entries. It probably will run an entry out through the balance of its property in the direction of this land which it desires to lease, but will not run that entry unless this land is leased.

I want to say further that there is no provision to make the company take the coal out of the mine at a loss, if it wants to leave it there. In that case the Indians might not only lose the royalties on this 480 acres, but might also lose the royalties on a part of the coal in the existing lease, which the operator might be able to prove he could not operate at a profit.

I think that is all I desire to say, Mr. Chairman, if no one desires to ask any further questions.

Mr. MONDELL. Mr. Chairman, I have not been conspicuous on the floor of the House as an advocate of what some gentlemen call conservation. I believe I have always been in favor of a true and proper conservation of the Nation's resources, but I have never made a fetish of that sort of thing. I have noticed, however, that when a measure comes up on the floor of the House that involves what gentlemen are pleased to term conservation there are certain gentlemen who always become much interested.

Now, I want to call to the attention of the extreme advocates of conservation the very great danger that lurks in this legislation from their standpoint. We all know that coal at the pit mouth in the United States is about the cheapest article produced, taking into consideration the investment in the mines and the labor involved. I have in my hand a document, the Mineral Resources of the United States, for 1910, and I find that the average price of bituminous coal at the pit mouth in the United States was $1.12 a ton—a marvelously cheap product. The gentlemen of the Mining Bureau and the Geological Survey tell us that so intense is the competition in the mining of coal that operators find it very difficult to extract from the mines all of the coal that they contain. They find it very difficult to maintain those conditions of safety which ought to be maintained, because of the intense competition. We have heard a great deal about the loss of coal in mining.

It has been placed as high as 50 per cent, and I do not know as that is too high. There are mines where the recovery is as high as 90 per cent. Some mines where the recovery is as low as 30 per cent, but as the gentleman from Pennsylvania [Mr. BOWMAN] stated a moment ago, the recovery will be the last possible ton that can be taken from the mine and sold at a profit; the last possible ton that can be sold even at the cost of mining, because when the coal operator has built his works, has made the large investment necessary in the way of shafts or tunnels and entries, has put up his machinery for screening and loading the coal, he has so large an investment that it becomes absolutely essential that he should have as large a tonnage as possible over which to distribute that overhead cost. Therefore the limit of recovery is fixed by market conditions. Not a ton will ever remain in a mine which can be taken out and sold at any sort of a profit, and in conducting an ordinary operation some coal will be taken out that cost more than the average price received at the pit mouth.

Mr. CARTER. That is always true of slack.

Mr. MONDELL. It is true also of coal encountered in the lines of entries where the coal is taken out, or should be taken out, to secure as large a recovery as possible.

Now, there are peculiar conditions in Oklahoma. The gentleman from Illinois was surprised, and so was I, at the very high figure stated by the gentleman from Oklahoma [Mr. CARTER] as the cost of mining coal in Oklahoma. I do not feel so bad about it as I might, because if I am mistaken with the gentleman from Illinois I am mistaken in very good company in any event. I find that while the average price of bituminous coal in 1910 at the pit mouth in the entire United States was $1.12, the average price in Oklahoma was $2.22.

Now, it follows that either it costs more to mine coal in Oklahoma than it does elsewhere, or else the coal operators in Oklahoma are obtaining a very much larger profit than elsewhere. The latter fact may be true, but the probability is that the truth is somewhere between the two statements. While the Oklahoma operators may be obtaining a larger profit than the average coal operator in the United States, the probability is that the cost of mining the coal there is considerably higher than it is generally in the United States.

But I want to make this suggestion, that it is rather unfortunate in these days when there is considerable demand in certain quarters that, so far as the remaining public coal lands are concerned, the Government shall go into the leasing business, that the only place in the United States where coal lands are now leased by the Government is in the region where the operator receives the highest price. In other words, where the Government leases coal lands in Oklahoma the operator receives more than twice the price which the average operator receives throughout the country.

Mr. BOWMAN. Will the gentleman yield?

Mr. MONDELL. Certainly.

Mr. BOWMAN. On the question of the cost of mining in Oklahoma, from the statement of the gentleman from Oklahoma [Mr. CARTER], the cost will doubtless exceed $1.75 and probably $2. On veins pitched as he describes there will be a large amount of slack; and my opinion is that it would exceed 50 per cent. He says 60 per cent; and the price would be very low for that class of coal. You will find that coal will cost $2 a ton or upward.

Mr. CARTER. Will the gentleman yield?

Mr. MONDELL. Certainly.

Mr. CARTER. It is also true that some of these veins worked in Oklahoma are less than 3 feet thick, even less than 2 feet, and everyone familiar with coal mining knows that when you work a thin vein of coal you have to pay an extra price to the miner for taking out the coal.

Mr. MONDELL. We all understand that. There is no place in the United States where bituminous coal sells for so high a price as in Oklahoma, except in the State of Washington. The average selling price in Washington for 1910 was $2.50, while in Oklahoma it was $2.32.

Mr. CARTER. What year was that?

Mr. MONDELL. That was in 1910. That is compared with an average price in the United States of $1.12. The mining of coal in Washington is an expensive operation, owing to the dip of the veins and the presence in the veins of a great deal of waste material that must be picked out, most of it, by hand.

Mr. CARTER. Is that the price to the consumer or the price which the coal operator receives?

Mr. MONDELL. That is supposed to be the price for it at the mine, the coal as sold at the pit mouth by the operator; that is, the price he receives. In this price is included all the cost of operation and all of his profit, if any. Now, to come to this question of real conservation, there is one matter in connection with this legislation on which we should have complete information and on which we have no information at all.

Mr. BUTLER. Will the gentleman yield?

Mr. MONDELL. Certainly.

Mr. BUTLER. Where is this lease? Is there a copy of it?

Mr. MONDELL. I suppose there is a copy of its somewhere.

Mr. BUTLER. Has the gentleman ever read it?

Mr. MONDELL. I never have and do not care to read it, because I would not have any more information in regard to the matter in issue than I have now if I should read it. If the gentleman will allow me, I will explain why the lease would not cast any light on the one important matter.

Mr. BUTLER. If there is a minimum tonnage described in the lease, I think it would give us a good deal of information.

Mr. MONDELL. The Government is leasing coal in Oklahoma. I suppose owing to the conditions there existing it is necessary for the Government to lease the coal. The Government leases it on behalf of the Indians. Now, what light does this leasing operation throw on the general proposition, now more or less discussed, of the general leasing of the public coal lands?

The argument is made that we ought to lease the remaining public coal lands, in order that the people may get coal cheaply. As I said a moment ago, about the cheapest product in the world to-day is coal at the pit mouth. If there is anyone anywhere who has any legitimate complaint of the price of coal, that complaint is entirely due to an increase in the price of coal after it leaves the pit mouth. Men who know the most about mining coal regret that it is necessary, by reason of intense competition, to sell coal as cheaply as it is now sold generally at the pit mouth. The low prices tend to tempt operators to forego the necessary precautions for the safety of the miners. Coal is always too low if the low price is at the cost of human life and limb.

Mr. STEPHENS of Texas. Mr. Chairman, will the gentleman yield?

Mr. MONDELL. Certainly.

Mr. STEPHENS of Texas. I desire to ask if it is not a fact that an immense amount of oil and gas has been discovered in that country, and that that has reduced the price of coal very greatly; and, on the other hand, they have to pay a very high price for mining the coal and placing it on the market; and, therefore, these people can make very little on the royalty.

Mr. MONDELL. Mr. Chairman, I will come to the royalty in a moment. The gentleman is getting me away from my line of thought, and if he will kindly allow me to pursue this line of thought a moment, I will come later to the question of royalty. I am not complaining about this royalty. I do not know but what the royalty is too high, and I am inclined to think it is. It is too high if it is above a fair return to the owners of the land and increases the price to the consumer.

Mr. JACKSON. Mr. Chairman, will the gentleman yield?

Mr. MONDELL. Certainly.

Mr. JACKSON. I understand it is true that the State of Oklahoma practically controls and fixes the price of this product at the pit mouth under her local laws.

Mr. MONDELL. If she does, she makes the same kind of a job of it that any administrative bureau will make in attempting to fix the price of commodities. If Oklahoma has fixed the price, she has fixed the price higher than that anywhere else in the United States. In other words, if Oklahoma has advanced to the point where she is fixing the price of commodities, then she has fixed the price of this commodity at just about twice what it is where the ordinary laws of supply and demand under competition are left to operate.

One demand for the leasing of public coal lands is based upon the theory that we must reduce the amount of waste, that we must increase the amount of recovery. They say it is wasteful to allow private individuals and corporations to mine the coal, because they will only take from the mines the coal they can remove at a profit. That is true. That is, they will not remove enough coal above the average cost but what they will have a profit in the aggregate at the end of the season, and the only way you can cure that is by some process to compel the consumer of coal to pay a higher price in order that coal which can not be profitably mined under competitive conditions may be mined.

If we are following that line of conservation in Oklahoma, I think we should compel our lessees in Oklahoma to mine all of the coal within the boundaries of their leases. If we allow them to mine only such coal as they see fit to mine, they will not recover as large a proportion of the coal as they would if they owned the land, because in that case they would take the last ton out that was possible to recover. Being lessees, they are interested only to the extent of getting such coal as they can make a profit on.

The Interior Department has charge of these leases. The Interior Department wants to have charge of leasing the public coal lands in the Western States, and whether or not they should have that added burden placed upon them is, perhaps, more or less illuminated by what they have done in regard to the leases of which they have heretofore had charge. Of course, everybody knows that every coal-mining operation keeps a map of its operation, and any coal-mining operation worthy of the name can show you any day exactly the amount of their territory worked out or partially worked out by their map. I suppose that if the Interior Department is going into the business of superintending the leasing of coal lands, it would be necessary for them to keep duplicates of the maps or operations of the lessees. They certainly ought to do that in these cases where the Government acts as the guardian of the Indians, and therefore the Interior Department ought to have been able to supply us with the information that we ought to have on a bill of this kind. But what are the facts? We have no facts.

Personally, I am willing to take the word of the gentleman from Oklahoma [Mr. CARTER] in regard to it. I have very great confidence in him, and I have very great confidence in the committee, but nevertheless the House is entitled, if we are going into this sort of thing, to know what the situation is. That is one thing that we, as true conservationists, should insist upon. [Laughter.]

Mr. MADDEN. Mr. Chairman, I am glad the gentleman is on the right side at last.

Mr. MONDELL. Oh, I like to get on the right side occasionally. I notice that my genial friend from Illinois came over on the Lord's side this morning for five minutes. [Laughter.]

Mr. MADDEN. And I notice the gentleman from Wyoming is trying to get into the fold for five minutes also, and I am glad to see that he is, because he is generally upon the wrong side.

Mr. MONDELL. That depends altogether on the angle from which you view the matter. I am viewing this from the angle of the true conservationists, and I insist that the Government as the ward of the Indians shall not allow them to be despoiled, and I further insist that the Interior Department, advocating, as it is, the general leasing of coal lands, shall show to us that they are competent to handle that sort of thing, at least in the limited way in which they are endeavoring to handle it in Oklahoma.

Mr. JACKSON. Mr. Chairman, will the gentleman yield?

Mr. MONDELL. I can not yield now.

Mr. JACKSON. Mr. Chairman, the gentleman has referred to the Government as the ward of the Indians.

Mr. MONDELL. Oh, I mean that the Indian is the ward of the Government. I thank the gentleman for correcting me. When I get to talking true conservation I am liable to get things turned around.

Mr. BURKE of South Dakota. And now that the gentleman has come to be a conservationist, I would like to know whether that accounts for his being on the Democratic side of the aisle?

Mr. MONDELL. It is altogether possible that is true. I had not noticed that I am at present speaking from the Democratic side of the center aisle.

Mr. BUTLER. Mr. Chairman, the gentleman seems to be very good natured just at present, and I would like to ask him some questions.

Mr. MONDELL. If the gentleman will allow me just a moment, I will be glad to yield.

Mr. BUTLER. The time belongs to the gentleman, and I shall wait until it suits his pleasure. I want to ask him a question.

Mr. MONDELL. I will yield now.

Mr. BUTLER. This is a hard bargain for the railroad company, is it not?

Mr. MONDELL. I do not know.

Mr. BUTLER. If the railroad company asks to have one piece of land substituted for another piece of land that has not paid, it is a hard bargain for the railroad company.

Mr. MONDELL. If the gentleman waits until I get through he may discover that I am not objecting to this legislation generally. [Laughter.] I am pointing out the fact that I am pro-

posing to accept the legislation upon the statement of the gentleman from Oklahoma [Mr. CARTER] and owing to my confidence in the Indian Committee, and not because they have given me any information in regard to the matter.

I do not think the gentleman should require us to always legislate in that way. I think that when the matter before the House is one on which there should be thorough information, it is the duty of the department in charge of the matter to furnish it to the committee and the committee to secure it. Of course, the Indian Committee could not secure information which the department does not possess.

Mr. BURKE of South Dakota. Does the gentleman think the Committee on Indian Affairs could give the gentleman information?

Mr. MONDELL. Well, on many questions, but evidently not on this particular matter. Now, if we are to be true conservationists, in the interest of conservation both from the national standpoint and from the individual standpoint there should be complete recovery of the coal in this mine. We should not allow these people who are mining this coal to pass by and pass over any coal at all. They should be compelled to take it all out in the interest of conservation, else why all this hullabaloo for the last 10 years in favor of a more complete recovery of coal? Here is a chance; the Government has absolute control of this situation and they can compel these people to take that coal out whether it pays to take it out or not; and in the interest of future generations no ton of coal ought to be allowed to remain in that mine after the mine had been abandoned that could have been recovered, and yet—probably this is not true and yet I do not know but what it is true—this company, having encountered some lands in the extension of its entries where the vein is thin or in which the pitch is more than common or other conditions exist which makes mining very expensive, it desires to pass by these areas and take other areas, where the vein is thicker or the angle of inclination is more favorable to mining or the character of the coal is a little better. Now, the Interior Department ought to know all about that. We ought to have a map of this mine; we ought to know whether these areas which we propose to abandon are beyond the limit of the vein.

Mr. CARTER. That is stated in the report.

Mr. MONDELL. No; on the contrary, and I will read it in a minute—whether they are beyond the limit of the coal-bearing area where it is utterly impossible to recover coal. Probably there is some coal in this land. Nobody claims there is none at all, I think.

Mr. CARTER. The Secretary says the land is noncoal bearing. in his report.

Mr. MONDELL. He says it is shown, but he does not say how it is shown or where it is shown or the manner of the showing, except the showing made by the committee itself in the form of a statement that the lands are not satisfactory coal lands.

Mr. McGUIRE of Oklahoma. If the gentleman will allow me, this has all been investigated. We appropriated $50,000. They went out and drilled and sunk shafts and they determined definitely that there was no coal, and when the company found there was not any coal on these lands the Interior Department finds that there was no coal on these lands. Everything that could be done—all the investigations have been made that can be made, and it seems to me that ought to be satisfactory to the gentleman.

Mr. MONDELL. Now, I will say to the gentleman if this is true, then somebody somewhere ought to have put it into a report and stated it officially.

Mr. McGUIRE of Oklahoma. I have just reported it to the gentleman.

Mr. MONDELL. Somebody somewhere ought to have given that information so we could understand it. I am willing to take the word of the gentleman——

Mr. McGUIRE of Oklahoma. I have got it here and I have given the statement to the gentleman.

Mr. MONDELL. But I am still very doubtful with regard to this proposition, whether these lands lay wholly without the coal-bearing area or are they coal-bearing lands where the seam is thin and recovery is expensive, and, if they are, what becomes of our theory of conservation and absolute and complete recovery?

Mr. CARTER. Will the gentleman yield?

Mr. MONDELL. I can not yield at this moment——

Mr. CARTER. I just want to correct the statement the gentleman made.

Mr. MONDELL. In just a moment, if my statement needs correction. There is not any reason on earth why these lands should be excluded from their lease unless they want to be relieved from the necessity of mining such coal as is in the land. If there was no coal in this land they would not be compelled to mine coal that was not there, but having had the lands excluded from the lease they are absolved from the requirement of taking from the land such coal as the land may contain. If it be true that these lands are in the lines of their entries and in the midst of their field or on the edge of the field so that it can not be reached from any other point, then whatever coal remains in the lands excluded from this lease never will be recovered and will be lost for all time to come. I now yield to the gentleman from Oklahoma.

Mr. CARTER. I just want to state this: The gentleman made a statement, if I understood him correctly, that the Secretary made his report without any information. Let me state that this matter was submitted to the mining trustees—two Indians, one a Choctaw and the other a Chickasaw—whose sole duty it is to represent these two tribes—the Choctaws and Chickasaws. These two trustees went upon the ground and made an official examination of all the conditions. After this careful investigation these two officials—both Indians themselves, mind you, and having no duty to perform except on behalf of the Indians—reported this land sought to be released as noncoal bearing and recommended this legislation. So, Mr. Chairman, it does not seem that the assertion of the Secretary of the Interior being uninformed has very much foundation.

Mr. MONDELL. It is very curious, because from the hurried plat I have made of the land, necessarily somewhat incorrect, it seems some of the lands proposed to be abandoned lie in the body of the lease, and therefore, instead of being absolutely noncoal bearing by reason of being beyond the coal-bearing area, there are possibly some of the lands which contain coal which can not be worked, owing to the price for which coal is sold in Oklahoma.

Mr. CARTER. Mr. Chairman, the gentleman ought to know that it is perfectly possible for the very center, I should say, of a coal area to have noncoal-bearing strata. If that were not true coal mining would be impossible, for there would be no crop. The coal can not crop unless there is an anticline or some sort of break through the solid layer of coal. So far as I know there is no law of nature that regulates the extent of this break, and it is just as likely to be small as large; therefore it is not only possible, but certain that noncoal-bearing land of even small dimensions may exist right in the middle of a large coal-bearing area.

Mr. MONDELL. Part of the gentleman's statement is true and part of it is not entirely accurate. There are regions within most coal areas where there is no coal at all. Those little patches here and there to which the gentleman refers are generally places where the vein is thinned or broken or displaced.

Mr. CARTER. The gentleman is entirely mistaken about that. He will find a great many places right in the midst of these coal lands that are completely devoid of coal for an area of from forty to several hundred acres.

Mr. MONDELL. However that may be, I want to say in regard to the other statement of the gentleman that of course a coal area does not have to be broken in order to be exposed. Wherever there has been a disturbance of the surface sufficiently deep to bring the coal strata to the surface there is an outcropping, and the vein may extend miles unbroken from the cropping, as it sometimes does, or it may outcrop again a mile away or extend only a short distance from the cropping.

But, Mr. Chairman, what the gentleman says emphasizes this fact, that the Interior Department does not seem to have information in regard to these leases which are placed under its supervision. It does not seem to be able to give us full information in regard to these lands, and we have to take the word of the gentleman from Oklahoma, which I am perfectly willing to take, so far as I am concerned, as to the facts in the case.

Now, there is one other matter connected with this legislation——

Mr. OLMSTED. Before the gentleman passes to that, will he yield to me for a question?

Mr. MONDELL. Gladly.

Mr. OLMSTED. The bill itself speaks of these lands as not being valuable for coal. The gentleman concedes that there may be some coal there, but it can not be profitably worked at the present time, and the gentleman from Oklahoma [Mr. CARTER] says there is no coal there at all, according to his information. Now, if the gentleman from Wyoming [Mr. MONDELL] has stated the case correctly, if you mine all the coal there is within the limits of a mine, although it may be full of slate, and so forth, you will find that the mining of inferior veins and thinner coal is more expensive and increases the cost of mining. Now, the gentleman says there are 480 acres where there is coal, but that it can not be profitably worked. Would

it not be better to allow these lessees to transfer their operations to mines that can be profitably worked for the time being? In the meantime the other coal lands will not be wasted. Later on they can mine the other coal when it can be profitably worked.

Mr. MONDELL. As I am speaking now as a true conservationist, I am not in favor of surrendering the entire platform of conservation, although the gentleman from Pennsylvania may be.

Mr. BUTLER. It is not a question of conservation, but a question of bargain keeping.

Mr. OLMSTED. This bill does not seem to cover the entire platform of conservation. What I am treating of is this 480-acre tract. It seems it would be better to conserve this land entirely until such time as it can be profitably mined. It would conserve this coal in the ground.

Mr. CARTER. The gentleman from Pennsylvania [Mr. BUTLER] has stated that this is a question of bargain keeping. The gentleman, if he understood the situation, would see that such is not the case at all. The representatives of the Indians favor this legislation and have so reported. The gentleman from Wyoming [Mr. MONDELL] is under the delusion that there is an invisible power somewhere to compel these companies to work this coal against their will. They can not be compelled to work it at a loss.

Mr. MONDELL. Then what is to become of the theory of conservation? [Laughter.]

Mr. CARTER. I do not want to discuss the theory of conservation with such a thoroughbred conservationist as the gentleman from Wyoming. [Laughter.]

Mr. BUTLER. Has the gentleman from Oklahoma read the lease?

Mr. CARTER. Yes; I have read it. I helped to make it as a representative of the Indians.

Mr. BUTLER. Then the gentleman ought to know what is in it. Did you not require this company to take out so much coal in the first year?

Mr. CARTER. Yes; so much coal in the first year, so much in the second year, so much the third year, so much the fourth year, and so much the fifth year, and after that there is no further restriction, as I remember. It is presumed, of course, that no such stipulation would be necessary after the work progressed to the point where the coal could be mined profitably.

Mr. BUTLER. And therefore the provision for the minimum tonnage ran for five years only?

Mr. CARTER. That is according to the regulations.

Mr. BUTLER. I do not think that is fair to the Indian—to limit it to five years.

Mr. MONDELL. But the gentleman from Pennsylvania would surrender the entire platform of conservation——

Mr. OLMSTED. No; I want to conserve these 480 acres until the people out there need it.

Mr. MONDELL. Oh, but the gentleman should know that once a shaft is sunk and the entries are driven and the coal is mined, whatever may be mined, and then the machinery pulled out and the mine allowed to flood, under ordinary circumstances there can never be any further recovery of coal within those areas. There may be conditions under which a mine could be pumped out and opened up again, and the gas driven out, and the entries retimbered, but they are rare, and it would only occur when the coal is very valuable. A mine once abandoned is practically abandoned forever, except under extraordinary conditions and circumstances. Therefore you are not following a proper rule of conservation if you allow these people to abandon the areas which they are working if they still contain some coal. If that is not what they want to do, I do not see any reason why they should be relieved. If they need more land, give them more. So far as I am concerned, I would be very willing to give them a thousand acres more if they need it.

Mr. CARTER. Right there, Mr. Chairman, let me assure my friend of my willingness to accept an amendment of that kind if the gentleman from Texas [Mr. STEPHENS] will.

Mr. MONDELL. To abandon land that may contain some coal is to abandon the entire principle of conservation and go back to the system, which has been so vociferously condemned, of leaving in a mine coal that you can not take out at a price that people will pay for it.

Mr. MADDEN. Would the gentleman be willing to say that these men ought to be compelled to mine the coal if the vein is not big enough to warrant the mining of it?

Mr. MONDELL. Ordinarily I would not insist that they should take out coal which costs more than they can get for it, but in the moments like the present, in which I am a pure conservationist, I shall not surrender the platform of the cult, not for a moment. If you are not going to compel a man to take the coal out, whether it pays him to take it out or not, what becomes of those holy principles for which we have so long fought, and bled, and all but died? [Laughter.]

Mr. STEPHENS of Texas. Will the gentleman yield?

Mr. MONDELL. Very briefly, because my time is limited, and I have a number of matters I want to discuss.

Mr. STEPHENS of Texas. Is the gentleman aware that the recent act of Congress, passed in February, of this year, segregates that land, and that we have agreed to sell the surface, and the coal is reserved for leasing?

Mr. MONDELL. I am not objecting to that. You will not find me objecting to that, even in the moments when I am a true conservationist.

Mr. McGUIRE of Oklahoma. I understood the gentleman to suggest, in the interest of conservation, that where they could not mine the coal profitably at the present time at the prices paid to miners it might be left discretionary to abandon it.

Mr. MONDELL. If the gentleman had listened to what I said, he would know that I have stated that an adherence to the principles of conservation compel us to insist that the coal must be mined, whether it pays or not.

Mr. McGUIRE of Oklahoma. I have listened, and I am coming to that now. I understood the gentleman from Wyoming to object to the proposition of the gentleman from Pennsylvania [Mr. OLMSTED]. Now, I want to know of the gentleman from Wyoming whether he is such an intense conservationist that he would require the miners and lessees of those mines to mine the coal at a loss, where it does not pay.

Mr. MONDELL. In the moments when I am an intense conservationist, I say yes; else I would surrender the platform on which we true conservationists all stand. Why should the Federal Government go into a business the product of which is now the cheapest on earth compared with its real value, unless it be for the purpose of compelling a larger recovery? Preventing waste in the interest of generations unborn is what we true conservationists call it. Of course we all know that larger recovery means that the present generation shall pay more for it; but why be alarmed, or why trouble ourselves about the present generation, when we are looking forward to the interests of a dim and distant posterity?

Mr. CARTER. A dim posterity? The gentleman speaks for himself alone on that point. [Laughter.]

Mr. MONDELL. I intended to say a posterity in the dim and distant future.

Mr. FERRIS. There is no conservation about that.

Mr. MONDELL. Having started on this proposition of true conservation, we must stick to our guns. We must stand by the principles of conservation, else we will not be justified at all in any of those things that we are doing.

Now, another thing, and in this I am serious. This coal company has a name very similar to the name of a railroad company out there——

Mr. DAVENPORT. It has different stockholders entirely.

Mr. CARTER. They have never had any connection.

Mr. MONDELL. I supposed it was a company connected with the railroad company.

Mr. CARTER. It is not a company connected with the railroad company. The incorporators are James McConnell and the estate of James Degnan and some minor stockholders. I am sure the Missouri, Kansas & Texas Railway Co. has no stock in the mine.

Mr. MONDELL. I am glad to know that, because if there is any one thing we should not do, whether conservationists or not, it is to allow a common carrier to be interested in the mining of coal. Whatever evils there are in connection with the coal business of this country are largely due to the fact that the mine owners are in many instances the operators of railways.

Mr. BUTLER. Since hearing my friend to-day I am almost persuaded that at times we have done him an injustice. [Laughter.]

Mr. MONDELL. The trouble we have had in the matter of coal prices has been largely due to the influence of coal companies closely connected with transportation companies. Such influence has been harmful, and so far as the future is concerned I think we are reasonably safe from further extensions of such connections. I wish it were possible and I hope it will be possible entirely to divorce these two lines of industry, so that the coal operator and the company that carries his product shall be entirely dissociated and have no direct interest one with the other. When that day comes, in my opinion, most of the complaints that we have with regard to the price of coal, except such as arise from the fact that the distributor sometimes gets a very considerable margin, will be done away

with, and the present extremely low price of coal at the pit mouth will be reflected, as it ought to be, in the price paid by the ultimate consumer.

Now, Mr. Chairman, in the very brief period of time that I have remaining I want to say that I have no objection to this bill, after having heard the explanations of the gentlemen from Oklahoma; but I think it is very unfortunate, indeed, that the department does not seem to be better informed with regard to these operations under its jurisdiction and of which it has charge. The department ought to have been able to inform the committee fully as to the character and condition of the lands proposed to be abandoned, and I for one would be perfectly willing, if there were lands where the vein was too thin, speaking now not as a conservationist, but as an ordinary citizen, that the department, if it felt it was proper to do so, should absolve them from mining coal which they could not mine and sell except at a loss. One way, however, to avoid that, when you reach territory that can not be profitably mined would be to reduce the royalty to a point where the operator could afford to take out the coal. I hope the legislation is altogether proper, as the gentlemen from Oklahoma and the members of the committee seem to think it is, and in that view of it I hope it will pass.

Mr. MANN. Mr. Chairman, it seems to me that the House ought to have an understanding of what this bill is. I am very much afraid that during the elucidation of his ideas on the general subject of conservation by the gentleman from Wyoming the House may have lost sight of the real proposition in the bill. There is not much information contained in the report on the bill; even the report of the committee or the report of the department. Both are very scant. The gentleman from Oklahoma [Mr. CARTER] has given us some information concerning the bill, and I have no doubt that he is in the main correct.

Here is a proposition to exempt from a lease certain land which is now under lease, on the ground that the land is not valuable for the purposes for which it was leased, and to insert in the place of that land other described land which is valuable for the purposes described in the lease. I suppose that no such proposition would be made to anybody else in the world except to the Congress of the United States. It has been our policy down to the present time not to lease these Indian lands for the coal privilege, on the ground that the coal royalty at present is not as high as it ought to be, owing to the competition of gas and oil which is very abundant in those regions. Yet, it is proposed here to give a special privilege to these two companies; one to obtain 360 acres additional coal land, and the other, I believe, 120 additional acres—a purely special privilege under existing leases. As to the terms of the lease no one has dared to produce a copy of it or the regulations of the department during the consideration of this bill, which is now up for the second time this week.

The department does not recommend the passage of the bill. The strongest argument which has been made in favor of the bill is that in the last Congress the bill passed both Houses, as they say, too late for the President to sign it. But it did not pass too late for the President to sign it; it passed in time for the President to sign it, but he did not sign it because there was doubt as to whether it ought to be signed.

A MEMBER. He vetoed it.

Mr. MANN. No; he did not veto it. It used to be called a pocket veto, but the bill reached the President late, and, as they say, the President did not have the time to determine about it. If the department had been in favor of the passage of the bill at the time it would not have taken more than two seconds to express that opinion and have the President sign it.

Now, we are brought up right short against the proposition: Does this House, as now constituted, propose to grant special privileges to special companies, by special legislation, authorizing the leasing or purchase of these coal lands at low rates? Only a year ago, when the Alaska proposition was before the House, the House expressed its disapproval of the bill which proposed to lease coal lands in Alaska at a rate not much less than the rate that is paid under this lease, this rate now being about 8 cents a ton.

I do not know whether it is the policy of a Democratic House to pass bills to authorize special corporations to have special privileges in the leasing of coal lands at special rates or not, but when there was a Republican House the bill was defeated.

True, it was defeated in part by Democratic votes, and the statement was then made on the floor of the House by an eminent gentleman of the Democratic persuasion that no coal lease ought to be made in Alaska with a royalty of less than 50 cents a ton. While I did not agree with him and do not agree with him now, and while it may be that the rate named here is as high as it should be, I think that when we lease coal lands in Oklahoma or elsewhere it ought to be done after competitive bids, with a right to reject all bids, and not because some company has secured heretofore under a system, I suppose, of competitive bidding, a lease of certain coal lands it shall now have the special privilege granted to it of obtaining other coal lands of more value at the same rate.

Mr. STEPHENS of Texas. Mr. Chairman, I ask unanimous consent that all general debate on this bill close in 10 minutes.

The CHAIRMAN. The gentleman from Texas asks unanimous consent that all general debate close in 10 minutes. Is there objection?

There was no objection.

Mr. OLMSTED. Mr. Chairman, there is an old story floating around in the State in which I reside of a learned judge, at times a little irascible. In the course of a heated argument made by one of the older members of the bar, a colloquy ensued between him and the judge, who finally said, "You must be crazy." The lawyer retorted, "That may be, but the difference between your honor and myself is that occasionally I have a lucid interval." [Laughter.] The gentleman from Wyoming and myself are both intense conservationists, but I occasionally have lucid intervals, and this is one of them. [Laughter.] This bill does not seem to me to contemplate any very serious attack upon any conservation theory. It seems that this mining lease was heretofore granted to certain coal companies, covering certain land. It has developed that that land contains no coal at all, or coal of such character and quality or thinness of vein that it can not now be worked profitably, and the proposition in this bill is to transfer that lease to land that contains coal that can be worked.

As the gentleman from Wyoming has said, it is quite true that to mine coal that can not be profitably worked has a tendency to and does necessarily increase the cost of mining and makes all coal more expensive to the consumer. On this conservation question, and the question of recovery of all the coal that is in the mines, we have in Pennsylvania a very vivid and striking example. Anthracite coal, or, as it was first called, stone coal, was first mined in Pennsylvania in 1822.

At first it was used only in the large sizes. Then they began to find use for a little smaller size, and so on, from time to time, until now the very grains of coal are utilized. Anybody who will ride up the north branch of the Susquehanna River will see on either side of the train for about 50 miles vast mountains of the produce of coal mines, thrown out there, some of it, a half century ago, almost pure coal, but in such sizes that it was impossible to use it. It was composed of dust and small grains, that at that time could not be used. It was thrown out there and wasted. Some of these mountains of coal are on fire now and have been for years. From some of them they are beginning to wash and use the smaller particles of coal. They first used what is called steamboat coal, great blocks of coal, and then through breakers they broke it up, and finally used stove coal, and then a smaller size, known as egg coal, and then got down to a smaller size, called chestnut coal, and then, finally, pea coal and buckwheat coal, and now, by modern devices for getting air through it and preventing it from packing, they can use almost the dust that comes from the breaking up of the coal. Many gentlemen present pass through the city of Harrisburg, in which I live, on their way to and from their homes, but I doubt if any of them ever knew the fact that that city is heated and lighted by coal which is taken up by suction from the bed of the river in front of Harrisburg, it being the dust, small particles of coal, which are washed down in times of high flood by the streams from the mines 20 or 30 or 40 or 50 miles up the creek. In times of great flood the water washes down these banks of coal, which were thrown out as useless.

Now, they drain those pockets in the bottom of the river, where the coal settles and falls, and you will see almost every time you cross the river at Harrisburg, or ride along the river, these dredges, which are sucking the coal out of the water. The dredges draw up mixed coal and sand. The coal is sifted out and is burned in the steam-heating company's plant, and it makes the steam by which our houses are heated and the electric light by which the city is lighted. That shows the advance in the utilization of coal. In earlier days such coal could not be utilized at all.

Originally it did not pay. That product was not worth transporting from the mines to the market. To-day all sizes are used and all sizes are transported to tidewater. In the early days, if they had attempted to save all of that coal, it would have at least doubled to the consumers the price of the coal that was burned in the stoves. It could not have been done then, and I do not suppose that in Oklahoma these mines of

coal could be mined if they attempted to mine all that was in the mine, for it would double the price of the coal to the consumer necessarily. It does not seem to me that by leaving whatever coal there may be in these 480 acres to rest until such time as there is such demand for coal in Oklahoma as will justify its profitable operation we will in any way interfere with the plan of conservation or with the interests of the Government. It is useless to try to make people spend money that they can not get back in getting something out of the ground for which there is not now an adequate demand. There are great quantities of oil and other fuels in the West, which make a smaller demand for coal, and consequently they could not sell it at a price which would justify mining it from these 480 acres of land, where the quality is poor and the vein thin.

Mr. BUTLER. Mr. Chairman, will the gentleman yield?

Mr. OLMSTED. Certainly.

Mr. BUTLER. This coal company is not compelled to take the coal out of the land described in this bill, as I understand. That is, there is nothing in the lease to compel the coal company to dig this shallow vein of coal.

Mr. OLMSTED. No; but the gentleman from Wyoming argued that they ought to be compelled to do it.

Mr. BUTLER. But, as I understand from the gentleman from Oklahoma [Mr. CARTER], there is nothing in the lease to compel this company to dig this coal after a period of five years.

Mr. OLMSTED. Very well; assume that.

Mr. BUTLER. Assuming that to be true, why should there be any legislation at all? Why should Congress be requested to relieve the company from doing something which it is not compelled to do?

Mr. OLMSTED. But there is something they want to do and something that the people out there want them to do and something that it is to the interest of the Government to have them do, and that is to mine some coal and pay a royalty for it and let the people have the coal.

Mr. BUTLER. But the gentleman understands that we are asked to so legislate that we will transfer a piece of coal land which has good coal in it, without consideration, for a piece of land that has not any.

Mr. OLMSTED. Oh, no. We are not giving them coal. They have to pay a royalty for every ton of coal that they take out.

Mr. BUTLER. If that be true, why should the exchange be made at all? Why not ask Congress to simply extend the territory?

Mr. OLMSTED. The gentleman from Oklahoma will accept such an amendment to the bill, as I understand.

Mr. CARTER. We are perfectly willing to accept that amendment if the gentleman insists upon it. It could not possibly be detrimental to anyone except, perhaps slightly, to the Indians, for it would simply tie up 480 acres of mountain land which otherwise might be sold and the proceeds divided.

Mr. BUTLER. Expressing my confidence in the gentleman from Oklahoma, I believe he can take care of the Indian much better than the Indian can take care of himself; but it seems to me strange that we should be asked to transfer a piece of ground back to the Indian and then give a piece of Indian ground to the company, the company not being compelled to dig the coal in the former place. Why the trade?

Mr. CARTER. I do not want to take up the time of the gentleman from Pennsylvania——

Mr. OLMSTED. Mr. Chairman, I yield to the gentleman.

Mr. CARTER. The proposition is not complicated. We simply ask for 480 acres of coal-bearing lands for two coal companies, and for the release of 480 acres noncoal-bearing lands. It is asked for by both coal operators and Indians, and will be beneficial to both, besides developing the country. Now, if the gentleman insists upon the companies keeping this barren land, there would certainly be no objection on the part of the companies, because you could not compel them to take a ton of coal out of the mine at a loss. As a matter of fact, there is no coal in the land anyway.

The CHAIRMAN. The time for general debate has expired.

Mr. STEPHENS of Texas. Mr. Chairman, I ask for the reading of the bill under the five-minute rule.

The CHAIRMAN. The Clerk will read the bill.

The Clerk read as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he hereby is, authorized and directed to permit the Missouri, Kansas & Texas Coal Co. to relinquish certain lands embraced in its existing Choctaw and Chickasaw coal lease which have been demonstrated to be not valuable for coal, as follows: Southwest quarter of the northwest quarter, south half of the southeast quarter of the northwest quarter, northwest quarter of the southwest quarter, east half of the southwest quarter, west half of the southeast quarter, south half of the southeast quarter of the southeast quarter, section 35, township 6 north, range 18 east; north half of the northeast quarter of section 2, township 5 north, range 18 east; embracing 360 acres, more or less; and to include within the lease in lieu thereof the following-described land, which is within the segregated coal area and unleased: Northeast quarter of section 36; east half of the northwest quarter of section 36, township 6 north, range 18 east; southeast quarter of southwest quarter and south half of southeast quarter of section 25, township 6 north, range 18 east; embracing 360 acres, more or less.

Mr. BUTLER. Mr. Chairman, I move to strike out the last word, for the purpose of asking a question of the gentleman from Oklahoma. If this bill is passed, the same agreement will be made for this piece of land that now exists for the one that will be turned back to the Indians.

Mr. CARTER. Yes.

Mr. BUTLER. Therefore this company will only be required to dig a certain amount of coal for five years.

Mr. CARTER. The time in which the company was required to take out a certain amount of coal has passed. It expired during the first five years of the lease.

Mr. BUTLER. I would suggest to the gentleman, who is interested in these people, would it not be well to extend that limit? I know something, to my disadvantage, of a long lease of coal lands requiring a minimum tonnage. It puts the lessee on his energy and requires him to dig and hunt for coal on his lease. Why not make this limit 50 years and during the life of the lease the lessee shall be required to take out so much coal every year as a minimum tonnage?

Mr. CARTER. The present lease will expire within about 20 years, I should say, and beyond all question the coal sought to be taken by this bill will be completely exhausted before the lease expires. The coal which we ask for will be worked through tipples and openings already in use and which have been constructed for 8 or 10 years. The bill has been carefully considered in committee and I feel sure any further restriction is superfluous and unnecessary.

Mr. MANN. Mr. Chairman, I understood the gentleman from Oklahoma awhile ago to state that the Assistant Secretary or the assistant commissioner advised him that he was preparing a bill providing for the disposition of these Indian coal lands.

Mr. CARTER. As I remember, I said that I had a talk this morning with the Assistant Commissioner of Indian Affairs and he told me he would confer with the commissioner for the framing of a bill to take care of just such cases as this without bringing it in the Congress.

Mr. MANN. That was not what I understood the gentleman to say, although I understood him to say that much. I understood him to say that they were preparing a bill providing for the disposition of these coal lands, I mean all lands that are reserved.

Mr. CARTER. The gentleman either misunderstood me or I unintentionally misstated the case.

Mr. MANN. May I ask the gentleman what is his position on this question?

Mr. CARTER. On the lease or sale of the minerals?

Mr. MANN. On the lands that are now reserved?

Mr. CARTER. Does the gentleman speak in regard to sale or lease?

Mr. MANN. Well, either one.

Mr. CARTER. Well, I would favor a bill for the lease of the unleased mineral deposits in those lands under conditions that would be fair and equitable to the Indians. While I was for years in the past an advocate of the sale of this mineral to anyone who would buy and would be glad to see the Government purchase same now, I do not believe it would be fair to the Indians who own the property to offer it at forced sale right now on account of the bad condition of the market. The marvelous development of the Oklahoma gas and oil fields has practically put the coal operator out of business, and the Indian would not begin to realize anything near the value of his property. That is the only objection I have to selling.

Mr. MANN. I asked the question because it appears that a former Secretary of the Interior, Mr. Ballinger, reporting upon this bill, or a similar bill, stated:

It is not believed that any unleased lands should now be substituted for lands within existing leases if it be decided to make a speedy sale of the coal deposits with a view of expediting the final winding up of Choctaw and Chickasaw tribal affairs, etc.

And the present Secretary, or the Assistant Secretary, reporting upon this bill, has also stated:

If it be the purpose of Congress to authorize the immediate sale of the coal deposits of the Choctaw and Chickasaw Nations, the propriety of permitting exchanges of this character might be doubted.

Of course, whether they are sold or leased does not make any difference as far as they are concerned.

Mr. CARTER. Of course I am not authorized to state the position of either Mr. Ballinger or Mr. Fisher——

Mr. MANN. They state their position very clearly here.

Mr. CARTER. Not on the subject I have in mind; but I have talked to both of them about this matter quite extensively. Mr. Ballinger's idea was that the coal mines should be sold to

the highest bidder with proper precautions to prevent monopoly. Mr. Fisher's position, as I have understood it, is against the sale of this mineral at this time.

Mr. MANN. Well, this goes to the matter of whether these coal deposits are to be disposed of at an early date in some way or to be retained in the hope of getting a higher price or because there is not demand enough there now to warrant the opening of more mines.

Mr. CARTER. Will the gentleman read again what Mr. Fisher said?

Mr. MANN. Mr. Adams, First Assistant Secretary, stated:

If it be the purpose of Congress to authorize the immediate sale of the coal deposits of the Choctaw and Chickasaw Nations, the propriety of permitting exchanges of this character might be doubted. If, however, the sale of the coal deposits is to be deferred to some future time, it would seem entirely just and equitable to the lessees and profitable to the Indians to permit relinquishment of lands which have been proven not to bear coal and the selection of other segregated coal lands in lieu thereof. The lessees have necessarily expended considerable money in developing the mines, and should be allowed to reap some benefit from this expenditure by mining coal which may be reached from the developments thus made. The Indians would by such an arrangement receive an income from the coal mined.

The CHAIRMAN. The time of the gentleman from Illinois has expired.

Mr. CARTER. Mr. Chairman, I move to strike out the last two words. It does not seem that Assistant Secretary Adams makes any statement definitely as to what his position is, except under certain conditions. He simply states two contingencies and what should be done in either case. If the minerals are to be sold immediately, then, says the Assistant Secretary, "this legislation might be inopportune." I believe we might all agree on one thing, and that is the improbability of such sale in the immediate future, so that disposes of that contingency and leaves us to deal with this matter in the light of the other alternative, to wit, without prospect of immediate sale, and in that case the Assistant Secretary says he favors the bill.

Mr. TILSON. Mr. Chairman——

Mr. CARTER. I yield to the gentleman from Connecticut.

Mr. TILSON. I notice in the first section of the bill the names of the two coal companies—first, the Missouri, Kansas & Texas Coal Co. Is that company in anywise connected with the Missouri, Kansas & Texas Railroad?

Mr. CARTER. Not in the least. The stock of the Missouri, Kansas & Texas Coal Co. is owned by James McConnell and the estate of James Degnan and some other minor stockholders; but the stockholders of the Missouri, Kansas & Texas Railway Co. have no interest in this coal company. As a matter of fact, the Missouri, Kansas & Texas Railroad did not reach this section of the country until some time after this lease was made.

Mr. TILSON. I noticed the similarity of the names.

Mr. CARTER. Yes. I think it is an unfortunate name they have taken when it comes to the consideration of this bill.

Mr. TILSON. I am not prejudiced at all, I will state to the gentleman.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

SEC. 2. That the Secretary of the Interior be, and he hereby is, authorized and directed to permit the Eastern Coal & Mining Co. to relinquish certain lands embraced in its existing Choctaw and Chickasaw coal lease which have been demonstrated to be not valuable for coal, as follows: South half of the northwest quarter of the northwest quarter, southwest quarter of the northwest quarter, south half of the southeast quarter of the southeast quarter, northeast quarter of the southwest quarter of section 1, township 5 north, range 18 east, embracing 120 acres, more or less; and to include within the lease in lieu thereof the following-described land, which is within the segregated coal area and unleased: Southwest quarter of the southwest quarter of section 30, township 6 north, range 19 east; west half of the northwest quarter of section 31, township 6 north, range 19 east; embracing 120 acres, more or less.

Mr. STEPHENS of Texas. Mr. Chairman, I move that the committee rise and report the bill favorably to the House.

The motion was agreed to.

Accordingly the committee rose; and the Speaker having resumed the chair, Mr. RUCKER of Colorado, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee had had under consideration Senate bill 3686, authorizing the Secretary of the Interior to permit the Missouri, Kansas & Texas Coal Co. and the Eastern Coal & Mining Co. to exchange certain lands embraced within their existing coal leases in the Choctaw and Chickasaw Nation for other lands within said nation, and had authorized him to report the same to the House and recommend its passage.

The SPEAKER. The Chairman of the Committee of the Whole House on the state of the Union reports that that committee has had under consideration Senate bill 3686, and reports it back with the recommendation that it do pass.

Mr. STEPHENS of Texas. Mr. Speaker, I ask unanimous consent to correct a clerical error here. It should be "Nations" instead of "Nation," in the singular.

Mr. MANN. That should be an amendment to the title.

The SPEAKER. That comes afterwards. The question is on the third reading of the Senate bill.

The bill was ordered to be read a third time, was read the third time, and passed.

Mr. STEPHENS of Texas. Mr. Speaker, I ask unanimous consent to correct the last word of the title by making it read "Nations" instead of "Nation."

Mr. MANN. The word "Nation" occurs twice.

Mr. STEPHENS of Texas. Just add the letter "s" to the word "Nation" where it occurs.

The SPEAKER. Where does it occur?

Mr. STEPHENS of Texas. In the last line of the title.

The title of the bill was amended so as to read: "An act authorizing the Secretary of the Interior to permit the Missouri, Kansas & Texas Coal Co. and the Eastern Coal & Mining Co. to exchange certain lands embraced within their existing coal leases in the Choctaw and Chickasaw Nations for other lands within said nations."

On motion of Mr. STEPHENS of Texas, a motion to reconsider the vote whereby the bill was passed was laid on the table.

TOWN SITES OF TIMBER LAKE AND DUPREE, S. DAK.

The SPEAKER. The Clerk will report the next bill.

Mr. STEPHENS of Texas. Mr. Speaker, I desire to call up from the Union Calendar No. 138, the House bill 45.

The SPEAKER. The Clerk will report the bill.

The Clerk read as follows:

A bill (H. R. 45) affecting the town sites of Timber Lake and Dupree in South Dakota.

Mr. STEPHENS of Texas. Mr. Speaker, I ask unanimous consent to dispense with the first reading of the bill.

The SPEAKER. The House automatically resolves itself into the Committee of the Whole House on the state of the Union, with the gentleman from Indiana [Mr. MORRISON] in the chair.

Accordingly the House resolved itself into the Committee of the Whole House on the state of the Union for the consideration of the bill H. R. 45, with Mr. MORRISON in the chair.

On assuming the chair Mr. MORRISON was greeted with applause.

The CHAIRMAN. The House is in Committee of the Whole House on the state of the Union for the consideration of the bill H. R. 45, which the Clerk will report.

The Clerk read as follows:

A bill (H. R. 45) affecting the town sites of Timber Lake and Dupree, S. Dak.

Mr. BURKE of South Dakota. Mr. Chairman, I ask unanimous consent to dispense with the first reading of the bill.

Mr. FOSTER. I think we ought to have the reading of it. It is only a short bill.

The CHAIRMAN. The Clerk will report the bill.

The Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to cause to be set apart and reserved for school, park, and other public purposes not more than 5 acres of the lands not heretofore disposed of, within each of the town sites of Timber Lake and Dupree, in that portion of the Cheyenne River and Standing Rock Indian Reservations in the States of South Dakota and North Dakota, authorized to be disposed of under the act of May 29, 1908. Patents shall be issued for the lands so set apart and reserved for school, park, or other public purposes to the said municipalities of Timber Lake and Dupree: *Provided*, That the purchase price of all town lots hereafter sold under the supervision of the Secretary of the Interior in the said town sites of Timber Lake and Dupree shall be paid at such times and in such installments and upon such terms as he may direct, and he shall cause 20 per cent of the net proceeds arising from such sales to be set apart and expended under his direction in the construction of schoolhouses or other public buildings or improvements in the respective town sites in which lots are sold.

Mr. STEPHENS of Texas. Mr. Chairman, I will yield to the gentleman from South Dakota [Mr. BURKE]. The bill pertains to his district.

Mr. BURKE of South Dakota. Mr. Chairman, in explanation of this bill I will say that in 1889 the Sioux Indians in South Dakota had in their reservation something like 20,000,000 acres of land. An agreement or treaty was made with them by which they ceded to the Government about 9,000,000 acres of that reservation, and the rest of the land was divided into six separate reservations. The Indians were to receive for the ceded land $1.25 an acre for all that was taken in the first three years under the homestead laws, 75 cents an acre for all taken in the next two years, and for the land disposed of thereafter 50 cents an acre.

The law also provided that there should be allotted to the individual Indians of grazing lands—and I may say it was all classified as grazing land—640 acres to each head of a family,

320 acres to each Indian 18 years of age or over, unmarried, and 160 acres to each Indian child under 18 years of age. The law also provided that from the proceeds of the sale there should be placed in the Treasury as a trust fund for the Indians the sum of $3,000,000. The proceeds other than the $3,000,000 were to be used in the support, civilization, and education of the Indians.

The law further provided that after the allotments were made the balance of the surplus lands that would be left after allotments were made might be disposed of under terms to be agreed upon with the Indians.

But it expressly provided that the lands should be disposed of to settlers under the provisions of the homestead law, the theory being that the Indians having taken their allotments it would be well to get white settlers adjoining the Indian allotments, first, for the purpose of having the Indian in contact with the white man in farming, and, secondly, to make the Indian allotments more valuable.

The first agreement made for the sale of surplus lands in one of the diminished reservations was an agreement for the sale of a portion of the Rosebud Reservation in Gregory County, S. Dak., the price of the lands being $2.50 an acre. Under the terms of the agreement there was $1,040,000 to be paid. Gentlemen who were Members of the House at the time that agreement came up for consideration will remember that there were objections to the ratification of the agreement, on the theory that the Government was a loser, that it was treating with the Indians for relinquishment of their title, whatever it might be, in the reservation, and then disposing of the land to settlers, and that we were giving the Indians more than we would receive from the settlers. Consequently we adopted at that time a new policy and provided in that bill that instead of paying the Indians the price which had been agreed upon, the price was to be raised somewhat, and as the lands were sold the proceeds were to go to the credit of the Indians. That bill became a law, and those lands were disposed of, and the Indians received $1,800,000 from the sale, instead of $1,040,000, which was the consideration they had agreed to receive for the cession that was made at that particular time.

Later, we passed another bill for the cession of a further portion of the Rosebud Reservation, and I being the author of the measure, it occurred to me that perhaps we could get a little more money in selling the land if we should provide for the reserving of some town sites and sell the town sites in town lots, and that we would get more money than we would by disposing of all the land as homesteads, as the 1889 treaty provided. So we provided that there should be certain town sites reserved, and that the proceeds from the sale of town lots should go into the Treasury to the credit of the Indians.

It seemed to me then—and I never have had occasion to change my mind—that under all the circumstances it would be only just, equitable, and right that a portion of the proceeds from the sale of those town sites should be used in the towns for public improvements, and that there should be reserved for school and park and other public purposes not to exceed 10 acres in any one town site. Those provisions were incorporated into that law, and it provided, as I have stated, that 20 per cent of the proceeds from the sale of the town lots should go to the municipality for the construction of schoolhouses, or other public buildings, or for public improvements. Since then this House has passed a bill, which has become a law, providing for the sale of the Fort Berthold Reservation, in North Dakota; also for the sale of Mellette County, in the Rosebud Reservation, in South Dakota, and Bennett County in the Pine Ridge Reservation, in the same State.

I may also say that a bill with a similar provision passed in relation to the opening for sale of some Indian lands in Oklahoma, near Lawton, some years ago. In fact, I think that was the first bill. Now, the law providing for the sale of the Cheyenne and Standing Rock lands in South and North Dakota, which passed in 1908, did not contain this provision as to a reservation for school and public purposes or for 20 per cent of the proceeds to be used by the municipality.

The purpose of this bill is to give to those two towns 5 acres for school and public purposes and 20 per cent of the proceeds, the same as these other towns have received.

I would say that when these two town sites were surveyed and laid out there were reserved, as shown by the plats, a number of acres for school and park purposes, and these reserved lands were so indicated upon the plats or maps of the towns. It was the opinion of the General Land Office that, under the general law, they had the right to reserve the land for those purposes, and the towns have constructed school buildings upon these particular school reservations, and the buildings are there to-day. Now, it seems to me only fair and right, and following the precedents that have been established in these other reservations, that we ought at least to let them have not to exceed 5 acres of the land. I will say that the bill has the approval of the department, and, personally, I can not see why there can be any objection to it.

Mr. MONDELL. Will the gentleman yield for a question?

Mr. BURKE of South Dakota. Certainly.

Mr. MONDELL. I notice that the proviso of the bill on page 2, after providing that 20 per cent of the sums which are received from the sale of lots shall be used for the construction of schoolhouses and other public buildings, provides that this sum shall be expended by the Secretary of the Interior or under his direction. Does the gentleman think that provision is as wise a one as it would be to provide that this 20 per cent should be turned over to the municipality and the school district, in order that they may use the sums for the building of schoolhouses or making other improvements?

If the gentleman was not listening, I will repeat briefly, and say that the bill provides that the 20 per cent which is to be used for the benefit of the town shall be expended by the Secretary of the Interior in the construction of schoolhouses and other buildings.

It seems to me it would be better to turn the 20 per cent over to the municipality and the school districts, and allow the municipality and the school district to expend the money as they see fit.

Mr. BURKE of South Dakota. It was merely for the purpose of knowing that it is used for that particular purpose. This will have to be expended under the supervision of the Secretary of the Interior. Otherwise it might be used, possibly, if it was turned over without any condition, for any purpose that the municipality might see fit, and the only reason for using that language is to see that the money is used for certain express purposes.

Mr. MONDELL. Is this the language of the other legislation to which the gentleman referred?

Mr. BURKE of South Dakota. I think it is.

Mr. MONDELL. This same matter is under discussion in connection with the town sites on the reclamation projects.

Mr. STEPHENS of Texas. If the gentleman will allow me, page 3 of the House report says:

> The fixing of the same limit in this general act will tend to uniformity in legislation, always desirable; will, it is believed, sufficiently provide for the public needs, and will do no injustice to the Indians.

Mr. BURKE of South Dakota. I will say that that letter has reference to a general bill on this subject; the department has recommended general legislation. This bill only provides as to these two town sites and reduces the amount of land to be used for schoolhouses and park purposes to 5 acres instead of 10.

Mr. STEPHENS of Texas. And still it follows closely the language of the proposed general legislation.

Mr. BURKE of South Dakota. Yes; practically the same thing.

Mr. MONDELL. Has the gentleman heard any complaint of the operation of the other legislation that he refers to?

Mr. BURKE of South Dakota. I may say that there has never been any complaint that I have heard of from any source, and especially no complaint from the Indians.

Mr. MONDELL. The parties particularly interested are not the Indians, but the dwellers in the town.

Mr. BURKE of South Dakota. I never have heard any objection from any source whatever.

Mr. MANN. Will the gentleman yield for a question?

Mr. BURKE of South Dakota. Certainly.

Mr. MANN. In relation to the question that the gentleman from Wyoming just asked, the bill seems to require that 20 per cent of the sale be retained and set apart and expended under the direction of the Secretary of the Interior—first, for schoolhouses; second, for other public buildings; and third, for other improvements, which, I assume, might be street paving, market houses, constructing sidewalks, public baths, or anything of that sort. Is the gentleman able to say how much land there is in these town sites that is available for lots?

Mr. BURKE of South Dakota. My recollection is that each of the two town sites consists of 160 acres.

Mr. MANN. How much has been sold?

Mr. BURKE of South Dakota. In one of them, I presume, about a half, and in the other not so much.

Mr. MANN. On the half that has been sold this will lighten their taxes considerably in the way of building schoolhouses. They will not contribute anything toward this; they have purchased their lots. Probably they purchased the most valuable lots of the town. Out of the rest you are to retain 20 per cent. How soon is the rest likely to be sold?

Mr. BURKE of South Dakota. That will depend on the conditions; it is under the supervision of the Secretary of the

Interior, and he will sell them at such times as he thinks is advantageous to the Indians.

Mr. MANN. Does the gentleman think they will be sold in time to build schoolhouses for the benefit of the people that are now there?

Mr. BURKE of South Dakota. My understanding is that schoolhouses are already built.

Mr. MANN. So that it does not require 20 per cent to construct schoolhouses; what other public buildings are there that need to be constructed?

Mr. BURKE of South Dakota. The gentleman lives in a great city where the sale of city lots means usually considerable money. Now, 20 per cent of the sale of all of these town lots in these towns would not mean more than a few thousand dollars.

Mr. MANN. That does not make any difference.

Mr. BURKE of South Dakota. I do not suppose that either one of these towns will have a population exceeding 1,000 or 2,000 people in the next 20 years.

Mr. MANN. If they already have schoolhouses built they will need no other public buildings unless it be a calaboose.

Mr. BURKE of South Dakota. I presume under this law the cost of building the schoolhouses could be paid from this fund.

Mr. MANN. I do not see how they could be paid for from this fund when it says that the Secretary of the Interior shall cause 20 per cent of the net proceeds arising from such sale to be set apart and expended under his direction in the construction of schoolhouses or other public buildings or improvements. I do not see how he could pay debts already incurred for construction; he could not get by me if I was the auditor.

Mr. BURKE of South Dakota. He may use it for other purposes.

Mr. STEPHENS of Texas. The bill says:

He—

The Secretary of the Interior—

shall cause 20 per cent of the net proceeds arising from such sales to be set apart and expended under his direction in the construction of schoolhouses or other public buildings or improvements in the respective town sites in which lots are sold.

Mr. MANN. I have just read that. That does not mean he must pay debts which have already been incurred. It does not say that, whatever the gentleman may have in mind. Suppose some lots are not sold for 20 years, what is this 20 per cent to be used for?

Mr. BURKE of South Dakota. For public purposes.

Mr. MANN. By the Secretary of the Interior?

Mr. BURKE of South Dakota. Under his direction. The Secretary of the Interior might turn the money over to the municipality if, in his judgment, he thought it was wise to do so.

Mr. MANN. I will not say that it could not be done, although I do not see how it could be done under the language which requires the money to be expended in the construction of buildings, and so forth.

Mr. BURKE of South Dakota. I will say to the gentleman that I was endeavoring to absolutely make sure that the money should only be used for the purpose that was contemplated when we passed the law, and therefore I was keeping it under the supervision of the Secretary of the Interior rather than paying the money over to the municipality.

Mr. MANN. The gentleman from South Dakota will understand that I am not criticizing. I am asking for information. I thought possibly the gentleman might know what was done in the case of the Lawton lots. I think that is the only other bill of this kind we have passed.

Mr. FERRIS. They built two schoolhouses.

Mr. MANN. Who built them?

Mr. FERRIS. The Secretary of the Interior sent two men down there from here.

Mr. MANN. What do they do with the money that comes in now?

Mr. FERRIS. It goes into the Indian fund.

Mr. MANN. I am speaking of the 20 per cent; the Secretary of the Interior still retains 20 per cent for public improvements?

Mr. FERRIS. I think he has expended the most of it.

Mr. MANN. He can not expend it before he gets it.

Mr. FERRIS. No; but most of it is paid in.

Mr. MANN. Are the lands all sold?

Mr. FERRIS. Oh, they were sold all at once, at auction.

Mr. MANN. That is not the case here; that is a different situation.

Mr. BURKE of South Dakota. Mr. Chairman, I think it is contemplated in the law opening these lands to settlement that within a certain number of years after the passage of the act all of the land must be sold, including all town lots, and the Secretary of the Interior is required to dispose of the unsold lands and lots to the highest bidder, regardless of price.

Mr. MANN. Mr. Chairman, the gentleman understands, I think, my reason for making these inquiries, so as to bring the matter before the House. This matter has recently been up in the Senate, which body defeated a bill because this provision was in it, and afterwards, on a reconsideration, the gentleman in charge of the bill struck the provision out and the bill passed. The gentleman knows the bill to which I refer—a bill relating to the Standing Rock Indian Reservation—and knows that there is now pending in the other body a general bill providing for this same 20 per cent and also for the school site, and so forth, which has not passed because some objection was made to it.

Mr. BURKE of South Dakota. I understand that there is such a bill pending; yes.

Mr. STEPHENS of Texas. If the gentleman will permit, I will state that the last clause of this bill provides that this money may be expended for such improvements in the respective towns, and so forth, and that would include, as I understand it, the building of bridges, sidewalks, or anything of that sort which would be a charge upon the public.

Mr. MANN. Yes; but who would build them—the Secretary of the Interior?

Mr. STEPHENS of Texas. They would be constructed under the supervision of the Secretary of the Interior.

Mr. BURKE of South Dakota. Mr. Chairman, I wish to say to the gentleman, in regard to the action of the other body, that I am quite sure they did not understand the proposition, and that when they do understand it that body will reverse itself upon this question, upon which it has heretofore voted affirmatively on a number of occasions.

Mr. MANN. Mr. Chairman, I think the gentleman is somewhat in error when he says that the other body did not understand the proposition. Far be it for me to ever assume that the Senate of the United States does not understand every proposition, and I am quite sure that the Senate thoroughly understood the proposition when they voted upon it. Whether they appreciated entirely the position which the gentleman assumes and the necessity for this legislation is another proposition. As I understand the principle of this bill, it is based upon the idea that by setting aside a portion of the town site for school and park purposes, and then providing in advance for a retention of 20 per cent of the receipts of the sale for the building of these public improvements, it is expected that the lots will sell for more than would be received if you took the other course.

Mr. BURKE of South Dakota. That is exactly the proposition; and the theory upon which this provision was incorporated in the first bill that I had to do with was if I owned land myself and was going to dispose of it, and was going to lay out some town sites, as a business proposition it would pay to reserve a limited portion and donate it to the municipality for school and park purposes, and also give the municipality a certain per cent of the proceeds.

Mr. MANN. In these town sites, when they lay them out, do they lay out streets?

Mr. BURKE of South Dakota. Certainly.

Mr. MANN. Well, somebody in some other body may think that that is depriving the Indians of their lands, because nobody pays for the streets.

Mr. BURKE of South Dakota. The gentleman, of course, will take into consideration the fact that the Indians do not own this land. They have only the right of occupancy. Furthermore, the proceeds do not go to the Indians directly, but are simply used by the Government for their support and civilization——

Mr. MANN. For their support and toward their civilization.

Mr. BURKE of South Dakota. The gentleman can construe it any way he desires. In the appropriation bill which the Committee on Indian Affairs has reported we provide that for the support and civilization of these particular Indians the expense shall be paid from the proceeds of the sale of the lands, and if we followed the provisions of the treaty we would dispose of them under the homestead laws entirely and would not have any town sites at all.

Mr. MONDELL. Mr. Chairman, will the gentleman yield?

Mr. BURKE of South Dakota. Certainly.

Mr. MONDELL. Mr. Chairman, I am favorable to the legislation and will vote for it in just the form in which it is reported, but I want to make this observation: It is entirely proper that these towns should have a proportion of the sums received from the sale of the town lots, because if this town site belonged to an individual or a corporation during all of the years during which the unsold lots were lying there they would be paying taxes to the municipal treasury.

Mr. BURKE of South Dakota. That is right.

Mr. MONDELL. And to the treasury of the school district; this 20 per cent of the sum received may be considered in lieu

of taxes, and I think in a majority of cases would not be a sufficient amount to reimburse the municipality for the taxes which it would otherwise receive.

Mr. BURKE of South Dakota. And furthermore, the Indian has the benefit of the schools and pays no taxes for 20 years.

Mr. MONDELL. All very true. So there is no question about the propriety of giving the municipality 20 or 25 per cent of the sums derived from the sale of town lots; but it does seem to me that it would be very much better to give that sum to the municipality and to the school district and allow them to use it in any way they saw fit for municipal or school purposes. Of course they could use it for no other purpose except proper municipal or school purposes.

But if they have the schoolhouses built and want to use the funds as they would use any other fund derived from taxation, to pay school-teachers, I do not see any reason why they should not do so. If they want to grade streets instead of building a city hall I do not see any reason why they should not be permitted to do so; if they want to build bridges within the municipality, why not? We are giving them these moneys in lieu of taxes which they would otherwise receive during the years when the town lots are there unsold, and they ought to have the same right to use those funds as they would have to use other funds they would receive from taxation in any legitimate and proper way. I think they would get more out of it in that way than they would if we left it to the Secretary of the Interior, necessitating the sending out of an agent from the Interior Department to supervise the expenditure at considerable expense, and all that. I believe it would be very much better to turn this over to the school district and municipality.

Mr. FERRIS. Will the gentleman yield?

Mr. MONDELL. I am speaking in the time of the gentleman from South Dakota.

Mr. FERRIS. I trust the gentleman from South Dakota will yield me some time.

Mr. MONDELL. While I am not insistent upon that, I want to call it to the attention of the committee, because the same question will be before us before long in regard to the town sites on the reclamation projects. There we have the same problem. The Reclamation Service is selling town lots slowly, selling only a few lots at a time as there is demand. That means the municipalities have a limited source of income, and they ought to have a portion of the sum received from the sale of town lots, and those sums ought to go to the municipality and the school districts direct.

Mr. MANN. Will the gentleman yield there?

Mr. MONDELL. Yes.

Mr. MANN. In these cases where half the lots have been sold without the 20 per cent being deducted, does not the gentleman think, in fairness, the improvements which are yet to be made out of the 20 per cent which is deducted from future sales should be made so as to give special benefit to the lots which will pay that 20 per cent?

Mr. MONDELL. Well, in theory the gentleman is absolutely right. I doubt if in practice it would not be difficult to carry that out, but I assume if we turn over the money to the municipality the municipality will spend it, as they do their general fund, for the benefit of the municipality.

Mr. MANN. Yes; but not for the benefit of the lots that pay the bill. Would not lots be likely to sell higher, for instance, if they had any bridge or sidewalk if the purchaser understood 20 per cent of the purchase will be used in their part of the town?

Mr. MONDELL. Well, I think that is probably true; but I think it would be just a little difficult to provide for such expenditure, and the gentleman realizes that if this fund goes into the municipal treasury and becomes a part of the general municipal fund, of course all the expenditures which are made will be made for the benefit of the town generally, and therefore the property that has been sold heretofore, as well as lots that will be sold hereafter, will receive the benefit. My view is that the moneys would be more economically expended, and they would be expended for the purposes of more immediate necessity if they were turned over to the municipality to be expended for municipal purposes rather than retained in the hands of the Secretary to be expended under what must of necessity be a more or less expensive supervision.

Mr. MILLER. Mr. Chairman——

The CHAIRMAN. Does the gentleman yield?

Mr. BURKE of South Dakota. Mr. Chairman, I yield to the gentleman from Minnesota to ask a question.

Mr. MILLER. Mr. Chairman, it seems to me that the criticism of the gentleman from Illinois [Mr. MANN] as to the concluding part of the bill is worthy of consideration. The language is:

> Twenty per cent of the net proceeds arising from such sales to be set apart and expended under his direction in the construction of schoolhouses and other public buildings or improvements in the respective town sites in which lots are sold.

I have been studying it for some little time, and it seems to me conclusive that the Secretary of the Interior is hereby authorized only to expend money in future construction. I understand from the gentleman from South Dakota that these schoolhouses desired to be built have already been built and it is desired to pay for them. Now, if that is the case, I would suggest, which is a suggestion merely, that there be stricken out the words "under his direction in the construction" and substitute therefor "expended in payment of the cost of constructing schoolhouses." He can pay for the cost of schoolhouses already constructed when he could not go ahead and construct schoolhouses.

Mr. MONDELL. Why not turn it over to the municipalities?

Mr. MILLER. If I may be permitted to answer that, I think there are some very strong reasons why this might be paid over to the municipalities. I think, on the other hand, there are stronger reasons, especially in the present instance, why it should not be. New municipalities are always extravagant if you let them have full sway in the matter of public buildings and improvements. They are inclined to build streets where streets are not needed; they are inclined to pave streets that nobody lives upon. I have myself recently visited cities of considerable importance, cities whose inhabitants are many thousands, that have streets paved 3 miles out into the country.

Mr. MONDELL. Boom towns?

Mr. MILLER. They have been boomed, but the boom did not carry the town out to those regions. It seems to me a wise precaution that this 20 per cent should be retained within the jurisdiction and power of the Secretary of the Interior or some Federal Government official, and that such official should expend it, or see that it is properly expended.

I, for one, think it ought to be almost exclusively used in the construction and equipment of schoolhouses. Why? Because a schoolhouse is the first public building any community ought to have. It is the first public building any community ordinarily does have, excepting, in some instances, a church, the two usually going hand in hand. In these new communities that are inside of the Indian reservations there must be school facilities afforded for the Indian children, and I think we have learned one thing, if not anything else, in relation to the Indian question, and that is that we solve the Indian problem, in part at least, by getting the Indian children to go to school with white children. Therefore in these communities the Indian children ought to be encouraged to go to white schools; facilities ought to be afforded for them to go to white schools; and this, in some measure, is compensation to these communities for the instruction given to these Indian children. I think it proper, therefore, that it should be restricted to schoolhouses; but whether thus restricted or not, it can hardly ever be more than sufficient to pay for these two schoolhouses that have already been built.

Mr. MANN. Mr. Chairman, I think the House ought to be thoroughly informed of the proposition that it is voting upon, because the matter may come up in conference at some time when there is not very much opportunity for discussion.

Senate bill 109 is now pending before the Committee on Indian Affairs of the House. It has not yet been reported. That bill was brought up in the Senate and discussed on the 29th of January. At that time it contained this provision:

> And he is hereby authorized to set apart and reserve for school, park, and other public purposes not more than 10 acres in any town site, and patents shall be issued by the Secretary of the Interior for the lands so set apart and reserved for school, park, and other purposes to the municipality legally charged with the care and custody of lands donated for such purposes upon receiving satisfactory evidence that said towns have been duly incorporated.

It also contained this provision:

> And he shall cause at least 20 per cent of the net proceeds arising from such sales to be set apart and expended under his direction in the construction of schoolhouses or other public buildings or improvements in the town sites in which such lots are located.

I would be very glad to be able to hear myself.

Mr. STEPHENS of Texas. What bill is the gentleman reading from?

Mr. MANN. Senate bill 109, pending before the Committee on Indian Affairs.

Mr. STEPHENS of Texas. Is the gentleman aware that that is just what is proposed to be done in the pending bill?

Mr. MANN. I am aware of that. I have read what the gentleman from Texas says is the precise language that is in the pending bill. I have read it from Senate bill 109. When that bill was under consideration in the distinguished body at

the other end of the Capitol, after considerable discussion on these two propositions—the discussion being wholly in regard to the two propositions which I have just read, and which are the same as in the pending bill—the bill was placed upon its final passage and defeated, for the reason that it included those two propositions. Subsequently a reconsideration of the bill was had, and on the 1st of February it was amended by striking out of the bill the provisions which I have read, which the gentleman from Texas says are precisely the same as those in the bill now pending in this House.

Mr. MONDELL. Are those the provisions for the 20 per cent to be used by the Secretary for the building of schoolhouses and other buildings?

Mr. MANN. Yes. One of them was for the 20 per cent and the other was for the park lands, school sites, and so forth. That bill has come over to the House and has not yet been reported.

Now, I do not undertake to say that the Senate was right in its contention on this matter. It seems to me quite proper, under the provisions which guard it, that when we authorize the sale of a piece of Indian land as a town site, or any other land, we may properly say that the streets shall be dedicated for public use; that a portion of the land may be reserved for school sites or park purposes, and where it is a new town, the proceeds of a portion of the sales within at least a limited period may be retained for the purpose of building schoolhouses, or a town jail, or something of that sort.

I do not quite understand why we should keep up that proposition and retain 20 per cent of the proceeds which may be collected some time hence unless it is on the principle of recuperating the towns for the lack of collecting taxes against the lands.

Mr. MONDELL. Is not that the only principle upon which we can properly make these payments to the municipality?

Mr. MANN. No. The principle upon which we make these payments is that the land will sell for more, if we reserve a part for a school site and park and dedicate a part of it for a street and build a schoolhouse. We have no right to take the property of the Indians which is not taxed in the end and give it to somebody else because we have not taxed it. We have a right to provide that it shall be taxed. I do not see any right on our part to take the property of the Indians unless it is that the rest will become more valuable and produce more revenue.

But I want the House to be advised of the situation, so that when the Members vote upon this bill they will understand the position here. The Senate took quite an opposite view. If this bill goes to the Senate, with their position on the matter, and we have a bill pending here, where we have not expressed any opinion upon it, and there is another general bill pending, we had better find out, so that everyone in the House or those who are especially interested in the subject, such as the gentlemen here to-day, will know "where they are at."

Mr. MADDEN. Mr. Chairman, will my colleague yield?

Mr. MANN. Certainly.

Mr. MADDEN. The gentleman suggests that there ought to be a time limit beyond which the Government ought not to be allowed to retain the 20 per cent. Is it not customary for them to sell the lots at auction after a given period of time?

Mr. MANN. I do not think so. It has sometimes been done, but not always. Take 160 acres divided up into town lots in a small town, and nobody has any earthly use for those lots in a country town when it is first organized, unless it is a county seat or something of that sort. I am the owner of lots in some small towns myself and have always considered them and still consider them a liability and not an asset.

Mr. HUGHES of New Jersey. Mr. Chairman, I ask unanimous consent to print in the RECORD certain addresses delivered by Gov. Woodrow Wilson, of New Jersey.

Mr. KENDALL. Are they on the question of schoolhouses?

Mr. MANN. He wants to extend the remarks of a schoolmaster.

Mr. MADDEN. Does this have anything to do with the schoolhouses that are proposed to be constructed on these reservations?

Mr. HUGHES of New Jersey. I have not read this bill.

Mr. MADDEN. Has the gentleman read the speeches?

Mr. FINLEY. What is the gentleman's request?

The CHAIRMAN. The gentleman from New Jersey asks unanimous consent to extend his remarks in the RECORD by printing certain speeches referred to in his request. Is there objection?

Mr. CAMPBELL. How many of these speeches are there?

Mr. HUGHES of New Jersey. Three.

Mr. CAMPBELL. Are they all three on the same subject, or do they relate to different matters?

Mr. HUGHES of New Jersey. They relate to different matters.

Mr. MANN. I hope the gentleman from Kansas will not object, because I think the gentleman from New Jersey [Mr. HUGHES] ought to have the opportunity to justify the existence of his candidate for the Presidency after what I put in the RECORD yesterday, which will be very difficult to overcome if he is nominated.

Mr. MADDEN. I shall not object.

Mr. HUGHES of New Jersey. I thank the gentleman.

The CHAIRMAN. Is there objection?

There was no objection.

The speeches referred to are as follows:

ADDRESS BY GOV. WOODROW WILSON AT THE BANQUET OF THE NATIONAL LEAGUE OF COMMISSION MERCHANTS AT THE ASTOR HOTEL, NEW YORK, ON JANUARY 11, 1912.

MR. TOASTMASTER, LADIES AND GENTLEMEN: I find myself embarrassed in view of the fact that your toastmaster did not announce the subject upon which I am to address you, but fortunately it is printed upon your program, namely, "Business and Politics."

There are two reasons why I am embarrassed: One is that there is so much to attract the eye in this audience and the other is that it distracts the thought. I am reminded by contrast of a limerick which one of my daughters introduced to me the other day. It runs:

For beauty I am not a star,
There are others more handsome by far,
But my face, I don't mind it,
For I am behind it,
It's the people in front that I jar.

I hope, in the circumstances, that you will survive the shock. Moreover, the theme is so great that I would not venture to speak of business in the presence of business experts, and the less said about politics the better. To address myself to so great a theme at this time of the evening would show I had audacity, which I assure you I do not possess. I am very much in the position of the old negro who fell asleep in a railway train, and as he slept his head fell back and his mouth was wide open. A fellow traveler happening to have some quinine put it on the darkey's tongue. It was some time before it soaked in, and when he did wake up with the consciousness that something had happened, he became very much excited, and said to the passenger, "Boss, is there a doctor on this train?" The gentleman answered, "I don't know; what do you want a doctor for?" and the negro said, "Boss, I done believe ma gall's busted." I have not the gall to address you on this subject, and then I have thought as I sat here and looked upon this company of business men how few of us realize what business life in America means. It means the constant readjustment to new conditions. America is one of the countries in which business seems almost to have no laws that run from generation to generation, because the organization of business, the form of business, and the objects of business seem to be transformed so rapidly.

You realize, of course, that in something less than two years the routes of trade will probably have altered once for all on this continent. That ditch that is so nearly completed between the Atlantic and Pacific will switch the route of trade around almost as thoroughly as it was switched when the Turks captured Constantinople and blocked the course of the Mediterranean, and sent the venturesome seamen down the coast of Africa to discover a route around the capes. You know at that moment England, which had been at the back of the nations trading with the East, suddenly swung around and found herself occupying a place at the front of the nations, for hardly had those mariners gone down the coast of Africa when other sailors, more venturesome still, looked seaward across the unexplored waters of the open Atlantic, then set out and discovered a new continent, made new territory for the trader, new trade for the politician, and so England, that had been upon the edge of the water, darkened by ignorance, presently found all her skirts flooded with the light of the new continent arising out of the waters of the sea. Something not so great as that, but nevertheless as revolutionary in our trade, is going to happen as soon as the canal is opened. And when you reflect upon the great projects afoot on this continent, the great inland waterways that we have made up our minds to build, you will see that we have intended nothing less than the transformation of our economic life, and with the transformation of our economic life there will necessarily be a vast readjustment.

Your thoughts will have to be very nimble and your plans quickly changed after the year 1913. Are you ready to do it? Do you realize what the future of America is going to be from the point of view of trade? As I sat here to-night I was thinking of you as commission merchants and reflected that most of our science in regard to trade in this country had been a science of omission rather than commission. Most of the things we ought to have done we have not done. You know that the singular thing about America is that with a genius for new things, with inventive genius, with a capacity for organization hardly matched before in the history of the world, we, nevertheless, have drawn our own borders close about us, have made ourselves shut-in patients, have confined our energies to a continent when we might have extended them into a world. We went almost deliberately about the destruction of our own merchant marine. We swept our own flag from the seas, and while we thought that we were a little Nation a hundred years ago, just before the War of 1812, we competed with the greatest nations in the world in the carrying trade as between nations. Now we, practically the greatest Nation in the world, compete with nobody in carrying trade. We retired from the stage upon which we had already made conquest and, turning our eyes upon ourselves, stood willing to compete with no one until we had developed our own resources.

What is the consequence? It is one unparalleled in the history of the world. We wasted our own resources. We have believed that you do not have to husband your resources, that you can just scratch the surface of your mines and then go on to another mine; that you can cut your forests down for bark on the trees in order to make tan bark and then leave the whole noble trees to rot with the wood never used. We have confined ourselves to a sort of prodigal waste, which sooner or later will find us unprepared in the competition with the rest of the world. No man can compete in the great contests of the world

in trade and manufacture who has not learned how to husband his resources and use every scrap of his raw material. We have been a prodigal people and yet have prided ourselves that we have a genius for industry, a genius for spending, if you will, a genius for getting, if you will, but not a genius for the niceties of industry.

Why is it we have never had, even according to our own account, great native literature in America? We have had great writers, great prose writers and great poets, but it is our own complaint that we have never produced a great native literature characteristic of America but have merely carried on and explained the traditions of England. In order to answer that question you have only to look at the progress of American civilization as a whole. You can't have a great work of art if you try to make it in a hurry. No great work of art is made with the fiat hand. It is made with the nicety of touch that comes only with pains and with infinite care. Nothing is artistic that is not patiently completed, professionally completed down to its minutest detail. You can not make a great sentence unless you love the cadences of the language, unless you look for those words which will heighten the color, release the light, and mark everything you say with such vividness that men shall keep it forever in their memory. You can not do great things unless you master the natural processes by which they are dominated. The world determines what you are to do; you don't determine what the world is to do. All the conditions are changing. It was just now said very truly in your presence that a man who can not change his mind gives the most capital evidence that the modern world can offer of his profound ignorance, because if your mind don't change while the world is changing, then your mind won't match the world's. If the whole economic civilization is in flux about you and you alone are crystallized and steadfast, then you will either be washed away by the flood or your position will become one in which you are serviceable only to have some worn-out craft moored to to go to rot. A friend of mine was traveling in Florida and was very curious to identify Florida crocodile. He asked a Florida gentleman how he should know one. "Well," said the friend, "if you are going through the swamp and see a brown object in the distance you will know it's either a stump or a crocodile. If it moves it's a stump."

Now, American trade has a good many crocodiles—men to whom a new thing is an incredible thing, an undesirable thing, a thing to be afraid of. If you don't learn by experience, experience will see that you don't have much time to learn anything. Some people think conservatism is to let things alone, but suppose they change overnight so that you can not recognize them? An English writer used this illustration: If you want a white post to remain white, do you let it alone? If you do it won't be a white post long; it will be a black post. You have got to renew that post once every so often if you want to keep it what it was—a white post.

Now, in order to keep our civilization in repair, in order to keep our trade good and to keep our industries vigorous we have got to change them every month of our lives. I am willing to let things alone if you will guarantee that I can go to sleep and be able to recognize the same thing in the morning; but unless you guarantee me that things will not stand still I am not content and want to be part of the proposition to protect the industries of America. Everything depends upon some nice process for which you have to employ experts, and you must look to the scientific schools of the country to enable you to advance a single inch. You can sit in your office and determine what is to be done, but you can not do it. You have got to hire training; you have got to employ knowledge; you have got to give salaries to science in order to accomplish anything in America; and now you are finding, those of you who are manufacturers, that you did not even know how to keep your cost sheets; that you can not tell what a particular division of your business costs you, and whether it pays its own expenses or not; that you have not yet studied those niceties of readjustment, those niceties of management, which mean the difference between big or little profits or no profits at all, and that from this time out you have got to employ those brains which devote themselves to the niceties of detail. That's the future of America, not only so as to these niceties of detail, but the man who produces is going to expect the same things of machinery as of exchange that he finds and establishes in his own factory. In other words, the model man has got to be something more than an expert. I say he has got to be something more than an expert even in American training.

Have you watched the foreign balance sheets? Do you know by what leaps and bounds foreign exports have increased? Do you know that since the Spanish War pushed us out into the political field of the world circumstances have pushed us out into the trade of the world? This trade which we have seemed to despise we are now bound to undertake. Have you noticed the different figures between what has happened in the exports of the natural products of the soil and the exports of our manufactured products? Don't you know that while we used to export a vast amount of grain and feed, the rest of the world is fast approaching the point where we will consume almost all of our own grain and that our exports of foodstuffs are falling off? Now, at the same time our exports of manufactured stuffs are increasing because while we are reaching the limit of productivity of supplying the world in our field, we have exceeded the amount of production in our factories which is necessary for the domestic consumption, and now unless we use the stuff and draw our borders in we must sell our manufactured products to the world. The middleman has to be an expert in the conditions of the world. I wonder how many Americans know what patterns of carpet can be sold in China. The average American salesman, I dare say, will try to ram American patterns down, I was going to say, Chinese's throats. They will try to get rid of all the surplus things suitable for America in countries for which they are not suitable, and it won't go. You must know something more than the geography of the world, you must know something more than establishing foreign lines with commission merchants; you must know the tastes of the civilized world, economic necessities must be learned, or else you will not be serviceable to America. We have ceased to be a provincial Nation. We have got men whose mastery extends to the borders of the civilized world. That's the reason I rejoice in associations like this. Working, each in his little field, staying within his home markets, men do not realize as to the economic readjustments but wonder whether New York is going to take toll of the whole world after the canal is opened; wonder whether New York is going to take toll of all the world after we have threaded this continent with great open waterways, when everything will be reasonably rapid and cheaply transported like the veins in a great vital body.

Now, whatever changes happen, you gentlemen must see them, must act upon them, must be the agents in them. I look upon the young men in this country as the prophets of what is going to happen. Elderly men get in a rut, elderly men refuse to conceive anything new. I once had the painful duty of telling a company of well-dressed people that I understood the object of the university to be to make the young gentlemen of the country as unlike their fathers as possible, by which I meant no disrespect to the fathers but that by the time a man is old enough to have a son he got so set in his ways that it is not possible to make any change for the rest of his life. We must have elastic, adaptable, malleable, young stuff to meet the exigencies of the changing age. Just as soon as America loses her elasticity, as soon as she loses her audacity and the adaptability of youth, the course of trade will be neglected, the process of our industry will be embarrassed. So we are at, I will not say the parting of the ways; we are at the opening of the ways. Our life is to have new channels, our economic processes are to take on new forms, for I call you to witness, gentlemen, that America up to this point has devoted herself chiefly only to one side of the great commercial and industrial process, America has been the scene of promotion and exploitation. Every kind of industry has been promoted in the technical sense of that word, and every resource of this rich country has been exploited in the literal meaning of that word. We have been promoters and exploiters. Isn't this coming to an end? Haven't most of the big enterprises been suggested and promoted, including some not worth promoting? Haven't we gone just about to the limit of the rough and ready exploitation of the resources of this country?

Now, what are we going to do? We are going to consider, as we are beginning to consider, scientific forms of government, skill, efficiency, economy; these things that do not come with native genius but come by training. It is all very well what you did. We haven't finished anything in America. I hope we haven't finished the governments of our cities; I hope we haven't finished our streets; I hope we haven't finished our work upon our great water courses in which we have dumped all the debris of our civilization and congested them until they run with difficulty, murmuring against us. We have not been careful of anything except to make haste, except to grow fruitless, and now we are paying the penalty. It has become vulgar in the United States to be rich. Some years ago I went to the commencement of a school which was attended, I understood, practically only by the sons of very rich men, because the courses at the school were so conducted that no others could attend. I felt bound to say to these youngsters that I looked upon them with a great deal of pity and sympathy, because in all probability they were foredoomed to obscurity; that the mere possession of wealth did not any longer lead to distinction in the United States; that in order to be distinguished you have to do something and if you were born with wealth the probability was that you would not do anything, and therefore a man born rich in the United States was likely to be born unserviceable and, being unserviceable, was foredoomed to obscurity. Is it not so? Suppose you have a lot of wealth, suppose you have lavished the resources of the country upon your own bank account? Then what are you going to do with your bank account? What are you going to make of this America that you have adorned and petted and upon which you have spent the genius of organization and the energy and eagerness of development? You, gentlemen, are, so to say, the agents of all the distribution and of the readjustment which takes place, at any rate, in a large number of the products of this country. I remember when I was a youngster I was obliged to study the elements of political economy. I was taught that there were several kinds of value—that there was time value, which makes ice very valuable in the summer and coal very valuable in the winter, and that there was place value, and that a thing that was not serviceable in one place because there might be a surplus of it there was very serviceable in another where it was scarce or could not be produced. You are the servants of place value. It is your business to see that things are at the place where they are wanted at the time they are wanted. In that sense I must accuse you of being place hunters.

You are always looking for a market in which to place the product you deal in, and by the same token you must have a wide and general forecast upon the commerce of nations. You must forecast the changes that are going to take place; you must realize just how long a place is going to be the center and just when it is going to stop being the center. I remember a good many years ago I dined with a society in this city to which no one could belong whose ancestors had not lived in New York for, I think, 200 years, and I could not refrain from saying to the gentlemen assembled that I looked upon them with a good deal of curiosity, for while all the rest of America had been moving they had been sitting still for 200 years. Now, I am no prophet, but I am sorry for the man who can not see the visions of our time. If you think you knew American trade by heart last year, within a decade you will be out of business. You have got to know how American trade will be next year and the year after, a whole decade, of which these years are a part. You have got to have vision; you have got to look into the future; you have got to feel the full pulses which are beating in the great round world before you will comprehend the civilization of which you dream, of which you form a part. So this is what I call the statesmanship of business. Statesmanship is merely the organization of the common life in order to conserve the common interest. That is all statesmanship is, and statesmanship of business is organization of business to conserve the economic interest of your generation.

The same Englishman from whom I was just now quoting gives this very interesting definition of a statesman in a self-governing country. He says he is a man of ordinary opinion and extraordinary ability; a man who reflects the opinion of his generation, but has extraordinary ability in giving expression to that opinion. And so I challenge you, if you know what uses to make of your organization, not to suppose that business is going to dwell in your several commission houses. You have got to get limits outside of those houses; you have got to learn not only of your fellow commission merchants, but of men who have been to the ends of the earth, of travelers, scientists, politicians, of men who have dreamed the dreams that constitute the vision that men follow.

Do you know who are the leaders of mankind? The leaders of mankind are those who lift their vision from the dusty road under their feet and look forward, and though they are determined to keep a firm footing upon the road they nevertheless gladden their eyes with the illuminated distance, to those regions which seem to rise and rise, level by level, promising happier days for mankind, easier lives, more sympathy, more cooperation, more perfect mutual understanding, more common trust, more enthusiasm, more partisanship of what is good, more hatred of what is not good, more contempt for shams, more confidence in realities. They will redeem us from our errors and our mistakes, will show us that to open our eyes is to enlarge our trust, and will convince us that to lead men upon a great process of change is to keep open the love in their hearts in order to travel the road of perfection which comes only with applying ourselves to the things that are better; or, better, giving over to forgetfulness the things that are wrong. Why, gentlemen, do you know that the ancients shut themselves in and refused to trade with the rest of the world, for fear that in trading in goods they should also trade in ideas? Men did not admit

foreign merchants to their markets because they said, "these men will contaminate us with foreign ideas," and so they strangled their own development for fear of the invasion of ideas not their own.

I congratulate you, gentlemen, upon being traders in the thought of the world, traders in the hope of the world, full of confidence that as you receive men into your thinking you will establish the supremacy of America as we wish it to be established—not by force of arms, not by the conquest of hope, not by the conquest of aggrandisement, not by conquest, but by the free injection of our enthusiasm, our love of mankind, our confidence in human liberty.

Are not the horizons large? Is not the prospect fair? Is not the trend beautiful when it leads us to these models of human achievement?

ADDRESS OF GOV. WOODROW WILSON AT DETROIT, JANUARY 18, 1912.

RELATED POLICIES.

Gov. Wilson said in part:

A few years ago, a few months ago, it was a matter of common remark that the field of our politics was singularly confused and disordered; party lines everywhere broken or breaking; party labels losing their significance; party combinations threatening to break and re-form themselves. But in recent months the scene has become more ordered and definite. Every careful observer can now perceive that certain great, definite, calculable forces are at work, the character of which is being more and more plainly disclosed, their movement and direction more and more clearly defined.

To many this changing scene has seemed ominous. They have feared that the foundations of our politics were being threatened with disturbance. They have thought that they saw in what was happening about them a peril to business and to all the fixed conditions of our life. Some had even fancied that these conditions had been artificially produced; they have thought that they discovered in them the artful work of demagogues and disturbers of the public peace; of men who wished to produce unsettled conditions and set the various elements of society at loggerheads with one another. They have thought that irresponsible agitators were producing these conditions in order to accomplish their own reckless purposes. But no one who views the scene calmly and in the large, no one who sees it steadily and sees it whole, can really believe that these great, almost universal, movements of opinion have been produced in any such fashion. I do not see how anybody who has really studied and comprehended the situation of the country and the actual conditions of politics can look forward to the outcome with anything but hope and satisfaction.

The great progressive sentiment which now more and more dominates the country and only awaits its opportunity to determine the policies of the Government is not accidental, is not merely a passing phase expressive of the temperament of an eager people. It is a thing that has arisen steadily by natural and inevitable force, like the tides of the ocean.

The most profitable thing that we can do in order to reassure ourselves is to ask why this great body of progressive opinion has grown so strong, why it has spread to almost every part of the country. The facts are unmistakable enough. The history of the present administration has illustrated them at every turn. We have seen an honest and patriotic man in the presidential chair struggling with the rising power, involved in greater and greater difficulties, because he did not understand that power or comprehend the great purposes that lay behind it, and yet unable to curb it and seeming in spite of himself to increase its volume by the very acts attempted to check it. What has happened? What is it that the stand-pat ranks of the Republican Party vaguely battle with? Why is the country attempting to break away from old party formulas and blaze a new path for itself in politics under a changed leadership and by new measures of reform?

Because within less than a generation all the economic conditions of life and business in this country have changed almost beyond recognition, while our politics have all but stood still. There has been much controversy. There has been loud shouting as if upon a field of battle. Hosts have contended with each other, with the wild beating of arms, one against the other, but few definite adjustments of policy to changed conditions have been accomplished. Some measures of reform there have been, but there has been no steady, consistent force to give them their full effect, to guide them, to adapt them to conditions all along the line. It is as if the rising waters of progressive sentiment had gathered deeper and deeper, higher and higher, behind the stand-pat dam. Because no one knew how to release them was to invite destruction. The sum of the matter is that our life has changed and that our policies are belated. Our laws lag almost a generation behind our business conditions and our political exigencies.

Those who insist upon undertaking the adjustment, those who argue that our laws should be brought up to date—to the date marked upon the calendar of our economic advance and change—are called radicals, not because they would change the facts, but because they would adjust the law to the facts. The maladjustment which they point out is so great that men are startled at the picture and think that only extreme and hasty and violent measures may be thought adequate to meet the extraordinary circumstances which "radical" reformers pitilessly point out.

There is going to be no Johnstown flood: the dam is made of good, stubborn masonry, is not going to give suddenly away. It is, on the contrary, going to be gradually replaced by well-considered constructive engineering with new, well-ordered channels, into which the released waters may pass and in which as they run they may be used to turn the machinery of a still greater industrial organization than that which we have so far built up—an organization more justly put together, an organization whose parts shall be assembled and operated in a way more suitable to free opportunity and untrammeled achievement.

While the waters have piled up, the sediment of passion has settled in them; they have grown clearer. We have had time to comprehend and to think. While sentiment has beat against almost insuperable obstacles and has seemed again and again to be baffled by them, we have been obliged to study both the rising forces and the withstanding barriers. We see more, and we see more clearly than we ever did before. We shall now be able to relieve the strain like true and thoughtful engineers. We shall conserve while we readjust.

I think that every candid observer will corroborate this view of the matter. I do not perceive in the United States any dangerous volume of passionate dissatisfaction. It seems to me that the air grows clearer rather than thicker. There is no sign of storm on the horizon, but there are many signs of a hopeful and a better day. Those who once contended that nothing was the matter are now admitting that a great deal is the matter; that much has been done in the world of business and in the money market that ought not to have been done. They are growing willing to discuss the matter, to confer, to admit the necessity for remedies, and while their temper has changed the temper of reformers has perhaps grown more sober. They are beginning to discuss the practicable means of change in a more direct and businesslike way.

Recent investigations have been of the greatest service. They have disclosed and are disclosing, item by item, just the methods of business which have been most harmful and most unjust. I think they have opened the eyes of the very men who gave the testimony. A system of business and a system of finance have been laid bare which are manifestly inconsistent with the welfare of big business no less than with the welfare of the country at large.

It is evident that while great fortunes have been piled up and a great business development forced the true, permanent, economic interests of the country have not been served. There has been something abnormal about the process.

We see that somewhere near the center of the whole trouble lies the great system of governmental favors, which we call the tariff. Round about the tariff has been built up a body of business undertaking in which control has been too much concentrated. In order to maintain this control it has been necessary to be secure of the patronage of the Government, and so business has gone deep into politics. Legislative action has been controlled by special business interests. Party machinery has been used to serve private purposes and to make sure pecuniary profits. The whole normal process of government has been reversed, and government itself has come to be privately owned. The phrase may be exaggerated, but it is only the brief epitome of a state of affairs the main facts of which are only too plain.

And so progressives are drawing together, not to destroy anything, but to effect a wholesome readjustment, not hastily, not by any too extensive plan which runs beyond what we see and know; but item by item we must set the Government free from private control and set business free from private control, so that the economic courses of our life may run free again, and that with their freedom we may return to individual opportunity and open the gates to fresh, untrammeled achievement.

And the means will not be a doctrinaire program, but common counsel. We must extend the lines of our debate to every class of society. We must by one means or another hold a grand assize again of the whole Nation. We must find spokesmen for every class and interest, and with open mind go step by step toward the consummation we seek.

Surely this is a program to quicken every pulse and to draw all thoughtful, energetic, capable, patriotic men together for a common effort in the service of the country and of humanity. This is the gospel of the progressive.

ADDRESS OF GOV. WOODROW WILSON TO THE GENERAL ASSEMBLY OF VIRGINIA AND THE CITY COUNCIL OF RICHMOND, DELIVERED ON FEBRUARY 1, 1912.

The home-coming of Gov. Wilson to his native State of Virginia was one of the most notable occasions in the history of the old Commonwealth. A Virginian born and educated, he came back at the invitation of the general assembly of the State and the City Council of Richmond and spoke to more than 4,000 people in the city auditorium. The audience numbered, among others, Gov. Mann, Lieut. Gov. Ellyson, Speaker Byrd, of the house of delegates, the members of the general assembly, Mayor Richardson, the City Council of Richmond, and distinguished citizens of the State from every section.

The most notable feature of the occasion was the presence of the Wilson Club, of Staunton, the birthplace of Gov. Wilson. They came to Richmond on a special train over 300 strong, and, headed by a band, marched in a body to the Jefferson Hotel, where the governor received and welcomed them.

The Richmond Times-Dispatch said:

"He could have hoped for no happier home-coming. * * * Welcomed to the capital city of his native State as one of the jewels of whom Virginia is justly proud, Gov. Woodrow Wilson, of New Jersey, perhaps the next President of the United States, reported last night to his neighbors back home, in his own words, not about himself, but about the things he had seen while away."

He spoke as follows:

Your excellency, Mr. Speaker, your honor, gentlemen of the General Assembly of Virginia, and of the council of the city of Richmond, ladies and gentlemen: I face this great audience to-night with a mixture of emotions. I am glad to feel like a boy who has come home to report in some degree to his neighbors, not about myself, but about the things that I have seen or tried to see clearly happening in the great communities of which we constitute a part.

I am not going to hold the distinguished gentlemen who have introduced me responsible for the terms in which they have presented me to you. I am ready to believe, if anything should happen to me that is untoward, that they have uttered not a critical judgment, but have spoken according to the dictates of their hearts. They have been welcoming me home—they have not been telling you exactly what I am.

And yet the voice of a friend melts the heart and I, for my part, feel it very difficult here to-night to make an address from which the sentimental emotions that rise in me are left out. I have on my lapel a badge which, if I followed the dictates of good taste, perhaps I should not wear, for it bears my own name; but it was pinned on my coat by one of the delegation from Staunton, my native place [applause], and I know that you will indulge me in the sentiment which has led me to leave it there, not as a token of egotism, but as a token of my appreciation of the welcome which has been extended me.

You have been told to-night that the eyes of the Nation were centered upon me. I hope not. That is very awkward. [Laughter.] I do not like to believe that the eyes of the Nation are centered upon me. I do like to believe that the thoughts of the Nation are centered upon the great questions which I, among many others, have tried honestly and fearlessly to expound [applause], because we are just now seeking to show our devotion, not to persons but to a cause—a fundamental cause, a cause to which the whole history of America has been a commendatory example.

I could not stand before this audience of my one-time neighbors—for there are a great many men behind me, at any rate, if not in front of me, who have known me ever since I was a boy—and try to pose myself as an important figure. They would see through it. [Laughter.] I remember the story of an innocent old woman who went into the side show of a circus and saw, or supposed that she saw, a man read a newspaper through a 2-inch board. She got up in great excitement and said, "Here, let me out of here; this is no place for me to be with these thin things on." [Laughter and applause.] I fear that the disguise of greatness would be too transparent; and yet I do feel that every man should, who believes in the great ideals of this country and in their translation into action, stand up in every company and proclaim the

faith that is in him, so that by common counsel and by common action we may achieve something for this great Nation.

I have heard men complain of the changes of the times. I have heard men counsel that we stand still and do nothing. How futile the counsel is. Do you remember the quaint story of the Scottish Highlander who went into the market at Edinburgh, followed by his dog? He went to a fishmonger's stall and the dog incautiously dropped his tail into a basket of lobsters, and one of the lobsters nipped his tail. Whereupon the dog went yelping down the street, with the lobster bouncing after. The fishmonger said, "Hoot, mon, whussle to your dog." "Hoot," said the Scotchman, "whussle to your lobster." [Laughter and applause.]

Now, if you think some of your leaders are going too fast a pace, don't whistle to them. Whistle to the spirit of the age. Whistle to the questions that have whipped their consciences and dominated their understandings. They can not stop if they are going to keep up with the great transmutations of affairs. For, gentlemen, whether we have realized it or not, we have entered a new age, and I have comforted myself with the thought as I journeyed toward Virginia again, that Virginia had never been daunted by a new age; with however debonair and young and confident a genius, Virginia led a great Nation and helped to create a great Nation in a new age. [Applause.]

I have heard men say that it was un-American to criticize the institutions we are living under. I wonder if they remember the significance of the American flag—the first insurgent flag that was flung to the breeze—the flag that represented the most colossal "kick" that was ever taken in political transactions; a flag that I can not look at without imagining that it consists of alternate strips of parchment upon which are written the fundamental rights of man, alternating with the streams of blood by which those rights had been vindicated and validated. [Applause.] In the blue sky of the corner there are swung star after star of Commonwealths of free men who were setting up their own homes upon the principles of those vindicated rights.

Do you suppose that I will believe, or that anyone knowing the history of America or the history of Virginia will believe, that it is inconsistent with being an American and a Virginian to propose that you construct liberty for each successive age, and that if necessary you reconstruct liberty for each successive age? If I had happened to get that breath out of my lungs in my absence from the Old Dominion it would enter them again as I came back to her. [Applause.] I have not lost it elsewhere. The wholesome contagion has infected the whole of the great Nation. Do not suppose that the people of New Jersey have not seen visions, and dreamed dreams. Some gentlemen in some initial quarters wanted to suppress the dreams. [Laughter and applause.] It made the sleep of some men, in some quarters, uneasy that they should be haunted by those visions, but they never went out of the thought or the sleepless eyes of those great multitudes of men for whom happiness depends upon freedom, for whom self-respect depend upon freedom and principle, and in New Jersey as everywhere else they have drunk of those fountains which first began to flow in Virginia, those fountains by which we constantly renew our youth, and devote ourselves generation after generation to the preservation of the institutions of America.

I want, if possible, to explain to this great body of thinking persons the age in which we live, as it seems to me to present itself. Why, ladies and gentlemen, in our age every question is new. Every question that faces America is just as new now as were the questions that faced America in 1776. I do not mean that we are upon the verge of a revolution. I do not mean that passion is stirring which will upset the ancient foundations of our political order; but I do mean that life has changed under our very eye, so that what we do will have to be adjusted to almost absolutely new conditions, and I want that you will bear with me to point out just what I mean.

You know that one of the great questions that faces this great country is the question of conservation. Now, just what do you mean by conservation? Do you mean the big thing, or do you mean the little thing? The little thing, though big in itself, but little by comparison, is the renewal of our forests, the protection of our great water powers against further depletion, the safeguarding of our mineral resources against waste and extravagance, the keeping in store as long as may be of those things which can not be renewed, and may even within a generation, some of them, come to the point of exhaustion.

That is the question of conservation as most men discuss it; but is that all? It seems to me that the fundamental question of conservation in America is the conservation of the energy, the elasticity, the hope of the American people. [Applause.] I deal a great deal with friends, for I have had such friends all my life, who are engaged in manufacturing in this country, and almost every one of them will admit that while he studies his machinery, and will dismiss a man who overtaxes the machinery so that its bearings get heated, so that the stress of work is too much for it, so that it is racked and overdone, not a man of them dismisses a superintendent because he puts too great a strain upon the souls and hearts of his employees. [Applause.] We rack and exhaust and reject the man machine, and we honestly, economically, thoughtfully preserve the steel machine; for we can get more men—we have only to beckon to them; the streets are full of them wating for employment; but we can not, without cost, get a new machine.

Now, that kind of conservation is a great deal more than the question of overstraining the factories. If I knew my business and were a manufacturer, what would I do? I would create such conditions of sanitation, such conditions of life and comfort and health as would keep my employees in the best physical condition, and I would establish such a relationship with them as would make them believe that I was a fellow human being, with a heart under my jacket, and that they were not my tools, but my partners.

Then you would see the gleam in the eye, then you would see that human energy spring into expression which is the only energy which differentiates America from the rest of the world. [Applause.] Men are used everywhere, men are driven under all climes and flags, but we have boasted in America that every man was a free unit of whom we had to be as careful as we would be of ourselves. America's economic supremacy depends upon the moral character and the resilient hopefulness of our workmen. So I say, when you are studying questions of conservation, realize what you have been wasting, the forests, water, minerals, and the hearts and bodies of men. That is the new question of conservation. I say new, because only in our day has the crowding gotten so close and hot that there is no free outlet for men. Don't you remember that until the year 1890, every 10 years when we took the census, we were able to draw a frontier in this country? It is true that in what is called the golden age, 1849, when gold was discovered in California, we sent outposts to the Pacific and settled the farther slope of the Rocky Mountains. But between us and that slope, until 1890, there intervened an unoccupied space where the census map makers could draw a frontier. But when we reached the year 1890 there was no frontier discoverable in America.

What did that mean? That meant that men who found conditions intolerable in crowded America no longer had a place free where they could take up land of their own and start a new hope. That is what that meant, and as America turns upon herself her seething millions and the caldron grows hotter and hotter, is it not the great duty of America to see that her men remain free and happy under the conditions that have now sprung up? It is true that we needed a frontier so much that after the Spanish War we annexed a new frontier some 7,000 miles off in the Pacific. But that is a long cry, and it takes the energy of a very young man to seek that outlet in the somewhat depressing climate of the Philippines.

So we now realize that Americans are not free to release themselves. We have got to live together and be happy in the family. I remember an old judge who was absolutely opposed to divorce, because he said that a man will be restless as long as he knows he can get loose [laughter], but that so soon as it is firmly settled in his mind that he has got to make the best of it, he finds a sudden current of peace and contentment. Now, there is no divorce for us in our American life. We have got to put up with one another, and we have got to see to it that we so regulate and assuage one another that we will not be intolerable to each other. We have got to get a modus vivendi in America for happiness, and that is our new problem. And I call you to witness it is a new problem. America never had to finish anything before; she has been at liberty to do the thing with a broad hand, quickly, improvise something and go on to the next thing; leave all sorts of waste behind her, push on, blaze trails through the forest, beat paths across the prairie. But now we have even to stop and pave our streets; we are just finding that out. I suppose it was good for the digestion to bump over the old cobblestones, but it was not good for trade, and we have got to pull up the cobblestones and make real sidewalks that won't jolt the life out of us. Let these somewhat whimsical comparisons serve to illustrate what I am talking about.

Now, there is another new thing in America, and that is trade. Will you laugh at me and say, "Why, America has been supreme in trade ever since she was created." Has she? We have traded with one another, but we have traded with nobody else in proportions worth mentioning. Yes; we have in grain, in the great foodstuffs, but do you know what is happening? Our foodstuff exports, our grain exports are falling, falling, falling, not because we produce less, but because we need more ourselves. We are getting nearer and nearer to the point where we will ourselves consume all that our farms produce. Then we will not have anything with which to pay our balance, will we? Yes, we will; because while our exports of grain have been falling, our exports of manufactured articles have been increasing by leaps and bounds.

But under what circumstances? Long ago, after we had forgotten the excellent things that the first generation of statesmen had done for us in America, we deliberately throttled the merchant marine of the United States, and now it is so completely throttled that you are more likely to see the flag of the little kingdom of Greece upon the seas than the flag of the United States. And you know that the nation that wants foreign commerce must have the arms of commerce. If she has the ships, her sailors will see to it that her merchants have the markets. I am not arguing this to you, I am telling you, for the facts, if we look but a little ways for them, will absolutely demonstrate this circumstance, that we have more to fear in the competition of England, Germany, and France, because of the multitude of English, French, and German carriers upon the sea than we have to fear from the ingenuity of the English manufacturers or the enterprise of the German merchants.

Anybody who has dealt with railroads knows what I am talking about. Railroads in America have made and unmade cities and communities, have they not? They would do it now if they were not watched by the Interstate Commerce Commission. We are obliging them to work without discrimination now, but they at one time discriminated as they pleased, and they determined where cities were to grow and where cities were to decay.

Very well. The same thing is happening upon the high seas. The foreign carrier can tell you where you can go and where you can not go. He can discriminate against you and in favor of his own merchants and manufacturers, and he will, because he does.

And while all this is going on, and we lack the means, we are fairly bursting our own jacket. We are making more manufactured goods than we can consume ourselves, and every manufacturer is waking up to the fact that if we do not let anybody climb over our tariff wall to get in, he has got to climb to get out; that we have deliberately domesticated ourselves; that we have deliberately cut ourselves off from the currents of trade; that we have deliberately divorced ourselves from world commerce; and now, if we are not going to stifle economically, we have got to find our way out into the great international exchanges of the world. There is a new question.

I was speaking in Boston the other evening at a real-estate exchange, and I asked those gentlemen what is going to keep real-estate values in Boston steady? I asked them if they realized what was likely to happen after the year 1915. You know that in that year it is likely that the great ditch in the Isthmus will be open for commerce. We are not opening it for America, by the way, because we haven't any ships to send through it; we are opening it for England and Germany. [Applause.] We are pouring out American millions in order that German exporters, English exporters, and French exporters may profit by our enterprise; and when that is done, of course something is going to happen to America. I asked those gentlemen in Boston if, after that was done, the arteries of trade in this country would continue to run east and west? Some great arteries are going to open north and south. The great valley of the Mississippi is to be the home of teeming industries and of a ceaseless commerce. And then I wonder sometimes if it will not be colder still in the northeastern section of this country where Boston is situated. Those east winds, of which they are fond, will not bring them increasing commerce, perhaps, but they will hear the throb of that great heart in the center of the continent, which is shifting the center of gravity, which is throwing into different arteries the course of the blood of the great commercial world. Does that strike you as something happening in America that you can not sit still and neglect? Hadn't you better "whussle to the lobster"? Don't whistle to the dog, but whistle to the lobster, if you think it will do any good, but I have never enticed a lobster by whistling.

There is another new question in America, and that is the question of business. Business is in a situation in America that it was never in before; it is in a situation to which we have not adjusted our laws. Our laws are still meant for business done by individuals; they have not been satisfactorily adjusted to business done by great combinations, and we have got to adjust them. I do not say we may or may not, I say we have got to, there is no choice. If your laws do not fit your facts, the facts are not injured, the law is damaged; so much the worse for

the law, because the law, unless I have studied it amiss, is the expression of the facts in legal regulation. Laws have never altered the facts; laws have always necessarily expressed the facts, adjusted interests as they have arisen, and changed to one another.

When before, in the history of America, were the Congress of the United States and the legislature of every State called upon in every session to intervene in the regulation of business? Never before our own age.

Now, why is all this happening? Why has business taken on a new aspect in America? Why does it wear a face with which we are only by degrees becoming familiar? For a very interesting reason. An ever-diminishing circle of men exercise a control in America with which only the Government itself can compete.

I am not one of those, ladies and gentlemen, who speak of the interests in big letters as if they were enemies of mankind. I know the natural history of the interesta, and they grew just as naturally as an oak grows; some of them grew just as naturally as a weed grows. [Laughter.]

I am not here to enter an indictment against business. No man indicts natural history. No man undertakes to say that the things that have happened by operation of irresistible forces are immoral things, though some men may have made deeply immoral use of them. I am not here to suggest that the automobile be destroyed because some fools take joy rides in it. I want to catch the fools. I am not here, in other words, to suggest that the things that have happened to us must be reversed, and the scroll of time rolled back on itself. To attempt that would be futile and ridiculous. I am here to point out as clearly as I can what I believe to be the facts, and what most of you know to be the facts, because some of you have been considering these things longer than I have, and I have no doubt that you have seen things clearer in 20 years than I have seen them in 20 months. I am not talking about things distant; I am talking about things that I have seen with my eyes and handled with my hands.

Now these things, if you will allow me to express them briefly—and to express them briefly means to express them imperfectly—these things amount to this, that a comparatively small number of men control the raw material of this country; that a comparatively small number of men control the water powers that can be made useful for the economical production of the power to drive our machinery almost entirely; that that same small number of men, by agreements handed around among themselves, control prices, and that that same group of men control the larger credits of the country.

Do you know that nobody can undertake the larger kind of undertakings without their approval and consent? There are very few men who can afford to stand up and tell you that, because there are very few men in my happy condition. I have not any note in bank. [Applause.] I live within my income and I can not be punished for what I say. [Applause.] But I know perfectly well, and I have been told by men who dared not speak above their breaths with regard to it for fear they would be punished, that I could not start a great enterprise in this country that needed a million or more of money to start it unless I made an agreement and combination with certain gentlemen who control the great credits of the country.

Now I am not hot in my mind against these gentlemen. They used the opportunities which we accorded them, and they have got us. Some of them are just as patriotic, just as public spirited, just as honest as any man in America. But when you have got the market in your hand, does honesty oblige you to turn the palm upside down and empty it? If you have got the market in your hand and believe that you understand the interest of the country better than anybody else, is it patriotic to let it go?

I was trying to analyze the other day what a Republican is. [Laughter.] I do not want to say anything about that great body of my fellow countrymen in various parts of America who have formed the bad habit of voting the Republican ticket. They are not the men I am talking about, but the Republican leaders, the men who establish the ideals and policies of that party, how would you describe them? Why, I would say that they are men who actually believe that the only men whose advice it is safe to take with regard to the happiness and prosperity of America are the men who have the biggest material stake in the enterprises of America. They believe, therefore, that America ought to be governed by trustees [applause], and that those trustees are the managers of the oldest and greatest "vested interests" of the country. That is a workable theory, that is a theory that has obtained time out of mind. It happens, though these gentlemen have forgotten it, that America was established to get rid of it, but, having forgotten that, reading only the older books, I dare say, reading back of the birth of America, they say that there are only a few men with grasp enough of affairs and knowledge enough of what are the bases of prosperity to run a big, complicated Government like this.

Now, as a Democrat [applause], I define myself by absolutely protesting against that view of public affairs. I will not live under trustees if I can help it. [Applause.] No group of men less than the majority has a right to tell me how I have got to live in America. I will submit to the majority, because I have been trained to do it, though I may have my private opinion even of the majority; but, being a dyed-in-the-wool Democrat, I am proud to submit my judgment to that majority of my fellow citizens.

I know that there are some gum-shoe politicians in both camps who do not agree with that theory at all. They say, "You need not say much about it out loud, but we have got to run these people; this enterprise of free government has to be personally conducted [applause]; that the people want this or that we do not deny, but they do not know what is good for them."

So there are two theories of trusteeship, a trusteeship of the big interests and a trusteeship of the machine. I do not see my way to subscribe to either kind of trusteeship. Not that I am an insurgent, because I believe in organization; I believe that party success is impossible without organization; but I make this distinction between organization and the machine—organization is a systematic cooperation of men for a common purpose, while the machine is a systematic cooperation of men for a private purpose. [Great applause.] I know what I am talking about, because we have a perfect specimen in New Jersey.

Now I know what supports the machine, because I have seen them eat out of a spoon. It is a golden spoon, and I have seen the nurse that fed them, and I have seen that nurse absolutely impartial as between the Republican machine and the Democratic machine [laughter and applause], and the price of the food, the price of the nutrition, is that the machine will be good; that it will see that nothing is done that will hurt the nurse; that nothing is done which will interfere with the private understanding that is established in the nursery.

Now, this is our problem. We have got to set to work now systematically to conserve every resource and every energy of America. We have got to realise that an absolute readjustment of trade is necessary, and that that is an irresistible battering-ram that is battering at the wall of the tariff.

The tariff is not the question it was a generation ago. I hear gentlemen make speeches now who do not know that, but it is not. They talk as if it was a question of protecting us from external competition, while internal competition keeps prices down; and I happen to know that there is not any internal competition. [Applause.] And I happen to know that this great, irresistible energy of America is doing more than it can keep within its own shops and limits, and therefore it has got to be released for the commercial conquest of the world. Say what you will, whether you are abstractly for protection or against it, you have got to legislate for the release of the energies of America.

Then, in the next place, there is the whole matter of business adjustment. Our laws are just about a generation belated, as compared with economic conditions not only, but as compared with what other advanced nations have done to bring about adjustment. Progressive America is belated, has lost its leadership in the handsome competition to show the world the way out of its difficulties.

That is the problem, and that is the reason I say that the twentieth century is better worth living in than any century that has turned up in our recollection, and that is the reason I return with confidence to Virginia and say: "You remember that your men saw such an age when this Government was set up; is she daunted now to see another age that calls for constructive statesmanship; has she less vision now; has she lost courage now; has she lost the indomitable integrity now that she had then?" I wonder what will happen when Virginia sees these things with the veil withdrawn from her eyes. She will rejoice as a bridegroom coming out of his chamber; she will say, "Here is an age fit for Virginia again."

Now, what are we going to do about it?

A VOICE. Elect Wilson. [Applause.]

Mr. WILSON. I hoped that you would not hear that. What is our problem? First of all, in order to move carefully, we have got to move by standard, have we not? You can not launch out and trust to the currents. You have got to have something to steer by. You have got to know whither you are bound.

You know that curious expression, that very erroneous expression we have, when a man has lost his way in a forest or a desert. We say he has lost himself. Did you ever reflect that that is the only thing he has not lost. He is there, but what is lost is all the rest of the world. If he knew any fixed thing in his neighborhood and knew whether it was east of him, or north of him, or south of him, or west of him, he could steer; but he has lost even the points of the compass. He does not know how he is related to the universe. Now, unless you have a standard to steer by, you are lost; how would you know in which direction to steer, and where you are going? If I want to go in that direction this way is not my road. I have got to know whither I am bound and what landmarks to guide myself by.

Do we lack landmarks in America after all those ancient principles which we have set up like secret temples in which to go and worship and compose our spirits?

In the first place, we have the standards of liberty and equal opportunity. In the second place, we have this standard that the people are entitled to a government which represents them. [Applause.] And in the third place, they are entitled to government by that government which is in the common interest and not in the interest of special privilege.

Are not these the temples of liberty in which we have worshiped? Will any man be charged justly with trying to upset the institutions of America who works in the spirit of the worship of those principles?

What is liberty? You say of a great locomotive engine that it runs free. What do you mean? You mean that its parts are so assembled and adjusted that friction is reduced to a minimum, and that it has perfect adjustment. What do you mean by saying that a boat sails free? Do you mean that she is independent of the great breath that is in the heavens? Do you not mean that she has accommodated herself with graceful obeisance with the winds? Throw her up in the wind and see her shiver in every stick and stitch of her, while, as a seaman would say, she is held in irons. But let her fall off, let her bow to the majesty of nature, and then she is free in her adjustment. Let these serve as images.

Human freedom consists in perfect adjustment of human interests to one another. The whole problem is a problem of adjustment, reducing the friction; not reducing it by mere lubrication [applause]; not reducing it by merely pouring in the oil of money and persuasion and flattery; but by so adjusting the parts that they love to cooperate, that they never buckle up, that they never grow so hot that we can not move the machine at all without danger. And unless there is this perfect adjustment there will not be given that opportunity without which men can not draw a full breath or live a day without despair. Let any group of men have the right to say to others, "You must come to us before you can do anything," and see how long America will be considered a place worth living in by free men.

Our standards, therefore, are these, and we must fearlessly use them—we must say to ourselves, "We are going to reject everything that does not square with those things."

Now, what is the fact? I am happy to believe that Virginia has so far been spared the mortifying experience that has come upon some other States. A great many of the States of this Union, ladies and gentlemen, have been privately controlled. There has not been an adjustment, there has not been free opportunity, there has not been government that represented the people, there has not been government in the common interests. When changes are proposed in those Commonwealths, do not fall upon those who propose them and say they are changing the character of our Government; or, if you do, admit they are changing it back from what it has become to what it was originally intended to be. [Applause.] No man that I know of and trust; no man that I will consent to consort with, is trying to change anything fundamental in America. But what means have we of change? Suppose that every time you try to change your government, you have the experience that the enterprising people of New Jersey had for 16 years together, when to choose between one ticket and another ticket was to choose between tweedle-dum and tweedle-dee. Suppose that every time public opinion unmistakably expressed itself, something invisible, something intangible, something that you could not get at, intervened between you and the action upon which you had determined, then what image would arise in your mind? That you are disappointed in your institutions as they were established? No. That you are mortified because of the change that has come over your institutions by the extent to which they have been debased.

Now, you have got to choose between one of two things. I never saw this as I see it now until I came into actual, practical contact with the administration of a great State. I thank God that I have learned some-

thing in the last 18 months, and what I have learned is this: That you have got to choose between two courses, either constructive leadership which you will stand behind to the limit, or else a resort direct to the people themselves. There are no other ways.

What does it mean, ladies and gentlemen, that all over the United States people are demanding of their governors and of their President that they take the affairs of those people in their own hands, demanding of them leadership, not satisfied that they are honest, merely; not satisfied with their good intentions, merely, but demanding of them that they shall translate their intentions into such persuasive government that nothing can withstand them as spokesmen of the people? That is what America is demanding.

I want to tell a story, if you will allow me—I have told it very often, but most of you probably have not heard it. While Mr. Roosevelt was President I boarded a train near my home one day and I found one of the gentlemen who were then Senators from New Jersey on the train. I dropped into the seat beside him. I found him in a very bad humor. I said, "Senator, what is the matter?" "Oh," he said, "I wish the Constitution had not given the President the right to send messages to Congress." "Why," I said, "Senator, you are barking up the wrong tree. That is not what is the matter. The trouble is that the President publishes his messages, and if the country happens to agree with him it does not stop to hear what you have to say." The President is the only member of the Government of the United States elected by the whole people of the United States; he is the only one whose utterances go into all the newspapers of the United States; and, inasmuch as he has a universal audience and nobody else has, nobody can answer him; and if he happens to speak the opinion of the country nobody can resist him. [Applause.] America has got the zest for that in its imagination, and it is unquiet if it does not get a President that will do that sort of thing; and I will tell you, having ridden a restive State myself, that the people in most of the States are very uncomfortable and full of protest if their governors do not do it. They do not want their governors to exercise any unconstitutional power; but what is a more constitutional power than the power of public opinion? What is more persuasive and irresistible than the voice of universal conviction? That is the force that can bring back representative government in America where it has been lost. Thank God there are a great many places where it has not been lost. It is a local question; it is a question which each community can settle for itself.

But if you can not get constructive leadership, then what? If every time you try it, somebody defeats the purpose which your leader expresses, what are you going to do about it?

I want to read you a passage from the Virginia Bill of Rights, that immortal document which has been a model for declarations of liberty throughout the rest of the continent:

"That all power is vested in and consequently derived from the people; that magistrates are their trustees and servants, and at all times amenable to them."

Did you ever hear the doctrine put more flatly?

"That government is, or ought to be, instituted for the common benefit, protection, and security of the people of the Nation or community; of all the various modes and forms of government that is the best which is capable of producing the greatest degree of happiness and safety and is the most effectually secured against the danger of maladministration; and, when any government shall be found inadequate or contrary to these purposes a majority of the community hath an indubitable, inalienable, and indefeasible right to reform, alter, or abolish it in such manner as shall be judged most conducive to the public weal."

I have heard that read a score of times on the 4th of July, but I never heard it read where actual measures were being debated. [Applause.] Now, I am willing to come back to Virginia and stand with George Mason on the Bill of Rights. When I do that I have got native soil under my feet, soil more fertile for the growth of liberty than any soil that can be compounded. [Applause.] And I say that if we can not get constructive leadership—and we can if we will—then we have our solution in the Bill of Rights, "A majority of the community hath an indubitable, inalienable, and indefeasible right to reform, alter, or abolish it as may be judged most conducive to the public weal." I do not propose anything of that sort—I do not believe it is necessary—but I do like a gun behind the door. [Applause.] I do like to say to people, "Well, if you can't bring the game down any other way, go and get your gun."

There are wise and unwise ways of shooting. I had rather pepper the animal than kill him; I had rather touch him once than deprive him of vitality. But you can load your gun according to your own taste; you do not have to put buckshot in it, you can put the smallest birdshot in it that you can find, and then at your leisure afterwards pick it out of the hide. But always remember that behind you like a bulwark is that bill of rights that you have the right to any kind of government you please to have. That is the kind of insurgent I am, because all the while I remember the temper of America. I honestly believe that a better Nation, more long enduring, more patiently suffering, more conservative people does not exist upon God's planet. I am not afraid of the American people getting up and humping themselves; I am only afraid they will not; and when I hear of popular vote spoken of as mob government, I feel like telling the man who utters that that he has no right to call himself an American. [Applause.] Just picture to yourselves, ladies and gentlemen, the great voting population of Virginia, from the sea to the far borders in the mountains, going calmly, man by man, to the polls, expressing their judgment about public affairs, and ask yourselves if that is your image of a mob.

What is a mob? A mob is a body of men in hot contact with one another, moved by a single, ungovernable passion upon doing a hasty thing that they will regret the next day. Do you see anything resembling a mob in that voting population of the countryside, men tramping over the mountainside, men going to the general store up in the village, men going in little conversing groups to cast their ballots—is that your notion of a mob, or is that your picture of free, self-governing people?

I am not afraid of the judgments so expressed if you give men time to think, if you give them a clear conception of the things they are to vote for; because the deepest conviction and passion of my heart is that the common people, by which I mean all of us, are to be absolutely trusted. [Applause.] The peculiarity of some representatives, particularly of the Republican Party, is that when they talk about the people they obviously do not include themselves. Now if, when you think of the people, you are not thinking about yourself, then you do not belong in America. I, on the other hand, am liberal and generous enough, when I speak of the people, to include them. [Applause.] They do not deserve it, but then I can not, if I am true to my principles, exclude them; they have got to come in. You know that delightful expression Horace Greeley, who was one of the general advocates of a general amnesty to the southern people, made use of in an eager argument one day. He said, "You know we have got to forgive them, damn them." [Laughter and applause.] That is the only working program. You can not have the people unless you include everybody, and therefore I am ready to admit everybody.

When I look back at the processes of history, when I look back at the genesis of America, I see this written over every page, that the nations are renewed from the bottom, not from the top; that the genius which springs up from the ranks of unknown men is the genius which renews the youth and energy of the people; and in every age of the world, where you stop the courses of the blood from the roots, you injure the great, useful structure to the extent that atrophy, death, and decay are sure to ensue. That is the reason that an hereditary monarchy does not work; that is the reason that an hereditary aristocracy does not work; that is the reason that everything of that sort is full of corruption and ready to decay.

So I say that our challenge of to-day is to include in the partnership all those great bodies of unnamed men who are going to produce our future leaders and renew the future energies of America. And as I confess that, as I confess my belief in the common man, I know what I am saying. The man who is swimming against the stream knows the strength of it. The man who is in the melée knows what blows are being struck and what blood is being drawn. The man who is on the make is a judge of what is happening in America, not the man who has made; not the man who has emerged from the flood, not the man who is standing on the bank looking on, but the man who is struggling for his life and for the lives of those who are dearer to him than himself. That is the man whose judgment will tell you what is going on in America, and that is the man by whose judgment I for one wish to be guided [applause], so that as the tasks multiply and the days come when all will seem confusion and dismay we may lift up our eyes to the hills out of these dark valleys where the crags of special privilege overshadow and darken our path, to where the sun gleams through the great passage in the broken cliffs, the sun of God, the sun meant to regenerate men, the sun meant to liberate them from their passion and despair, and to lift us to those uplands which are the promised land of every man who desires liberty and achievement.

The Clerk read as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to cause to be set apart and reserved for school, park, and other public purposes not more than 5 acres of the lands not heretofore disposed of, within each of the town sites of Timber Lake and Dupree, in that portion of the Cheyenne River and Standing Rock Indian Reservations in the States of South Dakota and North Dakota, authorized to be disposed of under the act of May 29, 1908. Patents shall be issued for the lands so set apart and reserved for school, park, or other public purposes to the said municipalities of Timber Lake and Dupree: *Provided*, That the purchase price of all town lots hereafter sold under the supervision of the Secretary of the Interior in the said town sites of Timber Lake and Dupree shall be paid at such times and in such installments and upon such terms as he may direct, and he shall cause 20 per cent of the net proceeds arising from such sales to be set apart and expended under his direction in the construction of schoolhouses or other public buildings or improvements in the respective town sites in which lots are sold.

Mr. MANN. I move to strike out the last word. I should like to ask the gentleman from South Dakota [Mr. BURKE] whether the existing law provides that the purchase price of town sites shall be paid at such times and in such installments and upon such terms as the Secretary of the Interior may direct, or whether this is a change of the law with reference to that?

Mr. BURKE of South Dakota. In the recent bills that have been passed, my recollection is that we have provided that the sales shall be subject to terms that the Secretary of the Interior may prescribe, on the theory that the lots sell more advantageously if sold on time rather than for cash.

Mr. MANN. Did the original act in this case provide for cash sales?

Mr. BURKE of South Dakota. The original act in regard to the selling of town sites, as I recall it, provided for cash sales, but I am not certain about it. It was passed in the Sixtieth Congress and I was not a Member at that time. Mr. Chairman, in view of what has been said, I offer the amendment which I send to the Clerk's desk.

The Clerk read as follows:

Page 2, line 11, after the word "in," strike out the words "the construction of schoolhouses" and insert in lieu thereof the words "payment of schoolhouses that may have been or may hereafter be constructed."

Mr. MANN. Is it the intention of the gentleman to have this 20 per cent used in payment for existing schoolhouses?

Mr. BURKE of South Dakota. When I introduced the bill I did not take into consideration the fact that the schoolhouses were already constructed. I only offer the amendment at the suggestion of some of the gentlemen who have participated in the debate, who suggested that it might be well to provide that it could be so used in case the schoolhouses have not been paid for. I am not going to insist upon it. Personally I am satisfied with the language of the bill as introduced.

Mr. MANN. Does the gentleman's judgment tell him that we would be justified in devoting the 20 per cent to such a purpose?

Mr. BURKE of South Dakota. I will say to the gentleman frankly that I have not given it any consideration, and perhaps it would be better to withdraw the amendment. I do not care particularly about it myself. I think I will withdraw the amendment.

The CHAIRMAN. If there be no objection the amendment will be withdrawn.

Mr. KENDALL. I want to ask the gentleman from South Dakota if he has given consideration to the suggestion advanced by the gentleman from Wyoming [Mr. MONDELL] as to the propriety of transferring this fund to the local municipality?

Mr. BURKE of South Dakota. I will say to the gentleman that I have given that considerable thought, and have concluded that unless it was left under the supervision of the Secretary of the Interior it is very doubtful if we could secure the legislation at all, because possibly the money might be used for purposes not contemplated by Congress.

Mr. KENDALL. There would be no difficulty in securing the passage of the bill.

Mr. BURKE of South Dakota. There might be difficulty, because bills do not always become laws that pass both Houses of Congress.

Mr. KENDALL. Is there not a substantial depletion of the fund under the system the gentleman proposes in the way of expenses incurred by the Department of the Interior?

Mr. BURKE of South Dakota. The theory is that this money being taken from the proceeds of the sales of the lots, and the proceeds going indirectly to the Indians, that the Secretary of the Interior ought to supervise that portion of it, as he is the representative of the Indians.

Mr. KENDALL. This experiment has been tested in Oklahoma, as I understand it, and I want to inquire of the gentleman from Oklahoma [Mr. FERRIS] what per cent of the funds derived from the sale of these lands was absorbed in the expenses of the Interior Department?

Mr. FERRIS. If the gentleman will yield to me, I will gladly give him what information I have on the subject. We have had some practical experience with this, and I think it is the best of judgment to let the Secretary of the Interior do it. That does not allow half a dozen divergent interests to pull and haul over the fund, to say in what part of the town it shall be expended, and so forth. The Secretary of the Interior sent a man down there who modestly and unassumingly did a good job of it. The legislation referred to caused lots to bring fully half more than they otherwise would have brought. The auctioneer would say, "So much for the Indians and so much for the Lawton." It helped secure a larger sum for the Indians and left the town with two good schoolhouses. I think it would be very unwise to turn this over to the local community. The department has men who are competent men who will go down there and work in conjunction with the Commercial Club and the city council and do what is right. I do not think there is any objection that will ever come from that method.

Mr. KENDALL. The gentleman from Oklahoma has talked very entertainingly, as he always does, but he has not given us any information as to the per cent of the money that was absorbed by the Interior Department in administration.

Mr. FERRIS. I do not have it in dollars and cents, but it must have been a very small amount. They had but one man who came there and who only remained during the construction. I do not think he fooled away a moment's time, and he went away immediately after the job was completed. I do not think any criticism could be raked up on that question. He left us two nice school buildings, erected at a reasonable price, and there has been no scandal or criticism resulting from it.

Mr. BURKE of South Dakota. There is no amendment pending, Mr. Chairman, and unless somebody offers one I shall move that the committee rise.

Mr. MONDELL. Mr. Chairman, I move to strike out the last word. I am somewhat amazed, Mr. Chairman, at the lack of confidence in the people exhibited by the gentlemen around me.

Mr. MANN. On which side?

Mr. MONDELL. On both sides. Gentlemen seem to think that some one in the Interior Department is more capable of building schoolhouses and bridges and repairing streets in American municipalities than are the people who live in the municipalities. We have heard a great deal of late of "government by the people," and now we have a concrete proposition whether we shall allow the people to govern themselves and to make their own expenditures for schoolhouses, and improvements of roads, and the building of bridges, in their own towns, or whether it shall be left to a bureau here in Washington.

I have no doubt but that the bureau will do the best it can, and I have no doubt but what the operation of the bureau in the Lawton case, referred to, was entirely satisfactory. I want to call the gentleman's attention to the fact that this is a very different case from the case of the Lawton lots. There there was an auction of a large number of lots and a considerable sum of money was secured, which was all to be expended in new buildings. It is entirely possible that it was best to have it expended by the Secretary of the Interior, although, as far as I am concerned, I am one of those who believe that the good people of Lawton could have spent it just as well as, and probably a little better than, any agent of the Federal Government. I trust the people.

Mr. MANN. But do they trust the gentleman from Wyoming? [Laughter.]

Mr. MONDELL. Some of them must, or I would not be here. I think we can trust the people of these municipalities to expend the small amount they may receive from the sale of the town lots.

Mr. CAMPBELL. Will the gentleman yield?

Mr. MONDELL. I can not; I have but little time. Here are small country towns in which, from time to time in the future, lots will be sold and a few hundred dollars will be realized from the sale of those lots. Twenty per cent of that will be reserved, which may amount to $150 or $250, or in the course of years $500, but according to some gentlemen the people are not competent to expend that princely sum of money, and so we must have an employee of a Federal bureau go out there and tell them where they want their schoolhouses and where they want other public buildings, what roads shall be graded, and what bridges should be built. The employee will, of course, remain during the expenditure of the money, and thus a considerable portion of it will be absorbed in the expense of administration.

The gentleman from Oklahoma thinks that the Interior Department did not absorb a considerable amount of the Lawton fund in administration. Perhaps not, but I think if the gentleman will refresh his memory he will recall that there were cases in Oklahoma where a considerable portion of the sums received was absorbed in administration. The traveling expenses of a representative of the department going from here to South Dakota and back, his necessary residence there for a number of weeks or months while these improvements are going on, will absorb a considerable portion of any returns from the sale of the town lots. It does seem to me that when we are giving these people a small portion of the receipts from the sale of the town lots in their town, as it is proper that we should do, we may very properly turn these sums over to them and allow them to use them as they use their other municipal funds. The gentleman from Minnesota may not trust the people of these small towns in the expenditure of their own money, but I do. I think that the history of small American municipalities at least justify us in trusting the people to expend their own money.

Mr. STEPHENS of Texas. Mr. Chairman, I move that the committee do now rise and report the bill to the House with the recommendation that it do poss.

The motion was agreed to.

Accordingly the committee determined to rise; and the Speaker having resumed the chair, Mr. MORRISON, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee had had under consideration the bill H. R. 45, affecting the town sites of Timber Lake and Dupree, in South Dakota, and had directed him to report the same back with the recommendation that it do pass.

The SPEAKER. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

On motion of Mr. STEPHENS of Texas, a motion to reconsider the vote whereby the bill was passed was laid on the table.

CHANGE OF REFERENCE.

By unanimous consent, the Committee on the Judiciary was discharged from further consideration of the bill (H. R. 22339) to regulate the method of directing the work of Government employees, and the same was referred to the Committee on Labor.

WINNEBAGO INDIANS.

Mr. STEPHENS of Texas. Mr. Speaker, I call up the bill (H. R. 18849) for the relief of the Winnebago Indians of Nebraska and Wisconsin, and ask unanimous consent that the bill be considered in the House as in the Committee of the Whole House on the state of the Union.

The SPEAKER. The gentleman from Texas calls up a bill and asks unanimous consent that it be considered in the House as in Committee of the Whole. Is there objection?

Mr. MANN. Mr. Speaker, I think we better go into the committee.

The SPEAKER. The gentleman from Illinois objects. The House will automatically resolve itself into the Committee of the Whole House on the state of the Union, and the gentleman from Mississippi [Mr. STEPHENS] will take the chair.

Accordingly the House resolved itself into the Committee of the Whole House on the state of the Union for the consideration

of the bill H. R. 18849, with Mr. STEPHENS of Mississippi in the chair.

Mr. STEPHENS of Texas. Mr. Chairman, I ask unanimous consent to dispense with the first reading of the bill.

The CHAIRMAN. Is there objection?

There was no objection.

Mr. STEPHENS of Texas. Mr. Chairman, this bill has been introduced and reported by the gentleman from Nebraska [Mr. STEPHENS], and I yield the floor to him for an explanation of the bill.

Mr. STEPHENS of Nebraska. Mr. Chairman, this bill simply completes the act that was passed by Congress in 1909 for the capitalization of the Winnebago fund. There are two branches of these Indians—one in Wisconsin and one in Nebraska. From 1864 to 1875 the Interior Department made a mistake in the distribution of the annuities belonging to these two branches of this tribe of Indians. The department paid to the Nebraska Indians the entire annuity. As the result of this error—it was discovered in 1875, I think—it was necessary for the department to withhold each year the sum of $7,000 out of the annuities due the Winnebago Indians of Nebraska until their debt to the Wisconsin branch was canceled. This was done for a period of years, until the debt was reduced to something like $41,000. The department now finds itself unable to adjust this indebtedness without further legislation. The department recommended the passage of this bill, and the committee has reported it out. Since the committee reported the bill we have had a communication from the department suggesting an amendment, which I shall offer later. There is nothing to this bill, as I understand it, except giving the Interior Department authority to adjudicate the differences between these two branches of the Winnebago Tribe of Indians. If there are no questions in regard to the matter, I have nothing further to say.

Mr. MANN. Mr. Chairman, I would like to ask the gentleman a question.

Mr. STEPHENS of Nebraska. I yield to the gentleman from Illinois.

Mr. MANN. The bill provides that after ascertaining the fund the Secretary of the Interior may expend said fund—

for their benefit, in such manner, including the purchase of lands for said Indians, as he may deem proper, or, in his discretion, to distribute said fund, or any part thereof, per capita among said Indians.

Do we give as broad an authority as that to the Secretary of the Interior in respect to any other Indian fund?

Mr. STEPHENS of Nebraska. I think so. I think that all similar Indian funds are distributed under the direction of the Secretary of the Interior. Especially where the competency of the Indians is questioned.

Mr. MANN. The gentleman may be correct, but that language struck me when I read it as being new—authorizing the Secretary to expend a fund for the benefit of the Indians in such manner as he pleases, absolutely, without any restriction upon his authority, to pay them a part of the money or to pay them all of the money or to buy land for them or to expend it in any way he sees fit. I think it is unusual to give such broad authority to the Secretary in reference to Indian funds.

Mr. STEPHENS of Nebraska. I will say to the gentleman from Illinois that the Interior Department has in charge the expenditure of the annuities of all the Indians that I know anything about, and he expends those annuities according to his discretion; and the Indians in my own State, the Winnebagoes, referred to in this bill, and the Omaha Indians, are classified by the department. A competency commission was appointed, and those Indians are classed in three departments—the incompetents, those who are subject to the supervision of the department, and those who are allowed to expend their funds in the manner they may see fit. Those are the Indians who have been allotted their lands and have title in fee.

Mr. MANN. Mr. Chairman, the gentleman may be correct in the main, but unless my recollection is at fault, which it frequently is, I regard the authority granted here broader than is customary. In appropriation bills we necessarily give a great deal of discretion to the Secretary of the Interior.

It seems to me it is not necessary to generally provide that the Secretary, when he ascertains the funds due to a tribe—and of course that would apply to any funds in the hands of the Treasury in any other case—can expend it as he pleases, purchase land with it, pay them all or a part of it. There seems to be no limitation whatever upon the Secretary of the Interior. If that is the usual language, I have not a word to say about it.

Mr. STEPHENS of Nebraska. That is absolutely the usual thing.

Mr. MANN. I think the gentleman is entirely mistaken about that. I am very confident in respect to that.

Mr. STEPHENS of Nebraska. I do not know what authority I could give other than the statute itself.

Mr. BURKE of South Dakota. Mr. Chairman, will the gentleman yield?

Mr. STEPHENS of Nebraska. I yield to the gentleman.

Mr. BURKE of South Dakota. Mr. Chairman, I will say that it is customary where we make appropriations, for instance, from tribal funds, as we have in several instances in relation to the Kiowa and the Comanche funds—and I think the last appropriation was $400,000—to place it in the discretion of the Secretary of the Interior. So far as these Indians are concerned, the purpose and intent of the bill leaving it entirely with the Secretary is that this fund will be segregated. Many of these Indians are competent and capable of taking care of what they have, and under the terms of the law the Secretary of the Interior may, if he desires, let them withdraw their portion of the fund, and that which remains will be used for the particular Indian to whom it is credited. In other words, it will be credited equally on a per capita basis.

Mr. MANN. The gentleman thinks that this is a special case?

Mr. BURKE of South Dakota. I consider this a special case, and had I not so considered it would have suggested an amendment. In fact, the matter was discussed in committee, and the view was expressed that it was a considerable sum to give the Secretary discretion to handle, and that perhaps we ought to limit it and provide that he should have one-half of it or one-quarter of it; but I think it would only mean that later we would have to enact this legislation.

And I say further that where the Secretary has had this authority I do not think it has been abused, and I will call the gentleman's attention to a law which passed in 1906, which, in effect, provided that the Secretary of the Interior has authority to remove restrictions from the allotted lands and grant a fee patent, and it was thought that if he could be trusted with that power he certainly can be trusted with the distribution of a fund that does not exceed more than the amount that is involved in this matter—that is, about $800,000.

Mr. MANN. Nearly $1,000,000 is involved here.

Mr. BURKE of South Dakota. About $800,000.

Mr. MANN. About $1,000,000, I repeat. A little thing like $100,000——

Mr. BURKE of South Dakota. I call the gentleman's attention again to the fact that a portion of this money—I do not know the per cent, but the gentleman from Nebraska can probably give the information—will be paid out immediately to these Indians who are entirely competent to take care of themselves. The gentleman from Wisconsin can probably give the information relative to the Indians in his State that will receive a part of the money.

Mr. STEPHENS of Nebraska. Mr. Chairman, I yield to the gentleman from Wisconsin [Mr. ESCH].

Mr. ESCH. Mr. Chairman, I wish to state, in this connection, that Congress in 1909 capitalized these Winnebago funds so far as the Nebraska branch was concerned, but that law had a reservation in it to the effect that no allotment of tribal funds should be made to the Wisconsin branch of the tribe until further legislation. This bill is that further legislation. The Nebraska branch is, as a whole, much more prosperous—possibly more intelligent and capable of handling its trust funds—than are the members of the Wisconsin branch. They are rather improvident, and many of them have no homestead. Originally they were allotted upon lands which were so poor that they could not make a livelihood. The purpose of giving the Secretary of the Interior discretion to purchase land I think is very largely with a view to aiding members of the Wisconsin branch, not of the Nebraska branch, the idea being that many of the Wisconsin members of the tribe would not be capable of handling the funds they would receive if those were capitalized; but if the money they were to receive was put into lands they would be given the means of livelihood. I have had many of these members of the Wisconsin branch come to me and state that they desired to use their funds in the purchase of land. This bill would enable them to do that and would make them self-sustaining, and on that account, while the discretion granted here is large, I think it would result beneficially to these Wisconsin members of the tribe. The other powers granted to the Secretary in this bill are no greater than those in the act of 1906, if I remember correctly, which gives the Secretary of the Interior discretion in the payment and distribution of trust funds.

Mr. STEPHENS of Texas. Mr. Chairman, I move that the bill now be read under the five-minute rule.

The CHAIRMAN. The Clerk will read the bill.

The Clerk read as follows:

Be it enacted, etc., That the Secretary of the Interior is hereby authorized, when the amount of tribal funds due the Winnebagoes in Wisconsin shall have been ascertained, in accordance with the enrollment made by him under the provisions of the act of March 3, 1909 (35 Stat. L., 798), to expend said funds for their benefit in such manner, including the purchase of lands for said Indians, as he may deem proper, or, in his discretion, to distribute said funds, or any part thereof, per capita among said Indians: *Provided*, That in adjusting the present indebtedness of the Nebraska branch of the tribe to the Winnebago branch of Wisconsin the Secretary is hereby authorized to deduct from the share of the trust funds of the Nebraska Winnebagoes such amount as may be found due the said Wisconsin branch and to transfer the amount so deducted to the credit of the Winnebagoes belonging to the Wisconsin branch of the tribe.

Mr. STEPHENS of Nebraska. Mr. Chairman, I desire to offer the following amendment.

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Amend by striking out the following:

"That the Secretary of the Interior is hereby authorized, when the amount of tribal funds due the Winnebagoes in Wisconsin shall have been ascertained, in accordance with the enrollment as hereinafter provided, to expend said funds for their benefit in such manner, including the purchase of lands for said Indians, as he may deem proper, or, in his discretion, to distribute said funds, or any part thereof, per capita among said Indians: *Provided*, That the Secretary of the Interior is hereby authorized to adjust the differences, not already provided for by statute, between the two branches of the tribe arising from errors in the payment of annuities, and to settle the same before the final division of the trust funds is made: *Provided further*, That a special census of the two branches of the Winnebago Tribe shall be taken as of June 30, 1912, and that the final division of the capitalized funds of the tribe shall be based upon the number of persons belonging to each branch who are alive on that date."

The question was taken, and the amendment was agreed to.

Mr. STEPHENS of Texas. Mr. Chairman, I move that the committee rise and report the bill and amendment favorably.

The motion was agreed to.

Accordingly the committee rose; and the Speaker having resumed the chair, Mr. STEPHENS of Mississippi, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee had had under consideration the bill H. R. 18849, to which one amendment had been made, and had directed him to report the bill as amended to the House with the recommendation that the amendment be agreed to and the bill as amended do pass.

The SPEAKER. The question is on agreeing to the amendment.

The question was taken, and the amendment was agreed to.

The bill as amended was ordered to be engrossed and read a third time; was read the third time, and passed.

On motion of Mr. STEPHENS of Texas, his motion to reconsider the vote by which the bill was passed was laid on the table.

DIVISION OF LANDS AND FUNDS OF OSAGE NATION OF INDIANS IN OKLAHOMA.

Mr. STEPHENS of Texas. Mr. Speaker, I desire to call up Union Calendar No. 61, Senate bill No. 2.

The SPEAKER. The Clerk will report the bill.

The Clerk read as follows:

An act (S. 2) supplementary to and amendatory of the act entitled "An act for the division of the lands and funds of the Osage Nation of Indians in Oklahoma," approved June 28, 1906, and for other purposes.

The SPEAKER. The House resolves itself automatically into the Committee of the Whole House on the state of the Union, and the gentleman from Nebraska [Mr. STEPHENS] will take the chair.

Accordingly the House resolved itself into the Committee of the Whole House on the state of the Union for the consideration of Senate bill No. 2, with Mr. STEPHENS of Nebraska in the chair.

The CHAIRMAN. The House is in Committee of the Whole House on the state of the Union for the consideration of Senate bill No. 2, which the Clerk will report.

The Clerk read as follows:

An act (S. 2) supplementary to and amendatory of the act entitled "An act for the division of the lands and funds of the Osage Nation of Indians in Oklahoma," approved June 28, 1906, and for other purposes.

Mr. STEPHENS of Texas. Mr. Chairman, I ask unanimous consent that we dispense with the first reading of the bill.

The CHAIRMAN. The gentleman from Texas [Mr. STEPHENS] asks unanimous consent that the first reading of the bill be dispensed with. Is there objection?

Mr. MANN. Reserving the right to object—which I do not intend to do—will the gentleman then move that the committee do rise? There are hardly enough Members here.

Mr. STEPHENS of Texas. I will.

The CHAIRMAN. Is there objection to the request of the gentleman from Texas that the first reading of the bill be dispensed with?

There was no objection.

Mr. STEPHENS of Texas. Now, Mr. Chairman, I move that the committee do rise.

The motion was agreed to.

Accordingly the committee rose; and the Speaker having resumed the chair, Mr. STEPHENS of Nebraska, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee had had under consideration Senate bill No. 2, and had come to no resolution thereon.

Mr. STEPHENS of Texas. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 5 o'clock and 11 minutes p. m.) the House adjourned until to-morrow, Thursday, March 28, 1912, at 12 o'clock noon.

EXECUTIVE COMMUNICATION.

Under clause 2 of Rule XXIV, a letter from the Acting Secretary of the Treasury, transmitting a communication from the Secretary of the Interior submitting an item for inclusion in the deficiency bill to reimburse exhibitors at Alaska-Yukon-Pacific Exposition, Seattle, Wash., for articles lost from Alaska Building (H. Doc. No. 646), was taken from the Speaker's table, referred to the Committee on Appropriations, and ordered to be printed.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, bills and resolutions were severally reported from committees, delivered to the Clerk, and referred to the several calendars therein named, as follows:

Mr. RAKER, from the Committee on the Public Lands, to which was referred the bill (S. 5718) to authorize the Secretary of the Interior to secure for the United States title to patented lands in the Yosemite National Park, and for other purposes, reported the same with amendment, accompanied by a report (No. 456), which said bill and report were referred to the Committee of the Whole House on the state of the Union.

He also, from the same committee, to which was referred the bill (H. R. 21535) to authorize the Secretary of the Interior to secure for the United States title to patented lands in the Yosemite National Park, and for other purposes, reported the same with amendment, accompanied by a report (No. 457), which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. CLAYPOOL, from the Committee on the Public Lands, to which was referred the bill (H. R. 20498) for the relief of certain homesteaders in the State of Nebraska, reported the same with amendment, accompanied by a report (No. 459), which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. RODDENBERY, from the Committee on Public Buildings and Grounds, to which was referred the bill (H. R. 20688) transferring the custody and control of the old post-office building in the city of Charleston, S. C., from the Treasury Department to the Department of Commerce and Labor, reported the same without amendment, accompanied by a report (No. 458), which said bill and report were referred to the House Calendar.

PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS.

Under clause 3 of Rule XXII, bills, resolutions, and memorials were introduced and severally referred as follows:

By Mr. CANNON: A bill (H. R. 22466) providing for the purchase of a painting of Abraham Lincoln; to the Committee on the Library.

By Mr. GREGG of Texas: A bill (H. R. 22467) to establish a marine fish-cultural station in the State of Texas in the vicinity of Galveston; to the Committee on the Merchant Marine and Fisheries.

By Mr. MAGUIRE of Nebraska: A bill (H. R. 22468) to promote the science and practice of forestry by the establishment of the Morton Institution of Agriculture and Forestry as a memorial to the late J. Sterling Morton, former Secretary of Agriculture; to the Committee on Agriculture.

By Mr. MILLER: A bill (H. R. 22469) to provide for the construction of a public building at Anoka, Minn.; to the Committee on Public Buildings and Grounds.

By Mr. STEENERSON: A bill (H. R. 22470) to amend an act entitled "An act to codify, revise, and amend the laws relating to the judiciary," approved March 3, 1911; to the Committee on the Judiciary.

By Mr. BROWN: A bill (H. R. 22471) authorizing the Secretary of War to donate two condemned bronze or brass cannon to the city of Kingwood, W. Va.; to the Committee on Military Affairs.

By Mr. STEPHENS of California: A bill (H. R. 22472) to acquire a site for a public building in the municipal community known as San Pedro, in the city of Los Angeles, Cal.; to the Committee on Public Buildings and Grounds.

By Mr. GOLDFOGLE: A bill (H. R. 22473) to amend section 5 of the act approved June 18, 1878, entitled "An act to organize the Life-Saving Service," as amended by the act approved August 3, 1894; to the Committee on Interstate and Foreign Commerce.

By Mr. RAKER: A bill (H. R. 22474) to establish a bureau of national parks, and for other purposes; to the Committee on the Public Lands.

By Mr. CRAVENS: Resolution (H. Res. 463) providing for an additional clerk to the Committee on Enrolled Bills; to the Committee on Accounts.

By Mr. MARTIN of Colorado: Resolution (H. Res. 464) to investigate the Smelter Trust; to the Committee on Rules.

By Mr. GLASS: Resolution (H. Res. 465) authorizing the payment of expenses incurred by the Committee on Banking and Currency; to the Committee on Accounts.

By Mr. KINKEAD of New Jersey: Resolution (H. Res. 466) authorizing the Doorkeeper to employ additional help; to the Committee on Accounts.

By Mr. GRIEST: Joint resolution (H. J. Res. 280) to provide for the printing of 100,000 copies of the special report on "The Road Horse" used in the Rural-Delivery Mail Service; to the Committee on Printing.

By Mr. DALZELL: Joint resolution (H. J. Res. 281) authorizing the Secretary of War to transfer to the Department of the Interior a part of the United States arsenal grounds at Pittsburgh, Pa.; to the Committee on Mines and Mining.

By Mr. THAYER: Memorial of the House of Representatives of the Commonwealth of Massachusetts, protesting against abolishing the United States navy yard in the Charlestown district of Boston; to the Committee on Naval Affairs.

PRIVATE BILLS AND RESOLUTIONS.

Under clause 1 of Rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. ALLEN: A bill (H. R. 22475) granting a pension to Frances D. Cadamus; to the Committee on Invalid Pensions.

By Mr. BOEHNE: A bill (H. R. 22476) granting an increase of pension to William McDermott; to the Committee on Invalid Pensions.

Also, a bill (H. R. 22477) granting an increase of pension to Samuel A. Reavis; to the Committee on Invalid Pensions.

By Mr. BROWN: A bill (H. R. 22478) granting an increase of pension to Solomon S. Simpkins; to the Committee on Invalid Pensions.

By Mr. CALLAWAY (by request): A bill (H. R. 22479) for the relief of Henry C. Clark; to the Committee on War Claims.

By Mr. CANNON: A bill (H. R. 22480) granting an increase of pension to Jonathan Conner; to the Committee on Invalid Pensions.

By Mr. COX of Ohio: A bill (H. R. 22481) for the relief of the estate of Elijah Abbott, deceased; to the Committee on War Claims.

By Mr. CULLOP: A bill (H. R. 22482) granting an increase of pension to John W. Rollins; to the Committee on Invalid Pensions.

Also, a bill (H. R. 22483) granting an increase of pension to James M. Lewis; to the Committee on Invalid Pensions.

By Mr. DAUGHERTY: A bill (H. R. 22484) granting a pension to Miles R. Sheldon; to the Committee on Invalid Pensions.

Also, a bill (H. R. 22485) granting an increase of pension to James A. Love; to the Committee on Invalid Pensions.

By Mr. DALZELL: A bill (H. R. 22486) to correct the naval record of John Stoddart; to the Committee on Naval Affairs.

By Mr. DIFENDERFER: A bill (H. R. 22487) granting an increase of pension to Alexander Beltz; to the Committee on Invalid Pensions.

By Mr. DONOHOE: A bill (H. R. 22488) for the relief of Kate Cunningham; to the Committee on Claims.

By Mr. DOREMUS: A bill (H. R. 22489) for the relief of Theodore E. Rollett; to the Committee on Claims.

By Mr. FOCHT: A bill (H. R. 22490) granting a pension to Rebecca Miller; to the Committee on Invalid Pensions.

By Mr. FRANCIS: A bill (H. R. 22491) granting an increase of pension to Charles Stetson; to the Committee on Invalid Pensions.

By Mr. HANNA: A bill (H. R. 22492) granting an increase of pension to Oliver D. Ellis; to the Committee on Invalid Pensions.

Also, a bill (H. R. 22493) granting an increase of pension to Ole Hexom, alias Ole H. Olson; to the Committee on Invalid Pensions.

By Mr. HARRIS: A bill (H. R. 22494) granting an increase of pension to William R. Clapp; to the Committee on Invalid Pensions.

By Mr. HAWLEY: A bill (H. R. 22495) granting a pension to Frank Meyer; to the Committee on Invalid Pensions.

By Mr. KONOP: A bill (H. R. 22496) granting an increase of pension to George E. Knowlton; to the Committee on Invalid Pensions.

By Mr. McCALL: A bill (H. R. 22497) granting a pension to Annie T. Quigley; to the Committee on Pensions.

By Mr. MOORE of Texas: A bill (H. R. 22498) for the relief of the heirs of Franklin Perin, deceased; to the Committee on War Claims.

By Mr. PALMER: A bill (H. R. 22499) for the relief of Patrick O'Connor; to the Committee on Military Affairs.

By Mr. PEPPER: A bill (H. R. 22500) granting a pension to Mary A. Kile; to the Committee on Pensions.

Also, a bill (H. R. 22501) granting an increase of pension to Gottlieb Strahle; to the Committee on Pensions.

Also, a bill (H. R. 22502) granting an increase of pension to Columbus C. Bigbee; to the Committee on Invalid Pensions.

Also, a bill (H. R. 22503) granting an increase of pension to Arabella McElrovy; to the Committee on Invalid Pensions.

Also, a bill (H. R. 22504) granting a pension to Amanda Grant; to the Committee on Invalid Pensions.

By Mr. POWERS: A bill (H. R. 22505) to remove the charge of desertion from the military record of Amos Bennett; to the Committee on Military Affairs.

By Mr. RUCKER of Colorado: A bill (H. R. 22506) granting an increase of pension to James Collins; to the Committee on Invalid Pensions.

Also, a bill (H. R. 22507) granting an increase of pension to James H. Shippee; to the Committee on Invalid Pensions.

Also, a bill (H. R. 22508) granting an increase of pension to James E. Siddall; to the Committee on Invalid Pensions.

Also, a bill (H. R. 22509) for the relief of Robert F. Risley; to the Committee on Military Affairs.

By Mr. RUSSELL: A bill (H. R. 22510) granting an increase of pension to John C. Nance; to the Committee on Invalid Pensions.

By Mr. SHACKLEFORD: A bill (H. R. 22511) granting an increase of pension to Joseph H. Reynolds; to the Committee on Invalid Pensions.

By Mr. SHERWOOD: A bill (H. R. 22512) granting an increase of pension to Marion Goodell; to the Committee on Invalid Pensions.

By Mr. TAGGART: A bill (H. R. 22513) granting a pension to Mary H. Hurlbut; to the Committee on Invalid Pensions.

Also, a bill (H. R. 22514) granting an increase of pension to James Corrigan; to the Committee on Invalid Pensions.

Also, a bill (H. R. 22515) to correct the military record of Patrick McGee, alias Patrick Gallagher; to the Committee on Military Affairs.

By Mr. TAYLOR of Ohio: A bill (H. R. 22516) granting a pension to Jennie E. Howell; to the Committee on Invalid Pensions.

By Mr. THAYER: A bill (H. R. 22517) granting a pension to Mary E. Edmunds; to the Committee on Invalid Pensions.

Also, a bill (H. R. 22518) granting an increase of pension to Leander T. Kirby; to the Committee on Invalid Pensions.

By Mr. WICKLIFFE: A bill (H. R. 22519) for the relief of heirs of Sebastian U. D. Schlatre, deceased; to the Committee on War Claims.

By Mr. YOUNG of Michigan: A bill (H. R. 22520) granting a pension to Elizabeth V. Ianson; to the Committee on Invalid Pensions.

PETITIONS, ETC.

Under clause 1 of Rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

By the SPEAKER (by request): Petition of the Presbyterian Church of Delaware Water Gap, Pa., for adoption of House joint resolution 163; to the Committee on the Judiciary.

Also (by request), petition of the legal representatives of the remaining Pokagon Tribe of Pottawatamie Indians, of Michigan and Indiana, in their claim to all rights, title, and interest to the shore, filled-in, and submerged lands, commonly called lake-front lands, of the south part of Lake Michigan; to the Committee on Rivers and Harbors.

By Mr. ASHBROOK: Petition of Arthur Morris and 12 other citizens of Newark, Ohio, protesting against the enactment of

legislation prohibiting the interstate shipment of liquors; to the Committee on the Judiciary.

Also, memorial of the Ohio Bankers' Association, at Columbus, Ohio, favoring the enactment of 1-cent postage; to the Committee on the Post Office and Post Roads.

Also, memorial of Pomona Grange, No. 70, Coshocton County, Ohio, favoring parcel-post service; to the Committee on the Post Office and Post Roads.

By Mr. BOEHNE: Petition of J. E. Williams and other citizens of Gibson County, Ind., in favor of a parcel post; to the Committee on the Post Office and Post Roads.

By Mr. CALDER: Petition of F. L. Rector, of Brooklyn, N. Y., for enactment of the Esch phosphorus bill; to the Committee on Ways and Means.

Also, petition of Central Labor Union of Brooklyn, N. Y., for enactment of House bill 17253; to the Committee on Ways and Means.

Also, petition of the Philadelphia Chamber of Commerce, for passage of House bill 19795; to the Committee on Interstate and Foreign Commerce.

Also, petition of Downing Taylor Co., of Springfield, Mass., for enactment of House bill 4667; to the Committee on Interstate and Foreign Commerce.

Also, petition of Henry M. Leland, of Detroit, Mich., protesting against House bill 19065; to the Committee on Interstate and Foreign Commerce.

Also, petition of National Cloak & Suit Co., of New York City, protesting against House bill 16844; to the Committee on Interstate and Foreign Commerce.

Also, petition of the Maritime Exchange of New York City, for legislation to promote the efficiency of the Public Health and Marine-Hospital Service; to the Committee on Interstate and Foreign Commerce.

Also, memorial of the Maritime Exchange of New York City, indorsing the action of Congress with respect to the battleship *Maine;* to the Committee on Naval Affairs.

Also, petition of Edward McDonald, of Brooklyn, N. Y., for passage of House bill 21530, for the relief of Frank Bowers; to the Committee on Claims.

Also, petition of the Corning (N. Y.) Business Men's Association, for 1-cent letter postage; to the Committee on the Post Office and Post Roads.

Also, petition of the International Reform Bureau (Inc.), for enactment of the Kenyon-Sheppard interstate liquor bill, etc.; to the Committee on the Judiciary.

By Mr. CALLAWAY: Memorial of the Retail Merchants' Association of Cleburne, Tex., protesting against parcel-post legislation; to the Committee on the Post Office and Post Roads.

By Mr. CANNON: Petition of J. R. Trump, G. W. Baker, P. C. Hasten, George Leasure, and sundry other citizens of Orange Township, Clark County, Ill., praying for the enactment of proposed parcel-post legislation; to the Committee on the Post Office and Post Roads.

Also, petition of Harry L. Clark, B. L. Steward, Frank M. Reed, and sundry other citizens of Danville, Ill., praying for the enactment of House bill No. 16313, providing for the erection of an American Indian memorial and museum building at Washington, D. C.; to the Committee on Public Buildings and Grounds.

Also, petitions of Edward Methe and sundry other citizens, of Danville, Ill.; A. H. Davis and sundry citizens, of Danville, Ill.; George W. Davis and sundry other citizens, of Danville, Ill.; and William J. Irwin and sundry other citizens, of Danville, Ill., praying for the enactment of legislation to provide for the building of one battleship in a Government navy yard; to the Committee on Naval Affairs.

Also, petition of the Hub Mercantile Co., Ed Cornelius, W. H. Elliott, and sundry other citizens, of Georgetown, Ill., and of J. G. Schosser and sundry other citizens, of Essex, Ill., protesting against the enactment of proposed parcel-post legislation; to the Committee on the Post Office and Post Roads.

Also, petition of Edward Methe and sundry other citizens, of Danville, Ill., and of S. F. Leonard and sundry other citizens, of Danville, Ill., praying for the enactment of old-age pension legislation; to the Committee on Pensions.

By Mr. DANIEL A. DRISCOLL: Memorial of the California Club of California, urging a special appropriation for enforcing the white-slave traffic act; to the Committee on Appropriations.

Also, petition of the American Antitrust League, for legislation extending the arbitration act to the coal industry, etc.; to the Committee on the Judiciary.

Also, petition of the Law and Order Union of New York State, against the proposed income-tax amendment to the Constitution; to the Committee on the Judiciary.

Also, petition of John C. Harrington, of Buffalo, N. Y., for enactment of House bill 20595, amending the copyright act of 1909; to the Committee on Patents.

Also, petition of the Beardstown (Ill.) Chamber of Commerce, protesting against granting permit to increase the flow of waters from Lake Michigan to the Illinois River; to the Committee on Rivers and Harbors.

By Mr. DYER: Papers to accompany House bills 10651, 12754, and 13711; to the Committee on Pensions.

Also, papers to accompany House bill 21843; to the Committee on Invalid Pensions.

Also, papers to accompany House bill 2906; to the Committee on Military Affairs.

Also, petition of the Goodyear Tire & Rubber Co., for construction of a Lincoln memorial road from Washington to Gettysburg; to the Committee on the Library.

Also, petition of H. E. Wills, joint national legislative representative Brotherhood of Locomotive Engineers, Order of Railway Conductors, and Brotherhood of Railway Trainmen, for enactment of Senate bill 5382 and House bill 20487; to the Committee on the Judiciary.

Also, petition of Camp No. 3, Department of the District of Columbia, United Spanish War Veterans, urging passage of Senate bill 5813 and House bill 21771; to the Committee on Reform in the Civil Service.

By Mr. ESCH: Memorial of the American Antitrust League, indorsing the Lee bill to extend the Federal arbitration act to the coal industry, etc.; to the Committee on Interstate and Foreign Commerce.

Also, petition of shoe merchants of Eau Claire, Wis., opposing House bill 16844; to the Committee on Interstate and Foreign Commerce.

Also, petition of D. L. Buckholz and 27 other dairymen, of Kendall, Wis., opposing the Lever oleomargarine bill; to the Committee on Agriculture.

By Mr. FITZGERALD: Petition of United Harbor, No. 1, American Association of Masters, Mates, and Pilots, for legislation to promote the efficiency of the Public Health and Marine-Hospital Service; to the Committee on Interstate and Foreign Commerce.

Also, petition of Roxbury Chapter, Massachusetts Society, Sons of the American Revolution, indorsing Senate bill 271 and House bill 19641; to the Committee on Appropriations.

Also, petition of Naval Camp, No. 49, of the United Spanish War Veterans, of Brooklyn, N. Y., for enactment of House bill 17470; to the Committee on Pensions.

Also, memorials of the Baltimore (Md.) Chamber of Commerce and board of directors of National Association of Manufacturers of the United States, protesting against reducing the annual appropriation for the Diplomatic and Consular Service of the United States; to the Committee on Foreign Affairs.

Also, petitions of the Legislative League of New York Woman Suffrage Party; Seventeenth Assembly District Club, of New York City; New York State Woman Suffrage Association; Woman Suffrage Study Club, of New York City; and Boston Equal Suffrage Association for Good Government, for a special appropriation for enforcing the white-slave traffic act; to the Committee on Appropriations.

Also, memorial of board of directors, Philadelphia Bourse, for continuance of the Tariff Board; to the Committee on Ways and Means.

Also, memorial of the Chamber of Commerce and Manufacturers' Club of Buffalo, N. Y., relative to Fifth International Congress of Chambers of Commerce; to the Committee on Foreign Affairs.

Also, memorial of New York State Assembly, for improvement of Lake Champlain Inlet; to the Committee on Interstate and Foreign Commerce.

Also, petition of Association for Prevention of Tuberculosis, of the District of Columbia, for protection of public health against the bovine source of human tuberculosis and for the conservation of food-producing animals; to the Committee on Agriculture.

Also, petition of the California Club, of California, protesting against reducing appropriation for the San Francisco Mint; to the Committee on Appropriations.

By Mr. FORNES: Petition of Dwight Braman, president of the Law and Order Union, of New York State, protesting against the proposed income-tax amendment to the Constitution; to the Committee on the Judiciary.

By Mr. FRANCIS: Petition of Epworth League of the Methodist Episcopal Church of Beallsville, Ohio, for passage of the Kenyon-Sheppard interstate liquor bill; to the Committee on the Judiciary.

By Mr. FULLER: Petition of George P. Blow, president of the La Salle Commercial Association, and of Thomas F. Doyle, mayor of La Salle, Ill., in favor of an additional appropriation of $15,000 for construction of the Federal building at La Salle, Ill.; to the Committee on Public Buildings and Grounds.

Also, petition of California Club, of San Francisco, Cal., favoring a sufficient appropriation to insure the enforcement of the white-slave law, etc.; to the Committee on Appropriations.

Also, petition of O. B. Brouse, of Rockford, Ill., favoring the abolition of the Court of Commerce; to the Committee on Interstate and Foreign Commerce.

Also, petition of B. C. Strout, of Gardner, Ill., against parcel-post legislation until after an investigation and report by an impartial commission; to the Committee on the Post Office and Post Roads.

Also, petition of Centerville Grange, of Rockford, Ill., against the passage of the Lever bill, relating to the removal of the tax on uncolored oleomargarine; to the Committee on Agriculture.

Also, petition of H. R. Puterbaugh, of Belvidere, Ill., favoring a parcel post; to the Committee on the Post Office and Post Roads.

By Mr. HANNA: Petition of citizens of Adams County, N. Dak., for parcel-post legislation; to the Committee on the Post Office and Post Roads.

Also, petition of citizens of Sheyenne, N. Dak., protesting against parcel-post legislation; to the Committee on the Post Office and Post Roads.

Also, petition of Roy Plaggemens, of Knusiver, N. Dak., asking that the duties on raw and refined sugars be reduced; to the Committee on Ways and Means.

Also, petition of the Presbyterian and Methodist congregations of Walhalla, N. Dak., for enactment of the Kenyon-Sheppard interstate liquor bill; to the Committee on the Judiciary.

Also, petition of a Catholic society of Bergen, N. Dak., in regard to measures relating to Catholic Indian mission interests; to the Committee on Indian Affairs.

By Mr. HENRY of Connecticut: Petition of the Woman's Christian Temperance Union of Hartford, Conn., for passage of the Kenyon-Sheppard interstate liquor bill; to the Committee on the Judiciary.

By Mr. HIGGINS: Petition of the Woman's Christian Temperance Union of Hartford, Conn., for passage of Kenyon-Sheppard interstate liquor bill; to the Committee on the Judiciary.

By Mr. HOUSTON: Papers to accompany bill for the relief of John W. Vandergriff (H. R. 21563); to the Committee on Invalid Pensions..

By Mr. HOWELL: Petitions of citizens of the State of Utah, for enactment of House bill 20595, amending the copyright act of 1909; to the Committee on Patents.

By Mr. KAHN: Petition of United Garment Workers, Local No. 131, San Francisco, Cal., for building battleships in a Government navy yard; to the Committee on Naval Affairs.

Also, petitions of the Woman's Christian Temperance Union and Presbyterian Ministers' Association of San Francisco, Cal., for passage of the Kenyon-Sheppard interstate liquor bill; to the Committee on the Judiciary.

Also, petition of Grape Growers' Association of San Francisco, Cal., in opposition to the Kenyon interstate liquor bill; to the Committee on the Judiciary.

Also, petitions of S. L. Bernstein and Griffin & Skelley Co., of San Francisco, Cal., for parcel-post legislation; to the Committee on the Post Office and Post Roads.

Also, petitions of Aron & Alexander (Inc.) and others, of Arroyo Grande, and Levi Strauss & Co., of San Francisco, Cal., protesting against parcel-post legislation; to the Committee on the Post Office and Post Roads.

Also, petitions of residents of San Francisco, Cal., for enactment of House bill 20595, amending the copyright act of 1909; to the Committee on Patents.

Also, petitions of the California Club of California, the California Development Board, and the North Beach Promotion Association, of San Francisco, Cal., protesting against changing the San Francisco Mint to an assay office; to the Committee on Coinage, Weights, and Measures.

Also, petition of Dunham, Carrigan & Hayden Co., of San Francisco, Cal., protesting against House bill 16844; to the Committee on Interstate and Foreign Commerce.

Also, petitions of Railroad Committee of California and the San Francisco (Cal.) Chamber of Commerce, for barring from the Panama Canal railroad owned or controlled ships; to the Committee on Interstate and Foreign Commerce.

Also, petitions of California State Mining Bureau, A. A. Hanks, and others, in opposition to House bill 17033; to the Committee on Mines and Mining.

Also, petition of Associated Charities of San Francisco, Cal., for establishing a children's bureau; to the Committee on Labor.

Also, petition of the International Association of Machinists of San Francisco, Cal., opposing the so-called Taylor system of shop management; to the Committee on Labor.

Also, petition of United Garment Workers' Union, No. 131, of San Francisco, Cal., in favor of House bill 20423; to the Committee on the Judiciary.

Also, petition of Lachman & Jacobi, of San Francisco, Cal., opposing House bill 16214; to the Committee on the Judiciary.

Also, petition of San Francisco (Cal.) Center of the California Civic League, for appropriation to enforce the white-slave traffic act; to the Committee on Appropriations.

Also, petition of the Chamber of Commerce of San Francisco, Cal., opposing reduction in the duty on olive oil; to the Committee on Ways and Means.

Also, petition of Nelson A. Miles Camp, No. 10, United Spanish War Veterans, of San Francisco, Cal., for enactment of House bill 17470; to the Committee on Pensions.

Also, memorial of Labor Council of San Francisco, Cal., relative to conditions at Lawrence, Mass.; to the Committee on Rules.

By Mr. LEE of Pennsylvania: Petitions of citizens of the State of Pennsylvania, for construction of one battleship in a Government navy yard; to the Committee on Naval Affairs.

By Mr. McHENRY: Petition of Grange No. 1081, Patrons of Husbandry, for parcel-post legislation; to the Committee on the Post Office and Post Roads.

By Mr. McKINNEY: Petition of residents of Colchester, Ill., for parcel-post legislation; to the Committee on the Post Office and Post Roads.

Also, petition of residents of Rock Island and Moline, Ill., for the construction of one battleship in a Government navy yard; to the Committee on Naval Affairs.

By Mr. McKINLEY: Petition of the First Baptist Church of Urbana, Ill., for enactment of Senate bill 5546 and House bill 21094, to create an industrial commission; to the Committee on Rules.

By Mr. McMORRAN: Petitions of Snover Grange, No. 853, Sanilac County, Mich., and National Dairy Union, opposing legislation that would remove the color line between honest oleomargarine and counterfeit butter; to the Committee on Agriculture.

Also, petition of Snover Grange, No. 853, Sanilac County, Mich., favoring parcel-post legislation; to the Committee on the Post Office and Post Roads.

By Mr. PALMER: Petition of the Walnut Street Presbyterian Church, of Bath, Pa., for passage of Kenyon-Sheppard interstate liquor bill; to the Committee on the Judiciary.

By Mr. RAINEY: Petition of R. B. Stickley and other citizens of Jacksonville, Ill., for building of battleships in Government navy yards; to the Committee on Naval Affairs.

By Mr. RAKER: Petition of Corcoran Lumber Co., of Corcoran, Cal., protesting against parcel-post legislation; to the Committee on the Post Office and Post Roads.

Also, petition of California State Veterinary Medical Association, for enactment of House bill 16843; to the Committee on Military Affairs.

By Mr. REILLY: Petition of Grange No. 105, Patrons of Husbandry, for parcel-post legislation; to the Committee on the Post Office and Post Roads.

Also, memorial of Rhode Island Business Men's Association, for enactment of House bill 17936; to the Committee on Coinage, Weights, and Measures.

Also, memorial of the American Anti-Trust League, for legislation to extend the Federal arbitration act to the coal industry, etc.; to the Committee on the Judiciary.

By Mr. RUCKER of Colorado: Petition of J. D. Cohen and others, of Pueblo, Colo., for the building of one battleship in the New York Navy Yard; to the Committee on Naval Affairs.

By Mr. SHACKLEFORD: Petition of Thomas Holschneider, of Jefferson City, Mo., for enactment of House bill 20595, amending the copyright act of 1909; to the Committee on Patents.

By Mr. SULZER: Petitions of Cigar Makers' Joint Unions of Greater New York, for enactment of House bill 17253; to the Committee on Ways and Means.

By Mr. TILSON: Petition of the International Reform Bureau (Inc.), for enactment of Kenyon-Sheppard interstate liquor bill, etc.; to the Committee on the Judiciary.

Also, petitions of Granges Nos. 1 and 11, Patrons of Husbandry, of Connecticut, for parcel-post legislation; to the Committee on the Post Office and Post Roads.

By Mr. TOWNER: Petition of citizens of Creston, Union County, Iowa, for passage of Kenyon-Sheppard interstate-commerce liquor bill; to the Committee on the Judiciary.

By Mr. UNDERHILL: Petition of the Methodist Episcopal Church of Tyrone, N. Y., for passage of Kenyon-Sheppard interstate liquor bill; to the Committee on the Judiciary.

Also, petition of Grange No. 871, Patrons of Husbandry, for parcel-post legislation, etc.; to the Committee on the Post Office and Post Roads.

Also, memorial of the Los Angeles (Cal.) Chamber of Commerce, relative to Panama Canal tolls; to the Committee on Interstate and Foreign Commerce.

Also, memorial of board of directors of the Maritime Association of the Port of New York, for establishment of marine schools; to the Committee on the Merchant Marine and Fisheries.

Also, petition of residents of Hornell, N. Y., against restoration of the Army canteen; to the Committee on Military Affairs.

By Mr. WILLIS: Papers to accompany bill for the relief of George W. Williams (H. R. 22464); to the Committee on Invalid Pensions.

By Mr. WILSON of New York: Petition of the Twenty-eighth Ward Taxpayers' Protective Association of Brooklyn, N. Y., for the building of battleships at the Brooklyn Navy Yard; to the Committee on Naval Affairs.

Also, petition of the board of directors of the Maritime Association of the Port of New York, for establishment of marine schools; to the Committee on the Merchant Marine and Fisheries.

SENATE.

THURSDAY, *March 28, 1912.*

The Senate met at 2 o'clock p. m.

Prayer by the Chaplain, Rev. Ulysses G. B. Pierce, D. D.

The Secretary proceeded to read the Journal of the proceedings of the last legislative day, Monday, March 25, when, on request of Mr. BRANDEGEE and by unanimous consent, the further reading was dispensed with and the Journal was approved.

MOTOR AND OTHER VEHICLES IN GOVERNMENT SERVICE.

The VICE PRESIDENT laid before the Senate a communication from the Civil Service Commission, stating, in response to a resolution of the 25th instant, that, relative to the use of motor vehicles, etc., by that commission, it has in use no such vehicles as are enumerated in the resolution, which was referred to the Committee on Appropriations and ordered to be printed (S. Doc. No. 471).

He also laid before the Senate a communication from the Interstate Commerce Commission, stating, in response to a resolution of the 25th instant, that the Interstate Commerce Commission does not own nor does it maintain at Government expense any carriage, vehicle, motor cycle, motor vehicle, or automobile, which was referred to the Committee on Appropriations and ordered to be printed (S. Doc. No. 474).

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by D. K. Hempstead, its enrolling clerk, announced that the House had passed the bill (S. 3686) authorizing the Secretary of the Interior to permit the Missouri, Kansas & Texas Coal Co. and the Eastern Coal & Mining Co. to exchange certain lands embraced within their existing coal leases in the Choctaw and Chickasaw Nation for other lands within said nation, with amendments, in which it requested the concurrence of the Senate.

The message also announced that the House had passed the bill (S. 3367) to amend section 2291 and section 2297 of the Revised Statutes of the United States relating to homesteads with an amendment in the nature of a substitute, asks a conference with the Senate on the bill and amendment, and had appointed Mr. FERRIS, Mr. TAYLOR of Colorado, and Mr. MONDELL managers at the conference on the part of the House.

The message further announced that the House had passed a bill (H. R. 45) affecting the town sites of Timber Lake and Dupree in South Dakota, in which it requested the concurrence of the Senate.

The message also announced that the House had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the joint resolution (H. J. Res. 232) extending the operations of the act for the control and regulation of the waters of Niagara River, for the preservation of Niagara Falls, and for other purposes.

THE WATERS OF NIAGARA RIVER.

Mr. BURTON submitted the following report:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the joint resolution (H. J. Res. 232) extending the operations of the act for the control and regulation of the waters of Niagara River, for the preservation of Niagara Falls, and for other purposes, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the House recede from its disagreement to the amendment of the Senate numbered 1, and agree to the same with an amendment as follows: To insert after the word "hereby," in line 4 of the resolution, the words "reenacted and"; and to strike out, in lines 5 and 6 of the resolution, the words "May 1, 1912," and insert in lieu thereof the words "March 4, 1913," so that the resolution shall read as follows:

"*Resolved by the Senate and House of Representatives of the United States of America in Congress assembled*, That the provisions of the aforesaid act be, and they are hereby, reenacted and extended from March 1, 1912, being the date of the expiration of the said act, to March 4, 1913."

And the Senate agree to the same.

That the House concur in the amendments of the Senate numbered 2 and 3 to the preamble, viz: By striking out the word "expired," before the word "March," and inserting in lieu thereof the words "and further extended to"; and after the words "August 22, 1911," inserting the words "expires March 1, 1912," so that the preamble shall read:

"Whereas the provisions of the act entitled 'An act for the control and regulation of the waters of Niagara River, for the preservation of Niagara Falls, and for other purposes,' approved June 29, 1906, and extended to June 29, 1911, by joint resolution (Public resolution No. 56), and further extended to March 1, 1912, by joint resolution (Public resolution No. 9), approved August 22, 1911, expires March 1, 1912."

And the Senate agree to the same.

THEODORE E. BURTON,
ELIHU ROOT,
A. O. BACON,
Managers on the part of the Senate.

WM. SULZER,
HENRY D. FLOOD,
Managers on the part of the House.

Mr. BURTON. Mr. President, I desire briefly to explain this conference report.

It provides for the extension of a statute passed in 1906 relating to Niagara Falls. This statute has been twice extended, and now for the third time it is proposed to continue its life until the expiration of the present Congress, March 4, 1913.

The original act asserted the jurisdiction of the United States over Niagara River and contained provisions relating to its navigable quality, its integrity as a boundary stream, and the scenic beauty of Niagara Falls. The original act permitted the diversion of 15,600 cubic feet per second on the American side, or side of the United States, and as the diversion of water in Canada afforded a serious threat of interference with the stream and the beauty of the Falls, the quantity of electrical power which could be imported from Canada was limited to 160,000 horsepower.

There is a general impression that a large amount of power would be imported from Canada except for this act. Such is not the case. As already stated, the quantity allowed to be brought into the United States from Canada is 160,000 horsepower. The present amount brought in is divided between four companies—the Ontario Power Co., approximately 60,000 horsepower; the Canadian Niagara Power Co., 52,500 horsepower; the Electrical Development Co. of Ontario, 12,500; and the International Railway, 1,500, making in all 116,500 horsepower. So there is a further amount of 43,500 horsepower which could be imported into the United States under this act which is continued.

I say this, Mr. President, to meet a prevalent objection that divers communities and enterprises are precluded from the use of electrical energy and that the present act in some way aids monopoly. It does nothing of the kind, because there is still a margin of over 40,000 horsepower which can be admitted under the present act.

There is one other subject to be considered in this connection. The total quantity which could be imported under franchises granted in Canada, which provide that only half that which is generated can be sent out of that country, would not exceed 200,000 horsepower, and as the installations are not complete

the time is not yet reached when that quantity could be brought into the United States.

Mr. President, I think it very desirable that there should be further legislation upon this subject defining the rights of the United States, protecting the Falls, and determining just the quantity of water which can be diverted on this side; also the amount of power which can be transmitted from Canada.

The Committee on Foreign Affairs of the House of Representatives is now considering this question and has held extensive hearings. Of course, if any act is passed it would supersede this resolution or the bill the object of which is to maintain the status quo which it extends. In this connection I desire——

Mr. CULBERSON. Mr. President——

The VICE PRESIDENT. Does the Senator from Ohio yield to the Senator from Texas?

Mr. BURTON. Certainly.

Mr. CULBERSON. I inquire of the Senator from Ohio if the purpose of the present resolution or bill is not merely to extend the operation of the joint resolution for some time in the future?

Mr. BURTON. That is it, and maintain the status quo.

Mr. CULBERSON. It does not go into the matters the Senator is discussing now.

Mr. BURTON. It does not. I am referring to questions which I think should be settled by permanent legislation.

Mr. CULBERSON. Not intended to be settled, however, by the present resolution.

Mr. BURTON. Not by the present resolution.

Under a treaty framed in the year 1909 and ratified in 1910, the maximum amount of water which can be diverted from Niagara River in Canada is 36,000 cubic feet per second. That limit is probably reached by franchises already granted, although the installations are by no means complete, and that quantity is not as yet diverted. The maximum amount which can be diverted in the United States is 20,000, and the total quantity at present in use is 15,600, leaving a margin of 4,400 cubic feet.

I sincerely hope, Mr. President, that no legislation will be adopted under which that margin, the remaining quantity, may be diverted, for I believe that the people of the United States desire that this, one of the greatest wonders of the world, shall be preserved in all its grandeur and beauty.

Mr. BRANDEGEE. Mr. President——

The VICE PRESIDENT. Does the Senator from Ohio yield to the Senator from Connecticut?

Mr. BURTON. Certainly.

Mr. BRANDEGEE. Can the Senator inform the Senate whether any estimate has been made as to how much the crest of the Falls, so called, would be lowered in case the extra 4,400 cubic feet were diverted?

Mr. BURTON. Of course it is difficult to make any estimate of the effect of an additional amount. There is an estimate by the engineers that on the Canadian side the water near to the shore has been lowered 5⅛ inches. Just exactly what effect would be created by the diversion of an additional 4,400 cubic feet can not be very accurately measured.

Mr. BRANDEGEE. The reason why I asked the question was that it had come to me, not in an official way but by hearsay, that some one of the Government engineers had estimated that the diversion of the additional 4,400 cubic feet provided for by the treaty would only lower the height of the water as it comes over the falls about one-tenth of an inch, if I recall the figure.

Mr. BURTON. It may be that some such estimate was made.

Mr. BRANDEGEE. I will not be certain as to the figure.

Mr. BURTON. I will say to the Senator from Connecticut we must take into account not merely the lowering of the crest of the Falls, but the volume. Both are essential parts of the beauty and the grandeur of the cataract.

The total average flow over the Falls, I will say in further answer to the Senator from Connecticut, is or was about 220,000 cubic feet per second. The quantity authorized to be diverted by the two countries under the treaty is 36,000+20,000—56,000 cubic feet. I think it stands to reason that so considerable a quantity as this can not be diverted without in a material degree interfering with the volume of water and consequent injury to the grandeur of the Falls. It would be about 25 per cent, or a quarter, of the total flow.

It has been frequently asserted that there is no interest in Canada in the preservation of the Falls. Mr. President, I can not believe that that is the case, and I am satisfied that when the question is once raised there and depletion of the Falls becomes imminent, our neighbors across the border will be quite as much interested as we are ourselves. Mr. President, I ask for the adoption of the conference report.

The report was agreed to.

PUBLIC-LAND ENTRIES.

The VICE PRESIDENT laid before the Senate the amendment of the House of Representatives to the bill (S. 3367) to amend section 2291 and section 2297 of the Revised Statutes of the United States relating to homesteads, which was to strike out all after the enacting clause and insert:

That section 2291 and section 2297 of the Revised Statutes of the United States be amended to read as follows:

"SEC. 2291. No certificate, however, shall be given or patent issued therefor until the expiration of three years from the date of such entry; and if at the expiration of such time, or at any time within two years thereafter, the person making such entry, or if he be dead his widow, or in case of her death his heirs or devisee, or in case of a widow making such entry her heirs or devisee, in case of her death, proves by himself and by two credible witnesses that he, she, or they have a habitable house upon the land and have actually resided upon and cultivated the same for the term of three years succeeding the time of filing the affidavit, and makes affidavit that no part of such land has been alienated, except as provided in section 2288, and that he, she, or they will bear true allegiance to the Government of the United States, then in such case he, she, or they, if at any time citizens of the United States, shall be entitled to a patent, as in other cases provided by law: *Provided*, That the entryman may be absent from the land for not more than five months in each period of one year after establishing residence, but in case of commutation the 14 months' actual residence as now required by law must be shown: *Provided*, That when the person making entry dies before the offer of final proof those succeeding to the entry must show that the entryman had complied with the law in all respects to the date of his death and that they have since complied with the law in all respects, as would have been required of the entryman had he lived, excepting that they are relieved from any requirement of residence upon the land.

"SEC. 2297. If, at any time after the filing of the affidavit as required in section 2290 and before the expiration of the three years mentioned in section 2291, it is proved, after due notice to the settler, to the satisfaction of the register of the land office that the person having filed such affidavit has failed to establish residence within six months after the date of entry, or abandoned the land for more than six months at any time, then and in that event the land so entered shall revert to the Government: *Provided*, That the three years' period of residence herein fixed shall date from the time of establishing actual permanent residence upon the land: *And provided further*, That where there may be climatic reasons, sickness, or other unavoidable cause, the Commissioner of the General Land Office may, in his discretion, allow the settler 12 months from the date of filing in which to commence his residence on said land under such rules and regulations as he may prescribe."

Mr. SMOOT. I move that the Senate nonconcur in the amendments of the House of Representatives, agree to the conference asked for by the House, and that the Chair appoint the conferees on the part of the Senate.

Mr. HEYBURN. Pending that, I ask that the substitute be printed. The proposed law is entirely new, and many of us who are personally interested in this matter would like to have an opportunity to read it carefully.

The VICE PRESIDENT. The Chair understands that the Senator from Idaho desires that the matter be printed and go over until to-morrow. Without objection——

Mr. SMOOT. Does the Senator from Idaho ask that it go over until to-morrow, or does he merely ask that it be printed?

Mr. HEYBURN. I did not include that, unless under the rule it must lie over. I did not ask that it go over. I merely desire, while the conference is considering the proposition, that we may have it in convenient form.

The VICE PRESIDENT. Without objection, the order will be entered for the printing. The question is on the motion of the Senator from Utah.

The motion was agreed to, and the Vice President appointed Mr. SMOOT, Mr. JONES, and Mr. CHAMBERLAIN conferees on the part of the Senate.

PETITIONS AND MEMORIALS.

The VICE PRESIDENT presented a memorial of sundry citizens of Greenville, Tenn., remonstrating against the establishment of a parcel-post system, which was referred to the Committee on Post Offices and Post Roads.

He also presented petitions of the Society of Friends of Media, Germantown, and Philadelphia; of the congregations of the Emanuel Presbyterian Church, the West Hope Presbyterian Church, the Temple Lutheran Church, the Forty-third Street Methodist Episcopal Church, the Third Christian Church, the Calvary Lutheran Church, the Belmont Baptist Church, the West United Presbyterian Church, and of Zion United Evangelical Church of Mohnton, all of Philadelphia, in the State of Pennsylvania; and of the Woman's Christian Temperance Union of Haynesville, La., praying for the adoption of an amendment to the Constitution to prohibit the manufacture, sale, and importation of intoxicating liquors, which were referred to the Committee on the Judiciary.

He also presented petitions of sundry citizens of Alba, Emory, and Winnsboro, all in the State of Texas, praying for the passage of the so-called Berger old-age pension bill, which were referred to the Committee on Pensions.

He also presented petitions of the congregations of the Methodist Episcopal Church, the Christ Church, the United Brethren Church, the Third Moravian Church, the Olney Baptist Church, the Bethany Mission Brethren Baptist Church, the Ontario Presbyterian Church, the West Green Presbyterian Church, the Oxford Presbyterian Church, of the Christian Endeavor Society of the Frankford Avenue Baptist Church, of the St. James Methodist Episcopal Temperance Society, and of the Woman's Christian Temperance Union of Philadelphia, of the congregations of the Presbyterian Church of Delaware Water Gap, the Trinity Church of Gettysburg, and the Methodist Episcopal Church of Mulford, all in the State of Pennsylvania; and of the Woman's Christian Temperance Unions of Cedar Falls, Iowa, and Riverside, Cal., praying for the adoption of an amendment to the Constitution to prohibit the manufacture, sale, and importation of intoxicating liquors, which were referred to the Committee on the Judiciary.

Mr. CRANE presented a petition of the Woman's Christian Temperance Union of Shelborne Falls, Mass., praying for the enactment of an interstate liquor law to prevent the nullification of State liquor laws by outside dealers, which was referred to the Committee on the Judiciary.

Mr. SHIVELY presented a petition of Joel R. Spahr Post, No. 580, Department of Indiana, Grand Army of the Republic, of Jeffersonville, Ind., praying for the passage of the so-called dollar-a-day pension bill, which was ordered to lie on the table.

He also presented a memorial of the Indiana Division, Travelers' Protective Association of America, of Terre Haute, Ind., and a memorial of the Jones Hardware Co., of Richmond, Ind., remonstrating against the establishment of a parcel-post system, which were referred to the Committee on Post Offices and Post Roads.

He also presented a petition of General James Cox Chapter, Daughters of the American Revolution, of Kokomo, Ind., praying for the enactment of legislation to provide for the publication of the records of service of the soldiers and sailors of the United States prior to the War of 1812, which was referred to the Committee on Military Affairs.

Mr. ROOT presented petitions of the congregations of the Friends Church of Elba, the First Baptist Church of Warrensburg, the First Presbyterian Church of Warrensburg, the First Baptist Church of Elba, and the First Presbyterian Church of Elba; of the Ministers' Association of Newark; of the Woman's Christian Temperance Unions of Stoansville, East Aurora, and Elba; of sundry citizens of Elba; and of Local Grange, Patrons of Husbandry, of Elba, all in the State of New York, praying for the enactment of an interstate liquor law to prevent the nullification of State liquor laws by outside dealers, which were referred to the Committee on the Judiciary.

Mr. CULLOM presented a petition of William McKinley Camp, No. 12, Department of Illinois, United Spanish War Veterans, of Chicago, Ill., praying for the enactment of legislation to pension widow and minor children of any officer or enlisted man who served in the War with Spain or the Philippine insurrection, which was referred to the Committee on Pensions.

He also presented a petition of Local Union No. 7, International Brotherhood of Foundry Employees, of Belleville, Ill., and a petition of Local Union No. 85, Painters, Decorators, and Paperhangers of America, of Belleville, Ill., praying for the passage of the so-called old-age pension bill, which were referred to the Committee on Pensions.

He also presented a petition of sundry citizens of Pecatonica, Ill., praying for the establishment of a parcel-post system, which was referred to the Committee on Post Offices and Post Roads.

He also presented memorials of sundry citizens of Mazen and Naperville, in the State of Illinois, remonstrating against the repeal of the anticanteen law, which were referred to the Committee on Military Affairs.

He also presented a petition of the congregation of the Methodist Episcopal Church of Aledo, Ill., and a petition of the Woman's Christian Temperance Union of Edwardsville, Ill., praying for the enactment of an interstate liquor law to prevent the nullification of State liquor laws by outside dealers, which were referred to the Committee on the Judiciary.

He also presented a petition of the United Trades and Labor Council of Streator, Ill., praying for the enactment of legislation to restore to civil-service employees their inherent rights as citizens, which was referred to the Committee on Civil Service and Retrenchment.

He also presented memorials of sundry citizens of Pana and Palmer, in the State of Illinois, remonstrating against the extension of the parcel-post system beyond its present limitations, which were referred to the Committee on Post Offices and Post Roads.

He also presented a petition of the Trades and Labor Assembly of Aurora, Ill., praying for the enactment of legislation providing for an investigation of working conditions in the industrial States of the Middle West, which was referred to the Committee on Education and Labor.

He also presented a memorial of Centerville Grange, No. 1756, Patrons of Husbandry, of Rockford, Ill., and a memorial of Burritt Grange, No. 1759, Patrons of Husbandry, of Pecatonica, Ill., remonstrating against the repeal of the oleomargarine law, which were referred to the Committee on Agriculture and Forestry.

He also presented a petition of the Chamber of Commerce of Quincy, Ill., praying that an appropriation be made for the continuation of the Bureau of Manufactures, which was referred to the Committee on Appropriations.

Mr. BRISTOW presented petitions of sundry citizens of Pendennis, Halstead, Jetmore, and Stockton, all in the State of Kansas, praying for the enactment of an interstate liquor law to prevent the nullification of State liquor laws by outside dealers, which were referred to the Committee on the Judiciary.

He also presented a petition of the Business Association of Wichita, Kans., praying for the enactment of legislation providing for the creation of a second Federal judicial district in the State of Kansas, which was referred to the Committee on the Judiciary.

He also presented a petition of members of the Commercial Club of Washington, Kans., praying for the establishment of free mail delivery in towns, cities, and villages with a population of over 1,000, which was referred to the Committee on Post Offices and Post Roads.

He also presented memorials of sundry citizens of Haven and Lane, in the State of Kansas, remonstrating against the extension of the parcel-post system beyond its present limitations, which were referred to the Committee on Post Offices and Post Roads.

He also presented memorials of sundry citizens of Marquette, Lindsborg, Windom, Beeler, La Crosse, Ellis, Tescott, Ness City, Parkerville, Aurora, Galatia, Buckeye, Gypsum City, Brownell, Muscotah, Lenora, Lebanon, Beverly, Abilene, Enterprise, Bison, Timken, Rush Center, Syracuse, Atchison, Seneca, Eureka, Eudora, Agricola, Amiot, Williamsburg, Harris, Westphalia, Otis, Elmo, Hope, Pawnee Rock, Haven, and Burrton, all in the State of Kansas, remonstrating against the enactment of legislation to permit the coloring of oleomargarine in imitation of butter, which were referred to the Committee on Agriculture and Forestry.

Mr. WETMORE presented a petition of the congregation of the Methodist Episcopal Church of East Greenwich, R. I., praying for the enactment of an interstate liquor law to prevent the nullification of State liquor laws by outside dealers, which was referred to the Committee on the Judiciary.

He also presented a memorial of Central Grange, No. 34, Patrons of Husbandry, of Apponaug, R. I., remonstrating against the enactment of legislation to permit the coloring of oleomargarine in imitation of butter, which was referred to the Committee on Agriculture and Forestry.

He also presented a petition of the State Council of Rhode Island, Junior Order United American Mechanics, praying for the adoption of certain amendments to the immigration law, which was ordered to lie on the table.

Mr. CRAWFORD presented petitions of sundry citizens of Miranda, Whitewood, Miller, Wallace, Hermosa, Vale, Ethan, Capa, and Presho, all in the State of South Dakota, praying for the establishment of a parcel-post system, which were referred to the Committee on Post Offices and Post Roads.

He also presented petitions of sundry citizens of Hot Springs, Columbia, and Aberdeen, all in the State of South Dakota, praying for the enactment of legislation to regulate the interstate transportation of intoxicating liquors, which were referred to the Committee on the Judiciary.

He also presented memorials of sundry citizens of Kimball, Gettysburg, and Vig, all in the State of South Dakota, remonstrating against the extension of the parcel-post system beyond its present limitations, which were referred to the Committee on Post Offices and Post Roads.

He also presented a memorial of sundry citizens of Winfred and Salem, in the State of South Dakota, remonstrating against the enactment of legislation compelling the observance of Sunday as a day of rest in post offices, which was referred to the Committee on Post Offices and Post Roads.

He also presented a memorial of sundry citizens of Mellete, S. Dak., remonstrating against the repeal of the oleomargarine law, which was referred to the Committee on Agriculture and Forestry.

Mr. WORKS. I present a telegram, in the nature of a memorial, which I ask may be read and referred to the Committee on Finance.

There being no objection, the telegram was read and referred to the Committee on Finance, as follows:

SACRAMENTO, CAL., *March 26, 1912.*

Hon. GEORGE PERKINS and Hon. J. D. WORKS,
Senators from California, Washington, D. C.:

The citizens of the city of Sacramento, in mass meeting assembled, respectfully represent as follows: That there is now produced annually in the United States 600,000 tons of beet sugar; that California produced in 1911, 162,000 tons of beet sugar. Ten factories are now engaged in the manufacture of beet sugar in California; that in this production in California approximately 108,000 acres of land are used annually, producing 1,100,000 tons of raw beets, and distributed to the farmers engaged in the culture of sugar beets approximately $6,000,000 annually; that the bill now pending before the Senate of the United States providing for the free entry of raw sugar into the United States will result disastrously to the beet-sugar industry in the United States; that from the foregoing statement of facts it is apparent that California will suffer in that behalf in a greater degree than any other State in the Union. We therefore earnestly request you to use your influence and every legitimate means in your power to prevent the passage of the said bill.

Respectfully,

L. C. DRESCHER,
Chairman of Citizens' Meeting.
L. F. STAFF,
Secretary of Citizens' Meeting.

Mr. WARREN presented a memorial of 32 citizens of Lingle, Wyo., and a memorial of 134 citizens of Torrington, Wyo., remonstrating against the passage of the so-called sugar tariff bill, which were referred to the Committee on Finance.

He also presented a petition of sundry citizens of Howard, Wyo., praying for the establishment of a parcel-post system, which was referred to the Committee on Post Offices and Post Roads.

He also presented a memorial of the Chamber of Commerce of Billings, Mont., remonstrating against the removal of the duty on sugar, which was referred to the Committee on Finance.

Mr. LORIMER presented a memorial of sundry citizens of Chicago, Ill., remonstrating against the extension of the parcel-post system beyond its present limitations, which was referred to the Committee on Post Offices and Post Roads.

Mr. LIPPITT presented a petition of sundry members of the Rhode Island Horticultural Society, residents of Providence, R. I., praying for the enactment of legislation to regulate the importation and interstate transportation of nursery stock, which was referred to the Committee on Interstate Commerce.

He also presented a petition of Local Grange No. 40, Patrons of Husbandry, of Laurel, R. I., praying for the establishment of a parcel-post system, which was referred to the Committee on Post Offices and Post Roads.

He also presented resolutions adopted by the Rhode Island Business Men's Association, in convention at Providence, R. I., favoring the establishment of an international commission to investigate the cost of living, which was referred to the Committee on Education and Labor.

He also presented a memorial of Local Grange No. 40, Patrons of Husbandry, of Laurel, R. I., remonstrating against the enactment of legislation to permit the coloring of oleomargarine in imitation of butter, which was referred to the Committee on Agriculture and Forestry.

He also presented a petition of members of the State Council of Rhode Island, Junior Order United American Mechanics, praying for the adoption of certain amendments to the immigration law, which was ordered to lie on the table.

Mr. BROWN presented a petition of members of the Hebrew Club, of Omaha, Nebr., praying for the enactment of legislation to further restrict immigration, which was ordered to lie on the table.

He also presented a memorial of sundry citizens of Morrill, Nebr., remonstrating against a reduction of the duty on sugar, which was referred to the Committee on Finance.

Mr. CHAMBERLAIN presented petitions of sundry citizens of Portland, The Dalles, and Oregon City, all in the State of Oregon, praying for the enactment of an interstate liquor law to prevent the nullification of State liquor laws by outside dealers, which were referred to the Committee on the Judiciary.

Mr. GARDNER presented petitions of sundry citizens of Cape Porpoise, Kennebunkport, Damariscotta, Paris, Robbinston, and Bowdoinham, all in the State of Maine, praying for the enactment of an interstate liquor law to prevent the nullification of State liquor laws by outside dealers, which were referred to the Committee on the Judiciary.

He also presented a petition of sundry citizens of West Peru, Me., praying for the enactment of legislation providing for the adoption of a postal express, which was referred to the Committee on Post Offices and Post Roads.

He also presented a memorial of sundry citizens of Ashville, N. Y., remonstrating against the enactment of legislation to provide for the coloring of oleomargarine in imitation of butter, which was referred to the Committee on Agriculture and Forestry.

Mr. SMITH of South Carolina presented a petition of the congregation of the Methodist Church of Dillon, S. C., praying for the enactment of an interstate liquor law to prevent the nullification of State liquor laws by outside dealers, which was referred to the Committee on the Judiciary.

He also presented memorials of sundry citizens of Kirksey, Westminster, Manning, Charleston, and Islandton, all in the State of South Carolina, remonstrating against the extension of the parcel-post system beyond its present limitations, which were referred to the Committee on Post Offices and Post Roads.

He also presented petitions of sundry citizens of Eutawville, St. George, and Starr, all in the State of South Carolina, praying for the extension of the parcel-post system beyond its present limitations, which were referred to the Committee on Post Offices and Post Roads.

Mr. POMERENE presented a memorial of members of the Bavarian Society, of Springfield, Ohio, remonstrating against the enactment of an interstate liquor law to prevent the nullification of State liquor laws by outside dealers, which was referred to the Committee on the Judiciary.

He also presented a petition of the Young People's Branch of the Woman's Christian Temperance Union of Beallsville, Ohio, praying for the enactment of an interstate liquor law to prevent the nullification of State liquor laws by outside dealers, which was referred to the Committee on the Judiciary.

He also presented a memorial of sundry citizens of East Palestine, Ohio, remonstrating against the extension of the parcel-post system beyond its present limitations, which was referred to the Committee on Post Offices and Post Roads.

He also presented a petition of the Retail Merchants' Association of Columbus, Ohio, praying for the erection, in Washington, D. C., in monumental form, of a memorial to Abraham Lincoln, which was referred to the Committee on the District of Columbia.

He also presented petitions of sundry citizens of Franklin Township, Rootstown, Lebanon, Kinsman, Carrollton, and Steubenville, all in the State of Ohio, praying for the establishment of a parcel-post system, which were referred to the Committee on Post Offices and Post Roads.

He also presented a memorial of sundry citizens of East Liverpool, Ohio, remonstrating against the enactment of legislation to further restrict immigration, which was ordered to lie on the table.

He also presented petitions of sundry members of the Junior Order United American Mechanics, residents of Irondale, Dixon, Ironton, Washington Court House, Osceola, West Carrollton, Cincinnati, McDermott, and Camden; and of Carpenters' District Council, Hamilton County, of Cincinnati; of sundry citizens of Cincinnati; of the Southern Ohio Council Daughters of America, of Cincinnati; of the United Brotherhood of Carpenters and Joiners of America; and of the Daughters of America, of Arcanum, all in the State of Ohio, praying for the enactment of legislation to further restrict immigration, which were ordered to lie on the table.

Mr. HITCHCOCK presented a petition of sundry citizens of Omaha, Nebr., praying for the enactment of legislation providing for the construction of one of the proposed new battleships in the Brooklyn Navy Yard, which was referred to the Committee on Naval Affairs.

He also presented a memorial of members of the Hebrew Club of Omaha, Nebr., remonstrating against the enactment of legislation to further restrict immigration, which was ordered to lie on the table.

Mr. BRYAN presented petitions of sundry citizens of Miami, New Smyrna, Lake City, Tampa, Gillette, Lakeland, Hosford, Evans, and Leesburg, all in the State of Florida, praying for the enactment of legislation to regulate the interstate transportation of intoxicating liquors, which were referred to the Committee on the Judiciary.

Mr. OVERMAN presented a petition of sundry citizens of North Carolina, praying for the enactment of an interstate liquor law to prevent the nullification of State liquor laws by outside dealers, which was referred to the Committee on the Judiciary.

He also presented a petition of sundry citizens of Thomasville, N. C., praying for the establishment of a parcel-post system, which was referred to the Committee on Post Offices and Post Roads.

He also presented a petition of sundry citizens of Kings Mountain, N. C., praying for the enactment of legislation to further restrict immigration, which was ordered to lie on the table.

Mr. KERN presented a petition of sundry citizens of Indianapolis, Ind., praying for the passage of the so-called eight-hour bill, which was referred to the Committee on Education and Labor.

He also presented a petition of the congregation of the Presbyterian Church of Greencastle, Ind., and a petition of the Woman's Christian Temperance Union of Greencastle, Ind., praying for the enactment of an interstate liquor law to prevent the nullification of State liquor laws by outside dealers, which were referred to the Committee on the Judiciary.

He also presented a petition of sundry citizens of Terre Haute, Ind., praying for the enactment of legislation providing for the construction of one of the proposed new battleships in the Brooklyn Navy Yard, which was referred to the Committee on Naval Affairs.

He also presented a petition of members of General James Cox Chapter, Daughters of the American Revolution, of Kokomo, Ind., praying that an appropriation be made providing for the publication of the Revolutionary records, which was referred to the Committee on Military Affairs.

Mr. OLIVER presented a petition of the Board of Trade of Erie, Pa., praying for the passage of the so-called Smith agricultural-extension bill, which was referred to the Committee on Agriculture and Forestry.

He also presented a petition of the Board of Trade of Pittsburgh, Pa., praying for the appointment of a commission on industrial relations, which was referred to the Committee on Education and Labor.

He also presented a petition of the City Council of Erie, Pa., praying for the enactment of legislation providing for the coinage of 3-cent pieces, which was referred to the Committee on Finance.

He also presented a petition of the Industrial Association of Galeton, Pa., praying for the adoption of a 1-cent letter postage, which was referred to the Committee on Post Offices and Post Roads.

He also presented a petition of the congregation of the Presbyterian Church of Leaman Place, Pa., and a petition of the congregation of the Eighth Street Reformed Presbyterian Church, of Pittsburgh, Pa., praying for the enactment of an interstate liquor law to prevent the nullification of State liquor laws by outside dealers, which were referred to the Committee on the Judiciary.

He also presented a memorial of the Board of Trade of Philadelphia, Pa., and a memorial of members of the Shoe Retailers' Association, of Pittsburgh, Pa., remonstrating against the enactment of legislation requiring manufacturers to place their own names upon manufactured articles, which were referred to the Committee on Manufactures.

He also presented a petition of Theodore F. Hoffman Camp, No. 32, Department of Pennsylvania, United Spanish War Veterans, of Pottsville, Pa., praying for the enactment of legislation to pension widow and minor children of any officer or enlisted man who served in the War with Spain or the Philippine insurrection, which was referred to the Committee on Pensions.

He also presented petitions of Local Camps No. 101, of Frankford; No. 689, of Reading; No. 448, of Hazen; No. 381, of Lebanon; No. 161, of Lock Haven; No. 726, of Cashtown, No. 111, of Manayunk; No. 801, of Port Perry; No. 478, of Philadelphia; No. 97, of Alburtis; No. 52, of Tower City; and No. 30, of Shamokin, all of the Patriotic Order Sons of America, in the State of Pennsylvania, praying for the adoption of certain amendments to the immigration law, which were ordered to lie on the table.

Mr. FLETCHER presented a petition of members of the Improved Order of Red Men, of Jacksonville, Fla., praying that an appropriation be made for the erection of an American Indian memorial and museum building in the District of Columbia, which was referred to the Committee on Indian Affairs.

He also presented a petition of Nest No. 1437, Order of Owls, of St. Augustine, Fla., praying for the enactment of legislation authorizing the Secretary of the Interior to set aside a certain tract of land for the use of sick members of that order, which was referred to the Committee on Public Lands.

Mr. GAMBLE presented petitions of sundry citizens of Academy, Acme, Andover, Bison, Bryant, Butler, Canton, Centerville, Chance, Colome, Date, Dixon, Doland, Draper, Eales, Elkton, Engelhard, Florence, Geddes, Grand River, Hecla, Hitchcock Horse Creek, Huron, Isabel, Java, Langford, Lesterville, Lily, Lithia, Madison, Mansfield, Menno, Midland, Mound City, Murdo, Naples, Newell, Oral, Orman, Ottumwa, Parkston, Pleasantridge, Ree Heights, Sansarc, Sioux Falls, Stockholm, Summit, Vale, Vermilion, Viborg, Vienna, Volin, Waubay, Wentworth, White Deer, White Lake, Whitney, and Winner, all in the State of South Dakota, and of Haley, N. Dak., Browns Valley, Minn., and Chadron, Nebr., praying for the establishment of a parcel-post system, which were referred to the Committee on Post Offices and Post Roads.

He also presented petitions of sundry citizens of Sioux Falls, S. Dak., praying that an appropriation be made to aid in the prosecution, under the so-called Mann and Bennett laws, of the interstate traffic in women, which were referred to the Committee on Immigration.

Mr. STEPHENSON presented memorials of sundry citizens of Tavera, Abrams, Milton, Dayton, and Madison, all in the State of Wisconsin, remonstrating against the enactment of legislation to provide for the coloring of oleomargarine in imitation of butter, which were referred to the Committee on Agriculture and Forestry.

He also presented a petition of sundry citizens of Green Bay, Wis., praying for the enactment of legislation to provide for the coinage of 3-cent pieces, which was referred to the Committee on Finance.

He also presented a petition of sundry citizens of Wisconsin, praying for the enactment of legislation authorizing the building of one of the proposed new battleships at a Government navy yard, which was referred to the Committee on Naval Affairs.

He also presented a petition of the Merchants and Manufacturers' Association of Milwaukee, Wis., praying for the enactment of legislation to promote the building of railroads, which was referred to the Committee on Interstate Commerce.

He also presented a memorial of members of the Commercial Industrial Club of Janesville, Wis., remonstrating against the removal of the duty on raw sugar, which was referred to the Committee on Finance.

He also presented memorials of sundry citizens of Avoca, Racine, and Milwaukee, all in the State of Wisconsin, remonstrating against the establishment of a parcel-post system, which were referred to the Committee on Post Offices and Post Roads.

He also presented petitions of sundry citizens of May, Blue River, and Eleva, all in the State of Wisconsin, praying for the establishment of a parcel-post system, which were referred to the Committee on Post Offices and Post Roads.

He also presented a petition of members of the Retail Merchants' Association of Racine, Wis., praying for the enactment of legislation to provide for a reduction of postage on first-class mail matter, which was referred to the Committee on Post Offices and Post Roads.

He also presented petitions of sundry citizens of Patch Grove, Neenah, and Grantsburg, all in the State of Wisconsin, praying for the enactment of an interstate liquor law to prevent the nullification of State liquor laws by outside dealers, which were referred to the Committee on the Judiciary.

He also presented a petition of John H. Williams Post, No. 4, Department of Wisconsin, Grand Army of the Republic, of Berlin, Wis., praying for the passage of the so-called dollar-a-day pension bill, which was referred to the Committee on Pensions.

He also presented petitions of sundry citizens of Racine and Appleton, in the State of Wisconsin, praying for the enactment of legislation to provide pensions for widow and minor children of any officer or enlisted man who served in the War with Spain or the Philippine insurrection, which were referred to the Committee on Pensions.

Mr. McLEAN presented a petition of the Central Labor Union of Hartford, Conn., and a petition of the Metal Polishers' Union of Hartford, Conn., praying for the passage of the so-called eight-hour bill, which were referred to the Committee on Education and Labor.

He also presented a memorial of Local Grange No. 150, Patrons of Husbandry, of Woodstock, Conn., remonstrating against the repeal of the oleomargarine law, which was referred to the Committee on Agriculture and Forestry.

He also presented a petition of Local Grange No. 105, Patrons of Husbandry, of Somers, Conn., praying for the establishment of a parcel-post system, which was referred to the Committee on Post Offices and Post Roads.

He also presented a petition of the Woman's Christian Temperance Union of Hartford County, Conn., praying for the enactment of an interstate liquor law to prevent the nullification of State liquor laws by outside dealers, which was referred to the Committee on the Judiciary.

He also presented a petition of sundry citizens of Hartford, Conn., praying for the enactment of legislation providing for the construction of one of the proposed new battleships in the Brooklyn Navy Yard, which was referred to the Committee on Naval Affairs.

Mr. PENROSE presented a petition of the Board of Trade of Philadelphia, Pa., praying for the enactment of legislation author-

izing the Interstate Commerce Commission to appoint deputy commissioners in the principal cities of the country who shall arbitrate differences arising between shippers and railroads, when so referred by mutual agreement, which was referred to the Committee on Interstate Commerce.

He also presented a memorial of the Board of Trade of Philadelphia, Pa., remonstrating against the enactment of legislation requiring manufacturers to place their names upon their manufactured products, which was referred to the Committee on Manufactures.

Mr. PERKINS presented a petition of the congregation of the First Congregational Church of Berkeley, Cal., praying for the enactment of an interstate liquor law to prevent the nullification of State liquor laws by outside dealers, which was referred to the Committee on the Judiciary.

He also presented a memorial of sundry citizens of Sacramento, Cal., remonstrating against any reduction of the duty on raw and refined sugars, which was referred to the Committee on Finance.

He also presented resolutions adopted by the California State Veterinary Medical Association, in convention at San Francisco, Cal., favoring the enactment of legislation to consolidate and increase the efficiency of the veterinary service, United States Army, which were referred to the Committee on Military Affairs.

He also presented petitions of sundry citizens of McComb, Brookhaven, and Vicksburg, all in the State of Mississippi, praying for the enactment of legislation providing for the construction of one of the proposed new battleships in the Brooklyn Navy Yard, which were referred to the Committee on Naval Affairs.

Mr. LODGE presented a petition of sundry citizens of Lawrence, Mass., praying for the enactment of legislation providing for the construction of one of the proposed new battleships in the Brooklyn Navy Yard, which was referred to the Committee on Naval Affairs.

Mr. BOURNE presented a petition of sundry citizens of Oregon City, Oreg., praying for the enactment of an interstate liquor law to prevent the nullification of State liquor laws by outside dealers, which was referred to the Committee on the Judiciary.

Mr. SMOOT presented a memorial of sundry citizens of Fork, Utah, remonstrating against the extension of the parcel-post system beyond its present limitations, which was referred to the Committee on Post Offices and Post Roads.

He also presented a petition of members of the Home Culture Club, of Ogden, Utah, praying for the enactment of an interstate liquor law to prevent the nullification of State liquor laws by outside dealers, which was referred to the Committee on the Judiciary.

Mr. TOWNSEND presented a memorial of members of the Independent Order of Good Templars, of Grand Rapids, Mich., remonstrating against the repeal of the anticanteen law, which was referred to the Committee on Military Affairs.

He also presented a petition of sundry citizens of Addison, Mich., praying for the enactment of an interstate liquor law to prevent the nullification of State liquor laws by outside dealers, which was referred to the Committee on the Judiciary.

He also presented a petition of Local Camp, No. 10, Department of Michigan, United Spanish War Veterans, of Detroit, Mich., and a petition of J. C. Brown Camp, No. 31, Department of Michigan, United Spanish War Veterans, of Big Rapids, Mich., praying for the enactment of legislation to pension widow and minor children of any officer or enlisted man who served in the War with Spain or the Philippine insurrection, which were referred to the Committee on Pensions.

He also presented petitions of sundry citizens of Manistique, Wixom, Tecumseh, Plainwell, Gun Plains, Cadillac, Harlan, West Tompkins, Flat Rock, Hamlin, Ludington, Stephenson, and Cedarville, all in the State of Michigan, praying for the establishment of a parcel-post system, which were referred to the Committee on Post Offices and Post Roads.

REPORTS OF COMMITTEES.

Mr. HEYBURN, from the Committee on Manufactures, to which were referred resolutions adopted by Cigar Makers' Union, No. 145, of Lincoln, Nebr., favoring the enactment of legislation to exempt from internal-revenue tax cigars supplied employees by the manufacturers thereof, asked to be discharged from their further consideration and that they be referred to the Committee on Finance, which was agreed to.

He also, from the Committee on Finance, to which was referred the bill (S. 3316) to repeal an act entitled "An act to promote reciprocal trade relations with the Dominion of Canada, and for other purposes," approved July 26, 1911, reported it with an amendment and submitted a report (No. 511) thereon.

He also, from the Committee on Public Lands, to which was referred the bill (H. R. 18661) to provide for an extension of time of payment of all unpaid payments due from homesteaders on the Coeur d'Alene Indian Reservation, as provided for under an act of Congress approved June 21, 1906, reported it without amendment and submitted a report (No. 512) thereon.

Mr. BRADLEY, from the Committee on Claims, to which was referred the bill (S. 998) for the relief of Henry G. Roetzel and Paul Chipman, reported it without amendment and submitted a report (No. 513) thereon.

He also, from the same committee, to which were referred the following bills, submitted adverse reports thereon, which were agreed to, and the bills were postponed indefinitely:

S. 5208. A bill for the relief of A. D. Gaston (Rept. No. 514);

S. 977. A bill for the relief of the heir of Allen J. Mann, sr., deceased (Rept. No. 515);

S. 120. A bill for the relief of the several States under the acts of July 8, 1898, and acts amendatory thereto (Rept. No. 516); and

S. 3906. A bill for the relief of John E. Frymier (Rept. No. 517).

Mr. McCUMBER, from the Committee on Finance, to which was referred the joint resolution (S. J. Res. 75) to provide for the appointment of a commission to investigate the operations of cooperative land-mortgage banks and cooperative rural credit unions in other countries, reported it with amendments and submitted a report (No. 518) thereon.

He also, from the Committee on Pensions, to which was referred the bill (S. 1178) granting a pension to Frederick Hess, submitted an adverse report (No. 519) thereon, which was agreed to, and the bill was postponed indefinitely.

Mr. SUTHERLAND, from the Committee on Public Buildings and Grounds, to which was referred the bill (S. 2751) providing for the erection of a post-office building at Hastings, Mich., reported it with amendments and submitted a report (No. 520) thereon.

Mr. BRISTOW, from the Committee on Claims, to which was referred the bill (S. 1911) for the relief of James R. Brown, reported it with an amendment and submitted a report (No. 522) thereon.

Mr. SMOOT, from the Committee on Public Lands, to which were referred the following bills, reported them each without amendment and submitted reports thereon:

H. R. 12211. An act to amend the act of February 18, 1909 (35 Stat. L., p. 626), entitled "An act to create the Calaveras Big Tree National Forest, and for other purposes" (Rept. No. 523); and

H. R. 20491. An act authorizing the Secretary of the Interior to grant further extension of time within which to make proof on desert-land entries (Rept. No. 524).

Mr. LORIMER, from the Committee on Pacific Islands and Porto Rico, to which was referred the bill (H. R. 11628) authorizing John T. McCrosson and associates to construct an irrigation ditch on the island of Hawaii, Territory of Hawaii, reported it with an amendment and submitted a report (No. 525) thereon.

Mr. McLEAN, from the Committee on Claims, to which was referred the bill (S. 5462) for the relief of Mary C. Mayers, reported it without amendment and submitted a report (No. 526) thereon.

Mr. CULBERSON, from the Committee on the Judiciary, to which was referred the bill (H. R. 14083) to create a new division of the southern judicial district of Texas, and to provide for terms of court at Corpus Christi, Tex., and for a clerk for said court, and for other purposes, reported it with amendments and submitted a report (No. 527) thereon.

Br. BRYAN, from the Committee on Claims, to which were referred the following bills, reported them each without amendment:

S. 5008. A bill for the relief of the estate of Emily A. Auten and others; and

S. 5810. A bill for the relief of the estate of Andrew C. Nash.

Mr. BRYAN, from the Committee on Claims, to which was referred the bill (S. 2874) for the relief of Lincoln W. Tibbetts, reported adversely thereon and the bill was postponed indefinitely.

Mr. CRAWFORD, from the Committee on Claims, to which was referred the bill (S. 284) for the relief of Andrew H. Russell and William R. Livermore, reported it with amendments and submitted a report (No. 528) thereon.

He also, from the same committee, to which was referred the bill (S. 5685) for the relief of George Q. Allen, submitted an adverse report thereon (No. 529), which was agreed to, and the bill was postponed indefinitely.

Mr. CRAWFORD. I am directed by the Committee on Claims, to which was referred the bill (S. 4840) to carry into effect the

judgment of the Court of Claims in favor of the contractors for building the United States battleship *Indiana*, to submit an adverse report (No. 530) thereon. I ask that the bill be placed on the calendar for the reason that an amendment is pending to the omnibus claims bill for the insertion in that bill of this item. I wish to have the bill placed on the calendar for consideration in connection with that amendment.

The VICE PRESIDENT. The bill will be placed on the calendar with the adverse report.

MARY A. RUSSELL AND OTHERS.

Mr. CRAWFORD, from the Committee on Claims, to which was referred the bill (S. 5870) for the relief of Mary A. Russell and others, reported the following resolution (S. Res. 268), which was considered by unanimous consent and agreed to:

Resolved, That the bill (S. 5870) entitled "A bill for the relief of Mary A. Russell and others," now pending in the Senate, together with all the accompanying papers, be, and the same is hereby, referred to the Court of Claims, in pursuance of the provisions of an act entitled "An act to codify, revise, and amend the laws relating to the judiciary," approved March 3, 1911, and the said court shall proceed with the same in accordance with the provisions of such act, and report to the Senate in accordance therewith.

FORT BERTHOLD INDIAN RESERVATION, N. DAK.

Mr. McCUMBER. I am directed by the Committee on Indian Affairs, to which was referred the joint resolution (H. J. Res. 263) to authorize allotments to Indians of the Fort Berthold Indian Reservation, N. Dak., of lands valuable for coal, to report it without amendment, and I submit a report (No. 510) thereon. I ask unanimous consent for the present consideration of the joint resolution.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the joint resolution.

The joint resolution was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

PUBLIC BUILDING AT LA SALLE, ILL.

Mr. SUTHERLAND. I am directed by the Committee on Public Buildings and Grounds, to which was referred the bill (S. 5919) to increase the limit of cost for the United States post-office building at La Salle, Ill., and making appropriation therefor, to report it with an amendment, and I submit a report (No. 521) thereon.

Mr. CULLOM. I ask unanimous consent that the bill be considered at this time.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill, which had been reported from the Committee on Public Buildings and Grounds with an amendment, on page 1, line 12, after the word "dollars," to strike out "For the purposes aforesaid the sum of $80,000, or so much thereof as may be necessary, is hereby appropriated out of any money in the Treasury not otherwise appropriated," so as to make the bill read:

Be it enacted, etc., That the limit of cost for the erection of a post-office building at La Salle, Ill., provided for in section 4 of "An act to increase the limit of cost of certain public buildings, to authorize the enlargement, extension, remodeling, or improvement of certain public buildings, to authorize the erection and completion of public buildings, to authorize the purchase of sites for public buildings, and for other purposes," approved May 30, 1908, be increased from the sum of $65,000 to $80,000.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

The title was amended so as to read: "A bill to increase the limit of cost for the United States post-office building at La Salle, Ill."

BILLS INTRODUCED.

Bills were introduced, read the first time, and, by unanimous consent, the second time, and referred as follows:

By Mr. CHAMBERLAIN:

A bill (S. 6023) granting an increase of pension to Francis M. Tibbetts (with accompanying papers);

By Mr. STONE:

A bill (S. 6024) granting an increase of pension to Marion H. Boterjack (with accompanying paper);

A bill (S. 6025) granting an increase of pension to James McDaniel (with accompanying papers); and

A bill (S. 6026) granting an increase of pension to John W. Webb (with accompanying papers); to the Committee on Pensions.

By Mr. O'GORMAN:

A bill (S. 6027) to remove the charge of desertion against Edward Burke (with accompanying papers); to the Committee on Military Affairs.

A bill (S. 6028) for the relief of the heirs of the late Samuel H. Donaldson (with accompanying paper); to the Committee on Claims.

By Mr. CULBERSON (for Mr. TAYLOR):

A bill (S. 6029) to provide for participation by the Government of the United States in the National Conservation Exposition, to be held at Knoxville, Tenn., in the fall of 1913; to the Committee on Industrial Expositions.

By Mr. JOHNSON of Maine:

A bill (S. 6030) granting an increase of pension to Gott Latlipp (with accompanying papers); to the Committee on Pensions.

By Mr. SMITH of Georgia:

A bill (S. 6031) for the relief of the estate of John Lynch, deceased; to the Committee on Claims.

By Mr. FOSTER:

A bill (S. 6032) granting a pension to John H. Howlett (with accompanying papers); to the Committee on Pensions.

By Mr. RAYNER:

A bill (S. 6033) for the relief of the sufferers of the *Maine;* to the Committee on Claims.

By Mr. KERN:

A bill (S. 6034) to provide payment of rewards for information as to violation of antitrust act of 1890 and amendments thereto, and of the various interstate-commerce acts, and for other purposes; to the Committee on the Judiciary.

By Mr. BROWN (for Mr. DIXON):

A bill (S. 6035) granting a pension to Meena Lanphear (with accompanying papers); to the Committee on Pensions.

A bill (S. 6036) for the relief of John O. Brensdal (with accompanying paper); to the Committee on Public Lands.

By Mr. CURTIS (for Mr. GALLINGER):

A bill (S. 6037) to further regulate the sale of intoxicating liquors in the District of Columbia (with accompanying papers); to the Committee on the District of Columbia.

By Mr. LIPPITT:

A bill (S. 6038) granting an increase of pension to Charles E. Sherman;

A bill (S. 6039) granting an increase of pension to Mary J. Lapham; and

A bill (S. 6040) granting an increase of pension to Anna H. Hutchinson; to the Committee on Pensions.

By Mr. WORKS:

A bill (S. 6041) to enable the city of Los Angeles, Cal., to carry out its plans for the construction of municipal wharves, docks, slips, warehouses, and other appliances for commerce and navigation in Los Angeles Harbor, Cal.; to the Committee on Commerce.

A bill (S. 6042) to change the military record of Henry Clay Anderson, from corporal to captain of staff without pay (with accompanying paper); to the Committee on Military Affairs.

A bill (S. 6043) for the relief of James Belger and others; to the Committee on Claims.

By Mr. LORIMER:

A bill (S. 6044) granting an increase of pension to Lewis Mann;

A bill (S. 6045) granting an increase of pension to Bennett Depenbrock;

A bill (S. 6046) granting an increase of pension to Samuel Hobson;

A bill (S. 6047) granting an increase of pension to Olive J. Allen; and

A bill (S. 6048) granting a pension to John K. Jamieson; to the Committee on Pensions.

By Mr. McCUMBER:

(By request.) A bill (S. 6049) for the relief of R. J. Lawrenson (with accompanying papers); to the Committee on Claims.

A bill (S. 6050) granting an increase of pension to Sarah I. Dunahey;

A bill (S. 6051) granting an increase of pension to Charles Heller (with accompanying papers);

A bill (S. 6052) granting an increase of pension to Jerusha Morgan (with accompanying papers);

A bill (S. 6053) granting a pension to James B. Bryant (with accompanying papers); and

A bill (S. 6054) granting a pension to James W. Lowrie; to the Committee on Pensions.

By Mr. OVERMAN:

A bill (S. 6055) granting a pension to Seymour B. Wacaster; to the Committee on Pensions.

By Mr. WATSON:

A bill (S. 6056) for the relief of J. B. Thompson (with accompanying papers); to the Committee on Claims.

A bill (S. 6057) for the relief of Capt. Sampson Snyder's company, West Virginia Volunteer Militia; and

A bill (S. 6058) granting an increase of pension to Francis M. Hawkinbery (with accompanying papers); to the Committee on Pensions.

By Mr. BURNHAM:

A bill (S. 6059) granting an increase of pension to James M. Lurvey;

A bill (S. 6060) granting an increase of pension to Alfred T. Ford; and

A bill (S. 6061) granting an increase of pension to Fanny M. Jones; to the Committee on Pensions.

By Mr. PENROSE:

A bill (S. 6062) for the preparation of a plan for the erection of a foundation and pedestal on ground belonging to the United States Government, in the city of Washington, upon which to place a memorial or statue, to be furnished by the State of Pennsylvania, of Maj. Gen. George Gordon Meade; to the Committee on the Library.

A bill (S. 6063) to grant an honorable discharge to Samuel Jackaway; to the Committee on Military Affairs.

A bill (S. 6064) for the relief of heirs of post-office clerks, city-delivery carriers, and rural-delivery carriers who die from injuries received while on duty; to the Committee on Post Offices and Post Roads.

A bill (S. 6065) granting a pension to Sophia D. Shull;

A bill (S. 6066) granting an increase of pension to Honora Jane Hoffliger;

A bill (S. 6067) granting an increase of pension to Francis E. Stratton;

A bill (S. 6068) granting an increase of pension to John J. Bowen (with accompanying papers);

A bill (S. 6069) granting a pension to John Hayes (with accompanying papers); and

A bill (S. 6070) granting an increase of pension to George Morrison (with accompanying papers); to the Committee on Pensions.

By Mr. SHIVELY:

A bill (S. 6071) granting an increase of pension to John T. Lance; to the Committee on Pensions.

By Mr. OLIVER:

A bill (S. 6072) granting an increase of pension to James J. Hasson (with accompanying papers); to the Committee on Pensions.

AMENDMENTS TO RIVER AND HARBOR BILL (H. R. 21477).

Mr. ROOT submitted an amendment proposing to appropriate $29,500 for improving the harbor at Mamaroneck, N. Y., etc., intended to be proposed by him to the river and harbor appropriation bill, which was referred to the Committee on Commerce and ordered to be printed.

He also submitted an amendment relative to the improvement of Tarrytown Harbor, New York, etc., intended to be proposed by him to the river and harbor appropriation bill, which was referred to the Committee on Commerce and ordered to be printed.

Mr. BRIGGS submitted an amendment proposing to appropriate $190,000 for the construction of a dredge to be used for deepening the channel at Absecon Inlet, N. J., etc., intended to be proposed by him to the river and harbor appropriation bill, which was referred to the Committee on Commerce and ordered to be printed.

He also submitted an amendment proposing to appropriate $40,000 for improving Woodbury Creek, N. J., etc., intended to be proposed by him to the river and harbor appropriation bill, which was referred to the Committee on Commerce and ordered to be printed.

He also submitted an amendment proposing to increase the appropriation for improving Maurice River, N. J., from $20,000 to $35,000, intended to be proposed by him to the river and harbor appropriation bill, which was referred to the Committee on Commerce and ordered to be printed.

Mr. RICHARDSON submitted an amendment relative to the improvement of Leipsic River, Del., etc., intended to be proposed by him to the river and harbor appropriation bill, which was referred to the Committee on Commerce and ordered to be printed.

He also submitted an amendment authorizing the Secretary of War to enter into a contract or contracts for materials and work necessary to complete the project in accordance with reports submitted in House Document No. 823, Sixtieth Congress, first session, etc., intended to be proposed by him to the river and harbor appropriation bill, which was referred to the Committee on Commerce and ordered to be printed.

He also submitted an amendment proposing to appropriate $19,600 for improving Leipsic River, Del., etc., intended to be proposed by him to the river and harbor appropriation bill, which was referred to the Committee on Commerce and ordered to be printed.

Mr. SIMMONS submitted an amendment proposing to appropriate $300,000 for improving Cape Fear River at and below Wilmington, N. C., etc., intended to be proposed by him to the river and harbor appropriation bill, which was referred to the Committee on Commerce and ordered to be printed.

He also submitted an amendment proposing to appropriate $20,000 for improving the channel from Core Sound to Newport River, N. C., etc., intended to be proposed by him to the river and harbor appropriation bill, which was referred to the Committee on Commerce and ordered to be printed.

He also submitted an amendment proposing to appropriate $500,000 for the construction of a harbor of refuge at Cape Lookout, N. C., etc., intended to be proposed by him to the river and harbor appropriation bill, which was referred to the Committee on Commerce and ordered to be printed.

He also submitted an amendment proposing to increase the appropriation for improving inland waterway from Norfolk, Va., to Beaufort Inlet, N. C., from $500,000 to $735,000, etc., intended to be proposed by him to the river and harbor appropriation bill, which was referred to the Committee on Commerce and ordered to be printed.

AMENDMENT OF PRINTING LAWS.

Mr. HEYBURN submitted an amendment intended to be proposed by him to the bill (S. 4239) to amend, revise, and codify the laws relating to the public printing and binding and the distribution of Government publications, which was ordered to lie on the table and be printed.

OMNIBUS CLAIMS BILL.

Mr. BRIGGS submitted an amendment intended to be proposed by him to the bill (H. R. 19115) making appropriation for the payment of certain claims in accordance with the findings of the Court of Claims, reported under the provisions of the acts approved March 3, 1883, and March 3, 1887, and commonly known as the Bowman and Tucker Acts, which was referred to the Committee on Claims and ordered to be printed.

AMENDMENTS TO APPROPRIATION BILLS.

Mr. JONES submitted an amendment, proposing to appropriate $10,000 to study the methods of clearing off "logged-off" lands with a view to their utilization for agricultural purposes, etc., intended to be proposed by him to the agricultural appropriation bill (H. R. 18960), which was referred to the Committee on Agriculture and Forestry and ordered to be printed.

Mr. WETMORE submitted an amendment, proposing to appropriate $3,725 for 22 marble pedestals for statuary in the Capitol Building, etc., intended to be proposed by him to the sundry civil appropriation bill, which was referred to the Committee on Appropriations and ordered to be printed.

WITHDRAWAL OF PAPERS—S. H. ALEXANDER.

On motion of Mr. OVERMAN, it was

Ordered, That the papers and exhibits in the case of S. H. Alexander, Senate bill 2160, Fifty-ninth Congress, be withdrawn from the files of the Senate, no adverse report having been made thereon.

LABOR DISPUTES.

Mr. WATSON submitted the following concurrent resolution (S. Con. Res. 20), which was referred to the Committee on Interstate Commerce and ordered to be printed:

Whereas controversies and disputes between employers and employees resulting in strikes, lockouts, and disorder have arisen in recent times; and

Whereas it is feared that such controversies and disputes will result in the near future in other strikes and lockouts, with their consequent disorder and disasters, injuriously affecting commerce among the States and with foreign nations, as well as the operation of the Government of the United States; and

Whereas such disorder and disturbances are detrimental not only to the welfare of employers and employees, but to the welfare of all the people: Therefore be it

Resolved by the Senate (the House of Representatives concurring), That a joint special committee is hereby created, to be composed of the chairman of the Committee on Interstate Commerce of the Senate, the chairman of the Committee on Interstate and Foreign Commerce of the House of Representatives, and two members of each of said committees, to be appointed by the respective chairmen thereof, to investigate any controversies or disputes between employers and employees concerning wages, hours of labor, or conditions of employment which have arisen or may arise during the continuance of the said special committee, which have affected or may affect the operations of the Government of the United States or commerce among the States or with foreign nations, and to inquire into the causes of any such controversies or disputes.

That such joint special committee shall promptly organize and, at the seat of disturbance or elsewhere, as it may deem most expedient, proceed with all convenient dispatch to investigate any such controversy or dispute and to inquire into the cause or causes thereof.

That when the said committee is about to investigate any such controversy or dispute and to inquire into the cause or causes thereof, it shall give reasonable notice of the hearing to the parties directly concerned, and such parties, either in person or by counsel, may be present at the hearing or hearings and take such part therein as may be provided for in the rules of procedure which the committee is hereby authorized to adopt. The committee may also hear any other person who, though not directly concerned in the controversy or dispute, may be able to furnish information upon the subject under consideration.

That the said committee shall make a report to Congress as soon as practicable after each investigation and inquiry, and if any such report is made during a recess of Congress the committee is authorized to publish the same without awaiting the further order of Congress thereon. All such reports shall include not only the facts developed at the hearings, but such recommendations as may, in the judgment of the committee, be required or be appropriate to enable Congress to adopt such legislation as will terminate the controversy with justice to all who may be interested therein and to prevent recurrences of such disputes and disturbances. A final report of the committee shall be made before the close of the next regular session of Congress.

That the said joint special committee shall have the power to employ clerks and stenographers, administer oaths, send for persons and papers, and compel the attendance of witnesses. It is also hereby authorized to sit during the recess of Congress.

All expenses of said joint special committee shall be paid in equal proportions from the contingent funds of the Senate and House of Representatives, upon vouchers to be approved by the chairman of said joint special committee.

REPORT OF NATIONAL WATERWAYS COMMISSION.

Mr. BURTON. I submit the following resolution, and ask unanimous consent for its immediate consideration.

The Secretary read the resolution (S. Res. 269), as follows:

Resolved, That the Public Printer be authorized to print not more than 10 pages of illustrations, to be incorporated in the final report of the United States National Waterways Commission.

The VICE PRESIDENT. Is there objection to the present consideration of the resolution?

Mr. SMOOT. That report has already been ordered printed.

Mr. BURTON. I already have the printed proof of the report.

Mr. SMOOT. I have no objection to the resolution.

The resolution was considered by unanimous consent and agreed to.

WORKMEN'S COMPENSATION (S. DOC. NO. 475).

Mr. SUTHERLAND. I send to the desk copies of the opinions of the State supreme courts in New York, Massachusetts, Washington, Montana, Wisconsin, and Ohio construing the constitutionality of workmen's compensation and industrial insurance laws of those States. I move that the matter be printed as a Senate document.

The motion was agreed to.

ADDRESS BY THEODORE ROOSEVELT (S. DOC. NO. 473).

Mr. BRISTOW. I send to the desk an address entitled "The right of the people to rule," delivered by Theodore Roosevelt in Carnegie Hall, New York City, March 20, 1912, under the auspices of the Civic Forum. I move that the address be printed as a public document.

The motion was agreed to.

THE RECALL OF JUDGES (S. DOC. NO. 472).

Mr. POINDEXTER. I send to the desk an article printed in the Editorial Review, November, 1911, on the "Recall of judges." I move that the paper be printed as a Senate document.

The motion was agreed to.

UNVEILING OF STATUE OF BARON VON STEUBEN.

The VICE PRESIDENT laid before the Senate the following concurrent resolution (No. 39) of the House of Representatives, which was read and referred to the Committee on Printing.

Resolved by the House of Representatives (the Senate concurring), That the concurrent resolution passed August 21, 1911, providing for the printing of the proceedings upon the unveiling of the statue of Baron von Steuben in Washington, December 7, 1910, be amended by adding the following sentence after the last word thereof: "There shall be included in the same volume, as herein provided for, the proceedings relating to the unveiling of the statue of Baron von Steuben in Berlin, September 2, 1911; and this document shall be compiled and printed under the direction of the Joint Committee on Printing."

CAUSE AND PREVENTION OF TYPHOID FEVER.

The VICE PRESIDENT laid before the Senate the following concurrent resolution (No. 43) of the House of Representatives, which was read and referred to the Committee on Printing.

Resolved by the House of Representatives (the Senate concurring), That there be printed for the use of the House of Representatives, to be distributed through the folding room, 100,000 copies of Public Health Bulletin No. 51, being a report on the cause and prevention of typhoid fever, with special reference to conditions observed in Yakima County, in the State of Washington, by L. L. Lumsden.

CHOCTAW AND CHICKASAW COAL AND ASPHALT LANDS.

The VICE PRESIDENT laid before the Senate the amendments of the House of Representatives to the bill (S. 3686) authorizing the Secretary of the Interior to permit the Missouri, Kansas & Texas Coal Co. and the Eastern Coal & Mining Co. to exchange certain lands embraced within their existing coal leases in the Choctaw and Chickasaw Nation for other lands within said nation, which were to amend the title by striking out the word "Nation," in lines 4 and 5 thereof, and insert "Nations," and also to strike out the word "nation," in line 5 of the title, and insert "nations."

Mr. CLAPP. I move that the Senate concur in the amendments of the House of Representatives.

The motion was agreed to.

PUBLIC BUILDING BILLS.

The VICE PRESIDENT laid before the Senate the bills (S. 317) to provide for the purchase of a site and the erection of a public building thereon at Sundance, in the State of Wyoming; (S. 318) to provide for the acquisition of a site and the erection of a public building thereon at Newcastle, Wyo.; and (S. 4493) to provide for the purchase of a site and the erection of a public building thereon at Thermopolis, in the State of Wyoming, returned from the House of Representatives in compliance with the request of the Senate.

He also laid before the Senate the bill (S. 3716) for the erection of a public building at St. George, Utah, returned to the Senate in compliance with its request.

The VICE PRESIDENT. Awaiting further action, the bills will lie on the table.

POTASH AND NITRATES IN PUBLIC LANDS (H. DOC. NO. 644).

The VICE PRESIDENT laid before the Senate the following message from the President of the United States, which was read, referred to the Committee on Agriculture and Forestry, and ordered to be printed:

To the Senate and House of Representatives:

Among the most acute of the problems faced by our agricultural interests is that of the maintenance of soil fertility, and among the elements of greatest value in maintaining this fertility is the element potassium in its various combinations. In an address delivered at St. Paul, Minn., on September 5, 1910, in discussing the withdrawals of phosphate lands, I stated that "phosphorus is one of the three essentials to plant growth, the other elements being nitrogen and potash."

The scientific bureaus of the Government have discovered and classified large areas of public lands underlain by phosphate rock and the withdrawal act of June 25, 1910 (36 Stat., 847), confers upon the Executive ample authority for the protection of these lands until an adequate law for their disposal shall have been enacted. In both of these respects the situation as to potash and nitrogen differs from that as to phosphorus. Until very recently no important deposits of potash salts have been known in the United States, and no law exists to enable the Executive to adequately control the development of such deposits as they may become known.

Recent discoveries by Government scientists in the deserts of the Southwest indicate that in at least one locality potassium salts exist in important commercial quantities in the form of a natural brine. Further explorations are to be initiated at once, and it is hoped that they will result in the discovery of additional deposits whose utilization will inure to the great benefit of the agricultural industry of the United States and may reduce the necessity for continuing the present extensive importations. In the face of this discovery I am confronted by the fact that the laws at present upon our statute books for the disposal of minerals of this type existing upon public lands are inadequate for the protection of the public interests and that there exists no authority for withholding them from disposal until the Congress shall enact an appropriate law.

The greater part of the lands upon which the discoveries now known exist (and it is to be noted that these were made by the use of specific appropriations made by Congress for the purpose) are as yet in public ownership, but may be acquired at any time under the placer-mining law by private interests which will have contributed nothing to their discovery, but which can not under the existing law be effectively controlled in the disposition or development of the deposits. Similar results will follow future discoveries at Government expense.

The Secretary of the Interior in his last annual report has called my attention to the fact that the withdrawal act in its present form grants the Executive no authority to protect land valuable for their content of potash or nitrates, both of which should be developed in the public interest for the present and future agricultural needs of the Nation.

The act now reads:

That all lands withdrawn under the provisions of this act shall at all times be open to exploration, discovery, occupation, and purchase under the mining laws of the United States, so far as the same apply to minerals other than coal, oil, gas, and phosphates.

This omits both potash and nitrates from the protection of the law.

The Secretary's ideas of the amendment necessary to correct this condition are embodied in Senate bill 5679, introduced by Senator SMOOT on March 8, 1912. The immediate enactment of this amendment or one of similar tenor will confer upon the Executive the authority necessary to protect these valuable deposits until such time as Congress may enact further legislation providing for their proper disposition. I urge that such action be taken immediately.

WM. H. TAFT.

THE WHITE HOUSE, *March 26, 1912.*

THE COTTON SCHEDULE (H. DOC. NO. 643).

The VICE PRESIDENT laid before the Senate the following message from the President of the United States, which was read, referred to the Committee on Finance, and ordered to be printed:

To the Senate and House of Representatives:

In several messages to Congress I have expressed my wish for a revision of the present tariff, schedule by schedule, when justified by an adequate knowledge of the facts regarding each industry, as shown by an impartial and nonpartisan inquiry. In order to secure such an impartial inquiry into the facts, I established, under the authority vested in me by law, a Tariff Board of five members. On December 20, 1911, I transmitted to the Congress a report of the board on Schedule K (wool and manufactures of). The board was unanimous in its findings of fact, and on the basis of these findings I recommended a revision of that schedule.

I now transmit a report of the Tariff Board on Schedule I (cotton manufactures). In this report also the board is unanimous in its findings. On the basis of the report, I now recommend that the Congress proceed to a consideration of this schedule with a view to its revision and a reduction of its rates.

I base this recommendation on the declaration of the platform on which I was elected, that a reasonable protective tariff should be adjusted to the difference in cost of production at home and abroad.

The report of the board shows the difficulty of stating in general terms difference in costs of production for a great variety of cotton manufactures. These differences vary widely according to the character of the particular fabric.

In the manufacture of cotton cloth there are three main branches of the industry—spinning, weaving, and finishing. The report shows that the cost of spinning cotton yarn in this country is greater than in the leading competing country. In the case of ordinary warp and filling yarns, forming the bulk of the production of the domestic industry, the foreign cost of turning cotton into yarn is shown to be about 70 per cent of the domestic cost.

The duty on these yarns is two or three times in excess of the difference in cost of production. On some highly specialized yarns, and on yarns of the highest count—that is, of greatest fineness—the duty in some cases about equalizes the difference in conversion costs. In many cases, however, on the higher grades of yarn which are produced in this country, the duty is in excess of the difference in the cost of production, though by a much less amount than in the case of ordinary warp and filling yarns.

The difference in the cost of weaving yarn into cloth as between this country and its chief competitor varies according to the character of the fabric. In the case of many cloths of plain weave the American cost of weaving seems to be lower than the foreign cost, due to the greater number of looms tended per weaver in this country. This reduces the labor cost per yard despite the higher earnings of the American weaver. This conclusion is further substantiated by the fact that cloths of this description are sold by the domestic manufacturer in this country at prices as low as those charged by the foreign manufacturer in his own country. In proportion, however, as the fabrics become more complicated (and therefore permit of fewer looms per weaver), the American cost of production increases. In the case of most fancy fabrics of complicated weaves the cost of weaving is higher in this country, but on such fabrics the present duties are in excess of any difference in cost, and in many cases are in excess of the total conversion cost in this country.

The cost of finishing (that is, bleaching, printing, dyeing, and mercerizing) is about the same in this country and in the leading competing country. The extra duties imposed under the present law by reason of these processes are in excess of the difference in the extra cost due to finishing, and are often in excess of the total domestic cost of finishing.

The report further shows that in the case of a large variety of fabrics, which permit of the use of many looms per weaver, the prices at which goods are sold by the American manufacturer are as low as the prices charged by the foreign manufacturer in his own market, and in many cases lower. On the finer goods mill prices in this country are higher than abroad, due in part, at least, to the higher cost of production here. In few cases, however, is the mill price in this country increased by anything like the full amount of the duty.

One the other hand, the prices paid by consumers in this country are higher than abroad, even where the prices received by the manufacturers are the same in both countries. This is a result of a system of distribution under which the margin between the manufacturer's price and the retail price is much greater than abroad. This is partly due both to the higher cost of distribution and to the established practice in the cotton retail trade of selling fabrics at customary fixed or "set" prices.

Under the existing system of distribution a slight reduction of duties would in some cases materially reduce the price to the consumer, while in other cases a large reduction of the duties would not change the price to the American consumer at all. These matters are set forth fully in the report of the board, which presents in impartial manner the necessary facts on which an intelligent revision of this schedule can be based.

I therefore recommend that the Congress proceed to such a revision without delay.

Before closing this message, I desire to bring the attention of Congress to the fact that the labor and expense involved in the reports by the Tariff Commission upon Schedule K (wool and manufactures of) and upon Schedule I (cotton manufactures) have been such as nearly to exhaust the appropriation. The pressure under which these investigations and reports were made involved a greater outlay than will be necessary in the investigation and report upon the remaining schedules in the tariff law. Heretofore the expenditure has averaged about $30,000 per month since the appropriation became available July 1, 1911. The board, through its chairman, Mr. Emery, advises me that $20,000 per month, in addition to the sum on hand, would enable them to continue regular work upon other schedules directed by me until the end of the fiscal year June 30, 1912. I therefore urge the appropriation, as a deficiency appropriation, of $60,000, to enable the board to continue its valuable work during the months of April, May, and June.

I can not emphasize too much the importance that I attribute to the work of the board. The reports already made by the board are most valuable in advising the Congress and the people of the actual conditions under which these schedules operate and of the changes that ought to be made to make more equitable their effect.

I have directed the board to take up the metal schedule, the leather schedule, the chemical schedule, and the sugar schedule, and I sincerely hope that appropriations, not only for the current fiscal year, but ample appropriations for the next year, will be made by Congress, in order that this Congress in its next session, and its successors, may have the benefit of the information which will certainly result from a continuance of the services of the Tariff Board.

WM. H. TAFT.

THE WHITE HOUSE, *March 26, 1912.*

NOTE.—Report accompanied similar message to the House of Representatives.

HOUSE BILL REFERRED.

H. R. 45. An act affecting the town sites of Timber Lake and Dupree, in South Dakota, was read twice by its title and referred to the Committee on Public Lands.

SERVICE PENSIONS.

The VICE PRESIDENT. The morning business is closed. The Chair lays before the Senate House bill No. 1, in compliance with the order heretofore entered by the Senate by unanimous consent.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 1) granting a service pension to certain defined veterans of the Civil War and the War with Mexico.

Mr. THORNTON. Mr. President, to those who were volunteers in the Civil War on either side of the struggle, and who knew the opinion of their opponents through mutual intercourse under flags of truce or as prisoners of war, some of the views adduced during the discussion on this floor of the pending measures have a very strange and curious sound, for the suggestion then to the soldiers of the Union Army who volunteered to fight for the flag of their country that in the days to come it would be claimed by them or anyone speaking for them that on that account they would be entitled to a money reward, or, as stated by the Senator from Florida [Mr. BRYAN] during this discussion, that their patriotism was to be measured by the standard of dollars and cents, would have been resented as a deadly insult. But those days are far removed in the past, and it seems that changing sentiments have come with the changing years.

On the subject of these pension bills I speak from the standpoint of an ex-Confederate soldier who deemed it his duty to volunteer to resist the invasion of his State, and who has never had and who never will have any apology to make for the course he then pursued, but who long ago accepted in good faith the result of the Civil War, believing that it was best that we should have one rather than a divided Nation, who has raised his children to honor and love and revere its flag, and who has taught his sons to understand that it was their duty to be always ready to fight and, if necessary, to die to protect the honor of that flag.

I have no feeling save that of respect for the veterans of the North who were actuated by principle, as were the veterans of the South. But I must confess that this feeling on my part extends in the fullest degree only to those who like myself were volunteers, and only in a limited degree to those who were conscripts, and not at all to those who were hirelings for either Government bounty or private substitute money.

I have said that I have no feeling save that of respect for those volunteers who were actuated by principle, and it gives me very great pleasure to publicly testify here that during the discussion of measures pending before the Senate requiring a reference to the time or the events of the Civil War during my time of service here, only one remark has been made at which an ex-Confederate soldier could justly take offense, and I am glad that I was not present when that remark was made. But on all other occasions a due and kindly regard for the sensibilities of southern soldiers has been shown by those northern Senators who did not and could not be expected to believe that the cause of the South was right. I specially recall two instances of this character, one being the remarks of the Senator from Michigan [Mr. SMITH], which brought him through me a handshake from a brother Confederate veteran in the State of Louisiana who had read his remarks in the CONGRESSIONAL RECORD, a handshake which was cordially given and as cordially returned, and the other was the remarks of the Senator from California [Mr. WORKS], himself a Union veteran, who, later on, in the kindness of his heart and generosity of his nature, said that he would like to see the National Government provide for the aged and indigent Confederate veterans. For this sentiment I, in common with all Confederate soldiers, thank him from the depths of my heart.

But I am sure that I speak the sentiments not only of my surviving Confederate brethren, but also of the people of the South when I say that even if the National Government were to make such an offer it would, though deeply appreciated, be declined.

The South prefers herself to provide for her old and indigent survivors of the Civil War, not as she would like to do, but as best she can, through pensions and homes for veterans; and this she has been doing for long years in the past and will continue to do for all years in the future until the last of them have gone where they need no earthly help.

I feel sure, likewise, that I speak the sentiments of the people of the South when I say that though they stand amazed, as all the world stands amazed, at the magnitude of the pension roll of this Government on account of the Civil War, yet they have no complaint to make against adequate provision by the Government for all aged or indigent veterans of the Civil War, who, on account of wounds or disabilities or diseases or on account of old age preventing them from work, are unable to make a support, and they are likewise willing that this provision should be extended to their needy widows and children.

They are willing to bear their share of the burden of the pension roll while receiving so few of its benefits. But I am not willing that they or any other section of this country should be saddled with a burden that I do not think they should be properly saddled with, and therefore I am opposed to these indiscriminate service pension bills.

I wish to say that I am willing to pension every single Union veteran who was honorably discharged from the service, who on account of wounds or sickness contracted in the line of duty is not able to support himself, and I am perfectly willing to extend that bounty to his widow or his children who stand in need. I would not confine this to the length of service, because it might well be that those who volunteered later during the war could have been actuated by patriotic motives, as much so as were those who volunteered at an earlier time in the service; nor would I limit it to those who had actually been in battle, because, having been a soldier myself, I know that soldiers must remain where they are stationed and that they can not all be on the fighting line. I can afford to say this, because my own command was always in the field and in front of the enemy and enjoys the distinction of having had said of it by the general commanding the department, in a book written by him since the close of the Civil War, that it was always in the front on an advance and always in the rear on a retreat.

As I have said, I am willing also to give this bounty to their widows and to their children who are needy and who have no relatives able and willing also to support them. But I must recognize the fact that as a Member of the lawmaking body of this country I have assumed an obligation toward all classes of our citizens, and I would not feel justified in unduly helping one class to the detriment, or, at least, at the expense, of all other classes.

I may be wrong, and if so I am very sorry for it; but I can not help believing that the motives which actuated the passage of the Sherwood pension bill by the House of Representatives were as much political as patriotic, if not more so, and I can not agree with the statement recently made on this floor to the effect that because the surviving veterans of the Civil War are few in number and consequently have not much political influence, therefore their just claims to pensions can be slighted with impunity by Congress. I believe that the very contrary is true, for I believe that the organized pension interest of this country, consisting, as it does, not merely of the half million, in round numbers, of veterans left behind, but of all their descendants, numbering in the millions, with the pension agents behind them, exercise a more potent influence in shaping legislation in Congress than any other class of citizens, not even excepting organized labor.

Now, when I have assisted in passing legislation to provide for all aged and indigent Union veterans and for their widows and for their children who stand in need of it, I feel that I have assisted in discharging the full measure of debt that this country may owe to its Civil War veterans; but if I should go further than that I would feel that I had not properly discharged my duty to the remaining citizens of this country.

Holding these views, I can not vote for the Sherwood pension bill or for the substitute reported by the committee or for any other bill embodying those same general provisions.

Mr. CURTIS. Mr. President, in order to bring to the attention of the Senate the difference in the pension bills now being considered, the House bill No. 1, and the Senate substitute, I desire to call attention to the rates fixed in each:

Sixteenth proposition (eleventh modified).

SMOOT AMENDMENT.

	90 days.	6 months.	9 months.	1 year.	1½ years.	2 years.	2½ years.	3 years and over.
Age:								
62.....	$13.00	$13.50	[1]	$14.00	$14.50	$15.00	$15.50	$16.00
66.....	15.00	15.50	[1]	16.00	16.50	17.00	17.50	18.00
70.....	18.00	19.00	[1]	20.00	21.00	22.00	23.00	24.00
75.....	21.00	22.50	[1]	24.00	25.50	27.00	28.50	30.00

SHERWOOD BILL.

All ages.....	$15.00	$20.00	$25.00	$30.00	[1]	[1]	[1]	[1]

[1] No rate.

It will be noticed that the Sherwood bill, or House bill No. 1, provides for a service pension, while the Smoot substitute combines both age and service.

There has been much said and more printed in regard to the difference in the cost of each measure. It will be seen that the friends of House bill No. 1 and those who oppose it do not agree as to what it will cost. Mr. SHERWOOD, who prepared the bill and has studied it, estimates the cost of that bill to be $43,056,210. These figures were made upon the basis that there are 488,712 Union soldiers on the pension roll, but later information gives the number as 456,336, and a few days ago the Senator from Utah [Mr. SMOOT] gave the number as 421,000. So it will be seen that Mr. SHERWOOD placed his estimate too high.

The officers of the Pension Bureau estimate that the Sherwood bill would increase the appropriation for pensions to $72,000,000, but the first year the increase would be about $32,000,000. The difference in these estimates is explained by the fact that Mr. SHERWOOD bases his figures upon the records as to service in the War Department, while the statistics upon which the Pension Bureau based the length of service were obtained from 475,000 statistical cards gathered about 20 years ago.

For one I do not intend to try to harmonize these differences, because I do not believe it is just to the Union soldiers to measure their services in dollars and cents. I believe they should be given the most liberal pension possible.

It is estimated that the Smoot substitute would increase the appropriation about $11,500,000 the first year, $33,000,000 the second year, and $21,000,000 the third year. But, as I said before, I am not going to argue the question of cost, because I do not think it fair to do so. The soldiers did not stop to count the estimate to themselves and others near and dear to them when they offered their lives for the preservation of the Union.

THE COST OF LIVING.

In connection with the question of the cost of living I would like to call the attention of the Senate to a letter from a former Member of this body, a man with whom you might not have agreed upon public questions, but a man for whose honesty and sincerity you had the highest regard.

715 WEST TENTH STREET,
Topeka, Kans., December 7, 1911.

Hon. CHARLES CURTIS,
Washington, D. C.

DEAR SENATOR: When the pension question is taken up in the Senate a statement showing the cost of living may come handy.

I am now getting $60 every three months.

Here is what I am paying for same period for room, meals, and laundry:

Room rent	$30.00
Meals	55.80
Laundry	12.12
Total	97.92

And this does not include any allowance for clothing or body wear of any kind.

Respectfully, W. A. PEFFER.

Here is an old soldier who served his country well, a man whom you all know, who draws a pension of $60 every three months, and he states—and no man who knows him but will believe he lives as economically as possible, that he spends in three months $97.92.

INMATES OF THE NATIONAL HOMES.

There has been something said in this debate about the inmates of the national homes. There are about 25,000 inmates of the nine homes, and I have received a number of letters claiming if the House bill should be enacted into law that 90 per cent of those inmates who are able to be about would withdraw from the homes.

To those who are hesitating on account of the cost I desire to ask you to consider this fact, that since 1897, as compared with 1910, the per cent of increase in the ordinary expenses of the United States Government has been as follows, and without reading it I desire to print a table giving the comparison referred to.

The PRESIDING OFFICER (Mr. SMITH of Georgia in the chair). In the absence of objection, permission to do so is granted.

The comparison referred to is as follows:

Comparison showing the ordinary expenses of the United States Government for the fiscal year ending June 30, 1897, compared with the expenditures of Congress for the year ending June 30, 1910.

	Expended 1897.	Expended 1910.	Increase, 1910 over 1897.	Increase.
BIG BUSINESS DEPARTMENTS.				
	Dollars.	*Dollars.*	*Dollars.*	*Per cent.*
Executive, legislative, and judicial	21,519,751	32,007,049	10,487,298	48.72
Sundry civil	27,539,130	71,323,573	43,784,443	158.99
War Department, including fortifications	48,950,267	155,911,706	106,961,439	218.51
Navy Department	34,561,546	123,173,717	88,612,171	256.42
Rivers and harbors	15,944,143	29,190,264	13,246,121	83.07
Diplomatic and consular	1,643,559	3,613,862	1,970,303	119.89
Deficit	13,900,108	18,913,556	5,013,448	36.07
Indians	13,016,802	18,504,131	5,487,329	42.15
Miscellaneous	423,304	1,334,571	911,267	215.24
District of Columbia	5,900,319	10,699,531	4,799,212	81.33
Total	183,398,929	464,671,960	281,273,031	153.36
THE PEOPLE'S DEPARTMENTS.				
Agricultural stations, conservation land and soil	3,255,537	12,995,036	9,439,499	299.16
Pensions, wars of 1812, 1836, 1846-1848, 1861-1865, and 1898	141,328,580	160,695,416	19,366,836	13.70
Aggregate	327,983,046	638,362,412	310,379,366	94.69

Compiled from official sources. Aggregate expenses for the years named for ordinary expenses can be verified by the World Almanac for 1912, page 256.

Mr. CURTIS. Mr. President, this comparison shows that with the pensions granted to the soldiers of the Spanish War, with the increase to widows from $8 to $12 per month under the act of 1908, with the increase given to the soldiers of the Mexican and Civil Wars under the act of 1907, the increase for pensions has been only 13.7 per cent, while that of the War Department has been 218 per cent, the Navy 256 per cent, rivers and harbors 83 per cent, and the Diplomatic and Consular Service 215 per cent.

In view of these figures, is it fair to the soldiers to say that if you increase the appropriation for pensions a few million dollars it will necessitate the issuance of bonds?

This great, rich, and prosperous country of ours is amply able to meet its obligations, and if this dollar-a-day bill is enacted into law there will be no trouble in providing for the increased cost.

I fear we do not fully realize the magnitude of the Civil War. In the Revolutionary War there were 1,736 killed in battle; in the Mexican War there were killed 1,049; in the War with Spain 247, making a total in the three wars of 3,031 killed, while in a single battle in the Civil War, the great battle of Gettysburg, which was the turning of the tide, the beginning of the end, there were 3,072 killed on the Union side. There were more killed in that one battle than in the three wars mentioned.

This great country of ours, the leading Nation in the world, can well afford to support the men who fought the battles which saved the Union. Personally I do not believe we should count the dollars the bill will carry. We should remember the great service the Union soldiers rendered, and pass the bill in justice to the survivors of that wonderful army.

They did not count the cost. When President Lincoln called, they simply answered "We are coming, Father Abraham, three hundred thousand strong."

They gave up their all and offered their lives to preserve the Union, and this Government should provide for them in their old age.

In the report signed by a minority who favored the House bill, we contended its enactment into law would reduce the running expenses of the Pension Bureau; and for one, I have heard nothing in this debate to cause me to change my mind. It surely would reduce the number of pension examiners, the number of examining surgeons, and after the first certificates were issued no new ones would be required.

I ask my colleagues on this side to remember the promise of our party in every national platform since 1864. With the permission of the Senate, I will print in my remarks a portion of the platform of 1908.

The PRESIDING OFFICER. Without objection, permission to do so is granted.

The matter referred to is as follows:

Another Republican policy which must ever be maintained is that of generous appreciation for those who have fought the country's battles and for the widows and orphans of those who have fallen. We commend the increase of the widows' pension made by the present Congress, and declare for a liberal administration of all pension laws to the end that the people's gratitude may grow deeper as the memories of the heroic sacrifices grow more sacred with the passing years.

Remember what President Taft said in his message of December 4, 1910. He said:

PENSIONS.

The uniform policy of the Government in the matter of granting pensions to those gallant and devoted men who fought to save the life of the Nation in the perilous days of the great Civil War has always been of the most liberal character. Those men are now rapidly passing away. The best obtainable official statistics show that they are dying at the rate of something over 3,000 a month, and, in view of their advancing years, this rate must inevitably, in proportion, rapidly increase. To the man who risked everything on the field of battle to save the Nation in the hour of its direst need we owe a debt which has not been and should not be computed in a begrudging or parsimonious spirit. But while we should be actuated by this spirit to the soldier himself, care should be exercised not to go to absurd lengths, or distribute the bounty of the Government to classes of persons who may, at this late day, from a mere mercenary motive, seek to obtain some legal relation with an old veteran now tottering on the brink of the grave. The true spirit of the pension laws is to be found in the noble sentiments expressed by Mr. Lincoln in his last inaugural address, wherein, in speaking of the Nation's duty to its soldiers when the struggle should be over, he said we should "care for him who shall have borne the battle, and for his widow and orphans."

In this conection I desire to call to the attention of the Senate a newspaper clipping, which I just received by this morning's mail, with a picture of an old veteran who died a few days ago in Kansas City, Mo. It states:

The body of R. F. Couk, veteran of Shiloh, Gettysburg, and Bull Run, lies on a couch in the little parlor of the home of his son-in-law, J. E. Miller, 1321 Paseo, where he died Saturday morning. The drizzling rain is filling an open grave in the little Couk lot in Oak Park Cemetery, dug before it was learned that neither Couk or his son-in-law had money. The potter's field at Leeds alone is open to accept the body of this patriot who fought under the star-emblazoned flag.

Oh, it is sad that such things should occur, and yet here you have the case of a veteran of the Civil War, who, because he happened to die without leaving any money and his son-in-law, a poor, hard-working man, having been out of employment and unable to pay the expenses, is laid away in the potter's field. If you pass this $1-a-day bill and give to the old soldier a liberal pension, you will not have this kind of an article printed throughout this land; and it is a pity that such things should occur in this great, rich country of ours.

Remember what the soldiers did and what they gave up when they joined the Army, and what they and theirs suffered during the war and what they have suffered since. I ask you to remember what they did when the war was over. Thousands of them were pioneers to the West and the Northwest. They suffered in the new and undeveloped section, and they have helped to build up great States.

Since the war, when great questions were to be settled, you found them, their sons, and sons-in-law, voting to uphold the credit of our Government. When the question of protection was at stake they voted for the American policy and stood by the industries of our country.

Senators, I ask you to remember that the legislatures of 22 States have urged the enactment by Congress of liberal pension legislation. They are New York, Pennsylvania, Ohio, Illinois, Indiana, Michigan, Wisconsin, Iowa, Connecticut, Maine, Colorado, Kansas, Nebraska, Washington, North Dakota, Oklahoma, Minnesota, Oregon, Massachusetts, South Dakota, Utah, and Wyoming.

Remember the members of the grand army, which 50 years ago made the earth tremble beneath their mighty tread, who are now bent with age, and who will soon answer the last call. They are not looking now to new countries to develop, they are not looking for new enterprises in which to engage, but they are dreaming of the past, quietly waiting for the last call. Thousands of them to-day are waiting upon the action of this body upon these pension bills, and they are praying that this Congress may give them what they are entitled to—the bill passed by the House of Representatives. Thirty-six thousand of them passed away last year.

I had a letter yesterday, written by the commander of a Grand Army post in a city in Kansas, which 10 months ago boasted of 40 members of the Grand Army of the Republic, stating that in 10 months 14 of their number have been laid away. That will explain to the Senate more strikingly than anything I could say how fast the old soldiers are passing away. Thousands of those who remain are poor and helpless. They risked their lives in battle for the preservation of the Union that our Government should not perish from the earth.

I hope the substitute may be voted down and that the House bill may pass. If such action is taken, it will give joy and happiness to 456,000 soldiers who demonstrated their loyalty to the Union when brave men were needed.

I ask the Senate to vote down the substitute and then pass the dollar-a-day bill, which has passed the House. I ask this because, no matter what bill you enact into law, you can not repay the soldiers for the hardships and sufferings they have endured.

Mr. McCUMBER. Mr. President, since the Senator from Kansas has concluded his remarks—I did not desire to interrupt him while he was speaking—I should like the view of the Senator upon this proposition: Suppose exactly the same amount should be appropriated under the double standard adopted by the committee, which recognizes the disability of age as well as service, would the Senator then say that in his opinion a purely service pension bill would be more equitable than would one which recognized both the disability of age and the length of service?

Mr. CURTIS. I will say very frankly to the Senator, that if the committee had reported a liberal, double-standard measure, which recognized both age and service, and which, in my judgment, was more liberal than the House bill, I should have supported it; but I say to the Senator that, so far as I am concerned, I believe the most liberal pension we can grant will not do justice nor pay the debt, nor even come near paying the debt, the Government owes to the Union soldier.

Mr. McCUMBER. I think I understand the Senator from Kansas. If I understand him correctly, his answer would be to this effect, that if both measures carried the same appropriation, he would prefer the one providing for the double standard.

Mr. KENYON. Mr. President, I have heretofore expressed my views on the general subject of the pending service-pension bill as passed by the House of Representatives and the SMOOT substitute. I only want to take a very few moments in some further meditation concerning the only objections which I have heard raised to the Sherwood bill. I have no prepared address on this subject, but since the address of the distinguished junior Senator from Ohio [Mr. POMERENE] there have been running through my mind a few thoughts on this subject that I think ought to be uttered. I always listen with interest to what the distinguished junior Senator from Ohio has to say. He illuminates his subject, and, furthermore, I have a very close attachment for Ohio, having been born in that State, although when I reached years of discretion removed to Iowa. I gather from the strong argument which he has made that the great objection and only objection to the Sherwood bill is that we can not afford it.

In the course of his address he referred the Senator from Nebraska to the words of Past Commander Eli Torrance, and commended these words to the distinguished Senator from Nebraska:

> Of course, if the Government is not able to do what we ask, I do not think any old soldier wants the Government to do it. I would be sorry if any old soldier felt that way.

That is, the old soldier is not asking the Government to do something it is not able to do. Does anyone claim we are not able to do what is right and just to the soldier?

And again, in the remarks of the distinguished Senator, he said, referring to the enlarged expenditure necessary:

> How shall this be met? It must be in one of two ways—either by immediately increasing taxation or by issuing bonds which must be paid by future taxation.

And again, in the remarks of the distinguished Senator:

> There is not a dollar paid out for pensions which does not represent a dollar of taxes which some man must pay, and the great portion of the taxes of this country is paid by those who can illy afford to do so.

My first enthusiasm in the cause of the soldiers came to me from association with a gallant old soldier from the State of Ohio—Capt. J. A. O. Yeoman—a man who went out a mere boy and served four years in the Army, with such distinguished service that the Congress of the United States voted him $2,000 as a reward for that distinguished service and gave him what was of more value to him—a resolution of thanks. As a boy, I studied law in his office and listened to his stories of war days and war hardships. He never had a pension. He never asked for one, because he felt he could battle with the hardships of life, but he believed that every deserving soldier should be in old age cared for by the Government he saved. From that day on I have always felt that the question of economy never should enter into the deliberations of Congress where the soldiers of this country were involved. The question of economy was not considered by them when they marched away to war.

Besides these Ohio connections, the Sherwood bill came from Ohio. The distinguished soldier, Gen. Sherwood, who sits here at my side, and who, I believe, is the best friend the soldiers have in this country, is the father of the Sherwood bill. He has to his credit great years of service to his country in the war. Now, in his older age, he is fighting a battle in Congress for justice to the soldiers of the Civil War. Hence, I could not help having a little feeling of regret that the junior Senator from Ohio [Mr. POMERENE], with his distinguished service, should preach a philosophy of economy where the soldiers are involved.

"We can not afford it!" That is the only objection that is raised against this bill. It costs too much. We must issue bonds or increase taxes; and every dollar of pensions means, according to him, a dollar for somebody to pay as taxes.

Whence the birth of this great cry of economy? Has it ever been whispered before? There is another way besides taxes, and another way besides bonds, of raising this money. However, it may be said in this connection that there is an excise tax law coming over here in a few days, if it is not here now. Some man on the floor of the House the other day wondered what the Government was going to do with the money that would be raised by the excise tax. Here is a good place to put it. Let wealth pay its great burden of taxes to take care of the men who made it possible for wealth to accumulate.

But I have firmly fixed in my mind the third way of taking care of this soldier question—by practicing a little economy in the administration of the Government.

Some years ago Congress raised its salaries. Where was the voice then for economy? On the very day the distinguished Senator from Ohio was preaching this doctrine of economy, or on the very day his speech was published in the RECORD, the Senate voted $1,400,000 for public buildings. I am not opposed to public buildings where it is right and proper that they should be constructed. I am not in favor of stopping great works of internal improvements. But it does seem to me that when we vote away a million and a half dollars with but little consideration, we are in a poor position to be preaching economy on this one great question.

One of these palatial public buildings was at the beautiful city of Sundance, in Wyoming, with its 281 energetic people. Ten years ago Sundance had 291 people; but in the progress of events this great city, 50 miles from a railroad, with postal receipts of about $2,400 a year, has lost 10 of its great citizenship. And we find ourselves, when we are talking economy about the soldier, appropriating $75,000 for a public building at Sundance!

If Sundance keeps on losing in population as it has in the last 10 years, in another 10 years, when this magnificent Government building is constructed, the entire population of Sundance can gather in some of the rooms, or in the magnificent

elevators, and be absolutely lonesome, and Sundance will be indeed a deserted village.

Again, there is Thermopolis, which has more of a historic sound than Sundance, which has not the same romance seeming to surround it as Sundance, and with a far greater population. Why, mark you, Thermopolis has nearly a thousand people. And on the very same day we appropriated $67,000 for Thermopolis.

St. George—that has not so romantic a sound as Sundance, and savors somewhat of war and fight and dragons—we voted $65,000 for St. George, with postal receipts of about $2,600 per year.

Mr. WARREN. Mr. President, will the Senator yield for a moment?

The PRESIDING OFFICER (Mr. SMITH of Georgia in the chair). Will the Senator from Iowa yield to the Senator from Wyoming?

Mr. KENYON. Certainly.

Mr. WARREN. I understand that the Senator in my absence——

Mr. KENYON. I did not know that.

Mr. WARREN. The same as another Senator, in my absence and that of my colleague, alluded to Sundance, Wyo., and the population of Sundance.

Mr. KENYON. Yes, sir.

Mr. WARREN. What did the Senator say it was?

Mr. KENYON. Two hundred and eighty-one people.

Mr. WARREN. Let me say to the Senator that he was not right, nor nearly right.

Mr. KENYON. I have the bulletin of the census of the United States.

Mr. WARREN. Yes; and the Senator is simply quoting one precinct.

Mr. KENYON. This is the bulletin for 1910.

Mr. WARREN. The Senator is simply quoting one precinct. If he will look under it he will find the population of the other precinct stated.

Mr. KENYON. Has the other precinct as many people as the one I quoted?

Mr. WARREN. It has more than that one.

Mr. KENYON. What, then, is the population of Sundance?

Mr. WARREN. I do not know what it is at this hour. I will take occasion later to tell the Senator. But I know what the census reports; and it does not report it at the figure as the Senator from Iowa has stated, and as the Senator from Tennessee stated.

Mr. KENYON. I have stated it as I gathered it from the bulletin.

Mr. WARREN. The Senator did not gather it correctly.

Mr. KENYON. Will not the Senator enlighten us then as to what the population of Sundance is?

Mr. WARREN. I will do that in my own time.

Mr. LEA. Mr. President——

The PRESIDING OFFICER. Does the Senator from Iowa yield to the Senator from Tennessee?

Mr. KENYON. I do.

Mr. LEA. I think the difference between the Senator from Iowa and the Senator from Tennessee and the Senator from Wyoming is, perhaps, that the Senator from Iowa is referring only to the metropolis of Sundance, the incorporated community, while the Senator from Wyoming is referring to the precincts. The bulletin shows, according to my recollection, that Sundance town—the metropolis, Sundance town—has, at this time, 281 people in it.

Mr. KENYON. The Senator is referring to the metropolis now?

Mr. LEA. In answer to the Senator's reference to what was done in his absence, I desire to state to him that no advantage was taken or attempted to be taken of his absence; that only a motion to reconsider was entered, and that motion was not brought up. It was done on that day because the rules provide that a motion to reconsider must be entered within two days; and I thought the appropriation so outrageous that I did not want by any possibility to have the two days elapse. Therefore I was unwilling to wait longer than the second calendar day, although two legislative days may be meant in the rules relative to reconsidering bills.

Mr. WARREN. If the Senator will allow me one word——

The PRESIDING OFFICER. The Senator from Iowa has the floor.

Mr. WARREN. Will the Senator allow me a word?

Mr. KENYON. I shall be very glad to do so.

Mr. WARREN. On the day that the Senator from Tennessee brought up the matter, he still had the balance of that day and the next day within which to enter notice of reconsideration. I was at work at the time upon the business of the Senate in the Military Affairs Committee room, within 70 feet of where the Senator was. The doorkeepers knew where I was. The Senator not only entered the motion of reconsideration, which was all right, and could have been done as well when my colleague and myself were absent as otherwise, but he went on in a speech, in which he stated that Sundance has a population of 281 people. That has gone out all through the newspapers. I was not here to contradict it; my colleague was not here to contradict it; and the Senator has thus put me and the town and State in a wrong position.

Of course, the old saying is that no matter how innocently a lie is told, a lie travels a thousand miles while the truth is getting its boots on; and that is probably the case now.

The census shows that Sundance has two precincts. The population of the precincts is given differently than in prior census reports. Ten years ago they were given together. In my own time I shall take up the matter. The Senator was in error then. I understood that the Senator from Iowa mentioned Sundance as having a population of 281.

Mr. KENYON. I did. That was my understanding.

Mr. WARREN. Then I am correct in saying to the Senator that it is not a true statement, as the census report will show.

Mr. KENYON. I certainly accept the Senator's statement; but I should like to inquire what is the population of Sundance?

Mr. WARREN. I will take that up in my own time.

Mr. LEA. Will the Senator from Iowa yield further to me for a moment?

Mr. KENYON. Certainly.

Mr. LEA. I desire to state that I was not blessed with information as to where the Senator from Wyoming was on that day, and, as the RECORD will show, my motion was not entered until practically the close of the proceedings of that day. I made a very brief statement as to the population of Sundance, and at the suggestion of a friend—a colleague of the Senator—I withdrew even that statement from the RECORD; so that he could be done no injustice in the matter in his absence.

Mr. WARREN. The Senator did not withdraw it, however, from the newspapers.

The PRESIDING OFFICER. The Senator from Iowa still has the floor.

Mr. KENYON. If the Senator from Wyoming will tell me what the population of Sundance is, I will yield.

Mr. WARREN. The population of Sundance is somewhat larger than the populations of certain towns in Iowa were when they had post-office buildings; while in this case it is only a bill for a public building and a long way short of a completed building. It is a bill for a building intended to house not only a post office, but also one of the largest land offices in the State, one that has control over perhaps more land than any other land office, and also a large number of foresters and others.

Mr. KENYON. Before the Senator sits down I will ask him to please tell me the population of Sundance. [Laughter.]

Mr. WARREN. I will tell the Senator the population of Sundance when I get the floor in my own right.

The PRESIDING OFFICER. The Senator from Iowa yields to the Senator from Wyoming, as the Chair understands, to give the population of Sundance.

Mr. LEA. Mr. President, will the Senator from Iowa yield to me for a moment.

Mr. KENYON. Very gladly.

Mr. LEA. I desire to make the observation that I do not think the Senator from Iowa is quite fair in attempting to pin the Senator from Wyoming down to an answer now. Sundance may grow in the meantime, and there may be therefore a perfectly proper reason for withholding the information.

Mr. KENYON. But does not the Senator remember that Sundance has decreased in population in the last 10 years?

Mr. LEA. And I desire to say just one word more. The figures I have given in regard to this matter of population are the figures which have been given by the census enumerator. I imagine that that record is correct, and by it I am willing to stand.

Mr. WARREN. The figures are correct as to one precinct only.

The PRESIDING OFFICER. The Senator from Iowa has the floor.

Mr. KENYON. I yielded in order that the Senator might tell me the population of Sundance, and I am trying to get it.

The PRESIDING OFFICER. The Senator from Iowa has the floor.

Mr. LEA. Will the Senator yield while I ask the Senator from Wyoming how many precincts there are in the city of Sundance?

Mr. WARREN. The Senator from Iowa has not yielded.
Mr. LEA. Will the Senator yield for that purpose?
Mr. KENYON. I will.
Mr. WARREN. Now, what is the question?
Mr. LEA. How many precincts are there in the city of Sundance?
Mr. WARREN. There are two.
Mr. LEA. That is, in the incorporated town?
Mr. WARREN. Yes.
The PRESIDING OFFICER. The Senator from Iowa has the floor.
Mr. KENYON. I feel that I have not gotten much sunlight on the proposition of the population of Sundance. But I referred to this, not because of Sundance, but merely as an example. I know that the Senator from Wyoming was a great soldier, with a great record; and I have brought up this matter only to enter my protest against expending public funds in that way. Whether or not a pension question is involved I am going to enter my protest just as long as I am here against public buildings where they are not needed, whether in Iowa or anywhere else.
Mr. WARREN. Will the Senator yield for a moment?
Mr. KENYON. Yes, sir.
Mr. WARREN. The census will show that the State of Iowa is pretty well provided for, and that every town of 5,000 people or more, with the exception of two, already has a public building, and about 10 towns or cities have public buildings where the population runs from less than 2,000 up to 3,000 and 4,000. These are buildings already constructed. It is not a case of the introduction of a bill for a building hereafter to be constructed.
Mr. KENYON. If there are any towns in Iowa no larger than Sundance that have received appropriations for Government buildings, I am sorry.
Mr. WARREN. There are towns in Iowa that were very much smaller than Sundance when bills were introduced, and passed the Senate, providing public buildings for them. I want to say, parenthetically, and I shall again state at the proper time, that the average period that elapses between the time a bill enters the Senate to even authorize the purchase of a site and the time of the authorization is between four and five years. The average time after a limit of cost is put upon the building, as per the figures of the Treasury Department, and before an appropriation is made, is between five and six years. So that when a measure comes in here in its first form it is sure to be something like 10 years before a building is completed.
Apparently, some of the towns of Iowa, like the towns of other States, have had such rapid growth that public buildings have been authorized very early. There are to-day public buildings in towns in this country where there are less than 1,000 people, and even less than 400 people; and I presume they are necessary there.
Mr. KENYON. Does not the Senator think that we might wait a few years for buildings and devote this money to pensions? That is the point I am making.
Mr. WARREN. Undoubtedly.
Mr. KENYON. It will be but a few years, and in the meantime we can pass a liberal pension bill and turn the money to that purpose.
Mr. WARREN. Undoubtedly; and I am very glad that the controlling party of the House, in caucus last night, decided, I understand, to have no public-building bill this year. I think, myself, that we should go slowly in those matters, as we ought to do in the case of rivers and harbors and many other appropriations.
Mr. KENYON. I did not know we had gone so slowly in the case of rivers and harbors.
Mr. WARREN. We have a chance now to practice economy in that direction, although the State of my friend from Tennessee is represented by something like a million dollars in a measure that is now being prepared.
Mr. KENYON. I know I was asked to introduce a bill for a public building in a town in Iowa of about 4,000 people, and I refused to do it. I took the position that I would economize as to public buildings in order that we should do a little more liberal justice to the soldiers for the next few years, and then we could have our public buildings if necessary.
Mr. SUTHERLAND and Mr. LEA addressed the Chair.
The PRESIDING OFFICER. Does the Senator from Iowa yield, and to whom?
Mr. KENYON. I yield first to get the population of Sundance.
Mr. LEA. Will the Senator allow me a moment?
Mr. KENYON. I will yield first to the Senator from Utah. Can the Senator tell me the population of Sundance?
Mr. SUTHERLAND. The Senator from Iowa stated that he had declined to introduce a bill to provide for a public building for some town in Iowa. Will he give the name of the town?
Mr. KENYON. If you will give me the population of Sundance I will tell you the name of the town.
Mr. KERN. Mr. President, I rise to a point of order.
The PRESIDING OFFICER. The Senator from Indiana has risen to a point of order, which he will state.
Mr. KERN. The Senators on this side of the Chamber are surely entitled to this flow of wit and eloquence, but we are unable to hear what is said.
The PRESIDING OFFICER. The point is well taken.
Mr. KENYON. Why does the Senator from Utah ask the question? Does he doubt the truth of my statement?
Mr. SUTHERLAND. Not at all. I was curious to know what was the town.
The PRESIDING OFFICER. The Chair is afraid the Senator from Utah is not now being heard.
Mr. SUTHERLAND. I am a little curious to know for what town in Iowa the Senator from Iowa had declined to introduce a public-building bill.
Mr. KENYON. Of course I assume that the Senator's question impugns the truthfulness of what I said.
Mr. SUTHERLAND. Not at all. I do not think the veracity of the Senator from Iowa is impugned by asking him a civil question.
Mr. KENYON. Why do you ask the question?
Mr. SUTHERLAND. Because I am curious on the subject.
Mr. KENYON. I am curious to know the population of Sundance.
Mr. SUTHERLAND. The Senator said it is a town which has a population of 4,000. Did the Senator decline to introduce the bill on the ground that the population would decrease steadily in the future as the population in Iowa has steadily decreased for so many years?
Mr. KENYON. No, sir.
Mr. SUTHERLAND. Of course, the Senator recognizes that in the Rocky Mountain States the population is steadily growing. My own State has advanced in population over 60 per cent. The State of Iowa seems to have completed its population some years ago, and it has been for many years steadily decreasing. So I can understand why the Senator should not be willing to introduce a public-building bill for one of those towns, because if they decrease in population to a point——
Mr. KERN. Mr. President, again I rise to a question of order.
The PRESIDING OFFICER. The Senator from Indiana rises to a question of order, which he will state.
Mr. KERN. Such questions as those propounded by the Senator from Utah to the Senator from Iowa constitute a violation of Senatorial courtesy.
Mr. LEA. Will the Senator from Iowa now yield to me?
Mr. KENYON. Certainly.
Mr. LEA. Mr. President, with reference to the statement made by the Senator from Wyoming [Mr. WARREN] in regard to the million dollars that may be in some bill in favor of Tennessee, I will say to the Senator from Wyoming that, as he well knows, I have had nothing to do with any of the items in that bill. When that bill comes before the Senate I will join with the Senator from Wyoming in seeing that Tennessee does not get anything which she is not justly entitled to. And I will ask the Senator to join with me in doing the same thing in regard to the State of Wyoming.
Mr. WARREN. If the Senator from Iowa will allow me, I shall be very glad to do that. The State of Wyoming has never had a penny from river and harbor acts. It never has had a penny for any other purpose that was not right and that it did not deserve.
The State of Wyoming has sixty-odd million acres of land, all but 400,000 acres of which are retained by the United States. The money from those lands goes into the United States Treasury. The State of Tennessee has always had the benefit of all her lands and the State of Tennessee has had some fifteen million dollars out of the United States. The State of Wyoming has given the United States more millions than that, and the lands that still remain amount to over $600,000,000 at the valuation the United States placed upon them in the organic act and since.
Mr. LEA. I am very glad to have heard that statement from the Senator from Wyoming because I know, forsooth, that it must mean he will join with me in asking to have the bill reconsidered appropriating $75,000 for a public building at Sundance.

Mr. WARREN. I shall do that unless I show the Senate that the town deserves the public building.

Mr. KENYON. Mr. President, I was proceeding in a quiet, leisurely way, but I have been somewhat drawn away from my argument by these various suggestions.

I will say to the Senator from Utah he need not have any particular concern about the population of Iowa decreasing or about Iowa's citizenship. We may lose some in our population in quantity, but we have not lost any in quality, and we certainly have helped the population of Utah and Wyoming by the removal of some of our people to those States.

Mr. WARREN. Will the Senator from Iowa yield for a moment to me?

Mr. KENYON. Certainly.

Mr. WARREN. I wish to say that Iowa has been most liberal in her people. We have a great many of them in Wyoming, and they are excellent citizens. I hope we may have a great many more of them. In the meantime, I hope that what there may be left of them may be industrious and populate the State sufficiently to keep the number up, that it may not fall back.

Mr. KENYON. We will keep busy. The Senator need not worry about that.

Mr. LEA. I imagine that none of the people of Iowa who go to Wyoming go to swell the population of Sundance.

Mr. WARREN. I presume there are none there from Tennessee, but there are plenty from Iowa.

Mr. LEA. If there are any in Sundance from Iowa, then some others already there must have left.

Mr. KENYON. Mr. President, I was really trying to make a serious speech, and did not anticipate that the charms of Sundance would consume so much time. I would just like a little of my time now, and then I will give up the floor.

My thought and suggestion, without intending to arouse the risibilities of anybody, was simply the one I have been trying to announce—that we practice economy somewhere else and not so much of it to the soldiers. Congress built magnificent office buildings here a few years ago at an expense, I understand, of over $6,000,000—enough money to have built a comfortable home for every Senator and Congressman, to have furnished it, and provided them with all the luxuries of life. Who talked economy then? I have not been able to find that anybody did, though every dollar that went into those things was a dollar, according to the Senator from Ohio [Mr. POMERENE] paid by those who can illy afford to bear the burden of taxation.

Mr. President, we certainly can economize on river and harbor appropriations. We can economize on many little things. I hesitate to refer to some matters that we might economize on, but as long as these matters are being suggested all around, I am going to advance the proposition that the Senate is not in a particularly good condition to preach this doctrine of economy as to the soldiers. There is sort of a moral estoppel at least.

I have introduced a bill here, which I know is sneered at and laughed at, to abolish certain things that are unwarranted extravagances. I can not understand why free senatorial barber shops should be carried on, or free bathrooms. I can not understand why such things as are set forth in the annual report of the Secretary of the Senate as paid out of public funds should be done. In that interesting document which I hold in my hand, on page 309, we find some such articles as dandruff cure, Evanola cream, and massage cream paid out of contingent fund of Senate. Every dollar put into dandruff cure is a dollar paid by some taxpayer. I can not understand why such articles as tar shampoo and listerine and Evanola cream should be paid for out of public funds. Every dollar put into tar shampoo and Evanola cream according to the philosophy of the Senator from Ohio is a dollar taken out of the taxpayer, and it is true. Nor can I understand why 12 pairs of white duck trousers for attendants in the bathrooms, as shown on page 447 of this interesting document, $24, should be paid out of public funds.

These are small things; some laugh at them and joke about them; but it does not lie in our mouths in these luxuriant surroundings, with these free things, that cost somebody money, to say that we must economize as to the soldiers. The people do not ask Congress to economize on pensions.

There was no trouble raising the money for the Spanish War. There has never been any trouble raising money for any legitimate purpose, and what a farce it is to put the objections to the Sherwood bill on the ground of economy.

The soldiers of this country are not in favor of the Smoot bill. It is not a just measure. They are in favor of the Sherwood bill. It is a just measure. I asked Gen. SHERWOOD as to his correspondence with the soldiers on this proposition and whether this bill was satisfactory to the soldiers of the country and if I might say on his authority that it was not, and he said, "Yes; the whole State departments of Michigan and Kansas, Grand Army of the Republic, have declared against the Smoot bill; Lansing, Mich., Post of G. A. R., 245 members, the second largest in Michigan, have unanimously declared that they prefer no legislation rather than to have the Smoot substitute, and a large minority of soldiers heard from prefer no legislation at all to the Smoot substitute."

That is the authority of Gen. SHERWOOD, who sits here at my side and who knows this soldier question. I would rather have his judgment on pension matters than that of any man in this country. If the Smoot bill was satisfactory to the soldier and was the best that could be done, I would raise no protest, but it is not satisfactory to the soldiers and it is not the best bill. The ideas of the soldiers ought to have some weight in getting at what is a fair bill. They are reasonable men who love their country fully as much as those legislating for them. They want no unreasonable things.

Under this bill the nearly 500,000 men who were mustered into the service in 1862 can never secure the maximum amount allowed.

Mr. LEA. Mr. President, will the Senator from Iowa yield to me for a moment?

Mr. KENYON. I will yield.

Mr. LEA. I desire to call attention to the report of the Department of Commerce and Labor, Bureau of the Census, E. Dana Durand, Director, on page 585, table 2, population of incorporated places. 1910, 1900, and 1890, Sundance town, Crook County: 1910, 281; 1900, 294; 1890, 515. Having shown by the census record the true population of Sundance I desire to make now the same observation which I understood the Senator from Wyoming to make a few minutes ago, that is the old adage, that a lie however innocently told travels far faster than the truth.

Mr. WARREN. Mr. President, I do not wish to take time now——

Mr. KENYON. I would like to yield to the Senator, but, of course, we have had so much about Sundance—everything but its population.

Mr. WARREN. I shall place in the RECORD at the proper time the record of the Census Office exactly as it is printed in public documents, showing that my statement was correct and that any statement to the contrary is incorrect. I shall not now ask for further time.

The PRESIDING OFFICER. The Senator from Iowa will proceed.

Mr. KENYON. I was trying to say before this unfortunate interruption that of the nearly 500,000 men mustered in in August, 1862, and mustered out in the spring of 1865, none had three years service. Some of the greatest and most effective battles of that war were fought by those men. They were the men who stood at Franklin in the bloodiest battle of the war. Without them the hills of Resaca never would have been charged, or the two-days' battle before Atlanta fought. This bill will not permit a single one of those men to have the full maximum, nor will but few of the soldiers ever reach the age of 75 years with the three years' service and secure the maximum allowance. Gen. SHERWOOD has figured it at about two or three thousand. Mr. SULLOWAY, who is interested in this question on the other side of the Capitol, has figured some 6,000. The age is too high. The soldiers are passing away at the rate of 100 a day. The maximum amount will never do them very much good. Not many live to be over 75 years of age.

Mr. President, when I got up I wanted only to talk for four or five minutes, but interruptions have come and occupied my time. Gen. Dudley, at the time he was Commissioner of Pensions, said that every boy who went to the war at 16 years of age and spent three years there shortened his life by five years. This must be so; those years of hardship would shorten any life.

Mr. President, this Nation can afford to be just to everybody. It can not afford to be unjust. We are living in the age of a square deal—a square deal to everybody—and all I am asking is a square deal for the soldiers. The Nation is rich enough to be just to its soldiers. It is only a few years more, and they will be gone. They believe, I am satisfied, not only from what Gen. SHERWOOD says, but from the correspondence I have had, that the Sherwood bill is just; that the Sherwood bill is what they desire. Revenues can be raised to meet the additional expense; economy can assist.

Mr. McCUMBER. Mr. President, there are a number of Senators who have indicated their desire to speak on this subject. Some of them thought they would speak this afternoon, but I presume on account of the sun-dance or ghost-dance debate we have had in the last half hour they have become disconcerted

and would prefer to speak to-morrow. That being the case, I move that the Senate now take a recess until to-morrow at 2 o'clock.

Mr. CLAPP. Will not the Senator make the hour 12, so as to be sure to get through to-morrow?

Mr. McCUMBER. There are many committees that meet in the forenoon, and they run on until after 1 o'clock. I think we will accomplish the same end if we meet at 2 o'clock.

Mr. CLARK of Wyoming. May I suggest to the Senator that he make the time a little before 2?

Mr. McCUMBER. Very well; I will say 1 o'clock and 45 minutes.

The PRESIDING OFFICER. The Senator from North Dakota moves that the Senate take a recess until 1.45 p. m. to-morrow.

The motion was agreed to, and (at 4 o'clock and 20 minutes p. m. Thursday) the Senate took a recess until to-morrow, Friday, at 1 o'clock and 45 minutes p. m.

HOUSE OF REPRESENTATIVES.

THURSDAY, *March 28, 1912.*

The House met at 12 o'clock noon.

The Chaplain, Rev. Henry N. Couden, D. D., offered the following prayer:

Almighty God, our heavenly Father, who fillest the heavens with glory and the earth with goodness, humbly we bow in Thy presence and acknowledge our indebtedness to Thee for all things, temporal and spiritual. Enrich our minds with wisdom and knowledge from on high and fill our hearts with grace divine, that with all diligence and perseverance we may discharge the obligations resting upon us, private and public. In the spirit of the Lord Jesus Christ. Amen.

The Journal of the proceedings of yesterday was read and approved.

NATIONAL CONSERVATION EXPOSITION, KNOXVILLE, TENN.

Mr. AUSTIN. Mr. Speaker——

The SPEAKER. For what purpose does the gentleman rise?

Mr. AUSTIN. Mr. Speaker, I wish to ask unanimous consent to publish in the RECORD a bill which I introduced, H. R. 22338, entitled "An act to provide for participation by the Government of the United States in the National Conservation Exposition to be held at Knoxville, Tenn., in the fall of 1913," and a statement in reference to said exposition.

Mr. SULZER. I have no objection to that.

The SPEAKER. The gentleman from Tennessee [Mr. AUSTIN] asks unanimous consent to print, in the RECORD, House bill 22338, a bill touching the conservation exposition to be held at Knoxville, Tenn., in the fall of 1913, together with a statement concerning the same. Is there objection?

There was no objection.

The bill referred to is as follows:

Be it enacted, etc., That the Government of the United States participate in the National Conservation Exposition, to be held at Knoxville, Tenn., during the fall of 1913. That there shall be exhibited at said exposition from the executive departments of the United States such articles and materials as will illustrate the administrative functions of the Government and their educational value in connection with the development and wise use of the natural resources of the United States, especially the advancement of scientific agriculture and the increase of productivity of the soil through improved cultivation and crop selection and the prevention of avoidable wastes; the reclamation of wet and dry lands by drainage and irrigation, respectively; the more economical development and utilization of mineral wealth; the judicious use of and prevention of needless destruction in woodlands for maintaining timber supply and protecting headwaters of streams; the use and improvement of inland waterways; the preservation of fish and game; the preservation and protection of life in connection with industrial operations; and the economic investigations and operations of the Government with reference to mines and mining, geology, topographic and other surveys, public roads, experiment stations, rural life improvement, and public health and sanitation. That these subjects shall be presented in exhibits and in illustrated lectures by representatives of the Government. To secure a complete and harmonious arrangement of such Government exhibit a United States Government board of managers is hereby authorized to be appointed to be charged with the selection, purchase, preparation, transportation, arrangement, safe-keeping, exhibition, and return of such articles and materials as the heads of the several departments, respectively, decide shall be embraced in the Government exhibit herein authorized. The President of the United States may also designate additional articles of peculiar interest for exhibition in connection with the said Government exhibit. Said Government board of managers shall be composed of three persons now in the employ of the Government and shall be appointed by the President, one of whom shall be designated by the President as chairman of the said board and one as secretary and disbursing officer. The members of said Government board, with other officers and employees of the Government who may be detailed to assist them, including officers of the Army and Navy, shall receive no compensation in addition to their regular salaries, but they shall be allowed their actual and necessary traveling expenses, together with a per diem in lieu of subsistence, to be fixed by the Secretary of the Treasury, while necessarily absent from their homes engaged upon the business of the board. Officers of the Army and Navy shall receive said allowance in lieu of the subsistence and mileage now allowed by law; and the Secretary of War and the Secretary of the Navy may, in their discretion, detail retired Army or Navy officers for such duty. Any provision of law which may prohibit the detail of persons in the employ of the United States to other service than that which they customarily perform shall not apply to persons detailed for duty in connection with said National Conservation Exposition. Employees of the board not otherwise employed by the Government shall be entitled to such compensation as the board may determine, and such employees may be selected and appointed by said board. The disbursing officer shall give bond in such sum as the Secretary of the Treasury may determine for the faithful performance of his duties, said bond to be approved by said Secretary. The Secretary of the Treasury shall advance to said officer from time to time, under such regulations as he may prescribe, a sum of money from the appropriation for the Government exhibit herein authorized, not exceeding at any one time three-fourths of the penalty of his bond, to enable him to pay the expenses of said exhibit as authorized by the United States Government board herein created. The Secretary of the Treasury is hereby authorized and directed to place on exhibition, in connection with the exhibit of his department, upon such grounds as shall be allotted for this purpose, one of the life-saving stations authorized to be constructed on the Atlantic coast of the United States by existing law, and to cause the same to be fully equipped with all apparatus, furniture, and appliances now in use in life-saving stations in the United States: *Provided*, That the cost of said exhibit herein authorized, including the selection, purchase, preparation, transportation, arrangement, safe-keeping, exhibition, and return of the articles and materials so exhibited, and the expenses and per diems of the officials and employees of the Government connected with the exhibit or assigned to deliver lectures, shall not exceed the sum of $200,000, which sum, or so much thereof as may be necessary, is hereby appropriated out of any money in the Treasury not otherwise appropriated.

SEC. 2. That in aid of the said National Conservation Exposition the sum of $200,000 is hereby appropriated, out of any money in the Treasury not otherwise appropriated, which sum shall be paid to the National Conservation Exposition Co. upon satisfactory evidence being furnished the Secretary of the Treasury that the said company has raised a like sum on account of said exposition, in addition to any amount secured prior to February 1, 1912, and exclusive of all appropriations from State legislatures. Said $200,000 shall be paid by the Secretary of the Treasury upon vouchers and satisfactory evidence that it has been expended for the purposes of the exposition other than salaries.

SEC. 3. That all articles that shall be imported from foreign countries for the sole purpose of exhibition at the National Conservation Exposition, to be held at Knoxville, Tenn., in the year 1913, upon which there shall be a tariff or customs duty shall be admitted free of the payment of duty, customs fees, or charges, under such regulations as the Secretary of the Treasury shall prescribe; but it shall be lawful at any time during the exposition to sell for delivery at the close thereof any goods or property imported for and actually on exhibition in the exposition buildings or on the grounds, subject to such regulations for the security of the revenue and for the collection of import duties as the Secretary of the Treasury may prescribe: *Provided*, That all such articles when sold or withdrawn for consumption or use in the United States shall be subject to the duty, if any, imposed upon such articles by the revenue laws in force at the date of withdrawal; and on such articles which shall have suffered diminution or deterioration from incidental handling and necessary exposure the duty, if paid, shall be assessed according to the appraised value at the time of withdrawal for consumption or use, and the penalties prescribed by law shall be enforced against any person guilty of any illegal sale, use, or withdrawal.

SEC. 4. That medals with appropriate devices, emblems, and inscriptions commemorative of said National Conservation Exposition, and of the awards to be made to the exhibitors thereat, shall be prepared for the National Conservation Exposition Co. by the Secretary of the Treasury at some mint of the United States, subject to the provisions of the fifty-second section of the coinage act of 1893, upon the payment by the National Conservation Exposition of a sum equal to the cost thereof; and authority may be given by the Secretary of the Treasury to the holder of a medal properly awarded to him to have duplicates thereof made at any of the mints of the United States from gold, silver, or bronze, upon the payment by him for the same of a sum equal to the cost thereof.

SEC. 5. That the United States shall not be liable on account of said exposition for any expenses incident to or growing out of the same, except for the purpose of paying the expense incident to the selection, preparation, purchase, installation, transportation, care, custody, and safe return of the exhibits made by the Government, and for the employment of proper persons as officers and assistants by the Government board created by this act, and for other expenses to be approved by the chairman of the Government board, or, in the event of his absence or disability, by such officer as the board may designate, and the Secretary of the Treasury, upon itemized accounts and vouchers: *Provided*, That no liability against the Government shall be incurred and no expenditures of money appropriated by this act shall be made until provision shall be made by the National Conservation Exposition Co. to the satisfaction of the Government board of managers herein established for a suitable building for the Government exhibits and lectures herein authorized.

SEC. 6. That the United States shall not in any manner or under any circumstances be liable for any of the acts, doings, or representations of said National Conservation Exposition Co. (a corporation), its officers, agents, servants, or employees, or any of them, or for service, salaries, labor, or wages of said officers, agents, servants, or employees, or any of them, or for any subscriptions to the capital stock, or for any stock certificates, bonds, mortgages, or obligations of any kind issued by said corporation, or for any debts, liabilities, or expenses of any kind or nature whatever attending such exposition corporation or accruing by reason of the same.

SEC. 7. That nothing in this act shall be construed so as to create any liability upon the part of the United States, directly or indirectly, for any debt or obligation incurred or for any claim for aid or pecuniary assistance from Congress or the Treasury of the United States in support or liquidation of any debts or obligations created by said United States Government board in excess of appropriations herein made.

SEC. 8. That the United States shall not in any manner or under any circumstances make any loan, directly or indirectly, to the National Conservation Exposition Co., or for the benefit of said exposition, or for any of the purposes thereof, and shall not appropriate for any purpose whatsoever in connection with said exposition any sum of money other than that provided in this act.

THE NATIONAL CONSERVATION EXPOSITION AT KNOXVILLE, TENN.

Mr. AUSTIN. The National Conservation Exposition, awarded to Knoxville, Tenn., by the national advisory board of the exposition at Washington, will be held in that city during the fall of 1913, from September 1 to October 31. The exposition company has been organized and drafts have been made for a charter with a capital stock of $1,000,000. New capital has been subscribed and a number of new exposition buildings, to range in cost from $25,000 to $250,000, are to be erected. In addition, the company takes over the present plant and all property of the Appalachian Exposition Co., valued at $1,000,000, and which could not be duplicated for that amount of money.

The officers of the National Conservation Exposition Co. are as follows: President, William S. Shields, president of the City National Bank; first vice president, J. Allen Smith, president of the Knoxville City Mills Co.; second vice president, Don Carlos Ellis, in charge of public education, United States Forest Service; third vice president, George W. Callahan, president of the Callahan Construction Co.; fourth vice president, Hu. M. Johnston, president of the Union Bank; treasurer, S. V. Carter, cashier East Tennessee National Bank; and general manager, W. M. Goodman, secretary Commercial Club.

The advisory board of the National Conservation Exposition is constituted as follows: Gifford Pinchot, president of the National Conservation Association, chairman; D. C. Ellis, in charge of public education, United States Forest Service, secretary; Senator DUNCAN U. FLETCHER, of Florida, president of the Southern Commercial Congress; P. P. Claxton, United States Commissioner of Education; W J McGee, soil-water expert, United States Department of Agriculture; Dr. Harvey W. Wiley, president of the United States pharmacopœial convention; Logan W. Page, Director United States Office of Public Roads; Bradford Knapp, in charge of farmers' cooperative demonstration work, United States Department of Agriculture; J. A. Holmes, Director Bureau of Mines; Representative JOSEPH E. RANSDELL, of Louisiana, president of the National Rivers and Harbors Congress; and Senator LUKE LEA, of Tennessee.

The exposition, national in scope, will be helpful to those who are promoting irrigation and dry farming in the West, as well as to those who are interested in the reclamation of swamp lands in the far South. It will be recognized as a great agency for the uplift and development of the whole country, and consequently as an aid to the special work of each city and section of the United States. It will promote the conservation of forests, soils, minerals, waterways, fish and game, and human efficiency, and the rapid and permanent development of all sources of wealth.

Knoxville, Tenn., the center of a region which possesses a greater variety of mineral, timber, and agricultural wealth than any area of like extent in the United States, is a most excellent location for the exposition.

The beautiful park and buildings of the Appalachian exposition have been turned over to the National Conservation Exposition, and these will form the nucleus around which the larger affair will be built.

A Southern States building is designed as a novel feature, the idea being to show the resources and manufacturing industries of 16 Southern States under one roof.

Plans have been made for the erection of an agricultural and land building, in which there will be a relief map of the Southeast, built up of soils of the various States, showing mountains, timber regions, stream with actual running water, the railroads, Atlantic and Gulf ports, and the cities.

THE GROWTH OF THE EXPOSITION IDEA.

During the later half of the nineteenth century America's industrial advancement outran all precedent or parallel. The abounding natural resources in timber, coal, iron, and other materials were made known by State surveys and other means, and were exploited lavishly; manufacturing, railway building, and other industries were pushed energetically; foundations were laid for vast fortunes; millionaires and multimillionaires came up, and through growing trade and larger wages than were paid in other countries money abounded, and per capita wealth rose above all earlier or contemporary standards. During the later half of this era of expansion the exposition idea—borrowed from Europe—took root, and from the Centennial Exposition of 1876 to the Universal Exposition of 1904 flourished exuberantly. The great series of national and international expositions, beginning in Philadelphia and ending in St. Louis, were designed to display and did display effectively the greatness of the natural wealth of the country and the marvelous industrial growth brought about through utilization of this natural wealth. Taken together, the expositions rang out an anthem of national inheritance and national achievement, sounded a pean of national glory, such as the world had not heard before. Each was a record of conquest over nature wrought by human genius, each a mile mark of further progress, each a summation of material enrichment of its date.

A NEW EXPOSITION IDEA.

During the first decade of the twentieth century a new realization of the value and importance of the natural resources took shape. Through scientific surveys by States and the Federal Government, designed primarily to make the resources known and guide their exploitation, the quantities of standing timber, of iron ore and coal in the ground, and of other natural materials were measured; and the quantities were found not unlimited, according to the common boast in the heyday of early exploitation, but of such amounts as to meet current demands for only a certain number of years, easily reckoned and understood in terms of the written history of mankind—for example, at the current increasing rate of use computed in 1908 the standing timber of the country would last a generation, the high-grade iron ore a century, and the good coal from one to three centuries, according to the varying allowances made by different computers. In short, it became clear that the standard resources on which our great and growing industries rest are foredoomed to exhaustion within a small fraction of the period already covered by the Christian era, unless means be adopted to prevent waste and otherwise conserve the natural stores for the benefit of posterity. As understanding of the limitation of the natural resources spread, moral sense was awakened; the feeling of the natural right of the rising generation (and of generations still to come) to a fair share of the resources took form; and the natural wealth of this magnificently endowed country came to be viewed as involving moral no less than material considerations. Numberless manifestations of the new view have appeared—in legal enactments, the creation of State commissions, the improvement of educational curricula, and so forth—but no more striking indication of the modern view has appeared than the idea of national expositions designed to illustrate the conservation and development of the natural resources with a view to the permanent enrichment of the country and people. The change thus wrought in the exposition idea is fundamental; the old exposition looked backward, the new looks forward; the old exposition was solely material, the new is essentially moral; the old was a proud boast of achievement, the new a signpost to progress and an assurance of perpetuity. The expositions of the past were as songs of achievement at the end of a good day's work, the new may well be as living and tangible promises of a still more glorious to-morrow foreordained by the wise action of to-day.

THE KNOXVILLE EXPOSITION.

The National Conservation Exposition at Knoxville (1913) is planned in accordance with exposition history, especially to illustrate the modern idea of forecasting prospective development, especially throughout the Southern States. In a broad way the design is to illustrate the ways in which the natural wealth in forests, lands, waters, minerals, and human efficiency are now used and may be still more effectively utilized in promoting the prosperity and assuring the perpetuity of the American people.

THE RESOURCES IN LANDS.

Recognizing the soil made fruitful by the natural water supply as that resource on which, more than all others, the generations of men must depend for materials for food and clothing, it is planned to devote large space to the exhibits of the soil and its products, of the best methods of maintaining and increasing production, and of progress in improving the grade and yield of plant and animal products.

The soils of the country in general, and of the South in particular, will be exhibited (1) by samples so arranged as to illustrate types and capabilities; (2) by maps, diagrams, and printed matter indicating distribution and uses; (3) by methods of tillage best adapted to particular soil types and climates, shown on small scale by object lessons and by farm machinery, as well as photographs and other illustrations; (4) by examples of drainage, irrigating, and other modes of treatment designed to improve the soil and enhance its productivity; (5) by devices for fertilizing through use of natural by-products and through chemicals, and so forth; and (6) by examples and descriptive literature of crop rotation and other constructive methods. A special exhibit is also contemplated to illustrate the impoverishment of soils through destructive erosion, leaching, and so forth, under negligent farming, with the most improved methods and devices for preventing these evils by (*a*) improved tillage, (*b*) terracing, (*c*) timber planting, and so forth.

The plant crops will be exhibited with special reference to new varieties, both improved and introduced, (1) so far as

practicable, by specimens in actual cultivation and growth; (2) by typical and exceptionally fine products; (3) by methods of cultivating, harvesting, and treating, illustrated by means of photographs and otherwise; and (4) by displaying methods of reduction of manufacture into the finished form for consumption for food, clothing, or other purposes.

An important object of the display will be to illustrate the availability of unknown or little-used crop plants for increasing the income yield of farms beyond that practicable with such staples as corn and cotton; another object will be to illustrate every stage in the process of growth and manufacture of typical crops in such manner that growers, manufacturers, and consumers may better adjust and coordinate their respective functions and short-cut processes not needlessly long or devious. Special displays will also be made of successful methods of multiplying production per acre, as has recently been illustrated by corn clubs, tomato clubs, and so forth.

Animal crops will be exhibited (1) by living groups of domestic animals, poultry, and so forth, illustrating the most approved methods of care, feeding, and sheltering; (2) by typical and fine specimens of both ordinary and introduced stock; and (3) by illustrating processes of handling and manufacturing animal products and converting them into the finished commodities of food and clothing. Special attention will be given to illustrating (*a*) the best balance between plant and animal production to yield the maximum income and preserve the fertility of the soil; (*b*) the advantage of increasing food production through dairying, poultry raising, and so forth; and in general (*c*) the expediency of rendering each farm a sort of vital laboratory in which the products are raised to the highest practicable value before marketing—this with the double object of inculcating thrift and increasing the opportunity and demand for the highest intelligence on the farm.

FOREST RESOURCES.

Our forest resources are second in importance only to the land itself, because of the many important industries for which the forest furnishes raw material, and of the forest's beneficent influences upon such other natural riches as waters for irrigation, power, and navigation, fish and game animals, and the land itself. Considerable attention is to be devoted to forest exhibits.

It is planned to illustrate the existing forest resources with their production and reproduction, their utilization, and their influences upon other resources.

The existing resources will be displayed by maps, models, diagrams, charts, pictures, tree sections, samples of woods, and other specimens.

The production and reproduction of forests will be exhibited in such ways as will contrast the wasteful methods of nature with the scientific methods followed by the forester. The exhibits will show forest destruction by fire, insects, grazing stock, and other natural agencies and the methods for preventing such destruction in this country and abroad; the place of the wood lot upon the farm, the scientific management of woodlands, the administration of the national forest, and planting and sowing natural forest land.

The utilization of the forests will be illustrated (1) by their products, the actual products being preferred to representations of them; (2) by methods used in production, so arranged as to contrast wasteful, unscientific methods with economical, scientific methods. In lumbering, for example, exhibits will be used to encourage the full utilization of all valuable material in the woods and the protection of young growth.

The most economical methods of manufacture will be shown; for example, the advantage of the band saw over the circular saw, of riving (for handle stock, and so forth), and veneer cutting, the utilization of short and odd lengths of lumber, the building up of beams, the manufacture of by-products, and the correlation of industries to reduce waste. Other exhibits will be employed to promote the utilization of substitutes of less valuable for more valuable and scarcer woods and the preservative treatment of certain classes of timbers.

The influences of the forest upon (1) surface conditions—preventing erosion of slopes and of the covering of alluvial bottoms; (2) stream flow for power, navigation, and irrigation, the lessening of the duration and intensity of floods and droughts, and of the setting up of storage reservoirs and channels of navigable streams; (3) the fixation of shifting sands; (4) climate and health; (5) fish and game animals will be set forth appropriately.

WATER RESOURCES.

The water resources of the country in general and of the South in particular will be displayed with reference to the use of water (*a*) for domestic supply, (*b*) for agricultural production, whether applied by natural means or by irrigation; (*c*) for power; and (*d*) for navigation.

The acquisition, control, and use of water for domestic supply will be illustrated (1) by representations of wells, cisterns, and springs, showing danger of contamination and means of preventing it; (2) by pumping and other devices for furnishing, distributing, and purifying water for domestic and community use; (3) by maps and statistics showing the natural distribution of water and the modification of the natural supply attending settlement and cultivation; and (4) exhibits showing the rôle of water among foods, with the consumption of artificial liquids, and so forth, as affecting both water supply and the public health.

The agricultural use of water will be illustrated (1) by actual examples on the exposition grounds, (2) by diagrams and statistics, (3) by methods of and devices for drainage or other means of controlling soil water, and (4) by devices for irrigation, and so forth. A special effort will be made through the combination of exhibits to bring home to every visitor the realization that floods may be prevented, destructive soil erosion may be avoided, and productivity may be greatly increased by such control of the natural water supply through tillage and crop selection that each farm will take care of all the water falling on it.

The development and utilization of water power will be illustrated (1) by model dams, conduits, and water engines, (2) by maps and statistics showing the distribution of water available for power, especially throughout southeastern United States, (3) by devices for electric and other conversion and transmission of water power, and (4) by diagrams and statistics.

The use of water for navigation will be illustrated by appropriate devices, supplemented by maps and statistical information, showing how the cost of transportation may be reduced by use of natural and artificial waterways.

MINERAL RESOURCES.

The mineral resources of the country as a whole, and especially of southeastern United States, will be exhibited as the chief basis for the greatness of this country in manufacturing and as a means of maintaining our industrial supremacy.

Our natural wealth in coal and the means of best utilizing it will be illustrated (1) by specimens showing thickness and character of veins, and so forth; (2) by maps, diagrams, and statistical information showing the extent and quantity of coal remaining in the ground; (3) by objective illustrations of methods of coal mining, showing ways in which waste of coal and other losses, including loss of life, may be reduced; (4) devices for the manufacture of coke, briquets, and other coal products; (5) furnaces, gasifiers, and improved gas and steam engines, illustrating improvements in combustion and the utilization of the largest practicable fraction of the thermal energy of the coal; and (6) representations of the uses of coal in smelting and other industrial processes.

Our wealth in iron will be illustrated (1) by specimens of ore and of manufactured products, including by-products, (2) by maps and statistics, and (3) by devices for and methods of working. Special attention will be given also to illustrations of the waste and destruction of manufactured iron by needless oxidation, electrolysis, and so forth, and to means of reworking iron and steel scrap; also to substitutes for iron, especially in construction, and to the wastes or losses in the mining treatment and utilization of other mineral and metal products and methods of preventing these wastes.

Petroleum, peat, and natural gas will be illustrated as mineral fuels, supplementing our natural supply of coal, while copper, zinc, lead, and other metallic minerals will be exhibited by specimens and otherwise in a manner corresponding to the display of iron.

Special attention will be given to the display of materials for construction available as substitutes for iron, especially (*a*) cement and concrete (both massive and reenforced), (*b*) fire clay, (*c*) brick material, and so forth; for it is realized that this is the dawn of a new era in construction in which materials at once available in vast quantities and indestructible by fire or other accident must be substituted for wood and expensive metal in the construction of domiciles, shops, factories, and other structures, especially in cities and towns.

HUMAN EFFICIENCY.

HEALTH.

By far the most important of all of our natural resources is man himself. It is to render his life more efficient that any form of conservation is advocated. Those vital forces intimate to himself are highest and noblest, and to their development, conservation, and best use deep thought and great effort should be devoted.

The abolition of child labor, particularly in the Southern States, the reduction of infant mortality, the eradication of dis-

ease, especially tuberculosis, the hookworm, and typhoid fever, will be graphically presented.

The protection of the milk and water supplies of our cities, the extermination of the fly and the mosquito, and the elimination from commerce of impure, adulterated foods and drugs will be presented in appropriate form as essential prerequisites of public health. There shall also be presented exhibits which will promote the protection of human life in mines, the shortening of hours of labor for women in factories, and other most desirable industrial reforms.

EDUCATION.

Another most important element in human development is education. The school is a crucial problem in the commercial upbuilding of the Southern States. School hygiene and sanitation, domestic economy, vocational training, industrial education for the negro, and rural school advancement shall be subjects for exhibition and shall be presented in the form of model demonstrations and in other ways.

DOMESTIC ECONOMY.

So important is this subject considered as an element in greater human efficiency that, though it might properly be included as part of another section, it is thought well to devote a separate paragraph to it. Home making is the first and most important step in nation making. The work of the wife and mother in the establishment and maintenance of a comfortable home, in the preparing of proper food, and by her wisdom and domestic labors in the creation and radiation of domestic tranquillity and happiness can contribute at least as much to the prosperity of the Nation and the efficiency of its citizens as can the husband and the father by his efforts in the outside world. The advancement of domestic science shall be encouraged, first, by exhibits in the form of (*a*) a model small dwelling properly furnished and cared for, (*b*) labor-saving devices in the homes, (*c*) demonstration meals publicly prepared and served by the domestic-science classes of high schools and university, (*d*) demonstrations of meat cuts, (*e*) demonstration of proper methods in marketing, (*f*) samples in domestic bookkeeping, (*g*) lectures on domestic science.

GOOD ROADS.

Good roads are necessary requisites to development. Exhibits will be made of good roads in the form of (1) actual demonstration roads, (2) models showing materials, manner of construction, and the finished work, (3) road-making materials and machinery, (4) maps of important highways, (5) photographic enlargements of both good and bad roads and the consequences and industrial and social conditions attending each.

FISH AND GAME RESOURCES.

The cooperation of Audubon societies, fish and game commissions, and other organizations for the preservation of bird and animal life will be sought in exhibiting our animal resources and encouraging their perpetuation.

PRESERVATION OF NIAGARA FALLS.

Mr. SULZER. Mr. Speaker, I call up the conference report on the disagreeing votes of the two Houses on House joint resolution 232, extending the operation of the act for the control and the regulation of the waters of Niagara River, for the preservation of Niagara Falls, and for other purposes; and in that connection I ask unanimous consent for the reading of the accompanying statement.

The SPEAKER. The Chair will ask the gentleman from New York if the statement was printed in the RECORD?

Mr. SULZER. It was not. I ask unanimous consent now to have the statement read.

Mr. MANN. Mr. Speaker, I suggest to the gentleman that in order to get it up he will have to ask unanimous consent to call up the conference report, because the rule has not been complied with in regard to printing the statement in the RECORD.

The SPEAKER. That is the reason why the Chair asked the question. The gentleman from New York [Mr. SULZER] asks unanimous consent for the present consideration of the conference report. The Clerk will read the statement.

The conference report is as follows:

CONFERENCE REPORT (NO. 446).

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the resolution (H. J. Res. 232) extending the operation of the act for the control and regulation of the waters of Niagara River, for the preservation of Niagara Falls, and for other purposes, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the House recede from its disagreement to the amendment of the Senate numbered 1, and agree to the same with an amendment as follows: To insert after the word "hereby," in line 4 of the resolution, the words "reenacted and"; and to strike out, in lines 5 and 6 of the resolution, the words "May 1, 1912," and insert in lieu thereof the words "March 4, 1913"; so that the resolution shall reads as follows:

"*Resolved by the Senate and House of Representatives of the United States of America in Congress assembled*, That the provisions of the aforesaid act be, and they are hereby, reenacted and extended from March 1, 1912, being the date of the expiration of said act, to March 4, 1913."

And the Senate agree to the same.

Amendments numbered 2 and 3: That the House concur in the amendments of the Senate numbered 2 and 3 to the preamble, viz, by striking out the word "expired" before the word "March" and inserting in lieu thereof the words "and further extended to"; and after the words "August 22, 1911," inserting the words "expires March 1, 1912"; so that the preamble shall read:

"Whereas the provisions of the act entitled 'An act for the control and regulation of the waters of Niagara River, for the preservation of Niagara Falls, and for other purposes,' approved June 29, 1906, and extended to June 29, 1911, by joint resolution (Public Res. No. 56), and further extended to March 1, 1912, by joint resolution (Public Res. No. 9), approved August 22, 1911, expires March 1, 1912."

And the Senate agree to the same.

WM. SULZER,
HENRY D. FLOOD,
Managers on the part of the House.

THEODORE E. BURTON,
ELIHU ROOT,
A. O. BACON,
Managers on the part of the Senate.

The Clerk read the statement, as follows:

STATEMENT.

The managers on the part of the House at the conference on the disagreeing votes of the two Houses on the resolution (H. J. Res. 232) extending the operation of the act for the control and regulation of the waters of Niagara River, for the preservation of Niagara Falls, and for other purposes, submit the following written statement in explanation of the effect of the action agreed upon and recommended in the accompanying report.

The resolution as it passed the House extended the so-called Burton Act regarding Niagara Falls to the 1st of May, 1912. The Senate extended it to the 1st of January, 1914. In conference it was agreed by the conferees to extend the so-called Burton Act to the 4th of March, 1913.

The entire matter is fully set forth in the conference report printed in the RECORD March 26, 1912.

WM. SULZER,
H. D. FLOOD,
Managers on the part of the House.

The SPEAKER. Is there objection to the present consideration of this conference report?

Mr. MANN. Mr. Speaker, reserving the right to object, I wish to make this statement: I appreciate the fact that gentlemen on that side of the House come to the matter of making conference reports somewhat new, and therefore may be properly excused for not fully complying with the rules, and on this occasion I shall not object; but gentlemen who make conference reports must remember that it is quite necessary to have statements made in connection with them for the information of the House, and that the rule requires those statements to be made and printed in the RECORD. On this occasion I shall not object, but may do so in cases hereafter.

Mr. SULZER. Mr. Speaker, the gentleman is technically correct, but the conference report sets forth the entire matter so fully and completely that it was not deemed necessary to make a statement.

The SPEAKER. No; but the rule requires the report and the statement. Has the gentleman any motion to make?

Mr. SULZER. I move that the conference report be agreed to.

The SPEAKER. The question is on agreeing to the conference report.

The question was taken, and the conference report was agreed to.

DIPLOMATIC AND CONSULAR APPROPRIATION BILL.

Mr. SULZER. Mr. Speaker, I move that the House resolve itself into Committee of the Whole House on the state of the Union for the purpose of further considering the bill (H. R. 19212) making appropriations for the Diplomatic and Consular Service for the fiscal year ending June 30, 1913.

The SPEAKER. The gentleman from New York [Mr. SULZER] moves that the House resolve itself into Committee of the

Whole House on the state of the Union for the further consideration of H. R. 19212, the diplomatic and consular appropriation bill. The question is on agreeing to that motion.

The motion was agreed to.

Accordingly the House resolved itself into Committee of the Whole House on the state of the Union for the further consideration of the bill H. R. 19212, the diplomatic and consular appropriation bill, with Mr. SIMS in the chair.

The CHAIRMAN. The House is in Committee of the Whole House on the state of the Union for the purpose of further considering House bill 19212, the diplomatic and consular appropriation bill, which the Clerk will report.

The Clerk read as follows:

A bill (H. R. 19212) making appropriations for the Diplomatic and Consular Service for the fiscal year ending June 30, 1913.

The CHAIRMAN. There was a point of order pending when the committee rose.

Mr. HAYES. I desire to be heard briefly on the point of order. The pending question on Tuesday was as to whether the paragraph under consideration was subject to a point of order on the ground that there was no authority in existing law for the appropriation. I now have before me the treaty between this country and other countries establishing the International Institute of Agriculture, and I call attention to article 7 of that treaty, which reads as follows:

The permanent committee shall be composed of members designated by the respective Governments. Each adhering nation shall be represented in the said committee by one member.

That is the authority upon which we rely. That, of course, is existing law and provides for the appointment of this member of the permanent committee, for the payment of whose salary this appropriation is made.

Now, I desire to call the attention of the Chair, in connection with that——

The CHAIRMAN. The Chair will ask the gentleman from California if the pending point of order does not refer to the paragraph beginning with line 3 and ending with line 6, on page 16.

Mr. SULZER. The point of order is made against the paragraph beginning at line 3 on page 16.

Mr. HAYES. As I understand it, the point of order is against the paragraph beginning with line 3 and ending with line 6.

Mr. FOSTER. The point of order was made against the paragraph beginning with line 3 and ending with line 6 on page 16.

The CHAIRMAN. That is the way the Chair understood it.

Mr. SULZER. That is the present law. That has been the law ever since this institution was created. There is absolutely no change in the words.

Mr. HAYES. Will the gentleman wait one moment? I desire to call the attention of the Chair to section 3687 of Hinds' Precedents, volume 4, which reads as follows:

In the absence of a general law fixing a salary the amount appropriated in the last appropriation bill has been held to be the legal salary.

Now, Mr. Chairman, it seems to be very clear that existing law has created this member of the permanent committee from this country, and this item appropriates exactly the same amount, in exactly the same words, as was appropriated last year for the salary of this member of the permanent committee, to wit, the sum of $3,600. Therefore it seems to me very clear that the paragraph in question is not subject to the point of order.

Mr. SLAYDEN. Is it not customary to use the word "hereafter" when it is proposed to make such appropriations in order in the future?

Mr. HAYES. So far as I have examined the precedents the decisions have been uniform in support of the rule, as I have stated it, without a single decision against it.

Mr. SLAYDEN. The appropriation for last year simply appropriated that amount for the current year.

Mr. HAYES. That is all that is necessary.

Mr. SLAYDEN. But nowhere is it fixed as being the permanent law.

Mr. HAYES. It does not have to be in such a case as this. The treaty having created the position or given the authority of law for its creation, and the House having appropriated the amount to pay the salary of the position, under the decisions that is regarded as sufficient authority of law for a further appropriation to pay the salary for the following year.

Mr. SLAYDEN. Is it the gentleman's contention that if an amendment is offered to this or any other appropriation bill, making a new appropriation, it may not be properly challenged by the point of order, even if a previous appropriation had been made, but which had not been specifically authorized by law?

Mr. HAYES. I will say, in reply to the gentleman, that the decisions are absolutely uniform without a single exception; that in such a case, under the present rules, an amendment offered to this section increasing the salary could be stricken out on a point of order. According to the decisions the salary is fixed by the appropriation of the last year, in the absence of other statutory authority fixing the salary. There is not a single exception to this, as far as I have been able to find.

The CHAIRMAN. Does the gentleman from California rely on the language of the treaty as authority for the making of the appropriation?

Mr. HAYES. Certainly; that is the law creating the position, and I rely upon the language of the appropriation bill of the last Congress as fixing the salary.

The CHAIRMAN. Does the gentleman insist that the language of the treaty is the existing law authorizing an appropriation?

Mr. HAYES. Absolutely.

Mr. MANN. If the Chair will indulge me for a moment, I believe I made a point of order against this paragraph in the bill when it was under consideration at the previous session of Congress; but after an examination of the treaty I came to the conclusion that the point of order would not lie against the item, because the treaty provides for the creation of the position. It does not provide for the salary; but under the interpretation of the rules, which is constantly made, the salary in the current law, if followed in the pending bill, is sufficient authority for the salary fixed in the present bill, so it seems to me that the point of order does not lie.

Mr. SULZER. Mr. Chairman——

The CHAIRMAN. The Chair is ready to rule.

Mr. SULZER. Very well.

The CHAIRMAN. In the absence of the language of the treaty, the Chair would be inclined to hold that there is no legislation authorizing it; but the attention of the Chair has been called to the language of the treaty, and the Chair is satisfied that the point of order is not well taken under the rule. The point of order is therefore overruled.

The Clerk read as follows:

For the payment of the expenses of delegates to the next General Assembly of the International Institute of Agriculture, to be held at Rome, $10,000, or so much thereof as may be necessary, to be expended under the direction and in the discretion of the Secretary of State.

Mr. FOSTER. Mr. Chairman, I reserve a point of order on that paragraph.

The CHAIRMAN. The Chair understood that the gentleman from Missouri [Mr. HAMLIN] gave notice that he would make a point of order against it.

Mr. MANN. I will say that the gentleman from Missouri [Mr. HAMLIN] is not present, being detained on account of illness in his family to-day, or he would have made the point of order.

Mr. FOSTER. In that connection I am requested by the gentleman from Missouri [Mr. HAMLIN] to ask that he be given permission to extend his remarks in the RECORD upon the subject.

Mr. MANN. The gentleman from Missouri [Mr. HAMLIN] wishes to extend his remarks already made.

Mr. FOSTER. The gentleman from Missouri asked me, on account of his absence because of sickness in his family, to make a request for unanimous consent.

The CHAIRMAN. Unanimous consent is asked that the gentleman from Missouri [Mr. HAMLIN] be permitted to extend his remarks in the RECORD.

Mr. FOSTER. On this subject, in the speech that he made the other day.

Mr. SULZER. I have no objection to the gentleman from Missouri having leave to extend his remarks in the RECORD.

The CHAIRMAN. Is there objection?

There was no objection.

Mr. HAYES. Mr. Chairman, I desire to ask the gentleman from Illinois if he is making a point of order or reserving it?

Mr. FOSTER. I am reserving it for the present.

Mr. HAYES. I desire to discuss the point of order. If it is in order, I will state that this paragraph, from line 7 to line 11, clearly is not subject to the point of order any more than the former paragraph. In that connection I want to call attention to article 2 of the treaty, which provides:

The institute shall be composed of the general assembly and a permanent committee, the composition and duties of which are defined in the ensuing articles.

Article 3 says:

The general assembly of the institute shall be composed of the representatives of the adhering Government. Each nation, whatever be the number of delegates, shall be entitled to the number of votes in the assembly which shall be determined according to the group to which it belongs, and to which reference will be made herein in article 10.

In article 10 it is provided that this country comes in group 1, which entitles us to five votes in the general assembly. The general assembly is created by this law, and this provision in the bill is intended to pay the expenses of the delegates to that general assembly from this country.

As has already been stated, a similar appropriation was made to defray the expenses of delegates from this country to the general assembly who attended at the last general assembly, and I can see no possible ground for a point of order against this provision of the bill. Clearly this general assembly is provided for in the existing law, and it certainly will not be claimed that when this general assembly is provided for the House has no authority to pay its expenses. It seems to me very plain that it is not subject to a point of order.

Mr. SULZER. Mr. Chairman, I concur substantially in all that the gentleman from California [Mr. HAYES] has said regarding this provision of the bill. By virtue of the treaty it is provided as follows in article 3:

> Each nation, whatever be the number of delegates, shall be entitled to the number of votes in the assembly, which shall be determined according to the group to which it belongs.

Under this provision of the treaty the Government of the United States has been represented by delegates at Rome. The last delegation from this country consisted of the late Congressman Foster of Vermont, Representative Scott, of Kansas, Mr. Durand, of the Census Bureau, a representative from the Agricultural Department, and a representative, I believe, from the State Department. There is no doubt as to just what this provision in the treaty means. It means that this Government shall be represented at these congresses, and I call the attention of the Chair to the law on page 1290 of Statutes at Large, Sixty-first Congress, which says:

> For the payment of expenses of delegates to the general assembly of the International Institute of Agriculture to be held at Rome during the year 1911, $10,000, or so much thereof as may be necessary to be expended, under the direction of the Secretary of State, and to be immediately available.

Here is a precedent. This provision in the present appropriation bill is identical with the provision carried in the last appropriation bill. Hence, in my judgment, in view of the treaty and in view of the existing law, the point of order made by the gentleman from Illinois is untenable under our rules.

Mr. FOSTER. Mr. Chairman, there is, in my judgment, no doubt that according to this treaty we are expected in carrying it out to pay the expenses of a delegate to the institute to be held in Rome. Now, this provision of the law provides for five delegates and an appropriation of $10,000.

Mr. SULZER. It does not say so.

Mr. FOSTER. The fact is, the treaty does not provide how many delegates we shall send to this institute, but it does provide for the one which has been declared in order and which is in the bill so far read.

Mr. KENDALL. The gentleman is mistaken; we have not made any provision for a delegate in the bill.

Mr. FOSTER. In the paragraph we have just passed.

Mr. KENDALL. That is not for a delegate.

Mr. FOSTER. That is for a permanent delegate.

Mr. SULZER. That is for our member—our permanent representative there. Quite a different matter.

Mr. KENDALL. He is not a delegate at all.

Mr. HAYES. He is a member of the permanent committee who resides in Rome. The delegates to the general assembly are entirely different.

Mr. KENDALL. They are in addition to the permanent delegate.

Mr. HAYES. Mr. Chairman, the general assembly is a legislative body that meets once in two years. The delegates are entirely different from the member of the permanent committee. The paragraph that has just been passed provides for a member of the permanent committee who resides in Rome and remains there permanently, whereas this paragraph applies to the delegates to the general assembly, which is a biennial meeting of the representatives of the different governments in a sort of agricultural parliament.

Mr. KENDALL. Mr. Chairman, I want to reenforce what the gentleman from California said. Last year, when the meeting of this institute was held in Rome, our representative was there—that is, the representative which has been provided for in the second section of this item. The member of the permanent committee of the International Institute, Mr. Lubin, of California, was there at that time, but he is not regarded or designated as a delegate as contemplated in the third provision. The delegates were Representative Foster, Representative Scott, an official of the Department of Agriculture, the Supervisor of the Census, and a representative from the State Department.

This provision that we are now considering relates to defraying the expenses of the delegates who shall be appointed to attend the institute the coming year, and has no connection at all with the permanent representation that we maintain there. I hope the gentleman from Illinois will not insist on his point of order.

Mr. FOSTER. Mr. Chairman, I desire to say further that this treaty provides for biennial meetings of the assembly. We appropriated last year for delegates under that treaty, and admitting that that is true, we would not be liable this year for another appropriation under the treaty.

Mr. HAYES. This is for the fiscal year 1913.

Mr. MANN. When is the meeting to be held?

Mr. HAYES. Next year.

Mr. MANN. If it is held before the 1st of July this appropriation would not be available.

Mr. SULZER. It will be held early next year.

Mr. KENDALL. It is to be held in May, 1913. It is held biennially.

Mr. FOSTER. Then I do not think we should be called upon to make an appropriation each year for this purpose.

Mr. HAYES. We had no appropriation last year; that was in the nature of a deficiency appropriation.

Mr. FOSTER. The chairman of the committee says that we did have an appropriation for that purpose.

Mr. SULZER. To pay the expenses of the preceding congress.

Mr. SLAYDEN. Mr. Chairman, will the gentleman from Illinois yield? I want to ask him a question, as he has given considerable attention to this matter. I want to ask him if this institute is a good thing, and if the delegates are necessary, is it necessary to have so many delegates as is provided for here?

Mr. SULZER. There is no number designated.

Mr. SLAYDEN. They provide for expenses of delegates.

Mr. SULZER. Of course, that is all.

Mr. FOSTER. They provide for $10,000. I suppose that is more than one.

Mr. SULZER. Yes; five delegates attended the last congress.

Mr. SLAYDEN. They had five two years ago, did they not?

Mr. HAYES. Five, yes; at the last assembly.

Mr. SLAYDEN. I was supposing that five would be sent next year.

Mr. KENDALL. Not necessarily at all.

Mr. SLAYDEN. They are going to use up all of the appropriation.

Mr. KENDALL. They did not use it all last year.

Mr. SLAYDEN. The gentleman shocks me. [Laughter.]

The CHAIRMAN. The Chair would like to have the gentleman from Illinois give his views of the language of article 2 of the treaty wherein it says that the international institute of agriculture is to be a Government institution in which each adhering power shall be represented by the delegate of its choice.

Mr. FOSTER. I think we provided for delegates.

Mr. SULZER. No; Mr. Lubin is a member. He is not a delegate.

Mr. FOSTER. We provide for a member who is permanently located there.

Mr. KENDALL. He has no vote in this institute at all.

Mr. FOSTER. I think that is the provision that refers to the delegate that we have there all the time, to whom we pay $3,600 a year. But even if that is true, it is not in order to make an appropriation this year when the treaty provides that it shall be biennial. It is not in order to appropriate each year.

Mr. SULZER. No appropriation was made for this last year.

Mr. FOSTER. I beg the gentleman's pardon. He has just read from the law in which an appropriation was made.

Mr. SULZER. That was the year before.

Mr. FOSTER. Oh, no; it was last year.

Mr. SULZER. I will ask the gentleman to look at the law.

Mr. FOSTER. This is 1911.

Mr. KENDALL. For expenses to be incurred in May, 1913.

Mr. SULZER. I have here the appropriations for last year, and I will show them to the gentleman.

Mr. FOSTER. It is right here.

Mr. SULZER. That is the law of the year before.

Mr. FOSTER. The gentleman read it.

Mr. SULZER. I did; but it is the law of the year before. Last year's appropriation bill carried no appropriation for delegates to this international agricultural congress.

Mr. KENDALL. It carries it only biennially.

Mr. SULZER. That is correct.

Mr. MANN. Last year the bill carried an appropriation that was made immediately available.

Mr. SULZER. That was a deficiency appropriation for the expenses the year before.

Mr. HAYES. It was in the nature of a deficiency appropriation.

Mr. FOSTER. If that is true, I do not think we should make one this year.

Mr. SULZER. This appropriation is for next year.

Mr. HAYES. And you will have to have a deficiency appropriation next year if you do not make this appropriation this year.

Mr. SULZER. That is about correct.

Mr. SISSON. Mr. Chairman, in looking at this treaty I want to call the Chair's attention to the fact that article 3 of the treaty provides that delegates may be sent to this assembly, but there is nothing in the treaty that provides how these delegates may be selected.

Mr. KENDALL. The Chair has ruled on that point.

Mr. SISSON. This committeeman, upon provision for which the Chair has just ruled, is a part of a permanent organization, and this committeeman lives at Rome, but until this Congress shall by some law, by some statute, designate the authority to carry into effect the appointive power so that this Government may have an official representative, there is absolutely no law for this appropriation.

The CHAIRMAN. The Chair will ask the gentleman from Mississippi what this language means as contained in article 2:

The international institute of agriculture is to be a Government institution, in which each adhering power shall be represented by delegates of its choice.

Mr. SISSON. How can the United States Government, unless there is some legislation upon the subject, have representatives there to represent it, unless by law we provide the manner in which they shall be selected? Who has the authority to name them? The Secretary of Agriculture? The Speaker of the House of Representatives? The Vice President of the United States? The governor of some of the different States? The chairman of the Committee on Interstate and Foreign Commerce? The chairman of the Committee on Foreign Affairs? How are you going to be able to determine under this treaty how these representatives may be selected? I challenge these gentlemen who are advocating the making of this appropriation as authorized by law to show me one line of authority anywhere in the treaty, and so far as I have been able to see in the statute one single authority authorizing the Congress to make this appropriation, because there is no authority whereby men may be legally selected to represent the United States Government at this meeting. The Government might do so. This would be the basis for the legislation. This would be that basis which would lead up to a representation which would guarantee that this conference would be held, and that this conference would have representatives from the various Governments; that it would not be a failure; but this treaty does not bind the Federal Government at all until the Federal Government shall devise a method by which it will select its own representatives; and until some law is passed giving somebody the right to select them there is not a line or a syllable which authorizes the Secretary of Agriculture to appoint anyone, or that authorizes the President of the United States to do it. There is nothing that authorizes the Secretary of State to do it.

Mr. HAYES. Oh, yes.

Mr. SISSON. Not a line.

Mr. HAYES. Not in the treaty.

Mr. SISSON. Where is the law for it?

Mr. HAYES. It has been done right along.

Mr. SISSON. There is absolutely no law authorizing this to be made.

The CHAIRMAN. The Chair is ready to rule. The Chair is not without doubt on this matter, but it seems to the Chair that anything like a fair and reasonable construction of article 2 of the treaty authorizes an appropriation to pay the expenses of delegates therein authorized.

Mr. FOSTER. Mr. Chairman, will the Chair indulge me for a minute? Has the Chair decided?

The CHAIRMAN. The Chair is ready to hear the gentleman.

Mr. FOSTER. I just want to call the Chair's attention to a further matter. Article 10 says that at no time shall the expenses ever exceed 2,500 francs.

Mr. HAYES. Per vote.

Mr. FOSTER. It does not say anything of the kind. The gentleman has not read it and I have, and I know what it says.

Mr. SULZER. The treaty says, Mr. Chairman, article 10:

The number of votes which each nation shall have and the number of units of assessment shall be established according to the following graduations.

We are entitled to a certain number of votes in this congress, and our pro rata share of the expense is assessed according to the number of votes we have. The gentleman is taking the unique position that, although we have under the treaty these votes in this congress, we must not send anybody there to represent us and to do our voting. It would be absurd for us to be charged for our votes in this congress and then send nobody there to do the voting.

Mr. HAYES. I call the gentleman's attention to the wording of article 10, which provides that not more than 2,500 francs per unit. Now, we have 16 units, and this has nothing whatever to do with the expense for this assembly, but for the general expenses of the institute.

Mr. SULZER. I ask for a ruling.

The CHAIRMAN. The Chair feels constrained to overrule the point of order.

Mr. SISSON. Mr. Chairman, I move to strike out the paragraph beginning with line 7 and concluding with line 11.

Mr. MANN. Mr. Chairman, I desire to offer a preferential motion. I move to strike out, on page 16, line 9, the word "ten" and insert the word "three," so as to read "$3,000."

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Amend, page 16, line 9, by striking out the word "ten" and inserting the word "three."

Mr. MANN. Mr. Chairman, last year there was appropriated $10,000, which was made immediately available, and under that appropriation five delegates were appointed to attend this congress or institute, absolutely, in my judgment, there being no occasion for sending five over there to represent the United States. It may be a very pleasant trip for certain gentlemen to make, but two delegates are amply sufficient—one might be, but two are amply sufficient—and the $3,000 would pay the expenses of two delegates to this institute on the same basis that a little less than $8,000 paid the expenses of five delegates. It seems to me that this institute, which is nothing very great at the best, is well taken care of by the United States, so far as we are concerned, when we provide the expenses of one gentleman as a permanent committee and two other gentlemen as special delegates from this country to go over to that institute—quite enough.

Mr. SULZER. Mr. Chairman, in reply to the gentleman from Illinois let me say that this institute is doing a great world work. It is making unique experiments and disseminating valuable information, and it is all benefiting beyond the conception of the finite mind the farmers of our country and the consumers of this country; and anything that will contribute to our agricultural resources, anything that will help the consumers of our country along the line of getting the necessaries of life cheaper is a world work that demands the favorable consideration of every Representative in this House. It will be a mistake to strike out this provision or to reduce this appropriation. The Committee on Foreign Affairs have carefully considered this matter. We have been economical. We have been careful. We have pruned these estimates just as much as we possibly could. We have been criticized for cutting down some of the appropriations, but I want to repeat that we have cut no appropriation that we deemed necessary for the adequate administration of the service. We did not cut this appropriation because we deemed it as essential for the good of the country as any other appropriation in this bill, and I earnestly submit the whole matter to the sober, sensible judgment of the Members of the House and ask them to stand by the Committee on Foreign Affairs in our efforts to do something to decrease the cost of living of the consumers of our country.

Mr. SLAYDEN. Mr. Chairman, the question is not whether we are going to interfere with agriculture here or elsewhere. Crops will still be planted and will go on growing, and perhaps under the direction of the present Secretary of Agriculture, who is himself a good deal like Tennyson's brook. The question is whether the amendment suggested by the gentleman from Illinois is a practical one and ought to be adopted. This paragraph in the bill provides for the expenses of delegates $10,000. He proposes to cut that appropriation to $3,000. If he had cut it to $2,000 it would have been 33⅓ per cent better in my judgment. Two delegates will certainly be an abundantly large representation from this country to the institute, which he says at its best is not any great shakes. I hope that the amendment of the gentleman from Illinois will be adopted.

Mr. GARRETT. Will the gentleman permit me to ask him a question?

Mr. SLAYDEN. Certainly; or I will yield the gentleman the floor.

Mr. GARRETT. Whether or not he can state, and if he can not state if he will yield to the gentleman from New York to

state, if he knows of a single instance in which a single thing has been done by this institute that has helped in any respect whatever any farmer in the United States.

Mr. SLAYDEN. I will tell the gentleman from Tennessee, Mr. Chairman, that when this bill was up here on Monday, or Tuesday, perhaps——

Mr. GARRETT. Tuesday.

Mr. SLAYDEN (continuing). I asked for that same information and earnestly entreated the gentlemen who were the proponents of the measure to put their finger on one single instance. That has not been done as yet. Perhaps the gentleman from California, who is hopeful and optimistic, may be able to suggest some benefit, and I yield for him to do so.

Mr. HAYES. Mr. Chairman, I thank the gentleman. I want to say in regard to this matter that the figures collected by the Agricultural Department of this country relating to the products of the soil I believe to be one of the best functions that that department performs. The fact that that information is valuable is proved by the fact that the cotton speculators not long ago bribed the employees of the Department of Agriculture who had that information to give it out to them in advance of the official publication thereof. If it was not valuable they would not pay money and take the chances of the prosecution that would follow as a result of that information being given out prematurely.

Mr. LONGWORTH. Will the gentleman yield for a question?

Mr. HAYES. Certainly.

Mr. LONGWORTH. Can the gentleman inform me how many countries take part in this institute?

Mr. HAYES. Fifty—practically all the world.

Mr. LONGWORTH. And how many delegates do other countries send to that institute?

Mr. HAYES. Other countries of like size as the United States send five delegates.

Mr. LONGWORTH. Then to reduce this down to two would be to diminish our influence to that extent?

Mr. HAYES. Yes; but not our votes.

Mr. LONGWORTH. Yes; but generally it would indicate a lack of interest on the part of this country?

Mr. HAYES. Exactly.

Mr. SLAYDEN. All the votes could be cast by two delegates as well as five?

Mr. HAYES. They can.

Mr. SLAYDEN. Then that is an argument for one delegate.

Mr. HAYES. Now, Mr. Chairman, this International Institute of Agriculture is an official institution just as much as the Agricultural Department of the United States is, and the statistics which it is collecting are collected officially, just as those are collected officially which are collected in this country by our Government and in Austria and Russia and every other civilized country in the world by their respective Governments. The statistics are collected and furnished from the International Institute of Agriculture to every country that is a party to the treaty, ourselves included. Those statistics are collected and published and disseminated in exactly the same manner as ours are in regard to the agricultural interests of this country.

Mr. GARRETT. Does the gentleman from California contend that without representation on our part in this International Institute of Agriculture we could not get those statistics?

Mr. HAYES. Yes. There is no other avenue that is known by which this information can be collected.

Mr. GARRETT. The gentleman does not mean to say that this information is collected through the institute?

Mr. HAYES. I do.

Mr. GARRETT. Is it collected by the institute itself?

Mr. HAYES. Each country collects the information respecting its own territory. The information that is collected by our Agricultural Department is communicated to this International Institute of Agriculture, and by it it is communicated to all the other countries officially, and the same way with the other parties to the treaty.

Mr. GARRETT. And the gentleman states that without this institute that information could not be obtained from the other countries?

Mr. HAYES. That is it.

Mr. SISSON. Mr. Chairman, will the gentleman yield?

The CHAIRMAN. Does the gentleman from California yield to the gentleman from Mississippi?

Mr. HAYES. In a moment. It is true that in this country, prior to the collection of these statistics by our Agricultural Department, and in other countries prior to the establishment of the International Institute of Agriculture, those statistics were furnished to the various commercial organizations at their expense, and they were entitled to that information, only it was not a matter of public property at all. Now this information comes officially, and it can be communicated officially to the various countries, and through those various countries the producers of cotton and wheat and corn and other products of the soil are supplied with the most reliable information regarding the crop conditions that can be found anywhere in the world, and therefore these producers can not be taken advantage of by speculators in the products of the soil. That is why I am in favor of it.

Mr. GARRETT. Will the gentleman yield?

Mr. HAYES. I will yield.

The CHAIRMAN. The time of the gentleman has expired.

Mr. HAYES. I would like to have two or three minutes more.

Mr. GARRETT. Mr. Chairman, I would like to be recognized. I ask unanimous consent that the gentleman's time be extended five minutes.

The CHAIRMAN. The gentleman from Tennessee [Mr. GARRETT] asks unanimous consent that the time of the gentleman from California [Mr. HAYES] be extended five minutes. Is there objection?

There was no objection.

Mr. GARRETT. Do I understand the gentleman to say, for instance, that the cotton statistics that are gathered by this Government are not communicated to England and to the English dealers in cotton except through this institute?

Mr. HAYES. That is what I say; officially communicated; yes, sir.

Mr. GARRETT. Does not the gentleman from California know that on the very day those figures are given out here they are cabled to the remotest parts of the world?

Mr. HAYES. I know that; but the gentleman will understand that they are communicated officially to this International Institute of Agriculture, so that they are given out simultaneously all over the world. That is the thing which the gentleman does not seem to see the force of.

Mr. GARRETT. Does not the gentleman know that through the medium of the Associated Press and the various other newspaper agencies the very moment our agricultural statistics are made public they are cabled all over the world without being communicated directly by the Department of Agriculture?

Mr. SLAYDEN. In 15 minutes after their promulgation they are available to every broker's office in this country and Europe.

Mr. HAYES. Yes; but as soon as they are collected they become the property of the International Institute of Agriculture.

Mr. SLAYDEN. What does the gentleman mean by saying "they become the property of the International Institute of Agriculture"?

Mr. HAYES. They are all furnished officially then to the whole world.

Mr. SISSON. The gentleman from California now admits that there is an instantaneous communication of the crop reports all over the world without this?

Mr. HAYES. No. There would be no such reports without this institute. That is what the gentleman does not understand.

Mr. SISSON. If that is so, it would be just as useless with respect to other crop reports as it is with the cotton crop.

Mr. HAYES. The gentleman must understand that most of the other countries of the world have not had such a collection of statistics as we have had up to the time of the establishment of this institute, and the proposition here is not so much to have the crop conditions of the United States brought home to us, but rather the crop conditions of the outside world brought to us.

Mr. SISSON. The Governments of France, England, and Germany have had their own crop statistics.

Mr. HAYES. Yes; but until five or six years ago there were no such statistics of agricultural products collected in other countries.

Mr. SISSON. Until five or six years ago we had none in this country.

Mr. HAYES. Oh, yes; we had.

Mr. MANN. In this country we have had the collection of official crop statistics for a great many years.

Mr. HAYES. Very true.

Mr. GARRETT. This matter of the International Institute of Agriculture has been before us ever since I have been a Member of this House, and I am anxious to know about it. What does this institute do except to collect statistics?

Mr. HAYES. It takes care of the welfare of the agricultural industry all over the world. It is a new institution. It has been in operation only about four years. We can not expect that it will revolutionize the agricultural industry of the world in one year. It is an enormous institution. It has not got into full operation yet.

Mr. GARRETT. I am asking the gentleman from California what it does besides gather and communicate statistics?

Mr. FLOOD of Virginia. With the permission of the gentleman from California I will answer the question of the gentleman from Tennessee as to what it does. Is it not a fact that this institute investigates and studies and reports upon the question of plant diseases all over the world, and gets the accumulated wisdom of the world on those subjects and distributes it to individual farmers over the country? This work is of great benefit to the agricultural interests of this country and I trust will be retained in the bill.

Mr. HAYES. That is what I say.

Mr. MANN. Does any individual farmer ever get a copy of it?

Mr. FLOOD of Virginia. Oh, yes. You can send for it and get a copy of it.

Mr. MANN. I do not believe that any individual farmer has ever got a copy of it.

Mr. FLOOD of Virginia. You can get it if you make application for the bulletins.

Mr. HAYES. I believe I have the floor, unless my time has expired.

The CHAIRMAN. The time of the gentleman has again expired.

Mr. FLOOD of Virginia. If the gentleman asks me a question like that in good faith, I will answer it, because I happen to know something about farming; but I know it is not asked in good faith.

The CHAIRMAN. The Chair asks that sufficient order be maintained to enable the Chair to know who is addressing the Chair.

Mr. SULZER. Mr. Chairman——

The CHAIRMAN. The gentleman from New York.

Mr. CAMPBELL. I rise to a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. CAMPBELL. I want to know who has the floor.

Mr. SULZER. I have the floor.

The CHAIRMAN. The gentleman from New York [Mr. SULZER] has the floor.

Mr. CAMPBELL. Just a moment ago it was very confusing for us back here to try to tell which one of the 12 gentlemen on his feet had the floor.

Mr. SULZER. In reply to my friend from Tennessee, let me call his attention to the statement made by Mr. Olmsted, the Chief of the Bureau of Statistics in the Agricultural Department, who appeared before the committee and whose testimony is printed in the hearings. He stated that he was a delegate to the last agricultural congress in Rome of the International Institute of Agriculture.

Owing to that fact—

He says—

and my personal touch with the institute—that was why I came here to-day. This originated through the efforts of an American citizen, Mr. David Lubin. The American people felt the need of world information concerning agriculture. Mr. Lubin was a man of large fortune and he interested the various governments of the world in it, primarily the Kingdom of Italy and then the other kingdoms. He was the instigator of the adoption of an international treaty to which the United States Government is a party. That treaty was ratified in 1905. When I was at Rome last May there were 48 countries at that hearing. All the principal governments of the world and some unimportant ones; and since then two other governments have come in, making 50; and they now embrace practically the entire civilized world, with a few minor exceptions. These countries have bound themselves by a solemn obligation to sustain the institute pro rata.

You asked me, Mr. SULZER—

He continues—

what the institute was doing. I have samples of what it is doing. There is a bulletin issued every month containing crop statistics. Prior to the report the institute sends a cablegram to the Department of Agriculture, so that we have the information promptly, and that is sent to the press. In addition to that they issue a bulletin on plant diseases, and that report contains the accumulated wisdom of the world. Another bulletin issued deals with cooperation among farmers. It gives the information to us. The yields are greater than for centuries, and we grow more pro rata because of our improved scientific culture. How do these books get the best information? Because they boil down the information gathered throughout the world. These documents are now in English, but they have been translated into English out of the surplus fund.

Mr. BOWMAN. Regarding the necessity of sending delegates to this convention, is it not the purpose to send experts in their several branches of knowledge, so that a general knowledge of the subject may be given to this country?

Mr. SULZER. Yes; and I will say that there is an adage in a Great Book, recognized as an authority throughout the civilized world, that "in a multitude of counsel there is much wisdom." Mr. Chairman, I ask for a vote.

The CHAIRMAN. The question is on the motion of the gentleman from Illinois [Mr. MANN]. The Clerk will again report it.

The Clerk read as follows:

Page 16, line 9, strike out the word "ten" and insert in lieu thereof the word "three."

The question being taken; on a division (demanded by Mr. MANN) there were—ayes 33, noes 43.

Accordingly the amendment was rejected.

Mr. SISSON. I move to strike out the paragraph.

The CHAIRMAN. The Clerk will report the amendment offered by the gentleman from Mississippi.

The Clerk read as follows:

Page 16, strike out the paragraph beginning with line 7, down to and including line 11.

Mr. SISSON. Mr. Chairman, it strikes me that when you look at the personnel of this committee of five delegates who went to the last meeting, you will discover that they were not the great scientists they purported to be. It seems to me this is rather a junket that some gentlemen want to take, and the expenditure of $10,000, or $2,000 apiece, to go and spend a few days over in Italy attending this conference is an outrageous expenditure of public money. I have no doubt in the world, after the vote which has just been taken, that the committee will vote down my motion to strike this out, but I shall give this committee and these so-called economists an opportunity to determine whether or not they mean what they say. I have heard a great deal about economy from Democrats when the Republicans were in power and voting the money. But if such items as this go in many bills little ecouomy will be accomplished. Now, that we have a majority and have the opportunity to cut out useless expenditures, let us make good our promises and not make ourselves ridiculous before the country.

Mr. BURLESON. That remark will be quoted on every stump in the country this fall.

Mr. SISSON. The gentleman says my remark will be quoted. I have no objection to that. When Democrats continue the extravagance of Republicans, they ought to be quoted, and they ought to bear the brunt before the American people. I do not believe in playing hide and seek on these propositions, because, as far as I am concerned, I am a real economist.

Mr. HAY. Does the gentleman know how much money has been saved on the appropriation bills which have already been passed by the Democratic majority of this House?

Mr. SISSON. I do not know that one cent has been saved yet. I know that we have cut down some estimates here, but I have got to wait to see what those committees are going to do in conference, and I have got to wait to see what the Democrats are going to do when those conference reports come back here.

Mr. HAY. In my judgment the gentleman ought to be a little more charitable to his colleagues on this floor, and not put the Democratic Party in a false position.

Mr. SISSON. I do not put my colleagues in a false position. If the facts show no economy it will not be a false but a true position. I hope that the conferees of the Democratic committees will stand squarely by the economies that they have undertaken; but when he asks me how much they are going to save I can not tell him. I do know that several million dollars were saved in the Army bill reported by his committee, for which I commend him, and I trust that the other committees will do as well. But before we can boast of economy we must make good our promises. If our conferees will stand by their guns we can effect some economy, but if we fail and the extravagance continues, then we are ridiculous.

Here is an opportunity that we have to cut off thirty-odd thousand dollars of useless expenditure.

Mr. FLOOD of Virginia. Is the gentleman aware that this bill is $600,000 less than the bill for the same purpose passed by the last session of Congress?

Mr. SISSON. My information is that it is considerably less, but this bill is not passed yet, and it is not a law. Why not save $30,000 here and now?

Mr. FLOOD of Virginia. Does the gentleman think it is fair to criticize the Democratic Party for extravagance, in view of the fact that the committee has reported a bill carrying $600,000 less than the Republican committee reported it in the last session for a similar purpose?

Mr. SISSON. I want to say that I commend them for every legitimate economy. I do not believe that every time you reduce an appropriation it means economy. On the contrary, there are many items that ought not to be reduced and many items that ought to be increased, but if there is one single extravagant item in the bill it does not justify the Democratic Party for leaving it there. We ought to cut it out. It is criminal to leave it in.

Mr. GARRETT. I want to say that the Committee on Foreign Affairs is to be congratulated in making a saving of over $600,000 in making up this bill, and I think they can go further and add a saving of $30,000 additional by cutting off this item.

Mr. SISSON. And I am willing to help the gentleman from Tennessee and the gentleman from New York and the gentleman from Virginia to show more Democratic economy. Let us practice what we preach.

Mr. SULZER. Mr. Chairman, in reply to the gentleman from Mississippi, I submit that in the opinion of the Committee on Foreign Affairs this appropriation is necessary. It is money well spent. It will be a great mistake to strike the provision out of the bill. We have economized in every way we possibly could. We have been criticized to some extent for the way we have economized and yet we take these criticisms good-naturedly. They come from outside sources. However, I think it comes with very bad grace from a Democrat to criticize us for not going further along the lines of economy than we did. We went as far as we could consistently with common sense. We endeavored not to be penny wise and pound foolish. We are willing to take the judgment of the House.

Mr. SISSON. Will the gentleman yield?

Mr. SULZER. Yes.

Mr. SISSON. I want to say to the gentleman that I am not charging him with the entire fault of leaving these items in here. I charge his Democratic colleagues on this side of the House and those who have followed him in the wrong direction and the Republicans over there who have followed him.

Mr. SULZER. Mr. Chairman, my friend is in error. We cut the estimates submitted in this appropriation bill $652,206, and the bill in its present shape carries appropriations of over $560,255 less than the appropriations in the bill of last year. That speaks for itself. That is saving some money for the taxpayers. I want to impress on the Members of the House that this appropriation bill, all told, carries only $3,427,000. Just think of it. We are appropriating only three and a half million dollars for one of the greatest and most useful departments of our Government, the Department of State, which stands for peace and commerce and friendship with all nations. We appropriate over $100,000,000 for the Army—that is for war. We appropriate over $100,000,000 for the Navy—that is for war. We appropriate over $150,000,000 for pensions—that is for war. And yet for peace and commerce we appropriate only about three and one-half million dollars. What a comparison! What a commentary on war and peace! And for every dollar that this Government spends for its foreign service, for the administration of our State Department, the citizens of America receive back, directly or indirectly, a hundred dollars for one, and everybody familiar with history knows it. [Applause.]

Mr. Chairman, that is all I want to say. I ask for a vote.

The CHAIRMAN. The question is on the motion of the gentleman from Mississippi to strike out the paragraph.

The question was taken, and the amendment was lost.

The Clerk read as follows:

For the payment of the quota of the United States for the fiscal year ending June 30, 1913, of the cost of translating into and printing in the English language the publications of the International Institute of Agriculture at Rome, $5,000, or so much thereof as may be necessary.

Mr. FOSTER. Mr. Chairman, I make a point of order on this paragraph.

The CHAIRMAN. Does the gentleman wish to be heard on the point of order?

Mr. FOSTER. Under the treaty we are expected to pay our proportion of the expenses of this institute. The treaty provides that certain things shall be done, and among them is the printing and distribution of this information which is gathered by the delegates to the institute. We have appropriated in a previous item in this bill for the payment of the quota of the United States for the support of the International Institute of Agriculture for the calendar year 1913, $4,800. It occurs to me that this item is included in that item of $4,800, and therefore I think that this paragraph is subject to a point of order.

The CHAIRMAN. The Chair will ask the gentleman from Illinois in what article of the treaty does he find a provision for the payment of printing?

Mr. FOSTER. While it does not say exactly for printing, article 9 provides what this institute shall do. I do not think there can be found any authority anywhere in the treaty providing for the translation of this information into another language.

The CHAIRMAN. The Chair does not find any provision in the treaty which seems to cover the expenses for translation, but he understood the gentleman from Illinois to say that there was such a provision.

Mr. FOSTER. It was provided for in the expenses for the dissemination of information.

Mr. SULZER. Mr. Chairman, in article 9 of the treaty it provides what the institute shall do, what publications shall be issued, and, of course, all that is done in a foreign language. In order that the people of the English-speaking countries may be able to utilize this valuable information it must be translated into the English language.

In view of what the institute is doing, the American delegates decided informally, after consultation, and subject, of course, to the approval of Congress, that an English edition of the publications ought to be secured by direct appropriation on the part of the English-speaking countries adhering to the institute.

The estimated cost of translating into English and printing these documents is about $12,000 per annum, of which amount the delegates from the United States are of the opinion that the United States should contribute $5,000, leaving the United Kingdom of Great Britain and Ireland, the Dominion of Canada, and other English-speaking countries to contribute the remaining amount needed.

It is therefore recommended by the delegates that in the next estimate submitted by the Department of State to Congress an item of $5,000 be included, in addition to other moneys appropriated for the institute and for the payment of delegates thereto, as a proper amount for the United States to contribute as its share of the cost of translation of the publications into English and their printing in that language. There was an informal understanding with the executive officers of the institute that if this were done the institute would supply as many English copies of each document to the United States as is possible on the basis of its contribution, which publications will be subject to distribution by our Government, either through the Department of State or through the Department of Agriculture, or otherwise. It is believed that these copies might advantageously be distributed free of charge to agricultural colleges, agricultural societies and institutions, and the leading agricultural papers of the United States. So much for that. In regard to the point of order made by the gentleman from Illinois, I desire to say that if it be sustained we will place ourselves in the anomalous position of appropriating money to maintain the institution, of participating in its deliberations, and then refusing to appropriate needed money to utilize and disseminate the information. What will the taxpayers of our country think of that kind of foolish legislation? It is too absurd for serious discussion.

Mr. HAYES. Mr. Chairman, I call attention to article 9, which provides for collecting and publishing the information:

To collect, study, and publish as promptly as possible statistical, technical, or economic information concerning farming, both vegetable and animal products, commerce in agricultural products, and the prices prevailing in the various markets.

It seems to me there is plenty of authority for providing for the expenses of this publication. I do not see how it can be otherwise.

Mr. FOSTER. It does not provide for translating it.

Mr. HAYES. I should say it would be included. It can not be published unless it is published in the language of the country so that it can be read.

Mr. FOSTER. It can be published, however.

Mr. HAYES. That is plain to me. You can not publish a thing unless you publish it so that the people can understand it. Would the gentleman think that publishing in the Chinese language was publishing within the meaning of a statute of the United States? Of course not. It has to be published in the language of the country.

Mr. SULZER. That is self-evident.

Mr. FOSTER. The gentleman does not mean to make that sort of a statement.

Mr. HAYES. I do, indeed.

Mr. FOSTER. Then the gentleman does not understand the situation at all.

Mr. HAYES. The gentleman does.

Mr. FOSTER. The gentleman does not, because it may be published in any other language.

Mr. HAYES. But it could not be published in this country.

Mr. FOSTER. It does not say that it shall be published in the English language.

Mr. HAYES. It says that it shall be published.

Mr. FOSTER. This is a treaty of all the Governments of the world.

Mr. HAYES. It is to be given to the public. That is what "publishing" means. How is it to be given to the public if it is not printed in the language that they understand?

Mr. FOSTER. Just as they have given a lot of them out—printed in a foreign language.

Mr. HAYES. That is a very narrow construction.

Mr. MANN. Mr. Chairman, there are 48 countries adhering to this institute.

Mr. SULZER. Fifty now.
Mr. HAYES. It is growing.
Mr. MANN. Fifty. I am willing to accept the amendment. There were forty-eight when the last report was made. It is quite evident, Mr. Chairman, that if this provision were to publish the proceedings of this institute in Chinese it would be subject to a point of order; but so far as the treaty is concerned there is no distinction between our appropriating money for the publication in the Chinese language and the publication in the English language. The treaty provides for the publication of the proceedings. That is something for the committee in control to determine. Here is a proposition to make a special appropriation for a special publication in a special language. The fact that we speak English is no more justification, so far as the point of order is concerned, for making an appropriation to publish this in the English language than it would be to have it published in the Chinese language. It is for the board in control to determine; and I take it that we have no authority to make an appropriation to publish it in any special language, because that is a change of the authority now conferred upon the institute and the board. There are, as the gentlemen now say, 50 adhering countries. There were 48 at the time of the last meeting. At that time 46 of the countries were represented by a total of 99 delegates. A large number of those delegates were composed of the gentlemen acting as the permanent committee. We find here a proposition which we have just passed, that this country shall provide for 6 delegates to this institute, as against a total of not to exceed 2 delegates for each of the other countries on the average.

Mr. Chairman, it is a fine thing to provide junketing trips for various gentlemen in connection with the Government or outside of the Government. When we made the first appropriation last year no one knew what the necessary expenses would be. But we find now that we could send six delegates—five in addition to the permanent committee—abroad for less than $8,000, and provide junketing trips for five persons from the United States. I am surprised that this House has now voted to retain in this bill a provision for a junketing trip by six or seven gentlemen from the United States, in order that they may go on a pleasure trip to Rome. I am not a candidate for the place. If they would make the appropriation sufficiently large to include all Members of Congress it might appeal to us all. I had hoped that the time had come when, knowing what the expenses would be, we would cut out junketing trips to Rome or junketing trips to other places.

The CHAIRMAN. The Chair is of opinion that the word "publish," as used in the treaty, even giving it a liberal construction, does not authorize the committee to provide for the translating of the proceedings into a particular language, because in this country we have people who speak the English language, people who speak the German language, the French and the Italian, and other languages, and therefore the Chair feels constrained to sustain the point of order.

Mr. SULZER. Mr. Chairman, I offer the following amendment, which I send to the desk and ask to have read.

The Clerk read as follows:

Page 16, after line 11, insert:
"For the payment of the quota of the United States for the fiscal year ending June 30, 1913, of the cost of the publications of the International Institute of Agriculture at Rome, $5,000, or so much thereof as may be necessary."

Mr. SISSON. Mr. Chairman, I make the point of order against that.

Mr. SULZER. Mr. Chairman, this appropriation is clearly within the rule and not subject to a point of order. We are an adhering member of this institute, and under the treaty we are obligated to pay our share of the expenses. This appropriation simply does that.

The CHAIRMAN. Does the gentleman from Mississippi wish to be heard upon the point of order?

Mr. MANN. Mr. Chairman, will the gentleman from New York yield?

Mr. SULZER. Certainly.

Mr. MANN. What is the quota of the United States? Is there any provision in the treaty in reference to quotas?

Mr. SULZER. Yes.

Mr. MANN. Respecting publication?

Mr. SULZER. Article 10 of the treaty provides for that.

Mr. MANN. What is the provision?

Mr. SULZER. Article 10 of the treaty reads as follows:

The nations adhering to the institute shall be classed in five groups, according to the place which each of them thinks it ought to occupy. The number of votes which each nation shall have and the number of units of assessment shall be established according to the following gradations.

Then it gives the gradations of these nations in the five different groups, and goes on to say what each nation shall contribute.

Mr. MANN. What does it say about the contribution? I have not the treaty here.

Mr. SULZER. The five groups are as follows:

Group No. 1, number of votes, 5; units of assessment, 16. Group 2, number of votes, 4; units of assessment, 8. Group 3, number of votes, 3; units of assessment, 4. Group 4, number of votes, 2; units of assessment, 2. Group 5, number of votes, 1; units of assessment, 1.

The treaty then says:

In any event the contribution due per unit of assessment shall never exceed a maximum of 2,500 francs. As a temporary provision, the assessment for the first two years shall not exceed 1,500 francs per unit. Colonies may, at the request of the nation to which they belong, be admitted to form a part of the institute on the same conditions as independent nations.

Mr. MANN. How many units does the United States represent?

Mr. SULZER. Sixteen. We belong to the first grade. We are a first-class Nation.

Mr. MANN. Twenty-five hundred francs is $500.

Mr. SULZER. Yes; about that.

Mr. MANN. Mr. Chairman, it seems, according to the treaty and the statement of the gentleman, that the quota of the United States could not exceed $8,000.

Mr. HAYES. No; $4,800.

Mr. MANN. Now, we have already provided in one item of the bill $4,800 and here is an item to provide $5,000 additional, and that is why I asked the information.

Mr. HAYES. The particular provision which has been read only applies to the general expenses of the institute, of which our quota is $4,800.

Mr. MANN. What provision is there in the treaty that we shall pay for a portion of the printing expenses in addition to our quota? That is what I am endeavoring to obtain information concerning. I understand the limitation of expense was the limitation of our quota to the institute. We have already provided for that in the paragraph at the top of the page. The gentleman now offers an amendment to provide an additional quota for printing, but has given us no statement. I do not know that there is an authorization for such purpose.

Mr. SULZER. Article 9 provides for that.

Mr. FOSTER. It provides what shall be done.

Mr. MANN. I asked the gentleman in respect to it with a view of giving us the information.

Mr. SULZER. I will send it to the Clerk's desk, if the gentleman desires, and have it read.

Mr. MANN. I would rather have the gentleman state it.

Mr. SULZER. Article 9 of the treaty provides what this International Institute of Agriculture shall do, and it provides for the publication of the work——

Mr. MANN. Yes; but is there any provision for an additional payment by the adhering members over the amount that they contribute as their quota of the expenses of the institute?

Mr. FOSTER. None at all.

Mr. MANN. What is the $4,800 we have already provided for in the bill?

Mr. SULZER. That amount of $4,800 in the bill is to pay our pro rata share as an adhering member.

Mr. MANN. I will read it to the gentleman. It is at the bottom of page 15 and reads as follows:

For the payment of the quota of the United States for the support of the International Institute of Agriculture for the calendar year 1913, $4,800.

Mr. SULZER. That is what we agreed to pay, whether we get any benefit from it or not.

Mr. MANN. But that is our quota for the support of the institute, and that covers all our expenses.

Mr. SULZER. Well, not exactly.

Mr. HAYES. Publication is not part of the support of the institute.

Mr. MANN. What is the $4,800 for?

Mr. SULZER. I have stated that. The $5,000, I will say to the gentleman, is for the Government of the United States to utilize by publication in English the information which comes from this institute in a foreign language. The institute publishes its information bulletins and reports in a foreign language. We get them. In order for us to utilize them we must translate them; in order to translate and publish them in English we have to pay for the translation, and we are now appropriating the money to pay for the translation and for the publication in English for our own people. If the gentleman does not want us——

Mr. MANN. The treaty provides what the institute shall do. It provides that it shall publish the reports. It provides that

we shall contribute our quota of the entire expenses of the institute. That quota is $4,800, and that covers all the expense which we are authorized under the treaty to contribute to the institute. In addition to that, we have already provided for the expense of a permanent committee of one and of delegates, and all that we must contribute to the institute under the terms of the treaty as the quota of the United States is $4,800, and that is carried in the other item.

Mr. SULZER. Will the gentleman allow me? What the gentleman says is quite true so far as it goes. But we have provided for all the things which we must do under the treaty. In consequence of that we get this valuable information, and that comes to us in a foreign language. It must be translated and published in English to be available to the people of this country who speak English. This $5,000 is for that purpose. I can not make it clearer.

Mr. MANN. I will say to the gentleman I suppose if any information is ever published by this institute which is worth translating we have a Department of Agriculture to which it comes and which is capable of translating and publishing it as a publication of the Department of Agriculture.

Mr. SULZER. That department informed us it did not have the money to do it.

Mr. SISSON. Will the gentleman yield?

Mr. SULZER. In a moment. A representative of the Department of Agriculture appeared before the committee and testified that the department had no money for this purpose, and hence the Department of Agriculture and the Department of State recommend this appropriation.

Mr. MANN. The Department of Agriculture has plenty of money which it could use for this purpose to pay to publish it, and if it has not used it, it is because they have found nothing worth publishing.

Mr. FOSTER. I would ask my colleague if the Department of Agriculture does not translate a great many foreign languages into our language?

Mr. MANN. Certainly.

Mr. FOSTER. And it is doing it all the time.

Mr. SISSON. If the gentleman from Illinois will yield, article 9 is the article in the treaty which defines the purposes and objects of this organization. Now, in order to support that organization we have to appropriate, as the gentleman from Illinois suggests, $4,800.

The article says the institute confines its operations to certain things; is a mere shell; that it shall study certain things, and report, and communicate with parties, and make known information obtained, and so forth. There are eight or nine different sections. Now, the purpose, as the gentleman from Illinois [Mr. MANN] has suggested, of the existence of the organization, as provided for in this section, is to enable the United States Government to do its part of the work assigned to this organization in article 9.

Mr. MANN. Certainly.

Mr. SISSON. Therefore we have already provided, as the gentleman from Illinois suggests, for the very thing that the gentleman from New York is asking $5,000 for.

The CHAIRMAN. If the Chair understands the gentleman from Illinois, his contention is that the expense to be covered in this paragraph is included in the first paragraph?

Mr. MANN. The work is there covered.

The CHAIRMAN. And the additional appropriation that has already been carried by the committee equals the amount that we are authorized to appropriate under the treaty?

Mr. MANN. That is right.

Mr. SISSON. And that covers specifically the publications as outlined in article 9.

The CHAIRMAN. Unless the Chair is assured that this article does cover the item, he is inclined to sustain the point of order.

Mr. SULZER. If the Chair will indulge me, I wish to say that the $4,800 appropriated in the bill is paid as the pro rata share of the United States as an adhering member of the International Institute of Agriculture. That has nothing to do with the costs to us of translating and publishing the information we receive.

Mr. SISSON. What is that made for?

Mr. SULZER. If the gentleman from Mississippi will allow me to conclude, I will impart to him the information. We get the publications of this International Institute of Agriculture. They come to us, of course, as I have said, in a foreign language, and in order to be of use to our English-speaking people they must be translated, and this money appropriated in this paragraph is for the purpose of translating, publishing, and utilizing these bulletins, these reports, and this information.

The CHAIRMAN. The Chair would like to ask the gentleman from New York this: The gentleman does not claim that there is any law except the treaty authorizing the payment of these appropriations—no other existing law?

Mr. SULZER. I claim that under the treaty this appropriation is not subject to a point of order.

The CHAIRMAN. What does the gentleman from New York claim is the amount that can be appropriated, relying on the treaty as existing law?

Mr. SULZER. Mr. Chairman, we would place ourselves——

The CHAIRMAN. The Chair means, what sum should we appropriate under this treaty? What number of dollars altogether?

Mr. SULZER. Under the treaty, which is the law of the land, we can appropriate just what we have appropriated for the purposes I have indicated. That is the contention we make, and I want to say, in support of the contention, that we would place ourselves in a ludicrous position if we paid our share for the support of the institution and then, when the institution sends us our share of the benefits, we do nothing with them. It would be absurd. We should utilize the data or we are wasting money, it seems to me, in being a member of this International Institute of Agriculture.

The CHAIRMAN. On the question of the point of order, the Chair does not see that he can take that reasoning of the gentleman as conclusive.

Mr. SISSON. Mr. Chairman, the conjecture of the gentleman from New York must rest upon article 9 of this treaty. Now, we have already appropriated the money to carry into effect the purposes of the treaty, as enumerated in article 9. Now, if the requirement of article 9 has been provided for in the $4,800 appropriated—and the gentleman admits that in article 9 is the authority he has for the appropriation of $4,800—and the Chair holds that he has no other authority for the appropriation of $4,800, we have already appropriated the $4,800. Within the very first clause of article 9 the subdivision is marked "A"—collecting, studying, and publishing of statistics and information are provided for or outlined. The article reads as follows:

ARTICLE 9.

The institute, confining its operations within an international sphere, shall—

(a) Collect, study, and publish as promptly as possible statistical, technical, or economic information concerning farming, both vegetable and animal products, the commerce in agricultural products, and the prices prevailing in the various markets.

(b) Communicate to parties interested, also as promptly as possible, all the information just referred to.

(c) Indicate the wages paid for farm work.

(d) Make known the new diseases of vegetables which may appear in any part of the world, showing the territories infected, the progress of the disease, and, if possible, the remedies which are effective in combating them.

(e) Study questions concerning agricultural cooperation, insurance, and credit in all their aspects; collect and publish information which might be useful in the various countries in the organization of works connected with agricultural cooperation, insurance, and credit.

(f) Submit to the approval of the Governments, if there is occasion for it, measures for the protection of the common interests of farmers and for the improvement of their condition, after having utilized all the necessary sources of information, such as the wishes expressed by international or other agricultural congresses or congresses of sciences applied to agriculture, agriculture societies, academies, learned bodies, etc.

So that he has already got the $4,800 to do that work with. Now, if the $4,800 is properly allowed, it is allowed under article 9, and if it is allowed under article 9, then the gentleman has no other clause upon which to hang this appropriation now asked for. Therefore, you have already appropriated for the expenses and maintenance and publication and the study that the treaty was intended to obtain.

Mr. HAYES. Mr. Chairman, I want to call the attention of the Chair to the fact that the $4,800 is for the maintenance of the International Institute of Agriculture and for the payment of the necessary expenses of administration. There is no part of that that is to be used for publications, if we desired them to be published so that the people of this country might use them. That is an entirely different matter.

Mr. MANN. Will the gentleman from California yield to me for a question?

The CHAIRMAN. Does the gentleman from California yield to the gentleman from Illinois?

Mr. HAYES. Certainly.

Mr. MANN. Out of what fund do they now pay for the publication?

Mr. HAYES. Out of the special appropriation for that purpose.

Mr. MANN. We have never made any special appropriation for that purpose.

Mr. HAYES. I think we have

Mr. MANN. The gentleman is mistaken in that.

Mr HAYES. The gentleman did not understand, probably, or was not paying attention when the gentleman from New York [Mr. SULZER] read the report of our delegates, stating what our proportion of this publication expense would be.

Mr. MANN. I have read the report of the delegates, and I did not need to hear the gentleman from New York read it. We have never made any appropriation for the publication of these reports. They have always been published out of the quota which we contributed, together with the quotas contributed by other nations, for the administration of the institute.

Mr. HAYES. I am now advised by the chairman of the committee that these publications have heretofore been published by the Department of Agriculture. But the statement in the hearings is that there is no money available for the year 1913 for that purpose.

Mr. MANN. I have the reports from this institute, published in the English language, published by the institute, published from the maintenance fund, a portion of which we contributed; published in the English language. The gentleman from California is aware of that, too.

The CHAIRMAN. The Chair would like to ask the gentleman from California if this paragraph of this appropriation here is not intended for publications to be made or used in the United States?

Mr. HAYES. Certainly. It is intended to cover our proportion of the cost of publication in the English language in England, Canada, Australia, and the various other English-speaking colonies.

The CHAIRMAN. Does the gentleman contend that the treaty binds us to publish this information in our own country?

Mr. HAYES. It does not bind us to publish the information in our own country, but it contemplates and provides for such publication.

The CHAIRMAN. But the Chair thinks that the language used in section 9 does not authorize this appropriation, and sustains the point of order. The Clerk will read.

The Clerk read as follows:

INTERNATIONAL RAILWAY CONGRESS.

To pay the quota of the United States as an adhering member of the International Railway Congress for the year 1913, $400.

Mr. SISSON. Mr. Chairman, I want to reserve a point of order against this paragraph. What is this for?

Mr. SULZER. Mr. Chairman, in reply to the gentleman from Mississippi I desire to say that membership in the International Railway Congress by the Government of the United States was invited by the Government of Belgium in 1905. The views of the Interstate Commerce Commission were solicited in the matter and were obtained in a letter from Martin A. Knapp, its chairman, who stated that "it is believed and earnestly desired" by every member of the commission that the Congress of the United States should provide for an annual adhering contribution of the same amount as is regularly given by the other principal Governments of the world, and that the commission would be pleased to cooperate, by recommendation or otherwise, in securing the requisite appropriation.

In view of this statement, the late Secretary of State [Mr. Hay] applied to Congress, through the Secretary of the Treasury, for authority for the adhesion of this Government to the International Railway Congress and for an annual appropriation of $400 for the Government's quota toward the support of the Railway Congress. It was made known to this Government that, in order to adhere to the congress, it would be required of this Government to pay annually on April 15 of each year the sum of $400 so long as it remained a member.

This International Railway Congress is a matter of some importance, especially to the Interstate Commerce Commission and to the railroads of the United States. Our proportion of this expense is very small—only $400 a year. This congress meets every two years in one of the capitals of the world, and delegates from the various Governments of the world attend at their own expense, participate in its deliberations, and discuss railroad construction, railroad management, railroad improvement, everything, in fact, in connection with railroads, from their successful building to their successful operation.

Mr. SISSON. What good does the $400 do? That does not send a delegate there, does it?

Mr. SULZER. No; it does not. That is our share of the expense for getting the reports. These reports are published and are sent to the Government of the United States, and the information is utilized in various ways through the State Department. The delegates pay their own expenses. We have been appropriating this $400 a year as our share of the expense since 1906.

Mr. SISSON. It went out of the bill last year, did it not?

Mr. SULZER. Yes. It went out of the bill on a point of order, and it is subject to a point of order. There is no authority of law for it, so far as I can find out; but I want to say to the gentleman that heretofore every man who has been a delegate from this country to these international railway congresses has paid his own expenses. He has been some expert, some railroad builder, or some railroad operator, and has paid all of his expenses out of his own pocket, so it has cost the Government nothing except $400 a year, for which we get the benefit of the proceedings of the convention.

Mr. SISSON. Mr. Chairman, I make the point of order against the paragraph on the ground that there is no authority of existing law. It went out of the bill last year without any contest.

Mr. SULZER. I ask my friend to reserve the point of order. This is important.

Mr. SISSON. I will reserve it, Mr. Chairman, so that the gentleman may make his statement.

Mr. SULZER. I ask the Clerk to read a letter from the American Railway Association.

The CHAIRMAN. Does the gentleman from New York admit that there is no existing law authorizing this appropriation?

Mr. SULZER. Nothing except the fact that we have been an adhering member of the International Railway Congress ever since 1905. We have been represented in every one of these congresses, and all that we have paid is $400 a year—too small an amount to quibble about. In this connection I want to read this letter:

THE AMERICAN RAILWAY ASSOCIATION,
New York, January 11, 1912.

Hon. WILLIAM SULZER,
Chairman Committee on Foreign Affairs,
House of Representatives, Washington, D. C.

DEAR SIR:

* * * * * * *

I think that investigation of the facts of the case will find that this supposition was not correct. This subject was first brought before the Fifty-seventh Congress at its second session, in Document No. 308, which was a communication addressed by Mr. O. L. Spaulding, Acting Secretary of the Treasury Department, to the Speaker of the House of Representatives, dated February 10, 1903. This communication transmitted a letter from the Hon. John Hay, Secretary of State, to the Secretary of the Treasury, dated February 13. In Secretary Hay's letter, after stating the facts of the case, Mr. Hay writes: "In view of the foregoing, I have the honor to request that you will bring the matter to the attention of Congress, in the hope that it will commend itself to the favorable consideration of that body, that its authority will be given for the adhesion of this Government to the International Railway Congress, and that the sum of $400 will be appropriated annually as this Government's quota toward its support."

In the communication from Acting Secretary Spaulding to the Speaker of the House of Representatives he recommends that "authority be given by Congress for the adhesion of this Government thereto and an appropriation of $400 annually as its quota toward the support of said International Railway Congress."

No action was taken by the Fifty-seventh Congress in response to those communications; but under date of December 16, 1903, as shown in Document No. 140 of the second session of the Fifty-eighth Congress, Hon. L. M. Shaw, Secretary of the Treasury Department, sent a communication to the Speaker of the House of Representatives, transmitting a letter from Hon. Francis B. Loomis, Acting Secretary of State, dated December 14, 1903, in which he says: "I have the honor to renew the recommendation made in this department's letter to you of February 13, 1903, that the authority of Congress be obtained for this Government's adhesion to the International Railway Congress, the next session of which is to be held in the city of Washington in May, 1905, and that the sum of $400 be appropriated annually as this Government's quota toward its support."

I am not able to state the time that the appropriation bill was passed; but under date of August 15, 1904, I received a letter from the Hon. F. B. Loomis, Assistant Secretary, Department of State, which refers to the action of Congress in providing for this Government's participation as a contributing member of the International Railway Congress.

I understand this appropriation has been accordingly made every year since until last year.

In view of the facts above stated, was not the House in error in striking out this appropriation on the point of order that it was not authorized by law, and that the Department of State had assumed the obligation of this subscription without securing the consent of Congress?

There is another point which, I think, should be considered in connection with the failure to pass the appropriation last year. The principal expense in connection with the maintenance of the congress association is that connected with the sessions of the congress, which are held in various parts of the world every five years. In Secretary Hay's communication of February 13, 1903, above alluded to, he says: "The expenses of the session are distributed over five years, so that it would be expected that this Government's membership would continue for that time at least."

The expenses of the session held in Berne in 1910 have not yet all been paid, and if the last year's appropriation is not provided for in the deficiency bill, the United States Government will be placed in the position of refusing to pay its proportion of the expenses of the congress which it officially appointed delegates to attend.

As showing the importance in which this congress is held by the Governments of other countries, I inclose a copy of a list of Government adherents and the amounts contributed annually by them, which was included in the document submitted by Secretary Hay in 1903.

Very respectfully, your obedient servant,

W. F. ALLEN, *General Secretary.*

EXHIBIT A.

Government adherents and amounts contributed annually by them.

	Francs.
Belgium	3,385.25
Great Britain	2,000.00
Spain	2,000.00
France	2,000.00
Russia	2,000.00
Austria	1,000.00
Brazil	1,000.00
Hungary	1,000.00
Italy	1,000.00
Mexico	1,000.00
Chile (500 piasters)	850.00
Egypt	668.40
British India	625.00
Japan (200 yens)	510.00
Canada	500.00
Denmark	500.00
The Netherlands	500.00
Norway	500.00
Portugal	500.00
Roumania	500.00
Sweden	500.00
Switzerland	500.00
Ottoman Empire	400.00
Greece	300.00
Argentine Republic	250.00
Ecuador	250.00
Haiti	250.00
Queensland	250.00
Luxemburg	250.00
Bulgaria	100.00
Bolivia	100.00
Congo Free State	100.00
Dominican Republic	100.00
Natal	100.00
New South Wales	100.00
Victoria	100.00
Siam	100.00
Servia	100.00
New Zealand	100.00
Paraguay	100.00
Nicaragua	100.00
Total ($5,337.73)	26,688.65

That letter speaks for itself.

The CHAIRMAN. The Chair is ready to rule on the point of order.

Mr. SISSON. The late Mr. Foster of Vermont was chairman of the committee, and he conceded that there was no law for it, and it went out without a contest last year.

The CHAIRMAN. The Chair is compelled to sustain the point of order.

The Clerk read as follows:

INTERNATIONAL SANITARY BUREAU.

For the annual share of the United States for the maintenance of the International Sanitary Bureau for the year 1913, $2,830.79.

Mr. MANN. I move to strike out the last word.

Mr. SISSON. I reserve a point of order on the paragraph.

Mr. MANN. All I was going to do was to suggest whether it should not be amended by inserting the words "calendar year." In some places in the bill you have the words "calendar year" and in some places not.

Mr. SULZER. I think it should be "calendar year."

Mr. SISSON. I want to ask the chairman of the committee whether that appropriation is authorized by law, and if so, what is the authorization?

Mr. SULZER. Mr. Chairman, we have made this appropriation every year for some time.

Mr. SISSON. I do not care about that. I should like to know the authority for the appropriation—not what we have done heretofore.

Mr. SULZER. Of course, it is subject to a point of order. If the gentleman makes it he must take the responsibility.

Mr. MANN. Mr. Chairman, on this last item I hope the gentleman from New York will move to amend by inserting the word "calendar" in line 24.

Mr. SULZER. Mr. Chairman, I move to amend by inserting, before the word "year," in line 24, page 16, the word "calendar," so that it will read "calendar year."

The Clerk read as follows:

On page 16, line 24, after the word "the," insert the word "calendar," so that it will read "calendar year."

The amendment was agreed to.

The Clerk read as follows:

INTERNATIONAL OFFICE OF PUBLIC HEALTH.

For the payment of the quota of the United States for the year 1912 toward the support of the International Office of Public Health, created by the international arrangement signed at Rome December 9, 1907, in pursuance of article 181 of the international sanitary convention signed at Paris on December 3, 1903, $3,015.62.

Mr. MANN. Mr. Chairman, I suggest to the gentleman from New York that he insert the word "calendar," in line 25, page 17, before the word "year."

Mr. SULZER. Mr. Chairman, I move to amend the bill by inserting the word "calendar" before the word "year," in line 25, page 17, so that it will read "calendar year."

The Clerk read as follows:

Page 17, line 25, after the word "the" at the beginning of the line, insert the word "calendar," so that it will read "calendar year."

The amendment was agreed to.

The Clerk read as follows:

INTERNATIONAL SEISMOLOGICAL ASSOCIATION.

For defraying the necessary expenses in fulfilling the obligations of the United States as a member of the International Seismological Association, including the annual contribution to the expenses of the association and the expenses of the United States delegate in attending the meetings of the commission, $1,300.

Mr. SISSON. Mr. Chairman, I reserve a point of order to the paragraph. I would like to ask the gentleman from New York if that has relation to the variation of the sun's rays?

Mr. SULZER. No. I will say to the gentleman from Mississippi that this provision applies to experiments which are being made in all the civilized countries of the world regarding earth tremors and earthquakes. It is purely scientific and a very important matter. Our share of the expense is very small. We are a member of this association, and we ought to pay our pro rata share of the expenses. We get all the benefits. The item was omitted from the diplomatic and consular act for the fiscal year ending June 30, 1912. That was a mistake. We should defray our necessary expenses in fulfilling the obligations of the United States as a member of the International Seismological Association, including the annual contribution to the expenses of the association and the expenses of the delegate of the United States in attending the meetings of the commission.

Inasmuch as the Government of the United States, by its formal notification of adherence to this association, became a member of the association, its status is determined by the agreement regarding the organization of the association, according to article 5 of which those nations are members of the association which have declared their adherence thereto, and by article 16 of the agreement which provides that the agreement is concluded for a period of 12 years, beginning April 1, 1904. Consequently, the earliest date on which this Government could withdraw from the association is March 31, 1916.

Mr. KENDALL. It is under a treaty, is it not?

Mr. SULZER. Well, hardly.

Mr. SISSON. I make the point of order, Mr. Chairman. It went out on the point of order last year.

Mr. MANN. Will the gentleman withhold his point of order for a moment?

Mr. SISSON. I will withhold it.

Mr. MANN. The gentleman will find in the report, page 8, a paragraph that covers this:

Another item omitted from the diplomatic and consular act for the fiscal year ending June 30, 1912, is that of defraying the necessary expenses in fulfilling the obligations of the United States as a member of the International Seismological Association, including the annual contribution to the expenses of the association and the expenses of the delegate of the United States in attending the meetings of the commission.

I am not sure that they had any authority to become an adhering member, but, still, we did become an adhering member. Now, it seems to me that we might properly pay our quota until we have under the terms of the agreement withdrawn from it.

Mr. SISSON. I will say to the gentleman from Illinois that, of course, if the United States Government, by any proper authority, has entered into an obligation with any Government, whether it was wise or unwise, after having entered into it, we ought to carry it out in good faith. But I notice in the RECORD that when the paragraph was reached last year the late Representative Foster stated that he conceded the point of order.

Mr. MANN. Yes; but with due deference to Mr. Foster, who has passed to the other shore, I want to say that he did not have the information and did not know anything about it at the time.

Mr. SISSON. If that obligation resting upon the Government is one made by proper authority of the United States, having the right to bind this Government, of course the point of order could not and ought not to be sustained, and I have no disposition to make it; but if gentlemen who entered into a quasi agreement, or some individuals belonging to some association entered into the agreement, then it ought not to bind the Government.

Mr. MANN. We became an adhering member by action of our officials representing the Government in an international relation. I do not now recall whether it was by treaty or not; but an organization was perfected by different nations, and

there was a provision that other nations might become adhering members on certain terms. We accepted the terms, became an adhering member with the agreement, which may or may not be binding, that that should be good for 12 years.

Mr. SULZER. That is about the status of the case.

Mr. SISSON. The gentleman from Illinois appreciates the danger in a Government like ours of men occupying an official position making agreements that will tend to bind the Federal Government, without authority so to do, which would put us in an embarrassing attitude.

Mr. MANN. Oh, I appreciate all that; and yet if the State Department believes that it had authority to and did make this Government an adhering member, I would rather make a small appropriation for the item provided in the agreement and have no question arise about our paying our honorable obligations, even if we put in a provision that we shall recede from the agreement thereafter.

Mr. SLAYDEN. Will the gentleman yield?

Mr. MANN. Certainly.

Mr. SLAYDEN. Does the gentleman from Illinois think the department had any authority to make us an adhering member?

Mr. MANN. I do not know whether they followed the requirements of the Constitution or not; I do not now recall.

Mr. SISSON. I would like to know the manner in which we became bound, the manner in which the provision has been made heretofore.

Mr. MANN. We undertook to become an adhering member in accordance with the terms of this international agreement. For instance, we have what is known as the convention of 1818, relating to war vessels on the Great Lakes. I believe that never was entered into by constitutional authority, and yet it has been observed now for nearly 100 years. Of course, we are not required to make the appropriation in any event; even if there had been a treaty we would not be required to make an appropriation. But in reference to this matter, in good faith, we became an adhering member—whether it was a constitutional treaty or not I do not now recall—but the appropriation is not large, and I think we are in a way honor bound to make the appropriation. It is a little different from some of these other voluntary associations.

Mr. SISSON. I want to ascertain whether we entered into it through the proper officers of the Government. The chairman of the committee informs me that he believes it was not done by treaty; if so, we ought not to make the appropriation.

Mr. MANN. Mr. Chairman, if the chairman of the committee would index his hearings, we might be able to tell.

Mr. SULZER. These simple hearings need no index.

The CHAIRMAN. Does the gentleman from Mississippi make the point of order?

Mr. SISSON. Mr. Chairman, I shall make the point of order unless they can show that this agreement was made by some authority which would bind the United States Government. I do it because I do not believe these people representing the State Department or people in any capacity or through any organization ought to endeavor to bind Congress, either directly or indirectly, to pay money out of the Treasury. It ought to come in the regular constitutional way.

Mr. SULZER. Mr. Chairman, this appropriation is made in accordance to custom. However, it seems to me that the United States, by a formal notification, having become an adhering member of this association, is pledged to continue as such by virtue thereof until March 31, 1916. It seems to me it is binding on Congress for us to carry out our obligations in the matter in good faith.

The CHAIRMAN. On the point of order the Chair does not know, and therefore is asking the gentleman from New York whether there is any existing law by treaty or otherwise?

Mr. SULZER. Mr. Chairman, as I said, by impression is there is no treaty—merely a formal notification.

Mr. SISSON. Mr. Chairman, the statement made by the gentleman from New York [Mr. SULZER] would not bind the United States Government. Neither the President nor the Secretary of State can enter into such an agreement and bind Congress by it without authority of law.

Mr. SULZER. Quite true.

Mr. KENDALL. Mr. Chairman, will the gentleman from New York permit an interruption?

Mr. SULZER. Certainly.

Mr. KENDALL. Mr. Chairman, several of the most important nations of the earth have established a convention or conference with the purpose in view of investigating the subject to which this title relates. What I now state is from memory of what was disclosed in the Committee on Foreign Affairs. After the conference had been in operation for a period of years, the United States Government was invited to become an adhering member and to participate in the conference as the years elapsed. I think the term of membership is 12 years, and by the proper authority, whatever that may have been, whether the President of the United States or the Secretary of State, I do not now remember—certainly not by any subordinate official—by an authority who was competent for that purpose, the United States Government associated itself with these other Governments to promote the investigation of the subjects which are to be inquired about by that conference. That has gone on now for several years, and the arrangement has been in full force and effect. We are an adhering member of that conference, sharing its benefits and responsible for its support. The appropriation is provided "to fulfill the obligations of the United States as a member of the International Seismological Association, including the annual contribution to the expenses of the association and the expenses of our delegate in attending the meetings of that commission." This is a matter in which the Geological Survey primarily is interested, and I remember quite distinctly, although it does not appear in the hearings, that the gentleman representing that survey, who was before the Committee on Foreign Affairs, expressed very great solicitude that this provision be continued for the ensuing year.

The Secretary of State, when he was before the committee, as is disclosed on page 61 of the hearings, together with Mr. Smith, conceded that this item was omitted from the appropriation act of last year, but insisted that we were obligated to continue membership in the association until 1916. We are just in this situation: The Secretary of State or the President has by official act associated us with this conference, and we have become an adhering member of the institution. We have made appropriations as the years have gone by to defray the expenses of the conference and of our delegates who have attended it. We are obligated to continue that relation for a period of 12 years from the beginning, and that term will not expire, as the gentleman from Illinois [Mr. MANN] suggests, until 1916.

Mr. FOSTER. Mr. Chairman, will the gentleman yield?

Mr. KENDALL. Yes.

Mr. FOSTER. Who was authorized to make this Government an adhering member?

Mr. KENDALL. My impression is it was made so by the Secretary of State.

Mr. FOSTER. But without any authority of law?

The CHAIRMAN. The Chair would like to state to gentlemen that there must be something definite shown here upon which the Chair can base a ruling that this paragraph is in order.

Mr. KENDALL. Mr. Chairman, I was about to suggest to the gentleman from New York that he allow this item to be deferred until we can ascertain definitely.

Mr. SISSON. Mr. Chairman, this may be a very worthy and very proper object of investigation, but I do not believe that the President of the United States or the Secretary of State ought to enter into these obligations that require expenditures from the Treasury unless they do it in a constitutional way. Now, the assumption of authority, even of a very worthy matter, may sometimes embarrass the Congress and embarrass us in the future very greatly.

The CHAIRMAN. Does the gentleman make the point of order?

Mr. SISSON. I make the point of order.

Mr. MANN. Will the gentleman reserve the point of order for a moment?

Mr. SISSON. Yes, sir.

Mr. MANN. Mr. Chairman, when this bill was under consideration by the Committee on Foreign Affairs and this item was under consideration there seemed to be as much information in the committee on the subject as there is in this committee at present. The gentleman from Iowa [Mr. KENDALL] made this remark:

> There is not any doubt but that this will be brought up on the floor of the House, and I think it is very important for somebody on the committee to make the inquiries that they are now proposing, so that we may have definite knowledge as each item is attacked. We will certainly have to defend these items.

Mr. KENDALL. I hope the gentleman will not read something without disclosing from what document he is reading.

Mr. MANN. And yet in spite of the warning given by my friend from Iowa we have no information about this item when it comes on the floor.

Mr. SULZER. Mr. Chairman——

The CHAIRMAN. The Chair is ready to rule.

Mr. KENDALL. Mr. Chairman, I ask unanimous consent to proceed for one minute.

Mr. SULZER. I yield to the gentleman from Iowa.

Mr. KENDALL. My attention is just directed to this statement quoted by the gentleman from Illinois, and I discover that he has not applied it to the subject under discussion there. The statement which I made was in reference——

Mr. MANN. The subject of discussion was this item in the bill.

Mr. KENDALL. No; the specific proposition being considered was this: The gentleman from Virginia [Mr. FLOOD] had inquired of the Secretary of State:

Was this amount ever carried in one of those secret vouchers, this $3,000—was that covered by a secret voucher?

Secretary KNOX. I can not tell you about that. I can not imagine it would be.

And then after some little discussion Mr. GARNER, of Texas, said:

Now, they are trying to ascertain whether or not this money was paid, as our part of membership in this association, out of any other money appropriated for the diplomatic and consular service.

Then I employed the language quoted by the gentleman from Illinois, because I remembered the jealousy gentlemen are constantly professing as to the prerogatives of Congress and the sanctity of the Constitution generally, and I was merely suggesting that we should have assurance that this money was not expended out of the emergency fund.

Mr. MANN. I supposed the gentleman was talking about the item under consideration. I gave him credit of saying that some one on the committee representing the committee on the floor ought to have information. Now the gentleman retracts, so I suppose no member of the committee at that time thought it was necessary when you bring a bill in the House to have information regarding it.

Mr. SULZER. Mr. Chairman, in answer to the gentleman from Illinois, I desire to say that, so far as I know, there is no law behind this appropriation save an official notification by which the United States agreed to become an adhering member of this International Seismological Association. It is true, nevertheless, that we have been paying our pro rata share for its maintenance, except last year, when a point of order was made against the appropriation, and it went out on the point of order. In my judgment, the appropriation should be made. It is a matter of some moment. I ask for a ruling.

The CHAIRMAN. The Chair sustains the point of order.

The Clerk read as follows:

ARBITRATION OF OUTSTANDING PECUNIARY CLAIMS BETWEEN THE UNITED STATES AND GREAT BRITAIN.

For the expenses of the arbitration of outstanding pecuniary claims between the United States and Great Britain, including the compensation of arbitrator, umpire, agent, counsel, clerical and other assistants, to be expended under the direction of the Secretary of State, and to be immediately available, $50,000.

Mr. SISSON. Mr. Chairman, I reserve the point of order. What are these claims?

Mr. SULZER. Mr. Chairman, in reply to the gentleman from Mississippi, I will say the Government of the United States and Great Britain have entered into a convention to arbitrate claims of their respective citizens. These claims, on our part, date back a hundred years or more, and consist of claims of various citizens of the United States against the Government of Great Britain and claims of citizens of Great Britain against the Government of the United States.

Mr. SISSON. Is there any law for this appropriation?

Mr. SULZER. Yes; there is a law for this appropriation. There is a treaty. I will say that an immediate appropriation in the matter was of so much moment and urgency that the Committee on Appropriations carried part of this appropriation in the urgent deficiency bill. We are appropriating now the balance required for the next fiscal year.

Mr. SISSON. If the gentleman is sure it is covered by a treaty which binds the Government, I have no objection to the item being included in the bill.

Mr. SULZER. There is no question about it.

Mr. KENDALL. The Secretary of State said there was a convention ratified last year.

Mr. MANN. A fresh treaty.

Mr. SULZER. Mr. Chairman, these claims, I will say, cover a period of over 100 years. After a great deal of trouble our distinguished Secretary of State was successful in getting the Government of Great Britain to consent to arbitrate them. For many, many years there has been an effort to make a wholesale adjustment of these claims. Some of them are of rather an embarrassing nature. Efforts have been made from time to time to get a treaty with Great Britain that would refer all of these claims on both sides to an international tribunal, a special tribunal, or a general tribunal, as the case might be, and we have at last succeeded in negotiating such a treaty, and it has been ratified by the Senate. Now, it will necessarily require years to try out the cases of the Americans before that tribunal, and we will also have to take up the cases that the British make against us before that tribunal. This is one of the most essential things, I think, that the State Department has accomplished, and will have more to do with clearing up any differences between ourselves and Great Britain, as to any possibility of international difference, than anything we have done for a long time. The appropriation asked for was $75,000. The urgent deficiency bill carried an appropriation of $25,000, so I cut this down to $50,000. That is all, I think, that is necessary for me to say.

Mr. SISSON. Mr. Chairman, I withdraw the point of order.

The Clerk read as follows:

INTERNATIONAL CONGRESS OF HYGIENE AND DEMOGRAPHY.

For the continuance of the preliminary work necessary in preparing for the meeting in the United States, in the year 1913, of the Fifteenth International Congress of Hygiene and Demography, in pursuance of the invitation extended by the President of the United States in virtue of the joint resolution of the Congress thereof approved February 26, 1907, $10,000, or so much thereof as may be necessary.

Mr. SISSON. Mr. Chairman, I reserve the point of order.

Mr. COVINGTON. Mr. Chairman, I desire to offer the following amendment: In line 1, page 19, I want to move to strike out the word "thirteen" and insert in lieu thereof the word "twelve."

Mr. MANN. If the gentleman will pardon me, would it not be better to insert when we reach that point, if we do, before the word "year" the word "fiscal," so it will read "in the fiscal year"?

The CHAIRMAN. The Chair will state that the point of order has been reserved and the amendment is not now in order.

Mr. COVINGTON. I will state to the gentleman from Mississippi that the first amendment I am now offering does not affect this appropriation one way or the other; it is merely to cover a detail.

Mr. MANN. Mr. Chairman——

Mr. SULZER. Mr. Chairman, I offer an amendment.

The CHAIRMAN. There is a point of order pending.

Mr. SISSON. Mr. Chairman, my point of order is that this is not authorized by law.

Mr. MANN. Mr. Chairman, I would like to be heard a moment on the point of order.

In the year 1907 we passed a joint resolution, which became a law, to the effect that—

The President of the United States be, and he is hereby, authorized and requested to extend an invitation to the Twelfth International Congress of Hygiene and Demography, held at Berlin in 1907, to hold its thirteenth congress in the city of Washington, D. C., in 1909 or 1910.

There was some error in the number of the congress named in that joint resolution. The congress was not held in 1909 or 1910, and we subsequently passed a joint resolution, which I do not have here, covering the same thing, authorizing that the time be extended for holding the congress on invitation of the President until 1912, this year; so that the invitation for this congress to be held in the United States is by authority of law passed by Congress.

Now, then, the question is whether, under that law which authorized an invitation to be extended for that congress to meet in the United States this year, there is any authorization for an appropriation. The Chair will notice that this item is "for the continuance of the preliminary work necessary in preparing for the meeting in the United States in the year 1913 of the Fifteenth International Congress of Hygiene and Demography." I am not sure whether that number is correct or not, but the number of the congress has been correctly fixed in the resolution which was passed. This item of the bill is in the current law, "for the continuance of the preliminary work necessary in preparing for the meeting in the United States" of this congress. The sum of $10,000 is carried in the present appropriation law. An appropriation was made several years ago by Congress, according to my recollection—which I am sure is correct—for preparing for this congress to meet here first in 1909 and now in 1912.

Now, here is an invitation to an international congress to meet in the United States—an invitation extended by the President by direction of Congress. Thereupon Congress makes an appropriation for the preparation for the meeting in the United States. It is expressly stated that that appropriation is to prepare for the meeting. Then an appropriation is made to continue the preliminary work necessary for the meeting. It seems to me perfectly plain that that is one of those cases where it is a work in progress. We have extended an invitation to the congress to meet here. We have made an appropriation for preliminary work, with no limit of cost fixed upon it. We then made an appropriation to continue the preliminary work of preparing for the meeting in the United States this year. Here

is an item to carry along that work of preparing for this congress. It seems to me there can be no question about its being a work now in progress, and not subject to a point of order.

Mr. SLAYDEN. Mr. Chairman, I wanted to ask the gentleman from Illinois a question.

Mr. MANN. Certainly.

Mr. SLAYDEN. I was trying to listen to the gentleman's statement, but was interrupted while I was trying to listen. Do I understand the gentleman to say that we have issued an invitation to some foreign or international association to come to the United States?

Mr. MANN. We first issued an invitation by direction of Congress for this international congress to meet here in the United States in 1909 or 1910. Then by another joint resolution passed by Congress we authorized the President to extend the invitation and extend the time until 1912, which is this year, as the time when that congress is to meet. Now, having issued these two invitations, we made an appropriation for the preliminary work of preparing for the meeting of this congress. Then we made another appropriation to continue the work of preparing for the congress, there being no limit of cost, and everybody understanding that the preparation for the congress must continue up to the time of the meeting of the congress.

Mr. SLAYDEN. What I wanted to inquire of the gentleman is whether we have made inadequate provision, or no provision whatever, for the extension of decent hospitality to the gentlemen whom we have invited to come. Is that right?

Mr. MANN. We have not yet made provision enough for the meeting of the congress.

Mr. SLAYDEN. Do we not have to do that at the present session?

Mr. MANN. The congress meets in the fall or this summer.

Mr. SLAYDEN. This meets in September.

Mr. MANN. It meets in the fall, I say, and unless we make an appropriaton at this session of Congress of course we will not make the proper preparation for this meeting of the international congress.

Mr. SLAYDEN. Having issued the invitation, we certainly ought to do the correct thing in taking care of the company invited.

Mr. COVINGTON. I would like to ask this question, Whether or not it is a fact that the invitations were transmitted through the foreign Governments and not through the association itself?

Mr. MANN. I think that is correct.

I want to make this additional statement, Mr. Chairman: The original resolution under which the first invitation was extended went through the Committee on Interstate and Foreign Commerce, of which I was a member, and I became somewhat interested in the proposition, partly because of the name "demography," which excited my attention, and I gave some consideration to the subject at that time. Subsequently, when it was learned that the congress could not be held and properly prepared for at the time stated, in 1909 or 1910, I introduced a resolution authorizing the extension of the time until 1912, and I did that at the request of Dr. Fulton and others who were preparing for the congress. That matter came up in our committee, and I was rather of the opinion that while we had entertained jurisdiction over the original resolution, possibly it ought to have gone to the Committee on Foreign Affairs, and I either had the resolution introduced afterwards by Mr. Perkins, who was the chairman of the Committee on Foreign Affairs, or else sent my resolution to his committee; I do not remember which. But growing out of it I became interested in the subject in a way, and learned what they were proposing to do. This congress will be of immense value to the health authorities not only of our country but of the world.

Mr. SISSON. I will state to the gentleman that, while I believe the paragraph is subject to a point of order—because I do not know that the invitation would authorize the appropriation—the gentleman from Maryland [Mr. COVINGTON] has stated to me that he would not offer the amendment which he had intended to offer to increase the appropriation which the committee has reported. No, of course I have no objection to a correction of the clerical errors, and with the understanding that the appropriation will not be increased I shall be glad to withdraw the point of order and permit the $10,000, the amount which was agreed upon by the committee, to be appropriated.

Mr. SULZER. That is satisfactory. This matter will be taken care of in ample time.

Mr. MANN. Mr. Chairman, I ask the gentlemen on the Committee on Foreign Affairs whether, in their judgment, they were fully warranted in reducing the estimate of $40,000 to $10,000? I take it that if we are going to have this congress here, as we are going to have it, if we are going to do anything about it at all, every Member of the House thinks that we ought to do it in a decent way.

Mr. SISSON. Before the gentleman from New York answers the question, I believe $40,000 has already been appropriated, has it not?

Mr. SULZER. No; $10,000. In answer to the gentleman from Illinois [Mr. MANN], I desire to say that, in my judgment, this appropriation is not subject to a point of order, because it is made in pursuance of a joint resolution of Congress which is the law, and the Congress, in pursuance of that provision, appropriated last year $10,000 for the preliminaries of this International Congress of Hygiene and Demography. The matter came before our committee, and we considered it very carefully. It is an important matter. This international congress gives every promise of being largely attended. Of course, having invited delegates here, it is incumbent on us, it appears to me, to receive them courteously, and to give them such entertainment as our well-known hospitality requires. No one in this Congress is more in favor of doing that in the most liberal and hospitable way than I am. I will say to the gentleman from Illinois [Mr. MANN] that if he will content his soul in patience, I doubt not everything will ultimately be quite satisfactory to all concerned.

Mr. MANN. The gentleman misunderstands my position. I have been making an argument to keep the item in the bill. The gentleman evidently was listening to some one else.

Mr. SULZER. No. I was listening to the gentleman. We agree, and I say now that if this appropriation of $10,000 is not sufficient I will do my part to make it more, so that we can receive and entertain the distinguished representatives in the most hospitable way. There is time enough for that. We desire more information, however.

The CHAIRMAN. Did the Chair understand the gentleman from Mississippi to withdraw his point of order?

Mr. SISSON. If I can have an assurance that the item will not be amended in the House so as to increase the amount of the appropriation, I will not object to it.

Mr. MANN. I will make this suggestion to the gentleman, if I may: We had a tuberculosis congress here a few years ago, which was a very large affair and did work of great value. We appropriated $40,000 to provide a place for the meeting, and we did not consider that we were extravagant at that. That was done by unanimous consent, practically. That was in addition to the preparation of the exhibits and the other work necessary in connection with the Congress.

Mr. FOSTER. I do not know whether this would have any bearing upon the point of order or not, but I suggest to the Chair that we passed a resolution inviting this institute to hold its sessions in this country—I think in the city of Washington. Of course we did not, in that resolution, obligate ourselves, as I understand it, to any expense, but we did invite the delegates to meet in the city of Washington, and while I do not know and am not prepared to say whether that is an authorization by law, it occurs to me that there is some obligation in a moral way for us to do what other countries have always done in the way of providing the necessary expenses for this institute.

I want to say further in this connection that it has been 60 years since the International Institute of Hygiene and Demography has been held in the United States, and it is one of great importance, because scientists from all over the world will gather here at this meeting. If the Chair will indulge me, I remember that a few years ago we appropriated $40,000 for the meeting of the Tuberculosis Society of the World, which held its meetings in the city of Washington, in the building which is now used by the National Museum and the Smithsonian Institution. The questions of hygiene and demography are of such vital importance to the people that I think our country will be highly honored and benefited to a great extent by having a meeting of men who have given their lives to the study of hygiene and vital statistics, and that it will be of immense value to our people; because the health of a nation is in large measure improved and maintained by proper sanitary conditions.

But we realize the fact that all over the country we have seen at times great epidemics of typhoid fever and other infectious and contagious diseases, so that this is of so much importance to the health and life of our people that I look for great results from this institute which is to be held in the city of Washington in the year 1912.

Mr. KENDALL. In December?

Mr. FOSTER. I think in September. I hope that this appropriation may be permitted to remain in the bill whether the resolution inviting this association to meet with us is an authorization for the appropriation or not.

The CHAIRMAN. Has the gentleman the language of the resolution?

Mr. FOSTER. I have not.

Mr. MANN. Mr. Chairman, I hope the gentleman will not make a point of order against this item.

Mr. SISSON. I would not make the point of order, but I understand that an amendment is going to be offered to the item that will increase the appropriation very materially.

Mr. Chairman, I will withdraw the point of order.

Mr. COVINGTON. Mr. Chairman, I want to make an additional statement in line with what the gentleman from Illinois has just said—that is, that Dr. Welch, of Johns Hopkins University, has stated to me personally that the expenses of this Congress will be in excess of the $40,000 that the State Department recommended, and that a further sum will have to be provided in some other way to meet the necessary expenses of it.

The CHAIRMAN. The Chair understands the gentleman from Mississippi to withdraw his point of order.

Mr. SISSON. I understand that the amendment which was proposed will not be offered, and I withdraw my point of order.

Mr. WEDEMEYER. Mr. Chairman, in this connection I want to read a letter from a very prominent scientific man, living in my home city of Ann Arbor, Mich. This gentleman is the dean of the department of medicine and surgery in the University of Michigan. His letter is as follows:

UNIVERSITY OF MICHIGAN,
Ann Arbor, January 26, 1912.

Hon. W. W. WEDEMEYER,
House of Representatives, Washington, D. C.

DEAR MR. WEDEMEYER: The various nations of the world have been asked to participate in the International Congress on Hygiene and Demography, to be held in Washington next September. The invitation to these countries came from Congress, and was made by the Secretary of State. The congress was first recommended for 1910, but no appropriation having been made, it was postponed for two years. Now, the State Department has asked for an appropriation of $40,000, and this is before the Committee on Foreign Affairs and also the Committee on Appropriations. May I ask you to interest yourself in this matter and see the chairmen of these committees? The appropriation asked for is very modest. The last of these hygienic congresses was held in Berlin, and cost something over $100,000. The committee on organization will be compelled, even with this grant of $40,000 from the Government, to go and beg for further subscriptions. The congress concerns itself with matters pertaining to health, and has proved itself to be of great service to the foreign countries in which it has been held. I hope you will take an interest in this matter and be kind enough to see the chairmen of the committees mentioned above.

With great respect, I am,
Yours, very truly,
V. C. VAUGHAN.

Mr. Chairman, I want to say that I deem this International Congress of Hygiene and Demography a very important meeting, one which considers matters affecting the health and welfare of all the people of our country. The importance of it should appeal to every Member of this House. [Applause.]

Mr. SULZER. Mr. Chairman, I move to amend, on page 18, line 26, before the word "year," by inserting the word "fiscal."

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Page 18, line 26, insert the word "fiscal" before the word "year."

The amendment was agreed to.

Mr. CURLEY. Mr. Chairman, I move to amend by adding a new paragraph after line 6, on page 19.

The CHAIRMAN. The gentleman from Massachusetts offers an amendment, which the Clerk will report.

The Clerk read as follows:

Insert, after line 6, page 19, the following:

"That for the necessary expenses of the meeting in the United States of the International Congress of Chambers of Commerce and Commercial and Industrial Associations, including a tour by the foreign delegates of the principal commercial, industrial, agricultural, and social centers of the United States, for the purpose of acquainting them with our institutions and enterprises, $50,000 be, and hereby is, appropriated.

"That the Secretary of State is hereby requested to ask the Governments of the commercial nations of the world to notify the leading business organizations of their respective countries of this action by the Congress of the United States of America and suggest their cooperation."

Mr. SULZER. Mr. Chairman, I reserve a point of order against the amendment.

Mr. CURLEY. Mr. Chairman, speaking to the point of order reserved by the chairman of the committee, I want to say that 100 members of the Boston Chamber of Commerce, at their own expense, visited the principal cities of Europe last year, and in no case was the expense of any of these gentlemen less than $1,000 each. In the course of their travel it occurred to them that it might be possible to hold a similar convention in this country to the four that had been previously held in Europe. The idea met with general approval in our section, and some $75,000 has been already subscribed by the chambers of commerce in Massachusetts.

The Boston Chamber of Commerce has communicated with various chambers of commerce throughout the entire country, and all are in accord with this movement. Now, it is apparently the purpose of the majority in this House, and apparently is the sentiment of this country, that the time is rapidly coming, if it is not already here, when we must change our methods of doing business. If it is only possible for us to maintain a permanent working force in our manufacturing establishments for eight months in the year to meet the needs and requirements of the people of this country, it must be apparent to every man that our export trade must increase beyond the $2,900,000,000 at the present time.

I contend, Mr. Chairman, that the best way to increase our export trade is to establish and maintain friendly relations with other Governments of the world, and there is no better way to impress upon the representatives of other countries the great resources of this country, the great opportunities that abound here for doing business with this country, than by bringing them here and having them meet the leading business men of this country and meet them in the right manner.

Now, Mr. Chairman, it is necessary that the same national recognition be given to this International Convention of Chambers of Commerce by the United States of America as has already been accorded by the various other foreign Governments. The value that may result from holding an international convention of this character, if it were only to apply to the possibilities for an increase of trade with our southern neighbors, is best attested by the statistics that are furnished of the trade with South American countries.

I presume my friend from Mississippi, and even my friend from New York, chairman of the committee, will insist on the point of order to rule this proposition out. But when you consider in a period of five years that the trade on the Pacific side of South America has increased 100 per cent, or from $250,000,000 to $500,000,000 of exports, and when you consider the tremendous exports to other sections of South America, that the bulk of that trade is controlled largely by England and Germany and results in large measure from the establishment of proper relations with them. In the fiscal year of 1910 the export trade in beef from Argentina was in the neighborhood of 265,000 tons, while in the same period of time the total exports of a similar character from this country was 55,000 tons.

The CHAIRMAN. The time of the gentleman from Massachusetts has expired.

Mr. MANN. Mr. Chairman, I ask unanimous consent that the time of the gentleman be extended five minutes.

The CHAIRMAN. Is there objection to the request of the gentleman from Illinois?

There was no objection.

Mr. CURLEY. Mr. Chairman, when you consider the intense character of the competition that is being carried on by the various Governments of the world to develop trade and social relations, you get some idea of the value that may result in consequence of holding a convention of this character. I had occasion in the last month to read a South American paper from the Argentine Republic where the Government had subsidized the Vicars Shipbuilding Co. to the extent of $5,000,000, giving them water rights, giving them land rights, in establishing a dry dock, on the simple condition that they would build a repair yard for shipping at Argentina. I have here a communication from our Chamber of Commerce at Boston, which reads:

MARCH 25, 1912.

Hon. JAMES M. CURLEY,
House of Representatives, Washington, D. C.

MY DEAR MR. CURLEY:

* * * * * * *

In the matter of the international congress, there have been four biennial congresses previously held in Europe, and at each one of those congresses there have been from 100 to 200 delegates specifically appointed by the Governments, therefore they were official representatives of the Governments. The balance of the delegates were the very biggest business men in the countries represented.

At London, in 1910, there were 500 delegates from 20 nations of the earth. We are inclosing the records of proceedings of the congress in London. Of course, the great basis of these congresses is to strengthen international good will in a most practical way, as business men certainly of the nations of the earth are opposed to war or friction.

Now, then, if it is our purpose not to continue to build battleships or destroyers, then we must do something to replace that which we fail to present, and the only way to my mind that we can replace it is by establishing international amity between the nations of the earth. [Applause.]

The letter continues:

There are scarcely any universal commercial practices between nations pertaining to postal affairs, commercial statistics, maritime affairs, regulations between banks of issue, consular invoices. Some of the topics that are likely to be discussed at this congress are cost of living, double taxation, business education, a staple international monetary standard, an international unit of exchange, and the establishment of a permanent international court of arbitral justice.

These great topics simply give you a hint of the tremendous importance of these congresses. The $50,000 which we specifically ask is

for the cost of special compartment trains to take these delegates over as much of our country as lies within their physical possibilities. One hundred delegates to a train will cost $20,000 to cover 10 cities. If we have 300 delegates, it will be $60,000 to cover 10 cities, and already we are being importuned very strongly from the far West, the Southwest, and the South to include cities in those sections in our itinerary, so that the $50,000 will not begin to cover the cost of the trains alone.

The merchants in each city which the delegates visit will furnish at their own expense all entertainment and official recognition of the delegates. The merchants of the city of Boston alone will contribute handsomely toward the entertainment of the delegates while in Boston. This amount can not, of course, be definitely stated, because it will depend wholly upon the number of delegates, but the merchants of Boston, besides entertaining at least the 300 foreign delegates, will entertain at their own expense probably 400 men from all parts of America, so that you can readily see that the men of Boston have got to go down very deep in their own pockets to provide entertainment for 700 or 800 delegates, foreign and American, during the five days of the congress in Boston.

It seems to me that with the printed material which we are sending you that the first strong argument for you on the floor of the House is that this appropriation carries with it the stamp of national recognition, of the tremendous importance of these congresses, and when our National Government provides the transportation for these men from thirty-odd countries to see our country, to feel our hospitality, to study our institutions, to gain more direct and intimate knowledge of our resources, it certainly goes far toward impressing the men of these nations as to the greatness of the United States and the solicitude of our Government and our people to get into closer touch with the men of the world in all human relations.

I think it is conservative for you to make the statement that the business men of Boston will raise somewhere between $50,000 and $75,000 by private subscription and that the city of Boston will contribute $25,000. These figures, of course, you can use at your own discretion, but I can assure you that the men of Boston will contribute as handsomely for this project as the most open-minded man could possibly expect.

Very truly, yours,

GEORGE S. SMITH,
Chairman Executive Committee.

Mr. SULZER. Mr. Chairman, with all that my friend from the good old Bay State has said concerning this matter I am in substantial accord. I am in favor of the proposition. As an evidence of it, I will say that his colleague, the gentleman from Massachusetts [Mr. PETERS], introduced a bill to appropriate $50,000 for the expenses of this International Congress of Chambers of Commerce. The Committee on Foreign Affairs promptly granted a hearing on that bill, and after the hearing the Committee on Foreign Affairs on my motion unanimously reported the bill and directed the gentleman from Massachusetts [Mr. CURLEY] to make the report. The report has been made, and the bill is now on the calendar. The gentleman can call it up at any time. The gentleman can put it on the Unanimous Consent Calendar. The gentleman can move to suspend the rules and pass the bill at any time. There is no good reason why the gentleman should ask us now to infringe the general rules of the House to put the item on this appropriation bill. It is out of order. It is a bad way to legislate. Hence I make the point of order. Let the bill come before the House for consideration in the regular and orderly way.

Mr. MANN. Mr. Chairman, I offer the following amendment.

The Clerk read as follows:

Amend, page 19, after line 6, by inserting a new paragraph, as follows:

"To enable the Secretary of State to acquire in the City of Mexico, in Mexico, a site and building and to alter, repair, and furnish such building, such building to be either purchased or erected, as to the Secretary of State may seem best, for the use of the United States embassy to Mexico, both as a residence for the United States ambassador to Mexico and for the offices of the embassy, which site and building and alterations, repairs, and furnishing of such completed building shall not exceed in cost the sum hereby appropriated, $100,000."

Mr. HAY. Mr. Chairman, I reserve a point of order.

Mr. MANN. I do not care to have the gentleman reserve it; I hope he will make it.

Mr. HAY. I will make the point of order.

Mr. MANN. Will the gentleman state his point of order?

Mr. HAY. I make the point of order that it is not authorized by existing law.

Mr. MANN. Mr. Chairman, by act of Congress approved February 17, 1911, it is made in order—explicitly provided for by act of Congress—and I send the act to the Chair.

Mr. SULZER. Mr. Chairman, there is no use taking up time discussing the point of order. This appropriation is authorized by law. I hope, however, it will not be ingrafted on this appropriation bill in this unconventional and precipitate way. If the gentleman from Illinois wants to know the reasons why I say this, I shall be very glad to state them.

Mr. MANN. Let us have the point of order determined first.

Mr. SULZER. Mr. Chairman, the amendment is in order. Congress has passed an act to acquire embassies and has said that not more than $500,000 shall be appropriated in any one year.

Mr. MANN. Mr. Chairman, I also call the attention of the Chair to the fact that the Secretary of State has estimated for this building, and I send the estimate to the Chair. The act authorizes an appropriation for the purchase of embassy buildings abroad, or for the purchase of diplomatic and consular buildings abroad, not to exceed $500,000 a year.

Mr. SULZER. I trust the point of order will be withdrawn.

Mr. HAY. Mr. Chairman, at the request of the gentleman from New York. I withdraw the point of order.

Mr. MANN. Mr. Chairman, I was in hopes that we could have a ruling upon the point of order. The estimate of the Secretary of State for this building was $150,000. The amendment I offer is for $100,000, which I am inclined to think is sufficient for the purchase of a building in the City of Mexico. It seems to me it would be a very gracious and a very politic thing just at this time to make an appropriation for this embassy building. For years in the discussion of the general proposition we have frequently stated upon the floor of the House, without special objection from anyone, that it would be desirable for us to have an embassy building in the City of Mexico, and that it might be desirable to have some buildings in China. The situation in Mexico is such that at present we should make this appropriation. It would be worth more in dollars and cents to the United States many times over what it would cost, and probably would be worth as much to the Government of Mexico. I do not desire to discuss the situation in Mexico, but if this provision does not go into this bill, it will not be made at all this year.

I suppose the gentleman from New York [Mr. SULZER] will say that he will have some other bill in which it may be taken up. I do not believe that the House would be willing to appropriate a half million dollars this year for the various buildings which have been estimated for. I think we can well afford to appropriate $100,000 for this building, making that the limit of cost, instead of the $150,000 which was suggested by the Secretary of State.

Mr. SULZER. Mr. Chairman, I am in sympathy with much that the gentleman from Illinois has said. The gentleman is correct in saying that Congress has authorized the purchase of embassies abroad, and that the act says that not more than $500,000 shall be appropriated for their acquisition in any one year. In pursuance of that act, the Secretary of State has sent to the Congress a statement in which he suggests that one of the places where we shall purchase an embassy is the City of Mexico. The other places mentioned are Berne, Switzerland; Tokyo, Japan; and Hankow, China. The Committee on Foreign Affairs will give careful consideration to the recommendation of the State Department. The committee has already given the matter some attention. I can say that in a very short time I shall introduce a bill, and it will be carefully considered. Then the question will arise as to the places mentioned as the most feasible, and what it is going to cost to purchase a site in these different places. Then other questions in connection with the matter will naturally arise which should be very carefully considered before the committee reports legislation for the judgment of the House of Representatives. It is a mistake to do it in a hasty, haphazard way.

Mr. LONGWORTH. Mr. Chairman, will the gentleman yield?

Mr. SULZER. Yes.

Mr. LONGWORTH. Do I understand the gentleman to give assurance that such a bill will be reported and brought in on this floor?

Mr. SULZER. I shall soon introduce the bill, and I assure my friend I shall do everything in my power to expedite its report and the passage of the legislation. As the gentleman knows, I have always been in favor of it. For years I have been advocating the proposition on the floor of this House. My position is well known. I want to say, however, to the Members of the House that it is unfair and an injustice to the Committee on Foreign Affairs to engraft upon this appropriation bill an amendment such as the gentleman from Illinois now proposes, without consideration, without giving the committee an opportunity to deliberate and report to the House just what should be done. Be patient and you will be satisfied.

Mr. LONGWORTH. At what time was the letter written by the Secretary of State filed with the committee? How long has the committee been considering this?

Mr. SULZER. It came in recently.

Mr. MANN. On January 16.

Mr. SULZER. Yesterday we had the Acting Secretary of State, Mr. Wilson, before the committee, and this is one of the things that I discussed with him. I hope the amendment will not prevail.

Mr. SLAYDEN. Mr. Chairman, there are two statements of the distinguished gentleman who is the chairman of the committee that are a little hard to reconcile. He said for years he has championed such legislation as that which is proposed to be accomplished by the gentleman's amendment.

Mr. SULZER. Not at all. What I said, and I think I made myself clear, is that for years I have been in favor of the policy of this Government acquiring and owning and maintaining its own embassies. I voted for the bill which is the law now.

Mr. SLAYDEN. Yes; I understood the gentleman to say that, and I repeat that the gentleman said for years he had been in favor of having the Government acquire and own embassies, which is precisely what the amendment offered by the gentleman from Illinois proposes. That is all he proposes—to carry into operation what has been authorized by law, after long deliberation and prolonged discussion by this House.

The other statement of the gentleman that I can not reconcile with the first one is that he was having this matter rushed on him now without time for consideration. It is a perfectly simple proposition. It is perfectly well understood by this House. The discussion did go on for years, and finally, largely through the efforts of a former Members of this House, Mr. Lowden, of Illinois, supported by the gentleman from Ohio [Mr. LONGWORTH] and many others who have recognized the importance of doing such things, an authorization was made in the statute read by the gentleman from Illinois in response to the suggestion of the point of order made by the gentleman from Virginia [Mr. HAY]. The question is one of policy. Ought we to make the appropriation now? Can we afford, with a deficit in the Treasury and under existing circumstances, to adopt an amendment like that offered by the gentleman from Illinois?

Out of a very considerable experience and knowledge of conditions in the City of Mexico, I give it as my opinion that there is perhaps no place on earth, except it be in Asiatic countries, where an embassy is more needed than in the City of Mexico. I also give it as my opinion—and I am certain that I am right in this—that now for $100,000 we can buy what under normal conditions would cost twice as much money to get in the City of Mexico. Can the Government of the United States afford to invest $100,000 now for something which is confessedly needed, when it has the prospect of saving $100,000 by doing so, or shall the Government wait? That is all. I have no desire to embarrass the chairman of the committee nor the members of the committee, but the policy is a proper one. The House has said so. The occasion is a good one. We can get property there now very cheaply. I recently had a letter from the ambassador—a personal letter—with reference to the matter, and he gave it as his opinion that the time was most opportune for the purchase of property for an embassy building.

That is all I have to say. I shall vote for the amendment offered by the gentleman from Illinois.

Mr. SULZER. Mr. Chairman, I differ with the gentleman from Texas who says that now is the opportune time to purchase an embassy in the City of Mexico on account of the disturbances existing there. From all I know this is an inopportune time.

Mr. MANN. Mr. Chairman, under normal conditions I should not have offered the amendment. The policy in reference to this was, in a way, not settled so as to bind this Congress, of course, but the policy of the country was, in a way, settled when the law was passed. I am not in favor of purchasing many embassy buildings abroad. I do not agree with some gentlemen who believe that we ought to own buildings wherever we have an agent or a representative, but it is absolutely true that there has been no time in the past for many years, and possibly there will be no time in the future for many years, when it was as possible to acquire an embassy building in Mexico City as it is now for various reasons, one of which has been given by the gentleman from Texas.

If this were a matter new to the House, I should not have proposed it. My distinguished friend from New York is new on the Committee on Foreign Affairs and has not given as much attention to this subject as he would have given if he had been a member of that committee longer. Yet in a general way he is well informed on the subject. It requires no additional information for us to know, in my judgment, that we ought to have an embassy building in the City of Mexico. If we are to have any anywhere on earth, that is the first place to get it.

Mr. SULZER. Will the gentleman yield?

Mr. MANN. Certainly.

Mr. SULZER. Does the gentleman think we should legislate on an appropriation bill for the acquisition of these embassies?

Mr. MANN. I do not know what the gentleman is talking about, because I have not offered any provision in regard to legislation at all. I have offered an item of appropriation. My amendment is purely to appropriate money for this purpose.

Mr. SULZER. Would it not be better to do it in a separate bill, so the House can have an opportunity to discuss it?

Mr. MANN. Why, this is the place for it of all places. This is where the item belongs, in the diplomatic and consular appropriation bill.

Mr. SULZER. The Committee on Foreign Affairs differs with the gentleman from Illinois. We discussed the matter in the committee and concluded that we had better bring in a separate bill. That is all there is to that.

Mr. MANN. On a separate bill you will be sending it to the winds. It never will come any closer to the House than the window.

Mr. SULZER. Again I differ with the gentleman.

Mr. BURLESON. Will the gentleman permit a question?

Mr. MANN. Certainly.

Mr. BURLESON. I would like to ask the gentleman if he does not think the Committee on Foreign Affairs should be permitted to exercise the discretion as to where the purchases should be made rather than an individual Member on this floor should make that selection?

Mr. MANN. I am leaving it to this committee to determine. I have yet to learn that the Committee on Foreign Affairs is any bigger committee than the Committee of the Whole House on the state of the Union. [Applause.] The gentleman may have received the impression that one of the appropriation committees is bigger than the House itself. That is not the case.

Mr. BURLESON. It is not a question of whether or not the Committee of the Whole House on the state of the Union is bigger than the Committee on Foreign Affairs. The question I asked the gentleman is whether the Committee on Foreign Affairs ought not to be permitted to exercise the discretion in the selection of the places where these purchases are to be made. It may be that a more opportune occasion, a greater opportunity, for making an investment in China at this time is afforded than in Mexico, or in Turkey than in Mexico.

Mr. MANN. That may be, but the Committee on Foreign Affairs could not make a recommendation for an embassy building in China nor in Turkey. It is confined to items recommended by the Secretary of State, one of which has provided for an embassy in the City of Mexico and the other at Tokyo. It is far more important for us at this time to make a purchase of an embassy building in Mexico City than it is in Tokyo. I do not think there is any occasion now for us to purchase an embassy building in Tokyo. I suppose if the committee reports a separate bill it will contain all four items. I would not vote for it, but with the information which we have and which the gentleman from Texas knows better than I do in regard to Mexico, we ought to purchase an embassy building there, and I leave it to the Committee of the Whole House on the state of the Union to determine.

Mr. FITZGERALD. Mr. Chairman, the reason urged by the gentleman from Texas and the gentleman from Illinois for an authorization for the acquisition of this building at this time does not appeal to me. The reason given is that because of the peculiar conditions existing in the City of Mexico property can now be bought more cheaply than at some other time, or, in other words, that the United States should take advantage of the disturbed condition of affairs in a neighboring friendly country to enter into an advantageous real estate speculation. [Applause.] If there be anything that is not conformable to the dignity of this Nation it is that it should take advantage of disturbances in another country to acquire real estate below what would ordinarily be conceded to be its market value. If the United States is to acquire an embassy in the City of Mexico or any other city, I believe it should pay a reasonable and fair price for the property. I would not have the Congress keep its eye upon the conditions existing in various parts of the civilized world and single out those places where, because of internal disturbances, property rights become so insecure that it would be possible to purchase property offered at a sacrifice. [Applause.] The gentleman from Illinois is peculiarly anxious at this time, for various reasons not disclosed, to make this appropriation. It took 16 years for the Republican Congress to reach the point where it even enacted a statute authorizing the acquisition of embassies in foreign lands. During the Sixty-first Congress $80,000,000 authorizations were passed over to this Congress to be met with appropriations. The gentleman from Illinois is solicitous to have the Congress appropriate the money to carry out those authorizations and thus keep our total expenditures up to the unjustifiable limit reached by his party when it was in control of the Congress. [Applause on the Democratic side.] It seems to me that there is no urgent necessity for this particular appropriation. It would be most inappropriate at this time. It seems to me that the committee is entitled to something more than the offhand opinion of any Member of this House as to what would be a proper sum to expend for the building, for the furnishings of the building, for the equipment of the building in Mexico City. Some investigation disclosing something more than the information gentlemen volunteer upon the floor as to such matters should be had, so that the com-

mittee may act upon its best judgment in determining this question. I hope that the amendment will not prevail.

Mr. LONGWORTH. Mr. Chairman, just a word. The object, the avowed object, of the law which was recently sent to the desk of the Chair by the gentleman from Illinois [Mr. MANN] was to make in order, at any time during the consideration of the diplomatic and consular appropriation bill, an appropriation for the purpose of acquiring embassies, legations, and consulates in foreign countries.

Mr. SULZER. The amendment proposed by the gentleman from Illinois is to appropriate $100,000 for the acquisition of an embassy site in the City of Mexico.

Mr. LONGWORTH. I say that the object was to make it in order, as the gentleman has admitted it is now in order, to make the appropriation in this bill. Now, if the gentleman from New York [Mr. SULZER] would assure me that the Committee on Foreign Affairs would bring in at this session of Congress a bill to comply with the recommendations of the Secretary of State, made to the Secretary of the Treasury according to this law, I would be willing to vote against the amendment of the gentleman from Illinois.

But the gentleman from New York gives us no such assurance. We have now before us an opportunity to provide an embassy in the City of Mexico. More than two-thirds of this House last year voted in favor of the bill making such legislation in order. A unanimous vote, as I remember, was recorded on that bill in the Senate. It is not as if this were a matter of taking snap judgment, Mr. Chairman. This report of the Secretary of State was filed three months ago. Every one of us has had an opportunity to see it. It recommended the acquisition, for $150,000, of a site in the City of Mexico.

I do not think that it is any derogation of the authority of this committee to take this opportunity to vote for a proposition which has been recommended by the State Department. I see no reason why those of us who now favor the acquisition of land and buildings in other countries for embassies and legations should not support the amendment of the gentleman from Illinois.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Illinois [Mr. MANN].

Mr. SULZER. Mr. Chairman, just a word in reply to the gentleman from Ohio and that is to say that I am preparing a bill to do the very thing to which the gentleman refers. I hope to introduce the bill in the House in a few days. The Committee on Foreign Affairs will give hearings on the bill, and we shall be glad to hear the gentleman and have him support the bill.

Mr. LONGWORTH. I will support the gentleman's bill when it comes in.

Mr. SULZER. It is in process of preparation now. I am in consultation with the officials of the State Department. I have received letters from a number of distinguished gentlemen throughout the country who desire to be heard on the proposition. Some of them agree with the State Department as to where we should buy these embassies, and some of them do not. As a matter of courtesy to these people who desire an opportunity to present their views to the committee, and through the committee to the Congress, I think it is only fair that the committee should have an opportunity to legislate properly and intelligently on the subject matter.

Mr. LONGWORTH. It is not a question of legislation, if the gentleman from New York will pardon me.

Mr. SULZER. Oh, an appropriation is legislation—especially one to buy an embassy site.

Mr. LONGWORTH. It is now before us.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Illinois [Mr. MANN].

The question was taken, and the Chairman announced that the "noes" seemed to have it.

Mr. MANN. I ask for a division, Mr. Chairman.

The committee divided; and there were—ayes 38, noes 58.

So the amendment was rejected.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

SALARIES, CONSULAR SERVICE.

For salaries of consuls general and consuls, as provided in the act approved May 11, 1908, entitled "An act to amend an act entitled 'An act to provide for the reorganization of the Consular Service of the United States,' approved April 5, 1906," and amendments thereto, as follows: Consuls general, $303,000; consuls, $734,000; in all, $1,037,000.

Mr. SLAYDEN. Mr. Chairman, I move to strike out the last word.

Mr. Chairman, I make that pro forma motion merely for the purpose of submitting a few observations on what appears to be an eccentric manner of fixing the salaries of consuls. I do not know upon what theory these salaries were fixed, whether the amount of commerce between the territory represented by the consul or consul general and this country was the basis or not, or how it may have been done; but it is irregular, and my attention has been drawn to the fact that it does not appear to have been done always with perfect justice or a proper regard for the responsibilities and importance of some of the offices.

Now, I observe that the salary of the consul general at Monterey, Mexico, a post which takes in nearly all of northern Mexico, is fixed at $3,500. That consul general represents a territory that does an enormous trade with the United States, a trade which is constantly expanding. He has to travel about a lot. He has to supervise an enormous district. If the compensation fixed for gentlemen occupying the same rank in the Consular Service in other places is proper, then he is underpaid.

Now, I want to ask a comparison with the salary paid to the consul general at Cape Town, South Africa, for example, at the Cape of Good Hope. I regret to say that I am not familiar with the volume of trade between this country and the British possessions in South Africa, but the consul general at Cape Town receives an annual compensation of $6,000, as against $3,500 for the consul general at Monterey. At Guayaquil, Ecuador, the consul general receives $1,000 a year more than the consul general at Monterey, or $4,500. Mr. Chairman, I am convinced that the volume of trade represented by the consul general at Guayaquil can not equal in importance, or in any way approach in importance, that between northern Mexico and the United States.

Another consul general receiving precisely the same compensation is the officer at Montevideo, Uruguay, whose salary, as I have stated, is precisely $3,500. Now, the trade between this country and Uruguay is not important. The consul general at Port au Prince, Haiti, where there have been frequent disturbances and little trade recently, receives the same compensation, $3,500. I am not prepared to offer, after the rebuke that we have just received for undertaking to change this bill in some slight particulars, an amendment adjusting these salaries, but I do think, in the interest of gentlemen who are in the Consular Service, who are doing a great deal of work and who represent a large territory and supervise, so far as a consul or consul general supervises the trade at all, an immense trade, that they ought to be better compensated than is the consul general at Monterey and some others who appear in the bill.

I withdraw my pro forma amendment, Mr. Chairman.

The Clerk resumed and completed the reading of the bill.

Mr. SULZER. Mr. Chairman, I ask unanimous consent that the Clerk be authorized to change the totals of the bill to conform to the amendments which have been adopted.

The CHAIRMAN. The gentleman from New York asks unanimous consent to change the totals in the bill. Is there objection?

There was no objection.

Mr. SULZER. Mr. Chairman, I move that the committee do now arise and report the bill to the House with the amendments and with the recommendation that the amendments be agreed to and that the bill as amended do pass.

The motion was agreed to.

The committee accordingly rose; and the Speaker having resumed the chair, Mr. SIMS, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee had had under consideration the bill (H. R. 19212) making appropriations for the diplomatic and consular service for the fiscal year ending June 30, 1913, and had directed him to report the same back to the House with sundry amendments, with the recommendation that the amendments be agreed to and that the bill as amended do pass.

The SPEAKER. Is a separate vote demanded on any amendment? If not, the Chair will put the amendments in gross.

The amendments were agreed to.

The bill as amended was ordered to be engrossed and read a third time, and was accordingly read the third time and passed.

On motion of Mr. SULZER, a motion to reconsider the last vote was laid on the table.

Mr. SISSON. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD.

The SPEAKER. The gentleman from Mississippi asks unanimous consent to extend his remarks in the RECORD. Is there objection?

There was no objection.

LEAVE OF ABSENCE.

By unanimous consent, leave of absence was granted to Mr. GOODWIN of Arkansas indefinitely, on account of sickness in his family.

TAX ON WHITE PHOSPHORUS MATCHES.

Mr. HUGHES of New Jersey. Mr. Speaker, by direction of the Committee on Ways and Means I move that the House do now resolve itself into the Committee of the Whole House on the state of the Union for the consideration of the bill (H. R.

20842) to provide for a tax upon white phosphorus matches, and for other purposes. Pending that, Mr. Speaker, I ask unanimous consent that general debate upon this bill be limited to one hour and a half.

Mr. UNDERWOOD. One hour.

Mr. HUGHES of New Jersey. I would rather have one hour than one hour and a half. I have no disposition to cut off general debate, but I am very anxious to get the bill passed to-night if I can.

Mr. MANN. I do not see how we can possibly do that.

Mr. GARNER. It is an hour and a half until 5 o'clock.

Mr. MANN. The bill is quite long, and there will be several amendments to it.

Mr. HUGHES of New Jersey. I do not think there will be any objection to the amendments or any great necessity for debating them. I think the time will be largely consumed by some gentlemen who desire to speak in favor of the bill and some who will speak against it. It seems to me the actual merits of the bill will not take very long.

Mr. MANN. I suppose the wool bill will follow this.

Mr. UNDERWOOD. I desire to take up the wool bill to-morrow. There are a great many gentlemen who want to know when it will come up, and it is a matter of more importance than this bill. I am perfectly willing that the gentleman from New Jersey [Mr. HUGHES] shall call up this bill and conclude it this evening.

Mr. HUGHES of New Jersey. I am perfectly willing to make an agreement to vote upon this bill at a fixed hour to-night, say 6 o'clock. I should be delighted to make that kind of an arrangement.

Mr. MANN. How long does the gentleman think he will want on the wool bill?

Mr. UNDERWOOD. I wanted the debate to run to-morrow and the next day, two days' full debate on the bill.

Mr. MANN. Will the gentleman have the bill up for passage Saturday?

Mr. UNDERWOOD. I did not expect to try to pass the bill on Saturday. I thought if we could get started on it to-morrow morning and have two full days' general debate, and then postpone the business of Monday until Tuesday, we could take up the consideration of the wool bill on Monday under the five-minute rule.

Mr PAYNE. I think it will take three days to satisfy gentlemen who desire to speak. There is a great deal of demand for time, and most of those who have requested it ought to have the opportunity to speak.

Mr. UNDERWOOD. If we can make an arrangement, as we did on the excise-tax bill, for a limit of the debate under the five-minute rule, we might run the general debate into Monday. What I am anxious to do is to take up the wool bill to-morrow and to pass it not later than Monday next.

Mr. GARNER. And conclude it Monday night.

Mr. UNDERWOOD. I should like to see the consideration of the pending bill disposed of to-day. I will state that I am not for this bill providing a tax on white phosphorus matches. It comes from my committee, but I am not in favor of it. I am perfectly willing that the House should act upon it this afternoon. I do not care to delay it. I have no serious objection to the machinery of the bill. My objection is to its purpose.

Mr. HUGHES of New Jersey. The gentleman is opposed to the principle of the bill, but, as he says, there is no objection to the machinery of it. The gentleman from Illinois [Mr. MANN] has suggested some amendments, which, in my judgment, improve the bill. I am perfectly willing that they should be adopted, and the other members of the committee are willing to accept those amendments. There should be little or no debate upon the administrative features of the bill.

Mr. MANN. If it is the expectation to pass the bill to-night, it seems to me we had better make the general debate shorter than the time suggested by the gentleman from New Jersey.

Mr. HUGHES of New Jersey. I will ask unanimous consent that we start to consider the bill under the five-minute rule now.

Mr. GARNER. That will be satisfactory, and then if gentlemen have not sufficient time they can have their time extended if necessary.

Mr. UNDERWOOD. That is satisfactory. I may want 10 or 15 minutes, but I will trust the House to grant me that privilege. I am perfectly willing for the gentleman to ask unanimous consent that there shall be no general debate and to take the bill up immediately under the five-minute rule.

Mr. MANN. Let the gentleman ask unanimous consent that immediately after going into Committee of the Whole the bill shall be read for amendment.

Mr. HUGHES of New Jersey. Mr. Speaker, I ask unanimous consent that immediately on going into Committee of the Whole House on the state of the Union for the consideration of the bill the bill shall be read for amendment.

The SPEAKER. The gentleman from New Jersey moves that the House resolve itself into Committee of the Whole House on the state of the Union to consider the bill H. R. 20842, and pending that he asks unanimous consent that immediately upon going into Committee of the Whole House on the state of the Union the bill shall be read for amendment. Is there objection? [After a pause.] The Chair hears none.

The motion of Mr. HUGHES of New Jersey was agreed to.

Accordingly the House resolved itself into Committee of the Whole House on the state of the Union, with Mr. FLOOD of Virginia in the chair.

The CHAIRMAN. The House is now in Committee of the Whole House on the state of the Union for the consideration of the bill of which the Clerk will read the title.

The Clerk read as follows:

A bill (H. R. 20842) to provide for a tax upon white phosphorus matches, and for other purposes.

The CHAIRMAN. Under the agreement of the House, the bill is to be read for amendment.

MESSAGE FROM THE SENATE.

The committee informally rose; and Mr. TAYLOR of Colorado having taken the chair as Speaker pro tempore, a message from the Senate, by Mr. Crockett, one of its clerks, announced that the Senate had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to joint resolution (H. J. Res. 232) extending the operation of the act for the control and regulation of the waters of Niagara River, for the preservation of Niagara Falls, and for other purposes.

The message also announced that the Senate had agreed to the amendments of the House of Representatives to the bill (S. 3686) authorizing the Secretary of the Interior to permit the Missouri, Kansas & Texas Coal Co. and the Eastern Coal & Mining Co. to exchange certain lands embraced within their existing coal leases in the Choctaw and Chickasaw Nation for other lands within said nation.

The message also announced that the Senate had disagreed to the amendment of the House of Representatives to the bill (S. 3367) to amend section 2291 and section 2297 of the Revised Statutes of the United States, relating to homesteads, had agreed to the conference asked by the House on the disagreeing votes of the two Houses thereon, and had appointed Mr. SMOOT, Mr. JONES, and Mr. CHAMBERLAIN to be the conferees on the part of the Senate.

The message also announced that the Senate had passed without amendment joint resolution of the following title:

H. J. Res. 263. Joint resolution to authorize allotments to Indians of the Fort Berthold Indian Reservation, N. Dak., of lands valuable for coal.

TAX ON WHITE PHOSPHORUS MATCHES.

The committee resumed its session.

The Clerk read as follows:

SEC. 2. That every manufacturer of matches shall register with the collector of the district his name or style, place of manufactory, and the place where such business is to be carried on; and a failure to register as herein provided and required shall subject such person to a penalty of not more than $500. Every manufacturer of matches shall file with the collector of internal revenue of the district in which his manufactory is located such notices, inventories, and bonds, shall keep such books and render such returns in relation to the business, shall put up such signs and affix such number to his factory, and conduct his business under such surveillance of officers and agents as the Commissioner of Internal Revenue, with the approval of the Secretary of the Treasury, may, by regulation, require. The bond required of such manufacturer shall be with sureties satisfactory to the collector of internal revenue and in the penal sum of not less than $1,000; and the sum of said bond may be increased from time to time and additional sureties required at the discretion of the collector or under instructions of the Commissioner of Internal Revenue.

Mr. MANN. Mr. Chairman, I move to amend, page 1, line 8, by inserting, before the word "matches," the words "white phosphorus," so that it will read "every manufacturer of white phosphorus matches shall register," and so forth.

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Page 1, line 8, insert after the word "of" the words "white phosphorus."

Mr. MANN. Mr. Chairman, the reason I offer the amendment is because I am very clearly of the opinion that without that amendment the bill would be unconstitutional. The only tax levied by this bill is for the white phosphorus matches. I do not think that would give sufficient warrant to require anybody who was manufacturing matches that were not taxed to come under the control of the United States Government and register with the collector.

Mr. HUGHES of New Jersey. Mr. Chairman, I desire to say that that amendment is entirely acceptable to me.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Illinois.

The question was taken, and the amendment was agreed to.

Mr. MANN. Now, I move, on page 2, line 3, to insert the words "white phosphorus" before the word "matches."

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Page 2, line 3, insert before the word "matches" the words "white phosphorus."

The amendment was considered and agreed to.

Mr. HUGHES of New Jersey. Mr. Chairman, I desire to offer an amendment. On page 1, line 9, after the word "collector," insert the words "internal revenue."

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

On page 1, line 9, after the word "collector," insert the words "internal revenue."

Mr. BARTLETT. Mr. Chairman, I would like to ask the gentleman if that means collector of internal revenue of the district where the manufacturer resides, or where any collector resides.

Mr. HUGHES of New Jersey. Where the manufacturer is located. I do not think the amendment is important, but it makes it more clear.

Mr. BARTLETT. Mr. Chairman, I oppose this amendment simply for the purpose of registering my opposition to this bill and this kind of legislation. I know that a great deal of insistence has been made and effort exerted to have Congress enact legislation of this kind. I apprehend that it will not be denied that the effect of this bill and the tax imposed by the bill are to destroy the industry of making white phosphorus matches. I have read a good many articles and communications as to the injurious effects on people laboring in factories where these matches are made. This bill is an effort to exercise the powerful taxing power of the Government, ostensibly to raise revenue, which is the only basis on which the Government can exercise the power of taxation, ostensibly to raise revenue, when the real purpose of the bill is not to raise revenue, but to reach some other end and accomplish some other purpose; in this instance, to destroy the industry altogether.

The Supreme Court of the United States in a number of cases in construing tax laws has said that where it was not apparent on the face of the bill that Congress did not intend to raise revenue by the bill, but expressed the purpose to be one to raise revenue, that they would not be authorized to say that it was not intended to raise revenue, although the effect was to destroy the production of the thing taxed. The power to tax in this instance is being used as a power to destroy the manufacture of this class of merchandise and will not raise any revenue.

Mr. COOPER. Will the gentleman yield?

Mr. BARTLETT. With pleasure, always.

Mr. COOPER. The gentleman is aware that Congress passed a law putting a 10 per cent tax on State bank issues?

Mr. BARTLETT. Yes; I was going to discuss that.

Mr. COOPER. The effect of that, of course, was to destroy the issue of State banks.

Mr. BARTLETT. Yes; in the case of Fenno against The Bank, in Eighth Wallace, the Supreme Court declared that they were not authorized to say that the tax was imposed not for the purpose of raising revenue, but for the purpose of destroying the issue of State banks. It had on its face the ostensible purpose of raising revenue and not to destroy the power of the State banks to issue currency. The court also upheld the act as being the exercise of the right of Congress to protect the national banks, which were agents of the Government in issuing currency, from competition by the State banks. The law did destroy the power of the State banks to issue notes, because no State bank could pay the tax imposed, and therefore the result was to destroy it. But the bill ostensibly was for the purpose of raising revenue, and I apprehend that this bill is for the same purpose, otherwise authority in the Constitution could not be found for its enactment.

As far as I am concerned I have never had a suggestion made to me relative to this legislation except by the advocates of the bill. No such industry as this exists in my section, and I do not even know where the matches are manufactured. I have not given the details of the bill careful consideration. I simply rise to voice, it may be, a futile and feeble opposition to this kind of legislation. If the manufacture of this class of merchandise in the State is so injurious to the health of those employed in the factories, then what has become of those whose duty it is to protect the employee in the State, what has become of the great police powers of the State, which were never surrendered and which by specific amendment to the Constitution were reserved to the States, by which they may protect the health, the morals, and the general welfare of the community? I know that in this day and age we have made rapid strides toward the centralization of all governmental power in Washington. I know that the old-fashioned idea of a government founded by our fathers, with its representative form, with its divisions of power into the executive, the legislative, and the judicial, has been attacked, but, Mr. Chairman, I live in the hope from recent signs that the American people have not altogether lost all sanity upon that subject.

The CHAIRMAN. The time of the gentleman has expired.

Mr. BARTLETT. Mr. Chairman, I ask unanimous consent to proceed for five minutes.

The CHAIRMAN. Is there objection?

There was no objection.

Mr. BURLESON. Mr. Chairman, will the gentleman yield?

Mr. BARTLETT. Yes.

Mr. BURLESON. I would like the gentleman to state what has always been the position of the Democratic Party with reference to this character of use of the taxing power.

Mr. BARTLETT. Mr. Chairman, I think I know something about Democracy. My idea may be a little old-fashioned. It may not be radical. It may not be very progressive, but I will stop long enough to say that, in my judgment, if the Democratic Party is to continue to succeed it must follow the ancient principles of Democracy and put its feet in the ancient ways of the fathers and follow onward to success, and not follow the ignis fatuus that sometimes looms up, which will lead us into disaster and defeat. [Applause.]

Mr. Chairman, Democratic doctrine, as I understand it, is that the power to tax can be used only for the purpose of raising revenue for the Government, economically administered. The Democratic Party has been in the past, ought to be in the present, and should be at all times opposed to pretexts and shams like this, which proposes, under the use of the great power of the Government, to tax, not because it needs revenue to accomplish some purpose which ought to be accomplished under an exercise of the police powers of the State and not the taxing power of the Federal Government. I have as much sympathy as anyone else for the misfortune that befalls people who are compelled to work in dangerous employment. I would protect them by law from injury. I would surround those who are compelled to work in dangerous employment in this country with all sorts of safeguards, and in the domain of Federal jurisdiction, so far as we have the power in the matter of regulating interstate commerce, I would also safeguard from danger the health of those who must labor.

But it is a far cry from regulating interstate commerce or taxing people engaged in legitimate business for revenue to call into action powers granted to Congress in the exercise of its taxing power or in the exercise of its power over commerce in order to prescribe a law which is simply intended to reach conditions which affect the health, happiness, or general welfare of the people in the local communities in the States, over which communities and conditions the State has ample and supreme power. I understand that this may be old-fashioned. I understand that the modern idea is that whatever the people want we should give to them, whether it is to tax business out of existence or to reverse the judgments of courts at the behest and by the vote of the mob. I do not believe that this is wise legislation. I do not believe that representatives should be hurried or forced from their convictions, that Congress ought to exercise this sort of power by holding up before the eyes of the Members of Congress the results of a dreadful disease contracted by people engaged in this business. That is the usual way. It is the same strong argument that Anthony used over the dead body of Cæsar.

The people were shouting for Brutus one minute, and he then pointed them to the bloody garments of Cæsar, to the places in them through which the daggers of the assassins struck their blows, and through which the blood of the great Cæsar flowed. In the sight of that, they forgot everything, and while the moment before they were shouting for Brutus, in the next moment, in answer to Anthony's suggestion, they demanded his death. The States should be left to discharge their duties of protecting the people in cases like this.

Referring to the doctrine to which my friend from Wisconsin [Mr. COOPER] called my attention in the bank cases, it is the same doctrine as in the oleomargarine case——

The CHAIRMAN. The time of the gentleman has again expired.

Mr. MADDEN. Mr. Chairman, I ask unanimous consent that the gentleman be permitted to proceed for five minutes.

The CHAIRMAN. Is there objection?

There was no objection.

Mr. BARTLETT. Mr. Chairman, I had not anticipated that this question was coming up. It is so in the oleomargarine case, and the Supreme Court said, although it appeared from the debates in this House that the advocates of the oleomargarine tax intended it for the purpose of destroying the manufacture of oleomargarine, although it was for the purpose of putting manufacturers of colored oleomargarine out of business, yet if it did not appear on the face of the bill that such was the purpose of the bill, if the bill ostensibly was simply a use of the taxing power of the General Government to raise revenue, then the court would not say that it was an illegitimate and unconstitutional use of the power of Congress. There is this difference, I desire to say: In taxing the issue of State-bank notes the Supreme Court also sustained that law upon the idea that the national bank was one of the agencies of the Government; that it issued the currency of the Government, and the Government had the right to protect its own fiscal agents from competition by the State banks. That was one of the reasons why they sustained that law. They sustained the power of Congress to levy a tax for revenue, although the effect of the tax was to destroy the business which was taxed. There is no question about that. This bill may be constitutional. I do not know. I have never read it carefully enough to express an opinion upon that feature, and I do not undertake to express it without having carefully read the bill. I would be glad at all times to vote for any measure which sought to relieve human suffering or to better human conditions, especially the conditions of those who have to labor and toil for their living under adverse circumstances. I would be glad to vote for any measure which would take away from the laborer the opportunity to contract disease because of working in a factory such as is said to be in the case of these men who work in the manufacture of this class of matches. But if this is a legitimate industry, if the manufacturer of phosphorus matches is not inhibited by law, what power have we, and if we have the power, why should we exercise the policy of destroying an industry of this kind simply because we have not yet been able to discover some means by which men who work may not become sick and incapacitated by a disease. Are we to gather from all over this vast country the men who become sick or diseased from labor, a vast list, not to protect them in their work, but to destroy the property which the people have the right to make and the business which they have the right to carry on? I repeat that I have no interest in this measure, but I simply wanted to voice my opposition to it as being an improper exercise of the power of the Congress and a false pretense of the use of the taxing power. [Applause.]

Mr. LAFFERTY. Mr. Chairman, I favor this bill because I place humanity, even though clothed in overalls or calico, so far above the dollar that there is absolutely no comparison. [Applause.]

The people of my district know where I stand upon most questions. If they feel that my services will be of value to them in the future they will be more than welcome to them. But I want my colleagues here, as well as my constituents, to know that I never have, and do not now, seek any office for the mere sake of holding it. Unless I can be of service in my present position I do not want to hold it.

The pending bill taxes white phosphorus matches so high that they will no longer be manufactured. That is right. It has been shown to this House that they are poisonous. They are dangerous to laborers who work in the factory. It has been shown that they produce "phossy jaw," which is a very loathsome disease, being a rotting of the bones of the face. Congress certainly should protect those who, either through ignorance or poverty, accept employment from greedy manufacturers who use white phosphorus in the making of matches simply because it is cheaper than a safe compound.

I am against dishonest greed in whatever form it manifests itself. That is my platform on all matters of legislation.

When I first came to Congress I could not conceive how a patriotic body like this could continue to delay in the passage of a law giving the Interstate Commerce Commission the power to fix rates based upon physical valuations. But I have learned a few things that ought to be humiliating to every American citizen. Big business, so called, is swaggering around this Capitol and throughout the country, attempting to control politics and legislation. It attempts, first, to cajole Members of this body, and failing in that it seeks to intimidate them and make them fear the results of its power in the next succeeding election.

I might be alarmed myself if I was so distrustful of the intelligence and courage of my constituents as to believe that they could be stampeded with a weapon made up of a corncob with a lightning bug on the end of it. The artillery of the interest-serving newspapers fighting me is just about of that caliber.

In this House I have stood for exactly what I promised in my campaign for election. If I am advocating wrong governmental policies, the people of my district are responsible, and I think they are willing to accept that responsibility. I have introduced LA FOLLETTE'S appraisement bill here, and have made speeches for it. I exposed the Oregon & California Railroad land-grant steal, asking this body to wake up the slumbering litigation pending at Portland in reference to it, and to see to it that no further delays are tolerated.

I have not flinched, and I do not propose to flinch. If I give up the fight, the bugle will have to sound the retreat from the rear.

The people of this country are paying dividends upon billions of dollars of overcapitalization. No one denies it. Yet no remedy is forthcoming. Why? Big business in politics.

Oregon has taken the initiative in leading the country out of this big business bondage. Oregon gave us the direct primary, statement 1, the initiative and referendum and recall, and last but not least the presidential preference law.

Last year in Oregon the old guard made its last stand when it held an assembly. In that fight I was elected to this body. It is my hope and ambition to make good and prove the wisdom of the Oregon system. The same crowd that held that assembly are now backing my principal opponent. They belittle my fight for the people, and promise for their candidate "action, not words." If they can explain to me how they can get action in this body without words, I will subscribe to their slogan.

A public-service commission in each State and a national public-service commission are needed to control monopolies. These commissions should be given power by law to fix rates and prices of monopolies based upon physical valuations. When this is done every man who works for a living, either at his trade or profession, will be able to buy with the money he takes in a good living for himself and family. He will be able to take a vacation of at least 30 days each year. He will be able to educate his children. He will be able to lay by a little for his old age. This legislation should be followed by an eight-hour law for men and women in every State in the Union.

In conclusion, permit me to say that ROBERT MARION LA FOLLETTE represents my ideals of fair and honest government. [Applause.] A few weeks ago it was reported that LA FOLLETTE was no longer available as a candidate this year because he was broken in health after his 20 years' fight for the people. I then said to myself that ROBERT LA FOLLETTE would get one vote if I get to the polls in Portland on primary election day, April 19. [Applause.]

To-day I received a copy of the Daily News of Portland, which is the brightest and cleanest daily in that city, containing an editorial upon LA FOLLETTE entitled "Alone with the people," which is so expressive of the movement that I think it is going to place the millions of good citizens of this country in charge of their own Government that I quote the same here:

ALONE WITH THE PEOPLE.

The battle of the politicians, the songs of the hero worshipers, the plaudits of the job holders, the mumble of the money changers, was hushed. They paused to hear the voice of the plain people expressed for the first time in the first presidential primary.

"North Dakota," called Uncle Sam on the roll call. Will she answer "Taft" or "Teddy"? asked the country.

"North Dakota," repeated Uncle Sam. Then came a roar out of the heart of the prairie, out of the free land at the foot of the Rockies, out of the untainted air of the great West.

"ROBERT MARION LA FOLLETTE."

[Applause.]

What LA FOLLETTE? BOB LA FOLLETTE, the man who stood alone when the "progressive" leaders of State after State turned and fled, and deserted him in the hour of his weakness and misfortune. What LA FOLLETTE? The man who refused to surrender to the argument of his dearest friends or the threats of ancient enemies, the man who lifted himself from a bed of sickness to lead a charge in the name of the common people. What LA FOLLETTE? The man who knows what he believes and why he believes it, who fights for his convictions regardless of consequences, who won't retract, equivocate, or deceive, the one man Big Business is really afraid of because it can not buy him, scare him, nor answer him. LA FOLLETTE, deserted but not dismayed, fighting single handed and alone, sustained only by the cheers and mountainous majorities of the plain people.

They said he was "alone."

The worshipers of success, the men who sold the moment above the principle, said he was "alone."

Aye—alone with the people.

[Applause.]

The CHAIRMAN. The time of the gentleman from Oregon has expired.

Mr. LAFFERTY. Mr. Chairman, I ask leave to extend my remarks in the RECORD.

The CHAIRMAN. Is there objection to the request of the gentleman from Oregon? [After a pause.] The Chair hears none.

Mr. SAUNDERS. Mr. Chairman, the purpose of this bill is to tax white phosphorus matches. I can not agree with the gentleman from Georgia, either, that there is any lack of constitutional authority on the part of Congress to enact this law, or that any question of party consistency is involved in its support. But it is more imporant to be finally right, than to be consistent in error.

Mr. BARTLETT. I did not say there was any lack of power.

Mr. SAUNDERS. I will discuss the question of power in a moment. One feature, I may say purpose, of this law, is highly humanitarian, and I observe that there is no gentleman on the floor who will take issue with the friends of the measure on that ground, or challenge the statement that its passage will bring hope and relief to thousands of match workers, male and female, who are subject at all times to the dangers of phosphorus necrosis, a most insidious and loathsome disease. The opposition takes refuge behind the doctrine of State rights, and charges that in some way this measure will come in conflict, or collision, with the police power of the States. There is no such conflict, Mr. Chairman. There will be no such collision. There is no interference or infringement sought, or intended, on the part of this body, with the exercise of any portion of the police power by the several States of this Union. The taxing power is in no sense the police power. We set in motion the one, the States the other. Within the sphere of our own paramount authority, we are dealing in our own way, with a present problem, and a present evil. The first question that presents itself for our consideration, and initial determination, is whether this body shall decline to act on a great humanitarian measure like this, when the States either will not act, or fail to act, or their action, unless it is universal and uniform, will not meet the evil. Shall the inaction of others, justify our own? Shall this body disregard the call of suffering humanity, when the exercise of our constitutional power, will eliminate from industrial use a poisonous, and unnecessary element? [Applause.]

This is the proposition that presents itself to us to-day. I wish to say to those gentlemen who have suggested that we can not pass this bill in good faith, or frankly avow its humanitarian purpose, that they are mistaken in that opinion. We might write across the face of the pending measure that one of its purposes was to inhibit the use of white phosphorus in the preparation of safety matches, and yet that declaration would not cause the Supreme Court to interfere with this act, or declare the same to be unconstitutional.

The celebrated oleomargarine case sustained an enactment similar to this, on several grounds. Speaking broadly, the court declared that when Congress exercises a lawful authority, the judicial power will not undertake to correct an abuse of that authority, even when subjects not within the powers delegated to Congress, are indirectly affected. The courts will not pry into the motives of Congress when laying a constitutional excise tax. But the court went further. In the concluding paragraph of its opinion, (White, judge. McCray *v.* United States, 195, V. S. p. 64), the court declared that while it would interfere with an act of Congress, if it was plain to the judicial mind that the power to tax had been called into play, not to raise revenue, but solely to destroy rights which could not be rightfully destroyed, consistently with the principles of freedom and justice upon which the Constitution rests, yet this reserved power would not be exercised in the oleomargarine case, for the reason that the manufacture of artificially colored oleomargarine could be prohibited by a free government, without a violation of the fundamental rights upon which such a government should rest. [Applause.]

If the statement that the manufacture of artificially colored oleomargarine involves no fundamental natural right, is true as to oleomargarine, how much the more positively may a like statement be made of the use of white phosphorus, a material which can not be used, however guardedly, without endangering health and life. The desire to use this element in the manufacture of matches, finds its origin in human greed, which is ever reckless of human life, and human happiness. It is cheaper to make matches with white phosphorus than with other materials. Hence its use. But to forbid this use is not a violation of fundamental rights by a free government. McCray *v.* United States, and the antecedent cases, amply sustain the contention that a prohibitory tax on white phosphorus will be sustained by the courts. It is further true, upon the authority of the McCray case, that with reference to this particular material of white phosphorus, and its industrial use, a frank avowal in terms, of our purpose to prohibit such use, would not affect this statute with unconstitutionality. So that if we have the will to act, we undoubtedly possess the power. Nor is it needful to gloss over, or conceal our motive. Fully, freely, and frankly I for one announce that the human appeal in this situation impels me to support this measure. I glory in the fact that we can use our constitutional authority in aid of suffering humanity.

Mr. BARTLETT. May I ask the gentleman a question? I understood the gentleman to say that Congress would have the right to prohibit the manufacture of these white phosphorus matches.

Mr. SAUNDERS. I said in substance that if we wrote across the face of this statute that it was intended in part to prohibit the use of white phosphorus in the manufacture of safety matches, the Supreme Court under its decision in the McCray case, would not interfere with its operation, or declare it to be invalid. The general principle is stated in the oleomargarine case as follows:

> Since, as pointed out in all the decisions referred to, the taxing power conferred by the Constitution knows no limits except those expressly stated in that instrument, it must follow that if a tax be within the lawful power, the exertion of that power may not be judicially restrained because of the results to follow from its exercise. (McCray *v.* United States, 195 U. S., p. 27.)

Mr. BARTLETT. I so understood the gentleman, but I did not ask the question.

Mr. SAUNDERS. I undertook to answer the gentleman's question as I understood it and my answer is in conformity with the McCray case.

Mr. BARTLETT. I do not want to interrupt the gentleman, but——

Mr. SAUNDERS. It does not interrupt me at all. I yield with pleasure.

Mr. BARTLETT. The gentleman just stated, when I rose, that it was our duty to prohibit the manufacture of matches like these, which injured the health of the people, and so forth.

Mr. SAUNDERS. I say that it is our moral duty.

Mr. BARTLETT. What power has Congress to prohibit that sort of business?

Mr. SAUNDERS. I did not say that the Federal Government could directly prohibit it. I did not make that statement, nor is that the statement of the Supreme Court. I stated that in the oleomargarine case the court announced in substance, that even if it was aware that the intention of the lawmaking body was to prohibit the manufacture of artificially colored oleomargarine, it would not interfere, because the manufacture of colored oleomargarine was something that a free government, to use its own language, could prohibit without a violation of fundamental rights, without an invasion of that freedom and justice upon which a free government reposes.

The CHAIRMAN. The time of the gentleman has expired.

Mr. HUGHES of New Jersey. Mr. Chairman, I ask unanimous consent that the time of the gentleman be extended five minutes.

The CHAIRMAN. The gentleman from New Jersey [Mr. HUGHES] asks unanimous consent that the time of the gentleman from Virginia [Mr. SAUNDERS] be extended five minutes. Is there objection?

There was no objection.

Mr. SAUNDERS. The Supreme Court plainly announced that when it is clear to the judicial mind that the taxing power has been called into exercise, not for revenue, but solely for the purpose of destroying rights which could not rightfully be destroyed, consistent with the principles of freedom and justice upon which the Constitution rests, then in such a case the court would interfere, but it added that this principle would not apply in the oleomargarine case, for the reason that the manufacture of artificially colored oleomargarine could be prohibited by a free government without any violation of fundamental rights. Hence I conclude that the use of white phosphorus in the manufacture of matches may be prohibited by a free government without interference with fundamental rights. From this it follows, that should we write into this bill a declaration of our composite purpose in enacting it, the Supreme Court, pursuant to the principle supra, could not interfere with the law, or declare it to be unconstitutional. So that Mr. Chairman, with respect to this situation, we are not hampered by any decision of the Supreme Court. We are not hampered by any limitation, or provision of the Constitution, with respect to the use of the taxing power. The power to tax carries with it inherently, the power to embarrass, and destroy. It is unlimited in its nature. Austin *v.* The Alderman, 7 Wallace–699. Hence we possess all needful power to deal comprehensively, and effectively with a situation which presents so much of pathetic and appealing interest.

So far as the Democratic attitude is concerned, I will say to my friend from Georgia [Mr. BARTLETT] that I believe that with respect to tariff taxes he has correctly stated the party attitude, but I do not recall that the principle announced has been extended to excise taxes. Still I will admit that the same principle would measurably apply to the imposition of these taxes.

But there is this difference between a case like the one before us, and the laying of an ordinary protective duty, designed to build up a special business at the expense of the general body of consumers. There are very obvious and sufficient reasons why the taxing power should not be used to destroy one form of legitimate business, for the benefit of an equally legitimate competitor. But that principle has no present application. We are not seeking to benefit the manufacturer, but the workingman, by this legislation. On the other hand our action will discourage no form of legitimate industry. Looking to its humanitarian side, this legislation merely serves to exclude a poisonous ingredient from use in the match factories of this country. Incidentally, the profits of the match trust will be *slightly*, very *slightly* reduced. The market price of matches will not be increased, and the health of the employees will be immensely benefited. Surely these are sufficient reasons to justify our support of this measure.

My friend from Georgia says in substance: "Wait on the exercise of the police power by the States." Should we wait until the States, one by one, shall prohibit the use of white phosphorus, in all likelihood this generation, and still another, will pass away. The independent action of one State, however well designed, would merely serve to drive the industry from that State into another. "Uniformity by State action is not practicable within a reasonable time." While we split hairs over constitutional refinements, and selfish interest turns a deaf ear to the pathetic appeal of suffering humanity, phosphorus necrosis, with its sequel of suffering and death, claims new victims. [Applause.]

I deny that any Democratic principle requires a Democrat to higgle, and quibble over a proposition like this, when men and women are suffering and dying, for want of the immediate relief that this body alone can afford, by a legitimate exercise of an express constitutional authority. [Applause.]

We have acted heretofore in cases in which the demand for legislation was not one-tenth so exigent, as in the present case. I think, Mr. Chairman, that as Democrats and patriots, we would fail in our duty, should we decline to enact this measure on the avowed ground, that we preferred to allow other jurisdictions to extend by piecemeal, a relief that we can afford at one stroke. The States are free to exercise their constitutional functions. We are not interfering with that exercise, or disturbing those functions. We are operating within our own sphere, and within that sphere, we are supreme. In the exercise of our paramount authority, we are able to put the ax to the root of this evil. [Applause.]

The deleterious effect of white phosphorus seems to be inseparable from its use. It is a noxious poison. "As used in match composition it jeopardizes human health and life to a marked degree. Being readily volatile in the ordinary temperature of the air, it emits a bluish-white flame which affects the health of those who labor in match factories in three different ways. First, by causing anaemia. Second, by causing the bones of the body to become brittle, and unable to withstand slight external violence without breaking. Third, by causing phosphorus necrosis of the upper and lower jawbones. Anæmia and brittleness of the bones are frequent effects of chronic phosphorus poisoning. The daily breathing of air laden with phosphorus fumes, and continual contact with the particles of phosphorus are apt to result in a gradual lowering of vitality, which in turn invites other forms of disease."

"Phosphorus necrosis is caused by the absorption of the fumes of particles of white phosphorus through carious teeth and gums. The gums become swollen and purple, and the teeth loosen and drop out." But this is not all. "The organic, or animal matter of the jawbones slowly rots away, and passes off in the form of nauseating pus, which breaks through the neck in the form of abscesses, or if not almost continually washed out, oozes into the mouth, when it mixes with the saliva, and is swallowed, tending to induce chronic toxaemia. The stench from the suppurating bones, is dreadful, and is so nauseating that physicians and dentists alike avoid patients afflicted with advanced cases of necrosis. The disease is attended with awful suffering, and ends in frightful disfigurement, and occasionally in death." Phosphorus necrosis, is commonly called phossy jaw. For this there is no relief save by a surgical operation. The diseased bone must be removed. Sometimes the one jaw, sometimes both have to be excised. The consequent disfigurement is dreadful, and the pain attendant on the disease is excruciating. It seems to be true, that women are in greater danger of phosphorus poisoning than men. According to the statistics it appears that 95 per cent of the female employees, and 83 per cent of the children under 16 years of age are exposed to the "danger of the diseases resulting from phosphorus poisoning."

The Standard Accident Insurance Co., of Detroit, declines to write match factories on the ground that it has been unable to discover anything that would prevent poisonous infection when white phosphorus is used by the match companies.

These facts constitute a grave indictment against the use of white phosphorus, and the question may well be asked, Why has this use been permitted? The answer in part is, that for a time there were no non-poisonous substitutes, and in other part, that since these substitutes have been discovered, the cost of their use exceeds the cost of using white phosphorus. To the credit of many of the American manufacturers it may be said that they are willing to abandon the use of this material, but to do this, so long as their competitors continue its use, would be equivalent to retiring from business. They would be unable to meet the competition of the white-phosphorus match makers. The danger of phosphorus poisoning is greater in the United States than in the other countries where matches are made. This is due to the so-called "double-dip" match, invented a few years ago by an American manufacturer, and now rapidly supplanting all other forms.

The added tip of these matches, is about 20 per cent pure white phosphorus, and their varied color renders them more likely to attract the attention of children. A number of small children have died from sucking these matches. Confronted during the last 40 years with the dangers of phosphorus poisoning to the employees of the match factories, one country after another has tried the experiment of safeguarding these employees through stringent regulations. These regulations reduced, but did not eliminate the mischief. It is difficult to trace all the cases of phosphorus poisoning. The more horribly disfigured victims are not disposed to court publicity, while other victims do not connect their sufferings with this source.

A distinguished English authority, Dr. Oliver, has noted that a person may follow his occupation in the match works for years without suffering, or he may have left the works for two years, or more, and then in the most unexpected manner develop symptoms and physical signs of phosphorus necrosis. "The poisonous match not only endangers match workers, menaces little children in the home, but affords a ready means to those intent upon suicide, or the production of abortion."

One country after another has abandoned futile regulation in favor of effective prohibition. Science has come to the aid of this movement, by the discovery of various non-poisonous compounds for use on the tip, or head of the match. "Phosphorus in some form or compound is essential as an ingredient in the production of every kind of match. By means of chemical conversion, the poisonous element may be entirely eliminated. Chemical science has produced 8 or 10 different non-poisonous forms, or compounds of phosphorus, that are adapted, more or less effectively for use as the inflammable element in match composition." The more commercially available are the red-amorphous, and allotropic forms in common use in England and, on the Continent, sesquisulphide of phosphorus, whose use in this country was long controlled by a patent owned by the Diamond Match Co.

Within the last year however, the use of this material has been opened to other manufacurers, by the surrender of its letters patent on the part of this company, and a dedication of its invention to the "public of the United States of America forever." So that there is no lack of non-poisonous material for the tip of the safety match, and no reason why the use of white phosphorus should be continued, save for motives of greedy profit, which hinder a common agreement between the manufacturers to discontinue that use. What those manufacturers are unwilling, or unable to do, this Congress should compel them to do, and thus in a measure remove from the country the stain which has already attached, of being the last of the great powers to act in this respect.

Too long has this country delayed its action. The Congress alone can furnish a remedy adequate with the evil, a remedy coextensive with the limits of the Republic. Shall we longer turn a deaf ear to the call of humanity, the pitiful cry of the toilers in this industry? One by one the great countries of the world have pointed the way. In succession, Germany, France, Sweden, Austria, Russia, and Great Britain, have reached the goal of prohibition by the weary round of ineffective regulation. Remedial legislation is often hindered and impeded by the extent of the industries affected. Big business protests that such legislation will close the doors of their plants, that the roar of their furnaces will be hushed, and the smoke of their chimneys will no more trail across the heavens, should they be required to conduct their affairs in a prescribed way, or eliminate certain elements from their processes. Legislators listen to these "tales of woe," and are impressed. Fearful of industrial panic, they refuse, or decline to act. But no results of panic, or loss of

material profit, will follow the enactment of this measure. The match manufacturers recognize that prohibitory legislation is inevitable in this country. This body I trust will set the health and lives of the wage earners, against the slight loss to the manufacturers that this legislation will entail. The appeal of selfish interest should pass unheeded. "The use of the readily available substitutes for white phosphorus, will result in an increased cost to the manufacturer of from 5 to 7 per cent. As an offset to this in part there is the saving of the expense which the manufacturers of the poisonous match incur in protecting their employees, and in providing for them when incapacitated. The added cost of the nonpoisonous match would be so slight that it will be borne by the manufacturers and dealers."

But this Congress when confronted by the appalling loss of life and limb among the railway employees engaged in interstate commerce, did not hesitate to impose upon the carriers the burden of safety appliances. The fact that this added cost would be borne by the railroads, was not deemed a sufficient objection to the legislation. There are certain advantages that will accrue in this country from the use of nonpoisonous matches, as they have accrued in other countries. These advantages are less danger of fire, and greater safety for the children of the household.

It appears from the hearings that the manufacturers are agreed that in the event of the passage of this law, which has been earnestly recommended by the President, and which a Republican Congress long failed to pass, they will be able to furnish the trade with a satisfactory "strike-anywhere" match. This has been done abroad. I have too much confidence in the skill, ingenuity, and ability of the American people, to doubt that it will be even more satisfactorily done in this country.

I know something about uniform State legislation and the difficulty of securing its enactment. This relief will never be effected by State legislation, unless the States of the Union unite on one common law. So long as one State declines to concur with her sister State, the remedy by State action will be inadequate and incomplete.

The CHAIRMAN. The time of the gentleman has again expired.

Mr. SAUNDERS. I have said that I know something about uniform State action.

Mr. HUGHES of New Jersey. I ask unanimous consent, Mr. Chairman, that the time of the gentleman be extended five minutes longer.

The CHAIRMAN. The gentleman from New Jersey [Mr. HUGHES] askes unanimous consent that the time of the gentleman from Virginia [Mr. SAUNDERS] be extended five minutes. Is there objection?

There was no objection.

Mr. SAUNDERS. Mr. Chairman, the exercise of the police power of the States will be ineffective to relieve this situation. One gentleman discussing this question a day or two ago, the gentleman from Mississippi [Mr. HUMPHREYS] said that he would have but small respect for a State that, confronted with a situation of this character, would not meet it by suitable legislation. True, but what of this body in a like dilemma? The Congress of the United States confronts such a situation. What will the world think of us, should we fail to meet our responsibility with appropriate action? [Applause.]

Our responsibility is as much greater than the responsibility of a State, as our power is greater. I have pointed out that State action would not be effective, until the concurrence of every State of the Union was secured. Have in mind the time required to secure concurrent action by the States on a measure of ordinary legislation, and then compute the time required for such action with respect to a measure like this, or any other measure into which enter the elements of human avarice and greed!

I had the honor to serve in my own State for a number of years on a committee on uniform State legislation. We prepared and recommended to the several States a considerable body of legislation. I recall one measure in particular, a bill relating to negotiable instruments, a bill that was highly commended, and in the result was adopted in quite a number of the States. To the enactment of this bill, there was no valid or sufficient objection in any State, but after about 18 States had acted favorably, the movement was halted, why, I do not know. But should only 18 of our 48 States legislate against white phosphorus, such legislation would be far from meeting the evil of this situation. Hence I repeat that the reference of action on this matter, to the police power of the States, can not be seriously considered, if we are impressed with the merits of the case presented. We are not required by any principle or policy with which I am acquainted, to refrain from the exercise of our authority, and to wait on some other joint authority, even conceding that in time such joint action would prove effective. But in this instance, if experience tells us anything, the deferred hope of uniform State legislation will make the hearts of these poor toilers sick. Relief will not come from the voluntary action of the manufacturers. The wavering balance in this instance is too greatly shaken by self, to admit of right adjustment by the parties in interest.

What is our plain duty? Shall we lag behind the other nations, civilized, and uncivilized? The countries of the Old World, where human life and human happiness are not deemed to be held as dear as in this country of ours, far off Australia, and even Japan with its oriental indifference to pain and suffering, have agreed in prohibiting the use of white phosphorus in the manufacture of matches. Some of the powers of Europe have gone so far as to make an international agreement with respect to this subject. Shall the United States, the land of the free, the goal to which suffering humanity turns the world over, be the only nation failing to respond to this imperious call? Assuredly we are all opposed to the continued use of white phosphorus, shall we then decline to crush this use with a power that is well within our constitutional rights? Shall we hesitate to do that which humanity demands shall be done, merely because of the suggestion that these petitioners should first invoke the police power of the States? It is not too much to say, that the continued use of white phosphorus in the match industry, is legalized murder. The conservation of natural resources is a great policy, but the conservation of the lives and health of our toilers is far more imperatively demanded.

Mr. Chairman, it has been said in substance, that a Democrat can not support this bill, and be consistent. I do not consider that favoring this measure, I am any the less a Democrat, than other Members of this body who call themselves Democrats, and oppose its passage. But if support of a measure of this character, a measure that in the result will eliminate "phossy jaw" from the home of humble toil, puts me outside of the pale of the Democratic Party, then I go out freely, and voluntarily. I will go out with much good company on this side of the House. [Applause.]

Gentlemen in opposition say that favorable action on this bill will establish a precedent. What of it? Precedents like these will prove the salvation of the Republic.

The CHAIRMAN. The time of the gentleman from Virginia has expired.

Mr. SISSON. Mr. Chairman——

Mr. HUGHES of New Jersey. I will ask the gentleman from Mississippi to withhold his remarks to give us an opportunity to dispose of an amendment to which there is no objection. I ask for a vote on that amendment.

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Amend, page 1, line 9, by inserting, after the word "collector," the words "of internal revenue."

The question being taken, the amendment was agreed to.

Mr. SISSON. Mr. Chairman, I move to strike out the last word. I do not agree with the gentleman from Virginia [Mr. SAUNDERS] in the conclusion he reaches with regard to the case of McCray *v.* The United States. On the contrary, I think the gentleman from Georgia [Mr. BARTLETT] states correctly the principle of law there announced. The case clearly states that when Congress exercises a power of taxation which is within its rights the court will not, because there may be some other purpose or some other reason, go behind the purpose stated in the bill and impugn the motives of Congress.

Mr. SAUNDERS. If my friend will pardon me, I do not controvert that at all. That is absolutely true.

Mr. SISSON. But the gentleman from Virginia [Mr. SAUNDERS] says that as an original proposition the court announces that if a bill had been enacted to destroy the oleomargarine industry, that would have been within the power of Congress.

Mr. SAUNDERS. I did not say that.

Mr. SISSON. This case does not state that at all, but it says that, because it exercised a power within the Constitution, if the result should be that it destroyed an industry which Congress wanted to destroy, it would be destroying it by the exercise of a constitutional power.

That, Mr. Chairman, is the arraignment that the Democratic Party has made of the Republican Party for all these years. In other words, from the very beginning of the Government we have charged those who maintained the doctrine of protection, as one of the powers of the Government exercised under the taxing clause of the Constitution, that that was an evasion, and I can not conceive of any position that Democrats can take on this bill, if they vote for it, unless they at the selfsame time apologize to every Republican for the last hundred years for the position he has been taking. [Applause on the Republican side.]

Mr. TILSON. You are apologizing now.

Mr. SISSON. I am not apologizing, because I am not going to vote for this bill.

Mr. BURLESON. Will the gentleman permit a question?

Mr. SISSON. Certainly.

Mr. BURLESON. If it can be contended that this is a proper use of the taxing power, would it not be permissible, under the guise of raising revenue, to destroy the distilling and brewing interests of this country by levying a tax of $25 a gallon on whisky and $100 a barrel on beer?

Mr. SAUNDERS. Absolutely.

Mr. SISSON. If the contentions of the advocates of this bill are true, you could absolutely destroy the liquor industry, and you have pointed the prohibitionists to the way, and you can not dodge the issue any more.

Mr. SAUNDERS. They have already pointed the way in the oleomargarine case.

Mr. SISSON. That is true; but a Democratic House did not do that. That was done by a Republican House. [Applause on the Democratic side.] A Republican can justify his position, because his party never has had much regard for the Constitution. The power to tax is the power to take, and the power to take is the power to impoverish, and the Democratic theory is that no citizen should be deprived of one penny of that which he has justly earned unless it is for the purpose of paying the expenses of this Government; and when gentlemen bring into this House a measure, and the very report which they write here states that the purpose is not to raise revenue but to destroy the industry, you are doing under the guise of the taxing power that which it is unconstitutional to do and which the court would tell you you had no right to do, if you should enact your legislation directly and state only the truth in the title of the bill. I do not believe it is right by indirection, for those of us who feel as Democrats ought to feel, to evade the provisions of the Constitution which we have sworn to support. If our past utterances are sincere, if we believe as the party to which we belong says we shall believe in order to be Democrats, I do not understand how we can indorse this bill. I do not see how any Democrat can indorse it.

Mr. BUCHANAN. Does not the gentleman think it would be better to let the court hide behind the Constitution than that Democrats who stand here representing the people should hesitate to save the lives of people who are being poisoned?

Mr. SISSON. I will answer the gentleman's question. The gentleman, however, ought not to even evade the oath which he took in front of the Speaker's desk, which was taken without any equivocation or mental reservation whatsoever, that he would support and defend the Constitution of the United States; and if he believes this measure is unconstitutional, if he does not find a constitutional warrant for this legislation, then it ought to be his duty to maintain the Constitution, just as it is the duty of the court to maintain it, and he ought not to compel the court, by writing that into the bill which is untrue, to evade the Constitution. The purpose stated in the bill is not the purpose of Congressmen who vote for it, as I understand it. I speak this charitably. If the purpose of the bill is ulterior, if it is not that which is shown upon its face, it is an extremely bad precedent to set, because, under the guise of a humanitarian spirit, we may enact legislation that Congress never dreamed of enacting in the past; that the fathers of the Republic never dreamed they would enact; that the people of the country would not indorse, perhaps, as coming from this Central Government if they knew it. I do not believe a Member of this House has any more right to evade the provisions of the Constitution than the Supreme Court has, and as long as I am a Member of Congress I do not want to ease my conscience. On the contrary, I stand with Mr. Jefferson. I believe that it was of very doubtful propriety when the first decision was ever rendered by the Supreme Court of the United States overturning an act of Congress. I believe that of itself was an aggression of power.

I believe that every one of us has even more respect for our oaths of office; I believe we would love the Constitution more and stay closer to the Constitution if we did not understand that our action would be viséed by the Supreme Court of the United States.

Mr. YOUNG of Kansas. Will the gentleman yield?

Mr. SISSON. Certainly.

Mr. YOUNG of Kansas. Does the gentleman believe that his construction of the Constitution on this or any other question ought to bind the consciences of other Members of the House?

Mr. SISSON. I do not.

Mr. YOUNG of Kansas. The gentleman's argument seems to imply it.

Mr. SISSON. Oh, my argument may be ineffective, like that of the gentleman from Kansas. The gentleman from Kansas knows that John the Baptist went through the wilderness crying religion of the Lord Jesus Christ, but the people did not hear him. I may keep crying out in the wilderness and not be heard. [Laughter.]

Mr. YOUNG of Kansas. The gentleman is mistaken—John the Baptist had many converts. The gentleman is an expert at crying out only and saying nothing.

Mr. SISSON. That may be true, but the gentleman's own criticism of my position with reference to the Constitution and the consciences of other men may sit on his own shoulders, and with the same charity that he views my opinion about matters of legislation I may have the right to view the sincerity of his motives, and when the scales are brought in I am perfectly willing to have my opinions weighed in the balance with the opinions of the gentleman from Kansas. [Applause.]

Mr. TOWNER. Mr. Chairman, I leave the question of the political responsibility as between the gentleman from Mississippi and the gentleman from Virginia for them to determine, but as regards the legal phase of the question, I entirely agree with the gentleman from Virginia. The doctrine of the courts has been from the foundation of the Government that if Congress had the power to impose a tax the courts would not seek to inquire as to what might be the ultimate effect of that tax. If the Government of the United States has the power to impose a quarter of a cent on a thousand matches, it has the right to impose a 2-cent tax on a hundred matches, and what the ultimate effect may be on the manufacture of matches the courts will not feel bound to consider.

Mr. Chairman, the exercise of the power by Congress whenever it passes any internal-revenue regulations will be governed, notwithstanding what gentlemen say, by what Congress believes will be to the best interests of the country in the levying of such tax. They will doubtless take into consideration the question as to whether much or little revenue will be brought in by the imposition of a tax.

But they will also take into consideration the moral and social effect of that tax upon the people of the country. They did that in the placing of the tobacco tax and the liquor tax and the oleomargarine tax, and they will doubtless do it in regard to this tax. [Applause.]

This House has the power, and it will certainly exercise that power when it may do so in the cause of humanity in its largest and best sense. This bill appeals to them because it is in behalf of a class of people who are unfortunately so circumstanced that they either can not understand what the results of the traffic they are engaged in will be upon them, or they are helpless to prevent it. And so I am glad to believe, if I can understand the temper of this House, that it will be in favor of doing that which the Constitution does not prohibit and which the people of the land and the great humanitarian sense of the world will applaud as a righteous and just act from every other possible standpoint. [Applause.]

The Clerk read as follows:

SEC. 4. That every manufacturer of matches who manufactures, sells, removes, distributes, or offers to sell or distribute white phosphorus matches without there being affixed thereto an adhesive stamp denoting the tax required by this act, effectually canceled as provided by the preceding section, shall for each offense be fined not more than $1,000 and be imprisoned not more than two years. Every manufacturer of matches who, to evade the tax chargeable thereon or any part thereof, hides or conceals, or causes to be hidden or concealed, or removes or conveys away, or deposits or causes to be removed or conveyed away from or deposited in any place any white phosphorus matches, shall for each offense be fined not more than $1,000 and be imprisoned not more than two years, or both, and all such matches shall be forfeited.

Mr. LONGWORTH. Mr. Chairman, I make the pro forma amendment to strike out the last word. I favor this bill, as I favored the bill introduced last year by the gentleman from Wisconsin [Mr. ESCH], of which this is the practical counterpart. I believe that the last Congress would have passed that bill had the fact not developed that the only substitute for white phosphorus was a substance known as sesquisulphide, in the manufacture of which the Diamond Match Co. had by patent exclusive control. Had we passed the bill last year at that time, the result would have been to throw a monopoly of the match business into the hands of the Diamond Match Co.

The President of the United States took a great interest in this measure, and it was at his instance that the Diamond Match Co. consented to relinquish its patent on the manufacture of sesquisulphide. The Diamond Match Co. has relinquished its patent, and the manufacture of sesquisulphide is now open to every manufacturer in this country.

There is no reason, then, why we should not pass this bill. There is no other method of reaching the evil that this bill seeks to reach. The gentleman from Virginia [Mr. SAUNDERS] has well said that it might be generations before the various States of this Union would pass legislation to prevent the manufacture of white phosphorus matches. We could not get at it through the interstate-commerce clause of the Constitution because if we should undertake to provide that white phosphorus

matches could not be transported between the States the result would simply be that factories would spring up in all the States, and they would ship white phosphorus matches to residents within the State. The only way that we can reach the evil which this bill seeks to reach, and no one denies that it is a frightful evil, is to invoke the taxing power of the National Government.

Gentlemen seem to fear that this may be used as a precedent for all sorts of legislation which would destroy industries in States. I doubt whether any gentleman here can point to a single industry for the destruction of which this bill might be regarded as a precedent.

The prime reason why this bill should pass is that those immediately concerned in the manufacture of these matches are subject to the poison. It has been proved beyond a doubt that a large portion of the workers in match factories are apt sooner or later to contract the horrible and loathsome disease of phossy jaw. There is no way to prevent it by any modern methods. The only way to prevent it is by stamping out, as this bill does, in the guise of a high tax, the manufacture of white phosphorus matches.

Mr. BARTLETT. Will the gentleman yield?

Mr. LONGWORTH. Certainly.

Mr. BARTLETT. The gentleman states the fact that the tax of 2 cents a hundred will absolutely destroy that kind of an industry.

Mr. LONGWORTH. Beyond all question.

Mr. BARTLETT. That is the purpose of the bill—to destroy it?

Mr. LONGWORTH. It is the purpose of the bill to destroy it, and that is the reason I am for the bill, because I want it stamped out.

Mr. SHARP. As far as the precedent is concerned, is it not a good thing to set such a precedent?

Mr. LONGWORTH. It would be a good thing here to set a precedent if there was any other industry in which the laborers in the factories would be subjected to the risk of contracting such a horrible disease as they do in the manufacture of these matches.

Mr. BARTLETT. Would the gentleman from Ohio vote for a bill to put a tax of $5 a gallon on whisky or beer?

Mr. LONGWORTH. That is not a parallel case. I am not speaking of any disease that may result to the consumer of matches. I am speaking of the disease that results to the maker of matches. Other gentlemen may be more familiar with the effect of whisky or beer upon the ultimate consumer than I am. Mr. Chairman, this is a bill in the interests of humanity; it offers the only remedy for the existing evil, and I hope that it will become a law.

Mr. BATHRICK. Mr. Chairman, I have lived in the vicinity of the largest match factory in the United States for many years. I have seen the making of matches from the day when the boys and girls that I knew would on Saturday afternoon and at other spare times make them when they were sawed out of a small wooden card—all but at one end of the match, where it would be broken off. Boys and girls of the factories, which were in those days very crude, dipped these cards in the sulphur and phosphorus compound, which made them ignite when they were scratched. The system of manufacturing matches has been changing and perfecting until to-day we have machinery for doing nearly everything that is done in connection with a match, and the process as it progressed, in every particular, was the subject of invention and care and attention by the manufacturer for the purpose of avoiding as near as possible the direful results of contact of laborers in these factories with white phosphorus. I have talked with manufacturers many times, and with those who know, but I have yet to discover a single instance where these remedial purposes ever accomplished complete prevention, for the reason that when the white phosphorus is in the tank and the matches are dipped, either by hand or machinery, the fumes rise and the whole room is filled with them, and it is practically impossible for the employee to escape contact with the death-dealing qualities of this drug. They have gone to the greatest expense in ventilating purposes and for all other measures that will remove danger of these fumes from the presence of the workers. They have never succeeded in doing it.

Many times manufacturers have gotten together in association meetings and have talked this matter over and discussed at length how they could emancipate their workmen from the ravages of this fatal disease. They have never been able to do anything. At last here comes from France a drug, first manufactured in that country, I believe, by the French Republic itself, which, I understand, monopolizes the manufacture of matches—a drug which does away with the use of white phosphorus, and with which matches are manufactured by the sesquisulphide process. The details of the process are not material. The Diamond Match Co. has its home in my district. Mr. O. C. Barbour, head of the Diamond Match Co., and whose circulars on the subject of Government ownership of railroads have been received by Members, and who was the father of the Diamond Match Co., secured the United States patent for the sesquisulphide. The Diamond Match Co. owned the patent. Naturally they considered it a business proposition to get control of that patent if they could. It was a very good business proposition if they could make matches without the use of white phosphorus, because it would make a better match, as they thought, and also they could secure better conditions for labor. There was some trepidation among the other manufacturers as to the purpose of this move. The Diamond Match Co. had the patent. Naturally they tried to control it, but eventually, at the suggestion of Government officials, at the suggestion of humanitarian members of their company, they, with a philanthropic spirit, gave up this valuable patent, relinquished it to the Government of the United States, and it was canceled. I have talked with Mr. Barbour, who was for many years the president and principal owner of the Diamond Match Co., and I have tried to find out if back of this giving up and cancellation of this patent there was any reason which actuated the Diamond Match Co. wherein it expected to profit thereby, and I will say to my colleagues in this House that I know that gentleman and I know that he is philanthropically inclined in this matter, and it is unjust in the extreme to suggest ulterior motives.

I know that his purpose in this matter is purely philanthropic, and when he relinquished this patent to the Government I am thoroughly satisfied he did it for the purpose of accomplishing the results which we are attempting to accomplish this afternoon. I have little sympathy with those who are so ready to ascribe to the Diamond Match Co. a hidden, cunning purpose.

I can not understand why it is that any gentleman should oppose this bill. There may be a constitutional question involved, but I think you have overlooked one matter in that connection, and that is this: The tax proposed in this bill is not a tax on white phosphorus. It is not technically a tax upon a match, but it is a tax upon a process. There has been much reference to a tax upon beer as an alleged analogy. It is not a comparative case. I will say to you that if people were to manufacture beer containing strychnine or liquor containing sulphuric acid or cyanide of potassium I would vote to tax the process, and that is all that you are asked to do this afternoon. We are not taxing the matches out of business; we are not taxing white phosphorus out of business, for it can be used for many other purposes, and as good matches can be made in other ways. We are simply taxing a process that is injurious and detrimental to the workingmen of this country [applause], and no manufacturer will suffer and no one will be wronged, but the workmen in the factories will receive long-delayed relief.

The Clerk read as follows:

SEC. 5. That every person who affixes a stamp on any package of white phosphorus matches denoting a less amount of tax than that required by law shall for each offense be fined not more than $1,000 or be imprisoned not more than two years, or both.

Mr. ESCH. Mr. Chairman, we have been seeking for two years to pass legislation that would make it safe for men, women, and children employed in match factories to carry on the business in which they are engaged. Congress has been engaged in the conservation of natural resources, and there is a line for its activities even greater than this, and that is the conservation of human life. [Applause.] Congress has already enacted legislation seeking to promote the safety of employees and the traveling public—has already enacted laws seeking to promote the safety of miners in our mines and to promote the safety of our mail clerks and all those employed in Government work. We seek by this bill to promote the safety of employees in match factories. We have waited for 40 years for the States to do this. They have failed, so that we are now seeing the lamentable situation that not a single State in this Union has as progressive laws with reference to the match industry as has Japan and many of the other nations of the world. Every nation in Europe forbids the use of white phosphorus in the manufacture of matches. An international treaty, entered into at Berne, Switzerland, in 1906, forbade the use of white phosphorus in the making of matches. England joined in that treaty in 1909, and all other nations of Europe practically are now within that treaty. The United States can not sign the treaty unless and until it enacts a law like this. Even Russia taxes poisonous matches to a prohibitive degree, so that only 1 match in 50 in Russia is now made with the use of white or yellow phosphorus.

And yet the United States can not take a place beside Russia in this humanitarian legislation. Australia forbids the impor-

tation of matches made from this poisonous article. This being the situation, Congress having the power under the taxing clause, as I contend, the opportunity affords now to pass this bill. The Supreme Court in the McCray case—the oleomargarine case—held as follows:

The court can not hold a tax void because it is deemed too high. Although the effect of the tax in question may be to repress the manufacture of artificially colored oleomargarine, it is not on that account a violation of fundamental rights. An act of Congress exerting the taxing power can not be avoided on the ground that it is an abuse of power.

And in the case of Veazie Bank against Fenno, the court held that the tax—

May very well be classed under the head of duties.

And declaring:

The power to tax may be exercised oppressively upon persons, but the responsibility of the legislature is not to the court, but to the people by whom its members are elected.

[Applause.]

I trust that the Members of this House will be willing to assume that responsibility. The President in his message of December 10, 1910, referring to this very legislation, declared:

The diseases incident to this are frightful, and as matches can be made from other materials entirely innocuous, I believe that the injurious manufactures should be discouraged and ought to be discouraged by the imposition of a heavy Federal tax. I recommend the adoption of this method of stamping out a very serious abuse.

[Applause.]

And so again I urge, following the recommendations of the President, following the decisions of the courts and the best spirit of the humanitarian nations of the world, that we adopt this bill. [Loud applause.]

The Clerk read as follows:

SEC. 6. That every person who removes, defaces, or causes or permits or suffers the removal or defacement of any such stamp, or who uses any stamp or any package to which any stamp is affixed to cover any other white phosphorus matches than those originally contained in such package with such stamp when first used, to evade the tax imposed by this act, shall for every such package in respect to which any such offense is committed be fined $50, and all such matches shall also be forfeited.

Mr. McCALL. Mr. Chairman, I move to strike out the last word. Mr. Chairman, as we are about to exercise the taxing power it is well to know just what that power is, and I read to the committee section 8 of Article I of the Constitution of the United States:

The Congress shall have power to lay and collect taxes, duties, imposts, and excises, to pay the debts and provide for the common defense and general welfare of the United States; but all duties, imposts, and excises shall be uniform throughout the United States.

The meaning of those words would seem to be reasonably clear, but I would like to quote to the House the construction put upon them by two very eminent men in our history, representing the extremes in our two great political schools. Thomas Jefferson said:

To lay taxes to provide for the general welfare of the United States is to lay taxes for the purpose of the general welfare, for the laying of taxes is the power and the general welfare the purpose for which the power is to be exercised. Congress are not to lay taxes ad libitum for any purpose they please, but only to pay debts or provide for the welfare of the Union. In like manner they are not to do anything they please to provide for the general welfare, but only to lay taxes for that purpose.

Here the opinion of Mr. Jefferson is explicit. According to him we have the power to lay taxes not merely to collect revenue, but to provide for the general welfare of the United States.

Alexander Hamilton, the other great statesman of that time, and representing the opposite political school, said:

No objection ought to arise to this construction from the supposition that it could employ a power to do whatever else would appear to the Congress conducive to the general welfare. The power to appropriate money with this latitude, which is granted in express terms, would not carry power to do any other thing not authorized in this Constitution, either expressly or by fair implication.

I think it is not necessary to argue to this committee that it is for the general welfare of the Nation to put an end to one of the most loathsome diseases of civilization. I admit that even the taxing power, with the broad purpose for which it is expressly granted, should be used with caution for any other purpose than simply to raise money, but the power of Congress is clear. And if it has been used to prohibit the circulation of State banks or to check the use of oleomargarine or to protect American industries, I think it may well be exercised for so laudable a purpose as is here presented. I therefore propose to vote for the pending bill.

The Clerk read as follows:

SEC. 10. That on and after January 1, 1913, white phosphorus matches, manufactured wholly or in part in any foreign country, shall not be entitled to entry at any of the ports of the United States, and the importation thereof is hereby prohibited. All matches imported into the United States shall be accompanied by such certificate of official inspection by the Government of the country in which such matches were manufactured as shall satisfy the Secretary of the Treasury that they are not white phosphorus matches. The Secretary of the Treasury is authorized and directed to prescribe such regulations as may be necessary for the enforcement of the provisions of this section.

Mr. GARRETT. Mr. Chairman, I move to strike out the last word. Mr. Chairman, the construction given by the distinguished gentleman from Massachusetts to the language of the Constitution which he has just quoted, and to the language of Mr. Jefferson and of Mr. Hamilton, is not the construction which I understand to be the proper one. I have been trained in the belief that the taxing power delegated to the Federal entity was given for one purpose, and for one purpose only—that is, that the Government might live; and I am not prepared, even on this bill, Mr. Chairman, to desert that training and the belief of a lifetime. I believe the proper construction of the language quoted by the distinguished gentleman from Massachusetts—that is, the power given to lay taxes to promote the general welfare and to pay the duties—means that the taxes were to be laid and revenue raised thereby, which revenue so raised was to be expended in the payment of the debts and the promotion of the general welfare. I do not believe that it is a sound contention that the taxing power was given to the Federal Government to enable it to destroy. It was given to create and maintain life, not to bring about death. Mr. Chairman, one other word. It is suggested that because of the fact that the courts will not look to the debates, because of the fact that the courts will not examine the speeches made here showing that the avowed purpose of a bill is not to do what upon its face and in its title it purports to do, raise revenue, but is to destroy—it is insisted because they will not look back they therefore will not hold it in violation of the Constitution, and that we therefore must follow it; but, Mr. Chairman, we have a responsibility of our own to the Constitution.

I did not take an oath to support the construction that might be given to the Constitution by the courts. I took an oath to support the Constitution. That Constitution I must support according to my own construction and in the light of my own reason.

I believe that this bill is a violation of the teachings of our own party, and, independent of the party idea, I believe it is a violation of that purpose for which the taxing power was delegated by the States to the Federal entity. The States did not delegate police powers. They retained them. If it be necessary for the Federal Government to exercise police powers, it must go back to the States and receive from them a further delegation of authority.

I do not concur with the idea that the evil aimed at in this bill may not be reached through the interstate-commerce laws. I think that perchance it could be reached there in some measure similar to the pure-food legislation. But whether that is true or not, I do believe, Mr. Chairman, that we ought not to enact into law a proposition declaring for one thing when at the same time we avow that it is for another thing. We ought not to say that it is to raise revenue when its purpose is to destroy. I do not believe, Mr. Chairman, that we have the right to pass this bill. So believing, without criticizing other gentlemen, I shall be compelled to vote against it. [Applause.]

The CHAIRMAN. The pro forma amendment will be considered withdrawn.

Mr. HUGHES of New Jersey. Mr. Chairman, I move to strike out the last word for the purpose of stating my position on this bill.

The manner in which the debate is now proceeding is a little bit out of the ordinary, and I suppose I might as well say what I have to say at this time, and as quickly as possible, so as not to take up unduly the time of the committee.

I have been called a good many things in my time, and the legislation for which I have stood has been variously characterized, but I do not know that I and any legislation that I have been associated with and that has been presented in this House have ever before been classified as "ignes fatui" until this afternoon. [Laughter.] But I am willing to accept that characterization.

I will not attempt to follow the gentleman from Georgia and the gentleman from Mississippi in their metaphysical disquisitions, and can not do so, probably because I have not had the necessary mental training. I never had the patience to follow the treatises and the arguments of the old scholars who argued how many angels could stand at one time on the point of a needle. [Laughter and applause.] But I do know this: I know that human beings are suffering in this country to-day, and I say that the strongest indictment that ever was written against the Democratic Party is the indictment written against it by the gentleman from Georgia and the gentleman from Mississippi when they say that it is against the principles

of the Democratic Party to reach down and pick up suffering humanity and stop disease and distress. [Applause.]

When they can convince me that the Democratic Party stands for that proposition, as they put it, when they thus rule me out of the party I will leave the Democratic Party willingly, and I will take everything with me in the Democratic Party that is worthy of taking. [Applause.]

Mr. BARTLETT. You will leave some people who are much more worthy than you are.

Mr. HUGHES of New Jersey. That may be in the gentleman's opinion. I will not dispute it with him now.

I know this about this proposition: It may be said that it is not wise to use this power that we have. I do not quarrel with any man who takes that position. It may be said that some other way could be devised, that some other method would be better, and I take issue with no gentleman who takes that position. But when gentlemen have the temerity to say practically that a man violates his oath of office and leaves his democracy behind him because he has a heart in him that beats in sympathy with the common people of his country, and because he can no longer stand the loathsome and intolerable conditions that exist in this community, I am forced and compelled to take issue with them. [Applause.]

Now, this is the situation, gentlemen: I am willing to take the opinions of the great constitutional lawyers of this country who have subscribed to the proposition that this legislation is constitutional; that it is a proper exercise of the taxing power of this Government. The opponents of this legislation in the early days did not rely entirely upon that argument. First we heard that there was no such disease as phossy jaw, because it was possible for unscrupulous manufacturers to hide away the victims. The argument was boldly made that there was no such disease and that there were no such victims. But it happened that from my own district, from the city of Passaic, there came the living evidence of the fact that there is such a disease—perhaps the most loathsome and horrible disease that the medical fraternity of this or any other country is called upon to deal with. And I will say to you, gentlemen of this committee, that in that district of mine there is a match manufacturer, an active and energetic rival of the great Match Trust, and he came to me when this bill was being considered before the Committee on Ways and Means and said:

I am in the match business. I know, Mr. HUGHES, you believe me to be a humane man. I am a humane man. I feel as though I would rather leave the match business and enter upon some other line of activity if I am compelled to carry it on as I am carrying it on now. If I stay in the match business I will have to continue the conditions which are established by my competitors. I am now putting out as a part of my product a certain amount of nonpoisonous matches. Other manufacturers who do not make that special match have made a particular drive against it.

Mr. RAINEY. Was it Mr. Hutchinson who made that statement?

Mr. HUGHES of New Jersey. No, sir; it was not. The manufacturer's name is San. Mr. Hutchinson appeared with him, and I believe he is interested in the concern.

Mr. RAINEY. The same factory?

Mr. HUGHES of New Jersey. I think so.

Mr. BATHRICK. So long as this Government is able to prevent the putting of poison into food under the pure-food act, why is not as thoroughly proper and constitutional to prevent the putting of poison into a match?

Mr. HUGHES of New Jersey. I will say to my colleague and to the members of the committee that I was at the hearings, and I have discussed this matter on and off the floor and in the committee rooms, and in practically every other place, for a great many weeks past, and I have never heard anybody seriously urge the unconstitutionality of this legislation. As I understand it, the argument that is made is that while we have the power constitutionally, there is some doubt as to whether that power should be exercised. As I say, I have no sympathy with that argument. I know that in this match industry now people are being diseased and condemned to death. I know that children yet unborn will, unless we pass this legislation, come into the world handicapped and will die because we have failed to act. I want this country to take its place, as the gentleman from Wisconsin [Mr. ESCH] says—the gentleman from Wisconsin first fathered this legislation—beside the other humanitarian nations of the world and to give the people engaged in this industry the relief that every civilized country in the world has said its people were entitled to. [Applause.]

The CHAIRMAN. If there be no objection the pro forma amendment will be considered as withdrawn.

The Clerk read as follows:

SEC. 11. That after January 1, 1913, it shall be unlawful to export from the United States any white phosphorus matches. Any person guilty of violation of this section shall be fined not less than $1,000 and not more than $5,000, and any white phosphorus matches exported or attempted to be exported shall be confiscated to the United States and destroyed in such manner as may be prescribed by the Secretary of the Treasury, who shall have power to issue such regulations to customs officers as are necessary to the enforcement of this section.

Mr. RAINEY. Mr. Chairman, I offer an amendment, in line 17, page 6, to strike out the word "thirteen" and insert the word "fourteen."

The Clerk read as follows:

Amend, page 6, line 17, by striking out the word "thirteen" and inserting the word "fourteen."

Mr. HUGHES of New Jersey. If the gentleman from Illinois [Mr. RAINEY] will permit, I have been in communication with the match manufacturers throughout the United States, and have agreed on some changes to be made in this bill, with reference to the dates when the various provisions shall take effect.

Mr. RAINEY. Has the gentleman an agreement with reference to this provision?

Mr. HUGHES of New Jersey. No change was made in that provision, and none was asked. A change was made in the last section, where the word "thirteen" was substituted for the word "twelve" and the word "fifteen" substituted for the word "fourteen." I am very anxious not to have the gentleman insert an amendment which will perhaps be out of harmony with the other dates in the bill.

Mr. MANN. I suggest to the gentleman from New Jersey that if he offers an amendment in section 17 to insert the word "thirteen" in place of "twelve," it will provide that the act shall not take effect until July 1, 1913, while the section under consideration provides that it shall be unlawful to export matches after January 1, 1913, six months before the act will take effect. So it seems to me that the amendment offered by my colleague [Mr. RAINEY] is quite necessary.

Mr. HUGHES of New Jersey. I am frank to say that I am not aware of the effect of the amendment. I have not had a chance to examine it.

Mr. RAINEY. It just pushes it forward one year.

Mr. MANN. This has nothing to do with the manufacture.

Mr. HUGHES of New Jersey. Very well, then.

Mr. RAINEY. Mr. Chairman, the gentleman has no objection to the amendment, then?

Mr. HUGHES of New Jersey. No; I have no objection to it.

Mr. RAINEY. I want to say a few words about the bill. This is an attempt to crush an industry by the use of the taxing power. If it was ever proper to resort to the taxing power for the purpose of crushing an industry, this industry perhaps ought to be the one to be destroyed. If this necrosis of the jaw—this phossy jaw—is as bad as it has been represented to be, the business of manufacturing white or yellow phosphorus matches ought to be stopped just as soon as possible, even if we are compelled to strain the Constitution to do it. But I can not sit here in my seat and hear the statement made on the floor that sooner or later every man, woman, and child who works in a white phosphorus match factory will be afflicted with phossy jaw. The matter has been grossly exaggerated throughout the country, and, I believe, exaggerated for a purpose, which I will endeavor to explain soon if the House will listen to me and will indulge me long enough, and I will not take a very long time either.

The only reliable evidence in the hearings as to the destructive character of this disease and as to its ravages is the statement furnished by the general superintendent of the Diamond Match Co., Mr. Fairburn, and the Diamond Match Co. is favoring this legislation. Mr. Fairburn states in the hearings here that for 12 years they have examined, in their factories where they employ 1,700 men, this dreadful occupational disease. He states that in that time, among those 1,700 employees, in this the largest match industry in this country and perhaps in the world, they have had 25 mild and 16 serious cases of phosphorus necrosis.

Mr. BATHRICK. Does the gentleman know that this phosphorus necrosis has its start from a defective tooth and that the Diamond Match Co. have been particularly watchful; that they employ a dentist in every factory and employ a physician in every factory; and that precautions which are said to be unusual in some factories are employed to prevent this disease?

Mr. RAINEY. Yes; I so understand it.

Mr. BATHRICK. That might account for it.

Mr. RAINEY. Mr. Fairburn says:

We have had 25 mild and 16 serious cases of phosphorus necrosis—41 cases all told—5 of which ended fatally. In giving these statistics every case of necrosis has been classified as phosphorus necrosis. In addition to the before-mentioned actual cases, 256 employees have been given precautionary special treatment, and these all yielded to treatment without decease or disfigurement ensuing.

We have employed on an average about 1,700 people during the before-stated period of 12 years, exposed to phosphorus fumes, so our total number of cases, mild and serious, is equivalent to one-fifth of 1 per cent of our exposed employees per annum, and the number of

fatal cases is equivalent to one-fortieth of 1 per cent per annum. If we consider the total number of our factory employees, the beforementioned percentage figures will be reduced to about one-eighth of 1 per cent and one sixty-fifth of 1 per cent, respectively.

Now, as has just been stated on the floor, you can prevent phossy jaw by taking care of the teeth, and because certain factories in the States do not exercise this kind of supervision, because certain States do not require this inspection of the teeth of employees in the white phosphorus match factories, we are therefore asked to invoke the taxing power and reach out into the States and crush every one of these industries. That is clearly what this bill proposes to do, and in the report filed by the Ways and Means Committee they admit it.

Mr. JAMES. Will the gentleman yield?

Mr. RAINEY. With pleasure.

Mr. JAMES. In the statement the gentleman has just read as to those who die of phossy jaw the gentleman does not give to the House the other class of people that also die. I have no doubt that the gentleman has had as many letters as other Members have from mothers who have told of the children that have died by eating the heads off the matches. The gentleman's statement does not include that.

Mr. RAINEY. Oh, that is true wherever poisons are exposed. These lamentable facts are always liable to occur.

[The time of Mr. RAINEY having expired, by unanimous consent he was given five minutes more.]

Mr. RAINEY. But perhaps more children kill themselves by using sharp tools of different kinds, by severing veins and arteries; but is that any reason why we should suppress the manufacture of everything by which children can injure themselves? Proper care in the home will prevent these accidents; proper care in the factory of employees—and proper care in the factories can be compelled by the State—will reduce the cases of phossy jaw to an absolute minimum.

Mr. SAUNDERS. Will the gentleman yield?

Mr. RAINEY. Yes.

Mr. SAUNDERS. Does not the evidence show that every country that has made the experiment of regulating this manufacture has found that while it may reduce it, it could not get rid of the trouble growing out of phosphorus poisoning, and the only way was by absolute prohibition?

Mr. RAINEY. I do not remember any such evidence.

Mr. SAUNDERS. That is stated in the report.

Mr. RAINEY. Let me call the attention of the House to one other thing. This legislation is going to go through, and you are going to vote for it. You are going to vote for it because the membership of the House has been intimidated into voting for it. You are going to vote for it because you have received letters from college professors, women's clubs, from uplift organizations of various kinds throughout the country—most of them know little or nothing about the subject—because the Ways and Means Committee have been attacked editorially in the columns of the newspapers, because they have been charged with submitting the whole subject to a secret subcommittee, because of articles in the magazines, and because of the fact that press agencies are at work promoting this legislation to an extent unheard of before in this country.

Now, let me call attention to something that the evidence shows, and soon I will read the evidence to show what I mean. The Diamond Match Co. has given up generously, apparently, to this country their secret formula purchased by them from France for the manufacture of sesquisulphide, a harmless compound.

Now, I distrust the Greeks when they come bearing gifts, and I distrust the Diamond Match Co., because they are the Match Trust in this country if there is one. It is impossible for a successful trust to be formed unless they control the greater portion of the output in goods. There is little evidence of any Match Trust in the country at the present time, because any man with a few thousand dollars can start a match factory and make white sulphur matches. They are the most satisfactory matches and they are the matches people buy. They strike the easiest. The sesquisulphide matches do not do this. It costs a little more money to make a sesquisulphide match. But there is a company, the East Jersey Match Co., the company whose official came to the gentleman from New Jersey [Mr. HUGHES] and related to him the pathetic story which the gentleman has just told, that makes a satisfactory sesquisulphide match in this country. This company controls the Salvation Match Co. of New Jersey. They make a sesquisulphide match that is just as good as the white sulphur match, and they have put it on the market. They have, however, put it on the market in somewhat limited quantities; but it as good as any match, although it costs a little more to make. The Diamond Match Co. makes as good a match as they make, but the other companies can not make a sesquisulphide match that is at all satisfactory.

Mr. BATHRICK. Will the gentleman yield?

Mr. RAINEY. Yes, sir.

Mr. BATHRICK. I would like to ask the gentleman how he knows that the other companies can not make a satisfactory sesquisulphide match. It is my understanding, and I have a good deal of knowledge of the business, that they can. Furthermore, he has not exposed any truth that will reflect upon the Diamond Match Co. in any way, shape, or manner. I have stated they did it for a philanthropic purpose, and that is the truth.

Mr. RAINEY. I hope they did; but I do not believe it.

Mr. BATHRICK. The gentleman has no evidence to sustain that statement.

Mr. RAINEY. They make a sesquisulphide match that is as good as the white phosphorus match. They do not put it on the market to any considerable extent. The East Jersey company make a match out of sesquisulphide that is as good as the white phosphorus match. They are not pressing that. These matches are made from secret formulas, because there are secret formulas for sesquisulphide, just as there are for white phosphorus and other compounds. Let me read from the hearings:

The CHAIRMAN. The time of the gentleman from Illinois has expired.

Mr. RAINEY. Mr. Chairman, I ask unanimous consent to proceed for five minutes more.

The CHAIRMAN. Is there objection?

There was no objection.

Mr. RAINEY. Mr. Hutchinson, of the Salvation Match Co. and the East Jersey Match Co., testified before the Committee on Ways and Means, and said this with reference to the sesquisulphide match:

We sell them in competition with other matches at no higher price. The profit is satisfactory to us.

Mr. HUGHES. You have a compound all your own?

Mr. HUTCHINSON. Yes; but I understand that every match maker has a compound. There have been a lot of them offered to us by different inventors of compounds and sesquisulphide. The Diamond Match Co. took pains to send their formula to every match manufacturer in this country, and everyone is at liberty to make it.

Mr. RAINEY. You have your own formula?

Mr. HUTCHINSON. We have our own formula. We use sesquisulphide, however.

Mr. RAINEY. Are you willing to give your formula to the trade?

Mr. HUTCHINSON. No; neither would we give them our phosphorus compound. As every match maker will tell you, there are various tricks of the trade that they do not care to give away. * * *

I call your attention to a match here made by the Diamond Match Co. [exhibiting match]. They are not pressing it, and it is perhaps presumptuous on my part to offer it. They are not pressing it; but it is an excellent match and is made of an entirely different formula from ours.

Those are the two matches. What will the result be? When this bill goes into effect there will be just two factories in this country, the little East Jersey factory and the Diamond Match Co., that can make a sesquisulphide match that is as much desired on the market as the white phosphorus match. What is to keep the Diamond Match Co. and the East Jersey Match Co. from combining? What is to keep the Diamond Match Co. from buying out the East Jersey Match Co.? When that happens, they fix the price of matches to suit themselves; the only competition they will have will be the competition presented by the safety matches made in Sweden and other places, and against that competition they are protected by the tariff. I am going to vote for this bill, because this is the most distressing of all the occupational diseases. I am going to vote for it because I believe it will eventually stop this method of causing the phossy jaw. I am making these remarks now to call attention to the dangerous character of the legislation, and to the fact that as soon as we pass it we will have increased the cost of matches in this country to the consumer. We will also have set up one of the most powerful trusts this country ever had, and it will be a most excellent object lesson to the people of the country as to the danger of this kind of legislation. I hope it will never be repeated. I hope it will at no time in the future be considered a precedent for other similar legislation.

The CHAIRMAN. The question is on agreeing to the amendment offered by the gentleman from Illinois.

The question was taken; and on a division (demanded by Mr. RAINEY) there were—ayes 47, noes 16.

So the amendment was agreed to.

Mr. HUGHES of New Jersey. Mr. Chairman, I ask unanimous consent that the reading of the bill may be proceeded with now without interruption, and that the debate close in 10 minutes thereafter.

Mr. MANN. Mr. Chairman, I desire to offer some amendments on the next section.

Mr. UNDERWOOD. Mr. Chairman, I will suggest to the gentleman from New Jersey that we have already yielded to him in the matter of general debate.

Mr. HUGHES of New Jersey. Mr. Chairman, I withdraw the request.

The Clerk read as follows:

SEC. 12. That every manufacturer shall mark, brand, affix, stamp, or print, in such manner as the Commissioner of Internal Revenue shall prescribe, on every package of matches manufactured, sold, or removed by him, the factory number required under section 4 of this act. Every manufacturer who omits to mark, brand, affix, stamp, or print such factory number on such package shall be fined not more than $50 for each package in respect of which such offense is committed. Every manufacturer of white phosphorus matches shall securely affix by pasting on each original package containing stamped packages of white phosphorus matches manufactured by him a label, on which shall be printed, besides the number of the manufactory and the district in which it is situated, these words: "Notice.—The manufacturer of the white phosphorus matches herein contained has complied with all the requirements of law. Every person is cautioned not to use again the stamps on the packages herein contained under the penalty provided by law in such cases." Every manufacturer of white phosphorus matches who neglects to affix such label to any original package containing stamped packages of white phosphorus matches made by him or sold or removed by or for him, and every person who removes any such label so affixed from any such original package, shall be fined not more than $50 for each package in respect of which such offense is committed.

Mr. MANN. Mr. Chairman, I offer the following amendments, which I send to the desk and ask to have read.

The Clerk read as follows:

Page 7, line 6, amend by inserting before the word "matches" the words "white phosphorus."

The CHAIRMAN. The question is on agreeing to the amendment.

The question was taken, and the amendment was agreed to.

The Clerk read as follows:

Page 7, line 3, amend by inserting after the word "manufacturer" the words "of matches."

The CHAIRMAN. The question is on agreeing to the amendment.

The question was taken, and the amendment was agreed to.

The Clerk read as follows:

Page 7, line 7, after the word "every," insert the word "such."

The CHAIRMAN. The question is on agreeing to the amendment.

The question was taken, and the amendment was agreed to.

Mr. HUGHES of New Jersey. Mr. Chairman, I move to amend, on page 7, line 7, after the word "section," by striking out the word "four" and inserting in lieu thereof the word "two."

The CHAIRMAN. The question is on agreeing to the amendment.

The question was taken, and the amendment was agreed to.

Mr. BUCHANAN. Mr. Chairman, I move to strike out the last word. I did not intend to take up the time of the committee on this question, because I had not doubted the passage of the bill; but since my distinguished friend from Mississippi [Mr. SISSON] has questioned my loyalty to the official obligations I have taken here, because I may differ with him on the construction of the Constitution, I deem it essential to say a word. If it has not already been found out here, I will admit that I make no pretense of understanding the law. While I have read some law, yet I must, when it comes to the question of the Constitution, be my own judge as to what is the meaning of this instrument, and I do not believe that our forefathers wrote a Constitution that will prevent this Congress from protecting working men and women from a horrible death. I may differ with lawyers on the construction of the Constitution, but I also find that the greatest lawyers of the country differ among themselves as to what is its meaning.

Now, my distinguished friend and colleague from Illinois [Mr. RAINEY] says we are being coerced into supporting this measure by the women's organizations throughout the country. I want to say that no man who knows me will accuse me of being coerced into doing anything that is not right, but if such public-spirited and patriotic women as Miss Jane Addams and Mrs. Raymond Robbins, of the city of Chicago, and other noble women in this country, who are giving their whole lives to the study of the conditions in the industrial world, that they may do something to save the workers from the ravages of a disease that results in a miserable death for the sake of profit to the manufacturers of matches in this country, if I can be charged with being coerced by such citizens as these noble women, I will not deny the charge, but will plead guilty. I am willing to concede that they know something about these people who are taking the chances of contracting this disease, and when they tell me that this is the condition in this industry, I am satisfied to take their word in regard to the matter and exercise my influence to secure the passage of this bill that it may become a law and protect these working people. [Applause.]

The Clerk read as follows:

SEC. 14. That all fines, penalties, and forfeitures imposed by this act may be recovered in any court of competent jurisdiction.

Mr. FOSTER. Mr. Chairman, I move to strike out the last word. Mr. Chairman, I am of the opinion that this bill should pass because, as has been said here this afternoon, this is a bill in the interest of humanity. It has been demonstrated that matches can be made of a material that is safe for workmen to manufacture, and to my mind there is no reason why a great Government like ours ought not to keep pace with the other nations of the civilized world. Not only in this industry do these workmen have necrosis of the jaw, but also we find that there are other diseases which attack these individuals on account of their coming in contact with the substance phosphorus. We find that many of them are troubled with enemia, others have Bright's disease or albuminuria, as a result of the poison, so that when men speak upon the floor of this House and say that there are very few cases of this disease that occur among workmen in match factories, we ought to take into consideration the many other diseases with which these unfortunate individuals are afflicted.

I have observed that the legislative committee of the American Association of Labor publishes these facts in their report, and I find, also, that many of these women who work in match factories stated here that they received the pitiful sum of $6 a week—not sufficient to properly look after their health and guard against these diseases. It is true also that these people when they become afflicted become timid. They get in such a condition of mind that they do not want to speak of their affliction, because it is one of the most loathsome diseases with which one comes in contact. So I believe that to-day by passing this legislation we can do something for humanity. If this old Constitution of ours, which we cherish and respect so highly and which we have existed under for more than 100 years, is such a constitution that it does not permit us to do something necessary for humanity, I appeal to you and to the American people that this Constitution of ours should be so changed that we might take proper care of humanity. Many things, my friends, are done for the sake of business. Many times legislation in Congress and in State legislatures is brought about for the sake of helping business, yet we should not forget that human life and the health of the individual is greater than the business of a country [applause], and I for one want to place myself upon the side of humanity and for legislation that will protect human beings and save them from sickness and death. [Applause.]

The CHAIRMAN. The time of the gentleman from Illinois has expired. The Clerk will read.

Mr. SAUNDERS. Is it not true, as shown by the evidence, that with respect to the effect of the phosphorus fumes upon the individual, it produces a low condition of vitality, which makes the individual much more liable to other diseases?

Mr. FOSTER. Certainly. There is no question about that.

Mr. SAUNDERS. So that if it does not take the form of phossy jaw, it produces deleterious effects in other directions?

Mr. FOSTER. Yes; and in that way it permits other diseases to invade the human body.

The CHAIRMAN. The time of the gentleman has expired. The Clerk will read.

The Clerk read as follows:

SEC. 15. That the Commissioner of Internal Revenue, with the approval of the Secretary of the Treasury, may make all needful regulations for the carrying into effect of this act.

[Mr. UNDERWOOD addressed the committee. See Appendix.]

Mr. PAYNE. Mr. Chairman, I move to strike out the last word. I did not hear all that was said by the gentleman from Alabama [Mr. UNDERWOOD] against this bill, but he made a rather curious argument, in view of the facts which have appeared before the Committee on Ways and Means for the last three years in reference to this business.

In the first place he minimized the effect of the making of phosphorus matches on the people engaged in the business, although every page of the evidence before the committee was full of the horrors of the disease known as phossy jaw, which attacks these people whenever for an instant they need the services of a dentist. Whenever a cavity appears in their teeth and they do not know it, or neglect it for a short time, this terrible disease comes on them. He says it can be prevented by proper measures of ventilation in the factory, and that this was testified to by everyone who appeared before the committee. There was one man, Mr. Huener, who testified to that. He lives on Long Island, and my friend [Mr. UNDERWOOD] has discovered that he is a Democrat. He testified that this disease did not appear in his factory, that he had never had a case, and that it was because his factory was properly ventilated.

But, Mr. Chairman, not only did witnesses appear who testified to phossy jaw among the men who worked for him, but they produced the affidavit of a witness whose face was almost eaten out by this horrible disease, who said that he contracted

it in the factory of Mr. Huener, this well-ventilated factory that Mr. Huener said had never had a case. [Applause.] So it was evident that Mr. Huener had been mistaken.

Mr. Huener does sell a thousand matches in a box for 5 cents, and compels the people to whom he sells them to retail them at 5 cents, while the Diamond Match Co. asks 5 cents for 500 matches. But, Mr. Chairman, the evidence before the committee was that these matches could be made of this harmless material at the same cost that they can be made of phosphorus, and that a thousand matches can be made just as cheaply in Mr. Huener's factory from this material, which does not bring on this disease, as can a thousand of phosphorus matches. The cost is the same, and there is nothing in this bill to prevent Mr. Huener from selling a double quantity of matches for the same price, if he desires so to do.

It is true that when the bill appeared two years and a half ago we discovered a joker in it that would have given to the Diamond Match Co. a greater monopoly than they now enjoy, and we refused to report the bill for that reason, and it was not until the Diamond Match Co. had thrown up their patent and filed a paper in the Patent Office, at the solicitation, or at least at the initiation, of the President of the United States, that it became possible to pass his bill without creating a great monopoly in matches. But that objection has been removed. Every objection has been removed, except to those gentlemen who fear they are going to smash the Constitution of the United States into smithereens if they pass this bill.

The gentleman asks, Where are we going to stop? We will stop to-night with the passage of this bill. [Applause.] We will not take up the pig-iron business just now, but whenever the facts present themselves we will exercise our judgment upon them. But here is an evil which should be stopped, which should be crushed out. Now is the opportunity to do it, and notwithstanding the arguments made by the gentleman from Alabama [Mr. UNDERWOOD], the leader of that side of the House, I believe that this House will pass this bill and eradicate this terrible disease. [Applause.]

Mr. KITCHIN. Mr. Chairman, I am really surprised at the position taken by the distinguished gentleman from New York [Mr. PAYNE], and yet I ought not to be surprised, because I recall that, in his opinion, he wrote in 1909 the best tariff bill that was ever put upon the statute books, and he has been trying to change his opinion of that tariff bill ever since. He is now in favor of reducing—after the report of the Tariff Board—every schedule in that bill, and in the minority report on the wool schedule he is bragging about his change.

Mr. PAYNE. I have got as far as wool so far.

Mr. KITCHIN. The gentleman has experienced a miraculous change on the Esch or Hughes phosphorus bill. Why, the gentleman from New York [Mr. PAYNE], who now holds up to us the picture of this terrible phossy jaw, this horrible disease that is destroying thousands and thousands of the laboring people day by day and year by year, as a reason for the passage of this bill, was its strongest opponent until two weeks ago. [Applause on the Democratic side.]

Mr. PAYNE. The gentleman is entirely mistaken. I voted in the committee to report the bill.

Mr. KITCHIN. I understand the gentleman a few weeks ago voted to report out the bill after we Democrats had control; but I remind the House and the country that when he and his party were in control of the House, though the Esch phosphorus bill was before his committee, of which he was chairman for a year, and after two elaborate hearings on it, he and his committee refused to relieve and protect the employees in the match factories against the disease which he now paints as so terrible, horrible, and deadly, and refused even to give the House the privilege of voting on the bill. When did he change? He changed, and the Republicans on the committee changed, only when they thought that the Democratic majority on the committee and in this House for humanity's sake was willing to report out and pass the bill. Now, the gentleman is talking about playing politics, and this after he and his party had refused to report out the bill, though before his committee for a year or more and after two elaborate hearings. Now, when the people of this country have given the Democratic Party the control of the House and its legislation, and you Republicans saw a majority of the Democrats on the committee and in the House in favor of the passage of this bill, then you tumbled over yourselves in the committee and in the House to give your sanction and indorsement to a bill that you had willfully repudiated and rejected when you were in power. [Applause on the Democratic side.]

I take the same position in regard to this bill as does the gentleman from Alabama [Mr. UNDERWOOD], the chairman of the committee. I do not believe in using the taxing power of the Federal Government to destroy any legitimate, established business, especially when the purpose for which such power is invoked can be accomplished by legislative action of the respective States.

Mr. BATHRICK. Will the gentleman yield?

Mr. KITCHIN. I can not now. Now, my friend from Wisconsin [Mr. ESCH], who introduced the bill in the last as well as in this Congress, has match factories in his great reform, progressive State, but the Legislature of Wisconsin has refused to prohibit the manufacture of these so-called poisonous matches in the State.

Mr. ESCH. It is no more backward than all the other States in the Union.

Mr. KITCHIN. That is no excuse for a great progressive State like Wisconsin. [Laughter.] You are progressive; you are reformers. Now, in this great reform State, when the proposition was before its legislature, the good common sense of its members—Republicans, progressive followers of LA FOLLETTE—refused to pass a law prohibiting the manufacture of matches within the State, evidencing, my friends, that some of our good people are unduly alarmed over the exaggerated picture of this disease, that is less frequent and less dangerous than many other occupational diseases in this country. [Applause.]

The CHAIRMAN. The time of the gentleman has expired.

Mr. PETERS. Mr. Chairman, as a member of the committee which has reported this bill to prevent the use of white phosphorus in the manufacture of matches, I wish to call to the attention of the Members of this body the overwhelming demand throughout the country which has led to the proposed enactment of this legislation, legislation which is based on broad principles of humanity and which merits to be viewed from a liberal standpoint.

This bill aims to save those who are employed in the manufacture of matches from the ravages of the loathsome disease commonly known as "phossy jaw" and also to protect the general public from dangers which accompany the use of matches made with the use of white phosphorus, a deadly poison. This bill has not been hastily conceived. It is the result of a careful investigation of the conditions which it seeks to remedy. Investigation has been made not only by the committee through its witnesses, but by the Department of Commerce and Labor as well.

To tax an industry out of existence should only be done under circumstances of dire necessity. We believe that that necessity exists. There are some here, however, who seek to minimize the dangers of "phossy jaw." The subject of taxing phosphorus matches was before last Congress, and two hearings were given, one in December, 1910, and one in January, 1911.

A further hearing was held in January, 1912. At these hearings strong evidence was brought forward to show the existence of this dread disease. Moreover, the Department of Commerce and Labor in its investigation of 15 match factories found that 65 per cent of the employees of match factories were in constant danger of match poisoning, and that 95 per cent of the women employees and 83 per cent of the children under 16 years of age were exposed to these dangers.

At the hearing before the Ways and Means Committee on January 10, 1912, Dr. John B. Andrews, secretary of the American Association for Labor Legislation, said:

> I have personally investigated about 150 cases in this country; that is, I have secured the records of these cases, have gone to the people and talked with them. I have talked to match manufacturers, I have gone to hospitals and talked to the medical men and dentists. I should say that I personally have seen 50 cases. I have also seen many people who are employees of match factories suffering as a result of the poisoning.

In the hearing of January 20, 1911, Dr. Thomas Oliver, the great English authority on occupational diseases, was quoted as follows:

> A person may follow his occupation in a match works for years without suffering, or he may have left the works for two years or more, and unexpectedly symptoms and physical signs of phosphorus necrosis show themselves. However, it does not always require an exposure of many years to the fumes of phosphorus for a fatal result to follow.

Foreign countries have already recognized this danger and the necessity for controlling it. Germany, Denmark, Luxemburg, Netherlands, Switzerland, France, Great Britain and Ireland, Italy, and Spain have all signed the international phosphorus prohibition treaty.

This action on the part of other countries emphasizes the necessity for immediate action by the Federal Government. It has been found impossible to get the States to pass uniform laws to prohibit the manufacture of the white phosphorus match; the situation can only be met by Congress. Nor need we, in view of the statement made on January 11, 1911, by the manufacturers of 95 per cent of all the matches made in

America to wholesalers and dealers, feel any compulsion against taking immediate action. It reads:

In the event of the prohibition of white phosphorus matches we have no doubt of our ability to manufacture a strike-anywhere match which will be satisfactory to you and to your trade.

Why should there be further delay in the passing of this bill? A sense of right and of the broad principles of humanity toward those who toil demands that we afford them this protection from further exposure to this loathsome and fatal disease.

The Clerk read as follows:

SEC. 17. That this act shall take effect on July 1, 1912, except as previously provided in this act; and except as to its application to the sale or removal of white phosphorus matches by the manufacturers, as to which it shall take effect on January 1, 1914.

Mr. MANN. Mr. Chairman, I do not desire to detain the House at this late hour, and I ask unanimous consent to extend my remarks in the RECORD.

The CHAIRMAN. The gentleman from Illinois asks unanimous consent to extend his remarks in the RECORD. Is there objection?

There was no objection.

Mr. McCALL. Mr. Chairman, I make the same request.

The CHAIRMAN. The gentleman from Massachusetts makes the same request. Is there objection?

There was no objection.

[Mr. FOSTER, Mr. BATHRICK, and Mr. PETERS, by unanimous consent, were given leave to extend their remarks in the RECORD.]

Mr. HUGHES of New Jersey. Mr. Chairman, I move to amend page 9, line 12, by striking out the word "twelve" and inserting the word "thirteen."

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Page 9, line 12, strike out the word "twelve" and insert the word "thirteen" in lieu thereof.

The amendment was agreed to.

[By unanimous consent, Mr. BUCHANAN and Mr. RAINEY were given leave to extend their remarks in the RECORD.]

Mr. HUGHES of New Jersey. Mr. Chairman, I move to amend by striking out the word "fourteen," page 9, line 16, and inserting the word "fifteen."

The amendment was agreed to.

Mr. HUGHES of New Jersey. Mr. Chairman, I move that the committee do now rise and report the bill and amendments to the House, with the recommendation that the amendments be agreed to, and that the bill as amended do pass.

The motion was agreed to.

Accordingly the Committee determined to rise, and the Speaker having resumed the chair, Mr. FLOOD of Virginia, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee had had under consideration the bill (H. R. 20842) placing a tax upon the manufacture of white phosphorus matches, and had directed him to report the same back with sundry amendments, with the recommendation that the amendments be agreed to, and that the bill as amended do pass.

Mr. HUGHES of New Jersey. Mr. Speaker, I move the previous question on the bill and amendments to its final passage.

The previous question was ordered.

The SPEAKER. Is a separate vote demanded on any amendment? If not, the Chair will put them in gross.

There was no demand for a vote on a separate amendment.

The amendments were agreed to.

The SPEAKER. The question now is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, and was read a third time.

The SPEAKER. The question now is, Shall the amended bill pass?

Mr. LONGWORTH. Mr. Speaker, I demand the yeas and nays.

The yeas and nays were ordered.

The question was taken, and there were—yeas 162, nays 31, answered "present" 8, not voting 190, as follows:

YEAS—162.

Akin, N. Y.	Bulkley	Denver	Focht
Alexander	Burke, S. Dak.	Dickinson	Foster
Allen	Byrns, Tenn.	Difenderfer	Francis
Anderson, Minn.	Calder	Dixon, Ind.	French
Anderson, Ohio	Cannon	Dodds	Gardner, Mass.
Ansberry	Cline	Doremus	Gillett
Austin	Connell	Driscoll, D. A.	Godwin, N. C.
Ayres	Conry	Driscoll, M. E.	Goeke
Bathrick	Cooper	Dupré	Goodwin, Ark.
Boehne	Cox, Ohio	Esch	Gray
Booher	Crago	Farr	Green, Iowa
Bowman	Dalzell	Fitzgerald	Greene, Mass.
Browning	Davenport	Flood, Va.	Hamilton, Mich.
Buchanan	Davis, W. Va.	Floyd, Ark.	Hammond
Hayden	Lloyd	Pickett	Stone
Hayes	Lobeck	Post	Sulloway
Heflin	Longworth	Pou	Sulzer
Hensley	Loud	Powers	Sweet
Higgins	McCall	Pray	Switzer
Hill	McCreary	Rainey	Taggart
Howell	McKenzie	Raker	Talcott, N. Y.
Hubbard	McKinley	Rauch	Taylor, Colo.
Hughes, Ga.	McKinney	Rees	Taylor, Ohio
Hughes, N. J.	McLaughlin	Reilly	Tilson
Jackson	McMorran	Rubey	Towner
Jacoway	Madden	Rucker, Colo.	Tribble
James	Maguire, Nebr.	Russell	Tuttle
Jones	Martin, Colo.	Saunders	Underhill
Kendall	Miller	Shackleford	Utter
Kennedy	Morrison	Sharp	Volstead
Kinkaid, Nebr.	Mott	Sherwood	Wedemeyer
Konop	Murdock	Simmons	Whitacre
Kopp	Murray	Smith, J. M. C.	White
Lafferty	Needham	Smith, Sami. W.	Wickliffe
La Follette	Neeley	Smith, N. Y.	Willis
Lawrence	Nelson	Speer	Wilson, Pa.
Lee, Pa.	Norris	Stedman	Wood, N. J.
Lewis	Nye	Steenerson	Young, Kans.
Lindbergh	O'Shaunessy	Stephens, Cal.	Young, Mich.
Linthicum	Payne	Sterling	
Littlepage	Peters	Stevens, Minn.	

NAYS—31.

Adamson	Callaway	Harrison, Miss.	Sisson
Aiken, S. C.	Candler	Hay	Stephens, Miss.
Bartlett	Dickson, Miss.	Henry, Tex.	Stephens, Tex.
Beall, Tex.	Faison	Kitchin	Thomas
Blackmon	Fergusson	Korbly	Underwood
Burleson	Garner	McCoy	Witherspoon
Burnett	Garrett	Mann	Young, Tex.
Byrnes, S. C.	George	Page	

ANSWERED "PRESENT"—8.

Clayton	Covington	Hamilton, W. Va.	Padgett
Collier	Goldfogle	Holland	Watkins

NOT VOTING—190.

Adair	Dyer	Johnson, Ky.	Prouty
Ainey	Edwards	Johnson, S. C.	Pujo
Ames	Ellerbe	Kahn	Randell, Tex.
Andrus	Estopinal	Kent	Ransdell, La.
Anthony	Evans	Kindred	Redfield
Ashbrook	Fairchild	Kinkead, N. J.	Reyburn
Barchfeld	Ferris	Knowland	Richardson
Barnhart	Fields	Konig	Riordan
Bartholdt	Finley	Lafean	Roberts, Mass.
Bates	Fordney	Lamb	Roberts, Nev.
Bell, Ga.	Fornes	Langham	Robinson
Berger	Foss	Langley	Roddenbery
Borland	Fowler	Lee, Ga.	Rodenberg
Bradley	Fuller	Legare	Rothermel
Brantley	Gallagher	Lenroot	Rouse
Broussard	Gardner, N. J.	Lever	Rucker, Mo.
Brown	Glass	Levy	Sabath
Burgess	Good	Lindsay	Scully
Burke, Pa.	Gould	Littleton	Sells
Burke, Wis.	Graham	McDermott	Sheppard
Butler	Gregg, Pa.	McGillicuddy	Sherley
Campbell	Gregg, Tex.	McGuire, Okla.	Sims
Cantrill	Griest	McHenry	Slayden
Carlin	Gudger	McKellar	Slemp
Carter	Guernsey	Macon	Sloan
Cary	Hamill	Maher	Small
Catlin	Hamlin	Malby	Smith, Cal.
Clark, Fla.	Hanna	Martin, S. Dak.	Smith, Tex.
Claypool	Hardwick	Matthews	Sparkman
Copley	Hardy	Mays	Stack
Cox, Ind.	Harris	Mondell	Stanley
Cravens	Harrison, N. Y.	Moon, Pa.	Stephens, Nebr.
Crumpacker	Hartman	Moon, Tenn.	Talbott, Md.
Cullop	Haugen	Moore, Pa.	Taylor, Ala.
Curley	Hawley	Moore, Tex.	Thayer
Currier	Heald	Morgan	Thistlewood
Curry	Helgesen	Morse, Wis.	Townsend
Danforth	Helm	Moss, Ind.	Turnbull
Daugherty	Henry, Conn.	Oldfield	Vreeland
Davidson	Hinds	Olmsted	Warburton
Davis, Minn.	Hobson	Palmer	Webb
De Forest	Houston	Parran	Weeks
Dent	Howard	Patten, N. Y.	Wilder
Dies	Howland	Patton, Pa.	Wilson, Ill.
Donohoe	Hughes, W. Va.	Pepper	Wilson, N. Y.
Doughton	Hull	Plumley	Woods, Iowa
Draper	Humphrey, Wash.	Porter	
Dwight	Humphreys, Miss.	Prince	

So the bill was passed.

The Clerk announced the following pairs:

For the session:

Mr. FORNES with Mr. BRADLEY.

Mr. RIORDAN with Mr. ANDRUS.

Mr. GLASS with Mr. SLEMP.

Until further notice:

Mr. SCULLY with Mr. WILSON of Illinois.

Mr. RUCKER of Missouri with Mr. WILDER.

Mr. RODDENBERY with Mr. WARBURTON.

Mr. REDFIELD with Mr. SLOAN.

Mr. PALMER with Mr. ROBERTS of Massachusetts.

Mr. Moss of Indiana with Mr. SELLS.

Mr. MCKELLAR with Mr. ROBERTS of Nevada.

Mr. LEVER with Mr. REYBURN.

Mr. LEGARE with Mr. PROUTY.

Mr. LEE of Georgia with Mr. PORTER.
Mr. KINDRED with Mr. PLUMLEY.
Mr. HOWARD with Mr. MORSE of Wisconsin.
Mr. HARRISON of New York with Mr. OLMSTED.
Mr. WILSON of New York with Mr. MONDELL.
Mr. HARDY with Mr. MOORE of Pennsylvania.
Mr. SMITH of Texas with Mr. MATTHEWS.
Mr. WEBB with Mr. MARTIN of South Dakota.
Mr. TOWNSEND with Mr. MALBY.
Mr. SMALL with Mr. MCGUIRE of Oklahoma.
Mr. SIMS with Mr. KNOWLAND.
Mr. GUDGER with Mr. KENT.
Mr. GREGG of Texas with Mr. HUGHES of West Virginia.
Mr. GREGG of Pennsylvania with Mr. HOWLAND.
Mr. GRAHAM with Mr. HENRY of Connecticut.
Mr. FOWLER with Mr. HELGESEN.
Mr. FINLEY with Mr. HEALD.
Mr. FERRIS with Mr. HARRIS.
Mr. EVANS with Mr. HANNA.
Mr. ELLERBE with Mr. GOOD.
Mr. EDWARDS with Mr. GARDNER of New Jersey.
Mr. DOUGHTON with Mr. FORDNEY.
Mr. DONOHOE with Mr. DE FOREST.
Mr. CULLOP with Mr. CURRIER.
Mr. CURLEY with Mr. DANFORTH.
Mr. COX of Indiana with Mr. CURRY.
Mr. CLAYTON with Mr. CARY.
Mr. CLAYPOOL with Mr. BUTLER.
Mr. CARLIN with Mr. BURKE of Pennsylvania.
Mr. CANTRILL with Mr. BARTHOLDT.
Mr. BROWN with Mr. BARCHFELD.
Mr. BRANTLEY with Mr. ANTHONY.
Mr. ADAIR with Mr. AINEY.
Mr. CARTER with Mr. KAHN.
Mr. MOON of Tennessee with Mr. PATTON of Pennsylvania.
Mr. PADGETT with Mr. HUMPHREY of Washington.
Mr. HELM with Mr. COPLEY.
Mr. PUJO with Mr. HARTMAN.
Mr. HOLLAND with Mr. DRAPER.
Mr. HOUSTON with Mr. MOON of Pennsylvania (except wool bill).
Mr. SABATH with Mr. CATLIN.
Mr. RAUCH with Mr. LAFEAN.
Mr. SPARKMAN with Mr. DAVIDSON.
Mr. TURNBULL with Mr. DYER.
Mr. HARDWICK with Mr. CAMPBELL.
Mr. HINDS with Mr. GOULD.
Mr. CLARK of Florida with Mr. LANGHAM.
Mr. SHEPPARD with Mr. BATES.
Mr. MAYS with Mr. THISTLEWOOD.
Mr. LITTLETON with Mr. DWIGHT.
Mr. BARNHART with Mr. CRUMPACKER.
Mr. MCGILLICUDDY with Mr. GUERNSEY.
Mr. BELL of Georgia with Mr. PRINCE.
Mr. BEALL of Texas with Mr. HAWLEY.
Mr. FIELDS with Mr. LANGLEY.
Mr. HOBSON with Mr. FAIRCHILD.
Mr. DENT with Mr. DAVIS of Minnesota.
Mr. MACON with Mr. SMITH of California.
Mr. GALLAGHER with Mr. FULLER.
Mr. DIES with Mr. GRIEST.
Mr. MCDERMOTT with Mr. FOSS.
Mr. WATKINS with Mr. VREELAND.
Commencing Saturday:
Mr. TAYLOR of Alabama with Mr. RODENBERG.
For session and transferable on request of either party:
Mr. COLLIER with Mr. WOODS of Iowa.
From March 28 and ending March 29:
Mr. TALBOTT of Maryland with Mr. PARRAN.
Ending April 5:
Mr. THAYER with Mr. AMES.
From March 11 to April 2, inclusive:
Mr. BURGESS with Mr. WEEKS.

Mr. COLLIER. Mr. Speaker, I am paired with the gentleman from Iowa, Mr. WOODS. I voted "no." The gentleman from Iowa [Mr. WOODS] did not vote, and I desire to withdraw my vote and answer "present."

The SPEAKER. The Clerk will call the gentleman's name.

The Clerk called the name of Mr. COLLIER, and he answered "Present."

The result of the vote was announced as above recorded.

On motion of Mr. HUGHES of New Jersey, a motion to reconsider the vote by which the bill was passed was laid on the table.

ADJOURNMENT.

Mr. HUGHES of New Jersey. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 6 o'clock and 48 minutes p. m.) the House adjourned until to-morrow, Friday, March 29, 1912, at 12 o'clock noon.

EXECUTIVE COMMUNICATIONS.

Under clause 2 of Rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

1. A letter from the Acting Secretary of the Treasury, transmitting copy of a communication from the Secretary of War, submitting estimate of appropriation to pay judgment against First Lieut. David H. Biddle, United States Army, rendered by the Circuit Court of Meade County, S. Dak. (H. Doc. No. 649); to the Committee on Appropriations and ordered to be printed.

2. A letter from the Acting Secretary of the Treasury, transmitting copy of a communication from the Board of Commissioners of the District of Columbia submitting estimate of appropriation to pay judgment and cost rendered against District of Columbia in favor of M. H. Hill (H. Doc. No. 648); to the Committee on Appropriations and ordered to be printed.

3. A letter from the Assistant Secretary of War, transmitting a letter from the Chief of Engineers, together with copy of reports from Corps of Engineers, on preliminary examination and plans and estimates of cost of improvement of Leipsic River, Del., in compliance with river and harbor act approved February 27, 1911 (H. Doc. No. 647); to the Committee on Rivers and Harbors and ordered to be printed.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, bills and resolutions were severally reported from committees, delivered to the Clerk, and referred to the several calendars therein named, as follows:

Mr. REDFIELD, from the Committee on the District of Columbia, to which was referred the bill (H. R. 20840) to provide for deficiencies in the fund for police and firemen's pensions and relief in the District of Columbia, reported the same with amendment, accompanied by a report (No. 460), which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. TAYLOR of Colorado, from the Committee on the Public Lands, to which was referred the bill (S. 2577) authorizing the lease of school lands for public-park purposes by the State of Washington for a longer period than five years, reported the same without amendment, accompanied by a report (No. 470), which said bill and report were referred to the House Calendar.

REPORTS OF COMMITTEES ON PRIVATE BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, private bills and resolutions were severally reported from committees, delivered to the Clerk, and referred to the Committee of the Whole House, as follows:

Mr. TILSON, from the Committee on Military Affairs, to which was referred the bill (H. R. 11627) to correct the military record of Barkley S. Denison, reported the same with amendment, accompanied by a report (No. 461), which said bill and report were referred to the Private Calendar.

Mr. ANTHONY, from the Committee on Military Affairs, to which was referred the bill (H. R. 16993) for the relief of Mathew T. Fuller, reported the same without amendment, accompanied by a report (No. 462), which said bill and report were referred to the Private Calendar.

Mr. DICKINSON, from the Committee on Claims, to which was referred the bill (H. R. 4125) for the relief of the heirs of Benjamin S. Roberts, reported the same without amendment, accompanied by a report (No. 463), which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill (S. 2127) for the relief of the heirs of Robert S. Gill, reported the same without amendment, accompanied by a report (No. 464), which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill (S. 3469) for the relief of the American Surety Co., of New York, reported the same without amendment, accompanied by a report (No. 465), which said bill and report were referred to the Private Calendar.

Mr. LEVY, from the Committee on Claims, to which was referred the bill (S. 2601) for the relief of Douglas B. Thompson, reported the same without amendment, accompanied by a report

(No. 466), which said bill and report were referred to the Private Calendar.

Mr. DICKINSON, from the Committee on Claims, to which was referred the bill (S. 2819) to reimburse certain fire insurance companies the amounts paid by them for property destroyed by fire in suppressing the bubonic plague in the Territory of Hawaii in the years 1899 and 1900, reported the same with amendment, accompanied by a report (No. 467), which said bill and report were referred to the Private Calendar.

Mr. MONDELL, from the Committee on the Public Lands, to which was referred the bill (H. R. 16191) to convey certain real estate in the village of Jonesville, Hillsdale County, Mich., reported the same with amendment, accompanied by a report (No. 468), which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill (S. 5198) to authorize the issuance of patent to James W. Chrisman for the southeast quarter of the northeast quarter, the southeast quarter and the southeast quarter of the southwest quarter of section 13, and the north half of the northeast quarter of section 24, township 20 north, range 13 west of the sixth principal meridian, reported the same without amendment, accompanied by a report (No. 469), which said bill and report were referred to the Private Calendar.

Mr. HAMILTON of West Virginia, from the Committee on Military Affairs, to which was referred the bill (H. R. 16493) to correct the military record of William Z. Norman, reported the same with amendment, accompanied by a report (No. 471), which said bill and report were referred to the Private Calendar.

CHANGE OF REFERENCE.

Under clause 2 of Rule XXII, committees were discharged from the consideration of the following bills, which were thereupon referred as follows:

A bill (H. R. 18509) granting an increase of pension to Thomas Hart; Committee on Invalid Pensions discharged, and referred to the Committee on Pensions.

A bill (H. R. 15402) granting an increase of pension to C. W. Brown; Committee on Invalid Pensions discharged, and referred to the Committee on Pensions.

A bill (H. R. 19508) granting a pension to Mrs. A. M. Hughes; Committee on Invalid Pensions discharged, and referred to the Committee on Pensions.

A bill (H. R. 17622) granting an increase of pension to Mathias Schenz; Committee on Invalid Pensions discharged, and referred to the Committee on Pensions.

A bill (H. R. 15104) granting a pension to Rivoleete Francis De Moisey; Committee on Invalid Pensions discharged, and referred to the Committee on Pensions.

A bill (H. R. 3571) granting a pension to Elijah Morgan; Committee on Invalid Pensions discharged, and referred to the Committee on Pensions.

A bill (H. R. 15702) granting a pension to Catherine Milan; Committee on Invalid Pensions discharged, and referred to the Committee on Pensions.

A bill (H. R. 14431) granting a pension to D. B. Finnell; Committee on Invalid Pensions discharged, and referred to the Committee on Pensions.

A bill (H. R. 18564) granting an increase of pension to Rose B. Ord; Committee on Invalid Pensions discharged, and referred to the Committee on Pensions.

PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS.

Under clause 3 of Rule XXII, bills, resolutions, and memorials were introduced and severally referred as follows:

By Mr. COVINGTON: A bill (H. R. 22521) to provide American register for the steamer *Minnesota* upon certain conditions; to the Committee on the Merchant Marine and Fisheries.

By Mr. RAKER: A bill (H. R. 22522) appropriating money for the purpose of making field examinations of selected lieu land in California; to the Committee on Appropriations.

By Mr. DAVENPORT: A bill (H. R. 22523) to regulate the expenditure of the funds of the Cherokee, Creek, and Seminole Tribes of Indians and for the payment of salaries and expenses of tribal officers; to the Committee on Indian Affairs.

By Mr. MONDELL: A bill (H. R. 22524) for the restoration under certain conditions of lands included in power-site withdrawals; to the Committee on the Public Lands.

By Mr. ANDERSON of Ohio: A bill (H. R. 22525) to pension certain persons who are deaf or partially deaf from causes arising while in the military service of the United States; to the Committee on Invalid Pensions.

By Mr. GOULD: A bill (H. R. 22526) to amend section 8 of an act entitled "An act for preventing the manufacture, sale, or transportation of adulterated or misbranded or poisonous or deleterious foods, drugs, medicines, and liquors, and for regulating traffic therein, and for other purposes," approved June 30, 1906; to the Committee on Interstate and Foreign Commerce.

By Mr. BURNETT: A bill (H. R. 22527) to further restrict the admission of aliens into the United States; to the Committee on Immigration and Naturalization.

By Mr. STEPHENS of Texas: A bill (H. R. 22528) to authorize the acceptance of trusts from the Pueblo Indians of New Mexico; to the Committee on Indian Affairs.

By Mr. ANDERSON of Ohio: A bill (H. R. 22529) authorizing the Secretary of the Interior to set aside certain lands to be used as a sanitarium by the Order of Owls; to the Committee on the Public Lands.

By Mr. LOBECK: Resolution (H. Res. 467) instructing the Attorney General to lay before the House of Representatives all correspondence and information on the subject of the violation of the antitrust act by the International Harvester Co.; to the Committee on the Judiciary.

By Mr. ADAMSON: Resolution (H. Res. 468) authorizing the printing of Panama hearings; to the Committee on Printing.

By Mr. STANLEY: Resolution (H. Res. 469) appropriating $4,000 for an investigation to ascertain whether there have been violations of the antitrust and other acts by the United States Steel Corporation and other corporations; to the Committee on Accounts.

By Mr. ALEXANDER: Resolution (H. Res. 470) authorizing the payment of expenses incurred by the Committee on the Merchant Marine and Fisheries under House resolution 425, authorizing the committee to investigate methods and practices of various lines of ships, both of the United States and foreign countries, etc.; to the Committee on Accounts.

By Mr. HENRY of Texas: Resolution (H. Res. 471) providing for the printing of 2,000 copies of the hearings on the Lawrence strike; to the Committee on Printing.

By Mr. KONIG: Resolution (H. Res. 472) for the relief of Rose McCall; to the Committee on Accounts.

By Mr. NORRIS: Joint resolution (H. J. Res. 282) to provide for the appointment of a farmers' national cooperative credit commission; to the Committee on Agriculture.

By Mr. SABATH: Joint resolution (H. J. Res. 283) for the appointment of a committee to investigate the various systems of old-age pensions and annuities; to the Committee on Rules.

By Mr. LITTLEPAGE: Concurrent resolution (H. Con. Res. 44) to create a joint special committee to investigate controversies or disputes between employers and employees; to the Committee on Rules.

By Mr. GOLDFOGLE: Memorial from the Senate of the State of New York, favoring building one of the new battleships at the Brooklyn Navy Yard; to the Committee on Naval Affairs.

PRIVATE BILLS AND RESOLUTIONS.

Under clause 1 of Rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. ANDERSON of Ohio: A bill (H. R. 22530) granting an increase of pension to Mary C. Edwards; to the Committee on Invalid Pensions.

By Mr. AUSTIN: A bill (H. R. 22531) granting a pension to George R. Weight; to the Committee on Pensions.

Also, a bill (H. R. 22532) granting a pension to Jennie Adkins; to the Committee on Pensions.

Also, a bill (H. R. 22533) to restore Second Lieut. Frank L. Beals, retired, to the active list of the Army; to the Committee on Military Affairs.

By Mr. BATES: A bill (H. R. 22534) granting an increase of pension to Anna V. Rice; to the Committee on Invalid Pensions.

By Mr. BROUSSARD: A bill (H. R. 22535) for the relief of heirs of Francis Palombo; to the Committee on War Claims.

By Mr. BURKE of Wisconsin: A bill (H. R. 22536) granting an increase of pension to George Pfluger; to the Committee on Invalid Pensions.

By Mr. BYRNS of Tennessee: A bill (H. R. 22537) for the relief of the Tusculum Cumberland Presbyterian Church, of Davidson County, Tenn.; to the Committee on War Claims.

By Mr. CALDER: A bill (H. R. 22538) granting an increase of pension to John Phillips; to the Committee on Invalid Pensions.

By Mr. CRAVENS: A bill (H. R. 22539) for the relief of Susan Patterson; to the Committee on War Claims.

By Mr. CLARK of Missouri: A bill (H. R. 22540) granting an increase of pension to Jesse Dorsett; to the Committee on Invalid Pensions.

Also, a bill (H. R. 22541) granting an increase of pension to John Akridge; to the Committee on Invalid Pensions.

By Mr. CURRY: A bill (H. R. 22542) for the relief of the heirs of Francisco Barela; to the Committee on War Claims.

Also, a bill (H. R. 22543) for the relief of the heirs of Bonifacio Coca, deceased; to the Committee on Claims.

Also, a bill (H. R. 22544) for the relief of the heirs of Pablo Archuleta, deceased; to the Committee on Claims.

Also, a bill (H. R. 22545) for the relief of the estate of Fritz Eggert, deceased; to the Committee on Claims.

By Mr. DIFENDERFER: A bill (H. R. 22546) granting an increase of pension to Joseph Bowman; to the Committee on Invalid Pensions.

By Mr. FERRIS: A bill (H. R. 22547) granting an increase of pension to Chester C. Leach; to the Committee on Invalid Pensions.

By Mr. FRENCH: A bill (H. R. 22548) granting an increase of pension to Mary C. Warren; to the Committee on Invalid Pensions.

By Mr. GOULD: A bill (H. R. 22549) granting a pension to Emma F. Berry; to the Committee on Invalid Pensions.

Also, a bill (H. R. 22550) granting an increase of pension to Jeremiah Durgin; to the Committee on Invalid Pensions.

By Mr. HAYDEN: A bill (H. R. 22551) granting a pension to Richard E. Goodwin; to the Committee on Invalid Pensions.

Also, a bill (H. R. 22552) granting an increase of pension to Myron L. Spear; to the Committee on Invalid Pensions.

Also, a bill (H. R. 22553) granting an increase of pension to Samuel T. Ferrier; to the Committee on Invalid Pensions.

Also, a bill (H. R. 22554) for the relief of heirs of Rumaldo Leon, deceased; to the Committee on Claims.

By Mr. KINKAID of Nebraska: A bill (H. R. 22555) granting an increase of pension to John Lamberson; to the Committee on Invalid Pensions.

By Mr. MANN: A bill (H. R. 22556) for the relief of Olaf Nelson; to the Committee on Claims.

By Mr. NEELEY: A bill (H. R. 22557) granting a pension to William S. Smith; to the Committee on Invalid Pensions.

Also, a bill (H. R. 22558) granting an increase of pension to Clyde N. Gregson; to the Committee on Invalid Pensions.

Also, a bill (H. R. 22559) granting an increase of pension to J. M. Burson; to the Committee on Invalid Pensions.

Also, a bill (H. R. 22560) granting an increase of pension to George E. Hatfield; to the Committee on Invalid Pensions.

Also, a bill (H. R. 22561) granting an increase of pension to Godfrey Bohrer; to the Committee on Invalid Pensions.

By Mr. O'SHAUNESSY: A bill (H. R. 22562) granting an increase of pension to Pauline M. Peycke; to the Committee on Invalid Pensions.

By Mr. POST: A bill (H. R. 22563) granting an increase of pension to Joseph E. Chipley; to the Committee on Invalid Pensions.

Also, a bill (H. R. 22564) granting an increase of pension to C. N. Burns; to the Committee on Invalid Pensions.

Also, a bill (H. R. 22565) granting a pension to David H. Robey; to the Committee on Invalid Pensions.

By Mr. REILLY: A bill (H. R. 22566) granting an increase of pension to Patrick H. Cronin; to the Committee on Invalid Pensions.

By Mr. RIORDAN: A bill (H. R. 22567) granting an increase of pension to James F. Conway; to the Committee on Invalid Pensions.

By Mr. RUSSELL: A bill (H. R. 22568) granting an increase of pension to James C. Summers; to the Committee on Invalid Pensions.

Also, a bill (H. R. 22569) granting an increase of pension to Luke Cassidy; to the Committee on Invalid Pensions.

By Mr. SIMMONS: A bill (H. R. 22570) granting a pension to Cora A. C. Stevens; to the Committee on Invalid Pensions.

By Mr. SLOAN: A bill (H. R. 22571) granting a pension to Susan J. Lewis; to the Committee on Invalid Pensions.

By Mr. J. M. C. SMITH: A bill (H. R. 22572) granting an increase of pension to Henry R. Miller; to the Committee on Invalid Pensions.

By Mr. STANLEY: A bill (H. R. 22573) for the relief of the estate of Joel F. Yager, deceased; to the Committee on War Claims.

By Mr. UNDERHILL: A bill (H. R. 22574) granting a pension to George W. Story; to the Committee on Pensions.

By Mr. WHITE: A bill (H. R. 22575) granting an increase of pension to William Lazarus; to the Committee on Invalid Pensions.

By Mr. WILLIS: A bill (H. R. 22576) granting a pension to Benjamin F. Wright; to the Committee on Pensions.

By Mr. WHITE: A bill (H. R. 22577) granting an increase of pension to Henry B. Mechling; to the Committee on Invalid Pensions.

By Mr. SWITZER: A bill (H. R. 22578) granting a pension to Jessie Canterbury; to the Committee on Invalid Pensions.

PETITIONS, ETC.

Under clause 1 of Rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

By Mr. ANDERSON of Minnesota: Petition of John W. Powers and 3 others, of Brownsville, Minn., against extension of the parcel-post system; to the Committee on the Post Office and Post Roads.

By Mr. ANSBERRY: Petition of H. V. Allen, of Van Wert, Ohio, for enactment of House bill 20595, amending the copyright act of 1909; to the Committee on Patents.

By Mr. ANTHONY: Petitions of citizens of the State of Kansas, for enactment of House bill 21225, relating to oleomargarine; to the Committee on Agriculture.

Also, petitions of M. Noll and others of Atkinson, and the Davis Mercantile Co., of Topeka, Kans., protesting against parcel-post legislation; to the Committee on the Post Office and Post Roads.

By Mr. ASHBROOK: Petition of John Meredith and 20 other citizens, of Newark, Ohio, protesting against legislation tending to prohibit the interstate commerce of liquors; to the Committee on the Judiciary.

Also, petition of the Chamber of Commerce of Cleveland, Ohio, in favor of House bill 17936; to the Committee on Coinage, Weights, and Measures.

Also, petition of the Derthick Grange of Licking County, Ohio, for passage of the proposed parcel-post service; to the Committee on the Post Office and Post Roads.

By Mr. BATES: Petition of Branch No. 1137, National Polish Alliance, protesting against legislation imposing the so-called educational test on immigrants; to the Committee on Immigration and Naturalization.

Also, petition of Granges Nos. 502 and 1573, Patrons of Husbandry, for parcel-post legislation, etc.; to the Committee on the Post Office and Post Roads.

Also, petition of W. F. Potts, Son & Co., of Philadelphia, Pa., opposing House bill 16844, to regulate the manufacturer's mark on articles of their own make; to the Committee on Interstate and Foreign Commerce.

Also, petition of Schatt & Morgan Cutlery Co., of Titusville, Pa., opposing the Underwood bill in its proposed schedule on cutlery; to the Committee on Ways and Means.

Also, petition of Erie Central Labor Union, protesting against the removal of the tariff on wood and metal patterns; to the Committee on Ways and Means.

Also, petition of Standard Chair Co., of Union City, Pa., protesting against House bill 20182, changing the duty on Chinese nut oil; to the Committee on Ways and Means.

Also, petition of Chamber of Commerce of Philadelphia, praying for continuance of the Tariff Commission; to the Committee on Ways and Means.

Also, petition of Erie Printing Pressmen and Assistants' Union, praying for increased compensation to pressmen in the Government Printing Office; to the Committee on Printing.

Also, petition of the mayor and councils of the city of Erie, Pa., for coinage of 3-cent pieces; to the Committee on Coinage, Weights, and Measures.

Also, petitions of citizens of the State of Pennsylvania, for enactment of House bill 20595, amending the copyright act of 1909; to the Committee on Patents.

Also, petitions of granges, Patrons of Husbandry, in the State of Pennsylvania, for enactment of House bill 19133, providing for a governmental system of postal express; to the Committee on Interstate and Foreign Commerce.

By Mr. BOWMAN: Memorial of J. E. Patterson, of Wilkes-Barre, Pa., opposing House bill 21100; to the Committee on the Judiciary.

Also, memorial of Exeter Grange, No. 668, Exeter, Luzerne County, Pa., favoring House bill 19133; to the Committee on Interstate and Foreign Commerce.

Also, memorial of J. E. Patterson, Wilkes-Barre, Pa., opposing provision in House bill 21279, the Post Office appropriation bill, section 6, authorizing membership in organizations of postal employees and affiliation of same with labor associations outside of public service; to the Committee on the Post Office and Post Roads.

Also, memorial of the Hazleton Motor Club, Hazleton, Pa., opposing House bill 5955, referring to Federal legislation on

automobiles; to the Committee on Interstate and Foreign Commerce.

Also, petition of John McCara and 24 other citizens of Alden Station, Pa., favoring the building at a Government navy yard of one battleship; to the Committee on Naval Affairs.

By Mr. BROUSSARD: Papers to accompany bill for the relief of estate of Francis Palombo; to the Committee on War Claims.

By Mr. BURKE of South Dakota: Petition of Black Hills Pomona Grange, No. 5, Patrons of Husbandry, for parcel-post legislation; to the Committee on the Post Office and Post Roads.

By Mr. BURKE of Wisconsin: Petition of Lodge No. 104, Brotherhood of Railway Carmen, of Fond du Lac, Wis., for construction of one battleship in a Government navy yard; to the Committee on Naval Affairs.

Also, petition of the Wisconsin Farmers' Institute, for retention of the present tax on oleomargarine; to the Committee on Agriculture.

Also, petition of Wisconsin Farmers' Institute, for a general parcel-post law; to the Committee on the Post Office and Post Roads.

By Mr. BYRNS of Tennessee: Papers to accompany bill for the relief of the Tusculum Cumberland Presbyterian Church, of Davidson County, Tenn.; to the Committee on War Claims.

By Mr. CALDER: Petition of the board of directors of the Maritime Association of the Port of New York, for establishment of marine schools; to the Committee on the Merchant Marine and Fisheries.

By Mr. CAMPBELL: Petitions of citizens of the State of Kansas, for construction of one battleship in a Government navy yard; to the Committee on Naval Affairs.

By Mr. CATLIN: Petitions of Union No. 10, Photo-Engravers' Union, and Local Union No. 67, United Garment Workers of America, for passage of House bill 20423, providing for the registration of labels of labor organizations in the District of Columbia and Territories; to the Committee on the Judiciary.

Also, petitions of citizens of St. Louis, Mo., and Local No. 37, Coopers' International Union, urging that a clause be inserted in this year's naval appropriation bill providing for the building of one battleship in a Government navy yard; to the Committee on Naval Affairs.

Also, memorial of Beardstown (Ill.) Chamber of Commerce, against granting permit to increase the flow of waters of Lake Michigan down or through the valley of the Illinois River; to the Committee on Rivers and Harbors.

Also, memorial of St. Louis (Mo.) Harness Manufacturers' Association, in opposition to parcel-post legislation; to the Committee on the Post Office and Post Roads.

Also, petition of residents of St. Louis, Mo., for enactment of House bill 20281, providing for a reduction of the tax on oleomargarine; to the Committee on Agriculture.

Also, memorial of Garrison No. 113, Army and Navy Union, indorsing House bill 17040, providing for pensions for certain soldiers; to the Committee on Pensions.

Also, memorial of Camp Corporal Lorance B. De Witt, Army of the Philippines, for passage of House bills 17470 and 18502, providing for extension of the pension laws to certain persons; to the Committee on Pensions.

By Mr. COVINGTON: Petition of members of the Woman's Christian Temperance Union of Bridgeley, Md., favoring the passage of the Kenyon-Sheppard interstate liquor-shipment bill; to the Committee on the Judiciary.

By Mr. CURLEY: Petitions of citizens of the State of Massachusetts, for construction of one battleship in a Government navy yard; to the Committee on Naval Affairs.

Also, memorial of the Los Angeles (Cal.) Chamber of Commerce, relative to Panama Canal tolls; to the Committee on Interstate and Foreign Commerce.

Also, petition of John A. Boyd Camp, No. 2, Department of Massachusetts, United Spanish War Veterans, for enactment of House bill 17470; to the Committee on Pensions.

By Mr. DE FOREST: Petition of citizens of the State of New York, for construction of one battleship in a Government navy yard; to the Committee on Naval Affairs.

By Mr. DODDS: Petition of voters of Ithaca, Gratiot County, Mich., favoring the passage of Kenyon-Sheppard interstate liquor shipment bill; to the Committee on the Judiciary.

Also, petition of E. E. Asah and other citizens of Osceola County, favoring the old-age pension bill introduced by VICTOR L. BERGER; to the Committee on Pensions.

By Mr. ESCH: Petition of Fred C. Rieck and others, of Wisconsin, favoring the building of one battleship in a Government navy yard; to the Committee on Naval Affairs.

By Mr. FITZGERALD: Petitions of Peter M. Lund and 25 other citizens, electricians, and machinists; A. N. Arvesen and 26 other electricians and workmen; Hans P. Hansen and 25 other workingmen; T. L. Finnerty, electrician, and 16 others; Gillespie E. Whitman, helper machinist, and 16 others; Fred P. Steffer, drug clerk, and 25 others; John Harvey, painter, and 25 others; Hugh O'Malley, boiler maker, and 25 others; Nathan Ruderman, printer, and 16 others; John M. Levin, electrician, and 25 others; John Sager, teamster, and 25 others; and Margaret Batchelder, social worker, and 25 others, favoring the Berger old-age pension bill; to the Committee on Pensions.

By Mr. FULLER: Petitions of A. Mottaz, of Ottawa, Ill.; of August Martens, of Peru, Ill.; of William Burmester, of Waterman, Ill.; and of E. W. Cleveland, of Rockford, Ill., all in favor of a parcel post; to the Committee on the Post Office and Post Roads.

Also, petition of R. C. Brown, clerk of the United States district court at Springfield, Ill., favoring the passage of House bill 21226, relating to salaries of clerks of United States courts; to the Committee on the Judiciary.

Also, petition of La Salle County Carbon Coal Co., of La Salle, Ill., favoring the creation of the proposed commission on industrial relations; to the Committee on Labor.

Also, petition of Dr. Annie B. Alguire, or Belvidere, Ill., favoring the passage of the Owen bill, providing for a Federal department of public health; to the Committee on Interstate and Foreign Commerce.

Also, petition of J. C. Ames Lumber Co. and other concerns, of Streator, Ill., against the passage of the Clayton bill (H. R. 13578) to define and punish contempt of court; to the Committee on the Judiciary.

Also, petition of International Reform Bureau (Inc.), favoring the passage of the Kenyon-Sheppard interstate liquor bill, etc.; to the Committee on the Judiciary.

Also, petition of Los Angeles Chamber of Commerce, of Los Angeles, Cal., relating to Panama Canal tolls, etc.; to the Committee on Interstate and Foreign Commerce.

Also, petition of the Illinois Butter Manufacturers' Improvement Association, against the passage of the Lever bill, and favoring the passage of the Haugen bill (H. R. 21225); to the Committee on Agriculture.

Also, petition of the St. Joseph's Society, of Peru, Ill., against the passage of any pending prohibition or interstate commerce liquor measures; to the Committee on the Judiciary.

By Mr. GOLDFOGLE: Petition of R. D. Harvey, of New York City, for enactment of the Esch phosphorus bill; to the Committee on Ways and Means.

Also, memorial of the American League of Associations, protesting against proposed parcel-post legislation; to the Committee on the Post Office and Post Roads.

Also, petition of the Business Men's Association of Elmira, N. Y., for 1-cent letter postage; to the Committee on the Post Office and Post Roads.

Also, petition of Camp No. 50, Department of New York, United Spanish War Veterans, for enactment of House bill 17470; to the Committee on Pensions.

Also, petition of board of directors of the Maritime Association of the Port of New York, for establishment of marine schools; to the Committee on the Merchant Marine and Fisheries.

Also, petition of the Philadelphia Board of Trade, protesting against House bill 16844; to the Committee on Interstate and Foreign Commerce.

By Mr. GOOD: Petition of citizens of Grundy County, Iowa, for enactment of the Haugen oleomargarine bill; to the Committee on Agriculture.

By Mr. HAMMOND: Petition of H. W. Foote and 51 others, of Trosky, Minn., in opposition to the Lever oleomargarine bill and favoring passage of the Haugen bill; to the Committee on Agriculture.

By Mr. HANNA: Petition of citizens of Berwick, N. Dak., relative to measures relating to Catholic Indian mission interests; to the Committee on Indian Affairs.

Also, petition of citizens of Anamoose, N. Dak., for parcel-post legislation; to the Committee on the Post Office and Post Roads.

Also, petition of citizens of Anamoose, N. Dak., protesting against parcel-post legislation; to the Committee on the Post Office and Post Roads.

Also, petition of citizens of Sargent, N. Dak., for enactment of the Kenyon-Sheppard interstate liquor bill, etc.; to the Committee on the Judiciary.

Also, petition of citizens of New Salem, N. Dak., against removing the tax on colored oleomargarine; to the Committee on Agriculture.

By Mr. HAYDEN: Petition of the Woman's Christian Temperance Union of Camp Verde, Ariz., for passage of Kenyon-Sheppard interstate liquor bill; to the Committee on the Judiciary.

By Mr. HILL: Memorials of Group No. 31, Polish National Alliance of the United States, of Danbury, and Lodge No. 473, Independent Order B'rith Abraham, of Bridgeport, Conn., protesting against certain immigration measures pending before Congress; to the Committee on Immigration and Naturalization.

Also, petition of members of Improved Order of Red Men and other citizens of Winsted, Conn., for an American Indian memorial and museum building in the city of Washington, D. C.; to the Committee on Public Buildings and Grounds.

By Mr. HOWELL: Petitions of H. S. Sims, of Ogden; L. M. Clement, of Springville; and Wilford Horne, of Salt Lake City, Utah, for enactment of House bill 20595, amending the copyright act of 1909; to the Committee on Patents.

By Mr. KAHN: Memorial of California Club, of California, representing 16,517 indorsers, in favor of a special appropriation for enforcing the white-slave traffic act; to the Committee on Appropriations.

Also, petitions of Daniel W. Reardon, Palace Theater, 1708 Union Street; Herman Wobber, Odeon Theater; Levin & Gordon, Broadway Theater; Harry Baehr, Class A Theater; S. H. Levin, Elite Theater; A. C. Karski, Rex Theater; Levi Karski Oppenheimer, Sunset Theater; Arendt and Levy, Fischer's Theater; Automatic Vaudeville Co.; Pacific Amusement Co.; B. N. Michelson; and Charles F. Maio, all of San Francisco, favoring House bill 20595; to the Committee on Patents.

Also, petition of Mr. F. H. Ford, of Los Angeles, Cal., and of Mr. H. C. Sickle, San Francisco, opposing House bill 17033; to the Committee on Mines and Mining.

Also, petition of Marine Engineers' Beneficial Association, No. 35, of San Francisco, Cal., indorsing several bills amending sections 4402, 4404, and 4414, Revised Statutes; to the Committee on the Merchant Marine and Fisheries.

Also, memorials of Union Gas Engine Co., of San Francisco; Frazer & Peterson, of San Francisco; the Home Industry League of California; the Imperial Gas Engine Co., of San Francisco; and the Standard Gas Engine Co., of San Francisco, opposing House bill 18788, Sherwood's bill regulating gasoline power propelled boats; to the Committee on the Merchant Marine and Fisheries.

Also, memorial of the San Francisco Chamber of Commerce, favoring no tolls being charged for American-built vessels using Panama Canal on intercoast voyages; to the Committee on Interstate and Foreign Commerce.

Also, memorials of Sommer & Kaufmann and Retail Shoe Dealers' Association, of San Francisco, Cal., opposing House bill 16844; to the Committee on Interstate and Foreign Commerce.

Also, memorial of the National Federation, United States Internal Revenue Storekeepers, Gaugers, and Storekeeper-gaugers, San Francisco, Cal., favoring House bill 17017; to the Committee on Ways and Means.

Also, memorial of the Shipowner & Merchants' Tug Boat Co., San Francisco, Cal., favoring House bill 18788; to the Committee on the Merchant Marine and Fisheries.

Also, memorial of the California Club of San Francisco, favoring the passage of the Kent bill, giving the right of franchise to every native-born American woman of the United States, irrespective of the nationality of her husband; to the Committee on the Judiciary.

Also, memorial of Grape Growers' Association of San Francisco; California Wine Association, San Francisco; Italian-Swiss Colony, San Francisco, Cal.; and I. W. Hellman, jr., San Francisco, opposing House bill 16214; to the Committee on the Judiciary.

Also, memorials of Crown Distilleries Co., of San Francisco, Cal., and Coffin Reddington Co., of San Francisco, Cal., opposing Webb and Kenyon bills (S. 4043 and H. R. 17593); to the Committee on the Judiciary.

Also, memorial of the secretary of the Public Library of San Francisco, Cal., favoring House bill 19546; to the Committee on the Post Office and Post Roads.

Also, memorial of the Board of Trade of San Francisco, Cal., opposing parcel post; to the Committee on the Post Office and Post Roads.

Also, petition of C. A. Fair and 18 others, East Oakland, Cal., favoring parcel-post bill (H. R. 14); to the Committee on the Post Office and Post Roads.

Also, memorial of the Ladies' Auxiliary, Ancient Order of Hibernians, San Francisco, demanding the investigation of charges against Misses Fitzgerald and Joesten; to the Committee on the Post Office and Post Roads.

Also, memorial of German Catholic Societies of San Francisco, Cal., demanding investigation of charges against the Misses Fitzgerald and Joesten; to the Committee on the Post Office and Post Roads.

Also, memorial of the Chamber of Commerce of San Francisco, Cal., favoring the appropriation for target range on San Francisco Bay; to the Committee on Naval Affairs.

Also, memorial of the Steam Schooner Association, of San Francisco, Cal., opposing dissolution of Revenue-Cutter Service; to the Committee on Naval Affairs.

Also, memorial of the California Civic League; Oro Fino Parlor, No. 9, N. D. G. W.; civic department, California Club of San Francisco, with 450 members, favoring appropriation for enforcement of white-slave laws; to the Committee on Appropriations.

Also, memorial of the International Union of Steam Engineers, favoring the retention of the mint at San Francisco; to the Committee on Appropriations.

Also, memorials of the California Miners' Association, of San Francisco; the Civic League of Improvement Clubs; the Marine Engineers' Association; and the Clearing House Association, of San Francisco, Cal., opposing the closing of the mint at San Francisco, Cal.; to the Committee on Appropriations.

Also, memorial of St. Peter's Benevolent Society, of San Francisco, Cal., and the Federation of German Catholic Societies of San Francisco, opposing Stephens resolution relative to Catholic Indian missions; to the Committee on Indian Affairs.

Also, memorials of T. L. Miller, Smith Emery & Co., and Braun-Knecht-Heinmann Co., of San Francisco, Cal., opposing House bill 17033; to the Committee on Mines and Mining.

Also, petition of T. C. Friedlander, Chamber of Commerce, San Francisco, Cal., favoring appropriation for light and fog stations on coast of California; to the Committee on Rivers and Harbors.

Also, memorial of State Conservation of California, favoring House bill 18326; to the Committee on Rivers and Harbors.

Also, memorial of J. Homer Fritch, San Francisco, Cal., favoring appropriation for improving Willapa Harbor; to the Committee on Rivers and Harbors.

Also, memorial of M. O. Watrous, San Francisco, Cal., against House bill 13500; to the Committee on Immigration and Naturalization.

Also, memorial of Local Union No. 151, International Brotherhood of Electrical Workers, of San Francisco, Cal., favoring House bill 5601; to the Committee on Labor.

Also, memorial of R. J. Luttringer, San Francisco, favoring House bill 17017; to the Committee on Expenditures in the Treasury Department.

Also, memorial of the State Conservation Commission of California, favoring House bill 18227; to the Committee on the Public Lands.

Also, petition of New Era League of California, San Francisco, favoring House bill 20349; to the Committee on the Judiciary.

Also, petition of United Garment Workers' Union, No. 131, San Francisco, Cal., favoring House bill 13500; to the Committee on Immigration and Naturalization.

Also, petition of A. S. Griffith, San Francisco, Cal., favoring Esch bill; to the Committee on Ways and Means.

Also, petition of Dunham, Carrigan & Hayden Co., San Francisco, Cal., opposing parcel post; to the Committee on the Post Office and Post Roads.

Also, petition of Labor Council, San Francisco, Cal., opposing change of mint to assay office; to the Committee on Coinage, Weights, and Measures.

Also, petition of California Metal Trades Association, opposing House bill 18788, equipment of motor boats on navigable streams; to the Committee on the Merchant Marine and Fisheries.

Also, petition of the Chamber of Commerce of San Francisco, Cal., favoring suspension bridge from Oakland to San Francisco; to the Committee on Interstate and Foreign Commerce.

Also, petition of Chamber of Commerce of San Francisco Cal., favoring Adamson bill for four revenue cutters for coast of California; to the Committee on Naval Affairs.

Also, petition of M. Schussler & Co. (Inc.), favoring amendment to corporation-tax law; to the Committee on Ways and Means.

Also, petition of W. H. Storms, San Francisco, Cal., opposing the Raker bill; to the Committee on Mines and Mining.

Also, memorial of the Chamber of Commerce, San Francisco, Cal., opposing roadway as Lincoln memorial; to the Committee on the Library.

Also, memorial of the Dairy Delivery Co., San Francisco, Cal., against Lever oleomargarine bill; to the Committee on Agriculture.

Also, memorial of the Board of Trade, San Francisco, Cal., favoring appropriation for improvements in Yosemite Park; to the Committee on Public Buildings and Grounds.

Also, memorial of B. H. Dibble, San Francisco, Cal., favoring Weeks bill for protection of birds; to the Committee on Agriculture.

Also, memorial of the Conservation Commission of the State of California, Sacramento, Cal., favoring House bill 18227; to the Committee on the Public Lands.

By Mr. KNOWLAND: Petition of the board of trustees of the California State Mining Bureau, San Francisco, Cal, protesting against the passage of House bill 17033, providing for the establishment of a Government experiment station at Auburn, Placer County, Cal.; to the Committee on Mines and Mining.

Also, memorial of the San Francisco Labor Council, San Francisco, Cal., favoring an investigation of the strike at Lawrence, Mass.; to the Committee on Rules.

By Mr. LLOYD: Petition of sundry citizens of Lewis County, Mo., and 36 citizens of Putnam County, Mo., favoring parcel post; to the Committee on the Post Office and Post Roads.

By Mr. LOBECK: Petition of Henry Volz and other citizens of Omaha and South Omaha, Nebr., asking that one battleship be constructed in a Government navy yard; to the Committee on Naval Affairs.

Also, petitions of citizens of the State of Nebraska, protesting against parcel-post legislation; to the Committee on the Post Office and Post Roads.

By Mr. LOUD: Petition of C. H. Keyworth, of Coleman, Mich., and 47 other dairymen of Midland County, Mich., protesting against passage of the Lever oleomargarine bill; to the Committee on Agriculture.

By Mr. McMORRAN: Petition of citizens of Evergreen, Mich., for passage of the Kenyon-Sheppard interstate liquor bill; to the Committee on the Judiciary.

By Mr. MANN: Petition of the Congregational Club, of Chicago, Ill., for reimbursing the contributors to the ransom of Ellen M. Stone: to the Committee on Claims.

By Mr. MONDELL: Petitions of citizens of Howard and Knight, Wyo., urging the enactment of a general parcel-post law; to the Committee on the Post Office and Post Roads.

Also, memorial of Admiral John W. Phillips Post, No. 19, of Denver, Colo., in support of Senate bill 4033, to provide for the payment to members of the Army travel pay and allowances; to the Committee on Military Affairs.

By Mr. MOTT: Memorial of Earlville Grange, No. 1260, Patrons of Husbandry, Earlville, N. Y., against the Lever oleomargarine bill; to the Committee on Agriculture.

Also, memorial of the Congregational Club, of Chicago, favoring the repayment of the Stone ransom; to the Committee on Claims.

By Mr. NEEDHAM: Memorial of the Los Angeles (Cal.) Chamber of Commerce, favoring 1-cent rate of letter postage (S. 4308 and H. R. 17736); to the Committee on the Post Office and Post Roads.

Also, memorial of the California State Veterinary Medical Association, of San Francisco, Cal., favoring House bill 16843, to consolidate the veterinary service of the United States Army and to increase its efficiency; to the Committee on Military Affairs.

Also, memorial of the California Civic League, of San Francisco, with 2,000 members, advocating the creation by Congress of a Federal commission on industrial relations; to the Committee on Labor.

Also, petition of Smith Bros., of Coalinga, Cal., and 17 other merchants; The Hub and 20 other merchants, of Hanford, Cal.; Hanford Jewelry Co. and 21 other merchants, of Hanford, Cal., opposing the passage of parcel-post legislation; to the Committee on the Post Office and Post Roads.

Also, petition of George E. Hart and many other citizens, of Pacific Grove, Cal., favoring House bill 14 (Sulzer's parcel-post bill); to the Committee on the Post Office and Post Roads.

Also, memorial of local section of the American Institute of Electrical Engineers, favoring establishing at San Francisco a branch laboratory of standards; to the Committee on Coinage, Weights, and Measures.

Also, memorial of the Chamber of Commerce of the city of San Diego, Cal., opposing the dissolution of the Revenue-Cutter Service; to the Committee on Expenditures in the Treasury Department.

By Mr. NEELEY: Petition of citizens of Dighton, Kans., for passage of the Kenyon-Sheppard interstate liquor bill; to the Committee on the Judiciary.

Also, petition of citizens of Fowler, Kans., for appointment of a commission to investigate the parcel post; to the Committee on the Post Office and Post Roads.

Also, petitions of citizens of the State of Kansas, protesting against parcel-post legislation; to the Committee on the Post Office and Post Roads.

By Mr. NYE: Petition of citizens of Minneapolis, Minn., for enactment of the Berger old-age pension bill; to the Committee on Pensions.

By Mr. PARRAN: Papers to accompany bill for the relief of Owen Matthews (H. R. 17413); to the Committee on Military Affairs.

Also, petition of 52 citizens of Baltimore City, favoring construction of one battleship in a Government navy yard; to the Committee on Naval Affairs.

By Mr. PUJO: Petition of Local No. 79, International Brotherhood of Bricklayers, of New Orleans, La., for construction of one battleship in a Government navy yard; to the Committee on Naval Affairs.

By Mr. SABATH: Memorial of the Los Angeles (Cal.) Chamber of Commerce, relative to Panama Canal tolls; to the Committee on Interstate and Foreign Commerce.

Also, memorial of the Philadelphia Board of Trade, protesting against enactment of House bill 16844; to the Committee on Interstate and Foreign Commerce.

Also, petition of William McKinley Camp, No. 12, Department of Illinois, United States War Veterans, for enactment of House bill 17470; to the Committee on Pensions.

Also, memorial of the Congregational Club of Chicago, for reimbursing the contributors to the ransom of Ellen M. Stone; to the Committee on Claims.

Also, memorial of the Congregational Club of Chicago, for reimbursing the contributors to the Ellen M. Stone ransom; to the Committee on Claims.

By Mr. J. M. C. SMITH: Papers to accompany bill for the relief of Henry R. Miller; to the Committee on Invalid Pensions.

Also, memorial of Henry B. Joy, of Detroit, Mich., protesting against enactment of House bill 18788, relating to motor boats; to the Committee on the Merchant Marine and Fisheries.

Also, petition of citizens of Portage, Mich., for enactment of the Kenyon-Sheppard interstate liquor bill; to the Committee on the Judiciary.

By Mr. SAMUEL W. SMITH: Petitions of citizens of Ohio and the Woman's Christian Temperance Union of Williamston, Mich., for passage of the Kenyon-Sheppard interstate liquor bill; to the Committee on the Judiciary.

Also, petition of citizens of Howell, Mich., protesting against parcel-post legislation; to the Committee on the Post Office and Post Roads.

Also, petition of citizens of Hayne, Mich., for regulation of express rates and classifications; to the Committee on Interstate and Foreign Commerce.

Also, petition of the Board of Commerce of Flint, Mich., relative to the coal-mining situation; to the Committee on Labor.

By Mr. SHARP: Petition of the Hub Board of Trade, of Columbus, Ohio, for 1-cent letter postage; to the Committee on the Post Office and Post Roads.

Also, petition of citizens of the fourteenth congressional district of Ohio, protesting against parcel-post legislation; to the Committee on the Post Office and Post Roads.

By Mr. STEPHENS of California: Memorial of the Chamber of Commerce of Los Angeles, Cal., relative to Panama Canal tolls; to the Committee on Interstate and Foreign Commerce.

Also, memorial of the California Civic League, for creation of a Federal commission on industrial relations; to the Committee on Labor.

By Mr. SPARKMAN. Petition of M. B. Jones and divers other citizens of Plant City, Fla., favoring the building of one battleship a year in a United States navy yard; to the Committee on Naval Affairs.

Also, petition of the Newsome Hardware Co. and others, of Fort Meade, Fla., favoring giving further power to Interstate Commerce Commission to regulate express rates; to the Committee on Interstate and Foreign Commerce.

Also, petition of the Newsome Hardware Co. and others, of Fort Meade, Fla., and W. M. Simmons and others, of Wauchula, Fla., opposing parcel-post legislation; to the Committee on the Post Office and Post Roads.

By Mr. SULZER: Petition of Allen R. Foote, of Columbus, Ohio, for amendment to the corporation-tax law; to the Committee on Ways and Means.

Also, memorial of Atlantic Coast Seamen's Union, for legislation to promote the efficiency of the Public Health and Marine-Hospital Service; to the Committee on Interstate and Foreign Commerce.

Also, petition of American Veterans of Foreign Service, for enactment of House bill 17470; to the Committee on Pensions.

Also, petition of Cigar Makers' Joint Unions of Greater New York, for enactment of House bill 17253; to the Committee on Ways and Means.

By Mr. TOWNER: Petition of citizens of Creston, Union County, Iowa, favoring the passage of the Kenyon-Sheppard interstate liquor shipment bill; to the Committee on the Judiciary.

By Mr. YOUNG of Texas: Petition of Lark M. Ward and other citizens of Van Zandt, Tex., for parcel-post legislation; to the Committee on the Post Office and Post Roads.

Also, petition of W. W. Perdue and other citizens of Upshur County, Tex., in favor of old-age pensions; to the Committee on Pensions.

SENATE.

FRIDAY, *March 29, 1912.*

(Continuation of legislative day of Thursday, March 28, 1912.)

The Senate met, after the expiration of the recess, at 1 o'clock and 45 minutes p. m.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by D. K. Hempstead, its enrolling clerk, announced that the House had passed the following bills, in which it requested the concurrence of the Senate:

H. R. 18849. An act for the relief of the Winnebago Indians of Nebraska and Wisconsin;

H. R. 19212. An act making appropriations for the Diplomatic and Consular Service for the fiscal year ending June 30, 1913; and

H. R. 20842. An act to provide for a tax upon white phosphorus matches and for other purposes.

ENROLLED BILLS AND JOINT RESOLUTIONS SIGNED.

The message also announced that the Speaker of the House had signed the following enrolled bill and joint resolutions, and they were thereupon signed by the Vice President:

S. 3686. An act authorizing the Secretary of the Interior to permit the Missouri, Kansas & Texas Coal Co. and the Eastern Coal & Mining Co. to exchange certain lands embraced within their existing coal leases in the Choctaw and Chickasaw Nations for other lands within said nations;

H. J. Res. 232. Joint resolution extending the operations of the act for the control and regulation of the waters of Niagara River and for the preservation of Niagara Falls, and for other purposes; and

H. J. Res. 263. Joint resolution to authorize allotments to Indians of the Fort Berthold Indian Reservation, N. Dak., of lands valuable for coal.

SERVICE PENSIONS.

The VICE PRESIDENT. The Secretary will announce the pending business, House bill No. 1.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 1) granting service pensions to certain defined veterans of the Civil War and the War with Mexico.

The VICE PRESIDENT. The pending question is on agreeing to the amendment of the Senator from New Hampshire [Mr. GALLINGER] to the amendment of the committee.

Mr. SMOOT. Mr. President, I suggest the absence of a quorum.

The VICE PRESIDENT. The Senator from Utah suggests the absence of a quorum. The Secretary will call the roll.

The Secretary called the roll, and the following Senators answered to their names:

Bacon	Cullom	Lodge	Richardson
Borah	Cummins	Lorimer	Root
Bourne	Curtis	McCumber	Shively
Brandegee	Dillingham	Martine, N. J.	Simmons
Briggs	du Pont	Myers	Smith, Ga.
Bristow	Fletcher	Nixon	Smith, S. C.
Brown	Gamble	O'Gorman	Smoot
Bryan	Gardner	Oliver	Stephenson
Burnham	Gronna	Overman	Sutherland
Burton	Heyburn	Page	Thornton
Chamberlain	Johnson, Me.	Penrose	Townsend
Chilton	Johnston, Ala.	Percy	Warren
Clapp	Jones	Perkins	Watson
Clark, Wyo.	Kenyon	Poindexter	Wetmore
Crane	Kern	Pomerene	Williams
Crawford	Lea	Rayner	Works

Mr. BURNHAM. The senior Senator from New Hampshire [Mr. GALLINGER] is unavoidably absent.

Mr. LEA. The senior Senator from Tennessee [Mr. TAYLOR] is detained from the Chamber by serious illness.

The VICE PRESIDENT. Sixty-four Senators have answered to the roll call. A quorum of the Senate is present.

Mr. SHIVELY. Mr. President, there have been various positions assumed in the Senate on the question of general pension legislation. One is that there should be no further supplement to the general pension laws. Another is in favor of a measure that confessedly temporizes with the situation and leaves the question open to further agitation and subsequent action. Another is that in favor of a measure that meets the reasonable expectations of the surviving veterans, removes in great part the pressure for special legislation, and places the subject of general expenditure for pensions on account of the Civil War in process of final settlement. The second position is illustrated by the Smoot substitute for the Sherwood bill, and the last named is exhibited by the Sherwood bill, as it passed the House and is supported by a minority of the Committee on Pensions of the Senate.

At the outset of this debate we are confronted with comparative statistics of the cost of pensions as between European countries and our own. These do not impress me. The theory of our Government and the spirit of our institutions attach different consequences to war in the matter of pensions than do those of the Old World. Whatever progress has been made, the theory still lingers in the average European Government that the people were made for the government rather than the government being made for the people. The rank and file of soldiers in the majority of European countries are still regarded as the raw material of kingly glory and dynastic power. Recognition still goes to heriditary rank or other favorites of power rather than to individual merit. The present Lord Nelson, of England, now over 90 years of age, draws an annual pension of $25,000 on account of services rendered by his grandmother's brother at the battle of Copenhagen, and enjoys, besides, an estate granted to his ancestor under George III, which was at that time valued at $450,000.

The men who baptized this Republic into the family of nations withdrew sovereignty from kings and nobles and reposed it in the people. The old relations of men to government were here changed. The individual citizen became the unit of political and civil power. With the rights of citizenship came the duties and obligations of citizenship. These duties and obligations extend equally to all on the theory that all are equal under the law and have equal stake in government. When, in response to these obligations, the citizen in time of stress and storm bares his breast to danger under the standard of the law, the obligations of his fellow citizens are not canceled by his sacrifices. Here either none or all are kings and nobles, and no true principle of patriotism requires the soldier to be content with merely harvesting the hardships of war, however long he may postpone his rightful claim on the gratitude of his country.

Moreover, even in Europe the entire story of pensions is not disclosed by the European pension lists. The Lord Nelson pension is a charge on the civil list. In Germany, where the Government owns and operates the railroads, will be found veteran soldiers in numerous positions the duties of which are merely nominal; widows of deceased soldiers will be seen along the line near their little gardens, and incidentally rendering some service. The names of these soldiers and soldiers' widows are borne on the civil roll of the Government, and the allowances to them do not appear in the expenditures for pensions. In many other European countries more or less substantial allowances are made in recognition of military service, the accounts of which are submerged in the records of disbursements in the civil service.

Those who dwell on the magnitude of present and proposed pension expenditure on account of the Civil War should not forget that it was an enormous war and entailed correspondingly enormous consequences. The length of time it lasted, the area of territory over which it extended, the number of troops engaged, and the loss of life and treasure attending it are familiar history which there is here no occasion to repeat. But there were certain features of that struggle so exceptional in character and which so well illustrate the mettle and spirit of the American soldier from whatever section of the country he comes that, however familiar, I venture to recall. In the long series of great battles contested, the casualties attending certain regiments engaged, and the incomparable valor exhibited on both sides, that war has no parallel in history since the invention of gunpowder. Neither side had the easy and inglorious task of confronting weaklings or cowards.

Alfred Tennyson emblazoned in his well-known heroic verse and sent around the world the story of the glory of the Light Brigade in its charge at Balaklava, in which it lost in killed and wounded 36.7 per cent of the officers and men engaged in the charge. At Gettysburg the First Minnesota Regiment lost

82 per cent, and at Antietam the First Texas lost 82.3 per cent. At Gettysburg the One hundred and forty-first Pennsylvania lost 75.7 per cent, and at Manassas the Twenty-first Georgia lost 76 per cent. Here were two Federal and two Confederate regiments, each of which in a single battle lost more than twice as large a percentage of those engaged as did the memorable Six Hundred at Balaklava. The Nineteenth Indiana, at Manassas, lost 61.2 per cent, the Fifteenth Indiana at Missionary Ridge lost 59.5 per cent, and the Fourteenth Indiana at Antietam 56.2 per cent. Each of 63 Federal and 70 Confederate regiments lost in single battle over 40 per cent, and each of over 180 regiments of both armies sustained in single battle a larger percentage of loss than did the Light Brigade. A larger number of American soldiers of the Civil War, blue and gray, lie buried in the soil of the State of Virginia than England has lost Englishmen in all her wars in the last 100 years. When all other memories of that great struggle shall fade into oblivion, the story of the iron courage, the steadfast heroism, the intrepid daring, the deathless fortitude, the unfaltering capacity to do or die of the American soldier will remain the common heritage of a free people and a cherished pledge to the security of a united country.

Now, Mr. President, the Sherwood bill embodies the principle of a pension on the ground of meritorious military service in time of actual war. There is nothing new or startling in the policy that recognizes military service in actual war on the ground of that service by grants from the public funds or from other forms of public property. George Washington received 2,666⅔ acres of land on military warrant No. 135 and 1,000 acres on military warrant No. 137 in consideration of his service of three years as lieutenant of the Virginia Line. These grants were from lands reserved and set apart by the Commonwealth of Virginia on the Ohio River for the officers and private soldiers of the Virginia continental line. Congress granted to Gen. Lafayette 11,520 acres of land in consideration of his military service, then granted him 36 square miles more and authorized him to make his own locations, and then voted him $200,000 in gold. In 1839 Janette Taylor, as devisee of John Paul Jones, received military warrant No. 8725 for 600 acres of land in consideration of the latter's service as captain in the Continental Navy. Of course, Washington had declined all compensation as Commander in Chief of the Continental Armies, and no one pretends that the grants subsequently made were equivalents for his military service. The country will remain both his pecuniary and moral debtor during all the years to come. Lafayette had made financial advances and other sacrifices, in addition to his personal military assistance, and the value of the heroic service of John Paul Jones was hardly possible of computation. Nor will anyone pretend that the value of the service of even the humblest private in the wars of the Republic is to be measured by the monthly stipend he received.

Winfield Scott, in 1852, applied for and received 160 acres of land on warrant No. 16120 in consideration of his military service in the War of 1812. Abraham Lincoln, in 1852, applied for 40 acres of land and received the same on bounty-land warrant No. 52076, and in 1855 applied the second time and received 120 acres additional on warrant No. 68645, both grants being in consideration of his service as a captain of Illinois Militia in the Black Hawk War, the length of actual service in which war he fixed in his applications at about 40 days. In 1850 Ulysses S. Grant applied for land and received warrant No. 3514 for 160 acres on account of his service as second lieutenant and quartermaster in the Fourth United States Infantry in the War with Mexico. In 1854 Robert E. Lee applied for land and received warrant No. 26049 for 160 acres on account of his service as captain in the Corps of Engineers, United States Army, in the War with Mexico. Philip H. Sheridan, Admiral Farragut, Winfield Scott Hancock, Stonewall Jackson, William Tecumseh Sherman, and thousands of other officers and tens of thousands of private soldiers became applicants for and beneficiaries of grants from the public lands on account of military service in the wars prior to 1860. A total of 68,791,550 acres of land was granted under the general law alone in recognition of honorable military service rendered prior to the Civil War, to say nothing of the grants by special acts of Congress for like service.

These grants, Mr. President, were not made on account of wounds received in battle, nor because of disease contracted in the service, nor because of the exigencies of hard fortune in subsequent civil life or the helplessness of old age. The great majority of these grantees were then in the prime and strength and vigor of young manhood. The grants to them were made on the naked fact of honorable military service in time of war. However great or small, these grants were testimonials from a grateful people to men who faced danger in the service of their country. This demonstration of gratitude came soon after the service was rendered and in that ungrudging way that made the patent to the land a badge of honor to the soldier who received it.

We are now 50 years away from the early years of the Civil War. Fifty years away from the enlistment, the separation from the opportunities of civil life, the farewell to family, home, and friends, the weary march, the fever-stricken camp, the dismal prison, the sullen roar and black smoke of the ensanguined battle field. It may be easy at this distance to think and speak lightly of the hardships of those times. But the long span of intervening years means that the youngest survivors of that army of the Union are old men now. At the close of the struggle the survivors of it returned to their homes to pick up the broken threads of civil life and retrieve their lost places in the occupations of peace. As a rule, they were men of modest or no private fortune. The country was under a heavy burden of debt and taxation. The southern portion was under the desolations of a long war, which was followed by the deadly blight of merciless carpetbag misgovernment, even more paralyzing and disheartening than war itself. The records of the Government for those succeeding years show that the surviving veterans realized the situation and were not swift in the days of their youth and vigor to make drafts on the gratitude and justice of their country.

Whatever bounty-land warrants were issued to the survivors of other wars, no such warrants were issued to them. In December, 1861, while many of these men were in the field, Congress defeated the bill presented by Holman, of Indiana, to extend the provisions of the bounty-land act then applying to the soldiers of former wars to the Union soldiers of the Civil War and their orphan children. The pretense given for the defeat of the bill was that monopoly of the land would result from speculators gathering up the warrants. Yet Congress immediately proceeded to transfer without price the choicest parts of the public domain over to private corporations. Within 10 years from the defeat of that bill Congress turned over to the States for railroad corporations 17,775,624 acres and to railroad corporations direct 163,643,944 acres, or a total area of land more than seven times the size of the State of Indiana and more than four times as large as all the New England States combined. At the end of that period Congress again defeated the Holman bill on the ground that not sufficient suitable public lands were left to supply the surviving veterans. These veterans of the Civil War and their orphan children were denied grants from the public lands at first lest they should fool them away and denied them at last because the lands left were too dry to farm or too steep to climb!

There is some contention as to the cost of the proposed legislation. The Bureau of Pensions submits one estimate; the author of the Sherwood bill submits another. Neither purports to be based on conclusive data. Whether the Sherwood bill or the Smoot amendment be finally adopted, precise information as to the exact length of service of each soldier under all enlistments will be necessary to the administration of the law. This information is all at the command and within the possession of the Bureau of Pensions and the Department of War, and only requires assembling to be available. It should be in form for use here now. While question may be made as to the method by which the author of the Sherwood bill arrives at the amount of the average pension allowable under its provisions, he reenforces his contention that the estimate by the Bureau of Pensions of the general cost of the proposed legislation is excessive by a vast array of statistical information drawn from the records of the War Department and the authentic archives of many States sending troops into the field. But whether the bureau's estimate be too high or the Sherwood estimate too low, the difference in cost can not be conclusive as to whether reasonable recognition of meritorious service and relief to the veteran in the low evening of his life shall be granted.

It is neither generous nor just to answer the meritorious veteran by confronting him with the specter of bonds. The expenditures of this Government have risen to over $1,000,000,000 per year. No great part of this increase is ascribable to pensions. For years there has been a decrease in the annual appropriations for this purpose. Despite the large accessions to the pension roll because of the War with Spain, the annual appropriation for pensions under existing law as prepared for this year carries over $5,000,000 less than that of last year and nearly $10,000,000 less than for the year 1909, and there are fewer pensioners on the roll now than at any time since 1892.

Congress has within the past few years created hundreds of thousands of additions to the civil pay rolls of the Government. New departments, new bureaus, new commissions have been

established. The Government promptly issued canal bonds. It guaranteed millions of dollars' worth of irrigation bonds. It became virtual guarantor of the reconstruction or refunding bonds of Santo Domingo, and projects are pending to extend the same policy to other countries south of us. There has been no parsimony with the public credit as to these things. It is rather late now to conjure anew with the patriotism of the old soldier by threats of insolvent Federal revenue.

Besides, the veteran has the right to look through and beyond mere names and forms to the substance of things. From bounties out of the public domain to private corporations in which they were interested, the Stanfords, the Crockers, the Huntingtons, and other like beneficiaries of Government favor, gathered splendid private fortunes. Assisted by a pension to his industry out of the taxing power of the Federal Government, another citizen walked off with a fortune of $400,000,000, and boasts that within the same time over 40 of his associates became more than millionaires. These are but types among thousands where the special favor of Government contributed to produce private fortunes and incomes on them so stupendous as to bewilder the imagination that would comprehend their magnitude.

These grants from public property and Federal power were not for wounds received in battle, nor for disease contracted in line of military duty, nor for service rendered in time of danger. None the less, the fortunes derived from them, in common with all others, are locked away in the mortmain of vested rights. They are secure in that scheme of laws, usages, duties, and responsibilities which constitute social order, and to which the blood of the soldier is the last unfailing pledge. Under our system of indirect Federal taxation the burdens of government are cast on consumption rather than on property. They fall in heavy proportion on want and in slender proportion on wealth. The principle relatively relieves the citizen from the burdens of his Federal Government in proportion as his stake in government increases, and exempts him from the relative weight of taxation in the ratio of his ability to pay. From our experience in recent years, I would certainly not make pensions to deserving veterans dependent on the vicissitudes of income-tax legislation. But in view of the ungrudged service he offered and rendered to his Government, the old soldier has the right to be exempt from criticisms on his patriotism and self-respect from those classes of society whose princely affluence is due in large part to the affirmative and negative partiality of that Government. The vivid contrast leaves no excuse in these quarters for hysterical fear lest pension legislation should involve drafts on the Federal revenue or public credit.

But those especially favored citizens who are prone to underestimate the value of the institutions under which opportunity came to them should possess their souls in patience. In the last fiscal year death took nearly 53,000 pensioners of all kinds from the rolls. The surviving veterans of the Civil War are all near the sunset of life. The infirmities of age and, in many cases, the hardships of destitution are upon them. Between the year 1901 and the end of the last fiscal year 205,905, or nearly 206 regiments, of the veterans of the Civil War bade good-by to this world. In the last fiscal year 32,731 joined their comrades on the other side. Since the Sherwood bill passed the House and came to the Senate nearly 10,000 have answered the roll call on the eternal camping ground. At the recent death rate, while the clock in this Chamber ticks off the next 24 hours, 100 more of that rapidly thinning line will have gathered "under the trees yonder."

As between the Sherwood bill and the Smoot substitute reported for it I support the Sherwood bill, both on principle and policy. There are 20,000 private pension bills pending in the Committees on Pensions of the House. There are thousands more pending in the Senate. The Sherwood bill will provide for the vast proportion of meritorious cases among these bills and arrest the tide of special legislation. The Smoot substitute does not meet the reasonable expectations of the soldier. It settles no question. It forecloses no issue. It will have but little influence on the tide of special legislation. It leaves general legislation in an unsettled condition. It postpones the whole question to future agitation. The Sherwood bill avoids these contingencies, meets the reasonable demands of the situation, and merits the support of the Senate.

Mr. TOWNSEND. Mr. President, I quite agree with the distinguished and universally respected Senator from Louisiana [Mr. THORNTON] in his statement that much that is advocated in behalf of the old soldier is political in its nature and is done for political effect. I can, with equal assurance, state that much other legislation is advocated now and then for the same purpose. The old soldier has been the ball with which politicians have played the game of football for many years, and he knows it quite as well as anybody else.

I do not wish to be understood as saying that the Federal Government has not dealt liberally with its soldiers. I do wish to go on record, however, as saying that I do not believe they have been treated too liberally. I am forced to the conviction that the pension appropriation bill is one of the wisest and most important, gauged by any governmental standard, that Congress passes. In the very nature of things no general pension law can be enacted which will deal absolutely justly with all soldiers who may become beneficiaries under it; but it becomes necessary for the Congress in passing general laws to make them as nearly satisfactory to all as possible.

I have said that some Congressmen have played the game of politics too much with the old soldier; and the time is now here, as it seems to me, when we must do something. This is the day and the occasion. It is very doubtful if any one Senator is going to have his way exactly in the matter of pension legislation. Whatever law is enacted will be different from the one he would pass if he had unlimited power. But there is now before the Senate a measure which has been passed by the House of Representatives. Some charges have been made to the effect that it was never intended that this bill should become a law, and that the Senate would change it when it came here, and report some other kind of a measure. Whether that be so or not, I do not know or care. The fact is, the Sherwood bill has passed the House, and it is now before the Senate for its consideration; and if the Senate should pass it, there would be no question as to its becoming a law.

That bill I favor, because it carries larger benefits to the soldier than any other of the bills before the Congress, and I am anxious for immediate benefits. I like the principle of the so-called Smoot bill or the Burnham bill better than I do the principle of the bill that has passed the House. If the individual pensions granted in these other bills were as great in proportion as are those carried in the Sherwood bill, I should gladly support them, because they recognize the double standard of service and disability, and I use the term "disability" as synonymous with age in this respect.

I do not sympathize, however, with any Senator who says that if he can not have the Sherwood bill he does not want any bill. Nor do I believe the soldiers generally throughout the country are favorable to that proposition. Even the measure which carries the smallest amount, the Smoot amendment, enlarges the benefits of the soldiers included under it by $24,000,000 annually. That means that the soldiers who receive the benefit of the bill will on the average have an increase under it of something over 20 per cent of what they are now receiving. The Burnham bill enlarges the benefits by $30,000,000, or about one-fourth more than the same class of men are now receiving. Therefore, I say it seems to me that gentlemen are speaking without the record when they say that the soldiers of this country would prefer no legislation at all at this time if they can not have the Sherwood bill.

As I understand it, the parliamentary situation is such that we can not vote on the Sherwood bill until all the amendments have been disposed of. Supposing it shall so happen that we who are in favor of legislation at this session shall vote down the amendments, and then the question arises on the original Sherwood bill and that bill is voted down; in that case we will have absolutely no legislation at this session of Congress.

I think I am not revealing improperly any secrets when I say that a careful canvass of the Senate shows that we have not enough votes to pass the Sherwood bill. I wish it were possible to get a vote on that bill first. But inasmuch as it is not, if I have the opportunity, I am going to vote for the Burnham bill, as that carries $30,000,000 more than the soldiers are now receiving. Then, if that fails, I shall vote for the Smoot amendment, because I am certain that any other course, if I were to follow it, would result in my voting for no legislation in the interest of the old soldier at this session of Congress. I do not wish to be a party, knowingly or unknowingly, to a longer delay of relief to the survivors of the Union Army in the Civil War.

Mr. KENYON. Mr. President——

The VICE PRESIDENT. Does the Senator from Michigan yield to the Senator from Iowa?

Mr. TOWNSEND. I yield.

Mr. KENYON. I was called out and came in just as the Senator was making his statement as to the Sherwood bill. Is it the statement of the Senator that a poll of the Senate shows that there are not enough votes to pass the Sherwood bill?

Mr. TOWNSEND. That is what I have been informed by a Senator who is in favor of the bill, and who has made a canvass of the Senate.

Mr. KENYON. The Senator has not made that canvass himself?

Mr. TOWNSEND. I have not.

It has been stated on this floor, Mr. President, that the old soldiers whom we seek to benefit under this bill are dying at the rate of 100 a day. Thousands of them have passed away since this measure came before the Congress. I have been obliged several times to announce the death of old soldiers for whom I have introduced special bills and which bills had been reported favorably by the Pension Committee. Action, however, could not be secured upon these bills before the soldiers died. I repeat that what we do we ought to do now, because if we pass one of these measures to-day it probably will be a week or 10 days before it can be enacted into law, and in the meanwhile a thousand more will have gone to their great reward.

Another thing I wish to speak about is this: I have in mind the thought that the House has passed the Sherwood bill, and whatever bill we pass here will be the minimum which the conference committee can consider; and the presumption is that the measure ultimately enacted will be somewhere between this minimum and that maximum. Therefore, a much larger benefit than that now enjoyed is to be extended to the old soldier by the passage of any bill.

I believe I am as much in favor of strict economy in the conduct of the Government's business as any Senator here. I have been very much interested in the suggestions which Senators have made as to what we can do to secure the money to meet the extra demands which any pension legislation may impose upon the Government. I have been on record for some time as being in favor of a careful revision of the system we have of granting appropriations for public buildings.

I have said time and again, in the House and elsewhere, that I believe it is bad economy for the Government to engage in the general business of building post offices all over the country in places where there is no actual demand for them. It is a notorious fact, in the first place, that almost every building we put up costs the Government much more than it would cost an individual to do the same work. I have had the experience in my own district, when I was a Member of the lower House, of finding that some post-office building was too small and inadequate for the needs of the office, and new quarters were required; and whenever it was discovered that such a condition existed, and the wants of the Government were shown, private capital in the place put up a building that answered the needs of the Government.

So far as post offices are concerned, the Government can well afford to make its plans and specifications and offer them to the community, with the proposition that if it can get the quarters it needs it will rent the building for a term of years. The rent paid by the Government would scarcely exceed the interest on the Government investment if it had erected the building. The Government would save millions of dollars under this rental system. It might possibly interfere with the Member's influence in the community. But I submit, Mr. President, that these Government post-office buildings are about the worst assets any Congressman can have. If he gets a building in one place, it creates jealousy in another place. Different communities demand the building; and even when you have had an appropriation made for the building, you have to have a quarrel over the site; and the Representative or the Senator frequently comes out second best in such a contest.

In places where we have need for something besides the post-office accommodations, in our large cities where we have other Federal offices, and especially in the city of Washington, of course it is most desirable that the Government should own its buildings. But post-office buildings where not needed should not be built, and the money so saved would meet the most, if not all, of the cost of the pensions carried by any bill that is now before the Congress. It is gratifying to an American to see the flag floating over a Government building in his home city, but that same flag would float over as good a building built by private enterprise, and the money saved would furnish sufficient means to care for those men who made it possible for that flag to float over any building.

There is another economy that we might practice, and that is the one suggested by the President of the United States through his Economy Commission. It would be rather unpopular, because that of itself tends to subtract from Senators and Representatives some of the patronage which they might otherwise have; but we can economize if we wish, and that without injuring any department or service of the Government. Not through cheeseparing methods affecting little things, but in a large way we can recoup the drain upon the Treasury which any pension legislation at this time may cause.

There is another thing that has attracted my attention that looks to me as furnishing a very promising means of economy, and that is the printing bill, which has been presented to the Senate by the Committee on Printing. I am not saying that I indorse its every provision, because I am not familiar with it in detail; but there are many provisions in it which appeal to me very strongly, and through their adoption we can save much money, and then we can spend it in this broad, patriotic way. I approve the pension bill, not alone because of its effect upon the old soldiers who need the appropriation, but I look upon it as a wise Government policy, understanding as I do that it is an incentive to patriotism. If we should have a war in the future, we can depend, as we have depended in the past, upon the volunteer soldier; and every boy and every girl should be brought up in this country with a sure knowledge that this country is grateful to its defenders.

I do not say that men enlist or always would enlist for what they could get out of such service. I know that is not true. I do know that many men enlisted and will hereafter enlist because they felt and will feel that it was and is their duty to do so. I want to encourage that spirit.

We should have an opportunity to vote for the Sherwood bill in order that the Senate may express its views on that particular measure without thereby absolutely shutting out all pension legislation at this session of Congress. That being impossible, as I am told it is, then I want if possible to vote for the Burnham bill, which carries $30,000,000. We can vote on that, and if it fails then I am going to vote for the next best bill.

Believing as I do that the soldiers of Michigan and of the United States are in favor of pension legislation at this time, and that the smallest proposition increases their benefits by more than 20 per cent of what they are receiving now, I think it would be very unwise and very unpatriotic if with our eyes open we proceed to destroy all possibility of any legislation at the present session of Congress.

The McCumber bill is right in principle, and if we can amend it so as to enlarge the benefits it will be satisfactory to old soldiers. I feel sure we are going to do this, and let us do now, and not postpone a duty which has been delayed already too long.

Mr. HEYBURN obtained the floor.

Mr. BURNHAM. I should like to say a word at this time.

Mr. HEYBURN. I yield to the Senator from New Hampshire.

Mr. BURNHAM. I desire to say that the amendment I have offered I desire to submit after the bill goes into the Senate and not at this time, in Committee of the Whole. Whatever action may be taken I desire to have taken on the amendment in the Senate, and when that stage is reached I intend to explain the nature of the amendment.

The PRESIDING OFFICER (Mr. CURTIS in the chair). There is, however, an amendment pending, the amendment offered by the senior Senator from New Hampshire [Mr. GALLINGER] to the committee amendment.

Mr. CUMMINS. I ask that the amendment offered by the senior Senator from New Hampshire may be read.

The PRESIDING OFFICER. Without objection, the Secretary will read the amendment offered by the senior Senator from New Hampshire.

The SECRETARY. Strike out section 3 of the committee substitute and insert as section 3:

That no pension attorney, claim agent, or other person shall be entitled to receive any compensation for services rendered in presenting any claim to the Bureau of Pensions, or securing any pension under this act, except in applications for original pensions by persons who have not heretofore received a pension.

Mr. HEYBURN. Mr. President, in order that we may act wisely in dealing with pensions we should have a correct knowledge of the function that a pension is intended to perform. We are not paying back wages or compensation to soldiers when we grant pensions. Not only the presumption but the fact is that the Government discharged its liability to the enlisted soldier, and we are not now dealing with any deficit arising against the Government. Much discussion has proceeded here and elsewhere apparently to me upon the assumption that we were going to compensate the old soldier for some service that he rendered for which he has not been compensated. That would not be a pension. That would be the payment of something that was due by virtue of the contract of enlistment.

Mr. President, neither this bill nor, in fact, any of these bills make any provision for men who enlisted for 30 days. The first great shock of war was met by those men. They are the men whose patriotism was most prompt and not lacking in

efficiency. A full proportion of those men rested in their graves at the end of their service as compared with those who served for any other term. Their patriotism was as pronounced and their service as great as that of those who enlisted for a longer term or served for a longer term. The man who lost his life during the first three months, who responded to the call of the President for soldiers to serve three months, under a misapprehension as to the gravity of the situation, rests in as honored a grave and has to his record as honorable a service as the man who served four years with the same result.

I do not know why they should be left out, except on the basis that we are paying men for their services at so much a day and paying them over again. The man who risked his life in that first shock of the controversy risked it as much under an enlistment of three months as the man whose enlistment was for a longer term; and if you are going to deal with this as a matter of principle rather than as a matter of settling back accounts, I think it was a mistake to omit these men. I knew some of them who rest in their graves, in which they have laid during that first three months' service. I have clear in my recollection, as have other men whose memory runs back to that period, men who went out for three months and gave their lives or gave their prospects in life for their country in quick response.

Mr. President, the three months' soldier who received his wounds or whose health was broken in that three months differs only from the soldier of longer service in that he has been suffering longer. He has been carrying his wound longer. His family has suffered whatever resulted from his service or his wounds that much longer. Why should they be omitted from this bill? We were prouder of those men when they went out, if it were possible, than we were of the men who went when the story was older and when the glories of war had crystallized into a more definite shape.

When we remember the enthusiasm and the pride that accompanied those first troops to the front, untrained by experience or precept or example in the art of the soldier, but who said to the country, "Take me, awkward as I am, unused as I am to the performance of such duties; take my life or whatever part of it may result from the taking of me," is it right to omit them from the list of those who shall be cared for in their old age because they were patriots? I would not care to be called upon to decide between the claim of patriotism on the part of the man who made the first quick sacrifice and the man who made it in later years.

So I object to that feature of all of these measures, because I look upon this question from a standpoint entirely different from the principle which seems to underlie the measures. If we were going simply to pay additional compensation to the men who served in the Army, then of course we would take them up according to the quantity of service, perhaps the quality of service, perhaps distinguished between the men who while enlisted in the Army served in the commissary department or on detached duty. But such is not the spirit of this legislation. I think it ought not to be the spirit of any legislation, because those men were subject to the call to active service, and it is the intent with which a man said "Take my life, my country," that we are recognizing to-day.

We are here to deal with service pensions. That should not mean length of service, it should not mean kind of service, but it should mean the service offered by the individual.

Why should we deal with it at all? Because the man who did this for his country is no longer able to support himself in even moderate comfort, because the man who did this offered not only his life but the opportunities of life. He sacrificed the opportunity that comes to every young man to engage in productive enterprise or industry, and by so doing to provide a competence for himself in his old age.

Men were wounded in more ways than one. There was the physical wound that shattered the arm or tore the breast. There was the wound to the health that sapped the life of the man in after years. There was the wound to the character, some resisting, others unable to resist. The young men who went out from the university classes, the young men who went out from all walks of life, subjected to the temptations and the unusual conditions surrounding the soldier's life, yielded some, resisted some. The one who yielded brought home his invisible wounds to character, which left him unable to cope in the field in which men strive in business; it left him helpless in the great field of opportunity. Who can tell what would have been the social or business position to-day of the old, crippled inmate of a soldiers' home who hobbles along the street in poverty had he remained home during those four years in a position to take advantage of the opportunities of life, the very period during which men lay the foundation for whatever is to constitute their life? Who can tell? He might have been high up among the men of achievement, and it is as fair to presume that he would.

Realize for a moment that these were not men tried out in the struggle of life with characters firm and set. The average age of the soldier of the Union Army was less than 20 years. The armies of the world have been formed by boys, history tells you. There is no period in the life of a man so valuable to him and to the country as the period between 18 and 22. I know many men who left their classes in school, who left the workshops in which they were learning a trade, who left the field of opportunity, to go into that great Army. I say I know them, and I have had occasion to observe them, and we all know them. Many of them never came back, and left unprovided for and uneducated children of their early and earliest experience of life; left young wives and young children to meet the struggle of life; substituted in those lives poverty for comfort, accomplishment for defeat. Then, those that came back came back scarred with the wounds of a soldier's life; scarred with wounds to the character, wounds to the body, but the greatest wound of all for them, the one that reached away beyond the physical being of the soldier, was the wound to opportunity.

The most valuable thing that any man possesses in the world is opportunity. They had lost the benefit of four years of education, whether it be in the classes, in the classics, on the farm, in the workshop, or in the arts or trades. They had lost it forever. Time is one of those great jewels that, once lost, can never be regained. We had better lose anything than opportunity. It is for that we are pensioning these men on the proven records, upon the judgment of the world surrounding them. We are pensioning them because in the great court of experience and opportunity a judgment has been rendered that these men actually suffered a loss. It is not problematical; it does not need the affidavit of a neighbor that they were not successful; but the result is there. They are helpless old men, to whom no calculating moneygrubber would give employment for a day. Why, he would laugh at them and say, "You can not do a day's work." He would wound their feelings by telling them that they were useless among men.

Those are the men that I appeal for, and I say that we should strike out the distinction which excludes those soldiers who enlisted to meet the first rush of battle, those who enlisted at the first call of the President of the United States, even though it were for three months. Vast numbers of them were killed in three months; vast numbers of them were crippled in three months in all the ways that they were afterwards crippled. Why exclude them? I know a man who went out in the three months' service—I have one in my mind now—and he has been a cripple ever since, and lives to-day a crippled, decrepit old man. He was in a hurry to go to the defense of his country, but he came back wounded and broken. His suffering has been longer than that of those who went out later. Is he not entitled to any consideration? He could not enlist again, because he was crippled and broken. You say, "Why did he not continue his service and come under these classes?" I tell you of my own knowledge that he never was in a position where his services would have been accepted at all. The answer would have been a little like that in "Scott and the Veteran." So I say, put the three months' men here; put in every man who said to the country for one day, "Here is my life, all I have, and my hopes, and those of all who depend upon me; take them; send me to battle."

> Place me upon the ramparts,
> With the flagstaff in my hand;
> No odds how hot the cannon shoot,
> Or how the shells may fly,
> I will hold the starry flag aloft,
> And hold it 'till I die.

It does not take long to accomplish that. A man can die within the flash of an eye. His fate and that of his family can be settled quicker than you can state it. Some language has fallen here that would seem to indicate that the consummation of this great service to the country was something that could only be accomplished in three or four years. It could be accomplished in the time of the man who went out from his home at Gettysburg with his rifle on his shoulder, and it was over at the end of the day. So much for the three months' men.

The limit is drawn too close, and I shall propose an amendment in which there shall be no three months' clause. I shall propose at the proper time to strike out, in line 13, on page 3, the words "90 days or more," and to insert the words "enlisted and"; so that it will read:

> That any person who enlisted and served in the military or naval service of the United States during the late Civil War.

That is because of the principle that I conceive to be behind this legislation, a principle not of payment but a principle of

patriotic recognition of an act performed by a patriot, because of the result which flowed from the performance of that act to the State. I am going to propose further, that any man who would be entitled to a pension under this bill may leave the same in the Treasury of the United States, and suggest that it be done by a sworn declaration of his enlistment and that he would be entitled to a pension, that he relinquished it to remain in the Treasury to the credit of a fund that shall help to take care of others.

The soldiers' homes of this country could be maintained out of such a fund. We know that to-day there are a vast number of men in the United States who neither need nor draw their pensions. Those men should have the lawful right, by express provision of law, to declare that they contribute that money to this fund that should be used for the purpose of maintaining equally pressing need and patriotic purpose. That I want to propose.

I have necessarily been absent from the Senate much of late and have not had the time that I would otherwise have occupied in which to perfect and have ready for prompt presentation the views which I entertain upon this question. I shall at the proper time propose to amend section 1 by making it definite that this is a service pension by inserting, in line 20, page 3, before the word "pension," the word "service"; and, then, I shall propose as a further amendment that after the word "pension," in line 20, the words "of $1 per day, as hereinafter provided," shall be inserted. The words "hereinafter provided" merely refer to the manner in which it is to be done, but it fixes the amount at $1 per day. These men are all over the age of 62, and there is no occasion for inserting that limit in the bill.

Then, I will propose to strike out all of section 1, after the words "hereinafter provided," as they will appear in the section as I propose that it shall be amended. That will eliminate the elaborate classification. I propose to strike that out, because it will all have been expressed in the words they shall—

be placed upon the pension rolls and be entitled to receive a service pension of $1 per day, as hereinafter provided.

The "hereinafter provided" merely relates to the manner in which the money shall be paid. I propose further to leave in the provision with reference to the War with Mexico, because that is existing and established law. There is no occasion for the words "62 years of age or over and who are" in lines 7 and 8, on page 5.

I would strike out the reference to attorneys' fees. I would make no provision, except that there should be no attorneys' fees paid out of the amount of the pension, directly or indirectly. The men who need these pensions ought not to be the victims of agents or attorneys. There is no community in the United States where an old soldier need pay one cent to have any paper connected with his pension drawn or sworn to. If there is such a community, it ought to be blotted off the map. I have had an opportunity to watch the pension business since the first pension bill was drawn, and I have kept pretty close to it to see that these old men were not made the victims of anyone's greed for gain.

Mr. President, I do not know that I will meet with any success in attempting to place these patriots on the same footing. The offer was as much on the part of the poor soldier as on the part of the rich, the scholar, or the man who was not a scholar, because he offered the termination of his life. There is nothing to be added to that. There are across the river rows of monuments and headstones over those who made the sacrifice, and there are throughout this country from end to end hundreds of thousands of living monuments of those who were willing to make that sacrifice. I would make no difference in point of honor between the officer and the man in the ranks. The officers alone could not have won in that strife.

Mr. President, it has been suggested to me by the Senator from Minnesota [Mr. CLAPP] that the adjutant general in each State should make provision for the preparation of the pension papers in all cases, and that there is no occasion for having any provision in this bill in regard to it. I agree with him, and go further, repeating that I know of no place where there are not one or more men who have the sympathy and the ability to furnish all the assistance necessary to a soldier to get his pension. I need not be personal about it further than to say that in a long life of practice I have never charged one of these old soldiers a dollar for any kind of professional service I have rendered him, and I am only one of hundreds of thousands. It is enough for me to know that they stand as the representatives of all that was necessary to meet that great crisis.

I do not like dividing these men up into classes for the purpose of recognizing an act single and common to every one of them, an act which was as great in one as another. I see no occasion for such a classification unless we are undertaking to frame this bill on the basis of the payment of arrears to soldiers, and we are not. If we are, then we should be ashamed of ourselves and the Government of which we are a part.

This is not a partisan question. Men, be they Senators or not, in any part of this Chamber or without it, recognize acts of patriotism and bravery as being worthy of recognition by the responsible Government, which stands for the principles that were behind the actions of those men.

It is not for the bravery of men that we pension them; it is because of the fact that they offered all they had. If we were only to pension them according to the measure of their bravery, we would have to go into an investigation of all the scandals of the war for the purpose of determining which individuals were entitled to pensions. There is not a man that would come within the provisions of this bill as I propose to offer an amendment to it that can to-day earn a livelihood. There are hundreds of thousands of men in the United States entitled to pensions who will never claim them. They should not. The pension, while being a recognition of the act, is a matter in regard to which the pensioner himself must act the responsible part of claiming it or not.

Mr. President, I would amend the bill as it came from the House, if it were before the Senate, to conform to the same principles that I have undertaken to express in the amendments that I have suggested to the bill now before the Senate in the nature of a substitute. I would amend every bill that is proposed so as to conform to those lines, because they are just.

Why, we are treating these men as though we were their masters. We are dealing with these old soldiers as though we were their masters and they were suppliants at our hands for a pittance to preserve them from discomfort or death. There was a time when those men were our masters; when, had they ceased in the performance of their duty, we would have had no opportunity to stand here like pouter pigeons dealing out something to them as though it were alms, swelling ourselves up with claims of patriotism and pride and saying, "I am willing to give the soldiers who served two years so much, and those who served one year so much, and those who served nine months so much. I am willing to allow it to them."

I have heard that expression right here in debate, "I am willing," forsooth, "to allow so much to the men who saved not only my poor hopes and destiny, but saved the hopes and the destiny of all the people of their own generation and of the generations to follow."

There was never in the history of the world the performance of men that accomplished such great good as was accomplished by those men. Other soldiers have kept the thrones for kings. Other soldiers have been able to turn the tide of one monarchy against another. Other soldiers have been able to seize new countries and subjugate them.

But this was a soldiery that stood for the preservation of a country that stood then, and stands now, on a higher plane of civilization than any other country in the world. It may be worth while to save a monarchy and yield your life for it. It may be worth while to keep some petty king upon the throne, and even sacrifice your life or your welfare for him. But it is countless times greater to offer your life and make the sacrifice to maintain the Republic of the United States—the only republic that was known in that day, or has been known since, that is worthy of the name.

Eighteen hundred and sixty and eighteen hundred and sixty-one. Have you reviewed the conditions represented by the American Government and the American people at that period and compared them with those of to-day? Have you given thought as to the inevitable consequence of the destruction and disruption of this Government in that great struggle? And with that as a basis have you undertaken to estimate the value of the services of these men, the meed of honor that is due them, and has stood as their meed from that day to this? Have you undertaken to estimate what is due to the old man who, in that day of his boyhood or young manhood, paid this price, and not only paid it but got the goods for it? Have you undertaken to estimate that and then say, "Oh, I am willing he shall have, yes, say, eleven or twelve dollars a month;" and then say, "This is a matter to be agreed upon in conference. We may agree to give him thirteen"?

Great God! He gave you a country and you would give him $13 a month after he had passed beyond the age or condition in which he could gain the bread for his daily subsistence. Men compare the cost of this and that pension bill with the cost of other departments of the Government. Do you realize that there would have been no other costs and no Government except for these men in the aggregate? And yet there have been times when a handful of them represented the

millions that constituted the aggregate in preserving the destiny of the Nation.

Do you remember when Gen. Pleasonton held the whole Southern Army in check, in order that our Armies might form and make a successful defense, with the loss of practically every man with whom he went into the fight? Do you remember when that little company from New Jersey, enlisted in the stores and the banks and the schools of New Jersey, went out 100 strong, and how, when they came out of the Battle of Chancellorsville, there was 1? And I saw him with his arm shot off. That was all that was left when that sacrifice was paid. Yet you would stand here and talk about what they did, this man and that.

I distinguish this from the class of pensions for disabilities. I have sought, by the amendment I propose, to limit it by express terms so that it will not include pensions for disabilities. This is a different class of recognition, in this ripe hour for recognition of men and men's deeds that are the foundation to-day of the Nation, united forever.

Those men are responsible for it, the dead and the living. The dead did not win the battles. They only died for their country. It was the living men who won the battles, who carried the lines of their enemies, who brought home to glory the flag. It was the living men who did these things, and we are dealing with them to-day. We are not dealing with monuments to the dead.

Day after day I have seen the distinguished Senator who is chairman of this committee rise when pension bills were under consideration, and I have heard him enumerate sometimes a dozen soldiers, and say, "I move that their names be stricken off. They have died since this bill was reported."

Mr. President, I do not feel like prolonging the discussion of this question, because I seem to have a consciousness that the lines are laid, and that we are going to do something for the soldiers. Great God! Think of the sarcasm of that, "We are going to do something for them!" It is a piteous statement.

Why to do anything for them? If you are going to measure it by gills, why do anything for them? They will soon die and go to their reward, the greatest reward—they will live in the hearts of their countrymen.

Mr. SIMMONS. Mr. President, in expressing my opposition to this measure I shall be as brief and as conservative as possible, and as I do not desire to enter into any controversy upon this question, I hope I may be permitted by my colleagues to proceed without interruption.

The first pension act, that of June, 1862, granted a pension for disability. It was a pension granted to make good to the soldier any incapacity for the performance of manual labor directly traceable to a wound, injury, or disease incurred in the line of duty.

In 1890 a change was made in the law, and a pension was granted to all soldiers who were incapacitated for manual labor, without regard to the origin of the incapacity.

Again, in 1907, another change was made in the law, and the age of 62 years and over was declared of itself a specific disability, and pensions were allowed to all who had served 90 days, and had been honorably discharged, the rating being dependent on age. At 62 years the pension was $12 a month; at 70 years, $15; at 75 years, $20.

The widow, the children, and dependent parents and brothers and sisters of the soldier were also allowed pensions by these several acts—first, where the cause of death of the soldier originated in the line of duty. Later, the widow and the minor children of the soldier were allowed pensions where she was or they were dependent, without any regard to whether the soldier's death was caused in the line of duty or not. Later pensions were allowed to the widow and the surviving children of soldiers of the Civil War, who had served 90 days and had been honorably discharged, without regard to whether they were dependent or not dependent.

As broad and liberal as this general legislation is, there have arisen cases of peculiar hardship that have led to particular relief. There have been passed 35,987 special acts, chiefly to increase the pensions of particular individuals, and many of them have been for the benefit of widows. The tendency seems to be to enlarge the use of special legislation. The Fifty-sixth Congress passed 1,391 special pension acts; the Fifty-seventh Congress, 2,171; the Fifty-eighth Congress, 3,355; the Fifty-ninth Congress, 6,030; the Sixtieth Congress, 6,600; the Sixty-first Congress, 9,631; and it is stated that there are now pending before the House committee about 10,000 bills for special pensions. Of the 6,030 beneficiaries under the acts of the first session of the Sixty-first Congress, only 563 were new names; 5,500 were already on the roll, the object of these bills being simply to increase the pensions.

Under this legislation every soldier of the Civil War who served 90 days and was honorably discharged is entitled to be on the roll, and probably, practically all of them are on the roll. The widows and minor children of such soldiers as have died are also provided for.

Up to June, 1910, there had been pensioned 1,153,626 soldiers, of whom there were then alive 562,615. In June, 1911, there were 529,884 soldiers on the roll, and 295,707 widows of soldiers. The payments to these widows and to the children of soldiers amounted to about $45,000,000. The payments to the soldiers amounted to about $105,000,000. The payments to the soldiers of the Regular Establishment, of the War with Spain, and the Mexican and Indian Wars, make up the residue of the disbursements.

Mr. President, the acts of 1907 and 1908, it was thought by many, filled the measure of our patriotic duty to the soldiers and their widows.

It is now proposed to unsettle what was then settled. It is not proposed to admit others to the rolls, for the rolls have, for four or five years, been open to all. It is proposed to increase the pensions of those already on the lists, whether the soldier needs the increase or does not need it, whether the soldier is rich or poor.

The bill the House has sent us, the so-called Sherwood bill, provides that any soldier who served 90 days in the Civil War, and less than 6 months, shall receive $15; anyone who served 6 and less than 9 months, $20; anyone who served 9 months and less than 1 year, $25; anyone who served 1 year or more, $30 a month.

Under that bill 44,510 men would be rated at $15, 35,552 at $20, 72,114 at $25, and 376,218 at $30.

Necessarily the result would be a large increase in the amount. On page 13 of a compilation made for the use of the Senate, the Secretary of the Interior shows that the increase would aggregate $75,651,000.

The increase for the 3 months' men foots up only $787,000; that for the 6 months' men, $2,435,000; that for the 9 months' men, $7,619,000; for the 1 year men, $64,809,000.

On page 14 of that document, the Secretary of the Interior estimates the pensions of 357,474 one-year men, under the act, at $128,690,640; and as their increased pay would be $64,000,000, it follows that the proposed bill would just double the pensions of these one-year men, or just about double the pensions of more than one-half of all the men who are now on the pension roll. The average value of each pension under the act of 1890 is stated at $143; under the act of 1907 is stated at $173; under the proposed act it would be $336, or just about double the value of pensions under the act of 1907.

The expansion of the pension system in 1907 and 1908 was regarded, as I have said, by many, at least, as filling the measure of our patriotic duty to the soldier and his widow and minor children.

Admitting, as I freely do, the country's patriotic duty to its war veterans, it should not be overlooked, it seems to me, that there are other interests besides that of the soldier to be considered. The interest of the taxpayer should not be disregarded.

We can not give, Mr. President, to one class without taking from another.

In our human experience there is no manna falling from heaven. What the Government gathers up comes from the pockets of the people. It is drawn from the community. Every family bears its part of the burden.

If, in the first instance, it is paid into the Treasury by merchants, the farmer, and business men, by manufacturers and men engaged in large transactions, they cast it as a burden on business, and it is distributed among the public generally.

It becomes an incubus on industry.

It rests in part on the shoulders of the workmen.

It falls in part on the clerks and salaried men.

Business men charge it back, without any diminution of their profits, on the masses who must eventually pay it.

Do the just demands of patriotism and the financial condition of our country and our people justify us in adding $75,000,000 a year to the burden of the people, a part of it going to swell the pensions of the well to do as well as the poor? That they do not, Mr. President, has been recognized by the Senate Committee on Pensions in the substitute measure it has reported to the Senate.

Mr. President, for the first 10 years after the War between the States, when we had many wounded and disabled soldiers to care for, the annual pension roll did not reach $30,000,000. No

one will question but that patriotic generation did its full duty by the suffering heroes who were victims in the great struggle.

For the next decade the annual expenditure was less than $60,000,000, but by 1890 pensions had reached the $100,000,000 mark.

Since 1890 we have distributed in pensions nearly $3,000,000,000.

In the history of the world there has never been any display of liberality that approximates this great expenditure. The combined pensions of the four greatest powers of Europe are stated at only $129,000,000, and I risk nothing in saying that our pension list is larger than that of all the balance of the world.

Comparing our expenditure for pensions with that made by our patriotic forefathers because of the Revolution, we find that we are now expending in six months as much as they allowed in 50 years for the men who won our independence.

To the patriots who dared to rebel against the most powerful Government of the world and break the ties of friendship and of kinship; who served seven long and weary years; who suffered at Valley Forge; who starved in winter on the Hudson; who underwent the horrible deprivations and sufferings under Greene at the South; who experienced the horrors of the prison ships, our forefathers allowed all told only $70,000,000; we pay to-day to men and women, but few of whom ever received a wound in battle, more than $150,000,000 a year. Such liberality has no parallel in history.

My opposition, Mr. President, to this bill is founded on considerations which ought to influence a Senator legislating in behalf of the whole country and not in behalf of any section of the country. And yet, Mr. President, the people of the Southern States necessarily occupy, in respect to its effects upon them, a peculiar position toward this question.

It is not necessary for me to make any particular protestations or representations with respect to the patriotism of the people of North Carolina or of the Southern States. Their general action during the last 50 years attests their patriotism. Their action in the war which has just passed attests their patriotism. We have heretofore acquiesced in such action as the northern people have desired for the benefit of the old soldiers. But there are two circumstances that differentiate the two sections with respect to the effect of these pensions: First, of the vast sum of $4,000,000,000 that has been paid in pensions, only a small fraction has been disbursed in the South. The disbursement has inured largely to the advantage of the richer and wealthier sections of the North and the East and the West. Second, the South has, in addition to the burden of paying its proportionate part of the national pensions, a duty to perform toward the old soldiers of the Southern States.

I know the generous hearts of the northern people applaud our efforts to care for the old and decrepit Confederate veterans who fought so bravely in the time of the great war. I know they sympathize with our sentiments of veneration and filial piety toward those men whose courage and endurance reflect credit on American citizenship. Without reference to the cause in which they displayed their splendid manhood, their devoted self-sacrifice, their magnificent spirit of patriotic ardor, all men applaud their constancy, their endurance, their personal bravery and heroism. We have a duty toward them which we seek to perform according to our pecuniary ability. In this no one else has a share. It is a filial as well as patriotic duty that rests alone on the South.

Thus there are two circumstances that differentiate the people of the Southern States from those of the Northern States in the matter of pensions, namely, the unequal distribution of the expenditure and the additional duty resting on the Southern States.

Mr. President, I am not unmindful of these two circumstances, but I want to repeat with all the emphasis that I can command that my opposition to this bill is based upon such considerations, and only such considerations, as ought to influence a Senator acting for the whole country.

Mr. President, during the 11 years I have been a Member of this body I have never opposed any special or general pension legislation. I have introduced many special bills in behalf of my own constituents, and I have sought with as much zeal to secure their adoption, when I thought they were entitled under the laws of the country to what they asked, as I would seek to secure a pension for an old Confederate soldier under the scant provision that my people have been able to make in their behalf. I do not recall that at any time Senators who come from the same section of the country that I come from have heretofore opposed legislation either of a special or general character providing pensions for the old Union soldiers. We have, up to this time, acquiesced in this legislation.

Mr. President, it is sought to justify this doubling of the pensions of the old soldiers upon the ground that they are needy. And yet there is no provision in the bill to limit the increase to those who are indigent.

It is proposed to increase the allowance of those who are prosperous and independent in the same degree as those who are poor and needy.

I do not know what per cent of the Union soldiers are of the one class and what are of the other class, but I do know that the Union soldiers who survived the war, as a rule, were not weakened in the struggle for life as a result of that contest. On the contrary, they were rather strengthened through the experience and training they acquired in that service. I know that many of them went back to the walks of life and at once became potential factors in the industrial enterprises that have wrought the great prosperity that has in recent years come to our common country. They became active participants in the business life of their community, becoming leaders in every line of endeavor. Many of them are to-day among the most prosperous and independent citizens of the community in which they live, many of them have amassed fortunes. If this bill confined its benefactions to those who are really needy there would be some slight justification for the increase proposed, but it does not; on the contrary, it increases the allowance to the rich and prosperous as well as to the indigent and needy.

Mr. President, I have a great admiration for the bravery and the patriotism of the Union soldier. I think the men who followed Grant and Sherman and Sheridan during those four long, bloody years were the bravest and most patriotic men who ever went to battle, save only those who followed Lee and Jackson, who were equally as brave and patriotic.

I would not oppose a measure that in my judgment measured only the patriotic duty toward the old Union soldier; but in the face of the liberal legislation that has marked the years that have gone, constantly liberalizing and broadening our policy toward the old Union soldiers until every man who shouldered a musket and went to the war in defense of the Union is now on the roll or may be put on the roll, when it is proposed in this bill to double the pensions of more than one-half the men on the roll, I can not find it in my conscience to give my support to that measure.

Mr. CLAPP. Mr. President, it is not my purpose to make a speech upon this bill. I realize that the lines are drawn and every Senator probably has decided how he will vote. But there are scattered through the country thousands of these old men who, in addition to the small amount the bill provided for, may feel that their services are remembered, and may feel some comfort and cheer in the thought that their cause is championed upon this floor.

The Senator deals with the question of the amount required by this bill. He says that manna does not come down from above. Mr. President, I was a small boy when the war broke out. I remember how the northland was thrilled when there stood forth that matchless champion, Stephen A. Douglas—Lincoln was then but little known and was untried—and when there fell from the lips of Douglas the words, "This Union must and shall be preserved," it sent a ray of sunlight and hope to every northern home, and it did seem as though it was manna from heaven.

The months rolled on and a great army of young men sprang into existence, and we began to realize that, notwithstanding all the sophistry of the preceding two generations, there was a sentiment in this country that the Union should be preserved, and that the Union would be preserved by the youth of the country; and it seemed again as though manna was descending from heaven.

Mr. President, I can not undertake to pay fitting tribute to the memory of the soldiers. The grave that marks the last resting place, the empty sleeve, aye, even the bowed form, the silvered crown of those who in the long, long ago risked their all that this Union might be what it is to-day, speak more eloquently than any human tongue. The thought of computing the cost of a just recognition to these men is, to my mind, beyond the pale of consideration at this time. It is not a question of how much this will cost, but it is a question of how near this will be toward being a just recognition of that debt of gratitude and patriotism which we owe these men.

I shall vote for the Sherwood bill. I shall vote for the amendments intended to be proposed by the Senator from Idaho [Mr. HEYBURN], and if we can not get the Sherwood bill with those amendments, then I shall vote to get the best which we can get. For 11 years I have waited until the hour might come when we could do this tardy justice, and I will not longer

delay this vote, which I so long have looked forward to, by trespassing further upon the time of the Senate.

Mr. KERN. Mr. President, in accordance with instructions from my party in Indiana, and in accordance with the will of the people of that Commonwealth, I shall vote for the most liberal proposition that shall be made here on behalf of the surviving soldiers of the Union.

I have listened with deep interest to the Senator from North Carolina [Mr. SIMMONS]. In listening to him I realized most fully and keenly the wide divergence there naturally is in the angles of vision from which we view this great question. On one side there are men from the South here who were not born when the war ended. I appreciate how difficult it is for them to understand the magnitude of the struggle and understand the wonderful work accomplished by the million or more men who, from 1861 to 1865, walked on the outermost ridge of battle into the jaws of death, into the very mouth of hell; who underwent the rigors of campaign life, the perils of battle, and the horrors of prison life, to the end that this Union might live; to the end that we might enjoy the great material prosperity which is now enjoyed by all our people. That is the situation on one side—a lack of sentiment on the one side—while on the other side is raised the cry of economy. The proposition is baldly made here that this great, splendid Republic, the greatest and richest Nation on the face of the earth, can not afford to do that which all men concede is justice to the men who saved the Union. Between the two rocks the old soldiers of the country suffer.

My friend from North Carolina awhile ago undertook to compare the cost of pensioning the Revolutionary soldiers during the first 50 years of the Republic with the cost of pensioning the great army of soldiers of the Union who now survive. Was that a fair comparison? Why, there were more men killed and wounded in one battle of the Civil War than Washington ever had under his command at any one time.

Did the Senator from North Carolina ever stop, when making the calculation as to the amount of money paid to the Revolutionary soldiers 25 years after the Revolutionary War ended, to compare the proportion that the amount paid for pensions bore to the total expenses of running the Government in those days? Did he stop to compare the total amount paid out for pensions with the wealth of the Nation in those days? The pension list was larger at the time referred to by the Senator in proportion to the expenses of the Government and in proportion to the wealth of the Nation than it now is.

The Senator has stated that 20 years after the Civil War was over our pension list only aggregated about $30,000,000. That is a fine compliment to the survivors of the Union Army—a splendid compliment. Twenty years after the war was over the average age of those soldiers was perhaps from 42 to 45 years. Those soldiers, able to work, strong in their pride, disdained to ask justice even at the hands of the Government they had saved. Another decade passed by, as he said, and the pension list had only then grown to $60,000,000. Those men were still able to earn their bread by the sweat of their faces, and the great mass of them asked nothing of the Government. But now, after the war has been over 47 years, these men are old, decrepit, broken; and in their extremity they come to the Government and ask for recognition for the splendid service rendered by them in the days gone by.

When other great propositions have come before the Senate calling for the expenditure of hundreds of millions of dollars, have voices been raised here pleading the poverty of the Nation? When the proposition was made to build the Panama Canal and expend some hundreds of millions of dollars in that project, was any voice raised here asking the question where the money was coming from? Were there any spasms because of the prospect of a bond issue then? Not at all; for the reason that this Nation was so great, so rich, and so strong that it would have seemed contemptible for anyone to have stood here and urged the poverty of the Nation as against such a great, splendid enterprise as that.

I will not go into that question now, for I went into it the other day; I did not rise for that purpose; but since I addressed the Senate a week ago I have received many hundreds of letters from old soldiers all over the country, from New York and Pennsylvania, Nebraska and Kansas, California and Oregon. I think it would be well if I should read to the Senate a few extracts from some of those letters as giving the sentiment of the soldiers throughout the country. I have a letter here from Lancaster, Pa., from a man who says that he is—

> The only survivor of four brothers, three of whom gave up their lives in battle. The eldest was shot six times and scalped by Price's Indians at Pea Ridge, Ark.; the next was shot through the head at Rolla, Mo.; and the third was killed at Stone River.

The writer states that he was wounded at Petersburg. He says:

> Thank God, my wound, although shot through the hip, never so far incapacitated me from all labor, and for 28 years I have worked night and day, and by privation and self-denial I can live independent of a pension, and, so far as I am concerned, this great Government can keep my pension; but there are a few that I know that are so situated that the dollar per diem would be a godsend to them and to many of the brave men who saved the Nation.

I have here a letter from Cincinnati, Ohio, from a soldier who served in a Massachusetts infantry regiment for 3 years and 10 months, who urges the adoption of the Sherwood pension bill or one similar to it. From Naval Post 516, Grand Army of the Republic, of New York City, comes a letter from the chairman of the committee warmly supporting the Sherwood pension bill. I have a communication from a number of soldiers in the National Military Home at Dayton, Ohio, urging the passage of the bill and concluding the letter in these words:

> All eyes of the veterans here are now resting on the Senate, as the House has done its duty in voting 229 for the Sulloway bill and 262 for the Sherwood service pension bill. We hope it may pass.

From Goshen, Ohio, comes another letter from an old soldier warmly indorsing the Sherwood bill; one from North Beach, Md.; another letter of the same kind from Philadelphia; another from Westboro, Mass.; a strong letter from a soldier who belonged to the Thirty-fourth Regiment of Massachusetts Volunteer Infantry, who says that the Sherwood bill is what is demanded by every soldier with whom he is acquainted.

From Boston comes a letter from a man who enlisted in 1861 at $11 a month, and in 1863 reenlisted and served nearly five years, urging the enactment of this law.

I have another letter from the town of Young, Ohio, which contains a similar demand; one from a soldier of the One hundred and thirty-third Pennsylvania at Harrisburg, in that State, who declares that the soldiers of Pennsylvania are a unit for the passage of the Sherwood bill; another from New York City, which, in very strong language, urges the Senate to do justice to the soldier. I have also a letter from a member of the One hundred and fiftieth Pennsylvania Volunteers—the Bucktails. He says:

> The soldiers saved the Union from destruction. The old soldier is not played out yet—not by a gunshot—even in the politics of the country, as some people may discover in the near future. He is still on the picket line watching, ready with his gun for "Who comes there?"

From Rochester, N. Y., an old veterans writes:

> I do not belong to the same political party that you do. * * * I joined the Union Army in 1862; was wounded at Gettysburg, and taken prisoner on field at Battle of Wilderness, May 5, 1864; spent five months at Andersonville and five months in Florence, S. C.

He urges the passage of the Sherwood pension bill.

I have another letter from Newark, N. J., from a member of a New Jersey regiment, who says:

> I am a veteran of the Civil War, nearly 69 years old, and for two years have been unable to work. Wife and I, by prudence and economy, have succeeded in maintaining our little fireside up to this time. Our meager savings of the past are now exhausted, and, with the exorbitant cost of commodities, it is a struggle to obtain the required necessaries to maintain our existence.

He simply asks that justice be done to him as a soldier and to his comrades. From Covington, Ky., comes a letter from a soldier—a very long and very forceful appeal for simple justice.

These old soldiers are putting their claims not upon the ground of mendicancy, not upon the ground of poverty, although most of them are poor, but because they feel, and rightly feel, that this Government owes them a debt which can not be paid.

I have a letter here from Keene, N. H., from a lady who says she is only an ignorant old woman. She is a soldier's widow, and says:

> Perhaps it is glory enough to have them get the band out on Decoration Day and drop a wreath on the grave of the dead; but ought they not to give those old men and their near ones not only the bare necessary things, but some of the care and comfort their old age craves?

From Springfield, Mass., comes a similar letter. From Gen. Robert P. Kennedy, of Bellefontaine, Ohio, a man who was breveted brigadier general at the close of the war, one of the prominent Republicans of Ohio, comes a letter urging the passage of the Sherwood bill.

> The old soldiers of the Army—

He says—

> owe to the Senators who stand for the bill a debt of gratitude for their fearless, outspoken defense of their cause, and as an old soldier and a Republican, I desire to tender to you, a Democrat, my thanks and congratulations for your action.

And so I might go on here for an hour, Mr. President, reading extracts from such letters, the sentiments of many of which are touching indeed. All of these letters indicate that the soldiers, the men who are interested in this legislation, are almost to a man opposed to the McCumber or Smoot substitute

and are in favor of a measure that will give them the relief they need and will make their pathway down to the grave a little more pleasant.

Mr. SMITH of Georgia. Mr. President, I send to the desk and ask to have read two amendments to the pending substitute.

The VICE PRESIDENT. The Senator from Georgia asks to have read two amendments, which at the proper time he proposes to offer. The Secretary will read as requested.

The SECRETARY. It is proposed to add as a new section the following:

SEC. 5. That no pension shall hereafter be paid to a nonresident of the United States except for injury or disease of service origin, nor shall the nonresident widow of a soldier hereafter draw a pension except where the death of the soldier was of service origin.

Also the following:

SEC. 6. That no person with an annual income of $1,200 or more, whether the same is derived from a salary or from property, or from both combined, shall receive any pay as a pensioner under this act or any existing law except where such person is suffering from an injury or disease of service origin, but the name of such person who has so served in the military or naval service of the United States and who has been honorably discharged therefrom may remain upon the pension rolls as an honorary member thereof.

Mr. SMITH of Georgia. Mr. President, no one responds more fully than I do to the beautiful tributes which have been paid to the heroes who wore the blue and who wore the gray. It is a delightful realization of the perfect union that exists in all parts of our country that, without regard to party or to section, such speeches can be made here and find a response in every heart. It is indeed difficult listening to such just tributes to preserve our legislative reason and to legislate with full comprehension of all our responsibilities, rather than to yield to our hearts and turn the entire Treasury over, if necessary, in response to our patriotic sentiments.

But I wish to call attention to a few facts which, it seems to me, have not yet been mentioned, but which ought to be a part of the record before our vote is taken.

The Secretary of the Treasury has advised that for the fiscal year ending June 30, 1913, we may expect a revenue from ordinary receipts of $667,000,000. The chairman of the Appropriations Committee of the House of Representatives estimates that if payment is made to the sinking fund as required by law and the other ordinary appropriations are made for the next year, there will be a deficit according to present conditions of about $27,000,000.

Be that as it may, I shall not stop to discuss it. The proposition which we now confront comes to us in the shape of a bill and a proposed substitute. The original bill would increase our pension appropriations for Mexican soldiers and soldiers of the Civil War from $150,000,000 a year to $225,000,000 a year, thus adding 50 per cent to the present annual sum. The substitute proposes to increase our pension payments $30,000,000 a year.

One would almost think, to listen to the eloquence of some Senators, that our Government has been niggardly in the matter of pensions. Let us stop and calmly, as business men, candidates for no office and contemplating nothing of the kind, look at the balance sheet and see how the Government has acted. Next year we hope to have $667,000,000 from ordinary receipts. Nobody questions that we are to give to pensioners of the Civil War $150,000,000—nearly one-fourth of our entire revenue to pensioners of the Civil War. Now, there are other things that we must do for the welfare of the public which we can not abandon.

Mr. SHIVELY. Mr. President——

The PRESIDING OFFICER (Mr. CURTIS in the chair). Does the Senator from Georgia yield to the Senator from Indiana?

Mr. SMITH of Georgia. Certainly.

Mr. SHIVELY. Is not the Senator mistaken as to the $150,000,000? Does not the pending pension appropriation bill, prepared to meet the demands under existing law carry a total of only $152,000,000, which, of course, includes all pensions to the soldiers of the Spanish War?

Mr. SMITH of Georgia. No. I will answer the Senator by calling his attention to the fact that on June 30, last year, according to the report of the Commissioner of Pensions, we paid $148,000,000 to pensioners of the Civil War, and the special pensions which have been added at this session will probably carry the amount up to $150,000,000 to the pensioners of the Civil War alone. The pensions paid to soldiers of all wars was about $157,000,000.

Mr. SHIVELY. I think, if the Senator will take the pension appropriation bill as it came from the House, he will find on the first or second page that the appropriation on account of all pensions is fixed, I think, at $152,000,000.

Mr. SMITH of Georgia. I do not know what the bill as it came from the House provides, but I know what we paid last year, and I know that the report of the Commissioner of Pensions shows that $157,322,160 was paid for pensions last year.

Mr. SHIVELY. If the Senator please, that is true; but the appropriation proposed in the pending pension appropriation bill is upward of $5,000,000 less than for last year.

Mr. SMITH of Georgia. I should like to ask the Senator if he would amend the Sherwood bill so as to provide that the total amount of pensions should not exceed $152,000,000, and that if it shall be found that the Sherwood bill requires an amount in excess of that sum, then that the excess amount should not be paid, but that the pensions should be reduced?

Mr. SHIVELY. I ask the Senator whether he believes that such an arbitrary principle is consistent with scientific legislation?

Mr. SMITH of Georgia. I think it could be worked out scientifically. Beyond any question, with an appropriation limited to $152,000,000, the Pension Office could take the number of pensioners and pro rate the amount. It seems to me that a misapprehension has existed as to the amount we have paid and are paying for pensions. For the fiscal year ended June 30, 1911, we paid over $157,000,000 for pensions. Nearly one hundred and forty-eight millions of that sum was to the pensioners of the Civil War alone. With the special pensions passed at this session, it is reasonable to estimate that, according to the law as it stands, the amount paid to the pensioners of the Civil War will be practically one hundred and fifty millions.

That is nearly 25 per cent of our next year's revenue. The proposition is to pass the Sherwood bill and add seventy-five millions more. That would be two hundred and twenty-five millions. That would be about one-third of the entire income of the Government.

Mr. SMITH of Michigan. Mr. President——

The PRESIDING OFFICER. Does the Senator from Georgia yield to the Senator from Michigan?

Mr. SMITH of Georgia. Yes.

Mr. SMITH of Michigan. The statement of the Senator from Georgia is, of course, very interesting. Right at that point I should like to suggest to him that our generosity to the soldiers of the Civil War will hardly be called such if the Senator will examine the generosity of this Government to the soldiers in the American wars preceding the Civil War. It may be interesting to the Senator from Georgia to know——

Mr. SMITH of Georgia. Mr. President, I should be glad to have the Senator ask me a question.

Mr. SMITH of Michigan. I am about to do so, in just a moment.

Mr. SMITH of Georgia. All right.

Mr. SMITH of Michigan. It may be interesting to the Senator to know that there were given to the participants in the American wars prior to the Civil War 68,791,000 acres of land; and that the men who shared in the generosity of the Government were none other than Gen. Lee and Gen. Hancock and other men whose services for the Union prior to the Civil War were very distinguished.

Mr. SMITH of Georgia. I have listened for the question of the Senator, and he does not propound it.

Mr. SMITH of Michigan. I will leave that to the Senator to determine. I presume I did not. I intended to interrogate the Senator.

Mr. SMITH of Georgia. But even if he did not propound a question, I am glad to have yielded to him.

Undoubtedly large quantities of land were given to the soldiers of the Revolutionary War. At the moment the Senator interrupted me I was not referring to the soldiers of the Revolutionary War, however. I was referring to the soldiers of the Civil War. Later on I may make a comparison between what has been done for the two. All that I was seeking at this time to show was that if we added $75,000,000 annually to our present appropriations, according to the terms of the Sherwood bill, we would be giving about one-third of our entire income for next year to pensioners of the Civil War. I was not even commenting upon the fact that this was more than we gave soldiers of the Revolution.

Mr. SMITH of Michigan. Mr. President——

The PRESIDING OFFICER. Does the Senator from Georgia yield to the Senator from Michigan?

Mr. SMITH of Georgia. Certainly.

Mr. SMITH of Michigan. I just want to say to the Senator from Georgia that I was not referring entirely to the Revolutionary War, either. I was referring to the Mexican War and to the part that was taken in that war by distinguished men from the South, who were not above asking the Government to reward them for their military service and who accepted with a

great deal of satisfaction rewards that were exceedingly liberal, as the Senator from Georgia will see if he will look into the matter, and were probably deserved.

Mr. SMITH of Georgia. Mr. President, I am criticizing no one for receiving liberal contributions from the Government. I am making no criticism. I am only stating facts. I am only calling the Senate's attention to the naked fact that seventy-five millions more would make the appropriations to the pensioners of the Civil War take one-third of the entire revenues of the Government for the next fiscal year. However much may have been given in the past to other soldiers of other wars, however much we may wish to give now, it is well for us to know what we may be about to do. We are urged to appropriate to pensioners of the Civil War one-third of the entire revenue of the Government for the next fiscal year.

We are urged to do that, Mr. President, when the present appropriations, according to the estimate of the chairman of the Appropriations Committee of the House, will exceed the revenue by $27,000,000.

If we make this increase to pensions we must take up our other appropriation bills and cut them all to pieces. I sympathized very cordially with the expressions of the Senator from Iowa when he called for a careful revision of public-building appropriations. I expect to vote with him on some motions to reconsider bills that I did not understand when they were passed. Being a new Member, I am not so thoroughly initiated as to understand the propriety of passing appropriations here and relying upon the House to kill them. I will join the Senator from Iowa and vote for no appropriations here that I do not wish paid. I do not think the Senate can commend itself to the country by voting for appropriations that the Senate does not approve, relying on the House to kill them. But I will remind the Senator from Iowa that it would take a thousand public buildings to cover the seventy-five millions of increase that would be made under the Sherwood bill. The bill for the post office at Sundance only provided for an expenditure of $75,000. It would take a thousand buildings of that kind stopped by the Senator to get the seventy-five millions that he would add to the pensions.

I am not antagonistic to the views of the Senator on his other criticisms, which applied to savings through economies in the direction of barber shops and duck suits. But it would take more than a million of those saved to make his $75,000,000.

Mr. KENYON. Mr. President——

The PRESIDING OFFICER. Does the Senator from Georgia yield to the Senator from Iowa?

Mr. SMITH of Georgia. Yes.

Mr. KENYON. Does not the Senator think that in the next 30 or 40 years there may be that many duck suits, that would amount to that sum?

Mr. SMITH of Georgia. I do not think they will amount to $75,000,000.

Mr. WILLIAMS. There would not be that many men to wear them.

Mr. SMITH of Georgia. I commend and sympathize with the desire of the Senator from Iowa to look over the list of expenditures, wherever they are made where he thinks they ought not to be made, and make a saving. But if we cut off every single expenditure in the Senate, if the whole expense of the Senate were stopped, I think we would save only about a million dollars.

Mr. KENYON. Mr. President——

The PRESIDING OFFICER. Does the Senator from Georgia yield to the Senator from Iowa?

Mr. SMITH of Georgia. Yes.

Mr. KENYON. I do not wish to interrupt, but as the Senator has referred to some things I have said, I should like to ask this question: Does the Senator believe the statement of a distinguished Republican Senator, now retired from this body, that the Government could be conducted for $300,000,000 a year less than it now is?

Mr. SMITH of Georgia. I think if that were done we would have to save part of it by reducing the $150,000,000 for pensions.

Mr. KENYON. Does the Senator think that is what he had in mind?

Mr. SMITH of Georgia. I think that must have been part of it. I do not believe the general administration of the Government could be conducted with a saving of $300,000,000 a year and leave $150,000,000 for pensions. I do not believe it would be possible to run the balance of the Government for a little over $150,000,000.

Mr. KENYON. I am glad if the Senator agrees with my proposition as to the barber shop and the bath rooms. He is the first Senator I have known that did. But the Senator refers to the passage of bills by the Senate to be defeated in the House. Is not the Senator now engaged in trying to defeat here a bill that was passed in the House and sent over here?

Mr. SMITH of Georgia. I am. I would vote for no bill that I did not approve, hoping the House would not pass it; and I would vote for no bill that the House passed if I thought it ought not to be passed.

Mr. KENYON. The Senator believes, I assume, that the House passed this bill in good faith?

Mr. SMITH of Georgia. I object to being interrogated as to the purposes of the House.

The PRESIDING OFFICER. The Senator declines to yield.

Mr. BACON. That would be a violation of the rules.

Mr. SMITH of Georgia. I do not think I have any psychological capacity to judge of the motives of the House. I presume, of course, they were all good.

Mr. SHIVELY. Mr. President——

The PRESIDING OFFICER. Does the Senator from Georgia yield to the Senator from Indiana?

Mr SMITH of Georgia. Yes.

Mr. SHIVELY. A moment ago the Senator had the kindness to yield to me to suggest that his statement as to the amount of pensions appropriated on account of the Civil War was an exaggeration. I now call his attention to House bill 18985, which has already passed the House and is before the Committee on Pensions of the Senate. On the first page of this bill the Senator will find these words:

> For Army and Navy pensions, as follows: For invalids, widows, minor children, and dependent relatives, Army nurses, and all other pensioners who are now borne on the rolls, or who may hereafter be placed thereon, under the provisions of any and all acts of Congress, $152,000,000.

That covers all pensions now granted under existing law. I would invite the Senator's attention to the fact that for the year 1911 the entire amount of pensions granted to actual survivors of the Civil War—that is, to men who had served in the Union Army—was $103,337,804.95. There is considerable allowance to be made on account of the pensioners of other wars.

Mr. SMITH of Georgia. I have the figures before me, Mr. President.

Mr. SHIVELY. The figures I have given the Senator are from the bill itself and in a communication from the Commissioner of Pensions.

Mr. SMITH of Georgia. I have the figures showing exactly what was paid for the fiscal year ending June 30, 1911. Here they are. This is what we had to pay—not what we estimated that we would pay. I have them in the report of the Commissioner of Pensions, and I will read them. The total amount was $157,325,160.35. The Senator will find it on page 35.

Mr. SHIVELY. The Senator has before him, also, the total amount for the year before. Will he state that?

Mr. SMITH of Georgia. This is the last report of the Commissioner of Pensions.

Mr. SHIVELY. On page 10 the Senator will find the record of the entire disbursement for a long period of years.

Mr. SMITH of Georgia. And on page 10 I find $157,325,160.35—just the figures I read as the disbursement for the fiscal year ending June 30, 1911.

Mr. SHIVELY. Yes; I was asking the Senator to name the figures of the year before, as disclosed by the same document, on the same page.

Mr. SMITH of Georgia. For 1910, $159,974,056.08.

Mr. SHIVELY. And the year before that it was $161,973,703.77.

Mr. SMITH of Georgia. And the year before that $153,093,086.27.

Mr. SHIVELY. Oh, no.

Mr. SMITH of Georgia. Yes; $153,093,086.27.

Mr. SHIVELY. Yes; but since that year there has been a decline. The point, however, that I wished to make was that I think the Senator's estimate was unduly large as to the amount of pensions appropriated exclusively to the surviving veterans of the Civil War, when he said $150,000,000.

Mr. SMITH of Georgia. I may be perhaps a couple of millions too high, but it is in that immediate neighborhood.

Mr. SHIVELY. Why, here is the communication, if the Senator pleases, from the Commissioner of Pensions himself, stating that the disbursements for 1911 to the soldiers on account of the Civil War were $103,337,304.95. That was for the fiscal year 1911.

Mr. SMITH of Georgia. And that entirely omits the widows.

Mr. SHIVELY. It omits the widows. It includes the nurses.

Mr. SMITH of Georgia Yes; and here is the statement that the total amount was $158,000,000.

Mr. SHIVELY. That is the total amount of pensions for all purposes.

Mr. SMITH of Georgia. Not at all; it is the total amount of pensions for the pensioners of the Civil War.

Mr. SHIVELY. Oh, the Senator is mistaken.

Mr. WILLIAMS. The Senator said $158,000,000. He meant $148,000,000.

Mr. SHIVELY. The Senator is utterly mistaken.

Mr. SMITH of Georgia. Did I say $158,000,000?

Mr. SHIVELY. The Senator did.

Mr. SMITH of Georgia. I meant $148,000,000. It is $157,825,160.35 for all; $148,231,665.51 for the Civil War. I may be $2,000,000 too high; it may not be exactly $150,000,000, but it is very nearly that, and it will be very nearly that for the coming year. It was $148,300,000 for the last year to the pensioners of the Civil War alone.

Mr. SHIVELY. Has the Senator the figures of the year before?

Mr. SMITH of Georgia. The figures of the year before were $2,000,000 more; the year before that, $2,000,000 more; and the year before that, $10,000,000 less.

So, Mr. President, the best basis I have on which to estimate the pay roll for this year is last year's pay roll. Last year's pay roll was $148,300,000 to the pensioners of the Civil War, which was about 25 per cent of the entire income of the Government from ordinary sources. When you add $75,000,000 more you take one-third of the entire income of the Government. I have not criticized their taking one-third of it. I am only insisting that that is what the advocates of the Sherwood bill are seeking to do; and if they do take one-third of it, then we must go to work and cut everything else everywhere.

Mr. KERN. Mr. President——

The PRESIDING OFFICER. Does the Senator from Georgia yield to the junior Senator from Indiana?

Mr. SMITH of Georgia. Yes.

Mr. KERN. I understand the Senator from Georgia to think that this Government can not afford to pay this vast amount of money to the soldiers. I want to ask him this question: If it be true, as I assert it is, that throughout the North there are scores of thousands of old soldiers 70, 75, and 80 years old who can not live on the pensions they receive, what are we to do with those soldiers of the Nation? What is to become of them? Are we to stand by and see them put in the almshouse?

Mr. SMITH of Georgia. Mr. President, I will present a view responsive to the Senator from Indiana. One of the amendments to the bill which I sent up provided that no payments should be made to men whose incomes were $1,200 a year or more. If there are old soldiers who need more and must have it, then, the basis of giving it to them being that they need it, why not apply the same principle and stop paying to those who do not need it? I am pressing upon the Senate the fact that the Sherwood pension advocates are endeavoring to have passed a bill that would take one-third of the entire revenue of the Government for the next fiscal year, and that if they succeed we must cut to pieces all our other lines of work.

Mr. CUMMINS. Mr. President——

The PRESIDING OFFICER. Does the Senator from Georgia yield to the Senator from Iowa?

Mr. SMITH of Georgia. Yes.

Mr. CUMMINS. The Senator from Georgia has made several times during the course of his address the statement that we have just heard. I am interested to know whether he believes that if we add to our appropriations for pensions $75,000,000, or $30,000,000, or whatever we may add, the Government has no other course to pursue except to reduce by that amount the appropriations for other necessary functions of the Government?

Mr. SMITH of Georgia. I can not say that I do not believe that there are other means of raising revenue. If I am correct in my view of certain legal principles, there is a way to raise revenue which I think the Senator from Iowa, as well as myself, would cordially approve. At present we have not succeeded in enforcing it.

Mr. CUMMINS. Mr. President, I think the Senator from Georgia will agree with me that one way of increasing the revenue has been already established and approved by the Supreme Court of the United States; and I am sure the Senator from Georgia does not doubt our power to increase our revenue along the general lines that have been already approved as constitutional by the Supreme Court. Therefore ought we not, in determining how much we should give the old soldiers, to consider their needs, their demands, the just demands upon us—in other words, the merits of the proposition—rather than the necessity of reducing the other appropriations of the Government by the amount we may increase the pension roll?

Mr. SMITH of Georgia. I think we should consider both. I think we should plan the way to raise our revenue, and then we should consider all of our responsibilities, in determining the just distribution of our revenue.

Mr. CUMMINS. One other question——

The PRESIDING OFFICER. Does the Senator from Georgia yield further to the Senator from Iowa?

Mr. SMITH of Georgia. Yes.

Mr. CUMMINS. I do not know whether it is proper to refer to the other branch of Congress in the way I was about to refer to it, but if it be improper, I assure the Senator it is unintentional. As I understand, the House of Representatives has passed a bill which is now before us, known as the Sherwood bill, which very considerably increases the payments of the Government. After that, in order to provide the Government with means or money with which to meet the increased appropriations, it has adopted a plan of taxation, and it has already sent to us legislation which will meet the increased amount which we may provide in the pension roll. If the bill passed by the House is insufficient, I am sure the Senator from Georgia will agree that a very slight addition to the percentage of taxation will bring into the Treasury of the United States an ample amount with which to discharge our obligations.

Mr. SMITH of Georgia. I feel sure the judgment of the Senator from Iowa as to the propriety of referring to what has been done in the House can be relied upon by myself, and that as he has referred to it I can also refer to it. I do not understand that the House has provided a special measure to meet this increased tax upon the Treasury.

I understood that the special bill applicable to an income tax had reference to a loss of revenue that was to be produced by placing certain things upon the free list, the two measures having passed at the same time. Of course there are various ways to raise revenue, and the Government may raise it. I am treating of the revenues as they are now indicated, and I am treating of the expenses as they are now indicated; and I am pressing upon the Senate the fact that according to the present light before the Treasury Department, and according to the present light before the chairman of the Appropriations Committee of the House, it appears that this $75,000,000 of additional pensions will tax our revenue to the amount of about one-third.

Mr. McCUMBER. Mr. President——

The PRESIDING OFFICER. Does the Senator from Georgia yield to the Senator from North Dakota.

Mr. SMITH of Georgia. Yes.

Mr. McCUMBER. May I suggest to the Senator that while the House passed one bill which I think would add to our revenues—or, at least, it was so estimated—some $45,000,000, in another bill they cut down the revenues $52,000,000 from another source?

Mr. SMITH of Georgia. I have just referred to that fact. The Senator probably did not hear me. I stated in reply to the Senator from Iowa that I understood that the bill increasing the revenue was to meet another bill passed at the same time taking the duty off certain things and putting them upon the free list.

Mr. CUMMINS. Mr. President——

The PRESIDING OFFICER. Does the Senator from Georgia yield to the Senator from Iowa?

Mr. SMITH of Georgia. Certainly.

Mr. CUMMINS. I should like to say to the Senator from Georgia that I did not attempt to analyze the motives of the House bill. I have assumed that the House—and I think the Senator from Georgia ought to have as much confidence in the House as I have—will provide, or has provided, the revenue necessary to meet the expenditures which it has authorized, or will authorize. The House has exclusive jurisdiction in the origination of revenue measures, and I think it must be assumed that it has taken up and passed those measures which will keep the Government of the United States solvent.

Mr. SMITH of Georgia. I was using in my argument the figures furnished in a speech by the chairman of the Appropriations Committee in the House, in which he warned the House not to pass this $75,000,000 bill, because it would produce a deficit, because there was no provision to meet it. If it is proper to refer to what happened in the House, I may repeat that the chairman of the Appropriations Committee of the House, in speaking against the Sherwood bill, emphasized the fact that already there was no provision made to meet the necessary demands upon the Treasury; and this would be $75,000,000 more that the Treasury would be unable to meet.

I had intended, Mr. President, to occupy only a few minutes. The interruptions really have caused me to occupy much more time than I had expected. Already there have been paid to pensioners of the Civil War $4,100,000,000. Those figures are so large that the public mind does not know what they mean. Four thousand one hundred millions have been paid to pensioners of the Civil War—four thousand one hundred millions.

I wish to make a comparison of those figures to something practical to try to comprehend what they mean.

According to the last report of the Census Bureau the entire property value of the farm lands, farm property, buildings, implements, machinery, and live stock of the States of Maine, New Hampshire, Vermont, Massachusetts, Rhode Island, and Connecticut was $867,000,000.

Mr. HEYBURN. Mr. President——

The PRESIDING OFFICER. Does the Senator from Georgia yield to the Senator from Idaho?

Mr. SMITH of Georgia. I do.

Mr. HEYBURN. Will the Senator allow me? I would suggest to the Senator from Georgia that, comparing the figures here given as to the amount paid in pensions with the figures representing the five years' cost of the war, there was $3,330,000,000 expended in the five years.

Mr. SMITH of Georgia. Mr. President, what I desire to do is to show how much has been spent on pensions and what it means, and that I shall proceed to do. Five times as much has been paid for pensions of the Civil War as the entire value, according to the last census, of the farm lands, the improvements thereon, the agricultural implements, and live stock in the New England States.

Again, the census shows that in 1870 the States of Texas, Arkansas, Louisiana, Mississippi, Alabama, Georgia, Florida, Tennessee, South Carolina, North Carolina, and Virginia had agricultural lands, buildings, implements, live stock, and so forth, to the total value of $1,042,000,000. So we have spent on pensions of the Civil War four times as much as the entire value of the agricultural lands, farm buildings, implements, and live stock of the 11 Southern States, according to the census of 1870.

I only wish to emphasize the fact that the Government has not been close in this matter of pensions to the Civil War veterans. Eloquent speakers upon the floor have approached the subject as if the Government had been illiberal to the Civil War soldiers. The Government has given to the pensioners of the Civil War five times as much as the present value of New England lands, improvement, and live stock, and four times as much as that of the entire Southern States in 1870.

According to our system the payment of taxes is distributed according to population. The South had one-fourth of the population of the Union during these past 40 years. Then the South has paid one-fourth of this $4,000,000,000. These 11 States have paid toward the pension to soldiers of the Civil War over $1,000,000,000. They have paid toward the pensions as much as all their agricultural lands, farms, improvements, implements, and live stock were worth in 1870.

I am not here to enter any complaint or to murmur about it. I only wished to illustrate what has been done and to urge that to add $75,000,000 more annually was indefensible.

Mr. SIMMONS. I would like to ask the Senator one question.

Mr. SMITH of Georgia. Certainly.

Mr. SIMMONS. The argument has been made all through this discussion that this enormous increase in the amount of pensions is justified by the needs of the old soldiers, those who are 65, 70, and 75 years of age. I believe there is nothing in the bill that limits the pensions to those who are in a needy condition. The Senator has just said he was going to offer an amendment for that purpose.

Has the Senator any information as to the number of those who were on the roll and who will be benefited by this increase who are in needy and indigent circumstances as compared with those who will get this increase who are well-to-do and independent?

Mr. SMITH of Georgia. No; I have not. I thank the Senator for calling my attention to it. I wish to say, however, that the first amendment I propose, which will remove from the pension roll nonresidents of the United States other than those who are suffering from injuries of service origin or wounds, or the widows of soldiers who died as the result of service injuries or wounds, ought to save at least $500,000. I should think we could expect to save $20,000,000 a year if the amendment is adopted providing that we shall cease paying pensions to men who have incomes of over $1,200 a year, always, of course, provided that they were not suffering from wounds or injuries of service origin. I am sorry that I have not any figures on that subject. No statistics have been prepared on it.

Mr. SIMMONS. Does not the Senator think that of the old soldiers who are now drawing pensions and who are going to receive increased pensions under this bill, unless some limit as to income is imposed, such as is proposed in the Senator's amendment, a considerable percentage in nearly every community are prosperous and independent people?

Mr. SMITH of Georgia. We certainly ought to be able to estimate that at least 25 per cent of them are prosperous; and if that were true, the saving by ceasing to pay pensions to men with incomes of $1,200 or more, would make a very substantial impression upon the pension roll.

I also intended to suggest that we ought to strike out the provision increasing the pensions of soldiers of the Mexican War. They are getting $12 a month. I see no reason why they should all be put at $30 a month. I have heard of no great complaint or demand from them. It is true they are old, but old age comes to everyone.

It seems to me, Mr. President, that we have all overlooked one thing in connection with old age and lack of money. Seventy-five per cent of the people of our country will grow old in poverty, but they have their children, and as they cared for their children during the days of the youth of the children, what a joy and what a privilege it should be to the children to care for the parents in their advancing years. I think it can safely be said that 75 per cent of our people all over the land rely in old age upon their splendid boys and girls for support and the privilege of contribution to parents of advanced years should be to children the highest privilege.

Mr. JOHNSTON of Alabama. Mr. President, I served four years in the Confederate Army. I was wounded four times. I am very glad I was not killed. It is good for me and for my country that I survived. I am glad that I survived to support and aid the Government that my forefathers helped to establish.

I did not enter the Confederate Army for pay or pension. If I had I would have made a grievous mistake, because I have received no pension and I received very little pay. My pay as a captain of infantry during the last years of the war, a month's pay, would not have purchased me a pair of pants, and I needed them sometimes sorely in order to appear in respectable society.

Mr. President, I have the kindest feeling for the gallant men who met us on the field of battle. I would vote to give every one of them a pension not only to meet the necessities of life, but to provide the comforts of life in old age.

But, Mr. President, that is not what we are asked in this bill to do. We are asked to grant indiscriminately a service pension. Whilst I have that kindly feeling for the men who met us on the battle field, and I feel drawn toward them every time I meet them, and they have nothing but kindly feelings for the old Confederate soldiers, it is reserved for the men who never saw an armed Confederate and never heard the rebel yell on the battle field when it meant death to many on both sides to harbor resentment against the soldiers of the South.

Mr. President, the South has contributed without a murmur to paying pensions in all these years until they have paid over $4,000,000,000, and we are willing to go on, but when it comes to a proposal to increase that by $75,000,000 a year I think we have the right to stand up and say that it is getting a little irksome.

In the South there are thousands of men who fought for four years in the Confederate Army who are not getting a dollar of pension. In my State there are thousands of them who are getting less than $50 a year. They were as patriotic as the men of the North. They fought for what they believed to be right and they offered up their lives in testimony of their faith.

No man who entered that army had been paid a bounty. We volunteered, and the pay of the Confederate soldier at the close of the war, when resolved into gold, was less than $1 a month. We saw all the privations of our friends on the other side. We saw all the hunger and starvation. I remember, Mr. President, that I went the last two years of the war hungry all the time. The main opportunities which we had to gratify our appetite were by capturing something from our opponents, the enemy, and but for that we would have suffered grievously.

I believe that the Government ought to be fair and liberal to the men of the North who fought the battles of the country. I am willing to vote to pension every gallant man who met us on the battle field and stood facing death, a pension that will not only provide for the necessities of life, but for the comforts of life in his old age. Not one can make an appeal here that will not have a responsive throb in my heart. But for this indiscriminate service pension I am not disposed to vote, and I shall vote for the McCumber bill as a substitute for the Sherwood bill because I think it infinitely more just and reasonable than the former.

Mr. OVERMAN. Mr. President, at this late hour of the evening I do not rise to make a speech, but I simply want to state my position.

For 10 years I have been in the Senate of the United States and I have voted for more than a billion and a half dollars of pensions. I have never lifted my voice against any pension bill. Neither has any Member on this side of the Chamber, the southern Senators preferring to let the northern Senators settle this among themselves. But I am opposed to this, I think, very, very extraordinary and extravagant pension bill.

Mr. President, what is the parliamentary situation? I think I know what it is, but I will inquire of the Chair whether or not I am right. As I understand it, the question now pending before the Senate is the substitute known as the McCumber bill, reported from the committee, as a substitute for the Sherwood bill or the House bill. If the amendment of the Senator from North Dakota called the McCumber bill should be adopted, it will then become an amendment to the Sherwood bill, and the question would then recur upon the passage of the House bill as amended by the McCumber bill. Am I right in that?

The VICE PRESIDENT. The Senator correctly states the parliamentary situation. The pending question, however, is an amendment to the substitute reported by the Senator from North Dakota.

Mr. OVERMAN. I mean when it is amended or is perfected.

While I am opposed to the McCumber bill, I know that some pension legislation is going to be passed here this evening, either the McCumber bill or the Sherwood bill, and while opposed to the McCumber bill, I shall vote for it as an amendment unless it is amended, hoping thereby that I may, with my vote, help to defeat what is known as the Sherwood bill. Then, if the McCumber amendment or the McCumber bill should be adopted as an amendment to the Sherwood bill, I propose to vote against the bill as amended, because I am opposed to this legislation.

Now, Mr. President, just one word more. In the very eloquent speech made by the Senator from Indiana [Mr. KERN] a few days ago he uttered this sentence or paragraph:

> If you say that you have patiently—

He was speaking to the southern Senators and the southern people.

> If you say that you have patiently and uncomplainingly borne the burdens entailed by the war for nearly half a century, I agree with you, but remind you that we have carried our full share of the same burden and at the same time have contributed something to the development of the new South.

Have the people of Indiana carried the same burdens as the people of the State of North Carolina, or that which the people of any Southern State have carried? While Indiana has paid in pensions $4,000,000 under the pension appropriations of 1911, she received back $10,000,000, or $6,000,000 more than she paid out, while North Carolina paid $3,800,000 and received $600,000, or $3,000,000 more than she received. The population of the last census was 91,900,000, speaking in round numbers. There was paid in pensions in 1911 $159,000,000, or $1.73 per capita. I speak in round numbers.

Alabama's part was $3,698,000. She received $596,000 and paid in excess of receipts $3,100,000.

In Arkansas, Florida, Georgia, and Louisiana, and all the 11 seceding States the same effect is shown.

Georgia, for example, paid out $4,500,000 and received $500,000, or paid in excess of receipts $3,970,000.

Indiana paid $4,600,000 and received $10,281,000, or received $5,609,000 more than she paid.

Ohio——

Mr. SHIVELY rose.

Mr. OVERMAN. Listen; I will give you more startling figures than that.

Mr. SHIVELY. I ask the Senator on what he bases his figures.

Mr. OVERMAN. I base it on the population. This table shows that in 1910 there were 91,000,000 people in this country. I divided that by the pension appropriation of 1911 and it showed that each person's share, or per capita, was $1.73. Then I took your population, multiplied it by $1.73, and it shows you have paid $4,000,000 and received $10,000,000.

Mr. SHIVELY. That is on the basis of a per capita tax?

Mr. OVERMAN. On the basis of a per capita tax.

Ohio paid $8,000,000 and received back the enormous sum of $15,000,000, or received in excess of payment $7,339,000.

Illinois, Indiana, and Ohio, all three, received in excess of receipts $14,000,000.

I only give these facts to show in reply to the Senator from Indiana [Mr. KERN] that the South has borne her share and borne more than her share in comparison with Indiana. Indiana does not share, but she received more revenue than she paid out—the enormous sum of $10,000,000.

I submit at this point the table from which I have quoted the figures.

Amount paid in Civil-War pensions, 1866 to June 30, 1911	$3,985,719,836.93
Amount paid in all war pensions, 1911	$159,842,287.41
Population last census	91,972,266
Paid in pensions, 1911, $1.73 per capita	$159,842,287.41
Alabama, population 1911, 2,138,093:	
Paid to pensions, at $1.73	$3,698,900.89
Received in pensions	596,445.74
Paid in excess of receipts	3,102,455.15
Arkansas, population 1911, 1,574,449:	
Paid to pensions, at $1.73	2,723,796.77
Received in pensions	1,642,605.59
Paid in excess of receipts	1,081,191.18
Florida, population, 1911, 752,619:	
Paid to pensions, at $1.73	1,302,030.87
Received in pensions	815,836.77
Paid in excess of receipts	486,194.10
Georgia, population, 1911, 2,609,121:	
Paid to pensions, at $1.73	4,513,779.33
Received in pensions	543,352.41
Paid in excess of receipts	3,970,426.92
Louisiana, population, 1911, 1,656,388:	
Paid to pensions, at $1.73	2,865,551.24
Received in pensions	1,024,613.60
Paid in excess of receipts	1,840,937.64
Mississippi, population, 1911, 1,797,114:	
Paid to pensions, at $1.73	3,109,007.22
Received in pensions	724,961.82
Paid in excess of receipts	2,384,045.40
North Carolina, population, 1911, 2,206,287:	
Paid to pensions, at $1.73	3,816,876.51
Received in pensions	654,072.49
Paid in excess of receipts	3,162,804.02
South Carolina, population, 1911, 1,515,400:	
Paid to pensions, at $1.73	2,621,642.00
Received in pensions	302,562.44
Paid in excess of receipts	2,319,079.56
Tennessee, population, 1911, 2,184,789:	
Paid to pensions, at $1.73	3,779,684.97
Received in pensions	3,190,810.87
Paid in excess of receipts	588,874.10
Texas, population, 1911, 3,896,542:	
Paid to pensions, at $1.73	6,721,017.66
Received in pensions	1,504,851.68
Paid in excess of receipts	5,216,165.98
Virginia, population, 1911, 2,061,612:	
Paid to pensions, at $1.73	3,566,588.76
Received in pensions	1,489,553.80
Paid in excess of receipts	2,077,034.96
Eleven seceding States, 1911:	
Paid	38,718,876.22
Received	12,489,667.21
Excess payments	26,229,209.01
Illinois, population, 1911, 5,638,591:	
Paid to pensions, at $1.73	9,754,762.43
Received in pensions	10,833,222.56
Received in excess of payments	1,078,460.13
Indiana, population, 1911, 2,700,876:	
Paid to pensions, at $1.73	4,672,515.48
Received in pensions	10,281,779.61
Received in excess of payments	5,609,264.13
Ohio, population, 1911, 4,767,121:	
Paid to pensions, at $1.73	8,247,119.33
Received in pensions	15,638,286.83
Received in excess of payments	7,391,167.50
Illinois, Indiana, and Ohio:	
Payments	22,674,397.24
Receipts	36,753,289.00
Excess receipts	14,078,891.76

Therefore, Mr. President, I say the South has more than borne its burden. It is willing to share in liberal appropriations for pensions, but we protest against these enormous, extravagant appropriations.

Why, Mr. President, the South has paid more in the way of pensions since the Civil War than France paid as a penalty to Germany for the Franco-Prussian War, and still we are not grumbling and have not grumbled in the past. I have been on the Pension Committee, and I have never opposed a pension, as the chairman of the committee well knows. I never lifted my

voice against pensions, and it is only now, when this unprecedented, inexcusable, and extravagant bill comes, that I in duty bound feel that I must protest and lift my voice against it.

Mr. SMITH of Michigan. Mr. President, the Senator from North Carolina [Mr. OVERMAN] speaks of the burdens that have been borne by the South as a result of the war, and reads with some pride the burdens especially borne by the people of North Carolina. I simply rise to remind the Senator from North Carolina that this entire pension burden, as he calls it, could have been avoided by the South had they been loyal to the Union. I have not the slightest disposition to criticize them unkindly. I served in Congress a good many years by the side of men who fought in the Confederate Army, and this is the first time I have ever heard a southern statesman or southern soldier, in my presence, complain of the burdens of the pension roll or our treatment of our defenders.

Mr. OVERMAN. Did the Senator hear what I said. I said, in reply to the Senator from Indiana [Mr. KERN] when he spoke of it as a burden, that the South has done its part.

Mr. SMITH of Michigan. I think I understood the Senator correctly. I would not attribute to him any remarks that he did not make.

I have the highest respect for my honored friend, the Senator from North Carolina, but I shall not remain silent and hear Senators from the South complain of the burdens that our Government has been called upon to bear on account of the war and because of your own unwillingness to live with us under the same flag in a united country. It was not our soldiers who fired upon Fort Sumter and made these burdens necessary.

Burdens, indeed! The highest service pension that any soldier of the Civil War receives, whatever his rank, from private to major general, if he is less than 75 years of age, at this time, 50 years after the war is over, is a little less than 50 cents a day. Is the soldier of the Civil War now living who was wounded and is sick and old and dying not worth this recognition at the hands of the Government he saved?

I said a few moments ago that distinguished southern men who served in wars prior to the Civil War had not only received it with evident satisfaction, but had asked the Government to reward them for their military services. That list includes no less conspicuous men than Gens. Robert E. Lee and Stonewall Jackson, and many others, who were not above asking this Government to reward them for sacrifices and gallantry in the War with Mexico. Over 68,000,000 acres of land was asked for and received by soldiers who fought in the wars prior to the War of the Rebellion. This Government in the past has been generous to its defenders and the heroes of the Civil War are worthy of our greatest solicitude.

The Senator from North Carolina refers to the pension budget growing out of the Franco-Prussian War. France may not pay her soldiers as she should; it is not for me to criticize her; but this matchless Government of ours remembered one of the soldiers of France and gave to Gen. Lafayette for his services in the Revolutionary War 11,000 acres of valuable land, and then Congress allowed him to select in addition 36 square miles of land on the public domain and gave him $200,000 in gold and sent him away to his foreign home. He was a noble soldier and patriot in the cause of liberty, but no more heroic than hundreds of thousands of brave boys who defended the Union on a hundred battle fields. Were they ever thus remembered? I would not dim the luster of the alien patriot; but no more gallant, no more heroic, no more honorable service was ever rendered by any soldier than that of hundreds of thousands of brave men who fought in the trenches of the South that we might have a united country, and this bill must do them justice.

This is not the time to recall again the sufferings of our soldiers, this is not the hour to rekindle the flames of passion now happily extinguished, but I shall never sit silent in this Chamber when the burdens of government laid on us by the rebellion, for which we were not responsible, are held up as a reason why we should now scrutinize carefully and withhold the rewards that are honestly due our soldiers living.

For several years I occupied a seat in the House of Representatives next to gallant Joe Wheeler, of Alabama. I never heard his vote cast against a worthy pension bill. I know of the record of the distinguished Senator from Alabama [Mr. JOHNSTON]; I honor him for his service and his loyalty and his patriotism to the cause in which he mistakenly believed. Sirs, you have taken care of your own soldiers of the Confederacy; you have shown the most commendable zeal in caring for your sick and your wounded and your suffering and your poor veterans of the South; but it seems to me that the record of Senators so honorable in war on either side would be more luminous and brilliant and creditable if they could treat their foes with magnanimous generosity and kindness.

Mr. President, I had intended to go more thoroughly into this matter, but I am admonished that possibly a better service can be rendered to those in need if we are permitted to vote now; to pass some measure of helpfulness to these old veterans. My course is simple, plain, and straightforward. I shall not vote against any just pension bill. The parliamentary situation of this present controversy has been stated by the Chair in answer to the inquiry of a distinguished Senator on this side of the Chamber. The first vote to be taken is upon the McCumber substitute recommended by the Committee on Pensions. I do not like the substitute as well as I do the House bill. If I had an opportunity to do so I would vote to substitute the House bill for the Senate bill. That, however, is not possible because of the parliamentary situation. Senators on the other side of the Chamber will vote——

Mr. SHIVELY. Mr. President——

The VICE PRESIDENT. Does the Senator from Michigan yield to the Senator from Indiana?

Mr. SMITH of Michigan. In just a moment. Senators on the other side of the Chamber opposed to the Sherwood bill may help pass the McCumber bill; Senators on this side of the same mind may refuse to pass the Sherwood bill. Cooperating together, the attempt to relieve the soldiers may fail, and I shall not be a party to the failure. I propose to vote when my name is called in favor of every just bill that is calculated to improve the status of the Union soldier. Now I yield to the Senator from Indiana.

Mr. SHIVELY. Does not the Senator from Michigan understand the situation to be that the Sherwood bill was reported back to the Senate with the Smoot amendment offered as a substitute for it?

Mr. SMITH of Michigan. I think the Senator from Indiana is correct.

Mr. SHIVELY. So that a vote for the Smoot amendment is a vote to displace the Sherwood bill?

Mr. SMITH of Michigan. No, Mr. President; I take issue with the Senator from Indiana. There are Senators on the other side of the Chamber, I think I may say with perfect propriety, who do not favor the Sherwood bill and who willingly seek relief from that bill by voting to substitute the McCumber bill. There are Senators on this side of the Chamber who do not favor the Sherwood bill and who will therefore vote to substitute the McCumber bill. If I vote "nay" on the McCumber bill, and those who are opposed to the other bill withdraw from its support on final passage, it will leave us who favor either bill without votes enough to carry the bill through this Chamber. I am not willing to be put in that position and shall vote "yes" on each proposition.

Mr. NEWLANDS. Mr. President, it is my purpose to vote for the McCumber bill, which, I understand, will carry with it an appropriation of about $30,000,000 for the fiscal year, as against $50,000,000 or $75,000,000 by the House bill. I should be glad to add to that bill——

Mr. SHIVELY. Will the Senator from Nevada yield to me just at that point?

The VICE PRESIDENT. Does the Senator from Nevada yield to the Senator from Indiana?

Mr. NEWLANDS. Yes.

Mr. SHIVELY. It is only fair to say that the author of the Sherwood bill, who has spent much time and given great labor in the preparation of statistics on the question, utterly denies that his bill will carry any such sum as $75,000,000, insisting that that is an exaggeration; and that much, I think, ought to be stated. It can not merely be taken for granted that everybody admits that it will carry the immense sum indicated.

Mr. NEWLANDS. My understanding was that the bill would probably carry the first year not more than $50,000,000, but that it would gradually increase.

Mr CURTIS. Mr. President——

The VICE PRESIDENT. Does the Senator from Nevada yield to the Senator from Kansas?

Mr. NEWLANDS. I do.

Mr. CURTIS. As I understand, it is the estimate of the department, even if you take their figures, that the Sherwood bill for the first year will only require the expenditure of $32,000,000.

Mr. NEWLANDS. Will the Senator state how much it will cost in subsequent years?

Mr. CURTIS. The estimate of the department, with which I do not agree, is that it will be $84,000,000 the second year.

Mr. McCUMBER. Eighty-seven million dollars the second year, if I am correct.

Mr. CURTIS. That is, under the estimate of the department it will be $87,000,000 the second year, and after the second year the amount will decrease each year.

Mr. NEWLANDS. It will be safe, then, to say that, according to the estimate of the Pension Bureau, the appropriations for the next five years would average about $75,000,000, would it not?

Mr. SHIVELY. No.

Mr. McCUMBER. I think I can give the Senator from Nevada the correct statement.

The VICE PRESIDENT. Does the Senator from Nevada yield, and to whom?

Mr. NEWLANDS. I yield to the Senator from North Dakota.

Mr. McCUMBER. Mr. President, under the Sherwood bill for the first year the expenditure would be something over $32,000,000, and the second year it would be about $87,000,000, in addition to the present expenditure. The average would be something over $56,000,000 for the next five years above the present appropriation. Under the substitute the first year, depending on when the bill will pass, the expenditure would range from eleven to fourteen million dollars; the second year, about $33,000,000, with an average of about $20,000,000 for the five years. That will give the Senator from Nevada an idea of the status of the two bills.

Mr. NEWLANDS. I was about to remark, Mr. President, that I would be glad to provide for an additional fund of, say, $5,000,000 annually, which would be expended under the regulation and direction of an examining board upon cases of disability and incapacity to earn a living; or I would be glad to support an amendment that would provide that for the next five years the lapsed pensions, those pensions lapsing through the death of the pensioners, should go into a fund for the relief of those who actually required relief.

We are told, Mr. President, that in view of the increased demands upon the Treasury for pensions it is necessary for us to diminish the great constructive work of the Nation, and figures have been gone into elaborately to prove that this must be the case. I contend that a great, wealthy, and powerful Nation like this should never allow its constructive work to be varied, to be diminished by exigencies of this kind. Outside of the revenues from the Post Office Department, we have a gross revenue of about $750,000,000, of which about $30,000,000 comes from the corporation tax and the balance in about equal proportions from internal-revenue and customs duties. Of that $750,000,000, we to-day spend only about $100,000,000 upon real constructive work—the constructive work on our waterways, on our public buildings, in the enlargement of our Navy, in the construction of fortifications, and in the acquisition of forests. The amount which we now spend annually for constructive work ought to be increased to at least $150,000,000.

Instead of $25,000,000 we should spend at least $50,000,000 annually for the next 10 years in cooperation with the States in developing our waterways for navigation and every other useful purpose. We ought also to appropriate at least $25,000,000 to be used in cooperation with the States in developing the roads of the country.

I would not diminish the constructive work of the Nation. I would provide for it by increased taxation. It is, of course, impossible, and, if possible, it would be absolutely unjust, to exact more revenue from the consumption of the country in the shape of internal-revenue taxes and customs duties, a form of taxation which amounts practically to an equal capitation tax imposed alike on rich and poor, regardless of fortune or wealth. The wealth of the country thus far is practically untaxed. There is no reason why we should not raise from $50,000,000 to $75,000,000 more annually by a tax imposed upon inheritances, by an excise tax such as has been framed by the House of Representatives, and by a tax upon incomes. A tax of 1 per cent would cover the additions to our constructive work; a tax of 2 per cent would greatly enlarge them, and even then the wealth of the country would not bear its fair proportion of Federal burdens.

Mr. President, by this bill it is proposed to increase the expenditures of the Government $20,000,000 or $25,000,000 in the case of the substitute bill and $50,000,000 under the original bill. Whatever may be the action of Congress, whether it adopt the lesser or the greater bill, I believe it to be the duty of Congress at this session to see to it that taxes are imposed upon wealth sufficient to take care of this expenditure without diminishing the constructive work of the country.

We are told that we must stay naval construction if this bill is passed; we are told that we must postpone our public buildings bill. Mr. President, I believe that thus far we have paid too much attention to the building of fighting ships and have not thus far sufficiently developed the auxiliary Navy necessary to support them in case of war. I would therefore diminish the expenditure on fighting ships and increase the expenditure upon the auxiliary ships; but I think that we ought to expend at least $25,000,000 annually in the extension of our Navy.

I do not think that we should halt the expenditure of $8,000,000 or $10,000,000 annually upon our fortifications. As to public buildings, whilst I believe that our method of administering that department of the Government should be radically changed; that it should be taken entirely out of the spoils system and placed under the direction of a bureau of architecture and arts, with a commission of architects and constructors—the best in the country—to aid that bureau in its plans and in its work, I do not believe that $30,000,000 annually is too large a sum to expend for our public buildings.

I do not believe simply because we have the emergency of a presidential election before us, an emergency that comes every four years, that we should make a record of sham economy by postponing the great constructive work of the country. It deceives no one, and it halts the regular and steady progress of governmental work.

Mr. President, it is said that our revenue is to be reduced because of the reduction of the tax on sugar, and perhaps in other ways through tariff legislation. I do not think there is any necessity for providing for such reduction at this session, for we all know that whilst both Houses of Congress and the President of the United States are in favor of a reduction of customs duties, we are unable in a businesslike way by business negotiations between the two Houses and the Executive to agree upon a reduction of taxation that will be a substantial advantage to the public, and yet at the same time conflict with no theory of tariff taxation entertained by either.

I should be glad if, when representative government is under attack throughout the entire country, Congress and the Executive Department could give to the country an exhibition of wise, temperate, and businesslike action that would result in the reduction of customs duties demanded by public opinion and the making up of the deficiency by a tax on wealth.

If we could act upon this tariff in such a way by the wise compromise of all the parties that have power with reference to it, including the Executive, we could then make for any deficit of revenue by an increase of taxation upon wealth, and all patriots, regardless of party, could join in this movement. It would be an encouraging spectacle to the people of the United States if, when we are just upon the verge of the most confused political campaign that we have had for years, the Congress of the United States and the President of the United States should give an exhibition to the country of the poise, equilibrium, and stability of representative government, and could, whilst facing a change in policies, advance steadily with the administrative and constructive work of the Government.

So, Mr. President, we are demonstrating every day the necessity for a budget committee, a committee that can survey the entire field of revenues and expenditures and make their recommendations to this body, to be acted upon by it with reference to the apportioning of the revenues or the increase of the revenues.

I saw a gratifying movement in that direction when the Senator from Ohio [Mr. BURTON] the other day introduced a resolution for the revival of the Committee on Public Expenditures, which was organized two years ago for the worthy purposes of determining the budget, and which accomplished nothing simply because its chairman, after the first meeting or two, never again called it together. I had hoped that the Senator from Ohio would press that resolution. There is time for deliberation and action now. I am assured by the Senator from New Hampshire, the chairman of the Republican Committee on Committees, that he is inclined in the direction of supporting such a measure. I trust that the Senator from Ohio will push it; that we will revive that committee, and that we will take a broad and comprehensive view of the entire situation, both as to revenues and expenditures and taxation so that we may demonstrate to the people of the United States the capacity of this body and the House of Representatives to face serious changes in policies without disturbing the orderly conduct of business, public or private.

Mr. BACON. Mr. President, I shall occupy but a moment. One of the chief regrets that I have in the fact that I am no longer young is that I can not hope to live to see the day when the occasion for patriotic utterances may not necessarily have to find its inspiration in the events of a fratricidal war. I only wish to add that that regret is lessened by the fact that happily it has been very rarely within the last 15 or 20 years that in this connection anything has been said in this Chamber which would be calculated to wound any of those of us who are Members of this body. Possibly not more than two or three times within my recollection have such words been uttered in

this Chamber; and that fact is very greatly appreciated by those of us whom such words are calculated to offend or wound.

I did not, however, rise for the purpose of saying that, or for the purpose of pursuing any thought of that kind. I only allude to the subject because of some words which have unhappily been uttered in this debate. My purpose in now arising is to say a word which will prevent any misconstruction of the vote which I shall cast upon this occasion or of the motive which actuates it.

Of course, it is perfectly natural that a vote against pensions to Union soldiers cast by one who comes from my section, especially by one who himself dates back to the period of the Civil War, should be construed into an indisposition to the granting of proper and liberal pensions to the soldiers of the Union in that war. I simply wish to say in evidence to the contrary that during my service in the Senate I have acquiesced in, and by that acquiescence supported, the payment of more than two thousand millions of dollars to the Union soldiers of the Civil War. During the more than 17 years of my service here that amount, and more than that amount, has been carried by the pension bills which have been passed without a single negative vote being cast by any Senator from the South. I want to say that that is not an estimate of the amount; but that I myself to-day have gone over the figures, and that not only two thousand millions of dollars, but more than that, have been appropriated for the payment of these pensions during my term of service in the Senate. More than the stupendous amount of two thousand three hundred millions of dollars have been thus appropriated in that time without a word of dissent from myself or any other Senator from my section of the country; but on the contrary with their entire acquiescence and support. That fact must forever refute the suggestion that Southern Senators have been, or are, unwilling to vote liberal pensions to the Union soldiers.

In that time, Mr. President, there has never been a debate in the Senate, so far as I can recall, upon the granting of pensions to the Union soldiers. So far as I recall—and I think I am correct in my recollection—there has never been a single negative vote cast during that time by a Senator from the Southern States on the appropriation of that large amount of money for the Union soldiers.

That fact is the more significant, Mr. President, from the additional fact that when I came into this Chamber there was scarcely a Senator from the South who had not been a Confederate soldier. There are left of us now only four, and possibly with two or three exceptions I do not recall a single Senator who then sat on this side of the Chember from the South who had not been a Confederate soldier.

What was the significance of that attitude? The significance of that attitude on the part of southern Senators was this: That we recognized the propriety of leaving entirely to the Senators from the North the question of pensions to be granted to the Union soldiers. What they determined in this regard we acquiesced in. That was practically what we did. It was not the action of one year or of a few years, but of all the years.

I think I may say with confidence that if the bill which is now before the Senate were the usual bill to appropriate one hundred and fifty or one hundred and sixty millions of dollars for the year, in addition to the more than two thousand three hundred millions of dollars which have been previously appropriated since I have been here, no single southern Senator would raise his voice against it, and no single southern Senator would cast his vote against it. For myself, I desire to say that I would not vote against the bill appropriating the one hundred and fifty odd millions as heretofore. I have never done so in the past, and I would not now. I should prefer, even in this instance, Mr. President, with this proposed legislation, that the matter should be left entirely to the Senators from the North. I should prefer to let them fix the amount, and let them have the responsibility. If that were now the attitude which was recognized by the Senate as the proper attitude, I should be more than glad to join in it. I am perfectly willing that the Senators from the North shall say what shall be the amount of these pensions, and that they shall have the responsibility of it. When I say "the Senators from the North," I do not mean the Senators of any particular party. I mean the Senators from the Northern States, which States were on the Union side in our Civil War, or the war between the States, as it may be called.

I simply state this in order that my vote against this bill may not be construed as an indisposition to vote what I consider to be liberal and proper pensions, as they have heretofore been recognized, for the Union soldiers. I would be willing to go further and not vote at all; but as the situation is such that we have to vote, I think it is proper, with this explanation, that I should say that I shall vote against each of the propositions—both the minor and the greater proposition—because I prefer that the pension law shall remain as it is now, with $155,000,000 or $160,000,000 paid each year for the pensions of the soldiers. Then if, as proposed by my colleague, this large amount shall be so distributed as to best meet the wants of those who are to be its beneficiaries, so much the better. I have said this much because I do not wish that my vote shall be cast without calling attention to the facts which I have stated.

The VICE PRESIDENT. The question is on agreeing to the amendment heretofore offered by the Senator from New Hampshire [Mr. GALLINGER].

Mr. HEYBURN. Mr. President, I have sent to the desk certain amendments, which, if now in order, I should like to have read.

The VICE PRESIDENT. It is proper to have them read; but it is not now in order to offer them unless they be offered as amendments to the so-called Gallinger amendment.

Mr. HEYBURN. I offer them as amendments to the Gallinger amendment first. Then I may offer them again.

The VICE PRESIDENT. The committee amendment is the part in italics in the bill. The Senator from New Hampshire [Mr. GALLINGER] has offered an amendment to that amendment which relates simply to section 3.

Mr. HEYBURN. I think the Chair is doubtless right. I merely rose for the purpose of inquiring whether or not there were on the Secretary's desk any amendments that would preclude the propriety of offering my amendments now.

The VICE PRESIDENT. The Secretary advises the Chair that the amendment of the Senator from Idaho is to section 1. The pending amendment offered by the Senator from New Hampshire is to section 3. When that is disposed of, the amendment suggested by the Senator from Idaho will be in order.

Mr. HEYBURN. Very well; when section 1 is before the Senate I will offer the amendment.

The VICE PRESIDENT. Without objection, the Secretary will again state the amendment offered by the Senator from New Hampshire [Mr. GALLINGER].

The SECRETARY. In the amendment reported by the committee it is proposed to strike out all of section 3 and in lieu thereof to insert:

That no pension attorney, claim agent, or other person shall be entitled to receive any compensation for services rendered in presenting any claim to the Bureau of Pensions or securing any pension under this act, except in applications for original pensions by persons who have not heretofore received a pension.

The VICE PRESIDENT. The question is on agreeing to the amendment.

The amendment was agreed to.

Mr. HEYBURN. I now offer the amendments I send to the desk.

The VICE PRESIDENT. The Senator from Idaho offers an amendment, which will be stated.

Mr. HEYBURN. I will ask that the amendments be stated separately in the order in which I send them up.

The SECRETARY. On page 3, in the amendment reported by the committee, in section 1, after the word "who," in line 13, it is proposed to insert the words "enlisted and," so as to read:

That any person who enlisted and served.

And, in the same line, after the word "served," it is proposed to strike out "90 days or more," so as to read:

That any person who enlisted and served in the military or naval service of the United States during the late Civil War, who has been honorably discharged therefrom—

And so forth.

Mr. HEYBURN. Mr. President, I desire that that amendment shall be separately considered, and for the benefit of those who were not in the Chamber at the time of my remarks, I will say that it is designed to let in all soldiers who enlisted and served in the war, without regard for their length of service, on the grounds which I stated at the time of suggesting the amendment. They all offered the same thing and gave the same thing, and the three months' men met the first challenge of war.

The VICE PRESIDENT. The question is on agreeing to the amendment offered by the Senator from Idaho. [Putting the question.] By the sound the "noes" seem to have it.

Mr. HEYBURN. Mr. President, I ask for the yeas and nays.

The yeas and nays were ordered.

Mr. JONES. Mr. President, I ask that the amendment be read again.

The VICE PRESIDENT. Without objection, the Secretary will again state the amendment.

The Secretary again read the amendment.

The VICE PRESIDENT. The Secretary will call the roll.

The Secretary proceeded to call the roll.

Mr. BACON (when his name was called). I have a general pair with the Senator From Minnesota [Mr. NELSON]. I know what his views are upon the general features of this bill, but I do not know how the Senator would vote upon this particular amendment, as it was not called to his attention before he left and I had no instructions from him. Therefore, all I can do is to announce the fact of the pair and to withhold my vote.

Mr. BURNHAM (when his name was called). I have a general pair with the junior Senator from Maryland [Mr. SMITH]. In his absence I withhold my vote.

Mr. CLARK of Wyoming (when his name was called). I have a general pair with the senior Senator from Missouri [Mr. STONE]. That Senator is absent from the Senate and from the city, but has released me from the pair on this bill, so that I am at liberty to vote. I vote "yea."

Mr. DILLINGHAM (when his name was called). I have a general pair with the senior Senator from South Carolina [Mr. TILLMAN], from which I am released on this vote. I vote "nay."

Mr. BURNHAM (when Mr. GALLINGER's name was called). The senior Senator from New Hampshire [Mr. GALLINGER] is necessarily absent. He is paired with the senior Senator from Arkansas [Mr. CLARKE].

Mr. GAMBLE (when his name was called). I have a general pair with the junior Senator from Arkansas [Mr. DAVIS], and therefore withhold my vote.

Mr. HEYBURN (when his name was called). I have a pair with the senior Senator from Alabama [Mr. BANKHEAD], who has not responded. I therefore withhold my vote.

Mr. LEA (when his name was called). I have a general pair with the junior Senator from Rhode Island [Mr. LIPPITT]. I understand from the Senator from Massachusetts [Mr. CRANE] that it is agreeable for me to transfer that pair to the junior Senator from Missouri [Mr. REED], with whom the senior Senator from Michigan [Mr. SMITH] has a pair. This will leave the Senator from Michigan and myself at liberty to vote, and the junior Senator from Missouri [Mr. REED] will stand paired with the junior Senator from Rhode Island [Mr. LIPPITT]. I vote "nay."

Mr. SWANSON (when the name of Mr. MARTIN of Virginia was called). My colleague [Mr. MARTIN] is unavoidably detained from the Senate. He is paired with the senior Senator from Illinois [Mr. CULLOM]. If my colleague were present, he would vote "nay."

Mr. CURTIS (when Mr. PAYNTER's name was called). I have been requested to announce that the Senator from Kentucky [Mr. PAYNTER] is paired with the Senator from Colorado [Mr. GUGGENHEIM].

Mr. SMITH of Michigan (when his name was called). I have a pair with the junior Senator from Missouri [Mr. REED]. I transfer that pair to the Senator from Rhode Island [Mr. LIPPITT] and vote. I vote "yea."

Mr. LEA (when Mr. TAYLOR's name was called). The senior Senator from Tennessee [Mr. TAYLOR] is detained from the Chamber by serious illness. He is so ill that I have been unable to communicate with him to find out how he would vote upon any of the questions to-day. I make this announcement for the day. As has been stated, he is paired with the Senator from Kentucky [Mr. BRADLEY].

Mr. WATSON (when his name was called). On this question I have a pair with the junior Senator from Wyoming [Mr. WARREN]. I therefore withhold my vote.

The roll call was concluded.

Mr. JOHNSTON of Alabama. The Senator from Texas [Mr. BAILEY] is paired with the Senator from Montana [Mr. DIXON]. If present the Senator from Texas would vote "nay."

Mr. BRADLEY. I am paired with the senior Senator from Tennessee [Mr. TAYLOR], and therefore withhold my vote.

The result was announced—yeas 22, nays 44, as follows:

YEAS—22.

Borah	Cummins	Kern	Shively
Bourne	Curtis	La Follette	Smith, Mich.
Brown	du Pont	Lorimer	Townsend
Chilton	Gronna	Martine, N. J.	Works
Clapp	Jones	Nixon	
Clark, Wyo.	Kenyon	Poindexter	

NAYS—44.

Brandegee	Foster	O'Gorman	Root
Briggs	Gardner	Oliver	Simmons
Bristow	Hitchcock	Overman	Smith, Ga.
Bryan	Johnson, Me.	Owen	Smith, S. C.
Burton	Johnston, Ala.	Page	Smoot
Chamberlain	Lea	Penrose	Stephenson
Crane	Lodge	Percy	Sutherland
Crawford	McCumber	Perkins	Swanson
Culberson	McLean	Pomerene	Thornton
Dillingham	Myers	Rayner	Wetmore
Fletcher	Newlands	Richardson	Williams

NOT VOTING—25.

Bacon	Davis	Lippitt	Taylor
Bailey	Dixon	Martin, Va.	Tillman
Bankhead	Gallinger	Nelson	Warren
Bradley	Gamble	Paynter	Watson
Burnham	Gore	Reed	
Clarke, Ark.	Guggenheim	Smith, Md.	
Cullom	Heyburn	Stone	

So Mr. HEYBURN's amendment was rejected.

Mr. HEYBURN. I ask that the next amendment which I sent up may be stated.

The VICE PRESIDENT. The Secretary will report the next amendment offered by the Senator from Idaho.

The SECRETARY. On page 3, in the amendment of the committee, on lines 16 and 17, it is proposed to strike out the following words:

And who has reached the age of 62 years or over.

Mr. HEYBURN. I withdrew that amendment. I did not intend that to be read. They would all be over 62 years of age.

The VICE PRESIDENT. The Senator from Idaho withdraws the amendment just stated.

Mr. HEYBURN. Yes; upon figuring it up I found that they would all be over 62 years of age. So that amendment was not necessary.

The VICE PRESIDENT. The Secretary will report the next amendment.

The SECRETARY. In line 20, on page 3, before the word "pension," it is proposed to insert the word "service."

Mr. HEYBURN. That is only a part of the other amendment.

The SECRETARY. And after the word "pension" it is proposed to insert the following words:

Of $1 per day, as hereinafter provided.

So that, if amended, it will read:

Be placed upon the pension roll and be entitled to receive a service pension of $1 per day, as hereinafter provided.

Mr. HEYBURN. Mr. President, the purpose of the amendment is to be taken in connection with the amendment just voted upon, which limited the class of service. This provides that they shall receive $1 a day. If it is adopted, it will provide that any person who has served 90 days or more in the military service, and so forth, shall receive a service pension of $1 per day, as hereinafter provided. The "hereinafter provided" merely refers to the manner of the payment.

The VICE PRESIDENT. The question is on agreeing to the amendment offered by the Senator from Idaho [Mr. HEYBURN].

The amendment was rejected.

The VICE PRESIDENT. The Secretary will state the next amendment.

Mr. HEYBURN. There is no use in doing that after the others have been rejected.

The VICE PRESIDENT. The Senator from Idaho does not offer another amendment?

Mr. HEYBURN. Not now.

Mr. BROWN. Mr. President, I send to the desk an amendment, which I ask to have read.

The VICE PRESIDENT. The Senator from Nebraska offers an amendment, which will be stated.

Mr. BROWN. It is to be inserted at line 23 on page 4.

The SECRETARY. On page 4, line 23, after the words "$30 per month," it is proposed to insert the following:

That any person who served in the military or naval service of the United States during the Civil War and received an honorable discharge and who was wounded in battle or in line of duty and is now unfit for manual labor, through causes not due to his own vicious habits, or who from disease or other causes incurred in line of duty resulting in his disability is now unable to perform manual labor, shall be paid the maximum pension under this act, to wit, $30 per month, without regard to his length of service or age.

Mr. BROWN. Mr. President, this amendment is section 2 of the bill which passed the House, and the purpose of it is not to penalize those soldiers whose terms of service was cut short by reason of wounds received in the service or diseases contracted on account of that service. I do not care to discuss it. I should like to have a vote upon it, by yeas and nays.

The yeas and nays were ordered, and the Secretary proceeded to call the roll.

Mr. BACON (when his name was called). I again make the same announcement I made upon the former vote. I do not know how the Senator from Minnesota [Mr. NELSON] would vote upon this amendment, and therefore I announce the pair and withhold my vote.

Mr. JOHNSTON of Alabama (when the name of Mr. BANKHEAD was called). My colleague is paired with the Senator from Idaho [Mr. HEYBURN]. If my colleague were present, he would vote "nay."

Mr. BRADLEY (when his name was called). I make the same announcement that I made on the preceding vote.

Mr. BURNHAM (when his name was called). I make the same announcement. I have a general pair with the senior Senator from Maryland [Mr. SMITH]. In his absence I withhold my vote.

Mr. DILLINGHAM (when his name was called). Because of my general pair with the senior Senator from South Carolina [Mr. TILLMAN], from which I have not been released, I withhold my vote.

Mr. BURNHAM (when Mr. GALLINGER's name was called). I again announce my colleague's general pair with the senior Senator from Arkansas [Mr. CLARKE].

Mr. GAMBLE (when his name was called). I again make the same announcement, that I have a general pair with the junior Senator from Arkansas [Mr. DAVIS]. For that reason I withhold my vote.

Mr. HEYBURN (when his name was called). I desire to state that I am paired with the senior Senator from Alabama [Mr. BANKHEAD].

Mr. LEA (when his name was called). I make the same announcement I made on the previous vote in regard to the transfer of my pair to the junior Senator from Rhode Island [Mr. LIPPITT], and therefore I vote "yea."

Mr. SWANSON (when the name of Mr. MARTIN of Virginia was called). As previously stated, my colleague [Mr. MARTIN] is paired with the senior Senator from Illinois [Mr. CULLOM]. If my colleague were present he would vote "nay."

Mr. SMITH of Michigan (when his name was called). I make the same announcement as on the previous vote. I vote "yea."

Mr. WATSON (when his name was called). I desire to make the same announcement as on the previous vote.

The roll call was concluded.

Mr. JOHNSTON of Alabama. The junior Senator from Texas [Mr. BAILEY], if present and not paired, would vote "nay." He is paired with the senior Senator from Montana [Mr. DIXON].

The result was announced—yeas 34, nays 29, as follows:

YEAS—34.

Borah	Curtis	La Follette	Perkins
Bourne	du Pont	Lea	Poindexter
Bristow	Gardner	Lorimer	Richardson
Brown	Gronna	McLean	Shively
Chamberlain	Hitchcock	Martine, N. J.	Smith, Mich.
Chilton	Johnson, Me.	Myers	Townsend
Clapp	Jones	O'Gorman	Works
Crawford	Kenyon	Oliver	
Cummins	Kern	Page	

NAYS—29.

Brandegee	Johnston, Ala.	Pomerene	Sutherland
Briggs	Lodge	Rayner	Swanson
Bryan	McCumber	Root	Thornton
Burton	Nixon	Simmons	Wetmore
Crane	Overman	Smith, Ga.	Williams
Culberson	Owen	Smith, S. C.	
Fletcher	Penrose	Smoot	
Foster	Percy	Stephenson	

NOT VOTING—28.

Bacon	Cullom	Guggenheim	Reed
Bailey	Davis	Heyburn	Smith, Md.
Bankhead	Dillingham	Lippitt	Stone
Bradley	Dixon	Martin, Va.	Taylor
Burnham	Gallinger	Nelson	Tillman
Clark, Wyo.	Gamble	Newlands	Warren
Clarke, Ark.	Gore	Paynter	Watson

So Mr. BROWN's amendment was agreed to.

Mr. CURTIS. I offer the amendment I send to the desk as a substitute for section 1 of the Senate committee substitute.

The VICE PRESIDENT. The amendment proposed by the Senator from Kansas will be read.

The SECRETARY. In lieu of section 1 as proposed by the committee insert:

SECTION 1. That any person who served in the military or naval service of the United States during the late Civil War or the War with Mexico, and who has been honorably discharged therefrom, and all members of State organizations that are now pensionable under existing law, shall, upon making proof of such facts according to such rules and regulations as the Secretary of the Interior may provide, be placed on the pension roll and be entitled to receive a pension as follows: For a service of 90 days or more in the Civil War, or 60 days or more in the War with Mexico, and less than 6 months, $15 per month; for a service of 6 months or more and less than 9 months, $20 per month; for a service of 9 months or more and less than 1 year, $25 per month; for a service of 1 year or more, $30 per month: *Provided*, That any such person who served in the War with Mexico shall be paid the maximum pension under this act, to wit, $30 per month.

Mr. CURTIS. Mr. President, I think in justice to the Senate I should state that this is section 1 of the Sherwood bill, House bill No. 1, that passed the House.

Mr. OVERMAN. May I ask the Senator a question? With the adoption of the amendment of the Senator from Nebraska [Mr. BROWN] and the adoption of this amendment of the Senator from Kansas it would practically be the Sherwood bill.

Mr. CURTIS. It would.

The VICE PRESIDENT. The question is on agreeing to the amendment offered by the Senator from Kansas.

Mr. CURTIS. On that I demand the yeas and nays.

The yeas and nays were ordered, and the Secretary proceeded to call the roll.

Mr. BACON (when his name was called). Again repeating the statement I made as to the attitude of the Senator from Minnesota [Mr. NELSON], I simply announce the pair and withhold my vote.

Mr. JOHNSTON of Alabama (when Mr. BAILEY's name was called). The Senator from Texas [Mr. BAILEY] is paired with the Senator from Montana [Mr. DIXON]. If the Senator from Texas were present, he would vote "nay."

Mr. BURNHAM (when his name was called). I am paired on this vote with the Senator from Maryland [Mr. SMITH].

Mr. LORIMER (when Mr. CULLOM's name was called). My colleague [Mr. CULLOM] is necessarily absent from the Chamber. He is paired with the senior Senator from Virginia [Mr. MARTIN]. If my colleague were present, he would vote "yea."

Mr. DILLINGHAM (when his name was called). On this question I am released from my pair with the senior Senator from South Carolina [Mr. TILLMAN], and I will vote. I vote "nay."

Mr. CLAPP (when Mr. DIXON's name was called). The senior Senator from Montana [Mr. DIXON] is paired with the junior Senator from Texas [Mr. BAILEY].

Mr. BURNHAM (when Mr. GALLINGER's name was called). The senior Senator from New Hampshire [Mr. GALLINGER] is necessarily absent. He is paired, as I have heretofore stated, with the senior Senator from Arkansas [Mr. CLARKE].

Mr. GAMBLE (when his name was called). I repeat my statement that I have a general pair with the junior Senator from Arkansas [Mr. DAVIS]. For that reason I withhold my vote. If I were permitted to vote, I would vote "yea."

Mr. HEYBURN (when his name was called). I am paired with the senior Senator from Alabama [Mr. BANKHEAD]. His colleague has stated that if the senior Senator from Alabama were present he would vote "nay." So the pair will have to stand.

Mr. SWANSON (when the name of Mr. MARTIN of Virginia was called). As previously stated, my colleague [Mr. MARTIN] is paired with the senior Senator from Illinois [Mr. CULLOM]. If my colleague were present and free to vote, he would vote "nay."

Mr. WATSON (when his name was called). I desire to make the same announcement as on the previous vote—that I am paired with the junior Senator from Wyoming [Mr. WARREN].

The roll call was concluded.

Mr. BACON. In view of the statement made that the amendment just voted upon is the same as the section in the Sherwood bill, I think I should make an additional statement in regard to the attitude of the Senator from Minnesota [Mr. NELSON]. The vote has taken a different direction from what he anticipated when he left, and therefore I can only state what his instructions to me were.

The Senator from Minnesota instructed me that he would vote for the McCumber amendment as against the Sherwood bill, and that if the McCumber amendment were defeated, he would then vote for the Sherwood bill. I think, in view of that statement, probably the Senator from Minnesota, if present, would vote against this amendment, although I am not authorized definitely so to state. I wish to add that if he were here and if I were free to vote I myself would vote against it.

Mr. BRADLEY. I desire to again state my pair with the senior Senator from Tennessee [Mr. TAYLOR], who is unavoidably absent by reason of severe illness.

Mr. CURTIS. The Senator from Colorado [Mr. GUGGENHEIM] is paired with the Senator from Kentucky [Mr. PAYNTER].

The result was announced—yeas 25, nays 41, as follows:

YEAS—25.

Bourne	Cummins	Kenyon	Shively
Bristow	Curtis	Kern	Smith, Mich.
Brown	Gardner	La Follette	Townsend
Chamberlain	Gronna	Lorimer	Works
Chilton	Hitchcock	Martine, N. J.	
Clapp	Johnson, Me.	O'Gorman	
Crawford	Jones	Poindexter	

NAYS—41.

Borah	Foster	Owen	Smith, S. C.
Brandegee	Johnston, Ala.	Page	Smoot
Briggs	Lea	Penrose	Stephenson
Bryan	Lodge	Percy	Sutherland
Burton	McCumber	Perkins	Swanson
Clark, Wyo.	McLean	Pomerene	Thornton
Crane	Myers	Rayner	Wetmore
Culberson	Newlands	Richardson	Williams
Dillingham	Nixon	Root	
du Pont	Oliver	Simmons	
Fletcher	Overman	Smith, Ga.	

NOT VOTING—25.

Bacon	Davis	Lippitt	Taylor
Bailey	Dixon	Martin, Va.	Tillman
Bankhead	Gallinger	Nelson	Warren
Bradley	Gamble	Paynter	Watson
Burnham	Gore	Reed	
Clarke, Ark.	Guggenheim	Smith, Md.	
Cullom	Heyburn	Stone	

So Mr. CURTIS's amendment to the amendment was rejected.

Mr. JONES. I offer the following, to be known as section 2.

The VICE PRESIDENT. In place of the present section 2?

Mr. JONES. As a new section, the sections to be renumbered.

The VICE PRESIDENT. The amendment will be read.

The SECRETARY. Insert a new section, as follows:

SEC. 2. That every widow who is now receiving or may hereafter be entitled to receive a pension of less than $24 per month by reason of the Civil War, shall, upon due proof that she was the wife of a soldier at any time during the war, be entitled to a pension of $24 per month, the same to begin from the date of filing her application under the provisions of this act.

Mr. JONES. Mr. President, we have heard a great deal of praise for the men who offered their lives in defense of their country on the battle field. In that I heartily join. This amendment recognizes the greater courage and the more intense suffering and the noble sacrifices of the women while their husbands were at the front in defense of their country.

Mr. WILLIAMS. Mr. President——

The VICE PRESIDENT. Does the Senator from Washington yield to the Senator from Mississippi?

Mr. JONES. Certainly.

Mr. WILLIAMS. In the sentiment which has just been uttered by the Senator from Washington I am heartily in accord. In carrying out that sentiment would the Senator be willing to so modify his amendment as to say that the widow must have been, during the war, during the soldier's service, his wife?

Mr. JONES. I intend to say that in the amendment. If it does not express that it can be worked out in conference. That is the intention of the amendment.

Mr. WILLIAMS. I did not want to have any newly caught widows included.

Mr. DU PONT. I ask that the amendment be again read.

The VICE PRESIDENT. The Secretary will again read the amendment.

The Secretary again read the amendment.

Mr. McCUMBER. Mr. President, I am inclined to think that the truest friend of the veteran of the Civil War and the truest friend of the widow of a veteran would pause long before he would attach to this bill provisions that might jeopardize it. I believe that we can pass this bill in the shape practically it came from the committee with the amendment that has been made. I do not believe that it is a safe proposition to begin to attach other matters that may run into the millions, as to the exact amount of which we have no information. The Senator from Washington can not give us any estimate as to the cost of the amendment or as to what it means. We have been dealing pretty fairly well with the widows. We raised their pensions from $8 to $12 a very short time ago. I have myself since introduced bills for the purpose of including all the widows of the Civil War. We raised the amount some twelve million dollars in 1908 as a separate proposition.

I believe if we want to do something for the widows of the Civil War it is better to take it up as a single proposition and pass it upon its merits rather than jeopardize this bill in any way, shape, or manner by attaching to it something of which we can make no estimate at the present time. If there are votes enough here to carry it through as an amendment then there ought to be votes enough to carry it through as a separate proposition when we are informed of all the conditions and know just exactly what it means. We can then pass it if it appeals to us, and if it appeals to the House they can pass it also, as a proposition simple and clear of itself. If we believe that the widows are entitled to more there is no question but that the Senate will always give it consideration, as it always has given consideration to any pension bill; and there will be no danger, in taking it as a separate proposition, that it will not receive fair and honest treatment in the Senate.

Mr. President, for that reason, and sincerely desiring to pass a law here that will give the soldiers relief, that will become a law and be placed upon the statute books, I hope that no amendment will be attached to it when we can not say what the amendment means.

Mr. JONES. Mr. President, just a word further. This amendment is not offered for the purpose of endangering the passage of this measure as finally amended, but it is offered as a simple proposition of justice and recognition. It seems to me that the widows of the men who were at the front, and who were bearing the burdens at home, should be given this legislation; and the votes that can adopt this amendment can also pass the bill.

The VICE PRESIDENT. The question is on agreeing to the amendment offered by the Senator from Washington. [Putting the question.] The noes appear to have it.

Mr. JONES. I ask for the yeas and nays.

The yeas and nays were ordered.

Mr. HEYBURN. Mr. President, I merely want to say, in explanation of my position, that I would favor an independent bill to accomplish this purpose, for the reasons stated by the Senator from North Dakota in charge of the bill, but I would not feel like voting for it if it would jeopardize in any way the passage of the present bill.

The VICE PRESIDENT. The Secretary will call the roll on the amendment offered by the Senator from Washington [Mr. JONES].

The Secretary proceeded to call the roll.

Mr. BACON (when his name was called). Again repeating the statement which I have made in regard to the Senator from Minnesota [Mr. NELSON] and announcing my pair with him, I withhold my vote.

Mr. JOHNSTON of Alabama (when Mr. BAILEY's name was called). The junior Senator from Texas [Mr. BAILEY] is paired with the Senator from Montana [Mr. DIXON]. I am satisfied that if the Senator from Texas were present he would vote "nay."

Mr. BRADLEY (when his name was called). I again repeat what I stated on the last vote regarding my pair with the Senator from Tennessee [Mr. TAYLOR].

Mr. BURNHAM (when his name was called). I again announce my pair with the Senator from Maryland [Mr. SMITH], as before.

Mr. DILLINGHAM (when his name was called). Because of my general pair with the senior Senator from South Carolina [Mr. TILLMAN], I withhold my vote.

Mr. BURNHAM (when Mr. GALLINGER's name was called). The senior Senator from New Hampshire [Mr. GALLINGER] is paired with the senior Senator from Arkansas [Mr. CLARKE].

Mr. GAMBLE (when his name was called). I again announce my pair with the Senator from Arkansas [Mr. DAVIS]. I withhold my vote.

Mr. HEYBURN (when his name was called). I am paired with the senior Senator from Alabama [Mr. BANKHEAD], but I understand that on this vote he would vote "nay," thus relieving me from the pair. I vote "nay."

Mr. SWANSON (when the name of Mr. MARTIN of Virginia was called). My colleague [Mr. MARTIN], as previously stated, is paired with the senior Senator from Illinois [Mr. CULLOM]. If my colleague were present he would vote "nay."

Mr. WATSON (when his name was called). I desire to make the same announcement as on the previous vote.

The roll call having been concluded; the result was announced—yeas 25, nays 41, as follows:

YEAS—25.

Brown	Hitchcock	Martine, N. J.	Smith, Mich.
Chamberlain	Johnson, Me.	Myers	Townsend
Chilton	Jones	O'Gorman	Williams
Clapp	Kenyon	Perkins	Works
Curtis	Kern	Poindexter	
Gardner	La Follette	Pomerene	
Gronna	Lorimer	Shively	

NAYS—41.

Borah	Cummins	Nixon	Smith, Ga.
Bourne	du Pont	Oliver.	Smith, S. C.
Brandegee	Fletcher	Overman	Smoot
Briggs	Foster	Owen	Stephenson
Bristow	Heyburn	Page	Sutherland
Bryan	Johnston, Ala.	Penrose	Swanson
Burton	Lea	Percy	Thornton
Clark, Wyo.	Lodge	Rayner	Wetmore
Crane	McCumber	Richardson	
Crawford	McLean	Root	
Culberson	Newlands	Simmons	

NOT VOTING—25.

Bacon	Davis	Lippitt	Taylor
Bailey	Dillingham	Martin, Va.	Tillman
Bankhead	Dixon	Nelson	Warren
Bradley	Gallinger	Paynter	Watson
Burnham	Gamble	Reed	
Clarke, Ark.	Gore	Smith, Md.	
Cullom,	Guggenheim	Stone	

So Mr. JONES's amendment was rejected.

Mr. SMITH of Michigan. I offer an amendment, which I send to the desk.

The VICE PRESIDENT. The amendment will be stated.

The SECRETARY. On page 5, after line 3, insert the following:

Any person who was held as a prisoner of war during the Civil War for a period of 90 days shall be entitled to a pension at the rate of $30 per month.

The VICE PRESIDENT. The question is on agreeing to the amendment.

The amendment was rejected.

Mr. BURNHAM. I offer an amendment, which I send to the desk.

The VICE PRESIDENT. The amendment will be stated.

The SECRETARY. After the words "as follows," on page 3, line 20, strike out all down to and including line 23, page 4, and insert in lieu thereof the following:

"In case such person has reached the age of 62 years and served 90 days, $12 per month; 6 months, $13.50 per month; 1 year, $15 per month; 1½ years, $16.50 per month; 2 years, $18 per month; 2½ years, $19.50 per month; 3 years or over, $21 per month. In case such person has reached the age of 66 years and served 90 days, $14 per month; 6 months, $15.50 per month; 1 year, $17 per month; 1½ years, $18.50 per month; 2 years, $20 per month; 2½ years, $21.50 per month; 3 years or over, $23 per month. In case such person has reached the age of 70 years and served 90 days, $16 per month; 6 months, $17.50 per month; 1 year, $19 per month; 1½ years, $20.50 per month; 2 years, $22 per month; 2½ years, $23.50 per month; 3 years or over, $25 per month. In case such person has reached the age of 75 years and served 90 days, $20 per month; 6 months, $21.50 per month; 1 year, $23 per month; 1½ years, $24.50 per month; 2 years, $26 per month; 2½ years, $28 per month; 3 years or over, $30 per month.

The VICE PRESIDENT. The question is on agreeing to the amendment offered by the Senator from New Hampshire [Mr. BURNHAM].

Mr. BURNHAM. Mr. President, I desire to make a very brief statement by way of comparison between the proposed amendment and the substitute reported by the committee, sometimes known as the McCumber amendment. I want to state this in figures and to ask the attention of the Senate for a few moments only.

I have taken five years by the estimate of the Pension Bureau and have tried to ascertain, and have, in fact, ascertained, the average annual increases for the next five years on the two propositions—the McCumber substitute and the proposition I have just offered. I find that for each year for the next five years under the substitute offered by the committee, it will be $20,410,800; under this amendment as proposed it will be $25,455,988.

Mr. CULBERSON. Mr. President——

The VICE PRESIDENT. Does the Senator from New Hampshire yield to the Senator from Texas?

Mr. BURNHAM. Certainly.

Mr. CULBERSON. I will ask the Senator from New Hampshire what effect on the McCumber amendment will the adoption of the amendment offered by the Senator from Nebraska [Mr. BROWN] have by way of increasing?

Mr. BURNHAM. This has no connection with the amendment just offered by me. It would of course add to the McCumber amendment; how much, I can not state.

Mr. CULBERSON. It was adopted by the Senate as an amendment to the McCumber substitute.

Mr. BURNHAM. That is one amendment and this which I have proposed is another. This does not include or reach the one about which the Senator inquires.

Mr. CULBERSON. It may not reach the particular matter, but I thought the Senator could advise me as to how much the amendment adopted by the Senate, known as the amendment offered by the Senator from Nebraska, would add to the McCumber amendment.

Mr. BURNHAM. I have given no especial attention to the question as to the amount that would be added. I can only speak definitely with reference to propositions as to which we have obtained the estimates of the department.

Mr. McCUMBER. If the Senator will yield to me, I think I can give the Senator from Texas some information.

The VICE PRESIDENT. Does the Senator from New Hampshire yield to the Senator from North Dakota?

Mr. BURNHAM. Certainly.

Mr. CULBERSON. I shall be glad to have the Senator from North Dakota do so.

Mr. McCUMBER. It can not be given in exact figures, but if one would take the present law, in a very short time he could make the computation. The section which has been placed in the bill reads:

That any person who served in the military or naval service of the United States during the Civil War and received an honorable discharge and who was wounded in battle or in line of duty, and is now unfit for manual labor, through causes not due to his own vicious habits, or who from disease or other causes incurred in line of duty resulting in his disability is now unable to perform manual labor, shall be paid the maximum pension under this act, to wit, thirty dollars per month.

The Senator will see from the reading of that clause that it will practically increase to $30 per month the pension of every soldier who incurred disability in the Civil War——

Mr. CULBERSON. How much?

Mr. McCUMBER. Just a moment. A great many of them, of course, are receiving more than $30 now; a large number of them are receiving less than that sum. I would have to take the number and make the computation, but there are perhaps twenty-five or thirty thousand, any way, who are receiving their pensions under the general law for disabilities, and perhaps a greater number than that. Perhaps a third of those—I am merely giving a rough guess—may now be receiving $30 per month. That would leave the other two-thirds of that number receiving about the same amount, $30. The Senator will see why this is so. Everyone knows that there is no soldier now who is able to perform manual labor. All of them are now of advanced age.

Mr. CULBERSON. How near, if the Senator please, will this amendment approximate to the Sherwood bill?

Mr. McCUMBER. The amendment is one of the sections of the Sherwood bill, and it would add several millions, but just how much I can not now tell.

Mr. SMOOT. Mr. President——

The VICE PRESIDENT. Does the Senator from New Hampshire yield to the Senator from Utah?

Mr. BURNHAM. Certainly.

Mr. SMOOT. Mr. President, in answer to the Senator from Texas [Mr. CULBERSON] I call his attention to a report made by the Secretary of the Interior on December 16, 1911, found on page 15 of the Senate Pension Committee's Document on Military and Naval Pensions of the United States, in which he discusses House bill No. 1, section 2, and states as follows:

It is a very difficult matter to give an accurate estimate as to the increased cost which would result from the second section of this bill, in view of the fact that each person to be entitled to the $30 rate thereunder must have been wounded in battle or in line of duty or must have been disabled from some disease or other cause incurred in the line of duty and be unfit for or unable to perform manual labor. It is not believed, however, that the number of beneficiaries under this section would exceed 15,000. The increase in the disbursements due to this section would probably, therefore, not exceed $2,500,000 per annum.

Mr. CULBERSON. Mr. President, I ask the Senator from New Hampshire to excuse me. I would not have interrupted him had I known it would have taken so much time from the line of his thought.

Mr. BURNHAM. I am very glad the question was asked; it is entirely satisfactory.

Mr. OVERMAN. Mr. President, one question.

The VICE PRESIDENT. Does the Senator from New Hampshire yield to the Senator from North Carolina?

Mr. BURNHAM. I do.

Mr. OVERMAN. I want to ask the Senator from Utah a question. I understand that the adoption of the amendment of the junior Senator from Nebraska will only add about two millions to the McCumber amendment.

Mr. SMOOT. That it will add $2,500,000 is the estimate, Mr. President.

Mr. BACON. Will the Senator from New Hampshire pardon me for just a moment right on that line?

Mr. BURNHAM. Certainly.

Mr. BACON. I understand the amendment offered by the Senator from Nebraska will put upon this list every Federal soldier who had received a wound in battle; it matters not whether he was disabled by that wound or not; if he had a scratch, if a drop of blood was drawn, he will be on this list.

Mr. SMOOT. Mr. President——

Mr. BACON. Pardon me a moment. It is an impossibility for the Commissioner of Pensions or anyone else to estimate how many soldiers that provision might include, though he can tell how many have been disabled by wounds. A great many soldiers, perhaps a majority of soldiers who are wounded, are not disabled by wounds. We had an example here to-day of the honorable Senator from Alabama [Mr. JOHNSTON], who stated that he was wounded four times in battle, but was not disabled.

Mr. McCUMBER. It does not make any difference whether the soldier was disabled or not; if he was wounded, he receives the pension.

Mr. BACON. If he was wounded, whether disabled or not, he receives it. There are no statistics by which an estimate can be made as to the number of soldiers who can be put upon this list under the amendment of the Senator from Nebraska. My judgment is that the large majority of soldiers who saw any very extended service were, during that service, wounded slightly, if not seriously.

Mr. SMOOT. Of course the bill provides that the soldier must be wounded in the line of duty and also be unfit for or unable to perform manual labor?

Mr. McCUMBER. But not due to wounds.

Mr. SMOOT. No; not due to wounds.

Mr. BURNHAM. I wish to say, Mr. President, in general terms, that the proposition now offered carries $5,000,000 annually as an increase for the next five years, over and above the McCUMBER substitute. By way of comparison I will say that for the first year, under the McCUMBER substitute, the expenditure would be $11,454,000; under the pending proposition it would be $14,722,000; the second year it would be $33,000,000 under the McCUMBER substitute, and $40,373,000 under the present proposition, and so on, making, as I say, a difference of $5,000,000 in the annual increase during the next five years. The increase comes about largely from the fact that service is recognized more in the amendment I have offered than in the committee substitute, though not to any great extent. After the pensioner reaches 70 years of age there is then very little difference between the two propositions. At the hearing before the Committee on Pensions it seemed to me that the old soldiers were entitled to a larger amount than is proposed in the pending measure.

I should like to call attention to some of the statements made at the committee hearing by men who are entitled, as it appears to me, to the respect and confidence of all the Senators. The men who came here were sent for by the chairman of the committee to enlighten and instruct, so far as they could, that committee. Three of them were past commanders in chief of the Grand Army of the Republic; three of them were department commanders, the heads of departments in their several States, and another was a man who had been for years a commander of a Grand Army post. In all, there were seven men, members of this committee, and they were the only men authorized by the great organization of the Grand Army of the Republic to speak for it in regard to pensions. They came before the committee, and some of their statements I wish you to hear.

One of them, in substance, was that they were not satisfied with proposition No. 11, which is the basis of the so-called McCumber amendment. They wanted something more than that; but they were satisfied, as they expressed it, with No. 13, one of the 18 propositions that have been submitted here. No. 13 embodied substantially what I have proposed in the amendment I have submitted, which is within a million dollars of the amount involved in proposition No. 13; or, in other words, 4 per cent added to the amount called for by my amendment would, as expressed by the especially authorized men of the Grand Army of the Republic, satisfy the old soldiers.

Mr. President and Senators, if we are to pass a pension bill, let us pass one that is reasonably satisfactory and just to the old soldiers of the Union Army, and not one which will cause great dissatisfaction, such as proposition No. 11, which, as I have said, is the basis of the substitute reported by the committee, the only difference being that the substitute divides service into periods of six months instead of one year.

I have stated in substance what the position of these men was. I intended to read their testimony given at the hearing, but I will not stop to do so now. They called attention to the condition of the soldiers in a manner that appealed to me; they told us what reasons they had for asking a pension at this time; they told of their increasing years and of their increasing infirmities and of all those sacrifices which have been so eloquently spoken of here.

The members of the Grand Army, I submit, are not men clamoring for anything that is unreasonable or unjust. Their fairness and candor were manifest, and I think they spoke their honest convictions when they told us that they wanted legislation along the line of my amendment and would be entirely satisfied with it.

I believe that a bill granting something more than what is allowed in the pending substitute should be passed by the Senate at this time.

I hope it will not happen that the Senate will hunt for the smallest amount offered to the old soldiers at this time, select that, and say to them, "This is the best we can do for you." No; I do not believe we want to do that. Rather, let us do something more, something that men who know what they are talking about believe to be reasonable. Let us stand by the old soldiers, and let us do what all of us claim we want to do—that which is just and fair and right.

I appeal to Senators on the other side as well as on this side, for I remember that always in the Committee on Pensions—I do not recall an exception—when special pension bills have been under consideration, the Senators from the southern States have stood with the Senators from the northern States and have been liberal, fair, and just in every instance in their action affecting matters which came before that committee. I ask the same consideration now and appeal to you when this matter comes to be voted on to think of the record that was made there, and to make a similar record here. To Senators on this side I simply want to say that all that has been said for the old soldiers goes for nothing unless we stand by them now. It is true the amendment proposed by me carries a larger amount than that proposed by the committee substitute; but remember that these men are growing older every year, their infirmities are increasing every day, and they are dying off rapidly.

Are we able to pay the amount? That was one of the questions put to these men representing the Grand Army of the Republic, and they replied: "If this country is not able to pay us, of course we will not ask it." Not able to pay! This great, rich Nation not able to pay for the services of the men who saved the Union and the Constitution! Not able to pay! Why, from the products of the soil alone there is added to the wealth of this great Nation eight or nine billion dollars every year.

I might go on, but I will not detain the Senate. The hour is late, and I will simply say that this great, rich country can always afford to be just. Let it be just in this instance, and let the Senate vote for the amendment.

Mr. McCUMBER. Mr. President, I have neglected making any statement in answer to the very numerous arguments that have been made on this floor as to what the old soldiers want. I refrained from answering any of those arguments because I felt that the hour was late and probably Senators would rather vote upon this question than hear any more discussion. I would not at this time make such a statement had not the Senator from New Hampshire [Mr. BURNHAM], who has just spoken, made a statement as to what the old soldiers want. As chairman of the Committee on Pensions I think I have probably been in a position to receive as definite information regarding the sentiments of the Grand Army of the Republic as has any Senator here. When the Senator from Iowa [Mr. KENYON] declared yesterday that the soldiers do not want what he called the "Smoot amendment" and that they do want the Sherwood bill, I was satisfied to let the matter pass at that time; but let me now make exactly what I believe is a just statement of the attitude of the soldiers.

Every individual who will take the various propositions will figure, just as you and I would, to determine which one of the bills will give him the greatest amount for the rest of his life; and he will naturally, the same as you and I would, favor that bill which will inure to his greatest benefit. That is true of the soldier as it is true of everyone else. So, to the extent possibly that the Sherwood bill would carry a greater amount to a greater number, that greater number who would receive the greater amount might possibly be in favor of it; but the principle established in the bill is condemned universally by the Grand Army of the Republic and by the soldiers generally. The representatives of the Grand Army of the Republic stated in every utterance relating to the subject, "We do not want the single standard of service as the basis of granting pensions." I might quote a great many of these statements, but it is unnecessary for me to go over them. I simply say that of the five men who were present and who spoke for the Grand Army of the Republic, when asked whether they preferred the double standard we have adopted or whether they preferred the Sherwood standard, every one of them answered in favor of the standard adopted by the committee; and when I put the question to each one in private conversation, "If you were limited to the two propositions—the double standard or the age standard, standing singly—which would you prefer?" every one answered that he would prefer the age standard rather than the service standard.

So, therefore, Mr. President, the standard provided by the proposed amendment is not satisfactory to the greater number of soldiers, although the amount involved might meet the requirement of giving the greater number the greater amount at the present time.

Mr. KERN. Mr. President——

The VICE PRESIDENT. Does the Senator from North Dakota yield to the Senator from Indiana?

Mr. McCUMBER. I yield.

Mr. KERN. I only want to ask the Senator from North Dakota whether, of the hundreds of Grand Army posts scattered through the country that have expressed themselves on this question, there has been a single one that has passed resolutions in favor of the so-called McCumber-Smoot bill?

Mr. SMOOT. Yes; there has.

Mr. McCUMBER. More of them have passed resolutions in favor of the Sulloway bill, which was an age-standard bill alone,

than in favor of the Sherwood bill. The Senator from Kansas [Mr. CURTIS] properly expressed not only his own view but the view of the soldiers of the Civil War when, in answer to my question yesterday, he stated that if both bills carried the same amount he would prefer the double-standard bill. That is also the view of the old soldiers.

I want to answer now the statement made by the Senator from New Hampshire.

Mr. BRISTOW. Mr. President——

The VICE PRESIDENT. Will the Senator from North Dakota yield to the Senator from Kansas?

Mr. McCUMBER. Certainly.

Mr. BRISTOW. I should like to inquire if the amendment which we are now considering does not provide for the double standard?

Mr. McCUMBER. Oh, certainly. I am simply answering the statement that the soldiers demand the system of granting pensions on service alone, as provided in the Sherwood bill, rather than on age, or on age and service. As a matter of fact, they prefer the double standard if you will grant the same amount. There can be no possibility of a question about that.

I want to make clear to the Senate now just what was the attitude of the representatives of the Grand Army of the Republic upon the two propositions, 11 and 13, which, as modified, become, respectively, 16 and 18. Before the members representing the Grand Army of the Republic appeared before the committee they met together and unanimously adopted a resolution which read:

Resolved, That it is the sense of this committee that the age and service standards should be combined in any pension measure enacted by the present Congress, to the end that justice and equity be done to all classes of our comrades.

That was their sentiment, expressed in their resolution, and reaffirmed at their last encampment, when they again demanded that the Sherwood bill be amended so as to more nearly conform to the Sulloway bill.

What did that mean? It meant that they would be glad to accept the amount carried by the Sherwood bill, but preferred to receive whatever amount is granted upon the basis of an age standard, and as between the two, after consideration, they determined that they preferred the double standard.

I prepared 18 different propositions to submit to that committee, embracing different combinations of the double standard. One was No. 11, which divided Army service into periods of one year, and ran up, I believe, to four years. No. 13 also divided it into one-year periods. If you divide it into six-month periods, it will greatly increase the amount of pensions. They were not satisfied with No. 11; they would rather have more than was provided for in No. 11. They desired the amount that would be carried under No. 13; but afterwards we modified No. 11 so as to bring it up nearer to the original No. 13, by making the basis of it six-month periods of service, In other words, by that act alone we added $3,000,000 to the amount provided.

Then, again, proposition No. 11, in the manner of its division, seemed to meet the approval of the greater number of the Grand Army of the Republic representatives with whom I talked—that is, arranging it so as to recognize a certain increase laterally on service and an increase perpendicularly (as we have been used to calling it) on age.

We fixed that part satisfactorily. The same arrangement does not hold in proposition No. 18. In other words, the two are not the same in the matter of arrangement. If they were exactly the same, then we could say we would add so much more to them.

The Senator says they would not be satisfied with No. 11 as modified. I want to give him the testimony of just one gentleman who had been before his own people and before his own Grand Army post.

Mr. BURNHAM. Mr. President——

The VICE PRESIDENT. Does the Senator from North Dakota yield to the Senator from New Hampshire?

Mr. McCUMBER. With pleasure.

Mr. BURNHAM. I am sure the Senator does not wish to make a misstatement. What I said was that their opposition was directed to proposition No. 11. I do not know whether or not anything was said about No. 16.

Mr. McCUMBER. In other words, they preferred more than was granted in No. 11; but when we modified No. 11 so that we brought it up more nearly to No. 13, which appealed to them in the first instance, by adding three more millions——

Mr. BURNHAM. The Senator did not quite bring it up.

Mr. McCUMBER. No; we did not quite bring it up as far as No. 13, but we brought it up three millions more.

Now I want to read the testimony of Mr. Redman, one of the members of this Grand Army committee. His reference is to proposition No. 11 before it was modified; not after it was modified. He represented the Grand Army of the Republic as one of their pension committee. I read from page 17:

Mr. Chairman and gentlemen of the committee, I am from the great State of New York. Since the 1st of January, practically speaking, I have done nothing but talk about pensions. I have visited some 12 posts in the western part of the State, installing the officers in 10 of them, and in each case I have taken from 30 to 45 minutes to talk upon the question of pensions, explaining to them the difference in the different bills and then getting their expression after the meetings.

I find that 95 per cent of the veterans in western New York to whom I have talked—I assume 5,000 or 6,000 altogether—are unanimous in favor of a double-standard bill. They will be perfectly satisfied with such a bill. In our city of Rochester we have a very large number of militia that served three months in the fall of 1864. I have taken particular pains to talk with those comrades individually. They all express their satisfaction with and support of the present bill, either proposition No. 11 or No. 13.

I had a copy of proposition No. 11 with me at nearly every meeting. Last Friday night I was in Buffalo, where I addressed the largest post in the world, with something over 700 members. Over 400 of them were present. I had there a copy of the McCumber Senate bill. I read it and talked upon the bill for 30 minutes. I failed to find one comrade in that gathering that was not absolutely satisfied with a bill of that character. Of course I think you will all concede, gentlemen, that No. 13 is a little better holdout than No. 11. Of course I should favor that myself. It was unanimous with the committee of which I have the honor to be a member.

Mr. President, there is a little difference, some $8,000,000 in the second year, but I would prefer to put this through this year. I would prefer to keep within our income this year. I believe the same spirit of fairness and generosity that actuates the Congress to-day will be in existence a year from to-day, when we can conform our income to meet the added expenses. As I have stated, I stand ready to add to them, and believe that we should add to them very materially.

Mr. BURNHAM. Mr. President, just a word. With reference to the double standard, I am free to say that that is one of the features of this amendment that is copied from the substitute of the chairman of our committee. I want to say, further, that this double standard, which seemed to appeal, as he has stated, to all of these visiting soldiers, was a proposition which originated with the chairman himself, and certainly is most commendable. It was that proposition that these gentlemen were talking about quite a good deal, and to which the Senator has referred.

I want to say to the Senator that the expression from all of those men was that they preferred No. 13. There was not any doubt about it; they preferred No. 13. The proposition that I have offered comes within 4 per cent of No. 13; and if we are to satisfy these men I think we ought to do what I have proposed.

Just a word more. The Senator has called attention to the member of the committee of the Grand Army who was the commander of a post in the State of New York. I have called your attention to two men who testified, one of them Mr. Torrance, past commander in chief; another, Washington Gardner, another past commander in chief. Both of them expressed their dissatisfaction with this proposition No. 11.

I want to say another thing. If you will cover the period that I have in this proposition for five years, you will have, according to the Treasury estimate, an abundance of revenue to pay it. If you cover an average of two years, you will have, according to the estimate of thirty or thirty-three millions of surplus, an abundance to pay it. I submit that it does not lie with us here, with our vast appropriation bills, to invoke against this proposition for the first time the matter of indebtedness or possible indebtedness, or the necessity for issuing bonds on the part of the United States.

Mr. KERN. Mr. President, referring to the subject discussed by the Senator from North Dakota, and particularly to the statements made to the Pension Committee by the representatives of the Grand Army of the Republic, I desire to call attention to a letter handed me to-day by a very reputable soldier of the District, past post commander of Lincoln Post, No. 3. He says:

There is not a G. A. R. post from Maine to California which has seen fit to indorse the Pension Committee for any expression favorable to the McCumber bill; on the other hand, G. A. R. posts by the score, veterans of the Spanish War, and nearly every legislature of the Northern States, where the bulk of our Civil War veterans reside, have petitioned both Houses of Congress praying for the so-called dollar-a-day pension bill.

As it refers exclusively to the matter discussed by the Senator from North Dakota, I will ask to have this letter, which is not long, incorporated into the RECORD.

The VICE PRESIDENT. Without objection, it is so ordered.

The letter referred to is as follows:

206 SIXTH STREET SE.,
Washington, D. C., March 29, 1912.

Hon. JOHN W. KERN,
United States Senate.

DEAR SIR: I beg leave to respectfully call your attention to the within clipping of the CONGRESSIONAL RECORD of March 16, 1912, in reference to House bill No. 1, known as the Sherwood dollar-a-day service pension

bill, which you so ably defended on the floor of the Senate several days ago.

This clipping I send you is not the sentiment of the Grand Army of the Republic. In the speech following your masterly advocacy of the Sherwood bill, Senator McCUMBER, I believe, championed the McCumber-Smoot proposition on the same day. You will find on page 3609 of the RECORD of March 16, 1912, statements of the several prominent Grand Army of the Republic men who represent the committee on pension legislation appointed at Atlantic City during the encampment held at that place in August, 1910.

Inasmuch as the encampment of the Grand Army of the Republic saw fit to select those honorable gentlemen to represent the veterans' interest, that duty has been one of painstaking and a trying one; but when they undertake to voice the sentiment of the entire veterans of the Civil War, when they say the Grand Army of the Republic favors the McCumber-Smoot bill or proposition, or any other bill than H. R. No. 1, they assume too much responsibility of their own views in that respect.

There is not a Grand Army of the Republic post from Maine to California which has seen fit to indorse any single one of the pension committee for any expression favorable to the McCumber bill; on the other hand, Grand Army of the Republic posts by the score, veterans of the Spanish War, and nearly every legislature of the Northern States, where the bulk of our Civil War veterans reside, have petitioned both Houses of Congress praying for the so-called dollar-a-day pension bill.

I hope the honorable Senator will pardon me for assuming the privilege in writing this letter, but I simply could not refrain from writing and letting you know that the pension committee of the Grand Army of the Republic does not represent nor voice the sentiment of a single post of the Grand Army of the Republic favoring any bill other than the dollar-a-day bill which passed the House and known as H. R. No. 1, and I trust you will be in the Senate ready to make some reply to those statements offered in support of the McCumber bill this afternoon.

I desire to say that 95 per cent of the Civil War veterans who have loyally and gallantly defended the old flag and the Union in those days of trial and danger are to-day praying for the passage of the so-called dollar-a-day pension bill, H. R. No. 1, as it passed the House of Representatives.

I do hope you will successfully win out for those deserving and almost destitute veterans and bring to them the necessary relief in their declining years.

Sincerely, yours,
DANIEL WILLIAMS,
Late Company K, Twenty-third Pennsylvania Volunteer Infantry, Past Post Commander Lincoln Post, No. 3, Department of the Potomac.

Mr. BRADLEY. Mr. President, I shall not detain the Senate——

Mr. KENYON. I rise to a point of order. We can not hear what is being said on account of the confusion, and we should like to hear it.

The VICE PRESIDENT. The Chair thinks the point of order is well taken. The Senate will be in order.

Mr. BRADLEY. Mr. President, I do not desire at this late hour to unnecessarily take up the time of the Senate, and speak only in behalf of the soldiers. If I remember correctly, however, the soldiers never complained about the taking up of their time by the country in its hour of need.

No bill can be passed here that will please everybody. For that reason I was deeply interested in hearing the members of the Grand Army of the Republic before our committee. Representing, as they do, the only organization of Union soldiers in this country, I was very anxious to hear their opinion. They opposed the Sherwood bill because it was founded alone upon service. They were in favor of the standard proposed in the Burnham bill. They did not ask for the bill that carried the most money, because it was estimated that the Sherwood bill would carry $75,000,000. They only asked for proposition 13, which is embraced in the bill introduced by the Senator from New Hampshire. They said that with that bill they would be satisfied. They asked for this only as a matter of justice, and I quite agree with the Senator from New Hampshire, that they are entitled to justice.

We hear much said now about living within our income. We did not talk in that way when we asked these men to carry the flag. There was nothing then said about not being able to pay them, but all sorts of fair promises were made in order to induce them to volunteer to save the Union. I do not think we should talk that way now. These men are entitled to pensions as a matter of right and not as a matter of charity. We owe them a debt that we can never pay, because they saved the country; and but for them we would have no Union or Constitution; but for them we would not enjoy the liberty nor have the wealth and power that we enjoy to-day.

Mr. President, I think that when these old soldiers come and tell us what they want and put themselves within the limit of reason it would be little less than an outrage for us to refuse to give them what they ask.

It has been a long while since the war, and some here do not know anything about it, some who have heard but little about it. I saw something of it. I saw something of the blood and the tears and the sorrow of that period. I heard the cries of weeping widows and orphan children. I saw the brave boys as they marched to the battle field, under the flag, to the music of the drum and fife, in all their young manhood and strength. I saw them dead upon the battle field. I saw them brought home, not with their shields, but upon them. I heard the clods that fell upon their coffins. I saw the dark cloud of woe and anguish that overhung this country. Ah, we must not forget these things. These men are old now. They have not the step that they had then. Their ranks have been decimated, and they have become old and feeble. Comparatively few of them are left. The large majority have passed over the river and are now resting under the shade of the trees.

Mr. President, shall we fail to do them justice? Shall we refuse to give them what they are willing to take, not as a charity, but as right under the duty that we owe them for the grand service that they performed?

I voted in the committee against reporting the Sherwood measure because I did not believe it would pass the Senate, and the Grand Army opposed it because they wanted an age and service bill combined. I voted in favor of reporting the Burnham bill, now being considered. I am in favor of it to-day. I beg and plead with the Senate to give these men some measure of justice. To my friends across the way, some of whom were gallant soldiers on the other side, I make a special plea. If there is any man who should love the soldier, it is the soldier who met him upon the battle field and struggled with him for supremacy. I appeal to the old ex-Confederates in the Senate to do what is right toward these old men who were foemen worthy of their steel.

A short time ago in Kentucky a bill was introduced in the legislature to pension the Confederate soldiers, and every Republican voted in its favor. I ask you now to be as generous to the Union soldiers as our people were to yours in Kentucky.

Mr. President, we are told that there have been many billions of dollars paid in pensions during the long period of 50 years. Yes; there have been; and there have been many billions of drops of blood shed upon the field of battle; there have been many graves dug, that rise to-day like billows upon the sea, underneath which repose the gallant men who lost their lives in the service of our country and its flag.

Mr. WILLIAMS. Mr. President——

Mr. BRADLEY. Do not talk to me about what pensions have cost. The question now is how shall these men be paid what is justly due them and what they have the right to ask.

The PRESIDING OFFICER (Mr. BRANDEGEE in the chair). Does the Senator from Kentucky yield to the Senator from Mississippi?

Mr. BRADLEY. Certainly.

Mr. WILLIAMS. The Senator stated that every Republican member of the Kentucky Legislature voted for a bill to pension ex-Confederate soldiers in Kentucky. Would the Senator from Kentucky kindly state what the amount of the pension was per month or per year?

Mr. BRADLEY. Mr. President, I really do not know, but I can say it was all that was asked.

Mr. WILLIAMS. Ah, Mr. President, then it comes down to a comparison of what men ask. Can not the Senator from Kentucky approximate the amount that was paid to the ex-Confederate soldiers by the Legislature of Kentucky?

Mr. BRADLEY. I can not.

Mr. WILLIAMS. Was it $6 a month?

Mr. BRADLEY. I do not remember.

Mr. WILLIAMS. Was it $3 a month or over?

Mr. BRADLEY. I do not remember. I think that the bill was introduced by some Democrat as a measure of justice, and I suppose that no Democrat in Kentucky would value the services of a Confederate soldier at so small a sum as $3 a month.

Mr. WILLIAMS. Mr. President, if the Senator from Kentucky will pardon the interruption, there was sitting to my left a Kentucky Republican Member of the House and he has told me that the amount was $10 a month. Does the Senator remember if that is correct?

Mr. BRADLEY. I do not; but, as I have said——

Mr. WILLIAMS. If it were $10 a month, that is less than any pension in this bill.

Mr. BRADLEY. Well, Mr. President, all I have to say in response to that is, in the first place, if they conceived that $10 is all they were entitled to, that was their business and not mine. In the next place, I want to say that the difference in value was very great between their services and those for whom we are now legislating. In their case the pension was given to men who fought to destroy the Government, and in this we are asking for a pension to men who fought to preserve it.

Mr. WILLIAMS. Mr. President, I should like to ask the Senator from Kentucky another question. Of course I appreciate the point he has just made. That does not, however, affect the Legislature of Kentucky very much I imagine. Did the pension bill extended to ex-Confederates in Kentucky include anybody except those who were not in the enjoyment of an income sufficient to live without a pension?

Mr. BRADLEY. I do not know; I was not there. I simply know that such a bill was passed.

Mr. WILLIAMS. I should like to add a word, if the Senator from Kentucky will permit me, and then I will not bother him any more.

The PRESIDING OFFICER. Does the Senator from Kentucky yield further to the Senator from Mississippi?

Mr. BRADLEY. With pleasure.

Mr. WILLIAMS. If the State of Kentucky did give any pension to the Confederate soldiers upon any other basis than absolute need and necessity now, the State of Kentucky did something which no other Southern State, as far as I know, has done.

Mr. BRADLEY. That may be true, Mr. President; Kentucky is in the habit of doing things that no other Southern State ever did.

The PRESIDING OFFICER. The question is on agreeing to the amendment proposed by the Senator from New Hampshire [Mr. BURNHAM].

Mr. BURNHAM. On that question I ask for the yeas and nays.

The yeas and nays were ordered, and the Secretary proceeded to call the roll.

Mr. BACON (when his name was called). I again announce my pair with the Senator from Minnesota [Mr. NELSON] and withhold my vote.

Mr. JOHNSTON of Alabama (when Mr. BAILEY's name was called). I announce that the Senator from Texas [Mr. BAILEY] is paired with the Senator from Montana [Mr. DIXON]. If the Senator from Texas were present, I am satisfied he would vote "nay."

Mr. BRADLEY (when his name was called). I again announce my pair with the senior Senator from Tennessee [Mr. TAYLOR] and withhold my vote.

Mr. BURNHAM (when his name was called). I make the same announcement with reference to my pair as before.

Mr. DILLINGHAM (when his name was called). Because of my pair, already announced, I withhold my vote.

Mr. BURNHAM (when Mr. GALLINGER's name was called). I make the same announcement in reference to my colleague as before.

Mr. GAMBLE (when his name was called). On account of the pair which I have heretofore announced, I withhold my vote. If I were permitted to vote, I would vote "yea."

Mr. HEYBURN (when his name was called). I have a pair with the Senator from Alabama [Mr. BANKHEAD]. I am advised that if he were present he would vote "nay." I should vote "yea." So the pair will stand.

Mr. SWANSON (when the name of Mr. MARTIN of Virginia was called). I have stated the pair of my colleague [Mr. MARTIN]. If he were present, he would vote "nay."

Mr. WATSON (when his name was called). I again announce my pair with the junior Senator from Wyoming [Mr. WARREN].

The roll call having been concluded, the result was announced—yeas 29, nays 36, as follows:

YEAS—29.

Borah	Cummins	La Follette	Poindexter
Bourne	Curtis	Lorimer	Shively
Bristow	Gardner	McLean	Smith, Mich.
Brown	Hitchcock	Martine, N. J.	Townsend
Chamberlain	Johnson, Me.	Myers	Works
Chilton	Jones	O'Gorman	
Clapp	Kenyon	Oliver	
Crawford	Kern	Page	

NAYS—36.

Brandegee	Foster	Owen	Smith, Ga.
Briggs	Gronna	Penrose	Smith, S. C.
Bryan	Johnston, Ala.	Percy	Smoot
Burton	Lea	Perkins	Stephenson
Clark, Wyo.	Lodge	Pomerene	Sutherland
Crane	McCumber	Rayner	Swanson
Culberson	Newlands	Richardson	Thornton
du Pont	Nixon	Root	Wetmore
Fletcher	Overman	Simmons	Williams

NOT VOTING—26.

Bacon	Davis	Heyburn	Stone
Bailey	Dillingham	Lippitt	Taylor
Bankhead	Dixon	Martin, Va.	Tillman
Bradley	Gallinger	Nelson	Warren
Burnham	Gamble	Paynter	Watson
Clarke, Ark.	Gore	Reed	
Cullom	Guggenheim	Smith, Md.	

So Mr. BURNHAM's amendment was rejected.

Mr. KENYON. I offer the amendments which I send to the desk.

The VICE PRESIDENT. The Senator from Iowa offers an amendment, which will be stated.

The SECRETARY. In line 3, page 4, strike out the word "sixty-six" and insert in lieu thereof the word "sixty-four."

The VICE PRESIDENT. The question is on agreeing to the amendment.

The amendment was rejected.

The SECRETARY. Also, in line 10, page 4, strike out "seventy" and insert "sixty-eight."

The amendment was rejected.

The SECRETARY. Also, in line 17, strike out "seventy-five" and insert "seventy."

The amendment was rejected.

The VICE PRESIDENT. The question is on agreeing to the substitute offered by the committee.

Mr. CURTIS. On that I demand the yeas and nays.

The yeas and nays were ordered.

Mr. WILLIAMS. Before you proceed to that, Mr. President, there is an amendment which I offered some days ago

The VICE PRESIDENT. The Senator from Mississippi offers an amendment, which will be stated.

The SECRETARY. Add as a new section at the end of the bill the following:

SEC. —. That no person shall receive a pension under this act who is or shall be in receipt of an income of $1,200 per year.

Mr. WILLIAMS. Mr. President, I do not want to make a speech. It is too late for it; everybody is tired; we want to get through and go home. I hardly hope that the amendment can pass. I have offered it because it seemed to me just and right that it should be offered.

This morning at some time the question arose as to where the Government would get the money from to pension old soldiers who were needy and necessitous. The Senator from Indiana [Mr. KERN] said, and said very touchingly, that there were a great many of them who could not live upon the pensions which they were now receiving, and who had no other sources of income except their pensions. I felt then like answering the question propounded by saying you should find out what is the average income of an American family. I do not know what the figures are under the census of 1910, but under the census of 1900 it was $460 a year. If you would fix $140 more than that and say that nobody should receive a pension who was in the enjoyment of an income of $600 a year—$50 a month—you would save enough money from the pension roll by that to keep out of destitution every ex-Federal soldier in the United States. You would save by it, unless my calculation is wrong, some fifteen or twenty million dollars, taken from those who do not need it and given to those who do need it.

Mr. President, I have never had much sympathy for that sort of patriotic sentiment that sounds in dollars and cents. I have a very high degree of sympathy for that sort of sentiment which does not permit an old man who has served his country in times of war to suffer in his old age. I expect, if the truth were known, that I would go as far as any of you to take care of that class of pensioners. I do not know that the suspicion is absolutely correct, but I am persuaded that it is; I suspect that I would go as far as any of you in that direction.

But I have not wanted to push the amendment to that point. I have not offered an amendment that no one in receipt of $600 a year clear income should receive any benefit from this pension act. I have offered an amendment that nobody in the enjoyment of an income of $1,200 a year or over should receive any benefit from this pension act.

That is $100 a month, twice as much as the average head of a family in the United States enjoys, and it must be remembered that one-third of the population of the United States is in a section of the country that pays pensions but receives no pensions. I am not complaining of that. It is the war tribute which the defeated must pay. We grin and bear it, and we ought to grin and bear it; but we do it that neither we nor the deserving people of the balance of the United States, carpenters, blacksmiths, preachers, ought to be taxed in the name of patriotism to pay largesses to men who are already in such a good condition financially that they are twice as well off as the average head of a family in the United States. I have, therefore, offered this amendment.

The PRESIDING OFFICER. The question is on agreeing to the amendment offered by the Senator from Mississippi.

Mr. WILLIAMS. I ask for the yeas and nays.

The yeas and nays were ordered, and the Secretary proceeded to call the roll.

Mr. BACON (when his name was called). I again announce my pair with the Senator from Minnesota [Mr. NELSON], and, not knowing how he would vote, I withhold my vote.

Mr. JOHNSTON of Alabama (when Mr. BAILEY's name was called). The Senator from Texas [Mr. BAILEY] is paired with the Senator from Montana [Mr. DIXON]. If the Senator from Texas were present, I am satisfied he would note "yea."

Mr. JOHNSTON of Alabama (when Mr. BANKHEAD's name was called). My colleague [Mr. BANKHEAD] would vote the same way.

Mr. BURNHAM (when his name was called). I desire to make the same announcement as to my pair that I made on the former vote.

Mr. DILLINGHAM (when his name was called). Because of my pair already announced, I will withhold my vote.

Mr. BURNHAM (when Mr. GALLINGER's name was called). I desire to make the same statement in regard to my colleague [Mr. GALLINGER] as I did before.

Mr. GAMBLE (when his name was called). I am paired, as I have already announced, and I therefore withhold my vote.

Mr. CURTIS (when Mr. GUGGENHEIM's name was called). The Senator from Colorado [Mr. GUGGENHEIM] is paired with the Senator from Kentucky [Mr. PAYNTER].

Mr. HEYBURN (when his name was called). Because of the pair which I have already announced, I will withhold my vote.

The roll call was concluded.

Mr. BRADLEY. I again announce my pair with the senior Senator from Tennessee [Mr. TAYLOR] and withhold my vote.

The result was announced—yeas, 30, nays 35, as follows:

YEAS—30.

Borah	Gardner	O'Gorman	Smith, Ga.
Bourne	Hitchcock	Overman	Smith, S. C.
Bryan	Johnston, Ala.	Owen	Swanson
Chamberlain	Jones	Percy	Thornton
Culberson	Lea	Pomerene	Watson
du Pont	Martine, N. J.	Rayner	Williams
Fletcher	Myers	Root	
Foster	Newlands	Simmons	

NAYS—35.

Brandegee	Crawford	McCumber	Shively
Briggs	Curtis	McLean	Smith, Mich.
Bristow	Gronna	Nixon	Smoot
Brown	Johnson, Me.	Oliver	Stephenson
Burton	Kenyon	Page	Sutherland
Chilton	Kern	Penrose	Townsend
Clapp	La Follette	Perkins	Wetmore
Clark, Wyo.	Lodge	Poindexter	Works
Crane	Lorimer	Richardson	

NOT VOTING—26.

Bacon	Cummins	Guggenheim	Smith, Md.
Bailey	Davis	Heyburn	Stone
Bankhead	Dillingham	Lippitt	Taylor
Bradley	Dixon	Martin, Va.	Tillman
Burnham	Gallinger	Nelson	Warren
Clarke, Ark.	Gamble	Paynter	
Cullom	Gore	Reed	

So the amendment of Mr. WILLIAMS was rejected.

Mr. WILLIAMS. I now offer the amendment which I send to the desk, to come in at the end of the bill.

The VICE PRESIDENT. The amendment proposed by the Senator from Mississippi will be stated.

The SECRETARY. It is proposed to add at the end of the bill the following:

That the Commissioner of Pensions shall cause to be published in at least one newspaper at the capital of each State a complete list of the persons drawing pensions in that State, with their post-office addresses and the amount of said pension, and whether the pensioner is a soldier, soldier's widow, or child of a soldier; and there is hereby appropriated, out of any money in the Treasury not otherwise appropriated, a sum not to exceed $50,000 per annum to pay for such publication.

Mr. WILLIAMS. Mr. President, I shall take the Senate's time for hardly two minutes. The Senate has just voted down an amendment not to allow men with a clear income of $1,200 a year to draw a pension under this proposed act. The Senate must have done it, if they did it upon any sensible theory at all, upon the theory that they want to make of the pension roll a roll of honor. At any rate, frequently that reason has been given in opposition to motions of that kind. If that be your reason, you do want to make it a roll of honor, do you not? If you will publish in each State the name of the pensioner and his post-office address you will call the attention of his neighborhood to him, and if he is a fraud and has no right to be drawing a pension, or if he is dead and if somebody else is drawing a pension for him, that fact will soon make itself known, and you may be able to save a great deal of money, which none of you want paid out.

I take it for granted that none of you want a man to receive a pension masquerading under the name of another man, that nobody wants a pension for a dead man received by somebody who is living, and that nobody wants a roll of honor to become tainted with dishonor by particular exceptions to its general character. If that be the case, there can be no harm in the utmost publicity with regard to pensioners and the amounts they are receiving.

In this connection I will state that I have the high authority of the present Republican President of the United States and a Republican ex-President of the United States—recently ex—to the effect that publicity is a sort of sunlight cure for all sorts of evils. I hope this amendment, at any rate, will be voted for unanimously.

The VICE PRESIDENT. The question is on agreeing to the amendment proposed by the Senator from Mississippi.

Mr. WILLIAMS. I ask for the yeas and nays.

Mr. HEYBURN. Mr. President——

The VICE PRESIDENT. Does the Senator from Idaho desire to offer an amendment to the amendment?

Mr. HEYBURN. I desire to call attention, in response to what the Senator from Mississippi has said, to an amendment that I prepared and sent to the desk, and only withdrew because of the vote on the first amendment, which read thus:

Any and all sums of money that may be due to any person within the class named herein may, upon the sworn declaration of such person expressing his desire that any money that may be due or become due to him shall be transferred to a special fund for the purpose of the payment of any pensions authorized by law to be paid to any class of Union soldiers or sailors.

My purpose in that was to compel the persons receiving pensions, or to whom pensions were due, to make an affirmative declaration declining to receive the pension, and for it to be transferred to the general pension fund, so that then we would know who were quietly acquiescing in the receipt of a pension, despite the fact that they were in no need of it, and those who, feeling that they ought not in good conscience to receive a pension, would transfer it. That would have put them by the record under a provision, which I think is in this bill, requiring the publication of the names of pensioners. I only withdrew the amendment because the amendment to which I thought it was germane had not been agreed to.

Mr. McCUMBER. Mr. President, before the Senate votes upon this question it is probably proper to call to their attention the fact that the committee has already reported a section that seems to me to cover everything that is essential, except the matter of the publication, and the report which the committee asked for will cost nothing. Section 4 reads:

SEC. 4. That the Commissioner of Pensions shall make, at the time of submitting his next annual report, a separate report for each county of each State, Territory, or District, containing a statement or table which shall contain the names, lenghts of service, monthly rates of payment, and residences of all pensioners of the United States; and shall thereafter, as said annual reports are submitted, make separate reports similar in all respects, except that such subsequent reports shall contain only those added to the pension roll during the fiscal year for which each annual report is made.

Now each county can receive separately, and in a statement that pertains to that county only, the names of every soldier in that county drawing a pension, with his length of service, and so forth, and publish it, if it is so desired; but it does not seem to be necessary, Mr. President, to appropriate money now for publishing something which perhaps the country does not desire to know, and which, if anybody does want the information, is in a public record and he can get it.

Mr. WILLIAMS. Mr. President, I hope the Senator from North Dakota will not misunderstand the purport of my amendment. If I understand what the Senator from North Dakota has just read, which appears on page 6, section 4, it does everything I want done except just what I want done; it fails to provide for publication. It is the blessed sunlight of publicity that I am seeking.

The Senator says that it will cost some money to do what, perhaps, the country does not want done. I take for granted that the country does want the sunlight of publicity upon the pension roll, so that the good, honest people in every county and in every bailiwick may read and see who amongst them is enjoying a pension and may determine whether or not the man enjoying a pension deserves it, whether he is living or whether he is dead, and whether somebody else is drawing it in his name. Any one of those three things may occur.

Mr. President, I have said nearly all of this with a view to getting the attention of the Senator from North Dakota.

Mr. McCUMBER. Every word of which I heard.

Mr. WILLIAMS. But I saw that the deus ex machina upon the other side of the Chamber had his attention during the greater part of my remarks.

To recall the Senator from North Dakota to the point, I do not think that the Senator from North Dakota will contend for one moment that the people of the United States do not desire public knowledge concerning this, as concerning all other governmental and administrative affairs; but I tried to reenforce my own weak voice by reference to the present Republican President and a Republican ex-President of the United States. We have learned lately from those who are insurging upon the other side that the greatest thing that any people can have in connection with anything, the management of corporations and everything else, is publicity. It its spelled with a great big "P," and

it is pronounced with the accent upon the first syllable; and all I want is publicity concerning the pension list, so that the good, honest people—and as a rule most of the people, a majority of the people, are honest—shall have knowledge of who in their bailiwick is drawing a pension; and, take my word for it, that if there are any dishonorable names upon the pension list, that are tainting this roll of honor by their presence, the people, having the honor of the Nation at stake and dear to their hearts, will soon make some sort of communications to the proper authorities which will stop the dishonor and may incidentally also stop a part of the expense.

I hope that the chairman of the committee in charge of this bill will not object to the amendment which I have offered.

Mr. McCUMBER. Mr. President, the assumption that calls for this amendment is that there is fraud and dishonor in pension legislation and in the pension roll. I do not believe there is any fraud that has not been ferreted out. I do not believe that the public believes there is any considerable fraud in the matter of granting or receiving pensions. I do not believe that the public cares a continental about reading the names of the soldiers who are drawing pensions. The public knows that we vote so much money for pensions; that there are so many thousand soldiers yet living, and that they are dying at a certain rate. I think that is all the public cares about knowing, and I am not in favor of publishing this matter, but if anyone wants to get the list for his own particular county he can do so under section 4 of the pending substitute.

Mr. WILLIAMS. Mr. President, I know the Senator from North Dakota so well that I know he did not intend to misrepresent me as saying that the pension roll was a roll of fraud or that pension legislation was fraudulent. I said, and said so distinctly that I think no human being could have misunderstood me, that we wanted to prevent a roll of honor from being tainted by individual cases of dishonor.

Now, the Senator says that there is no considerable fraud. I know of no more indefinite word in the English language than the adjective "considerable"; but if there be any individual cases of fraud, whether considerable or inconsiderable, if they exist I have sufficient confidence in the sense of honor of the American people to believe that they want to know it; they want to detect it; they want it removed; and they want it removed in the name of the honor of the men upon the pension roll who have a right to be there.

The VICE PRESIDENT. The Senator from Mississippi [Mr. WILLIAMS] has asked for the yeas and nays on his amendment.

The yeas and nays were ordered, and the Secretary proceeded to call the roll.

Mr. BACON (when his name was called). I again announce my pair with the senior Senator from Minnesota [Mr. NELSON], and withhold my vote.

Mr. BRADLEY (when his name was called). I again announce my pair and withhold my vote.

Mr. BURNHAM (when his name was called). I again announce my pair.

Mr. DILLINGHAM (when his name was called). I withhold my vote because of my pair already announced.

Mr. BURNHAM (when Mr. GALLINGER's name was called). I make the same statement as before with reference to my colleague [Mr. GALLINGER] and his pair.

Mr. GAMBLE (when his name was called). On account of a pair already announced, I withhold my vote.

Mr. HEYBURN. Because of the pair already announced, I withhold my vote.

The roll call was concluded.

Mr. CURTIS. I am requested to announce that the Senator from Colorado [Mr. GUGGENHEIM] is paired with the Senator from Kentucky [Mr. PAYNTER].

The result was announced—yeas 26, nays 37; as follows:

YEAS—26.

Bourne	Gore	Owen	Swanson
Bryan	Johnston, Ala.	Percy	Thornton
Chilton	Lea	Rayner	Watson
Culberson	Lodge	Root	Wetmore
du Pont	Myers	Simmons	Williams
Fletcher	Newlands	Smith, Ga.	
Foster	Overman	Smith, S. C.	

NAYS—37.

Borah	Cummins	McCumber	Richardson
Brandegee	Curtis	Martine, N. J.	Smith, Mich.
Briggs	Gronna	Nixon	Smoot
Bristow	Hitchcock	O'Gorman	Stephenson
Brown	Johnson, Me.	Oliver	Sutherland
Burton	Jones	Page	Townsend
Chamberlain	Kenyon	Penrose	Works
Clapp	Kern	Perkins	
Clark, Wyo.	La Follette	Poindexter	
Crane	Lorimer	Pomerene	

NOT VOTING—28.

Bacon	Cullom	Guggenheim	Reed
Bailey	Davis	Heyburn	Shively
Bankhead	Dillingham	Lippitt	Smith, Md.
Bradley	Dixon	McLean	Stone
Burnham	Gallinger	Martin, Va.	Taylor
Clarke, Ark.	Gamble	Nelson	Tillman
Crawford	Gardner	Paynter	Warren

So the amendment of Mr. WILLIAMS was rejected.

Mr. JONES. Mr. President, I desire to offer as a new section the amendment I proposed a moment ago, limited, however, so as to include only those widows who have remained such since the death of the men whose wives they were during the war.

The VICE PRESIDENT. The amendment will be stated.

The SECRETARY. It is proposed to add the following as a new section at the end of the bill:

SEC. 5. That every widow who is now receiving or may hereafter be entitled to receive a pension of less than $24 per month by reason of the Civil War shall, upon due proof that she was the wife of a soldier at any time during the war, and that she has not been married since the death of such soldier, be entitled to a pension of $24 per month, the same to begin from the date of filing her application under the provisions of this act.

The VICE PRESIDENT. The question is on agreeing to the amendment offered by the Senator from Washington.

By the sound the "noes" have it.

Mr. JONES. I ask for a division.

The amendment was rejected; there being, on a division—ayes 23, noes 31.

Mr. LEA. I offer an amendment to come in as the last clause of the bill.

The VICE PRESIDENT. The amendment will be stated.

The SECRETARY. At the end of the bill it is proposed to add the following:

And that no person shall receive a pension under this act who is or shall be in receipt of an income of $2,400 per year.

Mr. LEA. I ask for the yeas and nays on the amendment.

The yeas and nays were ordered, and the Secretary proceeded to call the roll.

Mr. BRADLEY (when his name was called). I again announce my pair, and refrain from voting.

Mr. BURNHAM (when his name was called). I make the same statement with reference to my pair as before, and withhold my vote.

Mr. DILLINGHAM (when his name was called). I withhold my vote for the reason already announced.

Mr. BURNHAM (when Mr. GALLINGER's name was called). I make the same statement as before with reference to my colleague [Mr. GALLINGER].

Mr. HEYBURN (when his name was called). For the reason already announced, I withhold my vote.

The roll call was concluded.

Mr. BACON. I again announce my pair with the senior Senator from Minnesota [Mr. NELSON] and withhold my vote.

The result was announced—yeas 34, nays 32, as follows:

YEAS—34.

Borah	Foster	Myers	Simmons
Bourne	Gardner	Newlands	Smith, Ga.
Bryan	Hitchcock	O'Gorman	Smith, S. C.
Chamberlain	Johnston, Ala.	Overman	Swanson
Chilton	Jones	Owen	Thornton
Crawford	Kern	Percy	Watson
Culberson	La Follette	Perkins	Williams
du Pont	Lea	Pomerene	
Fletcher	Martine, N. J.	Rayner	

NAYS—32.

Brandegee	Cummins	McLean	Shively
Briggs	Curtis	Nixon	Smith, Mich.
Bristow	Gronna	Oliver	Smoot
Brown	Johnson, Me.	Page	Stephenson
Burton	Kenyon	Penrose	Sutherland
Clapp	Lodge	Poindexter	Townsend
Clark, Wyo.	Lorimer	Richardson	Wetmore
Crane	McCumber	Root	Works

NOT VOTING—25.

Bacon	Davis	Heyburn	Stone
Bailey	Dillingham	Lippitt	Taylor
Bankhead	Dixon	Martin, Va.	Tillman
Bradley	Gallinger	Nelson	Warren
Burnham	Gamble	Paynter	
Clarke, Ark.	Gore	Reed	
Cullom	Guggenheim	Smith, Md.	

So Mr. LEA's amendment was agreed to.

The VICE PRESIDENT. The question now is on agreeing to the substitute offered by the committee as amended.

Mr. CULBERSON. Mr. President, I simply desire to state, in order that my vote may not be misapprehended, that I am opposed to both the McCumber bill and the Sherwood bill. I will vote "nay" on this roll call, not because I favor the Sherwood bill, but because I am opposed to both.

Mr. CLARK of Wyoming. Mr. President, I have a general pair, as announced, with the Senator from Missouri [Mr. STONE], who asks that I make this statement:

On the final vote I wish you would say for me this:
"The Senator from Missouri requests me to say that, taken as a whole and as reported, he does not favor either the House bill or the bill reported by the Senate committee."

Mr. RAYNER. Mr. President, I desire to announce that I will vote against both the bills for the same reasons that have just been given.

Mr. MARTINE of New Jersey. Mr. President, I desire to announce that I shall vote against the McCumber bill for the reason that I want to vote for the Sherwood bill, and I shall vote for it if the opportunity is presented.

Mr. OVERMAN. Mr. President, it is only fair that I should say that having stated I would vote for the McCumber amendment to the Sherwood bill, since it has been amended by the amendment of the Senator from Nebraska [Mr. BROWN] and is so vague and will require so much additional appropriation that we do not understand, I shall vote "nay" against that amendment.

The VICE PRESIDENT. The question is on agreeing to the substitute of the committee as amended.

Mr. CURTIS. Have not the yeas and nays been ordered on it?

The VICE PRESIDENT. The Chair does not understand that the yeas and nays have been ordered upon the amendment, but that they were ordered upon the passage of the bill.

Mr. CULBERSON. I ask for the yeas and nays.

The yeas and nays were ordered, and the Secretary proceeded to call the roll.

Mr. BACON (when his name was called). I have a pair on this bill with the senior Senator from Minnesota [Mr. NELSON], and by his instructions I announce that, if present, he would vote "yea." If he were present and I were at liberty to vote I would vote "nay."

Mr. BRADLEY (when his name was called). I again announce my pair with the senior Senator from Tennessee [Mr. TAYLOR], and will refrain from voting.

Mr. BURNHAM (when his name was called). I make the same announcement that I have made heretofore, that I am paired with the Senator from Maryland [Mr. SMITH].

Mr. DILLINGHAM (when his name was called). I am informed by the Senator from South Carolina [Mr. TILLMAN] that he is in favor of this amendment to the bill, and therefore I feel authorized to vote. I vote "yea."

Mr. CLAPP (when Mr. DIXON's name was called). The senior Senator from Montana [Mr. DIXON] is paired with the junior Senator from Texas [Mr. BAILEY]. If the senior Senator from Montana were present and at liberty to vote he would vote "yea."

Mr. BURNHAM (when Mr. GALLINGER's name was called). My colleague, the senior Senator from New Hampshire [Mr. GALLINGER], is necessarily absent. He is paired, as I have stated, with the senior Senator from Arkansas [Mr. CLARKE]. If my colleague were present, he would vote "yea."

Mr. GAMBLE (when his name was called). As I have stated, I have a general pair with the junior Senator from Arkansas [Mr. DAVIS], and therefore withhold my vote. If I were at liberty to vote, I would vote "yea."

Mr. HEYBURN (when his name was called). I am not advised as to how the Senator from Alabama [Mr. BANKHEAD] would vote if he were present. I am paired with that Senator, and will therefore withhold my vote.

Mr. LORIMER (when his name was called). I wish to announce the pair of my colleague [Mr. CULLOM] with the senior Senator from Virginia [Mr. MARTIN]. If my colleague were present and permitted to vote, he would vote "yea."

Mr. SMITH of Michigan (when his name was called). I am paired with the Senator from Missouri [Mr. REED]. I transfer that pair to the Senator from Rhode Island [Mr. LIPPITT], and vote "yea."

Mr. WATSON (when his name was called). I wish to announce my pair with the junior Senator from Wyoming [Mr. WARREN]. If he were present, he would vote "yea." If I were at liberty to vote, I would vote "nay."

The roll call having been concluded, the result was announced—yeas 44, nays 21, as follows:

YEAS—44.

Borah	Burton	Dillingham	Lodge
Bourne	Chamberlain	du Pont	Lorimer
Brandegee	Clapp	Fletcher	McCumber
Briggs	Crane	Gronna	McLean
Bristow	Crawford	Jones	Myers
Brown	Cummins	Kenyon	Newlands
Bryan	Curtis	La Follette	Nixon
O'Gorman	Perkins	Root	Sutherland
Oliver	Poindexter	Smith, Mich.	Townsend
Page	Pomerene	Smoot	Wetmore
Penrose	Richardson	Stephenson	Works

NAYS—21.

Chilton	Johnston, Ala.	Percy	Swanson
Culberson	Kern	Rayner	Thornton
Foster	Lea	Shively	Williams
Gardner	Martine, N. J.	Simmons	
Hitchcock	Overman	Smith, Ga.	
Johnson, Me.	Owen	Smith, S. C.	

NOT VOTING—26.

Bacon	Cullom	Heyburn	Stone,
Bailey	Davis	Lippitt	Taylor
Bankhead	Dixon	Martin, Va.	Tillman
Bradley	Gallinger	Nelson	Warren
Burnham	Gamble	Paynter	Watson
Clark, Wyo.	Gore	Reed,	
Clarke, Ark.	Guggenheim	Smith, Md.	

So the committee amendment as amended was agreed to.

The VICE PRESIDENT. If there be no further amendment as in Committee of the Whole, the bill will be reported to the Senate.

The bill was reported to the Senate as amended.

The VICE PRESIDENT. The question is on concurring in the amendments made as in Committee of the Whole.

Mr. McCUMBER. I wish to reserve that section which was offered by the Senator from Nebraska [Mr. BROWN] and adopted, for the purpose of changing the phraseology in one respect, and I think the Senator from Nebraska will agree with me. I can only state the lines as they appear in the original bill, and the clerks can find it.

The VICE PRESIDENT. The Senator from North Dakota asks for a separate vote on the so-called Brown amendment. Is a separate vote asked on any other amendments? If not, the question is on concurring in the amendments other than the Brown amendment.

The amendments were concurred in.

The VICE PRESIDENT. The question now is upon concurring in the Brown amendment.

Mr. McCUMBER. I ask to amend that by striking out the words where they appear in line 14 of the original bill "through causes not due to his own vicious habits" and inserting in lieu thereof "by reason thereof," so that the section will then read:

That any person who served in the military or naval service of the United States during the Civil War and received an honorable discharge, and who was wounded in battle or in line of duty and is now unfit for manual labor by reason thereof, or who from disease, etc.

That makes the two portions of the sections the same. I think it was certainly an error that it passed the House in that shape, because if there was as much as a scratch it would be a wound, and although no disability would flow from it, the soldier would be entitled, because of ever so slight a wound, to receive $30 a month. It might have nothing to do with the matter of his inability to perform manual labor. I hope there will be no objection to this amendment to the amendment, because the next portion reads:

Or who, from disease or other causes incurred in line of duty, resulting in his disability—

You see in that case it must result in his disability—

is now unable to perform manual labor, shall be paid, etc.

We want both sections to mean that if the wound or the disease resulted in his inability to perform manual labor, then he should receive the higher amount.

Mr. BROWN. Mr. President, I do not think the change suggested by the Senator is in fact very material, but at the same time I do not feel like accepting the suggestion for the sole reason that if the change is made it throws the section into conference. The section as passed and adopted by the Senate is the section as passed and adopted by the House, and it will not be subject to the vicissitudes of a conference committee if left in the shape it is in now.

The VICE PRESIDENT. The Chair might suggest to the Senator that, the entire House bill having been stricken out, the whole matter would be in conference, if it goes to conference.

Mr. LODGE. The whole matter would be in conference. It does not protect it in the least.

Mr. BROWN. I may be wrong about it, but I have an impression that there is some advantage in having adopted as a separate section a provision which the House adopted and which is entirely independent of the other provisions of the bill. I really am of opinion that the change suggested does not in fact change the substance or meaning of the provision, and if it does not have the effect to injure it in conference I will not resist it. Senators wiser than I as to the effect and who have had more extensive experiences in conferences may be correct about it, and if it is their judgment that it will all be in

conference anyhow, the Senate can pass it, but personally I do not care to take the responsibility of accepting the suggestion.

Mr. BACON. Mr. President, I do not like to differ from so distinguished an authority as the Senator from Massachusetts [Mr. LODGE], especially under the suggestion of the Chair, but if there is a rule which I think is ironclad it is that where the two Houses agree in any one thing, without any change or difference whatever, it can not be interfered with by a conference committee; and the fact that for convenience a general course has been taken to run a line through and rewrite the bill, so as to make it more convenient than to offer separate amendments for each part, does not change in any particular that fact. If that were the case, Mr. President, all we would have to do whenever a bill came from another House to which there would be one amendment to be offered would be to rewrite the whole bill, except as to that one amendment, and make the change as to that one amendment and then say the whole bill will be agreed to by the second House in every particular except that one amendment; and the claim that, although thus agreed to, the entire bill was open to the action of the conferees, I do not think can possibly be sustained.

Mr. BROWN. Not only that, Mr. President, but if the position be correct that it is all in conference, there is no need of having this change made.

The VICE PRESIDENT. The question now is, Will the Senate concur in the recommendation of the Committee of the Whole?

Mr. LODGE. Then it is open to amendment, subsequently?

The VICE PRESIDENT. It is.

The amendment was concurred in.

The VICE PRESIDENT. Now, the Senator from North Dakota offers in the Senate an amendment, which will be stated.

The SECRETARY. After the words "manual labor" in the amendment strike out the words "through causes not due to his own vicious habits," and in lieu insert the words "by reason thereof."

The amendment was agreed to.

Mr. BACON. I desire to ask the Senator from North Dakota if he does not intend to go further and reach the point in the amendment which strikes out all limitation as to time, or whether the Senator desires to have that Brown amendment, as we call it, adopted in the particular that no limitation of time is placed upon the length of service.

Mr. LODGE. The whole Brown amendment is now certainly open, since there has been a change in it.

Mr. BACON. Undoubtedly; but the Senator from North Dakota in charge of the bill has pointed out to the Senate one amendment that he thought ought to be made to the Brown amendment. I want to know from the Senator from North Dakota whether he acquiesces in a further change which would strike out altogether the limitation of time in designating the length of service.

Mr. McCUMBER. Under the present law it makes no difference how long a man served if he were wounded so as to obtain a pensionable status. I did not draft this provision. I did not put it in on my own vote. It has been placed in here, and it makes no limitation. I am not seeking to do anything further than to make it conform to what I think was intended.

Mr. BACON. I desire to call the attention of the Senator to the fact that as I understand the Brown amendment it not only reaches the cases of soldiers who were wounded, but it goes further, extending to the cases of soldiers who were disabled by reason of any disease contracted; and it removes all limitation of time in both cases, both in the case of disease as well as in the case of wounds. I wish to know whether the Senator from North Dakota intends to give his acquiescence to the removal of the limitation of time which is found in the McCumber amendment, as we called it?

Mr. McCUMBER. It is but perfectly fair to say that I oppose personally the whole proposition and each and every section of it, and I necessarily oppose that which will be without regard to the length of service; but as the Senate passed it with that in, I simply acquiesced in that which the Senate wanted to do. I thought by calling to the attention of the Senate what was really an error, and not what the Senate intended, I could get them to agree with me about it. But the Senate fully understood what the other meant without any possible question, and they voted to put it in.

Mr. BACON. I do not think there is any doubt about the fact that the Senate understood the whole thing, but the point that struck my attention was this: The Senator from North Dakota undoubtedly voted against the Brown amendment. Now, when it comes to the Senate he points out a certain change which he desires made, and he does not say anything about the change of that feature of the Brown amendment which strikes out the limitation in time. I desire to know whether the Senator from North Dakota acquiesces in that case, or whether he desires to have the Senate again restore the limitation of time.

Mr. McCUMBER. I simply acquiesce in it because the Senate, after full consideration on a yea-and-nay vote, declared by a majority of 2, I think, that they wanted it in. Therefore I was compelled to acquiesce, and I assumed that the Senate would vote the same way again.

Mr. BACON. The Senate did the same thing as to the feature in the Brown amendment which has been changed at the instance of the Senator from North Dakota.

Mr. McCUMBER. But I do not think they fully understood what the other feature was. I do think that the Senate fully understood what the last feature was, because it was very clear.

Mr. BACON. There has been nothing in the way of discussion which indicated that the Senate was at all in doubt as to the particular feature which the Senator from North Dakota has since succeeded in having amended. There was certainly no expression on the floor of the Senate.

Mr. McCUMBER. I assume that any Senator can now move to strike out those words.

The VICE PRESIDENT. If there be no further amendments the question is on the engrossment of the amendment as amended.

Mr. OVERMAN. I ask for the yeas and nays.

The VICE PRESIDENT. The yeas and nays have been ordered on the passage of the bill.

Mr. OVERMAN. Very well.

Mr. WILLIAMS. Mr. President, a parliamentary inquiry.

The VICE PRESIDENT. The Senator from Mississippi will state it.

Mr. WILLIAMS. I do not know that I caught it all, but I understand that the amendment to the Brown amendment offered by the Senator from North Dakota has been passed. Has the Brown amendment as amended been submitted to the Senate?

The VICE PRESIDENT. The Brown amendment was concurred in. The question is on the engrossment of the amendment and the third reading of the bill.

The amendment was ordered to be engrossed and the bill to be read a third time.

The bill was read the third time.

The VICE PRESIDENT. The question is, Shall the bill pass? upon which the yeas and nays have been ordered.

The Secretary proceeded to call the roll.

Mr. BACON (when his name was called). As I previously announced, I have a pair on this particular bill, as well as a general pair, with the Senator from Minnesota [Mr. NELSON]. By his authority, I now state that if he were present he would vote "yea." If he were present and I were at liberty to vote, I should vote "nay."

Mr. BURNHAM (when his name was called). On this question I announce that I am paired with the Senator from Maryland [Mr. SMITH]. If permitted to vote, I should vote "yea."

Mr. LORIMER (when Mr. CULLOM'S name was called). I wish to again announce the pair of my colleague [Mr. CULLOM] with the Senator from Virginia [Mr. MARTIN], and to state that if my colleague were present and at liberty to vote, he would vote "yea."

Mr. DILLINGHAM (when his name was called). I again announce my pair with the senior Senator from South Carolina [Mr. TILLMAN], and that I feel authorized under a telegram from him to vote. I vote "yea."

Mr. CLAPP (when Mr. DIXON'S name was called). I desire to announce the pair of the senior Senator from Montana [Mr. DIXON] with the junior Senator from Texas [Mr. BAILEY]. If the senior Senator from Montana were present and authorized to vote, he would vote "yea."

Mr. BURNHAM (when Mr. GALLINGER'S name was called). I make the same statement I did before with reference to the necessary absence of my colleague [Mr. GALLINGER] and his pair with the Senator from Arkansas [Mr. CLARKE]. If my colleague were present and voting, he would vote "yea."

Mr. GAMBLE (when his name was called). I again announce my pair with the junior Senator from Arkansas [Mr. DAVIS] and withhold my vote. If I were at liberty to vote, I would vote "yea."

Mr. HEYBURN (when his name was called). I have a pair with the Senator from Alabama [Mr. BANKHEAD]. If he were present I am advised that he would vote "nay," and was I at liberty to vote I would vote "yea."

Mr. SWANSON (when the name of Mr. MARTIN of Virginia was called). I desire to announce that my colleague [Mr. MARTIN] is detained from the Senate and is paired with the

senior Senator from Illinois [Mr. CULLOM]. If my colleague were present, he would vote "nay."

The roll call was concluded.

Mr. CURTIS. I am requested to announce that the Senator from Colorado [Mr. GUGGENHEIM] is paired with the Senator from Kentucky [Mr. PAYNTER].

Mr. BRADLEY. I again announce my pair with the senior Senator from Tennessee [Mr. TAYLOR].

The result was announced—yeas 51, nays 16, as follows:

YEAS—51.

Borah	Cummins	McCumber	Richardson
Bourne	Curtis	McLean	Root
Brandegee	Dillingham	Martine, N. J.	Shively
Briggs	du Pont	Myers	Smith, Mich.
Bristow	Gardner	Newlands	Smoot
Brown	Gronna	Nixon	Stephenson
Burton	Hitchcock	O'Gorman	Sutherland
Chamberlain	Johnson, Me.	Oliver	Townsend
Chilton	Kenyon	Page	Warren
Clapp	Kern	Penrose	Watson
Clark, Wyo.	La Follette	Perkins	Wetmore
Crane	Lodge	Poindexter	Works
Crawford	Lorimer	Pomerene	

NAYS—16.

Bryan	Johnston, Ala.	Percy	Smith, S. C.
Culberson	Lea	Rayner	Swanson
Fletcher	Overman	Simmons	Thornton
Foster	Owen	Smith, Ga.	Williams

NOT VOTING—24.

Bacon	Cullom	Guggenheim	Paynter
Bailey	Davis	Heyburn	Reed
Bankhead	Dixon	Jones	Smith, Md.
Bradley	Gallinger	Lippitt	Stone
Burnham	Gamble	Martin, Va.	Taylor
Clarke, Ark.	Gore	Nelson	Tillman

So the bill was passed.

Mr. SMOOT. I move that the Senate adjourn.

Mr. McCUMBER. Will the Senator withhold that motion for a moment?

Mr. SMOOT. Very well; I withhold the motion.

Mr. McCUMBER. I ask that the bill be printed as amended.

The VICE PRESIDENT. Without objection, an order therefor will be entered.

ADJOURNMENT TO MONDAY.

Mr. McCUMBER. I now move that when the Senate adjourns to-day it adjourn to meet on Monday next.

Mr. SMOOT. Mr. President——

Mr. LODGE. The motion is not debatable.

Mr. SMOOT. I simply want to say that I think the calendar ought to be taken up to-morrow.

Mr. PENROSE. It can be taken up next week.

Mr. McCUMBER. We have had a hard day.

The VICE PRESIDENT. The question is on the motion of the Senator from North Dakota [Mr. McCUMBER] that when the Senate adjourns to-day it adjourn to meet on Monday next.

The motion was agreed to.

MOTOR AND OTHER VEHICLES IN GOVERNMENT SERVICE (S. DOC. NO. 477).

The VICE PRESIDENT laid before the Senate a communication from the Attorney General, transmitting, in response to a resolution of the 25th instant, certain information relative to the number of carriages, vehicles, etc., now owned by the Government, or maintained at Government expense and used by that department, etc., which was referred to the Committee on Appropriations and ordered to be printed.

THE CONGRESSIONAL RECORD.

The VICE PRESIDENT laid before the Senate the amendment of the House of Representatives to the concurrent resolution of the Senate (S. Con. Res. 14) authorizing the Librarian of Congress to furnish a copy of the daily and bound CONGRESSIONAL RECORD to the undersecretary of state for external affairs of Canada.

Mr. SMOOT. I move that the concurrent resolution and amendment be referred to the Committee on Printing.

The motion was agreed to.

PETITIONS AND MEMORIALS.

The VICE PRESIDENT presented a concurrent resolution adopted by the Legislature of the State of New York, which was referred to the Committee on Forest Reservations and the Protection of Game and ordered to be printed in the RECORD, as follows:

STATE OF NEW YORK,
Office of the Secretary of State.

Pursuant to the direction therein contained, I have the honor to transmit herewith the following concurrent resolution of the Senate and Assembly of the State of New York, adopted March 4, 1912:

STATE OF NEW YORK (IN SENATE),
Albany, March 4, 1912.

Whereas there have been introduced in Congress three bills (Nos. H. R. 36, H. R. 4428, S. 2367) to afford Federal protection to migratory game birds; and

Whereas there is a very general sentiment in this State in favor of such protection, and an urgent request for the enactment of such a law has been made, as appears by numerous petitions received: Now therefore

Resolved (*if the assembly concur*), That Congress be, and hereby is, requested to enact a law giving ample protection to migratory game birds;

Resolved, That the legislatures of all other States of the United States, now in session or when next convened, be, and they hereby are, respectfully requested to join in this request by the adoption of this or any equivalent resolution;

Resolved further, That the secretary of state be, and he hereby is, directed to transmit copies of this resolution to the Senate and House of Representatives of the United States, and to the several Members of said body representing this State therein; also to transmit copies hereof to the legislatures of all other States of the United States.

By order of the senate.

PATRICK E. McCABE, *Clerk.*

IN ASSEMBLY,
March 4, 1912.

Concurred in without amendment.
By order of the assembly.

FRED W. HAMMOND, *Clerk.*

STATE OF NEW YORK (IN SENATE),
March 4, 1912.

The foregoing resolution was duly passed, a majority of all senators elected voting in favor thereof.
By order of the senate.

T. F. CONWAY, *President.*

STATE OF NEW YORK (IN ASSEMBLY),
March 4, 1912.

The foregoing resolution was duly passed, a majority of all the members elected to the assembly voting in favor thereof.
By order of the assembly.

E. A. MERRITT, Jr., *Speaker.*

In witness whereof, I have hereunto set my hand and the seal of office of the secretary of state, at the city of Albany, this 25th day of March, 1912.

[SEAL.] EDWARD LAZANSKY, *Secretary of State.*

The VICE PRESIDENT presented a resolution adopted by Denver Brown Camp, No. 20, United Spanish War Veterans, Department of Indiana, of Richmond, Ind., expressing their thanks to all who gave assistance in the raising of the battleship *Maine*, etc., which was referred to the Committee on Naval Affairs.

He also presented a memorial of the Central Labor Union of Portsmouth, N. H., remonstrating against the employment of enlisted men on Government vessels lying in Portsmouth Harbor, N. H., in the performance of work which heretofore devolved upon civilian employees, which was referred to the Committee on Naval Affairs.

He also presented petitions of the congregations of the Methodist Episcopal Church, the Methodist and Baptist Churches of Piedmont, Ala.; the Evangelical Lutheran Church of Mohrsville, Pa.; and the Presbyterian and Methodist Churches of Big Sandy; of the Woman's Christian Temperance Unions of Union City, Oreg., Athens, La., Orofine, Idaho, Tennessee City, Tenn., Winnebago, Minn., and Big Sandy, Tenn.; and of sundry citizens of Union City, Oreg., praying for the adoption of an amendment to the Constitution prohibiting the manufacture, sale, and importation of intoxicating liquors, which were referred to the Committee on the Judiciary.

He also presented a petition of the legal representatives of the Pokagon Tribe of Pottawattamie Indians, of Michigan and Indiana, praying that protection be granted them as guaranteed in the Greenville peace treaty of August 3, 1795, which was referred to the Committee on Indian Affairs.

Mr. SIMMONS presented a memorial of sundry citizens of Gibsonville, N. C., remonstrating against the extension of the parcel-post system beyond its present limitations, which was referred to the Committee on Post Offices and Post Roads.

He also presented a petition of members of the Ministerial Union of Winston Salem, N. C., and a petition of sundry citizens of Rutherford, N. C., praying for the enactment of an interstate liquor law to prevent the nullification of State liquor laws by outside dealers, which were referred to the Committee on the Judiciary.

Mr. SHIVELY presented a petition of Local Union No. 51, International Union of Steam Engineers, of Indianapolis, Ind., praying for the enactment of legislation providing for the construction of one of the proposed new battleships in the Brooklyn Navy Yard, which was referred to the Committee on Naval Affairs.

He also presented a petition of Harry O. Perkins Camp, No. 25, Department of Indiana, United Spanish War Veterans, of South Bend, Ind., praying for the enactment of legislation to pension the widow and minor children of any officer or enlisted man who served in the War with Spain or the Philippine insurrection, which was referred to the Committee on Pensions.

Mr. BROWN presented memorials of sundry citizens of Gering and Bayard, in the State of Nebraska, remonstrating against any reduction of the duty on sugar, which were referred to the Committee on Finance.

He also presented petitions of sundry citizens of Amherst, Potter, and Beatrice, all in the State of Nebraska, praying for the adoption of certain amendments to the oleomargarine law, which were referred to the Committee on Agriculture and Forestry.

Mr. POINDEXTER presented petitions of the Woman's Christian Temperance Union of Spokane, and of sundry citizens of Spokane and Olympia, all in the State of Washington, praying for the enactment of an interstate liquor law to prevent the nullification of State liquor laws by outside dealers, which were referred to the Committee on the Judiciary.

He also presented a memorial of sundry citizens of La Crosse, Wash., remonstrating against the extension of the parcel-post system beyond its present limitations, which was referred to the Committee on Post Offices and Post Roads.

He also presented a petition of sundry citizens of Tacoma, Wash., praying for the passage of the so-called eight-hour bill, which was referred to the Committee on Education and Labor.

Mr. O'GORMAN presented a concurrent resolution adopted by the Legislature of the State of New York relative to the enactment of legislation giving ample protection to migratory game birds, which was referred to the Committee on Forest Reservations and the Protection of Game.

THE CONGRESSIONAL RECORD AND PARLIAMENTARY HANSARD.

Mr. SMOOT. From the Committee on Printing, I report a joint resolution and ask unanimous consent for its present consideration.

The joint resolution (S. J. Res. 93) authorizing the Librarian of Congress to furnish a copy of the daily and bound CONGRESSIONAL RECORD to the undersecretary of state for external affairs of Canada, in exchange for a copy of the Parliamentary Hansard, was read the first time by its title and the second time at length, as follows:

Resolved, etc., That the Librarian of Congress is hereby authorized to furnish a copy of the daily and bound CONGRESSIONAL RECORD to the undersecretary of state for external affairs of Canada in exchange for a copy of the Parliamentary Hansard, and that the Public Printer is hereby directed to honor the requisition of the Librarian of Congress for such copy. The Parliamentary Hansard so received shall be the property of the Department of State.

The VICE PRESIDENT. Is there objection to the present consideration of the joint resolution?

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the joint resolution.

The joint resolution was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

BILLS INTRODUCED.

Bills were introduced, read the first time, and, by unanimous consent, the second time, and referred as follows:

By Mr. SIMMONS:

A bill (S. 6073) for the erection of a monument to Gen. James Moore upon Moores Creek battleground, North Carolina; to the Committee on the Library.

A bill (S. 6074) granting an increase of pension to Jane Allen;

A bill (S. 6075) granting an increase of pension to William E. Henry (with accompanying paper); and

A bill (S. 6076) granting an increase of pension to Rachel Hagan (with accompanying papers); to the Committee on Pensions.

By Mr. FLETCHER:

A bill (S. 6077) granting an increase of pension to Mary C. Riley (with accompanying papers); to the Committee on Pensions.

By Mr. OWEN:

A bill (S. 6078) amending the act entitled "An act to provide for the sale of the surface of the segregated coal and asphalt lands of the Choctaw and Chickasaw Nations, and for other purposes," approved February 19, 1912; to the Committee on Indian Affairs.

By Mr. CRANE:

A bill (S. 6079) granting an increase of pension to Catherine J. Orr; to the Committee on Pensions.

By Mr. O'GORMAN:

A bill (S. 6080) for the relief of certain retired officers of the Navy and Marine Corps; to the Committee on Naval Affairs.

By Mr. POMERENE:

A bill (S. 6081) granting an increase of pension to Edward S. Bragg; to the Committee on Pensions.

By Mr. PENROSE:

A bill (S. 6082) granting an honorable discharge to George M. Bryan; to the Committee on Military Affairs.

By Mr. BRADLEY:

A bill (S. 6083) granting an increase of pension to Edward Murphy (with accompanying paper); to the Committee on Pensions.

AMENDMENTS TO RIVER AND HARBOR BILL (H. R. 21477).

Mr. FLETCHER submitted an amendment providing for a survey of the Withlacoochee River, Fla., between Stokes Ferry and Panasoffkee, etc., intended to be proposed by him to the river and harbor appropriation bill, which was referred to the Committee on Commerce and ordered to be printed.

Mr. O'GORMAN submitted an amendment relative to the improvement of Jamaica Bay and entrance thereto, New York, etc., intended to be proposed by him to the river and harbor appropriation bill, which was referred to the Committee on Commerce and ordered to be printed.

He also submitted an amendment relative to the amount of material excavated by the city of New York in dredging the main interior channel in Jamaica Bay, etc., intended to be proposed by him to the river and harbor appropriation bill, which was referred to the Committee on Commerce and ordered to be printed.

AMENDMENTS TO APPROPRIATION BILLS.

Mr. CRAWFORD submitted an amendment proposing to appropriate $50,000 for survey and listing of lands within forest reserves chiefly valuable for agriculture, etc., intended to be proposed by him to the agricultural appropriation bill (H. R. 18960), which was referred to the Committee on Agriculture and Forestry and ordered to be printed.

Mr. BROWN (for Mr. DIXON) submitted an amendment proposing to appropriate $30,000 for a survey of land on the Fort Belknap Indian Reservation, Mont., etc., intended to be proposed by him to the Indian appropriation bill (H. R. 20728), which was referred to the Committee on Indian Affairs and ordered to be printed.

Mr. OWEN submitted an amendment proposing that the fund of $390,257.92 placed to the credit of the Choctaw Indians by act of March 1, 1907, shall draw interest at 5 per cent, to be placed to their credit, etc., intended to be proposed by him to the Indian appropriation bill (H. R. 20728), which was referred to the Committee on Indian Affairs and ordered to be printed.

He also submitted an amendment providing that the restrictions on the right of alienation or encumbrance of allotments in the Cherokee Nation be removed, save and except only the restricted homesteads of the allottees now occupied by them, intended to be proposed by him to the Indian appropriation bill, which was referred to the Committee on Indian Affairs and ordered to be printed.

He also submitted an amendment proposing to appropriate $35,000 for the construction of a sanitary sewer system in Platt National Park, Okla., intended to be proposed by him to the Indian appropriation bill (H. R. 20728), which was referred to the Committee on Indian Affairs and ordered to be printed.

SENATORS FROM ARIZONA.

Mr. SHIVELY submitted the following resolution (S. Res. 270), which was referred to the Committee on Privileges and Elections:

Resolved, That the Senate now proceed to ascertain the classes to which the Senators from the State of Arizona shall be assigned in conformity with the resolution of the 14th of May, 1789, and as the Constitution requires.

Ordered, That the Secretary put into the ballot box two papers of equal size, one of which shall be numbered 1 and the other shall be a blank. Each of the Senators from the State of Arizona shall draw out one paper, and the Senator who shall draw the paper numbered 1 shall be assigned to the class of Senators whose term of service will expire the 3d day of March, 1917.

That the Secretary then put into the ballot box two papers of equal size, one of which shall be numbered 2 and the other shall be numbered 3. The other Senator shall draw out one paper. If the paper drawn be numbered 2, the Senator shall be assigned to the class of Senators whose term of service will expire the 3d day of March, 1913, and if the paper drawn be numbered 3 the Senator shall be assigned to the class of Senators whose term of service will expire the 3d day of March, 1915.

GENERAL ARBITRATION TREATIES.

Mr. LODGE. I ask that the treaties of general arbitration between the United States and Great Britain and France, as ratified by the Senate, be printed as a Senate document (S. Doc. No. 476).

The VICE PRESIDENT. Without objection, an order therefor is entered.

REPORTS OF BUREAU OF ANIMAL INDUSTRY (H. DOC. NO. 686).

The VICE PRESIDENT laid before the Senate the following message from the President of the United States, which was read and, with the accompanying paper, referred to the Committee on Agriculture and Forestry and ordered to be printed:

To the Senate and House of Representatives:

In compliance with the requirements of section 11 of the act approved May 29, 1884 (23 Stat., 31), providing for the establishment of a Bureau of Animal Industry, I transmit herewith copies of the reports of the operations of said bureau for the fiscal years ended June 30, 1910, and June 30, 1911.

WM. H. TAFT.

THE WHITE HOUSE, *March 29, 1912.*

HOUSE BILLS REFERRED.

H. R. 18849. An act for the relief of the Winnebago Indians of Nebraska and Wisconsin was read twice by its title and referred to the Committee on Indian Affairs.

H. R. 19212. An act making appropriations for the Diplomatic and Consular Service for the fiscal year ending June 30, 1913, was read twice by its title and referred to the Committee on Appropriations.

H. R. 20842. An act to provide for a tax upon white-phosphorus matches, and for other purposes, was read twice by its title and referred to the Committee on Finance.

Mr. SMOOT. I move that the Senate adjourn.

The motion was agreed to; and (at 9 o'clock and 10 minutes p. m., Friday, March 29, 1912) the Senate adjourned until Monday, April 1, 1912, at 2 o'clock p. m.

HOUSE OF REPRESENTATIVES.

FRIDAY, *March 29, 1912.*

The House met at 12 o'clock noon.

Rev. George Robinson, Chaplain United States Army, retired, offered the following prayer:

O Lord, our Lord, how excellent is Thy name in all the earth, who hast set Thy glory above the heavens. When I consider Thy heavens, the work of Thy fingers, the moon and stars, which Thou hast ordained, what is man that Thou art mindful of him, and the son of man that Thou visitest him? For Thou hast made him a little lower than the angels and hast crowned him with glory and honor. Thou hast made him to have dominion over the work of Thy hand; Thou hast put all things under his feet. We rejoice in the fact, O God, in the high place Thou hast given to us in the order of creation and, although we have marred Thy image and defaced Thy likeness, we rejoice that Thou hast set to work spiritual redemptive forces to bring us back again to that high place. Enable us, O God, in thought, in word, and in deed to cooperate with those spiritual forces in our own souls, for our own sake and for humanity's sake and for the glory of our God. We ask for the Lord Jesus Christ's sake. Amen.

The Journal of the proceedings of yesterday was read and approved.

VIEWS OF MINORITY ON ABOLISHING COMMERCE COURT.

Mr. SIMS. Mr. Speaker, I ask unanimous consent that the minority of the Committee on Interstate and Foreign Commerce be permitted to present their views on the bill H. R. 19078, and that they be printed with the report of the committee.

The SPEAKER. The gentleman from Tennessee asks unanimous consent that the minority of the Committee on Interstate and Foreign Commerce have permission to file their views and have them printed along with the report of the majority (H. Rept. 472, pt. 2). Is there objection? [After a pause.] The Chair hears none.

MARY CHRISTMILLER.

Mr. LLOYD. Mr. Speaker, I offer the following privileged resolution.

The SPEAKER. The Clerk will report the resolution.

The Clerk read as follows:

House resolution 446 (H. Rept. 473).

Resolved, That the Clerk of the House is hereby authorized to pay, out of the contingent fund, to Mary Christmiller, widow of Conrad Christmiller, late a folder of the House, a sum equal to six months of his salary as such employee and an additional amount, not exceeding $250, for the funeral expenses of said Conrad Christmiller.

The SPEAKER. The question is on the adoption of the resolution.

The question was taken, and the resolution was agreed to.

MABEL E. PERRY.

Mr. LLOYD. Mr. Speaker, I offer the following resolution.

The SPEAKER. The Clerk will report the resolution.

The Clerk read as follows:

House resolution 447 (H. Rept. 474).

Resolved, That the Clerk of the House is hereby authorized to pay, out of the contingent fund, to Mary Perry, widow of A. M. Perry, late a cloakroom man of the House, a sum equal to six months of his salary as such employee and an additional amount, not exceeding $250, for the funeral expenses of said A. M. Perry.

Mr. LLOYD. Mr. Speaker, I wish to amend the name of the beneficiary and change it from "Mary" to "Mabel E."

The SPEAKER. The Clerk will report the amendment.

The Clerk read as follows:

Amend, line 2, by striking out the word "Mary" and inserting the word and initial "Mabel E."

The question was taken, and the amendment was agreed to.

The resolution as amended was agreed to.

GOOD ROADS.

Mr. SHACKLEFORD. Mr. Speaker, I ask unanimous consent to address the House for half a minute on the subject of good roads.

The SPEAKER. The gentleman from Missouri asks unanimous consent to address the House for half a minute. Is there objection? [After a pause.] The Chair hears none. [Applause.]

Mr. SHACKLEFORD. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD. [Applause.]

The SPEAKER. Is there objection to the request of the gentleman from Missouri? [After a pause.] The Chair hears none, and it is so ordered.

Mr. SHACKLEFORD. Mr. Speaker, a great number of bills on the subject of good roads have at one time or another been introduced into Congress. An inspection of these bills disclosed such an infinite variety of proposed plans that any legislation seemed hopeless. With a view to bringing order out of this chaos authors of various bills on the subject held a conference, and after much consideration prepared as their joint product the following bill:

A bill providing that the United States shall in certain cases make compensation for the use of highways for carrying free rural delivery mail.

Be it enacted, etc., That for the purposes of this act certain highways of the several States, the civil subdivisions thereof, and companies incorporated under the laws of the several States are classified as follows:

Class A shall embrace well-graded roads outside of incorporated cities, towns, and villages, of not less than 1 mile in length, upon which the steepest incline shall not exceed 5 per cent wherever practicable, not less than 25 feet wide between the ditches, well drained, with a wagon way or road track not less than 14 feet wide, composed of bituminous macadam, brick, or of macadam not less than 6 inches thick, rolled, bonded, and maintained with a smooth, firm surface, both shoulders and roadway properly constructed and continuously cared for.

Class B shall embrace well-graded roads outside of incorporated cities, towns, and villages, of not less than 1 mile in length, upon which the steepest incline shall not exceed 5 per cent wherever practicable, 25 feet wide between the side ditches, well drained, with a wagon way or road track 16 feet wide, composed of burnt clay, shells, sand-clay, or gravel, not less than 8 inches thick, continuously kept well compacted and with a firm, smooth surface, with roadway well and properly crowned so as to quickly shed water into the side ditches.

Class C shall embrace roads outside of incorporated cities, towns, and villages, of not less than 1 mile in length, upon which the steepest incline shall not exceed 5 per cent wherever practicable, which shall be kept well graded, crowned, and drained to a width of not less than 18 feet, with split log drag or other similar means, so as to be reasonably passable for wheeled vehicles at all times.

SEC. 2. That whenever the United States shall continuously use any highway of any State, or civil subdivision thereof, or of any company incorporated under the laws of any State which fall within classes A, B, or C for the purpose of transporting free rural delivery mail, compensation for such use shall be made at the rates of $30 per annum per mile for highways of class A, $20 per annum per mile for highways of class B, and $10 per annum per mile for highways of class C. The United States shall not pay any other compensation or toll for such use of such highways than that provided for in this section, and shall pay no compensation whatever for the use of any highway not falling within classes A, B, or C.

SEC. 3. That the Director of Roads in the Department of Agriculture shall determine the class, if any, into which any road shall fall, and his determination upon that subject shall be final.

SEC. 4. That the compensation herein provided for shall be paid at the end of each fiscal year by the Treasurer of the United States upon warrants drawn upon him by the Postmaster General to the officers or persons entitled to the custody of the funds of the respective highways entitled to compensation under this act.

SEC. 5. That this act shall go into effect on the 1st day of July, 1913.

Mr. Speaker, those participating in the conference signed the following document:

To the Committee on Agriculture:

The undersigned Members, who have introduced bills on the subject of good roads, desiring to secure, as far as possible, harmony and unity of action among the friends of such legislation, have conferred with a view to agreeing upon a bill. After careful consideration we have prepared

and agreed upon the subjoined bill, and requested Mr. SHACKLEFORD to introduce it on behalf of us all. We have further requested Mr. SHACKLEFORD to appear before you and respectfully bespeak for the bill early and favorable consideration.

Very respectfully,

EZEKIEL S. CANDLER, of Mississippi; J. THOMAS HEFLIN, of Alabama; THOS. L. RUBEY, of Missouri; JOHN J. WHITACRE, of Ohio; JOSEPH TAGGART, of Kansas; JOSEPH HOWELL, of Utah; JAMES F. BYRNES, of South Carolina; KENNETH D. MCKELLAR, of Tennessee; E. W. SAUNDERS, of Virginia; WM. B. FRANCIS, of Ohio; RICHARD W. AUSTIN, of Tennessee; SCOTT FERRIS, of Oklahoma; D. R. ANTHONY, Jr., of Kansas; GEO. WHITE, of Ohio; WALTER L. HENSLEY, of Missouri; JAMES M. COX, of Ohio; GEO. A. NEELEY, of Kansas; J. J. RUSSELL, of Missouri; J. H. GOEKE, of Ohio; H. D. FLOOD, of Virginia; BURTON L. FRENCH, of Idaho; T. T. ANSBERRY, of Ohio; C. C. ANDERSON, of Ohio; P. P. CAMPBELL, of Kansas; S. F. PROUTY, of Iowa; W. C. ADAMSON, of Georgia; BIRD MCGUIRE, of Oklahoma; D. W. SHACKLEFORD, of Missouri.

In obedience to this request I have to-day introduced the bill and will at its first meeting appear before the Committee on Agriculture and respectfully ask its consideration.

Those who have participated in the preparation of this bill would not contend that they have presented a perfect measure. They only claim for it that its enactment would be to pass from the realm of discussion to the field of action.

The good-roads movement is in its formative stage. Nobody can foretell what will finally be adopted as standard construction. It is doubtful whether there will ever be any method of road building which will be universal. It is probable that the character of our roads will differ according to the varying conditions of climate and the diversified classes of road material which are available.

One phase of road building which must never be lost sight of is the cost of construction. With unlimited funds it were an easy matter to build a few miles of model road. It is quite another thing to supply the whole country with a system of good roads at a cost which shall not be ruinous to taxpayers. No matter how, or where, or by whom roads shall be constructed, in the end the taxpayers will have to foot the bills. They will be fortunate indeed if the enthusiasm for good roads which now pervades the country shall not lead to much extravagant and improvident expenditure of money. A system of expensive road building might become so oppressive that it would have to be abandoned, and then retrogression rather than progress would be the result.

If the United States should pay for the use of roads coming up to the standards required by this bill it would not be long until all of the States and counties would bring their roads to such a stage of perfection as would entitle them to participate in the distribution of the compensation provided by the measure we propose.

Since the taxpayers generally would have to pay the cost of road construction, the roads should be distributed as widely as possible among the people who pay for them. We have given much thought to the working out of a plan which would furnish an equitable apportionment of the roads among the people. While any plan must be somewhat arbitrary, we have thought that as fair and general a system as could be devised would be to take free rural-delivery routes as a basis. This would give a share of road improvement to every State and every county in the country.

It may be urged that since the Government is to pay for the use of the roads it ought to have control of them. The bill which we submit for consideration gives ample protection to the Government by providing that no compensation shall be paid for the use of any road which does not come up to the established standard, and that an officer of the Government shall have sole power to determine that question.

The Democratic principle of local self-government ought to apply to road building and maintenance as to other matters of local concern. We therefore concluded that the States and municipalities thereof should have control of the location, construction, and maintenance of the roads, and let the United States pay for using them just as it now pays the railroads for carrying the mails.

If the roads were to be laid out and constructed by United States engineers sent out from Washington it would cost many times more than if done by local authorities.

Then, too, if United States engineers, instead of State and county authorities, were to have control of our roads we might find ourselves with a few cross-continent highways of great perfection to be used by tourists, while the great majority of the people who pay the expenses would be without ways of travel. It would be pleasant if there was a well-paved avenue from New York to the Golden Gate, over which automobile enthusiasts might glide in pleasant pastime, but it would be more profitable if we had a general system of good roads over which the farmers could get their mail and transport their products to market. We would not be understood as inveighing against the use of automobiles. We realize that these vehicles are here and here to stay. They are rapidly becoming necessities to modern civilization, and we look with pleasure upon their growing use. They should be kept in mind in the construction of our highways. A general system of good roads, however, would afford far greater facilities for even automobile travel than could be had by expending all available funds on a few fancy highways, leaving the rest of the country neglected.

Mr. Speaker, I yield back the balance of my time.

THE WOOLEN SCHEDULE.

Mr. UNDERWOOD. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the state of the Union for the consideration of the bill H. R. 22195—a bill to reduce the duties on wool and manufactures of wool—and, pending that motion, I will first ask unanimous consent that all gentlemen who address the House on this bill and other Members of the House may have five legislative days after the vote on the bill to extend their remarks or print in the RECORD on the subject matter of this bill.

The SPEAKER. The gentleman from Alabama moves that the House resolve itself into the Committee of the Whole House on the state of the Union for the consideration of the bill H. R. 22195—the wool bill—and, pending that, he asks unanimous consent that all gentlemen have five legislative days in which to print remarks on the subject matter of the bill after the bill passes the House. Is there objection? [After a pause.] The Chair hears none, and it is so ordered.

Mr. UNDERWOOD. Mr. Speaker, pending the motion, I desire to know whether I can reach an agreement with the gentleman from New York [Mr. PAYNE] in regard to the consideration of the bill?

Mr. PAYNE. Mr. Speaker, I am willing, so far as I am concerned, to agree to let general debate extend until 4 o'clock on Monday and then close, but I do not care whether we have any debate under the five-minute rule or a chance to offer amendments or not in committee, because I realize it is futile to go through the exercise of that function.

Mr. UNDERWOOD. Mr. Speaker, I understood the gentleman from New York has a substitute to offer for the bill, which I presume he desires to offer in the House and have a record vote on it.

Mr. PAYNE. Well, yes; I will offer it with a motion to recommit.

Mr. UNDERWOOD. I am perfectly willing for the gentleman to have an opportunity to offer it as a substitute if he desires to do so.

Mr. PAYNE. We can agree on that later; I do not care so much about that.

Mr. UNDERWOOD. Mr. Speaker, I ask unanimous consent that all debate on this bill shall continue to-day and Saturday and on Monday up to 4 o'clock; at that time the committee shall rise and report the bill to the House, the previous question shall be ordered, and that the gentleman from New York shall have the privilege, if he desires to do so, to offer in the House, as a substitute for the bill, the bill that he has indicated he desires to offer.

The SPEAKER. The Chair will suggest to the gentleman from Alabama that next Monday is unanimous-consent day and suspension of the rules.

Mr. UNDERWOOD. Well, I will include with the request for unanimous consent that business in order on Monday shall be in order on Tuesday next.

The SPEAKER. Pending the motion to go into the Committee of the Whole House on the state of the Union, the gentleman from Alabama asks unanimous consent——

Mr. BROUSSARD. Mr. Speaker, may I ask the gentleman from Alabama if this is the same bill which passed the extra session of Congress?

Mr. UNDERWOOD. The one proposed by the majority of the committee is the same.

Mr. BROUSSARD. The same bill in every detail?

Mr. UNDERWOOD. The same bill in every detail except the dates. There is no change in the bill except as to date, and the fact that it was considered under the five-minute rule in the committee at the time is the reason I ask unanimous consent to close debate at the conclusion of general debate.

Mr. NORRIS. Mr. Speaker, will the gentleman yield——

Mr. BROUSSARD. Where is the necessity for this waste of time until Monday if the bill has already been considered by this House and passed?

Mr. UNDERWOOD. Well, I will state to the gentleman from Louisiana that the President vetoed this bill, or a bill similar to the one that is being brought before the House now, stating

that he did so because the so-called Tariff Board had not made a report. If the Tariff Board had not made a report up to this time I would not have brought the bill before the House again; but the Tariff Board having made a report I think it is proper that the House and the Senate should have an opportunity again to consider this bill, with the findings of the Tariff Board before them, and the purpose of the debate is to give the House an opportunity to discuss the bill from the standpoint of the report of the Tariff Board.

Mr. BROUSSARD. Do I understand that the Tariff Board has also brought in a report on the cotton schedule?

Mr. UNDERWOOD. It has, in the last day or two.

Mr. BROUSSARD. What is in contemplation in regard to that?

Mr. UNDERWOOD. Well, I will say to the gentleman very candidly that I can only speak for myself. The Tariff Board report has been ordered printed. It will probably be a week or 10 days or two weeks before the report is printed and comes back to the Committee on Ways and Means. When it comes back to the committee I think undoubtedly the committee will carefully consider the report.

Now, as to whether the committee will report a bill on the subject or not it will largely depend on the action of the United States Senate, as to whether or not it gives consideration to the bills that we have already sent over there, and to the wool bill. If their action indicates that we can pass legislation, I am inclined to think that the Committee on Ways and Means—speaking for myself only and not having consulted the other members of the committee—will report a cotton schedule to the House. If the Senate does not act upon any of the bills pending before them now it would be futile for us to take up any further time of the House in the consideration of such bills.

The SPEAKER. The gentleman from Alabama asks unanimous consent that general debate on this bill begin immediately after the House shall have resolved itself into the Committee of the Whole House on the state of the Union, and continue until 4 o'clock Monday.

Mr. LONGWORTH. Mr. Speaker, will the gentleman yield?

Mr. UNDERWOOD. Yes.

Mr. LONGWORTH. Does that request contemplate that all the time between 12 o'clock and next Monday at 4 o'clock shall be occupied in general debate, with no other business intervening?

Mr. UNDERWOOD. No other business shall intervene, and that the time shall be equally divided between the gentleman from New York [Mr. PAYNE] and myself.

The SPEAKER. Of course it ought to be understood that there is excepted out of that these little resolutions of pressing importance that take no considerable time to pass.

Mr. LONGWORTH. That is the reason I asked the question, Mr. Speaker, because it might be that some little resolutions—from the Committee on Accounts, for instance—might be brought up.

The SPEAKER. The Chair will not recognize anybody for anything that will take up very much time on Monday, or to-morrow, either.

Mr. LONGWORTH. That is perfectly satisfactory.

The SPEAKER. The gentleman from Alabama asks unanimous consent that the general debate on this wool bill begin immediately after the House resolves itself into the Committee of the Whole House on the state of the Union, and continue until 4 o'clock Monday, when the committee shall rise and report back to the House; that the gentleman from New York [Mr. PAYNE] shall have, if he so elects, the privilege of offering a substitute bill in the House, and the previous question shall be considered as ordered on the bill and the amendments, if any, to the final passage; that the business which is in order on Monday under the Calendars for Unanimous Consent, Suspension of the Rules, and Discharge of Committees shall be transferred to Tuesday, and that the time shall be equally divided between the gentleman from Alabama [Mr. UNDERWOOD] and the gentleman from New York [Mr. PAYNE]. Is there objection?

Mr. NORRIS. Mr. Speaker, as I understand it, that proposition would eliminate all amendments under the five-minute rule?

Mr. UNDERWOOD. Well, the only reason that I propose to do so is that this bill has once been considered in the House under the five-minute rule, and the minority desire to offer a full substitute.

Mr. NORRIS. Mr. Speaker, I would like to say to the gentleman that while I do not know that I will offer any amendments, I know that there are several other Members who have been talking about offering amendments that would come in under the five-minute rule, and I do not believe we ought to take away the right of any Member to offer under the five-minute rule any amendment that might be germane or proper, and I would not want to consent to anything that would take away that privilege.

Mr. UNDERWOOD. Then, how much time does the gentleman think ought to be allowed under the five-minute rule in which to offer amendments?

Mr. NORRIS. Well, there has never been a limit set heretofore, so far as offering amendments is concerned. I am not making any suggestion in regard to general debate. I will not ask anything as to that, but I do not want to eliminate the five-minute-rule debate and the right to offer amendments.

Mr. UNDERWOOD. I will say to the gentleman from Nebraska that I thought that probably the House would prefer to have Monday for general debate instead of taking the bill up as we expected to do. If we can not come to this arrangement on Monday under the five-minute rule—of course I have no preference myself—if gentlemen on that side of the House desire to consider the bill on Monday under the five-minute rule, of course I will not only yield, but will be glad to yield to their desire in the matter. But the bill having once been considered under the five-minute rule and the minority having a full substitute, I thought the arrangement that I proposed would probably accommodate the House better.

Mr. NORRIS. I will say to the gentleman that, so far as I know, I shall not want to offer a large number of amendments, perhaps none; but I do not know whether those cooperating with me will desire to offer many. It is possible that this discussion might develop a situation that would induce Members to offer amendments under the five-minute rule. I do not think any unnecessary time will be taken up on anything, but I do not want to see Members deprived of the opportunity to offer any amendments if it should be deemed desirable to offer them.

Mr. LONGWORTH. I will ask the gentleman if it might not be possible to agree that amendments be offered and considered as pending, and then voted on at the same time the bill is voted on in the House.

Mr. UNDERWOOD. I would not want to agree that we should have a lot of amendments pending that would go into the House. I would be perfectly willing to agree that general debate close at 3.30 instead of 4, and that the last half hour shall be open to amendments to be considered in Committee of the Whole.

Mr. NORRIS. My own idea is that that would be plenty of time, but I would not want to limit it to half an hour.

The SPEAKER. Is there objection?

Mr. DALZELL. Does the gentleman's request for unanimous consent contemplate the passage of the bill finally without its being read at all?

Mr. UNDERWOOD. I proposed that. I am perfectly willing to close debate Saturday night and consider the bill under the five-minute rule in the usual way, if gentlemen desire it. I made the suggestion I did because it seemed to meet with the approval of the gentleman from New York [Mr. PAYNE].

Mr. MANN. Of course the bill would have to be read in Committee of the Whole, unless its reading was waived by unanimous consent.

Mr. UNDERWOOD. Certainly; but this unanimous consent would waive that.

Mr. MANN. That would only apply to the second reading, not to the first reading.

Mr. UNDERWOOD. The gentleman from New York [Mr. PAYNE] preferred to have the time for general debate rather than under the five-minute rule, and I was endeavoring to comply with this request. I ask the Chair to put the request.

The SPEAKER. Is there objection? [After a pause.] The Chair hears none, and it is so ordered. Before the Chair puts the motion of the gentleman from Alabama——

Mr. NORRIS. Mr. Speaker, I do not want to be shut off in that way. I have said several times during this controversy here that I would not consent to any agreement that would take away the right to offer amendments under the five-minute rule.

Mr. JAMES. But the gentleman did not object. He said he would never consent, but he did not object.

Mr. NORRIS. I did not expect the Speaker, and I do not think the Speaker intended, to take advantage of me. He probably did not hear me.

The SPEAKER. The Chair thinks really the gentleman slept on his rights, but nevertheless and notwithstanding the Chair will recognize the objection.

Mr. UNDERWOOD. Is there objection?

The SPEAKER. Does the gentleman from Nebraska object?

Mr. NORRIS. I do object.

Mr. MANN. I suggest to the gentleman that he ask for a division of the time for general debate. That will give a great many more Members an opportunity to take part in the debate.

Mr. UNDERWOOD. Then, I will ask unanimous consent that the general debate on this bill may run to-day and to-morrow.

Mr. MANN. I do not mean to limit the time, but to divide the time.

Mr. UNDERWOOD. I want a limitation of the time, if it can be had.

Mr. LONGWORTH. Would the gentleman consider a request to close general debate at half past 3 o'clock on Monday, and then proceed to read the bill under the five-minute rule for not to exceed one hour?

Mr. UNDERWOOD. I indicated that to the gentleman——

Mr. NORRIS. I would not want to limit that time. I do not think it will take that much time, but I know what might happen under that kind of an arrangement. There will be no trouble about it.

Mr. MANN. I suggest that the general debate run until 3 o'clock Monday. Then, I think the temper of the House will be such——

Mr. NORRIS. There will be no attempt to prolong the general debate under the five-minute rule, as far as I know.

Mr. UNDERWOOD. I am perfectly willing that we should limit the debate until 3 o'clock Monday, and consider the bill under the five-minute rule for one hour after that, to give opportunity for amendment.

Mr. NORRIS. The time might then be all taken up under the first section.

Mr. UNDERWOOD. Then, I ask the Chair to put my motion, that the House resolve itself into the Committee of the Whole House on the state of the Union.

The SPEAKER. Before putting the motion the Chair will submit to the House a personal request.

LEAVE OF ABSENCE.

By unanimous consent, leave of absence was granted to Mr. SMALL, for two days, on account of illness in his family.

THE WOOLEN SCHEDULE.

The SPEAKER. The gentleman from Alabama moves that the House resolve itself into the Committee of the Whole House on the state of the Union for the consideration of House bill 22195.

The question being taken, the motion was agreed to.

Accordingly the House resolved itself into the Committee of the Whole House on the state of the Union for the consideration of the bill (H. R. 22195) to reduce the duties on wool and manufactures of wool, with Mr. GRAHAM in the chair.

Mr. UNDERWOOD. Mr. Chairman, I ask unanimous consent that the first reading of the bill be dispensed with.

The CHAIRMAN. The gentleman from Alabama asks unanimous consent that the first reading of the bill be dispensed with. Is there objection?

There was no objection.

Mr. UNDERWOOD. Mr. Chairman, the bill, H. R. 22195, which the Committee on Ways and Means now presents to the House for its consideration, is in all respects identical with the bill passed by the House last summer, except the change in date of effectiveness. Hence I do not propose to occupy the time of the House now in discussing a bill which was so fully discussed a few months ago. The House has had full opportunity to understand the terms of this measure.

As the committee is resubmitting this bill to the House without change of basis or rates, no change in its revenue estimate is called for. It is believed by the committee that no loss in revenue will result from the enactment of H. R. 22195, but that the bill will produce approximately as much as in 1910, when the revenue from Schedule K was $41,904,850.

The reason for again bringing this bill before the House is the fact that the President of the United States vetoed the wool bill at the extra session of Congress last summer and based his veto on the ground that the so-called Tariff Board had not made a report to him, and not until their data was before him could he determine whether the bill then rejected was a proper revision of Schedule K. In his veto message of August 17, 1911, the President said:

> If there ever was a schedule that needed consideration and investigation and elaborate explanation by experts before its amendment, it is Schedule K. There is a widespread belief that many rates in the present schedule are too high and are in excess of any needed protection for the wool grower or manufacturer. I share this belief and have so stated in several public addresses. But I have no sufficient data upon which I can judge how Schedule K ought to be amended or how its rates ought to be reduced in order that the new bill shall furnish the proper measure of protection and no more. Nor have I sources of information which satisfy me that the bill presented to me for signature will accomplish this result. * * * When I have the accurate information which justifies such action I shall recommend to Congress as great a reduction in Schedule K as the measure of protection already stated will permit. The failure of the present bill should not be regarded, therefore, as taking away the only chance for reduction by this Congress.

In its report on H. R. 11019 (H. Rept. No. 45, 62d Cong., 1st sess.) the committee said:

> It would be trifling with the people to give further consideration to Republican counsels of more delay in this matter, whether with regard to statistical data concerning cost of production promised at a future date, or for any further reasons.

Notwithstanding this conviction, the Democratic majority of the House of Representatives, impatient to respond to the demands of the people for a speedy revision of a schedule of indefensible rates, was forced to delay further effort in answer to the protests of the American people.

In his message of December 20, 1911, the President said:

> I now herewith submit a report of the Tariff Board on Schedule K. The board is unanimous in its findings. On the basis of these findings I now recommend that the Congress proceed to a consideration of this schedule with a view to its revision and a general reduction of its rates.

Because of this condition, the majority members of the Ways and Means Committee again recommend a wool bill and give the Congress opportunity once more to send to the President a bill revising Schedule K for his consideration and action. The only event that has occurred since the bill of last session (H. R. 11019) was sent to the President has been the transmission of the report of the Tariff Board with reference to Schedule K.

QUESTION OF RATES.

Unless some data can be found in this report that will suffice to show the necessity of changing the bill originally reported by the Ways and Means Committee there can be no ground for altering the deliberate expression of opinion arrived at last summer after careful investigation and embodied in H. R. 11019. If, moreover, it be found that the Tariff Board has not submitted any facts supporting changes in last session's bill, it may fairly be asked whether a board of this character is after all more trustworthy and reliable than a committee of Congress vested with the power to obtain direct information under oath, to employ such assistance as it may need, and to submit its findings to the judgment of disinterested and expert men. For this reason, while entirely rejecting the view that the theory of comparative costs of production furnishes a guide to the rates of duty to be prescribed in a tariff bill, the Committee on Ways and Means have made a careful analysis of the Tariff Board report submitted to Congress by the President (with his special message of December 20, 1911) in order to interpret the findings and to discover in what, if any, particulars the committee's report of last year was defective, and to adjust the duties in an equitable and proper manner. The committee's analysis of the report has failed to reveal anything that requires a single change in the rates as fixed in the former bill (H. R. 11019), and hence the committee is constrained to present again the results of its investigations of last summer as embodied in the bill presented to the House at that time. The majority members of the Committee on Ways and Means are giving to the House the results of painstaking and thorough analysis of the report of the Tariff Board by embodying them in its report on this bill, and I shall append it to my remarks. The conclusions reached from the Tariff Board report, and the manner in which they have been deduced, are fully and clearly set forth in the committee's report, so that he who follows the logic of facts must needs be convinced that the committee's analysis of the Tariff Board's report is fair, just, and invincible.

Of course, it is only proper to state that the Tariff Board represents the views of the President of the United States, who has said that he favors such a revision of the tariff as will equal the difference in the cost of production at home and abroad, together with a reasonable profit to the American manufacturer. Democrats do not approach tariff revision from the viewpoint of the President and his Tariff Board. We on this side of the House do not believe a tariff should be levied for the purpose of protection. We do not believe it is right that the manufacturer be guaranteed a "reasonable profit" by tariff legislation. We would levy tariff duties at such rates as would supply the Government with its required revenue—no more and for no other purpose. It is not impossible that the same facts might serve as a basis for the conclusions of those who would protect manufacturers in a reasonable profit as well as for the conclusions of those who would write the tariff law for revenue purposes only and without regard to the idea of protection.

BOARD EXPENSIVE AND RESULTS UNSATISFACTORY.

The question naturally arises in this connection whether under the circumstances this so-called Tariff Board should be continued and looked to to provide a basis on which to write revenue bills, and whether the bill H. R. 22262, which the gentleman from New York will offer as a substitute for the one proposed by the majority members of the Ways and Means Committee, is in accord with the findings of the Tariff Board.

The Congress has appropriated within the last three years $550,000 for the work of this so-called Tariff Board. Large salaries, heavy payments to experts, costly visits to Europe, and

maximum per diem allowances have taken at last one-half of the money. The pay roll of the board on October 15, 1911, including the five board members, contained the names of 142 persons. The rates of remuneration at that time, if continued for a year, would total $292,380, an average rate of over $2,000 a year for every one of the employees down to the charwomen and messengers.

A few instances will be sufficient to indicate the extravagant practices of the board with regard to salaries. The chief statistician was getting $2,500 before the board employed him at $5,000. The official reporter, $2,000 before the board took him at $3,000. One of the persons designated as file clerk was getting $1,400 before the board employed him at $2,250. At least three special agents were employed at $500 per month, several at $400 per month, and numerous others at equally extravagant figures.

The apparent results of that appropriation have been a report relative to wood pulp and paper, submitted in Senate Document 849 in the Sixty-first Congress, a report on the wool schedule, found in House Document No. 342, Sixty-second Congress, and a report on the cotton schedule that was submitted within the last week and is now in the hands of the printer. The report on wood pulp and paper was not satisfactory to either the House or the Senate and apparently not satisfactory to the Tariff Board itself, as it subsequently amended its findings on the matter. It was not satisfactory to the President, since he completely disregarded its ultimate findings by recommending complete free trade in pulp and paper on the reciprocity basis.

AUTHORITY AND CAPACITY OF BOARD.

The first test of the reports which naturally suggests itself is that of authority and capacity of the board. President Taft originally requested the appointment of a board of tariff experts whose function was to scientifically indicate the changes needed in existing tariff schedules. Later he changed his expressions on this subject and spoke chiefly of the necessity of having careful investigators and capable economists, who should study the tariff schedules from a common-sense standpoint. The President has said that his board is not composed of general tariff experts—indeed, that there are no such experts—but that they are trained students and capable investigators whose opinions may be trusted.

The chairman of the board, Prof. Henry C. Emery, was educated chiefly in Bowdoin College and Columbia University and in the University of Berlin. He was instructor at Bowdoin College from 1894 to 1897, professor of economics at the same institution from 1897 to 1900, and has since been professor at Yale University. Teaching economics is not an occupation that necessarily gives technical familiarity with tariff questions or other specialized phases of the subject. As an author Prof. Emery is best known by his work entitled "Speculation on the Stock and Produce Exchanges of the United States."

The second economist on the board, Prof. Thomas Walker Page, was educated partly in this country and partly abroad at the University of Leipsig, and has taught in various institutions, including the University of California and the University of Virginia, where he was professor at the time of his appointment. It is true that he, like Prof. Emery, had not been known as a writer or student on tariff questions. His reputation rested chiefly upon monographs relating to conditions in early England and not upon studies of recent or modern industrial problems. "The End of Villeinage in England" is the best known work by Prof. Page.

Another member, Mr. James B. Reynolds, after a general newspaper experience, occupied various appointments in connection with the Republican organization in Massachusetts, then was Assistant Secretary of the Treasury for several years, and was finally transferred to the Tariff Board. As an administrator in charge of customs his work consisted largely of supervision and official action on matters prepared by subordinates. He was sent as a member of a commercial commission to France, and about the same time served as member of an administrative commission which investigated the Limoges china schedule at Limoges, France.

Mr. A. H. Sanders, for many years a business man of good standing in Chicago and editor of the Breeder's Gazette, had not, so far as can be learned, either contributed to or made any very serious study of tariff problems prior to his nomination.

Mr. W. M. Howard had for several years been a Member of Congress, serving upon a number of committees, none of which were concerned with tariff legislation.

These gentlemen are no doubt men of character and standing but, so far as the facts before me disclose, they are not men who, previous to entering this work had any expert knowledge of tariff matters or any experience that could aid them in reaching correct conclusions on the tariff questions which come before the Ways and Means Committee of the House or the Finance Committee of the Senate.

METHODS OF WORK.

To ascertain the facts with regard to the cost of production abroad, I find that in the summer of 1911 the board sent four special agents to England, France, Germany, and other countries. I am informed that but one of these agents had knowledge of other languages than English and only one agent any knowledge of mill accounting or of cost accounting of any character. Much of the material brought back by these special agents was in printed form, and could have been obtained equally as well, or better, by mail.

The cost-of-production theory is the basis on which the board has projected its investigations and constructed its report. The greater portion of the report consists of a study of what is called "comparative cost of production" of wools and manufactures in various countries, the chief stress being naturally laid upon the conditions in the United States. But I find from the public utterances of the board and of the President that they themselves discount the reliability of this plan of ascertaining correct figures to measure the difference in the cost of production at home and abroad, and to furnish a foundation for the rates of a tariff bill. In the outset of its work the board evidently came to the conclusion everybody else has reached that it is impossible even to approximate the difference in costs at home and abroad. This is evidenced by the expression of Chairman Emery in an address at a meeting in Chicago, December 3, 1910, when he spoke as follows:

> It is unfortunate that so much emphasis has been laid on the question of getting relative costs, since many people have assumed that to be both an easy and a complete solution of these questions. Any practical man knows that both these assumptions are faulty. One of the most difficult problems which a manufacturer has to solve in his own business is to determine the cost of any individual article which he produces. In fact, it would not be unreasonable for a manufacturer to respond to a request from such a body as ours for his costs of production, "I would give them to you if I could get them; I am willing to pay you a good sum if you will find them out for me."

The theory had already been discredited by the President of the United States in a letter written August 20, 1910, to the Hon. WILLIAM B. MCKINLEY, of Illinois, chairman of the Republican congressional committee, which reads in part as follows:

> Difficulty in fixing the proper tariff rates in accord with the principle stated in the Republican platform is in securing reliable evidence as to the difference between the cost of production at home and the cost of production abroad. The bias of the manufacturer seeking protection and the importer opposing it weakens the weight of their testimony. Moreover, when we understand that the cost of production differs in one country abroad from that in another and that it changes from year to year and from month to month, we must realize that the precise difference in cost of production sought for is not capable of definite ascertainment, and all that even the most scientific person can do in his investigation is, after the consideration of many facts which he learns, to exercise his best judgment in reaching a conclusion.

The conclusions of the President and of Chairman Emery with regard to the impracticability of the cost of production theory is confirmed by the following epitomized reasons:

1. In practice the ascertainment of costs is impossible. No board or commission has the power to demand cost statements from manufacturer or producer; and if it had, it could not secure truthful statements. Moreover, there is no way of obtaining statements of any kind from foreigners.

2. Even if all manufacturers, both here and abroad, were willing to throw open their books in an absolutely honest and impartial way to an all-powerful commission it would be of little service. This is because cost accounting is not always practiced by producers, and because, where it is practiced, there is no general agreement as to the treatment of different elements of cost.

3. If there were a perfect system of cost accounting installed upon a uniform basis in every plant manufacturing a given article throughout the world, knowledge of comparative costs in certain countries would still be of little service, since costs in every competing country would have to be known before any conclusions could be arrived at as to what tariff rate was needed to protect a given country against the competition of others.

4. If all these facts were known for every country the difficulty would be about as great as it was previously if the data were to be used for the establishment of tariff rates. This is because costs of production vary as widely within a given country as they do between different countries. Unless it were known whether a duty were to be imposed for the purpose of equalizing costs as between the best, the poorest, or the average (or normal) establishments in the several countries, the information about the costs would be useless as a basis of tariff duties.

5. Even with the knowledge on all of the points already enumerated, and with a clear-cut intention on the point indicated in (4) above, the cost analysis would still be inadequate, because of the fact that many commodities are produced in groups or as by-products, so that to utilize the general-cost analysis as a basis for tariff rates it would be necessary to

know the manufacturer's intention with reference to the fixing of prices. It would further be necessary to know that the manufacturer had no disposition to establish "export prices" at rates lower than those that would be dictated by his costs of production.

6. If all of the foregoing factors were known, including positive data regarding the intention of the manufacturer in regard to the establishment of prices, there would still remain the question whether this information about costs, which is necessarily stated in terms of money, would have any real significance of a permanent economic character. Money costs do not correspond in all cases to real costs as measured by sacrifice of labor and capital. It may be true that a given country can produce much more cheaply than another, yet it does not follow that it will so produce, since its cost advantage in some other line may be so much greater that it devotes its attention almost exclusively to that line.

From all these reasons the conclusion must be reached that cost of production is both practically impossible and theoretically unsound as a basis for the establishment of tariff duties.

Notwithstanding the fact that both the President of the United States and the chairman of the Tariff Board had prior to their investigation of the woolen schedule fully discounted the cost of production theory, the board has spent a large amount of money in making investigations and in preparing this report on this admittedly deficient and impracticable theory.

REPORT CONTAINS BUT LITTLE NEW DATA.

There is really no valuable information in the report of the Tariff Board that was not well known long before there was a Tariff Board. The report points out some of the outrageous rates in the present law. All of us on both sides of the House knew these facts years ago. [Applause on the Democratic side.] These iniquitous duties were uncovered during the discussion of the Payne-Aldrich law, and they were again condemned by both Democrats and Republicans at the special session of the Sixty-second Congress. People knew long ago that many of the rates of duty were prohibitory. We did not need a Tariff Board to further emphasize this well-known fact. When the report gets away from previously established facts—facts which the board did not discover—there is a whipping back and forth that seems to have been resorted to for the purpose of confusing the reader.

Mr. Chairman, cost accounting as a science is in its infancy, and probably no one would set himself up as an authority except in the application of broad, general principles. Exactness in its details has never been reached in many industries. Wool manufacturing is one of those where the system has been least satisfactory. The Tariff Board points out the difficulties it encountered by its own admissions, practically discrediting its own work. On page 627 the board says:

> It is, however, impossible to say anything about the cost of cloth per yard without specifically and carefully defining the exact nature of the cloth. There are no absolute standards in the cloth trade, and each mill turns out a great variety of different fabrics; and to divide the total cost of the year by the total number of yards would, of course, give no result of any value.

In speaking of tops, on page 627 they say:

> The trouble, however, is that tops vary greatly in quality and that costs vary according to the quality. In no establishment is a single quality of tops produced. The result is that a statement of cost based on total output might be misleading, since it would not represent any actual grade produced. The quality of the tops depends upon the quality of the wool of which it is made. The speed of the machinery has to be adjusted to the quality of the wool fiber, and the variations in combing costs per pound depend largely upon the speed of the comb and the consequent output. Experience has shown, roughly at least, the relative output for different grades of wool and the manufacturer can determine in some degree what proportion of his cost is properly to be apportioned to each grade of tops produced.
>
> The same is also true of worsted yarns. It is true no mill produces a single kind of yarn and consequently an average cost based upon total output in pounds and total expenses would be of less value than an exact cost for yarn of a single count.

On page 628 they say:

> The only method available was to start with certain specific cloths and get the most accurate estimates possible from a number of different mills on the cost of making goods of this quality. The difficulty here lay in the well-known fact that estimates on the same sample by different manufacturers may vary very widely.

These difficulties are real and the figures presented in other portions of the report not only clearly confirm but emphasize these difficulties. In taking up the question of cost, the board says:

> Raw material was eliminated altogether since this is such a fluctuating element.

They assume an elaborate price for different cloths and yarn, this elaborate price being "the actual price so far as it could be accurately determined for a given date."

Certainly no reputable cost accountant would adopt this uncertain process of computing cost. Such a method would lead to a theoretical cost far from the actual. The correct process would be to go into a mill and from the books determine what had been the actual cost of producing the output of the mill for a given period. The first element of cost in the production of any article is that of the raw material. The Tariff Board says that this element was entirely ignored. As there are a variety of products, as in the wool-manufacturing industry, there is the difficulty of apportioning certain items which confronts the cost accountant even in using the inaccurate method adopted by the board.

They say they did compute yarn cost to some extent in this intricate way. It would have been possible to compute cloth cost in the same way if the board had had capable accountants. The foreign "costs" are evidently not costs at all, but mere estimates. On page 630 they describe the method adopted in securing foreign costs:

> Samples of identical fabrics cut from the same piece were taken to England and to the Continent. These were shown to a number of manufacturers and their estimates on the cost of production secured, but not in the same detail as in American mills, because foreign manufacturers do not keep their cost in any such detail. In England the costings on these samples are given with the authority of a cloth expert, himself a manufacturer, who took the English estimates secured and corrected or verified them from his own experience or the cost in his own mill. * * * The English costs correspond closely with French costs on the same samples. * * * German costs were secured on similar cloths. In no case did a German manufacturer figure on the cost of producing an American fabric. What they did was to select cloths made by themselves, which, from the loom analysis submitted, came very near the sample fabric, and their costs were secured in such detail as their methods of bookkeeping permitted. * * * In the case of German goods, sample cloths were secured from the mill making them; and costs were taken from their books, including the weaver's rate on the identical bolt from which the sample was cut.

Here is a confession that the so-called costs secured in foreign countries are purely estimates, and in the case of England they apparently are by one single manufacturer, because the board states that estimates from foreign sources were submitted to one individual for revision and verification. Assuming that the estimates were carefully and honestly made by capable manufacturers, there is no one who will pretend that they are so near actual costs as to warrant serious consideration. This is the method adopted: To establish figures upon which Congress is calmly told it should adjust duties that shall equalize the difference between the cost of production at home and abroad. If Congress were to attempt such a farcical performance, it is too great a strain on the imagination to hope that it would be so insane as to undertake it on the strength of a few cases of alleged mill costs simply because they had the approval of the five men constituting the Tariff Board.

The comparisons of domestic and foreign costs are based upon data so unlike as to make them valueless, even if these data were approximately correct. Furthermore, the organization of the industry in Europe is so different from that in this country that a comparison of costs is meaningless. On page 642, volume 3, the Tariff Board says:

> The combing industry in England and on the Continent is much more highly organized than in the United States.

Notwithstanding this the board gives some figures of comparison which they claim were taken from actual records of two similar plants in England and one in the United States, showing the cost for making tops, and apparently uses these figures with the explanation that they will be accepted as reliable. Notwithstanding the impossibility of securing accurate cost figures in this country and only estimates abroad, and these estimates in all probability very erroneous, the report is packed with a mass of figures that may mean whatever suits the user, but which mean nothing at all. An examination of some of these figures, while not enlightening, are certainly interesting, and if not presented for so serious a purpose they would be amusing.

The first thing that strikes the reader of the portion of the report dealing with top costs is the fact that there is such a variation in the figures as to convince him of their utter uselessness. A table on page 642 shows the variation in costs as taken from the records of an American mill, covering a period of 25 months. These 25 months are divided into four periods, three of 6 months each and one of 7 months, and the cost per pound of output for these various periods are given. These costs vary from about 3 cents per pound to approximately 11 cents per pound. The table in which this appears, like most others in the report, is remarkable for the darkness that surrounds it. No information is given as to the character of the equipment of the mill nor as to the relative proportions of the various qualities of wool used and the various qualities of tops produced. The following facts are necessary to an intelligent analysis of the data:

(1) The equipment of the mill.

(2) A statement as to how much overtime the mill was running during the period of highest production.

(3) How much less than full time was the mill running at the period of lowest production.

(4) Which part of the four most nearly represent full time.

(5) What percentage of the product was each of the grades of wool used.

(6) Was the percentage of each grade of wool the same for all products? The answers to these questions might have, and undoubtedly would have had, an important bearing on the relation of the figures in one part to those in another. If the board have this information they can not escape criticisms for holding it. If they did not have it, they can not justify their use of these figures.

There is in this table an entire absence of details of costs. On the same page figures showing labor costs per pound of tops are given, but they are for an entirely different mill and may not be representative of the mill whose 25 months' product is shown. There is nothing to indicate whether the labor costs shown are typical or not. It would be interesting to know why labor costs are not shown for the table for variation in cost and why items of cost, other than labor, are omitted in the statement.

On page 643 is still another table which "is presented as fairly representative of the cost of making a very high quality of tops by mills using the French system of combing." On page 644 still another table is given which is said to have been "compiled from the actual records of the leading combing establishments on the Continent."

In the table on page 643 four grades of tops are shown and the labor cost is reported to be exactly the same for each of these grades. This evidently can not be true. The figures are so arranged that the total conversion cost of the four different grades of tops are practically the same for each. In the table on page 644 the costs are for tops produced from fine wools. This table shows a variation as great as six-tenths cent per pound from month to month in the same mill running presumably upon the same class of tops. This variation is explained "by fluctuations in the output." The labor cost for producing tops in the United States as shown in the table on page 643, exclusive of sorting, is about 7¼ cents per pound, whereas the labor costs given on the Continent are approximately 4 cents per pound. When it is taken into account that the figures for the United States are unquestionably erroneous, as is indicated by the uniform labor costs for the various grades of tops, and that at least a portion of the figures for the Continent are pure estimates, and furthermore, that there is no evidence as to identity or quality either in the raw material or the products in the United States and Europe, a comparison of these figures would certainly be misleading.

The wide difference in labor costs in the same mill at various periods is attributed almost entirely to a difference in output. No one familiar with cost accounting can reconcile these differences upon any such theory. It is true that a difference in output gives rise to a difference in converting cost, but it does not seem possible that in a woolen mill the cost for one six-month period should be almost four times as high at another six-month period and due entirely to a difference in output. In the absence of details with respect to the figures shown on page 642 the reasonable and careful cost accountant can not otherwise conclude than that the figures for one or the other produced are absolutely incorrect. It is not improbable that they are wholly incorrect for all produced.

CHARACTER OF FIGURES.

Again, if the cost of production theory is acceptable in the abstract, or may conceivably be made so, the question remains whether the report is worked out from the statistical standpoint thoroughly and carefully so as to present trustworthy results. Finally, independent of the conclusions reached on cost of production in the abstract, and whether or not the report is satisfactory in its technique, the question will remain as to what actual significance regarding tariff duties is to be given it, granting, for the sake of argument, that its conclusions are accepted.

The board probably made a more comprehensive study of the cost of production of raw wool than of any other item in the bill. They sent men abroad to ascertain the cost of production in South America and Australia. These agents are said to have found that the cost of production in South America is 4 or 5 cents a pound, and, without stating definitely what it is in Australia, seem to assume that their findings in South America are to be taken as the correct figures in Australia. They do not give us the figures on which they base their results. They do not give us ascertained facts on which we may come to a conclusion, but they reach their own inferences as to foreign wool, and then report these conclusions to us. We do not know from whom these experts ascertained the facts. We do not know the reliability or the number of the persons they consulted, or how the data were compiled.

As to the ascertainment of the cost of producing wool in the United States, the board based their results on the net cost of raising sheep, giving credit for the mutton value, and then fixing the difference in cost, if any, on what the wool must sell for to equalize the difference in cost at home and abroad. In so doing they estimate the cost of grain and of hay. They say themselves that they can not take the market price, because it varies; but they work out what they believe to be the cost to the sheep raiser of the grain and hay which he feeds. It is apparent that on a basis of that kind no satisfactory conclusion can be obtained. In one neighborhood the cost of grass or hay may be zero; in another neighborhood it may amount to a considerable sum. There is no basis on which an accurate conclusion as to this can be reached. But assuming that the board's findings are correct, they finally come to the conclusion that third-class wool, as designated in the Payne tariff bill, is not competitive, and their data point to the belief that no duty is needed as a protection to the American producer of this class of wool; that the cost of producing second-class wool is fully cared for by the value of mutton, so that there is no difference between the cost of production of this wool at home and abroad. Hence, the real competitive wool is that of class 1, as defined in the present tariff act. The board gives numerous figures to show the cost of producing this fine merino wool. They state that there are about 5,000,000 sheep which produce this wool, meaning practically Ohio wool, and that the cost of producing it is 19 cents a pound in the grease. But they also find in the same territory 10,000,000 crossbred sheep which, according to their findings on mutton value, need no protection whatever. Therefore, if we maintain a protection for the eastern wool-grower, the present law is not sufficient, as it gives only 11 cents protection, while the board has ascertained that this class of wool costs 19 cents, and therefore needs protection equal to this amount less the foreign cost, which is not over 5 cents; but if the owners of the merino sheep should exchange for the crossbred mutton sheep, according to the board's report no protection at all would be required.

DEMAND FOR EXCESSIVE RATES.

To come to the western wools, the board sets out in detail the net charge against the wool in the Western States. This table sheds light on this subject:

Ad valorem and specific rates necessary on Australian and South American wools in order to equalize territory wool costs.

States.	Net charge per pound against wool.[1]		Difference in cost between United States wool and that of Australia and South America.	Total disadvantage of scoured pound on shrinkage basis of 64.32 per cent.	Average cost per scoured pound.[2]		Ad valorem rate necessary to equalize difference in cost of—		Specific rate per pound necessary to equalize difference in cost between wools of the United States, Australia, and South America.
	United States.	Australia and South America.			Australian.	South American.	Australian wool (per cent).	South American wool (per cent).	
Arizona	$0.106	$0.055	$0.051	$0.143	$0.508	$0.374	28.15	38.24	$0.143
California	.071	.055	.016	.045	.508	.374	8.86	12.03	.045
Colorado	.087	.055	.032	.090	.508	.374	17.72	24.06	.090
Idaho	.173	.055	.118	.330	.508	.374	64.96	88.24	.330
Montana	.138	.055	.083	.232	.508	.374	45.67	62.03	.232
Nevada	.041	.055	+.014		.508	.374			
New Mexico	.083	.055	.028	.078	.508	.374	15.35	20.86	.078
Oregon	.109	.055	.054	.151	.508	.374	29.73	40.27	.151
Utah	.093	.055	.038	.106	.508	.374	20.87	28.34	.106
Washington	+.005	.055	+.060		.508	.374			
Wyoming	.124	.055	.069	.193	.508	.374	37.99	51.60	.193
Total	.109	.055	.054	.151	.508	.374	29.72	40.37	.151

[1] Report, pp. 330, 350.

[2] Based on Report, pp. 387-390 and pp. 390, 391.

The majority members of the Ways and Means Committee did not levy the tariff rates of H. R. 22195 for the purpose of protection. The rates have been fixed for the purpose of revenue only, but the tax on all classes of raw wool is a uniform one of 20 per cent, which on imported wool valued at 25 cents a pound would equal 5 cents a pound as a specific rate of duty. If you want to maintain protection on wool and not levy this tax for revenue, as we do, and if you want to carry out your protection theory and levy it for the sake of protection alone, according to your own Tariff Board report you are levying it solely to protect 5,000,000 sheep of the merino blood in Ohio, and not for the protection of the western flocks or the cross-bred sheep east of the Mississippi River.

As shown in this table, the cost of raising wool in the West, according to the Tariff Board, is in some States less than it is in South America or Australia. The average of the net charges against the western wool shown in these States is 10.9 cents a pound, and the difference between that and 5 cents in South America would be about 5 cents a pound.

The cost of production of wool in the Ohio region, as given by the board, is 19 cents per pound on the average. Inquiries as to shrinkage show that this wool shrinks 46.62 per cent; in other words, 19 cents is 53.38 per cent of the cost of a scoured pound.

The cost of such a scoured pound, therefore, may be taken as 35.6 cents. This must be compared with the supposed cost advantage in Australia. In the latter country, it may be inferred from the report, the cost of production may be taken as 5 cents. However, at least 2 cents must be added in this case as the freight disadvantage, because of the comparative nearness of the Ohio region to the mills. From the standpoint of Ohio, cost in Australia may be taken as 7 cents. The theoretical disadvantage in the Ohio region is thus 35.6 cents minus 7, or about 28.6 cents. Figuring this as a percentage upon the cost of the competitive Australian wool imported into the United States, which may be taken as 50.8 cents a scoured pound, on the average, it is found that 28.6 cents represents over 55 per cent ad valorem. This is very much more than the protection amounts to, accorded under the present specific basis. In the board's table of actual importations and scourings in a representative American mill (pp. 387-389) the equivalent ad valorems run from about 34 per cent to about 55 per cent. In very few instances are there equivalent ad valorems as high as 55 per cent. It would seem, then, that the Ohio wool-producing region is not protected now on the assumption that the board's cost figures are correct and that, if it is to be protected at all, the tariff on wool would have to be very much raised above its present figures, so as to give a rate of 28 or 29 cents on the scoured pound and of at least 55 per cent ad valorem.

COST OF YARN AND CLOTH.

The Tariff Board's conclusions in reference to the difference in the cost of yarn at home and abroad is slightly above the rate fixed in H. R. 22195, but the board made no allowance for the cost of transporting the foreign yarn from foreign countries to America or the cost of insurance. If you make a reduction of the charge on foreign yarn with a reasonable freight rate to the American market and a reasonable insurance rate, their findings on yarn do not justify any change in the yarn rates of H. R. 22195. Gentlemen on that side of the House desire to add protection and a reasonable profit for the home manufacturer of yarn, which, of course, Democrats do not desire to incorporate in this bill. Absolutely no data are presented by the board that are of any value with regard to cloth. They have not presented any figures showing mill costs of producing cloth here and abroad. They have taken a number of American and foreign samples of cloth, which, they say, are the same classes of cloth, and they have sent those cloth samples, so they say, to from 5 to 15 different woolen mills of this country. They do not say from how many they secured prices abroad. They asked the manufacturers the cost of producing such cloth, and from the returns received from the manufacturers they have reached the conclusion that they send to this Congress.

The board gives no information which would enable a student of this report to trace the cost of production of these cloth samples back to the raw wool from which they were made. Nowhere does anything of the kind appear in all these four volumes. If the duty required to protect the process of cloth manufacture be figured as a percentage of the foreign cost of cloth making, it presumably gives the amount of duty which, on the board's theory, would equalize the cost of getting cloth corresponding to these samples. The differences in cost upon the yarn out of which the cloth was made can be inferred from the previous statistics with reference to yarn costs furnished by the board, but even in this way only an approximation can be arrived at, for the board's analysis of the cloths shows that many of them included other materials beside wool. It must be concluded, therefore, that the data with respect to cloth making furnished by the board are not only unreliable, but that they have been obtained on a basis which forbids comparisons from being drawn and which entirely destroys confidence in any conclusions as to duties that may be arrived at on the basis of these figures.

The conclusions are not those of the Tariff Board, but of certain manufacturers unknown to us, and the Ways and Means Committee have been unable to learn anything of the manufacturers or the methods employed in the compilation of the statistics.

REFUSAL TO GIVE INFORMATION.

The correspondence will show the attitude of the board in this regard:

CORRESPONDENCE WITH THE TARIFF BOARD WITH REGARD TO ANALYSIS OF REPORT.

WASHINGTON, D. C., *January 10, 1912.*

Hon. HENRY C. EMERY,
Chairman Tariff Board, Washington, D. C.

SIR: In the course of my examination of your report on wool and manufactures of wool, I require further information for a complete understanding of it. It may be that this information is contained in portions of the report which have escaped my attention, but I have been unable to find it. If the data desired are contained in the report, I shall be under obligations to you to point it out to me, and in the event that they are not given, I would thank you to kindly supply me with the same. I do not, of course, desire to request any data that may be considered as confidential in the way of making public names or addresses of persons who have supplied you with details. If any of the material sought by me comes within this scope, I take it that it will be possible for you to designate by numbers such returns, retaining your own memoranda which show the names of the concerns to which given numbers refer. I desire the detailed data sought only for the purpose of informing myself and this committee with regard to the general meaning of certain features of the report and not for the purpose of examining the sources which you have used.

The points which I have in mind and about which I would thank you to furnish me additional information are:

Raw wool—

(1) Will you kindly loan this committee the original tables or working sheets showing the full and detailed returns from the reports of field agents with regard to raw wool, you reserving, if desired, names and addresses of the persons whose returns to you are involved?

(2) If no such sheets were compiled for the investigation in Australia, New Zealand, and South America, please inform me more fully as to the conditions under which the inquiry was carried on there and the number of growers visited.

(3) Were general tables compiled showing the data obtained from each and every mill with regard to woolen manufactures? If so, have these been printed; and if not, could you lend these to this committee?

(4) Have you a record of the number of concerns from which costs were obtained and each sample of cloth, and can you lend the committee that record?

I would like the record in this connection both for foreign and domestic mills, with an indication in connection with each of the degree of efficiency of the foreign mills furnishing such costs compared with the efficiency of the mills in the United States furnishing similar costs. If possible, I would be pleased to have these same data for each of the groups of samples which are discussed in your report, together with a memorandum of the location of the mills involved.

(5) Can you supply the committee with a tabular view or statement showing how many ready-made cloth concerns were asked to furnish costs on specimen garments of each given kind, thereby creating the basis for the tables in which typical costs are analyzed?

These are some of the points which have occurred to me in the course of my examination of your report, and if you can put me in possession of the data outlined I shall be especially gratified, and thank you in advance for your prompt reply.

Very respectfully,

O. W. UNDERWOOD,
Chairman.

—

THE TARIFF BOARD, TREASURY BUILDING,
Washington, January 13, 1912.

Hon. OSCAR W. UNDERWOOD,
Chairman Ways and Means Committee,
House of Representatives.

DEAR MR. UNDERWOOD: I have the honor to acknowledge your letter of January 10, which reached us on the 13th. The delay since then in replying to it is due to absence from the city.

I regret that it is impossible to meet your five requests fully. You will realize that a very large part of the information we received was given us only on condition that the material should not be made public, except in the form of summaries and conclusions to be printed in our report. It was stipulated that individual figures should not go beyond the possession of the board. We are obliged to respect these pledges of confidence.

Taking up your requests seriatim, I beg to say:

1. The original schedules on raw wool were secured on the understanding that they should be held confidential by us. These could not be submitted in a form which would not make identification possible. The same is true of the working sheets, which are arranged on the basis of counties, giving acreage, size of flock, etc., in a manner which would make it possible to identify the individual sheep owner.

2. As to the investigation in Australia, New Zealand, and South America, this was carried out by wide traveling and consultation with many growers and buyers. You will find on page 519 of Volume II a description of the course pursued by our agent in South America. He visited over 100 leading growers. Similar methods were followed by our agents in Australia and New Zealand.

3. The compilations on wool manufactures were not made by mills, except in the case of those covered by that part of the investigation of which the results are given in Volume IV. The information there is given by establishments.

4. It is not possible for us to give the exact number of mills from which figures were obtained abroad on the different samples, since the results were in some measure summarized by experts employed by us before being submitted. Furthermore, information was secured as to the cost of certain processes from a large number of mills from which complete figures as to total cost were not secured. In the case of American mills the costs given on the 55 samples cover a range of from 3 to 15 mills per sample. In all cases we aimed, both at home and abroad, to take costs on the basis of mills of good efficiency running full time. In the case of the 55 samples of cloth inefficient mills were eliminated. Where, because of unusual success on particular fabrics, one or two mills are able to make a given sample at a distinctly lower cost than other mills of the same general efficiency, that fact is noted in the report. A statement of the locality of such mills would easily identify the particular establishment. However, you will find on page 620, Volume III, a complete list of the 174 mills from which information was received.

5. I think you have misunderstood the table as to costs of "specimen garments." In the case of the ready-made clothing investigation we did not establish a definite number of sample suits, but took costs from a number of manufacturers on actual suits turned out by them. That is, in the table of costs of specimen garments (Tables 14 to 17, in Volume III, pp. 870 and following) each one represents the cost of an actual suit or garment made by one manufacturer. These are then grouped in various ways to bring out the essential facts as to prices and costs. Altogether they cover 169 suits, 45 overcoats, and 10 pants made in 40 establishments.

I appreciate your statement that you do not wish to examine the sources on which our report is based in such a way as to reveal the identity of establishments who have given us confidential information. However, the original material is of such a nature that if made public such identification would be possible.

As to your expressed desire for information regarding "the general meaning of certain features of the report," we are entirely at your service or at the service of any member of the committee. If the meaning of any part of our report is not clear, we are anxious to make it so and will welcome a call at any time from any member of the committee or of Congress and further explain any question that may arise.

Very respectfully,

HENRY C. EMERY, *Chairman.*

Constant assertions have been made by Tariff Board representatives that they could not afford any interpretation, explanation, or analysis of the data and figures contained in their report. Not only have they refused to furnish additional information when asked for it by the Ways and Means Committee, but the chairman of the Tariff Board has stated in public before a Senate committee that he did not feel warranted in expressing any opinion on the subject.

Here is a tariff board that we paid $550,000 for, ordered to ascertain facts for the information of this House, and a report is submitted to Congress, and when the chairman of the committee requested this board to give him information as to where they obtained the basis of the facts that they report to Congress it declines to give the information. Are you prepared to say that the Congress of the United States should write its legislation based on the findings of a board that proposes to lock in its inner consciousness facts that the Congress is entitled to know? Why, the method that we have pursued for 100 years is far preferable to that. Under the old method of securing facts, followed by the Ways and Means Committee three years ago, the manufacturer appeared and was subjected to cross-examination. To-day we have the report of a tariff board from manufacturers unknown and unknowable, and we are asked to take their conclusions.

REPORT INCOMPLETE.

As to the balance of this report there is practically nothing ascertained in reference to knit goods, merely a deduction from the facts that they had reported about cloth; no information given in reference to blankets, hats, or the great carpet industry. The Government has paid half a million dollars for this Tariff Board, and what have the people received in return? We have for this report some data on raw wool, some figures on the cost of producing tops and yarn at home and abroad, some samples on which unknown manufacturers estimated costs, and this is practically all we have for the $550,000—and none of the data affords a basis on which to fix tariff rates.

Briefly stated, the conclusions reached from the committee's analysis of the Tariff Board report are as follows:

1. The theory of applying tariff duties according to the difference in the cost of production in this and in foreign countries, upon which the board has projected and prepared its report, is entirely erroneous and untenable. Furthermore, if this theory could have been systematically and carefully applied, it would not have afforded trustworthy results for guidance in preparing tariff legislation.

2. The board's report is fragmentary and incomplete, and rests on an incorrect statistical basis. Hence it has no claims to confidence for the results set forth therein, even should the reliability of the theory of the cost of production be conceded.

3. Those persons who are willing to overlook the lack of theoretical soundness and of statistical accuracy, will find the data of the report too fragmentary and incomplete to admit of conclusions with reference to rates of tariff duty. Even under the most favorable interpretation of the report, conclusions as to duties can be reached for only a few paragraphs of the wool schedule, and for these paragraphs it is not possible to formulate definite conclusions, because the figures vary widely, and seriously lack uniformity and comparability. So much is this the case that justification is apparently afforded in the report for rates that are in conflict with one another. It is thus seen that the report leaves the question of the tariff duties on wool as much unsolved as before the Tariff Board was formed.

4. So far as conclusions can be drawn from the board's report, it furnishes nothing to justify any change in the rates proposed in H. R. 11019. With full recognition of the incomplete, fragmentary, and unsatisfactory nature of the data, and with full admission of the inadequate and unreliable basis afforded for computations, the following table may be regarded as setting forth, as well as it is possible to do, the conclusions as to the rates of duty justified by the report.

Comparative equivalent ad valorem rates of duty in 1910 and 1911 with those of H. R. 11019, together with the rates computed from the Tariff Board report as equalizing cost of production.

Item.	Equivalent ad valorem per cent computed from imports.		H. R. 11019 (per cent).	Ad valorem rates necessary to equalize cost of production
	1910	1911		
Unmanufactured wool	44.31	42.20	20	0–25
Noils, wastes, shoddies, mungo, flocks, etc., and all other wastes or rags composed wholly or in part of wool, n. s. p. f.	38.96	34.99	20	0–25
Combed wool or tops	111.73	.....	25	5–30
Wool and hair advanced in any manner n. s. p. f.	86.33	80.99	25	5–30
Combed wool or tops, and wool and hair advanced, etc	105.19	80.99	25	5–30
Yarns made wholly or in part of wool	82.38	76.61	30	12–45
Cloths, knit fabrics, felts not woven, and all manufactures of wool, n. s. p. f.	97.11	95.26	40	32–70
Blankets and flannels	95.57	93.66	30 and 45	(1)
Dress goods, women's and children's, coat linings, Italian cloths, bunting, and similar goods, n. s. p. f.	102.85	102.11	45	32–70
Clothing, ready-made, and articles of wearing apparel of every description, including shawls, whether knitted or woven, and knitted articles of every description, etc	81.31	78.06	45	32–70
Webbings, gorings, suspenders, braces, bandings, etc	87.06	84.76	35	(1)
Carpets and carpeting	60.66	61.62	25–50	(1)

[1] No data furnished by Tariff Board.

In making the computations from which have resulted the rates shown in Table 15, as justified by the Tariff Board's data, the most expensive and difficult conditions indicated by the data as attending production have been employed with a view to being more than just in the conclusions. As will be observed from the figures shown, the necessity of protection to equalize the difference in the cost of production beyond the rates carried by H. R. 11019 exists in but few instances, and these are in all probability the result of the high costs which have been presented by the board and used in the computations.

5. In preparing H. R. 11019 no intentional provision was made for protection, the endeavor being to reduce and adjust rates with a view to producing the largest amount of revenue consistent with the proper consideration of the consumer. It is believed that the rates of H. R. 11019 approach very closely, at least, to the best revenue-producing points, and these rates should, if enacted into law, permit such quantities of imports as will effectively regulate domestic prices. Such competition would be an important service to the people, as it would encourage increased consumption and production by making more nearly normal the conditions of supply and demand. The report of the Tariff Board, so far as it admits of conclusions, shows that the rates which meet the consumer's needs also sufficiently satisfy those of the producer.

ANALYSIS OF PROPOSED PAYNE BILL.

I will devote the balance of my time to a discussion of the bill that the gentleman from New York [Mr. PAYNE] proposes to offer as a substitute for the one now under consideration. I note from the public press, in the views of the minority, that this bill proposes to reduce the present rates on the woolen schedule by an average of 40 per cent. Now, that is not a fair statement to the American people. How do you reach that result? By putting third-class wool on the free list for the benefit of the American manufacturer, not for the benefit of the American people, sacrificing $4,700,000 worth of revenue, and you call that a reduction in the schedule rates. I have carefully analyzed the minority bill and will submit the analysis at this point in my speech.

Imports of 1911, duties, average unit of value, equivalent ad valorem rate of duty on imports, duties estimated by applying Payne proposed rates to 1911 imports, together with equivalent ad valorem rates on Payne bill (H. R. 22262) and of Underwood bill (H. R. 22195).

Paragraph Payne proposed bill.	Article.	Imports entered for consumption, year ended June 30, 1911.					Payne proposed bill (H. R. 22262).			Ad valorem rate of duty H. R. 22195 (Underwood bill).
		Quantity.	Value.	Duties.	Average unit of value.	Equivalent ad valorem.	Duties estimated on 1911 imports and on 100 per cent wool content.	Rate.	Equivalent ad valorem.	
	Unmanufactured wools:									
2,7,9	Classes 1 and 2—	*Pounds.*	*Dollars.*	*Dollars.*	*Dollars.*	*Per ct.*	*Dollars.*		*Per cent.*	*Per cent.*
	On the skin	2,708,775.25	622,467.48	271,847.53	.....	43.67	180,469.44	16 cents pound	28.99	20
	Not on the skin	67,140,641.83	16,416,490.82	7,500,856.06	.....	45.69	5,032,325.39	18 cents pound	30.66	20
	Scoured	476.00	218.00	158.28	.....	72.61	90.44	19 cents pound	41.49	20
3,8,9	Class 3	96,050,946.00	12,533,082.22	4,709,992.99	.....	37.58	.....	Free	.....	20
	Total unmanufactured wools	165,900,839.08	29,572,258.52	12,482,854.91	.....	42.20	5,212,885.27	.....	.....	20
	Manufactures composed wholly or in part of wool, worsted, the hair of the camel, goat, alpaca, or other animals:									
10–17	Wastes: Yarn, thread, and all other wastes and wool extract.	37,850.00	13,010.00	7,570.00	.....	58.19	[1] 6,813.00	8 to 18 cents pound according to article.	52.37	20
	Noils	170,530.00	106,664.00	34,106.00	.....	31.98	[2] 18,758.30	11 and 14 cents pound according to article.	17.59	20
	Mungo	11,079.00	3,454.00	1,107.90	.....	32.08	886.32	8 cents pound	25.66	20
	Rags and flocks	241,800.00	68,263.00	24,180.00	.....	35.42	4,836.00	2 cents pound	7.08	20
	Total waste, etc	461,259.00	191,391.00	66,963.90	.....	34.99	31,293.62	.....	16.35	20
18	Combed wool or tops, made wholly or in part of wool or camel's hair.	.....	.....	.....	.....	.....	.....	20 cents pound plus 5 per cent.	.....	25
19	Wool and hair advanced in any manner, or by any process of manufacture, beyond the washed or scoured condition, n. s. p. f.	124.03	130.35	117.22	.....	89.93	35.23	20 cents pound plus 8 per cent.	27.03	25
20	Yarns made wholly or in part of wool—									
	Valued not more than 30 cents per pound.	55.75	8.02	12.86	0.241	149.19	8.55	21½ cents pound plus 10 per cent.	99.19	30
	Valued more than 30 cents per pound.	177,489.73	186,645.41	142,991.88	1.05	76.61	84,821.64	21½ cents pound plus 25 per cent.	45.45	30
	Total yarns	177,525.48	186,654.03	143,004.74	1.05	76.61	84,830.19	.....	45.45	30
21	Cloths, woolen or worsted—									
	Valued not more than 40 cents per pound.	7,738.75	2,564.40	3,835.98	.331	149.59	2,704.01	25 cents pound plus 30 per cent.	105.44	40
	Valued more than 40 cents and not more than 70 cents per pound.	353,937.80	211,275.75	261,370.47	.597	123.71	165,979.34	26 cents pound plus 35 per cent.	78.56	40
	Valued above 70 cents per pound.	4,461,846.53	5,012,657.92	4,720,174.60	1.12	94.17	3,666,409.06	26 cents pound plus 50 per cent.	73.14	40
	Reciprocity treaty with Cuba.	30.00	53.00	33.83	1.77	63.92	26.35	26 cents pound plus 55 per cent minus 20 per cent.	49.72	40–20
	Total cloths	4,823,553.08	5,226,551.07	4,985,414.93	1.08	95.39	3,835,109.76	.....	73.38	40
	Knit fabrics—									
	Valued at not more than 40 cents per pound.	197.00	69.00	96.51	.350	139.19	68.15	25 cents pound plus 30 per cent.	108.17	40
	Valued at above 40 and not above 70 cents per pound.	1,653.00	1,060.00	1,267.32	.641	119.62	863.78	26 cents pound plus 40 per cent.	80.55	40
	Valued at above 70 cents per pound.	12,513.00	13,734.00	13,059.42	1.10	95.09	10,120.38	26 cents pound plus 50 per cent.	73.69	40
	Total knit fabrics	14,363.00	14,857.00	14,413.25	1.03	97.01	11,012.31	.....	74.32	40
	Felts	78,249.00	96,892.34	92,564.97	1.24	95.53	68,790.91	26 cents pound plus 50 per cent.	71.00	40
	Plushes and other pile fabrics—									
	Valued at above 40 and not above 70 cents per pound.	2,790.00	1,698.00	2,076.60	.609	122.30	1,404.60	26 cents pound plus 40 per cent.	82.72	40
	Valued at over 70 cents per pound.	10,227.00	10,011.00	10,005.93	.979	99.95	7,163.97	26 cents pound plus 45 per cent.	71.56	40
	Total plushes, etc	13,017.00	11,709.00	12,082.53	.900	103.20	8,568.57	.....	73.18	40
	Dress goods, women's and children's coat linings, Italian cloths, and goods of similar description: The warp consisting wholly of cotton or other vegetable materials, with the remainder of the fabric composed wholly or in part of wool—									
	Weighing 4 ounces or less per square yard—									
	Valued at not exceeding 15 cents per square yard—	*Square yards.*								
	Not above 70 cents per pound.	7,247,614.25	930,265.60	982,465.51	.131	103.39	[3] 851,200.98	26 cents pound plus 40 per cent.	89.58	45
	Above 70 cents per pound.	1,198,830.25	172,278.00	178,671.02	.144	103.71	[4] 131,250.37	.....do.....	76.19	45
	Valued at more than 15 cents per square yard—									
	Not above 70 cents per pound.	301,805.50	51,756.00	50,022.44	.171	96.65	[3] 40,319.76	26 cents pound plus 40 per cent.	77.90	45
	Above 70 cents per pound	5,521,564.74	1,124,685.50	1,060,302.22	.204	94.28	[3] 808,775.91	.....do.....	71.91	45

[1] Estimated at 18 cents per pound, the rate on top waste and slubbing waste.
[2] Estimated at 11 cents per pound, the rate on noils not carbonized.
[3] Estimated as weighing 4 ounces per square yard.
[4] Estimated as weighing 3.2 ounces per square yard.

Imports of 1911, duties, average unit of value, equivalent ad valorem rate of duty on imports, duties estimated by applying Payne proposed rates to 1911 imports, together with equivalent ad valorem rates on Payne bill (H. R. 22262) and of Underwood bill (H. R. 22195)—Continued.

Paragraph Payne proposed bill.	Article.	Imports entered for consumption, year ended June 30, 1911.					Payne proposed bill (H. R. 22262).			Ad valorem rate of duty, H. R. 22195 (Underwood bill).
		Quantity.	Value.	Duties.	Average unit of value.	Equivalent ad valorem.	Duties estimated on 1911 imports and on 100 per cent wool content.	Rate.	Equivalent ad valorem.	
	Manufactures composed wholly or in part of wool, etc.—Continued.									
	Dress goods, etc.—Continued.									
	Weighing over 4 ounces per square yard—	*Pounds.*	*Dollars.*	*Dollars.*	*Dollars.*	*Per ct.*	*Dollars.*		*Per cent.*	*Per cent.*
	Valued at not more than 40 cents per pound.	918.00	346.00	452.14	0.377	130.68	[1] 218.55	25 cents pound plus 30 per cent.	63.16	45
	Valued at above 40 and not above 70 cents per pound.	37,837.05	23,066.00	26,772.44	.610	116.07	[2] 19,004.03	25 cents pound plus 40 per cent.	82.65	45
	Valued at over 70 cents per pound.	252,042.50	228,932.05	224,971.07	.908	98.27	[2] 168,550.47	25 cents pound plus 45 per cent.	73.62	45
	Composed wholly or in part of wool—									
	Weighing 4 ounces or less per square yard—	*Square yards.*								
	Valued at not above 70 cents per pound.	24,877.76	5,030.50	5,251.80	.202	104.40	[3] 3,629.25	25 cents pound plus 40 per cent.	72.14	45
	Valued above 70 cents per pound.	10,400,807.97	2,333,034.32	2,427,257.89	.224	104.04	[3] 1,609,268.25	.....do.....	68.98	45
	Weighing over 4 ounces per square yard—	*Pounds.*								
	Valued at not more than 40 cents per pound.	186.00	57.00	89.88	.306	157.60	63.60	25 cents pound plus 30 per cent.	111.58	45
	Valued at above 40 and not above 70 cents per pound.	279,347.21	162,114.00	208,909.77	.580	125.82	129,380.17	25 cents pound plus 35 per cent.	79.81	45
	Valued at over 70 cents per pound.	1,400,900.24	1,312,708.50	1,338,390.18	.937	101.96	954,955.23	25 cents pound plus 45 per cent.	72.75	45
	Total dress goods, etc.	.....	6,364,272.87	6,498,616.36	.....	102.11	4,716,674.52	.....	74.11	45
22	Blankets—									
	Valued at not more than 40 cents per pound.	1,561.50	523.00	500.43	.335	95.68	471.55	23½ cents pound plus 20 per cent.	90.16	30
	Valued at more than 40 and not more than 50 cents per pound.	1,696.49	800.36	839.98	.472	105.00	598.77	23½ cents pound plus 25 per cent.	74.81	30
	Valued at more than 50 cents per pound.	38,717.69	46,226.23	31,267.71	1.19	67.64	22,966.53	23½ cents pound plus 30 per cent.	49.68	30
	Reciprocity treaty with Cuba.	8.00	9.00	4.99	1.13	55.44	2.78	23½ cents pound plus 30 per cent minus 20 per cent.	30.89	30-20
	More than 3 yards in length—									
	Valued at not more than 40 cents per pound.	664.50	185.00	311.79	.278	168.54	221.63	25 cents pound plus 30 per cent.	119.80	30
	Valued at above 40 and not above 70 cents per pound.	4,479.13	2,630.00	3,285.83	.587	124.94	2,085.07	25 cents pound plus 35 per cent.	79.28	30
	Valued at over 70 cents per pound.	5,897.59	5,459.00	5,597.39	.926	102.54	3,989.92	25 cents pound plus 45 per cent.	73.09	30
	Total blankets	53,024.90	55,832.59	41,808.12	1.05	74.88	30,336.25	.....	54.33	30
	Flannels for underwear—									
	Valued at not more than 40 cents per pound.	18.00	6.80	6.00	.378	88.24	5.59	23½ cents pound plus 20 per cent.	82.21	30
	Valued at more than 40 and not more than 50 cents per pound.	2.20	1.00	1.08	.455	108.00	.77	23½ cents pound plus 25 per cent.	77.00	30
	Valued at above 50 and not above 70 cents per pound.	*Square yards.* 108.00	56.00	30.88	.519	71.21	42.18	23½ cents pound plus 30 per cent.	75.32	45
	Valued above 70 cents per pound.	27,801.00	8,434.00	7,696.81	.303	91.26	[4] 5,143.40	.....do.....	60.98	45
	Weighing over 4 ounces per square yard—	*Pounds.*								
	Valued at above 50 and not above 70 cents per pound.	3,318.00	2,030.50	2,475.16	.612	121.93	1,388.88	.....do.....	68.40	45
	Valued at over 70 cents per pound.	89,359.14	75,501.00	80,843.57	.845	107.08	43,649.70	.....do.....	57.81	45
	Total flannels	.....	86,029.30	91,062.50	.....	105.85	50,230.52	.....	58.39	30-45
23	Wearing apparel—clothing, ready-made, and articles of wearing apparel, made up or manufactured wholly or in part, n. s. p. f.—									
	Hats of wool	19,630.37	47,145.25	36,924.69	2.40	78.32	33,391.05	26 cents pound plus 60 per cent.	70.83	45
	Knitted articles	272,808.00	367,708.44	340,660.58	1.35	92.64	273,169.74	26 cents pound plus 55 per cent.	74.29	45
	Shawls, knitted or woven	26,855.22	48,306.25	40,800.05	1.80	84.46	35,966.11	26 cents pound plus 60 per cent.	74.45	45
	Other clothing, ready-made, and articles of wearing apparel, made up or manufactured wholly or in part.	607,264.37	1,794,081.19	1,343,644.90	2.95	74.89	1,234,237.45	.....do.....	68.80	45
	D. R. for min	10.00	36.00	.....	3.60	.....	.....	.....	.....	.....
	Reciprocity treaty with Cuba.	48.00	97.00	63.46	2.02	65.42	51.28	26 cents pound plus 60 per cent minus 20 per cent.	52.87	45
	Total wearing apparel	926,616.02	2,257,374.13	1,762,093.68	2.44	78.06	1,576,915.63	.....	69.86	45

[1] Estimated as weighing 8 ounces persquare yard.
[2] Estimated as weighing 1 pound per square yard.
[3] Estimated as weighing 4 ounces per square yard.
[4] Estimated as weighing 6.4 ounces per square yard.

Imports of 1911, duties, average unit of value, equivalent ad valorem rate of duty on imports, duties estimated by applying Payne proposed rates to 1911 imports, together with equivalent ad valorem rates on Payne bill (H. R. 22262) and of Underwood bill (H. R. 22195)—Continued.

Paragraph Payne proposed bill.	Articles.	Imports entered for consumption, year ended June 30, 1911.					Payne proposed bill (H. R. 22262).			Ad valorem rate of duty, H. R. 22195 (Underwood bill).
		Quantity.	Value.	Duties.	Average unit of value.	Equivalent ad valorem.	Duties estimated on 1911 imports and on 100 per cent wool content.	Rate.	Equivalent ad valorem.	
	Manufactures composed wholly or in part of wool, etc.—Continued.	*Pounds.*	*Dollars.*	*Dollars.*	*Dollars.*	*Per ct.*	*Dollars.*		*Per cent.*	*Per cent.*
24	Webbings, gorings, suspenders, braces, etc.	36,998.98	74,718.26	63,330.54	2.02	84.76	46,978.85	26 cents pound plus 50 per cent.	62.87	35
	All other manufactures wholly or in part of wool—									
	Valued at not more than 40 cents per pound.	6,167.50	1,886.70	2,978.63	.306	157.87	2,546.90	26 cents pound plus 50 per cent.	134.99	40
	Valued at above 40 and not above 70 cents per pound.	98,586.00	49,569.00	68,162.34	.503	137.51	49,516.86	....do	99.90	40
	Valued at over 70 cents per pound.	192,424.32	285,449.99	241,664.39	1.48	84.66	192,755.32	....do	67.53	40
	From Philippine Islands..	3.00	3.00	Free.	1.00					
	Reciprocity treaty with Cuba.	12.00	24.00	14.78	2.00	61.58	10.32	26 cents pound plus 50 per cent minus 20 per cent.	43.00	40-20
	Total all other manufactures, n. s. p. f.	297,192.82	336,932.89	312,820.14	1.13	92.84	244,829.40		72.66	40
25	Carpets and rugs—									
	Hand made[1]		1,866,651.00	1,152,733.82		61.75	933,325.50	50 per cent	50.00	
	All other		2,053,155.19	1,262,670.97		61.50	615,946.56	30 per cent	30.00	
	Total carpets and rugs		3,919,806.19	2,415,404.79		61.62	1,549,272.06		30 to 50	25 to 50
	Total manufactures of wool		[2]18,823,150.82	16,499,697.67		87.65	12,254,907.83		65.11	42.55
	Total wool and manufactures of wool.		[2]48,395,409.34	28,982,552.58		59.79	17,467,793.10		36.09	31.00

[1] Estimated as comprising one-half the imports of Aubusson, Axminister, oriental, and similar carpets and rugs.

[2] Includes $3 free of duty.

This table presents a comparison of the results of this bill with those of the present law, computed on the imports of 1911, together with the rates of the bill H. R. 22195 now under consideration. I find that the reduction on raw wool has been greater than for any other item in their bill. On wool of the first class in the bill, which means wool of the first and second class in the present law, on wool on the skin, the bill makes a reduction of from 43 per cent to 28.99 per cent. For wool not on the skin it has made a reduction that is equal to 30.66 per cent.

USE OF SHRINKAGE FIGURE.

In my analysis I have not used shrinkage results on foreign wools in our domestic mills but the shrinkage on foreign wools in foreign mills. I find that most of the wool that comes into this country originates in South America and Australia. The shrinkage of this wool in the American mills is shown by this report to be 47.64 per cent on South American wool in our mills and 48.22 per cent on Australian wool in our mills.

Now, I have not taken those figures. They would show very much greater ad valorem rates in the proposed bill of the minority than those of the table. I know that gentlemen on that side of the House would say that the wool coming in now is "skirted" and that skirted wool does not show as much shrinkage as the wool that would come in under this bill. I find, as stated, that in the foreign mills, where they have free wool and do not import wool in the skirted condition, the shrinkage on South American wool is 59.90 per cent; that of Australia is 56.82 per cent, or an average of 58.36 per cent; and this is the average shrinkage employed in the computations of the analysis table.

Under the present act the duty upon all wools and hair of the first class is 11 cents per grease pound. The proposed Payne bill makes the duty 18 cents per scoured pound. At the shrinkage of 58.36 (the average shrinkage of Australian and South American wools in foreign mills shown in the Tariff Board report, p. 383), it would require 2.4 pounds of grease wool to make 1 pound of scoured wool.

Under the present act the duty on 2.4 pounds (the grease wool equivalent to 1 pound clean content) at 11 cents per pound amounts to 26.4 cents, compared with 18 cents on 1 pound clean content under the proposed Payne bill.

On wools which shrink 38 per cent and under, the rate of 18 cents per pound on the clean content is an increase in the rate of the present act, as shown by these figures:

Shrinkage (per cent):	Grease pound, equivalent specific duty.
39	10.98 cents
38	11.16 cents
35	11.70 cents
30	12.60 cents
25	13.50 cents
20	14.40 cents

The Tariff Board gives a record (pp. 387–391) of a representative American mill which used in a given length of time over 10,000,000 pounds of foreign wool for which shrinkage results are shown.

Of the 10,000,000 pounds used over 44 per cent (4,423,226 pounds) was Australian and South American crossbred wool, which shrunk 36.34 per cent. The equivalent specific rate on the grease pound is 11.46 cents on the basis of a duty of 18 cents per scoured pound.

In this connection the following excerpt from an article by Mr. Theodore Justice, a strong standpatter for the present tariff law, in the Daily Trade Record of December 25, 1911, will be found of interest:

> The maximum protection to the American woolgrower on wool of the first class is 22 cents a scoured pound and the average duty collected does not exceed 20 cents, for the reason that as the shrinkage falls below 50 per cent the duty paid scoured cost falls with it.
>
> Consider wools of the second class, the duty on which is 12 cents a pound and the shrinkage 27 per cent (Shropshire wool). The duty paid scoured cost is thus increased only 16 cents by reason of the 12-cent duty on the wool in the grease. Thus it is always imported in that condition.
>
> The President hints at an average duty of 20 cents a scoured pound on wools of the first and second class as ideal. This would, in fact, be an increase on the present duty rather than a decrease, as the average between 22 cents and 16 cents scoured is only 19 cents scoured.
>
> Growers would be delighted if the duty upon all wools could be fixed on the basis of 20 cents scoured, for they would then have more protection than they have at present.

EIGHTEEN-CENT RATE INDEFENSIBLE.

The 18-cent rate proposed by the minority members of the committee is indefensible from every standpoint, whether of price, cost of production, or any other that has thus far been advanced, and is an attempt to mislead the public into believing that an actual reduction is being made by the bill in the duties on wool. There are reasons for regarding it as an attempt to deceive. Among these are: (1) The minority bill reclassifies wool into two classes instead of three, as under the existing law. In class 1 are included practically all of those wools of English blood which have heretofore been grouped as in class 2. But the Tariff Board has clearly shown, as I previously stated, that the cost of production is zero in the United States for wools of English blood described in the tariff act as class 2. In order to get a comparison between the cost of production abroad and in the United States for the wools included in class 1 of the new Payne bill it will be necessary to entirely revise the board's estimate of wool cost if it is to be applicable to the proposed minority bill. By including the wool product of the 10,000,000 crossbred sheep produced at a zero cost with the wool product of the 30,000,000 sheep in the western or territory region a great reduction in the average cost of the wool comprehended in the "class 1" of the minority's bill will have been effected. The average cost of producing the wools now classified as class 1

would in this way be reduced by at least 25 per cent. This change, apparently disregarded by the minority, would, even under extreme conditions, make it impossible to sustain the 15-cent rate on the clean content of wool. This would mean that, taking the average of wool of class 1 on the basis of classification suggested by the minority bill, not more than 7 or 8 cents per scoured pound could be required to equalize costs. In the following table is presented a computation of the rates which the duties suggested by the minority indicate as being necessary to protect the wools in the "territory" region.

Production of wool given by Tariff Board, per cent of shrinkage and equivalent scoured wool, rate of duty per scoured pound in Payne proposed bill, net cost charge per scoured pound, value per scoured pound, and ad valorem rate of duty necessary on basis of minority bill to protect western wools.

States.	Wool (pounds).[1]	Per cent of shrinkage.[2]	Equivalent scoured wool (pounds).	Rate per scoured pound.	Net cost charge per scoured pound.	Value per scoured pound.	Ad valorem rate of duty necessary on basis of minority bill to protect western wools.
Arizona	1,181,882	62	449,115	18	$0.279	$0.408	44.12
California	994,687	62	377,981	18	.187	.381	47.24
Colorado	2,110,189	62	801,872	18	.229	.373	48.26
Idaho	2,340,433	62	889,384	18	.455	.476	37.82
Montana	3,515,417	62	1,335,858	18	.363	.484	37.19
Nevada	1,011,046	62	384,197	18	.108	.400	45.00
New Mexico	2,613,976	62	993,311	18	.218	.366	49.18
Oregon	1,678,993	62	638,017	18	.287	.371	48.52
Utah	1,901,436	62	722,546	18	.245	.455	39.56
Washington	391,776	62	148,875	18	+.013	.310	58.06
Wyoming	3,024,828	62	1,149,435	18	.326	.413	43.58
Total	20,764,713	62	7,890,591	18	.287	.418	43.06

[1] Tariff Board Report (p. 330). [2] Tariff Board Report (p. 12).

The minority has made a special classification of class 3 wool, now called class 2, and has given this class a duty of 7 cents per pound, which, however, is to be rebated to the manufacturer, less 1 per cent of such duties, whenever it is worked up into carpets and allied products. Thus there is opened an immense field for fraud and deceit.

Furthermore, when these carpet wools are used in the manufacturing of the cheap clothing for the poor—and such is the case to some extent—the duty would be increased by the Payne proposed bill from the rate of the present act of 4 cents per pound to 7 cents, an increase of 75 per cent. This is a serious "joker" on the poor people of the country.

I call attention also to what appears to be another "joker" in the measure proposed by the minority. Paragraph 1 of the bill provides that the rate on class 1 wools shall be 18 cents per pound, but it also specifies that when the wool is imported in a scoured condition "the duty shall be 19 cents per pound." This is apparently intended to give an excess protection of 1 cent per pound to the process of scouring. The Tariff Board has reported the labor cost of scouring in the United States as $0.0022 per pound. It reports the cost of material used in scouring as $0.0089 to $0.0085. That is to say, the labor cost of scouring is two-tenths of a cent per pound and the material cost of scouring is at most nine-tenths of a cent per pound. The total cost of scouring for the most expensive tops is only a little more than 1 cent per pound. Assuming that the board is right in its statement that the cost of making tops in England is 180 per cent of the cost here, it is plain that the difference between the cost of scouring abroad and in the United States could not be as much as five-tenths of a cent a pound. A tariff duty of less than one-half of 1 cent a pound would therefore amply protect the process of scouring, and even this would be an excessively high estimate of the difference in the cost of operation between foreign countries and the United States. It must be inferred, therefore, that the minority intends really to establish a rate of 19 cents per scoured pound on wool of the first class instead of the 18 cents which it technically provides.

The minority in their report make this remarkable statement:

> We have made the greater reduction of rates on the cheaper classes of goods.

My friends, did you ever hear that coming from the Republican side of the House before? [Laughter on the Democratic side.] On the face of the returns they always take care of the poor and needy, and in their report they say—

> We have made the greater reduction of rates on the cheaper classes of goods.

HIGH RATES ON TOPS AND YARNS.

Of tops, the first advancement of wool in the process of manufacture there are no imports for last year. The present act was so prohibitive that none came in. On wool or hair advanced—which is similar to tops—your rate figures into an ad valorem of 27 per cent.

The minority has provided rates on yarns which are as indefensible as those proposed on raw wool. In the following table have been computed the equivalent ad valorem rates on yarns, which are proposed in paragraph 21 of the minority bill. From this table it will be seen that the rates recommended on yarns vary from 45 per cent to more than 80 per cent.

Analysis of rates of duty for yarns of Payne proposed bill (estimated on the basis of a wool content of 100 per cent).

Items.	Rates of duty of Payne bill.	
	Actual.	Equivalent ad valorem.
		Per cent.
Yarns made wholly or in part of wool—		
Valued not more than 30 cents per pound	21½ cents per pound plus 10 per cent.	81.67
Valued at more than—		
30 and not more than 35 cents per pound	21½ cents per pound plus 15 per cent.	76.43
35 and not more than 40 cents per pound	do	68.75
40 and not more than 45 cents per pound	do	62.78
45 and not more than 50 cents per pound	do	58.00
50 and not more than 55 cents per pound	21½ cents per pound plus 20 per cent.	59.09
55 and not more than 60 cents per pound	do	55.83
60 and not more than 65 cents per pound	do	53.06
65 and not more than 70 cents per pound	do	50.71
70 and not more than 75 cents per pound	do	48.67
75 and not more than 80 cents per pound	do	46.88
80 and not more than 85 cents per pound	21½ cents per pound plus 25 per cent.	50.29
85 and not more than 90 cents per pound	do	48.89
90 and not more than 95 cents per pound	do	47.63
95 cents and not more than $1 per pound	do	46.50
$1 and not more than $1.05 per pound	do	45.48

When you come to yarns you levy three rates—21½ cents per pound plus 10 per cent; 21½ cents per pound plus 15 per cent; and 21½ cents per pound plus 25 per cent, according to value. Now, on the cheaper class of yarn, on which you fix a rate of 21½ cents per pound on the wool, giving to the manufacturer the difference between 18 cents and 21½ cents per pound on scoured wool, and then add 10 per cent ad valorem on yarns, you say that is cheaper on the lower grade of yarn. But when you figure it out on the ad valorem basis on importations it equals 99.19 per cent on the cheaper grade. [Applause on the Democratic side.]

When you come to the higher-grade yarns that go into the clothing which the rich people use you apparently put up the price and make it apparently 21½ cents on the wool and 25 per cent ad valorem. But when you figure it under the value of the yarn it makes your rate only 45.45 per cent [applause on the Democratic side], thus taxing actually, although you are pretending to do the other thing, the cheaper yarn, out of which the cloth that is worn by the poorer people is made, twice as much as you are taxing the yarn that goes into the high-priced fabric. [Applause on the Democratic side.]

CHEAP CLOTH HIGHLY TAXED.

When you come to cloth, instead of carrying 18 cents a scoured pound on the wool in the cloth into this bill that you have introduced in the interest of the American people—instead of charging 18 cents a scoured pound, you advance the scoured pound to 25 cents—that is, the weight of the wool content—and then add 30 per cent ad valorem. What is that equal to, when you work it out, on the importations for the last year? On cheap cloth valued at not more than 40 cents a pound, it equals 105.44 per cent. [Applause on the Democratic side.]

Mr. PAYNE. Right there, if the gentleman will permit——

Mr. UNDERWOOD. I have only 10 minutes.

Mr. PAYNE. I will take only a minute. Did the gentleman make any allowance for the amount of cotton used in making these cheap goods? Our duty is simply on the wool. The cotton is included under the present law. The rate is on the weight of the goods.

Mr. UNDERWOOD. To do that would increase the ad valorem.

Mr. PAYNE. The gentleman had better read that over before he puts it in the RECORD.

Mr. UNDERWOOD. I call the attention of the gentleman from New York [Mr. PAYNE] to the report, where he makes the statement that he had written the rates lower on the cheaper class of goods. On the higher-grade goods, valued above 70 cents a pound, you put a tax of 26 cents on the wool content per pound and 55 per cent ad valorem, which works out an

equivalent ad valorem rate of 49.72 per cent. You continue exactly what you did in your old bill. You put a high rate on the cheaper grade of goods, making it 105 per cent. One hundred per cent would include the entire cost of production, and yet you get above the entire cost of production for the poorer class of goods and put 5 per cent ad valorem additional on it, and when you come to the high-grade goods, that only the wealthy can wear, you reduce the tax to 49.72 per cent and ask the people to take that as a relief from the burdens of the present law. [Applause on the Democratic side.]

The ad valorem duty established by the minority bill is placed at from 35 to 60 per cent over and above a compensatory duty intended to fully meet the difference in material costs in the United States and in foreign countries. It would appear that the bill of the minority has been framed with little or no reference to the findings of the Tariff Board. This fully confirms the following statement made in the report of the Ways and Means Committee last summer:

> When statistical data as to cost of production have been obtained * * * the Republican Party has treated them with neglect and contempt, and has gone on framing tariff acts to please private interests at the public expense without any consideration whatever of ascertained facts as to the differences in cost of production.

Now, we fix an ad valorem rate all the way through. We put 40 per cent on all classes of cloth, and of course the cheapest cloth does not pay as much tax as the higher-grade cloth, although relatively it pays the same. The following table presents in detail the actual and equivalent ad valorem rates of the Payne proposed bill, clearly bringing out the real effect of the revision in maintaining high duties.

Analysis of rates of duty for cloths in Payne proposed bill (estimated on the basis of a wool content of 100 per cent).

Items.	Rates of duty of Payne bill.	
	Actual.	Equivalent ad valorem.
Cloths, knit fabrics, flannels, felts, and all fabrics of every description made wholly or in part of wool, n. s. p. f.—		
Valued at not more than 40 cents per pound	25 cents per pound plus 30 per cent.	*Per cent.* 92.50
Valued at more than—		
40 and not more than 45 cents per pound	26 cents per pound plus 35 per cent	92.78
45 and not more than 50 cents per pound	do	87.00
50 and not more than 55 cents per pound	do	82.27
55 and not more than 60 cents per pound	do	78.33
60 and not more than 65 cents per pound	26 cents per pound plus 40 per cent	80.00
65 and not more than 70 cents per pound	do	77.14
70 and not more than 75 cents per pound	do	74.67
75 and not more than 80 cents per pound	do	72.50
80 and not more than 85 cents per pound	26 cents per pound plus 45 per cent	75.59
85 and not more than 90 cents per pound	do	73.80
90 and not more than 95 cents per pound	do	72.37
95 cents and not more than $1 per pound	do	71.00
$1 and not more than $1.05 per pound	26 cents per pound plus 50 per cent	74.76
$1.05 and not more than $1.10 per pound	do	73.64
$1.10 and not more than $1.15 per pound	do	72.61
$1.15 and not more than $1.20 per pound	do	71.67
$1.20 and not more than $1.25 per pound	do	70.80
$1.25 and not more than $1.30 per pound	do	70.00
$1.30 and not more than $1.35 per pound	do	69.26
$1.35 and not more than $1.40 per pound	do	68.57
$1.40 and not more than $1.45 per ponud	do	67.93
$1.45 and not more than $1.50 per pound	do	67.33
$1.50 and not more than $1.55 per pound	26 cents per pound plus 55 per cent	71.77

REMARKABLE TREATMENT OF BLANKETS.

There is another especially remarkable thing about the gentleman's bill. He got no information from the Tariff Board about blankets, and only had to wander in the dark; so that the Tariff Board is not responsible for his figures on blankets, as they gave no information.

In 1910 there were 1,849 pounds of blankets imported, valued at $640. They paid a duty of $598. The unit value was 34 cents, and the average ad valorem rate was 93 per cent. Now, work it out on your bill. You put 23½ cents a pound on those blankets, which would equal $434.71. Then you put a 20 per cent ad valorem rate on those blankets which, on the $460 value imported, amounted to $128, making the total amount of your tax under your new bill $662.71, as against $598 under the present law. [Applause on the Democratic side.] In other words, the old rate of duty on blankets, as shown by these importations, was 93 per cent, and you raise it to 103 per cent.

Now, as to flannels. On the cheaper grades of flannels, those that the poor have to wear to cover their nakedness from the winter storm, valued at not more than 40 cents a pound, you put 23½ cents a pound on the wool content and 20 per cent ad valorem. But work it out on the imports, and it is found that 82.21 per cent is placed on those flannels, against 30 per cent in our bill, and the Tariff Board did not tell you to do it, because they gave you no information about it.

But when you come to the higher class of flannels, such as some of my Republican friends will disport themselves in at the seashore when the summer breezes come and we are waiting for the Senate to pass this bill [laughter], on those flannels valued at over 70 cents you put 23½ cents a pound and 30 per cent ad valorem; but when you work out the ad valorem equivalent on the actual importations you have 57 per cent on those flannels as against 45 per cent that we put on them. In our bill we have put 30 per cent ad valorem on cheap flannels and 45 per cent on the higher grades. [Applause on the Democratic side.]

The same thing can be shown in reference to wearing apparel and other items in the bill. There is not an item in the bill that the gentleman from New York [Mr. PAYNE] asks you to vote for on which, when you work out the ad valorem rates, he has not put a higher tax on cheap wearing apparel than he has put on the higher class of goods.

DEMOCRATIC RATES ON CARPETS ACCEPTED.

On carpets the Tariff Board made no report, and the gentleman from New York [Mr. PAYNE] therefore, having no information, practically adopted the same rates that we had in our bill last year. He could not get information from one source, and he came to another to get it. [Applause on the Democratic side.]

Mr. PAYNE. Why do you not say that we adopted a lower rate?

Mr. UNDERWOOD. You have got a lower rate on one carpet. We have a lower rate on two other classes of carpets, but there is not much difference on the carpet schedule between the gentleman from New York [Mr. PAYNE] and ourselves, except that you give to the manufacturer free carpet wool, while we make him pay $4,700,000 to the Federal Treasury and put the same tax on him that you do. That is about the difference. [Applause on the Democratic side.]

It is a remarkable fact that the minority of the committee, in preparing its own bill, has made the greatest change in those paragraphs that have not been investigated by the Tariff Board, notwithstanding that it professes to have drafted a bill intended to apply to the findings of the board. It has long been known that third-class wools were not produced in the United States, and hence that there was no reason for retaining the protection upon them provided for in the Payne-Aldrich tariff law. Nevertheless, when a change of this kind was proposed at the time that the Payne-Aldrich tariff was under consideration, it was rejected by the then majority of the committee. There has been no change in the situation since that time nor has there been any new developments or facts on the subject by the Tariff Board. This is fully recognized by the minority of the committee, which in the report now filed specifically states that "the subject of the cost of converting wool into carpets was not treated in the report of the Tariff Board." Inasmuch as the Tariff Board furnishes no information on the cost of conversion in carpets and there is nothing whatever that is new as to the production and importation of carpet wools, it is a remarkable circumstance that the minority, now so desirous to bring about a reform in the carpet duties, did not do so at the time when it had full power to put its views into effect. Judging from the action with reference to the carpet wools and carpets, there is more chance of securing tariff revision without a report of the Tariff Board than there is with one, inasmuch as the changes in yarns and fabrics are very much less than those made in carpets. The Tariff Board has suggested neither the facts as to the manufacture of carpets nor as to the production and use of carpet wools, nor has it made the slightest recommendation with reference to methods of levying duties upon carpet wools or the carpets made of them.

Now, excluding carpets, on which we agree, excluding raw wool and making a computation of what you have done in this bill as shown by the imports of last year, the imports of manufactures for last year, excluding carpets and wool, amounted to $14,900,000. The duties were $14,000,000. The equivalent ad valorem rate under the present law is 94 per cent. You make it under your bill 71.83 per cent.

Instead of making a reduction to the American people on the things that they actually wear, the things they carry on their backs, of 40 per cent, you make a reduction of the difference between 94 per cent and 71 per cent, or 23 per cent. That is the truth. That is the real fact in the case.

On the other hand, our bill works out 41.88 per cent. Here is an analysis of these facts.

Statement showing the value, duties, and equivalent ad valorem rates of the imports of 1911 for wool and manufactures of, exclusive of carpets, together with estimated equivalent ad valorem rates for the Payne proposed bill and House bill 22195.

Items.	Imports of 1911 (act of 1909).			Estimated equivalent ad valorem.	
	Value.	Duties.	Equivalent ad valorem.	Payne proposed bill.	Underwood bill (H. R. 22195).
			Per ct.	*Per ct.*	*Per ct.*
Manufactures of wool.....	$14,903,344.63	$14,084,292.88	94.54	71.83	41.88
Wool and manufactures of..	44,475,603.15	26,507,147.79	59.73	35.79	30.15

On wool not on the skin, which constitutes about 96 per cent of the wools taxed by the proposed Payne bill, the reduction is from 45.69 per cent to 30.06 per cent, while the Democratic bill makes a reduction on this class of wool from 45.69 per cent to 20 per cent ad valorem, or a reduction of 56.23 per cent.

On manufactures of wool, your proposed bill makes a reduction from 87.65 per cent to 65.11 per cent, or 25 per cent, while the Democratic bill makes a reduction from 87.65 per cent to 42.55 per cent, or a reduction of 51.46 per cent. [Applause on the Democratic side.]

The CHAIRMAN. The time of the gentleman from Alabama has expired.

APPENDIX.

[House Report No. 455, Sixty-second Congress, second session, part 1.]

TO REDUCE THE DUTIES ON WOOL AND MANUFACTURES OF WOOL.

The Committee on Ways and Means, to whom was referred the bill (H. R. 22195) to reduce the duties on wool and manufactures of wool, having had the same under consideration, report it back to the House without amendment and recommend that the bill do pass.

H. R. 11019 REINTRODUCED.

Except for the change in date of effectiveness and the correction of minor clerical errors, this bill, H. R. 22195, is identical with H. R. 11019, introduced at the first session of the present Congress. Downward tariff revision was the chief issue in the 1910 campaign. The overwhelming manner in which the Democratic Party was given the control of the House of Representatives in the election of that year severely repudiated the Republican failures at tariff reform in the Payne-Aldrich Act of 1909 and plainly instructed the Democrats to proceed at the earliest practicable moment with a downward revision of the tariff. Hence it was that upon the convening of the Sixty-second Congress in the special session of April 4, 1911, this committee at once applied itself to the work of revising Schedule K in an effort to make immediately effective the mandates of the people with regard to tariff revision.

The bill H. R. 11019 was the result of elaborate and painstaking investigations by the committee, during which was assembled and examined all the information available with regard to the production and manufacture of wool. The rates of duty worked out by the committee and embodied in H. R. 11019 were fixed without any reference whatever to protection, but with an intent to reduce the "indefensible" rates which have been so long a burden to the consumer and with the only other view to producing the necessary revenue from this schedule.

A modified form of H. R. 11019, carrying slightly increased rates of duty, was passed by the Congress, submitted to the President of the United States, and vetoed by him on August 17, 1911. The veto was defended on the ground that the Tariff Board had not completed its investigations of Schedule K. In this veto message the President quoted from his message to Congress of December 7, 1909, as follows:

"I believe that the work of this board will be of prime utility and importance whenever Congress shall deem it wise again to readjust the customs duties. If the facts secured by the Tariff Board are of such a character as to show generally that the rates of duties imposed by the present tariff law are excessive under the principles of protection as described in the platform of the successful party at the late election, I shall not hesitate to invite the attention of Congress to this fact and to the necessity for action predicated thereon."

In his veto message of August 17, 1911, the President also said:

"When I have the accurate information which justifies such action I shall recommend to Congress as great a reduction in Schedule K as the measure of protection, already stated, will permit. The failure of the present bill should not be regarded, therefore, as taking away the only chance for reduction by this Congress."

In its report on H. R. 11019 (H. Rept. No. 45, 62d Cong., 1st sess.) the committee said:

"It would be trifling with the people to give further consideration to Republican counsels of more delay in this matter, whether with regard to statistical data concerning cost of production, promised at a future date, or for any further reason."

Notwithstanding this conviction, the Democratic majority of the House of Representatives, impatient to respond to the demands of the people for a speedy revision of a schedule of indefensible rates, was forced to delay further effort in answer to the protests of the American people.

In his message of December 20, 1911, the President said:

"I now herewith submit a report of the Tariff Board on Schedule K. The board is unanimous in its findings. On the basis of these findings I now recommend that the Congress proceed to a consideration of this schedule with a view to its revision and a general reduction of its rates."

The committee has made a careful analysis of the report of the Tariff Board in order to interpret the findings and to discover in what particulars the committee's bill, H. R. 11019, was defective or failed to adjust the duties in an equitable and proper manner. This analysis has failed to reveal anything that requires a single change in the rates fixed in H. R. 11019, and the committee is constrained to present again the results of its investigation of last summer, as embodied in the bill presented to the House at that time.

Apparently the only real effect of the 12 months' delay in the revision of Schedule K, based upon the necessity, as stated by the President, of awaiting the report of the Tariff Board, has been to allow manufacturers another year of excessive rates and to compel the people to pay for their woolen clothing during the year about $50,000,000 more than they would have paid under the rates of H. R. 11019.

As shown in the analysis, the data of the report of the Tariff Board have been found to be diffuse and unsystematic, to present insignificant findings, and, as stated, to afford the committee no valid reason for any change in its recommendations of last session with regard to the rates of Schedule K.

ANALYSIS OF TARIFF BOARD'S REPORT.

SCOPE OF ANALYSIS.

The following discussion of the Tariff Board's report on Wool and Manufactures of Wool is divided into three parts: (1) The general character of the report on wool and manufactures of wool (pp. 5–8); (2) the circumstances under which it was prepared, its characteristics, and the general features which entitle it to confidence or the reverse (pp. 9–32); and (3) an interpretation of the board's report, and an attempt to apply it to the tariff situation (pp. 33–66). The three parts of the discussion are necessarily independent of each other. In considering the broad question of tariff revision, a decision must first be reached as to the acceptance of the so-called cost of production theory as a basis for such revision. Conclusions on this point are made in the first part. Again, if the cost of production theory is acceptable in the abstract, or may conceivably be made so, the question remains whether the report is worked out from the statistical standpoint thoroughly and carefully so as to present trustworthy results. Finally, independent of the conclusions reached on cost of production in the abstract, and whether or not the report is satisfactory in its technique, the question will remain as to what actual significance regarding tariff duties is to be given it granting, for the sake of argument, that its conclusions are accepted.

COST OF PRODUCTION THEORY.

The greater portion of the report consists of a study of what is called "comparative cost of production" of wools and manufactures of wool in various countries, the chief stress being naturally laid upon conditions in the United States. The report deals exclusively with this subject, if the language be so interpreted as to include matters which are ancillary to cost of production in the narrow sense of the term. While the report contains considerable descriptive and other matter such as quotations of prices and the like, these are contributory to the analysis of cost and are evidently intended merely to enable readers to make use of the cost figures more intelligently.

It is, therefore, fair to note at the outset exactly what is meant by using the cost of production theory as a basis for adjusting tariff duties, and what validity it has as a practical guide to legislation. By cost of production the board invariably understands money cost of production, or, as some economists have expressed it, "money expenses of production." These expenses of production are ascertained in various ways and for various products in the several countries studied, and comparisons are then drawn between the figures thus secured.

In passing upon the validity of this mode of procedure, it is necessary to review some familiar economic reasoning.

The view that the proper basis for tariff duties is found by comparing money costs of production rests upon the opinion that money costs represent the relative degrees of sacrifice involved in turning out commodities of a given kind in various countries. For instance, if it be assumed that a given unit of a certain commodity can be produced in England for $1, or the equivalent of that sum, while in the United States the money expenses of production are $1.25, it is necessary to have a tariff duty equal to the difference in these money expenses of production, or certainly to the difference in money expenses minus the allowance for variations in freight rates, in order to place the producers in the two countries upon an equal market footing. If this is not done, it will be possible for the producer in the country where money expenses are lowest to drive out of business the producer in the country where money expenses are highest. This assumption is based upon an erroneous view of international trade, and finds no warrant whatever in economic reasoning.

RELATION BETWEEN PRICES AND COSTS.

In certain classes of goods prices or selling values are fixed not by the cost of producing at the point of lowest cost but by the cost of producing at the point of highest cost. This is true of every commodity subject to the law of diminishing returns. In the case of such commodities, the price is fixed ultimately by the cost of producing that portion of the supply brought into existence under the least favorable conditions, provided that all portions of the supply are necessary to satisfy a given demand. Thus, if the price of wheat is 75 cents a bushel, wheat will command that figure regardless of whether it is produced at 25, 50, 75 cents, or $1 per bushel. The price is fixed by a comparison of demand and supply, and cost of production merely affords one of the limits which ultimately determines the range of prices. This is a familiar condition in connection with agricultural commodities, in which production continues on unfertile lands, though very much better soil may be in use. The better soil does not drive the poorer out of cultivation, unless there is so much of the better as to render it unnecessary to cultivate the poorer soil. Where soils of different grades are employed, the price of the product has nothing to do with cost of production, but is determined by the cost of production of the most expensive unit of the desired supply. In these cases a study of the difference in cost of production would have no relation whatever to the amount of tariff needed to protect industries in one country against the competition of those in another.

The production of numerous commodities is carried on in countries having a much smaller natural aptness for them than do others, because the latter, which might compete successfully with them, have a far greater advantage in producing some other commodity. Thus, if State No. 1 can produce both corn and wheat more cheaply than State No. 2, it does not follow that it will do so. If the former's advantage in the production of wheat is disproportionately greater than in the production of corn, it will devote attention chiefly, or wholly, to wheat—the commodity in which it has the greatest surplus of productive power. In this case a study of the difference of money expenses of production will throw no light whatever upon the amount of tariff needed in order to equalise conditions of production. There are numerous instances in which a condition of this kind exists—a country

having the decided advantage in a certain commodity, but producing it only to a very limited extent, because there is so great a field for its capital in other directions. In such cases the fact that the money cost of producing a given article in the country of great advantage is lower than in the least favored country does not prove the necessity of a tariff duty upon this article in the less favored country, because the more favored will not produce it to any considerable extent in any event.

Even in those instances where two countries are extensively engaged in producing a manufactured article, whose price is determined by cost of production under the most favorable conditions, as is the case with many largely manufactured articles, such as shoes, cloth, and the like, a difference in money cost of production does not necessarily indicate anything as to comparative competitive power. That it may do so there must be an ascertainment of the relative efficiency of labor and the extent to which given money expenses are the result of already existing tariff duties. If expenses of production have been rendered higher by tariff duties, so that the cost of producing an article is enhanced by tariff duties on the raw material, the fact of higher money expenses of production does not necessarily indicate inferiority in productive power as to that particular article.

VARIATIONS IN COSTS.

Beside these considerations, in every country there is a great range of difference in cost of production. Scarcely any commodity can be said to have a uniform cost of production. There is more difference, as a rule, between different factories in the same country than there is between the best and poorest factories in one country and those of corresponding grades in another. This has been amply illustrated by the work of the Tariff Board. In its report on pulp and paper the board found little difference in money cost of production between the United States and Canada in the best mills, but it did find very great difference between the best and poorest mills in the United States. The indication would have been, therefore, that while protection was not needed by the best factories in the United States against Canada, it was needed by the poorer factories against the better factories in the United States, but not against those in Canada. Owing to this variation in cost of production within the same country, it is not possible to compare in exact terms the productive power of one country with that of another.

Only averages can be taken, and these show nothing whatever as to any given case. The cost of production theory in order to mean anything must be qualified by provisions showing whether it is intended to apply to differences between the best factories in two countries, or the difference between the poorest factories in one country and the best in another. Otherwise it will indicate nothing, even upon its own theoretical basis, since a tariff which would protect the best factory in one country will not protect the poorest factory there or, perhaps, the average factory. A duty which will equalize the average difference in cost of production between two countries protects no one, since it is more than is needed by the most efficient producer and less than is needed by the least efficient producer.

Even if it be granted that an ascertainment of differences in money cost of production—whether highest, average, or lowest—would furnish a guide to the proper amount of tariff duty needed for protective purposes, the problem would remain whether money expenses of production could be ascertained in such a way as to render the method available. Experience, as well as theoretical considerations, show that this is not the case.

COSTS NOT ASCERTAINABLE.

The following are some of the reasons why costs are not obtainable:

1. In getting at money expenses of production they must be ascertained from books designed to show manufacturing costs. No uniformity exists in methods of cost accounting, and many factories do not employ any cost-accounting system Cost figures obtained without cost books are of very little service. Such figures obtained from sets of books which are kept in a different way are equally of little service. This condition exists in the textile industries to a very great extent—a condition admitted by the Tariff Board throughout their report.

2. Even if money costs could be actually ascertained in an unquestionable manner and upon a comparative basis, they must be obtained not from one competing country but from every competing country, so that the average extent or scope of competition might be known against which the United States must exert its energies. It might very well be that one country would have a low-money cost of production, but this would be of little significance, as that country could not indefinitely increase the amount of its production.

3. Even if the facts could be accurately ascertained for all competing foreign countries, the figures would be of little service as a guide in fixing tariff duties, because it would not be known in any given case whether such costs afforded the basis for fixing prices. Wherever monopoly conditions obtain, wherever the export-price system exists, and wherever patents are an important factor in production, the mere ascertainment of the cost of production is of little importance. It is far more significant in such cases to know the range of actual selling prices over a long period.

4. Inasmuch as differences in money cost of production have no particular significance unless they correspond to relative sacrifice of labor and capital, and inasmuch as they do not thus correspond except in countries whose price levels are about the same, there is no safe conclusion to be drawn as to the extent to which a country possessing a low-money cost will be able to undersell or compete with a country subject to a high-money cost.

FUTILITY OF INQUIRY.

For these reasons the effort to obtain detailed money costs of production as a basis in fixing rates of duty must be considered futile, even if it could be successfully carried out in the inclusive way spoken of. While it is perfectly true that manufacturers are always eager to know the cost of production in the plants of their competitors, they are not desirous of giving their own, because they recognize the fact that unless they can keep costs down to an average level they are likely to be displaced. In international trade the question of competition is not raised between individuals, but between groups of individuals, in the two countries. This is, therefore, an entirely different proposition and one which has comparatively little reference to the question of money cost of production. When the statement is made by advocates of the money cost of production theory that a duty is desired which will not only equalize costs, but also allow for a margin of reasonable profit, the difficulty is intensified. At all times there are some producers who may be carrying on business at a loss. If it be intended to have the duty sufficiently large to enable the poorest producers to obtain, theoretically, a reasonable profit, an excessively high rate is indicated, and this allows the more efficient factories to get very much more than their reasonable profit.

The situation is clearly brought out in the case of railroad rates, where the effort is to fix the rates upon a reasonable basis; yet this almost invariably results in giving to the well-built and efficiently managed roads too large a margin of profit, while it does not give sufficient margin to those overcapitalized, badly constructed, or inefficiently managed. The addition of a reasonable profit over and above the difference in the cost of production very greatly complicates the problem and renders what was already impossible in theory positively absurd in application.

REPORT NOT A TARIFF DOCUMENT.

Probably the most striking feature of the report of the Tariff Board is that it contains little with reference to the tariff. It is primarily an analysis of the money expenses involved in the production and manufacture of wool. With the exception of a brief section relating to the question whether raw-wool rates should be levied on an ad valorem or specific basis, and with the further exception of the study of shrinkage in wool which is presented as ancillary to the question of ad valorem or specific rates, the report has nothing to say respecting the tariff and its effects either upon capital or labor, or upon the consumer as he is affected by prices of goods. The report as now published and before Congress consists of four volumes. The first is a so-called "glossary," in which are given explanations of the meaning of terms used in connection with tariff legislation, production, importation, consumption, and the like, for the United States and other countries. The second volume includes a study of the cost of producing raw wool, the third a study of manufacturing costs in the woolen industry, and of costs or outlays in the ready-made-clothing trade.

The fourth volume undertakes a study of wages and efficiency in the woolen and worsted business of the United States. At a later point occasion will be taken for a more complete analysis of certain portions of this report.

VALUE OF REPORT.

Volume 1, containing the message of the President, letter of submittal, summary of findings, and glossary, will undoubtedly be of use in explaining to the public the significance of the existing tariff and of the terms used in it. The volume probably contains little that was not already available to any Member of Congress who chose to avail himself of the facilities at his command. It is essentially a clerical or library compilation from printed sources, and as such affords little of service to the practical legislator other than its convenient form.

Volume 4, wages and efficiency of labor and machinery in the United States, treats a subject which has already been exhaustively discussed by the United States Immigration Commission in reports on the woolen industry, and the Tariff Board undoubtedly drew upon this source. Whatever may be the intrinsic value of this volume and however serviceable it may be to students for reference, as a contribution to tariff discussion at the present time it has no value, because it does not contain, or profess to contain, comparative material on efficiency in foreign countries. It deals only with American conditions. Taken in a general way, as showing the status of labor in the woolen and worsted industry, it is less comprehensive than the reports of the Immigration Commission. The board has carried the study of earnings in some instances to a more advanced point than the report of the Immigration Commission, yet this has not materially contributed to the usefulness of the report. This refers particularly to the question of wages per hour, per unit of product, etc., data for which are not found in the Immigration Commission's report, but which, whatever may be thought of them, can not aid now, because of the entire lack of comparable data.

Volume 3 contains a discussion of manufacturing costs, tops, yarn, and cloth, and ready-made clothing. About one-fourth of the volume is devoted to a study of ready-made clothing—a subject fully covered by the Immigration Commission in a report prepared at great expense which has been available for some time. The ready-made clothing report of the board contains an analysis of cost by sample or specimen pieces of clothing, of which a more complete discussion will appear later. But, without going into the question of the ready-made clothing inquiry at present, there seems to have been no good reason for devoting to this subject the attention given it by the board. The principal discussion has related to the duties on raw wool and manufactures of wool. The rates of duty on ready-made clothing have been of relatively little importance. Our imports of that article have not been large, amounting to only $1,776,236 during the fiscal year ending June 30, 1910, and would not have been large in any event on account of differences in style. As the board itself points out, the industry is highly competitive, and may be regarded as a minor factor in the tariff issue.

Apparently the chief reason for this inquiry was the opinion that it would show the cost of woolen goods to be but a very small factor in the cost of ready-made clothing. Waiving this issue for the present, it may be concluded that, so far as the question of tariff rates on wool and manufactures of wool is concerned, that part of the board's report which relates to ready-made clothing is largely irrelevant.

SIGNIFICANT FEATURES OF THE REPORT.

Those portions of the report which have a bearing upon the immediate question before Congress and which should be studied in relation to the problem of the tariff are comprised in Volume II and in the first half of Volume III. Included in these volumes is much that has no immediate bearing on the subject. The "Notes on sheep ranching in the West," for example, are fragmentary and contain no direct references to comparative costs that throw light upon the tariff. In the second volume of the board's report, which deals with raw wool, the material deserving of consideration is comprised within pages 300 to 541, a total of 241 pages, while in Volume III, on manufacture, the significant portions are included in the 223 pages between pages 619 and 842. Even on the pages quoted there is much that has only a very general bearing upon the subject of industrial costs, and of this a rather large proportion has been previously published either in this country or abroad, thus being already available to those who might wish to examine it; in many instances material so published was already in the files of the Ways and Means Committee. Practically all of the material as to prices, imports, exports, and foreign conditions was readily available, as was also a large part of the information on shrinkage.

COSTS OF CAPITAL AND NATURAL AGENTS.

Throughout its investigation of costs of production, the Tariff Board apparently considers the maintenance of the existing tariff, or something approximating it, fundamental and necessary. Thereby it adds very greatly to the "cost" stated as representative of the necessities

of the American wool and wool-manufacturing industry under existing conditions. This is an error which runs consistently throughout the whole report and which needs to be considered very carefully in order to realize the far-reaching character of the modifications which it involves.

Fundamentally, the mistake of the board in considering the tariff as a permanent feature is found in the attitude it adopts toward the cost of capital and of natural agencies. Starting with the raw-wool industry, the board regards the cost of land or the price paid for the use of it as an integral element in wool raising. In Volume II (p. 309), under the head "The problem of land values," the report says that in some regions "the sheep owners possess but little land, often only enough to give them control of water rights, etc., while in other parts the land owned by them represents a large investment and occasions a heavy charge against the sheep; but all the flock owners depend to a greater or less extent on land which they do not own."

In getting at the method employed in dealing with this question of land values, the board allows a charge against the sheep designed to cover the grazing value of the land. This allowance "has been determined on the basis of prices actually paid for the use of similar land leased or rented in the same region." It is apparently included in the estimates of cost under the head of "Miscellaneous expenses." Here is a mistake similar to that made by the board in its report on pulp and paper. The value of land, whether estimated as a lump sum, as a rental, or partly, as in this case, a grazing value, is determined solely by the demand for the products of the land and the consequent price that can be obtained for such product. A farm is worth $50 an acre for the sole reason that the products raised on the farm can be made to bring an income, which, all things considered, will pay interest on $50 per acre. Grazing land leased for the use of sheep owners will bring 20 cents an acre merely because of the fact that the sheep are there and there is a demand for the land, but the grazing demand is due to the fact that the industry is being carried on subject to tariff protection under conditions which enable the owners of land to exact such a charge. Reduction of the tariff would eliminate this payment so far as based upon a fictitious or artificially established value.

In the case of pulp and paper, it was found by the board that one reason for the high cost of paper in the United States was the fact that paper makers charged themselves the prevailing rate for pulp wood, and so recorded this charge on their books as an element in cost, notwithstanding that the woodlands were owned by themselves and had been bought years ago at a low figure. They increased in value merely because the scarcity of wood produced by excessive tariff protection rendered it impossible to get the wood without paying an abnormally high price, which in turn raised the value of the land. This enabled the paper manufacturers to claim that the high price which they paid themselves for the wood was really no more than was necessary in order to pay the interest on their investment in the woodlands. It was a clear case of the use of the tariff to maintain an artificial or monopoly value. A somewhat similar condition is seen in the allowance for grazing cost which is included by the board as an integral part of the cost of raising wool. No progress can be made in studying the tariff problem so long as this point of view is adhered to, for the very basis of the argument assumes the continued recognition of artificial values of capital and natural agents from the very moment they are established through the imposition of an excessive duty.

TREATMENT OF IMPROVEMENTS.

The kind of error just discussed is also seen in the treatment by the board of improvement and equipment. The board has ascertained the value of improvements apart from that of the land and then allowed a 10 per cent depreciation. It points out (p. 310) that many articles of equipment depreciate rapidly on account of their nature or carelessness in their use and there is good reason to believe that carelessness has been of much importance in raising the cost of wool production in the United States. Highly protected as the industry has been, producers have not exercised the same moderation in investment nor have they kept the industry upon the careful business basis that foreign countries have. This is borne out by the board's addenda on sheep farming in the various wool-raising sections of the country (pp. 545–616 in Vol. II). In the notes on sheep farming in the Western States (pp. 593–608), conditions are indicated which show that the industry is not upon the same businesslike basis existing in foreign countries. In many instances the business is not under the personal management of the owner, and the result is a large advance in cost of production because of the expensive methods of conducting the enterprise. The same situation, probably in an aggravated form, is found in the more eastern districts, where the raising of sheep is frequently a side issue and no serious attention is given to carrying on wool raising upon a well-organized footing.

This means that the allowances made by the board for investment, equipment, etc., do not afford a good guide to the real cost of production, inasmuch as they fail to show conclusively that such costs are the lowest that can be secured. There was the same situation in the paper industry where much of the cost of capital was due to the fact, there clearly set forth, that the machinery employed in many mills was obsolete in character and therefore cost much more to run than did that in the more recently built mills. Canada's advantage over us was found to be in part due to the fact that as the industry was more recent with her, nearly all of her mills had installed modern machinery. Likewise the tariff has guaranteed a home market for wool, and practically closed it to outside wool so long as any domestic product could be offered in competition, so stimulating and confirming wool raisers in careless and uneconomical methods of doing business, whereas under more competitive conditions they would have cut their costs at all points where reasonable savings could be made.

In this connection it is worth while to note that in Texas, New Mexico, and Colorado, where the industry is presumably upon a decidedly commercial basis, the laborers required in carrying it on can be employed, according to the board (p. 593), "at very reasonable rates," the laborers being largely Mexicans. In California, Mexicans and Basques are largely employed, and in not a few other States foreigners are engaged in the work at low wages.

The alleged higher cost of investment and equipment can not be explained by a larger amount of capital needed on account of excessive sums tied up in wage payments, but must be explained in the way already indicated. The board makes something of a point of the fact that no allowance is made for interest on capital invested. It is a fact, however, that every other possible allowance is made for capital used and, as thus indicated, is made at a high rate.

ERRONEOUS FIGURES ON MANUFACTURING.

The error of constantly regarding the tariff as a necessary factor in cost is found when the industry is studied from the manufacturing standpoint. There the tariff element is allowed to figure in connection with the cost of building and equipping a mill, which is found to be very much higher in the United States than abroad, amounting probably to double the outlay necessary there for that purpose. The report states (p. 705) that "a very important element in woolen and worsted manufacture is the erection and equipping of the mills and the comparative cost in the United States and abroad." It then furnishes detailed estimates of comparative costs, contrasting the United States and England. Differentiating between buildings, machinery, fire protection, equipment of all kinds, etc., a woolen mill with 14 sets of cards is found to cost in the United States $506,941 as against $339,854 in England, a higher cost in the United States, according to the board, of about 49 per cent.

In the case of a worsted spinning mill the increased cost rises to 67 per cent and in case of a worsted weaving mill to 43 per cent. The board admits that the machinery needed, when landed on the wharf in this country, will cost from 60 to 65 per cent more than in England and that about 87 per cent of all machinery is imported. As the machinery represented about one-third of the total cost of building and equipping the plant, this item alone accounts for much the greater part of the additional expense of a fully equipped plant. The tariff on machinery is thus allowed to figure as a fundamental proposition in the cost of carrying on the industry; nor do we find any suggestion or estimate as to how much would be saved to the business if this entirely unnecessary element of expense should be eliminated. The fact that this element of cost, due to excessive outlays for fixed capital caused by high-tariff duties, is cumulative and runs throughout the estimates of the board can be realized by an examination of the tables in the report. Although there is no explicit statement that the cost of production is figured upon a basis which recognizes this outlay as permanent, it is plainly conveyed in the statement that the higher cost in the United States for machinery and buildings is a "very important element" in the outlay called for.

LABOR COSTS.

Analyzing the problem of labor costs in the United States and elsewhere for the various products which are taken under consideration, accuracy can be secured only by investigations covering a considerable period of time. The board, however, has obtained either costs, taking them from the books of the mills, for comparatively short periods, or else estimated costs on samples. These methods of working imply that it has not been positively known whether the amount laid out for labor represents approximately a normal percentage of total cost. Very large variations in the costs of different classes of products are found by the board. These are frankly explained on the ground that in some cases the mills were running full time, while in others they were not.

Where they were not running full time, the labor cost was necessarily a different percentage of the total than when the mills were running full time. In the latter case a larger sum of money was paid in wages and a larger number of units of product were manufactured than in the former, yet practically the same sum in each instance was expended in overhead charges, rent, interest, fixed expenses, etc. Thus, the relation between overhead charges and labor cost was materially altered, and the percentage of labor cost to total output was necessarily made to appear different in the two cases. The board states that in order to meet this difficulty it adopted the plan of assuming that mills were running on full time with a normal total output.

Such an assumption is not necessarily correct, and leads to serious errors which could be avoided only by securing costs over a normal period of actual production. In England, where the costs for tops, yarns, and cloths were obtained almost entirely by the sample method, it was, of course, impossible to know anything about the relation between the cost on a basis of full-time production and that on part-time production. On the assumption that mills were running on full time the tendency is to lessen the percentage of labor cost in the product, provided the figures extend over a period long enough to show the actual relationship between labor cost, capital, and material cost. That is to say, if costs were obtained from a mill running full time, other mills working only part time being disregarded, labor cost would undoubtedly be shown as a relatively smaller allowance per unit of output. Where, however, costs are figured on the sample basis, the assumption that the mill ran more time than it actually did, necessarily implies the payment of a larger sum in wages than is actually the case, while outlays for fixed expenses remain the same in the one instance as in the other. The abstract relationship between outlays for fixed capital and outlays for labor, on a basis of full-time production, therefore, tends to increase very materially the percentage going to labor.

Thus assume, for example, that a given sample of cloth is presented to a mill making it, and the mill is asked to furnish costs relating to the sample on the basis of a day's production. It may be assumed that the capital cost or fixed charges of the plant for a year are represented as 300, while labor costs are represented as 500, and raw materials as 200, a total of 1,000 units of outlay. In this case labor outlay constitutes one-half of the cost of operating the plant over a specified period. Now, assume that these figures are obtained as result of experience, which shows that the mill is idle one-fifth of the time. If the mill ran full time there would be a corresponding increase in outlay for raw material and labor, but not for capital costs. Now, if samples were used as a basis for cost analysis on a specified date, the relative proportions of labor, raw material, and capital costs would be different from those which would exist when a period of idleness was involved. The labor cost would assume a much larger proportion of the total expense than it would under the other circumstances. Throughout the board's figures there is an effort to give labor costs in some detail and to make it appear that the differences in labor cost between, say, England and the United States are an important reason for differences in cost of production. Thus figures are frequently submitted to show the importance of labor cost and the fact that labor is much more expensive per unit of product in this country than it is in England or the Continent.

RAW-WOOL SCHEDULE.

In preparing the figures showing cost of raw wool the board has adopted the plan of ascertaining value of improvements and equipment, depreciation, losses, expense of operation, and receipts. Then the receipts are deducted from expenditures and the remaining balance is divided by the number of pounds of wool secured from the flock to which the expenditure applied, the result being a figure designated as the net charge against wool per pound. This is then taken as the basis for estimating the competitive position of the woolgrower. It is evident that anything which would alter the allowance for expenditures or the receipts would materially alter the ultimate figure used as the net charge against wool. This calls, therefore, for a careful analysis of the

sources of income and expenditure with a view of ascertaining how far different elements are of importance in connection with the conclusions arrived at. Such an analysis shows that the chief items of receipts are those from wool, and "from other sources." A comparison of the figures shows that in very many cases the receipts "from other sources" are much larger than those from wool. Consequently, there is a much larger opportunity in these instances for varying the income through changes in prices affecting other classes of products than changes affecting wool.

For example, in Table 18 (p. 364), which gives the results of a study of about 30,000 pounds of wool in the Ohio region, the total receipts "from other sources" were $11,326, against receipts from wool of $6,859. This made a total of $18,185, of which more than 60 per cent came "from other sources." Thus it is clear that slight changes in the price of mutton, alterations in freight rates, and the like might fundamentally alter the net charge against wool at almost any time. In other words, the showing of net charge made by the board, however correct it may have been at the time it was computed, is not correct for any other date, and is subject to modification and alteration of an extensive character.

INVESTMENT IN FLOCKS.

Although the board gives the cost or net charge against wool without reference to the allowance for capital, or, as they express it, "interest not included," the amount of capital invested per head is given in the form of a series of estimates (pp. 315–325). These show wide variations in the amount of investment, and the rate of income on capital is figured upon the basis of the capital per head, as shown in the column which has that caption. It is clear that the conclusions to be drawn as to the percentage of remuneration now being received by the woolgrower are based upon this statement as to the amount of capital invested. This explains why the returns of the board show, in many cases, so low a relative lack of income, or even a distinct loss which is presented as a minus quantity in the column headed "Rate of income," and which seems disproportionately great because of supposedly large investment.

The question of the degree of correctness of the figures concerning the capital invested per head is, therefore, of considerable interest, if a fair conclusion as to the degree of profitableness of the industry is reached. The board states (p. 313) under the head of "Income on investment," that "the investment per head of sheep has been determined by dividing the total investment, exclusive of lands, by the size of the flock. The investment in land has been excluded because of its widely varying significance in different sections and even among flock owners of the same section." To this is added a statement that "in the western United States the prevailing rate of interest varies from 8 per cent to 10 per cent; in Australia from 4 per cent to 6 per cent, and in South America from 5 per cent to 6 per cent." This is an apparent effort to show that the cost of getting capital in the United States is higher than either in Australia or South America.

An important feature of the discussion is the fact that the valuations assigned to the capital invested are, in many cases, necessarily estimates, based upon the worth of certain elements of capital, as valued from the standpoint of earning power. The large investment of capital in the sheep industry is, therefore, more or less the result of estimate or imagination. It is dependent upon the return that could be realized by the use of the capital supposed to be employed there if it were to be turned into some other channel. Very little attention need be given, therefore, to the question of the rate of return on capital invested in the sheep industry, particularly as the figures given by the board show a variation from losses of 25 per cent to profits running as high as 35 and 40 per cent.

ANALYSIS OF EXPENSES.

The expense of raising wool is figured under different groupings already suggested, including miscellaneous costs and costs of labor, forage, shearing, and selling. A study of the tables (pp. 315–332) indicates that expenditures for labor were in many cases a very small percentage of the total outlay, while expenditures for forage, although sometimes greater than those for labor, were also a relatively small percentage. Thus, a summarization of Table III (p. 318) showed for 807,775 sheep, yielding 5,459,088 pounds of wool, a labor cost of $494,498, a forage cost of $311,731, and a miscellaneous expense of $754,784, or a total expense of $1,561,013. This shows that about one-half of the expenditures figured in the raising of wool are not specified for the several flocks reported, but are grouped as miscellaneous. Such a condition is found generally throughout the tables of the report. That being the case, it is not possible to form an accurate idea of the methods employed in securing the results, since it is not practicable to determine how the miscellaneous expenses have been made up, or how far the items included are correctly computed in the various cases studied. The danger in the situation is seen when the board attempts to work out the net credit to or the net charge against a pound of wool.

So wide a discrepancy would be obtained by changes in the forage figures, designed to adjust the cost to forage prices on the farm, and to market prices, that the board feels constrained to present two series of estimates, one showing the net charge against wool on the basis of the market price of grain and hay, and the other the net charge against wool when the grain and hay used have been taken at the average cost of production of such grain and hay. The theory in the first case is that, since the farmer could sell his grain and hay at the market price, he should be allowed such market price when he used them in his sheep-raising enterprises—a theory which was accepted by the board in connection with the wood-pulp and paper inquiry. The other view is that the charge for grain and hay should be on the basis of average cost, inasmuch as the cost of raising sheep is a continuous process, and the grain and hay produced on the farm are merely items in that process, and might or might not have been sold at the actual market price.

The fact is that not all farmers either buy or raise the whole of the forage they need, but they buy some and raise some, so that the question of actual cost of these items in the production of sheep can not be correctly measured on either basis. Nor can it be correctly ascertained by averaging the two, since there is no basis for arriving at such an average. It must be concluded, therefore, that the figures of the board leave the inquirer uninformed as to the proper basis of charge against wool for cost of production, since they do not establish any basis for figuring the actual cost of production in such a way as to bear analysis. This alone indicates that the presentations made by the board can not be regarded with confidence. That the board has taken the net charge against wool as established on the basis of cost of production of grain and hay does not necessarily show that the cost of production has been underestimated, since it is not known how the cost of production of such grain and hay was established. So far as can be ascertained, the board throws no light upon the plan followed in computing this result. The only explanation afforded on this point is as follows:

"The value of the harvested crops fed to the sheep has been estimated in two different ways. * * * By the method commonly used by most farmers the sheep are charged with the market value of the crops as representing the price which they would have brought the owner had he sold them and which he would have had to pay had he been obliged to buy them. Probably most of these flock owners, however, grow such harvested crops as they feed to their sheep, and since the allowance of the market price may involve either a profit or a loss on their production it is deemed fairer to use the actual cost of growing the hay and grain in order to eliminate intermediate profits or losses. By this method the sheep are charged only with the cost of raising these crops in the locality concerned during the year under consideration. This was determined by an investigation by the Bureau of Statistics of the United States Department of Agriculture, and the figures so compiled are used in the subjoined tabulations."

Unfortunately it is not possible to judge of the accuracy of the statistics given by the board without knowing the method pursued in estimating the cost of production. No data are furnished in this connection.

If, however, it be true that the board has obtained the correct cost of producing hay and grain, the profits in farming must be very large (if market prices are correctly stated). Computing the expense of wool production at the market price of hay and grain, 37,734 pounds of wool given in Table 18 (p. 357) would average 58 cents per pound, while computing it at the average cost of production of grain and hay it was found to be 40 cents per pound. This would be a difference in the net charge of 45 per cent. If a shift from cost of production to market price, or vice versa, which affects expenses covering only one-fifth of the total outlay, could produce so great an alteration as this in the costs, a presumption of serious doubt is raised as to the accuracy of the figures.

FAILURE TO SEPARATE WOOL COSTS.

It has already been noted that the board has not definitely separated wool costs from the other costs involved in sheep raising. This is frankly admitted by the board in connection with the figures supplied as to the net charge against wool. It is stated (p. 313) that "we have considered wool as the chief product and the receipts from mutton are offset against costs." Again (p. 318), "The receipts from wool, minus the net charge against or plus the net credit to a pound of wool, constitute the net income of the business; and the percentage which this sum bears to the capital invested is the rate of income on the investment." It is clear from this that any cause which changes the selling price of mutton necessarily changes everything that has been stated with respect to the cost of wool, which is thus made dependent not upon actual money costs but upon the market prices realized for an entirely distinct commodity which is necessarily raised in connection with the wool, the cost of which is in question. The analysis made by the board in this connection implies two distinct features of the situation which should be considered in ascertaining the meaning of its figures. (1) The board's study shows that numerous changes are occurring in the United States in regard to the demand for mutton and the price received for it, and these indicate that sheep owners who are disposed to raise the mutton type of sheep can convert their industry into a much more profitable undertaking than those who insist upon raising merino sheep.

This is indicated by the fact that the crossbred sheep, returns for which were studied in the Middle West and Southwest, were found to pay the cost of the support and management of the flock before anything had been realized from wool, so that the income from wool was clear gain to the farmer. There is nothing to suggest that the same type of sheep raising should not be introduced in Ohio with a consequent reduction in the cost of producing wool. (2) The changes, according to the board, which are taking place in the price of mutton in foreign countries will inevitably alter the conditions examined there, determining the costs of producing wool. As the board states (p. 343), "the decline in the profits of wool production has, however, been accompanied by an increase in the demand for mutton, resulting from the fact that the production of pork and beef has not kept pace with the growth of population. And at the same time the development of refrigerating facilities has made it possible for the flock owners of countries which, like Australia and South America, are far from the centers of population, to market their mutton." Again the board states (p. 346), "In Australia the receipts from mutton constitute a much smaller proportion of the receipts from other sources. This is partly due to the fact that the great sheep runs of the interior are unfavorably situated as regards marketing, but in a larger measure to the fact that these growers place greater emphasis on the production of wool than on that of mutton and run their flocks accordingly."

Finally, the board says that—

"Should the industry cease to expand, the receipts from other sources would be very seriously reduced and the loss could be repaired only by developing the mutton side of the industry, which would involve modifications of the flock and the finding of a market."

It would appear, then, that in the United States there is a much better position for an increased income from the flock through sales of mutton than there is in Australia, and what is true of Australia is also true of South America. A western farmer in the United States is advantageously placed for sending his sheep to market; and for raising the mutton type of sheep, at least in certain portions of the wool region. The Australian producer of the interior is not only not very well situated for the purpose of getting his mutton to market, but he also has to bear the heavier expense of refrigeration. In addition, the mutton of the United States is protected by substantial tariff duties, against which the foreign grower, if he wishes to sell in the United States, must compete.

The inference is apparent that from the increase in prices paid for mutton the sheep industry of the United States will tend in the future to rely more and more on this element of income and less and less on that which comes from the sale of wool.

It is worth while to note that in the western, or "Territory" wool region, the States which show a very high cost of production or net charge against wool are those in which the mutton type of sheep has been relatively little developed. The board's figures indicating cost of production or net charge against wool (p. 331) show that the highest costs in the Territory region are those in Idaho, Wyoming, and Montana. The board's analysis of the composition of the flock (p. 348) shows that in Wyoming among the rams of the flocks 63 per cent were of the merino type and 37 per cent of the mutton type, while among the ewes 90 per cent were of the merino type and 10 per cent of the mutton type. In Montana 42 per cent of the rams were of the merino type and 58 per cent of the mutton type, while 55 per cent of ewes were of the merino type and 45 per cent of the mutton type. The

lowest cost of production reported by the board in this region was that for the State of Washington, where the wool was practically clear gain. In that State 82 per cent of the rams were of the mutton type and 18 per cent of the merino, while all of the ewes were of the merino type. As stated by the board:

"The importance of the merino blood in the three great wool-producing States of Australia is indicated by the following percentages:

"In New South Wales about 85 per cent of the rams and 90 per cent of the ewes are pure merinos. Of the remaining sheep, while some are pure-bred sheep of the mutton type, by far the larger part are cross-bred with a merino foundation. In Victoria, which is the chief mutton-producing district of Australia, 84 per cent of all the sheep are either pure merinos or crossbreds with a merino foundation, and in Queensland 96 per cent of the sheep are pure merinos."

Summing up, the board finds it impossible to separate costs of wool from costs of mutton, so that no positive conclusions can be drawn with reference to the future development of costs, unless both are considered in their relation to each other. Considered in that way, the net charge against wool in the future, if figured on the same basis as employed by the board, will be largely influenced by the showing made regarding mutton, consequently it is reasonable to expect an increase in advantage for the western United States over the more distant countries, from which the exportation of fresh meat is more costly and difficult.

CRITICISM OF TOP STUDY.

The data for cost of tops were obtained by the board through the use of a form, "Schedule 2, Top making," the appropriate part of which is found on pages 631–632. On this form returns were sought regarding raw wool and other stock used, etc., price per pound, total cost of stock, and cost per pound of tops. Credit for noils and wastes is then given, and a provision is made for a net total. In the second part of the schedule space is given for data on sorting, blending, scouring, carding, combing, dyeing, and general expense. This gives the total conversion cost, and added to the cost of stock gives total manufacturing cost. Pounds of material entering into each process, productive or direct labor used, nonproductive or indirect labor used, department materials used, total cost, and cost per pound of tops are shown for the items in the second part of the schedule. In assembling the data from the various schedules the board finds the first difficulty in that the data it obtains are not comparable. It notes that the term "top maker" may be used in two ways, the one applying it to a merchant who purchases raw wool and sells tops to worsted spinners. He may have a plant of his own for combing the wool or have the combing done on commission.

The second definition regards the top maker as a manufacturer who makes tops as an intermediate process in the manufacture of yarns and woolens. The difference in the two instances is that in one there may be a profit for an independent operator, while in the other there may be a loss. Another element of difficulty in the comparison is that "in foreign countries wool combing is done very largely on commission, and there are great establishments whose sole business is the turning of the wool for their customers into tops and noils for a given fixed charge." This is done only to a limited extent in this country, the more general practice being to make the tops in the woolen mill itself (p. 640). Admitting the attending difficulties, the board says that "there are certain costs which inhere in the one method and not in the other" (p. 640), while "the commission rate for combing would under normal conditions cover not only interest on the plant, but whatever profit the comber is able to make besides" (p. 640). Moreover, the board has found difficulty due to the fact that the cost of manufacture differs materially with the character of the wool. Finer wools require more careful treatment in scouring and also a slower speed of the machinery, thereby reducing the output and increasing the cost per unit. It is, therefore, as the board admits, "difficult to tabulate figures giving an average which can be taken as representative, since the variation in the qualities of tops made is so great."

A third difficulty is found in the fact that the proportion of tops and noils secured from the process differs considerably per pound of tops. Charges for commission combing in England differentiate the charges according to these relative percentages, the charge increasing as the proportion of noils increases. Again, difficulty is found in getting at costs as a result of the difference in output. In one mill the average cost for all tops (covering a six-month period) was 4.28 cents per pound, while for another six-month period in the same mill the average cost was 9.37 cents per pound. This difference was due to the fact that during the first period the output was three and one-half times greater than in the latter period, when a part of the machinery was idle and the fixed and overhead charges continued the same. The board has therefore attempted to estimate the costs so far as possible on a basis of running full time; but this must be erroneous in many instances, particularly so when the attempt is made to institute comparisons between conditions in different countries. Although the board presents (p. 642) a series of actual returns showing the cost of producing tops in this country during successive periods at given mills, it does not apparently accept this statement as representative or final. On the contrary, it states that in taking the actual figures on a large output it is impossible to separate labor costs according to the exact quality of the tops (p. 642).

On page 643 is given a table showing the cost of making a very fine quality of tops, and on page 644 is given the cost of combing in a continental plant running on fine Australian merinos and South American crossbreds. Apparently, then, the returns in this plant should have been comparable with those in the American plant or plants represented on page 643. In the latter table the cost of converting choicest Australian wool into tops was $0.0732 per pound, while in the continental plant the highest cost of combing was set down as $0.04459. In spite of this relationship the general conclusion is reached that "the cost of making tops in the United States is about 80 per cent greater than abroad," notwithstanding that the bulk of the tops discussed by the board are of the finer quality which cost only 55 to 65 per cent less to produce in England than here, the lower grades of tops being entirely excluded under the present prohibitive tariff, so that no basis of comparison can be obtained. The general criticism upon the top study, therefore, must be (1) its lack of reduction to a comparable basis; (2) its failure to get standard costs on standard qualities in the United States, or to show the cost of converting an actual sample of Australian wool, or other wool, into tops in England and in the United States. The figures on tops are, in a very high degree, variable and conjectural, being at best little more than an approximation to the facts, and practically admitted to be such by the board.

The fact that in not a few instances a variation of as much as 100 per cent in the production costs is noted, not only for a definite article in a definite place but at two different periods of time, should make it impossible to accept any of the figures given by the board for cost of production of tops as at all definite or final. There is consequently no statement about the cost of making tops that can not be paralleled by another statement from the report in support of an entirely different cost and entirely different conditions of doing the work.

INCONSISTENCY BETWEEN COSTS AND PRICES OF TOPS.

In addition to the statistical difficulties which arise because of the top costs furnished by the board, ground is afforded for doubt regarding the cost figures by observing quotations of prices given by the board in Volume I (p. 106). The board states that "there are no regular quotations of top prices in the United States" (p. 105); and then gives English quotations (p. 106). These quotations presumably afford a basis for figuring corresponding values in the United States with due allowance for duty. The quotations given for tops of specified quality are shown in the following table.

Quotations in England for tops.

[From the report of the Bradford Chamber of Commerce, published by Tariff Board, p. 106.]

Quality.	1908	1909	1910	1911[1] (January–November).
	Cents per pound.	*Cents per pound.*	*Cents per pound.*	*Cents per pound.*
Thirty-twos	14.7–24.8	20.8–25.4	24.8–27.9	24.8–27.4
Thirty-sixes	15.2–25.9	21.8–26.4	25.9–28.9	25.4–28.4
Forties	16.2–26.9	23.8–28.4	28.4–30.9	25.4–29.4
Forty-sixes	19.3–28.9	26.9–33.0	33.5–35.0	28.4–32.4
Fifties	28.4–34.0	33.0–41.6	39.5–43.6	33.5–38.5
Fifty-sixes	34.5–46.6	38.0–47.7	46.6–49.7	39.5–44.6
Fifty-eights		44.6–52.7	50.2–54.8	42.6–48.7
Sixties, super	41.6–51.7	46.6–56.8	53.7–58.3	49.7–54.2
Sixty-fours	43.6–54.2	49.2–57.8	54.8–59.8	50.7–55.8
Seventies	47.7–55.8	50.7–58.8	57.8–62.9	51.7–57.8
Eighties	54.8–60.8	58.8–63.9	60.8–64.9	56.8–61.8

[1] Quotations for 1911 from the Wool Record. In each case they are for "colonial tops." Thirty-twos, thirty-sixes, forties, and forty-sixes were "prepared" tops.

From this it is seen that the cost of number 32's runs as low as 25 cents per pound, the designation of the tops as "32's, 40's, etc.," indicating the count of yarn to which it would spin if worked up. While the board observes that "no hard and fast table of equivalents can be made of the English and American terminology for top (and yarn) qualities," it says that 64's to 70's may be taken as the equivalent of fine tops in the United States. In 1911 the prices for these qualities, as given above, ranged from 50.7 cents to 57.8 cents at Bradford, and with free wool it might be assumed that the cost in the United States would be the same plus the difference in cost of production between the two countries. This, however, would not appear to be the case, as shown by a study of prices of raw wool and cost of making tops, as furnished by the board.

It would seem that the prices in England are considerably higher than indicated by the board's study of wool and tops. If, for example, it be assumed that scoured wool is worth 50 cents a pound, it would appear that the cost in England must be at least 54 cents for this grade and could fall below that only through declines in the price of raw wool sufficient to make up for the difference. Inasmuch as the figures given by the board vary considerably from this price level, the duty required on tops of a given grade can not be considered at all stable or fixed, since the percentage relation is likely to be thrown out of adjustment by changes in the value of wool. Moreover, there is no exact table of equivalents between English and American top and yarn qualities. Hence the comparative cost figures given by the board for tops can in themselves be only approximate. As the board says (p. 106), "Wool varies so widely in quality, both with the locality where produced and with the breed and condition of the sheep on which grown, that any comparisons of qualities must be approximations." As a matter of fact, the quotations given in table 1 for such yarns as 32's at Bradford are so low as to be far below the average price of raw wool in the United States, independent of the cost of manufacture into tops. Yet the board furnishes data on the relative cost of production of No. 32 yarns from tops, apparently assuming that there is a competitive basis upon which comparisons may be made between the two countries.

STATISTICAL CRITICISM OF YARN MANUFACTURE.

The Tariff Board notes that the investigation into the cost of worsted yarns involves the securing of the actual book figures from mills for a given period of time showing the total quantity of yarn produced, the variety of counts, the average count, and the total expenditures for the same period. These expenditures were analyzed in order to put the different mills on a comparative basis as to overhead charges. The board also obtained the use of tables employed by worsted spinners relating to the cost of making different counts of yarn, and finally estimates were secured on the cost of making certain qualities of yarn. There seems to be no reason for doubting the responsibility of these figures under the conditions that are described. The board, however, admits that it is beyond possibility to get figures on a uniform basis. It says that "a mill running full time or overtime can produce much more cheaply than a mill running half time, * * * a mill making worsted yarns in the gray is able to work more cheaply than when yarn is made from dyed tops." In order to overcome the first of these difficulties, the board assumes that all costs are to be figured on the basis of full normal output.

This gives a basis of comparison which does not overcome the difficulty that figures vary widely for other reasons, notable among which is the fact that mills do not work on the same qualities of tops and yarn. The adoption of full normal output as a basis of comparison, therefore, does not help materially, since no allowance is made for variations in the proportions of different classes of yarn manufactured. The board admits this, stating (p. 646) that "variations are found to appear not only according to variations in actual output due to general business fluctuations, but also according as a mill is producing just those yarns for which it is especially equipped."

If the market demand of the moment requires the production of either higher or lower counts, the costs on these will be correspondingly increased. Moreover, the fact that the cost of making a given count of yarn varies with the quality of wool from which it is made, and with the weight of the roving, renders the matter of comparison difficult. All these points are fully acknowledged by the board (pp. 646, 647) as

injuring the comparative basis of its computations. There is no reason to believe that the figures obtained by the board, or the figures that could be obtained by any similar organization, would show conditions on a comparable basis, either between mills in different parts of the United States or between mills here and mills abroad. They must be taken as being simply representative of costs under the particular conditions that happen to prevail at the time when the board made its investigations. Furthermore, it was not possible for the board to obtain comparable figures in England, for the reason that the interest charge was included in the English figures, but not included in the American. An allowance was subsequently made for this difference, but it does not appear to have been sufficient to cover the whole variation in the basis of the estimate.

INCOMPLETE YARN COSTS.

The inquiry was not sufficiently extensive from the statistical point of view to furnish an adequate analysis of the cost of producing different yarns. On page 648 are given figures for costs in 10 different kinds of two-ply yarns 28's, 32's, 36's, 38's, 40's, 42's, 44's, 46's 48's, and 60's. None of the coarser or of the finer yarns are given. When figures for England are given, they are not obtained on a comparable basis, but relate only to two-ply 24's, 28's, 32's, 36's, 40's, and 50's, as shown in the following table:

Comparative conversion cost of making certain counts of worsted yarn from tops.

[Tariff Board Report, p. 650.]

Ply and count of yarn.	United States—Excluding interest. (Cost per pound of yarn.)	England.	
		Including interest. (Cost per pound of yarn.)	For commission work, including interest and profit. (Cost per pound of yarn.)
	Cents.	*Cents.*	*Cents.*
2/24	10.86	5.6	6.6
2/28	12.62	6.6	7.6
2/32	14.48	8.1	9.1
2/36	16.61	9.6	10.1
2/40	17.99	10.6	12.2
2/50	24.67	13.7	15.2

It should be noted that in this table the costs of conversion per pound of yarn of certain grades enumerated are in one or two instances quoted at cost rates, which are not the same as those computed in the detail table on page 648. The figures in Table 2 appear to show a cost in the United States which is almost double that in England, notwithstanding that interest was included in the English costs and not in those of the United States. There is no statement as to whether the comparison is based upon mills which are running full time in both countries, nor is there any specification as to the character of the wool used in each case. The figures given, therefore, for the cost of converting tops into yarn are largely not comparable, as admitted by the board, and are so not only from the standpoint of quality of yarn used, but apparently also from the standpoint of conditions of production, full time or part time operation, and others. In the few cases where material is given for the manufacture of yarn of one single count from different grades of wool no comparative figures are furnished to show English and other foreign costs.

Thus on page 647 is given a table intended to illustrate variations due to changes in the quality of the material and the twist per inch. In those cases where a single quality of yarn—two-ply 30's—was being produced from half-blood wool, it appears that the total expense per pound was about 0.099 cent, while in making the same ply and count from quarter-blood wool the cost was about 0.114 cent per pound. In the first case the yarn was No. 13 and in the latter case it was No. 14. Thus was indicated a difference of 0.015 cent, or about 13 per cent of the higher cost involved in making the yarn from quarter-blood wool. It is clear that a variation of 13 per cent in the cost of making yarns, according to the wool from which they were spun, is one that should be allowed for in figuring the difference in cost between the United States and England in the later tables prepared for that purpose. Nothing of the sort has been done there, however, but the assumption throughout these tables is that in each case the manufacturing operation has been carried on with the same class of wool or tops as was employed in the competing country. This failure to put the two countries upon a comparative basis would alone be sufficient to impair very seriously the basis of estimate.

There is further reason to question the validity of the figures obtained in England, because the data there secured were obtained on a basis of samples. As the board says (p. 650) "figures of cost were secured in England from various manufacturers on actual samples." After they had thus been obtained on the basis of samples (of yarns) the returns were averaged, and the figures given "represent the average of these various calculations." As seen in the United States study, average figures of this kind, even when based upon full data for the mills to which they relate, are necessarily unsatisfactory, because they do not show, and probably can not be made to show, the cost of production carried on under similar conditions. Still less could there be this degree of comparability when the figures were made up from samples, as the furnishing of cost data on such a basis would be largely conjectural, nor could it be known how far English manufacturers were reckoning upon the same fullness of operation, uniformity of processes, and general similarity of conditions, found by the board in its American study to be essential to any accurate investigation of the cost figures for comparative use.

It does not seem, therefore, that the yarn figures furnished by the board are likely to be necessarily representative of the actual manufacturing conditions in American mills for any very considerable production, or for any very considerable period of time. When it is considered that there was still less uniformity and inclusiveness of information in the English inquiry, the conclusion must be drawn that the analysis, particularly in its comparative features with reference to yarn costs, has been quite unsatisfactory.

INCONSISTENCY BETWEEN YARN COSTS AND PRICES.

In volume 1 of the board's report is given the following table in which is presented quotations in England for worsted and hair yarns:

Quotations in England for worsted and hair yarns.

[From report of Bradford Chamber of Commerce and the Wool Record, published by the Tariff Board, p. 114.]

Quality.	1908	1909	1910	1911 (January-November).
Worsteds:	*Cts. per lb.*	*Cts. per lb.*	*Cts. per lb.*	*Cts. per lb.*
Two-thirty-twos, worsted	27.4-38.5	31.9-38.5	39.5-43.6	37.0-43.6
Two-forties, worsted	32.4-44.6	38.5-47.7	48.7-52.7	45.6-52.7
Thirties, super luster	38.0-48.2	38.0-43.1	43.1-45.1	44.4-46.9
Thirties, super demi	25.4-40.6	31.7-41.8	41.8-44.4	39.9-45.0
Thirty-sixes, super demi	.....	37.3-47.2	47.2-50.2	.....
Thirty-sixes, demi	33.5-47.2	.....	.....	47.9-51.2
Single sixties, botany	60.8-73.5	64.6-74.8	73.5-83.7	71.0-76.1
Two-forties, botany white	.....	65.9-75.0	.....	.....
Two-forty-eights, botany	.....	.....	71.0-77.1	69.0-76.1
Two-sixties, botany white	61.8-75.0	.....	75.0-81.1	77.1-82.1
Mohairs and alpacas:				
Two-thirty-twos, mohair plush	.....	.....	60.9-67.9	63.9-66.9
Two-thirty-twos, mohair low quality	.....	.....	56.8-58.8	56.8-58.8
Two-forties, mohair medium	.....	.....	83.1-85.2	86.2-87.2
Single twenty-eights, alpaca	.....	.....	56.8-59.2	52.1-53.6
Single twenty-eights, alpaca low	.....	.....	48.5-49.7	43.8-48.5

This shows that worsted yarns, 2/32's, were, in January, 1911, quoted at from 37 to 43.6 cents per pound, or an average of about 40 cents per pound. On page 648 (Vol. III) of the board's report the cost of converting tops into 2/32's is given as 14.48 cents per pound. As the report states, on page 650, that the costs of turning tops into yarn is about twice in the United States what it is in England, the cost of making this kind of yarn in England should have been about 7.24 cents. This would make the cost of the yarn material, on a basis of 40 cents per pound, 32.76 cents per pound. This would be far below the average scoured wool price of Australian wool or fine wool of any kind. The board's data are admittedly given with reference to medium and high medium grades, employed in the making of cloths. The yarns from 2/28's to 2/60's cited on page 648 are given as "medium and high medium worsted yarns," and on page 113 it is stated that "30's to 40's are comparatively coarse yarns, while 40's to 56's are medium."

The difference in the price quotations as compared with figures for cost and the apparent discrepancies in nomenclature raise doubts as to the accuracy of the board's figures on one or both of these sets of returns. It appears, therefore, that the figures furnished by the board for yarns are not substantiated by the yarn prices cited in the first volume of the report. Thus, for example, on page 648, the cost of converting 2/60's from tops into yarn is given as about 32 cents, while the mean quotation of these yarns in England averaged about 80 cents in 1911. Deducting 16 cents, the cost of conversion in England, as indicated by the board, there would be left 64 cents as the cost of the tops actually entering into a pound of yarn. This cost would apply to considerably more than a pound of tops, because of the waste which has already been noted. Yet the quotation for tops given as "60's, super," is stated on page 106 as ranging from 49.7 to 54.2 cents, the mean being about 52 cents—12 cents less than the cost of the tops entering into a pound of yarn. If the board is right in saying the shrinkage in converting tops into yarn amounts to 4.5 per cent (credit being allowed for wastes recovered), the shrinkage on a pound of tops for conversion into No. 60 yarn would not be more than 3 cents at most, in which case the tops, plus cost of shrinkage, would be 55 cents instead of 64, the figure obtained by taking the quotations for yarns and subtracting conversion costs in order to work out the material value entering into the product. It might be assumed that, whereas the board's figure for conversion is a cost figure, the prices taken from English quotations are selling rates in the market and can not be exactly compared. This objection has little validity, because of the fact that the analysis just made is based on prices for yarns and prices for tops, and the allowance for profit must be about the same in both cases, so that the difference may be estimated on the basis of approximately the difference in cost.

Yarn quotations and conversion cost for worsted yarns.

[Cents per pound. Tariff Board Report, pp. 114, 648, and 650.]

Two-ply worsted yarn (count).	Mean quotations at Bradford, January-November, 1911.		Difference between tops and yarn.	Conversion.	
	Tops.	Yarn.		United States.	England.
Thirty-twos	26.1	40.3	14.2	14.48	7.24
Forties	27.4	49.2	21.8	17.98	8.99
Forty-eights	.....	72.6	.....	23.35	11.68
Sixties	52.0	79.6	27.6	31.81	15.91

In Table 4 is given a column showing the quotation furnished by the board for yarns of various counts from 32's to 60's. From this is deduced a column of differences showing the amount that was added to a pound of tops of a given description by converting it into yarn. It is seen that in case of 32's, the average price was 26.1 cents for the tops, while for the yarn it was 40.3 cents. This seems to indicate a difference of 14.2 cents as the approximate cost of converting the tops into yarn. In Table 2, which is taken from the board's report (p. 650), the cost of converting tops into yarn is given as 8.1 cents, or for commission work, 9.1 cents, as against the 14.2 cents, deduced from the actual quotations. It is interesting to observe that the cost figure for the United States on this same yarn (Table 2) was 14.48 cents per pound, or not far from the cost in England, indicated by the difference of comparative prices. It might be assumed here again that the board's cost figures are for cost and not for price, but that objection does not apply to the charge for commission work, which in this case is given as

0.1 cents per pound, while, moreover, all of the English figures are given "including interest," so that they ought to correspond with the highest market charge for yarns of that particular ply and count. On the whole, therefore, it would seem to be an inevitable conclusion that the figures furnished by the board for yarn prices do not correspond to or substantiate those which it has furnished for yarn cost.

CRITICISM OF CLOTH DATA.

The criticisms made with reference to yarns and tops become much more serious when attention is directed to the cloth-manufacturing analysis of the board. The board not only concedes the impossibility of securing data as to the comparative costs by processes of making fabrics, but also the extreme difficulty of getting comparative figures even on fabrics. This is because (p. 627) "there are no absolute standards in the cloth trade, and each mill turns out a great variety of different fabrics." Moreover, it was not possible to get mills abroad to give costs on the same basis as in the United States, because they do not keep their books upon the same plan. It is found, therefore, that the board almost wholly dismisses the cost method of analysis when it comes to fabric costs. Instead it submits samples of given fabrics to the mills and permits them to give estimates on the cost of making these fabrics, based upon experience with similar operations, but largely conjectural, because in many instances, probably in the majority, the mills had never devoted themselves to manufacturing the particular kind of cloth on which they were asked to furnish cost estimates. As special reasons for distrusting the figures supplied through this sample inquiry, therefore, may be mentioned the following:

1. The question of uniformity and amount of output is fully as important in connection with the manufacture of cloth as in yarns and tops, yet the method pursued makes no allowance whatever for such differences, and necessarily could not do so subject to the conditions under which the inquiry was conducted.

2. There is no indication as to the origin of the wool used in the various fabrics and whether it was imported into the United States or whether it was the product of domestic sheep and was worked up at prevailing prices without the payment of duty.

3. There could be no ascertainment of the extent of profits allowed to intervening factors; as, for example, the granting of profits on tops, yarns, etc., to persons who supplied these intermediate products to the mills that made the cloth, as compared with the conditions prevailing in plants which made their own tops, yarns, etc., and then used them in cloth manufacture.

4. In many cases it was found that different methods of production were followed in the United States and abroad, the goods being differently dyed in the countries compared and a different number of looms operated in some instances in foreign countries as compared with the number operated by the employee in American mills.

These factors alone would render the data obtained untrustworthy, because they would indicate that it was impossible to obtain figures upon a distinctly comparable basis. In the absence of such a comparative basis, about all that could be said for the figures as to cloth costs at the best would be that they represented probable costs of making the cloths under varying conditions in American and European mills, these varying conditions including differences in character of machinery and speed thereof; amount of work done in the mills as compared with total capacity; character of raw material used; and source from which intermediate products, such as tops, yarns, and the like, were obtained. Even if, therefore, it should be admitted that the board's figures for tops and yarns obtained by the method of aggregate returns were trustworthy, it could not be admitted that the figures for cloths were similarly trustworthy, and least of all could it be conceded that these figures were in position to be compared with those of the earlier products obtained by the other method referred to. This produces a separation between that part of the board's report which has to do with the earlier products and that part of the report which deals with cloth. There is no foundation, either actual or professed, for considering the figures given as furnishing a complete analysis from tops up to cloth, because of the entire change of method employed in the study of cloth costs.

EXTENT OF COST INQUIRY IN WOOLENS.

One of the principal questions to be considered in connection with the manufacturing investigation of the board is the extent and reliability of the inquiry. The board opens its statement with the assertion that "in the course of the wool and worsted inquiry, agents of the board visited 188 different mills," and that of these 174 furnished verified information. These mills are considered to be "representative of the industry in this country," because they include practically two-thirds of its productive capacity and employ 64 per cent of the total number of persons engaged in the business.

The assertion that an inclusive inquiry has been made should be subjected to very careful scrutiny. In spite of the large number of mills visited, the board concedes its inability to secure general returns with respect to cloth. It notes that there is no possibility of discussing the cost of cloth in general because of the great variety of different fabrics, which renders such an investigation in general terms absurd. It then takes up (p. 626) the question whether or not results could be obtained by a study of processes, but it finds that this is practicable only with a certain few.

A statement of costs obtained by this method, says the board, "would be utterly meaningless" as applied to cloth, and "the same is true of worsted yarns." Only by a process of prorating various charges can anything satisfactory be obtained in yarn. In regard to cloths, even this method was found to be impossible, and therefore the board was driven to the ascertainment of costs of cloths by submitting samples to manufacturers and obtaining from them cost statements relating to these particular samples. It is evident that this sample method is entirely different in principle from any of the methods suggested by the board for the ascertainment of costs in the more elementary processes of top and yarn making and others related thereto. What the board has to say about the cost of manufacturing wool into products of various kinds may, therefore, be discussed under two heads—the one the reliability of the sample method of analysis, the other the satisfactory or unsatisfactory character of the study made of the more elementary processes.

STUDY OF SAMPLES.

Turning attention first to the question of samples, it is found that the board divides its samples analysis into two different groups of results. The first deals with American and foreign costs on fabrics made in the United States; the second deals with foreign-made goods of the kind imported. In the first groups analysis is made of 55 different items, data as to each of which were obtained from American and English mills, while in some cases further information was had as to French and German mills. In the second group 14 samples are analyzed for costs.

It is clear that in this analysis the factors to be taken into account are (1) how many mills were consulted with reference to the cost of these samples; (2) how representative were these mills? On these points the board throws no light whatever. It states that, after a schedule had been prepared for the analysis of costs, "our agents then visited the mills with specific samples and worked out with the proper officials the cost under each separate process. In practically all cases they were given complete access to the books in order to see by what method particular charges were made and to satisfy themselves that the estimated costs entered were based on the actual costs at the mill. By this detailed analysis by processes the estimates came as near to the actual costs as the mill itself was able to make them." In getting the foreign cost "the method adopted * * * was similar to that used in this country."

The citations make it evident that the sample study was not a study of actual costs at all. It was a collection of estimates as to the cost of making cloth at various mills, many of which had never made the cloths in question. In getting foreign costs it was possible only to obtain the same conjectural material. The report states (p. 630) "samples of identical fabrics cut from the same piece were taken to England and to the Continent. These were shown to a number of manufacturers and their estimates on the cost of production secured." They were then tested by being submitted to a cloth manufacturer, who checked them from his own experience.

The only light thrown by the board on the character of the mills consulted abroad is the statement that they were "mills of high efficiency" (p. 630). So far as can be ascertained, the board does not state whether the mills consulted in the United States were or were not mills of similar high efficiency as compared with other American mills. This makes it obvious that the board did not in any case obtain figures for actual costs from a considerable number of manufacturers in its sample investigation; that it did not obtain comparative figures, even in the mills which were consulted, for cloth of kinds which they were in the habit of producing; that it did not obtain figures abroad in this part of the investigation, on fabrics made abroad, but only theoretical estimates on cloth produced in the United States; that it does not make clear in its report whether the foreign figures and American figures were produced from mills of similar relative degrees of efficiency or not. There is no reason to suppose, therefore, that anything was obtained in this investigation which might not have been obtained in a quite different form and with figures leading to a very different conclusion had mills been consulted and different fabrics and more exact modes of comparison been employed. The sample investigation can not, therefore, be regarded as throwing any general light upon costs, since obviously the system itself is based upon no general data.

AD VALOREM OR SPECIFIC DUTIES.

Much attention has been given by the Tariff Board to the method of levying duties.

The board admits the unfortunate effects of the present specific rates on raw wool, and notes that "various wools of heavy shrinkage can not be profitably imported into the United States," while it also comments (p. 381) on "the practice abroad of preparing and selecting the light-shrinkage sorts that are peculiarly suitable for the American trade." After describing the proposed ad valorem rate, the graduated specific duty on the scoured content, etc., it finally decides against the ad valorem plan and in favor of the specific rate on the scoured pound. With reference to the ad valorem mode of levying duties, it states that "the economic objection to an ad valorem duty on wool arises from the fact that the amount of duty paid, since it fluctuates with the foreign value of the commodity, would not be adjusted to the needs of the Government, of the consumer, nor of the American woolgrower. A speculative change in the market which increased the price of wool would automatically lead to an increase in the amount of duty at the very time that the manufacturer is most hampered by the existing high price, when the consumer most needs relief, and the woolgrower is most prosperous."

That the real question in the mind of the board does not, however, relate to the consumer can be seen from the latter remark that "if the basic idea of the duty on wools is to give the domestic grower permanent protection, it should remain as uniformly effective as possible under all changes of foreign conditions (shortage, overproduction, etc.). Ad valorem duties would not accomplish this * * *." It is the supposed inability of the ad valorem duties to give what the board calls "permanent protection" that condemns them in its sight. As for the remedy suggested by the board—the levying of duties on the scoured-wool content—the contention that "some method of assessing a specific rate on the clean content would remedy most of the primary faults of Schedule K" (p. 398) is answered by Edward Moir, president of the Crown Mills, Marcellus, N. Y., in a recent letter to the Daily Trade Record, as follows:

"The board states that ad valorem rates are open to grave difficulties from the administrative and revenue point of view in the case of a crude and bulky commodity like wool.

"Further, that ad valorem rates would give a high duty per pound when prices are high at a time when the consumer most needs relief and the producer more able to bear competition. With the low price of wool, the duty per pound would be low when the consumer has least need of competing wools and the producer is least able to bear competition.

"I believe the statements of the board as to the effect of ad valorem rates not being easily collectible comes from their lack of knowledge of wool in its various conditions. Other men who are very familiar with wool say that the values of wools can be readily determined and the proper duty easily collected, and I have been assured by officials high in the customs service that such is the fact; also, that it would simplify the work of the customhouse if all wools were assessed by value.

"The board says an ad valorem rate would give a high duty per pound when wool is high and a low duty when wool is low. This follows as a natural sequence of the law of supply and demand, yet the following paragraph, in which is given a plan said to be better in the opinion of the board than by ad valorem rates, for the assessing of wool duty, would have the very same objection.

"That the chief objections to the present rate on the grease pound could be met by levying some form of specific duty based on the clean or scoured content of the wool imported.

"If a specific rate on the clean pound is adopted, it will work out in this way, as shown by table appended, and for the purpose of illustration I will take 20 cents per clean pound as the flat rate of duty:

Wool costing clean—	Per cent.
20 cents per pound, duty 20-cent rate	100
30 cents per pound, duty 20-cent rate	66⅔
40 cents per pound, duty 20-cent rate	50
50 cents per pound, duty 20-cent rate	40
60 cents per pound, duty 20-cent rate	33⅓
70 cents per pound, duty 20-cent rate	28⅔

"The range in price from 20 to 70 cents per pound clean, used in the above table, is conservative. Why the board should recommend a method of assessing the duty upon wool that shows a variation of 350 per cent in the rate of duty passes my comprehension. It is true that this method is only one-half as objectionable as the present method, seeing it equalizes on the shrinkage, yet does not on the value, as the table shows. An ad valorem rate would place all on the same footing and lay a proper foundation for an equitable duty upon goods in place of the present inequitable one.

"One can not but think that this recommendation, which the board has made, must be considered as due to want of technical knowledge on the part of its members of the varying conditions and qualities of wool and the various fabrics these wools are suitable for making. It would appear to be an error creating a tariff board whose members have had no business experience in the branches of trade upon which they are expected to report and offer recommendations upon. It would have been much better for the board to have confined its work to the gathering of statistics on the different schedules than to suggest methods that, if adopted, are not only inequitable, but will work hardships to different branches of the woolen business.

"The objection by the board that an ad valorem duty has the effect of increasing the duty when wool is high and lowering it when wool is cheap abroad is not well taken, as when wool is cheap abroad the home manufacturer should get his raw material on a parity of value with the foreign manufacturer or he can not compete.

"The only way I can seen any force to this contention of the board's is that it simply had the woolgrower in mind when recommending a method of assessing the wool duty by specific rate per clean pound in the hope that such might insure to the grower a high price when wool is cheap abroad and a still higher price when it is dear. The board seems to have left out of consideration the necessity of the home manufacturer being put in a position to compete with the foreign manufacturer, who has cheaper wool, due to a falling market. Besides, the consumer certainly should have some benefit in the price of commodities due to this market condition of the raw material."

INTERPRETATION OF TARIFF BOARD'S REPORT.

A. RAW WOOL.

Raw wool in Schedule K of the tariff law is divided into three classes. Class 1 is described in paragraph 361, class 2 in paragraph 362, and class 3 in paragraph 363. The duty on wools of class 1 is fixed at 11 cents per pound, on wools of class 3 at 12 cents, and on wools of class 3 at 4 and 7 cents per pound, according to value. In the event that the wools are imported washed, the duty on the first class is twice as much as if imported unwashed. If imported scoured, the duty is three times that on unwashed wool. The duty on wools of the third class, if imported in condition for carding, is three times that on unwashed wool. In dealing with raw wool the board treats the three classes separately, recognizing the difference in source, the conditions under which produced, and the amount of production.

1. Third-class wools: The board points out that practically no wool of the third class is produced in the United States. This wool is derived from a variety of sources fully considered (pp. 413–437), but the United States is not recognized among these sources except in a very limited manner. In the words of the board, "There is very little wool of class 3 now raised in the United States" (p. 437). Reviewing the history of the industry, the board further states (p. 437): "Twenty-five years ago there were 6,000,000 or 7,000,000 pounds of wool of a carpet grade grown in some of the Western States and Territories, but it has been estimated that not more than a half million pounds of this domestic wool is now sold annually to carpet mills." Apparently this is intended to say that not more than a half million pounds of this domestic wool is annually produced in the United States at the present time. As the total annual production of wool of all grades in the United States within recent years is about 325,000,000 pounds, it is seen that the amount of carpet wool can not, under the board's statement, amount to more than about one-seventh of 1 per cent of the total wool output of this country. In view of the large demands for these wools from manufacturers of carpets and coarse woolen goods, it is evident that this class of wool does not require the protection of 4 cents per pound given it by the present tariff law. On the authority of the board it may be stated that the production of third-class wools in this country is so limited as to be a negligible quantity and that the necessity for protection may, therefore, be disregarded.

2. Second-class wools: Of the other classes of wool the board says (p. 299): "The great bulk of the wool grown in this country would, if imported, fall under class I." The wools produced in the United States are not strictly comparable with those of foreign countries, and the board concludes (p. 382) that there is no reason for maintaining a distinction between first and second class wools. In the meantime, however, such a distinction is made in the tariff law, and in effect the board recognizes it in its discussion. The board further states that about two-thirds of the wool grown west of the Missouri River is "fine" or "fine medium," while about 25 to 30 per cent of that east of the Mississippi is classed as "fine." The territory devoted to woolgrowing in this country is separated by the board into two divisions. In the first division (class A) is included all the States west of the Mississippi River except Minnesota, Iowa, and Missouri. In the second division (class B) is placed the States of Minnesota, Iowa, and Missouri, and all the States east of the Mississippi River. In the region designated as Class B there are two well-defined sheep-raising regions; the one comprises Ohio and portions of adjacent States, the other the remainder of the territory east of the Mississippi River. In the Ohio region there are about 5,000,000 sheep, which produce a fine grade of merino wool. In the remainder of this "class" there are found about 10,000,000 sheep, whose wool is below fine merino grade, and may be properly described as "crossbred." Throughout a territory in the West, containing about 35,000,000 sheep, the cost of producing fine wool is found to be about 11 cents per pound. The cost in the East (Ohio) is stated to be about 19 cents per pound, while in the remainder of the territory east of the Mississippi it appears that "the net charge against the wool grown on sheep of the crossbred type is negligible." This statement is borne out by the figures of Table 19 (pp. 365–368), covering returns of 135 crossbred flocks.

Of these crossbred flocks (p. 372) 121, or 90 per cent, "show receipts from other sources which equal or exceed the receipts from wool, and on an average for all these flocks the receipts from other sources constitute about two-thirds of the total receipts." This, moreover, is an exceptionally unfavorable showing, as the board states (p. 373): "Of the 10,000,000 crossbred sheep a considerable part are kept under such conditions as to yield larger profits than do the crossbred flocks considered in Table 19 of this report." However, the general conclusion is reached that "for the crossbred flocks of this region as a whole the receipts from other sources are quite sufficient to meet the total costs of maintenance, and therefore the receipts from wool remain as profit." From this it may be fairly concluded that wools of the kind which compete with the output of these crossbred sheep do not need protection. This is clear from the fact that the wool income from these flocks is a clear profit, there being no charge whatever against it. It may, therefore, be safely concluded from the board's report that class 2 wools also do not require protection, inasmuch as the cost of production is zero. As already noted, the board says (p. 382): "Practically all of the domestic clip, if offered for entry at our ports, would fall under class 1 of the existing law. That is to say, the great bulk of the wool grown in the United States shows the use of merino blood, either immediate or remote, in its production. Imports under class 2 are relatively unimportant, and there is no longer valid reasons for the maintenance of the distinction as between English and merino wools so long in force." It is further stated (p. 384): "There is an enormous quantity of wool produced in Australasia and South America known in the trade as crossbred that has practically no equivalent in our domestic production." The comparison already made is, however, as near as can be drawn—although it is true that most of the domestic wools show the use of some merino blood in their production. In a table (p. 385) the board recognizes their comparability by a direct comparison between domestic wools grading one-half blood and under, and foreign crossbred wools.

3. First-class wool: The real question in the wool schedule of the tariff act, in the opinion of the board, is the production of the western wools of fine merino quality. On page 301, under the caption "Where competition centers," the board says that in Wyoming, Montana, Oregon, and Idaho there is a staple wool which corresponds with some of the best Australian wools, and it is there that the study of cost of production has apparently been most carefully made. It is noted that the "Delaine wools of Ohio, Pennsylvania, etc., are claimed to be the strongest wools of merino blood raised in the world, etc."; these are the wools which later in the report (p. 377) are shown to be obtained from about 5,000,000 sheep at an estimated cost of 19 cents per pound. On this small quantity of wool a special tariff protection would presumably have to be recommended by the board to safeguard it from competition. Omitting this portion of the fine-wool production, since, as noted by the board, the conditions are peculiar, the sheep being maintained for "general purposes" rather than primarily for their wool, attention will be concentrated on the western woolgrowing region, where, according to the board, "competition centers." Although the board has mentioned only the staples of Montana, Wyoming, Oregon, and Idaho as directly competing with the Australian, and although it admits that fine and fine medium wools constitute only 66 per cent of the total production of the western region, it may be assumed, for the sake of discussion, that the whole of the western region is to be regarded as devoted to the production of fine and fine medium wools, and, therefore, on a competitive basis. On page 330 of the report there is given a tabular statement showing by States the number of sheep studied in Arizona, California, Colorado, Idaho, Montana, Nevada, New Mexico, Oregon, Utah, Washington, and Wyoming. The total number of sheep so studied is 3,151,731, and these yielded 20,764,713 pounds of wool in the grease. The net charge against wool in this region is 10.9 cents per pound, while the averaging selling price is 15.9 cents per pound, a difference of 5 cents between the cost and selling prices. Considering only the States producing the very finest staple, namely, Wyoming, Montana, Oregon, and Idaho, the situation is not materially different. In Idaho an unusually high cost, 17.3 cents per pound, was reported, in Montana the cost was 13.8 cents, in Oregon 10.9 cents, and in Wyoming 12.4 cents per pound. The average returns from Montana, Wyoming, and Idaho show a net charge against wool of 14.2 cents per pound. The remaining eight States of the group show an average charge of 8.4 cents per pound. In discussing the competitive conditions of production of wool, we may speak first of the western region as a whole, where woolgrowing is carried on as an independent industry, and we may subsequently consider these States as producing a special type of wool on an independent basis.

The following table appears on page 330 of the board's report, except the addition of columns showing the per cent of shrinkage, the scoured-wool yield, the net charge, and the value or price per scoured pound.

Showing, by States, total receipts and expenditures, capital per head, selling price of wool per pound, and net charge against wool per pound, of flocks investigated by Tariff Board in the western United States; also the shrinkage and fine washed-wool content of the grease wool.

State.	Number of sheep.	Pounds of wool.	Receipts.		
			Wool.	Other sources.	Total.
Arizona	180,254	1,181,882	$184,211.65	$246,923.23	$431,134.88
California	115,192	994,687	145,018.66	198,881.05	343,899.71
Colorado	333,526	2,110,189	300,363.13	402,245.42	702,608.55
Idaho	377,919	2,340,483	424,507.47	708,954.48	1,133,521.95
Montana	514,987	3,515,417	649,455.46	568,063.24	1,217,518.70
Nevada	163,255	1,011,046	153,810.31	321,792.64	475,602.95
New Mexico	442,142	2,613,976	364,350.12	508,043.29	872,393.41
Oregon	229,713	1,678,993	237,000.35	272,476.51	509,476.86
Utah	265,645	1,901,436	330,782.52	424,186.13	754,968.65
Washington	61,574	391,776	46,540.70	133,420.00	179,960.70
Wyoming	467,524	3,024,828	475,739.44	599,652.89	1,075,392.33
Total	3,151,731	20,764,713	3,311,839.81	4,384,638.88	7,696,478.69

State.	Expenditure.			
	Labor.	Maintenance.	Miscellaneous and selling expense.	Total.
Arizona	$141,612.16	$26,566.15	$204,216.08	$372,394.39
California	63,477.17	93,256.82	113,755.55	270,489.54
Colorado	198,695.23	88,642.45	299,268.32	586,606.00
Idaho	258,826.93	364,205.34	491,558.27	1,114,590.54
Montana	278,993.71	275,320.64	501,514.10	1,055,828.45
Nevada	123,372.41	59,341.56	180,901.47	363,615.44
New Mexico	245,427.12	79,138.02	402,783.58	727,348.72
Oregon	129,025.90	143,723.14	183,571.01	456,320.05
Utah	182,114.75	100,875.54	318,869.68	601,859.97
Washington	45,342.10	38,293.92	47,465.27	131,101.29
Wyoming	336,991.56	168,455.18	471,887.22	977,333.96
Total	2,003,879.04	1,437,818.76	3,215,790.55	6,657,488.35

Showing, by States, total receipts and expenditures, etc.—Continued.

State.	Net charge against wool per pound.	Selling price per pound.	Capital per head.	Rate of income on capital.	Per cent of shrinkage.[1]	Scoured wool yield (pounds).	Net charge per pound scoured.	Value per pound scoured.
Arizona	$0.106	$0.155	$5.64	5.8	67.25	267,066	$0.323	$0.473
California	.071	.145	5.18	12.3	67.25	325,760	.217	.442
Colorado	.087	.142	4.59	7.6	67.25	601,087	.265	.433
Idaho	.173	.181	6.13	.8	67.25	766,508	.528	.552
Montana	.138	.184	5.57	5.6	67.25	1,151,299	.421	.561
Nevada	.041	.152	6.08	11.3	67.25	331,118	.125	.464
New Mexico	.083	.139	4.56	7.2	67.25	856,077	.253	.424
Oregon	.109	.141	4.92	4.7	67.25	549,870	.333	.430
Utah	.093	.173	5.79	9.9	67.25	622,720	.284	.528
Washington	+.005	.118	4.56	17.3	67.25	126,307	+.015	.360
Wyoming	.124	.157	5.19	4.0	67.25	990,631	.378	.479
Total	.109	.189	5.30	6.2	67.25	6,800,443	.332	.495

[1] Report, p. 383.

This table now serves as a foundation for an analysis of the competitive strength of the fine-wool producing region of the United States as compared with foreign countries. A comparison based on the grease pound would be misleading, because wools are found to shrink in different proportions. The competitive capacity of a region is dependent upon its ability to produce a certain quantity of scoured wool at a specified price. The manufacturer is not primarily interested in the grease-pound charge, but in the cost of the wool ready for spinning. This point is freely admitted by the Tariff Board, of course (p. 382), though it does not directly relate its data as to shrinkage with its production cost of grease wools.

In connection with the study of shrinkage made on page 383 the board presents the following table:

Amount and per cent of shrinkage of clean wool resulting from scouring specified grades of fine wool having their origin in given localities.

	Eastern United States, in United States mills.	Western United States, in United States mills.	South American.		Australian.	
			In United States mills.	In foreign mills.	In United States mills.	In foreign mills.
Pounds in grease	4,262,813	46,906,576	1,288,666	8,846,401	11,067,147	29,967,258
Pounds scoured	1,709,002	15,390,892	674,755	3,550,597	5,730,238	12,937,911
Per cent of shrinkage	60.00	67.25	47.64	59.90	48.22	56.82

The following table from page 385 of the report throws additional light on the subject of shrinkage:

Amount of clean wool and per cent of shrinkage resulting from scouring foreign crossbreds and domestic wools grading one-half blood and under.

	Eastern United States, in United States mills.	Western United States, in United States mills.	South American.		Australian, in United States mills.
			In United States mills.	In foreign mills.	
½ blood and under (domestic wools):					
Pounds in grease	9,101,974				
Pounds scoured	4,858,934				
Per cent of shrinkage	46.62				
⅜ blood:					
Pounds in grease		15,917,633	738,711	3,720,225	4,467,078
Pounds scoured		6,003,731	373,482	1,670,291	2,540,609
Per cent of shrinkage		62.28	49.44	55.01	43.13
¼ blood:					
Pounds in grease		3,213,783	4,215,956		1,995,100
Pounds scoured		1,483,743	2,785,513		1,252,492
Per cent of shrinkage		53.83	33.93		37.20
⅛ blood:					
Pounds in grease		1,510,985	12,537,310	27,394,408	145,267
Pounds scoured		785,474	8,379,071	17,431,779	102,557
Per cent of shrinkage		48.00	33.17	36.44	29.40

In Table 6 above is set forth the per cent of shrinkage undergone by western United States wools when scoured in United States mills, and the wool thus treated is stated to be "fine wool." This shrinkage figure, stated as 67.25 per cent, is used in computing the fine scoured-wool yield of the grease wool actually studied and reported upon by the board in the western United States. The board gives the net charge per pound against wool in each of the States enumerated, and in ascertaining the cost per scoured pound this amount is multiplied by the number of pounds of grease wool necessary to produce a pound of scoured wool at the rate of shrinkage indicated. This shows, in each of these States, the investment in grease wool necessary to secure a pound of scoured wool. If the sale price of the wool in grease is applied to the number of pounds necessary to produce a scoured pound, the result is the price paid at current rates during the period of investigation for sufficient grease wool to produce a scoured pound. The average cost of the wool studied was 33.2 cents per pound, based on the shrinkage percentage of 67.25, and the average price when scoured was 48.5 cents per pound. On the basis of the board's investigations, therefore, these figures represent the competitive situation in the fine-wool district of the West, which, as the board has expressed it, is the section "where competition centers."

We may now turn to the question of the competitive strength of the Australian wools which compete with the fine wools of our western region. The interesting point is not the price at which these wools are sold in Australia, but that which is paid for them in American mills. On pages 387–390 is a table showing "A record of actual importations and scourings in a representative American mill covering more than 10,000,000 pounds of class I wool." This amount is about one-half of the amount considered in the tabulation for the Western States. If limited to the Australian merino wools less than 5,000,000 pounds have been included. Since approximately two-thirds of the total output of the western region is fine and fine medium wools, the other third consists of wools somewhat comparable to the crossbred wools of Australia—grading half blood or below—all of the Australian wool given in the board's record of actual imports and scourings at a representative American mill may, therefore, be included.

The results thus secured show that, taking all of the wool, the average price paid per scoured pound was 50.8 cents, while for the fine merino wools the price paid per scoured pound was about 50 cents. This figure should be compared with the one already obtained for the western region, which shows an actual cost per scoured pound of 33.2 cents and an actual realized price paid per scoured pound of 48.5 cents, assuming the total output to be of merino origin. The figures show that, entirely independent of the payment of tariff duties on the importations of Class I wool, the American industry was in a distinctly competitive position. Comparing the fine merino staples raised in the Northwestern States of the United States, including Idaho, Montana, Oregon, and Wyoming, with the merino wools for which figures are given, it appears that the cost of the fine staples in the United States was 13.7 cents in the grease, or 41.8 cents scoured, and the realized price paid was 16.9 cents in the grease, or 51.5 cents per scoured pound, while the price paid for the Australian merino by American mills was over 50 cents per pound. This appears to show that, with freight rates included, the western wool-raising industry is fully able to hold its own against the Australian staple.

In the preceding computation, as already noted, the shrinkage was 67.25 per cent, which is the rate quoted by the board for fine wools of the West. As elsewhere shown in the board's report, the Territory wools consist of about 66 per cent of fine wool and 34 per cent of the lower grade product. A fairer basis of computation might be found in the use of the shrinkage percentage computed as a weighted or true average, inasmuch as the various grades of wool shrink in different proportions. Such a weighted or true average has been worked out upon the basis of the board's figures for fine wools and wools of one-half blood, three-eighths blood, and one-fourth blood. This shrinkage percentage is 64.32, which may be taken as the general shrinkage of Territory wools. In the following table a computation is presented showing the same comparison except that in this instance the percentage of 64.32 is used instead of 67.25 per cent.

Showing by States net charge per pound against Territory wools.

States.	Wool (pounds).[1]	Per cent of shrinkage.	Equivalent scoured wool (pounds).	Net cost charge per scoured pound.	Value per scoured pound.
Arizona	1,181,882	64.32	421,695	$0.297	$0.434
California	994,687	64.32	354,904	.199	.406
Colorado	2,110,189	64.32	752,915	.244	.306
Idaho	2,349,483	64.32	835,053	.484	.507
Montana	3,515,417	64.32	1,254,300	.386	.515
Nevada	1,011,046	64.32	360,740	.115	.426
New Mexico	2,613,976	64.32	902,666	.232	.389
Oregon	1,678,993	64.32	599,064	.305	.395
Utah	1,901,436	64.32	678,431	.260	.484
Washington	391,770	64.32	139,785	+.014	.330
Wyoming	3,024,828	64.32	1,079,258	.347	.440
Total	20,764,713	64.32	7,408,841	.305	.445

[1] Report, p. 330.

Protection and the price of raw wool: It is not necessary, however, to depend solely upon the figures given by the board for the cost of producing raw wool, or the "net charge against raw wool," for conclusions as to the amount of protection needed by the wool industry in the United States. The board has not only given the figures relating to costs in the region studied, but has also investigated the prices of raw wool in leading markets. It is shown that the price realized for wool in the western woolgrowing region, including the States of Arizona, California, Colorado, etc., was 15.9 cents per pound. If the shrinkage of this wool be taken at the figure, 67.25 per cent, given by the Tariff Board (p. 383), it will appear that the actual scoured wool costs approximately 48 cents per pound. This represents the cost of wool which must be purchased in the grease at the rate mentioned by the Tariff Board, as actually realized by the sellers of the wool, in order to supply the buyer with a pound of scoured wool ready for manufacture.

In volume 1 of the board's report (p. 65) is presented a table, taken from the bulletin of the National Association of Wool Manufacturers, showing the total wool product of the United States for 1910. This table shows that the scoured value of all wool produced in the United States in the year 1910, aggregating 321,362,750 pounds and yielding 141,805,813 pounds of scoured wool, was 51.12 cents per pound. Practically no wool of the third class was produced in the United States in 1910, but the product of the year is composed of first and second class wools, while in the far West region the product is largely fine wools. The table shows that the value of the output in Nevada is 54 cents per scoured pound; that of California, 46 cents; that of Colorado, 47 cents; that of Arizona, 53 cents; and that of Texas, 55 cents, etc. Local and seasonal variations will always occur, but we may accept the figure already cited from the cost of production report—15.9 cents per pound, giving a scoured value of about 48 cents per pound—as corresponding substantially to the market value. Elsewhere the board has presented the quotations of American wools in Boston, giving the so-called "territory wool," of which we have been speaking, as the product of Montana, Wyoming, Utah, etc., on a scoured basis.

The prices there given for 1910 range from 50 to 74 cents per pound according to grade, while for 1911 the prices range from 40 to 62 cents. This also confirms the accuracy of the figures already mentioned. In a study of the prices charged for Australian wools in London, the board shows that wools belonging to Class I sold in London in 1910 at prices ranging from about 16 cents to about 32 cents per pound, according to grades. In October, 1911, the range was from about 17 cents to about 44 cents (p. 34, Vol. I). In another table (p. 213, Vol. I) the board gives prices per pound for certain foreign wools in England, as reported by the Bradford Chamber of Commerce. In this table are given two kinds of Australian wools, namely, "Port Phillip" and "Adelaide." The former averaged 26.4 cents per pound in 1910 and the latter 18.3 cents. These figures are identical with those given from another source

in the table previously cited, and represent the price charged for two good grades (not the best) of Australian wool, which on importation into the United States would rank as Class I. If these be accepted as representative and a mean taken, we shall have 22.4 cents per pound as the price (taken as the mean) of wool competing with our western product.

The board has made an elaborate study of shrinkage in the second volume of its report. Elsewhere we have used figures showing the shrinking of Australian wools in American mills. These figures can not be used for the present purpose, because Australian wools are imported in a skirted condition and consequently shrink less than they would if imported in their natural condition. It is necessary, therefore, to ascertain the shrinkage of Australian wools in the mills to which they are sent for shrinkage in a natural condition. The board (p. 387) states that the shrinkage figure for total wool production of all countries given by Helmuth, Schwartze & Co. is universally accepted in the trade and names 48.54 per cent as that of Australasia. In its study of actual shrinkage in the United States it shows that Australian wool shrinks 48.22 per cent (p. 383). If we accept the figure 48.54 as representing the shrinkage, it will appear that the figure 22.4 cents, which we have already given as the assumed mean price of Australian wools competing with our western wools, must be divided by 51.46 (or 100 minus 48.54) in order to find the value of the wool in a scoured pound. This computation gives 43.5 cents.

Previous figures have shown that scoured wool from western fleece may be taken as worth 48 cents per pound. The difference, then, is 4.5 cents (assuming that freight rates to the mills offset one another), and this must be reckoned as an ad valorem rate on 43.5 cents, which would give a result of about 13 per cent ad valorem, the protection apparently demanded by western wool producers, assuming the figures we have given to be correct. It is clear that in the case of the more expensive Australian wools there would be no advantage whatever. This is shown by the figures of the Tariff Board representing the actual importation and scouring in a representative American mill covering more than 10,000,000 pounds of class 1 wool. Considering the figures given for Australian merinos, it is found that about 50 cents per scoured pound was paid, so that the Australian wool cost the producer actually more than the western wool; or, allowing 2 cents a pound freight on the western wool to the mill, something like the same price, probably a little less in some cases. In this case apparently actual experience with a large quantity of wool did not indicate any necessity for tariff protection. In general, with Australian grease wool at 20 cents a pound or higher, there is little necessity for tariff protection, as indicated by actual purchases in the market. At that price the western woolgrower is able to furnish his wool in successful competition on the scoured-pound basis, accepting the actual prices found in the Tariff Board's report as a basis for the comparison.

Competitive conditions.—The position of the western woolgrower compared with that of the Australian producer may be discussed without reference to prices in the market, and simply upon a basis of cost, as reported by the board. In that case it will be seen from table 5 that a cost of about 11 cents per pound was found to exist on the average in the west, while in Australia the cost was "a few cents a pound" and in South America "4 to 5 cents." Taking 4 to 5 cents a pound as the cost in South America and Australia, and selecting the higher figure—5 cents—just as we have selected the higher figure—11 cents—from the board's report, there is found to exist a disadvantage in the United States of about 6 cents per pound on grease wool. This supposedly represents the amount by which the net charge against wool in the United States exceeds the net charge against wool in South America and Australia. The comparison, however, has not taken into account cost of transportation. The subject of transportation is discussed by the board in volume 2 (pp. 351, 352), where it appears that "$2 a hundred pounds is believed to be a fair estimate for the average cost of transportation of grease wool from the West to Boston," while (p. 352) "the cost of transportation from the Australian producer to Boston ranges between $1.84½ and $3.191."

The average cost of transportation of Australian wool is thus about $2.50 a hundred pounds, or one-half cent more per pound on the Australian wool than on the western American wool. We may, therefore, regard the western American woolgrower as suffering a disadvantage, not of 6 cents a pound, but of about 5½ cents. If it be assumed, on the basis of the board's shrinkage figures (p. 385) that the total shrinkage of western wools in the United States mills grading one-half blood and under is the average of the shrinkages given for the different grades, we shall have a shrinkage of 54.96 per cent. Our 5½ cents, therefore, will represent the cost of 45.04 per cent of the disadvantage we suffer in the production of a pound of scoured wool. The total disadvantage will then be about 12.2 cents. Accepting the prices given in the board's table for actual importations of Australian wool, and prices paid therefor (pp. 387–389), we may again take the value of a scoured pound of Australian wool at an American mill as 50.8 cents. In that case 12.2 cents reckoned as an ad valorem upon the value of the imported Australian wool would be nearly 25 per cent, or, measured in cents per pound, would simply be itself the amount of the duty called for in a specific form, namely, 12.2 cents. This apparently would be the maximum duty which could be demanded by the western wool producer on wools of the kind referred to under the most unfavorable circumstances. On the finer grades with a higher shrinkage this percentage would be larger, but in that case the price assumed must be a good deal higher. The ad valorem percentage would be much the same.

It should be observed, however, that a protection of 5.5 cents per pound of grease wool, or 12.4 cents per pound of scoured wool, would amply protect most of the States included in the western region. There would be very few of them in which the cost of production is so high as to require a protection of 5.5 cents per grease pound. This result may be exemplified as follows: Let the net charge against wool in South America and Australia be taken as 5 cents. The cost of production or net charge against wool reported in California is 7.1 cents. Allowing one-half cent for freight charge as before, the net disadvantage for California as a producer would be 7.1 minus 5.5, or 1.6 cents. This would be less than one-third of the 5.5 cents protection mentioned. In the same way the protection required in Colorado would be 8.7 minus 5.5, or 3.2 cents. In Nevada, with a cost of 4.1 cents net, protection required would be still smaller. New Mexico, with a cost of production of 8.3 cents, would be only at a slight disadvantage as compared with a foreign cost plus freight of 5.5 cents. Washington, which has no net charge on wool but a very slight credit to wool, would need no protection whatever. On the whole, probably not more than three or four States of the group would require protection of 5.5 cents.

In the following table is computed the net disadvantage under which the Western States labor in the production of a scoured pound of wool and the ad valorem duty which would be necessary in order to place the western woolgrower upon a basis of equality with the Australian and South American grower in the American market. This ad valorem rate is computed upon a basis of 50.8 cents for Australian wool and 37.4 for South American wool. These figures have been obtained by averaging the quotations given by the board for the actual experience of an American mill in the importation of 10,000,000 pounds of foreign wool. It should be noted that the ad valorem duties which are thus indicated vary enormously according as the price of wool varies and, of course, as the disadvantage per scoured pound varies. The difficulty in the argument is found in the fact that a uniform price is assumed for all foreign wools, whereas in fact these foreign wools consist of a series of different grades. None of the figures can be said, therefore, to be computed, in the strict sense, with any authority. It is observable that the average rate of protection needed to safeguard against Australian competition is about 30 per cent, as shown by this table, and that needed to protect against South American competition is about 40 per cent. This would seem to indicate that South America was a more dangerous competitor than Australia, a statement whose absurdity is self-evident. In this computation, as in others that have preceded, it will be observed that there are several of the Western States in which no tariff protection is needed, while in several others only a very small amount is called for. The high average rate thus shown is due to the reported high cost of production in two or three States where costs are stated as abnormally high.

Ad valorem and specific rates necessary on Australian and South American wools in order to equalize territory wool costs.

State.	Net charge per pound against wool.[1]		Difference in cost between United States wool and that of Australia and South America.	Total disadvantage of scoured pound on shrinkage basis of 64.32 per cent.	Average cost per scoured pound.[2]		Ad valorem rate necessary to equalize difference in cost of—		Specific rate per pound necessary to equalize difference in cost between wools of the United States, Australia, and South America.
	United States.	Australia and South America.			Australian.	South American.	Australian wool (per cent).	South American wool (per cent).	
Arizona	$0.106	$0.055	$0.051	$0.143	$0.508	$0.374	28.15	38.24	$0.143
California	.071	.055	.016	.045	.508	.374	8.86	12.03	.045
Colorado	.087	.055	.032	.090	.508	.374	17.72	24.06	.090
Idaho	.173	.055	.118	.330	.508	.374	64.96	88.24	.330
Montana	.138	.055	.083	.232	.508	.374	45.67	62.03	.232
Nevada	.041	.055	+.014		.508	.374			
New Mexico	.083	.055	.028	.078	.508	.374	15.35	20.86	.078
Oregon	.109	.055	.054	.151	.508	.374	29.72	40.37	.151
Utah	.093	.055	.038	.106	.508	.374	20.87	28.34	.106
Washington	+.005	.055	+.060		.508	.374			
Wyoming	.124	.055	.069	.193	.508	.374	37.99	51.60	.193
Total	.109	.055	.054	.151	.508	.374	29.72	40.37	.151

[1] Report, pp. 380, 350.

[2] Based on report, pp. 387–390 and pp. 390, 391.

5. The Ohio region: It will be observed that nothing has been submitted in the foregoing data on the Ohio region, which is reported as having the highest cost of production in the country, that being a net charge of 19 cents per pound against wool. This would apparently call for a much higher protection than any as yet spoken of. The board averages the 5,000,000 sheep of the Ohio region with the western sheep and the crossbred flocks, and thereby makes an average cost the country over at 12 cents per pound, a manifestly incorrect proceeding. It should be frankly admitted that on the board's estimate the Ohio region and a very few of the western States would need a protection in excess of 20 per cent. An average rate of protection sufficient to offset the difference in cost of production between the bulk of the western region and the foreign woolgrowing countries would not help them in the least. In this connection a further point should be noted. The cost of production of wool in the Ohio region, as given by the board, is 19 cents per pound on the average. Inquiries as to shrinkage show that this wool shrinks 46.62 per cent; in other words, 19 cents is 53.38 per cent of the cost of a scoured pound.

The cost of such a scoured pound, therefore, may be taken as 35.6 cents. This must be compared with the supposed cost advantage in Australia. In the latter country, as we have seen, the cost of production may be taken as 5 cents. However, at least 2 cents must be

added in this case as the freight disadvantage, because of the comparative nearness of the Ohio region to the mills. From the standpoint of Ohio, cost in Australia may be taken as 7 cents. The theoretical disadvantage in the Ohio region is thus 35.6 cents minus 7, or about 28.6 cents. Figuring this as a percentage upon the cost of the competitive Australian wool imported into the United States, which may be taken as 50.8 cents a scoured pound, on the average, it is found that 28.6 cents represents over 55 per cent ad valorem. This is very much more than the protection amounts to, accorded under the present specific basis. In the board's table of actual importations and scourings in a representative American mill (pp. 387–389) the equivalent ad valorems run from about 34 per cent to about 55 per cent. In a very few instances there are equivalent ad valorems as high as 55 per cent. It would seem, then, that the Ohio wool-producing region is not protected now on the assumption that the board's cost figures are correct and that, if it is to be protected at all, the tariff on wool would have to be very much raised above its present figures, so as to give a rate of 28 or 29 cents on the scoured pound and of at least 55 per cent ad valorem.

Summing up the discussion, therefore, it may be concluded that a study of comparative prices actually realised on western wools and actually paid by importing American mills, and paid at open sale in the London market, show that the western American woolgrower can meet Australian and South American competition without any protection. A study of cost disadvantages would indicate the necessity not to exceed 25 per cent duty ad valorem upon the whole wool output of the Western States, and would show that in the majority of these States a duty of very much less than this, say, 10 to 15 per cent, would be ample, while 20 per cent would completely safeguard all, except a relatively small number of sheep in the less carefully managed flocks of the West and in the Ohio region.

It should be added that there is nothing to prevent either the western or the Ohio growers from shifting to the crossbred flocks, whose profitableness in the United States has been demonstrated to such an extent as to show no net charge against the wool. From the protective standpoint, therefore, the whole question is that of imposing a duty for the mere sake of keeping a small percentage of American sheep farmers from the necessity of shifting from sheep of the merino type to those of the crossbred type.

Net cost charge per pound against wool:	
United States (Rept., p. 377)	$0.19
Australian and South American	.07
Difference	.12
Total disadvantage per scoured pound on shrinkage basis of 46.62 per cent	.224
Average price per scoured pound:	
Australian	.508
South American	.374
Rate of duty necessary to equalize difference:	
Specific—	
Australian and South American	.12
Ad valorem—	
Australian (per cent)	44.09
South American (per cent)	59.89

6. Summary of findings on raw wool: These findings on raw wool may be summarized as follows:

1. Class 3 wool needs no protection, because it is scarcely produced at all in the United States.

2. Class 2 wool needs no protection, because those of our wools which compete with it are produced at a very low cost of production.

3. Class 1 wools need no protection as indicated by actual figures of sales. As shown by estimated cost of production the needed duty would not exceed 15 to 20 per cent. A duty of 25 per cent would be considerably in excess of the requirements of production in the West that are indicated by the figures of the board; while in the Ohio region the industry is partly, at least, incidental to general farming and can not be considered on the competitive footing.

B. TOPS.

The subject of top manufacture is discussed chiefly on pages 621–645 (vol. 3). Here are given data showing the actual yield from greasy wool of scoured wool, tops, noils, and wastes of various kinds; a discussion of compensatory duties; an outline of the methods of getting costs; and tables showing the cost of converting wool into tops in a number of American mills, whose product has been combined for the purpose of showing the general results.

1. Wastes and compensatory duties: The first problem which the board has to deal with is that of shrinkage in the scoured wool used, so it seeks to ascertain what quantity of tops can be manufactured from a given amount of scoured wool. This shrinkage is then made the basis for computations of the amount of compensatory duty required. On pages 622, 623, the board says:

"The average yield of tops over a considerable period differs in typical American mills by less than 5 per cent, and the amount of this average yield is approximately 85 per cent. But a compensatory duty based on the average yield would be inadequate in the case of tops made from wool of fine quality; while, conversely, a compensatory duty high enough to take care of fine wool would be somewhat more than compensatory for tops made from the lower grades. * * *

"Whatever may be the yield of scoured wool in tops, that part of it that is unfit for tops is by no means a complete loss to the manufacturer. Noils are worth quite regularly 60 per cent of the value of the scoured wool from which they are made, and they form from 60 per cent to 90 per cent of the wastes that accrue in top making. Comb waste is worth practically as much as scoured wool; card waste, as a rule, much less; the two together, forming from 5 per cent to 30 per cent of the total waste, should normally bring 40 per cent of the price of an equal weight of scoured wool. In any case the manufacturer recovers in the value of his wastes fully half the value of the scoured wool consumed that does not appear in his tops.

"Assuming, then, that 100 pounds of fine wool gives 80 pounds of tops, the loss of 20 pounds reappears in the form of waste worth at least as much as 10 pounds of wool. The manufacturer therefore in this case is entitled to a compensatory duty on tops that exceeds the duty on wool by no more than 10 per cent of such duty. This is, of course, on the assumption that compensatory duty shall be fixed entirely on a weight basis."

2. Method of computing tariff duties: The board in this discussion continues the assumption found in the existing law—that two classes of duty are necessary, the one intended to offset the loss of weight in shrinkage, the other the differences in labor and capital between the United States and foreign countries. It is evident that in carrying out that inquiry on the basis of the board's figures several methods may be adopted.

(a) First method: The most obvious method of computation on this basis is as follows: According to the board 1 pound of scoured wool produces 80 per cent of 1 pound of tops, and this would mean that 90 pounds of wool would make 80 pounds of tops, allowing for 10 pounds of recovery in wastes. Assuming that scoured wool is worth 50 cents a pound, 80 pounds of tops would cost $45 and 1 pound of tops would cost 45/80 of a dollar, or 56.25 cents. The excess cost of material for 1 pound of tops, therefore, is 6.25 cents. The board finds as a result of its investigation (p. 645) that "the cost of making tops in the United States is about 80 per cent greater than abroad." If the American manufacturer gets domestic wool of substantially the same spinning value as English wool and at the same price, 50 cents, no allowance is needed for "compensatory duty." If comparison be made on a dutiable basis we must assume the importation of wool subject to duty. While this is not necessarily the case, we may expand our assumption so as to provide that the scoured wool used in manufacture is imported at 50 cents, duty unpaid, and that this is the same price the English manufacturer pays for his scoured wool at the factory. Then if we assume a duty of 20 per cent for the sake of argument on wool it is clear that the American manufacturer will have to pay 60 cents for his pound of wool after the tariff duty has been liquidated. Now, since 90 pounds of the wool produce only 80 pounds of tops, it is evident that at 60 cents the cost of the 90 pounds would be $54, and 1/80 of this would be 67.5 cents. Seven and one-half cents, therefore, would be the additional pound value of the material going into the tops made from duty-paid wool.

As already stated, the excess material cost per pound of tops made of nonduty-paid wool at 50 cents is 6.25 cents. Assuming that the amount of waste is the same in England and the United States, it appears that the cost of manufacture from duty-paid wool at 20 per cent implies an additional expense of 1¼ cents, which represents the specific compensatory duty that would be needed. This would have to be reckoned as a percentage of 56.25, the presumed cost of the top material in England. It would in that way amount to 2.2 per cent. The board shows that the actual cost of manufacturing tops in the United States from Australian 70–80's is 7.25 cents per pound. Adding this to the 67.5 cents gives 74.75 cents as the cost of a pound of tops in the United States on the basis of the board's figures. In the English mills the cost of conversion is shown as about 100 per cent and in the United States as 180 per cent. Taking 7½ cents as 180 per cent, the cost in England would be 4.03 cents per pound. Deducting this from 7.25 cents, the cost in the United States, leaves 3.22 cents, which represents the excess conversion cost of producing tops in the United States. As an ad valorem percentage of 56.25, this gives 5.72 per cent, which, added to 2.2 per cent, the compensatory duty, gives 7.92 per cent over the duty on wool, or 27.92 per cent.

(b) Second method: Another method of computation may be deduced from the board's work. In the passage already cited the board says (p. 623) that the manufacturer is entitled to a compensatory duty on tops that exceeds the duty on wool by no more than 10 per cent of such duty. Taking the same case we have already assumed, with scoured wool at 50 cents and an import duty of 20 per cent ad valorem, in this case equal to 10 cents per pound, the compensatory duty on tops would be the wool duty, 20% + (10% of 20% —) 2% = 22%, or 10¢ + (10% of 10¢ —) 1¢ = 11 cents, a duty of 11 cents, or 22 per cent. We found that if the wool employed was actually imported from abroad and manufactured subject to the waste indicated by the board the material in a pound of tops would cost 67.5 cents, while in England it would be 56.25 cents. The duty on 56.25 cents at the rate of 22 per cent would be 12.38, which, added to 56.25 cents, would be 68.63 cents, or, in this case, decidedly more than enough to cover the cost in the United States as indicated by the board. The duty required to offset the difference in labor and other costs would be the same as stated in the first method, 5.72 per cent, to which would be added the compensatory duty of 2 per cent and the duty on wool of 20 per cent, or a total of 27.72 per cent on tops. It is clear that the rate of duty, by this method of computation, would change rapidly as the price of wool, duty paid, was increased.

And as the wool became more expensive, the duty required would be a smaller ad valorem percentage. In the shrinkage table given by the board (pp. 387–391), the price per scoured pound, duty paid, on the best grades of wool such as we are discussing, is very seldom as low as 50 cents, and is occasionally as high as 60 cents per pound or more. In these cases the amount of duty would fall off.

In the foregoing computation the assumption has been that the English manufacturer is able to land his tops at New York without any cost for selling charges, transportation, insurance, or commissions in the United States. That, of course, is important. The duties already sketched, therefore, are unduly high, if it be desired simply to cover cost of production. The board has shown that freight charges from Liverpool to Boston are about one-third of a cent per pound on wool.

This takes no account of shipping charges in England or from Boston inland, to say nothing of the charges for other items in the cost of marketing. It would probably be a conservative estimate if the English manufacturer were regarded as being obliged to incur an expense of 3 cents per pound for his marketing and freight charges. Such an allowance, if made, would largely offset the difference in cost of production. If, on the basis of our illustration, following the Tariff Board, it be assumed that the cost of getting out a pound of completed tops in the United States with wool at 50 cents a pound scoured, and the rate of duty at 20 per cent, was 75 cents, while in England it was 56.25 cents plus 4.03 cents, or 60.28 cents, the allowance of 3 cents a pound already referred to being then made, the landed cost (United States) of English tops would be 63.28 cents. Deducting this from 75 cents would leave 11.72 cents, which would be about 19 per cent, or less than the raw-wool duty of H. R. 11019. This would mean that a 20 per cent duty would suffice to protect the American manufacturer against the competition of English producers in tops as well as in raw wool. Of course, in this case it should be borne in mind that the 3-cent allowance would have to be made also in case of the raw-wool duty. That is to say, if 20 per cent on raw wool was protective with wool at the same price in England and the United States, a less duty than that would be necessary in practice owing to the difference in cost of transportation, etc.

(c) Third method: Still another method of computation may be adopted, based on the board's figures. A manufacturer may buy 100 pounds of wool and manufacture it into tops. According to the board he will get only 80 pounds of tops out of the 100 pounds of wool. This would mean that the manufacturer would have to invest the cost of 100 pounds of wool in order to get 80 pounds of tops. In so doing he would obtain wastes which he could sell for something, and which the board says would be worth as much as 10 pounds of clean wool. In our former computation we assumed that the wastes had been sold at this rate. On this supposition it is evident that in order to get 80 pounds of tops the manufacturer has to buy 100 pounds of clean wool,

or, at 50 cents per pound, he must invest $50. Each pound, then, of tops costs him for raw material 62.5 cents, while his competitor in England is getting his wool at 50 cents and his tops at presumably the same relative rate. Now, in the United States assume that a duty is imposed equal to 20 per cent. The 100 pounds of clean wool cost $60, instead of $50, and 80 pounds of tops cost the same. That is to say, each pound of scoured wool costs the American manufacturer 75 cents, while his English competitor is getting his material at 62.5 cents a pound.

The compensatory duty allowed for by the Tariff Board is 10 per cent of 20 per cent, or 2 per cent ad valorem, or 1 cent per pound. The difference in cost of labor and investment is 3.22 cents, the same as in our former illustration. This is now figured as an ad valorem of 62.5, or slightly more than 5 per cent. The specific duty under this basis of estimate, then, would be 1 cent plus 3.22 cents, or 4.22 cents, while the ad valorem duty would be 2 per cent plus 5 per cent, or 7 per cent. This is slightly less than by the former method, because of the higher valuation given to the wool going into the tops, due to the fact that no allowance has been made for the income from the wastes. On some accounts this is a fairer basis of reckoning than the other, because of the fact that the process of manufacture requires the larger amout of wool which is indicated in this second method. Of course in this case the allowance made for freight, etc., would still have to be recognized, and would work out as before in more than neutralizing the difference in cost of production of tops indicated by the board.

3. Study of top prices: The question of the duty on tops may be approached from the standpoint of prices rather than from cost of production. The board has given in the early part of its report (Vol. I, p. 106) a table showing the values abroad of specified classes of tops. It finds that 20 cents per pound is the minimum valuation for tops abroad, and that only in depressed conditions would tops of low quality sell for 20 cents or less. The lowest price given in the tables of quotations for 1910 is 24.8 cents, and the highest is 64.9 cents, the latter being a quotation for the very best grade intended for the spinning of very fine yarns. The quotation on tops intended for the spinning of so-called 64's to 70's, which correspond to what we call in this country fine or one-half blood, are the quotations which should be used for comparative purposes in the present discussion. These quotations were from 54.8 to 62.9 cents, the mean being 58.9 cents per pound. If it be true that raw wool of a given quality used for making these tops can be imported on a scoured pound basis at about the same cost from Australia into the United States as into England, it may be supposed that the price of these tops in England is less than that in the United States (no duty on raw wool) by the excess cost of production of tops in the United States. For the grade of tops considered, this excess cost of production has been found to be about 3.22 cents per pound; in other words, the cost of the same tops in the United States should be about 62.12 cents. Figuring the 3.22 cents as an ad valorem upon 62.5, gives 5.2 per cent as the necessary duty on tops, or, adding compensatory duty in the event that a raw-wool rate of 20 per cent is charged, we should have 7.2 per cent, which roughly corresponds with the showing already made for the grade discussed. If we should compute the rate on the very finest grades it would, however, fall considerably below this figure, while an allowance for freight, insurance, etc., amounting to as much as a cent a pound, would reduce the required protection to 25 per cent or probably much less (granting a raw-wool duty of 20 per cent).

In the following table are presented domestic and foreign costs of producing tops for every cost figure reported in the statement (p. 642), showing variations in the cost of converting wool into tops. The domestic costs are given by the board as a result of its investigations, and the foreign costs are computed on the supposition that the cost of making tops in the United States is about 80 per cent greater than abroad (p. 645). The difference between domestic and foreign costs would represent in each case the disadvantage in cost of production under which the United States labors and would therefore be the figure which should be computed as a percentage of the foreign costs of tops in order to ascertain the ad valorem rate necessary to protect the American producer.

Variations in domestic and foreign conversion cost of wool into tops for a period of 85 months.

[Cents per pound. Tariff Board Report, p. 642.]

Quality of top.	6 months.		Difference.	6 months.		Difference.	7 months.		Difference.	6 months.		Difference.
	Domestic.	Foreign.		Domestic.	Foreign.		Domestic.	Foreign.		Domestic.	Foreign.	
Unwashed territory, one-half blood or above.	5.37	2.98	2.39	7.60	4.22	3.38	8.59	4.77	3.82	10.85	6.03	4.82
Australian and domestic, one-half blood and above	4.91	2.73	2.18	6.79	3.77	3.02	7.75	4.31	3.44	10.05	5.58	4.47
Unwashed territory, three-eighths blood	4.63	2.57	2.06	6.19	3.44	2.75	7.05	3.92	3.13	8.82	4.90	3.92
Australian or domestic, three-eighths blood	4.31	2.39	1.92	6.10	3.39	2.71	6.31	3.51	2.80	8.13	4.52	3.61
Australian or domestic high, one-quarter blood	3.86	2.14	1.72	5.62	3.12	2.50	5.90	3.28	2.62	6.66	3.70	2.96
Quarter blood	3.24	1.80	1.44	4.48	2.49	1.99	4.89	2.72	2.17	6.09	3.38	2.71

4. Summary of top study: (a) If it be assumed that the English and American manufacturers start with wool of the same quality at a uniform price, say 50 cents, the tariff duty not being fully in operation because a home supply exists, it appears that no allowance need be made for compensatory duty, and that the difference in cost of production shown by the board per pound of tops is 3.22 cents, which, computed as an ad valorem upon 56.25, the cost of the material going into a pound of tops, is 5.72 per cent ad valorem.

(b) If it be assumed that the wool used is actually imported into the United States, a duty is paid at the rate of 20 per cent, with no allowance for freight, insurance, etc., the difference in cost must include a compensatory element, figured by the board at 2 per cent, or in this case a cent a pound, and a duty to offset the difference in cost of manufacture, equal to about 3.18 cents, which, figured on the cost of manufacture in England, gives about 5.09 per cent, and this added to the 2 per cent compensatory duty gives a rate of about 7.09 per cent over and above the raw-wool duty, or 27.09 per cent in all.

(c) The rate of allowance for compensatory duty will vary in ad valorem equivalents with the cost of the raw wool in England, and would probably increase or decrease as the cost of the raw wool increases or declines, notwithstanding top costs are lower for cheaper grades of wool.

(d) The foregoing figures are based upon the assumption that no allowance for cost of transportation, insurance, shipping charges, etc., is necessary. Such allowance on these accounts as is customary should be made in order to have the figures hold good in practice. It is observable that an allowance of 3 cents a pound would about offset the difference in cost, both compensatory and labor, and investment cost that has been recognized. Even if it be assumed that such costs of transportation are only 1 or 2 per cent of the value of the tops, a duty of 25 per cent (inclusive of raw-wool duty) would be ample protection.

Noils and wastes: The board has dealt with the subject of noils and wastes incidental to the manufacture of tops, explaining the way in which these wastes originate and the extent to which they are produced in the process of developing tops from scoured wool. It is shown (p. 623) that 100 pounds of fine wool gives 80 pounds of tops, the difference being waste, which is supposed to be worth as much as 10 pounds of wool. In the process of manufacturing worsted yarns the top is converted into roving, and a waste of about 2 or 3 per cent occurs, while subsequently there is an additional waste of about 2 per cent. On the whole the board concludes that the soft wastes made in drawing and spinning are 4 per cent, the hard wastes 2¼ per cent, and the invisible wastes and shrinkage 2¼ per cent, so that the yield of yarn from tops would be 91 per cent. This would mean that on every 100 pounds of tops there is a production of soft wastes equal to 4 pounds and of hard wastes equal to 2¼ pounds. In the process of converting yarn into cloths the waste varies considerably, running from 5 per cent to 25 per cent. The board estimates this waste at about 20 per cent of the value of the yarn from which it is made. That is to say, the gross volume of waste produced in making yarn is from 5 to 25 per cent of the weight of the yarn, while the wastes thus produced are supposed to be worth about 20 per cent, on the average, of the total value of the yarn which has given rise to them in the process of working up.

RAW-WOOL DUTY FOR NOILS.

So long as a specific duty is levied upon wool and the low products of wool, the cost of production, dependent as it is upon the amount of wool needed in the manufacture of the cloth, would determine the rate of duty to be imposed. That is to say, the value of the wastes would properly be reckoned as a part of the value of the total output of the productive operation, including, as that would, tops and wastes or yarn and wastes or cloth and wastes. The duty would need, therefore, to be figured as a composite matter, the amount needed to protect it, granting that wastes in manufacture were equal in amount in different countries, being dependent upon the raw-wool duty, in a certain sense, although the actual figure would depend quite largely upon the demand the industries which used these wastes made for them, and so fixed their price. They can not be said to have any definite cost of production apart from that of the principal products in the course of making raw wool there brought into existence. The board has, therefore, reckoned these wastes and their value as constituting a deduction from the cost of producing tops from wool, yarn from tops, and cloth from yarn. Where an ad valorem system of duty is employed, the situation is different, because the necessity of computation designed to ascertain the amount and value of these wastes need not be undertaken. The wastes will be used again simply as wool.

They act as a substitute for wool in various processes of manufacture, and to that extent displace wool which would otherwise be purchased for the purpose of manufacture. This is true of noils and wool wastes generally. All that is needed, therefore, in a country which levies an ad valorem duty upon raw wool is to treat the wastes in the same way that raw wool is treated. If this were not done it would be cheaper for manufacturers to import such wastes from abroad for use in domestic manufacture. They would, to that extent, cut off the demand for domestic wastes, and the effect of this would be to lower their price in the market, to say nothing of the effect thereby produced on the manufacturing process in which these wastes were brought into existence. Inasmuch as a reduction in the value of the wastes produced in manufacture would mean an increase in the cost of carrying on the principal operation which gave rise to that, a lower duty on such wastes would amount to an infringement upon the duty by which the principal process was itself protected. In the same way, a duty on wastes that was higher than the duty on wool itself would operate to keep out foreign products of the same kind and would thereby enable the manufacturer to gain greater protection under the operation of the compensatory duty than they otherwise would have.

With ad valorem rates of duty, therefore, the indicated level of rates for the noils and wastes will be identical with the rates on raw wool. The board has nothing to say with reference to specific cost of production of noils and wastes since they are by-products as just indicated. They supply the data which could be used to work out a duty if a specific rate were desired. But their argument naturally points to the conclusion, where ad valorem rates are employed, that the duty should be collected at the same rate for wastes as for raw wool itself.

C. YARNS.

The Tariff Board has worked out the cost of making yarns in the same way as for tops, and a similar plan may be pursued in estimating the rate of duty required on yarns.

1. Tariff duty computed: Continuing the illustration of wool at 50 cents per pound scoured in England, and a duty of 10 cents per pound or 20 per cent ad valorem on the wool imported into the United States, with tops thereafter costing on the basis of the board's figures, say 75 cents per pound, as against about 60 cents in England, the computation will be as follows: A compensatory duty, according to the board, equal to 8 per cent of the compensatory duty on tops. Assuming that this duty is 22 per cent, 8 per cent of it will be 1.8 per cent ad valorem. Beyond that the difference in cost depends upon

the kind of yarn made, its ply, and count. The board gives material on the cost of making yarn (pp. 645–650), and on page 648 enumerates the cost of converting tops into 2-ply yarns, for counts ranging from 28's to 60's. First taking the lowest count, it is seen from the table given that the total conversion cost in the United States is 12.62 cents per pound, while in England it is said to be about one-half, or 6.31 cents. The lost of weight in yarn making is 9 pounds per 100 (p. 624). This means that in the United States the cost of the yarn material would be $75 \times 100 \div 91 + 12.62$, or 95.04 cents, 75 cents being assumed as the cost of a pound of tops.

In England the corresponding pound of yarn would cost about $66 \times 100 \div 91 + 6.31$, or 72.24 cents. Figuring the difference in cost, 6.31, as a percentage of 72.24 cents, it is seen that the ad valorem equivalent is about 8.73 per cent, and adding 1.8 per cent for the compensatory duty would be 10.53 per cent over and above 25 per cent on tops, or in all 35.53 per cent. This may be tested by comparing the value of yarn product resulting from a pound of tops in the two countries. We have seen that in the United States this would be 95.04 cents, while in England it would be 72.24 cents. The difference is 22.80 cents, which, reckoned as an ad valorem of 72.24 per cent, is about 31½ per cent. The same computation may be carried out on the other plan, suggested in connection with tops above, i. e., allowing for the value of recovered wastes. In that case the computation would be as follows: One hundred pounds of tops yield on the average 91 pounds of yarn, but the wastes are worth as much as 4½ pounds of tops. In other words, the material cost of getting 91 pounds of yarn equals the cost of 95½ pounds of tops. Assuming that tops are worth 75 cents in the United States, 91 pounds of yarn will cost $71.625 for material, and the unit cost will be 78.7 cents. Adding 12.62 cents for conversion, the cost of 1 pound of yarn is given as 91.32 cents in the United States, and by the same method 69.31 cents in England. The compensatory duty here is 4½ per cent of 25 per cent, or 1.125 per cent, and the conversion cost 9.1 per cent, or 10.225 per cent in all—a total duty of 35.225 per cent ad valorem.

In these computations again no allowance has been made for the cost of transportation necessary to put the manufacturer on a basis of competition with the American producer. If 3 cents a pound allowance were made upon the yarn value, it would work out in a somewhat different way from that in the case of tops, however, owing to the higher value of the yarn. In that case we have to reckon the cost of the yarn straight through from the raw wool to the yarn. Assuming that the cost of the tops was, as already stated, the amount needed to produce a pound of yarn, meaning, as shown by the board (p. 623), 9 per cent greater than the amount of yarn used, it would appear that 75 cents must be regarded as 91 per cent of the amount of tops needed to produce a pound of yarn. This would mean that the tops necessary to produce a pound of yarn would cost 82.42 cents. In England it would be necessary to spend about 67 cents to get tops necessary to produce a pound of yarn. Adding the cost of manufacturing a pound of yarn in the United States at the same rate as before, 82.42 cents must be increased by 12.62 cents, giving about 95 cents. In England 67 cents must be increased by 6.31 cents, giving 73.31 cents. The total difference in cost is thus shown to be 21.69 cents. An allowance of 3 cents per pound for the marketing charges would cut this to 18.69 cents per pound, which gives an ad valorem on 73.31 of about 25.5 per cent.

2. Change in ply and count of yarn.—It should be noted that the ad valorem rate supposedly necessary to protect the producer owing to differences in cost varies materially in accordance with the changes in ply and count of yarn. It should be figured, therefore, for each ply and count of yarn. The board has furnished data for a few of the different grades of yarn, and in the following table the computation has been followed through upon the basis indicated above.

In the following table is shown the two grades of yarn (two-ply 32's and 40's) whose cost is given by the board in the United States and England with the difference in cost computed as an ad valorem on the quotation at Bradford of these particular grades of yarn:

Rates of duty on yarn necessary to equalize difference in cost between the United States and England.

[Cents per pound. Tariff Board report, pp. 114, 650.]

Item.	Yarn.	
	Two-ply 32's.	Two-ply 40's.
Conversion cost from tops:		
United States (excluding interest)	14.48	17.99
England (including interest)	8.10	10.60
Difference	6.38	7.39
Mean quotations at Bradford (January–November, 1911)	40.30	49.20
Rate of duty necessary to equalize the difference:		
Ad valorem	[1] 15.83	[1] 15.02
Specific	6.38	7.39

[1] Per cent.

In studying this table, it should be borne in mind throughout that the assumption has been made that raw wool is purchased by American and English manufacturers on the scoured basis without payment of duty at New York and Liverpool, respectively; that subsequently the American manufacturer has paid his duty at 20 per cent ad valorem on raw wool, and has taken the raw material to his establishment for the purpose of manufacturing it into tops and yarns. This assumption may fairly be made, and the table may fairly be relied upon in view of the assumption that the raw-wool duty is ad valorem. If the duty be levied as at present upon the grease-pound basis, quite different results will be produced according to wool shrinkages more or less, and according to methods of scouring in this country different in their fine-wool contents from those which are pursued abroad.

3. Price study of yarns: In its first volume (p. 114) the board has furnished data for a price study of yarns. These may be used for the purpose of checking the analysis already made from the standpoint of cost production. In the section referred to, the board cites the quotations in England for worsted and hair yarns reported by the Bradford Chamber of Commerce. In 1909, it gives worsted 2-ply 40's as worth 65.9 to 75 cents per pound. In the section of the report of the Tariff Board devoted to the subject of manufacturing (Vol. III, p. 648) the cost per pound of converting tops into 2-ply 40's in the United States is given as 17.98 cents, and further (p. 650) the corresponding figure in England is given as 10.6 cents. The difference would be 7.38 cents, so that the inference may be fairly drawn that the cost of these same yarns, which sell at, say, 70 cents a pound in Bradford, England, should be about 7.38 cents higher, or 77.38 cents in the United States, assuming that the wool out of which they are made was free. In that case the duty required to equalize the cost of production on these yarns would be 7.38 cents divided by 70 cents, or 10.5 per cent. Working this out with English cost taken as one-half American the duty would be 12.8 per cent. The former basis is the fairer. This would be a duty intended to equalize the conversion cost between England and the United States.

No compensatory duty need be figured in this case for the equalization of wastes consequent upon the shrinkage of duty-paid wool, because this is a price, not a cost figure. These results should be compared with the cost of production estimates already given, as based upon the figures of the board. Here, again, no allowance is made for transportation and shipping charges, which would cut the duty from 10.5 per cent to possibly 6 or 7 per cent.

The question whether the yarns mentioned are placed upon the same comparative basis depends upon the use of substantially the same class of wool in manufacture. It can not be stated whether the wool thus used was uniform in the counts of yarn cited for quotation at Bradford with those considered by the board in the United States. If we should take the average of a number of plies and counts of yarns a nominally more general figure would be obtained, but this appearance of general applicability would be only nominal, because the thing which is of interest is the power to compete in specified grades of yarns. Absolutely correct results can be obtained, therefore, only by comparing the cost of production or price of specified counts with the corresponding figures for foreign conditions.

The board states that the average value of yarn imported into the United States was $1.05 in 1911. This was an insignificant amount, because of the restrictive character of the duties, which did not compete with domestic yarns. It can not be stated what counts they represented, but, assuming that they were those most commonly used for fabrics, it might be assumed that the conversion cost was the amount as already stated, in which case the rate of protection called for would probably be not to exceed 7 per cent.

The following table shows the ad valorem duty required to protect the American producer against English competition, figuring English cost as the difference between English quotations for tops and yarns at Bradford, while American cost is taken as computed by the board. This would include interest in the English costs, but the same has been done by the board in figuring the English costs actually given by it.

Conversion costs of tops into yarn with rates necessary to equalize costs between England and the United States.

[Cents per pound.]

Item.	Two-ply 32's.	Two-ply 40's.
Conversion costs from tops: [1]		
United States (excluding interest)	14.48	17.99
England (as shown by deducting Bradford quotations of tops from yarns)	14.20	21.80
Difference	.28	+3.81
Mean quotations at Bradford (January to November, 1911) [2]	40.30	49.20
Rate of duty necessary to equalize yarn costs:		
Ad valorem	[3]	
Specific	.28	

[1] Report, p. 650. [2] Report, p. 114. [3] 0.69 of 1 per cent.

It may be fairly concluded, therefore, that the price showing of the board, taken in conjunction with the figures for conversion cost, the latter being estimated upon the basis of foreign price, would point to the necessity of an ad valorem duty of not more than 7 per cent above the rate on tops. If tops were 5 per cent, as they would be if there were no duty on raw wool, the duty on yarns would thus be 12 per cent. If a duty of 20 per cent were levied on raw wool, the duty on yarns would be from 30 to 35 per cent—say, 32 per cent.

D. CLOTH.

The board has computed the cost of production of cloth in a manner decidedly different from that which has been employed in connection with the cost of yarns and tops. For the latter products it ascertained costs by obtaining figures on standard processes, applicable to very large volumes of product, and tabulated them in such a way as to get at unit cost. It has rejected this method in the case of cloth because of the belief that such a plan is not applicable. The board says that it has been obliged to base its relative costs upon specific samples of home and foreign products. This means that it has simply taken selected pieces of cloth and obtained from a few mills cost estimates thereon. The board does not state the number of mills consulted, but a letter from Chairman Emery states that from 3 to 15 mills were asked to figure on each sample in the United States, and that the board does not know how many mills were consulted for each sample abroad. Furthermore, the samples that were estimated upon by the different mills were not in all cases samples made by those mills. The board says:

"Our agent * * * visited the mills with specific samples and worked out with the proper officials the cost under each separate process. * * * By this detailed analysis by processes the estimates came as near to the actual cost as the mill itself was able to make them."

The board submits two classes of samples—the one numbered consecutively from 1 to 53, the other from A to N. The first set of samples were compared chiefly with costs in English mills. "Samples of identical fabrics cut from the same piece were taken to England and to the Continent." These were American cloths. On the samples A to N the costs were secured on "similar cloths." In no case did a German manufacturer figure on the cost of producing an American fabric. They merely selected cloths which "came very near the sample fabric."

1. Character of figures: It should be definitely stated that no confidence whatever can be placed in these figures, for the following reasons:

(*a*) The cost figures secured were not obtained for identical fabrics produced in the same mills, but were secured for fabrics which were similar; many of which were not produced at all in the mills to which they were submitted, although they might have been.

(*b*) There is no positive knowledge as to the number or representative character of the mills that made estimates on the samples.

(*c*) There is no knowledge as to the methods by which the figures secured from the different mills estimating on the same sample were averaged. The board admits that not all of them kept their cost figures on the same basis or in like detail.

(d) Slight variations in fabric or slight errors in selecting mills of the same relative grades of efficiency would in the case of unit costs on single pieces of one fabric give rise to differences which do not seem great in themselves when stated as unit costs, but which in the aggregate would make very large variations in cost of operation for a period of months, weeks, or even days.

While thus absolutely rejecting the board's cost figures on cloths, we may subject the figures to an analysis for the purpose of ascertaining what they indicate with respect to the rates of duty that would be needed in order to protect the American manufacturer were we to accept the theory that a duty equal to difference in cost is required by protective principle.

In column 1 of the following table the number of the sample is given, such number corresponding to the number given in volume 3, pages 651 ff., of the board's report. Column 2 designates the kind of cloth by representative letters (with key at the bottom of the page). In columns 3 and 4 is shown cloth cost in the United States and in England, respectively. Columns 5, 6, and 7 relate to conversion cost and show American cost, English cost, and the difference between the two. This conversion cost is the outlay required for converting yarn into cloth. The board says (p. 651) that this conversion cost means "the total expense incurred in manufacturing yarn into finished cloth ready for use by the customer. It does not include the cost of the yarn, but does include the amounts expended for both direct and indirect labor, for departmental materials in the several processes of manufacture, and the charge for general expense."

Referring to the board's cost schedule, the general expense schedule is found on page 636, where general expense is analyzed into works expense and fixed charges, the latter including insurance, taxes, depreciation, and other items.

Tariff Board cloth and conversion estimates of samples in United States and in England, with difference in conversion costs, and the resulting tariff duty.

Sample No.—	Kind of cloth.	Cloth cost.		Conversion cost.			Per cent of American conversion cost to United States cloth cost.	Per cent of English conversion cost to English cloth cost.	Per cent of difference in conversion costs.		Rate assumed to equalize duty on yarn.	Resulting tariff duty.
		In United States.	In England.	American.	English (same cloth).	Difference.			To American cloth cost.	To English cloth cost.		
1	F	$0.205	$0.1535	$0.080	$0.0401	$0.0399	27.12	26.12	13.53	25.99	30	55.99
2	G	.28	.224	.083	.0415	.0415	29.64	18.53	14.82	18.53	30	38.53
3	F	.248	.1518	.089	.0488	.0402	35.89	32.15	16.21	26.48	30	56.48
4	G	.323	.1796	.106	.065	.041	32.82	36.19	12.69	22.83	30	52.83
5	F	.337	.1996	.118	.0556	.0624	35.01	27.86	18.52	31.26	30	61.26
6	F	.447	.2872	.127	.0572	.0698	28.41	19.92	15.62	24.30	30	54.30
7	F	.438	.2566	.132	.0614	.0706	30.14	23.93	16.12	27.51	30	57.51
8	E	.52	.3391	.133	.0661	.0669	25.58	19.49	12.87	19.73	30	49.73
9	C	.772	.4134	.145	.0689	.0761	18.75	16.67	9.86	18.41	30	48.41
10	F	.595	.3378	.165	.0698	.0952	27.73	20.66	16.00	28.18	30	58.18
11	C	.869		.165	.081	.084	18.99		9.67		30	
12	B	.649	.3451	.168	.0777	.0903	26.89	22.52	13.91	26.17	30	56.17
13	C	.453	.3323	.174	.0863	.0877	38.41	25.97	19.36	26.39	30	56.39
14	C	.654	.405	.178	.0777	.1003	27.22	19.19	15.34	24.77	30	54.77
15	E	.798	.3654	.190	.0853	.1047	23.81	23.34	13.12	28.65	30	58.65
16	E	.692	.4721	.212	.1107	.1013	30.64	23.45	14.64	21.46	30	51.46
17	E	.68	.4667	.212	.1067	.1053	31.18	22.86	15.49	22.56	30	52.56
18	C	.702		.213	.094	.119	30.34		16.95		30	
19	B	.74		.215	.091	.124	29.05		16.76		30	
20	E	.716	.5037	.216	.1034	.1126	30.17	20.53	15.73	22.35	30	52.35
21	C	.729	.4397	.217	.089	.128	29.77	20.24	17.56	29.11	30	59.11
22	B	.894	.4911	.222	.1193	.1027	24.83	24.29	11.49	20.91	30	50.91
23	B	.835	.47	.235	.104	.131	28.14	22.13	15.69	27.87	30	57.87
24	G	.811	.6061	.240	.0985	.1415	29.59	16.25	17.45	23.35	30	53.35
25	C	.903	.546	.245	.1136	.1314	27.13	20.81	14.55	24.07	30	54.07
26	G	.799	.5175	.249	.109	.140	31.16	21.06	17.52	27.05	30	57.05
27	E	.998	.4763	.250	.1043	.1457	25.05	21.90	14.60	30.59	30	60.59
28	C	.847	.408	.254	.098	.156	29.99	24.02	18.42	38.24	30	68.24
29	B	.828		.258			31.16				30	
30	D	1.11	.701	.265	.117	.148	23.87	16.69	13.33	21.11	30	51.11
31	C	1.206		.282	.1114	.1706	23.38		14.15		30	
32	C		.5006	.290	.1078	.1822		21.53		36.40	30	66.40
33	E	1.042	.6833	.291	.1357	.1553	27.93	19.86	14.90	22.73	30	52.73
34	D	.965	.4711	.293	.1207	.1723	30.36	25.62	17.85	26.57	30	66.57
35	E	1.494		.294			19.68				30	
36	B	1.556	1.10	.300	.154	.146	19.28	14.00	9.38	13.27	30	43.27
37	A	1.26	.8421	.300	.1436	.1564	23.81	17.05	12.41	18.57	30	48.57
38	D	1.66	.7426	.31	.1165	.1945	26.67	15.69	16.68	26.19	30	56.19
39	B	1.06		.320			30.19				30	
40	E	1.063		.359			33.77				30	
41	A	1.141	.701	.360	.2053	.1547	31.55	29.29	13.56	22.07	30	52.07
42	B	1.417	.85	.362	.152	.210	25.55	17.88	14.82	24.71	30	54.71
43	E	1.104		.364			32.97				30	
44	A	1.661	1.054	.365	.1877	.1773	21.97	17.81	10.67	16.82	30	46.82
45	D	1.504	.9512	.370	.1671	.2029	24.60	17.57	13.49	21.33	30	51.33
46	A	1.709	1.0996	.386	.1861	.1999	22.59	16.92	11.70	18.18	30	48.18
47	A	1.503	.9152	.382	.16	.222	25.42	17.48	14.77	24.26	30	54.26
48	A	1.349	.8190	.392	.1924	.1996	29.06	23.49	14.80	24.37	30	54.37
49	B	1.332	.7641	.396	.1512	.2448	29.73	19.79	18.38	32.04	30	62.04
50	D	1.446		.402			27.80				30	
51	A	1.789		.603			33.71				30	
52	D	2.136	1.257	.632	.2376	.3944	29.59	18.90	18.46	31.35	30	61.35
53	A	2.233	1.234	.693	.339	.354	31.03	27.47	15 85	28 69	30	58.69

A. Staples and piece dyes. B. Serges. C. Fancy woolens. D. Fancy worsteds. E. Women's wear. F. Lightweight women's wear. G. Cotton warp.

2. Mode of computing tariff: It is evident that to ascertain the tariff on the board's theory needed to protect the American manufacturer in the process of cloth making the English conversion cost must be deducted from the American, as is done in column 7, and the difference must be regarded as the amount of protection needed. In columns 8 and 9 the relation of total American conversion cost to total American cloth cost and the percentage of English conversion cost to total English cloth cost have been figured, for reasons which will later appear. In columns 10 and 11 are given the percentage of the difference in conversion cost to American cloth cost and to English cloth cost. There may be a division of opinion which of these should be used as the basis for figuring the tariff duty required. Taking the most extreme case, however, it may be assumed that an English manufacturer produces cloth at the cost indicated by the board, ships it to the United States without expense for transportation and without interest on capital, commission charges, or other outlays of the kind, and sells it in the American market. In that case, if he sold at cost, the American producer would need a tariff based on the English cost as compared with the difference in conversion cost, supposing that the duties were to be levied upon an ad valorem basis.

These figures are given in column 11 and range from 13 per cent up to 38 per cent or more. The average is 24.49 per cent. This figure may be taken, then, as the extreme rate of duty needed to protect the American manufacturer on the basis of cost of production under the theory of the board, accepting its cost figures as unquestionably correct.

It will be noted, however, that this duty amounts only to a protection on the process of making cloth. It must, therefore, be added to the duty properly to be levied under the board's figures upon the material, yarn, of which cloth is made. In order to get absolutely correct results on this subject it would be necessary to have cost figures, from the raw material up, for every kind of yarn used in the manfacture of these cloths. Those can not be obtained, because the board does not give complete figures for every ply and count of yarn. It may, however, fairly be assumed that the board is honestly representing the case in stating that the costs for yarn which it has presented, as well as its cost for tops, are representative. Supposing that to be true and accepting the average cost of production of its tops and yarns as the basis for duty upon the yarns used in producing each of these representative samples, it will be found (see tabulation elsewhere) that the cost figures on yarns and tops point to the necessity of an average duty of, say, 30 per cent on the yarn in order to equalize differences in cost of production. The same duty must then, of course, be applied to the cloth cost as a basic rate under the conditions fixed by the board.

This estimated rate has been set down in column 12 as the addition which should be made to the duties presented in column 11 for the purpose of getting at the total required duty. In column 13 is presented the combination of the two duties enumerated in columns 11 and 12, which represents the total tariff duty on these samples required under the board's figures. It will be found that this makes an average duty in the aggregate (foot of column 13) amounting to about 55 per cent.

However, for the purpose of practical legislation this can not be accepted as the basis of action. It has already been noted that no allowance was made for transportation from England to the United States, nor for the actual and necessary capital cost, independent of profit necessary for carrying the goods, insuring them in transit, paying commissions in this country, and placing them on the market. It will be regarded as a very conservative estimate to figure this outlay at 10 per

cent of the cost of goods from the factory to the retailer, entirely independent of profit, and this leaves 45 per cent. Moreover, it will have been noted that in certain portions of the discussion of estimated cost of yarns, figures were given which included an element of profit, because the board presented the data in this manner. If this item included for profit were eliminated, the figures of cost would be correspondingly reduced, and the rates of duty needed for protection would be likewise lessened.

German and American sample cloth and conversion costs, with per cent of conversion cost, and resulting tariff duty.

[Tariff Board Report, pp. 694 to 704.]

Sample No.	Kind of cloth.	Cloth cost (including selling expense).		Conversion cost.			Per cent of American conversion cost to United States cloth cost.	Per cent of German conversion cost to German cloth cost.	Per cent of difference in conversion cost—		Rate assumed to equalize duty on yarn.	Resulting tariff duty.
		In United States.	In Germany.	American.	German.	Difference.			To American cloth cost.	To German cloth cost.		
A	Worsted suitings	$1.71	$1.119	$0.495	$0.283	$0.212	28.95	25.29	12.40	18.95	30	48.95
B	do	1.86	1.222	.50	.278	.222	26.88	22.75	11.94	16.17	30	48.17
C	Black drape worsted	2.2462	1.522	.784	.489	.295	34.90	32.13	13.13	19.38	30	49.38
D	Fine worsted	2.2333	1.328	.71	.436	.274	31.79	32.83	12.27	20.63	30	50.63
E	Fancy worsted	1.5626	1.129	.413	.246	.167	26.43	21.79	10.60	14.79	30	44.79
F	Men's heavy serge	2.321	1.305	.666	.370	.296	28.69	26.52	12.75	21.22	30	51.22
G	Men's serge	1.9778	1.208	.527	.315	.212	26.65	26.08	10.72	17.55	30	47.55
H	Fancy worsted	1.396	.8097	.47	.286	.184	33.62	31.79	13.16	20.45	30	50.45
	Unfinished worsted	1.684	1.066	.47	.265	.205	27.91	24.40	12.17	18.88	30	48.88
I	Fancy worsted	1.471	1.052	.521	.301	.220	35.42	28.61	14.96	20.91	30	50.91
K	do	1.782	1.10	.522	.288	.234	29.29	26.18	13.13	21.27	30	51.27
L	Fancy serge	1.638	1.053	.558	.31	.248	34.07	29.44	15.14	23.55	30	53.55
M	Fancy worsted	1.846	1.232	.486	.275	.211	26.33	22.32	11.43	17.13	30	47.13
N	do	1.728	1.208	.468	.257	.211	27.08	21.27	12.21	17.47	30	47.47

The same method of computation has been followed in Table 14 with regard to German costs. These have been averaged in a similar manner, showing the supposed need of an average tariff duty on the process of cloth making amounting to 19.28 per cent. Adding this to the yarn costs, it appears that the total average rate of duty required to protect against Germany would be 51 per cent, or, on a basis of 30 per cent yarn duty, 49 per cent. If the same deduction of 10 per cent were made, as in the case of the other collection of samples, the remaining duty would be 39 per cent.

All these cloths were included under paragraphs 5 and 7 of H. R. 11019, vetoed by President Taft, at 40 and 45 per cent ad valorem.

The average duty on German and English cloths, as figured above, if they were to be combined in a weighted or true average, would be about 46 per cent. The rates in paragraphs 5 and 7 of H. R. 11019 were 40 and 45 per cent, respectively.

3. Equalization of costs: Further analysis of the table throws much light on the situation in respect to cloth cost in the United States and abroad and the rates of duty supposed to be necessary to equalize these costs. Considering the table without any reference to the duties on yarn or the total tariff duties, and simply with regard to the data indicated as being necessary by reason of the difference in cost of production, it is seen that very wide variations of cost difference are to be noted. Thus, in column 11, showing the per cent of difference in conversion cost stated as an ad valorem percentage of the English cloth cost, it is seen that some figures run as high as 36½ per cent in England, while other figures run as low as 16.82 per cent. It is an obvious fact that a rate of duty which would, on the board's theory, protect the American manufacturer against English competition in one case would not be satisfactory in the other. A number of the sample cloths studied by the board show less than 25 per cent, while several run higher than that. Analyzing the column further, it is found that nearly one-half of the total number are below 25 per cent.

There is no explanation of the reasons for the extreme variation in the board's report, but it would appear to be largely due to differences in the cost of the yarn stock. In columns 3 and 4 are given the cloth cost in the United States and in England, and in columns 5 and 9 the cost of conversion in American and English mills. While there are considerable differences in the conversion costs per yard, it seems evident from a study of the figures that the principal foundation for differences between the United States and England is the variation in yarn-stock cost. It will be observed in columns 3 and 4 that in the more expensive fabrics the difference in cloth cost is large, but that it does not necessarily follow that a disproportion of the great difference in conversion cost exists. For example, sample No. 46 shows a cloth cost in the United States of $1.71, while in Great Britain the cloth cost is $1.10. Yet the conversion cost in the United States was 38.6 cents and in England 18.61 cents.

Although there was a difference of 61 cents in cloth cost, this particular sample showed no greater margin of difference than did others. About 41 cents per yard was due to the difference in yarn-stock cost. In a similar way sample No. 12 shows a cloth cost in the United States of 64.9 cents, while in England the cost is 34.51 cents, a difference of approximately 30 cents. The difference in conversion cost was about 9 cents, the conversion cost in the United States being nearly 17 cents. Thus of the difference in cloth cost fully 21 cents, or nearly one-third of the cloth cost in the United States, was due to differences in yarn-stock cost. Without going into this phase of the subject at greater length, it may be said generally that the higher differences in cost of production are due to the higher cost at which the United States is compelled to get its yarn, and that this, as seen in our sections on yarn and tops, is primarily due to the unequal working of the duty on raw wool, which works unevenly upon wools of different fineness and spinning quality. If such inequalities were removed much of the variation in differences of cost between the United States and England would disappear and there would be a tendency to reduce differences in cost toward the level of the fabrics which show the lower differences.

4. Variation by countries: The figures in Table 14, contrasted with those in Table 13, show that the amount of duty needed to equalize difference in production between the United States and Germany are very much smaller than those needed to equalize differences between the United States and England. As there shown, the average percentage of difference in conversion cost, figured as an ad valorem of German cloth cost, is less than 20 per cent, and in the case of one fabric runs below 15 per cent. This presumably shows that the cost of production in Germany is higher than in England, as compared with the United States. The comparison can not be an accurate one, since the board's analysis of samples did not employ the same fabrics for competitive purposes in its study of conditions in Germany as in England, but the tendency may fairly be stated as already indicated. It is therefore worth noting that certain German fabrics show, according to the board's figures, necessity for a smaller amount of duty than for any of the fabrics included in the English list. This is doubtless due to conditions under which the raw material is obtained. For example, sample E, in Table 14 shows, a cloth cost in the United States of $1.56 and in Germany of $1.13. The conversion cost in the United States was 41.3 cents and in Germany 24.6 cents, or a difference of 16.7 cents. This was a case where cost of raw material was decidedly high as compared with the cost of most of the raw material used in the English fabrics, and where the difference in conversion cost was therefore a comparatively small percentage of the total cost. With this may be contrasted sample H, which shows an American cloth cost of $1.40 and a German cloth cost of 90 cents, while the difference of conversion cost was 18.4 cents. Here the difference between the cloth cost between the two countries was 50 cents, as against the difference of 43 cents in the case of sample E, but the lower basis of ad valorem computation in the case of sample H led to a relatively higher rate of duty—20.45 per cent. Many of these wide margins of difference, not only between different fabrics in the same country, but between different fabrics in different countries, would be eliminated. If all were placed upon the same footing with reference to access to raw material, free raw material in the United States would probably give us a distinct advantage over some foreign countries that produce woolens, this difference being probably in not a few instances sufficient to more than offset the differences in conversion cost. Under present conditions, what is sufficient protection against one country is not, according to the board's report, sufficient protection against others, while an adequate duty directed against the products of the stronger competitive countries imposes an unnecessary disadvantage upon those which are thus placed under the obligation of paying a high rate of duty more than corresponding to the difference in cost.

Keeping in mind the fact that there are many differences in cost among American mills themselves, the policy which imposes duty at a rate sufficiently high to protect against the most efficient mills abroad, levying the same rate on the goods which come from countries not so favorably situated with reference to raw material, gives large degree of protection to the products of American mills of the less efficient class, and enables them to continue in business in certain classes of fabric with costs of production that are needlessly high and that both might and would be very easily reduced, were they subject to even a moderate amount of competition from foreign mills. While, as already stated, there is no reason to regard the sample study of the board as entitled to confidence, the results, so far as they indicate anything, emphasize the necessity for either assigning rates of duty on a basis to protect the most efficient domestic mills against the most efficient mills abroad or reclassifying fabrics with a view to lowering the rates upon those that can bear such cuts better than others. If either of these inferences from the board's figures as to the cost of sample fabrics were to be accepted, the rate of duty considered necessary for protective purposes would be greatly less than that which has already been indicated.

E. READY-MADE CLOTHING.

The board has investigated the subject of ready-made clothing and has reported on this subject in Volume III (pt. 4, pp. 843-946), in which is furnished information concerning men's and women's ready-made clothing, knit goods, etc.

Discussing the cost of men's suits (p. 860), it is found in the case of cheap suits ($8 and under) the material cost is about 47.1 per cent, the trimmings 13.7, or a total of 60.8 per cent. Manufacturing cost, including direct labor and factory expense, is 22 per cent, while overhead expense is 6.9 per cent and profit is 10.1 per cent. From this it is clear that the amount of tariff duty left upon the goods going into the suit itself should be the same to the extent of 60.8 per cent of the suit, as on the raw material of which it is composed. If there were a duty of 45 per cent upon the cloth and trimmings used in the manufacture of a suit, this presumably should represent the rate of duty upon the finished product so far as that consists of the material thus made dutiable. In other classes of manufacture the method adopted by the board in estimating tariff duties has been to figure the difference between the production cost, exclusive of material, in the United States and foreign countries, and then to add this difference as an excess tariff duty over and above the duty on the raw material.

The question with reference to ready-made clothing is, therefore, whether 30 per cent of the costs of manufacturing clothing which is found to be due to labor and factory expense and overhead charges is greater in the United States than abroad. There is no definite information in the board's data regarding the cost of manufacturing clothing, inasmuch as costs do not appear to have been ascertained

abroad upon the same basis. About all that can be said, therefore, is that, so far as the board's information goes, there is no reason for increasing the tariff on ready-made clothing above the rate of tariff imposed upon the cloth and material out of which such clothing is made. The rate of duty fixed in H. R. 11019 upon ready-made clothing was 45 per cent, which was the highest rate given upon any article provided for in the bill except carpets (par. 17). The board furnishes a number of indirect reasons for thinking that no excess duty is needed for the purpose of protecting the ready-made clothing industry against supposed excess cost in foreign countries. It states that the total annual manufacture of ready-made clothing in this country in 1909 was about $486,000,000 for men's and $385,000,000 for women's wear, making a total of more than $870,000,000.

The amount of importations of ready-made clothing under the tariff law in 1910 was $1,776,236, and the amount which was estimated as likely to be imported under H. R. 11019 during a 12-month period about $5,000,000. H. R. 11019 proposed to reduce the rate from 81.31 per cent (equivalent ad valorem for 1910) to 45 per cent. The fact is that ready-made clothing is an article which does not pass to any great extent into international trade, owing to the fact that there are large differences in styles between the countries, and that very large variations in cost may occur without greatly affecting the trade in such clothing. It is probable that a large proportion of the small amount of our imports of ready-made clothing at the present time represent the value of goods brought home by returning travelers, and have no relation whatever to the rates of the tariff. The board, moreover, makes it clear that probably one-third of the existing retail price of ready-made clothing represents charges for retailing, advertising, etc., all of which items are probably the subjects of competition and need not be provided for in the tariff as the subjects of special protection.

Very little attention need be given to the board's estimate of the cost of different elements entering into the manufacture of different garments. The inquiry of the board was conducted entirely by the sample method, and may, or may not, have represented the general average cost in the industry. It is an interesting fact that in analyzing typical suits, the cost of Ohio wool has been used as the basis for the computation, notwithstanding the fact that the Ohio wool does not sell in the market any higher than wool of similar quality from other sources, although its expense of production was found to be very much greater than wool grown in the States farther west. Therefore, so far as the board's incomplete data on ready-made clothing afford light upon duties, they would appear to indicate a tariff identical with that on the cloth used in making the clothing.

F. KNIT GOODS.

In connection with its discussion of ready-made clothing, cost analyses are given by the board (pp. 911–946) with reference to sample knitted garments, such as sweaters, mittens, etc. Here, as in the case of the ready-made clothing, comparative data for foreign countries are absent. The analysis is made from the establishments of the United States, and the effort of the board has been to segregate the different items of cost, so as to show the cost of stock, labor, and factory expense. The general showing made by the board is that the materials used consist of the coarser grades of yarn, while the processes of manufacture are apparently less costly than those producing cloth. Thus, for example, in the sample study made by the board it was found that, for instance, in sample 49, the stock cost of the sample was 94 cents per yard, while American conversion cost was 40 cents, making a total cloth cost of $1.34. In English mills the yarn for a yard cost 61 cents, and the manufacturing cost was 15 cents, giving a total cloth cost of 76 cents per yard. The labor in the conversion cost for the United States was found to be 21.3 cents per yard. Contrasting this with the Cardigan jacket, taken by the board as a sample in the knit-goods investigation (p. 920), it was found that the cost for stock and trimmings in a dozen garments was $11.68, while the conversion cost was $8.16. The total mill cost, therefore, was $19.84.

In the United States the labor outlay for converting yarn (No. 49) into cloth was about 16 per cent, while in the case of the knit goods the labor outlay was about 30 per cent of the total. The labor outlay on sample No. 49 was, however, about 54 per cent of the actual conversion cost from yarn to finished goods, while in the Cardigan jackets it was about 70 per cent. In their samples it appears that the labor cost of conversion is about two-thirds of the total cost of conversion, while numerous instances are given by the board in which the relationship between labor cost of conversion from yarn to finished cloth is substantially the same, or is higher. There appears to be no reason, therefore, for assuming that any larger allowance for protection should be made upon knit goods than upon ready-made clothing or fabrics. The knit goods are made from the lower and coarser qualities of yarn, and there is less difference in the cost of production, probably, of such yarns between the United States and foreign countries than there is on the finer yarns when labor and capital costs are considered. The fair inference would be, therefore, that the duty required on the knit goods would be less than the duty called for upon fabrics.

G. CARPETS.

No data whatever are furnished by the board with reference to carpets except a few general statements concerning the position of the industry in Volume I (pp. 169–188). These statements are purely descriptive of methods of manufacture, amounts of importation and exportation, etc. The tariff history with reference to carpets is given. The board points out (p. 169) that the difficulty in fixing tariff rates on carpets has been to arrange matters in such a way that the rates should prevent the introduction of third-class wool and its use as a substitute for clothing wool. This is a difficulty which grows out of the application of specific duties, with considerable variations in the amount of wastes produced in the process of manufacturing, etc. If an ad valorem duty is levied upon third-class wools, upon the same basis as on the first and second class, the difficulties arising out of variations in compensation involved in the specific-duty system are removed. Assuming that the ad valorem charge on carpet wools is the same as on other wools, two questions arise in connection with tariff duties (1) whether the relation between the raw material employed in the manufacture of the finished product bears approximately the same relationship to the value of labor in carpets as is the case of fabrics made from the finer wools, and (2) whether the industry employs about the same proportion of tax-free materials as does that which deals with fabrics.

On these points the board furnishes little or no information, and what it does furnish is incidental to its discussion of other phases of the industry. The conclusion to be drawn from the statistical matter furnished is that, owing to the use of raw materials other than wool, which are dutiable at a much lower rate, or are free of duty, there is much less reason for the levying of duties at the same rate on carpets as upon fabrics. The fact that the raw material is so much less valuable than in the case of the fabric tends to reduce the value of the stock cost as compared with the labor cost entering the product. If these two factors be considered to offset each other, in a measure, the rate of duty on carpets might be regarded as about the same as that placed on the coarser fabrics, whatever that may be. In proportion as the quantity of materials other than wool increases the amount of nontaxed material in the goods also increases, and hence the aggregate amount of duty, which has been sustained in turning out a product of a given value, is reduced. How great a reduction this should permit in the rates of duty as compared with the maximum rate to be authorized upon the best grades of carpets can not be stated on the basis of anything contained in the report of the board.

The board's report, however, shows a materially smaller difference in cost between the United States and other countries with respect to the coarser varieties of carpets, which employ less labor and capital relatively to the amount of material included in them. The lower counts of yarn have a decidedly lower cost of production, both absolutely and relatively, than do the higher counts employed in the manufacture of the better grades of fabrics. The inference to be drawn, therefore, from this part of the report is that a reduction of duty on the lower grades of carpets, not only because of the smaller proportion of taxed materials in them, but also because of the fact that so much less actual labor is employed, unit for unit, in their production. The rate of reduction in the duties on carpets below the maximum rate assigned to the best grades of carpets can not, therefore, be measured as a percentage of the amount of duty charged over and above the rate on raw wool. This would be true only if carpets were composed exclusively of wool, or at all events in the same proportion that holds good of the other fabrics. Where the use of other raw materials has entered this is not the case. This situation is recognized by the board in connection with its study of cloths, where it points out that its rates of compensatory duty apply to fabrics made wholly of wool (p. 626), but that the situation is different where cheaper materials are employed, while there is no test that will disclose the proportion of noils, shoddy, etc., to new wool in the many varieties of fabric.

There is nothing whatever in the board's report which affords any reason for modifying or changing the rates on carpets fixed in H. R. 11019 in relation to the other rates fixed in that bill. Should a change be made in the rates on raw wool, tops, and yarns as compared with those carried in H. R. 11019, reason would be afforded for changing the rates on carpets, but the former products remaining the same there is nothing whatever to support a change in the rates in the carpet paragraphs.

RECAPITULATION ON TARIFF BOARD REPORT.

1. The theory of applying tariff duties according to the difference in the cost of production in this and in foreign countries, upon which the board has projected and prepared its report, is entirely erroneous and untenable. Furthermore, if this theory could have been systematically and carefully applied, it would not have afforded trustworthy results for guidance in preparing tariff legislation.

2. The board's report is fragmentary and incomplete, and rests on an incorrect statistical basis. Hence it has no claims to confidence for the results set forth therein, even should the reliability of the theory of the cost of production be conceded.

3. Those persons who are willing to overlook the lack of theoretical soundness and of statistical accuracy will find the data of the report too fragmentary and incomplete to admit of conclusions with reference to rates of tariff duty. Even under the most favorable interpretation of the report conclusions as to duties can be reached for only a few paragraphs of the wool schedule, and for these paragraphs it is not possible to formulate definite conclusions, because the figures vary widely and seriously lack uniformity and comparability. So much is this the case that justification is apparently afforded in the report for rates that are in conflict with one another. It is thus seen that the report leaves the question of the tariff duties on wool as much unsolved as before the Tariff Board was formed.

4. So far as conclusions can be drawn from the board's report, it furnishes nothing to justify any change in the rates proposed in H. R. 11019. With full recognition of the incomplete, fragmentary, and unsatisfactory nature of the data, and with full admission of the inadequate and unreliable basis afforded for computations, the following table may be regarded as setting forth as well as it is possible to do the conclusions as to the rates of duty justified by the report.

Comparative equivalent ad valorem rates of duty in 1910 and 1911 with those of H. R. 22195, together with the rates computed from the Tariff Board report as equalizing cost of production.

Item.	Ad valorem rates per cent.			
	Equivalent, computed from imports of—		H. R. 22195.	Computed from Tariff Board report.
	1910	1911		
Unmanufactured wool	44.31	42.20	20	0-25
Noils, wastes, shoddies, mungo, flocks, etc., and all other wastes or rags composed wholly or in part of wool, n. s. p. f.	38.96	34.99	20	0-
Combed wool or tops	111.73	(1)	25	5-3
Wool and hair advanced in any manner, n. s. p. f.	96.33	80.93	25	5-0
Combed wool or tops, and wool and hair advanced, etc.	105.19	1 89.93	25	5-4
Yarns made wholly or in part of wool	82.38	76.61	30	12-
Cloths, knit fabrics, felts not woven, and all manufactures of wool, n. s. p. f.	97.11	95.26	40	32-70
Blankets and flannels	95.57	93.66	30 and 45	(2)
Dress goods, women's and children's, coat linings, Italian cloths, bunting, and similar goods, n. s. p. f.	102.85	102.11	45	32-70
Clothing, ready-made, and articles of wearing apparel of every description, including shawls, whether knitted or woven, and knitted articles of every description, etc.	81.31	78.06	45	32-70
Webbings, gorings, suspenders, braces, bandings, etc.	87.06	84.76	35	(2)
Carpets and carpeting	60.65	61.62	25-50	(2)

[1] Combed wool or tops not reported. [2] No data furnished by Tariff Board.

In making the computations from which have resulted the rates shown in Table 15, as justified by the Tariff Board's data, the most expensive and difficult conditions indicated by the data as attending production have been employed with a view to being more than just in the conclusions. As will be observed from the figures shown, the necessity of protection to equalize the difference in the cost of production beyond the rates carried by H. R. 11019 exists in but few instances, and these are in all probability the result of the high costs which have been presented and used by the board in the computations.

5. In preparing H. R. 11019 of last session and H. R. 22195 of this session no intentional provision was made for protection, the endeavor being to reduce and adjust rates so as to produce the largest amount of revenue consistent with the proper consideration of the consumer. It is believed that the rates of this bill approach very closely, at least, to the best revenue-producing points, and these rates should, if enacted into law, permit such quantities of imports as will effectively regulate domestic prices. Such competition would be an important service to the people, as it would encourage increased consumption and production by making more nearly normal the conditions of supply and demand. The report of the Tariff Board, so far as it admits of conclusions, shows that the rates which meet the consumer's needs also sufficiently satisfy those of the producer.

REVENUE OF H. R. 22195.

As the committee is resubmitting to the House the bill presented at the last session of Congress, with no change of basis or rates, no change in its revenue estimate is called for. In the following table is presented with other data the results of the computation furnished in the report which accompanied H. R. 11019 (H. Rept. 45, 62d Cong., 1st sess.):

Summary of imports and duties for the fiscal years 1910 and 1911, with estimated imports and duties for a 12-month period under H. R. 22195.

Item.	Paragraph number.		Year.	Quantity.	Value.	Duties.	Average unit of value.	Equivalent ad valorem rate of duty (act of 1909).	Twelve-month period under H. R. 22195.		
	H. R. 22195.	Act of 1909.							Rate of duty (per cent).	Estimated imports.	Estimated duties under new rates on estimated imports.
Unmanufactured wool (pounds)	1	360-371	1910	256,606,638.14	$47,687,293.20	$21,128,728.74	$0.186	44.31			
			1911	165,900,839.08	29,572,258.52	12,482,854.91	.178	42.20	20	$66,991,000.00	$13,398,200.00
Noils, wastes, shoddies, mungo, flocks, etc., and all other wastes or rags composed wholly or in part of wool, n. s. p. f. (pounds)	2	372-374	1910	577,720.00	203,509.25	79,203.00	.352	38.96			
			1911	461,259.00	191,391.00	66,963.90	.415	34.99	20	890,535.00	178,107.00
Combed wool or tops, and wool and hair advanced in any manner, n. s. p. f. (pounds)	3	375,376	1910	2,101.25	1,129.80	1,188.41	.538	105.19			
			1911	124.03	130.35	117.22	1.05	80.99	25	732,508.00	183,128.00
Yarns made wholly or in part of wool (pounds)	4	377	1910	339,588.30	326,886.02	269,296.16	.908	82.38			
			1911	177,525.48	186,654.03	143,004.74	1.05	76.61	30	1,373,937.00	412,181.00
Cloths (pounds)			1910	5,897,629.98	6,104,140.39	5,937,753.72	1.03	97.27			
			1911	4,823,553.08	5,226,551.07	4,985,414.93	1.08	95.39	[1] 23,102,123.00	[1] 9,240,849.00	
Knit fabrics (not wearing apparel) (pounds)			1910	34,562.54	36,999.88	35,430.67	1.07	95.76			
			1911	14,363.00	14,857.00	14,413.25	1.03	97.01			
Felts (pounds)			1910	90,022.95	107,018.43	103,821.16	1.19	97.01			
			1911	78,240.00	96,892.34	92,564.97	1.24	95.53	310,230.00	124,092.00	
Plushes (pounds)			1910	18,421.38	16,726.46	17,117.80	.908	102.34			
			1911	13,017.00	11,709.00	12,082.53	.90	103.20			
All other manufactures, n. s. p. f. (pounds)			1910	362,975.75	393,402.91	371,760.96	1.08	94.50			
			1911	297,192.82	[2] 336,932.69	312,820.14	1.13	92.84	650,000.00	260,000.00	
Cloths, knit fabrics, felts not woven, and all manufactures of wool, n. s. p. f. (pounds)	5	378	1910	6,403,612.60	6,658,288.07	6,465,884.31	1.04	97.11			
			1911	5,226,374.90	5,686,942.10	5,417,295.82	1.09	95.25	40	[2] 24,062,353.00	[2] 9,624,941.00
Blankets (pounds)			1910	53,624.90	45,986.47	33,767.77	1.07	73.42			
			1911	43,112.84	55,832.59	41,808.12	.....	74.88		95,897.00	28,769.00
Flannels			1910	.....	122,894.35	127,644.93	1.05	103.87			
			1911	.....	86,029.30	91,062.50	.....	105.85		162,533.00	72,882.00
Blankets and flannels	6	379	1910	.....	168,889.82	161,412.70	.....	95.57			
			1911	.....	141,861.89	132,870.62	.....	93.66	30 and 45	258,430.00	101,651.00
Dress goods, women's and children's, coat linings, Italian cloths, bunting, and similar goods, n. s. p. f.	7	380,381	1910	.....	9,218,374.10	9,481,206.75	.....	102.85			
			1911	.....	6,364,272.87	6,498,616.36	.....	102.11	45	25,408,458.00	11,433,806.00
Clothing, ready-made, and articles of wearing apparel of every description, including shawls, whether knitted or woven, and knitted articles of every description, etc. (pounds)	8	382	1910	860,412.87	1,776,236.34	1,444,296.87	2.06	81.31			
			1911	926,616.92	2,257,374.13	1,762,093.68	2.44	78.06	45	5,066,362.00	2,279,863.00
Webbings, gorings, suspenders, braces, bandings, etc. (pounds)	9	383	1910	41,756.00	77,161.70	67,174.54	1.85	87.06			
			1911	36,998.98	74,718.26	63,330.54	2.02	84.76	35	160,898.00	56,314.00
Aubusson, Axminster, moquette, and chenille carpets, etc.	10	384	1910	23,084.90	62,700.00	38,930.65	2.71	62.09			
			1911	24,351.31	46,935.00	33,384.79	1.93	71.13	40	79,346.00	31,738.00
Saxony, Wilton, and Tournay velvet carpets, etc.	11	385	1910	20,450.93	40,711.00	28,554.96	1.99	70.14			
			1911	17,204.44	40,183.00	26,395.86	2.34	65.69	35	51,134.00	17,897.00
Brussels carpets, etc.	12	386	1910	6,781.75	8,222.00	6,272.77	1.21	76.29			
			1911	5,507.25	7,567.00	5,449.99	1.37	72.02	30	9,992.00	2,998.00
Velvet and tapestry velvet carpets, etc.	13	387	1910	23,056.73	41,058.00	25,645.89	1.78	62.46			
			1911	23,003.56	45,288.00	27,316.62	1.97	60.32	35	51,722.00	18,103.00
Tapestry Brussels carpets, etc.	14	388	1910	163.00	187.00	120.44	1.15	64.41			
			1911	446.30	407.07	287.78	.912	70.70	30	235.00	71.00
Treble ingrain, 3-ply, and all-chain venetian carpets, etc.	15	389	1910	1,853.00	1,675.00	1,077.66	.904	64.34			
			1911	4,835.00	4,253.00	2,764.90	.88	65.01	30	1,763.00	529.00
Wool, Dutch, and 2-ply ingrain carpets	16	390	1910	27.50	22.00	13.75	.80	62.50			
			1911	10.00	12.00	6.60	1.20	55.00	25	24.00	6.00
Carpets of every description, woven whole for rooms, and oriental, Berlin, Aubusson, Axminster, and similar rugs	17	391	1910	1,004,009.23	4,392,786.43	2,660,723.16	4.37	60.57			
			1911	886,151.09	3,686,366.89	2,272,082.85	4.16	61.64	50	5,582,157.00	2,791,079.00
Druggets and bockings, etc.	18	392	1910	36,537.80	30,587.00	20,273.13	.837	66.28			
			1911	24,866.77	21,524.00	14,080.29	.865	65.42	25	38,791.00	9,693.00
Carpets and carpeting of wool, flax, or cotton, or composed in part of any of them, not specially provided for in this section, and mats, matting, and rugs of cotton	19	393	1910	.....	49,535.25	24,756.11	.....	50.00			
			1911	.....	67,270.23	33,635.11	.....	50.00	25	62,824.00	15,706.00
Carpets and carpeting	10-20	384-394	1910	.....	4,627,483.68	2,806,368.52	.....	60.65			
			1911	.....	3,919,806.19	2,415,404.79	.....	61.62	25 to 50	5,877,988.00	2,887,825.00
Total manufactures of wool			1910	.....	23,057,958.78	20,776,121.26	.....	90.10			
			1911	.....	[2] 18,823,150.82	16,499,697.67	.....	87.65	42.55	63,831,469.00	27,157,816.00
Total wool and manufactures of wool			1910	.....	70,745,251.98	41,904,850.00	.....	59.23			
			1911	.....	[2] 48,395,409.34	28,982,552.58	.....	59.89	31.00	130,822,469.00	40,556,016.00

[1] Includes plushes and other pile fabrics.
[2] Includes $3 free of duty.
[2] Does not include knit fabrics not wearing apparel, which, in table estimated on the basis of net consumption are included among wearing apparel clothing, ready-made, etc.

As indicated in Table 16, the committee estimates that the duties during the first 12-month period under H. R. 22195 will amount to $40,556,016, which compares with $41,904,850 for 1910 and $28,982,553 for 1911. It is believed by the committee that no loss in revenue will result from the enactment of H. R. 22195, but that the bill will produce probably as much as in 1910, while at the same time the yearly burden resting upon the people owing to the cost of woolen clothing will be reduced by more than $50,000,000.

THE FORM AND PHRASEOLOGY OF THE BILL.

The phraseology of the bill H. R. 22195 conforms throughout to that of H. R. 11019, which is practically the same as that of the act of

1909. In framing the bill the purpose of the committee has been to make no change in the language used in enumerating and describing the articles included under its provisions, except such as is necessarily involved in the omission of the provisions for the classification of raw wools, admixture of blood, the varying rates on washed, scoured, sorted, or skirted wools, etc., and the omission of subclassifications according to value, weight, or dimension of most of the groups of manufactured articles. The exclusive use of ad valorem duties obviates the intricate and complex qualifications, differentiations, and discriminations of Schedule K of the act of 1909. Ad valorem duties automatically adjust themselves to all these distinctions.

The enacting clause of the bill conforms exactly to that of the tariff act of August 5, 1909, of which the bill is practically an amendment, in order to avoid any possible ambiguity or conflict with regard to the insular possessions of the United States. The warehouse provision (sec. 2) also conforms exactly to the corresponding provisions in the act of 1909 (sec. 29), except that the provision for levying duties based on weight at the time of the entry of the merchandise is omitted, since the bill H. R. 22195 provides for no duties based on weight. Under this warehouse provision, as in the present act, articles in warehouse when the bill H. R. 22195 takes effect, on which duties have not been paid, shall be subjected to duty when withdrawn as if they had been imported after the taking effect of the act; but articles in warehouse on which duties have been paid and a permit of delivery issued, shall be subject to the duties imposed prior to the enactment of the new bill.

OSCAR W. UNDERWOOD, *Chairman*.
CHOICE B. RANDELL.
FRANCIS BURTON HARRISON.
WILLIAM G. BRANTLEY.
DORSEY W. SHACKLEFORD.
CLAUDE KITCHIN.
OLLIE M. JAMES.
HENRY T. RAINEY.
LINCOLN DIXON.
WILLIAM HUGHES.
CORDELL HULL.
W. S. HAMMOND.
ANDREW J. PETERS.
A. MITCHELL PALMER.

MESSAGE FROM THE PRESIDENT OF THE UNITED STATES.

The committee informally rose; and Mr. MCGILLICUDDY having taken the chair as Speaker pro tempore, sundry messages in writing from the President of the United States were communicated to the House of Representatives by Mr. Latta, one of his secretaries, who also informed the House of Representatives that the President had approved and signed bills of the following titles:

On March 22, 1912:

H. R. 16680. An act to authorize the board of county commissioners of Baxter County and the board of county commissioners of Marion County, in the State of Arkansas, acting together for the two counties as bridge commissioners, to construct a bridge across the White River at or near the town of Cotter, Ark.; and

H. R. 17242. An act to authorize the Northern Pacific Railway Co. to cross the Government right of way along and adjacent to the canal connecting the waters of Puget Sound with Lake Washington at Seattle, in the State of Washington.

On March 23, 1912:

H. R. 11824. An act to amend section 113 of the act to codify, revise, and amend the laws relating to the judiciary, approved March 3, 1911;

H. R. 17129. An act granting the courthouse reserve at Pond Creek, Okla., to the city of Pond Creek for school and municipal purposes;

H. R. 17837. An act to amend an act approved July 1, 1902, entitled "An act temporarily to provide for the administration of the affairs of civil government in the Philippine Islands, and for other purposes"; and

H. R. 18155. An act authorizing the town of Grand Rapids to construct a bridge across the Mississippi River in Itasca County, State of Minnesota.

On March 28, 1912:

H. R. 19342. An act to amend section 2455 of the Revised Statutes of the United States, relating to isolated tracts of public land.

On March 29, 1912:

H. R. 17671. An act granting pensions and increase of pensions to certain soldiers and sailors of the Regular Army and Navy, and certain soldiers and sailors of wars other than the Civil War, and to widows and dependent relatives of such soldiers and sailors.

THE WOOLEN SCHEDULE.

The committee resumed its session.

Mr. HILL. Mr. Chairman, I believe there was no arrangement made in regard to the division of time, and therefore it will be at the disposition of the Chair.

Mr. UNDERWOOD. I will say to the Chair that I have limited my own time to an hour, and if the Chair will dispose of the time I think we ought to limit the debate to an hour for each gentleman who speaks.

Mr. MANN. I hope the gentleman will not do that.

Mr. HILL. I should like to have an hour and a half, if the gentleman will not object.

Mr. UNDERWOOD. I tried to reach a conclusion in reference to time, but could not reach any agreement.

Mr. PAYNE. Of course the time will be equally divided on the two sides. It will not prolong the debate any to allow the gentleman from Connecticut an hour and a half.

Mr. HILL. I would prefer to have an understanding in regard to the time. I throw myself on the courtesy of the gentleman from Alabama, being entitled, as I am, to one hour only.

Mr. MCCALL. Mr. Chairman, I am perfectly willing to yield half an hour of my time to the gentleman.

Mr. DALZELL. So am I.

Mr. UNDERWOOD. I will say to the gentleman that I would have been glad to discuss the bill longer, but we could not come to an agreement, and I believe each Member should conform to the rules of the House. I tried to reach an agreement.

Mr. HILL. But I did not object.

Mr. PAYNE. I agreed to the gentleman's request and did not object. The objection came from no member of the Ways and Means Committee.

Mr. MANN. Mr. Chairman, I ask unanimous consent that the gentleman from Connecticut may proceed for an hour and a half and that that be taken into consideration by the Chair in dividing the time.

Mr. UNDERWOOD. That is manifestly unfair.

The CHAIRMAN. The gentleman from Illinois requests that the gentleman from Connecticut may proceed for an hour and a half.

Mr. UNDERWOOD. Mr. Chairman, I am compelled to object.

Mr. MANN. That is unheard of.

Mr. DALZELL. Mr. Chairman, I desire to be recognized as a member of the committee.

The CHAIRMAN. The gentleman from Connecticut has been recognized.

Mr. HILL. I prefer that the gentleman from Pennsylvania be recognized temporarily.

Mr. MANN. That can not be done.

Mr. UNDERWOOD. Mr. Chairman, I am not objecting because I do not want the gentleman from Connecticut to talk, but I do insist on the rules of the House being conformed to.

Mr. HILL. Does the gentleman from Alabama object to the gentleman from Pennsylvania yielding me half an hour of his time?

Mr. UNDERWOOD. It is not a question of yielding time.

Mr. DALZELL. There is no desire to take more time on this side than there is time used on the other. The time shall be equally divided.

Mr. UNDERWOOD. I offered the gentleman a fair agreement as to the division of time and the gentleman did not take it, and this bill will be considered under the rules of the House.

Mr. MANN. Then, the bill will be considered under the rules of the House.

Mr. DALZELL. We are not responsible for the failure to agree; it did not come from us. The objection came from a party outside of the committee.

Mr. MANN. It makes no difference who is responsible for it, no gentleman ought to object to such a request; if they want to do it, let them do it.

Mr. HILL. Mr. Chairman, the gentleman from Alabama in opening his address stated that the Tariff Board was representative of the views of the President. I ask him if he assumes responsibility for the majority report.

Mr. MANN. Mr. Chairman, I ask for order. I want gentlemen to be seated, and I desire that the rules be enforced.

The CHAIRMAN. Gentlemen will cease conversation, and gentlemen in the aisles will be seated.

Mr. HILL. Mr. Chairman, I ask the gentleman from Alabama a somewhat unnecessary question—if he and his colleagues on the committee assume responsibility for the majority report published last night.

Mr. UNDERWOOD. I certainly do.

Mr. HILL. At the opening of his remarks the gentleman stated that the Tariff Board is representative of the views of the President of the United States. On page 9 of the report you will find this statement:

> Probably the most striking feature of the report of the Tariff Board is that it contains little with reference to the tariff. It is primarily an analysis of the money expenses involved in the production and manufacture of wool.

He says, furthermore, that the report of the Tariff Board is wrong, and this whole report of the committee, from the first page to the last, is nothing but an attempt to prove that the report of the Tariff Board is worthless; but the greater part of the gentleman's time was taken up in trying to demonstrate that his own bill was in accord with the Tariff Board's report. [Applause on the Republican side.]

Again and again throughout this statement, which I hope the Members will carefully read, you will find that this Tariff Board report is worthless; but assuming that the facts are right, it proves the rightness of the Democratic position.

It seems to me, as the inevitable result of that kind of logic, that assuming false premises in the beginning and claiming to

be right on that presumption absolutely demonstrates they are wrong from the start. [Applause on the Republican side.]

Now, Mr. Chairman, I propose to try and show that the Republican bill introduced and presented by the gentleman from New York [Mr. PAYNE] is in accordance with the report of the Tariff Board; whether it suits you or me or you gentlemen on the other side, that has nothing to do with it; that it is made on the basis of the Tariff Board findings; and that the Republican Party stands on that before the country to-day; and if I do not prove it I will concede that it is a false assumption, as the gentleman says.

A REPUBLICAN SCHEDULE K BASED ON THE REPORT OF THE TARIFF BOARD.

Mr. Chairman, on page 41 of the report of the committee submitting a revision of Schedule K, which was presented by Mr. UNDERWOOD, of Alabama, on June 6, 1911, this statement will be found:

> The price of the corresponding or competing American fabric is increased in price by the amount of the duty, as is known to be the case, and would be inevitable.

This is the theory upon which all of the Democratic tariff legislation of this session has been framed.

It is the theory upon which magazine writers have based sensational attacks upon Schedule K. It is the theory upon which free traders have denounced the protective system, the theory by which woolgrowers and manufacturers have far too often deluded themselves, and a theory upon which many honest and conscientious protectionists are still insistent for the continuance of some formerly protective rates of duty, which are not only indefensible now but which have long since ceased to be beneficial or effective.

It is a theory which ignores the steady growth of domestic competition, which assumes unaltered and unchanging trade conditions at home and in competing nations, and which is blind to the fact that while men may legislate and nations resolve, the higher and absolutely merciless law of supply and demand is still in operation.

TARIFF BOARD JUSTIFIED.

The report of the Tariff Board on Schedule K cost a large sum of money and a great amount of skilled investigation for more than two years. It would all have been fully justified if that report had given us nothing else but 20 lines found on page 14, volume 1, for the one plain fact therein stated demonstrates the necessity for three things—first, the continuation of such an investigating body; second, for the revision of this schedule; and third, for the maintenance of the protective policy by this country. I quote as follows:

> On the other hand, prices in this country on the fabrics just referred to are not increased by the full amount of the duty. A collection of representative samples was made in England of goods ranging from those which can not be imported at all to those which are imported continually. These were then matched with a collection of samples of American-made cloths, which were fairly comparable, and the mill prices compared for the same date. It is found that on goods entirely excluded the nominal rates of duty would reach an ad valorem rate of 150 or even over 200 per cent, but that the American fabric is actually sold in the market at from only 60 to 80 per cent higher than similar goods sold abroad.
>
> On 16 samples of foreign goods, for instance, none of which are imported, the figures are as follows:

Total of foreign prices	$41.84
Duties which would have been assessed had they been imported	76.90
Foreign price, plus the duty, if imported	118.74
Actual domestic price of similar fabrics	69.75

> Thus, though the nominal duties on such fabrics equal 184 per cent, the actual excess of the domestic price over the foreign price on similar fabrics of this kind is about 67 per cent. This is the result of domestic competition.

Mr. KITCHIN. Mr. Chairman, would it interrupt the gentleman to ask him a question right there?

Mr. HILL. Mr. Chairman, I shall be very glad to be interrupted if the gentleman will give me additional time later.

Mr. PAYNE. But they will not give the gentleman any time.

Mr. HILL. Then I shall have to object. I have not the slightest objection to interruptions——

Mr. PAYNE. I think the gentleman better proceed with his speech.

This is doubtless an extreme illustration. Translated, it means that the average duty on these 16 samples is 184 per cent and that the average duty necessary to equalize competition was only 67 per cent, leaving an average duty of 117 per cent as unnecessary and ineffective under the present law. But it also means beyond any dispute that the revenue rate of the Underwood bill would destroy the woolen industry here, or compel a complete reorganization of labor conditions both in woolgrowing and manufacturing and a readjustment of wages of labor to the rates obtaining in competing countries, for another striking feature of the board report is that in the textile industry we can no longer boast of the superior efficiency of American labor or machinery, but, rather, that we are the laggards in the race with England and France in both respects.

But these 16 samples are only a part of a list of 61 described on page 704 of volume 3 of the report. There the English price, the United States price, and the English price plus the present duty are given.

The average English price is 78.4 cents per yard. The average United States price on the same fabrics is $1.243 per yard.

The duty on the English fabrics required to give the American producer an equal chance in the home market is 63 per cent.

Again, the average English price is 78.4 cents per yard. The average price with present law duties added is $1.577.

The ad valorem rate of those duties is 101 per cent, or 38 per cent more than is needed to equalize competition.

On pages 651 to 690, inclusive, are statements of the cost of manufacturing 55 different kinds of cloth, as submitted by domestic and foreign manufacturers from like schedules sent with samples to domestic and foreign mills and checked against each other. That statement is tabulated in the report of the Democratic majority of the committee, and if I have time I can show that there is more misrepresentation in that tabulation than I have ever seen on one sheet of paper in my life. [Applause on the Republican side.]

I long ago had a similar tabulation made and have studied it with great care and am thoroughly satisfied that the domestic industry to-day is on a purely competitive basis, and that the real prices paid by the consumers of domestic wool products are measured by the actual difference here and abroad in the cost of the raw material and the wages of labor, and that they are not now controlled by the existing tariff rates found in Schedule K. Why, then, change them, say some people.

REASONS FOR REVISION.

An all-sufficient reason is the maintenance of competitive conditions at home and the prevention of monopoly.

Furthermore, on page 190 of the report, a statement is given of the production and imports of specified wool products, from which it appears that of the entire consumption in 1909, 95.8 per cent of the whole was made here and only 4.2 per cent was imported.

The consumers of the 4 per cent are returning tourists, the buyers of Paris gowns, the well to do here, who have a right to gratify their fads and fancies for foreign styles and patterns, and undoubtedly to some extent the purchasers of some things the like of which are not made in this country.

Such consumers probably pay the full duties under Schedule K because domestic competition does not touch these cases, and though few in number, compared with the ninety millions who use only the domestic products, they are entitled to equitable and just treatment under the law. Furthermore an unjust, unnecessary, and ineffective duty is just as harmful to the principle of true protection as is the open and avowed opposition of the free trader, and almost as much so as the insidious and disguised attack of the advocate of a tariff for revenue only.

PURPOSE OF THE REPUBLICAN BILL.

The purpose of the Republican bill is first to provide rates of duty which shall give to the growing and manufacture of wool in this country a true protection, measured by the difference in the cost of such production here and abroad, and in fixing such rates reliance has been placed on the findings of the Tariff Board. No effort has been made to discredit that report, and I venture the assertion that no Member of the House who will study it carefully will attempt to impeach its accuracy or fairness. [Applause on the Republican side.] It is a unanimous report by three Republicans and two Democrats, and gives their findings of facts concerning a world-wide industry, and it bears no evidence anywhere of favoritism or political partisanship. [Applause on the Republican side.]

It would be strange indeed if in making deductions from these facts honest differences of opinion should not be found among those upon whom the responsibility devolves of making the customs laws. But as a whole I am satisfied that the bill which the Republican members of the Ways and Means Committee have presented is either strictly in accord with or fully justified by the report of the Tariff Board.

THE DUTY ON WOOL.

The basic fact of the industry is wool. For the past 14 years the duties have been unchanged.

For the 10 years of normal business conditions between the enactment of the Dingley law and the financial panic of 1907 the average import value of class 1 wool in the grease was 19 cents per pound and dutiable at 11 cents per pound, or an ad valorem rate of 57.89 per cent.

For the same period the average import value of class 2 wool in the grease was 20.74 cents per pound, and the duty was 12 cents per pound, or an ad valorem rate of 57.86 per cent.

Under the Republican bill the two classes are consolidated as class 1 and a duty of 18 cents is laid upon the clean content of the wool imported in the grease. This is equal to 7½ cents per pound of grease wool and the equivalent ad valorem rate on the foregoing basis is 36.21 per cent.

PRESENT LAW INEFFECTIVE.

Under the present law, based as it is upon an assumed shrinkage of 66⅔ per cent, every importation of wool with a less shrinkage broke down the nominal duty of 11 cents proportionately. With an average shrinkage of Australian and South American wools as now imported of only 48 per cent and of class 2 wools of only 18 to 30 per cent, the effect upon the protection given to the American grower by a nominal duty of 11 cents is at once manifest. In addition to that, under the present law, wools of classes 2 and 3 are admitted washed at the same rate as unwashed. This also tends to reduce the nominal duty, which is doubled under like conditions in class 1.

But carpet wools, or wools of class 3, were worse than either, for these duties are 4 and 7 cents per pound, either in the grease or washed, and it was found beyond question that a considerable amount was being used in mixtures with class 1 and 2 wools, and not only affecting injuriously the supposed protection of the domestic grower, but that the fabrics into which this wool entered were actually being protected on the basis of the higher rates of duty.

It is not only beyond question that these leak holes have allowed much of the present law duties to run uselessly away, but that owing to the character of them, the effect has been extremely detrimental to the carded-woolen branch of the industry and correspondingly advantageous to the worsted manufacturer, and especially has this been true during the past few years since the improvements in worsted machinery have made it possible to utilize both clothing and combing wools.

LAW DUTY AND ACTUAL PROTECTION.

On page 382 of volume 2 of the report the statement is unequivocally made that the scoured pound duty on the importations under the present law does not actually exceed 18 cents, the rate fixed in the Republican bill. This is equal to 7½ cents per pound of wool in the grease. I firmly believe that with the leak holes stopped, as I think the Republican bill does stop them, the American woolgrower will get a far more reliable and effective protection than he has received at any time since the Dingley law was enacted, and I call to witness the men who ought to know, in order to prove my case.

On the 12th day of last July, Senator DIXON, of Montana, speaking for a State which has more sheep than any other, said, on page 2931 of the RECORD:

For the past six months the difference in London and the United States on wool has not exceeded 2 cents.

This was concurred in at the time by Senator SMOOT and others.

On July 26, 1911, the Senator made a speech on "Tariff duties on wool—the truth about Schedule K." In it he said:

I shall show conclusively that the struggling sheep grower has been led to believe, and most of them have believed and the people at large have certainly believed, that he was protected by a duty of 11 cents per pound. He has in reality not had a tariff protection to exceed 5 cents, certainly not over 6 cents, per pound on the average. * * *

People generally have believed that the woolgrower has been protected by a duty of 11 cents per pound. Some of the sheepmen have believed that this was true. Many of them have known that the nominal paper duty of 11 cents per pound was in fact a delusion and a snare; and that the actual tariff duties have not given the woolgrower to exceed 5 or 6 cents per pound. I doubt even that much.

Again, Judge Lawrence gave it as his deliberate opinion, in his annual address before the Ohio Woolgrowers' Association in 1898, after the notorious skirting clause had again been inserted in the Dingley law of 1897, that "the skirting clause was a fatal defect in both the McKinley and the Dingley tariff laws." He gave it as his judgment that under the loophole of the skirting clause and the inadequate duty placed on wools of class 3, the nominal paper duty of 11 cents per pound only "added an average of about 4 cents per pound to the price of unwashed wool to the average American merino wool over the normal world's price, and no more." * * *

Senator WARREN, interrupting:

Mr. WARREN. The previous reference to Judge Lawrence reminds me that my association with him commenced in the sixties, and usually at least once a year I saw him from that time on. Now, the woolgrowers, aside from the skirting, even if that were eliminated, would not get the 11 cents, of course, because shippers abroad will always ship the lightest fleeces. If you take out the skirted wool, then you will get the light fleeces, which will go a shrinkage of perhaps 48, while ours will go 66⅔, which was originally accorded as the regular rate of shrinkage. Now, those of us who have long known the duty know that 11 cents and 12 cents has not been the real protection, but that it has been from 5 to 7½ cents per pound.

Senator WARREN again:

There has not been a time, in conversation or public speaking, when the matter has come up to me, when I have not made the statement that on first-class wool the real protection to the sheep grower has not exceeded 7½ cents a pound, and that it is sometimes less since the introduction of light-shrinkage crossbred wools.

Senator WARREN, of Wyoming, from the greatest woolgrowing State in the Union, and the man who was characterized by the late Senator Dolliver as the greatest shepherd since the days of Abraham, followed Senator DIXON, and I quote from him now:

The speech from the Senator from Montana [Mr. DIXON] has had in it very much with which I agree, although I am not ready to admit that the general ruling wool prices in London are so near the Boston prices as now, or that first-class wool has received never above 5 cents per pound protection. * * *

This last spring curiosity to know exactly what our wools would bring in foreign markets caused a shipment of wool to be made from the United States to Bradford, England, which was disposed of with the following results:

Results of sale of United States wool in Bradford, England.

Lot No.	Grade.	Shrinkage.	Grease price, Bradford.	Scoured price, Bradford.	Which netted Philadelphia, in grease.	Current Philadelphia price was at the time—
		Per cent.	*Cents per lb.*	*Cents per lb.*	*Cents per lb.*	*Cents per lb.*
68	Half-blood Wyoming	65	15.71	44.98	14.69	18
5890	Wyoming original	71	12.67	43.70	11.71	14
32	Medium Montana	58	16.50	39.24	15.45	19 to 20
7870	No. 1 scoured			45.62	.44	48

In the above calculation freight and insurance, at the rate of seven-tenths cent per pound, are taken as the cost of delivering wool in Bradford; and in figuring the net price in Philadelphia—sold Bradford—the cost of delivering wool in Bradford and the selling commission are deducted.

In case of the scoured wool the freight may be higher than on the grease wool, and the net price in Philadelphia proportionately lower.

From this table it will be noted that—

	Cents per pound.
Half-blood Wyoming was worth:	
In Philadelphia	18.00
In Bradford	15.71
A difference of	2.29
Wyoming original (unsorted) was worth:	
In Philadelphia	14.00
In Bradford	12.67
A difference of	1.33
Medium Montana was worth:	
In Philadelphia	19.20
In Bradford	16.50
A difference of	2.70

I have one more witness.

Last winter I was called by telephone to my office by the statement that Dr. McClure, the secretary of the Wool Growers' Association, wished to see me. He was an entire stranger to me. I at once responded, and after mutual introductions I said, "I have just been discussing the question of the actual protection which the American woolgrower is now getting under an 11-cent duty and I gave it as my opinion that it was not over 5½ cents." "Oh, no," said he, holding up two fingers as he said it; "it is not over 2 cents." Said I, "How much have you ever got since the Dingley law was passed?" His reply was, "I do not know as to that; but I have the official figures in my office to show that for the past 10 years it has not exceeded 6 cents." "Will you give me these figures?" said I. His reply was, "I will; but it will take a week or 10 days to get them here." I have not received them yet.

Now, Mr. Chairman, it is not a question of what rates of duty are written into a law, what I want to know is what rates of protection are written by the law into the producing industries of this country. Higher rates than that are a disappointing dream, lower ones mean destruction or industrial revolution. And it is just as true of agricultural products as it is of wool. The things which we do not or can not produce I would put on the free list. The things which compete with the things we do produce I would make dutiable by the full difference in the cost of production.

And in that I stand squarely with the Senator from Montana when he said in his closing remarks in the speech from which I have quoted:

Two years ago, as one of the provisions of the Payne-Aldrich Tariff Act, we provided for a Tariff Commission with powers to investigate and report to us the conditions surrounding production at home and abroad. We then gave our allegiance to the principle as enunciated in the last Republican platform—that tariffs should measure the difference in the cost of production at home as compared to the cost of production in foreign countries. On that platform and by that principle I stand. No matter what may be the pressure in some quarters for tariff revision, I believe that the people of this country have, irrespective of their party politics, prepared to accept in future only those tariffs that are made upon that fundamental principle.

Does 18 cents a pound on the clean content of a pound of wool imported in the grease measure the difference in the average cost of the wool produced in the United States and competing

countries? In my judgment it will, and at the same time will give to the American producer a much safer and more reliable protection than he has now.

AVERAGE COSTS OF WOOL.

The average costs of the respective countries are found on pages 10 and 11 of volume 1 of the report of the Tariff Board.

The average cost in the United Staes is given at about 9½ cents per pound.

The average cost in South America is between 4 and 5 cents. I have taken it as 4½ cents per pound.

With regard to Australia—and I want you to note this now, for I want you to see the absolute unfairness of the report of the majority, which the gentleman from Alabama [Mr. UNDERWOOD] says he assumes the responsibility for—with regard to Australia, the board finds as follows:

In New Zealand and on the favorably situated runs of Australia it seems clear that at the present range of values for stock, sheep, and mutton the receipts from other sources than wool are carrying the total flock expense. So that, taking Australasia as a whole, it appears that a charge of a very few cents per pound lies against the great clips of that region in the aggregate. While the board can not undertake to name an exact figure in that case, it is certain that the Australasian costs at large fall materially below the average South American.

What have they done? I have said to you that the board quoted the South American cost of wool at 4 or 5 cents, and I took an average of 4½ cents, and that the board says in any event the costs of Australian wool fall materially below the average of South America, which is 4½ cents; yet in that very report they have taken the Australian wool at 5 cents in figuring the difference.

Mr. LONGWORTH. And the gentleman from Alabama said so in his speech, and would not yield for a question at that time.

Mr. HILL. Yes. It shows the absolute unfairness of the majority report.

Mr. MANN. He was as accurate in that statement as in most others, was he not?

Mr. HILL. Well, I have taken the Australian cost at 2½ cents a pound.

Mr. CANNON. What proportion of the different kinds do we import?

Mr. HILL. I will show you in a moment. I have taken the language to mean that the Australian cost is one-half of the maximum of the South American, or 2½ cents per pound.

So far as shrinkages are concerned, it is apparent that the yields of clean content shown in past importations are no criterion for the future, for in the Republican bill the leak holes are stopped by the single duty on clean wool, and the wools of the world are opened to purchase on the basis of a uniform condition which, as nearly as can be determined, will show a general shrinkage from their natural condition of 60 per cent.

On this basis the cost of the clean content of wool in Australia is 6.25 cents per pound.

The cost in South America is 11.25 cents per pound.

The cost in the United States is 23.75 cents per pound.

The difference in cost between Australia and the United States is 17½ cents.

The difference in cost between South America and the United States is 12½ cents.

Now, as a matter of fact, there is not wool enough in the world to meet the world's demand, and neither of these countries does or can alone produce a sufficient surplus to meet our deficiency in the home product. There is not wool enough in the world to go around; not enough to furnish to each inhabitant more than 14 ounces a year. What would we do with only 14 ounces per capita of wool a year? And just think of the 400,000,000 population of China, which, now having thrown off the Manchu despotism, is adopting the European costume in clothing, so that there the demand for wool will be enormously increased.

	Pounds.
Last year, a year of small importations, we imported direct from Australia of clothing and combing wools	11,223,173
And from South America and South Africa, and not including reshipments from Great Britain which can not be traced	19,556,699

The weighted average cost of this wool competing with the domestic product was 3.77 cents per pound in the grease, or a difference in cost of 5.73 cents per pound, or a difference in clean content of 14.32 cents.

But drought or pestilence in either country might easily change the respective shipments, and it would seem to be only fair therefore to make the average on the basis of equal competition from both countries in the future.

On that basis the average cost of the competing grease pound, is 3½ cents and the difference in cost is 6 cents, which is equal to 15 cents per pound of clean content. The conclusion I reached therefore was, that 15 cents per pound on the clean content of imported wool was a fair duty to put upon it, but I recognize the fact that there is abundant room for an honest difference of opinion in favor of a somewhat higher rate.

First. Because of the uncertainty of the board's report as to the cost of Australian wool. If Australian like New Zealand wool has no charge against the clip, the rate should be 18½ cents per pound. I do not think the language will quite bear that construction. If, on the other hand, the difference in the interest cost in the respective countries is charged up against the clip, then 18 cents is a fair and just measure of the difference in cost between the domestic and foreign wool, and the duty should be 18 cents, as it is in the Republican bill, and I cheerfully united with my Republican colleagues on the committee in so fixing it, for I always want to resolve every doubt in favor of my own country as against the rest of the world. [Applause on the Republican side.]

My conclusion, therefore, is that the report of the Tariff Board will not justify a lower duty than 15 cents or a higher one than 18 cents.

METHODS OF APPLYING DUTIES.

Theoretically an ad valorem duty on wool is, in my opinion, the best method of applying the duty, but it presupposes matching the talent, ability, and experience of the importer with an equal talent, ability, and experience, supplemented by inflexible honesty and integrity in every member of the appraising force, and that means paying salaries in the appraisers' stores equal to those paid for profit in private business. There is no hope of that, however, and hence the possibility and probability of undervaluations would be so great that the experiment would be a dangerous one.

Specific duties have been the rule here for many years, and we can not profit by the experience of other nations, for no other nation but Russia has a duty on wool, except that in Canada a specific rate of 3 cents per pound is placed on certain combing wools such as are grown in Canada. All other wools are free.

A specific duty on the clean content of wool subjects every importation to uniform treatment, so far as actual quantity is concerned, does away with the absurdity of paying duties on grease and dirt, makes certain the collection of duties as intended by the law, wipes out the discriminations and crudities of the present method, and will tend very greatly to standardize the importation of wools.

It does not, however, take note of the varying quality of the fiber. The suggestion of this method was first made by the gentleman from New York [Mr. PAYNE] three years ago, and discussed by the committee with the Chief of the Bureau of Standards at that time.

The necessary sampling and testing can be done at a trivial expense, and the advantage to the trade of having all clothing and combing wools bought and sold on a Government certificate of their clean content would be very great.

And I call the attention of the gentleman from the greatest woolgrowing State in the Union to this suggestion which I now make.

It would also be a great benefit to the home producers if, by the payment of a nominal fee, they could have like tests made of domestic wools and a Government certificate of condition given instead of selling, as most of them are compelled to do now, upon the guess of the buyer or after scouring tests made by or under the control of interested parties in the wool markets of the country.

CARPET WOOLS.

I commend the consideration of this part of my remarks to my Democratic brethren.

Wools of class 3 under the present law are dutiable at 4 and 7 cents per pound, according to whether they are valued at more or less than 12 cents per pound in the grease.

It is the wool of native sheep, unimproved by merino blood. With the improvement of American flocks its growth here has practically stopped. It is now a noncompetitive product and under every principle of protection should be placed upon the free list.

The danger has been, however, that it would be used for other purposes than carpets, and this has been done to such an extent as to make it competitive in its uses and tending in an increasing degree to break down the higher duties on wools of the other class. Under the Republican bill carpet wools are practically made free of duty and their use confined to the purposes for which they are peculiarly adapted. This is done by making them dutiable at the same rate as other wools

and then rebating 99 per cent of the amount paid on proof of use in carpet manufacture.

In 1911, 92,000,000 pounds of carpet wool were imported, as against 67,000,000 pounds of the higher grades.

Note that about two-thirds of the importations of wool are put on the free list in the Republican bill, and our friends from North Carolina and the other States in the Union, who are just as honest free traders as I am a protectionist, voted to put a duty of 20 per cent on an article which the Republicans voted to make free. [Applause on the Republican side.]

For 10 years of normal conditions prior to 1907 the rate of duty on these wools was 42 per cent.

Under the present duty the average ad valorem on carpets, etc., is about 61 per cent.

The Republican bill makes the noncompetitive raw material free and reduces the rate on the finished product to 30 per cent.

The reduction covers not only the full amount of the duty on wool, but about 10 per cent on the conversion cost besides, and I have every reason to believe that the change is entirely satisfactory to the carpet trade generally.

The Democratic Party is vociferous in its demands that duties shall be reduced to a revenue basis, and yet they have for the second time brought in here a Democratic bill putting 20 per cent on carpet wool, and on carpets duties ranging from 25 to 50 per cent.

This Nation stands first in rank in the carpet industry among the nations of the world. Under the Republican policy of protection the carpet on the floor has long since ceased to be a luxury and has become an everyday necessity. I knew of a woman once from a foreign land whose highest idea of heaven was that it was a place where she could have a room all her own, with a carpet on the floor. This carpet duty will result in an economy which will find its way into nearly every home in this land, for there are few so humble that the floors are bare. You will find the carpet on the floor in the farmer's home, in the mechanic's cottage, and in the millionaire's mansion, and if you gentlemen on the other side of the aisle will come over and join us in passing this Republican bill, all of the women of the land will rise up and call you blessed. [Applause on the Republican side.]

DUTIES ON BY-PRODUCTS.

Under the present law the duties on paragraphs 10, 11, and 14 are 30 cents per pound, and on paragraphs 12, 13, and 15 they are 20 cents per pound. All of these are prohibitory, and as some of them are by-products of the worsted branch of the industry and raw materials for the carded woolen people the injustice of the prohibitive duties is plainly manifest.

Application was made to the Tariff Board for a review of their schedules of mill tests and conversion processes, and a determination of the percentage of relative value of each of these items to the value of a pound of scoured wool, and the duties named in the Republican bill are mathematically adjusted to a like percentage of the duty of 18 cents on the scoured pound.

SHODDY AND RAGS.

Paragraphs 16 and 17 were not so treated, but represent a policy which is to exclude the lower grades of shoddy and the worn and rotten rags from which it is made and to fix the duty on new rags, tailor's clippings, and so forth, which would be about equivalent to the rate on wool in the grease. On the former 2 cents per pound would be equal to 100 per cent ad valorem and on the latter to about 33⅓ per cent. That we do not need importations of the former is evidenced by the fact that the board report, on page 83, shows that in 10 months of 1911 we shipped to Great Britain alone 37,000,000 pounds of cheap rags. They also state that—

> The rag business is really the only business protected by Schedule K that is on the export basis.

In view of the claim, which is often made, that English cloth is superior to that of our own manufacture, it is a significant fact that in 1910, when we exported 37,000,000 pounds of rags to Great Britain, the woolen manufacturers of that country not only used all of their own rags, but imported and used 126,000,000 pounds besides.

Mr. Chairman, how much time have I remaining?

The CHAIRMAN. The gentleman has 13 minutes remaining.

Mr. HILL. I should like to conclude my remarks.

Mr. UNDERWOOD. I will say that I do not like to interfere with my personal friend.

Mr. HILL. I will not abuse the courtesy of the gentleman.

Mr. UNDERWOOD. I tried to reach a division of time, but could not. This is an unfortunate way to handle a bill. I am willing, however, if it is agreeable to the gentleman from Connecticut, that the gentleman who follows him may be recognized for an hour and then yield to the gentleman a half an hour.

Mr. HILL. I do not think I want more than 15 or 20 minutes.

Mr. UNDERWOOD. I do not want to cut the gentleman off, but when we have no division of time and no control of the time between us it is better to conform to the rules.

Mr. PAYNE. I wish the gentleman from Alabama would agree with me that up to to-morrow night we may divide the time equally between us.

Mr. UNDERWOOD. I tried to get a division of time, but objection was made.

Mr. NORRIS. Mr. Chairman, the gentleman has repeated that several times. The objection was made, and I assume the responsibility for it, but it was not made as to the division of time. It was made because gentlemen wanted to do away with the five-minute rule. I had no objection to the division of time.

Mr. UNDERWOOD. We must occupy the time in this way, although I preferred the other method if the gentleman from Nebraska had not objected; but, as I said, if one of the gentleman's colleagues is recognized for an hour and yields to the gentleman from Connecticut, I will not object.

Mr. HILL. Very well. Then, I will not break the continuity of my remarks and will trust to the generosity of the gentleman from Pennsylvania [Mr. DALZELL] to yield me time if I am not through in my own time.

MANUFACTURES OF WOOL.

I come now to the duties on the manufactured products of wool. The first item is found in paragraph 18 of the Republican bill, which reads as follows:

> Paragraph 18. Combed wool or tops, made wholly or in part of wool or camel's hair, 20 cents per pound on the wool contained therein and, in addition thereto, 5 per cent ad valorem.

It will be noticed that there are two duties here—one specific and the other ad valorem. If there were no duty on the wool from which this product is made, there would be but the one ad valorem duty of 5 per cent. It follows, therefore, that the specific is or should be based on the duty on wool. The specific is a weight duty apportioned in no way to the value of the manufactured product. It simply means that the Government will collect precisely the same amount from the wool in the imported article or fabric which it would have collected upon the wool required to make it if that wool had been imported in its natural condition. Just that and nothing more. It is called a compensatory duty. It is a misnomer as applied in this bill. Here it is a "wool-duty equivalent." If there is no wool duty, there is no need for a wool-duty equivalent, as will be seen by referring to paragraph 25, relating to carpets, where none is found. Under the present law the so-called compensatory or specific duty per pound is applicable to the entire weight of the product if wool is the article of chief value and the balance is cotton, rubber, metal, or any other material, for every product containing wool as the component article of chief value is dutiable under Schedule K; and even if it is not of chief value under the present law, the specific would still apply to the entire weight of wearing apparel and articles named under the silk schedule.

For example, take rubber boots with wool lining. The duty is now 44 cents per pound and 60 per cent ad valorem, or a total ad valorem of about 280 per cent.

In the Underwood bill the duty would be 45 per cent ad valorem. In the Republican bill, under clause 1 of paragraph 23, the rate would be about 47½ per cent. Either rate is fully protective. The raw rubber and raw cotton are free. Why should the specific wool duty apply to anything but the wool?

In that case the bill of the gentleman from Alabama is 2½ per cent lower than this. Let me give him one in which the Republican bill is lower than his by operation of the same clause.

Mr. UNDERWOOD. The gentleman overlooks the fact that the Democratic bill is not an amendment to the Payne bill.

Mr. HILL. I understand that it is a substitute for it. That is an amendment.

Mr. UNDERWOOD. It is an independent bill.

Mr. HILL. It is a substitute for a portion of it. It provides that in the bill. Let me give him another case where, under the operation of this clause, the duty is lower in the Republican bill than in his. I am told that there is now in the New York customhouse—or I was told so two weeks ago—an unclaimed importation of felts made from cattle and goat's hair.

Whether the felt contains any wool or not is disputed, but it makes no difference, for under the similarity clause of the present law the article is dutiable as wool at 44 cents per pound and 60 per cent ad valorem. It is worth 14 cents per pound and the ad valorem is about 370 per cent. The owner declines to pay the duty and take the goods. Under the Underwood bill, paragraph 5, the duty would be 40 per cent ad va-

lorem. In the Republican bill, under paragraph 21, clause 1, the duty would be 30 per cent ad valorem, and if it contained 2½ per cent of wool, as some claim, the duty would be 34 per cent. In other words, the clause "on the wool contained therein" does equal and exact justice in every case. The specific duty in this case is entirely eliminated by this clause. You can see the sweeping character of it. Yet our Democratic friends have not discovered it either in their report or in the references made to the Republican bill by the gentleman from Alabama. I have personally submitted this clause to the Treasury authorities here and to the appraiser's office in New York, where I spent an afternoon in investigating the methods of appraising wool and woolens, and am advised both there and here that this method of applying the duty presents no administrative difficulties which can not be easily handled.

The real problem is a different one from that, and is found in the correct ascertainment of the wastes in the different processes of manufacture.

The whole subject is fully discussed by the Tariff Board on pages 621 to 626, inclusive, and their conclusions in concrete form will be found there in a carefully worked out table of wool-duty equivalents, or so-called compensatories based on a duty on scoured wool ranging from 15 to 25 cents per scoured pound.

Every compensatory in the Republican bill is in accord with that table, except that cents or half cents are used in place of intermediate decimal fractions.

The precise effect of this clause upon paragraph 18, now under consideration, is as follows:

Under the present law tops are dutiable, if valued at not more than 20 cents per pound, at 24½ cents per pound and 30 per cent ad valorem, a total of 153½ per cent.

Under the Republican bill, if made of all wool they would be dutiable at 20 cents per pound on the "wool contained therein" and 5 per cent ad valorem, a total of 105 per cent, 100 per cent representing the duty paid on the wool required to make them, and 5 per cent representing the average difference in the foreign and domestic cost of conversion of scoured wool into tops. If these 20-cent tops were part cotton, the Republican bill would reduce the specific duty proportionately.

Under the present law tops valued above 20 cents are dutiable at 36¾ cents per pound and 30 per cent ad valorem, a total of 103¼ per cent if figured on tops worth 50 cents per pound.

Under the Republican bill the duty would be 45 per cent if all wool, and if part cotton proportionately lower.

The Underwood duty is a straight ad valorem of 25 per cent.

The effect on the industry of top making under the three rates of duty is as follows:

First. The present law is prohibitive of importations. See page 107, volume 1, of the report.

Second. Under the Republican bill the duty would represent the difference in cost of production and thus put the industry on the basis of fair competition.

Third. The Underwood rate being less than his own duty on the raw material and the difference in cost of conversion, would compel the importation of the finished product. It would undoubtedly bring revenue, but would destroy the industry.

I know of one case, Mr. Chairman, where, since the Underwood bill was introduced, a top manufacturer in Bradford, England, said that if the Underwood bill went into effect they would close down every comb in the United States. There is no mistake about that. That is bound to be the result. The duty on the finished product is less than the duty on the wool and conversion cost.

Mr. MURDOCK. Mr. Chairman, will the gentleman yield right there for a question while he is considering paragraph 19?

Mr. HILL. Certainly.

Mr. MURDOCK. What, in the manufacture of wool, is the intermediary between tops and yarns?

Mr. HILL. The rovings, the sheets of wool that come out from the carding machine, and so forth.

Mr. MURDOCK. Are they not all convertible again into what is virtually equivalent to tops?

Mr. HILL. Oh, no; not necessarily. The gentleman understands that the clause covers the processes in both the carded wool and the worsted industry? It was originally the "basket" clause.

Mr. MURDOCK. The gentleman will remember that in one of the previous tariff bills this paragraph 19 was so manipulated in the law——

Mr. HILL. I do.

Mr. MURDOCK (continuing). That it worked against the manufacturer of yarn.

Mr. HILL. I do.

Paragraph 19 was originally a basket clause and prior to the Payne bill was the nesting place for tops.

Under the present law the rate of duty runs up as high as 44 cents per pound and 55 per cent ad valorem. It is discussed on page 109 of the report.

In this Republican bill, and I call the attention of the gentleman from Kansas to the fact, that paragraph does not have the sweeping effect of a basket clause, but it is limited by this language, "but less advanced than yarn."

Mr. MURDOCK. The reason it is not a basket clause is because tops are excluded from it.

Mr. HILL. Absolutely; and I so state. In this Republican bill it is restricted to all processes of manufacture between scoured wool and yarn, except tops, which are otherwise provided for, and the rates of duty are, therefore, not comparable.

It hardly seems necessary to go into the ad valorem effect of the specific duty in the further processes of manufacture. In all of them except carpets it is applied in the same way, on "the wool contained therein," and on the basis laid down by the Tariff Board. It is but fair to say, however, that except on fabrics and clothing having a foreign value of more than 60 cents a pound for all-wool goods, the ad valorem equivalent of the wool duty is greater than the duty which represents the conversion cost.

In fine cloths and high-class general manufactures the constantly increasing amount of labor required to be put upon the raw material compels a gradual increase of conversion duty over the duty on the wool consumed in such articles.

Because the difference in the cost of foreign and domestic labor is 100 per cent or more and the difference in the cost of foreign and domestic wool is 36 per cent, by reason of the tariff, and as you lessen the value of wool to the total value of the product and increase the quantity and cost of labor you apply to it, you must increase your conversion duty proportionately.

YARNS.

The board report on yarns is very full and complete, beginning on page 111. The conversion cost is considered, beginning at page 645. On page 115 they say that the yarns imported amount to less than one-tenth of 1 per cent of the yarns consumed in the country. That means that the duties are prohibitive. Applying the present law rates to the four clauses of paragraph 20, the average ad valorem duty is 102½ per cent, and under this Republican bill the rate would be, on all-wool yarns, 58.26 per cent. The conversion duty ranges from 10 to 25 per cent, averaging 17½ per cent.

I come now to cloths, which seem to excite the special antagonism of the gentleman from Alabama——

Mr. MURDOCK. Mr. Chairman, will the gentleman yield before he goes to the question of cloths?

Mr. HILL. Certainly.

Mr. MURDOCK. Just for a question on the preceding paragraph. The gentleman will remember in the old tariff, Schedule K, the compensatory rate was based on the assumption that it took 4 pounds of wool in the grease to make a single pound of finished cloth.

Mr. HILL. Yes.

Mr. MURDOCK. Now, in the Republican bill submitted by the gentleman from New York [Mr. PAYNE] is that old basis, that old method of reasoning, entirely done away with?

Mr. HILL. I said a while ago—I guess the gentleman's attention was attracted at the moment—it does not measure up to it at all. It has no relation to it, it is entirely abandoned——

Mr. MURDOCK. Le me understand the gentleman. Is that method of forming the duty entirely eliminated from this Republican bill?

Mr. HILL. There is no guesswork about it; it is an absolute mathematical figuring on mill tests——

Mr. MURDOCK. The gentleman does not answer my question. Can not the gentleman answer yes or no to the question?

Mr. HILL. I have often heard the question asked if a man could not answer yes or no. I have explained that these compensatory duties are taken absolutely from the figures given in the report. There are three or four pages in the report devoted exclusively to showing how they are figured out. Now, if the gentleman will read that——

Mr. MURDOCK. The gentleman does not understand my question, I am sure. I want to know if the old method of basing the duty on cloth on the assumption that it takes 4 pounds of wool in the grease to make a single pound of cloth is entirely eliminated from this bill?

Mr. HILL. Why, absolutely.

Mr. MURDOCK. That is all.

The CHAIRMAN. The time of the gentleman from Connecticut has expired under the rule.

Mr. DALZELL. Mr. Chairman——

The CHAIRMAN. The Chair will have to inquire whether the gentleman from Pennsylvania is opposed——

Mr. DALZELL. No; the gentleman is not opposed, but——

Mr. KITCHIN. I want to say, Mr. Chairman, that I believe there is a recent understanding between Mr. UNDERWOOD, chairman, and Mr. DALZELL, the gentleman from Pennsylvania, by which the gentleman from Pennsylvania should be recognized now to yield some of his time.

The CHAIRMAN. Does the gentleman from North Carolina ask unanimous consent? There was no such consent given, and the Chair desires to keep the record straight.

Mr. DALZELL. There is no trouble about keeping the record straight.

Mr. KITCHIN. I think the Chair is mistaken and that a recent agreement was made, perhaps 30 minutes ago.

The CHAIRMAN. The Chair is not mistaken. If the gentleman asks unanimous consent for that purpose, it should appear of record; and if it is desired, the Chair can put the request now.

Mr. MANN. What unanimous consent is required?

The CHAIRMAN. Under the rule, after the gentleman from Connecticut has used an hour some one opposed to his side is now entitled to recognition.

Mr. MANN. No one else has asked for recognition at this time.

The CHAIRMAN. Yes; there is some one who desires to be recognized in order that the time may be divided.

Mr. MANN. I understood a while ago the gentleman who was to speak next would not now ask for recognition until this side had taken an additional hour.

Mr. TOWNSEND. I had deferred asking recognition at this time, because I understood there was an agreement made recently between Mr. UNDERWOOD and gentlemen on the other side that I should defer and the Chair would recognize some one on that side and the gentleman would yield some portion of his time to the gentleman from Connecticut, and at the conclusion of the gentleman's remarks the Chair would recognize some one on this side to equalize that arrangement.

The CHAIRMAN. The Chair desired that the arrangement should appear of record. The gentleman from Pennsylvania.

Mr. DALZELL. Mr. Chairman, I desire to be recognized.

The CHAIRMAN. The Chair recognizes the gentleman from Pennsylvania.

Mr. DALZELL. Mr. Chairman, I yield to the gentleman from Connecticut of my time 30 minutes, and I reserve the balance of it.

Mr. KITCHIN. The gentleman was just leaving the cloth part now.

Mr. HILL. No; I was talking about the conversion duty, and I propose now to go no further into the specific compensatory duties, but to take up the conversion duty and show how that is made.

CLOTHS.

Mr. KITCHIN. If it will not interrupt you, I would like to ask you how much reduction on cloth and dress goods your bill makes?

Mr. HILL. Paragraph 21 of the Republican bill deals with all fabrics except blankets and flannels for underwear. As a general proposition it may be held that when an article has been taken from a general clause and transferred to another, where it plainly does not fit, or is given a classification by itself, it was done to raise the particular duty without changing the general rate. No man can give a reason why felted fabrics should be classified as wearing apparel, except to raise the duty on them. (See p. 164 of the report.)

They go properly with other fabrics and even fall into the lower valuations there. As constituted in the Republican bill, paragraph 21 is a cloth-fabric paragraph exclusively, dress goods, flannels, and felts having been consolidated with it, and general manufactures taken out of it and consolidated with small wares, and so forth, as the basket clause in paragraph 24, thus bringing Schedule K in general harmony with other schedules in this respect. As the paragraph now stands in the Republican bill it plays no favorites, but all cloth is treated alike, falling by reason of value into the clause where it belongs and taking its wool duty specific, according to its wool contents. As the board shows on page 95 of the report that 59,000,000 pounds of cotton were used in the making of fabrics in 1909, or nearly 14 per cent of the whole, the importance of the qualifying clause "on the wool contained therein" will be at once seen. It is well to note also that in 1909, in all forms of wool manufactures, 384,549,349 pounds of cotton were used, and, although bought as a free raw material, received substantially the same privileges and benefits and protection that it would have received if it had been wool. It will not be so under the Republican bill. Each fiber will be treated on its own merits.

Now, I believe that the overwhelming majority of our people are sincere believers in the policy of protection, and that in any case where a high rate is shown to be necessary to meet the difference in the cost of foreign and domestic production in any schedule from A to N, they are willing to give it, and I believe that the political party which advocates that policy is bound to win not only in the next election, but for the next quarter of a century at least. But you have got to prove in these modern days that it is necessary. Do not make any mistake about it. I also believe that the rates must be written fairly and squarely in the text so that "he who runs may read," and that the "jokers" must be absolutely eliminated from our tariff laws. [Applause on the Republican side.] No one party is responsible for them. The tariff of 1894 was officially branded by the President of the United States with perfidy and dishonor [applause on the Republican side], and others bear evidences of mutilation in their tedious journeys to the statute books.

So far as I know there are no jokers in this Republican bill. The ad valorem rates in this and the clothing paragraphs are based on the schedules of comparative costs and prices found on pages 651 to 705, inclusive.

The avowed and only purpose of the Democratic majority of the committee is to tax importations to raise revenue and to encourage importations in order to increase receipts. A single ad valorem rate, if put low enough—and it is low enough in the Underwood bill—will do this, and the importations will steadily increase as the industry gradually disappears here through inability to meet foreign competition, as is plainly shown by the board's report, and no man can show in the four volumes of that report a single fact indicating the possibility of anything like equal competition in woolens between the United States and England, France, and Germany. With the many thousands of styles and weights and varieties of woolen fabrics throughout the world, a single ad valorem rate must necessarily be unfair to the majority. The Democratic members of the committee recognized this in a slight degree in the case of flannels by making a duty of 30 per cent, if valued at less than 50 cents per pound, and of 45 per cent if of higher value.

They recognized the protective principle still more in the construction of their cotton bill by making a system of graded ad valorem on fabrics and justified it in their report by the claim that increasing rates were needed because of increasing fineness of yarns, additional cost of bleaching, dyeing, printing, and general cost of advanced manufacturing processes.

If this is true of cottons, why is it not more emphatically true of woolen fabrics? The Republican bill recognizes that principle, and we have graded the duties in paragraphs 21 and 23 so that they represent the difference in the cost of conversion from wool to cloth and clothing between this country and England, which is our strongest competitor.

In cloth the rates begin at 30 per cent ad valorem and advance by five steps to 55 per cent ad valorem. In the clothing paragraph an additional allowance of 5 per cent on each grade is made for the wastage and increased labor cost incurred in conversion from cloth to wearing apparel. If there is any error there it is not on the side of too great liberality.

As will be seen by a reference to the report—and I commend the report to the gentleman from North Carolina, and he ought to study it, and all gentlemen on that side of the House ought to study it—the cost sheets upon which these rates are based were first made up from the books of American mills and from the actual records taken during the personal visits of the experts of the board. The blank forms or schedules used will be found beginning on page 631.

The idea was given to you this morning that that was not so; that the figures were made up from estimates, and not from the books. I hold in my hand a copy of a schedule made from a mill in Connecticut, containing figures made up from books that had been closed six months, absolutely honest records. And so it was with the American mills generally. The figures were taken from the books, and not from statements made up by any interested manager. I heard the statement which was made here, and I knew that it was not correct.

Mr. PICKETT. Is it not a fact that in making these examinations the Government had two experts, one a practical manufacturer, acquainted with the processes of manufacture, and the other a practical accountant?

Mr. HILL. I so understand; and the gentleman from Iowa and I know of a case where one of the expert investigators went to the city of Dubuque and examined a mill there from the mill's own books; and before examining the books the expert made up his estimate as to the cost of a certain sample, and

when they got through with the investigation his estimate, made in advance, tallied within half a cent a yard with the actual books of the concern.

Mr. KITCHIN. Who was this expert manufacturer?

Mr. HILL. I do not know who he was, in Dubuque. The man who made that estimate and examination was Mr. Culberson, an investigator of the Tariff Board.

Mr. PICKETT. The man was an expert, so far as his knowledge of the practical manufacture of cloth was concerned.

Mr. KITCHIN. Was he a manufacturer?

Mr. PICKETT. As I understand it, they sent two experts—and I get this from the Tariff Board—one an expert in the practical process of manufacturing cloth and the other an accountant.

Mr. HILL. The gentleman from North Carolina endeavors to impeach the ability of the Tariff Board, and so does the gentleman from Alabama [Mr. UNDERWOOD], on the ground they were not expert manufacturers, or that they were not expert business men. What are you 14 lawyers on the Ways and Means Committee? [Applause on the Republican side.] You 14 lawyers complain and compare the work of the Tariff Board with the expert knowledge of 14 men, you yourselves, without business experience, and yet you attempt to make up all the schedules for the whole United States. [Applause on the Republican side.]

Mr. PAYNE. How did they get what knowledge they have about it?

Mr. HILL. I put it to the gentleman from North Carolina himself; will he attempt to put his own manufacturing experience alongside the knowledge and experience of the experts of the Tariff Board? [Applause on the Republican side.]

Mr. KITCHIN. The gentleman said this was a manufacturer, a man of experience. I should like to know who he was.

Mr. HILL. I have given the gentleman's name.

Mr. KITCHIN. A woolen manufacturer?

Mr. HILL. I do not know who he was, if you refer to the mill proprietor in Dubuque.

Mr. KITCHIN. You said you were going to give his name.

Mr. HILL. Oh, no; I gave you the name of the expert examiner.

Mr. KITCHIN. Who was this manufacturer?

Mr. HILL. I do not know. The gentleman knows that it is absolutely necessary that this information should be confidential, and that nobody could verify these schedules except through the Tariff Board, and that they could not get the information unless they treated it as confidential. Yet you Democrats on the floor of this House condemn these people because they will not violate their confidential agreement and make these names identifying the schedules public to the world. [Applause on the Republican side.]

Mr. KITCHIN. The gentleman will not answer my question. Do I understand that the man who made up these figures for the Tariff Board is a woolen manufacturer, as my friend said?

Mr. PICKETT. The gentleman is entirely in error.

Mr. HILL. I will answer the gentleman's question. These figures in the Tariff Board report are, so far as American mills are concerned, taken very largely from the books of manufacturing concerns, and they show the actual cost figures.

Mr. KITCHIN. I understand, then, that the man who made up these figures is an American manufacturer who is in favor of protection?

Mr. HILL. The information was also obtained in the way I have described, although not to so great an extent, in Great Britain.

Mr. KITCHIN. I only want to know whether these figures were made by an American manufacturer who is interested in protection.

Mr. HILL. They were not made by an American manufacturer. The investigation was made by experts.

These schedules ignore day wages or piecework prices, except as a matter of general information, but show in each case the unit cost of a thousand pounds of tops, a thousand pounds of yarn, and a thousand yards of cloth. The policy pursued in making the primary schedules was to take the costs from the mill books by the records which had been made and from the accounts closed up for the preceding year, so that nobody could be fooled by them, unless the proprietors had deliberately fooled themselves and made it a matter of record. Samples of the cloths upon which costs were thus secured were then sent to several other mills and like blanks filled out with estimates of cost. Thus each statement was checked and counterchecked from four to six times.

The American samples were then taken to Europe, and like statements of costs made there, either by the mill proprietors there or from their books or by experts employed for the purpose. In the same way samples of foreign cloths were brought here, analyzed by our manufacturers, and comparisons made with fabrics of similar character. I can not conceive of any more thorough and exact ascertainment of the difference in cost of production.

Reports are made on 53 different kinds of American cloth, 14 high-grade German cloths, and comparative mill prices given on 61 samples of English and American cloths. These statements of costs have been tabulated, showing—

First. Price on which duty is assessed.
Second. United States conversion cost.
Third. English conversion cost.
Fourth. Difference in conversion cost.
Fifth. Needed ad valorem to cover conversion cost.
Sixth. Specific or compensatory duty on basis of 18 cents wool duty.
Seventh. Total duty.
Eighth. The English cost.
Ninth. The English cost plus the total duty.
Tenth. The American cost.
Eleventh. The percentage of the total duties to the wholesale English selling price.

Mr. LONGWORTH. If it will not interrupt the gentleman, I think it will be well if he will state, as a number of gentlemen are not familiar with the matter, how it would be possible to ascertain the wool contents of cloth.

Mr. HILL. It is done simply by the sulphuric-acid test. That eats out the vegetable fiber and leaves the wool fiber. There is no difficulty about it.

Mr. LONGWORTH. And the department officials have facilities for doing it?

Mr. HILL. Absolutely; there is no trouble about it; they are doing it every day. Even now, when there is a doubt in regard to the valuation or of the undervaluation of a piece of fabric, it is sent right across the room from the examiner's office and an analytical chemist separates the fiber, and in that way determines the value. This plan would be to determine the weight only.

Mr. LONGWORTH. I only asked the question because there has been some objection made to the bill because of the impossible duty that is placed upon the officials of the Treasury.

Mr. HILL. There is not a particle of difficulty about it. If any gentleman has any doubt, he can call on Mr. Curtis, at the Treasury Department, or Mr. Halstead, of the Customs Division, and they will tell him that there is no trouble about it.

Mr. LONGWORTH. How about the wool in the cloth and clothing?

Mr. HILL. There is no trouble about that; not the slightest; and I am so informed by the appraiser's office.

The tabulations have been carefully studied, and repeated adjustment of tentative cloth schedules made to the facts there shown, and countertests made, by application of the statistical conditions of the various samples to the tentative schedules, until it is believed that, notwithstanding the enormous variety of fabrics made the world over, the cloth schedule presented by the minority of the committee is not only thoroughly protective in its character, but it is as near to the facts shown by the Tariff Board report as can be made, unless a separate rate of duty is made for each sample.

Mr. KITCHIN. May I interrupt the gentleman?

Mr. HILL. For a question.

Mr. KITCHIN. How much does your bill reduce the tariff on woolen clothing and woolen goods?

Mr. HILL. I have already told you—30 per cent on the whole cloth schedule.

Mr. KITCHIN. How much will it increase the importation?

Mr. HILL. I do not think it will increase the importation at all. You would utterly falsify the work of the Tariff Board if it did any more than find the facts, and as Republicans we are pledged to make a bill fit the facts, showing the difference in the cost of production, and how would that increase importation?

Mr. KITCHIN. I do not think it will increase importation.

Mr. HILL. It will increase the importation of free carpet wool, which the gentleman would have voted for if it was not for his caucus instructions.

Mr. KITCHIN. How much in woolen cloth and ready-made clothing and other woolen fabrics will your bill save to the consumers of the country?

Mr. HILL. I will show you that if I have time.

The average ad valorem rate of this paragraph with the present law applied to it would be 105 per cent. Without the effect of the cotton clause shown, which can only be done upon

an actual ascertainment in each case of other than wool contents, the proposed reduction on this whole paragraph in the Republican bill will average about 30 per cent. The cotton clause would probably increase this reduction to more than 40 per cent.

The average reduction of the first two or cheaper grades of cloth from the present law rates is 45 per cent if all wool. If half cotton, which may be fairly assumed from the values, the reduction would be 71 per cent. Of course, it is understood that the present law rates are prohibitive on such goods.

The average ad valorem of the samples scheduled by the Tariff Board is 64 per cent.

The average ad valorem difference between the net English and American mill prices given on page 705 of the report is 63 per cent.

The average wool duty in the Republican bill, except carpet wool, which is free, is 36.21 per cent.

The average of all conversion duties is 35.20 per cent.

The average conversion duty on cloth only is 42½ per cent.

The Republican members of the committee have had no force of clerks and paid employees to prepare tables showing the effect of the duties on the importations of past years, but the general conclusion which I draw from the proposed rates is that they will show a reduction on the whole schedule of nearly 40 per cent, which, by the operation of the cotton clause, will be increased to about 50 per cent on actual importations, and yet the rates are so applied as, in my judgment, to make a protective bill and at the same time comply with the findings of the report of the Tariff Board.

The English figures, which are about 5 per cent lower than the German, have been made the basis for comparison. It is not necessary to go through the remaining paragraphs, for they are all constructed on the same general principle, except in the proviso of the basket clause of paragraph 24. There the specific duty is laid upon the wool contained in the article, and the ad valorem duty is based upon the rate which the component article of chief value carries in its own schedule. Whenever these schedules are changed, the rates in this proviso should be made to conform.

The CHAIRMAN. The time of the gentleman from Connecticut has again expired.

Mr. DALZELL. Mr. Chairman, I yield 10 minutes more to the gentleman.

Mr. HILL. The wool duties would go into effect upon the passage of the bill and the manufacturing duties on January 1, 1913, thus following the precedent of the Wilson bill in this respect.

Now, gentlemen of the majority, I have a word for you, in all kindness and in sincerity, and I ask the especial attention of the gentleman from North Carolina [Mr. KITCHIN].

Mr. KITCHIN. Mr. Chairman, before the gentleman proceeds, allow me to ask him a question first. How much will the gentleman's bill reduce the manufacturer's price of cloth, ready-made clothing, and other woolen fabrics?

Mr. HILL. It will reduce it to a price of equal, fair, and just competition——

Mr. KITCHIN. Oh, yes.

Mr. HILL. Wait one moment—as shown by the actual statements submitted by the Tariff Board.

Mr. KITCHIN. How much do they say it would reduce it?

Mr. HILL. I will ask the gentleman to read the statement here.

Mr. KITCHIN. Oh, no. We want to know how much the gentleman's bill will reduce it to the consumer.

Mr. HILL. Now, gentleman of the majority, what is the situation which confronts us?

You have presented a bill which you claim will reduce the duties in Schedule K by 48 per cent.

We have presented one which in practical operation will probably reduce them 50 per cent.

You have fixed your rates by guesswork for revenue purposes, with the intention of eliminating all protection.

We have fixed ours on a thorough and exhaustive investigation by a nonpartisan Tariff Board, with the intention of maintaining the true principle of protection, measured by the difference in the cost of production here and abroad.

Upon your own estimates you annually displace 200,000,000 pounds of domestic wool by the importation of the foreign product, and transfer to Europe $12,000,000 worth of labor by the increased importation of the manufactured product and still lose $1,348,349 of annual revenue.

We will lose $4,000,000 of revenue taken from a noncompetitive product, and every dollar of it will therefore, by the lower cost of a household necessity, go toward a reduced cost of living and at the same time will maintain the industry on a protected basis of equal, fair, and just competition.

You offer us a bill which the President has vetoed once, and which is in violation of the platform on which he was elected and on which we stand now.

We offer you one which fulfills your pledge to reduce duties, and which it is now in your power to enact into law.

For a year this industry has been tortured with doubt and harassed with uncertainty as to its future condition.

The whole country needs and demands industrial peace and with it there will surely follow industrial prosperity.

Let us in this matter forget partisanship and, as our mutual colleagues on the Tariff Board have done, work together for the common good. [Prolonged applause on the Republican side.]

Mr. DALZELL. Mr. Chairman, how much time has the gentleman used?

The CHAIRMAN. The gentleman from Pennsylvania has 25 minutes remaining.

Mr. DALZELL. Mr. Chairman, I reserve the balance of my time.

Mr. TOWNSEND. Mr. Chairman, my understanding of the informal agreement made between the gentleman from Alabama [Mr. UNDERWOOD] and gentlemen on the other side was that the gentleman from Connecticut was to have yielded to him by the gentleman from Pennsylvania so much time as the gentleman from Connecticut required to conclude his remarks, and that then the time was to come to this side.

Mr. MANN. That is right. The gentleman from Pennsylvania merely reserves the balance of his time.

Mr. DALZELL. The gentleman's side is not entitled to my time.

Mr. MANN. The gentleman from New Jersey misunderstood the gentleman from Pennsylvania.

The CHAIRMAN. The gentleman from New Jersey is recognized for one hour.

Mr. TOWNSEND. Mr. Chairman [applause]——

The CHAIRMAN. The gentleman from New Jersey.

Mr. TOWNSEND. Mr. Chairman, it is my purpose during the time I am permitted to address the House to submit some facts—results of my own investigation—going to prove that as the rate of tariff protection increases so does the death rate of those whose wages depend upon tariff-protected industries increase. I shall relate some facts which prove that as the tariff rate mounts high the living conditions of those wage earners who toil in the protected industries sink lower and lower. If I can present here official figures showing that throughout the United States, with all unfavorable conditions in various parts of the country bringing up the average, it is found that out of every 100 deaths 27 are of children under 5 years of age, but that in towns whose industries are most highly protected, out of every 100 deaths not 27, but 47, 48, and even 50 are children under 5 years of age; if it is found that the death rate from all causes is highest in towns where are located the most highly protected industries, even if in those towns natural conditions are most favorable to health, then it is proper for us to inquire if there is a condition of living among the toilers in these most highly protected industries which of itself, and in spite of naturally healthful surroundings, produces an appalling death rate as well as hopeless misery and suffering among the living.

If it can be demonstrated that as the subsidies paid to tariff beneficiaries increase the chances for life of the trust's wage toilers decrease, if it is found that as the privilege of the rich to tax the poor is extended and enlarged the opportunity for the workers merely to survive is restricted, if it is found that as dividends increase there is also an increase in the pitiful little mounds of babies' graves, if it is found that as the arrogance and pride begot from privilege grow, hope and joy in the hearts of the toilers decrease, then it is reasonable for us to inquire if these facts do not bear certain relations with each other. If there is a sinister relationship between the facts, then it is our duty to examine and to understand.

I recently visited and made some investigations in towns where wool and where cotton are made into fabrics. In the town of Lawrence, Mass., I learned that out of every 100 deaths 47 were of children under 5 years of age, and of these 35 were of children under 1 year of age. The average for the whole country is 27 children under 5 years of age instead of 47 as in Lawrence, and for the whole country 19 out of every 100 deaths are of children under 1 year of age, instead of 35, as in Lawrence. In order that this appallingly large percentage of child deaths in Lawrence, which, striking and significant as it is, is not as large as the rates for corresponding ages in Fall River and in New Bedford—in order, I say, that these rates may be better appreciated, let me give the figures for some cities also noted as manufacturing communities.

In the city of Newark, N. J., partly in my congressional district, where the values of finished manufactured products in

1910 exceeded $200,000,000, where there were more than 1,800 manufacturing plants in the year 1910, of every 100 deaths but 31 were of children under 5 years of age. Taking a city far removed from Massachusetts or from New Jersey, Seattle, Wash., we find the deaths of children under 5 years of age out of every 100 deaths were but 19, as against 50 in Fall River, 40 in New Bedford, and 47 in Lawrence, and of children under 1 year of age in Seattle but 14. Not to extend these comparisons too far I will make but two others, both of Massachusetts communities. In Cambridge, in that State, out of every 100 deaths, 26 were of children under 5 years of age, 19 of them being under 1 year of age; in Worcester, an industrial community, out of every 100 deaths, 30 were of children under 5 years of age, and of them 22 were of children under 1 year of age.

It is a frightful toll of child deaths exacted by these interests which have received from Republican Congresses the power to tax all the people, and that taxing power demanded and received under the immorally false claim that it was for the benefit of American labor. [Applause on the Democratic side.]

In Lawrence I determined to see for myself what were the living conditions of the toilers in the woolen mills. I was accompanied by interpreters, but made my own selection of tenements to visit, and in that way, going here and there in the quarters occupied by the mill hands, entering tenements which seemed to be of average condition, I talked with the workers, learning from whence they came and why, how long they had been in this country, what had induced them to come, their worldly state there and here, and facts as to their wages and their living expenses.

What their conditions of living were I saw for myself. That they were supplied with the necessities of life was demonstrated merely because they were alive, but it was hard to believe, in some cases, that human beings could exist under the conditions I found. In only one of a score of homes was there anything to eat except bread, and the supply of that was many times pitifully small. Two, three, and as many as four occupied one small room. The slender supply of furniture was cheap, rough, and many times broken. Of course, such things as carpets and curtains were unknown; men, women, and children poorly, and many times insufficiently, clad. This was the story simple observation told. As to other things which should be of interest to us who are asked to maintain a high protective duty, in order that the high standard of American living may be maintained, I made notes at the time, and it seems to me that instead of working those notes up to a statement in literary form that it will impart as much useful information and in less time if I give here a literal transcription of those notes written down as the information came to me in response to my questions. So I reproduce here merely some typical cases.

First. Husband, wife, and three children; two rooms; rent, $2 a week; here seven years; husband only worker; wages, $6.12 a week when he worked full time; no idea of weekly average for a year; had been shepherd in Italy; came because heard talk of plenty of money and work here; man had bought one overcoat and one suit of clothes in seven years, woman one dress.

Second. Husband, wife, two children, and boarder; five in three rooms; rent, $2 a week; man had been farmer in Italy; does not live as well here as at home; works in finishing room; wages $6.05, but made $7.15 working three instead of two machines; sometimes ran four machines, but no more wages. If boss sees good, quick workman gives him more work but no more pay. Receiving strike relief from Italian parish school.

I want at this point to interrupt this transcription of my rough notes to speak of a happening in that home which proved that these people are eager to improve themselves, and that they are ambitious that their children shall receive enough schooling to make them good, intelligent citizens. I made a friend of one of the children, a boy of 7 whom I took to be 4 years old; the mother, observing our friendly relation, proudly produced a dog-eared reader in which there were translations of simple words from Italian into English. My little friend was asked to show how well he was going on with his study, and read some translations to me, both father and mother looking over his shoulder, eagerly striving, as it seemed to me, to keep pace with the youngster's advance in acquiring the English language. I speak of this because it is sometimes said of these people that they come here merely to pile up wealth and return to their own country, where they can acquire estates, and live in luxury and everlasting disdain of the United States.

And before proceeding with my notes I want to say a word about that most serious charge brought against the foreign workers in highly protected industries that some of them have saved money. The manner in which this charge is made clearly shows that those who make it expect thereby to demonstrate that the wages paid by these protected industries are excessive, otherwise how could the wage earners save? Is thrift a sin? If one saves, though he starves to do it, is that Republican proof that wages are too high? Undoubtedly some of those people, where fathers and mothers and children have worked from 7 to 10 years, toiled eagerly, deprived themselves of every necessity except those absolutely required that they might barely live and continue to work, undoubtedly some such families have in 5, 7, or 10 years saved as much as $200, and I think I heard of one awful example of $300. But what they have done to save this dollar or two a month out of the wages of a family it would be cruel to expose in all its punishing poverty and suffering. Yet such thrift is used as an argument for the continuance of 90 per cent protection for the benefit of those who paid such families their wages. [Applause on the Democratic side.]

Before leaving this subject, I wish to add testimony of an active and intelligent official of the Central Labor Union. When I visited him he was in charge of the union's relief station in Lawrence, where the union was giving relief, upon application, to any applicant, whether he was a member of the union or not.

If, upon investigation, the union was satisfied that the applicant needed aid, it was furnished. This official told me that no American mill hand had saved any money from his wages, and my belief is that he included among the American workers not only the few remaining native born at work in the mills but also the comparatively few English and Irish expert mill hands who had come to this country years ago and who had not, as most of their kind have, escaped from mill work. Some of these, he said, came to his home and asked if they might not get some relief for their families without going to the relief station, where their poverty and distress would become publicly known. He had been able to afford relief quietly in response to such requests and thereby save the self-respect of those who applied in that manner only when the necessity of the helpless members of their family became dire. That was his answer to my question as to whether the wages of the toilers in this highly protected industry had been large enough to enable the toilers to save any provision against such times of necessity.

I had been told that the deposits in the savings banks of Lawrence were evidence that the Republican rate of wages paid has enabled the toilers to save. In answwer to this my friend of the Central Labor Union replied that the savings depositors were of the usual class, the small tradesmen and professional people, bookkeepers and cashiers, and the members of the various locals of the Central Labor Union who were working in the unprotected industries—the carpenters, bricklayers, plasterers, blacksmiths, the railroad men, and, as usual, the various members of labor organizations working in industries unprotected by any part of the Republican tariff system. [Applause on the Democratic side.]

I will resume the transcription of my notes.

Third. Six adults; 3 brothers, 1 sister, 2 nephews; 5 worked; 3 rooms; rent, $3 a week:

1 wasteman	$6.50
1 combing	7.70
1 doffer	5.10
1 spinning	6.55
1 set bobbins	5.10
Total	30.95

Average weekly wage, $6.19 when working full time.

In the above classification I have used the terms describing their employment as they were given to me by the interpreter, himself the son of a mill hand, and they may not be the terms used here by gentlemen in describing mill workers.

Fourth. Four couples, 1 baby, 9 in all; 4 rooms; rent, $3; 4 men and 2 women worked:

1 twist	$8.00
1 wool shop	6.50
1 spooling	6.05
1 twist	8.00
1 spinner	6.55
1 wool shop	7.50
Total	42.60

Average wage, $7.11 a week.

In this group, as in every other one I visited, I made inquiry as to the average weekly wages for a full year, but seldom could get any accurate estimate. There were layoffs or slack times, but what they amounted to in weeks in a year I did not learn until I questioned this group, where one of the women had kept some sort of an account of all their wages and the number of full work-weeks. Basing my estimate upon her statement, that there had been work which totaled 39 full weeks, a simple calculation shows that the average weekly wage, counting as many weeks in the year as they are obliged to live, was $5.30. They had saved no money.

(5) Twenty-two people in 6 rooms—19 adults, 3 babies—came to America because they read in Italian papers letters from New York and Boston that there was lots of work and money in America. Eighteen adults work, all but one very old woman, who was nurse and caretaker and cook and housekeeper. These were neighbors in the old country. Two work in twist room, get $6.35 a week, but worked overtime for four months for no different pay.

The interpreter explained that they got no extra pay for overtime work.

Would go back to Italy if they could, but had no money. One girl, with finger end cut off by machinery, asked for damages but got none; did not press for damages because lose job if she did. Two old women each got $5.50 a week; only boss, wife, and 3 children were getting relief from strike fund; other adults ashamed to ask. One man worked overtime 3 hours a day for 27 cents—that was not right pay, but would lose job if complained. Another girl (brought in), whole index finger of left hand taken off while cleaning twisting machine. Rule was then must clean while machine running; rule changed since. Lawyer got $25 for her, not damages, because they said it was her fault, but gave her money to feed herself and baby. Did not sue because she would lose job; went back to work for less wages; baby was 2 months old when she had accident; mother about 18.

(5) Polish, husband, wife, 3 children, 4 boarders, 9 in all, in 3 rooms, rent $2 a week. Husband a weaver, $7, sometimes $8 a week, about 3 months full time last year, 9 months slack time when he earned $3 or $4 or $5 a week. Farmers in old country. Read in papers that America was good country. One boarder (intelligent) earned $6.50 a week, does not smoke or drink, but was short $2 every month.

Q. Did you all want to strike?—A. Yes.
Q. If you lose strike will you go away?—A. Home?
Q. Yes, home?—A. No; not enough money to go home.

(6) Russians, 9 adults, 3 children, 12 in 4 rooms, rent $3 a week; 8 people working, only sometimes full work, same pay for overtime; 7 years in America; no money saved; get relief from station; orders for groceries, $1 worth of groceries a week for adults, 50 cents for children.

There is a literal transcription of some notes I took on my rounds. I have not attempted to supply any color to the picture drawn by those notes. I have refrained from any of the many comments that I might have made, refrained from shedding any side lights upon sights that I saw. I undertook that task with years of training in such work to aid me. I know that even a trained investigator may be deceived when seeking only the truth regarding such situations; I know that it is claimed that the average wage of the millworkers of Lawrence is something between $9 and $9.50 a week. I found just one man who said that he earned $9 a week when he was working full time.

My Italian interpreter was recommended to me by a banker of Lawrence who knew him as an intelligent, honest, hard-working young man temporarily out of employment because the store in which he worked had laid off clerks. He came from a family of mill workers, and it was evident that the toilers he questioned respected him for his superior intelligence and worldly situation; and because of these reasons I am disposed to believe that the statements of these people, as I wrote them in my notes, were statements of facts; and the paramount facts deduced from my investigations, and from the official statistics of mortality published in United States Census Bulletin No. 109, show that these people—men, women, and children—toiling in an industry whose owners are permitted to lay a tax of 90 per cent on the clothes all Americans wear, do not receive wages enough to live in decency themselves and to prevent their children from starving to death. Starvation is one of the principal causes of the deaths of thousands of children of the workers in the most highly protected industries in America.

On the question of the average weekly wage, which has so definite and pitiful a relation to the death rate, I was able to obtain more detailed information in Fall River. There I had the pleasure of making the acquaintance of as fine an American citizen as I have ever met, Thomas Chew, superintendent of the Boys' Club of Fall River. He was a mill hand in Lancashire, England, when he reached the advanced age of 8 years, came to this country when he was 12 years old, and went to work in the mills of Fall River at a time when many English and Irish expert weavers were coming to this country. He had ambition and educated himself; he had the heart and soul of a philanthropist and a great pity for the children of the mill workers. He knew, what every investigator of such living conditions learns, that if you can save a boy from evil ways until he is 14 years of age you have done a great work for him toward saving him from ever falling into evil ways.

As a result of his effort Fall River has one of the best boys' clubs I have ever seen. At various times Superintendent Chew has induced M. C. D. Borden, one of the large mill owners of Fall River, to subscribe a quarter of a million dollars for these club buildings, and Chew supports and maintains them by subscriptions which he gets from people who appreciate the value of his work, but he gets no support from the mills. Boys under 14 years of age are glad to become members of one of these clubs, and many of the men working in the mills flock to the other, for there is also a men's club. There they have games, gymnastics, and many forms of entertainment, all under the least possible amount of oversight or supervision.

Unfortunately, no such work is being done for the girls of the families of mill workers. The mothers know the danger of allowing their girls the freedom of the streets, and it is a common thing in Fall River for the mother, when she goes to her work in the mill, to turn the boys out of doors, knowing they have the club to go to, and to lock in the girls under 14 years. When Mr. Chew made an investigation as to the causes which result in the death of 50 children out of every 100 people who die in Fall River, it was a common thing for him, when he rapped at a tenement door, to be answered by a little girl, who would say that she was locked in, taking care of the baby. Mr. Chew told me, also, that the school census takers frequently had the same experience.

I have told this much of that remarkable man because he was the only worker for the salvage of child life and child morals I discovered, and to show that he is familiar with wage and working facts, for the mill workers in Fall River all give him their confidence.

I took up with Mr. Chew this question of the average weekly earnings of the 35,000 or 40,000 mill hands in Fall River because I wanted to get from the best available authority information as accurate as might be; not what a pay roll of a single full week or month would show, but what these people earn on an average during 52 weeks in the year—that being the number of weeks in a year they are obliged to live if they can. As a result of our calculations, I find that the Fall River mill workers average during the year a weekly wage of $6.25. The mills that pay these wages have been granted by Republican Congresses the privilege of collecting from the American people a bonus of 90 per cent on the goods they manufacture. [Applause on the Democratic side.] This privilege was granted, of course, in order that those receiving it might pay wages to their work people so high that a comfortable and self-respecting condition of living should be enjoyed by those work people.

I shall feel amply rewarded for the time and labor I expended if my humble contribution to knowledge regarding the workingman's benefits from a high tariff—if my contribution, I say, shall hasten the death of that most malicious fable—that a high protective tariff benefits the workingman. [Applause on the Democratic side.]

Mr. GREENE of Massachusetts. Mr. Chairman, will the gentleman yield for a moment?

Mr. TOWNSEND. I will yield for a question.

Mr. GREENE of Massachusetts. I only want to say that I live in Fall River, and have lived there since 1844. There is a woman's union in Fall River. Did the gentleman visit that?

Mr. TOWNSEND. I did not; but I am very glad to hear it. Mr. Chew told me there was no such institution as his for girls.

Mr. GREENE of Massachusetts. There is a woman's union in Fall River that is cared for by contributions of the people, as there are several institutions especially for the care of children provided for in the same manner.

Mr. TOWNSEND. I am very glad to get that information, but it is clearly, however, not a question.

Mr. GREENE of Massachusetts. I did not say it was a question, but I wanted to correct that part of the gentleman's statement.

Mr. TOWNSEND. I have no doubt that in Fall River, as in many other American cities, there are Christian women who do something toward caring for unfortunate women in all respects. As to Fall River, however, I could state some facts which could scarcely be printed in the RECORD regarding conditions almost forced upon mill girls of Fall River, and if the gentleman wishes me to do so I will state them.

Mr. GREENE of Massachusetts. I appreciate that the gentleman can possibly state many disagreeable facts, but I know these are not common alone to Fall River, but to every manufacturing city, both North and South, and I very much regret it; but as the gentleman stated there was no provision for the care of young girls I wished that statement corrected.

Mr. HEFLIN. Mr. Chairman, so far as the South is concerned, I deny that that is the condition of the mill employees in the Southern States.

Mr. GREENE of Massachusetts. Very well.

Mr. McCOY. Will my colleague yield?

Mr. TOWNSEND. Certainly.

Mr. McCOY. Was not the statement which the gentleman repeated as having been made by this head of the boys' club that there was no similar girls' club?

Mr. TOWNSEND. Quite so. I made no statement concerning any of the Christian women of Fall River giving ordinary care to destitute and unfortunate women. I stated, as my colleague suggests, that there was no similar institution for the care of girls.

Mr. GREENE of Massachusetts. I have known Mr. Chew ever since he has been a resident of Fall River, and I want to say the boys' club which he has charge of, was originated in a very peculiar way by contributions from the people of Fall River, and finally becoming discouraged in maintaining it, in looking over the directory he found the name of M. C. D. Borden, of New York——

Mr. TOWNSEND. I can not yield further to the gentleman. I have given Mr. Borden credit for having established this club.

Mr. GREENE of Massachusetts. I will take time later to reply to the gentleman.

Mr. TOWNSEND. And I will be very glad to hear the gentleman's testimony as to the condition of the mill workers of Fall River.

Mr. GREENE of Massachusetts. And I think I know them very well, as I have lived there since 1844.

Mr. TOWNSEND. I do not yield further.

Before I present some interesting figures as to child mortality in Fall River, let me quote briefly from the writings of Samuel Hopkins Adams, an investigator of the highest standing of municipal health condition. He quotes from official vital statistics, which show that Fall River has the second worse death rate of its class in the United States, in spite of its most favorable natural condition, and says:

> Fall River is a healthful locality, well situated on sharp hills rising from a lovely bay. It is cleansed by the pervasive and consistent disinfection of salt breezes. It suffers no bitter extremes of heat or cold. At its very gates lies a good water supply, which, wisely, is guarded against contamination. Drainage is fair, though, unfortunately, not universal. There has been no sudden pressure of population to encourage and excuse the building of the evil type of tenement. Air and light are everywhere available. Broad areas of farming country near at hand furnish a milk supply which is at least of fair quality, as milk goes nowadays. Why, then, since Fall River is a healthful city, is it not also a healthy city?

The answer to that is, in my opinion, that even in that healthful city the wages of the 40,000 people working in its mills, turning out the many millions of dollars worth of goods, helping to make enormous dividends which are added to by a Republican tariff tax of 90 per cent, the answer is, I say, that those 40,000 mill workers get so small a portion of the mills' profits for their wages that they simply can not live in conditions where health is possible. [Applause on the Democratic side.] The mortality figures of these workers in Fall River are startling. I think I have already said that in that most favorably situated city, with no towering tenements, no congested areas, out of every 100 deaths 50 are of children under 5 years of age, and of those 39 are of children under 1 year of age.

If you will take Census Bulletin No. 109, and turn to table 3, on page 82, and run your eye along the columns giving the causes of death in Fall River, you will fail to find any deaths attributed to malnutrition or marasmus. Those two terms have been eliminated from the international list of causes of death, which list, very properly, has been adopted by Dr. Wilbur, who is at the head of the division of vital statistics in the Census Bureau. But among the causes of death even a layman will find many familiar names of diseases peculiar to children, and also he will find many diseases listed which modern medicine properly classifies as preventable diseases. Dr. Wilbur was kind enough to go over this very enlightening table with me, and he made two series of check marks, one indicating diseases peculiar to infancy and the other preventable diseases. A little examination of his check marks develops this fact—in the classification carried by the table there are 31 causes of death listed. Of these 19 are checked as preventable diseases, and I find that in Fall River every cause of death checked as peculiar to children has opposite, also, a check mark indicating that it is a preventable disease according to the theory of modern medical science.

If they are preventable why, in that healthful town, in that highly protected community, does the death rate of children under 5 years of age show 50 out of every 100 deaths? Why, when in the country at large there are out of every 100 deaths only 19 of children under 1 year of age, in Fall River are there 39? Why, when the owners of the mill are so highly protected by a Republican tariff, are not the bowels of compassion of those owners moved to protect just a little the children of their workers? [Applause on the Democratic side.]

Mr. Chew is a practical man, and when these grewsome figures of children's death came to him he started out to make an investigating campaign of his own. He knew that the reason malnutrition and marasmus have been removed by modern medicine from its list of causes of death was because they do not describe a disease but a condition; he knew that the words were not accurate, that they have been used in the past merely as polite terms to describe starvation, but he wanted to know how many children died of starvation in Fall River in 1909. I take the result of his investigation from a newspaper published in Fall River, and the first headline in that Fall River paper, printed in large black type, reads "Thousands of babies die in year." He based his investigation, it appears, on figures supplied to him by the local health officers, and incidentally I may remark that his figures of deaths of children under 1 year of age in Fall River in 1909 are nearly 100 less than the figures given by bulletin No. 109 of the Census Bureau. But taking the most favorable report it is seen that in that year in Fall River, including stillbirths, 1,036 children under 1 year of age died. As the result of his investigation Mr. Chew tabulated thus:

Stillbirths	250
From preventable diseases	501
Nonpreventable diseases	285
Total	1,036

Then he goes into the causes of deaths of children under 1 year of age, and he is not ashamed to use those tabooed words, malnutrition and marasmus, meaning starvation, and he finds from that cause that there were in Fall River in that year 141 deaths of children under 1 year of age. And their mothers were working for $6.25 a week manufacturing goods upon which a Republican tariff bonus of 90 per cent is charged against every person in the United States who wears a garment of cotton. And then, there were 250 stillbirths—250 little bodies starved to death before they were born, and the tariff only 90 per cent. Why, good God! the Republicans are only half right. If the privileged beneficiaries of a Republican tariff can not afford to pay wages high enough to prevent this slaughter of infants, let us double the tax, make it high enough, at least, so that babies may not be starved to death before they come into the world. [Applause on the Democratic side.]

I want to exhibit to Members here this map of the city of Fall River, which, it can be seen, is marked with groups of pins, 1,036 pins roughly divided into three groups, 786 black pins and 250 white pins. Every black pin indicates the street and house where an infant under 1 year of age died in Fall River in 1909, and every white pin indicates a stillbirth. One group roughly outlines the section of Fall River where the Italians and Poles live, a second one the section occupied by French and Belgian mill hands, and the third that section of the city occupied by immigrants from 17 other European countries. This very significant map is the result of the personal canvass of Mr. Chew to determine the facts indicated. At the conclusion of his investigation he found that he had the record of the deaths of 400 children under 1 year of age whose births had never been reported.

Such indifference to life you would never find in a well-conducted stock farm, where the birth of every colt and every calf is carefully entered in the studbook and the cattle register [applause on the Democratic side]; such indifference to life you would not find in any kennel, where the record, for future bench shows, registers the birth of every puppy. I refer to this because it is a striking evidence of a fact of which lawmakers must soon take careful notice; of the fact that in these mill towns there is a complete separation between the welfare and interests of the well-to-do and prosperous portions of the communities and those of the communities who toil in the mills. There is no common interest; the classes are separated as it was never designed the classes should be separated in American communities. They are separated in a way that is dangerous to those communities and to American institutions. There is a submerged, a neglected portion of the community whose very births and deaths are matters of indifference to the municipal authorities. Lest it be thought that conditions have improved I will insert at this time these figures: In 1909, as we have seen, the deaths of infants in Fall River, under 1 year of age, not including stillbirths, were 786; in 1910 I find from the United States census figures that they were 854.

What personal suffering and misery this condition gives rise to in these towns of highly protected interests that which I have already said gives, I hope, some hint. With what danger this condition menaces our institutions I ask those of you wiser than I to pause and give thought to. I believe that this arro-

gance and civic indifference are begot of privilege—the privilege a few have obtained from Republican Congresses to tax unjustly the many. [Applause on the Democratic side.] The few have been enabled to make large dividends without earning them. They are relieved from competition and the necessity imposed by competition to improve their products.

Let me say a few words on that last proposition: In Fall River I visited the Bradford-Durfee Textile School, one of the three which the State of Massachusetts, greatly to its credit, assists in maintaining. This school has for its superintendent a textile expert named Umpleby, who learned his craft in England, and studied in its higher branches, or at least pursued and finished his studies, in Germany and France. He is my authority for this statement: Textile mills in England and in Germany and in France will take shoddy; that is, the soft and loosely woven rag fabrics, tear it apart, comb, spin, and weave it, and make a better looking, more highly finished piece of cloth from it than any American mill will make from the best quality of raw material.

The American mills, enjoying these monstrous subsidies granted to them by Republican Congresses, are under no necessity of installing the latest and best type of plants or of paying high wages in order to secure expert labor, and thus are enabled to charge an artificial price for inferior product. I believe that the subsidy that they have been granted by the Government, this privilege to tax, relieves them of the necessity of making the highest class product.

Their profits are insured. I believe that these discriminations in their favor produce a state of mind among this privileged class which makes them careless in their manufactures, indifferent to the conditions of their toilers, and, as one result, we find these groups here, these pitiful black and white marks indicating preventable infant mortality; a lamentable result peculiar, so far as my observations go, to communities where highly-protected industries exist.

I want to exhibit to you this chart. The vertical columns, as you see, represent the months of that year, 1909; the horizontal lines the days of that month. The red wafers show the deaths in Fall River in that one year, many of them from preventable causes, of children under 1 year of age; the blue wafers show the stillbirths. Notice how strikingly the deaths increase in July, August, and September.

Not far from Fall River is the home of a summer colony famous all over the world for the magnificence of its palaces, the extravagance of its people, the varied and whimsical methods of their entertainment, the gorgeousness of their lawn fêtes and their water carnivals, the splendor of their entertainment of foreign people of title, the stately sweep of their lawns, and the perfection of their gardens. The same water which partly surrounds Fall River laps the beaches and bluffs of Newport. But in Newport in July, August, and September these palaces, some of them, are occupied by men and women whose colossal fortunes have been given to them by the operation of this Republican tariff subsidy. Their children you will find there in July, August, and September, cared for by nurses, by governesses, by tutors, enjoying every pleasure, every entertainment that wit or fancy can devise and prodigality provide to make their little lives happy and healthy. They are taken there in private yachts; they are cared for like little princes and princesses, protected from chill or from the summer heat, nourished, petted, and amused. All of this during those three dreadful months, whose record of infant deaths in the town of Fall River make ghastly red the splashes on this chart.

I am not inventing this shameful story; it is taken from the official records of a city a portion of whose vast profits, enormous dividends, people enjoy from stock shares under suspicion of carrying an undue amount of water. I am not endeavoring to incite class hatred. I merely wish, if I can, to make my fellow Members of the House of Representatives ask themselves if all is well with a fiscal policy responsible for this hideous red record on one shore of the waters of that beautiful sound, and responsible at the same time for the conditions of wealth, of luxury, of idleness, at a near-by part of those historic waters.

Noting the condition of those who benefit by the tariff, contrasted with the overtaxed consumers throughout the country, as well as the unfortunate workers in highly protected industries, all of whom are robbed by the tariff, it seems fair to assert that governmental pap, such as is this subsidy, ladled out to a privileged few by the Republican Party, is a mighty bad diet for any portion of a free people. It quickens the appetite, to be sure, but it deadens the conscience; it gives luxuries to the few, to be sure, but it deprives the many of common comforts; it affords education, travel, leisure for those who fatten on this governmental pap, but it imposes on the many unrelieved toil and unjust taxes upon their necessities of life.

The salvage of human life must be taken as one fair measure of a community's conscience, its sense of right and wrong, of charity. What, then, must be our judgment of the rich in a community who are indifferent even to the salvage of the lives of those who can not save themselves—the little ones, the children? Let 90 per cent of helpless infants die if only those who need no aid are helped by tariff subsidies at a 90 per cent rate. What do they care about the death rate so long as the tariff rate is maintained by votes of a Republican Senate or the veto of a Republican President?

Where the black and white marks on the map tell the hideous story of preventable infant mortality, I noticed, as I walked through that District of Sorrow, that one of the streets was named Hope. That, surely, was the very malice and frenzy of satire. [Applause on the Democratic side.] Hope? What quantity of that merciful possession can sooth the heart of man, woman, or child working in dull and unilluminated routine, which gives but a feeble hold upon a miserable existence at best. What hope is there to assuage, even by promise, the dull pain of unsuckled breasts of mothers whose children were starved before they were born, while the mothers toiled with the pain of their untimely tribulation.

What hope for the boy who begins working in the mills when he should be playing in the fields, working at the start for $2 a week, earning a little more by slow increases, but only a little more; working on, just to preserve life, until at 50 he is worn out and becomes worse than the unemployed—the *unemployable!*

Are we not justified in thinking that they fare best who escape from that drab existence before they endure more than a few days of its suffering, before they can appreciate the glories and delights of high Republican tariff, before they are taught to understand the blessings granted by Government to insure the high standard of American living for all who toil in protected industries?

May we not excuse those who, after living such lives, look, perhaps not wholly in sorrow, at these black and white pins, at these red splashes on the chart? They know what years of misery were saved by the events which placed those telltale pins upon this silent but picturesque Republican tariff argument. [Loud applause.]

Mr. Chairman, if I have any time left, I yield it to the gentleman from Connecticut [Mr. REILLY].

The CHAIRMAN. The gentleman has 15 minutes remaining. The gentleman from Connecticut [Mr. REILLY] is recognized for 15 minutes.

Mr. REILLY. Mr. Chairman, my distinguished colleague, Hon. EBENEZER J. HILL, of Norwalk, Conn., who has written the minority report that accompanies this woolen schedule, has long posed as a high priest of protection as enunciated by Republican platforms and as preached from Republican lay pulpits. In addition to his belief in Republican tariff theology, he appears to be convinced that he has been commissioned from some more or less authoritative source as the champion of American labor and its defender against the hordes of the so-called pauper labor of Europe.

He has been fairly successful in making some people believe that he is and has been a high protectionist only because of his unselfish, undying love for the American workingman.

He has almost exploded with indignation when anyone has dared point a finger at the sacred Grand Old Party tariff; he has wept tears, copious and crocodile—but copious at any rate—over the woes of the workers in mill and factory; he has drawn pictures of the prosperity that prevails under the benign influence of 100 per cent duties and the dire distress that must ensue if those duties are disturbed. He has told you in his thrilling "Story of the Extra Session" of the cold-blooded attempts of the Democrats to ruin American industries; he has told you of their deep-laid plans to close the mills and the shops; he has told you of their efforts to bring disaster upon the people in general, either because of their ignorance in the matter of proper legislation or their willful intent to raise hell in general with business. [Applause on the Democratic side.] He has tried to show you why no one but a Republican high protectionist should be permitted to enact any tariff legislation.

He has almost taken the stand that no one but himself knows anything about a tariff, and that when it comes right down to it, Messrs. PAYNE and DALZELL are mere tariff pikers. And this vast knowledge and this wonderful comprehension of the scope of a high protective tariff, he wants you to understand, have been used exclusively by him in all tariff legislation for the protection of the dear American workingman and his happy, happy home. Has anyone dared question the purity of his motives in his devotion to the cause of the tariff barons, especially the woolen kings? Has anyone dared insinuate anything mercenary

in that specific or ad valorem loyalty to the princes of protection? No, siree. The fear of the dreadful blowing up that would follow even a mere hint of that sort has heretofore been enough to prevent. [Applause on the Democratic side.] To his Imperial Majesty Ebenezer I [laughter], King of Wooldom and Emperor of Tariffania, only the highest altruistic motives have been ascribed [laughter]; only a burning desire to help the wage earner in all his protective pyrotechnics. [Applause on the Democratic side.]

There are dreams that one dislikes to dispel; there are pictures that one hates to destroy. To do so may be called cruelty and vandalism, but there are unpleasant as well as pleasant duties that must be performed.

Let us leave this HILL of altruism and get down to brass tacks. What do we find in connection with the attitude of the distinguished Connecticut champion of Schedule K and its minority offspring now under consideration?

We find that in addition to the protection for the American woolen workers there is other protection desired. There may be protection for the Norwalk Mills Co. desired. The gentleman from New York [Mr. BRADLEY], in the recent debate on the metal schedule, was questioned by the gentleman from Missouri [Mr. HAMLIN] as to his interest in a certain industry upon which he desired a higher duty than the bill provided. The reply of the gentleman from New York was that before coming to Congress he had been interested largely in the industry in question, but when he was elected to or nominated for Congress he disposed of his interest, because he wished to be in a position to legislate without a personal bias on all matters. It was the expression of a high ideal of public duty and was characteristic of the gallant colonel.

The annual reports of the Norwalk Mills Co. from 1888, when the printing of the reports began under the Connecticut law, down to and including 1912, show that EBENEZER J. HILL, of Norwalk, owned from 70 to 140 shares of the stock of that concern. They show that he was not only a stockholder, but that he was and is a director of that company, and they also show that he was the vice president of the concern for several years. [Applause on the Democratic side.] So that there may be no mistake as to the identity of the E. J. HILL, one of the reports distinguishes the director as Hon. E. J. HILL, of Norwalk. Not only was he interested in the manner described, but one of his sons was treasurer of the company for a while.

Herewith are given some figures and facts from the annual reports of the Norwalk Mills Co., showing the connection of my colleague with the company as a stockholder:

Year.	Name.	Residence.	Number of shares.
1887	E. J. Hill	Norwalk	120
1888	do	do	120
1889	do	do	132
1890	do	do	140
1891	do	do	140
1892	do	do	140
1893	do	do	70
1894	do	do	70
1895	do	do	70
1896	do	do	97
1897	do	do	97
1898	do	do	97
1899	do	do	97

In 1900 the law was changed so that it required only the filing under oath of the following particulars, namely, the amount, the capital stock actually paid in, a list of the directors and officers, and the location of the principal office in Connecticut. The report of 1900 of the Norwalk Woolen Mills Co. was made and sworn to by EBENEZER J. HILL, vice president, and Frederick J. Hill, treasurer.

From 1900 up to and including 1910 the name of E. J. HILL appears in the annual report as vice president and director of the Norwalk Woolen Mills Co. In 1910 Mr. HILL retired from the vice presidency, but remains as a director in the company, according to the reports filed, including the one filed for 1912 on the 2d day of January of this year.

The annual report of the Norwalk Mills Co. for 1900, when the change in the law took place, was made by the Messrs. Hill as vice president and treasurer, and is as follows:

We, EBENEZER J. HILL, vice president, and Frederick A. Hill, treasurer, of the Norwalk Mills Co., a joint-stock corporation organized under and pursuant to the laws of the State of Connecticut relating to joint-stock companies, and located in the town of Norwalk in said State, in compliance with the requirements of said laws, hereby certify under oath: That the condition of the affairs of said company, as nearly as the same could be ascertained, on the 1st day of January, 1900, in the following particulars, was as follows:

The amount of capital stock actually paid in was $100,000.

Directors.

Name.	Date of election and term of office.	Residence.
John A. Osborn	May 10, 1899 (1 year)	42 West Avenue, Norwalk.
Ebenezer J. Hill	do	40 West Avenue, Norwalk.
Ebenezer Hill	do	South Norwalk, Conn.
Eugene L. Boyer	do	Norwalk, Conn. (Winnipauk, Conn.).
John P. Treadwell	do	Norwalk, Conn.
Henry P. Price	do	Do.
D. Warren Fitch	do	Do.
John A. Osborn, president.	June 12, 1899 (May, 1900)	42 West Avenue, Norwalk.
Ebenezer J. Hill, vice president.	Sept. 21, 1899 (May, 1900)	40 West Avenue, Norwalk.
Frederick A. Hill, treasurer.	Oct. 10, 1899 (May, 1900)	Norwalk, Conn. (Winnipauk, Conn.).
Frederick A. Hill, assistant treasurer, secretary, assistant secretary.	Nov. 13, 1899 (May, 1900)	Do.

Location of principal office in Connecticut, Winnipauk; post office, Norwalk, Conn.

In witness whereof we have hereunto set our hands this 12th day of February, 1900.

EBENEZER J. HILL, *Vice President.*
FREDERICK A. HILL, *Treasurer.*

(U. S. I. R. stamp, 10 cents, affixed and canceled.)

NORWALK, *February 12, 1900.*

STATE OF CONNECTICUT,
County of Fairfield, ss:

Personally appeared EBENEZER J. HILL, vice president, and Frederick A. Hill, treasurer, of the Norwalk Mills Co., signers of the foregoing certificate, and made solemn oath to the truth of the same before me.

[SEAL.] H. P. PRICE, *Notary Public.*

Received for record February 15, 1900, and recorded by—
ANNIE E. SMITH, *Assistant Town Clerk.*

OFFICE OF TOWN CLERK.

STATE OF CONNECTICUT, COUNTY OF FAIRFIELD,
Town of Norwalk, ss:

I, Herbert R. Smith, town clerk of said town, hereby certify that the foregoing is a true copy of the record of the instrument recorded in the records of joint-stock corporations of said town in volume 1 on page 118.

In witness whereof I have hereunto set my hand and the seal of said town this 25th day of March, 1912.

[SEAL.] HERBERT R. SMITH, *Town Clerk.*

Is there any great surprise that my colleague should be selected to write a Republican woolen schedule? [Applause on the Democratic side.] Is there any great surprise that he desires to see a high tariff kept on woolen goods? [Applause on the Democratic side.] Is it all for the American workman that he is pleading?

I wish it to be clearly understood that I have no fault to find with my colleague for being a stockholder, director, or vice president of the Norwalk Mills Co. It is rather to his credit as a thrifty man. I have such a high personal regard for my colleague that I would like to see him a director and stockholder in many companies. His financial prosperity can not be so great as to in any way displease me, because, except when some one trespasses on his high tariff domain, my colleague is a most affable gentleman. [Applause.] But what I do find fault with is my colleague as the stockholder, director, and vice president of a woolen mill being permitted to draw up a tariff bill affecting that industry. [Applause on the Democratic side.] If this tariff question were being settled by a jury, my colleague would not be eligible for jury duty because of his interest in the case. [Applause on the Democratic side.] He has no moral right to be making tariff bills for a woolen industry. But it is a concrete example of what the Republicans mean by their plea to have the tariff revised by its friends. [Applause on the Democratic side.] When he gives his facts and figures, of which his head is filled, as the distinguished ex-Speaker of the House stated during the reciprocity debate, he gives facts and figures that are seen through bias and computed through prejudice. [Applause on the Democratic side.] His case is typical of the Republican policy of putting friends of various interests on committees that are supposed to regulate those interests.

Anticipating a statement that my colleague might make in relation to this Norwalk Woolen Mill if he were present—and I regret that he is not——

Mr. HILL. He is here. [Laughter.]

Mr. REILLY. I am glad to see the gentleman here. Anticipating a question he might ask, I will say that the mill has not been running for the past few months. Why? If I were to follow my colleague, I might say because the tariff was not high enough on woolens to protect the American manufacturer——

Mr. HILL. Mr. Chairman, may I ask the gentleman a question right there?

Mr. REILLY. Not now, as I have but a few minutes left. But that would not be a good answer, because for years Stockholder, Director, and Vice President HILL has been making woolen schedules as a majority member of the Ways and Means Committee, and if it were not high enough he would add on as much as he liked. [Applause on the Democratic side.] Then, again, he has shown in his minority report to-day that the tariff was high enough—in fact, too high—for, with an eye to the near future and with his ear close to the ground, he has recommended a reduction from the Payne-Aldrich figures.

If the tariff was not the cause of the closing of the mill, there is another reason that may be attributed—failure to meet the competition. Let us look at that a moment. Who are the competitors of the Norwalk mills? The American Woolen Co.—the Wool Trust. [Applause on the Democratic side.]

Oh, the irony of fate! While my colleague has been here breaking his neck to put enormous dividends in the pockets of the Wool Trust by a high tariff wall, that trust was engaged in its usual pastime of putting a competitor out of business; and my colleague is one of the victims, unless he has been taken over. [Applause on the Democratic side.]

The story of the Norwalk mills and my colleague's unselfish championship of the cause of American labor is the story of the robber tariff that the American people are beginning to learn by heart. They are getting their eyes opened to the iniquities that have been perpetrated upon the American people in the name of the American workingman. [Applause on the Democratic side.] They are realizing that it has been a crumb for wage earners and a loaf for the tariff and mill barons. [Applause on the Democratic side.] The day when the smooth-tongued, polished advocates of a piratical tariff can get away with that stuff is passed. [Applause on the Democratic side.]

The American workmen know they are the poorest paid in all the world when their productivity is taken into account. The American wage earners saw a panic and the hardest times in 1907 under the highest tariff, except the Payne-Aldrich-Hill tariff.

But they know now the tariff come-on when they see him, no matter how disguised, and will not be buncoed again. They see a Republican President and a Republican Tariff Board changing front and admitting that the "difference in the cost of production" bugaboo is busted and will have to go into the discard with the "reasonable profit" dodge. [Applause on the Democratic side.]

The CHAIRMAN. The time of the gentleman has expired.

Mr. FOSTER. Mr. Chairman, I desire to be recognized.

The CHAIRMAN. The gentleman from Illinois is recognized.

Mr. REILLY. I would like to finish.

Mr. FOSTER. How much time does the gentleman desire?

Mr. REILLY. Two minutes.

Mr. FOSTER. I ask that the gentleman be allowed five minutes in which to finish his speech.

The CHAIRMAN. The gentleman from Connecticut [Mr. REILLY] is recognized for five minutes.

Mr. REILLY. They can see the selfish interest behind the high tariff stalking horse, and they are simply waiting for November to come to prove that the hoodwink days are passed and that they have had enough of the so-called protection. The protection that makes them poor and lean in the sweat of their daily toil, while the tariff barons wax rich and fat; the protection that adds a dime to what they earn and a dollar to what they eat. [Applause on the Democratic side.]

I yield back, Mr. Chairman, whatever time I have not used.

MESSAGE FROM THE SENATE.

The committee informally rose; and Mr. CONNELL having taken the chair as Speaker pro tempore, a message from the Senate, by Mr. Crockett, one of its clerks, announced that the Senate had passed bill of the following title, in which the concurrence of the House of Representatives was requested:

S. 5919. An act to increase the limit of cost for the United States post-office building at La Salle, Ill.

THE WOOLEN SCHEDULE.

The committee resumed its session.

Mr. FOSTER. Mr. Chairman, my understanding was that there was to be two hours' general debate on this side, inasmuch as they have taken two hours on the other side.

Mr. DALZELL. Your side has occupied more time than this side. Your side has occupied 2 hours and ours has occupied only 1 hour and 35 minutes. The gentleman from Alabama [Mr. UNDERWOOD] himself occupied an hour.

Mr. FOSTER. Your side has occupied more time than ours. Mr. Chairman, I think I am recognized.

The CHAIRMAN. Just a moment. The condition of the record is this: The Democratic side has used 2 hours and 2 minutes. The minority side has used 1 hour and 35 minutes, leaving 55 minutes of my colleague's time and 25 minutes' time to the gentleman from Pennsylvania [Mr. DALZELL].

Mr. DALZELL. I do not care to be recognized, Mr. Chairman, but the gentleman from Michigan [Mr. HAMILTON] does desire to be recognized.

Mr. FOSTER. Mr. Chairman, I think I have the floor.

Mr. DALZELL. We are entitled to be recognized on this side of the House at this time.

Mr. FOSTER. The gentleman from Pennsylvania will remember this, that his side was recognized according to an understanding with the majority leader, Mr. UNDERWOOD, and given an hour's time, and you consumed all but five minutes of that hour.

Mr. UNDERWOOD. I will say to the gentleman from Pennsylvania [Mr. DALZELL] that I regret that the situation came about this way, and for that reason I did not want any man to use over an hour, because I was afraid it would bring about confusion. But I was recognized for one hour, and the gentleman from Connecticut [Mr. HILL] was recognized for an hour. Then the time should have come back to our side, because we were entitled to it, which would have allowed the gentleman from New Jersey [Mr. TOWNSEND] to come in, and then it would go to the gentleman's side and then come back to us. Now, two gentlemen have been recognized on this side and two on that side, and the result is that this side is now entitled to recognition. I am perfectly willing, however, I will say to the gentleman, when the proper time comes, to make up his time.

Mr. DALZELL. I will only say that the time ought to be divided equally between the two sides of the House.

Mr. UNDERWOOD. The recognition ought to go according to rule, because the two sides have been recognized.

Mr. HAMILTON of Michigan. I will say, Mr. Chairman, that I have so much regard for the gentleman from Illinois [Mr. FOSTER] that if he desires to proceed I am willing to forego my opportunity now, if I have an opportunity. I may be laboring under a misapprehension as to my right.

Mr. FOSTER. I decline to yield if I can be recognized.

Mr. UNDERWOOD. I think the gentleman from Illinois [Mr. FOSTER] is merely within his rights. I have no desire to cut off that side.

Mr. HAMILTON of Michigan. Then, if I may be permitted to make an inquiry, is this side entitled to be recognized next?

The CHAIRMAN. The Chair will recognize the gentleman from Illinois [Mr. FOSTER], and unless the gentleman from Pennsylvania [Mr. DALZELL] wishes to utilize his 25 minutes, the gentleman from Michigan [Mr. HAMILTON] will next be recognized.

Mr. HAMILTON of Michigan. That will be to-morrow morning?

Mr. FOSTER. I do not want to occupy but a short time.

Mr. HAMILTON of Michigan. I do not wish to go on to-night.

Mr. FOSTER. Mr. Chairman, we have listened this afternoon to what was to my mind one of the most remarkable addresses ever delivered upon the floor of this House. I refer to the remarks of the gentleman from New Jersey [Mr. TOWNSEND]. He has taken up a different line of argument than that usually heard in tariff discussions. We usually hear talk about what effect a tariff will have upon the business of the country, on the particular commodity upon which the tariff is to be levied, and the cost to the people of the country. The gentleman from New Jersey [Mr. TOWNSEND] has shown us this afternoon that in these mill and factory towns, in these mills for whose benefit the protective tariff has been levied, the mortality is greater than it is in any other cities of the United States.

We have heard much in this House in the last two or three years with reference to the protective tariff and the benefit that it is to labor. I have heard men talk here until they were blue in the face, until they sweat as they never sweat before in their lives, advocating a high protective tariff for the benefit of the laboring man of the country. Yet it has been demonstrated here to-day by Government statistics that these people in the mill centers of the country, in the cotton and woolen industries of Massachusetts, do not get proper food, clothing, or shelter. Whether they put all their money into savings banks and refuse to spend their wages to procure food to eat and proper clothing to wear for themselves and their families I leave for some friend of the protected industries to tell this House. I suppose that they would come upon the floor of this House and show that over in Massachusetts there are thousands of workmen in those mills who revel in wealth, that the vaults of the savings banks are bulging and bursting with the wealth of the laboring men, who are the direct beneficiaries of our high protective system of tariff taxes.

But do you know that a witness testified before the Committee on Rules a short time ago that these shrewd, smart mill owners, who, it is said, are looking out so well for the protection of the American laboring men, that their cards were distributed in foreign countries, in the labor centers, and that those cards contained upon the one end a picture of a beautiful mill and on the other end, a street between, is represented a savings bank, with a stream of people traveling from the mill over to the savings bank with bags of gold. And some of those people who came to this country brought some of the cards with them to Massachusetts in order that they might identify that mill and that savings bank, where they were to be so very prosperous. [Applause on the Democratic side.] Well, my friends, it seems strange indeed that these people working in the mills would live 8 or 10 or 12 of them in 3 or 4 rooms, and that they would live on food of the kind that has been testified to in order that they might take the money across the street and put it in the savings bank.

I will ask you, is it natural anywhere in the world that men who go out and toil from early morning until late at night will starve themselves if they have money with which to get enough to eat? There may be exceptional cases, but that is not the rule. Human nature is very much the same the world over when it comes to those things. The hunger of a man in Italy or the hunger of a man in Russia is very much the same as it is in England or in Germany or in the United States.

The gentleman from New Jersey [Mr. TOWNSEND] spoke also of the great mortality in these mill centers. There is a reason for this; some cause is certainly to be found why the mortality is so great. What is necessary to make people strong and keep them healthy? There are certain essentials to do this. Among them are these: They must have proper houses to live in; they must have proper clothing, proper food, and proper hygienic surroundings. Do we find those conditions there? It has been testified to before a committee of this House that those people usually have meat once a week; that their wages are not such as to permit them to live as they ought to live and as all people ought to live. If there is any man in the world and any man's family that ought to have the proper necessaries of life, it is the man who goes out and toils and creates the wealth of the country.

On account of the improper housing of the people, on account of crowding them into rooms, as has been shown here to have been done in Lawrence and Fall River, Mass., and other mill centers of the country, we find that there is not sufficient air for each person to breathe in those crowded rooms. In order for each person to breathe properly, so that the body may be healthy, so that there may be sufficient oxygen taken into the system, there must be a certain amount of pure air to be breathed.

If we have not that air, our bodies will suffer. Deteriorated air brings on disease.

It is necessary to have proper clothing to keep the body healthy. It was testified by a trained nurse from New York, who appeared before the Rules Committee, that on her visit to Lawrence, Mass., among those children she found that out of 119 children only 4 had underclothing. She said that the shoes of the little children of that community were worn out until their bare feet were almost on the ground. She said that the older ones, those who were able to work in the mills and earn something for themselves, were better clothed. Yet those mill owners' cards, with the pictures of the mills and savings banks where they might deposit and hoard up their thousands upon thousands, were sent to the labor centers of Europe. This was done to secure the cheaper labor in Europe.

Every man who has studied hygiene and its relations to the human body knows that a certain amount of food and a certain kind of food is necessary if the body is to be properly maintained. The growing child must have a different food than the grown person who works. One of the witnesses who appeared was a Mr. Carter, who was employed as a missionary, one of these sanctified sort of fellows who would make the heavens weep when he prayed for the poor of Lawrence, Mass. He was employed and his salary was paid by the mill owners of Lawrence. He said his expenses were paid by contributions, but the fact was, as he testified later, that he was paid by the mill owners of that particular city. What was his business? It was to go around and help these people, and, when he found them without sufficient food or clothing or fuel, I suppose it was his business to comfort them and make them feel as good as possible on what little they had to live on.

I would like to read from his testimony that particular item and show how they did enjoy food that was given to them. Talking about giving these children a lunch he says:

> Another thing which became apparent, children were coming to school hungry. In one of the schools, while things were going at their best last November, a very bright and intelligent teacher noticed that the children of the school were not quite so wide-awake about the middle of the forenoon. Upon making inquiry, she discovered that the times being so prosperous the father and mother went to work and the children had to scramble out of bed, dress themselves, take a bite to eat as best they could, and go to school and go through the forenoon without anything very substantial to eat.

Now, gentlemen, mark you, this was a great thing that they were doing for these school children at Lawrence, Mass. He further says:

> The teacher canvassed the matter and this was the result, that she bought large loaves of bread that were 12-cent loaves, and they are big enough to knock a man down with, and are good, solid, wholesome food.

He was asked the question if they were big enough to knock a horse down, and he said "Yes." He said they were good, wholesome food for the children, and that a 12-cent loaf would cut enough portions so that they could sell them with a little corn sirup dribbled onto them for a cent apiece and not lose anything on the job. They were careful to cut their slices of bread so that there would not be anything lost on the job. He said the parents were delighted, and scores of children came every day with their pennies and were independently fed. I want to say to my good friend, Mr. WITHERSPOON, that down in Mississippi that would not be much of a luxury to give a child a piece of hard bread with a little corn sirup dribbled on it.

Then he says:

> We opened up one of the schools and some of the ladies came in and assisted in the work, and one lady, who holds a high social position in Lawrence, said, after the first day's experience, that she had spent a pleasanter forenoon than she ever had at a whist party.

Now, I call attention to this to show you the situation and to corroborate the statement of the gentleman from New Jersey [Mr. TOWNSEND], that there is no wonder that the infant mortality, living in the homes they do, living on the kind of food they are compelled to live on, clothing themselves with the kind of clothing that they are compelled to put on them, it is no wonder that the mortality is so large in these localities.

A man who has had much to do with the young men and boys of the industrial centers says:

> I think you will find that when the father's earnings are not sufficient to keep the mother at home, infant mortality, juvenile crime, ignorance, and poverty are the result.

We find that these companies in Massachusetts upon their pay envelopes give advice to the workmen in these highly protected industries—in these industries in which it is said that if you reduce the tariff you will close down the mills and throw workmen out of employment. Some of the pay envelopes were exhibited before the committee, and it seems that they give some wholesome advice on the backs of them. On the back of one was this advice, solemnly put out by the trustees of the Broadway Savings Bank, controlled by the Woolen Trust:

> Who own their homes? Those who save regularly and place it where it grows. One dollar will open an account at this bank, with 4 per cent interest.

Now, then, the real joke on this envelope was that on the other side in the opposite corner was the amount of wages that this particular workman received, which was $2. It went to No. 1607 for his week of labor. The employees are not carried on the pay rolls by name, but by their numbers, like convicts in a penitentiary.

Then the owner of pay envelope No. 1217 also got a very funny one when he saw what was coming to him. The envelope handed to him by the trust bore this legend:

> Don't spend all your income. A man's duty to himself is to save money out of his earnings and start an account and be independent.

The timekeeper's rate on this man's envelope was $6.05, which probably was the reason that he was advised to be independent. [Laughter.] Who that receives the princely sum of $6 a week would stop to think of such trifles as owning a home? This man probably owns a city mansion already and knows that the trust could give him no advice suitable beyond advising him to be independent. No wonder the textile-mill workers went on a strike. Who would work when there was an opportunity to listen to the funny jokes handed out to them every week by the funny old Woolen Trust. [Laughter.]

The end man in a minstrel show never perpetrated a funnier joke than these millionaire mill owners work off on their employees, and, like the end man, they keep a straight face during the performance.

What do we find in reference to the wages at Lawrence, Mass.? These are taken from the Tariff Board report, volume 4, page 1007. We find that their report covers 174 woolen mills, covering two-thirds of the productive capacity of the whole country.

TARIFF BOARD REPORT.

Covering 174 woolen mills, comprising over two-thirds of the productive capacity of the whole country, including Arlington Mills, Kunhardt Mills, Pacific Mills, Selden Worsted Mills,

United States Worsted Co., Walworth Bros., Washington Mills, and Wood Worsted, all of Lawrence, Mass.

WEAVERS' WAGES.

Table showing number at $10.80 per week or less.

	Number.
10 and not 11 cents per hour, less than $5.94 per week	65
11 and not 12 cents per hour, less than $6.48 per week	100
12 and not 13 cents per hour, less than $7.02 per week	117
13 and not 14 cents per hour, less than $7.56 per week	158
14 and not 15 cents per hour, less than $8.10 per week	183
15 and not 16 cents per hour, less than $8.64 per week	192
16 and not 17 cents per hour, less than $9.18 per week	232
17 and not 18 cents per hour, less than $9.72 per week	258
18 and not 19 cents per hour, less than $10.16 per week	236
19 and not 20 cents per hour, less than $10.80 per week	254

Table showing number at more than $10.80 per week.

	Number.
20 and not 21 cents per hour, less than $11.34 per week	226
21 and not 22 cents per hour, less than $11.88 per week	212
22 and not 23 cents per hour, less than $12.42 per week	231
23 and not 24 cents per hour, less than $12.96 per week	183
24 and not 25 cents per hour, less than $13.50 per week	135
25 and not 26 cents per hour, less than $14.04 per week	100
26 and not 27 cents per hour, less than $14.58 per week	86
27 and not 28 cents per hour, less than $15.12 per week	64
28 and not 29 cents per hour, less than $15.66 per week	58
29 and not 30 cents per hour, less than $16.20 per week	50
30 and not 31 cents per hour, less than $16.74 per week	26
31 and not 32 cents per hour, less than $17.28 per week	8
32 and not 33 cents per hour, less than $17.82 per week	3
33 and not 34 cents per hour, less than $18.36 per week	1
34 and not 35 cents per hour, less than $18.90 per week	2
35 cents and more per hour, at more than $18.90 per week	2
Less than 20 cents, or $10.80 per week	1,745
More than 20 cents, or more than $10.80 per week	1,387
Total number of weavers	3,182

We paid a high price for these figures, especially as they were already extant in many receptacles, but having paid for them we have a right to use them as authentic.

Of 3,182 weavers in all the mills, 3,180 get less than $18.90 per week, and 2 over $18.90—nearly three-fifths of all the weavers get less than $10.80 per week.

The average wage for male weavers is 22¼ cents an hour, or $12.01 a week; for females, 17⅛ cents per hour, or $9.27 per week; for all weavers, 19⅝ cents per hour, or $10.66 a week.

These figures are intended to show that these people who are asking us to maintain the high protective tariff on the wool industry are not paying their workmen the proper proportion that belongs to them or of what they are getting from the protective tariff, and in reality the tariff does not benefit the workmen, but only increases the fortune of the mill owners.

MASSACHUSETTS.

From the Thirty-ninth Annual Report on the Statistics of Labor for 1908 for the State of Massachusetts, a State noted the world over for the number of its protected industries—the poorest paid industry in the world—it appears that there were 108 strikes in Massachusetts in 1908, involving 10,864 men, women, and children of the laboring class. The strikes lasted from 1 to 79 days and were distributed for cause as follows:

	Strikes.
Increase of wages	40
Against decrease	14
Other wage causes	6
For decrease of hours	9
For union shop	9
For recognition	2
For union rules	2
For apprentice rules	2
For sympathy	3
Other causes	21

TOTAL CHANGES IN WAGES IRRESPECTIVE OF STRIKES (PAGE 210).

Five thousand nine hundred and forty-seven employees succeeded in getting an increase averaging $1.57 a week, while 95,420 sustained a decrease averaging $1.04 a week. Four thousand four hundred and twenty-eight employees got a shortening of hours averaging five and four-tenths hours a week. Six thousand and forty-four establishments, with a capital of $717,087,000, made goods valued at $1,172,808,000 and paid in wages $245,207,000, or an average yearly wage of $510.

Seventy-six thousand nine hundred and twenty-five employees, in making boots and shoes, received $551 a year, working 285 days; 91,645, in cotton goods, got $438 in 271 days; 18,179, on woolens, got $444 in 293 days; 11,390, in paper and pulp, got $489 in 253 days.

Such is the record of protection to its protected employees.

Received less than $3 a week	4,827
Received from $3 to $5 a week	30,519
Received from $5 to $6 a week	38,745
Received from $6 to $7 a week	54,950
Received from $7 to $8 a week	57,737
Received from $8 to $9 a week	59,651
Received from $9 to $10 a week	64,204
Received less than $1.50 a day	310,433
Employees had work in manufactures in 1908	575,997
Received from $9 to $25 or more per week	265,564

More than one-half of the employed get less than $1.67 a day, while less than one-half get more.

Three hundred and ninety-three thousand three hundred and one employees out of a total of 575,997 get under $2 a day, two-thirds and more received less than $2, while less than one-third of the employees received $2 or more per day. Such is Republican protection—a help for the few and a menace to the many.

WAGES MEASURED BY THE AMOUNT OF LABOR'S PRODUCT.

One of the main props relied on by the protectionists to maintain the protective tariff is the miserable subterfuge and falsehood that it benefits and "protects" the American wageworker by assuring him higher and better wages than are paid foreign workmen in similar industries. The utter falsity and shallowness of this claim of the advocates of protection has been exposed again and again, but by no one more logically and convincingly than by the Hon. WILLIAM C. REDFIELD, of New York, in his very able speech delivered during the first session of the present Congress, in which he proved conclusively that, measured by the standard of production, the American worker in the protected industries received no higher wages than his brother in foreign countries.

Measured by the standard of production, we have in the United States to-day the cheapest and poorest paid labor of any civilized country on the globe.

Our protectionist friends are wont to parade bewildering arrays of figures to show that the American wageworker, in comparison with his English, German, or Italian brother, receives a princely wage. The value of these statistics are discounted by the late James G. Blaine in his report on the textile industries, made when he was Secretary of State in 1881, in which he submitted a comparison of the wages paid spinners and weavers in the cotton mills of Lancashire, England, and Massachusetts. On pages 98 and 99 of that report Mr. Blaine gives the following comparison of the weekly wages paid in the English and Massachusetts mills as follows:

Spinners: English, $7.20 to $8.40 (master spinners running as high as $12); American, $7.07 to $10.30.

Weavers: English, $3.34 to $6.84; American, $4.82 to $8.73.

The average wages of employees in the Massachusetts mills are as follows, according to the official returns: Men, $8.30; women, $5.62; male children, $3.11; female children, $3.08. According to Shaw's report the average wages of the men employed in the Lancashire mills, January 1, 1880, were about $8 per week, subject to a reduction of 10 per cent; women, from $3.30 to $4.30, subject to a reduction of 10 per cent.

The hours of labor in the Lancashire mills are 56 and in the Massachusetts mills 60 per week. The hours of labor in the other New England States, where the wages are generally less than in Massachusetts, are usually 66 to 69 per week.

Then summing up and accounting for the difference in wages of English and American operatives, that great Republican Secretary of State and champion of protectionism goes to the heart and core of the whole subject of wages in these words:

Undoubtedly the inequality in the wages of English and American operatives is more than equalized by the greater efficiency of the latter and their longer hours of labor.

There you have it. American factory workers are paid higher wages than the English workers because they are more efficient and skillful and work longer hours, consequently they produce more.

What is true of the textile manufacturing industry is true of every other manufacturing industry in this country.

Mr. CONNELL. Mr. Chairman, I would suggest to the gentleman from Illinois that his use of the word "earned" in enumerating these various cases is possibly misleading. That is what these people receive. If you want to find out what they earn, go to the dividends; go to the great fortunes and the great mountains of money that have been piled up out of the sweat and blood of these people, who have received not what they earned but what they were given. [Applause on the Democratic side.]

Mr. FOSTER. Mr. Chairman, I think the gentleman from New York is entirely correct, but I spoke of what they earned as being what the mill owners gave these people. This was a mistake. I should have said what they received, and so intended, and will correct my remarks accordingly. I do not doubt that the gentleman from New York is entirely right and that these people in these mills earned many thousands—yes, many millions—more than they received; but this was all they could wring from these tight-fisted men, who ask protection for their industries of nearly 100 per cent.

My friends, it was said this afternoon that these conditions exist almost within sight of where the waves lap the shore of Newport, where the rich revel in the wealth wrung from the American people because of our high protective tariff; and it seems to me that those people could hear the cry of the dying infant in the hovels in Lawrence or in Fall River, and that their hearts ought to be such as beat for humanity, for the

upbuilding of men and women and children in this country. [Applause on the Democratic side.] We talk of charity, and we talk of helping these people. We talk of our fellow beings and what we would do for them; yet these people in Lawrence, Mass., these mill owners—and I dare say the same may be said of Fall River—seem to think that the idea of doing something for these people is that they should be thankful, like Lazarus, to get the crumbs that fall from the rich man's table. [Applause on the Democratic side.] Tolstoi said, "The rich are willing to do everything for the poor except get off their backs," and these greedy, grasping mill owners are willing to do everything for their employees except to cease robbing them. This may seem a harsh characterization of the mill owners, but it seems justifiable when we contemplate the enormous dividends paid the owners of the Fall River mills during the last four years ending June, 1908, as given by Samuel Hopkins Adams:

	Per cent.
Border City, 45 per cent yearly average	11.25
Cornell, 57½ per cent yearly average	14.37
Richard Borden, 72½ per cent yearly average	18.12
Tecumseh, 86 per cent yearly average	21.5
Union Cotton, 88½ per cent yearly average	22.12
Pocasset, 124 per cent yearly average	31
Laurel Lake, 146 per cent yearly average	36.5
Troy, 231 per cent yearly average	56.25

Not all the mills are so profitable, doubtless. But all of them seem to be successful, and most of them have made large fortunes for their owners. Large or small, all maintain the same wage scale.

It is yet strange that with an infant mortality of 50 per cent there should be a yearly dividend of 50 per cent. Yes, Mr. Chairman, they come to this Congress and ask that they may be given another lease, another right, another opportunity, another time, to rob the American people in the interest of labor. O Labor, what sins have been committed in thy name. [Applause on the Democratic side.]

These men who produce the wealth of the country, these men who go out and toil with their hands from early morn to late at night, ought to share in the profits that this high protective policy has given to these manufacturers for these many years, wherein the people have paid taxes on what they have been compelled to buy. Yet it is said they should be thankful because they have got old Brother Carter over there in Lawrence, Mass., to thank the Lord that they are able to live. They should be thankful that their children may be able to go to school with a penny in their pocket and have a treat and enjoy the luxury of a piece of hard bread with a little molasses dribbled on it. These people who advocate the high protective policy say they do not want the workmen of this country to have to be degraded to the level of the workmen of Europe, and yet their cards are distributed in the labor centers of Europe to induce men, women, and children to come to this country that they may employ them in their mills at a cheap wage in competition with American workmen and drive them out of the shop. The Literary Digest of March 9, 1912, printed the following article on the Lawrence (Mass.) strike:

So far as can be gathered from conflicting accounts, some 20,000 workers are still "out" at Lawrence. Renewed bitterness and new acts of violence are thought likely to follow the recent happenings. On the other hand, certain wage concessions recently announced by the mill owners may satisfy the operatives and thus end the strike within a few days. In both Houses of the Federal Congress resolutions for investigations of the Lawrence situation have been offered and discussed, and the Federal Department of Justice will look into the matter to see if any citizens have been deprived of constitutional rights. Senator POINDEXTER, Progressive Republican, of Washington, who visited Lawrence, found conditions there "the clearest illustration of the fallacy of an excessive tariff that the United States has ever known." The textile manufacturers have used the plea that a high tariff helps keep up the standard of living of the American workingman. The Senator finds, as he is quoted in the New York American, "that the textile manufacturers have at these mills as squalid labor as can be found in the four corners of the earth; they pared down the wages of these people not to meet the standard of living in the United States, but to the barest possible margin of existence."

In one miserable tenement building I found 54 persons living. Twenty-two of them worked in the mills at an average pay of $6.67 a week. This is $2.75 per week with which to buy food, clothes, light, and fuel, and pay rent for each of the 54. These are luxuries which the mill laborers enjoy under the rich picking of a high protective tariff.

Families are concentrated in Lawrence by sheer force. If they are starved into subjection and forced to go back to work at such wages as the manufacturers choose to pay, there is little substantial difference between their condition and abject slavery.

What can the Government do?

It can reduce the tariff to a reasonable rate, so that these manufacturers will not be able to gouge the workingman on the one hand and the consumer on the other.

Similar testimony leads the Louisville Post to conclude impressively:

Here we have a picture of the workings of the Payne bill, the best tariff bill that ever passed, as Mr. Taft called it. In the first place, as shown at the mills of the American Woolen Co., it secures only a starvation wage for laborers in New England manufactories. In the second place, the most pauperized labor of Europe has been brought here to work in protected mills, and the good of the "American laboring man" has been lost sight of.

It was an evil day for protection that brought the strike at Lawrence in a presidential year.

They say they want to help the laboring man of our own country. They want to see that he is properly taken care of, and so they want an opportunity to levy a high protective tariff and keep up this tariff so they may still help out the laboring men of the country. Oh, they are comforting when you think about it. On the envelopes of those who receive $2 a week they put an inscription advising the receiver to save this money and buy a home, and on the envelopes of the men who get $6.05 a week they put on the advice that they should save their money and be independent. What a farce! [Laughter.]

Mr. CONNELL. Get married and raise a family.

Mr. FOSTER. Mr. Chairman, the time will come, and I believe the time is here now, when the American people have made up their minds and opened their eyes to what is really meant by these men who profess great friendship for the laboring men of the country and yet in reality want to levy a high tariff for their own benefit.

The tender solicitude of these tariff robbers for the poor laboring man reminds one of—

The considerate crocodile
Who lived on the banks of the river Nile;
Who rolled up his eyes with a look of woe,
While his tears fell fast to the stream below.
"I am mourning," said he, "the unhappy fate
Of the poor little fish that I just now ate."

I believe the people fully understand that this high protective tariff is not for the laboring man, but that he is merely being used to satisfy the greed of the manufacturer. The saying of Lincoln that "You can't fool all the people all the time" is here now. They have conjured with the name "labor" because they have thought it would be popular and that through the laboring man they still might filch from the pockets of the people of this country the money which they get under the pretext of helping the workingman. [Applause on the Democratic side.]

I hope that every man upon the other side of the Chamber, though it may be hard for him to do so, will carefully read the statistics given by the gentleman from New Jersey [Mr. TOWNSEND] in reference to the health and sanitary conditions of the people of Lawrence and the people of Fall River, Mass. After they have read that and studied the mortality statistics of preventable diseases, I feel sure that they will be willing to say this tariff does not benefit the laboring man. I see my good, genial friend and colleague from Illinois, the leader of the minority, Mr. MANN, in his seat, and I know him so well that I know that he always stands for humanity. I know when he reads these statistics, made by a Republican official over in the Census Bureau, and when he realizes the condition that these people are in and the thousands who are dying in those centers of the highly protected industries, even though he is a strong Republican and a strong party man, yet having the heart in him that I know he has, he will not fail to say that he believes that this tariff should be reduced and that these laboring men are not getting the benefits claimed for them. [Applause on the Democratic side.]

Mr. MANN. Will my colleague yield for a question?

Mr. FOSTER. Yes, sir.

Mr. MANN. Does not my colleague think that in view of the mortality statistics which have been presented and to which he has referred it is highly advisable for that side of the House to present to this House a bill enlarging the power of the Public Health Service such as the last Republican House passed? [Applause on the Republican side.]

Mr. FOSTER. Well, I would say this, Mr. Chairman, to my colleague, that I would rather have an ounce of prevention than a pound of cure. I would rather give these people the proper food and the proper clothing and proper housing, to remove the cause of this mortality, than to undertake to cure them after they have gotten the disease. [Applause on the Democratic side.]

Mr. MANN. The Public Health Service power enlarged might remove the cause of that mortality, but certainly the driving out of the country of the businesses which these men are now engaged in will not help them to get bread and butter.

Mr. FOSTER. I have heard the talk of driving industries out of the country very often upon that side of the House if we reduce the tariff. Why, they said that when the Payne-Aldrich tariff was revised upward that if the rates were reduced upon the woolen schedule it would drive that industry out of business.

Mr. MANN. Will my colleague yield again?

Mr. FOSTER. And yet we find that the gentleman from New York [Mr. PAYNE] comes in here with a bill to reduce the tariff, as he says.

Mr. MANN. I think the gentleman, like myself, has heard for more than 50 years the statement made by Republicans that an undue reduction of the protective tariff would result in driving industries out of the country. That is a matter of opinion, and was possibly true until you passed a tariff bill, and since then it has been a certainty. [Applause on the Republican side.]

Mr. FOSTER. Well, I will state this, that under a high protective tariff in 1907, when you had a panic, the Democratic Party was not responsible for that, were they? You had a panic in 1873. The Democrats were not responsible for that, were they? We have had one panic said to be under Democratic administration, but really what was left us from the former administration, and we are entitled to one more before we are even with you. [Laughter and applause.]

Mr. MANN. You have already started it before you have come in power.

Mr. FOSTER. Well, it was started in 1907, while your party was in absolute control of all branches of this Government.

Mr. MANN. Oh, yes; a very quiet panic, and did not drive any industries out of the country, as were driven out 20 years ago and as they will be driven out again if you succeed at the polls.

Mr. FOSTER. Well, the patient may not be in bed, but he has walking typhoid fever or malaria now, and is liable to drop over dead any minute under Republican rule.

Mr. MANN. And will have paralysis as long as there exists any possibility of Democratic success.

Mr. GREENE of Massachusetts. Will the gentleman yield?

Mr. FOSTER. Yes, sir.

Mr. GREENE of Massachusetts. I suppose the gentleman has read in history, if he does not know by actual knowledge, of the panic of 1857?

Mr. FOSTER. Yes; I have heard of it.

Mr. GREENE of Massachusetts. Well, I know of it by actual knowledge; and the panic of 1907 was——

Mr. FOSTER. Let me ask the gentleman a question.

Mr. GREENE of Massachusetts. Very well.

Mr. FOSTER. You had mills in that town in 1857?

Mr. GREENE of Massachusetts. Yes, sir.

Mr. FOSTER. And you know something about conditions that existed then?

Mr. GREENE of Massachusetts. Yes, sir.

Mr. FOSTER. And you know——

Mr. GREENE of Massachusetts. Would you like to have me state them?

Mr. FOSTER. Wait a minute; I am not through with the question.

Mr. GREENE of Massachusetts. Go ahead.

Mr. FOSTER. Have you found conditions in 1857 in regard to mortality as great among the people there as they are to-day?

Mr. GREENE of Massachusetts. There were no statistics gathered then.

Mr. FOSTER. Were the mortality conditions as high as now?

Mr. GREENE of Massachusetts. Very much lower; and I want to state to the gentleman——

Mr. FOSTER. Wait a minute. Some of these salaries have averaged $2 a week. How does it compare with conditions then?

Mr. GREENE of Massachusetts. No one was ever paid as low as $2 a week at any time at any mill in Massachusetts.

Mr. FOSTER. Do you know whether these people working in the mills at that time wore woolen clothing or not?

Mr. GREENE of Massachusetts. I do not recollect what they wore.

Mr. FOSTER. You think they did, do you not?

Mr. GREENE of Massachusetts. As I stated I do not recollect what the operatives wore, but I would like to state to the gentleman——

Mr. FOSTER. I can not yield any longer; I want to make this observation——

Mr. GREENE of Massachusetts. But the gentleman wanted me to give some information as to the conditions——

Mr. FOSTER. You have given the information.

Mr. GREENE of Massachusetts (continuing). In 1857, and I want to give the information to you.

Mr. FOSTER. You have given me the information asked for, and I do not want any more now.

Mr. GREENE of Massachusetts. You said you wanted——

Mr. FOSTER. I will ask for it when I want it.

Mr. GREENE of Massachusetts. Then you do not want it.

Mr. FOSTER. I want to state this, in conclusion——

Mr. McLAUGHLIN. He has stated you have given him all he could stand.

Mr. FOSTER. You have given the workman in Lawrence about all the protection he can stand.

Mr. GREENE of Massachusetts. He said he wanted the information.

Mr. FOSTER. The gentleman has given it, and that is all. I do not know but the gentleman from Massachusetts seems to be somewhat solicitous in regard to this tariff on account of the workmen in the mills and the mill owners at Fall River in Massachusetts. I do not blame him for that, for they live in his district, and he ought to exercise his fatherly care and see that these workmen get what should come to them for their labor.

I am sure, however, that there are many of those mill owners who have not divided their profits or anywhere near it, so far as the tariff is concerned, with the working people who are employed in the mills.

Mr. GREENE of Massachusetts. Let me say to the gentleman that I think the people of Fall River know what many of you gentlemen have never known, that I have always defended their rights against any injustice by mill owners, and I have never owned any mill stock myself.

Mr. FOSTER. Oh, I impute to the gentleman from Massachusetts the highest motives. The mills of Fall River are in his district, and I would not say for one minute that the gentleman would stand on the floor of this House and defend the high protective tariff for the mill owners of Massachusetts alone. Do not understand me to charge the gentleman with that. I agree that the gentleman is an able champion of the high protective tariff for the benefit of the mill owners of Massachusetts.

Mr. GREENE of Massachusetts. I am a champion of a protective tariff, and I am able to defend it. [Applause on the Republican side.]

Mr. FOSTER. I have no doubt of that; but I question whether the gentleman has defended so well the work people of those mills as to see to it that they are properly protected—the men, women, and children who are employed in the mills—because, I understand, the mortality in the Fall River mills is much greater than the mortality in other parts of the country. I have no doubt of that, but I hope and pray that if this bill becomes a law, or if it does not become a law and we are still operating under the old high protective-tariff bill which is claimed to be for the benefit of the working people—I hope the gentleman will go back to Lowell, Mass.——

Mr. GREENE of Massachusetts. No; I shall not go back to Lowell——

Mr. FOSTER. I mean Fall River. [Laughter.] You are so big up there that I get you mixed. You are scattered all over Massachusetts.

Mr. GREENE of Massachusetts. There are no woolen mills in Fall River.

Mr. FOSTER. No; but you have cotton mills highly protected. I want to say this, that when the gentleman goes back to Fall River, Mass., I hope he will not forget to get together with those mill owners there and try to persuade them to see to it that those people who work in the mills get their proportion of the protective tariff that is levied under the Payne law. [Applause on the Democratic side.]

Mr. GREENE of Massachusetts. I will say to the gentleman that I have talked with the millmen and the operatives more than the gentleman from Illinois ever talked with them, and have come nearer to them than the gentleman ever did.

Mr. FOSTER. Oh, that may be true. The gentleman lives with them. I never was over there. I will say this, that according to the reports from the State of Massachusetts it does not look to me as though those mill owners of Massachusetts had paid much attention to what the gentleman told them. [Applause on the Democratic side.] I judge that because the rate of wages up there is still very low.

Mr. GREENE of Massachusetts. I will say to the gentleman that I have talked plainly with them, and, further, if I had as much money as many of the gentlemen on the other side of the aisle I would have had some stock that would have permitted me to exercise a voice in controlling them. I may add that under the existing tariff law, upon an agreement between the cotton operatives and manufacturers, wages were increased 10 per cent to go into effect April 1, 1912. The same to be effective throughout New England.

Mr. FOSTER. The mill hands have been unable to get any increase without organizing and striking for higher wages. The manufacturers have not willingly raised their wages, and then just as little as possible. But the gentleman voted all the time for a high tariff.

Mr. GREENE of Massachusetts. Yes; Republican—straight. [Applause on the Republican side.]

Mr. FOSTER. I have no doubt about that. I have no doubt of the gentleman's Republicanism and high protectionism.

Mr. GREENE of Massachusetts. I have been a consistent Republican and protectionist.

Mr. BURLESON. You ought to be ashamed of it. [Laughter on the Democratic side.]

Mr. GREENE of Massachusetts. No; I am not. [Applause on the Republican side.]

Mr. FOSTER. But after the next election I am sure the gentleman will conclude that he does not want to be a protectionist any longer. [Laughter on the Democratic side.]

Mr. GREENE of Massachusetts. I will take care of that part of it.

Mr. FOSTER. Well, the people over in your country may take care of it. [Applause on the Democratic side.]

Mr. GREENE of Massachusetts. I have no trouble about that. I pride myself upon the loyal support of my constituents irrespective of their political opinions. [Applause on the Republican side.]

Mr. FOSTER. Mr. Chairman, a protective tariff has not benefited the workingman. The standard of his living has not been raised as a result of the imposing of the unjust burden on the people. In the highly protected textile mills of Massachusetts and other sections of the country it has been shown time and time again that the workers do not get the benefits of this tariff. The same is shown to be true in the iron mills of Pennsylvania. But the tariff does increase the profits of the manufacturer, builds up trusts and combinations, stops competition, and raises the price of the necessaries of life to the consumer and robs the American people of hundreds of millions of dollars each year.

Mr. UNDERWOOD. Mr. Chairman, I will ask the gentleman from New York [Mr. PAYNE] if some one on that side desires time.

Mr. PAYNE. I have no speakers desiring time just now. I am ready to rise.

Mr. UNDERWOOD. If any gentleman on that side of the House does not care to go on this evening, I will move that the committee rise. Mr. Chairman, I move that the committee do rise.

The motion was agreed to.

Accordingly the committee rose; and the Speaker having resumed the chair, Mr. GRAHAM, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee had had under consideration the bill H. R. 22195, to reduce the duties on wool and manufactures of wool, and had come to no resolution thereon.

ENROLLED JOINT RESOLUTIONS SIGNED.

Mr. CRAVENS, from the Committee on Enrolled Bills, reported that they had examined and found truly enrolled joint resolutions of the following titles, when the Speaker signed the same:

H. J. Res. 232. Joint resolution extending the operations of the act for the control and regulation of the waters of Niagara River, and for the preservation of Niagara Falls, and for other purposes; and

H. J. Res. 263. Joint resolution to authorize allotments to Indians of the Fort Berthold Indian Reservation, N. Dak., of lands valuable for coal.

The SPEAKER announced his signature to enrolled bill of the following title:

S. 3686. An act authorizing the Secretary of the Interior to permit the Missouri, Kansas & Texas Coal Co. and the Eastern Coal & Mining Co. to exchange certain lands embraced within their existing coal leases in the Choctaw and Chickasaw Nations for other lands within said nations.

SENATE BILL REFERRED.

Under clause 2, Rule XXIV, Senate bill of the following title was taken from the Speaker's table and referred to its appropriate committee, as indicated below:

S. 5919. An act to increase the limit of cost for the United States post-office building at La Salle, Ill.; to the Committee on Public Buildings and Grounds.

LEAVE OF ABSENCE.

Mr. HOWELL, by unanimous consent, was granted leave of absence indefinitely, on account of important business.

ADDITIONAL LABOR, DOORKEEPER'S DEPARTMENT.

Mr. LLOYD. Mr. Speaker, I wish to present the following privileged resolution from the Committee on Accounts.

The SPEAKER. The gentleman from Missouri [Mr. LLOYD] submits a privileged resolution, which the Clerk will report.

The Clerk read as follows:

House resolution 466 (H. Rept. 476).

Resolved, That the Doorkeeper is authorized to employ additional labor, for folding speeches, at the rate of not exceeding $1 per thousand, and the sum of $2,000 is authorized to be expended from the contingent fund for that purpose.

The SPEAKER. The question is on agreeing to the resolution.

The question was taken, and the resolution was agreed to.

REPORTS OF THE BUREAU OF ANIMAL INDUSTRY (H. DOC. NO. 686).

The SPEAKER laid before the House the following message from the President of the United States, which was read and, with the accompanying documents, referred to the Committee on Agriculture and ordered to be printed:

To the Senate and House of Representatives:

In compliance with the requirements of section 11 of the act approved May 29, 1884 (23 Stat., 31), providing for the establishment of a Bureau of Animal Industry, I transmit herewith copies of the reports of the operations of said bureau for the fiscal years ended June 30, 1910, and June 30, 1911.

WM. H. TAFT.

THE WHITE HOUSE, *March 29, 1912.*

VETO MESSAGE—MANEUVER GROUNDS AT OR NEAR ANNISTON, ALA. (H. DOC. NO. 657).

The SPEAKER also laid before the House the following message from the President of the United States, which was read:

To the House of Representatives:

I return House joint resolution No. 178 without my approval, for the reasons stated in the letter, under date of March 27, 1912, of the Secretary of War, copy of which accompanies this message.

WM. H. TAFT.

THE WHITE HOUSE, *March 29, 1912.*

Mr. UNDERWOOD. Mr. Speaker, I desire to inquire what the message relates to.

The SPEAKER. It relates to establishing a training ground in Alabama.

Mr. UNDERWOOD. I believe it came from the Military Committee, did it not?

The SPEAKER. The Chair so understands.

Mr. UNDERWOOD. I move, Mr. Speaker, that the veto message, with accompanying papers, be referred to the Committee on Military Affairs.

The motion was agreed to.

VETO MESSAGE—BURNT TIMBER ON THE PUBLIC LANDS (H. DOC. NO. 656).

The SPEAKER also laid before the House the following message from the President of the United States, which was read:

To the House of Representatives:

I return herewith H. R. 9845 without approval. My objections to the bill are stated in the communication of the Secretary of the Interior that accompanies this message. I hope that the difficulty which the Secretary points out may be remedied, because I approve of the general relief sought by the bill.

WM. H. TAFT.

THE WHITE HOUSE, *March 29, 1912.*

The SPEAKER. That bill came from the Committee on the Public Lands.

Mr. UNDERWOOD. Mr. Speaker, I move that the veto message and accompanying papers be referred to the Committee on the Public Lands.

The motion was agreed to.

ADJOURNMENT.

Mr. UNDERWOOD. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 5 o'clock and 13 minutes p. m.) the House adjourned until to-morrow, Saturday, March 30, 1912, at 12 o'clock noon.

EXECUTIVE COMMUNICATIONS.

Under clause 2 of Rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

1. A letter from the Secretary of War, withdrawing estimate of an appropriation for the construction of a breakwater at the Army supply depot, Fort Mason, Cal. (H. Doc. No. 652); to the Committee on Appropriations and ordered to be printed.

2. A letter from the Secretary of Commerce and Labor, recommending an amendment to the estimate of appropriation for

general expenses, Lighthouse Service, for the fiscal year 1913 (H. Doc. No. 653); to the Committee on Appropriations and ordered to be printed.

3. A letter from the Secretary of Commerce and Labor, transmitting communication from Commissioner of Immigration and Naturalization, relative to the construction of an immigration exposition building at the city of St. Louis, Mo. (H. Doc. No. 654); to the Committee on Public Buildings and Grounds and ordered to be printed.

4. A letter from the Acting Secretary of the Treasury, transmitting copy of a communication from the Secretary of Agriculture submitting estimate of an urgent deficiency appropriation required for the Bureau of Soils (H. Doc. No. 655); to the Committee on Appropriations and ordered to be printed.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, bills and resolutions were severally reported from committees, delivered to the Clerk, and referred to the several calendars therein named, as follows:

Mr. SIMS, from the Committee on Interstate and Foreign Commerce, to which was referred the bill (H. R. 19078) to abolish the Commerce Court, and for other purposes, reported the same with amendment, accompanied by a report (No. 472), which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. FLOOD of Virginia, from the Committee on the Territories, to which was referred the bill (H. R. 18033) to modify and amend the mining laws in their application to the Territory of Alaska, and for other purposes, reported the same with amendment, accompanied by a report (No. 475), which said bill and report were referred to the Committee of the Whole House on the state of the Union.

PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS.

Under clause 3 of Rule XXII, bills, resolutions, and memorials were introduced and severally referred as follows:

By Mr. COX of Ohio: A bill (H. R. 22579) to distribute the surplus in the Treasury of the United States to the several States, Territories, and the District of Columbia for the sole purpose of improving the roads therein; to the Committee on Ways and Means.

By Mr. McMORRAN: A bill (H. R. 22580) to authorize the change of the names of the steamers *Syracuse* and *Boston;* to the Committee on the Merchant Marine and Fisheries.

By Mr. SHACKLEFORD: A bill (H. R. 22581) providing that the United States shall in certain cases make compensation for the use of highways for carrying free rural-delivery mail; to the Committee on Agriculture.

By Mr. RAKER: A bill (H. R. 22582) to amend section 2 of an act to authorize the President of the United States to make withdrawals of public lands in certain cases, approved June 25, 1910; to the Committee on the Public Lands.

By Mr. WHITE: A bill (H. R. 22583) to distribute the surplus in the Treasury of the United States to the several States, Territories, and the District of Columbia for the sole purpose of improving the roads therein; to the Committee on Ways and Means.

By Mr. NEELEY: A bill (H. R. 22584) for the erection of a public building at Larned, Kans.; to the Committee on Public Buildings and Grounds.

Also, a bill (H. R. 22585) to distribute the surplus in the Treasury of the United States to the several States, Territories, and the District of Columbia for the purpose of improving the roads therein; to the Committee on the Post Office and Post Roads.

By Mr. MORRISON: A bill (H. R. 22586) to amend section 55 of "An act to amend and consolidate the acts respecting copyright," approved March 4, 1909; to the Committee on Patents.

By Mr. RIORDAN: A bill (H. R. 22587) for the relief of certain retired officers of the Navy and Marine Corps; to the Committee on Naval Affairs.

By Mr. CURLEY: A bill (H. R. 22588) to amend an act to regulate the immigration of aliens into the United States, being chapter 1134 of the laws of 1907, as amended by chapter 128 of the laws of 1910; to the Committee on Immigration and Naturalization.

By Mr. SULZER: A bill (H. R. 22589) to provide for the acquisition of premises for the diplomatic establishments of the United States at the City of Mexico, Mexico; Tokyo, Japan; and Berne, Switzerland; and for the consular establishment of the United States at Hankow, China; to the Committee on Foreign Affairs.

By Mr. LINDBERGH (by request): A bill (H. R. 22590) for the civilization and relief of the White Oak Point Band of Chippewa Indians in Minnesota, and for other purposes; to the Committee on Indian Affairs.

By Mr. CLAYTON: A bill (H. R. 22591) to amend an act entitled "An act to codify, revise, and amend the laws relating to the judiciary," approved March 3, 1911; to the Committee on the Judiciary.

By Mr. GOEKE: A bill (H. R. 22592) providing that the United States shall in certain cases make compensation for the use of certain public roads of the States for the purpose of transporting free rural delivery mails; to the Committee on the Post Office and Post Roads.

By Mr. ADAMSON: A bill (H. R. 22593) to amend an act entitled "An act to regulate commerce," approved February 4, 1887, and all acts amendatory thereof, by providing for physical valuation of the property of carriers subject thereto and securing information concerning their stocks and bonds and boards of directors; to the Committee on Interstate and Foreign Commerce.

By Mr. LEE of Pennsylvania: A bill (H. R. 22594) permitting the State of Pennsylvania to place a bronze tablet in the corridor of the National Capitol at Washington to the memory of the 530 Pennsylvania soldiers who reached Washington on the 18th day of April, 1861, for the defense of the National Capitol; to the Committee on the Library.

By Mr. JAMES: A bill (H. R. 22595) authorizing the appointment of an additional clerk of the District Court for the Western District of Kentucky; to the Committee on the Judiciary.

By Mr. BATES: A bill (H. R. 22596) requiring double postage on certain mail matter forwarded on which sufficient postage is not prepaid; to the Committee on the Post Office and Post Roads.

By Mr. RAKER: Joint resolution (H. J. Res. 284) for the appointment of a commission to investigate the advisability and necessity of obtaining redwood timber lands for the purpose of establishing the Redwood National Park in the redwoods, Humboldt County, Cal.; to the Committee on Agriculture.

By Mr. SIMMONS: Memorial from the State of New York, favoring H. R. 36, H. R. 4428, and S. 2367, protecting migratory game birds; to the Committee on Agriculture.

By Mr. LINDSAY: Memorial from the State of New York, favoring H. R. 36, H. R. 4428, and S. 2367, protecting migratory game birds; to the Committee on Agriculture.

By Mr. GOLDFOGLE: Memorial from the State of New York, favoring H. R. 36, H. R. 4428, and S. 2367, protecting migratory game birds; to the Committee on Agriculture.

By Mr. DRAPER: Memorial from the State of New York, favoring H. R. 36, H. R. 4428, and S. 2367, protecting migratory game birds; to the Committee on Agriculture.

By Mr. PATTEN of New York: Memorial of the Senate of the State of New York, favoring legislation for the protection of migratory game birds; to the Committee on Agriculture.

PRIVATE BILLS AND RESOLUTIONS.

Under clause 1 of Rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. ANDERSON of Minnesota: A bill (H. R. 22597) granting a pension to Godfrey J. Andrist; to the Committee on Invalid Pensions.

By Mr. BURGESS: A bill (H. R. 22598) for the relief of A. J. Hodges, T. W. Hodges, and C. C. Hodges; to the Committee on Claims.

By Mr. BURKE of Wisconsin: A bill (H. R. 22599 granting an increase of pension to Edward S. Bragg; to the Committee on Invalid Pensions.

By Mr. CLAYPOOL: A bill (H. R. 22600) granting an increase of pension to Isaac Baker; to the Committee on Invalid Pensions.

Also, a bill (H. R. 22601) granting an increase of pension to Jeremiah L. Hayes; to the Committee on Invalid Pensions.

Also, a bill (H. R. 22602) granting an increase of pension to Kenton Core; to the Committee on Invalid Pensions.

By Mr. DAUGHERTY: A bill (H. R. 22603) granting a pension to James M. Robinson; to the Committee on Invalid Pensions.

Also, a bill (H. R. 22604) granting an increase of pension to William Lapher; to the Committee on Invalid Pensions.

By Mr. DE FOREST: A bill (H. R. 22605) granting a pension to Daniel Lawlor; to the Committee on Pensions.

By Mr. ESTOPINAL: A bill (H. R. 22606) for the relief of John H. Howlett; to the Committee on Military Affairs.

By Mr. FIELDS: A bill (H. R. 22607) for the relief of Townley H. Bellomy; to the Committee on Military Affairs.

Also, a bill (H. R. 22608) for the relief of William G. Anderson; to the Committee on War Claims.

Also, a bill (H. R. 22609) for the relief of John Moore; to the Committee on Military Affairs.

By Mr. FLOOD of Virginia: A bill (H. R. 22610) granting a pension to R. Henry Catlett; to the Committee on Pensions.

Also, a bill (H. R. 22611) for the relief of J. Terry Dillard; to the Committee on War Claims.

By Mr. GOEKE: A bill (H. R. 22612) to remove the charge of desertion from the record of William Urton; to the Committee on Military Affairs.

By Mr. GUDGER: A bill (H. R. 22613) granting a pension to Martin Dalgetty; to the Committee on Invalid Pensions.

By Mr. HOWELL: A bill (H. R. 22614) for the relief of Daniel M. Frost; to the Committee on the Public Lands.

By Mr. LITTLEPAGE: A bill (H. R. 22615) for the relief of the legal representatives of Thomas Eagleston, deceased; to the Committee on War Claims.

By Mr. McGUIRE of Oklahoma: A bill (H. R. 22616) granting an increase of pension to David Miller; to the Committee on Invalid Pensions.

Also, a bill (H. R. 22617) granting an increase of pension to George S. Stevens; to the Committee on Invalid Pensions.

Also, a bill (H. R. 22618) providing for payment to N. E. Saylor for property destroyed by fire started by students of the Chilocco Indian School; to the Committee on Claims.

By Mr. MADDEN: A bill (H. R. 22619) for the relief of the Chicago & Alton Railroad Co.; to the Committee on Claims.

By Mr. MORRISON: A bill (H. R. 22620) granting an increase of pension to Noah E. Wingate; to the Committee on Pensions.

By Mr. NEELEY: A bill (H. R. 22621) granting a pension to Rhoda Ann Evans; to the Committee on Invalid Pensions.

Also, a bill (H. R. 22622) granting an increase of pension to William Tipton; to the Committee on Invalid Pensions.

Also, a bill (H. R. 22623) granting an increase of pension to Benjamin A. Cox; to the Committee on Invalid Pensions.

Also, a bill (H. R. 22624) granting an increase of pension to Benjamin Butler, alias Benjamin Bulison; to the Committee on Invalid Pensions.

By Mr. PADGETT: A bill (H. R. 22625) for the relief of the Christian Church, Columbia, Tenn.; to the Committee on War Claims.

By Mr. ROBERTS of Massachusetts: A bill (H. R. 22626) for the relief of Passed Asst. Surg. Paul Tonnel Dessez, United States Navy; to the Committee on Naval Affairs.

By Mr. RUSSELL: A bill (H. R. 22627) granting an increase of pension to Lewis F. Branson; to the Committee on Invalid Pensions.

By Mr. SELLS: A bill (H. R. 22628) granting an increase of pension to John S. Humphreys; to the Committee on Invalid Pensions.

By Mr. SHACKLEFORD: A bill (H. R. 22629) granting a pension to William P. Reed; to the Committee on Invalid Pensions.

Also, a bill (H. R. 22630) granting an increase of pension to Isaac Bashore; to the Committee on Invalid Pensions.

By Mr. SIMMONS: A bill (H. R. 22631) granting a pension to Louisa Margaret Brown; to the Committee on Pensions.

By Mr. SPEER: A bill (H. R. 22632) granting an increase of pension to Charles E. Stamm; to the Committee on Invalid Pensions.

Also, a bill (H. R. 22633) granting an increase of pension to Irene M. Gary; to the Committee on Invalid Pensions.

By Mr. STONE: A bill (H. R. 22634) granting an increase of pension to Michael Rafter; to the Committee on Invalid Pensions.

Also, a bill (H. R. 22635) to correct the military record of John A. Rollo; to the Committee on Military Affairs.

PETITIONS, ETC.

Under clause 1 of Rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

By the SPEAKER (by request): Memorial of the Central Labor Union, Portsmouth, N. H., protesting against abolition or curtailment of navy yard at Portsmouth, N. H.; protest against the employment of the enlisted men on the various Government vessels in Portsmouth Harbor in the performance of work which by right devolves upon civilian employees at the yard; petition that Congress defeat proposition to dispose of navy yards on Atlantic seaboard; petition that Members of Congress use utmost influence to stop use of naval men to exclusion of private citizens; petition that Secretary of Navy be urged to carry into effect laws already passed and to expend sums already appropriated for improvements at Portsmouth Navy Yard; to the Committee on Naval Affairs.

By Mr. ANDERSON of Minnesota: Papers to accompany bill for the relief of Godfrey J. Andrist; to the Committee on Invalid Pensions.

Also, petition of Matt T. Duerre and 16 others, of Plainview, Minn., against extension of parcel-post system; to the Committee on the Post Office and Post Roads.

By Mr. ANDERSON of Ohio: Papers to accompany House bill 8264; to the Committee on Military Affairs.

By Mr. ASHBROOK: Memorial of Grange No. 1268, Patrons of Husbandry, for parcel-post legislation; to the Committee on the Post Office and Post Roads.

Also, petition of Charles Smith and 17 other citizens of Newark, Ohio, protesting against enactment of interstate-commerce liquor legislation; to the Committee on the Judiciary.

By Mr. BATES: Petition of Brotherhood of Railway Trainmen, No. 435, of Albion, Pa., for enactment of House bill 20487; to the Committee on the Judiciary.

Also, petitions of Erie City Iron Works and Lovell Manufacturing Co., of Erie, Pa., protesting against House bill 21100; to the Committee on the Judiciary.

Also, petition of Ackerman Bros., of Titusville, Pa., for enactment of House bill 20595, amending the copyright act of 1909; to the Committee on Patents.

Also, petitions of Granges Nos. 110, 423, 880, 168, and 1471, Patrons of Husbandry, for enactment of House bill 19133, providing for a governmental system of postal express; to the Committee on Interstate and Foreign Commerce.

By Mr. BURKE of Wisconsin: Papers (affidavit) in support of bill granting an increase of pension to Edward S. Bragg; to the Committee on Invalid Pensions.

By Mr. BYRNES of South Carolina: Petitions of churches and Woman's Christian Temperance Unions in the State of South Carolina, for passage of the Kenyon-Sheppard interstate liquor bill; to the Committee on the Judiciary.

By Mr. DAUGHERTY: Petition of L. W. Nickle, of Butterfield, Mo., and sundry other citizens of Barry County, favoring Sulzer parcel-post bill (H. R. 14); to the Committee on the Post Office and Post Roads.

Also, petition of J. M. Hill and 24 other citizens of Jasper County, Mo., favoring speedy passage of Kenyon-Sheppard interstate liquor bill; to the Committee on the Judiciary.

By Mr. DRAPER: Petition of the Business Men's Association of Elmira, N. Y., for 1-cent letter postage; to the Committee on the Post Office and Post Roads.

Also, petition of citizens of Troy, N. Y., for construction of one battleship in a Government navy yard; to the Committee on Naval Affairs.

By Mr. DANIEL A. DRISCOLL: Memorial of New York State Senate, for protection of migratory game birds; to the Committee on Agriculture.

By Mr. FRANCIS: Petition of W. G. McClain and 12 other citizens of Bellaire, Ohio, favoring the speedy passage of the Kenyon-Sheppard interstate liquor shipment bill; to the Committee on the Judiciary.

By Mr. FULLER: Petition of Barber-Colman Co., of Rockford, Ill., in opposition to the passage of the Clayton bill, relating to contempt of court; to the Committee on the Judiciary.

Also, petition of United Trades and Labor Council of Streator, Ill., in favor of the passage of Senate bill 1162 and House bills 5970 and 11032, and also favoring the adoption of the Buchanan resolution (H. Res. 396), to provide for an investigation of unemployment and cause thereof in certain industrial States, etc.; to the Committee on Rules.

Also, petition of Woman's Foreign Missionary Society of Mazon, Ill., against the repeal of the anticanteen law; to the Committee on Military Affairs.

Also, petition of Walter H. Hill, of Belvidere, and Chancy Cooper, of De Kalb, Ill., for parcel-post legislation; to the Committee on the Post Office and Post Roads.

Also, papers to accompany bill for the relief of Clarence McBratney (H. R. 5725); to the Committee on Invalid Pensions.

By Mr. GOLDFOGLE: Memorial of the Brooklyn League, urging that one battleship be constructed at the Brooklyn Navy Yard; to the Committee on Naval Affairs.

Also, petitions of S. M. Flickinger Co., of Buffalo, N. Y., and Thurston & Kingsbury, of Bangor, Me., for enactment of House bill 4667; to the Committee on Interstate and Foreign Commerce.

Also, memorial of the National Association of Manufacturers of Medicinal Products, against House bill 14060; to the Committee on Interstate and Foreign Commerce.

By Mr. HANNA: Petition of Bert Leopold and 155 other citizens of Medina and vicinity, N. Dak., urging the passage of the

Sulzer parcel-post bill (H. R. 14); to the Committee on the Post Office and Post Roads.

Also, petition of B. Grau and 19 other voters of North Dakota, opposing parcel post; to the Committee on the Post Office and Post Roads.

Also, memorial of E. A. Stillman, of South Dakota, asking reduction of tax on sugar; to the Committee on Ways and Means.

Also, petition of S. Hitchcock and 40 other citizens of the city of Hope, N. Dak., and the Woman's Christian Temperance Union of that place, asking the speedy passage of the Kenyon-Sheppard interstate liquor-shipment bill (S. 4043 and H. R. 16214); to the Committee on the Judiciary.

By Mr. HAYES: Petitions of numerous citizens of the State of California, in favor of parcel-post legislation; to the Committee on the Post Office and Post Roads.

Also, petition of Merchants' Association of San Jose, Cal., opposing parcel-post legislation; to the Committee on the Post Office and Post Roads.

Also, petitions of residents of San Francisco, Cal., for enactment of House bill 20595, amending the copyright act of 1909; to the Committee on Patents.

Also, memorials of Merchants' Association of Napa; Merchants' Association of San Diego; Yreka Improvement Club, of Yreka; Aurelia S. Harwood; Pasadena Board of Trade; Sausalito Promotion and Improvement Club; Board of Trade of Delano; Ferndale Chamber of Commerce; Sierra Madre Board of Trade; Niles Chamber of Commerce; Stockton Merchants' Association; Eldorado County (Placerville) Board of Trade; Los Angeles Chamber of Commerce; Alameda Chamber of Commerce; G. Frederick Schwarz; Merced County (Merced) Chamber of Commerce; Alfred Braverman, Fresno; James B. Bullitt, San Jose; Santa Clara Commercial League; Osgood Putnam, San Francisco; Merchants' Association of Fresno; Ernest A. Mott, San Francisco; Chamber of Commerce, Pittsburg; Edward T. Deiger, San Francisco; Weinstock, Lubin & Co., Sacramento; Hon. William C. Clarke, Oakland; and Clinton C. Clarke, Altadena, all in the State of California, in favor of appropriation for improvement of the Yosemite Valley; to the Committee on Appropriations.

By Mr. HIGGINS: Petition of Sarah Williams Danielson Chapter, Daughters of the American Revolution, of Killingly, Conn., in favor of House bill 19641; to the Committee on Appropriations.

By Mr. HOWELL: Petitions of citizens of Brigham, Logan, and Ogden, Utah, for enactment of House bill 20595, amending the copyright act of 1909; to the Committee on Patents.

Also, petition of the Salt Lake Federation of Labor, protesting against Senate bill 3175; to the Committee on Immigration and Naturalization.

By Mr. HUGHES of New Jersey: Petition of the Methodist Episcopal Church of East Rutherford, N. J., for enactment of the Kenyon-Sheppard interstate liquor bill; to the Committee on the Judiciary.

By Mr. LINDBERGH: Petitions of citizens of the State of Minnesota, in regard to oleomargarine legislation; to the Committee on Agriculture.

Also, petition of citizens of Litchfield, Minn., for enactment of House bill 20595, amending the copyright act of 1909; to the Committee on Patents.

Also, petitions of citizens of the State of Wisconsin, protesting against parcel-post legislation; to the Committee on the Post Office and Post Roads.

Also, petition of Group No. 972, of the Polish National Alliance, against restrictive immigration legislation; to the Committee on Immigration and Naturalization.

Also, petition of citizens of Royalton, Minn., for old-age pensions; to the Committee on Pensions.

Also, petitions of Catholic societies in the State of Minnesota, in regard to measures relating to Catholic Indian mission interests; to the Committee on Indian Affairs.

By Mr. LINDSAY: Petition of T. M. Osborn, of Auburn, N. Y., for passage of the Philippine independence bill; to the Committee on Insular Affairs.

By Mr. McCOY: Petition of First Congregational Church of East Orange, N. J., for passage of the Kenyon-Sheppard interstate liquor bill; to the Committee on the Judiciary.

By Mr. MAHER: Memorial of the Maritime Exchange of New York City, indorsing the action of Congress with respect to the battleship *Maine;* to the Committee on Naval Affairs.

Also, memorials of the New York State Senate and the Brooklyn League, for construction of one battleship in the Brooklyn Navy Yard; to the Committee on Naval Affairs.

Also, memorial of the New York State Senate, for protection of migratory game birds; to the Committee on Agriculture.

Also, memorial of the board of directors of the Maritime Association of the Port of New York, for establishment of marine schools; to the Committee on the Merchant Marine and Fisheries.

Also, petition of the Business Men's Association of Elmira, N. Y., for 1-cent letter postage; to the Committee on the Post Office and Post Roads.

By Mr. OLMSTED: Memorials of Heidleburg Grange, Lebanon County, Pa.; Halifax Grange, No. 1343, Dauphin County, Pa.; and East Hanover Grange, No. 1435, Patrons of Husbandry, favoring governmental system of postal express (H. R. 19133); to the Committee on Interstate and Foreign Commerce.

By Mr. PATTEN of New York: Memorial of the board of directors of the Maritime Association of the Port of New York, for establishment of marine schools; to the Committee on the Merchant Marine and Fisheries.

By Mr. RAKER: Memorial of California State Retail Hardware Association, favoring Senate bill 4308 and House bill 17736, duplicates, for 1-cent postage on letters; to the Committee on the Post Office and Post Roads.

By Mr. STERLING: Petition of citizens of Lincoln, Ill., for construction of one battleship in a Government navy yard; to the Committee on Naval Affairs.

By Mr. SULZER: Petition of Cigar Makers' Joint Unions of Greater New York, for enactment of House bill 17253; to the Committee on Ways and Means.

Also, petition of William G. Wagner, of New York City, for enactment of the Lever oleomargarine bill; to the Committee on Agriculture.

Also, memorial of the New York State Senate, for protection of migratory game birds; to the Committee on Agriculture.

Also, memorial of the American Anti-Trust League, asking that the Federal arbitration act be extended to the coal industry; to the Committee on the Judiciary.

Also, petition of the Trow Directory, Printing & Bookbinding Co., for reduction in the rate of letter postage; to the Committee on the Post Office and Post Roads.

Also, memorials of Thomas J. Carroll, president of Allied Printing Trades Council, and Samuel Rosenthal, president of the Technical Press, New York, urging immediate action on the Lever oleomargarine bill; to the Committee on Agriculture.

By Mr. TILSON: Memorials of Somers Grange, No. 105, Somers, Conn.; Plainville Grange, No. 54, Patrons of Husbandry; Housatonic Valley Pomona Grange, No. 10; Frank A. Jordan and others, Quinebaugh, Conn., favoring prompt and present action on general parcel post; to the Committee on the Post Office and Post Roads.

By Mr. TUTTLE: Petitions of the Singleton Silk Co., of Dover; the Liondale Bleach, Dye & Print Works (Inc.); and the Rockaway Rolling Mill, of Rockaway, N. J., protesting against House bill 21100; to the Committee on the Judiciary.

Also, petition of Elizabeth (N. J.) Typographical Union, No. 150, for construction of one battleship in a Government navy yard; to the Committee on Naval Affairs.

By Mr. UTTER: Petition of the Methodist Episcopal Church of East Greenwich, R. I., favoring the passage of the Kenyon-Sheppard bill; to the Committee on Interstate and Foreign Commerce.

By Mr. WILLIS: Papers to accompany House bill 22576, granting a pension to Benjamin F. Wright; to the Committee on Pensions.

HOUSE OF REPRESENTATIVES.

SATURDAY, *March 30, 1912.*

The House met at 12 o'clock noon.

The Chaplain, Rev. Henry N. Couden, D. D., offered the following prayer:

Father in heaven, increase our loving kindness that our hearts may expand and our sympathies go out in brotherly love to all mankind. We realize that the warm clasp of the hand, the sunny smile, the cheering word is easy if love is spontaneous and brings great reward, but if the heart is frigid the effort is hard and the returns meager. Increase, therefore, our loving kindness that we may be rich in the things which make for righteousness, peace, and good will, and Thine be the praise forever. Amen.

The Journal of the proceedings of yesterday was read and approved.

COMMITTEE ON PUBLIC BUILDINGS AND GROUNDS.

Mr. BURNETT. Mr. Speaker, I ask unanimous consent for the present consideration of the resolution which I send to the desk.

The SPEAKER. The Clerk will report the resolution.

The Clerk read as follows:

House resolution 473.

Resolved, That the Committee on Public Buildings and Grounds be, and it is hereby, authorized to sit during the sessions of the House of Representatives and during the recess of Congress.

The SPEAKER. Is there objection to the present consideration of the resolution?

There was no objection.

The resolution was agreed to.

CHARLES FRANCIS ADAMS.

Mr. McCALL. Mr. Speaker, in a speech printed in the RECORD on the 22d of March there was added a clipping from the National Tribune of January 18, 1912, which contains some reflection upon the record of Charles Francis Adams. It is only proper that Mr. Adams should have a chance, since this has been printed in the RECORD, to give his version, and so I ask that a letter from Mr. Adams may also be printed in the RECORD.

The SPEAKER. The gentleman from Massachusetts asks unanimous consent to print in the CONGRESSIONAL RECORD a letter from Gen. Charles Francis Adams. Is there objection?

Mr. FOSTER. Reserving the right to object, Mr. Speaker, I would like to ask the gentleman what the letter is in reply to.

Mr. McCALL. I will read it if the gentleman desires.

Mr. FOSTER. I do not care to have it read.

Mr. McCALL. Mr. Adams says in a letter that—

It seems hardly fair that the RECORD should be made the medium of perpetuating falsehoods about individuals, and under these circumstances I think I have a right to ask that similar prominence and permanence be given to the facts in regard to my military record.

That is in a letter to Senator LODGE.

Mr. FOSTER. Mr. Speaker, I feel that Gen. Adams has had sufficient publicity in the RECORD, from his standpoint, in attacking the soldiers of the country, and I object.

The SPEAKER. The gentleman from Illinois objects.

WOOLEN SCHEDULE.

Mr. UNDERWOOD. Mr. Speaker, I move that the House resolve itself into Committee of the Whole House on the state of the Union for the further consideration of the bill (H. R. 22195) to reduce the duties on wool and manufactures of wool.

Mr. PAYNE. Pending that, Mr. Speaker, I would like to make a suggestion to the gentleman from Alabama, whether we can have some information as to when a motion will be made to close general debate. Of course the gentleman realizes the embarrassment that we are under of Members desiring to be heard and not knowing when general debate will be closed.

Mr. UNDERWOOD. My purpose is that on Tuesday morning, after the reading of the Journal, to move to close general debate and take up the bill under the five-minute rule.

Mr. PAYNE. I will ask the gentleman whether it will inconvenience him or interfere with the procedure of the bill to get unanimous consent, which I think can be done, to have two hours of general debate Tuesday morning, commencing at 11 o'clock.

Mr. UNDERWOOD. I am perfectly willing to have two hours' general debate on Tuesday morning if the House will agree that after two hours' debate on Tuesday morning the bill shall be considered under the five-minute rule for two hours, subject to amendments, and then reach a vote.

Mr. PAYNE. I have no objection to that arrangement.

Mr. NORRIS. Mr. Speaker, I would like to say that I do not believe I want to agree to any proposition that would do away or curtail the rights that Members have under the five-minute rule. I want to say that I do it without any idea that there is going to be any prolonged discussion under that rule. I would be perfectly willing, although I am not interested in that part of it, to agree to two hours of general debate on Tuesday, or Monday, if we can change Monday's work over to a subsequent day, and include the proposition that we meet on Monday at 11 o'clock. Under that agreement general debate would close at 1 o'clock and we could take up the bill under the five-minute rule and have plenty of time to finish before adjournment.

Mr. UNDERWOOD. I am willing to have any amendments offered under the five-minute rule, but I want to say that there are no amendments that are likely to come from this side of the House.

Mr. NORRIS. I do not think that we will take more than two hours under the five-minute rule, but I do not want to agree to two hours because that time might be taken up on one or two paragraphs, and we would never be able to reach the part of the bill to which some Members want to offer amendments.

Mr. UNDERWOOD. My purpose in limiting the time under the five-minute rule is not for the purpose of cutting off amendments, but simply to limit debate under the five-minute rule, which by striking out the last word and making pro forma amendments is liable to be prolonged.

Mr. NORRIS. I do not think there is any disposition to do that. I would not be a party to it; I am acting in the best of faith. I have talked since yesterday with quite a number of Members on that side, and they said that they thought I was right in objecting, that they did not like the idea of cutting off debate under the five-minute rule, because there is where we get the most intelligent discussion. Can not we meet at 11 o'clock?

Mr. UNDERWOOD. I have no objection to meeting at 11 o'clock on Monday, but the same bill has once been considered under the five-minute rule.

Mr. NORRIS. That is one reason why I think we will not have much debate on it. My idea is that it will not take two hours, but I would like to have every Member offer an amendment to any portion of the bill that he desires.

Mr. CANNON. May I ask the gentleman from Alabama if it is contemplated to have Monday for general debate by unanimous consent?

Mr. UNDERWOOD. The gentleman from New York suggested that we have two hours general debate on Monday. Of course, the regular order of Monday will have to be transferred to Tuesday by unanimous consent.

Mr. CANNON. So that Monday will be devoted to general debate?

Mr. UNDERWOOD. Only two hours of it. I will ask, Mr. Speaker, if there are any eulogies set for to-morrow?

The SPEAKER. There are none.

Mr. UNDERWOOD. I ask unanimous consent that when the House adjourn to-day it adjourn to meet at 11 o'clock on Monday next; that two hours be devoted to general debate, and at the end of two hours general debate shall be closed, the bill shall be taken up under the five-minute rule, and that the order of business on Monday shall be in order on Tuesday.

The SPEAKER. The gentleman from Alabama asks unanimous consent that when the House adjourns to-day it adjourn to meet at 11 o'clock on Monday next; that general debate on this bill shall be continued for two hours, at the end of which time it shall be taken up under the five-minute rule, and that the business on Monday on the Unanimous Consent Calendar and suspension of the rules to discharge of committees be transferred to Tuesday. Is there objection?

Mr. NORRIS. Mr. Speaker, I would like to say that the Chair stated there should be general debate for two hours; he means two hours on Monday.

The SPEAKER. Two hours on Monday. Is there objection? [After a pause.] The Chair hears none, and it is so ordered. The Chair will inquire of the gentleman from Alabama as to the control of the time.

Mr. UNDERWOOD. We started out by allowing the Chairman of the Committee of the Whole to control the time, and I wish to let it run in that way.

The motion of Mr. UNDERWOOD was agreed to.

Accordingly the House resolved itself into the Committee of the Whole House on the state of the Union for the further consideration of the bill (H. R. 22195) to reduce the duties on wool and manufactures of wool, with Mr. GRAHAM in the chair.

Mr. LONGWORTH. Mr. Chairman, I should like to ask the Chair how much time has been consumed by this side in general debate.

The CHAIRMAN. Two hours and two minutes on the Democratic side and 1 hour and 35 minutes on the Republican side.

Mr. LONGWORTH. Is the Chair certain about that?

Mr. DALZELL. The gentleman from Alabama [Mr. UNDERWOOD] consumed an hour, the gentleman from New Jersey [Mr. TOWNSEND] consumed an hour, and the gentleman from Illinois [Mr. FOSTER] consumed 45 minutes, I think.

The CHAIRMAN. The Chair wishes to correct his statement. Two hours and forty-seven minutes have been consumed on the Democratic side and 1 hour and 35 minutes on the Republican side. The gentleman from Michigan [Mr. HAMILTON] is recognized for one hour. [Applause on the Republican side.]

Mr. HAMILTON of Michigan. Mr. Chairman, it is a saying of Bacon that "Nations, like individuals, have their youth, their middle age, their old age, and they have their diseases."

As a Nation we are young in years, but old in the elements that compose us.

Ethnologically we are about all the nations of all the world and their descendants.

Zangwill compares us to a melting pot, in which all nationalities are being fused and transformed here on American soil

into a new nationality; but we are something more than a melting pot of nationalities. We are a melting pot in which all creeds, cults, ideas, ideals, and institutions are being fused and transformed.

And sometimes the more radical and revolutionary the creed, cult, idea, or ideal, the more attention it attracts for a time till some other creed, cult, idea, or ideal boils to the surface—and that keeps the pot boiling.

After centuries of warfare with caste, privilege, prerogative, kings, and dynasties, humanity is realizing here its ultimate ideal and the people are supreme.

But some people are more supreme than other people, just as they always were; some people are richer than other people; some people are wiser than other people; and some people are healthier than other people, just as they always were; and some people are going around telling other people about it and explaining how all these inequalities are largely due to the last election and how much better it would be for everybody if Mr. So-and-so could be given a political job, just as they always did.

"Vote for Proclinus to-day and he will vote for you to-morrow."

They found that proclamation placarded on the walls of Herculaneum after it had been there 2,000 years, covered with ashes, but Proclinus is still running for office and still soliciting votes on the same old terms.

After all, we are nearly all of us just folks, and, fortunately, most folks want to do right, and so long as most folks want to do right in a government by majorities, we shall continue to go forward on the upgrade.

But in the midst of so much confusion, in the midst of so much megaphonic political holiness, in the midst of so many shouters at the doors of so many political tents, each advertising his own "greatest show on earth just upon the inside," in the midst of so many political necromancers and jugglers and sword swallowers and serpentine dancers and tight-rope walkers, plain people, who simply want the privilege of living and paying taxes, sometimes find it difficult to determine whether, to paraphrase Dickens, we are living in the best of times or the worst of times, in an age of wisdom or an age of foolishness.

It is easy to imagine an ideal state. Humanity has been imagining an ideal state ever since time began.

It is all perfectly plain that everybody ought to be so good as not to need any laws or the makers, administrators, or construers of laws; and poverty ought to be abolished; and nobody ought to have to work too hard; and nobody ought to want to loaf too hard; and nobody ought to want to buy too cheap; and nobody ought to want to sell too high; and nobody ought to put the big potatoes on top, and a peck ought always to hold 8 quarts; and things ought always to be true to name without the aid of Dr. Wiley; and nobody ought to want to beat his neighbor in a horse trade; and nobody ought to want to move his line fence over on his neighbor; and nobody ought to want to fence in the public domain; and there ought to be no demagogues in politics; and there ought to be no politics; and everybody ought to tell the truth and shame the devil, but they don't do it. [Laughter.] And, so far as I have been able to observe, you would never be able to tell a man's politics by the way he runs his business, except that when he has no business at all he is likely to vote the Democratic ticket. [Laughter and applause on the Republican side.]

Mr. MADDEN. Does the gentleman mean to say that a man finds after he has voted the Democratic ticket that he has no business?

Mr. HAMILTON of Michigan. He is very apt to.

It is a long way yet to the millenium.

Therefore, as Hamilton says in the Federalist—

Because the passions of men will not conform to the dictates of reason and justice without restraint, governments are instituted among men.

And since it is necessary to have officers to run governments, it is necessary to have elections to elect them, and since it is difficult to put one man out and another man in, merely because one man wants another man's job, it has generally been considered necessary to assign some other reason.

And inasmuch as the average man, being busy about his own affairs, knows less about tariff schedules than almost any other thing, the tariff has generally been regarded as an excellent political issue, about which orators can talk with fluency and impunity without knowing very much about what they are talking about.

It is therefore fair to assume that the tariff will again be the issue this year. [Laughter.]

"CONSTRUCTIVE STATESMANSHIP."

At a time, Mr. Chairman, when the country was blessed with universal welfare, and universal difficulty in keeping up with it, and paying the incidental expenses, the country elected a Democratic House of Representatives pledged to level down all the high places, level up all the low places, to repair the crumbling edifice of our liberties, and remove all dandruff from the hair. [Laughter.]

And we shall, of course, be invited in the coming campaign to consider with enthusiasm what the gentleman from Missouri, the honored Speaker of this House, calls "the splendid record" of the Democratic Party "for constructive statesmanship during the extra session of the Sixty-second Congress," which he expressed the hope would be duplicated this session.

If it were not for higher considerations, the mere partisan advantage to be gained by such an object lesson might warrant satisfaction that the gentleman's hope of duplication is being realized.

A Democratic majority in the extra session of the Sixty-second Congress, operating under a dehorned Speakership, [laughter] proceeded to reduce the country to a state of apprehension, entirely surrounded by investigations [laughter], and in about four and a half months passed three and a half bills.

That is to say, it passed an apportionment bill left over from the last Congress.

It passed a so-called free-list bill "so loosely drawn as to involve the Government in endless litigation and to leave the commercial community in disastrous doubt."

It passed an antiprotection, tariff-for-revenue-only wool bill, which was swapped in the Senate for a protection bill and lost its identity in conference.

It passed a cotton bill with which, some time during the dog days last summer, an anonymous steel schedule and a vagrant chemical schedule casually became connected [laughter] and nobody knew much about the cotton schedule, and nobody knew much about the steel schedule, and nobody knew any more about the chemical schedule than a June bug on a giant firecracker knows about the chemical contents of the firecracker. [Laughter.]

The "constructive statesmanship" of the extra session of the Sixty-second Congress passed these "measures" without taking testimony, but these gentlemen have the happy faculty of being able to impart information without first obtaining it [Laughter and applause], and the net result was three veto messages.

RULES.

Gentlemen denounced the Payne tariff bill because opportunity was not given in the House to amend it generally, although opportunity was given to amend it in certain vital particulars.

But when the "constructive statesmanship" of the extra session of the Sixty-second Congress passed the cotton bill, amended by an iron and steel schedule framed and reported by no committee and amended by a chemical schedule framed and reported by no committee, it was put through under a rule, reported by a regenerated Rules Committee, permitting two hours' debate on a side and no amendments, and when gentlemen were being criticized for proposing to pass a rule permitting no discussion and no amendment they did not deny it—they passed the rule.

There had been arguments, essays, speeches, and denunciations against putting bills through under special rules. New Members had made their political campaigns upon the iniquity of rules and rules committees, and had been elected upon the eloquence of their denunciation of things about which they knew little then and know more now. Old Members had disclaimed all responsibility and rioted in rhetoric about being the victims of superior malignant force.

It is impossible to expect men to be as good in Congress as they are in magazines and on the stump, but the virtue on which they solicited votes ought to have withstood at least one shock.

I suggest to you that the people have a right to test the sincerity of your denunciation of rules by your adoption of rules; that they have a right to test the sincerity of your denunciation of the methods of 1910 by your adoption of the methods of 1910 in 1911.

The "constructive statesmanship" of the extra session of the Sixty-second Congress passed a half of a trade agreement with Canada, the net result of which is free wood pulp and print paper.

When I first heard that story about Herman Ridder taking Uncle Joe up on the top of the Capitol and showing him all the zones of newspaper influence and telling him that all these would be for him for President if he would order the Ways and Means Committee to report a free wood-pulp and print-paper bill, it seemed to me like an oriental dream; but when the shouting and the tumult in the United States and Canada died away and nothing was left but free wood pulp and print paper

standing out, spared, solitary and alone, above the ruins of an otherwise repudiated transaction, I could not help wondering whether a Democratic House of Representatives, with its "splendid record of constructive statesmanship," had left it standing there inadvertently. [Laughter and applause on the Republican side.]

DEFINITIONS.

This is the "splendid record of constructive statesmanship" to which the Speaker referred, and which he wants to see duplicated this session.

It will do no good to refer to it as the most grotesque thing in legislative history. People might think that was an exaggeration, and even conscientious Democrats might feel compelled to call it a campaign canard.

The story is largely written in the President's veto messages which actually saved Democrats from themselves, but immediately after these messages were transmitted to Congress Democrats, who were otherwise good, churchgoing citizens, felt constrained to refer to them as a tyrannical exercise of Executive power.

What they did do and what they would have done are quite different things, but if they had done what they would have done it would have been a good deal like one of Cæsar's campaigns written by himself, "having taken the city and killed the citizens, Cæsar invaded another tribe," and they would still have called it a "splendid record of constructive statesmanship."

Mr. Chairman, the word constructive has two meanings; one implies the power to construct something, the other implies something assumed, suppositious.

Let it pass, then, as a "splendid record of 'assumed,' 'suppositious,' 'constructive' statesmanship," which fortunately constructed nothing. [Laughter and applause on the Republican side.]

THE YEAR 1910.

The year 1910 was a comet year, and, while there is no scientific basis for the theory, it would almost seem as if the tail of Halley's comet had whipped into the atmosphere of this particular sphere in passing mephitic gases conducive to hysteria, which found congenial lodgment in hospitable brains, which have ever since harbored and retained them.

In the year 1910 the public mind was predisposed to see things and to be seduced by stories of ghosts, hobgoblins, and chimeras, and even staid, old New England began to slip the moorings of her reason.

The year 1910 was abnormal also in that it produced discontent in a time of plenty. In 1910 times were good and prices were high. We all like high prices, but we like them for what we have to sell, and we all like low prices, but we like them for what we have to buy; that is, as Josh Billings said some years ago:

"It takes less philosophy to take things as they come than it does to part with things as they go." [Laughter and applause.]

But what we have to sell some one else has to buy, and what some one else has to sell we have to buy; and inasmuch as we are all buyers and sellers, it is obvious that we must all go up and down together, except when some monopoly locates itself at the commercial crossroads and collects toll from human necessity, and every law upon the Federal statute books against monopoly was written there by Republican Congresses. [Applause on the Republican side.]

In the year 1910, however, the people were told that the Republican Party was the party of protection, trusts, and monopoly; that protection protects trusts, makes prices high, and rears a wall around the helpless victims of licensed plunder. [Laughter on Republican side.]

I can hear my friend from Missouri over there saying it now. [Laughter on the Republican side.]

Why, in 1910 prices were high the world over and the Republican Party had not built a wall around the world.

Prices were high in Europe, high in South Africa, high in Australasia, high in China and Japan, high in South America, high in the United States and high in Canada, high in nations which protect their markets, and high in nations which impose a tariff for revenue only.

But nobody saw that. All the people saw was some feverish orator on a platform somewhere denouncing something. And the man who denounced something did not care much what effect his denunciation might have on the country so long as he won. As Mr. Dooley says:

"It was like gettin' fame by bein' among those present at a boiler explosion." [Laughter.]

The nations of Europe have been conducting investigations as to the cause of high prices in Europe, and the President of the United States now recommends an appropriation of $20,000 to pay our share of the expense of an international conference to be held at Washington, to propose plans to the nations of the world for "an international inquiry into the high cost of living."

THE LOGIC OF THE LAST CAMPAIGN.

Notwithstanding all this, you gentlemen won the last campaign by telling the people that "the iniquitous Payne tariff law" was the sum total of human depravity and the cause of high prices.

Nobody read the Payne law—that is, not many people did—but everybody knew that prices were high. And for campaign purposes it was sufficient to assume that because two things existed at one and the same time therefore one was the cause of the other. It was like saying there is malaria in Washington. Congress sits in Washington, therefore Congress is the cause of malaria in Washington. [Applause on the Republican side.] That kind of an argument was a good deal easier to make than to discuss the law of supply and demand or the quantitative theory of money.

You told the people who live in cities that prices were high, because, by reason of protection, farmers were getting too much for what they had to sell; and at the first way station out of town you congratulated the farmer on the high prices he was getting for what he had to sell to the people who live in cities, and you will do it again.

But you never read to the American workingmen what Samuel Gompers, after a tour of Europe, reported in June, 1910, as to the state of American labor in comparison with foreign labor—

"That millions of wageworkers now have a shorter workday by several hours than 30 years ago;

"That the present organization of employing capital has almost wholly eliminated the uncertainty formerly experienced by wageworkers as to getting their pay when due;

"That constantly increasing wages on the whole during the present generation, considerably excelling the rise in average prices, meantime can be shown by the records of the wage scales for the workers, organized and unorganized;

"That the conditions for the education and normal growth of the youth of America never were better than to-day."

And—

"That looking over our whole broad land there was never a greater proportion of home owners, never a higher level of comfort for America's workers." [Applause on the Republican side.]

You never read this to any audience of American workingmen. You told them prices were high, and you talked to them about the "iniquitous Payne tariff law."

You never explained to the American laboring man that his wages would be reduced to the level of foreign wages if protection were removed.

You simply told him he was a consumer, and that with lower tariff rates foreign manufacturers, paying lower wages than are paid here, would get a chance at this market.

But you did not tell him that by so much as the foreign manufacturer gets possession of this market, by so much he displaces production here; and that by so much as he displaces production here he deprives American labor of employment here and increases the employment of labor abroad; and that by so much as he forces prices down by competition, by so much he forces down American wages; and that by so much as he forces down American wages he forces down the purchasing power of American labor.

You never told the American laboring man that it is of no advantage to a man to be able to buy things 5 per cent cheaper when his wages are 25 per cent lower or he is out of work entirely.

And you never told him that if the foreigner got control of our market, prices would go up.

You never told him that in the last analysis the question of protection of American labor and American industry is a question of American manhood and American citizenship, and that one reason why the American laboring man is the best all-round man on earth, mentally and physically, is because he is the best fed, best clothed, and best housed man on earth [applause on the Republican side], and that it takes a well-fed, well-clothed, and well-housed man to make a good citizen.

You never told him these things. You never read to any audience of American laboring men that John Mitchell said in the Outlook in September, 1909, that "any reduction in wages means a lowering in the standard of living; and the standard of living among a civilized people can not be lowered without lowering in the same ratio the physical standard and the intellectual and moral ideals of that people." [Applause on the Republican side.]

You never told any audience of American laboring men that inasmuch as this is a Government of the people and by majorities the Government is not lodged in legislative, executive, and judicial branches in the last analysis, but is lodged under every man's hat, and that as a man thinketh, so is he, and that as a majority think, so goes the Republic, and that a man is not apt to think right on an empty stomach or when he sees his family in want.

You never reminded the American laboring man that the more people there are employed in factories the more people there are to buy what the farmer grows to sell, and that the more people there are to buy what the farmer grows to sell the more the farmer sells of what he grows to sell, and that the more the farmer sells of what he grows to sell the more he buys of what the manufacturer makes to sell, and that the more the manufacturer sells of what he makes to sell the more people he employs to make more goods to sell to everybody and the more the railroads haul for everybody. You never told him any of these things. [Applause on the Republican side.]

You never told him that when a factory runs full time, at full capacity, each unit of production is made cheaper than when it runs haltingly, to supply a spasmodic demand, and that, therefore, consumers buy cheaper and laborers receive higher and steadier wages.

You never told him that other enlightened nations protect their own people and their own markets, and that by your policy we would be throwing open this twenty-eight billion dollar market for the exploitation of other nations which protect their markets against us. [Applause on the Republican side.]

You never told him that if our markets were thrown open to foreign producers one of two things would happen, either wages would go down or men would go out of work and factories out of existence.

You never told him any of these things.

And yet the fundamental reason for protection is that it does protect American labor, and the American laboring man never received better wages for shorter hours than now, and never had more money deposited in savings banks than now, and never went home to a better home than now, and the American school is the best school on earth, and the man born or naturalized under the American flag has the best chance on earth, and therefore the American flag is the best flag on earth [applause], and if any man born on foreign soil is disposed to deny this, why did he come here?

The Payne law did three things that place it far in advance of previous tariff bills in constructive legislation.

First, it established a Customs Court for the speedy and uniform construction of tariff law.

Second, it gave us equality of opportunity with all other nations in the markets of all other nations by a system of maximum and minimum rates.

Third, it provided for the beginning of a tariff board by which to seek to ascertain the difference between the cost of production at home and abroad.

Mr. TOWNSEND. Mr. Chairman, will the gentleman yield?

The CHAIRMAN. Will the gentleman from Michigan yield to the gentleman from New Jersey?

Mr. HAMILTON of Michigan. I regret I can not yield. I have only a limited time.

Mr. TOWNSEND. Just one question, which will illuminate the subject.

Mr. HAMILTON of Michigan. I can not yield. I do not wish to stop to discuss the gentleman's question now. My time is limited.

Mr. TOWNSEND. I just wanted to ask——

Mr. HAMILTON of Michigan. I do not yield.

The CHAIRMAN. The gentleman declines to yield.

Mr. HAMILTON of Michigan. I differ with some of my associates in believing that the declaration in our platform of 1908 that duties should be so levied as to equal the difference between the cost of production at home and abroad was the declaration of the most enlightened policy of recent times, because it is a policy framed to meet conditions which have greatly changed in the comparatively brief time since the passage of the Dingley law.

SPEED.

Draper, in his "Intellectual Development of Europe," says, "Empires are only sand hills in the hourglass of time," and the running of the sand for a quarter of a century is swifter than a watch in the night.

Sometimes it runs red with blood, sometimes it runs golden with the harvests of peace, sometimes it is stagnant with doubt as if humanity were pausing which way to go, and sometimes it is electric, charged with the spirit of unrest and change, but always it is the seed bed and the graveyard of mankind, and always the sand runs on, and the old order is always passing away.

The occupant of the spot light plays his part and moves off the stage. The political faker of to-day becomes the laughing stock of to-morrow and a hazy memory next week.

Across the stage pass kings, conquerors, lawgivers, saints, harlequins, and jesters, in pomp or squalor, in ephemeral triumps or desperate reverses, and always the sand runs on.

The period since 1898 has been a period of swift and feverish evolution from what Carlyle called a "gross steam-engine civilization" into an electric civilization.

No one is willing to take 40 years or even 40 days now in trying to reach any kind of a promised land, but everybody wants to go by express in a Pullman car.

We live in an age of hurry and congestion. We hardly get our eyes fixed upon the moving picture before the moving slide has slid on.

In 30 minutes now, measuring life by its experiences and not by length of years, a man lives longer, sees more, hears more, and gets more indigestion and nervous prostration than old Methuselah did in all his stagnant years. [Laughter and applause.]

We do not want contentment and satisfaction. If we have them, we want something else. We want sensation.

And if we have a President who is going steadily along his unadvertised way, every day doing something substantial, the political gallery gods are dissatisfied, because they want him to smash something so they can hear it jingle. [Laughter and applause.]

THE TARIFF AND CENTRALIZATION.

We live in a world of rush and noise and machinery—in a tariff world and a world of centralization, in which industries are centralized regardless of free trade or protection.

Something like a hundred years ago Adam Smith, writing about corporations, said they could never hope to gain much ground because it is "inherent in men to manage more diligently their own property than the property of others."

But corporations nowadays are willing to manage not only their own affairs but everybody else's affairs.

Immediately after the passage of the Dingley law in 1897 the country entered upon a period of restored public confidence, in which men strained every resource to make the most out of a time of phenomenal prosperity.

Feeling the necessity of producing at central points commodities to supply increasing areas of trade, created by increasing facilities of transportation, communication, and exchange, resulting from the increasing use of steam and electricity, they organized new corporations and reorganized old corporations into new corporations until corporate combinations, organized under the laws of various States, have outgrown the States of their organization and become national and international in their scope.

For illustration, down to May 31, 1900, 2,160 theretofore separate, independent industries were organized into 185 trusts, and of these 185 trusts only 65 had been organized before 1897; and the sum of the capitalization of these 2,160 separate, independent industries was one and a half billion dollars, but the sum of the capitalization of the resulting 185 trusts was three and a half billion dollars.

This movement swept on into the opening years of the twentieth century, until now industries not only here but throughout the commercial world are reduced to a few large units, run by a few large units, each controlling an area of trade, within which smaller industries in the very nature of things can only exist on sufferance of their larger neighbors.

THE TARIFF PLANK.

What, then, is the relation of the tariff to centralized monopoly?

Down to 1897 it was easy to demonstrate that domestic competition would regulate prices, that when an industry was found profitable, A, B, and C, and so on down the alphabet would go into business, and by domestic competition reduce prices to consumers, even below the duty exacted on similar imported articles.

But now A, B, and C, and so on down the alphabet are organized into corporate combinations and competition no longer regulates.

Therefore, by as much as you raise the duty above the difference between the cost of production at home and abroad, by that much you invite domestic monopolies to overcharge domestic consumers [applause]; and therefore, in our platform of 1908, we declared for duties which should equal the difference between the cost of production at home and abroad.

That plank has an upward limit and a downward limit.

An upward limit—why? To protect American consumers from being overcharged by American monopolies. A downward limit—why? To protect American labor from competition with foreign labor.

With the adoption of this policy it became perfectly apparent that some means must be devised to aid a Ways and Means Committee in ascertaining with some degree of scientific accuracy the difference between the cost of production at home and abroad, and the Payne bill provided the beginning of a Tariff Board.

The reason is plain. Before the present Ways and Means Committee was created by the Speaker, and the chairman of that committee was given the power to run the House as the vicegerent and alter ego of the Speaker—in the earlier and less holy days—it had been the custom of Ways and Means Committees to hold open hearings and take testimony, not assuming that they could impart information without first obtaining it and never assuming that they could frame a tariff bill based upon backstairs communications from selected, biased sources. [Applause on the Republican side.]

In the earlier and less holy times it was the custom of Ways and Means Committees to take testimony, generally for months, before framing a bill.

But even then it was difficult to reconcile conflicting interests—difficult even to divide among the Democratic brethren the pabulum of protection which they wanted for their districts, so they could go out and yell the more lustily for free trade. [Applause on the Republican side.]

FRAMING A TARIFF BILL.

Let us along this row of seats for a moment imagine ourselves a Ways and Means Committee, if you can mount to the dizzy and rarefied atmosphere of such power and respectability all at once [laughter on the Republican side], and let us proceed to take testimony.

Now here comes an importer. He may run a department store and run a newspaper at one and the same time, and he says he does not need protection at all.

Here comes a great corporation, which solely for purposes of illustration I will assume to be momentarily represented by my friend from Colorado [Mr. RUCKER]. He says "We are large and we do not need much protection."

Here comes a corporation with smaller capital represented by my friend from Michigan [Mr. DOREMUS], who demonstrates that his corporation can not run at all without considerable protection.

Here comes a man from the great Northwest and he says that just across the international boundary line they are digging coal and sawing lumber with oriental labor and that his country can not compete without high duties.

Here comes a Representative from the Great Plains country, a little farther east. He says his people need cheap lumber and cheap coal and demands low duties or no duties.

A Member appears from a little farther east and demands protection for coal and iron.

Here is another from the Southwest. He says his people grow cattle with hides on, and he wants a duty on hides. But a Member from New England wants free hides and promises cheaper shoes and cheaper harnesses.

Mr. PAYNE. Do not forget peanuts. [Laughter.]

Mr. HAMILTON of Michigan. The bill is framed, and you report it. It is a compromise in the committee and a further compromise on the floor. It goes to a Senate committee, where the balancing and compromising goes on. It is reported to the Senate and further overhauled. It goes to conference, where "the disagreeing votes of the two Houses" are further compromised, and finally it goes to the President.

EVOLUTION OF A TARIFF BOARD.

For these reasons, and because the maximum and minimum provisions of the Payne law made it necessary to have persons skilled in tariff matters to aid the President in securing information to enable him to conclude negotiations with other nations, the Payne law, in 1909, carried a provision authorizing the President "to employ such persons as may be required."

By a process of evolution, admirably stated by the gentleman from Connecticut [Mr. HILL], that provision was broadened into the present law in the first regular session of the Sixty-first Congress.

But the people were not satisfied with that provision, and in 1910 the Republican platforms of 28 States demanded a permanent, independent, nonpartisan commission; and in January, 1911, the National Tariff Commission Association met in Washington and adopted a resolution demanding "from the Sixty-first Congress, then convened in final session, the enactment of a bill creating a permanent nonpartisan tariff commission."

Pursuant to that demand a bill was reported unanimously by the then Committee on Ways and Means.

In support of that bill the gentleman from Missouri, Mr. CLARK, now the honored Speaker of the House of Representatives, said:

> We are not afraid of information from any source. We welcome it. I think I am at liberty to say that it takes a vast amount of information to get up a tariff bill which anybody of good sense is willing to stand to in days to come.

But the importance of framing a bill upon information that would appeal to people of "good sense" seemed more pressing upon the gentleman from Missouri in January than it did in June. [Laughter.]

In support of that bill, the gentleman from Alabama, Mr. UNDERWOOD, among other things, said (and I read this in connection with the speech the gentleman from Alabama delivered yesterday):

> You know, and every Democrat here knows, that one of the greatest difficulties we have had to face is that when the Ways and Means Committee goes into session to ascertain the facts upon which to write a tariff bill, the only men who are sufficiently interested to come before us and give the facts are the protected industries of the United States, and yet to-day you would vote to continue that condition.

And therefore the gentleman from Alabama [Mr. UNDERWOOD] argued for a tariff board a year ago. Mr. UNDERWOOD and Mr. CLARK have changed since then—degenerated into mere candidates for the Presidency [laughter]—but the principle for which they stood has not changed.

PRESENT METHOD OF FRAMING TARIFF BILLS.

The testimony of the distinguished gentleman from Pennsylvania [Mr. PALMER], speaking on the steel bill, January 29 last, corroborates the gentleman from Alabama [Mr. UNDERWOOD]; that is, it corroborates Mr. UNDERWOOD a year ago. He says:

> The committee has exercised patience with all of them, and has denied to no man the right to present his case in any way he saw fit, *except by taking up the time of the committee and of this Congress by holding public hearings before the full Committee on Ways and Means.*

That is to say, "interested" persons have been heard in private by the Democratic members of the committee, but not by the committee.

The gentleman from Missouri [Mr. CLARK] said a year ago that you were not afraid of information from any source.

The gentleman from Alabama [Mr. UNDERWOOD] said a year ago that one of the greatest difficulties a Ways and Means Committee has to deal with is that only men who are sufficiently "interested" come before the committee.

And now the only persons heard are "interested" persons, and they are not heard by the committee, but are heard in "private" by the Democratic members of the committee.

In the earlier and less holy times when you felt particularly reckless about language you used to berate the Republican Party unjustly for what you called its association with "the interests," but we never framed a tariff bill in secret, with the advice of unknown "interests." [Applause on the Republican side.]

We never framed a tariff bill upon secret communications of "interested" parties, who knew they would get a hearing because of sympathetic political affiliations.

I do not know why it is, but I am reminded of a prayer of the Chaplain which made an impression upon me at the time and which for some reason comes back to me now: "Since cant and hypocrisy are the worst of sins, preserve us, O Lord, from these." [Laughter on the Republican side.]

The Republican Party had entered upon a rational, scientific plan for tariff adjustment.

That policy has been supplanted now by a policy of tariff revision, based upon star-chamber, backstairs, secret communications and political guesswork.

THE NEED OF POLITICAL SANITY.

But the country can stand all that. It has lived, thriven, and grown for 136 years, counting the Declaration of Independence as the beginning of things national, and during all that time there have been legislative political manipulations, political agitations, and political agitators.

Generation after generation has come into being in a land of constantly widening opportunities, and the exploitations of political showmen, keen to guess what sensation the public will want next and to pander to it, keen to exploit a political emotion and to pander to it, have apparently had no retarding influence.

The country can stand these things. They are the surface operations of the men of the hour dealing with surface manifestations for their own ephemeral uses.

But below these are the profounder problems of the social relations of the people, by whom and for whom this Government

was organized out of a dream of human equality, which ought to be realized more and more as the years go by.

But our population is becoming congested in great cities. Lines of caste are becoming more and more defined. The corporate machine employer and the corporate machine employee have taken the place of the old personal relation between man and man. We are building industrial towers of Babel, and we go our ways separately, although we jostle one another on the sidewalk. In short, the incubator is becoming more and more the mother of the chicken. [Laughter and applause.]

There never was a time of greater need of level-headed stability than now. [Applause on the Republican side.]

The Nation was never more in need of the kind of patriotism and political sanity that rises above mere self-seeking than now.

And yet there never was a time when men were apparently more willing to fan any smoldering discontent into a blaze for personal political gain than now.

There never was a time when men were more willing to sow grudges and discontent than now.

There never was a time when men were more ready to strain or amend the Constitution than now.

On the other hand, there never was a time when a larger element of our population were susceptible to inflammatory influences than now.

There never was a time when a larger element of our population could be played upon by opera-bouffe, whirling-dervish methods than now.

And there never was a time when party fealty sat more lightly upon American citizenship than now.

DANGERS.

The danger to our Republic is not in a strong, central, constitutional government—a government of "indestructible States in an indestructible Union of States"—but it is in the clamorous contention of the men of the hour for the loosening of constitutional restraints. [Applause on the Republican side.]

The danger to our Republic is not the power lodged by our fathers in executives, courts, congresses, and legislatures, which serve in the open and can be called up or called down, but in the breeding of public want of confidence in our institutions and in the men temporarily intrusted with power to run them.

The danger to our Republic is not in the men drawn from the ranks and temporarily intrusted with power, but in the light, flippant, vaudeville, ragtime treatment by a part of our public press of the serious efforts of honest men in public office to better conditions; in the blighting want of confidence in public servants, engendered by a certain sort of journalism, which creeps like a pestilence among the people and not only poisons the sources from which patriotic service must be drawn, but atrophies the patriotism that ought to make a man proud to die for his country if need be. [Applause on the Republican side.]

It can not be that the greatest good of the greatest number can be subserved by destroying public confidence in our public men and our public institutions.

While punishment swift and sure should follow every act of official corruption, because it is wrong and because every unpunished act of official corruption lowers the public estimate of the whole service, at the same time the reputation of every honest public servant is part of the assets of the Nation, and generous credit ought to be given to every man who faithfully performs the trust reposed in him.

I want to read you what John Morley said of the English Parliament:

For my part—

He says—

after 25 years of experience my strong impression is that * * * in manly conscientiousness, quick and sure response to high appeal, in public duty and moral feeling, in a strong feeling for fair play—that in these things the House of Commons has not deteriorated, but, on the contrary, has markedly improved.

Mr. Chairman, in my judgment that is true of the American Congress. [Applause.]

If I had my way I would not be anxious for far-flung boundary lines, but I would be anxious to widen the breathing space of American citizenship within our boundary lines—to try to prevent crowding and congestion—to try to get men to come out of crowded cities into the open country—to limit more and more the influx of undesirable immigration—to instill deeper patriotism and greater respect for our institutions, and to try to develop the sentiment of brotherhood among men.

Renan somewhere says:

What welds men into a nation is the memory of great deeds, done in common, and the will to accomplish more.

We have them—we have the memories of great deeds done in common—heroic memories stretching back to "Sea fights and land fights, grim and great, fought to make or save the State," and they are part of the heritage of every child born under the American flag. [Applause.] And we have the will to accomplish more against any foreign foe. But as Lincoln once said, if danger ever comes to us, it can not reach us from abroad. It must rise up from among ourselves.

The question whether government of the people and by the people will be able to continue to govern itself is no longer a far-off question; it is here.

On a lonely monument up in Birmingham churchyard, on the battle field of the Brandywine, there is an inscription taken from an address delivered by Lafayette at the Turks Head Inn, in 1825, which is just as applicable now as it was then:

"May the blood spilled by thousands with equal merit in the cause of independence and freedom be to ensuing generations an eternal pledge of unalloyed republicanism, Federal union, public prosperity, and domestic happiness." [Prolonged applause on the Republican side.]

Mr. PETERS. Mr. Chairman, for the first time in nearly 20 years the Democratic Party has control of the House of Representatives, and this Congress has given it the opportunity to show to the people of the country its sincerity and earnestness in carrying out its preelection pledges.

The turning of a majority of 45 in one Congress into a minority of over 60 in the next is a fact of deep political significance. [Applause on the Democratic side.] The results of the election showed that the people of this country were thoroughly aroused. One issue had been growing in their minds with greater and greater distinctness. With each succeeding year the cost of living increased and at a much greater ratio than the returns for labor. As the cost of living grew higher the people became more and more convinced that the exactions of the protective tariff were a predominant factor in producing the results against which they struggled. This feeling naturally resulted in a demand for the lowering of the tariff rates.

Against this demand the leaders of the Republican Party, controlled by the high-protective interests, stubbornly contested. Forced by necessity, however, and coming face to face with the last presidential campaign, they were obliged to yield and insert in their platform, as one of their promises to the people, that there should be a revision of the tariff. Such a revision was said by their candidate for the Presidency and by all the Republican speakers, to mean a revision downward. That the people had confidence in that pledge was shown by the results of the election.

Intrenched once more in power, however, that Republican majority ignored its promises and failed to materially lower the tariff rates. The people were shown conclusively that they could look for no relief from a revision of the tariff by the party of high protection. Stung with a realization of the ineffectiveness of their demand, the voters in the next congressional election turned from this party, which had tricked and betrayed them, and placed in power the Democrats.

That the tariff was the dominant issue in the Democratic success of the State elections for 1910 will be shown by a glance at the State platforms. In five of our leading industrial States, where the Democratic Party incorporated in their platforms vigorous protests against the inconsistencies of the Payne law and insisted on a revision of the tariff downward, Democratic governors were elected to succeed Republicans.

STATE PLATFORMS ON THE TARIFF.

Let me quote briefly from the tariff planks of these five States, Connecticut, New York, New Jersey, Indiana, and Massachusetts:

DEMOCRATIC PLATFORM OF CONNECTICUT.

We believe that an extension of the free list and a reduction in many of the rates * * * would advance the prosperity of the mass of our people without leading to any injustice to invested capital or any reduction in the wages of employees.

DEMOCRATIC PLATFORM OF NEW YORK.

The Payne-Aldrich tariff law * * * was a flagrant breach of faith by the Republican Party. * * * We declare our belief that only by an honest revision of the tariff downward * * * can this excessive cost of living be lessened and the necessaries of life again be brought within reasonable reach of the people of the country.

DEMOCRATIC PLATFORM OF NEW JERSEY.

* * * We charge that the Republican Party through the present unfair tariff * * * is largely responsible for the high cost of living now burdening our whole people.

DEMOCRATIC PLATFORM OF INDIANA.

We denounce the Payne-Aldrich tariff act as a masterpiece of injustice, involving remorseless exactions from the many to enrich the few.

DEMOCRATIC PLATFORM OF MASSACHUSETTS.

We demand the removal of taxes upon foodstuffs and other necessaries of life.

Quotations from other State platforms could be given, but these will suffice to show that the Democratic Party was elected in both Federal and State contests with a definite commission to perform.

With the issue of the tariff thus clearly presented the people in these five States not only elected Democrats for governors in place of Republicans, but sent to the Sixty-second Congress 46 Democratic Representatives where in the previous Congress there had been but 28. [Applause on the Democratic side.]

The Democratic House of Representatives, to which the constructive work of revising the tariff falls, went to work at the earliest possible moment to carry out its party pledges.

REVENUE DUTIES.

For over a year now I have had the pleasure, as one of the majority members of the Ways and Means Committee, of assisting in the preparation of bills which in a straightforward manner meet the party promises and which seek to lower the cost of the necessities of life and place in lieu of a high protective duty afforded to certain favored manufacturers the lowest duties consistent with producing an adequate revenue for our Government.

The difficulties of the situation have been met and the efforts of our committee have given effective expression to the purpose of our party to revise the tariff. That this has been done is in no small part owing to the untiring efforts and conscientious service, as well as to the character and ability of the chairman of our committee, the gentleman from Alabama [Mr. UNDERWOOD]. [Applause.] His unfailing tact, judgment, and the constructive leadership of himself and the Speaker of the House, the gentleman from Missouri, have enabled the Democratic Party to-day to point to tariff bills which are genuine revisions downward, and through their guidance the Democratic majority has so conducted itself as to win public confidence and approval. That such confidence will extend to greater responsibilities for the Democratic Party in the future seems assured. [Applause on the Democratic side.]

THE COST OF LIVING.

The ever-increasing cost of living brought home to our people the absolute necessity for calling a halt on the protective exactions of the Republican tariff. The present great advance in prices has been continuous since the year 1896. Bradstreet's Index Number shows an increase, from 1896 to the present date, of a little over 51 per cent in cost, or about 3.2 per cent a year. Even comparing February 1, 1912, with January 1 of the same year, we find that the Index Number works out a rise of a fraction over 1 per cent, though it is a drop of two-tenths of 1 per cent over December, 1911. It is, however, an increase of 2.1 per cent from February 1, 1911. This advance in prices diminishes the power to purchase of every wage earner and renders the struggle to obtain the necessities of life increasingly hard.

The prime necessities of life are food and clothing. In both of these the prices to the consumer has constantly increased, and in each case is fairly representative of the general increase of prices throughout the country at large. The prices of these articles are affected by the tariff rates in several ways. Certain of the products, more particularly clothing, have placed on them high duties, which in many instances give the manufacturers complete control of the American market. The fact that of the entire consumption of clothing in this country only 3 per cent of our woolen clothing and 6 per cent of our cotton clothing is imported shows that the duties on that commodity gave to the domestic manufacturers practically exclusive control of our market. In food products, while many of them are exported, yet those exportations are constantly decreasing in volume. The demand is rapidly overtaking the supply, and it is but a few years before many of them will cense altogether to be exported.

COMMISSION ON COST OF LIVING.

So insistent has become the demand for relief that the President sent a message to Congress on February 2, 1912, and recommended an appropriation to enable him to invite foreign governments to a conference on the subject, with which object I entirely agree. He says, in part, in his message:

> For some years past the high and steadily increasing cost of living has been a matter of such grave public concern that I deem it of great public interest that an international conference be held at this time for the purpose of preparing plans to be submitted to the various governments for an international inquiry into the high cost of living, its extent, causes, effects, and possible remedies.

The Democrats took steps to end one of the causes of the increasing cost of living in this country, and had the President seen fit to sign instead of to veto the Democratic tariff bills there would not now be so pressing a need for a commission on this subject. Even a commission on the cost of living composed of protectionists can not justify a tariff on food products.

My own State of Massachusetts appointed a commission on the subject of the high cost of living, and I wish to quote from its report (Mass. House, 1910, Doc. 1750, p. 384):

> But the tariff was never meant to apply seriously to the food of the people, save for the development of such industries as the growing of fruit in Florida or beets for sugar in the West. From the first it was designed to create and preserve manufacturing industries. The odium of the corn laws need but be suggested to show how obnoxious would be a serious tax on food. If we have reached the point where it is of real importance to us to have the product of the farms of the North, as well as that of the farms of the West, no tariff hindrance can be endured.

And, again, on page 530:

> It is not probable that the removal of the duty on farm products would diminish by a penny the wage rate of farm laborers anywhere in the United States. That rate is determined by the competition of the mill and the attractiveness of the city. * * *
>
> It is not our belief that removal of the tariff on the staple articles of food would speedily and greatly reduce the cost of living. The same causes are making food high in all the civilized world, and the difference between wholesale prices is not enough to warrant the expectation that a policy of what, for brevity's sake, would doubtless be called "free food" could change international transactions greatly and at once. Its importance comes from the fact that we are soon going to buy a material part of our food outside our own limits. It would further have the very beneficial consequence of removing what chance may now exist to "corner" food products—a chance that puts the public at the mercy of the speculator and the trust. To some extent, also, it would lessen our dependence on the seasons and the weather. Bad harvests rarely occur over all the world.
>
> We submit, therefore, that it is a wise, economic policy to give the people free access to those articles of food that call for the bulk of the expenditure of the masses. For purposes of revenue it may be wise to tax somewhat the comforts, and the heaviest duties should be levied on the luxuries, but the food necessities of life should be "free."

In carrying out its pledges to reduce the cost of necessities the Democratic Congress has passed bills which, among other important items, place on the free list the following necessities of life, and I have placed opposite them the taxes which the people now pay as imposed on them in the Payne-Aldrich Act:

Fresh beef, 1½ cents per pound.
Fresh mutton, 1½ cents per pound.
Fresh pork, 1½ cents per pound.
Hams, 4 cents per pound.
Bacons, 4 cents per pound.
Lard and compounds, 1½ cents per pound.
Sausage (except bologna), 25 per cent.
Flour, 25 per cent.
Bread, biscuits, wafers, 20 per cent.
Buckwheat flour, 25 per cent.
Oatmeal, 1 cent per pound.
Salt, 33 to 80 per cent.
Sewing machines, 30 per cent.
Lumber (average on rough and dressed), $2 per thousand feet.

COST OF FOOD.

The United States Commissioner of Labor has compiled a table showing the average cost of the various articles of food consumed by 2,567 average-size families.

Average cost of the various articles of the food consumed in average family of United States.

[Compiled from eighteenth report United States Commissioner of Labor. The statistics are based on returns secured principally in 1901 from 2,567 families of the average size of 5.31 persons.]

Articles.	Unit of measure.	Quantity.	Average cost.	Per cent of total expenditures.
Fresh beef	Pounds	249.7	$50.05	15.31
Salt beef	do	48.6	5.26	1.61
Fresh hog products	do	114.2	14.02	4.29
Salt hog products	do	110.5	13.89	4.25
Other meat	do	77.7	9.79	2.99
Poultry	do	67.7	9.49	2.90
Fish	do	79.9	8.01	2.45
Eggs	Dozens	85.2	16.79	5.14
Milk	Quarts	354.5	21.32	6.52
Butter	Pounds	117.1	28.76	8.80
Cheese	do	16.0	2.62	.80
Lard	do	84.4	9.35	2.86
Tea	do	10.6	5.30	1.62
Coffee	do	46.8	10.74	3.28
Sugar	do	268.5	15.76	4.82
Molasses	Gallons	3.6	1.69	.52
Flour and meal	Pounds	680.8	16.76	5.13
Bread	Loaves	252.7	12.44	3.81
Rice	Pounds	25.1	2.05	.63
Potatoes	Bushels	14.7	12.93	3.95
Other vegetables			18.85	5.77
Fruit			16.52	5.05
Vinegar, pickles, and condiments			4.13	1.26
Other food			20.40	6.24
Total			326.90	100.00

MEAT.

From this table it is seen that fresh beef and meat products amount to 28.45 per cent of the total expenditures. Under the present Payne-Aldrich Act these products pay an average duty of 21 per cent. The Democratic bill proposes to place them on the free list.

SUGAR.

In addition to this, the bill recently reported by the Ways and Means Committee and which the House passed two weeks ago

by so overwhelming a majority, takes from sugar its present tax and places it on the free list as well.

The following table shows the amount of dutiable and nondutiable sugar consumed for the fiscal years 1889-90, 1907-8, and 1910-11:

Amount, in pounds, of dutiable and nondutiable sugar for fiscal years of 1889-90, 1907-8, and 1910-11.

	1889-90	1907-8	1910-11
Free of tax	552,000,000	3,247,000,000	3,700,000,000
Taxed at reduced rate		2,491,000,000	4,180,000,000
Paying full duty	2,607,000,000	1,045,000,000	263,000,000
Total supply	3,159,000,000	6,783,000,000	8,143,000,000

THE SUGAR DUTY.

It will be seen by this table that in the eighties practically five-sixths of the sugar consumed in this country was imported and paid the full rate of duty. To-day, in contrast, we find that between one-third and one-half of our supply of sugar pays no duty whatsoever, and that a little over one-half pays a duty at a reduced rate—20 per cent off. But one twenty-fifth of the sugar consumed paid the full duty during the last fiscal year.

CHANGE OF CONDITIONS OF SUGAR.

There has been, then, a complete turn within the last 25 years in the amounts of duty-paying and duty-free sugar. It is obvious that if free sugar were desirable under the McKinley tariff law of 1890 we have a very much stronger claim to free sugar to-day.

Let us see what has been the real significance of this change in the relative amount of sugar paying full duty. In brief, this change means that in the eighties practically the whole tax paid by the consumer of sugar went into the United States Treasury, while to-day about one-third of the bonus paid by the consumer for his sugar goes toward making up the Federal income; the balance—that is, the remaining two-thirds—goes into the pocket of the producer. In other words, we are taxed $3 every time we raise $1 of revenue.

Mr. BATES. Mr. Chairman, will the gentleman yield?

Mr. PETERS. With pleasure.

Mr. BATES. I have not been able to avail myself of the privilege of hearing the entire speech of the gentleman from Massachusetts, but I would like to ask, in his opinion, whether the passage of the House bill taking the tariff off sugar will give any benefit whatever to the consumer?

Mr. PETERS. Mr. Chairman, I think it will give an enormous benefit to the consumer, and no better evidence or assurance of that could we receive than to say that in the nineties, when we had free sugar under the McKinley bill, there was a fall in price to the consumer almost exactly equal to the tax which that bill took off sugar at the customhouse. [Applause on the Democratic side.]

Mr. BATES. No. On the other hand, Mr. Chairman, let me further ask the gentleman from Massachusetts, Was that not due to the fact that there were heavier crops those years, and, as a matter of fact, does not the yield of sugar and the manipulation of the sugar producers and the middle men control the price of sugar to the consumer the world round, without reference to the tariffs in this country or any other country?

Mr. PETERS. No better aid could be given to the manipulation of the price of any commodity than to have a tariff put upon that commodity; and if there is manipulation of the price of sugar in the United States by reason of the tariff there is likely to be much less manipulation when sugar is free, for then we can buy it in all the markets of the world, which makes it impossible to corner the local market. [Applause on the Democratic side.]

Mr. BATES. No. Mr. Chairman, if the gentleman will further permit me, the price of sugar is fixed, not with relation to the market of the United States, but with relation to the market of the world. For instance, is the gentleman aware that the same grade of coffee which is sold in the United States from Brazil is also sold in Germany, with a tariff paid, at a less price than it is sold here, where coffee is under free trade?

Mr. PETERS. The price will be the result of the supply and demand.

Mr. BATES. I think so.

Mr. PETERS. If we have here a tariff, the imported sugar which we buy in the world's market at Hamburg will come into this country, and the purchaser here will pay the Hamburg price plus the tariff rate which we impose on sugar, plus also the charges for bringing it from Hamburg here; and as long as we have to import part of our sugar, on which we pay full duty, that imported sugar will fix the price of all sugar to the American consumer.

Nothing can show that more conclusively than a study of the table of sugar prices in the nineties. When we had free sugar there was an immediate drop equal to just about the tariff rate which had been taken off that commodity.

Mr. Willett, of Willett & Gray, in his testimony before the Hardwick committee (Hearings, p. 3140) testified that the price of granulated sugar under the protective rates from 1886 to 1889 averaged 6.69 cents per pound, and under the free raw sugar of the McKinley bill, 1891-1893, fell to 4.41 cents per pound.

Mr. UNDERWOOD. Mr. Chairman, if the gentleman will allow me to make the suggestion, the difference of the price of sugar in this country and Hamburg market is equal to the difference of the tariff rates at present.

Mr. PETERS. A perfect and complete answer.

Mr. BATES. Mr. Chairman, one other suggestion, if the gentleman from Massachusetts will good-naturedly allow me. I have been in grocery stores and seen barrels of sugar unheaded, and the first thing that greets the eye of the grocer and bystander is a placard in red paper with black letters, "This sugar costs so much per pound. If it were not for the tariff levied by the United States Government it could be sold to the consumer at so much per pound"—at less, of course. Now, that placard is put there by the sugar refiners, and that is one additional proof to the statement which has been widely made that this movement to get up blank petitions and send them to people to sign and send to myself and other Members of Congress originated with the sugar refiners, and it has raised a very grave doubt in my mind whether we are not by the proposed legislation taking $53,000,000 out of the Treasury of the United States and handing it over as a present to these trusts and monopolies, who fix the price of sugar here and the world around.

Mr. PETERS. Well, if the gentleman will allow me, I am trying to show the effect of this tariff on the consumer, and I hope to relieve the gentleman's mind from that suspicion.

Mr. BATES. I shall be very glad to follow the gentleman further in his argument, and I thank the gentleman for allowing the interruption.

Mr. PETERS. The condition of affairs will be perfectly clear when one realizes that the price of all sugar to the consumer is the same, whether he buys sugar grown and refined in Europe, which sugar pays the full duty of $1.90 per hundredweight, or whether he purchases sugar grown in Cuba and refined in the United States, which pays the regular duty, less 20 per cent, or whether he buys sugar grown in the Philippines or in the Hawaiian Islands or in Porto Rico or in the United States, which pays no duty whatsoever. We all pay the same price at the corner grocery for our sugar, wherever it is grown. The reason for this is that the Hawaiian, the Porto Rican, the Filipino, and the local producer can furnish us with less than one-half the sugar which we need. We therefore go to Cuba, which is in a position, by reason of its 20 per cent reduction in the duty, to send sugar to the United States at a lower price than can European countries, which pay full duty. But after we have purchased all the sugar to be had from the small island of Cuba we are still short and are obliged to draw upon the products of European countries against whose sugar we collect full duty. The producer in the favored islands—Philippines, Hawaii, Porto Rico, and Cuba—and the domestic producer know that we must purchase a certain amount of sugar elsewhere, on which we have to pay the entire duty. The island and the domestic producer realizes, therefore, that all that they need to do is to offer their sugar at a price just a trifle under the price of sugar abroad, plus the regular rate of duty, and that America, which must have sugar, will take all that they have to offer.

PRICE OF SUGAR.

The price of all our sugars is, therefore, about $1.90 per hundred pounds higher than it would be if all sugar were duty free. The Filipino and the Hawaiian and the Porto Rican producer, who pays no duty, keeps the $1.90 for himself; the Cuban, who pays 80 per cent of the duty, keeps one-fifth of the $1.90 per 100 pounds—all this is paid by the American consumer.

BURDEN OF SUGAR TARIFF OUTWEIGHS ITS BENEFIT.

It will be of interest to examine the following table and see the results of the present tariff on sugar. The table shows the benefit to the Treasury and to the producer and the cost to the consumer. To the domestic producer we pay about $30,000,000 annually, or a bounty of about 2 cents a pound on all the sugar that he raises. To the islander—the Cuban, the Hawaiian, the Filipino, and the Porto Rican—we pay over $50,000,000; or in all we pay about $90,000,000 excess profits to the producer, in order to realize revenue of about half that amount, $52,000,000. Certainly this is too expensive a form of subsidizing the industries of this country and our insular protectorates.

Estimated benefit of tariff duty on sugar to the Treasury and to the producer and the resulting cost to consumer.

1. Benefit to Treasury: Total duty collected on sugar for year of 1910–11		$52,496,000
2. Benefit to producer, distributed as follows:		
A. Island producers—		
Cuba (20 per cent of $1.90 times 41,800,000 cwt.)	$15,884,000	
Hawaii ($1.90 times 10,670,000 cwt.)	20,273,000	
Porto Rico ($1.90 times 6,400,000 cwt.)	12,600,000	
Philippines ($1.90 times 3,300,000 cwt.)	6,270,000	
Total benefit to island producers		$55,027,000
B. Domestic producers—		
Beet sugar ($1.90 times 9,790,000 cwt.)	18,601,000	
Cane sugar ($1.90 times 6,840,000 cwt.)	13,806,000	
Total benefit to domestic producers		32,497,000
Total island and domestic		87,524,000
3. Total cost to consumer		140,020,000

A very conservative estimate of the amount saved to the consumers by this bill would be 1½ cents a pound on the consumption of 7,633,000,000 pounds, or about $115,000,000.

CLOTHING.

Not only by bills reducing the price of food have the pledges to reduce the tariff been carried out, but every attempt has been made to lessen the price of clothing as well. The woolen schedule, Schedule K, has received the most general criticism and condemnation of all the schedules. Woolen clothing enters into the consumption of everyone in this country, and the importance of reducing these articles to the consumer was keenly felt by the committee. The average rate of duty of manufactures of woolens for the last year was 90.12 per cent. The wool bill recommended to this House, which is similar to the bill introduced and passed at the first session of this Congress, proposes to reduce these rates to 42.55 per cent, and effects an average reduction in the entire schedule from 59.23 per cent to 31 per cent. This reduction includes such necessities of life as women's and children's dress goods, the rates on which are lowered from 102.85 per cent to 45 per cent; blankets from 73.42 per cent to 30 per cent; flannels from 103.87 per cent to 30 per cent; and a total average reduction on wearing apparel from 81.31 to 45 per cent.

A revision of the cotton schedule made a reduction scarcely less in importance. The total duties on manufactures of cotton, in Schedule I, were decreased from an average ad valorem rate of 48.12 per cent to a rate of 27.6 per cent.

These bills have been followed by bills revising the chemical schedules, which reduced the average rate of 25.72 per cent on chemicals to 16.66 per cent. Most of the articles in this schedule are not themselves directly used by consumers, but they enter into many of our manufactures, and a tariff on them tends to increase the cost to the consumer.

A bill revising the steel schedule reduces the average rate of duty from 34.51 to 22.42 per cent.

WAGES AND THE TARIFF.

That the tariff itself increases the price to the consumer can not be questioned. The manufacturers, however, endeavor to impress the wage earner that a high tariff means high wages, and that in some way the wages of the operatives depend directly upon the percentage rate of protection that is applied to the industry. I have compiled a table based on the report of the statistics of labor for my own State of Massachusetts for 1908, and have arranged the leading Massachusetts industries, first, by the average yearly wage of the operatives, and then by the average rate of protection which they receive. It will be seen that the average rates of wages bear no relation to the average rate of protection given the industry. Worsteds and woolens, which have the highest protection, 90 per cent, is sixth in the average wage of employees; silk, which is second in the rate of protection accorded it, is eighth in the average return of its employees, and boots and shoes, which item is last in amount of protection, pays third from the highest wage.

This table, of course, does not permit of a positive conclusion. It is presented here simply to show the absolute independence of wages and tariff rate:

Table showing independence of wages paid and protection received.

Leading Massachusetts industries.	Average wage per year.	Number employed.	Present average ad valorem duty.	Same industries arranged in order of protection received.
1. Foundry and machinery	$601	31,112	34 per cent (total iron and steel manufactures)	Worsted and woolen goods, 90 per cent.
2. Chemicals	588	1,047	26 per cent	Silk manufactures, 54 per cent.
3. Boots and shoes	562	69,250	10 per cent	Cotton goods, 48 per cent.
4. Rubber goods	498	5,763	35 per cent (n. s. p. f.)	Rubber goods, 35 per cent.
5. Paper and wood-pulp	490	11,390	29 per cent (total manufactures of paper)	Foundry and machinery, 34 per cent.
6. Worsted and woolen goods	480	41,969	90 per cent (average for total manufactures of wool).	Paper and wood pulp, 29 per cent.
7. Cotton goods	439	90,935	48 per cent (average for total manufactures of cotton).	Chemicals, 26 per cent.
8. Silk and silk goods	429	3,235	54 per cent (average for total manufactures of silk).	Boots and shoes, 10 per cent.

[1] Statistics showing wages and number of employees compiled from tables on pp. 135 and 137 of Scott Nearing's book on Wages in the United States, 1908–1910.

VETO OF BILLS.

The Democratic Congress passed the bills I have mentioned and so did its part toward removing the exactions of a high protective tariff. The bills which our committee brought in passed at the first session of the Congress, went through the Senate, and in modified form came to the President for his signature, and were all vetoed on the grounds, substantially, that no report of the Tariff Board had been made on those industries. Rumor gives to their successors, should they reach him, a similar fate. In his veto message of August 17 of the wool bill, the President quoted from his message to Congress on December 7, 1910, as follows:

> I believe that the work of this board will be of prime utility and importance whenever Congress shall deem it wise again to readjust the customs duties. If the facts secured by the Tariff Board are of such a character as to show generally that the rates of duties imposed by the present tariff law are excessive under the principles of protection as described in the platform of the successful party at the late election, I shall not hesitate to invite the attention of Congress to this fact and to the necessity for action predicated thereon.

And later, in the same message, the President said:

> When I have the accurate information which justifies such action, I shall recommend to Congress as great a reduction in Schedule K as the measure of protection, already stated, will permit. The failure of the present bill should not be regarded, therefore, as taking away the only chance for reduction by this Congress.

The majority views of your committee on this attitude were expressed in its report on House bill 11019, in which it said:

> It would be trifling with the people to give further consideration to Republican counsels of more delay in this matter, whether with regard to statistical data concerning cost of production, promised at a future date, or for any further reason.

The report of the Tariff Board on Schedule K was finally made and was sent to the House on December 20, 1911, with a message, in which the President says:

> On the basis of these findings I now recommend that the Congress proceed to a consideration of this schedule with a view to its revision and a general reduction of its rates.

The majority members of the committee took the hope held out by the President on August 17, and despite the difficulty of reconciling the views of protection and of revenue tariffs, made a careful analysis of the Tariff Board's report. As a result of this study the committee again recommends the same bill it passed before, and that bill is now before us for consideration and will undoubtedly again receive the overwhelming indorsement of the House.

THE TARIFF BOARD REPORT.

A study of the report shows the futility of attempting to deduce revenue rates from a report which is based solely on investigations along the line of discovering the difference in the cost of production. The important person in our minds is the consumer, and no information is contained in the report of the Tariff Board as to the cost of an article to the consumer.

The wool report of the Tariff Board was disconcerting to those who have opposed any change in the Payne tariff law. The cotton report, made to this House and now being printed, is even more so. Whatever may be deduced from these reports, they demonstrate the impossibility of arranging a tariff on the

basis of the difference in cost of production, the basis set forth in the last Republican platform, and which the protectionists have recently tried to stand on. Weary of the trading of the old tariff system, the Republican Party thought in this new war cry it had secured a fresh prop for the failing fortunes of protection. A single quotation from the cotton report shows the futility of attempting to fix a rate based on this evershifting factor:

Taking all the mills covered by the investigation of each country, there were wider variations in the American costs secured than in the English costs, due partly to the fact that the English mills were all in the Manchester district, where wages and other conditions are well standardized, while the American costs were taken from mills covering a much wider area, with much greater differences of labor and other conditions. Another reason for the wider variations in American costs is that the English mills for which figures were secured are of a modern and efficient type, while some of the American mills included were old and of low efficiency.

The inclusion of some American mills that were "old and of low efficiency" certainly may explain the "wider variation in American costs" and is no doubt an interesting matter of statistical fact. It also shows conclusively the utter impossibility of deciding on what we shall take as the American standard for cost. How much are we to-day paying to support concerns in all directions that need the tariff tax on the people to keep them going? This very report shows that in the cotton industry in many instances the American labor cost per unit of product is less than the foreign in spite of our higher wages. This is owing to the superior efficiency of American labor and organization. It also shows that the incomparable low wages of the Japanese workmen, on account of their lack of effectiveness, produces a labor cost only slightly lower than ours.

Why should the people of this country, by levying a protective tax sufficient to protect the inefficient and poorly equipped factories, lose the full benefit of superior efficiency where it exists? We must also remember that the wage to the American workman has far less purchasing power than that of his English or Japanese competitor. He has to purchase in a market in which the prices are artificially raised by the tariff barriers, which take from one of his pockets far more than they put into the other.

CONCLUSION.

Mr. Speaker, in the election of the last Congress the people of this country demanded in no unmistaken terms a downward revision of the tariff. Such a revision has been accomplished, so far as the action of their Representatives in this House is concerned. That such a revision is not complete and that the people still have placed on them the exorbitant protective rates of the Payne-Aldrich bill is owing to the veto of the Executive. In the hands of the Republican Senate and Republican President rests the responsibility for failure to enact into law the people's wishes.

No more clear issue could be presented to the people of this country than the Payne-Aldrich bill, drawn on the principles of protection, and the bills offered by Mr. UNDERWOOD, which are drawn on the principles of revenue and in the interests of the consumer. The people have repudiated the principles of Republican protectionism, have elected a Democratic House of Representatives, and now await the moment when they may elect a Democratic President. [Loud applause on the Democratic side.]

The CHAIRMAN. The gentleman from Massachusetts has consumed 45 minutes. The Chair desires to call to the attention of the gentleman from Massachusetts the fact that under the plan we are proceeding he can not yield back any time. There is no one to yield time to, but the gentleman can simply abandon it; or if some one else on his side desires to use that 15 minutes, he can do so.

Mr. PETERS. I reserve the balance of my time.

MESSAGE FROM THE SENATE.

The committee informally rose; and Mr. RUSSELL having taken the chair as Speaker pro tempore, a message from the Senate, by Mr. Platt, one of its clerks, announced that the Senate had passed joint resolution of the following title, in which the concurrence of the House of Representatives was requested:

S. J. Res. 93. Joint resolution authorizing the Librarian of Congress to furnish a copy of the daily and bound CONGRESSIONAL RECORD to the undersecretary of state for external affairs of Canada in exchange for a copy of the Parliamentary Hansard.

The message also announced that the Senate had passed, with amendment, bill of the following title, in which the concurrence of the House of Representatives was requested:

H. R. 1. An act granting a service pension to certain defined veterans of the Civil War and the War with Mexico.

THE WOOLEN SCHEDULE.

The committee resumed its session.

Mr. LONGWORTH. Mr. Chairman, I yield three minutes to my colleague [Mr. SWITZER].

The CHAIRMAN. The gentleman from Ohio is recognized for one hour, and he yields three minutes to his colleague [Mr. SWITZER].

THE RAW-WOOL PRODUCT OF OUR COUNTRY—THE FARMERS' FINISHED PRODUCT.

Mr. SWITZER. Mr. Chairman, the Tariff Board report discloses that it costs more to grow wool in the United States than in any foreign country, and that it costs more to produce wool in the State of Ohio and the contiguous territory than it does anywhere else on earth. But while that is true, we would have you recollect that we produce the best wool on earth. We not only produce the best material out of which to make the clothing for the people of this Nation, but we produce the best material to make rulers for the Nation, and our last product, our last addition to the long line of Presidents of this Nation is the best. There are a great many people of this country who are coming to the conclusion that President Taft is hard to beat. [Applause on the Republican side.]

Mr. Chairman, I shall address my remarks chiefly to that part of the proposed legislation under consideration which bears directly on the raw-wool product of this country—the farmers' finished product.

This is a matter of the utmost importance to the people of my State, and especially so to a considerable portion of the agricultural class of my district.

It is important to the nearly 5,000,000 people of Ohio for the reason that any material depression of one of our leading industries or its extinction not only directly affects those engaged in the industry so depressed or annihilated, but its far-reaching and disastrous consequences are noticeably felt by all other classes of our citizens.

And I assume that what is true respecting the sheep-raising industry of Ohio is equally true respecting this great industry in nearly all of our Northern and Western States, as well as several of those of the Southland.

My observation during my short experience as a legislator leads me to believe that articles are placed on the free list of our tariff law solely by the grace of arbitrary, despotic force. Certainly no person can successfully contend that the proposed addition of sugar to the free list of our tariff law is the logical sequence of any well-considered revenue policy.

On the other hand, no so-called tariff-for-revenue measure has ever been proposed, to my knowledge, but what has always contained manifest discriminations in its proposed tariff rates. Along with all such measures there is usually to be found much protection lurking, accidentally or incidentally, within its innocent-looking folds.

And, upon the whole, I have failed to find any improvement in this respect in the proposed revision of the tariff on the part of our Democratic friends by the piecemeal plan.

During the first session of this Congress, on the floor of this Chamber, the gentleman from Pennsylvania [Mr. MCHENRY] stated:

We have heard much argument about this school and that school of the tariff, about this fundamental principle and that fundamental principle, but the only school we recognize or the only principle we will adhere to will be that principle which works for the good of the great mass of the people of the United States.

As this statement met with universal applause on the majority side of this body, I take it to be an ideal exposition of the present-day Democratic position on the tariff question. It is undoubtedly exceedingly illuminating. It assumes that Democracy is endowed with that peculiar foresight which enables it to readily discern just what will work for the future good of the masses of our people.

But of this assumption I am somewhat skeptical. I would like for some one, after taking a retrospective view of the sheep industry of this country, to demonstrate just in what way free wool worked for the good of the masses of our people under the Wilson-Gorman law. And if it failed to work for the good of the masses then, what assurance have we but that it would be a failure now?

What assurance have we that if the known protective duty on raw wool be removed and a measly tariff-for-revenue only be substituted therefor but that the consequences will be as disastrous as in 1896? None whatever but the assurance of that party which wrecked the country and finally itself in 1896.

Democracy scattered the shepherds' flocks to the uttermost parts of the earth under the Wilson-Gorman law; and now, after 16 long years, you have mustered up sufficient courage to again face this rehabilitated fold; but you come up to the scratch with much fear and trembling.

There have been rumblings of party discord concerning the advisability of again laying violent hands upon the frolicsome animal that proved such a boomerang to your party in 1896. To many of your old "war horses" throughout the Central and Western States "free wool" revives unpleasant recollections of a disastrous political past and chills the very marrow in their bones.

And as a result of your internal strife and nervous fright you have again reported a bill which not only rings the death knell of the sheep industry of this country, if enacted into law, but takes down with it the textile woolen industry, employing 168,239 persons and paying an annual wage of $79,214,000.

During the debate on the reciprocity and free-list measures at the first session it was frequently asserted by gentlemen on the other side of this Chamber that the American farmer had to sell his products in the free-trade markets of the world and that he was compelled to purchase his farm implements and machinery and practically all his necessities other than those produced by himself in a highly protected market.

This was reiterated so often and with such vehemence as to give it the impress of absolute sincerity, and it was one of the chief reasons given for urging the passage of the free-list bill.

Now, I desire to call the attention of my "tariff-for-revenue" friends to the fact that the wool product of the American farmer is not sold in the free-trade markets of the world, but, on the contrary, practically every pound of it is sold in our home-protected wool market.

The sheep-raising industry is a very peculiar industry; so much so that in my opinion it stands in a class to itself. And it seems to have strongly appealed to your notion of incidental protective relief. And while you profess to levy a tariff for revenue to meet the alleged extravagant expenditures of the party in power during the past 14 years, you are praying long and hard that some calamity may overtake the foreign sheep raiser, or something may happen which will enable you to demonstrate to the American woolgrower that your strictly revenue duty on imported raw wool has afforded him full and adequate protection.

Wool is unlike wheat or some agricultural product which we produce in much larger quantities than necessary to amply supply our needs and demands.

While we can and do produce wool, yet we produce only about two-thirds of the quantity our factories consume.

So it must be apparent to every fair-minded person that this important product of the farm is necessarily sold in our American-protected wool market.

If I am correctly informed, our factories consume about 500,000,000 pounds of wool annually, and we produce somewhere in the neighborhood of 300,000,000 pounds. We therefore not only consume the whole of our own production but an additional 200,000,000 pounds of imported wool, upon which we derive an annual revenue of about $20,000,000—a large sum, and which will be much needed should the majority side of this body succeed in having enacted into law their proposed free sugar and similar bills.

As I understand it, it is proposed to divert from a protected market to a free-trade market the wool product of the farmer, having an annual value of upward of $60,000,000, and the American farmer and sheep raiser who has his all invested in this great industry will not only be driven to the wall, his property confiscated, and an important industry destroyed, but he and his thousands and thousands of employees will be driven into other overcrowded fields of labor and compelled to embark in other overcrowded business enterprises and thereby make competition the more strenuous where it is not needed, to the great detriment of the masses of our people. The proposed bill spells ruination to the American woolgrower for the reason that all experience conclusively shows that this industry can not thrive in this country without adequate protection.

Certainly there has been no demand made on Congress by our woolgrowers, or any noticeable part of them, to have this product exposed to the tender mercies of a free-trade wool market.

It is an industry that should not only be fostered and encouraged but built up to such an extent as to make us independent of all other nations of the earth.

It was asserted by the gentleman from Alabama [Mr. HOBSON] in a speech on the free-list bill during the special session that the true foundation of protection, as enunciated by the fathers who inaugurated the protective policies in this country, can be expressed in few and simple words, "Protection to infant industries."

And, as I understand it, he favors a protective policy of this kind. And further along in his speech he expressed his sentiments on the question of protection in the following words, to wit:

> Protect a legitimate industry up to a point where the industry fills the home market, but at that point protection should end. There might be an exception in the case of a product necessary to make our country independent of the rest of the world, for which we have not the natural conditions for competition, where protection would have to be permanent, but this would apply to few, if any, of our great industries.

Applying the foregoing principles, there should be a protective duty on wool for at least two reasons:

First. Our wool product is yet insufficient to supply or fill our home market.

Second. A product, like wool, which furnishes material for the clothing of the Nation, is certainly of sufficient importance as to require its development and production to such an extent as to make us independent of the rest of the world. And as our competitors in the production of raw wool enjoy to a high degree more favorable natural conditions for its production, it is clear that in order to be independent of the world there must be a permanent protection afforded our domestic woolgrowers.

It has been claimed by many Democrats for years that the tariff levied on farm products under the Dingley law and the Payne law did not afford any protection to the product claimed to be protected by the framers of the bills.

Granted for the purpose of argument that in many instances no protection was thereby afforded, yet it is clear and indisputable that the present and past tariffs on wool have afforded protection to this product. Now, what reasonable excuse can be given for removing it?

Certainly it can not be on the theory that the American farmer is selling wool too high, for the price of domestic wool was lower last year than it has been for years.

The average cost of producing a pound of fine wool in the Ohio region is 19 cents, and the average cost per pound to produce fine wool throughout the United States is 12 cents.

Similar wools can be produced in South America at a cost of 4 to 5 cents per pound, and in Australasia at a much lower cost. As the average cost per pound of producing wool of all grades and varieties throughout the United States is 9½ cents per pound, there can be no question as to the ultimate result if this product is admitted from foreign countries duty free, or if the domestic industry is not sufficiently protected.

As illustrative of the accuracy of the Tariff Board report as to the cost of producing Ohio wool I desire to submit a letter, written me by a sheep raiser of long experience, Mr. F. H. Parker, of Rutland, Ohio, bearing date of June 12, 1911:

Hon. R. M. SWITZER,
House of Representatives, Washington, D. C.

DEAR SIR: I take pleasure in acknowledging the receipt of your letter of the 7th instant, soliciting information in regard to the "cost of raising sheep and cost of production of wool," and of submitting the following estimate in reply. I beg leave to offer my own flock of 145 head of sheep as an example, four months of feeding from December 1 to April 1, and eight months of pasture, allowing during the feeding season 1¾ pounds of hay and ½ pound of grain per head per diem:

To hay 4 months, at 50 pounds each per month, 29,000 pounds, at 50 cents per hundredweight	$145.00
To grain 4 months, at 15 pounds each per month, 8,700 pounds, at 1 cent per pound	87.00
To pasture 8 months, at 10 cents each per month	116.00
To tagging and shearing, at 8 cents per head	11.60
To hired hands—feeding, housing, and care, 4 months	40.00
Total	399.60
By 1,160 pounds unwashed wool, at 25 cents per pound	290.00
By 30 head lambs or mature sheep sold	100.00
By 10 tons of manure, at 90 cents per ton	9.00
	399.00

In northern Ohio, I think, one month more of feeding, less one month of pasture, should be added.

In this account no estimate has been made of loss occasioned by death of sheep by accident, old age, or disease, nor of time and expense involved in the treatment of sick ones, nor of time lost on chasing after the predatory dog.

Where, pray tell, is the owner's salary to come from, and the taxes, repairs, and interest on the investment?

In my opinion, any such reduction in duty as contemplated in the report of the Ways and Means Committee of the House of Representatives would be ruinous to the woolgrowing industry, as was the case during the early nineties under the administration of the Wilson bill.

Respectfully,

F. H. PARKER.

This letter shows it costs 25 cents per pound to produce raw wool in Ohio, and upon this proposition Mr. Parker is corroborated by half a dozen large woolgrowers of his county, whose letters I have in my possession. Mr. Parker's computation includes an item of $40 for labor in feeding, housing, and caring for his flock of 145 sheep; and his item for grain consumed is based on the market price, while the estimate of the Tariff Board is based on the actual cost of producing the

grain fed. The board offsets the cost of labor in caring for the flock by the benefits derived from the sheep keeping the farm clear of weeds and the fertilizing value of the flock.

So, deducting the cost of labor and putting the grain item in Mr. Parker's estimate at the cost of production, it will show a cost of about 19 cents per pound to produce his wool. Therefore it is very evident to me that the Tariff Board, in its estimate, has resolved all doubts against the woolgrower and have followed those methods which show the lowest cost per pound possible to produce wool, and that their results are exceedingly accurate. The Tariff Board report is based chiefly on conditions existing in 1909 and 1910. The sheep industry suffered a great depression during the past year; and as a large portion of last year's clip sold from 16 cents to 20 cents per pound, and as sheep and lambs also depreciated in value, those engaged in the industry in Ohio—or, at least, nine-tenths of them—lost money during the past year; and, generally, throughout the country woolgrowers suffered severe losses.

The Tariff Board report shows that the Ohio farmer, or woolgrower, made a profit of 45 cents to 55 cents on all the wool used in making a suit of clothes in 1910; certainly no consumer of woolen cloth will contend that this is an unreasonable or exorbitant profit; but as the Ohio farmer or woolgrower during the past year furnished the wool for a suit of clothes at about cost—in other words, donated his profits, his compensation for his labor, and capital employed in the industry—I fail to see any valid complaint that the ultimate consumer can lodge against the farmer; and it is not just for our Democratic friends to now impose on the past year's liberality of our woolgrowers by insisting that they make further donations on their part or surrender their industry as a sacrifice to the fallacious doctrine of free trade.

It is apparent from the Tariff Board wool report that American raw wool has not been receiving the full protection intended by the framers of the existing tariff law, for the reason that the rates of duty on imported wool are based on a fallacious assumption, and it has been easy for importers of foreign wool to circumvent the law, and by a scheme of "skirting" wool they have been able to greatly increase the advantages in their favor, arising from the unequal shrinkage of home and foreign wool. The report discloses that our rates of duty on imported wool are based on the assumption that all wool will shrink 66⅔ per cent, when, in fact, Ohio and other fine domestic wools shrink 60 per cent, and the shrinkage of the lower grades of the domestic wools of our country is about 45 per cent. The national average shrinkage is between 55 and 60 per cent. South American crossbred wools now being imported shrink an average of 33⅓ per cent, and Australian crossbreds about 30 per cent.

So on account of the difference in its component parts and by removing from the fleeces the stained or inferior locks, such as grow on the belly, legs, and necks of the sheep (skirting), the importer, under a decision that such a trimmed fleece is not sorted wool, has been able to bring into this country upon payment of the duty of 11 cents per pound (on unwashed wool) an immense quantity of wool, a pound of which will produce as much cloth as 1½ to 2 pounds of our domestic wool, and some of it yielding as much pure wool per pound as 2½ pounds of our domestic clip. So that our duty of 11 cents likely affords a protection to the American woolgrower of only 7 or 8 cents per pound on a large part of his product.

The pending bill proposes an ad valorem duty of 20 per cent on practically all imported wools. During the past year, if this could have been honestly administered, it would have been equal to a specific duty of 4 to 5 cents per pound on imported wool in the grease.

But on account of its susceptibility to fraudulent invoices on the part of importers the apparent equivalent specific duties would be much less than 4 or 5 cents per pound.

These proposed duties do not begin to equal the difference in the cost of producing domestic and foreign wool, and can not by any stretch of the imagination be shown to afford any protection whatever to the domestic woolgrower.

An ad valorem duty on imported wool is also subject to another criticism, viz, that it will produce the largest amount of duty and afford the most protection when prices of wools are exceedingly high, and at such times our woolgrowers need less protection than when prices of wool are low.

Our consumers of raw wools would be compelled to pay larger amounts of duties on imported wool when it is most needed by them and at a time they can least afford it.

So the tendency of an ad valorem duty on wool is to work hardships on both consumer and producer when there is a scarcity of the domestic product and prices thereby high; and it will give the woolgrowers less protection when the domestic product is plentiful and prices low, at a time he needs the highest protection.

In order to avoid the inequities arising in the administration of the present tariff act, the Tariff Board, after a long and thorough investigation of the wool question and woolen duties, point out the probable failure of an ad valorem duty to give an adequate and equitable protection to our woolgrowers, and recommend that a specific duty based on scoured wool, or clean contents, be levied on all wool imported in the grease, as will appear on pages 396, 397, and 398 of its report, to wit:

A SPECIFIC DUTY ON THE SCOURED CONTENT.

A third method of remedying the unequal working of the present law lies in substituting for the specific duty on the grease pound a specific duty on the scoured content of wool. Such a duty would rest upon the material as it actually stands available for the use of the manufacturer, and would not involve the taxation of the great quantity of grease and impurities that raw wool contains. Furthermore, it would admit on equal terms wools of light and of heavy shrinkage, which our present method fails to do.

The proposal to levy a duty on the scoured pound of wool implies that it is possible to select samples that are fairly representative of a consignment of wool, and to ascertain the clean content of the consignment by scouring and conditioning such samples. It also implies the establishment of conditioning houses to be maintained by the Government at leading ports of entry. The Tariff Board has carefully investigated this matter and, with the aid of the Bureau of Standards, has reached the conclusion that it is not only possible, but it is relatively a simple matter to test wool by sample at the time of importation. It has also ascertained that the machinery required for scouring and conditioning wool in small lots is inexpensive and could be promptly installed, and the cost of operation would be light. If Congress should deem it wise to adopt this method of collecting duties upon raw wool, it would seem that the details necessary for its prompt, efficient, and economical administration may safely be left to the proper administrative officers of the Government.

In this connection the following table of equivalents becomes of value and interest. It shows for wools of different shrinkage the equivalent duty on the grease pound after applying certain specific duties on the scoured content:

Specific scoured pound rates, with grease pound equivalents, on wools of various shrinkages.

Shrinkage.	Grease pound equivalents.					
	Duty per scoured pound 33 cents.	Duty per scoured pound 30 cents.	Duty per scoured pound 25 cents.	Duty per scoured pound 20 cents.	Duty per scoured pound 18 cents.	Duty per scoured pound 15 cents.
75 per cent	$0.08½	$0.07½	$0.06¼	$0.05	$0.04½	$0.03¾
70 per cent	.09 5/11	.09	.07½	.06	.05⅖	.04½
65 per cent	.11 1/13	.10½	.08⅓	.07	.06 3/13	.05¼
60 per cent	.13¾	.12	.10	.08	.07½	.06
55 per cent	.14 7/17	.13½	.11¼	.09	.08 2/17	.06¾
50 per cent	.16½	.15	.12½	.10	.09	.07½
45 per cent	.18 3/11	.16½	.13¾	.11	.09 9/11	.08¼
40 per cent	.19¾	.18	.15	.12	.10¾	.09
35 per cent	.21 6/13	.19½	.16¼	.13	.11 7/13	.09¾
30 per cent	.23 1/7	.21	.17½	.14	.12⅗	.10½
25 per cent	.24¾	.22½	.18¾	.15	.13½	.11¼
20 per cent	.26⅜	.24	.20	.16	.14⅖	.12

Objection is made to a flat rate upon the scoured pound on the ground that it would not be fair to subject wools of varying value to a uniform rate of duty. It must be conceded that there is some reason in this, but in any event it would give access to all fine, heavy fleeces on equal terms with the lighter-conditioned wools, thus meeting one great objection to the existing law. So far as the low-priced product of the skirting and sorting processes, warehouse sweepings, etc., are concerned, it may be said that their value would probably rise under the stimulus of American competition to a point where the imposition of a flat rate would not place the importer at such disadvantage as might at first appear. It appears that this cheap wool does not reach London in the grease in any quantity. The records of the year ending November 1, 1911, at that point show that out of 960,750 bales sold only 1,603 bales brought less than 8 cents per pound in the grease. There were during that period record of but 13 bales sold in London for as low a price as 2 cents per pound. * * *

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In this connection it should also be added that a considerable quantity of merino wool appears in London for sale in a scoured condition. Such wool universally represents the heavy shrinkage wools of Australia, New Zealand, and British South Africa, which, were they to reach London in their natural condition, would have paid so heavily in freight on the grease and dirt contained as to have lessened materially the return to the growers. To offset this, scouring stations have been established in those sections where the heavy-shrink wools are reduced to a scoured condition and freight paid only on the clean wool therein contained, thus netting the grower a more remunerative price than if shipped to market as shorn from the sheep. The presence of this large quantity of scoured wool in London eliminates a certain amount of wool which would raise to a higher figure the average shrinkage of wools as offered from the above-named countries if they appeared in these public auctions in their original condition. The present duty on scoured wool of 33 cents per pound is prohibitive, because so greatly in excess of the duty on the grease pound. If all wool were imported on the basis of clean content, the above-mentioned scoured wools would probably become available to the manufacturer of woolens.

It is true that the refuse of over 325,000,000 pounds of domestic wool is already available at very low prices, as well as the entire spring and fall clips of short Texas and California. This, however, does not alter the fact that the present duty excludes the scoured "off sorts" of the foreign-grown clips.

The fixed charges on importation that rest upon weight alone, as against value, such as freight, cartage, etc., aggregate quite an appreciable amount, and this in any case operates to put more or less of a premium on lighter shrinking wools.

A full consideration of the above facts would seem to indicate that some method of assessing a specific rate on the clean content would

remedy most of the primary faults of Schedule K; that it would best safeguard the important revenues derived by the Government from wool duties; that it would insure greater stability in the industries directly concerned than any other system.

Refusing to see the light shed by this voluminous report and absolutely ignoring the board's recommendations, the majority side of this body have reported the pending bill, providing an extremely low ad valorem duty on imported raw wool; and the minority side, heeding the mature judgment and wise suggestions resulting from a nonpartisan investigation, have reported a bill in conformity to the basic principles suggested by the Tariff Board, which will be offered as a substitute to the pending nonprotective measure.

This bill divides all imported wool into two classes and levies a duty of 18 cents per pound on the clean content of all wool imported in the grease under class 1, and a duty of 19 cents per pound on imported scoured wool.

The duties on wools included in class 2, chiefly the coarser and lower grades, if imported in their natural condition, shall be 7 cents per pound, and if scoured, 19 cents per pound, excepting certain wools used in the manufacture of carpets, which are admitted duty free.

Class 1 of this bill embraces practically all wools included in classes 1 and 2 of the existing tariff act; and by referring to the foregoing table of rates of scoured duties and their equivalents in grease wool of different shrinkages, worked out by the Tariff Board, one can readily see that a duty of 18 cents per pound (scoured) on clean content of grease wool will be the equivalent of 7½ cents per pound on imported wool shrinking 60 per cent, 8 1/10 cents on wool shrinking 55 per cent, 9 cents on wool shrinking 50 per cent, 9 9/10 cents on wool shrinking 45 per cent, 10⅞ cents on wool shrinking 40 per cent, and 11 7/10 cents on wool shrinking 35 per cent.

The 20 cents duty scoured-pound column shows that wool shrinking 45 per cent would be dutiable at 11 cents per greased pound, and in my opinion a duty of 20 cents per pound should be levied on the clean content of wool imported under class 1, to give to the American woolgrower the full measure of protection due him, as shown by the Tariff Board report; but as this report discloses that wools of this class now imported, and which come into strong competition with our domestic wools of similar fineness, have a much less shrinkage than our wools; and that the larger portion of such imported wools have a shrinkage of less than 40 per cent, while similar domestic wools shrink 45 per cent and more, it may be fairly contended that 18 cents per pound on the clean content of wool imported in the grease gives to the domestic woolgrower a more equitable and actual protection than he enjoys under the existing tariff law, although the duties now in force, as provided by Schedule K, on the whole are reduced 40 per cent.

The Tariff Board report shows that it costs more to produce the fine Ohio wools in Ohio and contiguous territory than anywhere else on earth, and that it is the best wool produced. But in South America wools approaching the Ohio wools in quality and equally as fine as much of the Ohio wool, can be produced at a cost of 4 or 5 cents per pound; and on account of favorable climatic conditions, an abundance of natural forage, cheap labor, and no housing, and a profitable return from mutton produced, it practically costs nothing to produce wool in Australia.

The average total annual receipts from all sources of our western flocks is $2.56 per head. It is estimated that the corresponding figure for Australia would normally be about $2.23 and for South America about $2.12.

While the annual operating cost per head in our Western States is estimated at approximately $2.11, in Australia it is $0.93, and in South America $1.15 per head. The cost of operation in Australia is less than half of what it is in the United States, and in South America but little more than half of what it is here.

Where sheep can be kept and clipped at a yearly expense of 93 cents per head it can be readily seen that a moderate return for the mutton yearly produced will pay all operating expenses and that the wool clip costs but little or nothing. So the proposed chopping of our import duty on raw wool in two by the decree of the Democratic House caucus would let the lifeblood out of the sheep-raising industry of the United States and necessarily result in its utter destruction.

Believing in the Republican principle of protection and that it is impossible for our domestic sheep-raising and woolen industries to thrive or even exist without adequate protection, I shall vote against the pending measure and support the Republican substitute therefor, which I believe to be in the interest of the woolgrowers and farmers, sheep herders and farm laborers, and which will enable the textile woolen industries of our country to continue in operation, giving employment to several hundred thousands of mill hands in our woolen factories, and thereby assist in building up and maintaining our greatly diversified industries, so necessary for the thrift and prosperity of the whole people.

Mr. LONGWORTH. Mr. Chairman, it becomes more increasingly difficult day by day to take seriously the various tariff bills brought in by the majority, and the bill that we have before us now caps the climax. If it were not for the fact that we upon this side of the House have introduced a bill to revise and reduce the duties in Schedule K as a substitute for this, it would be a mere wanton waste of time even to debate it. As a revision of the woolen schedule, designed to be ultimately enacted into law, this Underwood wool bill is not to be taken seriously. It is the same bill precisely that passed this House last summer, was amended in the Senate, went to conference, where the duties were increased nearly 40 per cent, finally reached the White House, and was vetoed by the President. Does anyone contend that this bill would meet with any other fate? Does anyone contend that it has the remotest chance of becoming a law? Even if it were possible to secure its passage in another body, amended as it was last year, is there anyone so blindly sanguine as to believe that the President of the United States would reverse his position, and particularly when subsequent developments have proved beyond the shadow of a doubt that he was right then?

When the American people shall have repudiated the principle of protection, when the foes of protection shall occupy the seats of the mighty in the United States Senate, when a Democrat shall assume the reins of government in the White House, then, and not until then, can such a bill as this become a law, and we hope, for the sake of the happiness and prosperity of the people of America, that that day is in the dim and nebulous future. [Applause on the Republican side.]

Why, then, are we confronted with this same old proposition? Why has the "cat come back"? I do not assume to speak by the card, but I think I can guess. It was because the proponents of this bill were afraid to submit it again to the tender mercies of the Democratic caucus. It was because they feared to again run the gauntlet of the supporters of free wool. It was because the gentleman from Alabama [Mr. UNDERWOOD] hoped to be able to save some portions of his face, so badly damaged by free sugar last week. There is a reason, Mr. Chairman, and the reason is that with the successful advocates of free sugar beckoning them to advance the Democratic caucus, beyond the shadow of a doubt, would have made raw wool free as the air.

And why not, Mr. Chairman, from their point of view? Is there a single argument that can be offered for free sugar that can not be offered with even greater force for free wool? If it is unjustifiable to leave any duty upon an article which flavors some of the things the people eat and some of the things they drink, is there any justification for imposing a duty upon the clothes they wear? If, as the gentleman from Alabama says, we may not tax a man's belly, by what conceivable mental process can we reconcile our consciences to tax his back and legs? [Applause on the Republican side.]

I commend to your consideration the humble truths enunciated in this classic verse:

> You may live without poetry, music, or art;
> You may live without conscience, you may live without heart;
> You may live without kin—cousins, uncles, or aunts—
> But civilized man can not live without pants.

[Laughter.]

After voting, as you did the other day, for free sugar, it no longer lies in the mouth of the gentleman from Alabama [Mr. UNDERWOOD] or anyone else to say that the revenue from raw wool is necessary. You sacrificed three times as much revenue when you put sugar on the free list as you expect to retain by this bill. You disregard the example of every civilized nation of the world. No nation but this, excepting only Russia, imposes any duty upon raw wool. Every nation in the world imposes a tax on sugar. In the economic policy of the rest of the world sugar has always been considered a legitimate source of revenue; but wool, except in one case, has never been so regarded.

You are pursuing, gentlemen, a policy that you can not justify even by your own arguments. Only the other day you blithesomely threw away $60,000,000 of the annual revenues of this Government, and here you cling like grim death to a paltry $20,000,000 or so. You offer the consumer a gift with one hand and you take a part of it back with the other.

From our standpoint the revenue derived from imports of wool is purely a secondary consideration. The reason we impose a duty on wool is because we think that sheep ought to be raised in this country. We know that without a duty, or with an insufficient duty, the sheep industry would vanish from American soil, and whatever benefit might come to the American consumer by reason of a reduction in the price of clothes—assuming that any reduction in fact came—would be far more

than offset by the irreparable damage that would result to the farming interests of the country.

We do not believe in legislating for the city man alone. We believe that the man who tills the soil, who raises agricultural products and cattle and sheep is entitled to at least as much consideration at our hands as is the city man.

Three months ago the President of the United States transmitted to this body a report from the Tariff Board on the wool and woolen industries. So singularly thorough is this report, so complete, scientific, accurate, and exhaustive that thoughtful men in this country have admitted it to be the most valuable collection of data relating to a great industry that has ever before been gathered together in any country. And this is true not only in this country. I quote a few words from a letter written to a friend of mine on this subject. The writer of this letter is Dr. Richard Schüler, of Vienna. He is one of the three experts in the Austrian Ministry of Commerce. His work for the last 20 years has been in making industrial investigations as a basis for tariff legislation, and it was upon these investigations that the last two revisions of the Austrian tariff were made. He says:

It—

That is, the wool report—

is an excellent standard work. The Tariff Board has come within a very short time to the head of the similar boards established in other countries. It is really true that no legislative body has ever had presented to it a better report on a tariff question. It will also be entirely impossible not to take your results in mind in proceeding to a revision of the tariff. It were a great mistake to stop the work of the board, and it would soon be necessary to reestablish it.

[Applause on the Republican side.]

I would rather take the testimony of this distinguished tariff expert than that of some of the alleged tariff experts whom we have heard in the last day or so decrying the work of the Tariff Board. But it is for that very reason, Mr. Chairman, it is for the very reason of the excellence of this report, that it has brought no joy to the hearts of the Democratic leaders.

The bitterness of their humiliation crops out in every line of the report they have submitted to us, and it cropped out yesterday in the remarks of the gentleman from Alabama [Mr. UNDERWOOD]. I regret to say that, in my opinion, the gentleman from Alabama did not quite live up to his reputation for fairness and accuracy of statement in that speech.

This report was a crushing blow to the Democracy, for it completely disproved almost everything that they said last summer, and wholly overthrew many of their most cherished theories of tariff making. The Tariff Board is to-day the bugbear of the Democratic Party. No lovesick swain ever courted his inamorata more ardently than have Democratic leaders courted the Tariff Board—at times. No maiden was ever more ruthlessly deserted by her lover than has been the Tariff Board by these same Democratic leaders at other times. "He loves me, he loves me not; he loves me, he loves me not," the maiden for centuries has said as she plucked out the petals of her daisy.

And it seems to me that that old refrain about suits the love affair between the Democratic Party and the Tariff Board. At the present writing it is a case of "he loves me not," and the reason is not far to seek. It is because the report of the Tariff Board has "put it all over" the Democratic wool bill, and they know it. It has not left them a leg to stand on.

This report proves beyond all question of doubt three important things:

First. That it costs very much more to grow wool in this country than it does in any other country.

Second. That the cost of manufacturing wool, not only so far as material and wages are concerned, but in actual cost of labor, is far greater in this country than in any competing country.

Third. That the price of clothing to the American consumer is not increased by anything like the full amount of the duties of the present law upon wool and woolens.

As to the first proposition, this report shows conclusively that a tariff of 20 per cent comes nowhere near equaling the difference between what it costs to produce wool in this country and wool in any other country whose wool clip competes with ours. It shows that a duty of 20 per cent would be as disastrous to the sheep-raising industry of this country as no duty at all.

With regard to manufactures of wool, the report shows that we are at a disadvantage as compared with every country with which we compete. The cost of our plants is greater. We have to import most of our machinery. Our wages average twice as high and the actual efficiency of our labor is less.

The third proposition, that only a small portion of the duty is added to the consumer's price, is the most damaging blow that antiprotectionists have received in years. They have been going about proclaiming from the housetops that every man in this country who wears a suit of clothes has been taxed by at least the amount of the duties imposed in the wool schedule. But this report shows, and proves beyond question of doubt by actual samples of goods produced here and abroad, that the duty is not by any means added to the price the American consumer pays for clothes, but on the contrary, that competition has kept the price down so that the American consumer pays little more than the foreign consumer pays for precisely the same thing in his own country.

Mr. HILL. And the actual samples are in the possession of the Ways and Means Committee—the samples of cloth, with the figures on them.

Mr. LONGWORTH. I have no doubt of that; but if we are to judge by the report of the majority of the Committee on Ways and Means the fact seems plain that none of them have had the time, or at least the inclination, even to read the report of the Tariff Board. I am forced, then, to assume that they have not had time to examine those samples.

Mr. MONDELL. Have they read their own report?

Mr. LONGWORTH. As the gentleman from Wyoming [Mr. MONDELL] suggests, it seems very possible that they have not even read their own report. [Laughter on the Republican side.]

Mr. DALZELL. If the gentleman from Ohio will allow me to interrupt him, I would say to him that no one of the 14 gentlemen whose names are appended to that report had anything at all to do with the writing of it. It was written by a newspaper correspondent of the New York Journal of Commerce, who enjoys the title of professor of political economy in Georgetown University, and I doubt whether any one of the 14 Democratic gentlemen of that committee have read it. [Applause on the Republican side.]

Mr. LONGWORTH. None of them have said that they have read it, and the speeches we have heard would not serve as an indication that they have received any information from any source whatever, even from the report kindly written for them by the individual referred to by the gentleman from Pennsylvania.

Thus the whole Democratic theory that the tariff on a competitive article is a tax which is paid in full by the American consumer falls crumbling to the ground. No wonder the report of the Tariff Board displeases the majority. It has effectually undermined the entire structure of their policy of tariff making.

The bill which the majority offer to revise the wool schedule and the bill which we of the minority offer for the same purpose are perfect examples of the relative positions of the two parties to-day upon the tariff. By your bill you repudiate the Tariff Board; by our bill we indorse it. In your bill you disregard all of its findings; our bill is made in exact accordance with its findings. Furthermore, we submit to the American people that the report of the Tariff Board on the wool schedule has completely justified the necessity for its continued existence. [Applause on the Republican side.] We think that no more reactionary step could be taken at this time than to abolish the Tariff Board [applause on the Republican side]; that no more reactionary step could be taken than to cut off the appropriation that is necessary to enable it to carry out its functions.

We go further than that. We believe that true progress demands the creation of a permanent tariff board or commission or whatever you may choose to call it. [Applause on the Republican side]. A board nonpartisan in character, removed as far as possible from the domain of active politics, which shall investigate every schedule from A to N of the tariff in the same thorough way that the present board has investigated Schedule K, and report to Congress its findings.

The proposition contained in several bills introduced by gentlemen on the other side of the House that such a board shall be appointed by the chairman of the Ways and Means Committee is a mere sham and a begging of the question. We believe that a tariff commission ought to rank in dignity and importance with any commission in the land. To make it a mere tool of the chairman of the Ways and Means Committee would be to utterly destroy its real usefulness to the American people. We demand that members of the Tariff Board shall be appointed by the President of the United States, so that its findings may be removed as far as possible from any suspicion of political bias and can be accepted as facts by the American people.

The avowed object of this Democratic wool bill is to surrender the American market both for wool and woolens to the foreign producer.

The object of our bill is to retain the American market for the American producer.

Our bill is designed to bring prosperity to the American manufacturer, the American workingman, and the American farmer.

Your bill is designed to bring prosperity to the European manufacturer, the European workman, and the farmer in South America and Australia. Both bills substantially reduce the duties in Schedule K. The Democratic bill, in some respects, reduces the duties more than our bill, but, on the other hand, our bill reduces some of the duties more than does the Democratic bill. They are both downward revisions of Schedule K. But there is one substantial difference between the two bills, and that is that the Democratic bill retains all the old concealed duties in the wool schedule and our bill wipes them out altogether.

The issue presented by these two bills is plain and clear. Stripped of all misleading arguments and unnecessary verbiage, it is just this: Shall we or shall we not have a downward revision of Schedule K at this session of Congress?

This House is Democratic, but the Senate is Republican, and we have, thank God, a Republican President in the White House. [Applause on the Republican side.]

You know and the American people know that this Democratic bill can not become a law during this administration. You know and the American people know that our bill can become a law during this administration. If you will only allow us to take our bill to the President, he will gladly sign it. If you stubbornly insist on your bill or nothing, you will get nothing. You say you want a downward revision of Schedule K. We point the way to get it. The way is clear and the time is here for you to show the sincerity of your professions. A vote for the Democratic bill is a vote to leave Schedule K as it stands to-day on the statute book for two years more. [Applause on the Republican side.] A vote for our bill is a vote to revise downward the duties of Schedule K and make it effective in two months. [Applause on the Republican side.] To vote for our bill is to progress. To vote for the Democratic bill is to stand pat. [Laughter on the Republican side.]

We welcome your support even though you be standpatters. [Laughter.] We urge you to cast aside petty party politics and, facing to the front instead of to the rear, to join with us in enacting speedily into law a measure which, while it will allow American sheep to live on American soil and will allow Americans to make clothing for their fellow Americans, will nevertheless bring about that consummation devoutly to be wished—a downward revision of Schedule K.

That is the question that confronts us, and my closing suggestion to my friends on the other side of the aisle is to either put up or shut up. [Laughter and applause on the Republican side.]

Mr. Chairman, how much time have I remaining?

The CHAIRMAN. Thirty-seven minutes.

Mr. LONGWORTH. I yield 30 minutes to the gentleman from Iowa [Mr. GREEN].

Mr. GREEN of Iowa. Mr. Chairman, after the masterly address of the gentleman from Connecticut [Mr. HILL], explaining in full the details of the bill which we offer as a substitute, it would seem as if there was but little further to be said with reference to its provisions, but I wish to speak briefly at this time concerning some matters which the gentleman from Connecticut, owing to lack of time, was compelled to some extent to pass over.

I have observed in this discussion two methods of debate. One is dealing in generalities, and the other in existing circumstances and particular facts. It is admissible at times, and may perhaps always be admissible, to deal in generalities, but I wish to congratulate our friends on the Democratic side of the House upon the ease and freedom with which they are able to divorce themselves entirely from the facts and even from mathematics. [Laughter and applause on the Republican side.]

In the previous discussions of this bill I have observed that although the tariff is a very dry subject our Democratic friends found that it afforded a vehicle for poetry and imagery. Soaring aloft on the pinions of their imaginations they have painted the clouds with their eloquence and rhetoric; and, somewhere in dreamland, they have constructed a new America, under the influence of their bill, which should enormously increase its purchases abroad and yet have as much money left here as before; in which great quantities of its products heretofore made at home were to be manufactured in foreign lands, and yet there would be as much employment for the laborer as ever and the manufacturer would sell as many goods; in which wages everywhere would be higher, and the products of labor in some way cheaper as a result; in which the food products would be down to the very lowest point, and in some way the farmer paid more than he has ever received for the beef, pork, and grain which he produced.

I shall not stop to consider at this time whether this Utopian commonwealth could under any circumstances exist, nor shall I go into a discussion of the protective and free-trade doctrines. So far as the gentlemen on the Democratic side of the House are concerned, it would be useless; so far as the gentlemen on this side are concerned, I hold it to be entirely unnecessary. We have had our differences on some subjects—we have differed as to schedules, as to rates, and methods of making a bill. There may be some differences at this time, although I think there ought not to be any as to this particular bill. Standpatters or progressives, we are all protectionists. Nor do I have any doubt as to the sentiment of the Nation at large. The recollection of the effects of the Wilson bill still sends gripes of hunger to the stomach of the laboring man and the mechanic; and even the Democratic farmer of my own State still has a shiver run down his spine when he remembers those dark days under it. It is unnecessary that I should pursue this subject further; the people at large, the great majority of the Nation are protectionists. Over and over again they have ratified by enormous majorities the principle of protection.

After the law now in force was put in operation people studied it and came to the conclusion that some of its provisions were too high; that some worked out unequally and unfairly. There was a disposition manifested in favor of its revision and modification, and the people began to consider how this should be done. They knew that heretofore in the hearings which had been held, and complained of it, too, that to a certain extent these hearings were one sided; that the manufacturer was represented, but not the consumer to the same extent, owing to the natural difficulty of getting them before the committees. And so, when it was asked what should be done, the natural answer was that a nonpartisan, fair, skilled board should be appointed which was capable of finding and ascertaining the facts upon which an improved bill should be based. This sentiment spread all over the country. It seemed to prevail among the Republicans and Democrats alike, if I am to judge by the utterances of prominent Democrats made upon this floor; and in pursuance of that sentiment the President of the United States appointed the present Tariff Board. Let me say right here that the most captious critic of the administration never ventured to intimate in the slightest degree that better men could have been obtained for the position they now fill and for the purpose for which they were appointed, namely, to ascertain the facts upon which a tariff should be based. The most partisan opponent of the board has never questioned its fairness or its honesty. The bitterest foe of the President never has suggested that the selections which he made in making up this board were not made without fear or favor and with an utter absence of desire to protect any interests except the interests of the people at large. The members of this board went to work and have produced the report which we now have before us. The facts found by them have not suited the gentlemen on the other side, and for that reason they challenge it and refuse to accept its conclusions. For no other reason that I can ascertain are they unwilling to accept the verdict, the finding of the facts, which this great jury, the Tariff Board, has rendered to the American people.

It has been intimated here, and possibly asserted, that the Tariff Board merely took the statement of the manufacturers as to the cost of their products. The fact is exactly the contrary. I think perhaps that my colleague Mr. PICKETT and myself are as well acquainted with the methods used by the Tariff Board to obtain the facts upon which their report is based as any gentleman in this House. My colleague and myself have made an exhaustive examination as to the methods and workings of the board. We found that nothing had been taken for granted and no statement was accepted by the board until it had been verified by a personal examination by its experts.

The system used was this: The board sent to each factory two experts—one who had a practical knowledge of the business investigated, the other an expert accountant. The accountant went through the books of the company; the other expert made sure that there were no manipulations. Together they made such an examination as some concern would have made which was considering a purchase of the business. From the books of the company elaborate tabulations were made showing the cost of material and work in every particular and with the most painstaking accuracy. It seems to have been thought because the board only submitted in its report its findings with reference to certain samples, numbered from 1 to 120 and A to N, that this was all of the samples upon which the cost was computed. It could have been ascertained by anyone who visited the office of the board that they have had the figures upon hundreds of samples—too many to be included in the report, and therefore only those in more general use were selected. The report as a whole is a monument to the skill, ability, thor-

oughness, and fairness of the board, and has so been received both in this country and in Europe.

Gentlemen of the majority, you talk of abolishing this board. Abolish it if you will and thus proclaim to the Nation what we know here to be the actual truth—that you dare not meet and face the facts which are contained in their report.

I know that upon this floor, by the distinguished chairman of the Committee on Ways and Means, the facts and figures and, to some extent, the conclusions of this board have been attacked as unworthy of credit; but upon whose authority was that attack made? I know not his age, his name, or station, nor do I care, but I understand from statements recently made here that he was some newspaper correspondent who also held a chair in a small college; but whoever he may be and wherever he may be, I assert, and will show before I get through, that he needs and ought to take a grammar-school education in percentages. [Applause on the Republican side.]

Mr. MONDELL. Does the gentleman think that he has ever passed through the kindergarten course?

Mr. GREEN of Iowa. I have some doubt about it, and I think when I give the figures to the gentlemen here they will doubt it also; but before I take up his calculations I want to make a comparison of the two bills now before the House.

THE REPUBLICAN AND DEMOCRATIC BILLS COMPARED.

I propose to show that these two bills have been prepared by altogether different methods. In olden times when a man wanted an article of furniture for his house the pioneer went out to the timber, chopped down a tree, split off a log, drove in some pegs, and made himself a bench. He hewed out his furniture with a broadax.

As civilization advanced and means were at hand this crude method of preparing his table or chair would not answer, and now the parts are measured and fitted with accuracy. This describes the two ways in which these two different bills have been formed. One has been split out with an ax, chopping out or lopping off a chunk here and there with little regard as to how the parts should fit. The other has been prepared with scientific precision, has adjusted the tariff to meet the needs and wants of the American people, and while the Republican bill has lowered the tariff almost to the same extent as the Democratic measure now proposed, this lowering of the tariff in accordance with its provisions will not ruin any American industry.

There are protectionists, free traders, and tariff-for-revenue men in this House. Discussion might fairly arise as to which method was the better, but who is there so bold as to say that a bill which reduces the burden of taxation without injuring our American industries is not better than a bill which merely lessens taxation to the same extent and in its operation must necessarily destroy many thriving American industries and deprive thousands of workingmen of the opportunity to gain a livelihood at reasonable wages? No one, surely, but the ultra free trader, who would have nothing manufactured here which could be made cheaper abroad and who would put his theories into operation regardless of the consequences to our factories and their employees.

ADVANTAGES OF THE REPUBLICAN SCHEDULE.

The first provision in each bill establishes the rate upon wool itself. The Democratic bill provides for a tariff rate of 20 per cent ad valorem—that is, upon the cost of wool abroad. It may be safely said that no nation pretending to have any scientific adjustment of its tariff levies it by the ad valorem method. All students of the subject concur that it opens wide the door to fraud and enables the dishonest importer to drive out of business those who honestly state how much their importations have cost, while the proceeds of the fraud go not to the people but into the pockets of those practicing it. But this is probably not the worst feature of this schedule. If the figures presented by the Tariff Board are accepted by the American people—and I firmly believe they will be—this rate is too low to enable the American farmer and the sheep raiser to continue in the business. It is shown by the report of the board that the cost of producing wool in Australia is practically nothing, as the mutton alone will pay for the expense of raising the sheep, and the greater portion of the wool which we import comes from Australia.

In New Zealand it is only 2 cents a pound; in South America it is about 4½ cents a pound, while the average throughout the United States is 9½ cents. The tariff rate proposed by the Democratic bill amounts to about 5 cents per pound. That the woolgrower of our country can not survive under it is apparent. Thus it is proposed by the Democratic bill to destroy the sheep-raising industry in this country except in so far as sheep may constitute a sort of by-product of the farm, and to require the American to purchase abroad the greater portion of the wool that has heretofore been grown at home. Some amount would probably still be raised here, but the Democratic report accompanying their bill admits that if it goes into effect at least $60,000,000 more will have to be sent abroad annually to pay for additional wool and woolen goods imported, and our citizens, who have before received this same amount, would have just that much less to pay for foodstuffs and manufactured goods and to give employment to labor.

The Republican bill recognizes that there are two classes of wool, the clothing wools and the carpet wools. Upon the clothing wools it fixes a rate of 19 cents a pound on the scoured contents or 18 cents if unscoured. This method does away with the "joker," known as the "skirting clause," contained in the present law under which the present duty is evaded and which was criticized so severely by the late Senator Dolliver in his famous speech. It also does away with the inequalities resulting from the different shrinkages of the various wools and prevents all fraud or evasion on the part of importers. The present duty on scoured wool is 33 cents per pound; on raw wool 11 cents. The duty under our bill on raw wool would be a little less than 7½ cents per pound. There are many parts of the United States where this duty would not put the home woolgrower on an equality with the foreign producer, and, with the exception of regions where wool is merely a by-product of the farm, none where it would more than make up the difference between the cost of producing wool at home and abroad.

One of the most striking features of the new Republican bill is that the duty upon carpet wools is removed when they are used in carpets, and the amount thereof used in clothing is so small as to be hardly worth considering. The removal of the duty on carpet wools will cause a loss of over four and one-half million dollars in revenue, of which the people will receive the benefit; but there is no reason why there should be any duty whatever on wools used in carpets, as they are not produced in this country. I am speaking now from a protection standpoint. Of course, the Democratic theory is that the tariff should be levied upon noncompetitive products, and following this rule they have placed in their new chemical schedule a tariff upon medicines and necessaries that are in common use, like pepper, which under the present law are free. I suppose that if they should succeed in taking off the tariff entirely upon sugar, and thereby destroying the sugar industry in this country, they would then put the tariff back—at least they would have to do so in order to be consistent, but consistency is not a virtue to be expected from the Democratic majority of this House.

It has been asserted by a prominent Democratic Member of this House that the coarse carpet wools were used in making cheap clothing for poor people and in the cheaper classes of blankets. Such a statement betrays an absurd ignorance of the real facts. A small quantity is, indeed, used in making heavy clothing when it is desired to get a rough and hairy appearance, but this cloth is very expensive and used only by those who care little for expense and most for the vagary of style that calls for cloth having this appearance. It has been claimed on the other side of the House that this coarse, hairy wool was used in underwear for the poor. To do so would be to produce an instrument of torture, the composition of which may be judged by examining the texture of felt boots, which are made of carpet wools. It is equally absurd to talk about this class of wool being used in blankets, except horse blankets, for which it would not be assessed under our bill. The filling for the cheap blankets can even now be obtained cheaply Under the Republican bill the duty on the material used for this purpose is cut to 2 cents per pound, and low-priced blankets would be much cheaper than now if this bill is enacted.

It is also urged that this reduction of duty upon the carpet wool would simply go to the benefit of the manufacturer, but I shall show later on that the corresponding and, indeed, a greater reduction is made on the carpets when manufactured from it, according to the Republican bill.

I have not time to discuss and compare all of these schedules. The Republican bill lowers the present duties all through, the average reduction being about 40 per cent, but I wish particularly to compare the duties on cloth under their respective bills.

A COMPARISON OF THE RESPECTIVE DUTIES ON CLOTH.

The Democratic bill levies a duty of 40 per cent on all cloth containing any wool, even though it be made principally of cotton. So far has this erroneous method of levying duty been carried that if a pair of suspenders contained somewhere in its webbing a little wool, the duty would be levied upon the whole cost of it, including the cotton, leather, and rubber; and if a button has any wool about it the tariff is levied upon the metal components as well. It would seem, in exercising the broadax method of chopping out the tariff bill, as if an extra chunk might have been taken out when the schedule was prepared for these articles. There are many similar instances which might

be mentioned showing not only the unfairness of the duties now proposed by Mr. UNDERWOOD, but also what an exorbitant rate will at times be imposed by his bill.

The Republican bill levies the duty on cloth and such articles as have just been mentioned ONLY UPON THE WOOL CONTENT THEREOF, and no one has undertaken to give any reason why it should be done otherwise. The distinguished gentleman from Alabama [Mr. UNDERWOOD] asserted that its rates upon cloth were so fixed as to make the poor man pay a heavier duty upon the cloth he used than the rich. The real fact is, and it is one of the great merits of the Republican bill, that it makes its greatest reductions upon the cloth and articles used by the poor and levies a much lower rate upon them, as I shall now proceed to show by actual examples, using cloth described in the tariff report, and computing the actual amount of tariff paid thereon.

I hold in my hand a portion of the cloth described in the report of the board as sample No. 2. I had part of this sent to the Bureau of Standards for analysis, and it was found to be 81 per cent cotton. In other words, less than one-fifth of this cloth, which is known as a fancy worsted with cotton warp, was wool. The duty under the new Republican bill would be 5 cents per pound and 30 per cent ad valorem. Under the present law it is 33 cents per pound and 50 per cent ad valorem. This is an example of the great reductions made on the cheaper classes of goods by our bill. [Applause on the Republican side.] The whole rate on ad valorem basis on this cloth, taking the figures for the foreign cost as shown in the report of the board, is about 40 per cent, or as low as it would be under the Underwood bill.

Sample No. 26, which I now present, is a cotton-warp worsted which I had analyzed in a similar manner and discovered it was practically one-half cotton. This is a style of goods, as you will see from examination, which presents a very good appearance and is often worn by those who desire to economize in their clothing. I shall not elaborate the figures, which may be computed by anyone after taking the English cost price from the tariff report and having the result of the analysis above given. It will show that the total ad valorem rate thereunder on our bill would be 60 per cent.

A fair example total ad valorem rate on the class of goods worn by the wealthy can be obtained by computing the duty on sample No. 47 of the Tariff Board. This is an unfinished worsted weighing 16 ounces to the yard and costing 91.5 cents per yard in England. Without going into the calculations, which are quite involved, the total ad valorem rate is nearly 75 per cent, or almost twice as much as upon the sample of cheaper goods first referred to, and a computation of the rate per yard shows that it is about eight times as much.

Under our bill, as the cloth gets more expensive, and particularly as it runs into the finer grades of imported fancy worsteds, the rate advances.

As I stated before, the Democratic bill lays a flat duty of 40 per cent upon all cloths. The rate should increase with the price, not only because there is more work per yard, as a rule, in the more expensive goods, but because those who are able to wear imported suitings are well able to pay a higher tariff, and I am in favor of making them do so. It is true that the cloth schedule in the Underwood bill, as a whole, is lower than in ours, but that it will absolutely drive out the manufacturer of certain lines of cloth in this country will be demonstrated by an examination of the statement of the costs at home and abroad of the representative samples selected by the board and specified in its report. These costs are given not only in the tariff report but in a most remarkable table which I will now discuss.

This table was introduced yesterday by the distinguished gentleman from Alabama [Mr. UNDERWOOD], and in giving some figures from it he attempted to show that high rates were imposed by our bill upon the cheaper goods. The unfairness and inaccuracy of this table becomes evident when it is seen that no attention is paid to the fact that these goods almost invariably contain a large percentage of cotton, but this table gives the rate on such goods the same as if it was *all* wool. Such figures are not merely worthless, they are deceiving. I assume that they were made by the same gentleman to whom I have heretofore referred, and whose education in mathematics has been so sadly neglected.

The table to which I refer is found on page 57 of the majority report on the wool bill, which I am informed was compiled by him. In this table you will observe that the cost of each sample in the United States and in England is given, and he undertakes to state in the last right-hand column the amount of tariff duty which would measure this difference. In so doing it will also be observed that he has entered into a very elaborate calculation, although he had a very simple problem before him. He takes from the report the American and English conversion cost, which, with the difference between them, he shows in the table. He then finds the percentage of this difference to the English cost and adds that to the assumed duty on yarn, which he estimates at 30 per cent, and gets the total of 55.99 per cent for sample No. 1. There are two fundamental errors in this method. First, 30 per cent on the cost of yarn is not the same as 30 per cent on the English cost of the finished cloth, as any school child would know; second, taking the arbitrary figure of 30 per cent utterly ignores the board's statement as to the cost of materials in the particular sample, for by consulting the report, on page 652, it will be found that the stock cost to the American manufacturer was nearly double that of the English. After all, the problem, as I stated before, is an exceedingly simple one. In this particular table, contained in the majority report, the cost of sample No. 1 in the United States is $0.295; in England, $0.1535. It will at once be seen that the American cost was almost twice as much as the foreign cost, and therefore this sample cost the United States almost 100 per cent more than it did in England. Dividing the difference in costs by the English cost, it will be found that the actual rate necessary to be imposed on the English goods to equalize the difference is 92 per cent and a fraction instead of 55 per cent, as stated in the table. On sample No. 3 it is 63 per cent instead of 56 per cent, as stated in the table. On sample No. 27 the figures given by this most remarkable statistician is 60.59 per cent for the duty. A mere glance at the respective costs would show that it should have been over 100 per cent.

Mr. SLOAN. Mr. Chairman, will the gentleman yield?

Mr. GREEN of Iowa. Yes.

Mr. SLOAN. I will ask if it is not understood that this statistician was not a member of the committee and not employed by the committee or the Government?

Mr. GREEN of Iowa. He was not employed by the Government, and I doubt whether he was employed by the committee.

Mr. SLOAN. That being true, is not this a legitimate conclusion that he was the result of a free trade in tariff experts?

Mr. GREEN of Iowa. Mr. Chairman, I believe the gentleman from Nebraska is correct.

Not a single one of these figures of the resulting tariff duty given on page 57 of the majority report are correct, and the most of them are from 25 per cent to 40 per cent out of the way. The whole majority report is a most remarkable document in the way in which it juggles the report of the Tariff Commission, and to present to the American people such a table as has just been referred to, in order that they may ascertain therefrom what the duty ought to be to put the American manufacturer on an equal with his European competitor, is something worse than a blunder. It is a farce and a fraud.

If we were to take from this table—certainly the most extraordinary conglomeration that I have ever fixed my eyes upon—the tariff rate necessary to protect the American manufacturer it will be found that the average rate for this purpose is given by it as 55 per cent, while the rate granted by the Democratic bill is only 40 per cent. As a matter of fact, the correct figures are much higher than this average, for, although the system used in making this table has in a few instances resulted in making the rate too high, the greater portion of the figures for this purpose are far too low. The Republican bill is the result of careful computations, made from the report of the Tariff Board, which computations were then worked out in the bill.

I think it is not necessary to say anything further with reference to this table, except that, so far as the members of the committee are concerned who present it, I exempt them from any responsibility other than that which follows from their duty to at least casually examining figures before presenting them to this House and the public.

The tariff on blankets is levied by our bill only on the *wool content;* by the Democratic bill on the whole weight; with the result that on the cheaper goods of mixed cotton the duty is much less in the Republican bill. In fact, on some of the cheaper grades of blankets and underwear the duties proposed by our new bill are only a little over half those provided by the present law.

The gentleman from Alabama [Mr. UNDERWOOD] undertakes to state what the tariff would be on some cheap blankets under the Republican bill without knowing how much wool was in them. This does not trouble his statistician, but it produces results far and away in error.

It ought to be said in this connection that notwithstanding the great outcry made by our Democratic friends as to the inability of the American people to wear woolen goods and the tearful tales which are told with reference to those who have been deprived of suitable clothing and underwear by a Repub-

lican tariff, the real fact is that, notwithstanding the advance in the price of such goods, the American workman, enjoying as he does the highest wages paid anywhere in the world, is taking and using more and more woolen goods every day.

In the decade ending 1910, the value of woolen goods used in America has increased far beyond the proportionate increase in population. At the same time, as shown by the report of the board, the percentage of cotton-mixed goods has decreased, notwithstanding the well-known fact, which is also stated in the report of the board, that for hygienic and other reasons all-wool underwear is not nearly as popular as it once was even among those to whom price cuts no figure.

The rates on carpets under our bill for the common grades have been reduced 50 to 60 per cent and on all grades are lower than those of the Underwood bill, with the exception of two classes, one of which has practically gone out of use, the other is the expensive grades of Aubusson, Axminster, and oriental carpets, used by the well-to-do and the wealthy, upon which the rate in the Republican bill is 50 per cent, while our Democratic friends concluded to fix it at 40 per cent, but this is only another example of how our bill discriminates in favor of the poorer classes and levies its rates upon the goods used by those who are best able to pay—an admirable feature which is nowhere found in the Democratic bill.

The rates provided by the Underwood bill are substantially lower than the Wilson bill and are levied in the same manner and with the same disregard of American industries. The Wilson bill, with free wool for the manufacturer, put so many of them out of business that they were unable to use the wool grown at home, and 7,000,000 pounds of it had to be sold abroad in one year. The decrease in manufacturing and in various employments which would be brought about by the Democratic bill would cause the American workingman a loss of not less than $20,000,000 in wages annually. Why, then, adopt the Democratic bill?

The Republican bill would keep our money at home, stimulate trade, and reduce the tariff. The Democratic bill would send $60,000,000 per annum abroad, close our mills in certain lines, reduce wages, slaughter sheep as effectively as did the Wilson bill, and all without making prices to the consumer materially lower than the Republican bill. Nor is this all. The members of the majority, in season and out of season, on the floor of this House and upon the stump, have proclaimed with all the powers of their voice and with every emphasis of which they are capable, that they were ready to take advantage of any opportunity "to reduce the burdens upon the American people" which they claim exist under the present law. They voted for the La Follette bill, the duties of which were higher than the bill which we now present, but now say they will vote for the bill they have brought out of the committee, which I have described, the duties of which are only a little lower than the one which we have offered. They know that their bill never can become a law during this Congress. Ours can and should be enacted, and in refusing it they refuse to give the people any relief whatever.

Gentlemen of the majority, we have now reached the parting of the ways. We know now how hollow your pretenses were when you said that you wished to reduce these duties. We know now what a wretched sham this talk has been about lightening the burdens upon the people, and we will go out at the next campaign to meet you upon the issue presented by these two bills, in full confidence as to what the verdict of the American people will be. [Loud applause on the Republican side.]

The CHAIRMAN. The gentleman from Colorado [Mr. RUCKER] is recognized for one hour.

Mr. RUCKER of Colorado. Mr. Chairman, I feel like a bloated monopolist here to-day. By the generous indulgence of the House I have been accorded one whole hour in which to discuss the pending legislation and to endeavor to afford some enlightenment upon the situation. I am, however, as usual, as respects these tariff bills, somewhat in a position which has been described as "between the devil and the deep sea." I am enamored of a few of the provisions of the bill of the minority and, similarly, with a portion of the bill of the majority, but I am absolutely opposed to some of the features of the one as well as to some of the provisions of the other. But, as I have intimated, it is not an anomalous position in which I find myself.

Since I came to Congress I have felt compelled to occupy the center of this middle aisle most of the time. Last summer when I went home, after that very hot session, an old lady friend of mine, who was strangely impressed with my spiritual characteristics, asked me how I stood it down in Washington; if it did not remind me of another world, and if I was not prepared to reform my life and live a better one in the contemplation of possibly going to an even hotter place. I remarked that indeed the weather there was very hot, but that it was not alone the weather that made me hot. I suggested also that I was by no means the only victim of atmospheric oppression, for one of my Republican friends, during that intense period, narrated a rather harrowing dream which he had had a few nights before. He dreamt that he had died and that his disembodied spirit, in its perambulations, had wandered far from its natural bailiwick and descended into hades, where he was strutting in that same pompous and self-satisfied way which was formerly characteristic of my Republican friends [laughter], when of a sudden, from the roominess of the well-populated place, there appeared his satanic majesty, who, approaching him with jealous mien, sarcastically observed, "Well, stranger, you act as if you owned this place." The shade replied, "Yes; I do, for I am a Republican Member of Congress and the Democrats gave it to me at the last session." [Laughter.] My experience during that session almost persuaded me to become a Christian.

Mr. Chairman, I do not intend to convey the impression here that I am an expert in tariff legislation, nor do I venture to pose as a flockmaster, and yet there never has been a time within my recollection when I was not in the stock-growing business. Until I was 12 years of age I had never worn a suit of clothes the material of which was not spun upon my father's place, clipped from his flock, and woven into goods upon the farm. That was at an early period. I may say, in passing, that I have now arrived at the sensitive time of life when I do not inform even my most intimate friends just how long ago that was, and, being a widower and observing so many beautiful and possibly many marriageable ladies in the galleries, I will be pardoned for refraining now. [Laughter.] I am content with the true significance of Shakespeare, that "the habit oft proclaims the man," and at this age in life I have returned to some extent to the homely habit of my youth.

During the past session of Congress, as will be recalled, there was much discussion as to how much money we wool raisers received from a suit of clothes. We undertook to show that upon an ordinary suit of clothes 45 cents was approximately the sum, and we further contended that that was not robbing the American people very much; that they would not willingly put out of existence a great industry in this country because of a desire to save 45 cents upon a suit of clothes. I then determined to investigate that feature of the subject thoroughly. So I had some wool from my own clip used for the purpose of ascertaining the facts as to the cost. I had to have some assistance in this matter, however, notwithstanding the fact that I began by indicating that I felt like a monopolist. [Laughter.]

I belong to the National Woolgrowers' Association, and I doubt not that some of our Democratic newspapers will charge that I have been subsidized on this occasion, because when I received this clip I turned it over to the National Woolgrowers' Association, stating that I desired a suit of clothes made from it, and they came to my assistance and did so. I subsequently received a letter from the secretary of the association stating the cost of the suit. I was greatly surprised at the amount until I discovered that in my vanity I had somewhat overshot the mark in the desire to be, if possible, better dressed than others, and on the principle that "fine feathers make fine birds" and because of my pardonable ambition to compensate in this manner for my natural deficiencies if I am to be respectable at all [laughter], I chose some goods that were a little bit beyond the average cost, and that product of the tailor's skill I wear on this occasion. [Applause.]

This is what the secretary, Dr. S. W. McClure, writes me about this:

Judge A. W. RUCKER,
House of Representatives, Washington, D. C.

MY DEAR JUDGE: I have the honor to give you the following information relative to the suit of clothes which was made and presented to you by the National Woolgrowers' Association.

The following items of cost entered into the making of this suit.

3.6 yards of cloth, at $1.92	$6.910
1⅛ yards of mohair serge lining	2.030
1½ yards of vest and sleeve lining	.375
½ yard of haircloth	.250
⅛ yard of padding	.125
1¼ yards of canvas	.440
1 yard of pocket lining	.200
Lining for trousers, buttons, and buckles	.350
Buttons for coat and vest	.150
	10.830
Cost of tailoring	24.370
Total cost of suit	35.200

The cloth used in this suit is a high-grade, medium-weight worsted, all pure wool, and represents about the highest quality and cost of cloth made for men's suiting. While the cloth in the average all-wool suit of clothes ordinarily is sold by the manufacturer at from $1 to $1.40 per yard, you selected a cloth representing almost the extreme of high value produced by the American mill. While the manufacturer received $6.91 for the cloth in this suit, $2.37 of this represents what

he paid for the wool laid down at his factory; the balance must cover all the expense of handling the wool, converting it into cloth, and placing it upon the market, as well as his profit. The manufacturer's profit on this suit was between 15 and 20 cents.

It required 11.59 pounds of Colorado wool, shrinking 62 per cent, to make this entire suit; your woolgrower might receive for this wool to-day 17 cents per pound; therefore, for all the wool in the suit he received $1.97. In addition to making the suit, this 11.59 pounds of wool produced about 6 cents worth of waste, which, deducted from $1.97, leaves $1.91 as the share your woolgrower received from this suit, or 5.4 per cent of the total cost of the suit.

In order that you may understand exactly the way the costs to the woolgrower were distributed, I submit the following figures, based on the findings of the Tariff Board:

The average sheep in Colorado shears 6.1 pounds of wool; therefore, to produce 11.59 pounds of wool as required by this suit, 1.9 sheep had to be run for the entire year.

The average investment per sheep for improvements on your Colorado ranches is 44 cents, and for the wool required to make this suit the investment would be 83.6 cents.

The average value of Colorado sheep is $4.15, and for the 1.9 sheep would be $7.844; this makes the investment to produce the wool for this suit $8.72, excluding all investment in lands.

In producing this 11.59 pounds of wool your grower paid to labor $1.14, for feed for the sheep he paid 49.4 cents, and his miscellaneous expenses for the sheep were $1.71; the interest on his investment at 8 per cent was 69.7 cents, making the total costs to produce this wool $4.037.

This, however, represents the total cost of maintaining 1.9 sheep for one year, and as there was other income from them than that derived from wool, such income must be deducted in order to determine the actual cost of the wool. The Tariff Board estimates that the increase among Colorado sheep is 61.9 per cent, and that the income from sources other than wool for 1.9 sheep would be $2.28. This, deducted from the total cost of $4.037, leaves $1.757 actual expenditures which must be met from the sale of wool. If the receipts from the sale of wool in this suit were $1.97 and the cost of its production was $1.757, your woolgrower had remaining as his profit on 1.9 sheep just 21.3 cents, or a profit per sheep of 11.2 cents, amounting to 1¼ per cent on his investment.

In determining the cost of producing this wool we must not fail to recognize the fact that the Tariff Board credits the woolgrower with an average loss of sheep amounting to 3 per cent, when every western woolgrower believes that the loss is at least 6 per cent. And again, that the 49.4 cents' worth of feed consumed by these sheep represents, if produced on the owner's ranch, not the market value of the feed, but the actual cost of production. And also the fact that the board reports the average price of wool in Colorado last year to have been 14.2 cents per pound, and I have credited your woolgrower with receiving 17 cents per pound for the wool in this suit. And neither should we neglect to recognize that this profit of 11.2 cents per sheep was made at a time when the tariff on wool of this class represented 46 per cent ad valorem. May I therefore ask you, Judge, how is this woolgrower to survive if the Underwood bill reducing the tariff 60 per cent becomes a law?

Of course, Judge, you will understand that the tailor who made this suit for $24.37 was one of the reasonable-price tailors of the city of Washington, and plenty of tailors in this city would have charged as high as $40 for making this suit. Investigation convinces me that if this suit of clothes were purchased from the tailor under ordinary circumstances it would cost you not less than $55, and if purchased in a store probably $35.

Very respectfully, S. W. McCLUNG, *Secretary.*

Mr. AKIN of New York. Mr. Chairman, will the gentleman yield? Are you sure you have got all your buttons?

Mr. RUCKER of Colorado. I am sure I have not missed a buckle. [Laughter.]

Mr. Chairman, it will be observed that while the manufacturer of the cloth received $6.91 for the cloth in this suit, $2.37 of it represents what he paid for the wool laid down at his factory and the balance must cover all the expense of handling the wool, converting it into cloth, and placing it upon the market, as well as his profit. The manufacturer's profit on this suit was between 15 and 20 cents.

I shall not discuss that feature of the argument. I find that we are very scarce here upon our wool end of it, and yet at the same time truth must out, even if it be in favor of the manufacturer.

You will observe that the interest on my investment, as stated, at 8 per cent was 69.7 cents, making the total cost to me of producing this wool $4.037.

Mr. LONGWORTH. Mr. Chairman, may I ask the gentleman whether that is the ordinary rate of interest?

Mr. RUCKER of Colorado. Eight per cent?

Mr. LONGWORTH. Yes; 8 per cent.

Mr. RUCKER of Colorado. Yes; 8 per cent, but that depends a good deal upon your indorser. [Laughter.] The ordinary sheepman in that territory can not borrow any money at any rate without an indorser. [Laughter.]

This, however, reduced the total cost of maintaining 1.9 sheep for one year, and inasmuch as there are other sources of income from them than that derived from the wool alone such income must naturally be deducted in order to determine the actual cost of the wool. My correspondent, you will observe, states that the Tariff Board estimates the increase among Colorado sheep 61.9 per cent and that the income from sources other than wool for 1.9 sheep would, therefore, be $2.28. This deducted from the total cost of $4.037 leaves $1.757 actual expenditure, which must be met from the sale of the wool.

You will observe that in the enumeration of items of cost there is one of 12½ cents for one-sixth of a yard of padding. Of course I had to be padded. [Laughter.] Then there is 1 yard of pocket lining, at 20 cents. The tailor, observing that I was a cowboy, made a pocket, of course, on my right side for my gun and one on my left side for my flask. [Laughter.] In fact, they loaded me down with pockets. I think probably there are some pockets for dirk knives, tobacco, and so forth, which I may not have discovered. [Laughter.]

I have never had as handsome and as good a suit of clothes in my life as I now have upon my back, and I now desire to publicly extend my thanks to the association for having discovered my needs and satisfied my vanity. [Laughter and applause.]

Now, Mr. Chairman, I have been the subject of divers hopeful experiments in a good many pursuits of life. I had my initiation as a farmer's boy. I entered upon the practice of the law as soon as I could get into it. I was tried at that. Then I was the subject of the more ambitious experiment as judge. They tried me as a farmer and then tried to make me governor, and after ascertaining that I was not adapted for any of those occupations they finally made me just a plain, ornery Member of Congress. [Laughter.] My patient and devoted constituency has been all these years acting upon the assumption that I must certainly be good for something. [Laughter.] As an illustration, my father had an old negro by the name of Isaac. Isaac owned a dog which he claimed was the best coon dog in the country. On one occasion a man came along who desired a coon dog, and the trade having been made, the man took the dog home. In about a week he returned and said, "Isaac, you old scoundrel, you cheated me in that dog trade." "How is that, massa?" "You said that dog was a good coon dog, and he won't pay any attention to coons." "Dere sure must be somethin' wrong about dat," said Isaac, scratching his head in a puzzled way, "'cause I done tried that dog wid squirrels and possums and rabbits, and he wouldn't pay no attention 'tall to them varmints, and in course you must know, as well as I do, dat dat dog must be good for something." [Laughter.]

Now, if I have accomplished any real good since I have had the honor to be in Congress, and not proven an entire disappointment to my constituents, my one act of pulling you Republicans from your obstructive attitude in the doorway of the prosperity of the sheep grower of this country—where you have consistently stood since you have been in power—stands out, if I may modestly so express it, like a beacon. Not until I came here, a coyote from the wild and wooly West, and demonstrated to this House the absurdity of your tariff legislation, enacted nominally in the interest of the stock grower, was there ever introduced a bill to put the duties on wool upon a specific basis on the scoured content. That amendment I offered in the House on the 20th day of last June, and I think it received four or five votes on the Republican side. I know just exactly how many votes it received on this side. It received one vote. That vote was my own. [Laughter.] Not one of you Republicans, in the whole history of your legislative lives, have until now supported such a measure. You are now engaged in a wild and rather flattering effort to steal my thunder. Of all the Presidents you have had, but one, the present Executive, has ever suggested in a message that a specific duty should be placed upon wool, and that it should be upon the scoured content.

When the first wool bill was passed, it was upon the theory that all wool shrunk 66⅔ per cent. That was supposed to apply to foreign wool as well as to American wool, and it did at that time. Immediately upon that bill becoming a law, and operations began under it, the foxy foreigner evolved a method of cheating the woolgrower of this country, as well as the Treasury. He proceeded at first to wash the wool on the sheep's back. Then he winnowed out all the rubbish, dirt, straw, and vegetable matter that he could eliminate in that manner, and reduced the shrinkage to somewhere in the neighborhood of between 40 and 50 per cent by that method. But, in view of the exactions of the tariff and freight, that did not satisfy his greed, so by some hocus-pocus he secured the passage by Congress of what is known as the "skirting clause," which left the fleece stripped of most of the grease and foreign matter. That still not being entirely satisfactory he winnowed it and brought it into this market with a shrinkage of not to exceed 40 per cent.

It must be remembered that during all this time we were in competition with the foreigner, who was bringing his wool here with that shrinkage of 40 per cent, while our wool always remained the same—a shrinkage of 66⅔ per cent.

It is therefore manifest that under the 11 and 12 cents per pound duty we have never received more than 4 or 5 or, at the most, 5½ cents protection under a Republican administration.

Mr. Chairman, there is an element of contagion in this matter. It is akin to the subject of conservation. Conservation is

a contagious disease. [Laughter.] You Republicans took the initiative in promulgating the doctrine of conservation. A Republican President had two bills before him—one an act declaring that there should be no more land withdrawn from the public domain unless it should be specifically under an act of Congress, and the other a proclamation withdrawing 200,000,000 acres of land in our Western States and Territories from settlement and the taxing power. One piece of paper seems to have been more conveniently within his reach than the other, and he signed the last first, and thus ignored the wishes and instructions of Congress as evidenced by the bill lying by the side of the one he first signed.

But that is apart from the story. It is simply an indication of the fact that my Democratic friends at times manifest symptoms of the disease which they have contracted from you.

This situation is contagious. You Republicans first, by specious provisions, closed the mouth of the woolgrower. Convention after convention was held between the woolgrower and the manufacturer, but there never was a convention held west of Washington. They were all held up in the section of the country where there are four or five manufacturers to one woolgrower. There was no representation of the western interest or sheep grower. This select coterie met and formulated this legislation to which I have referred. The confiding woolgrower was beguiled by the promise that at the next session of Congress the duty would be raised a little. He rested content in this assurance, only to discover that when the Democrats came into control the infection had extended its baleful influence to this side of the Chamber.

And now what do my Democratic friends propose to do? They say, "The credulous old woolman has been fooled for a long time by the Republicans. We must not be outdone. We will now, as a fitting climax, put on the capsheaf and take all of the protection from him"; for that is the logical interpretation of the bill under consideration. Obviously the 20 per cent ad valorem duty upon the grease content is no protection to the sheepman.

I am not at all amazed that my friend from Massachusetts [Mr. PETERS] failed to say a word concerning the raw-wool proposition in his speech to-day, nor as to its effect upon the sheepman. When he made his speech at the last session he electrified us by tracing these sheep from the rocky hills of Vermont down through Connecticut, on through this country, eating up everything they could reach—land had gotten so high that the sheep could not justifiably be raised upon it—following them diligently out across the American desert and across the trackless plains, making them climb the snowcaps of the Rocky Mountains, driving them, with their tongues lolling out and their tails hanging behind them, through the desert of Death Valley and beyond into the Pacific Ocean, where he left them eating crabs. [Laughter.]

To-day there is a different story. A change has "come over the spirit of his dream." There has been an appreciable bit of ground swell. The people of the West are a little dissatisfied. Ohio is a big wool State and they are looking a little to the future. The sheep business is not disintegrating so rapidly after all, and it may become necessary for us to hold on to it a little longer, and this impression has prompted some faint effort to show that we can survive under this bill.

There is but one substance in the mineral kingdom that is indestructible, and that is gold. Its usefulness is not greater than its indestructible counterpart in another kingdom, namely, wool. It has only three enemies—one, the nonfurtiveness of the ragpicker; another, the moth; and, third, fire. On another occasion I said to you:

> Many of you doubtless have in your households treasured antiques a thousand years old. There are prayer rugs known to be over 4,000 years old, the wool in which might have been clipped by Abraham, and as they are rare, there are many imitations of them. I bespeak for you, my friends, in the hour, yea hours, of your atonement for the sin you will commit in the passage of this bill the peculiar appropriatness of a prayer rug woven from the fleece of the American sheep, that your hands may be raised alike in supplication for pardon and benediction of the home-grown product which makes so much for American greatness. From the cradle to the grave, from the clipper's hand to the tailor's shears, its fruitful coat of down has ever thrown its benign protection around young and old. The babe in arms, the rugged mountaineer, the aged and infirm alike are secure within its ample folds, and the best that is within us should be devoted to its safety and not its sacrifice.

Mr. Chairman, of course I can not support the pending bill, and I am utterly unable to understand how any Democrat can consistently do so. It would amount to absolute stultification for anybody who voted for a duty of 29 per cent ad valorem last session to now, after the Tariff Board has reported and notwithstanding there has been no untoward change of conditions in any direction, favor free wool at least. There is no justification for us to now stultify ourselves by voting for 9 per cent less duty at this session of Congress.

Mr. LONGWORTH. It is nearly 30 per cent.

Mr. RUCKER of Colorado. No; it is 9 per cent lower than the conference bill that we passed at the last session.

The bill proposed by the minority is equally objectionable to me. The bill introduced by me at the last session put the duty at 30 cents a pound. Thirty-four cents a pound is exactly what the western sheep grower must have in order to compete with the Australian woolgrower. Of course if it is proposed to eliminate the sheepman altogether—if it is the desire to put him out of the business entirely; if we are to say to him, "Notwithstanding here is an industry as old as Abraham himself, and which is contemporaneous with the glorious history of our country and has brought to it so much enduring prosperity, we must let it go"—if we are to ignore not only the history of our own country but that of all countries as to its great value as an integral part of our national greatness, then pass this bill providing for a 20 per cent ad valorem, and it will effectually give it its quietus.

As a matter of fact I do not know that we could enact any legislation that would resuscitate the sheep business at the present time, because of the fact that the sheep people are so much discouraged by the tariff agitation. They have lost millions of dollars by reason of this agitation since last June. The speculator has been quick to take advantage of the possibility of this bill becoming a law, and the woolgrower has become bankrupt in his effort to keep his flocks and his possessions out of the hands of the banker, of whom he has borrowed money on them, and it has been an unequal struggle.

Mr. Chairman, England did not abandon the protection policy, in so far as the wool business was concerned, until she had established the industry, and she is now almost the third nation in the world in the production of both wool and mutton. She does not now permit sheep to remain over 24 hours on her soil or get beyond the docks before it is slaughtered. She is still vigorously protecting her sheep industry.

Until 104 years ago, and for 130 years before that, England had a statute requiring the dead to be enshrouded in woolen cloth with a view to protecting and nurturing the woolen industry. As an evidence of solicitude for the safeguarding of that industry the mother country forbade our Colonies to export any of their wool. In Virginia in 1664, the Commonwealth passed a statute by which she gave 5 pounds of tobacco—the only money she had at that time—for each yard of homespun cloth that might be manufactured. Two years afterwards she passed a law by which she put into every county in the Commonwealth looms and weavers for the manufacture of wool.

Mr. Chairman, how much time have I remaining?

The CHAIRMAN. The gentleman has 35 minutes.

Mr. RUCKER of Colorado. Massachusetts in 1645 passed a law compelling each family to weave 1 yard of cloth out of wool flax or cotton for 30 weeks during each year. She also gave to her weavers a bonus of 30 acres of land. In those days it was the unanimous judgment of all that it was imperatively necessary to develop and sustain this industry. Will anybody be good enough to tell me when there has been a time when this industry needed to be built up more than at the present? We produce 70 per cent of the wool we consume. Now, if it is demonstrated, as I believe it must be, to our Democratic friends that if we pass such a law as this it will mean the annihilation of the sheep industry of this country I am entirely sure no one would longer indulge in the sophistry that it would be in the interest of the consumer. When by a simple arithmetical process you subtract 70 per cent of our consumption from the total, does it appeal to anyone's reason that it would tend to lessen the price? Is it not convincing to the analytical mind that the result will be diametrically the opposite, and is it not a solecism to pretend that to subtract from means to add to; that in order to cheapen the price you must lessen the supply? And yet that, Mr. Chairman, is irresistibly the character of philosophy that must be invoked in justification of the passage of a bill of this kind.

Another and equally vicious feature of the proposed legislation would be the surrender of our domestic market to the foreigner, thereby vesting him with power to arbitrarily fix prices. Listen to what is said in the last issue of the Australian Pastoralist Review:

> The writer ventures to state that if the duty upon wool in America is removed for any length of time sheep numbers in the United States of America will, as they did before, rapidly diminish. This would be a bad thing for the States, but a good thing for Australia and New Zealand.

To digress for a moment. We are all aware of the proverbial æsthetic taste of the good people of Massachusetts. In 1684 William Foster, a representative from this country to Spain, purchased three rams at auction for $1,500 apiece and shipped them to a friend in Massachusetts for breeding purposes. However, unmindful of their other attributes and of the intent and

purpose of their shipment, the gentleman in Massachusetts slaughtered them and ate them, writing a very cordial letter of thanks to Mr. Foster for remembering him with such delicious meat.

As a matter of fact and in the interest of truthful history, it may be said that those rams were smuggled into this country because of the rigid statutes of Spain upon the subject of the exportation of sheep. Under the Spanish law at that time it was an offense punishable by death to ship sheep from that country. But our friend from Massachusetts did not enjoy an exclusive monopoly in that inhibited industry, for there lived at that period another smuggler of no less prominence than Thomas Jefferson, who was, as we all know, well versed in international law and ethics, and as an evidence of whose lively interest in the development of the wool industry of this country at all hazards I desire to read from a letter written by him to the American representative at that time in Spain. Among other things, he says:

An American vessel, the property of a respectable merchant of Georgetown, on a voyage to some part of Europe for general purposes of commerce proposes to touch at some part of Spain with a view of obtaining merino sheep to be brought to our country. The necessity we are under and the determination we have formed of emancipating ourselves from a dependence on foreign countries for manufactures which may be advantageously established among ourselves has produced a very general desire to improve the quality of our wool by the introduction of merino sheep. Your sense of the duties you owe your station will not permit me to ask you, nor yourself to do, any act which might compromise you with the Government with which you reside or forfeit that confidence on their part which can alone enable you to be useful to your country; but as far as that will permit you to give aid to the procuring and the bringing away of some of the valuable race, I take the liberty of soliciting you to do so. It will be an important service rendered to your country.

[Laughter.]

I cite these two prominent instances as showing that for the advancement of the great wool industry in this country, not only did a citizen of the law-abiding and thrifty Commonwealth of Massachusetts, but that great Virginian, the father of Democracy, himself risk the dire international and personal consequences of the detection of such an act. If perchance he had been caught on Spanish soil he would have been indicted as particeps criminis and liable to the penalty of death under the statute to which I have referred.

It will thus be seen that Massachusetts and Virginia, the two oldest and most conservative Commonwealths, joined hands for the upbuilding of this important industry.

To return to my line of thought. It is clearly impossible to add to by dividing. How can it be sensibly or reasonably maintained that by taking 70 per cent of our consumption from the total we will lower the price upon wool? At the risk of repetition I desire to emphasize that inquiry. If I have not already done so, let me state now that the wool man, especially of the West, is to-day realizing his only revenue upon the lean sheep that he may be able to drive to the market, he being absolutely helpless in any other respect.

Mr. Chairman, I have just a few words more. I am not a very good statistician, and I have difficulty in following the line of argument of those gentlemen who deal in fractions. I come from the western country where those who play poker play with blue chips. They do not use the white ones. I prefer to deal with larger sums than fractions.

Upon the subject of statistics, if I may again digress, I am minded of a darkey who was captured by old Jubal Early in one of his raids through Virginia. He was nearing his old town, and he produced his pencil and paper and was noting the names of some of the people who lived in his old home town, and calculating how many graves he would have to dig when he got there. There was one particular man whom he desired to inquire about, and as this darkey resided in the neighborhood he supposed he would be able to secure accurate information from him. Early said, "Sam, do you know a man down there by the name of Sandford?" "Oh, yas, sir, yas, sir; I knows Mr. Sandford very well." "What does he do?" pursued Early. "Well, Massa Jubal, he keeps a kind of little grocery sto' and he sells medicine, and when I gets a stummick ache sometimes he gives me medicine and I gets well right away." "Orderly," said Jubal sternly, "take this nigger out and have him shot. There is only one fellow down there by the name of Sandford and he is a lawyer." Sam, apprehending that he was about to be shot, cried out quickly, "Hold on there, Massa Jubal, I think we's both right, but you is more wrong than I is. I knows dat dis is de same man, fur he did run for dat dere office but he got lef'." [Laughter.]

In my school days I found extreme difficulty in mastering the science of arithmetic, and I confess that I am not near so skillful in the art as my friend UNDERWOOD and some of my other associates on this floor. However, when I reflect upon my restricted scholastic opportunities this is not to be wondered at, and I am glad now of the opportunity to forsake the smaller figures for the larger and more important ones.

I desire to refer for a moment to a statement made by my distinguished friend from Alabama [Mr. UNDERWOOD] yesterday to the effect that the sheep growers of this country have ample protection, that there was a healthy competition existing, and that the report of the Tariff Board would show this. There is a striking dissimilarity between his present line of thought and that of last year, when he, too, indulged in the pleasing occupation of driving these sheep clear out into the Pacific Ocean as a preliminary to our relinquishing the sheep-growing business entirely.

With a view to my further enlightenment upon the subject, I took occasion to analyze this report to some extent, and discovered a few large figures, minus the fractions, which accommodated themselves to my understanding.

I find that the total labor cost, including the shearing of the sheep and their handling in this country and the competing countries, Australia and South America, was as follows: In the United States, on 52,000,000 sheep—that is all we now have—lambs and all, $47,580,000; in South America the cost was $15,080,000; in Australia it was $7,280,000.

Mr. Chairman, I am going to agree with my friend UNDERWOOD in one respect with reference to the Tariff Board. I do not think it was necessary for them to go to that country to get this information. Most of the material information concerning these costs was available in any trade journal. We are perfectly familiar with the geography of that country. We know its climate, we know its area, we know of its immense pampas, we know how many sheep they have, we know also the character of the labor they employ. We know they have hatless, shirtless, shoeless, breechclouted bushmen to attend their flocks. I have a picture here which I would be glad to show some of you. Here it is. My word painting of him is not in the least exaggerated. He is also languageless. He is unable to comprehend in the dark and conveys his meaning by gesticulations. These bushmen, the Arapaho Indians, and the Fiji Islanders are in a class by themselves. They are the only known people who are unable to make themselves understood in the dark.

Mr. PAYNE. Mr. Chairman, the gentleman says we know these things. We do not know it except from the report of the woolgrowers in the United States.

Mr. RUCKER of Colorado. Mr. Chairman, I thank the gentleman for his suggestion. That is good enough evidence for me.

Mr. PAYNE. It is for me, in some respects, and still your people are always raising the question that we only get one-sided information from people who are interested. How could we get evidence to satisfy the gentleman from Alabama unless we sent some one over there?

Mr. RUCKER of Colorado. I think the gentleman from Alabama knows more than he "lets on." I think he was satisfied, just as I was.

Mr. PAYNE. Oh, no; he was never satisfied with anything that came from the woolgrowers.

Mr. RUCKER of Colorado. Mr. Chairman, the gentleman from Alabama, as well as many of these questions, are peculiarly suggestive of the man who imagined he had discovered in the distance a great conflagration, while the closer observer perceived but the golden glory of a newborn day. The sun was just rising. [Applause.]

Now, I desire to go just a step further in this——

Mr. GARNER. The sun of the gentleman from Alabama is just rising; that is all right.

Mr. RUCKER of Colorado. I accept with pleasure the interjection of the gentleman from Texas.

With regard to the cost of feeding these 52,000,000 sheep, and dealing in these large figures again, we find that in the United States it is $23,400,000; in South America it is $18,200,000; in Australia, our competitor, as is recognized by everybody, it is only $4,160,000, as against $23,000,000 in the United States. That, it will be observed, is for feeding. Of course the climatic condition there is a matter of common knowledge. The sheep can run the year round. The growers there procure a lease for 40 years and are at liberty to fence the land in. I believe the gentleman from Texas [Mr. GARNER] knows something about the sheep business——

Mr. LONGWORTH. He has goats.

Mr. RUCKER of Colorado. Well, he is not one. Besides, he is honest enough to acknowledge that if one has the opportunity to secure twenty or thirty thousand acres of land, subject to a lease of 40 years, he can construct a coyote-proof fence around his pasture, wherein one man would be able to attend to 20,000 sheep. Conditions in our country are entirely different, as is well known.

Then we should bear in mind the amount of the taxes on 52,000,000 sheep. In this country the annual tax is $2,000,000,

while in Australia it is $1,000,000, or perhaps a little in excess of that sum. Then there is a very considerable difference in the relative cost of getting the wool into the domestic market as between the two countries, the western American producer paying just three times as much as the foreigner to lay his wool down in the markets of Boston, Philadelphia, and New York, for instance, and this item of transportation alone consumes the duty, so far as the western woolgrower is concerned.

Mr. Chairman, my time has about expired. As long as I have the honor to be a Member of the American Congress, I shall raise my voice in the interests of the American farmer and stock raiser and for what I conceive to be his adequate recognition, and if I have been successful in affording any enlightenment as to his requirements in the hour that has been so generously accorded me, I shall not have spoken in vain. Since the wool industry, as well as many other of his products, is assaulted on the theory that raw material shall be duty free, and that in order to gradually reduce the tariff one industry may be made the dumping ground, I cite briefly some of the declarations of our national platforms and leaders of our party, showing that such legislation is emphatically repudiated. And these references show that it is you, my Democratic friends, who are departing from the faith of the fathers, not I.

President Jackson, in his first inaugural address, March 4, 1829, puts the question in these words:

With regard to a proper selection of the subjects of impost with a view to revenue, it would seem to me that the spirit of equity, caution, and compromise in which the Constitution was formed requires that the great interests of agriculture and manufactures should be equally favored. (Messages and Papers of the Presidents, vol. 11, p. 437.)

The first distinct effort to adopt the doctrine of raw materials of manufacturers was made in the Whig act of 1842, which act was condemned by leading Democrats at the time it was passed and resulted in the overthrow of the Whig Party and the passage of the act of 1846, variously called the Polk tariff and the Walker Act.

In speaking of the act of 1842, Mr. Calhoun said:

An examination of this bill will show that there is not an article manufactured in the country, nor one which might come into competition with one that is, which is not subject to high protective duties.

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To this may be added that there is not a raw material scarcely on which manufacturers operate or any material which is necessary to the process of manufacturing which is not admitted free or subject to a very light one.

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The bill, in short, is framed throughout with the greatest art and skill to exempt as far as possible one branch of industry from all burdens and shackles and to subject the other exclusively to them; and well may our political opponents raise their heads amidst their many defeats and exult at beholding a favorite measure—one above all others indispensable to their entire system of policy—about to be consummated.

The first Democratic national platform that was adopted by the national convention was in 1840, at Baltimore, Md., on May 5, and I quote verbatim from the platform:

4. *Resolved*, That justice and sound policy forbid the Federal Government to foster one branch of industry to the detriment of another, or to cherish the interests of one portion to the injury of another portion of our common country; that every citizen and every section of the country has a right to demand and insist upon an equality of rights and privileges. * * *

5. *Resolved*, That it is the duty of every branch of the Government to enforce and practice the most rigid economy in conducting our public affairs, and that no more revenue ought to be raised than is required to defray the necessary expenses of the Government.

And I emphasize the fact that the identical language verbatim et literatim was repeated in the Democratic platforms of 1844, 1848, 1852, and 1856.

The Whig platform adopted in Baltimore in May, 1844, favored "A tariff for revenue to defray the necessary expenses of the Government, and *discriminating* with special reference to the protection of the domestic labor of the country."

Upon this issue the Democrats elected James K. Polk as President in 1844. The first President elected after the first Democratic platform ever was made. Polk brought to the Presidency the widest experience on the tariff that any Democratic President has had before or since the war. He was 14 years a Member of this House, was 4 years Speaker of this House, was on the Ways and Means Committee, and he wrote more as President on the tariff than any other President has written, and I shall quote from his messages at considerable length for these reasons and the additional reason that he construed the first Democratic national platform that ever was made.

In his inaugural address March 4, 1845, among other things, he said:

The incidental protection afforded to our home interests by discriminations within the revenue range, it is believed, will be ample. In making discriminations all our home interests should as far as practicable be equally protected. *The largest portion of our people are agriculturists. Others are employed in manufactures, commerce, navigation, and the mechanic arts. They are all engaged in their respective pursuits, and their joint labors constitute the national or home industry. To tax one branch of this home industry for the benefit of another would be unjust. No one of these interests can rightfully claim an advantage over the others or to be enriched by impoverishing the others. All are equally entitled to the fostering care and protection of the Government.*

Let us pause a moment and ask ourselves what was meant by President James K. Polk when he said:

The term "protection to domestic industry" is of popular import, but it should apply under a just system to all the various branches of industry in our country. The farmer or planter who toils yearly in his fields is engaged in domestic industry, and he is as much entitled to have his labor protected as others.

Again, what did Andrew Jackson mean when he said:

The agricultural interest of our country is so essentially connected with every other, and is so superior in importance to them all, that it is scarcely necessary to invite to it your attention. * * * The general rule to apply in graduating duties upon articles of foreign growth or manufacture is that it will place our own in fair competition with those of other countries. * * *

And what did the Democratic platform of 1888 mean when it said:

Our established domestic industries and enterprises should not and need not be endangered by the reduction and correction of the burdens of taxation. On the contrary, a fair and careful revision of our tax laws, with due allowance for the difference between the wages of American and foreign labor, must promote and encourage every branch of such industries and enterprises by giving them assurance of an extended market and steady and continuous operations.

And that of 1896, which was equally impressive in its enunciation:

The duties to be so adjusted as to operate equally throughout the country and not distinguish between class or section.

And then in 1904, when it declared that such duties should be—

so levied as not to discriminate against any industry, class, or section, to the end that the burden of taxation shall be distributed as equally as possible.

Now, my Democratic friends, let me ask you in all earnestness, in view of these plain, positive, and unequivocal utterances of the great minds of our party, what possible defense can you urge to the people of this country for your undisguised purpose to strike down at a single blow one of our greatest industries, in which over a million people are directly interested? As I have before indicated, it is not seriously claimed that under this present bill the American sheep grower will be afforded fair competition with the foreign grower; and I affirm that by no possible process of analysis is such a demonstration possible.

I am sorry I was not searched more thoroughly during this debate for further information to impart to you concerning this important industry, and especially with reference to the pecuniary situation of the woolgrowers of this country, and, at the expense of repeating what I said on this floor at the last session of Congress, I conclude by saying:

The wool feature of this bill is incomplete, inadequate, inequitable, and iniquitous. I reaffirm that it is unfair in its provisions and seemingly recklessly inconsiderate of the interests of that foundation of our national fabric—the American farmer.

If one can view with equanimity the situation of this forlorn flock master, I believe he could have witnessed without emotion the pressing of the crown of thorns upon the head of the Nazarene, the stretching of His body on the cross, the driving of each nail through His limbs, the dipping of the soldier's sponge into a tankard of vinegar mingled with gall, and the putting of it to His parched and quivering lips, and, following His last cry of agony, see deliberately scrawled above His head the words, "This is Jesus, the king of the Jews."

I yield, Mr. Chairman, to the gentleman from Rhode Island [Mr. O'SHAUNESSY] five minutes of my time.

Mr. O'SHAUNESSY. Mr. Chairman, I thank the gentleman for his generosity, but I have been informed that at 5 o'clock I shall be recognized for half an hour.

Mr. RUCKER of Colorado. The gentleman asked me for time and I was willing to yield it to him. I desire to reserve my five minutes, then.

The CHAIRMAN. The gentleman from Wyoming [Mr. MONDELL] is recognized for one hour.

Mr. MONDELL. Mr. Chairman, one proposing to discuss the questions presented by the two wool bills before the House at this time is confronted with some embarrassment, an embarrassment of riches. There is so much that might be properly said, the subject of the growth and manufacture of wool is so large, the matter presents itself in so many different ways, the industries affected are so vast and so diversified, the record of the Democratic Party on the subject is so extraordinary, that one scarcely knows how to approach the discussion having only a limited time to command.

One very pertinent inquiry at this time is, Does the Democratic Party really want to revise the wool schedule or are they simply using the schedule as an asset for the coming presidential campaign? The gentlemen on the other side of the aisle will, of course, plead not guilty, and yet all the circumstances of the case convict them.

A little less than a year ago they introduced and, under caucus dictation, passed through the House a facsimile of the bill

they now present. That bill was amended in the Senate by a general increase in rates, and then came from conference a hybrid, which the President very properly vetoed. In his veto message the President made it plain that he would sign no wool bill that did not carry rates which would afford adequate protection to American woolgrowing and woolen-manufacturing industries.

The unanimous report of the Tariff Board on woolgrowing and woolen manufacture is now before us. It is thorough and complete. No one except the apologists of the Democratic bill has ventured to question the finding of the board as to facts, and the report clearly shows that the bill presented by the Democratic majority will not adequately protect our industries. In fact, it shows plainly that their bill will give such an advantage to the foreign competitors of our people as to destroy our industries. As the President will not sign such a bill, it is clear that the measure is not presented with the expectation that it will be enacted into law, and therefore the only purpose it can serve is to keep alive the agitation over Schedule K.

In striking contrast to the Democratic position is that of the Republicans of the House and those engaged in the industries affected. At no time has our party desired, or the industries affected expected, tariff rates higher than are necessary to enable American producers and manufacturers while paying American rates of wages to maintain their industries against foreign competition.

Three years of constant tariff agitation has been vastly harmful to the wool producers and woolen manufacturers alike. The wool producer has found his markets uncertain and his prices unsatisfactory. The manufacturer, buying his wool from hand to mouth, has been facing a curtailed and timid market, and both have suffered severe loss without any corresponding gain to the users of woolen goods.

In this condition both the wool raiser and those who use his product are anxious to have the matter settled, and, rather than have the present condition continue, are willing to accept a tariff rate which holds any reasonable promise of allowing them to continue in business.

Our party has, in its national platform, laid down a fair and reasonable measure of protection, and now that we have the facts from a fair and unbiased and unprejudiced source, we stand ready to apply the rule "that protection shall measure the difference in cost of production at home and abroad"; and on that measure of protection we are prepared to go to the country, confident that the American people do not desire and will not sanction the transfer of our woolgrowing and woolen-manufacturing industries to foreign shores.

The Democrats present a bill which, by placing an ad valorem rate of only 20 per cent of the foreign value on imported wool, will reduce the value of every pound of wool grown on American farms and prohibit the growing of all wools of the finer grades, a bill which carries such low rates on manufactures of wool as to close American mills and thus deprive the few growers of coarse wools who might survive of a market for their product.

The Republicans present a bill based on a report of the Tariff Board, but with rates placed at the very lowest protective point; so low indeed as to leave the growers of fine merino wools and the makers of fine woolens dangerously near the line of destructive foreign competition; and yet a bill under which it is hoped our wool and woolen industries can survive and, in the absence of tariff agitation, prosper. As between these two measures—the one brutally destructive, the other but barely protective—no one but those who are willing to raise the black flag of piracy against American farmers, ranchmen, and manufacturers can hesitate.

My first duty on this floor is to those who sent me here, the tens of thousands of men and women whose accumulations of a lifetime of toil and struggle are invested in the sheep and wool industry, and the other thousands who are largely dependent, directly and indirectly, on the prosperity of those industries; but they would not expect me to ask for them or on their behalf any opportunities the pursuit of which would not be useful, helpful, and beneficial to the country at large. They believe and know that in the long run the destruction of the industry in which they and many others throughout the land are engaged would be nothing short of a national calamity, and so believing, they do not expect to appeal in vain for such protection as will enable the industry to exist and prosper.

DIFFERENCES IN COST.

I shall support the Republican bill not because I think all its rates are safely protective, but because I believe it is the best measure of protection obtainable. I do not question the approximate accuracy of the rate fixed on wool—18 cents per pound on the scoured content of imported fleeces or 19 cents per pound on wool imported scoured, and amounting to about 36 per cent ad valorem on present foreign cost—as measuring the average difference in cost of producing wool at home and abroad, as shown by the Tariff Board, but it must be borne in mind that any rate based on averages may leave a considerable portion of the product without adequate protection; and the portion of our national wool clip thus left somewhat in jeopardy is the portion which comes largely from the region which I represent. Furthermore, the Tariff Board did not take into consideration at all certain factors of cost which are of vital importance. Most important in these are the differences in interest charges and in the cost of transporting wool to market. To reasonably cover the differences in these items of cost in the case of the so-called territorial wools, it would be necessary, in my opinion, to increase the rate on class 1 wool at least 2 cents above the rate contained in this bill.

Furthermore, the board does not take into consideration investments in lands, and we know that in the region from which our sharpest competition comes—Australia—the woolgrowers have practically no investments in land, whereas all American woolgrowers, those who produce the coarse mutton sheep and those who produce the territorial wools, have a large and, in the case of the latter, a constantly increasing investment in lands; and if this difference in investment were taken into consideration it would, in my opinion, necessitate a higher rate than the bill carries. And yet, as I said, I think the rate in the bill fairly measures the difference as set out by the Tariff Board.

Let us consider for a moment some of the items of difference in the cost of wool production at home and in some of the competing regions. I have some data compiled by the secretary of the National Woolgrowers' Association from the report of the Tariff Board. The following is given as the comparative labor cost to raise and handle a sheep:

Average labor cost per sheep.

United States	$0.82
South America	.23
Australia	.07

This labor cost per sheep does not include the cost of shearing, and the board finds that the labor cost of shearing is as follows:

Labor cost shearing, per sheep.

United States	$0.09½
Australia	.07
South America	.06
Africa	.02

In order that the relative importance of this item of labor in the expense of sheep husbandry may be fully appreciated, we submit a table showing the total labor cost, including shearing, of handling 52,000,000 sheep, or the full number in the United States.

Total labor cost, including shearing, of handling 52,000,000 sheep.

United States	$47,580,000
South America	15,080,000
Australia	7,280,000

In the matter of feed it should be remembered that the Tariff Board fixes the value of feed at the cost of production and not at its market price, and therefore there is no profit whatever in the feed that the sheep consume.

Cost to feed 52,000,000 sheep one year.

United States	$23,400,000
South America	18,200,000
Australia	4,160,000

Then we come to taxes. The wools with which our fine wools compete are, most of them, produced in a sparsely settled region having a cheap government and therefore low rates of taxation. All our Territorial wools are grown now in regions where, though there are very considerable areas that are very thinly settled, they are surrounded by and interspersed with thickly settled communities, communities that maintain schools and all of the agencies of government, and where the burden of taxation, by reason of the small amount of real estate that is taxable, is comparatively high. The rate of taxation per sheep is given as follows:

Taxes per sheep.

United States	$0.05
South America	.04
Australia	.025

Mr. LONGWORTH. What is the average rate of interest in your State?

Mr. MONDELL. The average rate of interest?

Mr. LONGWORTH. Yes.

Mr. MONDELL. The gentleman from Colorado [Mr. RUCKER] I think stated it quite accurately a few moments ago. It depends at this time very much upon a man's indorser. A fair or low rate of interest in our region is 8 per cent.

Mr. LONGWORTH. A low rate?

Mr. MONDELL. Yes. In good times some of our sheepmen secure funds for less than 8 per cent. The average sheepman, I think—the small sheepman—pays more frequently about 10 per cent, and in times like this he is very glad indeed to get money at almost any rate. The gentleman from Ohio understands that just now we are passing through perhaps the most trying climatic experience that the territorial wool industry has ever known. We can not cure that with a tariff. It is not the fault of the tariff. Tariff agitation, which has reduced prices, has, however, intensified the hard conditions, and the passage of the Republican bill would help and hearten our people. It may be the fault of the Democratic House. I would not be at all surprised if it were a dispensation of Providence on that account. But we have had two exceedingly dry years. Winter before last was very severe. The winter a year ago was mild, but the past winter, which has lingered long, but is now happily passing away, has been, perhaps, the worst in the history of the Rocky Mountain country.

The Tariff Board has fixed the loss per annum of American sheep at 3 per cent. It seems to me that is quite low under any circumstances. The average loss to the flocks in my State in the past year has been, in my opinion, not much less than 20 per cent. I think that is a conservative statement. I hope it is less, but there are many who make it more. We can not provide by tariffs for losses of that kind. We do not expect any such provision. But I simply mention that to show the difficulties under which we labor in the production of our territorial wools. We meet a winter climate of a severity unknown in Australia or New Zealand; that is, our winters are much more severe, and then occasionally we suffer very nearly as badly as Australia does from severe droughts, although we have never had as severe a drought over so large an area as Australia has had once or twice in her history.

In addition to that, we suffer in the Rocky Mountain and plains country from losses by predatory wild animals, a cause from which the loss in Australia and New Zealand is very small indeed. These can not be measured in the differences of cost in a report of a Tariff Board, but yet they are all handicaps, making difficult the carrying on of the industry in that country.

The table I presented gives the taxes per head of sheep in the United States as 5 cents, 4 cents per head in South America, and 2½ cents in Australia. The 5 cents per head, given for the entire United States, is less than the average rate of taxes in my State for the last two or three years, based upon the investment carried with each sheep.

On this basis the taxes in the United States on 52,000,000 sheep would be $2,600,000, in South America $2,080,000, in Australia $1,300,000.

And so this increased cost runs all the way through, not only on items included in the report of the Tariff Board, but in others not taken into consideration by the Tariff Board at all, such as freight. The table which I have is as follows, and I hope I may have the attention of the gentleman from Ohio [Mr. LONGWORTH], who, I know, is familiar with this, and I think it is correct:

Freight on 1 pound of scoured wool from the grower's railroad station to Boston.

Western United States	$0.06
Australia	.03
South America	.0105
London, dock	.0025

The 11 Western States reviewed by the board produced, in 1911, 56,875,000 pounds of scoured wool, that cost in freight alone to market 6 cents per pound. For comparison we show in the following table what it cost the growers of these States to market their wool and what it would have cost the foreign growers in freight to market a similar quantity of scoured wool in Boston:

Freight cost to market 56,875,000 pounds of scoured wool.

11 Western States	$3,412,500.00
Australia	1,706,250.00
South America	597,187.00
England	142,187.50

These tables show that, in addition to the differences in cost indicated by the report of the Tariff Board, there are a number which are not taken into consideration and which, if taken into consideration, would considerably increase the rates that would be necessary in order to be fully protective as to the average territorial fleece of the country at least. And as high a rate at least would be necessary for the full protection of the fine merino fleeces of Ohio and Michigan.

The Republican bill is carefully and wisely drawn. It is perhaps the first wool tariff ever presented, all of the rates in which are clear and definite, with no ambiguity, no concealed rates. There are many most excellent things about the Republican bill. The form of the wool duty is the correct one. In my speech last year I said that, in my opinion, our wool duties should be levied on the scoured content of the wool. It is the only fair and equitable method of adjusting duties on wool; and while, in my opinion, the rate carried in this bill, as I have just stated, does not fully cover the difference in average cost of production between our foreign competitors and at least our western American woolgrowers, still it is in such a form that we will get the benefit of the full amount of the duty. Of course, if we had the actual protection which in theory we have under the present law it would be very much higher than this bill, but we never have had a protection of 33 cents on the scoured pound, which on the shrinkage of western wools is the theory of the present law. Why we have not had it is entirely familiar to all those who are acquainted with the wool business, and it is unnecessary for me to go into it in detail. But with the duty assessed on the scoured content the woolgrower in the United States will receive the full benefit of the duty in increased price and, in my opinion, the rate carried in this bill, at least if we can have an end of tariff agitation, will, in the running of the years, bring the American woolgrower a fairer and more adequate protection than he has had in the last 10 years.

Mr. STEENERSON. How much has he been getting in the last 10 years?

Mr. MONDELL. There is a great diversity of opinion with regard to just how much protection we have been getting. There have been limited periods of time when, in my opinion, we did not receive more than 2 or 3 cents for some clips of our Territorial wool above the price of a like Australian wool, with the duty added.

The wool business is the most peculiar in the world. It is a business with regard to which it is possible, in times of tariff agitation and uncertainty, to press the price of the domestic clip down almost to a free-trade basis, and I have known of clips—not many, but some—being sold in my country that did not, in my opinion, bring more than 2 or 3 cents above a free-trade basis.

Mr. LONGWORTH. Is not one of the reasons the fact that the rate of interest is so high that very often the sheep raiser can not afford to hold his clip for a favorable market, but must sell it?

Mr. MONDELL. The gentleman understands the situation thoroughly. The rate of interest is high. The sheep business is oftentimes carried on to a considerable extent on credit. The buyer refuses to buy in times of agitation, but stands ready to pick up a clip that must be sold at a sacrifice, and under those conditions are able to secure them at times at but little above a free-trade basis.

Unfortunately that low rate is never reflected in the price which the ultimate consumer pays. If it was the people as a whole would benefit by our losses; but I doubt if the American people as a whole have benefited by the failure of the western woolgrower, the merino woolgrower, to receive the full amount he was expected to receive from the rate carried in our tariff laws.

I do not mean to say that our protection has always or generally been that low. In my opinion, we had been receiving on an average, and when there was not too much agitation, an actual protection of between 7 and 8 cents on the grease pound. Perhaps that is a rather high estimate.

Mr. GREEN of Iowa. Will the gentleman yield?

Mr. MONDELL. Certainly.

Mr. GREEN of Iowa. The price is quite low now, is it not?

Mr. MONDELL. The price is quite low; not as low as it is sometimes and not as high as it ought to be in order to give us anything like the benefit of the present tariff. Our flock masters are offered, I am told, between 16 and 17 cents for the average fleece at this time. Anyone who knows about foreign prices knows that is not high enough to cover the foreign cost of the same wool, adding the full amount of our duty.

There is one feature of the Republican bill that I want to refer to briefly in passing, not in the way of criticism, but because, as it is true that no piece of legislation is ever absolutely perfect when first presented, I want to offer a suggestion of possible slight amendment. While I admit I may be mistaken, I am rather inclined to think that the rate carried in the bill on noils and waste is rather too low, rather dangerously low. I think the rate on tops is a little low. On the basis of the wool rate in the bill, I would increase the rate on tops 1 or 2 cents and the rate on noils possibly more. I think the rate on roving waste and ring waste is pretty low. On carbonized and uncarbonized noils it is rather dangerously low. We are quite as much interested in the rate on tops and noils as we are in the rate on wool, because if these rates are by comparison lower than the wool rates tops and noils will be largely imported and our actual protection lowered.

AN AMAZING DOCUMENT.

Now, having said some things about our bill, I want for a few moments to pay some attention to the amazing document

which the Democratic members of the Ways and Means Committee present with their bill. I am very glad, indeed, to have learned from the gentleman from Pennsylvania [Mr. DALZELL] that the document was not prepared by the members of the committee, but by some one from New York known as "The Professor." I am only too happy to have the gentlemen relieved from all responsibility for it, even though they signed it, for I have no personal grudge against them. In some respects it is the most amazing document I think I ever read. As a combination of fiction, garbled figures, lame logic, and misstatement of fact, it is a gem.

I can not believe that the 14 majority members of the Ways and Means Committee ever read it, for I can not conceive how it is possible that any intelligent man could ever read that precious document and put his name to it. I will guarantee that any intelligent American citizen—I do not care what he calls himself, Democrat, Republican, Socialist, or what not—that reads that report will say that the man who wrote it did not know what he was writing about, and that the men that signed it ought to be ashamed of themselves. [Applause on the Republican side.]

I wish I had the time in the few moments at my disposal to go over this extraordinary document and point out some of its peculiarities. I hope that everybody will read it. It ought to be widely read to illustrate the kind of document that the Democratic majority will put forth in support of its measure. A party that hopes to win anywhere or any time by such a garbled mass of misstatements certainly misjudges the intelligence of the American people. [Applause on the Republican side.]

However, that report is not very much more remarkable than the speech made by the gentleman from Alabama [Mr. UNDERWOOD] in support of this bill. The only reason why practically every statement that he made will not appear in the RECORD as challenged is entirely due to the fact that the gentleman declined to allow anybody to interrupt him. Had they been given an opportunity gentlemen on this side would have successfully challenged practically every important statement made by him in the course of his speech.

How about this document? In 70 dreary pages it lays down and argues several propositions, as follows: First, as stated by the gentleman from Alabama [Mr. UNDERWOOD] yesterday, that "to ascertain the difference in cost of production at home and abroad is impossible."

Second. That if the comparative cost of production were possible of reasonably accurate ascertainment it would not furnish a guide to the proper amount of duty needed for protective purposes.

Third. That assuming it were possible to approximate the difference in cost of production at home and abroad, and that such approximation were a proper guide in determining the amount of duty needed to insure reasonable protection, that the researches of the board have not been such as to secure the facts, and that the report is fragmentary, inaccurate, illogical, and based on assumption or erroneous figures.

The 14 majority members of the Ways and Means Committee, no one of whom can qualify as an expert on or as even being familiar with the production, handling, or manufacture of wool, having thus demolished the work of the experts of the Tariff Board, proceed in an involved and labored effort to prove, by the very report they have attempted to discredit, that the rates fixed in their bill afford ample protection to the industries affected.

Evidently the incongruity of the position thus assumed never occurred to the gentlemen who signed the report. The most charitable view we can take of the matter is that they never read the report and therefore do not know the position they have assumed, for in the only part of the report which bears any evidence of having been considered, the first two pages, it is stated that the rates in the former bill, of which this is an exact copy, "were fixed without any reference whatever to protection." What an amazing circumstance it is that rates fixed a year ago without any reference to protection should now prove, according to the framers of those rates, to afford just the amount of protection needed, according to a report which the same gentlemen declared to be "inaccurate, erroneous, and fragmentary" and "based on false premises."

What does this all mean? It means that the gentlemen on the other side of the aisle have not the courage of their convictions. They are free traders masquerading under the misnomer of a tariff for revenue, and yet in defense of the very bill that was framed "without regard to its effect on industries," they attempt to screen themselves behind the claim that this bill will not be totally destructive of industries. They begin to hear the rumbling of the storm which will sweep their free-trade camp in November.

But to return to that charming report signed by the majority members of the Ways and Means Committee. I commend it to all lovers of pure fiction. It contains more misinformation, doubling and crossing itself at more angles, than any work of an untrammeled imagination I have ever had the pleasure of reading.

After boldly misquoting the report of the Tariff Board in an effort to prove that much of the wool product of our country needs no protection and the bulk of it no more than the amount carried in their bill, they then proceed, on pages 43 and 44 of their report, to juggle the figures in an attempt to prove that the Ohio and Michigan fine merinos need so much more than they can hope to secure that there is no help for them.

These paragraphs on the wools of the Ohio region are obscure, involved, and full of errors and inaccuracies, and yet out of it all are involved conclusions which flatly contradict the arguments and conclusions which precede them, to wit, that the fine merino wool of the Ohio region must have a tariff rate of 28 or 29 cents per scoured pound, or at least 55 per cent ad valorem, in order to be adequately protected. Let us see how this works out.

The cost charge against the Ohio fleece, according to the Tariff Board, which our friends seem to accept when it serves their purpose to do so, is 19 cents. The cost charge against the Territorial fine wool, according to the Tariff Board, which they also seem to accept, is 12 cents. The Territorial cost is therefore approximately 60 per cent of the Ohio cost. If the Ohio wools need a rate of 28 or 29 cents on the scoured pound or 55 per cent ad valorem, as our Democratic friends say they do, then the Teritorial wools, in order to be protected, must have 60 per cent of those rates, or about 17½ cents on the scoured pound, or 33 per cent on an ad valorem basis—very nearly the rates carried in the Republican bill.

Thus we find that the Democratic report which at one point, in an effort to justify the Democratic bill, claims that a duty of 20 per cent will be amply protective for the Territorial wools; at another point, in an effort to discourage the Ohio and Michigan raisers of wool, claims that a rate of nearly twice the amount carried in their bill, and almost the rate carried in the Republican bill, is necessary to protect the Territorial fleeces.

HOW IT HAPPENED.

The fact is that the Democratic majority started out last year on this wool-tariff revision with the free traders in full control and insistent on free wool; but the clamor of wool-producing Texas and some districts in the Ohio Valley they hoped to control caused them to halt. They excused their departure from free trade in wool by the mendacious fiction of a depleted Treasury. In the hope of putting the President "in a hole," as they expressed it, they accepted rates in conference which, according to their declarations, were unjustifiable. Their hybrid, conceived, as they admitted, in absolute disregard of its effects on industries, and completed, so far as they were concerned, for no other purpose than to secure political advantage, met the fate it deserved in a presidential veto.

Then came the report of the Tariff Board flatly contradicting every argument they had made in support of their bill, showing that the American wool industry must have a very considerable protection in order to survive and that while some of the rates on woolen goods were unnecessarily high an intense competition among American manufacturers kept the prices down to a point which, in the majority of instances, marked almost exactly the difference in the cost of production at home and abroad.

In this condition of affairs, if we are correctly informed, consternation reigned in the Democratic camp. The free traders had had their way with regard to the sugar schedule, even to the certain destruction of a great industry. No doubt they insisted that there was ever more reason why they should have their way in the matter of the wool tariff, for are not woolen garments even more essential than sugar? On the other hand, the gentlemen on the other side who represented wool districts insisted that the report of the Tariff Board made it so clear that the industry must be protected in order to survive that they could not excuse themselves in voting for free wool, and so a compromise was struck on the old, discredited bill of last year.

Of course, they realized how desperate was the situation which confronted them. They must discredit the report of the Tariff Board in order to defend their bill from any standpoint. They must accept and exaggerate the report of the Tariff Board touching certain coarse wools in the vain hope of calming the fears of growers of coarse wool in the southern and eastern portions of the country.

They must accept certain figures of the Tariff Board and discredit others in a vain attempt to prove that the Territorial wools do not require any more protection than the 20 per cent carried in their bill, and they must juggle and confuse and misquote the report of the Tariff Board in an effort to prove to the growers of fine wools in Ohio, Michigan, Indiana, Virginia, and elsewhere that, so far as they are concerned, the jig is up

anyway; they can not hope or expect, even under the Republican bill, an adequate protection; and all the time that the Democratic band is playing these conflicting and discordant notes the free-trade bass drum is pounding away on the dominant note in this Democratic House, as voiced by the gentleman from Alabama in his speech on the sugar bill, that no protective tariff is justifiable from a Democratic standpoint, emphasized by the notice served on the producers of fine wool in Ohio and elsewhere that if they can not do business under free trade they had better go into some other line of industry.

That is the best that the American farmer engaged in the raising of sugar cane and the raising of sugar beets, millions of them on the farms of the United States engaged in the raising of sheep—that is the best they can get from a Democratic Congress. They virtually say to them, "If you can not prosper in the business you are now in under free trade, go into some other business."

MERINO VERSUS COARSE-WOOL SHEEP.

And this brings me to the consideration of a feature of the wool question in regard to which the Democratic majority, with its astounding lack of knowledge on the subject, is hopelessly in error, and touching which some others even better informed seem to have entertained curious notions. On page 10 of its letter of submittal the Tariff Board states among its findings:

That in the States east of the Missouri River wool production is incidental to general farming. Here producers, with the exception of certain-named districts, lay more stress upon the output of the mutton than of wool, and in such cases the receipts from the sale of sheep and lambs ordinarily cover the flock expense, leaving the wool for profit.

The Democratic majority assume from this statement that the woolgrowers referred to need no tariff protection, and, as a matter of fact, in figuring the average requirement of protection, this has to a certain extent been assumed to be the case; but such is not the case by any manner of means, and nothing in the report of the Tariff Board justifies such a conclusion. It is true that in the districts named, good markets for mutton being easily accessible and therefore the net receipts per pound relatively high, the board finds that these receipts for mutton ordinarily cover the flock expense, leaving the wool as a profit and the only profit.

What is going to happen to this profit if you reduce the receipts from that wool to a free-trade basis? The price received for wool under reasonable protection is sufficient to make it profitable to remain in the business; but reduce that profit, which is the only profit, by a third or a half and the grower of coarse-wool sheep can no more afford to remain in business, except in certain particularly favored localities, than can the grower of fine-wool sheep in the West. The investment continues the same; the cost of caring for and feeding the sheep is not reduced, and yet it is assumed that you may reduce by half or a third what is at present only a fair return on the investment at best and still have those people continue in the business of growing sheep. There is only one way in which it could possibly be accomplished, and that would be through an increase in the price of mutton. If anybody can figure out how the public at large would be benefited by shifting the profit from wool to mutton they are entitled to a membership on the majority side of the Ways and Means Committee. [Applause on the Republican side.]

A still more profound and dangerous fallacy is contained in the assumption that all the Ohio and Michigan and Territorial growers of fine wool need to do to make their business profitable under a lower tariff rate, or no rate at all, is to change from merino to cross-bred or coarse-wool sheep. So far as the Territorial wools are concerned, the change is largely an impossible one, as I will point out later. If it were possible it would not necessarily decrease to a very considerable extent the cost of wool production, for the apparent higher cost of wool production in those regions is not largely due to the type of sheep or class of wool.

All of the regions in which the Tariff Board reports a high charge against the fleece are regions where a large number of sheep are produced. Where there are but few sheep to the farm the actual cost, or apparent cost, of producing the wool may be negligible. Where sheep are produced in large numbers and become an item of importance on the farm or ranch, the actual cost of care and maintenance is a matter of sufficient importance to demand and receive attention, and the flocks, not being a mere incident to the general business, requiring little attention, consuming little but waste material, as in cases where there are but few on a farm, do require and receive attention, the cost of which is appreciated, do consume feed, the value of which is known and understood. And so in the Ohio Valley where the flocks are of considerable size and the industry of large importance the animals, whatever the breed may be, must have the care and attention of men paid good wages, must have feed which would otherwise be marketed, and while a change to crossbred sheep or to the straight, coarse-wool breeds would bring a larger return per animal in mutton the return in wool would not be increased, the amount of feed consumed per animal would be increased, and the situation would not be far different from what it is now.

THE TERRITORIAL WOOLS.

On the Great Plains and in the Rocky Mountains, from Canada to Mexico, the region which produces the so-called Territorial wools, a shifting from the Merino type to the coarse-wool sheep is in the main impossible. In that region the great majority of the flocks are not under fence, but are herded on the open range, utilizing the mountains and high lands in the summer and the plains and the valleys in the winter. The merino is the only type of sheep that can be successfully herded in large bands; the coarse-wool sheep scatter hither and yon, break up into small bands or stray singly, thus escaping from the herders to wander through the hills and become the prey of predatory animals. Crossbreeding with the coarser-wool sheep is common, but there must be frequent reversions to the merino type to secure an animal that can be successfully herded.

Furthermore, the merino type is by far the best adapted to the dry summers, cold winters, and rough mountain pastures of that region. In favored localities the coarse-wool sheep can be successfully grown, and crosses are and will continue to be common, but in the main the merino type must prevail, for we can not change the climate or the topography of the country, and unless we radically change our land policy we can not have the enormous fenced pastures in the forest reserves, in the hills, and on the plains, such as they have in Australia and largely in South America.

The ridiculous character of the Democratic suggestion, that in search of a wool more cheaply produced we abandoned the merino type, is shown when we consider that of the approximately 52,000,000 of sheep in the United States in 1910, 69 per cent were half-blood merinos as above, 52 per cent being nearly full bloods. Even in what the board calls the fleece country—all the region east of the Mississippi, and Minnesota, Iowa, and Missouri—the percentage of sheep of half merino blood and above is 31. The wool of all such sheep is of the merino type. The fact is that pure-bred coarse-wool sheep, except in breeding flocks, are rare in any part of our country.

THE MERINO SHEEP.

Even if we could change from the merino type in the Ohio Valley and in the West and grow only the coarse-wool sheep in this country, the change would be a national calamity and one everlastingly discreditable to the good sense and judgment of the American people. Not only does the merino type of sheep produce the only wool in the world that can be used in the manufacture of woolens, but it is essential for the finer grades of worsted. American wool of merino blood grown in the Ohio Valley, as well as some grown in the Territorial regions, is the strongest fine wool in the world. Our Army and Navy Departments do not insist upon the use of American merino wool in the manufacture of cloth for Army and Navy uniforms for purely patriotic reasons, but because there is no wool in the world that will make the cloths they need of such strength and wearing quality as the American merino wools. [Applause on the Republican side.]

THE QUESTION CONFRONTING US.

The question presented at this time is after all not one of rates, but of policy. How long and to what extent will the country support a party that by its representatives in the popular branch of Congress declares war on American industries? At the very moment that they cry that no American industry need fear their legislation they are proposing legislation that they must know and do know will cripple and destroy industries. The gentleman from Texas [Mr. RANDELL] warns his party against the poison of protection. The gentleman from North Carolina [Mr. KITCHIN] refers to those engaged in the wool industry as "mendicants," and jokes about the meager returns they have been receiving, as shown by the report of the Tariff Board. The gentleman from Alabama says that no industry in this country has any claim to tariff protection. Surely such utterances as these and the legislation which is proposed makes it clear that no man whose industry needs protection, no man who believes in the policy of protection, even in its mildest form, has anything to hope for from the Democratic Party.

One after another they present their tariff bills. Each one proposes deadly breaches in our tariff walls. Each proposes to transfer to foreign shores a portion of our industries. Each would, if enacted into law, deprive large numbers of our people of employment. Taken together, they would take us back to

the condition we experienced under the Wilson bill, when no industry but the soup house flourished. No one had profitable and steady employment but the sheriff and the auctioneer. Will the American people stand for it? I think not.

The CHAIRMAN. The gentleman from Rhode Island [Mr. O'SHAUNESSY] is recognized for 25 minutes.

Mr. O'SHAUNESSY. Mr. Chairman, by some sort of incantation or wizardry or magic a large number of the people of the United States were led for many years to believe that a protective tariff gave an increased price to the manufacturer who sold the goods and at the same time a low price to the consumer who bought them. This paradoxical tariff problem was enough to give any man a brain paralysis, and the people, in contemplating that problem, made more complex by the intricacies of the Payne-Aldrich tariff, engaged in the revolt which has brought about the great change in this House. Specious arguments fell at length before the awakened consciousness of the American people—that they were paying dearly for the benefit of the favored few.

I want to say to my friends on the other side that, coming from Rhode Island, which is a veritable hive of industry, I believe in protection [applause on the Republican side]; but, lest my friends on the Democratic side should for a moment think I am getting off the reservation, let me assure them that I believe in protection to the American consumer. [Applause on the Democratic side.] And, Mr. Chairman, I believe that the manufacturers have had more protection than they needed and that it is now ample time for Congress to pay attention to the needs of the millions of consumers instead of the century-fattened interests.

We have been told repeatedly that we were absolutely ignorant if we challenged the statement that the tariff tax was not paid by the consumer, and if we denied that it came from high heaven itself—this protection theory—we were charged with dereliction in patriotic duty. The people now know that the need for this Tariff Board, of which we have heard so much, was not discovered by the Republican Party until the expressed verdict at the polls by the people showed that they wanted the tariff to be revised downward in their favor. Then we were treated to the suggestion of a Tariff Board cunningly calculated to act as a stay of execution of the popular mandate and the popular judgment. [Applause on the Democratic side.]

We owe the present tariff largely to the Senator from my State—now the ex-Senator—to Senator Aldrich and "his languid disciples of the Finance Committee," who, in framing their tariff bill, listened to the claims and to the entreaties of the manufacturers of this country and paid but little heed to the needs and the necessities and the demands of the people. What shall we say in condemnation of the Payne-Aldrich tariff bill if, contemplating what was said of the Dingley bill by a Philadelphia manufacturer, "We have paid for it, and it is ours," we consider its even more indefensible character? If they paid for the Dingley bill, they must have doubly paid for the Payne-Aldrich tariff bill.

The Republican Party is facing a situation which was prophesied by a man for whose memory I have the highest respect—one of those insurgent Republicans whose conception of duty to the public interest was as high as heaven itself—Senator Dolliver; and he warned the Republican Party of the coming storm when he said:

> If you want a tariff agitation to begin the moment this bill is made a law you have pursued a wise and proper course.

He further said on August 5, 1909:

> I have but a few more years in this world. I sometimes have been willing to deceive myself for the sake of the comfort which comes from the society and the good will of others; but I do not propose now to become a party to a petty swindle of the American people without telling them the truth and without appealing to their good will and their confidence in the integrity of my motives.

And when the Dingley rates were raised, another Republican Senator, also of the insurgent stripe, said:

> They are endeavoring to make billionaires of millionaires.

[Applause on the Democratic side.]

And now we have the spectacle of the Republican Party making a bold attempt to hoodwink the people by the report of a spineless and powerless Tariff Board. Speaking of this woolen Schedule K, I can only say that they drew the wool over the eyes of the people, but when the people listened to the enlightened reasoning and the appealing force of the Democratic Party, the wool was quickly lifted, and that lifting resulted in the great change in this House, now dominated by the Democratic Party earnestly endeavoring to do delayed justice to the consumer, and not forgetful of the legitimate needs of our manufacturers.

What need was there for a Tariff Board to inform Congress that the tariff rate of 91 per cent on cheap cotton stockings, 100 per cent on cotton underwear, 78 per cent on sugar, 136 per cent on woolen blankets, 154 per cent on women's dress goods, 121 per cent on flannels, 96 per cent on shawls, and rates in like proportion on other necessaries were too high and should be reduced at once? The Republican plan has compelled the masses of the American people to go through another winter, awaiting the pleasure of this board, before even getting a promise of reduction of these unconscionable rates.

And the percentage which labor receives upon the gross product in the textile industry is 19.5 per cent!

The financial loss to the people has been $50,000,000 by reason of Republican delay through its Tariff Board. The President had his opportunity to give the people relief; they cried out for cheaper clothing and food; he gave them veto messages and subtle disquisitions on tariff commissions.

Speaking of the profit made for the manufacturer through the instrumentality of this Payne-Aldrich tariff, and especially of this infamous Schedule K, characterized by the President as indefensible, if it were the profits of the woolen manufacturers that alone were at stake, the American people could take care of these at a much smaller cost than the present tariff imposes on them. If the woolen duties were removed altogether, the American people could afford to pay the American woolen manufacturers every year a sum equal to their annual profits, and then would save tens of millions of dollars as compared with what the woolen tariff is now costing them. The schedule is based on a lie. Here is Senator LA FOLLETTE'S proof of this statement, taken from his speech in the Senate on July 26, 1911:

> Now, Mr. President, when the manufacturer and the grower came together in agreement, and when Schedule K was first constructed—right at the very outset they agreed upon a false standard by which to measure compensatory duties.
>
> The manufacturers persuaded the Congress that adopted that scheme of legislation that it took 2½ pounds of wool in the grease to make a pound of yarn worth not to exceed 30 cents per pound. That is false. That is not true. We know to-day, if we have cared to look into it, that on the average it does not take to exceed a pound and a half of wool in the grease to make a pound of yarn worth not to exceed 30 cents per pound. They had that false basis incorporated in the law; it was made a part of the statute, that yarn worth 30 cents a pound or less should take a compensatory duty equal to the duty on 2½ pounds of first-class wool. That means it will take a duty, when computed on the 11-cent-a-pound basis, of 27½ cents. They persuaded the Ways and Means Committee to believe that it took 2½ pounds of that kind of grease wool, which paid a duty of 11 cents a pound, to make a pound of yarn of the 30-cent-per-pound grade. It does not. That falsehood, Mr. President, was written into the law, and we have been paying duties on that false basis ever since.
>
> Now, what does it take? Decisions of the Treasury Department on drawback propositions show that on the average it takes a pound and a half of wool in the grease of the first class to make a pound of yarn worth 30 cents per pound.
>
> This "compensatory" duty, therefore, of 27½ cents per pound gives an excess compensatory duty of 11 cents on every single pound of yarn valued at 30 cents—in other words, that duty of 27½ cents levied on all yarn worth 30 cents or less per pound, on the theory that it takes 2½ pounds of wool in the grease to make it, gives an advantage to the wool manufacturer of this country of 11 cents on every pound of that grade of yarn, which, figured on an ad valorem basis, shows the duty to be 40 per cent in excess of what actually measures the difference in the cost of raw material. Then, in addition to that, they secured the protective duty that they contended was necessary to measure the difference in the cost of production in this and competing foreign countries.

Coming from Rhode Island, I am pleased to speak upon this subject, because down there we have an organization known as the Tariff Publicity League, which sprang up into very active being in our last gubernatorial campaign. Every dead wall and every fence in the State of Rhode Island, and the morning and evening editions of the newspapers, were plastered with its advertisements, hurling anathemas upon OSCAR W. UNDERWOOD, and of course consigning me to perdition because I was one of his humble followers. They were very bold in their advertisements, but they were cowardly enough never to disclose their names or their identities. They covered the State with these advertisements, working on the fears of the people employed in the mills, and saying that such and such a mill would close if the Underwood bill should pass; that such and such a mill was tottering to its very foundations, simply because Mr. UNDERWOOD had introduced the bill.

Now, I had occasion to go down into one of the mill towns in Rhode Island, and I asked the people in that town, "What about this mill whose owner says it has closed by virtue of the agitation started by the Underwood bill?" The information was handed back to me that that very mill had been closed for two long years. [Applause on the Democratic side.]

They advertised the fact that some Central Falls mill closed for tariff reasons, and I discovered the fact that it was never closed for tariff reasons, but that it was closed on account of worn-out machinery. I do not believe any tariff tax should be substituted for worn-out machinery in order to make a mill run and in order to make it pay. [Applause on the Democratic side.]

It is profitable at this time to consider that out of the 90,000,000 people in the United States at the time of the passage

of the Payne-Aldrich tariff bill there were only 5 per cent directly interested financially in maintaining the exorbitant tariff on woolen goods, and of those 5 per cent perhaps less than 1 per cent got 95 per cent of the spoils. And yet every citizen must have woolen garments and blankets. Thus it is that the vast majority of the people pay tribute to the syndicate of greed, and this iniquitous trust which forces shoddy upon the workers of our land instead of good woolen cloth has caused to be added to the silent occupants of our cemeteries thousands of victims.

In Rhode Island we have an abundance of child labor, and if a man will study the Rhode Island statistics he will learn some interesting things. These statistics are gotten up by Republicans, and no Democrat has had, or perhaps ever will have, a chance to participate in the making of them, owing to the archaic constitution of Rhode Island and its rotten borough system which denies representative government to the people.

When these statistics are studied, we find an absence of the vaunted prosperity of which we hear so much. Would that we had an abundance of prosperity. I would like to see Rhode Island overflowing with milk and honey by reason of this protective tariff, but it is not. I want to call your attention to these facts: In the industrial statistics of Rhode Island for 1908, compiled entirely by Republican hands, and therefore the more to be quoted by Democrats, we note the wages paid in the textile industries to be $8 to $9 a week for men in cotton goods; $9 to $10 a week in cotton small wares; $8 to $9 a week in dyeing and finishing textiles; $11 to $12 a week in hosiery and knit goods; $9 to $10 a week in silk and silk goods; and $10 to $11 a week in worsted and woolen goods.

In those same statistics are more significant columns which tell the story of how the people of Rhode Island, working in the mills, are able to keep body and soul together. It is a sordid story. It is a story that appeals to human sympathy. It is a story that makes us feel that there ought to be some remedy, and some way by which the American workingman, seeking to keep his family in comfort, seeking to provide for them the ordinary necessities of life, should not be compelled to drive his wife into the mill and to drive his child into the mill. [Applause on the Democratic side.]

But those statistics tell the story. They tell it more eloquently than any man could tell it. They tell the story of how the women receive $6 to $7 a week and the little children $3 to $4 a week in the mill. In a further investigation, conducted in November and December, 1910, by Republican officials, it was found that the wages paid were absolutely unsuited to proper family support unless other members of the family assisted the chief breadwinner. It was shown that a large number of families containing more than three persons are living on less than $10 a week, and that the much-vaunted prosperity of New England mill operatives is made up, not by decent wages paid to any one individual, but by the combined earning capacity of practically the entire household who have come to the age where they are able to work. I believe that the average wage is about $409 a year, and some one in Rhode Island challenged me one night and said, "Is not that a decent wage for an American workingman? What would you have him receive? See what he does with his money and how he builds homes." And when I figured out that $409 a year was $7.80 a week, I concluded that if they had built homes they must have been made a present of the lumber.

I will here incorporate in my remarks the tables sustaining what I have said. These tables are taken from the Twenty-second Annual Report of the Commissioner of Industrial Statistics, pages 376 and 377, made to the Rhode Island General Assembly at its January session in 1909:

Number of wage earners and average weekly earnings of men, women, and children.

	All wage earners.			Men.		
	Number in specified week.	Per cent of all wage earners.	Average weekly earnings.	Number in specified week.	Per cent of all men wage earners.	Average weekly earnings.
Textiles.						
			Dollars.			*Dollars.*
Cotton goods	25,698	20.4	7 to 8	12,010	15.0	8 to 9
Cotton small wares	3,146	2.5	7 to 8	986	1.2	9 to 10
Dyeing and finishing textiles	11,048	8.8	7 to 8	7,221	9.0	8 to 9
Hosiery and knit goods	2,031	1.6	7 to 8	486	.6	11 to 12
Silk and silk goods	1,550	1.2	7 to 8	666	.8	9 to 10
Woolen and worsted goods	25,757	20.5	8 to 9	13,181	16.5	10 to 11

Number of wage earners and average weekly earnings of men, women, and children—Continued.

	Women.			Children.		
	Number in specified week.	Per cent of all women wage earners.	Average weekly earnings.	Number in specified week.	Per cent of all children wage earners.	Average weekly earnings.
			Dollars.			*Dollars.*
Cotton goods	11,655	20.3	6 to 7	2,033	34.0	3 to 4
Cotton small wares	1,962	4.9	7 to 8	198	3.3	4 to 5
Dyeing and finishing textiles	3,257	8.2	6 to 7	570	9.5	4 to 5
Hosiery and knit goods	1,439	3.6	6 to 7	106	1.8	4 to 5
Silk and silk goods	829	2.1	7 to 8	55	.9	4 to 5
Woolen and worsted goods	10,666	26.9	7 to 8	1,910	31.9	3 to 4

Considering tariff commissions, it is well to consider the Tariff Commission of 1883 and its work. This Tariff Commission of 1883 traveled 7,000 miles, visited 20 cities, examined more than 600 witnesses, took 2,625 pages of testimony, and then recommended a reduction of tariff duties of from 20 per cent to 25 per cent. Of course, their recommendations were disregarded, and in the tariff bill that was subsequently framed there was a substitution of specific for ad valorem rates, and the revision was so cunningly performed that in the end higher duties were enacted than had been in the old tariff bill. After the labors of the commission and the work of the Finance Committee in considering the bill based on their recommendations, the cotton manufacturers appeared before the committee and told them what they wanted, and their orders were obeyed. That brings me to the consideration of the present Tariff Commission, whose existence hangs by a very slender thread. A few lines in the Payne-Aldrich tariff law are responsible for its existence. The commissioners are personally appointed by the President, and answer to him and not to Congress.

Now, I want to call your attention to what the chairman of this board said at a banquet in New York on the 8th of December, 1910. This information I get from the Worcester Evening Post of September 1, 1911. I think it is well worth listening to. On this occasion Chairman Emery said:

> There are certain things that are very difficult to get, and one thing that according to the platform of the Republican Party—and incidentally that does not mean anything to me except that I have been given the job according to that platform—is to try to get the cost of production. I thank you all, gentlemen, that you did not laugh. [Laughter.] I frankly say right here that this idea of settling things on cost alone by any mathematical or algebraical or geometric ratio or problem or theory is all nonsense. You must not think I am joking about this thing, but there is a joke about it, and the joke is this: I have no power whatsoever. The Tariff Board has no power. There is really no such thing as a Tariff Board. The law says that for certain purposes the President may employ such persons as he sees fit. I am one of such persons. That is all.

This is the Tariff Board that had no right, no power, no authority to go into the factories and get the information in the way that it ought to be obtained. What credence is to be placed in the statement of a manufacturer who, listening to the humble petition of the Tariff Board commissioner, gives him some off-hand information? That manufacturer ought to be put under oath, and every book in the establishment ought to be open to the careful examination of the tariff commissioners, and under this law no such thing was done. And a real tariff commission would inquire about wages, and the capital stock, and the dividends paid, and the water in the stock, the dividends on which were being ground out of the souls and bodies of underpaid men, anemic women, and starving children.

I want to introduce at this time a succinct history of Schedule K. Here it is:

[Revised and reprinted from Worcester Evening Post, Sept. 1, 1911.]

A HISTORY OF SCHEDULE K.

April, 1866: The woolgrowers and wool manufacturers meet at Washington, D. C., and recommend to Congress a tariff on wool and wool goods.

March 2, 1867: A Republican Congress passes a woolen tariff law substantially the same as that recommended the year before by the woolgrowers and manufacturers.

January, 1880: Agitation for a revision of the tariff. The National Woolgrowers' Association opposes any change in Schedule K, but favors a tariff commission.

February, 1880: The president and secretary of the National Association of Wool Manufacturers interview the President of the United States and obtain assurances as to the personnel of the new tariff commission.

March, 1880: The National Association of Wool Manufacturers recommends the passage of the tariff-commission bill without amendment.

July, 1880: The National Association of Wool Manufacturers circulates among manufacturers a petition which says:

"That the manufacturer should have a protective duty sufficient to offset the high cost of labor, interest, and taxes; that the present tariff (Schedule K) should continue until special and minute information from experts shall indicate the changes that can safely be made; that the best method of obtaining the required information is through the Eaton Tariff Commission."

May 15, 1882: A tariff commission authorized by act of Congress.

May, 1882: John L. Hayes, secretary of the National Association of Wool Manufacturers, appointed president of the Tariff Commission. Later he is made chairman of the subcommittee to prepare the woolen and worsted schedules.

1882: John L. Hayes, secretary of the National Association of Wool Manufacturers and president of the United States Tariff Commission, addresses, as secretary, the tariff commission of which he is president, and recommends a schedule of duties on woolens.

December, 1882: Report of the tariff commission sent to Congress.

March 3, 1883: Tariff bill passed increasing some rates in Schedule K and making reductions that did not help the consumer.

October 1, 1890: The McKinley bill is passed by a Republican Congress increasing duties on wool goods. The duty on worsted tops manufactured by William Whitman, president of the National Association of Wool Manufacturers, is made equal to the duty on finished cloths.

August 27, 1894: The Wilson bill, passed by a Democratic Congress, becomes a law, revising Schedule K, with free wool and ad valorem duties on goods.

March, 1897: S. N. D. North, secretary of the National Association of Wool Manufacturers, is admitted to the secret sessions of the Senate Finance Committee during the framing of the Dingley bill. On April 4, 1897, Secretary North writes to William Whitman:

"I am the only person whom the committee allows in its meetings."

June 2, 1897: William Whitman writes to Secretary North, who is attending the tariff sessions of the Finance Committee:

"We all depend upon you to watch closely our interests."

July 10, 1897: William Whitman writes to Secretary North, who is attending the tariff sessions of the Finance Committee:

"I depend on you, dress goods, yarns, and tops."

July 25, 1897: The Dingley bill, with Schedule K practically unchanged, becomes a law.

1898: The National Association of Wool Manufacturers presents $5,000 to S. N. D. North, its secretary, for services in connection with the revision of the tariff.

June, 1908: Agitation for a revision of the tariff. The Republican national convention at Chicago pledges the party to revise the tariff to equal the difference between the foreign and domestic cost of production plus a profit. This is practically the same as the proposition laid down by the National Association of Wool Manufacturers in July, 1880, for the revision of the tariff.

September 26, 1908: William H. Taft, Republican candidate for President, makes the following pledge in a speech at St. Paul:

"I am here to plight the faith of the Republican Party, in accordance with its platform, that the revision will be honest and exact, according to the measure stated in the platform."

October 15, 1908: Seven men from the National Wool Growers' Association, and five men headed by William Whitman, from the National Association of Wool Manufacturers, meet at the Palmer House in Chicago, and adopt a resolution that—

"In the coming revision of the tariff the present duties, both on wool and woolen goods, be maintained without reduction."

May 4, 1909: Senator Dolliver in the Senate begins the insurgent attack on Schedule K.

August 5, 1909: A Republican Congress passes and President Taft signs the Payne-Aldrich bill, which leaves Schedule K practically unchanged.

September 17, 1909: President Taft, at Winona, Minn., makes the following confession that it was impossible to revise Schedule K, because of the combine of woolgrowers and wool manufacturers:

"Mr. PAYNE, in the House, and Mr. Aldrich, in the Senate, found that in the Republican Party the interests of the woolgrowers of the far West and the interests of the woolen manufacturers in the East and in other States, reflected through their Representatives in Congress, were sufficiently strong to defeat any attempt to change the woolen tariff, and that had it been attempted it would have beaten the bill reported from either committee. * * * Allowing the woolen schedule to remain where it is is not a compliance with the terms of the platform as I interpret it."

April 8, 1910: William Whitman, president of the National Association of Wool Manufacturers, before the Massachusetts Cost of Living Commission, says:

"I do not know any reason why President Taft should know any more about the wool tariff than does the gentleman who recently refused to receive Mr. Roosevelt."

August 20, 1910: President Taft, in a letter to Congressman WILLIAM B MCKINLEY, states that—

"The precise difference in the cost of production sought for is not capable of definite ascertainment" and "all that even the most scientific person can do is to exercise his best judgment in reaching a conclusion."

October 17, 1910: William Whitman, president of the National Association of Wool Manufacturers, spends four hours with the Tariff Board at Washington and then issues the following statement:

"I opposed the Tariff Commission very strongly, but the Tariff Board is a very different thing. I want to do what I can to show my appreciation of President Taft. I believe he means well and is doing well, and I am ready to meet him half way."

February 1, 1911: Banquet of the National Association of Wool Manufacturers at Washington, attended by 35 stand-pat Senators and Representatives, and two members of the Tariff Board, Chairman Emery and J. B. Reynolds. William M. Wood, president of the American Woolen Co., said on this occasion:

"If all the schedules of the tariff were as well balanced as Schedule K it would be the most remarkable document, next to the Constitution of the United States, that the human mind has ever produced."

August 15, 1911: Passage of the Underwood-La Follette bill to revise Schedule K, and providing for duties of 20 per cent on wool and 40 per cent on wool goods.

August 16, 1911: President Taft vetoes the Underwood-La Follette bill to revise Schedule K on the ground that the Tariff Board has not yet reported.

This history of Schedule K, which we have now brought down to date, suggests the question: How long are the people to be burdened by legislation for the special interests of woolgrowers and worsted manufacturers? Is the woolen tariff of 1867, made more indefensible by each Republican revision, now to have a new lease of life? Particular attention is invited to the similarity of the conditions now and in 1882, nearly 30 years ago.

Then, as now, the people were clamoring for relief from a burdensome tariff.

Then, as now, the proposition was advanced by the standpatters to revise the tariff on a basis of the difference between the foreign and domestic cost of production.

Then, as now, the standpatters urged that the only right way was to refer the question to a commission.

Then, as now, a tariff commission or board was formed.

Then the Tariff Commission fell under the influence of the special interests.

Has that occurred now?

Then the result was a revision of the tariff which gave the consumer no relief.

Is that what is in store for us now? The people must decide.

Speaking of wages, I have an important table here which I think will interest you. We have been told that under a low tariff business would go to the dogs in Rhode Island, that workingmen would be thrown out of employment, that mills would shut down. Well, we can only judge the future and the present by the past. In 1846 we had the Walker tariff, which lasted 15 years, and which was commended by some of our good Republican brothers in later days, and their comments I will read to you. That Walker tariff of 1846 was 25 per cent, and it gave such a revenue that all parties combined to reduce the tariff, and so they brought it down to 20 per cent in the tariff law of 1857. In the decade covered from 1850 to 1860, operating under these two tariffs, cotton manufactures in Rhode Island increased 176.1 and woolens 87.1, and in 1857, when one of the Rhode Island Members of this House, Benjamin B. Thurston, and all the Members from Massachusetts voted to reduce the tariff from 25 per cent to 20 per cent, the Representatives of the Western States denounced their action as being one in favor of the manufacturers. Standing here to-day I want to say that I am proud to follow in the footsteps of that Rhode Island Representative, and I will vote to reduce the tariff to a basis that will consider the consumer as well as the manufacturer. [Applause on the Democratic side.]

I will now quote from some Republicans who looked with favor upon the low tariffs of 1846 and 1857. The Republican Senator—afterwards Vice President—Henry Wilson, in a speech in the Senate in 1857, said:

I wish to say to the Senate and the country that the Commonwealth I represent has a deep interest in the modification of the tariff of 1846 by this Congress. They are for the reduction of the revenue to the actual wants of an economic administration of the Government; for a free list embracing articles of prime necessity we do not produce; for mere nominal duties on articles which make up a large portion of our domestic industries; and for such an adjustment of the duties on the products of other nations that come in direct competition with the products of American capital, labor, and skill as shall impose the least burden upon that capital, labor, and skill.

In the same speech he said:

We of New England believe that wool, especially the cheap wools, manila, hemp, flax, raw silk, lead, tin, brass, hides, linseed, and many other articles used in our manufactures can be admitted duty free or at a mere nominal duty without injuring to any extent any considerable productive interest of the country.

The Republican Senator Allison, in this House, March 24, 1870, said:

The tariff of 1846, although confessedly and professedly a tariff for revenue, was, so far as regards all the great interests of the country, as perfect as any that we have ever had.

James A. Garfield, afterwards President, said in this House in 1878, in answer to the charge that the year of 1860 had not been one of prosperity:

The fact is, Mr. Chairman, the decade from 1850 to 1860 was one of peace and general prosperity. Yet to suit a theory of finance we are told that 1860 was a year of great distress and depression of business equaled only by the distress of the present year. I hold that the facts I have recited establish, in so far as anything can be established by statistics, that the year 1860 was a year not only of general peace, but of very general prosperity, in the United States.

James G. Blaine, in his Twenty Years in Congress, said:

The tariff of 1846 was yielding abundant revenue, and the business of the country was in a flourishing condition.

Those who wail and lament and cry over proposed tariff reform had their prototypes in England prior to 1842; they tore their hair over the prospect of the protection system of centuries being abandoned, and prophesied disaster to industry. Parliament was flooded with petitions of protest. What was the result?

Forty years after tariff reform came in England the net earnings of the people increased by $86.50 a year; where there

had been three paupers before there were only two; estates rose on an average $1,700; before tariff reform there were 106,000 taxable incomes in Great Britain; after 40 years these had increased to 320,000. The wages of carpenters, bricklayers, masons, miners, cotton and woolen workers advanced.

Here is a table prepared for me by the Bureau of the Census, Division of Manufactures:

The following table shows the percentages of increase in wages in the cotton goods and in the woolen and worsted goods industries for each decade from 1850 to 1900:

Rhode Island.

	Cotton goods.	Woolen and worsted goods.
	Per cent.	*Per cent.*
1850-1860	40.2	163.1
1860-1870	84.0	167.7
1870-1880	7.3	29.4
1880-1890	39.0	68.2
1890-1900	2.8	6.6
1899-1909	46.9	73.7

The tremendous advance in the wages of textile operatives in Rhode Island made under the low tariffs of 1846 and 1857 in force during the period from 1850 to 1860 should silence those who attempt to play upon the fears of their employees. What say my Republican brethren to this? Will they explain why the 25 per cent tariff of 1846 and the 20 per cent tariff of 1857 caused an increase of 163.1 per cent from 1850 to 1860 in the wages of woolen operatives? Will they explain why the high Dingley tariff of 1897, in operation until 1909, did not exercise as good an effect on wages? If low tariffs destroy industry, why did the cotton-goods industry increase 176.1 per cent and the woolen industry increase 87.1 per cent under low tariffs?

New England need never fear low tariffs if her industries are honestly capitalized, efficiently managed, and the machinery kept up to standard. No tariff crutch can help a decayed mill. Let us congratulate ourselves that the Tariff Board has seen one light; it reports:

Wages are much higher in the United States, but wages are in themselves no necessary indication of relative cost of production. Frequently it is found that high wages and low labor cost go together.

I must not close without a specific instance of the outrageous robbery of Schedule K. I will here incorporate an editorial from the Providence Tribune, under date of June 18, 1911:

THE TARIFF ON A SUIT OF CLOTHES.

A reduction of 5 cents a pound in the duties on woolens doesn't seem to amount to much on a suit of clothes weighing 4 or 5 pounds. But those who think that is all there is in the talk of ameliorating the hardships inflicted by Schedule K should take note of the suit of clothes analyzed by Chairman UNDERWOOD in his highly entertaining report from the Committee on Ways and Means submitting the bill to reduce the duties on wool and manufactures thereof.

The material for this suit is a comparatively cheap cloth for the making of ordinary suits of men's clothing worn by the great masses of the people. It is known in the woolen trade as "an all-worsted fancy fabric from half-blood wool," weighing 9½ ounces to the yard and 56 to 58 inches wide. In England it costs at wholesale 77 cents a yard, and the freight to New York is 1 cent a yard. On this fabric the Payne tariff levies a specific compensatory duty of 44 cents a pound, or 28 cents a yard. In addition, there is an ad valorem duty of 50 per cent, or 38 cents a yard, making the total duty 61 cents a yard, equal to 78 per cent of the import price. As it takes about 3½ yards of this cloth to make a suit of clothes, this makes the tariff tax on such a suit $2.14; and, of course, the price of the corresponding or competing American fabric is increased by the amount of that duty.

Now, the contention is, as everybody knows, that tariff duties are levied, not for the enrichment of manufacturers, but for the protection of the laborer. And yet the labor cost in the cloth here described is only about 25 per cent of the total production cost, so that the protective duty of 78 per cent is more than three times the entire labor cost. Observe the farce of it.

Chairman UNDERWOOD estimates that the total annual consumption of this cloth in this country is not less than 171,200,000 yards. "The tariff tax of 61 cents per yard means, therefore, to say nothing of any increase of tax as it passes down through the hands of the manufacturer, jobber, and retailer, not less than $104,400,000, or, say, $100,000,000 per year paid by the people." Of this great sum the Treasury receives only $15,500,000. The remaining $85,000,000 is taken from the people by the Government in the performance of the Republican pledge guaranteeing "reasonable profits to the American manufacturer."

No wonder that even the Republicans are taking back all the pretty things they said about the Payne-Aldrich tariff and Schedule K; it is no longer the "best tariff ever"; they now see flaws in it. The Democratic Party saw flaws in it from the beginning; the people with shoddy on their backs realized its petty larceny characteristics and sent a Democratic majority to this House to enact proper legislation correcting the evils complained of. We have corrected it once, only to be turned down in our efforts by the President. We present our bill again, confident that it is right, that it is what the people want. Let the President veto it if he will. If he does he invites the veto of the people at the polls next November.

The Democratic Party believes that it is absolute robbery to impose upon ninety millions of people a tariff that enriches the few, gives but a scanty wage to labor, and adds to the consumer's burden. We must never forget that Garfield said that the "Republic was opportunity." Where shall the opportunity be if millions are to be multiplied in the hands of the few by virtue of tariff legislation? Where shall our young men turn for advantage and opportunity if they see every industry controlled by corporate greed, and what incentive shall be furnished to patriotic impulse if they see the degrading spectacle of Congress listening not to the people but obeying the mandates of the favored classes? [Applause on the Democratic side.]

The CHAIRMAN. The gentleman from Nebraska [Mr. MAGUIRE] is recognized for 25 minutes.

Mr. MAGUIRE of Nebraska. Mr. Chairman, three years ago the Congress of the United States spent much time and energy in writing a new tariff law. When the work was finished the country was asked to accept it from its authors as a wise piece of legislation, and it was insisted that the result as enacted into law was in compliance with promises previously made. But the people refused to approve the work, because upon investigation it became apparent that the same old structure, the Dingley tariff law, remained in the new Payne-Aldrich law, with very slight alteration. Disappointed in their public servants, the people called again for a real revision downward, and this time the power to revise the tariff was given into other hands to carry out. This is therefore part of the work in which this House is now engaged, and I feel sure that when this Congress shall have completed the work of rebuilding our revenue system upon a broad and stable basis the people to whom we are responsible will find no difficulty in recognizing a genuine revision of the tariff downward, and they will cheerfully commend their servants in this House. The men who are responsible for the legislation passed here and who have the courage to remain true to their trust will merit and, I believe, will receive the continued confidence of the public.

The tariff question, Mr. Chairman, has always been one of the great questions in our national politics in this country. It doubtless will always remain so, at least until some other and more satisfactory method of raising a much larger part of the needed revenue for the maintenance of the Government is adopted. The tariff is, of course, primarily a question of taxation. Our people have always watched with distrust and jealousy the power that levied and the hand that collected their taxes for whatever purpose they might have been necessary. It is not strange, then, that the people of this country are studying more closely than ever the problems of taxation.

The enormous sums collected through the customshouses to-day and which must ultimately be paid as taxes by the consumers of the country almost stagger the imagination. In 1846 only $27,000,000 were collected from customs duties, in 1890 we collected $229,000,000, in 1900 we collected $233,000,000, and in 1910 the amount collected was something like $333,000,000. In addition to the customs we also collected about $290,000,000 from internal-revenue sources.

Taxation is always and everywhere a burden whether it be direct or indirect. We have used at different times both methods, but for the most part the indirect taxation. In the earlier years of the Republic the work of devising revenue policies was largely left to the Secretary of the Treasury. Such men as Hamilton and Gallatin formulated the fiscal policy of the Government in their times and led the way for Congress. Later the great report of Robert J. Walker, as Secretary of the Treasury, formed the basis of the famous Walker tariff bill of 1846. The history of our revenue system shows it to have been one of considerable uncertainty and instability. The amount of revenue needed annually and collected has been increasing rapidly in recent years, and the appalling expenditures must necessarily impress the thoughtful men of our times with the fact that there is a great field here for practical and efficient economy in the administration of Government. There have been times when it seemed necessary to levy special war taxes, and again at other times the problem was how to get rid of the accumulating surplus of public revenues, and at still other times our Nation was confronted with deficits.

Internal and customs receipts and expense of collecting by per cents for the years following.

[From Report of Secretary of Treasury, 1911.]

Year ended June 30—	Internal revenue.		Customs.	
	Receipts.	Cost of collecting.	Receipts.	Cost of collecting.
	Dollars.	*Per cent.*	*Dollars.*	*Per cent.*
1865	209,461,215.25	.18	84,928,260.00	6.39
1870	184,899,756.49	3.92	194,538,374.44	3.20
1875	110,007,498.58	2.89	157,167,722.35	4.47
1880	124,009,373.92	2.95	186,522,064.60	3.23
1885	112,498,725.54	3.42	181,471,989.34	3.58
1890	142,606,705.81	2.65	229,668,584.57	2.98
1895	143,421,672.02	2.62	152,158,617.45	4.43
1900	295,327,926.76	1.51	233,164,871.16	3.20
1905	234,095,740.85	1.85	261,798,856.91	3.48
1910	289,683,519.45	1.73	333,683,445.03	3.20
1911	322,529,200.79	1.55	314,497,071.24	3.50

At present the chief sources of revenue are, first, from customs which, up to June 30, 1910, as estimated, amounted to $333,683,445.03, and from internal revenue sources for the same time $289,933,519.45, which also includes the corporation tax. Of the total amount collected from these two sources 53½ per cent was collected from customs duties laid upon articles imported into this country. The subjects of taxation under our present system includes every possible and conceivable article of consumption, whether manufactured or unmanufactured, except a very few imports now admitted free of duty. Up to this time there has been little dispute among men as to the wisdom of raising a portion of our public revenues by means of a tax on imports. They do not agree, however, upon what proportion of the total necessary revenue should be levied as import duty. The great tariff issue to-day is whether the Congress shall or ought to use the taxing power to levy tariff duties solely for revenue, or shall that power be used to continue a policy called the protective system, under which raising revenue becomes incidental and the industrial welfare of the manufacturing interests of the country, as understood by its advocates, becomes primarily important. The one theory of the tariff insists that duties should be levied for necessary revenue only, and so levied with respect to rates and articles affected as to bring about an equitable distribution of the burden that must be borne by the people to maintain the Government. This theory is based upon the assumption that if no revenue were needed by the Government then no duties should be levied for any ulterior purpose.

England once left the tax on tea used by the Colonists, not so much because she wanted the revenue as because she wanted to maintain the principle as it seemed to her which was involved.

If no revenue were needed, would the advocates of the protective theory justify the levying of duties on imports for the sole purpose of prohibiting the importation of goods? In other words, if we could remove the necessity for revenue, which has operated to obscure the workings of the protective system, would that system then be able to maintain itself? To do so it would have to ask and secure the unrestricted privilege of exercising the taxing power of the Government for its own benefit and for private purposes alone. I will venture to say that such a use of the taxing power, even if it were constitutional, would never be tolerated by the people of this country.

The theory of protection insists that taxes in the form of import duties should be levied for the advantage of the manufacturers, and so levied with respect to rates and articles that the system will effectually protect the few for whose benefit it is designed. Revenue is secondary and incidental in a protective tariff. An example of the extremity to which such a system goes is found in the McKinley law of 1890, in which a bounty was given of 2 cents a pound on sugar. This was the boldest step taken up to that time, and yet it represents the inevitable result of the policy of special privilege.

The beneficiaries, the Sugar Trust, at that time were not willing, as other beneficiaries of protection were, to be content with collecting the tribute themselves from the consumers. They were powerful enough to ask and secure the disgraceful concession from the Government that this tribute should first be collected by the agents of the Government itself and at public expense, paid into the public Treasury, and then, in good hard cash paid out of the Treasury directly into the coffers of the trust. This example, however, illustrates the practical difference between the bounty system and the protective tariff system. In the one case the beneficiaries are permitted to collect the tax themselves from the consumer of the protected articles, and in the other case the Government first collects the tax from all the people and pays it into the pockets of the beneficiaries.

High protection can not produce revenue because it is not its purpose to do so. When a rate drops to the revenue point it ceases to be primarily protective. Protection as a system is effective only when it so completely restricts importation of the protected articles that there is very little or no competition from such imported goods. A tariff is a tax always, and the consumer pays it whether it be a revenue tariff or a protective tariff. The essential difference lies in who gets the tax money finally. The revenue tariff goes largely and at once to the Treasury of the United States, and the consumer has the consolation, at least, of knowing that he has contributed his portion to the expenses of the Government; while the protective tariff goes largely and indirectly to the protected manufacturers. The process by which this is done is very simple.

The manufacturer insists that he needs a certain amount of protection. The necessary tariff wall is raised by legislation to comply with his wishes. Then, finding themselves secure against competition from without, the manufacturers proceed to organize their line of industry into a noncompetitive combination. Then orders are given to limit the production and the output of the mills and factories, and finally they fix their own prices to the American consumers. With competition shut out no revenue, therefore, can come to the Government, and the combination, sheltered behind the protective wall, advance their prices in amount equal to the duty levied, and then they collect for themselves the duty which was levied by Congress, not for revenue, but for protection. This is why the manufacturer enjoys the system of protection. This, then, is the "modus operandi" of that benevolent protective system which was fastened upon the country years ago and which is to-day making a last desperate struggle for existence. Nominally and originally protection meant simply to keep out foreign-made goods, and home competition in our own markets was relied upon to protect the consumers from excessive prices. But in practice and for many years protection has meant quite another thing. Now protection is construed to mean that all foreign competitive goods are to be shut out, so that the American manufacturer may proceed to exploit the American market by means of trusts and combinations and monopolies. Protection in operation, therefore, is a two-pronged weapon. It denies to the consumer the advantages of foreign competition and at the same time compels him to buy in the markets of monopoly. No one would deny prosperity to American manufacturers if they can secure it upon the basis of merit and without the special aid of the Government, but they should not ask nor be given by law the right to collect for their own private ends the tax which the Congress levies for public purposes.

Let us examine into the platforms of the two great political parties and some of the utterances of the representative men of these parties for the past 20 years and see what they reveal on the tariff system. In 1888 the platform upon which Mr. Harrison was elected said:

> We are uncompromisingly in favor of the American system of protection—the protective system must be maintained.

In compliance with that platform the party passed the McKinley tariff law of 1890, which levied a tariff of 91.78 per cent on the average on the woolen schedule, and even went as high as 138 per cent in some instances. This was a heavy increase over the then existing tariff law—the Mills law of 1888—which levied a rate of 40 per cent ad valorem. The next tariff law passed was the Wilson law of 1894, which levied an average ad valorem of 47.84 per cent on woolen manufactures and put raw wool on the free list. Two years after the Wilson law was passed the Republican platform of 1896 contained the following plank:

> We renew and emphasize our allegiance to the policy of protection—true American policy—we are not pledged to any particular schedules. The ruling and uncompromising principle is the protection and development of labor and industry. The country demands a right settlement, and then it wants a rest.

Mr. McKinley was elected with that plank as a part of the platform, and the Dingley tariff bill of 1897 was enacted into law as a fulfillment of the policy. In this law the woolen schedule was put back practically as it was fixed in the McKinley law of 1890, and the law as a whole was an extremely protective measure. The majority report of the Ways and Means Committee which brought in the Dingley bill says:

> The manufactured lumber which was put on the free list by the tariff of 1894 (Wilson law) has been transferred to the dutiable list as an act of justice to this large industry.

Also:

> Such articles as wool, lumber, burlaps, bags, and salt have been restored to the dutiable list, from which they should never have been removed.

The protective system has always showed great solicitude for the great industries, such as the Lumber Trust and the Woolen Trust, and others. Not even salt, they say, should be free. Again, in the platform of 1900, the Republican Party renewed its faith in the policy of protection. In 1904 their platform says that protection is a "cardinal policy of the Republican Party," and here, for the first time, we find a specific meaning of protection. The platform says:

> The measure of protection should always at least equal the difference in cost of production at home and abroad.

It will be noted that this attempt to measure the amount of protection has been repeated in a more definite and pronounced way in the platform of the Republican Party adopted at Chicago in 1908. After promising to revise the tariff by a special session of Congress, it says:

> In all tariff legislation the true principle of protection is best maintained by the imposition of such duties as will equal the difference between the cost of production at home and abroad, together with a reasonable profit to American industries.

Mr. Taft was elected upon this platform, and later the Payne-Aldrich tariff law was enacted in 1909 as the latest authentic legislative expression and interpretation of that extremely novel theory of protection. Understanding the "reasonable profit" theory as it was doubtless intended to be understood, the framers of the present tariff law left the woolen schedule unmolested just where it had been for 20 years. And this in spite of the notorious and unfair discriminations in Schedule K, and in spite of the demands of the consumers of the whole country. To those who framed that bill it doubtless seemed necessary to leave the woolen schedule remain with an average ad valorem of 90.10 per cent in order to insure a "reasonable profit" to the manufacturers—or the Woolen Trust.

In no instance, perhaps, is the injustice of the indirect system of taxation so well illustrated as in the present woolen schedule. From the standpoint of the tax collector it is more desirable to levy taxes indirectly, because the taxes are then mingled with the goods purchased by the consumers and the tax element of the cost is paid in disguise. Taxation always diffuses itself along the line of least resistance. The poor people have the least power to resist, and so the burden of indirect taxation bears more heavily on them; while the rich have more power to resist and they bear the least burden. Again, indirect taxes are more expensive to collect and thus less of the total colleted ever reaches the Treasury. Furthermore, in this country this system has brought about the concentration of business in a few hands and has promoted monopoly by granting special favors and privileges. A tax on consumption is in effect a per capita tax, and as such the families of the poor, if they get all they should have to eat and wear, pay actually more than those of the rich. How unjust a $10 per capita tax would be in this country. The poor man with eight children might pay a hundred dollars and the rich man might not pay more than ten. Yet this is the effect of a tax on articles of consumption. Such a tax that operates through consumption affects directly human life, human comforts, and happiness. John Stuart Mill says that indirect taxation violates two of the cannons of taxation. One is that it takes from the taxpayer more than it puts into the Public Treasury, and the second is that it violates the principle of equality, because it fails to take in proportion to the ability to pay. Mr. W. F. Dutton in the American Journal of Politics estimates that the cost of living is increased 25 per cent by indirect taxes. Benjamin Harrison realized the inequality of the present system of taxation when he said:

> We must establish, and at once, a system that shall equalize the tax burdens. The men of wealth in our great communities should lead the movement.

A distinguished Representative of California, when speaking in Congress on the Wilson bill in behalf of the income tax, said:

> I am in favor of the income tax as proposed by the Committee on Ways and Means because it is better than the system of taxation now prevailing; because the burdens which are laid by the income tax, wherever they may ultimately fall, are all for public uses, while under the tariff system three parts of the burden are laid for the enrichment of private individuals to every one part that is collected for public use.

If the taxes now collected from customs of over three hundred millions a year were laid as direct taxation and demanded in the same unfair proportion as they are now paid the system would not be tolerated by the taxpayers, no matter upon what theory it was advocated. The hand of the taxgatherer could then be plainly seen and resisted. But by the system of indirect taxation the phantom hand of the taxgatherer is concealed. We may well ask why it is now tolerated. If a man buys a dollar's worth of sugar he pays from 38 to 40 cents tariff, or about $1.90 a sack. On a pair of shoes he pays about 50 cents tariff. On a knife valued at 10 cents he will pay 9 cents tariff, one one valued at 30 cents he will pay a tariff of 32 cents; on a $4 blanket he will pay over $2 duty. And in all these cases it must be remembered that the large part of the amount paid because of the tariff goes not to the Government, but to the protected industries to make up their "reasonable profit."

Realizing that we can not entirely dispense with the policy of raising a part at least of the needed revenue for the support of the Government by a tax upon articles of common consumption, my investigations have lead me to the conclusion that a just system of taxation ought not place so large a part of the burden as is now imposed upon such articles as all the people need to feed, clothe, and shelter them. We can not, of course, carry on the extensive functions of this great Government without raising in some way a large amount of revenue. I would be the last person to favor curtailing the necessary and legitimate functions of the Federal Government. I would not favor retrenchmen at the sacrifice of efficiency.

I am, indeed, anxious that ours shall be the best and most efficient Government on earth. But while I would not hamper any department of the Government in giving the best possible service to the people of this Republic, still I would not have one cent of taxation levied unnecessarily, even for public purposes, and certainly not for special privileges or for private enterprises. Before beginning to lay any burdens upon the taxpayers of this country for any purpose, I should insist upon a systematic and wise economy in the administration of the Government. In my judgment, it is a reckless and ruinous policy that raises a great surplus of revenue. Such a policy is a public menace, because it offers a temptation that leads to extravagance on the part of those in charge of the Government, and they might easily be persuaded to devise unnecessary and unjustifiable ways to spend the surplus. I hope and trust that the time is not far away when this Government will be able, under a constitutional amendment, if necessary, to enact an income-tax law by which the larger portion of the necessary revenue may be collected.

There is already an amendment proposed which, when ratified by three-fourths of the States, will give Congress the power to levy and collect an income tax as an indirect tax and without apportionment. I believe it will not be long until the requisite number of States, which is 36, will have ratified this amendment. Thirty of the States have already done so. Pending the ultimate ratification of such an amendment to the Constitution of the United States, Congress is not without power to lay and collect indirect taxes as it may seem wise to do.

To this end the Ways and Means Committee submitted a bill which this House passed about a week ago whereby large incomes will be compelled to bear their just share of the burdens of taxation. The Supreme Court held the corporation tax law constitutional, and the excise tax bill which is now in the Senate simply extends the provisions of the law to include individuals, firms, and copartnerships.

This bill proposes to levy a tax of 1 per cent upon all incomes in excess of $5,000 derived from the carrying on of any business or occupation. It is thought by those who have given the matter careful study that this bill as drawn, in view of the opinion of the Supreme Court on the corporation tax law, will not be subject to the constitutional objection to an income tax such as was pointed out by the court in the decision of the Pollock case. If this bill is approved, as I believe it will be, it is estimated that it will bring in about $60,000,000 the first year of its operation. This will offset approximately the loss of revenue suffered by the proposed free-sugar bill and thereby benefit the great consuming public and also shift the burdens of taxation to those whose salaries or incomes can well afford to bear a more equitable share of the public taxation. Such a tax, in my judgment, is the fairest and the most equitable of all taxes, because it compels every man to contribute in proportion to what he has. It will place the burden upon those who are most able to bear it and will lift the weight of taxation from those least able to stand it. Such a tax will take from all according to their ability to spend rather than in proportion to their ability to consume. It will tax what men have accumulated above what they need rather than what men are striving to accumulate for their physical needs and comforts.

After raising a large part of the revenues by an income tax, I would collect such part of the public revenues as seems wise by internal-revenue taxation, as we do to-day, upon the articles which are not classed as necessaries. For the balance of the taxes I would levy import duties, but purely for revenue necessary to make up the total revenue required to defray the

expenses of the Government economically administered. In levying such import duties I would deny protection, as such, to any article of production or class of articles. I would so fix the rates that were found to be necessary to produce the sufficient amount of revenue as to make the burden lightest on articles of general use and heaviest on articles of luxury. Food, clothing, and shelter should be taxed as lightly as possible. Luxuries should bear the maximum revenue rates, but no rate in any case should be prohibitive. It must yield revenue to be justified. Montesquieu, a noted French political philosopher, makes a classification that commends itself to the standards of justice. He says that necessities ought not to be taxed; that articles classed as useful should be taxed a little and superfluous articles should be taxed heavily.

A vital principle which the protective theory has always ignored is that taxes on imports should be so laid that when they are actually paid they shall be paid into the Public Treasury and not to private interests by way of enhanced values. The argument that the foreigner pays the tariff is no longer seriously advanced in support of this particular method of collecting revenue. It therefore must not be overlooked that the consumer of the articles taxed will ultimately pay the tariff to some one. Whether the consumers will pay much or little will depend, therefore, upon whether they pay it as a protective or a revenue tariff. If they pay it as a revenue tariff, then the needs of the Government will determine the amount they are called upon to contribute; but if as a protective tariff, then the consumers are at the mercy of those who control the output and fix the price of the protected article. To draw up a tariff bill such as will be purely a revenue measure and which will do exact justice as to classification of rates and items is, of course, impossible; but to get one that will approach these ends is the aim of every tariff-for-revenue advocate. There are many considerations to weigh in reaching the most equitable and satisfactory results. We must know how much revenue should be collected on imports, then what articles shall be subject to duty and at what rate, then what articles should be exempt from duty entirely. It also involves the question as to what is the maximum revenue point for each article and what is the competitive point in the scale of rates. As to rates, the Democratic theory is that ad valorem rates are the fairest and the simplest of application and the most likely to be in harmony with a tariff for revenue.

As to classification of articles and which shall be admitted dutiable and which free, the Democratic national platform of 1908 gives a general and simple guide. The tariff plank of that platform reads as follows:

> We favor immediate revision of the tariff by the reduction of import duties. Articles entering into competition with trust-controlled products should be placed upon the free list; material reductions should be made in the tariff upon the necessaries of life, especially upon articles competing with such American manufactures as are sold abroad more cheaply than at home; and gradual reductions should be made in such other schedules as may be necessary to restore the tariff to a revenue basis.

In the application of general principles, however, many conditions are found to exist in detail not contemplated by the general rule. It is found necessary to inquire what articles are luxuries, what are necessaries, what are raw materials, what are trust-controlled products, what articles are imported that are not produced here, what articles do we produce in great quantities and what in small quantities; and, too, as to trust products, it is material to inquire whether the article is controlled by a world trust or monopoly. These and many other important considerations must enter into a careful and equitable adjustment of import duties in making up a tariff schedule.

Accepting the verdict rendered by the American people at the polls a year ago last fall as a complete repudation of the high-protective policy, as that policy is exemplified in the Payne-Aldrich law, the party now in control of this House has accepted the responsibility placed upon the Members by the people, and they have set about the task of reducing the enormous burdens of tariff taxation. Their work thus far has commanded the attention and merited the approval of all people who are sincerely in harmony with the struggling taxpayers in their efforts to rid themselves of the effects of that iniquitous system which has been robbing honest labor of the fruits of its toil for the purpose of enriching the few, in whose favor that system has been operated for years.

Thus far this House has accomplished a great good. It has set in motion a plan of economy in the administration of public affairs which is daily revealing the extravagant conditions that have existed in different branches of the Government.

Last summer we passed the free-list bill, which would have been one of the greatest relief measures ever enacted into law if given a trial. The following table shows a few of the gains it would have made over the present law:

Articles.	Present law.	Proposed law.
Farm machinery	15 per cent	Free.
Farm wagons	35 per cent	Do.
Leather boots and shoes	10 per cent	Do.
Harness and saddlery	35 per cent	Do.
Fence wire	¼ cent per pound	Do.
Woven wire	40 per cent	Do.
Lumber	$1.75 to $2.75	Do.
Shingles	50 cents per 1,000	Do.
Laths	20 cents per 1,000	Do.
Sewing machines	30 per cent	Do.
Salt	11 cents per pound	Do.

While the free-list bill, which passed the House by an overwhelming majority, involved a loss in revenues of only about eight millions, on the other hand it would have unburdened the farmers and others of this country to the extent of enormous sums which have been paid as a tariff tribute to the manufacturers and as a bonus, by reason of the present high and unconscionable rates on lumber, farm machinery, and other articles of common use. Farm machinery and other trust-controlled products, which the manufacturers have been shipping abroad and selling in foreign markets for less than here, are certainly able to compete with foreign-made machinery in our home markets without the aid of a tariff. Their own abuse of the protection which they have enjoyed is a condemnation of the whole tendency of a protective tariff. The Government statistics show that in 1890 we exported to foreign countries of farm machinery $3,859,184, and in 1910 our exports had increased to $28,124,033. Such a condition does not indicate that the manufacturers of farm machinery are threatened by foreign competition.

The next great service rendered by this House for the American people in the special session was to revise the schedule on wool and woolen manufactures, designated as Schedule K. The bill passed the Senate in a modified form, but was defeated by Executive veto, leaving the woolen schedule of the Payne-Aldrich law in operation. Still hoping for relief, the same woolen schedule that passed the House last summer has been reintroduced, bearing the same identical rates, and is now before us for consideration. This woolen schedule, though appearing under the names of the Payne-Aldrich law, the Dingley law, and the McKinley law, has remained practically without change, in substance, on the statute books for more than 20 years, and this, too, notwithstanding the fact that it embodies all of the grossest evils and the most cruel discriminations of the whole protective system. It is so bad that even the President admitted, after its passage, that it was "indefensible." The bill which is now before the House makes a reduction in this schedule from 90.10 per cent in the present law to 42.55 per cent. This sweeping reduction of over 50 per cent doubtless will not please the pampered manufacturers and beneficiaries, who have grown into opulence because of the tribute they have collected for two decades under this schedule. But this reduction will be welcomed all over the land by the great mass of men, women, and children who form the devoted, industrious citizenship of our Republic.

They never ask nor do they receive special favors at the hands of the Government. All they ask is to be permitted to live and enjoy the fruits of their own toil. Nor is the reduction of over 50 per cent the only thing accomplished by the proposed woolen schedule. It goes to the root of the evil and eliminates the specific duties and substitutes an ad valorem duty throughout, which is recognized by the leading economists as a fair and equitable duty on textile schedules. To show how unfairly the specific rates discriminate in favor of the rich and against the poor, it is only necessary to take a single example from the present woolen schedule. Woolen blankets valued at 44 cents a pound are subject to a duty of 44 cents specific and 50 per cent ad valorem, which makes a compound rate of 150 per cent; while if valued at 70 cents a pound the same rates prevail and makes a compound rate of only 112 per cent; and if valued at 88 cents a pound the rates are 44 cents and 55 per cent, which make an equivalent ad valorem of 105 per cent. Thus the cheaper blanket pays a rate of 150 per cent and the better one pays only 105 per cent. Again, as to women's and children's dress goods made wholly or in part of wool, if valued at 7 cents per yard the duty is 7 cents and 50 per cent, which makes a combined rate of 150 per cent, but if valued at 24 cents per yard the duty is 8 cents and 50 per cent, or a combined rate of only 83⅓ per cent.

These compensatory and specific rates which have concealed by far the worst vices of the present woolen schedule are abolished in the bill which is being considered by this House. The proposed schedule levies a simple and honest ad valorem rate for revenue of 42.55 per cent on manufactures of wool instead of the Payne-Aldrich rate of over 90 per cent.

Following the passage of the woolen bill last summer the House took up and revised the schedule including cotton manufactured goods. While it was generally believed that this schedule was subject to the same needed revision as the woolen schedule, still its examination confirmed the belief that it, too, was subject to the same unseen methods of eliminating competition and charging over the compensatory rates to the ultimate consumer. This schedule was revised downward with practically the same cut in rates as the woolen manufactures, and had it reached the statute books would have given needed relief to the great body of American consumers.

Although the conscientious efforts of this House last session to reduce the tariff were met at every step with Executive vetoes, still we have not despaired of securing for the people some relief from the injustice of the present system of taxation. The first great tariff work of the present session was the passage by this House of the steel and iron schedule. The American people have been the victims for years of the gigantic Steel Trust, which has been fostered by high protective tariff, and it was left for this House to bring out a bill which has greatly reduced the former unjust and discriminating rates of the steel schedule. No sooner was this schedule passed than the chemical schedule was taken up and revised in rates and classification. Then came the sugar schedule, and here, again, the House repudiated protection and even sacrificed a great revenue-producing item in the interest of cheaper food for the struggling masses. The Sugar Trust has levied tribute upon hungry children for a score of years. They have successfully resisted heretofore all efforts to take from them this special tariff privilege. Not satisfied with shaping legislation, they have even gone to the extent of corrupting customhouse officials.

Now they threaten that this bill will destroy the sugar-beet industry, but no substantial evidence of this effect has been produced. To place sugar on the free list, as this bill has done, may and should operate to cut down the enormous profits of the Sugar Trust, but I refuse to credit the statement that the high tariff is necessary to maintain agricultural industries in the United States. Our farmers receive no share of the large dividends distributed among the stockholders of the Sugar Trust. What the farmer needs is the opportunity to buy in a fair market what his family needs and also the machinery which he must use upon his farm. Then he can produce and afford to sell his products in a fair and open market without contributing the profits which belong to him to those who control and fix the prices of his products and also what he consumes under the present system.

I venture to say that the period of usefulness for the protective system has gone and high protection in this country is doomed. It is undemocratic and un-American. Having imposed itself in the early days as a foster mother to infant industry it has retained its selfish existence by craft, cunning, and intimidation. It had its inception in national optimism, and at one time was a factor in the growing nationality, but it has long since degraded into a juggernaut of organized selfishness for the purpose of exploiting the unsuspecting and patient public. The good faith of the American people has been betrayed by its sophistry and greed. Under the philanthropic inspiration of protecting home industries its triumph has been that of a special few over the struggling and impoverished masses. Its advocates have shifted from one fallacy to another in their persistent course of deception. It is interesting to observe that when one fallacy failed to work longer to justify the system of protection another was taken up and advanced in popular arguments. At first the argument in justification for a high tariff was that the foreigner paid the tax. When no one would believe this any longer we were told that the object of the system was to encourage domestic infant industries.

That slogan worked splendidly until the industries grew out of their swaddling clothes and became gigantic trusts and combinations. Now, instead of Government aid to encourage their growth, it keeps the Government busy trying to keep them from controlling the Government itself. But the modern argument is that we need the high tariff to protect labor. That worked well for a few campaigns, until the laboring men began to inquire how a high tariff that shut out foreign goods, but let in foreign labor to compete with them, was much protection to American labor. Again, we hear much now about how the American market must be preserved for American manufactures. Experience has demonstrated that those most anxious to preserve the American markets are those who use special legislation to get these American markets under their control and then reap the benefits of unfettered monopoly. They insist on a highly protected market in which to sell their manufactured products, but at the same time they tell the American producer that he must dispose of his products in the free markets of the world. That is the absurd position of those who want to preserve the American markets for American manufactures. There has recently, however, come into the field of political science a new and heretofore unheard-of modification of the old theory of protection to American industries. It asks not only protection that shall equal the difference in the cost of production here and abroad, but, in addition to that, "a reasonable profit" to the manufacturers. Confident in their system of industrial control and in their success at deceiving the people, they have at last sprung the trap. A "reasonable profit" to the manufacturer. And what is a "reasonable profit" is to be left to be determined, as formerly, by the manufacturers and beneficiaries themselves. No wonder the manufacturers believe in protection. No wonder they have successfully resisted all attempts to revise the tariff, and especially Schedule K.

With the permission of the House I desire to insert as a part of my remarks at this time a few extracts from an address of Dr. Charles W. Elliott, as printed in the Wall Street Journal of September 22, 1908. There are few authorities in this country whose opinions carry greater weight on public questions than those of Prof. Elliott. In speaking on the tariff, Dr. Elliott says:

In the first place, it [high tariff] has postponed and obstructed the effective entrance of American products into the markets of the world. Many American industries, including the fundamental industry of agriculture, produce much more salable material than can possibly be sold in the United States; and all these industries must sell their surplus products outside the United States at a great disadvantage, because the products have paid high duties on the raw or partially manufactured materials which enter into them, on the implements or machinery which were used in producing them, and on the structures which sheltered and distributed them. As a country which produces in normal years much more grain, meat, and cotton and many more manufactured goods than it can consume, it is the interest of the United States to develop for itself world markets under the most favorable conditions possible. The tariff prevents or obstructs the attainment of those favorable conditions. A nation which prohibits the importation of the natural exports of other nations or, what amounts to much the same thing, charges higher duties than other manufacturing nations charge on foreign raw or unfinished products, can not maintain a profitable carrying trade with other nations.

* * * * * * *

Despotic and aristocratic Governments have long practiced the creation by law of privileged or favored men or classes. The American democracy has abolished or had nothing to do with the ancient privileges of nobles, court favorites, sinecure holders, and commercial adventurers by royal monopoly charter, but has been more than ready to create privilege manufactures by tariff legislation, in spite of the fact that equality before the law has been theoretically the very foundation of American government and society.

The enrichment of a few individuals of a small class at the expense of the community and with no benefit to the State is, however, not the worst result of the protective policy. The worst result is the legal violation by the Republic itself of the fundamental equity, and this result is aggravated by the falsely altruistic argument used in support of the tariff. The man who acts unjustly for reasons which seem to him benevolent or humanitarian is more dangerously poisoned than the man who is unjust for straight selfish reasons and admits to himself just what he is doing and why. The fallacies of protection are all the worse because they are covered with the nauseous slime of a pretended altruism. In short, the chief objection to protective legislation is a moral one, namely, that it diminishes the enterprise, self-reliance, and sense of justice of the population as a whole. That legislation is a serious mental and moral evil which has been for 50 years working injustice at home and contracting American exchanges abroad, because two generations of voters have been hoodwinked with a word—"protection." No revision of schedules can dig up this evil by the roots. It will only be cured when the National Legislature makes the tariff nothing but one means among many of raising needed revenue.

That the tariff is not necessary to the maintenance of American wages or American standards of living appears clearly from the common practice of selling American goods in foreign countries at much lower prices than they are sold in the United States and yet at a profit.

* * * * * * *

The tariff establishes a tax paid by the great body of consumers, not to the Government for its support, but to the capitalists who have invested their money in those plants which produce protected articles.

I would not deny to the laborers of our great country any protection or any of the comforts of life to which they are justly entitled. I care not whether they labor in the mills or in the mines, in the factories or on the farms; the American workmen deserve to share in the prosperity and the progress of our Nation. But I am opposed to an industrial system which seeks special privileges in legislation in order to protect, not legitimate industries while in their infancy, but to shield great industrial and financial combinations which have long outgrown their swaddling clothes and have piled up such wealth and accumulated such power that they threaten our national welfare. I am opposed to a protective tariff which is a protection to the few against the many in this country, a tariff which has become so high in many instances that great corporate wealth and combinations have been permitted to levy tribute upon the masses of consumers and have grown rich while they have

operated under the guise of protecting labor. These protected interests have been so long the favored beneficiaries of special legislation that they have come to believe they have a vested right in the protective system, and they even grow alarmed at any attempt which seeks to deprive them of the special favors which they have enjoyed so long. They complain that such attempts will cripple industry and destroy property and prosperity. They threaten dire calamity if they are not permitted to continue to receive their regular allowance from the public bounty.

Mr. WILLIS. Mr. Chairman, I yield 15 minutes to the gentleman from Pennsylvania [Mr. CRAGO].

Mr. CRAGO. Mr. Chairman, I would not from choice select the tariff as a subject in which to interest this House, but I am not willing to let a measure be considered in which at least one-third of the entire population of my home county is directly interested, and in which every resident of the county is, directly or indirectly, interested without raising my voice in their behalf.

For the last half century no other public question has received so much attention from Congress as has the question of the tariff. For years the two great political parties have divided on the question of whether we should have a protective tariff or no tariff other than one for revenue. Every national election fought with these two propositions clearly defined has resulted in such an overwhelming victory for protective tariff that in our State of Pennsylvania it had become the fashion for anyone running for office on the Democratic ticket to proclaim himself a good protectionist.

The last presidential campaign was somewhat different from the others, and many people believing, honestly mistaken though they were, that the high cost of living was the result of protected industries, and forgetting the lesson of a few years ago, demanded of the Republican Party a gradual reduction of the tariff along certain lines. The discussion of the question at this time led men to see that there must be some better way of adjusting such intricate questions than leaving them to the whims of politicians, so the idea that a permanent Tariff Board, removed from partisanship, composed of men who have made a study of economic questions, just as the judges of our courts have made a study of legal questions, should be able to more intelligently present to Congress the facts regarding the workings of the tariff met popular approval.

With a report from such a board at hand it should easily be determined whether any tariff schedule gives the necessary protection or whether it is merely a revenue schedule or an out-and-out free-trade measure.

This idea, seized on by the then minority party, received rather coldly by the dominant party, has been partially put into law, and to-day we have before us the findings of that board accepted by the party now in the minority in this House, but rejected by the party now in power.

To-day the issue of free trade and protection is more clearly drawn between the great parties than for a generation, and, thanks to the frankness of the gentlemanly leader of the minority, the country now knows exactly where each party stands on the tariff—the Republican Party standing for a tariff which as nearly as possible makes up the difference between the cost of production in this and competing countries, while the Democratic Party stands for a free-trade policy, except where it is necessary to have some duty levied in order to raise revenue. With this line-up we are content, and confidently appeal to the good judgment of the people, with an abiding faith that they will see and do the right.

The wool industry has been an important factor in our development as a nation; it has also played its part in the making of other nations. With us for several generations it has been the football of political battles, and while the men who by their labor have produced it have toiled and worked to make for themselves and families an honest living, statesmen have argued pro and con the right and necessity of its protection. It shall not be my purpose at this time to take up the matter of a tariff on manufactured wool or woolens, at the same time our people realize that unless the home manufacturer of woolens is protected against the foreign manufacturer they have no market, and no matter how high the duty on raw wool may be, they receive no benefit from it. I leave this, however, for men who have made it a study and are familiar with its details. What little I shall say will be in behalf of the men who raise the sheep to produce the wool; the men of southwestern Pennsylvania, West Virginia, and eastern Ohio, who have, by years of toil and study, brought this industry to its present high standard; who have succeeded in producing the finest wool of its kind grown anywhere in the entire world, and who to-day are willing to meet you in any reasonable reduction of duty and adjust themselves to the new rates, provided they can continue in the business and make a reasonable profit. I have talked with many of these men, and they believe that if the findings of the Tariff Board on Schedule K are accepted and enacted into law they can continue at a small profit, but if you reduce the duty below that line you have simply made a present of that much to the woolgrowers of Australia, and at the same time our people will pay the same prices for clothing made of wool grown in foreign countries, the product of foreign labor and foreign capital, while the domestic industry will be gradually destroyed. This is no theory, but a demonstrated fact.

Prior to the passage of the so-called Wilson bill the rich hills and fertile valleys of that section, so well adapted to this industry, were dotted everywhere with sheep. The sheep raisers were prosperous, and as a result the communities were also prosperous. And then came the change, and in 1896 the flocks had disappeared from our hills. The sheep were sold for 50 cents and $1 per head, "for mutton only" was an accomplished fact.

With the return of the Republican Party to power and the passage of the Dingley law these same men, anxious to again engage in this business, sent to other parts of the country for sheep, but it was 10 years at least before the industry was again firmly established, and millions of dollars had been lost to that section of the country. Do you wonder, then, that our people look with disfavor on this attempt to repeat the conditions of 1896?

In 1909, for my own county of Greene, the Census Bureau gives the following data:

Farms on which sheep are raised	1,615
Fleeces of wool marketed	135,791
Number of wool-bearing sheep	141,373
Number of pounds of wool produced	842,495
Value (practically 30 cents per pound)	$291,447

This county has a population of but 30,000 people. Assuming that on each farm there will be an average of six persons, and you have almost one-third of the entire population engaged partly in the raising of sheep. The reduction of the duties, as proposed by the Underwood bill, will mean a loss, as I figure it, of more than $50,000 annually to the people of this county alone—will take away all the profit from the industry and in a few years destroy it entirely.

In 1890 Fayette County is reported as producing 173,904 pounds of wool and Somerset County 79,557 pounds. In 1909, Fayette County produced but 37,865 pounds and Somerset County 42,954 pounds. This decrease in production in these two counties can in part be accounted for by the fact that during this period the mineral resources of these counties have been developed to a great extent, and this has made the raising of sheep unprofitable, but it also goes to show that but one of these three counties has in any way recovered from the almost complete destruction of the industry from 1893 to 1896.

Mr. Chairman, in considering this bill we are face to face with the question of whether the tariff on wool shall be such as will protect our citizens who raise sheep on land worth from $60 to $100 per acre, where they must feed the sheep grain many months of the year, where they employ men who receive living wages and who enjoy the benefits of our high standard of living; who pay taxes to keep up the best of schools, build good roads, and make for themselves and families a community life of culture and refinement, or whether that tariff shall be one for revenue only, too small to give any adequate protection to our own people, who have their money invested and have given the best years of their lives to the study of this industry, and which will compel our people to compete with the countries where land is worth but a few dollars per acre, where the sheep graze 12 months of the year, where men live like uncivilized beings on the unkept, boundless domains of a country where modern living and culture are unknown.

Our Government spends millions of dollars annually in sending out reports and valuable information to the people who live from the product of the soil, and I take pride in the fact that it does all this, but Congress sits up nights devising laws which make the work of the farmer unprofitable and thus drive the younger men into other fields of activity.

Back in feudal times the demands of war frequently suspended the operation of industries for long periods and thus delayed the industrial progress of the world. To-day we are seeing the demands of partisan politics accomplish the same purpose, and what in former centuries was a game of conquest is now a conflict of those forces which would by industry and labor work out the common weal, as against that baser side of human nature which seeks to make of prejudice and indolence a condition whereby our citizens are turned from the useful arts, and are made to believe the Government owes them a living, instead of teaching them that they owe our Government

their loyal support, in order that it may the better protect them in their labors and secure them and those who come after them in their right of life, liberty, and the pursuit of happiness.

The greatest function of Government is to give people opportunity, opportunity to work and receive the proper reward for their labor; opportunity to grow and develop the powers with which they are endowed by nature.

This our people ask and demand—nothing more, nothing less.

Mr. Chairman, so long as I shall serve in this great legislative body I want to be counted on the human side of every problem, and I believe the uncertainty of legislation affecting industries is the greatest menace to industrial prosperity, and, as a result, a menace to human progress. [Loud applause.]

The CHAIRMAN. The gentleman from Ohio [Mr. WILLIS] is recognized for one hour.

Mr. WILLIS. Mr. Chairman and gentlemen of the committee, at this late hour of the evening I have an announcement to make that I think will be rather popular, and that is that I do not expect to occupy nearly all of the time that has been assigned to me. I thank the gentleman from Illinois [Mr. FOSTER] for the applause which everybody feels like giving, but which he was good enough not to give. However, Mr. Chairman, representing as I do one of the great woolgrowing districts of this country, I should feel that I would be remiss in my duty if I did not say something about this bill, which, as I understand it, is extremely inimical to the interests of a large number of the people whom I represent and not beneficial to anyone, and which, if enacted into law, would mean practically the destruction of the sheep industry, particularly in Ohio, Pennsylvania, and West Virginia—that section known in the report of the Tariff Board as the Ohio region. I think I can show before I close that this is undoubtedly the case, and that the majority in their report practically say that if this bill becomes a law the industry in what is known as the Ohio region must either very materially change its form or absolutely cease to exist. If this concourse with its sad assemblage of mourners is to be regarded as a sort of funereal occasion, if the wool industry is to be consigned to destruction, it seems to me that what little the friends of that great industry have to say about it would better be said before the industry is dead. I am reminded of that little stanza of poetry which my friend from South Carolina [Mr. FINLEY], with his poetic instincts, will appreciate, and which runs like this:

> A rose to the living is more than sumptuous wreaths to the dead;
> In filling Love's infinite store, a rose to the living is more,
> If graciously given before the hungering spirit has fled.
> A rose to the living is more than sumptuous wreaths to the dead.

So, in harmony with the spirit of that stanza of poetry, I want to place a few little flowers at the feet of the wool industry of this country rather than to place sumptuous wreaths upon its coffin, for that is what I should have to do if I spoke after this bill became a law.

This debate, which has been prolonged rather extensively, is useful in a good many ways. To my mind one of the things coming out of it that is the most valuable is the fact that in connection with the debates had on this bill last summer, it has made the position of the gentlemen across the aisle with reference to the wool industry and the other industries of this country absolutely clear. As was said just now by my friend from Pennsylvania [Mr. CRAGO], some of us in certain sections of the Union have known of gentlemen running on the Democratic ticket and asserting that they were good protectionists. This debate has torn the mask off that proposition, because we have heard it asserted here by the leader across the aisle, we have had official pronouncement to the effect that the Democratic Party does not stand for any such thing as protection to any industry. For example, here in debate the other day on the sugar bill the distinguished, able, and courteous leader of the Democracy, the gentleman from Alabama [Mr. UNDERWOOD], said in response to an inquiry by the gentleman from Louisiana [Mr. BROUSSARD] that he did not know what effect that bill would have upon the sugar industry of Louisiana—proposing legislation not knowing whether it would strike down or destroy an industry; and that was followed up a little later in that same debate by an admission of another distinguished leader on that side of the House, the gentleman from Georgia, in which he said substantially that he was willing to go further than the gentleman from Alabama. He said that in his opinion it would absolutely destroy the industry in that State; and then upon the question of the wool industry it has been said upon this floor several times in the course of this debate, admitted in the reports of the committee, both upon this bill at this time and upon a similar bill last summer, absolutely officially admitted, that it is going very seriously to cripple the industry, if not absolutely to destroy it, and a member of the Committee on Ways and Means, the gentleman from Massachusetts [Mr. PETERS], said here in the debate, when questioned by my colleague from Ohio [Mr. LONGWORTH], in response to the inquiry of Mr. LONGWORTH, that it did not make any difference, in his judgment, if he knew that the rate proposed in this bill, namely, 20 per cent, would absolutely wipe out the industry, that that would not be considered at all, that the only thing our friends, the Democrats, were considering was the raising of revenue.

It has been stated here that in time to come when the revenue would not be needed, then that the duty should be absolutely and unqualifiedly abolished. In other words, it is now known to the farmers of this country and the sheepmen of this country that it is proposed absolutely to put wool upon the free list just as soon as it can be done. Why, it is said here in the committee report that was made last summer, and I read from it; you will find it on page 26 of the report of the Ways and Means Committee:

> It is maintained by a very large number of our best economists and statesmen—

I suppose he refers to Democratic economists and statesmen—

> It is maintained by a very large number of our best economists and statesmen that the economic situation involved in our rapid progress as a Nation requires that our ports should be thrown open to the importation of wool free of duty; and this view, based on the most profound consideration of the public welfare, has found expression in Democratic legislation. It is the constant intent of the Democratic Party to make the burden of tariff taxes as light as possible for the people, and to levy tariff taxes on a revenue basis as promptly as possible, for the party recognizes no justification whatever for tariff taxes except the necessity of revenue.

Later on in the same report it is said:

> The bill, H. R. 11019, is not to be construed as an abandonment of any Democratic policy, but in view of the Democratic platform for a gradual reduction of the tariff—

And, by the way, as we go along, if that is the attitude of the Democratic Party, when you brought in the sugar bill the other day this platform declaration ought to have been considered in regard to a "gradual" reduction of the tariff.

> and of the depleted and depleting condition of the Public Treasury—

Is not that awful? Of course everybody knew at the time that that statement was a fiction, and the logic of events has absolutely proved it to be so, because the "depleted Treasury" turned out to have a surplus of something over $40,000,000.

> And of the depleted and depleting condition of the Public Treasury, a result of Republican extravagance, a tariff of 20 per cent ad valorem on raw wool is now proposed as a revenue necessity.

In other words, it is perfectly clear that there is no intention to maintain any protective duty whatever on wool. I think I am perfectly fair in making that statement and am not misrepresenting anybody. So the woolgrowers of the country ought to understand that they are face to face with the proposition of free wool. We have torn the mask aside, and we know where our good friends the enemy are located on this proposition. Now, I want to say, Mr. Chairman, that, so far as I am concerned personally, I am not altogether satisfied with some provisions in the present tariff on raw wool. All woolgrowers are well acquainted with the fact that because of the peculiar classification and provisions in the existing law washed wool of class 2 comes in at the same rate as unwashed wool. Every woolgrower knows the importer takes advantage of that and brings in large quantities of washed wool; in fact, there is practically no unwashed wool of the second class brought in. This practice reduces the shrinkage of imported wools and thereby crowds out our own wool. Then, in the second place, through the operation of the skirting clause, which will be found very carefully referred to in the report of the Tariff Board, pages 287 to 293, volume 1, advantage is again taken of the farmer:

> These provisions are contained in paragraph 368 of the act of 1909, which is as follows: "The duty upon wool of the sheep or hair of the camel, angora goat, alpaca, and other like animals, of class 1 and class 2, which shall be imported in any other than ordinary condition, or which has been sorted or increased in value by the rejection of any part of the original fleece, shall be twice the duty to which it would be otherwise subject: *Provided*, That skirted wools as imported in 1890 and prior thereto are hereby excepted.

As has been explained here by two or three gentlemen who have spoken, in Australia they will take a fleece and lay it on a table or the floor and cut off the dirtier portion, the less valuable portion, and keep in the fleece only the best and cleanest wool. Then, under the "skirting clause," this skirted fleece is brought into our country, and, of course, everybody understands it must have a very low rate of shrinkage, as low as 40 per cent, and, in many fleeces, much lower than that. Now, the Tariff Board refers to that in a very interesting way, and I want to trespass on the good nature of the committee long enough to call attention to their statement, because some of my friends on the other side of the aisle have not read the report of the Tariff Board. I know some of them have not, else they would not make the

statements they have made. Why, it has been stated here that there is not anything new in this report of the Tariff Board. It was said that the information acquired might just as well have been acquired by correspondence. The gentleman who makes that kind of statement surely does not have the materials of the report of this Tariff Board well in mind.

I think in regard to the details of the wool industry in the United States and elsewhere that this is the greatest work that has ever been undertaken by any nation. There never has been any such collection of materials at first hand. They did not simply write to somebody. Why, it has been said their men were sent abroad. Certainly they were sent abroad. They went into the sheep-raising districts of Australia and South America and made careful personal investigation; that was the only way in which they could get at the facts and report to this Tariff Board.

It is a very voluminous report, and they show some interesting facts at page 382, volume 2, on the subject I have just discussed. I want to read part of their statement, because I think it is very valuable information:

The complaint of the grower of domestic wools that he is not now and has not during all these years been receiving the amount of protection nominally extended by the 11-cent duty on the grease pound is based upon the heavy shrinkage of the domestic fleece as against the light-conditioned skirted wools selected for importation primarily for their large net yield. An examination of the existing duties will show that the schedule is constructed upon the theory that wool shrinks 66⅔ per cent in the scouring. Since, however, it is certain that the wools actually imported shrink something less than 40 per cent, it is obvious that instead of paying $11 duty for every 33⅓ pounds of actual wool brought in, the importer is really securing some 60 pounds at a rate of not to exceed 18 cents per scoured pound.

In order that this matter may be more clearly understood, the board has prepared a tabular statement in which the full effect of shrinkages upon the actual operation of the existing wool duties is shown:

Present grease-pound rates with computed scoured-pound equivalents.

Shrinkage.	Actual duty on scoured content.	
	Class I wools.—Duty per pound, 11 cents.	Class II wools.—Duty per pound, 12 cents.
75 per cent	$0.44	$0.48
70 per cent	.36⅔	.40
65 per cent	.31½	.34⅜
60 per cent	.27½	.30
55 per cent	.24⅜	.26⅔
50 per cent	.22	.24
45 per cent	.20	.21 9/11
40 per cent	.18⅓	.20
35 per cent	.16½	.18 6/13
30 per cent	.15⅝	.17⅛
25 per cent	.14⅔	.16
20 per cent	.13¾	.15

Gentlemen can readily figure that out for themselves. Of course, everybody knows that is true. But let us see how it works out. Suppose that the law operated as it was intended that it should operate. In that case if you bought 100 pounds of wool in the foreign market and it was brought in here and would shrink 66⅔ per cent, you would have left 33⅓ pounds of wool. That would make the rate what the law intended it should be—that is, 33 cents on the scoured pound. As a matter of fact how does it work out? Under this skirting clause, of which I have spoken, the importer goes into the foreign market and buys wool that shrinks not 66⅔ per cent, but wool that shrinks 40 per cent or less. Then out of his 100 pounds of wool, instead of having 33⅓ pounds, he will have 60 pounds, and if he divides the amount of duty which he has to pay—$11 on the 100 pounds—by 60 instead of 33⅓, under the supposed arrangement, it will be seen that the farmer has not been getting anything like 33 cents protection on the scoured pound. He is really getting only about 18 cents protection on the scoured pound. Here is the thing I am objecting to. Under the present law the farmer has been charged with receiving a protection of 11 cents a pound on grease wool or 33 cents a pound on scoured wool. The fact is he has not received it. He has received only a little over one-half of what he was really entitled to under the law.

Mr. RAKER. Mr. Chairman, will the gentleman yield?

The CHAIRMAN. Does the gentleman from Ohio yield to the gentleman from California?

Mr. WILLIS. I do, with pleasure.

Mr. RAKER. I want to say to the gentleman that that has been understood by the sheepmen of California for many years, and they have been trying to get recognition and have it remedied, but they have not got it. How, may I ask, will the gentleman remedy that?

Mr. WILLIS. Speaking frankly, but not seriously, I think the reason why that has not been remedied heretofore is because the gentleman from California and myself have not been in Congress heretofore. That is the occasion for it. [Laughter.]

Now, Mr. Chairman, I wish to insert in the RECORD certain tables——

Mr. FINLEY. Mr. Chairman, since the gentleman from Ohio and the gentleman from California are in Congress now, will that be remedied? [Laughter.]

Mr. WILLIS. I have no doubt of it. In the next Congress I hope to be here, and I hope the gentleman from California [Mr. RAKER] will also be here, for if the people of his district are going to have a Democrat here I should prefer that they should send him, and I will say the same also of the gentleman from South Carolina [Mr. FINLEY]. For what would this Congress be without his loving and serene smile? [Laughter and applause.]

Now, Mr. Chairman, as to the result of this skirting clause——

Mr. SLOAN. Mr. Chairman, would it be in order to call for a vote on the proposition of the gentleman from South Carolina? [Laughter.]

Mr. WILLIS. I object to that, because I do not wish to have my friend humiliated by a vote on that proposition. [Laughter.]

Now, as to the result of this skirting clause to which I have referred the Tariff Board says, on page 382 of volume 2, that in wools with a shrinkage of 40 per cent the actual rate on the scoured wool nets per pound 18⅓ cents instead of 33⅓, as the supporters of the law supposed. In wools with a shrinkage of 35 per cent the rate on the scoured pound is only 16 cents. That shows the reason for the dissatisfaction on the part of the woolgrowers with the present law, and consequently I am very glad to have the opportunity to comment upon certain things in that section. In this connection I desire to add an extract from an address recently delivered before the Ohio woolgrowers by Gov. Gooding, of Idaho:

To the woolgrowers it is a well-known fact that some parts of the fleece are very much lighter than other parts. It is by selecting the lightest fleeces that can be found in the world and then taking the lightest part of these fleeces that the importers beat Schedule K when shipping wool into America. Now let me show you how the importer beats Schedule K and you will understand why we want that schedule revised and the duty on wool assessed on the clean contents of a pound of wool. He looks the whole world over for light shrinking wool to ship to America; in fact, the whole wool world has been pitted against Schedule K. In Australia they go so far as to "willow" the fleeces. "Willowing" them means shaking them over a wire screen so as to remove all the dirt possible. The lightest fleeces of the flock are taken; the dirty wool around the neck, legs, and belly are taken out. This is called "skirting." In this way it is plain to be seen how all the lightest fleeces and the lightest parts of the fleece are shipped into America. The same is done in South America, and a phrase has grown up in the wool markets to-day, in speaking of a light fleece of wool, as being "fit for the American trade." Not that America needs any different kind of wool than any other country on earth, but being light in shrinkage, more clean wool can be brought in for 11 cents per pound. For instance, we will buy 100 pounds of wool in the London market, ship it to America, and pay the duty of $11. We will scour it and we find that we have washed away 66⅔ pounds of dirt and grease and have 33⅓ pounds of clean wool left. This is just what the law presumes will happen with wool that is shipped into this country. But Mr. Importer never buys that class of wool. He takes the lightest he can find, and the average wool that he ships in here will not shrink more than 40 per cent. Now we will buy the second hundred pounds of wool, ship it to America, and pay the $11 duty. We will scour it and we find that we have washed away 40 pounds of dirt and grease and have 60 pounds of clean wool left. So we find that we have imported into this country, under Schedule K, 60 pounds of scoured wool for $11 instead of 33⅓ pounds, as the law presumes is being done. So this is the way Mr. Importer has beaten Schedule K and has nearly cut our protection in two.

Mr. SHARP. Mr. Chairman, will the gentleman yield to me for a question?

The CHAIRMAN. Does the gentleman from Ohio yield to his colleague?

Mr. WILLIS. Yes; I shall be very glad to yield to my colleague from Ohio.

Mr. SHARP. Is not this true, that another element that enters largely into the dissatisfaction of the woolgrowers is the fact that whereas there is not now and never has been such a relation as that which we call a "trust" or "trust system" among the woolgrowers, there has been, and is to-day, recognized quite generally more or less, a sort of combination between the buyers of the product, so that there is really no active competition among the bidders for the product of the woolgrowers? I ask that question because I find that state of affairs to exist in my own district, and I have been informed to that effect elsewhere by a reputable woolgrower.

Mr. WILLIS. Mr. Chairman, the observation of my colleague from Ohio [Mr. SHARP] is correct. There is no combination among the farmers. They shear their sheep and have their little clip of wool, and they have no opportunity for combination. On the other hand, there is opportunity for combination on the other side, and that combination has undoubtedly existed among the great buyers in the eastern markets.

I might say another thing, and that is this: Every rumor of a proposed change in the tariff law is laid hold of by the wholesale buyers of wool to beat down the price paid to the local buyer, the farmer, and the woolgrower. I dare say that as a result of the agitation of the wool question in the last two or three years in some parts of the country wool has been practically sold on a free-trade basis and the woolgrowers have lost millions of dollars without the price of clothing being reduced one penny. I honestly believe that is true. I doubt whether the protection has exceeded in some instances 2 or 3 cents per grease pound. That is not true generally, but it applies in certain places.

Now, if we change this tariff, Mr. Chairman, it seems to me we ought to exercise a good deal of discretion and care in determining the kind of tariff that we shall adopt. We should decide intelligently whether it shall be an ad valorem duty or a specific duty. I am strongly in favor of a specific duty, based on the scoured content of the wool imported.

Mr. RAKER. Mr. Chairman, will the gentleman yield for a question right there?

The CHAIRMAN. Does the gentleman from Ohio yield to the gentleman from California?

Mr. WILLIS. Certainly.

Mr. RAKER. I want to state to the gentleman that in southern Oregon and in California, where my home is, last year wool was selling at from 9 to 12 cents a pound, and the owner, shipping that wool from 50 to 200 miles, pays the freight on it himself. Now, where does he get any consideration?

Mr. WILLIS. Mr. Chairman, undoubtedly that is one of the cases that I was just referring to. It is quite evident that in the case to which the gentleman from California adverts the wool is sold practically on a free-trade basis.

Now, I want to call attention to the fact that the matter which the gentleman from California referred to absolutely disposes of the Democratic contention that the amount of the tariff is added to the price of the article. I thank the gentleman from California for that suggestion. It disposes of that argument effectively.

Mr. RAKER. If the gentleman will pardon a suggestion, I want to say that the eastern buyers tell the farmer that they can not get anything for the wool. Then they fool around for two or three months, and finally they get the sheep raiser or the farmer to sell his wool for practically nothing. The combination and the men concerned in the wool monopoly in the East are the fellows that have been reaping the reward that the farmers and the woolgrowers should have had.

Mr. WILLIS. That is precisely the point that my friend from Ohio [Mr. SHARP] referred to. Now, the woolgrowers of the country are interested in having at least two changes made in the existing law. Of course I do not need to say that they expect and hope that an adequate protection to equalize the difference in costs of production here and abroad will still be afforded to their industry. I think I do not misstate the matter when I say that every time that farmers and woolgrowers have met together anywhere in this country within the last two or three years and have discussed the subject they have unanimously adopted resolutions saying, "We want, first, not an ad valorem duty, but a specific duty; and we desire, second, that that duty shall be levied on the basis of the scoured content." That, of course, would do away with the inequalities of the skirting clause.

Upon that point, it seems to me, there is another reason why we should have a specific duty. If we have an ad valorem duty at the time when the world price of wool is low, and when, therefore, our woolgrowers need protection the most, and when by the same token the manufacturers need cheap wool the least, under this ad valorem duty that is the time when wool comes in most freely. In other words, under the operation of the ad valorem scheme, it makes it easier to import wool at the time when you need it the least. On the other hand, suppose the world price of wool is high and you have an ad valorem duty. When the world price is high and the producers in this country therefore will not need the protection so much, and when the manufacturers of woolen goods need the opportunity to get wool with which to carry on their business, then, under the operation of your ad valorem system, you mark up the duties. Do you not see that it makes it still more difficult? In other words, the system of ad valorem duties on the importation of wool works exactly the reverse of what it ought to. It makes it easier to bring wool into the country when the country does not need it, and makes it more difficult to bring it into the country when the country does need it.

On the other hand, a specific duty will work just the reverse of an ad valorem duty, because when the world price of wool is low—and when the producers, therefore, need protection the most—if you have a specific duty then, relatively, it will be high. On the other hand, when the world price of wool is high, and when, therefore, it is desirable that there should be importations, the specific duty will be relatively lower, and importations can be had. In other words, the system of specific duties works automatically—just as we want it to work—and the system of ad valorem duties works automatically—just as we do not want it to work; it is just the reverse of what we want. This system of ad valorem duties is like a rain-making machine that will work only in wet weather. It is like a stove that will burn only in July. It accentuates the very thing you do not want, and when you do want it you can not get relief under it. For that reason the woolgrowers of this country want a specific duty, and for the reasons I have already given they want that specific duty levied on the basis of the scoured content.

Mr. SHARP. Will the gentleman yield for a question?

Mr. WILLIS. Yes.

Mr. SHARP. I ask the question purely for information, because I am greatly interested in the gentleman's splendid exposition of this subject. Has the gentleman, in his study of this question of the relative merits of a specific duty and an ad valorem duty, run up against any difficulties in putting into practice the specific duty? I assume it to be true that you will find different values of scoured wool. Certain kinds of scoured wool will be worth very much more, perhaps, than other kinds. I would like to ask, for information, the manner in which the gentleman would meet that situation so that there would be no inequality or liability to fraud in grading these different kinds of scoured wool.

Mr. WILLIS. Mr. Chairman, that is a very proper and pertinent question, and the gentleman from Ohio [Mr. SHARP], with his usual frankness and clearness, has stated it as well as it could be stated.

That is one of the difficulties that you always are bound to run against in a system of specific duties. I do not know of any way by which you can avoid a little inequality; but I will say to my friend that it seems to me the inequalities that will proceed from the difference in values of the differing varieties of wool will be so slight compared with the inequalities that grow out of the ad valorem system that they are practically negligible. I am frank to state that there is that objection, but I do not know how you could draft a law that would entirely meet it.

Mr. HILL. The gentleman is exactly right, but the difficulty will be greatly relieved by the better ascertainment of the value of the wool when it is scoured and tested, and the price in the market will regulate the value of the wool.

Mr. WILLIS. I thank my friend for his suggestion. I think this will very largely obviate the difficulty.

Mr. RAKER. Will my distinguished colleague from Ohio yield for a question?

Mr. WILLIS. I yield.

Mr. RAKER. Would there be any difficulty in enforcing the ad valorem duty in importing wool?

Mr. WILLIS. I am glad of that suggestion. There undoubtedly would be great invitation to fraud under a system of ad valorem duties. It would be a matter very difficult to guard against.

Mr. RAKER. Just how? I should like to have the gentleman give an illustration.

Mr. WILLIS. A number of consignments of wool will come in on the same steamer, and they may have been purchased at different prices. There is no standard of prices. The prices may vary in the same market, as is shown in volume 2 of the report. When you undertake to levy ad valorem duties you will have difficulty in ascertaining the actual value of the wool, and there will be a premium all the time upon fraud; whereas if you levy a specific duty on the basis of the scoured content there is no trouble about that, because, as was explained by the gentleman from Connecticut [Mr. HILL], whether it is fleece wool or a woolen suit, there is no difficulty at all in telling almost immediately and with practically no expense what the actual amount of scoured wool is in the garment or in the fleece. This is done by the carbonizing test through the use of sulphuric acid.

Mr. RAKER. Will the gentleman yield?

Mr. WILLIS. With pleasure.

Mr. RAKER. There is not much wool imported in the scoured form, is there?

Mr. WILLIS. Not under the present system.

Mr. RAKER. Now, if you put 10 cents on the scoured content, would not there be just as much opportunity for fraud as there is in the duty on the greased wool?

Mr. WILLIS. No; there is no difficulty at all in determining the scoured content in any given quantity of wool.

Mr. RAKER. Is there not a great chance for fraud on the question of how much the shrinkage would be?

Mr. WILLIS. No; I do not think there is much opportunity for fraud there. I think in the markets of the world there is no difficulty about it. Anyone skilled in the wool business can take a sample from a sack of wool, no matter what the condition is, and they can tell you approximately what the scoured content will be. I think the chance of fraud is very much less than under the ad valorem system.

Now, Mr. Chairman, without taking the time of the committee to read it fully, I want to refer to a statement in volume 2, page 394, of the report, which is as follows:

The economic objection to an ad valorem duty on wool arises from the fact that the amount of duty paid, since it fluctuates with the foreign value of the commodity, would not be adjusted to the needs of the Government, of the consumer, nor of the American woolgrower. A speculative change in the market which increased the price of wool would automatically lead to an increase in the amount of duty at the very time that the manufacturer is most hampered by the existing high price, when the consumer most needs relief, and the woolgrower is most prosperous. On the other hand, a fall in price brings a reduction of duty at a time when the woolgrower is at greatest disadvantage and when manufacturers can best afford to pay the tax.

The tendency of sheep breeding all over the world is toward crossbreds, and the advocates of ad valorem wool duties have complained that under the present system of specific duties crossbreds can be imported more favorably than merinos, and that when the market for crossbreds declines the advantage in favor of the crossbreds is still further increased. During the season 1906–7, which was a normal one, the specific duty on South American crossbreds, taking into account the prices then prevailing in the foreign markets, was equivalent to an ad valorem rate of about 43–45 per cent. In the following season, 1907–8, including the time of the financial panic, prices abroad declined steadily, so that in May, 1908, the specific duty on the same grade of crossbred wool was equivalent to an ad valorem rate of 75 per cent. By thus increasing the ad valorem equivalent when foreign prices are low and decreasing it when foreign prices are high the specific duty automatically protects American woolgrowers against declines in the wool markets abroad and at the same time favors the American buyer when the foreign wools increase in value. In the case of drought or other calamity in the American woolgrowing industry and overproduction abroad, or vice versa, the specific duties would have a corrective tendency. Ad valorem duties would act in an entirely contrary manner—decreasing with the decline of values abroad and increasing with the rise of foreign markets, thus tending to throw open the American market to foreign wools in times of depression, when they could least withstand such pressure, and, on the other hand, when there was a scarcity of wool at home and prices soared, it would be impossible to find relief abroad.

America occupies a unique position among the nations with regard to her woolgrowing and wool manufacturing, having practically no outlet for either in foreign markets. The American woolgrower is entirely dependent upon the home market. If the basic idea of the duty on wools is to give the domestic grower permanent protection, it should remain as uniformly effective as possible under all changes of foreign conditions (shortage, overproduction, etc.). Ad valorem duties would not accomplish this, being ineffective in times of overproduction and low prices abroad and giving an unnecessarily high protection in times of scarcity and high prices in foreign countries.

It seems to me that this succinct statement shows that it is very desirable that we should have a specific duty on wool, and that this duty should be based on the scoured pound.

Now, Mr. Chairman, there are a few matters to which I wish to refer. Some of them have been covered by the gentleman from Wyoming [Mr. MONDELL] in his remarks, and I shall pass over them hastily but insert the tables in the RECORD. These tables were prepared, as the gentleman from Wyoming stated, by S. W. McClure, secretary of the National Woolgrowers' Association, but I have taken the pains to verify them in every instance. I think I have cited the volume and page from the Tariff Board's report, and can certify that the computations are absolutely correct. A great many of them I made myself, so that I know they are right; others I have carefully checked over.

The first thing to which I wish to call attention is the question of wages. It is said that we can compete with the producers of wool anywhere in the world. I deny that proposition, and say that in the first place the reason why we can not successfully compete is because of the larger labor cost per sheep. By these tables it is shown that in the United States the average labor cost per sheep is 80 cents, in South America 23 cents, and in Australia 7 cents. That is for the labor outside of the cost of shearing the sheep. The labor cost of shearing in the United States is 9 cents, in Australia 7 cents, in South America 6 cents, and in Africa 2 cents per sheep. So measuring from any standpoint the labor cost is a great deal larger in this country than in any of its competitors.

Now, if we figure it on the number of sheep in the country it would amount in this country to $47,000,000, in South America $15,000,000, and in Australia $7,000,000. So that you see that the foreign countries referred to, particularly Australia and South America, have a great advantage in respect to the labor cost.

Mr. RAKER. Has the gentleman any figures or any statistics on the question as to the kind of labor employed in this country, as to whether it is American or foreign labor in the West?

Mr. WILLIS. As I recollect it, the Tariff Board does not give any definite statement as to that. I do not know that they tried to make any special investigation of that phase of the question. But it is brought out in the report that the labor is of a much higher grade in this country than in South America, where they rely largely on native labor, or in South Africa, where native labor is surprisingly cheap. The average monthly wages in the Transvaal are $10, in Natal $4.87, in Orange Free State $3.75, and in Rhodesia as low as $1.21.

Now, another point to which I wish to invite the attention of the committee is the cost of feed. I am not criticizing the Tariff Board in this respect; I am not criticizing them because they did not include interest; I am not criticizing them because they did not include the investment in land. Probably it would not have been feasible to make a computation otherwise than as they did, but we want to bear these things in mind in estimating costs. Upon that point—the feed of a sheep—some surprising facts are brought out. You will find them in volume 2, page 341, or thereabouts. Here, in a word, is what appears.

In the United States it costs the owner annually 45 cents per head, in South America 35 cents a head, in Africa 35 cents a head, but in Australia the total average cost per sheep is only 8 cents. That is to say, the Tariff Board finds by personal investigation that the feed of a sheep in Australia a year costs 8 cents. Any gentleman knows the climate there is such that it is not necessary to house the sheep; it is not necessary to make any provision for feed for winter time, because there is no winter time. The sheep run out of doors all the year round. The farmers do not need to feed them and do not feed them an ounce of grain. The wethers that go to the slaughter pens to furnish the great supply of frozen mutton that is sold all along the shores of the Pacific and in Europe are fattened simply upon the native grass, so that the men who raise wool and sheep in Australia have an amazing advantage from the standpoint of feed. Gentlemen will say, Why is that? I will tell you why it is. The Government of Australia is doing more to protect its sheep industry than any other government in the world. I am frank to say that it is doing more than I think a government ought to do. It is allowing the sheepmen to pasture their sheep upon Government lands almost without cost, as can be seen from that statement. When you can pasture a sheep for a year, getting all the food that the sheep needs, for 8 cents, it means that the Government is practically giving the sheepmen of Australia the food for their sheep. That I have worked out here considerably in detail, but I shall not stop to state it fully at this time. I will put it in the form of a general statement here. Take the number of sheep that we have in this country, approximately 52,000,000. To feed them here one year would cost $23,000,000; in South America it would cost $18,000,000; and in Australia, $4,000,000. In other words, between one-fifth and one-sixth of what it costs in the United States.

The gentleman from Wyoming [Mr. MONDELL] referred to the question of taxation in the United States. It is 5 cents a head here in the United States, in South America it is 4 cents a head, and in Australia 2½ cents a head. So that it can be seen that the Australian producer has an advantage there. The same fact is brought out if we estimate it on the total number of sheep.

Another thing I wish I had time to go into, although I shall not take the time, is the question of transportation. A feature of the report of the Tariff Board that is important from a legislative standpoint is the relative charge for transporting wool to Boston, New York, and Philadelphia, the central markets to which all American wool goes, the markets to which imported wools are brought. The board finds the average charge for transporting 1 pound of grease wool from the western railroad station to the eastern market is 2 cents. From the Australian grower's port to the port of Boston per pound it is 2½ cents. Passing from that, which I have gone into very carefully, I have reduced the whole thing to the basis of the scoured pound, because that is the only way in which you can make a fair estimate, and we reach the following conclusions that are borne out absolutely by this report of the Tariff Board. Here is what we find. We find that the freight on 1 pound of scoured wool from the grower's railroad station to Boston in the case of the western United States is about 6 cents a pound. In the case of Australia it is 3 cents a pound, and in the case of South America it is 1 cent a pound. From London it is one-quarter of a cent a pound. In other words, here is the actual fact: From the great pastures where the largest amount of wool is produced in this country the freight rates to the Boston market

are, to put it very conservatively, vastly greater than they are from the sheep pastures of our great competitors.

Mr. SHARP. Mr. Chairman, will the gentleman yield?

Mr. WILLIS. Certainly.

Mr. SHARP. In that connection has the gentleman given any thought or consideration to what possible influence the opening of the Panama Canal will have in enabling the western wool, which admittedly can be raised more cheaply there than in any other section of our country, to reach the Boston markets?

Mr. WILLIS. Mr. Chairman, that is a very happy suggestion and one of my hobbies. I, of course, have not gone into that question far enough to be able to say what the result will be, but it is my hope, as I am sure it is the hope of every other patriotic American, that when we get the Panama Canal finished and keep it in our own control—not turn it over to the management of some great railroad corporation—and maintain it and own and maintain the Panama Railroad, we will be in a position to see to it that the great transcontinental railroad lines no longer can hold up the woolgrowers and other producers and shippers, and make them pay exorbitant prices, so exorbitant that they are almost shut out of the Boston markets. In my judgment that will be one of the greatest benefits flowing from the completion of the Panama Canal. [Applause.]

Making the same computation on the basis of the total production of wool, to bring that amount of wool from our 11 Western States, costs $3,400,000; from Australia, it costs $1,700,000; and from England, $142,000. In other words, our chief competitors have a great advantage in the matter of freight rates. Another thing to which I wish to call attention very briefly is the question of the total expense per sheep per year, not counting interest. We are leaving that out. The total expense in Ohio is $2.40; in western United States, $2.11; in South America, $1.15; in Australia, 93 cents; and in Africa, 93 cents, so that we are again at a disadvantage. I referred before to the fact that the board in its invesigations had omitted interest. The board is fair and conservative, and it is positively ridiculous for anybody to say that the Tariff Board is the representative of anybody's tariff views. It is perfectly absurd. The Tariff Board does not represent anybody's tariff views. They are not making a tariff. They are collecting facts. They are not the representatives of the President or of anybody else.

I want to call your attention to the reason they give why they leave out interest. (Vol. 2, pp. 314–356.) I find I have opened the volume at page 356:

> Sheep render a useful service by keeping a farm free from weeds, and the fertilizing value of the flock is so universally conceded that farmers generally agree that these two items offset the ordinary farm labor involved in caring for the sheep.

That brings up an interesting point concerning the Ohio region, showing how conservative the Tariff Board is in its report. There is not a penny allowed the farmer for the labor of caring for the sheep. It is estimated by the board that the value that comes from the fertilization of the soil and the destruction of weeds and briers pays the labor cost, and they made that offset. Surely the board has not been any too liberal with the woolgrower in this case.

Here is what they say in regard to interest:

> Interest is usually figured as a part of production cost in such operation, but as rates are not uniform it gives a fairer basis of compensation to omit any charge on that account, leaving that item for the consideration of each individual as bearing upon the question of his profit rather than his cost.

I think the board is fair, as they left out the item of interest everywhere. But so far as they go on the subject they say what the interest is, so we can understand what it would amount to if it were taken into consideration. I think the gentleman from Wyoming referred to that in his statement.

Page 314 gives further reasons, substantially the same as I have read, why they have omitted the statement of interest. I am going to state, by the way, what the rates of interest are; I do not know whether it was stated by the gentleman from Wyoming or not. On page 314, volume 2, of the report of the Tariff Board they say:

> In examining our various tabulations it should be remembered that no interest is allowed on capital invested or on capital borrowed. Our schedules contained statistics of the amount of capital borrowed and the rate of interest paid; but, notwithstanding the fact that it has been the practice, in discussing the sheep industry, to consider interest as an item of cost, it has been thought advisable in this investigation to consider it in connection with profits. Since some flock owners use much more borrowed capital than do others, this elimination of interest from costs makes the schedules more comparable.
>
> In the western United States the prevailing rate of interest varies from 8 per cent to 10 per cent, in Australia from 4 per cent to 6 per cent, and in South America from 5 per cent to 6 per cent.

So you see again, in a matter of interest, we are at a disadvantage. I have already referred to the average cost per sheep per year, not including interest. I shall not take up your time now to go into the question further than to say it shows when we take interest into consideration the American producer of wool and sheep is at a still greater disadvantage. Now, in order to determine the cost of producing wool the board determined the total expenses of the flock. How did the board figure out to determine the actual cost of producing a pound of wool? I have that information in volume 2, page 313. Here is what the board says about it:

> To this end we have considered wool as the chief product, and the receipts from mutton are offset against costs. When the receipts from mutton are less than the total flock expense, the difference is the "net charge against wool." When, on the other hand, the receipts from mutton are greater than the expense, the difference is the "net credit to wool." And this net charge or net credit to wool, divided by the number of pounds of wool, is the "net charge against or net credit to a pound of wool."

I submit that that method is fair.

Mr. SHARP. Does that refer to the net price of mutton or to the gross receipts?

Mr. WILLIS. As I understand, they will take the total receipts from items other than wool from the expenses of carrying on the flock, excluding interest and investment in land. They take the total expenses and offset against that what they receive from mutton and what they receive from sheep for breeding and other purposes. For example, say those items of income just offset the cost of keeping up the flock. Then the wool has cost nothing, so far as the price at which it can be sold is concerned.

Mr. SHARP. They consider the gross receipts.

Mr. WILLIS. Precisely. Now, in that connection, for the benefit of American woolgrowers—I see my time is almost gone—I want to call attention to another fact here set forth very clearly in volume 2, page 350, wherein it shows the kind of competition that our woolgrowers must meet. I think a portion of it was embodied by the gentleman from Connecticut in his speech, but I want to use some in connection with what I have to say here. This is on page 350, where they use the following language:

> There remains, therefore, only the simple operation of subtracting from the flock expenses the receipts from other sources than wool, to reveal the fact that as against a clearly demonstrated net charge against the western American wool of from 10 to 11 cents, there is probably not more than 4 to 5 cents per pound against the South American clip, and if the season is normal and the sheep market steady, little, if any, charge against the Australian. Indeed, well-managed stations in many parts of Australia are showing at the present time a profit before any wools are sold.
>
> This qualification is generally applicable to the stock trade in all of the larger sheep districts of Australia. Statements similar to the above are made by two other prominent owners with regard to returns from surplus stock in Queensland and Western Australia. But both say that in good years, and on well-managed runs, the sales of sheep yield enough to pay working expenses. One of these anticipates that, in view of the increasing exports of Australian mutton and lamb, the surplus station stock will in future years give an annual return considerably in excess of the amount of the working expenses—assuming that no large addition is made to the cost of labor in the meantime.
>
> In the light, therefore, of the best information to be obtained, the board believes that at the present time the entire Australian output of merino and crossbred wool (interest being left out of account, as in the case of the United States) is moving to market, under present receipts from sales of sheep, with a net average charge of but a few cents per pound; and this estimate apparently holds good of New Zealand and the African Cape as well.

That is Australia, gentlemen. Then reference is made to the South American clip. In Australia, if the season is normal and the sheep market is steady, there is little, if any, charge against the Australian wool. In all well-managed stations in many parts of Australia they are showing at the present time a profit before the wool is sold.

You see the income from mutton and other sources keeps up the running expense of the flock, so that the wool costs absolutely nothing. In other words, the prices are figured just as they are figured in the United States, and the farmers of Ohio and the farmers elsewhere throughout the United States are in competition with farmers who make a profit on their sheep, even without selling their wool.

Mr. SLOAN. If the gentleman will permit, I will say that I was very much interested in what the gentleman has said about the sheep-growing industry of Ohio, and I was reminded of what was said by Roswell G. Horr or "Sunset" Cox as to what would take place when a Democratic statesman would meet an Ohio sheep. I want to know if a Democratic statesman now can look an Ohio sheep in the face—a thing which it was said he could not do a generation ago? [Laughter.]

Mr. WILLIS. Well, Mr. Chairman, I am unable to answer that. I could not say whether they would be able to look an Ohio sheep in the face without being ashamed or not.

Now, in Australia this wool goes to market without a penny of cost charged against it. That is the kind of competition that the farmers of this country must meet.

Mr. RANDELL of Texas. According to the gentleman's system of reasoning, if a man were raising cotton in the South and raised one bale of cotton, when the balance of the products that he raised on the place would pay the expenses of running the place, then the cotton would be all profit, and the result would be that the bale of cotton would cost him nothing, and if he got 5 cents a pound for it it would be all profit. By segregating the costs of the various activities on the farm, omitting one particular thing, you would be able to show a clear profit on that particular thing. In that way a farmer might be able to show a clear profit on the potatoes that he raises, just the same as on a bale of cotton. Suppose a man did not count his cotton as a money crop, but raised potatoes principally as the source of his income. Then the cotton would show a clear profit, and the same calculation could be made with respect to any other crop.

Mr. WILLIS. I will say to the gentleman from Texas that that is not my philosophy or my logic. I am trying to set forth the findings of fact reported by the Tariff Board. But, so far as that is concerned, it seems to me that that is a fair method of procedure. Take the growing of cotton, for example. If it could be shown that the cotton seed alone sold for enough money to pay for the expense of raising the cotton crop, the cotton fiber itself would be clear profit. That would be an apt illustration of the woolgrowing situation in Australia.

Now, on page 514 of this same volume it is shown that in South Africa the same condition obtains. The statement is as follows:

Sale of surplus stock and mutton: In the Cape Province fat ewes are reported as selling for $4.50 per head and fat lambs 5 months old at $4. Old ewes are readily sold for local slaughter at from $2.50 to $3 per head, according to their flesh.

At the present time the demand for mutton is so strong that there is a good profit in breeding the woolless sheep for mutton alone. Where the sheep combine both wool and mutton the profits must naturally be much greater.

Cost of production: The average shearing per head is estimated at 6 pounds, with an average price received by the growers of 13½ cents per pound.

With an average valuation on breeding sheep of $2.50 per head and an investment, excluding lands in improvements and equipment per head of not over 40 cents per year, and taking into account the low cost of wages and provisions, the moderate leasing values of their grazing lands, the mild winters which do not demand other food for the animals than that found on the ranges, the strong demand for mutton of all classes, it is evident that the African woolgrower is able to meet all his expenses from the sale of his surplus stock and mutton, leaving the wool as a clear profit on his investment.

One flock owner in Rhodesia reports he can sell his wool at 12 cents per pound and make money.

They carry on the business there at a clear profit without counting in receipts from wool. That is the kind of wool with which our American farmers have to compete.

Now, I have a lot of figures here, but I shall not take any more of the time of the committee in discussing this phase of the question. The tables that I have here I shall insert in the RECORD. I want, in the concluding moments that I have, to refer to the effect that this bill will have on the woolgrowing industry in the Ohio region. The gentleman from Wyoming [Mr. MONDELL] has already touched upon that, and upon its effect in the territorial region. It is shown by the report of the majority of the Committee on Ways and Means, pages 43 and 44. I am not giving the figures of the Tariff Board now, but the statements by the majority of the Committee on Ways and Means:

Figuring this as a percentage upon the cost of the competitive Australian wool imported into the United States, which may be taken as 50.8 cents a scoured pound, on the average, it is found that 28.6 cents represents over 55 per cent ad valorem. This is very much more than the protection amounts to, accorded under the present specific basis. In the board's table of actual importations and scourings in a representative American mill (pp. 387–389) the equivalent ad valorems run from about 34 per cent to about 55 per cent. In a very few instances there are equivalent ad valoremes as high as 55 per cent. It would seem, then, that the Ohio wool-producing region is not protected now on the assumption that the board's cost figures are correct and that, if it is to be protected at all, the tariff on wool would have to be very much raised above its present figures, so as to give a rate of 28 or 29 cents on the scoured pound and of at least 55 per cent ad valorem.

It should be frankly admitted that on the Tariff Board's estimate the Ohio region and a very few of the Western States would need a protection in excess of 20 per cent.

In other words, not taking time to read all that, it is shown by the majority report of the committee that according to their own figures the woolgrowers in the Ohio region are entitled to something like 28 or 29 cents on the scoured pound.

Now, I want my friends from that woolgrowing section, not only the Ohio Members, but all Members from that section, to ask themselves this question, In what position will we put ourselves with the woolgrowers by this bill? Here is an admission by the framers and defenders of the bill that the bill will absolutely put the Ohio woolgrowers out of business. That is stated absolutely in the majority report of the committee, that the sheep business can not live if this bill becomes a law. I am not expecting that we will get a rate of 28 cents a pound on the scoured content, but I am expecting and I am saying that the woolgrowers have the right to expect better treatment than is accorded to them in this bill, which accords to them only a pitiful 20 per cent ad valorem. That is no protection at all. I have talked with hundreds of farmers—not with the silk-hatted varieties of farmers, but with the real farmers who farm and raise wool—and they have said to me, "We would rather have absolutely free wool than this Democratic scheme on a 20 per cent ad valorem basis. Then we would know where we are."

Mr. BOWMAN. If the gentleman from Ohio will permit me, I would like to say that on the question of the price of wool paid to the farmers I was very much interested by the statement of the gentleman from California [Mr. RAKER] in regard to the uncertainty of the price paid to the farmer and the low prices received by him. Suppose the policy on the part of both the leading parties in this country was that protection to the limit of competition should be given on wool, and there was certainty about it. Would there not be a very much greater certainty and assurance on the part of the farmer as to the price he would get than there is now?

Mr. WILLIS. Certainly; that is desirable. We want to get this thing settled in some way. I am willing to concede something. I am frank to say that as I study the report of the Tariff Board I do not believe that the rate of duty on raw wool in the bill reported by the minority is quite as high as it ought to be. I mean the rate on the scoured pound.

According to the report the cost to produce 1 pound of grease wool, without interest, is as follows:

Ohio	$0.19
Western United States	.11
Average, United States	.096
South America	.045
Australia	.00
Africa	.00

Since Australia is the greatest wool-producing country in the world, and is the country from which we import the bulk of our foreign wool, and since Australian wool competes directly with our own product in quality, it is essential that a tariff drawn with the idea of producing revenue or protecting the American woolgrower must be based upon the relative difference in cost between wool production in this country and Australia. When interest is included we find that it costs on an average 11.3 cents more to produce a pound of grease wool in the United States than it does in Australia, excluding the difference in cost of transportation. Now, if these wools were of equal shrinkage—that is, if they produced an equal amount of wool when scoured—a tariff levied upon the grease basis of 11.3 cents would be the difference in the cost of production, based on the findings of the Tariff Board. But since it is recognized by everyone who has studied the question of wool and its products that 1 pound of grease wool may be equal in scoured wool to 3 pounds of grease wool from another section, and since the value of wool depends upon the amount of scoured wool that the grease wool produces, it must be clear that a tariff to afford the difference in cost must be based on the difference in the cost of producing a pound of scoured wool in this country and its chief competitor.

Of course, it would be fair in determining the difference in the cost of producing scoured wool to base that difference upon the average shrinkage of imported wools, which is approximately 40 per cent or less; but, in order to present this matter without prejudice, we shall accept the shrinkage of foreign wools as given by the board on page 12 of volume 1 of the report:

Shrinkage of wools.

	Per cent.
Ohio	60
Western United States	62
Average, United States	60.4
England	25.1
Australia	48.54
South America	51.04
Africa	58.4

The following table shows the cost to produce 1 pound of scoured wool without interest:

Ohio	$0.475
Western United States	.289
Average, United States	.242
Australia	.00
Africa	.00
South America	.092

On the basis of the above table it is therefore clear that if interest is not to be included as a cost there is an actual difference in the cost of producing a pound of scoured wool between this country and Australasia of 24.2 cents per pound. This, however, does not take into consideration the difference in the cost of transportation.

But this is a question on which men's judgments will differ. I am willing to concede something. The gentleman from Con-

necticut [Mr. HILL] and the gentleman from New York [Mr. PAYNE] may be right about the rate. We want to get this thing settled on the basis of a specific duty and on the basis of the scoured content.

I have samples of wool which I have collected from among the woolgrowers of the eighth Ohio district. I wish we had time, so that every Member could see what I want you to see with reference to the character of this wool.

The wool grown in the Ohio region is the best grown anywhere in the world. Take this wool right here. Here is a prize Australian fleece. You can pull the fibers apart as you would pull cotton batting; the Australian fiber is lustrous and beautiful, but not strong. Take the same number of fibers of Ohio wool, and the moment you make the test you realize that when you put the same amount of force on it as I am now doing it does not break them at all. The Ohio wool is the strongest wool to be found anywhere in the world. There is no question about that. It is the best wool grown anywhere. On this point Gov. Gooding says in his address to the Ohio woolgrowers:

Do you know that here in Ohio and in some of your adjoining States you produce the best wool in the world; that the Army and Navy of the United States are dressed in cloth principally made from wool grown in Ohio? In the days of the Civil War this Government required that all cloth for the Army and Navy should be made out of American wool. It was a war measure, and put into effect to encourage wool production in this country, for wool is conceded by all to be a great necessity in times of war. The great Napoleon attributed his defeat in Russia more to the lack of woolen clothing for his men than to any other one cause. This Government, however, has since discovered that cloth made from American wool stood a very much stronger tearing test than wools produced in any other country. The wearing quality of wool depends solely upon the strength of the wool fiber from which it is made. In its contracts to-day for cloth this Government specifies that cloth weighing 13 ounces to the yard shall stand a tearing test of 65 pounds to the inch in the direction of the warp. A piece of cloth is placed between two clamps and thumb screws are applied and a tearing pressure of 65 pounds applied to the cloth. If one thread of wool breaks, the cloth is condemned. There is no wool grown in the world, with the exception of that grown in Ohio and some of your adjoining States—a little in Nevada; a little in my own State, Idaho; and some in Oregon—that will stand the high tearing test that this Government demands to-day for the cloth for the Army and Navy.

Here is another thing to be noticed. Gentlemen say, Let the woolgrowers in the Ohio region go into some other branch of the sheep industry. I tell you, gentlemen, that if you destroy the great merino flocks of Ohio, you will cripple the wool industry of the world, because it is only by crossing the breeds, by using the crossbreeds that they already have as a foundation, and improving the stock by importations from the Ohio flocks that you can keep up the standard. This is the origin of the "comeback," a term so familiar in foreign wool markets. Why, bless you, this wool right here that is raised in Australia has its fineness and its luster because of the imported blood from the flocks of Ohio. We must maintain these flocks in the Ohio region if our country is to remain one of the great wool-producing nations.

The committee have been very kind to me, and I shall not detain you longer, except that in the name of the woolgrowers of this country I say to the majority, it seems to me, gentlemen, that we are entitled to fairer treatment than we are about to receive at your hands. The sheep industry of this country has a right to live. If you pass this bill, you invite a repetition of the disaster of 1894. The farmers and woolgrowers of Ohio ask no special favors; they simply want a fair chance. In their behalf I ask for a specific duty on raw wool to be based on the scoured content at a rate sufficient to equalize the difference in cost of production here and in the chief competing foreign countries. Do not paralyze Ohio's industries and darken her homes by passing this free-trade bill!

The sun never shone on a country more fair than beautiful, peerless Ohio;
There's life in a kiss of her rarefied air—Ohio, prolific Ohio;
Her sons they are honest and valiant and bright,
Her beautiful daughters are just about right,
But her sheepmen and farmers would be in a sad plight
Under Democrat rule in Ohio.

[Laughter and applause.]

I desire to present here the tables previously referred to:

Average labor cost per sheep.

United States	$0.82
South America	.23
Australia	.07

Labor cost shearing per sheep.

United States	$0.09½
Australia	.07
South America	.06
Africa	.02

Total labor cost, including shearing, of handling 52,000,000 sheep.

United States	$47,580,000
South America	15,080,000
Australia	7,280,000

Cost to feed 52,000,000 sheep one year.

United States	$23,400,000
South America	18,200,000
Australia	4,160,000

Taxes per sheep.

United States	$0.05
South America	.04
Australia	.025

Taxes on 52,000,000 sheep.

United States	$2,600,000
South America	2,080,000
Australia	1,300,000

Freight on 1 pound scoured wool from the growers' railroad station to Boston.

Western United States	$0.06
Australia	.03
South America	.0105
London, dock	.0025

Freight cost to market 56,875,000 pounds of scoured wool.

Eleven Western States	$3,412,500.00
Australia	1,706,250.00
South America	597,187.50
England	142,187.50

Total expense per sheep without interest.

Ohio	$2.44
Western United States	2.11
South America	1.15
Australia	.93
Africa	.93

Average cost per sheep, including interest.

Ohio	$2.758
Western United States	2.587
Australia	1.23
South America	1.37
Africa	1.075

Cost to produce 1 pound of grease wool without interest.

Ohio	$0.19
Western United States	.11
Average United States	.096
South America	.045
Australia	.00
Africa	.00

Cost to produce pound of grease wool.

	Without interest.	With interest.
Ohio	$0.19	$0.231
Western United States	.11	.175
Crossbreds, United States	.00	.0435
Average, United States	.093	.154
Australia	.000	.041
South America	.045	.075
Africa	.00	.022

Shrinkage of wools.

Ohio	per cent	60.0
Western United States	do	62.0
Average United States	do	60.4
England	do	25.1
Australia	do	48.54
South America	do	51.04
Africa	do	58.4

Cost to produce 1 pound of scoured wool without interest.

Ohio	$0.475
Western United States	.289
Average United States	.242
Australia	.00
Africa	.00
South America	.092

Cost to produce 1 pound of scoured wool, with interest.

Ohio	$0.58
Western United States	.46
Average United States	.389
Australia	.079
South America	.153
Africa	.053

Wool production of competing countries.

United States	pounds	325,000,000
Australasia	do	941,900,000
South America	do	528,100,000
Africa	do	131,000,000

Cost to produce 109,966,195 pounds of scoured wool.

United States ($0.389 per pound)	$42,776,849.83
South America ($0.153 per pound)	16,829,417.83
Australia ($0.79 per pound)	8,687,329.40
Africa ($0.053 per pound)	5,828,208.35

Summary of aggregate costs.

	United States.	Australasia.	Difference against United States.
Labor cost handling 52,000,000 sheep	$47,580,000	$7,280,000	$40,300,000
Cost of feed, 52,000,000 sheep	23,400,000	4,160,000	19,240,000
Total taxes, 52,000,000 sheep	2,600,000	1,300,000	1,300,000
Freight, 56,875,000 pounds on wool scoured	3,412,500	1,706,250	1,706,250
Total expense, without interest, 52,000,000 sheep	118,404,000	48,360,000	70,044,000
Total interest, 52,000,000 sheep	22,323,600	15,600,000	6,723,600
Total maintenance cost, 52,000,000 sheep	140,727,600	63,960,000	76,768,000
Cost to produce 109,966,195 pounds scoured wool, without interest	26,644,512		26,644,512
Cost in interest to produce same	16,132,337	8,687,329	7,445,008
Total cost to produce same, with interest	42,776,849	8,687,329	34,089,520

Mr. RANDELL of Texas. I move that the committee do now rise.

The motion was agreed to.

The committee accordingly rose; and Mr. FINLEY having taken the chair as Speaker pro tempore, Mr. GRAHAM, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee had had under consideration the bill (H. R. 22195) to reduce the duties on wool and manufactures of wool, and had come to no resolution thereon.

ENROLLED BILLS PRESENTED TO THE PRESIDENT FOR HIS APPROVAL.

Mr. CRAVENS, from the Committee on Enrolled Bills, reported that this day they had presented to the President of the United States for his approval the following joint resolutions:

H. J. Res. 263. Joint resolution to authorize allotments to Indians of the Fort Berthold Indian Reservation, N. Dak., of lands valuable for coal; and

H. J. Res. 232. Joint resolution extending the operation of the act for the control and regulation of the waters of Niagara River, for the preservation of Niagara Falls, and for other purposes.

LEAVE TO PRINT.

Mr. RAKER. Mr. Speaker, I desire unanimous consent to have printed in the RECORD a telegram from the president of the Native Daughters of the Golden West, of California, in relation to the San Francisco Mint and the Panama Canal, my answer thereto, and a statement by myself.

Mr. WILLIS. Reserving the right to object, I do not wish to be discourteous to the gentleman, but it was understood that after the general debate closed there was to be no further business. I was so informed by gentlemen on this side of the aisle.

Mr. RANDELL of Texas. Mr. Speaker, if the gentleman will permit me, this was understood some time before, that this particular matter would be permitted.

Mr. RAKER. I do not know anything about the arrangement, but I saw the leader on this side of the House, and he said he had no objection to my making the request.

Mr. WILLIS. Can not the gentleman just as well have it inserted in the RECORD on Monday?

Mr. RAKER. It is only a telegram from the grand president of the Native Daughters of the Golden West, who reports that 8,000 ladies are interested in the San Francisco Mint, a historic place in California, and I would like to have it go in the RECORD.

Mr. WILLIS. Mr. Speaker, I am interested in the Daughters of the Golden West and the Daughters of the Golden East, but I believe that this matter will keep until Monday, and I feel constrained to object.

SENATE BILL REFERRED.

Under clause 2 of Rule XXIV, Senate bill of the following title was taken from the Speaker's table and referred to its appropriate committee, as indicated below:

S. J. Res. 93. Joint resolution authorizing the Librarian of Congress to furnish a copy of the daily and bound CONGRESSIONAL RECORD to the undersecretary of state for external affairs of Canada in exchange for a copy of the Parliamentary Hansard; to the Committee on Printing.

H. R. 1. An act granting a service pension to certain defined veterans of the Civil War and the War with Mexico, with Senate amendment; to the Committee on Invalid Pensions.

LEAVE OF ABSENCE.

Mr. THAYER, by unanimous consent, was given leave of absence for five days, on account of attendance at court as a witness.

CHANGE OF REFERENCE.

By unanimous consent, the Committee on Rivers and Harbors was discharged from the further consideration of the bill H. R. 21590, a bill to authorize levee and drainage district No. 25, of Dunklin County, Mo., to construct and maintain a levee across a branch or cut-off of St. Francis River in Missouri, and the same was referred to the Committee on Interstate and Foreign Commerce.

ORDER OF BUSINESS.

Mr. RANDELL of Texas. Mr. Speaker, I ask unanimous consent that on Monday, when the House meets at 11 o'clock, I be permitted to speak on this bill for 20 minutes; that general debate continue thereafter for two hours, one hour to be occupied by the gentleman from New York [Mr. PAYNE] and the second hour by the gentleman from North Carolina [Mr. KITCHIN], and that general debate close at 1.30 instead of at 1 o'clock, as heretofore agreed upon. I will say that this is in accordance with the consent of the parties who have heretofore been managing the matter, and that the extra time in compensation to the other side of the House has already been used.

The SPEAKER pro tempore. The gentleman from Texas asks unanimous consent that the agreement heretofore made in reference to closing debate on the bill be modified so that when the House meets on Monday next he shall have 30 minutes, the gentleman from New York one hour, and the gentleman from North Carolina one hour. Is there objection?

Mr. HILL. Mr. Speaker, I would like to inquire if this is an understanding that the gentleman from Alabama [Mr. UNDERWOOD] has had with with the gentleman from New York [Mr. PAYNE]?

Mr. GRAHAM. I will state that the gentleman from New York [Mr. PAYNE] and the gentleman from Alabama [Mr. UNDERWOOD] agreed before me that that program should be carried out on Monday, and in conformity with that proposed agreement the Republican side of the House has already had 31 minutes more time than has the Democratic side.

Mr. HILL. I have no objection, if that is the understanding.

Mr. RAKER. Mr. Speaker, reserving the right to object, I want to say that under an arrangement between myself and the distinguished gentleman from Ohio [Mr. WILLIS] that he will not object next Monday to my putting the telegram I have referred to in the RECORD, I will not object.

The SPEAKER pro tempore. Is there objection? [After a pause.] The Chair hears none, and it is so ordered.

ADJOURNMENT.

Mr. RANDELL of Texas. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 7 o'clock and 8 minutes p. m.) the House, under its previous order, adjourned until Monday, April 1, 1912, at 11 o'clock a. m.

EXECUTIVE COMMUNICATIONS.

Under clause 2 of Rule XXIV, a letter from the Secretary of Commerce and Labor, submitting department views on H. R. 22048, a bill to further restrict the admission of aliens into the United States, in response to inquiry of Mr. BURNETT (H. Doc. No. 659), was taken from the Speaker's table, referred to the Committee on Immigration and Naturalization, and ordered to be printed.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII,

Mr. ADAMSON, from the Committee on Interstate and Foreign Commerce, to which was referred the bill (H. R. 22593) to amend an act entitled "An act to regulate commerce," approved February 4, 1887, and all acts amendatory thereof, by providing for physical valuation of the property of carriers subject thereto and securing information concerning their stocks and bonds and boards of directors, reported the same without amendment, accompanied by a report (No. 477), which said bill and report were referred to the Committee of the Whole House on the state of the Union.

PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS.

Under clause 3 of Rule XXII, bills, resolutions, and memorials were introduced and severally referred as follows:

By Mr. BURGESS: A bill (H. R. 22636) to provide for the erection of a public building at Yoakum, Tex.; to the Committee on Public Buildings and Grounds.

Also, a bill (H. R. 22637) to provide for the erection of a public building at Bay City, Tex.; to the Committee on Public Buildings and Grounds.

By Mr. FERGUSSON: A bill (H. R. 22638) to provide for the purchase of a site and construction of a Federal building in the town of Las Vegas, N. Mex.; to the Committee on Public Buildings and Grounds.

Also, a bill (H. R. 22639) for the purchase of a site and erection of a Federal building at Las Cruces, N. Mex.; to the Committee on Public Buildings and Grounds.

Also, a bill (H. R. 22640) to provide for the purchase of a site and erection of a Federal building at Raton, N. Mex.; to the Committee on Public Buildings and Grounds.

By Mr. LANGLEY: A bill (H. R. 22641) providing that storekeepers, gaugers, and storekeeper-gaugers shall be allowed their actual expenses, not to exceed $1 a day, while on duty under an assignment away from their legal residences; to the Committee on Expenditures in the Treasury Department.

By Mr. JOHNSON of Kentucky (by request): A bill (H. R. 22642) providing for the protection of the interests of the United States in lands and waters comprising any part of the Potomac River, the Anacostia River or Eastern Branch, and Rock Creek, and lands adjacent thereto; to the Committee on the District of Columbia.

Also (by request), a bill (H. R. 22643) to amend subchapter 2, chapter 19 of the Code of Law for the District of Columbia

by providing a penalty for willful omission to return library property in the District of Columbia; to the Committee on the District of Columbia.

By Mr. STEPHENS of Texas: A bill (H. R. 22644) to extend and make applicable the compulsory educational laws of the various States to Indians residing therein; to the Committee on Indian Affairs.

By Mr. BYRNS of Tennessee: A bill (H. R. 22645) authorizing the Secretary of the Interior to set aside certain lands to be used as a sanitarium by the Order of Owls; to the Committee on the Public Lands.

Also, a bill (H. R. 22646) providing that the United States shall, in certain cases, make compensation for the use of highways for carrying free rural-delivery mail; to the Committee on Agriculture.

By Mr. MORGAN: A bill (H. R. 22647) providing for the sale and entry of certain lands in the State of Oklahoma, and for other purposes; to the Committee on Indian Affairs.

By Mr. GRAHAM: A bill (H. R. 22648) to authorize a change in the location of Fourteenth Street NE., in the District of Columbia, and for other purposes; to the Committee on the District of Columbia.

By Mr. PEPPER: A bill (H. R. 22649) to amend section 5 of an act approved January 21, 1903, as amended May 27, 1908, entitled "An act to promote the efficiency of the militia, and for other purposes"; to the Committee on Military Affairs.

By Mr. REDFIELD: A bill (H. R. 22650) to replace sections 4214 and 4218 of the Revised Statutes; to the Committee on Ways and Means.

By Mr. ANTHONY: A bill (H. R. 22651) to increase the Infantry garrison at Fort Leavenworth, Kans., to a brigade, etc.; to the Committee on Military Affairs.

By Mr. RUBEY: A bill (H. R. 22652) to distribute the surplus in the Treasury of the United States to the several States, Territories, and the District of Columbia, for the sole purpose of improving the roads therein; to the Committee on Ways and Means.

By Mr. PRAY: A bill (H. R. 22653) to authorize the sale of burnt timber on the public lands, and for other purposes; to the Committee on the Public Lands.

By Mr. REILLY: A bill (H. R. 22654) authorizing the Secretary of the Interior to set aside certain lands to be used as a sanitarium by the Order of Owls; to the Committee on the Public Lands.

By Mr. CURLEY: A bill (H. R. 22655) to extend the rights and privileges of Government, or Federal, employees; to the Committee on Reform in the Civil Service.

By Mr. HAYDEN: A bill (H. R. 22720) to authorize the Secretary of the Interior to investigate the necessity for constructing bridges on the White Mountain or San Carlos Indian Reservation, in the State of Arizona, and on the Yuma Indian Reservation, in the State of California, and for other purposes; to the Committee on Indian Affairs.

By Mr. DAVIS of West Virginia (by request): A bill (H. R. 22721) to prescribe the rule of decision in the appellate courts of the United States; to the Committee on the Judiciary.

By Mr. STEPHENS of Texas: Joint resolution (H. J. Res. 285) concerning contracts with Indian tribes or individual Indians; to the Committee on Indian Affairs.

By Mr. GRAHAM: Resolution (H. Res. 474) providing payment for the taking of testimony authorized under House resolution 358; to the Committee on Accounts.

By Mr. UNDERHILL: Memorial from the State of New York, favoring House bill 36, House bill 4428, and Senate bill 2367, affording protection to migratory game birds; to the Committee on Agriculture.

By Mr. TALCOTT of New York: Memorial from the State of New York, favoring House bill 36, House bill 4428, and Senate bill 2367, affording protection to migratory game birds; to the Committee on Agriculture.

By Mr. REDFIELD: Memorial of the Senate of the State of New York, favoring legislation by Congress for the protection of migratory game birds; to the Committee on Agriculture.

PRIVATE BILLS AND RESOLUTIONS.

Under clause 1 of Rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. AINEY: A bill (H. R. 22656) granting a pension to Margaret A. Seeley; to the Committee on Invalid Pensions.

By Mr. ANDERSON of Ohio: A bill (H. R. 22657) granting a pension to Helen Hartman; to the Committee on Invalid Pensions.

Also, a bill (H. R. 22658) granting an increase of pension to John W. Cook; to the Committee on Invalid Pensions.

Also, a bill (H. R. 22659) granting an increase of pension to James M. Kelsey; to the Committee on Invalid Pensions.

Also, a bill (H. R. 22660) granting an increase of pension to Samuel Transue; to the Committee on Invalid Pensions.

Also, a bill (H. R. 22661) granting an increase of pension to Columbus Manley; to the Committee on Invalid Pensions.

By Mr. ASHBROOK: A bill (H. R. 22662) granting an increase of pension to Noah Switzer; to the Committee on Invalid Pensions.

By Mr. BROWN: A bill (H. R. 22663) for the relief of John C. Brake; to the Committee on War Claims.

By Mr. BURNETT: A bill (H. R. 22664) granting a pension to Thomas D. Smith; to the Committee on Pensions.

By Mr. BYRNS of Tennessee: A bill (H. R. 22665) for the relief of the trustees of the Clarksville Female Seminary, of Clarksville, Tenn.; to the Committee on War Claims.

Also, a bill (H. R. 22666) for the relief of the First Baptist Church of Nashville, Tenn.; to the Committee on War Claims.

By Mr. CARY: A bill (H. R. 22667) granting an increase of pension to Charles H. Smith; to the Committee on Invalid Pensions.

By Mr. CARTER: A bill (H. R. 22668) granting an increase of pension to James Little; to the Committee on Invalid Pensions.

By Mr. CULLOP: A bill (H. R. 22669) granting an increase of pension to John F. Nixon; to the Committee on Invalid Pensions.

Also, a bill (H. R. 22670) granting an increase of pension to Alfred Farley; to the Committee on Invalid Pensions.

By Mr. DOREMUS: A bill (H. R. 22671) for the relief of Patrick Powell; to the Committee on Claims.

Also, a bill (H. R. 22672) granting a pension to Margaret Maynard; to the Committee on Invalid Pensions.

Also, a bill (H. R. 22673) granting an increase of pension to Daniel Yetts; to the Committee on Invalid Pensions.

By Mr. DRAPER: A bill (H. R. 22674) granting an increase of pension to George S. Boom; to the Committee on Invalid Pensions.

By Mr. DUPRÉ: A bill (H. R. 22675) granting an increase of pension to George Baldey; to the Committee on Invalid Pensions.

By Mr. ESCH: A bill (H. R. 22676) for the relief of H. A. M. Steen; to the Committee on Claims.

By Mr. FULLER: A bill (H. R. 22677) granting an increase of pension to James Mitchell; to the Committee on Invalid Pensions.

By Mr. GOODWIN of Arkansas: A bill (H. R. 22678) for the relief of Joe Brown; to the Committee on War Claims.

Also, a bill (H. R. 22679) granting an increase of pension to James B. White; to the Committee on Invalid Pensions.

By Mr. GOULD: A bill (H. R. 22680) granting an increase of pension to Preston M. Emery; to the Committee on Invalid Pensions.

Also, a bill (H. R. 22681) granting an increase of pension to Byron A. Hart; to the Committee on Invalid Pensions.

Also, a bill (H. R. 22682) granting an increase of pension to Mariner Smith; to the Committee on Invalid Pensions.

By Mr. GRAHAM: A bill (H. R. 22683) for the relief of John Pilcher; to the Committee on Military Affairs.

By Mr. GREGG of Pennsylvania: A bill (H. R. 22684) granting an honorable discharge and a pension to William Conner; to the Committee on Military Affairs.

By Mr. HUMPHREY of Washington: A bill (H. R. 22685) for the relief of Peter McKay; to the Committee on Pensions.

By Mr. JOHNSON of Kentucky: A bill (H. R. 22686) granting an increase of pension to Joseph McDonner; to the Committee on Invalid Pensions.

Also, a bill (H. R. 22687) for the relief of the Christian Church at Campbellsville, Ky.; to the Committee on War Claims.

By Mr. KONOP: A bill (H. R. 22688) granting a pension to Anna G. Freeman; to the Committee on Invalid Pensions.

By Mr. LA FOLLETTE: A bill (H. R. 22689) for the relief of Frederick Grasser; to the Committee on Military Affairs.

By Mr. LEE of Georgia: A bill (H. R. 22690) for the relief of the First Baptist Church of Rome, Ga.; to the Committee on War Claims.

By Mr. LEWIS: A bill (H. R. 22691) granting an increase of pension to James O. Cleveland; to the Committee on Invalid Pensions.

By Mr. MORGAN: A bill (H. R. 22692) granting an increase of pension to Noah Ruhl; to the Committee on Invalid Pensions.

Also, a bill (H. R. 22693) granting an increase of pension to Sidney Shandy; to the Committee on Invalid Pensions.

Also, a bill (H. R. 22694) to correct the military record of William H. McKown and grant him an honorable discharge; to the Committee on Military Affairs.

By Mr. NEELEY: A bill (H. R. 22695) granting a pension to Elizabeth J. Todd; to the Committee on Invalid Pensions.

Also, a bill (H. R. 22696) to remove the charge of desertion from the record of Andrew Jackson Hendrickson; to the Committee on Military Affairs.

By Mr. NORRIS: A bill (H. R. 22697) granting a pension to George E. Watson; to the Committee on Pensions.

By Mr. PADGETT: A bill (H. R. 22698) granting an increase of pension to Joseph Grady; to the Committee on Invalid Pensions.

By Mr. PARRAN: A bill (H. R. 22699) granting a pension to Ella J. Belt; to the Committee on Invalid Pensions.

By Mr. PATTON of Pennsylvania: A bill (H. R. 22700) granting an increase of pension to Philip Buckley; to the Committee on Invalid Pensions.

By Mr. POWERS: A bill (H. R. 22701) granting an increase of pension to Johnathan Kelly; to the Committee on Invalid Pensions.

Also, a bill (H. R. 22702) for the relief of Mary Moles; to the Committee on Pensions.

Also, a bill (H. R. 22703) granting a pension to H. E. Rives; to the Committee on Pensions.

Also, a bill (H. R. 22704) granting an increase of pension to Jessee Abbott; to the Committee on Invalid Pensions.

Also, a bill (H. R. 22705) granting an increase of pension to Susan Schofield; to the Committee on Invalid Pensions.

By Mr. REILLY: A bill (H. R. 22706) granting an increase of pension to Lucy A. Pratt; to the Committee on Invalid Pensions.

By Mr. SIMS: A bill (H. R. 22707) for the relief of the legal representatives of Rev. Thomas J. Neeley, deceased; to the Committee on War Claims.

Also, a bill (H. R. 22708) for the relief of the legal representatives of H. E. Aden, deceased; to the Committee on War Claims.

By Mr. SPARKMAN: A bill (H. R. 22709) granting an increase of pension to Elias H. Colburn; to the Committee on Invalid Pensions.

By Mr. TAGGART: A bill (H. R. 22710) granting a pension to William A. Moffitt; to the Committee on Invalid Pensions.

Also, a bill (H. R. 22711) granting a pension to Rachel Jackson; to the Committee on Invalid Pensions.

Also, a bill (H. R. 22712) granting a pension to Jennie C. Rathbun; to the Committee on Invalid Pensions.

Also, a bill (H. R. 22713) granting an increase of pension to Milford H. Donoho; to the Committee on Invalid Pensions.

By Mr. THAYER: A bill (H. R. 22714) for the relief of Clement Lamoureaux; to the Committee on Military Affairs.

Also, a bill (H. R. 22715) for the relief of David Snow; to the Committee on Military Affairs.

Also, a bill (H. R. 22716) for the relief of Owen Smith; to the Committee on Military Affairs.

By Mr. UNDERHILL: A bill (H. R. 22717) granting an increase of pension to Nathan W. Yoder; to the Committee on Invalid Pensions.

By Mr. WITHERSPOON: A bill (H. R. 22718) for the relief of M. T. Sigrest; to the Committee on War Claims.

Also, a bill (H. R. 22719) for the relief of the estate of Joseph S. Rogers, deceased; to the Committee on War Claims.

By Mr. HAMILTON of West Virginia: A bill (H. R. 22722) granting a pension to Mary C. Martin; to the Committee on Invalid Pensions.

Also, a bill (H. R. 22723) granting a pension to Charley Cadle; to the Committee on Pensions.

Also, a bill (H. R. 22724) granting an increase of pension to Cyrus Trough; to the Committee on Invalid Pensions.

Also, a bill (H. R. 22725) granting an increase of pension to John L. McLaughlin; to the Committee on Invalid Pensions.

By Mr. HAYDEN: A bill (H. R. 22726) granting an increase of pension to Theodore G. Cree; to the Committee on Invalid Pensions.

PETITIONS, ETC.

Under clause 1 of Rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

By the SPEAKER (by request): Petitions of citizens of Massachusetts, New Jersey, and New York, asking that the duties on raw and refined sugars be reduced; to the Committee on Ways and Means.

By Mr. AINEY: Petitions of Central Grange, No. 194; East Lemon Grange, No. 400; Union Grange, No. 152; Gibson Grange, No. 798; Beech Flat Grange, No. 336; Ledgedale Grange, No. 1481; Shiloh Grange, No. 927; Columbia Grange, No. 83; Gibson Star Grange, No. 924; Unity Grange, No. 1249; Troy Grange, No. 182; Enterprise Grange, No. 1352; Highland Grange, No. 183; Jackson Grange, No. 342; Union Grange, No. 155; Armenia Grange, No. 883, all of the State of Pennsylvania, advocating the passage by Congress of House bill 19133, which provides for governmental system of postal express; to the Committee on Interstate and Foreign Commerce.

Also, petition of F. G. Inderlied and other citizens of Pennsylvania, protesting against any parcel-post legislation extending the service beyond its present limitations; to the Committee on the Post Office and Post Roads.

By Mr. ANDERSON of Ohio: Memorial of the Hub Board of Trade of Columbus, Ohio, for 1-cent letter postage; to the Committee on the Post Office and Post Roads.

By Mr. ANTHONY: Petitions of Stephen A. Forbes, director Illinois State Laboratory of Natural History, and students of Newton Academy, of Newton, N. J., in favor of House bill 4428; to the Committee on Agriculture.

Also, petition of E. Leuenberger, secretary, and other members of Highland Park Grange, Topeka, Kans., in support of House bill 21225, relating to oleomargarine; to the Committee on Agriculture.

By Mr. ASHBROOK: Petition of T. C. Ramsey and 3 other merchants of Killbuck, Ohio, for regulation of express rates and classifications; to the Committee on Interstate and Foreign Commerce.

Also, petition of Martin Burns and 21 other citizens of Newark, Ohio, protesting against the passage of interstate commerce legislation; to the Committee on the Judiciary.

By Mr. BOWMAN: Petition of M. Friedman, superintendent United States Indian School at Carlisle, Pa., in favor of Senate bill 3; to the Committee on Agriculture.

Also, petition of Group No. 190, Polish National Alliance, protesting against further restriction of immigration; to the Committee on Immigration and Naturalization.

By Mr. BURNETT: Memorial of the Methodist Episcopal Church of Boaz, Ala., in favor of adoption of House joint resolution 163; to the Committee on the Judiciary.

By Mr. CAMPBELL: Petition of citizens of Altamont, Kans., for enactment of the Haugen oleomargarine bill; to the Committee on Agriculture.

By Mr. CARTER: Petitions of L. B. Griffing, of Atoka, and Thomas Carnell, of Wapanucka, Okla., for enactment of House bill 20595, amending the copyright act of 1909; to the Committee on Patents.

By Mr. CARY: Petition of citizens of Milwaukee, Wis., opposing House bill 18493, pertaining to oleomargarine; to the Committee on Agriculture.

Also, petition of the Senior Loyal Temperance Legion of Milwaukee, Wis., for enactment of the Kenyon-Sheppard interstate liquor bill; to the Committee on the Judiciary.

Also, memorial of the Farmers' Institute of Wisconsin, for establishment of a parcel-post system, etc.; to the Committee on the Post Office and Post Roads.

Also, petition of Lodge No. 128, Brotherhood of Railroad Trainmen, Milwaukee, Wis., for enactment of House bill 20487, providing for compensation of employees engaged in interstate commerce; to the Committee on the Judiciary.

Also, memorial of the Federated Trades Council of Milwaukee, Wis., for construction of battleships in Government navy yards; to the Committee on Naval Affairs.

By Mr. COX of Ohio: Petition of Grubbs Bagley Camp, No. 16, United Spanish War Veterans, for enactment of House bill 17470; to the Committee on Pensions.

By Mr. DAVIS of West Virginia: Petition of Local Union No. 77, N. B. O. P., of Mannington, W. Va., praying for a clause in the naval appropriation bill providing for the building of one battleship in a Government navy yard; to the Committee on Naval Affairs.

Also, petition of sundry citizens of Marion County, W. Va., praying for a speedy report on House bill 16214; to the Committee on the Judiciary.

Also, petition of sundry citizens of Follansbee, W. Va., for creation of a commission on industrial relations; to the Committee on Labor.

Also, petition of the Methodist Episcopal Church South of Reader, W. Va., for passage of Kenyon-Sheppard interstate liquor bill; to the Committee on the Judiciary.

By Mr. DRAPER: Petition of the Illinois Bankers' Association, for agricultural demonstration work throughout the country; to the Committee on Agriculture.

By Mr. DANIEL A. DRISCOLL: Petition of citizens of Buffalo, N. Y., for enactment of House bills 19405, 19406, and 19407; to the Committee on the Merchant Marine and Fisheries.

Also, memorial of the Camas (Mont.) Hot Springs Commercial Club, relative to irrigation of the Flathead Indian Reservation; to the Committee on Indian Affairs.

Also, petition of the Illinois Bankers' Association, for agricultural demonstration work throughout the country; to the Committee on Agriculture.

By Mr. ESCH: Petitions of citizens of the State of Wisconsin, protesting against the Lever oleomargarine bill; to the Committee on Agriculture.

By Mr. FULLER: Papers to accompany bills for the relief of Marcus F. Nesmith (H. R. 21439) and James Mitchell; to the Committee on Invalid Pensions.

Also, petition of Group No. 1224, of the Polish National Alliance of the U. A. of N. A., of Rockford, Ill., protesting against passage of immigration bills, providing for the educational test, etc.; to the Committee on Immigration and Naturalization.

Also, petition of G. E. Wiltse & Son, of Waterman, Ill., favoring a reduction in the duty on raw and refined sugars; to the Committee on Ways and Means.

Also, petition of Robert Daring, R. F. D. No. 2, and Truman L. and L. N. Cleveland, R. F. D. No. 5, all of Rockford, Ill., favoring the establishment of a parcel-post service; to the Committee on the Post Office and Post Roads.

By Mr. GARNER: Petitions of citizens of Corpus Christi and Fort Worth, Tex., for enactment of the Berger old-age pension bill; to the Committee on Pensions.

By Mr. GREGG of Pennsylvania: Petition of Union Church Mass Meeting, of Scottdale, Pa., for passage of the Kenyon-Sheppard interstate liquor bill; to the Committee on the Judiciary.

By Mr. HANNA: Petition of Nicholas Gahr, of Haynes, N. Dak., asking that the duties on raw and refined sugars be reduced; to the Committee on Ways and Means.

Also, petition of North Dakota Sunday School Association, for enactment of the Kenyon-Sheppard interstate liquor bill; to the Committee on the Judiciary.

Also, petition of citizens of Edmore, N. Dak., for parcel-post legislation; to the Committee on the Post Office and Post Roads.

Also, petition of citizens of Elbowoods, N. Dak., protesting against parcel-post legislation; to the Committee on the Post Office and Post Roads.

By Mr. HENRY of Texas: Petitions of Mart, Waco, and West, Tex., for parcel-post legislation; to the Committee on the Post Office and Post Roads.

Also, petition of citizens of Bridgeport, Tex., for construction of one battleship in a Government navy yard; to the Committee on Naval Affairs.

By Mr. JACOWAY: Petition of J. R. Beckett and 100 other citizens of Faulkner County, Ark., for parcel-post legislation; to the Committee on the Post Office and Post Roads.

By Mr. KOPP: Petition of citizens of Reedsburg, Wis., protesting against parcel-post legislation; to the Committee on the Post Office and Post Roads.

By Mr. LEE of Georgia: Papers to accompany bill for the relief of heirs of Charles G. Knight (H. R. 22411); to the Committee on War Claims.

By Mr. LINDBERGH: Petition of citizens of Douglas County, Minn., for enactment of the Haugen oleomargarine bill; to the Committee on Agriculture.

By Mr. LANGHAM: Petitions of the Woman's Christian Temperance Union of Homer City, and Glade Run Presbyterian Church, of Dayton, Pa., for enactment of the Kenyon-Sheppard interstate liquor bill; to the Committee on the Judiciary.

By Mr. LINDSAY: Memorial of the Camas (Mont.) Hot Springs Commercial Club, relative to irrigation of the Flathead Indian Reservation; to the Committee on Indian Affairs.

Also, petition of the Illinois Bankers' Association, urging agricultural demonstration work throughout the country; to the Committee on Agriculture.

By Mr. McCOY: Petition of citizens of New Jersey, for construction of one battleship in a Government navy yard; to the Committee on Naval Affairs.

Also, petitions of citizens of Irvington and Newark, N. J., for enactment of House bill 20595, amending the copyright act of 1909; to the Committee on Patents.

By Mr. PATTON of Pennsylvania: Petition of residents of Grampian, Pa., for construction of one battleship in a Government navy yard; to the Committee on Naval Affairs.

Also, petitions of Granges Nos. 96, 223, 290, and 1284, Patrons of Husbandry, for a governmental system of postal express; to the Committee on Interstate and Foreign Commerce.

By Mr. PAYNE: Petition of citizens of the State of New York, for construction of one battleship in a Government navy yard; to the Committee on Naval Affairs.

Also, petition of citizens of Dundee, N. Y., protesting against parcel-post legislation; to the Committee on the Post Office and Post Roads.

Also, petitions of the Woman's Christian Temperance Union of Alton, N. Y., and the Ministers' Association of Newark, N. J., for passage of the Kenyon-Sheppard interstate liquor bill; to the Committee on the Judiciary.

By Mr. RANDELL of Texas: Petition of citizens of Denison, Tex., in favor of old-age pensions; to the Committee on Pensions.

By Mr. REDFIELD: Memorial of the Seamen's Church Institute of New York, for enactment of Senate bill 2117; to the Committee on Interstate and Foreign Commerce.

By Mr. REILLY: Petition of Brotherhood of Locomotive Engineers, Order of Railway Conductors, Order of Railroad Telegraphers, and Brotherhood of Railroad Trainmen, for enactment of House bill 20487, the Federal compensation act; to the Committee on the Judiciary.

Also, petition of Camp No. 2, United Spanish War Veterans, of Meriden, Conn., for enactment of House bill 17470; to the Committee on Pensions.

Also, petition of Grange No. 10, Patrons of Husbandry, of Kent, Conn., for parcel-post legislation; to the Committee on the Post Office and Post Roads.

By Mr. O'SHAUNESSY: Memorial of the General Assembly of the State of Rhode Island, for establishment of a naval base on Narragansett Bay, in the State of Rhode Island; to the Committee on Naval Affairs.

By Mr. SAMUEL W. SMITH: Petition of citizens of Holly, Mich., for passage of the Kenyon-Sheppard interstate liquor bill; to the Committee on the Judiciary.

By Mr. STEPHENS of California: Petitions of numerous citizens of the State of California, for parcel-post legislation; to the Committee on the Post Office and Post Roads.

Also, petition of Melville Jeffrey, of Los Angeles, Cal., for enactment of House bill 20595, amending the copyright act of 1909; to the Committee on Patents.

By Mr. TILSON: Petition of Brotherhood of Locomotive Engineers, Order of Railway Conductors, Order of Railway Telegraphers, and Brotherhood of Railroad Trainmen, for enactment of House bill 20487, Federal accident compensation act; to the Committee on the Judiciary.

Also, memorial of the Camas (Mont.) Hot Springs Commercial Club, relative to irrigation of the Flathead Indian Reservation; to the Committee on Indian Affairs.

Also, petition of the Illinois Bankers' Association, for agricultural demonstration work throughout the country; to the Committee on Agriculture.

By Mr. TOWNER: Petition of citizens of Creston, Iowa, for passage of the Kenyon-Sheppard interstate liquor bill; to the Committee on the Judiciary.

By Mr. TURNBULL: Petition of Thomas F. Goode and 45 other citizens of Mecklenburg County, Va., against the establishment of a parcel post; to the Committee on the Post Office and Post Roads.

By Mr. UNDERHILL: Petition of Grange No. 426, Patrons of Husbandry, of Prattsburg, N. Y., for parcel-post legislation; to the Committee on the Post Office and Post Roads.

By Mr. WEDEMEYER: Petition of sundry citizens of Addison, Mich., for passage of the Kenyon-Sheppard interstate liquor bill; to the Committee on the Judiciary.

By Mr. YOUNG of Texas: Petition of W. E. Jordan and others of Murchison, in favor of legislation prohibiting gambling in farm products; to the Committee on Agriculture.

SENATE.

MONDAY, *April 1, 1912.*

The Senate met at 2 o'clock p. m.

The Chaplain, Rev. Ulysses G. B. Pierce, D. D., offered the following prayer:

Almighty God, our heavenly Father, who hast been our refuge in all generations, we come before Thee with bowed heads and saddened hearts over the great loss we have suffered. We know indeed that the way of man is not in himself alone, and that it is not in us who walk to direct our steps. Therefore we submit our lives unto Thee, whose we are. Though Thou slay us, yet will we put our trust in Thee. Deepen in us, we pray Thee, the confidence that amid all earth's changes Thou changest not, and fulfill unto us the promise that Thine unfailing love shall be sufficient for our deepest sorrow.

And unto Thee, our Father, who hast loved us with an everlasting love and hast given us comfort and good hope through the gospel, be glory and praise now and for evermore. Amen.

The Secretary proceeded to read the Journal of the proceedings of the last legislative day, Thursday, March 28, when, on request of Mr. CULLOM and by unanimous consent, the further reading was dispensed with and the Journal was approved.

DEATH OF SENATOR ROBERT LOVE TAYLOR.

Mr. LEA. Mr. President, it becomes my sad duty to announce to the Senate the death of my colleague, Hon. ROBERT LOVE

TAYLOR, a distinguished Member of this body and three times governor of the State he represented in the Senate. He died yesterday at Providence Hospital in this city.

I fully appreciate the profound sorrow which his death has occasioned in the hearts of the Members of this body, for in my short experience here I have learned of the affectionate regard in which he was held by Senators on both sides of the Chamber.

It is not now the proper time for any extended remarks upon Senator TAYLOR'S distinguished public service and his eminent character, but at the proper time I shall ask the Senate to suspend temporarily its business that fitting tribute may be paid to his high character and distinguished public service.

At the present time I offer the following resolutions, and ask for their adoption.

The VICE PRESIDENT. The resolutions will be read.

The resolutions (S. Res. 271) were read, considered by unanimous consent, and unanimously agreed to, as follows:

Resolved, That the Senate has heard with profound sorrow of the death of the Hon. ROBERT LOVE TAYLOR, late a Senator from the State of Tennessee.

Resolved, That a committee of 12 Senators be appointed by the Vice President to take order for superintending the funeral of Mr. TAYLOR.

Resolved, That as a further mark of respect his remains be removed from Washington to Nashville, Tenn., for burial in charge of the Sergeant at Arms, attended by the committee, who shall have full power to carry these resolutions into effect.

Resolved, That the Secretary communicate these resolutions to the House of Representatives and transmit a copy thereof to the family of the deceased Senator.

The VICE PRESIDENT appointed as the committee under the second resolution Mr. LEA, Mr. BACON, Mr. CULBERSON, Mr. SUTHERLAND, Mr. BOURNE, Mr. BRADLEY, Mr. OVERMAN, Mr. JOHNSTON of Alabama, Mr. FLETCHER, Mr. PAGE, Mr. WATSON, and Mr. KERN.

Mr. LEA. Mr. President, as a further mark of respect to the memory of the deceased Senator I move that the Senate do now adjourn.

The motion was unanimously agreed to, and (at 2 o'clock and 5 minutes p. m.) the Senate adjourned until to-morrow, Tuesday, April 2, 1912, at 2 o'clock p. m.

HOUSE OF REPRESENTATIVES.

MONDAY, *April 1, 1912.*

The House met at 12 o'clock m.

The Chaplain, Rev. Henry N. Couden, D. D., offered the following prayer:

We come to Thee Almighty God our heavenly Father with glad hearts, rejoicing in the possession of life with its splendid environment, its lofty hopes and glorious aspirations, which are ever moving us onward and upward to higher manhood. Strengthen, we beseech Thee, our faith in Thee, that when sorrows gather about us we shall not fail, when the storms of adversity burst upon us we shall be firm, and when temptations roll in upon us like the mighty waves of the ocean we shall be strong to resist, for "He that dwelleth in the secret place of the Most High shall abide under the shadow of the Almighty."

Touched by the sudden death of another one of the congressional family, whose smiles and cheering words brought sunshine into the hearts of thousands, comfort his many friends and bereaved family with the thought that he still lives to the larger life in Christ Jesus our Lord. Amen.

The Journal of the proceedings of Saturday, March 30, 1912, was read and approved.

SERVICE PENSION BILL.

Mr. ADAIR. Mr. Speaker, by direction of the Committee on Invalid Pensions I call up the bill (H. R. 1) granting a service pension to certain defined veterans of the Civil War and the War with Mexico, with Senate amendments, and move that the House disagree to the Senate amendments and ask for a conference.

The SPEAKER. The gentleman from Indiana reports the bill H. R. 1, and moves to disagree to the Senate amendments and asks for a conference. The question is on disagreeing to the Senate amendments.

The question was taken, and the motion was agreed to.

The Chair appointed the following conferees on the part of the House: Mr. SHERWOOD, Mr. ADAIR, and Mr. SULLOWAY.

THE WOOLEN SCHEDULE.

Mr. UNDERWOOD. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the state of the Union for the further consideration of the bill H. R. 22195, to revise the woolen schedule.

The motion was agreed to.

Accordingly the House resolved itself into the Committee of the Whole House on the state of the Union for the further consideration of the bill H. R. 22195, with Mr. GRAHAM in the chair.

Mr. RANDELL of Texas. Mr. Chairman, in the concluding hours of the debate on this pending measure—the woolen schedule, commonly known as Schedule K—it is apparent that no argument which can be made will in any manner affect the terms of the bill as it will pass the House; but the debate has shown conclusively that the Democratic bill framed in the last session of this Congress by the Committee on Ways and Means, and which was adopted by the Democratic caucus and is identically the same as the pending bill, should have been passed into a law at that time, so that relief might have been then given to the people of the United States. The Republican objections to it have all been met. The reasons for delay have been shown to be groundless. The President's veto of the measure was an exercise of Executive authority—no matter how honestly exercised—which resulted in placing upon the people of the United States the burden of Schedule K for one year longer, a burden which he himself had previously said was indefensible from any standpoint. The Republican position in politics is the opposite of the position of the Democrats in principle and policies; and it might be well, while we consider these various schedules and the revision of them from time to time, to stop and consider why the Republican Party stands out against every reform proposed in the interest of the common people. While they profess allegiance to American industry and American labor, they continuously oppose every measure that tends to free industry from embarrassment or ameliorate the conditions of labor. When driven from one position they fall back to another; but the fight is continuous, and always to prevent reform.

The difference between the Democratic and the Republican tariff is as distinctive as the difference between equal rights and special privileges. The Democratic Party has always looked upon the Constitution as a charter from the people of all the States which gives to the National Government only the power expressed therein, the limitations to which should be as sacredly guarded as the power conferred should be wisely and efficiently executed. The constitutional power of the Congress to levy a tariff on imports was intended as a means of raising revenue for the administration of the Federal Government. It is a tax pure and simple, and the principle of economy applies as well to the levying of the tariff as it does to the appropriation of the revenue derived therefrom. The Democratic doctrine maintains that no more revenue should be collected than is needed for the economical administration of the Government; that this revenue should be secured in the most just and economical way; that high rates of duty should be avoided; that the necessaries of life should, if possible, be relieved from taxation, and luxury and wealth should be made to bear their full measure of the public burden.

The Republican Party, being both sectional and partisan, has constantly opposed the Democratic policy, and has in the last 50 years succeeded in building up, step by step and stone by stone, a tariff system and a tariff wall which have established monopoly of home industries and warped and paralyzed our foreign trade.

It has always been the pretense of protectionism that high rates of duty would give the American market to the protected industries, and at the same time labor would have a proportionately increased wage, and high prices to the consumer would be prevented by competition. None of these claims are true except the first. The protected industries have, indeed, full control of the American market, but labor has received no share of the benefit, and monopolistic combinations have destroyed competition. All the evils that were feared by its opponents have materialized without any of the good results that were claimed by its advocates. The cost to the consumer and to all unprotected industries has greatly increased; the cost of living has been made oppressively burdensome and American workmen have been forced to compete not only among themselves, but also with the hordes of cheap labor imported by the protected industries.

The whole system is wrong, both in policy and in morals. It stands in violation of equal rights and common honesty. Its mailed hand strikes with fearful force the principles of free government and the liberties of the people. The tariff on many articles is higher than the whole labor cost of production. It is levied not for revenue, but to enrich the privileged classes. It is, in plain words, a system by which the few are enabled to levy tribute on the whole country. It is so cunningly devised as to place heavy burdens on labor and secure for wealth immunity from taxation. The Democratic doctrine is reversed and the heaviest burdens are placed on the necessaries of life in-

stead of upon luxuries. The Government is made to secure its revenue from the pittance of the poor, leaving practically untouched the untold millions of predatory wealth.

Were these statements new they would, indeed, be startling, but they have been so frequently made as to be almost trite, and yet no relief has been effected. For more than 30 years the people of this country have been struggling to secure revision of the tariff, lowering the rates and lessening the burdens; but this long warfare has been so successfully met by the beneficiaries of protectionism that instead of lower rates and lighter burdens the rates have been raised and the burdens increased.

In dealing with the question of tariff revision the Democrats in Congress have two great obstacles. First, the artificial environment of our industries to which they have been compelled to conform; and second, the immense amount of revenue it is necessary to collect in order to meet the extravagant legislation heretofore enacted by the Republican Party. In some instances a return to just and proper rates at one step might prove hurtful to some investments that have been honestly established under existing laws, and in other cases the necessity for revenue will not permit of reductions that could otherwise be made.

The Republican system of tariff legislation has been so complex that an accurate understanding of its real effects and burdens is almost impossible. The Democracy, however, true to its pledges, is determined to effect its revision of the tariff schedules with justice to all and for the interest of the whole country. The only hope of an equitable and proper tariff revision lies in the success of the Democratic Party. The Republican organization is determined to prevent revision if possible, and to circumvent by any and all means any attempt at revision. The stand-pat Republican controls the party. The Republican insurgent is a tariff reformer only on dress parade. He clings persistently to the doctrine of protectionism and thereby renders futile and absurd his reform theories.

As long as our tariff laws are written in the interest of protected industries, instead of for revenue only, the robbery of the people will continue as in the past. The insurgent's doctrine of tariff reform applies to everything except the products of his own district and State. The stand-pat Republican has quite a clear appreciation of this liberal spirit on the part of the insurgent, but exercising as he does the control of the Republican machine, he understands that a sufficient number of interests covering a sufficient amount of territory must combine and recognize each other's claims in order to make safe their own. The stand-pat Republican is working for such combination in order to keep his party in power, while the Republican insurgent is struggling desperately to keep apparently abreast of the Democratic reform element in his section, holding out a promise of relief through the Republican Party, in order that he may retain his seat in Congress.

Those who hope for reform can reasonably look to the Democratic Party alone, and those who would have the tariff revised in the interest of the people, whatever their party affiliation, should see to it that no protectionists are sent to Congress. A protectionist in the Democratic organization is more hurtful to the cause of tariff reform than a Republican occupying his place.

As long as the tariff laws are made by those who favor the few as against the many, just so long will the many continue to be robbed by the few, and in this connection I want to say that the most dangerous advocates of the special interests to-day are those who preach the doctrine of tariff for revenue only in States that are naturally Democratic on this issue, but who claim that the protection enjoyed by the manufacturer should be extended to the producer of raw material in order to equalize the burden of taxation. It is a dangerous doctrine because it is deceptive in its nature, has something of the appearance of fairness, and appeals strongly to the self-interest of those producing the raw materials.

Every time tariff protection is extended downward from the manufactured article to the raw material a new group of protectionists is created clamoring for more protection and joining in the cry with all other protectionists. Those who shout for a protective tariff on raw wool, for instance, support also the efforts of the woolen manufacturers to maintain a high tariff on woolen goods.

There should be no tariff levied for protection. The principle involved is very clear. There should be collected only the necessary amount of revenue, and this amount should be obtained in the most economical manner. A tariff bill made by the Congress on this basis would include in the dutiable list very few, if any, of the articles of commerce commonly known as raw materials.

The pending bill is the same which passed the House at the last session. It was then prepared by the Democratic members of the Committee on Ways and Means and adopted by the Democratic caucus of the House. It reduces the present rates of Schedule K and would if enacted into law greatly benefit the country. It is a step in the right direction and should be followed at the proper time by still greater reductions. Woolen goods are perhaps more important in reference to health than any other item among the taxed necessaries of life. It would be a blessing to the country if all manufactures of wool could be placed on the free list.

I do not intend to go into a general discussion of the bill, as I made extended remarks upon it at the last session, but in this connection I want to again call attention to what I then endeavored, among other things, to impress upon the Congress and the country in reference to the effect the present high price of woolens has upon infant life. I stated then, and assert it now, that the death rate among the young infants of the very poor is fearfully increased by lack of proper woolen garments. The discussion at this session, I am pleased to note, has brought out many strong statements along this line. There can be no doubt but that the exorbitant rates on the woolen schedule have caused the death of thousands and tens of thousands of American infants. In addition to this, the old, the sick, the feeble, who by their poverty have been unable to pay the high prices demanded for woolen goods, have suffered in untold numbers great injury to health and much loss of life. The outrageous exactions in Schedule K are miserably mean and pitifully cruel. It is a notable illustration that "Man's inhumanity to man makes countless thousands mourn."

All legislation should be enacted in the interest of the whole people. This everyone would admit as a sound principle. The influences, however, that have operated in the development of the Republican tariff system have not been exercised in the interest of the public, but with a view of bestowing special favor upon the privileged class. Greed has dictated the policy of protectionism and, shame to say, the special interests themselves have written the tariff schedules. The real history of tariff legislation in this country is almost incredible when we consider that for decade after decade a free people in a popular Government, who boast their love of liberty and who have in each succeeding election an opportunity to correct existing evils, should fail so repeatedly to assert themselves and to hurl from power the party organization which has so often and continuously betrayed them.

As every despotism pretends to be established in the interest of freedom, so organized monopoly proclaims itself the friend and protector of labor. Its slogan is the protection of American industries and American labor, while it seeks to shackle the one and enslave the other. It now shamelessly declares that combination and monopoly, which it has heretofore denied—even many times denied under oath—is but the natural outgrowth and evolution of modern civilization, and that the Government, whose laws they have defied and set at naught, should legalize their infamous policy.

The effect of protectionism on business has been to cut off foreign competition in our home markets, enabling protected industries to exact higher prices and greatly enlarge their profits, thus year after year building up great and growing fortunes, owned by the few, at the expense of the toiling millions who are victims of protectionism. As the holdings of the rich grew greater their capacity to organize larger business and widen their operations increased in geometrical ratio, controlling production and the various channels of trade and absorbing the great reserve wealth of our natural resources. To do this it was necessary to control the Government, which they have done with ruthless hand.

In the few minutes that I have in which to conclude my remarks I wish to call the attention of the committee and the country to the methods by which the Republican Party has been able to control the Congress, has been able to build up this tariff system which operates so oppressively on the consumer, the producer, and all the people. Special privilege has been built up because special privilege has controlled the lawmaking power. An assertion like that ought to elicit the earnest attention of every patriot, be he Republican, Democrat, Populist, Socialist, or Independent. If special interest can control the lawmaking power, the people have no rights that will be respected. I assert that the methods which have been adopted are plain when you study the organization and operation of the various Congresses. I shall not speak specially in reference to this Congress, but as to former Congresses. Look at the membership, look at their employment, look at the committees upon which they were placed, and when you find that those who are

interested in the protected industries and their officers, agents, and attorneys are upon the Committee on Ways and Means, the Committee on the Judiciary, the Committee on Interstate and Foreign Commerce in the House, and on similar committees in the Senate, it is very easy to understand that the legislation emanating from those sources will be poisoned with self-interest and with special privilege. The fact that the lumber interests write the schedule on lumber, that those who are interested in the Woolen Trust write Schedule K, that those interested in cotton manufacture write the schedule on that textile, that those interested in steel and coal and meat and in everything you can name in the whole catalogue of protected industries write the schedules affecting them, discloses the plot by which the public is defrauded.

The beneficiaries of special legislation and their officers, agents, and their attorneys sit and misrepresent the people on these committees and help enact such legislation as they desire. The result is that we have a system of tariff exaction more corrupt and more outrageous than any tax law that was ever passed by a free people. Yet you can scarcely awaken the masses of the people on the question. There seems to be a kind of lethargy not only among men in public life, but through all classes in private life, and they go on and on electing men to Congress who build up their own fortunes and the fortunes of their associates by using the legislative power for that purpose instead of exercising it for the good of the people. These words are not pleasant. It is a very unpopular task for anyone to undertake in a legislative assembly to lecture the members of that body along lines of reform which affect their business interests, their moral conduct, and the question of their fidelity to the people who have trusted and honored them. I assert in conclusion that the underlying prerequisite of all reform to-day is the getting a disinterested Congress to make the laws.

The only hope to-day is in the Democratic Party and in Democratic success. [Applause on the Democratic side.] I will tell you, in this connection, that unless the Democratic Party eliminates from itself the poison of protection, and unless it passes a law forbidding Senators and Representatives to act as the agents, employees, attorneys, or officers of the corporations and others interested in legislation during their term of service it will not make good when it comes into power, because you can not get pure water from a muddy spring. Men who represent the interests will not represent the people. I hope that the Democratic Party when it comes into power will show, as it has heretofore shown by its votes in this Chamber, that this is its policy, and that it will scourge from the Congress of the United States those who are the officers, agents, and attorneys of the interests—all those who are the representatives of greed and graft. [Loud applause on the Democratic side.]

Mr. PAYNE. Mr. Chairman, this is supposed to be the last act in the great tariff reforms of this present Congress. There may be another last appearance, I do not know. They are as numerous with this committee as with some of the celebrated actresses. This bill relates to a great industry. There are great interests at stake, I want to state to the gentleman from Texas, dependent upon tariff legislation in reference to wool, and the interests are very largely centered in the little homes of the country where the laborers in woolen mills live, and on the hillsides and mountain sides, and on the farms of the country where the raisers of sheep and the producers of wool also are getting their livelihood by reason of the wool of the sheep which is cared for in Schedule K. Now, some gentlemen seem to believe that a majority of this country are against protection through tariff legislation. They were never more mistaken in their lives. There were never more people in this country in favor of a protective tariff than there are this blessed day. [Applause on the Republican side.] They are not in favor of an excessive protection; they are not in favor of a duty which is higher than sufficient to make up the difference between the cost of production here and abroad.

A majority of the people are not for that, and that is where our Democratic friends make the mistake. They think after bringing in a wool bill or any other kind of a bill that slashes the duties without regard to the effect upon the industrial conditions of the country, that it will make them popular because they assume the majority of the country believe in free trade. The elation over the result of the election of a year ago last fall has taken away their ability to properly appreciate the facts and the conditions of the country and form a judgment upon those facts and conditions. They will find that out some day. You may go ahead and pass these bills. I do not know but it would be better for the country in the long run if you had power to put them on the statute books now. I do not know but it may be possible that the country needs another lesson of 1894. That lesson was wholesome and it resulted in much good finally, although the immediate effect was widespread suffering throughout the whole country. But I do not believe it. Men's memories are not quite so short. You had an opportunity not alone to play to the galleries, but to show the people what you would do if you had power in the Senate and in the House and a man in the White House to sign your bills. The people of the country are looking into these bills of yours. They are comparing the effect upon the industry in which they are associated in some manner. The laborers in the country are looking into these bills. Why, in my district I heard the other day that the workers in the cities were forming tariff leagues, because they feared the threats of the Democrats and Democratic tendency in the country. Go on gentlemen, do not stop with this bill, I pray you do not stop; go right on with the whole program and show the country what you are going to do, so they will be able to appreciate it when it comes around to November, when we elect a Congress and elect a President.

Mr. Chairman, wool is not only important to the people engaged in that industry but to the whole country. I caught the word "tuberculosis" in debate the other day and I was surprised to be informed that tuberculosis generated in woolen mills. I do not know whether the gentleman carried it out to its logical conclusion that therefore he wanted to vote for your bill to destroy woolen mills or not, but when you do destroy them you will have to look out for something worse than tuberculosis even. You will have to look out among the army of the poor for pneumonia and other fatal diseases. We know we must have wool, gentlemen, in this climate of ours; we must have woolen clothing and woolen blankets for our soldiers in time of war, and it is just as much a war necessity as battleships; the Democratic Party are against battleships as they are against wool. They do not want any preparation for war, even to insure peace; all they want is a chance to divide up the offices, to play economy for one year, and show a less total of appropriations this year to be made up by deficiency appropriations after the election. What a grand thing they have done by omitting to provide for battleships. Gentlemen, the country is more intelligent than you take it for; the people of the country are more intelligent and they have their ideas in regard to battleships. They want them, and they are going to have them, and they are going to have them if they have to turn you sweet gentlemen out and put us in next time. They know what they want. [Applause on the Republican side.]

Now, the present Schedule K, Mr. Chairman, has been in existence substantially for about 50 years. It has been open to assault, and is now open to assault, and there are points where it is not defensible against that assault, and yet, notwithstanding its imperfections, there has ever been a sentiment in the country to encourage the raising of sheep and building up the woolen industry here; notwithstanding the assaults and notwithstanding the weakness of its defense as regards some items, they have maintained for about 50 years this Schedule K nearly in the form in which it exists to-day. But we agree that Schedule K should be revised. I have agreed with that sentiment for some time, and did not fail to so say, and I did not fail to embrace the first opportunity I had to attempt to revise it. And why? Well, now, the duty on the wools in the grease is not so much out of the way; it is not so much above the protective rate when you get right down to it and it is enforced.

Conditions have changed since that rate was first put upon the statute books; conditions have changed regarding the relative amount of wool that it takes to produce yarn and cloth and clothing and all that sort of thing, and the inequalities in the law have become exaggerated. No one will contend that it is necessary to have the compensatory duties upon yarn and cloth and clothing and tops that are included in Schedule K to-day; no one will contend for that who understands the subject, unless it may be the "expert" employed by the Committee on Ways and Means, who seems to be able to argue himself into any position. Those inequalities should be corrected—the compensation in each case should be no greater than is actually necessary to cover the amount of wool that appears in the article.

Mr. Chairman, in the Payne tariff law—against which there appears to be so much aversion and aspersion among gentlemen on the other side and certain newspapers that aided them, over which they have had considerable frolic for the last three years—there were some good points at least, and I could take up the rest of my hour to-day in speaking about them. Most of you admit them yourselves. It was the first tariff bill that ever had a maximum and minimum provision in it. We laid a maximum tariff with an increase of duty of 25 per cent, under the third section of the bill, against any country that would

not give us fair trade relations, and we authorized the President to go ahead and negotiate bargains with those countries and to get good terms. It was necessary to do it. They all had maximum and minimum provisions, and we were getting the maximum from them. It hurt our foreign trade.

My genial friend from Missouri, the Speaker of the House—I do not see him here now—wrote an article, published in a magazine at Buffalo under the editorship of Norman E. Mack, chairman of your Democratic national committee, soon after Congress adjourned, and in that article the present Speaker argued that this was a joker, that it meant 25 per cent additional tariff, and that after all we meant to increase the tariff in this country by an additional 25 per cent under section 3, and he predicted that that would certainly be the result. He was just as sure of that then as he was three years before of carrying the elections in 1906, and one year before in carrying those of 1908, and just as sure as he is now that his party will elect their President next fall. If he would stop and put on his thinking cap for a moment he would realize that section 3 did not do any such thing, but it gave the President the power to negotiate. And the President did negotiate under section 3. And then it gave him a little more power than that. It gave him the power to appoint a board. They did not call it a board formally, but it gave him the practical power and authority to appoint a board. It provided that—

To secure information to assist the President in the discharge of the duties imposed upon him by this section and the officers of the Government in the administration of the customs laws, the President is hereby authorized to employ such persons as may be required.

Out of those words grew this Tariff Board, because it was demanded by the great majority of this country at that time. The President took advantage of section 3 to negotiate trade agreements with foreign countries, and he did negotiate. There were exported from the United States in 1909 manufactured articles for further use in manufacturing to the value of $253,000,000; in 1910, $287,000,000; in 1911, $324,000,000. And there was also exported from the United States of articles ready for consumption, in 1909, $467,000,000; 1910, $541,000,000; 1911, $639,900,000; showing a tremendous increase from year to year—a total in 1909 of $720,000,000, in 1910 of $828,000,000, and in 1911 of $963,900,000. We are getting after those foreign markets—the markets of the world—under a live President, who is reaching out for them and using every means in his power granted by the Congress of the United States to bring about those negotiations and those agreements and a better rate on many articles exported to the various countries of the world.

And, superadded to that, our Consular Service has been improved and built up under a Republican administration so well that it is stated—and I believe the statement is not anywhere contradicted—that Emperor William has written a circular letter to his consuls, instructing them to follow the methods of the United States consuls in the same towns where they are, because the American consuls are so successful in extending American trade. [Applause on the Republican side.]

Well, we availed ourselves of that section 3 and appropriated for a Tariff Board, the present board. We went a little further, and we tried to make a permanent law for a Tariff Board, but that failed because of filibuster at the last end of the Sixty-first Congress by a band of Democratic Members, although our side of the House were for it and many on your side. In the Committee on Ways and Means every member was for it, and only one Democrat changed his opinion over night. We wanted the information. Why, even our friends over there wanted it in making a tariff for revenue only. They probably overestimated themselves, because when they got the information they did not know how to use it; but they wanted it then. [Laughter on the Republican side.]

This board went to work. They first went to work on the woolen schedule. Then, one day my friend from Alabama [Mr. UNDERWOOD] brought in his woolen bill—a bill just like this bill, only with a change of the date, as he says—imposing a duty of 20 per cent on wool and a lower rate on manufactures of wool, and he brought in a report here that showed that he believed the effect would be so great in increasing the imports of wool, and especially of woolen goods, that there would be enough coming in to crowd out two-thirds of the American production of wool and woolens in this country—thus deliberately slaughtering the sheep and repeating the operation of the Democratic Party under the Wilson bill, when, in 1894, they destroyed the flocks and shut up the mills.

I can not understand the antipathy of Democratic gentlemen to the mills in this country. I can not understand why they put a duty upon articles that are used only as raw material for manufacture when there is nothing of the kind produced here. I can not understand how they will get up here and shout, "Oh, it will make it a little harder for the manufacturers, but it will tax them, and therefore we put it on." I can not understand this political economy that believes that a workingman will get more wages, or as much, when the proprietor of the factory in which he is employed is running behind every day and anticipating a loss of what money he has invested and the closing of the factory, and is not able to keep the factory running.

Why, you pledged yourselves time and time again not to destroy any industry. The gentleman from Alabama talks about the business of the people, and assures us that the Democratic Party is not going to hurt them, and then he smiles and stabs those people beneath the ribs with his free-trade bills, in which he assures us that there is no protection whatever, and that if any has crept into any bill he did not mean it. [Applause on the Republican side.]

Well, they passed that bill, and then it went over to the Senate, and they jumped it up to 35 per cent on wool, and they finally agreed upon 29 per cent in conference, and got a bill before the President, and then they walked around saying, "Oh, we have put Taft in a hole now. That is the end of him." I told them then in the House that they had given President Taft the opportunity of his life, and he took it. He vetoed your mongrel bill, and he satisfied the country, who wanted intelligent action, upon the report of a Tariff Board, that the country should wait until we got that report before Schedule K was amended. After a while, on the 20th of December, we got the report.

How well I remember what consternation there was on the other side. The gentleman from Alabama [Mr. UNDERWOOD] did not seem to be in the House at the time. The other side did not seem to want to print the report. They had a premonition in regard to it—I do not know why. But finally they got it printed, and then the gentleman from Alabama [Mr. UNDERWOOD] wondered that we could get any consolation out of it. I told him he would find that no Democrat could get any consolation out of that report, after we had heard the summary read, and they can not.

Did they bring in a wool bill right after that? No. Did they take it up right after that? Not at all. They brought in the same old bill. Why, they were paralyzed and dumfounded by that report. It destroyed so many of your theories that you had paraded before the country, swearing that they were the very facts. It destroyed them utterly. One of your theories was that the duty was added to the price in all cases and came out of the American consumer. For the first time this board demonstrated beyond cavil that that was a falsehood.

They showed the difference in cost between this country and abroad by a detailed report on numerous samples. They showed the efficiency of labor. Why, you have been testifying for years—of course, you did not know anything about that, but that did not keep you from testifying for years—that because of the greater efficiency of labor in this country, notwithstanding we paid double the wages, yet the unit of cost abroad was as great as it is here. They got the unit of cost and demonstrated it, taking account of efficiency and wages and everything else, and the unit of labor cost here is found to be double what it is on the other side.

Nothing in the report justified a 20 per cent duty on wool. Nothing justified a 29 per cent rate. The report shows that an equivalent of about 36 per cent is necessary.

The report fully vindicated the President of the United States. British looms run at higher speed. English weavers work at the looms for a lifetime, ours for only a few years on the average. It was the unanimous finding of the board, signed by the two Democrats on the board.

It recommended no rate of duty, but showed conclusively the difference in cost of production here and abroad. It was merciless and conclusive in criticism of ad valorem duties on wools, which impose a greater duty in a high-priced market, when not needed, and a lower duty on wool in a low-priced market, when more protection is necessary. It proved that the specific duty on the "clean content" in raw wools was the best method of assessing duties on wools. It showed that such duties could be collected with certainty and with ease. It disclosed all the facts necessary in drawing a protective or revenue bill. I will quote the words of one of the world's greatest experts, Dr. Richard Schüller, one of a board of three experts in the Austrian ministry of commerce, whose sole work is to make industrial investigations as a basis for tariff legislation. This organization has been in existence for over 20 years, and has been the guiding body in two great revisions of the Austrian tariff:

IMPERIAL ROYAL MINISTRY OF COMMERCE,
Vienna, March 18, 1912.

* * * It is an excellent standard work. The Tariff Board has come within a very short time to the head of all the similar boards

established a long time since in the other countries. It is really true that no legislative body has ever had presented to it a better report on a tariff question. It will be also entirely impossible not to take your results in mind in proceeding to a revision of the tariff. It were a great mistake to stop the work of the board, and it would soon prove necessary to reestablish it. * * *

RICHARD SCHÜLLER.

I do not wonder you looked around for somebody to try to destroy that report. I do wonder that you even stopped at Willis. I know you looked around before you struck him. And then you employed him to check up "our data," as the chairman said, with the report. You employed him to demolish the report. The result is that he has demolished himself, and he has hurt you, every man of you who signed that performance of Mr. Willis', which you now call your report. How many of you would like to get your names off of that document now?

This report of yours is a criticism of the Tariff Board's report on Schedule K from a majority of the Ways and Means Committee of the House written by a free-trade newspaper correspondent. It is mighty unfortunate that this report emanated from a person like the gentleman whom you employed, for it is not entitled to the dignity of a reading, hardly of a reply. The wonder is how it could get itself signed by a majority of the Ways and Means Committee and force for itself a recognition and a hearing which dignifies it into a respectability which it is not entitled to.

The early pages of the document are occupied with political-economy vaporings, which suggests a 10-year-old boy, who, having accidentally parsed a sentence containing the phrase, "the law of diminishing returns," thinks it means something. Whatever value or price cant phrases may have to a space writer on a newspaper that does not deal in news or on a lecture platform "for revenue only," such phrases have little place in a factory producing commodities for the market. To devote a page to showing that "money expenses of production" is a better term than cost of production may have advantages for the compositors in the Public Printing Office, who are paid for setting type by the 1,000 ems.

The cant and pedantry of the introductory essay on political economy could be ignored even though dignified by the indorsement of the Ways and Means Committee if it were not followed by pages of deliberate misstatements not only as to the methods employed by the Tariff Board, but as to the results of its work. Throughout this document the candid statements made by the board in its report as to the difficulties encountered are misused and distorted to make it appear that it is impossible to obtain cost of production, and these distortions are followed by flat statements that it did not obtain costs. This is the whole method of attack upon the sections of the report dealing with tops costs and yarn costs. The board fully and carefully explained the difficulties, the method adopted in meeting them, and in overcoming them so far as that was possible, and then exactly how it arrived at the best possible action in the case, and gives the reasons for believing that substantial accuracy attaches to its figures of costs on these intermediate steps in the manufacturing processes.

One is reminded of Mark Twain's reason for studying the Encyclopedia Brittanica, "because," he said, "to juggle with facts one must first have the facts. I get the facts out of the Encyclopedia, then I juggle them." The "expert" of the Ways and Means Committee got his facts from the Tariff Board report, and then he juggled them. The cloth costs occasion the greatest venom on the part of this party who is able to get behind other men's names as a breastwork. The first attack upon the cloth costs, or cost of conversion from yarn to finished fabric, is contained in pages 28, 29, 30, and 31 of the committee's report.

The first objection is that the board did not use the aggregate output of mills over a long period to determine cloth costs, but adopted a sample basis. In other words, did not get the total cost of an indiscriminate medley of cloths to be used as cost of cloth in the abstract; but secured costs on definite units of production indicated by samples. Since, of course, there is no such thing as abstract cloth, the cost of which can be secured by dividing the output into the expense, as one would do with a coal mine, this objection seems to be that the Tariff Board is not composed of fools. But is this criticism indicative of the method the Ways and Means Committee, as at present constituted, would go at the cost of production of woolen and worsted fabrics? After criticising the board for not using the sample method on tops where it was unnecessary and inadequate, this critic became furious because the sample method was used on cloths.

There are no standards of cloth; each mill turns out a large variety of fabrics, with almost infinite variations in weight, color, and quality. Selecting sample fabrics representative of grades and types of cloth was the only method open to the board for securing cloth costs. Bearing this in mind, let us examine this alleged criticism of the board's work. On page 28 it says:

It is found, therefore, that the board almost wholly dismisses the cost method of analysis when it comes to fabric costs. Instead it submits samples of given fabrics to the mills and permits them to give estimates on the cost of making these fabrics based upon experience with similar operations, but largely conjectural, because in many instances, probably in the majority, the mills had never devoted themselves to manufacturing this particular kind of cloth on which they were asked to furnish cost estimates.

There was nothing conjectural about it. In each and every instance the board had the actual cost on the sample from the books of the mill that made it. In each case the board had the full detailed mill or loom analysis of the cloth by the mill, showing exactly its construction and composition. If the board had no more than this—the actual costs of the originating mill—it would have had cost of production on cloths in this country and abroad, and have had more than Congress ever succeeded in getting before in any tariff hearing or investigation. But not satisfied with that, it took these samples to mills making the same general line of cloths. No mill was permitted to figure on the cost of any sample unless it made practically the same goods itself. The result was that on some samples there were a large number of costs secured, on others few, but always the cost from the original mill. No mill figured on all the samples, each mill selecting from the samples the ones with the manufacture of which it was familiar. The paragraph quoted above it thus seen to be deliberately false.

Now, as to the validity of cloth costs on a sample basis with all the facts as to construction of cloth, weight, quality of wool used, and so forth, being detailed in the specification, it should be reiterated that this is precisely the way every manufacturer figures his costs and fixes his price before he starts in to make up a line of styles for the trade. The Tariff Board did not go at its work in a way to suit this newspaper reporter, who gets a side-line job as "expert" from the Ways and Means Committee, but it did go at it in precisely the way every cloth manufacturer who attempts to keep costs goes at it, and in the only way by which intelligent results can be secured.

The cost reported on these samples was the typical cost in each case as determined by (1) the cost at the mill actually making the sample and (2) costs secured from 4 to 26 other mills making the same line of goods, on each sample. As to how representative these mills were the board prints a complete list of all the mills visited, and anyone who wants to know can examine them. Never in any Government report has there been a more candid and frank showing of just what has been done.

Now, on the foreign costs on American samples, costs were secured from as many mills as were obtainable which had made cloths of the type of the sample. On some samples more mills were secured than on others; in England the number of costs ran from 2 to 8, besides the subsequent checking by another experienced manufacturer.

In France costs were secured from 1 to 7 mills on the samples showing French costs. The foreign samples A to N are German-made cloths, and the German costs were taken direct from the books of the mills making the samples. In every case these mills were exporting goods to the United States, and goods of the grades as shown by these samples. Now, as to the number of American mills which figured the cost of making these foreign cloths in the United States, if you will examine these foreign samples you will know that very few mills in this country make fabrics of this grade. The Tariff Board secured costs from practically every mill in the United States which had made anything which would compare with these samples.

Much stress is laid upon the different methods of bookkeeping as found in the mills as being a bar to the possibility of securing cost of production. Any method of bookkeeping would show total or final cost. Mills that kept no cost accounts at all were not scheduled or considered by the board. Some mills did not keep process costs in the detail contemplated by the board's schedules. This would, however, affect only process costs, which, in the case of cloth, is not important, since there is not salable intermediary product. When the warp is put on the loom there is no salable output until the finished cloth is reached, and if you have the final finished cloth cost it is not important to show the process costs, and the board does not show these process costs even when it secured them.

Suffice it to say that in all new designs and styles of cloth put on the market, sold from small samples and not made up until the jobbers' orders are taken, the selling price is fixed upon cost of production figures secured by the manufacturers in precisely the same way. If it is a good enough method for the manufacturer to risk in taking orders for thousands of dollars'

worth of goods it will have to suffice whether it suits newspaper reporters or not.

In the so-called analysis of the report of the Tariff Board on wool and wool manufactures by the expert of the Ways and Means Committee the following statements are made at pages 9 and 10 (vol. 4):

> Wages and Efficiency of Labor and Machinery in the United States treat a subject which has already been exhaustively discussed by the United States Immigration Commission in reports on the woolen industry, and the Tariff Board undoubtedly drew upon this source. * * * As a contribution to tariff discussion at the present time it has no value. * * * Taken in a general way as showing the status of labor in the woolen and worsted industry it is less comprehensive than the reports of the Immigration Commission.

Notwithstanding the fact that the report of the Tariff Board has been in the hands of the Ways and Means Committee since December 20, 1911, and that the report of the Immigration Commission, following it six weeks later, has been available since February 3, 1912, the statements by its expert show that neither of these reports have received even superficial examination at his hands.

The report of the Immigration Commission is almost entirely sociological. It deals with housing and living conditions of immigrants, their ability to speak English, their illiteracy, their citizenship, their conjugal conditions, the renting and owning of homes, and estimates of probable family income based on statements of weekly earnings made by immigrants and others in which for the week in question "no account is taken of voluntary lost time or lost time from shutdowns or other causes."

Volume 4 of the report of the Tariff Board deals with the experience, productive efficiency, labor cost, and wages, obtained directly from mill books of account for all operatives, and the production in each and every department.

The Immigration Commission report contains no data of this character in any table or text of its preliminary reports, nor in any of the 314 pages of its completed report issued February 3, 1912, six weeks after the publication of the report of the Tariff Board.

All of the Tariff Board data was secured directly from books of account in the mills during the six months from May to November, 1911, while the Immigration Commission material, for an entirely different purpose, was obtained from individual workers and in households mainly during the years 1908 and 1909, several years before the Tariff Board inquiry, and during which period many important changes had taken place in the industry.

And yet this expert, with the facts fully explained in both reports, states that the Tariff Board "undoubtedly drew upon this source," and that wages and efficiency of labor and machinery had already been exhaustively discussed by the Immigration Commission.

The Immigration Commission makes no pretense in a single line or table in its entire report of having obtained, presented, or discussed anything, even remotely, bearing upon the production of a pound of wool in any of its stages of conversion or of the manufacture of a yard of cloth, and does not even name a single machine or operation from scouring to weaving, much less a discussion of the efficiency of a man or a machine.

This expert says that volume 4 "is less comprehensive than the reports of the Immigration Commission." The investigation of the Tariff Board included mills and their employees in all of the New England States, without exception, and New Jersey, New York, Pennsylvania, Ohio, Indiana, Kentucky, Michigan, and Wisconsin, while the Immigration Commission's report includes only the North Atlantic States—omitting Vermont—for its immigration and sociological purposes. The Tariff Board presented data for 164 separate occupations in 44 mills for 35,029 persons. The Immigration Commission uses only a part of a single page in presenting wage estimates for 16 occupations in two mills. This fact alone indicates that in the investigations of the Immigration Commission such data, occupations, wages, efficiency, and machinery used was entirely foreign to its purpose. So much for the lack of comprehensiveness in the report of the Tariff Board.

This "expert" on the Ways and Means Committee says of volume 4 that "as a contribution to the tariff discussion at the present time it has no value," because "it deals only with American conditions." This is a most extraordinary statement and is as ludicrous and superficial as other parts of this ridiculous analysis of the report of the Tariff Board.

The demand for a Tariff Board to ascertain in a thorough and scientific way the facts relating to production was largely owing to the assertion that on account of superior efficiency American labor and American machinery were producing goods at a lower labor cost, notwithstanding higher rates of wages, than our European competitors. Volume 4 is a complete response to every question that has been asked on the subject in every tariff discussion that has taken place in any and all parts of the United States during the past 40 years and have never before been answered. Volume 4 leaves no question relating to American labor and machinery in the woolen and worsted industry unanswered, and, used in connection with the ascertained facts in volume 3, the conditions in competitive countries are made clear and conclusive.

Volume 4 shows that we are not using American machinery in the production of worsted cloth; that we are importing foreign machinery at 60 per cent higher cost to scour, card, comb, draw, and spin the wool; and that this foreign machinery is of necessity operated to a great extent by foreign-born operatives having little or no experience in the mill industry or the occupation. It shows the number of years that the 20,227 machines and looms had been in operation from the number less than 5 years to the number of 25 years and over.

Securing in each establishment the earnings of each employee, the hours worked, the machines operated, spindles run, and the exact production during the period, the accurate labor cost per pound is shown in the production of 168 separate units. Included in this presentation are the pounds produced per one man per hour by the machine operatives and all others. It shows the cost per pound for machine operatives, nonmachine operatives, and the supervisory forces. This is followed by the wages of the three classes of operatives, and from these tables in volume 4 the American people have had solved for them in these 168 units, in all parts of the United States where the industry is carried on, the disputed questions as to whether high or low wages results in a high or low labor cost per pound of products. Yet the "expert" of the Ways and Means Committee and the committee itself has the effrontery to assert in practically so many words that the American people may not make use of these demonstrations in their debates of the tariff; that labor costs, efficiency, and wages have no place as factors in the present-day tariff discussion.

The Ways and Means Committee, and especially its newspaper "expert," with a nose only for sensational surface generalizations, dismiss, like all of his particular kind, the evidence and details of thoroughness shown in the report of the Tariff Board. He is apparently unaware of the fact that the costs of manufacturing tops, yarn, and cloth, shown in volume 3, were obtained in establishments from which the data for volume 4 were secured. He does not know that the labor costs of conversion of tops and yarn in all stages, of the 168 units shown in volume 4, were obtained independently of the costs shown in volume 3, and were used to verify and check the latter.

The study of weaving efficiency in the production of woolen and worsted goods in the United States, as set forth in detail in volume 4, is not alone a most notable and conclusive contribution to the literature of the subject at the present time, when successful shop management demands an efficient day's work to the end that American industry may be successful and extend its operations, but is of the greatest importance in its bearings upon the tariff question and the future of the woolen and worsted industry. If more than 60 per cent of American worsted and woolen weavers are below the average standard of productive efficiency, as shown at page 1052, and if unemployment and migratory movement from place to place and entering into other occupations has caused the employment during each of the past five years of upwards of 130 per cent of persons in the weave room in excess of the required number as shown at page 983, while in competitive countries there is greater stability and immobility and a much higher degree of efficiency among a thousand weavers, owing to their making it a lifetime work in one mill or community, the occupation descending from father or mother to son or daughter for generations, then these facts and conditions become paramount in all tariff discussions of labor costs, more especially in view of the insistence on the superior efficiency of labor in American mills.

If the "expert" of the committee were honest or thorough and conversant with the subject he attempts to treat of he would admit and point out the great value of the data for tariff purposes. But he has no personal knowledge of the industry, while he has a personal animus toward the Tariff Board. He was never in a woolen or worsted mill for over a day, if at all; is a newspaper correspondent, and for some years past has been engaged in writing sensational and abusive political dispatches of a column a day or over to a New York journal. Surely not qualified to act as expert upon industrial conditions of production in American and European mills or to pass judgment upon the work of those who have spent months in the mills for this purpose and years in the study of industrial conditions. For

more than a year he has been wiring attacks on the board to his paper almost daily.

This is the manner of man and his "expert" experience which the chairman of the Ways and Means Committee has used to analyze the work and to pass upon the ability of the experts of the Tariff Board.

In connection with cloths the report is attacked because it employed the sample method, but in connection with the criticism of tops the board is criticized because it failed to use the sample method and to get comparable costs on a "sample of Australian wool." The answer to both criticisms is not far to seek. In figuring the costs on cloths the method universal in the industry is the sample method—that is, the cost of actual samples based on the book costs—while the cost method for a uniform product like tops is based on the bulk. The statement that the figures of the board on the cost of tops is conjectural (p. 22) is true, if figures are conjectural based on several hundred mill returns.

After the board states, with scrupulous care, the causes of variations in costs of combing, the committee report (p. 22) makes a point that the final conclusions are worth nothing because the board admits these variations. It is obvious that had the board been categorical in its conclusions it would have been open to a valid criticism, but that after it admits all the difficulties, it does reach a conclusion which it regards as fair, and it should be conclusive for those seeking not to destroy, but to get a valid expert judgment.

On pages 22 and 23 the writer tries to discredit the board's figures on tops by comparing costs and prices which he himself admits, on page 27, is unwarranted. He also assumes—because his argument needs it—that wool entering into fine tops would cost 50 cents per pound. He might have found, on pages 34 and 35 of the board's report, quotations which show that the very highest priced scoured wool sold in London in 1910 was at 50.7 cents, and that the average was about 45 cents—a difference at least sufficient to destroy his argument. In fact, the very best wool is not required to make the tops discussed by the writer.

On pages 23 and 24 the variations admitted by the board, which are inevitable because, in a complicated industry such as the worsted industry, such variations are unavoidable, are again used to discredit the board's figures. It would seem unnecessary to point out that this is to the credit of the board, and shows that its investigation covered all the factors which cause variation in the industry; but that in spite of this fact it finally reached a conclusion that shows the relative position of the industry in the United States and in England.

The board is attacked for furnishing incomplete yarn costs (p. 24), an attack based on the assumption that the board was expected to give costs on all grades and counts of yarn. This is obviously absurd. The board assumed not to give the costs by which rates could be fixed with mathematical precision on every count, but costs which show the relative position of the industry in the United States and in competing countries, and this is adequately done when accurate figures are given for the principal counts of yarn. The writer of the attack shows his ignorance of the industry in the United States when he accuses the board of not giving costs on the finer counts of yarn. A 2/60's yarn is undoubtedly a yarn of high count, usually made from fine Australian wool; and as for higher counts, they are made in such limited quantities in the United States that the board did not regard a comparison as pertinent.

A good example of the method of this attack is shown on page 25, when the writer makes a point of the fact that a clerical error crept into the mills and tenths of mills column of one of the board's tables. Any bona fide seeker of truth would have assumed that these were proofreaders' mistakes, since the correct figures occurred in two of the preceding tables. And it is also stated in the text of the report on page 650 that the figures are intended to be identical with those quoted on page 648.

On page 25 it is stated that—

> There is no statement as to whether the comparison is based upon mills which are running full time in both countries.

And the critic makes the statement in the face of the fact that in the board's report it prints, at the head of the table from which the figure was taken, "Mill running full." It would hardly seem necessary to point out that, if the English figures are "fairly comparable," as the board says, that they, too, are based on mills running full time.

The writer assumed to say that the board's figures "are largely not comparable," as admitted by the board (p. 25), and this statement is made deliberately in the face of the board's statement that they are "fairly comparable" (p. 650).

On 25 the board's figures are said not to be comparable, because the costs were figures on the basis of different qualities of materials in the competing countries. This would seem to be a deliberate misstatement, for there is nothing in connection with the board's table on page 650 to show that the costs are not based on the same quality of wool, and in the absence of any statement it would seem that a fair-minded man would assume that the figures are comparable.

On page 26 an attempt is made to discredit the cost figures of the board on 2/30's by comparing costs with prices. He takes the board's price quotations for 2/30's at 40 cents, and the cost of converting them at 7.24 cents, and assumes that the cost of yarn material is 32.76 cents, which he says is "far below the average scoured-wool price of Australian wool or fine wool of any kind." To one unacquainted with the technical phases of the industry the board might seem to be discredited. But it is a well-known fact in the trade that 2/30's are not made from fine or Australian wool, but from coarse wool. It is a comparatively heavy yarn and the cheaper wools are used in its production. Furthermore, the writer of the attack, who proves to his satisfaction that the yarn material in 2/30's could not cost as low as 32.76 cents, had on page 22 of his attack quoted the Tariff Board's figures for 30/60's tops (yarn material) at 25.4 cents—28.4 cents, which may fairly be regarded as the material from which 2/30's are made.

On page 27 the writer makes an elaborate calculation on 2/60's yarns to show that the board's costs and the prices do not agree. These deductions are based on two assumptions, both of which are unwarranted:

(1) That yarn and top prices are affected by exactly the same forces and fluctuate together, which is an assumption that no careful statistician would make.

Second. That 2/60's yarn is made from 60's super top. But it requires better tops than 60's super to make 2/60's yarn. Seldom does a manufacturer attempt to spin a top quality to its limit, because the loss in breakage is more than the gain in fine yarn. This fact alone, if it were desired to answer such puerile deduction, would wipe out the difference shown by the "expert." This fact destroys the argument of the "expert" in connection with his table 4 (p. 27). In every case the quality of top used for the yarn would be higher than he assumes, and the discrepancy which he makes so much of would be wiped out.

The part of the attack which deals with the interpretation of the board's report (pp. 33–65) is really a high compliment to the work of the board, for it used the figures of the board to prove to the satisfaction of the "expert" that the rates in H. R. 22195 are proven correct by the report of the board. Thus, after vociferous denunciations and repeated assertions that the figures of the board are not worthy of confidence, confidence is placed in them in order to show that the rates in the Democratic bill are adequately protective to American industry, since they equal the cost of production as found by the Tariff Board. It therefore is evident that the board, and even the economic theory of the President, have from the lips of their enemies perfect praise.

Throughout these pages (pp. 33–65) assumptions and additions are made to the board's figures in order to bolster up the case of the writer. Juggling with figures, however, is harmless, and the interesting thing is that they have been so carefully used. Occasionally there is a misstatement of fact, as to where it is assumed that the cost of growing wool in Australia is 5 cents per pound, when the board says that there is against wool in Australia "a net average charge of but a few cents per pound," and "materially below the average South American," which latter cost is given as "between 4 and 5 cents per pound." (See p. 11, vol. 1.) It is interesting to note that the attack is really an argument for free wool—in which the writer evidently believes—but for some reason the committee thought 20 per cent was necessary.

On page 9 the report refers to the glossary of Schedule K as a compilation containing material which was already available. If he means by this that the material was available in the sense that material is available for writing a history of the United States, he is right. But it would seem that as the research into the sources of American history is regarded as an original and valuable work, so the bringing together of the information regarding Schedule K and the arranging it by paragraphs of the tariff act should also be considered an original and valuable work. The writer of the attack seems to recognize its value by the number of times he uses it.

These guileless colleagues of mine, amiable gentlemen on the Ways and Means Committee, would not have signed that report if they had known the facts in regard to the Tariff Commission report, and then had read this report written for them before they signed it. None of them desires to attach his name

to a deliberate lie, a falsehood. I acquit them. They were too guileless; they were too confiding. They were too terribly anxious to throw some doubt on this Tariff Board, but they did not act with their usual caution and prudence.

After the "expert" has denounced the report from "a" to "z" he finally winds up by asserting that the report is authority for a 20 per cent duty on wool, and according to the majority report that is a protective figure. And so he tries to bolster up the Democratic bill by that unwarranted statement.

The "expert" states in another place that the report authorizes free wool, and that it shows that free wool would do no damage to the industries of the United States, but would equalize the conditions here and in Australia. Then he says that the report shows that wool costs 5 cents a pound in Australia. That is another statement made out of whole cloth. There is no such statement in the report, and no such statement by which any man can fairly argue that it is in the report. I regret that my amiable friends on the other side have been inveigled into signing any such document without knowing what was in it and giving it respectability by signing it.

On page 43 of the committee's report occurs the following:

> The cost of production of wool in Ohio as given by the board is 19 cents, on the average.

This is not true. That figure refers only to the merino flocks of the Ohio region. The average is 15 cents. The report then goes on:

> Inquiries as to shrinkage show that this wool shrinks 46.62 per cent.

And a discussion of net scoured-pound costs follows, based upon that statement. The Tariff Board's report shows plainly that these 19-cent wools of the Ohio region shrink 60 per cent. This is only another evidence of the carelessness with which the board's work is discussed in the committee report.

On page 44 of the committee's report the comment is made that—

> There is nothing to prevent either the western or the Ohio growers from shifting to the crossbred flocks whose profitableness in the United States has been demonstrated to such an extent as to show no net charge against the wool.

No one having the slightest familiarity with flock husbandry in this country would be guilty of making such a statement. It has been demonstrated time and again that crossbred sheep will not thrive and can not be maintained profitably over large areas of the West, and that in the hilly Ohio River region the heavy-bodied crossbred sheep are not adapted to the peculiar conditions there obtaining. Speaking on this very point, the report of the Tariff Board points out, on page 550, that while it is important for the sheep farmers of these hill regions to seek, wherever possible, to produce fat lambs as a means of abating wool costs, there are difficulties, some of them serious, in the way; and some of these difficulties are then pointed out. The peculiar susceptibility of the crossbred sheep to parasitic diseases in the leading agricultural States is of itself a good reason why many of the farmers of this region can not adopt them and must adhere, as in the case of western ranchmen operating under harsh conditions, closely to the merino types.

Now this bill comes in the same as heretofore. In the former bill they had a 20 per cent duty on wool because of the "depleting and depleted" condition of the Treasury. We had a little kindergarten experience here, and I think that nobody that was here then will deny that I educated the chairman of the committee as to the condition of the Treasury and proved that instead of a deficit, as he alleged, we would probably have a surplus of $35,000,000 or $36,000,000 at the end of the fiscal year, June 30 last. I presume they have looked at it since and found that it is over $47,733,642.22 for the last fiscal year. Possibly they have looked into it enough to know that all the efforts at tariff revision, after all the falling off in trade because of their efforts to reduce the duties and destroy business in the country, we are only $10,000,000 behind what we were last year, taking into consideration the amount of revenue from the corporations that has been collected, and that we will have at least $37,000,000 this year.

Your excuse is knocked out and you have not even the "God's truth" of the gentleman from Texas, chairman of the caucus, to rely upon when he swore with that kind of an oath in the House that your caucus resolution was right and that the Treasury was "depleted or depleting" at the time when it was full and overflowing—one of the splendid results of the present tariff-revenue bill.

Well, you have brought in again the same bill, with a 20 per cent duty. Why did you do it? Did you depend on this "expert," Willis? Willis said it was protective. Have you got around to the protection idea? Where are your free-trade notions? Where are the demands and the shoutings for free wool? Why, have you not had cold shivers running through your audiences as you assured them that they were shivering to death because they wanted that great boon of free wool in order that they could have free clothing in the country?

What has become of your free-trade notions on wool? I know that you have passed a buncombe bill taking the tariff off from sugar, but sugar is not the necessity to every man and woman and child that wool is. They must have clothing in preference to candy. There are other articles of food as wholesome as sugar. But you took it off from sugar and put it on wool. You remember the words of your peerless leader accusing you of deception, another name for "perfidy and dishonor." Why did you do it? Did you do it because you could not help it—are you going over to the protection idea, or did you hope to put Taft in a hole? Was that your idea? The country does not care half as much about that as it does about testing your sincerity, about knowing what you believe and knowing whether you are honest or not and fit to be further intrusted with the Government of this country. It is a question whether you are honest; you are not going to put Taft in a hole. Well, here is a chance for you to get lower rates in Schedule K. We have introduced a bill here which is based on the Tariff Board's report, which any intelligent man in this House can understand, and taking that report and reading it you would see that we have endeavored to put on a rate of duty that makes up the difference between the cost at home and abroad.

It occurred to me three years ago when we were making the tariff bill. I had the hearings reopened and called in the experts to see if there was any way that we could arrive at the clean content in an ordinary cargo of wool. One witness said that we could do it within 1 or 2 per cent, and another, a Government expert, said that we could do it within a half or 1 per cent at the outside. I favored the duty on the clear content of the wool at that time. That gets rid of all the inequalities that makes it exactly even on everything we import that has wool in it. It is on the weight of the wool, whether it be in the fleece or whether it be in the tops or in the cloth. It makes no difference whether it is fleece to tops, tops to yarn, yarn to cloth, or cloth to clothing. There is no difficulty in getting at it. It is a matter of little cost to the Government and absolutely easy to determine.

Nearly a year ago I wrote a letter to the Tariff Board suggesting that they examine the question as to whether it was practical to put a tariff on the clean content of wool in the fleece, and asking them to make an examination of the subject and embody the result in their report. This they have done, and the report is unanswerable.

The minority of the committee examined carefully the report and came to the conclusion that 18 cents a pound on the clean content of wool in the grease fairly measured the difference in cost of foreign and domestic wools, taking the whole competing part of wool in each case into consideration. They therefore recommended the duty at 18 cents a pound on the clean content of wool as a basis.

The report then takes up the subject of wool in its various forms of manufacture. It goes into details, showing the waste upon each pound of the clean content of wool in turning wool in the grease into scoured wool, into tops, then into yarns, and then into cloths, and, finally, into clothing. The board found just how much this amounts to on the average, how much waste can be recovered and is useful for other purposes; and they present a statement showing exactly what weight of wool is required to produce a pound of each of the manufactured articles by adding the percentage of waste that is lost in the processes. From this it is very easy to fix the compensatory rates on all manufactured articles which will cover the duty at the clean content rate which is necessary for the compensatory duty on each class of manufactured articles. If you gentlemen will examine closely the compensatory duty in our bill, you will find a very large reduction from the rates under the present law, amounting in some instances to nearly 50 per cent. But we have gone further than that. We provide that this duty shall apply only to the weight of the wool and not to the weight of the cloth, as in the present law. If, for instance, cotton or other vegetable fiber is used, the weight of the wool actually used must be ascertained, and the duty levied on that only. The vegetable fiber is easily ascertained in given samples by the use of sulphuric acid, carbonization, and the removal of the carbon, a simple and easy process and very certain in its results.

The chairman says that we have put a higher rate of duty on the cheaper grades—on the poor man's clothing—than we have on the clothing of the rich. We asserted in the report that the duty was lower on the poor man's clothing, and I am ready to prove it now. There is no juggling with figures by us, and no

juggling with figures can change it. The chairman in his speech presented a table purporting to show the equivalent ad valorem duties on my proposed bill, H. R. 22262.

In paragraph 20 of the proposed bill it is provided that on yarns valued at not more than 30 cents per pound the duty shall be 21½ cents on the wool contained therein, and in addition thereto 10 per cent ad valorem; on yarns valued at more than 30 cents per pound and not more than 50 cents per pound, the same specific rate and in addition 15 per cent ad valorem. But in the table presented by the chairman the last provisions are all falsely classed as on yarns worth over 30 cents per pound, which raises the duty from 15 per cent as rated in our bill to 25 per cent. This is a glaring falsification of the facts of which no expert should be guilty.

In the next subdivision the chairman raises the duty on yarns valued at more than 50 cents per pound and not more than 80 cents from 20 per cent ad valorem, as stated in the bill, to 25 per cent, while more glaring errors are made in his statement on cloths, blankets, and clothing. The statement is wholly unwarranted by the terms of the bill. Further than that, the statement nowhere indicates that the specific duties in the minority bill are on simply the wool content, but it is represented that they are on the total weight of the article.

In paragraph 20 of the bill proposed by us, in the first bracket, the yarn is valued at not over 30 cents per pound. Such pound of yarn consumes 1.2 pounds of tops. Such tops are worth 50 cents per pound. If nothing but wool were used, as indicated by the chairman, you would have 60 cents' worth of tops as the material for 30 cents' worth of yarn. Of course such a result is impossible. A pound of yarn is worth, say, 30 cents. The foreign cost is equal to 10 per cent, as provided for in this bracket. Therefore, of this 30 cents of value 3 cents at least is the cost of conversion, leaving 27 cents for the material. In order to get the cost of material within 27 cents cotton must be used, while waste and shoddy will not do it.

By consulting the report we find that the average price of shoddy in England, per pound, is 16 cents; noils, 21 cents; thread waste, 28 cents; garnetted waste, 39 cents; merino soft waste, 49 cents. These are average prices. It is evident that these can not be substituted to make 30-cent yarns without a loss, and recourse must be had to cotton to hold the thread together. Suppose half is cotton and half is wool, a moderate estimate. The duty on the wool content would be for one-half pound of wool 10¾ cents per pound. Ten and three-quarter cents is equal to 35 per cent ad valorem. This, plus 10 per cent, equals 45 per cent ad valorem. But in the last bracket on yarns, at 80 cents per pound, the all-wool specific duty, at 21½ cents, would be equal to an ad valorem of 27 per cent, plus 25 per cent, or a total ad valorem of 52 per cent.

A similar calculation on cloths shows that the average equivalent ad valorem under the first bracket is 50¾ per cent. In the Underwood bill it is 40 to 45 per cent. Under the last clause, by a similar calculation, the duty is 72 per cent.

Paragraph 22, blankets and flannels, by similar calculation the duty under the first bracket on flannels worth not over 40 cents per pound, the ad valorem is 39.6 per cent, and in the Underwood bill 30 to 35 per cent. In the last bracket the equivalent ad valorem is 77 per cent.

Representative GREEN of Iowa brought in a piece of goods here, valued not above 40 cents, under paragraph 21, clause 1, which was 81 per cent cotton or about one-fifth of which was wool. The duty on this one-fifth of a pound of wool would be 5 cents a pound, or an equivalent ad valorem of 12½ per cent, plus 30 per cent of ad valorem duty, would be 42½ per cent.

In paragraph 23, first clause, clothing valued at not over 40 cents per pound, at least one-half the weight consisting of linings, paddings, and so forth, is cotton. On such cheap goods—the value of a suit of this kind would not be over $3—the duty on one-half a pound of wool would be 12½, its equivalent ad valorem on 40 cents per pound would be 31 per cent, plus 35 per cent, would equal 66 per cent ad valorem. But if one-half the "woolen" goods were cotton, as almost invariably would be the case, the wool in a pound weight of the cloth would be one-quarter of a pound and the duty would be 6¼ cents.

The average ad valorem on 40 cents would then be 15.6 per cent plus 35 per cent, or 50.6 per cent, as the average equivalent ad valorem. Supposing that the linings as well as the cloth were all wool and the duty 26 cents a pound on the whole weight, under the last bracket. Twenty-six cents is 17 per cent of $1.50, which, added to 60 per cent ad valorem, would equal 77 per cent equivalent ad valorem. It is perfectly evident that this provision in the law, which allows duty only on the wool contained in the cloth, will result in an immense reduction of duty, the exact amount of which can not ascertained until the law is put into actual operation and the character of imports coming in under it are ascertained.

The board reports fully on the subject of the different materials entering into the total manufactures of goods, and they present a table by which it appears that nearly 14 per cent during the past year was of cotton. This was a lower average than for the previous years, but to take 14 per cent off the woolen duty prescribed by this bill and off from the calculation made by the chairman in his statement would result in an immense reduction of woolen duties.

The bill which the minority present lets in carpet wools absolutely free. I have heard some whispers of a "joker" in the carpet-wool duty, because the duty collected is 7 cents per pound. The duty under the present law on carpet wools valued at 12 cents a pound or less is 4 cents per pound, and on wools valued at over 12 cents a pound the duty is 7 cents per pound. This has restricted the importation of carpet wools, for the manufacture of carpets, valued at over 12 cents a pound, and has kept our manufacturers of carpets out of the market where the wools are worth 12 cents or over. The only necessity for any duty is that a small percentage, never estimated at over 5 per cent of such wools, are used in manufacturing clothing. These are wools of the higher grades and worth 12 cents or more per pound, because they have wool that can be used in the manufacture of goods as a part of the fleece. We provide that the duty shall be entirely removed, or paid as a drawback, when the wools have been manufactured into carpets, so that the result would be that carpet wools are entirely free unless actually used in the manufacture of clothing. We do this because carpet wools are not grown in the United States to any appreciable extent, and in accordance with the idea of protection there is no sense in keeping a duty upon them, as does Mr. UNDERWOOD in his bill.

Altogether our bill reduces the duties about 40 per cent, and makes large reductions all along the line in manufactured goods. I want to say to my Democratic friends, now honestly, between man and man, you have the opportunity of a lifetime. We will offer our bill as a substitute. That is opportunity No. 1, to vote for a bill which reduces the present duty on woolens 40 per cent, makes carpets free of duty. You have a chance to do that. I shall offer that as a substitute. There is no chance for any jokers in that bill. Everything appears on the surface. There are no compensatory duties that are multiplied. It is simply figured out according to the amount of scoured wool used in making the article. There is no excuse for you. You profess that you want to reduce this schedule. I am showing you how you can do it. Do not be obstinate, do not follow this man who was hired to destroy the Tariff Board and the Tariff Board's report. Do not be reckless and drive the sheep out of this country and shut up the mills. You have professed in a number of platforms that you would not do that, and even the chairman says that he is not going to harm any business interests by all his juggling with the tariff. Make him live up to his profession.

Vote for my motion and send this bill over to the Senate. The Senate will concur in it if you do. You can help us reform this schedule in less than 30 days. What drops of blood you have been sweating because the tariff revision was put off, as you state, almost a year. It is six months. You want to put it off for another year now. Do you dare take the responsibility? It is up to you. You are responsible. Vote for our bill, which is in accordance with the tariff report. That does not give any excessive duty on wool in any shape, raw or manufactured. It simply makes up the difference in the cost. The bill is worked out with infinite care. I know, because I was there. It is worked out according to the Tariff Board's report, which no man can gainsay, because it is fully fortified in every division of it. It simply follows out the facts which they have put upon the record. We have taken the costs as they have laid them down after this thorough care and investigation. Then, after the bill becomes a law, if the people do what you say they are going to do, you can rip things after the 4th of March, 1913. You know, you say you are going to have power, and I do not know but some of you believe it. It is a long road. If you win, you will then have a chance. This is not the end of tariff legislation, but this bill that I offer does reduce the rate; it reduces it 40 per cent.

According to your ideas it takes 40 per cent of burden off the shoulders of the people. We do not agree with you on that "burden," but that is your idea. What excuse is there for your not voting for my bill? You have no excuse for bringing in a bill for a 20 per cent duty on wool. The revenues do not need it. The revenue from wool and manufactures of wool last year was $28,982,552.58. To offset any loss of revenue on our bill, we shall have more than $37,000,000 surplus. We are all right.

Why do you not do it? Why do you not vote for it? What excuse have you to offer why you should not do it? Get some credit from the country for passing good legislation. Good Lord, when you look over the record that you have made since you have been in power we know that you need some. Get some credit for it. Reform this wool schedule.

You can not criticize this bill as having excessive duties. Vote for it. Put it on the statute books and we will have lower duties on wool during the coming winter anyway, and then if the people are foolish enough to give you the power you can reduce the duties just as low as you want to; and the more you reduce them, the more you cut and slash, the more you hire your "experts" like Willis to write a report, the more bills of this kind you bring in, the sooner the country will turn you out and put us in and keep us there for another 20 years. [Applause on the Republican side.]

Mr. KITCHIN rose. [Applause.]

The CHAIRMAN. The gentleman from North Carolina is recognized for one hour.

Mr. KITCHIN. Mr. Chairman, Abraham Lincoln once said:

I rejoice that I live to-day, because I am wiser than I was yesterday.

I do not know whether the gentleman from New York [Mr. PAYNE], who has just taken his seat, and his colleagues on the Ways and Means Committee of this House rejoice that they live to-day to see the Democratic majority adopt a real, honest revision of the tariff downward, but I am pretty certain that they are a little wiser to-day than they were when they passed the Payne-Aldrich Act. I recall that, according to them, that act was the best tariff act that was ever put upon the statute books, and now the very author of that act comes in here after two years of its operation and tells the House and the country that it was so iniquitous, so unjust, so outrageous that he and his colleagues on the committee and in the House have brought in a bill correcting those iniquities and injustices. [Applause on the Democratic side.] I want this House and the country to understand that the Democratic majority here is not responsible for this continued agitation of the tariff. I do not know what place history will assign the distinguished occupant of the White House, but it must record him as the most persistent and conspicuous agitator of the tariff of any man in our country who ever touched public life. In his message to Congress on December 7, 1909, he used these words:

Nothing halts business and interferes with the course of prosperity so much as the threatened revision of the tariff.

The President who uttered in solemn proclamation these words has agitated and made the country and Congress agitate the tariff during every single session of Congress since he has been President of the United States. [Applause on the Democratic side.] And his term, when it ends, by his calling two extra sessions, shall have had more sessions than that of any other President.

He had not been in office 30 days before he made his first call for an extra session to agitate tariff by repealing the Dingley Act, to "halt business and interfere with the course of the prosperity" of our country. In the next regular session he demanded a tariff commission to help him agitate tariff scientifically. Again, at the next session, he agitated tariff and reciprocity, to "halt business and interfere with the prosperity" of the country. In 30 days after its adjournment he called another extra session of the Congress, after the Democrats had secured control of the House, to renew his agitation of the tariff and reciprocity. Then, when we tried to help this President carry out the pledge he and we had made to the people in the campaign and give them an honest revision of the tariff downward, he vetoed every bill that we sent to him in consummation of that pledge. [Applause on the Democratic side.] In these veto messages he reminded us and the country that he was not done with agitation of the tariff and halting business; that he intended at the succeeding session—this session—to send in a message agitating, and directing Congress to agitate, the tariff again. And so he did. When we met in December in came his message agitating the tariff, "halting business," "interfering with prosperity." And now, when we, by the Underwood bill, attempt to fulfill the pledge that we made to the country, fulfill the pledge that the people understood Mr. Taft made in his campaign speeches in 1908, for an honest revision of Schedule K downward, not in the interest of the manufacturers, but in the interest of a failing Treasury and a consuming public, he and the Republican minority here are fighting the bill and propose to offer as a substitute a bill which they themselves confess is not in keeping with their promises, which my friend from Connecticut Mr. HILL, who wrote every line of it, practically admitted in the opening speech for the minority would not relieve the people of this country one penny, but it would take over $4,000,000 out of the Federal Treasury, which is now suffering by Republican extravagance a deficit of over $14,000,000, and put it in the pockets of the protected sheep barons and manufacturers of this country. [Applause on the Democratic side.]

Still, not satisfied with this persistent, senseless agitation of the tariff, he asks us to appropriate $60,000 more for his Tariff Board, so that at the next and last session of his term he can again agitate the tariff, "halt the business," and "interfere with the prosperity" of the country. Mr. Chairman, I challenge any man on this floor to point out one sentence, one line, one word in a single speech made by the Republicans on this floor in favor of their proposed substitute in which they declare that it will bring one penny of relief to the people of this country. If you will show to me, Mr. HILL, Mr. LONGWORTH, Mr. PAYNE, one single line in all of your speeches defending your bill, in which you give either the Treasury or the people, suffering under the extortions and iniquities of the Aldrich-Payne Act, the faintest hope that they will get one penny of relief, I will do the meanest thing I have ever done since I have been a Member of Congress, I will vote for your old sham revision bill. [Applause and laughter on the Democratic side.] Ah, but they say the Underwood bill is not in conformity with the findings of the Tariff Board. Whence and why this great cry for the Tariff Board. For more than 100 years tariff measures have been written, without a suggestion of the need of a Tariff Board. For 50 years you Republicans have written the tariff laws of the country, with never a complaint of the lack of information, with never a demand for a Tariff Board. You wrote the Morrill Act, the McKinley Act, the Dingley Act, increasing the duties with each successive act, all without the aid of a Tariff Board. With the advent of the Taft administration, pledged by campaign promises to a real, honest revision downward, you came in extra session in 1909, and without the aid of or demand for a Tariff Board put upon the statute books the Aldrich-Payne Act.

Mr. Chairman, when for nearly a half a century, decade after decade, and Congress after Congress, our opponents were piling higher and heavier the tariff taxes and burdens on the backs of the millions of American people they needed no Tariff Board, but when the free, patriotic electorate of our country, awakened to the iniquities and inequalities of the Aldrich-Payne Act and aroused against legislative robbery under the guise of protection, by the election of 1910 commissioned this Congress to reduce these taxes and remove these burdens, from that moment to this, from the throat of every standpat Republican and every tariff-enriched baron throughout the country, went up the cry of "Tariff Board! Tariff Board!" [Applause on the Democratic side.] They needed no Tariff Board to increase the tariff burdens, and we need none to remove them. [Applause on the Democratic side.]

Shall we wait, shall we make the people wait, for a board appointed by a President who declared the Aldrich-Payne Act the best tariff law ever enacted, to find facts to convince us that a tariff tax on the class of the woolen cloths, woolen underwear, woolen blankets, which more than four-fifths of our people buy and must have, ranging from 75 per cent to 100 per cent, is wrong and should be reduced?

Shall we wait, shall we make the people, in these hungry days of the high cost of living, wait until the President's board find facts to convince us that a tariff tax of 4 cents a pound on bacon and hams and 25 per cent on flour, kept on by the President and his party since 1909, at the demand of the big packers and flour mills is a cruel outrage? If the sham revision bill proposed by the minority for the pending measure is written, as its authors claim, "in exact accordance with the report of the Tariff Board," and should become a law, how long shall we make the people wait for this board to reverse itself and find facts to convince us that a tax of from 72 per cent to 95 per cent, which this substitute levies on the clothes, flannels, and blankets of the poor and needy, is unjust and inhuman?

Every man in this country knows that neither the President nor the Republican Party wanted a tariff board to give them information as to how to honestly revise the tariff downward in the interest of the consumer. Every man of sense knows that they wanted some board, some tribunal, that had the appearance of disinterested impartiality to stand as a buffer, as a shield, between them and their high prohibitive protection substitute.

Let me call the attention of the House and the country to a portion of the President's message of last August vetoing the wool bill:

I was elected to the Presidency as the candidate of a party which in its platform declared its aim and purpose to be to maintain a protective tariff by "the imposition of such duties as will equal the difference between the cost of production at home and abroad, together with a reasonable profit to American industries."

Why did you eliminate the guaranty of "reasonable profits" in your report? Why did you fail to refer to it in your speeches? You did not have the courage to proclaim it publicly in your report and speeches, but you had the cunning to secure it in your substitute bill. This, gentlemen, was the main point that the President emphasized in his message—the guaranty of "a reasonable profit" to the trusts and manufacturers. I read further:

I have always regarded this language as fixing the proper measure of protection at the ascertained difference between the cost of production at home and that abroad, and have construed the reference to the profit of American industries as intended, not to add a new element to the measure stated or to exclude from the cost of production abroad the element of a manufacturer's or producer's profit, but only to emphasize the importance of including in the American cost a manufacturer's or producer's profit reasonable according to the American standard.

Who fixes these standards? The Havemeyers, of the Sugar Trust; the Armours and the Swifts, of the Meat Trust; the Whitman and Woods, of the American Woolen Co.; the Garys, of the Steel Trust, fix the standard of the manufacturer's or producer's profits, reaching all the way from 20 and 30 and 50 and sometimes 100 per cent per annum.

Mr. Taft, by solemn message to Congress, pledges the trusts and manufacturers that as long as he is President no tariff bill shall become law that does not guarantee to them a profit in accordance with the standard fixed by them. This substitute bill makes the same guaranty.

If we must have a Tariff Board to help carry out the Republican platform and this last pledge of Mr. Taft, why not have a practical one—a board that knows what the American standard of profit is and how to maintain and guarantee by law that standard? Why not have a board composed of the Havemeyers, the Garys, the Armours, the Whitmans, and Woods. They would be the best and most practical experts to carry out the Republican platform under the President's direction. [Laughter on the Democratic side.]

Mr. Chairman, they tell us that they want a Tariff Board in order to take the tariff out of politics. Nobody ever heard the Republican Party talking about taking the tariff out of politics until the intelligence and patriotism of the American people in 1910 took it out of Congress [applause on the Democratic side] and determined to take it out of the White House in 1912. [Applause on the Democratic side.]

I want to say to you gentlemen you will never take the tariff out of politics as long as the Republican Party is determined to serve the trusts and manufacturers and let them write the tariff laws of this country to enable them to plunder the American people. [Applause on the Democratic side.] Never since 1816 has the tariff been taken out of politics except in 1846, when the Democracy of the Nation, here in this Capitol, had the patriotism and courage to enact, in the face of the prophecies of ruin and disaster made by the manufacturers, the Walker Act. In spite of the appeals and threats and bullyings of the special interests, whose agents had gathered here from every quarter of the country, it dared to write into the law the principle that a tariff tax should be levied only for the purpose of revenue for the Government with the least burden to the people. Under its beneficent operation the country prospered as never before or since. In the decade following manufacturing interests doubled and the wealth of the country more than doubled, marking the greatest increase in the history of our Government. The people were happy and contented. Tariff agitation ceased, and in less than 12 years there was not a protection tariff champion either in the Senate or in the House. Senator Clement Clay, of Alabama, in a speech in the Senate advocating repeal of the fishing bounties, made this observation:

The doctrine of protection is exploded and is without a party in the country or an advocate in either branch of Congress.

Gentlemen, we are not going to let you take the tariff out of politics until a law is again written upon the statute books that every dollar that is levied under the tariff shall be levied for the purposes of the Government only, and not a dollar shall be exacted from the people for the manufacturer's tribute. [Applause on the Democratic side.]

The President says, "We must follow the Tariff Board." The Republican Party echoes. "We must follow the Tariff Board." Let me ask, When did the Tariff Board become sacred and infallible and inviolable? I charge that the President himself repudiates and spits upon the findings of his Tariff Board whenever it suits his purposes. He has discredited and repudiated it by his solemn act and deliberate declaration. Did not the Tariff Board report against free wood pulp and print paper, and declare that the difference between the cost here and the cost in Canada of print paper was $5 a ton? And did not the President come to a Republican Senate and a Democratic House last summer and demand that wood pulp and print paper be put upon the free list, in direct conflict with his Tariff Board's finding? [Applause on the Democratic side.]

Did not this Tariff Board report that the difference between the price of grain products, especially wheat and barley, in America and in Canada was 10 cents a bushel? And did not the President ask you and us to repudiate that finding and to put grain on the free list? [Applause on the Democratic side.] He made a speech on July 4, in Indianapolis, after that report of the Tariff Board was published, after he had carefully read it, which speech was published as a Senate document, and in that speech he declared in the very face of the board's findings that there was no difference; that the prices of both our wheat and Canadian wheat were fixed alike by the markets of the world and were unaffected by the tariff? Candor compels me to say, however, that in my opinion the President was right and the board was wrong.

Mr. Chairman, I do not wish to enter into lengthy criticism of the Tariff Board's report on Schedule K, because I have not the time. I could stand here all the afternoon and show its absurdities and its inconsistencies. Yet the Tariff Board was not so much to blame. This board is the creature of the President. It acts under his direction. He did not order this board to investigate the relation of the tariff to prices, the relation of the tariff to the revenues of the Government, the relation of the tariff to the consuming public. He did not tell them to go out to the woolen mills and see what enormous profits they were making what dividends they were paying, how much watered stock they had issued, how much reduction of the tariff they could stand. He did not direct them to investigate labor conditions in the woolen mills and the relation of the tariff to such conditions. He confined them to the narrow, partisan limits of finding facts to justify Republican protection. He directed them, according to his message transmitting to Congress the report—

to investigate industrial conditions and costs of production at home and abroad, with a view to determining to what extent existing tariff rates actually exemplify the protective-tariff principle, viz, that duties should be made adequate, and only adequate, to equalize the difference in the cost of production at home and abroad.

He had explained in his previous message, vetoing the woolen bill, that the "difference in cost" should include the manufacturer's profit according to the American standard.

He told them to go out and find facts that would justify the the Republican protective tariff, and they did as they were directed to do. They wrote a brief in favor of a standpat Republican protective tariff.

Now, let me show you some of the absurdities and inconsistencies in this report of the board. Remember that this Tariff Board was demanded by protectionists. It was created by protectionists. Its members were appointed by a protectionist, the President, who declared that the Aldrich-Payne Act was the best tariff bill ever enacted. Its members, or a majority at least, are high protectionists. The experts that it employs are most of them Republican protectionists, and one is a retired woolen manufacturer. This is the man whose name the gentleman from Connecticut [Mr. HILL] would not give the other day.

He doubtless knew him, and knew, too, that a retired woolen manufacturer from Massachusetts, a high protectionist, was in the employ of this Tariff Board to help them investigate and make a report which should justify and "exemplify the protective principle." This is the manufacturer, no doubt, to whom the gentleman from Iowa [Mr. PICKETT] referred when, during the speech of the gentleman from Connecticut [Mr. HILL], he asked—I am reading from the official reporter's notes:

Is it not a fact that in making these examinations the Government had two experts, one a practical manufacturer acquainted with the process of manufacture and the other a practical accountant?

The gentleman from Connecticut [Mr. HILL] replied:

Absolutely.

[Applause on the Democratic side.]

This nonpartisan Tariff Board, as President Taft had directed, sent out protectionist experts to find facts to sustain Republican protection on wool, and they did it with a vengeance. More than two-thirds of our annual production of wool is grown in the West. Wyoming, Montana, Idaho, and Oregon are the great wool-producing States. From these States come the loudest clamorers for high protective tariff on wool. From the State of Wyoming hails Senator WARREN, who, as the late Senator Dolliver said, "is the greatest shepherd since Abraham." He is a sky-wall protectionist. Wyoming is the greatest wool-producing State in the Union. With a population about half as large as that of my district, she produces more wool annually than all the 13 Southern States, with the great States of Illinois, Indiana, and Iowa thrown in. The millionaire sheep barons of Wyoming want protection on wool, and they want it mighty bad and mighty high. A reason for maintaining the present high protection and an excuse to increase it, if possible,

must be given by some disinterested, impartial tribunal. Now comes this "nonpartisan," infallible, President's Tariff Board and deliberately finds and solemnly proclaims, in the report, on page 330, that, according to its method of calculation, in Wyoming it costs 12.4 cents per pound to produce wool, while in the State of Washington it costs less than one-twentieth of a cent. Think of such an absurdity—that it costs over two hundred and forty times more to produce a pound of wool in the great wool-producing State of Wyoming than in the State of Washington.

It finds that it costs in the woolgrowing State of Idaho 17.3 cents per pound, while in Nevada only 4.1 cents. Four times more in Idaho than in Nevada and three hundred and forty times more than in Washington.

Let us take the other two great wool-producing States of the West, Montana and Oregon. In Montana the board finds that its costs twice as much to produce a pound of wool as in California, three times as much as in Nevada, and two hundred and sixty times as much as in Washington.

In Oregon they find that it costs two and a half times as much as in Nevada and two hundred times as much as in Washington.

O Mr. Chairman, how can the millionaire tariff mendicants of these four woolgrowing States survive without high protection? But what else does the President's nonpartisan, infallible board find? They report, pages 11 and 330, that in Wyoming, the largest wool-producing State in the Union, in the State of the world's biggest flockmasters, in the State where woolgrowing has for years been considered and lauded as a great money-making industry, the sheep barons, exclusive of the loss of the capital invested in lands for the industry, make on the capital invested in the sheep and wool industry a gross profit of only the pitiful sum of 4 per cent. Deducting the lost interest on capital invested in land, it would be less than 3 per cent.

In Montana, a State that stands second in wool production, they make, according to the report, exclusive of the loss of interest on capital invested in lands, only 5.6 per cent; in Oregon, 4.7 per cent; and in the State of Idaho, the State of Senator HEYBURN, the great tariff standpatter of the West, not counting the loss of interest on capital invested in land, the big shepherds made only eight-tenths of 1 per cent in these high days of Republican prosperity under the Aldrich-Payne Act. [Applause on the Democratic side.] Why, gentlemen, there is not a man outside of the insane asylum who does not know—even a Republican ought to have sense enough to know—that these findings are ridiculous absurdities and that the Tariff Board was imposed upon by the big protection flockmasters of the West. [Laughter and applause on the Democratic side.]

What else? They find that in the 11 States of the West that produce two-thirds of the wool in the whole country, not deducting the loss of interest on capital invested in lands, the woolgrowers on the capital invested in the industry made, on a general average, only 6¾ per cent gross profit. Gentlemen, these absurd findings and figures are enough to discredit, in the estimation of any intelligent man, the findings of this "nonpartisan" board.

You know, and I know, that under a protective tariff of 11 cents a pound on wool that they would make more in Oregon than 4 per cent, more in Idaho than eight-tenths of a cent, more in Wyoming than 4 per cent, more in Montana than 5 per cent, and more in the great West than 6.2 cents gross profits. And yet, in the face of these findings, you stand here and ask us to treat sacredly this Tariff Board report. Touch it not, handle it gently. There is not an honest man among you that believes there is one single word of truth in these calculations it makes. [Laughter and applause on the Democratic side.] Let me quote from page 11 of the report:

> In western United States the capitalization per head of sheep (exclusive of land) is $5.30, upon which a gross product of 6.2 per cent was realized during the 12 months under review.

And then adds:

> The interest rate in that region ranges from 8 to 10 per cent per annum.

Why, then, do not the big flock masters sell out, loan their money out at 8 to 10 per cent and thereby make, certainly in Wyoming, Montana, Oregon, and Idaho, from 100 to 200 per cent more profit than they are now making in the sheep and wool industry? Does the board wish us to believe that the sheep barons of the West, like the Warrens and the Smoots, are in the business only as philanthropists and patriots, serving the country and the people by maintaining, at a loss, a needed American industry? The truth is, Mr. Chairman, the big, influential tariff-begging shepherds of the West have imposed on that board just like the American Woolen Co., known as the Woolen Trust, and other representatives of the woolen association imposed upon it.

Let me call your attention further to the board's report. They say, on page 11, that in the United States the average cost of a pound of wool is 9½ cents; in South America, between 4 and 5 cents; and in Australia, the largest competitor we have, from which the largest portion of our high-grade wool comes, the very country they ought to have carefully investigated, they do not know, they could not find out, but believe it is "materially lower than in South America." They could not find out the cost of production in Australia—our greatest competitor—but they could find the cost in South America, Wyoming, Montana, Idaho, and Oregon. They leave it to my friend HILL and his colleagues on the committee to guess at it, so that they could put the tariff on wool just as high as the Woolgrowers' Association demand. To show another evidence of the board's ridiculous inconsistency, turn to page 343. Though on page 11 they state that the production of wool in South America costs from 4 to 5 cents per pound, and materially lower in Australia, more than 50 per cent lower than in the United States, on page 343 they say that "in Australia the average price per pound net to the grower is 18 cents," and "in South America 17 cents," while in the United States it is only 16 cents. And yet these gentlemen come in with their substitute and put a tariff of 18 cents per pound on the clean contents, which is over 9 cents per pound in the grease, to protect us against Australia and South America, when the Tariff Board report here shows that Australian wool ought to have 2 cents a pound and South American wool 1 cent a pound protection against us. [Laughter and applause on the Democratic side.]

Mr. MONDELL. Mr. Chairman, will the gentleman yield to me for just one question?

Mr. KITCHIN. If the gentleman is right quick about it I will. Since he lives in Wyoming, in such a poor sheep and wool growing State, and where the flockmasters make so little money and are so impoverished, I am going to yield to him out of charity. [Laughter on the Democratic side.]

Mr. MONDELL. Mr. Chairman, I understood the gentleman to say that no one believed the figures of the Tariff Board as to the returns in the Mountain States on sheep growing, and of course I did not want that statement to go unchallenged——

Mr. KITCHIN. Go ahead and ask your question.

Mr. MONDELL. Because I simply wanted to say that, so far as I am concerned—and I know something about it—I think those figures are substantially correct, and since this Democratic Congress came in we have not been making that much.

Mr. KITCHIN. Let us see. I am going to show you either how credulous you are or with what little intelligence you represent the wool industry of Wyoming. As an honest man, do you believe that the board is right in finding that it costs in your State 12.4 cents a pound to produce wool and in the State of Washington it costs less than one-twentieth of 1 cent a pound, or 240 times as much in your State as in Washington? As an honest man, do you believe that? [Applause on the Democratic side.]

Mr. MONDELL. Mr. Chairman, I do not understand, but I have known something about the wool business in Wyoming for a great many years, and I have never believed that you could grow wool in Wyoming for less than about 15 to 16 cents a pound—that is, the class of wool that we grow.

Mr. KITCHIN. Then this Tariff Board again discredits the gentleman's intelligence on the subject of woolgrowing in his State, because they say that Wyoming raises it for 12.4 cents a pound. Evidently the gentleman does not know what he is talking about if the Tariff Board is correct. [Laughter on the Democratic side.]

If any honest man outside the insane asylum will put his hand on his conscience and say, "I believe that the woolgrowers of the State of Washington can produce wool for less than one-twentieth of 1 cent a pound, while in the great wool-producing State of Wyoming it costs over 12 cents a pound," then I say that he ought either to be in the asylum or in the Republican Party. [Laughter on the Democratic side.]

Mr. COOPER. Mr. Chairman, will the gentleman state on what page of the Tariff Board's report he finds that statement of one-twentieth of 1 cent a pound?

Mr. KITCHIN. It is in the table on page 330.

Both Mr. HILL and Mr. LONGWORTH said in their speeches a few days ago and Mr. PAYNE this morning said that the bill which they propose to offer as a substitute for the Underwood bill is drawn in exact accordance with the findings of the Tariff Board. I challenge each one of these gentlemen to look at the report from beginning to end and find upon any page a single inference, a single intimation that you are justified in putting 18 cents a pound on the clean contents of wool, or 19 cents a pound scoured. [Applause on the Democratic side.] I recall the other day that my friend from Connecticut [Mr. HILL] during

his speech said to the gentleman from Nebraska [Mr. NORRIS], who was sitting in front of him, "I want your vote"—surely he does want the insurgent votes—"but I do not want your vote unless I tell you the truth. Read this quick, read it quick," and putting his finger on a certain page of the report asked Mr. NORRIS to read it as a justification for the 18 cents duty per pound.

Why, Mr. Chairman, there is not the slightest suggestion in that portion of the report he read that 18 cents was the proper rate. The Tariff Board was simply giving an illustration how to work out compensatory duties for the manufacturers, saying that, "for example," if you put a duty of 15 cents on scoured wool, the compensatory will be so much; if you put a duty of 16 cents a pound, it will be so much; and they ran up the illustrations to as high as 25 cents duty per pound, but they never recommended or suggested the rate you took.

They tell us and would have the consuming public to believe that they, by their proposed substitute, have reduced the tariff on the wools of classes 1 and 2, these being the finer grade wools, and given the sheep barons of the West less protection. Let no man be deceived by such assertions. I shall show you that this alleged reduction is only apparent and not real; that they provide in effect the same rate, the same protection which the Aldrich-Payne Act gives, and write into this bill the exact duty which the big wool interest demanded. Do my Republican friends know one Theodore Justice? Of course every Republican on the committee knows him. But for fear my Democratic colleagues and some Republicans in the House do not, I will introduce him. He is one of the rankest of high protectionists. For years he has been a star witness and adviser before the Republican Ways and Means Committee, representing the wool producing as well as the manufacturing interests. He appeared before the committee at its hearing in 1909 saying that he also "held a power of attorney to appear for the Woolgrowers' Association." He knows what the big shepherds want. He sent to each member of the Ways and Means Committee a statement, a copy of which I hold in my hands. It is dated December 22, 1911. He says:

> The President hints at an average duty of 20 cents a scoured pound on wools of the first and second class. This would, in fact, be an increase on the present duty rather than a decrease. * * * Growers would be delighted if the duty upon all wool could be fixed at 20 cents scoured, for then they would have more protection than they have at present.

He then adds and proves that, considering the shrinkage of the wools imported for the last five years under the operation of the Aldrich-Payne Act, the duty actually paid per pound "is only 19 cents scoured." This would delight the big flockmasters. This is the rate Theodore Justice favored. This is the rate the big wool interests demanded and this is the rate fixed by the Republican substitute bill. Every minority member of the committee is intelligent enough to know that this substitute makes no practical reduction; that, considering the shrinkage of the wool imported for the last five years, the 18 cents per pound on the clean contents and 19 cents per pound on the scoured carried in the substitute, is exactly the rate which the imported wool of these two classes for the last five years actually paid under the Aldrich-Payne Act. The Tariff Board, on page 382, plainly demonstrates this. And yet they persist in asserting to the House and the country that they by their bill reduce the tariff on wool and the protection to the woolgrowers.

They tell us that they have in their substitute put wool of class 3, under the Aldrich-Payne Act—designated now in the substitute as class 2—known as carpet wool, on the free list. But where and how? Certainly no such provision can be found in their bill. But they say that they have practically put it on the free list by providing that if the wool is made into carpets, rugs, druggets, and the like, the manufacturer shall be allowed a rebate of the duty paid. This is true. The bill does contain a rebate clause, which in its operation gives to the manufacturer free of duty the wool that goes into the making of carpets, rugs, druggets, and so forth.

Mr. Chairman, I desire here to expose as infamous a piece of deception, inequality, and injustice as was ever concealed in the innocent and unsuspecting language of a bill. We recall that the gentleman from Connecticut [Mr. HILL], who is reputed to be the author of the substitute, in the opening speech in favor of it, holding it aloft, declared with great glee, "Here is one tariff bill that contains no joker," and with an air of triumph challenged any Democrat to find one in it. I accept the challenge and assert with absolute assurance that the very section which the gentleman and his colleagues on the committee claim and assert puts wool of class 3 practically on the free list, actually increases the tariff on the wool that goes into the poor man's cloths and blankets over the Aldrich-Payne Act 75 per cent. [Loud applause on the Democratic side.]

Last year 96,000,000 pounds of this wool were imported, many million pounds more than of wool of classes 1 and 2.

The Aldrich-Payne Act provides that this wool, if valued not more than 12 cents per pound, shall pay a duty of 4 cents per pound. Most of the 96,000,000 pounds imported in 1911 were valued at less than 12 cents and was therefore dutiable at 4 cents per pound. This is known as carpet wool, but millions of pounds go into the making of cheap clothes and cheap blankets. Now, this substitute, proposed by the Republican minority of the committee, on page 4, section 8, actually increases the duty on this wool from 4 cents to 7 cents per pound; that is, 75 per cent—"the duty shall be 7 cents per pound," says the bill—the highest duty ever put upon this class of wool. [Loud applause on the Democratic side.] This so-called free-wool rebate clause, of which gentlemen seem so proud and boast so much, provides that if this wool is made into carpets, rugs, druggets, and so forth, for the rich and well to do the tariff of 4 cents per pound under the Payne Act is removed and no duty shall be paid; but if it is made into cheap cloths and cheap blankets which the poor must have and are only able to buy, a duty, increased from 4 cents over the Payne Act to 7 cents in the proposed substitute bill, must be paid. [Loud applause on the Democratic side.]

Gentlemen, I challenge any Republican on the committee or in this House to give a single reason or excuse why any bill should contain such a miserable piece of deception and injustice as this. [Applause on the Democratic side.] You have increased the price of wool that goes into the poor man's cloths, blankets, and flannels from 4 cents to 7 cents and removed the duty of 4 cents on the wool which goes into the rich man's carpet, and neither by your report nor your speeches have you dared the slightest mention of it. [Applause on the Democratic side.]

Somebody has imposed upon the gentleman from Connecticut [Mr. HILL], who wrote this bill, and imposed upon the Republican members of the committee who indorsed and reported it.

No patriotic progressive Republican who really wants to give the people relief by giving them cheaper cloths, cheaper flannels, and cheaper blankets can afford to vote for this substitute. I will not discredit the integrity of either the gentleman from Connecticut [Mr. HILL] or any other member of the committee who reported this substitute, by charging that they were the real authors of the bill, and especially that joker provision. If they knew of this joker and its effect and did not disclose it to the House, they have not enough integrity for honest men to follow, and if they reported the bill without detecting it, they are too ignorant for intelligent men to follow. [Applause on the Democratic side.]

That provision was inspired by some one in the interest of the millionaired sheep barons of the West, and if the gentleman from Pennsylvania [Mr. DALZELL] and the gentleman from New York [Mr. PAYNE] and the gentleman from Ohio [Mr. LONGWORTH], minority members of the Ways and Means Committee, will do my friend from Connecticut [Mr. HILL] like they did my friend from Michigan [Mr. FORDNEY], who put the joker in the lumber schedule of the tariff bill in 1909, they will have the gentleman coming in this afternoon and withdrawing this infamous joker. [Laughter and applause on the Democratic side.] But they say that they have written their substitute in exact accordance with the Tariff Board's findings. I challenge any man on this floor to point out on what page of the Tariff Board's report, in all its 1,500 pages, is there a suggestion or intimation that the duty on wool of the third class should be increased. What else do they do by this joker provision? It loses, according to the purpose and statement of its authors, over $4,000,000 revenue to the Federal Treasury. The gentleman from Connecticut [Mr. HILL] and his colleagues boasted of the fact that the Government would no longer get revenue from this class of wool; that this wool was noncompetitive—it did not compete with our woolgrowers—that the tariff benefited none except the Government in securing revenue.

My friends, if has been my observation that nothing in this world makes a Republican madder than to see an honest dollar of taxes go where it properly belongs—into the Federal Treasury. [Applause on the Democratic side.] And nothing delights him more than to see it diverted from the Treasury and go where it does not belong—into the pocket of some tariff-fattened favorite. [Renewed applause on the Democratic side.] We know well enough why a rebate of duty was given; that is, free wool, if made into carpets. That was to help the carpet manufacturer and the rich who buy carpets. This is admitted by its authors. But why was the increase of 75 per cent made in the wools that went into the poor man's clothes and blankets? I will tell you. The sheep barons of the West demanded it, and up went the increase, ingeniously concealed in section 8 of the

substitute, and reference to which was adroitly withheld in the report and speeches of its authors.

The National Association of Woolen Manufacturers held a big banquet in this city at the New Willard in February, 1911. The chairman of the Tariff Board, my distinguished friend, ex-Speaker CANNON, and about 30 stand-pat Representatives and Senators were present. Senator WARREN, of Wyoming, the greatest flockmaster of the world, the most distinguished representative of the Woolgrowers' Association, was one of the star speakers. He opposed, in behalf of the flockmasters of the West, any reduction of the tariff on wools of the third class. He declared that these wools were used to make cheap clothes and cheap blankets and thereby came into competition with the wool of Wyoming and other Western States. The big shepherds of the West demanded that these foreign wools, out of which clothes and blankets are made, should be taxed out of our markets. In obedience to that demand the Republican members of the committee make this outrageous increase of from 4 to 7 cents per pound, this increase of 75 per cent, to enable these millionaire sheep barons of Wyoming and the West to exact larger tribute from the millions of poor men and women and children in this country, who need and are only able to buy the cheaper clothes and underwear and blankets. And they have the audacity to propose such a bill in the face of the horrible, appalling conditions of the working people developed at the recent hearings before the Rules Committee in regard to the Lawrence strike. Hundreds of boys and girls who worked in the woolen mills at Lawrence were thrown out of employment by the strike and out on the charities of the world. A lady, a trained nurse, was sent to Lawrence by some institution of charity to take some of these children to New York so that they could be properly cared for during the strike. She gathered up 119 of these little, cold, emaciated waifs, operatives in the big protected woolen mills, and out of these 119 little boys and girls, in the rigors of a Massachusetts climate, in the midst of one of the bitterest winters ever experienced, only 4 had undergarments on and 115 had not a thread of underwear about their little freezing bodies. [Loud applause on the Democratic side.]

It was further testified that only 20 of them had overcoats and the outer cloths were almost in rags. And this under a Republican protective-tariff system in the city of Lawrence, the high citadel of protection and the great center of wool manufacturing. The hypocrisy of the old Republican plea that protection is written and maintained in the name and in behalf of the workingman is emphasized when we reflect that some of these boys and girls worked in mills that were daily manufacturing woolen underwear and clothes. [Applause on the Democratic side.]

I denounce it as a crime against humanity to increase, as this substitute proposes to do, in the interest of the sheep kings of Wyoming and the West, by 75 per cent, the tariff tax on the very kind of wool millions of the poor must have. [Applause on the Democratic side.] What else does this substitute do? On cheap clothes, dress goods, flannels, underwear, and blankets which more than 80 per cent of our people use, on the clothes, flannels, and blankets which those poor children of Lawrence should have, it levies a tariff tax of from 75 to 97 per cent, while on the fine clothes, underwear, and blankets which are used by the minority Members who wrote and presented this substitute it levies a tax of only 41 to 65 per cent. Mr. Chairman, the people of all parties, aroused against the iniquities of Schedule K of the Aldrich-Payne Act, have demanded a real, honest revision downward, a revision that will give relief to the consuming public. How do the Republicans answer this demand? They bring in a bill which its authors admit will not increase importations one dollar nor reduce prices to the consumer one penny. By their own admission it is a sham revision, with which to fool the people and at the same time to satisfy the wool and woolen interests. Mr. Chairman, I venture the opinion that no fair-minded man can study this proposed substitute without reaching the same conclusion as I have, that it is a masterpiece of false pretense, injustice, and inequality. [Prolonged applause on the Democratic side.]

The CHAIRMAN. The time of the gentleman has expired. All general debate has closed on the bill. The Clerk will now read the bill.

The Clerk read the bill, as follows:

Be it enacted, etc., That on and after the 1st day of January, 1913, the articles hereinafter enumerated, described, and provided for shall, when imported from any foreign country into the United States or into any of its possessions (except the Philippine Islands and the islands of Guam and Tutuila), be subjected to the duties hereinafter provided, and no others; that is to say:

Mr. MANN. Mr. Chairman, I offer the following amendment, which I send to the Clerk's desk.

The CHAIRMAN. The gentleman from Illinois offers an amendment, which the Clerk will report.

The Clerk read as follows:

Strike out lines 3 to 9 and insert:

"That the act entitled 'An act to provide revenue, equalize duties, and encourage the industries of the United States, and for other purposes,' approved August 5, 1909, be, and the same is hereby, amended by striking out all of the paragraphs of Schedule K of section 1 of said act, from 360 to 395, inclusive of both, and inserting in place thereof the following:

Mr. MANN. Mr. Chairman, this is a mere matter, in one sense, as to the form of the bill, but in other respects it goes to the merits of the proposition. When this bill was introduced under its old number at the special session of Congress last year I called the attention of gentlemen to the fact that as the bill was not, and did not purport to be, an amendment to the existing tariff law, if the bill were enacted it would repeal the maximum and minimum provisions of the law, as well as set aside the law relative to the treaty with Cuba. When the bill went into conference it was changed so that there was inserted in the bill in conference practically the provision which I have now offered.

When the metal-schedule bill was reported to the House at this session of Congress it was reported as an amendment to the existing tariff law and provided for striking out certain paragraphs in that law and inserting in lieu thereof the paragraphs in the bill. When the chemical-schedule bill was reported to the House it contained the same phraseology, and when the sugar-schedule bill was reported to the House it contained the same phraseology.

The amendment which I have offered is simply to provide that the provisions of this bill shall be in lieu of the provisions of the existing law, as an amendment to that law, by striking out the provisions in the law relating to Schedule K and inserting in lieu thereof the provisions of this bill. That would save the maximum and minimum provisions of the law. It would save the treaty with Cuba, and it would save various other administrative features in the Payne tariff law which are contained in this, and would conform with the proposition which the Ways and Means Committee have adopted in their recent bill, since I called their attention to the matter, when they reported this bill in the first instance.

Mr. UNDERWOOD. Mr. Chairman, the other administrative features of the Payne bill do not affect Schedule K. It was not necessary to make this bill an amendment to the Payne bill in order to bring into it the administrative features of the act, nor does the treaty with Cuba seriously affect this bill either way, as there are no wool imports from or exports to Cuba that amount to anything. For that reason the bill as originally written was written as an independent bill, and there is no reason to change it.

Mr. Chairman, I move that the debate on this paragraph do now close.

The CHAIRMAN. The gentleman from Alabama moves that the debate on this paragraph close. The question is on agreeing to that motion.

The motion was agreed to.

The CHAIRMAN. The question now is on agreeing to the amendment offered by the gentleman from Illinois [Mr. MANN].

The question was taken, and the Chairman announced that the noes seemed to have it.

Mr. MANN. Mr. Chairman, I ask for a division.

The committee divided; and there were—ayes 52, noes 60.

So the amendment was rejected.

Mr. CANNON and Mr. SHARP rose.

The CHAIRMAN. The gentleman from Ohio.

Mr. SHARP. Mr. Chairman, I offer the following amendment, which I send to the Clerk's desk.

The CHAIRMAN. The gentleman from Ohio [Mr. SHARP] offers an amendment, which the Clerk will report.

The Clerk read as follows:

In line 12, page 1, strike out the word "twenty," and insert in lieu thereof the word "thirty."

Mr. SHARP. Mr. Chairman, nearly a year ago, in the consideration of a bill identical with the one before us to-day, it was my pleasure and opportunity to offer an amendment exactly as I have offered this to-day.

I wish to say that it seems to me that that amendment was then, as now, justified. At that time, during the consideration of the bill in the House, no one seemed to know or could even hazard a guess as to what the Senate would do, but after much discussion and argument in that body and later between the conferees a bill was finally reported back which upon this item imposed a duty of 29 per cent.

It seemed to me that in a certain sense it was a rather puerile play, because it impressed me that neither side wanted

to make a concession that would be above or below a certain figure, so they stood out for their opinions a little too punctiliously, and made it 29 instead of 30 or 35 per cent. But be that as it may, the duty finally agreed upon was substantially the same as this amendment that I have offered.

The bill went to the President, and for the reasons which he afterwards stated in his veto message, he disapproved of that bill. Since then the Tariff Board, the lack of a report from which seemed to be the obstacle in the way of the President's approval, has made its report, and while I have not read entirely that report, I am fairly familiar with its provisions as they relate to raw wool more especially, and I still am of the belief that a 30 per cent duty would be wiser, more equitable, and more just than a 20 per cent duty.

Indeed, it is a matter of regret to me that this proposed legislation, as it concerns the duty on raw wool, is necessarily so connected in the bill that the much needed reforms in the way of reductions on the manufactured goods included in this schedule, and I believe in the main justly provided for, can not be secured without being compelled to vote for the measure in its entirety upon its final passage in the House. However, this fact should not deter any Member, regardless of his party affiliations, from expressing his views upon any portion of the bill or endeavoring, by amendments, to correct any inequalities which in his judgment lie against the bill. It is because I believe that, in this particular duty as it applies to raw wool, a substantial gain can be made in the revenues of our Government, as well as a more just consideration given to our woolgrowers, I have made this amendment in good faith.

I listened with much interest to what the gentleman from North Carolina [Mr. KITCHIN] stated on the floor a while ago, and I observed that whereas much of his argument was based upon the fact, as he claims, that there is a trust, amounting to a monopoly, in the control of western wool, yet let me say for the Ohio woolgrowers that such is far from the fact. We have in Ohio to-day, I think, something like 4,000,000 or 4,500,000 sheep. They are divided into small flocks, averaging from 75 to 100, and I suppose there are from 40,000 to 50,000 sheepgrowers in the State.

I wish to say in their praise that I am in hearty accord with all that my distinguished colleague from Ohio [Mr. WILLIS] said in his speech of last Saturday night as to the benefits that the Ohio woolgrowers have conferred upon that great industry in the United States, because they have placed their products at the very top of perfection and excellency; and I feel to-day that the woolgrowers of this country are engaged in an industry that is basic in its importance, not only as furnishing clothing for our people, but also food products; and in this latter capacity, as a food supply, it is in active competition with the so-called Beef Trust.

It seems to me from the point of revenue that this bill, in so far as this particular duty is concerned, unnecessarily results in a loss amounting to several millions of dollars annually.

The CHAIRMAN. The time of the gentleman from Ohio has expired.

Mr. KENDALL. I ask unanimous consent that the gentleman may proceed for five minutes.

Mr. UNDERWOOD. I have no objection to the gentleman proceeding for five minutes, but I ask unanimous consent that debate on this paragraph close in 20 minutes.

The CHAIRMAN. The gentleman from Alabama [Mr. UNDERWOOD] asks unanimous consent that debate on this paragraph close in 20 minutes.

Mr. CANNON. The gentleman can close debate at any time. As I understand it, there is no disposition to delay. I think the gentleman had better wait a while and let it run a little longer.

Mr. MANN. I suggest to the gentleman that this is the raw-wool proposition, and there will probably be more debate upon that than upon any other paragraph of the bill.

Mr. UNDERWOOD. Then I ask unanimous consent that debate on this amendment close in five minutes, and that the gentleman from Ohio have the five minutes he wants.

The CHAIRMAN. The gentleman from Alabama asks unanimous consent that debate close on this amendment at the end of five minutes. Is there objection?

There was no objection.

The CHAIRMAN. The gentleman from Ohio [Mr. SHARP] is recognized for five minutes.

Mr. TOWNER. Will the gentleman yield?

Mr. SHARP. My time is very limited.

Mr. TOWNER. My question is entirely a friendly one.

Mr. SHARP. What is the gentleman's question?

Mr. TOWNER. I should like to know whether the gentleman would not consent that the figures be placed at 29 cents instead of 30?

Mr. SHARP. I am willing to consent to anything that will in a measure do justice to my constituents, whose interests I am trying to fairly represent here to-day.

Mr. TOWNER. Will the gentleman consent that his amendment read 29 cents instead of 30 cents?

Mr. SHARP. I am perfectly willing to have that.

Mr. MANN. We can not consent.

Mr. SHARP. I will cite the estimate made in the report of the majority of the Ways and Means Committee, which places the amount of imports for the ensuing year at practically $66,000,000 under a duty of 20 per cent.

In looking back over the amount of imports in the year 1910 I find that under the higher and existing tariff there were, in round figures, but $47,000,000 worth, and in 1911, $29,572,000 worth. It must follow, necessarily, that if the estimate in this tabulated statement here is correct, then in order to reach this great sum of $66,000,000, which is nearly 50 per cent higher than it was in 1910 under the Payne tariff law, we must get a very largely increased amount of our wool from other countries. If that is true, we must of necessity get a very much smaller supply from our own sheep raisers in this country. That proposition would seem to follow of necessity, else we would find that we must have in prospect the wearing of two suits of clothes where we now wear one. I can not but believe that the anticipated revenues to come from this source, as estimated in the report, are too high.

There is one other argument I wish briefly to present, and that is that our sheep raisers are not exporters of wool. We import all that we use in excess of our home production. Several planks in our Democratic national platform have, in substance, reiterated from time to time that we were in favor of free trade where a trust controls the manufactured articles or where the articles manufactured here are sold in foreign countries at a less price than they are sold at home. But it certainly is not begging the question and it is not in violation of that platform that I am advocating a duty still reducing the present rate by fully 30 per cent instead of a more radical reduction amounting to 55 to 60 per cent. It is my earnest hope that though denied in this House, yet by the time this bill comes back from the Senate we will have at least such a duty as equals that in the bill passed at the former session of this Congress. And I want, by way of prophecy, to say that it occurs to me now that the only thing that will prevent a substantial agreement between the conferees of the two Houses will be the question whether the duties shall be specific or ad valorem. I must confess I do not understand the practical working out of these two methods in accurately determining the dutiable status of raw wool sufficiently for me to decide which would be the best plan. It seems to me that both of them have holes in them, so to speak—both of them have defects—but as far as my examination of the subject has gone it appears to me that it might be more satisfactory to have a specific duty levied upon the pound of wool rather than an ad valorem.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Ohio [Mr. SHARP].

The question was taken; and there were on a division (demanded by Mr. SHARP)—ayes 44, noes 56.

So the amendment was lost.

Mr. FRENCH. Mr. Chairman, I offer the amendment which I send to the Clerk's desk.

The Clerk read as follows:

Amend by striking out lines 10 to 13, inclusive, and inserting in lieu thereof the following:

"1. All wools, hair of the camel, goat, alpaca, and other like animals shall be divided, for the purpose of fixing the duties to be charged thereon, into the two following classes:

"2. Class 1, that is to say, merino, mestiza, metz, or metis wools, or other wools of merino blood, immediate or remote, Down clothing wools, and wools of like character with any of the preceding, including Bagdad wool, China lamb's wool, Castel Branco, Adrianople skin wool or butcher's wool, and such as have been heretofore usually imported into the United States from Buenos Aires, New Zealand, Australia, Cape of Good Hope, Russia, Great Britain, Canada, Egypt, Morocco, and elsewhere, and Leicester, Cotswold, Lincolnshire, Down combing wools, Canada long wools, or other like combing wools of English blood, and usually known by the terms herein used, and all wools not hereinafter included in class 2, and also the hair of the camel, Angora goat, alpaca, and other like animals.

"3. Class 2, that is to say, Donskoi, native South American, Cordova, Valparaiso, native Smyrna, Russian camel's hair, and all such wools of like character as have been heretofore usually imported into the United States from Turkey, Greece, Syria, and elsewhere, excepting improved wools hereinafter provided for.

"4. The standard samples of all wools, which are now or may be hereafter deposited in the principal customhouses of the United States, under the authority of the Secretary of the Treasury, shall be the standards for the classification of wools under this act, and the Secretary of the Treasury is authorized to renew these standards and to make such additions to them from time to time as may be required, and he shall cause to be deposited like standards in other customhouses of the United States when they may be needed.

"5. Whenever wools of class 2 shall have been improved by the admixture of merino or English blood, from their present character, as represented by the standard samples now or hereafter to be deposited in the principal customhouses of the United States, such improved wools shall be classified for duty as class 1.

"6. If any bale or package of wool or hair specified in this act, invoiced or entered as of class 2, or claimed by the importer to be dutiable as of class 2, shall contain any wool or hair subject to the rate of duty of class 1, the whole bale or package shall be subject to the rate of duty chargeable on wool of class 1; and if any bale or package be claimed by the importer to be shoddy, mungo, flocks, wool, hair, or other material of any class specified in this act, and such bale contain any admixture of any one or more of said materials, or of any other material, the whole bale or package shall be subject to duty at the highest rate imposed upon any article in said bale or package.

"7. The duty on all wools and hair of class 1, if imported in the grease, shall be laid upon the basis of its clean content. The clean content shall be determined by scouring tests which shall be made according to regulations which the Secretary of the Treasury may prescribe. The duty on all wools and hair of class 1 imported in the grease shall be 18 cents per pound on the clean content, as defined above. If imported scoured, the duty shall be 20 cents per pound.

"8. The duty on all wools of class 2, including camel's hair of class 2, imported in their natural condition, shall be 7 cents per pound. If scoured, 19 cents per pound: *Provided*, That on consumption of wools of class 2, including camel's hair, in the manufacture of carpets, druggets and bockings, printed, colored, or otherwise, mats, rugs for floors, screens, covers, hassocks, bedsides, art squares, and portions of carpets or carpeting hereafter manufactured or produced in the United States in whole or in part from wools of class 2, including camel's hair, upon which duties have been paid, there shall be allowed to the manufacturer or producer of such articles a drawback equal in amount to the duties paid less 1 per cent of such duties on the amount of the wools of class 2, including camel's hair of class 2, contained therein; such drawback shall be paid under such rules and regulations as the Secretary of the Treasury may prescribe."

Mr. FRENCH. Mr. Chairman, this amendment, in brief, is to substitute the language of the minority members of the committee down to and including paragraph 8, page 4, of the bill that they have framed, with the exception of one amendment on page 4, to wit, striking out the word "nineteen," in line 8, and substituting the word "twenty."

Mr. Chairman, I am gratified with the report of the Tariff Board upon the matters that I deem are of vital importance in connection with shaping a wool-tariff bill. Nearly a year ago in this House I offered an amendment to the bill, similar to the pending one, which was pending at that time, in which I sought to provide a tariff that would recognize scoured wool as the true basis for a duty; and also that would recognize the principle of a specific duty instead of that of an ad valorem duty.

It is a matter of great satisfaction to me that the Tariff Board, after very careful inquiry made by that board into the whole subject, has come out squarely in favor of both propositions—in favor of a duty on scoured wool, and in favor of a specific duty. The necessity for a specific duty is to give protection to our producers when protection may be needed. The ad valorem duty fails in that particular because it gives highest protection when it is not needed and denies protection when it is needed.

There is one modification, however, that I have made in this amendment from the amendment that I offered a year ago, and that is this: At that time I offered an amendment placing a duty of 25 cents per pound upon the scoured wool, and I have now used the language of the bill prepared by the minority members in placing 18 cents on the clean content, but 20 cents on a pound if imported scoured. In other words, I have reduced the amount in the amendment that I offered a year ago from 25 cents to between 5 and 7 cents per pound. At that time I recognized, as did others in this House, the necessity for a modification of Schedule K. At that time, even without waiting for the report of the Tariff Board, I was willing to help in framing a law that would meet the conditions. I went so far that I brought down on my own head criticism of those interested in the industry, but I believed I was right then, and I believe now I was right then.

The CHAIRMAN. The time of the gentleman has expired.

Mr. FRENCH. I ask unanimous consent that I may have five minutes more.

Mr. UNDERWOOD. Mr. Chairman, I ask unanimous consent that debate on this amendment be closed in five minutes.

The CHAIRMAN. The gentleman from Alabama asks unanimous consent that debate on the pending amendment close in five minutes. Is there objection?

There was no objection.

The CHAIRMAN. The gentleman from Idaho asks unanimous consent that his time be extended five minutes. Is there objection?

There was no objection.

Mr. FRENCH. With that earnest desire on my part, I voted for the amendment that I proposed. It is needless to say that it did not become a part of the bill as finally passed by this body. To further emphasize my earnestness in a desire to bring about a reasonable modification of Schedule K I voted with the majority Members of this body and helped send the Underwood bill to the Senate, hoping that in some way the two Houses, in considering that question, might get together upon a bill that would relieve the situation, correct the evils in the present law, and bring about a condition that would be satisfactory to the people of this country. We all know the result, that the bill as finally passed did not meet the Executive approval, and we are again considering the question, but with the additional light that the Tariff Board has furnished.

Mr. WILLIS. Will the gentleman yield for a question?

Mr. FRENCH. I will.

Mr. WILLIS. What rates are provided for in the amendment offered by the gentleman?

Mr. FRENCH. The language of the bill introduced by the minority of the committee with the rate of 18 cents on the clean content and 20 cents a pound on the imported and scoured wool. I will say that the last figure is my own, raising the figures from 19, as in the minority bill, to 20 cents per pound.

Mr. WILLIS. And that is the only change?

Mr. FRENCH. That is the only change. This House approaches the subject with more opportunity for wisdom than it did a year ago. We have the report of the Tariff Board, which has given to this country more information and better information upon this question than was ever assembled by any body hitherto.

We are now able to consider the question upon that information which we have in our possession. I recognize that my amendment of a year ago was abundantly safe, so far as the wool producers were concerned, and now as the result of the study that the board has made I am willing to say that it was higher than probably the Tariff Board's report will sustain.

I want to suggest to the majority Members of this body that you are facing a condition that we all recognize should be relieved. You say that Schedule K is wrong. I say that it is wrong. You know what happened to the bill that was passed by this Congress a year ago. As I emphasized my earnestness then in joining with you to send your bill to the Senate, there to receive the consideration of that body, I want to ask the majority Members of this body if they are in deep earnestness and not playing politics to stand on the report of the Tariff Board, which board they supported in a preceding Congress, and send a bill to the Senate that the Senate will pass and the President will approve. [Applause on the Republican side.]

The CHAIRMAN. The question is on the amendment offered by the gentleman from Idaho.

The question was taken, and the amendment was lost.

Mr. CANNON. Mr. Chairman, I desire to move a pro forma amendment to strike out the last word. In five minutes I can not in detail criticize the bill reported by the majority committee or the one recommended by the minority. Frankly, in my opinion neither proposition has received that attention which it ought to command and would command if it were supposed for a holy minute that legislation touching Schedule K were really going to be enacted.

Much has been said about the Tariff Board. A report from any source of knowledge is always apt. I believe, in this instance, the report to be a valuable one, being based on a careful investigation of the facts, and if I could have my way about it I would have the committee take into account these facts, together with all other information gained by diligent inquiry, and consider the same in framing a bill; but the report of the Tariff Board has been ignored.

I do not approve of the bill proposed by the majority. It was framed for purposes of political capital and without proper consideration. It was begotten in secrecy and delivered by force of a caucus. I think it will never prove a viable child, and I hope it will not. The gentleman from Alabama [Mr. UNDERWOOD] who reported this bill differs radically from myself. He is not in favor of the principle of protection. I am for protection for every American industry—protection high enough, broad enough, and upon so firm a foundation that it will really protect every American industry.

It was my fortune a few months ago to visit the Yazoo section of the Mississippi River. I studied with some interest the levees. They have been raising them higher and higher, and they have been strengthening the banks with mattresses, because when time of trial comes a great broad stretch of country would be damaged by the great flood unless the levees were high enough and strong enough to confine the water to the channel. Any levee that does not meet the attack of the high water is of no account, just as any tariff bill professing to be a protective measure that does not shut out the cheaper products of the world affords no protection. [Applause on the Republican side.] This bill is not a protective measure, and does not profess to be. Oh, yes; it may involve "incidental protection" or something of that kind to catch votes.

Much has been said about the small wage paid to the factory hand in this country. It is not as high as we all would wish it might be. It is enough to insure better labor conditions in the United States than exist anywhere else on earth—so good that a million of the Caucasian race, from across the water, come here annually to avail themselves of the wage scale of the United States.

[The time of Mr. CANNON having expired, by unanimous consent he was granted five minutes more.]

The fact of the tremendous immigration to our shores answers all the speeches which have been made in criticism of labor conditions. Some may say that labor is oppressed in this country; but I ask, Why, then, does labor come to this country? Gentlemen may talk about the distress at Fall River, at San Francisco, New York, or any other portion of the country. Distress is with us always and has been from the beginning, but, after investigation, I have no hesitation in saying that there is less distress among the 90,000,000 people in the United States, on farm and in factory, than anywhere else on God's footstool. [Applause on the Republican side.] Some may argue that under Democratic tariff legislation labor will get the same wages for making a particular product and will buy other products made by labor at a less cost. Mr. Chairman, the American people are intelligent. They know that that is the cheapest kind of demagoguery and misstatement. The laborer making a particular product for a good wage can not expect to sell his product to another laborer unless that laborer also receives a good wage. And I truly state that wages received and prices paid for products consumed in the United States make our citizenship more comfortable than elsewhere in the world. New York, the great Empire State, is the greatest in production in the United States and in population. I asked my friend here from New York [Mr. MALBY] what evidence they had there of the well-being of the multitude—those who live in the sweat of their faces. He tells me that there are $1,600,000,000 of the savings of the men who labor in the savings banks in New York and that there are nearly 3,000,000 depositors. [Applause on the Republican side.]

I am surprised to see gentlemen from the old North State and elsewhere south of Mason and Dixon's line opposing the protective principle. Thank God, under that policy of the Republican Party we have reached the stage that we have. In North Carolina, which furnishes us Representative KITCHIN, in Georgia, in South Carolina, and elsewhere throughout the South the quickening hand of protection is diversifying your industries. Oh, you weep crocodile tears about the duty on salt. Salt can be had at a dollar a barrel, which is less than you can transport it for 5 miles in a two-horse wagon. Duty on salt! Great Heavens! During the great contest for the Union there was a salt famine down South, and the cry was for salt, salt, salt. Yet God Almighty had deposited salt almost without limit in Louisiana and other sections of the southern country. You had never had but the one industry, however, and were hungry for salt. A new era arrived with the close of the Civil War. The American people in the South began to diversify their industries and are now beginning to reap the reward; but let me say to you that whatever becomes of this bill, whatever is the result of tariff agitation, if you could write your tariff policy on the statute books there would be insolvency and bankruptcy, and the people, having learned that kindergarten lesson, would come almost as one individual to demand the restoration of the policy of protection. Even Brother KITCHIN, if he should serve in Congress 20 years from now, and I should live to be 100 to serve with him—even he, with better-informed mind than he has now, I venture to say, would stand for the policy of protection. [Applause on the Republican side.]

One word more, Mr. Chairman, before the hammer falls. I shall vote for the motion to recommit the pending bill to the Committee on Ways and Means with instructions to report the bill suggested by the minority of that committee, for I am satisfied from a somewhat hurried examination of the two bills that the one suggested by the minority, from the standpoint of protection and the well-being of the country, is immeasurably superior to the pending measure.

Mr. CAMPBELL. Mr. Chairman, I take this opportunity to go on record on this bill. I shall have no other, as I have a pair with the gentleman from Georgia [Mr. HARDWICK]. If he were here, he would vote for the majority bill. I would vote against it. If he were here, he would vote against the motion to recommit and report the bill prepared by the minority members of the Committee on Ways and Means on data supplied by the Tariff Board. I would vote for that motion to recommit and to substitute that bill, because I regard it as right.

I am not a new convert to a tariff board or a tariff commission. I introduced a bill in this House in 1906 providing for the establishment of such a board. I was in favor of it then, and I am in favor of it now. I was a protectionist then, and I am a protectionist now, and while I have a desire to maintain the standard of our living I shall continue to be a protectionist. The tariff provided for in the bill prepared by the minority members of the Committee on Ways and Means on information supplied by the Tariff Board measures the difference between the cost of producing wool and woolens in the United States and in competing countries. That is the policy announced in 25 Republican State platforms in 1910. It is the policy announced unqualifiedly by the Republican State platform in my own State. It is a policy that the leader of the Republican Party, President Taft, stands for to-day. Men of all parties now look upon this way of making a tariff law when they are not looking at it from a political standpoint. Everyone knows that this is the only safe way to deal with a tariff schedule that involves a great industry. We have progressed from the trade and barter method of making a tariff law. Every leader and every believer in the Republican Party is now in favor of revising the tariff one schedule at a time on information furnished by a tariff commission.

Col. Roosevelt announced day before yesterday his firm belief in protection for all our industries and for revision on information that enables Congress to prepare a law that takes into account conditions of competition, and make it sure that none of our industries will suffer. [Applause.]

MESSAGE FROM THE SENATE.

The committee informally rose; Mr. MCGILLICUDDY having taken the chair as Speaker pro tempore, a message from the Senate, by Mr. Crockett, one of its clerks, announced that the Senate had passed the following resolutions (S. Res. 271):

Resolved, That the Senate has heard with profound sorrow of the death of the Hon. ROBERT LOVE TAYLOR, late Senator from the State of Tennessee.

Resolved, That a committee of 12 Senators be appointed by the Vice President to take order for superintending the funeral of Mr. TAYLOR.

Resolved, That as a further mark of respect his remains be removed from Washington to Nashville, Tenn., for burial, in charge of the Sergeant at Arms, attended by the committee, who shall have full power to carry these resolutions into effect.

Resolved, That the Secretary communicate these resolutions to the House of Representatives and transmit a copy to the family of the deceased Senator.

Resolved, That as a further mark of respect to the memory of the deceased Senator the Senate do now adjourn.

And that, in compliance with the foregoing, the Vice President had appointed as said committee Mr. LEA, Mr. BACON, Mr. CULBERSON, Mr. SUTHERLAND, Mr. BOURNE, Mr. BRADLEY, Mr. OVERMAN, Mr. JOHNSTON of Alabama, Mr. FLETCHER, Mr. PAGE, Mr. WATSON, and Mr. KERN.

THE WOOLEN SCHEDULE.

The committee resumed its session.

Mr. UNDERWOOD. Mr. Chairman——

Mr. GRAY. Mr. Chairman——

Mr. UNDERWOOD. How much time would the gentleman like?

Mr. GRAY. About 10 minutes.

Mr. UNDERWOOD. Then, Mr. Chairman, I ask unanimous consent that all debate on this paragraph close in 10 minutes and the gentleman be recognized for that time.

The CHAIRMAN. Is there objection to the request of the gentleman from Alabama? [After a pause.] The Chair hears none.

Mr. GRAY. Now, Mr. Chairman, I wish to direct my attention to this branch of the tariff question. I listened this morning to Mr. PAYNE's explanation of the great importance of this Tariff Board. The men who revised the tariff upward under a pledge to the people to revise it downward are now before us with a substitute bill and posing as zealous reformers seeking the true facts and unbiased advisement as the basis of tariff legislation they tell us that a tariff board is absolutely necessary to obtain reliable data. Then, why did they turn a deaf ear to the appeals made for a tariff board to them in the Sixtieth Congress, and refused even to allow a bill reported for the consideration of the House? Why did they vote down a tariff-board plank at their Chicago convention in 1908 and expunge it from their platform? Why did they pass the Payne law and report it out of this House without one word, one sentence, or one line to provide for a tariff board if a tariff board is absolutely necessary to obtain reliable tariff data? [Applause on the Democratic side.]

And why did they reject every amendment offered in the Senate to the Payne bill to provide power to investigate the tariff and authority to obtain reliable tariff data? Why did

they reject the amendment offered in the Senate to the Payne bill to give this body the name and style of a tariff board instead of the meaningless term "such persons"? Why did they even object to calling it a tariff board? Why did they vote down this amendment? Why did they reject the amendment offered in the Senate to the Payne bill to make the members of this body independent appointees of the President instead of mere servile tools and dependent employees subject to the absolute dictation and control of one-man power? Why did they object to making this body an independent board? Why did they vote down this amendment if a tariff board is absolutely necessary to obtain reliable tariff data? [Applause on the Democratic side.]

Why did they reject the amendment offered in the Senate to the Payne law in these words:

And such persons shall have power to examine witnesses under oath and to compel the production of books and papers.

Why did they object to the examination of witnesses under oath? Why did they object to the production of books or papers? Why did they object to proceeding with even the common formality to observe truth and to guard against error if they are seeking the true facts and unbiased tariff advisement?

And why did the House conferees, led by Mr. PAYNE himself, refuse to concur in the only amendments which the Senate permitted to go into the Payne bill and which might have been construed to give power to investigate the tariff or authority to obtain reliable tariff data? Why did the House conferees, led by Mr. PAYNE himself, refuse to concur in the amendment which the Senate permitted to go into this bill in these words:

Such persons shall have power to make thorough investigations and examinations into the production, commerce, and trade of the United States and foreign countries, and all conditions affecting the same.

Why did they object to any investigation or any examination into either production or commerce or trade of the United States or of any foreign nation or of any condition affecting the same? [Applause on the Democratic side.] Why did the House conferees, led by Mr. PAYNE himself, move to strike out these words? Why did they vote to strike them out, and why did they strike them out? [Applause on the Democratic side.] And why did the House conferees, led by Mr. PAYNE himself, also refuse to concur in the amendment which the Senate had permitted to go into the Payne bill in these words:

And information which will be useful to Congress in tariff legislation.

Why did they object to obtaining any information useful in tariff legislation? And why did the House conferees, led by PAYNE himself, move to strike out these words? Why did they vote to strike them out, and why did they strike them out [applause on the Democratic side], if they are in good faith seeking the true facts and unbiased advisement as the basis of tariff legislation, and if a tariff board is absolutely necessary to obtain reliable data? [Applause on the Democratic side.]

And now, Mr. Chairman, they come before us with a body which they have refused even to allow called a tariff board or given a name expressive of the duties to be performed by a tariff commission, and the members of which they have refused to allow made the independent appointees of the President, to act as an independent board, instead of mere servile tools and dependent employees, subject to the absolute dictation and control of one-man power.

The CHAIRMAN. The time of the gentleman has expired.

Mr. MANN. Mr. Chairman, I ask unanimous consent that the gentleman may proceed for five minutes.

Mr. UNDERWOOD. Mr. Chairman, the understanding was that debate on this paragraph should close in 10 minutes, and I ask the gentleman how much time he desires.

Mr. GRAY. I will close as soon as I answer the gentleman from New York in regard to this Tariff Board, and I do not believe it will take very long. [Laughter and applause on the Democratic side.]

Mr. PAYNE. Mr. Chairman, I will join in the request that the gentleman have five minutes additional.

Mr. UNDERWOOD. I have no objection.

The CHAIRMAN. The gentleman from Illinois asks unanimous consent that the gentleman proceed for five minutes. Is there objection? [After a pause.] The Chair hears none. [Applause.]

Mr. GRAY. Mr. Chairman, they come before us this morning with a body which they now call a Tariff Board, but which is without power to examine witnesses under oath, without power to compel the production of books or papers, without power to proceed with even the common formalities to observe truth or to guard against error, without power to make any investigation or any examination into either the production or trade or commerce of the United States or of any foreign nation, or of any condition affecting same, and without power to obtain any information useful in tariff legislation, and which they have affirmatively denied any of the duties of a Tariff Board to perform, and thus stripped of every vestige of power to investigate the tariff and every semblance of authority to obtain reliable tariff data, and they tell us on the floor of this House this morning that they are in good faith seeking the true facts and unbiased advisement as the basis of tariff legislation, and that their Tariff Board is absolutely necessary to obtain reliable tariff data.

And thus, stripped and denuded of all legal sanction, force, and vitality, the provision which finally became a law as a part of the Payne bill, and which, it is claimed, authorizes and empowers the appointment of a tariff commission to investigate and report upon the tariff, and under which over half a million dollars has been expended in securing the voluntary statements of interested parties, not under oath, is as follows:

To secure information to assist the President in the discharge of his duties imposed upon him by this section and the officers of the Government in the administration of the custom laws the President is hereby authorized to employ such persons as may be required.

And, too, it must be understood that this provision is a part of section 2 of the Payne law, which relates wholly and exclusively to the maximum and minimum tariff rates established by that section, and in which all and the only duty imposed upon the President and with which he is charged is the duty of enforcing such rates against foreign nations accordingly as such nations may be found discriminating against American exports, and in which section there is not a word, line, or sentence in any way pertaining to or even the slightest suggestion of a Tariff Board to obtain data to form the basis of tariff legislation, as all amendments to provide for such authority had been deliberately rejected, voted down, and stricken out.

But it has been insisted here that notwithstanding all this they made an effort to provide for a real tariff board in the last session of the last Congress. Why did they not make their effort to provide for a tariff board before they revised the tariff upward in the last Congress? Why did they not make their efforts to provide for a tariff board before the people had voted them out of power during the last Congress? Why did they only make their efforts to provide for a tariff board after they had revised the tariff upward and the work of revision was over, and when they had an object and a purpose to remove the tariff from the reach of the new House in order to keep it where they had placed it without any report from a tariff board, and without any so-called special expert advisement?

Now, Mr. Chairman, they tell up also that the President wants to be sufficiently advised before he signs tariff bills. Let them explain to the people why it is that the President was sufficiently advised to sign a bill to revise the tariff upward without any report from a tariff board, but he was not sufficiently advised to sign a bill to revise the tariff downward upon the same identical articles without waiting for a report from a tariff board. [Applause.] Let them explain to the people how it is that the President was sufficiently advised to sign a bill to raise the tariff and increase the cost of the necessaries of life to the people without a report from a tariff commission, but he was not sufficiently advised to sign a bill to lower the tariff and reduce the cost of the same necessaries of life to the people without waiting for a report from a tariff commission. [Applause.]

I thank you, gentlemen, for your applause. Let them explain to the people also how it is that the President was sufficiently advised to sign a bill to place farm products from Canada on the free list in exchange for Canada opening her market to the American manufacturers without waiting for a report from a Tariff Board, but he was not sufficiently advised to sign a bill to place farm implements and farmers' supplies on the free list from Canada, or any other country, for the benefit of the American farmers without waiting for a report from a Tariff Board.

And let them also explain how it is that a Tariff Board is not needed while these men hold power to control tariff legislation, but becomes indispensable the very moment that they are out of power and others are given control of tariff legislation. [Applause.] Let them explain to the people how it is that a Tariff Board is opposed when the tariff is to be revised upward, but imperatively demanded when it is to be revised downward. [Applause.] And also let them explain to the people how it is that there is sufficient and ample data at hand to revise the tariff upward, but a total want of facts to revise it downward again.

For 17 years these men have held the House, the Senate, and the Executive; for 17 years they have dominated the full legislative control of this Government; for 17 years they have

contended that Congress was competent to pass upon tariff; for 17 years they have claimed that Congress was sufficiently advised and in possession of ample data for tariff revision; for 17 years they have held that the tariff was a fit subject for settlement in Congress; for 17 years they have frowned upon the Tariff Board experiment of 1882 as an unwarranted encroachment upon the power and jurisdiction of this House to initiate tariff legislation; for 17 years they have failed to recognize the now so-called great importance of a Tariff Board; for 17 years they have failed to recognize the now claimed great value of special expert tariff advisement. Now let them explain to the people how it is that they have come into the possession of more wisdom and tariff understanding the next day after they go out of power than they were able to acquire during all those 17 years; let them explain to the people how it is that they have groped their way in tariff darkness during all this time in which they held power only to come into this great flood of light the next day after they go out of power; let them explain to the people how it is that they have lived this life of shame and criminal ignorance only to be found kneeling about the altar of truth in the eleventh hour and on the very dawn of the day of judgment.

We have no report from any tariff board. We have no tariff board. We have no such legally constituted body. We have no board empowered to investigate the tariff. We have no board empowered to obtain reliable tariff data. We have no board empowered to examine witnesses under oath. We have no board empowered to compel the production of books or papers. We have no board empowered to proceed with even the common formalities to observe truth or to guard against error. We have no board empowered to make any investigation or any examination into either the production or commerce or trade of the United States, or of any foreign nation, or of any condition affecting the same. We have no board empowered to obtain any information useful in tariff legislation. All amendments providing for such power and authority were rejected, voted down, and struck out by the Senate Finance Committee, and the House conferees, led by PAYNE, and sustained by the House, the Senate, and the Executive.

All we have is a report of so-called facts from a few servile and dependent employees, subject to the will and direction of one-man power alone, prepared under the absolute dictation and control of the Executive only, and based upon the voluntary and ex-parte statements of the interested parties themselves, without even the sanctity of an oath to observe truth or to guard against error, and without any compulsory process to compel the production of books or papers for verification.

But they tell us that this board has discovered by its investigation that the woolen tariff is too high, and have recommended a reduction. The people had already found out for themselves that the wool tariff was too high, and had demanded a reduction. The Democratic caucus had already ascertained substantially the same facts, and had recommended substantially the same reduction upon a mere compromise and without an appropriation of over half a million of dollars to obtain the advice of interested parties.

This discovery that the woolen tariff is too high was made only after the people had declared their ultimatum for tariff revision, after a new House had been elected upon the issues of tariff reduction, after the revolt against the Payne law had threatened to dethrone the party in power, and after the necessity arose for a temporary change of base, in order to stay the tide of public opinion against the policy of high protection and to appease the wrath and indignation of the consuming public.

Gentlemen, I thank you for this generous extension of time you have given me to conclude my remarks.

The CHAIRMAN. Does the gentleman from Illinois withdraw the pro forma motion?

Mr. CANNON. Yes; I withdraw the amendment. [Applause.]

The CHAIRMAN. The Clerk will read the second section of the bill.

The Clerk read as follows:

2. On all noils, top waste, card waste, slubbing waste, roving waste, ring waste, yarn waste, bur waste, thread waste, garnetted waste, shoddies, mungo, flocks, wool extract, carbonized wool, carbonized noils, and on all other wastes and on rags composed wholly or in part of wool, and not specially provided for in this act, the duty shall be 20 per cent ad valorem.

Mr. FRENCH. Mr. Chairman, I offer an amendment, which I send to the Clerk's desk.

The CHAIRMAN. The gentleman from Idaho offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amend by striking out all of lines 14 and 15, on page 1, and lines 1 to 5, inclusive, on page 2, and inserting in lieu thereof the following:
"10. On all top waste and slubbing waste, 20 cents per pound.
"11. Roving waste and ring waste, 16 cents per pound.
"12. Noils, carbonized, 16 cents per pound.
"13. Noils, not carbonized, 13 cents per pound.
"14. Garnetted waste, 13 cents per pound.
"15. Thread waste, yarn waste, and wool wastes not specified, 11½ cents per pound.
"16. Shoddy, mungo, and wool extract, 10 cents per pound.
"17. Woolen rags and flocks, 5 cents per pound.
"18. Combed wool or tops, made wholly or in part of wool, or camel's hair, 23 cents per pound on the wool contained therein, and in addition thereto 5 per cent ad valorem."

The CHAIRMAN. The Chair would state to the gentleman from Idaho that we have passed page 1, and amendments to it are not in order.

Mr. FRENCH. The amendment is intended to apply to the last two lines in paragraph 1 on page 1.

Mr. MANN. The gentleman has the wrong print of the bill.

The CHAIRMAN. The gentleman's print is evidently not the same as that which the Chair has.

Mr. FRENCH. Then I had the wrong print handed to me. The amendment would apply to lines 1 to 7, inclusive, on page 2.

The CHAIRMAN. Without objection, the Clerk will report the amendment again.

The Clerk read as follows:

Strike out all of paragraph 2 and insert in lieu thereof the following:
"10. On all top waste and slubbing waste, 20 cents per pound.
"11. Roving waste and ring waste, 16 cents per pound.
"12. Noils, carbonized, 16 cents per pound.
"13. Noils, not carbonized, 13 cents per pound.
"14. Garnetted waste, 13 cents per pound.
"15. Thread waste, yarn waste, and wool wastes not specified, 11½ cents per pound.
"16. Shoddy, mungo, and wool extract, 10 cents per pound.
"17. Woolen rags and flocks, 5 cents per pound.
"18. Combed wool or tops, made wholly or in part of wool, or camel's hair, 23 cents per pound on the wool contained therein, and in addition thereto 5 per cent ad valorem."

Mr. FRENCH. Mr. Chairman, just a word in regard to this. The amendment as applied to this paragraph recognizes the principle that I suggested a little while ago, to wit, a duty upon the specific basis, and I have applied these figures to the particular items upon the report of the Tariff Board.

Mr. MANN. Will the gentleman yield to me for a question?

Mr. FRENCH. Yes; I will yield to the gentleman for a question.

Mr. MANN. Will the gentleman inform us as to the lines and pages of the Payne bill which he introduced as an amendment?

Mr. FRENCH. They are not exactly the items mentioned in the Payne bill, but they are practically the same. They are raised 2 or 3 cents.

Mr. MANN. The gentleman has changed the figures?

Mr. FRENCH. Yes; slightly. In the change I would say that by comparing the figures I have suggested in the amendment with the existing law it will be noticed that I have scaled down the existing law something like from 33⅓ per cent to 50 per cent, and I think they are fairly the figures that may be used upon a study of the report of the Tariff Board.

Now, just a word upon the tariff commission in addition to what I have said. I believe firmly in a tariff commission, and I believe that the necessity for a tariff commission within the last several years is apparent as never before. Prior to that time the great law of competition adjusted between the producer and the consumer the question of price to the extent that very little attention needed to be paid to any particular tariff law so long as the duty was high enough to furnish protection, competition doing the rest. But with the organization of wealth as it has been going on for some years in this country, in many lines competition has become more and more nearly eliminated, and just to that extent and to meet that condition we have to-day a necessity for a tariff law that shall not recognize one whit of protection higher than the difference that exists between the cost of production in this country and in foreign countries.

I submit that the facts upon which a law of this kind can be framed are facts that can be ascertained best by a nonpartisan, not a bipartisan, commission; a nonpartisan commission that will know no politics but will place before the people of this country the facts upon which legislation can be based.

Mr. GILLETT. Mr. Chairman, this bill illustrates the insincerity and the partisanship of the Democratic pretenses to revise the tariff. It is the same bill which they passed last year before the Tariff Board had investigated or reported on the wool schedule; and, by introducing it again without any changes, they apparently wish to emphasize and parade their contempt of the Tariff Board and to intimate that from their superficial investigation and their inner consciousness they can evolve a better bill than all the long and nonpartisan and thorough study of the Tariff Board can produce. They practically boast that knowledge of the facts is of no assistance to them in passing a bill. I think the certainty that none of their bills are likely to become law contributes largely to their jaunty

confidence, and that if they had the full power and responsibility and knew that they were framing a statute and not simply a political platform their work would be different. They pretended originally to be in favor of a tariff board which should thoroughly investigate and report facts without partisanship, and so lay the basis for a scientific tariff. President Taft took up the project and earnestly pressed it upon Congress, and the last Republican Congress framed such a bill, and it was only defeated on the last day of the session by a Democratic filibuster. But the Republicans were able to provide in another bill for the present annual Tariff Board, and though less permanent than the tariff commission which President Taft advocated, it has for this year had the same power and scope. The President appointed to it men of such ability and character as to command the respect and confidence of everyone, and the extraordinary and unlooked-for result has been that so far the whole board, consisting of three Republicans and two Democrats, has been unanimous in its findings in every report. That of itself is something novel and remarkable in our tariff history and augurs well for the success of the system. When we have the facts agreed upon the difficulties in framing a scientific and satisfactory law ought to be easily overcome. And yet the Democratic Party absolutely ignores this situation, pushes to one side the full statement of facts which the Democrats as well as the Republicans on the Tariff Board have agreed to, and takes its stand again on the same bill which it prepared before the Tariff Board had made its investigation. This well illustrates those qualities of obstinacy and viciousness which the animal which symbolizes the Democratic Party represents. They insist on their bourbon prerogative of learning nothing and forgetting nothing.

I think the reports of the Tariff Board are of great value and should be the basis of tariff revision. The Republican Party, under the leadership of President Taft, has adopted this system, and the unanimous reports which we have so far received from the board are most encouraging. The wool bill adopted by the Republican members of the Ways and Means Committee is based upon the findings of the board, and while no tariff law upon such a complicated question can satisfy everyone, I think it is a wise solution of a most difficult problem, and I hope it will be substituted for the stale and partisan and temporizing measure offered by the Democratic majority.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Idaho [Mr. FRENCH].

The question was taken, and the amendment was rejected.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

4. On yarns made wholly or in part of wool, the duty shall be 30 per cent ad valorem.

Mr. FRENCH. Mr. Chairman, I offer an amendment, which I send to the Clerk's desk.

The CHAIRMAN. The gentleman from Idaho offers an amendment to section 3, which the Clerk will report.

The Clerk read as follows:

Amend, page 2, by striking out lines 14 and 15 and inserting in lieu thereof the following:

"On yarns, made wholly or in part of wool, valued at not more than 30 cents per pound, the duty shall be 24 cents per pound on the wool contained therein, and in addition thereto 10 per cent ad valorem.

"Valued at more than 30 cents and not more than 50 cents per pound, 24 cents per pound on the wool contained therein, and in addition thereto 15 per cent ad valorem.

"Valued at more than 50 cents and not more than 80 cents per pound, 24 cents per pound on the wool contained therein, and in addition thereto 20 per cent ad valorem.

"Valued at more than 80 cents per pound, 24 cents per pound on the wool contained therein, and in addition thereto 25 per cent ad valorem."

Mr. FRENCH. Mr. Chairman, the amendment that I have proposed would harmonize the paragraph now under consideration with the paragraph as it would have existed had my previous amendments prevailed.

It reduces the present duty on yarns made wholly or in part of wool valued at not more than 30 cents per pound from 27½ cents per pound on the wool contained therein plus 35 per cent ad valorem to 24 cents per pound on the wool contained therein and in addition 10 per cent ad valorem; on yarns valued at more than 30 cents and not more than 50 cents per pound it reduces the present duty from 38½ cents per pound plus 40 per cent ad valorem to 24 cents plus 15 per cent ad valorem. On yarns valued at more than 50 cents and not more than 80 cents per pound it reduces the present duty from 38½ cents per pound plus 40 per cent ad valorem to 24 cents per pound plus 20 per cent ad valorem; and on yarns valued at more than 80 cents per pound it reduces the duty under the present law from 38½ cents per pound plus 40 per cent ad valorem to 24 cents per pound plus 25 per cent ad valorem.

This represents what I think is a fair deduction of rates that should be placed upon yarns of the various character that I have mentioned from a study of the findings of the Tariff Board.

Some Members may feel that these rates are too high and others may feel that they are too low, and that is a question to be determined by thrashing this matter out still further in the House and in the Senate, and this is what I want to help determine. For my part, as applied to the wool schedule or any other schedule, I desire to be governed by the facts shown by the findings of a tariff commission.

The people of this country are entitled to the right of purchasing all commodities at the lowest reasonable price consistent with the production of the commodity in this country.

The consumers do not ask more than this. They are willing that fair protection shall be given. They are willing that fair rates shall be maintained, and I believe that the people generally have confidence in the findings of the Tariff Board and will demand of this Congress that it enact such laws fixing such schedules as will hew to the line and retain no greater duty than that which is absolutely needed for the maintainance of any industry.

I said a year ago, and I repeat, that Schedule K should be modified at the earliest possible moment, and that this modification should be in the interest not only of the consumer but of those engaged in the wool industry.

I believed a year ago that the wish of the country should have been met, and that, upon the basis of the facts that we had at that time we should have prepared a wool tariff to take the place of Schedule K that would have been in closest harmony with the facts as they were known to the country.

Failing, however, to bring about the passage of such a law, I believe that it is the imperative duty of this Congress to enact a law that will take the place of Schedule K, that will give to the producer the protection to which he is deserving and which the people want him to have and which it is indicated by the Tariff Board's report he should have, but at the same time will remove the inequalities of the present law and in turn give to the consumer of this country the consideration to which he is entitled.

In other words, as applied to this schedule or any other, I believe in protection, but the kind of protection that not alone protects the producer, but as well the consumer.

I hope our Democratic friends will earnestly strive for tariff modification, and that they will not try to mislead the country by pretending to be in favor of tariff modification when they have it in their power to pass through this House a bill based upon the report of the Tariff Board that will correct the evils under the present law and that will meet the approval of the Senate and of the Chief Executive.

If our Democratic friends then want to go beyond that and set forth what they would do if in control of both branches of Congress and the Executive Office, that would be their privilege.

This first, however, is something they can accomplish, and I submit that to do so is a duty upon them no less than upon Republicans who are striving for tariff modification upon the basis of the Tariff Board's report.

Mr. MANN. Mr. Chairman, the amendment offered by the gentleman from Idaho [Mr. FRENCH], which is to strike out the provisions in the Underwood bill relating to yarns, and insert the language of the Payne bill relating to yarns with the figures increased so as to make the tariff rate considerably higher than is proposed in the substitute recommended by the minority members of the Ways and Means Committee, in my opinion ought not to prevail. I do not undertake to say that the minority report represents the sum of human wisdom; but under the circumstances, representing as it does a bill to carry out the recommendations of the Tariff Board, I think this side of the House ought to stand as nearly as possible by that, and not endeavor, by amendments proposed to this bill, to increase the rates over the rates contained in our own substitute bill. [Applause on the Republican side.]

The CHAIRMAN. The question is on the amendment offered by the gentleman from Idaho [Mr. FRENCH].

The question being taken, the amendment was rejected.

The Clerk read as follows:

5. On cloths, knit fabrics, felts not woven, and all manufactures of every description made, by any process, wholly or in part of wool, not specially provided for in this act, the duty shall be 40 per cent ad valorem.

Mr. CRUMPACKER. Mr. Chairman, I desire to congratulate Congress and the country upon this the first opportunity in the history of Federal legislation to enact a tariff law formed strictly upon the commission method of collecting information respecting industrial conditions here and in foreign countries. The bill

offered by the minority members of the Ways and Means Committee is the first real business tariff measure that was ever submitted to Congress for consideration. It is framed in such a fashion that the duties shall only cover the difference in the cost of producing wool and woolen fabrics here and abroad, thereby affording adequate protection to American producers and prohibiting the increase of prices by monopolistic combinations to a point not justified by the cost of production at home. This is in strict conformity with the standard of protection fixed in the Republican national platform of 1908. The report submitted by the majority members of the Ways and Means Committee, in support of the bill they propose, declares that the people at the general election in 1910 repudiated the policy of protection and gave an unmistakable indorsement of the Democratic policy of tariff for revenue only. That interpretation of the result of the election in 1910 will not bear the test of historical analysis. The only time since the Civil War that the people of the United States at a general election abandoned the Republican tariff policy and accepted the policy of the Democratic Party was in 1892, and that abandonment was temporary only, for in 1896, by an unprecedented majority, the voters returned the Republican Party to power and gave its tariff policy an unqualified indorsement.

In 1908 the Republican Party in its national platform specifically reaffirmed the doctrine of protection and fixed the standard of duties to be imposed upon competitive commodities. The platform declared that the incoming administration should revise the tariff in accordance with that standard at a special session of Congress immediately following the inauguration of President Taft. No tariff board or commission had been provided to collect information respecting industrial conditions here and in foreign countries so that Congress might be able to measure the duties according to that standard with practical certainty.

President Taft had no discretion but to call Congress together in obedience to the pledge of the party which elected him to the Presidency and to recommend an immediate revision of the tariff schedules. Congress was compelled to undertake that work under the old method of tariff revision. It supplied itself with all the information that was available and enacted the Payne tariff law. That law was a disappointment to many people throughout the country, but it was impossible under the existing circumstances and with the material at hand to have made a tariff that would have satisfied the country. Ex-President Roosevelt, in a speech in the Northwest a few days ago, quoted from a speech he made in 1910 favoring the commission method of tariff revision. The quotation is as follows:

> As a means toward the attainment of the end in view we have as yet devised nothing in any way so effective as a tariff commission. There should be a commission of well-paid experts, men who should not represent any special interest or industry, who should be masters of their subjects, men of the very highest character, who should approach the matter with absolute disregard of every outside consideration.

If it had occurred to the mind of the distinguished ex-President as early as 1906 that a commission was necessary for the proper revision of the tariff, and if he had used his commanding influence toward securing the creation of such a commission, one would doubtless have been created, and Congress, when it met in special session in March, 1909, would have been supplied with trustworthy information showing the difference in the cost of production here and in other countries, and the Payne tariff would doubtless have been so framed as to have met with general approval. But the ex-President at no time during his service as Chief Magistrate of the Government made any official reference to or suggestion of the need of a tariff commission.

Let me say to gentlemen on the other side of the aisle that the defeat of the Republican Party at the general election in 1910 can not be interpreted to mean an indorsement of the Democratic tariff policy. Your party, gentlemen, was simply used as a scourge to chastise the Republican Party for what the people believed to be its failure to keep one of the most important pledges it made in the campaign of 1908. Gentlemen, your party is a most effective scourge. Following the election of a Democratic President and a Democratic Congress in 1892 the country was converted into a desolate industrial waste from ocean to ocean. Monuments to the unwisdom of your tariff policy were seen in every community throughout the land in smokeless chimneys and idle mills. During that administration you established equality of opportunity on the industrial graveyard basis. You created equal opportunities for all by destroying opportunities for all. Do not lay the flattering unction to your souls that the ballot in November, 1910, meant an indorsement of your tariff policy.

I read with considerable care the elaborate report of the Ways and Means Committee in behalf of the bill reported by the Democratic members of that committee and was greatly surprised to note the hypercritical character of the objections made to the report of the Tariff Board on the wool question. I have also read with much care the report of the Tariff Board, and I am impressed with the belief that that report is the most thorough and exhaustive document of the kind that has ever been submitted to Congress. The criticisms seem to be based upon the free-trade theory, following the doctrine of Adam Smith, John Stuart Mill, Bastiat, and other free-trade philosophers. The author of the report entered upon his work with a view of picking flaws in the report of the Tariff Board. It is urged that it is impossible to ascertain with exact certainty the cost of production of a given product in any country; that the cost of woolen fabrics is not exactly the same in any two mills, and that the cost varies in different seasons of the year. Every practical man knows that. There are differences in the cost of producing the same line of articles in the same country, depending upon the facilities, organization, location, and management of individual mills. There may also be differences in the cost of producing a given line of articles at different periods of time. But the making of a tariff is a practical question, and all Congress can attain is reasonable certainty in fixing duties to meet the differences in cost of production. The report itself discloses with practical certainty the differences in the cost of producing wools and woolens in this country and in foreign countries. It furnishes a reliable guide for making a business tariff. If Congress shall defer the enactment of laws until it can embody in them mathematical accuracy and absolute justice, it might as well close its doors and cease its endeavors. Absolute exactness in human affairs is an unattainable ideal.

The report of the committee deals in refinement of definition. It insists that the terms "cost" and "expense" are not synonymous; that "cost" means the degree of sacrifice one must make to produce a particular article, while "expense" means the amount of money he must pay for the purchase of the article. Farmer Jones owns a horse that he can sell in the market at any time for $150, and his friend Brown, in the city, is a dealer in farm implements, wagons, carriages, and so forth, and Jones desires a carriage and Brown wants a horse. The carriage Jones has his heart set upon is priced at $150. Instead of selling his horse for $150 in cash and buying the carriage from Brown with the money, Jones exchanges the horse for the carriage. That transaction would be a barter. Jones, in his college days, took a course in political economy under a learned professor, and he was taught the scientific difference between "cost" and "expense." The horse he traded to Brown he had raised from a colt. He reckoned the sacrifice he made in the way of time, care, and food for the animal and found that it amounted to $75. He congratulated himself upon the fact that he got a $150 carriage for $75 worth of sacrifice. But upon reflection it came to his mind that what he made on the carriage he lost on the horse, and that from a business standpoint there was no difference between cost and expense in that transaction, whatever science might say about it.

If a woolgrower raises a thousand bushels of oats on his farm with which to feed his sheep during the winter, and the oats should be worth 35 cents a bushel at the machine at threshing time, he could sell his crop for $350, and with that money buy other oats as he needed them to feed his sheep. In reckoning the cost of the wool clip the following year he would consider as a factor the $350 worth of oats which he fed the sheep, but if he fed the oats he raised himself scientific economists would say that he must not reckon the value of the oats in the market, but he must ascertain the sacrifice he made in producing them, and by that method it might turn out that the oats cost him only 20 cents a bushel, or $200 for the thousand bushels, in the way of sacrifice. That process would cheapen the cost of the wool by ignoring the market value of the oats fed to the sheep. The absurdity of that kind of refinement in practical affairs is easily apparent. Economic philosophers spend much time and energy wrangling with each other over definitions. It has taken generations to determine the definition of rent, and even now a landowner who leases his farm for $1,000 a year can not know, scientifically, how much, if any, rent he receives for the use of the land. He is apt to call it all rent, but the economist will demonstrate to him by some abstruse philosophy that the bulk of the returns he receives is income on his investment and not rent for the use of the land. Refinements of this character in practical matters are hardly worthy of consideration, however important they may be in science. When I read an article, intended for practical purposes, based upon the "law of diminishing returns," I give up in despair; yet that law is recognized as sound by all scientific economists. It is like the Malthusian law of population, it is scientifically sound but practically unimportant.

The report of the Tariff Board upon the woolen industry shows that it is not difficult to ascertain the difference in the cost of production of wools and woolens in this country and in foreign countries from a business standpoint. It discloses the average cost through a period of years of the bulk of wool grown and woolens produced in other countries that may invade our own markets if our tariffs are unduly low. It is a practical question, and is based altogether upon business principles. The report contains information that will enable Congress to act with business precision.

The bill proposed by the Democratic members of the Ways and Means Committee is identically the same as the bill that passed both Houses of Congress last summer and was vetoed by the President. If that bill should go through both Houses of Congress again it would doubtless meet the same fate at the hands of the President it met last summer. There are additional reasons now why the President should not approve the bill. When he vetoed it last summer the Tariff Board had not made its report on the wool schedule, but now the report is before Congress and has been for over three months, and the President now has irrefutable proof that the bill does not even approximately fix the duties on wools and woolens so as to cover the difference in cost of production here and in foreign countries.

The advocates of the Democratic measure do not pretend that it does, but they undertake to justify it by attacking the reliability of the report of the Tariff Board. The board is composed of able, upright, disinterested men, three of whom are Republicans and two of whom are Democrats. They all concur in the report. Gentlemen on the other side of the aisle know that the consideration of their bill is "love's labor lost." They know that if it goes to the President again he can not, in keeping with his pledge to the people, give it his sanction and approval. They know that if they insist on that measure it means no revision of the wool schedule at all. The bill submitted by the Republican members of the Committee on Ways and Means is made in faithful conformity to the report of the Tariff Board. The duties it imposes cover the difference in cost of production here and in foreign countries and no more. It will reasonably protect American producers and manufacturers of wools and woolens, and it will likewise protect American consumers by reducing the tariff to such a point that exorbitant prices can not be exacted. If the Republican bill should pass the two Houses of Congress, it would be approved by the President and would become a law. Every Member of this House knows that to a moral certainty. Every Member of this House knows that it is the only proposition for the revision of the wool schedule that may be enacted into law. That bill reduces the duties on wools and woolens on an average of over 40 per cent. Here, then, is an opportunity for Democratic Members of this body to do something for the relief of the people of the country. They have been talking long and lustily about the enormous burdens that are imposed upon the people by the high tariff on wool, and yet they persist in blindly adhering to an impossible measure, one which they know can not become a law. They refuse to join with the Republicans in support of a measure that will reduce the duty on wools and woolens more than 40 per cent on an average—a measure that will be approved by the President and become a law if it passes both branches of Congress. I gravely charge that if there is no reduction of the duties on wool and woolens during this Congress the responsibility will be with the Democratic majority in this body. They and they only will have to answer to the people for the failure of Congress to afford adequate relief from the unnecessarily high tariff on one of the great necessaries of life. Are the majority Members of this House acting in good faith and with an earnest desire to afford relief to the country in persisting in their support of a measure that they know will not become a law? Are the majority Members acting in good faith with the country in refusing to support a bill that will afford relief to the people and that will become a law if they give it their support?

The Tariff Board has also submitted a report on the cotton schedule, and that report is now before Congress. What will the majority side of the House do in relation to the cotton schedule? A cotton-revision bill was passed last summer and was vetoed by the President because of its heedless character and because there was no way of determining whether the duties provided in it covered the difference in cost of production here and abroad. The report is ready now, and it clearly shows that the duties on cotton fabrics should be substantially reduced. It shows that they are unnecessarily high. The President, in submitting the cotton report to Congress, calls particular attention to the fact that the duties on cotton fabrics should be substantially reduced, and he urges Congress to revise the cotton schedule without delay. Here is another opportunity for the majority Members of the House to show their good faith to the country by reporting and passing a bill for the revision of the cotton schedule in accordance with the report of the Tariff Board. A bill of that kind will be approved by the President if it passes the two Houses of Congress. Every Member of this body knows that. It is up to the Democratic majority of the House to determine whether there shall be a revision of the cotton schedule and a substantial reduction of the existing duties, or whether this session of Congress shall adjourn without taking any action thereon at all. They can not escape responsibility by captious criticism of the report of the Tariff Board. They can not escape responsibility by persisting in their support of a mongrel measure they know will never be enacted into law. When they turn their backs upon meritorious measures for the revision of the wool schedule and the cotton schedule upon business principles they assume responsibility for the failure of legislation. They can not deceive the people. The issue is squarely presented; they must face it.

I sincerely hope the Ways and Means Committee will report a cotton-tariff revision bill in harmony with the report of the Tariff Board, for I know it would become a law and afford relief to the country.

The Democratic national platform made at Denver, Colo., in 1908, contains this declaration:

> We demand the immediate repeal of the tariff on wood pulp, print paper, lumber, timber, and logs and that those articles be placed on the free list.

No free-lumber bill has been reported by the Democratic majority in this Congress. They have reported and passed through the House bills for the revision of the metal schedule, the cotton schedule, the chemical schedule, and the wool schedule—measures which their platform did not specifically promise—but not a word has been said nor a thing been done by them toward the fulfillment of the emphatic declaration of their platform for free lumber. Let me ask gentlemen on the other side of the House when they intend to carry that promise into effect? Why has it been ignored thus far? Lumber is a universal necessity to civilized man. The Bureau of Corporations, in a report recently issued, shows that hundreds of millions of acres of the most valuable standing timber of the country have been purchased and are now owned by a few wealthy syndicates. Those syndicates do not convert the timber into lumber. They have secured a practical monopoly of one of nature's most beneficent gifts to man. They are holding the timber for the rise in price that must come and that has come from increasing demand for lumber. They sell stumpage to the millmen at prices which they fix themselves. They confer no benefit on society, but have made hundreds of millions of dollars in monopolizing tremendous areas of timberlands. They are the chief beneficiaries of the tariff on lumber. Did your party, gentlemen of the majority, speak in good faith when it declared unequivocally in favor of free timber, free lumber, and free logs? Did you mean it then and do you mean it still? If you were in good faith in that declaration, why have you not reported and passed a bill providing for free lumber? The majority of your side of the House come from the Southern States where there are extensive timber interests. Can this be the reason why you have made no effort to put lumber on the free list in fulfillment of your pledge? Is it possible that you have been inoculated with the virus of protection in so far as timber and lumber are concerned? Ninety per cent of the people of the United States would welcome with enthusiasm a law removing the duty from lumber in the hope that it would tend to cheapen the material out of which they build their homes and in the belief that it would promote the conservation of one of the most important of our natural resources.

I wonder what explanation the Democrats can make in the campaign this year for their complete repudiation of the specific and unqualified pledge they made to remove the duty from lumber. We on the Republican side can abide with confidence the judgment of the people upon the record of nonperformance made by the Democratic majority of the House.

The CHAIRMAN. If there be no objection, the pro forma amendment will be considered as withdrawn, and the Clerk will read.

The Clerk read as follows:

> SEC. 2. That on and after the day when this act shall go into effect all goods, wares, and merchandise previously imported, and hereinbefore enumerated, described, and provided for, for which no entry has been made, and all such goods, wares, and merchandise previously entered without payment of duty and under bond for warehousing, transportation, or any other purpose, for which no permit of delivery to the importer or his agent has been issued, shall be subjected to the duties imposed by this act and no other duty, upon the entry or the withdrawal thereof.

Mr. PEPPER. Mr. Chairman, I move to strike out the last word. I do so for the purpose of calling attention to a very remarkable document which just came into my hands on yester-

day, entitled "Theodore Roosevelt and William Howard Taft. What each has done for the People of the United States." It is a document containing about 24 pages.

Mr. MANN. Mr. Chairman, I rise to a point of order.

The CHAIRMAN. The gentleman will state it.

Mr. MANN. If the gentleman from Alabama [Mr. UNDERWOOD] desires to throw the afternoon open to a political debate, I shall not object.

Mr. UNDERWOOD. I will state to the gentleman that I do not, and if objection is made, I will have to insist.

Mr. MANN. If objection would be made from that side of the House to political debate on this side, I do not intend that they shall commence it over there.

Mr. PEPPER. I want to assure the gentleman from Illinois [Mr. MANN] that what I wish to say is pertinent to the wool bill that is now under discussion. This is only preliminary. The document I hold in my hand is signed by the Roosevelt League of New York State, and the address is 1 Madison Avenue, New York City.

On page 20 of that document, under the alliterative head of "Taft's tariff tactics," I read what the author has to say with reference to the President of the United States and his attitude upon the tariff question, and especially his attitude upon the woolen schedule.

He says:

Although Mr. Taft's tariff policy does not relate to his promises to carry on the Roosevelt policies, it is mentioned here as illustrating his sympathy with the industrial powers and his lack of interest in relieving the burdens of the common citizen.

Mr. Taft's weakness in the tariff controversy has indefinitely postponed the settlement of that disturbing issue. (After the Payne-Aldrich bill was drawn under the dominating influence of the big interests, Mr. Taft took the stump in praise of that bill, and in defense of Aldrich, Tawney, and the other stand-pat leaders.)

When the Democrats came into power, largely as a result of the national indignation at the Payne-Aldrich tariff, they joined with the insurgent Republicans and passed an excellent bill reducing the tariff on wool (the La Follette-Underwood bill). Mr. Taft vetoed the bill on the ground that he desired Congress to wait before doing anything until a commission, appointed by himself, had reported. Seeing, therefore, that there was no hope of any real tariff reform during the session, Congress hastily passed several other tariff bills in order to put Mr. Taft and the standpatters on record. Had Mr. Taft had the intelligence and the courage to sign the wool bill, the tariff question would now be less full of uncertainty and we should be much nearer a condition of business confidence and security.

In addition to these faults of judgment in defending the Payne-Aldrich bill and in vetoing the wool bill, Mr. Taft has committed himself to the doctrine that the proper protection should be measured by the difference in cost of production plus a reasonable profit to the manufacturer, a doctrine which gives two profits to the manufacturer and very little promise of relief to the consumer.

Now, Mr. Chairman, I do not care to make any extended remarks on this remarkable statement. However, just a word——

The CHAIRMAN. The time of the gentleman has expired.

Mr. PEPPER. Mr. Chairman, I would like to have five minutes more.

The CHAIRMAN. The gentleman from Iowa asks unanimous consent that he may have five minutes more. Is there objection?

There was no objection.

Mr. PEPPER. Mr. Chairman, it would be interesting to know from our Republican friends whether they agree with this statement by the sponsors of the distinguished candidate for the Republican presidential nomination—whether they agree, for instance, that "Mr. Taft is in sympathy with the industrial powers and has a lack of interest in relieving the burdens of the common citizen." It would be interesting to know whether they agree with Mr. Roosevelt and his advisers in this campaign that "the Payne-Aldrich tariff bill was drawn under the dominating influence of the big interests." It would also be very interesting to know—and perhaps our Republican friends would be willing to say now—whether they indorse or admit the position taken by their former idol that "Mr. Taft has committed himself to the doctrine that the proper protection should be measured by the difference in cost of production plus a reasonable profit to the manufacturer—a doctrine which gives two profits to the manufacturer and very little promise of relief to the consumer."

Mr. McCALL. Will the gentleman yield?

Mr. PEPPER. I will.

Mr. McCALL. Do I understand the gentleman from Iowa to say that Mr. Roosevelt is responsible for these views?

Mr. PEPPER. Well, I would hardly dare to say that he was not responsible.

Mr. McCALL. I understood the gentleman to say that he was responsible, that he said these were the views of the former President.

Mr. PEPPER. Is the gentleman from Massachusetts prepared to deny that Mr. Roosevelt is responsible for the circulation of this document?

Mr. McCALL. I do not know anything about it.

Mr. PEPPER. I call the attention of the gentleman to the fact that it is signed by the Roosevelt League, and is circulated quite generally by the men who are back of Mr. Roosevelt in his candidacy for the Presidency.

Mr. BUTLER. I would like to ask the gentleman who composes the Roosevelt League?

Mr. PEPPER. I have no doubt the gentleman would like to know who compose the Roosevelt League. [Applause on the Democratic side.] I am not prepared to say who compose the membership of it, but I assume that they are residents of the State of New York.

Mr. BUTLER. Is not this circular which is circulated an anonymous one?

Mr. PEPPER. It is signed by the Roosevelt League of New York, and I assume there is such a league up there.

Mr. CANNON. Will the gentleman allow me?

Mr. PEPPER. Certainly.

Mr. CANNON. Does not the gentleman from Iowa think that it is proper to insert by way of doxology "Bryan on Harmon." [Laughter on the Republican side.]

Mr. POU. Does not the gentleman from Iowa think that ex-President Roosevelt would repudiate the document if it did not receive his indorsement?

Mr. PEPPER. From what I know of the gentleman's characteristics I have no doubt he would.

Mr. MANN. If the gentleman will permit me, I never saw one of these circulars. Where did the gentleman get it?

Mr. PEPPER. It came through the ordinary course of mail.

Mr. MANN. It must have been circulated among the Democrats only; not one has been sent to me.

Mr. PEPPER. I am surprised at that, because the gentleman from Illinois is mentioned in it.

Mr. MANN. I have not seen any copy of it on this side of the House, and I notice it comes from the gentleman's side.

Mr. PEPPER. I want to call the attention of the gentleman from Illinois to the fact that at the bottom of page 7 his name is mentioned as being a Taft leader in the House, and that he protested against the constitutionality of the bill to prevent corporations from contributing to national campaign funds that was passed. So I assume that the gentleman will be interested in reading the document.

Mr. MANN. The gentleman is mistaken, I have not the slightest interest in reading any anonymous article about anything that I have done in the House, and I am not interested in reading even some articles that are not anonymous.

Mr. PEPPER. I do not know whether this is anonymous or not. But it is interesting and I commend it to the gentleman's attention.

Mr. UNDERWOOD. Mr. Chairman, I move that the committee do now rise and report the bill to the House without amendment, with the recommendation that the bill do pass.

The motion was agreed to.

Accordingly the committee determined to rise; and the Speaker having resumed the chair, Mr. GRAHAM, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee had had under consideration the bill (H. R. 22195) to reduce the duties on wool and manufactures of wool, and had directed him to report the same back without amendment, with the recommendation that the bill do pass.

Mr. UNDERWOOD. Mr. Speaker, I move the previous question on the bill to its final passage. And, pending that motion, I desire to say to the gentleman from New York that if he desires to offer his bill as a substitute instead of a motion to recommit I will consent that he may do it.

Mr. PAYNE. I think I will move to recommit later.

Mr. UNDERWOOD. Then, Mr. Speaker, I ask for a vote on the motion for the previous question.

The question was taken, and the previous question was ordered.

The SPEAKER. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read the third time, and was read the third time.

Mr. PAYNE. I move to recommit the bill with instructions as follows.

The Clerk read as follows:

Mr. PAYNE moves to recommit H. R. 22195 to the Committee on Ways and Means with instructions to report the same back to the House forthwith with an amendment striking out all after the enacting clause and substitute the following——

Mr. UNDERWOOD. Mr. Speaker, may I ask the gentleman from New York if he desires the Clerk to read the substitute bill.

Mr. PAYNE. I do not insist upon it.

Mr. UNDERWOOD. We are all familiar with the bill, and I suggest that the gentleman from New York ask unanimous consent that the reading of it be dispensed with.

Mr. PAYNE. I do not like to ask unanimous consent to dispense with the reading of my own bill.

Mr. MANN. I think the bill or amendment ought to be read; it is not very long.

The Clerk proceeded with the reading of the substitute, as follows:

That the act entitled "An act to provide revenue, equalize duties, and encourage the industries of the United States, and for other purposes," approved August 5, 1909, be, and the same is hereby, amended by striking out all of the paragraphs of Schedule K of section 1 of said act, from 360 to 395, inclusive of both, and inserting in place thereof the following:

"1. All wools, hair of the camel, goat, alpaca, and other like animals shall be divided, for the purpose of fixing the duties to be charged thereon, into the two following classes:

"2. Class 1, that is to say, merino, mestiza, metz, or metis wools, or other wools of merino blood, immediate or remote, Down clothing wools, and wools of like character with any of the preceding, including Bagdad wool, China lamb's wool, Castel Branco, Adrianople skin wool or butcher's wool, and such as have been heretofore usually imported into the United States from Buenos Aires, New Zealand, Australia, Cape of Good Hope, Russia, Great Britain, Canada, Egypt, Morocco, and elsewhere, and Leicester, Cotswold, Lincolnshire, Down combing wools, Canada long wools, or other like combing wools of English blood, and usually known by the terms herein used, and all wools not hereinafter included in class 2, and also the hair of the camel, Angora goat, alpaca, and other like animals.

"3. Class 2, that is to say, Donskoi, native South American, Cordova, Valparaiso, native Smyrna, Russian camel's hair, and all such wools of like character as have been heretofore usually imported into the United States from Turkey, Greece, Syria, and elsewhere, excepting improved wools hereinafter provided for.

"4. The standard samples of all wools, which are now or may be hereafter deposited in the principal customhouses of the United States, under the authority of the Secretary of the Treasury, shall be the standards for the classification of wools under this act, and the Secretary of the Treasury is authorized to renew these standards and to make such additions to them from time to time as may be required, and he shall cause to be deposited like standards in other customhouses of the United States when they may be needed.

"5. Whenever wools of class 2 shall have been improved by the admixture of merino or English blood, from their present character, as represented by the standard samples now or hereafter to be deposited in the principal customhouses of the United States, such improved wools shall be classified for duty as class 1.

"6. If any bale or package of wool or hair specified in this act, invoiced or entered as of class 2, or claimed by the importer to be dutiable as of class 2, shall contain any wool or hair subject to the rate of duty of class 1, the whole bale or package shall be subject to the rate of duty chargeable on wool of class 1; and if any bale or package be claimed by the importer to be shoddy, mungo, flocks, wool, hair, or other material of any class specified in this act, and such bale contain any admixture of any one or more of said materials, or of any other material, the whole bale or package shall be subject to duty at the highest rate imposed upon any article in said bale or package.

"7. The duty on all wools and hair of class 1, if imported in the grease, shall be laid upon the basis of its clean content. The clean content shall be determined by scouring tests which shall be made according to regulations which the Secretary of the Treasury may prescribe. The duty on all wools and hair of class 1 imported in the grease shall be 18 cents per pound on the clean content, as defined above. If imported scoured, the duty shall be 19 cents per pound.

"8. The duty on all wools of class 2, including camel's hair of class 2, imported in their natural condition, shall be 7 cents per pound. If scoured, 19 cents per pound: *Provided*, That on consumption of wools of class 2, including camel's hair, in the manufacture of carpets, druggets and bockings, printed, colored, or otherwise, mats, rugs for floors, screens, covers, hassocks, bedsides, art squares, and portions of carpets or carpeting hereafter manufactured or produced in the United States in whole or in part from wools of class 2, including camel's hair, upon which duties have been paid, there shall be allowed to the manufacturer or producer of such articles a drawback equal in amount to the duties paid less 1 per cent of such duties on the amount of the wools of class 2, including camel's hair of class 2, contained therein; such drawback shall be paid under such rules and regulations as the Secretary of the Treasury may prescribe.

"9. The duty on wools on the skin shall be 2 cents less per pound than is imposed upon the clean content as provided for wools of class 1, and 1 cent less per pound than is imposed upon wools of class 2 imported in their natural condition, the quantity to be ascertained under such rules as the Secretary of the Treasury may prescribe.

"10. Top waste and slubbing waste, 18 cents per pound.

"11. Roving waste and ring waste, 14 cents per pound.

"12. Noils, carbonized, 14 cents per pound.

"13. Noils, not carbonized, 11 cents per pound.

"14. Garnetted waste, 11 cents per pound.

"15. Thread waste, yarn waste, and wool wastes not specified, 9½ cents per pound.

"16. Shoddy, mungo, and wool extract, 8 cents per pound.

"17. Woolen rags and flocks, 2 cents per pound.

"18. Combed wool or tops, made wholly or in part of wool, or camel's hair, 20 cents per pound on the wool contained therein, and in addition thereto 5 per cent ad valorem.

"19. Wool and hair which have been advanced in any manner or by any process of manufacture beyond the washed or scoured condition, but less advanced than yarn, not specially provided for in this section, 20 cents per pound on the wool contained therein, and in addition thereto 8 per cent ad valorem.

"20. On yarns, made wholly or in part of wool, valued at not more than 30 cents per pound, the duty shall be 21½ cents per pound on the wool contained therein, and in addition thereto 10 per cent ad valorem.

"Valued at more than 30 cents and not more than 50 cents per pound, 21½ cents per pound on the wool contained therein, and in addition thereto 15 per cent ad valorem.

"Valued at more than 50 cents and not more than 80 cents per pound, 21½ cents per pound on the wool contained therein, and in addition thereto 20 per cent ad valorem.

"Valued at more than 80 cents per pound, 21½ cents per pound on the wool contained therein, and in addition thereto 25 per cent ad valorem.

"21. On cloths, knit fabrics, flannels, felts, and all fabrics of every description made wholly or in part of wool, not specially provided for in this section, valued at not more than 40 cents per pound, the duty shall be 25 cents per pound on the wool contained therein, and in addition thereto 30 per cent ad valorem.

"Valued at more than 40 cents and not more than 60 cents per pound, 26 cents per pound on the wool contained therein, and in addition thereto 35 per cent ad valorem.

"Valued at more than 60 cents and not more than 80 cents per pound, 26 cents per pound on the wool contained therein, and in addition thereto 40 per cent ad valorem.

"Valued at more than 80 cents and not more than $1 per pound, 26 cents per pound on the wool contained therein, and in addition thereto 45 per cent ad valorem.

"Valued at more than $1 and not more than $1.50 per pound, 26 cents per pound on the wool contained therein, and in addition thereto 50 per cent ad valorem.

"Valued at more than $1.50 per pound, 26 cents per pound on the wool contained therein, and in addition thereto 55 per cent ad valorem.

"22. On blankets and flannels for underwear composed wholly or in part of wool, valued at not more than 40 cents per pound, the duty shall be 23½ cents per pound on the wool contained therein, and in addition thereto 20 per cent ad valorem.

"Valued at more than 40 cents and not more than 50 cents per pound, 23½ cents per pound on the wool contained therein, and in addition thereto 25 per cent ad valorem.

"Valued at more than 50 cents per pound, 23½ cents per pound on the wool contained therein, and in addition thereto 30 per cent ad valorem.

"*Provided*, That on blankets over 3 yards in length the same duties shall be paid as on cloths.

"23. On ready-made clothing and articles of wearing apparel, knitted or woven, of every description, made up or manufactured wholly or in part and composed wholly or in part of wool, the rate of duty shall be as follows:

"If valued at not more than 40 cents per pound, the duty shall be 25 cents per pound on the wool contained therein, and in addition thereto 35 per cent ad valorem.

"If valued at more than 40 cents and not more than 60 cents per pound, 26 cents per pound on the wool contained therein, and in addition thereto 40 per cent ad valorem.

"If valued at more than 60 cents and not more than 80 cents per pound, 26 cents per pound on the wool contained therein, and in addition thereto 45 per cent ad valorem.

"If valued at more than 80 cents and not more than $1 per pound, 26 cents per pound on the wool contained therein, and in addition thereto 50 per cent ad valorem.

"If valued at more than $1 and not more than $1.50 per pound, 26 cents per pound on the wool contained therein, and in addition thereto 55 per cent ad valorem.

"If valued at more than $1.50 per pound, 26 cents per pound on the wool contained therein, and in addition thereto 60 per cent ad valorem.

"24. On all manufactures of every description made wholly or in part of wool, not specially provided for in this section, the duty shall be 26 cents per pound on the wool contained therein, and in addition thereto 50 per cent ad valorem: *Provided*, That if the component material of chief value in such manufactures is wood, paper, rubber, or any of the baser metals, the duty shall be 26 cents per pound on the wool contained therein, and in addition thereto 35 per cent ad valorem, and if the component material of chief value in such manufactures is silk, fur, precious or semiprecious stones, or gold, silver, or platinum, the duty shall be 26 cents per pound on the wool contained therein, and in addition thereto 55 per cent ad valorem.

"25. On hand-made Aubusson, Axminster, Oriental, and similar carpets and rugs, made wholly or in part of wool, the rate of duty shall be 50 per cent ad valorem; on all other carpets of every description, druggets and bockings, printed, colored, or otherwise, mats, rugs for floors, screens, covers, hassocks, bedsides, art squares, and portions of carpets or carpeting, made wholly or in part of wool, the duty shall be 30 per cent ad valorem.

"26. Whenever, in any schedule of this act, the word 'wool' is used in connection with a manufactured article of which it is a component material, it shall be held to include wool or hair of the sheep, camel, goat, alpaca, or other animal, whether manufactured by the woolen, worsted, felt, or any other process.

"27. The foregoing paragraphs, providing the rates of duty herein for manufactures of wool, shall take effect on the 1st day of January, 1913."

Mr. PAYNE. Mr. Speaker, I move the previous question on the motion to recommit.

The previous question was ordered.

The SPEAKER. The question is on the motion to recommit with instructions.

Mr. PAYNE. And on that, Mr. Speaker, I demand the yeas and nays.

The yeas and nays were ordered.

The question was taken; and there were—yeas 104, nays 160, answered "present" 0, not voting 110, as follows:

YEAS—104.

Ainey	Curry	Hamilton, Mich.	McCall
Anderson, Minn.	Dalzell	Hanna	McCreary
Anthony	Danforth	Haugen	McGuire, Okla.
Austin	Davidson	Hayes	McKenzie
Bartholdt	De Forest	Heald	McKinney
Bates	Dodds	Henry, Conn.	McLaughlin
Bowman	Draper	Hill	McMorran
Browning	Driscoll, M. E.	Howland	Malby
Burke, Pa.	Esch	Hubbard	Mann
Burke, S. Dak.	Farr	Humphrey, Wash.	Miller
Butler	French	Jackson	Mondell
Calder	Gardner, Mass.	Kendall	Moon, Pa.
Cannon	Gardner, N. J.	Kennedy	Morgan
Cooper	Gillett	Kinkaid, Nebr.	Mott
Crago	Good	Lafferty	Murdock
Crumpacker	Green, Iowa	La Follette	Needham
Currier	Greene, Mass.	Longworth	Nelson

Norris	Prouty	Stephens, Cal.	Volstead
Nye	Rees	Sterling	Vreeland
Olmsted	Roberts, Mass.	Stevens, Minn.	Warburton
Parran	Simmons	Sulloway	Wedemeyer
Payne	Slemp	Switzer	Wilder
Pickett	Sloan	Taylor, Ohio	Willis
Plumley	Smith, J. M. C.	Tilson	Wood, N. J.
Powers	Smith, Saml. W.	Towner	Young, Kans.
Pray	Steenerson	Utter	Young, Mich.

NAYS—169.

Adamson	Edwards	Kindred	Rouse
Aiken, S. C.	Estopinal	Kinkead, N. J.	Rubey
Alexander	Faison	Kitchin	Rucker, Mo.
Allen	Fergusson	Konig	Russell
Anderson, Ohio	Ferris	Konop	Saunders
Ansberry	Finley	Korbly	Scully
Ashbrook	Fitzgerald	Lamb	Shackleford
Barnhart	Flood, Va.	Lee, Ga.	Sharp
Bartlett	Floyd, Ark.	Lee, Pa.	Sherley
Bathrick	Foster	Lever	Sherwood
Beall, Tex.	Francis	Lindbergh	Sims
Blackmon	Garner	Linthicum	Sisson
Boehne	Garrett	Littlepage	Slayden
Booher	George	Lloyd	Small
Bulkley	Glass	McCoy	Smith, N. Y.
Burke, Wis.	Godwin, N. C.	McGillicuddy	Smith, Tex.
Burleson	Goeke	McKellar	Stanley
Burnett	Graham	Macon	Stedman
Byrnes, S. C.	Gray	Maguire, Nebr.	Stephens, Miss.
Byrns, Tenn.	Gregg, Pa.	Martin, Colo.	Stephens, Nebr.
Callaway	Gregg, Tex.	Moon, Tenn.	Stephens, Tex.
Candler	Hamill	Moore, Tex.	Stone
Cantrill	Hamilton, W. Va.	Morrison	Sweet
Carlin	Hamlin	Moss, Ind.	Taggart
Carter	Hammond	Murray	Talbott, Md.
Claypool	Hardy	Neeley	Talcott, N. Y.
Clayton	Harrison, Miss.	Oldfield	Taylor, Colo.
Cline	Hay	O'Shaunessy	Thomas
Collier	Hayden	Padgett	Townsend
Connell	Heflin	Page	Tribble
Conry	Helm	Patten, N. Y.	Turnbull
Cox, Ohio	Henry, Tex.	Pepper	Underwood
Cravens	Hensley	Peters	Watkins
Curley	Holland	Post	Webb
Daugherty	Howard	Pou	Whitacre
Davenport	Hughes, Ga.	Rainey	White
Davis, W. Va.	Hull	Raker	Wickliffe
Denver	Jacoway	Randell, Tex.	Wilson, Pa.
Dickinson	James	Rauch	Young, Tex.
Dixon, Ind.	Johnson, Ky.	Redfield	The Speaker
Doremus	Johnson, S. C.	Reilly	
Doughton	Jones	Roddenbery	
Dupré	Kent	Rothermel	

ANSWERED "PRESENT"—9.

Akin, N. Y.	Donohoe	Fuller	Lobeck
Burgess	Focht	Langley	Rucker, Colo.
Campbell			

NOT VOTING—110.

Adair	Ellerbe	Humphreys, Miss.	Pujo
Ames	Evans	Kahn	Ransdell, La.
Andrus	Fairchild	Knowland	Reyburn
Ayres	Fields	Kopp	Richardson
Barchfeld	Fordney	Lafean	Riordan
Bell, Ga.	Fornes	Langham	Roberts, Nev.
Berger	Foss	Lawrence	Robinson
Borland	Fowler	Legare	Rodenberg
Bradley	Gallagher	Lenroot	Sabath
Brantley	Goldfogle	Levy	Sells
Broussard	Goodwin, Ark.	Lewis	Sheppard
Brown	Gould	Lindsay	Smith, Cal.
Buchanan	Griest	Littleton	Sparkman
Cary	Gudger	Loud	Speer
Catlin	Guernsey	McDermott	Stack
Clark, Fla.	Hardwick	McHenry	Sulzer
Copley	Harris	McKinley	Taylor, Ala.
Covington	Harrison, N. Y.	Madden	Thayer
Cox, Ind.	Hartman	Maher	Thistlewood
Cullop	Hawley	Martin, S. Dak.	Tuttle
Davis, Minn.	Helgesen	Matthews	Underhill
Dent	Higgins	Mays	Weeks
Dickson, Miss.	Hinds	Moore, Pa.	Wilson, Ill.
Dies	Hobson	Morse, Wis.	Wilson, N. Y.
Difenderfer	Houston	Palmer	Witherspoon
Driscoll, D. A.	Howell	Patton, Pa.	Woods, Iowa
Dwight	Hughes, N. J.	Porter	
Dyer	Hughes, W. Va.	Prince	

The SPEAKER. The Clerk will call my name.

The Clerk called the name of Mr. CLARK of Missouri, and he answered "No," as above recorded.

So the motion to recommit was rejected.

The Clerk announced the following pairs:

For the session:

Mr. FORNES with Mr. BRADLEY.

Mr. RIORDAN with Mr. ANDRUS.

Until further notice:

Mr. WILSON of New York with Mr. LAWRENCE.

Mr. TUTTLE with Mr. WOODS of Iowa.

Mr. STACK with Mr. SELLS.

Mr. SPARKMAN with Mr. WILSON of Illinois.

Mr. PUJO with Mr. REYBURN.

Mr. LEVY with Mr. PATTON of Pennsylvania.

Mr. HUMPHREYS of Mississippi with Mr. MORSE of Wisconsin.

Mr. HOUSTON with Mr. MARTIN of South Dakota.

Mr. GUDGER with Mr. LOUD.

Mr. GOODWIN of Arkansas with Mr. KOPP.

Mr. FOWLER with Mr. KNOWLAND.

Mr. DANIEL A. DRISCOLL with Mr. HELGESEN.

Mr. COVINGTON with Mr. HAWLEY.

Mr. BROWN with Mr. HARRIS.

Mr. BROUSSARD with Mr. COPLEY.

Mr. BORLAND with Mr. CARY.

Mr. CLARK of Florida with Mr. LANGHAM.

Mr. HINDS with Mr. GOULD.

Mr. LEGARE with Mr. SMITH of California.

Mr. MAYS with Mr. THISTLEWOOD.

Mr. BELL of Georgia with Mr. PRINCE.

Mr. FIELDS with Mr. LANGLEY.

Mr. HOBSON with Mr. FAIRCHILD.

Mr. MCDERMOTT with Mr. FOSS.

Mr. LOBECK with Mr. DYER.

Mr. TAYLOR of Alabama with Mr. RODENBERG (commencing March 23).

Mr. HARDWICK with Mr. CAMPBELL (commencing March 25).

Mr. SABATH with Mr. CATLIN.

Mr. ELLERBE with Mr. PORTER (commencing April 1).

Mr. MAHER with Mr. KAHN.

Mr. COX of Indiana with Mr. ROBERTS of Nevada.

Mr. LINDSAY (against) with Mr. HIGGINS (to recommit).

Mr. WITHERSPOON with Mr. KOPP (commencing April 1).

Mr. SHEPPARD with Mr. DAVIS of Minnesota.

Mr. DIES with Mr. MADDEN.

Mr. EVANS with Mr. HOWELL (commencing March 29).

Mr. HARRISON of New York with Mr. GUERNSEY.

Mr. UNDERHILL (against) with Mr. FORDNEY (to recommit).

On the vote:

Mr. LITTLETON (against) with Mr. DWIGHT (to recommit).

Mr. SULZER (against) with Mr. MOORE of Pennsylvania (to recommit).

Mr. DENT (against) with Mr. GRIEST (to recommit).

Mr. DIFENDERFER (against) with Mr. LAFEAN (to recommit).

Mr. GOLDFOGLE (against) with Mr. SPEER (to recommit).

Mr. PALMER (against) with Mr. MCKINLEY (to recommit).

Mr. ADAIR (against) with Mr. MATTHEWS (to recommit).

Mr. HUGHES of New Jersey (against) with Mr. BARCHFELD (to recommit).

From March 7 until further notice:

Mr. GALLAGHER with Mr. FULLER.

Ending April 5:

Mr. THA[illegible] with Mr. AMES.

Mr. CULLO[illegible] with Mr. FOCHT.

Ending April 13:

Mr. BUCHANAN with Mr. HARTMAN.

Ending April 2, inclusive:

Mr. BURGESS with Mr. WEEKS.

Mr. LANGLEY. Mr. Speaker, I am paired with my colleague from Kentucky Mr. FIELDS, and I understood he was to be here to-day and therefore I voted "aye." If the gentleman did not vote, I desire to withdraw my vote and answer "present."

The name of Mr. LANGLEY was called, and he answered "Present."

Mr. ADAIR. Mr. Speaker, I was out of the room, and I guess I came in a little too late to vote, but I would like to have the RECORD show that had I voted I would have voted "no."

The result of the vote was announced as above recorded.

The SPEAKER. The question is, Shall the bill pass?

Mr. UNDERWOOD. Mr. Speaker, I demand the yeas and nays.

The yeas and nays were ordered.

The question was taken; and there were—yeas 190, nays 92, answered "present" 9, not voting 101, as follows:

YEAS—190.

Adair	Byrns, Tenn.	Edwards	Hamlin
Adamson	Callaway	Estopinal	Hammond
Aiken, S. C.	Candler	Faison	Hanna
Akin, N. Y.	Cantrill	Fergusson	Hardy
Alexander	Carlin	Ferris	Harrison, Miss.
Allen	Claypool	Finley	Haugen
Anderson, Minn.	Clayton	Fitzgerald	Hay
Anderson, Ohio	Cline	Flood, Va.	Hayden
Ansberry	Collier	Floyd, Ark.	Heflin
Barnhart	Connell	Foster	Helm
Bartlett	Conry	Garner	Henry, Tex.
Bathrick	Cox, Ohio	Garrett	Hensley
Beall, Tex.	Cravens	George	Holland
Blackmon	Curley	Glass	Howard
Boehne	Daugherty	Godwin, N. C.	Hubbard
Booher	Davenport	Goeke	Hughes, Ga.
Brantley	Davis, W. Va.	Goodwin, Ark.	Hull
Brown	Denver	Graham	Jackson
Bulkley	Dickinson	Gray	Jacoway
Burke, Wis.	Dixon, Ind.	Gregg, Pa.	James
Burleson	Doremus	Gregg, Tex.	Johnson, Ky.
Burnett	Doughton	Hamill	Johnson, S. C.
Byrnes, S. C.	Dupré	Hamilton, W. Va.	Jones

Kent	Moon, Tenn.	Reilly	Stevens, Minn.
Kindred	Moore, Tex.	Roddenbery	Stone
Kinkead, N. J.	Morrison	Rothermel	Sweet
Kitchin	Moss, Ind.	Rouse	Taggart
Konig	Murdock	Rubey	Talbott, Md.
Konop	Murray	Rucker, Mo.	Talcott, N. Y.
Korbly	Neeley	Russell	Taylor, Colo.
Lafferty	Nelson	Saunders	Thomas
La Follette	Norris	Scully	Townsend
Lamb	Nye	Shackleford	Tribble
Lee, Ga.	Oldfield	Sharp	Turnbull
Lee, Pa.	O'Shaunessy	Sherley	Underwood
Lever	Padgett	Sherwood	Volstead
Lewis	Page	Sims	Warburton
Lindbergh	Patten, N. Y.	Sisson	Watkins
Linthicum	Pepper	Slayden	Webb
Littlepage	Peters	Small	Whitacre
Lloyd	Post	Smith, N. Y.	White
McCoy	Pou	Smith, Tex.	Wickliffe
McGillicuddy	Rainey	Stanley	Wilson, Pa.
McKellar	Raker	Stedman	Young, Kans.
Macon	Randell, Tex.	Steenerson	Young, Tex.
Maguire, Nebr.	Ransdell, La.	Stephens, Miss.	The Speaker
Martin, Colo.	Rauch	Stephens, Nebr.	
Miller	Redfield	Stephens, Tex.	

NAYS—92.

Ainey	Driscoll, M. E.	Lawrence	Prouty
Anthony	Esch	Longworth	Rees
Austin	Farr	McCall	Roberts, Mass.
Bartholdt	Francis	McCreary	Roberts, Nev.
Bates	French	McGuire, Okla.	Simmons
Bowman	Gardner, Mass.	McKenzie	Slemp
Browning	Gardner, N. J.	McKinney	Sloan
Burke, Pa.	Gillett	McLaughlin	Smith, J. M. C.
Burke, S. Dak.	Good	McMorran	Smith, Saml. W.
Butler	Green, Iowa	Malby	Stephens, Cal.
Calder	Greene, Mass.	Mann	Sterling
Cannon	Hamilton, Mich.	Mondell	Sulloway
Cooper	Hayes	Moon, Pa.	Switzer
Crago	Heald	Morgan	Taylor, Ohio
Crumpacker	Henry, Conn.	Mott	Tilson
Currier	Higgins	Needham	Towner
Curry	Hill	Olmsted	Utter
Dalzell	Howland	Parran	Vreeland
Danforth	Humphrey, Wash.	Payne	Wedemeyer
Davidson	Kendall	Pickett	Wilder
De Forest	Kennedy	Plumley	Willis
Dodds	Kinkaid, Nebr.	Powers	Wood, N. J.
Draper	Knowland	Pray	Young, Mich.

ANSWERED "PRESENT"—9.

Ashbrook	Donohoe	Fuller	Lobeck
Burgess	Focht	Langley	Rucker, Colo.
Campbell			

NOT VOTING—101.

Ames	Ellerbe	Humphreys, Miss.	Reyburn
Andrus	Evans	Kahn	Richardson
Ayres	Fairchild	Kopp	Riordan
Barchfeld	Fields	Lafean	Robinson
Bell, Ga.	Fordney	Langham	Rodenberg
Berger	Fornes	Legare	Sabath
Borland	Foss	Lenroot	Sells
Bradley	Fowler	Levy	Sheppard
Broussard	Gallagher	Lindsay	Smith, Cal.
Buchanan	Goldfogle	Littleton	Sparkman
Carter	Gould	Loud	Speer
Cary	Griest	McDermott	Stack
Catlin	Gudger	McHenry	Sulzer
Clark, Fla.	Guernsey	McKinley	Taylor, Ala.
Copley	Hardwick	Madden	Thayer
Covington	Harris	Maher	Thistlewood
Cox, Ind.	Harrison, N. Y.	Martin, S. Dak.	Tuttle
Cullop	Hartman	Matthews	Underhill
Davis, Minn.	Hawley	Mays	Weeks
Dent	Helgesen	Moore, Pa.	Wilson, Ill.
Dickson, Miss.	Hinds	Morse, Wis.	Wilson, N. Y.
Dies	Hobson	Palmer	Witherspoon
Difenderfer	Houston	Patton, Pa.	Woods, Iowa
Driscoll, D. A.	Howell	Porter	
Dwight	Hughes, N. J.	Prince	
Dyer	Hughes, W. Va.	Pujo	

The SPEAKER. The Clerk will call my name.

The name of Mr. CLARK of Missouri was called and he voted "Aye."

So the bill was passed.

The Clerk announced the following additional pairs:

On this vote:

Mr. HUGHES of New Jersey (for the bill) with Mr. BARCHFELD (against).

On the wool bill:

Mr. LITTLETON (in favor) with Mr. DWIGHT (against).

Until further notice:

Mr. CARTER (for the bill) with Mr. KAHN (against).

Mr. DICKSON of Mississippi (for the bill) with Mr. MATTHEWS (against).

Mr. DENT (for the bill) with Mr. GRIEST (against).

Mr. SULZER (for the bill) with Mr. MOORE of Pennsylvania (against).

Mr. DIFENDERFER (for the bill) with Mr. LAFEAN (against).

Mr. GOLDFOGLE (for the bill) with Mr. SPEER (against).

Mr. PALMER (for the bill) with Mr. MCKINLEY (against).

Mr. UNDERHILL (for the bill) with Mr. FORDNEY (against).

Mr. RICHARDSON with Mr. PATTON of Pennsylvania.

Mr. WILSON of New York with Mr. SELLS.

Mr. MCHENRY with Mr. HUGHES of West Virginia.

Mr. AYRES with Mr. CARY.

The result of the vote was announced as above recorded.

On motion of Mr. UNDERWOOD, a motion to reconsider the vote by which the bill was passed was laid on the table.

THE LATE SENATOR ROBERT L. TAYLOR.

Mr. SIMS. Mr. Speaker, I send the following resolutions to the desk and ask unanimous consent for the immediate consideration of the same.

The SPEAKER. The Clerk will report the resolutions.

The Clerk read as follows:

House resolution 476.

Resolved, That the House has heard with profound sorrow of the death of Hon. ROBERT L. TAYLOR, a Senator of the United States from the State of Tennessee.

Resolved, That the Clerk communicate these resolution to the Senate and transmit a copy thereof to the family of the deceased Senator.

Resolved, That a committee of 18 Members be appointed on the part of the House to join the committee appointed on the part of the Senate to attend the funeral.

The SPEAKER. The question is on the adoption of the resolutions.

The resolutions were agreed to, and the Speaker appointed as the committee on the part of the House Mr. MOON of Tennessee, Mr. HULL, Mr. HOUSTON, Mr. BYRNS of Tennessee, Mr. PADGETT, Mr. SIMS, Mr. GARRETT, Mr. MCKELLAR, Mr. AUSTIN, Mr. SELLS, Mr. TILSON, Mr. GUDGER, Mr. JACOWAY, Mr. LANGLEY, Mr. ROUSE, Mr. LEE of Georgia, Mr. HEFLIN, and Mr. BEALL of Texas.

The SPEAKER. The Clerk will report the additional resolution.

The Clerk read as follows:

Resolved, That as a further mark of respect the House do now adjourn.

The SPEAKER. The question is on agreeing to the resolution.

The resolution was agreed to; accordingly (at 4 o'clock and 34 minutes p. m.) the House adjourned until to-morrow, Tuesday, April 2, 1912, at 12 o'clock noon.

EXECUTIVE COMMUNICATIONS.

Under clause 2 of Rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

1. A letter from the Secretary of War, transmitting seventh annual report of the American National Red Cross (H. Doc. No. 661); to the Committee on Foreign Affairs and ordered to be printed.

2. A letter from the Secretary of War, transmitting, with a letter from the Chief of Engineers, report of examination and survey of St. Joseph Bay, Fla. (H. Doc. No. 660); to the Committee on Rivers and Harbors and ordered to be printed.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, bills and resolutions were severally reported from committees, delivered to the Clerk, and referred to the several calendars therein named as follows:

Mr. ALEXANDER, from the Committee on the Merchant Marine and Fisheries, to which was referred the bill (H. R. 22343) to require supervising inspectors, Steamboat-Inspection Service, to submit their annual reports at the end of each fiscal year, reported the same without amendment, accompanied by a report (No. 480), which said bill and report were referred to the House Calendar.

Mr. FERRIS, from the Committee on the Public Lands, to which was referred the bill (H. R. 15361) to correct an error in the record of the supplemental treaty of September 28, 1830, made with the Choctaw Indians, and for other purposes, reported the same without amendment, accompanied by a report (No. 481), which said bill and report were referred to the House Calendar.

Mr. MCKELLAR, from the Committee on Military Affairs, to which was referred the bill (H. R. 14084) authorizing the retirement from active service, with increased rank, of officers now on the active list of the Army who served in the Civil War, reported the same without amendment, accompanied by a report (No. 478), which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. FRENCH, from the Committee on Public Buildings and Grounds, to which was referred the bill (H. R. 22301) authorizing the Secretary of the Treasury to convey to the city of Uvalde, Tex., a certain strip of land, reported the same without amendment, accompanied by a report (No. 479), which said bill and report were referred to the Committee of the Whole House on the state of the Union.

PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS.

Under clause 3 of Rule XXII, bills, resolutions, and memorials were introduced and severally referred as follows:

By Mr. FERGUSSON: A bill (H. R. 22727) for the purchase of a site and erection of a Federal building at Santa Fe, N. Mex.; to the Committee on Public Buildings and Grounds.

By Mr. SIMMONS: A bill (H. R. 22728) to regulate the importation of nursery stock and other plants and plant products; to enable the Secretary of Agriculture to establish and maintain quarantine districts for plant diseases and insect pests; to permit and regulate the movement of fruits, plants, and vegetables therefrom, and for other purposes; to the Committee on Agriculture.

By Mr. NEEDHAM: A bill (H. R. 22729) for the relief of persons suffering damages by the construction of the canal diverting the waters of the Mormon Slough into the Calaveras River; to the Committee on Claims.

By Mr. SMITH of Texas: A bill (H. R. 22730) to further regulate interstate commerce; to the Committee on Interstate and Foreign Commerce.

By Mr. LA FOLLETTE: A bill (H. R. 22731) to extend the time for the construction of a dam across the Pend Oreille River, Wash.; to the Committee on Interstate and Foreign Commerce.

By Mr. COX of Indiana: A bill (H. R. 22732) to repeal an act allowing mileage to Members of Congress, Delegates from Territories, Resident Commissioners from Porto Rico and the Philippine Islands, etc.; to the Committee on Mileage.

By Mr. RANSDELL of Louisiana: A bill (H. R. 22733) appropriating $300,000 for the purpose of maintaining and protecting against floods the levees on the Mississippi River heretofore constructed in whole or in part by the United States; to the Committee on Rivers and Harbors.

By Mr. MILLER: A bill (H. R. 22734) to acquire a site and construct a public building at International Falls, Minn.; to the Committee on Public Buildings and Grounds.

By Mr. HENRY of Texas: Resolution (H. Res. 475) providing for the consideration of House joint resolution 204; to the Committee on Rules.

By Mr. DANFORTH: Memorial of the Legislature of the State of New York, favoring the passage of House bills 36 and 4428, to afford protection to migratory game birds and wild fowl of the United States; to the Committee on Agriculture.

By Mr. MOTT: Memorial of the Legislature of the State of New York, favoring the passage of House bills 36 and 4428, to afford protection to migratory game birds and wild fowl of the United States; to the Committee on Agriculture.

By Mr. AKIN of New York: Memorial of the Legislature of the State of New York, favoring the passage of House bills 36 and 4428, also Senate bill 2367, to afford protection to migratory game birds and wild fowl of the United States; to the Committee on Agriculture.

By Mr. AYRES: Memorial of the Legislature of the State of New York, favoring the passage of House bills 36 and 4428, also Senate bill 2367, to afford protection to migratory game birds and wild fowl of the United States; to the Committee on Agriculture.

By Mr. SMITH of New York: Memorial of the Legislature of the State of New York, favoring the passage of House bills 36 and 4428, to afford protection to migratory game birds and wild fowl of the United States; to the Committee on Agriculture.

PRIVATE BILLS AND RESOLUTIONS.

Under clause 1 of Rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. ALLEN: A bill (H. R. 22735) granting an increase of pension to Ann Charlotte Timberman; to the Committee on Invalid Pensions.

By Mr. CALDER: A bill (H. R. 22736) for the relief of P. E. Anderson & Co.; to the Committee on Claims.

By Mr. CAMPBELL: A bill (H. R. 22737) granting an increase of pension to Thomas Louderback; to the Committee on Invalid Pensions.

By Mr. CARY: A bill (H. R. 22738) granting an increase of pension to Henry B. Mason; to the Committee on Invalid Pensions.

By Mr. COX of Indiana: A bill (H. R. 22739) granting an increase of pension to Priscovia Robinson; to the Committee on Invalid Pensions.

By Mr. DANIEL A. DRISCOLL: A bill (H. R. 22740) to remove the charge of desertion against C. S. Lockwood; to the Committee on Military Affairs.

By Mr. DYER: A bill (H. R. 22741) granting a pension to Thomas Payne; to the Committee on Pensions.

By Mr. FITZGERALD: A bill (H. R. 22742) granting a pension to Samuel Castell; to the Committee on Invalid Pensions.

By Mr. HAMLIN: A bill (H. R. 22743) granting a pension to Rhoda E. Franklin; to the Committee on Invalid Pensions.

By Mr. HENSLEY: A bill (H. R. 22744) for the relief of the trustees of the Methodist Episcopal Church South, of De Soto, Mo.; to the Committee on War Claims.

By Mr. LITTLEPAGE: A bill (H. R. 22745) granting a pension to Benjamin F. Bess; to the Committee on Pensions.

Also, a bill (H. R. 22746) granting an increase of pension to Rufus McCutcheon; to the Committee on Invalid Pensions.

By Mr. McKINLEY: A bill (H. R. 22747) granting an increase of pension to Callman Elbinger; to the Committee on Invalid Pensions.

By Mr. MALBY: A bill (H. R. 22748) granting a pension to Elizabeth Hogan; to the Committee on Pensions.

Also, a bill (H. R. 22749) granting a pension to Esther Neddo; to the Committee on Pensions.

Also, a bill (H. R. 22750) granting an increase of pension to Orlando Burt; to the Committee on Invalid Pensions.

By Mr. POWERS: A bill (H. R. 22751) for the relief of Hannah Gilbert; to the Committee on War Claims.

Also, a bill (H. R. 22752) granting an increase of pension to John Doss; to the Committee on Invalid Pensions.

Also, a bill (H. R. 22753) granting an increase of pension to James W. New; to the Committee on Invalid Pensions.

Also, a bill (H. R. 22754) granting an increase of pension to James Lovens; to the Committee on Invalid Pensions.

Also, a bill (H. R. 22755) granting a pension to William R. Jackson; to the Committee on Pensions.

By Mr. SLEMP: A bill (H. R. 22756) granting an increase of pension to Charles G. Scott; to the Committee on Invalid Pensions.

By Mr. UNDERWOOD: A bill (H. R. 22757) for the relief of the legal representatives of William H. Stringer, deceased; to the Committee on War Claims.

By Mr. WHITE: A bill (H. R. 22758) granting an increase of pension to Perry Kemp; to the Committee on Invalid Pensions.

By Mr. WILLIS: A bill (H. R. 22759) granting an increase of pension to Jonathan H. Snyder; to the Committee on Invalid Pensions.

PETITIONS, ETC.

Under clause 1 of Rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

By Mr. ANDERSON of Minnesota: Petition of H. B. Grasby and 11 others, of Houston, Minn., against extension of the parcel-post system; to the Committee on the Post Office and Post Roads.

By Mr. ASHBROOK: Petition of William Coffman & Son and 9 other merchants of Warsaw, Ohio, asking that Congress give to the Interstate Commerce Commission further power to regulate express companies; to the Committee on Interstate and Foreign Commerce.

Also, memorial of the Chamber of Commerce of Cleveland, Ohio, asking for the enactment of 1-cent postage; to the Committee on the Post Office and Post Roads.

Also, petition of R. J. Welch and 6 other citizens of Newark, Ohio, protesting against the enactment of legislation prohibiting the interstate commerce of liquors; to the Committee on the Judiciary.

By Mr. BARCHFELD: Petition of the Lawrenceville Board of Trade, of Pittsburgh, Pa., favoring a reduction in letter postage from 2 to 1 cent; to the Committee on the Post Office and Post Roads.

Also, petition of the South Pittsburgh (Pa.) Board of Trade, for a reduction in letter postage from 2 to 1 cent; to the Committee on the Post Office and Post Roads.

Also, petition of the Chartier Valley Lodge, No. 571, Brotherhood of Railroad Trainmen, favoring a Federal liability compensation act; to the Committee on Interstate and Foreign Commerce.

By Mr. BOWMAN: Petition of citizens of Wilkes-Barre, Pa., for construction of one battleship in a Government navy yard; to the Committee on Naval Affairs.

Also, petition of Illinois Bankers' Association, for farm demonstration work throughout the country; to the Committee on Agriculture.

Also, petition of Camas (Mont.) Hot Springs Commercial Club, relative to irrigation of the Flathead Indian Reservation; to the Committee on Indian Affairs.

By Mr. CALDER: Petition of S. M. Flickinger Co., of Buffalo, N. Y., for enactment of House bill 4667; to the Committee on Interstate and Foreign Commerce.

Also, petition of the Seamen's Church Institute, of New York, for enactment of Senate bill 2117; to the Committee on Interstate and Foreign Commerce.

Also, petition of Friedland Bros., of Brooklyn, N. Y., protesting against House bill 14060; to the Committee on Interstate and Foreign Commerce.

Also, petitions of Philadelphia Board of Trade; A. I. Namm & Son, of Brooklyn; and the Central Foundry Co., of New York, protesting against House bill 16844; to the Committee on Interstate and Foreign Commerce.

Also, petition of Maurice Simmons, of New York City, for enactment of House bill 17741; to the Committee on Interstate and Foreign Commerce.

Also, petition of the California Club, of California, urging special appropriation for enforcement of the white-slave-traffic act; to the Committee on Appropriations.

Also, petition of the American Anti-Trust League, asking that the Federal arbitration act be extended to the coal industry; to the Committee on the Judiciary.

Also, petition of Y. Pendas, of New York, protesting against House bill 21100; to the Committee on the Judiciary.

Also, petition of the Business Men's Association of Elmira, N. Y., for 1-cent letter postage; to the Committee on the Post Office and Post Roads.

By Mr. CARY: Petition of citizens of Milwaukee, favoring construction of battleships in Government navy yards; to the Committee on Naval Affairs.

Also, memorial of Group No. 611, Polish National Alliance, South Milwaukee, Wis., protesting against the educational test in the immigration laws; to the Committee on Immigration and Naturalization.

By Mr. CRAVENS: Petition of citizens of Chant, Ark., for enactment of House bill 14, providing for a parcel-post system; to the Committee on the Post Office and Post Roads.

By Mr. DAVIS of West Virginia: Petition of sundry citizens of Marion County, W. Va., praying for a speedy report of House bill 16214; to the Committee on the Judiciary.

By Mr. DICKINSON: Petition of J. Q. Thompson and 46 other citizens of Windsor, Mo., in favor of building one battleship at the Government navy yard at New York City; to the Committee on Naval Affairs.

By Mr. DRAPER: Petition of Grange of Putnam, N. Y., against reduction in the tax on oleomargarine; to the Committee on Agriculture.

By Mr. DANIEL A. DRISCOLL: Petition of Buffalo (N. Y.) Union, No. 4, International Photo-Engravers' Union of North America, for enactment of House bill 20423; to the Committee on the Judiciary.

Also, petition of the State Board of Charities of New York, for an educational test in the immigration laws; to the Committee on Immigration and Naturalization.

Also, petition of W. L. Baker, of Buffalo, N. Y., for enactment of House bill 16843; to the Committee on Military Affairs.

By Mr. DYER: Papers to accompany House bill 4823; to the Committee on Pensions.

Also, papers to accompany House bill 4829; to the Committee on Military Affairs.

Also, petition of the Campbell Iron Co., of St. Louis, Mo., protesting against enactment of House bill 16844; to the Committee on Interstate and Foreign Commerce.

By Mr. ESTOPINAL: Petition of the Central Trades and Labor Council of New Orleans, La., protesting against passage of the bill to repeal the duties on sugar, etc.; to the Committee on Ways and Means.

By Mr. FLOYD of Arkansas: Papers to accompany House bill 17303; to the Committee on Pensions.

By Mr. FOCHT: Papers to accompany bill for the relief of Albert List (H. R. 22388); to the Committee on Invalid Pensions.

By Mr. FULLER: Petition of T. A. Pottinger, of Peru, Ill., for a parcel-post law; to the Committee on the Post Office and Post Roads.

Also, petition of A. J. Hug and other merchants, of Waterman, Ill., opposed to the establishment of a parcel post, etc.; to the Committee on the Post Office and Post Roads.

Also, petition of the Illinois Bankers' Association, in favor of the passage of the Lever-Smith bill with certain amendments, etc.; to the Committee on Agriculture.

Also, petition of Camas Hot Springs Commercial Club, of Camas, Mont., in favor of the proposed irrigation of the Flathead Indian Reservation, etc.; to the Committee on Irrigation of Arid Lands.

Also, petition of the Congregational Club of Chicago, Ill., favoring an appropriation of $66,000 to be paid to the contributors of the Miss Stone ransom; to the Committee on Appropriations.

Also, petition of Rockford Chamber of Commerce, of Rockford, Ill., against the proposed abolishment of the Bureau of Manufactures; to the Committee on Appropriations.

Also, petition of Retail Merchants' Association of Edwardsville, Ill., in favor of 1-cent letter postage; to the Committee on the Post Office and Post Roads.

By Mr. GUERNSEY: Petitions of the Woman's Christian Temperance Union of Houlton, the Christian Church of North Newport, and Grange of North Newport, Me., for passage of the Kenyon-Sheppard interstate liquor bill; to the Committee on the Judiciary.

By Mr. HAYES: Petitions of J. P. Knowlton, of Morgan Hill, and Sylvan L. Bernstein, of San Francisco, Cal., for parcel-post legislation; to the Committee on the Post Office and Post Roads.

Also, petitions of citizens of Patterson, and the Auburn Lumber Co., of East Auburn, Cal., protesting against parcel-post legislation; to the Committee on the Post Office and Post Roads.

By Mr. HENSLEY: Memorial of members of the Christian Church, Farmington, Mo., favoring passage of Kenyon-Sheppard interstate liquor bill; to the Committee on the Judiciary.

Also, petition of Joseph King, Armory Theater, St. Genevieve, favoring enactment of House bill 20595, to amend section 25 of copyright act of 1909; to the Committee on Patents.

By Mr. HIGGINS: Petition of Grange No. 177, Patrons of Husbandry, for parcel-post legislation; to the Committee on the Post Office and Post Roads.

By Mr. KAHN: Petition of Industrial Relief Agency for Homeless Men, San Francisco, Cal., favoring amendment to act for sailors' home; to the Committee on Naval Affairs.

Also, petition of California Civic League, San Francisco, Cal., favoring Federal commission on industrial relations; to the Committee on Labor.

Also, petition of Captain H. J. Reilly Camp, No. 14, United Spanish War Veterans, San Francisco, Cal., favoring House bill 17470; to the Committee on Pensions.

Also, petitions of citizens of San Francisco, Cal., for parcel-post legislation; to the Committee on the Post Office and Post Roads.

Also, petition of Portland Lumber Co., of San Francisco, Cal., protesting against parcel-post legislation; to the Committee on the Post Office and Post Roads.

Also, petitions of Gibbs & McDonald and Charles Rothchild, of San Francisco, Cal., for enactment of House bill 20595, amending the copyright act of 1909; to the Committee on Patents.

Also, petitions of the Asiatic Exclusion League and Office Employees' Association, American Federation of Labor, for enactment of House bill 13500; to the Committee on Immigration and Naturalization.

Also, petition of Dr. M. A. Meyer, of San Francisco, Cal., for enactment of House bill 21094; to the Committee on Rules.

Also, petition of Municipal Council, United Spanish War Veterans, of San Francisco, Cal., for enactment of House bill 19514; to the Committee on Military Affairs.

Also, petition of Labor Council of San Francisco, Cal., in opposition to Senate bill 3175; to the Committee on Immigration and Naturalization.

Also, petition of California State Veterinary Medical Association, for enactment of House bill 16843; to the Committee on Military Affairs.

By Mr. LA FOLLETTE: Petitions of citizens of Mondovi, Valley, Gray, Springdale, Reardan, Addy, and Lamont, all in the State of Washington, urging passage of parcel-post bill; to the Committee on the Post Office and Post Roads.

Also, petitions of citizens of Northport, Boundary, and Aladdin, all in the State of Washington, urging passage of parcel-post bill; to the Committee on the Post Office and Post Roads.

Also, petition of W. W. Ulin and others, of Havillah, Wash., urging passage of parcel-post bill; to the Committee on the Post Office and Post Roads.

Also, petition of citizens of Spokane, Wash., urging passage of Kenyon-Sheppard bill; to the Committee on the Judiciary.

Also, petition of citizens of Spokane, Wash., urging provision in naval appropriation bill for construction of one battleship this year at a Government navy yard; to the Committee on Naval Affairs.

Also, petition of citizens of Chesaw, Wash., asking investigation of conditions at the Federal prison at Leavenworth, Kans., opposing higher postal rates on newspapers and magazines, and indorsing the Lewis postal-express bill; to the Committee on Interstate and Foreign Commerce.

Also, petitions of sundry citizens of Washington and Idaho, submitted by A. D. Cross, St. Andrews, Wash., secretary of the Washington State Farmers' Educational and Cooperative Union, urging passage of parcel-post bill and law to prohibit gambling in futures on farm products; to the Committee on Agriculture.

By Mr. LEE of Pennsylvania: Memorial of members of Grange No. 1418, Patrons of Husbandry, favoring passage of House bill 19133; to the Committee on Interstate and Foreign Commerce.

By Mr. McCALL: Petition of the Pinkham Class, of Somerville, Mass., for the passage of Kenyon-Sheppard interstate liquor bill; to the Committee on the Judiciary.

By Mr. McCOY: Memorial of the International Union of United Brewery Workmen, Newark, N. J., favoring passage of Hamill bill, providing pensions to the aged; to the Committee on Pensions.

By Mr. MAHER: Petition of the San Francisco Labor Council, for enactment of House bill 20423; to the Committee on the Judiciary.

By Mr. MALBY: Resolution of the Legislature of the State of New York, favoring the adoption of Federal legislation for the protection of migratory game birds; to the Committee on Agriculture.

Also, papers to accompany bill for the relief of William M. Lamere (H. R. 15088); to the Committee on Invalid Pensions.

By Mr. MANN: Petition of the Congregational Churches of Chicago, favoring bill to reimburse persons who contributed toward the ransom of Ellen M. Stone; to the Committee on Claims.

By Mr. MOORE of Pennsylvania: Memorial of the Retail Merchants' Association of the Washington Chamber of Commerce, urging passage of Senate bill 3813; to the Committee on the District of Columbia.

Also, memorial of the Philadelphia Board of Trade, protesting against the passage of House bill 16844; to the Committee on Interstate and Foreign Commerce.

Also, memorial of the Philadelphia Board of Trade, urging the passage of House bill 19795; to the Committee on Interstate and Foreign Commerce.

Also, petition of the Conference of the Methodist Church of Philadelphia, urging the speedy passage of the Kenyon-Sheppard bill; to the Committee on the Judiciary.

Also, petition of St. Peter's Young Men's Beneficial Society, relating to Catholic Indian mission interests; to the Committee on Indian Affairs.

Also, petition of German-American Alliance, of Pottsville, Pa., against the passage of all pending prohibition or interstate-commerce liquor legislation; to the Committee on the Judiciary.

Also, petition of National Association of Army Nurses of the Civil War, urging enactment granting pensions to nurses who served in the Civil War; to the Committee on Invalid Pensions.

Also, petition of National German-American Alliance, protesting against the passage of the Dillingham bill; to the Committee on Immigration and Naturalization.

Also, memorial of Philadelphia Chamber of Commerce, urging the House to appropriate a sufficient sum of money for the Tariff Board to continue its work; to the Committee on Appropriations.

Also, memorial of the Society of Italian Immigrants in Philadelphia, protesting against further restriction of immigration; to the Committee on Immigration and Naturalization.

By Mr. MOTT: Petition of Natural Bridge (N. Y.) Grange, No. 497, in favor of the parcel post; to the Committee on the Post Office and Post Roads.

Also, petition of Oswego County Pomona Grange, of Oswego County, N. Y., in favor of the Page agricultural bill; to the Committee on Agriculture.

Also, petition of Domestic Grange, of Oswego, N. Y., opposing the Lever bill; to the Committee on Agriculture.

Also, petition of Domestic Grange, of Oswego, N. Y., in favor of a full parcel post; to the Committee on the Post Office and Post Roads.

By Mr. O'SHAUNESSY: Petition of Nest No. 1250, Order of Owls, for use of 1,000 acres of public land for camp purposes, etc.; to the Committee on the Public Lands.

Also, petition of the Religious Society of Friends of Portsmouth and members of the Men's Baraca Class of the First Baptist Church of North Kingston, R. I., for enactment of House bill 16214; to the Committee on the Judiciary.

Also, petition of Central Grange, No. 34, Patrons of Husbandry, for parcel-post legislation; to the Committee on the Post Office and Post Roads.

Also, memorials of the Merchants' Association and Board of Trade of Pawtucket, R. I., relative to construction of the Rhode Island section of intraconstal waterways; to the Committee on Interstate and Foreign Commerce.

By Mr. PETERS: Petition of citizens of Boston, Mass., for passage of an old-age pension bill; to the Committee on Pensions.

By Mr. POWERS: Petition of various citizens of the eleventh congressional district of Kentucky, for insertion of clause in naval appropriation bill providing for building of one battleship in Government navy yard; to the Committee on Naval Affairs.

By Mr. PRAY: Petition of residents of Lewiston, Mont., protesting against the passage of House bill 17485; to the Committee on the Public Lands.

Also, petition of 100 residents of Cut Bank and Musselshell, Mont., in favor of homestead bill of the three-year proof act; to the Committee on the Public Lands.

By Mr. RAKER: Petition of Charles A. Burrows, of Lancaster, Pa., favoring Berger old-age pension bill; to the Committee on Pensions.

Also, petition of the San Francisco Labor Council, for enactment of House bill 20423; to the Committee on the Judiciary.

By Mr. REILLY: Petition of Kent Grange, No. 154, Patrons of Husbandry, for parcel-post legislation; to the Committee on the Post Office and Post Roads.

Also, memorial of Group No. 233 of the Polish National Alliance of United States, protesting against proposed educational test in immigration laws; to the Committee on Immigration and Naturalization.

By Mr. RODENBERG: Memorial of Belleville (Ill.) Typographical Union, No. 74, for enactment of House bill 11032; to the Committee on the Judiciary.

Also, memorial of Belleville Typographical Union, No. 74, in favor of the Berger old-age pension bill; to the Committee on Pensions.

Also, memorial of Belleville (Ill.) Local, No. 474, United Mine Workers of America, favoring House bill 11032; to the Committee on the Judiciary.

Also, memorial of Belleville (Ill.) Local, No. 21, International Union of United Brewery Workers, favoring House bills 11032 and 13114; to the Committee on the Judiciary.

Also, memorial of Belleville (Ill.) Local, No. 474, United Mine Workers of America, favoring House bill 13114; to the Committee on Pensions.

By Mr. TALBOTT of Maryland: Petition of Highland Grange, No. 255, Patrons of Husbandry, in favor of Senate bill 5474 and House bill 19133; to the Committee on Interstate and Foreign Commerce.

Also, petition of Taneytown (Md.) Grange, No. 184, Patrons of Husbandry, in favor of Senate bill 5474 and House bill 19133; to the Committee on Interstate and Foreign Commerce.

Also, petition of Taneytown Grange, No. 184, Patrons of Husbandry, asking for passage of Senate bill 3; to the Committee on Agriculture.

By Mr. THOMAS: Petition of citizens of Greenville and Luzerne, Ky., asking that one battleship be constructed in a Government navy yard; to the Committee on Naval Affairs.

By Mr. TILSON: Petition of Kent Grange, No. 154, Patrons of Husbandry, for parcel-post legislation; to the Committee on the Post Office and Post Roads.

By Mr. SMITH of New York: Petition of citizens of Buffalo, N. Y., for enactment of House bills 19405, 19406, and 19407; to the Committee on the Merchant Marine and Fisheries.

By Mr. STERLING: Petition of citizens of Cullom, Ill., for parcel post; to the Committee on the Post Office and Post Roads.

SENATE.

TUESDAY, *April 2, 1912.*

The Senate met at 2 o'clock p. m.

Prayer by the Chaplain, Rev. Ulysses G. B. Pierce, D. D.

The Journal of yesterday's proceedings was read and approved.

SENATORS FROM ARIZONA AND NEW MEXICO.

Mr. SMITH of Michigan. Mr. President, the admission of the Territories of Arizona and New Mexico as States in the Union having been accomplished in appropriate and constitutional form, and the representatives of such States duly and regularly chosen for membership in this body now being present, I take pleasure in presenting the credentials of the Senator elect from New Mexico, Mr. FALL, and announce his presence in the Chamber and his readiness to take the oath of office.

The VICE PRESIDENT. The Secretary will read the credentials.

The Secretary read the credentials of ALBERT BACON FALL, chosen by the Legislature of the State of New Mexico a Senator from that State.

The VICE PRESIDENT. The chairman of the Committee on Privileges and Elections having advised the Chair that that committee has passed upon the credentials, without objection the credentials will be referred directly to the Secretary of the Senate for the files of the Senate.

Mr. WARREN. Mr. President, I desire to present the credentials of Mr. CATRON, Senator elect from New Mexico. I will

state that the Senator elect is in the Chamber and ready to qualify.

The VICE PRESIDENT. The credentials will be read.

The Secretary read the credentials of THOMAS BENTON CATRON, chosen by the Legislature of the State of New Mexico a Senator from that State.

The VICE PRESIDENT. Without objection, the same course will be followed as in the case of Senator elect FALL.

Mr. SHIVELY. Mr. President, I present the certificate of election of Hon. MARCUS A. SMITH, a Senator elect from the State of Arizona. The Senator elect is present in the Chamber and ready to take the oath of office.

The VICE PRESIDENT. The credentials will be read.

The Secretary read the credentials of MARCUS A. SMITH, chosen by the Legislature of the State of Arizona a Senator from that State.

The VICE PRESIDENT. Without objection, the same course will be followed as in the case of Senator elect CATRON.

Mr. CULBERSON. Mr. President, I present the credentials of HENRY F. ASHURST, a Senator elect from the State of Arizona, and ask that they be read and placed on file. The Senator elect is present in the Chamber and ready to take the oath of office.

The VICE PRESIDENT. The Secretary will read the credentials.

The Secretary read the credentials of HENRY F. ASHURST, chosen by the Legislature of the State of Arizona a Senator from that State.

The VICE PRESIDENT. Without objection, the same order will be made as in the case of Senator elect SMITH. The Senators being present in the Senate Chamber, they will present themselves at the desk to take the constitutional oath of office.

Mr. ASHURST, Mr. CATRON, Mr. FALL, and Mr. SMITH advanced to the Vice President's desk, escorted by Mr. CULBERSON, Mr. WARREN, Mr. SMITH of Michigan, and Mr. SHIVELY, respectively, and, the oath prescribed by law having been administered to them, they took their seats in the Senate.

TERMS OF NEW SENATORS.

Mr. DILLINGHAM. I send to the desk a resolution, for which I ask immediate consideration.

The VICE PRESIDENT. The Senator from Vermont presents a resolution, for which immediate consideration is requested. The Secretary will read the resolution for the information of the Senate.

The Secretary read the resolution (S. Res. 274), as follows:

Resolved, That the Senate proceed to ascertain the classes to which the Senators from the States of Arizona and New Mexico shall be assigned, in conformity with the resolution of the Senate of the 14th of May, 1789, and as the Constitution requires.

Resolved, That the Secretary put two papers of equal size in each of two separate ballot boxes, and in each instance one of such papers shall be numbered 1 and the other shall be a blank. The Senators from the State of Arizona shall proceed to draw the papers from one of such ballot boxes, and the Senators from the State of New Mexico shall proceed to draw the papers from the other ballot box, proceeding to draw in the alphabetical order of their names. The Senators who draw papers numbered 1 shall be assigned to the class of Senators whose terms of service will expire on the 3d day of March, 1917. That the Secretary then put into one ballot box two papers of equal size, one of which shall be numbered 2 and the other shall be numbered 3. The two Senators who in the first instance drew blank ballots shall, in the alphabetical order of their names, each draw one paper from said ballot box, and the Senator who shall draw the paper numbered 2 shall be assigned to the class of Senators whose term of service will expire on the 3d day of March, 1913, and the Senator who shall draw the paper numbered 3 shall be assigned to the class of Senators whose term of service will expire on the 3d day of March, 1915.

The VICE PRESIDENT. Is there objection to the present consideration of the resolution?

Mr. BAILEY. If I understand the resolution, it makes it possible that the two Senators from one of the States might both draw the six-year terms.

Mr. DILLINGHAM, Mr. WARREN, and others. Oh, no.

Mr. BAILEY. Then I did not understand it. It would obviously be improper that the Senators from the same State might each draw a six-year term.

The VICE PRESIDENT. The resolution expressly provides against that very thing.

Mr. SHIVELY. That can not be done under the terms of the resolution.

Mr. BAILEY. I did not hear the resolution read fully.

The VICE PRESIDENT. Does the Senator from Texas desire to have the resolution read again?

Mr. BAILEY. No.

The VICE PRESIDENT. Is there objection to the present consideration of the resolution? The Chair hears none. Without objection, the resolution is agreed to. The Secretary will proceed to execute the order. The Senators elect will present themselves at the Secretary's desk.

Mr. ASHURST, Mr. CATRON, Mr. FALL, and Mr. SMITH advanced to the Secretary's desk and drew papers from the boxes, pursuant to the resolution.

The VICE PRESIDENT. The Chair makes the following announcement: Mr. ASHURST, of Arizona, and Mr. CATRON, of New Mexico, having drawn papers numbered 1, are, in accordance with the resolution of the Senate, entitled to be classed with Senators whose term of service will expire March 3, 1917.

Mr. FALL, of New Mexico, having drawn a paper numbered 2, is entitled to be classed with those Senators whose term of service will expire March 3, 1913.

And Mr. SMITH, of Arizona, having drawn a paper numbered 3, is entitled to be classed with those Senators whose term of service will expire March 3, 1915.

DISPOSITION OF USELESS PAPERS (H. DOC. NO. 667).

The VICE PRESIDENT. The Chair lays before the Senate a communication from the Secretary of Commerce and Labor, transmitting, pursuant to law, schedules of useless papers, books, and so forth, on the files of the Department of Commerce and Labor which are not needed in the transaction of public business and have no permanent value or historical interest. The communication and accompanying paper will be referred to the Joint Select Committee on the Disposition of Useless Papers in the Executive Departments. The Chair appoints as the committee on the part of the Senate the Senator from Arkansas [Mr. CLARKE] and the Senator from New Hampshire [Mr. BURNHAM]. The Secretary will notify the House of Representatives of the appointment of the committee on the part of the Senate.

THE FAUNA OF BRITISH INDIA (S. DOC. NO. 478).

The VICE PRESIDENT laid before the Senate a communication from the Secretary of State, transmitting, under separate cover, for use in the library of the Senate, a copy of the work entitled "The Fauna of British India," which was ordered to be printed and, with the accompanying volume, referred to the Committee on the Library.

MOTOR AND OTHER VEHICLES IN GOVERNMENT SERVICE.

The VICE PRESIDENT laid before the Senate a communication from the Secretary of the Navy, transmitting, in response to a resolution of the 25th ultimo, certain information relative to the number of carriages, motor vehicles, etc., owned and operated by the Government and used by the Navy Department, which was referred to the Committee on Appropriations and ordered to be printed (S. Doc. No. 483).

He also laid before the Senate a communication from the Postmaster General, transmitting, in response to a resolution of the 25th ultimo, certain information relative to the number of carriages, motor vehicles, etc., owned and operated by the Government and used by the Post Office Department, which was referred to the Committee on Appropriations and ordered to be printed (S. Doc. No. 482).

He also laid before the Senate a communication from the Secretary of the Smithsonian Institution, transmitting, in response to a resolution of the 25th ultimo, certain information relative to the number of carriages, motor vehicles, etc., owned and operated by the Government and used by that institution, which was referred to the Committee on Appropriations and ordered to be printed (S. Doc. No. 481).

He also laid before the Senate a communication from the Public Printer, transmitting, in response to a resolution of the 25th ultimo, certain information relative to the number of carriages, motor vehicles, etc., owned and operated by the Government and used by the Printing Office, which was referred to the Committee on Appropriations and ordered to be printed (S. Doc. No. 480).

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by D. K. Hempstead, its enrolling clerk, announced that the House had passed a bill (H. R. 22195) to reduce the duties on wool and manufactures of wool, in which it requested the concurrence of the Senate.

The message also announced that the House had disagreed to the amendment of the Senate to the bill (H. R. 1) granting a service pension to certain defined veterans of the Civil War and the War with Mexico; asks a conference with the Senate on the disagreeing votes of the two Houses thereon, and has appointed Mr. SHERWOOD, Mr. ADAIR, and Mr. SULLOWAY managers at the conference on the part of the House.

The message further transmitted to the Senate resolutions on the death of Hon. ROBERT LOVE TAYLOR, late a Senator from the State of Tennessee.

LETTER OF CHARLES FRANCIS ADAMS—PENSION SYSTEM.

Mr. LODGE. Mr. President, I desire to make a correction in the RECORD. In the RECORD of March 22, page 3762, I notice in a speech purporting to have been delivered in the House of Representatives a long extract from a newspaper reflecting very severely on Charles Francis Adams, who is a distinguished citizen of my State. I think if that is to appear in the RECORD it is only fair in justice to Mr. Adams that his statement in regard to what is there said by the newspaper quoted should be also printed in the RECORD.

I will not trouble the Senate to read it, but ask that the letter may be printed as a part of what I have just said.

The VICE PRESIDENT. Without objection, an order therefor is entered.

The letter referred to is as follows:

1701 MASSACHUSETTS AVENUE,
Washington, D. C., March 6, 1912.

Hon. H. C. LODGE,
United States Senate, Washington, D. C.

MY DEAR SENATOR LODGE: In a recent publication over my own name, entitled "The Civil War Pension Lack of System," I took occasion to say that it might not unsafely be asserted that "if any Member of Congress—or indeed citizen in private life of sufficient prominence to excite remark at all—ventures on a criticism, much more an analysis, of the pension roll he may with tolerable certainty count on a response in no way dissimilar to that visited on Secretary MacVeagh" because of a recent utterance of his to the effect that the pension roll had lost its patriotic aspects and now become a political list. "Nor need he hope for either fairness of treatment or moderation of speech. He may, on the contrary, rest assured that the denunciation will be personal, abusive, and mendacious—that usually experienced from the sturdy and persistent mendicant to whom alms are denied."

This observation I found forcibly recalled in looking over the CONGRESSIONAL RECORD for Friday, February 23, and Saturday, February 24, in which I found pension matters under discussion, while I myself became, so to speak, somewhat of a storm center.

That either the people of the United States or their Representatives in either body of Congress take any particular interest in me now or in my record 50 years ago is hardly supposable, and discussion of the one or the other is, I apprehend, little better than so much waste of time. None the less under existing pension conditions it seems not improbable I may again come to the fore in congressional discussion, and in the early future, as recently, my record may be subjected to criticism more or less acrimonious.

I wish, therefore, as briefly as may be to put in your hands certain facts as respects that record for such use, should occasion arise, as may commend itself to your judgment.

In the allegations in the issue of the RECORD referred to (p. 2492) I find errors, serious, but not unusual, both of statement and of inference, and little else than error. For instance, on the strength of a speech made in the House of Representatives several years ago by Gen. ISAAC R. SHERWOOD, of Ohio, the present chairman of the House Committee on Invalid Pensions, it is stated that in June, 1863, about half of the squadron under my command in a Cavalry engagement at Aldie, Va., was "captured, but with no fatalities." This is a fair example of erroneous assertion under the circumstances to be expected. The squadron then under my command (96 men) sustained on that occasion some 30 casualties, 10 of which, if I recollect right, proved fatal. The graves of those men are now to be seen at Aldie.

It was next asserted that in the spring of 1864, when "bloody trouble" was threatening, I secured a leave of absence and went to Europe. This statement, in addition to being malicious, is simply silly. At the time named—the winter, not spring, of 1863–64, largely through my exertions and influence my entire command—three years' men whose term was drawing to a close—reenlisted for an additional three years. I at the time took and since have taken no little pride in having brought that result about. In consideration of so doing, under general orders then existing, a long furlough—30 or 60 days—was given the command as a unit. I took the men home and then availed myself of the leave we all enjoyed to pay a hurried visit to my family, then, as you know, in the public service in Europe. I had not then seen the members of it for nearly three years, nor myself had a day's leave of absence for over two years. Returning at the end of my leave, I was again in command long before the "bloody work" referred to began.

It is next alleged that I later commanded a regiment of colored cavalry. This is true; but that this organization was engaged in no battles, sustained no fatalities, etc., is quite as erroneous as the statement in respect to my command at Aldie. I was colonel of that regiment during the closing months only of the war, and I assumed its command greatly to my own prejudice and purely from a sense of obligation. I had previously been connected with the Army of the Potomac. On leaving that army to assume charge of the regiment referred to, I received from its commander, Gen. George G. Meade, a personal letter, specifically referring to various services I had rendered, and expressing his warm appreciation thereof. This letter is, I presume, now among my papers, but the 50-year accumulation is large and I fear I would have difficulty in putting my hands upon it. It was a letter, however, the tenor of which the recipient was not likely to forget. Shortly after Gen. A. A. Humphrey, then Chief of Staff of the Army of the Potomac, was assigned to the command of the Second Army Corps, in place of Gen. Hancock, relieved because of wounds and disability. The Union Army contained no better soldier nor one who sustained a higher reputation for fighting capacity than Gen. Humphrey. He was considered also by no means a poor judge of men. On assuming command of his corps he offered me the most prominent and acceptable position on its staff—that of corps inspector general—and I declined with great regret, because of the responsibility I thought I had assumed in connection with the colored regiment referred to. Perhaps it may not be out of place for me to say that I have since seen reason to question the wisdom of the choice I then made. Nevertheless, in making it I may at least claim I was actuated by a sense of obligation only.

Finally, I have seen it elsewhere asserted that it is a matter calling for explanation that my name appears so rarely in the records of the Civil War. Yet the explanation is obvious. Throughout that war I was a regimental officer. Never in high command, I did not serve for a single day upon the staff. It is altogether unusual for the names of regimental officers to figure largely in general orders. When they do, moreover, it is generally considered indicative of a certain capacity for self-advertisement. This I have not got, and so I shared the common fate. For instance, I imagine that if the record of Gen. SHERWOOD were looked up in the Civil War annals few mentions of his name would be found. I question whether more would be found of him than have been found of me. It has not been my custom either during the war or since to sound my own trumpet or to advertise my somewhat inconspicuous services, however at the time severe. I sincerely wish they had been more considerable.

On the other hand, of the 50 or more officers, with the names and families of very many of whom you are acquainted, who were commissioned in the regiment in which I began my service and continued it until the war was drawing to a close, very, very few—not more, I think, than 1 in 10—served longer than I, none served more assiduously, and not a single one attained a higher rank than was attained by me or received larger recognition for service done.

Finally, I have seen it asserted that the regiment I commanded toward the close of the war was conspicuous for its lack of discipline and that I was placed under arrest because thereof. Those who advanced this charge failed, however, and characteristically failed, to observe that the regiment in question had just entered the field; that many of those in it had come from a state of slavery in Richmond and Virginia, and that, naturally, returning there after the fall of Richmond, they had been somewhat difficult to control. The first notice I had of any irregularity was an order to consider myself under arrest, and I was released therefrom a few days later as the outcome of a most casual further inquiry. It has also been asserted that Col. Samuel R. Chamberlain, an excellent officer and a warm personal friend of mine, had been placed in command of the regiment to bring it into a proper state of discipline and order. This, again, is entirely incorrect. I was reinstated in my command when the order for my release from arrest was issued, and remained in command until invalided and sent home. Nor was another complaint as to defective discipline received. Col. Chamberlain then, and only then, succeeded me in command, and at a considerable interval. Prior to that he was not connected with the regiment in any way. Every statement made in this connection has been inaccurate, ignorant, and malicious.

I feel that some apology is due for thus referring to matters 50 years old and personal to myself. I make the reference, however, for an obvious reason. The purpose of my critics is to draw attention from a criticism of the present pension system as crude, corrupting, indiscriminate, most costly, and altogether scandalous—in a word, as a notoriously discreditable body of legislation—by an acrimonious attack on one who ventures to criticise it or call for a halt in it. In what I have said I have confined myself to criticism of the general pension system, or, rather, lack of system, and carefully avoided controversy over individual cases. I propose to continue so to do. Nevertheless, my own experience illustrates the fact that the present "general pension legislation staff" in Washington is well advised, thoroughly organized, and altogether unscrupulous. All this is, however, matter of common notoriety; but, further, I will add that if during the Civil War the advance on the Confederacy had been as well organized, as skillfully engineered, and at once as dashing and as sustained as the pension onslaught on the National Treasury has since been the conflict would have been shortened by at least one-half, or by two years. Nothing could have stood in its path.

Finally, as to myself. It yet remains to be seen what other mare's nests in connection with my military record may be unearthed as the result of further nosing, invention, and misrepresentation by the gallant and vigilant contingent of mud-slinging mendicants assigned to that task; so I will merely close by saying that what I did, be it less or more, in three and a half years of consecutive military service, terminating nearly 50 years ago, was then done from patriotic and disinterested motives. I did what I felt it incumbent on me to do, and I did it as well as I knew how, not without sacrifice. I wish I had been able to do it better and in a more conspicuous way, provided always that way was in no respect sensational. As a result, however, I am free to say, neither Congress nor the country now owes me anything, either in the way of recognition or in money. Throughout the war I received all that was promised me, and at its close I was honored with a brevet. On the score of any service rendered by me receipts in full were then exchanged. Those receipts I now consider binding, and the closest possible examination of the pension roll will neither now nor hereafter disclose my name upon it.

I remain, etc.,

CHARLES FRANCIS ADAMS,
Colonel and Brevet Brigadier General, 1865.

PETITIONS AND MEMORIALS.

The VICE PRESIDENT presented a petition of sundry citizens of Berea, Ky., praying for the enactment of an interstate liquor law to prevent the nullification of State liquor laws by outside dealers, which was referred to the Committee on the Judiciary.

He also presented a petition of the Woman's Christian Temperance Union of Gibbsland, La., praying for the adoption of an amendment to the Constitution to prohibit the manufacture, sale, and importation of intoxicating liquors, which was referred to the Committee on the Judiciary.

He also presented a petition of Agricultural Local Union No. 12006, of Porto Real, Vieques, P. R., praying for the creation of a department of labor and agriculture in that Territory, which was referred to the Committee on Pacific Islands and Porto Rico.

He also presented resolutions in the nature of a memorial adopted by the Democratic Territorial Central Committee of Hawaii, remonstrating against the removal of the duty on raw and refined sugars, which were referred to the Committee on Finance.

He also presented resolutions adopted by the International Association of Machinists of San Francisco, Cal., favoring the passage of the so-called eight-hour bill, which were referred to the Committee on Education and Labor.

He also presented petitions of the congregations of the Fifty-sixth Street Baptist Church, of Birmingham, Ala.; the St. Paul's Evangelical Lutheran Church, of Lyons, Pa.; the Reformed Church of Greenville, Pa.; the Methodist Episcopal Church of Alexander City, Ala.; the Methodist Episcopal Church of Nooksack, Wash.; the Presbyterian Church of Milford, Pa.; and the Methodist Church of Woodbine, Iowa; of the Christian Endeavor and temperance societies of Middletown, Md.; of the Men's Bible Classes of the Reformed Church of Greenville, Pa.; of the Woman's Christian Temperance Unions of North Uxbridge, Mass., Loveland, Colo., Wever, Iowa, and La Harpe, Kans.; and of sundry citizens of Ephraim, Utah, praying for the adoption of an amendment to the Constitution to prohibit the manufacture, sale, and importation of intoxicating liquors, which were referred to the Committee on the Judiciary.

Mr. CULLOM presented a petition of Local Lodge No. 510, International Association of Machinists, of Chicago, Ill., praying for the passage of the so-called eight-hour bill, which was referred to the Committee on Education and Labor.

He also presented a petition of the Retail Merchants' Association of Edwardsville, Ill., praying for the adoption of a 1-cent letter postage, which was referred to the Committee on Post Offices and Post Roads.

He also presented petitions of sundry citizens of Goneville, Mount Carmel, and Grayville, all in the State of Illinois, praying for the establishment of a parcel-post system, which were referred to the Committee on Post Offices and Post Roads.

He also presented a petition of the Cook County Bottlers' Protective Association, of Chicago, Ill., praying for the passage of the so-called free-sugar bill, which was referred to the Committee on Finance.

He also presented memorials of sundry citizens of Sparta, Beardstown, and Coulterville, all in the State of Illinois, remonstrating against the extension of the parcel-post system beyond its present limitations, which were referred to the Committee on Post Offices and Post Roads.

He also presented a petition of members of the Congregational Club of Chicago, Ill., praying that an appropriation of $66,000 be made to reimburse the contributors to the ransom of Miss Ellen M. Stone, which was referred to the Committee on Appropriations.

He also presented a petition of Local Union No. 765, United Mine Workers of America, of Breese, Ill., praying for the enactment of legislation providing for the construction of one of the proposed new battleships in the Brooklyn Navy Yard, which was referred to the Committee on Naval Affairs.

He also presented memorials of sundry citizens of Peru, Ill., remonstrating against the enactment of an interstate liquor law to prevent the nullification of State liquor laws by outside dealers, which were referred to the Committee on the Judiciary.

He also presented a petition of sundry citizens of Galesburg, Ill., praying for the enactment of legislation providing for the registration of the union label in the District of Columbia and the Territories, which was referred to the Committee on the District of Columbia.

He also presented petitions of sundry citizens of Aurora, East St. Louis, and Chicago, all in the State of Illinois, praying for the passage of the so-called employers' liability and workmen's compensation bill, which were referred to the Committee on the Judiciary.

Mr. GALLINGER presented a petition of the Woman's Foreign Missionary Society of Berlin, N. H., praying for the enactment of legislation to regulate the interstate transportation of intoxicating liquors, which was referred to the Committee on the Judiciary.

He also presented a petition of the Woman's Foreign Missionary Society of Berlin, N. H., praying for the enactment of an interstate liquor law to prevent the nullification of State liquor laws by outside dealers, which was referred to the Committee on the Judiciary.

He also presented a petition of the Board of Trade of Nashua, N. H., praying for the adoption of certain amendments to the internal-revenue law relating to excess moisture in butter, which was referred to the Committee on Agriculture and Forestry.

He also presented a petition of Orient Council, No. 6, Junior Order United American Mechanics, of Newton, N. H., praying for the enactment of legislation to further restrict immigration, which was ordered to lie on the table.

He also presented petitions of sundry citizens of Wilton and Dover, in the State of New Hampshire, praying for the establishment of a parcel-post system, which were referred to the Committee on Post Offices and Post Roads.

He also presented a petition of the Hillsdale Citizens' Association, of the District of Columbia, praying for the enactment of legislation to provide for the condemnation of roadways and the dedication thereof as public highways, which was referred to the Committee on the District of Columbia.

He also presented a petition of the president of the Parent-Teachers' Association of the Dennison School, of the District of Columbia, praying for the passage of the so-called teachers' pension bill, which was referred to the Committee on the District of Columbia.

He also presented a petition of the Mount Pleasant Citizens' Association, of the District of Columbia, praying for the enactment of legislation to provide for universal transfers in the District of Columbia, which was referred to the Committee on the District of Columbia.

He also presented petitions of Encampments Nos. 69 and 111, Union Veteran Legion, and Colonel James S. Pettit Camp, No. 3, United Spanish War Veterans, of Washington, D. C., praying for the enactment of legislation to give preference in the civil service to those persons who have been honorably discharged from the military or naval service of the United States, which were referred to the Committee on Civil Service and Retrenchment.

Mr. SMITH of Michigan presented petitions of sundry citizens of Harbor Beach and Whitehall, in the State of Michigan, praying for the establishment of a parcel-post system, which were referred to the Committee on Post Offices and Post Roads.

He also presented memorials of sundry citizens of Columbiaville and Lowell, in the State of Michigan, remonstrating against the establishment of a parcel-post system, which were referred to the Committee on Post Offices and Post Roads.

He also presented a memorial of the Business Men's Association of Soo, Mich., remonstrating against the proposed abolishment of Fort Brady at Sault Ste. Marie, in that State, which was referred to the Committee on Military Affairs.

He also presented a memorial of sundry citizens of Michigan, remonstrating against the extension of the parcel-post system beyond its present limitations, which was referred to the Committee on Post Offices and Post Roads.

He also presented a memorial of Pomona Grange, Patrons of Husbandry, of Chippewa County, Mich., and a memorial of sundry citizens of Michigan, remonstrating against the enactment of legislation permitting the coloring of oleomargarine in imitation of butter, which was referred to the Committee on Agriculture and Forestry.

He also presented a memorial of County Line Grange, No. 671, Patrons of Husbandry, of Sand Lake, Mich., remonstrating against the repeal of the oleomargarine law, which was referred to the Committee on Agriculture and Forestry.

He also presented memorials of sundry citizens of Zeba, Quincy, and Coldwater, in the State of Michigan, remonstrating against the enactment of legislation compelling the observance of Sunday as a day of rest in the District of Columbia, which were ordered to lie on the table.

He also presented a petition of Byington Camp, No. 55, Sons of Veterans, of Battle Creek, Mich., praying for the passage of the so-called dollar-a-day pension bill, which was ordered to lie on the table.

He also presented a petition of sundry citizens of Grand Rapids, Mich., praying for the enactment of legislation providing for the construction of one of the proposed new battleships in the Brooklyn Navy Yard, which was referred to the Committee on Naval Affairs.

He also presented a petition of sundry citizens of Pontiac, Mich., praying for the establishment of a department of public health, which was referred to the Committee on Public Health and National Quarantine.

Mr. BRISTOW presented a petition of the Woman's Christian Temperance Union of Wichita, Kans., praying for the enactment of an interstate liquor law to prevent the nullification of State liquor laws by outside dealers, which was referred to the Committee on the Judiciary.

He also presented a memorial of sundry citizens of Oswego, Kans., remonstrating against the enactment of legislation compelling the observance of Sunday as a day of rest in the District of Columbia, which was ordered to lie on the table.

He also presented memorials of sundry citizens of Rozel, Clay Center, Oak Hill, Dayton, Topeka, Baker, Stockton, Bern, Argonia, Effingham, Alexander, Canton, Silver Lake, and Tonganoxie, all in the State of Kansas, remonstrating against the enactment of legislation to permit the coloring of oleomargarine in imitation of butter, which were referred to the Committee on Agriculture and Forestry.

He also presented a petition of the Northwestern Association of Box Manufacturers, praying for the enactment of legislation to exempt from tolls all American ships passing through the

Panama Canal engaged in coastwise traffic, which was referred to the Committee on Interoceanic Canals.

He also presented a petition of sundry citizens of Fort Leavenworth, Kans., praying for the enactment of legislation providing for the adjustment and payment of accounts of laborers, workmen, and mechanics arising under the eight-hour law, which was referred to the Committee on Claims.

Mr. CRAWFORD presented a memorial of sundry citizens of Salem, S. Dak., remonstrating against the enactment of legislation compelling the observance of Sunday in post offices, which was referred to the Committee on Post Offices and Post Roads.

He also presented petitions of sundry citizens of Kampeska and Gettysburg, in the State of South Dakota, praying for the establishment of a parcel-post system, which were referred to the Committee on Post Offices and Post Roads.

Mr. LIPPITT (for Mr. WETMORE) presented a resolution adopted by the General Assembly of the State of Rhode Island, which was referred to the Committee on Naval Affairs and ordered to be printed in the RECORD, as follows:

STATE OF RHODE ISLAND, ETC.,
In General Assembly, January Session, A. D. 1912.

Resolution recommending to Congress the passage of H. R. 21420, providing for the establishment of a naval base on Narragansett Bay, in the State of Rhode Island, now pending before Congress.

Whereas there has been introduced in the House of Representatives of the United States by Representative GEORGE F. O'SHAUNESSY House bill 21420, providing for the establishment of a naval base on Narragansett Bay, in the State of Rhode Island; and

Whereas both efficiency and economy requires the abolition of the naval establishments along the North Atlantic coast and the construction of a naval base, including a navy yard and dry docks near Newport, on Narragansett Bay, in the State of Rhode Island: Now therefore be it

Resolved, That the General Assembly of the State of Rhode Island heartily approves the provisions of said bill, and respectfully requests its Senators and Representatives in Congress to urge the passage of said bill, and the secretary of state is hereby instructed to send a copy of this resolution to the Senators and Representatives in Congress from Rhode Island.

STATE OF RHODE ISLAND,
OFFICE OF THE SECRETARY OF STATE,
Providence, March 29, 1912.

I hereby certify the foregoing to be a true copy of the original resolution approved by his excellency the governor on the 26th day of March, A. D. 1912.

In testimony whereof I have hereunto set my hand and affixed the seal of the State aforesaid the date first above written.

[SEAL.] J. FRED PARKER,
Secretary of State.

Mr. LIPPITT (for Mr. WETMORE) presented a memorial of the Board of Trade of Pawtucket, R. I., remonstrating against the elimination of the Rhode Island section from the plan of the intercoastal-waterway, etc., which was referred to the Committee on Commerce.

He also (for Mr. WETMORE) presented petitions of sundry citizens of Tiverton, Portsmouth, North Kingston, and Providence, all in the State of Rhode Island, praying for the enactment of an interstate liquor law to prevent the nullification of State liquor laws by outside dealers, which were referred to the Committee on the Judiciary.

Mr. GRONNA presented petitions of sundry citizens of the counties of Nelson, McLean, Adams, Renville, Ward, Morton, and Bottineau, and of McHenry, Lankin, and Cooperstown, all in the State of North Dakota, praying for the establishment of a parcel-post system, which were referred to the Committee on Post Offices and Post Roads.

He also presented memorials of sundry citizens of Hillsboro and Sheyenne, in the State of North Dakota, remonstrating against the establishment of a parcel-post system, which were referred to the Committee on Post Offices and Post Roads.

He also presented petitions of sundry citizens of Mayville and Rainy Butte, in the State of North Dakota, praying for the enactment of an interstate liquor law to prevent the nullification of State liquor laws by outside dealers, which were referred to the Committee on the Judiciary.

He also presented a petition of sundry citizens of Devils Lake, N. Dak., praying for the passage of the so-called eight-hour bill, which was referred to the Committee on Education and Labor.

He also presented petitions of sundry citizens of Kenmare and McLean County, in the State of North Dakota, praying for the enactment of legislation to provide for the establishment of cooperative land-mortgage banks and rural credit unions, which were referred to the Committee on Finance.

He also presented a petition of sundry citizens of Williams County, N. Dak., praying for the enactment of legislation to provide for the investigation recently requested by the City Council of Two Harbors, Minn., relating to the consumption and expense of fuel in that section, which was referred to the Committee on Education and Labor.

Mr. PERKINS presented memorials of the Chamber of Commerce of Los Angeles, of members of the Board of Trustees of Sacramento, and of sundry citizens of San Francisco, Santa Ana, Salinas, and Watsonville, all in the State of California, remonstrating against a reduction of the duty on sugar, which were referred to the Committee on Finance.

He also presented a petition of members of the California Civic League, of San Francisco, Cal., praying for the appointment of a Federal commission on industrial relations, which was referred to the Committee on Education and Labor.

He also presented a petition of the Chamber of Commerce of San Jose, Cal., and a petition of sundry citizens of Ione, Cal., praying for the enactment of legislation to exempt from tolls all American ships passing through the Panama Canal engaged in coastwise traffic, which were referred to the Committee on Interoceanic Canals.

He also presented petitions of sundry citizens of San Francisco, Bakersfield, Oakland, Berkeley, Antioch, Elsinore, Riverside, Alameda, Ferndale, Tropico, Ukiah, Richmond, Hemet, Highland, Santa Rosa, San Jose, Redwood City, Los Angeles, and Ashbury Heights, all in the State of California, praying that an appropriation be made for the suppression of the white-slave trade, which were referred to the Committee on Appropriations.

He also presented a petition of the Chamber of Commerce of Los Angeles, Cal., and a petition of the California State Retail Hardware Association, praying for the adoption of a 1-cent letter postage, which were referred to the Committee on Post Offices and Post Roads.

He also presented a petition of the Labor Council of San Francisco, Cal., praying for the enactment of legislation providing for the registration of the union label in the District of Columbia and the Territories, which was referred to the Committee on the District of Columbia.

He also presented a petition of U. S. Grant Council, No. 19, Junior Ordèr United American Mechanics, of California, praying for the enactment of legislation to further restrict immigration, which was ordered to lie on the table.

He also presented a telegram, in the nature of a memorial, of sundry citizens of Santa Clara County, Cal., remonstrating against the imposition of a tax on proprietary medicines, which was referred to the Committee on Finance.

Mr. NELSON presented a petition of Major A. M. Diggles Camp, No. 13, Department of Minnesota, United Spanish War Veterans, of Duluth, Minn., praying for the enactment of legislation to pension widow and minor children of any officer or enlisted man who served in the War with Spain or the Philippine insurrection, which was referred to the Committee on Pensions.

He also presented memorials of sundry citizens of Echo, Browerville, and Minneapolis, all in the State of Minnesota, remonstrating against the extension of the parcel-post system beyond its present limitations, which were referred to the Committee on Post Offices and Post Roads.

He also presented a petition of sundry citizens of Crookston, Minn., praying for the enactment of legislation providing for the construction of one of the proposed new battleships in the Brooklyn Navy Yard, which was referred to the Committee on Naval Affairs.

He also presented a petition of the congregation of the Methodist Episcopal Church of Anoka, Minn., and a petition of the Ladies' Aid Society of the Presbyterian Church of Grand Forks, N. Dak., praying for the enactment of an interstate liquor law to prevent the nullification of State liquor laws by outside dealers, which were referred to the Committee on the Judiciary.

He also presented memorials of sundry citizens of Cambridge, Minn., remonstrating against the enactment of legislation to increase the rate of postage on second-class mail matter, which were referred to the Committee on Post Offices and Post Roads.

He also presented a petition of members of the Good Roads Association of New Prague, Minn., praying for the enactment of legislation providing for the construction and improvement of post roads, which was referred to the Committee on Post Offices and Post Roads.

He also presented petitions of sundry citizens of Local, Lakefield, and Becker County, all in the State of Minnesota, praying for the establishment of a parcel-post system, which were referred to the Committee on Post Offices and Post Roads.

He also presented a memorial of sundry citizens of Hutchinson, Minn., remonstrating against the enactment of legislation to permit the coloring of oleomargarine in imitation of butter, which was referred to the Committee on Agriculture and Forestry.

He also presented a memorial of sundry citizens of St. Cloud, Minn., remonstrating against the enactment of legislation to further restrict immigration, which was referred to the Committee on Immigration.

He also presented a petition of members of the Civil Engineers' Society of St. Paul, Minn., praying for the adoption of certain amendments to the patent laws, which was referred to the Committee on Patents.

Mr. NIXON presented a petition of the congregation of the Presbyterian Church of Tonopah, Nev., praying for the enactment of an interstate liquor law to prevent the nullification of State liquor laws by outside dealers, which was referred to the Committee on the Judiciary.

Mr. CUMMINS presented a petition of General Nelson A. Miles Camp, No. 1, Department of the District of Columbia, United Spanish War Veterans, of the District of Columbia, praying for the enactment of legislation to give preference in the civil service to those persons who have been honorably discharged from the military or naval service of the United States, which was referred to the Committee on Civil Service and Retrenchment.

He also presented a petition of sundry citizens of Iowa, praying for the enactment of legislation to provide for the building of one of the proposed new battleships in a Government navy yard, which was referred to the Committee on Naval Affairs.

Mr. ROOT. I present a petition from the New York Produce Exchange, praying for the enactment of legislation to authorize the President, in certain cases, to increase the duties on products of certain countries or their dependencies imported into the United States. I ask that the petition be read and referred to the Committee on Finance.

There being no objection, the petition was read and referred to the Committee on Finance, as follows:

Petition to the United States Senate:

Whereas negotiations are now in progress in Ottawa, in the Dominion of Canada, between the representatives of the Dominion of Canada and the representatives of various islands composing part of what is commonly known as the British West Indies, for the purpose of concluding certain trade agreements between the Governments who are parties to said negotiations, whereby said British West Indies shall accord a preferential rate of duty on flour imported by them from the Dominion of Canada, as a result of which flour imported from the United States into the British West Indies will be discriminated against in favor of such Canadian flour; and

Whereas the millers and flour exporters of the United States have for many years engaged in the business of manufacturing and exporting to the British West Indies large quantities of flour, which exports from the United States during the past year attained an aggregate value of upwards of $2,000,000, and the millers of the United States have invested large amounts of capital in the construction and equipment of flour mills and other accommodations for the manufacture of such export flour, and have for many years and do now employ many hundreds of employees in the conduct of the business of manufacturing and exporting such flour; and

Whereas the said contemplated trade agreements between Canada and the British West Indies, by discriminating against the importation of flour into the West Indies from the United States in favor of the importation of Canadian flour, would render it impossible for the manufacturers and exporters of flour in the United States successfully to compete in the British West Indies with the manufacturers and exporters of flour in the Dominion of Canada, and would thereby injure the said investments of American capital and throw out of employment many employees of the flour mills and flour exporters of the United States; and

Whereas a bill commonly known as the sugar bill (H. R. 21213) has passed the House of Representatives and is now pending in the United States Senate; and

Whereas said bill, as the same was passed by the House of Representatives, will greatly inure to the benefit of the British West Indies by permitting the free introduction of sugar in various forms from the British West Indies into the United States; and

Whereas the New York Produce Exchange has appointed a committee composed of Messrs. George A. Zabriskie, William Harris Douglass, Walter L. Lascelles, Edward F. Siney, and P. H. Holt for the purpose of representing the interests of the New York Produce Exchange in the premises and for the purpose of taking such action as it may seem fit to preserve the interests of those individuals, firms, and corporations of the United States which are engaged in the manufacture and exportation of flour to the British West Indies: Now therefore be it

Resolved by the undersigned, as such committee of the New York Produce Exchange, That the Senate of the United States be, and it hereby is, respectfully petitioned and urged to amend the said sugar bill, so that when the President of the United States shall be satisfied that any of the British West Indies or other Government or country imposes charges or exactions or grants preferential duties which discriminate or result in discrimination against the export and sale in such country of like products from the United States, he shall issue a proclamation to that effect, and thereafter the same duties shall be levied by the United States upon the articles mentioned in said sugar bill as are now provided by the present tariff laws.

GEO. A. ZABRISKIE,
WM. HARRIS DOUGLASS,
WALTER L. LASCELLES,
EDWARD F. SINEY,
As a Committee of the New York Produce Exchange.

Mr. GAMBLE presented memorials of sundry citizens of Belvidere and Gettysburg, in the State of South Dakota, remonstrating against the establishment of a parcel-post system, which were referred to the Committee on Post Offices and Post Roads.

He also presented petitions of sundry citizens of Dixon, Kampeska, Lucas, Sherman, Wewela, and Whitewood, all in the State of South Dakota, praying for the establishment of a parcel-post system, which were referred to the Committee on Post Offices and Post Roads.

He also presented memorials of sundry citizens of Lone Grove, Healdton, and Hewitt, all in the State of Oklahoma, remonstrating against the discontinuance of the office of district Indian agent in eastern Oklahoma, which were referred to the Committee on Indian Affairs.

He also presented memorials of sundry citizens of Colome, Freeman, Hamill, Linden, Oldham, and Tripp, all in the State of South Dakota, remonstrating against the enactment of legislation to provide for the coloring of oleomargarine in imitation of butter, which were referred to the Committee on Agriculture and Forestry.

Mr. HITCHCOCK presented memorials of sundry citizens of Clearwater, Florence, Beatrice, Belvidere, Jansen, Lincoln, and Somerset, all in the State of Nebraska, remonstrating against the enactment of legislation to provide for the coloring of oleomargarine in imitation of butter, which were referred to the Committee on Agriculture and Forestry.

He also presented a memorial of sundry citizens of Franklin, Nebr., remonstrating against the establishment of a parcel-post system, which was referred to the Committee on Post Offices and Post Roads.

Mr. JOHNSON of Maine presented a petition of sundry citizens of Stacyville, Me., praying for the enactment of an interstate liquor law to prevent the nullification of State liquor laws by outside dealers, which was referred to the Committee on the Judiciary.

Mr. BROWN presented memorials of sundry citizens of Central City, Lexington, Grand Island, Kearney, Mitchell, McGrew, Bridgeport, Henry, Lincoln, and Scotts Bluff, all in the State of Nebraska, remonstrating against any reduction of the duty on sugar, which were referred to the Committee on Finance.

He also presented a petition of the Chamber of Commerce of North Platte, Nebr., praying for the adoption of 1-cent letter postage, which was referred to the Committee on Post Offices and Post Roads.

He also presented sundry affidavits to accompany the bill (S. 5807) granting an increase of pension to Theodore H. Wilson, which were referred to the Committee on Pensions.

He also presented a petition of the Chamber of Commerce of North Platte, Nebr., praying that permission be given the Bureau of Publicity of the Immigration Bureau to distribute literature as proposed in section 40 of the so-called immigration bill, which was ordered to lie on the table.

Mr. WARREN. I present a telegram, in the nature of a memorial, from the board of directors of the Chamber of Commerce of Powell; also resolutions adopted March 20, 1912, by the legislative committee of the Basin Progressive Association of Basin; of 170 citizens of Byron; of 343 citizens of Lovell, Ionia, and Kane; and of 23 citizens of Penrose, all in the State of Wyoming, remonstrating against the passage of the bill proposing to remove the duty on sugar. I move that the memorials be referred to the Committee on Finance.

The motion was agreed to.

Mr. WARREN presented papers to accompany the bill (S. 5816) granting an increase of pension to Henry H. Helphenstine, which were referred to the Committee on Pensions.

Mr. TOWNSEND presented petitions of sundry citizens of Middleville, Evergreen, Imlay City, Adrian, and Potterville, all in the State of Michigan, praying for the enactment of an interstate liquor law to prevent the nullification of State liquor laws by outside dealers, which were referred to the Committee on the Judiciary.

He also presented a memorial of the Board of Trade of Saginaw, Mich., remonstrating against any reduction in the duty on raw and refined sugars, which was referred to the Committee on Finance.

He also presented a petition of the Trades and Labor Council of Grand Rapids, Mich., praying for the passage of the so-called full crew bill, which was referred to the Committee on Commerce.

He also presented a petition of Central City Lodge, No. 121, Brotherhood of Railroad Trainmen, of Jackson, Mich., praying for the passage of the so-called employer's liability and workman's compensation bill, which was referred to the Committee on the Judiciary.

He also presented a memorial of sundry citizens of Bronson, Mich., remonstrating against the extension of the parcel-post system beyond its present limitations, which was referred to the Committee on Post Offices and Post Roads.

He also presented petitions of Local Grange No. 1493, of Topaz; Local Grange No. 134, of Bellevue; and of Local Grange No. 1347, of Poseyville, Patrons of Husbandry, and of sundry

citizens of Charlevoix, all in the State of Michigan, praying for the establishment of a parcel-post system, which were referred to the Committee on Post Offices and Post Roads.

He also presented a petition of members of the Men's Bible Class of the First Congregational Church of Kalamazoo, Mich., praying for the enactment of legislation to create a commission on industrial relations, which was referred to the Committee on Education and Labor.

He also presented a memorial of Local Grange, Patrons of Husbandry, of Parkville, Mich., remonstrating against the enactment of legislation to permit the coloring of oleomargarine in imitation of butter, which was referred to the Committee on Agriculture and Forestry.

Mr. RAYNER presented a petition of the Woman's Christian Temperance Union of St. James, Md., praying for the enactment of an interstate liquor law to prevent the nullification of State liquor laws by outside dealers, which was referred to the Committee on the Judiciary.

He also presented a petition of sundry citizens of Baltimore, Md., praying for the enactment of legislation providing for the construction of one of the proposed new battleships in the Brooklyn Navy Yard, which was referred to the Committee on Naval Affairs.

He also presented petitions of sundry citizens of East New Market and Taneytown, in the State of Maryland, praying for the establishment of a rural parcel-post system, which were referred to the Committee on Post Offices and Post Roads.

Mr. SHIVELY presented memorials of sundry citizens of North Judson, Garrett, and Palmer, all in the State of Indiana, remonstrating against the extension of the parcel-post system beyond its present limitations, which were referred to the Committee on Post Offices and Post Roads.

He also presented petitions of the congregation of the Wesleyan Church, of the McColl Woman's Christian Temperance Union, and of the Baptist Young People's Union of the Mount Moriah Church, all of Richmond, in the State of Indiana, praying for the enactment of an interstate liquor law to prevent the nullification of State liquor laws by outside dealers, which were referred to the Committee on the Judiciary.

He also presented a petition of sundry citizens of English and Ethel, in the State of Indiana, praying for the establishment of a parcel-post system, which was referred to the Committee on Post Offices and Post Roads.

Mr. McLEAN presented a petition of International Molders' Local Union No. 453, of Hartford, Conn., praying for the enactment of legislation providing for the construction of one of the proposed new battleships in the Brooklyn Navy Yard, which was referred to the Committee on Naval Affairs.

He also presented a petition of Local Grange No. 154, Patrons of Husbandry, of South Kent, Conn., and a petition of Housatonic Valley Pomona Grange, No. 10, Patrons of Husbandry, of South Kent, Conn., praying for the establishment of a parcel-post system, which were referred to the Committee on Post Offices and Post Roads.

REPORTS OF COMMITTEES.

Mr. BRYAN. I am directed by the Committee on Claims, to which were referred the bills (S. 4159) for the relief of F. M. Lyman, jr. (Rept. No. 532), (S. 4230) for the relief of Robert F. Scott (Rept. No. 533), and (S. 364) for the relief of Ranney Y. Lyman (Rept. No. 534), to submit adverse reports thereon, together with the views of the minority. I ask that the bills be placed on the calendar.

The VICE PRESIDENT. The bills will be placed on the calendar, with the adverse reports.

Mr. JOHNSON of Maine, from the Committee on Naval Affairs, to which was referred the bill (S. 4600) to authorize and direct the President of the United States to place upon the retired list of the United States Navy late Acting Master J. O. Johnson, with the rank of lieutenant, submitted an adverse report (No. 535) thereon, which was agreed to, and the bill was postponed indefinitely.

Mr. DU PONT. I am directed by the Committee on Military Affairs, to which was referred the bill (H. R. 18956) making appropriation for the support of the Army for the fiscal year ending June 30, 1913, and for other purposes, to report it with amendments, and I submit a report (No. 536) thereon. I will state that at a convenient time, before very long, I will ask the Senate to take up the bill for consideration.

The VICE PRESIDENT. Meanwhile the bill will be placed on the calendar.

Mr. TOWNSEND, from the Committee on Claims, to which was referred the bill (S. 2539) for the relief of George Hallman, reported it with an amendment and submitted a report (No. 537) thereon.

Mr. GAMBLE, from the Committee on Indian Affairs, to which was referred the bill (S. 111) to authorize the sale and disposition of the surplus and unallotted lands in Washabaugh County, in the Pine Ridge Indian Reservation, in the State of South Dakota, and making appropriation to carry the same into effect, reported it with amendments and submitted a report (No. 538) thereon.

He also, from the Committee on Public Buildings and Grounds, to which was referred the bill (S. 409) to provide for the erection of a public building in the city of Redfield, S. Dak., reported it with an amendment and submitted a report (No. 539) thereon.

Mr. JONES, from the Committee on Public Lands, to which was referred the bill (H. R. 18792) for the relief of homestead entrymen under the reclamation projects in the United States, reported it without amendment and submitted a report (No. 540) thereon.

Mr. LODGE. I am directed by the Committee on Finance, to which was referred the bill (H. R. 20842) to provide for a tax upon white phosphorus matches, and for other purposes, to report it without amendment, and I submit a report (No. 541) thereon.

I give notice that to-morrow, immediately after the routine morning business, I will ask the Senate to take up the bill for consideration. I think it can be disposed of very shortly.

The VICE PRESIDENT. The bill will be placed on the calendar.

Mr. SUTHERLAND, from the Committee on Public Buildings and Grounds, to which was referred the bill (S. 4780) for the erection of a memorial amphitheater at Arlington Cemetery, reported it with amendments and submitted a report (No. 542) thereon.

Mr. BROWN, from the Committee on Pensions, to which were referred certain bills granting pensions and increase of pensions, submitted a report (No. 531) accompanied by a bill (S. 6084) granting pensions and increase of pensions to certain soldiers and sailors of the Civil War and certain widows and dependent relatives of such soldiers and sailors, which was read twice by its title, the bill being a substitute for the following Senate bills heretofore referred to that committee:

S. 173. Edward S. Allen.
S. 211. Peter S. Brady.
S. 329. Susan R. Lovell.
S. 439. George Reiber.
S. 704. Sylvester J. Hervey.
S. 708. John Murphy.
S. 711. Luzerne Jones.
S. 1025. Frederick Gunther.
S. 1130. Christopher C. Yancey (alias Christopher Columbus).
S. 1163. Samuel H. Atwood.
S. 1222. Ephraim Edmonson.
S. 1833. Joseph H. Graham.
S. 1907. Thomas Fisher.
S. 1938. Robert McKinnis.
S. 1979. Samuel Fletcher.
S. 1985. Peter Lory.
S. 1986. Nelson Miller.
S. 2207. Harvey Ellison.
S. 2290. Andrew Plank.
S. 2419. Daniel S. Jones.
S. 2478. Thomas Boland.
S. 2480. Chauncey M. Carpenter.
S. 2484. John Leavell.
S. 2571. Henry J. Hallowell.
S. 2692. William Hall, jr.
S. 2804. Rufus S. Dixon.
S. 2841. James E. Houghland.
S. 2917. Joseph Hill.
S. 2931. Benjamin F. Mount.
S. 3062. James M. Ard.
S. 3083. Josiah W. Poorman.
S. 3391. William H. Spore.
S. 3396. James B. Wilson.
S. 3400. Seymour B. Young.
S. 3419. David L. McNutt.
S. 3596. Jerry Butts.
S. 3629. William C. Torrence.
S. 3630. John A. Montgomery.
S. 3780. Rufus F. Thorne.
S. 3788. Thomas E. McMillan.
S. 3821. George H. Wilcox.
S. 3878. Thomas Riley.
S. 3910. Eli K. Simonds.
S. 4047. George F. Wonder.
S. 4048. Samuel Heath.

S. 4067. Silas Ebersole.
S. 4121. Anna M. McCartney.
S. 4217. George C. Bucknam.
S. 4285. James T. Taylor.
S. 4427. Marshall Dillon.
S. 4458. George W. Forsythe.
S. 4694. Wesley C. Harvey.
S. 4784. Annie B. Godwin.
S. 4813. William Yeakey.
S. 4874. Josephine Owens.
S. 4964. John W. Page.
S. 4982. James Lewis.
S. 4983. Samuel Randolph.
S. 5094. Amelia Pearce.
S. 5196. Marvin Chapman.
S. 5260. John B. Maberry.
S. 5277. John W. Sperry.
S. 5381. Robert M. Carlton.
S. 5385. Nancy Wilson.
S. 5419. Elisha G. Norton.
S. 5426. Horace W. White.
S. 5427. John Savage.
S. 5501. Justin E. Brown.
S. 5529. George Potter.
S. 5536. Eva J. Clarke.
S. 5553. Daniel Fordham.
S. 5555. Jacob W. Kinsey.
S. 5573. Frank Biermann.
S. 5574. Edward Raubyauer.
S. 5575. Henry Ford.
S. 5611. David P. Wilcox.
S. 5614. Mary J. Chick.
S. 5626. Samuel M. Terry.
S. 5642. Albert F. Whiting.
S. 5644. Isaac W. Hodsdon.
S. 5645. Mary J. Foster.
S. 5646. James M. Lowell.
S. 5650. Charles Bennett.
S. 5687. George A. Evans.
S. 5721. Adelaide E. Harding.
S. 5734. Jeremiah Miles.
S. 5752. Nelson L. Porter.
S. 5753. Rudolph Alff.
S. 5789. Samuel Pincus (alias Jacob Harris).
S. 5816. Henry H. Helphenstine.

Mr. CLARK of Wyoming, from the Committee on Public Lands, to which was referred the bill (H. R. 16101) providing for patents to homesteads on the ceded portion of the Wind River Reservation in Wyoming, reported it without amendment and submitted a report (No. 543) thereon.

He also, from the Committee on the Judiciary, to which was referred the bill (S. 5935) to fix the terms of the district court for the western district of Michigan, reported it with an amendment and submitted a report (No. 544) thereon.

Mr. MYERS. I am directed by the Committee on Public Lands, to which was referred the bill (S. 5817) granting to the county of Hill, in the State of Montana, the jail building and fixtures now upon the abandoned Fort Assiniboine Military Reservation, in the State of Montana, to report it without amendment, and I submit a report (No. 546) thereon. I ask unanimous consent for the immediate consideration of the bill.

The VICE PRESIDENT. The Secretary will read the bill for the information of the Senate.

The Secretary read the bill.

The VICE PRESIDENT. Is there objection to the request of the Senator from Montana for the present consideration of the bill?

Mr. ROOT. I object to the consideration of the bill, Mr. President.

The VICE PRESIDENT. Objection is made, and the bill will go to the calendar.

Mr. BOURNE, from the Committee on Public Buildings and Grounds, to which was referred the bill (S. 5910) granting to the city of Portland, Oreg., certain strips of land from the post-office and customhouse sites in said city for street purposes, reported it without amendment and submitted a report (No. 547) thereon.

UNITED STATES V. THE AMERICAN TOBACCO CO.

Mr. CLARK of Wyoming. I am directed by the Committee on the Judiciary, to which was referred the bill (S. 3607) to give the right of appeal to the Supreme Court of the United States to certain organizations or persons in the suit of the United States against The American Tobacco Co. and others, to submit an adverse report (No. 545) thereon.

The VICE PRESIDENT. In the absence of objection, action on the bill will be indefinitely postponed.

Mr. CUMMINS. Mr. President, I desire that the bill just reported may go to the calendar.

The VICE PRESIDENT. Without objection, the bill will be placed on the calendar, together with the adverse report.

Mr. CUMMINS. In connection with the majority report, I desire to submit the views of certain members of the Judiciary Committee in opposition to that report, and ask that both the report and the views of the minority may be printed in the RECORD.

The VICE PRESIDENT. Without objection, it will be so ordered.

The report (Rept. No. 545 and part 2) is as follows:

UNITED STATES V. THE AMERICAN TOBACCO CO.

Mr. CLARK of Wyoming, from the Committee on the Judiciary, submitted the following adverse report, to accompany S. 3607.

The Committee on the Judiciary, to whom was referred Senate bill 3607, entitled "A bill to give the right of appeal to the Supreme Court of the United States to certain organizations or persons in the suit of the United States against American Tobacco Co. and others," after full consideration thereof report the same adversely with a recommendation that it be not passed.

This bill relates to a suit brought by the United States through the district attorney, acting under the direction of the Attorney General, against the American Tobacco Co. and others, in the Circuit Court of the United States for the Southern District of New York, to prevent and restrain violations of the act to protect trade and commerce against unlawful restraints and monopolies, approved July 2, 1890.

Upon final hearing judgment was rendered for the complainant, and upon appeal to the Supreme Court of the United States this judgment was reversed May 29, 1911. The case was remanded to the circuit court to proceed in conformity with the opinion and mandate of the Supreme Court. The decision of the Supreme Court held the American Tobacco Co. to be an illegal combination in violation of the statute, and declared:

"Second. That the court below, in order to give effective force to our decree in this regard, be directed to hear the parties by evidence or otherwise, as it may be deemed proper, for the purpose of ascertaining and determining upon some plan or method of dissolving the combination and of re-creating, out of the elements now composing it, a new condition which shall be honestly in harmony with and not repugnant to the law.

"Third. That for the accomplishment of these purposes, taking into view the difficulty of the situation, a period of six months is allowed from the receipt of our mandate, with leave, however, in the event, in the judgment of the court below, the necessities of the situation require, to extend such period to a further time not to exceed 60 days.

"Fourth. That in the event, before the expiration of the period thus fixed, a condition of disintegration in harmony with the law is not brought about, either as the consequence of the action of the court in determining an issue on the subject or in accepting a plan agreed upon, it shall be the duty of the court, either by way of an injunction restraining the movement of the products of the combination in the channels of interstate or foreign commerce or by the appointment of a receiver, to give effect to the requirements of the statute.

"Pending the bringing about of the result just stated, each and all of the defendants, individuals as well as corporations, should be restrained from doing any act which might further extend or enlarge the power of the combination, by any means or device whatsoever. In view of the considerations we have stated we leave the matter to the court below to work out a compliance with the law without unnecessary injury to the public or the rights of private property. (221 U. S., 187–189.)"

On the 16th of November, 1911, the circuit court, after hearing the parties as directed by the Supreme Court, rendered a final judgment decreeing that a plan of disintegration of the defendant company which had been presented, discussed, and modified, was a plan which, taken with the injunctive provisions included in the decree, would dissolve the illegal combination and would re-create out of the elements composing it a new condition honestly in harmony with and not repugnant to the law and without unnecessary injury to the public or the rights of private property. The decree then proceeded with a long series of injunctions adapted to the prevention of monopoly or restraint of trade under the new conditions which would be created by the approved plan. This decree was concurred in by all four judges of the circuit court. A copy is appended hereto. Upon the hearing under the mandate of the Supreme Court certain associations interested in the tobacco business and the attorney generals of certain States applied for leave to intervene in the suit. Their application was denied by the circuit court, but leave to be heard without being parties to the suit was granted and availed of. The applicants for leave to intervene then applied to the Supreme Court of the United States for a mandamus to require the circuit court to permit their intervention, and this application was denied by the Supreme Court.

The Attorney General, considering that the decree of the circuit court was in accordance with the mandate and was effective to accomplish the object of dissolving the corporation and creating a new condition which would be honestly in harmony with and not repugnant to the law, determined not to appeal, and no appeal was taken from the decree. The time to appeal expired January 15, 1912.

The pending bill proposes to give to the same parties who applied to the courts to be allowed to intervene—

"The right to intervene and appeal from the said decree of the Circuit Court of the United States for the Southern District of New York approving the said plan of reorganization or re-creation to the Supreme Court of the United States, with the same force and effect as though they, or those of them who seek to exercise the right hereby given, had been parties to said suit."

In the opinion of your committee this is not within the power of Congress.

1. So far as any rights which existed at the time of the final decree of November 16, 1911, or which have existed at any time heretofore are concerned, it is not competent for Congress to reverse the action of the courts and direct them to enter an order allowing an intervention which they had already denied.

2. So far as the assertion of any such existing rights is concerned, such a direction from Congress would be an attempt also to reverse

previous decisions of the Supreme Court holding that State attorneys general and private persons could not be parties to such a suit under the antitrust act. (Minnesota v. Northern Securities Co., 194 U. S., 48, 70–72.) The applicants for intervention thus not only were not parties to the suit, but they could not lawfully be parties. The judgment was not a judgment for or against them, it did not bind them or affect any rights of theirs, except of course as every citizen of the United States has a political interest as a citizen represented by the Government of his country in whatever litigation that Government may engage in.

The sole legal rights of individuals under the antitrust act are contained in the seventh section of the act, which provides:

"Any person who shall be injured in his business or property by any other person or corporation by reason of anything forbidden or declared to be unlawful by this act, may sue therefor in any circuit court of the United States in the district in which the defendant resides or is found, without respect to the amount in controversy, and shall recover threefold the damages by him sustained and the costs of suit, including a reasonable attorney's fee."

This individual right under the antitrust act was not in any way affected by the judgment of the circuit court.

3. The only way in which the proposed bill could be effective would then be by conferring a new right, a right which did not exist before. What is the right which the bill proposes to confer upon these applicants? It is the right to invoke the action of the Supreme Court of the United States to set aside, change, modify, add to, or take away from a judgment between third parties, a judgment to which the applicants were not parties, rendered in a suit to which they were not and could not have been parties, which did not bind them or determine any legal right of theirs. This would be the creation of a new right of action which did not exist before.

4. The proceeding upon this right would present a different case or controversy from that which was before the circuit court. Chief Justice Marshall said, in the case of Osborne v. Bank of the United States (9 Wheat., 819), speaking of the judicial power of the United States:

"That power is capable of acting only when the subject is submitted to it by a party who asserts his rights in the form prescribed by law. It then becomes a case, and the Constitution declares that the judicial power shall extend to all cases arising under the Constitution, laws, and treaties of the United States."

And in Muskrat v. United States (219 U. S., 346), the Supreme Court said:

"Judicial power, as we have seen, is the right to determine actual controversy arising between adverse litigants duly instituted in courts of proper jurisdiction."

The case or controversy which would be presented to the Supreme Court by the applicants under the authority of this bill would be a case or controversy in which they assert their rights against the parties to the former suit or some of the parties to the former suit, and assert rights which had no legal existence at the time the former suit was decided.

5. Under the bill this assertion of right by the applicants would be addressed in the first instance to the Supreme Court of the United States. It is the action of that court which is to be invoked. The proceeding would not be in any sense an appeal from the judgment, no matter what the bill may call it. An appeal is an application for a review of a judgment by some party to the judgment, some one whose legal rights were in controversy or are determined by the judgment. An application by a stranger to a judgment to have it set aside in whole or in part is not an appeal. It is an independent proceeding.

It follows that the proceeding which this bill proposes to authorize, and under which these applicants would invoke the action of the Supreme Court to set aside the judgment to which they were strangers, would clearly call for the exercise not of appellate, but of original jurisdiction by the Supreme Court.

6. It is well settled that Congress can not confer original jurisdiction upon the Supreme Court. The Supreme Court of the United States says, in Baltimore & Ohio Railroad Co. v. Interstate Commerce Commission (215 U. S., 216, 224):

"It has long been the established doctrine, and we believe now assented to by all who have examined the subject, that the original jurisdiction of this court is confined to the cases specified in the Constitution, and that Congress can not enlarge it."

7. As the decree of the circuit court of November 16, 1911, fixed February 28, 1912, as the limit of time within which the defendants were required to comply with the plan of disintegration, it appears that the defendants in the suit had no option but to proceed to execute the decree by disposing of what seems to have been the greater part of the property of the combination. On the 22d of January the Attorney General, by the invitation of your committee, appeared before the committee and furnished a statement of what had been done up to that time. A copy of this statement is annexed to this report. It is to be presumed that before the time expired the process of divesting the defendant corporations of their property in accordance with the decree was completed. There can be no doubt that this disposition of the property was effective. Even if there had been no decree the defendants in the suit were at liberty to dispose of their property at any time, and a conveyance would have given good title. The grantees would have been subject to the provisions of the antitrust law, but the question whether they were complying with those provisions could have been raised only in a suit to which they were parties. The same consequence ensues upon the conveyance of property by the defendants under the decree. No proceedings in the case of the United States against the American Tobacco Co. et al. could reach or affect the new corporation or new parties in interest who have come into possession of the property of the old American Tobacco Co. except as they can be reached by new proceedings under the antitrust law or by proceedings under the very broad and drastic injunctive provisions of the existing decree, based upon the validity of the decree.

It would seem, therefore, that even if Congress had power to enact such a law as is proposed its action would be ineffective as applied to an executed decree.

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In the Circuit Court of the United States for the Southern District of New York. The United States of America, plaintiff, v. The American Tobacco Co. and others, defendants.

DECREE.

Appeals having been taken by the plaintiff and certain defendants in this cause from the decree entered by this court on the 15th day of December, 1908, the Supreme Court of the United States reversed said decree and issued its mandate filed herein on the 30th day of June, 1911, by which the said cause was remanded to this court with directions to enter a decree in conformity with the opinion of the Supreme Court of the United States, and to take such further steps as might be necessary to fully carry out said directions. By the said opinion of the Supreme Court of the United States this court was directed to "hear the parties by evidence or otherwise as it may deem proper, for the purpose of ascertaining and determining upon some plan or method of dissolving the combination, and of re-creating out of the elements now composing it a new condition which shall be honestly in harmony with, and not repugnant to, the law, but without unnecessary injury to the public or the rights of private property." And this cause having come on to be finally heard pursuant to the order or decree of this court, made and entered herein on August 3, 1911, on the mandate of the Supreme Court of the United States as aforesaid, the American Tobacco Co. and the other defendants herein (except United Cigar Stores Co., the Imperial Tobacco Co. of Great Britain and Ireland (Ltd.), and R. P. Richardson, jr., & Co. (Inc.) filed in this court on October 16, 1911, a petition proposing and embodying a plan or method of dissolving the combination, and of re-creating out of the elements now composing it a new condition in harmony with and not repugnant to the law. Due notice was given to the parties hereto that the hearing on the said petition would be had on October 30, 1911, in room 124 of the Federal Building, in New York City; and thereafter, to wit, on the 19th day of October, 1911, the Imperial Tobacco Co. of Great Britain and Ireland (Ltd.) filed a petition.

At the time and place aforesaid the plaintiff filed answers to the said petitions, embodying proposed modifications of and additions to the plan proposed in said petition of the American Tobacco Co. and other defendants. The parties having been heard by counsel and certain of the modifications of said plan included in the answer of the plaintiff not being opposed by the proponents of said plan and others of said modifications included in said answer having been disposed of by this court in its opinions delivered after said hearing;

Now, it is ordered, adjudged, and decreed that all the defendants—except Welford C. Reed, who died before the final hearing—heretofore became parties to and engaged in the combination assailed in the pleadings, which "in and of itself, as well as each and all of the elements composing it, whether corporate or individual, whether considered collectively or separately," is "in restraint of trade and an attempt to monopolize, and a monopolization within the first and second sections of the antitrust act," and which should be dissolved and a new condition brought about in harmony with and not repugnant to the law, either as a consequence of the action of this court in determining an issue or in accepting a plan agreed upon.

And it is further ordered, adjudged, and decreed that said plan as modified by the consent of the parties or through the action of this court as aforesaid is as follows, to wit:

A.

DISSOLUTION OF AMSTERDAM SUPPLY CO.

Amsterdam Supply Co. is a company engaged in the business of purchasing for a commission or brokerage supplies, other than leaf tobacco, its principal customers being defendant corporations herein. It has $235,000 at par of stock, all held in varying amounts by certain corporation defendants, one or the other of your petitioners, and a surplus of $127,058.74.

It is proposed that Amsterdam Supply Co. be dissolved, converting its assets into cash and distributing them to its stockholders.

B.

ABROGATION OF FOREIGN RESTRICTIVE COVENANTS.

Under the contracts of September 27, 1902, the Imperial Tobacco Co. of Great Britain and Ireland (Ltd.) and certain of its directors agreed not to engage in the business of manufacturing or selling tobacco in the United States; the American Tobacco Co. and American Cigar Co. and certain of their directors agreed not to engage in the business of manufacturing or selling tobacco in Great Britain and Ireland; and the American Tobacco Co., American Cigar Co., and the Imperial Tobacco Co. agreed not to engage in the business of manufacturing or selling tobacco in countries other than Great Britain and Ireland and the United States. Under the provisions of these contracts British-American Tobacco Co. (Ltd.) was organized and took over the export businesses of the American Tobacco Co. and the Imperial Tobacco Co., with factories, materials, and supplies.

It is proposed that the covenants herein just described, as well as all covenants restricting the right of any company or individual in the combination to buy, manufacture, or sell tobacco or its products be rescinded by the affirmative action of the respective parties thereto who are parties to this suit, except such of said covenants, whether or not contained in the contracts of September 27, 1902, as (a) relate wholly to business in foreign countries and are covenants the benefit whereof has been assigned or transferred to other parties; or (b) are covenants exclusively between foreign corporations and relating wholly to business in or between foreign countries; and that the said contracts of September 27, 1902, be altogether terminated so far as they impose any obligations upon any of the parties thereto to furnish or to refrain from furnishing manufactured tobaccos to any party, each company to treat as its own, but only to the extent provided for in said contracts, all brands and trade-marks which by said contracts it was given the right to manufacture and sell, the said rights having been perpetual and constituting in effect a conveyance of the brands and trade-marks used for the countries in which they were so used by each of said companies as aforesaid.

C.

ABROGATION OF DOMESTIC RESTRICTIVE COVENANTS.

It is proposed that covenants given by vendor corporations, partnerships, or individuals, or by stockholders of vendor corporations, to vendee corporations defendants herein, not to engage in the tobacco business or any other business in any way embraced in the combination be terminated so that all such covenantors shall be at liberty to engage in the business of buying, manufacturing, and dealing in tobacco and its products just as if such covenants had not been made.

D.

DISINTEGRATION OF ACCESSORY COMPANIES.

(1) The Conley Foil Co.—The Conley Foil Co. has a capital stock of $825,000 at par, all of one class, of which the American Tobacco Co. owns $495,000 at par, the balance being held by persons not defendants nor connected with defendants. It is engaged in the business of manufacturing tin foil, a product used largely by tobacco manufacturers, but having other uses as well. The Conley Foil Co. has a plant in New York City, and it owns all the stock and bonds of the Johnston Tin

Foil & Metal Co., which has a plant in St. Louis. The value of the output for the year 1910 of the Conley Foil Co. was $1,780,526.85, with a net profit of $273,299.82, and the Johnston Tin Foil & Metal Co. had an output for the year 1910 of the value of $676,520.05 and net profits of $66,255.16. On December 31, 1910, the Conley Foil Co. had tangible assets (excluding its securities of the Johnston Tin Foil & Metal Co.) of $1,215,321, and the Johnston Tin Foil & Metal Co. had assets of the value of $379,802.11. The Conley Foil Co. has a surplus exceeding the value of the securities of the Johnston Tin Foil & Metal Co.

It is proposed that the Conley Foil Co. cancel the bonds of the Johnston Tin Foil & Metal Co. held by it—to wit, $100,000 par value—and distribute to its stockholders its holdings of stock of the Johnston Tin Foil & Metal Co., to wit, 3,000 shares, all of one class.

The American Tobacco Co., being a stockholder of the Conley Foil Co., will participate in this distribution and will, in turn, distribute its dividend, as well as its stock in the Conley Foil Co., to its common-stock holders as hereinafter set forth.

(2) *MacAndrews & Forbes Co.*—MacAndrews & Forbes, Co. is a company having a common capital stock of $3,000,000 at par, of which the American Tobacco Co. owns $2,112,900 at par, the balance being held by persons not defendants nor connected with defendants (except less than 3¼ per cent of the common stock held by R. J. Reynolds Tobacco Co.), and $3,758,300 at par of 6 per cent nonvoting preferred stock, of which the American Tobacco Co. holds $750,000 at par, the balance being held by persons not defendants nor connected with defendants. It is engaged in the production of licorice paste, with two plants, one at Camden, N. J., and the other at Baltimore, Md. It had tangible assets December 31, 1910, of the value of $5,683,824.89 (including $2,118,448.36 licorice root, with plants for its collection in foreign countries), and its sales for the year 1910 were of the value of $4,427,023.44. MacAndrews & Forbes Co. succeeded to the business of MacAndrews & Forbes, a partnership, who were pioneers in this country in the production of licorice paste, and who had for many years before any acquisitions of other business, and before they had any connection with the other defendants herein, more than 50 per cent of all the licorice-paste business of the United States.

It is proposed that a new corporation be organized, called the J. S. Young Co., and that it shall acquire the Baltimore plant of MacAndrews & Forbes Co., with the assets used therein and in connection therewith, of a total value of $1,000,000, and the brands of licorice paste manufactured in said Baltimore plant; that it issue in payment therefor, with the good will connected therewith, $1,000,000 at par of 7 per cent preferred nonvoting stock, and $1,000,000 at par of common stock; that MacAndrews & Forbes Co. distribute the common stock of the J. S. Young Co. as a dividend to its common-stock holders, charging the amount thereof to its surplus account; that MacAndrews & Forbes Co. offer to its preferred-stock holders proportionately to exchange the 7 per cent preferred stock of the J. S. Young Co. at par for their preferred stock of MacAndrews & Forbes Co.; that so far as the preferred stock of MacAndrews & Forbes Co. is thus exchanged it be retired; that so far as this preferred stock of the J. S. Young Co. is not forthwith thus exchanged, MacAndrews & Forbes Co. be enjoined from using it to exercise, or otherwise exercising or attempting to exercise, influence or control over the J. S. Young Co.; and with the further provision that on or before January 1, 1915, the whole of this preferred stock of the J. S. Young Co. not theretofore taken out of the treasury of MacAndrews & Forbes Co. by exchange as aforesaid be disposed of by MacAndrews & Forbes Co.

This would give to MacAndrews & Forbes Co. a licorice business, including Spanish licorice and powdered goods, of the net selling value, based upon the year 1910, of $2,514,184.64, of which $2,214,127.51 arise from sales of one brand, to wit, the old "Ship" brand. The J. S. Young Co., upon the basis of the business for the year 1910, would have an output of the net selling value of $1,201,109.86.

The American Tobacco Co., being a holder of the common stock of MacAndrews & Forbes Co., will participate in the distribution above provided, and will in turn distribute its dividend, as well as its stock in MacAndrews & Forbes Co., to its common stockholders as hereinafter set forth.

(3) American Snuff Co.—American Snuff Co. is a manufacturer of snuff. It holds all of the stock of De Voe Snuff Co., to wit, $50,000 at par, and one-half, to wit, $26,000 at par, of the stock of National Snuff Co. It owns no other interest in any company manufacturing or selling snuff.

It is proposed that there be organized two new snuff companies, one to be called the George W. Helme Co. and the other Weyman-Bruton Co., and that American Snuff Co. convey to these two companies, respectively, factories, with the brands manufactured in them, as follows: To the George W. Helme Co. the factories at Helmetta, N. J., and Yorklyn, Del., except factory No. 5; to Weyman-Bruton Co. the factories at Chicago and Nashville, also all the stock of De Voe Snuff Co., and the one-half of the stock of National Snuff Co. held by American Snuff Co. Based upon the business for the year 1910 and the assets at the end of the year, with proper provision for leaf, materials, cash, and book accounts for the two vendee companies, this would leave the three companies equipped as follows:

Manufacturing tangible assets:	
American Snuff Co	[1] $5,075,969.72
George W. Helme Co	4,909,000.40
Weyman-Bruton Co	3,691,588.20
Sales value during 1910:	
American Snuff Co	5,520,422.15
George W. Helme Co	4,494,556.66
Weyman-Bruton Co	4,297,486.71
Net income:	
American Snuff Co	[1] 1,591,280.49
George W. Helme Co	1,259,280.89
Weyman-Bruton Co	1,293,759.39

Each of these vendee corporations will pay for the property and business conveyed to it by the issue of $4,000,000 at par of 7 per cent voting preferred stock and $4,000,000 at par of common stock. American Snuff Co. will thus receive the $16,000,000 at par of these stocks into its treasury and will distribute to its common stockholders, as a dividend, the common stock, aggregating $8,000,000, to be charged to its surplus account. American Snuff Co. will offer to its preferred stockholders proportionately to exchange these 7 per cent preferred stocks of the George W. Helme Co. and the Weyman-Bruton Co. for their preferred stock of American Snuff Co. at par. So much of the preferred stock of American Snuff Co. as is thus exchanged will be retired. As to so much of the preferred stocks of the George W. Helme Co. and the Weyman-Bruton Co. as is not forthwith thus exchanged, American Snuff Co. to be enjoined from voting it or using it to exercise or otherwise exercising, or attempting to exercise, influence or control over the George W. Helme Co. or the Weyman-Bruton Co.; and on or before January 1, 1915, all of these preferred stocks of the George W. Helme Co. and the Weyman-Bruton Co. not theretofore taken out of the treasury of American Snuff Co. by exchange as aforesaid to be disposed of by American Snuff Co.

The American Tobacco Co., being a holder of the common stock of American Snuff Co., will participate in the distribution above provided and will, in turn, distribute its dividend, as well as its stock in American Snuff Co., including that to be acquired from P. Lorillard Co., to its common stockholders, as hereinafter set forth.

(4) American Stogie Co.—American Stogie Co. is a corporation whose only asset is all of the issued stock of Union-American Cigar Co., which latter company has cigar factories located at Pittsburgh, Allegheny, Lancaster, and Newark. Its total production, based upon business for the year 1910, is only 1.58 per cent of the entire production of cigars in the United States in volume, and, as these petitioners believe, about the same percentage in value. American Stogie Co. has $976,000 at par of 7 per cent cumulative preferred stock, of which American Cigar Co. owns $40,000 at par, and none of the other defendants own any; it has $10,879,000 at par of common stock, of which American Cigar Co. owns $7,303,775 at par, and none of the other defendants own any. There are accumulated and unpaid dividends on the preferred stock to the amount of $399,000, as of December 31, 1910.

It is proposed that American Stogie Co. dissolve, with leave granted to the trustees in dissolution to either convert the assets into cash and distribute them among the stockholders according to their rights or to effect such reorganization as they may be able to effect: *Provided*, That in either event there shall be a separation into at least two different ownerships of the factories and businesses now owned and operated by Union-American Cigar Co. If the dissolution is followed by a conversion of the assets of American Stogie Co. into cash, American Cigar Co. will take such cash as it may receive into its treasury; if it receives upon such dissolution securites of cigar manufacturing concerns, it will distribute such as a dividend to its common stockholders, to be charged to its surplus, as hereinafter set forth.

(5) American Cigar Co.—American Cigar Co. is a manufacturer of cigars. It has various factories of its own, and it owns all or a part of the stock of several companies engaged in the manufacture of cigars, all of which companies have been organized by it and which have received from it conveyances of part of its business, operating in this way as separate corporations for trade purposes. Among these companies is Federal Cigar Co.

American Cigar Co. also owns a part of the stock of Habana Tobacco Co., which controls factories manufacturing cigars in Habana; and a part of the stock of Porto Rican-American Tobacco Co., engaged in the manufacture of cigars and cigarettes in Porto Rico; and half of the stock of Porto Rican Leaf Tobacco Co., engaged in growing tobacco in Porto Rico. American Cigar Co. itself uses large quantities of Porto Rican grown leaf. Neither American Cigar Co. nor any of the companies in which it is interested, except Habana Tobacco Co. and Porto Rican-American Tobacco Co., is engaged in the manufacture of cigars outside of the United States.

American Cigar Co., including with its production the production of companies of which it owns in whole or in part the stock, has, in volume, based on the business for the year 1910, 13.36 per cent of the cigar business of the United States, and in value, as your petitioners believe, substantially the same percentage. Habana Tobacco Co. has, directly or indirectly, control of 24.06 per cent of the total production of cigars in Cuba; 46 per cent of the total exportation of cigars from Cuba to all countries of the world, including the United States; and 38.15 per cent of the total exportation of cigars from Cuba to the United States.

It is proposed that American Cigar Co. dispose of properties belonging to it and thus disintegrate its business, as follows:

(a) That it sell to the American Tobacco Co. for cash its stock, being all thereof of Federal Cigar Co., at a fair price, to wit, $3,965,616.05.

(b) That it sell to the American Tobacco Co., for cash, the stock it owns of Porto Rican-American Tobacco Co., to wit, $657,600 at par, at a fair price, to wit, $350 per share, or $2,301,600.

(c) That American Cigar Co. dispose of any interest in American Stogie Co. by receiving cash proceeds of its stock in dissolution thereof, if American Stogie Co. upon dissolution converts its assets into cash; or by distributing as a dividend to its common-stock holders out of its surplus the securities which it receives upon the dissolution of American Stogie Co., if it receives such.

All stocks thus to be acquired by the American Tobacco Co. from American Cigar Co. are to be disposed of by the American Tobacco Co. as hereinafter set out.

III.

DISTRIBUTION BY THE AMERICAN TOBACCO CO. OF STOCKS OWNED OR TO BE ACQUIRED BY IT.

(1) Immediate distribution of stocks.—The American Tobacco Co. will buy from P. Lorillard Co., for cash at par, the 11,247 shares of the preferred stock of American Snuff Co. held by P. Lorillard Co., and will receive, as the sole common stockholder of P. Lorillard Co., and by way of dividends 34,394 shares of the common stock of American Snuff Co. held by P. Lorillard Co.

The American Tobacco Co. will distribute among its common stockholders by way of dividends, and to be charged to its surplus, all of its securities of the following-described classes, whether now owned by it or bought by it from American Cigar Co., as hereinbefore set forth, or bought by it from P. Lorillard Co., as just hereinbefore set forth, or received by it by way of dividends from any of the accessory companies defendant, as hereinbefore set forth, to wit:

American Snuff Co. common stock.
American Snuff Co. preferred stock.

[1] American Snuff Co. holds securities not connected with the snuff business, to wit, stock and bonds of the American Tobacco Co., preferred stock of American Cigar Co., aggregating in book value $2,530,216.09, upon which American Snuff Co. received in interest and dividends during the year 1910 $176,680. It is proposed that American Snuff Co. sell or otherwise dispose of these securities within three years, and that in the meantime they be held under an injunction, as is provided in this paragraph with respect to securities of the George W. Helme Co. and Weyman-Bruton Co., to be temporarily held by it. It also owns, all, to wit, $100,000 at par, of the stock of Garrett Real Estate Co., which will be dissolved and liquidated.

George W. Helme Co. common stock.
Weyman-Bruton Co. common stock.
MacAndrews & Forbes Co. common stock.
J. S. Young Co. common stock.
The Conley Foil Co. stock.
The Johnston Tin Foil & Metal Co. stock.
R. J. Reynolds Tobacco Co. stock.
Corporation of United Cigar Stores stock.
British-American Tobacco Co. (Ltd.) ordinary shares.
Porto Rican-American Tobacco Co. stock.
American Stogie Co. stock (or what is received by way of dividends from American Cigar Co. upon dissolution of American Stogie Co.).

Including the amount to be paid to American Cigar Co. and P. Lorillard Co. for such of these securities as are to be acquired by the American Tobacco Co. from them, respectively, and excluding those to be acquired by way of dividends, and which, therefore, do not affect the surplus of the American Tobacco Co., never having been set upon its books, these securities had a book value as of December 31, 1910, of $35,011,865.03. The earning capacity of all the above securities thus to be distributed, based upon the results of the year 1910, is $9,860,410.76, though not all thereof was distributed as dividends.

(2) Deferred disposition of stocks.—The American Tobacco Co. will sell or otherwise dispose of, or distribute by way of dividends to its common stockholders out of its surplus at the time existing, before January 1, 1915, all of its holdings of the following securities:

British-American Tobacco Co. (Ltd.), nonvoting preference shares.
The Imperial Tobacco Co., of Great Britain and Ireland (Ltd.), ordinary shares.
Corporation of United Cigars Stores bonds.
MacAndrews & Forbes Co. nonvoting preferred stock.

During the time these securities are left in the treasury of the American Tobacco Co., the American Tobacco Co. to be enjoined from voting any thereof that under the terms thereof might be voted, or using any thereof to exercise, or otherwise exercising or attempting to exercise, influence, or control over the said companies which issued the said securities, respectively, and from gaining possession of any of the said companies by buying in at a foreclosure had under any of the securities for any default with respect thereto or otherwise.

F.

SALE BY THE AMERICAN TOBACCO CO. OF MANUFACTURING ASSETS AND BUSINESS TO COMPANIES TO BE FORMED.

(1) There will be organized a new corporation called Liggett & Myers Tobacco Co., and a new corporation called P. Lorillard Co., and the American Tobacco Co. will sell, assign, and convey to these two companies factories, plants, brands, and businesses, and capital stocks of tobacco-manufacturing corporations, as follows:

To Liggett & Myers Tobacco Co.:

Liggett & Myers branch of the American Tobacco Co., engaged in the manufacture of plug tobacco at St. Louis, with the brands connected therewith.

Spaulding & Merrick, a company of which the American Tobacco Co. owns and has always owned all the stock, engaged in Chicago in the manufacture of fine-cut tobacco and smoking tobacco.

Allen & Ginter branch of the American Tobacco Co., engaged in the manufacture of cigarettes at Richmond, Va., and the brands connected therewith. (This does not include the brand "Sweet Caporal," made partly there and partly at New York.)

Chicago branch of the American Tobacco Co., a factory at Chicago engaged in the manufacture of smoking tobacco, with the brands connected therewith.

Catlin branch of the American Tobacco Co., a factory at St. Louis engaged in the manufacture of smoking tobacco, with the brands connected therewith.

Nall & Williams Tobacco Co., a company of which the American Tobacco Co. owns all the stock, engaged in the manufacture of plug and smoking tobacco at Louisville, Ky.

The John Bollman Co., a company engaged in the manufacture of cigarettes at San Francisco. Of this corporation the American Tobacco Co. owns 90 per cent of the stock, which it is proposed to turn over to the Liggett & Myers Tobacco Co.

Pinkerton Tobacco Co., a corporation engaged in the manufacture of scrap tobacco (a kind of smoking tobacco) at Toledo, Ohio. Of this corporation the American Tobacco Co. owns 77½ per cent of the stock, which it is proposed to turn over to the Liggett & Myers Tobacco Co.

W. R. Irby branch of the American Tobacco Co. at New Orleans, engaged in the manufacture of cigarettes and smoking tobacco, the principal brands being "Home Run" and "King Bee."

The Duke-Durham branch of the American Tobacco Co., engaged in the manufacture of cigarettes and smoking tobacco at Durham, N. C.; principal cigarette brands, "Piedmont" and "American Beauty"; principal smoking tobacco brand, "Duke's Mixture."

Two little cigar factories, located the one at Philadelphia and the other at Baltimore, branches of the American Tobacco Co.; principal brand, "Recruits."

To P. Lorillard Co.:

All the rights of the American Tobacco Co. in the present P. Lorillard Co., to wit: All the common stock and $1,596,100 at par out of a total issue of $2,000,000 of 8 per cent preferred stock. It is contemplated that as a part of these reorganizations the Lorillard Co., as at present constituted, be wound up and the new company be organized, taking over assets of the P. Lorillard Co.

S. Anargyros, a company engaged in the manufacture of cigarettes, in which the American Tobacco Co. owns all the stock and of which it has always owned all the stock.

Luhrman & Wilbern Tobacco Co., a company engaged in the manufacture of scrap tobacco (a kind of smoking tobacco), of which the American Tobacco Co. owns, and has for many years owned, all the stock.

Philadelphia branch B at Philadelphia, Wilmington branch B at Wilmington, Penn Street branch at Brooklyn, Danville branch B at Danville, and Ellis branch B at Baltimore, branches of the American Tobacco Co. manufacturing little cigars, the principal brand being "Between the Acts."

Federal Cigar Co., a company all of whose stock is and has always been owned by American Cigar Co., but which, as hereinbefore provided, is to be purchased for cash by the American Tobacco Co.

each of these conveyances to include proper and adequate storage houses, leaf tobacco and other materials and supplies, provision for book accounts, including in each case a ratable proportion of the cash held by the American Tobacco Co. on December 31, 1910, so that each of the new corporations will be fully equipped for the conduct of the business of manufacturing and dealing in tobacco.

(2) Resources and capitalization of companies and provisions for exchanging and retiring securities of American Tobacco Co.—The American Tobacco Co. has securities issued and outstanding as follows:

6 per cent bonds	$52,882,650
4 per cent bonds (including outstanding 4 per cent bonds of Consolidated Tobacco Co.)	51,354,100
6 per cent preferred stock	78,689,100
Common stock	40,242,000

The American Tobacco Co., in October, 1904, immediately after the merger, had an outstanding issue of its own 4 per cent bonds and the Consolidated Tobacco Co. 4 per cent bonds which it assumed, amounting to $78,689,100, but it has purchased on the market and retired $27,335,000 at par of these 4 per cent bonds, charging the amount thus expended to surplus.

The 6 per cent bonds and 4 per cent bonds aforesaid are what are ordinarily known as debenture bonds, and are issued under a trust indenture which imposes a general charge on the property, income, and earnings of the company in favor, first, of the 6 per cent bonds, and, second, of the 4 per cent bonds. The American Tobacco Co., after the reduction of the surplus through the acquisition by it of 4 per cent bonds as aforesaid, had on December 31, 1910, a surplus of $61,119,991.63, which will be increased by the surplus earnings of the current year. The distribution of securities herein provided for to be forthwith made would diminish the said surplus by $35,011,865.03, the book value of securities to be so distributed. This book value is less than actual value, but in view of the fact that none of the assets of the American Tobacco Co. are overvalued, the advance of the book value of the securities to be distributed as hereinbefore set forth to their actual value would operate at the same time to increase the surplus of the company, and so its surplus, after such distribution, would remain just the same as though the advance to actual value had not been made on the books of the company.

The properties to be conveyed to the Liggett & Myers Tobacco Co. and P. Lorillard Co., based upon conditions as of December 31, 1910, the last completed year, including in such conveyances the proper and proportionate storage houses, leaf tobacco, supplies and materials, and cash, but without anything for value of brands, trade-marks, formulæ, recipes, and good will, but including stocks of companies, are of the value of $30,607,261.96 to Liggett & Myers Tobacco Co. and $28,091,748.86 to P. Lorillard Co. So far as these conditions shall be changed before the day of the conveyance, any deficiency is to be made good in cash, so that these two companies will have said amounts in tangible assets, as aforesaid, useful, and such as have been used, in the manufacture of the brands to be conveyed to them, respectively, and cash. The American Tobacco Co. will be left with tangible assets, including stocks of companies employed in manufacturing tobacco and its products, cash, and bills and accounts receivable, of the value of $53,408,498.94 as of December 31, 1910. The profits earned during the year 1910 on the brands and businesses to be conveyed by the American Tobacco Co. to Liggett & Myers Tobacco Co. amounted to $7,468,172.02, and the profits on the brands and businesses to be conveyed by the American Tobacco Co. to P. Lorillard Co. amounted to $5,264,729.38.

It is proposed that the value of the brands, trade-marks, recipes, formulæ and good will to be sold to each of these companies be determined by their earning capacity, based upon the results for the year 1910, so that each shall have an earning capacity of 11.02 per cent per annum upon its total property, including both tangible property and brand value and good will. Upon this basis the consideration to be paid by the Liggett & Myers Tobacco Co. will be $30,607,261.96, value of tangile assets as above stated, and $36,840,237.04, value of brands, trade-marks, recipes, formulæ, and good will, making a total of $67,447,499; and the consideration to be paid by the P. Lorillard Co. will be $28,091,748.86, value of tangible assets as above stated, and $19,460,752.14, value of brands, trade-marks, recipes, formulæ, and good will, making a total of $47,552,501. The brands, trade-marks, recipes, farmulæ, and good will of the American Tobacco Co. on December 31, 1910, were of the book value of $101,324,964.07. The payments for brand value, etc., to the American Tobacco Co. to be made by Liggett & Myers Tobacco Co. and P. Lorillard Co., as aforesaid, makes an aggregate of $56,300,989.18, and would thus leave the book value of brands, trade-marks, recipes, formulæ, and good will retained by the American Tobacco Co. at $45,023,974.89, which, added to the $53,408,498.94 of tangible manufacturing assets to be retained by the American Tobacco Co., will make the total book value of manufacturing property to be retained by that company $98,432,473.83, upon which its earnings, based upon the results for the year 1910, would be $11,369,809.82, or 11.55 per cent.

The Liggett & Myers Tobacco Co. and the P. Lorillard Co. would pay for these conveyances, therefore, the aggregate as aforesaid, to wit:

Liggett & Myers Tobacco Co	$67,447,499
P. Lorillard Co	47,552,501
Aggregating	115,000,000

or each with its earnings on the business for the year 1910 so capitalized that said earnings represent 11.02 per cent upon the capital.

Liggett & Myers Tobacco Co. and P. Lorillard Co. will issue securities to cover such capitalization in the aggregate as follows: To an amount equal to one-half of the outstanding 6 per cent bonds of the American Tobacco Company; that is, $26,441,325 at par in 7 per cent bonds; to an amount equal to one-half of the outstanding 4 per cent bonds of the American Tobacco Co., that is, $25,677,050 at par in 5 per cent bonds; to an amount equal to one-third of the outstanding preferred stock of the American Tobacco Co., that is, $26,229,700 at par, in 7 per cent cumulative voting preferred stock; which, upon liquidation of the company, shall be paid at par with accrued unpaid dividends before any amount shall be paid to common stock, with balance of assets distributable ratably to the common stock; and the balance of said $115,000,000, that is, $36,651,925 in common stock; the 7 per cent bonds and the 5 per cent bonds to mature at the time fixed, respectively, for the maturity of the 6 per cent bonds and the 4 per cent bonds of the American Tobacco Co. now outstanding, and to be issued under an indenture of substantially like tenor and terms with the present indenture of the American Tobacco Co. under which its 6 per cent bonds and 4 per cent bonds were issued, the 7 per cent bonds to have priority in charge over the 5 per cent bonds in the same way that the 6 per cent bonds of the American Tobacco Co. have priority of charge over the 4 per cent bonds.

Thus the capitalization of the Liggett & Myers Tobacco Co. and P. Lorillard Co. will be as follows:

	Liggett & Myers.	Lorillard.	Total.
7 per cent bonds	$15,507,837	$10,933,488	$26,441,325
5 per cent bonds	15,059,589	10,617,461	25,677,050
7 per cent preferred stock	15,383,719	10,845,981	26,229,700
Common stock	21,496,354	15,155,571	36,651,925
	67,447,499	47,552,501	115,000,000

All of these securities of the Liggett & Myers Tobacco Co. and the P. Lorillard Co. to be turned over to the American Tobacco Co. in payment of the purchase price for the factories, plants, brands, and businesses and capital stocks of tobacco manufacturing corporations so to be conveyed to Liggett & Myers Tobacco Co. and P. Lorillard Co., respectively, as hereinbefore set out.

These securities will be disposed of by the American Tobacco Co. as follows:

The common stock will be offered for cash at par to the holders of the common stock of the American Tobacco Co. in proportion to their holdings, and any not purchased by the person thus entitled thereto shall be sold to persons other than the individual defendants, to the end that such offer of common stock of the two new companies to the common stockholders of the American Tobacco Co. shall not be used by the individual defendants to increase their ownership therein beyond the proportion of their holdings of the common stock of the American Tobacco Co.

To each holder of the 6 per cent bonds of the American Tobacco Co., an offer shall be made to acquire his bonds for cancellation, and to give in exchange therefor, as to one-half thereof, new 7 per cent bonds of Liggett & Meyers Tobacco Co. and P. Lorillard Co. at par, and in payment for the other half thereof, cash at the rate of $120 and accrued interest for each $100 face value of the bonds.

To each holder of the 4 per cent bonds of the American Tobacco Co., an offer shall be made to acquire his bonds for cancellation, and to give in exchange therefor, as to one-half thereof, new 5 per cent bonds of Liggett & Myers Tobacco Co. and P. Lorillard Co. at par, and, in payment for the other half thereof, cash at the rate of $96 and accrued interest for each $100 face value of the bonds.

To each holder of the preferred stock of the American Tobacco Co., an offer shall be made to acquire one-third of his stock for cancellation in exchange for an equal amount at par of Liggett & Myers Tobacco Co. and P. Lorillard Co.

On account of the larger capitalization of the Liggett & Myers Tobacco Co. as compared with the P. Lorillard Co., each class of the new securities will issue in the proportion of 58.65 per cent thereof of Liggett & Myers Tobacco Co. securities and 41.35 per cent thereof of P. Lorillard Co. securities. The stocks will be issued in shares of $100, and coupon bonds in denominations of $1,000, and registered bonds in larger denominations, and in denominations of $100 and $50, and in actual issue fractions will be eliminated.

The common stocks of the two companies aforesaid are to be sold as above set out prior to March 1, 1912, with three years to be allowed for the retirement of the bonds and preferred stock of the American Tobacco Co., as above set out. Pending such, the said 7 per cent bonds, 5 per cent bonds, and 7 per cent preferred stocks of the Liggett & Myers Tobacco Co. and the P. Lorillard Co., together with an amount in cash, or in securities owned by the American Tobacco Co., at their book value, or partly in cash and partly in such securities, equal to the amounts required if all such sales and exchanges are made, will be deposited with the Guaranty Trust Co. of New York, the trustee in the indenture under which the 6 per cent bonds and the 4 per cent bonds of the American Tobacco Co. are issued, as the agency to effect the purchase and exchange. Such deposit will be made not to secure nor create a trust fund for the bonds, but for the purpose of sequestrating and taking from the control of the American Tobacco Co. the securities and cash so deposited. During the time of such deposit the securities shall be in the name of as well as in the custody of said trust company, with any voting rights attaching thereto, but the American Tobacco Co. shall receive from the trust company all dividends and interest collected by it on account of such securities; and the American Tobacco Co. shall have the right at any time and from time to time to sell, at such price as it may determine, and direct the delivery of any of such securities (except the securities of Liggett & Myers Tobacco Co. and P. Lorillard Co.), the consideration therefor to go into the hands of said trust company, or to withdraw any of such securities (except the securities of Liggett & Myers Tobacco Co. and P. Lorillard Co.) for the purpose of distribution among its common stockholders if its surplus at the time permits, or to substitute other securities of like book value for the securities so deposited (except as to the securities of Liggett & Myers Tobacco Co. and P. Lorillard Co.), or to alter the relative proportion of cash and securities, it being the intent of this provision that there shall be sequestrated from the control of the American Tobacco Co. all the securities of the Liggett & Myers Tobacco Co. and P. Lorillard Co. and an additional amount of cash or other securities equal, upon the purchase basis aforesaid, to the value of the 4 per cent bonds and the 6 per cent bonds of the American Tobacco Co. at the time outstanding. At the end of the three years if there are any of such securities of the Liggett & Myers Tobacco Co. or P. Lorillard Co. in the hands of such trust company undisposed of by such exchange as aforesaid, then the American Tobacco Co. shall apply to this court for an order as to the disposition thereof. Nothing contained in this provision and nothing done under this provision shall be construed as providing for the creation of, or as creating, any lien or security on anything deposited with the trust company in favor of the 6 per cent bonds or the 4 per cent bonds of the American Tobacco Co. outstanding or otherwise.

G.

VOTING RIGHTS TO PREFERRED STOCK.

By proper amendment of the certificate of incorporation of the American Tobacco Co. the preferred stock will be given full voting rights.

H.

CERTAIN INCIDENTAL PROVISIONS.

(1) P. Lorillard Co. is a New Jersey company with $3,000,000 of common stock, all of which is owned by the American Tobacco Co., and $2,000,000 of 8 per cent preferred stock. Of this preferred stock the American Tobacco Co. holds $1,596,100 at par, and there is held by others $403,900 at par. Under the laws of New Jersey the present P. Lorillard Co. may be dissolved by the holders of two-thirds of the outstanding stock, and upon such dissolution the preferred stock is entitled to be paid at par, the balance of the assets going to the common stock. In view of the fact, however, that the preferred stock of the present P. Lorillard Co. is an 8 per cent preferred stock with abundant assets and earnings to make the principal and income secure, it is deemed fair to the holders of this outstanding $403,900 of preferred stock that they be given an opportunity to take, at their option, either cash at par, which they are legally entitled to, or the 7 per cent preferred stock of the proposed new P. Lorillard Co. As the preferred stock of the new P. Lorillard Co. is to be a 7 per cent preferred stock, the holders of said $403,900 of said present preferred stock will be offered stock of the new company at the rate of $114.25 for each share. It is therefore proposed that the new P. Lorillard Co. provide for an additional amount of preferred stock sufficient to take care of $403,900 preferred stock on that basis, to wit, $114.25 in new 7 per cent preferred stock for each $100 of said stock, amounting to $461,600 at par of preferred stock in addition to that set out hereinbefore. In view of the fact that in the statements hereinbefore made as to earnings of the P. Lorillard Co. there is included only such part of the earnings of the present P. Lorillard Co. as accrued to the proportion of its stock held by the American Tobacco Co., this increase of preferred stock would increase proportionately the profits of the P. Lorillard Co., and does not derange any of the figures hereinbefore given or given in any of the exhibits hereto and hereinafter referred to.

(2) American Snuff Co. manufactures and sells a brand of snuff called "Garrett," which has a large sale in the southern and southwestern sections of the country. Originally this brand was manufactured at Yorklyn, Del., and in part packed in Philadelphia. Several years ago American Snuff Co. determined, on account of freight-rate conditions, to manufacture this brand at Clarksville, Tenn., and to pack it at Memphis, Tenn., and that the factories at Yorklyn, Del., should be given up to the manufacture of other brands. It has yet, though, been unable to produce in Clarksville, Tenn., goods similar to the goods heretofore and now made by it at Yorklyn, Del., although the experiment is still in progress, and with hope of success. Under the plan hereinbefore outlined the brand "Garrett" snuff is allotted to American Snuff Co., and the factories other than one factory at Yorklyn, Del., are allotted to George W. Helme Co. Your petitioners pray that in the approval and adoption by this court of this plant, American Snuff Co. and George W. Helme Co. be permitted to manufacture brands the one for the other, for a period not exceeding one year from March 1, 1912, each company paying to the other as consideration for such manufacture the cost thereof plus 5 per cent; the necessity of paying 5 per cent above cost is sufficient inducement to each company to manufacture its own goods as soon as American Snuff Co. is able to manufacture factory, thus leaving the Yorklyn factories, other than No. 5, for the "Garrett" snuff of the requisite character and kind in its Clarksville manufacture by the George W. Helme Co. of its own brands.

This court, having heard the parties as directed by the Supreme Court of the United States, it is further ascertained and determined, and—

Ordered, adjudged, and decreed that said plan hereinabove set forth is a plan or method which, taken with the injunctive provisions hereinafter set forth, will dissolve the combination heretofore adjudged to be illegal in this cause, and will re-create out of the elements now composing it a new condition which will be honestly in harmony with, and not repugnant to, the law, and without unnecessary injury to the public or the rights of private property.

It is further ordered, adjudged, and decreed that the said plan as hereinabove set forth be, and it is hereby, approved by this court, and the defendants herein are respectively directed to proceed forthwith to carry the same into effect.

The necessities of the situation, in the judgment of this court, requiring the extension of the period for carrying into execution said plan to a further time not to exceed 60 days from December 30, 1911,

It is further ordered, adjudged, and decreed that the defendants be allowed until February 28, 1912, to carry said plan into execution.

It is further ordered, adjudged, and decreed that the defendants, their officers, directors, servants, agents, and employees be, and they are hereby, severally enjoined and restrained as follows:

From continuing or carrying into further effect the combination adjudged illegal in this cause and from entering into or forming any like combination or conspiracy the effect of which is or will be to restrain commerce in tobacco or its products or in articles used in connection with the manufacture and trade in tobacco and its products among the States or in the Territories or with foreign nations, or to prolong the unlawful monopoly of such commerce obtained and possessed by the defendants, as adjudged herein in violation of the act of Congress approved July 2, 1890, either—

1. By causing the conveyance of the factories, plants, brands, or business of any of the 14 corporations among which the properties and businesses now in the combination are to be distributed, to wit, the American Tobacco Co., Liggett & Myers Tobacco Co., P. Lorillard Co., American Snuff Co., George W. Helme Co., Weyman-Bruton Co., R. J. Reynolds Tobacco Co., British-American Tobacco Co. (Ltd.), Porto Rican-American Tobacco Co., Mac Andrews & Forbes Co., J. S. Young Co., the Conley Foil Co., the Johnston Tin Foil & Metal Co., and the United Cigar Stores Co., to any other of said corporations, by placing the stocks of any one or more of said corporations in the hands of voting trustees or controlling the voting power of such stocks by any similar device; or

2. By making any express or implied agreement or arrangement together or one with another like those adjudged illegal in this cause relative to the control or management of any of said 14 corporations or the price or terms of purchase or of sale of tobacco or any of its products or the supplies or other products dealt with in connection with the tobacco business, or relative to the purchase, sale, transportation, or manufacture of tobacco or its products, or supplies or other products dealt with as aforesaid, by any of the parties hereto, which will have a like effect in restraint of commerce among the States, in the Territories, and with foreign nations to that of the combination the operation of which is enjoined in this cause; or by making any agreement or arrangement of any kind with any other of such corporations under which trade or business is apportioned between such corporations in respect either to customers or localities.

3. By any of said 14 corporations retaining or employing the same clerical organization, or keeping the same office or offices, as any other of said corporations.

4. By any of said 14 corporations retaining or holding capital stock in any other corporation any part of whose stock is also retained and held by any other of said corporations; provided, however, that this

prohibition shall not apply to the holding by the Porto Rican-American Tobacco Co. and American Cigar Co. of stock in Porto Rican Leaf Tobacco Co., nor shall it apply to the holding of stock of the National Snuff Co. (Ltd.) by Weyman-Bruton Co. and British-American Tobacco Co. (Ltd.).

5. By any of said 14 corporations doing business directly or indirectly under any other than its own corporate name or the name of a subsidiary corporation controlled by it; provided, however, that in case of a subsidiary corporation the controlling corporation shall cause the products of such subsidiary corporation which are sold in the United States and bear the name of the manufacturer to bear also a statement indicating the fact of such control.

6. By any of said 14 corporations refusing to sell to any jobber any brand of any tobacco product manufactured by it except upon condition that such jobber shall purchase from the vendor some other brand or product also manufactured and sold by it; provided, however, that this prohibition shall not be construed to apply to what are known as "combination orders" under which some brand or product may be offered to a jobber or dealer at a reduced price on condition that he purchase a given quantity of some other brand or product.

It is further ordered, adjudged, and decreed that during a period of 5 years from the date hereof, each of said 14 corporations hereinbefore named, its officers, directors, agents, servants, and employees, are hereby enjoined and restrained as follows:

1. None of the said 14 corporations shall have any officer or director who is also an officer or director in any other of said corporations.

2. None of said 14 corporations shall retain or employ the same agent or agents for the purchase in the United States of tobacco leaf or other raw material, or for the sale in the United States of tobacco or other products, as that of any other of said corporations.

3. None of said 14 corporations shall directly or indirectly acquire any stock in any other of said corporations or purchase or acquire any of the factories, plants, brands, or business of any other of said corporations, or make loans or otherwise extend financial aid to any other of said corporations.

The provisions of this decree shall apply only to trade and commerce in or between the several States and Territories and the District of Columbia, and trade and commerce between the United States and foreign nations.

It is further ordered, adjudged, and decreed that British-American Tobacco Co. (Ltd.) and the Imperial Tobacco Co. of Great Britain and Ireland (Ltd.) shall not act as agent for each other, nor employ a common agent, for the purchase of leaf tobacco in the United States, and neither of said 2 companies shall unite with any of the said 14 corporations among which the properties and businesses now in the combination are to be distributed, in the employment of a common agent for the purchase of tobacco leaf in the United States.

It is further ordered, adjudged, and decreed that each of the 29 individual defendants in this suit be enjoined and restrained from at any time within three years from the date of this decree acquiring, owning, or holding, directly or indirectly, any stock or any legal or equitable interest in any stock in any one of said 14 corporations, except British-American Tobacco Co. (Ltd.), in excess of the amount to which he will is entitled under the provisions of the plan when the same shall have been carried out as proposed as the present owner of the amount of stocks in said several companies shown by the affidavits of said several defendants filed herein on the 16th day of November, 1911; provided, however, that any of said defendants may, notwithstanding this prohibition, acquire from any other or others of said defendants, or in case of death from their estates, any of the stock held by such other defendant or defendants in any of said corporations.

It is further ordered, adjudged, and decreed that the new companies whose organization is provided for in the plan hereinabove set forth, to wit, Liggett & Myers Tobacco Co., P. Lorillard Co., George W. Helme Co., Weyman-Bruton Co., and J. S. Young Co., shall, after their formation and by appropriate proceeding, be made parties defendant to this cause and subject to the provisions of this decree and bound by the injunctions herein granted.

It is further ordered, adjudged, and decreed that any party hereto may make application to the court for such orders and directions as may be necessary or proper in relation to the carrying out of said plan and the provisions of this decree.

It is further ordered, adjudged, and decreed that the costs of this action shall be paid by the defendants other than R. P. Richardson, Jr., & Co. (Inc.), as to whom the suit has heretofore been dismissed, and the payment by the defendant the American Tobacco Co. of the reasonable costs and counsel fees of the committees organized for the protection of the 6 per cent bonds, 4 per cent bonds, and preferred stock of the American Tobacco Co., is hereby approved.

It is further ordered, adjudged, and decreed that the defendants the American Tobacco Co., MacAndrews & Forbes Co., American Snuff Co., and each of them, and their and each of their officers, directors, servants, agents, and employees, be severally enjoined and restrained as in said plan set forth from voting stocks, exercising influence or control over other companies or gaining possession of other companies through the use of securities temporarily held by them, respectively, under said plan in each and every case in which it is provided in and by the said plan that any of said three last-named defendants shall be so enjoined.

It is further ordered, adjudged, and decreed that such books and papers of the defendants the American Tobacco Co. and S. Anargyros, or either of them, as relate to the suit of the Ludington Cigarette Machine Co. v. S. Anargyros and the American Tobacco Co., or the subject matter thereof or any part thereof, be preserved by the said defendants, respectively, until after the accounting, if any shall take place in said suit, and said suit be finally determined and ended.

It is further ordered, adjudged, and decreed that jurisdiction of this cause is retained by this court for the purpose of making such other and further orders and decrees, if any, as may become necessary for carrying out the mandate of the Supreme Court.

November 16, 1911.

E. HENRY LACOMBE, *Circuit Judge.*
ALFRED C. COXE, *Circuit Judge.*
H. G. WARD, *Circuit Judge.*
WALTER C. NOYES, *Circuit Judge.*

STATEMENT OF THE ATTORNEY GENERAL.

As soon as it was practicable after November 16, 1911, the date of the decree in the case of United States of America against the American Tobacco Co. and others, the defendants affected by the decree began, following the directions of the court, to put into operation the plan of disintegration provided for in the decree. The five new companies provided for in the said decree, to wit, Liggett & Myers Tobacco Co., P. Lorillard Co., George W. Helme Co., Weyman-Bruton Co., and J. S. Young Co. were duly chartered and organized, elected directors and officers. After the organization of these new companies, each of them made offers to acquire businesses, properties, etc., as provided in said decree, and the offers were accepted. The offers made by Liggett & Myers Tobacco Co. and P. Lorillard Co. were to the American Tobacco Co.; the offers made by George W. Helme Co. and Weyman-Bruton Co. were to the American Snuff Co.; and the offer made by J. S. Young Co. was to MacAndrews & Forbes Co. Each of these offers and acceptances provided for issuing of securities of the vendee company as provided in said decree, all to be as of December 1, 1911, the vendor company receiving the securities as of that date so as to receive interest or dividends on the bonds or stock representing the purchase price from that date, and the vendee companies to take the businesses with the profits accruing from that date. All real estate conveyances were promptly made and recorded; assignments of trade-marks duly executed; division of leaf tobacco and other materials and supplies made; cash in large part turned over to the vendee companies; and since December 1, 1911, the vendee companies have been operating on their own account—Liggett & Myers with its offices in St. Louis, P. Lorillard Co. with its offices in Jersey City, and J. S. Young Co. with its offices in Baltimore. American Snuff Co. is proceeding to open its main offices in Memphis, Tenn., but the actual removal of offices has not yet occurred.

Each of the vendee corporations, Liggett & Myers Tobacco Co. and P. Lorillard Co., by proper resolution authorized their transfer agents and the trustee under the trust indenture securing the bonds to deliver these to the treasurer of the American Tobacco Co. or his written nominees—the vendee companies at the time delivering to the transfer agent and trustee properly signed certificates of stock and bonds in blank—and the treasurer of the American Tobacco Co. under this power of nomination directed the transfer agent and trustee to honor requisitions from time to time made by the Guaranty Trust Co. of New York, the agency for transfer and issuance of securities appointed by the decree. Under this method there had gone out, up to the close of business January 19, $21,438,000 of the common stock of Liggett & Myers Tobacco Co. out of a total issue of $21,496,400, and $15,116,000 of the common stock of P. Lorillard Co. out of a total issue of $15,155,600. All of the money received by the Guaranty Trust Co. of New York for this common stock, to wit, $36,554,000, has been used in the payment, under the said decree, for cancellation of the bonds of the American Tobacco Co., and additional money has been supplied by the American Tobacco Co. to said Guaranty Trust Co.

Under the said decree each holder of the 6 per cent bonds of the American Tobacco Co. may turn in his bonds to the Guaranty Trust Co. of New York and thereupon receive cash at the rate of $120 for one half thereof and new 7 per cent bonds of Liggett & Myers Tobacco Co. and P. Lorillard Co. for the other half thereof. Each holder of the 4 per cent bonds of the American Tobacco Co., including some outstanding 4 per cent bonds of Consolidated Tobacco Co., may turn in his bonds to Guaranty Trust Co. of New York, receiving as to one half thereof cash at the rate of $96 and for the other half new 5 per cent bonds of Liggett & Myers Tobacco Co. and P. Lorillard Co. And each holder of the preferred stock of the American Tobacco Co. may turn in his stock, receiving for one-third thereof new 7 per cent preferred stock of the Liggett & Myers Tobacco Co. and P. Lorillard Co. and as to the other two-thirds new certificates of stock of the American Tobacco Co., which show on their face that they are not entitled to participate in any further exchange and that the holders have voting rights.

The Guaranty Trust Co. had at the close of business January 19 taken in from the holders thereof for cancellation, in accordance with said decree, and either paid in cash or delivered new securities therefor, as follows: $41,561,000 of the 6 per cent bonds, out of $52,882,650 theretofore outstanding; $38,823,650 of 4 per cent bonds (including outstanding 4 per cent bonds of Consolidated Tobacco Co.), out of $51,354,100 theretofore outstanding; $43,181,700 of 6 per cent preferred stock, out of $78,689,100 theretofore outstanding. All of these new securities and cash have been delivered and paid to the many hundreds of individuals entitled thereto under the said decree, the common stock of Liggett & Myers Tobacco Co. and P. Lorillard Co. having been delivered, as aforesaid, to at least 1,200 different people, and presumably the bonds and preferred stock of an even larger number.

American Snuff Co. received the securities of George W. Helme Co. and Weyman-Bruton Co., to wit: $4,000,000 of 7 per cent preferred stock and $4,000,000 of common stock of each company, and MacAndrews & Forbes Co. received all of the securities of J. S. Young Co., to wit: $1,000,000 of preferred stock and $1,000,000 of common stock. Each of these companies, under the decree aforesaid, was to distribute the common stocks received by it to its own common-stock holders. All of this common stock has been actually distributed.

The Conley Foil Co., under the decree, was to distribute the stock it held in the Johnston Tin Foil & Metal Co. among its stockholders, and it has done so. It has also canceled the bonds of the Johnston Co. which it held.

The American Tobacco Co., under the said decree, was to distribute among its common-stock holders the stocks heretofore held by it in American Snuff Co., Corporation of United Cigar Stores, R. J. Reynolds Tobacco Co., British-American Tobacco Co. (Ltd.) ordinary shares, the Conley Foil Co., MacAndrews & Forbes Co., and Porto Rican-American Tobacco Co.; and the stocks received by it as a common-stock holder of American Snuff Co. in Weyman-Bruton Co. and George W. Helme Co.; and the common stock received by it as a stockholder of MacAndrews & Forbes Co. in J. S. Young Co.; and the stock received by it as a stockholder of the Conley Foil Co. in the Johnston Tin Foil & Metal Co. It has entirely completed this distribution among more than 1,200 stockholders of the American Tobacco Co., and many sales of the distributed stocks have been made on the market by those who received the same on distribution.

The certificate of incorporation of the American Tobacco Co. has been amended and full voting rights given to the holders of the preferred stock.

All domestic covenants, referred to in the decree, have been released by proper instruments, and such instruments have been duly filed in the court.

All of the defendant companies, including the new companies, are in active business life and competition, each with its own buying and selling organizations, each with a license to do business in every State in which it is engaged in business, and each receiving orders and billing goods.

The only things that have not been wholly accomplished is the disintegration of American Stogie Co., which is now in progress, the resolution of dissolution having been adopted by the stockholders and the business now being in the hands of trustees in liquidation; final adjustments between Liggett & Myers Tobacco Co., L. Lorillard Co., and the American Tobacco Co., with final checking of tentative invoices of leaf

tobacco, materials, and supplies, and cash to be furnished to them; and making the exchange by American Snuff Co. of the preferred stocks received by it from Weyman-Bruton Co. and George W. Helme Co. in reduction of its own stock, and the exchange to be effected by MacAndrews & Forbes Co. of the preferred stock of J. S. Young Co. received by it in reduction of its own stock. As to these exchanges of preferred stock, they have not been completed because of lack of time, but the offer to the holders of preferred stock of American Snuff Co. has been printed and is to be issued Monday. MacAndrews & Forbes Co. has only a few holders of its preferred stock, most of them resident in England, and letters have already been written them making the offer of exchange.

Among the properties turned over by the American Tobacco Co. to P. Lorillard Co. was all of the common stock and three-fourths of the preferred stock of the old P. Lorillard Co. The old P. Lorillard Co. has been dissolved in accordance with New Jersey law and its physical properties turned over to the new P. Lorillard Co., formed in accordance with the decree.

As part of the process of dividing the manufacturing properties of the American Tobacco Co. between itself and Liggett & Myers Tobacco Co. and P. Lorillard Co. the holders of a majority of the 6 per cent bonds of the American Tobacco Co. and the holders of a majority of the 4 per cent bonds of that company have each executed and delivered instruments approving the plan of reorganization and modifying, as such majorities were authorized to do, by the indenture securing said bonds, the rights of the bondholders in so far as they might be affected by the carrying out of said plan.

To sum up what has thus far been wholly accomplished:

(a) The entire distribution of stocks by the American Tobacco Co. as a dividend to its common-stock holders under the provision of the plan has been completed. This covers not only the stocks held in the treasury of the company at the time of the decree, but also the stocks which it has received into its treasury through the process of disintegration of accessory companies and the distribution of their stocks, in which the American Tobacco Co. participated.

The stocks thus distributed have been largely dealt in on the market in the city of New York and very many transactions therein have been reported. Between the 11th of December and the 19th of January over 184,000 shares of stock of British-American Tobacco Co. (Ltd.) have been reported in the financial papers to have been sold. This stock was never dealt in. Between the date of the decree (Nov. 16) and January 19 between 17,000 and 18,000 shares of the stocks of Corporation United Cigar Stores have been reported by the financial papers as being sold on the market in New York City. Prior to this time dealings in this stock were so rare as to be almost unknown.

We are informed that the stock transfer books of United Cigar Stores Co. show that prior to the distribution the total number of stockholders was 250, which has increased in consequence of the distribution, so that on January 19, 1912, there were 1,170 stockholders. The number of shares distributed by the American Co. was 60,000 shares. Since the date of the decree 36,636 shares have been transferred of record by stockholders, including stockholders who received their stock upon the distribution by the American Tobacco Co. We are also credibly informed that a large number of the individual defendants have parted with their entire holdings of their stock of United Cigar Stores. The detailed statement upon which this information is based, received by us from officials of the Corporation United Cigar Stores, is annexed hereto, marked "Exhibit A."

(b) Each of the accessory companies, with the exception of the stogie company, has actually been disintegrated as provided in the decree; new companies having been created, to which properties have been conveyed, in consideration of the issue of securities by the vendee companies, and the securities so issued by the vendee companies have, excepting only the preferred stocks of the snuff company and MacAndrews & Forbes Co., reached the hands of and are now held by their ultimate holders, to wit, the public.

(c) Liggett & Myers Tobacco Co. and P. Lorillard Co. have been organized, have acquired the properties conveyed to them by the American Co., and have been in separate operation since December 1. Properties conveyed to them were paid for by the issue by them of all the securities called for by the plan, which securities were taken into the treasury of the American Tobacco Co. and thence placed with the Guaranty Trust Co., the agency for exchange.

The total authorized common stock of Liggett & Myers and Lorillard was	$36,652,000
Of this the common stockholders of the American Co. have purchased and paid for at par	36,554,000
Leaving still to be paid only	98,000

Many thousand shares of Liggett & Myers and Lorillard common stocks have been sold on the market since the date of the decree.

The preferred stocks of Liggett & Myers and Lorillard were turned over to the Guaranty Trust Co. as the agency for exchange, to be by it exchanged for one-third of the former preferred stock of the American Tobacco Co. More than one-half of these preferred stocks of the new companies have been exchanged at par for an equal amount of the preferred stock of the old company, which latter has been canceled.

The total amount of the preferred stock of the American Co. outstanding at the date of the decree was	$78,689,100
Of which there has been surrendered for the exchange above mentioned	43,181,700
Leaving now outstanding of old preferred stock only	35,507,400
The total amount of 6 per cent and 4 per cent bonds of the American Tobacco Co. outstanding at the date of the decree was	104,436,750
Of this there have been actually retired and canceled through payment of one-half in cash and exchange of the other half for new 7 per cent and 5 per cent bonds of the new companies	80,384,650
Leaving now outstanding only	24,052,100
The total amount of 5 per cent and 7 per cent bonds issued by the new companies, all of which were placed with Guaranty Trust Co. for purposes of exchange, was	52,218,375
Of this amount there have been actually delivered to the holders of old 4 per cent and 6 per cent bonds in exchange therefor	40,192,375
Leaving still in the hands of Guaranty Trust Co. still subject to further exchange only	12,026,000

The $40,000,000 of 5 per cent and 7 per cent bonds of the new companies so delivered to the holders of the 4 per cent and 6 per cent bonds of the American Co. have been largely dealt in on the market since the date of the decree. The transactions in these bonds have been constant and large, and the financial papers report sales in them since the decree of an aggregate amount of more than $18,000,000.

EXHIBIT A.

Corporation of United Cigar Stores.

Number of stockholders prior to distribution by American Tobacco Co. of stock held by it in Corporation of United Cigar Stores, Dec. 14, 1911	250
Number of stockholders of record Jan. 19, 1912	1,170
Number of shares of stock distributed by American Tobacco Co.	60,000
Number of shares of stock transferred of record by stockholders, including those who received stock on distribution by American Tobacco Co	36,636

Of the 29 individual defendants named in the "bill," the records show that 12 have already disposed of their entire holdings of stock of Corporation of United Cigar Stores and that a large part of the stock held by the remainder of the individual defendants has already been transferred.

[Senate Report No. 545, part 2, Sixty-Second Congress, second session.]

VIEWS OF SENATORS WILLIAM E. BORAH, CHARLES A. CULBERSON, KNUTE NELSON, NORRIS BROWN, AND ALBERT B. CUMMINS.

The undersigned Senators, a minority of the Committee on the Judiciary, beg leave to submit to the Senate their views upon S. 3607, being a bill to give the right of appeal to certain organizations and persons in the suit of the United States against the American Tobacco Co. and others.

The purpose of the bill under consideration is to give to certain tobacco-trade associations and to the attorneys general of certain States and to the State of Wisconsin the right to intervene in the suit of the United States *v.* The American Tobacco Co. and others, lately pending in the District Court of the United States for the Southern District of New York; and having so intervened to appeal from the decree entered therein on the 16th day of November, 1911, to the Supreme Court of the United States; or, to state it somewhat more generally and broadly, the object of the bill is to secure a review by the Supreme Court of the decree of the court below approving a plan for the reorganization of the business of the American Tobacco Co.

In order to make it clearly apparent that the public interest imperatively requires that the reorganization decree entered by the lower court ought to be reviewed by the Supreme Court it will be necessary to recite briefly the history of what has been done.

The suit was originally instituted in the Circuit Court for the Southern District of New York under section 4 of the act commonly known as the antitrust law. There were 67 corporations and 29 individuals made defendants. The corporations were the American Tobacco Co. and such other corporations as were under the control of the American Tobacco Co., which corporations had not only restrained but had monopolized, substantially, the trade in which they were engaged.

The individual defendants were the officers and the chief stockholders of the American Tobacco Co. Without referring to the character of the decree which the circuit court rendered originally, it is sufficient to say that from it the United States appealed, and upon the appeal the Supreme Court announced its decision in an opinion which has now become famous in the judicial literature of the subject.

The decree of the court below was reversed and the combination was denounced not only as a whole but in all its parts and practices. The vice of the combination consisted in the destruction of competition and the consequent establishment of a monopoly. The injury to the public welfare was inflicted by the control which the stockholders of the American Tobacco Co. exerted, through the corporation, over all the subsidiary or incidental corporations.

After considering the case with the greatest care and finding the most flagrant violations of the law, the Supreme Court proceeded to the consideration of the remedy that should be awarded. To the end that the Senate may have a full understanding of just what the Supreme Court said and did in this respect we quote that part of the opinion and mandate:

"Under these circumstances, taking into mind the complexity of the situation in all its aspects and giving weight to the many-sided considerations which must control our judgment, we think, so far as the permanent relief to be awarded is concerned, we should decree as follows:

"First. That the combination in and of itself, as well as each and all of the elements composing it, whether corporate or individual, whether considered collectively or separately, be decreed to be in restraint of trade and an attempt to monopolize and a monopolization within the first and second sections of the antitrust act.

"Second. That the court below, in order to give effective force to our decree in this regard, be directed to hear the parties, by evidence or otherwise, as it may be deemed proper, for the purpose of ascertaining and determining upon some plan or method of dissolving the combination and of re-creating, out of the elements now composing it, a new condition which shall be honestly in harmony with and not repugnant to the law.

"Third. That for the accomplishment of these purposes, taking into view the difficulty of the situation, a period of six months is allowed from the receipt of our mandate, with leave, however, in the event, in the judgment of the court below, the necessities of the situation require, to extend such period to a further time not to exceed 60 days.

"Fourth. That in the event, before the expiration of the period thus fixed, the condition of disintegration in harmony with the law is not brought out, either as a consequence of the action of the court in determining an issue of the subject or in accepting a plan agreed upon, it shall be the duty of the court, either by way of an injunction restraining the movement of the products of the combination in the channels of interstate or foreign commerce, or by the appointment of a receiver, to give effect to the requirements of the statute."

The case was thus returned to the circuit court for further proceedings carrying out the directions above given.

After several months of negotiation between the parties and the court, and after public argument, the circuit court on the 16th day of November, 1911, entered a decree approving and apparently adjudicating the plan of reorganization. We attach to this report a copy of the decree and also of the opinions of the four circuit court judges then comprising the circuit court.

The decree itself, together with the opinion of the Supreme Court (United States *v.* The American Tobacco Co. et al., 221 U. S., 106), will furnish all the facts that are material in determining whether the interests of the people require that the things ordered and adjudged

by the circuit court shall be subjected to the scrutiny and the power of the Supreme Court.

We will presently point out some of the obvious errors found in the decree and plan of reorganization, but before doing so, we suggest that the Attorney General representing the United States, being satisfied with the adjudication of the lower court did not appeal, and he publicly declared that he would not appeal, at the same time entering upon a defense of the decree and his refusal to seek a review in the Supreme Court.

Under the law the time for appeal in such cases is limited to 60 days, a time that elapsed about the middle of January of the present year. The Judiciary Committee invited the Attorney General to come before it and explain his reasons for refusing to appeal. This he did, and there reannounced the position which he had theretofore given to the public.

It is not our intent to go at length into the plan of reorganization. A more appropriate time for the details of the matter will come when the report of the majority of the committee and these views of the minority are under discussion before the Senate. It is enough to point out that, with the exception of whatever influence the preferred stockholders of these corporations may exert, and this we believe to be negligible, the whole business formerly under the control technically of the corporation known as the American Tobacco Co. is now under the control of the same persons who then controlled the American Tobacco Co., and in the same proportions. Some of the corporations which were found to be violating the law were left without any change, but the 14 corporations, among which was distributed the property of the American Tobacco Co. and the property of the subsidiary corporations, were left under the control of the stockholders of the American Tobacco Co. and their proportionate holdings in the new companies were the same as their holdings in the original company. It is difficult to be patient with the argument that through any such circumlocution the competition which was destroyed by the crimes of these defendants was restored by this extraordinary performance.

The independent tobacco manufacturers and dealers are unanimous in asserting that the grip of monopoly instead of being weakened has been strengthened. This assertion is sustained by the fact that since the decree the stock of both the old company and the new corporations has commanded a higher price in the market than the stock of the old company ever reached before. The plight of these independents challenges our consideration, but the people as a whole are the chief sufferers. The principal reason for the review we seek is the high necessity that the legislative branch of the Government shall know definitely whether the outcome of the American Tobacco Co. prosecution is the real outcome of the antitrust law; whether the decree which we have mentioned is all that this law will do in the way of relief against the suppression of competition and the annihilation of competitors in the commerce of the country. If the decree is to be accepted as the full and final expression of the law, then it is manifest that Congress must amend it so that it will accomplish its purpose more effectually.

As important as the considerations which we have already mentioned are, there is another which is thought to be of still greater consequence. The circuit court has apparently adjudged that certain corporations enumerated in the decree, and which are a part of the plan of reorganization, have received a judicial approval of a character which we think is beyond the power of a court to confer. There seems to be no escape from the conclusion that the circuit court has endeavored to adjudicate and legalize the organization of these corporations, their relations to each other and the public, and give them an immunity hitherto unknown to judicial procedure. We can not believe that under our system of government a court can, in advance, do for corporations, their stockholders and bondholders, what the circuit court in New York has attempted to do for the corporations which have taken their place in the business world as parts of the plan of reorganization. We are not willing that this new venture on the part of this court shall pass unchallenged.

After carefully reflecting upon the facts and history of the case, of which we have given but a mere outline, we are firmly of the opinion that the public interest requires that there should be an appeal to the Supreme Court of the United States, and we are further of the opinion that the Congress has the constitutional power to enact such legislation as will provide for such appeal.

It has been suggested that instead of endeavoring to bring in new parties and give them the right to appeal that we should direct the Attorney General to take an appeal on behalf of the United States and enlarge the time for appeal in order to make the direction effective. The members of the committee who join in this report are of the opinion that it is within the power of Congress to so direct the Attorney General and to so enlarge the time for the appeal. Inasmuch, however, as there was no amendment of that kind offered in the committee, the Senators who sign the body of this report do not commit themselves for or against such an amendment if offered in the Senate.

Certain formal amendments were made in the committee, the principal one being to strike out the preamble. This made necessary some changes in the body of the bill, in order that definite descriptions might take the place of references to parts of the preamble. We append hereto the bill as amended in the committee, so that when printed the amendments may be made to appear in the ordinary way.

Respectfully submitted.

WM. E. BORAH.
C. A. CULBERSON.
ALBERT B. CUMMINS.

We believe the decree of the circuit court should be passed upon and reviewed by the Supreme Court, and that the Attorney General should be directed to take the necessary appeal, and that the time for appeal should be extended for such purpose. We further believe that we have the power to extend the time and to so direct the Attorney General.

KNUTE NELSON.
NORRIS BROWN.

[In the Circuit Court of the United States for the Southern District of New York. United States of America v The American Tobacco Co. and others.]

OPINIONS OF THE COURT AND DECREE.

Before Lacombe, Coxe, Ward, and Noyes, circuit judges.

The United States v. The American Tobacco Co. and others.

OPINION OF CIRCUIT JUDGE LACOMBE.

In compliance with the directions of the Supreme Court we have heard the parties upon a plan proposed by the American Tobacco Co. for "dissolving the combination and for re-creating out of the elements now composing it a new condition which shall honestly be in harmony with and not repugnant to the law." The proposed plan was filed two weeks before this hearing, at which not only the parties but any persons interested who might wish to express their views as friends of the court were given opportunity so to do.

While the plan is correctly described as the proposed plan of the American Tobacco Co., since that corporation and the other defendants offer to carry it out, it should be remembered that in its present form the plan is the fruit of much discussion. For upward of two months successive conferences, in the presence of two or more members of the court, were had between the Attorney General and the counsel and representatives of the Tobacco Co. Objections of the Attorney General were followed by modifications of the plan, some of its most drastic provisions being inserted in order to meet or avoid his criticisms. When a point was reached where such adjustment of differences ceased to be practicable, a time was fixed for a hearing before the whole court upon the matters remaining in dispute. It was in the course of these conferences that a very material reduction of the holdings of the American Tobacco Co. was brought about. According to the plan as originally proposed it was to retain in its treasury, in addition to its working capital, sufficient to pay the outstanding bonds when they matured, about $104,000,000. To this the Attorney General at once objected, insisting that the possession of this enormous amount of money over and above its capital invested in the tobacco business was fraught with possibilities of evil use, that it would be a standing menace to all competitors and could not be tolerated. While not fully conceding the justice of this criticism, counsel for defendants promptly stated that they would undertake to eliminate it.

After discussion of two different methods of so doing, which themselves presented other difficulties, defendants at the last conference submitted the present scheme, whereby half of the outstanding bonds would be bought up (and canceled) at a price in excess of their present value, thus insuring a willing surrender of them by present holders, and for the other half securities of the new companies would be offered on a basis of exchange which would insure acceptance of the offer. Since the plan was filed the market reports have given quotations of such bonds of the new companies "if and when." While such reports are possibly not competent evidence in the trial of a cause, they seem to indicate that if the present plan be approved a very brief period will suffice for the disappearance of substantially all the old bonds and the elimination from the treasury of the American Co. of the money or securities required to make them good at maturity. Thus the menace of holding an enormous amount of money, additional to what is legitimately used in the business of the American Co., will disappear. Upon the hearing committees representing a majority of the holders of both issues of bonds appeared and requested the court to approve the plan. Out of the entire two issues, amounting to over $100,000,000, one holder only of ten 4 per cent bonds appeared to object on the ground that the terms offered for sale and exchange were not satisfactory to him. Inasmuch as he is under no obligation to accept the offer if it does not please him, and the security for his bonds, if the plan be carried out, will be ample, no modification of the plan is necessary to protect him or others similarly situated. A committee representing a majority of the preferred-stock holders also asked that the proposed plan be approved.

The plan contains very many provisions, necessarily so because of the intricate nature of the combination of corporations about to be disrupted. It would unreasonably extend this opinion to undertake to epitomize these provisions. An admirably clear summary of them has been filed by the proponents and may be considered as in the nature of a recital to this opinion. Besides distributing among its common-stock holders a large amount of the stock it now holds in other companies, the American Tobacco Co. will be split into three companies, which, with a fourth set free of control by the American Co. through such distribution of stock, will divide between themselves the property now owned and the business now done by the American Co. Each of these four companies will thus have a business which, in every branch of it, will fall materially below a percentage sufficient to control. There are similar disruptions among the accessory companies, for the details of which the plan or the summary may be consulted.

Some of those who have been heard in opposition insist that no plan is practicable; that in conformity with the statute as construed by the Supreme Court the only thing for this court to do is to seize the property through receivership and proceed to sell it. This proposition need not be discussed. Evidently the Supreme Court believed some plan was practicable, or it would not have directed this court to inquire into the matter.

Upon the hearing other plans for dissolving and re-creating were submitted, plans not merely suggesting modifications of the one proposed, but differing widely from it in form and scope. One of them calls for a division into upward of 60 different companies. Others for a distribution of properties by specific allotments, as in the case of a partition of real estate. No time need be given to a consideration of any of these, since there is no suggestion that the defendants will adopt them. On the contrary, counsel for the defendants expressly stated on the argument that they would not undertake to carry them out. Presumably they think they might better take their chances at receiver's sale. This court has neither authority nor power to carry out and enforce any plan of readjustment without the cooperation of the owners of the property, the holders of these stocks and bonds. It would be a sheer waste of time, therefore, to consider any plan radically different from the one now before us. If we find this plan would not create the condition defined in the opinion of the Supreme Court, or if such modifications as we may require as a condition of giving our approval are not accepted by defendants, we must obey the mandate of that court, must seize the property and sell it at public auction, in appropriate and convenient lots, applying the proceeds of the sale to the payment of the debts, including the mortgages, or of such dividend thereon as the proceeds may allow, turning over the surplus, if any, to the owners of the equity.

The main objection to the proposed plan, an objection found in every document filed by those who were given permission to be heard and which seemed to be principally relied on by those who spoke, is what is referred to as "common-stock holding." For instance, under the plan two new companies, "Lorillard" and "Liggett & Myers," will be formed out of the American, which will itself, thus reduced in size, continue in existence. The same individuals, the present 1,800 or more common-stock holders of the American, will hold the entire common stock of each of the other two companies. A similar condition will exist with some, at least, of the other companies. It is contended that, although under such circumstances there may be potential competition, no real competition can exist. With this argument or the reply to it, it seems to me this court is not concerned. In two recent cases (the Northern Securities and the Standard Oil) the Supreme Court found a combination of corporations to have offended against the antitrust act. As a result of such finding there was a disintegration of the combination. In each case the disintegration left the stock of the separate

entities into which the group was split in the hands of the same body of individual stockholders. Since there was no disapproval of this method of disintegration indicated in either opinion, it would seem that the question whether or no common-stock holding is "repugnant to the law"—that is, repugnant to the antitrust act—has been settled for this court by controlling authority.

It is true that the Supreme Court did not enter into any discussion of this question of "common ownership," but its existence in both cases was so plainly manifest that it is difficult to understand how the court could have approved of the new arrangement unless it was satisfied that such arrangement did not contain the same vice as the old one which they held must be terminated. If this be so, discussion here of the question whether or not common ownership is within the prohibition of the statute would seem to be academic. This also seems to be the view of the Government, which does not discuss common-stock holding.

The next objection presented by those, not parties, who have been heard is directed to the size of the companies. As an illustration, it appears from the statistics submitted that of the total smoking-tobacco business of the country four companies will have the following percentages: American, 33.08; Liggett & Myers, 20.05; Lorillard, 22.82; Reynolds, 2.66. It is insisted that these large companies should be still further disintegrated. The plan is further criticized because each of these companies is described as "completely equipped for the conduct of a large tobacco business," whereas existing independent concerns are none of them so equipped; and it is argued that there can be no effective competition until the several concerns which are to carry forward the business of the trust are put into the same condition as to size and equipment as now prevails among existing independent concerns. It is further contended that no company engaged in the plug-tobacco business should be allowed to take over any cigarette or cigar business; that a company taking a cigarette business should not take over any smoking-tobacco, plug, or cigar business, and so on. That there should be a rearrangement of factories and brands, an intricate subject which is fully discussed in a report from the Bureau of Corporations filed at the hearing. Manifestly, the minuter the fragments into which the old combination is split and the more they are prohibited from conducting business as other companies are free to conduct it, the less will be their ability to compete with such other companies. This whole line of argument deals with the economics of the tobacco business. No doubt the novel problem presented to this court is connected with questions of economics as well as with questions of law. But this is a court of law, not a commerce commission, and the legal side of the proposition would seem to be the controlling one. The true way to state the problem, as I understand it, is this: Assume that a group of corporations engaged in some business which comes within the domain of interstate commerce is charged before the Supreme Court with violation of the antitrust act. Assume that they are organized as the companies provided for in this plan will be, that they are similarly capitalized, that the business they do is similar in amount and similarly distributed, that their stock is similarly held, with the natural temptation to cooperate with such common-stock holding may be calculated to induce, but are also curbed and restrained from yielding to such temptation as these companies will be by the injunction which will accompany our approval of this plan—a permanent injunction binding all defendants in this suit and their privies, and all new companies created under the plan and their privies. Would the Supreme Court hold that the condition thus presented was "repugnant to the law"; that is, repugnant to the antitrust statute? A long and careful study of the last two deliverances of that court (in the Standard Oil case and in this case) has convinced me that its answer to that question would be in the negative. I may be wrong in interpretation of its deliverances—if so, it will not be for the first time—but since such is my conviction there would seem to be no necessity for discussing, on its economic side, a question already settled by controlling authority.

Leaving for the moment the objections and suggestions of persons not parties, those of the Attorney General may be next considered. He does not attack the general features of the proposed plan, with its division of the business controlled by the old company among 14 companies, nor does he contend that "common-stock holding" is in and by itself an infraction of the antitrust statute. His suggested modifications are directed mainly toward providing such safeguards for the future that the 14 companies may not so conduct their operations as to violate the provisions of the statute. He requests that the following conditions to any approval of the plan submitted be imposed. Presumably the more convenient way to impose most of such restrictions would be by injunctive provisions incorporated in the final decree.

1. That during a period of not less than five years no one of the corporations among which the properties and businesses now in the combination are to be distributed shall have any officer or director who is also an officer or director in any other of such corporations. This suggestion is approved.

2. That the plan be so modified that the principal company shall dispose of and, when the disintegration is complete, shall not retain any of the stocks of any of the accessory companies, and each of the accessory companies shall dispose of all of the stocks held by it of the principal and of each of the other accessary companies held by it.

The general proposition here advanced is sound and is approved, but the last clause seems to be already provided for and there is probably an exception or two necessary to be made in the first clause, by reason of the rights of outstanding stockholders not connected with the American Tobacco Co. Counsel can probably agree as to a phraseology which will conform more especially to the facts.

3. That no one of the corporations among which the property and businesses now in the combination are to be distributed shall, during the same period, retain or employ the same agency for the purchase of tobacco leaf or other raw material, or for the sale of tobacco or other products, as that of any other of such corporations.

There should be a change of phraseology in this and some of the other requests. It is not entirely clear whether the prohibition is directed to all the 14 companies or only to a part of them; it should apply to all. After the words "agency for the purchase" there should be added the words "in the United States." This request, with such modifications is approved, and counsel may agree on a phraseology which will cover any possible exceptions arising from the allotments in the plan.

4. That no one of the corporations among which the property and businesses now in the combination are to be distributed shall retain or employ the same clerical or other organization, or occupy the same office or offices as any other of the said corporations.

This is approved, with modifications similar to those indicated as to the request next above.

5. That no one of the corporations among which the properties and businesses now in the combination are to be distributed shall retain and hold capital stock in any other corporation, any part of whose stock is also retained and held by any of the other of the corporations among which such properties and businesses are to be distributed, or shall purchase or acquire any stock in any other of such corporations.

This is approved, but should contain an exception, upon which it is understood counsel are in accord, in the single case of the Porto Rican Leaf Tobacco Co. Counsel may agree upon the phraseology to be inserted in the decree.

6. That no one of the corporations among which the properties and businesses now in the combination are to be distributed shall, during a period of five years, directly or indirectly, acquire any stock in any one of the others of said corporations, or purchase or acquire the property or business, or both, of any other of said corporations.

With a change of phraseology which will make this applicable to all the 14 companies this request is approved. A similar request is found among those submitted by other objectors, with an additional clause forbidding any 1 of these 14 companies "from making loans or otherwise extending credit to any of the others." This suggestion is a proper one, and may be embodied in the Attorney General's request.

7. To the end that the 29 individual defendants in this suit shall not increase their control over any of the corporations among which the properties and businesses now in the combination are to be distributed, pursuant to the plan, that such defendants be severally enjoined from, at any time within five years from the date of the decree, acquiring, directly or indirectly, the legal or equitable ownership of any amount of stock in any one of said corporations in addition to the amounts which they will respectively hold if and when the plan shall have been carried out as proposed.

This is approved, but the phraseology should be modified, as already indicated.

Upon the argument the Attorney General stated that he would be willing to substitute "three years" for "five years." Such change seems desirable; it would probable result in a more rapid distribution of present holdings. There should also be a proviso excepting from the operation of this prohibition any and all sales and purchases by these 29 individuals inter sese, the phraseology of which counsel may agree upon.

It may not be a wise public policy to make it easy for foreigners to take over the control of the British American Co., with its large and growing business in foreign countries, notably in South Africa and the Far East, now in American hands. That is what would probably happen if the 29 defendants be prohibited from increasing their holdings of that stock. We do not undertake to determine this question of public policy, which is one for the consideration of the executive branch of the Government. It is sufficient to say that a further exception of the shares of that company from the operation of this paragraph would not, in our opinion, make the plan repugnant to the law.

8. That the preferred stock of the American Cigar Co., aggregating in book value $2,530,216.69, held by the American Snuff Co., and the stock and bonds of American Tobacco Co., held by the American Snuff Co., referred to on page 11 of the plan (see decree, p. 43 hereof), be sold or otherwise disposed of within one year instead of three years, as proposed in the plan, with leave to defendants to apply to the court to extend such period for not more than two years.

There seems to be no good reason for modifying the plan in this particular.

9. That in the distribution of the properties and businesses now held in the combination pursuant to the plan of disintegration, no corporation shall be allowed to acquire property, tangible or intangible, which would invest it with as much as 40 per cent in volume or in value of any particular line of the tobacco business.

This is substantially what the plan now provides. The few instances in which the 40 per cent limitation is exceeded result from inherent difficulties of distribution, which it seems impracticable to eliminate. These instances are so few and the excess in each instance so small as to be fairly negligible. The request is denied.

10. That the stock of the Liggett & Myers Tobacco Co. and P. Lorillard Co., provided to be in accordance with the plan, be deposited with the Guaranty Trust Co. of New York, as the agent or depository of this court in this cause, for the purposes specified in the plan, and that at the end of the period designated the court make an order for their further disposition. That in the meantime no voting right with respect to such stock shall be exercised, except as the court may from time to time order.

All of this is already sufficiently provided for in the plan.

11. That all covenants in any way restricting the right of any company or individual in the combination to buy, manufacture, or sell tobacco or its products should be rescinded by the affirmative action of the respective parties thereto who are parties to this suit.

This is approved, except that there should be a proviso excepting certain foreign business, the phraseology of which counsel may agree upon.

12. That the action proposed in subdivision C of the plan on page 6 (see decree, p. 38 hereof) terminating certain covenants be amplified so as to include like action with respect to all covenants not only concerning the tobacco business, but any other business which is in any way embraced in the combination.

This is approved. We understand the proposed plan as so providing in spirit if not in letter.

13. That all contracts or covenants between the American Tobacco Co., or any other companies in the combination, and the British-American Tobacco Co., giving to the latter company the exclusive right to manufacture or sell brands belonging to any of the companies in the combination be rescinded or otherwise terminated.

The brands thus sold passed to the purchaser for a valuable consideration under an executed contract. The request is denied.

The fourteenth request deals with the United Cigar Co., a subject which will be treated separately infra.

The Attorney General further asks for a comprehensive injunction to be incorporated in the final decree providing:

"That the defendants named in the petition, their respective officers, directors, agents, servants, and employees, be forever enjoined and prohibited from continuing or carrying into further effect the combination adjudged illegal by the Supreme Court, and from entering into or forming any like combination or conspiracy, the effect of which is or will be to restrain commerce in tobacco or its products or in articles used in connection with the manufacture and trade in tobacco and its products, among the States or in the Territories or with foreign nations, or to prolong the unlawful monopoly of such commerce obtained and possessed by the defendants, as adjudged herein in violation of the act of Congress approved July 2, 1890, either—

"1. By causing the conveyance of the physical property and business of any of the corporations among which the properties and businesses now in the combination are to be distributed to any other of said cor-

porations; by placing the stocks or any one or more of said corporations in the hands of voting trustees or controlling the voting power of such stocks by any similar device; or

"2. By making any express or implied agreement or arrangements together or one with another like those adjudged illegal by the Supreme Court in this cause relative to the control or management of any of said corporations, or the price or terms of purchase, or of sale, of tobacco or any of its products, or the supplies of other product dealt with in connection with the tobacco business, or relative to the purchase, sale, transportation, or manufacture of tobacco, or its product or supplies or other product dealt with as aforesaid, by any of the parties hereto, which will have a like effect in restraint of commerce among the States, in the Territories, and with foreign nations to that of the combination the operation of which is enjoined in this cause; or by making any agreement or arrangement of any kind with any other of such corporations under which trade or business is apportioned between such corporations, in respect either to customers or localities; or by any of such corporations doing business directly or indirectly, under any other than their own corporate respective names; by refusing to sell to any jobber any brands of any tobacco product manufactured by it except upon condition that such jobber shall purchase from the vender some other brand or product also manufactured and sold by it; or

"3. By the British-American Co. and the Imperial Co. employing a common agent for the purchase of leaf tobacco in the United States, or by either of said two companies uniting with any of the corporations among which the properties and business now in the combination are to be distributed, in the employment of a common agent for the purchase of tobacco leaf."

The clause in the latter part of subdivision 2 as to each company doing business under its own corporate name should be more specific, especially in view of the requests of other objectors that tobacco products should be sold only under the name of the owner. There should be nothing in the decree destroying the value of a brand or altering the classification of products in the records of the Internal-Revenue Bureau. Counsel may agree upon a modified phraseology to avoid any such difficulty, leaving the 14 companies to pursue all ordinary methods prevailing in the tobacco business.

The clause as to refusing to sell to any jobber should be reconstructed so as not to prohibit any of the 14 companies from methods of business which are open to and practiced by all their competitors. Counsel may agree to a phraseology which will formulate this expression of opinion.

Clause 3 should be amended by adding the words "within the United States."

With these modifications, the entire section providing for injunctions is approved.

Returning, now, to the requests of the various other objectors, we find that nearly all of them are covered by those of the Attorney General or have been already disposed of by the discussion of the general features of the plan. Among those not so disposed of are noted requests that the 14 companies be enjoined—

A. From giving away or selling at or below the cost of manufacture and distribution any of its products; from giving rebates, allowances, or other special inducements to purchasers or users; and from refusing to sell to any jobber any special brand he may require.

The record in this case shows that these are the common methods of the tobacco business, practiced by all alike. It is only by giving away samples or by offering on favorable terms, irrespective of cost, that new brands of tobacco products can be introduced or old brands extended into new territory. All other companies are free to employ these methods, which are obnoxious to no statute, and there is no reason why the 14 companies should be forbidden to do so. This request is denied.

B. From espionage on the business of any competitor, from bribery of employees of such competitors, and from obtaining information from any United States revenue official.

Why any one individual or corporation engaged in this business may not acquire such information as he or it can legitimately obtain from private or public sources as to the business of a competitor we fail to see. When illegitimate methods are proved they may be dealt with. This request is denied.

C. That every independent or other person interested should, in the event of any alleged violation of the injunction, have liberty to apply to the court for protection and for such action as may appear to be appropriate.

The result of such a provision would be to overwhelm the court with a multitude of applications, mainly frivolous. Anyone who feels aggrieved should take his complaint to the Attorney General, who will winnow the wheat from the chaff. If he finds substance in any allegation he can bring it before the court. This request is denied.

D. It is requested that the majority stock of the Lippfert Scales Co., now owned by the R. J. Reynolds Tobacco Co., be sold, "with an injunction against any present stockholder in the Reynolds Co., in the American Co., or any of the allied companies, from purchasing at such sale." A similar request for a sale, under like restrictions, is made as to the stock of five other companies now owned by the American Tobacco Co.

This request is denied for reasons set forth infra in discussing the disposition of the stock of the United Cigar Stores Co.

E. The attorney general of the State of New York suggests that the proposed plan may violate the antimonopoly laws of this State. He does not indicate in what respect it will do so.

We think it unnecessary to make any investigation on the line suggested. Our approval of this plan will not secure to these 14 companies immunity for violation of the laws of this or of any other State.

Referring next to the defendant, the Imperial Tobacco Co., the Attorney General asks that the plan shall include provisions terminating all executory contracts or agreements between the Imperial Tobacco Co., on the one hand, and the American Tobacco Co. and the British-American Tobacco Co. and each and every of the corporations parties defendant hereto, on the other; and also a provision enjoining the said American Tobacco Co. from uniting with the British-American Co. in the employment of a common agent for the purchase of leaf tobacco in the United States and from uniting with any of the corporations among which the properties and business now in the combination are to be distributed, in the employment of a common agent for the purchase of leaf tobacco or any of the products of tobacco.

These provisions, of course, should be restricted to such as affect trade or commerce between the States or between the United States and foreign countries. We understand that the proposed plan in substance so provides; but if there be any doubt as to its doing so, counsel may agree on the form of amendments which will insert these provisions.

The disposition of the United Cigar Stores Co. has been discussed by most of the objectors. Those who represent the independents insist that it shall be split up into separate concerns, "preferably 10."

It is not one of the so-called accessory companies, and the Supreme Court has not directed that it be disintegrated. Upon the trial much testimony was taken as to this company, and the question whether or not it was a combination obnoxious to the provisions of the antitrust act was carefully examined. We reached the conclusion unanimously that it was not. A succinct statement of our reasons for reaching that conclusion will be found in Judge Coxe's opinion (164 F. R., 700).

We therefore dismissed the bill as to that company. The Supreme Court, however, held that we erred in so doing, solely because the American Tobacco Co. had bought and held two-thirds of its capital stock which brought it into the general combination. Under the proposed plan all this stock held by the American Tobacco Co. is to be distributed to its own common-stock holders, and the sole ground upon which the Supreme Court reversed this court is thus removed. The situation will then stand, as to all other grounds, as it did before and we see no reason to change the opinion expressed on the original hearing. No new evidence is offered, except to the fact that it has, in the interim, largely increased the number of its stores. Such increase, however, leaves it in control of less than 4 per cent of the entire business in which it is engaged. The request to disintegrate it is denied.

The Attorney General does not ask that it be disintegrated. He has, however, argued at length and with much earnestness that the continued growth of this enterprise affects the small retail dealer, who is without capital to compete with it and applies to the Government to protect him. There may come a time when the growth of this company or the methods by which such growth is stimulated may bring it within the prohibition of the statute. But that time has not yet come, and the only request the Attorney General, in response to appeals for aid, has formulated is this:

That the stock of the United Cigar Stores Co. be sold and distributed to parties other than the 29 individual defendants or others of the common stockholders of the American Tobacco Co., to the end that the corporation be entirely separated from any connection with the corporations to which the properties and businesses now in the combination are to be distributed.

We have no power to grant any such request. The antitrust act carefully enumerates the penalties for a violation of its provisions—fines, imprisonment, injunction against continuing to transact interstate business, treble damages to all persons injured by any unlawful combination, seizure and forfeiture of property in course of interstate transportation. These are certainly ample to enforce obedience. By confiscation of property in transit and injunction against continuance in interstate business an offender may be put out of active existence into a state of paralysis as helpless as dissolution. It might be said that to these penalties the Supreme Court has added another, a qualified confiscation of property not in transit by receivership and forced sale.

Nowhere, however, is there any authority for the proposition that this court may seize the property of private persons, who may have offended against the statute and sell it under conditions which would preclude the holder of the title or the owner of the equity from bidding at the sale so as to compel the purchaser to pay a reasonable price for it, or from buying it himself if no one else will pay full value for it. That is confiscation; none the less so because the proceeds of such a sale, after paying outstanding debts and expenses, are to be turned over to the owner. Until Congress shall expressly give such power to this court, or until some obscure language in its grant of power shall be construed by the Supreme Court as in effect conveying such power, this court is not prepared to assume that it possesses any such authority. The request is denied.

The Ludington Cigarette Machine Co., which has a decree for an accounting against the Anargyros Co., has applied for relief. The stock of the last-named company is by the plan to be transferred to P. Lorillard Co. The Ludington Co. asks for the insertion of a provision which will secure it against any resulting difficulty on such accounting.

Provision should be made in carrying out the plan for keeping intact the books and records of the American Tobacco Co., its present constituents, and branches, so that they shall be available and subject to examination to the same extent as at present in suits for accounting and other existing litigation.

The Attorney General further requests that there should be reserved to the Government the right at any time within five years from date of entry to apply to the court for other and further relief upon a showing that, as a matter of fact, such plan has not resulted in creating a new condition which shall be honestly in harmony with and not repugnant to the law.

It is not apparent that this court has the power so to do. Had it not been for the mandate of the Supreme Court it might be questioned whether a circuit court of the United States had any jurisdiction to recreate a new group of corporations out of the elements into which a preexisting group of corporations had been split or to formulate a plan or method according to which individuals, natural or corporate, were to be invited to invest money and embark in business. All such questions are, of course, resolved for us by the decision of the court of last resort. But neither in its mandate nor in its opinion is there any warrant for the conclusion that this court is to prescribe the temporary terms of a modus vivendi, with power to reassemble five years hence—ourselves or our successors and survivors—and modify those terms, while in the interim by purchase or exchange of these bonds upward of $100,000,000 worth of property shall have changed hands irrevocably. The only function assigned to us is to consider any proposed plan—which responsible parties engaged to carry out—and approve or reject it. In the event of rejection the only alternative is injunction, receivership, and sale. The time limit fixed in the mandate, six months and possibly two more, precludes any other construction of its terms.

Circuit Judge Ward concurs.

OPINION OF CIRCUIT JUDGE COXE.

I approve of the proposed plan, not because I think it perfect, but because it is the best plan attainable. Perfection is impossible. The condition existing before the illegal combination was formed can not be restored; it has gone beyond the hope of recall. The plan, which we have sanctioned eliminates the objectionable features prohibited by the antitrust act and permits no unreasonable or unlawful restraint of trade. In short, were the various corporations which the plan authorizes organized for the first time to-day they would not be within the letter or the mischief of the statute. We have endeavored, while punishing the guilty defendants—corporations and individuals—to remember that the rights of many innocent bondholders and shareholders are at stake and should be protected as far as is consistent with a complete

compliance with the requirements of the law. The plan disintegrates the combination, destroys the monopoly, and liberates trade, but it accomplishes all this without a wanton destruction of property.

I have been impressed with the evident intention of counsel representing the various defendants to accept without reservation the result of the litigation and faithfully to carry out the plan, not only in letter but in spirit as well. Many suggestions have been advanced by counsel representing persons not parties to the suit which from an economic or ethical viewpoint are important. When, however, it is remembered that we are acting only under the command of the Supreme Court, limited as to scope and time, it will be seen how powerless we are to make conditions favorable to the so-called "independents" when we can exact no reciprocal obligations from them. We are to ascertain and determine upon "some plan or method of dissolving the combination and of recreating out of the elements now composing it a new condition which shall be honestly in harmony with and not repugnant to the law." This we can do, and when it is done our commission ends. The consideration which has the greatest weight with me is that no one has proposed a better plan, the only alternative offered being the appointment of a receiver—a receiver for corporations solvent and prosperous. I agree with the Attorney General that such a calamity should be avoided, except as a last resort. It is impossible to forecast the disaster which would follow such a step. It would wreck a flourishing business upon which an army of employees are depending for a livelihood, it would unsettle trade, and it would punish with equal severity the innocent and the guilty. More than this, I am by no means convinced that it would not produce the very evil which this action was instituted to destroy. A receiver can dispose of the property in his hands only by a judicial sale to the highest bidder, who will take title sanctioned by a decree of the court creating the receivership. In the present case the men best equipped to make this bid are the very men who now control the condemned corporations. It is surely possible, if not probable, that the property might thus come under their control with a title which will render them immune from further prosecution. For these reasons, thus briefly stated, I think that the plan, with the amendments directed by this court, should be adopted.

OPINION OF CIRCUIT JUDGE NOYES (CONCURRING).

The Supreme Court of the United States, after finding the illegality of this combination, placed the duty upon this court of hearing the parties "for the purpose of ascertaining and determining upon some plan or method of dissolving the combination and of recreating out of the elements now composing it a new condition which shall be honestly in harmony with and not repugnant to the law."

And the Supreme Court added these words:

"In view of the considerations which we have stated, we leave the matter to the court below to work out a compliance with the law without unnecessary injury to the public or the rights of private property."

By these directions this court is required to enter into the examination of questions economical as well as legal, and to depart from the function of determining existing controversies to the decision of the legality of future proposed action. The duty imposed is extraordinary because the Supreme Court in imposing it was dealing with an extraordinary situation.

The question was as to the relief to be afforded. A decree forbidding corporate stockholding would have been inadequate, because the combination was largely based upon property ownership. Original conditions could not be restored. Immediate extreme measures would have inflicted irreparable injury upon innocent interests. It was necessary to provide a method for determining in advance whether a proposed plan of disintegration would harmonize with the law, and hence the direction to this court.

The magnitude and varied nature of the assets of the combination, the extent of its liabilities, the ramifications of its business, and the complexity of its affairs would make our duty difficult if we were required merely to apply rules of dissolution and re-creation prescribed by the Supreme Court. But from the very intricacy of the case there are no rules. We are left without guide to turn a condition in violation of the law into a condition honestly in harmony with it. The only measure of the extent of rehabilitation required is the object to be attained. The evils found to exist alone indicate the measures required to meet them.

If, then, we approach the performance of our duty without an appreciation of the complexity of the problem and of the difficulties under which the formulators of any plan must labor, we will not go far. If we are not satisfied with a substantial compliance with the law; if we strain after the ideal and put aside the practicable, it will be easy to bring on a receivership with its attendant losses to innocent investors. But that result was what the Supreme Court was solicitous of avoiding, and I think it intended that we should recognize the problem presented to us as a very practical one to be disposed of in a practical way. Moreover, in the performance of our duty we owe much to the Attorney General, who, while always insisting upon the rights of the public, and by such insistence bringing the plan into its present shape, has, nevertheless—as it has seemed to me—felt that he, too, owed a duty to protect innocent interests and not to cause ruin and disaster by forcing extreme measures which might, even from the public point of view, in the end produce no better results than those at hand, and possibly infinitely worse.

Taking up the plan, we know at the outset that it is an honest one. It has been built up almost in our presence, and whatever question there may be as to its merits there is none of the good faith of its authors nor of the ability and conscientiousness with which they have performed their tasks.

The present combination has vast capitalization and assets. The corporations of the plan will have large capitalization and assets. Whether that is an objection should be considered.

The Supreme Court did not condemn the combination on account of the great amount of property which it had acquired. Indeed, it must now be accepted that magnitude of business in and of itself does not constitute unlawful monopoly, at least up to the point where economy of production and management are thereby promoted. There must be something more—some unlawful or oppressive act or purpose in acquiring the business or after its acquisition—to come within the condemnation of the statute. But it can not be denied that there is an enormous inherent and collateral power incident to the holding by a single corporation of vast assets which no group of individuals, although having similar possessions, could obtain. There is such a potentiality of monopolization that a court in striving to bring about a condition in harmony with the law should hesitate to approve the existence of a producing corporation having vast assets not necessary for the work of production. Consequently, when it appeared in the formulation of this plan that the American Tobacco Co. was to receive from the other corporations over $100,000,000 in cash and securities which it was required to hold to meet its indebtedness, but which it did not need in its business, the plan, notwithstanding many valuable features, seemed unacceptable. But, meeting the objections of the Attorney General, a way was found, as shown in the plan, of appropriating those funds to the payment of debts so that the readjusted American Co.—still the largest of all—will possess some one hundred millions of property—mostly working assets and brand values—as compared with the three hundred millions it formerly held. In view of modern commercial conditions, I think that the court should make no objection to the mere size of the corporations of the plan.

Taking up the question, then, whether the plan gives effect to the statute, the answer, as we have seen, depends upon whether it remedies the conditions found to violate the statute, and it is necessary to turn to the decision of the Supreme Court to find out those conditions.

Without examining the decision in detail, it is sufficient here to say that the court found broadly the combination to be in restraint of trade within the first section, and an attempt to monopolize and a monopolization within the second section, of the statute. In particular, the court found among the bases for its conclusions (*a*) covenants of vendors and others binding themselves for long periods not to compete with the combination; (*b*) the absorption of the control of corporations supplying the elements essential to the manufacture of tobacco products and other corporate stock holding; (*c*) the existence of controlling "power in the hands of the few"; (*d*) the obtaining of control of the tobacco trade by wrongful and oppressive acts, agreements, and arrangements.

Obviously the evil of restrictive covenants must be met by the termination of such covenants, and that is accomplished by the plan. It provides for the abrogation of all covenants made by vendor corporations, partnerships, or individuals not to engage in the tobacco business and for the termination of foreign restrictive covenants.

The evil of controlling the production of the elements essential to tobacco manufacture must be met by requiring the tobacco-manufacturing corporations to be disconnected from the production of such elements. This seems to be fairly accomplished by the plan. The shares held by the combination in the corporation manufacturing tin foil and the voting shares held in the corporation manufacturing licorice are to be distributed. When that is done none of the tobacco-manufacturing companies of the plan will have any legal domination over the production of those essentials. So the evil of corporate stock holding is met by divesting the American Co. of any interest in the snuff business, in the retail cigar business, and of its shares in other important corporations.

The evils pointed out by the Supreme Court growing out of the existence of power in the hands of a few to control the combination must be met by the destruction of such power. This power had its basis in the holding of a majority of the voting shares of the American Co. by the individual defendants in this suit. It is proposed to destroy this power by giving the preferred stock of the American Co., which has heretofore had no voting rights, full voting power, by creating voting rights in the preferred shares of other corporations and by so distributing shares that, in the language of the petition—

"No small group of men, nor even the 29 individual defendants in the aggregate, will own the control of any of the principal, accessory, or subsidiary companies defendant, and the control of the American Tobacco Co. itself and of the new companies to be formed will be vested in a body of more than 6,000 stockholders."

In addition to these provisions this court, at the instance of the Attorney General, will guard against the acquisition by the defendants of control in the future by enjoining them from increasing their aggregate share holdings.

With this additional provision I think the requirement that power of control be taken out of the hands of the individual defendants sufficiently met. It is true that, while shorn of legal control, they will own substantial minority interests in the different corporations, and that in the practical workings of the affairs of a corporation a minority interest, through the inaction of the majority, may often control it. But the control of a corporation lies in the majority of its shares, and if we see that the legal control of these corporations is placed in other hands than those of the defendants, I think that we go far enough. In my opinion we are not called upon to guard against the possible failure of the majority to exercise its power.

The next inquiry is whether the plan fairly meets the evil of obtaining control of the tobacco trade by oppressive tactics as well as the broad conclusion of illegality. And my opinion is that it does in case, but only in case, the state of monopoly found to exist is ended by a division of business and a state of reasonably competitive conditions established.

This is the state of monopoly which now exists: The American Co., either directly or through its ownership of stock in other corporations, controls the manufacture of 75 per cent of the smoking tobacco manufactured in the United States; 80 per cent of the plug tobacco; 79 per cent of the fine cut; 80 per cent of the cigarettes; 13 per cent of the cigars; 90 per cent of the snuff; and 93 per cent of the little cigars.

Broadly speaking, the proposed plan of disintegration is to divide the tobacco business among four corporations, no one of which is to have a controlling interest therein. When the disintegration is accomplished the business will be so distributed that no company will have substantially over 40 per cent in volume or value of any particular line. Furthermore, I am satisfied that there is to be a fair distribution of brands as well as of business.

Without examining the details of the plan, it is enough to say that careful study of it has convinced me that in so far as the distribution of business is concerned, sufficient has been done to end the state of monopoly and to establish reasonable competitive conditions. If practicable, it might have been more desirable to divide the business into a greater number of parts. But as the plan stands it can not, in my opinion, be said that any one of the corporations will have such preponderating influence in the tobacco industry as to give it power to control the market either as manufacturer, seller, or purchaser. The possibility of future acts of oppression is to be guarded against by a comprehensive injunction.

This brings us to the final question, which is whether the fact of common-stock holding is a material objection to the plan.

Obviously common ownership in the shares of the various corporations can not well be avoided. Each stockholder of the American Co. has an undivided interest in its property remaining after the payment of its debts. When its assets are distributed among stockholders, each is entitled to his proportionate share. When such distribution takes the shape of corporate shares, the necessary result is a common ownership of stock in different corporations. I am not convinced that in the absence of statutory authority any division by valuation and allotment

could be effected, and if legally possible it is evident that the complicated conditions which would necessarily arise in carrying it out would render it impracticable within the time prescribed by the Supreme Court for the disintegration of this combination.

The objection to mutual stock holding is not that competition is eliminated in principle. Potential competition necessarily exists. The same conditions do not continue indefinitely. Stockholders die and estates are divided. Differences of opinion upon values lead to sales and exchanges. Potential competition with an open market must fairly end in real competition. But the objection is to present and not future conditions, and from an economic point of view I have always thought it entitled to serious consideration. Manifest difficulties must attend the establishment of real competition between different corporations having the same body of stockholders. In the case of small corporations having few stockholders who directly participate in their management they would be perhaps insuperable. They would decrease in proportion to the increase in the size of the corporations and the separation of the stockholders from the active management of their affairs until, as I view it, in the case of the disintegration of a corporation having vast assets and a very large number of scattered stockholders they would be so minimized as hardly to warrant consideration even from an economic standpoint.

That which has made me pause in the present case is the concentrated common-stock holding of the individual defendants, but after careful consideration I have reached the conclusion that the objection should not operate to prevent the acceptance of the plan, but should call for most rigorous measures of injunctive relief to keep the various corporations apart, independent and free from connections or arrangements to prevent competition. In reaching this conclusion I am influenced by the proposition stated at the outset, that we should take care that we do not by seeking the ideal reject the practicable and put in peril innocent property interests, and I am controlled, as I view it, by the decisions of the Supreme Court in the Northern Securities and Standard Oil cases. It is impossible for me to read those decisions without being convinced that the Supreme Court in remanding this case to us did not intend that we should reject a plan upon the ground of pro rata distribution. I am also influenced, if not controlled, by the position taken by the Attorney General, the representative of the party plaintiff in the cause.

So, taking the plan as a whole, with the essential measure of injunctive relief proposed by the Attorney General, I think that it meets the principal evils pointed out in the opinion of the Supreme Court; that it brings about a condition fairly in harmony with the law, and that it is the duty of this court to approve it as the best solution possible under all the circumstances of a very difficult practical problem.

In conclusion: The extent to which it has been necessary to tear apart this combination and force it into new forms, with the attendant burdens, ought to demonstrate that the Federal antitrust statute is a drastic statute which accomplishes effective results; which, so long as it stands on the statute books, must be obeyed, and which can not be disobeyed without incurring far-reaching penalties. And, on the other hand, the successful reconstruction of this organization should teach that the effect of enforcing this statute against industrial combinations is not to destroy, but to reconstruct; not to demolish, but to re-create in accordance with the conditions which the Congress has declared shall exist among the people of the United States.

I concur in the opinion of Judge Lacombe and fully approve his deposition of the subjects not considered in this opinion.

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[In the Circuit Court of the United States for the Southern District of New York.]

The United States of America, plaintiff, against The American Tobacco Co. and others, defendants.

DECREE.

Appeals having been taken by the plaintiff and certain defendants in this cause from the decree entered by this court on the 15th day of December, 1908, the Supreme Court of the United States reversed said decree and issued its mandate filed herein on the 30th day of June, 1911, by which the said cause was remanded to this court with directions to enter a decree in conformity with the opinion of the Supreme Court of the United States, and to take such further steps as might be necessary to fully carry out said directions. By the said opinion of the Supreme Court of the United States this court was directed to "hear the parties by evidence or otherwise as it may deem proper, for the purpose of ascertaining and determining upon some plan or method of dissolving the combination, and of re-creating out of the elements now composing it a new condition which shall be honestly in harmony with, and not repugnant to, the law, but without unnecessary injury to the public or the rights of private property." And this cause having come on to be finally heard pursuant to the order or decree of this court, made and entered herein on August 3, 1911, on the mandate of the Supreme Court of the United States as aforesaid, the American Tobacco Co. and the other defendants herein, except United Cigar Stores Co., the Imperial Tobacco Co. of Great Britain and Ireland (Ltd.), and R. P. Richardson, jr., & Co. (Inc.), filed in this court on October 16, 1911, a petition proposing and embodying a plan or method of dissolving the combination, and of re-creating out of the elements now composing it a new condition in harmony with, and not repugnant to, the law. Due notice was given to the parties hereto that the hearing on the said petition would be had on October 30, 1911, in room 124 of the Federal Building, in New York City; and thereafter, to wit, on the 19th day of October, 1911, the Imperial Tobacco Co. of Great Britain and Ireland (Ltd.), filed a petition.

At the time and place aforesaid, the plaintiff filed answers to the said petitions, embodying proposed modifications of and additions to the plan proposed in said petition of the American Tobacco Co. and other defendants. The parties having been heard by counsel, and certain of the modifications of said plan included in the answer of the plaintiff not being opposed by the proponents of said plan, and others of said modifications included in said answer having been disposed of by this court in its opinions delivered after said hearing.

Now, it is ordered, adjudged, and decreed that all the defendants—except Welford C. Reed, who died before the final hearing—heretofore became parties to and engaged in the combination assailed in the pleadings, which "in and of itself, as well as each and all of the elements composing it, whether corporate or individual, whether considered collectively or separately," is "in restraint of trade and an attempt to monopolize, and a monopolization within the first and second sections of the antitrust act," and which should be dissolved and a new condition brought about in harmony with and not repugnant to the law, either as a consequence of the action of this court in determining an issue or in accepting a plan agreed upon.

And it is further ordered, adjudged, and decreed that said plan as modified by the consent of the parties, or through the action of this court as aforesaid, is as follows, to wit:

A.

DISSOLUTION OF AMSTERDAM SUPPLY CO.

Amsterdam Supply Co. is a company engaged in the business of purchasing for a commission or brokerage supplies other than leaf tobacco, its principal customers being defendant corporation herein. It has $235,000 at par of stock, all held in varying amounts by certain corporation defendants, one or the other of your petitioners, and a surplus of $127,058.74.

It is proposed that Amsterdam Supply Co. be dissolved, converting its assets into cash and distributing them to its stockholders.

B.

ABROGATION OF FOREIGN RESTRICTIVE COVENANTS.

Under the contracts of September 27, 1902, the Imperial Tobacco Co. of Great Britain and Ireland (Ltd.) and certain of its directors agreed not to engage in the business of manufacturing or selling tobacco in the United States, the American Tobacco Co. and American Cigar Co. and certain of their directors agreed not to engage in the business of manufacturing or selling tobacco in Great Britain and Ireland; and the American Tobacco Co., American Cigar Co., and the Imperial Tobacco Co. agreed not to engage in the business of manufacturing or selling tobacco in countries other than Great Britain and Ireland and the United States. Under the provisions of these contracts the British-American Tobacco Co. (Ltd.) was organized and took over the export businesses of the American Tobacco Co. and the Imperial Tobacco., with factories, materials, and supplies.

It is proposed that the covenants herein just described, as well as all covenants restricting the right of any company or individual in the combination to buy, manufacture, or sell tobacco or its products, be rescinded by the affirmative action of the respective parties thereto who are parties to this suit, except such of said covenants, whether or not contained in the contracts of September 27, 1902, as (*a*) relate wholly to business in foreign countries and are covenants the benefit whereof has been assigned or transferred to other parties; or (*b*) are covenants exclusively between foreign corporations and relating wholly to business in or between foreign countries; and that the said contracts of September 27, 1902, be altogether terminated so far as they impose any obligations upon any of the parties thereto to furnish or to refrain from furnishing manufactured tobaccos to any party, each company to treat as its own, but only to the extent provided for in said contracts, all brands and trade-marks which by said contracts it was given the right to manufacture and sell, the said rights having been perpetual and constituting in effect a conveyance of the brands and trade-marks used for the countries in which they were so used by each of said companies as aforesaid.

C.

ABROGATION OF DOMESTIC RESTRICTIVE COVENANTS.

It is proposed that covenants given by vendor corporations, partnerships, or individuals, or by stockholders of vendor corporations, to vendee corporations defendants herein, not to engage in the tobacco business or any other business in any way embraced in the combination, be terminated so that all such covenanters shall be at liberty to engage in the business of buying, manufacturing, and dealing in tobacco and its products just as if such covenants had not been made.

D.

DISINTEGRATION OF ACCESSORY COMPANIES.

(1) The Conley Foil Co.—The Conley Foil Co. has a capital stock of $825,000 at par, all of one class, of which the American Tobacco Co. owns $495,000 at par, the balance being held by persons not defendants nor connected with defendants. It is engaged in the business of manufacturing tin foil, a product used largely by tobacco manufacturers, but having other uses as well. The Conley Foil Co. has a plant in New York City, and it owns all the stock and bonds of the Johnston Tin Foil & Metal Co., which has a plant in St. Louis. The value of the output for the year 1910 of the Conley Foil Co. was $1,780,526.85, with a net profit of $273,299.82, and the Johnston Tin Foil & Metal Co. had an output for the year 1910 of the value of $676,520.05 and net profits of $66,255.16. On December 31, 1910, the Conley Foil Co. had tangible assets (excluding its securities of the Johnston Tin Foil & Metal Co.) of $1,215,321, and the Johnston Tin Foil & Metal Co. had assets of the value of $379,802.11. The Conley Foil Co. has a surplus exceeding the value of the securities of the Johnston Tin Foil & Metal Co.

It is proposed that the Conley Foil Co. cancel the bonds of the Johnston Tin Foil & Metal Co. held by it, to wit, $100,000 per value, and distribute to its stockholders its holdings of stock of the Johnston Tin Foil & Metal Co., to wit, 3,000 shares, all of one class.

The American Tobacco Co., being a stockholder of the Conley Foil Co., will participate in this distribution, and will in turn distribute its dividend, as well as its stock in the Conley Foil Co., to its common-stock holders as hereinafter set forth.

(2) MacAndrews & Forbes Co.—MacAndrews & Forbes Co. is a company having a common capital stock of $3,000,000 at par, of which the American Tobacco Co. owns $2,112,900 at par, the balance being held by persons not defendants nor connected with defendants (except less than 3½ per cent of the common stock held by R. J. Reynolds Tobacco Co.), and $3,758,300 at par of 6 per cent nonvoting preferred stock, of which the American Tobacco Co. holds $750,000 at par, the balance being held by persons not defendants nor connected with defendants. It is engaged in the production of licorice paste, with two plants—one at Camden, N. J., and the other at Baltimore, Md. It had tangible assets, December 31, 1910, of the value of $5,683,824.89 (including $2,118,448.36 licorice root, with plants for its collection in foreign countries), and its sales for the year 1910 were of the value of $4,427,023.44. MacAndrews & Forbes Co. succeeded to the business of MacAndrews & Forbes, a partnership, who were pioneers in this country in the production of licorice paste, and who had, for many years before any acquisitions of other business and before they had any connection with the other defendants herein, more than 50 per cent of all the licorice-paste business of the United States.

It is proposed that a new corporation be organized, called the J. S. Young Co., and that it shall acquire the Baltimore plant of MacAndrews & Forbes Co., with the assets used therein and in connection therewith, of a total value of $1,000,000, and the brands of licorice paste manufactured in said Baltimore plant; that it issue in payment therefor, with the good will connected therewith, $1,000,000 at par of 7 per cent pre-

ferred nonvoting stock and $1,000,000 at par of common stock; that MacAndrews & Forbes Co. distribute the common stock of the J. S. Young Co. as a dividend to its common-stock holders, charging the amount thereof to its surplus account; that MacAndrews & Forbes Co. offer to its preferred-stock holders proportionately to exchange the 7 per cent preferred stock of the J. S. Young Co. at par for their preferred stock of MacAndrews & Forbes Co.; that so far as the preferred stock of MacAndrews & Forbes Co. is thus exchanged, it be retired; that so far as this preferred stock of the J. S. Young Co. is not forthwith thus exchanged, MacAndrews & Forbes Co. be enjoined from using it to exercise, or otherwise exercising or attempting to exercise, influence or control over the J. S. Young Co.; and with the further provision that on or before January 1, 1915, the whole of this preferred stock of the J. S. Young Co., not theretofore taken out of the treasury of MacAndrews & Forbes Co. by exchange as aforesaid, be disposed of by MacAndrews & Forbes Co.

This would give to MacAndrews & Forbes Co. a licorice business, including Spanish licorice and powdered goods, of the net selling value, based upon the year 1910, of $2,514,184.64, of which $2,214,127.51 arise from sales of one brand, to wit, the old "Ship" brand. The J. S. Young Co., upon the basis of the business for the year 1910, would have an output of the net selling value of $1,201,109.86.

The American Tobacco Co., being a holder of the common stock of MacAndrews & Forbes Co., will participate in the distribution above provided and will in turn distribute its dividend, as well as its stock in MacAndrews & Forbes Co., to its common-stock holders as hereinafter set forth.

(3) American Snuff Co.—American Snuff Co. is a manufacturer of snuff. It holds all of the stock of De Voe Snuff Co., to wit, $50,000 at par; and one-half, to wit, $26,000 at par, of the stock of National Snuff Co. It owns no other interest in any company manufacturing or selling snuff.

It is proposed that there be organized two new snuff companies, one to be called the George W. Helme Co. and the other Weyman-Bruton Co., and that American Snuff Co. convey to these two companies, respectively, factories, with the brands manufactured in them, as follows: To the George W. Helme Co. the factories at Helmetta, N. J., and Yorklyn, Del., except factory No. 5; to Weyman-Bruton Co. the factories at Chicago and Nashville, also all the stock of De Voe Snuff Co. and the one-half of the stock of National Snuff Co. held by American Snuff Co. Based upon the business for the year 1910 and the assets at the end of the year, with proper provision for leaf, materials, cash and book accounts for the two vendee companies, this would leave the three companies equipped as follows.

Manufacturing tangible assets.

American Snuff Co.	[1] $5,075,969.72
George W. Helme Co.	4,909,000.40
Weyman-Bruton Co.	3,691,588.20

Sales value during 1910.

American Snuff Co	$5,520,422.15
George W. Helme Co	4,494,556.66
Weyman-Bruton Co.	4,297,486.72

Net income.

American Snuff Co	[1] $1,591,280.49
George W. Helme Co.	1,259,280.98
Weyman-Bruton Co.	1,293,759.39

Each of these vendee corporations will pay for the property and business conveyed to it by the issue of $4,000,000 at par of 7 per cent voting preferred stock and $4,000,000 at par of common stock. American Snuff Co. will thus receive the $16,000,000 at par of these stocks into its treasury, and will distribute to its common-stock holders, as a dividend, the common stock, aggregating $8,000,000, to be charged to its surplus account. American Snuff Co. will offer to its preferred-stock holders proportionately to exchange these 7 per cent preferred stocks of the George W. Helme Co. and the Weyman-Bruton Co. for their preferred stock of American Snuff Co. at par. So much of the preferred stock of American Snuff Co. as is thus exchanged will be retired. As to so much of the preferred stocks of the George W. Helme Co. and the Weyman-Bruton Co. as is not forthwith thus exchanged, American Snuff Co. to be enjoined from voting it, or using it to exercise, or otherwise exercising or attempting to exercise, influence or control over the George W. Helme Co. or the Weyman-Bruton Co.; and on or before January 1, 1915, all of these preferred stocks of the George W. Helme Co. and the Weyman-Bruton Co. not theretofore taken out of the treasury of American Snuff Co. by exchange as aforesaid to be disposed of by American Snuff Co.

The American Tobacco Co., being a holder of the common stock of American Snuff Co., will participate in the distribution above provided, and will, in turn, distribute its dividends as well as its stock in American Snuff Co., including that to be acquired from P. Lorillard Co., to its common-stock holders as hereinafter set forth.

(4) American Stogie Co.—American Stogie Co. is a corporation whose only asset is all of the issued stock of Union-American Cigar Co., which latter company has cigar factories located at Pittsburgh, Allegheny, Lancaster, and Newark. Its total production, based upon business for the year 1910, is only 1.58 per cent of the entire production of cigars in the United States in volume, and, as these petitioners believe, about the same percentage in value. American Stogie Co. has $976,000 at par of 7 per cent cumulative preferred stock, of which American Cigar Co. owns $40,000 at par, and none of the other defendants own any; it has $10,879,000 at par of common stock, of which American Cigar Co. owns $7,303,775 at par, and none of the other defendants own any. There are accumulated and unpaid dividends on the preferred stock to the amount of $399,000 as of December 31, 1910.

It is proposed that American Stogie Co. dissolve, with leave granted to the trustees in dissolution to either convert the assets into cash, and distribute them among the stockholders according to their rights, or to effect such reorganization as they may be able to effect, provided that in either event there shall be a separation into at least two different ownerships of the factories and businesses now owned and operated by Union-American Cigar Co. If the dissolution is followed by a conversion of the assets of American Stogie Co. into cash, American Cigar Co. will take such cash as it may receive into its treasury; if it receives upon such dissolution securities of cigar-manufacturing concerns, it will distribute such as a dividend to its common-stock holders, to be charged to its surplus as hereinafter set forth.

(5) American Cigar Co.—American Cigar Co. is a manufacturer of cigars. It has various factories of its own, and it owns all or a part of the stock of several companies engaged in the manufacture of cigars, all of which companies have been organized by it and which have received from it conveyances of part of its business, operating in this way as separate corporations for trade purposes. Among these companies is Federal Cigar Co.

American Cigar Co. also owns a part of the stock of Havana Tobacco Co., which controls factories manufacturing cigars in Havana; and a part of the stock of Porto Rican-American Tobacco Co., engaged in the manufacture of cigars and cigarettes in Porto Rico; and half of the stock of Porto Rican Leaf Tobacco Co., engaged in growing tobacco in Porto Rico. American Cigar Co. itself uses large quantities of Porto Rican grown leaf. Neither American Cigar Co. nor any of the companies in which it is interested, except Havana Tobacco Co. and Porto Rican-American Tobacco Co., is engaged in the manufacture of cigars outside of the United States.

American Cigar Co., including with its production the production of companies of which it owns in whole or in part the stock, has, in volume, based on the business for the year 1910, 13.36 per cent of the cigar business of the United States, and in value, as your petitioners believe, substantially the same percentage. Havana Tobacco Co. has, directly or indirectly, control of 24.06 per cent of the total production of cigars in Cuba, 46 per cent of the total exportation of cigars from Cuba to all countries of the world, including the United States, and 38.15 per cent of the total exportation of cigars from Cuba to the United States.

It is proposed that American Cigar Co. dispose of properties belonging to it, and thus disintegrate its business, as follows:

(*a*) That it sell to the American Tobacco Co. for cash its stock, being all thereof, of Federal Cigar Co., at a fair price, to wit, $5,965,616.05.

(*b*) That it sell to the American Tobacco Co. for cash the stock it owns of Porto Rican-American Tobacco Co., to wit, $657,600 at par, at a fair price, to wit, $350 per share, or $2,301,600.

(*c*) That American Cigar Co. dispose of any interest in American Stogie Co. by receiving cash proceeds of its stock in dissolution thereof, if American Stogie Co. upon dissolution converts its assets into cash; or by distributing as a dividend to its common-stock holders out of its surplus the securities which it receives upon the dissolution of American Stogie Co., if it receives such.

All stocks thus to be acquired by the American Tobacco Co. from American Cigar Co. are to be disposed of by the American Tobacco Co. as hereinafter set out.

E.

DISTRIBUTION BY THE AMERICAN TOBACCO CO. OF STOCKS OWNED OR TO BE ACQUIRED BY IT.

(1) Immediate distribution of stocks.—The American Tobacco Co. will buy from P. Lorillard Co., for cash at par, the 11,247 shares of the preferred stock of American Snuff Co. held by P. Lorillard Co., and will receive, as the sole common-stock holder of P. Lorillard Co. and by way of dividends, 34,594 shares of the common stock of American Snuff Co. held by P. Lorillard Co.

The American Tobacco Co. will distribute among its common-stock holders by way of dividends, and to be charged to its surplus, all of its securities of the following-described classes, whether now owned by it or bought by it from American Cigar Co., as hereinbefore set forth, or bought by it from P. Lorillard Co., as just hereinbefore set forth, or received by it by way of dividends from any of the accessory companies defendant, as hereinbefore set forth, to wit: American Snuff Co. common stock; American Snuff Co. preferred stock; George W. Helme Co. common stock; Weyman-Bruton Co. common stock; MacAndrews & Forbes Co. common stock; J. S. Young Co. common stock; the Conley Foil Co. stock; the Johnston Tin Foil & Metal Co. stock; R. J. Reynolds Tobacco Co. stock; Corporation of United Cigar Stores stock; British-American Tobacco Co. (Ltd.) ordinary shares; Porto Rican-American Tobacco Co. stock; American Stogie Co. stock (or what is received by way of dividends from American Cigar Co. upon dissolution of American Stogie Co.).

Including the amount to be paid to American Cigar Co. and P. Lorillard Co. for such of these securities as are to be acquired by the American Tobacco Co. from them, respectively, and excluding those to be acquired by way of dividends, and which therefore do not affect the surplus of the American Tobacco Co., never having been set up on its books, these securities had a book value as of December 31, 1910, of $35,011,865.03. The earning capacity of all the above securities thus to be distributed, based upon the results of the year 1910, is $9,860,410.76, though not all thereof was distributed as dividends.

(2) Deferred disposition of stocks.—The American Tobacco Co. will sell or otherwise dispose of, or distribute by way of dividends to its common-stock holders out of its surplus at the time existing, before January 1, 1915, all of its holdings of the following securities: British-American Tobacco Co. (Ltd.) nonvoting preference shares; the Imperial Tobacco Co. (of Great Britain and Ireland) (Ltd.) ordinary shares; Corporation of United Cigar Stores bonds; MacAndrews & Forbes Co. nonvoting preferred stock.

During the time these securities are left in the treasury of the American Tobacco Co. the American Tobacco Co. to be enjoined from voting any thereof that under the terms thereof might be voted, or using any thereof to exercise, or otherwise exercising or attempting to exercise, influence or control over the said companies which issued the said securities, respectively, and from gaining possession of any of the said companies by buying in at a foreclosure had under any of the securities for any default with respect thereto or otherwise.

F.

SALE BY THE AMERICAN TOBACCO CO. OF MANUFACTURING ASSETS AND BUSINESS TO COMPANIES TO BE FORMED.

(1) There will be organized a new corporation called Liggett & Myers Tobacco Co. and a new corporation called P. Lorillard Co., and the American Tobacco Co. will sell, assign, and convey to these two companies factories, plants, brands, and businesses and capital stocks of tobacco-manufacturing corporations, as follows:

TO LIGGETT & MYERS TOBACCO CO.

Liggett & Myers branch of the American Tobacco Co., engaged in the manufacture of plug tobacco at St. Louis, with the brands connected therewith.

[1] American Snuff Co. holds securities not connected with the snuff business, to wit: Stock and bonds of the American Tobacco Co., preferred stock of American Cigar Co., aggregating in book value $2,530,216.69, upon which American Snuff Co. received in interest and dividends during the year 1910 $176,680. It is proposed that American Snuff Co. sell or otherwise dispose of these securities within three years, and that in the meantime they be held under an injunction as is provided in this paragraph with respect to securities of the George W. Helme Co. and Weyman-Bruton Co. to be temporarily held by it. It also owns all, to wit, $100,000 at par, of the stock of Garrett Real Estate Co., which will be dissolved and liquidated.

Spaulding & Merrick, a company of which the American Tobacco Co. owns and has always owned all the stock, engaged in Chicago in the manufacture of fine-cut tobacco and smoking tobacco.

Allen & Ginter branch of the American Tobacco Co., engaged in the manufacture of cigarettes at Richmond, Va., and the brands connected therewith (this does not include the brand "Sweet Caporal," made partly there and partly at New York).

Chicago branch of the American Tobacco Co., a factory at Chicago engaged in the manufacture of smoking tobacco, with the brands connected therewith.

Catlin branch of the American Tobacco Co., a factory at St. Louis engaged in the manufacture of smoking tobacco, with the brands connected therewith.

Nall & Williams Tobacco Co., a company of which the American Tobacco Co. owns all the stock, engaged in the manufacture of plug and smoking tobacco at Louisville, Ky.

The John Bollman Co., a company engaged in the manufacture of cigarettes at San Francisco; of this corporation the American Tobacco Co. owns 90 per cent of the stock, which it is proposed to turn over to the Liggett & Myers Tobacco Co.

Pinkerton Tobacco Co., a corporation engaged in the manufacture of scrap tobacco (a kind of smoking tobacco) at Toledo, Ohio; of this corporation the American Tobacco Co. owns 77½ per cent of the stock, which it is proposed to turn over to the Liggett & Myers Tobacco Co.

W. R. Irby branch of the American Tobacco Co. at New Orleans, engaged in the manufacture of cigarettes and smoking tobacco, the principal brands being "Home Run" and "King Bee."

The Duke-Durham branch of the American Tobacco Co., engaged in the manufacture of cigarettes and smoking tobacco at Durham, N. C.; principal cigarette brands, "Piedmont" and "American Beauty"; principal smoking tobacco brand, "Duke's Mixture."

Two little cigar factories located, the one at Philadelphia and the other at Baltimore, branches of the American Tobacco Co.; principal brand, "Recruits."

TO P. LORILLARD CO.

All the rights of the American Tobacco Co. in the present P. Lorillard Co., to wit: All the common stock and $1,596,100 at par out of a total issue of $2,000,000 of 8 per cent preferred stock; it is contemplated that as a part of these reorganizations the Lorillard Co., as at present constituted, be wound up and the new company be organized, taking over assets of the P. Lorillard Co.

S. Anargyros, a company engaged in the manufacture of cigarettes, in which the American Tobacco Co. owns all the stock, and of which it has always owned all the stock.

Luhrman & Wilbern Tobacco Co., a company engaged in the manufacture of scrap tobacco (a kind of smoking tobacco), of which the American Tobacco Co. owns and has for many years owned all the stock.

Philadelphia branch B, at Philadelphia; Wilmington branch B, at Wilmington; Penn Street branch at Brooklyn; Danville branch B, at Danville; and Ellis branch B, at Baltimore, branches of the American Tobacco Co., manufacturing little cigars, the principal brand being "Between the Acts."

Federal Cigar Co., a company all of whose stock is, and has always been, owned by American Cigar Co., but which, as hereinbefore provided, is to be purchased for cash by the American Tobacco Co.

Each of these conveyances to include proper and adequate storage houses, leaf tobacco, and other materials and supplies, provision for book accounts, including in each case a ratable proportion of the cash held by the American Tobacco Co. on December 31, 1910, so that each of the new corporations will be fully equipped for the conduct of the business of manufacturing and dealing in tobacco.

(2) Resources and capitalization of companies and provisions for exchanging and retiring securities of American Tobacco Co.—The American Tobacco Co. has securities issued and outstanding as follows:

6 per cent bonds	$52,882,650
4 per cent bonds (including outstanding 4 per cent bonds of Consolidated Tobacco Co.)	51,354,100
6 per cent preferred stock	78,689,100
Common stock	40,242,400

The American Tobacco Co. in October, 1904, immediately after the merger, had an outstanding issue of its own 4 per cent bonds and the Consolidated Tobacco Co. 4 per cent bonds which it assumed, amounting to $78,689,100, but it has purchased on the market and retired $27,355,000 at par of these 4 per cent bonds, charging the amount thus expended to surplus. The 6 per cent bonds and 4 per cent bonds aforesaid are what are ordinarily known as debenture bonds, and are issued under a trust indenture which imposes a general charge on the property, income, and earnings of the company in favor, first, of the 6 per cent bonds, and, second, of the 4 per cent bonds. The American Tobacco Co. after the reduction of the surplus through the acquisition by it of 4 per cent bonds as aforesaid, had on December 31, 1910, a surplus of $61,119,991.63, which will be increased by the surplus earnings of the current year. The distribution of securities herein provided for to be forthwith made, would diminish the said surplus by $35,011,865.03, the book value of securities to be so distributed. This book value is less than actual value, but in view of the fact that none of the assets of the American Tobacco Co. are overvalued, the advance of the book value of the securities to be distributed as hereinbefore set forth to their actual value, would operate at the same time to increase the surplus of the company, and so its surplus, after such distribution, would remain just the same as though the advance to actual value had not been made on the books of the company.

The properties to be conveyed to the Liggett & Myers Tobacco Co. and P. Lorillard Co., based upon conditions as of December 31, 1910, the last completed year, including in such conveyances the proper and proportionate storage houses, leaf tobacco, supplies and materials, and cash, but without anything for value of brands, trade-marks, formulæ, recipes, and good will, but including stocks of companies, are of the value of $30,607,261.96 to Liggett & Myers Tobacco Co. and $28,091,748.86 to P. Lorillard Co. So far as these conditions shall be changed before the day of the conveyance, any deficiency is to be made good in cash, so that these two companies will have said amounts in tangible assets as aforesaid, useful, and such as have been used, in the manufacture of the brands to be conveyed to them, respectively, and cash. The American Tobacco Co. will be left with tangible assets, including stocks of companies employed in manufacturing tobacco and its products, cash and bills and accounts receivable of the value of $53,408,498.94 as of December 31, 1910. The profits earned during the year 1910 on the brands and businesses to be conveyed by the American Tobacco Co. to Liggett & Myers Tobacco Co. amounted to $7,468,172.02, and the profits on the brands and business to be conveyed by the American Tobacco Co. to P. Lorillard Co. amounted to $5,264,729.38.

It is proposed that the value of the brands, trade-marks, recipes, formulæ, and good will to be sold to each of these companies be determined by their earning capacity, based upon the results for the year 1910, so that each shall have an earning capacity of 11.02 per cent per annum upon its total property, including both tangible property and brand value and good will. Upon this basis the consideration to be paid by the Liggett & Myers Tobacco Co. will be $30,607,261.96, value of tangible assets as above stated, and $36,840,237.04, value of brands, trade-marks, recipes, formulæ, and good will, making a total of $67,447,499; and the consideration to be paid by the P. Lorillard Co. will be $28,091,748.86, value of tangible assets as above stated, and $19,460,752.14, value of brands, trade-marks, recipes, formulæ, and good will, making a total of $47,552,501. The brands, trade-marks, recipes, formulæ, and good will of the American Tobacco Co. on December 31, 1910, were of the book value of $101,324,964.07. The payments for brand value, etc., to the American Tobacco Co. to be made by Liggett & Myers Tobacco Co. and P. Lorillard Co., as aforesaid, makes an aggregate of $56,300,989.18, and would thus leave the book value of brands, trade-marks, recipes, formulæ, and good will retained by the American Tobacco Co. at $45,023,974.89, which, added to the $53,408,498.94 of tangible manufacturing assets to be retained by the American Tobacco Co., will make the total book value of manufacturing property to be retained by that company $98,432,473.83, upon which its earnings, based upon the results for the year 1910, would be $11,369,809.82, or 11.55 per cent.

The Liggett & Myers Tobacco Co. and the P. Lorillard Co. would pay for these conveyances, therefore, the aggregate as aforesaid, to wit:

Liggett & Myers Tobacco Co	$67,447,499
P. Lorillard Co	47,552,501
Aggregating	115,000,000

or each with its earnings on the business for the year 1910 so capitalized that said earnings represent 11.02 per cent upon the capital.

Liggett & Myers Tobacco Co. and P. Lorillard Co. will issue securities to cover such capitalization in the aggregate as follows: To an amount equal to one-half of the outstanding 6 per cent bonds of the American Tobacco Co., that is, $26,441,325 at par in 7 per cent bonds; to an amount equal to one-half of the outstanding 4 per cent bonds of the American Tobacco Co., that is, $25,677,050 at par in 5 per cent bonds; to an amount equal to one-third of the outstanding preferred stock of the American Tobacco Co., that is, $26,229,700 at par in 7 per cent cumulative voting preferred stock, which, upon liquidation of the company, shall be paid at par with accrued unpaid dividends before any amount shall be paid to common stock, with balance of assets distributable ratably to the common stock, and the balance of said $115,000,000, that is, $36,651,925 in common stock. The 7 per cent bonds and the 5 per cent bonds to mature at the time fixed, respectively, for the maturity of the 6 per cent bonds and the 4 per cent bonds of the American Tobacco Co. now outstanding and to be issued under an indenture of substantially like tenor and terms with the present indenture of the American Tobacco Co. under which its 6 per cent bonds and 4 per cent bonds were issued. The 7 per cent bonds to have priority in charge over the 5 per cent bonds in the same way that the 6 per cent bonds of the American Tobacco Co. have priority of charge over the 4 per cent bonds. Thus the capitalization of the Liggett & Myers Tobacco Co. and P. Lorillard Co. will be as follows:

	Liggett & Myers.	Lorillard.	Total.
7 per cent bonds	$15,507,837	$10,933,488	$26,441,325
5 per cent bonds	15,059,589	10,617,461	25,677,050
7 per cent preferred stock	15,383,719	10,845,981	26,229,700
Common stock	21,496,354	15,155,571	36,651,925
Total	67,447,499	47,552,501	115,000,000

All of these securities of the Liggett & Myers Tobacco Co. and the P. Lorillard Co. to be turned over to the American Tobacco Co. in payment of the purchase price for the factories, plants, brands, and businesses and capital stocks of tobacco manufacturing corporations so to be conveyed to Liggett & Myers Tobacco Co. and P. Lorillard Co., respectively, as hereinbefore set out.

These securities will be disposed of by the American Tobacco Co. as follows:

The common stock will be offered for cash at par to the holders of the common stock of the American Tobacco Co. in proportion to their holdings, and any not purchased by the person thus entitled thereto shall be sold to persons other than the individual defendants, to the end that such offer of common stock of the two new companies to the common-stock holders of the American Tobacco Co. shall not be used by the individual defendants to increase their ownership therein beyond the proportion of their holdings of the common stock of the American Tobacco Co.

To each holder of the 6 per cent bonds of the American Tobacco Co. an offer shall be made to acquire his bonds for cancellation and to give in exchange therefor, as to one-half thereof, new 7 per cent bonds of Liggett & Myers Tobacco Co. and P. Lorillard Co. at par, and in payment for the other half thereof cash at the rate of $120 and accrued interest for each $100 face value of the bonds.

To each holder of the 4 per cent bonds of the American Tobacco Co. an offer shall be made to acquire his bonds for cancellation, and to give in exchange therefor, as to one-half thereof, new 5 per cent bonds of Liggett & Myers Tobacco Co. and P. Lorillard Co. at par, and in payment for the other half thereof cash at the rate of $96 and accrued interest for each $100 face value of the bonds.

To each holder of the preferred stock of the American Tobacco Co. an offer shall be made to acquire one-third of his stock for cancellation in exchange for an equal amount at par of Liggett & Myers Tobacco Co. and P. Lorillard Co.

On account of the larger capitalization of the Liggett & Myers Tobacco Co., as compared with the P. Lorillard Co., each class of the new securities will issue in the proportion of 58.65 per cent thereof of Liggett & Myers Tobacco Co. securities and 41.35 per cent thereof of P. Lorillard Co. securities. The stocks will be issued in shares of $100, and coupon bonds in denominations of $1,000 and registered bonds in larger denominations, and in denominations of $100 and $50, and in actual issue fractions will be eliminated.

The common stocks of the two companies aforesaid are to be sold as above set out prior to March 1, 1912, with three years to be allowed for the retirement of the bonds and preferred stock of the American To-

bacco Co., as above set out. Pending such, the said 7 per cent bonds, 6 per cent bonds, and 7 per cent preferred stocks of the Liggett & Myers Tobacco Co. and the P. Lorillard Co., together with an amount in cash, or in securities owned by the American Tobacco Co., at their book value, or partly in cash and partly in such securities, equal to the amounts required if all such sales and exchanges are made, will be deposited with the Guaranty Trust Co. of New York, the trustee in the indenture under which the 6 per cent bonds and the 4 per cent bonds of the American Tobacco Co. are issued, as the agency to effect the purchase and exchange. Such deposit will be made, not to secure nor create a trust fund for the bonds, but for the purpose of sequestrating and taking from the control of the American Tobacco Co. the securities and cash so deposited. During the time of such deposit the securities shall be in the name of, as well as in the custody of, said trust company, with any voting rights attaching thereto, but the American Tobacco Co. shall receive from the trust company all dividends and interest collected by it on account of such securities; and the American Tobacco Co. shall have the right at any time and from time to time to sell, at such price as it may determine, and direct the delivery of any of such securities (except the securities of Liggett & Myers Tobacco Co. and P. Lorillard Co.), the consideration therefor to go into the hands of said trust company; or to withdraw any of such securities (except the securities of Liggett & Myers Tobacco Co. and P. Lorillard Co.) for the purpose of distribution among its common-stock holders, if its surplus at the time permits; or to substitute other securities of like book value for the securities so deposited (except as to the securities of Liggett & Myers Tobacco Co. and P. Lorillard Co.); or to alter the relative proportion of cash and securities, it being the intent of this provision that there shall be sequestrated from the control of the American Tobacco Co. all the securities of the Liggett & Myers Tobacco Co. and P. Lorillard Co., and an additional amount of cash or other securities equal, upon the purchase basis aforesaid, to the value of the 4 per cent bonds and the 6 per cent bonds of the American Tobacco Co. at the time outstanding. At the end of the three years, if there are any of such securities of the Liggett & Myers Tobacco Co. or P. Lorillard Co. in the hands of such trust company undisposed of by such exchange as aforesaid, then the American Tobacco Co. shall apply to this court for an order as to the disposition thereof. Nothing contained in this provision, and nothing done under this provision, shall be construed as providing for the creation of, or as creating, any lien or security on anything deposited with the trust company in favor of the 6 per cent bonds or the 4 per cent bonds of the American Tobacco Co., outstanding or otherwise.

G.

VOTING RIGHTS TO PREFERRED STOCK.

By proper amendment of the certificate of incorporation of the American Tobacco Co. the preferred stock will be given full voting rights.

H.

CERTAIN INCIDENTAL PROVISIONS.

(1) P. Lorillard Co. is a New Jersey company with $3,000,000 of common stock, all of which is owned by the American Tobacco Co., and $2,000,000 of 8 per cent preferred stock. Of this preferred stock the American Tobacco Co. holds $1,596,100 at par, and there is held by others $403,900 at par. Under the laws of New Jersey the present P. Lorillard Co. may be dissolved by the holders of two-thirds of the outstanding stock, and upon such dissolution the preferred stock is entitled to be paid at par, the balance of the assets going to the common stock. In view of the fact, however, that the preferred stock of the present P. Lorillard Co. is an 8 per cent preferred stock, with abundant assets and earnings to make the principal and income secure, it is deemed fair to the holders of this outstanding $403,900 of preferred stock that they be given an opportunity to take, at their option, either cash at par, which they are legally entitled to, or the 7 per cent preferred stock of the proposed new P. Lorillard Co. As the preferred stock of the new P. Lorillard Co. is to be a 7 per cent preferred stock, the holders of said $403,900 of said present preferred stock will be offered stock of the new company at the rate of $114.25 for each share. It is therefore proposed that the new P. Lorillard Co. provide for an additional amount of preferred stock sufficient to take care of $403,900 preferred stock on that basis, to wit, $114.25 in new 7 per cent preferred stock for each $100 of said stock, amounting to $461,600 at par of preferred stock in addition to that set out hereinbefore. In view of the fact that in the statements hereinbefore made as to earnings of the P. Lorillard Co. there is included only such part of the earnings of the present P. Lorillard Co. as accrued to the proportion of its stock held by the American Tobacco Co., this increase of preferred stock would increase proportionately the profits of the P. Lorillard Co., and does not derange any of the figures hereinbefore given or given in any of the exhibits hereto and hereinafter referred to.

(2) American Snuff Co. manufactures and sells a brand of snuff called "Garrett," which has a large sale in the southern and southwestern sections of the country. Originally this brand was manufactured at Yorklyn, Del., and in part packed in Philadelphia. Several years ago American Snuff Co. determined, on account of freight-rate conditions, to manufacture this brand at Clarksville, Tenn., and to pack it at Memphis, Tenn., and that the factories at Yorklyn, Del., should be given up to the manufacture of other brands. It has yet, though, been unable to produce in Clarksville, Tenn., goods similar to the goods heretofore and now made by it at Yorklyn, Del., although the experiment is still in progress, and with hope of success. Under the plan hereinbefore outlined the brand "Garrett" snuff is allotted to American Snuff Co. and the factories other than one factory at Yorklyn, Del., are allotted to George W. Helme Co. Your petitioners pray that, in the approval and adoption by this court of this plan, American Snuff Co. and George W. Helme Co. be permitted to manufacture brands the one for the other for a period not exceeding one year from March 1, 1912, each company paying to the other as consideration for such manufacture the cost thereof plus 5 per cent. The necessity of paying 5 per cent above cost is sufficient inducement to each company to manufacture its own goods as soon as American Snuff Co. is able to manufacture "Garrett" snuff of the requisite character and kind in its Clarksville factory, thus leaving the Yorklyn factories, other than No. 5, for the manufacture by the George W. Helme Co. of its own brands.

This court having heard the parties, as directed by the Supreme Court of the United States, it is further ascertained and determined and ordered, adjudged, and decreed that said plan hereinbefore set forth is a plan or method which, taken with the injunctive provisions hereinafter set forth, will dissolve the combination heretofore adjudged to be illegal in this cause and will re-create out of the elements now composing it a new condition which will be honestly in harmony with, and not repugnant to, the law, and without unnecessary injury to the public or the rights of private property.

It is further ordered, adjudged, and decreed that the said plan as hereinabove set forth be, and it is hereby, approved by this court, and the defendants herein are, respectively, directed to proceed forthwith to carry the same into effect.

The necessities of the situation, in the judgment of this court, require the extension of the period for carrying into execution said plan to a further time, not to exceed 60 days, from December 30, 1911.

It is further ordered, adjudged, and decreed that the defendants be allowed until February 28, 1912, to carry said plan into execution.

It is further ordered, adjudged, and decreed that the defendants, their officers, directors, servants, agents, and employees, be, and they are hereby, severally enjoined and restrained as follows:

From continuing or carrying into further effect the combination adjudged illegal in this cause, and from entering into or forming any like combination or conspiracy, the effect of which is or will be to restrain commerce in tobacco or its products or in articles used in connection with the manufacture and trade in tobacco and its products among the States or in the Territories or with foreign nations, or to prolong the unlawful monopoly of such commerce obtained and possessed by the defendants as adjudged herein in violation of the act of Congress approved July 2, 1890, either:

1. By causing the conveyance of the factories, plants, brands, or business of any of the 14 corporations among which the properties and businesses now in the combination are to be distributed, to wit, the American Tobacco Co., Liggett & Myers Tobacco Co., P. Lorillard Co., American Snuff Co., George W. Helme Co., Weyman-Bruton Co., R. J. Reynolds Tobacco Co., British-American Tobacco Co. (Ltd.), Porto Rican-American Tobacco Co., Mac Andrews & Forbes Co., J. S. Young Co., the Conley Foil Co., the Johnston Tin Foil & Metal Co., and United Cigar Stores Co., to any other of said corporations, by placing the stocks of any one or more of said corporations in the hands of voting trustees or controlling the voting power of such stocks by any similar device; or

2. By making any express or implied agreement or arrangement together or one with another like those adjudged illegal in this cause relative to the control or management of any of said 14 corporations, or the price or terms of purchase or of sale of tobacco or any of its products or the supplies or other products dealt with in connection with the tobacco business, or relative to the purchase, sale, transportation, or manufacture of tobacco or its products or supplies or other products dealt with as aforesaid by any of the parties hereto which will have a like effect in restraint of commerce among the States, in the Territories, and with foreign nations to that of the combination, the operation of which is enjoined in this cause, or by making any agreement or arrangement of any kind with any other of such corporations under which trade or business is apportioned between such corporations in respect either to customers or localities.

3. By any of said 14 corporations retaining or employing the same clerical organization, or keeping the same office or offices, as any other of said corporations.

4. By any of said 14 corporations retaining or holding capital stock in any other corporation any part of whose stock is also retained and held by any other of said corporations: *Provided, however,* That this prohibition shall not apply to the holding by the Porto Rican-American Tobacco Co. and American Cigar Co. of stock in Porto Rican Leaf Tobacco Co., nor shall it apply to the holding of stock of the National Snuff Co. (Ltd.), by Weyman-Bruton Co. and British-American Tobacco Co. (Ltd.).

5. By any of said 14 corporations doing business directly or indirectly under any other than its own corporate name or the name of a subsidiary corporation controlled by it: *Provided, however,* That in case of a subsidiary corporation the controlling corporation shall cause the products of such subsidiary corporation which are sold in the United States and bear the name of the manufacturer, to bear also a statement indicating the fact of such control.

6. By any of said 14 corporations refusing to sell to any jobber any brand of any tobacco product manufactured by it except upon condition that such jobber shall purchase from the vendor some other brand or product also manufactured and sold by it: *Provided, however,* That this prohibition shall not be construed to apply to what are known as "combination orders" under which some brand or product may be offered to a jobber or dealer at a reduced price on condition that he purchase a given quantity of some other brand or product.

It is further ordered, adjudged, and decreed that during a period of five years from the date hereof, each of said 14 corporations hereinbefore named, its officers, directors, agents, servants, and employees, are hereby enjoined and restrained as follows:

1. None of the said 14 corporations shall have any officer or director who is also an officer or director in any other of said corporations.

2. None of said 14 corporations shall retain or employ the same agent or agents for the purchase in the United States of tobacco leaf or other raw material, or for the sale in the United States of tobacco or other products, as that of any other of said corporations.

3. None of said 14 corporations shall directly or indirectly acquire any stock in any other of said corporations, or purchase or acquire any of the factories, plants, brands, or business of any other of said corporations, or make loans or otherwise extend financial aid to any other of said corporations.

The provisions of this decree shall apply only to trade and commerce in or between the several States and Territories and the District of Columbia, and trade and commerce between the United States and foreign nations.

It is further ordered, adjudged, and decreed that British-American Tobacco Co. (Ltd.) and the Imperial Tobacco Co. (of Great Britain and Ireland, Ltd.) shall not act as agent for each other nor employ a common agent, for the purchase of leaf tobacco in the United States, and neither of said two companies shall unite with any of the said 14 corporations among which the properties and businesses now in the combination are to be distributed, in the employment of a common agent for the purchase of tobacco leaf in the United States.

It is further ordered, adjudged, and decreed that each of the 29 individual defendants in this suit be enjoined and restrained from at any time within three years from the date of this decree, acquiring, owning, or holding, directly or indirectly, any stock, or any legal or equitable interest in any stock in any one of said 14 corporations, except British-American Tobacco Co. (Ltd.), in excess of the amount to which he will be entitled under the provisions of the plan when the same shall have been carried out as proposed as the present owner of the amount of stocks in said several companies shown by the affidavits of said several defendants filed herein on the 16th day of November, 1911: *Provided, however,* That any of said defendants may, notwithstanding this prohibition, acquire from any other or others of said defendants, or in case of death from their estates, any of the stock held by such other defendant or defendants in any of said corporations.

It is further ordered, adjudged, and decreed that the new companies whose organization is provided for in the plan hereinabove set forth,

to wit: Liggett & Myers Tobacco Co., P. Lorillard Co., George W. Helme Co., Weyman-Bruton Co., and J. S. Young Co., shall, after their formation and by appropriate proceeding, be made parties defendant to this cause and subject to the provisions of this decree and bound by the injunctions herein granted.

It is further ordered, adjudged, and decreed that any party hereto may make application to the court for such orders and directions as may be necessary or proper in relation to the carrying out of said plan, and the provisions of this decree.

It is further ordered, adjudged, and decreed that the costs of this action shall be paid by the defendants other than R. P. Richardson, jr., & Co. (Inc.), as to whom the suit has heretofore been dismissed, and the payment by the defendant, the American Tobacco Co., of the reasonable costs and counsel fees of the committees organized for the protection of the 6 per cent bonds, 4 per cent bonds, and preferred stock of the American Tobacco Co. is hereby approved.

It is further ordered, adjudged, and decreed that the defendants, the American Tobacco Co., MacAndrews & Forbes Co., American Snuff Co., and each of them and their and each of their officers, directors, servants, agents, and employees, be severally enjoined and restrained, as in said plan set forth, from voting stocks, exercising influence or control over other companies or gaining possession of other companies through the use of securities temporarily held by them, respectively, under said plan in each and every case in which it is provided in and by the said plan that any of said three last-named defendants shall be so enjoined.

It is further ordered, adjudged, and decreed that such books and papers of the defendants, the American Tobacco Co. and S. Anargyros, or either of them, as relate to the suit of the Ludington Cigarette Machine Co. *v.* S. Anargyros and the American Tobacco Co., or the subject matter thereof or any part thereof, be preserved by the said defendants, respectively, until after the accounting, if any shall take place in said suit, and said suit be finally determined and ended.

It is further ordered, adjudged, and decreed that jurisdiction of this cause is retained by this court for the purpose of making such other and further orders and decrees, if any, as may become necessary for carrying out the mandate of the Supreme Court.

November 16, 1911.

E. HENRY LACOMBE,
Circuit Judge.
ALFRED C. COXE,
Circuit Judge.
H. G. WARD,
Circuit Judge.
WALTER C. NOYES,
Circuit Judge.

[S. 3607, Sixty-second Congress, second session.]

A BILL To give the right of appeal to the Supreme Court of the United States to certain organizations or persons in the suit of the United States *v.* American Tobacco Co. et al.

Be it enacted by the Senate and House of Representatives of the United States of American in Congress assembled, That the National Cigar Leaf Tobacco Association, the Cigar Manufacturers' Association of America, the Independent Tobacco Salesmen's Association of America, the Leaf Tobacco Board of Trade of the City of New York, or any tobacco board of trade named or referred to in the written request entitled in the said suit and presented to the said circuit court on the 18th day of October, 1911; the attorneys general of the States of Virginia, North Carolina, South Carolina, New York, and Kentucky, and the State of Wisconsin, or either of said organizations or attorneys general, or the said State of Wisconsin, shall have the right to intervene in the suit entitled "United States *v.* The American Tobacco Co. et al., approving the plan of reorganization or recreation to the Supreme Court of the United States, with the same force and effect as though they, or those of them who seek to exercise the right hereby given, had been parties to said suit, and upon such appeal they shall have in the public interest all the rights and privileges and be governed by all the procedure that the United States would have had or would be required to observe if it had taken an appeal from said decree, the intent being to hereby confer upon the Supreme Court of the United States that jurisdiction over the said decree of the District Court, formerly the Circuit Court of the United States for the Southern District of New York, upon the appeal sought to be taken by said organizations or said attorneys general, or the said State of Wisconsin, or either of them, that it would have had if the United States had taken the proper proceedings for such an appeal.

SEC. 2. That all provisions of the law now existing or which were in existence at the time of the entry of the said decree fixing the time within which an appeal from the said decree shall be taken and perfected, and within which any other procedure in connection with such appeal shall be initiated, shall apply to the right of appeal hereby given: *Provided, however*, That the said respective times shall, for the purpose of such appeal, be deemed to begin with the day of the approval of this act.

SEC. 3. That this act shall take effect immediately.

UNVEILING OF STATUE OF BARON VON STEUBEN.

Mr. SMOOT, from the Committee on Printing, to which was referred House concurrent resolution No. 39, reported it without amendment; and it was considered by unanimous consent and agreed to, as follows:

Resolved by the House of Representatives (the Senate concurring), That the concurrent resolution passed August 21, 1911, providing for the printing of the proceedings upon the unveiling of the statue of Baron von Steuben in Washington, December 7, 1910, be amended by adding the following sentence after the last word thereof: "There shall be included in the same volume, as herein provided for, the proceedings relating to the unveiling of the statue of Baron von Steuben in Berlin, September 2, 1911; and this document shall be compiled and printed under the direction of the Joint Committee on Printing."

BILLS INTRODUCED.

Bills were introduced, read the first time, and, by unanimous consent, the second time, and referred as follows:

By Mr. GAMBLE:

A bill (S. 6085) to authorize the acceptance of trusts from the Pueblo Indians of New Mexico; to the Committee on Indian Affairs.

A bill (S. 6086) granting a pension to Jane Smith (with accompanying paper); to the Committee on Pensions.

By Mr. POMERENE:

A bill (S. 6087) for the relief of scientific institutions, hospitals, or colleges of learning having violated sections 3297 and 3297a of the Revised Statutes and the regulations thereunder; to the Committee on Finance.

A bill (S. 6088) for the relief of Mason M. Maxon; to the Committee on Military Affairs.

By Mr. JOHNSON of Maine:

A bill (S. 6089) granting an increase of pension to Francis Cyr (with accompanying papers);

A bill (S. 6090) granting an increase of pension to Nathaniel M. Milliken (with accompanying papers); and

A bill (S. 6091) granting an increase of pension to Joseph Hurd (with accompanying paper); to the Committee on Pensions.

By Mr. JOHNSON of Maine (for Mr. GARDNER):

A bill (S. 6092) granting an increase of pension to William J. Gardner (with accompanying papers); to the Committee on Pensions.

By Mr. BRYAN (for Mr. FLETCHER):

A bill (S. 6093) providing for the filling in of the ponds and lowlands of the Fort Taylor Military Reservation, Fla.; to the Committee on Appropriations.

By Mr. PERCY:

A bill (S. 6094) for the relief of heirs of Dr. Samuel R. Dunn and Elizabeth Ann Dunn, deceased (with accompanying paper); to the Committee on Claims.

By Mr. DILLINGHAM:

A bill (S. 6095) to increase the limit of cost for the erection and completion of the United States post-office and courthouse building on the site already acquired and possessed at Brattleboro, Vt.; to the Committee on Public Buildings and Grounds.

By Mr. GALLINGER:

A bill (S. 6096) to amend subchapter 2, chapter 19, of the Code of Law for the District of Columbia, by providing a penalty for willful omission to return library property in the District of Columbia (with accompanying paper); to the Committee on the District of Columbia.

By Mr. ROOT:

A bill (S. 6097) to provide a keeper's house for the lighthouse keeper at Crown Point, N. Y.; to the Committee on Commerce.

By Mr. SUTHERLAND:

A bill (S. 6098) providing for the military status of John Gray; to the Committee on Military Affairs.

By Mr. GRONNA (for Mr. KENYON):

A bill (S. 6099) to amend section 15 of the act to regulate commerce as amended June 29, 1906, and June 18, 1910; to the Committee on Interstate Commerce.

A bill (S. 6100) appropriating $100,000 for the use of the Interstate Commerce Commission in addition to the sum or sums already appropriated for their use; to the Committee on Interstate Commerce.

By Mr. PENROSE:

A bill (S. 6101) granting a pension to John D. Sullivan (with accompanying paper); to the Committee on Pensions.

By Mr. HEYBURN:

A bill (S. 6102) granting an increase of pension to Francis McCabe; to the Committee on Pensions.

By Mr. BROWN:

A bill (S. 6103) to amend an act entitled "An act to provide revenue, equalize duties, and encourage the industries of the United States, and for other purposes," approved August 5, 1909; to the Committee on Finance.

By Mr. WARREN:

A bill (S. 6104) for the relief of Daniel Hampton; to the Committee on Military Affairs.

By Mr. MYERS:

A bill (S. 6105) for the creating of country parks and community centers, and referring especially to one created in the State of Montana, in the Fort Shaw unit of the Sun River reclamation project; to the Committee on Public Lands.

By Mr. McLEAN:

A bill (S. 6106) granting an increase of pension to George W. Youngs (with accompanying papers); and

A bill (S. 6107) granting a pension to Mary E. Maher (with accompanying papers); to the Committee on Pensions.

By Mr. PERKINS:

A bill (S. 6108) for the relief of persons suffering damages by the construction of the canal diverting the waters of the Mormon Slough into the Calaveras River; to the Committee on Claims.

A bill (S. 6109) for the protection and increase of State game resources; to the Committee on Forest Reservations and the Protection of Game.

By Mr. BOURNE:

A bill (S. 6110) to provide for the erection of a public building on a site already acquired at Roseburg, Oreg.; to the Committee on Public Buildings and Grounds.

By Mr. RAYNER:

A bill (S. 6111) granting an increase of pension to Emily C. Gardiner (with accompanying paper); to the Committee on Pensions.

By Mr. JONES:

A bill (S. 6112) granting an increase of pension to Jacob Roberts;

A bill (S. 6113) granting an increase of pension to Martin B. Richardson;

A bill (S. 6114) granting an increase of pension to Samuel E. Prather;

A bill (S. 6115) granting an increase of pension to Benjamin F. Miller;

A bill (S. 6116) granting an increase of pension to Frankie E. Bedell;

A bill (S. 6117) granting a pension to Emily J. Chambers; and

A bill (S. 6118) granting an increase of pension to Albert M. Belcher; to the Committee on Pensions.

By Mr. BRADLEY:

A bill (S. 6119) granting an increase of pension to Robert H. Overley (with accompanying papers); and

A bill (S. 6120) granting an increase of pension to Samuel P. Murrell (with accompanying papers); to the Committee on Pensions.

By Mr. DU PONT:

A bill (S. 6121) granting an increase of pension to Mary L. Wilson; to the Committee on Pensions.

By Mr. LODGE:

A bill (S. 6122) granting an increase of pension to John Bowman (with accompanying paper); to the Committee on Pensions.

By Mr. NIXON:

A bill (S. 6123) granting an increase of pension to Ada P. Armstrong; to the Committee on Pensions.

By Mr. OWEN:

A bill (S. 6124) to provide for the purchase of the coal and asphalt deposits belonging to the Choctaw and Chickasaw Tribes of Indians by the Government of the United States, and for other purposes;

A bill (S. 6125) permitting lands in the State of Oklahoma subject to restrictions to be taxed under the laws of Oklahoma for road improvements; and

A bill (S. 6126) for the purpose of removing restrictions on encumbrance and alienation of allotted lands within the Cherokee Nation; to the Committee on Indian Affairs.

By Mr. CURTIS:

A bill (S. 6127) for the relief of C. E. Moore; to the Committee on Post Offices and Post Roads.

A bill (S. 6128) to correct the military record of H. S. Harring; and

A bill (S. 6129) to correct the military record of William H. Cooper (with accompanying paper); to the Committee on Military Affairs.

A bill (S. 6130) granting an increase of pension to George Stamm (with accompanying paper);

A bill (S. 6131) granting an increase of pension to I. M. Brandon (with accompanying papers);

A bill (S. 6132) granting an increase of pension to John D. Kirkpatrick (with accompanying papers);

A bill (S. 6133) granting an increase of pension to Job Knight (with accompanying paper);

A bill (S. 6134) granting an increase of pension to George W. Klise (with accompanying papers);

A bill (S. 6135) granting an increase of pension to Lemuel Abbott (with accompanying papers);

A bill (S. 6136) granting an increase of pension to A. S. Bouden (with accompanying papers);

A bill (S. 6137) granting a pension to Reason Walker (with accompanying papers);

A bill (S. 6138) granting a pension to Chauncy S. Pratt (with accompanying papers);

A bill (S. 6139) granting an increase of pension to F. M. Oldredge (with accompanying papers);

A bill (S. 6140) granting a pension to George E. McCumber (with accompanying papers);

A bill (S. 6141) granting an increase of pension to Joseph McMullen;

A bill (S. 6142) granting an increase of pension to George R. Baucous;

A bill (S. 6143) granting an increase of pension to John McFadden;

A bill (S. 6144) granting a pension to Clark W. Hines;

A bill (S. 6145) granting a pension to Catherine Burgett;

A bill (S. 6146) granting an increase of pension to Sarah A. Winans;

A bill (S. 6147) granting an increase of pension to Isaac M. Risley; and

A bill (S. 6148) granting a pension to Josiah C. Ury; to the Committee on Pensions.

By Mr. HEYBURN:

A bill (S. 6149) granting an increase of pension to Willard M. White (with accompanying papers); to the Committee on Pensions.

REGENTS OF SMITHSONIAN INSTITUTION.

Mr. LODGE. I introduce a joint resolution and ask unanimous consent for its present consideration.

The joint resolution (S. J. Res. 94) providing for the filling of a vacancy in the Board of Regents of the Smithsonian Institution, in the class other than Members of Congress, was read the first time by its title and the second time at length, as follows:

Resolved, etc., That the vacancy in the Board of Regents of the Smithsonian Institution, in the class other than Members of Congress, caused by the resignation of James B. Angell, of Michigan, be filled by the appointment of Charles W. Fairbanks, of Indiana.

The VICE PRESIDENT. Is there objection to the present consideration of the joint resolution?

By unanimous consent the Senate, as in Committee of the Whole, proceeded to consider the joint resolution.

The joint resolution was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

Mr. LODGE. I ask that the accompanying letter from the Secretary of the Smithsonian Institution may be printed in the RECORD.

The VICE PRESIDENT. Without objection, the letter referred to will be printed in the RECORD.

The letter is as follows:

SMITHSONIAN INSTITUTION,
Washington, U. S. A., March 27, 1912.

The Hon. JAMES S. SHERMAN,
Vice President of the United States,
Washington, D. C.

SIR: I have the honor to inform you that a vacancy exists in the Board of Regents of the Smithsonian Institution, in the class other than Members of Congress, caused by the resignation of Dr. James B. Angell, a citizen of Michigan, who was appointed under joint resolution of Congress approved February 9, 1911.

Very respectfully, yours, CHARLES D. WALCOTT,
Secretary.

AMENDMENTS TO RIVER AND HARBOR BILL (H. R. 21477).

Mr. GAMBLE submitted an amendment proposing to appropriate $10,000 for improving Lake Traverse, Minn. and S. Dak., etc., intended to be proposed by him to the river and harbor appropriation bill, which was referred to the Committee on Commerce and ordered to be printed.

Mr. BRYAN (for Mr. FLETCHER) submitted an amendment proposing to appropriate $100,000 for deepening and widening the main ship channel at the entrance and at Triangle Shoals, Key West, Fla., intended to be proposed by him to the river and harbor appropriation bill, which was referred to the Committee on Commerce and ordered to be printed.

He also (for Mr. FLETCHER) submitted an amendment proposing to increase the appropriation for improving Mystic River, Conn., from $3,500 to $4,500, intended to be proposed by him to the river and harbor appropriation bill, which was referred to the Committee on Commerce and ordered to be printed.

Mr. JONES submitted an amendment relative to the construction of a waterway connecting Similk Bay with Padilla Bay, Wash., intended to be proposed by him to the river and harbor appropriation bill, which was referred to the Committee on Commerce and ordered to be printed.

He also submitted an amendment relative to the survey of the Columbia River between Vancouver and the mouth of the Willamette River, Wash., etc., intended to be proposed by him to the river and harbor appropriation bill, which was referred to the Committee on Commerce and ordered to be printed.

He also submitted an amendment relative to the survey of the Columbia River from and through Rickey and Grand Rapids, etc., intended to be proposed by him to the river and harbor appropriation bill, which was referred to the Committee on Commerce and ordered to be printed.

He also submitted an amendment relative to the survey of Nasel, North, and other streams entering Willapa Harbor, etc., intended to be proposed by him to the river and harbor appropriation bill, which was referred to the Committee on Commerce and ordered to be printed.

He also submitted an amendment proposing to increase the appropriation for improving the Columbia River between

Bridgeport and Kettle Falls, Wash., from $25,000 to $50,000, intended to be proposed by him to the river and harbor appropriation bill, which was referred to the Committee on Commerce and ordered to be printed.

He also submitted an amendment relative to the modification or relocation of any navigable channels in Padilla Bay necessary in connection with the reclamation of tide lands in that bay, etc., intended to be proposed by him to the river and harbor appropriation bill, which was referred to the Committee on Commerce and ordered to be printed.

Mr. PENROSE submitted an amendment proposing to appropriate $1,000,000 for materials and work necessary for the improvement of the Delaware River, Pennsylvania, New Jersey, Delaware, etc., intended to be proposed by him to the river and harbor appropriation bill, which was referred to the Committee on Commerce and ordered to be printed.

Mr. RAYNER submitted an amendment relative to the improvement of the channel of Cabin Branch and Curtis Creek, Anne Arundel County, Md., etc., intended to be proposed by him to the river and harbor appropriation bill, which was referred to the Committee on Commerce and ordered to be printed.

He also submitted an amendment relative to the survey of a channel off Pooles Island, Chesapeake Bay, Md., etc., intended to be proposed by him to the river and harbor appropriation bill, which was referred to the Committee on Commerce and ordered to be printed.

Mr. SMITH of Michigan submitted an amendment proposing to appropriate $156,000 for improving the harbor at Manistee, Mich., etc., intended to be proposed by him to the river and harbor appropriation bill, which was referred to the Committee on Commerce and ordered to be printed.

He also submitted an amendment proposing to appropriate $30,000 for the improvement and maintenance of the harbor at Arcadia, Mich., etc., intended to be proposed by him to the river and harbor appropriation bill, which was referred to the Committee on Commerce and ordered to be printed.

He also submitted an amendment proposing to appropriate $111,000 to improve the harbor at South Haven, Mich., etc., intended to be proposed by him to the river and harbor appropriation bill, which was referred to the Committee on Commerce and ordered to be printed.

He also submitted an amendment proposing to appropriate $650,000 to improve the harbor at Manistee, Mich., intended to be proposed by him to the river and harbor appropriation bill, which was referred to the Committee on Commerce and ordered to be printed.

Mr. BOURNE submitted an amendment providing for the economical future development of water power, etc., intended to be proposed by him to the river and harbor appropriation bill, which was referred to the Committee on Commerce and ordered to be printed.

He also submitted an amendment proposing to appropriate $75,000 for improving Nehalem Bar and entrance to Nehalem Bay, Oreg., etc., intended to be proposed by him to the river and harbor appropriation bill, which was referred to the Committee on Commerce and ordered to be printed.

He also submitted an amendment proposing to appropriate $800,000 for improving the Columbia River between the foot of The Dalles Rapids and the head of Celilo Falls, Oreg. and Wash., etc., intended to be proposed by him to the river and harbor appropriation bill, which was referred to the Committee on Commerce and ordered to be printed.

He also submitted an amendment relative to the improvement of Yaquina Bay and Bar Entrance and Port Orford Harbor, Oreg., etc., intended to be proposed by him to the river and harbor appropriation bill, which was referred to the Committee on Commerce and ordered to be printed.

He also submitted an amendment proposing to appropriate $155,000 to improve the Columbia and Lower Willamette Rivers below Portland, Oreg., etc., intended to be proposed by him to the river and harbor appropriation bill, which was referred to the Committee on Commerce and ordered to be printed.

He also submitted an amendment relative to the improvement of Tillamook Bay and Bar, Oreg., etc., intended to be proposed by him to the river and harbor appropriation bill, which was referred to the Committee on Commerce and ordered to be printed.

He also submitted an amendment proposing to appropriate $5,000 for the maintenance of Tillamook Bar and Bay, Oreg., etc., intended to be proposed by him to the river and harbor appropriation bill, which was referred to the Committee on Commerce and ordered to be printed.

Mr. CULBERSON submitted an amendment proposing to change the route of the channel from Aransas Pass to Pass Cavallo so as to pass by the town of Port O'Connor, Tex., etc., intended to be proposed by him to the river and harbor appropriation bill, which was referred to the Committee on Commerce and ordered to be printed.

He also submitted an amendment relative to the appointment of a board of five engineer officers to examine Port Aransas (Aransas Pass and the Harbor Island Basin), Tex., etc., intended to be proposed by him to the river and harbor appropriation bill, which was referred to the Committee on Commerce and ordered to be printed.

AMENDMENTS TO APPROPRIATION BILLS.

Mr. PERCY submitted an amendment proposing to increase the appropriation for drainage investigations from $96,700 to $250,000, intended to be proposed by him to the agricultural appropriation bill (H. R. 18960), which was referred to the Committee on Agriculture and Forestry and ordered to be printed.

He also submitted an amendment proposing to increase the appropriation for the study and demonstration of the best methods of meeting the ravages of the cotton-boll weevil from $332,960 to $382,960, intended to be proposed by him to the agricultural appropriation bill (H. R. 18960), which was referred to the Committee on Agriculture and Forestry and ordered to be printed.

Mr. JONES submitted an amendment proposing to appropriate $25,750 for the purchase of lands necessary and suitable for a target range for Vancouver Barracks, Wash., intended to be proposed by him to the sundry civil appropriation bill, which was referred to the Committee on Military Affairs and ordered to be printed.

He also submitted an amendment proposing to increase the appropriation for the extension and maintenance of the irrigation system on lands allotted to the Yakima Indians in Washington from $15,000 to $75,000, intended to be proposed by him to the Indian appropraition bill (H. R. 20728), which was referred to the Committee on Indian Affairs and ordered to be printed.

He also submitted an amendment relative to the appropriation for the procuring of any field-artillery material from any person, firm, or corporation which has not at the time of the commencement and during the prosecution of the work on said field-artillery material established an eight-hour workday for all employees, laborers, and mechanics engaged by them, etc., intended to be proposed by him to the Army appropriation bill (H. R. 18956), which was ordered to lie on the table and be printed.

He also submitted an amendment relative to the appropriation for the purchase or manufacture of ordnance stores to fill requisitions of troops as can be manufactured at Government arsenals, etc., intended to be proposed by him to the Army appropriation bill (H. R. 18956), which was ordered to lie on the table and be printed.

He also submitted an amendment relative to the appropriation for the purchase or manufacture of any automatic machine rifles made at Government arsenals, etc., intended to be proposed by him to the Army appropriation bill (H. R. 18956), which was ordered to lie on the table and be printed.

He also submitted an amendment proposing to increase the appropriation for investigations of methods for wood distillation and for the preservative treatment of timber, etc., from $165,000 to $175,000, intended to be proposed by him to the agricultural appropriation bill (H. R. 18960), which was referred to the Committee on Agriculture and Forestry and ordered to be printed.

Mr. NELSON submitted an amendment proposing to appropriate $2,220 for salary of compiler of Navy Yearbook and Senate report on river and harbor bill, etc., intended to be proposed by him to the legislative, etc., appropriation bill, which was referred to the Committee on Appropriations and ordered to be printed.

Mr. PERKINS submitted an amendment proposing to appropriate $60,000 for special mail facilities from the United States naval station at Pago Pago, island of Tutuila, via Honolulu, to San Francisco, etc., intended to be proposed by him to the post-office appropriation bill (H. R. 21279), which was referred to the Committee on Post Offices and Post Roads and ordered to be printed.

Mr. OWEN submitted an amendment proposing to pay the legal representatives of John W. Noble and R. V. Belt $3,569.95 for legal services rendered to and expenses incurred on behalf of the members of the Lyman family, Osage allottees, etc., intended to be proposed by him to the Indian appropriation bill (H. R. 20728), which was referred to the Committee on Indian Affairs and ordered to be printed.

Mr. CULBERSON submitted an amendment proposing to increase the appropriation for investigation and improvement of

sugar-producing plants, etc., from $30,795 to $40,795, etc., intended to be proposed by him to the agricultural appropriation bill (H. R. 18960), which was referred to the Committee on Agriculture and Forestry and ordered to be printed.

WATERSHEDS OF NAVIGABLE STREAMS.

Mr. GALLINGER submitted an amendment relative to the carrying out of the purposes mentioned in section 3 of the act of March 1, 1911, entitled "An act to enable any State to cooperate with any other State or States or with the United States for the protection of the watersheds of navigable streams," etc., intended to be proposed by him to the agricultural appropriation bill (H. R. 18960), which was referred to the Committee on Agriculture and Forestry and ordered to be printed.

CLERKS OF DISTRICT COURTS.

Mr. FLETCHER submitted an amendment intended to be proposed by him to the bill (H. R. 21226) relating to compensation of clerks of United States district courts, which was referred to the Committee on the Judiciary and ordered to be printed.

THE SUGAR SCHEDULE.

Mr. CURTIS submitted an amendment intended to be proposed by him to the bill (H. R. 21213) to amend an act entitled "An act to provide revenue, equalize duties, and encourage the industries of the United States, and for other purposes," approved August 5, 1909, which was referred to the Committee on Finance and ordered to be printed.

Mr. BRISTOW submitted an amendment intended to be proposed by him to the bill (H. R. 21213) to amend an act entitled "An act to provide revenue, equalize duties, and encourage the industries of the United States, and for other purposes," approved August 5, 1909, which was referred to the Committee on Finance and ordered to be printed.

SENATOR FROM ILLINOIS (S. DOC. NO. 484).

Mr. DILLINGHAM submitted the following resolution (S. Res. 273) which was read, considered by unanimous consent, and agreed to:

Resolved, That the hearings held before the committee of the Senate to investigate the election of WILLIAM LORIMER as a Senator from the State of Illinois, together with the Digest Index, be printed as a Senate document.

LAND AT MAGDALENA BAY.

Mr. LODGE submitted the following resolution (S. Res. 272) which was read, considered by unanimous consent, and agreed to:

Resolved, That the President is respectfully requested, if not incompatible with the public interest, to transmit to the Senate any information in possession of the Government relating to the purchase of land at Magdalena Bay by the Japanese Government or by a Japanese company.

THE YELLOWSTONE NATIONAL PARK.

Mr. HEYBURN submitted the following resolution (S. Res. 275) which was read, considered by unanimous consent, and agreed to:

Resolved, That the Secretary of War be, and is hereby, directed to submit to the Senate as early as practicable an estimate of the cost of construction of new roads or changes in the present roads in the Yellowstone National Park in order to permit of the use of automobiles and motor cycles therein without interfering with the present mode of travel in vehicles drawn by horses or other animals.

EMPLOYEES OF COMMON CARRIERS.

Mr. NELSON submitted the following resolution, which was read, considered by unanimous consent, and agreed to:

Resolved, That the Committee on the Judiciary be, and it is hereby, authorized to have printed for its use 5,000 copies of the hearings held March 26 before the subcommittees of the Committees on the Judiciary of the Senate and House of Representatives relative to the bills to provide an exclusive remedy and compensation for accidental injuries resulting in disability or death to employees of common carriers, etc.

INTERSTATE SHIPMENTS OF INTOXICATING LIQUORS (S. DOC. NO. 488).

Mr. GRONNA. For the junior Senator from Iowa [Mr. KENYON] I present the argument of Fred S. Caldwell, former State enforcement attorney of Oklahoma, Oklahoma City, Okla., in favor of the Kenyon and McCumber bills relating to the interstate shipments of intoxicating liquors. The argument is taken from hearings held before the Committee on the Judiciary. I move that it be printed as a Senate document.

The motion was agreed to.

OSAGE INDIAN LANDS (S. DOC. NO. 487).

Mr. OWEN. I present resolutions adopted by members of the Osage tribal council of the Osage Indians of Oklahoma relative to the right to grant leases for mining purposes on certain Osage Indian lands. I move that the resolutions be printed as a document for the information of the Senate and referred to the Committee on Indian Affairs.

The motion was agreed to.

IOWA INDIANS IN OKLAHOMA (S. DOC. NO. 486).

Mr. OWEN. I present the petition of members of the Iowa Tribe of Indians in Oklahoma relative to the payment for certain Indian reservation lands ceded to the United States by the treaty with these Indians. I move that the petition be printed as a document and referred to the Committee on Indian Affairs.

The motion was agreed to.

BROTHERHOOD OF NORTH AMERICAN INDIANS (S. DOC. NO. 489).

Mr. OWEN. I present a memorial of the Brotherhood of North American Indians remonstrating against the reimbursement of money appropriated for the benefit of Indian tribes and praying for the right of representation and of self-government by the Indian people. I move that the memorial be printed as a document and referred to the Committee on Indian Affairs.

The motion was agreed to.

PROTECTION OF LEVEES OF THE MISSISSIPPI (H. DOC. NO. 662).

The VICE PRESIDENT laid before the Senate the following message from the President of the United States, which was read:

To the Senate and House of Representatives:

I am advised by the Secretary of War, whose report I transmit herewith, that the flood in the Mississippi Valley, by reason of the rise in all of the rivers tributary to the Mississippi and Missouri at nearly the same time, is likely in the lower part of the valley—that is, Missouri, Kentucky, Arkansas, Tennessee, Mississippi, and Louisiana—to reach a higher point along the levees than it has ever reached within recent memory, and that there is very grave danger that the levees may give way under this unusual pressure and that great damage may be done to property in the States mentioned, requiring, unless prompt action is taken, great future outlay in preserving the proper navigation of the streams.

These levees contribute not only to the safety of the adjoining agricultural lands and settlements, but are also a part of the great governmental projects for the maintenance of navigation in the lower waters of the Mississippi.

It seems proper, therefore, that the Government should take immediate action to make the loss impending as little as possible. In view of the character of the emergency and the safeguards surrounding expenditures made under the Corps of Engineers, I have no hesitation in asking for an appropriation of $500,000 as recommended by the Secretary of War.

I urgently recommend an immediate appropriation, so that no time may be lost in taking the necessary steps to prevent what but for governmental action may be a loss not only of many millions, but of lives as well.

WM. H. TAFT.

THE WHITE HOUSE, *April 2, 1912.*

The VICE PRESIDENT. The message will be printed and referred to the Committee on Commerce.

Mr. WARREN. Mr. President, I think the message should be referred to the Committee on Appropriations.

The VICE PRESIDENT. The Chair hesitated whether or not it should be referred to the Committee on Appropriations or to the Committee on Commerce.

Mr. WARREN. I think it should go to the Committee on Appropriations, not only in itself, but I am informed there is danger in the upper country along the Missouri, and that other matters of this kind will be presented perhaps to-day or to-morrow. Therefore I suggest that it be referred to the Committee on Appropriations.

The VICE PRESIDENT. Without objection, reference will be changed, and the message will be referred to the Committee on Appropriations and printed.

APPRAISAL OF UNALLOTTED INDIAN LANDS.

The VICE PRESIDENT laid before the Senate the amendment of the House of Representatives to the bill (S. 405) authorizing the Secretary of the Interior to classify and appraise unallotted Indian lands.

Mr. GAMBLE. I move that the Senate nonconcur in the amendment of the House of Representatives, request a conference with the House on the disagreeing votes of the two Houses thereon, the conferees on the part of the Senate to be appointed by the Chair.

The motion was agreed to, and the Vice President appointed Mr. GAMBLE, Mr. MCCUMBER, and Mr. STONE conferees on the part of the Senate.

HOUSE BILL REFERRED.

H. R. 22195. An act to reduce the duties on wool and manufactures of wool was read twice by its title and referred to the Committee on Finance.

PROPOSED PARCEL POST (S. DOC. NO. 485).

Mr. BAILEY. I ask unanimous consent that a letter written by the Hon. JOSEPH T. JOHNSON to Mr. D. A. Davis, of Laurens, S. C., on the 22d of March, shall be printed as a public document.

The VICE PRESIDENT. Without objection, an order therefor is entered.

Mr. BAILEY. I make this request on behalf of my good friend the senior Senator from South Carolina [Mr. TILLMAN]. I am personally opposed to the parcel post, to which this letter refers.

Mr. POINDEXTER. Not for the purpose of objection, but for the purpose of information, can the Senator state the general subject of this letter?

Mr. BAILEY. It relates to the parcel post. I have just stated that I presented it on behalf of the Senator from South Carolina [Mr. TILLMAN], though personally I am unalterably opposed to the proposition.

Mr. HEYBURN. Mr. President, do I understand that it is an argument in favor of the parcel post?

Mr. BAILEY. I have not read the communication. It is a letter written by a Member of the House of Representatives from a South Carolina district to one of his constituents. The senior Senator from that State deems it worthy of distribution. Being called home, he left a note requesting that I have it printed as a public document and send copies of it to him at his home, in order that he might distribute them among his constituents.

Mr. HEYBURN. While I would be loath to interpose an objection, I regret——

Mr. BAILEY. I hope the Senator will be too loath to do it in this case.

Mr. HEYBURN. I regret the electioneering for a parcel post through the medium of a public document. In the first place, I am so strongly opposed to a parcel-post law that if anyone is to advocate it, I should like not only not to have that advocacy made free by the Government, but to have it pay an entrance fee. I think that strongly on the subject.

Mr. BAILEY. Mr. President, the Senator from Idaho is not more earnestly opposed to that proposition than I am. I am looking forward myself to the time when the post office will be the most important place in all the towns and villages, and even in the smaller cities. They now have a savings bank there. When they have the parcel post they will have the express company. When the present Postmaster General succeeds in buying the telegraph lines, we will have a telegraph office there, and all of that combined with the post office will make it the most important place in many communities.

I am opposed to the whole system, but I am not afraid to have such arguments as can be made in its behalf printed and distributed, especially when it is done at the request of a Senator.

Mr. HEYBURN. I am not going to raise an objection; but this is an appropriate time to say that there is a method now being adopted of sending out forms all over this country, with the request that those to whom they are sent will copy them in their own handwriting for the purpose of deceiving Members of Congress.

Mr. BAILEY. Of course, this is not a case of that kind.

Mr. HEYBURN. I suppose there is not a mail in which every Senator does not receive a number of them. They evidently emanate from one source or from a combination intended to promote this enterprise of a parcel post.

Mr. BAILEY. Mr. President, I think more than half of the people of this country are in favor of doing anything at this time that will extend the activities of the Government. I hardly think it is necessary now for a special interest to move them. In this age of "uplift" and distrust of each other, breeding, I must believe, at last a distrust of ourselves, people lean on the Government. The Senator and the rest of us who oppose that tendency, however, instead of objecting to the arguments in favor of it, ought to occupy ourselves with making arguments against it.

Mr. HEYBURN. Mr. President, with the consent of the Senate, I should like to say a word regarding this matter that will counter the evident plan that is being carried out for the purpose of creating an unrighteous and an unfair sentiment.

As the Senator from Texas well says, the people—that is, some of them, the ones that we hear make a noise—seem to be in favor of anything as an excuse for making the noise. Of course, the great majority of the people are not giving any attention to this matter and are not favoring it. It would work such a radical change in the whole social system of our Government as is not comprehended by those who are saying, "Oh, yes; give us the parcel post; give us this and that." They think they want something; they have the spirit of restlessness and discontent that I think is perhaps due to bad example, and the result is that we are being importuned every day to do something that we ought not to do. We can not reach all of those people, but I sincerely trust that the conservative wisdom of the country will reach them and that we will not do those things.

They are talking about abolishing the village and small-town element of our civilization by putting it out of business; that is, by making it unprofitable for the people in the towns and villages to do business. They would have everything brought to their doors; they would stay there in the solitude of their solitude; and they would never learn anything except what they read—if they do read them—in the papers brought to them at the expense of the people who do not want such a system or scheme of government. They would have their vegetables brought to them; they would not be acquainted with anybody in the county except themselves, and we would return to that isolated condition of social life that is the very opposite of civilization and advancement. Why, half the education of the American people has been obtained by the casual coming together at the country store and the post office in the ordinary walks of life.

You get to know how men look in that way. Under this proposed system you would not know how a man appeared who lived 5 miles away from you, because you never would have any occasion to see him. Some of these people will vote by letter, I suppose, and pretty soon they will have some system devised by which a man will not know anybody else.

That is the bane of this foolish direct primary—I do not know why I should hesitate to mention it, but that is the bane of it. Nobody knows what the candidate looks like. Some one comes around with a petition for him. It is not like the men selected who are chosen by selected men coming together in an open convention, where the exigencies of the occasion call upon men to get up and state themselves, and be looked at and heard and known something about, and considered as to their fitness for nomination for the position. Many a time we have all known men that we never heard of before to come to the front for the first time in a convention. Some occasion impelled them to arise, and they exhibited an unexpected knowledge of affairs and a fitness for the confidence of their fellow men. We have seen them, and we have heard them here—men who started in a little or a big convention.

Now, this is along the same line. If you want to send the districts outside of the big cities back into the wilderness, just establish such a ridiculous system as this, so that every man will have to send to Chicago or some other central place for his daily bread by and by. Nobody will support stores for the purpose of trading off eggs for sugar. The result is that we will have none of the small, beautiful centers that we call villages and towns, and we will have two or three big trading points at which commerce will seek to supply the whole body of the American people.

When the question comes before the Senate for responsible action (which I hope it never will, although I should like to have a chance to be in at the killing of it) I will probably ask the patience of the Senate for further remarks.

HEARINGS BEFORE THE COMMITTEE ON FISHERIES.

Mr. JONES. I ask unanimous consent for the present consideration of Senate resolution 252, authorizing the Committee on Fisheries to conduct hearings, employ stenographers, and so forth.

Mr. SMOOT. Is the morning business over?

The VICE PRESIDENT. The morning business is finished. The Senator from Washington asks unanimous consent for the present consideration of a resolution.

Mr. GALLINGER. Is it on the calendar?

The VICE PRESIDENT. It is on the calendar.

Mr. GALLINGER. I will say that I will not object to it, but I hope we will devote a little time to the consideration of bills on the calendar.

The VICE PRESIDENT. The Chair hears no objection, and the resolution is before the Senate.

The resolution (S. Res. 252) was considered by unanimous consent and agreed to, as follows:

Resolved, That the Committee on Fisheries or any subcommittee thereof is hereby authorized, during the Sixty-second Congress, to send for persons and papers, to administer oaths, to employ stenographers from time to time, to report such hearings as may be had during the

present session of Congress in connection with any subject that may be pending before said committee, and to have the testimony and proceedings of such hearings printed for the use of the committee. The expense of such hearings shall be paid out of the contingent fund of the Senate, and said committee and subcommittees thereof may sit during the session of the Senate.

THE CALENDAR.

The VICE PRESIDENT. The morning business is closed. The calendar is in order under Rule VIII. The Secretary will report the first bill on the calendar.

The bill (S. 2518) to provide for raising the Volunteer forces of the United States in time of actual or threatened war was announced as first in order on the calendar.

Mr. SMOOT. Let that go over.

The VICE PRESIDENT. It will go over.

The next business on the calendar was Senate concurrent resolution 4, instructing the Attorney General of the United States to prosecute the Standard Oil Co. and the American Tobacco Co.

Mr. BRISTOW. I ask that it may go over.

Mr. HEYBURN. Let it go over.

The VICE PRESIDENT. The concurrent resolution will go over.

The bill (S. 290) to authorize the appointment of dental surgeons in the United States Navy was announced as next in order.

Mr. SMOOT. Let that go over.

The VICE PRESIDENT. It will go over.

The resolution (S. Res. 176) requesting the President to make certain inquiries of the Governments of Great Britain and France touching the arbitration of justiciable controversies or disputes was announced as next in order.

Mr. GALLINGER. Let it go over.

The VICE PRESIDENT. It will go over.

The bill (S. 3175) to regulate the immigration of aliens to and the residence of aliens in the United States was announced as next in order.

The VICE PRESIDENT. The bill will go over at the request of the Senator from Massachusetts [Mr. LODGE].

The bill (S. 1505) for the relief of certain officers on the retired list of the United States Navy was announced as next in order.

Mr. SMOOT. Let that go over.

The VICE PRESIDENT. It will go over.

ANNIVERSARY CELEBRATION OF ACT OF EMANCIPATION.

Mr. BRADLEY. I ask for the consideration at this time of Senate bill 180.

Mr. GALLINGER. That has just been reached.

The bill (S. 180) providing for the celebration of the semicentennial anniversary of the act of emancipation, and for other purposes, was considered as in Committee of the Whole.

The bill was reported from the Committee on Industrial Expositions with amendments.

The first amendment was, after the enacting clause, to strike out all down to and including line 10 and to insert:

That whenever the President of the United States shall be satisfied that the Semicentennial American Emancipation Exposition Co., a corporation organized under the laws of the State of Georgia, has made provision for an exposition to be held during the year 1913, to illustrate the history, progress, and present condition of the Negro race, and to celebrate the fiftieth anniversary of the proclamation of emancipation by President Lincoln, on the 1st day of January, 1863, and that the said corporation has raised and secured money or property to the amount of not less than $50,000 for the purposes of such exposition, the President is authorized and respectfully requested to make proclamation of the time and place and purpose of such exposition and celebration and of such other information in relation thereto as he may deem expedient.

The amendment was agreed to.

Mr. HITCHCOCK. The bill calls for an appropriation. I ask that it may go over.

The VICE PRESIDENT. The bill will go over.

Mr. BRADLEY. I move that the Senate proceed to the consideration of the bill.

The VICE PRESIDENT. The Senator from Kentucky moves that the Senate proceed to the consideration of the bill notwithstanding the objection of the Senator from Nebraska.

The motion was agreed to.

The VICE PRESIDENT. The Secretary will continue the reading of the bill.

The reading of the bill was continued. The next amendment was, on page 3, beginning with section 3, to strike out the remainder of the bill and to insert in lieu of section 3 the following:

SEC. 3. That the location, plan and scope, designs for buildings, provisions for public health and comfort, and rules for the conduct of the business and affairs of the exposition shall be subject to the approval and control of the Secretary of Commerce and Labor, who shall exercise supervision over the exposition through such representatives of the department as he shall designate.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

Mr. SMITH of Georgia. Has the entire bill been read? The amendments seem to have been read as in Committee of the Whole.

The VICE PRESIDENT. The Secretary informs the Chair that the entire bill has been read.

Mr. SMITH of Georgia. I was listening, but heard only the amendments.

The VICE PRESIDENT. The Chair simply goes by what the Secretary informs him.

Mr. SMITH of Georgia. Do the amendments take the place of the original bill?

The VICE PRESIDENT. All the amendments have been read.

Mr. SMITH of Georgia. I heard the amendments read.

The VICE PRESIDENT. Does the Senator from Georgia desire to have the parts proposed to be stricken out read?

Mr. SMITH of Georgia. No. Will the amendments take the place of the original bill?

The VICE PRESIDENT. They have all been read.

Mr. SMITH of Georgia. The amendments will take the place of the bill?

The VICE PRESIDENT. All those have been read.

Mr. SMITH of Georgia. There is nothing left of the bill but the amendments?

The VICE PRESIDENT. That is all, except section 2.

Mr. HITCHCOCK. Mr. President, I should like to have some one in charge of the bill explain any benefit that is to be derived in consideration of the appropriation of $250,000. I think we have reached a point where people are not disposed to vote money for participation in any exhibition or celebration unless there is some very direct and unquestioned benefit to be derived from it. Here, apparently, there is a disposition to pass a bill involving an appropriation of $250,000 without a word said as to what is to be the benefit from the bill.

Mr. BRADLEY. Mr. President, I will try to explain the purpose and object of this bill. In all the appropriations that have been made by Congress for different expositions in this country, there has never been anything asked by or given for the negro race. The object of this bill is to enable them by an exposition to celebrate the semicentennial of their freedom, one of the most notable events in history, to call their people together, to assemble their inventions, their products of field and shop, to show to the United States and the world the progress they have made, thereby inspiring their race with more activity, earnestness, ambition, and desire to be valuable citizens.

Since the negroes were freed they have increased from 4,000,000 to 10,000,000 in population. They own to-day, notwithstanding they were freed without any property, more than $600,000,000. They have 135 private high schools. They have 30,000 teachers; 82 banks; 500 newspapers and periodicals. They have decreased in illiteracy 47 per cent. They have 1,500 lawyers, 2,500 physicians, several thousand ministers, some of whom are among the ablest men in the United States. They have 149 wholesale houses, 9,098 retail merchants, and 1,186 manufactories. Among them are scientists, poets, authors, musicians, artists, and inventors, and they have 2,000,000 children in the schools.

The object of this bill is to give them a chance to call prominently to the attention of the people of this Nation what they have accomplished and to show their progress, to encourage their people to the accomplishment of greater things, and to show the white people the extent of their improvement in order that they may better merit their help and sympathy.

Mr. President, it seems to me when we consider the fact that these people for so many years bent their backs in bondage in unrequited toil in order to make fortunes for others; that they were denied every right of manhood, every opportunity of education; that during the Civil War, notwithstanding their freedom was at stake, in the whole southern country not one of them ever committed an outrage, although they were left in charge of the wives and children of the Confederate soldiers who were fighting to continue them in slavery, now that they are citizens of the United States it is our duty to lift them up, to help them, to strengthen them, to encourage them, to make them better citizens, and to make them of more value, force, and virtue in this great Republic.

This is but a pittance, and it is conditioned upon their raising among themselves $50,000 before they can enjoy the appropriation. I do not think that the spirit of economy should be such as to prevent the passage of any bill which has for its purpose the betterment of humanity, the betterment of our country, and the improvement of its citizens. I hope the bill may pass.

Mr. HITCHCOCK. Mr. President, I have never seen an appropriation which in its terms is more loosely or recklessly drawn than this particular bill appears to be for the use of the money of the people. It is proposed to give, apparently without any restrictions, without any qualifications, $250,000 to any corporation formed with a capital of $50,000 for the purpose of holding a celebration.

I want to say in the first place, Mr. President, that I have taken the position that I believe is justified by public opinion in this country, that the country has expended enough money in expositions, that a great deal of it has been done recklessly, and that the purpose of the exposition as originally designed has been run in the ground. I took a position against the appropriation of any money for the Panama Exposition, and I intend to stand by it. I intend to take a strong position against the appropriation of a quarter of a million dollars proposed in this bill if for no other reason than because the bill utterly fails to provide any safeguards at all to see that there is any benefit derived from the expenditure of the money.

Mr. GALLINGER. Mr. President——

The VICE PRESIDENT. Does the Senator from Nebraska yield to the Senator from New Hampshire.

Mr. HITCHCOCK. I do.

Mr. GALLINGER. I ask the Senator if he can inform the Senate what the appropriation of the Government was for an exposition held in his own State a little while ago?

Mr. HITCHCOCK. I can. Would the Senator like to hear it?

Mr. GALLINGER. I should like to know it.

Mr. HITCHCOCK. Congress appropriated $100,000 for the Trans-Mississippi Exposition, to be held in Omaha, but that money was not turned over to the Trans-Mississippi Exposition Co. That money was used by the Government of the United States itself in the erection of a Government building, in the installation of Government exhibits for the purpose of educating the people in the Middle West into the various functions of the Government of the United States. There was exhibited there, for instance, to those people the life-saving apparatus of the Government of the United States, something that the people upon the coast are familiar with, but something the people in the interior of the country, of course, can rarely see and is seen only by those who travel extensively. This bill, however, proposes bodily, as I understand it, to take $250,000 out of the Treasury of the United States and turn it over to a company with $50,000.

Mr. GALLINGER. Now, Mr. President, if the Senator will permit me, I think he is mistaken about that. Section 2 of the bill specifically provides that this money shall be "expended under rules and regulations to be prescribed by the Secretary of the Treasury and upon vouchers to be approved by him."

Mr. HITCHCOCK. Can the Senator from New Hampshire or any other Senator tell the Senate and tell the people what the money is to be expended for?

Mr. GALLINGER. I think the bill states that specifically.

Mr. HITCHCOCK. What is it?

Mr. GALLINGER. It is to enable these people who were held in slavery more than 100 years and who have been making such progress since they were emancipated to make an exhibit of their products and of their prosperity.

Mr. HITCHCOCK. It is proposed, then, to have this money expended by the Government of the United States?

Mr. GALLINGER. Precisely. That is what section 2 provides.

Mr. ROOT. Mr. President——

The VICE PRESIDENT. Does the Senator from Nebraska yield to the Senator from New York?

Mr. HITCHCOCK. I do.

Mr. ROOT. May I call the attention of the Senator from Nebraska to the third section of the bill, in connection with the second section, to which the Senator from New Hampshire has called his attention? This money is to be expended under rules and regulations to be prescribed by the Secretary of the Treasury, and upon vouchers to be approved by him, under section 2, and section 3 provides—

> That the location, plan, and scope, designs for buildings, provisions for public health and comfort, and rules for the conduct of the business and affairs of the exposition shall be subject to the approval and control of the Secretary of Commerce and Labor, who shall exercise supervision over the exposition through such representatives of the department as he shall designate.

Under the third section I am sure the Senator will find it difficult to present appropriations of money which are more carefully guarded as to expenditure than these appropriations, which follow the appropriations of millions upon millions of dollars made by Congress for expositions to be attended by the white race, for the benefit of the white race, and from which these 9,000,000 citizens of the United States have been practically excluded. Now we are for the first time asked to allow, under these careful safeguards, the expenditure of $250,000 for a portion of our people who comprise one-tenth of the number of the citizens of the United States.

Mr. President, the whole trend of social development is toward the separation of the two races in the affairs of life. It is not enough that the blacks be excluded from participation with the whites. If that is to be, it should also be accompanied by encouragement of the blacks to work out their own salvation among themselves. Thrift, industry, energy, ambition, the acquisition of learning, of education, of the useful arts, and of all that goes to make good citizenship by the blacks among themselves should be encouraged. This is the first step proposed to be taken by the Government of the United States to help these people, who are excluded from ordinary association in the social affairs of our country, to help themselves to become useful, law-abiding, thrifty, industrious, self-supporting citizens.

Mr. President, as was said by the representatives of that race who came before the committee which reported this bill, it will put heart into the colored people to show them what their fellow negroes have been able to do by being thrifty and industrious; it will encourage them to be good citizens, to strive to build up homes, to educate their children for useful lives. I can conceive of no more graceful, no more appropriate, no more sensible act than for the people of the United States to help these poor blacks to celebrate the emancipation proclamation which half a century ago accomplished their liberation and was the most significant single act that ever happened in the history of the world as bearing upon the fortunes of a race; to help them celebrate the anniversary of that proclamation by showing to the white people of the country what are the pathways along which they can be helped, and by showing to each other what have been the rewards of a useful and industrious life on their own part.

We have done little enough, sir, for these people. We have done much in pushing them away, in saying, "You shall not go here or there or do this or that." We have done very little to help them do what is necessary to make them less of a burden to us and more of a satisfaction to the people of their own race.

I hope, Mr. President, that the Senator from Nebraska will not press his opposition to this bill. The last place from which I looked to see objection to this little aid to the blacks was from the soil where the Kansas-Nebraska conflict raged at the time when I first heard the echoes of the strife and controversy of the great world. This is to enable the people for whom the Kansas-Nebraska settlers sacrificed and fought to celebrate the great act of freedom which was the consummation of the sacrifices and the heroism of the people of Kansas and Nebraska.

Mr. HITCHCOCK. Mr. President, I am really obliged to the Senator from New York for his contribution to the occasion, but it in nowise answers my objection. I do not yield to the Senator from New York in my desire to promote the development, the prosperity, and the welfare of the colored race. I am frank to say that on the soil of Nebraska, which the Senator is kind enough to mention, the colored man is probably doing as well in a material and in an intellectual sense as he is doing in the State of New York, which the Senator in part represents; but I am morally certain that very few, if any, colored men from my State would be able to visit a far-away exposition on the Atlantic coast; and I am positive that they would gain no material benefit by such an excursion.

I am very suspicious, moreover, that there is a design behind the attempt to appropriate $250,000 for the alleged benefit of the colored race, and that a large part of that appropriation would be used, as a large part of other appropriations for so-called participation in expositions has been used in the past, for the payment of salaries, the incurring of expenses, and perhaps the erection of buildings which would be of no sort of benefit to the persons in whose name and for whose pretended benefit the appropriation is sought from Congress.

Mr. LODGE. Mr. President——

The VICE PRESIDENT. Does the Senator from Nebraska yield to the Senator from Massachusetts?

Mr. HITCHCOCK. Yes.

Mr. LODGE. The Senator from Nebraska has stated—I am not familiar with this bill—that this exposition was to be held on the Atlantic coast. Is it so provided in the bill?

Mr. GALLINGER. It is not.

Mr. HITCHCOCK. I am not sure that it is fixed even to that extent, although the exposition corporation is located in Georgia, and I assume that the exposition would be held there, and probably if it were to benefit the largest number of colored people, it would be held in the South, where a majority of the colored people are found.

Mr. LODGE. I thought, as I heard the bill read, that the question of the place for holding the exposition was to be left to the decision of the Secretary of Commerce and Labor or the Secretary of the Treasury.

Mr. HITCHCOCK. It is quite likely——

Mr. SMITH of Georgia. Can the Senator tell me whether the charter settles that question?

Mr. LODGE. I do not know. I am not familiar with the bill. I was asking for information.

Mr. BRADLEY. The charter does not settle it.

Mr. SMITH of Georgia. I have not read the bill.

Mr. BRADLEY. The bill does not designate any place for the holding of the exposition.

Mr. SHIVELY. Mr. President——

The VICE PRESIDENT. Does the Senator from Nebraska yield to the Senator from Indiana?

Mr. HITCHCOCK. I do.

Mr. SHIVELY. Section 3 of the bill clearly leaves the selection of the place for the holding of the exposition to the Secretary of Commerce and Labor.

Mr. LODGE. Then, it can hardly be said that it is to be located on the Atlantic coast.

Mr. HITCHCOCK. Mr. President, wherever the exposition is to be held it must, from the very nature of the case, be largely local. The Senator from Massachusetts [Mr. LODGE] is well aware that the average colored man will not be able to travel any considerable distance to attend this exposition; and, if he were able to do so, he would receive no particular benefit by spending his money in that way. The most practical teachers of the colored race, those who attempt in the most practical way to benefit them, do not attempt to do so in this manner. They attempt to do it in the way of that training and that education which fits them for the practical life in which they must engage if they would be successful, happy, and worthy citizens.

The Senator from Massachusetts and the Senator from New York must know that of late so-called expositions, held for various purposes, have degenerated largely into amusement enterprises, charging admission at the gate, and that nine-tenths of those who visit those expositions go to the "midway" and spend their time upon the "midway," in the side shows and circus performances. That has been true practically of every exposition held in the United States since the Centennial Exposition in Philadelphia, which was really the only educational exposition for which the money of the United States has been appropriated.

I am against this appropriation, just as I would be against any appropriation of the people's money for the purpose of holding an exposition, whether for white people or for black people. Moreover, Mr. President, I am against this measure for the reason that it is a most reckless attempt to take $250,000 out of the Treasury and allow it to be expended as the Secretary of Commerce and Labor may hold to be fit. It is practically turning over to him a quarter of a million dollars. We know that the Secretary of Commerce and Labor is one of those Cabinet officers who are already overwhelmed with duties. His connection with that money will be simply to turn it over to those who are already preparing to get hold of it, and the result will be simply a waste of $250,000 of the people's money, and the colored man will not be benefited one iota. I can hardly conceive that the Senator from New York can sincerely believe that there is to be a great uplift of the colored race in this country by taking $250,000 out of the Treasury for the purpose of holding an exposition. Can anyone here deny the fact that every exposition held on American soil in recent years has degenerated into a mere amusement enterprise?

Mr. ROOT. Mr. President——

The VICE PRESIDENT. Does the Senator from Nebraska yield to the Senator from New York?

Mr. HITCHCOCK. I do.

Mr. ROOT. I deny that that is true of the Pan American Exposition at Buffalo in my State. The Senator from Nebraska may assert it regarding the exposition at Omaha in his State, and I can not deny it, for I do not know; but I infer from the fact that after having one exposition at Omaha the people of Nebraska proceeded to have another, they considered the first one to be beneficial.

Mr. HITCHCOCK. Well, Mr. President, I am not disposed to disparage the exposition held at Omaha. The Trans-Mississippi Exposition held at Omaha, I believe, was equal in its educational features to any other exposition recently held.

Mr. ROOT. Mr. President, I ask the Senator from Nebraska why, if he considers that the Trans-Mississippi Exposition held at Omaha for white people was beneficial in its educational influences, he is unwilling to have the same kind of benefit given to the black people?

Mr. HITCHCOCK. I will answer the Senator from New York by saying that the Trans-Mississippi Exposition held in Omaha was not held for white people alone, but was held for all the people, including blacks as well as whites. I reprehend and condemn the purpose of this bill in another respect, the very one named by the Senator from New York. It is an attempt to distinguish between the whites and the blacks, the very thing that he has condemned and denounced. It involves the idea of separating the two races. Why label an exposition for the blacks only? Why label it for their benefit alone? They participate just as the whites do in any exposition held; they have the same opportunity to visit the art galleries and the various buildings, and to study the objects exhibited in the exposition; and they have the same opportunity to exhibit in those expositions that the white people have; so that there is no need to set them aside as "goats," with the idea that they must go off by themselves and have their exposition.

Mr. ROOT. Mr. President——

The VICE PRESIDENT. Does the Senator from Nebraska yield to the Senator from New York?

Mr. HITCHCOCK. I do.

Mr. ROOT. May I ask the Senator from Nebraska whether he would close the schools at Tuskegee, at Hampton, and the Howard University because they take only blacks among their pupils? If he would not, why does he oppose the educational influence of an exposition for blacks?

Mr. HITCHCOCK. Has the Senator finished his question?

Mr. ROOT. I have.

Mr. HITCHCOCK. I would rather appropriate the $250,000 to build an educational institution, to endow a college, than to appropriate it for the purpose of holding what inevitably will degenerate into an amusement enterprise, into an enterprise in which a number of the favored few of the corporation or of the Government will draw large salaries, in which the commissioners will draw large salaries out of the Treasury, and in which favored contractors will receive their share in the construction of buildings. I would rather use $250,000, if it is desired to do something for the colored man, for the purpose of endowing a school to teach the colored man.

Mr. ROOT. Mr. President——

The VICE PRESIDENT. Does the Senator from Nebraska yield further to the Senator from New York?

Mr. HITCHCOCK. I do.

Mr. ROOT. I ask the Senator from Nebraska whether he is now stating the experience which he had with the Omaha exposition?

Mr. HITCHCOCK. I have no hesitation at all in meeting that issue. We undertook the Omaha exposition for a material purpose. At that time Omaha was in a serious condition of depression. I joined the business men of Omaha who undertook to establish an exposition there for the material good of that section of the country. It was a success; it enabled our people to come together in cooperation, and we made of the exposition a great success.

We not only made an exposition which returned 92 cents on the dollar to the stockholders, but we made an exposition which restored our city to prosperity. We did not do it for the purpose of educating the people; we did not do it for the mere purpose, stated in this bill, of conferring a great benefit upon a class of people; but we entered into it as a business proposition. It was a success as a business proposition; but I want to state to the Senator from New York that it was like every other exposition of recent years, in that it degenerated into a mere amusement proposition. The art gallery was deserted, and the "midway," with all its side shows, was crowded. What is true of the Omaha exposition is true of every exposition recently held in the United States, and my experience with that exposition is one which has led me to stand opposed to any appropriation of the people's money for the purpose of promoting an exposition.

Mr. GALLINGER. Mr. President——

The VICE PRESIDENT. Does the Senator from Nebraska yield to the Senator from New Hampshire?

Mr. HITCHCOCK. I do.

Mr. GALLINGER. I was interested in the Senator's statement that the Omaha exposition was held for material purposes. There seems to have been a business depression in Omaha, and they had an exposition to enable the people to get out of that unfortunate business condition. In reading the most excellent report on the pending bill, presented by the distinguished Senator from New York, I find that this exposition is for a very different purpose; that it is for an educational and a religious purpose, which I think quite as important as holding an exposition for material purposes.

The Senator says that the Omaha exposition was open to the blacks as well as the whites. I will ask the Senator if there was any black man on the board of directors or on any committee connected with the Omaha exposition, or were they invited to make exhibits——

Mr. HITCHCOCK. When the Senator has finished his question, I shall be glad to answer it.

Mr. GALLINGER. I am pretty nearly through—or were they invited to make exhibits at all?

Mr. HITCHCOCK. It is a sort of compound question that the Senator is asking, and I shall have to take my time in answering it.

Mr. GALLINGER. The Senator can answer it in sections if he chooses.

Mr. HITCHCOCK. I will answer it in sections.

The Senator starts out with the proposition that this exposition differs from the Omaha exposition in that the prospectus of the proposed colored exposition declares its purpose to be an educational one. Our prospectus in Omaha set forth the same thing. We sought a lofty pedestal upon which to place our exposition. It was to be a great educational enterprise. But I repeat what I said; it largely degenerated into an amusement—an entertainment. All of these expositions travel that course, and this one will travel that course. The buildings for exhibits will be not only lacking in exhibits but lacking in spectators, and the midway will be crowded. The amusement field will get into the foreground; and the money appropriated here, instead of going for the benefit of the class for whose benefit it is intended, will go to pay salaries and to construct useless buildings.

Now I will answer the Senator's other question. He asks whether there were any colored men upon the board of directors of the Omaha exposition. There were no colored men upon the board of directors. I do not recall whether or not there were any colored men who made exhibits; but I know there were colored men who went to the grounds. I was one of the directors who insisted that the evening charge and some of the day charges should be only half price, in order that people of that class should have the benefit of the exposition.

I am sure any exposition held anywhere, for any purpose, will have its fair proportion of colored attendants. This idea of attempting to set apart a particular exposition to be held by the colored people for their benefit, to exhibit their progress, while it may be theoretically a lovely idea, will degenerate just as all the other exposition ideas have degenerated; and I, for one, object to the expenditure of public money for this purpose.

Mr. ROOT. Mr. President——

The VICE PRESIDENT. Does the Senator from Nebraska yield to the Senator from New York?

Mr. HITCHCOCK. Yes.

Mr. ROOT. May I ask the Senator from Nebraska if he does not think it would be more useful to the colored race to enable them to exhibit the fruits of their industry and progress for the encouragement of each other than it is to lower the entrance fee to a white exposition in order that they may come into the midway?

Mr. HITCHCOCK. Has the Senator finished his question?

Mr. ROOT. I have finished.

Mr. HITCHCOCK. It would be an admirable thing if the colored people could encourage each other—and they are encouraging each other. I want to say to the Senator from New York that every time a colored man makes an honest success in life, finds himself in an honest and useful occupation, and meets that share of success which many of them are meeting, he is the best exhibit that his brothers can have. He points the way. Industry with the colored man will win, as industry with the white man will win; and it will win, I suppose, in New York as it has been winning in Nebraska.

The Senator from New York must realize that there is nothing the colored man can exhibit at an exposition in Georgia or anywhere else that he can not exhibit in his everyday life. The best exhibit the colored man can make is the exhibit the successful colored men are making. I am glad to say they are making such progress that the truth is that the colored race has progressed in the few years it has had emancipation probably faster than any other race has ever progressed after its emancipation. But it has not made that progress as the result of expositions. It has made it as the result of having an open field, an opportunity; it has made it as the result of industry; it has made it as the result of sacrifice; it has made it as the white man has made his success in life—by encouraging those virtues and adhering to those precepts which mean success.

I can not conceive that the Senator from New York is sincere in his idea that the colored man is to be benefited by an exposition when he knows that if he is benefited at all he can be benefited only by adhering to those precepts in life which bring success and merit success.

Mr. SMITH of Michigan. Mr. President——

The VICE PRESIDENT. Does the Senator from Nebraska yield to the Senator from Michigan?

Mr. HITCHCOCK. I do.

Mr. SMITH of Michigan. I should like to suggest to the honored Senator from Nebraska [Mr. HITCHCOCK] that it may not be beyond the realm of hope that the white race may benefit somewhat by an exposition of the colored man's achievements, products, and genius. I want to say to the Senator that while there are many colored people who are too poor to go to such an exposition, there are hundreds and thousands of them that are prosperous. Indeed, no people in the history of the world have risen from bondage to such a glorious height in 50 years under more discouraging circumstances. In the last decade and a half the colored people of this country have acquired and own in their own right, unencumbered, more land than is embraced in the entire Kingdom of Holland and the entire Kingdom of Belgium combined. They have made a tremendous record in creditable achievements. All the professions are honored by them; every vocation is enjoyed by them; and wherever they have had a fair chance they have shown adaptability and earnestness in caring for themselves in the struggle of life.

The white people should be proud of their record in a half century of freedom, and the colored people should be proud of themselves. If this exposition will disclose to the white people the genius and the strength and the progress of the colored race and make them more self-reliant, it will have done a genuine service to mankind.

Mr. HITCHCOCK. I think what the Senator says is undoubtedly true. But he prefaced his proposition with an "if;" and that is just the sticking point. If the exposition would do that, I should be for it. But because I know the exposition will not do it, I am against it. I am against the promiscuous appropriation of money, raised from the people by taxation, for enterprises of this sort; and I want to say to the Senator from New York that in my opinion the hard-head colored men of this country will not approve the appropriation of this amount of money for this purpose.

Mr. ROOT. The Senator from Nebraska has expressed a doubt of my sincerity in asserting that the exposition will be beneficial to the colored people. I hope he does not really entertain that doubt. I can assure him that if he had heard the colored men who came before the Committee on Industrial Expositions even his hard heart would have been stirred with sympathy for their condition and with a strong desire to do something to help them. One of them said this exposition would be an object lesson "in bringing forward such an exhibit to inspire and encourage our own people who at times feel a little as though life was scarcely worth living."

Mr. President, my heart has many a time ached as I have considered men with colored blood in their veins against whom all the avenues or all the ends that are held here by men are closed. Never in my life have I been more sincere in the recognition of a duty or in an earnest hope than I am in pressing upon the Members of the Senate that they shall avail themselves of this opportunity to lift a little the cloud that hangs over these people and give them some glimpse of hope for ambition and for progress that may make their lives worth living under the hard conditions that surround them.

Mr. NEWLANDS. Mr. President, I am a member of the Committee on Industrial Expositions, and was present at the meeting at which this grant was urged. My impressions at the commencement of the hearing were similar to those made upon the mind of the Senator from Nebraska [Mr. HITCHCOCK]. But as the hearing progressed, the representatives of the colored race conducted themselves with such modesty, and were so distinguished in clearness, conciseness, and dignity of statement regarding this organization, that I concluded to vote for the measure. There were three Members of the minority party present at that meeting—the late lamented Senator from Tennessee [Mr. Taylor], the Senator from Kentucky [Mr. PAYNTER], and myself; and my recollection is that there was no dissent.

There is hardly any Senator upon this floor who is more radical than myself upon the race question. I believe we should preserve this country for the white man and for the white race. I would by law bar out from immigration all save those of the white race, without invidiously referring to any other race. If I had the power, I would write in the Constitution to-morrow a provision confining the franchise to people of the white race, without taking the privilege from those of a dif-

ferent race who now have it, but confining the exclusion to the future. I do not believe two races differing in color can live upon the same soil without the one being subservient or subordinate to the other. I believe race intolerance alone will keep the two races from mingling; and I regard amalgamation as the greatest curse that could afflict a country. I believe race intolerance will ultimately end in race conflict, and I would save our country the dreadful problems of the future.

But there seems to be no disposition to legislate upon this great question in so comprehensive a way as in the future gradually to lead to an aided emigration of this race to the land of their origin, under conditions of assistance by this country that will make the way easy. So we must struggle with this problem as best we may to-day, only realizing that more serious problems are in the future for those who shall succeed us.

But no reflecting man can fail to observe that the constant tendency is toward race separation in this country, and it is a desirable tendency. The negroes are separating themselves more and more from the whites in separate localities, in separate communities. Ultimately they will probably control, so far as population is concerned, large areas of the fairest portion of our country, as they are now controlling, so far as population is concerned, the richest part of our country, the great black belt of Louisiana and of Mississippi.

Mr. GALLINGER. Mr. President——

The VICE PRESIDENT. Will the Senator from Nevada yield to the Senator from New Hampshire?

Mr. NEWLANDS. If the Senator will permit me to go along without interruption, I shall close in a few minutes.

Mr. GALLINGER. I was going——

The VICE PRESIDENT. The Senator asks not to be interrupted.

Mr. NEWLANDS. I prefer not to be interrupted.

Mr. GALLINGER. I prefer not to interrupt the Senator.

Mr. NEWLANDS. Mr. President, the leaders of the negro race are prominent in this movement. They are establishing such institutions as Tuskegee. We have already the Hampton Institute, the workings of which I had the opportunity of seeing last year. They are proceeding now upon lines of industrial education—the training of the hand and not simply the training of the head. They are realizing that that is the best kind of training they can receive, and they are showing the advantage of it every day in the progress which they have made.

Without realizing it, we were absolutely inhuman to the negroes when, at the close of the war, we gave them the suffrage as a matter of self-protection. The right to vote did not protect them. It simply gave them the power to oppress, in the South, the superior race, and produced a reaction which again has put them in subjection. We erred in our whole method of education, being of the impression that the best thing to do was to train their heads rather than their hands, and we substituted no material or practical training whatever for the training which the blacks had been receiving upon the plantation in all the industrial and mechanic arts. We allowed the South after the war to sustain the whole burthen of training a race for whose slavery the whole country, North as well as South, was responsible.

We have blundered in our treatment of them, and they have blundered out of the difficulties in which our mistaken humanity involved them. Led by people of their own race, they are now advancing in all the industrial arts, and their leaders are inculcating in them a certain pride of race itself.

I was glad to hear a prominent black man at Hampton declare that he believed in his race, that he was proud of his race, and that he would not object to entire race separation in this country and the assignment of the negro race to specified parts of a town or a community, provided that the people of that locality were treated as fairly in public matters as the white portion. That pride of race, if it develops, will make them a stronger and more vigorous race, and I trust it will lead them into such dissatisfaction with the subservient position which they now occupy and which they will continue to occupy throughout all time in this country that they themselves will head a movement for a return to their own soil, which to-day opens up more opportunities for immigration than almost any other part of the world. It is a country in which enterprise of every kind is now being developed, and if the whites can migrate to Africa, why should it be regarded as a misfortune that the blacks should migrate there?

Mr. President, I was impressed by the appearance of the black men who appeared before us, by the clearness of their statements, by the dignity of their expressions. I am sure that if the men who appeared before us have control of this exposition, it will be an exposition worthy of the development which that race has shown at Hampton and at Tuskegee. While I entertain the views that I do regarding the presence of the blacks upon American soil, I feel it is our highest duty to aid them in the lines of development which they have selected for themselves, and therefore I shall vote for this bill with the greatest satisfaction.

Mr. LODGE. Mr. President, in past years I have opposed many of these examples of exposition industry as they have been presented to the Congress of the United States. I thought that industry was carried to great extremes. It seemed to me it had degenerated, under the guise of a celebration of this or that event, into land speculations or efforts to promote the prosperity of some particular locality. I have opposed such appropriations of the public money many times. It was neither a grateful nor a pleasant task.

I confess, Mr. President, that I have been a little surprised at the opposition developed to this not large appropriation for this purpose. The Senator from Nebraska seems to overlook the fact that the emancipation of the slaves 50 years ago was rather a remarkable event. In fact, I think it may be said without exaggeration that it was one of the great events of the nineteenth century. It ranks with the emancipation of the serfs in Russia and the unification of Italy, and forms a very important part of our own history.

The people who were emancipated under the proclamation of Abraham Lincoln were the Negroes of this country. They had not come here voluntarily. They were a forced immigration. We were all responsible for their presence here, North and South alike. Finally, in the agony of war, they were set free. It was a very great event. Fifty years afterwards it is proposed that there shall be a celebration, and that the people thus set free shall have an opportunity, and be aided by the Government in that opportunity, to show to the white race that set them free from slavery what they have done with their freedom. I think it will be good for them. I think it will help them in the right way along the paths which have been followed at Tuskegee and Hampton. But I think also, Mr. President, that it will be a good thing for the white people of the United States to have an opportunity to learn what progress the Negroes have made under freedom.

I am willing for one to vote for this not excessive appropriation to celebrate the act of emancipation, if nothing else. I am very glad that the celebration of that great act should take the form of an exposition furnished with exhibits by the people who were emancipated, for the benefit and the instruction of all the people of the United States.

Mr. BRADLEY. Mr. President, I will not undertake at this late hour to enter into a discussion of the negro problem. I will say this, however, that I do not believe that there will be a conflict of races in this country. Certainly one of the ways to prevent any conflict is for the superior race to extend a helping hand to the inferior race and show they are willing to do them justice.

I am not at all alarmed about the supremacy of the negro over the white man. If one-tenth of our population, composed of negroes, can overcome us or surpass us in any respect, it will be our own fault, and we should not complain.

The Senator from Nebraska [Mr. HITCHCOCK] said that the exposition in Omaha was for educational purposes, but I am sure that those who heard his remarks will conclude that it failed in its purpose.

All his talk about the negro having an equal chance in that exposition is ridiculous. What chance had the negro to take his comparatively few articles there to contend with the white man? Every officer in the exposition was a white man. The negro was literally left out of the concern. If the exposition held in Omaha finally turned entirely into a Midway Plaisance, or whatever you might call it, as the Senator says, that does not argue that other expositions will do the same.

Mr. President, I wish to read a very short extract from what one of the men said who came before this committee while this bill was being heard:

> First of all we see in it an opportunity to emphasize the real value of our splendid form of government. You will pardon me for adverting to personal experience, but when I think of my birthplace in a log cabin between two mountains in the State of Tennessee and of the opportunity of appearing before such an august body as this I feel that that is one of the great things in the minds of my race in their desire in a practical, tangible way to show to the civilized world the great opportunity afforded every American citizen, regardless of previous condition or creed. Secondly, there would be the object lesson in bringing forward such an exhibit to inspire and encourage our own people, who at times feel a little as though life was scarcely worth living. They are not even informed as a mass of the material progress that has been made by the race in the short period of time in which we have been practically relying upon our own resources. That is No. 2.
>
> Then it comes to you as a desire of the various religious organizations of this country, and we feel that the Christian Church is possibly the greatest asset and the most practical and clear demonstration of

the possibilities of the race. We have to-day, as Bishop Arnett was wont to say, sufficient seating capacity in the churches to give every negro in the United States a comfortable pew in a church, and we come asking this opportunity of showing to the world that we live in a land where, if a man will put forth the proper endeavor, he may rise, and then we come asking that we shall have an opportunity to show to those of our own race who may be somewhat discouraged and despondent that there is light ahead, and to that end I simply appear representing the moral side of this question and from a ministerial point of view.

As the Senator from Nevada [Mr. NEWLANDS] said, the conduct of the men who appeared before that committee was dignified, modest, and proper, and not only so, but they demonstrated that they were men of rare intelligence.

Mr. President, it seems to me as though this is a very small favor asked by the negro. I was glad to see that on that the committee were unanimously in favor of the bill.

We do not want to close the door of hope against these people. Let us give them a chance to show to the world what they have done; whether or not they merit the freedom that came to them through years of agony and blood and toil. Let us do something to encourage them. If we want fairness and good fellowship, let the great white race be fair and just to the colored race, which labors under so many disadavantages.

But the Senator from Nebraska seems to fear that the negroes can not pay their way to the exposition, and in his imagination he thought it was going to be held on the Atlantic coast. No wonder, for there have been so many expositions in that direction; but this exposition is to be in the South. It will be held there for the purpose of showing to the negroes of the South, in the States in which they were held in bondage, exactly their opportunities and their chances of betterment as well as their material advancement.

We should remember, Mr. President, that the negroes have been faithful to this country; that they have made wonderful progress; and we should not forget that upon the field of battle they have stood side by side with the whites and preserved their lives more than once; and that their feats of bravery have found most complimentary mention throughout the civilized world.

I plead for this humble and unfortunate race. I plead for simple justice. I plead they may be extended this little help. I plead they may be given more light; they be permitted to show what they are and what they have done.

I do not fear that the time will ever come when they will be in the way of the white man. This can not be expected, on account of their past history, their bondage, and their lack of education; but, instead of crushing them to the earth, I would reach out and take them by the hand and say, "Come up here, higher into the atmosphere of freedom; come up higher on the plane of equality before the law; come up into the highway of progress; come up higher in the standard of citizenship, and show to the people of the world what you have done, and you will merit the confidence and respect of all."

Mr. HEYBURN. Mr. President, I do not know that I would say to them, "Come up here." I would say, "There is an open opportunity guaranteed to you by the Constitution of the United States, and the law undertakes to protect you in taking advantage of that opportunity."

There is too much patronage in this Government. We have heard much Jack Horner talk here in the last month. I am not referring to any particular Senator, but it is always, "I am giving you something, I am doing something for you," and then he "puts in his thumb," and he "takes out a plum," and he says, "What a good boy am I." Let us speak to the American citizen on the basis of their rights under the law, and when we have done that we owe them nothing more; we have completed our duty as the dispensers of law.

Mr. President, of course this is not giving these people anything, because they are a part of the people of the United States on exactly an even political status with everybody else. I say on an equal political status. I have no patience with the talk of social equality. No man can be my social equal or that of any other Senator without my consent or his. Men establish their grade of equality by their conduct and the demands that they are able to make good; that is all. I do not care what a man's color is, if he can establish to my satisfaction that he is my superior, he and I will walk off in opposite directions.

Mr. President, there is no such question involved in this one-tenth of the people of the United States who own one-tenth of its revenues. They are entitled to the voice of a tenth of the people in the disposition of them. So they want to hold an exposition.

It is not new. I have known little cities scattered around over the United States who would form a committee for the public good and send a delegation down to Congress, and we have given them hundreds of thousands, and in some cases millions, of dollars, some of which they never repaid, and we have given it to them at the expense of these negroes as well as our own expense. The losses have fallen upon them as well as upon those of our own Caucasian race.

So there is no question of patronage, no question of giving them this, any more than there is a question of giving to any community of our own white race the benefits of the operation of the Government in connection with such things as expositions are intended to develop. We want to know—the white people of the country want to know—what these negroes have accomplished. We ought to want to know it, unless we are cowards. We ought to be willing to face any problem of that kind in this country. I want to know it. I want to know how much land they own; I want to know what advance they have made in the attainment of artistic or socialistic workmanship. I want to know it, and I want to estimate the price that stands opposite to it.

They were entitled to freedom before the war, in my judgment, and they were entitled to it when they got it. No man has the right to hold another in slavery. Is there a man in this Chamber who dares to assert his belief in the right to hold another human being in slavery in this hour?

It was a great act. It was a great act for the Caucasian race. It was a majority of the people of the United States who said, We will throw off this disgrace among the nations of the earth, and it was a majority that was brave enough and true enough to the principles of our Government to make good this statement. Are we going to apologize for it to-day? Are we going to shrink back from an acknowledgment of it? I think not. We will celebrate the vindication of the spirit of freedom upon which rests the declaration of our forefathers in the making of the Constitution of the United States.

These people have rights in this Chamber, however they may be considered outside of it. There is not a man in this Chamber who has not held up his hand and sworn before his God that he would maintain that charter of rights. There is no race question in this Chamber under the conscience of Senators. I would give the negro no more than he is entitled to under the law, and I would be ashamed to pilfer from him something that he is entitled to. I would regard the man who would deprive him of a constitutional right as I would regard one who thieved from him in his tangible property.

It is duty here with Senators, right, justice under the law, without any attempt to either evade or violate the law. That is all they are asking here. They are asking that they may be granted the privileges that have been granted to other citizens out of the Treasury of the United States. They have the right to hold the exposition, and if they were to see fit to furnish the financial aid necessary, who could object to it? They have not asked for anything like the sums of money that we have freely granted on other occasions.

Now, let us stand up here and treat this question fairly. I am glad to know that the report of the committee was a unanimous one; it reflects credit upon the fairness of the members of this great body, no matter from whence they come or what community they may represent.

These people have not all been idle. Whether the average standard for industry is equal to that of our race I do not know. There never will come a time when the races will be amalgamated, or where the line will be lost sight of. It is not necessary that it should, and it is anything but desirable that it should.

Now, Mr. President, it was my intention to make only a few remarks that would leave the RECORD to show I was not absent on this occasion. I want in closing to call attention to the next to the last words ever pronounced by Mr. Lincoln, and I am going to hark back to-day on the argument that was made in the Senate in behalf of a man who followed the wrong flag. I did not have it with me on that occasion, but it fits this occasion. Next to the last public utterance of President Lincoln, on the 17th of March, 1865, the question had been put up to him as to the status of this race of people, and he said:

> There are but few aspects of this great war on which I have not already expressed my views by speaking or writing. There is one—

I want this to be heard because it is probably the most typical thing in print of Abraham Lincoln—

> There is one—the recent effort of "our erring brethren"—

In quotation—

> sometimes so called, to employ the slaves in their armies.

Now, that was broken. I am going to read it again unbroken into the RECORD. President Lincoln said:

> There are but few aspects of this great war on which I have not already expressed my views by speaking or writing. There is one—the

recent effort of "our erring brethren," sometimes so called, to employ the slaves in their armies. The great question with them has been, "Will the negro fight for them?" They ought to know better than we, and doubtless do know better than we. I may incidentally remark that having in my life heard many arguments—or strings of words meant to pass for arguments—intended to show that the negro ought to be a slave. If he shall now really fight to keep himself a slave, it will be a far better argument why he should remain a slave than I have ever before heard. He perhaps ought to be a slave if he desires it ardently enough to fight for it. Or if one out of four will, for his own freedom, fight to keep the other three in slavery, he ought to be a slave for his selfish meanness. I have always thought that all men should be free; but if any should be slaves it should be, first, those who desire it for themselves, and, secondly, those who desire it for others. Whenever I hear anyone arguing for slavery I feel a strong impulse to see it tried on him personally.

That fits a case we had before us on a former occasion and expresses a characteristic sentiment in a characteristic way of one of the two greatest men whose names have adorned American history. Washington was the other.

The VICE PRESIDENT. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed for a third reading, was read the third time, and passed.

The VICE PRESIDENT. The committee recommends that the preamble to the bill be stricken out. Without objection, the committee recommendation is concurred in.

Mr. GALLINGER. I ask unanimous consent that the report of the committee be printed in the RECORD.

The VICE PRESIDENT. Without objection, consent is granted.

The report is as follows:

[Senate Report No. 311, Sixty-second Congress, second session.]

SEMICENTENNIAL ANNIVERSARY OF ACT OF EMANCIPATION.

Mr. ROOT, from the Committee on Industrial Expositions, submitted the following report, to accompany S. 180:

The Committee on Industrial Expositions recommends the passage of Senate bill 180, entitled "A bill providing for the celebration of the semicentennial anniversary of the act of emancipation, and for other purposes," with the following amendments:

Strike out the preamble and the first section of the bill and insert the following:

"That whenever the President of the United States shall be satisfied that the Semicentennial American Emancipation Exposition Co., a corporation organized under the laws of the State of Georgia, has made provision for an exposition to be held during the year 1913, to illustrate the history, progress, and present condition of the Negro race, and to celebrate the fiftieth anniversary of the proclamation of emancipation by President Lincoln, on the 1st day of January, 1863, and that the said corporation has raised and secured money or property to the amount of not less than $50,000 for the purposes of such exposition, the President is authorized and respectfully requested to make proclamation of the time and place and purpose of such exposition and celebration, and of such other information in relation thereto as he may deem expedient."

Strike out sections 3, 4, and 5 and insert the following:

"SEC. 3. That the location, plan and scope, designs for buildings, provisions for public health and comfort, and rules for the conduct of the business and affairs of the exposition shall be subject to the approval and control of the Secretary of Commerce and Labor, who shall exercise supervision over the exposition through such representatives of the department as he shall designate."

The bill proposes that the fiftieth anniversary of the emancipation of the Negro race in the United States by President Lincoln's proclamation shall be celebrated by an exposition to show the progress of the race during their first half century of freedom.

The committee think that such an exposition will be of value by encouraging the negroes in the country toward thrift, industry, and effort to become more useful citizens; that it will be instructive to all the people of the country by pointing out the ways in which they can most practically and usefully help the negroes of the country to improve their condition.

That it will be a sensible and appropriate way of celebrating the event which was of vital importance to millions of Americans. That having in view the relative amounts of expenditures by the National Government for the improvement of the Negro race as compared with expenditures for purposes from which that race has but little benefit, the request for an appropriation is reasonable and should be granted.

The proceedings in a hearing before the committee upon the bill were brief and instructive, and a transcript thereof is appended as a part of this report.

HEARING BEFORE THE SENATE COMMITTEE ON INDUSTRIAL EXPOSITIONS ON S. 180, PROVIDING FOR THE CELEBRATION OF THE SEMICENTENNIAL ANNIVERSARY OF THE ACT OF EMANCIPATION, AND FOR OTHER PURPOSES.

SENATE OFFICE BUILDING,
Washington, D. C., February 8, 1912.

The committee met at 11.05 a. m.

Present: Senators ROOT (chairman), JONES, CRANE, STEPHENSON, GRONNA, WORKS, TAYLOR, PAYNTER, and NEWLANDS. Senator BRADLEY, of Kentucky, also appeared; also the clerk, Mr. Phillips B. Robinson.

The CHAIRMAN. The committee will come to order. Some constituents of Senator BRADLEY, of Kentucky, desire to be heard, I believe, upon the bill introduced by him (S. 180), entitled "A bill providing for the celebration of the semicentennial anniversary of the act of emancipation, and for other purposes."

Senator BRADLEY. This bill was originally introduced by Senator Depew. After he went out of the Senate it was reintroduced by me, and I understand that this preamble is objectionable to some Senators. It is a very beautiful assortment of language, well handled, and well put together; but I want to suggest to the committee that the preamble might be stricken from this bill in order to relieve any criticism of that sort.

The object of this bill is to make an appropriation to enable the negroes of the United States to celebrate the fiftieth year of their emancipation—the anniversary—by an exposition. In the latter part of the bill I want to call attention to the fact that on page 5 it is suggested that the words "one hundred" should be stricken out and "fifty" inserted, so as to make it at least 50,000 instead of 100,000.

The CHAIRMAN. On what line?

Senator BRADLEY. The first line on page 5. And I suggest also that the preamble should be stricken out. Now, I want to say to the committee that while I am here I can speak to you at any time; but we have some very distinguished negroes here to-day who are leaders of their race, some of whom are intimately known to me to be men of high character, and they would like to make a short statement. It has already been explained by the chairman that the statements must necessarily be short. I now suggest that Mr. Wright, the president of a large industrial school in Georgia, be heard.

STATEMENT OF MR. R. R. WRIGHT, SR., OF SAVANNAH, GA., PRESIDENT EMANCIPATION EXPOSITION COMMITTEE.

The CHAIRMAN. We will be very glad to hear from Mr. Wright.

Senator BRADLEY. I will get you to state, Mr. Wright, right now, what position you hold, if any.

Mr. WRIGHT. I am president of the State College of Georgia and am also president of this organization that is promoting this semicentennial exposition. I have been for a number of years president of our State fair in Georgia. We have held a State fair there for the last six years on which we have expended something like $100,000 gathered out of the colored people. This fair has brought together the farmers and the mechanics and the industrial workers from all over the State of Georgia and has elicited from the best people—white people as well as colored people—the very best sentiment. The fair has been held at Macon, Ga., and the mayor of that city has very heartily indorsed it and other officials there have indorsed it. The governor of the State of Georgia has done so also, and it has brought about a very pleasant feeling between the white people of the State of Georgia and the colored people.

We began it during the administration of Gov. SMITH, and at that time there seemed to be a very bitter feeling existing in that State; but the pleasant feeling that was brought about by this fair has allayed a great deal of that bitterness and has brought out the very best feeling toward the colored people. They have shown their hand, so to speak, and the colored people and the white people have, I think, mutually more respect for each other because of this fair.

We have thought, therefore, that a fair of this kind would be that which would bring out for the colored people of the United States and the white people of the United States a greater respect for each other because it will bring together these evidences of their progress during the past 50 years.

I talked with Senator SMITH yesterday with regard to this matter, and he had some objections, but he finally agreed that those objections would be dropped and he would vote for the bill if the bill came out. I also talked with Senator BACON, who also had some objections to the preamble, and he agreed that if the preamble were changed he himself would support it. Thus I think that a movement like this ought to bring about a very strong feeling of respect and one that will be helpful in the whole country.

Of course this is the first time the colored people have ever asked anything of this sort. Since 1876 there has been spent in the United States for fairs perhaps $25,000,000. The colored people, of course, have had no opportunity for expositions of this kind. The small amount we ask for at this time is 1 per cent possibly of that amount and about 2½ cents for each colored person of this country. We simply come to ask that you take this under consideration and help us get before the country; help us show that we are striving our best to develop the resources of this country; and help us to gain the hearty good will of all the people of the country. I shall not detain you any longer, and I simply want to ask that Mr. R. R. Wright, jr., of Philadelphia, may now make a short statement with reference to other matters connected with this question. I thank you, Mr. Chairman.

STATEMENT OF MR. R. R. WRIGHT, JR., OF PHILADELPHIA, EDITOR OF THE CHRISTIAN RECORDER OF PHILADELPHIA.

Senator BRADLEY. What is your business; what position do you hold, if any, Mr. Wright?

Mr. WRIGHT. I am the editor of the Christian Recorder, which is the official organ of the A. M. E. Church, which is the largest and oldest organization of the colored people of this country, having about 800,000 members scattered over every State in the United States and some in South Africa, West Africa, and South America.

I was asked to say a word about the progress of the colored people in having an exposition such as we hope to have. The question naturally arises, What is there to exhibit? Has there been any substantial progress among the colored people of the country? It has been my opportunity to examine into the history of colored people under the auspices of the Carnegie Institution of Washington and the University of Pennsylvania and the Bureau of Commerce and Labor, and one thing which has struck me very forcibly has been the progress of these people in various lines of endeavor.

There has first been a great progress in the growth of the population and the number of negroes. Fifty years ago there were about four million and a half colored people in the country. To-day there are more than 9,000,000. By the census of 1910 there were between 9,000,000 and 10,000,000 colored people who are scattered over all the States of the Union, chiefly in the lower Southern States.

Now, 50 years ago these people were largely illiterate. The best estimate of their illiteracy is about 96 per cent. Slowly that has been cut down until to-day it is reckoned at less than 40 per cent. The census of 1900 gave it at 45½ per cent. Within 50 years the illiteracy of the people has been cut down to less than half.

This has been done chiefly by the growth of the public-school system. Fifty years ago there was practically no public-school system. There are to-day more than 2,000,000 colored children in the public schools and these are taught by colored teachers who have developed within the last 50 years. There are some 30,000 colored teachers who teach the colored children. There have also developed during these years a number of colored schools manned and controlled by colored people, and of the higher and secondary schools there are about 100. The colored people have contributed during these 50 years to these schools something over $6,000,000 besides the amount which they have contributed in taxes. The best information with regard to the contributions of colored people in taxes shows that they have given something like $45,000,000 of their earnings in the form of taxes to these schools; but the real thing which we are all interested in is the material development—the development in industry.

The development of industry has been along two particular lines; one the increase in the number and the diversification of the industries. Take the farming industry. There were, in 1900, 1,300,000 who were returned as farm laborers. There are as many farm laborers to-day as there were in 1860; but they have developed also a large number of other industries. About 1,000,000 of the farms in the country, by the census of 1910, were under the control of colored farmers, and about 200,000 of these farms are owned by these colored people, as against practically no farms owned 50 years ago.

There has also been developed during these years a number of new avenues; for instance, take the professions. There were in 1900 something like 42,000 negroes in professions. They represented physicians, lawyers, teachers, clergymen, journalists, engineers, literary people, artists, and others. This is a new line and one which is very little known among the colored people of our country.

There has also developed in these 40 years a home-owning negro. It was my privilege to study for the State department in Pennsylvania home owning in that State, and to my surprise and to the surprise of the head of the bureau of industrial statistics, without covering half of the State, we received the names of nearly 4,000 negro property holders as against three thousand and some odd returned in 1900 for the whole State, and the estimate of property in Pennsylvania is something like $15,000,000. Now, we have only in Pennsylvania and Georgia and Arkansas and Virginia, I think, and possibly North Carolina, definite statistics as to home owning; but the census has given to us over 343,000 negroes who own their homes. That was known. Now, this has been an entirely new development during these 50 years. It is understood that in 1860 there were very few people who owned homes. Now there are possibly 500,000. In 1900 there were 343,000 who owned their homes. We think there is something in this line to show.

Then there are other lines; for instance, in literary pursuits. That is a new line. In our Congressional Library here there are registered upward of 500 names of colored people who are authors and have copyrighted books. In the Patent Office there are patents of 300 colored people. Some most valuable patents have been granted to colored men, connected with the telephone system, and the railway system, the telegraph system, and very many other things which are of value in the development of our country. The inventions of colored men have never been brought out. I think that only one or two studies of inventions have been made. I think this would show an amount of progress which would well warrant a small appropriation to the colored people.

The music of colored people would offer an excellent exhibit; a great deal of the popular music of to-day one hears hummed on the streets and sung at popular banquets is written by negroes. The University of Pennsylvania, when I was a student there, employed two negroes to write the music for what was called the Mask and Whig Club; and much of their music was written by two men, both born in the South. The development in this line has been such if brought together would not only inspire respect in the colored people for themselves, but I think would also have the approbation of all friends of the colored race. I am glad to have the opportunity of laying these few things before you.

Senator BRADLEY. Do you know what the total value of the property owned by the negroes in the United States is?

Mr. WRIGHT. No, sir. There have been estimates from $600,000,000 to $1,000,000,000. I think it is nearer $1,000,000,000 than $600,000,000, but there have never been any definite figures made. After the report of the Bureau of Statistics came out, in Pennsylvania we discovered that a great number of large property holders were omitted. A similar investigation was made in Philadelphia, and after it was published a negro who had nearly $6,000,000 worth of property was overlooked. It is most difficult to get hold of the property values of colored people, because very few of the States keep records as to color.

Senator BRADLEY. Now, at this exposition, if held, you would have exhibits from the farms and from the factories, and so on, all over the country?

Mr. WRIGHT. I would say that there would be such. There have already grown up spontaneously among negroes State fairs. These have been held in Georgia, North Carolina, Virginia, Kentucky, and in South Carolina known to myself, the exhibits being of the farm products chiefly and the products of the women in domestic arts, sewing, cooking, and so on. These have been uniformly successful.

The CHAIRMAN. Mr. Wright, to what extent has the development of the mechanic arts gone?

Mr. WRIGHT. In mechanic arts the colored people have held their own.

The CHAIRMAN. Some of them have become, I suppose, carpenters and masons, and so forth.

Mr. WRIGHT. Of the 140 divisions of labor given by the census the negroes were in every one. They are not only carpenters and joiners, bricklayers, but in fact they are employed in every line of industrial activity. There are bankers—

Senator BRADLEY. Have you any manufacturers?

Mr. WRIGHT. I will give you the figures from the 1900 statistics: 1,186 manufacturers, 82 bankers and brokers, 9,098 retail merchants, 149 wholesale merchants, 150 officials in banks. Now, in lines of manufacturing, for instance, to give some concrete illustrations, take a line unknown to colored people 50 years ago—the printing business. In 1896, I think it was, in Nashville, Tenn., there was started a small printing business. I visited it last year, when there were 120 employees. They make a book; they take the sheet and turn it out bound in cloth or leather, as the case may be. There are a number of these printing establishments over the country. In Ohio there is a large buggy manufactory that employs a large number of colored people, and only colored people are employed. There are hosiery factories and tobacco factories and various other manufacturing industries among colored people scattered over the country.

Senator BRADLEY. How many newspapers have you in the United States?

Mr. WRIGHT. There are about 200. Mr. John D. Rockefeller, in his operations for the schools to which he gave contributions, had a large number of negro mechanics. I do not know that you have ever been in that beautiful library at Bryn Mawr College—the Rockefeller Library. The inside work there was all done by colored men. The Virginia Institute, at Virginia, work and all the underground conduit work at the University of Chicago was done by the same colored men, some of whom are contracting now in Philadelphia and are personally known to me. An exhibit of that kind could be secured which would be, I am sure, an eye opener, not only to those who are not in close touch with this problem but to those who study it.

The CHAIRMAN. As to the particular terms of this bill, Senator BRADLEY stated it was introduced originally by Senator Depew. How far are the specific terms of the bill the result of consideration and study?

Mr. WRIGHT. The chairman and president of the State fair and of the association can answer that question better than I can.

I wish to say that the incorporation was submitted to Judge Charlton, of Savannah, Ga., who is judge of the superior court there, and he was asked to go over the terms we were using in regard to this; and this is the term he agreed upon, "The American Emancipation Exposition Co.," as the name. Now, there was an objection made to the word "emancipation." Otherwise there has been no objection.

The CHAIRMAN. Mr. Wright, this corporation has been organized; it is an existing corporation?

Mr. WRIGHT. Yes, sir.

The CHAIRMAN. And the name is "The Semicentennial American Emancipation Exposition Co."?

Mr. WRIGHT. Yes, sir. We took in all the best features and gave a term that seemed to be less objectionable than any other term. Of course, it could be called by a shorter term; simply "Semicentennial Exposition."

The CHAIRMAN. Some of the language of the bill is a little unusual for the purposes of legislation. I suppose that what you really want is the appropriation in aid of an exposition to illustrate the progress of your race?

Mr. WRIGHT. Decidedly.

The CHAIRMAN. Since emancipation?

Mr. WRIGHT. Decidedly; yes, sir.

The CHAIRMAN. And these particular forms of provisions are not essential?

Mr. WRIGHT. Not at all; not in the slightest.

The CHAIRMAN. Senator CRANE informs me that he has a constituent who would like to be heard.

STATEMENT OF DR. WILLIAM EDWIN B. DU BOIS, PH. D., OF ATLANTA, GA., EDITOR OF THE CRISIS MAGAZINE.

Dr. DU BOIS. I wanted to say a word to the committee about the kind of exposition we would like to have. I think a committee like this must be a little chary of expositions, because they have grown so enormous in size and they cost so much money. It has been in our minds that we could organize an exposition in this case upon a lot of new lines, distinctly educational, for the people of the United States, both for the colored people and for the white people. As a center of those exhibits it has been thought we should have a section devoted to a scheme which should be the same exhibits, something on the order of the child welfare that the committee of women have been doing—or tuberculosis, and so on—that this main scheme should try to show the condition of the colored people throughout the United States. For instance, it should have something of the African background, and in this department, and in all departments, we could make use of all the different things that can be shown to illustrate the concrete things and spiritual things which affect the colored people. For instance, maps and charts and models and mechanical figures of various sizes, and marble, pictures, and, perhaps, phonographs could be shown.

I presume most of you know that in nearly all of the great countries of the world there is an African exhibit. The African museums in London, Paris, and Berlin are sources in each of those cities of great educational value, and there is very little information of that sort in the United States. Something might be done to get together the things which show the wonderful mechanical genius of certain African tribes, especially their work in iron and in cloth. Then, in the second place, the question of the development of the negro race throughout the world, and the distribution of the negroes in the United States could be shown by relief maps with groups of figures showing this distribution, and movable figures, perhaps, showing the migration. Then the question of the physique of the negro could be shown. Very little has been done in this country to show what is the typical negro physique. A great deal could be done by photographs and by plaster casts. Then the question of health and disease could be covered. My idea is that this exhibit should be a truthful exhibit. It should not be simply a thing that would be exaggerated in any way. It should be a real picture so far as possible of the condition of the negro people so that not only would it show the progress but also the dangers and the diseases to which they are liable.

Then the question of occupation could be covered. Of course, that would be one of the most interesting parts of the exhibit. This could be shown perhaps by mechanical figures of correct relative size showing the occupations of the negroes and the value of their services in a relative manner in all the different departments in which the negro takes a considerable part.

Then the matter of education has been spoken of. We could have models and charts showing illiteracy, and conditions in cities, and photographs of institutions and especially photographs and models showing the work of the graduates of institutions as the work of the institution filters down to the actual mass of the people. In no department has the negro shown more genius for modern organization than in his churches, and the models of churches and of the work in churches be shown. The younger Mr. Wright here is a representative of one of the great churches, and there is a great publishing house, as he says, in Nashville, Tenn., and there are several other organizations. That work could be shown and a person could grasp it and it would show the tremendous development that has taken place in that line.

Then in the matter of civics—I suppose most of you would be surprised to know the number of negro towns and quarters throughout the United States more or less organized as independent entities. Exhibits could be had showing those towns and the workings of those towns which would be of great interest. Then there would be of course charts and diagrams and models showing the organized life, the business life, the social life, the work of social uplift among the Negro people. There are orphan asylums and there are a good number of hospitals and homes. The family life, the interior of the homes could be shown. And then the question of art, which has been mentioned. Negro music could be shown and photographs of art and other work, and a collection of negro books. There are something like 200 weekly newspapers. And finally statistics of crimes and of delinquencies could be shown. In this way it seems to me we might build up a comparatively small central exhibit and then around that could come the various voluntary exhibits which are always sent to expositions of this sort. Then there could be congresses held in connection with it—congresses on agriculture and on industry, on education, on health, on music.

There should be, of course, awards and medals. Then there might be a historical pageant. I have been looking up the history of the negro, and it is interesting, indeed, to know what a continuous history would show in connection with the development of the negro from the time of the Egyptian civilization down through the negro kingdoms in the Sudan and the migration of the Buntu tribes from North Africa to South Africa; and, as you know, the negro has been connected with

almost every event in American history. Then, finally, our idea is that this central exhibit could be kept or established as a permanent exhibit and placed in a permanent museum. Perhaps from time to time it might be moved from place to place where people who wanted to could obtain exact information concerning the negro in a definite form.

With these ideas it seems to me that we could have an exposition which would not be costly—and we are not asking for very much money—that would be educational, and something that we could pay for with the amount of money that we got from the Government and which we could raise among ourselves.

Senator BRADLEY. Mr. Chairman, I will ask now that you hear the Rev. Dr. Ross for a few minutes, and that will be all, I believe.

STATEMENT OF REV. I. N. ROSS, PASTOR METROPOLITAN AFRICAN METHODIST EPISCOPAL CHURCH, OF WASHINGTON, D. C.

Mr. ROSS. As a plain African Methodist preacher I simply come to emphasize the moral of this whole situation as we see it. First of all we see in it an opportunity to emphasize the real value of our splendid form of government. You will pardon me for adverting to personal experience, but when I think of my birthplace in a log cabin between two mountains in the State of Tennessee and of the opportunity of appearing before such an august body as this I feel that that is one of the great things in the minds of my race in their desire in a practical, tangible way to show to the civilized world the great opportunity afforded every American citizen, regardless of previous condition or creed. Secondly, there would be the object lesson in bringing forward such an exhibit to inspire and encourage our own people, who at times feel a little as though life was scarcely worth living. They are not even informed as a mass of the material progress that has been made by the race in the short period of time in which we have been practically relying upon our own resources. That is No. 2.

Then it comes to you as a desire of the various religious organizations of this country, and we feel that the Christian church is possibly the greatest asset and the most practical and clear demonstration of the possibilities of the race. We have to-day, as Bishop Arnett was wont to say, sufficient seating capacity in the churches to give every negro in the United States a comfortable pew in a church, and we come asking this opportunity of showing to the world that we live in a land where, if a man will put forth the proper endeavor, he may rise, and then we come asking that we shall have an opportunity to show to those of our own race who may be somewhat discouraged and despondent that there is light ahead, and to that end I simply appear representing the moral side of this question and from a ministerial point of view, and I thank you for the opportunity.

The CHAIRMAN. Is that all?

Senator BRADLEY. Yes; that is all.

Mr. WRIGHT. Mr. Chairman, may I thank the committee very heartily for your kindness in granting us such a long time to make our plea?

The CHAIRMAN. We are very glad to have heard you, Mr. Wright, and we have been very much interested in the statements you have made to-day.

Thereupon (at 11.50 o'clock a. m.) the committee went into executive session.

AMENDMENT OF PRINTING LAWS.

Mr. SMOOT. I ask unanimous consent for the present consideration of the bill (S. 4239) to amend, revise, and codify the laws relating to the public printing and binding and the distribution of Government publications.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill, which had been reported from the Committee on Printing with amendments.

Mr. SMOOT. The bill has not been read.

The VICE PRESIDENT. Is there objection to dispensing with the formal reading? The Chair hears none, and the bill will be read for amendment, the committee amendments first to be considered, if there be no objection.

The Secretary proceeded to read the bill.

Mr. HEYBURN. Mr. President, I desire to make a parliamentary inquiry as to whether or not this is the first reading of the bill for amendment?

The VICE PRESIDENT. This is the first reading for amendment as in Committee of the Whole, the formal reading having been dispensed with by unanimous consent. The bill is now being read for the presentation of amendments.

Mr. HEYBURN. I did not understand—my attention perhaps was distracted—that there was unanimous consent to dispense with the formal reading. I think the Secretary perhaps has inadvertently omitted to read some of the bill, and inasmuch as there are amendments to be offered, I think all of the bill should be read. I have some amendments to offer.

The VICE PRESIDENT. The Chair should have stated that the Secretary was simply reading the bill for committee amendments.

Mr. HEYBURN. If the bill is being read for the purpose of offering amendments, that makes it necessary that the bill should be carefully read.

The VICE PRESIDENT. The Secretary will read the bill in full. The Chair did not mean to misstate the facts, but misunderstood the situation.

The Secretary resumed the reading of the bill, at page 7, section 6, paragraph 5. The first amendment of the Committee on Printing was, on page 9, section 6, paragraph 9, before the word "court," to strike out "district" and insert "circuit," so as to make the paragraph read:

SEC. 6. PAR. 9. In case of the default of any contractor to furnish paper, as provided in this section, he and his sureties shall be responsible for any increase of cost to the Government in procuring a supply of such paper which may be consequent upon such default. The Public Printer shall report every such default, with a full statement of all the facts in the case, to the Attorney General, who shall prosecute the defaulting contractor and his sureties upon their bond in the district court of the United States in the district in which such defaulting contractors reside or such suretyship is undertaken.

The amendment was agreed to.

The next amendment was, on page 17, section 18, paragraph 1, line 10, after the word "buildings," to insert "and equipment," so as to make the paragraph read:

SEC. 18. PAR 1. There shall be appointed by the Public Printer a superintendent of buildings and equipment, who must possess a practical knowledge of mechanical, civil, and electrical engineering, and who shall receive a compensation of $3,000 per annum.

The amendment was agreed to.

The next amendment was, on page 17, section 18, paragraph 2, line 14, after the word "buildings," to insert "and equipment," so as to make the paragraph read:

SEC. 18. PAR. 2. The superintendent of buildings and equipment shall have direct charge of the Government Printing Office buildings and the power plant, and the maintenance and repair of the same, and general charge of all machinery and equipment in and pertaining to the Government Printing Office. He shall perform such other duties as may be required of him by the Public Printer.

The amendment was agreed to.

The next amendment was, on page 18, section 20, paragraph 1, line 11, after the words "compensation of," to strike out "three thousand" and insert "two thousand seven hundred and fifty," so as to make the paragraph read:

SEC. 20. PAR. 1. There shall be appointed by the Public Printer a foreman of binding, who shall be a practical bookbinder, and who shall receive a compensation of $2,750 per annum.

The amendment was agreed to.

The next amendment was, on page 19, section 23, paragraph 1, line 16, after the word "buildings," to insert "and equipment," so as to make the paragraph read:

SEC. 23. PAR. 1. The inspector for the Joint Committee on Printing, the foreman of printing, and the foreman of presswork shall constitute a board to examine and report in writing to the Public Printer on all paper, machinery, equipment, material, and supplies, except bindery machinery and bindery material other than paper, delivered under contract, or by purchase or otherwise, at the Government Printing Office: *Provided*, That the superintendent of buildings and equipment shall join with said board of inspection in approving all machinery, equipment, and building supplies before the same shall be recommended for acceptance.

The amendment was agreed to.

The next amendment was, on page 20, section 24, paragraph 1, line 6, after the word "buildings," to insert "and equipment," so as to make the paragraph read:

SEC. 24. PAR. 1. The inspector for the Joint Committee on Printing, the foreman of presswork, and the superintendent of buildings and equipment shall constitute a board of condemnation, which, on request of the Public Printer, shall ascertain the condition of presses and other machinery, equipment, and material in the Government Printing Office when there is reason to believe that the same is no longer serviceable to the Government, and report its findings in writing to the Public Printer. Should machinery, equipment, or material be found to be unserviceable by the said board of condemnation, the same shall, when approved by the Joint Committee on Printing, be condemned and sold for cash to the highest bidder, after due advertising: *Provided*, That should any member of the board of condemnation be absent or unable to serve the Joint Committee on Printing shall designate a person to fill the vacancy until such absence or disability shall cease.

The amendment was agreed to.

The next amendment was, on page 44, section 46, paragraph 4, line 8, after the words "Executive Office," to insert "two copies"; in the same line, before the words "to the Library," to strike out "and"; and in line 9, before the word "copies," to strike out "each, two" and insert "three," so as to make the paragraph read:

SEC. 46. PAR. 4. Of the Senate and House documents and reports, excepting reports on private bills and simple and concurrent resolutions, there shall be distributed, unbound, as follows: To the Executive Office, 2 copies; to the Library of Congress, 3 copies; to the Department of State, 20 copies; to each foreign embassy and legation to the United States the Government of which extends a like courtesy to the American embassy or legation thereto, 1 copy, to be supplied by the superintendent of documents upon requisition of the Secretary of State; to the Governor General of the Philippine Islands at Manila, 3 copies; to the Government Printing Office, for official use, 5 copies; to the office of the superintendent of documents, 2 copies; to the Pan American Union, 2 copies; to each executive department, independent office, and establishment of the Government, upon requisition of the head thereof, 1 copy for each bureau or division therein, and the heads of the executive departments, independent offices, and establishments of the Government shall cause daily examination to be made of the CONGRESSIONAL RECORD for the purpose of noting the publication of documents and reports of interest to their respective department, independent office, or establishment of the Government, and shall cause an immediate requisition to be sent to the Public Printer for the number of copies required for official use.

The amendment was agreed to.

The next amendment was, on page 48, section 48, line 19, before the word "sets," to strike out "four" and insert "five"; in line 21, after the word "Congress," to strike out "two for the Senate and two for the House" and insert "two, each, for the Senate and House, respectively, and one for the Library

of Congress"; and on page 49, line 1, after the words "in the," to insert "Library of Congress and," so as to make the section read:

SEC. 48. The Public Printer shall bind five sets of Senate and House bills and simple, concurrent, and joint resolutions of each Congress, two, each, for the Senate and House, respectively, and one for the Library of Congress, to be furnished him from the files of the Senate and House document rooms, the volumes when bound to be kept in the Library of Congress and document room of each House for reference.

The amendment was agreed to.

Mr. HEYBURN. Mr. President, I desire to ask the Senator having charge of the bill whether or not on page 50, section 49, paragraph 4, in lines 16 and 17, the words "*Provided*, That the provisions of this paragraph shall not apply to bills, resolutions, or committee reports" would prevent the printing of committee reports on the order of the chairman of a committee as we are in the habit of doing now?

Mr. SMOOT. It will not, Mr. President. The section provides as to committee hearings that 1,000 copies may be printed just as is provided in the existing law.

Mr. HEYBURN. That is as to hearings, but I do not see the purpose in referring to committee reports. In most of the committees we are in the habit of having our reports printed before they are given out.

Mr. SMOOT. That is the case where the Secretary of the Senate orders it, and this provision does not apply to that.

Mr. HEYBURN. No; the chairman of the committee now orders the printing.

Mr. SMOOT. But it is done through the Secretary of the Senate, and always has been.

Mr. HEYBURN. But the Secretary could not prevent the chairman of the committee having it done.

Mr. SMOOT. No; but that has always been done through the Secretary. He can do it under this bill just the same as under the present law.

Mr. HEYBURN. I will reserve the right to call attention to it later. It would be a very great inconvenience if the chairmen of committees were prevented from ordering the printing of reports.

Mr. SMOOT. It would; but I will say to the Senator that under the bill that can be done just as it can be done under the present provisions of law.

The reading of the bill was resumed.

The next amendment of the Committee on Printing was, on page 67, section 65, paragraph 1, line 24, before the word "copies," to strike out "two" and insert "three," so as to read:

Librarian of Congress, three copies.

The amendment was agreed to.

The next amendment was, in section 68, paragraph 4, page 75, line 3, after the word "direct," to insert:

To the press galleries of the Senate and the House, respectively, two copies each of the daily RECORD and one copy each of the bound RECORD.

The amendment was agreed to.

The next amendment was, in section 68, paragraph 4, page 75, line 8, after the words "daily RECORD," to insert:

To the undersecretary of state for external affairs of Canada, in exchange for a copy of the Parliamentary Hansard, one copy of the daily RECORD and one copy of the bound RECORD.

Mr. SMOOT. Mr. President, I desire to withdraw that amendment and will offer one to-morrow morning to take its place.

The VICE PRESIDENT. Without objection, the amendment is withdrawn.

Mr. HEYBURN. Mr. President, the Secretary has read down to line 14 on page 75, if I am not mistaken.

The VICE PRESIDENT. The Senator is correct.

Mr. HEYBURN. I send to the desk certain amendments and offer them at this point.

The VICE PRESIDENT. The Senator from Idaho offers the amendments, which will be stated.

The Secretary read as follows:

On page 75, line 15, strike out the word "eight" and insert the word "two."

In line 16, the same page, strike out the word "four" and insert the word "one."

In line 17, same page, strike out the words "one dollar and a half" and insert the words "50 cents," so that the paragraph shall read:

The superintendent of documents is authorized to furnish to subscribers the daily CONGRESSIONAL RECORD at $2 for the long session and $1 for the short session, or 50 cents per month, payable in advance.

After the word "advance," in lines 17 and 18, page 75, insert the following:

The Postmaster General is hereby authorized and directed to make, on or before the 1st of July, 1912, such rules and regulations as will enable all postmasters in the United States to receive popular subscriptions for the daily CONGRESSIONAL RECORD at the aforesaid terms per year, and report all such subscriptions and account for and pay the amount received therefor to the Public Printer.

Mr. SMOOT. Mr. President, I should like to have these amendments go over and be considered to-morrow. I do not wish to discuss them at this time, but would prefer to have them passed over for the present.

Mr. HEYBURN. After the amendments are in the RECORD they may go over, so far as I am concerned, until to-morrow. I want to get them in the RECORD.

The VICE PRESIDENT. The amendments will go over until to-morrow, and be considered pending then, or when the bill is next taken up.

The reading of the bill was resumed.

The next amendment of the Committee on Printing was, in section 68, paragraph 4, page 82, line 16, after the word "that," to strike out "the same shall be printed uniform with the preceding volumes of the series, and that," so as to read:

(36) Annual Report of the Bureau of American Ethnology with its accompanying papers: *Provided*, That not to exceed 3,500 copies are authorized to be printed for distribution by the Smithsonian Institution.

The amendment was agreed to.

The next amendment was, in section 68, paragraph 4, page 83, after line 10, to insert:

(40) Publications of the Bureau of Mines, as provided for in section 71 of this act.

The amendment was agreed to.

Mr. SMOOT. Mr. President, I have a number of committee amendments which I expect to offer to-morrow.

The VICE PRESIDENT. The reading of the bill has not been concluded.

Mr. SMOOT. I should like to have the reading of the bill concluded, and reserve the right on behalf of the committee to present amendments to the bill to-morrow.

The VICE PRESIDENT. The Senator desires that the reading of the bill shall be concluded?

Mr. SMOOT. I ask that the Secretary continue the reading of the bill. The amendments reported by the committee in print may be agreed to now; but there are some other amendments that I desire to offer to-morrow.

The VICE PRESIDENT. Very well.

The reading of the bill was resumed. The next amendment of the Committee on Printing was, in section 71, page 90, line 22, after the word "year," to insert:

Provided further, That the Secretary of the Treasury is authorized to print Public Health Reports and Bulletins and extracts therefrom in such numbers as he may deem for the best interest of the Government.

The amendment was agreed to.

The next amendment was, in section 71, page 93, line 9, after the words "Nautical Almanac," to strike out "and of the papers" and insert "extracts therefrom, and papers"; in line 11, after the word "thousand," to strike out "copies" and insert "500 copies of each"; and in line 13, after the word "distribution," to strike out "and sale"; so as to read:

(8) American Ephemeris and Nautical Almanac, extracts therefrom, and papers supplementary thereto: *Provided*, That not to exceed 1,500 copies of each are authorized to be printed for distribution by the Navy Department: *Provided further*, That the American Ephemeris and Nautical Almanac shall be published for the third calendar year in advance.

The amendment was agreed to.

The next amendment was, in section 71, page 97, line 6, after the word "edition," to insert "of the annual report of the director, not to exceed 4,000 copies shall be printed," so as to read:

(11) Publications of the Bureau of Mines: *Provided*, That said publications shall be published in such editions as may be recommended by the Secretary of the Interior, but not to exceed 10,000 copies for the first edition; of the annual report of the director, not to exceed 4,000 copies shall be printed.

The amendment was agreed to.

The next amendment was, in section 72, paragraph 1, page 100, line 16, after the word "Government," to strike out "except substitute employees of the postal service or temporary employees of the Government whose appointment is for a period of less than six months," and insert "except as otherwise provided in this section"; and on page 101, after line 4, to insert: *Provided*, That the Official Register shall not include the names of temporary employees of the Government whose appointment is for a period of less than six months, nor shall it contain the names of those persons heretofore published in Volume II, relating to the postal service, namely, postmasters, assistant postmasters, clerks in post offices, city and rural carriers, employees of the sea post service, employees of the Railway Mail Service, employees

of the mail messenger service, and mail contractors," so as to make the section read:

SEC. 72. PAR. 1. The Director of the Census shall cause to be edited, indexed, and published, on or before the first Monday of December in each year in which a new Congress is to assemble, an official register of the United States, which shall contain a full and complete list of all officers, agents, clerks, and other employees of the Government (except as otherwise provided in this section), whose salaries or compensation are paid from the Treasury of the United States, including military and naval officers of the United States, cadets, midshipmen, bank examiners, receivers of national banks, and attorneys for receivers, clerks employed by such examiners and receivers, or any person connected with the work of the office of the Comptroller of the Currency in Washington or elsewhere, whose salary or compensation is paid from the Treasury of the United States or assessed against or collected from existing or failed banks under their supervision or control: *Provided*, That the Official Register shall not include the names of temporary employees of the Government whose appointment is for a period of less than six months, nor shall it contain the names of those persons heretofore published in Volume II, relating to the postal service, namely, postmasters, assistant postmasters, clerks in post offices, city and rural carriers, employees of the sea post service, employees of the Railway Mail Service, employees of the mail messenger service, and mail contractors.

The amendment was agreed to.

The next amendment was, in section 72, paragraph 4, page 103, line 6, before the word "copies," to strike out "fifteen" and insert "twenty-five," so as to make the paragraph read:

SEC. 72. PAR. 4. Of the Official Register there shall be printed and bound a sufficient number of copies for the following distribution to be made by the superintendent of documents: To the President of the United States, 4 copies, 1 copy of which shall be for the library of the Executive Office; to the Vice President, each Senator, Representative, Delegate, and Resident Commissioner, 2 copies, to be delivered to the document room of the Senate and the House of Representatives, respectively; to the Secretary and the Sergeant at Arms of the Senate and the Clerk and the Sergeant at Arms of the House of Representatives, 1 copy each; to the library of the Senate and House of Representatives, not to exceed 10 copies each; to the Department of State, not to exceed 100 copies; to the Treasury Department, not to exceed 150 copies; to the War Department, not to exceed 50 copies; to the Navy Department, not to exceed 20 copies; to the Department of Justice, not to exceed 30 copies; to the Department of the Interior, not to exceed 200 copies; to the Post Office Department, not to exceed 100 copies; to the Department of Agriculture, not to exceed 25 copies; to the Department of Commerce and Labor, not to exceed 150 copies; to the Smithsonian Institution, 4 copies; to the Government Printing Office, 4 copies; to the Interstate Commerce Commission, 2 copies; to the Civil Service Commission, 4 copies; to the Commissioners of the District of Columbia, 1 copy each; to the Public Library of the District of Columbia, 2 copies; to the Pan American Union, 2 copies.

The amendment was agreed to.

The next amendment was, in section 73, page 103, line 16, after the words "Supreme Court," to strike out "and the digests of the reports of the Supreme Court" and insert "the Federal Reporter, and digests thereof"; in line 19, after the word "under," to strike out "section 683 of the Revised Statutes and the acts amendatory thereof" and insert "sections 227 and 229, respectively, of the judiciary act, approved March 3, 1911"; in line 25, after the words "by the," to strike out "Secretary of the Interior" and insert "Attorney General"; and on page 104, line 2, after the word "courts," to insert "and digests thereof," so as to make the section read:

SEC. 73. The superintendent of documents shall hereafter distribute the reports of the Supreme Court, the Federal Reporter, and digests thereof, to such officials as are entitled to receive them under sections 227 and 229, respectively, of the judiciary act approved March 3, 1911, and the superintendent of documents shall exercise all the functions heretofore exercised by the Attorney General in the distribution of said reports and digests: *Provided*, That the reports of United States courts and digests thereof shall not be distributed under section 65 of this act.

The amendment was agreed to.

The next amendment was, in section 80, paragraph 1, page 111, line 13, after the words "Weather Bureau," to insert: "and one in the Geological Survey: *Provided further*, That nothing in this section shall be held to apply to the printing and distribution of orders, circulars, and blank forms for the Army, the Navy, or the Marine Corps: *Provided further*, That any executive department, independent office, or establishment of the Government may sell or make free distribution of its publications in accordance with the provisions of this act, unless otherwise provided by law," so as to make the paragraph read:

SEC. 80. PAR. 1. There shall be established in the office, and under the immediate control of the head of every executive department, independent office, and establishment of the Government, a division of publications: *Provided*, That there shall be a division of publications in the Weather Bureau, and one in the Geological Survey: *Provided further*, That nothing in this section shall be held to apply to the printing and distribution of orders, circulars, and blank forms for the Army, the Navy, or the Marine Corps: *Provided further*, That any executive department, independent office, or establishment of the Government may sell or make free distribution of its publications in accordance with the provisions of this act, unless otherwise provided by law.

The amendment was agreed to.

The next amendment was, in section 80, paragraph 2, page 111, line 24, after the words "Weather Bureau," to insert "and Geological Survey"; so as to read:

SEC. 80. PAR. 2. All printing and binding and the distribution of publications for every executive department, independent office, or establishment of the Government and for the Weather Bureau and the Geological Survey shall be centralized in its respective division of publications.

The amendment was agreed to.

The next amendment was, in section 84, page 114, line 19, after the word "contract," to insert "for a period not exceeding four years"; in line 21, after the word "by," to strike out "his own or other departments," and insert "any executive department, independent office, or establishment of the Government"; so as to read:

SEC. 84. The Postmaster General shall contract, for a period not exceeding four years, for all envelopes, stamped or otherwise, designed for sale to the public, or for use by any executive department, independent office, or establishment of the Government, and may contract for them to be plain or with such printed matter as may be prescribed by the department making requisition therefor.

The amendment was agreed to.

The next amendment was, on page 115, after line 4, to strike out:

SEC. 85. Hereafter all bonds, notes, and checks shall be printed from intaglio plates on presses of such style and character as may be determined by the Secretary of the Treasury: *Provided*, That should the Secretary of the Treasury decide to print bonds, notes, and checks on other presses than hand-roller presses, not more than one-fifth of the total number of hand-roller presses now employed in printing such bonds, notes, and checks shall be displaced in any one fiscal year.

The amendment was agreed to.

The reading of the bill was concluded.

Mr. SMOOT. Mr. President, I ask that the bill may be temporarily laid aside.

The VICE PRESIDENT. The Senator from Utah asks unanimous consent that the bill be temporarily laid aside. Without objection, that will be done.

FIVE CIVILIZED TRIBES.

Mr. OWEN. I am directed by the Committee on Indian Affairs, to which was referred the bill (S. 4948) to amend an act approved May 27, 1908, entitled "An act for the removal of restrictions from part of the lands of allottees of the Five Civilized Tribes, and for other purposes," to report it without amendment. I submit a report (No. 548) thereon. I ask unanimous consent for the present consideration of the bill.

The VICE PRESIDENT. The Secretary will read the bill for the information of the Senate.

The Secretary read the bill.

The VICE PRESIDENT. Is there objection to the present consideration of the bill?

Mr. SMOOT. Mr. President, I should like to ask the Senator if the bill is reported unanimously by the committee?

Mr. OWEN. Yes; it is a unanimous report from the committee. The Senator from Kansas [Mr. CURTIS] reserved the right to raise a question with regard to it, provided there was no report from the Interior Department with regard to the case of Harris *v.* Gale, which was passed on by the District Court for the Eastern District of Oklahoma.

The purpose of the bill I will explain to the Senate. Congress in the act of 1908 provided, in section 9:

That the death of any allottee of the Five Civilized Tribes shall operate to remove all restrictions from the alienation of said allottee's land: *Provided*, That no conveyance of any interest of any full-blood Indian heir in such land shall be valid unless approved by the court having jurisdiction of the settlement of the estate of such deceased allottee.

The previous act of 1906, two years before, had allowed full-blood heirs to sell their land with the approval of the Secretary. The act of 1908 leaves it "subject to the approval of the probate court." The Federal court in Oklahoma and the State Supreme Court of Oklahoma have held that the act of Congress of 1908, the last act, intended to make no discrimination as to whether an allottee died prior to May 27, 1908, or subsequent to that time. The question has been settled in the case of Harris *v.* Gale, before Judge Campbell's court. In the report there is an extract from Judge Campbell's report as follows:

There being no conceivable reason why Congress should have intended to distinguish between conveyances by full-blood heirs of inherited lands made subsequent to the act of May 27, 1908, where the ancestor died prior to that date and where the ancestor died subsequent to that date, and the language of the act itself not so clearly evincing such an intention as to preclude the contrary construction, it is decided that by the said act any full-blood Indian heir of any deceased allottee of the Five Civilized Tribes is authorized to convey any interest in the lands inherited by him from such deceased allottee upon approval thereof by the court having jurisdiction of the settlement of the estate of such deceased allottee, whether such death occurred before or after May 27, 1908, and the approval of such conveyance by the Secretary of the Interior is not required. Of course, in cases where such heir is a minor, the procedure to secure the necessary order and approval of the court must be as in cases of other minors.

There was an opinion of an Attorney General some time ago which was at variance with the decision of the courts. The purpose of this bill is to remove the possibility of a cloud because of that opinion of the Attorney General.

Mr. SMOOT. Mr. President, the senior Senator from Kansas [Mr. CURTIS], before leaving the Chamber, asked if there was going to be any business outside of the consideration of the printing bill, and I told him I knew of none. He said that if not he had some pressing business at his office that he would like to attend to, and he would leave. I will ask the Senator——

Mr. OWEN. I have no objection to its going over, if the Senator thinks that course would be better.

Mr. SMOOT. I was going to say that if the Senator has no objection, on that account and that only, I will ask that it go over.

Mr. OWEN. I have no objection to its going over.

The VICE PRESIDENT. The bill will go to the calendar.

Mr. GALLINGER. I move that the Senate now proceed to the consideration of executive business.

Mr. DU PONT. I will ask the Senator from New Hampshire if he will withhold his motion for a minute.

Mr. GALLINGER. Very well.

JOHN T. HAINES.

Mr. DU PONT. I ask unanimous consent to call up the bill (S. 4778) to correct the military record of John T. Haines.

The VICE PRESIDENT. The Senator from Delaware asks unanimous consent for the present consideration of a bill which the Secretary will read.

The Secretary read the bill, as follows:

Be it enacted, etc., That John T. Haines, deceased, who was a captain in the Eleventh Regiment United States Cavalry, and who was nominated by the President for appointment as major of Cavalry to rank from the 3d day of March, 1911, said nomination being confirmed by the Senate after the death of said Haines, which occurred after his nomination, shall hereafter be held and considered to have become a major of Cavalry in the service of the United States on the 3d day of March, 1911, and to have held that office until the date of his death; and the President is hereby authorized to issue a commission as major of Cavalry in the name of John T. Haines with rank to date from March 3, 1911.

The VICE PRESIDENT. Is there objection to the present consideration of the bill?

Mr. SMOOT. I should like to ask the Senator to explain the bill.

Mr. DU PONT. I can do so best by reading the report, which I will proceed to do, if that will be agreeable to the Senator from Utah:

Capt. John T. Haines, Eleventh Cavalry, became entitled to promotion to the grade of major from March 3, 1911, as the result of the provisions of the Army appropriation act approved that date; he passed the prescribed examination for promotion April 6, 1911; was nominated to the Senate by the President on May 4, 1911, for the promotion, and the nomination was confirmed by the Senate May 15, 1911. In the meantime his death occurred May 11, 1911.

In view of the facts as above stated, Capt. Haines having served as a captain through the years necessary to secure his majority, and his failure of confirmation as a major being due to the delay of the Senate to act upon his nomination, your committee reports the bill favorably, with the recommendation that it be passed.

Indorsement of the Secretary of War on this bill is as follows:

WAR DEPARTMENT,
Washington, February 3, 1912.

Respectfully returned to the chairman Committee on Military Affairs, United States Senate, inviting attention to the inclosed statement of The Adjutant General with reference to the case of Capt. John T. Haines. It is recommended that this bill receive favorable consideration.

H. L. STIMSON, *Secretary of War.*

Mr. SMOOT. That is sufficient. I withdraw the objection.

The VICE PRESIDENT. Is there objection to the present consideration of the bill?

There being no objection, the bill was considered as in Committee of the Whole.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

LLOYD L. R. KREBS.

Mr. DU PONT. I ask unanimous consent to call up the bill (S. 1337) authorizing the President to nominate and, by and with the advice and consent of the Senate, appoint Lloyd L. R. Krebs, late a captain in the Medical Corps of the United States Army, a major in the Medical Corps on the retired list, and increasing the retired list by one for the purposes of this act.

The VICE PRESIDENT. The bill will be read for the information of the Senate.

The Secretary read the bill.

The VICE PRESIDENT. Is there objection to the present consideration of the bill?

Mr. GALLINGER. This is a pretty serious matter, increasing the retired list by a special act. In glancing at the report, I find it says:

Capt. Krebs failed in his examination for promotion. He did not make the required general average in his professional examination, and his general efficiency, as established by his work in the Army, was very unsatisfactory.

Mr. DU PONT. At the request of the Senator from Utah [Mr. SMOOT], I will let the bill go over.

Mr. GALLINGER. All right.

The VICE PRESIDENT. The Senator from Delaware withdraws his request.

ESTATE OF T. B. COWAN AND OTHERS.

Mr. GALLINGER. I yield to the Senator from Louisiana [Mr. THORNTON].

Mr. THORNTON. I ask for the present consideration of the bill (S. 4661) for the relief of the estate of T. B. Cowan and others.

The VICE PRESIDENT. The bill will be read for the information of the Senate.

The Secretary read the bill.

The VICE PRESIDENT. Is there objection to the present consideration of the bill?

Mr. HEYBURN. I ask that it may go over.

The VICE PRESIDENT. Objection is made to the present consideration of the bill. The Senate will receive a message from the House of Representatives.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by D. K. Hempstead, its enrolling clerk, announced that the House had passed a bill (H. R. 22772) appropriating $350,000 for the purpose of maintaining and protecting against impending floods the levees on the Mississippi River, in which it requested the concurrence of the Senate.

PROTECTION OF LEVEES OF THE MISSISSIPPI.

Mr. GALLINGER. I will yield to the Senator from Louisiana [Mr. FOSTER], who desires to have the bill just received from the House laid before the Senate.

The VICE PRESIDENT. The Chair lays before the Senate a bill from the House of Representatives, which will be read at length.

The bill (H. R. 22772) appropriating $350,000 for the purpose of maintaining and protecting against impending floods the levees on the Mississippi River was read the first time by its title and the second time at length, as follows:

Be it enacted, etc., That the sum of $350,000 be, and the same is hereby, appropriated, out of any money in the Treasury not otherwise appropriated, to be expended under the direction of the Secretary of War in accordance with the plans, specifications, and recommendations of the Mississippi River Commission, as approved by the Chief of Engineers, for the purpose of maintaining and protecting against impending floods the levees on the Mississippi River between the Head of Passes and Cape Girardeau, Mo.

Mr. FOSTER. I ask unanimous consent for the present consideration of the bill.

Mr. SMOOT. I was wondering whether under the rules we could consider the bill, it not having been referred to a committee.

The VICE PRESIDENT. The request is that it be considered regardless of the rule, by unanimous consent. The Senate can do anything it chooses by unanimous consent.

Mr. SMOOT. The bill can be reported to-morrow.

Mr. FOSTER. I will state that the importance of this measure and of its immediate passage is very great.

Mr. OWEN. The flood will not wait.

Mr. SMOOT. I have not the least objection to it, but I recognize that it is a very important matter. The only question in my mind is as to whether it is proper to take up the House bill and have it considered by the Senate without having it referred to the committee. I will say to the Senator I do not think there will be any question but that the Committee on Appropriations will report it out to-morrow morning and have it immediately considered, and I do not think there is a Senator who would object to it. If it will make no material difference to the Senator, I would very much prefer to have it go to the committee; but if there is anything of urgency so great that the short delay will interfere in any way, I will waive the point.

Mr. FOSTER. I will state to the Senator that the urgency is very great.

Mr. DU PONT. The only objection I have to the bill is that the President has recommended an appropriation of $500,000, and I was wondering whether the appropriation made by the House will be adequate to meet the necessities of the case.

Mr. FOSTER. I have considered that matter also, but the importance of the measure passing with as little delay as possible has forced me to accept the appropriation of $350,000 made by the House instead of urging $500,000 as recommended by the President.

Mr. SMOOT. If it becomes necessary we can make an appropriation of $150,000 subsequently.

Mr. FOSTER. Yes; if it becomes necessary we can make a further appropriation.

Mr. SMOOT. I should like to ask the Senator if he does not think that to-morrow morning would be soon enough to act upon the bill to meet all questions of emergency?

Mr. FOSTER. The chairman of the Committee on Rivers and Harbors of the House is now present in the Chamber, and the difficulty of securing a quorum——

The VICE PRESIDENT. The President's message was sent to the Committee on Appropriations.

Mr. FOSTER. I fear it is going to be extremely difficult to get a quorum of the committee together. The Senator himself knows how difficult it is to get a quorum of the committee together.

Mr. SMOOT. If the Senator thinks that by going over until to-morrow it will interfere with the object in view, I shall not make any objection whatever to present consideration, but if not, I think it is best that it should go over and be reported to-morrow. The committee can be polled. Of course I do not know, but I have not any doubt in my mind but that the committee will be favorable to to it.

Mr. FOSTER. This appropriation is urged by the War Department, by the Chief of Engineers, and by the President, feeling that the work should begin as soon as possible, as the river is now at the highest flood ever known in the history of that stream of which there is any record. These various departments recognize the urgency of the appropriation. The President himself has recognized it by sending a special message to Congress, and unless there be some rule or tradition of the Senate that is violated I would like to have the measure put through to-day. Of course I do not want to violate any rule or any of the traditions of the Senate, and if any of them would be violated I would rather not press it. I fear, however, if it is referred to the committee there is going to be difficulty in geting a quorum of the committee to-morrow morning. The Committee on Appropriations is a very large committee, and I very much fear there will be some difficulty in getting the committee together to act upon it; and the flood is not going to wait.

Mr. BURTON. Mr. President——

The VICE PRESIDENT. Does the Senator from Louisiana yield to the Senator from Ohio?

Mr. FOSTER. Certainly.

Mr. BURTON. May I ask for what purpose this appropriation is to be applied? I understand it is for the repair of levees made necessary by the floods and that it is not for the relief of individuals.

Mr. FOSTER. No, sir; it is for the maintenance and support of levees which have already been built.

Mr. WARREN entered the Chamber.

Mr. SMOOT. The chairman of the Committee on Appropriations is now present.

Mr. WARREN. Will the Senator allow me to have the bill read?

Mr. FOSTER. Certainly.

The VICE PRESIDENT. Without objection, the Secretary will again read the bill.

The Secretary again read the bill.

Mr. WARREN. May I ask the Senator from Louisiana to let the bill go to the Committee on Appropriations under the rule, and a meeting will be called early in the morning to consider it, together with the President's message, which refers to the same subject. I think we can get immediate consideration in the morning.

Mr. FOSTER. Does the Senator think he can secure a quorum of the committee?

Mr. WARREN. If the members who are present will be favorable to it, we can obtain a poll of the remainder.

Mr. FOSTER. Is it simply in obedience to a rule of the Senate that the Senator asks this procedure or is it on account of objection to the bill?

Mr. WARREN. It is not only in obedience to a rule of the Senate, but it is late now, and I would like to get in telephonic communication with the Chief of Engineers.

Mr. FOSTER. I have a letter from the Chief of Engineers here.

Mr. WARREN. That is as to the general subject, but as to the manner of applying it.

Mr. NELSON. Will the Senator from Louisiana yield to me?

Mr. FOSTER. Certainly.

Mr. NELSON. This is manifestly a measure that ought to go to the Committee on Commerce and not to the Committee on Appropriations. It is for improving and protecting the levees of the Mississippi River.

Mr. WARREN. I asked to-day that the President's message covering the same subject go to the Committee on Appropriations, because I considered that it was a matter of extreme urgency, not for the general improvement of rivers and harbors, but a matter of money asked for an emergency. I do not care, however, to take it from the Committee on Commerce if the chairman of the committee thinks it belongs there, but it seems to me that coming up as a matter of emergency it rather belongs to the Committee on Appropriations.

Mr. NELSON. It seems to me it belongs to the Committee on Commerce, but I made no objection to-day about the reference of the message to the Committee on Appropriations, and I shall make none now.

Mr. FOSTER. I do not want to violate any of the rules of procedure of this body, but I want to impress upon the Senators present the importance and urgency of this appropriation. I know that the Engineer Department is ready, as soon as the bill passes, to prepare for the protection and repair of the levees at once. Six hours delay may mean a great deal to the people in that portion of the country, and I urge immediate action only because of the absolute urgency of work being undertaken by the department at once. The bill safeguards the appropriation. All funds must go through the Secretary of War. The different branches of the Government are ready to take up this great work, because, as Col. Townsend, the engineer in charge, states it as his opinion that the flood will be the highest of which there has been any Government record, and it is pressing down with its unrelenting force upon the people in the whole Mississippi Valley. Unless there be some good reason why the bill should be sent to the committee, I would ask the Senators present to forego the usual procedure, which we all recognize to be a wise rule, in view of the great emergency which is confronting the entire people of the Mississippi Valley, involving probably millions and millions of dollars of property and the lives of many people by the delay of a few hours.

The VICE PRESIDENT. Is there objection to the present consideration of the bill?

Mr. WARREN. I am not going to insist upon an objection. Of course it is against the rules of the Senate. We so often have trouble in cleaning up work of this kind of hasty legislation that nothing except the appeal the Senator has made would cause me to refrain from requesting enforcement of the rule, but, under the circumstances, I am not going to raise any further objection.

Mr. SMOOT. I have been in the Senate nearly 10 years, and I believe this is the first time anything like this has happened during that time, but on account of the urgency of the matter and the appeal of the Senator from Louisiana I shall not object at all.

There being no objection, the bill was considered as in Committee of the Whole.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

EXECUTIVE SESSION.

Mr. GALLINGER. I move that the Senate proceed to the consideration of executive business.

The motion was agreed to, and the Senate proceeded to the consideration of executive business. After 5 minutes spent in executive session the doors were reopened, and (at 5 o'clock and 40 minutes p. m.) the Senate adjourned until to-morrow, Wednesday, April 3, 1912, at 2 o'clock p. m.

NOMINATIONS.

Executive nominations received by the Senate April 2, 1912.

SURVEYOR OF CUSTOMS.

Ernest I. Edgcomb, of New York, to be surveyor of customs for the port of Syracuse, in the State of New York. (Reappointment.)

COLLECTOR OF CUSTOMS.

Edward R. Stackable, of the Territory of Hawaii, to be collector of customs for the district of Hawaii, in the Territory of Hawaii. (Reappointment.)

COLLECTOR OF INTERNAL REVENUE.

Charles C. Cole, of New York, to be collector of internal revenue for the twenty-first district of New York in place of Peter E. Garlick, resigned.

UNITED STATES ATTORNEY.

John L. McNab, of California, to be United States attorney for the northern district of California, vice Robert T. Devlin, resigned.

SURVEYOR GENERAL OF IDAHO.

Darwin A. Utter, of Idaho, to be surveyor general of Idaho, his term having expired February 10. (Reappointment.)

UNITED STATES MARSHAL.

George L. Townsend, of Delaware, to be United States marshal for the district of Delaware, vice William R. Flinn, deceased.

ASSISTANT AGENT ALASKA SALMON FISHERIES.

Ward T. Bower, of Michigan, to be assistant agent Alaska salmon fisheries, Division of Alaska Fisheries, Bureau of Fisheries, Department of Commerce and Labor, vice John N. Cobb, resigned.

PROMOTIONS IN THE ARMY.

Chaplain Timothy P. O'Keefe, Thirteenth Cavalry, to be chaplain with the rank of major from March 2, 1912, vice Chaplain Joseph H. Sutherland, Twelfth Infantry, retired from active service March 21, 1912.

CAVALRY ARM.

First Lieut. James Huston, Tenth Cavalry, to be captain from March 17, 1912, vice Capt. Holland Rubottom, Ninth Cavalry, detailed in the Signal Corps on that date.

FIELD ARTILLERY ARM.

Second Lieut. Frederick A. Prince, Fifth Field Artillery, to be first lieutenant from April 1, 1912, vice First Lieut. Harry D. R. Zimmerman, Fourth Field Artillery, who died March 31, 1912.

APPOINTMENTS IN THE ARMY.

MEDICAL RESERVE CORPS.

To be first lieutenants with rank from March 25, 1912.

Edward Lucien Aymé, of New York.
Frank Bernard Baldwin, of New York.
Albert Fitzhugh Beverly, of Texas.
Paul Clements, of Tennessee.
Emile Louis De Lanney, of Nebraska.
William Lawrence Estes, of Pennsylvania.
Albert Adolph Fricke, of Nebraska.
John Cooper Graham, of New York.
Harold M. Hays, of New York.
John Hunter Selby, of Minnesota.
Harlan Shoemaker, of North Carolina.
William Dey Herbert, of New Jersey.

PROMOTIONS IN THE NAVY.

Lieut. (Junior Grade) Ferdinand L. Reichmuth to be a lieutenant in the Navy from the 17th day of October, 1911, to fill a vacancy.

The following-named ensigns to be lieutenants (junior grade) in the Navy from the 12th day of February, 1912, upon the completion of three years' service as ensigns:

Frank R. King,
Jacob H. Klein, jr.,
Roy P. Emrich,
Walter F. Lafrenz,
George C. Logan,
Richard E. Cassidy,
David S. H. Howard,
Francis D. Pryor, and
Ralph B. Horner.

Boatswain Albert Seeckts to be a chief boatswain in the Navy from the 23d day of February, 1912, upon the completion of six years' service as a boatswain.

POSTMASTERS.

ALASKA.

Severin J. Bakke to be postmaster at Nome, Alaska, in place of Frank J. Kolash. Incumbent's commission expired January 9, 1912.

CALIFORNIA.

Joseph Charles Beard to be postmaster at Burlingame, Cal., in place of George W. Gates. Incumbent's commission expires April 2, 1912.

Mrs. J. C. Miller to be postmaster at Bishop, Cal., in place of J. W. Clark. Incumbent's commission expired December 10, 1911.

COLORADO.

David Sloan to be postmaster at Crested Butte, Colo., in place of Mabel F. Curren, resigned.

Carl D. Van Dorn to be postmaster at Oak Creek, Colo. Office became presidential January 1, 1912.

CONNECTICUT.

Harry W. Crane to be postmaster at Wethersfield, Conn., in place of Harry W. Crane. Incumbent's commission expired March 11, 1912.

George P. Edwards to be postmaster at Collinsville, Conn., in place of George P. Edwards. Incumbent's commission expired March 30, 1912.

George W. Randall to be postmaster at Rockville, Conn., in place of George W. Randall. Incumbent's commission expired March 30, 1912.

Charles T. Welch to be postmaster at Windsor, Conn., in place of Charles T. Welch. Incumbent's commission expired March 30, 1912.

DELAWARE.

Harry B. Johnson to be postmaster at Wyoming, Del., in place of Harry B. Johnson. Incumbent's commission expired January 13, 1912.

FLORIDA.

H. K. Murphy to be postmaster at Mulberry, Fla., in place of John B. White, resigned.

David B. Raulerson to be postmaster at Lake City, Fla., in place of Berry E. Raulerson, resigned.

GEORGIA.

Fred J. Allen to be postmaster at East Point, Ga., in place of Fred J. Allen. Incumbent's commission expired February 27, 1912.

Albert S. Anderson to be postmaster at Millen, Ga., in place of Albert S. Anderson. Incumbent's commission expired March 10, 1912.

Nemie F. Awtrey to be postmaster at Lagrange, Ga., in place of Nemie F. Awtrey. Incumbent's commission expired February 27, 1912.

Charles B. Beacham to be postmaster at Lumber City, Ga., in place of Charles B. Beacham. Incumbent's commission expired March 10, 1912.

John H. Boone to be postmaster at Hazlehurst, Ga., in place of John H. Boone. Incumbent's commission expired February 27, 1912.

James F. Boughton to be postmaster at Madison, Ga., in place of James F. Boughton. Incumbent's commission expired February 27, 1912.

William J. Campbell to be postmaster at Fairburn, Ga., in place of William J. Campbell. Incumbent's commission expired February 27, 1912.

William H. Carroll to be postmaster at La Fayette, Ga., in place of William H. Carroll. Incumbent's commission expired February 27, 1912.

William O. De Loache to be postmaster at Talbotton, Ga., in place of William O. De Loache. Incumbent's commission expired February 27, 1912.

William E. Dunham to be postmaster at Cochran, Ga., in place of William E. Dunham. Incumbent's commission expired February 27, 1912.

John W. English to be postmaster at Helena, Ga., in place of John W. English. Incumbent's commission expired March 10, 1912.

Augusta Glover to be postmaster at Monticello, Ga., in place of Augusta Glover. Incumbent's commission expired March 11, 1912.

Lizzie Hamilton to be postmaster at Buford, Ga., in place of Lizzie Hamilton. Incumbent's commission expired February 27, 1912.

Mattie H. Hanson to be postmaster at Forsyth, Ga., in place of Mattie H. Hanson. Incumbent's commission expired February 27, 1912.

Edward A. Hollis to be postmaster at Reynolds, Ga., in place of Edward A. Hollis. Incumbent's commission expired February 27, 1912.

Newton T. Jones to be postmaster at Pelham, Ga., in place of Newton T. Jones. Incumbent's commission expired February 27, 1912.

John W. Kitchens to be postmaster at Fayetteville, Ga. Office became presidential January 1, 1912.

John C. Massey to be postmaster at Hartwell, Ga., in place of John C. Massey. Incumbent's commission expired February 27, 1912.

James W. Riley to be postmaster at Butler, Ga. Office became presidential January 1, 1912.

John W. Spinks to be postmaster at Dallas, Ga., in place of John W. Spinks. Incumbent's commission expired February 27, 1912.

George P. Whigham to be postmaster at Bartow, Ga., in place of George P. Whigham. Incumbent's commission expired February 27, 1912.

William M. Wilson to be postmaster at Blue Ridge, Ga., in place of William M. Wilson. Incumbent's commission expired February 27, 1912.

ILLINOIS.

William Folkerts to be postmaster at Witt, Ill., in place of Edward H. Ramsdell. Incumbent's commission expired December 11, 1911.

John Grierson to be postmaster at Morrison, Ill., in place of John Grierson. Incumbent's commission expires April 22, 1912.

George Isherwood to be postmaster at Tampico, Ill., in place of Frederick H. Richardson. Incumbent's commission expired February 12, 1912.

Yale T. Kiblinger to be postmaster at Morton, Ill., in place of Yale T. Kiblinger. Incumbent's commission expired March 11, 1912.

IOWA.

Isaac W. Abbott to be postmaster at New Market, Iowa. Office became presidential January 1, 1912.

William A. Grummon to be postmaster at Rockwell, Iowa, in place of William A. Grummon. Incumbent's commission expires April 22, 1912.

Richard Hudgel to be postmaster at Anthon, Iowa, in place of Edmund B. Booher. Incumbent's commission expired December 12, 1908.

KANSAS.

George Delaney to be postmaster at Axtell, Kans., in place of George Delaney. Incumbent's commission expired December 11, 1911.

Joshua M. Roney to be postmaster at Norcatur, Kans., in place of Joshua M. Roney. Incumbent's commission expired February 12, 1912.

J. L. Stevens to be postmaster at Stockton, Kans., in place of Floyd E. Young, resigned.

Anna R. Wood to be postmaster at Selden, Kans., in place of Anna R. Wood. Incumbent's commission expired January 22, 1912.

MAINE.

Fred H. Atwood to be postmaster at Rumford, Me., in place of Fred H. Atwood. Incumbent's commission expires April 17, 1912.

Horace K. Purinton to be postmaster at Fairfield, Me., in place of Edward P. Mayo, deceased.

MASSACHUSETTS.

Harry E. Clough to be postmaster at South Acton, Mass., in place of Harry E. Clough. Incumbent's commission expired March 25, 1912.

Martin E. Stockbridge to be postmaster at Dalton, Mass., in place of Martin E. Stockbridge. Incumbent's commission expired April 2, 1912.

MICHIGAN.

Will S. Carpenter to be postmaster at Gaylord, Mich., in place of Faustina M. Towle, deceased.

George L. Curtis to be postmaster at Birch Run, Mich. Office became presidential January 1, 1912.

Edmund O. Dewey to be postmaster at Owosso, Mich., in place of Edmund O. Dewey. Incumbent's commission expires April 21, 1912.

Orlo S. Pattison to be postmaster at Caro, Mich., in place of Orlo S. Pattison. Incumbent's commission expires April 28, 1912.

MINNESOTA.

Harry A. Allen to be postmaster at Verndale, Minn., in place of Grace M. Henderson, resigned.

Robert M. Mills to be postmaster at Maple Plain, Minn. Office became presidential April 1, 1912.

Samuel B. Scott to be postmaster at Zumbrota, Minn., in place of Samuel B. Scott. Incumbent's commission expires April 7, 1912.

MISSOURI.

August W. Enis to be postmaster at Clyde, Mo., in place of August W. Enis. Incumbent's commission expired April 2, 1912.

Edward W. Flentge to be postmaster at Cape Girardeau, Mo., in place of Edward W. Flentge. Incumbent's commission expired March 10, 1912.

Henry Puls to be postmaster at Jackson, Mo., in place of Henry Puls. Incumbent's commission expired April 1, 1912.

James Tait to be postmaster at Polo, Mo., in place of James Tait. Incumbent's commission expires April 28, 1912.

MONTANA.

Thomas Hanlon to be postmaster at Hobson (late Philbrook) Mont., in place of Thomas Nicholson, resigned. To change name of office.

Patrick H. Tooley to be postmaster at Moore, Mont., in place of Patrick H. Tooley. Incumbent's commission expires May 15, 1912.

NEBRASKA.

Robert E. Chittick to be postmaster at Stuart, Nebr., in place of John W. Wertz. Incumbent's commission expired December 11, 1911.

James H. Overman to be postmaster at Stella, Nebr., in place of James H. Overman. Incumbent's commission expires April 24, 1912.

NEW JERSEY.

Patrick J. Carney to be postmaster at Grantwood, N. J. Office became presidential January 1, 1912.

Charles F. Hopkins to be postmaster at Boonton, N. J., in place of Charles F. Hopkins. Incumbent's commission expired February 10, 1912.

Frank M. O'Shea to be postmaster at Westwood, N. J., in place of Frank M. O'Shea. Incumbent's commission expired January 9, 1912.

Willis D. Robbins to be postmaster at Port Norris, N. J. Office became presidential January 1, 1912.

NEW MEXICO.

S. M. Wharton to be postmaster at Tucumcari, N. Mex., in place of Albert R. Carter. Incumbent's commission expired March 11, 1912.

NEW YORK.

William E. Clark to be postmaster at Fredonia, N. Y., in place of William E. Clark. Incumbent's commission expires April 13, 1912.

John Hopkins to be postmaster at Hyde Park, N. Y., in place of John Hopkins. Incumbent's commission expired February 4, 1912.

Reuben Kline to be postmaster at Port Leyden, N. Y. Office became presidential April 1, 1911.

Judson A. C. Knapp to be postmaster at Churchville, N. Y., in place of Judson A. C. Knapp. Incumbent's commission expires April 7, 1912.

Solomon A. Royce to be postmaster at Liberty, N. Y., in place of Solomon A. Royce. Incumbent's commission expired April 1, 1912.

Thomas A. McWhinney to be postmaster at Lawrence, N. Y., in place of Thomas A. McWhinney. Incumbent's commission expired February 10, 1912.

Charles Voss to be postmaster at Tannersville, N. Y., in place of Charles Voss. Incumbent's commission expired March 27, 1912.

Charles H. Whitson to be postmaster at Briarcliff Manor, N. Y., in place of Charles H. Whitson. Incumbent's commission expired March 24, 1912.

OHIO.

Sheridan G. Dowds to be postmaster at Mount Vernon, Ohio, in place of Sheridan G. Dowds. Incumbent's commission expires April 29, 1912.

OKLAHOMA.

Clarence W. Early to be postmaster at Durant, Okla., in place of William H. Hilton, deceased.

H. O. Jeffries to be postmaster at Nowata, Okla., in place of Frank McCartney. Incumbent's commission expired February 28, 1912.

W. H. Staggers to be postmaster at Wakita, Okla., in place of Philo R. Smith, resigned.

John B. Willeford to be postmaster at Olustee, Okla., in place of John B. Willeford. Incumbent's commission expires April 28, 1912.

OREGON.

Harry H. Martin to be postmaster at Carlton, Oreg. Office became presidential January 1, 1912.

Elizabeth Thompson to be postmaster at Nyssa, Oreg. Office became presidential January 1, 1912.

C. H. Van Denburg to be postmaster at Cottage Grove, Oreg., in place of Daniel M. C. Gault. Incumbent's commission expired February 4, 1912.

PENNSYLVANIA.

Daniel W. Bedea to be postmaster at Shenandoah, Pa., in place of Daniel W. Bedea. Incumbent's commission expires May 14, 1912.

Joseph A. Buchanan to be postmaster at Ambler, Pa., in place of Joseph A. Buchanan. Incumbent's commission expired April 1, 1912.

Thomas D. Davis to be postmaster at Girardville, Pa., in place of Thomas D. Davis. Incumbent's commission expires May 14, 1912.

Alonzo M. Frederick to be postmaster at New Kensington, Pa., in place of Alonzo M. Frederick. Incumbent's commission expired February 10, 1912.

Mary C. Fruth to be postmaster at Economy, Pa., in place of Harry W. Fabian, resigned.

John H. McDermott to be postmaster at McKees Rocks, Pa., in place of John H. McDermott. Incumbent's commission expires May 7, 1912.

Charles S. Madeira to be postmaster at Fleetwood, Pa., in place of Charles S. Madeira. Incumbent's commission expires April 28, 1912.

Nathaniel B. Miller to be postmaster at Clarendon, Pa., in place of Nathaniel B. Miller. Incumbent's commission expired March 10, 1912.

Renwick Rowan to be postmaster at Parnassus, Pa., in place of Renwick Rowan. Incumbent's commission expired December 17, 1911.

SOUTH CAROLINA.

James M. Byrd to be postmaster at Branchville, S. C., in place of James M. Byrd. Incumbent's commission expires April 29, 1912.

Charles J. Shannon to be postmaster at Camden, S. C., in place of Charles J. Shannon. Incumbent's commission expired February 21, 1912.

John R. Tolbert, jr., to be postmaster at Abbeville, S. C., in place of Frederic Minshall, deceased.

SOUTH DAKOTA.

Elmer G. Houston to be postmaster at Oelrichs, S. Dak., in place of William W. Smithson, resigned.

James H. Reed to be postmaster at Timber Lake, S. Dak. Office became presidential January 1, 1912.

VIRGINIA.

John S. Cecil to be postmaster at Dublin, Va., in place of John S. Cecil. Incumbent's commission expires April 21, 1912.

Floyd L. Harless to be postmaster at Christiansburg, Va., in place of Floyd L. Harless. Incumbent's commission expired June 7, 1910.

W. F. Harvey to be postmaster at Blacksburg, Va., in place of Lulu O. Hoge. Incumbent's commission expired December 13, 1909.

John H. Steele to be postmaster at Coeburn, Va., in place of John H. Steele. Incumbent's commission expires April 21, 1912.

WASHINGTON.

Fred E. Kirby to be postmaster at Friday Harbor, Wash., in place of Fred E. Kirby. Incumbent's commission expired March 21, 1912.

John O. Wilson to be postmaster at Cosmopolis, Wash., in place of John O. Wilson. Incumbent's commission expires April 24, 1912.

WISCONSIN.

William F. Prochnow to be postmaster at Almond, Wis., in place of Etta F. Cowan. Incumbent's commission expired January 27, 1912.

WYOMING.

Joseph Munz to be postmaster at Saratoga, Wyo., in place of Joseph Munz. Incumbent's commission expires April 29, 1912.

CONFIRMATIONS.

Executive nominations confirmed by the Senate April 2, 1912.

COLLECTOR OF INTERNAL REVENUE.

Charles C. Cole to be collector of internal revenue, twenty-fifth district of New York.

SURVEYOR GENERAL.

Darwin A. Utter to be surveyor general of Idaho.

PROMOTIONS IN THE ARMY.

CORPS OF ENGINEERS.

Lieut. Col. Edward Burr to be colonel.
Maj. William V. Judson to be lieutenant colonel.
Capt. Thomas H. Jackson to be major.
First Lieut. Joseph H. Earle to be captain.
First Lieut. Thomas M. Robins to be captain.
First Lieut. Roger D. Black to be captain.
First Lieut. Theodore H. Dillon to be captain.
First Lieut. De Witt C. Jones to be captain.
First Lieut. Ernest Graves to be captain.
Second Lieut. Edwin H. Marks to be first lieutenant.
Second Lieut. Earl North to be first lieutenant.
Second Lieut. Albert H. Archer to be first lieutenant.
Second Lieut. Gilbert Van B. Wilkes to be first lieutenant.
Second Lieut. John C. H. Lee to be first lieutenant.
Second Lieut. Frank S. Besson to be first lieutenant.

SUBSISTENCE DEPARTMENT.

Capt. Theodore B. Hacker to be commissary with the rank of major.

CAVALRY ARM.

Capt. George E. Stockle to be major.
First Lieut. Timothy M. Coughlan to be captain.

COAST ARTILLERY CORPS.

Lieut. Col. John W. Ruckman to be colonel.
Maj. Delamere Skerrett to be lieutenant colonel.
Capt. William E. Cole to be major.
First Lieut. Charles R. Alley to be captain.
First Lieut. Mark L. Ireland to be captain.
Second Lieut. John W. Wallis to be first lieutenant.
Second Lieut. Clement C. Heth to be first lieutenant.

INFANTRY ARM.

Lieut. Col. William L. Buck to be colonel.
Lieut. Col. Arthur C. Ducat to be colonel.
Lieut. Col. Hunter Liggett to be colonel.
Maj. Frederick Perkins to be lieutenant colonel.
Maj. James M. Arrasmith to be lieutenant colonel.
Maj. William P. Burnham to be lieutenant colonel.
Capt. La Roy S. Upton to be major.
Capt. Harry A. Smith to be major.
Capt. George C. Saffarrans to be major.
First Lieut. John J. Miller to be captain.
First Lieut. Kirwin T. Smith to be captain.
First Lieut. William W. Bessell to be captain.
Second Lieut. John S. Davis to be first lieutenant.
Second Lieut. James G. Taylor to be first lieutenant.

APPOINTMENTS IN THE ARMY.

MEDICAL RESERVE CORPS.

To be first lieutenants.

Frederick William Baeslack.
Alexander Willis Blain, jr.
Henry Colmore Bradford.
James Nathaniel Jenne.
Frederick Clyde Lamar.
John Rich McDill.
William Keith Mittendorf.
Randell Hunt.
Edward Clarence Rumer.
Meyer Maurice Stark.
Willis Bryant Jones.

COAST ARTILLERY CORPS.

To be second lieutenants.

Clarence Leslie Gilbert.
Arthur Eugene Rowland.
Leon R. Cole.
Lee Roland Watrous, jr.
Joseph Dowd Brown.
Spencer Bridgman Lane.
Paul Leo Ferron.
Leslie MacDill.
Charles Augustus French.
John Albert Hoag.
Oscar A. Eastwold.
William Hooper Jouett.
Earl Herbert Metzger.

POSTMASTERS.

OHIO.

O. W. Whitney, Sunbury.

PENNSYLVANIA.

Alonzo W. Frederick, New Kensington.
Renwick Rowan, Parnassus.

HOUSE OF REPRESENTATIVES.

TUESDAY, *April 2, 1912.*

The House met at 12 o'clock noon.

The Chaplain, Rev. Henry N. Couden, D. D., offered the following prayer:

Our Father in heaven, we realize that we are indeed fearfully and wonderfully made. "The philosophy of six thousand years has not searched the chambers and magazines of the soul; there has always remained, in the last analysis, a residuum it could not resolve." But Thou hast made it clear that we are here for action, and since Thou hast given us the power of choice, help us to act intelligently, wisely, discreetly, without prejudice, ever keeping our minds open to conviction, that we may with all diligence and perseverance act in accordance with Thy will as revealed in the spirit of the Lord Jesus Christ, the world's great exemplar, and thus prove ourselves worthy of the trust Thou hast reposed in us. For Thine is the kingdom, and the power, and the glory forever. Amen.

The Journal of the proceedings of yesterday was read and approved.

CALENDAR FOR UNANIMOUS CONSENT.

The SPEAKER. The business to-day is the business that would have been transacted yesterday if the transfer of business had not been made, and the Clerk will report the first bill on the Calendar for Unanimous Consent.

INDIAN DEPREDATION CLAIMS.

The Clerk read as follows:

H. R. 14667, a bill to amend an act entitled "An act to provide for the adjudication and payment of claims arising from Indian depredations," approved March 3, 1891.

Mr. STEPHENS of Texas. Mr. Speaker, I ask unanimous consent that this bill be passed over at the present time, without prejudice, for the reason that it is also on the calendar for to-morrow and will be considered under Calendar Wednesday.

The SPEAKER. The gentleman from Texas asks that this bill be passed over without prejudice. Is there objection? [After a pause.] The Chair hears none, and it is so ordered.

MESSAGE FROM THE PRESIDENT OF THE UNITED STATES.

A message, in writing, from the President of the United States was communicated to the House of Representatives by Mr. Latta, one of his secretaries.

BRIDGE ACROSS WILLAMETTE RIVER, OREG.

The next business on the Calendar for Unanimous Consent was the bill (H. R. 20486) authorizing the construction of a bridge across the Willamette River at or near Newberg, Oreg.

The Clerk read the bill, as follows:

Be it enacted, etc., That the consent of Congress be, and it is hereby, given to the construction and maintenance of a highway bridge and approaches thereto over the Willamette River at a point suitable to the interests of navigation, in accordance with the provisions of the act entitled "An act to regulate the construction of bridges over navigable waters," approved March 23, 1906. Such bridge may be constructed and maintained by the county of Yamhill, in the State of Oregon, by the county of Marion, in said State, or by said counties of Yamhill and Marion acting jointly.

SEC. 2. That the right to alter, amend, or repeal this act is hereby expressly reserved.

Also a committee amendment, as follows:

On page 1, line 4, strike out the word "highway."

The SPEAKER. Is there objection to the present consideration of the bill? [After a pause.] The Chair hears none. The question is on agreeing to the amendment, which the Clerk will report.

The Clerk read as follows:

On page 1, line 4, strike out the word "highway."

The question was taken, and the amendment was agreed to.

The SPEAKER. The question is on the engrossment and third reading of the amended bill.

The bill was ordered to be engrossed and read a third time, was accordingly read the third time, and passed.

On motion of Mr. ADAMSON, a motion to reconsider the vote whereby the bill was passed was laid on the table.

SALARY OF UNITED STATES MARSHAL, DISTRICT OF CONNECTICUT.

The next business on the Calendar for Unanimous Consent was the bill (S. 2434) providing for an increase of salary for the United States marshal for the district of Connecticut.

The Clerk read the bill, as follows:

Be it enacted, etc., That from and after the passage of this act the salary of the United States marshal for the district of Connecticut shall be at the rate of $3,000 a year.

Also a committee amendment, as follows:

In line 5 strike out "three thousand" and insert "two thousand five hundred."

The SPEAKER. Is there objection to the present consideration of the Senate bill?

Mr. MANN. Reserving the right to object, Mr. Speaker, I would like to have a statement in regard to it.

Mr. HIGGINS. Mr. Speaker, this is a unanimous report from the Committee on the Judiciary. The salary of the United States marshal of Connecticut, $2,000, is now the lowest salary paid any marshal in the country. The report of the committee, which shows that the matter was very carefully considered, goes into an analysis of the salaries paid to other marshals and makes comparisons, and shows the business transacted in the courts of that district, and gives the salary of the clerk of the Connecticut district, and states other facts, which seem to your committee to make it an exceedingly worthy case and one in which it was only justice to take such action as the committee did take.

Mr. MANN. Mr. Speaker, will the gentleman yield to me for a question?

Mr. HIGGINS. I would be very glad to.

Mr. MANN. I see this bill, as it passed the Senate, provides for a salary of $3,000, instead of $2,000, as is now provided.

Mr. HIGGINS. Yes.

Mr. MANN. The Judiciary Committee has recommended a salary of $2,500.

Mr. HIGGINS. Yes.

Mr. MANN. If the bill passes the House in that shape, in what shape does the gentleman expect it to become a law, at $2,500 or $3,000, or does the gentleman expect to split the difference?

Mr. HIGGINS. I suppose it will go into conference, as any other disagreeing action of the two Houses would go.

Mr. GARNER. Mr. Speaker, will the gentleman yield?

Mr. MANN. Yes.

Mr. GARNER. Is there not a bill already pending on the calendar seeking to regulate the salaries of all the different clerks throughout the country?

Mr. MANN. This is not a clerk. This is a marshal. I would like to ask the gentleman from Connecticut if he is satisfied to increase this salary to $2,500 if he can pass the bill here by unanimous consent?

Mr. HIGGINS. I do not get the import of the gentleman's question. I will be frank with the gentleman. I do not know, and I do not usually cross bridges until I get to them.

Mr. MANN. But the gentleman is right at the bridge now.

Mr. HIGGINS. At one end of the bridge. I have not got over yet.

Mr. MANN. No; I know the gentleman has not got over yet.

Mr. HIGGINS. I will be frank with the gentleman and say that, so far as I am personally concerned, in my view of it the salary ought to be $3,000. And I will say further that the committee were of that opinion. The United States district attorney for that district gets a salary of $2,500 a year. The business of that court has very largely increased since salaries were fixed 16 years ago. We have 804 cases on the docket now. I think I violate no proprieties in saying that the reason the committee did not agree to give the marshal the salary fixed by the Senate was that they did not care to have the salary of the marshal higher than that of the district attorney, though I think it will certainly appeal to the judgment and fairness of the gentleman from Illinois that the salary of United States marshal for the district of Connecticut ought to be more than $2,500. I can not indulge in prophecies, which would be of no avail and exceedingly vain, it seems to me, as to what ultimately will happen.

Mr. MANN. The gentleman understands very well that there are four United States marshals who now receive salaries of $2,000. The gentleman desires to have the salary of the marshal in his district increased. He now offers the House a proposition to make the salary $2,500, which is an increase of $500, and in these times that is quite an increase. The gentleman brings the bill to the House for unanimous consent on that proposition. It seems to me that if the House gives unanimous consent it ought to understand whether the gentleman intends to stand for $2,500 or whether the committee intends to make the salary $3,000. The gentleman ought to state that so that the House, in considering the bill, may know what the intentions of the committee are.

Mr. HIGGINS. I think the committee have no intention at all different from that expressed in their action. I think they have expressed their views in that way.

Mr. MANN. The gentleman knows very well that in a matter of this sort it would be necessary for the Senate to yield to the House amendments if the House stood for those amendments in conference. I think we are entitled to frankness on the part of the gentleman as to whether it is his intention to favor a conference report increasing the salary from $2,500 to $3,000, or whether he intends to let it pass at $2,500.

Mr. HIGGINS. Mr. Speaker, I have every disposition to be frank, and if I have impressed the gentleman otherwise I do not think the fault is with me. The gentleman can not say that I have been anything except frank. I do not expect to be one of the conferees. I can not say what may happen in the conference.

Mr. HAMMOND. What is the salary of the marshal at the present time?

Mr. HIGGINS. Two thousand dollars.

Mr. HAMMOND. Does he receive any fees for travel or for any other service?

Mr. HIGGINS. He receives no fees. He receives a very small allowance, about $200, as I recollect it, for travel.

Mr. HAMMOND. Does he receive mileage?

Mr. HIGGINS. No.

Mr. HAMMOND. In the service of process?

Mr. HIGGINS. No; he does not. The fees which he receives are all turned into the Government, except his mileage of 10 cents a mile for travel with Federal prisoners and necessary expenses incurred in the performance of his duties.

Mr. HAMMOND. How about the commitment of prisoners? Does he receive fees for that?

Mr. HIGGINS. No; except his mileage, as I have stated.

Mr. GARNER. Does the gentleman mean to say that the marshal does not receive mileage when he goes after a Federal prisoner to bring him to his district?

Mr. HIGGINS. I will say to the gentleman that the report of the Attorney General, which, as the gentleman knows, gives the transactions of that office in a very complete form, shows that this marshal receives about $200 a year or less than $200 a year for travel. He is allowed only one office deputy, at $1,000 a year. The State of Connecticut is the district, and it has about 1,125,000 people in it.

Mr. HAMMOND. Does this allowance of $200 cover all that the marshal is allowed for mileage in carrying prisoners to the penitentiary?

Mr. HIGGINS. Yes. The gentleman knows that about 16 years ago we changed from the fee system to the salary system. This salary was fixed 16 years ago, when the method of compensating marshals was changed.

Mr. HAMMOND. So that the marshal receives no fees whatsoever, except those that may be included in the $200?

Mr. HIGGINS. I have not the report of the Attorney General before me and I do not suppose the gentleman expects me to be bound to the precise figures, but I have given substantially the amount that he receives in excess of his salary, as I remember it. The balance of his fees are turned over to the Treasury of the United States under the law that was passed about 16 years ago applying to all marshals.

Mr. OLMSTED. Does the $200 any more than actually cover the expenses of the marshal incurred in the performance of his duties?

Mr. HIGGINS. That is all.

Mr. KINDRED. I desire to ask the gentleman from Connecticut a question. The gentleman has stated that the marshal for the district of Connecticut now receives only $2,000. I desire to ask what is the average salary of marshals in the United States.

Mr. HIGGINS. The average salary is $3,848.10.

Mr. FOSTER. Mr. Speaker, along the line of questions asked by my colleague [Mr. MANN], I did not quite understand what the gentleman's statement is in reference to the amendment proposed here cutting this salary from $3,000 to $2,500, and whether it is likely this bill would go through and have it go to conference, and then the House be compelled to adopt the Senate proposition of $3,000.

Mr. HIGGINS. Mr. Speaker, there has not been a suggestion to me of such a thing. The matter has never been discussed in my presence, and the committee made no intimation of such a thing. The suggestion of the gentleman from Illinois [Mr. MANN] is the first that I have heard on the subject.

Mr. FOSTER. The only reason that I asked the question was that I thought possibly the gentleman might be able to state to the House that it was the intention, so far as the House conferees could control the matter, to stand for the $2,500.

Mr. HIGGINS. I beg the gentleman's pardon, I did not quite catch his language.

Mr. FOSTER. I say I thought the gentleman might be able to state that the intention on the part of the House, so far as the conferees were able to control the matter when it did go to conference, would be to stand for the $2,500.

Mr. HIGGINS. Of course the gentleman knows that I could not speak for the conferees. I probably will not be one of them. It would have to be a full and free conference. I would not assume that the conferees would go into the conference with any ulterior motive, and, of course, the gentleman from Illinois would not expect them to.

Mr. FOSTER. No; I would not; but I would like to inquire if some of these other marshals who are getting $2,000 will not be likely to come to the House and ask that their salaries be raised to $2,500 or $3,000 as a result of granting this raise to this particular marshal.

Mr. HIGGINS. I can only say for myself, as a member of the committee, that I do not favor any such action; that there are no bills indicating any such legislation before the committee; and while I am asked again to go into the realms of prophecy, I say that I do not think there would be any such movement.

Mr. FOSTER. The gentleman from Connecticut knows that when one salary is raised usually there is an importuning to raise the salaries of officers of a like character.

Mr. HIGGINS. Yes; but I am quite sure that the sense of fairness which always possesses the gentleman from Illinois will compel him to see the absolute justice of this proposition. I say that, as compared with the salaries of other marshals in the 85 districts of the country, this is the most meritorious proposition.

Mr. NORRIS. Will the gentleman yield to me for a suggestion to the gentleman from Illinois?

Mr. HIGGINS. Certainly.

Mr. NORRIS. I would like to say that the committee considered these other cases with a view of reaching a conclusion as to the identical situation which the gentleman from Illinois has pointed out, whether these other marshals that are getting $2,000 would be likely to ask to have their salaries increased. The committee reached the conclusion that in all the districts where the salary was only $2,000—and I think there were only four—there was no one so meritorious as this; that conditions did not exist in the other three districts that existed in this one.

Mr. FOSTER. So the gentleman's opinion as a lawyer, after investigation of this case, leads him to believe that the increase is fair and proper?

Mr. NORRIS. I think so.

Mr. HIGGINS. Will not the gentleman from Nebraska give me the benefit of his observation? I did not hear it.

Mr. NORRIS. I stated to the gentleman from Illinois that in the investigation the committee took into consideration the other districts where the salary is only $2,000, and while there was no one representing the other three districts, the committee looked into the facts as much as they could and reached the conclusion that this particular district in Connecticut was more meritorious and had reasons for an increase of the amount of salary that do not exist in the other districts where the salary is only $2,000.

Mr. HIGGINS. Mr. Speaker, I will print the report of the committee on this proposition, which furnishes ample reasons for this legislation:

[House Report No. 386, Sixty-second Congress, second session.]

SALARY UNITED STATES MARSHAL, DISTRICT OF CONNECTICUT.

Mr. WEBB, from the Committee on the Judiciary, submitted the following report to accompany S. 2434:

The Committee on the Judiciary, to whom was referred the bill (S. 2434) providing for an increase of salary of the United States marshal for the district of Connecticut, having had the same under consideration, report thereon with an amendment striking out "three thousand," in line 5, and substituting in lieu therefor "two thousand five hundred," and do unanimously recommend that the bill thus amended do pass.

The State of Connecticut comprises one judicial district, and the law provides for the holding of court at New Haven and Hartford. The salary of marshal for the district of Connecticut has remained the same for about 16 years. It was represented to your committee by those most familiar with the busines transacted that the volume of work for the United States marshals and the bailiffs and deputies whom they appoint had increased in the vicinity of 40 per cent in the last 16 years. The duties of the office require the constant attention of the marshal, and he is allowed one office deputy only, at a salary of $1,000 a year. The district since the salary of the marshal was fixed at $2,000, his present compensation, has increased more than 400,000 in population, until now, by the census of 1910, the population of the district is 1,114,756. There is no district in the United States with a population of a million or more but what the marshal receives a salary of $3,000 a year.

The salaries paid the marshals in the 85 districts are as follows:

In 1 district	$5,500
In 10 districts	5,000
In 5 districts	4,500
In 44 districts	4,000
In 8 districts	3,500
In 10 districts	3,000
In 3 districts	2,500
In 4 districts	2,000

Three districts out of the four that receive $2,000 salary, viz, Delaware (202,322), New Hampshire (430,572), and Rhode Island (542,610), have a combined population of 1,175,504, only about 60,000 more than the Connecticut district has.

There were pending July 1, 1911, 804 civil and criminal cases, and the business is increasing from year to year. The clerk was paid in 1911 $4,939.60. The average salary received by the marshals in the different districts is $3,848.10.

The bill as it passed the Senate provided for a salary of $3,000 a year. Your committee recommends that the Senate bill be amended fixing the salary at $2,500 and are unanimous in their recommendation that the bill so amended do pass.

Mr. CLAYTON. May I interrupt the gentleman?

Mr. HIGGINS. Certainly.

Mr. CLAYTON. Mr. Speaker, I desire to say that this bill is not a very unusual one. The gentleman from Texas [Mr. HENRY], who has served a long time on the Committee on the Judiciary with me, will bear me out in the statement that only a few years ago a similar bill was passed in regard to a case in the State of Louisiana and a similar bill in regard to a like

case in the State of Texas. Occasionally, from time to time, there is some development of business that makes it necessary to change the salaries in order that they may be fair and equitable, and I believe the gentleman from Texas was the author of the bill covering the Texas case, and I think one of the Senators elect from Louisiana [Mr. BROUSSARD] was the author of the other bill.

Mr. HENRY of Texas. Mr. Speaker, if the gentleman will permit me, I will say that I was not the author of the bill, but it is a fact that we passed a bill to that effect raising the salary of the marshal of the northern district from $3,000 to $4,000, and of the southern district from $3,500 to $4,000; and we equalized the salaries of the State of Texas. In the Louisiana case——

Mr. CLAYTON. Was not the salary in the Texas case raised in one instance from $4,000 to $4,500?

Mr. HENRY of Texas. In the Louisiana case it raised the salary from $4,000 to $4,500.

Mr. MANN. And was there not a salary reduced in that bill?

Mr. HENRY of Texas. We reduced the salary of the eastern district of Texas to $4,000. The increase in the aggregate of the salaries was about $1,500.

Mr. CLAYTON. In the Louisiana case there was no reduction. There the marshal was drawing $4,000 and the salary was increased to $4,500. Now, I say that the committee took into consideration the action of the House heretofore, the merits of this case and the merits of the other cases, and did not treat this one from any narrow policy whatever. It seemed to the committee that this was a meritorious proposition to increase this salary by $500. I may say to some gentlemen who have asked what the committee of conference would probably do. I do not know who will be on the committee of conference, but I take it that the suggestion will not be made in the committee of conference that this salary be raised to $3,000 instead of $2,500. I think very likely the Senate will concur in the House amendment fixing it at $2,500.

Mr. KINDRED. Will the gentleman yield?

Mr. CLAYTON. I will.

Mr. KINDRED. I would like to be enlightened as to the desirability of making all of the salaries of the marshals of the United States uniform.

Mr. CLAYTON. That would not be practicable nor would it be just.

Mr. KINDRED. Why not?

Mr. CLAYTON. Because some marshals do a very large amount of work, having a large district, and other marshals do a small amount of work, having a little district.

Mr. KINDRED. Could not the districts be so adjusted that there would be a uniform amount of service?

Mr. CLAYTON. That is not possible. You might have to take territory from an adjoining State, or you might have to put more people in a district. Take a great State like New York, or a number of the other States, and then compare them with a State like Nevada, and how would you equalize the conditions?

Mr. MANN. Mr. Speaker, if this bill should pass the House fixing the salary at $2,500, is it the gentleman's personal opinion that the House would maintain that salary and not yield to any proposition to increase the salary from $2,500 to $3,000?

Mr. CLAYTON. That is my personal opinion, and that was the opinion of the committee that ordered the report brought into the House.

Mr. MANN. As the gentleman from Alabama will have charge of the matter if it goes to conference, I am willing, as far as I am concerned, to accept his personal opinion on the subject.

Mr. CLAYTON. That is my personal opinion, and I for one favor $2,500. I want to be perfectly frank with the gentleman from Illinois, as he is always perfectly frank himself.

The SPEAKER. Is there objection to the present consideration of this bill? [After a pause.] The Chair hears none. The Clerk will report the amendment.

The Clerk read as follows:

Line 5, page 1, strike out the words "three thousand" and insert in lieu thereof the words "two thousand five hundred."

The SPEAKER. The question is on agreeing to the amendment.

The question was taken, and the amendment was agreed to.

The SPEAKER. The question is on the third reading of the amended Senate bill.

The bill was ordered to be read a third time, was read the third time, and passed.

On motion of Mr. HIGGINS, a motion to reconsider the vote by which the bill was passed was laid on the table.

RIGHT OF WAY THROUGH FORT HUACHUCA MILITARY RESERVATION.

The next business on the Calendar for Unanimous Consent was the bill (H. R. 21170) granting to El Paso & Southwestern Railroad Co., a corporation organized and existing under the laws of the Territory and State of Arizona, a right of way through the Fort Huachuca Military Reservation, in the State of Arizona, and authorizing said corporation and its successors or assigns to construct and operate a railway through said Fort Huachuca Military Reservation, and for other purposes.

The SPEAKER. Is there objection to the present consideration of the bill?

Mr. MANN. Mr. Speaker, reserving the right to object, this is a bill to grant a railroad company a right of way through a military reservation in the State of Arizona. I will inquire of the gentleman from Arizona [Mr. HAYDEN] if he would be willing to accept an amendment to the bill to this effect: That any other person or corporation having a franchise for the operation of a railway in the State of Arizona may, upon obtaining a license from the Secretary of War, use the track and other constructions herein authorized to be placed upon the reservation upon paying just compensation, and if the parties concerned can not agree upon the amount of such compensation, the sum or sums to be paid for said use shall be fixed by the Secretary of War; and also an amendment to the effect that the right to alter, amend, or repeal this act is hereby expressly reserved?

Mr. HAYDEN. Mr. Speaker, I would have no objection to such an amendment.

The SPEAKER. The Clerk will report the bill.

The Clerk read as follows:

Be it enacted, etc., That El Paso & Southwestern Railroad Co., a corporation organized and existing under and by virtue of the laws of the Territory and State of Arizona, be, and it is hereby, empowered to survey and to locate and construct a railway, telegraph, and telephone line through Fort Huachuca Military Reservation, in the State of Arizona, upon such a line as may be determined and approved by the Secretary of War.

SEC. 2. That such corporation is authorized to take and use for all purposes of a railway, telegraph, and telephone line, and for no other purpose, a right of way 100 feet in width through said Fort Huachuca Military Reservation, and a right to take and use a strip of land in said reservation 200 feet in width, with a length of 3,000 feet, in addition to said right of way, for stations, station grounds, and stockyards, with the right to use such other additional grounds, when cuts and fills may be necessary for the construction and maintenance of said roadbed, not exceeding 100 feet in width on each side of said right of way, or as much thereof as may be included in said cut or fill: *Provided*, That no part of the lands herein authorized to be taken shall be used except in such manner and for such purposes as shall be necessary for the construction, maintenance, and convenient operation of said railway, telegraph, and telephone lines and the use and enjoyment of the rights and privileges herein granted, and when any portion thereof shall cease to be so used such portion shall revert to the United States from which the same shall be taken: *Provided further*, That before the said El Paso & Southwestern Railroad Co. shall be permitted to enter upon any part of said military reservation a description by metes and bounds of the lands herein authorized to be taken shall be approved by the Secretary of War: *And provided further*, That the said El Paso & Southwestern Railroad Co., its successor and assigns, shall construct, maintain, and operate said railway and telegraph and telephone lines in accordance with such regulations and restrictions as the Secretary of War may from time to time prescribe, and shall construct and maintain such crossings, and shall surface and prepare its tracks in such manner, as may be required by the Secretary of War, as not to interfere with the proper use of said reservation for maneuvering and other military purposes.

SEC. 3. That the rights and privileges herein granted shall extend to and inure to the benefit of said El Paso & Southwestern Railroad Co., its successors or assigns, but subject, however, to the conditions, stipulations, and requirements herein set forth.

The SPEAKER. Is there objection? [After a pause.] The Chair hears none. The Clerk will report the amendments.

The Clerk read as follows:

Amend by adding new sections, as follows:

"SEC. 4. That any other person or corporation having a franchise for the operation of a railway in the State of Arizona may, upon obtaining a license from the Secretary of War, use the track and other constructions herein authorized to be placed upon the reservation upon paying just compensation, and if the parties concerned can not agree upon the amount of such compensation, the sum or sums to be paid for said use shall be fixed by the Secretary of War.

"SEC. 5. That the right to alter, amend, or repeal this act is hereby expressly reserved."

The SPEAKER. The question is on agreeing to the amendments.

The question was taken, and the amendments were agreed to.

The SPEAKER. The question now is on the engrossment and third reading of the amended bill.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

ADDITIONAL AIDS TO NAVIGATION IN LIGHTHOUSE SERVICE.

The next business on the Calendar for Unanimous Consent was the bill (H. R. 22043) to authorize additional aids to navigation in the Lighthouse Service, and for other purposes.

Mr. ADAMSON. Mr. Speaker, this bill being on the Union Calendar, I ask unanimous consent that it be considered in the House as in Committee of the Whole.

Mr. FOSTER. Mr. Speaker, reserving the right to object——

The SPEAKER. The first question is the present consideration of the bill. Is there objection to that?

Mr. MANN. Mr. Speaker, reserving the right to object——

The SPEAKER. The Clerk will read the bill; it has not been read.

The Clerk read as follows:

A bill (H. R. 22043) to authorize additional aids to navigation in the Lighthouse Service, and for other purposes.

Be it enacted, etc., That the Secretary of Commerce and Labor be, and he is hereby, authorized to establish and provide the following additional aids to navigation in the Lighthouse Service, under the Department of Commerce and Labor, in accordance with the respective limits of cost hereinafter respectively set forth, which shall in no case be exceeded.

FIRST LIGHTHOUSE DISTRICT.

The Secretary of Commerce and Labor is hereby authorized, in his discretion, to use the appropriation of $200,000 for a tender for the first lighthouse district and elsewhere made by the acts of May 27, 1908 (35 Stat., p. 331), and March 4, 1909 (35 Stat., p. 970), for the construction of two tenders.

FIFTH LIGHTHOUSE DISTRICT.

The Secretary of Commerce and Labor is hereby authorized to complete the reestablishment of the light and fog-signal station marking Thimble Shoal, Chesapeake Bay, Va., at an additional cost not to exceed $39,000.

The Secretary of Commerce and Labor is hereby authorized, in his discretion, to use for the establishment of gas buoys and other aids to navigation in the channels leading to Baltimore, Md., the appropriation of $125,000 made by the act of Congress approved March 4, 1911 (36 Stat., p. 1431), for the establishment of range lights in Fort McHenry Channel, Md.

SIXTH LIGHTHOUSE DISTRICT.

The Secretary of Commerce and Labor is hereby authorized to complete the lighting and marking with aids to navigation of Cape Fear River, N. C., at a cost not to exceed $30,000.

The Secretary of Commerce and Labor is authorized to station the light vessel for which appropriation was made in the act of May 27, 1908, or any other light vessel at such position in the vicinity of Frying Pan Shoals as he may determine to be most advantageous to navigation.

EIGHTH LIGHTHOUSE DISTRICT.

That the Secretary of Commerce and Labor be, and he is hereby, authorized, in his discretion, to purchase from the State of Texas for lighthouse purposes approximately 16 acres of land adjoining the Aransas Pass Light Station, Tex.; and the appropriation "General expenses, Lighthouse Service," for the fiscal year in which the purchase is effected is hereby made available for the purchase of said land.

NINTH LIGHTHOUSE DISTRICT.

That the Secretary of Commerce and Labor is authorized to use the unexpended balance of the appropriation of $15,000 for a storehouse and dock at San Juan, P. R., made by the act of May 27, 1908 (35 Stat., p. 332), for the alteration, repair, and construction of necessary buildings and docks and improvements of the grounds of the reservation at San Juan, P. R., set aside to the Department of Commerce and Labor as a lighthouse depot and headquarters of the lighthouse district by the proclamation of the President of the United States dated January 26, 1912.

A dwelling for keepers of the lights in Guantanamo Bay, Cuba, and improving the lighting at a cost not to exceed $14,000 is hereby authorized.

ELEVENTH LIGHTHOUSE DISTRICT.

The Secretary of Commerce and Labor is hereby authorized to make repairs and improvements to aids to navigation in the St. Marys River, Mich., at a cost not to exceed $60,000.

That the Secretary of Commerce and Labor be, and he is hereby, authorized to reconvey to Chase S. Osborn, of Sault Ste. Marie, Mich., 1.95 acres of land situated in the county of Chippewa, State of Michigan, which were granted by him to the United States by deed dated May 28, 1910, and for which the purchase price has never been paid by the Government, to be used as a site for Duck Island Range Lights, St. Marys River, Mich., which land is no longer needed for lighthouse purposes, in view of the discontinuance of said lights: *Provided*, That said reconveyance shall be made without expense to either party, except that incident to the preparation and recording of the necessary title papers, which expense shall be defrayed by the United States out of the appropriation made on March 3, 1903, for the purpose of obtaining title to the sites upon which range lights had been established along the St. Marys River, Mich.

THIRTEENTH LIGHTHOUSE DISTRICT.

The Secretary of Commerce and Labor is hereby authorized to use the appropriation of $60,000 for a tender for the fifteenth (now the thirteenth) lighthouse district made by the act of March 4, 1907 (34 Stats., 1319), for constructing a tender for general service.

Post-lantern lights may be established and maintained, in the discretion of the Commissioner of Lighthouses, out of the annual appropriations for the Lighthouse Service, on the St. Croix River, including Lake St. Croix, Wis. and Minn.

SEC. 2. That hereafter, in case of the absence of the Commissioner and Deputy Commissioner of the Bureau of Lighthouses, the Secretary of Commerce and Labor may designate some officer of said bureau to perform the duties of the commissioner during his absence.

And hereafter the benefits of the act of May 30, 1908 (35 Stats., 556), entitled "An act granting to certain employees of the United States the right to receive from it compensation for injuries sustained in the course of their employment," shall be extended to persons employed by the United States in any hazardous employment in the Lighthouse Service; and hereafter the Secretary of Commerce and Labor is authorized to purchase, from the appropriations for the Lighthouse Service, clothing for the crews of vessels, to be sold to the employees of said service and the appropriations reimbursed; and hereafter reimbursement, under rules prescribed by the Secretary of Commerce and Labor, is authorized to keepers of light stations and masters of light vessels and of lighthouse tenders for rations and provisions and clothing furnished shipwrecked persons who may be temporarily provided for by them, not exceeding in all $5,000 in any fiscal year.

The SPEAKER. Is there objection?

Mr. MANN. Reserving the right to object, Mr. Speaker, will the gentleman yield for a question?

Mr. ADAMSON. With great pleasure.

Mr. MANN. May I ask the gentleman first in reference to section 2, concerning the extending of the act for the benefit of employees of the Government injured in hazardous service; does the gentleman recall whether we now make any provision for lighthouse keepers who are injured in the service?

Mr. ADAMSON. It is not my recollection.

Mr. MANN. We make provision for the life-saving assessment and keepers, but I was not sure in reference to lighthouse keepers.

Mr. ADAMSON. The recommendation was that the same provision be extended to the workmen in the Lighthouse Service.

Mr. MANN. I understand, but we make now provision for extending the law to keepers and surfmen in the Life-Saving Service under this law.

Mr. ADAMSON. That is true.

Mr. FOSTER. Does not the gentleman think we ought to do that?

Mr. MANN. I do; I am not complaining about that. I was not certain, and I am not certain now, except as the gentleman states, whether there is now any provision for the benefit of keepers of lighthouses. I would not want to reduce the compensation which they might receive through this act.

Mr. ADAMSON. I do not think there is.

Mr. FITZGERALD. The gentleman from Illinois is familiar with the original act to compensate artisans and mechanics engaged in manufacturing enterprises, and since then it has been extended to cover certain employees in other services presumably engaged in extra hazardous employment.

Mr. MANN. Well, we have extended the benefit to the Bureau of Mines and Mining and the Forest Service, and I have no objection, so far as I am concerned, to extending it to the Lighthouse Service, unless the result would be that it would decrease the provision that we make for the salaries of keepers, but I may be entirely in error.

Mr. FITZGERALD. I am not certain it should be extended to all employees of the Lighthouse Service. It does not apply to all employees of the Army and Navy—not to civilian employees in establishments where they are manufacturing. It only applies to those employees who are engaged as part of the manufacturing force as mechanics and artisans. It does not apply to other civilian employees. There is no excuse to extend it to civilian employees of the Lighthouse Service.

Mr. MANN. I do not understand this is extended to civilian employees. The law in reference to compensation of employees now applies to the employees of the Government engaged in hazardous employment at the Tompkinsville station, where they manufacture aids to navigation. This bill now proposes to extend to other persons engaged in hazardous employment, which I take it would include lighthouse keepers as well as people on board lighthouse vessels, probably the lighthouse tenders.

Mr. ADAMSON. That qualification is maintained here, that it must be hazardous employment.

Mr. MANN. I understand. I was under a sort of an impression that we now had a provision; but let me ask the gentleman further about this other provision, concerning the reimbursement to lighthouse keepers for rations and provisions furnished shipwrecked persons. We put a provision in one of the appropriation laws a year or two ago making that apply to the life-saving keepers. Did it apply to lighthouse keepers or not?

Mr. ADAMSON. No; it did not.

Mr. MANN. It only applied to the Life-Saving Service?

Mr. ADAMSON. It was thought advisable to make this extension because it did not apply.

Mr. MANN. In reference to the provision on page 4 for a dwelling for keepers at Guantanamo Bay, Cuba, and improving the lighting at a cost not to exceed $14,000, is the gentleman able to say how much of that is for keepers' dwelling and how much for improving the lighting? Heretofore it has always been the custom to segregate the items which provide specifically for keepers' dwellings at some limit of cost, but this puts them together.

Mr. ADAMSON. I have an itemized statement here, and it is very short, and I will read it:

The dwelling at this station was destroyed during the late insurrection, and since the occupation of Guantanamo by the United States

the keepers have been compelled to live in a wooden shack, with only three rooms to house three keepers. The lights in charge of these two keepers are widely separated. With the installation of acetylene lights, as proposed, the service of one keeper may be dispensed with. The following statement covers the details of the proposed work: Dwelling for 2 keepers, $8,000; 2 acetylene lights at Fishermans Point, $2,800; 2 acetylene lights at Hicacal Beach, $2,800; contingencies, $400; in all, $14,000.

I will state there is nothing in here except pending projects and emergency additional appropriations. All these large figures refer to authorizations already made in the execution of which detailed changes are thought advisable.

Mr. FITZGERALD. Mr. Speaker, reserving the right to object, I wish to inquire of the gentleman about the item on page 3 authorizing the purchase from the State of Texas for lighthouse purposes approximately 16 acres of land adjoining the Aransas Pass Light Station.

Mr. MANN. I will say to the gentleman, while the gentleman is looking up the information, that the Senate passed a bill on this subject some time ago, and I think the cost was probably $16, more or less.

Mr. FITZGERALD. Sixteen dollars?

Mr. ADAMSON. It is a strip that separates the water from the property of the Government, and they want to get to the water from the property of the Government, and I think $16 is the cost.

Mr. MANN. It is a small amount, and they need the land, and the State seemed willing to donate the land to them.

Mr. FITZGERALD. Well, my inquiry, if the gentleman will permit me to state it——

Mr. ADAMSON. With pleasure.

Mr. FITZGERALD. It makes an appropriation from the general expenses of the Lighthouse Service for the fiscal year during which the purchase is made, and if it were a considerable amount it might seriously affect the appropriation.

Mr. MANN. The gentleman is right about that, but there is nothing of consequence involved in it, so far as money is concerned. The Government desires to obtain title and somebody is willing to let the Government have the title.

Mr. ADAMSON. It is a very trifling amount.

Mr. FOSTER. Is this for land in Texas?

Mr. MANN. Yes.

Mr. FOSTER. It seems to me we got some land there not long ago.

Mr. MANN. This land is not worth anything except to the Lighthouse Service.

Mr. FITZGERALD. I wish to inquire of the gentleman from Georgia about the first paragraph in section 2, authorizing the Secretary of Commerce and Labor, in the absence of the commissioner and deputy commissioner, to designate some other officer to perform the duties of the commissioner. Here is a bureau where the commissioner has a deputy, and if some other person is to be authorized to act when both of them are absent it will encourage absenteeism from Washington still more than it is at present. It is sufficiently encouraged now by the conduct of certain high officials to an extent that is hardly to be defended.

Mr. MANN. Is the gentleman from New York willing to state to the House at this time whether the gentleman's committee has before it a proposition practically to abolish the office of deputy commissioner?

Mr. FITZGERALD. I do not recall.

Mr. MANN. I think the department desires, as a matter of fact, to omit the appropriation this year for a deputy commissioner, who gets a salary of $4,000, and to insert in lieu of him a place in relation to an assistant engineer there, or something of the sort, at a salary of $3,000, thus saving the Government a thousand dollars in salary; and then it would be quite necessary to have some provision like this.

Mr. ADAMSON. I will say to the gentleman from New York that I have a short explanation here that will answer his question:

Owing to the extensive territory covered by the Lighthouse Service, good administration requires the Commissioner of Lighthouses, or the deputy commissioner, to be in the field at various times. Should one of these officers thus be absent and the other unable to act, through sickness or other unavoidable cause, the bureau would suffer embarrassment unless he has authority to designate some other officer to act as executive head. Under the construction of existing law, the Secretary of Commerce and Labor has not this authority, and the effect of this provision is simply to give him this authority. Similar legislation was enacted in the legislative, executive, and judicial appropriation act approved March 4, 1911, as respects the Bureau of Standards.

Mr. FITZGERALD. But it did not authorize three persons to act as head in the Bureau of Standards.

Mr. ADAMSON. The gentleman knows that this Lighthouse Service covers a vast deal of territory, embracing many projects and institutions. Sometimes it is necessary for one of the head officers to go out and see about some of them.

Mr. FITZGERALD. Under the next paragraph of section 2 there is a provision that I wish to call attention to.

The SPEAKER. Is there objection?

Mr. FITZGERALD. I reserve the right to object, Mr. Speaker, until I get some information about it. There are two provisions here. The first is:

And hereafter the Secretary of Commerce and Labor is authorized to purchase, from the appropriations for the Lighthouse Service, clothing for the crews of vessels, to be sold to the employees of said service and the appropriations reimbursed.

That makes in effect a permanent indefinite appropriation, and is a very bad way of legislating. The next provision, which provides for reimbursement under rules prescribed by the Secretary of Commerce and Labor to the "keepers of light stations and masters of light vessels and of lighthouse tenders for rations and provisions and clothing furnished shipwrecked persons who may be temporarily provided for by them," in the same way makes a permanent appropriation. My recollection is that at present in the appropriation for the annual service provision is made for both of the matters, or if it be not can easily be provided; and inasmuch as they must be included in the explanations and estimates submitted to Congress, Congress keeps very close track in the preparation of appropriation bills of the items. But if this permanent provision is enacted it becomes lost sight of, and nobody ever makes any inquiry whatever about it. These are two matters that do not affect the desire of the gentleman from Georgia to take care of his authorizations, and I wish to inquire whether he will not consent to strike out all after the word "service," on line 6 of page 6?

Mr. ADAMSON. Of course the House has control of this matter. I am not wedded to the propositions at all. Our committee reported them because they were recommended by the department as being conducive to better administration.

Mr. FITZGERALD. Well, it does not conduce to better administration, and it takes from the House the scrutiny that it gives to such matters. I am calling the gentleman's attention to it.

Mr. ADAMSON. I am perfectly willing that the gentleman should make a motion to strike it out and let the House vote on it.

Mr. COX of Ohio. May I inquire, Why did not the committee submit a report on this bill?

Mr. ADAMSON. I will say that it was omitted through inadvertence, but it was intended to be done, and it is cured in a measure by the fact that there is nothing in the bill except these little emergency items and these works that are pending, and every one of them was fully explained in letters from the department, which are House documents.

Mr. COX of Ohio. The chairman has them, but does not the gentleman think it is a dangerous practice to put bills carrying as much money as this on the Unanimous Consent Calendar without a report accompanying them?

Mr. ADAMSON. I will say to the gentleman that a report was inadvertently omitted. After the bill and report were put in the basket it would have been something unusual then to have submitted an additional report. It could have been done by unanimous consent, but I think the lack of a report is condoned and excused in this case from the fact that every one of these items is fully explained in these letters, which are House documents.

Mr. HUMPHREY of Washington. Will the gentleman yield?

Mr. ADAMSON. Certainly.

Mr. HUMPHREY of Washington. I see in the bill provisions for Virginia, North Carolina, Texas, Porto Rico, Cuba, and Michigan. I fail to discover anything for places on the Pacific coast, either for Alaska or anywhere else.

Mr. ADAMSON. I will say to the gentleman that I did not locate any of these works. If we had found among the papers of the department any cases on the Pacific coast under the same circumstances we would have put them in. It was not the purpose of the committee to get up anything sectional in this matter, but simply to provide for emergencies where they existed.

We have not yet prepared, introduced, nor reported the usual omnibus bill for lighthouse projects. Later on we intend to do that, and I have no doubt that the Pacific coast will receive proper consideration.

Mr. HUMPHREY of Washington. Do I understand the gentleman to say that there are no emergency projects in Alaska?

Mr. ADAMSON. Nothing insisted on. We simply put in here things that the department said they were in a hurry to have, without waiting for us to make up the general omnibus bill.

Mr. HUMPHREY of Washington. Did the department recommend these, and not recommend anything for Alaska?

Mr. ADAMSON. They recommended a great many things, but they did not recommend all of them as pending projects for which they were compelled to have action taken right now or stop the work.

Mr. HUMPHREY of Washington. Will the gentleman say whether or not there were any recommendations for emergency matters on the Pacific coast?

Mr. ADAMSON. We did not find any that were as urgent as these or in the same condition. If we had found them, we would have put them in.

Mr. HUMPHREY of Washington. Were the projects on the Pacific coast considered in making up this bill?

Mr. ADAMSON. They were considered in making up the general bill, and I think several of them will be reported.

Mr. HUMPHREY of Washington. Were they considered in making up this emergency bill? Did you go over the items on the Pacific coast, and especially Alaska, when you were making up this bill, to see whether any of them were emergency items or not?

Mr. ADAMSON. We went over every solitary recommendation, not with a view to seeing whether they were on the Pacific coast or not, but with a view to determining the character of the projects; and we reported these as emergency and necessary to be done while we were waiting to prepare the other bill.

Mr. HUMPHREY of Washington. I do not think the gentleman has answered my question yet. Did you examine projects in reference to Alaska and ascertain that there were none of them that were emergency?

Mr. ADAMSON. I did not examine any projects with reference to Alaska or any other section, but I examined every project.

Mr. HUMPHREY of Washington. Then you examined those in reference to Alaska?

Mr. ADAMSON. No, sir; not in reference to Alaska, but in reference to every project. I have no sectionalism in my blood or bones.

Mr. HUMPHREY of Washington. I am not asking that.

Mr. ADAMSON. We have placed in this bill those things that ought to be passed at once.

Mr. HUMPHREY of Washington. How did it happen that you found nothing on the Pacific coast that ought to be passed at once?

Mr. ADAMSON. I suppose there was nothing of an emergency nature.

Mr. HUMPHREY of Washington. Do you know whether there was or not?

Mr. ADAMSON. That was our opinion.

Mr. MANN. May I ask the gentleman a question in that connection?

Mr. ADAMSON. Certainly.

Mr. MANN. About Pearl Harbor. In the estimate which the department has in group No. 1, public works, Pearl Harbor was placed fourth. Was there any special reason for not including aids to navigation at Pearl Harbor?

Mr. ADAMSON. I did not catch the latter part of the gentleman's question.

Mr. MANN. I see in the list which the department estimated for, in group No. 1, which I take it contains the urgent matters, as No. 4 they ask for aids to navigation at Pearl Harbor in connection with the naval work there.

Mr. ADAMSON. That is not in this bill.

Mr. MANN. No; but it was No. 4 in the request which they made.

Mr. ADAMSON. Of course we considered all those things, but we did not undertake to put any new projects into this bill at all. We tried simply to provide for the emergency work that was pending, and the only additional things provided for in this bill, as I remember, are two amounts for work which they said were necessary in order to start work where the money was already authorized in part, but not enough to resume the project.

Mr. KNOWLAND. I wish to state to the gentleman from Washington [Mr. HUMPHREY] that I am the only member on this committee from the Pacific coast. The bill was brought in unexpectedly, without consultation with me or any other member of the committee that I know of, and presented for a vote. I protested that the Pacific coast had been overlooked in this matter; that there had been no consideration whatever given to any Pacific coast projects. I understood, however, from the chairman that these items had been specially recommended by the department. I have since inquired of the department, and they informed me that they did not particularly recommend these special items, though they were all in the estimates, and that they did not present this bill nor the particular items in it.

Mr. ADAMSON. I do not know anything about that, Mr. Speaker, and I do not care to raise any question of veracity here. I simply state the facts, and the responsibility can rest where it may. The Commissioner of Lighthouses came to the committee room, we made up this bill, and he afterwards came and had a couple more items put into it that were not in it at first. The truth is as I state, and responsibility shall rest where it may.

Mr. KNOWLAND. I called up the Commissioner this morning.

Mr. ADAMSON. I can not help that.

Mr. KNOWLAND. I think there is no question about their being in the estimates.

Mr. ADAMSON. These items were in the estimates and were put in the bill by the Commissioner of Lighthouses and myself, and presented to the committee after being introduced, and the committee passed on this bill and reported. The only objection made to it was on account of some things that it did not contain; and there are some other coasts in the country on which no projects are included in this bill besides the Pacific coast. None of them have been as insistent as the gentleman from the Pacific coast, because all of them were satisfied when I told them the facts about the case. I do not think this bill ought to suffer for what it does not contain. It contains the things that the department needs right now; and without waiting to fuss about whether others shall be granted or not this bill ought to be passed, and the committee ought to be given time to make up a bill which, I think, can be made to do justice to everybody and every coast.

The SPEAKER. Is there objection?

Mr. KNOWLAND. Reserving the right to object, I will state that I do not care to interpose an objection, because I believe that the items in the bill are necessary; but I do wish to register a protest upon this method of making up bills—in not consulting the Representatives from the Pacific coast or other sections represented on the committee when a bill of this character is being framed, in order that we may have an opportunity to give the matter careful consideration, and if there are any items that are particularly necessary that they should be included in the bill. This bill was presented to the committee without any previous notice, a vote immediately demanded upon it, and that is what I objected to. Inasmuch as I believe that these items in the bill are necessary, I will not object to the passage of the bill at this time, except to say that I hope hereafter a little more consideration will be given to the Representatives of the Pacific coast, with its great seacoast from Alaska to San Diego.

Mr. ADAMSON. Mr. Speaker, I wish to say that this bill was introduced in the regular way after having been made up in consultation with the Commissioner of Lighthouses, referred to the committee, called up before the committee, as any Member has a right to do, considered by the committee, and reported. If there is anything wrong in that, the gentleman can make the most of it. I wish to say, further, that as long as we have the two distinguished Members from the Pacific coast who have engaged in this colloquy there has not been any danger, there never will be any danger, of the Pacific coast slipping up or of anybody putting anything over on the Pacific coast without hearing from them and the Pacific coast receiving full justice so far as their demands are concerned.

The SPEAKER. Is there objection? [After a pause.] The Chair hears none.

Mr. ADAMSON. Mr. Speaker, I ask unanimous consent that the bill be considered in the House as in Committee of the Whole.

The SPEAKER. The gentleman from Georgia asks unanimous consent to consider the bill in the House as in the Committee of the Whole. Is there objection?

There was no objection.

Mr. FITZGERALD. Mr. Speaker, I move to strike out lines 6, 7, and 8, on page 4.

The SPEAKER. The Clerk will report the amendment.

The Clerk read as follows:

On page 4, strike out lines 6, 7, and 8.

Mr. FITZGERALD. Mr. Speaker, I move to strike this provision out because, in my opinion, it is absolutely unnecessary. In an investigation conducted last year upon request for this appropriation it was shown that there is absolutely no commerce in Guantanamo Bay. It has been selected as a site for a naval station. It is expected to be a coaling station, but at present there are no coaling facilities and nothing but a coal pile. There is no possibility that the naval vessels will have any necessity to enter the harbor at night in the immediate

future; no necessity of putting in high-power acetylene lights that are proposed nor the keeper's dwelling. For the present, until Congress determines that the naval station, projected for many years, but about which nothing has been done, shall be commenced, it seems to me unnecessary to authorize or provide for lights that will be necessary when naval vessels are likely to use the harbor at night.

Mr. ADAMSON. I hope that the motion will not prevail. The department considers it very important. The light keeper's residence was burned and the station is there. He has two or three other stations to serve. The amount is a trifle, only $14,000, and I see no reason in the world why we should take a back track.

Mr. FITZGERALD. Mr. Speaker, my recollection is that there are two or three small lights across the bay. The probabilities are that it will be necessary for the keeper to reside in the vicinity of the lights if they are to be properly attended. The keeper's dwelling would properly be authorized if the acetylene lights that are proposed to be provided there are provided for the purpose of permitting the entrance to the harbor at night. The Commissioner of Lighthouses stated that Guantanamo is a coaling station and a naval base and that very little commerce came there, and unless the station is developed as contemplated there is no necessity for these lights or the $6,500 dwelling.

The SPEAKER. The question is on agreeing to the amendment offered by the gentleman from New York.

The question was taken; and on a division (demanded by Mr. FITZGERALD) there were 16 ayes and 34 noes.

So the amendment was lost.

Mr. FITZGERALD. Mr. Speaker, I move to strike out, on page 6, all after the word "service," in line 6.

The SPEAKER. The Clerk will report the amendment.

The Clerk read as follows:

Page 6, line 6, strike out all after the word "service" down to the end of the paragraph.

Mr. FITZGERALD. Mr. Speaker, I call the attention of the gentleman from Georgia to the fact that this will make a permanent and indefinite appropriation, and very greatly embarrass the Committee on Appropriations in the preparation and investigation of appropriations and expenditures for this service. In view of the fact that there will be no difficulty in the department obtaining any reasonable sum for this purpose, I hope he will not antagonize this amendment.

Mr. ADAMSON. The gentleman need not be alarmed about the Committee on Appropriations, as at present constituted, being staggered in dealing with a small matter like this. They are vigilant and brave watchdogs of the Treasury. They have judgment as well as courage, and they can certainly deal with two little, trifling, beneficent details of administration like this without confusing the service or disturbing the Treasury. They simply provide for giving to these men the benefit of purchasing their uniform and equipment, like some other arms of the service, at a reasonable price, and reimbursing them for such outlays as they may make for humanitarian purposes. The amounts are small, and they can be easily ascertained and looked out for and provided for by the Committee on Appropriations.

Mr. FITZGERALD. I called attention to the fact that the inclusion of the items in the bill will take from the committee the consideration of them. This makes a permanent appropriation, and makes available a large appropriation that can be utilized for many purposes. Let me say that the statement of the gentleman from Georgia is hardly in good faith, because if it had not been for the statement by him that he would not antagonize the amendment we would not be considering this bill.

Mr. ADAMSON. Mr. Speaker, I never stated that I would consent to the amendment or vote for it.

Mr. FITZGERALD. I think the gentleman stated that he would make no opposition to it.

Mr. ADAMSON. The gentleman asked me to consent to the amendment, and I said I would not consent, but he might offer the amendment from the floor. The RECORD will show what I said.

Mr. FITZGERALD. I repeat, Mr. Speaker, that if it had not been for the statement of the gentleman from Georgia, from which it was clear to me that he had no objection that this portion of the bill would be eliminated, this bill would not now be under consideration in the House.

Mr. ADAMSON. Mr. Speaker, I can not allow such a statement as that to go unchallenged. The RECORD will show what I said.

The SPEAKER. The gentleman from New York has the floor.

Mr. FITZGERALD. Mr. Speaker, whatever the gentleman may have said, the gentleman can not challenge or prevent me from stating what my understanding was——

Mr. ADAMSON. Oh, well.

Mr. FITZGERALD. Or what inference I drew from the gentleman's statement.

Mr. MANN. Mr. Speaker, will the gentleman from New York yield?

Mr. FITZGERALD. Yes.

Mr. MANN. Mr. Speaker, while the gentleman has that understanding, as he states, I think he was not warranted in having it. I listened very attentively——

Mr. FITZGERALD. Mr. Speaker, of course the gentleman can not tell whether I was warranted in drawing conclusions or not. That is something that nobody can determine but myself.

Mr. MANN. I think the gentleman was not warranted, but I do not deny that the gentleman obtained that understanding.

Mr. FITZGERALD. I might have had overconfidence.

Mr. MANN. Mr. Speaker, I listened to the colloquy between the gentlemen and was rather surprised that the gentleman from New York [Mr. FITZGERALD] did not object, after having made his statement on those points and not having obtained, as it seemed to me, an agreement from the gentleman from Georgia [Mr. ADAMSON].

Mr. FITZGERALD. Mr. Speaker, I stated the fact to the gentleman, and I understood from the gentleman's statement just what I have stated. However, forewarned is forearmed. This time it may be my fault. The next time it will not be.

Mr. ADAMSON. Mr. Speaker, I insist that the gentleman yield to me, inasmuch as I am the subject of the colloquy.

Mr. FITZGERALD. I yield to the gentleman.

Mr. ADAMSON. The gentleman from New York asked me to consent to eliminate that provision. I refused and told him I was willing to have him make the motion on the floor. I distinctly stated in terms that it was for this House to decide whether it would strike that out by amendment or not, and the RECORD will show every one of those words.

Mr. FITZGERALD. I think it is clear, Mr. Speaker, that the gentleman made that statement. Neither he nor I could agree to strike anything out of this bill, but the gentleman very well knew that his bill could not be considered by unanimous consent unless his attitude toward such a motion was such as would be satisfactory to those proposing it.

However, since the gentleman takes a different attitude, I desire to call the attention of the committee to these provisions which I ask to have stricken out. The gentleman proposes to make permanent indefinite appropriations for certain purposes. He says they are for humanitarian purposes. No difficulty is ever experienced in obtaining sufficient appropriations for purposes of the character indicated, but it is simply the enactment of vicious legislation that can not be defended. The important thing in the making of an appropriation for the expenditures of the various services of the Government is to make them in such a way that the Congress will know specifically for what purpose the money is being expended and provide accurately the amount required, but if tucked away in this bill, supposed to contain only authorizations for various necessary projects, there are those provisions which make available for the purposes indicated very large appropriations which it is not contemplated shall be made available for such purposes. The Congress, then, loses control and has no knowledge of the amounts that are being appropriated for such purposes. It seems to me the gentleman should be satisfied to pass this emergency authorization without conflict or controversy, without attempting to add to the number of permanent provisions that every committee which has to do with appropriations of Federal money, regardless of party affiliations, is continually striving to repeal. It is bad legislation, and it should not be enacted.

Mr. ADAMSON. Mr. Speaker, I ask for a vote.

The SPEAKER pro tempore (Mr. RUCKER of Missouri). The question is on the amendment offered by the gentleman from New York.

The question was taken; and there were on a division (demanded by Mr. ADAMSON)—ayes 26, noes 32.

Mr. FITZGERALD. Mr. Speaker, I make the point of order that there is no quorum present.

The SPEAKER pro tempore. The gentleman from New York makes the point of order that there is no quorum present. Evidently there is no quorum present. The Doorkeeper will close the doors, the Sergeant at Arms will notify absentees, the question will be taken on the amendment of the gentleman from New York, and the Clerk will call the roll.

The question was taken; and there were—yeas 58, nays 170, answered "present" 7, not voting 156, as follows:

YEAS—58.

Akin, N. Y.	Cooper	Hammond	Rucker, Mo.
Allen	Cox, Ohio	Hardy	Saunders
Anderson, Ohio	Cravens	Hensley	Shackleford
Ashbrook	Daugherty	Johnson, Ky.	Sherley
Barnhart	Dickinson	Kindred	Sherwood
Bathrick	Dixon, Ind.	Kinkead, N. J.	Sisson
Brown	Doughton	Kitchin	Stephens, Miss.
Bulkley	Fitzgerald	Konig	Stone
Burleson	Foster	Linthicum	Sulzer
Burnett	Garner	McCoy	Sweet
Callaway	George	Morrison	Warburton
Candler	Gillett	Moss, Ind.	Wilson, N. Y.
Cannon	Good	Norris	Young, Tex.
Clayton	Gregg, Pa.	Rauch	
Conry	Hamill	Redfield	

NAYS—170.

Adamson	Farr	Lee, Pa.	Scully
Aiken, S. C.	Fergusson	Lever	Sharp
Ainey	Ferris	Lindbergh	Simmons
Alexander	Finley	Littlepage	Slayden
Anderson, Minn.	Floyd, Ark.	Lloyd	Sloan
Anthony	Francis	McCall	Small
Bartholdt	French	McCreary	Smith, J. M. C.
Bartlett	Gardner, Mass.	McGillicuddy	Smith, Saml. W.
Bates	Gardner, N. J.	McKenzie	Smith, Tex.
Blackmon	Godwin, N. C.	McKinney	Speer
Booher	Goeke	Macon	Stanley
Bowman	Green, Iowa	Maguire, Nebr.	Stedman
Brantley	Greene, Mass.	Mann	Stephens, Cal.
Browning	Gregg, Tex.	Miller	Stephens, Nebr.
Burgess	Hamilton, Mich.	Mondell	Stephens, Tex.
Burke, Pa.	Hamilton, W. Va.	Moore, Tex.	Sterling
Burke, S. Dak.	Hamlin	Morgan	Stevens, Minn.
Burke, Wis.	Hanna	Murdock	Sulloway
Butler	Harrison, Miss.	Murray	Talbott, Md.
Byrnes, S. C.	Haugen	Needham	Talcott, N. Y.
Cantrill	Hay	Neeley	Taylor, Colo.
Claypool	Heald	Nelson	Taylor, Ohio
Collier	Helm	Nye	Towner
Covington	Henry, Conn.	Oldfield	Tribble
Crumpacker	Henry, Tex.	Olmsted	Turnbull
Currier	Higgins	Page	Underwood
Curry	Hill	Parran	Utter
Dalzell	Holland	Payne	Volstead
Danforth	Howland	Peters	Vreeland
Davenport	Hubbard	Pickett	Watkins
De Forest	Hughes, Ga.	Post	Webb
Denver	Humphrey, Wash.	Pou	Wedemeyer
Difenderfer	Jackson	Pray	Weeks
Dodds	Jones	Prouty	White
Donohoe	Kendall	Raker	Wickliffe
Doremus	Kennedy	Randell, Tex.	Wilder
Draper	Kent	Ransdell, La.	Willis
Driscoll, M. E.	Knowland	Rees	Wilson, Pa.
Dupré	Konop	Reilly	Wood, N. J.
Edwards	Korbly	Roberts, Mass.	Young, Kans.
Esch	La Follette	Roberts, Nev.	Young, Mich.
Estopinal	Lamb	Rubey	
Faison	Lawrence	Russell	

ANSWERED "PRESENT"—7.

Andrus	Fuller	McMorran	Slemp
Campbell	Gray	Rainey	

NOT VOTING—156.

Adair	Fairchild	Kahn	Patton, Pa.
Ames	Fields	Kinkaid, Nebr.	Pepper
Ansberry	Flood, Va.	Kopp	Plumley
Austin	Focht	Lafean	Porter
Ayres	Fordney	Lafferty	Powers
Barchfeld	Fornes	Langham	Prince
Beall, Tex.	Foss	Langley	Pujo
Bell, Ga.	Fowler	Lee, Ga.	Reyburn
Berger	Gallagher	Legare	Richardson
Boehne	Garrett	Lenroot	Riordan
Borland	Glass	Levy	Robinson
Bradley	Goldfogle	Lewis	Roddenbery
Broussard	Goodwin, Ark.	Lindsay	Rodenberg
Buchanan	Gould	Littleton	Rothermel
Byrns, Tenn.	Graham	Lobeck	Rouse
Calder	Griest	Longworth	Rucker, Colo.
Carlin	Gudger	Loud	Sabath
Carter	Guernsey	McDermott	Sells
Cary	Hardwick	McGuire, Okla.	Sheppard
Catlin	Harris	McHenry	Sims
Clark, Fla.	Harrison, N. Y.	McKellar	Smith, Cal.
Cline	Hartman	McKinley	Smith, N. Y.
Connell	Hawley	McLaughlin	Sparkman
Copley	Hayden	Madden	Stack
Cox, Ind.	Hayes	Maher	Steenerson
Crago	Heflin	Malby	Switzer
Cullop	Helgesen	Martin, Colo.	Taggart
Curley	Hinds	Martin, S. Dak.	Taylor, Ala.
Davidson	Hobson	Matthews	Thayer
Davis, Minn.	Houston	Mays	Thistlewood
Davis, W. Va.	Howard	Moon, Pa.	Thomas
Dent	Howell	Moon, Tenn.	Tilson
Dickson, Miss.	Hughes, N. J.	Moore, Pa.	Townsend
Dies	Hughes, W. Va.	Morse, Wis.	Tuttle
Driscoll, D. A.	Hull	Mott	Underhill
Dwight	Humphreys, Miss.	O'Shaunessy	Whitacre
Dyer	Jacoway	Padgett	Wilson, Ill.
Ellerbe	James	Palmer	Witherspoon
Evans	Johnson, S. C.	Patten, N. Y.	Woods, Iowa

So the amendment was rejected.

The Clerk announced the following pairs:

Until April 5:

Mr. THAYER with Mr. AMES.

Mr. CULLOP with Mr. FOCHT.

Until April 13:

Mr. BUCHANAN with Mr. HARTMAN.

Until further notice:

Mr. O'SHAUNESSY with Mr. HUGHES of West Virginia.

Mr. GOLDFOGLE with Mr. SPEER.

Mr. SABATH with Mr. CATLIN.

Mr. ELLERBE with Mr. PORTER.

Mr. UNDERHILL with Mr. FORDNEY.

Mr. HARDWICK with Mr. CAMPBELL.

Mr. TAYLOR of Alabama with Mr. RODENBERG.

Mr. LOBECK with Mr. DYER.

Mr. GUDGER with Mr. LOUD.

Mr. MCDERMOTT with Mr. FOSS.

Mr. HOBSON with Mr. FAIRCHILD.

Mr. FIELDS with Mr. LANGLEY.

Mr. CARTER with Mr. KAHN.

Mr. SPARKMAN with Mr. DAVIDSON.

Mr. JAMES with Mr. LONGWORTH.

Mr. BYRNS of Tennessee with Mr. TILSON.

Mr. RAINEY with Mr. MADDEN.

Mr. HULL with Mr. AUSTIN.

Mr. HOUSTON with Mr. MOON of Pennsylvania.

Mr. DENT with Mr. DAVIS of Minnesota.

Mr. GALLAGHER with Mr. FULLER.

Mr. LITTLETON with Mr. DWIGHT.

Mr. DIES with Mr. COPLEY.

Mr. TUTTLE with Mr. WOODS of Iowa.

Mr. HUGHES of New Jersey with Mr. BARCHFELD.

Mr. SIMS with Mr. HAWLEY.

Mr. PALMER with Mr. MCKINLEY.

Mr. WITHERSPOON with Mr. KOPP.

Mr. HARRISON of New York with Mr. GUERNSEY.

Mr. EVANS with Mr. HOWELL.

Mr. CLARK of Florida with Mr. LANGHAM.

Mr. DANIEL A. DRISCOLL with Mr. HELGESEN.

Mr. COX of Indiana with Mr. REYBURN.

Mr. LEGARE with Mr. SMITH of California.

Mr. ADAIR with Mr. CRAGO.

Mr. BEALL of Texas with Mr. GRIEST.

Mr. CONNELL with Mr. HARRIS.

Mr. CURLEY with Mr. HAYES.

Mr. FOWLER with Mr. KINKAID of Nebraska.

Mr. GARRETT with Mr. LAFFERTY.

Mr. GOODWIN of Arkansas with Mr. MCGUIRE of Oklahoma.

Mr. HAYDEN with Mr. MCLAUGHLIN.

Mr. HEFLIN with Mr. MALBY.

Mr. HOWARD with Mr. MARTIN of South Dakota.

Mr. LEE of Georgia with Mr. MORSE of Wisconsin.

Mr. MCKELLAR with Mr. MOTT.

Mr. MARTIN of Colorado with Mr. PLUMLEY.

Mr. MOON of Tennessee with Mr. STEENERSON.

Mr. PADGETT with Mr. SWITZER.

Mr. PATTEN of New York with Mr. POWERS.

Mr. ROTHERMEL with Mr. CARY.

Mr. RODDENBERY with Mr. SELLS.

Mr. SMITH of New York with Mr. MATTHEWS.

Mr. RUCKER of Colorado with Mr. PATTON of Pennsylvania.

Mr. TAGGART with Mr. MOORE of Pennsylvania.

Mr. HINDS with Mr. GOULD.

Mr. MAYS with Mr. THISTLEWOOD.

Mr. BELL of Georgia with Mr. PRINCE.

Mr. JACOWAY with Mr. LAFEAN.

For the session:

Mr. GLASS with Mr. SLEMP.

Mr. FORNES with Mr. BRADLEY.

Mr. RIORDAN with Mr. ANDRUS.

The result of the vote was announced as above recorded.

The SPEAKER. A quorum is present, the amendment is rejected, and the Doorkeeper will open the doors. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

On motion of Mr. ADAMSON, a motion to reconsider the vote by which the bill was passed was laid on the table.

DAM ACROSS ROCK RIVER, ILL.

The next business on the Calendar for Unanimous Consent was the bill (H. R. 20190) to extend the time for the construction of a dam across Rock River, Ill.

The Clerk read as follows:

Be it enacted, etc., That the time for the commencement and completion of the construction of a dam across Rock River, Ill., authorized by the act entitled "An act permitting the building of a dam across Rock River, near Byron, Ill.," approved February 18, 1911, be extended for one and three years, respectively, from the date of the passage of this act.

SEC. 2. That the right to alter, amend, or repeal this act is hereby expressly reserved.

The SPEAKER. Is there objection?

Mr. COOPER. Mr. Speaker, reserving the right to object, I would like to ask the gentleman from Georgia what was the date fixed by the act of February 11 for the commencement of work on this dam?

Mr. ADAMSON. I think it was one year from the time the bill was passed.

Mr. COOPER. Then this proposes to extend it not one year from that date, making two years in all, but one year from the date of the passage of this act?

Mr. ADAMSON. Yes; I believe that is what it means; we want to give them a fair chance to build. They said they had the money and were ready to go ahead in good faith.

Mr. COOPER. What reason was given for the delay in the commencement of building the dam?

Mr. ADAMSON. They could not get the change; they did not have the money, perhaps; some trouble with their finances.

The SPEAKER. Is there objection. [After a pause.] The Chair hears none.

The bill was ordered to be engrossed and read a third time. was read the third time, and passed.

On motion of Mr. ADAMSON, a motion to reconsider the vote by which the bill was passed was laid on the table.

GRANT OF SCHOOL LANDS TO THE STATE OF LOUISIANA.

The next business on the Calendar for Unanimous Consent was the bill (H. R. 20114) granting school lands to the State of Louisiana.

The Clerk read as follows:

Be it enacted, etc., That all the unsurveyed lands in the State of Louisiana which are shown by official protraction of the Government surveys heretofore made to be embraced within sections No. 16 and which lie in the same township as lands which have been certified or patented in that State under the act approved March 2, 1849, entitled "An act to aid the State of Louisiana in draining swamp lands therein," and the act approved September 28, 1850, entitled "An act to enable the State of Arkansas and other States to reclaim swamp lands within their limits," be, and the same are hereby, fixed, reserved, and confirmed to that State as though the official surveys had been regularly extended over such townships.

The SPEAKER. Is there objection?

Mr. MANN. Mr. Speaker, reserving the right to object, I would like to say to the gentleman who introduced the bill and reported it that I think the House is entitled to have bills of this character referred first to the department and have a report from the department upon the bill before it comes in for consideration in the House, and, there being no such report from the department in this case, I think I shall have to object.

Mr. ESTOPINAL. The bill as introduced was prepared by the department.

Mr. MANN. Well, that does not make any difference. We have the right to have the department state the situation in regard to a bill. That is only fair to the House. I gave notice some time ago that I would insist upon it, so far as concerns these bills that come up by unanimous consent.

Mr. ESTOPINAL. This bill was submitted to the department, Mr. Speaker, and this is the bill prepared by the department. That is the report that was sent to the committee.

Mr. MANN. I do not know by whom it was prepared in the department. Bills ought to come with a letter from the department, and they should have an expression of opinion by the department upon which we can thoroughly rely and from which we can obtain information.

The SPEAKER. Does the gentleman object?

Mr. MANN. I shall object for that reason.

Mr. ESTOPINAL. I am not trying to get this bill through surreptitiously.

Mr. MANN. Oh, nobody would accuse the gentleman from Louisiana of attempting to do that.

The SPEAKER. The gentleman from Illinois [Mr. MANN] objects, and the bill will be stricken from the calendar.

Mr. MANN. The gentleman can get a letter from the department and can get this bill put upon the calendar again.

PATENTED LANDS IN THE YOSEMITE NATIONAL PARK.

The next business on the Calendar for Unanimous Consent was the bill (H. R. 21535) to authorize the Secretary of the Interior to secure for the United States title to patented lands in the Yosemite National Park, and for other purposes.

The Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of the Interior, for the purpose of eliminating private holdings within the Yosemite National Park and the preservation intact of the natural timber along the roads in the scenic portions of the park, both on patented and park lands, is hereby empowered, in his discretion, to obtain for the United States the complete title to any or all of the lands held in private ownership within the boundaries of said park, by the exchange of decayed or matured timber that can be removed from such parts of the park as will not affect the scenic beauty thereof, for lands of equal value held in private ownership therein; and also, in his discretion, to exchange for timber standing near the public roads on patented lands timber of equal value on park lands in other parts of the park.

SEC. 2. That the value of patented lands within the park offered in exchange and the value of the timber on park lands proposed to be given in exchange for such patented lands shall be ascertained in such manner as the Secretary of the Interior may, in his discretion, direct; and all expenses incident to ascertaining such values shall be paid by the owners of said patented lands, and such owners shall, before any exchange is effective, furnish the Secretary of the Interior evidence satisfactory to him of title to the patented lands offered in exchange; and if the value of the timber on park lands exceeds the value of the patented lands deeded to the Government in the exchange, such excess shall be paid to the Secretary of the Interior by the owners of the patented lands before any of the timber is removed from the park, and may be used by said Secretary in the management, improvement, and protection of the park. The same course shall be pursued in relation to exchange for timber standing near public roads on patented lands for timber to be exchanged on park lands: *Provided*, That the lands conveyed to the Government under this act shall become a part of the Yosemite National Park.

SEC. 3. That all timber must be cut and removed from the park under regulations to be prescribed by the Secretary of the Interior, and any damage which may result to the roads or any part of the park in consequence of the cutting and removal of the timber from the reservation shall be borne by the owners of the patented lands, and bond satisfactory to the Secretary of the Interior must be given for the payment of such damages, if any, as shall be determined by the Secretary of the Interior.

SEC. 4. That the Secretary of the Interior may also sell and permit the removal of such matured or dead or down timber as he may deem necessary or advisable for the protection or improvement of the park, and the proceeds derived therefrom shall be expended under his direction in the management, improvement, and protection of the park.

Mr. RAKER. Mr. Speaker——

The SPEAKER. For what purpose does the gentleman rise?

Mr. RAKER. I rise for the purpose of asking unanimous consent that this House bill——

Mr. MANN. I will just object to the consideration, and that will save the gentleman the trouble. There is another bill just like it on the calendar.

The SPEAKER. The gentleman from Illinois [Mr. MANN] objects, and the bill will be stricken from the calendar.

BRIDGE ACROSS RUSSELL FORK OF BIG SANDY RIVER, KY.

The next business on the Calendar for Unanimous Consent was the bill (H. R. 20286) authorizing the fiscal court of Pike County, Ky., to construct a bridge across Russell Fork of Big Sandy River.

The Clerk read the bill, as follows:

Be it enacted, etc., That it shall be lawful for the fiscal court of Pike County, Ky., to construct and maintain a wagon and foot bridge across Russell Fork of Big Sandy River, and it is hereby authorized to construct, maintain, and operate a bridge and approaches thereto across the Russell Fork of Big Sandy River at a point suitable to the interests of navigation, at or near Elkhorn City, in the county of Pike, in the State of Kentucky, in accordance with the provisions of the act entitled "An act to regulate the construction of bridges over navigable waters," approved March 23, 1906.

SEC. 2. That the right to alter, amend, or repeal this act is hereby expressly reserved.

Also, the following committee amendments:

Page 1, line 3, strike out the words "it shall be lawful" and insert in lieu thereof the words "the consent of Congress is hereby granted."

Page 1, line 4, strike out the word "and."

Page 1, line 4, after the word "maintain" insert the words "and operate."

Page 1, line 5, strike out the words "wagon and foot."

Page 1, lines 5, 6, 7, and 8, strike out the words "and is hereby authorized to construct, maintain, and operate a bridge and approaches thereto across the Russell Fork of Big Sandy River."

The SPEAKER. Is there objection? [After a pause.] The Chair hears none. The Clerk will report the committee amendments.

The Clerk read as follows:

Page 1, line 3, strike out the words "it shall be lawful" and insert in lieu thereof the words "the consent of Congress is hereby granted."

The SPEAKER. The question is on agreeing to the amendment.

The question was taken, and the amendment was agreed to.

The SPEAKER. The Clerk will report the next committee amendment.

The Clerk read as follows:

Page 1, line 4, strike out the word "and."

The SPEAKER. The question is on agreeing to the amendment.

The question was taken, and the amendment was agreed to.

The SPEAKER. The Clerk will report the next committee amendment.

The Clerk read as follows:

Page 1, line 4, after the word "maintain" insert the words "and operate."

The SPEAKER. The question is on agreeing to the amendment.

The question was taken, and the amendment was agreed to.

The SPEAKER. The Clerk will report the next committee amendment.

The Clerk read as follows:

Page 1, line 5, strike out the words "wagon and foot."

The SPEAKER. The question is on agreeing to the amendment.

The question was taken, and the amendment was agreed to.

The SPEAKER. The Clerk will report the next committee amendment.

The Clerk read as follows:

Page 1, lines 6, 7, 8, and 9, strike out the words "and is hereby authorized to construct, maintain, and operate a bridge and approaches thereto across the Russell Fork of the Big Sandy River."

The SPEAKER. The question is on agreeing to the amendment.

The question was taken, and the amendment was agreed to.

The SPEAKER. The question is on the engrossment and third reading of the amended bill.

The bill as amended was ordered to be engrossed and read a third time, and was read the third time.

Mr. COOPER. I would like to ask the gentleman from Georgia why the words "wagon and foot" were stricken from line 5?

Mr. ADAMSON. It has been our policy, and it is so written in the general bridge act, just to say "a bridge"; and then there is another provision in the general bridge act authorizing the bridge to be used for other purposes, so that we usually strike out all definitions and leave the word "bridge" straight.

Mr. COOPER. It might be important sometimes to know whether it is a railroad bridge or not.

Mr. ADAMSON. We have a provision in the general bridge act so that a railroad can condemn the use of a bridge and get onto it with its tracks.

The SPEAKER. The question is, Shall the bill pass?

The question was taken, and the bill was passed.

On motion of Mr. ADAMSON, a motion to reconsider the vote whereby the bill was passed was laid on the table.

PATENTED LANDS IN YOSEMITE NATIONAL PARK.

The next business on the Calendar for Unanimous Consent was the bill (S. 5718) to authorize the Secretary of the Interior to secure for the United States title to patented lands in the Yosemite National Park, and for other purposes.

The Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of the Interior for the purpose of eliminating private holdings within the Yosemite National Park and the preservation intact of the natural timber along the roads in the scenic portions of the park, both on patented and park lands, is hereby empowered, in his discretion, to obtain for the United States the complete title to any or all of the lands held in private ownership within the boundaries of said park, by the exchange of decayed or matured timber, that can be removed from such parts of the park as will not affect the scenic beauty thereof, for lands of equal timber value held in private ownership therein, and also, in his discretion, to exchange for timber standing near the public roads on patented lands for timber of equal value on park lands in other parts of the park.

SEC. 2. That the value of patented lands within the park offered in exchange, and the value of the timber on park lands proposed to be given in exchange for such patented lands, shall be ascertained in such manner as the Secretary of the Interior may, in his discretion, direct, and all expenses incident to ascertaining such values shall be paid by the owners of said patented lands, and such owners shall, before any exchange is effective, furnish the Secretary of the Interior evidence satisfactory to him of title to the patented lands offered in exchange, and if the value of the timber on park lands exceeds the value of the patented lands deeded to the Government in the exchange such excess shall be paid to the Secretary of the Interior by the owners of the patented lands before any of the timber is removed from the park, and may be used by said Secretary in the management, improvement, and protection of the park. The same course shall be pursued in relation to exchange for timber standing near public roads on patented lands for timber to be exchanged on park lands: *Provided*, That the lands conveyed to the Government under this act shall become a part of the Yosemite National Park.

SEC. 3. That all timber must be cut and removed from the park under regulations to be prescribed by the Secretary of the Interior, and any damage which may result to the roads or any part of the park in consequence of the cutting and removal of the timber from the reservation shall be borne by the owners of the patented lands, and bonds satisfactory to the Secretary of the Interior must be given for the payment of such damages, if any, as shall be determined by the Secretary of the Interior.

SEC. 4. That the Secretary of the Interior may also sell and permit the removal of such matured or dead or down timber as he may deem necessary or advisable for the protection or improvement of the park, and the proceeds derived therefrom shall be expended under his direction in the management, improvement, and protection of the park.

Also the following committee amendments:

On page 2, line 2, after the word "equal" strike out the word "timber."

On page 2, line 5, after the word "lands" strike out the word "for."

The SPEAKER. Is there objection to the consideration of this bill?

Mr. MANN. Reserving the right to object, I would like to ask the gentleman from California [Mr. RAKER] a question. This bill in two places provides for sales of land or timber and provides that the proceeds may be used by the Secretary of the Interior for the management, improvement, and protection of this park.

I am aware that that sort of a provision has been in a number of laws passed by Congress, but in recent years it has not been the policy of Congress to authorize the sale of property and then provide that the money derived from the sale shall be used by one of the departments without being covered into the Treasury and appropriated by Congress. I will ask the gentleman whether he will be willing to consent to an amendment in both places, so as to strike out the provision authorizing the Secretary to use the money, and to insert a provision requiring the money to be deposited and covered into the Treasury as miscellaneous receipts.

Mr. RAKER. Where does the gentleman desire the first amendment?

Mr. MANN. On page 2, lines 21 and 22. The amendment I suggest would be to strike out the words—

Used by said Secretary in the management, improvement, and protection of the park.

And insert in lieu thereof—

Deposited and covered into the Treasury as miscellaneous receipts.

So that it would provide that if the value of the timber on the park lands exceeds the value of the patented lands deeded to the Government in the exchange, such excess shall be paid to the Secretary of the Treasury by the owners of the patented land, before any of the timber is removed from the park, and shall be deposited and covered into the Treasury as miscellaneous receipts.

Mr. RAKER. And the next amendment?

Mr. MANN. The same thing on page 3, lines 16 and 17.

Mr. RAKER. Lines 15, 16, and 17. I want to say to the gentleman from Illinois that I took this matter up with the Interior Department, and Mr. Thompson, particularly, who has special charge of the parks and who last year made a personal investigation and examination of all the national parks of the Government. It seemed as though such a provision would do no harm, as heretofore in the enabling act and other acts the superintendent of the park has been allowed to collect revenue from the park, such as rent for hotels, stage lines, and from other concessions, and to reexpend the money on the park.

The purpose of the amendment would be simply to convert this money into the Treasury, and then whatever money is used in the park for its improvement hereafter would have to be appropriated by Congress. Knowing and realizing the position of Congress, and that they are willing to protect and improve the particular park from which this money would be received, and for the purpose of keeping an accounting on behalf of the men who will sell the timber, and in order that the Congress may have full information always upon these matters, I will readily say that I can see no objection to this amendment. While I would prefer to have it the other way, for at least no harm would be done, I still recognize the fact that it is a good method of accounting.

Mr. MANN. I will say frankly to the gentleman that I am not going to get in the same fix that the gentleman from New York got into a while ago. Unless the gentleman will say that he will favor the amendment, I shall object to the consideration of the bill.

Mr. RAKER. Realizing the vote which just took place in the House, which I watched with considerable interest, and being anxious to get this bill through, and knowing its importance, and realizing that the bill as proposed to be amended will carry out the full purpose intended, will protect the Government, and in addition to that will put all the money into the Treasury so that it may hereafter be appropriated by Congress, I will ask for such an amendment if consideration is granted.

This is a companion bill to H. R. 21535, which is on the Calendar for Unanimous Consent, No. 120, and which, when this bill, S. 5718, is passed, which I hope it will be, the other bill, H. R. 21535, will be asked to be laid aside.

The bill H. R. 21535 was unanimously reported favorable by the Committee on the Public Lands. This report is as follows:

[House Report No. 457, Sixty-second Congress, second session.]

TITLE TO PATENTED LANDS IN YOSEMITE NATIONAL PARK.

Mr. RAKER, from the Committee on the Public Lands, submitted the following report to accompany H. R. 21535:

The Committee on the Public Lands, to whom was referred the bill (H. R. 21535) to authorize the Secretary of the Interior to secure for the United States title to patented lands in the Yosemite National Park, and for other purposes, having had the same under consideration,

report it back with amendment and, as amended, with the unanimous recommendation that it do pass.

Strike out the word "timber" in line 1, page 2.

It is the purpose of the bill to eliminate private holdings within the Yosemite National Park, and to preserve intact the natural timber along the roads in the scenic portions of the park; and to that end the Secretary of the Interior is hereby authorized to obtain for the United States the complete title to any or all of the lands held in private ownership within the boundaries of said park by the exchange of decayed or matured timber, that can be removed from such parts of the park as will not affect the scenic beauty thereof, for lands of equal timber value held in private ownership therein; and also, in his discretion, to exchange for timber standing near the public roads on patented lands timber of equal value on park lands in other parts of the park.

The value of the patented lands and timber standing near the public road to be taken in exchange by the Government, as well as the value of the timber on the park lands to be given in exchange for such patented lands, shall be ascertained in such manner as the Secretary of the Interior may direct, and all expenses incident to ascertaining such values shall be paid by the owners of the patented lands, who are required to furnish to the Secretary of the Interior, before any change is effective, evidence satisfactory to him of title to the lands offered in exchange, and if the value of the timber on park lands exceeds the value of the patented lands deeded to the Government in such exchange, the excess shall be paid to the Secretary of the Interior by the owners of the patented lands before any of the timber is removed from the park, and may be used by the Secretary in the management, improvement, and protection of the park.

The bill also provides that all timber must be cut and removed under regulations to be prescribed by the Secretary of the Interior, and any damage which may result to the roads or any part of the park in consequence of the cutting and removal of the timber from the reservation shall be borne by the owners of the patented lands, who are required to furnish satisfactory bond to secure the United States in that respect.

The last section of the bill confers upon the Secretary of the Interior the general authority to sell or permit the removal of such matured or dead or down timber as he may deem necessary or advisable for the protection and improvement of the park, and the proceeds derived therefrom may be expended under his direction in the management, improvement, and protection of the park.

It is the purpose of the bill to maintain at all times the scenic beauty of the park, but at the same time to permit the sale of such matured or dead or down timber as may be deemed necessary or advisable for the protection and improvement of the park, and gives the Secretary of the Interior the full supervision and control of the premises.

The bill was referred to the Department of the Interior, which made the following report thereon:

DEPARTMENT OF THE INTERIOR,
Washington, March 13, 1912.

Hon. JOSEPH T. ROBINSON,
Chairman Committee on the Public Lands.

SIR: Your letter of March 9, 1912, has been received, inclosing a request for report on H. R. 21535, to authorize the Secretary of the Interior to secure for the United States title to patented lands in the Yosemite National Park, and for other purposes.

In response thereto I have to state that for administrative reasons it is highly desirable that private holdings within the metes and bounds of the Yosemite National Park be eliminated, and in the several annual reports of the Secretary of the Interior the desirability of such action has been repeatedly brought to the attention of Congress.

It is also desirable that the department be permitted to sell and remove from the Government lands in the park such matured or dead or down timber as may be deemed advisable for the protection of other standing timber or the improvement of the reservation.

The bill under consideration provides a means of extinguishing private holdings in the park as well as to authorize the sale and cutting of timber. The interests of the Government are properly safeguarded therein, and the measure has my approval.

CLEMENT S. UCKER,
Chief Clerk and Chief Executive Officer.

It is quite important that this legislation become a law, and I earnestly hope that the distinguished gentleman [Mr. MANN] will not make objection to the present consideration of this bill, S. 5718. This Senate bill received a favorable report by the House Committee on the Public Lands. I made the two reports for the committee at the same time under the committee's direction.

The Government's interests are well guarded, and under the amendments it will always provide for a full accounting of all money received under the provisions of the proposed law.

The SPEAKER. Is there objection?

There was no objection.

The SPEAKER. Are there any amendments to the bill?

Mr. RAKER. There are two committee amendments.

The SPEAKER. The Clerk will report the first committee amendment.

The Clerk read as follows:

Page 2, line 2, strike out the word "timber."

The amendment was agreed to.

The SPEAKER. The Clerk will report the second committee amendment.

The Clerk read as follows:

Page 2, line 5, strike out the word "for."

The amendment was agreed to.

Mr. MANN. I offer an amendment, which I send to the Clerk's desk.

The SPEAKER. The Clerk will report the amendment of the gentleman from Illinois.

The Clerk read as follows:

Amend, page 2, lines 21 and 22, by striking out the following:
"May be used by said Secretary in the management, improvement, and protection of the park."
And insert in lieu thereof the following:
"Shall be deposited and covered into the Treasury as miscellaneous receipts."

The amendment was agreed to.

Mr. MANN. I offer a further amendment.

The SPEAKER. The gentleman from Illinois offers another amendment, which the Clerk will report.

The Clerk read as follows:

Amend, page 3, lines 16 and 17, by striking out the following:
"Expended under his direction in the management, improvement, and protection of the park."
And inserting in lieu thereof the following:
"Deposited and covered into the Treasury as miscellaneous receipts."

The amendment was agreed to.

The bill as amended was ordered to a third reading, and was accordingly read the third time and passed.

On motion of Mr. RAKER, a motion to reconsider the last vote was laid on the table.

The SPEAKER. This ends the unanimous-consent call.

Mr. MANN. Mr. Speaker, I call the attention of the Speaker to the fact that House bill 16993 is on the Unanimous Consent Calendar erroneously.

The SPEAKER. That is the reason why the Chair announced that the call was finished. That bill ought to be stricken off the Calendar for Unanimous Consent.

Mr. MANN. I want it stricken off the calendar.

The SPEAKER. Private bills do not belong on the Unanimous Consent Calendar, and the rest of the bills on this calendar have not been on it long enough to be considered to-day.

FLOODS IN THE MISSISSIPPI VALLEY (H. DOC. NO. 662).

The SPEAKER laid before the House the following message from the President of the United States, which was read, and, with the accompanying documents, referred to the Committee on Rivers and Harbors and ordered to be printed:

To the Senate and House of Representatives:

I am advised by the Secretary of War, whose report I transmit herewith, that the flood in the Mississippi Valley, by reason of the rise in all of the rivers tributary to the Mississippi and Missouri at nearly the same time, is likely in the lower part of the valley—that is, Missouri, Kentucky, Arkansas, Tennessee, Mississippi, and Louisiana—to reach a higher point along the levees than it has ever reached within recent memory, and that there is very grave danger that the levees may give way under this unusual pressure and that great damage may be done to property in the States mentioned, requiring, unless prompt action is taken, great future outlay in preserving the proper navigation of the streams.

These levees contribute not only to the safety of the adjoining agricultural lands and settlements, but are also a part of the great governmental projects for the maintenance of navigation in the lower waters of the Mississippi.

It seems proper, therefore, that the Government should take immediate action to make the loss impending as little as possible. In view of the character of the emergency and the safeguards surrounding the expenditures made under the Corps of Engineers, I have no hesitation in asking for an appropriation of $500,000, as recommended by the Secretary of War.

I urgently recommend an immediate appropriation, so that no time may be lost in taking the necessary steps to prevent what, but for governmental action, may be a loss not only of many millions but of lives as well.

WM. H. TAFT.

THE WHITE HOUSE, *April 2, 1912.*

COMMISSION PLAN OF GOVERNMENT.

Mr. LINDBERGH. Mr. Speaker, the same reactionary portion of the press that opposed and attempted to ridicule the existence of a money power is making an effort to get a better start, possibly in the hope of making good for the earlier failure, and are carrying on a ludicrous series of comments on a resolution of their own creation, but which I am credited with. Recently I mentioned that I might introduce a resolution, the substance of which I quote:

The Congress shall be composed of 300 members chosen by the people of the several States from districts as nearly equal as practical in population and composed of contiguous and compact territory, each State having at least 1 such district, and 15 Members at large to be chosen by all the people of the United States.

No person shall be a Member of Congress who shall not have attained to the age of 25 years and been 7 years a citizen of the United States, or a Member of Congress at large, who shall not be eligible to the office of President.

The Members of Congress chosen from the several districts shall be elected for a term of 7 years and shall be subject to recall as herein-

after provided. The Members of Congress at large shall be chosen for terms of 15 years and shall also be subject to recall.

The Members of Congress, by districts, shall be apportioned among the several States of the United States according to population, which shall be determined by actual enumeration at each decennial period as the Congress may by law direct. At its first session after each such enumeration the Congress shall prescribe the number of its Members to which each State is entitled, the people of the several districts shall elect the members by districts, and the people of the whole United States shall elect the 15 Members at large.

The 15 Members at large chosen at the first election shall hold office for terms in accordance with the number of votes received by each: The one receiving the highest number of votes shall be chosen for a term of 15 years, the next highest for a term of 14 years, the next for a term of 13 years, and so on. The one chosen for 1 year at the first election, and after that the last Member at large chosen by the people, shall act as chairman when the Members at large are acting as a committee at large of the Congress, and upon the death, resignation, removal, or disability of the President of the United States shall succeed to the office and duties of President.

On the first Tuesday after the first Monday in November of each year after the first election the people of the United States shall choose one Member of Congress at large and as many other Members at large as shall be necessary to fill all vacancies; but no person elected to fill a vacancy in the office of a Member at large shall serve for a longer term than the unexpired term, nor shall such person become the chairman of the committee at large or succeed to the office of President. At the same time the people of the several districts shall choose such persons as they may elect to fill any vacancies that may occur in the office of Member from the district, elect Members for a succeeding term, and have an opportunity to recall any sitting Member or Member at large.

The Congress shall be the sole judge of the election and qualification of its Members, and may prescribe the manner of their election. But the names of all sitting Members in the several districts and the names of all sitting Members at large shall be printed on a separate ballot, which shall be designated as a recall ballot. All voters at any election shall be furnished by the judge or judges of election with a recall ballot, and he shall indicate thereon, in a manner which shall be prescribed by law, the name of the Member from the district or any Member at large whom he desires to have recalled. If a majority of the entire number of electors voting at any election herein provided for in any district shall indicate a desire for the recall of the Member from that district, or, in the whole United States, for the recall of any Member or Members at large, the office of such Member or Members at large shall become vacant and shall all be filled until the next regular election in any manner that Congress shall prescribe.

The 15 Members at large shall constitute a committee at large of the Congress, and to such committee at large shall be referred all bills which have been passed by Congress which carry appropriations or relate to the raising of revenue. In reporting such bills back to the Congress each Member at large shall sign a written report giving his reasons for so reporting for or against. If the majority of the Members at large report in favor of the bill in its entirety, it shall then go to the President for his approval. If the majority of the Members at large are opposed to the bill, or any item thereof, the bill, or the item thereof which is objected to by a majority of the Members at large, shall be acted on by the Congress. If it then receives a majority of all the Members voting, plus three votes additional for each vote cast against such bill by the committee at large, it shall be presented to the President for his approval, but if such bill or such item fail to receive the votes so required, it shall fail and shall not be voted on again during the session.

The committee at large shall have power to confirm or reject all proposed treaties of the United States with foreign powers, and shall confirm or reject all persons appointed by the President and the members of his Cabinet to office, and shall direct all inquiries as to the economic conditions and welfare of the United States, and each of the members at large shall serve as a member of the National Monetary Commission, whose powers and duties shall, from time to time, be fixed and prescribed by the Congress. In all other respects the members at large shall have the same powers and duties and the same rights and privileges as the members elected from the several districts.

Instead of commenting on the resolution I referred to, the press assumed a different one and then proceeded to be funny. There was no excuse for such error, for the reporter did not garble his statements. The New York Tribune's comments were:

[From the Tribune Bureau.]

INSURGENT PLANS NEW FORM OF GOVERNMENT—LINDBERGH WOULD HAVE COUNTRY RULED BY "COMMITTEE AT LARGE" OF 15 MEMBERS—TO BE SUBJECT TO RECALL—SENATE AND VICE PRESIDENT TO BE ABOLISHED AND HOUSE MEMBERSHIP REDUCED TO 315—SOCIALIST SCHEME OUTDONE.

WASHINGTON, *March 22.*

Satisfied that the Senate is "unresponsive" to public sentiment, that the Vice President fills a needless office, and that the membership of the House is unwieldy, Representative CHARLES A. LINDBERGH, a Minnesota insurgent, announced to-day that he would introduce a resolution to abolish the Senate and the Vice President and to provide other radical changes in the legislative machinery of the Government.

Mr. LINDBERGH says he is convinced his resolution, which is not yet completed, but will be introduced early next week, will not receive the serious consideration of Congress, but he predicts that it will appeal to the constitutional convention which he declares to be inevitable in the near future. He predicts the abolition of the Senate when the constitutional convention meets.

The plan which Mr. LINDBERGH has worked out is as follows:

The Senate must go, and so must the Vice President. The membership of the House is to be reduced to 315 Members, and of this number 15 are to be elected from the country at large. These 15 Members shall constitute the "committee at large," which shall have absolute control and a veto power over the legislation of the House proper. This opposition could be overcome only by a two-thirds vote of the Members of the House.

The chairman of the "committee at large" is to succeed to the Presidency in the event of the death or disability of the Executive. Ordinary Members of the House are to serve for 7 years. The select 15 are to be elected for terms of 15 years, but the recall shall hang over the head of every Member.

In order to provide what Mr. LINDBERGH calls "checks and balances" for his plan, he invokes the recall of the "committee at large" whenever their actions, in the opinion of the people, should justify their removal.

The Socialist Member of the House, Representative BERGER, recently introduced a resolution providing for the abolition of the poor old Senate, but he proposed no such radical changes as are contemplated by Mr. LINDBERGH.

The Tribune seems to have attempted to state the facts. But other papers were not as near right as the Tribune. Of course many of them copied from the reactionaries. The effect is to injure the credibility of the press. That is unfortunate, for the press can be and generally is in the lead for progress. It is natural that it should be, and it would have no trouble in holding the highest place if it were not for those papers that are careless in what they publish. The most unfortunate part of it is that the carelessness of a few injures the influence of the entire press. I would not introduce the fool resolution pictured by the few newspapers. Let any person of judgment examine the resolution that I have in substance quoted and he will have to admit that if the Constitution had been so adopted to begin with we would have avoided many of the difficulties that we now confront. Our natural resources would still be within the control of the people. No one would have dared to suggest changing it for the present one. Just consider the plan a little.

If the terms of the Members of Congress are made 7 years and the term of the President is made 6 years, as is now proposed in a pending resolution, the election of a President and Congress will occur on the same day only once in 42 years. If the term of the President should be made 8 years, the election of the entire Congress and the President would occur at the same time only once in 56 years—in the absence of a recall or other cause vacating the office of President. This is decidedly in the direction of the short ballot, and the attention of the voters would be concentrated usually on one or two—rarely more than three—national candidates.

The plan which I propose for a reform of the legislative department of the National Government is well worth study for the reason that it is also eminently practical in its adaptability to the different State governments. The growing popularity of the commission plan for the government of cities is an evidence of the tendency among thinking men to believe that better results can be obtained from simpler and more responsive legislative bodies. The bicameral legislature has demonstrated its inefficiency, not only in England, where it was originated, but everywhere else that it has been tried. The demand for the mending or ending of what is known as the "upper house" and for the right to recall representatives of the people who prove unrepresentative is constantly growing and will soon be universal. The short ballot and a simple, practical, and effective method of recall are paramount necessities of the time.

The members of the committee at large are to be chosen for terms of 15 years and are to be 15 in number, so that one of them will be chosen each year by all the people and the last one elected will be the chairman of the committee—and the Vice President. At each annual election a recall ballot will be placed in the hands of every voter containing the names of all the members at large and of the member from the district in which the voter lives. The same plan could be extended so that the recall ballot would also contain the name of the President of the United States. Without the fuss and preliminary red tape of circulating petitions any voter who is not satisfied with the public acts of any of these officials may have the opportunity of marking his ballot so as to indicate his wish to retire any one or more of them. Vacancies in the office of President, by recall or otherwise, would be filled by the accession of the last member at large, already elected by the people, and vacancies in the office of members at large would be filled by the entire Congress. I do not think it possible to effect a recall simpler and more free from the influence of prejudice than what I have suggested.

The committee at large would not have the power of amending any proposed legislation, except to strike out items. It could not strike out some items and propose others in lieu of those struck out. This would do away entirely with the committees of conference of both Houses, which, under our present legislative systems, is such a prolific hotbed for the production of "jokers."

The change would not affect the powers of the President. I do not much expect to see the adoption of such a resolution in the near future. My idea is merely to hold up to view a construction plan. On account of the provisions of the present Constitution prohibiting the abolition of equal representation of the States in the Senate, the State of Nevada, with 40,000 people, will doubtless continue to have equal representa-

tion with my own State, Minnesota, which has more than 40 times the population, and equal representation with the State of New York, which has 200 times the population of Nevada.

YOSEMITE NATIONAL PARK.

Mr. RAKER. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD on the bill which just passed the House.

Mr. MANN. Reserving the right to object, I would like to ask the gentleman to have the House bill in reference to the Yosemite National Park laid on the table.

Mr. RAKER. Mr. Speaker, I ask unanimous consent that the bill (H. R. 21535) to authorize the Secretary of the Interior to secure for the United States title to patented lands in the Yosemite National Park, and for other purposes, be laid on the table, the Senate bill for the same purpose having been passed.

The SPEAKER. Is there objection to the request of the gentleman from California?

There was no objection.

The SPEAKER. The gentleman from California asks unanimous consent to extend his remarks in the RECORD. Is there objection?

There was no objection.

THE PHILIPPINE ISLANDS.

Mr. OLMSTED. Mr. Speaker, I ask unanimous consent to insert in the RECORD a very able and instructive article by the gentleman from New York, Mr. REDFIELD, on "A suggested Democratic policy for the Philippine Islands."

The SPEAKER. The gentleman from Pennsylvania asks unanimous consent to print an article by the gentleman from New York, Mr. REDFIELD, in the RECORD.

Mr. MANN. Not including the illustrations.

The SPEAKER. Not including the illustrations. Is there objection?

There was no objection.

The article referred to is as follows:

A SUGGESTED DEMOCRATIC POLICY FOR THE PHILIPPINES.

[By Hon. WILLIAM C. REDFIELD, Member of Congress.]

If there is one thing more certain than another in the currents of our public thought it is that these currents are to-day moving steadily and strongly toward placing the Democratic Party in power in our national affairs with the election of 1912. Two great issues occupy the public mind concerning which the trend among thoughtful men is in favor of general Democratic national policies. On the tariff question the party holds a strong and definite position commanding the respect of its opponents, and the increasing assent of many who have differed from it in the past. This Democratic tariff policy is known not to be destructive, and even manufacturers themselves are coming to see that it is the gospel of self-help that the Democracy is preaching, and that this gospel is one that will strengthen and not weaken our industries.

The other great issues focus around the so-called Sherman law. Democratic policy, as it forbids privileges for the few at the cost of the many in tariff matters, denies the right of monopoly for the few at the expense of the many in business affairs. As on the tariff the Democracy teaches the duty of self-help to manufacturers as both best for them and for the public, so the Democracy teaches in corporate matters no lesson of destruction. No Democrat wants goods to cost more, wants wages to be reduced, wants that kind of competition known as the "cutthroat" variety. Democrats do not fear "big business"; but they do not want "bad business." They recognize that large production is necessary to low cost, and they have no quarrel with a concern because of its size. They demand that its success shall come from service to the public, and that it shall not be had at the cost of crushed competitors. They are willing that industry shall profit, but only in proportion as it serves. Even the almost bitter title, "the trusts," would lose its bitterness did we know that they could be trusted to gain by service, and only in that way. Here too, therefore, the attitude of the Democracy is constructive. It looks frankly from the consumer's end as it does on tariff matters, but those who in industry will serve the consumer and those who with the tariff will not overtax the consumer have the good will of the Democracy.

A third great subject of vital value will occupy the public mind when the National Monetary Commission makes its report in the coming spring. The very best thought of the Nation must and will center upon this question of finance. The debate will be earnest and searching, and the outcome will affect every man and woman in the land.

Amidst such great themes and in the pressure of current affairs other subjects may be lost to view, or may, at least, not receive that mature and sober thought which the Democratic Party would give to them were its mind free to do so. It is one of those questions—the Philippine question—that the writer desires to discuss briefly in the hope of suggesting a policy that will be at once democratic, considerate, humane, and in accord with all the facts, while removing the question from the danger of action that is not based on thorough and well-digested knowledge and mature thought.

Let us look first at the facts as they are to-day. The Democratic Party is not responsible for acquiring the Philippines. No one thinks that. The Democratic Party need not defend or explain an acquisition in which they had no share. Whether rightly or wrongly secured, whether wisely or unwisely obtained, the fact is that they were obtained, and are in our control to-day. It may be of academic interest to discuss whether this should be so, but it has no practical interest, for it is so. The immediate question, therefore, with which the Democratic Party has to deal is how they shall be treated now that they are ours.

It may be laid down as fundamental that Democratic policy requires that the American flag shall not permanently float over any dependent people. Democrats are not imperialists, but the reverse; and just so soon as any people that may have come under our sway are able to say for themselves what their government should be, it is sound Democratic policy that they should say it and that their will should be respected.

The Democratic Party believes in education and sanitation and in all that uplifts the life and broadens the outlook of the humblest man, and therefore wherever our flag flies it is Democratic doctrine to educate, to improve conditions of labor and health, and to secure better ways of living.

Democratic policy can not approve taxation without representation; no more can it approve the exercise of power over many by a few. The Democratic Party is, as the editor of the St. Louis Republic has recently and wisely said:

> Devoted to equal rights and equal opportunities, it would trust the whole body of the people at any time with any responsibility voluntarily assumed rather than yield control to one man or to a small group of men, no matter how wise or how good. It holds that the taxation of one American for the benefit of another American is not only robbery but tyranny. It is committed to the idea that government as a partisan of the few must be taken out of business and that business as a self-seeker must be taken out of government. It believes in personal liberty that does not infringe upon the rights of others. It is opposed to centralization, to usurpation, to imperialism.

These principles the writer approves and indorses. Let us apply them to the Philippine situation.

Before we do so, however, the spirit in which this is written should be made clear. Let us avoid both the cant of "little brown brother" and the gross ignorance that groups all men with dark skins as Negroes. No one who has met the cultured native peoples of Luzon, or who has traveled with them, but knows their personal charm. One has only to look into the story of recent years to find noble examples of patriotism and self-sacrifice among them. And to this one must in fairness add appreciation of dignity under defeat and a quiet acceptance of misfortune that has been often very winning.

The ideals of many of the native leaders in the Philippines are high, their purposes are good, their love of country deep and strong and normal. It would be unfair not to recognize these facts and un-American not to sympathize with the men of whom these facts are true.

I take it all agree that our national honor and our self-respect require that the path for the Philippines shall be an upward path and that no political or commercial or financial considerations shall be allowed to prevent this. We have put our hand to the plow in the Philippines, whether we did so wisely or not. The facts are as they are and the question is how to deal with them. In order to deal with them we need to know all the facts, for any policy based upon a partial knowledge is sure to be mistaken.

Looking at the islands from the lowest standpoint, that of material needs, we find a very backward condition. If they be compared with another tropical country of similar location, such as Java, the contrast is striking. Java with a territory of about 50,000 square miles supports 30,000,000 of people and exports foods, though a large part of Java is very mountainous. The Philippines with an area of 115,000 square miles and less than 8,000,000 people import food, although the territory available for cultivation is greater than the whole of Java. The reason lies partly in the poverty, partly in the ignorance of the Philippine "tao," or native farmer, partly in the strange divisions among the inhabitants of the Philippines in race, religion, language, and customs. In Java the Dutch have after centuries brought at least material prosperity both to the natives and themselves. In the Philippines Spain failed wholly to bring economic wealth, and left behind her a disorganized mass of

discordant peoples. Yet by nature the Philippines are as richly endowed as Java, and there is no material reason why the wealth, said to be $100,000,000 per annum, that flows to Holland from Java should not be equaled or exceeded in the case of the Philippines, if mere material gain were the sole or even the principal object sought. And this material gain, were it to come righteously and with due regard for the men of humblest means and smallest opportunity, could not fail to bring them much that would improve their conditions.

The home of the Philippine farmer is usually a hut made from the branches of the Nipa palm, within which one room contains the family. Every convenience of modern life—plumbing and all its accessories, water and all it brings of cleanliness and health—are unknown. The hut is closed at night as tightly as is possible, and not for protection against the night air alone, but to keep out the night-flying spirits, in which even many of the so-called Christian tribes still believe. The tools with which the farmer works are primitive. He knows neither iron plow nor the usual harness. Agricultural machinery for him does not exist. His crude sugar mills waste a quarter of the juice they are made to extract. His carabao (water buffalo) is his most valued possession, and with this inefficient beast his wooden plow scratches the surface of his scanty acres. His land, moreover, lies idle six months of the year for lack of irrigation, and in this single cause is found another reason why he produces so much less than his Javanese fellow. In Java irrigation ditches are everywhere. Taking the Philippines as a whole, they may be said to be almost nowhere, although since the American occupation much has been done toward a beginning of irrigation. One would look long, however, to the undeveloped resources of the Philippines left in native hands for the funds from which money for large irrigation works could be soon obtained. The farmer of any of the Philippine races is in the very infancy of his craft. In a tropical land abounding in water and rich in agricultural resources he is barely self-supporting and not always that. He is a child in farming and needs to be taught.

The writer was present when the governor of La Union Province asked that well-driving machinery be loaned him by the insular government and heard the chief engineer of the latter say that they had but 43 plants for driving wells for the entire Philippines and that La Union would have to wait till some of these could be relieved from their present duty and sent him. The meaning of this will be clear from the fact that it is only from underground sources that pure drinking water can be had in large portions of the Philippines.

From this rough sketch of material conditions let us turn for a closer look at the people themselves. Only a glance is needed to show that there is no such thing as a Philippine people in any ordinary sense of the word "people." Here are a variety of racial mixtures not assimilated, but living separately, differing in language, embracing religions from the most savage heathenism through Mohammedanism up to several types of more or less developed Christianity. In social conditions they vary from the purest barbarism, the Negrito, through the half-naked and dog-eating Igorrot and the fierce Moslem Moro to the Visayan and the Tagalog, which last tribes happening to inhabit Manila and other coast towns are at once those most affected by Spanish rule, most developed in civilization, and from whom, since they are the peoples most commonly met, judgments about the entire population of the islands are apt to be made. It is not denied that among the Visayans, Ilocanos, Bicols, and Tagalogs are many people of culture and intelligence in the best European and American sense, nor is it denied that these excel in the arts of expression—music, oratory, and artistic work of many kinds. They are in these respects gifted peoples and may fairly be congratulated and held in honor for what they have done and become, but one does not have to leave Manila far to see that only a small proportion even of the Tagalog people are among the trained and able classes which have been mentioned. Civilization has touched but little the Tagalog farmers, even in the very outskirts of Manila itself. And this, if it were not evident from common observation on the spot, should be clear from the facts as to the electoral franchise in the islands.

PHILIPPINE VOTERS.

The requirements in the Philippines to qualify a voter are simple. They are that he shall have been an officeholder under the Spanish régime, or that he shall speak and write either the English or Spanish tongue, or that he shall be possessed of property to the value of ₱500 ($250), or that he shall pay taxes to the amount of ₱30 ($15) per annum, or any one of these. Yet, notwithstanding that the insurrection against Spanish rule has been thought by some to have been the uprising of a whole people, and in spite of what has been done since the American occupation in education, the entire Philippine Assembly at its first election in 1907 represented but 98,251 voters out of a population of nearly 8,000,000, and at its second election, in 1909, represented but 192,975 voters, or less than 3 per cent of the population.

It is a fact of deep significance that the entire voting force in the Philippines represents so small a part of the total population. It is equal to less than two-thirds of the total population of Manila alone, is much less than the number of the half-naked Igorrots, and barely one-half the number of the fierce Moros, and does not in any sense whatever represent a majority of any one of the numerous tribes and peoples of the islands or pretend to include within its numbers any representatives of the non-Christian tribes, who number in excess of 600,000. True, before the American occupation the Tagalogs and other peoples at the time of the insurrection tried to formulate a constitution more or less based upon our own, and in a patriotic and self-sacrificing spirit did what they could to establish it against the Spanish power, but this insurrection was in no true sense a national one, for there is no nationality in the Philippines. In that struggle large masses of the people took no part; and tens of thousands, separated by distance in a land where there were neither roads nor trails nor telegraphs, knew nothing whatever of it.

In going from Manila northward 150 miles one passes from the home of the Tagalog language through the Pampangan speech, again through the Pangasinan language to that of the Igorrot mountaineer, who was 10 years ago a head-hunter. These four peoples, not to mention others, do not understand one another's language. There is among them no common speech prevalent among the mass of the people. The educated few may speak and write Spanish, and a limited number English, but among the mass of the people there is no general tongue, and until within a few years there has been no common means of meeting one another, and it is largely for this reason that 20 or more languages have survived and exist to-day among them. The peoples of the Philippines are all too much as yet a "congeries of unrelated parts."

It is common knowledge that deep hatred exists between the Igorrots of the mountains and the Tagalogs of the plains, and that the Moros look with fanatical contempt upon the non-Moslem and physically weak dwellers in the seacoast cities. It did not need the plain statement of the Moro chiefs to Mr. Dickinson that though they had laid down the bolo at the American command they would take it up again should the American leave, to show that the removal of the strong hand of law from the Moro people would mean a continuance of that riot and bloodshed which has for centuries prevailed where they were free to follow their natural training and habits. But let the Moros speak for themselves.

At a meeting between the Secretary of War and the Moro leader at Jolo, August 24, 1910, the former secretary to the Sultan of Sulu was selected by the Moros to speak for them. He said:

"We have only a little to say, and that says we are happy to be under the sovereignty of the Americans. There has been some talking about that the Filipinos want to tear themselves off from the Americans and that they want to tear us away too—tear us away with them. If the Americans should give the Moro country over to the Filipinos they would be responsible to God for the blood that would be shed, because it would be the same thing as if you put two fighting cocks into one bag, for there would be fighting, sure."

On August 23, 1910, a public meeting was held in the theater at Zamboanga, Island of Mindanao. At this meeting Datu Sacaluran said:

"I am an old man. I do not want any more trouble. But if it should come to that, that we should be given over to the Filipinos, I still would fight."

He was followed by another leader, who said:

"I am not a civilized man, but I have learned that slavery, killing, and stealing is a bad thing; we do it no more. But if after that it should be that we shall be given over to another race we had better all be hanged."

The final speaker was Nadji Nungnui, who spoke as follows:

"The Secretary of War must look the matter in the face. We are a different race; we have a different religion; we are Mohammedans; and if we should be given over to the Filipinos how much more would they treat us badly when they treated even the Spanish badly who were their own mothers and their own fathers in generation? How did they treat them? Think about it. Think twice. We far prefer to be in the hands of

the Americans who are father and mother to us now than to be turned over to another people."

Into this maelstrom of conflicting tongues and races and religions the American educator has gone, not as a matter of politics, but in the spirit of unselfish uplift. Into this seething mass of physical weakness where 6 children out of 10 still die in infancy, and a vast percentage of the people are in one way or another afflicted with tubercular diseases, the American surgeon has gone, and with him sanitation. Into this mixture of separate and hostile villages, without roads or other means of communication, the American engineer has gone, building roads and trails and developing railways. Among the heathen and Moslem tribes the missionaries of all churches have gone bringing the gospel of order and of peace, and for the first time since white men saw them the islands are policed from end to end and order is maintained.

It is true that some patriotic and enthusiastic men of the Tagalog, Visayan, Ilocano, and Bicol peoples cry for immediate independence and that they have sacrificed in the past much to get it, but apart from the question whether these men are trained for self-government the larger and more serious question is whether general conditions in the islands are such as to make it safe and sane to turn over all the peoples of the islands to the government of a minority of a few tribes among them.

Let us apply the Democratic principles suggested above to the facts as they are. Would giving the Philippines immediate independence give their inhabitants "equal rights and equal opportunities"? If so, how? There are more adult male Moros than there are voters in the islands, are more adult Igorrots than there are voters in the islands, but these Igorrots have no vote. There are at least three-quarters of a million of adult males of other races that have no vote. The Moro hates the Tagalog and the latter despises the Igorrot. In what sense is it true that the Democratic doctrine of equal rights and equal opportunities would exist in the islands were they made independent as they are?

It is sound Democratic doctrine to hate "privilege and injustice, bosses and corruptionists." Is not the turning over of the government of nearly 8,000,000 people, most of them illiterate and some of them savage, to the control of a minority of a few peoples among them the granting of privileges and the doing of injustice? Will it not mean the creation of bosses and the promotion of corruption?

It is good Democratic doctrine to "trust the whole body of the people at any time with any responsibility voluntarily assumed rather than yield control to one man or to a small group of men, no matter how wise or how good." Even were the 200,000 voters of the Tagalog, Ilocano, and Visayan peoples in the Philippines to voluntarily assume the responsibility of independence, would this be in any sense the Democratic doctrine of trusting such responsibility to "the whole body of the people"? Would it not rather be yielding control "to a small group of men"? Would it not be the creation of an oligarchy?

Democratic doctrine holds "that the taxation of one American for the benefit of another American is not only robbery but tyranny." Would it be Democratic under this doctrine to put in the hands of 200,000 voters of a few peoples the right to tax more than that number of each of several other peoples without any voice on the part of any of the latter? Is not this in the true sense "creating taxation without representation"?

Is there a way out? Is there no alternative between the creating of an oligarchy in the hands of a few of the people and the holding by conquest of the islands for commercial exploitation? The writer thinks there is, and suggests as its basis, first, that our duty toward the peoples of the Philippines, as toward the Indian tribes of this country, should be free from partisan action. He believes it to be sound Democratic doctrine that the islands should neither be held as a subject community or abandoned to a foreign power or a domestic oligarchy. He believes it to be both sound Democratic doctrine and a fine ideal that out of a group of peoples having neither common aims, nor common customs, nor common religion, nor a common language should be created a people capable of self-control. He believes it to be sound Democratic doctrine that when they shall have acquired a common language and means of communication, and have by the practice of self-government in their municipalities and provinces acquired the habit of self-government, and when a majority of them shall be able to cast a ballot which they can read in any language, it will then be for them to decide what they wish their future relation to the United States to be.

He believes it to be sound Democratic doctrine that until a majority of the people shall be able thus to decide, education, commerce, and sanitation should be promoted by all the influence and power that is available to the American people, and that in the development of commerce the rights of the people of the islands should be safeguarded scrupulously, that the widest publicity should exist in corporate business affairs, and that anything which partakes in the least of "carpetbagging" should be abhorrent to the Democratic thought.

And to the end that there may become a true Philippine people, the writer hopes that the Democratic Party may in soberness of judgment and with wise conservatism at once assure the patriots of the islands of their fixed purpose to give them freedom on the one hand and on the other hand to cooperate with them patiently and wisely through the years that may become necessary to develop them to the point where they may intelligently choose the form of that freedom for themselves.

Nothing has been said about the political consequences of our sudden withdrawal from the islands, but it needs only a superficial knowledge of the facts to show that these consequences might be grave. How would the great religious bodies of our land feel to have their missionary activities taken out from under the impartial, protecting hand of America and turned over to the present uncertainties of native rule? How would the educational thought of America regard the party that would suddenly cut off the great work of American education so well begun? How would the men interested in the great sciences of medicine and sanitation feel toward the party that suddenly ended the progress making in the Philippines along these lines? There is much more for the Democratic Party to consider than the mere following out of a political phrase. There is a question of humanity to consider, a question of national honor to take into account, great questions of religion and of education to be borne in mind. All these point one way. They all indicate that whatever policy the Democratic Party shall adopt toward the Philippines shall not be one of mere hasty "scuttle" or one of thoughtlessly leaving the islands to themselves, but one that is calm, deliberate, well thought out, and consistent with the peace and the prosperity of the islands.

FLOODS IN THE MISSISSIPPI RIVER.

Mr. RANSDELL of Louisiana. Mr. Speaker, I move to suspend the rules and pass the bill (H. R. 22772, H. Rept. 483), which I send to the Clerk's desk.

The SPEAKER. The gentleman from Louisiana moves to suspend the rules and pass the bill which the Clerk will report.

The Clerk read as follows:

A bill (H. R. 22772) appropriating $350,000 for the purpose of maintaining and protecting against the impending flood the levees on the Mississippi River.

Be it enacted, etc., That the sum of $350,000 be, and the same is hereby, appropriated, out of any money in the Treasury not otherwise appropriated, to be expended under the direction of the Secretary of War in accordance with the plans, specifications, and recommendations of the Mississippi River Commission, as approved by the Chief of Engineers, for the purpose of maintaining and protecting against the impending flood the levees on the Mississippi River between the Head of Passes and Cape Girardeau, Mo. This appropriation to be immediately available on account of the emergency existing because of extraordinary flood in the river.

The SPEAKER. Is a second demanded?

Mr. MANN. Mr. Speaker, in order that there may be some explanation, I demand a second.

Mr. WICKLIFFE. Mr. Speaker, I ask unanimous consent that a second be considered as ordered.

The SPEAKER. The gentleman from Louisiana asks unanimous consent that a second be considered as ordered. Is there objection?

There was no objection.

The SPEAKER. The gentleman from Louisiana [Mr. RANSDELL] has 20 minutes and the gentleman from Illinois [Mr. MANN] is entitled to 20 minutes.

Mr. RANSDELL of Louisiana. Mr. Speaker, I have been authorized by the Rivers and Harbors Committee to report this bill. It is rendered necessary by the very great floods in the Mississippi River. The Missouri, the upper Mississippi, and the Ohio are all very high. At the present moment the flood stage is higher at Cairo, the junction of the Ohio and Mississippi, than ever known before. The Weather Bureau predicted this morning that by to-morrow the flood at Cairo will be 1.8 feet higher than ever before recorded. It reports that by the last of this week at the city of Memphis the flood will be 3 feet higher than ever known. There is great danger to the levee system on the Mississippi from Cape Girardeau to the Passes.

The purpose of this appropriation is to aid the States and the local levee boards to protect the levees, which are the only means of preventing the flood waters from flowing over 30,000 square miles of the richest land in this country now peopled by several million inhabitants and one of the most prosperous portions of the Republic.

The Government has been aiding in the construction of levees on the lower Mississippi since 1879, when the Mississippi River Commission was created.

Between seventy-five and eighty millions have been expended by the National Government and the States of Missouri, Arkansas, Mississippi, and Louisiana, and smaller sums by the States of Tennessee and Kentucky, in building levees along the river. It is thought that unless a hard fight is made against the present floods by the Mississippi River Commission with its large fleet of boats, in conjunction and cooperation with the local levee boards and State authorities in all of these States, the floods in many places will overtop the levees and wash them away, for if once the waters rise above them and begin to flow over them the sand out of which the levees are constructed will speedily melt away. Thus there will be destroyed public property which has cost this Government very large sums, and private property belonging to the citizens of this Nation of the value of many millions will also be ruined. The object of this appropriation is to aid the interested communities in holding the levees and thereby preserving and protecting this Government property. The levees also aid materially in the navigation of the stream, and the engineers say that without them they could not preserve its proper navigation. Moreover, levees are an imperative necessity to the protection of the vast wealth of the Mississippi lowlands, valued at more than a billion dollars.

Mr. BARTLETT. May I ask the gentleman a question?

Mr. RANSDELL of Louisiana. Certainly.

Mr. BARTLETT. How often heretofore has Congress been called upon, or has it contributed an amount like this, in the time of high flood?

Mr. RANSDELL of Louisiana. I can not answer in detail the question of the gentleman, but it has been called upon in the past to contribute for protection against floods on the Mississippi. Whether it has ever been called upon or not, Mr. Speaker, we have a most unusual situation. We have, as I have stated, a combination of floods in the Missouri, the upper Mississippi, and the Ohio—something extremely unusual, something which I do not remember to have occurred before, although I believe a similar thing did take place 30 years ago, in 1882, when we had a very great flood on the river.

Mr. BARTLETT. I merely wanted to know whether there was any precedent for the Government making this appropriation now. As I understand, the Government of the United States, in conjunction with various States bordering on the Mississippi River, constructed the levees.

Mr. RANSDELL of Louisiana. Yes; the Government has expended about thirty millions on the levees, and the States something like forty-five to fifty million dollars. The States have spent a great deal more than the Government, and I wish to say that the local communities will spend a great deal more than the Government in fighting this high water.

Mr. BARTLETT. Are the States authorized to proceed and supplement this fund which the Government may give in order to prevent the injury by the flood?

Mr. RANSDELL of Louisiana. Yes; the States and the local levee authorities. We have on the Mississippi River the different sections divided into local levee districts which have the power of local taxation, and every species of property there is subjected to a special tax, or forced contribution, for the purpose of building levees.

Where I live, in fifth Louisiana levee district, for example, the tax is 1 per cent on all the property, 5 cents on every acre of land, regardless of its value, and $1 on every bale of cotton weighing 500 pounds. In the extreme lower end of the river they even tax oysters in some instances 10 cents a barrel on the theory that the levees prevent the muddy waters from overflowing and destroying the oyster beds.

Mr. BARTLETT. I notice that this bill comes from the Committee on Rivers and Harbors. It is rather an emergency deficiency appropriation is it not?

Mr. RANSDELL of Louisiana. No; it is not a deficiency appropriation. It comes from the Committee on Rivers and Harbors because it is a specific appropriation made to aid in preserving and maintaining various valuable works of improvement constructed by the Government under appropriations emanating from that committee.

Mr. WICKLIFFE. And is made in the face of an emergency.

Mr. LONGWORTH. Mr. Chairman, will the gentleman yield?

Mr. RANSDELL of Louisiana. Certainly.

Mr. LONGWORTH. Have preparations been made for the expenditure of this money?

Mr. RANSDELL of Louisiana. Yes. I have conferred with the president of the Mississippi River Commission, Col. Townsend, who tells me that all preparations are ready. His officers have been communicated with, and the fleet of boats is subject to immediate instructions, so there will be no delay.

I yield two minutes to the gentleman from Illinois [Mr. CANNON].

Mr. CANNON. Mr. Speaker, I desire to say only a word or two. The Mississippi River does not know State boundaries. The Government is improving it from the standpoint of navigation, and from the same standpoint it has assisted in the construction of the levees. The people along the line of the river are highly taxed for the same purpose. I believe that the incident of protection to the lands adjacent to the Mississippi River, to say the least, is as important, if not more important, than the navigation of the river itself, and in the presence of this most extraordinary condition, from every standpoint, I am prepared to vote for the bill. [Applause.]

Mr. RANSDELL of Louisiana. Mr. Speaker, I yield two minutes to the gentleman from Missouri [Mr. RUSSELL].

Mr. RUSSELL. Mr. Speaker, I of course do not want to detain the House, as I hope there is no opposition to this bill; but I presume that I represent the district that is suffering most and that is now threatened more by the present flood than any district represented on the floor of this House. I think, too, that I know as much about disastrous floods such as the one that is now raging in that country as anyone else in the House. I have lived for more than a half century within 12 miles of the mouth of the Ohio River, and in the section of the country that usually suffers first and most I have seen floods almost annually during that half century. The highest water we have ever had in 50 years before this time was in 1883, 29 years ago. The flood is to-day a foot and three-tenths higher than it was at that time, and has risen seven-tenths of a foot within the last 24 hours. This indicates that it is going to reach about 54 feet, nearly 2 feet higher than it ever was before. In the district that I represent there is to-day over a half million acres of as fertile land as there is under the sun that are now under water. Some of the levees have already broken, but it may be that by an emergency appropriation of this sort some relief may yet be furnished in time to prevent greater disaster. I regret that this appropriation could not have been passed three or four days ago, so that we might have prevented or lessened the damage that is now being done to property in that country.

The gentleman from Georgia [Mr. BARTLETT] asked whether the local authorities are doing anything in the way of contributing to efforts to protect levees and prevent losses from this flood. I want to say that in the local levee district in the county in which I live the railroads and the people have 1,000 men at work at the present time, and have had for three days and nights, trying to prevent the breaking of the levees and trying to prevent the destruction of property and to save the lives of the people. Even with all these diligent efforts some levees have already broken and much of the country is to-day under water and many homes are submerged. I hope this appropriation will be passed, and not only passed but passed by the unanimous vote of the House. [Applause.]

Mr. RANSDELL of Louisiana. Mr. Speaker, I yield two minutes to the gentleman from Louisiana [Mr. WICKLIFFE].

Mr. WICKLIFFE. Mr. Speaker, I wish to express my hearty approval of this measure. I have been laboring very long upon it myself, to-day and yesterday, in assisting in perfecting it so that it would grant the necessary relief. If there ever was a time, if there ever was an emergency, that existed for an appropriation of this kind, it is at the present time. How much better it is that we give an ounce of prevention than a pound of cure. By doing this work, by putting through this appropriation now, we may save a most disastrous flooding of the lands and of the towns and lives and property behind the levees all the way from Cape Girardeau down to the Passes. How much better it is for this House to act in time and grant this relief now than to await a situation that can not be remedied and witness sufferings of the people which can only be alleviated later, but by timely action now may be prevented. I wish to say there is absolute necessity for this appropriation at this time, and that the President of the United States himself has sent a message to Congress recommending it—not only for this amount but even a larger amount.

I hope that the measure will speedily pass and become a law. [Applause.]

Mr. RANSDELL of Louisiana. Mr. Speaker, I yield to the gentleman from Kentucky [Mr. JAMES] for three minutes.

Mr. JAMES. Mr. Speaker, my district is skirted by the Mississippi River for about 75 miles. I have received telegrams from the mayor of Hickman, Ky., and the mayor of Columbus, Ky., saying that the Mississippi River is higher than

ever known and still rising. The levees there have been broken, and the cities have been flooded, and the people are homeless. These gentleman call upon me for such assistance as I might be able to obtain from the Government. I have succeeded in having several hundred tents sent to people who are without homes and in having boats ordered there to save life and property. There is no question about the necessity for this appropriation. I talked with the Chief of Engineers, and the president of the Mississippi River Association, as well as Gen. Bixby. They have no appropriation available by which they may prevent further breaks in the levees or which might be used for the purpose of stopping the breaks already made. This appropriation may prevent other breaks in levees and stop some already made and save life and property. It is a great emergency, and the resolution making this appropriation should pass without a moment's delay. I am glad to see there is no evidence of any opposition to this appropriation, which I know is so worthy and ought to be passed speedily by this House. [Applause.]

Mr. RANSDELL of Louisiana. Mr. Speaker, I ask unanimous consent to modify my motion by striking out of the bill the words:

This appropriation to be immediately available on account of the emergency existing because of extraordinary floods in the river.

Mr. BARTLETT. Does the gentleman propose to strike out all of the language that he has read?

Mr. RANSDELL of Louisiana. All that I have read.

Mr. BARTLETT. Does he mean to strike out the words "to be immediately available"?

Mr. MANN. The appropriation will be immediately available without those words.

Mr. RANSDELL of Louisiana. And I therefore ask unanimous consent to so modify my motion to suspend the rule as to strike out the words which I have read.

The SPEAKER pro tempore (Mr. RAINEY). The gentleman from Louisiana asks unanimous consent to modify his motion to suspend the rule by striking out of the bill the words which the Clerk will report.

The Clerk read as follows:

This appropriation to be immediately available on account of the emergency existing because of extraordinary floods in the river.

The SPEAKER pro tempore. Is there objection? [After a pause.] The Chair hears none, and it will be so ordered.

Mr. BARTHOLDT. I would like to ask the gentleman whether he is absolutely sure that there is no danger between St. Louis and Cape Girardeau. I understand from the reading of the resolution that relief is not intended to cover any territory north of Cape Girardeau.

Mr. RANSDELL of Louisiana. I can not say positively about the situation north of Cape Girardeau. We are making this appropriation for use by the Mississippi River Commission, whose jurisdiction has never extended north of Cape Girardeau and which has never built any levees north of that point.

Mr. BARTHOLDT. My impression is the jurisdiction of the Mississippi River Commission does not start until Cairo. It does not extend up to Cape Girardeau at all, and consequently that part of the river between Cape Girardeau and Cairo would be unprovided for.

Mr. RANSDELL of Louisiana. I wish to say I examined the statute this morning, and the jurisdiction for building levees is from Girardeau to Head of Passes——

Mr. BARTHOLDT. That is the Mississippi River Commission?

Mr. RANSDELL of Louisiana. Yes. It is specifically authorized to construct levees from Cape Girardeau down.

Mr. BARTHOLDT. I was not aware of that.

Mr. RUSSELL. A law was passed in 1907 by Congress extending the jurisdiction of the Mississippi River Commission over levees to Cape Girardeau.

Mr. BARTHOLDT. I would like to ask my colleague whether in his judgment it is necessary to extend this relief further north than Cape Girardeau.

Mr. RUSSELL. My impression is it is not, as it is hilly on that side of the river. There is some lowland in the State of Illinois, but I do not know whether the levees are in danger or not.

Mr. BARTHOLDT. I understand the East St. Louis situation is very serious and threatening, and they would not get any relief under this appropriation at all.

Mr. MANN. Mr. Speaker, I do not, of course, rise to oppose the resolution upon which I asked for a second in order that there might be an explanation made to the House of the emergency which has arisen. In times of distress and emergency it is to the credit of mankind that the hearts of all beat in unison and even legislative bodies make sudden appropriations without controversy. Mr. Speaker, I do not know just what effect the passage of this resolution and the making of this appropriation will have, but I hope it will protect the property. I have some doubt whether it has any great effect upon the Mississippi River itself. Now, in the case of the Missouri River this condition has happened. The gentleman from South Dakota, possibly somewhat inspired by the notice or the introduction of this resolution, discovered that there was an emergency upon the Missouri River, a great gorge in that river north of Yankton, and he introduces a bill or resolution providing for an appropriation in order that that gorge might be blown up, but when the Missouri River heard that there was danger that Congress would appropriate money for that purpose and invade the jurisdiction of the river she bursted the gorge, and that necessity has passed away. Let us hope that the Mississippi River will subside with the passage of this resolution.

Mr. RANSDELL of Louisiana. Might I suggest to the gentleman that the bursting of that gorge turns a somewhat big body of water down on us and we have to take care of that, too.

Mr. MANN. The gorge bursted to-day.

Mr. RANSDELL of Louisiana. Then the water will rise higher to-morrow.

Mr. MANN. It will take a good while to get down that far.

Mr. RANSDELL of Louisiana. I ask for a vote, Mr. Speaker.

The question was taken; and, in the opinion of the Speaker pro tempore, two-thirds having voted in favor thereof, the rules were suspended and the bill was passed.

FIFTIETH ANNIVERSARY OF THE BATTLE OF GETTYSBURG.

Mr. BURKE of Pennsylvania. Mr. Speaker, I move to suspend the rules and pass Senate concurrent resolution No. 19.

The SPEAKER pro tempore. The Clerk will report the resolution.

The Clerk read as follows:

Senate concurrent resolution 19.

Whereas the General Assembly of the Commonwealth of Pennsylvania did on the 13th day of May, 1909, enact as follows:

"An act creating a commission to be known as the Fiftieth Anniversary of the Battle of Gettysburg Commission, authorising the governor to appoint nine members thereof and fill vacancies that may occur therein. The commission to consider and arrange for the observance of the fiftieth anniversary of the Battle of Gettysburg, to invite the cooperation of the Congress of the United States, and of other States, and to report to next session of general assembly, and making appropriation for the payment of expenses of said commission.

"SECTION 1. *Be it enacted, etc.*, That within 30 days after the passage of this act the governor of the Commonwealth shall appoint nine citizens of Pennsylvania who, when appointed, shall constitute a commission to be known as the Fiftieth Anniversary of the Battle of Gettysburg Commission, whose duty shall be to consider and arrange for a proper and fitting recognition and observance, at Gettysburg, of the fiftieth anniversary of the Battle of Gettysburg, with authority to invite the cooperation of the Congress of the United States and of other States and Commonwealths. The commission to make report of its action, with recommendations, to the next session of the General Assembly of Pennsylvania. The governor shall make appointments to fill any vacancies that may occur in said commission. The members of the said commission shall serve without compensation, other than their actual and necessary expenses.

"SEC. 2. For the purpose of carrying out the provisions of this act the sum of $5,000, or so much thereof as may be necessary, is hereby specifically appropriated, said appropriation to be paid by warrants of the auditor general drawn upon the State treasurer upon specifically itemized vouchers duly approved by the proper officers of said commission;"

And whereas the Congress of the United States did on June 10, 1910, adopt the following concurrent resolution:

"Whereas the State of Pennsylvania has, by appropriate legislation, constituted a commission known as the 'Fiftieth Anniversary of the Battle of Gettysburg Commission,' to consider and arrange for a proper and fitting recognition and observance, at Gettysburg, of the fiftieth anniversary of the Battle of Gettysburg, with authority to invite the cooperation of the Congress of the United States, and of other States and Commonwealths, and the said commission has extended an invitation to Congress and requested its cooperation in the matter: Therefore be it

"*Resolved by the House of Representatives (the Senate concurring)*, That the President of the Senate and the Speaker of the House of Representatives be, and they are hereby, authorized and directed to appoint a committee to consist of three Senators and three Representatives to confer with the Fiftieth Anniversary of the Battle of Gettysburg Commission and report as soon as may be, the recommendations of said committee as to the proper action to be taken by Congress to enable the United States fittingly to join in the celebration of the fiftieth anniversary of the Battle of Gettysburg, and the necessary expenses of said committee shall be paid one-half out of the contingent fund of the Senate and one-half out of the contingent fund of the House."

The following committee was appointed by the respective presiding officers:

Senate: Hon. GEORGE T. OLIVER, Hon. WELDON B. HEYBURN, Hon. ISIDOR RAYNER.

House: Hon. James A. Tawney, Hon. DANIEL F. LAFEAN, Hon. JOHN LAMB.

The Hon. GEORGE T. OLIVER has been selected as the chairman of the committee;

And whereas the above-named Hon. ISIDOR RAYNER has resigned and the Hon. CLAUDE A. SWANSON, a Senator from the State of Virginia,

was appointed in his stead and is now a member of said congressional commission;

And whereas the General Assembly of the Commonwealth of Pennsylvania did on the 14th day of June, 1911, enact as follows:

"An act making an appropriation to the Fiftieth Anniversary of the Battle of Gettysburg Commission to enable the commission to further carry out the provisions of the act of assembly approved May 13, A. D. 1909, creating said commission and defining the duty thereof.

"Whereas the act of assembly approved May 13, A. D. 1909, P. L. 1909, page 777, created a commission—

"To be known as the fiftieth anniversary of the Battle of Gettysburg Commission, whose duty shall be to consider and arrange for a proper and fitting observance, at Gettysburg, of the fiftieth anniversary of the Battle of Gettysburg; with authority to invite the cooperation of the Congress of the United States and of the other States and Commonwealths; the commission to make report of its action, with recommendations, to the next session of the General Assembly of Pennsylvania, and made a preliminary appropriation for the purpose of carrying out the provisions of said act; and

"Whereas the commission has duly presented to his excellency, the governor of the Commonwealth, for transmittal to the present session of the General Assembly of Pennsylvania, such report of its action with recommendations and plans, as far as it has been possible at this early date to adopt plans: Now therefore

"SECTION 1. *Be is enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in general assembly met (and it is hereby enacted by the authority of the same)*, That to enable the commission to further carry out the provisions of the above-recited act in accordance with the said report, recommendations, and plans of the commission, the sum of $50,000, or so much thereof as may be necessary, is hereby specifically appropriated; said appropriation to be paid by warrants of the auditor general drawn upon the State treasurer, upon specifically itemized vouchers duly approved by the officers of said commission: *Provided*, That the total amount to be expended by the Commonwealth of Pennsylvania in connection with this celebration shall not exceed $250,000";

And whereas at a meeting of the State and National commissioners held at Washington on January 12, 1912, it was agreed to recommend to Congress that the necessary steps should be taken for the participation of the General Government to cooperate with the State of Pennsylvania in such commemoration on the 1st, 2d, 3d, and 4th days of July, 1913: Therefore be it

Resolved by the Senate (the House of Representatives concurring), That preliminary to such legislation by Congress as may be necessary to enable the Government of the United States to be properly represented on such occasion the Secretary of War be, and he is hereby, authorized and directed to confer with the Fiftieth Anniversary of the Battle of Gettysburg Commission of the State of Pennsylvania; and

First. To cause to be made such surveys, measurements, and estimates as will be necessary in regard to providing for a sufficient supply of good water for the use of those who shall attend the celebration.

Second. To investigate as to the necessary and proper provision required to be made for sewerage, sanitation, hospital, and policing during such celebration.

Third. To estimate upon the tents, camp equipment, supplies, and rations that in his judgment will be necessary to properly accommodate and provide for those who shall attend such commemoration, and to estimate what provision will be necessary to be made for local transportation and care of those who may or probably will participate in such celebration, and to give an estimate of the cost, separately stated, of the several provisions necessary to be made.

Fourth. To estimate the quantity of camp equipment, such as tents, bedding, and cooking outfits, necessary to accommodate the people attending, together with the cost per unit of a suitable ration to be issued and as to the best method of providing and issuing such rations.

Fifth. To prepare a plan of camp arrangement suitable to the occasion.

Sixth. To report to Congress upon all of these matters within 30 days after the passage of this resolution.

The SPEAKER. Is a second demanded?

Mr. MANN. I demand a second.

Mr. BURKE of Pennsylvania. Mr. Speaker, I ask unanimous consent that a second may be considered as ordered.

The SPEAKER. The gentleman from Pennsylvania asks unanimous consent that a second may be considered as ordered.

Mr. CALLAWAY. Mr. Speaker, I object.

The SPEAKER. The Chair appoints the gentleman from Pennsylvania [Mr. BURKE] and the gentleman from Texas [Mr. CALLAWAY] as tellers.

Mr. BURKE of Pennsylvania. I hope the gentleman will withdraw his objection.

Mr. CALLAWAY. I will withdraw it.

The SPEAKER. Is there objection? [After a pause.] The Chair hears none. The gentleman from Pennsylvania has 20 minutes and the gentleman from Texas has 20 minutes.

[Mr. BURKE of Pennsylvania addressed the House. See Appendix.]

Mr. BURKE of Pennsylvania. Mr. Speaker, I ask unanimous consent to modify my previous motion to the extent of the amendments that I send to the Clerk's desk.

The SPEAKER. The gentleman from Pennsylvania [Mr. BURKE] asks unanimous consent to modify his motion and to submit amendments. Is there objection?

There was no objection.

The SPEAKER. The Clerk will report the amendments.

The Clerk read as follows:

Amend, page 5, line 3, in paragraph entitled "First," by striking out the word "those" and inserting the words "the honorably discharged veterans of the Civil War."

Mr. MANN. What is the other amendment? It is not an amendment.

The SPEAKER. The Clerk will read all of the amendments.

The Clerk read as follows:

Amend, page 5, line 5, by striking out the word "those" and inserting the words "the honorably discharged veterans of the Civil War."

Amend, page 6, line 2, by striking out the word "those" and inserting the words "the honorably discharged veterans of the Civil War."

Amend, page 6, line 3 of the paragraph entitled "Fourth," by striking out the word "people" and inserting the words "the honorably discharged veterans of the Civil War."

Mr. SLAYDEN. Mr. Speaker, I would like to ask the gentleman from Pennsylvania a question.

Mr. OLMSTED. There is another amendment there.

The SPEAKER. The Clerk will read the next one.

The Clerk read as follows:

Insert at the end of paragraph 4 the following: "*Provided*, That the total expenses incurred in the execution of this resolution shall not exceed the sum of $2,500."

Mr. SLAYDEN. Mr. Speaker, will the gentleman from Pennsylvania permit a question now?

Mr. BURKE of Pennsylvania. I will be glad to.

Mr. SLAYDEN. I understood the gentleman in his preliminary statement to say that it was intended to have veterans on both sides attend this celebration. My friend from Georgia [Mr. BARTLETT] is anxious that there should be some Confederate veterans present; otherwise there would be nothing for some of the Members to do. I would like to ask if the phrase "veterans of the Civil War" is comprehensive enough to take in a few of the enemy?

Mr. BURKE of Pennsylvania. I understood it would be. I conferred with the gentleman from Virginia [Mr. LAMB] about it, and we agreed that it would be.

Mr. SLAYDEN. Would this include those who were not discharged and surrendered and who got away under all sorts of circumstances?

Mr. LAMB. I think it would.

Mr. BURKE of Pennsylvania. Now, Mr. Speaker, I reserve the balance of my time.

Mr. SLAYDEN. I would like to ask the gentleman from Pennsylvania, if it is the purpose of the proponents of this measure to have ex-Confederates there, would it not be well to change the language in such a way as to provide that members of Confederate veteran camps and comrades of Confederate veterans may attend, which is perhaps the most feasible way of arriving at the question of who are entitled to recognition?

Mr. BURKE of Pennsylvania. I am willing, so far as I am concerned, to yield to that suggestion in the form of an amendment. Mr. Speaker, I reserve the balance of my time.

Mr. LAMB. Mr. Speaker, if the gentleman from Pennsylvania will yield to me, I will answer the question propounded by the gentleman from Texas [Mr. SLAYDEN].

Mr. BURKE of Pennsylvania. I reserve the balance of my time.

The SPEAKER. The gentleman from Pennsylvania reserves the balance of his time, and the gentleman from Illinois [Mr. MANN] has 20 minutes.

Mr. MANN. Mr. Speaker, when the Sherwood pension bill was before the House for consideration originally, as it was introduced, we claimed on our side of the House that the language in one section of that bill, "veterans of the Civil War," would include the Confederate veterans. Upon that side of the House it was insisted that the term would not include the Confederate veterans, and I think probably in view of that it would be desirable to put in language that would clearly include both, because that is the intention.

I should like to ask the gentleman whether it is the expectation that the Government of the United States shall pay the expense of providing a sufficient supply of good water at this place; shall pay the expense of providing sewerage, sanitation, hospitals, and policing of this celebration; shall provide tents, camp equipment, supplies, and rations to accommodate the veterans who attend the celebration, and make other provisions of that sort; whether it is the expectation that the General Government, having considerately appointed a commission to join with a commission appointed by Pennsylvania to arrange this celebration, shall also pay practically the entire expense?

Mr. BURKE of Pennsylvania. I will answer that by stating that while it would be perfectly proper for the Federal Government, if it chooses to do so, to provide for the expenses of the celebration, the States having provided a quarter of a million dollars apiece in some cases to send their men there, yet if the Federal Government should not be willing to provide the funds for housing the veterans of the Civil War on both sides for three days at Gettysburg, I am safe in saying that the Commonwealth of Pennsylvania will do it.

Mr. MANN. That is said with a good deal of eclat, but the fact is that the Federal Government did not institute this celebration. The Pennsylvania Legislature passed a bill providing for the celebration, not at the request or solicitation of the Federal Government, not after consultation with the officials of the Federal Government. The State of Pennsylvania undertook to have the celebration there, properly enough, and asked that the Federal Government might in a way participate, which invitation we accepted in a way. Now, what I want to know is whether it is the expectation that the State of Pennsylvania, having inaugurated a celebration on one of the great battle fields, the General Government is to be called upon, first, to pay the expenses of that celebration; and if it does, whether it will be called upon to pay the expenses of a celebration on every other battle field in the country?

Mr. LAMB. Mr. Speaker——

The SPEAKER. Does the gentleman from Illinois yield to the gentleman from Virginia?

Mr. MANN. How much time does the gentleman want?

Mr. LAMB. I simply want to give the gentleman some information.

Mr. MANN. How much time have I remaining?

The SPEAKER. Fifteen minutes.

Mr. MANN. I yield to the gentleman from Virginia five minutes.

Mr. LAMB. In answer to the gentleman's question I will state that the Government will furnish these rations, will ascertain what a unit of ration will cost, and then will let the visitors there pay their own expenses. All that the States are expected to do, if I understand this arrangement, is to pay the expenses of the soldiers from their homes to Gettysburg and back. They will pay their own expenses while at Gettysburg. As we all know, the accommodations at Gettysburg are not sufficient to meet the demands of 100,000 visitors. Therefore the Government is asked to furnish these tents. The soldiers who go there to celebrate the Battle of Gettysburg will pay for their rations. I will be perfectly frank and say that it is not supposed that this great Government will escape some responsibility in this matter, and I think, after this joint resolution is passed, before these arrangements are perfected it is expected that the Government of the United States will furnish a certain amount of money. We have discussed that, and we have thought it would be reasonable, just, and fair that the United States Government should furnish a small amount of money for this enterprise.

I do not propose to discuss the merits of this resolution much. Pennsylvania and New York asked us to come there to celebrate the fiftieth anniversary of the Battle of Gettysburg. I was in that battle. [Applause.] Looking around here I do not know whether there is another man present who was there. I should like to go there and mingle with those soldiers on the Federal side as I did a few months ago. They are very genteel and pleasant fellows, I want to inform you. [Applause.] I have met them often before, and I was glad to shake their hands on the battle field of Gettysburg, as I think they would have been glad to shake my hand there had we succeeded, as we would have done had not two serious mistakes been made—one on the first and one on the third day. I want the sons of the gray and the sons of the blue to mingle there and discuss the Battle of Gettysburg. It is a study, I tell you—a better study than the Battle of Waterloo. I want the people of the United States to go there and erect a peace monument, as Gen. Walker of the Confederate Army says they will do on the third day. [Applause.] He says that the Chief Justice of the United States, a Confederate soldier, will be there and help dedicate that peace monument. [Applause.]

And he says further, which I am not saying much about right here in this presence, that a President of the United States, possibly one who is a son of a Confederate soldier, will be there with him on that occasion. [Applause.] I think, my comrades, that the future historian of this country will declare that it was worth all the sacrifices of that war, all of its bloodshed and all of its horrors, which I in part experienced myself, to have two questions put behind us forever in this country—the right of secession and chattel slavery. [Applause.] And if I, a Confederate soldier, can say that, and the philosophical historian of the future will say it, I ask, Why should we not unite with these, our northern friends there, and celebrate the fiftieth anniversary of the Battle of Gettysburg? [Applause.]

If I stay here long enough I am going to ask that we invite them down to celebrate the two battles of Cold Harbor. Those two battles are worth visiting and studying.

At some future time I will say something more on this question.

I ask that this resolution pass. [Applause.]

Mr. OLMSTED. Mr. Speaker, this resolution, which comes to us from the other end of the Capitol, contains four and one-half pages of preamble to one page of resolution. It is perhaps inartistically drawn, but it gets there just the same. Two years ago I succeeded in having passed through this House a concurrent resolution under which a committee of three Senators and three Members of the House were appointed. That gallant Confederate soldier, the gentleman from Virginia [Mr. LAMB], who has just so eloquently addressed the House, is a member of that committee. It was charged with reporting—

> the recommendations of said committee as to the proper action to be taken by Congress to enable the United States fittingly to join in the celebration of the fiftieth anniversary of the battle of Gettysburg.

That committee has not yet reported. It needs certain information, which can be best secured through the War Department. This resolution, therefore, calls upon the Secretary of War and authorizes and directs him to confer with the Battle of Gettysburg Commission; cause to be made certain surveys, measures, and estimates regarding a sufficient supply of good water for the many thousands who will attend the celebration; advise as to the provision required for the proper sewerage, sanitation, and policing during the celebration; and various other matters incident to such an occasion. It is expected that people from every State in the Union will attend that celebration, and particularly the veterans of the Civil War, from the South as well as from the North. The Commonwealth of Pennsylvania expects to expend $250,000; other Commonwealths are appropriating large sums, and the object is to make this a grand peace jubilee. Every Commonwealth, every State, and every Territory has already appointed one or more representatives to confer with the Pennsylvania commission. Among those appointed are many distinguished veterans from either side.

Supplementing the patriotic and happy remarks of the gentleman from Virginia [Mr. LAMB], I call attention to the order of Gen. C. Irvine Walker, lieutenant general commanding United Confederate Veterans. I hold in my hand his order, dated at New Orleans, January 20, 1912, in the course of which he says:

> The lieutenant general commanding advises his comrades that they have been offered by the State of Pennsylvania and the Union veterans the hand of peace and amity with such cordiality, fairness, and consideration that they should know it and, he thinks, should accept and grasp it.

He states that he has attended some of the meetings of the Pennsylvania commission—

> and was met by his once enemies so cordially as to disarm prejudice and make him feel that they were honestly desirous of commemorating a peace with which the soothing hand of time has blessed our country.

These are the names of some of the representatives who have been appointed from various ex-Confederate States: Alabama, Capt. Daniel Partridge; Arkansas, Gen. J. F. Smith; Florida, Gen. E. M. Law; Georgia, Gen. Clement A. Evans (since dead); Kentucky, Col. Andrew Cowan; Louisiana, Capt. J. B. Sinnott; Mississippi, Gen. W. A. Montgomery; Missouri, A. G. Petersen; North Carolina, Sergt. John C. Scarborough; South Carolina, Gen. James W. Moore; Tennessee, Hon. Luke E. Wright; Texas, Col. R. M. Aynne; Virginia, Dr. Rawley W. Martin.

I am told that New York has appropriated $287,000. Other States have made or will make suitable appropriations to enable their veterans to attend. Surely the Government of the United States must be willing to do its part in a celebration which is to play such an important part in bringing together the survivors of the blue and the gray in amity and peace and cementing all parts of our common country in bonds of everlasting friendship and union. [Applause.]

The SPEAKER. The gentleman from Pennsylvania [Mr. BURKE] asks unanimous consent to modify the concurrent resolution to the extent of the amendments read. Is there objection?

There was no objection.

The SPEAKER. The question is on suspending the rules and passing the Senate concurrent resolution.

The question was taken; and two-thirds voting in the affirmative, the concurrent resolution was agreed to.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. Crockett, one of its clerks, announced that the Senate had disagreed to the amendment of the House of Representatives to the bill (S. 405) authorizing the Secretary of the Interior to classify and appraise unallotted Indian lands, had asked a conference with the House on the disagreeing votes of the two Houses thereon, and had appointed Mr. GAMBLE, Mr. MCCUMBER, and Mr. STONE as the conferees on the part of the Senate.

The message also announced that the Senate had passed without amendment the following resolution:

House concurrent resolution 39.

Resolved by the House of Representatives (the Senate concurring), That the concurrent resolution passed August 21, 1911, providing for the printing of the proceedings upon the unveiling of the statue of Baron von Steuben in Washington, December 7, 1910, be amended by adding the following sentence after the last word thereof:

"There shall be included in the same volume, as herein provided for, the proceedings relating to the unveiling of the statue of Baron von Steuben in Berlin, September 2, 1911; and this document shall be compiled and printed under the direction of the Joint Committee on Printing."

EULOGIES.

Mr. CAMPBELL. Mr. Speaker, an order was made some days ago setting apart Sunday, the 14th day of April, for general memorial services on two late Representatives of this House. I want to separate those services, and I ask unanimous consent that the 14th of April be fixed for memorial services for EDWARD H. MADISON, late a Representative from the State of Kansas, and Sunday, April 21, be fixed for the memorial services on the late Representative ALEXANDER C. MITCHELL, of Kansas.

The SPEAKER. The gentleman from Kansas asks unanimous consent to modify the order of the House, to the extent of having Sunday, April 14, set apart for the memorial services on the late Representative MADISON, and Sunday, April 21, for memorial services on the late Representative MITCHELL. Is there objection?

There was no objection.

PENSIONS.

Mr. RUSSELL. Mr. Speaker, I move to suspend the rules and pass the bill (H. R. 22261) granting pensions and increase of pensions to certain soldiers and sailors of the Civil War and certain widows and dependent children of soldiers and sailors in said war.

The Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws—

The name of George J. Solly, late of Company I, Sixty-first Regiment New York Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Nathan C. Warden, late of Company C, One hundred and twenty-fifth Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of William F. Disbrow, late of Company F, One hundred and fifty-first Regiment New York Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Patrick H. McBride, late of Company H, Second Regiment Missouri Volunteer Light Artillery, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Andrew J. Daniels, late of Company G, Eighteenth Regiment Massachusetts Volunteer Infantry, and pay him a pension at the rate of $36 per month in lieu of that he is now receiving.

The name of John R. Bouldry, late of Company K, Seventh Regiment Massachusetts Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Edwin H. Beardsley, late of Companies K and E, Seventeenth Regiment New York Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Andrew Kepler, late of Company G, Second Regiment Kansas Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Avila Watkins, late of Company G, One hundred and ninth Regiment New York Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Samuel P. Hoeffer, late of Company I, Seventieth Regiment Indiana Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of John Harrington, late of Company I, Twenty-first Regiment Iowa Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Emanuel Kresge, late of Company G, Sixty-seventh Regiment Pennsylvania Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of William J. Davisson, late of Company A, Eighty-fourth Regiment Indiana Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Robert Edmondson, late of Company E, Thirty-seventh Regiment Kentucky Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Thomas Reid, late of Company D, Sixth Regiment Pennsylvania Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Charles H. Norred, late of Company I, One hundred and fourteenth Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of $36 per month in lieu of that he is now receiving.

The name of Daniel W. Getchell, late of Company H, First Regiment Minnesota Volunteer Infantry, and pay him a pension at the rate of $36 per month in lieu of that he is now receiving.

The name of Abram B. Wilson, late of Company A, Thirty-fifth Regiment Missouri Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Hector L. Lindsay, late of Company C, Ninth Regiment Missouri State Militia Cavalry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Christopher C. Showalter, late of Company C, Sixty-second Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of John H. Scott, late of Company C, One hundred and thirty-third Regiment Illinois Volunteer Infantry, and Company H, Third Regiment Illinois Volunteer Cavalry, and pay him a pension at the rate of $36 per month in lieu of that he is now receiving.

The name of William F. Towers, late of Company C, Forty-third Regiment Massachusetts Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of William Spaulding, late of Company G, Fifth Regiment New Hampshire Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Harvey W. Davis, late of Company C, Fifty-eighth Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of James W. Mackey, late of Company H, Forty-seventh Regiment Iowa Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of James A. Morris, late of Company H, Second Regiment Missouri Volunteer Light Artillery, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Hiram Haskins, late of Company G, First Regiment Ohio Volunteer Heavy Artillery, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Wilson Gardner, late of Company B, First Regiment Ohio Volunteer Cavalry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Truman Grubb, late of Company H, Twelfth Regiment Ohio Volunteer Cavalry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Joseph Bremercamp, late of Company C, Eleventh Regiment Indiana Volunteer Cavalry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of George W. Land, late of Company F, Independent Battery Pennsylvania Volunteer Light Artillery, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of George J. Bailey, late of Company F, Fourth Regiment Missouri State Militia Cavalry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Aaron T. Macklin, late of Company E, Knapp's independent battalion Pennsylvania Volunteer Light Artillery, and pay him a pension at the rate of $36 per month in lieu of that he is now receiving.

The name of Augustus Gilmore, late of Company A, Seventy-seventh Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of $36 per month in lieu of that he is now receiving.

The name of John Hinson, late of Company C, Twenty-fifth Regiment Iowa Volunteer Infantry, and pay him a pension at the rate of $40 per month in lieu of that he is now receiving.

The name of James Coleman, late of Company F, Third Regiment Iowa Volunteer Cavalry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of George E. Walker, late of Company F, Twenty-third Regiment Maine Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Albert Woodruff, late of Company I, One hundred and forty-second Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of James L. Uphold, late of Companies I and B, Second Regiment Potomac Home Brigade, Maryland Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of George R. Pearson, late of U. S. S. Ohio, St. Lawrence, and Florida, United States Navy, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of John Jeffries, late of Company D, Thirteenth Regiment Indiana Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of John Chapman, late of Company A, Twenty-fifth Regiment Indiana Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Jonathan K. Rollins, late of Companies E, D, and H, Eleventh Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Bridget Mullens, widow of Michael Mullens, late of Company E, Ninth Regiment Connecticut Volunteer Infantry, and pay her a pension at the rate of $20 per month in lieu of that she is now receiving.

The name of Hugh Crawford, late of Company B, Fourth Regiment Pennsylvania Volunteer Cavalry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Jameson R. Hunter, late of Company C, Ninth Regiment Missouri State Militia Cavalry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of William Gilbert, late of Company F, One hundred and seventy-second Regiment Pennsylvania Drafted Militia Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of David A. McClure, late of Company B, First Regiment Pennsylvania Volunteer Light Artillery, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Louis A. Ranck, late of Company B, One hundred and seventy-second Regiment Pennsylvania Drafted Militia Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Smith M. Demeree, late of Company G, Sixty-fourth Regiment New York Volunteer Infantry, and Company G, First Regiment New York Volunteer Light Artillery, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of George A. Easterley, late of Company K, Eighth Regiment Tennessee Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Jacob Dillman, late of Company E, Ninety-ninth Regiment Indiana Volunteer Infantry, and pay him a pension at the rate of $36 per month in lieu of that he is now receiving.

The name of Lewis F. Beck, late of Companies C and A, First Regiment Missouri Volunteer Cavalry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Bernard F. Morrow, late of Company F, Twelfth Regiment West Virginia Volunteer Infantry, and pay him a pension at the rate of $36 per month in lieu of that he is now receiving.

The name of George W. Dalrymple, late of Company K, Ninety-sixth Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Albert Morseman, late of Company G, Fourth Regiment Michigan Volunteer Infantry, and pay him a pension at the rate of $36 per month in lieu of that he is now receiving.

The name of Thomas H. Chance, late of Company C, Ninth Regiment, and Company K, Thirtieth Regiment, Indiana Volunteer Infantry, and pay him a pension at the rate of $50 per month in lieu of that he is now receiving.

The name of William S. Johnson, late of Company A, Eighty-fourth Regiment Ohio Volunteer Infantry, and Company H, Twelfth Regiment Illinois Volunteer Cavalry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of John Hornbeck, late of Company D, One hundred and fifty-sixth Regiment New York Volunteer Infantry, and pay him a pension at the rate of $36 per month in lieu of that he is now receiving.

The name of Edward H. Garrison, late of Company F, One hundred and twenty-fourth Regiment New York Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Samuel N. Weeks, late of Company I, Twelfth Regiment, and Company K, Twenty-seventh Regiment, Ohio Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of George H. Wirebaugh, late of Twenty-sixth Independent Battery Ohio Volunteer Light Artillery, and pay him a pension at the rate of $36 per month in lieu of that he is now receiving.

The name of Chauncey G. Tripp, late of Company H, Tenth Regiment New York Volunteer Heavy Artillery, and pay him a pension at the rate of $12 per month.

The name of Thomas Hicks, late landsman U. S. S. General Thomas and Great Western, United States Navy, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of John Bonhome, late of Company B, Fourteenth Regiment Indiana Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Richmond White, late of Company E, One hundred and twenty-first Regiment New York Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Reuben Sellars, late of Company E, Ninth Regiment Tennessee Volunteer Cavalry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Edgar H. Cooper, late of Company K, Tenth Regiment Illinois Volunteer Infantry, and Battery D, First Illinois Volunteer Light Artillery, and pay him a pension at the rate of $40 per month in lieu of that he is now receiving.

The name of Henry Watson, late of Company E, Second Regiment Tennessee Volunteer Cavalry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Mary J. Smith, widow of Daniel Smith, late of Company G, Thirty-first Regiment, and Company G, Seventeenth Regiment, Iowa Volunteer Infantry, and pay her a pension at the rate of $30 per month in lieu of that she is now receiving.

The name of Martin L. Sims, late of Company D, Seventy-ninth Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of $36 per month in lieu of that he is now receiving.

The name of James F. Vernon, late of Company F, One hundred and forty-second Regiment Ohio National Guard Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of John Gilley, late of Company D, First Regiment Louisiana Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of John G. Tally, late of Company A, One hundred and fifteenth Regiment Indiana Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of William P. Metcalfe, late of Company C, One hundred and eighty-fifth Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of $20 per month in lieu of that he is now receiving.

The name of Samuel McFadden, late of Company B, Thirteenth Regiment Ohio Volunteer Cavalry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of John S. Copens, late of Company C, Fifty-fourth Regiment Kentucky Volunteer Infantry, and pay him a pension at the rate of $36 per month in lieu of that he is now receiving.

The name of Joseph J. Voorheis, late of Company C, Fifty-fourth Regiment Kentucky Mounted Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Henry E. Deberry, late of Company K, Fifty-second Regiment Kentucky Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Martha Bean, widow of William H. Bean, late captain of Company A and major of Sixth Regiment Tennessee Mounted Volunteer Infantry, and pay her a pension at the rate of $20 per month in lieu of that she is now receiving.

The name of Mary L. Wright, widow of Charles B. Wright, late acting assistant engineer United States Navy, and pay her a pension at the rate of $20 per month in lieu of that she is now receiving.

The name of Royal S. Dunham, late of Company E, Third Regiment Michigan Volunteer Infantry, and pay him a pension at the rate of $40 per month in lieu of that he is now receiving.

The name of David W. Brandt, late of Company C, Forty-second Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Andrew J. Wilson, late of Company A, First Regiment Iowa Volunteer Cavalry, and pay him a pension at the rate of $36 per month in lieu of that he is now receiving.

The name of William Burnett, late of Company E, Twenty-fifth Regiment Indiana Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of John Moyers, late of Company E, First Regiment West Virginia Volunteer Cavalry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of John W. Reynolds, late of Company G, Twelfth Regiment Indiana Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Gilmon A. H. Simmons, late of Company D, Thirty-second Regiment Missouri Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of John W. Cummings, late of Company F, One hundred and thirty-third Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Reuben Venatta, late of Company C, Fifty-second Regiment Pennsylvania Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of William W. McAlister, late of Company G, Third Regiment Colorado Volunteer Cavalry, and pay him a pension at the rate of $20 per month in lieu of that he is now receiving.

The name of John Strauss, late of Company G, Thirty-seventh Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of George Kerns, late of Company H, Fifty Regiment West Virginia Volunteer Cavalry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Henry Lemmert, late of Company H, Forty-fifth Regiment New York Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of David Lynch, late of Company D, Fifth Regiment Ohio Volunteer Cavalry, and pay him a pension at the rate of $20 per month in lieu of that he is now receiving.

The name of Samuel H. Lance, late of Company B, Second Regiment Missouri Volunteer Light Artillery, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Jeduthian Weller, late of Company F, Eleventh Regiment Illinois Volunteer Cavalry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Enos Brown, late of Company D, One hundred and eighteenth Regiment New York Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of William H. Mullen, late of Company F, Thirty-second Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Jacob Tates, late of Company I, Two hundred and fifth Regiment Pennsylvania Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Nicholas Stevens, late of Company M, Ninth Regiment Pennsylvania Volunteer Cavalry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Oliver H. Underbyer, late of Company F, First Regiment Wisconsin Volunteer Heavy Artillery, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of John F. Spencer, late of Company F, Thirty-seventh Regiment Indiana Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of George W. Butcher, late of Company D, One hundred and fifty-eighth Regiment, and Company C, One hundredth Regiment, New York Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Jarvis M. Kime, late of Company E, Fourth Regiment Iowa Volunteer Cavalry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Cephas H. Grass, late of Company C, Two hundred and fifth Regiment Pennsylvania Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of John Hogmire, late of Company D, One hundred and tenth Regiment Pennsylvania Volunteer Infantry, and Companies M and F, Nineteenth Regiment Pennsylvania Volunteer Cavalry, and pay him a pension at the rate of $36 per month in lieu of that he is now receiving.

The name of James W. Jackson, late of Company F, Thirteenth Regiment Missouri Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Marion Stone, late of Company F, Fifth Regiment Tennessee Volunteer Cavalry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Gilbert W. Bidwell, late of Company K, One hundred and thirty-third Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Michael Lynn, late of Company G, First Regiment United States Cavalry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of James M. Cook, late of Company F, Third Regiment Rhode Island Volunteer Heavy Artillery, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of John D. Hamersley, late of Company B, Eighteenth Regiment Indiana Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Caroline M. Tilly, widow of Cortland Tilly, late of Company G, Third Regiment New York Volunteer Cavalry, and pay her a pension at the rate of $20 per month in lieu of that she is now receiving.

The name of Thomas W. Stone, late of Companies G and A, Twelfth Regiment Tennessee Volunteer Cavalry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Peter Diehl, late of Company D, Seventh Regiment, and Company K, First Regiment, Missouri Volunteer Cavalry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Edwin S. Butts, late of Company G, Twelfth Regiment Michigan Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Martin V. Saunders, late of Company K, Twenty-eighth Regiment Iowa Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Congrave J. Jacks, late of Company A, Fifth Regiment Missouri State Militia Cavalry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Frank G. Lockwood, late of Company H, Thirteenth Regiment Iowa Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Andrew J. Reeves, late of Company I, Twenty-eighth Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of William C. Tilley, late of Company B, Fourth Regiment Tennessee Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Levi H. Brown, late of Company D, Twenty-third Regiment Indiana Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Randall Ingram, late of Company F, Thirty-sixth Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of $36 per month in lieu of that he is now receiving.

The name of Alonso Merritt, late of Company C, Tenth and Fifty-eighth Regiments Indiana Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Joseph Richards, late of Company B, Eleventh Regiment Iowa Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Ambrose Jones, late assistant surgeon, Fifth Regiment Wisconsin Volunteer Infantry, and pay him a pension at the rate of $36 per month in lieu of that he is now receiving.

The name of William H. Jones, late of Company C, Eighty-fourth Regiment New York Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Henry V. Leach, late of Company H, Third Regiment New York Volunteer Light Artillery, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Andrew M. Cage, late of Company B, Twenty-first Regiment Kentucky Volunteer Infantry, and pay him a pension at the rate of $36 per month in lieu of that he is now receiving.

The name of Summerville Burns, late of Company L, Eleventh Regiment Missouri Volunteer Cavalry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of John Dixon, late of Company G, One hundred and thirty-fourth Regiment Indiana Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Mary A. Cougill, widow of Lewis Cougill, late of Company F, Twenty-sixth Regiment Ohio Volunteer Infantry, and pay her a pension at the rate of $12 per month.

The name of James D. Butler, late of Company B, Ninth and Seventh Regiments Vermont Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Emanuel Hines, late of Company K, Forty-eighth Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Samuel C. Howe, late of Company A, Ninth Regiment Maine Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of James M. Waldeck, late of Company B, Twenty-fifth Regiment Wisconsin Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Mercie A. Brown, widow of Horace W. Brown, late of Companies M and H, First Regiment Massachusetts Volunteer Cavalry, and pay her a pension at the rate of $20 per month in lieu of that she is now receiving.

The name of William L. Pierce, late of Company H, Second Regiment Illinois Volunteer Light Artillery, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of James Davison, late of Company F, One hundred and twenty-first Regiment Pennsylvania Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of William H. Bishop, late of Company H, First Regiment, and Company F, Second Regiment, West Virginia Volunteer Infantry, and pay him a pension at the rate of $36 per month in lieu of that he is now receiving.

The name of William H. Chattle, late of Company A, Eighty-ninth Regiment Illinois Volunteer Infantry, and Company D, First Regiment United States Veteran Volunteer Engineers, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Harvey N. Connerly, late of Company K, Forty-third Regiment Indiana Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of James W. Shrout, late of Company O, Sixth Regiment West Virginia Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of William Kelley, late of Company A, Sixteenth Regiment Missouri Volunteer Cavalry, and pay him a pension at the rate of $36 per month in lieu of that he is now receiving.

The name of Benjamin F. Rollins, late of Company G, First Regiment Connecticut Volunteer Cavalry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Bernhart Elzenhoefer, late of Company H, Twenty-sixth Regiment Kentucky Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Michael Fitzpatrick, late of Company E, Thirty-fifth Regiment Iowa Volunteer Infantry, and pay him a pension at the rate of $40 per month in lieu of that he is now receiving.

The name of Handel P. Fisher, late of Company F, Fourth Regiment Massachusetts Militia Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of William F. Jackson, late of Company F, Fourteenth Regiment Iowa Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Winfield S. Creighton, late of Third Battery, Ohio Volunteer Light Artillery, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of William A. Miller, late of Company D, Fifth Regiment Pennsylvania Volunteer Infantry, and first-class fireman, U. S. S. Louisville and Great Western, United States Navy, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Christian Keel, late of Company C, Fifteenth Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Wesley H. Bishop, late of Company D, Second Regiment Florida Volunteer Cavalry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Henry Carpenter, late of Company F, Second Regiment Wisconsin Volunteer Cavalry, and pay him a pension at the rate of $36 per month in lieu of that he is now receiving.

The name of Marcus L. Barker, late of Company A, Thirteenth Regiment Pennsylvania Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Mary F. Cooley, widow of Franklin Cooley, late surgeon, Fourteenth Regiment Missouri Home Guards, and pay her a pension at the rate of $12 per month.

The name of James M. Cartee, late of Company G, Twenty-second Regiment Kentucky Volunteer Infantry, and pay him a pension at the rate of $36 per month in lieu of that he is now receiving.

The name of Arnold Snyder, late of Company F, Fifty-fourth Regiment Kentucky Volunteer Mounted Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of William Peabody, late of Company E, Seventeenth Regiment Michigan Volunteer Infantry, and pay him a pension at the rate of $36 per month in lieu of that he is now receiving.

The name of Willis Shurter, late of Company A, One hundred and ninth Regiment New York Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Frank A. Sperry, late of Company F, Twenty-sixth Regiment Michigan Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of John Augustin, late of Company G, Thirty-fourth Regiment Wisconsin Drafted Militia Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Benjamin B. Winans, late of Company M, Fourth Regiment Pennsylvania Volunteer Cavalry, and pay him a pension at the rate of $36 per month in lieu of that he is now receiving.

The name of Joseph Francis, late of Company D, Second Regiment New York Volunteer Heavy Artillery, and pay him a pension at the rate of $36 per month in lieu of that he is now receiving.

The name of Jennie B. Richards, widow of Frank O. Richards, late of Company H, One hundred and fiftieth Regiment, and Company E, One hundred and seventy-seventh Regiment, Ohio Volunteer Infantry, and pay her a pension at the rate of $20 per month in lieu of that she is now receiving.

The name of Joseph F. Latta, late of Company B, First Regiment, and Company A, Twenty-second Regiment, Iowa Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of John M. Campbell, late of Company E, One hundred and seventy-eighth and One hundred and ninety-fifth Regiments Pennsylvania Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Peter A. Burdett, late of Company D, Seventeenth Regiment West Virginia Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Annie S. Elgin, helpless and dependent child of John Elgin, late of Company H, Fifth Regiment Pennsylvania Volunteer Heavy Artillery, and pay her a pension at the rate of $12 per month.

The name of William G. Hovis, late of Company A, Sixth Regiment Pennsylvania Volunteer Heavy Artillery, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Samuel Barnett, late of Company A, Sixty-first Regiment Pennsylvania Volunteer Infantry, and pay him a pension at the rate of $36 per month in lieu of that he is now receiving.

The name of Caleb E. Frazier, late of Company E, One hundred and fiftieth Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Alonzo J. McMaster, late fife major Twenty-eighth Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of $20 per month in lieu of that he is now receiving.

The name of Daniel Seiner, late of Company B, Fifteenth Regiment New York Volunteer Heavy Artillery, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Mathias Eberhardt, late of Company A, Twenty-eighth Regiment New York Militia Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Reuben J. Johnson, late of Company H, First Regiment Arkansas Volunteer Infantry, and pay him a pension at the rate of $40 per month in lieu of that he is now receiving.

The name of Nathan T. Albee, late of Company F, Two hundred and tenth Regiment Pennsylvania Volunteer Infantry, and pay him a pension at the rate of $36 per month in lieu of that he is now receiving.

The name of Charles L. Jones, late of Company C, Twenty-third Regiment Iowa Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Henry Q. Graham, late chaplain Fourth Regiment Pennsylvania Volunteer Cavalry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Robert Smith, late of Company C, Thirty-second Regiment Iowa Volunteer Infantry, and pay him a pension at the rate of $36 per month in lieu of that he is now receiving.

The name of John R. Sitton, late of Company E, Twenty-eighth Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of $40 per month in lieu of that he is now receiving.

The name of Mary F. Belcher, widow of Lewis W. Belcher, late of Company F, Fourth Regiment Massachusetts Volunteer Infantry, and pay her a pension at the rate of $12 per month.

The name of Wyatt Chappell, late of Company F, Twenty-fifth Regiment Indiana Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Annie Florstendt, helpless and dependent child of Frederick Florsteadt, late of Company L, Fifteenth Regiment New York Volunteer Heavy Artillery, and pay her a pension at the rate of $12 per month.

The name of Henry Fulton, late of Fourteenth Independent Battery Ohio Volunteer Light Artillery, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Joseph N. Thurber, late of Company H, Fifteenth Regiment New York Volunteer Engineers, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of John L. Parker, late of Company B, Eleventh Regiment Michigan Volunteer Infantry, and pay him a pension at the rate of $40 per month in lieu of that he is now receiving.

The name of James T. Stillman, late of Company A, Eleventh Regiment Michigan Volunteer Cavalry, and pay him a pension at the rate of $20 per month in lieu of that he is now receiving.

The name of Simon Beal, late of Company K, Sixteenth Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Nelson A. Kingsley, late of Company G, One hundred and fifty-fourth Regiment New York Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Albert Spicer, late of Company H, Ninth Regiment Missouri State Militia Cavalry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Buel Wolcott, late of Company H, Fifty-ninth Regiment New York Volunteer Infantry, and pay him a pension at the rate of $36 per month in lieu of that he is now receiving.

The name of Charles Oswald, late of Company F, Fifth Regiment, and Company C, Fiftieth Regiment, Pennsylvania Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Anthony M. Carson, late of Eighth Independent Battery, Ohio Volunteer Light Artillery, and pay him a pension at the rate of $36 per month in lieu of that he is now receiving.

The name of Richard Monahan, late of Company G, Sixteenth Regiment Massachusetts Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of John W. Smith, late of Company B, Eighteenth Regiment Ohio Volunteer Infantry, and Company L, First Ohio Volunteer Cavalry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Dudley W. Dye, late of Companies H and D, Seventy-seventh Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of $36 per month in lieu of that he is now receiving.

The name of Peter A. Gipp, late of Company E, Eighty-seventh Regiment Pennsylvania Volunteer Infantry, and pay him a pension at the rate of $36 per month in lieu of that he is now receiving.

The name of Allen Fornwald, late of First Battalion, Pennsylvania Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Charles Stuart, late of Company A, Ninetieth Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of $36 per month in lieu of that he is now receiving.

The name of Thomas J. Boord, late of Company F, Seventh Regiment West Virginia Volunteer Infantry, and pay him a pension at the rate of $12 per month.

The name of Ephraim V. Nye, late of Company B, Fourth Regiment Ohio Volunteer Cavalry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Charles W. Jones, late of Company G, Seventeenth Regiment Vermont Volunteer Infantry, and pay him a pension at the rate of $36 per month in lieu of that he is now receiving.

The name of James Daly, late of Companies H and D, First Regiment New York Volunteer Infantry, and One hundred and eighty-seventh Company, First Battalion Veteran Reserve Corps, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Susan C. Carey, widow of Jason P. Carey, late of Company K, Seventh Regiment Maryland Volunteer Infantry, and pay her a pension at the rate of $12 per month.

The name of John E. Goewey, late of Company E, Fiftieth Regiment New York Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of James R. Constant, late of Company I, Nineteenth Regiment Kentucky Volunteer Infantry, and pay him a pension at the rate of $36 per month in lieu of that he is now receiving.

The name of Daniel Russman, late of Company D, Forty-seventh Regiment Indiana Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Elizabeth Isaacs, widow of Joseph Isaacs, late of Company D, One hundred and forty-third Regiment Indiana Volunteer Infantry, and pay her a pension at the rate of $20 per month in lieu of that she is now receiving.

The name of Jotham Emery, late of Company K, Eighth Regiment Maine Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Clarence S. Gray, late of Company B, Seventeenth Regiment, New Hampshire Volunteer Infantry, and Company A, First Regiment New Hampshire Volunteer Heavy Artillery, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Ransom Coburn, late of Company H, Ninth Regiment Vermont Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Rachel Gaun, widow of Robert Gaun, late of Company I, First Regiment Arkansas Volunteer Infantry, and pay her a pension at the rate of $24 per month.

The name of Elizabeth Bailey, widow of William Bailey, late of Company B, Eighth Regiment Illinois Volunteer Cavalry, and pay her a pension at the rate of $20 per month in lieu of that she is now receiving.

The name of Margaret A. G. Macnamara, widow of Daniel G. Macnamara, late first lieutenant and regimental quartermaster Ninth Regiment Massachusetts Volunteer Infantry, and pay her a pension at the rate of $20 per month in lieu of that she is now receiving.

The name of James W. B. Turk, late of Company D, Seventh Regiment Tennessee Mounted Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Isaac N. Wakefield, late of Company B, First Regiment Tennessee Mounted Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Sarah J. Bird, widow of Mark L. Bird, late of Company E, Forty-sixth Regiment, and Company I, Fourteenth Regiment, Missouri Volunteer Infantry, and pay her a pension at the rate of $20 per month in lieu of that she is now receiving.

The name of Uriah S. Allison, late of Company B, First Regiment Tennessee Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Annis Lavera Hastings, helpless and dependent child of John W. Hastings, late of Company B, Fifty-second Regiment Ohio Volunteer Infantry, and pay her a pension at the rate of $12 per month.

The name of Lloyd G. Palmer, late of Company K, Fifth Regiment Massachusetts Militia Infantry, and pay him a pension at the rate of $15 per month.

The name of John E. Tyler, late of Company F, Forty-fifth Regiment Pennsylvania Volunteer Infantry, and pay him a pension at the rate of $36 per month in lieu of that he is now receiving.

The name of Eleanor M. Chapron, widow of Joseph F. Chapron, late of Company A, Sixth Regiment Minnesota Volunteer Infantry, and pay her a pension at the rate of $12 per month.

The name of Frederick Ahlvers, late of Company I, Twenty-second Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of $36 per month in lieu of that he is now receiving.

The name of George W. Salisbury, late of Company K, One hundred and eleventh Regiment New York Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Henry W. Northrop, late of Company C, Second Regiment Wisconsin Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Mary E. McRill, widow of Newton McRill, late of Company E, Fortieth Regiment Illinois Volunteer Infantry, and pay her a pension at the rate of $30 per month in lieu of that she is now receiving.

The name of Ann Galligan, widow of William J. Galligan, alias Gallagher, late of Company B, Twenty-seventh Regiment Connecticut Volunteer Infantry, and pay her a pension at the rate of $20 per month in lieu of that she is now receiving.

The name of Mary L. Myers, widow of John Myers, late seaman, U. S. S. Grand Gulf, United States Navy, and pay her a pension at the rate of $20 per month in lieu of that she is now receiving.

The name of Sidney Walter, late of Company F, Fifth Regiment, and Company L, Tenth Regiment, Michigan Volunteer Cavalry, and pay him a pension at the rate of $36 per month in lieu of that he is now receiving.

The name of George H. Kimmel, late of Company C, Twenty-fifth Regiment Michigan Volunteer Infantry, and pay him a pension at the rate of $36 per month in lieu of that he is now receiving.

The name of Honora Chandler, widow of Henry Chandler, late of Company G, Eighteenth Regiment Massachusetts Volunteer Infantry, and pay her a pension at the rate of $12 per month.

The name of Plummer Curry, late of Company K, Fifty-seventh Regiment Pennsylvania Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Alden Powers, late of Company F, Twenty-fourth Regiment Maine Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Matilda A. Gage, widow of Theodoic Gage, late of Company D, One hundred and eighth Regiment New York Volunteer Infantry, and pay her a pension at the rate of $20 per month in lieu of that she is now receiving.

The name of Christopher Colgate, late of Company F, Fourth Regiment Indiana Volunteer Cavalry, and pay him a pension at the rate of $40 per month in lieu of that he is now receiving.

The name of James W. Mollett, late of Company G, Thirty-ninth Regiment Kentucky Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Horatio H. Waldo, late of Company E, Fifth Regiment Iowa Volunteer Cavalry, and pay him a pension at the rate of $40 per month in lieu of that he is now receiving.

The name of William S. Butler, late of Company B, First Regiment Illinois Volunteer Cavalry, and Company F, One hundred and twentieth Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of $40 per month in lieu of that he is now receiving.

The name of Teresa C. Cooper, widow of Alfred M. Cooper, late of Company I, One hundred and fifteenth Regiment Ohio Volunteer Infantry, and pay her a pension at the rate of $12 per month.

The name of Lafayette W. Lindley, late of Company C, Sixteenth Regiment, and Company A, Seventeenth Regiment, Indiana Volunteer Infantry, and pay him a pension at the rate of $40 per month in lieu of that he is now receiving.

The name of Eli B. Hicks, late of Company K, First Regiment Vermont Volunteer Infantry, and pay him a pension at the rate of $20 per month in lieu of that he is now receiving.

The name of Asaph S. Light, late of Company E, One hundred and twenty-seventh Regiment Pennsylvania Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Artimes W. Kinnear, late of Company I, Fourth Regiment Pennsylvania Volunteer Cavalry, and pay him a pension at the rate of $36 per month in lieu of that he is now receiving.

The name of Henry M. Davis, late of Company H, Nineteenth Regiment New York Volunteer Cavalry, and pay him a pension at the rate of $36 per month in lieu of that he is now receiving.

The name of Kate E. Smith, widow of Corydon W. Smith, late of Company G, Sixty-ninth Regiment Indiana Volunteer Infantry, and pay her a pension at the rate of $20 per month in lieu of that she is now receiving.

The name of Benjamin F. Henderson, late of Company C, Third Regiment North Carolina Mounted Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Alanson H. Williams, late of Fifteenth Independent Battery, Ohio Volunteer Light Artillery, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Charles Townsend, late of Company F, Eleventh Regiment Michigan Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of James W. Broderick, late of Company C, Second Regiment Indiana Volunteer Cavalry, and pay him a pension at the rate of $50 per month in lieu of that he is now receiving.

The name of Benjamin F. Ross, late of Company E, Forty-sixth Regiment Indiana Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Matilda Graves, widow of Amherst F. Graves, late of Company B, Squadron, Illinois Volunteer Cavalry, and pay her a pension at the rate of $20 per month in lieu of that she is now receiving.

The name of Melancthon W. Gavin, late of Company G, Fourth Regiment, and Company K, Thirteenth Regiment, Missouri Volunteer Cavalry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Eli C. Morris, late of Company B, Sixth Regiment Pennsylvania Volunteer Cavalry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Joseph Rue, late of Company A, Twenty-eighth Regiment New Jersey Volunteer Cavalry, and pay him a pension at the rate of $40 per month in lieu of that he is now receiving.

The name of John H. Styles, late of Company A, Eighty-fourth Regiment New York Volunteer Infantry, and major Fifty-sixth Regiment New York State Militia Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Charles A. Renner, late of Company K, One hundred and seventy-ninth Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Julia E. Kenyon, widow of Earle B. Kenyon, late of Company I, Fifteenth Regiment Connecticut Volunteer Infantry, and pay her a pension at the rate of $20 per month in lieu of at she is now receiving.

The name of Obediah Cales, late of Company H, Third Regiment West Virginia Volunteer Cavalry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Edward T. Parker, late of Companies F and B, First Regiment Missouri State Militia Cavalry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Milon G. Cook, late of Companies H and A, Sixty-second Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of $36 per month in lieu of that he is now receiving.

The name of Samuel Jackson, late of Company H, Fourth Regiment United States Colored Volunteer Infantry, and pay him a pension at the rate of $36 per month in lieu of that he is now receiving.

The name of Catherine Epperson, former widow of Joseph Aspinwall, late of Company I, Thirtieth Regiment Indiana Volunteer Infantry, and pay her a pension at the rate of $17 per month in lieu of that she is now receiving.

The name of James W. Laughlin, late of Company I, Thirty-seventh Regiment Pennsylvania Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of William S. McCracken, late of Company G, One hundred and seventh Regiment Pennsylvania Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Brinkley Trout, late of Company F, One hundred and twenty-fifth Regiment Pennsylvania Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of John W. Snively, alias William Princeton, late of Company H, Eleventh Regiment Illinois Volunteer Cavalry, and pay him a pension at the rate of $36 per month in lieu of that he is now receiving.

The name of Charles H. Robinson, late of Company A, Thirty-sixth Regiment Massachusetts Volunteer Infantry, and pay him a pension at the rate of $36 per month in lieu of that he is now receiving.

The name of John James, late of Company G, Twenty-first Regiment Missouri Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of George F. Andres, late of Company B, Thirty-ninth Regiment New Jersey Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Margaret C. Freeman, widow of John M. Freeman, late of Company H, Fifth Regiment Kentucky Volunteer Cavalry, and pay her a pension at the rate of $20 per month in lieu of that she is now receiving.

The name of Edward Cook, late of Company I, Thirty-eighth Regiment New Jersey Volunteer Infantry, and pay him a pension at the rate of $12 per month.

The name of William J. K. Bowen, late of Third Independent Battery, Wisconsin Volunteer Light Artillery, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Henry W. Unger, late of Company D, Thirty-fifth Regiment Missouri Volunteer Infantry, and pay him a pension at the rate of $36 per month in lieu of that he is now receiving.

The name of Jonathan Turner, late of Company H, Forty-sixth Regiment Wisconsin Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of James M. Beatty, late of Company A, Seventh Regiment Kentucky Volunteer Infantry, and pay him a pension at the rate of $40 per month in lieu of that he is now receiving.

The name of Warren Cowing, late of Company E, Thirteenth Regiment Wisconsin Volunteer Infantry, and pay him a pension at the rate of $40 per month in lieu of that he is now receiving.

The name of Fannie E. Grayson, widow of William K. Grayson, late of Company H, Sixth Regiment West Virginia Volunteer Infantry, and pay her a pension at the rate of $12 per month.

The name of Reuben Clark, late of Company I, Forty-fifth Regiment Kentucky Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Elizabeth Cochran, widow of William Cochran, late of Company E, Ninety-seventh Regiment Illinois Volunteer Infantry, and pay her a pension at the rate of $20 per month in lieu of that she is now receiving.

The name of Henry Hughes, late seaman U. S. S. North Carolina, Niagara, and Anacostia, United States Navy, and pay him a pension at the rate of $36 per month in lieu of that he is now receiving.

The name of Rufus L. Robinson, late of Company D, One hundred and twenty-first Regiment New York Volunteer Infantry, and pay him a pension at the rate of $50 per month in lieu of that he is now receiving.

The name of Erwin J. Anderson, late of Company E, Eighty-first Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of $36 per month in lieu of that he is now receiving.

The name of Elizabeth Sword, widow of William Sword, late of Company K, Thirty-ninth Regiment Kentucky Volunteer Infantry, and pay her a pension at the rate of $12 per month.

The name of Harvey Bartholomew, late of Company I, Second Regiment Minnesota Volunteer Cavalry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Charles W. Gray, late of Company C, Fifty-fourth Regiment Indiana Volunteer Infantry, and Company D, Tenth Regiment Indiana Volunteer Cavalry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of McCager S. Gee, late of Company H, Twenty-second Regiment, and Company L, Seventh Regiment, Kentucky Volunteer Infantry, and pay him a pension of $36 per month in lieu of that he is now receiving.

The name of Arthur W. Brittingham, late of Company I, One hundred and twenty-fifth Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of John Burton, late of Company E, Seventh Regiment Ohio Volunteer Cavalry, and pay him a pension at the rate of $36 per month in lieu of that he is now receiving.

The name of James Webb, late of Company A, Thirty-ninth Regiment Kentucky Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Andrew Brink, late of Company F, Fifteenth Regiment New York Volunteer Engineers, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of George Wagner, late of Company I, Thirty-fourth Regiment New Jersey Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Charlotte Judd, widow of William D. Judd, late of Company D, Eighth Regiment Kansas Volunteer Infantry, and pay her a pension at the rate of $12 per month.

The name of Egbert F. Scott, late of Company K, Twentieth Regiment New York Volunteer Cavalry, and pay him a pension at the rate of $36 per month in lieu of that he is now receiving.

The name of George A. Stewart, late of Companies H and G, Second Regiment West Virginia Volunteer Cavalry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The foregoing bill is a substitute for the following House bills referred to said committee:

H. R. 79. George J. Solly.
H. R. 103. Nathan C. Warden.
H. R. 163. William F. Disbrow.
H. R. 484. Patrick H. McBride.
H. R. 637. Andrew J. Daniels.
H. R. 638. John R. Bouldry.
H. R. 660. Edwin H. Beardsley.
H. R. 1774. Andrew Kepler.
H. R. 1960. Avila Watkins.
H. R. 1983. Samuel P. Hoeffer.
H. R. 2162. John Harrington.
H. R. 2365. Emanuel Kresge.
H. R. 2616. William J. Davisson.
H. R. 2628. Robert Edmondson.
H. R. 2645. Thomas Reid.
H. R. 2685. Charles H. Norred.
H. R. 2709. Daniel W. Getchell.
H. R. 3032. Abram B. Wilson.
H. R. 3293. Hector L. Lindsay.
H. R. 3318. Christopher C. Showalter.
H. R. 3321. John H. Scott.
H. R. 3523. William F. Towers.
H. R. 3547. William Spaulding.
H. R. 3636. Harvey W. Davis.
H. R. 3646. James W. Mackey.
H. R. 3845. James A. Morris.
H. R. 3871. Hiram Haskins.
H. R. 3890. Wilson Gardner.
H. R. 3906. Truman Grubb.
H. R. 4052. Joseph Bremercamp.
H. R. 4068. George W. Land.
H. R. 4107. George J. Bailey.
H. R. 4128. Aaron T. Macklin.
H. R. 4130. Augustus Gilmore.
H. R. 4198. John Hinson.
H. R. 4207. James Coleman.
H. R. 4292. George E. Walker.
H. R. 4607. Albert Woodruff.
H. R. 4765. James L. Uphold.
H. R. 4788. George R. Pearson.
H. R. 4807. John Jeffries.
H. R. 4809. John Chapman.
H. R. 4915. Jonathan K. Rollins.
H. R. 4931. Bridget Mullens.
H. R. 5242. Hugh Crawford.
H. R. 5264. Jameson R. Hunter.
H. R. 5381. William Gilbert.
H. R. 5396. David A. McClure.
H. R. 5404. Louis A. Ranck.
H. R. 5582. Smith M. Demeree.
H. R. 5678. George A. Easterley.
H. R. 5801. Jacob Dillman.
H. R. 6052. Lewis F. Beck.
H. R. 6172. Bernard F. Morrow.
H. R. 6231. George W. Dalrymple.
H. R. 6288. Albert Morseman.
H. R. 6342. Thomas H. Chance.
H. R. 6411. William S. Johnson.
H. R. 6413. John Hornbeck.
H. R. 6414. Edward H. Garrison.
H. R. 6438. Samuel N. Weeks.
H. R. 6559. George H Wirebaugh.
H. R. 6711. Chauncey G. Tripp.
H. R. 6831. Thomas Hicks.
H. R. 6869. John Bonhome.
H. R. 6898. Richmond White.
H. R. 6957. Reuben Sellars.
H. R. 6968. Edgar H. Cooper.
H. R. 6969. Henry Watson.
H. R. 7023. Mary J. Smith.
H. R. 7110. Martin L. Sims.
H. R. 7146. James F. Vernon.
H. R. 7170. John Gilley.
H. R. 7188. John G. Tally.
H. R. 7197. William P. Metcalfe.
H. R. 7212. Samuel McFadden.
H. R. 7399. John S. Copens.
H. R. 7400. Joseph J. Voorheis.
H. R. 7425. Henry E. Deberry.
H. R. 7449. Martha Bean.
H. R. 7452. Mary L. Wright.
H. R. 7581. Royal S. Dunham.
H. R. 7725. David W. Brandt.
H. R. 7776. Andrew J. Wilson.
H. R. 8029. William Burnett.
H. R. 8105. John Moyers.
H. R. 8456. John W. Reynolds.
H. R. 8463. Gilmon A. H. Simmons.
H. R. 8523. John W. Cummings.
H. R. 8578. Reuben Venatta.
H. R. 8748. William W. McAlister.
H. R. 8754. John Strauss.
H. R. 8758. George Kerns.
H. R. 9175. Henry Lemmert.
H. R. 9176. David Lynch.
H. R. 9185. Samuel H. Lance.
H. R. 9188. Jeduthian Weller.
H. R. 9336. Enos Brown.
H. R. 9366. William H. Mullen.
H. R. 9369. Jacob Tates.
H. R. 9371. Nicholas Stevens.
H. R. 9406. Oliver H. Underbyer.
H. R. 9574. John F. Spencer.
H. R. 9578. George W. Butcher.
H. R. 9597. Jarvis M. Kime.
H. R. 9614. Cephas H. Grass.
H. R. 9615. John Hogmire.
H. R. 9623. James W. Jackson.
H. R. 9627. Marion Stone.
H. R. 9629. Gilbert W. Bidwell.
H. R. 9648. Michael Lynn.
H. R. 9754. James M. Cook.
H. R. 9788. John D. Hamersley.
H. R. 9797. Caroline M. Tilly.
H. R. 10148. Thomas W. Stone.
H. R. 10229. Peter Diehl.
H. R. 10439. Edwin S. Butts.
H. R. 10478. Martin V. Saunders.
H. R. 10526. Congrave J. Jacks.
H. R. 10753. Frank G. Lockwood.
H. R. 10754. Andrew J. Reeves.
H. R. 11138. William C. Tilley.
H. R. 11215. Levi H. Brown.
H. R. 11264. Randall Ingram.
H. R. 11451. Alonzo Merritt.
H. R. 11606. Joseph Richards.
H. R. 11630. Ambrose Jones.
H. R. 11699. William H. Jones.
H. R. 11898. Henry V. Leach.
H. R. 11899. Andrew M. Cage.
H. R. 11900. Summerville Burns.
H. R. 11983. John Dixon.
H. R. 12009. Mary A. Cougill.
H. R. 12065. James D. Butler.
H. R. 12122. Emanuel Hines.
H. R. 12129. Samuel C. Howe.
H. R. 12261. James M. Waldeck.
H. R. 12310. Mercie A. Brown.
H. R. 12341. William L. Pierce.
H. R. 12355. James Davison.
H. R. 12377. William H. Bishop.
H. R. 12437. William H. Chattle.
H. R. 12617. Harvey N. Connerly.
H. R. 12634. James W. Shrout.
H. R. 12642. William Kelley.
H. R. 12683. Benjamin F. Rollins.
H. R. 12685. Bernhart Elzenhoefer.
H. R. 12974. Michael Fitzpatrick.
H. R. 12999. Handel P. Fisher.
H. R. 13018. William F. Jackson.
H. R. 13061. Winfield S. Creighton.
H. R. 13110. William A. Miller.
H. R. 13285. Christian Keel.
H. R. 13408. Wesley H. Bishop.
H. R. 13551. Henry Carpenter.
H. R. 13691. Marcus L. Barker.
H. R. 13716. Mary F. Cooley.
H. R. 13752. James M. Cartee.
H. R. 13757. Arnold Snyder.
H. R. 13824. William Peabody.
H. R. 13831. Willis Shurter.
H. R. 13864. Frank A. Sperry.
H. R. 13917. John Augustin.
H. R. 14139. Benjamin B. Winans.
H. R. 14146. Joseph Francis.
H. R. 14162. Jennie B. Richards.
H. R. 14265. Joseph F. Lattn.
H. R. 14278. John M. Campbell.
H. R. 14280. Peter A. Burdett.
H. R. 14336. Annie S. Elgin.
H. R. 14342. William G. Hovis.
H. R. 14344. Samuel Barnett.
H. R. 14407. Caleb E. Frazier.
H. R. 14445. Alonzo J. McMaster.
H. R. 14473. Daniel Leimer.
H. R. 14474. Mathias Eberhardt.
H. R. 14524. Reuben J. Johnson.
H. R. 14611. Nathan T. Albee.
H. R. 14787. Charles L. Jones.
H. R. 14790. Henry Q. Graham.
H. R. 14917. Robert Smith.
H. R. 14980. John R. Sitton.
H. R. 15019. Mary F. Belcher.
H. R. 15038. Wyatt Chappell.
H. R. 15049. Annie Florsteadt.
H. R. 15061. Henry Fulton.
H. R. 15111. Joseph N. Thurber.
H. R. 15167. John L. Parker.
H. R. 15170. James T. Stillman.
H. R. 15176. Simon Beal.
H. R. 15316. Nelson A. Kingsley.
H. R. 15389. Albert Spicer.
H. R. 15393. Buel Wolcott.
H. R. 15413. Charles Oswald.
H. R. 15424. Anthony M. Carson.
H. R. 15448. Richard Monahan.
H. R. 15474. John W. Smith.
H. R. 15477. Dudley W. Dye.
H. R. 15527. Peter A. Gipp.
H. R. 15551. Allen Fornwald.
H. R. 15587. Charles Stuart.
H. R. 15663. Thomas J. Boord.
H. R. 15714. Ephraim V. Nye.
H. R. 15835. Charles W. Jones.
H. R. 15893. James Daly.
H. R. 15934. Susan C. Carey.
H. R. 15978. John E. Goewey.
H. R. 16157. James R. Constant.
H. R. 16159. Daniel Russman.
H. R. 16170. Elizabeth Isaacs.
H. R. 16273. Jotham Emery.
H. R. 16274. Clarence S. Gray.
H. R. 16275. Ransom Coburn.
H. R. 16339. Rachel Gaun.
H. R. 16382. Elizabeth Bailey.
H. R. 16441. Margaret A. G. Macnamara.
H. R. 16579. James W. B. Turk.
H. R. 16706. Isaac N. Wakefield.
H. R. 16719. Sarah J. Bird.
H. R. 16867. Uriah S. Allison.
H. R. 16914. Annis Lavera Hastins.
H. R. 16916. Lloyd G. Palmer.
H. R. 16928. John E. Tyler.
H. R. 17006. Eleanor M. Chapron.
H. R. 17163. Frederick Ahlvers.
H. R. 17302. Henry W. Northrop.
H. R. 17317. Mary E. McRill.
H. R. 17395. George W. Salisbury.
H. R. 17421. Ann Galligan.
H. R. 17422. Mary L. Myers.
H. R. 17444. Sidney Walter.
H. R. 17517. George H. Kimmel.
H. R. 17663. Honora Chandler.
H. R. 17691. Plummer Curry.
H. R. 17707. Alden Powers.
H. R. 17819. Matilda A. Gage.

H. R. 17888. Christopher Colgate.
H. R. 17959. James W. Mollett.
H. R. 18119. Horatio H. Waldo.
H. R. 18210. William S. Butler.
H. R. 18307. Teresa C. Cooper.
H. R. 18308. Lafayette W. Lindley.
H. R. 18545. Eli B. Hicks.
H. R. 18556. Asaph S. Light.
H. R. 18568. Artimes W. Kinnear.
H. R. 18579. Henry M. Davis.
H. R. 18604. Kate E. Smith.
H. R. 18619. Benjamin F. Henderson.
H. R. 18686. Alanson H. Williams.
H. R. 18836. Charles Townsend.
H. R. 18863. James W. Broderick.
H. R. 18944. Benjamin F. Ross.
H. R. 18998. Matilda Graves.
H. R. 19024. Melancthon W. Gavin.
H. R. 19055. Eli C. Morris.
H. R. 19200. Joseph Rue.
H. R. 19243. John H. Styles.
H. R. 19308. Charles A. Renner.
H. R. 19384. Julia E. Kenyon.
H. R. 19442. Obediah Cales.
H. R. 19497. Edward T. Parker.
H. R. 19500. Milon G. Cook.
H. R. 19533. Samuel Jackson.
H. R. 19562. Catherine Epperson.
H. R. 19691. James W. Laughlin.
H. R. 19767. William S. McCracken.
H. R. 19782. Brinkley Trout.
H. R. 19832. John W. Snively, alias William Princeton.
H. R. 19895. Charles H. Robinson.
H. R. 20058. John James.
H. R. 20064. George F. Andres.
H. R. 20083. Margaret C. Freeman.
H. R. 20123. Edward Cook.
H. R. 20138. William J. K. Bowen.
H. R. 20177. Henry W. Unger.
H. R. 20323. Jonathan Turner.
H. R. 20394. James M. Beatty.
H. R. 20415. Warren Cowing.
H. R. 20432. Fannie E. Grayson.
H. R. 20472. Reuben Clark.
H. R. 20560. Elizabeth Cochran.
H. R. 20662. Henry Hughes.
H. R. 20674. Rufus L. Robinson.
H. R. 20718. Erwin J. Anderson.
H. R. 20779. Elizabeth Sword.
H. R. 20783. Harvey Bartholomew.
H. R. 20916. Charles W. Gray.
H. R. 20935. McGager S. Gee.
H. R. 21091. Arthur W. Brittingham.
H. R. 21188. John Burton.
H. R. 21197. James Webb.
H. R. 21246. Andrew Brink.
H. R. 21379. George Wagner.
H. R. 21387. Charlotte Judd.
H. R. 21581. Egbert F. Scott.
H. R. 21607. George A. Stewart.

The SPEAKER pro tempore (Mr. RAINEY). Is a second demanded?

Mr. TRIBBLE. I demand a second.

Mr. RUSSELL. Mr. Speaker, I ask unanimous consent that a second be considered as ordered.

The SPEAKER pro tempore. The gentleman from Missouri asks unanimous consent that a second be considered as ordered. Is there objection?

There was no objection.

The SPEAKER pro tempore. The gentleman from Missouri has 20 minutes and the gentleman from Georgia is entitled to 20 minutes.

Mr. RUSSELL. Mr. Speaker, I will detain the House but a moment. This is the regular omnibus private-pension bill reported to the House by the Invalid Pensions Committee. It has in it 296 different pensions. The total amount carried by the bill is $102,168, about one-half of which represents an increase from the pensions now being paid to these people.

I desire to state that your committee has in this case, as in all others, diligently undertaken to examine the proofs filed in each case. We do not claim to be perfect; we may sometimes make mistakes; but we have endeavored in this bill, as in all others, not to recommend an increase of pension unless it is meritorious, and that means that the claimant must be not only helpless and unable to make a living for himself or herself, but is destitute in property, with no income of any consequence outside of the pension that is being paid by the Government. We believe that this bill represents meritorious cases, and we ask that it be passed. I reserve the balance of my time.

Mr. BARTLETT. May I ask the gentleman a question?

Mr. RUSSELL. Certainly.

Mr. BARTLETT. The usual way of passing bills is on Friday, a day specially set apart for the purpose?

Mr. RUSSELL. That is right.

Mr. BARTLETT. Is it the purpose of the gentleman and his committee to continue to move to suspend the rules and pass these bills?

Mr. RUSSELL. Unless we believe that we can avoid a filibuster, which we had on two different days, by which two entire days were completely lost and a part of the following days. If we can feel assured that there will be no filibuster conducted against the bills we will again take them up in the way we formerly did on Fridays.

Mr. BARTLETT. The gentleman calls what has been done heretofore a "filibuster" against the bills.

Mr. RUSSELL. It was all in the nature of delay; it was calling for a quorum, reading the engrossed bill, and it was recognized by the House as a filibuster. I am criticizing nobody; but it took a day to pass a bill that we usually pass in 30 minutes or an hour, and to save time we adopted this method.

Mr. BARTLETT. Since I have been in Congress, and beginning with 17 years ago, they used to consider pension bills at night.

Mr. RUSSELL. Well, I would have no objection to that; but if they should call for a quorum, the gentleman knows how difficult it would be to get a quorum here at night.

Mr. BARTLETT. I have attended these meetings many times, and while sometimes a quorum was called for and it was difficult to get, still they passed many pension bills at night sessions. If the Committee on Pensions is to pursue this course as a permanent thing, if it proposes to take up the time devoted to suspension of the rules with these private pension bills, when there has been set aside by the rules of the House certain days upon which they have the preference, then the Committee on Rules ought to take that into consideration and put something else in on Friday to take its place.

Mr. RUSSELL. They will go right on with other business; they did last Friday after we passed a bill under the suspension of the rules. We took none of the time on the regular pension day.

Mr. BARTLETT. Because you did not have any bill ready.

Mr. RUSSELL. That was the object of this change in the plan of passing these bills. I think I betray no secret when I say that the leaders of the House, the leader of the majority, and the leader of the minority, both suggested this way as the proper one to save time.

Mr. BARTLETT. The gentleman can move to suspend the rules and pass these bills and then on Friday, if they have other bills ready, can pass them under the rules.

Mr. RUSSELL. We would not ask it.

Mr. BARTLETT. But you can do it under the rules of the House.

Mr. RUSSELL. I suppose we could do it, but it would be betraying the confidence or not acting in good faith with those whom we told that if they would pass the bills in this way we would not ask for any time on Friday.

Mr. BARTLETT. The gentleman says "those whom we told." Is the gentleman's committee acting under some understanding or agreement with some one as to passing these bills under suspension of the rules?

Mr. RUSSELL. It was suggested to us both by the majority and minority leaders that for the purpose of saving time we had better pass them in this way. We would be glad to go back to the old way if we can be assured that there will be no filibuster.

Mr. TRIBBLE. Mr. Speaker, I do not desire to occupy all the time the committee granted me to control in opposition to the bill, and I shall only take a part of it and yield five minutes to Mr. THOMAS, who desires to speak. The gentleman from Missouri refers to a filibuster inaugurated by the gentleman from Georgia. I have no apologies to make for the part we have played in the pension legislation. I take the position, Mr. Speaker, that the time has come in this country when pension legislation should receive a jolt. Something more than appearance on the floor of the House and making a few remarks in opposition seems to be necessary to check pension legislation. The filibuster, as you call our fight, or something else, has aroused the whole country, and opposition to increased pension legislation is by no means confined to the South; it comes from all sections of the country.

Mr. Speaker, as to what effect the filibuster has had on the House: You see a vast improvement in amounts to individuals; you see no more amendments increasing on the floor of the House; the record votes show a growing opposition. This legislative agitation has brought about all over this country consideration of pension legislation. The Senate has been contesting increased pensions for several days; in fact, there has never in the history of this country been such a fight on pension legislation as has been made in the Senate and House in the last few weeks, and the press all over the country has been commenting upon what the gentleman from Missouri calls a filibuster, and the gentlemen clamoring for more pensions have no doubt noted that the methods adopted to rush these bills through have not met with favor in the press.

Mr. Speaker, this question is not a one-sided question in the minds of the people of this country. I have been reading the press and I note the outspoken opposition from many of the leading papers and magazines. They do not hesitate to cry out against the increase of pensions and against pension graft in special pension legislation. I read from the New York Times, which is one of the best papers in the country, calling attention to one or two statements made in that paper to show that the sentiment of the country is not as one sided as the Members of this House seem to think:

The Sherwood pension bill, which would add $75,000,000 to the present staggering burdens of payments to real and spurious old soldiers and their families, has passed the House, but the Senate has drawn a bill of its own providing for an expenditure of some $25,000,000.

The Sherwood bill would pension noncombatants, men who never smelled gunpowder or saw real service.

This great omnibus bill is superposed upon a host of minor private pension "grabs," like the 250 railroaded through the House a week ago under a suspension of the rules, with but 20 minutes allowed for protest.

The editorial concludes with the following statement:

The question was taken, and there were—yeas 193, nays 34, answered "present" 14, not voting 152. The 14 answering "present" and the 152 recorded as not voting were ashamed, or some of them at least, to take part in this indecent procedure.

This editorial winds up by calling this procedure an indecent procedure. I do not join in this last statement. I do say, as I said in the beginning, it is an unfair procedure to the soldiers who were in actual service on the battle field and who do not belong to this favored class. It is an unfair procedure to the taxpayers of this country.

As long as the tariff bore the expense of the pension legislation, as long as the people had to pay pensions out of sugar and out of clothing and out of blankets and life necessities in common use by the poor people and the rich manufacturers were protected by tariff, the wealthy did not feel the burdens of taxes; there was little said about it; but, gentlemen, let me warn you to-day that whenever you undertake to touch the pockets of the rich with the excise tax and the income tax, if you do not change your policy in this House to reasonable and just pension laws, many men who stand here to-day advocating pension legislation will be driven out of this House by the influence of the rich of the country, because when you touch their pockets they are going to expose this pension-graft business. I put you on notice. They will have the money and many of the papers to expose it and build up sentiment against this method of legislation. When the powers that be see that they have to go down into their pockets and pay these pensions, they will not stand for it. Instead of the tariff and the poor people carrying this burden, they will have to carry it; and they are going to squeal, and they are going to squeal loud.

Mr. Speaker, we have been fair in our arguments on the floor of this House. I have been importuned by Members time and again to be personal in my remarks, and I know that my colleague, Mr. RODDENBERY, has. We have been importuned to censure certain Members for partiality in carrying in these bills such as would help them personally and not providing liberally for other Members. We have not come upon the floor of this House and censured any man or made any such charge. Men who want to make such charges must make them themselves. I propose, and I know my colleague who has been fighting with me proposes, to fight this pension graft on a higher plane.

I want to congratulate the committee and to make this statement. At first I could not get the bills, but now the committee lets them out a week in advance. I have studied the cases which are embodied in this bill which is now before the House. I must say that the bill they bring in to-day contains a great many more just claims and fewer unjust claims than the first bill that came in here, and I want to congratulate the committee upon that fact. The whole system of special pension legislation by omnibus bills is wrong. In this bill there are not so many cases that I could seriously criticize along the line that I have criticized them heretofore. In the little time that I have in which to discuss this bill I want to discuss it with gentlemen just as though we were in a committee room, and I hope they will read the cases to which I call attention as I discuss them, and possibly the committee will reach the point where they will feel like striking out such as they overlooked and manifestly should be stricken.

I call especial attention to a case on page 114 of the report. I hope every gentleman has a copy of the report before him. I have been censured on the floor of this House and charged with being unfair in trying to create a wrong impression of what was in the report. I have never stood on the floor of this House but what I have called attention to the page, and have asked gentlemen to read it with me. Is there anything unfair in that?

In this case the applicant is a woman. She filed an application for a pension under a certain act, which application was rejected. It was rejected upon the ground that the soldier was dishonorably discharged. This soldier, Mr. Speaker, was court-martialed, as the record here shows. He was condemned to imprisonment for six months and all of his pay was forfeited. While this man was serving his term in prison an honorable discharge was issued for him, so it is now claimed. In the name of common sense and reason, how can you come in here, in the face of this decision, and pass this case, when there are so many worthy pensioners at home, aged, suffering, and in want, whom you ought to provide special pensions, if you are determined to open the Treasury to special cases? Here you pension a man who was tried, court-martialed, and sentenced to six months' imprisonment.

H. R. 20432. Fannie E. Grayson, aged 58 years, is the widow of William K. Grayson, who served as a private in Company H, Sixth Regiment West Virginia Volunteer Infantry, from December 7, 1861, to June 10, 1865 (3 years 6 months).

The soldier was pensioned at $24 per month, under general law, for disease of eyes. He died on October 11, 1903. He was married to the applicant on December 6, 1874.

The applicant filed an application in the Pension Office under the act of June 27, 1890, which was rejected November 30, 1904, on the ground that soldier was dishonorably discharged from the service, and that said act did not confer any title.

This case presents a number of unusual features. After serving three years and two months, the soldier was placed in arrest for "absence without leave and conduct prejudicial to good order and military discipline" on February 13, 1865. A court-martial found him guilty and imposed a sentence of a forfeiture of all pay and allowances due, or to become due during confinement of six months. The records of Wheeling (W. Va.) military prison, where soldier was confined, show that he escaped therefrom on June 1, 1865. On April 14, 1866, the chief mustering officer of West Virginia furnished a discharge certificate to the soldier, to take effect June 10, 1865, the date of muster out of the company.

It is apparent that an error was made in placing the date of the so-called "escape" as June 1, 1865, inasmuch as there is on file (as shown by a report from the War Department) a letter written by the soldier while in prison which bears date of June 14, 1865.

It will be said, of course, that he got an honorable discharge, but that can not stand investigation. He might have got this discharge along with a list of a thousand or five thousand names by mistake, but there can be no mistake as to the fact that he was serving a sentence in jail or somewhere else, court-martialed, discharged dishonorably, and convicted. Is it fair to call the country's attention to that? I think it is. How can anybody criticize me for doing that?

I call attention now to a case which appears on page 14. It is similar to the one which the gentleman from Texas [Mr. CALLAWAY] criticized. The man is drawing a pension, and it is proposed to increase his pension from $12 to $24 a month. He was but 14 years old when he enlisted. Anybody knows that when he enlisted he was a mere boy. As a matter of fact he could not legally join the Army. The committee can not put him on here legally, because the rules specifically provided at that time that no one could enter the Army under 17 years of age. He was 14. Is it fair? What service did he perform? I think the gentlemen on the committee ought to have the fairness to come on the floor of this House and strike out cases of that kind and place instead real soldiers who bore the burdens of war.

I now call attention to a case appearing on page 104 of the report. Time will not permit to lay especial stress upon this case and like cases. This is a case where the pension of a woman is proposed to be increased, and the evidence before the committee shows that she had $2,500 worth of property. I pass that without further notice.

On page 100 there is another case that ought to be stricken from this bill. Here are the facts in that case. The soldier under the general law applied for a pension at a certain time and failed to get his pension. The applicant in this case is a woman. She filed her claim in 1891. That claim was rejected at a certain time on the ground of her inability to furnish proof satisfactory of the soldier's death, or even the presumption of his death. Besides he had no pensionable right, and therefore she has none. Yet the committee has placed that woman's name in this report. The soldier and the applicant were married December 24, 1872, and lived together until about 1883 or 1884. They then separated. He afterwards tried to live with her, but she absolutely refused to live with him on account of his drunkenness. The facts presented to us are very meager, and you can not gather sufficient evidence upon which to base any judgment, but you do know there is no evidence that she is a widow. I do think that the committee ought to walk in here and have the generosity to say that these cases ought to go out of the bill. No evidence or even presumption that this man is dead, and yet she is to get a widow's pension, when he could not draw pension while in life. She ought not to be pensioned for deserting an old soldier.

Now, I call your attention to the last case in the book, and with that I am done. The soldier died on February 2, 1865. The claimant was pensioned under the general law until the date of her remarriage with Mr. Thomas in October, 1877, by a marriage contract in writing, and which marriage contract was annulled on June 29, 1910. On February 27, 1898, the claimant applied to the Pension Bureau for a renewal of pension on the ground that her marriage to Thomas was null and void from the beginning inasmuch as he had a wife living and undivorced. Now, here is a case where it absolutely shows the woman applied for renewal of pension in 1898, claiming that she was not married—null-and-void marriage—and because it was a void marriage she wanted a pension. Did she want to give up that husband? She did not get that divorce in more than 10 years after her discovery of another wife. Singular

coincidence. Such a case the Pension Bureau would not accept. The bureau investigated and no doubt got the facts.

Mr. BARNHART. Will the gentleman yield? The gentleman does not pretend to say this woman does not think that she is married to the man, because the report shows she was married to him and afterwards discovered the marriage was null and void.

Mr. TRIBBLE. She waited 10 years. I do not know whether she was living with him all that time or not. She was drawing pension when she married. She wanted that pension again in 1898, but "No," said the bureau. Ten years later—divorce—pension.

Mr. BARNHART. That is a mere presumption that the woman lived with the man 10 years after she found he was married to another woman.

Mr. TRIBBLE. I did not say she did, but I inquire why did she wait 10 years to apply to get the pension. Why did not she apply for a divorce when she first knew of this other wife in 1898, and then go and get the pension? I express no opinion as to where she lived or with whom she lived during the interval between 1898 and 1910, but I do say this does not look like a just claim to me. I will insert the case in the RECORD, so that all who read the RECORD may see and judge if it is a worthy claim for tax-burdened people to pay:

H. R. 21387. Charlotte Judd, aged 78 years, is the widow of William D. Judd, who served as a corporal in Company D, Eighth Regiment Kansas Volunteer Infantry, from October 7, 1861, to October 7, 1864 (36 months). Claimant's address is 3420 Eads Avenue, St. Louis, Mo. She was married to the soldier on April 15, 1852. The soldier died on February 2, 1865. The claimant was pensioned under the general law until the date of her remarriage, to A. B. Thomas, on October 6, 1877, by a marriage contract in writing, and such marriage contract was annulled, on June 29, 1910, by the circuit court of the city of St. Louis, Mo., and this claimant was restored to the name of Judd by decree of said court.

On February 27, 1898, the claimant applied to Pension Bureau for a renewal of pension, on the ground that her marriage to Thomas was null and void ab initio, inasmuch as he had a wife living and undivorced. The Pension Bureau rejected such claim on the ground that the marriage was legal and that the applicant was the legal wife of Thomas. An appeal against such rejection was made, annulment proceedings above referred to were instituted, copies of all testimony and the decree were furnished the Pension Bureau, but the action of rejection was adhered to.

I yield five minutes to Mr. THOMAS.

Mr. THOMAS. Mr. Speaker, I do not agree with my brother TRIBBLE in scarcely anything that he has said. [Laughter.] So far as I am individually concerned, I believe in pensions. I do not believe there can be any better money spent in the United States. Had I been old enough and large enough, I admit that I would have been in the rebel army. My father was a Federal soldier. All my people were in the Federal Army. I believe in pensions. I believe that every man who fought in the Federal Army and who has passed that age when he can earn a livelihood should be granted a pension, and I believe that these pensions should be extended not only to Federal soldiers, but to every Confederate soldier. I am one of those people who believe that the war is over and there should be a union of the roses, of the red and the white. [Applause.] I do not believe that anything can be gained by the North or the South by keeping up the prejudices of the war. Those are things that should be consigned to the past, and, so far as I am individually concerned, I recognize that every State in this Union from Maine to Florida is now under the jurisdiction of the Stars and Stripes, and that the people of all the States, East and West, North and South, will at a moment's notice spring to the defense of our common flag. [Applause.]

As I stated, I believe in pensions for old Federal soldiers. I voted for the Sherwood bill, and for that vote out of 292 Members I got three-quarters of a column editorial by the leading paper in the State of Kentucky. I replied that they could go to hades, and I had no apologies to make for that vote and would vote it again. [Applause.] I have not heard of it since. Now, as for this Pension Committee. It is a good committee; it has got some of the finest men in the world on it. There is not a finer man than JOHN ADAIR, from Indiana, and JOSEPH RUSSELL, of Missouri. [Applause.]

The SPEAKER pro tempore. The time of the gentleman from Kentucky has expired.

Mr. THOMAS. I should like to have five minutes more by unanimous consent.

The SPEAKER pro tempore. Mr. RUSSELL has 10 minutes remaining.

Mr. RUSSELL. I have only 10 minutes remaining and 5 of it I have promised, but I will yield the gentleman 3 minutes additional.

The SPEAKER pro tempore. The gentleman from Kentucky is recognized for 3 minutes.

Mr. THOMAS. I thank the gentleman. As I stated, there is no finer committee in the world. Honest, yes; but it is color blind. That committee has given themselves not less than 20 special pension bills apiece. I have gotten notice of 3, and there were no braver soldiers in the Civil War than from Kentucky who fought under the Stars and Stripes and under the Stars and Bars. Now, I think, Mr. Speaker, that they have not been dividing things up properly and as they should. If they can not be elected from their districts without more pensions than they are justly entitled to, they ought to send somebody else here in their places. [Laughter.] I have over 50 prepared cases before the pension examiner, and in this bill that my friend TRIBBLE kicks against—and he ought not to do that; he is not Democratic at all—I have no bill. [Applause.] He ought to read the Democratic platform which declared for pensions.

Mr. TRIBBLE. Reasonable pensions.

Mr. THOMAS. Not reasonable pensions. You go read it and it goes a little beyond reasonable pensions, pensions such as to keep down a large standing Army in this country. The bulwark and the fortification of this Government has been the Volunteer Army ever since the Revolutionary War. I am in favor of these pensions, and I will tell you, Mr. Speaker, I want more pensions in the next bill than I have got or I am going to know the reason why. [Laughter and applause.] I am going to know the reason why Mr. RUSSELL and Mr. ADAIR can get over 20 pensions apiece and I can get only 3, when the soldiers of Kentucky fought as bravely as the soldiers from Missouri and Indiana did. Mr. Speaker, I believe in a square deal, and I want to demand a square deal in this matter.

The SPEAKER pro tempore. The time of the gentleman has expired.

Mr. RUSSELL. I yield five minutes to the gentleman from Kansas [Mr. CAMPBELL].

Mr. CAMPBELL. Mr. Speaker, I am amazed at that portion of the speech of the gentleman from Georgia in which he said he reflected the sentiment of the country in opposition to pensions to Union veterans. I do not believe that anyone on this floor reflects the sentiment of any considerable portion of this country who opposes liberal pensions for the veterans of the Union Army. [Applause.] I do not believe that that portion of the press that denounces pension legislation reflects any respectable portion of the sentiment of this country. I think that much of the denunciation that the gentleman from Georgia has seen in the press on pension legislation has been written by men who have been born since the war, men who knew nothing of the war, and who have given but little thought to the service that the men rendered in preserving this Union for their posterity, and I think the same is true of gentlemen who stand upon this floor and denounce pension legislation. The gentleman from Georgia would not enjoy a seat in the House of Representatives to-day if it had not been for the valor of the men who volunteered in the sixties to preserve this Union and make it possible for Georgia to be a State in this Union.

Few men stop to consider the sacrifices that these men made and the sufferings they endured. I have talked with them in their homes and at their camp fires; I have had their stories direct; I have listened to stories of hunger and of cold, of thirst and of heat, of marches, of all manner of hardships endured by the private soldiers—hardships which made the life of the soldier almost unbearable. The wonder is that as many of them survived that great struggle as did survive and that so many of them live to-day, 50 years after that great struggle is over. Instead of the denunciations and dishonor we hear on this floor and see in the press, there should be an effort to honor and to do something for these noble men commensurate with their service to their country.

It does not become any man who to-day enjoys the privileges and benefits of this country to denounce the veterans who preserved it, or to attempt in any way to prevent the Government they saved from doing justice to them by paying them the pensions to which they are so justly entitled. [Applause.]

This is the richest country in the world, rich beyond compare with any other nation on earth. These men who were boys in the sixties and who were our soldiers 50 years ago have been among the most active producers in our country. When they went to the front they were an army of boys. They won the fight for the Union; that is enough. After the war was over they went into every field of activity in the country, and they became the most active, energetic, progressive men in the country. They filled every position of honor and of trust from supervisor of roads to President of the United States. They performed every form of labor, on the farm, in the mill, the factory, the shop, and the mine; they engaged successfully in every form of business. To-day they are old, and the country has an opportunity to honor them and to honor itself in providing for their necessities. It was a promise that the Nation made to them. It is a promise that the country should keep and

should keep in a larger way than it is now doing. No man should want for any necessity or comfort who enlisted to fight against an armed foe for the preservation of this Nation. Money can not pay for the service they gave; it can provide for their needs and the needs of those dependent upon them. The country in a pecuniary way can do no more; it should do no less. North and South, old and young in every walk of life should honor and revere their services to a united country, Georgia as well as Kansas. [Applause.]

Mr. RUSSELL. Mr. Speaker, how much time have I left?

The SPEAKER pro tempore. The gentleman has two minutes.

Mr. RUSSELL. Mr. Speaker, I have not time, of course, to answer all the criticisms that have been made by my friend from Georgia [Mr. TRIBBLE] with respect to this bill, and I do not think it is necessary for us to do that in this House. Most of the Members of the House have had bills pending before our committee, and they know that our committee simply requires that Members shall establish the merits of the claims and show that the claimants are widows or old soldiers, too old or too feeble on account of disease to make a living for themselves, and that they have no income practically except their pensions.

Our committee may sometimes make a mistake, but if we do it is an honest mistake, because we have turned down a great many claims where I for one would have liked to see the pensions granted, but unfortunately such claims did not come within the rules of the committee.

Now the cases that are mentioned by my friend from Georgia [Mr. TRIBBLE] can not all be explained in the limited time that I have at my disposal, and I will mention but two. One of them is the case of an old soldier who was honorably discharged, who is now diseased and poor. I forget his age, but I believe he is 68 years old. The gentleman from Georgia says that he ought not be given a pension because he was court-martialed during his service in the war, possibly for breach of the peace. As to that I do not know, but the gentleman from Georgia says he was court-martialed and convicted, which is true, but afterwards he was honorably discharged and is to-day helpless and poor. Now, do you believe that he, as an old veteran who fought for nearly three years in the Civil War, should not now on that account be given a pension?

Another case that the gentleman from Georgia mentions is that of an old widow who married a soldier in 1852, before the Civil War, and who lived with that soldier until 1865, all through the war, whereupon the soldier died, perhaps in the service. I do not know about that. The soldier's widow then married another man. It was afterwards learned that her second husband was ineligible to marriage, and therefore the marriage was annulled by a court in the city of St. Louis. It was found by our committee that this woman had married the second man in good faith, but inasmuch as it turned out that her second husband was ineligible to remarriage, and the second marriage having been annulled on that account, she is to-day the legal widow of the first husband, the soldier whom she married in 1852, and with whom she lived until his death in 1865. He served, I believe, three years. I submit to you whether that old lady, who is to-day 78 years of age, is not a deserving and a worthy person to whom a pension should be awarded by this committee?

The gentleman from Georgia says that the country is against pensions. I say that this country is not against pensions. If there is any pension bill in the world that is fair and just and equitable, it is a special pension bill such as this. Only within the last few days the Senate has passed a bill increasing pensions of all soldiers, and here we ask that pensions shall be granted only in meritorious and special cases, where the claimants are helpless and poor. [Applause.]

The SPEAKER pro tempore. The time of the gentleman has expired.

Mr. THOMAS. Mr. Speaker, I would like to ask the gentleman from Missouri a question.

Mr. RUSSELL. My time has expired.

Mr. THOMAS. I ask unanimous consent, Mr. Speaker, that the gentleman from Missouri [Mr. RUSSELL] may have one more minute, so that I may ask him a question.

Mr. TRIBBLE. Mr. Speaker, I ask unanimous consent to so revise my remarks that the reading of these cases may be made intelligible.

The SPEAKER pro tempore. The gentleman from Georgia asks unanimous consent to revise his remarks in the RECORD. Is there objection?

There was no objection.

Mr. THOMAS. I ask unanimous consent, Mr. Speaker, that the time of the gentleman from Missouri be extended one minute.

The SPEAKER pro tempore. The gentleman from Kentucky [Mr. THOMAS] asks unanimous consent that the time of the gentleman from Missouri [Mr. RUSSELL] be extended one minute. Is there objection.

There was no objection.

Mr. THOMAS. I would like to ask the gentleman——

Mr. TRIBBLE. I would like to make an inquiry, Mr. Speaker. My inquiry is whether that can be properly done under the rules?

Mr. RUSSELL. The gentleman from Kentucky [Mr. THOMAS] asked unanimous consent.

The SPEAKER pro tempore. Anything can be done by unanimous consent in the House.

Mr. THOMAS. I should like to ask the gentleman from Missouri how it is that this Invalid Pensions Committee has given in this house from 20 to 30 special bills for each member of that committee and has given other Members from 3 to 10 bills?

Mr. RUSSELL. There is nobody on this committee who has 30 bills, within my knowledge.

Mr. THOMAS. Has not the gentleman over 20 bills himself?

Mr. RUSSELL. I think I have 20 bills; and I will say this, and I hope the Chair will give me time to say it: The committee of which I am a member have directed the special examiner to prepare bills to even up everybody in this House who has bills prepared and ready for consideration. I have not asked the examiner to write a single bill for me at this session of Congress. Every bill that I have had passed was written during the extra session of Congress, and I prepared my bills at that time.

There are some Members of this House who perhaps have not had over two or three, but it is because they have not prepared their cases and had the examiner write them up and get them ready for insertion in this or other omnibus bills. We have directed that everybody be treated fairly, and we are willing at the end of this session that the light may be turned upon our actions to see whether or not we have been fair.

Mr. THOMAS. I will say to the gentleman from Missouri that during the extra session I had over 50 bills prepared. They are there now before the examiner, with all the proofs prepared, and I have had three bills reported out.

Mr. RUSSELL. The gentleman should go to the examiner about it. I do not know what bills he has had written up, but I know that is the order of the committee. If the gentleman has his bills ready he will get as many as the other Members of this House.

Mr. THOMAS. I have not got them up to the present time.

The SPEAKER pro tempore (Mr. RAINEY). All time has expired. The question is on the motion of the gentleman from Missouri [Mr. RUSSELL] to suspend the rules and pass the bill which the Clerk has read.

The question was taken; and two-thirds voting in the affirmative the rules were suspended and the bill passed.

CHILDREN'S BUREAU.

Mr. WILSON of Pennsylvania. Mr. Speaker, I move to suspend the rules and pass the bill (S. 252) to establish in the Department of Commerce and Labor a bureau to be known as the children's bureau, with the committee amendments.

The bill was read, as follows:

Be it enacted, etc., That there shall be established in the Department of Commerce and Labor a bureau to be known as the children's bureau.

SEC. 2. That the said bureau shall be under the direction of a chief, to be appointed by the President, by and with the advice and consent of the Senate, and who shall receive an annual compensation of $5,000. The said bureau shall investigate and report to said department upon all matters pertaining to the welfare of children and child life among all classes of our people, and shall especially investigate the questions of infant mortality, the birth rate, orphanage, juvenile courts, desertion, dangerous occupations, accidents and diseases of children, employment, legislation affecting children in the several States and Territories. But no official or agent or representative of said bureau shall, over the objection of the head of the family, enter any house used exclusively as a family residence. The chief of said bureau may from time to time publish the results of these investigations in such manner and to such extent as may be prescribed by the Secretary of Commerce and Labor.

SEC. 3. That there shall be in said bureau, until otherwise provided for by law, an assistant chief, to be appointed by the Secretary of Commerce and Labor, who shall receive an annual compensation of $2,400; 1 private secretary to the chief of the bureau, who shall receive an annual compensation of $1,500; 1 statistical expert, at $2,000; 2 clerks of class 4; 2 clerks of class 3; 1 clerk of class 2; 1 clerk of class 1; 1 clerk, at $1,000; 1 copyist, at $900; 1 special agent, at $1,400; 1 special agent, at $1,200; and 1 messenger, at $840.

SEC. 4. That the Secretary of Commerce and Labor is hereby directed to furnish sufficient quarters for the work of this bureau, at an annual rental not to exceed $2,000.

SEC. 5. That this act shall take effect and be in force from and after its passage.

The SPEAKER pro tempore. Is a second demanded?

Mr. MANN. In order that there may be a proper explanation of the bill, I demand a second.

Mr. WILSON of Pennsylvania. I ask unanimous consent that a second be considered as ordered.

The SPEAKER pro tempore. The gentleman from Pennsylvania asks unanimous consent that a second be considered as ordered. Is there objection?

There was no objection.

The SPEAKER pro tempore. The gentleman from Pennsylvania [Mr. WILSON] is entitled to 20 minutes and the gentleman from Illinois [Mr. MANN] to 20 minutes.

Mr. WILSON of Pennsylvania. Mr. Speaker, this is a bill to establish in the Department of Commerce and Labor a bureau to be known as the Children's Bureau.

The purpose of the bureau is to investigate and report upon all matters pertaining to the welfare of children and child life among all classes of people, and especially to investigate the questions of infant mortality, the birth rate, orphanage, juvenile courts, desertion, dangerous occupations, accidents, and diseases of children, employment, and legislation affecting children in the several States and Territories.

It is hoped that the establishment of a bureau of this kind will be of service to the various States in the regulation of affairs connected with children, and to the various societies that are engaged in the promotion of children's welfare. This bill is very similar to the Peters bill, which the Committee on Labor had previously reported favorably to this House.

Mr. BARTLETT. May I ask the gentleman a question? Is it proposed to pass the bill with the amendment?

Mr. WILSON of Pennsylvania. With the committee amendment.

Mr. BARTLETT. I see the report says, on page 2, line 20, strike out the words "one thousand and four" and insert the word "eight."

Mr. WILSON of Pennsylvania. Yes.

Mr. BARTLETT. Where in line 20, page 2, does that word occur?

Mr. WILSON of Pennsylvania. In the print of the bill which is now being considered it is in line 1, on page 3. As this bill came to the House it provided for a messenger at a salary of $1,440. The amendment proposes to make the salary $840 per annum, to conform to the statute upon that question, reducing the salary $600 a year as compared with the rate provided in the Senate bill.

Mr. BARTLETT. But it is proposed to pass this bill with the amendment reported by the committee, is it not, under suspension of the rules?

Mr. WILSON of Pennsylvania. Yes.

Mr. BARTLETT. And the report of the committee proposes to strike out words in line 20, on page 2, which are not in line 20, on page 2?

Mr. MANN. The gentleman from Georgia will recollect that the committee considers the original print of the bill, and the report of the committee always indicates a different line from that in the subsequent print, because the insertion of the amendments makes the bill longer and pushes the lines along, so the amendments do not appear in the same place.

Mr. BURLESON. It is easy to make the proper motion.

Mr. MANN. The amendments are always acted on in the bill which is in the hands of the Clerk. In this bill as reported, in the print which we are now acting upon, the amendment comes at the top of page 3.

Mr. BARTLETT. I did not know what the effect would be with reference to this particular bill.

Mr. MANN. There is no difficulty about it. It will be all right.

Mr. WILSON of Pennsylvania. I yield nine minutes to the gentleman from Massachusetts [Mr. PETERS].

Mr. PETERS. Mr. Speaker, is information about children of less importance to the people of this country than information about animals and bugs? Is the welfare of the latter to be considered in the light of carefully gathered information by several departments of this Government at great expense, and then are we to begrudge the trifle of cost involved in the bill before the House? Can any subject more vitally affect the future of our Nation than the care and bringing up of its children—the children of this generation, who will be the rulers of the next? The only way in which we can advance that next generation is by putting their children on a basis a little higher than that which preceded them.

For the proper study of these child problems every facility should be afforded. It is therefore proposed to establish in the Department of Commerce and Labor a bureau to be known as a children's bureau. The problems of economics, science, and medicine are all being treated as the basis of careful investigation and study. To-day the problem of bringing up and handling our children is being treated with a lack of information which would not be countenanced for a moment in any other subject.

The constitutional objections to a Federal child-labor law are fully recognized, and to such a law am I unalterably opposed. The results of the work of this bureau should strongly aid the States in preserving their rights over their own citizens. The complaint that the States are not fully meeting their responsibilities toward their citizens can best be met by giving them fuller information to enable them so to do.

It was to provide for these present conditions that I introduced the bill, H. R. 4694, entitled "A bill to establish in the Department of Commerce and Labor a bureau to be known as the children's bureau," and which has been reported favorably to this House by the Committee on Labor.

OBJECTS OF THE BILL.

The objects of the bill are stated clearly in the bill itself:

The said bureau shall investigate and report upon all matters pertaining to the welfare of children and child life, and shall especially investigate the questions of infant mortality, the birth rate, physical degeneracy, orphanage, juvenile courts, desertion, dangerous occupations, accidents and diseases of children, employment, legislation affecting children in the several States and Territories, and such other facts as have a bearing upon the welfare of children.

The facts which bear upon the health, efficiency, and character of the children of the Nation are to be collected by this bureau and the results rendered available for study or legislation by all States or organizations desiring to take advantage of them.

UNIVERSAL SUPPORT OF THE BILL.

The advocates of the passage of this measure have a unanimity of intelligent support, impressive as it is rare, in the advocacy of National measures of this character.

President Roosevelt sent a message to Congress urging the establishment of this bureau. A similar measure was brought before the Sixtieth Congress and passed by committees both of the House and of the Senate. In the Sixty-first Congress a similar bill was introduced and was also reported favorably by committees in both bodies, and in this Congress similar bills were introduced in the House and Senate by Senator BORAH and myself and were again approved by committees in both bodies and the Senate bill has already passed that body.

Many national organizations which exist for the purpose of dealing with the various classes of unfortunate children have all vigorously advocated the passage of a bill similar to this measure. Conferences of child-labor representatives from the National Consumers' League, the Russel Sage Foundation, and the American Association for Labor Legislation, and religious societies of all denominations, and labor organizations from all parts of the country join in giving to this measure their hearty indorsement. These organizations and their people, all actively engaged in philanthropic work, ask us to save through this bill the waste of means and energy, resulting from the absence of authoritative knowledge, by creating the proposed bureau. The arguments before the Committee on Labor are irresistible as to the need of such a bureau, and a perusal of the hearing held on the 11th of last May can not fail to convince the most skeptical that there is a deeply-felt need of such a source of information.

NO DUPLICATION.

It was claimed that this work might properly be taken up by some other bureau or department, and to ascertain this fact the House Committee in a recent Congress which was considering the bill summoned Mr. North, former Director of the Census, Mr. Neill, Commissioner of the Bureau of Labor, and Mr. Brown, Commissioner of the Bureau of Education, before them to learn whether the work contemplated in this bill could be done as effectively, or could be done at all, through existing agencies. To the question whether the service contemplated in this bill could be rendered by the Census Bureau, the following reply was received from Hon. S. N. D. North:

We do not want to divert our energies into studies of physical degeneracy, of orphanage, of juvenile delinquency, and juvenile courts, and all that class of questions which are not statistical questions. The Census Office is a purely statistical office.

The other gentlemen answered to the same effect.

OPERATIONS OF THE CHILDREN'S BUREAU.

This bureau in its operation would concern itself chiefly with infant mortality, diseases of children, child labor, and infant delinquency.

Mr. BARTLETT. May I ask the gentleman a question?

Mr. PETERS. Briefly; yes.

Mr. BARTLETT. Will the gentleman point out to me what authority under the Constitution there is to make these investigations, aside from taking the census every 10 years?

Mr. PETERS. There are always two views of the Constitution, one the broad and one the narrow one, and it is perfectly fair in considering which is the true interpretation of the Constitution, to determine the interpretation which is being put on it to-day. To-day we are carrying on investigations in the Department of Agriculture, in the Department of Commerce and Labor, and in several other fields on questions whose constitutional position is similar to that of the Children's Bureau, and which give us a full precedent for the investigation which is proposed to be conducted under this bill.

Mr. BURLESON. Will the gentleman permit a question?

Mr. PETERS. I can not yield any further, for I have only a few minutes left.

Take the question of infant mortality, for example, a problem that relates to the very existence of children after they are brought into the world. The Census Bureau reports a very low rate of infant mortality for some communities and a rate exceptionally high for others. The bulletin of the Census Bureau just issued presents interesting data on infant mortality. The Census Bureau in the collection of this data included only the area in which registration of deaths is satisfactory, known as the registration area, which now takes in a little over one-half of the total population of the United States. For the total number of children in this registration area under 5 years of age the average number of deaths per 100 deaths at all ages is 27. Of the different States included in the registration area California, with 16, has the lowest number of deaths for children under 5 years. Next comes Vermont with 18, next Colorado, Maine, and Washington with 22, and then there are various numbers up to 34, the highest, which obtains in Pennsylvania.

Registration cities present, of course, an even more varied record for deaths among infants, as compared with deaths among all others.

In New York State Albany shows but 19, while Amsterdam records 41 and Lackawana 79. In New York City the Bronx Borough 23, the Manhattan 34. In New Hampshire, Concord 11, Berlin 60, and so forth. The table giving these statistics is followed by a statement explaining two of the most extreme cases. I quote in part:

> The low ratio for California may be ascribed in part to the large number of deaths from tuberculosis, most of which are of adults, and in general to the unusual small proportion of children in the population. * * * Some exceptionally high ratios may be explained by the existence of infant homes or institutions. For example, the high proportions shown for Lackawana, N. Y., are due to the deaths of infants from the city of Buffalo.

This is followed by a more general statement of some 15 lines to the effect that no conclusions can be drawn from these statistics except those of a most superficial nature.

The explanation is satisfactory so far as it goes, but there is necessarily little in it that could not have been concluded by a most casual examination of the data furnished. The explanation, however, goes as far as it is expedient for the Census Bureau to go in a matter of this kind. What is needed now is an organ in our Government—and the children's bureau will be that organ—which will go back of these figures and find out in detail just what accounts for this wide divergence in the death rate of young children who ought normally at that early stage in life to be, from community to community, in very much the same condition in respect to their powers of successfully battling with the ills that beset childhood.

Is a death rate of 15 per cent for children of the total deaths, in contrast with a death rate of, say, 35 per cent, due to a difference in the regulations of the different health departments, or is it due to the inability of working people to employ competent doctors at childbirth in place of the poorly trained midwife? Or is it the result of conditions peculiar to a certain stage in the development or decline of different localities? Or was there an epidemic of children's diseases, or is it, perhaps, true that the seeming difference is but the result of the comparative care taken in the registration of births and deaths?

It is this sort of information which we wish to obtain, and this is the sort of information which we may expect to have available for our mutual education and betterment when the children's bureau has been instituted.

Take the question of diseases of children. We should be able to compare statistics to ascertain what regulations are effective and what limitations should be necessary to protect the homes and communities from epidemics of children's diseases.

In child labor we should be able to compare the effect on the health and vitality of the children working under the various State laws, and by comparing the physical and mental conditions of the children of different localities we should ascertain the proper degree of protection which the State should give them through its laws to protect and strengthen the community. The citizens of every State who are actuated by motives of humanity and betterment should wish to see their children brought up with vigorous minds and bodies.

To enable intelligent legislation to be passed it is necessary to know what legislation already exists, and to see the outcome in the various States of laws affecting children. The Children's Bureau, requiring only a small expenditure, really means the saving of countless human lives. I should not care to be in the position of those opposing such a life-saving institution without excellent reasons that I could render to my conscience. Consider not only the struggle of the healthy to survive, but the awful misfortunes of afflicted children, children suffering under afflictions which in many instances are entirely due to lack of the most elementary knowledge. Mr. Sherman, chairman of the New York Association for the Blind, writes:

> Our blind asylums are now full of children, supported at great expense to the State and private philanthropy, who could have been saved except for general ignorance on this subject.

Government bulletins, prepared by some medical expert, should be sent to every quarter of the Nation, just as our agricultural bulletins are now sent.

Mr. BURKE of Pennsylvania. Will the gentleman yield?

Mr. PETERS. Certainly.

Mr. BURKE of Pennsylvania. I notice in lines 8 and 9 on page 2 it provides that the inspector shall not enter any house exclusively used as a family residence. Does that mean if it is not exclusively used as a family residence that they may enter; that, for instance, if it is a boarding house, or if a man lives over his store or place of business, or if it is a hotel, or if it is in a building partially occupied for other than a family residence, the inspector may enter?

Mr. PETERS. The gentleman will realize they would not have the power to enter such a dwelling house even without the insertion of this in the bill. I do not think in the suggestion the gentleman makes that there would be any possibility of their ever attempting to assert the power to enter such buildings. It is not contemplated to give any such power.

Mr. McCALL. Will the gentleman yield?

Mr. PETERS. Certainly.

Mr. McCALL. In the second line on page 2 occurs the expression "among all classes of our people." Does not the gentleman think it would be better not to recognize classes of people?

Mr. PETERS. I do not approve of that language myself, but it is hazardous to attempt to change it now. These words were not in the bill which I introduced, but were added in an amendment by the Senate. This bill has already passed the Senate, and it would be unfortunate to jeopardize its future by amending it and sending it back to that body. To attempt to alter the language might result in the defeat of the bill.

NEED OF COOPERATION.

At a hearing before the House Committee on Expenditures in the Interior Department, January 27, 1909, the secretary of the New York State Charities Aid Association estimated that the cost of supporting 90,000 children was between $15,000,000 and $20,000,000 annually. In addition to these 90,000 children he estimated that 40,000 or 50,000 more were cared for in other ways.

A sad lack of coordination exists between the agencies for dealing with children. Miss Jane Addams, of Hull House, Chicago, says:

> We have recently been startled to find that four-fifths of all the arrests in the criminal courts of Chicago are of boys between the ages of 15 and 25, of whom the large majority are under 19. This is so menacing that we should like to know whether the same condition is met in other American cities, or whether Chicago is unique in this excess of criminality among its youth. At present there is no method by which this may be determined. The proposed children's bureau could collect and distribute the very sort of information most valuable to those who are struggling with the problem of juvenile delinquency as well as with other grave matters connected with the lives of city children.

The lack of system in treating with juvenile problems is continually shown. Obsolete methods are being introduced in certain localities for the handling of children's problems, when experience with the same methods in other localities has shown them to be unsuccessful and they have been discarded.

In the great struggle which we are conducting against tuberculosis every effort is being made to stamp it out from the children. In this, too, better information is needed. Dr. Livingston

Farrand, executive secretary of the National Association for the Study and Prevention of Tuberculosis, says:

As the organized crusade against tuberculosis develops, it is becoming more and more evident that one of the most fundamental problems is that of tuberculosis in children and the methods of dealing with it. In planning and organizing such efforts we are met at once by the lack of authoritative information regarding conditions, and the cooperation of an official children's bureau, such as that under consideration, would be of inestimable service to our movement.

The laws relating to the employment of children in the different States show most conclusively the necessity for coordinate action. In all the States of the Union, with one sad exception, laws regulating the employment of children exist, but in no two States are the laws alike. Every year in some States radical legislation is sought by enthusiastic advocates, which same legislation has proved in other States to be unavailing, and constructive legislation is often blocked by ignorance and prejudice, although its successful operation in other States has been proved beyond question.

The Government should maintain a bureau to which the people interested in this work could appeal, and it is the object of this bill to establish a bureau which will be able to furnish inquirers with a substantially accurate estimate of the number of children employed in various occupations, conditions under which they labor, and, so far as ascertainable, the facts, economical, physical, educational, and moral, of such employment.

HISTORY OF MOVEMENT TO ESTABLISH A CHILDREN'S BUREAU.

The consideration of this measure is not new to Congress. A similar measure has been introduced in the four preceding Congresses. The soundness of the bill and its purposes appealed so strongly to the judgment of the men on the committees that we find wherever the bill is considered that reports are uniformly made in favor of the measure.

In the Sixtieth Congress it was reported both before the House Committee on Expenditures in the Interior Department and by the Senate Committee on Education and Labor. In the Sixty-first Congress it was again reported by the Committee on Expenditures in the Department of Commerce and Labor in the House and in the Senate by the Committee on Education and Labor. In the last Congress it passed the Senate.

In the Sixty-second Congress it was heard by the Committee on Education and Labor in the Senate and was passed by the Senate, and in the House, after a hearing by the Committee on Labor, it was also unanimously reported.

Introduced in the last four Congresses, the bill has been heard by committees in the House and Senate in the last three Congresses and has been reported favorably by each committee each time.

I wish to point out to you by quotations from the reports that have been made by the committees of both the Senate and the House on the various children bureau bills the unanimity and the force with which this movement has appealed to all who have considered it.

I quote the following from the report of the Senate Committee on Education and Labor, February 11, 1909, Hon. Frank P. Flint, chairman:

The committee believes that such facts as may be scientifically ascertained and may be published in popular form concerning the child life of the Nation will be of inestimable advantage. We believe it would be entirely within the province of the National Government to secure scientific and reliable information along these lines concerning the general welfare of the children of the Nation. Other nations have already advanced beyond our own in researches of this kind.

House Committee on Expenditures in the Interior Department, Hon. GILBERT N. HAUGEN, chairman, February 13, 1909:

The legislation affecting the children that is being enacted by many States could be wisely directed with the information that would be obtained through such a bureau. The light that would come up in the treatment of the problems of childhood would enable the various private individuals, organizations, and States to multiply manyfold the value of the work for the Nation that is now being done by them by giving them the benefit of each other's experience and knowledge.

The children's bureau bill was also unanimously indorsed by the committees of both Houses of the Sixty-first Congress, passed the Senate by unanimous vote, but was not reached on the House Calendar. I quote from the report of Chairman Washington Gardner, of the Committee on Expenditures in the Department of Commerce and Labor, June 21, 1910:

The committee believes the need for such a bureau has been proved and that the scientific investigation and publication in popular form of the facts concerning the unfortunate children of the country will be of great value; that it will tend to the saving of human life and suffering. For these reasons we recommend the passage of this bill.

The Senate Committee on Education and Labor made a second report, submitted March 18, 1910, which states:

The committee believes that such facts as may be scientifically ascertained and may be published in popular form concerning the child life of the Nation will be of inestimable advantage. Of course no legislation is contemplated beyond what may be suggested by the work of this bureau within the jurisdiction of the Federal Government. But the separate States and communities which have to deal with the problems of dependency, delinquency, infant mortality, occupational diseases, and the employment of children will be able to learn from the work of this bureau what can not now be learned anywhere else in any scientific or authoritative form.

There does not now exist in any of the States such a bureau as the one contemplated, although some of the facts desired are collected by a few of the States, either through bureaus of education or of labor or of health. There are other States without even such agencies for publishing information. Some States are without vital statistics of any kind, and these States would be stimulated to investigations of their own by the aid of the proposed bureau of children.

I now quote you from the report of Chairman WILSON, of the Committee on Labor. This report was made on January 17, 1912, on my bill, H. R. 4694:

The children's bureau should be an authoritative source of information concerning all these questions, to the end that human life and health be preserved and human misery decreased. It seems to us no more inconsistent with the principles of this Government that we should be able to send out bulletins concerning the problems of childhood than that we should send out such bulletins concerning the care of fish or of hogs or of cattle, concerning the preservation of fruit trees or the treatment of the soil. It has been made clear that the bureau could make large use of the information already at hand in the Census Bureau, the Bureau of Education, and the Bureau of Labor, collecting this information so far as it bears upon the problems of childhood. The committee believes that the need for such a bureau has been established, that it will be of great benefit to the children of the country, and we therefore recommend the passage of this bill.

FURTHER DELAY INEXCUSABLE.

The nations of Europe have advanced beyond the United States in their study and legislation in this important subject. Only recently the British Parliament, as a result of investigations and Blue Books written on the Boer War, has enacted a children's charter, as it is popularly called. It has the double function, under the British system of government, of investigation and administration. The Children's Bureau outlined in this bill is confined to the first duty alone, except so far as it might report facts to Congress to affect legislation in the District of Columbia or the Territories. To the States must properly be left the duty of administration and the study and use of the recommendations or suggestions of this committee. Not only England, but Germany as well, with an eye to its future citizens, has made a very complete and careful study of the facts relating to child life. Our own students of these problems have been compelled to turn over most of their information to foreign sources and to do the best they could to apply them properly to American conditions.

There are already 32 bureaus in the 9 great departments represented in the Cabinet. If we have not neglected the creation of bureaus dealing with these many material things, what excuse have we for neglecting the most valuable asset of our national life—children. If it is a question of expenses, let us look at the outlay which last year was authorized by the Government and compare the purposes and the amounts appropriated with the purposes and appropriation asked for by this bill. The Bureau of Animal Industry had an appropriation of $1,654,750, of which there were investigations for particular subjects as follows:

For experiments and investigations in animal husbandry	$47,480
For eradication of cattle ticks	250,000

The Bureau of Plant Industry had for its use the sum of $2,061,686.

Contrast with these general sums the amount required for the children's bureau, whose total appropriation asked for is only $29,440.

There is no subject of more importance and no subject in which there is a more deplorable lack of knowledge than of American children. The matter of reliable information about them for the use of all public and private agencies can not be overestimated. The control of the diseases of orchards and fruit is no doubt of importance, as are the experiments and investigation in animal husbandry, but are they more important than the care and control of our children? Can we not at least afford to expend one-eighth as much for this subject as for the eradication of cattle ticks?

The children's bureau, by its name, is a notice to the general public that they may know what place to apply for immediate information on this subject. The information on the many questions which come up, even if it were collected by the States, could not be spread so successfully. It must be collected by one central body under the same system, so that the result in various States may be compared and prompt and intelligent conclusions drawn. It is impossible to gather from statistics collected by different agencies under different systems any intelligent or valuable results, as it would be impossible to conduct the national census by any system which would allow the States to collect their information and then announce it in their own way and methods.

Information about our children is essential for the carrying on of the proper development of our Government, and this information can be collected only by a central bureau.

NECESSITY FOR IMMEDIATE ACTION.

Mr. Speaker, we must bear in mind that whatever we do for the children of the present we must do it now. The opportunity for aiding the children of any year or decade is a present opportunity; for the children so soon pass beyond the reach of the influences that are helpful to childhood. Others will come on and take their places, but these children that we are concerned with to-day, that may be helped if we pass this bill at this session, will be beyond the reach of help if we postpone action. The need for it is too great, the demand too insistent, for it to fail to be established among the bureaus of this Government. Why should not this Congress fairly accept this responsibility and this privilege? Why shall we not aid the children that are, as well as the children that are to be, the children of to-day and of all the to-morrows in the history of this great Nation of ours? The question ought not to be, Shall we pass this bill, but Why did not some Congress pass it long before, that the States might to-day be using the knowledge and experience that has been acquired? The past we can not remedy. The present is ours. Let us not lose this opportunity.

CONCLUSION.

Political equality and civic rights, obtained through years of struggle, have brought with them great responsibilities as well. The destiny of our Nation depends upon the way our citizens assume the responsibilities so placed upon them. To insure the preservation of our national ideals we must have citizens healthy and active, both in mind and body, and to develop from our children the highest types of men and women must be the first duty of our State, and it is a duty which this bill will help each State to perform. Let us now take the final step in offering to the children, our future citizens, the assistance of this measure.

Mr. WILSON of Pennsylvania. Mr. Speaker, I yield to the gentleman from Indiana [Mr. BARNHART].

Mr. BARNHART. Mr. Speaker, the original function of our Government wherein life, liberty, and the pursuit of happiness were fundamental principles has been more or less neglected in recent years, owing to our tremendous growth of wealth and power and the incidental attraction of money making as of first importance in private and national life. In the early days, when we builded principally for larger possibilities for a free people, we established the public school and the moral code as foundations for future weal. But in modern estrangement from orthodox principles of having a care for others we have drifted into an era of selfishness which overshadows and overrides almost every phase of public duty except that of providing ways and means to make and spend money. We jeopardize health and risk honor and sacrifice friends and destroy confidence to make money, while the real desideratum of comfort and happiness, viz, good health, strong bodies, and clear minds, are neglected. We devote months and months here every year to consideration of public questions nearly every one of which has to do, directly or indirectly, with possibility for money making. And I am not intent upon offering criticism on any legitimate means of providing greater possibilities for financial success, but rather would I assist by urging the adoption of measures that will contribute health and strength to posterity and thereby build a mightier and more successful civilization.

Some statistician has figured it out that it costs, in money, an average of $3 a week, a total of $3,200 to bring a child from babyhood to majority. Of course, some cost much more than this, all things considered, and some less. This is the money cost, and, in addition, there is the cost to parents of brain fag and muscle fatigue and worry and anxiety and sleepless nights.

But money cost of children is a soulless proposition, and we would better be dead and out of the way of human endeavor than to hold up our hands in horror at the cost of children the while we are not trying to give posterity the benefits of our experience in life and health that the future generations may be benefited by our having lived.

I am deeply impressed with the importance of any legislation that will contribute to the health, happiness, and success of our mankind now and henceforth, and the children's-bureau bill is a long step forward in legislation that will conserve the robust that is in us and eliminate the infirm.

By reference to the hearings on this bill, I note the following, which I want to incorporate in this argument:

The total population of the United States in the 1900 census was 75,994,575 people, and of these 44.3 per cent, or 33,681,074, were under 20 years of age; 7,253,000 were from 5 to 9 years of age; 8,080,234 were from 10 to 14 years of age; and 7,553,089 were from 15 to 19 years of age. To care for the children is the one thing which always meets public approval, and no class of appropriations in the country is so generally sanctioned by the people as the appropriations for the education, the health, and the welfare of children.

I shall not assume that the care of children is generally defective, for that would be a false position. Instead the vast majority of children are cared for to the very best ability of their parents. But even if the ninety and nine are brought up under the most favorable care, the one that suffers lack of wholesome environment may thereby contract weaknesses which, in the course of time, would diffuse and detract much from the benefits which the ninety and nine gained in their properly nurtured child life. The purpose of the bill is to create a bureau which shall gather, classify, and distribute for popular use throughout the country accurate information on all subjects relating to the welfare of children. The bureau would especially investigate the question of infant mortality, the birth rate, orphanage, juvenile courts, desertions, dangerous occupations, accidents and diseases of children, employment, and legislation affecting children in the several States.

Therefore, the primary purpose of such a law will be the gathering of statistics relative to child life, but the ultimate results will be many fold, principal among which will be a healthier, sturdier, and better people than the average of this day. And in this connection I want to here submit some observations by eminent humanitarians and sociologists of our country. Mrs. Netta A. Wilson, who has had much to do with charitable and correctional endeavor in my home State and a trustee of the State woman's reformatory, says:

The establishment of a children's bureau would direct public thought and sentiment to the fact that the child has the right to be well born, of clean parentage, and born to the right environment. Forty-five per cent of the insane, 70 per cent of the criminal, 80 per cent of the feeble-minded, and 75 per cent of the epileptics are born, directly or indirectly, of drunken, neurotic, or criminal stock.

Half of our children die before they are 5 years old. Why not try, through Government organization, to conserve their lives? The economic value of children to the public is many times greater than all other interests taken together. It is far more important to conserve our race, and thereby our country, than it is to conserve the coal fields of Alaska or the forests of our Pacific States.

We have a bureau for the promotion and improvement of animal and plant life, for the investigation of all kinds of stock and crop sickness, but there is no similar institution to which we can appeal for the aid of the human race.

The establishment of a children's bureau would develop in a right and rational way the laws of heredity, prenatal culture, environment, social bygiene, education, and the broad laws of common sense.

Judge Lindsay says: The majority of parents are traitors to their children because they neglect to teach them a few simple lessons as to the anatomy and physiology of their bodies. Sex knowledge must be given to our children in a refined and scientific way and not leave their information to come from the streets and alleys. Over 90 per cent of the delinquent children in the entire country come from the cities. Idleness plays havoc. A children's bureau would promote industrial training, one of the greatest safeguards of youth.

A children's bureau would improve the quality of children, lower the death rate, develop the children normally and righteously, eventually depopulating our charitable, reformatory, and penal institutions; as it were "beating the devil to the children."

From my observation and experience in defective, delinquent, and penal work, the establishment of a children's bureau would mean to begin at the right end; the solving of the problems of better citizenship. Prevention rather than reformation should be the policy.

Dr. Charles Carroll Brooks, founder of Southern Mountain Preparatory School for Children, and whose fame as an exemplar of right-living methods is Nation wide, wrote me concerning the children's bureau bill which I introduced, as follows:

The Nation needs homes, and it needs every movement looking forward to the placing in the mind of the child that love of country that will eventually bring them into a citizenship that is worthy of every human effort planned for their growth and development.

The child is the ward of the State, and the State's best asset is a useful citizen, and the passage of a bill looking toward the welfare of the child is a move in the direction of fostering the future manhood and womanhood from the very beginning of the future citizen.

And as the child which begins its life in many cases is deprived of the foundation of growth, the home nest, the Nation will do well to consider the growth of the child and its development, for citizenship and civic righteousness must begin with the infancy and be followed on through adult life. The creation of a bureau where the child can be thought about and planned for will become a national asset that the country may well feel proud of and continue to foster in the interest of the child life.

It means that more children will be reared in an atmosphere of home surroundings, that the institution child will get an opportunity that it does not possess to-day, and that with the printing of what the child-welfare bureau means to do will educate the public to the idea of assisting the children of the Nation. The hope of the Nation is in its children; the citizens of the future will be what its children have been; and the progress in every avenue of life will be the story of the preparation in the child of the Nation.

Another eminent authority on physical welfare is Dr. Hurty, head of the justly celebrated Indiana Health Bureau. He writes me:

The conservation of child life is the greatest question before us to-day. We have on the average 150 children born in Indiana daily, and of this number 20 die in their first year of infantile diseases.

This class of diseases is due to food poisoning. In other words, parents do not know how to raise their children, and food poisoning, otherwise known as cholera infantum and diarrheal diseases, step in. Of the 150 children born 40 must die of easily preventable diseases by the time they are 5 years of age. This 40 includes the 20 in the first-year period.

And still another friend of the children's bureau method of providing ways and means of giving children better health and strength and opportunity to make a success of life is Prof. David Starr Jordan, of Leland Stanford, Jr., University. He says:

Every child has the inalienable right to be born free from disease, free from deformity, and with pure blood in its veins and arteries. Every child has the inalienable right to be loved; to have its individuality respected; to be trained in mind, body, and soul; to be protected from disease, from evil influences, and evil persons, and to have a fair chance in life. That people is delinquent which does not unceasingly strive to secure these inalienable rights to its children.

It is declared that a million young American mothers are annually bringing children into the world with no qualification for the proper care of their health except love and devotion. The Nation and the States have bureaus of scientific research which disseminate information on all topics of animal and industrial welfare, but scarcely a line is printed for free distribution which would prepare young parents for such care of their children as would make of them sturdy and successful citizens.

Mr. SHERLEY. Will the gentleman allow me to interrupt him?

Mr. BARNHART. Certainly.

Mr. SHERLEY. The gentleman does not mean to give the impression that the Government is doing nothing as to the rearing of children. I know that that impression has got into the public print, but I hold reports from the chiefs of different bureaus, showing what has been done, and if we could have a real debate on this question I would like to give them to the House.

Mr. BARNHART. I recall that not long since on a given Sunday in a certain State in our country, after attention had been called to the depravity of child labor, a hundred pulpits proclaimed the divine law that it is the duty of the parent to lay up for the children, not the duty of children to support the parent; that children are not an encumbrance nor an asset for exploitation in the labor market but a heritage of the Lord; that the parents should be enabled to earn enough to support their children; that childhood is a sacred thing; that the child is the hope of the race, and the harbinger of the golden age. The press reported it. By this the people got it into their minds and consciences that contract child labor is wrong. Then the papers all published startling facts about the soulless employment of children in the factories of the State, and the doctrine of right became immediately a burning question. The lawmakers were in session. They heard from people whose consciences had been awakened by the pulpit and quickened by the press, and that State was given a most effective law to restrict the labor of little children; and thus great improvements are effected.

I have said heretofore, Mr. Speaker, and I repeat it, that the innocent child blood which bespatters the window panes of so many factories in this country, or which is polluted by neglect of proper parental care and attention, is a stain upon the character of every man and woman who tolerates such conditions.

The Senate has passed a children's bureau bill, and the House is asked to approve it. I heartily concur in the suggestion as does the Committee on Labor for this branch of the Congress; but there is or, at least, has been objection to it. They say they are afraid it would be unconstitutional to prepare to care for children's health and morals as we now furnish their education by compelling mental training in school. As usual the Constitution is made to serve as the breastwork from behind which the attack is made on a measure that is not wanted for reasons which are really far remote from any suggestion of infraction upon the Constitution.

The truth is, the bill is not wanted by some, not because it is in violation of any constitutional provision, but because if enacted it will become a big obstacle in the way of the use and abuse of child labor and women labor in many of the States. In some of the States enlightened legislation has been passed and enforced on these subjects. In other States the conditions that are allowed to obtain are not merely disgraceful to civilization, but they are calculated to impair in grave degree the welfare of coming generations of the American people.

But for the reason that it is found to be to the profit and advantage of various special interests to have such flagrant conditions continue, the authorities wink at these conditions. If a permanent bureau of the Federal Government is established whose business it will be perennially to turn the light of day on these conditions, something will happen. An aroused public sentiment will see to it that needed reforms are set in motion.

Gentlemen may imagine they are fooling somebody by arising in Congress and prating about the infringement of the Constitution when seeking to block the passage of a piece of legislation; that is, if not all that could be desired, at least in the right direction, in the direction of what is humane and enlightened. But they are not.

It may not be germane to this subject, but I hope no one will raise a point of order against my comparison of a single health endeavor by Government agency which accomplished marvelous results. I refer to the eradication of yellow-fever contagion by experiments of Army surgeons. They found, by daring and fatal experiments, that yellow-fever germs were broadcasted by mosquitoes, and from that day to this there has been no yellow-fever contagion among civilized peoples of the world, and there probably never will be if precautions which were found to be effective by Drs. Reed and Carroll are carefully observed.

There is no reason whatever of compelling any human being against his will to be made healthy if he doesn't want to. But there ought to be rules that would prevent one human being from needlessly jeopardizing the health and life of another, either through indifference or because he happens to cherish some asinine idea concerning disease. And there ought to be methods of safeguarding the well-being of children who, through misfortune, neglect, or ignorance, are liable to grow up weaklings and inflict their frailties of mind or body or soul upon others who deserve to be born strong in health and character.

This bill, as I understand it, merely provides means of ascertaining facts concerning neglected or misdirected child life—statistics of factory, school, and health environment of children. We who live in the country or in small cities or towns know little or nothing of the needs of child life in the congested industrial centers of the country. Only the other day I heard an undersized boy of 14 testifying in the House investigation of the Lawrence strike as follows:

STATEMENT OF JOHN BOLDELAR.

(Extracts.)

Mr. WILSON. How old are you?
Master BOLDELAR. 14 and 5 months.
Mr. WILSON. How long have you been working?
Master BOLDELAR. Since I was 14 and 5 months.
Mr. WILSON. Where does your father work?
Master BOLDELAR. Wood mill.
Mr. WILSON. What does he do?
Master BOLDELAR. The same job as I was doing.
Mr. WILSON. What does he get?
Master BOLDELAR. $5.10. (Per week.)
Mr. WILSON. John, what rent does your father pay?
Master BOLDELAR. $2.
Mr. WILSON. Per week?
Master BOLDELAR. Yes, sir.
Mr. WILSON. What furniture have you in the house?
Master BOLDELAR. Oh, a couple of beds; that is all.
Mr. WILSON. Have you carpets on the floor?
Master BOLDELAR. I guess not; I guess some horses live better than we do.
Mr. CAMPBELL. How many brothers and sisters have you?
Master BOLDELAR. I had a lot of brothers, but they are dead.
Mr. CAMPBELL. Have you any sisters?
Master BOLDELAR. Yes, sir; two.
Mr. CAMPBELL. How many rooms have you in your house?
Master BOLDELAR. Three.
Mr. CAMPBELL. How many stoves?
Master BOLDELAR. One.
Mr. CAMPBELL. Do you have water in a well, or have you water in pipes in the house?
Master BOLDELAR. Pipes.
Mr. CAMPBELL. What do you do Sundays?
Master BOLDELAR. Well, go to church and come home.
Mr. CAMPBELL. Do you read any books?
Master BOLDELAR. Well, I read sometimes when I get a chance.
Mr. CAMPBELL. Do you read the papers?
Master BOLDELAR. Not much; don't have much money to buy it.
Mr. POU. I have heard quite a number of you people talk about living on bread and water. Has there ever been a time when you were compelled to live on bread and water?
Master BOLDELAR. Yes, sir.
Mr. POU. How long were you compelled to live on it?
Master BOLDELAR. Well, sometimes we did not have enough money to buy bread one day or two days.
Mr. POU. How often do you have meat upon the average during the week?
Master BOLDELAR. Once a week, about.
Mr. POU. Once a week; don't you have it oftener than that, John?
Master BOLDELAR. No, sir.
Mr. POU. You say that even now you only have meat once a week?
Master BOLDELAR. Yes, sir.
Mr. POU. What do you live on during the other six days?
Master BOLDELAR. Oh, just a piece, you know, of black bread; that is what we usually eat, and coffee and some molasses.
Mr. POU. Is that all you have?
Master BOLDELAR. Yes, sir; and sometimes beans.
Mr. POU. And then one day in the week, you say, you have meat?
Master BOLDELAR. Yes, sir.
Mr. POU. What day is that.
Master BOLDELAR. Sunday.
Mr. POU. Sunday? That is all.

Mr. Speaker, this is but a single instance of many similar recitals in this investigation. And it is more than likely that it is only one of thousands of similar instances in the thousands

of factories where children are employed. God pity the youths who must start life in such a struggle, for it must be apparent to any discerning man that a life started under such conditions can never be anything but one of slavish misery, because the physical and mental depression which must become chronic in such cases can never be relieved; it can be nothing but a blighted life, which all the science and environment of after years can never cure.

Think of the pitiful story of a family of five being compelled to live on the father's wages of $5.10 per week, of which he pays $2 per week for house rent. Think of the family living most of the time on a diet of black bread, molasses, beans, and coffee. Think of the home with "no carpets," "one stove," and "a couple of beds" as furniture, with no money to spare for books or newspapers, and then tell me that the children therein will be fitted for ideal citizens. Tell me if this "lot of brothers, but they are dead," to whom this poor boy referred, died from nonpreventable causes, or if they were but a fragment of a common slaughter of innocents which a public knowledge of their environment, and incidental humane care, would most likely have prevented.

I am not a lawyer, and therefore not competent to judge of constitutional prerogatives, but if our national code of ethics will not permit systematic endeavor for relief of such abused child life in behalf of mercy and the common weal, let us override the faulty Constitution in emergency's name and take neglected and abused childhood by the hand and lift it up, rather than by the throat and continue to choke it down.

But I hear some say, "Oh, this outcry to help children is but a fad—a gushing whimsicality." No, sirs; it is not. Instead, the willful or unavoidable neglect of proper rearing of children is as old as the history of man; as old as human frailty, and the man who sees it and sanctions its continuance is helping to maintain direct communication between the cradle and the sewer, between the nursery and the poisonous swamp, and beside, helps to transmit moral and physical delinquency to posterity.

I believe the Government has other and more important missions than the fixing of tariffs and the financial and industrial development of the country. Money is worth nothing to people in ill health, and money is really a curse to those who, through inheritance or neglect in youth, are depraved. Money can not buy health and happiness. These can come only through sound bodies and right living, and the Government has no higher duty than to provide ways and means of enabling parents and guardians to give good health and good morals to children.

The future greatness of our people depends on how useful they can be in contributing to the avoidance of misery rather than how much money they can make. And if we are to check the growth of disease, of intemperance, of crime, and of trouble making generally we must inaugurate a liberal system of protecting children from conditions harmful to them and to posterity. We all admit that our penal and benevolent institutions are becoming too full of delinquents and dependents of all sorts, and the only way to prevent much of this misfortune is the proper rearing of children, not only for their own sake, but for the sake of their offspring, "even unto the fifth generation."

Before us stands a mighty throng of young men and young women. They ought to be equipped to stand up clear eyed and clean minded and look all the world in the face. It has cost countless sacrifices to bring them up—to feed, clothe, doctor, and educate them. But they are worth all they cost, and more, if they are made of the stuff they ought to be. They have cost father many long hours, hard knocks, short meals, and already his hair is turning gray. They have cost mother years of toil, sleepless nights, self-sacrifices, and constant care. They can never fully pay the debts they owe parents, and we should not expect it of them. But they can largely repay their cost by being always manly men and womanly women, and sturdy bodies and strong minds will conduce much to such a triumph.

I hope the time may soon come when we will give as much attention to the health and strength of the race as we now give to money making, for health and strength are more important factors in successful being than any amount of wealth. No civilization can fulfill its mission of justice and inspiration through frail bodies and feeble minds, and a national children's bureau will point the way to help those who can not help themselves, protect those more fortunate from degenerate contamination, and lift each succeeding generation to a more vigorous and successful realm of human life than those who have lived before.

This bill will conserve human life and make of us for us a sturdier, better, and happier people and posterity, and I hope it will pass.

Mr. MANN. Mr. Speaker, I did not demand a second upon the bill for the purpose of opposing it, but for the purpose of having a discussion of the bill. I am quite willing now to yield all of my time to anyone who may desire to oppose the bill—to take charge of that opposition. Otherwise, I shall use a minute or two myself, and then yield time to anybody who may ask for it.

Whatever else I do, Mr. Speaker, I try not to disguise to myself the reasons for a proposition or the authority which is behind it. The report in this case states that the authority to take the census is the authority for this bill, the constitutional authority, and the authority for various other bills. The Constitution provides, referring to the number of inhabitants in the different States—

> The actual enumeration shall be made within 3 years after the first meeting of the Congress of the United States, and then every subsequent term of 10 years, in such manner as they shall by law direct.

That is all there is in the Constitution authorizing the census to be taken. Any gentleman who undertakes to find authority in that for this bill, or for any of the other numerous activities of the Government, finds a very easy method of solacing his soul.

Mr. NYE. Mr. Speaker, will the gentleman yield?

Mr. MANN. No; I have not the time. I do not know under what authority we may justify the bill. I am not that strict constructionist that makes it bother me very much. I think that the same authority, whatever it may be, which authorizes us to maintain the Bureau of Soils, a Bureau of Animal Industry, a Bureau of Plant Industry, a Bureau of Mines and Mining, a Bureau of Education, a Bureau of Standards, and various other bureaus of the Government, is probably the same authority under which we could maintain this bureau.

I regret that this matter does not come before the House in such a way that it is subject to both discussion and amendment. I have forgotten who originally introduced the bill, a good many years ago. In the last Congress it was introduced by Mr. Parsons, of New York, and in this Congress by the gentleman from Massachusetts [Mr. PETERS] in practically the same language as the bills have been for years introduced. The Senate bill is practically the same, except that it inserts words which the gentleman from Massachuettts [Mr. MCCALL] finds objectionable, "Among all classes of our people," a sentence which was inserted by the Senate in the old bill, and also inserts a provision with reference to the representatives or agents having no authority to go into family residences.

Mr. LONGWORTH. Mr. Speaker, may I ask the gentleman at that point how he construes those lines?

Mr. MANN. I do not construe them.

Mr. LONGWORTH. What do they mean?

Mr. MANN. No one knows what they mean, but we will find out when we put the bill into operation. Then the bill creates a number of employees in the department, a useless proceeding, an improper method of legislation. Employees, when this bureau is first organized, will have nothing to do, and when they do have something to do this number of employees will not be sufficient; but the law will, happily, prevent an enlargement of the activities of the bureau beyond the number of employees now authorized, so that in the end, if they desire, they can not engage in great activities.

For years a good many of the good people of the country have been endeavoring to obtain legislation which would make special study and investigation of the conditions surrounding the children of the land. If that investigation is purely and simply for the purpose of obtaining ordinary information, no one would complain, but this is another one of the instances where it is intended that the General Government shall overlap the powers of the State governments. The purpose of obtaining information like this will be, in the main, for the purpose of procuring or influencing legislation both by the General Government and by the State governments.

However, so far as I am personally concerned, in deference to the opinion of such women as Jane Addams, who has given her life work to the study of conditions surrounding children and the poorer people, and who has done such noble work in that direction, who believes that this investigation would be productive of great good in the care of children, in the end I shall vote for the bill, although fully conscious that it overlaps other work done by various bureaus of the Government in every direction. It overlaps the work done by the Public Health Service, by the Bureau of Labor, by the Bureau of Education, by a dozen other bureaus of the Government performing now the same work which it is proposed shall be performed by this bureau. Yet I hope that in the end the results of the creation of the bureau may be of great benefit to the country.

Mr. KENDALL. I will ask the gentleman if it is not designed to transfer the work now being done by these various bureaus to which he has referred to this special organization that is created by this bill?

Mr. MANN. I think not.

I yield five minutes to the gentleman from New York [Mr. FITZGERALD].

Mr. FITZGERALD. Mr. Speaker, whenever the gentleman from Illinois [Mr. MANN] confesses that he has been unable to find any authority for proposed legislation this House may rest assured that no such authority exists. With his industry and ingenuity he will find authority for legislation where, perhaps, more fertile but less resourceful minds would be unable to do so. I recognize that a great public sentiment has been built up in favor of the creation of this bureau, and yet whoever reads the bill and attentively studies its provisions will find great difficulty in determining exactly the limitations of the bureau's functions and exactly the jurisdiction proposed to be conferred upon it.

If those most interested in the legislation could have their way, this proposed bureau would have the most comprehensive power that could possibly be conferred upon it. I am in receipt of a number of communications both favoring this legislation and opposing it. From the investigation I have been able to make I can not bring myself to support the bill. It is another one of those demands to inject the Federal Government into activities in which it has no legitimate place. It is another effort to have the Federal Government placed in lines of work which more properly belong to the several States of the Union. The only redeeming feature of the bill is that pointed out by the gentleman from Illinois, that in the enumeration of the positions created by this proposed bill it will be impossible, without the utmost difficulty, ever to extend the activities of the bureau. Mr. Speaker, I have no sympathy with this method of passing legislation of such an important character with but 40 minutes of debate limited upon the bill, without opportunity for amendment, without opportunity to do anything else than to propel it through this House with the sentiment behind it, and without any opportunity to consider and to perfect its various provisions. I shall not attempt to analyze the provisions of the bill. It is impossible to do so in the allotted time. Outside of the many good people, among them Miss Jane Addams, referred to by the gentleman from Illinois, who are earnestly supporting the measure, there are others who are interested in this legislation. As a very distinguished citizen of this country has written:

> I am not against the promotion of child welfare, but I am against child sentiment being exploited by professional philanthropists, professional child workers, professional college settlement workers, and their hangers-on using child sentiment for their own selfish ends.

Anyone who is familiar with the course of this legislation, those who have been advocating it from time to time, those who have been most industrious in endeavoring to promote it, will recognize the familiar names of those who have been assiduously seeking comfortable places in the governmental service for many years. I at least wish to voice my protest against this indefensible extension of the activities of the Federal Government into a field in which it has no legitimate place.

If opportunity were given I should propose amendments which would at least perfect the measure. If time were available I should be glad to set out at some length objections to this legislation which deserve at least to be considered by those endeavoring to legislate intelligently. It would be a pleasure to gratify many who earnestly advocate this measure if my judgment approved it. I have carefully examined the reasons advanced in support of the bill as well as in opposition to the creation of the bureau. Much erroneous information has been given publicity, and some so-called comparisons have been made to justify the legislation. In my opinion the legislation is both unwise and unnecessary. I should be glad to please the many really honest advocates of the bill if it were possible to do so. But in this and in all other matters I am compelled to exercise my own judgment rather than accept the judgment of others, and I am therefore unable to support the measure.

Mr. WILSON of Pennsylvania. Mr. Speaker, how much time have I remaining?

The SPEAKER pro tempore. The gentleman has five minutes remaining.

Mr. WILSON of Pennsylvania. I yield four minutes to the gentleman from Ohio [Mr. Cox].

[Mr. COX of Ohio addressed the House. See Appendix.]

Mr. MANN. Mr. Speaker, how much time have I remaining?

The SPEAKER. Five minutes.

Mr. MANN. Oh, I have more than that. [Laughter.]

The SPEAKER. The gentleman who was presiding temporarily informed the Chair that you had five minutes.

Mr. MANN. Well, I can not help myself, although whoever it was was mistaken. I yield two minutes to the gentleman from Kentucky [Mr. SHERLEY].

The SPEAKER. The gentleman from Illinois [Mr. RAINEY] was in the Chair keeping the time.

Mr. MANN. I knew how much time I had left.

The SPEAKER. How much time does the gentleman say he had left?

Mr. MANN. I had eight minutes left. But I do not care.

The SPEAKER. The gentleman has five minutes remaining, and the gentleman from Pennsylvania [Mr. WILSON] has one minute.

Mr. SHERLEY. Mr. Speaker, two minutes have been yielded to me by the gentleman from Illinois [Mr. MANN].

The SPEAKER. The gentleman is recognized for two minutes.

Mr. SHERLEY. Mr. Speaker, I had no intention, and at present very little desire, to undertake a debate of this question. It was made impossible to properly debate it in the time now at the disposal of the House, and it is an indictment of this procedure of the House that this bill should be considered under a suspension of the rules, with only 20 minutes' debate on a side.

I undertook to interrupt the gentleman from Ohio [Mr. Cox], but being limited in time, he declined to yield. My desire to interrupt him was with a view of calling atention to the mistaken impression he was giving to the House that we were expending large sums of money in the investigation of insect pests and plant and animal life and doing nothing for the child. That charge has been carried in every newspaper of the land for months; it has been said that we contribute for the hog but do nothing for the child. A more misleading statement and a more unjustifiable statement of facts never was made.

If I had the time I could read to this House information obtained from the various departments that I took the trouble to write to, asking how much they had expended in investigation and help of the children of the land. The amounts run into a good many thousands of dollars.

Mr. BURLESON. Will the gentleman put those letters into the RECORD?

Mr. SHERLEY. I will. In addition to that fact, it ought to be borne in mind by everybody that nothing is done for the hog or any animal or insect or plant that is not done with the idea of helping the human race, and to undertake to put Congress or any other legislative body in the position of declining to help the human family and being willing to help every other form of life is to try to prove one of those absurd things that the mere statement of destroys.

Now, we ought to have the opportunity to examine at this time into whether this bill does not propose the creation of an unnecessary bureau; whether, as stated by the head of the Department of Education, his bureau is not prepared now to do all of the work that is being asked to be done by this proposed bureau; whether you will not bring about just here what we have in many instances elsewhere—a duplication and multiplication of work. If the bureau is to do those things that the advocates of it hope it may do, then the number of its authorized employees is absolutely inadequate. If it is not to do those things, then there are already existing agencies of the Government sufficient to do it.

Now, I believe that some of us who have not seen our way clear to vote for the bill in its present form are not quite subject to the indictment——

The SPEAKER. The time of the gentleman has expired.

Mr. MANN. Mr. Speaker, I yield to the gentleman one minute more.

Mr. SHERLEY (continuing). Are not quite subject to the indictment of being totally lacking in any humanitarian instincts or desires. I happen to know some of the people who are agitating this matter. The gentleman from Ohio [Mr. Cox] refers, for instance, to Mr. Flexner, of my city. He is a very excellent gentleman, with whom I have had elaborate correspondence in regard to this matter. I do not question in the slightest the motives of such men, though their knowledge of the need of such a bureau and the present facilities of the Government to gather the data is no greater than that of Members of this House. My sole purpose now is to say this: It is perfectly apparent that we shall be in session for some months; there is not the slightest excuse to insist that this House shall to-day, with only 20 minutes to a side for debate, and without power of amendment, pass this bill.

As to its constitutionality I entertain no reasonable doubt. Whatever in early days may have been thought of the right of the Federal Government to exercise such powers as are granted in this bill, at this time in view of the many bureaus exercising similar power without question by anyone I can not see how the right can be questioned. It may be that one bad precedent has led to another; in some ways that is true, but it is now too late to successfully question the exercise of such powers by the Federal Government.

After giving the matter much thought I have about determined to vote for a proper bill, fully considered and perfected by the free action of the House, but I am not willing to vote for this very uncertain bill under suspension of the rules, when no one can even offer an amendment. It is either inadequate or unnecessary. Under the leave given to extend my remarks in the RECORD, I add the following letters from various departments of the Government:

DEPARTMENT OF THE INTERIOR,
BUREAU OF EDUCATION,
Washington, February 26, 1912.

Hon. SWAGAR SHERLEY,
House of Representatives, United States, Washington, D. C.

DEAR SIR: In the absence from the city of the Commissioner of Education I beg to acknowledge the receipt of your letter of February 22, asking that you be furnished with a general statement showing what the Bureau of Education is doing for the children of the country. In reply I am sending herewith a copy each of two letters of the Commissioner of Education to the Secretary of the Interior, prepared at the request of the Secretary. In these letters the commissioner states the things that the Bureau of Education is doing for children, and also the amount of money that is being expended by the Division of School Hygiene and Sanitation. I am inclosing herewith a list of some publications of the Bureau of Education dealing with child welfare. You will understand, of course, that this list does not include all of the publications relating to children that have been issued by this office. If the material sent you does not give you the exact information that you desire, I shall be glad to try again if you will kindly indicate more specifically the nature of the material desired.

I may say that practically all of the work done by the Bureau of Education is in the interest of the children of the country. The total appropriations for the bureau amount to $79,800.

Very respectfully,

I. A. KALBACH,
Acting Commissioner.

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DEPARTMENT OF THE INTERIOR,
BUREAU OF EDUCATION,
Washington, January 3, 1912.

The honorable the SECRETARY OF THE INTERIOR.

SIR: I have read carefully all the correspondence on file in this bureau in regard to the proposed children's bureau, the arguments submitted at the hearing May 12, 1911, before the Committee on Labor of the House of Representatives, and the report made August 14, 1911, by Senator BORAH for the Committee on Education and Labor, and I find no reason to modify the opinion expressed in my letter of December 21, 1911, to wit: That the work specified in this bill to be done by the proposed bureau can be done more effectively and with better results in the Bureau of Education, and that, therefore, the appropriation asked for the new bureau should be made to the Bureau of Education for the creation of one or more new divisions for some portions of this work and for strengthening the divisions already engaged on important parts of it.

In section 2 of S. 252, the purposes of the proposed bureau are set forth as follows: "The said bureau shall investigate and report upon all matters pertaining to the welfare of children and child life, and shall especially investigate the questions of infant mortality, the birth rate, orphanage, juvenile courts, desertion, dangerous occupations, accidents, and diseases of children, employment, legislation affecting children in the several States and Territories, and such other facts as have a bearing upon the welfare of children. The chief of said bureau may from time to time publish the results of these investigations."

The phrase "all matters pertaining to the welfare of children and child life" would cover the greater part of the work of the Bureau of Education, and as pointed out in my letter of December 21, all the items specified, with one possible exception, are either direct or indirect problems of education with which the Bureau of Education now deals or should undertake at the earliest possible moment.

Permit me to submit the following reasons for my position in this matter:

1. The Bureau of Education is already doing much of the work specified in Senate bill 252. It collects and publishes statistics of school population and school attendance, summaries of school and child-labor laws, facts as to school buildings, grounds, and sanitary arrangements, and statistics in regard to schools for exceptional children, including the deaf, dumb, blind, feeble-minded, and children of criminal tendencies. In its annual reports and in special bulletins it has frequently dealt in a special way with various phases of the subject of child welfare. Within the last few months there has been established in this bureau a Division of School Hygiene and Sanitation to which is allotted for annual support $5,950, exclusive of the help given by clerks in the Correspondence Division. Estimates recently submitted by me and now embodied in the estimates of the Department of the Interior include an addition of $9,300 for this division. If this appropriation is made this division will then have a total annual fund of $15,250, and will be able to do for the health of children all that can be done with a like fund in any bureau. School sanitation necessarily includes the health of children out of school. The same individual can not be a healthy child in school and a sick, diseased, or uncared-for child out of school. School hygiene necessarily takes hold of the home. It happens that the chief of this division has in the last week submitted for my approval a letter which he is preparing to send to all the State and city boards of health, offering the cooperation and services of this division of the bureau in all matters pertaining to the health of children. He suggests especially that help be given by making this division a clearing house for all matters pertaining to the health of children.

2. For most of its information, except such as is gathered by the Census Bureau, the proposed bureau would have to depend largely on the agencies on which the Bureau of Education depends and with which the Bureau of Education is more closely allied than the proposed bureau would be. These agencies include school boards, superintendents, and principals of schools, teachers, and truant officers, and school physicians. For carrying into effect any plans for improving the condition of children the dependence would be greater still. Other agencies could and would cooperate with the Bureau of Education just as readily as with the new bureau.

3. To unite in the Bureau of Education all things which pertain to the welfare of children would aid much in giving to the people the right conception of education, which is too often supposed to be merely the results of formal lessons in school.

I therefore renew my suggestion that the appropriation asked for the establishment and maintenance of a children's bureau be made to the Bureau of Education for such of the purposes specified in S. 252 as are not now served by this bureau.

Respectfully submitted.

P. P. CLAXTON, *Commissioner.*

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DEPARTMENT OF THE INTERIOR,
BUREAU OF EDUCATION,
Washington, December 21, 1911.

The honorable the SECRETARY OF THE INTERIOR.

SIR: In the modern acceptance of the meaning of education it includes all the controllable influences that contribute to the development of children and to the making of a fuller manhood and womanhood, whether physical, mental, or moral, in so far as these can be differentiated and assigned to the periods of infancy, childhood, and youth. Of course, the problems of scholarship and of professional education and training, belonging largely to adult life, are not excluded.

All the things enumerated in Senate bill 252, Calendar 119, as pertaining to "the welfare of children and child life" belong either directly or indirectly in the province of education, and most of them are so closely related to and bound up with problems with which the Bureau of Education now deals or which it is preparing to take up as its legitimate work that to attempt to separate them and assign them to another department or another bureau would, I believe, not be wise from the standpoint either of economy or of efficiency. The only items mentioned in the bill that do not belong directly to the province of education and this bureau are infant mortality, the birth rate, desertion, and dangerous occupations. The first two and the last of these are at least secondary problems of education in the large sense in which it is considered in this bureau.

These are all important matters, and there is need of more money for their proper handling, but because of the nature of the work and its intimate relations with the proper work of the Bureau of Education any appropriations for their consideration and handling should, I believe, be made to this bureau, in which one or more new divisions should be created for that purpose. One strong bureau, with funds and organization sufficient to enable it to deal adequately with the full round of problems naturally belonging to it, should be more efficient than two small and disconnected bureaus, both dealing with the same problems so closely related that none can be dealt with effectively apart from the others. If, therefore, the present Congress is willing to appropriate money for the purposes set forth in Senate bill 252, I would recommend that it be appropriated to the Bureau of Education in the Department of the Interior, to be used in strengthening the divisions of the bureau now engaged in phases of this work and for the creation and maintenance of new divisions for other parts of the work.

Respectfully submitted.

P. P. CLAXTON, *Commissioner.*

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SOME PUBLICATIONS OF BUREAU OF EDUCATION DEALING WITH CHILD WELFARE.

50. Legal Rights of Children; by S. M. Wilcox. Washington, 1880. 96 pages. (Circulars of information, 1880, No. 3.)

68. Causes of Deafness Among School Children and Its Influences on Education, with Remarks on the Instruction of Pupils with Impaired Hearing and on Aural Hygiene in the Schools; by Samuel Sexton. Washington, 1881. 47 pages. Illustrated. (Circulars of information, 1881, No. 5.)

69. The Effect of Student Life Upon the Eyesight; by A. W. Calhoun. Washington, 1881. 29 pages. (Circulars of information, 1881, No. 6.)

116. Vacation Colonies for Sickly School Children. Washington, 1880, 4 pages.

173. Sanitary Conditions for Schoolhouses; by Albert P. Marble. Washington, 1891. 123 pages. Illustrated. (Circulars of information, 1891, No. 3.)

248. Experimental Study of Children, Including Anthropometrical and Psychophysical Measurements of Washington School Children, and a Bibliography; by Arthur MacDonald. Washington, 1899. 985–1204, 1281–1390 pages. Chapters 21 and 25 from report for 1897–98.

274. Education and Crime. Reprint of chapter 28, pages 1249–1343, report for 1899.

Compulsory School Attendance and Its Relation to the General Welfare of the Child. Chapter 28, pages 1263–90, Report of the Commissioner on Education for 1906.

376. The auxiliary schools of Germany; six lectures (by B. Maennel). Translated by Fletcher Bascom Dresslar. Washington, 1907. 137 pages. (Bulletin, 1907, No. 3.)

379. The elimination of pupils from school (by Edward L. Thorndike). Washington, 1908. 63 pages. (Bulletin, 1907, No. 4.)

403. The daily meals of school children (by Caroline L. Hunt). Washington, 1909. 62 pages. (Bulletin, 1909, No. 3.)

417. Schools for crippled children abroad (by Evelyn M. Goldsmith). Reprint of chapter 11, pages 503–511, report for 1909.

451. Age and grade census of schools and colleges; a study of retardation and elimination (by George Drayton Strayer). Washington, Government Printing Office, 1911. 144 pages. (Bulletin, 1911, No. 5.)

457. Bibliography of child study for the years 1908–9 (by Louis N. Wilson). Washington, 1911. 84 pages. (Bulletin, 1911, No. 11.)

461. Provision for exceptional children in public schools. Prepared by James H. Van Sickle, Lightner Witmer, and Leonard P. Ayres. Washington, 1911. 92 pages. (Bulletin, 1911, No. 14.)

DEPARTMENT OF COMMERCE AND LABOR,
BUREAU OF THE CENSUS,
Washington, February 23, 1912.

Hon. SWAGAR SHERLEY,
House of Representatives, Washington, D. C.

MY DEAR MR. SHERLEY: I am in receipt of your letter of February 22, making inquiry with regard to the work done by the Census Bureau in collecting statistics affecting children.

The only annual work which the Census Bureau does which involves statistics affecting children is on mortality. In publishing mortality statistics we give, for each separate disease, the number dying according to age periods; for the ages above 5 figures are not given of individual years, but only for groups of five years, but separate figures are given for each individual year of age under 5. For children under 1 still finer age distinctions are made. The reason why so much greater detail is given for the ages of children who die than for older persons is because of the extremely high death rate among children.

In connection with the quinquennial census of manufactures and the decennial census of population two or three questions are asked which have little significance except in their bearing upon the condition of children, and in the tabulation of two or three other questions a greater degree of analysis is applied to children than to adults.

In the manufactures census the question with regard to wage earners distinguishes between those above and those below 16 years of age, and in the tabulations for each State and for each industry in each State the figures for these two classes of wage earners are separated, the obvious purpose being to discover the extent of child labor in manufacturing industries. A similar question is also included in the schedule relating to mines.

In the population schedule there is a question with regard to school attendance, which of course has its chief significance with respect to children. In addition to tabulating the answers to this question in considerable detail—the distinguishing age periods, sex, color, and native or foreign birth and parentage—the Census Bureau also tabulates with especial fullness the returns for children with respect to occupations and age.

In tabulating occupation statistics it has been customary in the past, and we are planning to do the same at the present census, to show the number in each occupation by age groups consisting of 5 or 10 years each. In the case of children under 15, however, the age classification is carried into greater detail by showing the number employed in each principal occupation for each individual year of age.

In the tabulation of ages the returns for the adult population are shown for individual years of age only, but in the case of children under 1 year of age five groups are distinguished according to the month of age. This is done for the purpose of facilitating comparisons with the statistics of deaths of children already referred to.

What has been set forth above may be briefly summarized in the statement that the Census Bureau publishes statistics dealing with age, occupations, school attendance, and mortality for children in considerably greater detail than similar statistics are published for adults. Such statistics relating to mortality are published annually; relating to persons employed in manufacturing industries, quinquennially; and those relating to occupations in general, to age, and to school attendance, decennially.

You will find the information particularly relating to children, which was published in connection with the Twelfth Census, as follows:

Statistics of occupations, scattered throughout the entire volume of the report of that census entitled "Occupations."

Statistics of school age and of school attendance, in volume 2, on "Population," pages 151 to 249 and 349 to 410.

Statistics of the ages of children, in volume 2, on "Population," pages 2 to 149.

Supplementary and special statistics regarding child labor, in Bulletin 69, issued in 1907, a copy of which is forwarded herewith.

Statistics of children employed in manufacturing industries, scattered throughout the entire series of reports on manufactures, with a summary and analysis in Part 1 (Vol. VII of the entire series of reports, pp. CXXV to CXXXIII).

I am also sending you a copy of Bulletin 109, containing the mortality statistics for 1910, and call your attention particularly to the table beginning on page 154.

I am quite unable to make any even approximate estimate of the cost of the work which the Census Bureau thus does with regard to children. The work is all inextricably mingled with the more general lines of work. It would not, for example, be proper to attempt to calculate the cost of compiling statistics regarding the occupations of children by taking the entire cost of the occupation work and proportioning a part thereof to the statistics concerning children in the ratio of the number of occupied children to the total number of occupied persons. All that could be charged as a special cost due to the statistics of children would be the additional cost of handling the occupation statistics for children as compared with adults. I think it is safe to say that the special work relating to children, performed by the Census Bureau during the last three years, has involved an additional cost of not less than $100,000. The conditions, however, during the decennial census period are, of course, entirely different from those between censuses. I do not suppose that the extra cost of the work we do concerning children in our annual mortality statistics amounts to more than a few thousand dollars.

Regretting my inability to give a more specific answer to your inquiries, I am,

Very respectfully, E. DANA DURAND, *Director.*

DEPARTMENT OF COMMERCE AND LABOR,
BUREAU OF LABOR,
Washington, February 28, 1912.

Hon. SWAGAR SHERLEY, M. C.,
House of Representatives, Washington, D. C.

DEAR SIR: I have your letter of February 22, inquiring what this bureau has done in the matter of investigating the welfare of children and the approximate amount expended annually for this purpose.

In February, 1897, the bureau published a report made in response to a joint resolution of Congress, directing an investigation into the "conditions attending the employment of women and children," etc., "and the effect, if any, their employment has had upon the wages and employment of men."

This investigation was carried out as part of the regular work of the bureau, and it would be practically impossible to determine what portion of the expense in connection with the investigation and report should be charged to that part of the work relating to children. The agents in visiting establishments secured data relating to the wages and working conditions of children in addition to data relating to women and men. In this way the travel involved and the work in gathering data in the establishments and the work in the preparation of the report itself would have been very nearly the same had the investigation related only to men and women. On the other hand, if the matter is turned around, it might be said, if the investigation dealt with children, it added comparatively little to the cost to get the data concerning men and women. It would be difficult now to go back and determine even what the report cost, but making a rough estimate I should say it might easily have been $100,000, and possibly the fairest way to estimate what was expended on the investigation of children would be to apportion the amount equally among the three classes of employees.

Again, in the fiscal year 1903–4, the bureau conducted a small investigation into child labor in the United States which cost approximately between $3,000 and $4,000.

In July, 1905, the bureau published a digest of the laws relating to child labor in the principal European countries. This work was done as a part of the regular work of the bureau from time to time during that year, and it would be very difficult now to find just what the cost was, but I assume it was not over $1,000.

In January, 1906, the bureau published in its bulletin the text of all the laws of the various States relating to the employment of children. This did not cost over a few hundred dollars.

Up to 1907 the work of the bureau in connection with the welfare of children was, as indicated above, occasional or included in the general studies relating to men and women in industry. In 1907, however, the bureau began an investigation directed by Congress into the condition of women and children wage earners in the United States, and for this work Congress appropriated $150,000 for the fiscal year 1907–8, and another $150,000 for the fiscal year 1908–9, the second appropriation being made available until exhausted. The entire amount of these two appropriations was used in the investigation directed. In this case, as in the earlier study published in 1897, it is impossible to apportion the expense. Part of the investigation related directly to children and part directly to women, but in other parts of the investigation, such as in the textile and silk industries, the establishments visited employed both women and children, and the same amount of travel and practically the same expenses would be involved had the investigation related to only one of these classes. It would probably be fair to assume that one-half of the total expense was expended on the investigation of the wages and working conditions of women and the other half on the wages and working conditions of children.

In the above figures no account has been taken of the printing and distributing of the reports published. The reports embodying the results of the recent investigation directed by Congress, for which $300,000 was appropriated, are being printed as a Senate document, and I have no information as to what the cost of this printing is. The printing and distribution of the other reports referred to in this letter would probably come to $20,000, of which one-third might be arbitrarily charged to that part of the work relating to children.

I am, very truly, yours,

CHAS. P. NEILL, *Commissioner.*

DEPARTMENT OF THE INTERIOR,
OFFICE OF INDIAN AFFAIRS,
Washington, March 4, 1912.

Hon. SWAGAR SHERLEY,
House of Representatives.

SIR: In response to your inquiry of February 22 relative to governmental education of the Indian children, I beg to say that the aim of the bureau is to give to Indian children an education in the common branches taught in the white grade schools and also sufficient industrial education in special branches to fit them to earn a livelihood and support themselves and their families after they leave the schools.

Pursuant to this end the Government has established reservation boarding schools and day schools and nonreservation boarding schools. The reservation boarding schools, conducted for those Indian children belonging on the reservation, teaches them English, brings them up to the third or fourth grade, and also gives them the rudiments of industrial training. When, however, they reach the age of 14, it is expected that they will then be sent to a nonreservation school, where they pursue their academic work to the eighth grade and also receive full industrial training. The nonreservation schools are well equipped for industrial education, domestic science, and manual arts, and especially agriculture, and every Indian who desires to farm his allotment has every opportunity to learn agricultural methods—farming, gardening, dairying, and care of stock.

On the other hand, more especially in the communities where the Indian is brought in close contact with the white man and has to some extent adopted his customs, the Government day school or the public school takes the place of the reservation boarding school for the Indians. The policy of the office at present, however, is to encourage attendance in the State public schools of all Indian children who are entitled or may be permitted to attend under State laws, and many are now so attending district public schools.

When, however, they arrive at an age where they should have industrial and special training, which the public-school system does not offer, they may still be received in the nonreservation schools for completion of their training along special lines.

In addition to the Government schools, in some cases contracts are made with private or mission schools, payable out of the Indian tribal moneys, and also with public schools to which the Indians would not be entitled to admission under State laws.

Many Indian boys and girls have profited by the educational opportunities afforded, and have made a creditable place for themselves in the world and among white people. Some have failed, of course, but it can hardly be expected that the fullest education and mental equipment of this race can be accomplished in one generation. In the school system of the service every effort is made to educate, train, and civilize these people, to inculcate a correct understanding of moral obligations, and to care for their bodily health and teach them to care for themselves after governmental supervision has ended.

During the fiscal year 1911 there was expended for strictly educational purposes approximately the sum of $4,542,777.

Respectfully,

F. H. ABBOTT, *Assistant Commissioner.*

DEPARTMENT OF THE INTERIOR,
BUREAU OF PENSIONS,
Washington, February 24, 1912.

Hon. SWAGAR SHERLEY,
House of Representatives.

MY DEAR MR. SHERLEY: Your inquiry of the 22d instant was received yesterday. In reply I have the honor to advise you that the amount disbursed for pensions in behalf of minor children during the fiscal year ended June 30, 1911, was $1,087,488.24.

Very respectfully,

J. L. DAVENPORT, *Commissioner.*

DEPARTMENT OF AGRICULTURE,
OFFICE OF THE SECRETARY,
Washington, D. C., February 28, 1912.

Hon. SWAGAR SHERLEY,
House of Representatives, Washington, D. C.

SIR: The department is in receipt of your letter of February 21, addressed to Dr. Wiley, asking for a general statement showing what the Bureau of Chemistry is doing for the good of the country with reference to the children of the United States.

The Bureau of Chemistry is doing a great deal in this respect, but I fear it will be impossible to give the amount annually expended in the work. In the enforcement of the food and drugs act the welfare of children, as well as the welfare of adults, is considered. I refer not merely to those general foods whose adulteration may affect the welfare of the whole community, but especially to foods which are used particularly by children, as, for instance, the milk supply and infant foods. I may say that the Bureau of Chemistry pays particular attention to products which are used especially by invalids and children and regards their adulteration as grave cases of the violation of the food and drugs act.

Respectfully,

JAMES WILSON, *Secretary.*

TREASURY DEPARTMENT,
OFFICE OF THE SECRETARY,
Washington, February 28, 1912.

Hon. SWAGAR SHERLEY,
United States House of Representatives, Washington, D. C.

SIR: I have the honor to acknowledge the receipt of your letter of the 22d instant requesting a statement of any investigations made by the Public Health and Marine-Hospital Service regarding the diseases affecting children and the approximate cost of such investigations.

In reply, you are informed that in accordance with existing laws the above-mentioned service conducts systematic investigations of contagious and infectious diseases and matters pertaining to the public health. Many of these diseases affect children in greater proportion than adults, and some of them, as infantile paralysis and measles, are almost wholly confined to the period of childhood and early adolescence.

In addition to investigations, there is authority in law for the Public Health and Marine-Hospital Service to cooperate with and aid State and municipal boards of health in the execution and enforcement of the rules and regulations of such boards and in the execution and enforcement of the rules and regulations of this department to prevent the introduction of contagious or infectious diseases into the United States and their spread from one State or Territory or the District of Columbia to another State or Territory or the District of Columbia.

Among the first and most important studies conducted by the above-mentioned service and having a direct bearing on the welfare of children were those in 1894 and 1895 relating to the serum treatment of diphtheria. Soon after the reported discovery of diphtheria antitoxin an officer of the service was sent abroad to make a careful study of the new remedy, and as a result the propagation of antitoxin was begun in the Hygienic Laboratory on November 9, 1894, with the view to demonstrating its methods of preparation and value in the treatment of diphtheria. During the following year further studies were made of the prevalence of diphtheria in the United States and the value of diphtheria antitoxin to combat the disease.

The enactment of the law of July 1, 1902, governing the propagation and sale in interstate traffic of viruses, serums, toxins, and analogous products afforded opportunity for further studying not only diphtheria antitoxin, but other prophylactic agents, such as vaccine virus, which are used in large quantities to control contagious diseases. A standard of potency for diphtheria antitoxin was devised, the use of which assures uniform strength of all this product sold in interstate traffic. Coincident with the systematic testing of diphtheria antitoxin and other biologic products, exhaustive investigations have been carried on to determine the cause of sudden deaths following the use of animal serums. These studies, which were successful, have thrown light both from practical and scientific standpoints on the precautions to be observed in using diphtheria antitoxin among children and adults.

Studies have likewise been made of the influence of antitoxin upon post-diphtheritic paralysis. Reports of some of the above-mentioned studies are contained in Hygienic Laboratory Bulletins Nos. 38, 45, 50, and 64, copies of which are forwarded herewith.

As having a bearing on the control of diphtheria and scarlet fever, reports have been issued on the management of outbreaks of such diseases, the prevention of the spread of scariet fever, and the application of disinfectants to be used in their prevention. Copies of these reports are inclosed herewith.

A report is also inclosed of studies made of an eruptive fever known as the "fourth disease."

Since 1902 the bearing of hookworm disease on the health of children in the Southern States has been systematically investigated. As a result of these studies it has been shown that hookworm infection is extremely prevalent among children in certain districts, interfering with their physical development and reducing their mental efficiency. In accordance with an act of Congress authorizing investigations of child and woman labor cooperation was rendered to the Bureau of Labor to determine the influence of hookworm disease and insanitary conditions on the health of children in cotton mills and cotton-mill villages. Investigations have likewise been made to determine the prevalence of amebæ and lambia among children in one southern district. These latter data are awaiting publication. The reports of studies of hookworm disease are contained in numerous bulletins, one of which is inclosed herewith.

In studies of typhoid fever in the District of Columbia during a period of five years beginning July, 1906, special attention has been paid to the prevalence of the disease in this class of the population and their influence on its continuance in the District. Reports Nos. 2, 3, and 4 on these investigations are forwarded herewith.

Coincident with the above investigations exhaustive studies have been made of milk and its relation to the public health. A report of these studies is contained in Hygienic Laboratory Bulletin No. 58, copy of which is forwarded herewith. This latter bulletin, among other things, contains compiled data of epidemics of typhoid fever, scarlet fever, and diphtheria spread by milk; the results of laboratory investigations of the frequency of tubercle bacilli in milk; statistics of infant mortality in relation to milk; bearing of pasteurization on infant morbidity; an extensive discussion of infant feeding; data regarding the production of certified milk; and the number and influence of infants' milk depots on health in cities of the United States. Similar data regarding operations of infants' milk depots in 1909 and 1910 have also been collected, those for the latter year having been published in a publication, copy of which is inclosed herewith.

In relation to investigations of leprosy in Hawaii, statistical studies have been made as to the occurrence of the disease in relation to school age. Investigations have also been made relative to heredity versus environment in leprosy. Copies of bulletins containing these studies are inclosed herewith.

Advantage has been taken of the occurrence of acute anterior poliomyelitis (infantile paralysis) in the United States within the past two years to make somewhat extensive studies of the disease. These studies have been made in Iowa and New York and at the Hygienic Laboratory in Washington, and publications issued on the subject are inclosed herewith. Investigations have likewise been made of epidemic cerebrospinal meningitis within two years in Georgia, Ohio, and Texas. A copy of a publication bearing on the disease, with special reference to public measures for its control, is forwarded herewith.

In connection with investigations of sewage pollution of interstate and international waters with special reference to the spread of typhoid fever, particular attention has been paid to the bearing of sewage polluted water supplies on child mortality and diarrheal diseases. Some reference is made to these investigations in Hygienic Laboratory Bulletin No. 77, copy of which is inclosed herewith. A full report on the subject, however, is now being prepared for publication.

Experimental investigations of measles have been successfully conducted in the Hygienic Laboratory and are of special importance, because the disease is largely confined to children and is responsible directly or indirectly for a high death rate among them. During these experiments measles was for the first time transmitted to lower animals, which result is an essential step to further successful studies.

The laws and regulations in the United States relating to ophthalmia neonatorum have been brought together and an analysis made of them. This analysis is contained in a publication, copy of which is inclosed herewith. An analysis has likewise been made of the laws and regulations of the various States relating to the reporting of cases of sickness. This latter study has a special bearing on child welfare, since most of the data relate to contagious and infectious diseases to which children are specially liable. A copy of the bulletin containing these data is forwarded herewith.

In connection with recent epidemics of cholera in the Philippine Islands an officer of the service has made special investigations of the disease among children. The results of these studies prompted the same officer to undertake an exhaustive study of infant mortality in Manila; 48.8 per cent of the total deaths in that city is among infants under 1 year of age, many of them incorrectly diagnosed. As a result of these studies it was shown that the largest single factor in producing infant mortality in Manila was due to a preventable disease, which the officer referred to called "infantile beriberi."

Other investigations made of contagious and infectious diseases might be mentioned as applicable to the welfare of children. The health of this class of the population, especially within the first year of life, is largely dependent on their food supply and the hygiene of their surroundings. Among the most important of the above-mentioned investigations, therefore, are those relating to milk. All of these studies were made by medical officers of the service as a part of their regular duties. For this reason it is impracticable to give a definite statement of the cost of such investigations. The items of expense were for salaries, necessary traveling expenses, and a limited amount of laboratory and other supplies, some of which could subsequently be used in other investigations.

Opportunity is taken to invite attention to the importance of such studies in relation to the public health, and should Congress appropriate additional funds the investigations could be extended with great benefit to the country.

Respectfully,

FRANKLIN MACVEAGH, *Secretary.*

Mr. MANN. I yield to the gentleman from Iowa [Mr. PICKETT].

[Mr. PICKETT addressed the House. See Appendix.]

Mr. MANN. I yield to the gentleman from Minnesota [Mr. NYE].

Mr. NYE. Mr. Speaker, I know that two schools of political thought have grown up in this country with reference to the rights of the General Government as against the States. I am a good deal of a Federalist myself. I believe it is necessary that our Government should be an affirmative agency in the betterment of human conditions and the progress of the American people. It seems to me, from the statement of the gentleman from Illinois, that the same authority which authorizes these other bureaus is a sufficient constitutional authority for this. I am not a constitutional lawyer, and I have not seen this bill before, but I do regard it as vital to this country that we have the means of information as to what the rising generation of this country is doing, to know its habits, its thought, and its education, and to know where we are drifting as a people. We have not had a more important bill before this House at this session. If this Nation is to survive and its institutions endure we must not be blind to the welfare of the rising generation. There are dangerous tendencies already apparent to thoughtful people, and another 25 years may disclose a degeneracy in American citizenship not now foreseen. The moral and intel-

lectual wellspring of our social and industrial life if pure must be kept so, and if not pure should be made so. You may say this is the work of the home, and, no doubt, that is of the first importance. But there is an essential and vital work to be done, not by the individual but collectively—that is, by the whole people in their sovereign capacity, both National and State. The first step in the direction of better conditions is information. We must ascertain the facts; we must first know the actual conditions. This bill merely improves the governmental machinery by which these facts are to be ascertained. The child life of to-day will be the real life of the Nation 25 years from now. The individual, the home, the State, and the Nation must all work to conserve this greatest of national resources—human character and energy—without which our wealth will turn to ashes and our national glory be but the hollow boast of a day. Greater than questions of tariff, of commerce, of mines, or mills or farms, is the question of our future national life and character.

Ill fares the land, to hastening ills a prey,
When wealth accumulates and men decay.

Mr. BURKE of Pennsylvania. I am for the purposes aimed to be accomplished by this bill. In so far as the Federal Government has power to do so, I favor the exercise of its power to protect the interests and promote the welfare of the children of this country.

I do not believe the phrase "all classes of our people" is wise. I do not believe we should formally recognize or declare that there are "classes" in this country. Nor do I believe a man's rights should be determined by the character of the house in which he lives. In lines 7, 8, and 9 we find the following provision:

But no official or agent or representative of said bureau shall, over the objection of the head of the family, enter any house used exclusively as a family residence.

Suppose a man lives in a boarding house; suppose he lives in a hotel; suppose he lives in the rear of his store or on the second floor above his place of business; is he to be deprived of the same protection against invasion as the man who can afford to live in an exclusive family residence?

Why not bar inspectors against entering "the home of any family," whether it be in a hotel, a residence, a boarding house, or a business house and residence combined?

As there is no chance under the rules to amend the bill, I shall vote for it, because I sympathize with its beneficent underlying purposes, but I believe it would be improved by the amendments I have outlined.

Mr. OLMSTED. Mr. Speaker, this bill proposes to establish in the Department of Commerce and Labor a bureau to be known as the children's bureau, which is to be charged to investigate and report upon "all matters pertaining to the welfare of children and child life among all classes of our people, and shall especially investigate the questions of infant mortality, the birth rate, orphanage, juvenile courts, desertion, dangerous occupations, accidents, and diseases of children in the several States and Territories," and the chief of the bureau is to publish from time to time the results of his investigations. The requisite machinery is provided.

I am in favor of this bill.

The average mortality in this country among infants under 1 year of age is woeful to contemplate. I have no doubt that, through the instrumentality of such a bureau, much can be accomplished for the health and safety of children, their protection from disease, and, perhaps, for their mental as well as their physical welfare.

Whatever helps the child helps the mother of the child. Whatever helps the mother and the child is helpful to the father, whose duty it is to support and care for them. In short, any measure having for its object the protection of children from disease and death is for the general welfare of all the people.

This bill is being considered under suspension of the rules, which does not permit of its amendment. If it were possible, I should like to strike out the words "among all classes of our people," occurring in the second line of the second page, as it is wholly unnecessary and, to my mind, very objectionable.

I do not believe in creating or recognizing "classes." We are legislating for all the people and for the children of all the people. We are not legislating for classes. Our Constitution and form of government treat all people as equal in opportunity and in claims for Government protection. Classes we do not recognize.

I am not disturbed about the constitutional authority of Congress to pass such a measure. Indeed, it is rather late to raise that question, after all the bureaus which have been created for various purposes. We have already a Bureau of Mines, a Weather Bureau, a Bureau of Animal Industry, a Bureau of Plant Industry, a Bureau of Chemistry, a Bureau of Soils, a Bureau of Entomology, a Bureau of Biological Survey, a Bureau of Manufactures, a Bureau of Labor, a Bureau of Fisheries—and I do not know how many other bureaus. They are all useful and amply justify their creation. There is as much authority for a children's bureau, and perhaps there is fully as much necessity for it. If it does not yield an immediate return in dollars and cents, it will yield an even more valuable return by improving the health of our children, reducing the mortality among them, and in helping to a stronger and healthier race of people. Nothing we can do here in Congress is of greater importance than that. [Applause.]

Mr. MANN. I yield the balance of my time to the gentleman from Mississippi [Mr. SISSON].

[Mr. SISSON addressed the House. See Appendix.]

Mr. WILSON of Pennsylvania. I yield the balance of my time to the gentleman from California [Mr. RAKER].

[Mr. RAKER addressed the House. See Appendix.]

The SPEAKER. The question is on suspending the rules and passing the bill.

The question being taken; on a division (demanded by Mr. SISSON) there were—ayes 89, noes 11.

Mr. SISSON. I make the point of order that there is no quorum present.

The SPEAKER. The Doorkeeper will close the doors, the Sergeant at Arms will notify absentees, and the Clerk will call the roll.

The question was taken; and there were—yeas 177, nays 17, answered "present" 8, not voting 190, as follows:

YEAS—177.

Aiken, S. C.	Donohoe	Kinkaid, Nebr.	Pou
Ainey	Driscoll, D. A.	Kinkead, N. J.	Pray
Akin, N. Y.	Driscoll, M. E.	Kitchin	Raker
Alexander	Dupré	Konig	Rees
Allen	Edwards	Lafferty	Roberts, Mass.
Anderson, Minn.	Esch	La Follette	Rubey
Barnhart	Estopinal	Lamb	Russell
Bathrick	Faison	Lawrence	Scully
Blackmon	Farr	Lee, Pa.	Simmons
Boehne	Fergusson	Lewis	Sloan
Booher	Ferris	Lindbergh	Small
Bowman	Finley	Linthicum	Smith, J. M. C.
Brown	Floyd, Ark.	Littlepage	Smith, Saml. W.
Browning	Foster	Lloyd	Smith, Tex.
Buckley	Francis	Lobeck	Speer
Burke, Pa.	French	McCall	Steenerson
Burke, Wis.	Gardner, Mass.	McGillicuddy	Stephens, Cal.
Burleson	Gardner, N. J.	McKenzie	Sterling
Butler	Gillett	McKinney	Stone
Byrnes, S. C.	Godwin, N. C.	McLaughlin	Sweet
Cannon	Goeke	Macon	Taggart
Cantrill	Gray	Maguire, Nebr.	Taylor, Ohio
Carlin	Green, Iowa	Mann	Thomas
Claypool	Greene, Mass.	Martin, Colo.	Towner
Clayton	Gregg, Pa.	Moon, Pa.	Townsend
Cline	Griest	Moore, Pa.	Tribble
Collier	Hamill	Morgan	Turnbull
Connell	Hamilton, Mich.	Morrison	Underwood
Cooper	Hamilton, W. Va.	Moss, Ind.	Utter
Covington	Hammond	Mott	Volstead
Cox, Ohio	Hayden	Murdock	Watkins
Crago	Hayes	Murray	Wedemeyer
Curley	Helm	Needham	Weeks
Curry	Henry, Tex.	Neeley	White
Dalzell	Hensley	Norris	Wickliffe
Danforth	Higgins	Nye	Wilder
Daugherty	Hill	Oldfield	Willis
Davenport	Holland	Olmsted	Wilson, Pa.
Davidson	Howland	Parran	Wood, N. J.
De Forest	James	Payne	Young, Kans.
Denver	Johnson, S. C.	Pepper	Young, Mich.
Dickinson	Jones	Peters	The Speaker
Difenderfer	Kendall	Pickett	
Dixon, Ind.	Kennedy	Plumley	
Dodds	Kindred	Post	

NAYS—17.

Bartlett	Fitzgerald	Sherley	Wilson, N. Y.
Burgess	Garner	Sisson	Young, Tex.
Callaway	Hardy	Slayden	
Conry	Harrison, Miss.	Stephens, Miss.	
Doughton	Page	Webb	

ANSWERED "PRESENT"—8.

Andrus	Gould	McCoy	Rainey
Candler	Littleton	McMorran	Stevens, Minn.

NOT VOTING—190.

Adair	Bartholdt	Burke, S. Dak.	Cox, Ind.
Adamson	Bates	Burnett	Cravens
Ames	Beall, Tex.	Byrns, Tenn.	Crumpacker
Anderson, Ohio	Bell, Ga.	Calder	Cullop
Ansberry	Berger	Campbell	Currier
Anthony	Borland	Carter	Davis, Minn.
Ashbrook	Bradley	Cary	Davis, W. Va.
Austin	Brantley	Catlin	Dent
Ayres	Broussard	Clark, Fla.	Dickson, Miss.
Barchfeld	Buchanan	Copley	Dies

Doremus	Henry, Conn.	McKinley	Rucker, Mo.
Draper	Hinds	Madden	Sabath
Dwight	Hobson	Maher	Saunders
Dyer	Houston	Malby	Sells
Ellerbe	Howard	Martin, S. Dak.	Shackleford
Evans	Howell	Matthews	Sharp
Fairchild	Hubbard	Mays	Sheppard
Fields	Hughes, Ga.	Miller	Sherwood
Flood, Va.	Hughes, N. J.	Mondell	Sims
Focht	Hughes, W. Va.	Moon, Tenn.	Slemp
Fordney	Hull	Moore, Tex.	Smith, Cal.
Fornes	Humphrey, Wash.	Morse, Wis.	Smith, N. Y.
Foss	Humphreys, Miss.	Nelson	Sparkman
Fowler	Jackson	O'Shaunessy	Stack
Fuller	Jacoway	Padgett	Stanley
Gallagher	Johnson, Ky.	Palmer	Stedman
Garrett	Kahn	Patten, N. Y.	Stephens, Nebr.
George	Kent	Patton, Pa.	Stephens, Tex.
Glass	Knowland	Porter	Sulloway
Goldfogle	Konop	Powers	Sulzer
Good	Kopp	Prince	Switzer
Goodwin, Ark.	Korbly	Prouty	Talbott, Md.
Graham	Lafean	Pujo	Talcott, N. Y.
Gregg, Tex.	Langham	Randell, Tex.	Taylor, Ala.
Gudger	Langley	Ransdell, La.	Taylor, Colo.
Guernsey	Lee, Ga.	Rauch	Thayer
Hamlin	Legare	Redfield	Thistlewood
Hanna	Lenroot	Reilly	Tilson
Hardwick	Lever	Reyburn	Tuttle
Harris	Levy	Richardson	Underhill
Harrison, N. Y.	Lindsay	Riordan	Vreeland
Hartman	Longworth	Roberts, Nev.	Warburton
Haugen	Loud	Robinson	Whitacre
Hawley	McCreary	Roddenbery	Wilson, Ill.
Hay	McDermott	Rodenberg	Witherspoon
Heald	McGuire, Okla.	Rothermel	Woods, Iowa
Heflin	McHenry	Rouse	
Helgesen	McKellar	Rucker, Colo.	

The SPEAKER. The Clerk will call my name.

The Clerk called the name of Mr. CLARK of Missouri, and he answered "Yea" as above recorded.

So, two-thirds having voted in favor thereof, the rules were suspended and the bill was passed.

The following additional pairs were announced:

Until further notice:

Mr. TALBOTT of Maryland with Mr. PARRAN.

Mr. CANDLER with Mr. HUMPHREY of Washington.

Mr. ADAMSON with Mr. STEVENS of Minnesota.

Mr. KORBLY with Mr. MCLAUGHLIN.

Mr. SULZER with Mr. DYER.

Mr. MCCOY with Mr. HANNA.

Mr. RUCKER of Missouri with Mr. HELGESEN.

Mr. ANSBERRY with Mr. BARTHOLDT.

Mr. ASHBROOK with Mr. BATES.

Mr. BORLAND with Mr. CALDER.

Mr. BURNETT with Mr. CRUMPACKER.

Mr. FLOOD of Virginia with Mr. CURRIER.

Mr. GEORGE with Mr. DRAPER.

Mr. GRAHAM with Mr. GOOD.

Mr. GREGG of Texas with Mr. HAUGEN.

Mr. HAMLIN with Mr. HAWLEY.

Mr. HAY with Mr. HEALD.

Mr. HUGHES of Georgia with Mr. HENRY of Connecticut.

Mr. JOHNSON of Kentucky with Mr. HUBBARD.

Mr. KONOP with Mr. KENT.

Mr. LEVER with Mr. JACKSON.

Mr. HOUSTON with Mr. KNOWLAND.

Mr. RAUCH with Mr. LONGWORTH.

Mr. ROUSE with Mr. MCCREARY.

Mr. SHACKLEFORD with Mr. MILLER.

Mr. SHARP with Mr. MONDELL.

Mr. STEDMAN with Mr. NELSON.

Mr. STEPHENS of Texas with Mr. ROBERTS of Nevada.

Mr. STEPHENS of Nebraska with Mr. SULLOWAY.

Mr. TALCOTT of New York with Mr. VREELAND.

The result of the vote was then announced as above recorded. A quorum being present, the Doorkeeper was ordered to open the doors.

ADJOURNMENT.

Mr. UNDERWOOD. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 5 o'clock and 56 minutes p. m.) the House adjourned until to-morrow, Wednesday, April 3, 1912, at 12 o'clock noon.

EXECUTIVE COMMUNICATIONS.

Under clause 2 of Rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

1. A letter from the Secretary of the Treasury, transmitting copy of a communication from the Postmaster General submitting estimate of deficiency in appropriation for City Delivery Service for fiscal year ended June 30, 1909 (H. Doc. No. 663); to the Committee on Appropriations and ordered to be printed.

2. A letter from the Secretary of War, submitting claim adjudicated by the Chief of Engineers for damages rendered private property by Government boats used in river and harbor improvements (H. Doc. No. 664); to the Committee on Appropriations and ordered to be printed.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, bills and resolutions were severally reported from committees, delivered to the Clerk, and referred to the several calendars therein named, as follows:

Mr. HAMILTON of West Virginia, from the Committee on Military Affairs, to which was referred the joint resolution (S. J. Res. 77) authorizing the Secretary of War to loan certain tents for the use of the Grand Army of the Republic encampment to be held at Pullman, Wash., in June, 1912, reported the same without amendment, accompanied by a report (No. 482), which said bill and report were referred to the House Calendar.

Mr. MARTIN of South Dakota, from the Committee on Interstate and Foreign Commerce, to which was referred the bill (H. R. 21821) to authorize the city of South Sioux City, in the State of Nebraska, to construct a bridge across the Missouri River between the States of Nebraska and Iowa, reported the same without amendment, accompanied by a report (No. 484), which said bill and report were referred to the House Calendar.

CHANGE OF REFERENCE.

Under clause 2 of Rule XXII, committees were discharged from the consideration of the following bills, which were referred as follows:

A bill (H. R. 22387) granting an increase of pension to Louis G. Murray; Committee on Invalid Pensions discharged, and referred to the Committee on Pensions.

A bill (H. R. 20934) granting an increase of pension to Lauderdale L. Tabor; Committee on Pensions discharged, and referred to the Committee on Invalid Pensions.

A bill (H. R. 21639) granting a pension to Bishop Karshner; Committee on Invalid Pensions discharged, and referred to the Committee on Pensions.

A bill (H. R. 22551) granting a pension to Richard E. Goodwin; Committee on Invalid Pensions discharged, and referred to the Committee on Pensions.

A bill (H. R. 19918) granting a pension to William Sullivan; Committee on Invalid Pensions discharged, and referred to the Committee on Pensions.

A bill (H. R. 20267) granting a pension to Adam Emmetsberger; Committee on Invalid Pensions discharged, and referred to the Committee on Pensions.

A bill (H. R. 11228) granting a pension to Myrtle S. Bryan; Committee on Invalid Pensions discharged, and referred to the Committee on Pensions.

A bill (H. R. 18277) granting a pension to James V. Smith; Committee on Invalid Pensions discharged, and referred to the Committee on Pensions.

A bill (H. R. 21723) for the relief of Hiram Argersinger; Committee on Claims discharged, and referred to the Committee on War Claims.

PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS.

Under clause 3 of Rule XXII, bills, resolutions, and memorials were introduced and severally referred as follows:

By Mr. PETERS: A bill (H. R. 22760) to compel railroad corporations issuing mileage books to receive same for transportation on all lines owned, leased, or operated by such corporations; to the Committee on Interstate and Foreign Commerce.

By Mr. CLAYTON: A bill (H. R. 22762) to authorize and regulate the issuance of search warrants for stolen or misappropriated property belonging to the United States; to the Committee on the Judiciary.

Also, a bill (H. R. 22763) prescribing conditions of bail bonds and recognizances and relating to proceedings in forfeiture; to the Committee on the Judiciary.

By Mr. CARTER: A bill (H. R. 22764) setting aside certain public lands for hospital purposes for the Order of Owls; to the Committee on the Public Lands.

By Mr. ALEXANDER: A bill (H. R. 22765) to amend section 4472 of the Revised Statutes of the United States, relating to

the carrying of dangerous articles on passenger steamers; to the Committee on the Merchant Marine and Fisheries.

By Mr. MOTT: A bill (H. R. 22766) to amend an act entitled "An act to provide revenue, equalize duties, and encourage the industries of the United States, and for other purposes," approved August 5, 1909; to the Committee on Ways and Means.

By Mr. ESCH: A bill (H. R. 22767) to establish a fish hatchery in the seventh congressional district, in the State of Wisconsin; to the Committee on the Merchant Marine and Fisheries.

By Mr. BURNETT: A bill (H. R. 22768) providing that the United States shall in certain cases make compensation for the use of highways for carrying free rural-delivery mail; to the Committee on the Post Office and Post Roads.

By Mr. HAMILTON of West Virginia: A bill (H. R. 22769) authorizing the Secretary of War to donate to the town of Elizabeth, W. Va., two bronze or brass fieldpieces for the use of the Grand Army post at that place; to the Committee on Military Affairs.

By Mr. BURKE of South Dakota: A bill (H. R. 22770) for the removal of an ice gorge in the Missouri River near Vermilion, S. Dak.; to the Committee on Appropriations.

By Mr. TAYLOR of Colorado: A bill (H. R. 22771) providing for the removal of Federal judges on account of lack of good behavior in office; to the Committee on the Judiciary.

By Mr. RAKER: A bill (H. R. 22773) providing that the United States shall in certain cases make compensation for the use of highways for carrying free rural-delivery mail; to the Committee on Agriculture.

By Mr. LLOYD (by request): A bill (H. R. 22774) to pay to the Creek Nation of Indians in the State of Oklahoma $16,000 pledged to them by the treaty of 1832, article 10 of the articles of a treaty made at the city of Washington, between Lewis Cass, authorized by the President of the United States, and the Creek Tribe of Indians.

By Mr. SULZER: A bill (H. R. 22775) to provide a bounty for killing wolves in the District of Alaska, and to appropriate money therefor; to the Committee on the Territories.

By Mr. BURNETT: A bill (H. R. 22776) for the completion of the public building at Gadsden, Ala.; to the Committee on Public Buildings and Grounds.

By Mr. CURRY: A bill (H. R. 22777) for the purchase of a site and the erection of a Federal building at Sante Fe, N. Mex.; to the Committee on Public Buildings and Grounds.

Also, a bill (H. R. 22778) providing for a site for a public building at Alamogordo, Otero County, N. Mex.; to the Committee on Public Buildings and Grounds.

By Mr. JAMES: Joint resolution (H. J. Res. 286) authorizing the Secretary of War to use tents and rations for the relief of destitute persons in the district overflowed by the Mississippi River and its tributaries; to the Committee on Appropriations.

By Mr. RUSSELL: Joint resolution (H. J. Res. 287) authorizing the Secretary of War to use tents and rations for the relief of destitute persons in the district overflowed by the Mississippi River and its tributaries; to the Committee on Appropriations.

By Mr. VREELAND: Memorial from the Legislature of the State of New York, favoring the enactment of a law to protect migratory game birds; to the Committee on Agriculture.

PRIVATE BILLS AND RESOLUTIONS.

Under clause 1 of Rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. DYER: A bill (H. R. 22761) granting an increase of pension to Emma C. Smith; to the Committee on Invalid Pensions.

By Mr. ADAIR: A bill (H. R. 22779) granting a pension to Martha J. McMiller; to the Committee on Invalid Pensions.

Also, a bill (H. R. 22780) granting a pension to John R. Perkins; to the Committee on Invalid Pensions.

By Mr. ANDERSON of Ohio: A bill (H. R. 22781) granting an increase of pension to Henry J. Dayringer; to the Committee on Invalid Pensions.

By Mr. BUTLER: A bill (H. R. 22782) to correct the military record of Jesse P. Dayton; to the Committee on Military Affairs.

By Mr. BYRNES of South Carolina: A bill (H. R. 22783) for the relief of Bethesda Baptist Church, of Bamberg County, S. C.; to the Committee on War Claims.

By Mr. CARTER: A bill (H. R. 22784) granting an honorable discharge to William Moran; to the Committee on Military Affairs.

Also, a bill (H. R. 22785) granting an honorable discharge to Noah Abbott; to the Committee on Military Affairs.

Also, a bill (H. R. 22786) for the relief of Sarah Jane Pirtle; to the Committee on War Claims.

By Mr. CLARK of Missouri: A bill (H. R. 22787) for the relief of William R. Price; to the Committee on War Claims.

By Mr. DALZELL: A bill (H. R. 22788) granting an increase of pension to Mary McCaskey; to the Committee on Invalid Pensions.

By Mr. DOREMUS: A bill (H. R. 22789) granting an increase of pension to Loviah S. Osborn; to the Committee on Invalid Pensions.

Also, a bill (H. R. 22790) granting an increase of pension to Ezra Craft; to the Committee on Invalid Pensions.

By Mr. FIELDS: A bill (H. R. 22791) for the relief of Carlos Sharpe; to the Committee on Military Affairs.

Also, a bill (H. R. 22792) granting a pension to Christian Lederer; to the Committee on Invalid Pensions.

Also, a bill (H. R. 22793) granting an increase of pension to James Seaton; to the Committee on Invalid Pensions.

By Mr. GALLAGHER: A bill (H. R. 22794) granting a pension to Sophia M. Human; to the Committee on Invalid Pensions.

By Mr. GOULD: A bill (H. R. 22795) granting an increase of pension to Lewis E. Pendleton; to the Committee on Invalid Pensions.

By Mr. HAMILTON of Michigan: A bill (H. R. 22796) granting an increase of pension to Aaron G. Armstrong; to the Committee on Invalid Pensions.

By Mr. HAMLIN: A bill (H. R. 22797) granting a pension to Carrie Hollenbeck; to the Committee on Invalid Pensions.

By Mr. HANNA: A bill (H. R. 22798) granting an increase of pension to Theodorus Northrop; to the Committee on Invalid Pensions.

By Mr. KENDALL: A bill (H. R. 22799) granting an increase of pension to James K. Turner; to the Committee on Invalid Pensions.

By Mr. MACON: A bill (H. R. 22800) granting an increase of pension to Robert J. Glasscock; to the Committee on Invalid Pensions.

By Mr. MAGUIRE of Nebraska: A bill (H. R. 22801) granting an increase of pension to Walter P. Stockton; to the Committee on Pensions.

By Mr. MORRISON: A bill (H. R. 22802) granting a pension to Zorada A. Hughs; to the Committee on Invalid Pensions.

By Mr. O'SHAUNESSY: A bill (H. R. 22803) for the relief of Frank M. Horton; to the Committee on War Claims.

By Mr. PARRAN: A bill (H. R. 22804) granting an increase of pension to Rachel A. Houck; to the Committee on Invalid Pensions.

Also, a bill (H. R. 22805) for the relief of Samuel Henson; to the Committee on Claims.

By Mr. PATTON of Pennsylvania: A bill (H. R. 22806) granting an increase of pension to Philo Buckley; to the Committee on Invalid Pensions.

By Mr. POST: A bill (H. R. 22807) granting an increase of pension to John Arnold; to the Committee on Invalid Pensions.

By Mr. RUSSELL: A bill (H. R. 22808) granting an increase of pension to Eli W. Pierce; to the Committee on Invalid Pensions.

By Mr. SLOAN: A bill (H. R. 22809) for the relief of Henry A. Greenawalt; to the Committee on Military Affairs.

By Mr. TAGGART: A bill (H. R. 22810) granting a pension to Jennie C. Rathbun; to the Committee on Invalid Pensions.

Also, a bill (H. R. 22811) granting an increase of pension to W. W. Thornton; to the Committee on Invalid Pensions.

By Mr. THOMAS: A bill (H. R. 22812) granting a pension to Henry C. Neal; to the Committee on Pensions.

Also, a bill (H. R. 22813) granting a pension to Samuel R. Smith; to the Committee on Pensions.

By Mr. WHITE: A bill (H. R. 22814) for the relief of Carl J. Lehnhard; to the Committee on Military Affairs.

By Mr. LITTLEPAGE: A bill (H. R. 22815) granting a pension to Nancy C. Olis; to the Committee on Pensions.

Also, a bill (H. R. 22816) granting a pension to Benjamin Boggess; to the Committee on Invalid Pensions.

Also, a bill (H. R. 22817) granting a pension to Perry G. Shaver; to the Committee on Invalid Pensions.

Also, a bill (H. R. 22818) for the relief of G. N. McClung; to the Committee on War Claims.

Also, a bill (H. R. 22819) for the relief of the legal representatives of R. N. B. Thompson, deceased; to the Committee on War Claims.

Also, a bill (H. R. 22820) for the relief of the legal representatives of James C. McClung, deceased; to the Committee on War Claims.

By Mr. NEELEY: A bill (H. R. 22821) to remove the charge of desertion from the record of Patrick H. Wheat; to the Committee on Military Affairs.

Also, a bill (H. R. 22822) to remove the charge of desertion from the record of John T. Lamar; to the Committee on Military Affairs.

PETITIONS, ETC.

Under clause 1 of Rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

By Mr. AINEY: Petition of Harford Grange, No. 418, Patrons of Husbandry, Harford, Pa., and Preston Grange, No. 990, Patrons of Husbandry, Preston, Pa., favoring parcel express; to the Committee on Interstate and Foreign Commerce.

By Mr. ALEXANDER: Petition of citizens of Excelsior Springs, Mo., against extension of parcel-post service; to the Committee on the Post Office and Post Roads.

By Mr. ANDERSON of Minnesota: Petition of C. J. Hoffman and others, of Hokah, Minn., against extension of the parcel-post system; to the Committee on the Post Office and Post Roads.

By Mr. ANDERSON of Ohio: Petition of Sandusky (Ohio) labor men, requesting the building of one battleship in a Government navy yard; to the Committee on Naval Affairs.

By Mr. ASHBROOK: Petition of Fred H. Ross and others, of Newark, Ohio, against the passage of interstate-commerce liquor law; to the Committee on the Judiciary.

Also, petition of Fettis & Gray and 3 other merchants of Killbuck, Ohio, against passage of parcel-post bill; to the Committee on the Post Office and Post Roads.

Also, papers to accompany bill for the relief of Noah Switzer (H. R. 22662); to the Committee on Invalid Pensions.

By Mr. BOWMAN: Petition of Group No. 648, of the Polish National Alliance of the United States, protesting against legislation requiring immigrants to undergo an educational test; to the Committee on Immigration and Naturalization.

Also, petition of Local Union No. 1434, United Miners of America, for construction of one battleship in a Government navy yard; to the Committee on Naval Affairs.

By Mr. BUTLER: Petitions of Granges Nos. 980, 1269, 1220, 121, and 63, Patrons of Husbandry, for enactment of House bill 19133, providing for a governmental system of postal express; to the Committee on Interstate and Foreign Commerce.

Also, memorial of Pomona Grange, No. 3, Patrons of Husbandry, of Chester and Delaware Counties, Pa., for enactment of the Kenyon-Sheppard interstate liquor bill; to the Committee on the Judiciary.

Also, memorial of Fernwood Grange, No. 1329, Patrons of Husbandry, for retaining the present tax on oleomargarine, etc.; to the Committee on Agriculture.

By Mr. CAMPBELL: Petition of citizens of Oswego, Kans., protesting against enactment of House bill 9433; to the Committee on the Post Office and Post Roads.

Also, petition of citizens of the State of Kansas, protesting against parcel-post legislation; to the Committee on the Post Office and Post Roads.

By Mr. DALZELL: Petition of citizens of Pittsburgh, Pa., and vicinity, favoring the building of one battleship in a Government navy yard; to the Committee on Naval Affairs.

By Mr. DENVER: Petition of citizens of Ripley, Ohio, favoring passage of Kenyon-Sheppard bill (H. R. 16214); to the Committee on the Judiciary.

Also, petition of Magnolia Council, No. 39, Daughters of America, of Moscow, Ohio, favoring passage of an immigration law with the illiteracy test; to the Committee on Immigration and Naturalization.

By Mr. DRAPER: Petition of Hoosick Grange, No. 1127, for parcel-post legislation; to the Committee on the Post Office and Post Roads.

By Mr. ESCH: Petition of the International Dry-Farming Congress, relative to Weather Bureau extension, etc.; to the Committee on Agriculture.

By Mr. FULLER: Petition of St. Henry's Branch, No. 279, Catholic Knights of America, and of the Germania Benevolent Society, of Peru, Ill., in opposition to pending interstate-commerce liquor measures; to the Committee on the Judiciary.

Also, petition of P. K. Allen, president Illinois Branch, Railway Mail Association, of Chicago, Ill., in relation to the Post Office appropriation bill as affecting Railway Mail Service; to the Committee on Appropriations.

Also, petition of John Brod Chemical Co., of Chicago, Ill., against the passage of the Richardson bill in relation to the proposed amendment of section 8 of the pure-food and drugs law; to the Committee on Agriculture.

Also, petition of Ludwig, Nelson & Irish and other merchants of Sycamore, Ill., against the enactment of parcel-post legislation; to the Committee on the Post Office and Post Roads.

Also, petition of Barber-Colman Co., of Rockford, Ill., opposing the passage of the Clayton bill (H. R. 13578), relating to contempt of court; to the Committee on the Judiciary.

Also, petitions of A. B. Saunders, H. R. Hitchcock, and other citizens of Pecatonica, Ill., in favor of a parcel post; to the Committee on the Post Office and Post Roads.

By Mr. GARNER: Petition of citizens of Corpus Christi, Tex., for passage of House bill 14, providing for a parcel-post system; to the Committee on the Post Office and Post Roads.

By Mr. GOLDFOGLE: Petition of the International Dry-Farming Congress, relative to Weather Bureau extension, etc.; to the Committee on Agriculture.

Also, petitions of F. E. Royston & Co., of Aurora, Ill., and the Smith Bros. Co., of New Orleans, La., for enactment of House bill 4667; to the Committee on Interstate and Foreign Commerce.

Also, petition of the Illinois Bankers' Association, for farm-demonstration work throughout the country; to the Committee on Agriculture.

Also, petition of the Camas (Mont.) Hot Springs Commercial Club, relative to irrigation of the Flathead Indian Reservation; to the Committee on Irrigation of Arid Lands.

By Mr. HAMILTON of Michigan: Petition of citizens of Pokagon, Mich., sent by Oak Leaf Woman's Christian Temperance Union, of Dowagiac, Mich., favoring passage of Kenyon-Sheppard bill; to the Committee on the Judiciary.

Also, petition of citizens of Rutland, Mich., favoring passage of Kenyon-Sheppard bill; to the Committee on the Judiciary.

By Mr. HANNA: Memorial of the Commercial Club of Minot, N. Dak., for a Lincoln memorial as recommended by the Fine Arts Commission; to the Committee on the Library.

Also, petition of the Methodist Brotherhood of the First Methodist Episcopal Church, of Fargo, N. Dak., for passage of the Kenyon-Sheppard interstate liquor bill; to the Committee on the Judiciary.

Also, petition of Richard Kam, of Haynes, N. Dak., asking that the duties on raw and refined sugars be reduced; to the Committee on Ways and Means.

Also, petition of citizens of Edgeley, N. Dak., for enactment of House bill 14, providing for a general parcel-post system; to the Committee on the Post Office and Post Roads.

Also, petition of citizens of the State of North Dakota, protesting against parcel-post legislation; to the Committee on the Post Office and Post Roads.

Also, petition of the mayors and citizens of the cities along the Red River and the Red Lake River in North Dakota, for a preliminary survey; to the Committee on Rivers and Harbors.

By Mr. HOWELL: Petition of Alver Ahlquist and other citizens, of Utah, in favor of certain amendments to the copyright act of 1908; to the Committee on Patents.

Also, petitions of C. W. Hin, of Beaver, Utah, and John B. Ashton and W. Johnson, of Provo, Utah, and N. S. Beynow, of Winterquarters, Utah, favoring certain amendments to the copyright act of 1909; to the Committee on Patents.

By Mr. HUGHES of New Jersey: Petition of citizens of Hackensack, N. J., for old-age pension legislation; to the Committee on Pensions.

By Mr. HILL: Petition of Housatonic Valley Pomona Grange, No. 10, Patrons of Husbandry, South Kent, Conn., favoring parcel post; to the Committee on the Post Office and Post Roads.

Also, memorial of the railroad employees of Connecticut for enactment of House bill 20487—the Federal accident compensation act; to the Committee on the Judiciary.

By Mr. LLOYD: Petition of citizens of Gibbs, Mo., favoring passage of the Kenyon-Sheppard bill (H. R. 16214 and S. 4043); to the Committee on the Judiciary.

Also, petition of Indians of Oklahoma, relative to the treaty of 1832; to the Committee on Indian Affairs.

By Mr. LONGWORTH: Petition of citizens of the State of Ohio, for enactment of House bill 14, providing for a general parcel-post system; to the Committee on the Post Office and Post Roads.

By Mr. MAHER: Petition of Cigar Makers' Joint Unions of Greater New York, favoring House bill 17253; to the Committee on Ways and Means.

By Mr. MANN: Petition of United Spanish War Veterans of Chicago, Ill., favoring passage of House bill 15470; to the Committee on Pensions.

By Mr. MARTIN of South Dakota: Petition of citizens of Lead, S. Dak., for investigation of an alleged combination between coal dealers; to the Committee on Rules.

Also, petition of citizens of Aberdeen, S. Dak., for passage of the Kenyon-Sheppard interstate liquor bill; to the Committee on the Judiciary.

By Mr. NEEDHAM: Memorial of U. S. Grant Council, No. 19, Junior Order United American Mechanics, for restrictive immigration legislation; to the Committee on Immigration and Naturalization.

Also, memorial of the San Francisco Labor Council, for enactment of House bill 20423; to the Committee on the Judiciary.

Also, memorial of the Chamber of Commerce of San Diego, Cal., relative to proposed consolidation of Los Angeles and San Diego custom offices; to the Committee on Ways and Means.

By Mr. PARRAN: Papers to accompany bill for the relief of Frank Coalman (H. R. 22184); to the Committee on Pensions.

Also, papers to accompany bill for the relief of John T. Jefferson (H. R. 21154); to the Committee on Naval Affairs.

By Mr. PATTON of Pennsylvania: Memorial of citizens of Pike (Pa.) Grange, No. 1145, Patrons of Husbandry, favoring postal express (H. R. 19133); to the Committee on Interstate and Foreign Commerce.

By Mr. PRAY: Petition of residents of Martinsdale, Lewistown, Roundup, and Helena, Mont., protesting against legislation for the extension of the parcel-post service beyond its present limitations; to the Committee on the Post Office and Post Roads.

Also, petition of residents of Lilac and Gildford, Mont., in favor of House bill 14; to the Committee on the Post Office and Post Roads.

Also, petition of 108 members of the Methodist Episcopal Aid Society, Methodist Episcopal Church South, and by 100 members of a mass meeting, Christian Church, and Missoula (Mont.) Good Templars, favoring Kenyon-Sheppard bill; to the Committee on the Judiciary.

Also, petition of citizens of Ridgelawn, Fairview, and Sidney, Mont., in favor of general parcel-post bill; to the Committee on the Post Office and Post Roads.

By Mr. RAINEY: Memorial of Chicago Congregational Club, in matter of the ransom of Miss Ellen M. Stone, missionary; to the Committee on Claims.

By Mr. REDFIELD: Memorial of the board of directors of the Maritime Association of the Port of New York, favoring establishment of marine schools, etc. (H. R. 24145); to the Committee on Appropriations.

Also, memorial of Twenty-eighth Ward Taxpayers' Protective Association of Brooklyn, N. Y., favoring building of two battleships at the Brooklyn Navy Yard; to the Committee on Naval Affairs.

By Mr. SULZER: Petition of L. C. Gasteiger, of New York City, for enactment of House bill 20595, amending the copyright act of 1909; to the Committee on Patents.

Also, petition of the National Retail Dry Goods Association, for continuance of the Tariff Board; to the Committee on Ways and Means.

Also, petitions of Chambers of Commerce of Roanoke, Va., and Syracuse, N. Y., indorsing House bill 20044; to the Committee on Foreign Affairs.

Also, memorial of the National Rivers and Harbors Congress, relative to pending legislation; to the Committee on Interstate and Foreign Commerce.

Also, petition of Liegnan & Well, of New York City, relative to certain proposed duties in pending tariff legislation; to the Committee on Ways and Means.

Also, petition of the Illinois Bankers' Association, for farm demonstration work throughout the country; to the Committee on Agriculture.

Also, petitions of citizens of the State of New York, for parcel-post legislation; to the Committee on the Post Office and Post Roads.

Also, petition of the Camas (Mont.) Hot Springs Commercial Club, relative to irrigation of the Flathead Indian Reservation; to the Committee on Irrigation of Arid Lands.

By Mr. TOWNER: Petition of citizens of Creston, Union County, Iowa, favoring speedy passage of Kenyon-Sheppard bill (H. R. 16214 and S. 4043); to the Committee on the Judiciary.

By Mr. UTTER: Petition of members of the Men's Baraca Class of the First Baptist Church, North Kingstown; citizens of East Greenwich; and Religious Society of Friends of Portsmouth, R. I., favoring passage of Kenyon-Sheppard bill; to the Committee on the Judiciary.

Also, memorial of State of Rhode Island in general assembly, favoring passage of House bill 21420; to the Committee on Naval Affairs.

By Mr. WILLIS: Papers to accompany bill for the relief of Jonathan H. Snyder (H. R. 22759); to the Committee on Invalid Pensions.

UNIV. OF MICHIGAN,

JAN 21 1913

